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SENATE—*Friday, February 20, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who art from everlasting to everlasting, who hast given us a nation of honor, prestige, and power, we humble ourselves to remember that for all this we shall be brought to judgment; and that when much is given, much shall be expected in return. Thy providence plays no favorites. So we ask Thee to give us wisdom that we may rightly use all our natural and human resources. Cleanse the roots of our national life and our own lives that we may be loyal to the founding principles, steadfast in the faith of our fathers, great in morality and virtue that this Nation may become a bastion of spiritual power for all mankind.

In the Redeemer's name. Amen.

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MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that pursuant to the provisions of section 1, Public Law 86-42, the Speaker had appointed Mr. TAFT, of Ohio, as a member of the U.S. delegation of the Canada-United States Interparliamentary Group, on the part of the House, to fill the existing vacancy thereon, vice Mr. BROOMFIELD.

The message announced that the House had passed the bill (S. 2701) to establish a Commission on Population Growth and the American Future, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14464) to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped.

The message further announced that the House had passed a bill (H.R. 14810) to amend section 602(3) and section 603c(6)(1) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 14810) to amend section 603(3) and section 608c(6)(1) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs, was read twice by its title and referred to the Committee on Agriculture and Forestry.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, February 19, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I have discussed this request with the distinguished Senator from Wyoming (Mr. HANSEN) who was to be recognized at this time. Accordingly, I ask unanimous consent that I may proceed for not to exceed 10 minutes at this time, and that then the Senator from Wyoming will take up the full allotment of his time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CONDITION OF OUR NATION'S CAPITAL

Mr. MANSFIELD. Mr. President, District of Columbia residents do not need to be reminded of what has happened to this city. They know only too well, and I do, too, because in this city two Montanans, a second lieutenant in the Marine Corps, Thad Lesnik, of Fishtail, Mont., was murdered—gunned down 2 years ago. This year, Harry Gelsing, a research man, a friend, from Helena, Mont., died. He was murdered—also gunned down in the street. Just yesterday a cattleman friend of mine from Montana told me that his son, who had just finished school at the Marine Corps base at Quantico, had, with a companion, been held up. A gun had been pressed against his temple for 15 minutes, and he expected to be killed at any moment. He and his companion were robbed of their watches and their money, but, fortunately, so far as they were personally concerned, nothing else happened to them.

However—and what I have just said serves to highlight this—the citizens of the rest of the Nation also have a stake here. I would hope that they would not hesitate to express to the administration and to the Congress, a bona fide indignation at the sorry state of the Nation's Capital.

In a very real sense, the District of Columbia is our common national glory or our common national shame. I need not point out to Senators who live and work in the area which is which at this moment. A few years ago there was hope of a capital fit to symbolize a confident, capable, compassionate, and cultured country. People were attracted and drawn here by that hope. They came in ever-increasing numbers from all over the country and the world.

Where is that hope now? What has happened to that dream? To be sure, from time to time, the words about a great capital still go out, from the White House or Capitol Hill. But they have a hollow sound. The truth is that we do not have a capital fit for a great nation. There is reasonable doubt even about Washington's fitness for the decent survival of its citizens. It is a capital blanketed in fear. Fear stalks the streets. It seeps into office and home. It afflicts rich and poor. It is in Northeast, Northwest, Southeast, and Southwest. It spreads and will continue to spread into what was supposed to be the "safe" suburbs.

We have seen at firsthand in this city, Mr. President, the consequences of national neglect and indifference. We have seen it lead to a corrosive crime, compounded by the spread of terror. People flee the streets at dark and, more and more, even in daylight. They board up their shops. They bolt, rebolt, and bolt again their doors and bar their windows. We begin to resemble the cities of the Middle Ages with brightly lit shrines scattered in a fear-laden darkness. Who is to blame the inhabitants for taking personal precautions which sometimes become even more hazardous than the danger? Who is to say where the real risk ends and hysteria begins?

I do not know the answers. I do know that a basic requirement for any decent civic survival is that the streets—not the streets in one section of town but in all sections of town—be reasonably safe. The words "reasonably safe" are stressed because there can be no perfect security anywhere.

Nevertheless, in my judgment, the safety of the street is the critical factor. The streets are the avenues of human contact. Unless they can be so used, they will revert inevitably to the jungle. The streets must be open to the use of all. They must be made safe for citizens waiting for a bus, for citizens getting out of a car, or for citizens who just want to get there on foot, as was the case with Harry Gelsing.

What is or should be sought is not security. It is not the security which some believe may be obtained by cowering behind locked doors. It is, I reiterate, "reasonable security" befitting a free society and, in my judgment, a 50-percent drop in street crimes would go a long way in bringing to an end the present reign of terror.

At some point soon, I would hope that the Government and the police of this city will be able to provide a full blueprint of what is still required, in their best judgment, to bring about that reasonable degree of safety in the next 2 or 3 years. May I say that the Senate has heretofore responded promptly with legislation for police needs. We have passed a full complement of five bills sent up by the administration covering the District of Columbia. Last month, we passed both the crime control bill and the drug control bill; so, the Senate has done its share so far as legislation is concerned. We have increased the force in numbers and raised the pay of its members.

We have given just about whatever in the way of legislation the President has sought to fight crime. We have backed the Mayor. We have backed the Police Chief. We are even about to consider in the Senate the President's request for a special White House Police contingent to provide complete security for the foreign embassies in this city even though our own citizens do not yet have it.

Notwithstanding this effort, I regret to say that so far as I am aware the situation has shown no real signs of improvement.

I do not know what more can be done by the Senate at this point. If there is something further needed, I hope the President will point it out without delay. I hope the House of Representatives will flag it for the attention of the Senate. Any such initiatives will be welcomed by the joint Senate leadership.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I will be glad to yield.

Mr. GRIFFIN. I wish to join the distinguished majority leader in his expressions of concern about the situation in the District of Columbia. I understand and share his concern about the situations involving citizens of Montana.

Representing the leadership on this side, I wish to join in paying tribute to the majority leader and to the Senate as a whole for the quick attention it has paid and devoted to the President's request for legislation to deal with the problem of crime. But it is a fact—and I think the distinguished majority leader, of course, indicated it—that the passage of legislation by the Senate does not make it law. And the President still does not have the legislation on his desk, so that he can sign it.

I join in the hope that the other body will turn its attention to some of these measures. And I particularly want to commend the distinguished majority leader for his indication that the Senate will soon consider the special security legislation which the administration now has pending.

Mr. MANSFIELD. Mr. President, I thank the distinguished acting minority leader. I knew before I started that the subject would have bipartisan support.

I emphasize that so far as the Senate is concerned, we have done our share in facing up to the legislative proposals designed to combat crime and drugs in the District of Columbia, and in the Nation as a whole. If anything further is needed, the Senate stands ready to face up to the problem and cope with it.

For something must be done to cope with the problem of crime which is spiraling upward all the time. If not, the Republic will be in a very sorry state, a very dangerous state.

I ask unanimous consent to have printed in the Record an article dealing with this problem, published in the Wall Street Journal of February 11, 1970.

There being no objection, the article was ordered to be printed in the Record, as follows:

Living Scared: Surging Crime Forces Washington Residents To Change Way of Life—Cabbies, Merchants Strive To Foil Robbers—Security Bolstered for Apartments—A Stimulus to National Action

(By Monroe W. Karmin)

Washington.—John D. Holland is afraid. For 40 years he has been selling packaged liquor at his Maryland Beverage Mart in this city's southeast sector. Four years ago he installed a burglar alarm system. Three years ago he put iron bars on his windows. Two years ago he began arming. Now on his desk on a platform overlooking the sales floor are a black Italian-made pistol, a silver German-made pistol, a Winchester rifle and an L. C. Smith shotgun. "I've never been held up," Mr. Holland declares, "and I don't intend to be." Since mid-1967, intruders have murdered seven local liquor dealers in the course of an estimated 700 robberies of such stores.

Leroy R. Bailey Jr. is afraid.

He drives a taxi. Last year he paid $20 to install an emergency flasher in his cab. If he's threatened, Mr. Bailey steps on a button that sets off a flashing signal for police aid in his front grille and rear bumper. At night, he says, "nine out of 10 cabs won't pick up a man alone." The number of Washington cab drivers has dropped to about 11,000 from 13,000 two years ago. Says James E. Jewell, president of the Independent Taxi Owners Association: "This is a very dangerous town to drive in. Many men won't work after the sun goes down."

The people at the Mexican embassy are afraid.

Last September, during an independence day celebration, two guests were robbed. Female employes have been accosted. Vandals have struck repeatedly. Now all embassy doors are kept locked. A fence has been erected around the property, located two miles north of the White House. "We live in fear," says a spokesman. So does much of the crime-plagued diplomatic community. President Nixon is asking Congress to expand the 250-man White House police force to offer additional protection for Embassy Row.

THE NO. 1 ISSUE

Most of Washington is afraid of crime.

Fear has changed the way of life of residents of the nation's capital and its environs, affecting everyone from cab-driver to Senator. It has also changed the way institutions, from schools to embassies, operate. While race relations continue to be a major problem for this city, whose 850,000 residents are more than 70% black, there is no doubt that today's No. 1 public concern is personal safety.

"A couple of years ago the city's tension was seen in terms of white police versus the natives," says an aide to Mayor Walter Washington. "Now it's seen as criminals versus victims. It's more crime and less racial."

Mayor Washington, himself a Negro, says that black as well as white neighborhoods are demanding more foot patrolmen, even though the cop on the beat was viewed as "a Gestapo agent" by many blacks not long ago. The mayor finds ground for optimism in the change. "Never before have I seen such an attitude on the part of the people of the city, both black and white, to work together on a problem," he says.

A TRAGIC EXAMPLE

The nation's capital is by no means alone in its fear of crime; rather as Mr. Nixon pointed out in his State of the Union Message, it is a "tragic example" of the way crime and violence "increasingly threaten our cities, our homes and our lives." But Washington is suffering more than most cities. In the nine months through September, according to District of Columbia Police Chief Jerry Wilson, reported crime in Washington jumped 26% over a year earlier, compared with an average national increase of 11%. Cleveland, San Francisco and Baltimore also topped the national average.

Chief Wilson, who was appointed last summer, hopes to come to grips with the rising crime rate here, if he gets enough help. President Nixon has proposed a new $12.4 million crime-fighting package for the district to supplement the city's regular budget, which emphasizes public safety measures, and Congress is at work on other anticrime legislation for Washington.

This war on crime focuses on several trouble spots. It aims to break the local court bottleneck (it now takes an average of nine months for a criminal case to go to trial and some wait as long as 20 months); to curb the freedom of those awaiting trial through a controversial preventive detention measure (an estimated 35% of those arrested for armed robbery and released on bail commit another crime before they come to trial); and to crack down on drug traffic and use (50% of those arrested here are drug addicts).

EXPANDING THE POLICE FORCE

But this year's main thrust, Mayor Washington says, is to put more policemen on the streets. The mayor hopes to beef up the force to 5,100 men by June 30 from 3,868 on Jan. 1. Also planned are expanded criminal rehabilitation and social-welfare programs that the mayor hopes can be meshed into a comprehensive criminal justice system.

Because Washington is the seat of the Federal Government, the crime surge here is an important stimulus to action on both district and national anticrime legislation. Among the victims of local crime have been Sen. Frank Church of Idaho, White House Press Secretary Ronald Ziegler, Mr. Nixon's personal secretary, Rose Mary Woods and Deputy Defense Secretary David Packard, to

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name just a few. Political partisanship is diminishing as liberal Democrats feel the impact of crime and join the President in his anticrime crusade.

Senate Majority Leader Mike Mansfield recently expressed outrage over the "senseless" slaying of a fellow-Montanan and friend in the streets of Washington. He took the Senate floor to demand "new and better ways to fight crime, to cut down the inordinate rate of violence." Another liberal Democrat, Rep. Frank Thompson Jr. of New Jersey, warned the other day that "things may get worse if the Administration and Congress do not put crime control on the front burner."

But until this campaign begins to make headway, life in the District of Columbia will reflect fear, especially after dark.

Cruise through downtown Washington in a police car on a Saturday night and the mood can be felt. On F Street, the main downtown shopping street, merchants lock their doors at 6 p.m. Many put up iron grillwork nightly to protect their windows. Shoppers and employes hurry to the bus stops. Many employes who fear the lonely walk at the end of the bus ride wait in the stores until their spouses drive by to take them home. At 7 p.m. F Street is almost deserted.

The relatively small number of people out for an evening of entertainment arrive a bit later. Some go to the National Theater, which now raises its curtain at 7:30 p.m. instead of 8:30 so patrons can get home early. Some head for downtown movie theaters. The servicemen's crowd patronizes the rock joints along 14th Street. Fashionable Georgetown, more than a mile from downtown, is still lively, as are some of the posh restaurants and clubs. But that's about it. Much of Washington is dark, and scared.

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"Watch the people," advises a seasoned policeman. "See how they walk quickly and with a purpose. There's no casual strolling. People don't come into this town at night unless they have a specific destination in mind. They go straight to it and then go home as fast as possible."

RESTAURANTS CLOSE

The effects are evident. The Ceres restaurant next to the National Theater is closed, nearby Caruso's restaurant is gone and neighboring Bassin's has lost 50 percent of its night business. The Commerce Department, a block away, was robbed recently. Fumes Bassin's angry manager, Ed Hodges:

"There isn't a waitress, cashier, busboy or anyone who works here who hasn't been robbed, mugged or attacked in some way. And there isn't a place in this block that hasn't been robbed, and most have been hit more than once."

A few blocks away, on 9th Street, the Gayety Theater is showing "Man and Wife," an intimate film "for adults over 21." Even an attraction of this nature fails to draw the audience it once did. "Business is very bad, way off," says Robert Morris, the ticket seller. "People are afraid to come downtown. We've had lots of purse-snatchings, pockets cut out and all sorts of other things."

Fear inhibits daytime activity as well. A survey taken last summer by the Metropolitan Washington Council of Governments discovered that 65 percent of the city's largely white suburban residents visit the downtown area less than once a month, and 15 percent come downtown less than once a year. Asked their chief worry, the large majority of those surveyed responded: "Crime."

Actually, crime is spreading in the suburbs as well as in the city. Three brutal slayings of young women, one in Alexandria, Va., and two in Bethesda, Md., have occurred within the past few weeks. With these crimes unsolved, many suburbanites tend to view crime in their neighborhoods as a spillover from the city, and they still feel downtown is more dangerous.

Crime continues to speed the flight of Washingtonians to the suburbs. Though many single people and childless couples remain in the city, Joseph Murray of the big Shannon & Luchs real estate firm reports: "Families are leaving at an accelerated rate; this includes both black and white." (In neighboring Prince Georges County, Md., Negro arrivals have recently outnumbered white newcomers.)

NO CASH

Sales of downtown department stores dropped by 4% in the first 11 months of last year from a year earlier, while sales throughout the metropolitan area, including those of suburban stores, were rising 8%. A recent Commerce Department survey of 10 central-city areas showed that the District of Columbia suffered the steepest loss of business of all. Shoppers who do venture downtown are continually reminded of the risk. D.C. Transit bus drivers use scrip instead of cash to make change. Delivery trucks bear signs proclaiming, "This Vehicle Carries No Cash."

There are bright spots. New office buildings are sprouting in some parts of town. Convention business continues to grow and tourists arrive in record throngs. Lane Bryant has opened a new store on F Street, and the downtown Woodward & Lothrop department store is remodeling. But the merchants know safety must be assured before enough suburban shoppers will come downtown again to make business snap back.

The big department stores are bolstering their protection. Harold Melnicove, an executive of Hecht's, says his organization now has a security force "big enough to protect some small cities"; he won't give details.

Smaller stores do the best they can. Frank Rich, president of both Rich's shoe stores and the D.C. Urban Coalition, is a downtown optimist. But in his F Street store he no longer displays shoes in pairs, just singles; all display cases are locked; key employes carry electronic devices in their pockets to summon help in the event of danger.

High's dairy stores, which stay open nights and Sundays, have been robbed so many times, says General Manager William Darnell, "we don't like to talk about it." The chain's 37 D.C. stores were held up "hundreds of times" last year, Mr. Darnell sighs, and several had to be closed. Money in all stores is kept to a minimum by frequent armored car pickups.

GETTING OUT

A survey by the mayor's Economic Development Committee of small businessmen found that one out of seven contacted "wanted to close down, relocate or simply stop doing business in the city."

One who wants to get out is E. N. Hampton, president of the Hampton Maintenance Engineering Co. His firm has been robbed, his trucks have been vandalized and his employees have been threatened. "It's disgusting," Mr. Hampton snarls. "Now we ride armed guard in the trucks with shotguns. As soon as I can find somebody to buy this I'm getting out."

Nor is black business immune. Berkeley Burrell's four dry cleaning stores have suffered 17 holdups in 10 months. Now the front door of each is locked; a customer can't get in "without a ticket or pair of pants in his hand," says Mr. Burrell. Employes are armed, and the proprietor is trying to replace females with males. "I may sound like Barry Goldwater," he says, "but we've got to get the community back to where it's safe to live in."

Banks have been a favorite target for bandits. Though these attacks have slackened lately, Francis Addison, president of the D.C. Bankers Association, says a "very high percentage" of local banks are robbed every year. The National Bank of Washington recently closed one branch because of the danger. All banks have tightened security, but the most extreme case is a Security Bank branch in the northeast section.

In 1968 the branch was held up three times within 55 days. Now the bank has put all employes behind plexiglass.

Tellers receive any payout money through scoops beneath the plexiglass. "The personnel were all shook up and couldn't work," President Frank A. Gunther says, "so we bulletproofed the whole place." The bank has not been held up since.

INSURANCE HARD TO GET

Faced with the cost of crime in Washington, insurance companies have turned cautious. "Lots of companies have stopped writing fire and casualty insurance," says Thornton W. Owen, president of the Perpetual Building Association, the city's biggest savings and loan outfit. "And lots of investors will abandon properties rather than maintain them." Hilliard Schulberg of the local liquor dealers association says that for his members "the cost of crime insurance is extremely high, and many companies won't write it." Proposed legislation would permit the Government to offer crime insurance where private insurers won't.

Office building managers, both Government and private, are attempting to cope with the danger. James Sykes, manager of the William J. Burns Detective Agency here, reports many buildings have posted guards at their front doors and says, "We're providing lots more escort service for female employes working late at night." The local chapter of the American Federation of Government Employes has advised its members to buy, at $5 apiece, antimugger aerosol spray devices.

Security is a prime concern of apartment dwellers. The 670-unit Marberry Plaza, open three years ago in southeast Washington, exemplifies what a new building must offer to reassure nervous tenants. On weekends the project is patrolled by four armed guards with two dogs. All exterior doors are locked. A tenant who has invited a guest for dinner must present an "admit slip" with the guest's name to the desk clerk during the day. When the guest arrives, he must identify himself to the clerk and sign the register. "All of this is at the request of the tenants," says Sidney Glassman of the Charles E. Smith Property management company.

SCHOOL VIOLENCE

In some neighborhoods, newsboys no longer collect for their papers for fear of being robbed; subscribers must mail in payments. One cabbie drives with self-addressed envelopes; whenever he accumulates $10 he mails it home. Some maids require their employers to drive them home. An outbreak of violence including the shooting of a junior high school student has prompted Mayor Washington to post policemen throughout the city school system. Many schools have stopped dealing in cash, requiring students to pay for supplies and other items costing more than a dollar by check or money order.

"It used to be that holdup students would use their fists; then came knives; now it's guns," says George Rhodes, a member of the D.C. school board. "Not that there have been that many incidents, but it's the fear that parents and teachers must live under that is most troublesome."

School principals, anxious to protect the reputations of their institutions, tend to minimize the problem. William J. Saunders, principal at Eastern High School (2,400 students including just three whites), says violence is "not a major problem" in the school. Yet several thousand dollars worth of football equipment has been stolen, and police officer Sherman Smart says there have been three alleged rapes in and around the school since September. As Officer Smart talks to a reporter, a photographer's agent joins in to complain that he has visited the school twice to take orders for class pictures and has been robbed of his receipts both times.

Not even the churches are spared. At the Vermont Avenue Baptist Church, the collection plate was stolen by intruders in full view of the parishioners. Says Charles Warren, executive director of the Greater Washington Council of Churches:

"Some churches have begun to lock their doors at 11 a.m. on Sundays for the worship service. Some have policemen at the service during the offering. Some have canceled evening activities or rescheduled them for the afternoons."

The National Presbyterian Church has moved from its 60-year location about half a mile from the White House to a new site three miles farther out. The Rev. Edward L. R. Elson calls the new location "the quietest zone in Washington," but vandalism is as bad at the new church as at the old one. According to Mr. Elson, the vandalism has included "obscenity on chapel pillars, destruction in the church hall and lights pilfered and broken."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Moss in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL-IMPORT POLICY

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized for 30 minutes.

Mr. HANSEN. Mr. President, during the current controversy over U.S. oil-import policy, the distinguished Senator from New Hampshire (Mr. McINTYRE) and I have expressed some differing views and opinions in remarks here and in a letter to me in which he asked a number of questions.

I replied to his letter, which was printed in the RECORD, and said I believed that most of his questions would be answered in a series of speeches I have delivered here on the Senate floor.

I would like, however, to now itemize my replies to the questions as Senator McINTYRE asked them so that my answers will appear in the same sequence as his questions. His first question was divided into nine separate questions:

1. (a) Do you believe Government programs which establish a *floor* on prices to be Government control of *prices?*

(b) If the Government can take action to establish a floor on prices, why can't it take action to adjust that floor, up or down?

(c) Am I correct in assuming that you are against any regulation by the Government of the prices of commodities?

(d) If this is true, what do you conceive to be the purpose *and effect* of the Oil import Program?

(i) Doesn't any import quota system have an effect on prices?

My response is that the purpose of the oil-import quota is to enhance our national security. Since oil is clearly of vital importance to our industrial complex, to essential consumer needs and to military operations, it is necessary to provide for assured sources of supply. When it was apparent that the United States was about to become overly dependent on new, flush oil fields in the Middle East, where oil supply currently is cheap but insecure, the Government decided that a certain proportion of our total supply should come from domestic production. This was accomplished by setting import quotas as a percentage of production.

Thus the purpose of the program is to encourage the finding and development of oil in the United States so that a reasonable portion of our essential needs could be met from our own domestic resources if major foreign supplies were cut off—as they have been from time to time.

I believe that the program has achieved its objectives in a satisfactory manner, although certainly some improvements can be made. Even though the difficulty and expense of finding oil in the United States has increased over the years, the level of reserves has been maintained while larger and larger volumes have been produced. At the same time, the domestic oil industry has maintained a surplus productive capacity—at industry expense—which provides a measure of security for times of emergency.

Although most import quota systems affect prices, in the oil-import program the price influence is incidental to the main goal of national security. The limited imports of foreign oil become a part of the total United States supply. Total supply—domestic production and imports—together with the domestic demand, determine the domestic price of crude oil. Thus prices vary in accordance with total supply and demand conditions and are not subject to any specific "ceiling" or "floor."

You have asked if I oppose "any regulations by the Government of the prices of commodities." Since this question would include regulation of utilities and monopolies in general, wartime emergency measures, and a variety of other governmental policies, it cannot be answered categorically. As a rule, I would favor a minimum of Government regulation, especially in situations where competitive market forces can perform the regulating function adequately. Free domestic markets usually serve the consumer best, although in some instances the domestic market should be protected against foreign dumping.

The Senator from New Hampshire further asks:

(e) What do you believe to be the purpose *and effect* of the State market pro-rationing system, which is tied to demand?

My response is that the oil prorationing system was instituted by various oil-producing States in order to prevent the waste of oil and gas, conserve the natural resources of those States and to protect the correlative property rights of each owner of interests in common oil and gas reservoirs. This system has accomplished these goals and in doing so provided a stable economic environment for the domestic oil and gas industry, encouraged further exploration for oil and gas reserves, led to the expansion of these reserves and very directly promoted the national security.

I would like to share with you some of the background information that we in the West and Southwest have grown up with concerning the nature and history of the oil business which has provided the basis for the present State prorationing system. As you know, the legal system in the United States has recognized the ownership of private property. Flowing from these concepts has been the rule that the owner of a tract of land had the absolute right to drill and produce as much oil or gas as he could from any well that he drilled. This right included the right to produce as much oil as he could even though it might have migrated from adjoining tracts. Thus, the owner of the adjoining tract, in order to prevent drainage of the oil under his tract, also had to drill a well and produce as much of it as he could as fast as he could in order to protect his property rights. Until about 1930, there was little regulation of oil production; at which time the great east Texas field, the Oklahoma City, and the Seminole fields were discovered. These discoveries set off the wildest, most irresponsible and wasteful binge the oil industry had ever seen. Local law enforcement broke down, martial law was declared, and troops had to be sent into the area to restore order. Each property owner had been trying to drill as many wells and produce as much oil as he could. Oil was stored in ponds on the surface of the ground. Great quantities of natural gas were flared and wasted. There was great physical waste of the natural resources of our country.

As a result of these and other huge oil discoveries, regulatory statutes were adopted which provided for agencies to enforce conservation regulations. One of the basics of such regulations under our concepts of individual property rights necessarily is the requirement to protect an individual from a neighbor's unrestricted exercise of the right to drill and produce. As a result, among other rules, market demand prorationing was instituted as a conservation tool to protect correlative rights of individuals and as a means of preventing physical waste of oil and gas resources.

Prorationing has provided a climate under which additions to recoverable oil reserves in Texas alone over a 10-year period have exceeded the equivalent of 11 billion barrels. This figure includes 15 trillion cubic feet of casing head gas, so vitally needed now, which would otherwise have been vented and wasted to the atmosphere. During the same period, 4

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billion barrels of additional oil were recovered from stripper wells and secondary recovery projects which would not have been in operation if they had not been assured access to a market by reason of market demand prorationing.

This last statement is true because the market demand prorationing system in each State in which it applied allocates the demand for oil in that State to all of the operators having producible wells so that each operator is guaranteed a place in the market for his production. This allows a small independent producer who does not own his own refinery a market for his production.

The Senator from New Hampshire continues:

> (f) Does the import program or the prorationing system have any effect on prices?

My response is that the prorationing system is designed to prevent the physical waste of oil and gas resources and to protect the correlative property rights of the various owners and operators in a particular field. Any effect on prices is incidental. This conclusion has been approved by judgment of various courts so that this principle is well established. All of the court decisions sustaining conservation legislation have consistently refuted the claim that the conservation program of the States is designed primarily for economic and profit motives rather than to prevent waste of a natural resource or protect correlative rights. The decisions make it clear that the prevention of waste or protection of correlative rights is the principal objective and that economic considerations, if any, are but a means to that end or are incidental.

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The Senator from New Hampshire asks:

> (g) Assuming that all analysts are correct in saying that the purpose of State prorationing is to set prices, shouldn't this job be done by the Federal Government, rather than only two states, Texas and Louisiana?

I reject the assumption that "all analysts say that the purpose of prorationing is to set prices." The method used by the State agencies that regulate oil production is to allow the wells in that State to produce the amount of oil which can be used by the oil purchasers in that State. The price of oil is not considered by the agency. Their determination rests upon evidence of the amount of oil in storage and the estimates of the next months' "demand" for oil as reflected in the amounts "nominated" by the oil purchasers. The courts have consistently denied that the purpose of these laws is to set prices. To my knowledge, there was only one instance when a State was even asked to set the price of crude oil. That was in 1916 when the attorney general of Oklahoma asked the regulatory agency of that State to fix the price of oil. That agency refused to do so saying that the fixing of the price of crude oil "is absolutely impossible and impractical." Also many analysts do not believe that prorationing is a price-fixing mechanism. For example, Prof. Erich Zimmermann in his book "Conservation in the Production of Petroleum" has stated:

> It is folly to judge the achievements of modern industry solely by short-run benefits to consumers in terms of lower prices, though the petroleum industry is proud of its record on that score, too. These achievements must be appraised in the light of history—in the glory of pioneering in new fields of endeavor, in the contributions to science, to knowledge, to the soundness of the economy, and to the security of the nation. Judged in that light, the state system of conservation (including proration) of petroleum as it has developed in this country is not a price-fixing scheme, but a policy necessary to prevent physical waste and to achieve equity among producers.

It is my firm belief that the States of Texas and Louisiana do not "set prices" for oil, and that the Federal Government should not do this job either.

The Senator from New Hampshire continues:

> (h) Do you agree with the position taken by Assistant Attorney General McLaren in a letter of December 31, 1969, to Senator Proxmire that there is no competition in setting oil prices because of state market prorationing systems and the posted price system of the major oil companies?

My response is that I do not agree with Assistant Attorney General McLaren that there is no competition in the setting of oil prices. On the contrary, in my opinion, oil prices are responsive to changing supply-demand factors operating in a free market environment characterized by intense and vigorous competition. Crude oil price postings which are contrary to the basic economic conditions in the industry will not stick. This conclusion is supported by abundant historic evidence. Postings have frequently varied up or down to reflect competitive response to changing conditions.

Similarly, as I have said before, neither are oil prices fixed or set by the oil prorationing system. Reports prepared by other Attorney Generals point out their belief that the prorationing system is not a price-fixing scheme. The 1959 report of Attorney General William P. Rogers prepared with reference to congressional approval of the interstate compact to conserve oil and gas stated:

> No "shortage" of oil created by State action could be held responsible for any price movement. Considering the complex and varying bases of decision faced by each of the State agencies, and the constant pressure of local producers to be allowed the fullest share of production, the task of prorating to achieve a desired price level would be virtually impossible.

In the report of the Attorney General of the United States, Robert F. Kennedy, dated May 15, 1963, pursuant to section 2 of the joint resolution of August 7, 1959, consenting to an interstate compact to conserve oil and gas, reference is made, page 14 of the typed report, to MER's and ratable take—purchasing. This was said:

> Like the MER concept, rules requiring ratable take within a reservoir seem beyond question essential to end gross waste in oil production which evoked the need for conservation. And, while both MER and "ratable take" requirements do level out the flow from individual fields and thus diminish the "boom or bust" cycles, they leave *national and regional supply and price generally responsive to competitive market conditions.* (Emphasis added.)

The 1963 report further went on to say:

> Clearly this market demand control was not a surreptitious or illegal affair, aimed at "fixing" prices at a particular level.

Senator McIntyre continues:

> 2. You report that "oil product prices have remained remarkably stable during the inflation of recent years and now average less at $3.88 per barrel than the 1957–59 weighted wholesale average of $3.99 for the four principal products—gasoline, home heating oil, kerosene and residual."
>
> My understanding is, however, that oil prices were at abnormally high levels during the 1957–59 period due to the Suez crisis of 1956. Therefore, I have measured the changes in oil prices over the past five years, years when the inflation in our country has become more intense. It would be helpful to me if you could provide information as you see it, on:
>
> (a) The domestic price of crude oil in each of the years 1965–69 with a comparison of those prices with world crude oil prices;
>
> (b) The wholesale and retail prices of the four principal products you outlined above—gasoline, home heating oil, kerosene and residual—for each product in each of the years 1965–69.

My response is:

You question the validity of the claim that oil product prices have remained remarkably stable during the inflation of recent years, pointing out that during the base period used for the price comparison, 1957 to 1959, oil prices were abnormally high as a result of the Suez crisis of 1956.

The 1957–59 base period was used because the Bureau of Labor Statistics has adopted these years as the base for its wholesale and consumer price indices. It is true that 1957 was an abnormal year for petroleum prices. The years 1958–59, however, showed prices more normally in line with those in the pre-Suez crisis years and can be legitimately used as a basis for comparison. Accordingly, the price comparisons which follow are based on averages for the 2 years 1958–59. They provide more acceptable indices than the period 1965–69 suggested by you. As previously mentioned, they are based on selected Government years for measuring price changes and a 10-year period minimizes the effect of random, year-to-year fluctuations and those of intermediate term, both of which tend to distort the more basic, long term picture.

CRUDE OIL PRICES

Table 1 shows the recent historical trend in annual average crude oil price at the wellhead in the United States compared with the wholesale price index of the Bureau of Labor Statistics for industrial commodities. While 1969 crude oil price has risen only 3.6 percent above the 1958–59 average, the wholesale price index for industrial commodities had risen by 12.3 percent.

As to comparison with so-called world prices to which you refer, I am not aware of any publicly available data on actual world crude oil prices for deliveries to the United States or elsewhere. While posted prices for foreign crudes have not changed since about 1960, they have been subject to widely varying negotiated discounts, credits, freight and other private terms which naturally do not appear in any available record.

Admittedly, foreign crude prices are less than domestic prices. Two considerations, however, should be borne in mind:

First, the difference between these prices would decrease if the United States were to import large volumes of foreign oil and thus become dependent on foreign producers for its supplies.

Second, a valid comparison of domestic and imported fuel costs would have to take account of the price of natural gas. An eminent petroleum economist has pointed out that, whereas the average price for crude oil at the point of production is about $3 a barrel, the price for the equivalent energy as natural gas is less than $1.20. The average cost of domestic petroleum energy equivalent to a barrel of crude oil is, therefore, about $2.10, one-half of the sum of these two figures since the domestic industry supplies as much energy in the form of natural gas as in the form of crude oil. He concludes this is about as cheap as foreign crude can be delivered to U.S. ports.

PRODUCT PRICES

Both wholesale and consumer prices for U.S. petroleum products have risen far less since 1958–59 than the corresponding price indices of the Bureau of Labor Statistics. The following table shows highlights of annual average wholesale prices at terminals and refineries for the four principal products to which you refer. Details are given in the attached table 2:

WHOLESALE PRICES, CENTS PER GALLON

	Regular gasoline	Kerosene	Distillates	Residual fuel oil	Wholesale price index 1957–59=100
Average 1958–59	11.69	11.11	9.35	4.805	100.4
1969	11.80	11.98	10.06	4.20	112.7
Percentage increase 1969 over 1958–59	.9	7.8	7.6	−12.6	12.3

Note that wholesale price for regular gasoline in 1969 was less than 1 percent above the average of 1958–59, despite the fact that during this period the performance quality was advanced by two to three octane numbers. Comparison with the 12.3 percent rise shown by the Bureau of Labor Statistics Wholesale Price Index over the same period justifies my claim for price stability, especially for gasoline, the largest volume petroleum product consumed in the United States.

The table shows further that wholesale prices for kerosene increased by 7.8 percent compared to the average of 1958–59, distillates increased 7.6 percent, and residual fuel actually declined in price by 12.6 percent.

Key points in the consumer price history for the two petroleum products most directly affecting private consumers, regular gasoline and distillates, are given in the table below. The details appear in the attached table 3.

CONSUMER PRICES, CENTS PER GALLON

	Regular gasoline (excludes taxes)	Distillates	Consumer price index 1957–59=100
Average 1958–59	21.325	15.18	101.1
1969	23.85	17.81	127.7
Percentage increase 1969 over 1958–59	11.85	17.3	26.3

The data shows that, excluding excise taxes, the service station price for regular gasoline obtained by averaging data for more than 50 U.S. cities, had by 1969 gone up only 11.9 percent over the 1958–59 average. Distillates at the consumer level had increased only 17.3 percent over the same period. The Bureau of Labor Statistics Consumer Price Index had risen 26.3 percent.

Senator McINTYRE continues:

> 3. You and I share a deep concern about prices, and because of this how do you view the impact on our economy of a one cent increase in the retail price of gasoline? A one cent increase in the retail price of home heating (No. 2 fuel) oil?

My response is:

While agreeing with you that price inflation is one of our most serious concerns, I do not understand the point of your question No. 3 regarding the impact on our economy of a 1-cent increase in the retail price of gasoline and of home heating oil. The foregoing discussion has demonstrated how oil product prices have contributed major resistance to price inflation in recent years. Further than this fact, I can only reply to your question in terms of the price increases which have actually occurred in the past.

To a considerable extent the consumer price rises which have taken place for gasoline and distillates reflect increases in dealer and distributor margins, which must cover their costs of doing business. The following table shows this effect; the attached table 4 gives details. Note that the data for distillates in these tables is a 21-city average from the trade publication, "Fuel Oil and Oil Heat," rather than from Platt's and the Bureau of Labor Statistics, as these latter price series do not cover margins:

	Regular gasoline, cents per gallon			Distillates, cents per gallon		
	Price to dealer	Price to consumer	Station dealer margin	Price to retailer	Price to consumer	Retailer margin
Average 1958–59	16.155	21.325	5.17	10.8	14.65	3.85
1968				11.2	16.4	5.2
1969	17.11	23.85	6.74			
Increase:						
1968 over 1958–59				0.4	1.75	1.35
1969 over 1958–59	.955	2.525	1.57			
Margin increase percent of consumer increase			62			77

According to these data, out of the 2.525 cents per gallon average increase in service station price for gasoline from 1958–59 to 1969, 1.57 per gallon, or 62 percent, appears as increased dealer margin. Similarly, out of the 1.75-cent-per-gallon rise from 1958–59 to 1968 in consumer distillate price, 1.35 cent per gallon, or 77 percent went to retailers.

Any share of the consumer price increases retained by the oil producing and refining industry was largely reinvested in the U.S. economy.

Senator McINTYRE continued:

> 4. You say that "4 out of 10 barrels" of New England oil products are imported now. My understanding is that the 40% figure applies to the entire East Coast and not New England. Your figures may also include a decontrolled product, residual fuel oil. I wonder if you have figures for controlled products for New England alone.

My response is that the Senator's understanding that the 40-percent figure applies to the entire east coast is correct, as the following table shows:

PRODUCT SUPPLY TO DISTRICT I, EASTERN DISTRICT (1969 PRELIMINARY)

(Million barrels per day)	Total	Imports
Domestic products from other districts	2.7	
Imported residual fuel oil	1.3	1.3
Imported light products	.2	.2
Refined from domestic crude	.5	
Refined from imported crude	.8	.8
Total	5.5	2.3

Imports equal 42 percent of total product supply. I have no reason to believe that the percentage for New England would differ substantially from that for the whole district.

On the question of the total controlled products—that is, excluding residual fuel—imported into New England, statistics are available on the port of entry of both imported crude and products. To my knowledge, however, no precise records are kept of the distribution of product made from imported crude, and therefore it is impossible to determine how much imported crude eventually finds its way into New England in the form of product.

I should point out that almost all crude and residual fuel imported east of the Rockies goes to the east coast. The consumers on the east coast, including New England, are among the beneficiaries of the lower costs of these imported oils.

Senator McINTYRE continues:

> 5. I note from the recent study of the Office of Emergency Preparedness that in 1969 the people of Wyoming bore the highest per capita burden of any State in added expenses due to the Oil Import Program—$62.00. The people of my State paid a per capita burden of $42.09 and nationwide the per capita burden was $26.16.
>
> (a) Do you believe that these burdens are justified?
>
> (b) Do you believe that petroleum imports from secure sources such as Canada, which would not affect our security and would certainly lower costs in your State, should be allowed free access to our markets?
>
> (c) If such imports would lower prices to consumers, help in the fight against inflation, and not affect security, would you object?

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My response, Mr. President, is that the conclusions reached by the Office of Emergency Preparedness appear to be at best questionable in respect to both their estimated total cost of oil import controls, and the validity of their per capita allocation of these costs. It should be kept in mind that the Deputy Director of the Office of Emergency Preparedness in transmitting this paper pointed out that it was an Office of Emergency Preparedness staff item and did not necessarily reflect the views of the Director of the Office of Emergency Preparedness nor of the Office itself.

The OEP estimates the "consumer" cost of oil import controls to have been $5.3 billion in 1969 rising to $7.3 billion by 1975. The OEP mentions, without estimating their magnitude, factors, for example, current under utilization of oil, which they say will change the cost of the program, generally upward. However, no account is taken of such offsetting factors as loss of revenue to local and Federal Governments, or of the economic disruption of the domestic oil and gas industries, particularly in the producing sectors. The consumer benefits of low gas prices are mentioned but not calculated. Interestingly enough, in reporting its estimate, OEP attached an analysis from the Department of the Interior's submission of July 15, 1969, to the task force showing a consumer cost of $2.2 billion in 1975, but left unanswered major questions as to the difference between its estimate and that of Interior which are widely disparate. While estimates by others of the cost of controls also vary greatly depending on the assumptions used, there is agreement among many experts that the net cost to the country is low. Prof. E. A. Thompson testified in May 1969 before the Senate Subcommittee on Antitrust and Monopoly that his analysis showed a net benefit to the Nation of $25 million per year.

Apart from any inaccuracies in OEP's base figures, prorating this total per capita cost of the present oil import program by States without reference to its broad national security implications is a meaningless exercise. The program was specifically designed to preserve a healthy domestic petroleum industry in the national interest, and the whole Nation shares equally in the benefits from the security provided. Such security obviously costs something, in the same way that the maintenance of our Armed Forces costs something. Yet, I am sure no one has seriously suggested that we should prorate the cost of the Armed Forces among the States.

On the question of Canadian imports, I believe the present arrangements have served our national security interests well in the past. These arrangements which give us the advantage of overland imports subject to informal Government restraints should be continued in the future.

The PRESIDING OFFICER. The Senator's 30 minutes have expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the able Senator from Wyoming be permitted to proceed for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I thank the distinguished acting majority leader.

Finally, on the question of oil prices, I am sure we would agree that the interests of the U.S. consumer should be protected. As I have stated, our national security can only be purchased at a price. Nevertheless, I should point out that, besides contributing to national security, the domestic oil industry already has an enviable record in combating inflation. While the overall Bureau of Labor Statistics Consumer Price Index has risen by 25.8 percent since 1959 when the mandatory oil import program was adopted, the retail prices of gasoline and home heating oil have increased only 12.6 and 16.5 percent, respectively. The consumer has constantly been the beneficiary of new technology and economies of scale that have enabled the oil industry to provide an improving product while maintaining prices that have actually decreased in the past decade in terms of constant dollars.

And again I might ask, If the Senator from New Hampshire (Mr. McINTYRE) favors the use of imported oil as a means of forcing a price reduction in oil products, would he also favor massive imports of any commodity or product—textiles, steel, dairy products, shoes, automobiles, electronics—so long as lower consumer prices resulted?

I ask unanimous consent to have printed in the RECORD a table showing a history of U.S. crude oil prices since 1957, a table showing a history of U.S. bulk product prices since 1957, a table showing a history of U.S. consumer prices since 1957, and a table entitled "History of Dealer Margins," beginning with the year 1958.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—U.S. CRUDE OIL PRICE HISTORY

	Crude oil price[1] dollars per barrel	Wholesale price index[2] (1957–59=100)
(1957)	(3.09)	(99.2)
1958	3.01	99.5
1959	2.90	101.3
Average 1958–59	2.955	100.4
1960	2.88	101.3
1961	2.89	100.8
1962	2.90	100.8
1963	2.89	100.7
1964	2.88	101.2
1965	2.86	102.5
1966	2.88	104.7
1967	2.92	106.3
1968	2.94	109.0
1969	3.06	112.7
Increase: 1969 over 1958–69 average (percent)	3.6	12.3

[1] U.S. Bureau of Mines annual weighted average price at the wellhead.

[2] Bureau of Labor Statistics, Industrial Commodities Index.

TABLE 2.—U.S. BULK PRODUCT PRICE HISTORY

	Wholesale product prices, cents per gallon[1]				Wholesale price index[2] (1957–59=100)
	Regular gasoline	Kerosene	Distillates	Residual fuel oil	
(1957)	(12.34)	(11.54)	(10.05)	(6.15)	(99.2)
1958	11.74	10.96	9.39	4.82	99.5
1959	11.64	11.26	9.31	4.79	101.3
Average 1958–59	11.69	11.11	9.35	4.805	100.4
1960	11.61	11.17	8.79	4.88	101.3
1961	11.62	11.49	9.10	4.85	100.8
1962	11.52	11.42	9.11	4.78	100.8
1963	11.35	11.51	9.18	4.61	100.7
1964	11.27	10.93	8.65	4.50	101.2
1965	11.52	11.28	9.04	4.81	102.5
1966	11.59	11.49	9.09	4.73	104.7
1967	11.84	11.96	9.71	4.53	106.3
1968	11.55	12.03	9.84	4.30	109.0
1969	11.80	11.98	10.06	4.20	112.7
Increase: 1969 over 1958–59 average (percent)	.9	7.8	7.6	−12.6	12.3

[1] Annual averages of Platt's Price Service quotations at refineries and terminals.

[2] Bureau of Labor Statistics, Industrial Commodities Index.

TABLE 4.—HISTORY OF DEALER MARGINS

	Regular gasoline, cents per gallon			Distillates, cents per gallon			Consumer Price index (5) (1957–59 100)
	Price to dealer (1)	Price to consumer (2)	Station dealer margin	Price to retailer (3)	Price to consumer (4)	Retailer margin	
1958	16.22	21.47	5.25	10.7	14.4	3.7	100.7
1959	16.09	21.18	5.09	10.9	14.9	4.0	101.5
Average 1958–59	16.155	21.325	5.17	10.8	14.65	3.85	101.1
1960	16.08	20.99	4.91	10.5	14.4	3.9	103.1
1961	15.80	20.53	4.73	10.8	15.2	4.4	104.2
1962	15.45	20.36	4.91	10.7	15.3	4.6	105.4
1963	15.22	20.11	4.89	10.4	15.3	4.9	106.7
1964	14.82	19.98	5.16	9.9	15.1	5.2	108.1
1965	15.38	20.70	5.32	10.2	15.4	5.2	109.9
1966	15.83	21.57	5.74	10.4	15.6	5.2	113.1
1967	16.31	22.55	6.24	10.9	16.0	5.1	116.3
1968	16.51	22.93	6.42	11.2	16.4	5.2	121.2
1969	17.11	23.85	6.74				127.7
Increase:							
1968 over 1958–59				.4	1.75	1.35	
1969 over 1958–59	.955	2.525	1.57				
Margin increase, percent of total consumer increase:							
1968 over 1958–59						77	
1969 over 1958–59			62				

(1) Annual average of Platt's price service quotations of dealer tank wagon prices for 50 to 55 cities.

(2) Annual average of Platt's price service quotations of service station prices, except excise taxes, for 50–55 cities.

(3) Fuel oil and oil heat annual averages of tank car price quotations to retailers.

(4) Fuel oil and oil heat annual averages of tank wagon price quotations to consumers, except taxes.

(5) Bureau of Labor Statistics, Consumer Price Index.

TABLE 3.—U.S. CONSUMER PRICE HISTORY

	Consumer prices, cents per gallon		Consumer price index [3] (1957–59 =100)
	Regular gasoline [1]	Distillates [2]	
(1957)	(22.11)	(15.99)	(98.0)
1958	21.47	15.07	100.7
1959	21.18	15.29	101.5
Average 1958–59	21.325	15.18	101.1
1960	20.99	15.02	103.1
1961	20.53	15.62	104.2
1962	20.36	15.62	105.4
1963	20.11	15.97	106.7
1964	19.98	15.71	108.1
1965	20.70	16.04	109.9
1966	21.57	16.43	113.1
1967	22.55	16.91	116.3
1968	22.93	17.41	121.2
1969	23.85	17.81	127.7
Increase: 1969 over 1958–59 average (percent)	11.9	17.3	26.3

[1] Annual averages of Platt's Price Service quotations of service station prices, ex taxes in 50–55 cities.

[2] Bureau of Labor Statistics dealer price to consumers, including sales taxes, in 21 cities.

[3] Bureau of Labor Statistics.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. HANSEN. I am happy to yield to the Senator from Alaska.

Mr. STEVENS. As the Senator from Wyoming knows, I made comments yesterday about a bill I have introduced pertaining to the oil import situation, and I again join the Senator in his efforts to highlight the problem.

I ask the Senator if he is aware that the President is to make an announcement, I believe at about 11:30 a.m. today, concerning his request to the current task force on oil imports. It is my understanding that the President will announce that the matter will be subject to further scrutiny from the point of view, particularly, of national security.

Mr. HANSEN. I am aware, Mr. President, to the extent that I have read the news release, that the President will be making some observations. I am delighted to hear from the Senator from Alaska that he likewise will recommend further scrutiny. I think we have heard largely from the wrong people up to date. We have heard only from those who seek to find fault with a great industry that has served this country very well and has assured our national security, and I think we ought to hear both sides of that story. So I am delighted to hear the Senator's statement.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. HANSEN. I am delighted to yield.

Mr. TOWER. I thank my distinguished Senator from Wyoming for his very knowledgeable and well-informed presentation. The Senator from Wyoming has always been a great champion of the preservation of one of our most important domestic industries—indeed, it could be said to be the most important, because a supply of energy is of vital importance to every endeavor in the United States, industrial or otherwise.

So I associate myself with the remarks of the Senator from Wyoming, and again offer my commendation to him.

Mr. HANSEN. Mr. President, I am grateful indeed to my two distinguished friends, who represent the largest and the next to the largest States. I shall not try to resolve that controversy at this moment; I will say, however, that if Wyoming were flattened out, we think we might have a much larger State, also.

Mr. TOWER. I might inform the Senator from Wyoming that when the ice melts from Alaska, Texas will still be the largest State.

Mr. HANSEN. I thank my colleagues. I pay my respects to them for the great job they have done in bringing into an accurate and more nearly objective focus a problem that is of such great concern and moment to all of the more than 200 million people of this country.

Mr. STEVENS. Will the Senator yield further at that point?

Mr. HANSEN. I yield.

Mr. STEVENS. I have listened to the Senator's comments concerning the New England situation, and I would urge him to examine the suggestion that the Senator from Oklahoma and I have made concerning alleviating the immediate problems in the New England area, with the hope that if those immediate problems could be met under the existing oil import quota program, they would appreciate the viewpoint of those of us who support them in their desire to protect their industries, such as the shoe industry and the other New England industries, from the ravaging effects of very cheap foreign imports dumped into this country; and they perhaps could see that the effect of what they suggest, to emasculate the oil import program, would be even worse in the 31 oil-producing States, where it would destroy the whole program, just in the attempt to meet their immediate needs.

I think we have another suggestion that could meet their immediate needs, if they would just listen to us as we try to preserve the protection the oil industry has had, which really led, as I have stated, to the development of the oil industry in my State.

Mr. HANSEN. Mr. President, I could not agree more with my distinguished colleague.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for 1 hour.

THE U.S. COMMITMENT TO NATO

Mr. PERCY. Mr. President, the time has come for a tough reassessment of the U.S. commitment to NATO—both the level of that commitment and the costs associated with that commitment.

Today, 25 years after the end of World War II, 1.2 million American troops are overseas—310,000, or more than 25 percent, are in Europe. Of the troops in Europe, about 220,000 are in West Germany. Along with our troops in Europe are 235,000 dependents and 14,000 U.S. civilian employees—a total of 569,000 Americans in Western Europe. This represents a larger U.S. military presence than the United States currently has in Vietnam where an actual war is going on.

To support this military presence in Europe, a tremendous drain is placed on the U.S. budget. It costs $14 billion annually to support our troops in NATO. In addition, associated with the military commitment, is a $1.5 billion balance-of-payments deficit—a $1 billion deficit in Germany alone. The United States can no longer afford this commitment of men and money, considering our pressing domestic needs.

The Eisenhower Commission on the Causes and Prevention of Violence had this to say about nation building at home:

> When in man's long history other great civilizations fell, it was less often from external assault than from internal decay. Our own civilization has shown a remarkable capacity for responding to crises and for emerging to higher pinnacles of power and achievement. But our most serious challenges to date have been external—the kind this strong and resourceful country could unite against. While serious external dangers remain, the graver threats today are internal: haphazard urbanization, racial discrimination, disfiguring of the environment, unprecedented interdependence, the dislocation of human identity and motivation created by an affluent society—all resulting in a rising tide of individual and group violence.
>
> The greatness and durability of most civilizations has been finally determined by how they have responded to these challenges from within. Ours will be no exception.

Mr. President, yesterday I reported to the Senate that we have reached a food crisis in many urban areas, including the city of Chicago. We simply have inadequate sources of food in major cities—Chicago not excepted—to feed malnourished and hungry children. I mentioned that a doctor had brought six children to my office. They were malnourished and hungry—and there was no public source available in the city of Chicago to obtain food for them.

I report today to the Senate that we have a crisis in caring for the ill in Chicago. As of yesterday, Cook County Hospital, the largest in the world, has notified all poor people in Chicago, "Don't come to Cook County Hospital unless you are on your death bed or have a critical emergency." For years now, ill people have gone to Cook County Hospital, taken several hours to get there, taken off from work, which they can ill afford, stood in lines and waited, sometimes for half a day, and three out of four have always been turned down because they are not bed cases. Today there are not even beds for those who really need help.

Today we have a crisis, and certainly tomorrow we will have an increasing crisis, in environmental control; one crisis after another arises. Yet, we are spending today $14 billion in our budget to support U.S. troop forces in Europe.

The time has come for the Europeans to do more in their own defense. I foresee a grave threat to the U.S. commitment to NATO unless the whole structure of NATO is reassessed and Europeans make a greater commitment to their own common defense.

President Nixon fully realizes the need to reassess the U.S. role in world affairs, including Europe. He spoke eloquently on this subject in his state of the Union message on January 22. In commenting on foreign policy, the President said:

> Today, let me describe the directions of our new policies.
>
> We have based our policies on an evalua-

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> tion of the world as it is, rather than as it was twenty-five years ago at the end of World War II. Many of the policies which were necessary and right then are obsolete today.
>
> Then, because of America's overwhelming military and economic strength, the weakness of other major free world powers and the inability of scores of newly independent nations to defend—let alone govern—themselves, America had to assume the major burden for the defense of freedom in the world.
>
> In two wars, first in Korea and then in Vietnam, we furnished most of the money, most of the arms and most of the men to help others defend their freedom.
>
> Today the great industrial nations of Europe, as well as Japan, have regained their economic strength, and the nations of Latin America—and many of the nations that acquired their freedom from colonialism after World War II in Asia and Africa—have a new sense of pride and dignity, and a determination to assume the responsibility for their own defense.
>
> That is the basis of the doctrine I announced at Guam.

The President further said:

> Neither the defense nor the development of other nations can be exclusively or primarily an American undertaking;
>
> The nations of each part of the world should assume the primary responsibility for their own well-being; and they themselves should determine the terms of that well-being.
>
> To insist that other nations play a role is not a retreat from responsibility, but a sharing of responsibility.
>
> We shall be faithful to our treaty commitments, but we shall reduce our involvement and our presence in other nations' affairs.

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The President clearly states that the nations of the world must assume primary responsibility for their own well-being and that the United States will reduce its involvement in the affairs of other nations.

In his state of the world message to Congress just this week, the President called for a readjustment in the balance of "burdens and responsibilities" between the United States and our NATO allies.

Vice President AGNEW has also stated that the Guam doctrine should be applied to all parts of the world, not just Asia.

No one is saying that the United States should not fulfill its treaty commitments. The President has made that clear. What he is saying is that the United States has been doing a disproportionate share of NATO's job and that our allies should do more. This position was reiterated this week by Secretary of the Treasury Kennedy, Director of the Budget Mayo, and Chairman of the Federal Reserve Board Arthur Burns in testimony before the Joint Economic Committee.

The United States can literally no longer afford to do as much as it has been doing. There are serious problems in this country which will take a massive commitment of national resources to correct. But just last month, because of inflation and budget strain, the President had to veto the HEW appropriation bill as he felt—desirable as the purposes of the bill were—that the budget could not afford the extra $1.2 billion level of spending called for in the bill. Yet, the United States continues to spend $14 billion annually to protect Europe.

In the past attempts have been made to alleviate the balance-of-payments drain of NATO by offset arrangements. In the early 1960's these offset arrangements took the form of military purchases by European countries in the United States. In recent years however these purchases have declined as European armies equipped themselves. Thus, beginning in 1967, Germany started offsetting part of the U.S. balance-of-payments cost in Germany through the use of loans to the U.S. Treasury. But a loan in no sense can be considered a true offset. Loans have to be repaid—and in the case of these offset loans—with interest. Payment of interest to Germany means to many Americans that the United States is paying Germany money for the privilege of defending Germany. The current offset arrangement with West Germany is totally unsatisfactory. Current financial arrangements run through June 30, 1971, and call for an offset of $1.52 billion—equivalent to 80 percent of the U.S. balance-of-payments costs in Germany. Sixty-one percent of the offset will be in the form of purchases in the United States—$925 million. Thus, of total U.S. balance-of-payments loss in Germany, only 48.8 percent is in the form of purchases—61 percent of an offset of 80 percent.

Thirty-nine percent of the offset is in the form of other financial transactions—$595 million. The largest single item is a German loan to the U.S. Treasury of $250 million on which the United States pays interest—10 year maturity, 3½-percent interest.

The only good thing that can be said about this loan is that the interest rate is lower and the maturity longer than such loans negotiated in the previous administration which were at market rates of interest and 4½ year maturity.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PERCY. I am delighted to yield to the distinguished majority leader.

Mr. MANSFIELD. I would like to ask, most respectfully, what is good about a loan or an extended period of time at a reduced rate of interest, when in the long run this Government has to pay Germany for maintaining its troops on German soil?

I think that this is one of the most unusual arrangements—and I am speaking conservatively—I have ever heard of, in considering this as an offset balance for compensation for American troops and dependents stationed in West Germany and Europe. We have approximately 600,000 servicemen and dependents there.

Unfortunately, I had to leave the Chamber for a few minutes, but I would like to ask the distinguished Senator from Illinois, who has been in Germany recently and who has shown an added interest in this subject so far as NATO is concerned and our participation in it: Just what does it cost this Government every year to maintain 600,000 troops and dependents in Western Europe?

Mr. PERCY. The distinguished majority leader has asked a question which is difficult to determine because the question turns upon what proportion of the Defense Establishment in Washington should be charged to the NATO defense.

However, the best figure I can get, one which I have enunciated publicly a number of times, without correction by the State Department, Department of Defense, White House, the Bureau of the Budget, or anyone in Europe, is $14 billion to $15 billion.

Mr. MANSFIELD. A year?

Mr. PERCY. The number of people we support in Europe is 569,000——

Mr. MANSFIELD. A year?

Mr. PERCY. A year. Yes, it costs that much each year.

Mr. MANSFIELD. $15 billion a year?

Mr. PERCY. $14 billion to $15 billion a year.

Mr. MANSFIELD. It costs the United States that much?

Mr. PERCY. It costs the United States that much to support 310,000 troops and a total number of 569,000 Americans, including dependents—which is more Americans than we have in the defense of Vietnam.

We can put it in no other terms than to say that these Americans are hostages in Europe for the purpose of insuring the credibility of our deterrent, should Europe be attacked.

I say that the cost to this Government is absolutely outrageous, considering the prosperity Europe is enjoying.

The taxpayers of this country, as they learn about this—and they are not now aware of it—it is our job to inform them publicly—will also be outraged at the disproportionate share of the burden we are bearing.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield further?

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Does the Senator from Illinois yield to the Senator from Montana?

Mr. PERCY. I am happy to yield.

Mr. MANSFIELD. I agree with the distinguished Senator when he says that, in effect, the United States is being held hostage so that we would be sure to honor our NATO commitments in case of a showdown.

I would think that if we had just one regimental combat team in Berlin, that would be an earnest to indicate that when we signed up with the North Atlantic Treaty Organization and that we intended to fulfill our commitments in deeds as well as in words. I am not advocating at this time that we should reduce our commitments down to a regimental combat team in Berlin, but it is my belief that many eminent military authorities in the past—General Eisenhower, later President Eisenhower, among them—thought that we were too heavily committed, too overly committed, in stationing so much manpower in Germany and Western Europe.

While I cannot recall his exact words, I am positive in my mind that President Eisenhower, years ago, stated that there could be a diminution of United States forces in Germany without any loss in the strength of the North Atlantic Treaty Organization.

Mr. President, to me, it is odd that the only two countries which have fulfilled their commitments to NATO are Canada and the United States.

Canada is now showing some commonsense, under Prime Minister Pierre Elliott Trudeau, and they are going to reduce their forces by 60 percent.

I would hope that we would follow the lead of Canada and reduce our forces substantially, in line with the resolution which now has a majority of Senators cosponsoring it, seeking to give the President, or at least to bring to his attention, the need for a drastic change.

But of all the countries in NATO, only Canada and the United States have met their commitments fully, completely, down through the years.

Mr. President, Britain has done away entirely with conscription. In the Low Countries and Denmark they have reduced the conscription period. But in this country we have a 2-year draft policy. We make our commitments both in men and money through NATO.

I believe that a quarter of a century after the end of the Second World War it is time that this Nation changed its policy, recognizing that Europe is now fully rehabilitated and reconstructed and is quite capable of undertaking a greater share of its own defense, both in manpower and in cost, and that we should change with the times.

The old French saying, "The more things change the more they remain the same," just is not true in this age in which we live.

I have been interested in the shifts in policy so far announced and put into action by President Nixon. I am pleased that the Nixon doctrine, which many thought applied only to Asia, now applies to the whole world. I hope that, on the basis of the Nixon doctrine, there will be a substantial withdrawal of troops and dependents from Europe and that we will get away from this vested policy of a quarter of a century ago—this outmoded and invalid policy—and that we will recognize that we are, indeed, considered—as the Senator says—as hostages held for the security of some other country.

I firmly believe in NATO. But, not to the extent of 600,000 men and dependents, and not to the extent of $14 billion to $15 billion a year.

As the Senator from Illinois pointed out in his opening remarks, we have problems here at home for which that money could be spent more legitimately, more wisely, and more constructively. Perhaps, with some of that money and with what is being made available from a reduction of operations in Vietnam, we can face up to the problems at home of crime, corruption, drugs, pollution, the disfigurement of our environment, the ghettos, the health of our people—all of the things which have not yet been done.

We are not going to achieve the kind of security that many people think we have, just by spending billions and billions of dollars in stationing troops overseas, or in building missiles if, at the same time, we allow our domestic difficulties to go to pot.

It is not a case of priorities, one over the other. It is a case of balance between the security of this Nation on the one hand and the security of its people internally and domestically on the other.

I have taken too much time. I thank the distinguished Senator.

Mr. PERCY. Mr. President, I welcome the comments, just as I have welcomed the resolution in the Senate introduced by the distinguished Senator, which has been so immensely helpful to me as I have waged what has so many times seemed to be a lonely battle.

When I go to Europe, it is always nice to be able to talk about our traditional ties and friendships, and all the things we have in common. But now, every single trip I have taken there, I have gone over simply reiterating that times have changed, that we cannot live as we have in the past.

It is unfair and ludicrous, that the Europeans do not pick up a greater share of the cost of their own defense. There has been no greater weapon that has helped me in these negotiations than the resolution introduced by the distinguished Senator.

I have not tried to get into the question as to exactly how many troops are required or needed. As I will comment later in my remarks, I think the best approach for me to take is merely to start a drive forward, to have an objective and a goal towards which we can work—an immediate goal, I would say, that we should take on in the next fiscal year.

Mr. President, I think that we should now consider reducing our NATO expenses by $2 billion. The resolution of the distinguished Senator from Montana has never encompassed a precipitous, overnight, or any kind of sudden dangerous withdrawal. He has been very cautious and very careful in the way he has introduced the resolution. But I believe that $2 billion is not too large a reduction to expect out of a $14 billion figure. We have ourselves in Congress reduced the budget for our space program from $6 billion down to $3.6 billion. And we have done that over a period of a few years. We ought to be able to draw our expenses down for NATO. It can be done by some troop withdrawals or by Germany and other countries picking up immediately some of the expenses we are now bearing, such as payments to German nationals.

We are paying 70,000 of them one-quarter of a billion dollars. This is not hiring mercenary troops. This is to pay German citizens for providing services to the NATO forces. Germany should pick up and pay the costs of the buildings constructed in Germany. We are spending money for those buildings which will stay there. We should be paid for them. Certainly we should not pay taxes to the German Government. We do not pay taxes to our own States and communities where we have troops. We are paying millions of dollars in taxes to the German Government.

We certainly should not be paying for the cost of transporting our troops around Germany when the transportation means are owned by the Government. We should not be paying for power, because the power companies are owned by the Government.

Germany is benefiting so much in an overall sense from the offset loans that the Senator mentioned. I did not want in any way to imply that these loans were good. I consider that it is a phony delay of the real costs we will have to pay.

I was very delighted to note that Chairman Burns of the Federal Reserve System and Secretary of the Treasury David Kennedy, and Robert Mayo, the Director of the Bureau of the Budget, all absolutely agreed that the loans are wrong, that they should not have been made.

They are not a real offset. The loans simply delay the agony and fracture our relationship when they are called, with no advance notice to us. The Bundesbank said, "We need the money. We want the money back." A half billion dollars of the loans have been called, and there is an indication that Germany will call the balance. This is a phony arrangement from the negotiations of the past administration.

But, further, even the previous loans are changed further due to the German revaluation of the mark. We do not have to pay back $500 million. We have to pay back $545 million. And because there is no provision in the offset arrangement for revaluation, we have to pay 9.3 percent more in repaying these loans.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. MANSFIELD. Mr. President, I am glad the Senator emphasized the point that the Bundesbank called those loans in, so to speak, before the expiration of the agreement agreed to by the United States and the West German Government. But I hesitate to use an adjective which would describe my real feelings about this being an offset payment or a way of taking care of our needs, because it is true that all the Germans are doing is buying our bonds on which we pay interest. And at the end of a certain period under the agreement, we pay them the interest and the principal. But what the Bundesbank has done is to come in ahead of time to cash their bonds in because they need the money, they say.

But financially speaking they are in far better shape than we are. And all we have to do, unless things have changed drastically in the past 2 or 3 months, is to compare the mark and the dollar. And how much of a debt does the German Government have? Very little, I am sure.

Mr. PERCY. Nothing compared to ours.

Mr. MANSFIELD. No country has a debt that would compare to ours. But these countries have been rehabilitated. And they have had to do it themselves, and I honor them for it. They started from scratch, whereas our debt has been accumulating decade after decade and we have carried it. They are economically better off.

And if one raises the question about withdrawing a certain number of U.S. troops and dependents, even gradually, it seems that the German officials of West Germany seem to think the roof is going to fall in. But if this question of a resolution was not pending and being

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given some publicity and attention, they would take the very opposite tack from what they are doing now. They would say they are getting along well with the rest of Eastern Europe, with the Soviet Union, and with China, because they have gone that far away to build a rolling mill in China. They have changed their thoughts with the times and the circumstances.

I have received a lot of criticism from time to time because of the resolution which I introduced. Every time I have been told it is the wrong time. Well, I think it is the right time, and I hope that if something is not done voluntarily by this administration in accord with the West German Government, in accord with the members of NATO then I think it is up to the Congress of the United States to make its views known and to do something about this great cost, this outflow of capital, this deficit in payments, and to face up to a policy which was good 25 years ago, was needed 25 years ago, was valid 25 years ago, but which has outlived its usefulness in its present form and has persisted past its time without adequate adjustments.

I thank the Senator.

Mr. PERCY. Mr. President, I thank the majority leader for his comments. I would like to repeat a quotation from the Eisenhower Commission on The Causes and Prevention of Violence. I read one short sentence:

> When in man's long history, other great civilizations fell, it was less often from external assault than from internal decay.

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I simply ask the question, how can this Nation stand up as a credible leader of the world? I have been in Europe when Europeans are watching on television American cities burning from riots and disorders.

We know that we have a great deal of rot and decay in the urban centers of this country. In a few years, 80 percent of the population of the country will live in the urban centers.

I think we have a crisis. I think we face emergency conditions.

I want to be as specific as I can to show that in the city of Chicago—which I know very well—how that city is failing to meet the needs of the hundreds of thousands of people who are bitter and frustrated and feel that the promise of the American dream is not for them.

How can we then continue to say that we have to have all of these armaments and all of the armies, that we have to provide billions of dollars for defense, that we have to have 41 nuclear submarines under the seas, hundreds of bombers, thousands of missiles, and then start to build new weapons on top of that, such as the ABM, which might run anywhere from $6 billion or $7 billion to $50 billion, and once again get us committed to continue on the mad nuclear arms race in which the world is engaged.

I turn to problems inside the country, when I say that we cannot afford our NATO expenses. I am very glad that this is an entirely bipartisan approach, and that many of us feel very deeply and strongly about this on both sides of the aisle.

Mr. President, I am happy to report to the majority leader that in the conference I attended in Germany, where we had distinguished Americans, such as former Under Secretary of State George Ball, and John McCloy, former Ambassador George McGhee, and men of that caliber, that they sat through this entire meeting and they heard time after time, when I put the question to the Germans, and all three German parties were also represented, "We are not going to be able to afford it. We are going to have to draw down our troops. What is your reaction?"

The Germans thought it would be calamitous. They have always said that the United States must provide the troops and forces. It would be dangerous if the United States did not. But at the end of that meeting, there was the conclusion that the time has now come when Germans must bear more of the cost of that burden. I think they are becoming very realistic about it.

Mr. President, I would like to insert in the RECORD the details of the loan agreements which the distinguished majority leader mentioned.

Recent developments show the utter falsity of these loans as a true offset. In January, the German Federal Bank—Bundesbank—cashed in $500 million worth of offset bonds 3 years ahead of time. These bonds were cashed and the proceeds put into a certificate of indebtedness—a liquid liability—with the same rate of interest as the old notes. This can be called at any time. There are indications that the German Government also wants to cash in the remaining $500 million of offset bonds that it holds.

I am not at all unmindful of the fine relationship we have had with the Federal Republic of Germany in the postwar years. However, I find this action of the Bundesbank incredible. At a time when pressures are growing in this very body for withdrawal of substantial numbers of U.S. troops from NATO, Germany now is even unwilling to loan money to help the U.S. balance of payments. The German Central Bank evidently thinks that the American taxpayer will continue to pay and pay for the privilege of having American troops in Europe.

The mere fact of these redemptions shows that the current offset arrangement is unsatisfactory. But this is not the whole story. Because of provisions written into the agreements negotiated by the previous administration, the United States is liable for paying Germany not $500 million, but $545 million due to the 9.3 percent revaluation of the mark last October by Germany. Thus the American taxpayer gets stuck again.

This action was a serious miscalculation on the part of Germany, in my judgment. I recognize that Germany has some economic uncertainties since revaluation, but the United States has even worse economic problems, as the distinguished majority leader pointed out. I find it almost inconceivable that this action was taken by the Bundesbank without giving any thought to possible political repercussions. If ever proof was needed that the current offset arrangement does not work, this latest action established it.

Since 1968 I have been working with the NATO North Atlantic Assembly to devise a better plan to handle military expenditures within NATO. I commented at length on this work within the Assembly on the Senate floor on October 29, 1969. To stress the highlights of this work, I presented a plan to all NATO governments this past October which had been worked out with the cooperation of the U.S. Treasury.

I am not wedded to the details of this plan and I have invited all NATO governments, in writing, to submit suggestions for an improved plan. This is just the best plan we have been able to develop to date. I ask unanimous consent that the main points of the plan be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The main points of the plan are that a clearinghouse be set up by NATO accurately to identify the balance-of-payments gains or losses to each NATO country as a result of its commitment to the common defense, and to provide the structure for adjustment of the balance-of-payments gains or losses; that this structure be set up and commence its work by July 1, 1970, so that balance-of-payments adjustments can automatically be made to begin on July 1, 1971, and in all succeeding years; that in the interim the existing bilateral arrangements between various NATO countries be continued until such time as the new adjustment mechanism takes effect; furthermore, that in computing military balance-of-payments gains or deficits of member countries, included shall be the full costs of official expenditures for goods and services within the host country's territory as well as spending by personnel—other than local nationals—and dependents for local goods and services and also official expenditures for goods, such as major equipment, for use outside the host country's territory; that official expenditures for goods and services within the host country's territory—including the pay of local national employees, construction, contractual services, and materials and supplies for official use within the country—shall be paid for as a budget expense by the host country; that spending by personnel and dependents for local goods and services and official expenditures for goods for use outside the host country's territory shall be paid for in blocked currency for military procurement or other purchases that clearly have an element of additionality.
>
> This plan was unanimously approved by all the members of the Economic Committee. For the first time, other members of the NATO Alliance affirmed the principle that they must help support U.S. troops in Europe through direct budgetary contributions as well as help offset the balance of payments effects of our commitment in Europe.

Mr. PERCY. Mr. President, NATO member governments are now compiling pertinent data and information to ascertain what the total budget and balance-of-payments costs are of all countries within NATO. Many NATO countries have already supplied detailed figures on their military costs for NATO and the remaining countries have promised their figures soon. It is the Assembly's hope that using these figures a plan can be devised on a multilateral basis to automatically make financial adjustments within NATO. Such a plan should be set up by the conclusion of existing bilateral arrangements between the United States, United Kingdom, and Germany on June 30, 1971.

Last month as I previously mentioned, I attended a German-American conference of legislators and other prominent Americans and Germans in Bad Godesberg, Germany. The Senator from Florida (Mr. GURNEY) and the Senator from Maryland (Mr. MATHIAS) were also present at that conference.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of both German and American representatives who attended the conference.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

VI AMERICAN-GERMAN CONFERENCE, JANUARY 22-25, 1970, IN BAD GODESBERG

AMERICAN DELEGATION

Harry B. Anderson, President, Merrill Lynch, Pierce, Fenner & Smith International Ltd.

Dwayne Andreas, Chairman, First Interoceanic Cooperation.

George Ball, former Under Secretary of State; Partner, Lehman Bros.

Francis M. Bator, former Deputy Special Assistant for National Security Affairs to President Johnson; Professor of Political Economy, Harvard University.

Robert Bowie, former Counselor, State Department; Director, Center for International Affairs, Harvard University.

Ralph Brown, former Political Officer, U.S. Embassy, Bonn; Public Relations, Berlin.

Richard Cooper, Professor of Monetary Policy, Yale University.

John Diebold, President, The Diebold Group.

William Diebold, Senior Research Fellow, Council on Foreign Relations.

Klaus Dohrn, Representative of the publisher of Time-Life in Europe.

R. M. Dorman, Vice President, Bechtel International—Construction Engineers.

Christopher Emmet, Executive Vice President, American Council on Germany, Inc.

Philip Geyelin, Editor, Editorial Page, Washington Post.

Harry Gideonse, Chancellor, The New School, N.Y.C.

William Griffth, Professor, Center for International Studies, Massachusetts Institute of Technology.

Senator Edward J. Gurney (R., Fla.).

John Habberton, Director of the Business Council for International Understanding.

Professor Richard M. Hunt, Assistant Dean, Harvard Graduate School of Arts and Sciences.

Herman George Kaiser, Oil Producer.

Joseph Kaskell, Attorney.

Senator Charles Mathias (R., Md.)

Baldwin Maull, Vice Chairman of the Board, Marine Midland Banks, Inc.

John J. McCloy, former High Commissioner to Germany; Attorney, Milbank, Tweed, Hadley and McCloy.

George C. McGhee, former Ambassador of the United States to Germany; Spec. Rep., The Urban Coalition; Chairman, Business Council for International Understanding.

Horst Mendershausen, The Rand Corporation.

Dr. Norbert Muhlen, Journalist.

Vernon F. Neuhaus, Oil Producer.

Senator Charles Percy (R., Ill.).

Congressman Henry Reuss (D., Wis.).

Eugene Rostow, former Under Secretary of State for Political Affairs; Professor, Yale Law School.

Harry Rowen, President, The Rand Corporation.

Joseph Slater, President, The Salk Institute.

Fritz Stern, Professor of History, Columbia University; Institute for Advanced Study, Princeton University.

Shepard Stone, President, International Association for Cultural Freedom, Paris.

Congressman James Symington (D., Mo.).

John W. Tuthill, Director General, The Atlantic Institute, Paris.

Gordon Tweedy, Chairman, C. V. Starr & Co.

Henry Wallich, Professor of Economics, Yale University, Senior Consultant to the Secretary of the Treasury.

Eric M. Warburg, President, E. M. Warburg & Co., Bankers.

Seymour Weiss, Member, Planning and Coordinating Committee, U.S. State Department.

Frederick S. Wyle, former Deputy Assistant Secretary of Defense for European and NATO Affairs; Vice President, Schroeder's, Inc.

OBSERVERS

William Bader, The Ford Foundation.

Dr. Walter Hahn, Institute of Defense Analysis.

Moselle Kimbler, The Ford Foundation.

Hilde Walter, Berlin Representative, American Council on Germany, Inc.

Mr. PERCY. Mr. President, all the legislators attended a dinner session hosted by Chancellor Willy Brandt and certain members of his Cabinet. Certain ministers of the German Government also joined the conference and we exchanged views at that time.

One of the main topics of discussion was the financial problem associated with the NATO defense. After prolonged discussion I saw an encouraging degree of consensus that the common defense problems of NATO urgently require a reevaluation of how the United States and Europe share the financial burden of maintaining the common defense. I found the German participants aware of and sympathetic to the enormous U.S. problems of maintaining the present levels of U.S. forces in Europe. Germans and Americans alike agreed that a full range of new proposals—including a multilateral arrangement to adjust automatically the financial burden within the Alliance which I had been working on with the NATO North Atlantic Assembly—must be thoughtfully and thoroughly developed if a major U.S. force reduction is to be avoided, a reduction which President Nixon has made clear he wishes to avoid if at all possible.

Along with Senator GURNEY and Senator MATHIAS I tried to make it clear to the Germans that the majority of the Senate and the American people are dissatisfied with the present arrangement and that changes must be made in sharing the financial burden or substantial troop reductions will become inevitable.

We attempted to identify areas at the conference where Europeans could pick up the cost burden from the United States. I feel strongly that there are several areas of U.S. military activity in NATO that Europeans should pay for. U.S. operational expenses in Europe are about $3 billion a year of which half, or $1.5 billion, is a balance of payments drain.

These cost assumptions could come in the following areas:

First. Pay for local nationals employed by U.S. forces. These local nationals are actually working for NATO and just happen to be servicing Americans. Why should not the local government not assume their costs?

Second. Construction costs. Buildings built in Europe for American troops certainly are not going to be brought back to the United States if American troops leave. They should be paid for by the host government.

Third. Material and supplies purchased in the local economy for use in that country.

Fourth. Transportation and various other services.

Fifth. Fuel and supplies.

Sixth. Major equipment purchases in the host country for use within the host country.

Seventh. NATO infrastructure expenses. Items such as runways and roads certainly cannot be brought back to this country either.

Just the items I have mentioned above, if picked up by European governments, would save the United States about a billion dollars in budgetary costs, about half of that in Germany alone.

There are certainly other specific areas that can be identified as areas where Europeans should assume the cost of the NATO commitment.

One scandalous area where U.S. expenditures should immediately be stopped is the payment by the United States of taxes to NATO governments for certain services received.

The General Accounting Office—GAO—released a report on January 20, 1970, detailing millions of dollars of tax payments by the U.S. Government to NATO partners for such items as leases of property, rentals of family housing, procurement in the country, and imports. These included real property taxes, local and municipal taxes, business and trade taxes, excise taxes, and import taxes.

GAO believes, and I thoroughly concur, that such tax payments are inappropriate. The United States spends billions to protect other countries and then winds up paying local, State, and national taxes. The U.S. Government does not pay taxes to our own State and local governments. This payment of taxes abroad is a particular problem in the United Kingdom and Germany but also exists in Italy and Belgium. The tax exemption status of U.S. military involvement in NATO certainly needs clarification and I fully support the GAO intention to press forward to eliminate this unfair burden on the United States. It is bad enough to pay interest on loans for NATO but to also pay taxes passes the point of credulity.

I am encouraged by the way the current administration has begun to take hold and approach this whole problem. I referred earlier to the President's desire to have our allies assume a larger share of the burden of common defense. This desire is beginning to be implemented in concrete terms by the formation of an interagency task force to work out a better method of handling NATO expenses. This task force has representatives of State, Treasury, Defense, and the NSC. The administration accepts the concept of Europeans sharing more of the costs of the NATO common defense

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and is now trying to determine the best possible plan to share those costs.

Unless a more satisfactory arrangement can be found, I see no alternative to substantial troop withdrawals from Europe.

I personally believe that some American troops could be brought home from Europe without impairing the security of NATO and the United States. But this should be decided on military and strategic grounds. They should not be forced home because the United States cannot afford to keep them there—and yet this is the precise situation into which we are heading.

Adjustments have to be made in our foreign expenditures. It is my hope that these adjustments can be made with our allies participating in those decisions, but if these financial problems cannot be resolved satisfactorily on a joint basis, then the United States will have to act unilaterally and solve the financial problem by bringing troops home.

Mr. President, the question of our NATO involvement and associated costs is of great importance. I have spoken at length today because I feel that this question concerns all of us in the Congress as well as in this country. I intend to continue my interest and work in this area for I am convinced that unless permanent financial arrangements can be found to pay the cost of U.S. troops in Germany and in Europe, there is no alternative to substantial troop withdrawals from Germany and Europe.

Mr. President, I wish to conclude by stating that if we can Vietnamize the war in Southeast Asia we can Europeanize the defense of Europe. I think we will not get any place in this effort, however, without a definite goal. For purposes of discussion I would simply project the thought that I feel we should work toward a $2 billion reduction in the present $14 billion level of expenditures which is the U.S. cost of our contribution to NATO in the next fiscal year budget. I believe that we should work toward an additional $2 billion reduction as soon thereafter as is possible.

I yield the floor.

DEATH OF FORMER SENATOR RALPH E. FLANDERS

Mr. PROUTY. Mr. President, it is my sad duty to inform my colleagues that my predecessor in the Senate, Ralph E. Flanders, died last night in Springfield, Vt.

Last night when I received word of his death I felt only sadness and loss. Then today as I began to recall Ralph Flanders' life I felt pride that I was able to share a small part in his abundant life. I felt humble that the people of Vermont thought me worthy to be his successor. I felt thankful that the example of his life is before all of us.

Senator Flanders exemplified the unique virtues of our New England. He was a practical and resourceful man. He left formal school at an early age, but never paused in his quest for knowledge. He was at once a scholar, statesman, engineer, inventor, industrialist, economist; truly a "Renaissance man" in our time, whose presence endowed Vermont and New England and our Nation with significant progress and an unparalleled example of the complete life.

To recall the positions Ralph E. Flanders has held in his decades of public service is like looking at the surface of a deep lake. The currents that flow beneath are most important. In his full life he was:

A member of the Vermont Special Investigation Committee.

Member for Vermont of the Interstate Flood Commission.

Member of Vermont State Planning Board.

Vice chairman of the Business Advisory Council.

President of the New England Council.

President of the Federal Reserve Bank of Boston.

Member of the Economic Stabilization Board.

Chairman, research committee, Committee for Economic Development.

U.S. Senator from Vermont.

He brought to each task a zest for life and his enduring conviction that, in his words, "what is practically involved is that we must have respect for people—anywhere on the face of the earth."

He imparted this philosophy to Vermont, New England, the Nation, and the world by the written and spoken word. His speeches and writings are replete with timeless truths and insights. His actions showed remarkable foresight.

I would like briefly to call to your attention an often overlooked episode in Ralph E. Flanders' senatorial career. It is an episode which particularly today serves as a reminder of Ralph Flanders' foresight.

In 1958 Senator Flanders expressed alarm that the Defense Department, unlike other departments, was not required to receive congressional authorizations for specific and often immense expenditures. He sought an amendment requiring such authorizations. It was defeated at that time, but was enacted into law requiring the authorization for aircraft and missiles.

I trust you will agree that this is a most timely reminder of the wisdom and foresight of Ralph E. Flanders. If my or your time permitted, I could fill pages with similar examples of Ralph Flanders' inestimable contributions to our times and people. However, I think it best to close recalling the words of Vermont's immortal poet, Robert Frost, and say that Ralph E. Flanders "took the road less traveled and that has made all the difference" to all of us who have followed.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order of the Senate, morning business is now in order.

The Chair recognizes the Senator from South Dakota (Mr. McGovern).

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROPOSED FACILITIES PROJECTS, AIR NATIONAL GUARD AND AIR FORCE RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature and estimated cost of certain facilities projects proposed to be undertaken for the Air National Guard and the Air Force Reserve (with an accompanying report); to the Committee on Armed Services.

REPORT ON THE FEDERAL PLAN FOR METEOROLOGICAL SERVICES AND SUPPORTING RESEARCH

A letter from the Acting Deputy Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, a report on the Federal Plan for Meteorological Services and Supporting Research, for fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

REPORT ON ACTIVITIES OF THE VETERANS' ADMINISTRATION

A letter from the Administrator, Veterans' Administration, transmitting, pursuant to law, a report of the activities of the Veterans' Administration for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Finance.

REPORT OF BONNEVILLE POWER ADMINISTRATION

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of the Bonneville Power Administration for fiscal year 1969 (with an accompanying report); to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND A MEMORIAL

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

The petition, signed by citizens of the State of Georgia, members of the Hands Across Atlanta Group, Atlanta, Ga., praying for a formal hearing of their grievance in relation to recent court cases involving the State of Georgia and the city of Atlanta, in which the judicial branch allegedly exceeded its constitutional authority and unlawfully seized a legislative prerogative of the Congress when it established percentage quotas based upon race with regard to the composition of student bodies and teaching faculties of various public schools; which petition was referred to the Committee on the Judiciary.

The petition of John Meredith Taylor, of Chevy Chase, Md., praying for a redress of grievances; to the Committee on the Judiciary.

The petition of the New York State Labor Relations Board, New York, N.Y., in the matter of Cornell University and the Association of Cornell Employees-Libraries, et al.; to the Committee on Labor and Public Welfare.

A resolution adopted by the Robert A. Millikan Chapter of the California Junior Statesman of America, remonstrating against

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games conducted by oil companies; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mrs. SMITH of Maine. Mr. President, as in executive session, from the Committee on Armed Services I report favorably 102 flag and general officers in the Air Force, Marine Corps, and Navy. In addition I report favorably the appointment of four second lieutenants in the Marine Corps. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. The reports will be received and the names will be placed on the Executive Calendar, as requested by the Senator from Maine.

The nominations, ordered placed on the Executive Calendar, are as follows:

Lt. Gen. Herman Nickerson, Jr., U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list;

Maj. Gen. Robert L. Petit (brigadier general, Regular Air Force), U.S. Air Force, and sundry other officers, for appointment in the Regular Air Force, in the grade of majors general;

Brig. Gen. Jones E. Bolt (colonel, Regular Air Force), U.S. Air Force, and sundry other officers, for appointment in the Regular Air Force, in the grade of brigadiers general;

Brig. Gen. Maurice F. Casey (colonel, Regular Air Force), U.S. Air Force, and sundry other officers, for temporary appointment in the U.S. Air Force, in the grade of majors general;

Vice Adm. Lawson P. Ranage, U.S. Navy, for appointment to the grade of vice admiral, when retired;

Maj. Gen. Keith B. McCutcheon, U.S. Marine Corps, for commands and other duties determined by the President, for appointment to the grade of lieutenant general while so serving;

Lt. Gen. Henry W. Buse, Jr., Lt. Gen. Lewis J. Field, and Lt. Gen. Frank C. Tharin, U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list; and

Larry E. Beagley, Frank Fraun IV, Thomas L. Ekie, and Dwight R. Rickman (Naval Reserve Officers Training Corps), for permanent appointment to the grade of second lieutenant in the Marine Corps.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PERCY:

S. 3485. A bill to provide for the designation of certain highways as part of the National System of Interstate and Defense Highways; to the Committee on Public Works.

(The remarks of Mr. Percy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BELLMON:

S. 3486. A bill to establish a Commission on Oil Imports as an independent agency of the Government, to authorize the Commission to impose quotas on imports of petroleum and petroleum products, and for other purposes; to the Committee on Finance.

(The remarks of Mr. Bellmon when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. CHURCH (for himself and Mr. Jordan of Idaho):

S. 3487. A bill to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Church when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. WILLIAMS of New Jersey:

S. 3488. A bill to amend the Federal Water Pollution Act, as amended, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. Williams of New Jersey when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MAGNUSON (by request):

S. 3489. A bill to authorize appropriations for certain maritime programs of the Department of Commerce; to the Committee on Commerce.

(The remarks of Mr. Magnuson when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3485—INTRODUCTION OF A BILL DESIGNATING CERTAIN HIGHWAYS AS PART OF THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

Mr. PERCY. Mr. President, today we are faced with a crisis in transportation. This statement is already well accepted because it is based on fact. It will only be a cliche until we take positive steps to meet and overcome the crisis.

In the past, our Nation has seen the challenge and has responded to it. In 1954, then Vice President Richard Nixon, on behalf of former President Eisenhower, presented to the Governor's Conference the basic plan for the completion of the Interstate Highway System. In 1956 and 1958, the Interstate Highway Acts were passed by Congress, and a trust fund was established from which funds could be taken to improve our Nation's interstate highways. These acts have provided answers to some of the transportation challenges with which we have been faced.

Now, however, the challenges still face us, and they demand an appropriate response. We have made a beginning, but it is our responsibility to build upon this basis in an effort to keep pace with the ever-increasing problems of transportation in this Nation. We must continue to search for ways in which we can ameliorate the conditions on our Nation's highways.

Mr. President, in terms of vehicle mileage, highway traffic is increasing at the rate of 4.5 percent per year. It is imperative that we provide measures that will meet this constant growth. One of these necessary measures is the continued inclusion of existing highways into the Interstate System.

I have been in contact with Mr. William F. Cellini, the very able director of the department of public works and buildings of the State of Illinois. He has made a formal request that the following segments of freeway be added to the Interstate System:

FA 61—Illinois 53—FAI 55 to FAI 80, 33 miles.

U.S. 20, Rockford to Dubuque, 93 miles.

Cicero Avenue—Illinois 50—FAI 494 to FAI 80, 13 miles.

Illinois 29, Peoria to FAI 180, 43 miles.

U.S. 51, Rockford to FAI 80, 62 miles.

U.S. 51, FAI 80 to Decatur, 100 miles.

U.S. 51, Decatur to FAI 57 to Salem, 83 miles.

Central Illinois Expressway, Springfield to Quincy 99 miles.

U.S. 24, Quincy to Peoria, 130 miles.

Mr. President, by including these segments into the Interstate System, we will have taken a necessary step in meeting the highway needs with which we are faced. Today, I am introducing a bill which will provide for the inclusion of these segments. I feel that this is necessary not only for the State of Illinois, but also for the Interstate System as a whole because of the strategic location of Illinois in the transcontinental flow of traffic from east to west and from north to south.

It will be to the advantage of all of our citizens to have these extra miles of highway provided for under the Interstate System.

Mr. President, we are faced with a transportation crisis. This will be a continuing problem which we must continue to meet. The measures that I propose today are necessary if we are to keep pace in the heartland of America with the challenges of our Nation's highways.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3485) to provide for the designation of certain highways as part of the National System of Interstate and Defense Highways, introduced by Mr. Percy, was received, read twice by its title, and referred to the Committee on Public Works.

S. 3486—INTRODUCTION OF A BILL TO ESTABLISH A COMMISSION ON OIL IMPORTS

Mr. BELLMON. Mr. President, for the past several months, a great debate has been going on in this country regarding the oil-import program. Charges and counter charges regarding whether or not the program serves the welfare of American consumers and the defense needs of our Nation has been made. There is little point of my taking the time, of the Senate to review these issues, and I do not propose to do so. I firmly believe the oil-import program has served a vitally important function and that it must be preserved.

In addition, speaking as a representative of an oil-producing State, and a former Chairman of the Interstate Oil Compact Commission, I am convinced that the oil industry has met its responsibility to supply this Nation with a reliable supply of low-cost energy and that the industry deserves commendation, not condemnation. In addition, it is almost totally due to the technology and the resourcefulness of the American oil industry that petroleum developments in other parts of the world have been made possible.

Mr. President, I have before me several tables which sum up the record of the petroleum industry and I ask unanimous consent that they be printed in the Record.

There being no objection, the tables were ordered to be printed in the Record, as follows:

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PRICES

Year	Crude oil at well (per barrel)		Natural gas at well (cents per Mcf)	Motor gasoline retail (cents per gallon)		
	Current dollars	Constant 1958 dollars		Excludes tax	Taxes	Total
1950	$2.51	$3.13	6.5	20.08	6.68	26.76
1951	2.53	2.96	7.3	20.31	6.84	27.15
1952	2.53	2.89	7.8	20.24	7.32	27.56
1953	2.68	3.04	9.2	21.28	7.41	28.69
1954	2.78	3.10	10.1	21.56	7.48	29.04
1955	2.77	3.05	10.4	21.42	7.65	29.07
1956	2.79	2.97	10.8	21.57	8.36	29.93
1957	3.09	3.17	11.3	22.11	8.85	30.96
1958	3.01	3.01	11.9	21.47	8.91	30.38
1959	2.90	2.85	12.9	21.18	9.31	30.49
1960	2.88	2.79	14.0	20.99	10.14	31.13
1961	2.89	2.76	15.1	20.53	10.23	30.76
1962	2.90	2.74	15.5	20.36	10.28	30.64
1963	2.89	2.70	15.8	20.11	10.31	30.42
1964	2.88	2.64	15.4	19.98	10.37	30.35
1965	2.86	2.58	15.6	20.71	10.46	31.17
1966	2.88	2.52	15.7	21.57	10.51	32.08
1967	2.91	2.49	16.0	22.55	10.60	33.15
1968	2.94	2.40	16.4	22.93	10.78	33.71
1969	3.06	2.35	16.9	23.85	10.99	34.84

CONSUMPTION

Year	Petroleum demand (thousand B/D)			Percent U.S. energy consumption		
	Domestic	Export	Total	Liquid petroleum	Natural gas (dry)	Total
1950	6,509	305	6,814	39.5	18.0	57.5
1951	7,060	422	7,482	40.3	19.6	59.9
1952	7,283	436	7,719	42.0	21.2	63.2
1953	7,624	401	8,025	42.7	21.6	64.3
1954	7,784	355	8,139	44.3	23.5	67.8
1955	8,493	368	8,861	43.8	23.1	66.9
1956	8,822	430	9,252	44.4	23.4	67.8
1957	8,860	568	9,428	44.4	24.8	69.2
1958	9,146	276	9,422	45.0	26.5	71.5
1959	9,494	255	9,749	45.3	27.6	72.9
1960	9,807	202	10,009	44.8	28.9	73.7
1961	9,985	174	10,159	44.9	29.0	73.9
1962	10,410	168	10,578	44.6	29.5	74.1
1963	10,753	208	10,961	44.2	29.8	74.0
1964	11,032	202	11,234	43.5	30.3	73.8
1965	11,523	187	11,710	43.4	29.8	73.2
1966	12,095	198	12,293	43.2	30.3	73.5
1967	12,569	307	12,876	43.1	31.1	74.2
1968	13,404	231	13,635	43.5	31.3	74.8
1969	14,140	235	14,375	43.5	31.8	75.3

DISCOVERIES (NEW RESERVES FOUND)

Year	Liquid hydrocarbons (million barrels)			Natural gas (trillion cubic feet)	Crude oil per new oil well (barrels)	Natural gas per new gas well (million cubic feet)
	Crude oil	Gas liquids	Total liquids			
1950	2,563	766	3,329	12.0	104,911	4,234
1951	4,414	724	5,318	16.1	188,206	5,313
1952	2,749	557	3,306	14.5	117,465	4,444
1953	3,296	744	4,040	20.9	127,940	5,480
1954	2,873	107	2,980	9.6	96,496	2,423
1955	2,871	515	3,386	22.0	90,949	6,085
1956	2,974	810	3,784	24.8	96,778	5,470
1957	2,425	137	2,562	20.2	84,755	4,364
1958	2,608	858	3,466	19.0	106,111	3,946
1959	3,667	703	4,370	20.8	142,131	4,132
1960	2,365	725	3,090	14.2	111,630	2,696
1961	2,658	695	3,353	17.3	125,965	3,059
1962	2,181	733	2,914	19.6	102,640	3,359
1963	2,174	878	3,052	18.4	107,156	3,877
1964	2,665	609	3,274	20.4	129,243	4,212
1965	3,048	832	3,880	21.5	162,464	4,545
1966	2,964	894	3,858	20.4	176,638	4,650
1967	2,962	930	3,892	22.0	193,228	6,000
1968	2,455	686	3,141	13.8	171,306	3,998
Average 1950-68	2,837	679	3,516	18.3	128,194	4,331

PROVED RESERVES (LIQUID HYDROCARBONS AND NATURAL GAS)

Jan. 1	Liquid hydrocarbons (million barrels)			Natural gas (trillion cubic ft.)	Reserve/production ratio		
	Crude oil	Gas liquids	Total liquids		Crude oil	Total liquids	Natural gas
1950	26,650	3,729	30,379	179.4	13.6	14.1	28.9
1951	25,268	4,268	29,536	184.6	13.0	13.7	26.9
1952	27,468	4,725	32,193	192.8	12.4	13.1	24.3
1953	27,961	4,997	32,958	198.6	12.4	13.1	23.1
1954	28,945	5,438	34,383	210.3	12.5	13.2	22.9
1955	29,561	5,244	34,805	210.6	13.1	13.6	22.5
1956	30,012	5,439	35,451	222.5	12.4	12.8	22.1
1957	30,435	5,902	36,337	236.6	11.9	12.5	21.8
1958	30,300	5,687	35,987	245.2	11.8	12.4	21.4
1959	30,536	6,204	36,740	252.8	12.9	13.5	22.1
1960	31,719	6,522	38,241	261.2	12.8	13.3	21.1
1961	31,613	6,816	38,429	262.3	12.8	13.2	20.1
1962	31,786	7,049	38,835	266.3	12.6	13.0	19.9
1963	31,389	7,312	38,701	272.3	12.3	12.8	20.0
1964	30,970	7,674	38,644	276.2	11.9	12.4	19.0
1965	30,991	7,747	38,738	281.3	11.7	12.2	18.3
1966	31,352	8,024	39,376	286.5	11.7	12.1	17.6
1967	31,452	8,329	39,781	289.3	11.0	11.5	16.5
1968	31,377	8,614	39,991	292.9	10.3	10.9	15.9
1969	30,707	8,598	39,305	287.4	9.8	10.3	14.8

SUPPLY (DOMESTIC PRODUCTION AND TOTAL IMPORTS, THOUSAND BARRELS DAILY)

Year	Domestic production			Imports		Total supply
	Crude oil	N.G.L.	Total	Total	Percent of supply	
1950	5,407	499	5,906	850	13.1	6,758
1951	6,158	562	6,720	844	11.1	7,571
1952	6,256	612	6,868	952	12.2	7,827
1953	6,458	655	7,113	1,034	12.7	8,167
1954	6,343	692	7,035	1,052	13.0	8,110
1955	6,807	772	7,579	1,248	14.1	8,861
1956	7,151	801	7,952	1,436	15.2	9,431
1957	7,170	809	7,979	1,574	16.4	9,595
1958	6,710	808	7,518	1,700	18.3	9,282
1959	7,053	880	7,933	1,780	18.2	9,799
1960	7,035	930	7,965	1,815	18.3	9,926
1961	7,183	991	8,174	1,917	18.7	10,270
1962	7,332	1,021	8,353	2,082	19.6	10,610
1963	7,542	1,098	8,640	2,123	19.4	10,965
1964	7,614	1,155	8,769	2,258	20.1	11,244
1965	7,804	1,210	9,014	2,468	21.1	11,702
1966	8,295	1,284	9,579	2,573	20.8	12,397
1967	8,810	1,410	10,220	2,537	19.4	13,049
1968	9,096	1,503	10,599	2,840	20.6	13,787
1969	9,225	1,585	10,810	3,150	22.1	14,300

PRODUCTIVE CAPACITY (CRUDE OIL AND NATURAL GAS LIQUIDS, THOUSAND BARRELS DAILY)

Jan. 1	Productive capacity			Crude oil capacity		
	Crude oil	N.G.L.	Total	Yearly change	Spare	Percent spare
1954	7,926	744	8,670		1,583	20.0
1955	8,442	778	9,220	+516	1,635	19.4
1956	8,929	825	9,754	+487	1,778	19.9
1957	9,250	850	10,100	+321	2,080	22.5
1958	9,493	880	10,373	+243	2,783	29.3
1959	9,656	930	10,586	+163	2,603	27.0
1960	9,708	967	10,675	+52	2,673	27.5
1961	9,892	1,041	10,993	+184	2,709	27.4
1962	10,081	1,049	11,130	+189	2,749	27.3
1963	10,169	1,090	11,259	+88	2,627	25.8
1964	10,286	1,177	11,463	+117	3,212	31.2
1965	10,534	1,222	11,756	+248	2,730	25.9
1966	10,743	1,281	12,024	+209	2,448	22.8
1967	11,050	1,405	12,455	+307	2,240	20.3
1968	11,218	1,488	12,706	+168	2,123	18.9
1969	11,137	1,586	12,723	−61	1,912	17.2

TOTAL IMPORTS (THOUSAND BARRELS DAILY)

Year	Crude oil	Light products	Subtotal	Residual fuel	Total imports	Percent of total domestic production
1950	487	24	521	329	850	14.4
1951	491	27	518	326	844	12.6
1952	573	28	601	351	952	13.9
1953	648	26	674	360	1,034	14.5
1954	656	42	698	354	1,052	15.0
1955	782	49	831	417	1,248	16.5
1956	934	57	991	445	1,436	18.1
1957	1,023	76	1,099	475	1,574	19.7
1958	953	248	1,201	499	1,700	22.6
1959	966	204	1,170	610	1,780	22.3
1960	1,015	163	1,178	637	1,815	22.8
1961	1,045	206	1,251	666	1,917	23.5
1962	1,126	232	1,358	724	2,082	24.9
1963	1,131	245	1,376	747	2,123	24.6
1964	1,198	252	1,450	808	2,258	25.7
1965	1,238	286	1,524	944	2,468	27.4
1966	1,225	316	1,541	1,032	2,573	26.9
1967	1,128	324	1,452	1,085	2,537	24.8
1968	1,290	430	1,720	1,120	2,840	26.8
1969	1,410	495	1,905	1,245	3,150	29.1

Mr. **BELLMON**. Mr. President, summed up, they show that the oil industry in this counrty is now producing and selling a barrel of crude oil for 16 cents less in constant dollars than was the case 20 years ago. To my knowledge, there is no other major industry that can equal this record of holding down costs to consumers.

These charts also dramatically point up dangerous developments relating to this country's economic development and national security. They show that proven domestic reserves of petroleum have been reduced sharply during the last 20 years. Reserves of crude oil have varied from a 13.6 years' supply in 1950 to a 9.8 years' supply in 1969. Reserves of natural gas have been reduced from a 28.9 years' supply in 1950 to 14.8 years' supply in 1969. Reserves of both are still going down rapidly.

Recent changes in the tax laws of this country and the uncertainty of the oil import program have greatly demoralized the oil and gas industry. Exploration and development appropriations by major oil companies have been drastically reduced from the 1969 level. Independent oil operators who find most of the oil in the continental United States have already begun to follow this trend established by the majors in reducing exploration activities.

Mr. President, the shortage of petroleum reserves in this country was recently brought home to me in a dramatic way. When I visited the city of Akron, Ohio, last week, I found that during a recent cold wave, many of the rubber factories in that city were forced to close because of a lack of natural gas. Also, I discovered that the efforts of electric generating companies in the Great Lakes region to reduce air pollution are being thwarted because no supply of low-sulfur natural gas is available to fuel existing or for planned new generating plants. Since the discovery and development of oil and gas are generally closely related, there is no practical way to increase supplies of natural gas unless economic incentives for overall petroleum exploration exist.

At the same time this serious decline in our Nation's oil and gas reserves is occurring, a concerted attack on the oil import program is underway. This program has operated without major changes during the terms of three Presidents—two Democrats and one Republican. It has served the best interests of this country through several crises and has helped assure consumers of reliable supplies of energy. Its continuation is not a partisan matter, but rather a matter of enormous national importance for both economic and national defense reasons.

Those who oppose the oil import program point to theoretical temporary savings to American consumers which might result if this Nation dismantled its petroleum-producing industry and permitted unlimited imports of crude oil from Middle East sources. They fail to point out that similar savings would theoretically temporarily result if this Nation dismantled any of its other major industries and became dependent upon foreign sources of steel, textiles, dairy products, automobiles, or shoes, or other products from low-wage, low-income parts of the world.

Mr. President, in my opinion, the criticism which the oil import program now faces has been brought about largely because no procedure for public review exists. Public debate and disclosure of facts relating to oil import decisions would have produced a much greater understanding on the part of American consumers and on the part of Government officials who are charged with decisions relating to the welfare of our country. I believe that a regular public review of the energy needs of this Nation and the process whereby these needs are met by domestic and imported petroleum products will resolve much of the misunderstanding and confusion which presently surrounds the oil import program.

For these reasons, I am introducing a bill to establish a Commission on Oil Imports as an independent agency of the Government, to authorize the Commission to impose quotas on imports of petroleum and petroleum products, and for other purposes. The bill also establishes a joint congressional committee which is authorized to examine and exercise oversight on the entire question of imports.

Basically, this legislation is tailored after the statute which established the Atomic Energy Commission and the joint congressional committee which has oversight in the operation of that agency. In my discussion with individuals and companies which were active in atomic energy actvities, I have become convinced that this Nation's success in meeting the challenges which the country faced in the atomic energy field has been greatly enhanced by the decision and direction inherent in the structure of the Atomic Energy Commission and to the congessional oversight which the Joint Committee on Atomic Energy provides. I strongly feel that a similar structure and a similar approach to the oil import program will succeed in clearing away much of the misunderstanding and confusion which now exists and in bringing the stability which this Nation's economic and national defense interests require.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred.

The bill (S. 3486) to establish a Commission on Oil Imports as an independent agency of the Government, to authorize the Commission to impose quotas on imports of petroleum and petroleum products, and for other purposes, introduced by Mr. BELLMON, was received, read twice by its title, and referred to the Committee on Finance.

S. 3487—INTRODUCTION OF A BILL FOR COEUR D'ALENE INDIAN TRIBAL LAND CONSOLIDATION

Mr. **CHURCH**. Mr. President, on behalf of myself and my colleague from Idaho (Mr. JORDAN), I introduce for appropriate reference a bill to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes.

This is a land consolidation bill which is introduced at the request of the tribe, and provides that the tribe, through action by or approval of the Secretary of the Interior, may sell, exchange, or mortgage tribal land. This authority, particularly to sell or exchange, is a necessity to a meaningful land consolidation program.

The tribe owns isolated tracts of land surrounded by non-Indian land, which may be of great value to adjacent owners, but because of their isolation is of little value to the tribe. Sale proceeds from such tracts can be used to acquire other tracts adjacent to or checkerboarded within tribal land holdings, making for more economical, manageable units. The tribe needs the right to sell or exchange also to assist tribal members in consolidating and unifying their individual interests.

Mr. President, I believe this bill to be essential for the welfare of the Coeur d'Alene Indian Tribe, and I hope it will receive early consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3487) to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes, introduced by Mr. CHURCH, for himself and Mr. JORDAN of Idaho, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3488—INTRODUCTION OF THE NATIONAL MARINE WATERS POLLUTION CONTROL AND QUALITY ENHANCEMENT ACT OF 1970

Mr. WILLIAMS of New Jersey. Mr. President, the residents of New Jersey and I am sure, all the people of this country, are alarmed over reports made public last week indicating that millions of tons of sewage sludge and highly contaminated harbor dredging are being dumped annually into the Atlantic Ocean just 4 miles off the New Jersey coast. And this constitutes only a part of such dumping. New York City and other communities on the other side of the Hudson River dump at least twice as much sludge as from New Jersey. In addition similar waste discharges are made in the Delaware Bay affecting not only the Jersey coast but the shorelines of Pennsylvania, Delaware, and Maryland.

It shocks me that this dumping at sea has been going on for the past 40 years. Yet, we have ignored or minimized the consequences of such action.

Sludge from New York harbor has been found not to decompose because of the need for oxygen, the cold water temperatures, and indrifting back to our beaches.

A preliminary report on this subject by the Chief of the Branch of Fish Ecosystem Research of the U.S. Bureau of Sports Fisheries and Wildlife was published in the October 1969 issue of the SFI bulletin of the Sport Fishing Institute. It makes clear that the dumping of sewage sludge is having a tragic effect on the marine environment and beach ecology—with particular reference to the sea off Sandy Hook. I ask unanimous consent, Mr. President, that the two reports of these investigations, which appeared in the SFI bulletin, be printed in the RECORD at this point.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

REFUSE DISPOSAL AT SEA?

The August 1969 issue (No. 207) of the SFI Bulletin (Washington, D.C.) carried a preliminary summary of a five-year study by researchers at Harvard University's School of Public Health (HUSPH) and the University of Rhode Island's Graduate School of Oceanography (URIGSO) on the feasibility of high-seas incineration and dumping of garbage and other wastes. The HUSPH-URIGSO studies indicated that such a disposal procedure for urban domestic wastes, assuming effective incineration and dumping in depths between 100 and 200 feet, would not cause significant damage to fish, beaches, ships, or traffic.

Results of the studies indicated little or no toxicity to a series of representative marine organisms from expected incinerator residues or ash, and that beaches would not be fouled by residue drift. Dr. Melvin W. First (HUSPH) recently told the U.S. Senate Subcommittee on Air and Water Pollution (in part, emphasis added) that ". . . *It appears practical, therefore, to utilize the vast assimilative capacity of ocean waters and the ocean atmosphere to solve a troublesome urban problem. Studies show this can be done without polluting the environment, decreasing the recreational use of the waters or interfering with commercial and sport fishing.*"

As a result of the preliminary summarization by the Sport Fishing Institute (SFI) of the HUSPH–URIGSO findings on its study of refuse disposal at sea, the Institute has been advised of another study of the effects of waste disposal on offshore marine environments in progress at the Sandy Hook (New Jersey) Marine Laboratory of the U.S. Bureau of Sport Fisheries and Wildlife (USBSFW). The research, being supported by the U.S. Army, Corps of Engineers, is centered on the sewage sludge and acid waste disposal areas in the New York Bight. In a summarization of progress to date, Mr. J. Bruce Kimsey, Chief of the Branch of Fish Ecosystem Research of the USBSFW (Washington, D.C.), reported to SFI that their "initial findings are not nearly so favorable as those reported by the Harvard group."

According to Mr. Kimsey's report to the Sport Fishing Institute, benthic collections made in the sewage disposal area of the New York Bight show that an area of 15 to 20 square miles is largely impoverished of normal benthic life. Samples taken during December, January and February, 1969, indicate that during winter storms sludge deposits moved one to two miles westward and sands to the east of the sludge deposit area were carried onto the sludge beds. Some animals living in these sands were moved with the sediments to the sludge beds. Recently dead shells and tubes suggest that these organisms are killed when they come in contact with the sludge deposits. Sections made through grab samples show a layering of sludges and clean sands; there is no evidence of normal burrowing or reworking activities in these stratified sediments.

Judging from sediment analysis and bathymetry, Kimsey advised the SFI, the sewage sludge deposit area before contamination with sludges almost certainly contained the same fauna as the more productive areas of the Hudson Canyon. As a consequence of the sludge this area has become almost sterile, he said. Three different benthic samples have contained insect larvae which probably represent species indigenous to sewer processing sludge ponds. This, and numerous intact artifacts, suggest that at least on occasion sewer sludges are not completely processed before being carried to sea. It seems unlikely that the larvae could have any origin other than incompletely or untreated sludges.

During January, 1969, examination was made of returns of seabed drifters and drift bottles that had been released monthly at Ambrose Lightship and during Sandy Hook aerial surveys of the continental shelf from 1966 to 1967—where the aerial drops had been made about 10 miles to the east of the waste disposal area. The pattern of return, Kimsey noted, indicates a general movement of seabed drifters to the north and northeast during late fall to early spring and a movement to the northwest and west in late spring and summer. Since no surface drift bottles were recovered, these presumably had moved offshore in the winter and to the northeast in the spring and summer.

The returns from the bottom drifters and bottles distributed from October, 1968 to March, 1969, indicate a strong movement of bottom water from the waste disposal area to Long Island, N.Y. beaches. By May, 1969, 63 of 100 seabed drifters released on October 31, 1968, had been recovered between Rockaway and Fire Island, N.Y. Similar releases during November and December, 1968, had resulted in fewer but still significant returns from the same area. No bottles were recovered.

In February and March, 1969, the study area was expanded to include 19 stations covering an area of 450 square miles. Ten bottom drifters and 10 surface bottles were released and a temperature-salinity profile was recorded monthly. Seabed drifters released 2 miles off New Jersey in January and February moved in a northwest direction onto Sandy Hook beaches. Other drifters released 2 miles off Long Island were carried in a WNW direction onto Sandy Hook beaches.

Further evidence to support the results of the seabed drifter returns, Kimsey stated, is given by the pattern of temperature and salinity which indicates that during February bottom water in the Hudson Gorge was moving due north and onto the Long Island beaches.

Preliminary analysis of sediments for heavy metals indicates an unusually high content of iron and chromium in sediments from the sludge disposal area. Bottom water samples are collected at selected stations and sent to Cincinnati (FWPCA Water Quality Laboratory) to analyze for 19 trace elements using a distribution of these materials in relationship to the sludge and the industrial waste disposal areas.

The levels of phosphates and nitrates at 16 stations have been investigated. Phosphate levels have been consistent throughout the period January 1, 1969, to March 31, 1969, and are comparable to winter levels in other temperate marine environments. Nitrates have also been consistent from station to station through the same period. There do not appear to be any significant differences in levels of these nutrients between the sewage sludge disposal area, the acid grounds and apparently unpolluted areas.

Levels of particulate iron vary from station to station. High values were always associated with the center of acid dumping activity. Soluble iron forms about 10 per cent of the total iron in most samples.

The total number of dominant zooplankton organisms have averaged 30 per cent less in samples taken in the acid waste disposal area when compared with samples collected outside of the "acid grounds." Kimsey indicated that phytoplankton blooms have occurred during the past quarter (July–August, 1969), but no quantitative data are available.

The fish ecosystems research chief, J. Bruce Kimsey, summarized the import of these interim findings from the USBSFW study in these words: "It appears from these preliminary but substantial observations that the dumping of sewage sludge is in this instance detrimental to the marine environment and also of some danger to beach ecology and use. Dr. First's suggestion to utilize the vast assimilative capacity of ocean water and ocean atmosphere to solve a troublesome urban problem needs some further qualifying remarks. It also appears that some of this urban problem being deposited in the New York Bight is coming right back to the beaches of the same urban areas."

Mr. WILLIAMS of New Jersey. The interim progress report of the U.S. Marine Laboratory at Sandy Hook, N.J., has now been completed and its results made public only a few days ago. It points out, for example, that some currents move toward the shore and could take wastes discharged 20 miles out to sea back to the Jersey coast or the coasts of our sister States. The dumping ground has grown into a "dead sea" of about 20 square miles. The health, indeed the lives, of persons who eat fish from these waters and who swim off nearby beaches are needlessly endangered by such action. And this is not to mention the damage which is done to the ocean environment and our commercial fishing industry.

Mr. President, I have carefully reviewed existing and pending Federal legislation to determine whether it is adequate to deal with the problem of waste disposal at sea. I find it is not. Accordingly, I have prepared a bill which would amend the Federal Water Pollution Control Act, as amended, to cope with this problem on a nationwide basis.

The Water Quality Improvement Act passed by the Senate on October 8, 1969, provides very strong and effective measures to prevent, control, and clean up oil discharges into the navigable waters of the United States and the waters of the contiguous zone. I am pleased to read in the New York Times of February 17, 1969, that certain Members of the House, after viewing the effects of an oil spill in Tampa Bay, Fla., are now coming around to accepting the stiffer and more effective provisions of the Senate-passed bill developed by the bipartisan efforts of the Air and Water Pollution Subcommittee chaired by Senator Muskie. I hope that this change in position will lead to a quick conclusion of the conference and enactment of this vital bill which the President neglected to even mention in his environmental message. Possibly this is because the administration on April 3, 1969, in a letter signed by the Under Secretary of the Interior, indicated its approval and recommended passage of the proposed legislation in the House which contained less stringent requirements than those found in the Senate bill.

The bill which I have introduced today supplements the Water Quality Improvement Act to cover wastes of all other kinds or description.

My bill would:

Apply to the discharge of wastes not just off the coast of New Jersey, but those off the coasts of all States;

Permanently prohibit waste discharges into the waters of the contiguous zone—that 9-mile belt surounding our territorial sea established by the United States under article 24 of the Convention of the Territorial Sea and the Contiguous Zone;

Prohibit waste discharges into or upon waters beyond the contiguous zone, except under the regulations promulgated by the Secretary or unless otherwise permitted under the act;

Provide for the issuance of regulations by the Secretary of the Interior governing the discharge of wastes into waters beyond the zone and for the designation of water areas where such controlled discharges are permitted;

Establish procedures, including public hearings, for the promulgation of such regulations which will give full consideration to all environmental needs and protect the quality of the waters;

Give the Governor of each State the right to halt the issuance of such regulations on the basis that they would permit discharges of wastes into waters beyond the contiguous zone which would adversely affect the public health or welfare of the waters, shorelines, or natural resources of that State;

Authorize the continuance of waste discharges now permitted under law pending issuance of such regulations, only if such discharges are made at least 100 or more nautical miles from the United States, and authorize grants to States and municipalities to cover increased costs incurred by this restriction;

Make available to the States and municipalities grants for the transporting and discharge of wastes beyond the contiguous zone so long as these wastes receive the most advanced treatment possible in order to prevent any damage to the ocean waters and the total environment;

Provide civil penalties against owners or operators who fail to comply with the requirements of this legislation to be enforced and assessments to be made by the Coast Guard;

Provide for the monitoring of waste discharges; and

Provide for the study, collection, evaluation, and periodic publication of waste discharges and other environmental data concerning these waters.

In 1965 the Environmental Pollution Panel of the President's Science Advisory Committee recommended that:

> Issuance by the U.S. Army Corps of Engineers of permits for dredging and decisions concerning the Corps' own operations, be conditioned on the anticipated effects on other resources, both in the areas from which spoil is removed and in those where it is deposited.

The time has come to follow through on that recommendation.

Certain Members of the New Jersey delegation in the House have sponsored legislation which would prohibit the Corps of Engineers from granting licenses authorizing waste discharges into the waters of the New York Bight or within a 25 mile radius of the Ambrose Lighthouse. Governor Cahill of New Jersey has called for prompt action to stop the dumping of sludge where it is likely to destroy the sea and its ecology. I applaud the forthright stand taken by those New Jersey public officials. The legislation which I have proposed today should accomplish those very purposes until we realize the ultimate goal of phasing out ocean dumping as a regularly accepted method of disposal of sewage sludge and other toxic materials.

Yesterday, the Army Corps of Engineers declared that it could not make any immediate decision requiring that sewage sludge and other industrial waste be discharged at least 100 miles out in the Atlantic. Corps officials stated that New Jersey and New York officials were living in "ivory towers" because they did not understand the enormous cost and logistical impossibility of dumping wastes further out to sea. The legislation which I offer today lends strong support to the efforts of Governor Cahill and New Jersey Congressmen to change the present situation. I cannot accept the arguments of the Corps of Engineers and the program established under my bill should make corps officials realize that we mean business.

Earlier this week I joined with several other of my colleagues to cosponsor the Coastal Zone Management Act of 1970, designed to fill the void of a national policy and planning mechanism to provide effective management, beneficial use, proper protection, and balanced development of the air, land, and marine resources of the Nation's coastal zone. My bill, the National Marine Waters Pollution Control and Quality Enhancement Act of 1970, will further that objective. I am hopeful that during the upcoming water pollution control hearings of the Air and Water Pollution Subcommittee, this legislative proposal will receive favorable consideration. Action must be taken now to preserve one of the truly great natural resources—our oceans.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3488) to amend the Federal Water Pollution Act, as amended, and for other purposes, introduced by Mr. Williams of New Jersey, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 3488

Be it enacted by the State and House of Representatives of the United of America in Congress assembled, That this Act may be cited as the "National Marine Waters Pollution Control and Quality Enhancement Act of 1970."

Sec. 2. The Federal Water Pollution Control Act, as amended, is further amended by amending section 17 to read as follows:

"MARINE WATERS POLLUTION CONTROL AND QUALITY ENHANCEMENT

"Sec. 18. (a) The Congress finds and declares that

"(1) in the pursuit of solving significant problems involving the disposal of municipal,

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industrial, and other wastes, man has turned to the sea;

"(2) man, realizing the potentially vast assimilative capacity of ocean waters, is disposing of treated, untreated, and inadequately treated wastes into the sea;

"(3) recent studies indicate that the largely uncontrolled discharge of wastes into the waters of the contiguous zone and the sea and beyond is degrading the quality of the marine environment and threatens to pollute the navigable waters of the United States and adjoining shorelines; and

"(4) it is therefore the purpose of this section to provide means and measures to control the discharge of wastes transported by any means from areas within the United States and to protect and enhance the quality of the marine environment.

"(b) For the purpose of this section, the term

"(1) 'wastes' means matter of any kind or in any form;

"(2) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(3) 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

"(4) 'onshore or offshore facility' means any facility of any kind and related appurtenances thereto located in, on, or under, the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States or lands of the outer continental shelf of the United States, which is used or capable of being used for the purpose of transporting or discharging wastes;

"(5) 'United States' and 'State' include a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means, as the context requires, any person, subject to the jurisdiction of the United States, owning, operating, or chartering by demise, a vessel, or owning or operating an onshore or offshore facility;

"(7) 'person' includes an individual, firm, corporation, partnership, association, State, municipality, and other political subdivision of a State; and

"(8) 'contiguous zone' means the entire zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

"(c)(1). No owner or operator shall discharge or cause or contribute to the discharge of wastes from any vessel, except sewage discharged from marine sanitation devices, or from any onshore or offshore facility into or upon the waters of the contiguous zone.

"(2) No owner or operator shall discharge or cause or contribute to the discharge of wastes from any vessel, except sewage discharged from marine sanitation devices, or from any onshore or offshore facility into or upon waters beyond the contiguous zone, unless permitted by the Secretary, by regulations, promulgated under this section, or unless as permitted under this section.

"(3) Any owner or operator who violates paragraph (1) or (2) of this subsection or any regulation issued under this section shall be assessed a civil penalty of not more than $10,000 for each violation. Each occurrence of a violation may constitute a separate offense. A civil penalty shall be assessed by the Secretary of the department in which the Coast Guard is operating only after the person charged with a violation under this section has been given an opportunity for a public hearing and such Secretary has determined, by decision incorporating his findings of fact therein, that a violation did occur, and the amount of the penalty which is warranted, and incorporating, when appropriate, an order therein requiring that the penalty be paid. Any hearing under this section shall be of record and shall be subject to section 554 of title 5 of the United States Code.

"(4) If the person against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, such Secretary shall file a petition for enforcement of such order in any appropriate district court of the United States. The petition shall designate the person against whom the order is sought to be enforced as the respondent. A copy of the petition shall forthwith be sent by registered or certified mail to the respondent and thereupon such Secretary shall certify and file in such court the record upon which such order sought to be enforced was issued. The court shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order and decision of such Secretary or it may remand the proceedings to such Secretary for such further action as it may direct. The court shall consider and determine de novo all relevant issues. On the basis of the jury's findings, the court shall determine the amount of the penalty to be imposed. Subject to the direction and control of the Attorney General, as provided in section 507(b) of title 28 of the United States Code, attorneys appointed by the Secretary may appear for and represent him in any action to enforce an order assessing civil penalties under this paragraph.

"(d)(1) Within one hundred and eighty days after the effective date of this section and from time to time thereafter, the Secretary shall, consistent with the purposes of this section and with maritime safety and marine and navigation laws, issue proposed regulations governing the discharge of wastes by any owner or operator of a vessel or onshore or offshore facility into or upon all or any portion or portions of the waters beyond the contiguous zone. Such regulations shall establish the quantities, times, locations, circumstances, and conditions of such discharges and shall designate the area of such waters where such discharges may be permitted. Such regulations shall be such as to protect the public health and welfare and enhance the quality of the waters and shall take into consideration the latest available scientific data, temperature and salinity of the waters, currents, type of wastes to be discharged, seasons of the year, and other environmental factors. Such regulations shall be consistent with maritime safety and with marine and navigation laws.

"(2) Such regulations shall be published in the Federal Register and shall afford interested persons a period of not less than thirty days thereafter to submit written data or comments. Except as provided in this subsection, the Secretary may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such regulations with such modifications as he deems appropriate.

"(3) On or before the last day of any period fixed for the submission of written data or comments under paragraph (2), any interested person may file with the Secretary written objections to a proposed regulation, stating the grounds therefor and requesting a public hearing on such objects. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed regulations to which such objections have been filed and hold a public hearing to receive relevant evidence. Within sixty days after completion of the hearings, the Secretary shall make findings of fact which shall be public. The Secretary may promulgate such regulations with such modifications as he deems appropriate. In the event the Secretary determines that a proposed regulation should not be promulgated or should be modified, he shall within a reasonable time publish the reasons therefor.

"(4) The Secretary shall not promulgate any regulations or part thereof to which the Governor of any State has filed written objections on the basis that such regulations will permit discharges of wastes into or upon waters beyond the contiguous zone which will adversely affect the public health and welfare or the waters, shorelines, or natural resources of such State.

"(5) Whenever waste discharges under regulations issued under this subsection are permitted, such wastes and the effects on the environment shall be monitored for such periods as may be appropriate by the owner or operator permitted to make such discharges at his expense and the reports thereof shall be available to the public.

"(e) Pending the promulgation of regulations pursuant to subsection (d) of this section designating water areas beyond the contiguous zone where wastes may be discharged, any owner or operator of a vessel or onshore or offshore facility authorized under any other provision of law on the effective date of this section to discharge wastes into the waters beyond the contiguous zone may continue to discharge such wastes, except that such owner or operator shall not discharge such wastes within 100 nautical miles of the United States. The Secretary shall provide financial assistance in the form of grants to any municipality, State, or other political subdivision of a State to cover any actual increase in costs incurred by such municipality, State, or other political subdivision thereof in complying with the provisions of this subsection and the Secretary shall promptly act to establish reasonable procedures for determining such costs and providing such assistance.

"(f) In furtherance of the purpose of this Act, the Secretary shall from time to time study, collect, evaluate, and publish data on water temperatures and salinity, currents, waste discharges, the effects of such discharges on the environment, and such other information as he deems appropriate. The Secretary may enter into contracts with, and make grants to, public and private agencies and organizations and individuals in carrying out the provisions of this subsection. No research, demonstrations, studies, or experiments shall be carried out, contracted for, sponsored, cosponsored, or authorized under this Act, unless all information, uses, products, processes, patents, and other developments resulting therefrom, with such exception and limitation, if any, as the Secretary may find to be necessary in the public interest, be available to the general public.

"(g) The Secretary shall make grants available to any State, municipality, or other political subdivision of a State in the percentages specified in section 8 of this Act for the construction of treatment works annually to provide financial assistance to them for the costs of transporting on, and discharging from, vessels' wastes into or upon waters beyond the contiguous zone in accordance with applicable regulations issued under this section. The Secretary shall not provide any such financial assistance unless he determines that such wastes will receive in order to prevent any damage to such waters and the total environment, treatment before such discharge by means and measures that utilize the most advanced treatment technology available.

ADDITIONAL COSPONSORS OF BILLS

S. 1808

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the

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Senator from Montana (Mr. METCALF) be added as a cosponsor of S. 1808, to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2193

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Michigan (Mr. HART) be added as a cosponsor of S. 2193, to provide a Federal occupational health and safety program for American working men and women.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2513

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Oregon (Mr. PACKWOOD) I ask unanimous consent, that at the next printing, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Oklahoma (Mr. BELLMON) be added as cosponsors of S. 2513, to provide for the mailing of absentee voting matter free of postage.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2802

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from Virginia (Mr. SPONG) be added as a cosponsor of S. 2802, to assist the States in establishing coastal zone management program.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3074

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. HARTKE) be added as a cosponsor of S. 3074, the Consumer Products Guaranty Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3223

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Texas (Mr. TOWER) and the Senator from Nebraska (Mr. CURTIS), be added as cosponsors of S. 3223, to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3464

Mr. BELLMON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Tennessee (Mr. BAKER) be added as cosponsors of S. 3464, to redesignate the Senate Office Building and the additional Senate Office Building as the "Everett McKinley Dirksen Building" and the "Alben William Barkley Building," respectively.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF A RESOLUTION

S. RES. 313

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Oregon (Mr. PACKWOOD), I ask unanimous consent that, at the next printing, the names of the Senator from Maine (Mr. MUSKIE) and the Senator from Massachusetts (Mr. KENNEDY) be added as cosponsors of Senate Resolution 313, relating to the detoxification and destruction of chemical warfare weapons.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRENGTHENING AND IMPROVEMENT OF FOOD SERVICE PROGRAMS FOR CHILDREN—AMENDMENTS

AMENDMENTS NOS. 508 AND 509

Mr. JAVITS (for himself, Mr. KENNEDY, Mr. MCGOVERN, Mr. HART, Mr. MONDALE, Mr. YARBOROUGH, Mr. PERCY, Mr. COOK, and Mr. PELL) submitted two amendments, intended to be proposed by them, jointly, to the bill (S. 2548) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts, which were ordered to lie on the table and to be printed.

(The remarks of Mr. JAVITS when he submitted the amendments appear later in the RECORD under the appropriate heading.)

AMENDMENTS NOS. 510 THROUGH 512

Mr. MCGOVERN (for himself, Mr. HART, Mr. JAVITS, Mr. PERCY, Mr. YARBOROUGH, Mr. COOK, Mr. MONDALE, Mr. KENNEDY, and Mr. PELL) submitted three amendments, intended to be proposed by them, jointly, to Senate bill 2548, supra, which were ordered to lie on the table and to be printed.

(The remarks of Mr. MCGOVERN when he submitted the amendments appear later in the RECORD under the appropriate heading.)

NOTICE OF HEARINGS ON S. 2695, H.R. 4183 AND H.R. 4184

Mr. EAGLETON. Mr. President, as chairman of the Fiscal Affairs Subcommittee of the Senate Committee on the District of Columbia, I wish to give notice that the hearings on S. 2695, to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the White House Police force, and of certain officers and members of the U.S. Secret Service, on H.R. 4183, to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits, and on H.R. 4184, to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability, will be held on February 26, 1970. The hearings will begin at 10 o'clock in the morning in room 6226 of the New Senate Office Building.

Persons wishing to testify on this legislation should notify Mrs. Edith Moore at the Senate District Committee in room 6218 of the New Senate Office Building.

POSTPONEMENT OF HEARINGS ON SANTA BARBARA OIL BILLS

Mr. MOSS. Mr. President, it is with regret that I announce the postponement of public hearings scheduled by the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior and Insular Affairs Committee for February 24 and 25 on four bills growing out of the tragic oil leak last year on a Federal lease off Santa Barbara, Calif.

These bills are S. 1219, S. 2516, S. 3093, and S. 3351.

Next week's hearings have been postponed at the request of the Department of the Interior to enable the Department, with other agencies concerned, to work out its statement of policy and program for prevention of any recurrences of such misfortune as the Santa Barbara spill, and to ameliorate its effects if one should occur.

The field hearings in Santa Barbara on the four measures sponsored by the Senators from California will be held as scheduled; namely, March 13 and 14. After these field hearings we will reschedule the hearings in Washington which we are now postponing.

The PRESIDING OFFICER. Is there further morning business?

TEMPORARY EMERGENCY ASSISTANCE TO PROVIDE NUTRITIOUS MEALS TO NEEDY CHILDREN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 700, H.R. 11651.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 11651) to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

That the National School Lunch Act (42 U.S.C. 1752) is amended by inserting after section 13 the following new section:

"TEMPORARY EMERGENCY ASSISTANCE TO PROVIDE NUTRITIOUS MEALS TO NEEDY CHILDREN IN SCHOOLS

"SEC. 13A. Notwithstanding any other provision of law, under such terms and conditions as he deems in the public interest, the Secretary of Agriculture is authorized to use an additional amount, not to exceed $30,000,000, of funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to supplement funds heretofore made available to

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carry out programs during the fiscal year 1970 to improve the nutrition of needy children in public and nonprofit private schools participating in the national school lunch program under this Act or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)."

Mr. MATHIAS. Mr. President, I wish to comment on the urgency which is involved in the passage of this measure. It is an emergency measure, urgently needed because in a number of localities around the country, and specifically in my own State of Maryland, an emergency situation has arisen.

I wish to thank the distinguished minority and majority leaders and the distinguished chairman of the Committee on Agriculture and Forestry (Mr. ELLENDER) for their prompt action in bringing H.R. 11651 to the floor.

This legislation is needed to assure that thousands of schoolchildren in Maryland and 33 other States will continue to receive nutritious school lunches daily.

Maryland expanded its effort to provide school lunches to needy children in the fall of 1969. By last October, Maryland schools served an average of 44,558 free lunches a day, compared to only 8,794 per day in October 1968. For many of the children, lunch is the only dependable, nutritious meal of the day.

Because of its expanded efforts, Maryland needs $1,030,864 in additional Federal assistance to continue serving these lunches. H.R. 11651 would amend the National School Lunch Act and authorize the Secretary of Agriculture to transfer up to $30 million of section 32 funds to allow Maryland and the other States to continue serving lunches for the remaining 4 months of the school year.

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The Agriculture Department supports this legislation. In a letter to Chairman ELLENDER, Mr. J. Phil Campbell, Under Secretary of the Department, wrote:

> In an earlier report we supported the objectives of this legislation but expressed our view that the level of funding contained in the Department's 1970 appropriation would be sufficient to carry out the objectives without further funding. It has now become apparent that some States are making even better progress than we had expected in providing free and reduced price lunches for needy children. Because the States' estimates of their needs for the balance of this year are based on their experience and progress in implementing this program, rather than their population, we recommend that the Secretary be given authority to allocate these additional funds on the basis of demonstrated performance.

The Bureau of the Budget agrees with the Department of Agriculture that the best vehicle for providing this money is by additional transfer authority provided in H.R. 11651.

The Committee on Agriculture and Forestry and our distinguished leadership have promptly responded to my pleas for fast action on this measure.

On Wednesday my senior colleague (Mr. TYDINGS) and I asked Senator ELLENDER for any assurance he could give to the people of Maryland that this bill would be reported out of the committee in sufficient time to secure Senate and final House agreement before the schools of Maryland run out of funds. Today the bill is before us. I feel confident that my colleagues in this body share my concern that all America's children receive a nutritious lunch throughout the school year. I ask that this concern be demonstrated by approving H.R. 11651 and assuring continuance of the school lunch program in Maryland and the other States.

Mr. President, I have here the Department of Agriculture's compilation of State requests for additional funds to continue their school lunch programs for the remainder of the fiscal year. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. Department of Agriculture, Food and Nutrition Service—State agencies' requests for additional funds for free or reduced price lunches, as of Feb. 6, 1970, over amounts allocated for fiscal year 1970

Alabama	$1,200,000
California	569,236
Colorado	37,607
Connecticut	25,352
Delaware	11,060
Florida	1,889,998
Georgia	2,685,829
Illinois	3,995,763
Indiana	112,067
Iowa	176,308
Kentucky	234,665
Maine	336,495
Maryland	1,030,864
Massachusetts	26,853
Michigan	24,366
Minnesota	80,132
Missouri	121,225
Montana	15,116
New Hampshire	11,492
New Jersey	301,872
New Mexico	78,800
New York	5,313,112
North Carolina	13,738
Oklahoma	1,100,538
Oregon	60,671
Pennsylvania	145,800
Rhode Island	34,433
South Carolina	612,228
Tennessee	263,180
Utah	59,251
Vermont	19,935
Virginia	948,408
Washington	292,780
West Virginia	1,764,981
Total	23,594,205

Mr. MANSFIELD. Mr. President, the Senior Senator from Texas, Senator YARBOROUGH, is necessarily absent today. However, he has a longstanding interest in the school lunch program and has a statement on this pending bill. I ask unanimous consent that Senator YARBOROUGH's statement and a letter therewith be printed in the RECORD at this point.

There being no objection, the statement by Senator YARBOROUGH and letter were ordered to be printed in the RECORD, as follows:

ADDITIONAL FUNDS NEEDED FOR SCHOOL LUNCH PROGRAMS

Mr. YARBOROUGH. Mr. President, on February 9, 1970, I received a letter from Mr. Charles M. Hicks, Director of the School Lunch Program in the State of Texas. This letter gives clear indication of why the Senate should pass the pending measure offered by the Senator from Maryland, Mr. MATHIAS.

The situation in Texas, I am sure, is similar to the situation in many states. The School Lunch Program in Texas has been able to operate within its budget only by denying school lunches to some of the children who would be eligible under existing law. This is an intolerable situation and one which we should remedy immediately. I urge passage of this measure. And I commend the following letter from Mr. Hicks to the attention of the Senate.

TEXAS EDUCATION AGENCY,
Austin, Tex., February 5, 1970.

Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: This is in reply to your telegram of February 4, 1970. We budgeted our funds for the National School Lunch and Child Nutrition Program in accordance with the amount of funds appropriated by Congress. We expect to have funds until the end of the year.

We can use additional funds for needy children especially in the cities. The schools have more requests for free lunches than funds are available. Additional funds should be made available as soon as possible in order to start feeding needy children at an early date. I estimate that Texas will need $1,000,000 in additional Section 32 funds in order to supply all of the legitimate requests for free lunches.

Sincerely yours,

CHAS. M. HICKS,
Chief Consultant, School Lunch Program.

Mr. PERCY. Mr. President, I am exceedingly gratified that we are considering today legislation that will provide $30 million in emergency funds for the continuation of the free and reduced price school lunch program. The Illinois program is in great jeopardy and would have to be greatly curtailed or eliminated if this bill were not enacted.

Illinois has done an excellent job in increasing participation in the free and reduced price school lunch program this year. Approximately 150,000 hungry children are now able to receive a nourishing meal at school. The city of Chicago alone provides a lunch for nearly 115,000 children and has applied for funds to feed another 8,000 to 9,000 in schools which have recently opened. For all too many of these children, the free lunch they receive at school is the only well balanced meal they eat all day.

But now, all this progress may be reversed. While Illinois still has some of the $5 million the State legislature appropriated for the lunch program available to reimburse schools providing free meals, Federal money will be totally expended when the December claims are paid this month. To continue the program, the State requires an additional $4.5 million in Federal funds.

The Illinois situation, while the most acute, is not unique. Some 35 to 40 States will require more money if they too are to continue their free and reduced price lunch program. The estimate of their dollar needs is between $30 and $34 million.

In an effort to alleviate the situation in Illinois and to help the remaining States, my staff and I spent many hours working with the Department of Agriculture and the White House. I also prepared an amendment to the National School Lunch Act and the Child Nutrition Act which will be debated by the Senate next week. This amendment sought to release the $34 million in section 32 funds the States indicated they required to operate their programs through June of this year. Because of the responsiveness of the administration and the Committee on Agriculture to this problem, my amendment will no longer be necessary. Passage of H.R. 11651 will solve the problem.

Mr. President, I commend Senator ELLENDER and the members of the Agriculture Committee for perceiving the need for the additional money for the school lunch program and for reporting out this bill. I also commend the Department of Agriculture and the White House for all their efforts to secure this money through the reallocation of currently available funds and the enactment of H.R. 11651.

President Nixon in December after the White House Conference on Food, Nutrition, and Health, committed the Government to providing free and reduced price lunches to 6.6 million poor and hungry children. His support for the legislation we are considering today and the assistance of the Department of Agriculture are indicative of his intention to maintain this commitment.

I now urge passage of this bill, rapid agreement in the conference committee, and immediate expenditure of all the money required to solve the school lunch crisis in Illinois and in the country.

THE NEED TO SAVE OUR SCHOOL LUNCH PROGRAM

Mr. TYDINGS. Mr. President, I wish to thank the distinguished chairman from Louisiana and the members of the Agriculture Committee for reporting out H.R. 11651 yesterday so that we might act on it in time to save many school lunch programs across the Nation.

The critical situation currently confronting the school lunch program in Maryland is representative of the situation threatening the survival of this program in 34 States. Under the expanded program to provide lunches for specially needy children, 35,800 Maryland children began receiving free school lunches for the first time this fall. In October of 1969, Maryland schools served an average of 44,558 free lunches a day, as compared to only 8,794 a day in October 1968.

The cost of running this greatly expanded lunch program in Maryland for the 1969–70 school year is $1.8 million. However, only $800,000 has been allocated for this purpose in fiscal year 1970. The result: existing funds will be depleted by the end of this month and this desperately needed program will have to be discontinued unless $1 million can be found.

I cannot state too strongly the importance of this program to the health and education of the children involved.

For many of these children, the free lunches provided under this program are the only dependable nutritious meals they receive. If these lunches are discontinued, these children are confronted with the prospect of serious malnutrition and the deterioration of their health. In addition, as educators will attest, a hungry, undernourished child is in no position to learn.

Mr. President, the school lunch program is no frill or luxury. It is aimed at the fundamental problem of hunger, malnutrition and retardation. It is an essential part of providing many poverty area children with the basic opportunity to learn and benefit from a public education.

None of us in this Chamber would let one of our own children go hungry; or for that matter, the child next door. How then, in good conscience, can we stand by and idly permit a child on the other side of town to go hungry when it is within our power to correct this shameful situation? The answer, we would all agree, is "We cannot."

Therefore, Mr. President, I strongly urge Senate passage of H.R. 11651. This measure would make available $30 million in transfer authority from section 32 of the National School Lunch Act, enough to insure the survival of the school lunch program in every State for the remainder of this school year. This legislation was passed by the House last summer, recently supported by both the Bureau of the Budget and the Department of Agriculture, and reported out favorably by the Senate Agriculture Committee yesterday.

I can find no compelling reason for not enacting this measure immediately. Thousands of children in the urban slums and rural shantytowns of America need our help, and they need it now.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER subsequently said: Mr. President, my presence was required elsewhere during the transaction of routine morning business, but I understand that H.R. 11651, which was reported by me to the Senate yesterday in behalf of the Committee on Agriculture and Forestry, was passed as reported during the transaction of routine morning business today.

The PRESIDING OFFICER. The Senator is correct.

Mr. ELLENDER. I now move that the Senate insist on its amendments, and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to: and the Chair appointed Mr. ELLENDER, Mr. HOLLAND, Mr. TALMADGE, Mr. AIKEN, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

STARTLING FACT

Mr. YOUNG of Ohio. Mr. President, American ground troops have been fighting in the civil war in Vietnam for about 7 years. More than 50,000 have been killed in combat, and more than 267,000 American fighting men have been wounded in combat in that immoral, undeclared war. In addition many have been killed in what the Pentagon terms accidents and incidents. It is amazing, but it is a fact, that no President of South Vietnam and no chief of state of any of the regimes ruling in Saigon at any time during the adminstration of Presidents Eisenhower, Kennedy, and Johnson ever requested that U.S. combat troops be sent into Vietnam. Careful inquiry of top officials in the Department of State and Department of Defense and at the White House disclosed the startling fact that there was no request for American troops at any time. In January 1961, when President Eisenhower left the White House we had 685 military advisers in Vietnam. No combat troops. On November 22, 1963, the date President Kennedy was assassinated, we had 16,120 military advisers in Vietnam. No combat troops.

There never was any request by any government official of South Vietnam for the United States to send combat troops into Vietnam. President Thieu recently made this crystal clear in a political speech he made in Saigon. It is a fact that Prime Minister of the Saigon militarist regime, Dr. Phan Huy Quat, on March 7, 1965, asked for and obtained the agreement that two U.S. Marine battalions already in Vietnam be stationed on the defensive in the Danang area. Nothing more. Also, it is said he exacted and made the urgent request, or demand, that all VC, or soldiers of the National Liberation Front of South Vietnam, taken prisoner by Americans be turned over immediately to the "friendly forces of South Vietnam."

White House officials and State Department officials have confirmed the fact that no such request was made. Unfortunately, President Johnson invited in more than 2,100,000 American fighting men, more than 50,000 of whom made the supreme sacrifice and more than 267,000 of whom were wounded in combat, many maimed for life.

President Thieu on several occasions in political speeches he has been making said that neither he nor any of his predecessors ever asked the Americans to come in. He stated we can leave any time we want to; that they do not need American fightingmen in South Vietnam.

Then, that flamboyant Air Marshal Ky, who was born in Hanoi and proudly displays a French decoration awarded him in 1954 for fighting against his fellow countrymen seeking national liberation, added his voice making repeated statements saying the Americans came in on their own; were not invited in.

Here is an opportunity presented on a silver platter to President Nixon to end our involvement in that immortal, undeclared war. President Nixon does not even need to resort to his secret plan of October 1968, to end the war in Vietnam, a plan, incidentally, that is still his secret. Let him keep it. Just as the distinguished senior Senator from Vermont (Mr. AIKEN) stated some months ago, "President Nixon should declare, 'We have

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won the war. I am bringing the boys home.' "

JAVITS SUPPORTS U.N. GENOCIDE CONVENTION

Mr. JAVITS. Mr. President, I commend the President of the United States for sending to the Senate for ratification the United Nations Convention on Genocide. President Nixon's decision to resubmit this convention to the Senate is an act of high statesmanship and reflects his and the Nation's dedication to basic human rights and humane values. I wish also to commend the Secretary of State for his role in bringing about the administration decision on this matter.

I must also congratulate the Senator from Wisconsin (Mr. PROXMIRE) who has waged such a stirring and relentless fight on behalf of this and the other human rights conventions. For the past 3 years, I believe, the Senator from Wisconsin has spoken daily on these matters and has thus acted as the guardian of the Senate's conscience and as the most articulate spokesman of the many private organizations which have worked for these many years on behalf of this convention.

I am particularly conscious of this aspect because many of the most active and dedicated private groups in this field are centered in New York. In commending President Nixon, Secretary Rogers, and my colleague Senator PROXMIRE, I am giving voice to the views of the many dedicated and concerned New Yorkers who have given so much of themselves to further this cause.

I wish also to record my personal tribute to the late Professor Lemkin of the Yale University law faculty. Professor Lemkin waged a virtual one-man battle on behalf of this convention at certain crucial stages and is the person who actually coined the phrase "genocide" which this convention carries as part of its identification. It is regrettable that Professor Lemkin did not live to witness this vindication of his work and views with regard to international legal action against the heinous crime of genocide. I hope that his family and friends will know how much we all are aware of our debt to professor Lemkin for his work.

Public sentiment was aroused in this effort by Professor Lemkin, Senator PROXMIRE, and others, and I think it is an altogether most splendid initiative by the President of the United States. As I am not always able to agree with my President, I want to take every opportunity I can to express my support when I do agree with him thoroughly, as I do in this case. I have supported this convention from its very inception and have worked for its resubmission and ratification for the past 2 years.

I am a member of the Committee on Foreign Relations. I shall make every effort to bring about the earliest possible consideration of this treaty. It is in keeping with the humane and just outlook of the United States which is so traditional with us as a people, without cupidity or designs upon others, but with a deep passion for humanity and justice in the world, I think it is a strange anomaly that we have been among the last, rather than the first, to ratify this treaty. I hope we will repair that blemish and pay our debt to mankind at the earliest possible moment, now that the Genocide Convention has become an active subject of consideration again as a result of the Nixon administration's initiative.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GRIFFIN. I commend the distinguished senior Senator from New York for focusing attention upon this recommendation and initiative by the administration. It is one that is long overdue, and I wish to associate myself with the remarks of the distinguished senior Senator from New York.

Mr. JAVITS. I thank the Senator very much.

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article published in this morning's New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON URGES SENATE TO RATIFY GENOCIDE PACT, STALLED SINCE 1950

(By James M. Naughton)

WASHINGTON, February 19—President Nixon urged the Senate today to ratify the 1949 United Nations agreement outlawing genocide.

Sources on the Senate Foreign Relations Committee, where the genocide agreement has languished about 21 years, expressed concern that a Senate vote could lead either to an embarrassing defeat or to only a narrow victory "unless the President is willing and able to twist arms."

In a message to the Senate, the President said, "We should delay no longer in taking the final convincing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever."

State Department officials said the issue was being raised now because the United States wished to join with other nations in identifying genocide as an international crime. They also indicated the timing was related to the ratification by Britain last week.

Some observers regard the genocide agreement as legally meaningless. Despite occasional accusations of genocide—including one leveled at the United States by North Vietnam last year—the State Department could not recall that any legal proceedings had been initiated under the agreement since it went into force in 1951.

Senator J. W. Fulbright, chairman of the Foreign Relations Committee, said he had no comment on the genocide agreement. "I haven't thought about it for months," he said.

There were no immediate indications whether Mr. Nixon would actively seek support for ratification of the agreement by states-rights advocates and Southern conservatives, who traditionally have been reluctant to grant their consent.

Mr. Nixon acted today on the advice of Secretary of State William P. Rogers, who said in a letter to the President Feb. 5 that it was "anomalous" for the United States to fail to ratify the agreement formaly after having played a leading role in drafting it.

Officially called the Convention of the Prevention and Punishment of the Crime of Genocide, the agreement bans attempts to wipe out national, ethnic, racial or religious groups by killing their members, or deliberate attempts to cause "serious bodily or mental harm to large numbers of members of such groups.

SUBMITTED BY TRUMAN

The convention was submitted to the Senate in 1950 by President Harry S. Truman, but it never got beyond hearings of a foreign relations subcommittee.

In 1954, President Dwight D. Eisenhower's Secretary of State, John Foster Dulles, opposed seeking ratification of the agreement on the ground that it could conflict with state or Federal law. At the time, Mr. Rogers was a Deputy Attorney General.

Because international treaties normally supersede laws within a country, states-rights advocates have viewed the genocide convention as a threat to state jurisdiction over murder cases.

Mr. Nixon told the Senate that Attorney General John N. Mitchell "concurs in the Secretary of State's judgment that there are no constitutional obstacles to United States ratification."

Supporters of the convention in the Senate have feared that Southern conservatives would see racial undertones in it and would vote against it.

"It's possible a conservative President would be more likely to get it through the Senate," said one Congressional source today.

The United Nations agreement came into force, in the nations that had ratified it, on Jan. 12, 1951. It has now been ratified by 75 nations, including the Soviet Union, which acted in 1954.

Mr. Nixon's message said that he regretted "some of our detractors have sought to exploit our failure to ratify this convention to question our sincerity." Ratification at this time "would be in the national interest," he said.

North Vietnam accused the United States of genocide last November, after the charges of a massacre of South Vietnamese civilians by American troops at Songmy in March, 1968.

Mr. Rogers recommended that the President ask the Senate to make it clear the United States understood the prohibition against "mental harm" to mean "permanent impairment of mental faculties."

The American Bar Association has been opposed to approval of the convention for 20 years. Last December the association's section on individual rights and responsibilities urged reversal of the stand.

If the agreement was approved by the Senate, implementing legislation would have to be adopted to put it into effect. The President said he was not proposing any specific legislation "at this time," but said his Administration would be prepared to discuss the subject during Senate consideration of the convention.

ORDER OF BUSINESS

Mr. CHURCH. Mr. President, I ask unanimous consent that I may be permitted to proceed for the next 15 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. BYRD of West Virginia. Will the Senator ask unanimous consent that he may proceed for 15 minutes notwithstanding the unfinished business being laid down at 12 o'clock, so that he will not be interrupted?

Mr. CHURCH. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senate will please be in order. The Chair would instruct the Sergeant at Arms to keep the Chamber clear and compel all attachés to be seated, and to make sure that this order is enforced throughout the remainder of the day. Furthermore, when any attaché so ordered again offends the Sergeant at Arms' direction, that such attaché be removed altogether from the Chamber.

The Senator from Idaho may proceed.

THE ATOM: ITS DANGEROUS AFTERMATH

Mr. CHURCH. Mr. President, in recent months we have witnessed in the country a healthy awakening to the dangers inherent in environmental pollution. The crisis has been documented. It is obvious that we are severely degrading our very life support—the thin, fragile blanket of air, soil and water which surrounds the planet earth.

Like other Members of the Senate, I am deeply concerned about all aspects of pollution. I welcome the fact that at long last public attention is being focused on the problem and that we are beginning to grope for solutions.

In the midst of the environmental crisis which now confronts us, however, we must not overlook one major segment of the problem—a segment which may very well be of greater potential danger than the common forms of air and water pollution which now plague us. I speak of the emerging hazard of accumulated radioactive nuclear wastes.

In the past 25 years, utilization of the atom has grown from the wartime mission of mass destruction to peacetime uses which hold great promise for the future of man. These peacetime uses of nuclear energy are constantly expanding in new and hopeful directions. Already we use the atom to cure the sick, to desalinate ocean waters, to generate electric power. Within a few years, this source of energy may heat our homes and factories, preserve our food, power our public and private transportation and do countless other chores, thus helping to conserve our finite and rapidly diminishing supply of precious fossil fuels.

The question, however, is, At what price?

In the past, we have always purchased technological and scientific advances on credit. That is, in our headlong pursuit of material affluence, we have ignored longterm accounting, seizing immediate profits with little concern given to subsequent costs. The day of reckoning is now upon us. We are paying for the use of hard pesticides with the poisoning of many forms of life. The cost of careless, rampant industrialization is massive air and water pollution.

Thus, as we move into an age which will inevitably turn more and more toward nuclear energy, I am concerned that we reflect, while we still have time, on what the environmental cost of this latest scientific technology is going to be, and that we begin to do something about easing that cost now.

Pollution from nuclear waste is far different from pollution from ordinary fuels. You cannot see it, you cannot smell it. But it is potentially far more deadly.

At present, large amounts of high-yield, radioactive waste solutions are generated and stored by Atomic Energy Commission installations throughout the United States. In all, over 80 million gallons of such wastes have already been produced and stored in the United States.

These are high-level wastes with extremely long lifespans. In some cases, such wastes will retain their radioactivity for 20,000 years—a time span six times longer than all recorded history.

No method has yet been devised for decontaminating these wastes. Like Humpty-Dumpty, the atom—once split—stays split. Currently, the wastes are stored in tanks or encased in cement or other containers, then buried underground, at sea or in salt formations. The trouble is that these methods of storage cannot be made totally safe. We are storing nuclear waste in conveniently remote places, knowing full well that we are passing on a lethal legacy to future generations.

Last year, the Atomic Energy Commission spent only two-tenths of 1 percent of its budget on research and development of nuclear waste disposal management. Over the past 25 years, the AEC has spent only $50 million on disposal research. This figure comes to just 2½ percent of the cost of the $2 billion Manhattan project which ushered in the nuclear era.

In my own State of Idaho, we have an example of the potential danger of current radioactive waste disposal methods. It has recently been disclosed that radioactive wastes from the National Reactor Testing Station in eastern Idaho, as well as wastes from the Rocky Flats Fuel Fabrication Facility in Colorado, are being buried above the Snake Plain Aquifer, a vast underground reservoir which feeds rivers and streams throughout southern Idaho and, ultimately, the Pacific Northwest.

In 1968, the Rocky Flats operation contributed 350,000 cubic feet of wastes to the storage facilities in Idaho. In 1969, the amount was 250,000 cubic feet. A severe fire at the Rocky Flats plant in 1969, however, is expected to drastically increase the amount of wastes to be buried in Idaho. The Atomic Energy Commission estimates that 200,000 cubic feet of wastes attributable to the Rocky Flats fire remain to be shipped to Idaho for burial in 1970 and 1971.

At present, these wastes are monitored to determine whether radioactive particles are escaping into the environment. But the question is whether present methods of storage are adequate for the contingencies of the future.

Last week, it was reported in the Washington Post that a group of Colorado scientists have claimed that—

> Enough radioactive plutonium has leaked from the Atomic Energy Commission's plant at Rocky Flats, Colo. to contaminate the ground and water around it for a distance of seven miles.

Three days later, the Post reported in a second article that the AEC "acknowledged that radioactive plutonium leaked out of the agency's Rocky Flats, Colo., plant." The leakage, it was explained, could have resulted from the 1969 fire, from escape through smokestacks, or from barrels of polluted machine oil.

I recommend a careful reading of these accounts in the Washington Post, and ask unanimous consent that they be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHURCH. Mr. President, in Idaho there have been no reports of radioactivity escaping from storage areas into the ground, water, or air. On the other hand, the Public Health Service has just completed a study, at my request, which recommends additional safety measures be undertaken.

Noting that the procedure employed in burying wastes at the Idaho site is to place the residue in trenches, cover them and then provide backfill, the PHS study reported:

> From a public health and safety standpoint, the waste burial site must provide a protective barrier so that radioactivity will be confined to the waste burial pits. The control mechanism which limits any movement of radioactivity from the site is dependent upon such factors as solubility, permeability of the soil, ion exchange capacity, availability of water, and distance to the source of potable water. . . . Substantial thicknesses of continuous layers of alluvial soil beneath the burial ground would be expected to provide a barrier to migrating radionuclides through ion-exchange. However, there is a lack of data on geology and lithology beneath the burial site. The closest drill holes which have been logged are several miles away. It must, therefore, be considered conceivable that continuous cracked and/or channeled basalt [lava] formations could extend from the bottom of the burial pits and trenches to the acquifer. Until more information on subsurface geology at the burial ground becomes available, the separation distance to the acquifer cannot be considered as a protective barrier. It is therefore recommended that a minimum of two feet of alluvial soil be required beneath all buried wastes.

At the same time, the Public Health Service found that—

> Snow melts have occurred in recent years which caused the flooding of trenches for periods as long as 30 days. . . . Flood control measures for the burial should, therefore, be taken to prevent any accumulation of water in the trenches and pits.

These recommendations are in line with the testimony several years ago of the U.S. Geological Survey before the Joint Committee on Atomic Energy. Water, the testimony noted:

> Is a universal solvent, so fission products, whether solid or liquid, radioactive or stable, may be picked up by water and carried in solution. Solubility, moreover, is a relative term. Practically nothing is absolutely insoluble in water, and "insoluble" radioactive materials may be dissolved in sufficient quantity to make water highly dangerous.

In sum, Mr. President, the time has come to launch an adequate research program to develop safe and sure methods for the disposal of nuclear waste, not only in Idaho, but throughout the Nation. To further delay the undertaking is folly. We have been down that path before, and we have paid for the journey with the smog smothering our cities and the filth which fouls our rivers and lakes. This time, we must not indulge ourselves in the lunacy of buying "progress" now for radioactive pollution later.

We must, at the very least, give urgent and increased attention to the whole range of problems involved in radioactive waste disposal. We must mount an effective, long-range program to find ways of insuring the permanent safekeeping of radioactive residue.

As I have already pointed out, my own State of Idaho has a considerable interest in this matter because of the current practices at the National Reactor Testing Station. It is at this installation that some of the most dramatic advances in the field of atomic energy have taken place. The scientific talent at NRTS is very considerable, and the installation is fully capable of undertaking new research and development projects.

In view of these factors, coupled with the fact that so much nuclear waste is now buried in Idaho, it is logical that the ideal installation to undertake the expanded research I have called for in the field of nuclear waste disposal is the National Reactor Testing Station.

Unless we start this research in the very near future, the consequences are clear. They were spelled out in the Geological Survey testimony to which I just referred:

> Precedents are hard to break, especially in large-scale operations. If disposal practices are allowed now that are found later to be unsafe, the unsafe practices are bound to continue long after their danger has been demonstrated.

We must not allow this to happen. We must learn the lesson of earlier experience with other forms of pollution and begin now to find the solutions we need in dealing with nuclear wastes.

EXHIBIT 1

[From the Washington Post, Feb. 11, 1970]

RADIOACTIVE PLUTONIUM LEAK NOTED NEAR COLORADO AEC PLANT

(By Thomas O'Toole)

Enough radioactive plutonium has leaked from the Atomic Energy Commission's plant at Rocky Flats, Colo., to contaminate the ground and water around it for a distance of seven miles, a group of Colorado scientists reported last night.

"The amounts found are of debatable significance," said Dr. Edward A. Martell, a physicist for the National Center for Atmospheric Research and one of five members of the Colorado Committee for Environmental Information. "I think we have to do a lot more looking before we can say whether it is harmful or not."

While Dr. Martell did not disclose how much plutonium he and his four colleagues found near the Rocky Flats plant, one source said it was 500 times more than anybody would expect to find, even near an atomic factory like the Colorado plutonium works.

Operated for the AEC by Dow Chemical Co. for the past 17 years, the Rocky Flats plant is the largest of nine in the U.S. fabricating weapons grade plutonium for the nation's nuclear arsenal.

There have been a number of minor explosions and fires at Rocky Flats over the years, and last May 11 a fire inside two connecting buildings at the plant burned $20 million worth of plutonium. When the smoke cleared, the AEC said it would take $45 million to recover and reprocess the burned plutonium.

While the AEC admitted that some plutonium was blown outside the two buildings by the fire, it insisted "there was no evidence that plutonium was carried beyond the plant boundaries."

After the fire, the Public Health Service sampled the air 870 times at distances 30 miles from the plant and tested the water 94 times as far away as 10 miles.

"From all this sampling," the Public Health Service said, "there was no indication of any release of radioactivity from the fire."

Dr. Martell insists that the plutonium he found outside the plant could have come from the fire, from chronic carelessness over the 17 years the plant has been operated or both.

"We looked at the Public Health Service data," he said, "and we're convinced they looked at it the wrong way.

"Neither the Public Health Service nor Dow was making any plutonium measurements after the fire," Dr. Martell went on. "Besides, whatever plutonium was in the air by the time they made their measurements had already blown away."

With a half-life of 24,400 years, plutonium is one of the most enduring radioactive elements known to man. It is also one of the hardest to measure, and because of its long life is almost impossible to date.

"I don't think," one scientist said, "that anybody will ever be able to say whether any of this plutonium came from the fire or from leakage over 17 years of operations."

At least two scientists with the Atomic Energy Commission conceded that Dr. Mitchell might have found evidence of carelessness at Rocky Flats.

"If Ed Martell is trying to prove that the fire was dangerous or that the AEC lied about the fire, he's in trouble," one said. "On the other hand, if he's suggesting that a little bit of plutonium got outside the fence over the years then he might have something."

A second AEC scientist said that security might surely tighten up at Rocky Flats as a result of Dr. Martell's findings.

"I think," he said, "that all this will result in more precautions inside the plant and more careful monitoring outside it. It's expensive, but we'll have to do it."

AEC scientists insisted that the plutonium found outside the plant did not constitute a health hazard to people living near the plant, which is 24 miles from Denver.

While it lasts a long time, one AEC scientist said, plutonium emits only alpha radiation and is harmful only when taken in by the body.

One scientist outside the AEC pointed out that even the tiny amounts of plutonium found near the plant could be dangerous if taken in by plant and animal life. If that happened, he said, the people in the area might become unknowingly contaminated by eating food raised in the contaminated region.

[From the Washington Post, Feb. 14, 1970]

UNITED STATES ADMITS LEAKAGE OF PLUTONIUM

(By Thomas O'Toole)

The Atomic Energy Commission has acknowledged that radioactive plutonium leaked out of the agency's Rocky Flats, Colo., plant, but insists the amount was not enough to be a health hazard.

An AEC official who met with members of the Colorado Committee for Environmental Information said last week that AEC tests of the soil around Rocky Flats are in agreement with committee tests showing the soil contains far more plutonium than it should.

"But we're talking about very small amounts," the AEC official said. "We're talking about no more than a few grams (less than an ounce) of plutonium in almost 50 square miles of land."

The official said the AEC did not believe this small amount of plutonium was a threat to health.

"The committee believes that the wind can carry this small amount of plutonium off the ground and into the air, where it can be breathed," the official said. "They believe this a lot more than we do."

While admitting that the AEC found plutonium in the soil around Rocky Flats, the official said that continuous sampling of the air in the area "never showed any plutonium."

The controversy erupted last Tuesday when the Colorado Committee disclosed that it had found plutonium in the soil as far as seven miles from the Rocky Flats plant. They branded the plant a radiation hazard and asked that the AEC move it to a more remote location.

The AEC does not know how even the small amounts of plutonium got out of the plant, but believes it could have escaped in three ways.

It could have left through the plant's smokestacks, despite elaborate filters. It might also have escaped after a major fire at the plant last May, though the AEC believes that no plutonium got further than the roof of the building where the fire broke out.

Finally, it could have leaked from barrels of machine oil placed in lots outside the plant gates. A while back, some of these barrels were found to contain tiny traces of plutonium, but the AEC says it cleaned up the area and did not believe that any plutonium escaped into the air.

SENATOR YARBOROUGH SUPPORTS PASSAGE OF H.R. 12535, EL PASO NORTH-SOUTH FREEWAY

Mr. MANSFIELD. Mr. President, yesterday the Senate passed H.R. 12535. By necessity the senior Senator from Texas (Mr. YARBOROUGH) was absent from the Senate at the time the bill was passed. He very much favored the enactment of the measure and issued a statement to that effect. I ask unanimous consent that that statement be printed in the RECORD.

There being no objection, the statement by Senator YARBOROUGH was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR YARBOROUGH

Mr. President, I am pleased that the Senate adopted H.R. 12535 because of the vital importance to the people of El Paso, Texas. This bill authorizes the Secretary of the Army to release the restrictions on a 6 acre tract of land conveyed by the Federal government to the State of Texas so this land can be used for the construction of the proposed North-South Freeway which would provide a vital traffic artery to the people of the area.

The land in question was part of a 24.25 acre tract which was conveyed by the United States to the State of Texas for the primary purpose of being a training area for the Texas National Guard. The deed conveying this property contained the restriction that should this property cease to be used as a National Guard Training area this land would revert to the United States.

As a result of the growth of the City of El Paso and El Paso County, it has become necessary to construct a new freeway which would run from the Mexican border, across Fort Bliss, and north to the City limits of El Paso. To complete this road, it is necessary that 6 acres of this 24 acre tract be used. H.R. 12535 would authorize and direct the Secretary of the Army to release or modify the restriction applicable to this 6 acre tract so that the State of Texas could convey it to the

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city of El Paso for the construction of this road. Without this bill, the construction of this important project could not be completed.

This freeway is very important to the people of El Paso, and therefore, I am gratified that my colleagues gave this bill their full support.

A PRAYER FOR NEW JERSEY

Mr. CASE. Mr. President, several weeks ago the Very Reverend Francis B. Sayre, Jr., offered a prayer for New Jersey in Washington Cathedral. He expressed beautifully a feeling I deeply share.

I ask unanimous consent, Mr. President, to have the dean's prayer printed in the RECORD at this point.

There being no objection, the prayer was ordered to be printed in the RECORD, as follows:

A PRAYER FOR NEW JERSEY

(By the Very Reverend Francis B. Sayre, Jr.)

Grant, gracious Lord, that we may find grace ever to plant gardens alongside the busy marts of commerce: By the roadside, a window-box of beauty; at the door of a city, a fertile plot of nourishment and growing things; by the gate of a nation, a place of settlement and welcome and the roots of a new home. So, O Father, may blessing fall upon Thy people in New Jersey; and upon their coastlands and riverbanks and wooded hills; and upon their souls within. In their sowing let hope be never dim, and in their reaping no defilement, but rather thanksgiving for the bloom of glory which is Thine alone to give; through Jesus Christ our Lord. Amen.

FOREST TREE BREEDING RESEARCH AT MORGANTOWN, W. VA.

Mr. BYRD of West Virginia. Mr. President, as soon as the Federal budget permits, the U.S. Forest Service plans to begin an important research project at the Forestry Sciences Laboratory in Morgantown, W. Va. The project, with annual initial costs estimated at $265,000, will be concerned with breeding high value hardwood trees for Appalachia.

I have long been interested in work conducted at the Forestry Sciences Laboratory. It was under my amendment that $31,500 was added to the Forest Service budget in fiscal year 1964 for preliminary planning of the facility. And, as a member of the subcommittee which must approve Forest Service appropriations, I plan to do all that I can to assure that the necessary monies are provided to launch this vital genetic improvement project.

Mr. President, the forests of the Appalachian region contain some of the finest hardwoods in the world. Fifty-six percent of all select red oak growing stock, half of the basswood, 40 percent of the yellow-poplar and ash grow in the Appalachian region of the Northeast. However, the present forest stands also contain many inferior and defective trees, and the high value species, especially in the larger sizes that bring premium prices for fine furniture, panelling, and interior trim, are in short supply. These shortages will become even more critical under the impact of increased housing construction necessary to fulfill national housing programs.

One of the best ways to insure adequate future supplies of these high-value hardwoods is by breeding for improved trees. Within any group of hardwood trees, there is much variation in growth rate, form, branchiness, adaptability to growing conditions, and resistance to pests. Hence, a careful selection and breeding program offers a means to increase growth rates, improve straightness of bole, reduce limbiness, increase returns to landowners, and greatly improve the supply of high-value hardwoods with attendant increases in rural incomes and development. Genetic improvement can provide hardwood trees that are better adapted to difficult growing conditions, such as the extremes of temperatures and dryness common to urban and suburban plantings for environmental improvement. And breeding trees for resistance to insects and diseases can protect future supplies of these high-value hardwoods while eliminating or greatly reducing the need for hard pesticides.

The factors that determine quality and value of hardwood trees are generally known, and many of them are susceptible to control through selection and breeding programs. However, very little research in hardwood genetics has ever been done. The research is necessarily of a long-term nature and will involve complex problems, such as:

First. Variation and population studies of individual trees and species.

Second. Selection of trees superior in growth, form, pest resistance and adaptability to particular sites.

Third. Determination of heritability of specific characteristics.

Fourth. Development of breeding and propagation techniques for improved strains and hybrids.

Mr. President, there are many national, as well as regional benefits to be derived from this project. I am hopeful that the necessary funds will be approved, and that the project can begin as soon as possible.

POLLUTION CONTROL PROGRAM

Mr. GRIFFIN. Mr. President, as President Nixon has said, the rescue and restoration of our natural environment has become "an urgent common goal of all Americans," summoning "our energy, our ingenuity and our conscience in a cause as fundamental as life itself."

The President has proposed far-reaching new initiatives to clean up our environment—to conserve what we have and to restore what we have lost. Because water pollution and air pollution are the environmental problems that most directly affect the health and well-being of our people, the President has assigned the highest priority to cleaning up our waterways and our air.

Today, I want to speak briefly about a key part of the President's plan to halt the contamination of our rivers and lakes. This is the establishment of an Environmental Financing Authority which would help States and local communities provide their share of the funds for a new $10 billion Federal-State-local construction program to clean up water pollution at the local level within 5 years.

Under the President's proposal, the Federal Government would allocate $4 billion in grants to local communities over the next 4 years to help with the construction of waste treatment plants. As their share of the construction costs, the State and local governments would be required to provide $6 billion.

Given the present tightness of the money markets, and especially the municipal bond market, it is quite possible that some communities would be unable to borrow the funds needed to participate in this urgently needed program. That is where the proposed Environmental Financing Authority or EFA enters the picture.

Where the Federal Government—and specifically the Department of the Interior—has agreed to help finance a new waste treatment plant for a community, but the State or local government cannot sell its waste plant construction bonds at a reasonable rate of interest, EFA would be available to purchase the bonds. To finance such purchases, EFA in turn would sell its own obligations in the capital market.

EFA would be, in effect, a bridge between the capital market and those communities that have difficulty obtaining financing for pollution control facilities on reasonable terms.

The Secretary of the Treasury would serve as Chairman of EFA's five-man Board of Directors, and the State directors would also be Federal employees who would not receive any additional compensation for their services. To get EFA underway, the Secretary would be authorized to provide up to $100 million of initial capital. He would also be authorized to make annual payments to EFA covering the difference between the interest paid on its own obligations and the interest received on its purchases of State and local Government securities.

Although the Federal Government would provide the starting capital for EFA, it is designed to be self-sufficient. The fees charged for its financing commitments and other services would be sufficient to cover its expenses and provide for accumulation of contingency reserves.

I should also point out that EFA would pay interest on the starting capital advanced to it by the Treasury. Further, EFA's obligations would be taxable issues, so that the Treasury would probably recover in tax receipts roughly as much as the yearly interest differential payments to the Authority.

Municipal waste is one of the prime sources of the pollution of our rivers and lakes. We have the technology to end the pollution within five years. What we must do not is direct the needed financial resources to the job.

The Environmental Financing Authority can be a key element in marshaling the necessary State and local funds. By creating EFA, we will assure that no community that needs new waste treatment facilities will be prevented from participating in this vital program to restore the purity of our Nation's waters by its inability to raise funds in the capital market.

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NOMINATION OF JUDGE CARSWELL

Mr. INOUYE. Mr. President, after carefully considering the proceedings of the Judiciary Committee's hearings on the elevation of Judge G. Harrold Carswell to the Supreme Court, I am ready to announce my decision on this nomination. I am ready to announce that I will vote against Judge Carswell's nomination to our Nation's Highest Court.

When our President indicated that his nominee to the Supreme Court would be a man of great judicial distinction as former Justices Oliver Holmes and Louis Brandeis, I expected Judge Carswell to be a man of great stature—a man who would stand as tall as his illustrious predecessors. Yet the hearings on his nomination have shown Judge Carswell to be a man lacking legal distinction. During these hearings, the foremost legal scholars in our Nation severely questioned his record on the bench. A case in point is the testimony of Dean Louis H. Pollak of the Yale Law School who stated that Judge Carswell was a man who "has not demonstrated the professional skills and the larger constitutional wisdom which fits a lawyer for elevation to our Highest Court," and concluded:

> The nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century.

To elevate to the bench of the Highest Court in our Nation a man whose judicial career has been described as one of consistent mediocrity, even by some who support his nomination, would serve only to deteriorate the credibility of the Supreme Court at a time when its very welfare and prestige hang in the balance. To support his nomination would be to violate my conscience and that of the American people.

Judge Carswell's lack of legal luster would alone be grounds enough for questioning his nomination. The Judiciary hearings have, however, revealed yet another area of concern. I speak here of his philosophy on one of the most critical issues facing our Nation today—civil rights.

While I admit that I would have expected a nominee to the Supreme Court to have shown by word and deed a deep commitment to the principle of equal opportunity for all citizens, so eloquently expressed in the 14th amendment of our Constitution, I do not base my opposition to Judge Carswell on the speech he delivered in 1948 expressing his vigorous belief in the "principles of white supremacy." I am, however, alarmed by the fact that since delivering this speech 22 years ago, Judge Carswell has done little to indicate by deed or decision that his views on civil rights have changed in any way.

The Senate Judiciary hearings have, in fact, revealed that between 1958 and 1969, 15 of Judge Carswell's decisions on civil rights and individual rights cases were unanimously reversed by the Fifth Circuit Court. Even those who support his nomination have admitted that his decisions in five cases "may fairly be described as anticivil rights." To support Judge Carswell's nomination in view of this record would serve only to further polarize our Nation in opposing camps. This I cannot and will not do.

The hearings also pointed out that as recently as 4 years ago Judge Carswell sold property with a provision that ownership, occupancy, and use of the property would be restricted to members of the Caucasian race.

I was astounded that the White House reacted to this disclosure by stating that "this particular incident is not isolated at all." While I have no doubt that there are hundreds if not thousands of real estate deeds in this country which contain racial covenants, it is quite another matter to find such a covenant appearing in a deed held by a man who aspires for the High Bench. That Judge Carswell claims he was not aware of the covenant is hardly an excuse we can accept from a lawyer and judge.

If Judge Carswell had, in fact, renounced the doctrine of white supremacy enunciated in his 1948 speech, he should have shown a change of heart by deed rather than mere rhetoric. Opposition to the racial covenant covering the property he sold would have illustrated his belief by deed. Here was an opportunity he "missed."

To support Judge Carswell's nomination under these circumstances would cause a serious loss of faith on the part of the American people in our commitment to the principle that every citizen should have an equal opportunity to participate in the system and share its rewards. To support his nomination would undermine the prestige of the highest court in our Nation at a time when its very strength is being tested.

It is only because I do not think Judge Carswell meets the standards of the high bench that I have decided to vote against the confirmation of his nomination to the Supreme Court. It is my belief that the members of the highest court in our Nation must demand our complete confidence.

APOLLO 12 EXHIBIT AND LECTURE

Mr. MANSFIELD. From 2 until about 3:30 p.m. today in the hearing room of the Senate Committee on Aeronautical and Space Sciences—room 235, Old Senate Office Building—there will be a display of material brought back by the Apollo 12 mission, including a lunar rock. There will also be examples of the effect of lunar soil on the growth of molds and plant life.

At 2 p.m. there will be a short lecture by an expert from NASA, after which the display will be available for inspection.

All Senators and staff members of the Senate are invited to attend.

AN INTERVIEW WITH ALF LANDON

Mr. PEARSON. Mr. President, the State of Kansas has been the home of many fine men. And one of them is Alf Landon.

Remembered nationally, perhaps, only as the man who was defeated for the Presidency, Alf Landon is recognized in Kansas today as one of the country's most progressive and discerning thinkers. This man is surprisingly contemporary. Yet this thought bear the unmistakable ring of history and clarity.

I invite the attention of the Senate, then, to the important ideas expressed by this friend of mine in a recent interview which appeared in the Kansas City Star magazine on January 18, 1970. I ask unanimous consent that the interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

THE VIEW FROM TOPEKA: A CHAT WITH ALF LANDON

(By Ivan G. Goldman)

(Goldman, a STAR Magazine staff writer, taped the accompanying interview and sent a transcription of it to Landon. It was returned with the comment, "That's as good an interview as I've ever had.")

After being soundly trounced in his 1936 presidential bid, Alf Landon never again ran for public office. But the affable Kansan was not the man to sulk or fail to speak out, and from his Topeka home over the years he has kept a watchful eye on America and its place in the world, issuing statements from time to time on topics ranging from oil tariffs to disarmament.

Meanwhile, dignitaries throughout the years have streamed to Landon to pay homage, or, more often than not, to seek advice. Among them was George Romney, who came to regret his failure to heed Landon's words. In 1966 Landon told the presidential contender to avoid national exposure and concentrate on his Michigan gubernatorial duties until at least the fall of the following year. But Romney opted instead to grab an early lead in the national limelight—a strategy that proved unsuccessful.

Landon's adherence to Progressive Republicanism goes back more than a half-century; his has been a continuous effort to moderate the Grand Old Party. But Landon's policy statements have oftentimes been pointedly nonpartisan, placing praise or blame with regard to issues, not political affiliations. And this independence understandably engendered enmity from certain party stalwarts. At the 1948 National Republican convention, for example, his opposition to Gov. Thomas E. Dewey of New York caused such bitterness among the Kansas leadership that to this day it has not wholly subsided.

Landon is a man who denounced the Kansas Ku Klux Klan during its zenith in the '20s, when supposedly courageous politicians kept expediently quiet. He is an oilman who fought the big oil companies, and not long ago he publicly advocated a reduction in the oil depletion allowance. And Landon was a conservationist long before most individuals knew the word's definition.

But despite his achievements and abilities, Alfred M. Landon still is most widely known for the election of 1936, when he opposed the popular presidential incumbent, Franklin Roosevelt, and lost 27,476,673 to 16,679,583 in the popular vote. Until the Goldwater debacle of 1964, Landon lost the presidency by a greater margin than any man in history. He admitted afterward that he knew he would lose, although, of course, one would never have known it by watching his determined campaign.

It is almost certain that no Republican could have ousted Roosevelt that year, and Landon's campaign was in fact a sacrifice for the party good. The only Republican governor to win reelection in 1934, he became the leading G.O.P. contender two years before his bout with Roosevelt. Landon had won the governorship in 1932 in a tight 3-way race; he went on to inspire confidence in his fellow Kansans during those dark De-

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pression days, and he even managed to balance the state budget. His state plurality in 1934 was a sound 60,000—in a year when Republican candidates across the land met disaster.

Landon was born September 9, 1887, in Middlesex, Pa., and he spent his boyhood in Marietta, O. In 1904 his father took a supervisory job in the Kansas oil fields, and Alf moved to the Sunflower State, which he soon came to love. He was graduated from the University of Kansas law school and, in 1908, entered the banking business in Independence, Kans. In 1911 he quit banking for the oil business, becoming a simultaneous success in bossing the tough field workers as he speculated in Kansas and Oklahoma oil properties.

These years saw Landon drilling his share of dry holes, to be sure, but he was sufficiently tenacious and skilled to have reached a net worth of several thousand dollars by the end of the '20s.

Landon took to oil as he took to Kansas politics, with relish, earning respect in both endeavors, although he never ran for office himself until his successful gubernatorial bid in 1932.

After the 1936 contest Landon returned to Kansas tending oil interests and other investments. At present he owns oil lands in Greenwood County and natural gas properties in Stevens County. He looks after his affairs from the office of WREN Radio, Topeka, which he acquired during the '50s. The Landon family also owns KSCB in Liberal and KEDD, Dodge City. In addition to these activities, the former governor holds the rank of distinguished professor in the political science department at Kansas State University, where he delivers periodic lectures.

Governor Landon not only graciously consented to an interview, but he offered to use the study in his Southern-style mansion for a meeting place. Arriving at the home we found the vigorous octogenarian riding his horse over the grounds, a daily habit of many years. He sat erect, and obviously was in good health. After seeing his mount to the stable, he ushered us across the lawn, through the house and into the study.

The Landon study obviously sees much use; several volumes of recent publication were placed about the room, each marked with a bookmark.

Landon proved to be neither evasive nor intimidated by questions, and his answers revealed a vast storehouse of knowledge coupled with the ability to know the meanings of facts and to proceed along a reasonable path of conclusions.

After the interview, the ex-governor treated us to an enjoyable luncheon at a Topeka restaurant, and he went on to do what he loves best—talk politics. He was a genuinely fascinating and engaging narrator. "I've got one more story to tell you before dessert," he'd say with eyes shining, and then he'd go on to tell you three or four more.

Star.—Mr. Landon, first of all, are you a Republican right at this minute?

Landon.—Yes. There's been no doubt about this in past years or any other time. Although I was a Bull Mooser Progressive in 1912 and 1914, and I voted for Theodore Roosevelt, and I was a Progressive county chairman for the third party in 1914. I haven't always voted the straight Republican ticket, it's true.

Star.—Is there a Democrat you would have supported against Mr. Nixon in the last election?

Landon.—No.

Star.—Had Robert Kennedy lived and received the Democratic nomination, might you have supported him?

Landon.—Oh, that's going too far afield, I think. Kennedy didn't live. If he had, and if he'd been nominated . . . I don't know, really, his positions on great major issues.

Star.—Mr. Landon, I know you've followed these events closely, and so I wonder if you think had R. F. K. not been assassinated, that the threat of his vote-getting power would have stimulated enough Republican delegates over to the Rockefeller side to nominate him? You were a Rockefeler man.

Landon.—Yes, I was. Now you're talking about the threat of Kennedy's nomination.

Star.—Yes, because the Democratic convention preceded the Republican.

Landon.—Well, that's a speculative question, but I recognize that it might have made some difference. There's a lot of voodooism, they say, in politics. There's also a lot of logistics, and you're talking about logistics.

Star.—How do you rate Mr. Nixon's performance as President so far?

Landon.—I'm surprised at the good job he's doing. I think his somewhat quiet approach contrasts to the flamboyant rhetoric that we've been accustomed to from the White House. It's too early, of course, to tell how his policies are going to work out.

I think this criticism of Mr. Nixon today is entirely unwarranted, and not at all accurate, and not at all honest. I only know one thing to be sure—that Mr. Nixon undoubtedly intends to follow through to the end. Whatever that end result is, it will take us another year or so to know. There is an entire shift in governments all over the world, which is a very, very important factor. In fact, what you have is a caretaker government—by and large—in North Vietnam, in China, in Greece. New men are going to be coming into these and other governments, so Mr. Nixon has an opportunity in that regard. Now what he's going to do with it, I don't know.

Star.—Mr. Landon, let's talk about you. Many experts say you really would have been a shoo-in for the U.S. Senate after your defeat in 1936. All these years you've kept avid watch over Kansas, the nation and the world. Why didn't you try for a seat in the Senate, where you could have acted more on these matters?

Landon.—Well, Mr. Goldman, you're right in your description. Pretty nearly everyone thought that.

If I had been going to go to the Senate, I would have gone back to Independence (Kansas), and I discussed this with Mrs. Landon after the election, and she said, "I want to do anything that you want to do; but what kind of an education would our two youngsters get if we're dragging them back and forth between Kansas and Washington?" Nancy was then going on 5, and Jack was 3. Peggy Anne, their oldest sister, was a sophomore down at Kansas university.

Star.—So personal reasons kept you from going to the Senate?

Landon.—We decided we preferred the comparatively simple but more intelligent life in Kansas. We'd rather live here than Washington.

Star.—Do you regret the decision?

Landon.—Oh, I've been asked that question a good many times, Mr. Goldman. Eric Sevareid, when he finished his interview here a couple of years ago, mentioned that as he was leaving, and I said, "Yes, sometimes I did, but I probably wouldn't be living if I had gone back there—in as good health as I am now." I made up my mind, too, that the Republican party needed at least one leader who wasn't a candidate for any office, so that my decisions have not been subject to personal motives or ambitions.

Star.—You didn't come very close in that 1936 election. Do you regret having made that race?

Landon.—Oh, no indeed. After all, that is an experience that comes to few men—to have 16 million people vote for me for President of the United States, and to have made the acquaintances of so many people, so many friends that I'll treasure to my dying days—no indeed, I'm not sorry.

Star.—I suppose you've thought a great deal about that campaign. If you had it to do over again, would you change it in any way? Would you do it differently?

Landon.—I think I might have made more of a factor of Roosevelt's isolationist position. I was told by some in '36 that I was too much of an internationalist to suit them. That's contrary, of course, to what's generally believed now. For instance, you will find a paragraph in my Indianapolis speech in which I said that the neutrality acts were not a way of peace but a way to war, because they would make the aggressor think the American people would not fight under any circumstances, and that was not true. But my head speech-writer said, "The American people won't get it the way you've got it written. It won't be clear." I said, "I know they won't, but I can't run out on my party." Any national candidate, Mr. Goldman, is tied to the record his party makes in the Congress. Wilkie never say that. Neither did Governor Dewey. For that matter, Mr. Nixon has, pretty much.

I supported a reduction of our tariffs, so that we could reduce them right along with the E. E. C. (European Economic Community, or Common Market). So far it hasn't worked as effectively as I thought it would. But I've always believed that the marketplace is really the basis of where people get acquainted.

In memorial days tribes met and exchanged trade, and that's how they first got acquainted with each other. Uncovered several years ago in Portugal was an old marketplace in which they found some stones that had to come from mountains at least 2,000 miles away or more. They weren't precious stones either. Semiprecious. Just think how many hands and miles and years it took those stones to travel 2,000 miles in those days before the Roman Empire or the Grecian states.

But back to the question, the presidential candidates has got to bear in mind his fellow candidates on the ticket, and he's got to bear in mind the harmony if his party—and unity. And those are all factors that go to make up a successful administration, too, which is why I can't say anything too specific on Mr. Nixon at this time.

Star.—But there is going to come a time when you will be ready to talk more about Mr. Nixon?

Landon.—Yes.

Star.—Mr. Landon, I think really what we're getting to here is the fact that you were a progressive candidate in a conservative party with a progressive wing, and the Republican party has been that way for a long time. Can you say why progressive Republicans stay alongside their conservative Republicans? Why don't they join the Democrats?—a liberal party with a conservative wing.

Landon.—I've been asked before how I could stay in the Republican party. Well, for one reason, I might have agreed with the obectives of the Democratic party, but I didn't agree with the way they were being worked out.

For instance, look at foreign policy. We certainly haven't had an effective foreign policy under the last Democratic President, and the same thing is true of domestic policy. The war on poverty cannot be claimed a success by any means.

Furthermore, there is the issue of maintaining the democratic process. I think if we can maintain our democratic processes and keep this alive from the bottom to the top, we can eventually work out our problems.

Star.—And you feel you can do this more effectively from within the Republican party?

Landon.—Well, you've got to have the 2-party system, and maintain it, if you're going to have a democratic process. You've got to have a contest—competition.

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Star.—But when it came to internationalism, free trade and America's place in the world, you didn't agree with the mainstream of your party in 1936, did you?

Landon.—No, I didn't. You're not the first newspaper fellow that's told me that over the years. But as I say, I'm more in agreement with the party now than I have been. But I voted the Republican ticket, although in answer to your question, I must say I sometimes voted it with considerable reservation. I've felt that by and large it would meet the problems of the time in the end, and at least it was important to have a 2-party system.

Star.—Mr. Landon, you watched America weather the Great Depression, and you saw great "panics" before that. Right now we all know that America has never been so affluent. The gross national product is approaching a trillion dollars, but everyone seems to agree that there is a spiritual pessimism across the land. Do you think we can weather this spiritual crisis as you have seen us weather economic crises in years past?

Landon.—Well, now, I'm not exactly sure about your use of the word spiritual crisis. How about emotional?

Star.—Yes, that's a better word.

Landon.—Well, leave me out of it. It's your word. Anyway, I don't think we can pinpoint this emotional crisis on any one factor alone. Now take the military. For several reasons it has about the lowest credibility that I can remember for some years.

Star.—Would you say this reflects a lack of confidence in our leadership?

Landon.—Yes, but when I think about my own lack of confidence I recall that Civil war editor that told young men to go west—Horace Greeley. Now Horace Greeley, of the New York Tribune, was calling for the impeachment of Abraham Lincoln before the Civil war was two years old. He was denouncing the conduct of the war as a failure. I'm not quite sure he used the word "impeachment," but he said the war was a failure and we should surrender—settle with the South. There was dissatisfaction in the North with Lincoln and with the conduct of the war. Democrats termed it a failure in 1864.

I guess I'm doing a lot of wandering trying to answer your question about the emotional state we seem to be in. But when I get disturbed about it, I think about the Democratic party in 1864, and I'm not singling them out, because Horace Greeley was a Republican. And I'm not trying to make any comparison to Vietnam. But I think about the times we've gone through, like in 1864, and then the period of adjustment after that war.

Now let's look at the Populist party, for instance. Now the Populist party platform and the planks they advocated have long been the law of the land, and yet the Populist party was hailed as the destruction of the country—of the government. The whole Populist idea was considered frightening then.

Now there is one major difference I'd make between the Populists and so-called Wallace third party. The Populist party was based on issues—basic issues. The Wallace party, I didn't think, had a basic issue on anything, except hate. You know, in 1912, T. R., the Bull Mooser, was called a wild man. That was the party of youth—young people. And the ideas were good. So I've not been too concerned about the interest of youth in politics today. I am somewhat concerned about the way it is sometimes manifested. Again, just as there was a difference between Populist principles and Wallace principles, you've got an entirely different presentation of principles with the progressive Bull Moosers—the young fellows of those days—as opposed to those S. D. S. fellows today.

But the point I'm getting back to is that wars are always emotional. The Vietnam war is probably the most unpopular war we've ever been in, and then the way the draft has been handled has been just too damn bad. Then along with this there's a general realization we've not been told the truth about the Vietnam war and the situation there. I remember the managing editor of the Associated Press was out here in 1964, and said that we weren't being told the truth about the Vietnam war—that the press wasn't being allowed to tell the truth.

Star.—How was the press suppressed?

Landon.—It was suppressed by the military over there. Well, Mr. Goldman, when the commanding general says we're winning the war, what reporter is going to say he isn't telling the truth?

Star.—I've heard some experts say that for years the press reports coming out of Vietnam were much more accurate than the government operational reports.

Landon.—Yes, I don't think there's any question about that. I mean, as far as the public is concerned, when the commanding general says there's victory, who's going to believe some reporter that says it isn't so?

Now we built up the Vietnam government ourselves. We kicked out Diem—permitted his murder to occur, I'd say. Now go back to all the hullabaloo we have had about a free election over there. I said then it was hogwash.

Star.—Do you mean it's impossible to hold a free election in Vietnam?

Landon.—Yes, for a fact. I think this is a very fundamental difference between Saigon and Korea. I think the Koreans had more confidence in their government than the South Vietnamese have confidence in their government. You see what I'm getting at? So again, I remember a speech I made out at Russell in '64, in which I said that all the South Vietnamese knew about government was that the less they had to do with it the better off they were. Living out in the jungle in those little hamlets, they didn't know anything about democratic processes or anything of that kind.

Again, I'm just trying to analyze these different factors that go to make up this emotional situation we have. Then we come to our economy—the increase in the cost of living. People are just emotional. They're unhappy and they're frustrated. And then there's trouble in the streets. I have no doubt that some of it, if it's not organized by the Communist party in America, is certainly organized by fellow travelers at least.

Star.—You're talking about riots and demonstrations?

Landon.—All of it.

Star.—That includes Newark, Berkeley, Detroit, Chicago?

Landon.—Yes, the whole shooting match. But it might be "no" in some places, and in others, "yes." I mean you can't attempt to separate them. Well, at least that's what the police say. I read where the chief of police at Berkeley said down in Miami that the Berkeley riots were organized.

Star.—Do you think then, that's the answer to street disorder? It's organized?

Landon.—No, I didn't say that. I just mentioned that as one of the factors that I've been analyzing for you about this emotional condition. It's a combination of a whole ball of wax—war, economy, academic grievances—all. But as I say, there's a definite factor of of organization of these street riots. Anyone who studies communism knows they don't dominate. They don't want peace. They want disorder.

I'm just trying to add it all together, and I don't thing you can put it on the military alone, I don't thing you put it on youth alone, I don't think you can put it on the fiscal situation alone, or the Communists alone. It's a combination of unhappiness and frustration, and when people are unhappy and frustrated, they just want to kick something around.

Star.—Do you think this will pass? Do you think we'll come out of this?

Landon.—Sure, of course we will.

But let's look at this inflation for a minute. We're agreed it must be controlled, stopped and checked. Now there are ways to do this. We could have wage-price-profits control, but that would only be temporary. And that wouldn't have worked anyhow. Anyone that remembers wage and price controls from World War II knows what a mess—bureaucratic inefficiency and in some cases, downright corruption—resulted from that.

The second way present conditions could have been dealt with is the way Nixon is doing it, which is the traditional way: that is to check the national expenditure of money, and tight money—tight taxes. How he's going to do that without creating a depression is the big question, though. Meany has said Nixon's heading toward depression—great unemployment.

Meany wants wage and price and profit control. On the other hand, there are some big executives that want wage and price control, but they leave out profit. Do you see?

But Nixon has made up his mind. He's going to stop the course of inflation. But let's look at Keynesian economics. You know what that is, so I don't need to diagram it. I said when it was first proposed that it would be wonderful if it worked—disastrous if it didn't. Now it was working fine as long as we were in something of a depression cycle—to prime the pump.

When Mr. Johnson asked the Congress for the 7 per cent credit on capital investments and the reduction of taxes, he got it. But when he asked them for an increase in taxes, why he didn't get it. It works fine when you want to prime the economy—boost it with lower taxes and encourage spending.

Star.—A lot of people say Keynesian principles would have worked well if they'd been applied—if there had been a tax increase two years before the surcharge was enacted.

Landon.—I agree. That's what I'm talking about, too. I said the trouble with it is that we would always have the next election. I said that back in 1939. There will always be the next election, and who wants to vote increased taxes to cool the economy, and cut spending, which would cause unemployment, if there's an election coming up?

I'm not questioning the theory of the condition. I'm questioning the application of Keynesian economics in a political democracy. A dictator might not have that trouble. The very point you were making, that Johnson's recommendation for an increase in taxes didn't come soon enough, and that Congress didn't act soon enough, demonstrates my point.

So there are a lot of problems involved in this emotional crisis—the country's fiscal situation, the military, the war—the failure in our schools. I think the university management could stand some criticism, too.

Let's look at Clark Kerr. He was hailed as a great educator. Why? Because he had so many Nobel prizewinners on his faculty, and successful authors. His faculty at Berkeley was full of those kinds of chaps. But they didn't have enough contact with students. The students—the freshman—came in contact with assistants who were working on their graduate degrees.

Star.—So in that way, do you think some of the student protest about the depersonalization of the system is valid?

Landon.—Yes, and I think it was somewhat true all over the country. There was a lack of contact between the faculty and the students.

But in answer to your original question, I would say, yes, there is an emotional crisis, and these are some of the factors involved. It was all of this put together, but I'm sure we'll come out of it. Does that make sense to you?

Star.—Yes, probably more sense than the question.

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Landon.—No, your question made sense.

Star.—Mr. Landon, do you think the United States is overextended in its military commitments?

Landon.—Yes, I sure do.

Star.—All right, how do we draw the line? How do we know where to fight and where not to fight? What's the rule?

Landon.—Again, here's where the President's policy and debate in Congress becomes so important. Right now I think the leaders of the Senate, many of them, believe they made a mistake in voting for the Gulf of Tonkin resolution. Now you say, "Where do we draw the line?" and I think there's a concrete illustration.

Star.—Do you think we drew the line in the wrong place?

Landon.—But I think we didn't draw any line. The Congress didn't. They voted for the Gulf of Tonkin resolution. And of course I think Senator Fulbright said it in a statement he made on the floor of the Senate—that the resolution was interpreted far beyond what he expected. But Nixon is trying to meet the Vietnam situation—with gradual withdrawal of our troops as they are replaced with South Vietnamese troops.

Star.—But what will we do in Laos and Thailand? The same type of warfare already has begun there. How will we decide where to fight and where not to fight?

Landon.—The President and the Congress make those decisions.

Star.—But what criteria should they use?

Landon.—What the facts are. I said during World War II that our greatest weakness internationally is in emotionalism. Reform the world in mass in our own image! I think there's been too much of that in our foreign aid program, for instance. Trying to establish in tribal Africa, for instance, or in Asia, the American form of government. They don't know anything about democratic processes. Where should we draw the line? We should draw it in keeping with a pragmatic, realistic international policy which does not involve us in trying to police the whole world.

Star.—Are we going to have to get used to the fact that some nations are going to go Communist?

Landon.—Probably. But look at Indonesia. It went Communist, and then kicked them out. And then there's Czechoslovakia. Of course, we didn't do anything about that, and I don't think we should have. But it's part of what I'm trying to point out.

Star.—That we must learn to take our ups and downs?

Landon.—Yes. And take the Middle East. There isn't any question but what Russia's influence has been enhanced considerably in the Middle East.

Star.—Mr. Landon. there are thousands of nuclear-tipped missiles aimed in various places all around the world. Do you believe that with the existence of so many of these weapons it is possible to escape nuclear warfare unless there is disarmament in the future? Can we continue in this present situation?

Landon.—I don't know. It's very questionable whether we can. On the other hand, I don't think there's going to be any disarmament at the present time. There again, we're not facing the facts.

How are you going to have an effective disarmament that means anything and leave out China? That's one fourth of the world's population. What would a disarmament agreement between Russia and America amount to with China out of it?

I think the great opportunity for negotiation, if negotiation is worth anything, was missed in October, 1964, when China exploded its first nuclear bomb. The next day Premier Chou En-lai and Chairman Mao Tse-tung proposed to Russia, France, England and America, a conference of the five powers preliminary to a conference of all the powers to eliminate nuclear weapons—not bombs, but nuclear weapons. Our State department, without any consideration whatever, said it was pure propaganda. The Pentagon said their bomb was obsolete.

Immediately—within five days or so—after the explosion of the bomb, I urged in a speech at Columbus, O., that we accept China's proposals for the purposes of discussion. I said if it was propaganda, there was a good way to find out—start discussing it with them.

I said as far as the nuclear weapons, I did not think the Pentagon knew what they were talking about, or words to that effect. And I said such discussions would give the United Nations a needed shot in the arm. A settlement of that kind would have spread to other settlements. The Russians and French accepted it; we didn't. Now we're talking about eliminating nuclear weapons with just a conference between France, Russia and America. Does that make sense?

Some people are rather happy about the prospect of China and Russia in a war with each other. I know some well-posted men that think it would not last long—that Russia has the nuclear establishment of China pinpointed and they'd knock it out—that China wouldn't have any chance to use nuclear bombs, so there would be no fallout to speak of. Now that just doesn't make any sense to me. I can't see that China is stupid enough to have all their bombs in one spot.

Star.—But couldn't it be true that they are pinpointed at this time? Although I doubt it would be true in 10 years.

Landon.—Well, I don't think that's true now. That is really leading with your chin to have all your bombs in one place. I just don't think they're that stupid. I think if there's a war between China and Russia there will be enough of a war to cause a dangerous nuclear fallout—one that would affect us adversely. How much of a fallout can we stand? Beats me, and I wonder if anybody has an answer to that question.

Star.—You have been advocating recognition of Red China more than 20 years, haven't you? Ever since the Communists took power over the entire mainland.

Landon.—Yes. Incidentally, the next morning after my Columbus, O., talk, U Thant endorsed my remarks at a press conference. That was unprecedented. You asked if we're overextended, and if so, what to do about it. Well, one thing we've got to do is have more discussions.

Star.—Do you think the world would be better off if we had recognized Red China in 1949? Do you think there would be less international tension?

Landon.—I think so, but I can't prove it. But when you're talking you're not shooting.

Star.—You said earlier that you prefer Kansas to Washington. I wonder if, besides thinking of the Senate, you ever thought of moving elsewhere?

Landon.—No, I never have. I just like Kansas people and Kansas climate. I like my surroundings. And it's near my business. I'm still in the oil business. I have some wells out at Greenwood County.

Star.—And radio stations here, too?

Landon.—Yes.

Star.—Do you think the cities can solve the urban crisis without massive federal help? Do you think they can do it by themselves?

Landon.—No.

Star.—Is the federal government, then, going to have to continue expanding its role?

Landon.—Yes.

Star.—Do you think today's young people are really much different from young people of other generations, say your own?

Landon.—No.

Star.—Do you worry about what's going to happen after you're gone?

Landon (laughs).—I've drilled too many dry holes to worry about that.

Star.—Do you have any great regrets?

Landon.—No. But I don't know anybody my age that didn't have some regrets.

Star.—Do you think you'd do it pretty much the same way all over again?

Landon.—No, I'm sure I wouldn't.

Star.—What would you have done differently?

Landon.—Well, I told you earlier about running that campaign differently.

Star.—You might just regret not having run for the Senate?

Landon.—No, I don't think I would do that if I had to do it over again. I'm enjoying myself in the role I picked, which was, after all, a way I could exercise my leadership in an objective way—in a discussion of these great problems confronting us then and now.

DEVELOPMENT OF OUR OCEAN RESOURCES

Mr. SPONG. Mr. President, programs related to the development of our ocean resources today are diffused among 22 separate Federal agencies and departments and more than 1,000 State, regional, and local jurisdictions. This fragmentation has been a major hindrance to developing the kind of concerted natonal effort that is needed to begin unlocking the sea's vast potential.

Under the leadership of its distinguished chairman, Senator Magnuson, the Senate Commerce Committee last year established a Special Subcommittee on Oceanography to consider ways of focusing national marine capabilities on this objective. The chairman of that subcommittee—the able junior Senator from South Carolina, Senator Hollings—has scheduled a series of hearings this session, beginning with the consideration of a bill to establish a unified national agency to coordinate and integrate our farflung ocean programs.

I ask unanimous consent to insert in the Record at this time an editorial published in the Washington Post of February 20, 1970, which gives strong support to the concept of a consolidated national ocean agency.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Living by the Sea

Few things more typify this nation's lack of daring and imagination than the ease with we ignore the sea. Oceanographers are looked on by many as glorified frogmen; rich and beneficial underseascapes 50 feet down are still unprobed while rocks of dubious value are passionately sought from the moonscape 240,000 miles away; few colleges or universities offer any serious oceanographic programs. Yet, as Andrew E. Gibson, the Maritime Administrator, said this week at the Navy League's Oceanic-Maritime symposium in Washington: "It is the sea to which we must look in its shallows and its depths to feed a growing population. It is this sea from which we must harvest not only foodstuffs but its vast resources of minerals. It is the sea to which we must look by means of desalination for the very water necessary to sustain life in the future. . . . Put succinctly, as a nation and people . . . we will live or die by the sea."

Despite strong statements like that, the government is spending only $500 million a year on sea water projects. With only a few pennies more, plus a little foresight, many useful research projects could easily be started. For example, maritime ships could be equipped with special devices to measure

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the sea—such as taking water samples to determine the biological productivity of a given area, or measuring the input of energy from the sun as it varies from time to time and place to place. Unlike oceanographic ships, which are few and move slowly, maritime ships are many and move quickly. Thus, in only a short time, much of the sea's secrets could be learned.

Another research project awaiting money and talent is for a small area of the ocean to be analyzed closely. Dr. Eugene Wallen, the respected director of the Smithsonian's Office of Environmental Sciences, suggests the coral reef. "So far, what we know about coral reefs would fill only a small book. Yet over a thousand species live in or near them."

Basic to any progress in the seas and water is a merger of the nation's oceanic agencies. A National Oceanic and Atmospheric Agency would combine the Coast Guard, the Environmental Science Services Administration, the Bureau of Commercial Fisheries and other agencies. Predictably, resistance to this move comes from water-logged bureaucrats who enjoy the present separation of empires and from congressmen who relish their petty power over the diverse agencies. The new Senate subcommittee on oceanography is currently holding hearings on NOAA; the idea is not new, but perhaps this time around the good of the oceans will win out over the good of the paper-shufflers.

INTEGRATION AND EDUCATION

Mr. TALMADGE. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled, "Concentration on Integration Is Doing Little for Education," written by William Raspberry and published in the Washington Post of February 20, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONCENTRATION ON INTEGRATION IS DOING LITTLE FOR EDUCATION

(By William Raspberry)

Racial segregation in public schools is both foolish and wrong, which has led a lot of us to suppose that school integration must, therefore, be wise and just.

It ain't necessarily so. It may be that one reason why the schools, particularly in Washington, are doing such a poor job of educating black children is that we have spent too much effort on integrating the schools and too little on improving them.

The preoccupation with racial integration follows in part from a misreading of what the suit that led to the 1954 desegregation decision was all about.

The suit was based (tacitly, at least) on what might be called the hostage theory. It was clear that black students were suffering under the dual school systems that were the rule in the South. It was also clear that only the "separate" part of the separate-but-equal doctrine was being enforced.

Civil rights leaders finally became convinced that the only way to ensure that their children would have equal education with white children was to make sure that they received the same education, in the same classrooms.

Nor would the education be merely equal, the theory went: It would be good. White people, who after all run things, are going to see to it that their children get a proper education. If ours are in the same classrooms, they'll get a proper education by osmosis.

That, at bottom, was the reasoning behind the suit, no matter that the legal arguments were largely sociological, among them, that segregated education is inherently unequal.

(Why it should be inherently more unequal for blacks than for whites wasn't made clear.)

In any case, the aim of the suit was not so much integration education but better education. Integration was simply a means to an end.

Much of the confusion today stems from the fact that the means has now become an end in itself. Suits are being brought for integration, boundaries are being redrawn, busing is being instituted—not to improve education but to integrate classrooms.

The results can sometimes be pathetic.

In Washington, blacks send their children (or have them sent) across Rock Creek Park in pursuit of the dream of good education. But as the blacks come, the whites leave, and increasingly we find ourselves busing children from all-black neighborhoods all the way across town to schools that are rapidly becoming all-black.

The Tri-School setup in Southwest Washington is a case in point. Of the three elementary schools in the area, only one was considered a good school: Amidon, where the children of the black and white well-to-do attended. Bowen and Syphax, populated almost exclusively by poor kids from the projects, were rated lousy schools.

Then the hostage theory was applied. A plan was worked out whereby all first- and second-graders in the area would attend one school, all third- and fourth-graders a second, and all fifth- and sixth-graders the third.

The well-to-do parents would see to it that their children got a good education. All the poor parents had to do was see to it that their children were in the same classrooms.

That was the theory. What happened, of course, is that instead of sprinkling their children around three schools, the luxury high-rise dwellers, black and white, packed their youngsters off to private school. Now instead of one good and two bad schools, Southwest Washington has three bad ones.

After 16 years, we should have learned that the hostage theory doesn't work. This is not to suggest that integration is bad but that it must become a secondary consideration.

Busing makes some sense (as a temporary measure) when its purpose is to transport children from neighborhoods with overcrowded classrooms to schools where there is space to spare.

It works to a limited degree when it involves children whose parents want them bused across town for specific reasons.

But it has accomplished nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they'd rather not attend.

The notion will win me the embarrassing support of segregationist bigots, but isn't it about time we started concentrating on educating children where they are?

U.S. FOREIGN POLICY IN THE 1970'S

Mr. GOLDWATER. Mr. President, yesterday the President of the United States, Richard Nixon, delivered a paper, "United States Foreign Policy for the 1970's." To my knowledge, this is the first time that a President has discussed with the American people the broad program of foreign policy which his administration has embarked upon. Contrary to this, the whole general subject of foreign policy and its relationship to our military posture has been kept more away from the people than exposed to the people.

While the entire contents of the paper are more impressive to me, I was particularly glad to see the President spell out in part III, "America's Strength," which includes the shaping of our military posture, the process of defense planning, strategic policy and general purpose forces. To me, the most succinct paragraph is the one that reads:

> We aim for a world in which the importance of power is reduced; where peace is secure because the principal countries wish to maintain it. But this era is not yet here. We cannot entrust our future entirely to the self-restraint of countries that have not hesitated to use their power even against their allies. With respect to national defense, any President has two principal obligations: to be certain that our military preparations do not provide an incentive for aggression but in such a way that they do not provoke an arms race which might threaten the very security we seek to protect.

It is particularly important that the President made this particular statement because there are many people, including colleagues of mine in the Congress, who seem to believe that if the United States weakens itself militarily and refuses to honor its commitments around the globe, that we will be making a major contribution to peace. To those of us who feel opposite to those two positions, it is reassuring to be reminded that the President is depending upon the lessons of history which have shown throughout the entire time of man's life on earth that weakness has caused wars and strength has prevented them.

If this same broad, honest, and open approach to the interrelated problems of foreign policy and military strength had been adopted following the end of World War II, we would not have been engaged in the war in Korea or in the war in Vietnam.

I congratulate the President for his statement and I feel that this is the first major step in establishing an understandable and workable and respectable foreign policy for our country for the years ahead.

AMERICA'S FINEST ARE DYING FOR THIS

Mr. YOUNG of Ohio. Mr. President, the militarist regime of Thieu and Ky, which we Americans are maintaining in power in Saigon, recently arrested 15 student leaders of Saigon University and closed two Saigon newspapers.

The students were accused of singing antiwar songs. Also, they held a meeting without a permit from the police chief of Saigon. They were jailed without bail pending trial. The crime of the newspaper editors was that they were advocating neutralism instead of supporting President Thieu and Vice President Ky.

Americans should know that the Saigon regime of General Thieu and Air Marshal Ky has either closed down altogether or suspended for specific periods of weeks or months 39 daily newspapers in South Vietnam. The majority of these newspapers had been published in Saigon.

Also, Nguyen Duy Trinh, who was Foreign Minister of South Vietnam, is under house arrest and may face a jail sentence for advocating a coalition government in Saigon. Truong Dinh Dzu, who was the runner-up in the election against Thieu and Ky in 1967, is still in jail. His trial for disloyalty to the militarist regime lasted 3 hours. His imprisonment has lasted 13 months. He was the peace candidate for President. Sai-

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gon Daily News, the English-language newspaper which supported him was put out of business by Thieu and Ky. No wonder a majority of the people of South Vietnam are alined with and supporting the National Liberation Front, or VC.

U.S. INVOLVEMENT IN LAOS

Mr. FULBRIGHT. Mr. President, our involvement in Laos continues to be hidden from the American people.

Although President Nixon has referred to his 119-page report on "United States Foreign Policy for the 1970's" as "the most comprehensive statement on foreign and defense policy ever made in this country" it contains no mention whatsoever of Laos.

The newspapers of February 19 which carried articles on President Nixon's report also included a story about American B–52's bombing the Plain des Jarres in Laos.

The American people should not be treated in this manner. Once again the President has failed to inform the public about our activities in Laos. Once more the policy of secrecy is preventing the public from being informed about a war that is slowly but steadily escalating.

A recent editorial in the Paragould, Ark., Daily Press opposes the "secrecy" policy. The editorialist writes:

> Won't we ever learn?
>
> The U.S. got involved in the tragedy that is Vietnam because of failure to hold open debates in Congress on our involvement there, and partly through entanglements brought on by the operations of the CIA.

We cannot afford to let Laos and/or Thailand become Vietnam all over again.

Mr. President, I ask unanimous consent that the editorial from the Paragould Daily Press of February 4, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NO SECRETS

Just before their Christmas break, the U.S. Senate held a secret session to talk about U.S. military involvement in Laos and Thailand.

Week before last, more than a month later, a heavily-censored report of that meeting was released. It told us little about the extent of our involvement, and nothing about our casualties.

Sen. J. W. Fulbright, chairman of the Foreign Relations Committee, did have a statement in the published excerpts—that "this is escalating into a major operation."

Fulbright's comment should be enough to scare anyone, even the hawks. Concerned senators pushed through an appropriations bill amendment to bar defense funds for U.S. ground combat troops in either Laos or Thailand.

That, however, is little comfort.

Everyone seems to know there is a strong U.S. "military presence" in Laos and Thailand. Anyone, at least who watches Bob Hope's annual Christmas show. In the 1969 version Hope, you will recall, commented on the "highly secret" mission of some units.

Many published reports, too, have told of U.S. air operations in support of Laotian troops. "Private" airlines, financed from CIA funds, reportedly supply arms, ammunition, and food to Royal Laotian troops.

U.S. Air Force bases in Thailand admittedly are used as operational points for raids on the Ho Chi Minh Trail in Laos.

There have also been substantial reports about U.S. personnel engaged in anti-guerrilla operations.

Won't we ever learn?

The U.S. got involved in the tragedy that is Vietnam because of failure to hold open debates in Congress on our involvement there, and partly through entanglements brought on by the operations of the CIA.

We cannot afford to let Laos and/or Thailand become Vietnam all over again!

REVOLUTION OF HOPE IN INDIA

Mr. EAGLETON. Mr. President, when, in this age of megatons and megawaste, technology produces some tangible and unmitigated human progress, we ought to pause and savor it.

The "Green Revolution" which has occurred during the last 3 years in India and other developing nations appears to be one of these rare and hopeful occurrences.

And, while most of the credit goes to the governments and people of the countries involved, Americans were there when it happened. We were there with nearly two decades of economic assistance. We were there with food in times of scarcity. We were there with the unrelenting work of private organizations like the Rockefeller Foundation, the Ford Foundation, and many of our great American universities, whose agronomists helped cause this revolution.

On February 6, the St. Louis Post Dispatch carried an editorial summarizing this historic event, and I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REVOLUTION OF HOPE IN INDIA

Without much fanfare except in the technical journals, a revolution of vast consequences has been occurring in India. For once it is peaceful and constructive, and it has certain counterparts throughout Asia. It is a revolution in the production of food grains which has brought India from the brink of starvation to a point of relative abundance in a few short years, and which has in the process revealed new facets of the Indian character.

As a detailed report of the Rockefeller Foundation makes clear, Indian subsistence farmers were supported to be "too sluggish, too unintelligent, too tradition-bound" to use new technologies even if handed them. But given something better to work with, these farmers "amazed not only their own government but the rest of the world." The speed with which they reacted, says the report, has never been duplicated on an equal scale anywhere else, including the agriculturally sophisticated United States.

The perceptive report was written by Carroll P. Streeter, for many years editor of the *Farm Journal*, who found that while India's approach to self-sufficiency in food is of key significance, "The real revolution is the one that has happened, not to farming but to farmers—the revolution of hope. It has meant a new concept of self, in which the farmer can believe he may fulfill his destiny as a liberated human being."

In the case of one crop wheat Mr. Streeter notes that the seasons of 1965–66 and 1966–67 saw the worst drouths in 40 years forcing India to import 10 million tons to avert hunger and in some instances starvation. Yet today the Indus and Gangetic plains of northern India and of neighboring West Pakistan "are one vast carpet of beautiful wheat—short stiff-strawed thick in stand as level as though just mowed, heavy with big heads loaded with plump kernels . . . nothing less than miraculous."

The miracle was wrought by scientists who mixed wheat strains from various parts of the world to fit Indian growing conditions. And they have made similar progress in rice, corn, sorghum and millets. The Indians, along with wheat breeders in other countries, are working on a wheat-rye cross called "triticale," the first man-made species of grain with large commercial potential ever created.

Mr. Streeter credits four developments for the success of the revolution: New germ plasm which has given Indian plant breeders an abundance of material from which to breed more productive varieties of cereal grains; agricultural "inputs" such as irrigation water, fertilizer, pesticides and farmer credit; increased production of farm experts by state agricultural universities, and government-set price floors.

Having depicted the miracle, Mr. Streeter cautions against too much optimism as to the overall Indian economy, the reason being the birth rate. India's food supply is gaining at a rate of 4 per cent annually and has the capability of going to 5 per cent; about a million people a month are being added to the population, which now is estimated at 540,000,000.

What India has won is an important breathing spell and a period of a few years—perhaps as many as 10—in which to slow down the population growth while pushing food production ahead still faster. India has made small progress with birth control, but maybe, like the farmers and the new technology, the Indian people only need to be persuaded of its value. India cannot hope for long-range self-sufficiency in food until population growth is under control, and it is well that New Delhi is intensifying efforts along that line.

TAX RELIEF FOR THE ELDERLY UNDER THE TAX REFORM ACT

Mr. WILLIAMS of New Jersey. Mr. President, the Tax Reform Act of 1969, which was signed into law in December, was a significant step forward in providing more equitable tax treatment for individual taxpayers.

Several provisions in the new law, including a number of proposals which I have advanced, will also provide urgently needed relief for elderly taxpayers. This is especially gratifying to me, since tax relief for older Americans has been one of my major concerns.

In December, the Senate Committee on Aging, of which I am chairman, prepared a memorandum to assist elderly taxpayers in understanding the recent changes in the tax law which will be of particular benefits to them. This memorandum presents the information in a concise, readable fashion, and should be very helpful to older persons.

Mr. President, I ask unanimous consent that the text of this memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

TAX REFORM AND SOCIAL SECURITY

The Senate and the House of Representatives adopted a compromise conference report on the tax reform bill by overwhelming votes on December 22, clearing the measure for the

White House. Although the increase in social security benefits will provide the most immediate relief for older Americans, several other provisions will provide significant tax relief for many elderly persons.

Increase in personal exemption deduction: The bill provides for a three step increase in the personal exemption deduction from $600 to $750 by 1973. Older Americans will benefit doubly from this increased deduction. Under existing law a person who is at least 65 years old is entitled to the regular personal exemption of $600 plus an additional $600 deduction for age—for a total of $1,200. When this provision becomes fully effective, an elderly taxpayer would be entitled to a $1,500 personal exemption deduction—$300 more than under present law.

Increase in standard deduction: A three stage increase in the standard deduction will provide significant relief for moderate-income elderly taxpayers. The present 10 per cent standard deduction with a $1000 ceiling will be increased to 15 percent with a $2000 limitation by 1973.

Low income allowance: Older Americans will also benefit substantially from the new low income allowance (equivalent to the minimum standard deduction plus an additional amount which would equal $1100), which will have the effect of removing more than 5 million tax returns from the tax rolls. The maximum $1100 low income allowance would go into effect in 1970, but would be reduced in two steps to $1000 by 1972 to correspond to the $100 increase in the personal exemptions deduction for 1972. This low income allowance together with the personal exemption deduction would be almost equivalent to the poverty standard, and would remove virtually all persons in the poverty category from the tax rolls.

Revision in tax rates for single individuals: The new revised tax structure for single persons who do not support a household in which a dependent lives will benefit many elderly widows and widowers. (Approximately 3.6 million elderly women are widows and live alone.)

Under present law the tax rate for a single individual is substantially higher than for a married couple filing a joint return with the same taxable income. In some instances a single taxpayer will pay 41 percent more in taxes than a married couple filing jointly. The new rate structure in the tax reform bill will help to relieve this inequity by providing a tax for single persons which will not be more than 20 percent of the tax paid on a joint return with comparable taxable income.

GSA APPOINTS ROBERT T. HANDREN TO PUBLIC ADVISORY COUNCIL

Mr. JAVITS. Mr. President, on September 5, 1969, Robert L. Kunzig, Administrator of General Services, announced the formation of a National General Services Public Advisory Council. The purpose of this Council is to create a formal channel of communications between the public and policymaking officials in GSA. Composed of 16 members selected from many sectors of the business community, the Council is chaired by Robert A. Forsythe, a Minneapolis attorney and former Assistant Secretary of Health, Education, and Welfare.

I am pleased to report that New York is represented by Mr. Robert T. Handren, senior partner with the architectural-engineering firm of Handren, Sharp & Associates of New York City.

Mr. Handren graduated magna cum laude from the New York University School of Architecture and Allied Arts, and the recipient of the American Institute of Architects Scholarship Award and received the Morse and Delevie Prizes.

Mr. Handren is a member of many professional groups and is a former member of industry committees that worked with the War Production Board, the Office of Price Administration, the Office of Price Stabilization, the Department of Agriculture, the Defense Supplies Corporation, and the President's Food Committee. Mr. Handren has representative works on modern architecture in the Museum of Modern Art and many publications to his credit and has won three of eight Army-Navy "E" awards given to the industry.

The Administrator of GSA has indeed obtained the services of an outstanding citizen on the Public Advisory Council at GSA.

THE REA TELEPHONE PROGRAM IN ALABAMA

Mr. ALLEN. Mr. President, in describing what the REA telephone program has meant for the people of the State of Alabama, I would first like to inject a historical note. The first REA telephone loan approved in the entire history of this excellent program, was on February 24, 1950, to the Florala Telephone Co., Inc., Florala, Ala. Since that historic occasion of 20 years ago, over 106,000 rural subscribers have received modern telephone service in the State of Alabama under the REA program. It is most significant that over 81,000 of these subscribers were provided service for the first time.

From the time of the program's inception, until July 1, 1969, REA had approved loans to 26 borrowers in Alabama, totaling $63,609,236. These loans were made to 23 commercial companies and three cooperative associations.

We in Alabama are proud of the repayment record of these REA borrowers. Payments have been made on schedule and no borrower is overdue in his payment.

At the inception of this program in 1949, only 8.2 percent of the farms in Alabama had telephones. Today, 64 percent of the State's 92,500 farms, as well as many rural homes and businesses, have telephones.

ENVIRONMENTAL POLLUTION

Mr. FONG. Mr. President, on February 18, 1970, the honorable Senator from Pennsylvania (Mr. SCOTT) introduced seven bills to fight the pollution of our environment. I was one of 33 Members of this Senate who cosponsored those bills.

As a U.S. Senator from the beautiful State of Hawaii, I am most concerned with the pollution problem.

Like so many of our States, the State of Hawaii is beginning to feel the threat against the environment.

Mr. Sanford Zalburg, the city editor of the Honolulu Advertiser, wrote for his newspaper's Progress edition what I feel may be a unique critique of the island of Oahu and it tells in most graphic, easy-to-read style, the great changes which have occurred since he arrived in Honolulu 21 years ago. The changes he talks of apply to Hawaii, but I feel his article tells only too well of the enormity of the pollution problem which we in the U.S. Congress must pledge to fight. For this reason, I ask unanimous consent that the article by Sanford Zalburg which appeared in the February 17, 1970, editions of the Honolulu Advertiser, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR HAWAII 1970: HERE'S A HOPE AND A PRAYER

(By Sanford Zalburg)

I'm going to write a new kind of introduction to a Progress Edition. Maybe people will even read it.

The standard introduction is a rambling chronicle of vast sweeping and self-importance. In contrast, this will be fairly short and impudent, more like a hope and a prayer than a prognostication, which after all is just a big word for day-dreaming.

Some background is necessary; that it, a quick look at the "good, old days."

I well remember the first day I got here. It was in July, 1949, and the shipping strike was on. The plane dropped low over Maui, I think it was, and we passed over a pineapple field and a workman looked up, shaded his eyes with his hands, and waved.

I thought: What a lovely place.

Then we approached Oahu and I saw the jade water lapping the shore and I thought: My God, it's beautiful!

We arrived at the airport and a cab driver took me to the Moana Hotel. To my amazement, they greeted me as though I were the Maharajah of Inzor. (For good reason: I don't think they had a dozen guests that day in the hotel.) They gave me a lovely room for $9 looking out onto an uncluttered Diamond Head. I said, nine dollars.

Next morning I walked around. You may not believe it, but there were just four major hotels in Waikiki in those days—the Moana, the Royal, the Halekulani and the old Niumalu, may its soul rest in peace.

I walked around Waikiki. No traffic; no crowds. The benign sun; the sparkling ocean. All's right with the world, I thought.

Shortly thereafter I spent a morning on Kuhio Beach. On that stretch of beach there were just two of us taking our leisure: Tarzan White, the ex-football player-wrestler from Alabam' and me. I said to him, "Doesn't this beat your old hometown (Atmore, Ala.) all hollow?" He agreed that it did.

Where has it all fled? Has it all gone with the tradewind? Not quite, but 20 years later we are in trouble and worried about what's happening now and what's going to happen in the next 10 years.

Lord knows, the problems ARE enormous, and they are growing. I will not try to downgrade them. We are getting bigger all the time, and more people are pouring into this blessed island. How are you going to stop them? And where will they stay? In the coconut trees?

Many mornings when I look out the apartment window, I can see the smog coming in on little cat's feet onto the floor of the valley below the Waianaes. (Burning cane out Ewa way isn't helping any, by the way.)

I know all about the maddening traffic. In silent protest, I often leave my car at home and walk to work and I wish to hell other people who also have two good legs would do the same.

I read that every day 48,000 vehicles pass the corner where I live (Ala Moana and Piikoi). I believe it. I hear them. They're churning past me, day and night. And how come someone doesn't order those big, lumbering trucks to carry a muffler that works?

Already the air of Paradise is noxious. I defy you to breathe in comfort in the lower level of Ala Moana Center under that blanket of cement.

And noise! When the wind is south-southwest, the planes zooming in to make that wide turn over the town almost drive me nuts.

I'm also aware of our concrete jungle. All I have to do is look waikiki from my abode and see the man-made walls blocking Diamond Head.

I know about our housing problem. I also know about litter and polluted seawater. Not long ago I surfaced after swimming underwater off Ala Moana Park and came up with a flattened cardboard milk carton draped in my hair. All hail, the slob who dropped that into the water.

I know all this is happening, and yet I retain a spark of optimism about our future. Shall I tell you why?

I'm optimistic, first of all, because it seems to me that everyone knows all about it, too. Not just Robert Wenkam. It's no secret. It's the talk of the town.

I'm optimistic, too, because of a little incident that happened not long ago. A 12-year-old schoolgirl called the City Desk to which I am chained. She said she and seven of her classmates were deeply disturbed by the litter scattered about town. So they made up little signs saying, "We care. Do you?" And they fastened the signs to their backs and went down to Kapiolani Park and the Zoo and began picking up trash and putting it into the receptacles where trash belongs.

A tiny gesture perhaps, but so shines a good deed in a naughty world.

I think we are lucky to have a generation of young people who care. They care about their environment. They care about the quality of life. Some of them even can pronounce the new in-word, ecology.

They don't want to live in an ugly, cluttered, noisy, malodorous world. If we care enough, they won't have to.

And, of course, I'm heartened by what's happening at the Legislature. This is the "better quality of life" Legislature. They sound as if they intend to do something about improving things. Look at the bills that have been introduced for that purpose.

Victor Hugo said that no army can withstand the strength of an idea whose time has come. The time has come for us to act, and I am optimistic enough to believe that we will.

We'll have to start moving against an oncoming tidal wave of trouble. We'll have to start building a fixed-rail mass transit system to take the offending automobile off the streets, and such a transportation system will cost jillions and take a decade to finish.

So, you say, what will keep cars from coming downtown anyway? Well, I think we will have to lay down some very harsh rules and regulations. Such as tossing people in jail for littering the landscape. They do that in Malaysia. It also may come to pass that we will have to prohibit people from driving their cars into the heart of Honolulu—the downtown area, Waikiki, etc. My, won't the screaming start then?

We will have to order truck owners to install proper mufflers on their shrieking beasts and order airplane drivers out to sea beyond the reef for takeoff and landing. I know. A reef runway will cost a pile.

But is a runway out to sea so extraordinary? They already have one at Kai Tok in Hong Kong and at Faaa at Papeete. Why not here?

At the opening of the Legislature a "futurist" professor from the University predicted what lies ahead if we fail to heed the shrill warning signals. He said it without mincing words, a sort of Doomsday prophet, and his words raised a few hackles. I prefer the short and simple and gutty peroration of a homegrown Demosthenes; namely, Art Rutledge, labor leader.

Rutledge said:

"If the politicians are responsive to the needs of the people, instead of the fast buck, this will be a wonderful place. If not, some people will call it, 'Hell in Paradise.' "

So, that's my introduction to the Progress Edition. Remember, I said it was a hope and a prayer and an act of faith.

On days when I can't take it any longer, I pray for rain. It drives the tourists off the beach and then I go walking in Waikiki on the wet sand in my bare feet.

There's something oddly delicious about the feel of wet sand squishing between your toes. I tell you about this quirk simply to remind you that there's still great charm in the old place. I mean, try doing that barefoot bit in Keokuk, Iowa, in February.

And naturally, no one can ever take away the green cliffs that are called the Pali; nor the emerald surf as it creams onto the shore. And, like Wordsworth, my heart still leaps up when I behold a rainbow in the sky.

OIL IMPORT PROGRAM

Mr. DOLE. Mr. President, President Nixon should be commended for his statement today concerning the oil import program. It is particularly encouraging to note the President recognizes the fact that Congress has a vital and proper interest in the oil import program. Hopefully, hearings will be held in the near future on a proposal to be introduced soon by me and a number of my colleagues.

It is apparent to many of us that additional study will be helpful to the consumer, as well as the oil industry. Lower consumer prices is certainly an important and worthy objective, but a careful study should also be made of the economic impact changes in the oil import policy would have on the domestic oil industry.

As President Nixon indicates, there were a number of areas of agreement reached by the Cabinet task force, and certain positive steps can be taken immediately.

There is a need for a new management system to set policy, and the creation of a permanent Oil Policy Committee can be most helpful.

The interdepartmental panel, to be chaired by the Director of the Office of Emergency Preparedness, and including the Secretaries of State, Treasury, Defense, Commerce, the Attorney General, and the Chairman of the Economic Advisors, can provide the coordination needed in considering interim and long-term adjustments.

In the "Summary Guide to Task Force Report on Oil Import Control," also released by the White House today, there was a clear recognition by the Cabinet task force that substantially lowering the domestic price levels for crude oil would severely affect the domestic oil industry and would also weaken the national economy.

Mr. President, those of us from oil-producing States are sympathetic with many of the views expressed, and the interest of consumers, but we must not lose sight of the security implications of the oil import program, nor underestimate the dangers of foreign oil interruption, or above all, destroy our domestic industry.

The present program is far from perfect. There have been abuses and mistakes in its administration, and unquestionably a number of changes can or should be made. Again, as President Nixon stated today, Congress can play a very vital role in recommending changes in the present program.

THE PROBLEMS AT COOK COUNTY HOSPITAL

Mr. PERCY. Mr. President, yesterday I told the Senate about the breakdown in food serving the hungry and malnourished in Chicago. Today, I have to report another breakdown that effects these same people in an equally adverse way—the breakdown in health services. Cook County Hospital, the largest hospital serving the medically indigent, has just announced that it cannot admit any more patients except the most critically ill.

The problem which precipitated the crisis is the increase in cases of flu, pneumonia, and frost bite in the Chicago area which has increased the number of inpatients normally served by the hospital from 1,800 to as high as 2,150. But the trouble at Cook County Hospital goes beyond just the simple increase in winter illness. It is a chronic problem that has been developing over a long period of time.

To begin with, Cook County General is approximately 50 percent understaffed. There simply are not enough nurses and technicians to meet the needs of the patients. Lack of facilities and funds have prevented the hospital from attracting the number of medical personnel needed to staff a hospital with 2,200 beds.

In addition, the bureaucratic redtape involved in administering the hospital and expending its funds has contributed to the breakdown.

Until the State, the county, and the governing commission of the hospital untangle the legal problems involved in the allocating of funds for the hospital, the crisis cannot be alleviated.

Finally, the number of outpatients that come to Cook County for care has also contributed to the severity of the problem. Because there are not other outpatient facilities to serve the medically indigent, Cook County must attempt to treat the hundreds of poor that travel as much as several hours to reach the hospital, and then must stand in line nearly half a day before they are treated.

Mr. President, the Cook County situation is not unique. It is indicative of the problem of providing adequate medical care for our poor. Perhaps one of the most promising ways of providing this care is the development of neighborhood health centers which would treat these people in their own neighborhoods and in many cases prevent the need for hospitalization.

Last year, I introduced the Neighborhood Health Center Act which amended Hill-Burton to provide funds for these centers. The Senate Labor and Public Welfare Committee has agreed to this amendment in part.

XUM

I feel, however, that a change should be made in the formula for distributing funds for the construction of the health centers. These centers are basically designed to insure the delivery of health care into areas where there are doctor shortages and many less advantaged people. Therefore, the formula for allocating funds should be based on the number of medically indigent within a State or given area.

I intend to vigorously pursue enactment of the amended Hill-Burton Act with the provision for neighborhood health centers.

EMPLOYER CONTRIBUTIONS FOR JOINT INDUSTRY PROMOTION OF PRODUCTS

The PRESIDING OFFICER. Two hours having elapsed, the Chair now lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

> H.R. 860, an act to amend sec. 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions for joint industry promotion of products in certain instances.

The Senate resumed consideration of the bill.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

XUM

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, in view of the unusual circumstance which has just developed, and for which the distinguished Senator from Wisconsin (Mr. Proxmire) is not to blame, and with the proviso that this is not to be considered a precedent, I ask unanimous consent that the distinguished Senator from Wisconsin may be allowed to proceed for 3 minutes.

Mr. BYRD of West Virginia. Objection.

The PRESIDING OFFICER. Objection is heard.

What is the will of the Senate?

Mr. WILLIAMS of New Jersey. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

EMPLOYER CONTRIBUTIONS FOR JOINT INDUSTRY PROMOTION OF PRODUCTS

The Senate continued with the consideration of the bill (H.R. 860) an act to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions for joint industry promotion of products in certain instances.

PRIVILEGE OF THE FLOOR

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that during the debate on H.R. 860, the members of the staff of the Committee on Labor and Public Welfare be allowed floor privileges without the usual limitation as to number.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, the bill H.R. 860 is a bill designed to amend section 302(c) of the Labor-Management Relations Act in order to permit employers to contribute to product promotion trust funds to be jointly administered by management and labor.

Under the law as it now stands, employers may contribute to trust funds administered by themselves for the purpose of product promotion; they may bargain with their employees over the establishment of such a trust fund; they may even agree with their employees to make the trust fund part of the collective bargaining agreement; however, employers may not contribute to trust funds which are to be jointly administered by management and labor.

Let me explain the legislative history leading to the need for this legislation.

In order to eliminate bribery, extortion, shakedowns, sweetheart contracts, and other corrupt practices, as well as to protect the interests of beneficiaries of lawful employer-employee supported funds, Congress enacted section 302 of the Labor-Management Relations Act. This section prohibits all payments by an employer to the representatives of his employees for any purposes other than those specifically excluded in the act. Because of this method of drafting, for many years it was unlawful for employers to make contributions to jointly administered trust funds for purposes of pooled vacations, for holiday and severance pay, and training programs, as well as for the purpose of establishing child day-care centers and scholarships for employees and families of employees. Since the enactment of the basic statute, Congress has had to enact several amendments to permit labor and management to administer trust funds for such worthy purposes as those I have just enumerated. I believe there are seven such jointly administered trust funds. Indeed, Congress this year enacted an amendment to section 302(c) to permit the establishment of jointly administered trust funds for purposes of child day-care centers and scholarships. Today we have before us a similar amendment. Its purpose this time is to permit labor and management, where they choose, to establish jointly administered trust funds for the purposes of product promotion.

Lawful purposes to which funds can now be put are presently enumerated in section 302. They include funds for medical or hospital care, pensions for retirement or death of employees, compensation for injuries or illness resulting from occupational activity, unemployment benefits, life insurance, disability and sickness insurance, or similar benefits, and apprenticeship or other training programs. Recent court decisions, however, have held that employer contributions to product promotion programs administered jointly by trustees representing labor and management were not permitted under section 302 since they were not specifically mentioned in that section. This represents an incongruity, for it is clear that product promotion trust funds and collective bargaining about such trust funds are presently lawful. In fact, there are thousands of such funds in existence today. Many of these are incorporated into collective bargaining agreements. Many are even financed through the collective bargaining mechanism, pursuant to an agreement under which employers may contribute 1 or 2 cents per man per hour. Therefore, it is clear that such trust funds are not proscribed by public policy considerations. However, it is presently unlawful for labor and management to jointly administer such programs.

The bill, H.R. 860, would merely add another exception to those already existing in section 302. The bill would remove any possible Government interference with the free collective bargaining process, and would preclude the Government from saying to management and labor that they cannot establish programs which they deem to be to their mutual advantage. All the bill would do would be to permit labor and management, where they so choose, to establish a jointly administered trust fund for purposes of product promotion.

In recognition of the fact that section 302 was designed to outlaw corrupt practices that conceivably could arise from payments by employers to representatives of employees, this bill contains numerous safeguards which are not applicable to unilaterally administered trust funds. For example, it provides that contributions must be made to a separate fund established to carry out the specifically authorized purpose. It also provides that no assets held by the fund may be used for any other purpose, nor may they be commingled with other funds. They may not be used to defray the costs of programs that are employer or labor organization functions. Furthermore, provisions of present laws that require reporting and disclosure of welfare and pension funds are made applicable to trust funds established under this section.

Additionally, no labor organization or employer can be required to bargain on the establishment of any such trust fund, and the refusal to bargain on such establishment will not constitute an unfair labor practice.

H.R. 860 is similar, indeed it is almost identical, to the child day-care bill enacted last session in that it permits, and I emphasize that, it permits bargaining on specified trust funds, and permits employer contributions to such funds.

Mr. President, in order to completely understand the need for this legislation, my colleagues should be aware of the principal proponents that came forward in support of this bill. The impetus for consideration of this legislation comes not just from the Building Trades Department of the AFL–CIO. It comes as well from several management groups in the building trades industry. Both labor and management have come to Congress, as indeed they must, in this situation, to request that Congress authorize those groups to enter into agreements to jointly administer product promotion trust funds.

If Congress does not enact this legislation those labor and management groups that wish to enter into such agreements will not be permitted to do so.

For these reasons, Mr. President, the bill that comes before the Senate today is a bill that has been under consideration for many years both in the Senate as well as in the other body. This is a bill that already has been voted on favorably this session in the other body.

I urge the passage of H.R. 860.

Mr. PROUTY. Mr. President, I rise in support of H.R. 860, a bill to permit employer contributions for joint industry promotion of products. This bill is identical to S. 1369, of which I am a cosponsor, which was reported to the Senate from the Committee on Labor and Public Welfare on January 28, 1970.

This bill amends section 302(c) of the National Labor Relations Act. Section 302(c), Mr. President, by way of background, presently enumerates seven specific areas where trust funds may be administered jointly by trustees representing both labor and management.

The proposed legislation before the Senate adds an eighth exception where this will be permitted; namely, where moneys are paid into trust funds jointly established and administered by representatives of labor and management for product promotion programs.

I emphasize the word "permit," Mr. President, as there is nothing in this bill which would require the employer to agree to joint trustees or which would prevent him from bargaining for a trust fund which would continue to be administered unilaterally by management representatives. It would merely authorize the joint administration of these funds in instances where a union and an employer in the construction industry reach accord on the desirability of following such procedure through the processes of free collective bargaining.

This subject, however, will be a permissive rather than mandatory bargaining subject under this amendment. Thus, no party can be required to bargain either over whether such a fund shall be established or over whether it shall be administered jointly or unilaterally, and a refusal to bargain on these subjects by either party can in no circumstances be found to constitute an unfair labor practice under the provisions of the National Labor Relations Act.

I ask unanimous consent to include at this point in the RECORD a letter which I have received from C. J. Haggerty, president of the Building and Construction Trades Department of the AFL–CIO, which I think is a very effective argument in support of the proposed legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BUILDING AND CONSTRUCTION
TRADES DEPARTMENT,
Washington, D.C., February 13, 1970.

Hon. WINSTON L. PROUTY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PROUTY: We strongly urge your support for S. 1369, which will soon be considered by the Senate. This is a very meritorious measure and would simply permit the joint administration by labor and management of trust funds for the promotion of products in the construction industry if both voluntarily agree.

On January 27, 1970 the House passed H.R. 860, a companion bill to S. 1369. This is the third time the House has passed this legislation, having approved a similar bill in 1965 and again in 1968. Each time, just prior to adjournment, the full Senate Labor Committee failed to get a quorum to report the bill. This year, however, the Senate Committee has reported S. 1369.

Jointly administered product promotion programs were tested for many years. They proved to be of great benefit, not only to employees and employers of the industries directly involved, but also to many segments of the community.

It should be emphasized that the programs encompassed by S. 1369 and H.R. 860 have not been proscribed as a matter of public policy, but rather by the nature of the drafting of section 302 of the Labor-Management Relations Act. The Ninth Circuit Court of Appeals stated in Cement Masons v. Paramount Plastering (310 F.2nd 179):

"We do not quarrel in the slightest with the laudable objectives of the trust amicably created by labor and management in this case. We sympathize with the efforts of both labor and management to solve a vexing industry problem. * * *

"But like so many of such present-day problems, our duty is to rule in accordance with that which the Congress in its wisdom has seen fit to enact. We cannot widen the door when the door sill has been carefully tailored by the representatives in Congress. The relief sought by the appellants herein must be found in congressional and not judicial action."

Administration of promotion programs in the construction industry is not solely a management prerogative when they are provided for in a collective bargaining agreement. It takes two parties to consummate an agreement. It is the responsibility of both labor and management to see that provisions of the agreement are carried out.

Monetary provisions in a collective bargaining agreement relating to promotion programs are considered by employees to be an integral part of their wages, the same as are similar fringe benefits for apprenticeship programs, health and welfare funds and other programs specifically authorized under section 302(c) of the Labor-Management Relations Act.

In fact, the one or two cents per manhour which go into existing unilaterally administered promotion programs are reported to the Internal Revenue Service as a labor cost or business expense; this is the only reporting requirement under existing law for unilaterally administered programs.

Under S. 1369, jointly administered funds would have to report to the Department of Labor in accordance with the Welfare and Pension Plans Disclosure Act. Thus the bill provides a safeguard which insures that contributions to jointly administered programs will be spent for the purpose for which they were intended.

The issue is simply, should the Federal Government interfere with the free, private negotiations between labor and management to develop mutually beneficial joint programs which no public policy proscribes. With the abundance of safeguards provided in S. 1369 for the protection of such funds, the answer is clearly that the Congress should not say to labor and management that, in their wisdom, they cannot establish programs which they deem to be to their mutual advantage and which would be in the public interest.

The trust funds permitted by S. 1369 would be a permissive and not a mandatory subject of collective bargaining. If an employer or his employees don't wish to set up such a fund, they could simply refuse to bargain about the subject.

On behalf of our 17 affiliated national and international unions, and the over three and one-half million building tradesmen they represent, we urge your vote in favor of S. 1369.

Sincerely,

C. J. HAGGERTY,
President.

Mr. GRIFFIN. Mr. President, I rise to voice my opposition to the pending legislation. This is the wrong bill at the wrong time, particularly because the Nation is deeply concerned about the rapidly rising costs in connection with the construction in general and low income housing in particular.

I wish to indicate to the Senate that at the appropriate time I intend to make a motion to recommit the bill to the Committee on Labor and Public Welfare, and I expect to ask for a vote at that time.

The pending bill would authorize unions in the building and construction industry to administer jointly funds set up for the promotion of products and uses of products in the construction industry.

XUM

Mr. WILLIAMS of New Jersey. Mr. President, I dislike to interrupt, but will the Senator yield? I thought I heard the Senator say the bill would require that.

Mr. GRIFFIN. No, it would permit or authorize. If I said "require," I will correct the record.

It would authorize unions to negotiate and, through collective bargaining, to gain joint control, in effect a veto power, over the use of promotion funds in the construction industry.

Mr. President, in a sense, this is about as logical as it would be to provide that management could have joint control over the expenditure of union dues. The expenditure of union dues is obviously a function of the representatives of organized labor, representing the rank and file union members.

There is, and always has been, an important separation of the functions of management and unions, and the integrity of the collective bargaining system involves a recognition of that separation.

Management should not be involved in decisions that are union decisions, and unions should not be involved in decisions that are the prerogative or responsibility of management.

Unions represent employees in collective bargaining with regard to their wages, hours, and working conditions. That is what the Taft-Hartley law appropriately provides.

When it comes to the way a company is going to advertise its product or promote its product, that is primarily, and always has been recognized as primarily, a management prerogative—not that workers are not affected by management decisions. Without doubt they are, just as management is affected by union decisions. But the integrity of the collective bargaining system requires an appropriate separation of the two functions.

The additional strength which this bill gives to the unions in the building and construction industry can be minimized, perhaps, but it is adding by law additional strength to unions in an industry where labor is not in need of such assistance.

Mr. President, last year there was a very disturbing and alarming round of wage increases in the construction industry; disturbing in the pattern that was set and what those wage increases meant in terms of the cost of housing.

I want to say for the record that I fully support the objectives of any union to bargain vigorously for, and to demand increases which keep its membership abreast of the cost of living and to provide for legitimate sharing in any increases in productivity. Any union which has the responsibility of representing workers and does not seek those objectives would not be performing its function. But, some unions in this industry have enforced demands upon contractors which go far beyond any legitimate demands based on productivity and the cost of living.

A national magazine, in September of 1969, in an editorial had this to say:

> It is a matter of national concern that the settlements in construction, which represents 14 percent of the gross national product and employs 7½ percent of the work force, are forcing building costs up at a rate of 9 percent a year. And that in the thousands of contracts that will be negotiated this year there will be hardly a single concession that will lead to increased productivity. But, even more ominous, the construction contracts, won in special circumstances by murderous bargaining power, are generating pressures in the rank and file of the industrial unions for similar exorbitant increases.

The article goes on:

> The inflationary settlements recently made in New York demonstrate that a handful of powerful business agents, representing a small number of workers, can set in motion a wage pattern for industries employing millions. When New York constuction contracts expired this year, the unions picked off the employers' associations one by one. The sheet-metal workers, after a six-week strike, won a wage and fringe benefit contract that calls for a 50 percent increase over the next three years (up to $11.72 an hour, or $23.44 an hour for overtime). The carpenters got a 45 percent increase that will bring wage and benefit costs to $11.08 an hour in 1971; after thirty-five hours, the overtime pay will be $22.16 an hour.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD a table showing statistics concerning the major wage settlements in 1969, State by State, in the building and construction industry.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MAJOR WAGE SETTLEMENTS—1969

	Occupation	Days on strike	Current rate	Increases	Final rate	Annual percent increase
Arizona: Statewide	Plumbers		$6.41	$3.25/3 years	$9.66	16.9
California:						
Los Angeles	Painters		4.155	3.15/5 years	7.305	15.1
San Diego	Sheet metal workers	47	6.62	3.00/3 years	9.62	15.1
Colorado:						
Denver	Bricklayers		5.25	4.00/3 years	9.25	25.3
Colorado Springs	do	25	5.17	2.90/3 years	8.07	18.6
Connecticut:						
Bridgeport	Carpenters	28	4.59	3.11/3 years	8.70	18.0
	Plumbers	70	5.95	3.40/3 years	9.35	19.0
Central	Painters	40	4.85	3.45/3 years	8.30	23.7
Hartford	Bricklayers		6.14	3.30/3 years	9.44	17.9
	Carpenters	24	5.59	3.08/3 years	8.67	18.0
	Roofers	29	5.57	3.05/3 years	8.62	18.0
New Britain	Bricklayers		6.14	3.30/3 years	9.44	17.9
	Carpenters	24	5.59	3.08/3 years	8.67	18.0
Southern	Roofers	11	6.04	3.30/3 years	9.34	18.2
Statewide	Iron workers	50	6.62	4.06/3 years	10.68	20.4
Willimantic	Carpenters	24	5.59	3.08/3 years	8.67	18.0
Delaware:						
Statewide	Tile setters	84	4.975	3.75/3 years	8.725	25.1
Wilmington	Bricklayers	67	5.70	3.75/3 years	9.45	21.9
	Carpenters	60	5.25	2.60/2 years	7.85	24.5
	Laborers		3.55	2.15/2 years	5.70	30.0
	Millwrights	45	5.625	2.90/2 years	8.325	25.7
	Painters	28	4.715	1.50/2 years	6.215	15.9
	Stone masons	75	5.70	3.75/3 years	9.45	21.9
District of Columbia:						
	Carpenters	42	5.18	2.75/3 years	7.93	17.0
	Cement masons	8	4.99	2.75/3 years	7.74	18.4
	Laborers		3.55	2.75/3 years	6.30	25.8
	Lathers	18	5.555	3.00/3 years	8.555	18.0
	Operating engineers		5.625	2.75/3 years	8.375	16.2
	Plasterers		5.495	3.00/3 years	8.495	18.1
Florida:						
Jacksonville	Operating engineers		4.88	2.25/3 years	7.13	15.4
Miami	Carpenters		5.62	2.85/3 years	8.47	16.9
	Iron Workers	5	5.83	3.00/3 years	8.83	17.1
	Laborers		3.65	2.50/3 years	6.15	22.8
	Operating Engineers		5.15	2.81+/3 years	7.96	18.9
Tampa	Carpenters	21	4.375	2.25/3 years	6.625	17.1
	Laborers	29	2.80	2.00/3 years	4.80	23.6
West Palm Beach	Bricklayers		5.00	2.40/2 years	7.40	24.0
Georgia:						
Atlanta	Carpenters		5.215	1.80/2 years	7.015	17.2
	Sheet metal workers		5.40	2.80/3 years	8.20	17.2

MAJOR WAGE SETTLEMENTS—1969—Continued

	Occupation	Days on strike	Current rate	Increases	Final rate	Annual percent increase
Illinois:						
East St. Louis	Laborers	12	$4.60	$3.25/4 years	$7.85	17.6
	Iron workers	20	6.27	2.85/3 years	9.12	15.1
	Lathers		5.775	3.00/3 years	8.775	17.3
	Plasterers		5.775	3.00/3 years	8.775	17.3
Joliet	Bricklayers		6.10	3.05/2 years	9.15	24.9
	Cement masons		5.96	2.95/2 years	8.91	24.7
	Iron workers		6.80	2.75/2 years	9.55	20.1
	Laborers		4.75	.72/1 year	5.47	15.1
Moline	do	62	3.78	1.73/2 years	5.51	22.5
North Central	do	17	4.255	2.10/3 years	6.355	16.4
Rock Island	do	62	3.78	1.73/2 years	5.51	22.5
Iowa:						
Cedar Rapids	Sheet metal workers	59	5.20	2.40/3 years	7.60	15.3
Council Bluffs	Electricians		6.00	2.12/2 years	8.12	17.6
	Sheet metal workers	57	4.88	3.075/3 years	7.955	21.0
Davenport	Glaziers		4.96	2.50/3 years	7.46	16.7
	Laborers	62	3.78	1.73/2 years	5.51	22.5
Dubuque	Plumbers	60	5.05	1.84/2 years	6.89	18.9
	Sheet metal workers		4.85	2.65/3 years	7.50	18.1
Fort Dodge	Laborers		2.65	.80/25 months	3.45	15.1
Iowa City	Carpenters		4.475	1.40/2 years	5.875	15.6
Mason City	Painters		3.60	.60/1 year	4.20	16.6
	Roofers		3.40	.70/1 year	4.10	20.6
Waterloo (outside Black Hawk Company)	Laborers		1.75	1.35/3 years	3.10	25.7
Bettendorf	do	62	3.78	1.73/2 years	5.51	22.5
Kansas:						
Junction City	Carpenters		3.95	1.51/2 years	5.46	18.9
Manhattan	do		3.95	1.505/2 years	5.45	18.9
Salina	Laborers		2.20	.975/2 years	3.175	22.1
Topeka	Operating engineers		4.70	1.62/1 year	6.325	34.5
	Sheet metal workers		5.05	3.30/3 years	8.35	21.7
	Tile setters		4.25	2.55/3 years	6.80	20.0
Maryland: Baltimore	Iron Workers	25	5.60	2.55/3 years	8.15	15.1
Massachusetts:						
Boston	Electricians		6.67	3.25/3 years	9.92	16.2
Eastern	Carpenters	42	5.95	2.85/37 ½ months	8.80	15.8
	Laborers		4.30	2.25/3 years	6.55	17.4
Fitchburg	Carpenters		5.30	3.50/3 years	8.80	22.0
Pittsfield	do	49	5.00	2.90/3 years	7.90	19.5
	Laborers	49	4.155	2.00/3 years	6.155	16.1
Michigan:						
Detroit	Iron workers		7.13	1.47/1 year	8.60	20.6
	Boilermakers	44	6.935	2.555/2 years	9.49	18.4
Grand Rapids	Floor layers		5.70	.97/1 year	6.67	17.0
Lansing	Laborers		4.01	1.00/1 year	5.01	24.9
Saginaw	do		4.38	1.00/1 year	5.38	22.8
Minnesota:						
Minneapolis-St. Paul	Carpenters		5.38	2.85/3 years	8.23	17.6
	Cement masons		5.35	2.85/3 years	8.20	17.5
	Ironworkers		5.60	2.85/3 years	8.45	17.0
	Laborers		4.40	2.60/3 years	7.00	19.5
	Operating engineers		5.60	2.85/3 years	8.45	17.0
	Plumbers		5.86	1.00/1 year	6.86	17.0
Mississippi:						
Gulfport	Laborers		2.60	1.25/3 years	3.85	16.0
Hattiesburg	do		2.10	1.55/3 years	3.65	24.5
Missouri:						
Kansas City	Iron workers	120	5.15	3.85/3 years	9.00	24.6
	Painters	105	4.74	3.18/3 years	7.92	22.3
	Sheet metal workers	55	5.495	3.95/3 years	9.445	23.8
Nebraska:						
Lincoln	Laborers		3.35	1.75/3 years	5.10	17.4
Omaha	Roofers	28	3.90	2.20/26 months	6.11	26.0
	Sheet metal workers		5.00	3.00/3 years	8.00	20.0
Nevada: Las Vegas	do	20	6.85	3.25/3 years	10.10	15.8
New Hampshire:						
Concord	Plumbers		4.65	1.75/1 year	6.40	37.8
Hanover	Laborers	30	3.20	1.55/3 years	4.75	16.0
New Jersey:						
Atlantic City	Carpenters		6.00	3.20/3 years	9.20	17.7
Atlantic-Camden	do		6.00	2.90/3 years	8.90	16.2
Bergen-Passaic	Bricklayers	49	6.50	3.20/3 years	9.70	16.4
Burlington	Carpenters		6.175	3.20/3 years	9.375	17.2
Camden	Cement finishers		5.90	2.80/3 years	8.70	15.8
	Laborers		4.45	2.25/3 years	6.70	16.9
Dover	Bricklayers	60	6.50	3.00/3 years	9.50	15.3
New Mexico: Eastern	do	36	4.88	1.80/2 years	6.68	18.2
New York:						
Binghamton	Carpenters		4.99	2.25/3 years	7.24	15.0
	Glaziers	17	3.85	2.25/3 years	6.10	19.4
	Painters	16	4.58	2.25/3 years	6.83	16.3
	Roofers	50	5.00	3.00/3 years	8.00	20.0
	Terrazzo workers		4.35	2.25/3 years	6.60	17.2
Buffalo	Bricklayers		6.32	3.35/3 years	9.67	17.0
	Carpenters		6.135	3.35/3 years	9.485	17.2
	Cement masons		5.96	3.35/3 years	9.31	18.0
	Electricians		6.51	3.40/3 years	9.91	17.3
	Iron workers		6.14	3.35/3 years	9.49	17.0
	Laborers		5.235	3.35/3 years	8.585	21.0
	Operating engineers	50	6.135	3.35/3 years	9.485	18.1
	Sheet metal workers	15	6.05	3.60/3 years	9.65	19.8
	Teamsters		5.045	3.35/3 years	8.395	23.0
New York	Carpenters		7.61	3.44/3 years	11.05	15.0
	Lathers		7.125	3.50/3 years	10.625	16.4
	Operating engineers		7.66	3.50/3 years	11.16	15.2
	Sheet metal workers	40	6.15	3.78/3 years	9.93	20.4
Niagara Falls	Laborers	14	5.145	1.00/1 year	6.145	19.4
Rochester	Asbestos workers		5.94	1.19/1 year	7.13	20.0
	Carpenters		5.66	1.00/1 year	6.66	17.6
North Dakota: Fargo	Laborers		3.15	1.05/2 years	4.20	16.6

	Occupation	Days on strike	Current rate	Increases	Final rate	Annual percent increase
Ohio: Cincinnati	Asbestos workers		$5.595	$2.16/18 months	$7.755	26.0
	Glaziers	20	5.50	2.75/3 years	8.25	16.6
Pennsylvania:						
Altoona-Johnstown	Bricklayers		5.975	3.005/3 years	8.98	16.4
Johnstown	Cement finishers		4.60	2.35/3 years	6.95	17.0
Philadelphia	Carpenters		5.58	2.71/2 years	8.29	24.2
	Plumbers		6.515	3.35/3 years	9.865	17.1
	Steamfitters		6.515	3.35/3 years	9.865	17.1
State College-Altoona	Carpenters	16	5.35	2.99/3 years	8.34	18.5
York	Bricklayers		5.00	2.75/3 years	7.75	18.2
	Carpenters		4.29	1.90/2 years	6.19	22.2
	Cement Finishers		4.40	1.70/2 years	6.10	19.3
Texas:						
Abilene area	Iron Workers		4.40	1.375/2 years	5.775	15.6
Austin	Plumbers	10	4.75	2.25/3 years	7.00	15.7
Beaumont-Orange	Laborers	10	3.25	1.50/3 years	4.75	15.3
Houston	do	8	3.20	1.65/3 years	4.85	17.1
Waco	Roofers	---	3.05	.95/18 months	4.00	20.6
Wichita Falls	Bricklayers		4.90	1.75/2 years	6.65	17.9
Utah: Statewide	Plasterers		5.20	2.35/3 years	7.55	15.0
	Cement masons		5.20	2.35/3 years	7.55	15.0
West Virginia:						
Charleston	Lathers		4.875	1.90/2 years	6.775	19.5
	Plasterers		4.75	2.00/2 years	6.75	21.0
Clarksburg	Electricians		5.00	2.00/2 years	7.00	20.0
Wisconsin:						
Eau Claire	Laborers	45	3.85	1.45/2 years	5.30	18.9
River Valley area	Carpenters	60	4.50	2.10/2 years	6.60	15.5
	Laborers	60	3.90	1.50/2 years	5.40	19.2
	Millwrights	60	4.75	2.10/2 years	6.85	22.2

Mr. GRIFFIN. Mr. President, I referred to an editorial which appeared in the September 1969 issue of Fortune. It concludes with this language:

> No workingman, blue collar or white, gains anything at all from monopoly union practices in a key industry. These only rob him of his higher right to share in the growth of a productive and efficient economy.

I ask unanimous consent that the full text of the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BREAKING UP A LABOR MONOPOLY

The latest round of wage increases in the construction industry signals once again that something drastic must be done to bring this conglomeration of monopolies back to economic reality before it wrecks us all. It is a matter of national concern that the settlements in construction, which represents 14 percent of the gross national product and employs 7½ percent of the work force, are forcing building costs up at a rate of 9 percent a year. And that in the thousands of contracts that will be negotiated this year there will be hardly a single concession that will lead to increased productivity. But, even more ominous, the construction contracts, won in special circumstances by murderous bargaining power, are generating pressures in the rank and file of the industrial unions for similar exorbitant increases.

The inflationary settlements recently made in New York demonstrate that a handful of powerful business agents, representing a small number of workers, can set in motion a wage pattern for industries employing millions. When New York construction contracts expired this year, the unions picked off the employers' associations one by one. The sheet-metal workers, after a six-week strike, won a wage and fringe benefit contract that calls for a 60 percent increase over the next three years (up to $11.72 an hour, or $23.44 an hour for overtime). The carpenters got a 45 percent increase that will bring wage and benefit costs to $11.08 an hour in 1971; after thirty-five hours, the overtime pay will be $22.16 an hour.

While the skilled trades were negotiating, the teamsters were waiting in the wings with the most potent weapon of all. They represent the drivers in the construction industry and can halt construction overnight by refusing to deliver mixed concrete. So the builders were forced to appease the teamsters with a 48 percent increase, which ultimately comes to $112 a week after three years. In a candid comment, Joseph Trerotola, director of the Eastern Conference of Teamsters, said, "Most of labor will look with envy on this package and set their sights on getting the same."

It didn't take long for other officers of the teamsters to get the message; the union's airline division, which represents clerical workers, struck Pan American for four days and won a 37 percent increase over three years. Other unions in the transportation industry will now be forced to equal or better the teamsters' contract. Next year, the teamsters will bargain for some 450,000 over-the-road drivers, and they can hardly be expected to settle for less than the New York local's package.

TIME FOR ANTITRUST

The builders themselves can take much of the blame for the irrational bargaining system because they pursue a cost-plus approach that inevitably leads to exorbitant increases. As "The Big Boondoggle at Lordstown" shows they are often pressured by customers to finish a building on schedule at all costs. Only now is the industry banding together in regional units to present a united front to the unions. This is progress of a sort, but regional bargaining will never be effective until the unions agree to common expiration dates for all contracts—and it is not likely that they will readily offer up the whipsaw advantages of staggered contracts.

Three groups—the National Association of Manufacturers, the Chamber of Commerce, and a number of top corporation executives headed by former Chairman Roger Blough of U.S. Steel—are attempting to come up with some answers to the problems posed by the construction unions. Their recommendations include a revision of existing federal laws to prevent secondary boycotts and to protect management's right to introduce laborsaving methods and materials. They want the unions' medieval apprenticeship system changed to a realistic new job-training program that would allow minorities full participation in a growing industry. None of these recommendations is new, and all will be fought bitterly and powerfully by the Building Trades Department of the A.F.L.-C.I.O.

Perhaps it's time for the reform groups, and the construction industry itself, to press for action under the antitrust laws. The courts have tended to hold that unions are immune from antitrust regulation unless they conspire with employees to fix markets and prices. There is certainly an element of that in what is going on—enough to justify the Antitrust Division (so venturesome in other fields, see below) in bringing some suits. But beyond this there is need for amending or reinterpreting the law so that employers and/or government can resist what amounts to clear-cut union restraint of trade. In classic antitrust fashion, the construction unions interfere with price competition by setting wages while they prevent entry of new companies into construction by controlling the labor market.

There is no reason in the world for such a proposal to send the rest of labor into delirium tremens. The collective-bargaining rights of labor are well embedded in the law, and in the unwritten economic constitution of the land as well. No workingman, blue collar or white, gains anything at all from monopoly union practices in a key industry These only rob him of his higher right to share in the growth of a productive and efficient economy.

Mr. GRIFFIN. Mr. President, by allowing unions in the construction industry to exercise joint control with management over the use of product promotion funds, without contributing any money to the funds, the efforts of industry to develop new technology and new techniques in the building and construction industry could be seriously retarded.

To indicate that this concern is not without substance, when hearings on similar legislation were held in 1968 before the House Committee on Labor, Mr. David Barr, general counsel of the Brotherhood of Painters, testified for the bill and voiced his concern about the development of new technology. His testimony includes this sentence:

> Advances in prefabrication and technology have and will continue to have severe adverse impacts on this affiliate. We feel strongly that this threatened attrition can be warded off at least in part by an effective promotion program.

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Obviously, unions and union members have a legitimate right to be concerned about their jobs and about work in their industry. But, at the same time, it has always been traditionally recognized as a function of management to provide for research and advances in technology and to promote the product as well as developing cheaper ways of producing the product. The union's responsibility and function have been in the area of negotiating for wages, hours, and working conditions.

This bill, Mr. President, takes a step backward at a time when we face, as a nation, a very serious economic situation. If anything, this Congress is not meeting its responsibilities by failing to consider legislation which would provide some remedies in a different direction.

I think, without question, that there are areas of our economy where there is no equality at the bargaining table, where the collective bargaining process is not meaningful. We know this. Indeed, in the building and construction industry I think we have an example where this is true. There are those who would advocate the application of antitrust principles to labor organizations. While I am the first to recognize, as a lawyer, that the Sherman antitrust law as written could not be appropriately applied to labor organizations, nevertheless, I believe that some of the principles which seek to restrain monopolistic business practices at least should be considered and perhaps applied to labor organizations. At present we have a situation in which Congress is not even considering this serious problem.

Aside from those concerns, I also am disturbed about the legislation because it does not provide adequate protection for the funds. It is true, as the Senator from New Jersey (Mr. WILLIAMS) has pointed out, that there is language in the bill that would provide for reporting under the Welfare and Pension Disclosures Act, insofar as the sums are concerned which would be set up and jointly administered. But there are no fiduciary responsibility provisions. There is no fiduciary law that would protect the funds. The only thing required is that the reports under the Welfare and Pension Disclosures Act would have to be filed, but if an unscrupulous labor leader set up such a fund by collective bargaining and put himself and his wife on the payroll at some exorbitant salary, there would be no violation of section 302.

Assistant Secretary of Labor Usery testified on the bill and expressed similar concerns. He recommended that the bill not be passed until adequate study was given to the various types of funds which are of joint concern to labor and management. He recommended that if Congress were to pass legislation along this line, there should be a provision for fiduciary safeguards on the operation of such funds, and that there should be established a meaningful reporting system for the funds, separate and apart from the requirements for welfare and pension funds under existing legislation.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD the statement submitted to the Committee on Labor and Public Welfare by Assistant Secretary of Labor Usery.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. W. J. USERY, JR.

Mr. Chairman and Members of the Subcommittee:

I appreciate this opportunity to express the views of the Department of Labor on proposed amendments to section 302(c) of the Labor Management Relations Act.

The proposed amendments would:

(1) Permit contributions by employers in the construction industry to funds jointly administered by labor and management for (a) the promotion of the sale and use of products; or (b) the establishment of joint boards to interpret provisions of collective bargaining agreements;

(2) Specifically apply the provisions of section 302(c)(5)(B), and add other safeguards against the misuse of funds or abuse of trust.

Section 302 was enacted more than twenty years ago at a time when our experience with joint trust funds was extremely limited. The legislation was passed in response to a growing concern about the large sums being accumulated in labor management funds and the unusual power and potential abuse inherent in such arrangements.

Section 302 expressly prohibited any payments by employers to representatives of their employees for purposes other than those specified in section 302(c). The basic purposes of this section were to eliminate the possibility of certain corrupt practices and to protect the interests of beneficiaries of lawful employer-supported funds. By enacting a broad prohibition and setting forth specific exceptions Congress impliedly prohibited all other types of arrangements.

The exceptions provided in section 302 relates to medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illnesses resulting from occupational activity, or insurance to provide any of the foregoing, or unemployment benefits, or life insurance, disability or sickness insurance, or accident insurance.

The only changes made in section 302 since 1947 were approved by the Congress in 1959 when payments to trust funds for pooled vacation, holiday, severance or similar benefits, and for apprenticeship or other training programs were added to the list of exceptions. It seems fair to say that there are today many different kinds of funds prohibited by section 302 which would be beneficial to both labor and management and the public in general and to which contributions should be permitted.

The proposed legislation would permit contributions to industry promotion funds and funds to finance joint labor-management boards in the construction industry.

Funds of this nature have received support from labor and management. As the Court of Appeals for the 9th Circuit stated in *Cement Masons* v. *Paramount Plastering*, 310 F. 2d 179 (1962):

We do not quarrel in the slightest with the laudable objectives of the trust amicably created by labor and management in this case. We sympathize with the efforts of both labor and management to solve a vexing industry problem. But like so many of such present-day problems, our duty is to rule in accordance with that which the Congress in its wisdom has seen fit to enact. We cannot widen the door when the door sill has been carefully tailored by the representatives in Congress. The relief sought by the appellants herein must be found in congressional and not judicial action.

The proposed legislation would grant the Congressional relief suggested by the court. In so doing, however, the legislation deals on a piecemeal basis with a problem that the Congress may wish to consider resolving on a more general basis. The Congress, therefore, might consider a more general approach under which responsible parties would be permitted to make their own arrangements in this area with adequate safeguards for beneficiaries.

Although both of these bills have merit, they also raise serious questions as to the wisdom of a piecemeal approach to amending section 302(c). No broad study of the wide range of activities (other than welfare and pension plans) which are presently conducted jointly by employers and unions and financed in part by employers, has ever been made. We know little of the financing, administration, objectives, accounting and reporting practices, or size of such funds. Under these circumstances, we are unable to predict the likelihood of abuses or the additional protections which may be necessary.

Although industry promotion is clearly a laudable purpose, considerable opposition to joint management of such funds has been expressed primarily because of a fear that unions might prevent desirable improvements in construction methods and materials and that jurisdictional disputes would be increased. There has also been some objection raised to funding joint boards and committees because of a fear of increased expense of arbitration and more frequent work stoppages.

Accordingly, I propose that an in-depth study be undertaken of all types of funds which are of joint concern to management and labor. By studying such things as recreation centers, and promotion funds established pursuant to collective bargaining agreements, we may identify those characteristics typical of desirable funds and those characteristics requiring individual attention to assure proper handling.

We may find there is no potential for abuse or need for precautions. It is quite probable that the Government—so long as the rights and interests of beneficiaries and the public are protected—will not wish to substitute its judgment for that of the parties as to what joint projects or funds are permissible.

In sum, Congress may wish to avoid the need to predict the direction of future changes in fringe benefits by passing general legislation which would:

(1) Give broad approval to the establishment of jointly-administered funds for desirable purposes only generally identified, and

(2) Provide for fiduciary safeguards on the operation of such funds, and

(3) Establish a meaningful reporting system for these kinds of funds separate from that provided for welfare and pension funds by the WPPDA.

Accordingly, we believe that this study should be conducted and action on this legislation should be postponed pending its completion. However, if action is taken, I recommend that additional safeguards, including criminal sanctions for theft and embezzlement, and offering or accepting kickbacks, be added to the sanctions in the bill and that the Secretary of Labor be given specific authority to issue regulations as to what documents and reports must be published. Also, the bill should be amended to expressly authorize the Government to bring suits to enjoin violations. I should be glad to submit appropriate language to make these changes

Thank you for this opportunity to discuss my views on this legislation.

Mr. GRIFFIN. Mr. President, I also ask unanimous consent to have printed in the RECORD an article which was published in the May 23, 1969, edition of Time magazine entitled "The Scandal of Building Costs," and that a number of other articles focusing on the tremendous, fantastic, and alarming increase in wage rates in this particular industry, and what they mean in terms of the economy as a whole and the threat to inflation, also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SCANDAL OF BUILDING COSTS

Organized labor long ago acquired a stranglehold over the $85 billion construction industry. That power has not only led to an astronomic rise in building wages but has also enabled unions to load the nation's largest industry with archaic and inefficient methods of operation. As a result, construction costs are climbing so swiftly that they are complicating Washington's struggles to increase the supply of housing and restrain inflation. Last week George Romney, Secretary of Housing and Urban Development, challenged construction-union leaders to adopt reforms. His candor was greeted with boos, jeers and catcalls.

"I want to help you see yourselves as others see you," Romney told 3,000 delegates at a Washington conference of the A.F.L.–C.I.O. Building Trades Department. Then he reeled off the statistics of construction wage settlements which jumped from an average raise of 12.4¢ per hour in 1962 to 49.6¢ per hour last year. The unionists cheered wildly. Next the Secretary admonished them to relax apprenticeship restrictions that deny jobs to Negroes. They booed. When he urged building workers to increase their productivity, they booed again. He advised the unionists to end other practices that raise building costs. More boos.

Reddening but unruffled, Romney continued: "There is nothing more vulnerable than entrenched success. The demand for reform is growing. People are already talking about compulsory arbitration in the building trades."

LAGGING OUTPUT

Some of the reasons for such talk are obvious. The cost of housing construction jumped by 10% last year, more than the increase in any other item of family living expenses. Home-building costs went up at an annual rate of 12% during March, the latest month for which statistics have been compiled. At the same time, U.S. housing output has fallen seriously behind the nation's needs. Last year the U.S. built just under eight houses and apartments for every 1,000 people compared with 16 per 1,000 during 1950, the peak year. On a per capita basis, U.S. housing output has fallen from world leadership to a level below Western Europe, Japan and Russia.

WIDENING GAP

Including fringe benefits, the average union construction worker now gets paid $5.91 an hour; in big cities he makes more. Philadelphia carpenters recently won a 23% pay increase, to $6.85 per hour, to be followed by a further 21% raise next year. Omaha roofers will get a 57% increase over the next two years, and Miami laborers will get a 70% boost over three years. The widening gap between wage rates in construction and manufacturing increases the chances of industrial strikes. Last year construction wage settlements were more than 3½ times higher than those in oil, trucking and rubber, and five times the increases won by auto and cannery workers.

In fully unionized "contract construction"—factories, stores, high-rise apartments and highways, which account for two-thirds of the nation's annual building bill—labor takes its biggest bite. Employers have small incentive to resist union demands because they expect to pass on the entire cost to clients. Even when they try to hold the line at the bargaining table, the nation's 870,000 contractors are no match for the power of 3,000,000 building-trade workers, who are tightly organized into 10,000-odd locals by the A.F.L.–C.I.O.'s 18 craft unions. Most contractors are too small to operate efficiently and are so meagerly financed that a long strike can mean bankruptcy; striking workers merely move to high-paying jobs in other cities. Says Frank J. White Jr., executive vice president of the Associated General Contractors of Connecticut: "There is no collective bargaining in construction. They demand and we give."

CLOSED RANKS

Wages are high partly because of shortages of skilled craftsmen. Local unions deliberately restrict the number of their members. They keep tight control over apprenticeship programs (average length: four years) and force employers to recruit all their workers through union hiring halls. Unions defend their lofty pay and closed ranks by pointing to the seasonal nature of construction. Once convincing, such reasons are now losing their validity. In Chicago, for example, building-trades leaders admit that most of their members work at least 2,000 hours a year.

Another notorious source of needless construction costs is union opposition to prefabricated components. Contractors once thought that the 1959 Landrum-Griffin Act had barred such make-work practices as illegal boycotts of prefabricated parts. In a 1967 decision, however, the Supreme Court upheld a union's right to prevent the use of pre-fitted doors in order to preserve work traditionally done at the site. The ruling has caused wide repercussions. Plumbers refused to install prefabricated heating equipment at a Ford Motor Co. project until they first dismantled and reassembled all the piping at the plant site. A federal appeals court upheld the right of Manhattan sheet-metal workers to refuse to install an air-conditioning part purchased from a Milwaukee firm. The union insisted that the part be manufactured by its own members.

Although public construction constitutes one-third of the industry's total volume, Washington for years has exerted no pressure to keep labor's power from boosting the Government's building costs. The Nixon Administration recently acted to strengthen federal mediation machinery by centralizing efforts in Washington to solve construction disputes. But many contractors dismiss the move as trivial.

POOLED PROJECTS

In an interview last week with TIME Associate Editor Gurney Breckenfeld, Romney laid out the dimensions of the difficulties and proposed some remedies. Said Romney: "We have got to tackle housing's cost problems right across the board—labor, land, money and materials."

Romney has been striving to introduce reforms that will cut costs and stimulate efficiency. His most ambitious effort, started earlier this month, is an attempt to reorganize both the Government's housing program and the industry that serves it. He insists that his plan can add between 250,000 and 350,000 units a year to U.S. housing starts, which are limping along at an annual rate of 1,500,000 and have been declining for three months. Named Operation Breakthrough, the plan calls for states and cities to pool their separate, federally subsidized projects into large-scale "mass markets." The Secretary hopes to attract giant corporations into housing construction and to wring economies from volume production. Localities would have to remove building codes, zoning and other barriers that fragment today's housing market, inhibit innovations and raise prices.

A.F.L.–C.I.O. President George Meany derides "people who build houses with their mouths." "Romney," he says, "has a fixation in his mind that you can turn out houses off a factory line like you can turn out cars." But factory production of houses and room-sized components is an increasingly successful way to offset rising costs—in areas where unions and local laws allow such industrial methods to be used. U.S. Steel, Boise Cascade, National Homes, Guerdon Industries, Crane Co., Borg-Warner and many other firms have entered the field with ready-to-use rooms, baths or entire house sections.

OPENING UP

A considerable overhaul of labor policies molded by the Depression of the '30s is plainly in order. The most urgent need is for the building trades to open ranks and find room for more qualified young men, particularly Negro ghetto dwellers. Toward that end, union hiring halls might be abolished by law and discriminatory apprenticeship requirements sharply reduced. Regional bargaining, such as Ohio contractors have begun, should replace local negotiating.

In many ways, labor's naked show of arrogance toward George Romney reflects a confidence that there is no limit to a contractor's ability to pass on to consumers the soaring costs of construction. Sooner rather than later, the unions may find that they are on a collision course with an aroused public.

[From the Washington Star, July 9, 1969]

STRIKE IN CALIFORNIA—PLUMBERS ASKING $21,500

LOS ANGELES.—The man in the overalls who crawls around unstopping the sinks of Southern California says he deserves $21,500 a year.

That is what a journeyman plumber would make at $11.48 an hour—including fringe benefits—for a 36-hour week as demanded by the AFL–CIO Plumbers Union, on strike for the last week.

The union is also asking for a 4½-day work week beginning in the third year of a three-year contract.

Plumbers now receive $5.79 an hour, plus $2.32 in fringe benefits for a total package of $8.11. The proposed increase to $8.20 in wages and $3.28 in benefits after three years represents an increase in base pay of more than 40 percent.

Management—the Plumbing, Heating and Piping Employers Council—has offered a three-year wage package of $10.92 an hour for a five-day, 35-hour week.

The union claims new piping methods plus the advent of plastic piping, is putting some plumbers out of work and reducing the work hours of others. Management claims most plumbers are fully employed.

Don Steele of the employers council concedes that plastic plumbing is a legitimate issue.

"Plastic piping can be placed in residences at lower cost than present piping because it's lighter and takes less time to install," he said. "But if it becomes favorably accepted by the construction industry, it'll mean reduced building costs and consequently more construction, which would make more work for the plumbers."

Ray Buckley of the Associated Plumbing Heating and Cooling Contractors, commented:

"New construction is going to be greatly curtailed if this strike continues, even for a short while."

THE WAGES OF BUILDING ZOOM; MUSHROOMING OVERTIME AND RECORD CONTRACT SETTLEMENTS JUMP INDUSTRY COSTS; LABOR SHORTAGE WILL BE AROUND A WHILE

Labor costs in the construction industry are shooting up: Contract settlements have been high all over the country (they'll add an estimated $6,500 a year to wages of skilled craftsmen in two years), and as a result of the tight labor market overtime work has added heavy extra costs.

Government figures for 1968 show average weekly earnings in construction reached a high $164.56, as compared with $122.51 in manufacturing; hourly pay averaged $4.40 in the building trades, $3.01 in factories.

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But preliminary figures for this June, the latest available, show that average weekly earnings in construction have risen to $180.18, while the manufacturing average has gone to $129.65. The $42.05 gap in weekly earnings between construction and manufacturing in 1968 had thus widened in six months to $50.53. In part this could be seasonal: June is a busy building month. But it reflects conditions that make construction labor costs a critical problem to Nixon Administration task forces in a fight against inflation.

HIGHER LEVELS

The results of negotiations so far have brought a spate of warnings of disaster. Carl M. Halvorson, president of Associated General Contractors of America, cited AGC survey figures showing that in the first wave of 1969 negotiations, wage-fringe increases averaged 13.7% a year, or about 68¢ an hour annually—a rate about double that in 1967 and "substantially higher" than the figure for 1968.

Since then settlements have tended to move progressively to even higher levels, despite pleas for restraint from Labor Secretary George P. Shultz and others in the Nixon Administration. One survey by a contractors group has estimated three-year deals now average about $3.25 an hour in wages over the contract period—on a basis of 2,000 hours a year of work, that would mean $6,500 a year more pay in the third year of new contracts.

Typically, midyear settlements have run as high as $3.40 an hour over three years for electricians in the Buffalo area, $3.25 over three years (to $9 an hour) for plumbers in Philadelphia, and $3.08 to $3.11 over the same period for carpenters in Connecticut—for the latter, a 20% increase the first year and 55% over the contract period. A spokesman for Associated General Contractors of Connecticut called the carpenters pact in that state "the beginning of a new era of wage and price inflation and economic dislocation in the Northeast, far beyond anything experienced since before wage and price controls were put into effect during the Korean conflict."

NATIONAL PATTERN

Bargaining is now at about its peak season for this year. The biggest negotiations of all, in New York City, involving 23 unions and contractors with considerably more than a billion dollars in construction work, erupted recently in a four-union strike after about a dozen unions settled with the Building Trades Employers Assn. for basic gains of about 35% over three years. In the past 12 years, according to BTEA figures, increases in hourly wages of the city's 100,000 building trades workers have been in a range between 68.8% for glaziers and 117% for excavating laborers in New York.

In Atlanta, increases of from 7% to 10% a year ("except for last year, by far the largest we have given," according to AGC of Atlanta) are blamed on the need to keep up with the high level of national settlements, some shortages of workers, and, according to the local AGC director, the determination of unions to get wages up as high as possible in anticipation of wage freezes."

City by city, the picture is about the same. After a 79-day strike by ironworkers and stoppages by painters and laborers, settlements in Houston have ranged from $1.15 an hour in pay plus fringes over two years for painters or $1.65 an hour over three years for laborers to a $2 package for ironworkers over a three-year contract. In Eastern and Central Massachusetts, three-year deals have ranged from 36% for bricklayers to 52% for laborers.

In a number of other cities, Milwaukee and Dallas among them, this is an off-year for construction bargaining. A Milwaukee contractor said builders there are still trying to catch breaths after raises of about 60¢ an hour annually over two years, negotiated in late 1968.

SEEKING SOLUTIONS

The problems of big construction settlements are by no means new. The Johnson Administration tried to find solutions for "inflationary" building trades contracts. Now that the Nixon Administration has inherited the problems, it is similarly trying to devise some way—short of controls—of coping with them.

The U.S. Chamber of Commerce has had a task force studying the construction labor cost problem and plans to release findings about Aug. 1, to include proposals for improved bargaining techniques, the end of restrictive practices by unions, and substantial increases in building trades manpower.

The National Assn. of Manufacturers, meanwhile, has released a study on "the chaos in the construction industry." It lists as factors contributing to construction industry problems: "the improper administration of labor agreements and construction work at project sites, the nonavailability of enough skilled craftsmen, and the loss by many contractors of the responsibility for hiring, training, and assigning employees."

The NAM suggests as remedies "strengthening the contractors' bargaining position; increased cooperation among project owners, developers, and contractors; revisions in the National Labor Relations Act and other federal and local laws; and increased teamwork among industry and government at all levels to solve labor problems."

CONTRACTORS VULNERABLE

The industry's fractionalized character makes it easy prey for bargaining raids. Most negotiations are local and often employer ranks are far from unified. AGC nationally or its state or local affiliates may have a policy against surrender to "irresponsible wage demands which are not in line with productivity gains and individual output," but most places this is a paper policy only. Individual contractors are highly vulnerable to strikes because of the seasonal nature of work and the need to meet tight performance schedules to avoid heavy penalties: Given the choice between settling (often they can pass along additional costs to builders) and a possible interminable strike, they settle—regardless of AGC, White House or any other urgings to stand firm.

The union with the greatest bargaining power settles; others cash in. Then other settlements elsewhere build up higher.

To the AGC, the solution is wider-based bargaining—regional negotiations to replace local bargaining, perhaps eventually national "pattern" bargaining. But it hasn't been able to muster sufficient grass-roots support for this.

The AGC also has set up a strike insurance program that it hopes will enable contractors to fight off union whipsaw or leapfrog strategies.

POWER OF LOCALS

Meanwhile, efforts by the government or AGC to persuade national leader of the building trades unions to exercise more bargaining restraint have run afoul of another local problem—the autonomy allowed construction locals—and the high degree of independence they assume. Building trades demands aren't passed down to be sought uniformly in all bargaining, but are formulated and struck for locally.

Those for whom buildings are being erected are a problem, too, contractors say. In Ohio, a major manufacturer set such a fast, tight construction schedule that contractors and subcontractors found it necessary to hire at premium rates and with big overtime guarantees—passing the higher costs along to the manufacturer. "It was a one-shot deal for him," a contractor said. "He didn't give a damn about the extra costs if it meant getting his buildings quick. But the wage structure and overtime guarantees affected everybody else. Labor costs were pushed up."

In another and current situation, a contractor with a tight schedule and the ability to pass costs along is scheduling 70-hour weeks—loaded with as much overtime as a worker wants. To dam a drain of their skilled workers, others also have had to schedule overtime—whether they can avoid it or not and whether or not they can pass on the costs.

RELIEF YEARS AWAY

Ordinarily, labor cost is a reflection of wages and fringes, but in this tight labor market overtime work is swelling the cost figure: the contract might show a $6-an-hour rate but substantial overtime at $9 or $12-an-hour (weekends) can boost the hourly earnings figure to $10 an hour or more. A $100-a-week regular rate can be boosted by overtime to $300 or more.

In New York last year, sheet metal workers put in 250,000 hours of overtime. BTEA wants 1,500 to 2,500 more journeymen to ease this high-cost problem—but unionists oppose "dilution" of their ranks.

Sometimes overtime is considered a necessary evil. In Atlanta, where electricians are scarce, they usually are guaranteed at least two hours a day of overtime to boost pay and "keep our fellows from wandering off," a contractor said. In other places where craftsmen are in short supply, Milwaukee among them, contractors offer "five 10s or six 8s" to get workers—five 10-hour days or six 8-hour days, topheavy with overtime.

For the most part, however, a Business Week survey has found that shortages that lead to employment "piracy" are uncommon outside New York, Chicago, Boston, and a few other cities. In others there are only scattered openings that can't be filled—but also few jobless. Big contractors say that the high cost of mortgages has cut home-building sharply and freed many craftsmen for major commercial jobs.

To increase the labor supply and fill future needs, training programs are expanding—but slowly. And relief is still years away: The expansion of apprenticeship programs is largely through recruits from ghettos, and no short cuts are likely to get most of them into journeymen ranks in less than the usual four or five years, although some crafts in Atlanta and elsewhere are beginning to let apprentices move up by merit—not by fixed time.

Union Building Trades Wage Scales Rise 5 Percent During the Second Quarter of 1969

Hourly wage scales of union building trades workers averaged $5.59 on July 1, 1969, according to the Labor Department's Bureau of Labor Statistics.

The all-trades average rose by 5 percent in the second quarter of 1969, the largest increase since reporting of quarterly data began in 1948. For the year since July 1, 1968, the increase was 8.8 percent, raising the Bureaus' index of union building trades scales to 167.6 (1957–59—100).

When employer payments to insurance (health and welfare), pension, and/or vacation plans are added to the scales, the increase in the average in the second quarter was 5.6 percent and amounted to 9.9 percent on a year-to-year basis. These advances compared with increases of 4.7 percent and 6.6 percent, respectively, for the year ending July 1, 1968.

The second-quarter 1969 survey of 7 major building trades in 100 cities showed scale advances in three-fifths of the 700 bargaining units studied, reflecting the traditional spring bargaining pattern of the industry. About 2 of every 3 workers covered received a scale raise, which averaged 39 cents an hour. Newly negotiated and deferred wage

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increases resulted in adjustments ranging from less than 10 cents to more than $1.00 an hour. Of the adjustments reported, an eighth were for 50 cents, a tenth were for 25 cents, and approximately a tenth for 20, 30, or 40 cents. Another fifth of the adjustments exceeded 50 cents an hour.

Since July 1, 1968, the level of hourly wage scales advanced 8.8 percent or 44 cents an hour. Increases ranged from 7.7 percent for plasterers and building laborers to 9.6 percent for plumbers.

Plumbers had the highest average hourly scale among the six journeymen crafts, $6.29 an hour. For the other journeymen trades, average hourly scales varied from $5.40 for painters to $6.14 for bricklayers. Building laborers' scales averaged $4.26 an hour.

Quarterly and annual changes in union scales and the rate level on July 1, 1969, are shown below:

CHANGE IN AVERAGE UNION SCALES

Trade	Apr. 1, to July 1, 1969		July 1, 1968 to July 1, 1969		Rate levels, July 1, 1969	
	Percent	Cents	Percent	Cents	Average	Range
Bricklayers	4.7	27.4	9.0	50.1	$6.14	$4.40-$7.16
Carpenters	5.2	28.1	9.1	47.8	5.84	3.80-7.20
Electricians	4.6	26.5	9.3	52.0	6.10	4.30-7.35
Painters	4.3	21.9	7.8	38.5	5.40	3.25-6.41
Plasterers	4.9	26.5	7.7	41.1	5.75	4.00-7.00
Plumbers	6.3	36.4	9.6	54.3	6.29	4.60-8.57
Building laborers	5.1	20.4	7.7	30.1	4.26	2.07-5.62
All trades	5.0	26.1	8.8	43.9	5.59	

UNION HOURLY WAGE SCALES AND EMPLOYER INSURANCE, PENSION, VACATION, AND OTHER FUND PAYMENTS FOR SELECTED BUILDING TRADES IN 100 CITIES, JULY 18, 1969

City	Bricklayers					Carpenters					Electricians				
		Employer contribution to fund					Employer contribution to fund					Employer contribution to fund			
	Basic scale [1]	Insurance [2]	Pension	Vacation pay	Other [3]	Basic scale [1]	Insurance [2]	Pension	Vacation pay	Other [3]	Basic scale [1]	Insurance [2]	Pension	Vacation pay	Other [3]
Albuquerque, N. Mex	$5.130	15¢				$4.950	19¢	22¢			$5.600	15¢	1%		
Atlanta, Ga	*5.250	15¢	*20¢	*25¢		*5.300	*20¢	15¢			5.700	3%	6%		
Baltimore, Md	†5.590	10¢	30¢			4.980	14¢	10¢		*½¢	5.650	15¢	1%		*¼%
Birmingham, Ala	5.150		25¢			4.600					*5.700	15¢	1%	15¢	
Boise City, Idaho	*5.250	†20¢	*15¢			*5.000	15¢	*15¢		2¢	*5.720	*18¢	1%		
Boston, Mass	*6.350	25¢	25¢			*6.150	20¢	20¢			6.200	20¢	1%+25½¢		
Buffalo, N.Y	*6.220		*55¢		*30¢	5.165	15¢	40¢		42¢	6.110	20¢	1%+20¢		
Burlington, Vt	*6.000	20¢	20¢			4.800	15¢	15¢			4.750				
Butte, Mont	4.875					*4.725	*20¢	*20¢	*25¢		4.750	25¢	1%		
Charleston, S.C	*4.400					*3.800					*4.800	15¢	1%	*10¢	
Charleston, W. Va	*6.000	15¢				*5.850	20¢	25¢		*2¢	*5.500	15¢	1%+7¢	27¢	*2¢
Charlotte, N.C	4.800	15¢				*4.150	15¢				*4.600	15¢	1%		*3¢
Chattanooga, Tenn	*5.400	[4] 35¢	(4)			*4.690					5.250		1%		
Cheyenne, Wyo	*5.500					*4.350	15¢				*5.450		1%		
Chicago, Ill	*6.550	*25¢	*25¢			*6.050	*19¢	*33½¢			6.700	3½%	4%		
Cincinnati, Ohio	*6.510	15¢			*4½¢	*6.450	20¢	25¢		*2½¢	*6.750	15¢	1%+15¢		
Cleveland, Ohio	*7.160	35¢	45¢	50¢		*7.200	*25¢	*45¢			*7.350	*30¢	*1%+26¢		
Columbia, S.C	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	4.400		1%	10¢	
Columbus, Ohio	*6.100	20¢	15¢			*5.660	20¢	15¢			*6.580	13¢	1%+20¢		
Dallas, Tex	*6.150	12½¢	12½¢			5.125					*5.725	12½¢	1%		
Dayton, Ohio	*6.850	20¢	*25¢			*6.120	*22¢	*40¢			*6.840	25¢	*1%+30¢	7%	
Denver, Colo	*5.700	25¢	*25¢			*5.265	*20¢	*20¢	20¢		5.670	22¢	1%		
Des Moines, Iowa	*6.000	20¢				*5.125	20¢	15¢			*6.150	15¢	1%		*1%
Detroit, Mich	*6.600	*30¢	*40¢	[6] 40¢		*6.670	*40¢	6%	[6] 6%		*7.010	*5%	*6%	[6] *10%	
Duluth, Minn	5.220	15¢		30¢		4.745	15¢		15¢		5.250	3%	3½%	7%	
El Paso, Tex	4.450					4.350					5.100	15¢	1%		
Erie, Pa	*7.000	20¢			*2¢	*5.965	20¢			*3¢	*6.100	3%	1%		
Evansville, Ind	$5.950					5.050	20¢	*15¢			[12] *5.510	*20¢	1%		
Fargo, N. Dak	*5.950					*4.700					4.950	20¢	1%	1%	
Grand Rapids, Mich	6.000	20¢	25¢	25¢		5.650	25¢	20¢	[6] 20¢		*6.020	*15¢	1%	†	
Hartford, Conn	*6.350	*17¢	15¢			*5,800	*17¢	*20¢			*6.150	10¢	1%+20¢		
Houston, Tex	5.500	17½¢	20¢			5.100	20¢	*12¢			*5.660	*25¢	1%+15¢	22½¢	
Indianapolis, Ind	*6.700		20¢			*5.875	20¢	20¢			*6.100	2%	1%+10¢		
Jackson, Miss	4.750					*4.550					*5.500		1%		
Jacksonville, Fla	*4.700	15¢				*4.500	*17¢	15¢	*10¢		5.150	15¢	1%		
Kansas City, Mo	5.475	10¢				5.000	23¢	15¢			5.800	*20¢	1%+20¢	15¢	
Knoxville, Tenn	*5.670				*2¢	*4.850					*5.150		1%		
Lansing, Mich	*7.100	20¢	20¢			*6.640	25¢	20¢	[10] 30¢		*6.950	15¢	1%+15¢	[10] 25¢	
Las Vegas, Nev	*6.070	20¢		70¢		*5.510	*30¢	*40¢	60¢		7.100	18¢	1%		
Little Rock, Ark	4.850					4.450	20¢				5.250		1%		
Los Angeles, Calif	*5.300	29¢	*17¢	[10] 20¢	†20¢	*5.680	*41¢	*55¢	[6] *35¢		*6.400	25¢	1%+35¢		
Louisville, Ky	*6.435	14½¢	*25¢		*4¢	*5.520	15¢	15¢		2¢	*5.700	13¢	1%		
Madison, Wis	6.050	15¢				*5.200	15¢	15¢			*6.640		1%		
Manchester, N.H	5.375	17½¢	*20¢			*4.650		*20¢			*5.300	15¢	1%		
Memphis, Tenn	*5.800	20¢	15¢			4.650					5.280	15¢	1%		
Miami, Fla	*5.570	20¢	20¢			*5.450	20¢	10¢			5.600	2½%	1%+20¢	3%	
Milwaukee, Wis	*6.190	35¢	15¢	35¢		*5.710	30¢	*25¢	25¢		5.870	22¢	1%+10¢	41⅒¢	
Minneapolis, Minn	*5.600	22½¢	15¢	25¢		*5.330	20¢	15¢	20¢		*5.900	4%	4%	[6] 7½%	½%
Mobile, Ala	5.910		53¢			5.440	18¢	15¢			6.400	15¢	1%	12½¢	
Montgomery, Ala	*4.700					4.200					*4.300		1%		
Nashville, Tenn	5.400					4.700	15¢				5.120	11¢	1%		
Newark, N.J	*6.750	20¢	25¢			*6.710	6%	6%			*6.750	4%	†5%	[6] 10%	
New Haven, Conn	5.950	14¢	15¢			5.650	*17¢	*20¢			*5.950	*20¢	1%+20¢		
New Orleans, La	*5.330	*15¢	15¢			*5.320	20¢	10¢			*5.800	10¢	1%+7½¢	15¢	
New York, N.Y	6.450	5%+10¢	*1.65	30¢		6.400	37¢	65¢[9]	19¢		5.670	3%	1%+80¢	4%	
Norfolk, Va	5.000	10¢	20¢			*4.250				3¢	*5.150	15¢	1%		
Oakland, Calif	5.820	30¢	30¢	40¢	*10¢	*6.210	*35¢	*45¢	15¢	*36¢	*6.900	[13] 2¼¢	4%	*†10%	
Oaklahoma City, Okla	4.875		20¢			4.550	*20¢				*4.940	15¢	1%+10¢	†4%	
Omaha, Nebr	*5.850	12¼¢	10¢			*5.325	12¼¢	10¢			*6.550	*22¢	*1%+3¢		
Peoria, Ill	*5.850	22¼¢	30¢			5.035	15¢	15¢			*5.925	20¢	1%		
Philadelphia, Pa	*6.700	32¢	25¢			*5.550	53¢	20¢		*12¢	6.325	3%	*3.37%		*1%
Phoenix, Ariz	*5.805	25¢	20¢		†6¼¢	*5.310	*20¢	20¢			*6.350	20¢	1%		
Pittsburgh, Pa	*6.925	25¢	20¢			*6.450	3¼%	4%		1%	*6.200	30¢	1%+20¢	50¢	2¢
Portland, Maine	*5.500	20¢	15¢			*4.650	15¢				*4.900	20¢	1%		
Portland, Oreg	*6.250	25¢	*30¢			*5.580	25¢	*25¢	[10] *20¢		*6.200	15¢	1%		*2¢
Providence, R. I	6.075	15¢	20¢		†¼¢	5.100	12¼¢	15¢			*5.650	10¢	1%		
Raleigh, N.C	*4.750					*4.150	20¢				*4.600	15¢	1%		
Reading, Pa	*6.150	20¢	40¢			4.850	15¢				5.690	18¢	1%		*3¢
Richmond, Va	*5.250		20¢			*4.250				*3¢	*5.200	5%	1%		*¼%
Rochester, N.Y	*6.635	*25¢	25¢			*6.110	*20¢	*20¢		*19¢	*6.550	20¢	1%+20¢		
Rock Island, Ill [14]	*5.180	15¢				*5.330	15¢	1%	2%		5.860	17¢	1%		
St. Louis, Mo	5.750	42¢	50¢	5%		*5.960	20¢	*30¢		*3¢	*6.120	*4%	1%+30¢	6¼%	4%+5¢
St. Paul, Minn	*5.600	22¼¢	15¢	25¢		*5.330	20¢	15¢	20¢		*6.000	3.01%	2.9%	5.74%	

Footnotes at end of table.

UNION HOURLY WAGE SCALES AND EMPLOYER INSURANCE, PENSION, VACATION, AND OTHER FUND PAYMENTS FOR SELECTED BUILDING TRADES IN 100 CITIES, JULY 18, 1969—Continued

City	Bricklayers					Carpenters					Electricians				
		Employer contribution to fund					Employer contribution to fund					Employer contribution to fund			
	Basic scale [1]	Insurance [2]	Pension	Vacation pay	Other [3]	Basic scale [1]	Insurance [2]	Pension	Vacation pay	Other [3]	Basic scale [1]	Insurance [2]	Pension	Vacation pay	Other [3]
Salt Lake City, Utah	$*5.435	*21¢	15¢			$4.900	15¢	20¢	13¢		*$5.700	18¢	1%		
San Antonio, Tex	*5.000	*20¢	10¢			*4.775	21¢	*20¢			*5.320	15¢	1%	25¢	
San Diego, Calif	*5.500	*26¢	*40¢		15¢	*5.910	*36¢	*45¢	*25¢		6.750	20¢	1%−23¢		2¢
San Francisco, Calif	6.250	43¢	58¢	45¢		*6.210	*35¢	*45¢	15¢	*36¢	*6.772	*38¼¢	*1%+25¢	[10] 4%	*8%+10¢
Santa Fe, N. Mex	5.130	15¢				4.950	19¢	22¢			5.600	15¢	1%		
Savannah, Ga	4.800					*4.600					4.950		1%		
Schenectady, N.Y	*5.700	*25¢	*20¢			*5.500	15¢	10¢			*5.800	20¢	1%+20¢	[11] 15¢	
Scranton Pa	*5.275	25¢	50¢			*4.600	17¼¢	*35¢		*3¼¢	*5.075	17¼¢	1%+50¢		*10¢
Seattle, Wash	*6.500	*25¢	*20¢	[11] *25¢		*5.700	20¢	*25¢		*2¢	*6.245	14¢	1%		
Shreveport, La	5.500					*4.900					*5.500	17½¢	1%		
Sioux Falls, S. Dak	*5.250					*4.300					*5.150	20¢	1%	4%	
South Bend, Ind	6.150	15¢	20¢			5.350	15¢	20¢			5.700	3%	1%		
Spokane, Wash	†6.010	20¢				*5.580	*30¢	25¢		†1¢	*5.574	20¢	1%	[10] 8%	
Springfield, Mass	5.700	15¢	15¢			5.310	20¢	20¢			*5.700	20¢	1%+15¢		
Syracuse, N.Y	*6.090	*36¢	*20¢			*5.660	20¢	15¢			*6.460	29¢	1%+15¢		†30¢
Tampa, Fla	4.700	15¢	15¢			*4.500	15¢			*2½¢	4.800	15¢	1%	30¢	
Toledo, Ohio	*6.805	25¢	25¢			*6.245	25¢	25¢			*7.100	15¢	1%+55¢		
Trenton, N.J	5.950	25¢	20¢			5.800	20¢	20¢			6.250	15¢	1%+20¢		
Tulsa, Okla	*5.500			5%		*4.900	15¢				*5.150	4%	*1%+10¢		
Washington, D.C	*5.950	32¢	13¢			*5.310	11¢	16¢			*6.150	15¢	1%+20¢		
Wichita, Kans	5.255	25¢		10¢		4.950					*6.150		1%		
Wilmington, Del	5.250	30¢	15¢			4.850	25¢	15¢			5.700	3%	4%		
Worcester, Mass	*6.050	30¢	20¢			*6.150	20¢	20¢			*5.800	*30¢	1%+15¢		
York, Pa	*5.100	15¢				*4.790	10¢	11¢			*5.450	10¢	1%+10¢		
Youngstown, Ohio	*6.200	20¢	15¢			*6.110	20¢	30¢			*6.280	20¢	1%	8%	

UNION HOURLY WAGE SCALES AND EMPLOYER INSURANCE, PENSION, VACATION, AND OTHER FUND PAYMENTS FOR SELECTED BUILDING TRADES IN 100 CITIES, JULY 18, 1969

City	Painters					Plasterers				
		Employer contribution to fund					Employer contribution to fund			
	Basic scale [1]	Insurance [1]	Pension	Vacation pay	Other [3]	Basic scale [1]	Insurance [1]	Pension	Vacation pay	Other [3]
Albuquerque, N. Mex	†$4.170					†$4.680	20¢			
Atlanta, Ga	5.300					*5.120	20¢			
Baltimore, Md	†4.820	7½¢	*20¢		7¢	5.100	20¢			
Birmingham, Ala	4.800					†4.570				
Boise City, Idaho	*4.900	*16¢				4.500				
Boston, Mass	5.150	17¢	12½¢			*5.500	25¢	(7)		(7)
Buffalo, N.Y	*5.125	27½¢	30¢		*50¢	*6.810				
Burlington, Vt	3.400	(8)	(8)	(8)	(8)	*6.000	20¢	20¢		
Butte, Mont	4.440	13¢	13¢			4.770	23¢			
Charleston, S.C	*3.600					*4.100				
Charleston, W. Va	4.500					4.750				*1¢
Charlotte, N.C	*3.600					*4.000				
Chattanooga, Tenn	*4.450					*4.750				
Cheyenne, Wyo	3.500					5.150				
Chicago, Ill	5.650	17½¢	20¢			*6.000	29¢	6¢		
Cincinnati, Ohio	5.230	*15¢	15¢		*2½¢	*5.625	20¢	30¢		*10¢
Cleveland, Ohio	*6.410	28¢	23¢			*6.460			1.25	
Columbia, S.C	*3.600					(5)	(5)	(5)	(5)	(5)
Columbus, Ohio	*4.550	15¢	15¢			*5.750	20¢	10¢		
Dallas, Tex	*5.275	†13¢				†4.693	†20¢		40¢	
Dayton, Ohio	*5.670	24¢	20¢			*5.950				
Denver, Colo	4.875	15¢	*15¢		*1¢	*5.600				10¢
Des Moines, Iowa	*4.920			*25¢		*5.375				
Detroit, Mich	*6.250	*30¢	*40¢	*45¢		6.070	34¢	34¢		
Duluth, Minn	4.700	15¢		10¢		4.975	15¢		10¢	
El Paso, Tex	3.630					4.615				
Erie, Pa	*5.300				*2¢	*6.050	20¢			*3¢
Evansville, Ind	$4.950	20¢				5.700				
Fargo, N. Dak	*4.200					4.550				
Grand Rapids, Mich	*5.300	15¢	*20¢	†		*5.770	22¢	15¢		
Hartford, Conn	*5.200	*20¢	*20¢			*6.350	*17¢	15¢		
Houston, Tex	*4.935	12½¢	15¢	10¢		5.125	*17¢			
Indianapolis, Ind	5.150				*5¢	*5.950	15¢			
Jackson, Miss	3.850	[10] *15¢				*4.500				
Jacksonville, Fla	4.200					4.400				*5¢
Kansas City, Mo	*5.440	15¢	15¢	*25¢		5.275	15¢			†10¢
Knoxville, Tenn	*4.450		*15¢			*4.900				
Lansing, Mich	*6.330	15¢	10¢	[10] 40¢		5.250	15¢	12¢	[10] 50¢	
Las Vegas, Nev	5.370	*17¢		*77¢		5.700	25¢		25¢	
Little Rock, Ark	3.850		†20¢			4.440			25¢	
Los Angeles, Calif	*5.800	25½¢	*25¢	*15¢	†4¢	*5.845	*33¢	*45¢	35¢	†5¢
Louisville, Ky	4.440	15¢	10¢		3¢	*5.270				
Madison, Wis	4.580	20¢	10¢	15¢		5.400	15¢			
Manchester, N.H	3.700	17½¢				5.375	17½¢	*20¢		
Memphis, Tenn	*4.800		*15¢			*4.800				†3¢
Miami, Fla	4.750	20¢	20¢			*5.570	20¢	20¢		
Milwaukee, Wis	5.460	30¢	*25¢	25¢		*5.320	30¢	15¢	40¢	
Minneapolis, Minn	*5.400	15¢			*5¢	*5.050	20¢	*20¢	40¢	
Mobile, Ala	5.335		20¢			5.760	18¢	15¢		
Montgomery, Ala	4.000					*4.100				
Nashville, Tenn	*4.550					*4.700	20¢	10¢		
Newark, N.J	5.600	32¢	33¢	5¢		*6.750	20¢	25¢		
New Haven, Conn	4.950	*17¢	25¢			5.950	14¢	15¢		
New Orleans, La	4.000	12½¢				*4.700	15¢	10¢		3¢
New York, N.Y	5.200	6%	4%	3%		*6.250	*80¢	*80¢		
Norfolk, Va	*4.100					4.850				
Oakland, Calif	*6.070	39¢	*35¢	40¢		*5.440	*47½¢	*35¢	*50¢	*10¢
Oklahoma City, Okla	*4.550					4.975				
Omaha, Nebr	*4.850					*5.475	12½¢	10¢		*10¢
Peoria, Ill	*5.300	15¢	15¢			5.225	20¢	25¢		

Footnotes at end of table.

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City	Painters					Plasterers				
		Employer contribution to fund					Employer contribution to fund			
	Basic scale [1]	Insurance [1]	Pension	Vacation pay	Other [3]	Basic scale [1]	Insurance [1]	Pension	Vacation pay	Other
Philadelphia, Pa	*$4.915	22½¢	*15¢	*10¢	*2¢	*$5.785	*35¢			*3¢
Phoenix, Ariz	*4.850	*22½¢	*20¢	15¢	*10¢	*5.620	*20¢	20¢		
Pittsburgh, Pa	*5.875	27½¢	20¢		*2½¢	*6.480	30¢	10¢		10¢
Portland, Maine	3.250					*5.000	15¢			
Portland, Oreg	*5.080	15¢	15¢	[11] 10¢	†6¢	*5.600	20¢	20¢		†10¢
Providence, R.I	4.350	15¢	15¢			5.300	15¢			
Raleigh, N.C	*3.700					*3.925				
Reading, Pa	3.700	23¢	12¢			5.125				
Richmond, Va	3.400					*4.450				
Rochester, N.Y	*5.850		15¢			*6.635	*25¢	25¢		
Rock Island, Ill. [14]	*4.970	15¢	15¢			*5.000			20¢	
St. Louis, Mo	*5.620	12¢	*25¢	21¢		*6.400	*22½¢			
St. Paul, Minn	*5.140	*25¢		[10] 15¢	†	*4.850	25¢		55¢	*5¢
Salt Lake City, Utah	4.620	17¢	5¢			5.240	20¢	20¢		
San Antonio, Tex	4.300		20¢			*5.625				
San Diego, Calif	*5.790	*34¢	25¢	[11] *20¢		*6.450	*30¢	*25¢		†3¢
San Francisco, Calif	*6.070	39¢	*35¢	40¢		*7.000	27¢	21¢	83¢	
Santa Fe, N. Mex	4.000					†4.500	†20¢			
Savannah, Ga	*4.000					4.000				
Schenectady, N.Y	*5.000	15¢	10¢			*5.700	*25¢	*20¢		
Scranton, Pa	*4.000					*5.150	20¢	*40¢		
Seattle, Wash	*5.700	17¢	15¢			*5.480	*30¢	25¢	[10] *40¢	
Shreveport, La	*4.750					*4.875				
Sioux Falls, S. Dak	*4.150					*4.900				
South Bend, Ind	4.500		20¢			5.375	15¢	20¢		
Spokane, Wash	*5.640	16¢	*25¢		†10¢	5.770	20¢		[10] †22¢	
Springfield, Mass	†4.825	25¢	15¢			5.700	15¢	15¢		
Syracuse, N.Y	*5.200	*30¢	*35¢			*5.975	15¢	10¢		
Tampa, Fla	*3.900					†4.750	15¢	20¢		*12¼¢
Toledo, Ohio	*5.870	15¢	15¢			*6.650	*25¢			
Trenton, N.J	5.075	25¢				5.950	25¢	20¢		
Tulsa, Okla	*4.750					4.750				
Washington, D.C	*5.480	24¢	15¢		*1¢	5.070	27¼¢	15¢		*1¢
Wichita, Kans	*4.350		*10¢			4.500				
Wilmington, Del	*4.640	25¢				*5.100	25¢			
Worcester, Mass	*5.200	(7)	25¢		†(7)	*6.050	30¢	20¢		
York, Pa	3.750	10¢				*5.000	10¢	10¢		*25¢
Youngstown, Ohio	*5.965	20¢	20¢			*6.150	20¢			

UNION HOURLY WAGE SCALES AND EMPLOYER INSURANCE, PENSION, VACATION, AND OTHER FUND PAYMENTS FOR SELECTED BUILDING TRADES IN 100 CITIES, JULY 18, 1969

City	Plumbers					Building laborers				
		Employer contribution to fund					Employer contribution to fund			
	Basic scale [1]	Insurance [1]	Pension	Vacation pay	Other [1]	Basic scale [1]	Insurance [2]	Pension	Vacation pay	Other [3]
Albuquerque, N. Mex	$5.515	20¢	13½¢			$3.430	20¢	15¢		
Atlanta, Ga	*5.850	*20¢	*25¢		*2¢	*3.150	10¢			
Baltimore, Md	†5.410	*25¢	*25¢		*6¢	3.150	*10¢	12½¢		*½¢
Birmingham, Ala	5.450	15¢	20¢			3.000	15¢			
Boise, City, Idaho	*5.400	20¢	*20¢		*8¢	3.800	15¢	15¢		
Boston, Mass	6.300	25¢	30¢		4¢	*4.650	*20¢	*25¢		5¢
Buffalo, N.Y	*6.430	20¢	15¢		35¢	4.285	25¢	25¢		*25¢
Burlington, Vt	*5.350	25¢	*10¢			3.450	*20¢			
Butte, Mont	5.250	20¢	10¢			3.670	15¢	15¢	15¢	
Charleston, S.C	4.650	15¢	15¢			(5)	(5)	(5)	(5)	(5)
Charleston, W. Va	*5.270	20¢	15¢	50¢	*3¢	3.350	10¢	10¢		
Charlotte, N.C	*4.800	*17¢				*2.500	10¢			
Chattanooga, Tenn	*5.500	*20¢	20¢		*5¢	*3.200				
Cheyenne, Wyo	5.100			30¢		3.200				
Chicago, Ill	*6.200	25¢	25¢			*4.750	12¢	*35¢		
Cincinnati, Ohio	*7.305	18¢	25¢		*6¢	*5.200	15¢	10¢		
Cleveland, Ohio	*7.210	20¢	*40¢			*5.620	*30¢	*30¢	*35¢	
Columbia, S.C	*4.750	*20¢				(5)	(5)	(5)	(5)	(5)
Columbus, Ohio	*7.775	*19¢	*20¢			*4.360	15¢	10¢		
Dallas, Tex	*5.670	20¢	20¢			*3.440	12½¢	10¢		
Dayton, Ohio	*6.600	25¢	45¢			*4.690	*20¢	*15¢		
Denver, Colo	*5.510	*25¢	15¢	*24¢	*15¢	*3.750	*20¢			*8¢
Des Mointes, Iowa	*5.750	*30¢	12½¢	[10] *40¢		*3.960	10¢			
Detroit, Mich	*6.550	*31½¢	28½¢	[6] *84½¢		*5.050	30¢	14¢	[11] 20¢	
Duluth, Minn	5.250,	15¢	25¢	4%		3.950	15¢		10¢	
El Paso, Tex	5.000					2.330	15¢			
Erie, Pa	*6.270	20¢	13¢			*4.880	20¢	20¢		*3¢
Evansville, Ind	*5.630	*20¢	*30¢			4.025	10¢	20¢		
Fargo, N. Dak	*5.070	*20¢				*3.350				
Grand Rapids, Mich	*7.090	23¢	25¢	†		*4.460	15¢	10¢	†	
Hartford, Conn	*6.650	5%	5%			4.200	15¢	15¢		
Houston, Tex	*5.050	20¢	29¢	40¢		3.100	10¢			
Indianapolis, Ind	*6.000	*20¢	15¢		*4¢	*4.000	13¢	20¢		2¢
Jackson, Miss	*5.650					*2.450				
Jacksonville, Fla	5.250	15¢	25¢			*2.500				
Kansas City, Mo	6.250	22½¢	25¢			3.710	15¢	15¢		
Knoxville, Tenn	4.700	15¢	15¢	15¢	*5¢	*3.250				
Lansing, Mich	6.260	25¢	25¢			*5.010	15¢	15¢	[10] 20¢	
Las Vegas, Nev	*7.270	30¢	38¢	$1.00		*4.500	10¢	10¢	*45¢	
Little Rock, Ark	*5.140			35¢		2.850				
Los Angeles, Calif	*6.600	10%	16%	[6] 13%		*4.145	*25¢	*35¢	25¢	
Louisville, Ky	†5.630	20¢	25¢	*40¢	*5½%	*4.150	15¢			2¢
Madison, Wis	6.270	10¢		20¢		4.500	15¢	15¢		
Manchester, N.H	*5.520	15¢	15¢			*3.850	15¢	15¢		
Memphis, Tenn	5.540	5¢	15¢			2.575				
Miami, Fla	*5.675	25¢	40¢	[10] 30¢		*4.000	*15¢			
Milwaukee, Wis	*6.270	30¢	*25¢	35¢		*4.930	25¢	*25¢	25¢	
Minneapolis, Minn	*5.740	23¢	20¢	*45¢	3¢	*4.250	*30¢	15¢	10¢	
Mobile, Ala	6.500	20¢	15¢			3.520	18¢	15¢		
Montgomery, Ala	*5.500	15¢				2.065	15¢			
Nashville, Tenn	*5.550	15¢		25¢		2.850				
Newark, N.J	*6.450	*5%	*6%	10%		*5.000	*40¢	20¢		
New Haven, Conn	5.950	20¢	20¢			4.300	15¢	15¢		
New Orleans, La	*5.580	20¢	25¢	25¢		*3.460	10¢	10¢		

Footnotes at end of table.

UNION HOURLY WAGE SCALES AND EMPLOYER INSURANCE, PENSION, VACATION, AND OTHER FUND PAYMENTS FOR SELECTED BUILDING TRADES IN 100 CITIES, JULY 18, 1969—Continued

City	Plumbers					Building laborers				
		Employer contribution to fund					Employer contribution to fund			
	Basic scale [1]	Insurance [1]	Pension	Vacation pay	Other [1]	Basic scale [1]	Insurance [2]	Pension	Vacation pay	Other [3]
New York, N.Y.	$5.850	[15] $1.60	([15])	([15])	28¢	*$5.450	*67¢	*37¢		
Norfolk, Va.	†4.600	25¢				2.100	10¢			
Oakland, Calif.	*8.570	35¢	50¢		†12¢	*4.675	30¢	40¢	[6] 40¢	†
Oklahoma City, Okla.	*5.700	20¢	*25¢	*25¢		*3.180				
Omaha, Nebr.	*5.450	15¢	20¢	[10] *24¢	*2¢	*4.200	12½¢	10¢		
Peoria, Ill.	5.045	17¢	45¢			4.650				
Philadelphia, Pa.	*6.725	*35¢	*27½¢		*6½¢	*4.050	10¢	10¢		5¢
Phoenix, Ariz.	*6.250	22½¢	†21½¢	22¢	10¢	*3.930	*20¢	20¢		
Pittsburgh, Pa.	*6.385	*35¢	*45¢		*19½¢	*4.700	20¢	20¢		2½¢
Portland, Maine	*5.150	15¢	15¢			*3.500	15¢	*15¢		
Portland, Oreg.	6.050	37¢	37¢	[10] 25¢		*4.500	*35¢	*35¢		
Providence, R.I.	*6.200	20¢	20¢			*4.100	15¢	15¢		
Raleigh, N.C.	*4.800	15¢				*2.500	10¢			
Reading, Pa.	*6.550	11¢	11¢			3.660	5¢	10¢		
Richmond, Va.	4.800	15¢	10¢			2.100	10¢			
Rochester, N.Y.	*6.560	20¢	32¢		*6¢	*4.830	15¢	20¢	20¢	*30¢
Rock Island, Ill.[14]	[16] *6.040	15¢	25¢			3.660	12¢			
St. Louis, Mo.	*6.505	†25¢	†25¢	40¢	40¢	*5.225	*20¢	20¢	20¢	1¢
St. Paul, Minn.	*5.800	23¢	20¢	39¢		4.250	*30¢	*10¢	*15¢	
Salt Lake City, Utah	5.750	16¢	20¢			*4.055	15¢	*20¢		
San Antonio, Tex.	*5.260	*15¢	*25¢	34¢		*3.030	10¢	¢		
San Diego, Calif.	*6.600	10%	16%	[6] 13%	†	4.430	25¢	25¢	25¢	
San Francisco, Calif.	7.300	$1.09	50½¢	30½¢	$1.02	*4.675	30¢	40¢	[6] 40¢	
Santa Fe, N. Mex.	5.515	20¢	13½¢			3.430	20¢	15¢		
Savannah, Ga.	4.950	12¢				2.400				
Schenectady, N.Y.	*5.550	30¢	25¢	[11] 2%		*4.450	*25¢	*25¢		
Scranton, Pa.	*5.390	15¢	30¢		*6¢	*4.100	17½¢			
Seattle, Wash.	5.900	*22¢	*30¢	33¢	†6¢	4.600	†30¢	†30¢		
Shreveport, La.	*5.560			*13¢		2.600				
Sioux Falls, S. Dak.	*5.480	7½¢	5¢	3½¢		*3.250				
South Bend, Ind.	5.995	20¢	30¢			4.000	10¢	15¢		
Spokane, Wash.	5.700	21¢	30¢	35¢		4.150	25¢	25¢		2¢
Springfield, Mass.	*5.950	31¢	35¢			3.650	15¢	15¢		
Syracuse, N.Y.	*5.400	27¢	*21¢	50¢		*4.800	*40¢	*30¢		
Tampa, Fla.	4.900	25¢	30¢	10¢		*2.975	*12½¢	†		*2½¢
Toledo, Ohio	*7.585	*25¢	*30¢			*4.840	*25¢	10¢		
Trenton, N.J.	6.050	20¢	40¢	35¢		*4.850	15¢	20¢		
Tulsa, Okla.	*5.500	25¢				*3.700	10¢			
Washington, D.C.	5.810	17½¢				*3.735	12½¢	10¢		
Wichita, Kans.	6.100	33¢	25¢			3.300	25¢			
Wilmington, Del.	*5.800	27¢	30¢	*7%		*3.800	*20¢	15¢		
Worcester, Mass.	*6.425	*35¢	20¢			*4.650	*20¢	*25¢		5¢
York, Pa.	*5.950	15¢	15¢			*3.150	10¢	15¢		
Youngstown, Ohio	*5.760	*25¢	*40¢	*90¢		*4.650	*20¢	*15¢		

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[1] These scales represent the minimum wage rates (excluding holiday and vacation payments regularly made or credited to the worker each pay period) agreed upon through collective bargaining between employers and trade unions.

[2] Includes life insurance, hospitalization, and other types of health and welfare benefits; excludes payments into holiday, vacation, and unemployment funds when such programs have been negotiated.

[3] Includes all other nonlegally required employer contributions, except those for apprenticeship fund payments, as indicated in individual agreements.

[4] Includes contribution for pension; separate data not available.

[5] No union scale in effect on survey date.

[6] Includes contribution for vacation and holidays; separate data not available.

[7] Contract provides for this benefit; amount of payment not reported separately.

[8] Data not available.

[9] Part of the negotiated scale; not included in basic scale shown; includes contribution for vacation and sick benefit, separate data not available.

[10] Part of the negotiated scale; not included in basic scale shown.

[11] To worker each pay period in addition to the negotiated scale.

[12] Scale includes 2 cents tool allowance.

[13] Decrease between April 1, 1969, and July 1, 1969.

[14] Includes Rock Island and Moline, Ill., and Davenport, Iowa.

[15] Includes contribution for insurance, pension, and vacation; separate data not available.

[16] Following data applicable to Davenport, Iowa; basic scale, $5.675; insurance, 15 cents; pension, 15 cents; and other, 7 cents.

*Represents an increase between April 1, 1969, and July 1, 1969.

†Data for previous quarter have been corrected.

Note: Information on employer contributions to insurance (welfare), pension funds, vacation pay, and other fund payments, as provided in labor-management contracts, is presented as cents-per-hour or as percent of basic scale; in actual practice, however, some employer payments are calculated on the basis of total hours worked or gross payroll. These variations in the method of computations are not indicated in the above tabulation. Payments directly to worker each pay period for, or in lieu of, benefits are footnoted.

Some contracts also provide for employer contributions to an apprenticeship fund. Information on payments to this fund was not collected.

In computing the changes in rates, the increases in each trade were averaged among all workers in the trade, whether they received raises or not. Data for the separate crafts, by city are shown in the attached tabulation.

The basic scale, plus contract-stipulated employer payments to insurance (health and welfare), pension and/or vacation funds, averaged $6.24 an hour for all building trades workers. This was an increase of 5.6 percent since April 1969 and 9.9 percent since July 1968.

Estimated changes in basic hourly scales plus specified employer payments over the quarter and the year and their level on July 1, 1969, are shown below:

CHANGE IN AVERAGE SCALE PLUS SPECIFIED EMPLOYER PAYMENTS

Trade	Apr. 1 to July 1, 1969		July 1, 1968 to July 1, 1969		Average scale plus employer payments July 1, 1969 average
	Percent	Cents	Percent	Cents	
Bricklayers	5.2	33.7	9.4	59.1	$6.91
Carpenters	5.9	35.7	10.7	61.9	6.55
Electricians	4.8	30.8	9.4	57.2	6.68
Painters	4.7	26.9	8.4	44.7	5.88
Plasterers	6.2	37.5	9.2	54.4	6.46
Plumbers	6.7	45.4	11.1	72.7	7.39
Building laborers	5.3	23.7	8.7	37.7	4.75
All trades	5.6	32.1	9.9	54.5	6.24

Union scales are the minimum wage rates (excluding holiday and vacation payments made directly to the worker each pay period) agreed upon through collective bargaining and reported to the Bureau by local respondents. The scales do not reflect rates for apprentices or for premium work. Overtime beyond established maximum daily and weekly hours is excluded.

Information on employer contributions to insurance (welfare), pension, and vacation funds, as provided in labor-management contracts, is presented for the various trades. These contributions are expressed in cents per hour or percent of basic scale. Payments

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to other funds, such as those for holidays and supplementary unemployment benefits are also indicated in the attached tabulation.

[From the New Orleans (La.) Times-Picayune, May 5, 1969]

GROAN AT CRAFT UNION SCALES: CONTRACTORS FIGHT $8 TO $10 AN HOUR WAGE DEMANDS

(By Victor Riesel)

WASHINGTON.—The other day one weary wit, shutting his government office at midnight, suggested that SDS should stand for Slow Down Swiftly—because the building and construction trades unions are restructuring society at their own pace and pay, now within a few pennies of $10 an hour in many areas.

At this rate, the cost of even a lean-to will be so prohibitive the nation had better not work itself into a depression which would create a demand for 1930 vintage shantytowns.

This is renewal time for 550 major contracts—and the union demands are awesome. In Kansas City, the ironworkers union has been demanding a one-year wage increase of $4 an hour, or, on a 40-hour basis, $160 a week hike per man.

In Buffalo, N.Y., where the state and the community have been planning a $1.8 billion project, the city has been stirred by demands for a 56.9 per cent construction trades hike over a three-year period.

After a 26-day strike in Miami, the bricklayers won a $2.85-an-hour increase (or $114 a week), bringing the average pay to $8.37 an hour in 1971. The laborers won a $100-a-week per man increase—jumping from $3.65 to $6.15 an hour.

Thirty and forty per cent wage increases above the current $5- and $6-an-hour base are common as Molotov cocktails these days. And government officials expect that construction strikes in the next four or five weeks will be as ubiquitous as college seizures. No hysterical outlook, this. There were 977 construction strikes in 1968.

Pacts covering 400,000 skilled craftsmen expire in May and June. If the past is prelude, judge for yourself: in the past weeks, some $2.5 billion worth of road, school, housing, and commercial building have been paralyzed by walkouts of 100,000 craftsmen.

So, leaders of the Associated General Contractors are jetting over to England. There on May 12, they'll sit with the wizards of Lloyd's of London to wrap up a strike insurance policy.

It won't take effect this year. But arrangements will be made to stand off the 1970 assault. Contractors will be able to insure themselves for anywhere from $1,000 daily to $100,000 a day for a maximum of 60 days. Premiums will run from $3,000 to $360,000.

According to the Will Rogersish executive director of the AGC, William Dunn, the formal strike insurance policy will be tailored to the needs of contractors big and small, depending on the overhead and size of the business.

They point to what their fellow contractor Red Blount said just before President Nixon named him Postmaster General: ". . . settlements have been reached in city after city of 30 to 40 percent per year. This sounds like some of the inflation-generating increases in some of the Latin-American countries."

Contractors, who never "poormouth" it, are horrified by the wage charts. And they warn that the public should be, too.

Carl M. Halvorson, president of the Associated General Contractors, has charged the building trades with being an "elite corps" doing damage to the rest of the labor movement and the working public. The building unions insist on wages that are out of line with what other workers get for the same skills.

"Thus school teachers, auto workers, policemen must all work longer hours to be able to pay for the increased cost of housing and schools and hospitals that result from construction workers' higher labor costs," says Halvorson.

Privately other labor leaders cuss out the local construction union officials who set wage standards which can't be met, or paid, in the rest of industry. The rank and file storms into union halls bearing tales of what some brother-in-law or neighbor gets as an increase in his local bricklaying, masonry, carpentry or steamfitting ($10.45 an hour in St. Louis) fields. Who in the soft goods, or mass production, or service trades can match a $100-a-week raise or a $10-an-hour cost package?

So the construction contractors have decided to fight back. Not only have they worked up the strike insurance policy for next year, but they have wired President Nixon urging him to mobilize the cabinet for a series of meetings with the construction union presidents. They want help now.

[From the Washington (D.C.) Evening Star, July 26, 1969]

BUILDING TRADES WAGES SOARING, SHULTZ WARNS

(By Richard Critchfield)

Wage increases in the construction industry have been averaging an annual rate of 15 percent during the first six months of 1969, Labor Secretary George P. Shultz has reported in an appeal for opening up the building trades unions to better jobs for Negroes.

Shultz told a press conference yesterday "the very high" wage settlements won by the building trades unions, which is double the national average for contracts negotiated for 1.4 million workers since January, were chiefly responsible for a national average rise of 7.2 percent as compared with 1968's 6.6 percent rise in wages.

Shultz warned the construction unions that their two-to-three-year settlements, which projected high wages increases into the future, could mean they would "price themselves out of the labor market" once the administration's anti-inflationary policies begin to take effect.

Shulz also cited the high settlements as additional evidence of the national stake in getting the building trades unions opened up to Negroes and other minorities.

STEP CITED

As a first step in this direction a new Labor Department regulation took effect in Philadelphia a week ago Friday to force contractors to specify in their bids for federally assisted construction contracts of more than $500,000 how many Negroes they would hire.

Shultz said yesterday he preferred "conferences to clubs" and hoped to work out with the unions and contractors in Philadelphia a way to open up the construction industry to Negroes.

Labor Department sources said earlier the new regulation would be applied the first week of August on a $2.5 million contract for a new food and drug laboratory and that four other contracts totalling more than $80 million dollars would be effected during bidding in August.

Shultz directly tied the rise in wage settlements during the first half of 1969 to the Philadelphia plan, which will later be applied in all major American cities, including Washington.

JOB OPENINGS

"We think the Philadelphia Plan represents an important way of opening up jobs in the construction business for minority workers and opens up labor in an industry where there is a great shortage of skilled workers. We think everyone has a great stake in getting it opened up."

Shulz explained what he described as the basic thrust of the administration's anti-inflationary policy by tightening the money supply. "The realistic way to control inflation is to lessen the pressures from demand and the supply side, build up both the quantity and quality of production."

Shulz said that though considerable pressures were still rising, there has been a decline in the rate of growth of the gross national product. While it may be some time until "all the key variables start moving in the same direction at once," he said, there is some ground for hoping inflation is beginning to be effected by the administration's fiscal and monetary policies.

For this reason, Shulz said, if the construction industry continues to make 15 percent settlements that extend for two or three years the unions will find themselves making "grossly erroneous projections" in which they would price themself out of the labor market. He said the high settlements themselves were "a reflection of the fact that the demand for building is just extraordinary" and that the apprenticeship programs are numbers in the building trades lagging far behind.

He said that a third of the $80 billion construction per year in the U.S. is federally involved and that the federal government, as "the biggest buyer," was in a good position to force the construction unions to accept more Negroes.

[From Business Week, May 10, 1969]

BUILDING TRADES PUSH FOR MORE—WAGE HIKES ALREADY TOP THOSE IN OTHER INDUSTRIES, WITH NO RESPITE IN VIEW

Construction labor costs are being pushed up in hard bargaining at a rate that "signals the beginning of a new era of wage and price inflation and economic dislocation," contractors in widely separated parts of the country warned this week. They reported wage-fringe increases of about $3 an hour over three-year contract periods. One said: "The alternative is interminable strikes."

The building trades raises—an estimated 55% over three years—are outstepping those in other industries. Two sets of statistics, out last week, reported:

Wage gains in all industries in the first quarter were at a median 19.8¢ an hour, according to the Bureau of National Affairs, Inc.

Settlements in the first quarter averaged out at 6.3% a year over a three-year period, according to Bureau of Labor Statistics figures. Wages alone averaged 5.5% a year over the contract term.

HEATING UP

However, with construction bargaining just settling into a hot summer grind and strikes spreading, builders' wage-fringe increases are soaring above the all-industry figures.

Contractors in three Connecticut areas have just settled with locals of 4,000 carpenters for $3.08 or more an hour over three years, to boost wages from $5.59 an hour to $8.67 in the third year.

In South Florida, two unions have just hacked out their fattest settlements ever after 25-day strikes: Bricklayers will get $2.85 an hour more in wages, plus fringe gains, over three years, to boost pay from $5.52 to $8.37 in the last year of a new contract—when their annual earning potential will be about $17,400. Common laborers

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won a $2.50 an hour-plus-fringes increase, from $3.65 to $6.15, or a potential $13,000 a year after 1971. Carpenters' pay will go up to match the bricklayers'.

Generally, contractors blame "irrational" settlements on employer weakness in bargaining with strong craft unions. With 400,000 building tradesmen covered by negotiations in 1969, they warn that settlements could get even more out of hand if the government doesn't step in. Long-term efforts to settle bargaining problems in construction are under study, but there is little likelihood that anything now contemplated would help in 1969 negotiations.

[From U.S. News & World Report,
May 5, 1969]

MORE PRESSURE TO CURB WAGE COSTS IN BUILDING

(NOTE.—Record pay demands, backed up by strikes, are being pushed by plumbers, carpenters, masons, other unionized workers in the construction industry.

(Builders say it's time to call a halt. One plan: Let arbitrators fix the size of wage increases.)

Could 1969 be the year when something is done to halt big wage increases in the construction industry?

With pay of plumbers going as high as $10.65 an hour—more than $21,000 a year—employers think the time has come to slow up the spiral.

One idea is proposed: Unions should ban strikes over wage demands. They and the contractors should let an arbitrator decide on the size of the raises.

Odds now appear to be against any solution of that sort, but employers in and out of the construction industry are urging that this upward trend on building-trades wages be halted, or at least slowed a bit.

Every spring, a wave of strikes hits the building industry. This year, however, the contractors say that demands and settlements are breaking records.

HARD-LINE DEMANDS

With 1969 talks just begining, this is the trend reported by employers:

A "hard-line national pattern" of demands is evident, with unions seeking raises of 20 to 30 per cent a year in wage and "fringe" increases.

Some 24 major strikes were reported under way in 12 States, involving 110,000 workers, with demands running from 20 per cent to more than 50 per cent a year. Including smaller walkouts, employers estimated that 2 or 3 billion dollars in construction are tied up.

In 50 settlements reached so far, the average pay boost is 13.7 per cent annually—around 67 cents an hour.

A new contract will give Philadelphia plumbers more than $19,000 a year by May, 1971—at $9.76 per hour. And a San Francisco plumber is due to get $10.65 an hour by 1972, or more than $21,000 a year.

Government figures indicate that construction wage rates average $5.27 an hour plus 58 cents in "fringes," or a gross of $5.85 per hour.

That picture was presented by Carl M. Halvorson, president of the Associated General Contractors of America, on April 21. Wage settlements, he said, are substantially above the 1968 level and almost twice the 1967 figure.

The accompanying table shows some of the larger work stoppages cited by the association. As an example, gross pay will rise to $9.30 per hour for carpenters in Bridgeport, Conn., if the union demands are granted.

Numerous examples of completed settlements also were offered by the association. They included:

Increases of $3.35 an hour over three years for Buffalo bricklayers, giving $9.67 an hour in 1972.

A boost of $1.45 per hour over three years for cement masons in Denver, who have been earning $5. And $1.50 an hour in three years for operating engineers in Colorado, on top of their $5 rate.

As for demands still in negotiation, the contractors reported that operating engineers want a boost of 100 per cent in Peoria, Ill.

Other requests listed included: a raise of $5.65 an hour over three years for carpenters in North Adams, Mass.; $3.50 an hour more in one year for ironworkers of Kansas City; $3.65 an hour over two years for Philadelphia carpenters.

In Michigan, officials said, Flint laborers want an increase of $1.70 an hour in a single year; painters in Traverse City ask for $3.15 in two years: Lansing laborers seek $4 an hour in two years.

RELIEF SOUGHT

Because of such demands, the contractors have decided that drastic remedies are needed, immediately. The Associated General Contractors, Mr. Halvorson said, suggested to President Nixon and to the unions these actions:

1. Unions and employers should sign a "national stabilization agreement" barring strikes or lockouts in construction and providing for binding arbitration of all wage disputes.
2. All construction contracts issued by the Government should contain clauses for binding arbitration of wage disputes in their parts of the industry.
3. Skilled manpower should be used only for skilled work. It was estimated this alone would bring a rise of 20 per cent in available skilled labor by relieving skilled workers from unskilled tasks.
4. Government policies and laws "which are geared to unemployment" periods and recessions should be revoked or revamped.
5. Labor Department "restrictions" on apprentice training should be relaxed.

No replies had been received from the Government or labor, Mr. Halvorson said.

CHAOS IN CONSTRUCTION

Another industry group on April 15 issued its recommendations on ending the "chaos in the construction industry." A report appealing for a curb on building-trades wages came from the industrial-relations committee of the National Association of Manufacturers. One of its proposals urged industrial firms to back up contractors' associations that resist the demands for big raises.

Another committee, set up by the Chamber of Commerce of the United States, is also seeking to slow up the wage spiral in building.

Whether any of the employer moves will succeed remains in doubt. The unions are out to get all the money they can while skilled craftsmen are in short supply and demand is high.

[From U.S. News & World Report,
May 5, 1969]

TRENDS IN LABOR

EMPLOYE LISTS

Unions won Supreme Court backing assuring them that they will get lists of employes' names and home addresses for use in mailing out propaganda prior to bargaining elections. The Court on April 23 upheld a decision of the National Labor Relations Board on this controversial issue, but ruled that NLRB must act on the question on a case-by-case basis. The Court found the Board had failed to follow the Administrative Procedure Act when it adopted a general rule on the lists.

CANADIAN STRIKE

The Machinists Union, demanding a pay raise of 20 percent, struck Air Canada on April 20. It was the second Machinists' strike against the Government-owned line in three years. All operations were halted. The mechanics and maintenance workers sought to catch up with pay on U.S. airlines. Air Canada offered raises of 23 per cent spread over three years.

UNION SEGREGATION

The Department of Justice filed suit in federal court seeking to force the International Longshoremen's Association to integrate two local unions in Baltimore. The Department said one local union is "99 per cent Negro" the other "99 per cent white," and that each usually sends out work gangs of only one race. The suit charged that Negro longshoremen get less work than whites.

FACTORY WAGES

Production workers in manufacturing averaged $3 an hour in straight-time pay in March—15 cents above a year ago. For hardgoods fields, the average now is $3.18; for softgoods, $2.74, according to the Labor Department.

CHANGE IN PROCEDURES

A trucking firm which made changes in the manner of handling freight at a terminal said the changes were prompted by a desire to increase efficiency, but NLRB said the company should have conferred with the union. Now a U.S. court of appeals has upheld the company and refused to enforce NLRB's order. The court said the changes involved ordinary operating procedures, not wages or conditions of employment.

IF STRIKERS WIN DEMANDS—HOW CONSTRUCTION PAY WILL JUMP

Strikers' demands in work stoppages typical of those tying up $2 billion to $3 billion in construction projects around the nation:

Area, unions on strike	Before strike pay per hour including fringe benefits	Hourly raise demanded	New pay per hour if demands are met
Kansas City, Mo.: Ironworkers	$5.17	$3.50 in 1 year	$8.67
Bridgeport, Conn.: Carpenters	5.59	$3.71 in 3 years	9.30
Miami, Fla.:			
Bricklayers	5.52	$3 in 3 years	8.52
Laborers	3.65	$2.50 in 3 years	6.15
Tampa, Fla.: Carpenters	4.35	$2.40 in 3 years	6.75
Houston, Tex.:			
Ironworkers	5.26	$1.50 in 2 years	6.76
Roofers	4.46	$2.25 in 3 years	6.71
Springfield, Mass.: Operating engineers	5.95	$2.25 in 3 years	8.20
Pittsfield, Mass.: Laborers	4.16	$2.30 in 3 years	6.46
Lincoln, Nebr.:			
Bricklayers	4.93	$2.05 in 3 years	6.98
Ironworkers	4.55	$1.98 in 3 years	6.53
Monroe, La.: Bricklayers	5.00	$1.65 in 2 years	6.65
Detroit, Mich.: Laborers	4.88	$1.15 in 1 year	6.03

Source: Associated General Contractors of America.

[From U.S. News & World Report, July 28, 1969]

Record Raises of 1969: Who's Getting Them

Higher living costs and a shortage of skilled workers are chief factors in organized labor's drive for big wage boosts this year—even at the cost of long strikes.

The strategy seems to be paying off. Typical cash raise so far in 1969 is about $8.64 a week.

A strategy of "get it while you can" is guiding union wage negotiators in 1969—and so far it has won record-breaking settlements.

The typical wage boost has been 21.6 cents an hour for industry generally, during the first half of 1969. This new high is 5.2 cents more than in the first six months of last year. Fringe increases are not included.

Thus, the typical raise is running at about $8.64 per week. In May, the average worker off the farm earned nearly $114 weekly. That amounts to some $5,900 a year.

Construction workers are doing much better, however. Here the typical boost has been 69.5 cents an hour this year, pushing weekly pay up to nearly $196. In 50 weeks, the annual rate would be around $9,800.

Higher brackets. Many in the construction field will get more. Including "fringes" and cash pay, a few recent agreements will bring a worker as much as $21,000 or $22,000 a year.

A steamfitter in New York, as an example, is to get approximately $22,000 a year by 1970, assuming he works 50 weeks annually. His gross wage under a new agreement will rise to $11.10 an hour, including "fringes."

After a 15-day strike, the steamfitters won increases of $3.25 an hour in pay and benefits over three years.

At Los Angeles, the Plumbers Union, which struck July 1, reduced its demands to a request for $3.51 an hour over three years. That would boost the gross rate to $11.62 an hour.

For 50 weeks a year, this construction plumber would be getting $20,900 by 1971. The contractors' latest offer would give him $19,296.

Steady rise. The "typical" increases cited for the first-half settlements are from a survey by the Bureau of National Affairs, Inc. They represent the median raises in cash wages—half of the agreements granted larger boosts and half gave smaller amounts.

Since 1964, the median wage increase for industry generally has been getting larger each year. It was 7.6 cents an hour back in 1964.

The BNA survey checked 1,322 wage settlements for the first half of 1969.

In winning those agreements, union leaders admit that their bargaining strategy has been to push for the largest possible raise, even at the cost of long strikes.

Often they insisted on putting all of this year's boost into cash wages rather than using some for "fringes."

Basis of union strategy. Labor leaders gave these reasons for their "now's the time" tactics:

Union members are demanding big cash increases because of the fast-rising cost of living—up more than 5 per cent since a year ago. Earlier pay raises have been eaten up—and more—by household expenses.

Bargaining power of unions now is strong. Skilled craftsmen are in short supply in many industries. Employers are willing to bid up the price of labor to get or to hold workers.

If it comes to a strike, many union members can get temporary jobs to tide them over. Building contractors report their craftsmen who strike immediately find well-paid work in nearby areas. The same often is true for factory hands.

Some pressure for larger increases seems to be prompted by union fears that wage controls may be imposed by law before the next contract is negotiated. The idea is to "get all we can before the Government blows the whistle."

The low rate of unemployment tends to make it easier to strike. There are fewer pools of idle workers available to break a strike. Union members often are more willing to walk out because they have been working steadily and do not fear they will be replaced by new employes.

If unemployment should rise next year as part of the battle against inflation, unions probably will find it harder to strike. Employers, if production slows down, will feel they cannot afford large increases in labor costs. This may be the last year to force through big pay raises, for some time.

Union officials said, too, that they sometimes have trouble with younger members of their organizations who insist on big settlements. The newer workers vote to reject agreements that have been negotiated by the leaders.

One union leader put it this way:

"We no longer can point to Government guidelines restricting the size of the settlements. While union officials complained publicly about those guidelines of the Kennedy and Johnson years, it was handy at times to point to them in trying to hold down our members' big ideas on wage increases."

This year's record. The chart on page 69 shows what has been happening in 1969 negotiations up to now, as compared with other half-year periods.

In manufacturing, the median wage increase—excluding "fringes"—this year is 19.4 cents an hour. Construction workers' increase of 69.5 cents compares with 38.3 cents last year.

For nonmanufacturing, excluding construction, the median is 24.5 cents per hour. The figures are for 1969's boosts, not the total for several years under long-term agreements.

The BNA survey also listed the median wage increases for each major industry. In the manufacturing field, these raises ranged from 25.5 cents an hour for cement makers to 14.8 cents an hour in furniture making.

Outside of manufacturing industries, construction was not the only generous negotiator. Settlements in maritime shipping and longshoring gave a median boost of 38 cents an hour. The median rise was 24.7 cents for public utilities; 24.5 cents for service industries.

TRENDS IN LABOR

Snag in grape talks. Eleven growers of table grapes in California said their contract talks with the AFL–CIO's United Farm Workers Organizing Committee were deadlocked. They suggested that President Nixon name a fact-finding committee to recommend terms of a settlement. Negotiations have reached an impasse, growers reported, chiefly over the union's wage demands.

Spot check on wages. A sample of what's happening to pay for skilled workmen: Wage increases for such workers in the Philadelphia area averaged 5.7 per cent in the year ended last November, according to the U.S. Labor Department. The rise was almost double the advance of 3 per cent in the previous year. New rates include $4.01 an hour for toolmakers, $3.85 for machinists and pipefitters, $3.65 for auto mechanics.

Closing of cafeteria. NLRB members decided that a cafeteria chain had closed one of its units permanently to avoid bargaining with a union. However, the Board ruled there was no violation of the Taft-Hartley Act because there was no proof the closing was designed to "chill unionism" at other cafeterias of the company.

A union's duty. When a union asks for bargaining recognition but does not reveal to the employer the size of its claimed majority or offer to show authorization cards, the employer may be justified in asking for an employe vote. So saying, a U.S. court of appeals sent a case back to NLRB for further proof.

Co-ordinated bargaining. The Steelworkers Union and allied unions were found in violation of the Taft-Hartley Act because the coalition sought to force Phelps Dodge Corporation to bargain on a companywide basis in an eight-month strike that ended in early 1968. This ruling by a trial examiner of the National Labor Relations Board was similar to an earlier finding upheld by the Board in connection with a walkout at Kennecott Copper Corporation, but the new ruling found additional evidence of violations.

[From U.S. News & World Report, Aug. 11, 1969]

Industry's Plan To Halt Soaring Costs of Building

Chaos in the construction field reflects a failure of collective bargaining, says an industry task force. It urges builders and their clients to join in an effort to halt the upward spiral of wages and prices through closer co-operation at the bargaining table.

An alliance between building contractors and their clients is being proposed as a means of offsetting the power of construction unions to bid up wage rates year after year.

The proposal comes from a task force set up last November by the National Conference on Construction Problems. The conference and the task force were sponsored by the Chamber of Commerce of the United States.

In essence, the group calls for closer co-operation between building contractors and those who contract for their services, including federal, State and city governments, hospitals, schools and government-sponsored projects such as urban renewal. It is suggested that this combination could offset the current bargaining power of the labor unions.

Aim of the plan is to brake the wage-price spiral in the construction industry.

To reach this goal, the task force urges:

1. A national organization of the major sponsors of construction projects—governments, large-scale developers.

2. Another national organization of contractors to co-operate with the group that lets the contracts.

A call for buyer support. The report declares: "Throughout the deliberations of the task force and throughout every other discussion of methods of improving collective bargaining in the industry, one basic fact of life stands out: The contractors cannot improve their collective bargaining without the full support of the purchasers of construction services."

Under present practices in the industry, the task force found that contractors and their clients often work at cross purposes, to the advantage of unions. For example, "the purchaser-client, for reasons of expediency, has sometimes required contractors to submit to unreasonable labor-relations and project practices, as well as unreasonable demands."

Contractors, on the other hand, are criticized for permitting unions to handle most labor-relations functions that in other industries are carried out by personnel departments.

Such practices, says the task force, are to blame for most of the industry's troubles, including:

Shortages of skilled craftsmen, "artificially created and maintained" by union-imposed limitations on trainees.

"Extravagant" wage increases without any increases in productivity.

"Restrictive work practices which further

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limit productivity" and block the use of new and better methods.

Suggested changes. The task force asks clients to give the contractors a free hand to negotiate and administer their own wages, hours and working conditions, as the first step.

They are urged, also, to try to time and schedule their building projects so as not to overtax the supply of construction labor, and to refrain from proposing or condoning "unreasonable" use of overtime.

The task-force report suggests, in addition, that:

A nationwide inventory of construction manpower be taken, with the help of the Government and the unions, if they will agree.

Because of the certainty that there will be a vast increase in the need for building workers, contractors must start recruiting and training new employes on their own.

Future labor contracts should provide for a fixed ratio of apprentices to journeymen on each job, and contractors should agree not to lay off apprentices because of lack of work without first notifying an office set up to administer the training program.

Contractors' associations should see to it that construction-labor contracts have common expiration dates, and thus "prevent the whipsawing effect of negotiations which follow each other."

Contractors operating outside their home areas should support local labor agreements and practices.

Sharper, more experienced negotiators should be found for the contractors' side of the table.

There should be some intensive lobbying for legislation to speed the Labor Board's handling of violations of the labor laws.

Legislation also should be sought to "overcome certain interpretations of the National Labor Relations Act" which "encourage restrictive work practices, product and secondary boycotts and restrict the use of more-efficient materials and methods."

Commission proposed. The task force also proposes that builders and their clients put together a commission composed of persons widely known for their "wisdom, stature and impartiality" to do three things:

1. Lay down clear "craft-jurisdiction lines applicable to specific kinds of construction."

2. Set up machinery for a new board to handle jurisdictional disputes and make awards on the basis of the craft-jurisdiction guidelines laid down by the commission. It would also make changes in the guidelines where needed.

3. Specify proper sanctions for failure to abide by the board's decisions.

The task force urges contractors to stand firm against any written agreements or unwritten on-site practices, traditions or customs which limit productivity or which boost building costs out of proportion to the value added to the project.

A spokesman for the task force noted that the construction industry has "moved so fast in new techniques and new equipment" that "jobs once logically part of one craft are now logically part of another, and there ought to be some way to place them in the right craft."

The group's report pressed for more "winterizing" of construction work and called on the Government to change arbitrary and outmoded regulations which unreasonably prevent work in cold weather.

The idea of expanding the scope of construction-industry bargaining groups geographically—negotiating contracts by whole regions rather than locally—was not taken up in the report. The task force said that this matter needs additional study.

Bias denied. The report insists that there is nothing antiunion about the proposals, although few of them can be adopted without union agreement. Said the task force:

"At the foundation of sound collective bargaining between parties lies the requirement that they be relatively equal in strength, that they possess the skills of negotiation and that the resulting agreements be implemented in good faith.

"The present situation in the industry reflects a failure of collective bargaining mainly because of the imbalance of power."

TRENDS IN LABOR

An umpire for the pros? The increasing economic importance of professional sports calls for the National Labor Relations Board to exercise its jurisdiction over disputes between team owners and their employees, the AFL–CIO says in a brief to the Board. The labor federation threw its support behind a petition for an election, among American League umpires.

Wage gains still rising. In the first 30 weeks of 1969 the median negotiated wage gain for the country as a whole was 21.8 cents an hour, up 4.3 cents or almost 20 per cent over the same period of 1968, according to a survey made by the Bureau of National Affairs, Inc.

UAW talks in Britain. American and British auto-union leaders are trying to find ways to counter the international strength of the big car makers by internationalizing unionism in the auto industry. They aim at co-ordinating wage negotiations and contract-renewal dates and standardizing union procedures in the U.S. and British auto industries. American-owned companies now produce 48 per cent of all cars sold in Britain. A British-U.S. auto-union meeting is set for 1970 in the U.S.

Steelworkers' pay goes up. Substantial wage increases and a pension boost took effect for members of the Steelworkers Union August 1, the beginning of the second year of the newest three-year contract. One brand-new feature also became effective—a pension for the surviving spouse of a steelworker who has 15 years or more of service at the time of death.

Coal chaos predicted. The National Coal Association has warned Congress that many coal mines may be forced to close and that there may be a shortage of electricity as a result, if health and safety bills for the mines, being considered by the House and Senate, become law. The association claims that technology is not available to meet proposed dust standards; insists that respirators would protect the health of miners effectively.

THE BIG BOONDOGGLE AT LORDSTOWN

(When General Motors embarked on a whirlwind expansion program to produce a new car, the Ohio construction industry was sucked into a dizzy bout of inflation.)

(By Don Sider)

The explosive inflationary pressures generated by labor conditions in the $90-billion construction industry pose a dramatic threat to the national economy. In the past year, construction costs have increased by 9 percent. Most of the wage settlements won by the building-trades unions in the first six months of 1969 call for annual wage increases of between 15 and 22 percent. These contracts, totally unrelated to productivity, reflect the unchallenged power of the building-trades unions at the bargaining table. (See "The Unchecked Power of the Building Trades," Fortune, December, 1968.) And that alarming spiral will continue. A Ford Motor Co. executive has warned his colleagues that they can expect plant-construction costs to increase by 53 percent over the next five years.

The sharp impact of wage-price developments in construction is spreading throughout the rest of the economy. As costs rise elsewhere, industrial unions are using settlements in the construction industry as their initial demands at the bargaining table. Gradually, housing, if not subsidized, is being priced out of the reach of a large section of the population. Essential public services, such as hospitals and transportation, are being delayed or abandoned because of the unconscionable rise in labor costs. This unchecked inflation presents the business community with what is probably its most serious and urgent problem. Some industrialists are groping for a way to put a stop to it. But most of them, while admitting the existence of the crisis, contribute directly to it by rationalizing the toll of construction costs as "one shot" expenditures essential to the conduct of their normal businesses.

A case in point is the decision by General Motors to build a $75-million plant in Lordstown, Ohio. In the fall of 1968 the company announced plans to build a new car, the XP 887, that would compete in price and performance with the most popular imports. Since G.M. was faced with steadily increasing labor and material costs, the design and location of the new plant were of paramount importance. Moreover, in order to keep the costs of the compact to a minimum, G.M. wanted a new plant so that it could introduce the most sophisticated automated assembly techniques with a minimum of interference.

After a comprehensive study, G.M. decided to locate a 2,300,000-square-foot stamping plant at Lordstown, Ohio, next to an assembly plant that was turning out Chevrolets. The new stamping plant will produce the small-car bodies, and the existing assembly lines will be converted for the production of the XP 887, which is expected to be on the market by mid-1970. At the same time, G.M. is building a 700,000-square-foot assembly plant for the Chevrolet truck division.

Of G.M.'s 110 building projects, completion of the Lordstown plant is being given top priority. Days after Chairman James Roche announced that the XP 887 was on the planning boards, engineers were surveying the wooded 1,100-acre site in the rolling farmland of the Mahoning Valley. With frantic haste, contractors began to assemble a labor force. Says Frank Riley, G.M.'s vice president of manufacturing, "When we get the first press in there and get the die in, we'll make our first stamping. And no matter when it is, some people here will think it's too late."

The crash program at Lordstown has led General Motors to accept with equanimity skyrocketing overtime and boondoggling work practices that it would consider intolerable in any Fisher-body plant. Yet, with its gaping press pits empty and most of the floor space still open to the sky, the plant at mid-August was six weeks behind schedule. In the first nine months of construction, workers earned over $2 million in overtime. Eighteen regular days of production were lost because of seven wildcat strikes. A contractor has sued the unions involved for over $190,000 in damages. And the construction industry in northern Ohio is suffering a severe manpower shortage and spiraling costs as a result of G.M.'s urgency.

LAWSUITS AND LOGROLLING

When construction workers heard about the big new rush job in northern Ohio, they flocked from as far away as California and Louisiana to try to get in on what they knew would be easy pickings. In November heavy-equipment operators were working up to seventy hours per week—known in the trade as "seven tens." At one time or another since then, most of the crafts have worked a seventy-hour week. The overtime pay varied as the project progressed—most trades were working sixty hours in March; in June they worked an average of fifty-three hours. Consider the weekly wages at the seventy-hour pace; $563.50 for a laborer, $661 for a carpenter, and $666.50 for an operating engineer.

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G.M. officials refuse to say how much total overtime was built into the critical-path program, but agreements signed with individual subcontractors indicate that forty-eight-hour and fifty-hour weeks will be usual through February, when the bulk of construction is to be completed. The critical path for the stamping plant—with installation of the first pilot line of presses scheduled for December 1 and production by May 1—was created by a computer, based on experience at G.M. Kalamazoo stamping plant, which was built in 1964–65 and is the same size as the one at Lordstown. The schedule, called unrealistic by critics of G.M.'s overtime policy, is defended by corporation officials as tight but necessary, and practical. G.M. evidently built in all the overtime not so much to get the job done but to ensure that contractors could recruit an ample supply of workers. Built-in overtime on such construction projects is known to be counterproductive. According to a study made by the management-methods committee of the Mechanical Contractors Association of America, a man will do less work in ten hours than he would in his normal eight.

The main contractor, Huber, Hunt & Nichols in Indianapolis, has worked on many G.M. projects. In this instance it has been hurt by an unusual number of costly strikes. During one six-week period, March 13 to April 25, there were just thirteen working days without at least part of the work force being absent. As usual, most of the disputes have been over jurisdiction. On February 24, the teamsters walked off in an argument with the operating engineers over the manning of equipment and 566 men struck for one day. On March 13, the ironworkers left because of an argument over who would hoist roof decking. They were followed by all crafts but the sheet-metal workers, with the result that 593 men struck for three days. On March 25, the operating engineers and surveyors walked off after the operating engineers lost their bid to represent the surveyors. That resulted in the absence of 690 men for most of a week. Then the laborers struck in a dispute with the security guards. In April the carpenters argued with the laborers over who was to move forms and 617 men struck for three days. Finally, seventy laborers disappeared for no apparent reason at all, returning two days later.

At this point, Huber, Hunt & Nichols laid down the law to the unions. The contractor banned Saturday work during any week in which an unauthorized strike occurred. "We thought it was the only way we could handle the situation," says Paul Muehlenbein, vice president of Huber, Hunt & Nichols. Earlier, the company had sued Local 66 of the International Brotherhood of Operating Engineers for more than $62,000 for losses sustained as a result of their walkout. Just after issuing the overtime ban, the contractor sued Local 1438 of the United Brotherhood of Carpenters and Joiners for nearly $72,000 and Local 935 of the Laborers' International Union for close to $63,000 because of losses involved in jurisdiction disputes. Despite the threat of further lawsuits, there was another walkout on July 16, when the teamsters picketed the site and put more than 500 men out of work for two days.

BOONDOGGLING AS A WAY OF LIFE

Such disruptions are not usual on big jobs owned and built by out-of-town firms and attracting a measure of out-of-town labor (see "The Big Shakedown in Baton Rouge," FORTUNE, August). "I think the idea is to establish a precedent as far as jurisdiction is concerned for the long haul," says Muehlenbein. Moreover, the work practices tolerated during a crash building program tend to become institutionalized. Typical is the case of subcontractor Don Woodward, a sheet-meal subcontractor from Warren, Ohio, whose firm is installing vents on the roof. Woodward has used a cherry-picker crane to raise his material from ground to roof and, by accepted practice, hired teamsters to drive them to the site and operating engineers to run them on the site. As a make-work practice, the operating engineers at Lordstown insisted that he also hire oilers to stand by the machines. At that point, says Woodward, he gave up the cherry pickers and went to traditional pulleys: "I backed off. Until we find where we stand, we'll do it the hard way."

Depending on the source, boondoggling at Lordstown has been anything from a minor annoyance to a way of life. "There were some minor situations in which the contractors agreed to featherbedding to keep the job going," admits G.M.'s Frank Riley. "But we feel we're getting pretty good productivity now." In the early months, men had the habit of leaving the job long before their shifts ended. "Some of that went on," grants Muehlenbein, "but we're trying to control that the best we can. When they leave the gate early, they're docked." Union representatives, on the assurance that they will not be quoted by name, admit that there is less hustle on this job than elsewhere. "I'm not going to admit that. Hell, I got to live here," answers one grizzled union boss. Then he adds softly, "It's the same as during the war. Remember all those cost-plus jobs? It took a while for them to get used to working again." Says Joe Vaughn, the project foreman, "We've still got problems, but it's better than it was." Despite the overtime guarantees, the project is behind schedule, and the contractors are now racing to get the huge building closed in and heated before cold weather hits in the fall.

THE COST OF A GRAND RUSH

These aggravations should be solely the builder's and his client's but they are not. They have become the concern of every contractor and professional in the building business in the Mahoning Valley. Some 282 contractors in adjacent Mahoning and Trumbull counties complain that G.M. upset a delicately balanced labor market, drove up prices with lavish overtime, promoted bad work habits with an easygoing attitude toward labor, and created a climate of unreasonable demands by labor. "Maybe this is good business for them," says contractor Woodward, "but it isn't for me." Adds another builder: "The unions have the contractors by the fig newtons, so they gouge." Says a foreman on another job: "They shove a lot of things down your throat under these conditions that you should not have to take."

Some of the local contractors complain that G.M.'s overtime has ballooned the cost of all construction in northern Ohio. Costs have increased by 1 percent per month in the state for the past three years, according to Arthur F. Sidells, a Warren architect. The rise in Mahoning and Trumbull counties in the same period has been 55 percent. Sidells designed the new Trumbull branch of Kent State University, a project not dissimilar from eighteen other new State University branches in Ohio's current building program, where the average bid is $25.76 per square foot. But for the Trumbull branch it exceeds $30. Bids for a lodge and cabins at Ohio's new Salt Fork State Park at Cambridge, about a hundred miles from Lordstown, came in at $1,600,000 more than the $6,981,353 estimate prepared by Michael F. Kenny, a Michigan building estimator. Kenny says the high cost results at least in part from the spillover effect of overtime paid at Lordstown. J. Warren Finch, construction manager for Edward J. De Bartolo Co., headquartered in Youngstown, believes Lordstown has raised building costs in the area 8 to 10 percent. One Warren contractor now feeds into his bids fourteen hours per man per week in overtime: "You have to figure you're not going to get men at less than fifty-four hours."

There is no doubt that the G.M. Lordstown project has become a mecca for construction workers in the region. Don Matthews, regional coordinator of the 700-member Regional Congress of Construction Employers, based in Pittsburgh, says. "The big problem is that we have almost all the other workmen in the area threatening to go to Lordstown." John Logue, a labor specialist in the Builders Association of Mahoning Valley argees: "If 10 percent of the guys [the percentage G.M. claims it is drawing from the local labor force] are getting overtime, others will quit their jobs and go over there to get it." Architect Art Sidells tells of a firm building a hospital at Warren. They started with twelve plumbers and lost all but four to Lordstown; then the four went to their foreman and demanded overtime to stay on the job—and they got it. Sidells says, 'Labor's attitude is, Don't look cross-eyed at me, brother, or I'll go to Lordstown!' "

Almost every contractor can top the sad story of his competitors. One of the hardest hit has been J. S. Fraysier, a general contractor in Warren, Fraysier is building a ten-story, 152-apartment addition to the federally funded low-rent Riverview Apartments for the aged at Warren. "I refuse to go to overtime," he says. "We can't afford to. Furthermore, overtime only produces featherbedding." Fraysier's project is six months behind schedule, because of seven strikes and labor shortages. For example, he needed fifteen to twenty plasterers, but never could attract more than seven and has had as few as two on the job. Plastering, which started in May, should have ended by the first of July, but still continues. "It's killed me," Fraysier laments. "A job that looked good when I started went sour."

While there is little argument that massive overtime on one well-publicized project creates a demand for overtime and other concessions on most other jobs, G.M. strongly rebuts the builders' charge that it has stripped their labor market. In a letter to the contractors, G.M. cited a manpower survey conducted in June. It said that "there are over 11,000 skilled tradesmen registered in the Youngstown and Warren local unions. Of the 1,500 workers now employed on the job site, 989, or 8.6 percent, have been drawn from this local area. This percentage does not constitute an unreasonable drain on the available skilled trade categories."

THE INADEQUATE LABOR POOL

But local experts disagree. An informal survey of license plates at the site's parking lot found only 30 to 40 percent of the workers were from outside the Ohio area. "A business agent isn't going to sign on a man who just came into town for an overtime job before the men who elected him," says one contractor. James Matteo, secretary of the Trumbull County Building Trades Council and business agent for the bricklayers, is in the same position as most business agents. "G.M. wants twenty-five to thirty bricklayers on the Lordstown project," says Matteo. "I don't have twenty-five to thirty. Maybe I can give them fifteen, but I'll have to take them from other jobs."

If G.M. is to complete the Lordstown plant on schedule, the labor shortage will become even more intense. Using G.M.'s own figures, there are 600 ironworkers registered locally, and during the peak of June 29 to July 15, Lordstown required 534. There are 311 local electrical workers, and during the peak of November 3 to December 1, Lordstown will require 418. Of 350 local sheet-metal workers, Lordstown will require 224 during the peak of August 4 to September 1. Giving G.M. the benefit of the doubt—i.e., that only half of the men on the job are locals during these times—the company will use more than one-third of the ironworkers, more than two-thirds of the electricians, and nearly one-third of the sheet-metal workers on local rolls.

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G.M. contends that the local labor shortage results from the failure of the local building industry to train sufficient men—and indeed this is the case in many areas of the construction industry. Here, though, as J. Warren Finch says, "In general the labor market has always been very good. The tradesmen have been good. Labor relations have been good." Should the Mahoning Valley have had a pool waiting for the advent of a Lordstown project? "Craftsmen," answers Clarence Hanna, executive vice president of the Builders Association of Mahoning Valley, "are like any of us. They can't be put in a deep freeze until needed."

"THE GAME IS TO GET AS MUCH AS YOU CAN"

The local builders believe that G.M. should have given them fair warning. But G.M.'s own contractor knew of the project only *after* G.M. Board Chairman James Roche announced the new car. Clarence Hanna says, "They [G.M.] told us in subsequent meetings they needed three years' lead time to get a new car on the road. They gave us zero lead time to recruit and train personnel." G.M.'s Frank Riley defends his corporation with a statement that indicates that the whole small-car phenomenon sneaked up on G.M. too: "As soon as we knew it would be there, we announced it."

The first G.M. Lordstown project—the Chevrolet Fisher Body assembly plant—begun in 1964, brought with it a gravy train of overtime. Because there was an ample labor pool at the time, local builders were hardly affected. But they claim now that after that project was completed it took two years to get their workers used to doing a day's work for a day's pay—a charge the unions vigorously deny.

The unions' argument implies that they are trying to make up for some bad days in the recent past. "Let's talk about the fact that five-six years ago we had a slowdown here that equaled the depression," says the Carpenters' Mike Beckus. "During that period, I didn't see one of these contractors offer to help our people." But the building boom of recent years has enabled the unions to take advantage of the tight labor market with a vengeance. Today, at Lordstown, laborers earn $5.74 an hour, carpenters $6.61, electricians $7.05, plumbers and steamfitters $7.38, structural ironworkers $7.32, sheet-metal workers $6.87, and operating engineers $6.75½. After forty hours, most of these rates double.

But not all union leaders are happy with present conditions. "G.M. is the best thing that ever happened to this area," says Mike Beckus. "It's been good for the craftsmen," admits Jim Matteo, "but we don't care for all this turmoil." One union officer takes an unusually statesmanlike view: "It hurts the economy. Here's a job; everyone wants to go out there; the poor stiff who wants to build a home can't get it."

For their part, the builders, led by Clarence Hanna, have been after General Motors like a colony of hornets whose nest has been tipped. They have written letters to Chairman Roche and President Edward Cole that resulted in three meetings with G.M. officials. "All we got," says Hanna, "was tea and sympathy." He told his story at the Washington Convention of the Associated General Contractors last March, and was mustering a boycott by some of 3,500 delegates and their wives of a party being staged by G.M.'s TEREX Division, which makes earth-moving and road-building equipment, when a hurried bulletin informed the builders that Cole was even then studying the Mahoning Valley delegation's plight with a sympathetic eye. But there is a fatalistic air about the contractors when they discuss their attempt to get cooperation from G.M.; they know the company will build its plant on schedule irrespective of their protests.

GET THE PLANT UP AT ALL COSTS

Should G.M. have predicted the need for the XP 887, and reacted sooner? The chief of construction for a Detroit competitor thinks not: "It's a lot more complicated than saying some executive at G.M. decided too late. The marketplace is a crazy, fickle thing." G.M.'s Riley adds, "The automobile business is not only seasonal but cyclical. The market changes rapidly. When we reach that stage when we have the vehicle that will be ripe, you've got to move very fast to get that car out. We can't sit down now and decide what kind of car we'll build in ten years."

Once the decision was made to build the XP 887, the entire G.M. organization moved with alacrity. Lordstown is just one part of a systematized massive deployment of men and machines, which in another city would have won plaudits for its precision. Says an executive of another auto maker: "The logistics problem is horrendous. Once a decision is made, everything must function like clockwork.' Even if it were possible to slow the pipeline, it would be costly and impractical. Ford has a fourteen-month lead on G.M. with its Maverick. The payoff for G.M., if it has guessed right on the XP 887, can make the millions it is overspending a very worthwhile investment "People in this company want that car," says a G.M. executive, "and they're willing to pay, no matter what it costs."

"Our problem," says a Ford executive speaking for the industry, "is the marketplace. The construction industry is in bad shape to meet the demand of a big client like G.M. We have two marketplace elements that come into conflict: The supply of cars and the supply of labor." G.M.'s Riley concurs: "I doubt that there would be any local area that could absorb a job of this size without interruptions."

AN ALLIANCE OF SYMPATHY

Could General Motors, the world's greatest industrial corporation—spending $1.1 billion annually in new plants, equipment, and modernization—devise a way to hold down construction costs? The steamrollered builders and their clients in the Mahoning Valley think so. Some of their suggestions are novel. For example, G.M. could, through the Argonaut Realty Division, buy up one or more construction companies and go into business for itself. But in the auto industry it is an accepted maxim that you get into trouble when you get into another man's business. It could demand a nonunion or open shop on its jobs, but for a company and an industry which is so thoroughly unionized that could be disastrous. It could hire its own labor force, and shift them from job to job, working independently of the local pool; but that would build in inefficiencies that are repugnant to the cost-conscious executives of G.M. It could build its cars overseas, but G.M.'s own sense of national responsibility, not to mention its fear of government disapproval, would prevent that extreme move.

Rather than lead the anti-inflation battle itself, General Motors has chosen to join a group of other major corporations whose aim is to support a tough stand by contractor's associations at the bargaining table. Led by Roger Blough, former chairman of the board of U.S. Steel, the group, which includes such corporations as General Electric, Standard Oil Co. (N.J.), and Consumers Power Co. will monitor all settlements in the construction industry and may chastise any company that forces a contractor to capitulate to the extreme demands of the building trades' unions. While this expression of support is welcomed by builders, it remains to be seen whether this alliance of sympathy is sufficient to correct the imbalance of union power at collective-bargaining sessions.

There is still a feeling at G.M., though, that the contribution of construction costs to the spiral of inflation is the other fellow's problem. "We agree that inflation in construction costs is serious," says Frank Riley. "We see that building costs are skyrocketing. It should be a matter of concern to us, and it is. We've said that we'll support any reasonable proposal." But G.M. still feels its main job is building cars. Says Riley, "We're a customer of the building industry. We don't expect our customers to solve our problems."

PICTURE CAPTIONS

$11.13

Laborer Vernold Leonard has good reason to smile. He belongs to the construction crew now building a $75-million project for General Motors at Lordstown, Ohio. Because of built-in overtime, Leonard and his fellow workers are among the highest-paid men in the construction industry. Leonard's base pay is $5.39 an hour and he gets 35 cents in fringes; after forty hours he earns $11.13 an hour.

$13.21

Operating engineer Peter Roman, from Poland, Ohio, belongs to a craft that is in continuing jurisdictional disputes with the Teamsters union. Some operating engineers have worked a seventy-hour week, grossing $666.50. Roman makes $13.21 an hour in overtime pay.

$13.22

Carpenter Mario Panissidi was drawn from the local labor pool, which supplies about half the work force. Carpenters make $6.11 an hour straight time and 50 cents an hour in fringes. After forty hours, pay and fringes double, so that the overtime rate soars to $13.22 an hour. Panissidi left a job on a local shopping mall to work at Lordstown.

$13.35

Bricklayer Rudolph Bryan commutes a half-hour each way every day from his home in Bessemer, Pennsylvania. The drive is well worth while. Bryan makes $6.50 an hour in straight time, and 35 cents in fringes. For a regular forty-hour week, Bryan earns $274, and his overtime pay runs to $13.35 an hour.

$13.39

Sheet-metal worker William Boyd is from Negley, Ohio. He makes $6.52-an-hour base pay and 35 cents in fringe benefits. Most sheet-metal work at Lordstown is running fifty-four hours now. So workers like Boyd make $274.80 for a forty-hour week and $13.39 an hour for overtime.

$10.58

Electrician James Stevenson of Shelbyville, Tennessee, belongs to a craft that makes only time and a half instead of double time after forty hours. Electricians are paid $6.52-an-hour base pay and 53 cents an hour in fringe benefits. Overtime is paid at the rate of $10.58 an hour. Of all the crafts, electricians are most in demand in the Mahoning Valley.

$14.34

Structural ironworker E. S. Bates came all the way from San Diego, California, to share in the overtime boom at Lordstown. His base hourly pay, $7.02, is the highest of all the crafts shown here, and doubles after forty hours, but the fringes, worth 30 cents an hour, remain constant. Bates can make $292.80 for a regular work week and $14.34 an hour for overtime.

$14.76

Plumber Martin D. O'Connell is one of the highest-paid men at Lordstown when the job is running at full blast. His base pay of $6.91 an hour, and his fringe benefits, 47 cents, double after forty hours. The Girard, Ohio, worker makes $295.20 a week, and

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$14.76 an hour for overtime, which is one reason why plumbers are rather choosy about making house calls.

Mr. GURNEY. Mr. President, I take this opportunity to second what the distinguished Senator from Michigan has just said. It does seem as though the main thrust of what we have before us is a bill which has to do with its industry promotion fund, but affects only a small part of the whole labor management field.

It seems that if we are going to make this exception to the Taft-Hartley Act, we should do it by studying the whole field of these funds not only as to the construction industry but as to many other industries as well. So that, indeed, if we come up here with legislation we can do it and look at the whole of the problem before us, instead of zeroing in on just one industry. We can come up with a bill that will encompass the whole problem.

Thus, I certainly support what the distinguished Senator from Michigan has said, and would hope that we can put this back in committee where, then, we can study the whole picture and come out with a piece of legislation that can handle the whole problem.

Mr. GRIFFIN. Mr. President, the material I have just placed in the RECORD relates to the round of wage increases in the building and construction industry for 1969.

We should be aware of the fact that, in most instances, those settlements were for only one year and negotiations are coming up again in my State of Michigan as well as other States. They will be coming up in advance of the negotiations in such industries as the automobile industry. The UAW and the automobile companies will begin their bargaining after the building trades begin a new round of wage negotiations.

We are also confronted with some rather large wage demands that have been presented by the Teamsters Union. Of course, that is a very important industry, but there is no industry which is more important than the building and construction industry. In a sense, I think it would be unfortunate if the Senate were to pass this bill today and, in effect, to indicate approval of what has taken place with respect to the negotiations, insofar as the wage structure in the industry is concerned.

It would, in effect, be encouraging even more exorbitant demands in the round of negotiations which is about to take place.

Mr. JAVITS. Mr. President, I see no reason to prohibit joint administration of product promotion funds in the construction industry where employers have voluntarily agreed to such joint administration. Hence, I am a cosponsor of and I support H.R. 860 and S. 1369, its identical Senate counterpart.

This legislation is necessary only because of the manner in which section 302 of the Taft-Hartley Act is phrased. That section prohibits all payments by employers to representatives of employees, with the only exceptions being those specified in subsection 302(c). The original purpose of section 302 was to outlaw bribery of union officials by unscrupulous employers interested in obtaining "sweetheart" contracts. It was also intended to prohibit employers from paying money directly into union treasuries, with no further control over the purposes for which the money could be spent.

Unfortunately, section 302, in its original form, was phrased in extremely broad terms, and the specific exceptions listed in section 302(c) did not cover several unquestionably legitimate activities which could be pursued jointly by unions and employers. Congress has already recognized this fact on at least two previous occasions. Thus, in 1959, even as the provisions of section 302(a) were strengthened to prohibit loans as well as outright payments and to bring so-called agents of employers within its terms, an additional exception was also provided in section 302(c)(5) to permit payments to jointly administered trust funds used to finance apprenticeship or training programs. Similarly, last year, S. 2068, permitting payments by employers to jointly administered trust funds used to finance day care centers and educational scholarships, was passed and signed into law.

The present bill merely provides another exception permitting employer payments to jointly administered funds used for product promotion in the construction industry. Clearly, in permitting such payments, the bill does not frustrate any of the purposes underlying section 302, particularly since the bill makes it absolutely clear that joint administration of such funds is a voluntary subject of bargaining.

It should be borne in mind that there is nothing illegal per se about industry product promotion funds, and there is nothing in present law which prohibits employer payments to such funds if they are unilaterally administered by employers. Many such funds exist and in many cases in the construction industry, for convenience, the employer's obligation to contribute to such funds is spelled out in the collective bargaining agreement itself. Frequently, the amount of the contribution is stated in terms of so much per man-hour worked. The funds themselves are used to help promote the sale of a particular product, for research and to promote good will.

Building trades unions naturally have an interest in the economic health of the industry or subindustry in which they are employed and for this reason, as well as the fact that contributions to the fund are collected through the collective bargaining agreement, have a legitimate interest in participating in the administration of such funds. A number of employers in the construction industry, although perhaps not a majority, have agreed to recognize this union interest and permit the unions to participate in the management of certain funds. No valid reason has been suggested, Mr. President, why, given this agreement of employers, joint administration of such funds should be a Federal crime.

The bill makes it clear that, given employer agreement in the case of a product promotion fund, such joint administration will not be a Federal crime. The bill does not force any employer to establish a fund; it does not force any employer to contribute to a fund, and it does not force any employer to agree to joint administration of a fund. No employer need even discuss a fund if he does not wish to do so, and any union which insists to the point of impasse on joint administration of such a fund would be guilty of an unfair labor practice in so doing.

It has been claimed by some opponents of this bill that making joint administration of product promotion funds a voluntary subject of bargaining will not, in fact, preclude a union from striking to enforce its demands for joint administration. It is said that sophisticated union negotiators could easily pretend to strike or threaten to strike over a mandatory subject of bargaining, such as wages, while at the same time making it clear "off the record" that the union's real objective was joint administration. Without denying that such a situation is theoretically possible, I fail to see any real danger of this occurring. In the first place, I would doubt very much whether joint administration could ever assume the importance of a strike issue. Secondly, employer negotiators are just as sophisticated as union negotiators and could usually take effective counter steps to expose any such conduct.

It is also claimed by some employers that permitting union participation in the management of these funds will inhibit efforts of employers, through use of such funds, to recruit minority group employees and break down the discriminatory practices which still, unfortunately, exist in some segments of this industry. The short answer to this claim is that as the bill itself and the committee report make clear, if any fund is used for the purpose of recruiting or training manpower, it is not a product promotion fund as defined in the bill. This bill does not cover any fund used for "any purpose other than for product and product application research and development, product and product application market development, promotion of product and product application with architects, engineers, and Government contracting officials, product and product application public relations, publication of product and product application technical information and data."

It should also be noted in this connection that joint administration of separate funds used for defraying the cost of apprenticeship or other training programs is already authorized under section 302(c)(6), and bargaining over such funds is mandatory, not just voluntary. Hence, nothing in the bill could possibly affect recruitment or training programs.

Nor is there any warrant for assuming that permitting joint administration of product promotion funds will somehow aggravate jurisdictional disputes. Nothing in the bill affects the provisions of section 8(b)(4)(D) of the National Labor Relations Act or any private dispute settling arrangement. Of course, these funds are used to promote competition between different kinds of products, but no one

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has satisfactorily explained to me how such a fund could, merely by virtue of its being jointly administered, have any effect—one way or another—on jurisdictional disputes, or even if it could, why the provisions of section 8(b)(4)(D) would not be effective to stop any unlawful strike or picketing.

The objections which have been voiced by some employers to this bill are thus without merit.

Furthermore, there are certain very definite advantages to be gained from permitting these funds to be jointly administered. For example, whereas unilaterally administered funds are not now subject to any reporting or disclosure requirements under any Federal law, a jointly administered product promotion fund would be subject to the reporting and disclosure requirements of the Welfare and Pension Plan Disclosure Act. Similarly, nothing in present law requires any unilaterally administered fund to be established pursuant to a separate trust agreement or prevents the moneys in such a fund from being commingled with other moneys. These requirements would apply under the bill to jointly administered product promotion funds.

Mr. President, it should be made clear that nothing in the bill legitimizes any activity of any promotion fund if its activities would otherwise be unlawful. Thus, if a fund is engaged in activity which would otherwise violate the antitrust laws, the mere fact that it is jointly administered would not exonerate the fund or anyone administering or contributing to it from antitrust liability. Nor does anything in the bill permit any union to agree with one employer or group of employers to require any other employer to make any contribution to a promotion fund to the extent that such conduct would be considered a violation of the antitrust laws under such cases as *Allen Bradley Co.* v. *Local 3, IBEW*, 325 U.S. 797, *Amalgamated Meat Cutters* v. *Jewel Tea Co.*, 381 U.S. 676, and *United Mine Workers* v. *Pennington*, 381 U.S. 657. Such conduct would also, of course, as previously noted, constitute as unfair labor practice.

Finally, Mr. President, there is a big problem in the construction industry with respect to modernization of methods, techniques, and materials. There is no question about the fact that there are many archaic practices being pursued in that industry, with a resultant impact upon costs. There is also no question about our desire—as evidenced by my strong fight here with respect to the so-called Philadelphia plan—to broaden the opportunities for employment in respect to this very key industry.

All of these things, Mr. President, could lend themselves to improvement through these kinds of joint promotion funds. Our job, if we should enact such a measure as this, would be to see that such funds were utilized for constructive purposes, and not for the purpose of locking in archaic or backward practices or materials, or continuing any practice or material which increases costs or reduces efficiency, rather than improves them.

This is a problem, again, of the good faith and intelligence with which such a plan is administered. We cannot hope to make it constructively useful to the public and the industry unless the unions are given an opportunity to cooperate, and this will provide the permissible capability for doing just that.

For that reason, Mr. President, I favor the bill, and hope that the Senate will approve it.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent to have printed in the RECORD an article which was published in the AFL–CIO American Federationist magazine of December 1969, entitled "The Myth of Housing Costs."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MYTH OF HOUSING COSTS

(By Nathaniel Goldfinger)

In the next 30 years America's population is expected to grow by at least 80 million—equal to adding the present populations of England and France to the United States. And the overwhelming majority of these people will live in urban areas. Yet millions of Americans today are ill-housed and major portions of central cities are dilapidated or decaying areas.

The Housing Act of 1949 established a national housing goal of "a decent home and a suitable environment for every American family." But the government did not place major emphasis on meeting the nation's housing needs and for many low- and moderate-income families that goal was not fulfilled.

Nineteen years later, Congress adopted the Housing and Urban Development Act of 1968, to speed up the building and rehabilitation of housing through federal assistance and a variety of incentives to business. The Act's 10-year goal of 26 million additional dwelling units, including at least 6 million subsidized units for low- and moderate-income families, can be met only if there is a national commitment backed by effective government policies to achieve it.

But today, more than a year after the 1968 Act was adopted, there is little evidence of such government policies and measures. The clear-cut evidence, in terms of actual construction, is to the contrary.

To achieve 26 million additional dwelling units in 10 years—an average yearly rate of 2.6 million—the number of housing starts in 1969, should be moving up sharply from the 1.5 million units in 1968 toward 2 million. But the government's restrictive monetary and fiscal policies and the highest interest rates in 100 years are causing a sharp decline of residential construction rather than a sharp increase.

Between the winter months of 1968–69 and the past few months, the yearly rate of housing starts has dropped from 1.7 million dwelling units to 1.4 million. Housing starts are headed down, not up. Unemployment among construction workers is increasing.

The soaring trend of interest rates is pricing an increasing percentage of families out of the market for single family homes and new apartments. Skyrocketing interest rates have increased costs to home builders, prices and monthly payments to home buyers and rents to those who seek new apartments.

The economics department of the National Association of Home Builders reports that monthly payments on principal and interest on a 25-year mortgage with 20 percent down payment rose from $139.80 for a $25,000 house purchased in June 1968 to $156.96 for a similar home bought in mid-August 1969, as the result of soaring money costs. This is a rise of $17.16, or over 12 percent to be paid each and every month for 25 years.

While the Secretary of the Department of Housing and Urban Development speaks in general terms of the need to increase home building, the Federal Reserve, the Treasury Department and the White House are embarked on a severely restrictive economic policy that tightens the money supply, shoots interest rates upward and hits residential construction. The Administration's talk and actions have been in opposite directions:

America is actually moving backward in home building, while there is considerable talk of moving forward.

Some of this talk about moving ahead, towards meeting the nation's urgently needed housing goal, centers around the Department of Housing and Urban Development's "Operation Breakthrough." If we are to believe at least part of the sales pitch that surrounds it, "Operation Breakthrough" is soon going to result in a reduction, or considerably slower rise, in the price of residences, monthly payments on homes and rents on apartments. Such an objective is certainly a worthy one.

National attention has been focused on an effort to cut the costs of construction—material and labor costs—through radical changes in the technology and management of residential construction as a key to solving the housing problem. However, even if one or more radical technological breakthroughs are achieved in experimental stages in the next year or two, it would probably take another 5 to 10 years before these breakthroughs could be tested sufficiently through experience and consumer response.

There is an obvious time lag between radical technological changes in experimentation and significantly widespread application. If any radical technological breakthroughs are achieved, they will have little impact on America's ability to meet the 10-year housing goal established by congressional legislation in 1968.

What the present effort may actually achieve, after stripping it of the sales pitch, is much more mundane than the "breakthrough" title implies. If reasonably successful, it should be able to accelerate the continuing trend of the past 25 years towards pre-fab components, pre-fab units and modules—all of which would step up the trend toward reducing the on-site labor component of the price. It should be able to increase the use of new materials, such as plastics. It should help to attract some large firms into the business and improve the managerial efficiency of residential construction.

All of these would result in some cost reductions, if—and it is a big if in the light of actual experience—if there is a large and expanding volume of construction. In fact, a large volume of home building would by itself provide some cost savings and unless a steady expansion of volume operations can be achieved, even the feasible aspects of this effort will remain largely unrealized.

However, we are told by the news media that labor costs are the chief problem in residential construction. Many people believe this myth and they also believe that trade unions are the major impediment to reduced housing costs, although only about 20 per-

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cent or less of residences are union built.

Following through on these views, public attention has been focused on a need to reduce on-site construction activities, particularly the on-site labor cost, by moving many of these building activities from the construction site to the factory. And the aim is to prevent such savings on on-site labor from being offset by increased costs of producing and transporting materials from the factories through the stepped-up use of new and less expensive materials.

But Dr. Michael Sumichrast, chief economist of the National Association of Home Builders, recently supplied the Joint Economic Committee of Congress with details on the costs of a single-family residence and the figures tell a vastly different story.

Dr. Sumichrast's figures show that between 1949 and 1969, on-site labor costs fell sharply from 33 percent of the price of a home to 18 percent—indicating a considerable shift to pre-fab factory operations and a rise in on-site productivity, as well as sharp increases in other costs.

While this shift from on-site labor to factory and materials activities was taking place, the cost of materials increased only slightly, from 36 percent of the price of a home to 38 percent. In those 20 years, the cost of structure—everything excluding land, financing and profit—fell from 70 percent of the price in 1949 to 56 percent of the price in 1969:

HOME BUILDING COST, 1949 AND 1969

[In percent]

	1949	1969
Structure	70	56
On-site labor	33	18
Materials	36	38
Land	11	21
Overhead and profit	15	13
Financing	5	10
Average price	$9,780	$20,534

Source: Bureau of Labor Statistics and National Association of Home Builders Economic Department. Congressional Record, October 29, 1969, pg. 32260.

The focus of attention therefore is on only 56 percent of the price of a single-family home—and on those costs, which have been either sharply declining or relatively stable components of the price. But there is little if any attention given to the sharply rising components of the price—land costs and financing costs which, in combination, rose from 16 percent of the price of a home in 1949 to 31 percent in 1969.

As an example, based on these figures, the on-site labor cost of a $20,000 house is $3,600. Let us assume that this cost is reduced 20 percent through the increased use of pre-fab, which brings the on-site labor cost down to $2,880. If the costs of materials can be held the same, despite the shift to pre-fab, and if land and interest rate costs and profits were all stable, the 20 percent cost-saving would reduce the price of the $20,000 house to $19,280. That is a saving, but hardly a "breakthrough."

Moreover, to the home buyer or renter, the actual saving in monthly payments or rent is much smaller than even that small amount. On this aspect of the issue, the report of the Kaiser Committee on Urban Housing, issued in December 1968, sheds some light. And the Kaiser Committee's cost breakdowns are reasonably close to those of the National Association of Home Builders. According to the Kaiser Committee's report, the on-site labor cost is 19 percent of the price of a single-family home and 22 percent of the price of an elevator apartment unit, while the materials cost is 36 percent of the price of a private home and 38 percent of an apartment unit.

According to the Kaiser Committee's report, debt retirement—on principal and interest—is only 53 percent of the monthly occupancy cost of a single-family home and merely 42 percent of the monthly rent of an elevator apartment unit. Other costs include such factors as taxes, utilities and maintenance.

According to these Kaiser Committee estimates, the price of the mortgage, and the interest payments on that price, amount to only about one-half of the monthly occupancy cost of a home or rent on an apartment. The on-site labor cost is approximately one-fifth of that amount, or only about 9 percent to 11 percent of these monthly occupancy costs to the home owner or renter, including the interest payments on the labor cost:

MONTHLY OCCUPANCY COSTS

[Rough breakdown in percent]

	To homeowner (Single family unit)	To renter (Elevator apartment unit)
Debt retirement	53	42
Taxes	26	14
Utilities	16	9
Maintenance and repair	5	6
Administrative and similar costs		13
Vacancies, bad debts, and profit		16
Total	100	100

Source: McGraw-Hill Information Systems Technical Report. President's Committee on Urban Housing, December 1968.

On the basis of these cost figures, a 20 percent cut in construction workers' wages—or a 20 percent increase in productivity—would reduce the monthly occupancy cost to the homeowner or renter by only about 2 percent. The Kaiser Committee says, "All on-site labor costs represent such a small percentage of monthly rents that a general reduction of 20 percent for all workmen would mean only a reduction in rent from $100 a month to $98 in a typical unit." And that includes the cost of the interest payments on the on-site labor cost.

While debt retirement of principal and interest is approximately only half of the monthly costs of a house or rent on an apartment, over one-half of the debt-retirement portion of those monthly payments is for interest charges, at recent interest rates. The price of the property, therefore, accounts for only about 20 to 25 percent of the monthly occupancy costs to the home owner or renter and, in turn, the on-site labor cost accounts for only about one-fifth of that amount.

Therefore, the actual on-site labor cost component of monthly occupancy costs—excluding interest payments on the labor cost—comes to only approximately 4 to 5 percent of those monthly costs of a homeowner or renter. A 20 percent increase in the wages of all on-site workers—or a 20 percent reduction of on-site labor through increased use of pre-fab—therefore directly involves only about $1 of each $100 of monthly rent or occupancy costs of a single-family home, when interest charges are excluded.

All of this adds up to some very clear facts: The major part of housing costs to the renter or homeowner is interest charges—the price of borrowed money to the developer, builder, landlord and homeowner. The on-site labor cost accounts for only a small part of the price of the property and a much smaller portion of monthly occupancy costs to the owner.

The on-site labor cost component of housing has been the victim of gross distortion, ignorance and anti-labor myths. The sole focus of public attention on on-site labor costs and labor-saving technology is largely based on a hoax. If the costs of housing are to be reduced—or if such rising costs to the consumer are to be slowed down—interest rates and land prices, as well as labor and materials costs, have to be reduced or curbed and managerial efficiency has to be improved.

Anyone who focuses sole or major attention on the labor-cost component of housing costs—whether it be an Administration spokesman or college professor—is dodging the key issues of financing costs and land prices. Unless those costs are cut or curbed, it will be impossible to bring the consumer's housing costs under some manageable control—regardless of the progress in pre-fab.

The building trade unions are cooperating with employers in the increased use of prefab and modules in residential construction. But substantial advances along those lines can do only little to curb the consumer's housing costs if soaring land prices and financing charges are not curtailed. And unless land and financing costs are curbed or reduced, it is unlikely that America can soon achieve the expanding volume of residential construction the country needs and which, in itself, would produce some cost saving.

Some people ask whether America has the material resources and manpower to attain the 10-year housing goal of 26 million dwelling units. The answer is decidedly yes. However, the needed national commitment, backed by effective government policies, has not been made.

In 1955, private and public new housing activities accounted for about 4.5 percent of the total national production. But in recent years, the dollar outlays for new residential construction have been not much greater than in 1955—despite increased prices—and such activities have declined to about 2.5 percent of the much greater gross national product.

In the coming years, total national production should rise by 4 to 4.5 percent per year, excluding price changes, if high levels of production and employment are to be maintained—and probably about 5.5 to 7 percent per year in current dollars. If home building activities rise as fast in the 1970s as total national production—in contrast to the sharp cyclical swings and relative stagnation since the mid-1950s— the volume of residential construction will increase, but not enough to attain 26 million additional dwelling units in 10 years.

To attain the 10-year housing goal, private and public outlays for residential construction will have to increase at a somewhat faster pace than the gross national product—to rise from about 2.5 percent of the GNP in recent years toward about 4.5 percent of a growing GNP in the seventh or eighth year.

This is not an unreasonable goal in terms of feasibility. Such proportion of national economic activities for residential construction was attained in the past, as in 1955, and it can be attained during the course of the 1970s. But its achievement requires changes in government policy.

One major needed change is for the federal government to shift from providing inducements and subsidies for business investment in plant and equipment to an emphasis on housing. Federal policy will have to substantially curb its variety of devices to encourage an increased share of total national production for business investment in plant and equipment, which has cut into the flow of available private savings for investment in home building—and which has also tended to increase the cost of borrowed money.

Rates of increase and levels of business outlays for plant and equipment have been unsustainable in recent years. If such rates of increase and levels of business investment are brought down to more moderate and sustainable levels, more private savings would be available for investment in new residential construction, which is the tailend of the money market.

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It would ease the residential construction industry's losing competition for available funds with business-investment loans, which are considered the top choice in the money market. It would also eliminate or considerably reduce the sharp cyclical swings in home building, since it would provide a steadier flow of private savings into residential construction.

In addition, positive government encouragement of home building is needed. Pooled mortgage bonds, authorized by the 1968 Act, would be of assistance in attracting funds into housing. Additional encouragement is probably necessary—such as a federal requirement that a modest portion of pension and similar trust funds be invested in government-guaranteed residential mortgages for Internal Revenue Service approval.

Such measures should be accompanied by a general reduction of interest rates, an ample growth of the money supply and, if monetary restraint is necessary, a sheltering of residential construction from the ravages of tight money. The combination of such government policies is needed to provide a greater supply of private funds for home building and to reduce the costs of borrowed money.

However, sole reliance on the private market, even with government encouragement, will not increase residential construction sufficiently—particularly dwelling units for low- and moderate-income families. The direct role of government will have to be increased.

Direct public outlays for new residential construction, in recent years, have amounted to only about $700 million—about one-tenth of one percent of total national production. These sums will have to be increased to meet the 10-year housing goal.

Such increase in direct government outlays would require some small changes in the composition of federal expenditures during the course of the next 10 years, with greater emphasis on housing. The expected $15 billion annual increase in federal revenues—as well as the leveling off of defense expenditures since mid-1968 and the hoped-for end of the Viet Nam war—will make it feasible to increase substantially the flow of direct government outlays for residential construction, particularly for lower-income housing. In combination with government efforts to strengthen the position of the private housing market, such increases in direct public expenditures should enable America to meet the goal of 26 million dwelling units in a decade.

As for the availability of land, anyone who has traveled across this country knows that the potential land supply is tremendous. Even in and near the cities and towns, a potential supply of land is available that could be used for residential neighborhoods—if transportation and public facilities are provided.

The immediate problem is not the supply of land, but soaring land prices. The price of land for housing has been rising about 10 to 20 percent per year. Land costs are now about 21 percent of the price of a single-family house and approximately 13 percent of the price of an elevator apartment unit. The Kaiser Committee reported the average site of a new, FHA-insured, one-family house rose from $1,035 in 1950 to $3,766 in 1967, a rise of 264 percent in 17 years. The committee also reported that in the vicinity of Washington, D.C., the price per acre paid by builders "increased from $3,400 in 1960 to $5,800 in 1964, a jump of over 70 percent in a four-year period."

A government land policy is needed. The taxing and zoning of land require review and revision by the federal, state and local governments—to curb the skyrocketing rise of land prices and excessive land speculation. We also need something like land banks—with government advanced—acquisition of rights or ownership to large blocks of land for future development, specifically including low- and moderate-income housing. Effective government policies are needed to curtail the sharp rise of land prices if the nation's housing goal is to be met.

In addition, the use of land in outlying metropolitan areas for residential construction requires the availability of mass transportation as well as educational and other public facilities for the creation of decent neighborhoods.

The potential manpower supply for construction generally must be considered since it is impossible to isolate residential from non-housing construction employment. Several experts have examined this complex issue. The Bureau of Labor Statistics estimates that total employment in contract construction of all types—residential and non-housing—will rise from nearly 3.3 million in 1966 to 4.2 million in 1975, a rise of about 90,000 a year.

In their work as consultants to the Kaiser Committee, John Dunlop and Quinn Mills estimated that about one million additional man-years of employment in residential and non-housing construction will be in demand by 1975. Since few construction workers are employed year-round, the Dunlop-Mills estimate comes to somewhat over 100,000 additional employes per year.

In addition, the number of construction workers is a slowly declining percentage of total employment in contract construction, with a rising percentage of architects, draftsmen, engineers, technicians and clerical employes. Therefore, on the basis of these estimates, the net increase in the number of construction workers that will be needed if the 10-year housing goal is to be achieved—while non-housing construction continues to increase—will be in the neighborhood of 90,000 to 100,000 per year above the 2.7 to 2.8 million construction workers employed on the average in the past four years.

The number of deaths and retirements of construction workers, in the period ahead, probably will also be close to that order of magnitude. So we are talking about replacements within a range of 90,000 to 100,000 per year and net increases in employment of approximately a similar number.

If the 10-year housing goal is to be met, increasing employment of construction workers will be required—with the increases gradually accelerating during the course of the decade. However, the actual number of workers needed by the industry will depend on the actual volume of construction, rather than long-run forecasts and government promises.

The major sources of potential manpower supply can be roughly identified and there may be others as well.

One major source is the present supply of workers with some construction experience and skills. As a result of the sharp cyclical and season swings in construction employment—and the casual nature of the labor market—Dunlop and Mills estimated that it takes 1.8 workers to fill one average year of construction employment, a higher ratio than in any other industry.

Much work-time is lost in unemployment, in time between projects and in seasonal fluctuations. For example, unemployment in the industry is usually about twice the national unemployment rate. In addition, many "full-time" construction workers are employed 1,400 hours or less per year in the industry.

We now have detailed information on employment from the Social Security records of 1964. In that year, average total employment in contract construction was 3.1 million, according to the Bureau of Labor Statistics. But the Social Security records reveal that 6.7 million people had some earnings in contract construction in 1964 and 4.1 million earned the major proportions of their earnings in that industry. A large number of workers were in and out of the industry during the course of the year.

These figures also indicate why the annual earnings in this industry are relatively low, by comparison with high hourly wages. In 1964, according to the Social Security records, the median annual earnings of workers with four quarters of employment in the industry were only about $6,200, despite high wage rates. Sharp cyclical and seasonal swings in construction employment generally—with impacts on annual earnings are particularly pronounced in home building.

A steadily expanding volume of construction and concerted efforts to reduce sharp seasonal changes could cut the excessive fluctuation of employment in the industry. It would reduce the insecurity of employment, increase annual earnings and enable the industry to achieve a labor force of a more stable size. In addition, the extension of union organization in residential construction—which is now only about 20 percent union-organized or less—would provide greater cohesion and rationality to the particularly volatile employment pattern in home building.

Another potential source of manpower is apprenticeship, particularly for the skilled trades. Apprenticeship is crucial to the training of the highly-skilled key cadre of the industry—the full-fledged journeymen with the best employment prospects in a casual labor market, the foremen, supervisors and contractors.

The number of government-registered apprentices has been increasing during most of the 1960s. Although most apprentices are in construction, some of them are in other industries, such as the metal trades and printing. In addition, some apprenticeship programs are not registered with the government. From 172,000 in 1960, the total number registered apprentices has risen to about 250,000 at present. The yearly rate of completions of construction apprentices at present, is probably about 20,000 to 30,000. Based on present registrations, the number will rise in the next few years, probably to about 30,000 to 40,000.

An aspect of the expanding apprenticeship programs of recent years is Outreach. Started in New York City by the Workers Defense League and A. Philip Randolph Institute, in cooperation with the building trades unions, Outreach provides remedial education, counseling and encouragement to young people, particularly Negro and other minority youth, to help them pass the tests for entry into apprenticeship. Similar programs—involving the U.S. Department of Labor and the Urban League, as well as the Workers Defense League-Randolph Institute—are in existence in over 50 major cities.

Spurred by these developments, the number of apprentices from minority groups has been increasing—from about 2.5 percent in 1960 to approximately 7 percent at present. Even more important is the rise in the number of minority-group youth among newly-enrolled apprentices, which is now about 9 percent.

Apprentice-training programs should be expanded and Outreach-type programs should be expanded considerably. But such expansion of apprenticeship can be expected to occur only if the volume of construction activities increases to justify the training of large numbers of new, full-fledged journeymen.

Still another potential manpower source is to be found in training and upgrading programs. Training programs are to be found in several of the crafts. For example, nationwide networks of training programs, with emphasis on Negro and other minority-group youths are run by the Operating Engineers, Laborers and Carpenters unions.

Skill upgrading programs to assist non-journeymen to achieve journeyman status now exist, in cooperation with building trades councils and community-based organizations, in several cities. Such efforts, too, can and should be expanded, if an accelerating volume of construction actually occurs.

The major source of potential manpower is the net growth of the nation's civilian labor force. In the period ahead, the anticipated net expansion of the civilian labor force is 1.5 million per year—surely enough to provide an annual net increase of about 90,000 to 100,000 construction workers. Equal employment opportunities, regardless of race or color, would enable the industry to fully utilize this anticipated net growth of the labor force.

This expected sharp expanison of the civilian labor force would provide an ample supply of potential manpower for the construction industry, if the rising demand for building trades manpower materializes and if this potential manpower supply is adequately trained in the necessary skills.

However, on the basis of present experience and past history, there is reason for some skepticism about the timing and actual size of federal housing programs. Yet the timing and size of these programs are key determinants of the required manpower.

Moreover, construction is a local market industry and construction employment on any building site is composed of different workers, with different skills, at the varying stages of the building process. Decisions about construction manpower are made in terms of each craft and these decisions are made in each separate community.

The nature and extent of such decisions have to be worked out in each local area—not on the basis of talk and promises, but on the sound foundation of actual construction plans and estimated timetables, backed by commitments and ready to go. Under such conditions, differences of viewpoints can be worked out and an adequate supply of manpower in each of the crafts can be made available for an increasing volume of construction.

The urgent need for a vast increase in residential construction is clear. Potential resources are available. The major question is whether the federal government will change its policies sufficiently to assure the expanding volume of residential construction to meet America's housing needs.

Mr. FANNIN. Mr. President, this bill would provide still another exception to section 302 of the Taft-Hartley Act. It would permit unions to bargain with management to make payment of management's money into funds to be jointly administered by the unions with management for the promotion of management's products. I strongly oppose its enactment and hope that it will be defeated.

The Taft-Hartley Act was enacted in 1947 and has, with few exceptions, prohibited payment and receipt of anything of value between management and union representatives. The purpose was to prevent colusive practices, sweetheart agreements, shakedowns, and similar arrangements between labor and management to the detriment of the union employee. The few exceptions that have been carved out were carefully drawn so as to preserve this objective. The other exceptions have dealt with employee benefit funds. This bill provides an exception of a fundamentally different nature as pointed out and would open collective bargaining to a host of new subjects.

Mr. President, industry promotion funds are legal under existing law. Thousands of such funds exist today. The only limitation on them is that they may not be jointly administered by unions and management. The committee bill removes this limitation.

Numerous employer organizations have established such funds. They are used in many ways to serve the interests of a particular industry or employer group, and to promote its progress. Such funds typically provide that they are to be administered by the employer or employer group which finances them and are to be used only for certain specified purposes. Most of them also provide that they cannot be used for lobbying in favor of antilabor legislation or to subsidize employers by payments from the fund in connection with lawful work stoppages against such employers.

The specific purposes for which these funds are established deal with the normal and traditional management functions. Congress should not impair the performance of these functions by legislation which puts unions at the management table.

The bill deals with the construction industry. It should be noted that one of the most serious labor relations problems confronting that industry is the jurisdictional dispute. The enactment of the committee bill would aggravate that problem. Many construction employers have contracts with a number of different unions. Strong rivalries exist between many of these unions as to jurisdiction over a product or process employed. The carpenters and plasterers reflect one such rivalry, the plumbers and laborers another, the millwrights and machinists still another. If jointly administered funds are permitted, it is inescapable that their administration will become intertwined with the jurisdictional rivalries among the unions involved. The consequences will be damaging to the public interest and to the continued development of healthy competition in the construction industry.

This bill will also increase the cost of construction. For example, if a fund is created to promote the use of plaster, surely another fund will be created to promote the use of dry wall. If a fund is created to promote the use of structural steel for the skeletons of buildings, surely another fund will be created to promote the use of reinforced concrete structures. If a fund is created to promote the use of panel wall construction, surely another fund will be created to promote the use of brick walls. There are literally hundreds of products used in the construction of a building and each trade would obviously create a fund to promote the use of its products, many times each offsetting another but saddling the building public for the entire cost of such promotions.

Mr. President, the proponents point out that bargaining on jointly-administered funds shall be "permissive," not "mandatory." This shows that the sponsors recognize that unions have no legitimate interest in the joint administration of money contributed solely by management to product promotion funds, else the bargaining would be mandatory. But even more important is the fact that in the labor relations business, permissive bargaining is a joke. As witness after witness testified, a union which wants to exact a concession as to an item which is the subject of permissive bargaining need merely raise the ante on an item which is the subject of mandatory bargaining, and then relax on the mandatory item if management concedes on the permissive item.

Mr. President, this legislation has been around for 8 years, and has attracted very little attention. But it cannot be ignored as harmless. It would sanction a procedure whereby unions and management, by jointly administering management's product promotion and arbitration money, could easily make deals and engage in corrupt practices now prohibited by section 302. This is management's money and no reason appears why the unions should call upon the Congress to help them share the funds. That is, no reason save that the unions have their eyes on additional funds to add to the huge treasuries they already control.

Mr. President, I hope this bill will be soundly defeated.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I move at this time that the pending bill, H.R. 860, be committed to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, is that motion debatable?

The PRESIDING OFFICER. The motion to commit is debatable.

Mr. JAVITS. Mr. President, I have no desire to debate it at length, but I do wish to ask the Senator to yield so that he might elucidate what would happen when the bill goes back.

I am the ranking minority member of the committee. I favor the bill. It could go back with the idea of its being killed, and that I would be against. In that event, I would wish to be heard at some length on the subject. Or, it could go back with the idea of it being reviewed by the Committee on Labor and Public Welfare on the point that I think quite properly has been made by the Senator from Michigan, which is that there should be a relationship between this kind of joint promotion fund and efficiency, economy, and modernization in the construction industry.

The Senator made other points and other Senators also made other points. But that point, I think, has a real impact, because that is what we are worried about in the construction field.

I think with respect to the Senator's point about the wage scale, whether pro or con, whether one takes a view for or against that, there is no question about the fact that there have been very material increases and that they must be compensated for if the cost of construction is to be brought down so that moderate income housing may be constructed.

I would like very much to explore the Senator's mind on that score to see if we understand each other. If we do, I would have no objection to having another go at it in the committee.

Mr. GRIFFIN. Mr. President, let me say to the Senator from New York that I have not sought to make the motion with any particular instructions. It would be within the jurisdiction of the Committee on Labor and Public Welfare as to what they might wish to do with the bill once it was committed.

In my own mind, I certainly agree with the Senator from New York that we ought to be conscious of the impact that this legislation might have on the development of new techniques in the building industry as well as the effect on building costs, since we are all concerned, and I know the Senator is, about the construction of low cost housing for low income families in the cities today.

Mr. President, I know that the former Governor of my State, Secretary Romney, is very interested in trying to bring this industry into the 20th Century and to develop ways for the mass production of housing which would make such housing available at a lower than unit cost.

While this bill in and of itself might have only a slight effect, I would encourage the committee to consider it in the context of that entire problem. There well may be other amendments to the Taft-Hartley Act which would be called for at the same time that this amendment would be considered, other amendments that might complement and achieve this very purpose. At least the committee should consider the possibility that there are other amendments that might deserve consideration.

So, Mr. President, I would say that while I share the Senator's concern, I do not seek, as one Senator or in my leadership capacity, to dictate what the Committee on Labor and Public Welfare might do.

Mr JAVITS. Mr. President, my point was that often we recommit a bill to kill it. I gather from the statement of the Senator that that is not his design and that he understands the Committee on Labor and Public Welfare may well endeavor to articulate the point I have made, the point he has made, and the points others have made; but that we are not killing it by sending it back to committee in an honest effort to have the committee review the situation in light of what has been said on the floor of the Senate, and then to come up with a measure to more nearly meet these views.

Mr. GRIFFIN. Mr. President, the Senator from New York has been a Member of this body longer than I, and I am sure he knows that when a motion to recommit is supported by individual Senators, it could be for a number of reasons. I know that in the minds of many Senators it would be to amend the bill and bring it back. As far as I am concerned, the bill in its present form is not satisfactory. I would vote against it if the committee reported the same bill in the same form. I would have to look at any changes the committee might make.

Mr. JAVITS. I understand. I wanted to be sure the intention was clear. I am the ranking minority member of the committee. I hope the chairman feels as I do. It would be much easier to deal with the question of recommittal.

Mr. WILLIAMS of New Jersey. Mr. President, certainly in the debate on the bill before us many considerations have arisen that should be considered in committee that were not considered in committee when the bill was considered by the subcommittee and by the full committee. I think for these reasons it would be agreeable to me to take the bill back to committee for further consideration of any concerns that have arisen here for the first time in connection with the bill.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The question is on agreeing to the motion of the Senator from Michigan.

Mr. PROUTY. Mr. President, as one who supported the bill in committee and who would vote for it on the floor of the Senate today. I feel there is a degree of confusion as to several points, and in view of that, I think it might be worthy of further consideration and study by the committee.

Therefore, I am perfectly willing to go along with the motion by the Senator from Michigan.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Michigan to commit H.R. 860 to the Committee on Labor and Public Welfare. [Putting the question.]

The motion was agreed to.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. WILLIAMS of New Jersey. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GURNEY. Mr. President, S. 1369 is a bill which amends the National Labor Relations Act of 1947 is almost identical to H.R. 860. As I understand it, these bills would permit joint labor-management administration and control of product promotion funds in the building and construction industry. I say "as I understand it" with not a great deal of feeling because, quite frankly, I do not really understand the implications of this bill. I do not think my colleagues do either. We can say with absolute certainty that, if enacted, this measure stands to have very far-reaching consequences. Mr. President, I do not think anyone in this Chamber can tell us flatly what these consequences, these implications will be.

We can say flatly and without contradiction that we have in our country today what appears to be a full-fledged national housing crisis. We saw in the New York Times, for Wednesday, February 18, 1970, a chart which shows the precipitous decline in housing starts. In January 1969, we had more than 1,800,000 starts. In January 1970, starts were down to below 1,200,000.

The causes are many: High interest rates certainly is a leading causative factor. Secretary Romney has ambitous plans for mass producing homes—using our technology to its full extent to deal with the crisis. He has met a good deal of resistance to his program: Local zoning regulations all over the country stand in the way of progress. Certain modern materials, for example, cannot be used—plastics, adhesives, and so forth—which were not in existence when the codes were drafted. Second, certain shortsighted unions in the construction field resist needed efforts to employ up-to-date methods, techniques, and materials. Certain unions will not, for example, handle or install prefabricated materials. They insist on doing their tasks in old-fashioned ways. These twin problems are crippling Secretary Romney's best efforts. I think it would be most unfortunate if Congress were, however inadvertently, to contribute to a further lessening of effectiveness in this field. I think it is quite possible that were S. 1369 or H.R. 860 enacted, further roadblocks would be erected—progress in dealing with this urgent national problem could be checked.

There is, in my judgment, a genuine possibility that unions, using new strength—obtained from joint control of industry promotion funds—could effectively retard efforts on the part of the building industry to introduce new methods, techniques and materials into the construction sites around the country.

Costs of building, as we all know, are skyrocketing. One of the tools the construction industry hopes to use to check this spiral is the introduction of prefabricated units and components. These efforts and plans have, I regret tc say, met strong resistance from some unions whose vision is narrow, limited, and parochial. They remind me of Luddites: The followers of Ned Ludd, the Leicestershire rabble-rouser who inflamed a group of workers to go around breaking machines in the 18th century—on the theory that machines put people out of work. Time has proved that the short-sighted Mr. Ludd was in error.

The country can ill-afford legislation at this point which will impede, frustrate, or prevent our efforts to get homes for the people who need and want them.

Secretary of Labor George Shultz, in his letter to the Special House Subcommittee has discussed this very question. He said:

> However, we know little of the financing, administration, objectives, accounting and reporting practices, or the size of such funds. Under these circumstances, we are unable to predict the likelihood of abuses or the additional protections which may be necessary.

This is a very candid statement and a reasonable one. What does Secretary Shultz think we do—given this lack of information and lack of knowledge about this most important matter? Secretary Shultz suggested this:

> We propose that an in-depth study be undertaken of all types of funds which are of joint concern to management and labor . . . Such a study could develop unified general legislation which would avoid the

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need to predict future changes in fringe benefits by establishing broad purposes and safeguards for joint funds. We believe, therefore, that action on this legislation should be postponed pending completion of such a study.

I concur in these sentiments fully. We should not deal with this most significant matter precipitously. We must have more and better data on which to make a mature and reasoned judgment. With due deference to my distinguished colleague, the Senator from New Jersey (Mr. WILLIAMS), and his fine work and that of his subcommittee, I would suggest that a further study of this whole problem should be made. I know that the distinguished Senator has no intention of in any way retarding or inhibiting progress on our national housing goals. But, I must point out that such might very well result from the passage of the bill in its present form. Let me offer a few examples on this score:

Mr. David Barr, counsel of the Brotherhood of Painters, testified before the House Committee on Labor concerning this bill. He urged its passage in the following very revealing statement:

> Advances in prefabrication and technology, have and will continue to have severe adverse impacts on this affiliate (painter's union). We feel strongly that this threatened attrition can be warded off, at least in part, by an effective promotion program.

I say to my colleagues that the idea behind industry promotion funds is not to ward off cheaper, better, newer methods of doing business. It would invite nothing but trouble to suggest that people who have those goals in mind should share in the administration of industry promotion funds. The funds were not set up for that purpose, and it would be most unfair to permit them to be used in that position. If joint administration of these funds were to be authorized, all expenditures could be cut off by a stalemate between labor and management, with the result that nothing statutory could be accomplished. This, I think we must recognize is a very real possibility. To my knowledge, labor has never complained about the fashion in which these funds are currently expended by management. I think it is fair to say that these funds have not been used selfishly or foolishly: They have been used in a way that is highly ethical and very useful socially. If we were to act now on this bill in its present form, we might effectively neutralize these funds.

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The distinguished Senator from Colorado (Mr. DOMINICK) has filed individual views which should be noted. They are written with precision and clarity and we cannot ignore them. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF MR. DOMINICK

I oppose S. 1369 primarily because I feel the Federal Government should not be resolving basic management labor disputes through the medium of legislation. On its face this bill appears to be limited in scope, providing only an exception to the general law prohibiting payments by management to labor organizations. The right to jointly administer product promotion funds resembles joint administration of health and welfare and pension funds in name only. Section 302 of the Labor-Management Relations Act seeks to prohibit such actions in order to eliminate "sweetheart contracts" and other corrupt practices. This bill, it appears to me, carries the potential of placing a wedge in that closed door that could seriously weaken current laws setting standards for labor-management relations with regard to jointly administered, special purpose funds.

It was clearly stated that this bill does not and will not affect or include industry advancement funds. This was my clear understanding and I restate it in these views so there can be no confusion on this issue.

In addition, it is my opinion that these funds are used to support a form of advertising for specific products and the Federal Government should not be passing legislation dealing with this area. I fully recognize the arguments that this bill is to be permissive and not mandatory and that it merely exempts from criminal penalty an activity that is occurring within the industry, anyway. Also, these funds now are subject to collective bargaining but are not jointly administered under penalty of law. The objection I state is not directed to the possibility of corruption and misuse of these funds through joint administration but that this additional exception to the law may weaken the general prohibition designed to prevent "sweetheart contracts" in particular.

Finally, I feel this is special-interest legislation as it applies only to the building trades but not other industries that manufacture or distribute products. Again, I feel we are opening the door for expansion of this same concept throughout our industrial community. The committee could hardly refuse a similar request by other industries in the future if this bill is passed. Employees' interest in promotion of products they help produce is not the special province of the building trades. It is of universal interest.

This legislation simply cannot be justified in the broader context of labor-management relations and the interests of employees in other industries.

Mr. GURNEY. Similarly, Congressman WILLIAM SCHERLE of Iowa offered minority views at the time H.R. 860 was reported out of the House Education and Labor Committee. His views should be noted and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ADDITIONAL MINORITY VIEWS OF WILLIAM J. SCHERLE

I strongly oppose the enactment of H.R. 860.

Section 302 of the Labor-Management Relations Act prohibits payments by management to labor organizations, except where such payments are used to fund jointly administered health and welfare, pension, and apprentice training programs. The intent of this prohibition is to eliminate bribery, extortion, shakedowns, sweetheart contracts and other corrupt practices.

H.R. 860 would relax the strict ethical standards commanded by section 302. It would amend that section to permit unions to bargain with management to make payments of management's money into funds to be jointly administered by the unions for the promotion of management's product.

INDUSTRY PROMOTION FUNDS

Numerous employer organizations have established industry promotion funds. They are used in many ways to serve the interests of a particular industry or employer group, and to promote its progress. Such funds typically provide that they are to be administered by the employer or employer group which finances them and that they can be used only for certain specified purposes. Most of them also provide that they cannot be used for lobbying in support of anti-labor legislation or to subsidize employers by the payment of money to them from the fund in connection with legal work stoppages against such employers.

The specific purposes for which these funds are established concern the normal and traditional management functions. Congress should not impair the performance of these functions by legislation to give unions a foothold in management's prerogatives.

PRODUCT PROMOTION FUNDS

The function of unions is to bargain with management concerning wages, hours, and working conditions. The National Labor Relations Board has held that unions have no legitimate interest in bargaining with management concerning management's use of its money, in product promotion funds. (*Detroit Resilient Floor Decorators Local Union No. 2265 and Mill Floor Covering, Inc.*, 136 NLRB 769 (1962)).

The purpose of section 302 of the Taft-Hartley Act is to draw a line between management and unions and provide that money and other considerations shall not pass over that line, except in certain narrow instances respecting the joint administration of health and welfare pensions, and apprentice training funds. H.R. 860 would erase that line for no reason and encourage loose practices, all to the detriment of the public and the rank and file union membership.

Jointly administered funds now permitted by the Taft-Hartley Act all are for the benefit of the employee. The proposed bill would for the first time permit the union's entrance into functions not for the direct benefit of the employee. Such departures from tradition could open collective bargaining to a host of new subjects.

Predecessor bills essentially equivalent to the present bill have been in Congress every year since 1962. These bills have been repeatedly attacked as technically deficient in that they are vague and do not adequately define who and what is covered by the bills.

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Even if the bill is made less harmful by amendments, H.R. 860 should be defeated because it will sharply increase the cost of construction. For example, if a fund is created to promote the use of plaster, surely another fund will be created to promote the use of drywall. If a fund is created to promote the use of structural steel for the skeletons of buildings, surely another fund will be created to promote the use of reinforced concrete structures. If a fund is created to promote the use of panel wall construction, surely another fund will be created to promote the use of brick walls. There are literally hundreds of products used in the construction of a building and each trade would obviously create a fund to promote the use of its products, many times each offsetting another but saddling the building public for the entire cost of such promotions.

H.R. 860 gives little comfort in the thought that bargaining for such product promotion funds would be merely permissive and not mandatory. The union negotiator seeking such a fund would inflate his demands with respect to mandatory bargaining issues and reduce them only after management had conceded to the permissive, but not mandatory, bargaining issue of a product promotion fund. In fact, then, the product promotion fund would become a mandatory bargaining issue.

Proponents of H.R. 860 indicate that because the collective bargaining agreement is the vehicle used to collect industry or product promotion funds, labor should be given an equal voice in the administration of such

> funds. If such theory holds, then management should be given an equal voice with unions in spending union dues collected through check-off systems contained in many collective bargaining agreements. Obviously, unions should not be given an equal voice in such management funds and management should not be given an equal voice in the administration of such union funds. The determining factor then as to the proper administrator of a fund should be the purpose for which the fund is expended and not the method by which it is collected.
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> The Department of Labor said in their report on H.R. 860 that the facts call for "an in-depth study of all types of funds which are of joint concern to management and labor." It recommended postponement of this proposal pending completion of such a study. That advice ought to be heeded.
>
> The Department of Labor also pointed out the potential dangers of abuses created by the proposal, and recommended that if it is to be enacted, that there be added safeguards, including criminal sanctions for theft and embezzlement of funds, and for offering and accepting kickbacks, and further, that the Department be given specific authority to issue regulations for the proper conduct of such funds and authority to bring suits against violations.
>
> IN CONCLUSION
>
> For these reasons, I strongly urge defeat of H.R. 860 and any similar proposal because it would impair collective bargaining in the construction industry. It would increase the number of jurisdictional disputes, and it would open the door for abuses without any reasonable safeguards to protect the public interest.

Mr. GURNEY. Mr. President, it has been suggested by the distinguished Senator from New Jersey (Mr. WILLIAMS) that one of the arguments in favor of adopting this bill is that this legislation is permissive, and not mandatory. And that is certainly true insofar as the wording is concerned. However, I think that we must frankly recognize that this nevertheless is a potential for abuse, if that was not intended by the authors of the bill. Congressman ANDERSON, of Tennessee, spoke to these potentials for abuse or the House floor last month. On January 27—RECORD, page 1359, Congressman ANDERSON said—let me quote:

> Let me say this: The argument is that the proposed legislation is permissive. It is permissive, and is not a mandatory item of bargaining. Therefore, why worry that you give the unions the right to go in and bargain for joint management of an industry promotion fund? Anyone who has even a scintilla of knowledge about the bargaining process knows that you can easily offset the mandatory demands, that you are entitled to make under the statute against the so-called permissive demands that you can make. You can trade off one against another in order to get your way to do, as this particular union did, in connection with the issue of lead stubs for plumbing fixtures, to say, "We will not give in on these negotiations unless you write in here language that we are to jointly control the use of these funds"—funds to which management alone contributes, funds that are used for product promotion, which I think is inherently a prerogative of management.

Let me show what some of this might mean in practice. I am reading from a collective-bargaining agreement between the United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the United States and Canada Local 72, Atlanta, Ga., and the Association of Mechanical Contractors of Atlanta, Inc., June 1, 1969, to May 31, 1971:

> It is agreed that, at the present time, joint administration of the Piping Promotion Trust would violate Federal statutes. In the event such statutes should be amended by Federal Congress to allow for joint administration, management may exercise either of the following options: (1) Joint administration may be established or, (2) following such amendments, both labor and management shall secure legal counsel who shall review said amendments. If said legal counsel agree that the amendments legalize joint administration, the contributions, established in this Agreement, shall cease therewith and remain in abeyance until management shall reach a decision. Should management agree to joint administration, the contributions shall be reinstated and the PPT shall continue as herein provided, with joint administration. Should management decide against joint administration, PPT shall be terminated as provided for in the Piping Promotion Trust Joint Agreement.

We can see that a permissive feature of law that we are discussing here today can become key provisions of a collective-bargaining agreement, very much of a mandatory proposition. I suggest that the agreement I have quoted is not an unusual thing; it is being repeated in other agreements in the construction industry daily. The stated intention of making such arrangement "permissive" in reality comes to naught.

CONCLUSION

I think it is time we begin to realize that we can never supply the housing that our people need and demand unless and until we begin to use our technology to the fullest. By that, I mean using the techniques and material currently available to us to the fullest extent possible. We must also overcome the erroneous notion that the introduction of these techniques and materials into our construction industry will cause unemployment. It just is not so. The demand is there. It is estimated that in order to meet the housing demand, we need 120,000 to 130,000 new skilled tradesmen each year. Today, the country is training something in the neighborhood of 20,000 to 25,000 new skilled tradesmen each year. I have never been able to understand why it is that the U.S. Army can take a boy from a farm and train him to be a skilled electronics technician in 12 months, or a pilot of a supersonic jet aircraft in 18 months, or a radar tracker in 8 months and why, at the same time, it takes 3 or 4 years for an apprentice to become a journeyman plumber, or an apprentice painter 2 or 3 years to become a full-fledged painter. Nor can I understand why Negro Americans have such a difficult time seeking to become painters or plumbers or carpenters. Surely, the need is there. Can it be that the unions are stalling these training programs, systematically excluding black Americans who want very much to work.

I do not think unions are to be commended for their record in this regard. With that experience in mind, I do not think it is wise or desirable to give those same construction unions an additional handle to thwart progress in this field. This measure is pregnant with potential for abuse. I urge that the measure be recommitted for further consideration. Let us not act without benefit of further study. Let us gather the facts we need before jumping off into the unknown depths. The implications of this measure are staggering—so much so that we really do not know where it may take us if enacted. Let us give ourselves time to think about this measure. Recommending this measure which has such far-reaching and as yet unknown consequences is the best way I can think of approaching the problem.

Mr. GRIFFIN. Mr. President, there is a companion bill on the calendar. It is S. 1369, I ask unanimous consent that this bill, consistent with the action just taken, be taken from the calendar and recommitted to the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I wish the RECORD to reflect that I voted "nay" on this motion to recommit.

B–52'S AND LAOS

Mr. SYMINGTON. Mr. President, in the Christian Science Monitor of yesterday, February 19, appeared an article entitled "How Nixon Reached Laos Bombing Decision—Effect of Reported Use of B–52's Awaited," and the first two sentences read:

> Lengthy discussions here apparently have culminated in the start of B–52 bombings of North Vietnamese positions in the Plain of Jars in Laos.
>
> The Associated Press quoted informed sources as saying the big bombers were diverted Tuesday from targets in South Vietnam and sent into action for the first time in Laos.

This is somewhat surprising, because earlier this week we asked whether B–52's were bombing northern Laos—a long way from the Ho Chi Minh Trails—and were told no.

It is also surprising because B–52's have never operated over North Vietnam, one of the reasons no doubt being our often stated apprehension about the reaction of the Red Chinese.

If this article is true, however, our B–52's are now bombing but a few miles and even less minutes from the Chinese border.

On November 3 President Nixon told a nationwide audience:

> I believe that one of the reasons for the deep division in this nation about Vietnam is that many Americans have lost confidence in what their government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW NIXON REACHED LAOS BOMBING DECISION: EFFECT OF REPORTED USE OF B–52'S AWAITED

(By George W. Ashworth)

> WASHINGTON.—Lengthy discussions here apparently have culminated in the start of B–52 bombings of North Vietnamese positions in the Plain of Jars in Laos.

XUM

The Associated Press quoted informed sources as saying the big bombers were diverted Tuesday from targets in South Vietnam and sent into action for the first time in Laos.

Whether or not the bombing has indeed started, the Nixon administration is at a point in which the conflict in Laos could take a decisive turn.

Qualified sources here believe B–52 bombings could be followed by the North Vietnamese as an escalation that could lead only to a more difficult situation in Laos. Others counter with the argument that such bombing may salvage allied gains in recent months and improve in the long run the Royal Laos strategic position.

The huge B–52 bombers have become an effective instrument in the war in Vietnam and along the Ho Chi Minh trail in Laos, but up to now officials have been leery of allowing their use in Laos.

The big B–52 aircraft each can drop from extremely high altitudes 108 500-pound bombs. With modifications, the bomb load is five times higher.

In service in Vietnam the bombers and their crews have developed quite a reputation for accuracy, and they have been used for strikes in areas where precision is imperative.

WILLINGNESS TO ESCALATE

The North Vietnamese have come to dislike B–52's intensely because of their ability to do so much with such force while flying at altitudes at which they can be neither seen nor heard.

The use of B–52's in Laos, however, is not a course that will win wholehearted approval here. The North Vietnamese have demonstrated throughout the course of the Vietnam war their willingness to escalate along with the Americans as the depth of each nation's endeavor has increased.

So far in Laos the North Vietnamese ground forces have been matched by American-supported Royal Lao Army and mercenary troops, bolstered heavily by U.S. fighter-bomber support operating out of Thailand and on Yankee Station off the coast of Vietnam. There is a possibility some strikes have also been flown from allied land bases in Vietnam, such as Da Nang.

XUM

Thus, if B–52 strikes have begun, the Nixon administration must consider carefully whether the advantages that might be gained are relatively certain and whether this escalation of the American air effort would cause a subsequent increase in North Vietnamese troop involvement in the bitter war in Laos.

Despite their involvement in Vietnam and the heavy logistical demands of the Ho Chi Minh trail, the North Vietnamese have several divisions they could probably add to the fray in Laos if they desired.

Thus the administration faced these prospects:

Without added B–52 strikes, the Plain of Jars probably will be lost—despite continued heavy air support by fighter-bombers. Gen. Van Pao is understood here to have accepted the probability that his Meo forces will be driven off the plain and out of the surrounding hills. He could be expected to try to conserve his weary forces while exacting as heavy a toll as possible during the retreat.

This would leave the plain in North Vietnamese hands, which it was for all practical purposes until the general retook it late last summer.

If B–52 strikes have been ordered, it should be possible to stymie North Vietnamese advances, and the plain itself could be made a wasteland, thus denying the North Vietnamese an avenue to the strategically important Mekong River.

If some sort of military gains can be realized with B–52's, there is a real question how permanent they might be. Sources here point out that a further North Vietnamese buildup probably would take too long to frustrate the allies now, but the future would be decidedly uncertain.

With enhanced enemy forces, the U.S. could face the dismal prospect of continuing B–52 strikes merely to hold whatever uneasy status quo the strikes helped achieve.

During their earlier occupations of the plain, the Communists have been generally content not to thrust still farther to take areas that would critically threaten the viability of the Lao Government.

However, some strategists are worried that this willingness to hold back might no longer be manifest in the face of B–52 escalation. They fear a situation that would leave the royal government's officially "neutral" position untenable.

WHAT ABOUT EDUCATION?

Mr. **HANSEN**. Mr. President, Mr. William Raspberry, a columnist for the Washington Post, has a most enlightening column which was printed today.

Mr. Raspberry's words reflect what I have contended all along. And it is encouraging to me to see this sound advice from a member of the Negro race.

This writer recognizes that the important and primary task of the public schools is to educate—not to integrate.

Just as I feel, Mr. Raspberry agrees that "racial segregation in public schools is both foolish and wrong," if it is reached through deliberate intent either de jure or de facto.

But he makes a key statement, and this is it:

> It may be that one reason why the schools, particularly in Washington, are doing such a poor job of educating black children is that we have spent too much effort on integrating the schools and too little on improving them.

Mr. Raspberry, feeling that the words of his column might be twisted to suit the designs of those with whom he may not agree guarded his remarks with this:

> The notion will win me the embarrassing support of segregationist bigots, but isn't it about time we started concentrating on educating children where they are?

I know that I am not a segregationist, and I believe that I am not a bigot and pray I will never be adjudged a bigot.

I do agree with Mr. Raspberry that forced busing, in his words "has accomplished nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they'd rather not attend."

Mr. President, I ask unanimous consent that Mr. Raspberry's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 20, 1970]

CONCENTRATION ON INTEGRATION IS DOING LITTLE FOR EDUCATION

(By William Raspberry)

Racial segregation in public schools is both foolish and wrong, which has led a lot of us to suppose that school integration must, therefore, be wise and just.

It ain't necessarily so. It may be that one reason why the schools, particularly in Washington, are doing such a poor job of educating black children is that we have spent too much effort on integrating the schools and too little on improving them.

The preoccupation with racial integration follows in part from a misreading of what the suit that led to the 1954 desegregation decision was all about.

The suit was based (tacitly, at least) on what might be called the hostage theory. It was clear that black students were suffering under the dual school systems that were the rule in the South. It was also clear that only the "separate" part of the separate-but-equal doctrine was being enforced.

Civil rights leaders finally became convinced that the only way to ensure that their children would have equal education with white children was to make sure that they received the same education, in the same classrooms.

Nor would the education be merely equal, the theory went: It woud be good. White people, who after all run things, are going to see to it that their children get a proper education. If ours are in the same classrooms, they'll get a proper education by osmosis.

That, at bottom, was the reasoning behind the suit, no matter that the legal arguments were largely sociological, among them, that segregated education is inherently unequal.

(Why it should be inherently more unequal for blacks than for whites wasn't made clear.)

In any case, the aim of the suit was not so much integrated education but better education. Integration was simply a means to an end.

Much of the confusion today stems from the fact that the means has now become an end in itself. Suits are being brought for integration, boundaries are being redrawn, busing is being instituted—not to improve education but to integrate classrooms.

The results can sometimes be pathetic.

In Washington, blacks send their children (or have them sent) across Rock Creek Park in pursuit of the dream of good education. But as the blacks come, the whites leave, and increasingly we find ourselves busing children from all-black neighborhoods all the way across town to schools that are rapidly becoming all-black.

The Tri-School setup in Southwest Washington is a case in point. Of the three elementary schools in the area, only one was considered a good school: Amidon, where the children of the black and white well-to-do attended. Bowen and Syphax, populated almost exclusively by poor kids from the projects, were rated lousy schools.

Then the hostage theory was applied. A plan was worked out whereby all first- and second-graders in the area would attend one school, all third- and fourth-graders a second, and all fiifth- and sixth-graders the third.

The well-to-do parents would see to it that their children got a good education. All the poor parents had to do was see to it that their children were in the same classrooms.

That was the theory. What happened, of course, is that instead of sprinkling their children around three schools, the luxury high-rise dwellers, black and white, packed their youngsters off to private school. Now instead of one good and two bad schools, Southwest Washington has three bad ones.

After 16 years, we should have learned that the hostage theory doesn't work. This is not to suggest that integration is bad but that it must become a secondary consideration.

Busing makes some sense (as a temporary measure) when its purpose is to transport children from neighborhoods with overcrowded classrooms to schools where there is space to spare.

It works to a limited degree when it involves children whose parents want them bused across town for specific reasons.

But it has accomplished nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they'd rather not attend.

The notion will win me the embarrassing support of segregationist bigots, but isn't it about time we started concentrating on educating children where they are?

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 633, S. 2548.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, S. 2548 is the school lunch bill?

Mr. MANSFIELD. That is right.

Mr. JAVITS. If the Senator will yield, the Senator from South Dakota (Mr. McGovern) is not in the Chamber.

Mr. MANSFIELD. He is out here.

Mr. JAVITS. He and I have some amendments and I do not know how long the debate on these amendments will take nor whether rollcall votes will be desired.

I would like to have some indication on this from the Senator from Georgia. I spoke to him this morning and commended him for his initiative.

Mr. President, there is no sense of opposition, but there are amendments which many of us regard as constructive, and which are sponsored by a considerable number of Senators. Before we embark on this course, at this time and on a Friday, I think it would be useful to find out from the Senator from Georgia his feeling about the amendments.

Mr. TALMADGE. Mr. President, as I expressed to the Senator awhile ago, the Committee on Agriculture is engaged in holding hearings on the omnibus farm bill at the present time. Mr. Shuman, the president of the American Farm Bureau Federation, is testifying. Necessarily many members of the committee want to be present to hear his testimony—especially the chairman and the ranking Republican member, the Senator from Vermont (Mr. Aiken).

I have suggested to the distinguished majority leader that these amendments offered by the distinguished Senator from New York (Mr. Javits), the distinguished Senator from South Dakota (Mr. McGovern), and others this morning that there has not been an opportunity to have the amendment printed and Senators have not had an opportunity to study them. The Department of Agriculture has not had an opportunity to analyze them and make recommendations.

I think it would be well if we were to proceed with general debate on the bill. I will make my statement in chief and no doubt the Senator from New York will make his statement, the Senator from South Dakota will make his statement, and other Senators may speak. Then, when we get as far as we can go today I am willing to enter into a unanimous-consent agreement to provide, say, 1½ hours on each amendment; then we could come in Monday for the transaction of business after the reading of General Washington's Farewell Address.

As far as the Senator from Georgia is concerned, I would be content with the unanimous-consent agreement and then we could proceed to act on amendments as they come up. The committee will take some amendments and others will be opposed, and others will require record votes.

I would think, before we proceeded that far, it would be best that the amendments be distributed and on the desk of each Senator, so they could read them and vote intelligently. The staffs could review them and we could get the views of the Department of Agriculture. Then perhaps we could proceed without acting as if we were flying on one wing.

Mr. JAVITS. Mr. President, if the Senator will yield, like many Members of this body, I have a conflict on Monday. I am committed because it is Washingtons Birthday. I could not enter into a unanimous-consent agreement except to start on Tuesday. That does not mean the Senate could not conduct business without me, but I could not join in a unanimous-consent request unless it began on Tuesday.

Mr. MANSFIELD. Mr. President, I find it difficult to acquiesce in what the Senator has suggested. I appreciate the position in which he finds himself, but we have many bills to consider. We have the HEW bill, the Judge Carswell nomination, and the Voting Rights Act. All of those are going to take a little time, I am afraid.

I would hope the spirit of accommodation which has been so noticeable in the first month of this session, and on the basis of which the Senate has accomplished so much and of which each Senator should be very proud, will continue, and that we will not have any obstacles thrown in the path of the consideration of legislation, when we are trying to get out at a reasonably early date, particularly when Senators evidently agreed unanimously, that we would meet on Monday, break precedent, and take up the business pending at the conclusion of the delivery of Washington's Farewell Address by the distinguished Senator from North Dakota (Mr. Burdick). That is all I have to say.

Mr. JAVITS. Mr. President, if the Senator will yield, I have no desire to interfere with the work of the Senate, but I wish to be here when the bill is debated. As I understand it, this particular bill was not to be called up until after the airport billl.

Mr. MANSFIELD. No; no.

Mr. JAVITS. That was as I understood the matters that were to be laid down. Therefore, evaluating the equities, I am not going to consent.

Mr. MANSFIELD. The Senator has his right, that is true. I have no quarrel with it. But if we want to get out of here at a reasonable time and get our business done, we all have to give a little to try to get out.

Mr. JAVITS. I understand. I have been here and have worked as hard as any Member of this body and have helped get out quite a few pieces of legislation including the education bill, which took 3 days, when it could have taken 3 weeks.

Mr. MANSFIELD. No; it took 2 weeks.

Mr. JAVITS. I believe it took 3 days after the unanimous-consent agreement and in so stating I hasten to add that I yield to no one in my affection for the majority leader.

Mr. MANSFIELD. I do not yield either to anyone in my affection for the Senator from New York but I was just trying to state the situation that exists and was seeking an accommodation, so that the business of the Senate and the business of the people can be conducted.

I yield again.

Mr. JAVITS. Mr. President, I will conconfer with the majority leader and do my utmost to accommodate him, as I always do.

Mr. MANSFIELD. Just to keep the record straight, if I may, I would like to read from the Record of yesterday, February 19, when this question was raised by the distinguished acting minority leader (Mr. Griffin). My answer to his request as to what was the program for the rest of the day and the rest of the week was as follows:

> Mr. Mansfield. Yes, Mr. President; I am delighted to respond to the question of the distinguished acting minority leader by stating that it is the intention of the leadership to call up H.R. 860, an act to amend section 32(c) of the Labor-Management Relations Act of 1947, and so forth.
>
> That will be followed, hopefully and in time, by S. 2548, a bill to amend the Nutritional School Lunch Act. . . .

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I would like to make a proposal to the Senator.

Mr. MANSFIELD. I am always open.

Mr. JAVITS. I have two amendments. I will consent to an hour's limitation on each, beginning now.

Mr. MANSFIELD. I would like to agree, and I would personally, but I think that would place the distinguished manager of the bill, the Senator from Georgia (Mr. Talmadge) at a disadvantage, which I would not impose on any Senator.

Mr. JAVITS. In light of the last statement of the Senator from Montana, I believe we should confer on this matter and I will do my best to accommodate him.

Mr. MANSFIELD. I agree.

The PRESIDING OFFICER. The clerk will state by title Calendar No. 633, S. 2548.

The Assistant Legislative Clerk. A

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bill (S. 2548) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS

The PRESIDING OFFICER. The pending question is on proceeding to the consideration of S. 2548.

Mr. MANSFIELD. Mr. President, am I correct in stating that the distinguished Senator from North Dakota (Mr. BURDICK) is to be recognized after the prayer on Monday for the purpose of delivering Washington's Farewell Address?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

AUTHORIZATION FOR ADVANCE APPROPRIATIONS; CARRYOVER AUTHORIZATION

SECTION 1. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof the following: "Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States. Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of such Acts shall remain available for the purposes of the Act for which appropriated until expended."

(b) The first sentence of section 10 of the National School Lunch Act and the first sentence of section 12(d) (5) of such Act are each amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated".

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

SEC. 2. (a) Section 5(a) of the Child Nutrition Act of 1966 is amended to read as follows: "(a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, not to exceed $38,000,000, for the fiscal year ending June 30, 1972, not to exceed $33,000,000, for the fiscal year ending June 30, 1973, and not to exceed $15,000,000, and for each succeeding fiscal year, not to exceed $10,000,000, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private school, such equipment shall be for use of such school principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, it may be transferred to another nonprofit private school participating in any of such programs or to a public school participating in any of such programs, or failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States."

"(b) The Secretary shall apportion 50 per centum of the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, for supplying agricultural and other foods. The remaining funds appropriated for the purposes of this section shall be apportioned to each State on the basis of the ratio between the number of children enrolled in schools without a food service in such State and the number of children enrolled in schools without a food service in all States. Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any equipment financed under this subsection shall be borne by State or local funds."

ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION, AND DIRECT EXPENDITURES

SEC. 3. The first sentence of section 6 of the National School Lunch Act is amended to read as follows: "The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act, of 1966, other than section 3 thereof, less

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966;

"(2) the amount apportioned by him pursuant to sections 4 and 5 of this Act and the amount appropriated pursuant to sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act of 1966; and

"(3) not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3, which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966,

shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institution authorities."

STATE MATCHING REQUIREMENTS

SEC. 4. Section 7 of the National School Lunch Act is further amended by inserting immediately before the last sentence of such section the following: "For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenue (other than revenues derived from the program) appropriated or utilized specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent two fiscal years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement. The State revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966."

STATE ADMINISTRATIVE EXPENSES

SEC. 5. The first sentence of section 7 of the Child Nutrition Act of 1966 is amended (1) by inserting "or for the administrative expenses of any other designated State agency" immediately after "its administrative expenses"; and (2) by inserting "and service institutions" immediately after "local school districts".

ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY

SEC. 6. (a) Section 9 of the National School Lunch Act (42 U.S.C. 1751) and section 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1771) are each amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

(b) Section 13(f) of the National School Lunch Act is amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the famiy unit, and the number of children in the family unit attending school or service institutions."

(c) The third sentence of section 9 of the National School Lunch Act and the fourth sentence of section 13(f) of such Act and the fourth sentence of section 4(e) of the Child Nutrition Act of 1966 are each

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amended by striking out the period at the end of the sentence and inserting in lieu thereof a comma and the following: "nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means."

(d) Section 9 of the National School Lunch Act is further amended by inserting at the end thereof a new sentence as follows: "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, as will maximize the nutritional and financial contributions of such donated commodities in such schools and institutions."

SPECIAL ASSISTANCE

SEC. 7. Section 11 of the National School Lunch Act is amended to read as follows:

"SPECIAL ASSISTANCE

"SEC. 11. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch program under this Act by children of low-income families.

"(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to such funds as the number of children aged three to seventeen, inclusive, in such State bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

"(c) The remaining sums appropriated pursuant to this section for any fiscal year shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa. The amount apportioned to each State shall bear the same ratio to such remaining funds as the number of children in such State aged three to seventeen, inclusive, in families with incomes of not more than $3,000 per annum plus the number of such children in families that receive more than $3,000 per annum from federally assisted public assistance programs, bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

"(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of this Act.

"(e) Except as provided in paragraph (g), funds paid to any State for any fiscal year pursuant to this section shall be disbursed to schools in such State only for the purpose of reimbursing them for the cost of obtaining agricultural commodities and other foods for consumption by children in the school lunch program. The amounts of funds that each school shall from time to time receive (within a maximum per lunch amount established by the Secretary for all the States) shall be based on the need of the school for assistance in meeting the requirement of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

"(f) If in any State the State education agency is not permited by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsection (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free and reduced-price lunches served in accordance with section 9 of this Act in the fiscal year beginning two years immediately prior to the fiscal year for which the funds are appropriated by all nonprofit private schools participating in the program under this Act in such State bears to the number of such free and reduced-price lunches served during such year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purpose and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

"(g) In circumstances of severe need where the rate per lunch which the school would otherwise receive is determined by the Secretary to be insufficient to carry out an effective school lunch program in such school, he may authorize financial assistance up to 80 per centum of the operating costs of such program, including the cost of obtaining, preparing, and serving food. In the selection of schools to receive assistance under this subsection, the State educational agency shall require applicant schools to provide justification of the need for such assistance.

"(h) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section."

REGULATIONS

SEC. 8. Section 10 of the Child Nutrition Act of 1966 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and the National School Lunch Act, including regulations relating to the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for the transfer of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of funds and may provide for the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects."

NATIONAL ADVISORY COUNCIL

SEC. 9. The National School Lunch Act is amended by adding at the end thereof the following new section:

"NATIONAL ADVISORY COUNCIL

"SEC. 14. (a) There is hereby established a council to be known as the National Advisory Council on Child Nutrition (hereinafter in this section referred to as the 'Council') which shall be composed of thirteen members appointed by the Secretary. One member shall be a school administrator, one member shall be a person engaged in child welfare work, one member shall be a person engaged in vocational education work, one member shall be a nutrition expert, one member shall be a school food service management expert, one member shall be a State superintendent of schools (or the equivalent thereof), one member shall be a State school lunch director (or the equivalent thereof), one member shall be a person serving on a school board, one member shall be a classroom teacher, and four members shall be officers or employees of the Department of Agriculture specially qualified to serve on the Council because of their education, training, experience, and knowledge in matters relating to child food programs.

"(b) The nine members of the Council appointed from outside the Department of Agriculture shall be appointed for terms of three years, except that such members first appointed to the Council shall be appointed as follows: Three members shall be appointed for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter all appointments shall be for a term of three years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary.

"(c) The Secretary shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council.

"(d) The Council shall meet at the call of the Chairman but shall meet at least once a year.

"(e) Seven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.

"(f) It shall be the function of the Council to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how such programs may be improved. The Council shall submit to the President and the Congress annually a written report of the results of its study together with such recommendations for administrative and legislative changes as it deems appropriate.

"(g) The Secretary shall provide the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions under this Act.

"(h) Members of the Council shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Council."

Mr. TALMADGE. Mr. President, the bill before the Senate, S. 2548, is designed to strengthen and improve our child feeding programs under the National School Lunch Act and the Child Nutrition Act of 1966.

The bill was introduced by myself, with the following cosponsors: Mr. BENNETT, Mr. HART, Mr. HOLLINGS, Mr. KENNEDY, Mr. MCGOVERN, Mr. METCALF, Mr. MOSS, Mr. PACKWOOD, Mr. SPONG, and Mr. YARBOROUGH. Our purpose in introducing this bill was to insure that no child who comes to school hungry must go home hungry.

This legislation is the product of 10 months of work on the problems of child nutrition, beginning with a tour I made of the school lunch programs of my own State of Georgia.

In April of 1969, I inspected school lunch programs in urban and rural parts of Georgia where there are heavy concentrations of needy childen. While I was impressed with the excellent job that school administrators are doing in Georgia, I was shocked by the great unmet need in my State.

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Georgia's school lunch program, under the direction of an extremely able and dedicated school lunch director, is one of the best in the Nation. However, there is only so much that can be done within the confines of present law—and the money now available for free and reduced price lunches will feed only so many children.

Upon hearing testimony and reading data concerning the school lunch programs of other States, I found that the situation in many States is far worse than it is in Georgia. Many school districts do not participate in the school lunch program at all. Many schools have no facilities for the preparation of school lunches.

With these unpleasant facts in mind, I introduced on July 7, 1969, legislation to insure that school lunches are made available to every needy child in America.

The response that my bill received was more than gratifying. Although I did not actively seek cosponsors, my bill was cosponsored by several of the ablest Members of the Senate—members of both the Republican and Democratic Parties and members from the whole spectrum of political philosophy in the Senate. It seems that my bill has received the support of just about every national organization which is vitally concerned with America's children. The American School Food Service Association, comprised of school lunch directors of all the States, has been extremely active and helpful with its support.

Mr. President, I point to this support only to illustrate the strength of feeling about hungry children. It seems that the American people—and their elected representatives—have suddenly realized that it is a national disgrace for a nation with as much agricultural abundance as America to tolerate hunger and malnutrition on the part of a great number of its children.

The response of the Committee on Agriculture and Forestry to legislation to improve our child feeding programs could not have been better. After only 1 day of consideration, the committee unanimously agreed to report S. 2548.

The committee believes that a consensus of American opinion dictates that this Congress act now to restructure our school lunch program so that free lunches will be available to every child who cannot afford the proper price of a school lunch. We must see that this Congress appropriates enough money so that our schools can afford the cost of preparing and serving food to the economically deprived children.

In that connection, Mr. President, the Committee on Agriculture and Forestry just this week reported unanimously a bill to authorize an additional $30 million for section 32 funds for this fiscal year, and that bill was passed today, during the morning hour, without a single dissenting vote.

So our committee and Congress are moving rapidly and expeditiously to solve the unmet needs in our child nutrition programs within our schools.

Mr. President, the House of Representatives has already taken action on this issue. During the last session of Congress, the House approved H.R. 515, a bill proposed by Congressman PERKINS, chairman of the House Committee on Education and Labor. H.R. 515 is an excellent bill and I incorporated many of its provisions in my own bill. During the hearings on school lunch bills conducted by the Senate Committee on Agriculture and Forestry, Congressman PERKINS testified in favor of S. 2548 and indicated that he favored it over H.R. 515. Subsequently, he introduced a bill, H.R. 14660, which is patterned after the bill we are discussing today. The Congressman did express reservations about the matching formula of S. 2548, but the Agriculture Committee has agreed to the matching provisions of H.R. 515 and substituted them for the matching provisions of the bill which I originally introduced.

Mr. President, if the Senate passes S. 2548, we can expect prompt action in the House of Representatives. I know that Congressman PERKINS will cooperate in securing the final adoption of a bill as soon as possible.

The bill under consideration will improve and perfect a program that was begun as a surplus removal operation under section 32 of Public Law 320, 74th Congress, and which evolved from other Federal and local actions to provide meals for schoolchildren.

In 1946, Senator RUSSELL and Senator ELLENDER secured the passage of the National School Lunch Act. This act provided an excellent statutory framework for the development of school lunch programs throughout the Nation. Over the years, the School Lunch Act has been amended as new problems arose or as improvements appeared advisable. The Child Nutrition Act of 1966 was enacted to provide for school breakfasts from schools drawing attendance from poor areas and for the purchase of equipment for such schools.

The programs provided for by these acts are as follows:

The regular school lunch program is provided for by section 4 of the National School Lunch Act. This section provides for grants to States to be used only for food for lunches to be served to children in schools of high school grade and under participating in the program. These sums are required to be matched by three times as much in State and local funds. The amounts the children pay for their lunches count toward this matching requirement and represent the greater part of it. The Federal fund apportioned for this program for the current fiscal year amounts to $168,041,000.

Section 9 of the National School Lunch Act requires that lunches must be served free or at reduced cost to children unable to pay the full price. It became evident some years ago that this requirement was very difficult to meet in the case of schools drawing their attendance from poor areas where most of the children might require free or reduced cost meals. Consequently section 11 was added to the National School Lunch Act to provide for special assistance in the form of grants to such schools. The amount provided for this purpose in the current fiscal year is $44,800,000.

It cannot be doubted that funding must be greatly increased to provide free and reduced price lunches to all needy children. The Department of Agriculture estimates that there are 6.6 million children from low income families who require free or reduced price lunches.

At my request, the American School Food Service Association did a survey to determine the number of children who qualify for free and reduced price meals, and the number who actually receive these meals. Complete figures were not available in seven States, but in the 43 States where figures were available, the survey indicates that 2.8 million needy children are not receiving free or reduced price meals. There is no doubt but that with the inclusion of the seven States, this figure would be well above 3 million.

Section 4 of the Child Nutrition Act of 1966 provides for a school breakfast program. Under this section Federal grants are made to States to reimburse selected schools for foods used in this program and, in cases of severe need, other costs. In selecting such schools, first consideration is given to schools drawing attendance from poor areas and schools attended by children who must travel long distances daily; $10 million is being apportioned under this program in the current fiscal year.

One of the difficulties encountered in reaching all of the children, and particularly the neediest children, lies in the fact that many schools, particularly the older schools in the inner city, do not have the cafeteria and kitchen equipment needed for serving lunches. In order to meet this difficulty Congress enacted section 5 of the Child Nutrition Act, which provides for grants to assist schools drawing attendance from poor areas in obtaining equipment. The amount available for this program for the current fiscal year is $10 million.

Section 13 was added to the National School Lunch Act in 1968 to provide for a special food service program for children in day-care centers and certain other nonschool situations. The amount provided for this program for the current fiscal year is $15 million.

Section 3 of the National School Lunch Act provides for a special milk program for children in schools, camps, and other nonprofit institutions; $102,285,810 is available for this purpose in fiscal 1970.

In addition to the above, the appropriation act for fiscal 1970 authorized the use of $100 million of section 32 funds for feeding programs, of which $67 million is being used primarily to expand free or reduced price lunches and breakfasts to children from low-income families.

And further, in addition, commodities are made available under section 6 of the National School Lunch Act, section 416 of the Agricultural Act of 1949, section 32 of Public Law 320, 74th Congress, and other legislation.

But all of this is not enough. Although meals have always been required to be served free or at reduced cost to children unable to pay the full cost, we have not succeeded in reaching all these children. The reasons for this are varied. There

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have not been sufficient funds. Many schools do not have needed equipment. Funds are frequently provided too late to permit adequate planning. The greater part of the cost of the program comes from children's payments, and as lunch prices are raised to make up for the cost of free lunches, those that pay are priced out of the program. There is not sufficient flexibility, so that available funds cannot always be used for the purposes for which they are most needed. New and more efficient ways of providing the lunches need to be devised. Better criteria must be developed for determining those who can pay and those who cannot pay, and those who cannot pay must be protected from any embarrassment.

It is the purpose of the bill to strengthen and improve the program and to remove these obstacles to providing free or reduced-price lunches to children that are entitled to them. To accomplish these objectives, the bill would make the following changes in the law:

First, it would require that State revenues represent a portion of the local matching requirement applicable to the regular school lunch program. Grants under section 4 of the National School Lunch Act for food for the program must be matched by three times as much in local funds. The major part of these local funds represent children's payments for their lunches. Section 4 of the bill would require States in fiscal 1972 to contribute from State revenues at least 4 percent of the total matching requirement. This would increase 2 percent each 2 years until it reached 10 percent in fiscal 1978. The table on pages 14 and 15 of the committee report shows what the States now contribute and how they would be affected in fiscal 1978, when the full 10 percent would be required. Thirteen States already contribute more than 10 percent. Based on 1968 data, the other States would have to increase their contributions by a total of $29,983,735, by fiscal 1978.

The effect of this provision would be twofold. It would provide more funds for the program, thereby helping to pay for the lunches of the poor children. And it would encourage the States to exercise the most careful administration so that each dollar will be well spent.

Second, the bill would authorize increased appropriations for nonfood assistance and provide for apportionment of half of such funds on the basis of the number of children enrolled in schools without a food service. The amount authorized by existing law for fiscal 1970 for this purpose was $18 million, but only $10 million was actually appropriated. Existing law does not authorize any appropriations for fiscal 1971 and thereafter. Section 2 of the bill authorizes $38 million for fiscal 1971, $33 million for fiscal 1972, $15 million for fiscal 1973, and $10 million for each succeeding fiscal year. The objective is to provide larger sums in the next few years to provide equipment as soon as possible so as to bring the program to the schools without food service and to the children in those schools. To a large extent these schools are older schools in the inner city or other deteriorating areas, and their children are among those most in need of a good lunch, without cost.

Under existing law the nonfood assistance funds are apportioned to States on the same basis as apportionments of food assistance funds under section 4. That is, upon the basis of past participation and the assistance need rate—which is based on average per capita income in the State. While these factors should be considered, the committee felt that half of the funds ought to be apportioned on the basis of the need for nonfood assistance, as indicated by the number of children in schools without a food service.

Third, it would revise section 11 of the National School Lunch Act so that special assistance funds would go more directly to the needy child. At present special assistance funds are apportioned to the States on the basis of the number of free or reduced-price lunches served during the preceding year. This tends to channel funds to the States that have been able to serve a large number of free or reduced-price lunches rather than to those that may have had greater need for such lunches but less ability to fill that need. It has also resulted in accounting problems as to which lunches should be considered to be reduced-price lunches for the purpose of the apportionment formula. In some schools where the prices of all lunches served are low, there may not be many reduced-price lunches, while in schools where the regular lunch price is higher, there may be more reduced-price lunches. Under section 7 of the bill special assistance funds are apportioned to the States on the basis of the number of children, aged 3 to 17, in families with incomes of not more than $3,000 per year plus the number of such children in families that receive more than $3,000 per year from federally assisted public assistance programs.

Also, under existing law special assistance funds are disbursed to selected schools. Under section 7 of the bill they would go to all schools on the basis of their need for asistance in providing the free and reduced-price lunches required by section 9 of the National School Lunch Act. At present schools which do not receive special asistance funds may have to raise prices to other children in order to provide free or reduced-price lunches to poor children. This tends to force some of the children who can pay out of the program, with resulting damage to the program for all children.

Fourth, under section 7 of the bill special assistance funds would be authorized to be appropriated in such amounts as may be necessary to assure access to the school lunch program by children of low-income families. At present it provides only for sums needed to assist certain schools in meeting the requirements of section 9. It is the purpose of the bill to provide every needy child with a free or reduced-price lunch, whenever he may go to school.

Fifth, section 7 provides that special assistance funds in circumstances of severe need, instead of being restricted to use for food alone, may be used for up to 80 percent of a school's lunch program operating costs. This may be necessary in poor areas where there are a large number of free lunches.

Sixth, the bill would provide for more flexibility in the use of funds apportioned to the States for the various programs provided by the act. Under section 8 of the bill, the Secretary could permit a State which, for example, had an excess of food assistance funds to use its excess food assistance funds for equipment. The Secretary could permit transfer of funds from one program under the act to another as required to meet each State's needs. A State might need funds to equip a cafeteria this year, funds for food to be served in that cafeteria this year or next year. One year it might need special assistance to provide free lunches, another year it might be starting a breakfast program and have special needs for that program. The objective of this provision is to put every dollar where it will do the most good.

Seventh, the bill makes a number of changes designed to provide for a more efficient and effective program as follows:

Section 8 authorizes the use of funds for special developmental projects to improve program methods and facilities. Under it, pilot projects might be undertaken in the use of food management companies, special fabricated food items, or equipment, packaging, or delivery systems. By using each dollar more efficiently, we will be able to use our funds to reach more poor children.

Section 1 authorizes appropriations 1 year in advance to provide the States with better opportunity to plan their operations with assurance as to the amount of Federal funds that will be available. For much the same reason, section 1 provides for apportionment of section 4 funds on the basis of earlier data as to past participation.

Section 3 authorizes the use of funds for nutritional training and education for workers, cooperators, and participants in child-feeding programs under these acts. This should help us to get more nutrition for each dollar spent and make a greater contribution to the health of the children receiving meals under the program. Teaching the children something about proper diet and good eating habits should result in improvement in diets in their homes as well as in their future lives and the lives of their children.

Eighth, the bill requires publicly announced policies with respect to eligibility for free and reduced-price meals and prohibits overt identification of any child receiving such a meal. The bill is designed to assure such child access to such meals. These provisions would insure that he knows that he is entitled to such a meal and that he is not prevented by shame or embarrassment from taking it.

Lastly, the bill provides for a continuing study of our child-feeding programs so that they may continue to be improved as new ideas and methods are developed. Section 9 of the bill provides for a National Advisory Council on Child Nutrition to be composed of persons with special knowledge and ability in this field to carry out this study.

Mr. President, this is a good bill. The committee held full hearings on it and

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made a number of improvements in it. It should make the program more efficient, and more effective to improve the nutrition of our children. It provides for better planning, more research, better nutrition knowledge; more money and better distribution of it, better administration, more flexibility, and generally a better program.

I urge the Senate to approve the bill.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from Georgia yield?

The PRESIDING OFFICER (Mr. SPONG in the chair). Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. TALMADGE. I am very happy to yield to my distinguished colleague and friend, and member of the committee which wrote the bill.

Mr. JORDAN of North Carolina. Mr. President, I am delighted to associate myself with the remarks just made by the Senator from Georgia in explaining the bill. He has done an outstanding job in describing what the bill will do in comparison with what the law now is.

And one of the things the Senator from Georgia brought out that I think is very significant is that when holding hearings in the past year, we found that a great many schools—and this was largely true in the larger cities—did not have any cafeterias at all. They did not have any equipment. They did not even have a place in which to put the equipment.

Mr. TALMADGE. And this bill makes arrangements for that purpose.

Mr. JORDAN of North Carolina. The Senator is correct. And they can do that and pay for it and provide space in several other places where the Federal program can be provided for local school children in the United States if the local people want it.

I am glad to support the bill.

Mr. TALMADGE. Mr. President, I appreciate the Senator's contribution both on the committee and on the floor of the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I yield to the distinguished senior Senator from Vermont (Mr. AIKEN), the ranking member of the Committee on Agriculture and Forestry.

Mr. AIKEN. Mr. President, I have no remarks to make in particular on details of the bill at this time. I do want to commend the Senator from Georgia who, I believe, is one of the ablest members serving on the Committee on Agriculture and Forestry, or in the Senate, for that matter.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. TALMADGE. Mr. President, I cannot refrain from thanking my friend, the Senator from Vermont, who is the ranking minority member of the Committee on Agriculture and Forestry and is the dean of his party. Praise coming from him is praise indeed, and I deeply appreciate it.

Mr. AIKEN. Mr. President, Georgia and Vermont are not what they were 100 years ago. I reiterate what I said about the Senator from Georgia. He is exceptionally well qualified to discuss the subject he has been discussing—the school lunch program.

Mr. President, I do not think that anyone has ever been more concerned over the adequate feeding of poor people and schoolchildren than I have. I have worked on this premise ever since I have been a Member of the Senate. I still stand for that, but I do realize that we have to proceed to improve these programs in a rational manner.

We should not go too far out. We cannot do even all that I would like to do. And above all else, we have to watch out that in trying to improve the programs which we thoroughly believe in, we do not do harm to other phases of our Government.

In fact, if we were to accept the recommendations of some well meaning people, we would have to literally change the form of government which we have in the United States. And I do not think that anyone wants to do that.

I simply want to say that I support the Senator from Georgia and the Senate Committee on Agriculture and Forestry with respect to this bill which is now pending before the Senate.

I do not say that any amendment whatsoever would be objectionable, but I do say that one the whole we should accept the bill practically as it came from the Committee on Agriculture and Forestry and that it will represent a tremendous improvement in the school lunch program if we do so.

I thank the Senator from Georgia for yielding me the time which he did.

Mr. DOLE. Mr. President, as a member of both the Senate Select Committee on Nutrition and Human Needs and the Agriculture and Forestry Committee, I have become increasingly aware of the disastrous effects of hunger and malnutrition in the United States.

Today, we in the Senate are taking a constructive step in combating hunger as we consider S. 2548, the school lunch and child nutrition amendments as submitted by the distinguished Senator from Georgia.

Since the school lunch program was started in 1943, its value has never been questioned. But as is often the case, the proper and efficient administration of a program has not always met the expectations of its creators. I concluded long ago that only through the close cooperation of all levels of government and the private sector is there any hope of finding meaningful solutions to correct the inadequacies of such programs.

Therefore, as we consider S. 2548, I would like to share with my colleagues a report on the child feeding programs by the private sector in Kansas. This is a subcommittee report of the Kansas Committee on Nutrition and Human Needs which assisted me last summer in reviewing and deliberating on possible new approaches to meeting the needs of our disadvantaged citizens in Kansas.

It has been amply documented, in this report as well as in others, that a child's ability to think and concentrate is impaired by hunger. Further, as the Kansas subcommittee states:

> In our competitive society, there is an important relationship between a child's nutritional experience and his eventual competence as an adult.

Therefore, I urge the Senate to support S. 2548 in the interest of insuring equal opportunity in education through adequate nutrition as well as in the interest of the welfare of future adults of our society.

Mr. President, I ask unanimous consent that this report on child feeding programs and a memorandum be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CHILD NUTRITION PROGRAMS

(Report of Kansas Committee on Nutrition and Human Needs)

1. SCHOOL BREAKFAST AND LUNCH PROGRAMS

In view of the fact that there is a definite and immediate need for an initial outlay for establishing food facilities, the current major problem is the method of receiving and utilizing money over and above the cost of food. These facilities must be established in order to use existing funds, now available under the National School Act and also the Childs Nutrition Act for school Breakfasts, which must be turned back if there are no facilities to store, prepare or serve the food which can be purchased and also no personnel to supervise and prepare it. We recommend that Federal assistance is needed for equipment and personnel on an interim basis. We recommend initiating a General School Aid Program such as block grants, instead of the present categorical aid. There must be more flexibility in sharing the cost, where participation is high and relative economic status is low, also more flexibility in the methods of preparation, distribution and serving. The law in Kansas, on school financing does not permit spending over 104% of the previous expenditures, subsequently, the cost of establishing kitchens and etc., cannot be included in the school budget. The present conditions prohibit the schools from entering into this program and consequently, there is hunger and malnutrition. In our competitive Society, there is an important relationship between children's nutritional experience and their eventual competence as adults.

2. STATE CONSULTANT NUTRITIONIST

We also recommend Kansas re-establish the position of State Consultant Nutritionist in the State Department of Health, which was unfilled for three years because of absolute noncompetitive salary and was removed from the budget because it could not be filled. This person in the past was primarily serving schools and youth institutions on food utilization and the relationship of nutrition to health of school age children.

We recommend more publicity on why Federal funds can not be used. We would like to see Welfare cooperate with the schools to *encourage* families to use a portion of the food allotment as allocation for reduced price lunches.

Could the money that is designated for school lunches (15¢ per day) be paid directly to the school so these children can have lunch?

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MEMORANDUM OF THE KANSAS STATE DEPARTMENT OF HEALTH, DIVISION OF MATERNAL AND CHILD HEALTH, JULY 29, 1969

To: Committee on Nutrition and Human Needs, Subcommittee #3, School Lunch and Breakfast

From: Evalyn S. Gendel, M.D.

Re concerns of School Age Children

The School Health Section of the Division of Maternal and Child Health of the Kansas State Department of Health has an awesome health charge both legislative and ethical. This charge is to discover the causes of disease, disability and death in children and to remedy them through all available means. It is a broad charge which encompasses many aspects of preventive medicine.

According to the practicing pediatrician and family doctor the most frequent complaints of parents when bringing a child to the doctor's office for examination is that "Susie or Johnnie is not learning in school" or that his behavior is distressing or distracting to the parents or to the school. The conscientious parent who offers medical care for the child hopes that some minor physical problem will be found and remedied so that their "child can learn or behave better." The neglectful or abusive parent may never get the child to a doctor's office. Public clinics report children with general "poor health" or "poor behavior patterns" also, and school personnel, who continually observe children, report non-learners and behavioral problems as their most pressing problems. These are not dramatic isues like an epidemic of disease or rat bites, but they are persistent and serious.

In reviewing correspondence over a ten year period from nurses, teachers, and the medical profession, I find frequent reference to the need for an in-depth social and health study of a child and his family, because of suspicion of hunger or malnutrition as the cause of drowsiness, or discomfort, or inattention on the part of the child. Often children are ashamed to admit not having breakfast or lunch. In our own Topeka area, a public health nurse, following up on a sick child, found three children going home for "lunch" (no meal offered at school). "Lunch" meant just going home. No food or parent was there to feed them. Whether the parent was guilty of neglect is beside the point. Three children were experiencing feelings in school each afternoon unrelated to a desire for knowledge. How many children there are in Kansas with these circumstances is not known, as adequate studies have not been done. Many cases are disguised by the pride and hurt feelings of the children themselves. On empirical evidence alone, however, it appears that the obstacle to breakfast and lunch programs must be overcome on an emergency basis. How many more "dropouts" from the learning process can the society afford? By this, I mean the loss of the potential of a child, who, though he remains in the classroom physically, is deriving a different learning than we think. These children are learning a number of things:

1. That people don't really care.

2. That books and charts do not take the place of food.

3. That one must "figure out" how to eat and that may mean taking food from a store or money to buy food.

4. That hunger pains, or weakness or headache resulting from frequent missed meals, block out the ability to concentrate, to socialize, to become.

The concern for how a district will finance a program where more and more children are eligible for free lunches is a real and practical problem, but every day longer that it takes to solve it, is that many more children who are developing attitudes toward themselves and others that are at best indifferent, and at worst destructive for the future.

In different ways, we are all familiar with "the scene." In my own experience, I have been in poor homes in east Topeka, in certain rural areas around Auburn, Kansas (where I practiced) that were equally desolate, and for three years in medical school riding an ambulance for Charity Hospital of New Orleans and through the early years growing up in that city where you come to know "the hopeless." The situation in Kansas City, Wichita, and other Kansas centers is no different. Examining these children, getting histories from the parents, makes an impact that far outweighs whatever are our roadblocks for implementing adequate school lunch (and breakfast) programs.

I am not sure of feasible plans of action (talk, like above, is pretty easy) but could this subcommittee recommend:

1. Primary "crash" recommendation for implementation of school lunch and breakfast programs:

That such programs be made available to all students who indicate that they wish to participate and that the federal government supply baseline costs for developing facilities for preparing and/or distributing lunches over and above the funding for food itself. What has now been recognized in the committee hearings at the federal level and in the state of Kansas from the Kansas City school system, Wichita school system, and others, is that funds for food sometimes cannot be utilized because the various schools where the children need these programs the most were not built to house kitchens, or even to be distribution points, or provide places to serve children. That supervisory personnel and trained nutritionists, equipment, etc. costs cannot be borne by already overloaded taxes for schools, and that these federal funds be made available on an interim basis until such time as revision of legislation on a more equitable and matching basis be worked out.

2. That the push to make implementation feasible should be made by the subcommittee to the Kansas overall committee by creating an awareness of the effects on mental, physical, social, and emotional development of the child and ultimately of the society itself.

3. That the committee help sensitize the public to the further issues of the genetic effects of those who are underfed and/or malnourished, how, on their own children, and so in a cumulative effect on the whole next generation, whether or not they themselves are poor or are malnourished. The long range research is not complete, but the short range scientific data are conclusive enough that we can already measure in some of our Kansas born infants the deleterious effects of the mothers (and fathers) inadequate diets on their offspring. The diet of the growing school child in his rapid period of growth is critical to this future cellular and genetic pattern.

4. That to implementation of school feeding programs a program of education about nutrition must be aligned. Education which has meaning for the child and his family is critical to the ongoing effect of a school breakfast and lunch schedule.

5. That for the local situation in the state of Kansas, the committee make a strong recommendation to the state administration, itself, that a position for a nutritionist in the State Health Department be reinstated as per a job description to again be submitted at a competitive salary which will permit the employment of such an individual. This position, in the past, has served to provide a skilled public health nutritionist able to make the relationships between health and medical aspects of nutrition and health in their long term effect on the school age child and his ability to learn.

AMENDMENTS NOS. 508 THROUGH 512

Mr. McGOVERN. Mr. President, the pending bill, which represents to a great extent the work of the distinguished Presiding Officer, the Senator from Georgia (Mr. TALMADGE), is an important step forward in strengthening our child feeding program; and I think the entire country is indebted to the Senator from Georgia (Mr. TALMADGE) for his leadership in this field.

I do think there are certain changes or improvements that can yet be made in the bill, and I have joined with a group of eight other Senators in a series of five amendments that we will offer to improve the legislation that will soon be acted upon here in the Senate.

So. Mr. President, I send to the desk an amendment to S. 2548.

I also send to the desk amendments on behalf of the Senator from Michigan (Mr. HART) and the Senator from Massachusetts (Mr. KENNEDY).

I ask unanimous consent that the three amendments be printed and lie on the table.

The PRESIDING OFFICER. Without objection, the amendments will be received and printed and will lie on the table.

Mr. McGOVERN. Mr. President, the amendments which I have just sent to the desk are three of the five amendments which are being cosponsored by the same nine Senators who cosponsored the substitute food stamp bill that passed the Senate last September. The cosponsors, in addition to myself, are Senators COOK, HART, JAVITS, KENNEDY, MONDALE, PELL, PERCY, and YARBOROUGH.

The five amendments are intended to be called up at the appropriate time during debate on S. 2548.

In addition to the three amendments just submitted, the two remaining amendments will be sponsored by Senator JAVITS. So that Members of the Senate will have an opportunity to review all five amendments in the CONGRESSIONAL RECORD when it is available to us tomorrow morning, I ask unanimous consent that these five amendments be printed in the RECORD.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 508 through 512) are as follows:

AMENDMENT NO. 508

On page 21, between lines 8 and 9, insert the following:

"SEC. 6. (a) The second sentence of section 9 of the National School Lunch Act (42 U.S.C. 1751 (a)) is amended by inserting 'not exceeding 20 cents per meal' immediately after 'or at a reduced cost'.

"On page 21, line 9, strike out 'Sec. 6. (a)' and insert in lieu thereof '(b)'."

On page 21, line 18, strike out the period and insert in lieu thereof a semicolon and the following: "but any child who is a member of a household which (1) is eligible to participate in a Federal food stamp program or commodity distribution program or (2) has an annual income equivalent to $4,000 or less for a household of four persons shall be served meals without cost. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household."

On page 22, line 20, immediately after the period insert the following: "The requirements of this section relating to the

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service of meals without cost or at a reduced cost shall apply to the lunch program of any school utilizing commodities donated under any of the provisions of law referred to in the preceding sentence."

AMENDMENT No. 509

On page 29, after line 6, insert the following:

"UTILIZATION OF PRIVATE FOOD SERVICE COMPANIES

"SEC. 10. The National School Lunch Act is further amended by adding after section 14 (as added by section 9 of this Act) a new section as follows:

" 'UTILIZATION OF PRIVATE FOOD SERVICE COMPANIES

" 'SEC. 15. (a) Any school which the Secretary determines lacks or has inadequate food preparation facilities may formulate and carry out under this Act and the Child Nutrition Act of 1966 a child feeding program by contracting with private food service concerns for the provision of nutritious meals for such school.

" '(b) The Secretary shall provide food commodities, including milk, to schools which conduct programs authorized by this section, and such schools shall be entitled to cash benefits authorized under this Act and the Child Nutrition Act of 1966.

" '(c) The highest nutritional requirements prescribed by the Secretary for lunch and breakfast meals served under this Act and the Child Nutrition Act of 1966, respectively, shall apply in the case of lunch and breakfast meals contracted for by any school under authority of this section.' "

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AMENDMENT No. 510

On page 22 line 25 strike everything through line 1 on page 23 and insert in lieu thereof the following:

"SEC. 11. (a) There is hereby authorized to be appropriated $250,000,000 for the fiscal year ending June 30, 1971; $300,000,000 for the fiscal year ending June 30, 1972; and $350,000,000 for the fiscal year ending June 30, 1973."

AMENDMENT No. 511

On page 29 after line 6 insert the following:

"Section 4 of the Child Nutrition Act of 1966 is hereby amended to read as follows:

" 'SCHOOL BREAKFAST PROGRAM AUTHORIZATION

" 'SEC. 4. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, $25,000,000; for the fiscal year ending June 30, 1972, $50,000,000; and for the fiscal year ending June 30, 1973, $75,000,000 to enable schools to initiate, maintain, or expand non-profit breakfast programs for needy school children.

" 'APPORTIONMENT TO STATES

" '(b) The Secretary shall apportion the funds appropriated pursuant to this section for any fiscal year in accordance with the apportionment formula contained in section 11 of the National School Lunch Act, as amended.

" 'STATE DISBURSEMENT TO SCHOOLS

" '(c) Funds apportioned and paid to any state for the purpose of this section shall be disbursed by the state educational agency to schools selected by it to assist such schools in financing all or part of the operating costs of the school breakfast program in such schools, including the cost of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive shall be based on the need of the school for assistance in meeting the requirements of subsection (d) concerning the service of breakfasts to children unable to pay the full cost of such breakfasts. In selecting schools for participation in the program, the state educational agency shall give first consideration to those schools with high numbers of children from low-income families and to those schools to which a substantial proportion of the children enrolled must travel long distances daily.

" 'NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

" '(d) Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full cost of the breakfast. Such determination shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions: *Provided,* That any child who is a member of a household which (a) is eligible to participate in a food stamp or commodity distribution program, or (b) has an annual income equivalent to or less than $4,000 for a household of four persons shall be eligible to receive meals without cost. The determinations of such income shall be eligible to receive meals without cost. The determinations of such income shall be made solely by execution of an affidavit by the member of such household. In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay, nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means.

" 'NON-PROFIT PRIVATE SCHOOLS

" '(e) The withholding of funds for and disbursement to non-profit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provisions thereof.' "

AMENDMENT No. 512

(1) On page 23 line 20 strike everything after the period through the period on page 24 line 2 and insert in lieu thereof the following:

"The amount apportioned to each state shall bear the same ratio to the total of such appropriated funds as the number of children attending schools in that state from families with incomes equivalent to $4,000 per year or less for a family of four bears to the total number of such children in all such states."

(2) On page 24 line 11 strike everything through line 22 and insert in lieu thereof the following:

"(e) Funds paid to any state for any fiscal year pursuant to this section shall be disbursed to schools in such state to assist them in financing all or part of the operating costs of the school lunch program in such schools including the costs of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive shall be based on the need of the school for assistance in meeting the requirements of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches."

(3) On page 25 line 3 strike everything through line 10 and insert in lieu thereof the following:

"Same ratio to such funds as the number of children attending such non-profit private schools in such State from families with incomes equivalent to $4,000 per year or less for a family of four bears to the total number of such children in all the schools, public and private, in such State."

(4) On page 25 line 16 strike everything through line 25 and renumber subsection (h) on page 6 as subsection (g).

(5) On page 26 between lines 7 an 8 insert the following:

"(1) Not later than June 1 of each year, each State educational agency shall submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds or any commodities donated by the Secretary for use in programs under this Act and the Child Nutrition Act of 1966, a State plan of child nutrition operations for the following fiscal year, which shall include, as a minimum, a description of the manner in which the State educational agency proposes (1) to use the funds provided under this Act and funds from sources within the State to furnish a free lunch to every needy child in accordance with the provisions of section 9; (2) to include every school within the State in the operation of the national school lunch program by the start of the school year 1972–1973; and (3) to use the funds provided under section 13 of this Act and section 4 of the Child Nutrition Act of 1966 and funds from sources within the State to the maximum extent practicable to reach needy children. Each school participating in the national school lunch program shall be required to report monthly to its State educational agency the average number of children in the school who actually received free lunches each school day during the prior month, the number of children in the school who were eligible for free lunches, the average number of children in the school who actually received reduced price lunches each school day during the prior month and the number of children in the school who were eligible for reduced price lunches."

Mr. McGOVERN. Mr. President, I also ask unanimous consent that an explanation entitled "Explanation of School Lunch and Child Nutrition Amendments" be printed in the RECORD following the amendments themselves.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS

The Committee on Agriculture and Forestry has reported S. 2548 designed to improve Federal child feeding programs that provide lunch and breakfast in schools. The bill contains many changes in the existing laws—the National School Lunch Act and the Child Nutrition Act of 1966—that should enable the Department of Agriculture to operate child feeding programs more effectively to reach more needy children.

The bill as it stands, however, fails to eliminate many of the barriers that prevent this country from assuring lunch to every school child from a low-income family and assuring easier access to other food services.

The recent White House Conference on Food, Nutrition and Health supported a nationwide free lunch program for the poor as a basic step to ending poverty-related hunger and malnutrition. President Nixon has agreed to try to achieve this goal by Thanksgiving 1970. To assure that this goal can be met and to make the National School Lunch and Child Nutrition programs more responsive to the needs of poor children, the following five amendments will be offered during debate by a bi-partisan coalition of Senators:

AMENDMENT NO. 508—MINIMUM ELIGIBILITY STANDARD AND DEFINITION OF REDUCED PRICE

(a) Amendment No. 508 would set uniform eligibility standards under the National School Lunch Act to assure that all children from poor families receive free meals. All pupils from households eligible to receive food stamps or commodities or from families of four with an annual income of $4,000 or less (or the equivalent for households of other sizes) would be eligible. The amendment would also apply to schools which receive cash or commodity support of their school lunch program. To satisfy the income tests and secure lunch, a child's father or mother or other adult household member would fill out an affidavit in a form prescribed by the Secretary of Agriculture attesting to the family's income.

Eligibility is currently left by statute and the Department of Agriculture to the discretion of individual school principals. A few school districts have adopted uniform family income guidelines and some rely on welfare eligibility, but most permit arbitrary denial of lunch to the needy in the absence of any clear dividing line. Although Department of Agriculture regulations require public announcement of a school's eligibility policy, many areas ignore this requirement and others make it plain only that the principal's word governs. Numerous schools deter applicants with lengthy, insulting and degrading questionnaires or home visits.

The amendment would clarify eligibility for all schools. Children and parents would know precisely where they stood. Yet, within the minimum standards set, state and local school districts would still make the determination of eligibility.

Of equal importance, school boards, state legislatures, and the Congress could readily calculate the cost of feeding the poor, district by district. This would furnish a much needed yardstick for measuring the adequacy of budgetary requests. The problem of providing the funding essential to do the job involves revising the authorization levels (see Amendment 510).

These changes would make eligibility determination uniform in the major Federal food assistance programs. The $4,000 was approved by the Senate in September and has been established by the Administration as the appropriate test for participation in the food stamp program, as was self-certification.

(b) Amendment #508 would also specify that the price to the child of a "reduced price" meal could not exceed 20 cents. Children from families above the $4,000 level, but with insufficient resources to pay the full 35¢ or 40¢ usually charged, would still have a right to receive such reduced price lunches under criteria established by the states and schools. At present, no regulation or statute governs the price of such a lunch.

The purpose of a reduced price lunch is to bring a meal to a child who could not afford a meal at the regular price. The current lack of a definition thwarts this purpose and penalizes school districts that provide meals at a truly reduced price by allowing districts that serve reduced price meals at a trivial reduction that would equal the cost of a regular price meal in other districts to claim the larger reimbursement due a free or reduced price meal. Thus, the money reserve for free and reduced price meals is unfairly depleted at the expense of schools doing the best job—it is apparent that a uniform definition is needed.

A respected study has shown that the lower the price, the higher the number of pupils who buy the school lunch. In two schools where the price was 20¢, participation was 100%. At 25¢ participation drops to near 80% and at 30¢ it falls sharply to between 27 and 37%. Though this study was conducted over two years ago, it is even more valid today since the price of school lunches has unnecessarily increased since then.

AMENDMENT NO. 512—STATE PLANS AND ALLOCATION OF FUNDS

(a) Amendment #512 would allocate the funds available for section 11 special assistance to the states to meet the need for free and reduced price lunches according to the relative number of school children in a state who require free lunch, that is, children who are from households with an income equivalent to $4,000 or less for a family of 4. S. 2548 as reported already proposes to change the old allocation formula to focus on a $3,000 income factor. Amendment # 508 makes $4,000 the relevant income figure. The new formula also comports with the distribution for Title I ESEA funds.

(b) Amendment #512 would also permit the Secretary of Agriculture to aid schools that could not otherwise afford to meet the demands of their pupils for free lunches (particularly schools in economically depressed areas where most children are eligible) by reimbursing them for the entire cost, including labor, of putting the meal on the table. The Committee bill sets 80% as the cut-off figure for operating costs but heavy reliance on Title I ESEA education money to finance lunch service in the South indicates that the need for Federal assistance in some impoverished areas is total. Even 20% matching money may not be available locally, particularly where poverty is severest and the importance of serving lunch therefore, the greatest.

(c) Finally, under Amendment #512, each state would be required to file an annual state plan of child nutrition operations stating first, the state's proposed use of available monies to serve free lunches to all eligible pupils; second, the state's attempt to bring every school within the state into the national school lunch program by September 1972 (less than 15,000 schools should be outstanding by June 1970), and third, the state's emphasis upon the needy in its allocation of breakfast and nonschool food service funds. Failure to file would prevent further receipt of Federal cash or donated foodstuffs, but failure to fulfill any of the plan's objectives would not necessarily jeopardize continued Federal aid.

This requirement is neither onerous nor novel and would focus the states' attention on meeting feeding priorities and inhibit them from misallocating food service funds, a practice which has been widespread in past years. A more detailed state plan is required of school systems under Title I of ESEA and similar Federal aid to education laws.

The Committee bill itself calls for an undefined state plan of operation as a prerequisite to transferring funds from one program to another (e.g., breakfast to equipment). Recent evidence that, in fiscal 1969, many states utilized special section 32 funds to bolster their ongoing lunch program for all children instead of to further the Congressional purpose of feeding the needy indicates that more strict state accountability is essential.

(d) Locally, the same built-in monitoring effect would be achieved by having each district render periodic reports on the gap between the number of children eligible for free and reduced price lunches and those receiving them.

AMENDMENT NO. 510—AUTHORIZATIONS AND FUNDING

The Administration has set as its goal the provision of free and reduced price lunch for every child from a low-income family by Thanksgiving 1970. To achieve this goal, there must be a substantial increase in Federal, state, and local resources available for school lunch. While the Committee bill provides for an increased state contribution, none is required for fiscal 1971 and the increase in fiscal 1972 would total less than $5 million nationwide. But the Committee, while recognizing that "greatly increased appropriations will be necessary," deleted the Federal authorization levels proposed in S. 2548 and provided an open-ended authorization.

The Committee itself at page 16 of its report on S. 2548 set $712.8 million as the total required to feed lunch to 6.6 million needy children (at 60 cents a lunch, 180 days a year). Even if there is a 10% reduction for normal absenteeism, the total still exceeds $640 million. In fiscal 1971 the Federal government expects to spend approximately $300 million in cash grants and commodities through formal school lunch program assistance to funish lunch to needy school children. State and local aid may approach $100 million. The combined Federal-state-local support level of $475 million would leave a *minimum* deficit of $240 million. However, this figure ignores both rising costs and Bureau of Census data placing the number of needy children in school at 8.4 million pupils.

Amendment #510 would obviate much of this problem by authorizing fiscal 1971 appropriations of $250 million through section 11 special assistance. This would constitute an increase of $206 million over the Administration's $44 million request for their child nutrition budget line item. The new section 11 authorization would therefore provide all but about $36 million of funds needed to provide free and reduced price lunch to 6.6 million needy children in fiscal year 1971.

The $300 million and $350 million sums authorized for fiscal years 1972 and 1973, respectively, would enable lunch service to reach the more generous Census count of 8.4 million poor children assuming an average rise in the cost of lunch, with State and local cooperation. If no or inadequate target figures are inserted, the performance of the Executive Branch in fulfilling its commitments would be less easy to measure.

Appendix A contains a detailed analysis of the budegtary needs.

AMENDMENT NO. 509—UTILIZATION OF PRIVATE FOOD COMPANIES

The Department has informed the state school lunch directors that it is in the process of revising its long-standing regulations that now deter schools from seeking help from food service concerns in providing meals. Such assistance is particularly necessary where a lack or inadequacy of equipment in the schools means children are denied meals. The revision is expected to be in effect as of April 1. The Agriculture Committee has expressed its support of this change in policy.

Amendment No. 509 would furnish a specific statutory framework for such programs. The companies would have to furnish nutritious Type A meals and be subject to all appropriate controls.

AMENDMENT NO. 511—SCHOOL BREAKFAST

The Committee bill amends the language governing eligibility for free or reduced price breakfasts to comport with the Committee's test for lunch, but otherwise makes no substantial changes in the breakfast program.

There is ample evidence of the nutritional value of breakfast in promoting learning, the limited size of the Department's present efforts (205,000 children participated on the average day in fiscal 1969 in 2,900 schools, which was up only 37,000 from 1968), and the reluctance of states and schools to finance the difference between food costs and the served cost of the meal.

To place increased emphasis on supplying breakfasts and undertake a campaign to bring more schools into the program, Amendment No. 511 would delete the limitation on Federal assistance and increase the available authorization to $25 million in fiscal 1971 (the program is authorized only through that year), $50 million in fiscal 1972 and $75 million in fiscal 1973. By 1973 over 3 million needy children could be receiving free breakfasts each school day or six times the number projected for fiscal 1971.

The apportionment formula would also be revised to direct the funds to the states with the greatest need. Finally, as would be the case with lunch under Amendment No. 512, the Federal government would be empowered to pay for the full cost of breakfast in the neediest schools.

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APPENDIX A

FREE SCHOOL LUNCH: THE BUDGET GAP

The cost of providing a free lunch throughout the school year depends on three factors: the number of poor children to be reached, the average cost of a lunch, and the annual number of lunches per pupil:

(1) There are two estimates in vogue of the number of school children from low-income families who require free lunches. USDA sets the figure at 6.6 million, by derivation from a study by the American School Food Service Association. Analysis, of the Bureau of the Census' 1968 poverty data released in December, 1969 reveals that at least 7.8 and perhaps 8.4 million children between the ages of 5 and 17 lived in 1968 in families with annual incomes less than $3,600 for a family of four or the equivalent. Given the $4,000 eligibility test contained in the coalition amendments, coupled with the 3% annual decline in poverty, 8.4 million may be the most realistic target figure.

(2) The normal school year runs 175 to 180 days, but a 10% absenteeism rate is anticipatible, making 162 lunches per pupil per year a reasonable goal.

If 6.6 million needy children, then the total cost of furnishing free lunch in fiscal 1971=$640 million (60c×162×6.6 million).

If 8.4 million needy children, then cost=$817 million (60c×162×8.4 million).

[All figures in millions]

Total cost	$640.0	$817.0
Funding sources (funding year 1971):		
I. USDA	297.6	297.6
(a) Sec. 11	44.0	44.0
(b) Sec. 32	4.3	4.3
(c) Special sec. 32	151.7	151.7
(d) Sec. 4[1]	25.5	25.5
(e) Donated commodities[2]	72.1	72.1
II. States[3]	75.0	75.0
III. Local[4]	25.0	25.0
Total funding	397.6	397.6
Cost-funding Gap	242.4	419.4
Proposed increase in fiscal year 1971 authorization	206.0	206.0
Gap increase program deficit	36.4	213.4

The fiscal year 1971 program deficit for the 6.6 million count would easily be covered by the funds now spent for free lunches under non-Department of Agriculture-operated programs. Those programs currently yield in the neighborhood of $75 to 90 million annually (including some lunches for 3 to 4-year olds). (See footnote 5.)

The fiscal 1971 program deficit for the 8.4 million count would be in the $125–140 million range, after taking those other feeding programs into account. The deficit would, of course, be further reduced, although not entirely, by the overflow from payments by middle-class children, a sum which is not capable of estimation. In all likelihood, 8.4 million children could not be adequately served until the Section 11 increase for fiscal 1973 were fully funded.

Mr. JAVITS. Mr. President, I have joined with the Senator from South Dakota (Mr. McGovern), the chairman of the Select Committee on Nutrition and Human Needs, on which I serve as the ranking minority member, and seven other Senators, in the introduction of certain amendments to S. 2548.

I think that this measure, of which Senator Talmadge was the principal author, provides a good base on which to proceed. I believe that any contribution we may make with our amendments is only designed to strengthen and fortify what I already consider to be a significant and creative contribution in the critically important field of child nutrition.

I send to the desk, for printing, under the rule, two amendments on behalf of myself, Senators Cook, Hart, Kennedy, Mondale, McGovern, Pell, Percy, and Yarborough.

The first amendment, No. 508, would set uniform minimum eligibility standards so that children from households of four which either (a) have an annual income less than or equivalent to $4,000 or (b) are eligible to participate in the Federal food stamp or commodity distribution program, would receive free meals.

The second amendment, No. 509, would provide a statutory framework for the utilization of private food service concerns in child feeding programs.

I ask unanimous consent that the amendments be printed under the rule.

The PRESIDING OFFICER. Without objection, the amendments will be received and printed, and will lie on the table.

Mr. JAVITS. Mr. President, I conclude my brief statement by calling attention to the fact that there is a definite recognition in the Nation of a need for constructive action in providing food for our hungry children. It is our hope that the five amendments just introduced will fortify, strengthen, and improve, an already good bill, S. 2548.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. McGOVERN. Mr. President, I just want to take a moment to commend the Senator from New York for the leadership he has demonstrated from the very beginning on the problems of hunger and malnutrition in the United States. He has been a principal architect of these amendments that have just been offered.

One of the great sources of satisfaction to those of us working on this select committee is the persistent bipartisan spirit in which that committee has conducted its business from the very beginning and a major share of the credit for that constructive spirit is due the senior Senator from New York, the ranking minority member of the committee. I especially commend him for his leadership earlier this week in bringing about the extension of the committee for another year, so that we can continue the important unfinished business of that committee. I commend him again today for his leadership and imagination in this important work.

Mr. JAVITS. I am very grateful to my colleague.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I send to the desk a unanimous-consent agreement which I think has been cleared all the way around and I ask for its immediate consideration.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be stated.

The legislative clerk read as follows:

Ordered, That, effective on Monday, February 23, 1970, during the further consideration of the bill S2548, the school lunch bill, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1½ hours, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader, and 1 hour on each amendment to an amendment: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. MANSFIELD. Mr. President, if I may add to that agreement, I ask that all amendments at the desk be considered germane.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I understood the end of that agreement to mean 3 hours on the bill may be available at any time before third reading as well as after third reading.

The PRESIDING OFFICER. I believe that is in the agreement.

Mr. JAVITS. Yes.

The PRESIDING OFFICER (Mr. Spong in the chair). The Senator from Virginia suggests the absence of a quorum, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the unanimous-consent agreement which has been read

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[1] USDA estimates that approximately 15 percent of all sec. 4 funds will be applied to reimburse schools for serving free or reduced price lunches because 15 percent of all lunches receiving the across-the-board 5-cent reimbursement have been served free or at a reduced price. Sec. 4 is allocated $169,700,000 in fiscal year 1971, meaning that 15 percent of that sum is includible under anticipated free lunch expenditures.

[2] 1,100,000 of the 18,900,000 children whose lunches will be federally aided exclusively under the sec. 4 portion of the lunch program will be needy children receiving free or reduced price lunches in nonneedy schools. The additional 55 cents for their lunches (less commodities donated) will come from state or local contributions or the payments made by middle-class children, rather than from Federal funds. Those children constitute 5.9 percent of the sec. 4 children and will, accordingly, consume approximately 200,000,000 lunches during fiscal year 1971 (5.9 percent of the 3,394,000,000 sec. 4 lunches). 1,000,000,000 free or reduced price lunches are expected under the special assistance for lunch provisions.

Thus, free or reduced price lunches would constitute 1,200,000,000 or 27.3 percent of the 4,394,000,000 total number of all school lunches served under the national program in fiscal year 1971. Since the school lunch commodity budget for fiscal year 1971 is set at $264,500,000,000, some $72,100,000 of that cost would be attributable to free or reduced price lunches, on the appropriate assumption that, in a given State, commodities are divided equally among the lunches served.

[3] The Senate Agriculture Committee reports that, in fiscal 1968, $63,600,000 was contributed from State tax revenues for the school lunch program. Approximately ¾ of that sum or $45,000,000 was directed to supporting free or reduced price lunches. By fiscal 1971, an additional $30,000,000 in State funds will be devoted to that purpose, including $10,000,000 in New York, $5,400,000 in Illinois, $6,000,000 in California, $2,000,000 in Maryland, and assorted sums elsewhere.

[4] Although no accurate compilation of local support for free or reduced price lunches exists, $25,000,000 by fiscal year 1971 is the best available estimate. New York City contributes over $10,000,000; Atlanta $750,000; Baltimore $500,000; San Francisco $330,000; Detroit $400,000; the District of Columbia $2,850,000 and many other cities make or will be making substantial inputs.

[5] The non-USDA free lunch programs include:

Headstart	$40 to $48.
Johnson-O'Malley	$2.
ESEA, title 1	$25 to $30.
Migrant education	$3.1.
Handicapped and delinquent children	$0.2.
Follow through	$3.

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by the clerk? The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business may be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY, FEBRUARY 23, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, the distinguished Senator from North Dakota (Mr. Burdick) will deliver Washington's Farewell Address immediately after the reading of the prayer on Monday. Immediately after the address is concluded the Senate will go into legislative session to consider the business which will be pending at that time which, of course, will be the business which is pending now.

It is my intention to notify every Democratic Senator by telegram that there will be business and very likely votes on Monday, and ask them to be here.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I wish to say to the distinguished majority leader that Republican Senators will be likewise notified.

Mr. MANSFIELD. Fine.

ORDER FOR ADJOURNMENT FROM MONDAY NEXT UNTIL TUESDAY, FEBRUARY 24, 1970, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the business of the Senate on Monday next, the Senate stand in adjournment until 10 a.m. on Tuesday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

INTERPARLIAMENTARY UNION MEETING

The PRESIDING OFFICER (Mr. Spong in the chair). The Chair, on behalf of the Vice President, pursuant to title 22, United States Code, section 276, appoints the following Senators to attend the Interparliamentary Union Meeting, Monaco, March 30, to April 4, 1970:

Senator Sparkman, chairman; and Senators Jordan of North Carolina, Dodd, Bayh, Hollings, Scott, Jordan of Idaho, and Mathias.

MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86–420, appoints the following Senators to attend the 10th Mexico-United States Interparliamentary Conference, Washington, D.C., and San Francisco, Calif., May 4 to May 10, 1970:

Senator Mansfield, chairman; and Senators Bible, Randolph, McGee, Inouye, Harris, Montoya, Aiken, Cooper, Goldwater, Murphy, and Fannin.

CANADA-UNITED STATES INTERPARLIAMENTARY CONFERENCE

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86–420, appoints the following Senators to attend the 13th Canada-United States Interparliamentary Conference, Washington, D.C., March 10 to March 15, 1970:

Senator Church, chairman, and Senators Sparkman, Yarborough, Muskie, Burdick, Spong, Gravel; alternate, Senator Mansfield; and Senators Aiken, William of Delaware, Griffin, Hansen, and Stevens.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BEAVERHEAD ROCK

Mr. MANSFIELD. Mr. President, as we in the Senate have come to realize, the issue of our environment has become one of the most prominent and difficult issues we have before us today. The concern expressed has been generated by the sincere desire to preserve the natural state of our land and protect against abnormal pollution of our air and water. Much of the current discussion revolves around some rather large issues. Occasionally, this concern is directed at what may seem to be a less complex and smaller item.

Just several weeks ago a number of people in Montana became quite anxious about the future of an historic landmark on the Lewis and Clark Trail. Beaverhead Rock, also known as the Point of Rocks, has considerable significance in the history of the Lewis and Clark expedition. Historians and residents of western Montana have known that this rock was in this location, but little effort was made to give it the historic status that it deserves. The rock is on private property. Only when development of a rock quarry threatened the landmark did a movement begin to protect Beaverhead Rock. Since the landmark was located on private property, an appropriate exchange or purchase must be negotiated. The Montana Historical Society and other individuals and historical groups are attempting to develop plans for preservation of this site. I have been in contact with Federal agencies regarding land exchanges and development by the National Park Service. Also, I have been in contact with the owner, Norman Ashcraft, of Twin Bridges, who indicates a real understanding, a deep concern, and a willingness to cooperate.

Beaverhead Rock in the Madison country, has been entered into the National Register of Historic Places by the National Park Service. It is my hope that this agency will be able to offer some constructive assistance in protecting this historic place.

Mr. President, I ask unanimous consent to have a series of articles and correspondence printed at the conclusion of my remarks. These documents give historic background information and the present status of this effort.

There being no objection, the material was ordered to be printed in the Record, as follows:

Historic Point Threatened by Blasting for Rip-Rap Rock

(By Warren N. Reichman)

Another one of Madison county's historical landmarks is being threatened with oblivion, it was learned at The Madisonian office this week.

The stoney face of Beaverhead Rock, between Twin Bridges and Dillon, is being blasted and the rock used for rip-rapping of the river and canals in the area.

The part that Beaverhead Rock has played in Montana history is known to every school child that has had the good fortune to read any Montana history. (Some school kids tell me Montana history is no longer taught in schools.)

Sacajewea, the Indian woman who guided the Lewis and Clark Expedition from the mouth of the Missouri River to the Rockies, kept looking for this Rock, which from a distance appears to be the head of a swimming beaver, during the entire trip. Although she had been kidnapped from her tribe when but a child, she distinctly remembered the Beaverhead Rock and knew that when she found it, she would be back home again.

Lewis and Clark's Expedition Journals describe the promontory in detail and when they arrived here, they were able to contact Sacajewea's tribe, the Shoeshones, and secure horses with which to cross the Continental Divide.

Capt. Lewis carved his name on the face of Beaverhead Rock. This monument was destroyed many years ago, when a rancher blasted away part of the rock in order to take an irrigation canal out of the river there.

The Point of Rocks Stage Station was established near the rock and road agents and vigilantes alike camped in its shadow during the turbulent days of Henry Plummer. A number of old-timers still living in this area remember when stagecoaches pulled up there for a rest and a change of horses.

Although the rock is huge and thousands

of tons of rip-rapping could be taken from it, sooner or later its famous swimming-beaver outline will begin to take on other characteristics, should this desecration be allowed to continue.

At present Beaverhead Rock and surrounding lands are in private ownership. Mr. and Mrs. Norman Ashcraft, local ranchers, own it and pasture lands along the river bottom. Although at present, Mr. Ashcraft has halted the blasting operations because of pressure of interested individuals, he looks upon it as a natural resource which is quite valueless to him unless he can harvest it. He can sell the rock to contractors for a variety of uses.

A movement should certainly be inaugurated to get this historic monument in public hands and protected from further profanity.

The rock is situated on a 71-acre parcel of land, roughly in the shape of a pistol handle bordered on one side by the Beaverhead River. The Ashcrafts have said they would sell this part of their pasture for enough to buy a comparable piece of land.

Several persons and agencies are already working on the project, but seem to be getting nowhere. Hans Larsen of Dillon, chief of the Division of Resource Management of the Bureau of Land Management, says that the Bureau would trade other land for it, but right now, no comparable piece of land is available in this area and it would probably take two or three years to work out a satisfactory trade.

The State Fish and Game Commission has reportedly looked at it and decided available funds are needed elsewhere.

Individuals, Elfrieda Woodside of Dillon, E. E. MacGilvra of Butte and Hal Stearns of Harlowton, all members of the Montana Committee of the Lewis and Clark Trail Association, are working on the problem but have not come up with any solution.

We suggest that pressure should be brought to bear upon the State Fish and Game Commission which takes thousands of dollars out of this county in hunting license fees every year, to buy this land as a fishing access area. Although it may not be as desirable as other spots, it would provide parking for anglers fishing several miles of the river. There is also room there for a nice picnic and tourist rest area.

If this cannot be done, then let's start a campaign for public subscriptions to buy the Beaverhead Rock and save it for posterity!

National Park Service,
Washington, D.C.

Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: We are pleased to inform you that Beaverhead Rock in Madison County, Montana, has been nominated by the officer appointed by the Governor for the implementation of the National Historic Preservation Program in Montana and has been entered into the "National Register of Historic Places." Senator Lee Metcalf and Representative Arnold Olsen have also been provided with this information. A leaflet explaining the National Register is enclosed.

Sincerely yours,
Ernest Allen Connally,
Chief, Office of Archeology and Historic Preservation.

U.S. Senate,
Office of the Majority Leader,
Washington, D.C., February 12, 1970.

Mr. Norman Ashcraft,
Southwest of Twin Bridges, Mont.

Dear Mr. Ashcraft: A number of concerned Montanans have been in contact with me regarding the preservation of Beaverhead Rock, a Landmark on the Lewis and Clark Trail.

These Montanans are concerned because of rock quarry activity which jeopardized the landmark. I am aware that the site is on private property owned by you and that you have complete control over its destiny. In view of the sincere interest in preserving the historic site, I have contacted several Federal agencies here in Washington and in Montana to see what might be done to preserve the Beaverhead Rock for historic purposes. Personally, I would hope that you would cooperate in protecting Beaverhead Rock until such time as a plan can be developed to acquire the property from you for such purposes. Any such plan would, of course, give your property rights every consideration. In the interests of preservation of Montana's too few historic monuments on the Lewis and Clark Trail, I hope that you will cooperate.

With best personal wishes, I am
Sincerely yours,
Mike Mansfield.

February 16, 1970.

Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: This letter is in reply to your letter and telegram of February 12, 1970, concerning "Beaverhead Rock" (also known as "The Point of Rocks") which I own.

I would first like to assure you that no rock has been blasted since Mr. Richard Harms of the Dillon Office of the Bureau of Land Management asked me, more than a month ago, to have the blasting ceased. At that time Mr. Harms assured me the B.L.M. or some of the other Government agencies would try to trade me other land—of equal ranching value—for Beaverhead Rock.

I had leased the property on which Beaverhead Rock is located from 1950 until 1966, at which time I purchased the property. During the past 20 years many thousands-of-yards of rock has been hauled from Beaverhead Rock. This was rock which had fallen from the steep sides of this formation, and accumulated around the base. No charge was ever made for this fallen rock, and it became common practice for the people of this area to take this rock (sometimes without my knowledge or consent) whenever they had a need—or desire—for it.

No one complained about "free rock" but when I had a chance to *profit* from the *sale* of rock, the situation changed remarkably.

The Bureau of Land Management has a rock quarry near Twin Bridges. The B.L.M. was selling this rock for 5¢ per cubic yard, until a few months ago, when the price was raised to 60¢ per cubic yard; when this action was taken several contractors approached me with an offer of 10¢ per cubic yard.

I accepted this offer.

These contractors worked only a short time at Beaverhead Rock before some of the people in this area became alarmed, thinking that Beaverhead Rock should be preserved: it was at this time Mr. Harms asked me to halt the blasting, which I did. Mr. Harms asked me to come to the B.L.M. office in Dillon to look over the maps of this area to see if there were nearby B.L.M. lands which would be suitable for a trade.

My primary concern is pasture for my cattle; I do not have the National Forest Permit, nor do I have a Bureau of Land Management permit. Therefore, I was interested in Mr. Harms' proposal but I felt any such trade should assure me a potential income equal to the potential income of selling rock for riprap work.

In order to acquire a grazing permit on B.L.M. land one must own contiguous private lands. Then, when the present lessee's term expired, I as a prospective lessee, would have to make application for the adjoining B.L.M. land—which the present lessee would also do—and any other interested party could also apply. According to present Bureau of Land Management regulations I might wait several years after applying for a grazing lease, and still not receive it.

If I were to trade my property for a small piece of land 40 or 50 miles distant from my home ranch, without also receiving the adjoining B.L.M. land, I would have a useless acquisition.

Recently a small ranch located only a few miles from my home ranch became available; the owner has priced this property at $60,000.00, and has agreed to hold it for me until May 1, 1970.

Mr. E. E. MacGilvra and Mrs. Elfrieda Woodside of the Montana Historical Society called on me February 12, 1970, to see if they might arrange to buy my land. Although the people of the Montana Historical Society and similar organizations, have done a great many worthwhile things for the people of Montana, *the Montana Legislature has never provided them with any funds with which to accomplish their objectives.* On the contrary, these dedicated people are expected to donate their own *time, labor* and *money*—without compensation—toward the preservation of Montana's historic landmarks and documents.

Montana's Lewis and Clark Trails Commission is also vitally interested in preserving Beaverhead Rock but, again, this organization has received no funds from the Montana Legislature.

I feel that if I were to trade my land on which Beaverhead Rock is located for land leased from the Bureau of Land Management such a lease should assure me of 3,000 animal unit months of pasture per year, and that I should have written assurance that the lease would be renewable at my option.

My request, should I trade "Beaverhead Rock" would be that some organization, bureau or agency buy the small ranch mentioned above for the price of $60,000.00 as an equal exchange.

I am perfectly willing to cooperate in any way I feasibly can in the preservation of Beaverhead Rock, but I believe you will realize my position as a small Montana rancher.

I wish to express my appreciation for your concern, and my thanks for your personal contact with me.

Sincerely,
Norman Ashcraft.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be again laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 2548) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service

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programs provided for children under such acts.

There being no objection, the Senate resumed the consideration of the bill.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, has not the time for application of the rule of germaneness now expired?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMOKING FOES MAKE GAINS

Mr. MOSS. Mr. President, every day there is further indication that the overwhelming evidence about the adverse effects of smoking is making a greater and greater dent on the consciousness of the American public, and is even resulting in less scoial acceptance of smokers.

The New York Times on February 14 published an article entitled "Foes of Smoking Gaining With Attack on Social Acceptability," written by Jane E. Brody, outlining several ways in which nonsmokers are being protected in public from tobacco fumes, and discussing the growing resistance among some people to either smoking or promoting the smoking of cigarettes.

This article also tells the very interesting story of a mechanical smoking doll developed by a Salt Lake physician, Dr. Wayman R. Spence, to demonstrate the extent to which deposits of tar collect in the lungs of a smoker.

I believe my colleagues will find the various developments in the New York Times story of interest, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Foes of Smoking Gaining With Attack on Social Acceptability

(By Jane E. Brody)

With per capita cigarette consumption at the lowest point in a decade, the battle against cigarette smoking seems to be gaining momentum and taking off in a new direction.

Although the nationwide assault against smoking is based mainly upon its attendant health hazards, there also appears to be a growing effort among nonsmokers to saddle the habit with the stigma of social unacceptability.

Emil Corwin, of the National Clearinghouse for Smoking and Health, has this to say about the trend:

"I think we're experiencing the same kind of revulsion against a popular habit which in another period caused spitting to be outlawed and spittoons to disappear from fashionable parlors and the halls of Congress."

SIGNS OF DISCONTENT

Mr. Corwin's assessment may be premature, but there are unmistakable signs that a growing band of misocapnists—tobacco haters—is making itself felt, including the following:

Pan American World Airways has established the first no-smoking sections in the air in its huge 747 jets, and a petition has been filed with the Federal Aviation Administration to require such steps on all carriers.

Recent railroad surveys have shown that about 80 per cent of commuters prefer to ride in no-smoking cars, against less than 60 per cent a few years ago, and the railroads have reduced the number of smoking cars on each train accordingly.

The Tobacco Tribunal of Hennepin County in Minneapolis distributes a "smoker's etiquette card," which a non-smoker can pass on to anyone whose smoking disturbs him.

A rising number of show business celebrities, including Debbie Reynolds, Doris Day and Lawrence Welk are refusing to do cigarette commercials or to be sponsored by tobacco companies. Others, including Tony Curtis, Richard Boone and Macdonald Carey, have contributed their services to antismoking efforts.

Three professional hockey teams, the Montreal Canadiens, the Toronto Maple Leafs and the Detroit Red Wings, have banned smoking by spectators during contests at their home rinks.

Women's page columns are advising a growing number of readers who complain about the smell of smoke on curtains and clothes to hide ash trays, invite guests to step outside to smoke and the like.

The Lamb Seal and Stencil Company in Washington reports a 25 per cent increase in orders for No Smoking signs in the last three years.

Antismoking commercials are increasingly emphasizing the distastefulness of the cigarette habit, such as yellow teeth, smelly clothes, burned holes and lack of consideration for others.

CANCER PERIL FEARED

Most of those who have recently joined the ranks of nonsmokers are believed to have been frightened by the growing body of evidence that cigarette smoking leads to premature death from cancer and heart disease. This evidence is compiled annually by the Surgeon General of the Public Health Service, who has described smoking-related disease as a major epidemic in this country.

The tobacco industry has repeatedly maintained, however, that scientists have failed to prove that cigarette smoking can cause disease and death in man.

The impact of the recent finding that some dogs that were trained to smoke cigarettes developed lung cancer remains to be seen.

But Dr. Daniel Asnes, who helps to prepare the Surgeon General's annual report on the health consequences of smoking, said: "It certainly can't hurt. It will force those smokers who have rationalized that 'they've never shown it in animals, it's all statistics' to find another rationalization or else kick the habit."

MORE ARE QUITTING

Various sources indicate that more and more Americans are quitting the cigarette habit, or at least reducing the amount they smoke, and that fewer young people are joining the ranks of smokers.

The most recent survey by the National Center for Health Statistics showed a 5 per cent decline from 1966 to 1968 in the percentage of the adult population that smoked cigarettes. The greatest decline, 7.5 per cent (from 37.6 to 34.8 per cent of the total) occurred among those 17 to 24 years old.

Per capita cigarette consumption, based on warehouse withdrawals destined for domestic consumption and the armed forces overseas, has been falling steadily since 1966 when it was 11.8, and is now at 11.1—the lowest point in a decade.

Total consumption is also down. According to the Tobacco Situation Report prepared by the Department of Agriculture, reduced ers last year to produce about 3 per cent fewer cigarettes than the year before.

CONSUMPTION DOWN

In the first nine months of 1969, the Agriculture Department reports, domestic cigarette consumption was 2.5 per cent below the previous year.

Efforts to reduce further cigarette consumption and the social acceptability of smoking are being increasingly bolstered by members of the health and allied professions, who are concerned about the toll they say smoking takes on human health.

Last month, the District of Columbia Medical Society asked its 3,000 members to ban smoking in their offices. At about the same time, four hospitals in Dubuque County, Iowa, announced that they would no longer sell cigarettes on their premises. A growing number of hospitals and medical clinics throughout the country have banned cigarette sales.

Martin Sopocy, the 62-year-old proprietor of Martin's Market Square Pharmacy in the center of Chicago's business district, quit selling cigarettes in his store last August.

"It doesn't make sense to improve people's health in one end of the store and wreck it in the other," he said.

BUSINESS IS GOOD

Although Mr. Sopocy, who gave up smoking 15 years ago, sacrificed more than $1,200 in weekly gross revenue from cigarette sales, he reports that business this year is better than ever while his competitors assert that business is down.

Other drugstores in various parts of the country have taken similar steps.

As sales of cigarettes have declined, sales of antismoking aids have risen and today represent a $50-million market. Smokers trying to quit or cut down by using various stop-smoking lozenges, gums and gadgets report varying success, but the market continues to grow.

Antismoking clinics are popping up in ever growing numbers around the country. Among the many that operate as "group therapy" businesses are Smoke Watchers International, with 11 "withdrawal clinics" in the New York City area, and Smoke Stoppers, Inc.

BONUS FOR NONSMOKERS

Royal Publishers Inc. has offered its employes at its home office in Nashville, Tenn., a $10 monthly bonus to refrain from smoking. The plan, which operates on the honor system, is said to be having "a little influence" on the smoking habits of employes.

In another Nashville stop-smoking effort, the American Cancer Society held a "cough-in." People were invited to sign no-smoking pledges and toss their cigarettes into a coffin. the first 40 pledgers who were still honoring their pledge a month later received free Thanksgiving turkeys, compliments of the Kroger Company.

The mushrooming public revulsion toward cigarette smoking seems to be having its greatest growth among the young, who are being taught in school about the hazards of smoking.

William E. Berger of Austin, Tex., reports that his 9-year-old son, an avid football fan, began getting sick by halftime at each game and had to be taken home. The third time this happened he admitted to his parents that what made him sick was the fear that he would get lung cancer from the smokers around him in the stadium.

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SURVEYS ON THE YOUNG

Surveys that would indicate whether or not there is a decline in smoking among the very young have not yet been completed. But several observers expressed opinions similar to that of Mrs. Barbara Doyle, an administrator at the University of California, Berkeley, who said:

"The people we see at the junior high school age now are not smoking nearly as heavily, and hopefully we may be reaping the last crop of heavy smokers."

Dr. Wayman R. Spence, a Salt Lake City physician who has been waging a costly, one-man campaign to "ban the butt," as he puts it, aims most of his propaganda at the young.

He has distributed 12,000 mechanical smoking dolls of his own invention to schools, churches and health agencies. The dolls demonstrate the deposits of tar that supposedly collect in the lungs of a smoker.

BAN THE BUTT

Dr. Spence, who won Esquire magazine's Jewish Mother of the Year Award for the "lung ash tray" he designed as a smoking deterrent, has also designed a "Ban the Butt Button Book" containing such advice as "The family that smokes together chokes together."

The next few years should show clearly what impact, if any, these educational programs have had upon the smoking habits of American youth.

At the moment, at least, there is no evidence that youngsters who are not becoming cigarette smokers are turning instead to marijuana and other drugs.

But, as one expert in drug abuse has observed, "Every generation has had its crutch. If not cigarettes, it will be something else. Then the 'anti' forces will have another battle to wage."

ALCOHOLISM AN ILLNESS, NOT A CRIME

Mr. MOSS. Mr. President, in 1966, I introduced a bill to provide Federal funding for the treatment of alcoholics as people who are ill, rather than charging them with a criminal offense for being drunk in public. Although I urged congressional action, nothing was done in that session of the Congress, and in 1967, Senator JAVITS, of New York, and I joined on a similar bill which we pressed for congressional action. Again in 1969, the able Senator from New York and I joined once again on legislation of this sort. Both of us believe that it is essential that we make an attack on this form of illness.

In the Washington Post for February 8, there was published an editorial entitled "The Illness—Not the Crime—of Alcoholism." This states very well what the problem is and what our approach should be. I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ILLNESS—NOT THE CRIME—OF ALCOHOLISM

Connelly (Peewee) Holcomb is one of the best-known citizens in Rockville, Md. His notoriety is based not on accumulation of power or money, nor on a reputation for being civic or socially minded. Nearly everyone in Rockville knows Mr. Holcomb because, tragically, he is a sick man. His disease, at its height, lets a man wander the streets dazed and stumbling, forces him to endure freezing nights in alleys or under bushes. When not under direct siege, the victim drifts aimlessly through life, homeless, jobless and friendless. The disease is alcoholism.

Mr. Holcomb has been overusing the alcohol drug since the age of 10. Currently, he is one of 6 to 10 million Americans known to suffer the nation's fourth major illness, as well as the nation's most ignored and most costly illness.

Last Wednesday morning, in People's Court in Rockville, Md., a group of lawyers representing Montgomery County's forward-minded alcoholic program sought a court order to have Mr. Holcomb committed to a local hospital for 30 days treatment. The trial's importance comes from its being the first held in Montgomery County to test the Comprehensive Intoxication and Alcoholic Control Act enacted in Maryland in 1968.

The petition, filed by Herbert Winstead, a respected alcoholic counselor of the county health department, said that when a patient is a chronic alcoholic, is in danger of his life and cannot make a rational decision for himself, the court should not send him to jail but to a hospital. After hearing testimony from a policeman, an alcoholic counselor, a nurse and a psychiatrist, the presiding judge agreed Mr. Holocomb was not a criminal needing punishment, but a sick man needing medical care.

The court was only recognizing the obvious, but in most parts of the country the obvious has not yet sunk in. Society still prefers to see alcoholism as anything but a disease; pity the drunk, scorn him, arrest him, but don't cure him. Those millions who are alcoholics themselves, or live with one, well know that medical treatment and followup are needed, with the same urgency that any other medical illness would demand and receive.

Ironically, the public and its politicians have so ignored alcoholism that in most parts of the country nothing better than a jail cell exists for public alcoholics. Thus, the sick person is dried out for a day or two and then returned to the milieu that caused his disease in the first place. Until other states begin passing humane laws for the recovery of alcoholics—not to mention providing money for treatment and follow-up services—alcohol will continue as the nation's most widely abused and most ravaging drug.

TIME TO DISPERSE

Mr. MOSS. Mr. President, James L. Sundquist, presently a senior fellow at the Brookings Institution, and formerly Deputy Undersecretary of Agriculture, has written a very knowledgeable and provocative article entitled "It Is High Time for Americans to Disperse." This article appeared in the Washington Post of Sunday, February 8, 1970. Mr. Sundquist is a native of my State of Utah and a man whose intelligence and lucid writing I have long admired. I think that his article is worthy of attention by the Congress, and, therefore, I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT IS HIGH TIME FOR AMERICANS TO DISPERSE

(By James L. Sundquist)

(NOTE.—Former Deputy Undersecretary of Agriculture, Sundquist is now a senior fellow at the Brookings Institution. His article is excerpted by permission from the winter issue of The Public Interest.)

By the end of this century, 100 million people will be added to the population of the United States. That is as many people as now live in Britain and France combined. Where shall they live?

If present trends continue—if they are allowed, that is, to continue—most of the 300 million Americans of the year 2000 will be concentrated on a very small proportion of the nation's land area. Projections of the Urban Land Institute place 60 per cent of the country's population—or 187 million persons—in just four huge urban agglomerations.

One continuous strip of cities, containing 68 million people, will extend many miles down the Atlantic Seaboard from north of Boston to south of Washington. Another, with 61 million will run from Utica, N.Y., along the base of the Great Lakes as far as Green Bay, Wis. Some 44 million persons will live in a Pacific strip between the San Francisco Bay area and the Mexican border. A fourth agglomeration, with 14 million, will extend along the Florida East Coast from Jacksonville to Miami and across the peninsula to Tampa and St. Petersburg.

Most of the remaining 40 per cent of Americans will live in urban concentration, too—and big ones. In this decade, the larger concentrations have been growing faster; metropolitan areas over 150,000 grew faster than the national average of 9.8 per cent between 1960 and 1965 while the smaller areas grew more slowly.

These trends, continued for the next three decades, would place 77 per cent of the coming 300 million Americans on 11 per cent of the land (excluding Alaska and Hawaii). Only 12 per cent of the population would be outside urban areas of 100,000 or more population. Is this the way we want to live?

Two questions are presented. The first pertains to regional balance. Is it desirable that population be massed in a few enormous "megalopolises" along the seacoasts and lakeshores? The second relates to rural-urban balance (or, more accurately, the balance between metropolitan and nonmetropolitan areas). Is it in the best interest of the country, and its people, to continue indefinitely the depopulation of rural and small-town America and the building of ever bigger metropolitan complexes, in whatever region?

FORCED MIGRATION

In short, the 300 million can be highly concentrated in a few "megalopolises," or they can be distributed more evenly as among regions and dispersed in a more nearly balanced way among large metropolitan areas, middle-sized cities and thriving small towns and villages. Which do we want?

How each family lives is profoundly influenced, even controlled, by the size of the population cluster in which it is embedded. The degree to which population is massed determines the amenity and congeniality of the whole environment in which adults and children live and grow and work. It affects their personal efficiency, their sense of community, their feelings about the relationship between man and nature, their individual and collective outlooks on the world.

The impact of size is most emphatic on the lives of the ghetto dwellers of the great cities, of course, but no one in a megalopolis is immune. The resident of Scarsdale or Winnetka is not wholly spared the stresses of big city life; the larger the metropolitan area, the greater the strains and irritations of commuting and the more inevitable that the environmental pollution that arises from population concentration will affect the most idyllic suburbs, too.

In any case, the desirability of population concentration must be measured by its consequences for the majority of families who live at near-average or below-average levels, not upon the few who can insulate themselves in political and social enclaves.

So the question is, what kind of environment do we want to build? The nation, through its government, has established policies on matters of far less crucial import, yet the extent to which the country's population will be concentrated remains essentially laissez-faire.

That would be all right, perhaps, if by laissez-faire one meant free choice by the individuals and the families that make up the population. But it is far from that. The movement of people from smaller to larger places is, to a large extent though no one knows the exact proportions, involuntary, forced migration.

Young people going freely to the cities in search of adventure and opportunity make up part of the migrant flow, but only part; among the rest are millions of uprooted, displaced families who have little desire, and less preparation, for life in large cities and whose destination is often inevitably the city slums. These displaced families are simply forced into the migration stream by economic forces they cannot control.

The spatial distribution of population is determined, of course, by the distribution of jobs. With the exception of the limited numbers of the self-employed and the retired, people are not in reality free to live just anywhere. The vast majority are employees who must live where there are jobs, and the location of jobs is not their choice. The concentration of the country's population is the result of employer-created job patterns that the people have had to follow.

For the most part, employers have not been free to create jobs just anywhere, either. They have been bound by considerations of economic efficiency—the location of raw materials and markets, the transportation cost differentials of alternative locations, etc. As a result, the basic pattern of population distribution has been designed by the play of economic forces, not by men acting rationally as environmental architects; events have been in the saddle once again.

Even in the absence of qualified evidence, it seems reasonably clear that our largest urban concentrations have grown well beyond the point at which diseconomies of scale begin to show. The costs of moving people and things within large metropolitan areas are demonstrably greater than the costs of moving them in smaller population centers. Commuting distances are obviously longer, the time loss greater, the costs higher. The flight of industry from central cities to the suburbs is a reflection, in part, of the cost of transportation to and within congested areas.

The cost of urban freeway construction varies directly with the population density of the areas affected, and subway systems are an enormous expense that only the larger metropolitan areas require. Such municipal functions as water supply and sewage and solid waste disposal are probably also subject to diseconomies of scale, for the simple reason that the water and the waste must be carried over longer distances. San Francisco, for example, had contemplated dispatching a 70-car train daily to carry its solid waste over 800 miles into the mountains on Nevada-California border.

COSTLY CRUELTIES

The diseconomies are ultimately measurable, at least in theory, in dollars and cents. Other disadvantages of scale are less measurable but no less real. Air pollution, for example, is a function of the dense concentration of automobiles. Similarly, water pollution is more amenable to control in areas where population is dispersed; there, given the will, the way is at least available.

One other factor that must be considered in any calculation of costs and benefits of urbanization is the social and economic cost of migration itself. To decide which new plant location is really most efficient, it is not enough to measure only the building and operating costs of the plant, although that has been the sole criterion of our laissez-faire philosophy.

There are enormous costs, as well as appalling cruelties, in the forced displacement and migration of populations, whether it be Negroes from the South, mountaineers from Appalachia or small businessmen from the declining regions of the Great Plains and the Midwest. (In the 1950s, more than half of America's counties suffered a net loss of population.)

Families lose their homes and savings and equities and property values along with their most deeply cherished associations; communities lose their tax base for public services; community institutions wither. Some of the migrants are too ill-prepared, too sick or too poor to adjust to city life successfully; many of them wind up on welfare, and they burden every kind of institution.

Yet these costs and losses are not borne by the industry locating the plant, but by people and communities, thereby entering no one's cost-benefit equation, no one's computations of efficiency. If they did so enter, then calculations of simple efficiency would no doubt show that, as a general rule, it is far more economical from the standpoint of the whole society to create new economic opportunities where the people are rather than allow existing communities to die while building other whole communities from the ground up in the name of "economic efficiency."

Moving from the physical to the social environment, hard data on disadvantages of scale are even more difficult to come by. Yet we know that as population in general is concentrated, so is poverty (large ghettos exist only in large urban concentrations) and crime, drug addiction, family breakdown and every other form of social pathology. It may be specious to argue that rural poverty is better than urban poverty when both are bad enough, yet the fact remains that the social evils associated with poverty tend to be mutually reinforcing when the poor are herded together in concentrated masses—as studies of public housing populations, for example, have clearly shown.

Racial tension and rioting are not limited to big cities, to be sure, but in their most terrifying aspects they seem to be. Perhaps most important of all, the problem of unemployment and underemployment of the urban poor appears all but insoluble in the largest urban complexes because transportation systems just cannot economically link the inner cities where the poor live with the scattered suburban sites where the new jobs are being created. In smaller places, by contrast, people can even walk to work.

For all these reasons, it is not hard to accept as a hypothesis, at least, that our largest metropolitan agglomerations are less governable, less livable and economically less sound than smaller urban centers. Moreover, what little evidence is available suggests that people do not like to live in unlivable places; they are there, in substantial proportion, against their will. A Gallup poll in 1968 showed that 56 per cent of Americans would choose a rural life, if they were free to choose, only 18 per cent a city and 25 per cent a suburb.

FRUSTRATED FREEMAN

Over the last decade, only one leading figure in public life has made it his mission to sound the alarm on the question of population distribution policy. That was the recent Secretary of Agriculture, Orville L. Freeman. For the whole of his eight years in office, he led a personal crusade for what he initially called "rural areas development" and later came to call "rural-urban balance."

Before a House subcommittee in 1967, he said, "I say it is folly to stack up three-quarters of our people in the suffocating steel and concrete storage bins of the city while a figurative handful of our fellow citizens rattle tapped resources and empty dreams." And then he got carried away: "The whiplash of economic necessity which today relentlessly drives desperate people into our huge cities must be lifted from the bleeding back of rural America."

Freeman's metaphors could be excused; no one listened to all his years of sober pleas and reasoned argument. True, President Johnson gave him moral support and himself made a speech or two on rural development and sent Congress some minor measures, but the subject remained low on the President's priority list.

As for the congressional committees on agriculture, which might have been expected to take some leadership, Freeman could not even get them to set up active subcommittees to consider rural development.

The nation's intellectual community, insofar as it was aware of the Freeman thesis, treated it with a disdain that blended into outright hostility. A composite view of the urban intelligentsia toward rural America can be portrayed, with a touch of caricature, something like this:

Culturally, the cities have a monopoly, and have had since the Age of Pericles. Urban means urbane; rural means rustic. The theater, the concert hall, the museum are exclusively urban institutions; the countryside cannot produce the higher culture, and those who insist on living there are, by definition, both culturally unrefined and, what is worse, content to remain so.

Economically, rural America is destined for decay; the economic forces that built the cities are too powerful to be reversed, even if it were desirable to do so. Freeman's "back to the farm" movement (which, for the record, is not what it was) is romantic nonsense that flies in the face of every economic reality.

Sociologically, rural America is a backwater populated by misshapen characters out of Faulkner, given to choosing as their leaders men like George Wallace and Lester Maddox and to hunting down civil rights workers and interring them on the banks of the Tallahoga River. Politically, it is time that rural America got its comeuppance; the farmers have been exploiting the cities far too long through outrageous programs that pay them enormous subsidies to cut production while the urban poor—and the rural poor as well—go hungry.

Let the land-grant colleges—the "cow colleges," that is—worry about the Podunks and the hicks and hayseeds who live there; we are an urban nation now

INTELLECTUALS RECONSIDERING

This picture of the rural areas is not, unfortunately, wholly unrelated to reality. The fact is that the rural areas of the country *are* disadvantaged in many ways: they *are* culturally isolated (although their isolation has been drastically reduced by television and good roads); they *have* declined economically; their governmental and social institutions *are* often primitive and backward; racial exploitation *is* rife.

But the cities are not all that superior. There is truth, too, in Freemans counterportrait of big cities as places of "congestion and confusion, crime and chaos, polluted air and dirty water, overcrowded schools and jobless ghettos, racial unrest . . . and riots in the streets."

But there are signs now that the intellectual world may at last be rediscovering rural and small town America and looking with fresh eyes upon the problem of rural-urban balance. Like so many other trends of current history, this one was set in motion in August, 1965—in Watts.

The analysis of that explosion, and those which followed, suddenly discovered that the problems they called urban had rural roots. "We're being overwhelmed!" cried the urbanists "Stop the migration. Get these people off our backs!"

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So the rural and the urban interest may have converged, finally, and it is out of such convergence that effective political coalitions are born and problems attain their place on the national agenda. The prospects for such a coalition are expressed most sharply in, of all places, the 1968 Republican platform.

"Success with urban problems requires acceleration of rural development in order to stem the flow of people from the countryside to the city," reads the GOP's plank. The language is not without irony for the party of small town America and the party that enacted the Homestead Act. The subject is treated under the heading "Crisis in the Cities"; rural development should be accelerated because the problems of the big cities, where the Democrats live, must be solved.

The leadership for a rural development coalition, also ironically, will have to come from those very cities. Groups with names like the Urban Coalition, the Urban Institute and the Urban League will have to assume the burden of worrying about rural America because there is no rural coalition, no rural institute, no rural league.

Nobody has ever organized to speak for rural and small town people in the nation's councils as the United States Conference of Mayors, say, and the Urban Coalition speak for city people. Farm groups exist, to be sure, but their interest is the economic interest of farmers as producers, and most rural Americans—whatever the definition of the word "rural"—are not farmers but small town and small city dwellers. And they are not organized at all.

When rural America is saved, it is clear, it will be for the wrong reasons and under the wrong leadership. But that is better than not being saved at all.

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We can begin by defining one objective—to bring to a halt, as nearly as possible, all involuntary migration. The purpose of governmental policy, then, would be to permit people to live and work where they want to live and work; if they prefer to move to the big city, well and good, but if they want to remain where they are, the objective should be to bring the jobs to them.

This proposal will be confronted at once by the objection that some rural areas are too remote, too backward to be salvageable in any circumstances—that no matter how much they are subsidized, they are beyond the reach of economic opportunity. I hide behind the qualifying phrase; forced migration should be brought "as nearly as possible" to a halt, and where a rural community lies beyond the possibility of redevelopment (the Appalachian "head of the hollow" communities come to mind) then it is by definition impossible to help.

However, the number of people living in such communities is far smaller than is usually believed, if one understands that the jobs to be provided need only be *near,* not *at,* the community concerned. Communication is a fact of life in this automobile age in rural areas as well as on Long Island, and rural people commonly travel daily to jobs within a radius of 25 to 50 miles. Circles with 25-mile radii drawn around small cities that have a proven economic potential—proven by the fact that they are growing now—cover the vast majority of the country's rural population east of the high plains, and if the circles are extended to 50-mile radii, they blanket almost the whole country but for a few sparsely settled sections of the western mountains and the plains.

A population distribution policy, then, would seek to encourage an accelerated rate of growth in the smaller natural economic centers of the country's less densely populated regions. To effectuate such a policy, the present approaches would have to be extended in both breadth and depth.

First, they would need to be expanded beyond Appalachia and the other presently recognized redevelopment areas to cover all areas that are sources of out-migration. Second, they would need to be greatly improved in potency so that they have a decisive impact upon the migration stream.

Present federal programs are limited to public investment—roads, hospitals, vocational training schools and so on—to strengthen the "infrastructure" of the nonmetropolitan areas, and loans and loan guarantees to encourage private investment. To these would have to be added the policy instrument of tax incentives that has proved so effective in stimulating and channeling investment both for war production and for peacetime economic growth. If an extra investment tax credit were available for defined types of new industry located in the places where the national population distribution policy called for it to be located, then jobs would be created where the people are rather than in places to which they have to migrate.

WRITING THE LANGUAGE

The rub will come, of course, when Congress begins to write the language defining exactly the places eligible for benefits. Growth centers that serve areas of out-migration would have to be included among the beneficiaries even though the centers themselves were areas of in-migration. But only up to a certain point. A cutoff population figure would have to be established at the point where a growth center is considered to have grown large enough, or at least to be able to attain its further growth under its own power.

But given the old-fashioned booster psychology that still conditions the thinking of the leadership of even the largest cities, Congress will find it difficult to designate any area, even the New York City area, as one that is destined—if national policy can bring it about—to stop growing. To most community influentials, bigger and bigger still mean greater and greater and richer and richer. A population distribution policy may therefore ultimately have to await a major shift in the national psychology.

ORDER OF BUSINESS

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Byrd of West Virginia in the chair). Without objection, it is so ordered.

ANNOUNCEMENT OF HEARINGS ON S. 2425, THE NATIONAL TRANSPORTATION ACT

Mr. MAGNUSON. Mr. President, on February 26, the Commerce Committee will open hearings on S. 2425, the National Transportation Act. This legislation is designed to facilitate the planning of balanced transportation systems in all parts of the United States. If enacted, the National Transportation Act would revolutionize our current concepts of transportation policy and land-use planning.

Under the provisions of the National Transportation Act, the Secretary of Transportation would be authorized and directed to designate "major transportation regions" in the United States. Within each region, transportation planning commissions would be established with the concurrence of the Governors of the States involved. Each commission would develop comprehensive plans for a balanced and integrated system of transportation designed to meet the social and environmental needs of the entire region, as well as to provide a framework for the orderly movement of people and goods.

Rather than continue our present policies of fragmented agencies and uncoordinated transportation facilities, this act will encourage the development of transportation systems that integrate the various transportation modes into one smoothly functioning network that efficiently meets the practicular needs of each region and the Nation. Each region, of course, will have a different pattern of needs and a different set of transportation solutions. Federal financial assistance for the construction of transportation facilities would ultimately hinge on the thoroughness with which each commission has planned a system for this region.

Mr. President, the need for this legislation is compelling. Many of our most prominent social and environmental problems—ranging from urban decay to the destruction of our wilderness and open spaces—can be traced to our past failure to plan the growth of transportation facilities. Not only has that unplanned growth imposed societal costs that we are only beginning to realize, but if this lack of planning persists, it will soon become impossible for us to maintain a decent standard of mobility within and between our major cities.

When Alan Boyd, the first Secretary of Transportation, declared that future transportation developments will have to pay more attention to "the impact on the health of our citizens, their right to the peaceful enjoyment of their daily lives, and the preservation of natural resources of all types," he was stating what more and more Americans have come to realize: the issues of transportation policy and environmental quality are inextricably interwoven. As in other fields of economic activity, transportation must be planned in the future in such a way that all human values of our growing society can be satisfied.

Growth and social values need not be incompatible—indeed, they must be made compatible if America is to survive. The need to reconcile these two factors is nowhere more urgent than in the field of transportation. Although we devote nearly 20 percent of our gross national product to the movement of goods and people, we still do not have a balanced transportation system or an institutional framework to assure its development. What we do have are independent modes of transportation overseen by various regulatory and promotional agencies whose jurisdictions overlap and whose policies frequently conflict. No one is more conscious of this than the members of the Commerce Committee, who are continually involved in all aspects of transportation policymaking. The result is a costly and inefficient "nonsystem" of transportation—a "nonsystem" that threatens to break down in the near future, as well as a "nonsystem" that imposes fearful environmental and social costs on the American people.

Most of us are quite familiar with one environmental cost of our present transportation network: the problem of air pollution caused by automobiles. Indeed, this is a critical problem. Up to 80 percent of the air pollution in our cities comes from pouring out of the exhaust pipes of cars. The health hazards posed by this massive pollution are only beginning to be calculated, but the damage that smog has done to the quality of our urban environment is obvious and massive.

Yet air pollution is only one problem—and perhaps not even the major problem—of our reliance on automobiles, and the automobile is not the only reason why we should be concerned about the performance of our present transportation system. To understand the total impact transportation has on our way of life, it is necessary to look far beyond the evils of the internal combustion engines.

One resource the automobile has despoiled even more rapidly than our air, for example, is our land. We now have well over 3 million miles of paved roads and highways—1 mile for each square mile of land in America—yet traffic congestion persists in every corner of the Nation. We spend $18 billion annually at various levels of government to build new highways—highways that may provide essential access, yet mar our parkland and recreational areas while cutting unsightly swatches through cities, neighborhoods, and open spaces—a process that is all the more socially disruptive because of argument and division within the urban centers themselves over where new highways should be built and how much concrete should be poured upon the land.

It is obvious that we cannot continue building highways in the innocent belief that more roads will relieve congestion. Already, highways and parking facilities occupy as much as two-thirds of the land area in our major cities. And even if we had room for more cars, the cost of accommodating them has become almost unbelievable. How can we talk about building 10- and 12-lane freeways through our cities when it now costs more than $6 million per mile to build a four-lane freeway in a major urban area? The land upon which these luxuries are built frequently costs as much as $40,000 per acre to acquire, or as high as $50 per square foot in downtown Manhattan. And even if we are prepared to expend such huge sums, how will we prevent a traffic jam following the ribboncutting ceremony?

The land we lose to highway construction is tragic, but the impact of highways on abutting land is no less devastating. Homes decay, neighborhoods are shattered, litter collects along shoulders and sidewalks, neon signs and garish billboards spring up overnight. Noise from traffic continues to mount, destroying our concentration and fraying our nerves. And at the same time that too many highways degrade the urban environment, they erode the urban tax base from which social and environmental programs must be financed.

No one would disagree with the view that the automobile has provided Americans a unique standard of mobility, and no one would argue that the automobile should be completely abandoned as a useful form of transportation in certain situations. But because we have allowed our transportation system to emphasize automotive transport so heavily, we have failed to provide adequate transportation for those millions of Americans who do not have access to a car.

The poor and the black are frequently trapped in the central city and are denied transportation to jobs and residential communities in other parts of the metropolitan area. More than one investigating committee has linked such immobility to urban violence and discontent. In addition to the economically disadvantaged, another 70 million Americans—our youth and our senior citizens—are largely dependent upon others to drive them to and from their homes.

To those in a position to enjoy the mobility an automobile provides, the dangers of highway travel become another social cost. Each year more than 50,000 Americans die on our highways. This year, if the figures continue to mount the way they have in the past, the total will reach 60,000. And another 4 million—one out of every 50 people—are injured in automobile accidents. Quite apart from the human pain and sorrow of such carnage—which is augmented by an often ineffectual system of compensation for accident victims—automobile accidents are a major source of waste and lost time in an economy that can afford neither.

Perhaps America would be willing to bear these environmental, social, and economic costs if the automobile could continue to provide mobility. But today, even that prime virtue of the automobile is threatened. By 1980, we will have 20 million additional cars on the road—and all cars will be used 40 percent more. Planners tell us we will need to build 40 new lanes between New Jersey and New York in the next 5 years alone. They say that average daily traffic flows by then will reach the volume we now experience only on Thanksgiving and holiday weekends. Why should we pave over America and incur the costs described earlier if the whole system is becoming a massive interstate traffic jam?

At a time when further mobility through highway construction is doubtful, however, we continue to spend fully 90 percent of Federal, State, and local transportation funds on highway construction. In 1969, for example, $18 billion in public funds were spent for highways, and only $2 billion for all other transportation facilities combined. Knowing what are the sources of pollution, of urban decay, of dwindling wilderness and cluttered open spaces—and adding to this the scant prospects for further mobility through new highway construction—nothing could be worse than our present set of transportation priorities.

Solving the transportation problem and developing transportation policies to minimize social and environmental costs, however, will involve fundamental changes in the institutional structure of transportation planning and policymaking. It is crucial for Congress and the American people to realize that nothing can be accomplished through the simple renunciation of automobiles within our cities. Such action alone cannot and will not solve the transportation problems of the cities, nor will it help to meet an equally pressing problem: how to move Americans and the goods they consume between cities. We must abandon more than overreliance upon the automobile—we must abandon the notion that any single mode of transportation can be relied upon to solve the problems of mobility in a prosperous and populous society.

The need for intermodal transportation systems is demonstrated in the problems of intercity transportation. We often forget the growing traffic between cities in our concern for transportation systems within the urban scene. The problems of transportation within the city, however, are part of the growing crisis that faces movement between one city and another. Railroads no longer provide interurban transportation for the segment of the traveling population that they once did, and service on the rails is steadily declining. The railroads, if they had their way, would probably abolish all passenger service and confine themselves to the movement of freight. The frustrations and delays of air travel—including interminable waits at ticket counters and for transportation between the airport and downtown—are familiar to a steadily-increasing number of Americans.

We hope that next week when the Senate considers the airway and airport bill, we make some progress toward solving this problem, but today, for example, it still takes the air traveler 35 minutes longer to get from downtown Washington to downtown New York than it did in 1953, during the era of the propeller-driven DC-3.

Even when our airways are already filled with congestion, the FAA estimates that the number of takeoffs and landings will increase more than two times by 1975. The size of the private and corporate air fleet will more than double in the same time. Total demand for air travel will continue to increase at a rate of over 15 percent per year. So just as automotive traffic leads to plans, in my home city of Seattle, to pave beautiful Lake Washington with a fourth and fifth bridge, so too does mounting air traffic lead to plans to pave suburban New York with a fourth and fifth commercial airport.

Given these trends, how will our transportation "system" function in the year 2000, with 100,000,000 new Americans added to our present population? The answer is simple: it will not function at all unless we realize that no single mode of transportation, left to itself, can cure our transportation difficulties either

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within or between cities. Only the development of transportation systems adapted to regional needs, where each mode of transportation complements all others in an overall scheme, can keep America moving in the future.

Mr. President, we do not need to accept damage to our environment as the price of moving goods and people, and we do not need to accept paralysis of our transportation network as the price of population growth. What we do need to accept is that our present transportation "system" is really not a system at all; that it lacks balance, coordination, and integration; that it has grown, in the words of one expert, "willy-nilly since the Pilgrims began walking up from the beach." Regardless of how well this nonsystem may have worked in the past—and I would add that it has worked deceptively well—today it provides us with high rates of pollution, land consumption, noise, and accidents. Tomorrow it will not even provide us with mobility, unless we plan intelligently now.

To plan intelligently, we must understand that our population is becoming increasingly concentrated in what transportation specialists call "corridors"—chains of cities and high-density suburbs that stretch for hundreds of miles. The northeast corridor, for example, stretches from Washington to Boston, with an average population density of nearly 650 per square mile—a density that rises to more than 5,000 per square mile in the major cities within the corridor. By 1975—just 5 years from now—three-quarters of the American people will live in cities along such corridors, and half will be packed into the three largest corridors alone. These corridors are not confined to the Northeast: they also exist, for example, on the California coast, in the Great Lakes region, in Texas, in Florida, and in the Pacific Northwest.

The high-speed rail experiment currently operating in the northeast corridor is a hopeful prototype for one mode of transportation in one corridor. But satisfying the total transportation needs within and between corridors will involve coordination of different modes and the development of new technology—each adapted to the particular needs of individual regions. No longer can we build freeways up to the gates of cities who do not want them. No longer can we build new airports without regard to ground transportation, land-use planning, and the total transportation equation of the region involved.

Solving the total transportation equation of our transportation regions cannot be the job of a bureaucracy in Washington. The social, environmental, topographical, and demographical factors to be considered will vary too widely from one region to the next. The Federal role should be one of evaluation and funding assistance. Individual cities can only solve a limited range of transportation problems unless they coordinate their transportation policies with a regional planning authority, for each city is no more than one link in a long chain. The need for a new authority, for a regional planning body, is obvious and urgent. These commissions must be established now, before our present "system" reaches the point of paralysis, and before our urban and suburban environments are irrevocably spoiled.

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The regional transportation commissions envisioned in the National Transportation Act would be charged with developing plans for integrating all modes of transportation within their regions. But such integration, to be effective, must encompass total land-use planning and related social-environmental factors. Rather than continue the present pattern of fragmented authority over transportation policy, the regional authorities should coordinate the activities of different modes and different communities as a prerequisite to obtaining Federal financial assistance for construction of demonstration projects and the ultimate transportation facilities. The commissions' jurisdictions will include not only conventional transportation facilities, but also the transmission of power and movement by pipeline—an integral part of any region's overall transportation requirements.

Mr. President, I am under no illusions that the sweeping changes envisioned by this legislation will be easy to accomplish. But this bill represents an attempt to begin making progress toward these goals. We know that the bill will be amended, and we will try to consider all suggestions for its improvement. The committee will seek the advice of those people who are concerned about transportation and social policy, and who have expertise in such matters. The hearings that begin on February 26 should illustrate dramatically how urgently action is needed. The difficulties in passing and implementing some form of this legislation will be minor, indeed, compared with the difficulties for all Americans if we fail to act now—while there is still time.

ABA AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, President Harry S. Truman submitted the Convention on the Prevention and Punishment of the Crime of Genocide to the Senate for its advice and consent in 1949, 21 years ago. The Foreign Relations Committee held hearings on it in 1950; but though most witnesses seemed to favor ratification with perhaps minor reservations, the Genocide Convention was never reported out of committee.

Genocide, as Senators know, is the crime of a premeditated program to eliminate an entire race by murder. It is what the Nazis did to the Jews in Europe during World War II.

Twenty years ago a very important witness, the representative of the American Bar Association, opposed ratification. I am persuaded that ABA's opposition was a major factor in convincing the committee to shelve the convention.

Several weeks ago the Secretary of State, with the concurrence of the Attorney General, asked the President to give his support and urge the Senate to ratify the Genocide Convention. Yesterday I was happy and proud when President Nixon announced his full support for the convention.

Meeting in Atlanta over the coming weekend, the American Bar Association's House of Delegates will have an unparalleled opportunity to reverse its 20-year-old opposition to the Genocide Convention. The ABA's standing committee on world order under law chaired by former Attorney General Nicholas Katzenbach and the ABA's section on individual rights and responsibilities have both strongly recommended that the house of delegates give its unequivocal support to ratification.

To this same end, I recently wrote the ABA president, Mr. Bernard Segal, expressing my sincere hope that the ABA will forcefully support ratification. Mr. Segal's reply was extremely encouraging—agreeing fully with the urgency and desirability of positive action by ABA on the convention. Mr. Segal himself plans to join the debate and speak favorably on the convention.

I am both hopeful and confident that the American Bar Association will now give its unqualified backing to the Genocide Convention, and that its support will be one of the more crucial factors in convincing the Senate to ratify the convention.

Indeed the tide seems irresistible.

I ask unanimous consent to have printed in the RECORD a copy of my letter to Mr. Segal.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 26, 1970.

BERNARD G. SEGAL, Esq.,
President, American Bar Association,
Philadelphia, Pa.

DEAR MR. SEGAL: I was very pleased to read the ABA's Section of Individual Rights and Responsibilities report recommending that the United States Ratify the Convention on the Prevention and Punishment of the Crime of Genocide. President Truman submitted the Genocide Convention to the Senate in 1949. The Foreign Relations Committee held hearings in 1950, but did not report out the Convention. The Senate has taken no action on the Convention in the last twenty years.

During the 1950 hearings before the Senate Foreign Relations Committee most witnesses seemed to favor ratification with perhaps an occasional minor reservation. However, the spokesman for the American Bar Association opposed ratification. I am convinced that ABA's opposition was a major factor in persuading the committee to shelve the Convention.

For the past three years I have continually urged the Senate to ratify the Genocide Convention, as well as the Conventions on Women's Rights and Forced Labor.

If the American Bar Association House of Delegates at its upcoming meeting approves and adopts the recommendation that the United States ratify the Genocide Convention, the ABA's unequivocal endorsement might well be decisive in allaying any constitutional concerns and lead to Senate ratification.

I sincerely hope the American Bar Association will now find it possible to take a clear, strong, and forceful stand urging Senate ratification of the Genocide Convention.

I look forward to hearing from you.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

S. 3489—INTRODUCTION OF BILL TO AUTHORIZE APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS OF THE DEPARTMENT OF COMMERCE

Mr. MAGNUSON. Mr. President, at the request of the Department of Commerce, I introduce, for appropriate reference, a bill to authorize appropriations for certain maritime programs of the Department of Commerce. I ask unanimous consent that the bill, the letter of transmittal from the Secretary of Commerce to the President of the Senate, and the accompanying statement of purposes be inserted in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter of transmittal, and statement will be printed in the RECORD.

The bill (S. 3489) to authorize appropriations for certain maritime programs of the Department of Commerce, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation act may provide for the use of the Department of Commerce, for the fiscal year 1971, as follows:

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $199,500,000;

(b) payment of obligations incurred for ship operation subsidies, $193,000,000;

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), $20,700,000.

(d) reserve fleet expenses, $4,675,000.

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $6,800,000; and

(f) financial assistance to State Marine Schools, $2,325,000.

The letter presented by Mr. MAGNUSON is as follows:

WASHINGTON, D.C.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There are enclosed four copies of a draft bill "To authorize appropriations for certain maritime programs of the Department of Commerce" and four copies of a Statement of the Purposes and Provisions in support thereof.

We have been advised by the Bureau of the Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce.

The statement presented by Mr. MAGNUSON is as follows:

STATEMENT OF THE PURPOSES AND PROVISIONS OF THE DRAFT BILL TO AUTHORIZE APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS OF THE DEPARTMENT OF COMMERCE

Section 209 of the Merchant Marine Act, 1936, provides that after December 31, 1967 there are authorized to be appropriated for certain maritime activities of the Department of Commerce only such sums as the Congress may specifically authorize by law.

The draft bill authorizes specific amounts for those activities listed in section 209 for which the Department of Commerce proposes to seek appropriations for the fiscal year 1971.

"(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $199,500,000."

Funds authorized to be appropriated under this heading would provide for the payment of construction-differential subsidy and national defense allowances on vessels constructed under applicable provisions of Title V of the Merchant Marine Act of 1936, as amended.

The total authorization requested under this heading will provide a level of funding calculated to initiate a long-range Maritime Program designed to revitalize our merchant fleet over the coming decade.

In large measure, this will be achieved by replacing ships of World War II vintage which contribute to the growing block obsolescence of the United States merchant fleet. The new Maritime Program is structured to meet shipping capability needed by the United States for defense in times of crisis and participation in essential international trade in times of peace. Civilian requirements for the transportation of dry and liquid bulk cargoes during emergency situations will also be fully met under the new Maritime Program.

"(b) payment of obligations incurred for ship operation subsidies, $193,000,000."

The authorization under this heading will provide for payments of operating subsidy to ship operators in order to maintain a United States merchant fleet in support of our foreign commerce and capable of serving as a naval auxiliary in the event of a national emergency. Payments made from this appropriation are intended to overcome the competitive disadvantage of United States ship operators by providing subsidy based on the difference between the fair and reasonable United States cost of wages of officers and crew and other items of expense authorized under Title VI of the Merchant Marine Act of 1936, and the cost of the same items if the operator's vessels were operated under foreign registry. Subsidy payments provide financial support for operators whose operating contracts with the Maritime Administration have been approved by the Secretary of Commerce. The year 1971 marks the introduction of a new Maritime Program and, as a result, modifications will be made to the existing system for administering the subsidy system and for calculating the amounts of subsidy payments. Eligible U.S. wage costs will be measured by change in a broad-based industrial index. The 1971 authorization request will provide $123,200,000 for the liquidation of obligations to be incurred in 1971 and $69,800,000 for the liquidation of prior year obligations.

"(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), $20,700,000."

The research and development projects of the Maritime Administration are designed to improve the competitive position of the United States merchant marine while reducing the Government's share of costs of its construction, operation, and maintenance. The 1971 authorization is geared to initiate a long-range program designed to serve effectively the needs of the entire maritime complex and will operate in the following major areas:

Joint surface effect ship program—This activity covers the Administration's participation with the Navy in the development of a testcraft suitable to define the commercial role of such ships in ocean transportation. Beginning in fiscal year 1971, the Navy will assume the predominant share of the funding of this program.

Marine science and technology—Research conducted herein is planned to raise the level of marine scientific knowledge in order to advance the technological base upon which ships are designed, built, and operated.

Shipping economics and requirements—This activity is concerned with forecasting trade and technology and with the economic analyses of total transportation systems.

Advanced ship engineering and development—This activity is concerned with advanced ship design and construction methods involving shipyard methods, subsystem development, and associated items.

Improvement in ship operations and shipping systems—This activity includes applied research for all aspects of the maritime field concerned with ship and port operations and includes related operational equipment and procedures for cargo handling.

N.S. Savannah operation—Funds requested for fiscal 1971 provide for the initial layup of the N.S. *Savannah* as the vessel has successfully established the capability of nuclear commercial shipping.

"(d) reserve fleet expenses, $4,675,000."

Included funding provides for the preservation and security of ships held for national defense purposes, distributed among four active fleet sites, and for the operation of warehouses to receive, issue and store materials and equipment used in repair and outfitting of such ships. Periodic represervation of hulls, machinery, and electrical components, combined with continuous application of cathodic protection to the bottoms, are methods employed in maintaining the ships for further service.

In fiscal 1971, funds will be used for the care of approximately 640 ships retained for national defense purposes. Custody is also provided for several hundred ships awaiting disposal.

"(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $6,800,000."

Public Law 415, 84th Congress (46 U.S.C. 1126), established the United States Merchant Marine Academy to train cadets for service as officers in the United States merchant marine. The four-year course provided is designed to qualify graduates for licenses as merchant marine deck or engineering officers. About 200 cadets are graduated annually.

The requested authorization of $6,800,000 contains $2,500 for contingencies of the superintendent of the Academy. Requested funding provides for the payment of not to exceed $475 per cadet annually for the cost of uniforms and textbooks. Provision is also made for reimbursement to the appropriation from other Maritime Administration appropriations.

"(f) financial assistance to State Marine Schools, $2,325,000."

Under the provisions of the Maritime Academy Act of 1958 (72 Stat. 622–624), this program provides for training of cadets at State Marine schools for service as officers in the United States merchant marine. The program is aimed at a level of graduating approximately 400 deck and engineering officers each year.

The five participating State schools, Maine, Massachusetts, New York, Texas, and California, prepare officers to man our merchant ships in times of peace and national emergency.

The funding level of $2,325,000 will provide $1,348,000 for grants to each of the participating State schools and allowances to cadets for uniforms, textbooks and subsistence; and $977,000 for maintenance and repair of the training ship loaned to each of the schools.

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RECOMMITTAL OF H.R. 14465, TO COMMITTEE ON COMMERCE

Mr. MAGNUSON. Mr. President, I ask unanimous consent that H.R. 14465, to provide for expansion and improvement of the Nation's airport and airway systems, be recommitted to the Committee on Commerce with instructions to report back forthwith a bill which combines the provisions of S. 3108, to provide for additional Federal assistance for the improvement of the airway system, plus the provisions of H.R. 14465, as both were originally reported to the Senate from the Committee on Finance. The bill has two parts and one part had to go to the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. This procedure is followed to permit the bill to be printed in the form in which it will be considered, I believe, early next week. This is one of the most important pieces of legislation we will consider this session.

CONCENTRATION ON INTEGRATION IS DOING LITTLE FOR EDUCATION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a column which appeared in today's Washington Post, written by William Raspberry, entitled "Concentration on Integration Is Doing Little for Education."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONCENTRATION ON INTEGRATION IS DOING LITTLE FOR EDUCATION

(By William Raspberry)

Racial segregation in public schools is both foolish and wrong, which has led a lot of us to suppose that school integration must, therefore, be wise and just.

It ain't necessarily so. It may be that one reason why the schools, particularly in Washington, are doing such a poor job of educating black children is that we have spent too much effort on integrating the schools and too little on improving them.

The preoccupation with racial integration follows in part from a misreading of what the suit that led to the 1954 desegregation decision was all about.

The suit was based (tacitly, at least) on what might be called the hostage theory. It was clear that black students were suffering under the dual school systems that were the rule in the South. It was also clear that only the "separate" part of the separate-but-equal doctrine was being enforced.

Civil rights leaders finally became convinced that the only way to ensure that their children would have equal education with white children was to make sure that they received the same education, in the same classrooms.

Nor would the education be merely equal, the theory went: It would be good. White people, who after all run things, are going to see to it that their children get a proper education. If ours are in the same classrooms, they'll get a proper education by osmosis.

That, at bottom, was the reasoning behind the suit, no matter that the legal arguments were largely sociological, among them, that segregated education is inherently unequal.

(Why it should be inherently more unequal for blacks than for whites wasn't made clear.)

In any case, the aim of the suit was not so much integrated education but better education. Integration was simply a means to an end.

Much of the confusion today stems from the fact that the means has now become an end in itself. Suits are being brought for integration, boundaries are being redrawn, busing is being instituted—not to improve education but to integrate classrooms.

The results can sometimes be pathetic.

In Washington, blacks send their children (or have them sent) across Rock Creek Park in pursuit of the dream of good education. But as the blacks come, the whites leave, and increasingly we find ourselves busing children from all-black neighborhoods all the way across town to schools that are rapidly becoming all-black.

The Tri-School setup in Southwest Washington is a case in point. Of the three elementary schools in the area, only one was considered a good school: Amidon, where the children of the black and white well-to-do attended. Bowen and Syphax, populated almost exclusively by poor kids from the projects, were rated lousy schools.

Then the hostage theory was applied. A plan was worked out whereby all first-and second-graders in the area would attend one school, all third- and fourth-graders a second, and all fifth- and sixth-graders the third.

The well-to-do parents would see to it that their children got a good education. All the poor parents had to do was to see to it that their children were in the same classrooms.

That was the theory. What happened, of course, is that instead of sprinkling their children around three schools, the luxury high-rise dwellers, black and white, packed their youngsters off to private school. Now instead of one good and two bad schools, Southwest Washington has three bad ones.

After 16 years, we should have learned that the hostage theory doesn't work. This is not to suggest that integration is bad but that it must become a secondary consideration.

Busing makes some sense (as a temporary measure) when its purpose is to transport children from neighborhoods with overcrowded classrooms to schools where there is space to spare.

It works to a limited degree when it involves children whose parents want them bused across town for specific reasons.

But it has accomplished nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they'd rather not attend.

The notion will win me the embarrassing support of segregationist bigots, but isn't it about time we started concentrating on educating children where they are?

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to the committee amendment, in the nature of a substitute, to S. 2548, to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts.

ADJOURNMENT UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian Monday next.

The motion was agreed to; and (at 3 o'clock and 31 minutes p.m.) the Senate adjourned until Monday, February 23, 1970, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate February 20, 1970:

FEDERAL DEPOSIT INSURANCE CORPORATION

Frank Wille, of New York, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of 6 years, vice Kenneth A. Randall.

NATIONAL LABOR RELATIONS BOARD

Edward B. Miller, of Illinois, to be a member of the National Labor Relations Board for a term of 5 years expiring December 16, 1974, vice Sam Zagoria, term expired.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Colston A. Lewis, of Virginia, to be a member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 1972, vice Clifford L. Alexander, Jr., resigned.

IN THE NAVY

The following-named officers of the Navy for permanent promotion to the grade as indicated:

Captain, Line

Allen, Charles D., Jr.
Blanks, Alva L.
Boland, Paul
Boller, Jack W.
Brown, Francis T.
Burgin, Wilbur J.
Carlisle, Charles S.
Carnahan, Ralph H.
Chute, Charles L.
Cone, Warren M.
Davies, Henry E.
Davis, Hector W., Jr.
De Camp, Dwight E.
De Lorenzi, Robert M.
Dew, Carlos, Jr.
Doak, William C.
Dorman, Alvin E.
Duacsek, Anthony W.
Ellis, William H.
Endacott, Jack A.
Fisher, Lee W.
Gammill, James L.
Girard, Jean L.
Glaser, William R.
Gorder, Merle H.
Gregory, Grover K., Jr.
Hardy, Willis A.
Hazen, Alan M.
Heile, Donald H.
Hilton, Jack
Houston, Willard S., Jr.
Hughes, Thomas J., Jr.
Irish, Edelbert E.
Johnson, Charles E.
Kiehl, Elmer H.
Kline, Edward C., Jr.
LeBreton, Guy J., Jr.
Leib, James M.
Matejceck, John F.
Matthews, Walter L., III
McKeever, Elmer V.
McMullen, Frank D., Jr.
Melick, Rober E.
Merrell, Chandler V.
Metzel, Jeffrey C., Jr.
Moore, Harry R.
Murray, Harrison C.
Nagler, Gordon R.
Nemoff, Alfred J.
Nevitt, Fred M., Jr.
Oechslin, Robert E.
O'Neil, Timothy R.
Packer, Samuel H., II
Perez, Raul B.
Phillips, Billy
Pierozzi, Constantino N.
Porter, William R.
Rezzarday, Joseph, Jr.
Richelieu, Charles F.
Rodier, Richard L.
Scherrer, David E.
Schneider, Robert F. J.
Schoultz, Robert F.
Shipman, James L.
Smith, George T.
Smith, Raymond D.
Smith, Rush S.
Smith, Wendell K.
Snyder, Jack L.
Spruit, Robert E.
Starr, Mark R.
Summitt, Charles D.
Swanson, Hjalmer E.
Taft, Jesse W.
Taylor, James D.
Thompson, William
Thomson, Robert G., Jr.
Tice, John J., III
Treadwell, Archie R.
Voorhees, Jack R.
Ward, Raymond E.
Whitmire, Donald B.
Williams, Elmer R.
Williams, John H. D.
Wilson, James B.
Wilson, Phillip A.
Zimmerman, Wayne L.
Zimmerman, George G.

Captain, Medical Corps

Maher, Robert W.
Stephens, David L.

Captain, Supply Corps

Allen, Paul M.
Barron, Willard D.
Challain, Leonard J.
Chapman, Edgar C., Jr.
Creekman, Charles T.
Fisher, Robert D.
Hay, Patrick M.
Irwin, Harry E.
Mercadante, James A.
Moore, Alvin
Nichols, Horace E.

Captain, Chaplain Corps

Fitzpatrick, Francis J. N.
Maguire, Connell J.
Zoller, John E.

Captain, Civil Engineer Corps

Allen, Max H.
Burfield, James A.
Fisher, John R.
Hill, James M., Jr.
Magneson, Norman J.
Paul, Edwin C.
Powell, Joseph E.
Walls, Worthen A.

Captain, Medical Service Corps

Conaway, Theodore H., Jr.
Hunter, Russell E.
Joslin, Leslie H.
Ware, Robert M.

Commander, Line

Allen, Winfred P.
Anaston, Tommy K., Jr.
Anderson, Alden B.
Anderson, Duane E.
Armel, Lyle O., II
Baciocco, Albert J., Jr.
Bademan, Harold W.
Banks, Bruce R.
Banks, William E., IV
Barnes, John B.
Barringer, Malcolm L.
Bassett, Jerry S.
Bath, Alan H.
Bathurst, Robert B.
Beavers, Roy L., Jr.
Bell, Clyde R.
Benero, Manuel A., Jr.
Berry, George H., Jr.
Berry, Joel H., Jr.
Blackadar, Paul E.
Blackwood, Jack D.
Blanding, Robert L.
Bohannan, William L.
Booth, Roger G.
Botsko, Ronald T.
Bowers, Henry H.
Brady, John H., Jr.
Bridge, James A., Jr.
Bristol, Robert B.
Brown, Donald N.
Brown, George W. M.
Brown, Jacob C.
Brown, Robert M.
Brownley, John H.
Bruning, Richard A.
Buck, Donald D.
Burdon, Eugene R.
Burriss, John R.
Bush, James T.
Cagney, Thomas P.
Calkins, Donald L.
Cameron, Kenneth R.
Cantacuzene, Rodion
Carlisle, David R.
Carlson, Ronald F.
Carson, Ernest H.
Carson, Ralph
Case, George P., Jr.
Caulk, Robert F.
Chadwick, John R.
Chesky, James A.
Chinn, Clarence E.
Christensen, Eugene J.
Clark, Stanley D.
Clarke, Robert R.
Cloughley, William D.
Cockell, William A., Jr.
Colligan, Thomas R.
Cooke, Robert A.
Cooper, Donald H.
Cotten, Thomas R., Jr.
Cronin, Francis W.
Cruden, David S.
Curran, Robert W.
Cush, Casimo J.
Cywin, Lawrence
Daniels, Verlyne W.
Dapogny, Robert J.
Davidson, Charles H.
Davison, David D.
Day, Arthur R.
Denbigh, Robert S., Jr.
Denton, David N.
De Wispelaere, Earl L.
Doelling, Robert D.
Dowse, Herbert B., Jr.
Duckett, Philip V. L.
Dudley, Paul L., Jr.
Duncan, Dale W.
Dyer, George T., Jr.
Eddy, William P., III
Eggert, Lowell F.
Ellis, George D., Jr.
Ewy, Howard W.
Faessel, Matthew W.
Fellingham, Robert W.
Fellowes, Frederick G., Jr.
Ferguson, Andrew C.
Fernandes, James E.
Fisher, William G., Jr.
Fitts, Jean M.
Fleeson, Richard J.
Fletcher, Richard M.
Ford, Leon E., Jr.
Foy, Edward W.
French, William L.
Frost, John F., III
Gauthier, John O.
Gillan, Martin J., III
Golde, Morton
Goodfellow, John
Graffam, Earl H.
Gray, Harvey, Jr.
Gray, Walter S., III
Green, William C.
Groder, Robert E.
Grosshuesch, David K.
Gunn, William J.
Hamilton, Leroy A.
Hamrick, Thomas D.
Handford, Richard C.
Hannegan, Frank N.
Hansen, Norman T.
Hantz, Francis A.
Harp, Robert M.
Headley, Allen B.
Heath, Frederick T.
Hedberg, Arthur J., Jr.
Helland, Gerald H.
Hess, Adolph W., Jr.
Hickman, William J.
Hilder, Frederick A.
Hill, Lucio W.
Hipple, William J.
Hoffman, Robert B.
Hollandsworth, Roy M.
Hyde, Robert A.
Jackson, Dempster M.
Jaycox, Randall E., Jr.
Johnson, Frederick C.
Johnson, George M.
Johnson, Philip E.
Jones, Richard H.
Jones, Robert C.
Josephson, Henning C.
Kelt, William N.
Kershaw, Daniel J.
Kilduff, Paul E.
Kim, Alfred H. S., Jr.
Kirby, Albert D.
Koehne, Richard J.
Kosmela, Walter T.
Kraft, Frederick W.
Kuder, Dalton L.
Kuncas, John W.
Kunze, Martin W.
Langford, John M.
Larkins, Burton J.
Laux, William J., Jr.
Lavin, Charles V.
LeBlanc, Georges E., Jr.
Leverone, Robert M.
Lewis, Harold M. J., Jr.
Locke, Walter M.
Loggan, Wilfred J.
Lumsden, Richard E.
Lyons, James A., Jr.
Lyons, Thomas W., Jr.
Malaney, Robert E.
Malone, Thomas L., Jr.
Maloney, Peter M.
Mandel, Cornelius E., Jr.
Manduca, Theodore W.
Marshall, Robert M.
Martin, Tyrone G.
Mathis, Thomas R.
McCollum, Arthur H., Jr.
McCoy, Roy E.
McCune, Joe D.
McGuire, Orville W.
McPadden, Donald F. X.
McWilliam, John R.
Meacham, James A.
Messer, Jarvis N.
Miale, Robert E.
Miller, John R.
Miller, Richard J.
Moore, Rufus J.
Morris, Henry C., Jr.
Mounce, Claude E.
Mullane, Thomas F.
Mulloy, Paul J.
Nelson, Leroy C.
Niedbala, Thomas F.
Nordtvedt, Ernest R.
North, Dean B.
Numbers, Earl W.
O'Brien, Austin C., Jr.
O'Connell, John F.
O'Connor, John E.
Ogle, William J.
Oldham, Albert W.
O'Neil, Louis C., Jr.
Oster, John S.
Parkhurst, David C.
Payne, Douglas W.
Peelle, Morris A.
Perry, Timothy J.
Peters, Paul F.
Phillips, Robert A.
Ping, Vernon "S," Jr.
Platt, Grafton S.
Pohli, Richard R.
Poling, William E.
Pope, Daniel K., IV
Post, Robert E., Jr.
Preble, Russell A., Jr.
Quartararo, Michael A.
Quick, Jay E.
Ramsey, William E.
Randolph, Joseph L.
Rapkin, Jerome
Rasmussen, Robert L.
Ray, Glen P.
Rhodes, John P.
Rich, Richard
Richard, Jackson B.
Ricks, Robert R.
Robinson, Kirby L.
Rodda, John D.
Rodgers, Harvey P.
Rollins, James "J"
Sayer, William D.
Scalese, Anthony C., Jr.
Schluter, Hugo E.
Schulze, Robert H.
Schurr, Thomas P.
Scott, Edward T.
Shanahan, William F.
Sheets, Roger E.
Shepherd, David C.
Sherman, John W.
Simms, James T., Jr.
Simons, Donald W.
Smith, Clifford R.
Smith, James R.
Smith, John V.
Smith, Paul J., Jr.
Smith, Richard C.
Snyder, Fred D.
Snyder Herbert J. V.
Snyder, James M.
Snyder, Ned "C"
Sothan, Norman L.
Sowinski, Stanislaus J.
Spencer, Harry A., Jr.
Sperling, David J.
Stanley, Edward E.
Staple, David F.
Steckbeck, Francis J.
Stein, Norman F.
Stone, James M.
Story, Warren L.
Sudduth, Roger M.
Swarztrauber, Sayre A.
Sweet, William J.
Tetreault, Paul J.
Thompson, Arthur R., Jr.
Tuszynski, Raymond S .
Varney, Jack E.
Wakeman, Curtiss O.
Walczak, Norbert F.
Walker, William B.
Wallace, Cedric S.
Walling, Eugene K.
Ward, Conley R.
Warren, Tommy H., Jr.
Weedon, Robert E.
Weeks, George H.
Weimerskirch, John R.
Wells, Eugene R., Jr.
Wells, Lawrence H.
Wessman, Robert L.
West, Gordon R.
Whitley, Clyde T.
Wilder, William E.
Wiley, Kenneth R.
Williams, Douglas A.
Williams, James G., III
Williamson, Paul W.
Wilson, Edward W.
Winters, Charles A.
Wiseman, Hobart J.
Wolff, William M., Jr.
Wood, Thomas H.
Woolway, James E.
Wyatt, William C., III
Zastrow, Robert R.

Commander, Medical Corps

Ahtye, Perry
Baer, Henry A.
Baker, John H.
Balas, George I.
Bornmann, Robert C.
Bristow, William M.
Brothers, William "S"
Burningham, Richard A.
Cross, Gregory H.
Edson, Mitchell
Elliot, William A.
Giard, Henry L.
Highly, Francis M., Jr.
Holm, Victor M.
Hopping, Donald W.
Huseby, Helmer W. S.
Jacobs, Edmund P.
Lobpreis, Ervin L.
Miller, Thomas F., Jr.
Millington, Richard A.
Mucha, Stephen J.
Narva, William M.
Nickerson, Charles W.
Nieves, Miguel, Jr.
Raasch, Frank O., Jr.
Reed, Ernest C., Jr.
Rehme, Arthur L.
Reid, Donald
Ryskamp, James J., Jr.
Seeley, Richard J.
Sell, Kenneth W.
Senn, Francis E., Jr.
Stahl, Charles J., III
Stenger, John R.
Townsend, Guy B.
Wentworth, Alan F.
Wilhelm, Harry W.

Commander, Supply Corps

Brunson, Robert L.
Buckman, Robert S.
Catanach, Anthony H.
Curtin, Pat
Drabek, Stephen J.
Eckert, George H., Jr.
Felthousen, Charles E.
French, Robert T.
Goslin, Thomas C., Jr.
Hamilton, Thomas, Jr.
Larose, Eugene M., Jr.
Lewis, John C.
Lukens, Robert F.
Madeira, Charles C.
Maier, Raymond G.
Maldonado, Teodosio
Mason, Albert G.
McCoy, Thomas E., Jr.,
McDonald, Francis E.
McMahan, Paul T.
Neelley, Charles G.
Oelkers, Harvey S.
Paul, John W.
Pokorny, Frank J., Jr.
Rowley, Allyn E.
Sabec, Edwin J.
Teaford, Sidney J.
Vishneski, John S., Jr.
Wampler, Richard B.
Watt, Robert C.
Wolfe, William D.

Commander, Chaplain Corps

Auel, Carl A.
Baker, Marvin D.
Beck, John T.
Clifford, William J.
Jensen, Andrew F., Jr.
Moser, Robert W.
Murphy, Milton G.
Reagan, Ernest M., Jr.
Wicker Richard F., Jr.

Commander, Civil Engineer Corps

Borberg, James R.
Doyle, Thomas J.
Houghton, Robert J.
Keegan, Robert D.
Rickels, Jack C.
Taylor, James T.
Wright, John A.

Commander, Judge Advocate General's Corps

Bruner, James R.
McHugh, James J.
Powell, George W.
Waite, Charles E.

Commander, Dental Corps

Baker, Ronald D.
Barbor, Gerald L.
Brown, Kenneth E.
Coombs, Paul S.
Duncan, Donald E.
Eichel, Frederick P.
Garver, Don G.
King, Gordon E.
Klima, James E.
Little, Richard W.
Mainous, Elgene G.
McDonald, Edwin E., Jr.
McLaughlin, Edward J.
McLeod, Carlton J.
Meister, Donald E.
Moffitt, William C.
Nester, Calvin D.
Pepek, Stanley E.
Rice, George W., Jr.
Romaniello, Ronald W.
Sanderson, Alexander D.
Scharpf, Herbert O.
Scott, William J.
Williams, John E., Jr.
Wirthlin, Milton R., Jr.
Witte, Ernest T.

Commander, Medical Service Corps

Buckley, Emanuel N.
Dean, Jerdon J.
Gill, Robert L.
Goding, Hubert M.
Guinn, John W.
Irvin, Ernest J.
Jones, Earmon R., Jr.
Jula, Paul N.
Kirsch, Jean P.
Knight, Jerry B.
Koon, Robert L.
Longest, Clifford "B"
MacCracken, Raymond J.
McDuffie, Wilbur B.
Smith, Denson L.
Tapscott, Donald E.
Wells, John E.
Wolf, John W.
Young, Johnny W.

Commander, Nurse Corps

Job, Lucy A.

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EXTENSIONS OF REMARKS

INTRODUCTION OF LEGISLATION TO PROVIDE ADDITIONAL EDUCATIONAL OPPORTUNITIES TO VIETNAM WAR WIDOWS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, today I am introducing legislation to correct an inequity in the law which prevents the widow of a soldier killed in Vietnam from obtaining proper educational assistance to support her children.

Members of the Business and Professional Women of Alexandria, Va., recently called my attention to the fact that many young Vietnam widows with small children are unable to obtain gainful employment because of the lack of a few special courses or special training. As young mothers, most are unable to take advantage of the educational benefits now available to them, completion of formal training on campus at recognized schools and colleges. Somehow the Congress seems to have overlooked the fact that most young widows have small children.

War widows receive payments according to the rank of their deceased soldier-husband under veterans death compensation statutes. In addition, the War Orphans' and Widows' Educational Assistance Act provides for additional assistance for education on a full-time basis or for an equivalent amount on a part-time basis. The present amount for full-time study is $130 per month and $60 per month for half-time study. These rates are all comparable to the educational assistance allowance provided for veterans under the GI bill. Payments are not provided, however, for educational assistance allowances for programs of education taken on a less-than-half-time basis or by correspondence under the War Orphans' and Widows' Educational Assistance Act. In fact, section 1723(c) of the act prohibits approval of "any course to be pursued by correspondence," in contrast to the GI bill for veterans which provides assistance for such courses.

The Vietnam war widows are penalized because the tender age of their children and the small pensions they receive make it nearly impossible to pay for baby-sitters, maintain homes, and go to college. Often were it possible to pay for such services it would be difficult to find suitable help to adequately care for their children while they go to school.

Most young widows want to work to supplement their pensions, either immediately or when their children are older. Most need additional or refresher training before they can qualify for positions that will enable them to support their families. The Business and Professional Women of Alexandria advise me that they consider it important that these young women be able to stay at home and care for their children while preparing themselves for employment through correspondence courses. After completing correspondence courses such as bookkeeping, accounting, typing, and so forth, they will be able to take responsible jobs, afford their baby-sitters and raise their families decently.

Mr. Speaker, I urge enactment of this bill, to entitle widows of persons who die of service-connected disabilities incurred in Vietnam to educational assistance for courses pursued by correspondence.

PROJECT CONCERN

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. BRADEMAS. Mr. Speaker, we talk about service but what are we actually doing? This simple question prompted a young California doctor, Jim Turpin, to change his career and become involved in a life of service. With the help of some of his associates in an adult church school class, he founded Project Concern in November 1961. Since that time, this nonprofit medical relief program has helped over a half million people to solve their medical needs.

Mr. Speaker, Project Concern serves people in Hong Kong, including a floating clinic; in South Vietnam's central highlands; in Tijuana, Mexico; and in Appalachia, U.S.A. This spring, climaxing on May 2, 1970, across America, there will be hundreds of Walks for Mankind. Many will be organized and run by Explorer Scouts of the Boy Scouts of America, Bob Benedicts' TEEN Corps of Minnesota, junior and senior high school students, service clubs, civic organizations, and church groups. Any group might be the organizer for a walk, or organize a community group to run the walk on a cooperative basis. Secure the organizational booklet from Project Concern to get the details, Mr. Speaker, briefly, the plan goes like this:

THE "WALK" PLAN

A walk route—20 miles—is selected and promoted. Walkers of all ages are signed up. Between the time they decide to walk and the actual walk they seek sponsors. Each sponsor agrees to contribute to the work of Project Concern an amount related to the distance its walker covers. For example, the sponsor—friends, family, business firms, organized groups, and so forth—agrees to pay 50 cents for each mile walked. If the walker covers 15 miles, the sponsor would send $7.50 to Project Concern's medical voluntary relief and education program.

If, with the help of your unit, enough sponsors and walkers can be secured, the 200,000 patients anticipated in 1970 will be adequately served. Funds are needed annually to operate the project's two hospitals, six clinics, feeding stations, and many traveling medical and dental teams in South Vietnam, Hong Kong, Mexico, U.S.A.'s Appalachia, Tennessee, Kentucky, and New Mexico's Navajo Indian area.

Walks of this kind have been extremely successful in Europe and Canada. Obtain the plan for organizing and conducting a Walk for Mankind by writing Project Concern, Post Office Box 2468, San Diego, Calif. 92112.

Students and sponsors will assist Project Concern by giving direct on-the-scene service. On a limited basis your post can volunteer its manpower in Tennessee, Kentucky, Mexico, or Bistl, N. Mex., to assist in building projects or providing other services. For project and service information write to Project Concern headquarters in San Diego. A superservice commitment for on-the-scene service calls for a strong committee of youth and consultants. Be sure to allow enough time for planning arrangements, financing, transportation, lodgings, and so forth.

Mr. Speaker, Project Concern with its inspiring humanitarian goals represents a unique and meaningful opportunity for service by all American youth.

MRS. TALLU FISH NAMED JEKYLL ISLAND HISTORIAN

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. STUCKEY. Mr. Speaker, Georgians are proud of Jekyll Island which is one of the most beautiful resorts in the country.

And, Georgians are also proud of Jekyll's history and of a great lady who founded the Jekyll Island Museum.

I would like to include at this point an article from the Jekyll Islander which describes the reception which was held in honor of Mrs. Tallu Fish who was made curator emeritus of the Jekyll Island Museum, archivist and historian for Jekyll Island.

The article follows:

MRS. TALLU FISH NAMED JEKYLL ISLAND HISTORIAN

Very few people, perhaps short of royalty, have three titles given them at one time. But Jekyll Island's Mrs. Tallu Fish did when Secretary of State Ben Fortson, Jr., and the Jekyll Authority honored her at a reception for 15 years of service as curator of the Jekyll Island Museum.

She was made Curator Emeritus of the Jekyll Island Museum, Archivist and Historian for Jekyll Island.

Mr. Fortson announced at the same time that a room was being prepared in the Jekyll Club Hotel to be used for the data and historical information which Mrs. Fish has collected over a period of years as the archives department. There he said, "she would have a room to meditate, and a new challenge."

Some 200 persons came out for the gathering, which was held at the present Museum, the Claflin-Porter Cottage.

Mr. Fortson told the group that the millionaires had a dream when after months of

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research they selected Jekyll for their winter vacationland. But Mrs. Fish's dream in founding the museum was more important to the state of Georgia. He said that she probably knew more about Jekyll Island than any person in the state, and one of its best "salesmen".

His speech was concluded with the presentation of an official citation citing "appreciation and love in the development of Jekyll Island. In gratitude for your devotion and assistance in maintaining the museum for so many years."

The response to his speech was made by Mrs. Howard Scott of Pittsburgh, Pa., Mrs. Fish's daughter. Others to speak were Dewey Scarboro, one of the first residents of the island; Mrs. Horace Caldwell, Jekyll Island Authority director and Jim Ferguson, president of the Jekyll Island Promotional Association.

Following the ceremony guests were invited to the dining room for refreshments. The table was centered with a beautiful pastel mass arrangement.

Those assisting in serving were Mrs. Iris Blitch, Mrs. Kathleen Soyars, Mrs. Leonard Sullivan. Mrs. Roy Massey, Mrs. Walter B. Yeager. Mrs. Roger Beedle kept the guest registry.

SEATTLE: GATEWAY TO THE ORIENT

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. PELLY. Mr. Speaker, Seattle and the Ports of Puget Sound in the State of Washington are the closest on the mainland United States to the Orient, and this developing gateway is swiftly being realized as such.

Yet, there are steps that still are to be taken to accomplish this great potential for our great land, and one of these is the opening of the air route from Seattle to Tokyo to other air carriers.

Three airlines have filed for this service to add to the single-airline service presently offered on this route. They are United Air Lines, American Airlines and Pan American World Airways. Mr. Speaker, I urge prompt and positive attention to this matter by the Civil Aeronautics Board.

Meanwhile, the senate of the State of Washington has passed a resolution calling attention to the importance of this short, economical route to the Orient using Seattle as the gateway. For the attention of my colleagues, I include the aforementioned resolution at this point in the RECORD:

SENATE RESOLUTION—1970 Ex. 29

To the Honorable Richard M. Nixon, President of the United States, the Secretary of State, the Department of Transportation and the Civil Aeronautics Board.

Whereas, The Pacific Northwest Ports of Puget Sound, state of Washington have been historically closer to the Orient over great circle routings than any other United States ports in the contiguous forty-eight states; and

Whereas, The Seattle-Tacoma International Airport now shares this unique position as an aerial port for movement of passengers and cargo; and

Whereas, Air passenger transportation has already largely replaced sea transportation and air cargo and air mail transportation is growing faster than any other segment of the explosive air transportation industry; and

Whereas, The potential for air transportation of passengers and mail and cargo between the United States and the Orient is virtually untapped and will undergo unprecedented long-range growth and development, by the most conservative predictions; and

Whereas, Air transportation is undergoing rapid technological change which now as never before and in the future will encourage passenger, mail and cargo transportation over the shortest, most economical, great circle distance between the major aerial ports of the United States mainland and the Orient; and

Whereas, President Nixon recently recommended that the Civil Aeronautics Board eliminate from consideration competitive air service between Seattle-Tacoma and Tokyo, the shortest and most direct route linking major cities on the United States mainland with the Orient;

Now, therefore, The Senate respectfully prays that franchises for both United States domestic and foreign-flag carriers will be approved and issued to promote the greatest possible competition over the shortest, most economical route for passengers, mail and cargo between the United States mainland and the Orient. This is the route between Seattle-Tacoma International Airport and Tokyo, Japan and other major oriental air gateways; and

Be it resolved, That copies of this resolution be transmitted to Richard M. Nixon, President of the United States; William Rogers, Secretary of State; John Volpe, Secretary of Transportation; the members of the Civil Aeronautics Board; and each member of Congress from the state of Washington.

I, Sidney R. Snyder, Secretary of the Senate, do hereby certify this is a true and correct copy of the Senate Resolution No. 1970 Ex. 29, adopted by the Senate February 9, 1970.

SIDNEY R. SNYDER,
Secretary of the Senate.

THE MIDDLE EAST SITUATION

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. ASHLEY. Mr. Speaker, in my opinion, no part of the world today is more important than the Middle East because, unfortunately, this area could so easily become the source of a devastating, direct confrontation among the major military powers. Equally as important is the need to guarantee the sovereignty, territorial integrity, and political independence of every nation in the area and each inhabitant's right to live in peace within secure and recognized boundaries, free from threats or acts of force.

Therefore, it is obvious that a just and lasting solution to the Middle East problem is essential to world peace and to the continued progress and development of all nations in this area.

In the quest for such a peace, though, I think we in the United States must keep one very important factor in mind: nations not directly involved in this conflict cannot impose the terms which will resolve it. The conflict can be resolved only by the parties whose future security and integrity are contingent upon the provisions of a mutually negotiated peace.

It is for this reason that I am convinced our wisest course of action lies in firmly supporting the resolution which was adopted by the United Nations Security Council in November of 1967. This resolution, which is very similar to one that I introduced in the House of Representatives on June 29 of that year, provides a clear framework within which the conflicting parties themselves can reconcile their differences and negotiate the establishment of a permanent state of peace and sense of security.

Specifically, the resolution calls for Israeli withdrawal of all claims to and armed forces from occupied Arab territory but only within the context of a mutually accepted peace settlement. This resolution also affirms the necessity for: guaranteeing freedom of navigation through international waterways in the area; achieving a just settlement of the refugee problem; and insuring the territorial inviolability and political independence of every nation in the area through measures including the establishment of demilitarized zones. In addition, it requests the Secretary-General to designate a special representative to proceed to the Middle East to establish and maintain contacts with the states concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles of this resolution. This frustrating post has been admirably filled for the past 2 years by Dr. Gunnar Jarring and his efforts to accomplish this mission are highly deserving of our continued, full support.

In other words, the provisions of this resolution are based upon a clear recognition that the disastrous mistake of 1957 must not be repeated. At that time, the major powers imposed a settlement which required Israel to withdraw but which did not provide adequate guarantees for her integrity and security since the Arabs were not required to negotiate and enter into a direct peace commitment with her. Therefore, the fundamental causes of their state of belligerency were left unresolved and subsequently led directly to their 6-day war 10 years later.

The obvious lesson to be derived from this tragic 1957 error is a firm reemphasis of the fact that the major powers cannot impose an outside settlement; they can only encourage negotiations between the two sides.

For this reason, then, I have serious reservations about the Nixon administration formula for an Israeli-Jordanian settlement which was submitted to the Four Power conference 2 months ago. This 12-point formula far exceeds the role of encouragement because it preempts the basic reason for negotiation by addressing itself in too specific detail to virtually each and every item of contention between the two nations. For example, it would obligate both countries to determine procedures and a timetable—including the use of a

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map—for the withdrawal of Israeli troops from substantially all of Jordan's west bank which was occupied during the 1967 war. It also details specific solutions to the problems of frontiers, Jerusalem, and refugees.

Consequenty, I think it is obvious that this formula goes far beyond the proper and acceptable purpose of providing a foundation for talks. Instead of being confined to a constructive listing of the items to be negotiated, as the United Nations resolution is, it attempts to supersede the negotiation process by imposing preconditions and arbitrating virtually each and every item in dispute. It thereby would remove any real reason or incentive for the two nations to negotiate since almost nothing of any meaning or substance would remain to be resolved.

However, in spite of this formula, which fully deserved the renunciation it received from both sides, I still believe that the major powers can play a vital role in the search for a comprehensive and stable Middle East peace. In fact, since the current situation is so flammable, it is my view that the major powers not only can, but must, play a catalytic role because of their incumbent obligations and responsibilities to peace as members of the United Nations Security Council. I am convinced that their efforts can be very helpful in encouraging and stimulating the parties in conflict to talk and to attain a level of communication which will produce clear and stated intentions by both sides, along with a genuine willingness to bring about basic changes in the attitudes and conditions which have created the present confrontation.

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Obviously, though, these aims cannot be effectively achieved unless the four major powers—the United States, Britain, France, and the Soviet Union—can, first, reach agreement among themselves on how negotiations on the United Nations resolution can best be induced and, then, maintain this accord during the entire consultation process. Without this united resolve, the tendency among the Middle East nations will be to delay the opening of negotiations and, failing that, to avoid reaching any meaningful reconciliations because each side will be striving to improve its bargaining position beforehand by obtaining greater support from the major powers than the other side has.

Therefore, I do support our current attempts to consult directly with the Soviet Union about this situation. These attempts can do no harm and could prove to be very beneficial in aiding in the creation of a climate which will motivate the parties in conflict to successfully reach an agreement among themselves.

As far as U.S. economic and arms assistance to Israel is concerned, I believe that we must strike some sort of reasonable balance between an unrestrained flow of arms into the Middle East and an impression that Israel will have to face unassisted the continuing Arab buildup of armaments which are being supplied by the Soviet Union and other countries. It is clearly not to the advantage of world peace to permit the impairment of Israel's deterrent strength; neither is it in Israel's best interest to let her assume the full burden of a defense effort which has already diverted her human and material resources from productive pursuits.

Therefore, I will continue to strongly support all possible U.S. economic assistance to Israel and any necessary arms assistance which is based upon full consideration of her problems and the relative strength of each side.

In conclusion, what I am advocating is the establishment, by all governments in the Middle East of a permanent peace which will outlaw belligerence, define final boundaries, end boycotts and blockades, curb terrorism, promote disarmament, facilitate refugee resettlement, ensure freedom of navigation through international waterways, and promote economic cooperation in the interests of all people.

MORE ON CONSCIENTIOUS OBJECTION

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. KOCH. Mr. Speaker, in the February 1970 issue of Social Action, a publication of the Council for Christian Social Action of the United Church of Christ, there appears an article on the subject of conscientious objection and the effect upon parents whose draft eligible sons have emigrated to Canada. The article follows:

FOR YOUR CONSIDERATION: FREEDOM OF WHOSE CONSCIENCE?

A few weeks ago I watched a late movie on TV (the hour was late, not the movie) which you may have seen. It was entitled "Friendly Persuasion," with Gary Cooper playing the head of a Quaker family in southern Indiana, during the Civil War. As the Confederate Army is approaching, the families in the area are getting ready to defend their lands and the Quaker family is challenged to help in that defense. Although the father, played by Gary Cooper, refuses to take up arms, the eldest son decides to do so. The mother appeals to the father to stop their son from violating their pacifist beliefs. The father replies, "I cannot stop him. I am only his father," I cannot be his conscience."

Today there are parents all over America who find themselves in a similar situation—but in reverse. Today the parents are opposing the pacifist beliefs and actions of their sons who have fled to Canada and elsewhere as either draft resisters or defectors. Today many of these parents have failed to say, as the Quaker said, "I cannot stop him, I am only his father, I cannot be his consicence." Today too many parents insist that their son's actions be consistent with the parent's conscience. Whereas many are appalled at the fact that an estimated 60,000 draft age young men have fled to Canada, I am appalled at the fact that an estimated 90% of them have left behind hostile parents and thus total alienation from their families.

It is ironic that, whereas our religious and constitutional heritage places a high value on freedom of conscience, those who exercise it are condemned by their own family in the name of what they regard as a higher value—patriotism. This is not to deny that many exiles may be acting out of motives which are selfish, cowardly, based on self-preservation, and wholly unrelated to conscience. The point is—who is to say which are which? Why must we assume that most of them are cowards for going to Canada rather than conscientious for doing so? Who can presume to separate the cowardly from the courageous?

Even if we assume that what these young men have done was wrong, this does not mean that they should be required to starve for lack of food, freeze for lack of clothing, or become vagrants for lack of housing. There is a human need for the bare necessities of life which must be met. Thank God there are individuals in Canada who have demonstrated more humanitarianism toward these young men than has been shown by most of their parents. We, of the churches from which many of these young men come, have an obligation to support those who are now facing social ostracism for acting on the precepts the church has taught. The church taught them that the will of God is above the will of the state and, when the two conflict, conscience requires that we act in a way we believe is consistent with the will of God, even though to do so may be contrary to the laws of man.

What does a young man face when he flees to Canada? He must reconcile himself to a prison sentence if, and whenever, he returns. He subjects himself to charges of disloyalty and cowardice, not only from those in his community, but even from his own parents and other members of his family. He has gone to a strange land, among strange people, into a very uncertain future. Why would a person do such a thing? Some might be that afraid and irresponsible. Most, I believe, might be that conscientious.

This gets us back to the parents who have cut their sons off for such action. Please give your sons the benefit of the doubt. If you really believe in freedom of conscience, grant that freedom to your own son. If you don't, you can't expect others to. Remember, you may be his parents, but you cannot be his conscience.

LEWIS I. MADDOCKS.

MORE ABOUT EXILES

America's draft exiles will be the theme of the March issue of Social Action. Major articles will be contributed by Dr. Charles Forsyth, social action executive of the United Church of Canada; Richard Killmer, of Clergy and Laymen Concerned about Vietnam; and L. William Yolton, director of the United Presbyterian Emergency Ministry on Conscience and War.

THIS KID PROGRAM WORKS—A LA ARCHIE MOORE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. BOB WILSON. Mr. Speaker, many people talk about the problems of our youth and the need to provide strong adult leadership and friendship to the young, but few do more than talk. In San Diego we are deeply proud of a man who does much more. Former light-heavyweight champion Archie Moore has dedicated his time and energy to working with boys of all races and creeds to help them develop into self-respecting, self-reliant adults and I am pleased to be able to share some of Archie's activities with my House colleagues:

THIS KID PROGRAM WORKS—A LA ARCHIE MOORE

(EDITOR'S NOTE.—Following the riots and violence which wracked more than 100 U.S. cities in 1968, Archie Moore's reasoned voice stood out as a beacon of hope for black and white Americans alike. Said Moore in an article in the April 15, 1968, Newsletter: "Law and order is the only edge we have." He also discussed his ABC program designed to teach youngsters that "there is greatness in America." This is a progress report on the Moore program.)

SAN DIEGO, CALIF.—Oil to spread upon the troubled waters of the United States may be found in abundance in the Pledge of Allegiance, suggests boxing immortal Archie Moore.

Moore's work with disadvantaged, unsettled youths in his Any Boy Can (ABC) program has drawn national attention. He feels that the 31 words of the pledge embody the ideals and hopes of a democracy.

"It's a contract among the citizens of the United States," he said in a recent interview with the *Newsletter* in his San Diego home. "Every man, whatever color, whatever hue, when he recites the pledge commits himself to this litany. Listen."

And the old Mongoose—so-called because of his hypnotic, floating bob-and-weave in the ring—stood up abruptly behind his cluttered desk. He straightened out the big fist which had clubbed scores of men senseless in a 27-year career, 10 of them as light-heavyweight champion, and thumped it firmly over his heart. He spoke the phrases with thespian intensity:

"I pledge allegiance to the flag—of the United States of America—and *to* the Republic for *which it stands—one* nation—*under God*—indivisible—with *liberty* and *justice* for *all!*"

Then the rigid expression relaxed and he asked, "Have you ever heard it that way? When the answer was no, he commented:

"That's the trouble, you know? Most kids today, they just make a humdrum nothin' out of a beautiful thing. They don't understand it. They don't feel it. They don't believe in it. But these words can be made to work."

To date, some 700 boys between ages 8 and 15 have jointed the ABC program since a worried Moore founded it five years ago in Vallejo, Calif., to cure a very costly rash of vandalism in a new housing tract.

Moore had been hired by realty men to sell houses in the 800-home development. But bands of youths almost nightly swept through the unoccupied homes, smashing windows and ripping out fixtures at a cost of $7,500 per month—a conservative estimate, says Moore.

Something about the wanton desperation of the youths struck a responsive chord in Moore, in whom had been smouldering a desire to help boys in trouble ever since his own 22-month sentence to a St. Louis reformatory at age 15 for stealing $7 out of a streetcar coin box.

Now was Moore's chance to reach out.

"I set up a speed bag outside and was workin' away on it. Pretty soon I saw this little boy watchin' and watchin.' He piped, 'I can do that.' 'All right,' I said, 'you come back tomorrow with some other kids and we'll see.' "

With the same guile he used to ensnare 'opponents into a hail of jabs and hooks, be spun a web around the boys. In a few weeks, Moore had a troupe of youths coming to his house, practicing self-defense and repeating an elaborate ritual entoning good sportsmanship, scholastic achievement, self-respect, and a firm belief in God. He taught them that rioting, vandalism, stealing and taking drugs were beneath their dignity. The vandalism dropped to less than $70 a month.

When all the houses were sold, Moore went to Washington to work with the Job Corps. But he wasn't happy there. "The Job Corps is rehabilitation of school dropouts," he declared. "My field is prevention. ABC will keep boys in school."

Moore came back to San Diego, his home of 30 years. With the help of the community, especially supermarket chain owner Gerald Awes, he established a second ABC program there. Awes gave the boys a store in a shopping center. A donated boxing ring, pool and Ping-Pong tables, showers, lockers and a handball court were installed. There are now more than 300 boys in the San Diego program.

But though the success of the program is obvious to even the casual observer—Moore has scores of praising letters from all over the nation—it has failed to bloom as well in other areas.

Moore is not discouraged. He hopes eventually to charter ABC programs in all large cities.

DISLOYALTY AND DISHONESTY DO PAY OFF—IN THE STATE DEPARTMENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. ASHBROOK. Mr. Speaker, having been interested for a number of years in the operations of the U.S. State Department, I find it hard to register surprise or shock at new revelations of double-dealing and duplicity issuing from that Department. Regardless of the administration in power the hierarchy at State continues on its merry, self-perpetuating way, laughing at feeble congressional attempts at administrative oversight. Presidents from Herbert Hoover to the present day have publicly expressed the need for overhauling this Department, but the job has never been done.

Recent press accounts indicate once again the necessity for vast corrective action. The veteran newsman and columnist of the Chicago Tribune, Willard Edwards, in his column of February 5, 1970, brought to light still another tale of State Department skulduggery. During the Kennedy-Nixon Presidential campaign of 1960, Candidate Nixon was blasted with the theme that U.S. prestige abroad has declined during the Eisenhower administration thereby impugning the ability of a Republican administration to adequately handle foreign affairs.

A later investigation disclosed that a secret report had been supplied to the Democratic candidate by two Federal employees and had been received by a public relations man in the Democratic camp, William H. Brubeck, to support the loss-of-prestige charges. After the Democratic victory Mr. Brubeck joined the State Department and advanced rapidly in the Foreign Service. Ironically, under the administration of the man he helped to sandbag in 1960, Mr. Brubeck was to assume greater responsibilities. According to the Edwards' account, Mr. Brubeck was recently appointed as chief of a task force to reorganize the Foreign Service Institute of the State Department. Needless to say, the two Federal employees who supplied the secret report to Brubeck are still ensconced in important positions with this administration.

At the present time a blue ribbon panel is at work at the Department of Defense revamping the vast operations of that Department. A similar body whose goal would be an objective and dispassionate overhaul of the State Department could well be a first step in the right direction.

The Willard Edwards column was followed by a more complete treatment of the above account in Human Events, the Washington newsweekly, in its February 14 edition, both of which are inserted in the RECORD at this point:

[From the Chicago (Ill.) Tribune, Feb. 5, 1970]

A FOREIGN SERVICE SUCCESS STORY

(By Willard Edwards)

WASHINGTON, February 4.—When the state department announced last week that William H. Brubeck, a foreign service officer, had been given a top role in its reorganization, some veterans marveled at a unique success story.

Other heads shook in wonderment. It was noted that Brubeck's comparatively brief career is peaking under President Nixon, who might have reached the White House nine years ago except for the "leaking" to anti-Nixon newspapers of a secret report late in the turbulent presidential campaign of 1960.

An official investigation of that leak established that two federal employes took a copy of the report to the Democratic national committee, where Brubeck was handling public relations for John F. Kennedy.

Publication of the material, consisting of foreign polls taken by the United States information agency and revealing that the prestige of the United States had declined in comparison to that of the Soviet Union, has been generally recognized as one of the major factors in Nixon's loss of the Presidency that year by 112,803 votes.

In an election decided by so narrow a margin that a shift of 1 per cent would have altered the results in 11 states, no agreement will ever be reached on the predominant cause of Nixon's defeat.

But Brubeck certainly has reason to claim as much credit as any other Kennedy staff aid for the result. In the campaign, Kennedy pounded a central theme—the need for strong leadership to reverse the nation's declining prestige abroad.

When Nixon asserted that United States prestige had never been higher, Kennedy, after leaking of the secret report, was able to retort that the Eisenhower administration's, own "suppressed" findings contradicted Nixon's claims.

The U-2 incident in May, 1960, followed by the breakup of the Big Four meeting in Paris and cancellation of a proposed trip to Russia by President Eisenhower, had already weakened the confidence of voters in Republican skill in handling foreign affairs. The secret polls seemed to provide clinching evidence in support of Kennedy's charges.

Brubeck's services were promptly rewarded after Kennedy was inaugurated in January, 1961. The Democratic party's publicity man was launched on a state department career thru appointment as special assistant to Secretary of State Dean Rusk. He advanced rapidly and, in 1965, was made a class 1 foreign service officer.

The two employes who broke regulations to supply a secret report to unauthorized persons are still resting comfortably on the federal payroll, one in the commerce department, the other in the USIA.

Now, Brubeck has been appointed by Undersecretary of State William B. Macomber

Jr. as chief of a task force to reorganize the foreign service institute.

His friends call this recognition of his talents. To many in the department it is additional proof that holdover officials from the Kennedy and Johnson regimes, many of them unfriendly to Nixon, still run the state department and have been put in charge of the cleanup promised by Nixon in his campaign.

Foxes in the Chicken Coop

White House sources were known to be stunned last week when it was revealed that Under Secretary of State William B. Macomber Jr. had appointed a former John F. Kennedy public relations director—a man who had significantly helped to destroy Richard Nixon's chances of getting elected in 1960—to head a task force to reorganize the foreign service. The man's name is William H. Brubeck.

The story, broken by the Chicago *Tribune's* Willard Edwards, has startled and even alarmed some Republican lawmakers who normally seem placid about the failure of the Administration to clean up the State Department.

The original connection between Brubeck and Nixon dates back to November 1960. Early that month, prior to the national election, a special committee appointed by President Eisenhower and headed by Mansfield Sprague, pulled together data it had gathered concerning United States prestige abroad. Included on the Sprague Committee were such distinguished men as Allen Dulles, George Allen (then head of USIA), Gordon Gray and C. D. Jackson. Much of the data supplied the committee had been prepared by government employes serving with the State Department or the USIA.

The final document, dubbed the "Sprague report," revealed that polls taken in foreign countries showed that the prestige of the United States had declined in comparison to that of the Soviet Union. The supporting material for this report and the report itself were classified "Secret" under standards governing the protection of information relating to the national defense.

Notwithstanding the restriction placed on the report, which should have precluded its dissemination outside the federal government, the Sprague report was leaked to the New York *Times* and the Washington *Post* shortly before the November election.

The published reports on the polls proved to be politically explosive and unquestionably contributed to John F. Kennedy's razor-thin victory over Richard Nixon.

An official investigation into the leak established that two federal employes had arranged to take copies of the Sprague report to the Washington, D.C., headquarters of the Democratic National Committee, where it was given to the committee's public relations director: William Hurst Brubeck. Thereafter, with the assistance of Robert Kennedy, Brubeck furnished the report to the *Post* and the *Times*.

The two persons who had helped deliver the report to Brubeck were Roy F. Gootenberg and Pat Bidgood. The investigation revealed that both were partisan Democrats who were using their official position to prevent the election of Richard Nixon.

Nixon was defeated by a scant margin of 113,000 popular votes and many political experts believe the "prestige" issue may very well have been the final push that put JFK across the top. The importance of the issue, for example, was stressed by liberal columnist Carl Rowan, who became director of the USIA in the Kennedy regime.

In a Washington *Star* column in October 1966, Rowan remarked, "The late John F. Kennedy raised the issue of America's declining prestige shrewdly and effectively during the 1960 presidential campaign. Using polls gained surreptitiously, he documented his charge that the American image suffered under the Eisenhower Administration. There can be no doubt that this gambit won Kennedy some precious votes."

In February 1961, soon after Kennedy's inauguration, William Brubeck's star began to rise dramatically.

He moved from his post as publicity man for JFK to the State Department, where he became a special assistant to Secretary Dean Rusk. He advanced to head of the Executive Secretariat and in 1965 was given the protection of a career employe when he became a Class 1 Foreign Service Officer.

The "merit system" did not work so swiftly and efficiently for other career officers who had come up through the ranks. "But then," notes a career government official familiar with Brubeck's case, "they had not done so much to contribute to the defeat of Mr. Nixon."

Brubeck's good fortune continued in August 1968 when he was returned to Washington from a prestigious assignment in London to attend the coveted Senior Seminar.

When the seminar was completed, the State Department, now under the Nixon Administration and Secretary William Rogers, rewarded Brubeck again. They observed the "merit system" by making him director of the Special Staff for Nigeria. And now Macomber has permitted Brubeck to head a foreign service task force which could have great bearing on the future of both the State Department and the foreign service.

In short, JFK's former public relations director—the man who played a crucial role in defeating Richard Nixon for the presidency in 1960—has been thrust into a key position to help President Nixon fulfill his promise of cleaning up the State Department.

And what has become of the two persons who helped feed Brubeck the damaging material? Though USIA Director Frank Shakespeare is undoubtedly unaware of Pat Bidgood's previous activities, she is listed as Chief, Executive Secretariat for the USIA. In this position she is permitted to handle sensitive information submitted to the director.

At the time of his participation in the disclosure of the prestige poll back in 1960, Roy Gootenberg was on detail from the Bureau of the Budget to the State Department. Today he is listed as Director, Trade Missions Division, of the Bureau of International Commerce.

PARAPSYCHOLOGY, ENERGY, AND YOUR LIFE—PART III

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. BROWN of California. Mr. Speaker, today I am inserting in the RECORD the third of the contemplative philosophical lectures given by Mr. Irving Laucks, of Santa Barbara, Calif., over Los Angeles radio station KPFK:

Parapsychology, Energy, and Your Life: Part III—How Energy Operates and What of It

(By Irving Laucks)

We talked last week about the aim of The Cooperators to change human nature. The Cooperators have been much encouraged since the start of this new decade by well-known writers who agree that human nature must be changed. *Look* Magazine announced January 13th its intention to work for the "human revolution" in the 70's. The Cooperators are offering a specific method of change. Cooperation is a more basic universal force than competition. Competition is a force mainly suitable for low forms of intelligence. It was necessary for the lower animals because of natural scarcity on this planet, forcing them to eat one another. Man, however, is emerging from this low state and should be preparing for future phases of existence in which cooperation is the rule.

Man, however, has imagined that competition is the rule of the Universe—of all abodes of life like Earth. This may be far from true. There is no reason to suppose that psychic energy—the energy of mentality—is only associated with the kind of matter that human bodies are composed of. Psychic energy—supreme intelligence—was anciently attributed by many races to the sun, for example. Nor is there any reason to suppose that Earth is a fair sample of the billions and billions of other planets in this vast Universe of which astronomy has as yet only found a small part. The natural scarcity of Earth may be an accident of the First Evolution. Competition may not be necessary on other abodes of life; cooperation may be the rule.

Since the basic competition that determined human nature was the struggle for food The Cooperators believe it is very important soon to relieve this scarcity. They believe that cheap energy can be turned into human food by the chemist in time to save much of the world from impending starvation.

There is no intrinsic reason why human nature should not be changed. Has history any instances of such change? Two great changes at once come to mind. Up until a few centuries ago the enslavement of less clever human beings had been regarded as right and proper for thousands of years. Americans were almost the last people (who called themselves 'civilized') to change their nature about slavery; as a matter of fact, the change that started with a terrible civil war a century ago is not yet completed in this country. Perhaps now that our isolation from other civilized nations is ended we may learn faster.

Another great change has been in respect to the status of woman. Although there is plenty of evidence of early matriarchy (and it still survives in many places) it was some thousands of years ago supplanted by patriarchy—probably when the male's natural inventiveness created more efficient weapons and intensified inter-tribal competition. Woman was then forced into a subsidiary position, which human nature has accepted for most of the historical period. Only in the last century has human nature changed very decidedly in respect to women's rank in civilized Earth Society. The Cooperators rely chiefly on women to save the world. Not only is she the main element in the continuation of the life process (biochemists are finding ways of activating the female ovum without the help of the male) but she further is primarily interested in the welfare of her children. The males of many species actually devour their offspring—the tom-cat, for example. The male *homo* is a little better, but still he is liable to be so interested in competition that he leaves the care of the children to his wife. So I say "women must save the world."

What are are prospects that competition may become the subject of change? The Cooperators say that competition originally started because of natural scarcity—perhaps of natural food. Only the lowest forms of life—the vegetable world—could find its food in the natural matter of the planet. When the liveliest animals, much later, were evolved, they obtained their energy by eating the species that were in turn vegetable eaters.

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So first we might say that if scarcity were eliminated there would be no need of fighting. Until a few years ago there seemed no hope of such elimination. There was just so much matter on this Earth. Matter was the important thing. True, it was recognized that vegetables did receive needed energy from the sun, but there were only certain areas where food vegetables could be grown, and the number of eaters was increasing faster than more suitable land could be found.

And then science found that matter was not of prime importance after all—matter was simply a form of energy in such enormous quantity that competition for the relatively small amount that humans would ever need was just silly. But then man is a silly creature in many ways. Instead of at once going to work to find out how to use this enormous supply on which he had been sitting for a million years, what did he do? He at once began to scheme how he might play his old game of competition by making use of this new find of energy. He demonstrated at Hiroshima, and since then he has spent effort measured by trillions of dollars in perfecting his first demonstration. The Cooperators believe that if he had spent these trillions on constructive instead of destructive uses of this new find of energy, by this time he might be very close to eliminating scarcity the world over.

Of course, some attention has been paid to the constructive use of nuclear and atomic energy, but there is still a long ways to go before present methods can be safely used. Meantime it is a constant threat to the very existence of mankind in case of accident or of a general nuclear war. Those who say it couldn't happen might ask themselves: Suppose Hitler, shortly before his enemies began pressing in from all sides had had a button to press unleasing a thousand concealed nuclear bombs. Would he have pressed it? The answer is obvious; so would any other dictator when he saw defeat imminent.

Don't forget you need not be directly underneath one of these bombs when it explodes. Its poisonous after-effects may extend over a great area.

Of course I do not mean to say that the leading nations of the world are now competing and threatening each other with destruction because of lack of food. I do say that this is the ancient course of competition and aggression, inherited even from our animal ancestors as an instinct. But since man's unique intellect has shown him that scarcity need no longer exist, making competition no longer necessary, he is just a plain damfool if he does not turn his attention to something more useful than competing for things that his intellect can make abundant, especially when his competition has become so dangerous as to be intolerable.

This dirt-cheap energy may result in a modified economic system. But this is far less to be feared than a nuclear war, or even the horrors of inflation which are now upon us. The depression of the 30's was only relieved by the advent of World War II, and the effect of billions of dollars spent by the "military-industrial complex" ever since. We are now faced with a worse horror than the Great Depression—inflation—resulting from the waste of a trillion dollars in the last twenty years. The only remedy for inflation is to stop throwing money away. But an economic system which has produced with considerable regularity a "panic" as it used to be called—now a "depression", every ten years for the last 150 years, and needs a war to conceal it instead of curing it, can certainly stand a lot of improvement.

Experts in efficiency say that production processes now necessary can be carried on using automation with less than ten per cent of the labor force now required. Why then should human beings be allowed to continue on useless or needless labor? The change-over from hand to machine labor has been going on ever since the latter part of the 18th century. Competition eagerly adopted the inventions that then started and have been continuing ever since. In this respect competition in the main has coincided with progress.

The major part of the problem is what to do about the human labor that is displaced by machines. There is an old saying: "Satan always finds work for idle hands to do." This undoubtedly is being verified by the great increase in crime in the last few decades.

The Triple Revolution of which I was a co-instigator, a few years ago advocated the principle that every child born had an inherent right to a fraction of the Earth's available energy. At first scorned, this principle has now become substantially accepted in this country and much of the Earth. Man for thousands of years has been taught differently: that every child must, on the contrary, fight for his needs of energy, and devil take the hindmost. If now he is to live under the principle of inherent right, what will he do with his time? He cannot stand boredom—said to be man's worst disease. His education has been directed toward competition. He cannot be expected to change quickly.

Furthermore, there is in him perhaps an instinctive urge that his labor must be to some purpose. There is an old story about an English landed proprietor who attempted to relieve a depression by hiring idle men to dig holes and fill them up again. But after a few days the men rebelled even though they needed the wages. They could not stand useless work.

Maybe they rebelled at useless work because of the evolutionary urge of their primeval energy to accomplish change. Doing something and then undoing it is not evolutionary; it is not *change*. Man rebels at useless action—at action that does not accomplish—because of the properties ingrained in him by his infinite past.

True—but man is also fearful of change. So The Cooperators believe he must be differently educated in order to acquire different interests, in the modes of the Third Evolution, involving changes of energy, evolution in psychic energy, progress in intellect, rather than in matter as in the past—and even a change in human nature. Such education will provide great numbers of people as teachers with interesting employment for long years to come. And if a certain degree of competition is a necessity, such a competition with Satan may even relieve him of his job.

As an aid to *intellectual* evolution, cybernetic aids have only lately been invented, opening new avenues of advance hitherto blocked because of the great labor involved. New systems of mathematics are also being glimpsed—suitable or necessary for the Third Evolution. Our present mathematics is sufficient only for material needs. For energy we need new systems.

Thus may human nature be changed.

The change in education will go a long ways towards solving the problem of harmony in race relations. There is no longer any reason why there should be separate races on this small Earth, which originated because of barriers to communication. These differences have been perpetuated and intensified by competition. Backward peoples have been used as agents to promote the competition of the more forward peoples.

These barriers to communication are now disappearing; miscegenation is a cure and is proceeding. But is it proceeding fast enough to escape the continued multiplication of race conflicts? I have advocated a definite reward or honor system as a stimulant to miscegenation in the United States to speed the natural process.

Here again, new methods of education are necessary for success all over the world, requiring all the effort and labor that the saving by machines can supply. If the trillions of dollars spent in the last twenty years in destruction and preparation for total destruction had been used in education we might well have *no* unemployment problem today—but instead be faced with a shortage of labor.

THE CHICAGO 7—COMMUNIST AGITATION AND PROPAGANDA—II

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. RARICK. Mr. Speaker, on Monday, prior to the announcement of the verdict in the Chicago riot and conspiracy trial, I felt it desirable to call to the attention of the House the program of subversive agitation which we could expect as a result of the criminal sentences imposed. See page 3340 of the RECORD.

In the past 4 days we have witnessed the predicted agitation. Riots, euphemistically referred to as "demonstrations" by the friendly news media, immediately broke loose in New York, Chicago, Seattle, and elsewhere.

The contemptuous lawyer, Kunstler, addressed a meeting in—of all places—a Chicago church, and urged that mobs be organized to make similar trials impossible wherever and whenever they were scheduled to occur.

Probably under the guise of "free speech" protected by the first amendment, a hand grenade was thrown into the Federal courthouse in Seattle—by an amateur who forgot to pull the pin.

Riots "spontaneously" happened at Ann Arbor, Mich.; at Lawrence, Kans.; at Iowa City, Iowa. Those at Iowa City seemed to be following Kunstler's advice as they filled a courtroom to chant what are called antiestablishment slogans.

More violence, disorder, and subversive agitation can be expected to take place from one end of the land to the other, whenever and wherever it serves the purposes of the subversive high command to use their agitation weapon.

Here in the District of Columbia we have not been immune.

When decent Americans bore arms against real live enemies in defense of our liberties, we came to know such terms as D-day and H-hour, meaning the inception of a calculated course of action at a time yet unknown.

Handbills without a union label were prepared here in Washington, and were then circulated. They called for action on TDA—"the day after" the verdict. They were prepared so far in advance that they even referred to the Communist code number as "the Chicago 8" instead of the "Chicago 7" as they became early in the trial when the judge severed the case of a Black Panther leader.

These scab handbills, of course, did not call for any overt acts of violence or illegality. They simply announced what was referred to as the "First People's Tour of the Watergate" and suggested that someone "Indict the Ruling Class."

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They then described the ownership, management, and layout of the apartment complex, and listed the residents.

It is probably only a coincidence that both the Attorney General of the United States, whom the subversives blame for the prosecution in Chicago, and the Democratic National Committee, against whose convention they incited to riot in Chicago, are tenants of the Watergate.

I include the described handbill at this point:

TDA—THE DAY AFTER: THE VERDICT COMES DOWN ON THE CHICAGO 8; FIRST PEOPLE'S TOUR OF THE WATERGATE INDICT THE RULING CLASS; JOIN THE CONSPIRACY, 3 P.M., TDA, BEHIND GEORGE WASHINGTON LIBRARY AT 20TH, 21ST & H NW.

WATERGATE TOUR BASIC INFORMATION

The four building Watergate apartment, hotel, and office complex was constructed on a ten acre site on the banks of the Potomac at the cost of $70 million. The complex was designed by an Italian architect, developed by Watergate Improvements, Inc., is managed by Randall Hagner Corp. and Riverview Realty Co. The Watergate is owned by Societa Generale Immobilaire. SGI controls $200 million in assets and also owns the nearby Potomac Plaza Terrace. Until recently somewhat in excess of 20% of SGI's stock was owned by the Roman Catholic Church.

Quaintly referred to as White House West by its residents, the Watergate is a 2 minute cab ride from the White House. The complex has an intricate internal security system including a closed circuit TV. Apartments range in cost from $21,500 for an efficiency to $250,000 for penthouses. Average monthly maintenance charges are $1700 and garage spaces are $3500 per car. (One resident bought four). The apartments are rather standard so the management company relies on "snob appeal" to sell & lease them.

The complex is a self contained environment. A wide range of services are available including a Safeway, liquor store, restaurant, hairdresser, swimming pool and sauna, travel agency, Riggs Bank, post office, florist, bakery, boutique, a People's Drug Store, doctors, dentists, psychiatrists and maid service. The residents need only make their way to work in a chauffeur driven limousine to avoid the pressing problems of a deteriorating, poverty stricken colonial city.

WATERGATE RESIDENTS

John Mitchell, Attorney General, United States.

John Volpe, Secy, Dept of Transportation; founder, Volpe Construction Co (Pres, 1933–1960; Ch. of Bd., 1960); Federal Highway Admin (1956–7); Mass Comm on Public Works (1953–56); Gov of Mass (1961–3, 1965–7).

Maurice Stans, Secy of Commerce; investment banker; former Dir, Bureau of Budget (1958–61).

Anna Chennault, fund raiser for Republican Party and VP of Flying Tiger Airlines (Taiwan).

Walter Pfortzheimer, top CIA official.

Sidney James, VP of Time-Life, Inc.

Lawrence Wood, VP of General Electric (Washington).

James Keogh, Special Asst to Nixon; Sr. Editor, TIME (1956–61).

H. Dale Grubb, Special Asst to Nixon.

Martin Anderson, Special Asst to Nixon.

Rose Mary Woods, personal secretary to President Nixon.

Nancy Lammerding, presidential press secretary.

John W. Kern, former Judge, US Tax Court (1942–61); Chief Judge, Tax Court (1949–55); his son was recently appointed to the DC Court of Appeals.

Oliver P. Easterwood, Jr., former US District Court Judge in Oklahoma and Maryland; now a partner in McNutt, Dudley and Easterwood, (one of their clients is the Okinawa Chamber of Commerce).

Joel Barlow, partner with Dean Acheson, former Sec of State, in prestigious law firm of Covington and Burling.

Joseph S. Farland, special agent, FBI (1942–44); Deputy, Mutual Security Affairs, Dept of State (1956–57); US Ambassador to Dominican REpublic (1957–60); US Ambassador to Panama (1960–63).

Charles R. Simpson, Judge on US Tax Court.

Byron Skelton, Associate Justice on US Court of Claims; Member Democratic National Committee (1956–64); Delegate to Dem. National Convention, (48, 56, 60, 64).

Senators: Russell Long, D., La., Alan Canston, D., Calif., Jacob Javits, R., NY, Abraham Ribicoff, D., Conn., Gordon Allott, R., Colorado.

Representative Ross Adair, R., Ind.

Michael DiSalle, former Governor of Ohio; partner in law firm of Chapman, DiSalle and Freedman.

Frank Shakespeake, Director of USIA.

Emil (Bus) Mosbacher, Jr., Chief of Protocol, Dept of State.

Kenneth Davis, Asst Secy, Domestic and International Business, Commerce Dept.

Robert Podesta, Asst Secy for Economic Affairs, Commerce Dept.

Mary Brooks, Director, Bureau of the Mint; former assistant chairman of GOP National Committee.

Elmer T. Klassen, Deputy Postmaster General.

Walter D. Innis, Rear Admiral, USN (ret).

Lt. Col. P. H. Baker, (ret).

Lt. Col. John J. Costello.

Capt. Eugene V. Jobe, USN.

Capt. Clifford A. Messenheimer, USN.

Col. Luke C. Quinn, Jr. (ret).

Col. R. M. Caldwell, USAF (ret).

Paul L. Dudley, Rear Admiral, USN (ret.).

Capt. Robert C. Morton, USN.

This is only a cross section of residents. There are other judges, lawyers, corporate executives, federal officials and military personnel not listed. The Democratic National Committee has its offices on the 6th floor of the Watergate Office building.

ATOMIC ENERGY—II

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. REID of New York. Mr. Speaker, I would like to include in today's RECORD two more statements from the hearing on atomic energy and its effects on the environment which my distinguished colleague the gentleman from New York (Mr. WOLFF) and I held on February 6.

The statement by Dr. W. Mason Lawrence, deputy commissioner of the New York State Conservation Department, was delivered by Mr. Albert C. Jensen, assistant director, division of marine and coastal resources, New York State Conservation Department.

I believe that my colleagues will find the statement by Dr. Charles W. Huver of the Department of Zoology, University of Minnesota, particularly interesting. In it, he disucsses the biological hazards of tritium and suggests that the radiation protection regulations should be revised and based on the nonthreshold concept.

The material follows:

THE LONG ISLAND SOUND REGION

(Statement of W. Mason Lawrence, deputy commissioner, New York State Conservation Department, at public hearing on atomic energy plants and their effects on the environment)

The New York State Conservation Department in carrying out its overall responsibility for the protection and management of the State's Fish and Wildlife Resources participates actively in the review and evaluation of proposed nuclear plants and in the monitoring of the operation of nuclear plants. The Conservation Department, however, does not have regulatory authority in relation to radioactive and thermal discharges from nuclear facilities.

During the period 1926 through 1939, the Conservation Department made a biological survey of all the waters of the State. In the years since 1939 this information for our most important waters has been repeatedly updated on the basis of research studies and resurveys carried out by our field biologists. The Department has also acquired a large reservoir of information on our wildlife resources from research studies and surveys by our wildlife biologists. This information on our fish and wildlife resources provides a basis for assessing and estimating the possible effects of proposed nuclear installations on these resources.

Radioactive discharges are controlled by the regulations of the United States Atomic Energy Commission. The New York State Health Department has the responsibility for monitoring these discharges. The Conservation Department works closely with the Health Department in its monitoring function, particularly in assisting with the collection of samples of fish and wildlife for analyses.

Thermal discharges are governed by water quality standards established by the New York State Water Resources Commission. The standards for Thermal Discharges are "None alone or in combination with other substances or wastes in sufficient amounts or at such temperatures as to be injurious to fish life . . . or impair the waters for any other best usage . . ." (6NYCRR 701.3 et seq). The Commission has also adopted "Criteria Governing Thermal Discharges (Heated Liquids)", a copy of which is attached.

A nuclear plant is required to obtain a discharge permit from the New York State Health Department before it can make a thermal discharge to a water. The Conservation Department works with the Health Department in its processing of an application for a discharge permit to determine whether with the proposed design of facilities and proposed operations the nuclear plant can meet the standards for thermal discharges.

New York has as high standards for controlling thermal discharges as any state in the nation. It is the first state to develop specific and detailed criteria governing thermal discharges. With reference to Long Island Sound, the Criteria recognize that the Sound may have the characteristics of either coastal waters or estuaries. The Criteria also authorize the Commissioner of Health to impose limitations and/or conditions in addition to the stated criteria where he determines that such additional limitations and/or conditions are necessary to maintain the quality of the receiving water for the best usage classifications and standards assigned by the Water Resources Commission.

New York has taken a further step to provide additional protection against thermal pollution by enactment of Chapter 1140 of the Laws of 1969. This bill requires anyone hereafter intending to construct a nuclear steam-electric plant to file an environmental

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feasibility report with the Department of Health at the same time it files its Preliminary Safety Analysis Report with the United States Atomic Energy Commission. The bill also requires a utility that constructs or operates a new nuclear steam-electric plant or increases the capacity of an existing plant to obtain a permit to make a thermal discharge from the Department of Health prior to the construction of the plant. Under previous law, application for the permit did not need to be made until the outlets were built. The Conservation Department works with the Health Department in evaluating both the environmental feasibility report and the application to discharge.

The New York State Atomic and Space Development Authority is authorized to select and acquire sites for nuclear electric power generation and to make them available as needed to electric power generating organizations through leases or other contractual arrangements. The Authority has appointed a Nuclear Power Siting Committee, consisting of myself as chairman, and members representing the State Departments of Health and Commerce and the electric power organizations. The function of the Committee is to advise the Atomic and Space Development Authority in the selection of sites for future use for nuclear power generation. The Committee has approved a procedure for site review which provides for full consideration of all aspects of public interest, including requirements of public health and safety, protection of the environment, development of recreational opportunities and achievement of aesthetics compatible with the site's surroundings.

In summary, New York State has taken positive steps to protect the environment against adverse effects of thermal discharges. The State is cooperating fully with the United States Atomic Energy Commission in enforcing the regulations pertaining to radioactive discharges. The State agencies concerned with the effect of thermal discharges on the environment are alert that experience, new information, or new developments may indicate a need to change present criteria or add new ones. Such changes or additions can be and will be made promptly to insure that the quality of our environment is not compromised.

[Adopted by New York Water Resources Commission, July 25, 1969, filed with Secretary of State, Aug. 12, 1969]

PART 704: CRITERIA GOVERNING THERMAL DISCHARGES (HEATED LIQUIDS)

(Statutory authority: Conservation Law, Sec. 429)

Sec.

704.1 Criteria governing thermal discharges (heated liquids)
704.2 Additional limitations or modifications
704.3 Rules and regulations
704.4 Extent of applicability of criteria to existing discharges

704.1. Criteria governing thermal discharges (heated liquids)

The standards for Thermal Discharges (heated liquids) to the waters of the state are "None alone or in combination with other substances or wastes in sufficient amounts or at such temperatures as to be injurious to fish life . . . or impair the waters for any other best usage . . ." (6NYCRR 701.3 et seq.) and shall be applied, under Water Pollution Control Act, Public Health Law Article 12 as follows:

DEFINITIONS

1. A thermal discharge is one which is at a temperature greater than 70°F. A discharge at a lower temperature will also be a thermal discharge if it results in a temperature rise of the receiving water above the permissible temperature rises listed below.

2. The term "addition of heat of artificial origin" as used throughout the criteria shall include all heat from other than natural sources. In the event of multiple discharges, consideration shall be given to the cumulative effects of such discharges.

3. Coastal waters are those marine waters within the territorial limits of the state other than estuaries.[1]

4. Estuaries are the tidal portions of all rivers and streams, the bays of the south-shore of Long Island and Peconic Bay.[1]

FRESH WATER

Streams

Non-trout Waters

The water temperature at the surface of a stream shall not be raised to more than 90°F at any point. Further, at least 50 percent of the cross sectional area and/or volume of the flow of the stream including a minimum of ⅓ of the surface as measured from shore to shore shall not be raised to more than 5°F over the temperature that existed before the addition of heat of artificial origin or to a maximum of 86°F whichever is less,[2] except during periods of the year when stream temperatures are below 39°F. A greater than 5°F increase may be authorized under "Additional Limitations or Modifications" (post). For the protection of the aquatic biota from severe temperature changes, *routine* shut down of an *entire* thermal discharge at any site, should not be scheduled during the period from December through March.

Trout Waters

No discharges at a temperature over 70°F will be permitted at any time to streams classified for trout. From June through September, no discharges at any temperature will be permitted that will raise the temperature of the stream more than 2°F over that which existed before the addition of heat of artificial origin. From October through May, no discharges at any temperature will be permitted that will raise the temperature of the stream more than 5°F over that which existed before the addition of heat of artificial origin or to a maximum of 50°F whichever is less.

Lakes

The water temperature at the surface of a lake shall not be raised more than 3°F over the temperature that existed before the addition of heat of artificial origin, except that within a radius of 300 feet or equivalent area [3] from the point of discharge, this temperature may be exceeded. In lakes subject to stratification, the thermal discharges shall be confined to the epilimnetic area.

Coastal Waters

The water temperature at the surface of coastal waters shall not be raised more than 4°F over the monthly means of maximum daily temperatures from October through June nor more than 1.5° F from July through September except that within a radius of 300 feet or equivalent area [3] from the point of discharge this temperature may be exceeded.

Estuaries or Portions of Estuaries

The water temperature at the surface of an estuary shall not be raised to more than 90° F at any point provided further, at least 50 percent of the cross sectional area and/or volume of the flow of the estuary including a minimum of ⅓ of the surface as measured from water edge to water edge at any stage of tide, shall not be raised to more than 4°F over the temperature that existed before the addition of heat of artificial origin or a maximum of 83°F, whichever is less.[4] However, during July through September if the water temperature at the surface of an estuary before the addition of heat of artificial origin is more than 83°F, an increase in temperature not to exceed 1.5°F, at any point of the estuarine passageway as delineated above, may be permitted.

704.2. Additional limitations or modifications

1. The Commissioner of Health may impose limitations and/or conditions in addition to the stated criteria where he determines, in the exercise of his discretion, that such additional limitations and/or conditions are necessary to maintain the quality of the receiving waters for the "best usage" classifications and standards assigned by the Water Resources Commission pursuant to Public Health Law, Article 12, § 1205.

2. The Commissioner may authorize a conditional modification of the stated criteria upon application. Upon receipt of such application the Commission shall confer with the Federal Water Pollution Control Administration and shall transmit to that agency information to enable the Secretary of the Interior to fulfill his responsibilities under Federal law. The applicant shall have the burden of establishing to the satisfaction of the Commissioner of Health that one or more of the criteria are unnecessarily restrictive as to a particular project in that a modification of such criterion, or criteria, as the case may be, would not impair the quality of the receiving waters so as to adversely affect them for the "best usage" classifications and standards assigned by the Water Resources Commission. The Commissioner may, when he determines it to be in the public interest, hold a public hearing upon the application.

3. Any such modification shall be conditioned upon post-operational experience. Plans for additional treatment of, or change in, the thermal discharge shall be developed and submitted as part of the application to the Commissioner which shall be implemented upon order of the Commissioner in the event that post-operational experience shows a trend toward impairment by the discharge of the quality of the receiving waters for the assigned "best usage" classifications and standards.

704.3. Rules and regulations

The Commissioner may adopt rules and regulations with the approval of the Water Resources Commission governing the procedures prescribed or authorized herein. Such rules and regulations may include the methods and procedures for the making of tests and analytical determinations hereunder and the notice and hearing procedure to be followed in administering "Additional Limitations or Modifications", above.

704.4. Extent of applicability of criteria to existing discharges

In determining whether a discharge existing prior to the adoption of the above criteria complies with the applicable stand-

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[1] The waters of Long Island Sound and its bays or portions thereof have characteristics of either coastal waters and/or estuaries. The criteria to be applied to any particular project will depend upon the site location and all other relevant facts. The applicable criteria will be determined as provided in Paragraphs 1 and 2 of "Additional Limitations or Modifications".

[2] It is recognized that because of widely varying conditions in streams and estuaries, the Commissioner will establish, where necessary to meet the standards for thermal discharges, a lower maximum surface water temperature and a greater zone of passage under the procedures set forth in "Additional Limitations or Modifications".

[3] It is recognized that a radius of 300 feet or equivalent area may be too liberal or too restrictive and that a lesser or a greater area may be required or permitted under the procedures set forth in "Additional Limitations or Modifications".

[4] See Ante.

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ard for thermal discharges ("None alone or in combination with other substances or wastes in sufficient amounts or at such temperature as to be injurious to fish life. . . or impair the waters for any other best usage . . ." (6NYCRR 701.3 et seq.)), these criteria are intended only to be a frame of reference.

Moreover, the procedures described in Public Health Law, § 1223, shall apply in any application of the criteria to discharges existing prior to the adoption of these criteria without regard to whether such discharges began prior to or subsequent to the enactment of this State's Water Pollution Control Act, (now Public Health Law, Article 12).

Biological Hazards of Tritium

(By Charles W. Huver)

Tritium is one of the heavy and unstable isotopes of hydrogen. It has a half-life of 12.26 years, an atomic weight of 3, and decays with the emission of a weak B-particle. It was found in nature in minute quantities (3×18^{-18} gram of tritium per gram of hydrogen–1 in the atmosphere) before atomic explosions and emissions of relatively large quantities from nuclear reactors increased its prevalence in the environment.

Because tritium is the predominant isotope released to the environment in the liquid waste discharges of light water reactors, it requires careful consideration of its biological effects. This is an especially serious matter for there is no practical method for filtering or removing tritium from the liquid effluents of nuclear plants which may in cases of unfortunate siting discharge their liquid radioactive wastes a short distance upstream from the public water supply intakes of a major metropolitan area. For instance, it has been estimated (Abrahamson and Pogue, 1968) that the Monticello Nuclear Generating Plant above Minneapolis will discharge 30,000 curies of tritium to the Mississippi River during its first year of operation. Whether there will be a tritium contamination problem of magnitude will depend on the amount of diffusion through the fuel elements into the primary coolant (Jacobs, 1968).

In cognizance of the dominant position of this radioisotope in the effluents of nuclear reactors, it would be irresponsible for persons charged with the protection of public health or with providing consultation on the safety aspects of nuclear discharges to ignore the biological effects of tritium in the intracellular environment.

There has been a tendency, especially among those concerned with the promotion of the nuclear industry, to ignore or to minimize the biological significance of tritium. However, there is now such a large body of evidence available in the literature of radiation biology that to continue to ignore tritium would be an admission of a serious lack of knowledge of nuclear safety.

Tritium generally enters the body in the form of tritiated water (THO) and is transported through a variety of metabolic pathways to become widely distributed and incorporated into a wide array of biological molecules. It is now generally recognized after the work of Robertson and Hughes (1959), Goodheart (1961), Strauss (1958), and Künkel (1962) that tritium incorporated into molecular species, such as nucleic acids, may produce a much greater amount of injury to the cell from ionizing radiation than a more generalized distribution of equal amounts of energy from exogenous radiation.

Because tritium becomes incorporated in the DNA molecule (among others) the problem of genetic mutation and chromosome damage has to be faced. For instance, Gray (1959) has reported the remarkable result that β-rays of the energy of tritium are about 2.5 times as effective in producing chromosome breaks as are γ-rays. Plaut (1959) attributes the remarkable chromosome breakage ability of tritium as compared to C^{14} to its higher ionization density ($200/\mu$ as compared to $30/\mu$).

It has been proposed that chromosome breakage is mainly produced by densely ionizing secondary electrons as they near the end of their tracks (Wimber, 1964), Chromosome breakage would then be more influenced by the number of secondary electrons per unit volume than to the total dose. High energy electrons from X- or γ-rays yield secondary electrons that have energies of about 20 kev. Considering that the mean energy of β-rays is 5.7 kev, then tritium should be about three times more likely than X- or γ-rays to produce chromosome breaks per unit dose. Data provided in Gray's table (1954) are in fairly good ageement with Wimber's above hypothesis on the mechanism of the observed chromosome breakage by tritium.

In 1957 Furchner studied the internal toxicity of tritium to mice and demonstrated that tritium β-rays were about 1.7 times as effective as γ-rays in producing mortality in mice. Consistent with the above findings, Furchner *et. al.* (1953) demonstrated that tritium β-rays were more effective than γ-rays in causing damage to the bone marrow of rats. Similarly, Worman *et. al.* (1954) found that tritium β-rays were more effective than γ-rays in producing thymic and splenic atrophy in the mouse. The deleterious effects of tritium on the blood forming organs should be studied in relation to a possible role in the etiology of leukemia.

That tritium can cause increased tumor formation in mice has been well demonstrated by Lisco *et. al.* (1961) and Baserga *et. al.* (1962). Upon injection of a 1 μc/gm dose of H^3-thymidine, they found that significantly more of these animals died from tumors than controls.

Radiation effects of tritium have been demostrated to be more severe in tissues and cells that are undergoing active proliferation such as forming blood cells and certain of the germ line cells in the male gonad. Bender *et. al.* (1962) treated human leucocyte cultures with 1 μc of H^3-thymidine or H^3-uridine per millimeter for only 25 minutes; the leucocytes showed a chromosome aberration frequency of between 3 and 7 times that of control cultures. The remarkable finding of this experiment was that it took a dosage of 24–103r of acute X-rays to produce the same amount of chromosome damage as shown by the tritium-nucleoside treatment.

Rapidly proliferating germ line cells of the testes have shown a high degree of radiosensitivity to tritium exposure. Studies by Oakberg (1955) and Johnson and Cronkite (1959) showed that the incorporation of H^3-thymidine into developing mouse spermatogonia from doses as low as 1 μc/gm produced damage to spermatogonia and spermatocytes when examined 4 days after injection.

The few reports in which the damaging effects of tritiated water and H^3-thymidine are compared reveal a similarity of types of effects with tritiated water showing relatively less damage than H^3-thymidine Painter *et. al.* (1958) studied the relative influence of THO and H^3-thymidine on the growth inhibition of HeLa S3 cells in tissue culture; the results showed that approximately equal growth retardations resulted from treatment with 5 μc/ml H^3-thymidine and 5 mc/ml THO. In view of the high levels (about 2000 pc/1 in Upper Mississippi River according to U.S. Geological Survey, 1968) of tritium in many municipal water supplies due to man's nuclear activities, it is highly desirable that the relative biological damage of THO and H^3-thymidine be better understood so that intelligent water quality decisions can be based upon the highly significant laboratory experiments with H^3-thymidine and living cells.

Doubtless, the most serious type of biological damage which has been demonstrated for tritium is that of genetic mutations. The fact that certain tritiated compounds become preferentially incorporated into DNA has led to the expectation that tritium within the chromosomes may cause high mutation rates. This predicted increase in mutation rates has been shown by Kaplanand Sisken (1960) and Strömnaes (1962) who induced sex-linked lethal mutations in *Drosophila melanogaster* by means of tritium-nucleosides. Dominant lethals in mice leading to a 30% reduction in reproductive rate of offspring of H^3-thymidine treated parents have been reported by Greulich (1961). By means of injecting H^3-thymidine into the testes of male mice, Bateman and Chandley (1962) found a definite increase in abortions and estimated that 1% of the tritium disintegrations produced a dominant lethal mutation in the sperm. Even though this figure appears to be an overly high estimate of tritium-induced mutagenic activity, based upon genetic grounds caution should be taken in protecting municipal water supplies from contamination by tritium discharges.

It is clear that based upon the biological evidence that tritium is a serious nuclear contaminant of the environment. When taken inside the body by injection or via drinking water in sufficient quantities, it can produce a variety of biological damage including chromosome breakage, genetic mutation, growth inhibition, haemopoietic deficiency, cancer, cellular and organismal death. It appears that the energy spectrum of the B emission of tritium is such that it can create an inordinate amount of damage when the radioisotope is located within the structure of the DNA molecule.

The laboratory experiments were performed with higher concentrations of tritium than would be expected in natural waterways subjected to nuclear plant effluents; however, the time of exposure was much less than in the case of populations subjected to a rise of tritium levels in their drinking water. The principal of the cumulative effect of ionizing radiation on biological systems is well established (see Blatz, 1964) and his particular relevance to the problems of raising the radioisotope levels of municipal water supplies.

RECOMMENDATIONS

1. Because of the large population subject to radiation risk and the irreversible consequences of too liberal standards, it is recommended that radiation protection regulations be based upon the nonthreshold concept: this concept is consistent with the results of most radiobiological and cancer epidemiology studies.

2. In view of the abundant evidence illustrating the serious biological effects of tritium and in view of its dominance in light water reactor liquid effluents, it is strongly recommended that the routine release of tritium effluents from reactors and fuel-reprocessing plants be prohibited in favor of off-site disposal of such wastes at AEC storage areas.

3. Closed cycle cooling on a 12 month basis would provide for a more concentrated liquid effluent (Tsivoglou, 1969) making the off-site disposal of such wastes more economically feasible. That such a disposal plan is economically and technologically practical was recently stated at a legislative hearing by Albert D. Tuttle, Vice President and Chief Engineer of New York State Electric and Gas Corporation (Save Cayuga Lake Newsletter, 1968), who testified that it was technologically possible to eliminate all radioactive discharges to Cayuga Lake from the Bell Station reactor, and that to do so would cost the utility about $100,000 annually, or less than 20 cents a year for the average customer.

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NEED FOR TRAINED MEN

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, Col. Alpo K. Marttinen, a constituent of mine who has served as a colonel in two armies, the U.S. Army and the Finnish Army, has requested that I insert into the RECORD for him a copy of a letter that appeared in the Thursday, January 15, 1970, Washington Post. Since this letter does contain another point of view from an individual who has served in the Army of two nations, I thought his observations might be of interest to my colleagues.

The letter follows:

NEED FOR TRAINED MEN

President Nixon plans to abolish the draft; the commission headed by former Defense Secretary Thomas Gates Jr. backs establishing an all-volunteer force; Brig. Gen. Hugh B. Hester (in his letter to the editor of Jan. 8) advocates "the abolition of military conscription, an evil and illegal form of involuntary servitude."

This is idealistic nonsense. Any national emergency, domestic or foreign, nuclear or conventional, requires that our men be trained in use of arms and have the will and understanding to defend their country and themselves. Our manpower potential is already mismanaged. One out of five men serves in our armed forces. On the other hand Russia trains and indoctrinates every able-bodied man in the use of arms and transfers every year some one million trained men to her 47 million military manpower pool.

It appears that we are relying on superweapons—which may never be used—and are forgetting the importance of the trained man. As a nation, we cannot escape our responsibility with money. Are we trying to be like the Roman Empire, which had plenty of money and fine weaponry, and paid soldiers? The paid soldiers were unable to defend the empire, democracy was destroyed and the Roman Empire fell.

Our senseless involvement in Vietnam—the misuse of our armed forces—has confused the main issue; *the safeguarding of our national survival*. We must get out of Vietnam, where we may be serving Kremlin interests more than our own, establish controls over our self-seeking military and civilian empire-builders, and concentrate on our own suffocating internal problems. We must reaccumulate the moral and material energy now wasted in Vietnam and other self-generated "counterinsurgency" activities.

This, our national survival, requires that we "keep the powder dry," and our men trained, willing and ready to use it. Abolition of the draft and reliance on a paid military force, without universal training of American men, is inviting national suicide.

COL. ALPO K. MARTTINEN,
U.S. Army and Finnish Army (Ret.).
FALLS CHURCH.

SPACE AND BUTTER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the editorial in Industrial Research magazine of January 1970 strikes an important note on the significance of continued technological progress and preeminence of this country while recognizing the need for solution of our social problems. This brief but informative editorial does much to place our national space program in the perspective of current day needs. I commend this editorial to my colleagues and the general public:

SPACE AND BUTTER

"Big deal! So Bean, Conrad, Armstrong, and Aldrin have bounced around on the moon for a few hours. This was worth $25-billion? For this we let families starve in Appalachia and breathe polluted air and live in dirty, congested cities? It's about time we used that money for something worthwhile."

Comments like this have been increasing in the emotional letdown after the first landings on the moon. The average American is quite unconvinced that space exploration is worth the cost.

How long has it been since someone said to you: "Come on, you're in research. What good is the moon; shouldn't this money for space be spent to solve social problems?"

"Well,uh. . . ."

The answer is that the ultimate social benefits of research, which embraces space exploration, more than repay the cost of the investment. The basic and applied research performed in the space program greatly improves the nation's technological ability. The principal benefactors of this activity are the citizens of the United States who enjoy the world's highest standard of living.

Furthermore, the question simply is not an "either-or" proposition. It is not a case of guns or butter; of beating rockets into plowshares. The money cannot easily be switched from one pocket to another. And even if it could, the $25-billion spent by NASA since 1961 to get to the moon represents only 5% of the total antipoverty funds spent during that period. This sum hardly could have a decisive influence on a problem that will take many, many years to come.

The conscience of the country against poverty, pollution, urban ghettos, and transportation problems is becoming so strong it almost is a tangible entity. At the same time, the young seem disillusioned with the ability of technology to work for the good of mankind.

The question is whether President Nixon has the imagination to direct public outrage and youthful rebellion toward a constructive goal the way President Kennedy directed American outrage at being beaten in space by the Russians.

What really is needed to solve the social problems is the commitment, spirit, and goal-directedness that have characterized the space effort since Kennedy's challenge in 1961.

Goals should be set by this country for the next decade and should be a mixture of space and social achievements. Poverty and isolation of minority groups should be eliminated. A fulltime colony should be established on the moon to investigate the lunar environment for research and manufacturing. Problems of urban sprawl and population increase should be tackled in a massive effort. A man should be landed on Mars. Pollution in all forms should be eliminated.

Each goal is attainable in the next 10 years if adequate direction and inspiration is given today. Elimination of social strife will make life better for all men. Extension of human life into the universe will elevate men's spirits and create a way of living far better than that of today.

CREPE-HANGERS SHOULD BE LAUGHED OFF SCENE

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. UTT. Mr. Speaker, under unanimous consent to extend my remarks in the CONGRESSIONAL RECORD, I would like to include an article by Maj. Gen. Perry B. Griffith, USAF, retired, entitled "Crepe-Hangers Should Be Laughed Off Scene." This article appeared in the Redlands, Calif., Daily Facts of February 11, 1970.

The article follows:

CREPE-HANGERS SHOULD BE LAUGHED OFF SCENE

(By Maj. Gen. Perry B. Griffith)

At one time during WW II, my outfit had its morale knocked down to zero, all because of a well-intentioned but idiotically over-zealous and misguided chaplain.

Flying long range patrols out of a microscopic dot of a Pacific Island, we kept gainfully employed each 24 hours, and personal difficulties were forgotten. That we were rationed to one gallon of water per day—for all purposes—and subsisted mostly on C rations discouraged no one. Occasionally a Navy plane or ship dropped off some beer—they never seemed to lack for such things—and we trapped langosta, caught fish and landed sea turtles. So, hunger was no problem. We were doing our job with no complaints. Then this dynamic sky-pilot descended upon us.

The German Army has an old saying: Beware of the stupid and energetic officer. This guy was the archetype of the saying. Filled with a wondrous kinetic energy, he circulated everywhere, approaching every man, regardless of assignment, the same way. He would stride up to an airman—hip-deep in an engine nacelle, coaxing a few more hours from an overworked B-24 power plant—divert him and ask, "What are your problems, son? Let your hair down. Why are you unhappy?" Like as not, the kid hadn't been unhappy since he shipped out from mechanics school. He'd been too busy.

"Well, padre, I guess I don't have any worries."

"Son, you've gotta have worries. Just level with me."

Then he would leave the youngster all clanked up, worrying about his folks or his girl or wife or his crew or mail or the war. So he would crawl down from his engine, leaving a half finished job and a handful of tools adrift in the cowling, to slink to his bunk, bury his head in a pillow and bawl a potful of self-pitying tears.

Some detective work ferreted out the genesis of such catastrophes, and within hours the chaplain was off the island, as far away as possible—just before the morale of the group completely engulfed my ankles. If you tell a man forcefully enough that he's being put upon, he'll find problems he never considered before. You can, in fact, leave him as a quivering, gelatinous vegetable.

Today, a segment of government, much of the news media, social workers, preachers, bleeding-heart intellectuals and radicals are hammering so hard on this theme it's a wonder, we all don't drive off the nearest cliff into the sea.

One hears we are decadent: that democracy is shop-worn and out-moded; that ghetto dwellers are so driven into the ground they can never hope to rise: that cities must be razed and rebuilt: that millions are starving: that crime can't be coped with: in short, that nothing can be evoluted—all must be revoluted.

This is balderdash. Our form of government has lasted longer than any such type in history. The Constitution can work, once a Supreme Court shows some bravura through legal, not sociological, decisions. The poor needn't stay poor. There's a job for anyone who will work (and isn't physically impaired—and then there's medical care, once the case is made known). A man who can't write his name can't be a nuclear physicist, nor even a jet mechanic. But he can work.

Cities needn't be torn asunder. Look at Britain. Instead of ripping a street such as San Pedro's Beacon Street to shreds, it can be preserved and repaired, as was Washington's Georgetown. But the first thing is to find some leadership to police up existing litter, then keep it clean.

There may be malnutrition in the U.S., but a Red Chinese soldier fights on 900 calories daily—about the same as a bag of potato chips. Once we revise our eating habits a lessening of hunger (and heart disease, incidentally) will follow. Crime needn't be a problem either. But more firm measures than we've seen for a decade are necessary. And the cops must be reassured in their efforts and, if properly executed, backed to the hilt. We need no more farcical Chicago trials, either. This thing should have been settled weeks ago.

Our domestic situation can't be solved in a minute. But we'll never win a point until we stop crying the blues and feeling sorry for ourselves. Like the chaplain, professional crepe-hangers—most of whom are on campuses and never earned a fought-for dollar—need to be laughed off the scene as disloyal, inexperienced misfits.

Otherwise they'll never retrench. They're more articulate than most of us, and don't care what they say, or how. They've seized the podium and won't let go easily. But when they run into forthright firmness, through unimpeachable authority, they can't stand up. They give in. They've done it every time.

NATIONAL AUTOMOBILE DEALERS ASSOCIATION WARNS OF THE THREAT OF ORGANIZED CRIME

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. FASCELL. Mr. Speaker, recently key leadership elements of the private sector have taken significant actions to acquaint businessmen and the public generally with the dangers of organized crime. One such action which is particularly impressive, because of its nationwide effect, is that taken by the National Automobile Dealers Association. The association has devoted the February 1970 edition of its publication Cars and Trucks to warning its members of how organized crime might seek to prey on them or to infiltrate their businesses.

An article from the publication, entitled "Pressures of Organized Crime on Businessmen" is a succinct and perceptive analysis of the threats posed by organized crime, and of steps that businessmen can take to combat it. Because it is so informative I am submitting it for the Record. I know that it will be of great interest to the Members. The article follows:

[From Cars & Trucks, February 1970]

Crime in the Dealership—Pressures of Organized Crime on Businessmen

The old protection game, normally associated with the late, late show, is a fact of life in many parts of this country. The offenders no longer carry machine guns in violin cases and dress in pinstriped suits, and their victims aren't necessarily elderly owners of the corner candy store. Today extortion, blackmail and other strong-arm tactics play a major role in the multi-billion dollar business of organized crime.

There are many ways organized crime can infiltrate your business which include assault, blackmail, bribery, corruption, counterfeiting, coercion, extortion, forgery, homicide, sabotage and theft.

According to Justice Department sources, a typical infringement into dealership operation could begin through the new or used car salesmen. Because of their direct dealings with the public they are the ones most likely to be approached. In most cases, the criminal effort comes after well-based intelligence reports. A check on the personal backgrounds of the salesmen usually determines which is most likely to respond to an offer.

The target salesman might be in debt. He could have incurred these debts justifiably or they could be gambling debts. Initially he is approached about a loan. The procedure seems simple to him. There are usually no papers to sign and all goes well until the first payment. At this time the victim finds that his interest rates may have gone up or the time for his next payment advanced. Penalties for late payments are often calibrated by the loan sharks into hours and minutes with exorbitant rates charged.

If the victim cannot meet these demands, the pressure increases to the point of threats against his person or his family. At this point, the victim may be ripe for an arrangement with the loan shark. The "favors" that could be asked of a new or used car salesman in return for reduced pressure by the underworld are almost limitless but certainly include such things as knowingly accepting stolen cars as trade-ins, unauthorized use of demonstrators and outright cooperation in the theft of new and used cars.

Because of the nature of their jobs, salesmen are probably the most accessible dealership employees but they are by no means the only ones contacted by the underworld. Mechanics, parts men and office personnel are often victimized by organized crime with attendant losses to the dealership. Using the same methods of intimidation, service and parts men and bookkeepers also are targets of extortionists and other criminals.

There are cases on record in which sales managers and service managers are involved and in some instances the dealer himself falls prey to the loan sharks and eventually loses control of his business.

Direct confrontations are also to be expected. As businessmen, new and used car and truck dealers are particularly vulnerable. Symptoms of the protection game often include:

Sudden damage to property or equipment.

The appearance of pickets for no apparent reason.

Threats made through the mails or over the telephone.

The sudden appearance of a representative who offers to solve labor management or property loss problems.

Rumors are spread that other businesses have joined a new organization.

An approach is made asking the dealer to join the new organization.

According to the *Deskbook on Organized Crime*, published by the Chamber of Commerce of the United States, perhaps the best defense against being coerced into a racketeer-dominated organization is through your own state dealer association. Working as a group, it can keep the lines of communication open to other dealers and work with the authorities in taking corrective action.

However, if the threat exists, it would be good advice to rehearse a reaction to such a visit. If and when it comes, the main thing is to keep calm and not give in immediately. If possible, try to gain time to make a decision and use the time to contact the proper authorities.

The primary sources of assistance in this instance would include the local District Attorney, State Attorney General and the local or regional Crime Commission. If these are unsatisfactory, contact your nearest U.S. Attorney, or the Organized Crime and Racketeering Section of the Department of Justice, Washington, D.C. (202) 737–8200; or the Federal Racketeering Field Office (Department of Justice Strike Force) in your area.

The official source of assistance at the Federal level is the Organized Crime and Racketeering Section (OCRS) of the Department of Justice which is responsible for supervision of criminal statutes specifically designed to suppress organized interstate illegal activity.

At this time there are Federal Racketeering Field Offices (Strike Forces) located in Boston, Buffalo, Chicago, Detroit, Miami, New York, Newark and Philadelphia. Manning these offices are Justice Department lawyers, FBI agents and professional personnel from the Internal Revenue Service,

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Securities and Exchange Commission, Post Office Department, Secret Service, Bureau of Narcotics, Immigration and Naturalization Service and the Department of Labor.

The forces of organized crime in this country today constitute an ever-increasing threat to business and industry. A small amount of research on the subject readily reveals that no industry or business, regardless of its product or service, size or location, is immune to organized crime.

Familiarize yourself with the situation in your city or community. Take the time to explain the situation to your employees and offer counsel for those who may be involved already. Cooperate with the authorities in all cases and keep the lines of communication open. If no satisfaction is obtained at the local level, do not hesitate to request Federal assistance.

Complete cooperation with proper authorities and early disclosure of any symptoms could spell the difference between success and failure of an effort to permeate and perhaps take over your business.

HELP YOUR NEIGHBOR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. LONG of Maryland. Mr. Speaker, a group of residents in northern Baltimore County recently agreed to form a "help your neighbor" organization to provide free help to any person within the community who needs it. In these troubled times when we often hear of man's inhumanity to man—of his lack of concern for his fellows—it is both refreshing and inspiring to see the spirit of giving still flourishing. I should like to honor Baltimore County residents today by including the following article in the Congressional Record:

CITIZENS IN NORTHERN AREA OF COUNTY HELP THOSE IN NEED

A group of concerned citizens of North Baltimore County, under the leadership of Mrs. Reid MacCallum, Manor Road, Phoenix, have banded together to form a "help-your-neighbor" organization. They are members of FISH (taken from an ancient Christian symbol) and will respond to emergency needs within the communities of Glen Arm, Baldwin, Hydes, Long Green, Phoenix and Monkton.

The idea is to circulate a phone number throughout this area so that anyone, regardless of affiliation, status or race, will be able to appeal for help on a 24-hour basis. FISH will respond when a person has no one else to turn to.

The group has already been able to supply clothing and household effects to several families. Representatives from nine churches and several other interested individuals are working together in this organization.

FISH workers strive to show their concern for their fellowman by responding to his need as a good neighbor and offering a friendly hand. It is manned entirely by volunteers and there is no charge for its services.

It needs many workers willing to give of their time and energy. Beside actual FISH duty, it depends on many resource people for food, clothing, emergency shelter, transportation and professional advice. There is an area in FISH for service for most anyone.

FISH is supported wholly by volunteer contributions. As soon as enough helpers are found and sufficient money is pledged to finance an answering service, FISH will go into full-time operation.

A training session for prospective workers will be conducted at Chestnut Grove Presbyterian Church, Sweet Air Road, Jacksonville, on Sunday, February 15, at 7:30 P.M. The meeting will be conducted by the Rev. Philip B. Roulette of the Church of the Redeemer, Baltimore City, who has been instrumental in arousing interest in FISH in other areas. Anyone who would like to serve their neighbor through FISH is welcome to attend this session.

The mailing address of FISH, North Baltimore County, is Box 10, Phoenix, Md. 21131. For further information about the training session call 592-9701.

SOUTH AFRICA

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. REID of New York. Mr. Speaker, the recent decision of the South African Government to deny a visa to Arthur Ashe, America's greatest tennis player, is shocking and deplorable. Talent and sportsmanship admit of no color barriers and, in fact, international competition in tennis and other sports is an important means of facilitating communications between peoples. The Pretoria government's decision is but another tragic indication of South Africa's withdrawal into isolation.

The National Union of South African Students has issued a statement on sports following the Arthur Ashe incident, in which the group makes plain that it is "totally opposed to racial discrimination in the selection of sport teams." NUSAS urges "the government to keep politics out of sport, and to allow sport teams to be selected on the basis of merit."

Once again, I salute these courageous and principled young South Africans for taking a stand based on their convictions, often at great personal risk.

I am including their statement in the Record at this point:

STATEMENT ON SPORT ISSUED BY NATIONAL UNION OF SOUTH AFRICAN STUDENTS, FEBRUARY 9, 1970

Below is the statement issued on sport by NUSAS after a standing comm. and executive meeting of 30th January, 1970, which we forward for your information.

APARTHEID IN SPORT, AT UNIVERSITIES AND GENERALLY

As the elected representatives of our centres we wish to note:

1. That we are totally opposed to racial discrimination in the selection of Sport teams, whether at the universities, provincially or for Springbok teams.

2. That sporting criteria such as skill, ability should be the only criteria for the selection of teams, and that political and racial considerations should play no part in the selection of such teams.

3. That black sportsmen should be allowed, and should be encouraged to play sport at at all levels where possible, university and sport generally.

We urge students, sportsmen and the public to support the recent statement by prominant South African sportsmen, and to leave South African sport open to all South Africans.

We urge the political parties to support the right of sport administrators to select their teams on the basis of merit; or failing this, to clarify their present sports policies.

We give notice that we will make endeavour to ensure:

That students at our universities and colleges, and all South African students, will be able to play in South Africa student' teams without discrimination.

That student teams going overseas will be selected on a non-racial basis;

That we support the founding of a committee for the promotion of open sport in South Africa.

We wish further to note:

(1) that overseas student demonstrators are opposed to apartheid and to apartheid in sport in South Africa and not to South Africa as such;

(2) that as long as their demonstrations are legal and orderly, and are aimed at keeping politics and apartheid out of sport they are justified;

(3) that we condemn acts of vandalism, and violent demonstrations both overseas and in South Africa.

Finally, we urge the Government to keep politics out of sport, and to allow sport teams to be selected on the basis of merit.

ATOMIC ENERGY AND THE ENVIRONMENT—CONTINUED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. WOLFF. Mr. Speaker, as I have done the past 2 days, and shall do again next week, I wish to include in the Record the statements of two of the witnesses who appeared at the recent hearing on the environmental impact of atomic energy which I held with my colleague from New York (Mr. Reid).

Today I am including the statements of Frank Tooze, who spoke on behalf of the International Brotherhood of Electrical Workers, and William E. Wall, of Consolidated Edison of New York:

STATEMENT OF MR. FRANK TOOZE

My name is Frank Tooze and I am appearing before this hearing on behalf of IBEW Local 1049 and make the following statement:

We of Local 1049 look forward to the construction, by Long Island Lighting Company, of an atomic powered electric generating plant near Shoreham on the north shore of Long Island on Long Island Sound.

We have listened to and read statements by men who have spent years in the study of nuclear energy who see great benefits to be derived from atomic power.

We believe deeply, that the Atomic Energy Commission and its staff have carefully and scientifically considered their actions and activities in the development of safe atomic power.

We consider that the men of industry and commerce who produce the machines and tools to harness atomic energy for producing electric power to be men of good will, integrity and foresight.

We decry those non-experts who take unfounded statements and charges and offer them as bonafide arguments to stay this necessary development in our progress to better things and ways of moving forward.

To declare a moratorium in the building of nuclear driven electric generating plants

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is to continue the methods we pursue today, which everyone appears to agree upon leaves great room for improvement, environmentally and aesthetically.

Long Island continues to grow rapidly in population. But more than additional people, our present population uses more than 70% of all added electric generation for their own growing use. If we are to prosper and develop as a modern community, and provide the machinery for development and growth, we must have adequate power. Electric power is the very essence of our economy.

Adequate power is vital to industrial and commercial growth. Industry and commerce means jobs for our people and for their children when they are ready to assume their roles in our economy. An area inadequate in power supply for the tools of production stagnates and dies.

We of Local 1049 urge that the building of nuclear fueled electric generating plants be encouraged, and not be stopped or delayed by a useless moratorium. 1049 believes emphatically that nuclear plants are clean, quiet, reliable and very safe, and that the fears so generally expressed are not substantially supported.

Statement of William E. Wall, Vice President, Public Affairs, Consolidated Edison Co., of New York, Inc.

Mr. Chairman, Congressmen, my name is William E. Wall. I am Vice President, Public Affairs, Consolidated Edison Company of New York, Inc. I want to thank you for this opportunity to come before you.

As you know, Con Edison, under the regulatory jurisdiction of the New York Public Service Commission, has the privilege and duty of supplying energy to the nine million people of New York City and Westchester County. While we supply natural gas and steam to parts of this territory, I will, in view of the focus of this hearing, merely outline our electric operations.

Last year we produced and distributed over 30 billion kilowatt hours of electricity. Large as this number is, it will grow still larger in the years to come. We estimate a need to increase annually our generating capacity which now stands at approximately 8,500,000 KW by an additional 375,000 KW. Put differently, and allowing for adequate reserves, we will need to build a new plant of 1,000,000 KW capacity every two years to meet the growing demand for power in this region.

Con Edison must—and will—meet this demand. But in doing so we confront special problems not faced by every utility. For one thing, we serve one of the most densely populated areas on earth. And one consequence of this is polluted air, as the products of combustion from countless furnaces, incinerators and automobiles mingle with air-borne pollutants from adjacent industrial areas.

Because we saw—and still see—in nuclear energy the best long-term solution to eliminating our contribution to New York City's air pollution problem—a contribution we have cut in half in the last few years by other measures, including the use of low sulfur fuels—we were the first utility in the nation to seek and obtain a construction permit from the AEC to build a nuclear power station.

Indian Point No. 1, with a capacity of 265,000 kilowatts, came on the line in 1962. Since then it has safely and satisfactorily produced over 9.3 billion kilowatt hours of electricity for this region.

It also has provided us with a rich reservoir of knowledge and experience that we have drawn upon in advancing our nuclear program.

Today, immediately next to Indian Point No. 1 on the north, is our second unit. Nearing completion and expected to be in production next year, this plant has a capacity of 873,000 kilowatts. On the other side of Unit #1, to the south, work is proceeding on our third unit. Number 3 has a capacity of 965,000 kilowatts, and is scheduled to come on line in 1973. All three units at Indian Point are pressurized water reactors.

We also are planning a fourth plant of about 1,000,000 kilowatts at a site about one mile south of Indian Point on the Hudson River at Verplanck. This is tentatively estimated for completion by 1977. In addition, we hold an option for a fifth, a duplicate of #4, which also could be sited at Verplanck.

To provide for future sites as for many as four nuclear generating units of the 1,000,000 kilowatt size, Con Edison has purchased from the City of New Rochelle, David's Island, known as Fort Slocum, in western Long Island Sound.

We are, of course, not alone in looking to nuclear energy to meet present as well as future customer demand. Across the nation, indeed, throughout the world, men and nations are turning to the atom for clean, safe, abundant power. In this country there are fifteen plants in operation, forty-eight under construction and reactors ordered for thirty-two more. By 1980, the capacity of nuclear generating plants has been estimated at 120 to 170 million kilowatts, or about 25% of the nation's total.

In selecting Indian Point and other reactor sites, Con Edison, assisted by a number of distinguished independent consultants, has performed and is continuing to perform detailed studies of the environment to insure their suitability for safe operation. These studies include the meteorology, geology, and seismology of the area as well as analysis of the body of water from which cooling water is to be taken.

Probably the most publicized problem regarding nuclear units today is the effect of warm water discharges, or as it is sometimes called "thermal pollution". It should be emphasized this problem is not unique to nuclear fueled plants. It would exist to a considerable degree even if only large conventional plants were to be built in the future. This is because for all essential purposes, in a nuclear plant, fission serves as a substitute for burning coal, oil or gas to produce heat. From that point on, the processes used are identical with those in a conventional fueled unit—the heat produces steam which passes through a turbine-generator, and then through condensers. Large quantities of water are needed to cool the condensers, whether the plant is fossil-fueled or nuclear fueled. Needless to say, the water passing through the condenser tubes does not come into physical contact with the nuclear portions of the plant. Except for the occasional addition of small quantities of chemical to prevent undesirable growths in the condenser tubes—again this is common to fossil-fueled units as well—the water passes through the condenser tubes unchanged except for a rise in temperature. Depending on the particular plant design, this temperature increase will generally average between 10 and 20 degrees. The principal difference between fossil-fueled and nuclear plants is that fossil-fueled plants have a higher thermal efficiency and discharge some of their waste heat through their smoke stack. The thermal efficiency of a fairly new conventional plant is about 40 per cent, while the thermal efficiency of a nuclear unit is approximately 30 per cent. Incidentally, the latter approximates the thermal efficiency of an older fossil-fueled unit.

Depending on weather and river flow conditions, a waterway will lose to the atmosphere the heat it picks up cooling the plant condensers. But in the time and distance required for this heat loss to be accomplished there exists a potential effect upon aquatic life. This effect may not always be adverse. But our concern with any possible effects—good or bad—has caused us to initiate a number of studies. Before describing them, I would like to note that we have placed both water and air discharge management under the direction of Mr. George T. Cowherd, who holds the post of environmental engineer at Con Edison. His extensive experience as assistant chief engineer of the Interstate Sanitation Commission has proven a valuable addition to our program.

Several studies have been and will be conducted in order to determine the optimum location and design for submerged, cooling water discharge structures at Indian Point and to insure that operation of the three units will meet the temperature requirements specified in New York State's thermal criteria. The Alden Research Laboratory of Worcester Polytechnic Institute has conducted model tests for Con Edison to study the combined effects of the three proposed units on the adjacent portion of the Hudson River. Northeastern Biologists, Inc., has conducted a survey of river temperature near Indian Point while Indian Point Unit #1 was operating close to maximum capacity. Texas Instruments, Inc. has conducted an aerial infra-red thermal survey of the Indian Point area. Information developed from these studies and surveys to date has been used as the basis of an analysis conducted by Quirk, Lawler & Matusky, environmental science and engineering consultants. The results of this analysis, which uses a mathematical model, confirm that the three units will not exceed New York State thermal requirements.

Also, a number of ecological studies have been undertaken. A professor of biology at New York University has conducted a survey of the river fishery in the vicinity of Indian Point Unit #1 while the unit was in full operation. The results showed no effect on the fishery.

A Hudson River fishery study, undertaken in connection with Con Edison's proposed pumped storage project at Cornwall, has recently been completed. The study was financed by the company and was carried out by a Policy Committee which included the U.S. Department of the Interior Fish and Wildlife Service and the New York and New Jersey Conservation Departments.

Con Edison has recently announced that it will sponsor a Lower Hudson River Cooperative Fishery Study, a research program developed by the Policy Committee mentioned above. This extensive program will monitor environmental changes resulting from nuclear plant operation at Indian Point.

The field work and analysis, carried out by the Raytheon Company, will investigate the density and seasonal distribution of fish and other organisms; the effects of temperature rise and other changes on the survival and behavior of fish and other organisms, and the characteristics of the water area before and after the start of operation of each unit. In addition, Con Edison is supporting independent ecology surveys in the Hudson River by the New York University Institute of Environmental Science.

With respect to radiation, a nuclear plant will produce radioactive waste products during normal operation. Minute quantities of these are released to the atmosphere and to the water discharged from the plant. These releases are carefully measured and controlled and are subject to regulatory limits set by the Atomic Energy Commission. The releases from Indian Point Unit No. 1 have been a tiny fraction of those limits. This is also expected to be true for the combined releases from all three units at the Indian Point site when they are in operation. Our proposed design for the fourth and fifth units also contain special features to reduce releases of radioactivity to the atmosphere to very low levels compared to regulatory requirements.

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An extensive environmental monitoring program is being conducted in the vicinity of Indian Point to provide additional assurance that operation of Unit 1 will have no deleterious radiological effect on the environment. This program includes the monitoring of river water, reservoirs, vegetation, marine life, soil and airborne particulate, and permits a comparison of data obtained before and after reactor operation began. This program is being expanded to take into account operation of Units 2 and 3. It is carried out in close coopertaion with the State of New York, which also conducts extensive environmental monitoring in the area.

Con Edison is proposing a "package study" survey in the vicinity of David's Island in western Long Island Sound, which will include the hydrological, meteorological, ecological, and radiological aspects of the area.

Finally, in the search for long-range answers to the thermal question Con Edison will be engaging in a cooperative study with Westinghouse Electric Corporation directed at finding beneficial uses for waste heat in urban areas.

ADMINISTRATION OF DISTRICT OF COLUMBIA GOVERNMENT FALTERING

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, in view of the continuing concern of a number of our colleagues about the deteriorating administration of the government of the District of Columbia, I insert an article by columnists Robert S. Allen and John A. Goldsmith, dated January 17, 1970, with regard to the subject.

The article follows:

WASHINGTON, January 17, 1970.—The White House would like to get a new mayor for the nation's voteless Capital—with a population of more than 800,000, of whom 74 percent are negro.

Mayor Walter Washington, who has held the $40,000 job since 1967, is deemed sadly inadequate to cope with the city's numerous and increasingly explosive problems.

In the hush-hush inner council discussions, it is readily acknowledged Mayor Washington is impeccably honest, a scholarly and kindly gentleman and sincerely well-intentioned. But while fully conceding these admirable personal qualities, strongly held against him is a long list of complaints as a demonstrably limited, fumbling and ineffectual administrator.

It is held that in temperament, training and capacity he lacks the decisive leadership and drive urgently needed to direct the turbulent affairs of the federal city.

But replacing Mayor Washington is a lot easier talked about than done. That involves numerous personal and political obstacles and complications.

To begin with, Washington is a negro holdover from the Johnson Administration. He was installed as mayor (official title Commissioner) in a reorganization of the District government that the former President put through by executive order. When President Nixon took office, Washington was reappointed primarily for two reasons:

(1) No negro was included in the cabinet presented by the President in a nationwide telecast; (2) no acceptable replacement, especially a negro, could be found for Washington.

The latter problem of finding a high-powered successor still remains. A number of names have been mentioned in the White House discussions, but none inspired any sparks. All are unknown quantities. On the other hand, while Washington has manifest shortcomings and weaknesses, he is a known quantity, congenial and conscientious, and is generally well regarded by the Capital's overwhelmingly predominant black population.

POLITICAL BOOBY-TRAP

This is where politics enters in a big way—on two scores:

First—because he is a negro and the circumstances under which he was reappointed, Mayor Washington can't be jettisoned out of hand. Before he can be replaced, a prestigious position has to be found and he has to be persuaded to take it—that is, agree to be "kicked upstairs."

Second, 1970 is a crucial election year that will determine the partisan control of the next (92nd) Congress and fill thousands of state and local offices throughout the country. The Nixon Administration, already under fire on racial issues, has to tread very warily regarding Mayor Washington. Anything savoring of the ax would instantly be seized upon by political and racial opponents to rant and rage for ballot box retribution against the GOP.

So while there is serious talk in inner White House councils about the increasingly pressing need for a stronger and more forceful head for the District's government, it remains to be seen when and if anything is done about it.

A number of dynamite-loaded dilemmas have to be solved, and that takes time.

EAGER ASPIRANT

One ambitious prospect for Mayor Washington's job is City Council Chairman Gilbert Hahn, Jr.

A prosperous lawyer, member of a prominent local mercantile family, and former District of Columbia Republican Chairman, he was named head of the Council by President Nixon. In that office, he has consistently leaned over backward to conciliate the dominant black community, and on occasion been stridently abrasive in dealing with others.

Among them is Mayor Washington. While there have been no public clashes between them privately there are strains and tensions. Each would be glad to see the other go.

Why Hahn would want the thankless job of mayor is known only to him. While it pays $40,000 he doesn't need the money. His mod-inclined wife is unabashedly social, and that may be a factor. The mayor outranks the chairman of the City Council—albeit very little.

Hahn's real ambition is to be named to the bench. It's possible he may think his chances of realizing that would be better as mayor than as councilman.

You never know how yearning politicians rationalize and why.

GRIM RECORD

Meanwhile, the Capital's crime rate continues to soar, its budget to skyrocket and problems and difficutlies to multiply in complexity and intensity. Whoever succeeds Mayor Washington will be confronted with a Pandora's box of grievous evils and tribulations.

Following are a few stark highlights from the record:

In 1968, murders in the federal city reached a record high of 209—30 are still unsolved. In 1969, this shocking total soared to 292, with 44 unsolved. In the first two weeks of the new year there have been eight killings, three still open.

Last week, uniformed policemen were stationed in each of the city's 46 junior and senior high schools, following four shooting incidents in which one student was killed and two others wounded. In grade schools, teachers have been threatened and assaulted, students robbed of their lunch money and abused in other ways, and vandalism is rampant.

D.C. Library Director Harry Peterson has officially notified Mayor Washington that many of the branch libraries will have to be closed unless immediate and drastic measures are instituted to put an end to "widespread disorders, harassment, theft and vandalism." Library personnel and patrons have been harassed and assaulted by packs of young negroes, and books, typewriters and other equipment stolen. In at least one instance an incendiary fire was set in a library restroom. Also hypodermic needles have been found in several branch libraries. In one week, 18 separate disorders were recorded in 10 of the city's 19 branch libraries.

At the same time, Washington now has the largest police force for a city of its size in the U.S.—4,100. This does not include more than 3,000 other security personnel—a special police force of 800 created by Congress last year to protect the 117 foreign embassies and missions, the guards of the scores of government buildings, the park police, Capitol police and White House police.

Despite this massive array of police, a report by the Senate D.C. Appropriations Subcommittee, headed by Senator William Proxmire, D-Wis., scathingly declared, "The level of crime in the nation's Capital is a national disgrace."

Equally denunciatory was the House Committee on the District of Columbia, headed by Representative John McMillan, D-S.C., on the city's steadily skyrocketing budget, as follows:

"The facts are almost unbelievable. In a very short period (1964–1969), the total D.C. annual budget doubled, from $358.5 million in fiscal 1964 to $713.8 million for fiscal 1969. During the same short time, the total federal payments to the District have increased 168 percent, $255 million for 1969 as compared to $94.95 million in 1964.

"In practically every department and agency of the D.C. government, annual operating expenses have increased from 40 percent in some agencies to as high as 109 percent. Significantly, all this expansion and increase in expenditures for additional employees and services have occurred during a period when Washington experienced an actual loss in population.

"Not only does the city have one of the highest incomes per capita of any of our cities, but huge benefits from the payroll of many of the 215,000 federal employees who work in the District. The federal government, meaning the taxpayers of the whole government, are currently contributing over 26 percent of the total annual operating expenses of the District of Columbia.

"Employment by the D.C. government has had an astronomical increase, almost 100 percent, since 1954. In that year, there were 19,818 authorized positions, with a gross payroll of $82.6 million, as contrasted with 34,927 in 1968, and 38,016 authorized positions for fiscal 1969.

"Even more startling is the fact that with 34,000 authorized positions in 1968, the turnover rate was so high that actually 54,147 were employed during that year at a gross payroll of $257.5 million.

"It is also pertinent to point out that at present there are 325 full-time and 99 part-time D.C. government employees paid at the rate of $18,000 or more per annum."

Another striking fact cited by the McMillan committee are these startling contrasting figures: In 1960, the federal's direct contribution to the D.C. government was $25 million. Ten years later, it amounted to $105 million, plus another $5 million to reinforce the struggle against crime.

And Senator Proxmire brought out the revealing fact, in hearings before his Appropriations Subcommittee, that in the previous fiscal year Mayor Washington spent more than $16,000 for chauffeur hire. That included $6,385 in regular pay and $10,566 in overtime pay—at time and a half.

At the same time, his deputy mayor spent $12,000 for this purpose and the then-chairman of the City Council $13,000.

THE DEATH OF INTEGRATION

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. REID of New York. Mr. Speaker, Tom Wicker, the associate editor of the New York Times, is an eloquent spokesman for many Americans who feel, increasingly, shame and alienation and shock at some of the more convulsive events and actions of our time.

His column this morning is about the Senate's approval yesterday of the Stennis amendment retreating on school desegregation, and, by implication, about the Whitten and Jonas amendments this House will vote on today. No comment of mine could improve upon the sentiments he expresses, nor could I state them with greater conviction and sadness.

I am inserting Mr. Wicker's column in the RECORD at this point, in the hope that Members will heed its message:

[From the New York Times, Feb. 19, 1970]

IN THE NATION: THE DEATH OF INTEGRATION

(By Tom Wicker)

WASHINGTON, February 18.—The Senate of the United States has now cravenly abandoned the policy of racial integration—sixteen years after it was born in a Supreme Court decision, ninety-four years after the Civil War "Reconstruction" ended in a similar sell-out, and less than a week after President Nixon, on Lincoln's Birthday, gave the signal of surrender.

When all the apologetics have been set aside, that is the meaning of the adoption of the Stennis amendment, to the concept of which Mr. Nixon extended his blessing at the crucial moment. It pressures against school segregation must "be applied uniformly in all regions of the United States without regard to the origin or cause of such segregation," then they are not going to be applied anywhere, because there is neither the manpower, the money, the knowledge nor the will to do the job.

WHAT SEGREGATIONISTS WANTED

Although the effort cannot be made everywhere, it now cannot be limited to the South either. That is exactly what the South's segregationists wanted. That is what their ally in the White House is willing to permit. That is what their dupes in the Senate have approved.

The justification is ready at hand. Integration, it is now contended by both black and white leaders, is a failure. In many cases this is demonstrably true; in other cases it is unquestionably false. Just today, there were reports of a successful reshuffling of student patterns in Greenville, S.C. To say that integration has failed is to ignore and denigrate the thousands of Southern citizens who in the past decade and a half have faithfully tried to obey what they believed was the law of the land. It is to abandon to their fate those local and state political leaders who courageously led the integration movement, sometimes at peril and even sacrifice of their lives.

INEFFECTUAL REMEDY

But even if integration has failed—and to say that it has is not only false but an assertion of the bankruptcy of American society—what is suggested in its place? Stewart Alsop, quoting those who say integration has failed, tells us in Newsweek:

We must "open up middle-class jobs and the middle-class suburbs to Negroes." We must "make the schools good where they are"—that is, pour money and attention into the ghetto schools. The fact is that despite the pleas of the Kerner Commission, the Eisenhower Commission and every other reputable body that has made any good-faith effort to gauge the situation; despite the empty rhetoric of the Nixon Administration about "reforms" and new programs, despite the hypocrisy of those Northern Senators who supported Southern segregation under the guise of attacking Northern segregation—despite all this, there is not the slightest indication that the American people have any intention of doing any of these things, or that their fearful leaders will even call upon them to do so.

Mr. Alsop's strategists also insist that the nation not "sell out integration where it's been successful." That is precisely what Mr. Nixon and the Senate have done: what will happen now in Greenville, and in other cities where courageous, good-faith efforts had been made? Whatever those black leaders who say integration has failed may think, what will the millions of black people believe as they see starkly confirmed one more time—after so many precedents—the unwillingness of white Americans to make good on their commitments and their ideals?

"The Union," wrote C. Vann Woodward in *The Burden of Southern History*, "fought the Civil War on borrowed moral capital. With their noble belief in their purpose and their extravagant faith in the future, the radicals ran up a staggering war debt, a moral debt that was soon found to be beyond the country's capacity to pay, given the undeveloped state of its moral resources at the time." For eighty years there after, Mr. Woodward pointed out, the nation simply defaulted, until "it became clear that the almost forgotten Civil War debt had to be paid, paid in full, and without any more stalling than necessary."

IN DEFAULT

That is clearer than ever, because we are not dealing in 1970 with five million ignorant field hands in the cotton South, as we were in 1876. But once again, the Union is defaulting; once again its capacity to pay has been found grievously wanting; and still its moral resources are sadly undeveloped.

Poor old Union! Its great and generous dreams falling one by one to dusty death.

THE ECONOMIC FORUM SUMMARY OF THE BUSINESS OUTLOOK

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. HELSTOSKI. Mr. Speaker, with the growing concern about the Nation's economy, I believe it wise for the Congress to have before it the views of as many economists and financial and business experts as possible to aid us in our deliberations.

Thus, I do hereby place in the RECORD an article by Mr. Martin R. Gainsbrugh, senior vice president, and chief economist of the National Industrial Conference Board. Mr. Gainsbrugh's article is an abridgment of the official summary of the consensus of the Economic Forum of the NICB which convened in November of 1969. Mr. Gainsbrugh was chairman of the forum.

The article follows:

THE ECONOMIC FORUM SUMMARY OF THE BUSINESS OUTLOOK

(By Martin R. Gainsbrugh)

By year-end, 1970, the Economic Forum's average estimate of Gross National Product is $1005 billion. That is a gain of about $50 billion over year-end 1969, or an increase in GNP in 1970 of only 5.3%. For the year as a whole, the anticipated rate of expansion is somewhat higher: 5.7%. This contrasts with a rise of 7.7% in 1969 and 9.1% in 1968. Clearly, we envision the year ahead as one in which business in general will still be moving up. but at a much slower pace than in the past two years. The tempo should pick up a bit in the second half, but not markedly so.

A companion measure of business activity that is often sought is the Index of Industrial Production. For the fourth quarter of 1969, the Forum expects this index to be 172.9—a bit lower than the October figure of 173.3. By the end of 1970, it should have moved up to average about 174.5. For 1970 as a whole, the group's average estimate is 172.8—the same as at present.

Should prices outstrip the rise in current dollar output in 1970, that would justify the label of recession. The Consumer Price Index for the fourth quarter, 1969, we put at around 130.8, and for mid-1970 most of the Forum anticipates some moderation in the upward trend.

By the end of the year, the consumer price index should reach 136, 4% higher than it is now. That means less of a leap in our price thermometers, but the patient's temperature is still rising and disturbingly so.

The Wholesale Price Index shows far more improvement. The Forum's estimate of the fourth quarter is the same as in November: 114.5. For the middle of 1970 the group estimates 116, and by year end, 117. This definitely suggests a most welcome easing in wholesale prices with the increase in 1970 slowing to about 2%.

Finally, the Implicit Price Index. That index is used to deflate GNP and hence gives some indication of the rate of *real* growth expected by the Forum. It stands at about 130.5 currently. We expect it to be about 133 by mid-1970. We anticipate prices in general will be rising at a 4% rate in early 1970, but by only 3.5% as 1970 nears its end.

In combination, the Forum expects the current dollar GNP to rise by 5.7% in 1970 while the IPI moves up by 4.3%. We are thus left with an increase of real product of about 1.4% for the year as a whole and 1.6% by year-end 1970.

The quarterly relationship between the Forum's estimate of GNP and IPI is directly pertinent to the views others have expressed about the imminence of recession. In no single quarter does the group foresee a greater rise in prices than in the value of output:

QUARTERLY RISE IN 1970, PERCENTAGES

	GNP in current dollars	Implicit price index
1 Q 1970	1.24	1.00
2 Q 1970	1.21	.91
3 Q 1970	1.27	.83
4 Q 1970	1.54	.89

In the first half of 1970, the anticipated unemployment rate is disturbingly high—so much so that it may not be politically ac-

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ceptable in a Congressional election year. To repeat an axiom of earlier years, business forecasts must not only be sound in their economics but also politically realistic. What we are suggesting for mid-1970 is an unemployment rate that may range from a low of 4.3% to as high as 5%. The mid-year average as a whole is 4.6%. At the end of 1970, the unemployment estimate of the Forum, however, is 4.3%.

A second way of looking at where the Forum thinks we will be is to depart from the general consensus to look at expectations for the four major sectors of GNP. Very often, we have found a considerable difference between the sum of the parts, as seen by the various members of the Forum, and our collective expectations for GNP as a whole.

Ira Ellis and George Hitchings expect personal consumption expenditures to rise by about 6% in 1970. By fourth quarter 1970, consumer outlays on this basis would total $625 billion (annual rate, seasonally adjusted). Ellis and Hitchings see little if any increase in durables. Services, however, should be up again by at least 8%. Non-durables should increase about the same as total GNP or about 5¾%. That should serve to underscore the strength prevailing in the consumer sector throughout 1970.

The second largest GNP sector is the governmental component. This is expected by James Knowles to increase to nearly $230 billion in terms of purchases of goods and services in the GNP accounts. What this assumes is a small decline in total Federal purchases. A cut in defense spending of about $5 billion will be largely offset by a hike in Federal civilian expenditures, particularly in the second half. State and local expenditures should expand again, by another $13 billion. The public sector, then, shows almost as much growth in 1970 as in 1969, even with softness in defense outlays.

The third and most important component cyclically is gross private domestic investment. Let's start with investment in residential structures: Walter Hoadley estimates only $31 billion (seasonally adjusted, annual rate) by year-end 1970—about the same amount as presently. Further softness in housing demand in the opening part of 1970 would be offset by a rise in the second half of 1970.

Turning to fixed business investment, Louis Paradiso's expectations are for about a 5% increase in capital outlays in 1970—let us say $106 billion for-end 1970. Note the striking contrast here to the patterns of weakness in capital spending in past periods of business recession.

Putting all three forms of investment together (including inventories), gross private domestic investment by the end of 1970 might then be in the neighborhood of $143 billion, or at least as high as it is currently. What is happening in late 1969, and what we suspect will be continuing in 1970, is that private investment will shift from being the strongly expansionary factor that it was in 1968, and much of 1969, to being strongly sustaining in 1970.

To complete the GNP scorecard, Roy Reierson estimates that the net exports of goods and services will hold at $2.5 to $3 billion—about where it is.

Summing up the four sectors yields a fourth quarter GNP in 1970 of $1003 billion, thus providing strong support for the Forum's earlier consensus of a GNP of $1005 billion.

Our last test of GNP involves labor input and output per manhour in 1970, and this is where the Forum's estimates of unemployment take on considerable significance. As Jules Backman suggests, the increase in the labor force next year may be somewhat on the high side. If 2.5% is assumed, that would give us a labor force of about 82 million in 1970. Unemployment would also be higher, say 4.5% on the basis of the expectations of the Forum, one percentage point higher than in 1969. Employment, or the net increase in labor input, therefore, would rise by about 1.5% above its counterpart in 1969. Resort to overtime and the average hours of work would undoubtedly decline in a period of rising unemployment. Total national manhours input should therefore rise even less than the projected 1.5% increase in total employment.

What about national productivity? There has been virtually no increase in output per manhour for the nonfarm private sector this year. And from past experience, there is little reason to believe that productivity moves up at its long-term pace when the rate of increase in *real* output is declining. The prospect of a rise of 1.5% in labor input, at best accompanied by static national productivity, thus lends strong support to the Forum's expectations that *real* national growth in 1970 will be well below average. Even a limited gain in national productivity, however, would serve to lift *real* output well above the group's expectations. A rise in productivity of only 1.5%—half the long-term annual gain in productivity—and the cross-multiplication with labor input would yield a rise in *real* growth of 2.25% as compared to the Forum's expectations of only 1.4% for the year as a whole.

We should not only be in "trillion dollar land" in 1970 but, even more in point with the expected moderation in price rises as the year runs its course, we should have a significantly higher rate of *real* growth as the year ends than at its beginning.

Projected sector accounts, fourth quarter, 1970

[In billions of dollars[1]]

Personal consumption expenditures	627.0
Durables	93.0
Nondurables	263.0
Services	271.0
Gross private domestic investment	143.0
Housing	31.0
Plant and equipment	106.0
Inventories	6.0
Net foreign exports, goods and services	3.0
Government	230.0
Federal	100.5
Defense	75.5
State and local	129.0
Total gross national product	1003.0

[1] Seasonally adjusted, annual rate.

NORTH TEXAS AREA PROSPERS FROM SPACE-RELATED INDUSTRY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Ray Zauber of the Oak Cliff Tribune of Dallas, Tex., has written a number of highly interesting articles on the importance of the space program not only to specific sections of the Nation but to the Nation as a whole and to the world. One of Mr. Zauber's recent articles dealt with the effect of our national space program on the prosperity and growth of the north Texas area. This same story has been repeated in numerous localities throughout the United States and portrays a number of the benefits which we are deriving from our national space program. Because this is not only a story of the north Texas area but of many parts of the United States, I am including this article in the CONGRESSIONAL RECORD.

The article follows:

NORTH TEXAS AREA PROSPERS FROM SPACE-RELATED INDUSTRY

(EDITOR'S NOTE.—On a recent trip to NASA in Houston, with Cong. Olin E. Teague, Ray Zauber talked to several scientists, astronauts, technicians and administrators. Rep. Teague also provided him with a wealth of material on the subject. This data has been carefully sifted for a series on the race to space, which Zauber considers perhaps "the greatest story of all times.")

North Texas, especially the Fort Worth-Dallas area, is one of the greatest beneficiaries of the space program.

While Houston is home of the astronauts, Mission Control and Manned Flight departments of NASA, North Texas has received billions of dollars in space contracts.

The aerospace industrial factories of Dallas and Forth Worth are deeply involved in development, engineering and manufacturing of space equipment.

Ling-Temco-Vought, Texas Instruments, Bell Helicopter, Varo, Collins Radio, Consolidated Vultee and dozens of lesser manufacturers have shared in developing military and space hardware.

Some of the most sensational scientific discoveries of the times come directly from the space investment in the industries of North Texas. Collins Radio and Texas Instruments have developed improvements in radar and radio which have been fundamental to United States superiority in sky probes.

LTV has been involved in design and manufacture of much equipment actually used in space ventures. Engineers of the LTV astronautics division are working on new programs and more sophisticated components for spaceships.

It behooves the leadership of this area to support the space program in every possible way. Even if there weren't direct benefits to the North Texas economy from the huge payrolls and purchase of supplies, boosting space would be justified for the overall good of the country.

Space has created teeming industry in Texas along with its unending stream of fringe benefits. In addition to the prosperity, space has brought brilliant and dedicated scientists, engineers, technicians and administrators to the state.

It has fed funds into our universities and technical laboratories for development of new materials, new ideas, new hope. The parameters of space present challenges almost beyond comprehension just a generation ago.

Some of the ideas expressed in Buck Rogers and Flash Gordon were held inconceivable as late at 1960. There were eminent scientists and educators making flat declaration that man would never escape his planet.

The prospects for interstellar travel are exceedingly bright. If man doesn't destroy himself in nuclear holocaust landings on other planets and distant stars will be effected in the years to come.

Perhaps many of the secrets of the universe will be unlocked as the probes of space push deeper and deeper. And how exciting it is to know that much of the technical and scientific knowledge necessary for these future space sorties emanates in our own area.

The ramifications of space in North Texas go beyond economics. The highly-educated leaders and highly-skilled workers assembled by the astronautics industries have contributed substantially to the society in which we live.

From aerospace and the related industries have come political, cultural, religious, civic, educational and social leadership. Some deserving charities have benefitted from the civic consciousness of the space tycoons. And their philanthropies have thrilled the area time and time again.

It is difficult to comprehend the subtly changing attitudes of Dallas people toward the welfare state when free enterprise stands as such as a pillar of the Big D economic phenomenon.

If ever rugged individualism and ingenuity built a great city. Dallas would be a shining example. Aerospace has to be part of the foundation on which this pillar is anchored.

A JUNIOR HIGH SCHOOL CLASS TELLS IT "LIKE IT IS"

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, February 20, 1970

Mr. JAVITS. Mr. President, several weeks ago I received a publication written by class 8–202 of the John S. Roberts Junior High School in Manhattan entitled "A City Is." This magazine most accurately describes ghetto life circa 1970 with its garbage-filled streets, rat- and roach-infested tenements, abandoned businesses, drug addiction, rampant crime, and with a majority of the population too poor even to be able to escape.

This is the everyday life which confronts these students and not the green-lawned, white-fenced community of Dick, Jane, and Spot, which we would like to believe. The magazine produced by room 8–202 is their plea to those in authority to keep their promises to change such an environment. I ask unanimous consent that several excerpts from this magazine be printed in the Extensions of Remarks so that my colleagues may have the opportunity to hear these students.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

A CITY IS . . .

(NOTE.—A series of essays written by Class 8–202 of the John S. Roberts Junior High School in New York City.)

THE PARK

(By Aurea Matos)

Once upon a time there was a beautiful little park with swings, games to play and lots of nice things. But some people used to come, write on the walls, spit and break the swings and bottles. Then the junkies started to enter the park just to shoot up. Some of them used to leave their needles on the ground. The little kids used to pick them up and play with them.

One day a junkie came to look for his needle and he found a little boy playing with it. The junkie got mad and said "Hey! What do you think you're doing with that? Give it to me." The kid said, "I'm gonna tell my daddy to beat you up." So the junkie took the kid and killed him with a knife.

They told the owner of the park, "Tear down that crazy park before the junkies start really looking for trouble." So the owner had no choice but to tear it down.

Now look at the way it is. Now the junkies don't have to worry about anything but their needles and dope. That's how the junkies mess up the whole park.

YOU CAN'T TELL

(By Joseph Melendez)

Look inside this building and all you'll see are a couple of rats, a few roaches and don't forget about the garbage.

The people, that's right, the people, let's go to the people in the building. That man standing there, he doesn't look too old, but what is he? I think he's a man standing there doing nothing. Is he lazy? Now the rest of the people in there, are they half junkies? Maybe they're not. Maybe it's just a decent place with decent people

Some buildings are like this and good, but . . . how are we to know?

MY IDEAL SCHOOL

(By Raphael Pagan)

My ideal school wouldn't be a school with bars or chicken wire on the windows. It also wouldn't be so small and crowded. My ideal school would be much bigger than the one we have now. And it would be at least sixteen stories high, with elevators. It would have two gyms, one for the girls and one for the boys. It would also have a swimming pool, but one a little bigger than the one we have now. And the gyms, the shops and the pool would be in a building all by themselves. There would be a small tunnel to go from building to building. There would be a parking lot for the teachers, one big enough to hold about one hundred and fifty cars. And there would be about three to six buildings. In all, the school should hold at least nine thousand to eleven thousand kids. That's what I would like for my ideal school.

FOUR BAD GUYS

(By Lillian Cruz)

Once upon a time there were four boys who were really bad guys. Since they didn't have anything to do, they wandered around until they saw a dirty basement full of garbage. So, having nothing to do, they took everything out of the basement and put the garbage inside a broken car and all over the streets. Then this nice boy came along and told the guys: "Hey! Guys! You seem as if you don't have anything to do when you do this. . . . Why not fight till they build a nice park for us to play in?" So the guys listened to the school boy and bugged the government until they got a beautiful park where they could play now instead of going around being vandals.

THE BUILDING

(By Edward Cosme)

Once upon a time Fiorello Laguardia put up a building in East Harlem. People were clean and kept it in good condition. After a few years, other people moved in and didn't take much good care of it. All of a sudden there was filth and blight all over the building and the backyard. Then, people started to move out of the building and soon it was abandoned. The kids of the block started breaking all the windows and that only made the building look worse and gave the block a worse impression than it already had. Then the building was condemned. They tried to renew the building though it was a waste of time. Now all that is there is a vacant space.

HOW A BUILDING FALLS APART

(By Nereida Mendez)

Would you like to know how a building falls apart? Well, let me tell you.

A year ago a big apartment building was a nice building. The people who lived there lived like one whole family. The landlord was a nice man who cleaned the halls and stoops.

But one day a junkie moved in and the people were upset. Then more junkies started coming in and the landlord stopped carrying his responsibilities. The building became a slum building. So what! The junkie did not care!

Next to the big building was a one family house. It was one of the nicest buildings around. All white on the inside, red and green on the outside, with brown on the edges.

Well, these junkies in the big building were sick. They needed money. So when the people who lived in the small building were out, the junkies drilled themselves through the wall and stole everything from the small house.

The people from the small house are now far away, and their house is now half up and half down. Children take it down piece by piece.

This is how a building falls apart.

THE RINGS

(By Gennaro Russo)

Why isn't there any electricity for telephones on 117th Street, between First and Second Avenues? Because right after somebody burned down the lumber yard and the two buildings next to it, kids started playing in the rubble. Then, when they knocked down a building next to that, kids went and and played with the telephone poles. They cut the cable off with a knife and then took the colored wires from inside to make rings.

One of the kids was my friend. He is a student in this school. He goes to that block every day because his father works in a little mechanic's shop there.

He went to where the telephone poles were and wanted to break them with his hands. He couldn't do it, so he went and got a big scissors and started to cut the wires. He gave some to his friends to make little rings.

And now, the whole block has no telephone service.

THE LITTLE ICE CREAM TRUCK

(By Joseph Gonzalez)

This is the story of me, an icy truck.

It was a beautiful day and my owners, two teenagers, came to get me. They carried me downstairs, bought a small piece of ice, and put it inside of me. Then they put some bottles of colored water in me. Then they started pushing me away. They pushed me for a mile, then we went into an alley where we met two other guys. One of the guys said, "Where's the stuff?" "In the truck." (There was something strange about these guys.) The other guy asked, "How much?" "$50." Then my owner took a bag out of me.

As he pulled out the bag, the two guys pulled out guns and cops came at them from both sides. My owner threw the bag in me and gave me a hard push. I hit a couple of cops and kept on going. As I rolled off, an officer picked up a bag that fell out of me and went back to the alley.

When I stopped, a man came and chained me to a gate. The next day he took me out and we sold icies. Free at last! Now I'm a real icy truck, not a dope truck.

THE LITTLE ICE CREAM TRUCK

(By Gennaro Russo)

Hello. I am a little ice cream truck. Every morning my master takes me around the neighborhood to sell ice cream for people that are thirsty and feel hot. I am not like you kids, thinking that you live in a clean place. I think you kids are very wrong because every day I go around the neighborhood and I see that half of each block is messed up. There is garbage all over the streets, there are vacant lots and even condemned buildings.

If I were a human and I were rich I would first go around the block I live in and try to knock down some buildings and put up new ones. I would try to make a little park for kids of all ages to play in. I would put up swings and a little basketball court. And I would then go back to being an ice cream truck and I would go around the park selling ice cream.

SALT LAKE CITY VA HOSPITAL INTENSIVE CARE UNITS UNDERSTAFFED—DENTAL CARE FUNDS LACKING FOR UTAH VIETNAM VETERANS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. TEAGUE of Texas. Mr. Speaker, in December 1969 the Committee on Veterans' Affairs undertook an investigation of the VA medical program because of complaints received from many sources that VA hospitals were underfunded and understaffed. One of the most consistent complaints which I heard was that our Vietnam veterans were not receiving timely dental exams and treatments. Another was that intensive care units, in many instances, were not completely staffed—some not at all—to render proper round the clock treatment for seriously ill veterans.

Mr. Speaker, the nationwide survey of VA medical facilities which the Veterans' Affairs Committee undertook revealed a substantial shortage of funds for Vietnam veterans' dental care. For instance, at the Salt Lake City, Utah, hospital, the director indicated to the committee in December 1969 that he was about $100,000 short of dental care funds. In January he reported to the committee that he had been allocated over $133,000 in additional funds to reduce his overall operating deficiency for fiscal year 1970 of $400,000 but only $8,700 had been allocated to reduce the dental deficiency. Part of the problem apparently is the lack of VA clerical personnel to issue the dental authorizations. Unless these Vietnam veterans are willing to risk having to pay for the cost of dental care out of their own pockets—which the Government should pay—they must wait many weeks and sometimes months for the VA to perform the service or issue an authorization to the veterans' private dentist to perform the service.

Mr. Speaker, this is most unfair to our returning Vietnam veterans who received inadequate dental care while serving in the Armed Forces. In large measure, this situation could be promptly corrected if the Bureau of the Budget would—today—allocate to the VA higher personnel ceilings and ask—now—for sufficient supplementary funds to pay for the fee dental work which is needed—today—mosty for Vietnam veterans. I believe that there would be an immediate favorable response from the Congress to this request.

Mr. Speaker, the Salt Lake City hospital director also reported to our committee in December that the medical and surgical intensive care units should have 14 more full-time positions which would cost about $67,000 annually. As far as I can determine, he received no staffing relief for the intensive care units which means that the personnel manning these units are unable to monitor, on a timely basis, the vital life signs of patients committed to their care or else the units not being used to their fullest potent

Mr. Speaker, in December 1969 Hospital Director W. E. Stonebraker reported to the House Veterans' Affairs Committee a total funding deficiency for fiscal year 1970 of about $400,000 at the 530-bed hospital. More than $275,000 was needed to support 25 on duty hospital personnel. He stated he was also short another $25,000 to provide for consultant and attending physician fees to augment the professional staff at the veterans hospital.

Director Stonebraker stated that unless additional funds were provided to meet recurring operating needs of the hospital that he would have to divert approximately $175,000 budgeted for equipment and maintenance to alleviate the funding deficiency primarily in salaries. Included in a long list of items of equipment and maintenance and repair projects were the following which would have to be deferred to another year: a mobile resuscitation cart, $3,700; electrocardiograph cart, $175; an anesthesia machine with accessories, $7,600; and a general-purpose microscope costing $3,700. Maintenance and repair projects previously approved that would have to be deferred included surgery air conditioning controls costing $9,900, a new roof for one of the buildings which would cost $11,500, installation of an emergency generator at $10,000, expansion of the fire sprinkler system costing $15,000 and smoke barrier and door repairs costing $11,000.

The hospital also reported that special treatment facilities for Utah veterans at the Salt Lake City hospital were inadequate in scope because of lack of sufficient employment ceiling and funding during fiscal year 1970. These included the medical and surgical intensive care units which Stonebraker reported should have 14 more full-time positions at a cost in excess of $67,000 and the electron microscopy program which should have one other position costing $9,000 annually.

The community nursing home care program under the jurisdiction of the Salt Lake City VA hospital would require approximately $27,000 more according to Stonebraker to implement the provisions of Public Law 91-101. This new law provides for continuation of service-connected veterans in community nursing homes at VA expense without regard to the 6-month limitation previously imposed.

To achieve the minimal staffing ratios which I advocate for general hospitals, the Salt Lake City hospital would require approximately 260 more positions at an annual cost of $2.5 million. Stonebraker reported that the hospital had a staffing ratio of 1.51 to one patient as of September 30, 1969.

Director Stonebraker later notified the Veterans Affairs' Committee that subsequent to review and consideration by the VA's Central Office of his budget plan and reported funding deficiencies for fiscal year 1970, that he received a supplemental allotment totaling $133,750. Of this amount, Stonebraker said $8,750 was restricted for fee dental exams and treatments to apply against his previously reported $100,000 deficiency in this activity.

Stonebraker said that as a result of the additional $125,000 for personnel services and the strict fund control operations that were necessary during the first 7 months of the fiscal year, that the funding deficiency had been reduced from $277,000 to approximately $48,000 for salaries of personnel. The funding adjustments which the Salt Lake City hospital received still left a shortage of $139,000 in personnel salaries and fee dental activities. The previously reported funding deficiencies in the community nursing care program and for the specialized medical programs were unchanged.

Mr. Speaker, some curtailment of VA funding and staffing has been blamed on the "war on inflation." I take the position that the Vietnam veteran has contributed enough when he fights the shooting war. He should not be expected to fight the war on inflation at the expense of his health. I am most grateful to my colleagues in Congress who, over the years, have demonstrated a bipartisan attitude for our veterans program and I feel certain that this same sentiment will prevail in the months to come as we attempt to improve medical care for America's veterans.

THE BUSING OF SCHOOLCHILDREN

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, February 20, 1970

Mr. BYRD of Virginia. Mr. President, the Tuesday, February 17, edition of the Norfolk Virginian-Pilot included an interesting editorial on the subject of busing schoolchildren to achieve racial balance.

The editorial points up an often-neglected aspect of this situation; namely, the high cost involved in transporting pupils for great distances to change the racial composition of schools.

The editor of the Norfolk Virginian-Pilot is Robert Mason.

I ask unanimous consent that the editorial, entitled "The High Cost of Busing," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Virginian-Pilot, Feb. 17, 1970]

THE HIGH COST OF BUSING

Congress was well advised when passing the Civil Rights Act of 1964 to provide "that nothing herein shall empower any official or court of the United States to issue any order seeking to achive a racial balance in any school by requiring the transportation of pupils or students from one school to another in order to achieve such racial balance . . ." As Irving R. Melbo, dean of the School of Education of the University of Southern California, wrote last year: "Busing is very costly and takes money from the educational program. It is not a permanent solution [to the segregation problem] and can be upset by mobility. . . Busing encounters parental resentment, particularly among parents of girls and younger children. . . . Furthermore, there is loss of time in riding. . . ."

Dr. Melbo's article appeared well before pupil-busing became a political issue. Currently Senator Stennis of Mississippi is sponsoring amendments to a school-funding bill that would frustrate busing and require that school desegregation standards "shall be applied uniformly to all regions of the United States without regard to the origin or cause of such segregation." Under Federal policy, which the Supreme Court is yet to rule upon, the South is treated differently from the rest of the Nation because its segregation patterns grew out of state laws which have been invalidated; the Justice Department insists that even the 1964 Congressional ban on busing does not apply to the South.

We have examined the North-South politics involved here on several occasions, and without satisfaction. Hypocrisy is on both sides. Economics, not politics, should be the basis for settling the busing debate. For funds that go into busing are bound to be subtracted, in some degree, from funds that should go into education, and the quality education is not receiving nearly enough attention in the school desegregation hassle.

U.S. District Judge Walter E. Hoffman was impressed by the cost factor when late last year he declined to order massive busing as a part of Norfolk's long-range school desegregation plan. "The budget for the construction and operation of the public school system is prepared by the School Board and, after review and modification by the City Manager, is submitted to the City Council for approval, rejection, or modification," he noted. "Thus far, the cooperation between the School Board and City Council has been excellent. We wonder what the result will be if the Board is required to ask the City Council for $4,000,000 capital investment for buses and $800,000 annual operating expense for the same item."

Los Angeles, where *de facto* segregation is as acute as in Southern cities, last week was ordered by a California state judge to prepare a school integration plan for employment next year. School Superintendent Robert F. Kelly said the order would require the busing of more than 240,000 of the district's 674,000 students at a cost of $40 million in the first year and $20 million every year thereafter. The district already is facing a deficit of about $34 million.

A showdown on busing is developing in North Carolina. A Federal judge there has issued a desegregation order for Charlotte and Meckleburg County requiring massive busing. But a 1969 state law sponsored by a Mecklenburg legislator prohibits "involuntary busing for the purpose of creating a balance or ratio of race . . ." Governor Robert W. Scott has said he will refues to allow public funds to be spent on Mecklenburg busing until the Federal-State legal conflict has been resolved.

Charlotte-Mecklenburg and North Carolina can no more afford to pay for massive busing that Norfolk and Los Angeles can. In any valid list of educational priorites, busing would have a low place. The busing question should not be Federal-state domination or North-South differences. It should be getting the greatest good out of the school dollar.

U.S. FOREIGN POLICY

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. RHODES. Mr. Speaker, last Wednesday the President sent to Congress a U.S. foreign policy for the seventies.

Its keys are partnership, strength, and negotiation.

In the preface of his message the President makes these points:

Peace requires partnership. Its obligations, like its benefits, must be shared.

Peace requires strength. So long as there are those who would threaten our vital interests and those of our allies with military force, we must be strong.

Peace requires a willingness to negotiate. All nations—and we are no exception—have important national interests to protect. In partnership with our allies, secure in our strength, we will seek those areas in which we can agree among ourselves and with others to accommodate conflicts and overcome rivalries.

Mr. Speaker, the security of the free world and, for that matter, the fate of the entire world rests on a realistic and reasonable American foreign policy.

The President's message makes it clear that in the seventies we have both.

LITHUANIAN INDEPENDENCE DAY

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. ZABLOCKI. Mr. Speaker, it is indeed an honor and a privilege to join with my esteemed colleagues in commemorating the 52d anniversary of the declaration of Lithuanian independence.

I am certain that the commemoration of this event in the U.S. Congress will continue to serve as an inspiration to the millions of Lithuanian people still subjugated by Soviet Russia. Further, the commemoration of the Lithuanian people's history of independence is intended not only to encourage the determination for freedom in the hearts of Lithuanians, but also to serve as an incentive to rekindle patriotism in our own hearts.

Recent events in Eastern Europe and even within the U.S.S.R. itself serve to confirm that the love of freedom is very much alive within the hearts of the peoples of the captive nations, despite decades of Communist efforts to enforce regimentation and imposed obedience.

Oppression and oppressors can never eradicate the yearnings for political and social freedom that motivate mankind. Actually, history is a chronicle of these human desires and values, these qualities of the human spirit that ultimately mark the destiny of man.

It is for this reason that the courage and sacrifices for liberty that we can recognize in Lithuania and elsewhere in Communist-controlled lands serve as an inspiration and example for all of us.

The Lithuanian people continue to hope for, and patiently await the day when liberty and national independence will be restored to them. Their determination and dedication is of the same intensity as has often before changed the course of history.

Mr. Speaker, on the 52d anniversary of their Declaration of Independence, it is my sincere hope that all freedom-loving Americans join with the courageous people of Lithuania in their prayers and aspirations for freedom from oppression and domination.

CHEEKTOWAGA PUPILS URGE ALL PUPILS IN UNITED STATES TO JOIN IN SIMULTANEOUS FLAG PLEDGE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. DULSKI. Mr. Speaker, we hear and read much about the adverse goings-on in our schools and colleges. Adversity, confrontations, disputes, demonstrations—all these things make good copy for the media.

It is indeed a pleasure for me to call the attention of the House to a favorable and noncontroversial matter which made not only the front page of one of our local daily newspapers, but also has received attention from the other media as well.

I refer to the initiative of a third grade class in a suburban Buffalo, N.Y., school—Cleveland Hill Primary School—in seeking the cooperation of pupils all across the Nation in a simultaneous recitation of the Pledge of Allegiance on April 30.

The initiative in itself is heartwarming; the personal letter that I received from one of the pupils asking my cooperation is most gratifying. Eight-year-old Lisa Hanley who wrote to me typifies the spirit of dedication which these young people have.

The children are extending their appeal to everyone through every possible means of communication.

ECHO THROUGHOUT LAND

I hope sincerely that the echo of these voices will indeed be heard throughout the land.

A year ago today, I placed in the CONGRESSIONAL RECORD, the explanation of the Pledge of Allegiance as given on national television by Red Skelton, one of the world's great clowns. Mr. Skelton recalled from his childhood how his teacher had explained the meaning of the separate phrases in the Pledge.

I commended Red Skelton for reminding us of the significance of familiar words which escape us temporarily.

The project of the Cleveland Hill pupils is in the same realm of attention which Red's teacher gave to Red and his schoolmates years ago.

Mr. Speaker, the letter to me from Lisa Hanley, one of the Cleveland Hill students, speaks for itself. It reads:

> CLEVELAND HILL PRIMARY SCHOOL,
> *Cheektowaga, N.Y.*
>
> DEAR SIR: I, Lisa Hanley, am 8 years old and I'm in third grade in Cleveland Hill Primary School in Cheektowaga, New York. I want all the boys and girls to know how important it is to say the Pledge of Allegiance. We understand what it means. It means a promise of faithfulness to our country which represents the 50 states—ruled by the people under God's protection. We enjoy accepting responsibilities and opportunities. Every man is given what he deserves in fairness and rightness. When I

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recite I feel a chill going down my back. That is how I feel when I recite.

Will you please help our Third Grade Class get our project accepted throughout the United States of America? Please read our request and give it your support.

Yours truly,

LISA HANLEY.

Mr. Speaker, following is the text of the petition which the class is circulating across the country:

TEXT OF PETITION

We, the boys and girls of Mrs. Irene Priore's Third Grade Class, of the Cleveland Hill Primary School, Cheektowaga, New York request that April 30, 1970, 1:30 E.S.T. be set aside in all the schools of the United States of America, so that all the boys and girls of our nation may recite the "Pledge of Allegiance to Our Flag" at the same time. We request the cooperation of all radio and television stations in synchronizing the time, so that the children's voices may echo throughout the land.

Mr. Speaker, beneath a five-column picture of the third-grade class reciting the pledge, the Buffalo Evening News ran the following story which elaborates upon the project:

CHEEKTOWAGA PUPILS ASK OTHERS IN U.S. TO JOIN IN PLEDGE TO FLAG

When you're eight years old and for half of your life it has been impressed on you that you live in a good land, a great country, it's upsetting to read about a controversy over whether children ought to pledge allegiance to the flag of that country. You've been doing it ever since you entered a school-room, and perhaps before that.

Most 8-year-old—third-graders—would just be somewhat upset and then go about their studies, reading, playing or watching TV.

But the children in Mrs. Irene Priore's class in Cleveland Hill Elementary School thought that something more should be done.

NATIONAL PLEDGE-IN

They believe that boys and girls throughout the country feel the same way they do, and they'd like to join in a nationwide demonstration of that fact.

They are calling on all schoolchildren to join in the recitation of the "pledge of allegiance" at 1:30 PM, eastern time, on April 30.

"We request the co-operation of all radio and television stations in synchronizing the time, so that the children's voices may echo throughout the land," says the petition signed by 27 children.

Some of the spirit behind the request for a demonstration is evident in a letter by one of the class members:

"Dear Sir:

"I, Susan Sommer, an 8-year-old girl from Mrs. Irene Priore's class in the Cleveland Hill Primary School, Cheektowaga, New York, want to help other children realize that the Pledge of Allegiance to our flag is important.

"THINK OF BETSEY ROSS

"The Pledge of Allegiance is a promise of our loyalty and devotion to our own land under God's protection. The Pledge of Allegiance is a promise to accept responsibilities and opportunities giving every man what he deserves, such as rightness and justice. The 50 states that I can recite are ruled by the people.

"Our class enjoys saying the Pledge of Allegiance to our flag. I think of Betsey Ross sewing that grand old flag for us to live under with God's protection.

"Will you please help our Third Grade Class get our project accepted throughout the United States of America. Please read our request and give it your support."

"Yours truly, Susan Marie Sommer."

Mrs. Priore said that the children have been sending their proposal to the President, Gov. Rockefeller and every important person they can.

WASHINGTON'S INAUGURATION

"Our dream is to have the President leading the pledge with all the nation's children joining in," she said.

The children used an arithmetic class to calculate the proper time for reciting the pledge that would enable children in different time zones, as far as Hawaii, to take part.

They settled on the date by doing historical research in which they discovered that George Washington was inaugurated the first president on April 30.

"It's become the most important thing in their young lives," Mrs. Priore said.

The group includes Sharon Arth, Lisa Hanley, Valerie Hilburger, Lisa Ritz, Holly Morris, Anne Burckhardt, Anne Pytel, Laurel Ensmenger, Joan C. Jimerson, Carrie Robinson, Mary Beth Roehm.

Also, Gary Bestehorn, James Bihajski, Gregory Mancini, Alan Brzoskowski, Wayne Maracle, Peter Conway, Danny Leichtenschlag, David Karun, Kenneth Mecca, Fred Purry, Bruce DeWitt, Jeffrey Michaels, Peter Mandel and Deon Whited.

PITTSBURGH PRESS OLD NEWSBOYS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. GAYDOS. Mr. Speaker, there are many charitable organizations in this Nation which, through various means, raise funds to help the needy. One of the most unusual, however, is a group sponsored by the Pittsburgh Press, one of several fine newspapers in Pennsylvania. The group is known as "The Pittsburgh Press Old Newsboys" and in its 37-year history it has raised nearly $6 million for the benefit of crippled children.

The Old Newsboys was started in 1926, the idea being to raise a few hundred dollars for orphans at Christmastime. However, in 1933 its leaders decided the money would be used more satisfactorily to help youngsters whose bodies were twisted by disease or physical deformity.

The credit for founding the Old Newsboys is given Max Silverblatt, one-time sales director for the Press. Funds for the benefit were raised through a 1-day sale of a souvenir edition of the newspaper.

Today, however, the Old Newsboys is comprised of prominent people in public and business life who volunteer time and unstinting effort in the collection of funds for Children's Hospital in Pittsburgh, one of the finest institutions of its kind in the Nation.

Each year these men strive to outdo their mark of previous years. Each year, it seems, they succeed. In 1969 the Old Newsboys collected $333,400, an alltime high, and brought their grand total to $5,975,288.

Approximately 700 patients at Children's Hospital can be expected to benefit from last year's fund drive. But that is only part of the whole story. The funds also will pay for 40,000 visits to the hospital's outpatient clinic and several hundred children will receive corrective shoes and braces free of charge.

Funds for the Old Newsboys drive are raised through various events and personal appeals. Sports activities, a gourmet dinner, movie premieres, radio and television broadcasts all play a role in the drive to help crippled children whose parents can pay little or nothing for their care.

A keen rivalry has developed among the organization's members to see who can collect the most money each year. The top 10 fund raisers in 1969 were:

Thomas J. Forester, Allegheny County Commissioner, $41,050; Michael Tynan, circulation director for the Press, $15,758; Joseph Sabel, president of Amalgamated Food Employees Union, Local 590, $15,220; Robert Friend, county controller, $12,227; Alvin Rogal and Arthur Fidel of Rogal Insurance Co., $10,550; James W. Slusser, former superintendent of Pittsburgh Police Department, $8,480; Judge Henry Ellenbogen of Common Pleas Court, $4,580; James Clarke, county prothonotary, $3,928; William G. Klare, an insuranceman, $3,329, and Brig. Gen. J. Milnor Roberts, $3,059.

Mr. Speaker, I deem it a privilege to call to the attention of my colleagues this outstanding record compiled by the Pittsburgh Press and the Old Newsboys, now led by John Troan, editor and president, respectively.

ALASKAN NATIVES DESERVE JUSTICE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. FRASER. Mr. Speaker, the struggle between the white man and the Indian over the control of the Indian's land is by now a familiar and shameful part of our Nation's history. But too few of us realize that the last chapter in this history is now being written as Congress resolves the Alaskan Native claims issue.

In recent years, the people of my State have become increasingly aware of the needs and concerns of Minnesota's 30,000 American Indians. This awareness, in turn, has made many Minnesotans sensitive to the need for dealing equitably with the claims of Alaska's 60,000 Eskimos, Aleuts, and Indians. The Alaskan claims represent the Federal Government's last opportunity to preserve the territorial rights of a large group of native Americans before these rights are violated by economic exploitation.

Unfortunately, this issue will not be easily resolved. The parties involved—the Interior Department, the State of Alaska, and the Alaskan Federation of Natives—each have their own position. The following editorial from the Minneapolis Tribune urges support for the legislation now pending in the House and Senate Interior Committees, which embodies the position of the Alaskan federation:

ALASKAN NATIVES DESERVE JUSTICE

The dispossession of the American Indian from his native lands as the white settler moved westward is an integral part of this nation's history It is rife with examples of broken promises, ignored treaties and exploitation of the Indian.

But Americans who think all that is part

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of a distant past, manifested occasionally now only on the late movie, ought to look at what is happening today in Alaska.

Some 60,000 natives (Indians, Eskimos and Aleuts) are in danger of losing most of their native land and its potentially valuable mineral rights. Although Congress acknowledged their rights to some 340 million acres, or 90 percent of Alaska, when it established a territorial government in 1884, title to the land has never been transferred from the public domain.

The natives' rights have been upheld in a number of federal court decisions and were recognized again by Congress in the statehood act of 1958. But that law also gave Alaska the right to select 103 million acres for the state.

In 1966, after the Department of Interior granted Alaska title to 6 million acres of native lands and the state began to claim royalties on federal oil and gas leases on that property, then—Secretary Udall froze further transfers. The new secretary and former governor of Alaska, Walter Hickel, will begin transferring native land to the State unless Congress acts by the end of 1970.

The natives are asking little enough—a total of 40 million acres spread around the 180-some native villages; mineral rights to that property; cash compensation of $500 million over a nine-year period; and a 2-percent royalty on revenue from the land they would give to the federal government. Two other bills, one embodying Hickel's view, are also before Congress; each proposes much less.

The native acreage request seems small; the natives feel it is a rock-bottom amount. It represents only slightly more than 10 percent of the land for that 20 percent of the people who have a valid claim to nearly all the land. The $500 million is about $1.50 per acre and equals only half of state receipts in September alone from oil company bids for exploration rights on just 430,000 acres.

Simple justice demands that Congress accept the natives' request, it seems to us. Upper Midwest congressmen should make it plain that they support this request, and that they do not want still another repeat of this nation's all-too-frequent exploitation of its native citizens.

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NEW JERSEY PHARMACEUTICAL ASSOCIATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. RODINO. Mr. Speaker, with pleasure I express my best wishes to the Pharmaceutical Association of New Jersey on the completion of its 100th year of service to the pharmaceutical industry and our State.

Since its founding in 1870, the association has served the people by regulating the drug market and screening inferior and adulterated drugs and domestic manufactures. It has improved the art of pharmacy by diffusing scientific knowledge, fostering pharmaceutical literature, cultivating talent, stimulating discovery and invention, and encouraging production and manufacture in all aspects of drug industry.

These efforts and those of the medical profession have been invaluable in benefiting the health and welfare of New Jersey citizens. The New Jersey Pharmaceutical Association deserves thanks for their undying struggle against human misery. However, the job is not complete and a further dedication to research and innovation is now necessary. I am sure that the next hundred years will find an even greater dedication of the association to the health and well-being of citizens in New Jersey and the Nation.

TRIBUTE TO BEN JENSEN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. SCHWENGEL. Mr. Speaker, I am glad to join my colleagues in paying an earned and deserved tribute to a great American and a great man, as well as a very personal friend of mine, Ben Jensen.

Of course, I want to extend my sympathy and that of Mrs. Schwengel to Mrs. Jensen and also his family and close friends. Ben Jensen was a distinguished Member of Congress when I arrived and I soon discovered he was a most respected Member of Congress as well. After a few weeks I could understand why he was well respected because I was the beneficiary of his generosity, sociability, his understanding and willingness to always be helpful to a freshman Member. Many times as I took the responsibility of a Congressman, I found his counsel very helpful. In fact, he was more responsible than any other Member of Congress for my membership on the Public Works Committee where I could serve and fill the needs and interests of my district as well as national interests. It was a great privilege and opportunity to sit on the Roads Subcommittee to hear testimony on the Interstate System and help coauthor and shape this most important road bill which was eventually adopted as a program for a nation to aid and abet the movement of men and goods. Ben made it possible.

Ben was a distinguished leader on the Appropriations Committee where he worked diligently and effectively on the budget and all problems that dealt with both the security of the Nation and its orderly growth. Any person coming before the committee to ask for money had better be prepared to defend his propositions for if they were unsound propositions or if there were sections that made for temptations toward waste, he would recognize it and his motions to amend or cut down were usually respected by the committee. In this he served two great and needed interests; that is, it guaranteed whatever appropriation was made would be effectively and efficiently spent and when propositions were requested which were not needed or waste, they were rejected. It saved billions of dollars of the taxpayers' money and improved the service of Government.

It should be pointed out, however, he always wanted to serve the national interest. Cost-benefit ratios always had to be favorable. He could be and would be forward looking on things that were needed. Often I heard him speak of the importance of taking care of "Mother Earth." He saw appropriations for conservation programs as an investment and was never one to hold back on any money that was needed to follow through and carry on sound conservation programs. This was noted by conservationists and often he was cited by them for his outstanding work.

He had many personal traits that were commendable, such as that of sociability and generosity. He could be and was always gracious to those who were his adversaries in committee or on the floor and always fair and considerate of his colleague's problems. He was in the finest sense, a Congressman's Congressman. He had a personal generosity that was unmatched by any Member I have known. Anyone in personal trouble would get his ear, his help, and his gifts. As a result, he never became a personally wealthy man. In fact, I have heard him say he never wanted to be a rich man. And he was not wealthy except in friendships.

One of the reasons he had a deep feeling and was so dedicated to public service is because of his interest in, knowledge of, and respect for American history. He was more than a casual student of American history. He was an admirer of early patriots of the Revolution period and had a special interest in Lincoln, whom he in many ways emulated and often quoted. I have heard him speak with conviction, emotion, and understanding about our great institutions. No one had a greater respect for the Supreme Court, for instance, than he did. He could and did differ with decisions on occasions, especially of the recent Court, but early in his career he became a close friend of Chief Justice Charles Evans Hughes and from him learned about the Court and of its importance to America. The court system had no greater defender than this man who was a layman, a legislator, and lover of liberty.

Mr. Speaker, Ben Jensen made his mark as a Congressman, as a servant for his district, and for Iowa. He has earned the distinguished title of a statesman. He has earned a place in the archives and history of his country. His many friends will miss him, but we realize that we benefited by knowing him and that his country has been benefited because he served so well in the Halls of Congress.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Monday, February 23, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The ways of the Lord are right and the just shall walk in them.—Hosea 14: 9.

O Thou God of all goodness and of all grace; we assemble here in this historic Chamber to call to mind once again the birthday of our first President, whom we acknowledge to be the Father of our Country.

We recall with pride his willingness to adventure, his courage amid difficulties, and his devotion to the high principles of righteousness and justice which led him to champion the cause of freedom in our land.

Above all we thank Thee for his faith—the faith which time and again sent him to his knees in prayer seeking guidance and strength and wisdom that he might keep in step with Thee.

May the memory of this great spirit spur us to greater efforts in the adventure of bringing peace, freedom, and justice to this troubled world.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, February 19, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 12535. An act to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the City of El Paso North-South Freeway.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 514. An act to extend programs of assistance for elementary and secondary education, and for other purposes; and

H.R. 11651. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 11651) entitled "An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. HOLLAND, Mr. TALMADGE, Mr. AIKEN, and Mr. YOUNG of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2) entitled "An act to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes."

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, without it being considered a precedent, I ask unanimous consent that all Members who desire to do so may have permission today to revise and extend their remarks and include extraneous material in the RECORD following the reading of George Washington's Farewell Address and also in that portion of the RECORD entitled "Extensions of Remarks."

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GEORGE WASHINGTON'S FAREWELL ADDRESS

The SPEAKER. Pursuant to the order of the House of February 10, 1970, the Chair recognizes the gentleman from Illinois (Mr. ANNUNZIO) to read George Washington's Farewell Address.

Mr. ANNUNZIO read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its

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beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety: of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greatly security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an ade-

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quate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calcuuated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and actions of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on

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minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinions should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest; in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessary parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base of foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period in not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

TOUGHER ENFORCEMENT OF POLLUTION CONTROLS

Mr. POFF. Mr. Speaker, present laws dealing with water polluters have no teeth. Enforcement procedures are cumbersome and imprecise.

Moreover, in many cases, there are no specific provisions for fines, although presumably a judge could impose them.

One of President Nixon's major proposals would put teeth in the enforcement power of the Department of the Interior.

In that connection, he is seeking jurisdiction over boundary and ground waters of the United States affected by pollution in the contiguous zone which extends 9 miles beyond the 3-mile limit, and the high seas where they are contaminated by U.S. discharges.

The President has also proposed that the States establish new water quality standards based on discharge requirements. This change would make is possible to allocate wastes according to the capacity of the stream or lake to receive them without pollution.

One of the primary objectives of the enforcement approach is to establish new tools to move against polluters, and to shorten the time lapse between a conference and the time when it may be necessary to take an individual polluter to court.

At present, it takes up to 18 months, and sometimes longer, to move through all the procedures necessary to bring a polluter to court.

The President's proposal would eliminate the hearing stage, and go directly from an enforcement conference to the courts. Courts would be empowered to impose fines up to $10,000 a day for every day of noncompliance with the water quality standards.

In addition, the President proposes injunctive relief under authority to be given to the Secretary of the Interior in those emergencies where there is imminent danger to the public health, or to the aquatic environment.

Mr. Speaker, there is no doubt that the President's new enforcement proposals can lead to broader and more decisive action against polluters.

AFTER 101 YEARS, POLITICS OVERTAKES CALIFORNIA REGENTS

Mr. VAN DEERLIN. Mr. Speaker, I rise regretfully, and in some embarrassment, to tender an apology to a former colleague in this body—an apology on behalf of many fellow Californians.

Last week, our State university board of regents voted to deny an honorary degree to New York's Mayor John Lindsay. More specifically, the motion to make such an award failed to muster the required two-thirds vote among board members.

The circumstances seemed strange indeed. As the scheduled speaker for Charter Day ceremonies on the Berkeley campus April 2, the mayor could have expected an almost routine award. For honorary degrees have been offered every Charter Day orator for the past 101 years. Recipients over the past decade have ranged from John F. Kennedy in 1962 to Roy Wilkins, president of the NAACP, in the university's centennial year, 1968.

The board of regents, an august and impressive body of leading Californians who are appointed to 16-year terms, could normally be expected to put tradition and decorum ahead of political or ideological concerns. But these apparently are not normal times. Many of the newer regents, including those whose statewide partisan office makes them ex officio members of the board, seem more responsive to the shifting winds of politics than to the winds of social change.

In giving Mayor Lindsay this gratuitous insult, the 11 regents who voted to withhold a degree have in no way damaged the mayor. Mr. Lindsay might even find his public image has been helped by this dazzling display of smallmindedness.

But I am afraid it leaves our California regents, whose duty is to preside over one of the world's truly great public edu-

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cational systems, looking more like the members of a precinct-level political club.

I shall include a short newsstory from yesterday's Washington Star, relating the regents' action:

CALIFORNIA BOARD DENIES DEGREE TO MAYOR LINDSAY

SAN FRANCISCO (AP)—California Lt. Gov. Ed Reinecke acknowledged he has known New York Mayor John Lindsay for a long time, but, he asked, "what has he done so special to get a degree" from the University of California?

Reinecke's offhand question Friday was echoed by Gov. Ronald Reagan and 20 minutes later UC regents voted against giving Lindsay the customary honorary degree that for 101 years has been a gift to Charter Day speakers.

The written, secret vote was 11 to 11, with two abstentions, it was learned yesterday. Sixteen votes were required to confer the degree.

Regan and Reinecke, by virtue of their offices, are members of the 24-member board, which considered the matter in executive session.

THE VIEW FROM GEORGE WASHINGTON'S HOME, MOUNT VERNON; ANOTHER YEAR PASSES WITHOUT FINAL PRESERVATION

Mr. SAYLOR. Mr. Speaker, with the celebration of George Washington's birthday, I must again call the attention of Congress to the failure of the Federal Government to carry out the will of the Congress to preserve the view from Mount Vernon.

George Washington lived at Mount Vernon. He prized the view as one of the Nation's great treasures.

In 1961, the Congress, by unanimous action, authorized stabilization of the open and wooded character of the Maryland shore immediately opposite Mount Vernon. Many Members of the Congress had worked together to make this possible. It was my great privilege to join the gentleman from Colorado, Chairman WAYNE ASPINALL, and the Senior Senator from New Mexico CLINTON ANDERSON, in introducing the bills authorizing the Piscataway National Park which came into being in October 1961.

One of our fellow Members here, the Honorable Frances P. Bolton, was inspired to purchase, with her private funds, more than 400 acres of land in the area. This land was conveyed as a gift to the Federal Government. Owners of over 170 other parcels of land donated scenic easements on their land to the Federal Government. These lands and easements constitute the substantial majority of all the lands needed to accomplish the purpose of the congressional authorization.

Many of us and many conservationists and preservationists throughout the country assumed the goal had been achieved on February 22, 1968, 2 years ago, when the Secretary of the Interior declared the park "substantially complete."

This brave statement was a legal necessity to validate the gift of land and easements already made.

But "substantial completion" is not enough. There remain about 100 acres along the waterfront and some 1,200 acres on the slopes behind not under scenic control.

The danger is immediate. For example, one landowner has requested the local authorities to allow him to rezone over 100 acres of land designated as park land, from rural residential to commercial. While final action has not been taken as of this Washington's Birthday, it has been approved and recommended by the land zoning agency.

It is difficult to reconcile this dreary episode with all the brave talk in high places about conservation and historic preservation. Here is a setting which combines great scenic beauty with unique historical associations, on the threshold of the Nation's Capital, on the banks of the river which was to have been made a model for the Nation. As Dr. Spencer Smith of the Citizens Committee on Natural Resources has asked:

> If we can't win this one, what can we win?

In a few short years the Nation will observe the 200th anniversary of its founding. Mount Vernon, even now a mecca for over a million and a quarter pilgrims each year, will be highlighted as a principal surviving landmark of the Revolution, unsurpassed in the aesthetic qualities of its structures, its gardens, and its setting. Is this unspolied setting, until the present moment so providentially preserved, to be heedlessly and needlessly sacrificed on the eve of the bicentennial? When the President fails to ask for funds for land acquisition and the Congress does not correct this omission, are we to mutely acquiesce? If so, we may well deserve a subdivision, a neon-lighted hotdog heaven, or a sewage plant in front of George Washington's home.

So much has been done by private individuals, by foundations, by the local governments involved, by the State governments involved, and by the Congress, that the failure to take those last few steps to complete this project is shocking.

It appears that some prodding is needed from the administration that has pledged itself to natural beauty and cleaning up the Potomac. The Department of the Interior and the administration can hardly recommend that we pass bills to create a park all up and down the Potomac, if it cannot find the time to complete this project which has passed the Congress two times already without a dissenting vote.

Washington's birthday is a fitting time for us to consider our obligations and to move forward quickly.

THE DRUG PROBLEM

Mr. GUDE. Mr. Speaker, Saturday's Washington Post carried a most informative feature article by Ben W. Gilbert, and an editorial on the drug treatment program run by Col. Hassan Jeru-Ahmed, head of the Black Man's Development Center in Washington. Last week, I visited one of Colonel Hassan's centers and talked with him about his program, as part of my continuing investigation of facilities and methods of dealing with the problem of drugs and drug addiction in this country. In the past, I have visited the Phoenix Drug Control Program in New York City, with Mayor Lindsay; the drug treatment facility for women in Alderson, W. Va.; Washington's DATRC program; and the Department of Corrections' pilot methadone project established here last fall.

Colonel Hassan's program as it presently operates has a number of serious weaknesses, but it has some unique assets, too. Because of a lack of funds, there are inadequate medical screening procedures for determining whether applicants for treatment are heavily addicted to heroin when they apply for methadone treatment. There is no monitoring of the progress of addicts through urinalysis which indicates whether an addict has resumed taking heroin, and there is no follow-up procedure to determine whether the graduates of Colonel Hassan's rapid detoxification program remain off heroin, after they are taken off methadone.

However, Colonel Hassan's centers have had unusual success in attracting addicts into a drug treatment program. In addition, the members of his staff, many of whom are ex-addicts, appear able to establish a relationship with addicts in treatment that facilitates the counseling and rehabilitation work needed to deal with the underlying personal problems that lead to addiction. This rapport with the addicts, and the roots of Colonel Hassan's centers in the community are great assets.

I am hopeful that the city's new Heroin Addiction Treatment Agency will explore possible ways to reduce the liabilities of Colonel Hassan's program and to maximize its assets so that its effectiveness may be continued and increased.

The article and the editorial follow:

THE DRUG PROGRAM OF COLONEL HASSAN

(By Ben W. Gilbert)

The drug called methadone is an inexpensive heroin substitute developed during World War II. Until recently it was relatively unknown outside medical and pharmacological circles. Now it has become a symbol of the effort to do something about narcotics addiction, which is blamed for at least half of the city's crime. The public is impatient to get on with the use of methadone, partly out of sympathy for the unfortunate addict who is "hooked," but mainly to reduce the volume of drug-related crime.

And because of this impatience, the public is understandably puzzled by the arm's length attitude of law enforcement authorities toward Col. Hassan Jeru-Ahmed, head of the Black Man's Development Center. Colonel Hassan wants to continue with his methadone program, which has been treating hundreds of addicts (he claims 1,500). The government threatens to close the program down. And a lot of people are asking why. Isn't it doing some good? Even if it does not qualify in every detail shouldn't it be helped? What will happen to the addicts who trust Colonel Hassan—but do not trust the government?

A part of the answer to all these questions is the strong feeling on the part of the Federal Bureau of Narcotics and Dangerous Drugs that there are substantial risks in the administration of methadone to heroin addicts and that this justifies retaining tight controls on its distribution and use. But this is not a complete answer because it does not take into account Colonel Hassan's undoubted ability to attract addicts to his program. This is a not inconsiderable asset which argues for an effort to find a way to salvage the program out of humanitarian considerations and in the interest of combating drug-related crime.

Colonel Hassan's center is one of several dozen private and public methadone treatment programs around the nation which supply methadone to heroin addicts as a means of ending their dependence on the illicit drug which may cost an addict as much as $50 a day. (Comparable doses of methadone cost only a few pennies.) Although methadone is accepted for use as a pain-killer, its use in narcotic treatment programs is considered experimental and it is officially listed as a dangerous narcotic—there have been deaths from overdoses. There have been published figures suggesting that many addicts on methadone abandon a life of crime and become employable. But there is little data available about the long-term effects of methadone usage on the heart, liver, brain and other bodily organs. Such risks of physical harm to the addict who probably has been heavily damaged by heroin may, in a certain sense, be less important than the risk that worries the Bureau of Narcotics of substituting one narcotics addiction for another or of having methadone supplies leak out of control and become a supplement to the illicit supply of heroin.

Methadone is as addictive as heroin and when it is administered by hypodermic into the veins it gives the addict a heroin kick or "high." The federal bureau believes that the substitution of methadone for heroin without medical supervision and without a program of rehabilitation will do little for the addict and probably won't make more than a temporary dent in the crime rate either. Guidelines now being prepared by the bureau for issuance next month are designed to make sure that the methadone programs are something more than a method to dispense low-cost narcotics over the counter. Their complaint with Colonel Hassan is that he lacks the professional staff and records to show that he is doing more than that.

Typically, methadone programs such as the one now under way at the Department of Corrections involve shifting the addict from heroin to methadone and building up his dependence on methadone taken by mouth until a sufficiently high dosage level is reached to create a "blockade" which takes away the impact of heroin. Then counseling, psychotherapy, group therapy, vocational rehabilitation, and remedial education are brought into play to help the addict cope with the problems which made him an addict in the first place. An ultimate long-term objective is to remove the addict from methadone and end his addiction. None of the programs have achieved this goal on a significant scale.

In dealing with the heroin problem, it is important to understand something about the psychology of the addict. Typically, he is described as a "now" oriented person, likely to be dependent, impulsive and immature with a low toleration for frustration. Given a constant dosage level of either heroin or methadone (thereby avoiding the withdrawal problem), he can function and lead a nearly normal life, a fact which permits the Corrections Department to use its halfway houses for methadone therapy. While on drugs, the addict is usually quite docile; it is only when he is without drugs that he is apt to be a danger to the community.

In contrast to the Corrections' program, which is one of methadone *maintenance*, Colonel Hassan's program is a *withdrawal* or detoxification program. Addicts who come to his three stations get rapidly declining doses of methadone to end their dependence within three weeks. The government experts say that it is comparatively easy to get the addict off heroin in this manner, but the hard part is keeping him off very long; they argue that very few addicts ever make it. Colonel Hassan disputes this, insisting that the former addicts who assist in his program have more success than government-salaried counselors. He has no data to back up his claim.

In drawing up the proposed regulations which could put Colonel Hassan out of business permanently, the Bureau of Narcotics in consultation with other government agencies is dealing with these problems:

Security—Supplies of methadone may get into illicit channels to be used by individual addicts or mixed with heroin at high prices. Colonel Hassan has members of his Black Liberation Army guarding his bulk supplies but he prefers to give out pills rather than the orange juice concoction the government wants him to use.

Supervision—Without medical examinations at the outset, low-grade addicts or even non-addicts may enroll in the program to get the drug. To provide for professional supervision, the proposed guidelines would require that a nurse or a doctor be on hand to give out the individual doses, something that Colonel Hassan is not now doing.

Monitoring—The Bureau wants assurance that the methadone patient is really off heroin, which can be determined with periodic urine examinations. Colonel Hassan is willing to do this, but lacks the resources.

Rehabilitation—Methadone cannot legally be used merely to tide an addict over a difficult period. There must be an accompanying rehabilitation program. The adequacy of Hassan's program has been questioned in the absence of detailed records.

Research—What happens to the methadone patient ultimately? Does he revert to a life of addiction and crime or does he become a useful citizen? There has been very litle follow-up research of this kind outside of New York City, but the government is now going to insist on it.

The government proposes to give Colonel Hassan a "reasonable" amount of time to alter his program so that he can comply with the new rules and there have been some promises of government agency help in meeting them. This must be done without jeopardizing his main asset—the confidence of those addicts who are not ready to embrace a government-sponsored program for fear that this will entangle them with the law.

A HELPING HAND FOR COLONEL HASSAN?

The great asset of Colonel Hassan's methadone treatment program which is the subject of an article elsewhere on this page today, is that he can reach heroin addicts who might be unwilling to report regularly to a city agency. The liabilities are his difficulty in meeting proposed new federal regulations to control methadone, an addictive synthetic heroin substitute, and a shortage of funds. There are chicken and egg aspects to this. To conform to the proposed regulations designed to keep the drug out of illicit channels, Colonel Hassan who is scrounging for funds to keep going, will need a great deal more money. But until Colonel Hassan improves his program, he is unlikely to get much more help from the foundations that have been providing him with funds.

The new Heroin Addiction Treatment Agency just set up by the city government under Dr. Robert L. DuPont Jr., may hold the key to the future of Colonel Hassan's program. Dr. DuPont's assignment is to "direct a full-scale counter attack on the heroin epidemic existing in the District." His job is to coordinate all existing programs, public and private and help expand them. Obviously, the easiest way to get to those addicts who trust Colonel Hassan is through Colonel Hassan. One answer, assuming that the Hassan effort can be made to conform to legal requirements, would be for the city to contract out parts of its program to Colonel Hassan.

THE INSPIRATION OF GEORGE WASHINGTON

Mr. PETTIS. Mr. Speaker, a new inspiration may be found on this, the 238th anniversary of George Washington's birthday.

As we move forward to meet the challenges of our time, we can find renewed strength to master them in the principles and ideals fostered by our first President, indeed our greatest American.

In a day when there is, unhappily, considerable endeavor to find fault with the Nation's heroes, it is so refreshing to see individuals take the time and effort to laud America' finest hero. I refer to the editorial notice which the Ralph Brown Buick Co., placed in the February 18 edition of the Washington Post, the text of which I would like to include here in the RECORD:

1732—GEORGE WASHINGTON—1970—WE NEED YOU

Up to a half century ago everyone knew who George Washington was. Parson Weems and the cherry tree episode helped instill honesty in our little noggins, and love of country was the guiding principle taught at home and in school. The picture of Washington praying at Valley Forge was proof that no law prohibited worship in school either. We thanked God in our own way and followed the precepts of the great man whose picture adorned every class room. That was a long long time ago.

The other day we asked a group of youngsters about Washington and one lad wanted to know what channel he was on. But to a youngster in Indiana fifty years ago, Washington was the nation's original hero, boy and man, who carved his way from cherry tree to first president. He fought his way through the British, crossed the Delaware, starved through the terrible winter at Valley Forge and won the war at Yorktown.

This was the simple faith of all Americans in the bygone days and these simple faiths sustained us and guided us because George Washington was real, America was real. We knew who we were and where we were going. A look at what has been accomplished by Americans in such a short span of years proves that we got there—further and faster and better than any country in the history of civilization making our citizens the most envied people in the world.

When we look at some of the confusion surrounding much of the atmosphere these days, we yearn for recall of the notions that grew up around the memory of Washington. They are not as corny as a lot of agitators would have us believe. The self appointed sophisticates never had to face the scourge of Valley Forge nor cross an ice-bound Delaware. They accept Liberty as a right while assuming no responsibility for duty.

It is difficult to match Washington's greatness against today's standards: he might even be different in viewpoint, but as a man, he would have been the same; the same man of destiny he proved to be in 1776 when we faced our most crucial period. Then, one man stood tall to lead us out of the wilderness of despair. No man, before or since, has ever come nearer meeting and conquering the challenge of such a crisis than did George Washington.

Rightly have we called him our greatest American. The principles and ideals for which he stood, the battered and torn by enemies foreign and domestic, have survived and are the envy of the world. The keystone

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of our government and its ethical standards are as sound today as when he established them two hundred years ago.

We might dust off the Gilbert Stuart portrait of Washington and put it back on every classroom wall to remind us of our great heritance and help prepare today's youth to combat the enemies of America who keep whittling away at the foundations of this greatest heritage we are privileged to call home.

Indeed, George Washington, we need you.

RALPH H. BROWN.

WASHINGTON'S BIRTHDAY WILL ALWAYS BE A MONDAY HOLIDAY

Mr. McCLORY. Mr. Speaker, Americans have been celebrating the birth date of our first President, George Washington, for almost 200 years. As Members of this body know, beginning in 1971 we will celebrate the occasion on the third Monday in February, rather than on February 22. The change occurs because the Monday holiday law, which I sponsored in the 90th Congress, and which was signed into law by President Johnson on June 28, 1968, becomes effective in 1971. This popular legislation received the active support of both management and labor. Among the principal organizations who worked with me in behalf of this measure were the Chamber of Commerce of the United States, and the Discover America Travel Organization, the travel industry's trade association.

We celebrate President Washington's birth date today, February 23, on a Monday, and for many Americans it will make a pleasant 3-day weekend. The Monday holiday law, which takes effect next January, will create four additional 3-day weekends throughout the year so that Americans can make better use of their leisure time. In addition to Washington's Birthday, Memorial Day will be observed on the last Monday in May, Columbus Day on the second Monday in October, and Veterans Day on the fourth Monday in October.

Some will again, no doubt, criticize the celebration of President Washington's birth date on a date other than February 22. However, it is interesting to note that George Washington was born on February 11, 1731, according to the Julian calendar which was then in effect. In the year 1750 the British Parliament adopted the Gregorian calendar which had been established many years earlier by Pope Gregory XIII.

This change placed the existing calendar out of line by 11 days. Beginning in 1752, most persons in Great Britain and her colonies advanced their birth dates to correspond to the new calendar. However, it appears that it took some years for the Gregorian calendar to have general effect. The first recorded public celebration of Washington's birthday took place not on February 22, but on February 12, when in 1781 Comte de Rochambeau, commander of the French forces aiding the revolutionists, declared a holiday for his troops in honor of the anniversary of Washington's birth. The Comte de Rochambeau was obviously using the old calendar, but since February 11 fell on a Sunday, he and his troops celebrated Washington's birthday on Monday, February 12.

The next year citizens in Richmond, Va., celebrated the birth date on February 11. According to Douglas' American Book of Dates, the observance of February 22 did not become general until 1796.

Mr. Speaker, George Washington was a great American, and his birthday will continue to be respected and commemorated in this country through the years. Beginning in 1971, however, most Americans will be able to look forward to the occasion with the expectation of an extended weekend with their families at home, or elsewhere in our great country.

A most informative editorial which takes account of various historical data appeared in the Waukegan News-Sun edition of Saturday, February 21, 1970. This message has particular significance to us here today, and is reproduced as follows:

IS TOMORROW WASHINGTON'S BIRTHDAY?

This year is the last that February 22 will be observed as Washington's Birthday. Federal legislation passed in 1969 and since copied by almost all the States says that beginning in 1971 the third Monday in February shall be a "legal public holiday" in honor of the first president.

(Actually, the holiday falls on the third Monday this year, too, since the 22nd is a Sunday. But that is merely a quirk of the calendar.)

The great man would not mind this juggling with his birthday. The fact is that he was not quite sure himself when he should celebrate it.

Contrary to what every schoolboy knows, George Washington was not born on Feb. 22, 1732, but Feb. 11, 1731. You can blame it all on Julius Caesar, or rather Sosigenes the Greek, who devised the Julian calendar at Caesar's direction in 46 B.C.

The trouble was that the Julian year was about 11 minutes longer than the solar year. A modest error, perhaps, but by the time of Pope Gregory XIII in 1582, the date of the vernal equinox—the first day of spring—was out of kilter by 10 days.

The Pope ordained, as Popes could do in those days, that Oct. 5, 1582, would be Oct. 15, and made further refinements in the calendar to keep this sort of thing from happening again.

Great Britain and her colonies, however, resisted this "Papish" innovation. When they finally did get around to admitting, in the middle of the 18th century, that the Gregorian calendar made sense, their year was 11 days out of line.

Parliament changed it all in two fell strokes. First, New Year's Day, 1752, was moved from the medieval date of March 25 to Jan. 1, in effect abolishing the last 83 days of 1751.

The result was that Washington, who was 19 in 1750 (old style), had no birthday at all in 1751 but became 20 on Feb. 11, 1752 (new style).

Confused? Read on.

Parliament still had to get rid of those 11 extra days. So it arbitrarily decided that the day after Sept. 2, 1752, would be Sept. 14. Thus the following February, in 1753, Washington celebrated his 21st birthday not on the 11th but on the 22nd, as every schoolboy knows he should have.

The important thing, of course, is that Washington was ever born at all. Feb. 11, 1731, or Feb. 22, 1732, the third Monday or whenever—he remains first in the hearts of his countrymen through every succeeding generation.

PARAPSYCHOLOGY, ENERGY, AND YOUR LIFE: PART IV

Mr. BROWN of California. Mr. Speaker, today I am inserting into the RECORD the fourth in a series of lectures by Irving Laucks of Santa Barbara, Calif.

PARAPSYCHOLOGY, ENERGY, AND YOUR LIFE—IV

(By Irving Laucks)

ENERGY AND EVOLUTION: LEADERSHIP IN A UNIVERSAL SOCIETY

In previous talks I have tried to show first, the process of Evolution as the creator of the Universe and the fashioner of the myriad forms both living and lifeless contained therein. If this process commenced *infinitely* long ago there will have been abundant time for such variety to have been developed—including a Leader of the Universe so experienced that to the late-comer man, he appears all wise and all powerful, as Deity.

Second: that this universal process of evolution is due to some inherent property of the basic essence of which the whole of the Universe consists—Energy. I have tried to show that a proper appreciation of the powers of this basic energy would be of great practical value in solving most of the problems confronting Earthman and setting him on a proper development track, by substituting cooperation for competition.

Third: that the variety of energy called psychic is most important for the future of man, both in his further evolution on Earth and in a third nonmaterial realm of this great process of evolution.

It is remarkable that of all the varieties of energy studied since Newton's time, psychic has had the least attention; and yet, from the cave-man who contrived a sling to Einstein's relativity, its invention has been of greatest importance in man's progress. "There is nothing," as Shakespeare said, "either good or bad but thinking makes it so." 'Thinking' is the work that is the most important function of psychic energy—to man at least. Science's definition of energy, it will be remembered, is the ability or power to work. Many philosphers have pronounced mind the noblest work of Nature.

After all this lip-service, it seems then rather ridiculous to say that a great process like Evolution, springing out of the essence of the Universe, stops its action after it had evolved the tiny intellect of Earthman. If all intellects reached the same level, say to that of Einstein, it might be argued that this was the limit. But when so many lesser grades are apparent it would seem more likely that certainly the lower and most likely the upper ones were still in process.

He who argues that death is the end must deny that intellect is an energy, even though it conforms to his own definition of energy as well as that of science; for science says energy is indestructible; and science has never found any other form to which the psychic energy of the intellect could transform at death.

By its own principles then, science must be driven to say that the intellect passes on to another realm at death. Why some material scientists resist so strenuously this thought is a mystery, especially since man has believed since pre-history that his soul—which is surely some portion of his intellect—is indestructible (even in the fires of hell).

What more practical principle for leaders of society to use to keep order among their followers! It was made to order for their use by half a million years of man's experience. Possibly the prophets went a little too far with the idea of hell-fire, and their ideas of heaven were too simple. But considering all the immediate temptations of digressive bypaths it worked pretty well until scientific technology presented society with so many interesting novelties that men were distracted from the real path of progress into the many side-shows of modern times. Such a jumble of side-shows has sprung up that the real path of evolution is obstructed and man is in danger of being lost.

But these leaders also had to contend with natural security. A leader who could not provide ample sustenance for his followers soon lost his job. His task was complicated—he had to keep internal order and peace while warring with the tribe in the next valley. Nevertheless he succeeded after a fashion until now when his weapons of war have become so terrible that their use will destroy both tribes. This presents a pretty puzzle for leaders. It seems they have blundered into a cul-de-sac.

But worse was to come. Not only under these conditions are they at a loss to know how to continue the fight with the tribe in the next valley, but science has now reached a point from which the end of scarcity can be seen, which eliminates the reason for fighting. What's the need, then, of tribes fighting? What's the need then of leaders—maybe the leader now fears.

With such an impasse it behooves a leader to do some tall thinking. Maybe he'll have to start away back at the beginning on a new tack. This is what the Cooperators say. The Cooperators is the name of a new organization instigated by me which hopes to achieve its goals by changing human nature; a change in human nature such as would be effected by a new view of man's relation to the Universe in which he finds himself—starting perhaps with a new concept of the Universe itself and Universe Society. So far, however, most of our leaders seem to be intent on preserving the old pictures in all their ancient harmful details.

Perhaps we do not need to make a complete change. Suppose we retained the ancient idea of heaven with suitable modifications required by several thousand years further experience with this Universe, with the aid of modern scientific tools. Suppose we merely changed our ideas of deadly competition—of dog eat dog, of devil take the hindmost—and spent the effort we have been wasting in war and useless gadgets to hasten instead the day when scarcity will actually be no more. The leaders would then be kept busy hastening the day. You shudder perhaps to think of all the details of our economic systems that would be entailed. But save your shudders rather for the chaos that is steadily building up unless some real remedy is commenced. The Cooperators believe that these numerous details will be gradually worked out if the main root cause of our troubles is eradicated, once the necessity for competition is ended by cheap energy as previously mentioned.

What is meant by changing our ideas of heaven? The slaves of Rome were attracted by a prospect of loafing all day in a beautiful community. But this prospect hardly attracts the modern. Besides such a heaven was constructed by the then scanty population of the Earth or even of a small fraction thereof. But today we cannot possibly conceive of the Earth as the only intellectual community in this vast Universe, whose boundaries are being shoved out by every increase in telescope power.

Since the soul or intellect is a structure of energy let us construct our new heaven out of energy; just as our material bodies exist in a realm of matter, so our energetic intellects continue on in a realm or medium of energy. The associative and change properties of energy that we have seen provides for continued evolution which in turn insures a most interesting time for all concerned. Doubtless the instinct of curiosity which children display before they are too thoroughly materially educated will therein have full play.

If we then imagine a Leader of such a heavenly society—composed of intellects gathered from all the many habitations of the Universe supportive of life—we must think of this Leader as active and inspiring—certainly not content to sit passive on a throne receiving the adulation and praise of a select congregation—but ever planning new possibilities for a society that contains all grades from his own down to the newest member—maybe Earthman. There is no stopping the combination Energy plus Evolution.

Such a concept of the Leader of the Universe of course, requires that He be a product of the earliest stages of universal evolution. Let us imagine the very first habitable planet evolved out of energy infinitely long ago. It may have been somewhat like Earth. After the First Evolution, the Second began and finally developed intellectual creatures thereon who, in turn, commenced to graduate into the Third Evolution—in the realm of Energy. This, then, is the start of our modern concept of heaven and its Leader. The first intellects therein have had an infinite time to develop.

Think of the progress man's intellect has made in the last millennium. Then think of what he may make in ten millenniums, or a million years—if he isn't foolish enough to destroy himself meanwhile. Now think of a million million and then some—that's infinity. These first intellects will have made *some progress*—sufficient so that the poor weak minds like the newcomer Earthman can surely conceive of them as all-wise, all-powerful—with all the attributes of Deity that theologians have prescribed. I speak of "them" as plural. I believe the intellects of this first planet may very likely have developed together, have *cooperated* to share in the governing responsibilities of the Universe. It would also be characteristic of societal organization to conceive of assistants to the Chief, responsible for various "districts"—not of space but of degrees of development perhaps. Such assistants may come from other later planets than the first—maybe even some from Earth.

Such a concept is more in accord with man's instinctual experience of a society. It answers the age-old questions—where did God come from? Who created God? etc. It answers the question why did God make evil? which has so much troubled theologians. Evolution produces both good and bad, strong and weak. "Nature" and evolution operate to eliminate the weak or the bad, but not immediately. It takes time—so evil is always present with us. A Chief of the Universe might use some of his time in the dstruction of evil. Moreover every citizen of the Universe can help. This kind of organization of Universe Society is quite in conformity with man's ideas of how societies are formed and doubtless of other societies in other planets, all of which may have derived from the same sort of evolutionary procedure—a product of the primary associative principle of primeval Energy. Man's "unconscious" contains much that his conscious is still hardly aware of.

A leadership thus formed by the great process of Evolution seems to me much easier to comprehend, and withal to be much more likely to be an empathetic sympathetic leader, understanding man's trials and tribulations, his idiosyncracies and mistakes, his damfoolishness. I would much rather come before 'Him' for judgment than an all-powerful being who had never risen from the ranks, who had never had the experience that living beings have had in their rise from bacteria and protozoans. The latter is the Creator that most religions have asked humans to accept and worship. A Leader by evolution, however, will still be evolving; worship and praise will mean little to him; a myriad experiments under way to find further possibilities of using energy for the interest and the benefit of Universe Society will keep him and his assistants too busy to listen to 'hosannas'. There have been a number of changes in the course of the evolution of living beings where some biologists have called for interposition of some outside force for an explanation, e.g., in the development of the all-important organ, the eye. Such interposition may well be imagined with a Leader who is continually at work. Evolution may now be proceeding faster than it did before He was evolved.

Of course there is still the great mystery of what did primeval energy spring from. Before this can be solved we must know what Energy consists of. The unexplained concept of a Creator also needed Energy, so at least the evolutionary concept has reduced two mysteries to one.

A God by evolution could well be imagined as advising his followers in like manner to the ideas of humanism and existentialism—to the effect as I understand either of these, man in general is responsible for his own progress, his fate, his karma. This applies to his advance in both Second and Third Evolutions, the latter of which, however, I believe the aforementioned philosophies do not recognize. The Cooperators, on the contrary, view the Third as far more important, although perhaps still introductory to further even more interesting phases.

This, then, is the broad concept of Universe Society, its organization and its Leader that Evolution offers and that The Cooperators believe would induce a change in human nature which would enable Earthman to solve the problems now facing him. With such a comprehension of the possibilities of his existence many of his present aims and ambitions would appear silly. No longer would he waste effort and tire himself by vain struggles for property or power. He might even no longer countenance his own *lack* of ambition and especially the neglect of his political and industrial leaders to study and develop a Third Evolution. He certainly would refuse to waste his efforts and resources by killing off his fellows. He might even adopt the Constitution of The Cooperators: Do to others as you would have them to do you.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. McEwen (at the request of Mr. Gerald R. Ford), on account of surgery.

Mr. Pettis (at the request of Mr. Gerald R. Ford), for the week of February 23, on account of illness.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 12535. An act to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the city of El Paso North-South Freeway.

H.R. 14464. An act to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly

(at 1 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 24, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1668. A letter from the Assistant Secretary of Agriculture, transmitting the annual report of the operations of the Federal Crop Insurance Corporation, pursuant to the provisions of the Federal Crop Insurance Act; to the Committee on Agriculture.

1669. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on procurement from small and other business firms for July-November 1969, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1670. A letter from the Secretary of Health, Education, and Welfare, transmitting the semiannual report of property donated to public health and educational institutions and civil defense organizations for the period July 1, 1969-December 31, 1969, pursuant to the provisions of section 203(o) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

1671. A letter from the Comptroller General of the United States, transmitting a report on the evaluation needed of cost-effectiveness of four more deep submergence rescue vehicles before purchase by the Navy; to the Committee on Government Operations.

1672. A letter from the Secretary of the Interior, transmitting the annual report on the anthracite mine water control and mine sealing and filling program, pursuant to the provisions of 30 U.S.C. 571–576 as amended by Public Law 87–818 (76 Stat. 934); to the Committee on Interior and Insular Affairs.

1673. A letter from the Commissioner, District of Columbia, transmitting a report of the District of Columbia Council on the interstate highway system and his recommendations, pursuant to the provisions of section 23(c) of the Federal-Aid Highway Act of 1968; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(Pursuant to the order of the House on February 19, 1970, the following reports were filed on February 20, 1970)

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10937. A bill to authorize the construction, maintenance, and operation by the Armory Board of the District of Columbia of the Eisenhower National Memorial Arena in the District of Columbia; with amendments (Rept. No. 91–843). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 13307. A bill to amend chapter 3 of title 16 of the District of Columbia Code to authorize the Domestic Relations Branch of the District of Columbia Court of General Sessions to remove a child from a proposed adoptive home if a petition for adoption is revoked, withdrawn, or denied, and for other purposes; with amendments (Rept. No. 91–844). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 14608. A bill to authorize the District of Columbia to compensate holders of class A retailer's licenses issued under the District of Columbia Alcoholic Beverage Control Act who return such licenses to the District of Columbia for cancellation; with amendments (Rept. No. 91–845). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 14982. A bill to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto; with an amendment (Rept. No. 91–846). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 15381. A bill to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies (Rept. 91–847). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 8656. A bill to authorize the use of certain real property in the District of Columbia for chancery purposes; with an amendment (Rept. No. 91–848). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 15980. A bill to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes (Rept. No. 91–849). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted February 23, 1970*]

Mr. McMILLAN: Committee on the District of Columbia. Investigation and study of the Department of Corrections (Rept. No. 91–850). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 16117. A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes; to the Committee on the Judiciary.

By Mr. DENNEY:

H.R. 16118. A bill to protect the public health and safety to provide new means for the control of depressant, stimulant, and hallucinogenic drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY:

H.R. 16119. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee Interstate and Foreign Commerce.

By Mr. GUDE (for himself, Mr. Fraser, Mr. Conable, Mr. Kyros, Mr. McClory, Mr. Pettis, Mr. White, Mr. Anderson of Illinois, Mr. Beall of Maryland, Mr. Bennett, Mr. Bingham, Mr. Brown of California, Mr. Coughlin, Mr. Edwards of California, Mr. Esch, Mr. Fascell, Mr. Frelinghuysen, Mr. Friedel, Mr. Gibbons, Mr. Halpern, Mr. Hamilton, Mr. Hastings, Mr. Horton, Mr. Hosmer, and Mr. Jacobs):

H.R. 16120. A bill to require disclosure of political campaign financing in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GUDE (for himself, Mr. Fraser, Mr. Lowenstein, Mr. Lujan, Mr. Matsunaga, Mr. Mayne, Mr. McCloskey, Mr. Mikva, Mr. Nedzi, Mr. Ottinger, Mr. Podell, Mr. Rees, Mr. Reid of New York, Mr. Riegle, Mr. Rosenthal, Mr. Scheuer, Mr. Steiger of Wisconsin, Mr. Thomson of Wisconsin, Mr. Tunney, Mr. Udall, Mr. Vander Jagt, Mr. Wold, and Mr. Zwach):

H.R. 16121. A bill to require disclosure of political campaing financing in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MARSH:

H.R. 16122. A bill to repeal chapter 44 of title 18, United States Code (relating to firearms), to reenact the Federal Firearms Act, and to restore chapter 53 of the Internal Revenue Code of 1954 as in effect before its amendment by the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Mrs. Griffiths, Mr. Nix, and Mr. Waldie):

H.R. 16123. A bill to protect the public health and safety to provide new means for the control of the depressant, stimulant, and hallucinogenic drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLIFIELD:

H.J. Res. 1093. Joint resolution authorizing the President to proclaim the period March 15 through March 22, 1970, as "International DeMolay Week"; to the Committee on the Judiciary.

H. Con. Res. 512. Concurrent resolution expressing the sense of the Congress with respect to the establishment of United Nations Day as a permanent international holiday; to the Committee on Foreign Affairs.

By Mr. GIBBONS:

H. Res. 845. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mrs. GREEN of Oregon (for herself, Mr. Alexander, Mr. Aspinall, Mr. Casey, Mr. Downing, Mr. Dulski, Mr. Fountain, Mr. Haley, Mrs. Hansen of Washington, Mr. Kee, Mr. Lennon, Mr. Monagan, Mr. O'Neal of Georgia, Mr. Pickle, Mr. Rees, Mr. Roberts, Mr. Rodino, Mr. Roe, Mr. Rogers of Florida, Mr. Staggers, Mrs. Sullivan, Mr. Symington, Mr. Charles H. Wilson, and Mr. Zablocki):

H. Res. 846. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

306. By the SPEAKER: A memorial of the Legislature of the State of California, relative to State regulation of offshore oil and gas development operations; to the Committee on Interior and Insular Affairs.

307. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to expanding the medicare program to include drug costs; to the Committee on Ways and Means.

308. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to providing payment of all medical expenses of members under the medicare program; to the Committee on Ways and Means.

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PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

399. By the **SPEAKER**: Petition of the board of supervisors, county of Los Angeles, Los Angeles, Calif., relative to the threat to individual freedom of thought and speech which is posed by title II of the Internal Security Act of 1950; to the Committee on Internal Security.

400. Also, petition of Henry Stoner, York, Pa., relative to the use of legislative power; to the Committee on the Judiciary.

401. Also, petition of John Meredith Tayler, Chevy Chase, Md., relative to redress of grievances; to the Committee on the Judiciary.

402. By Mr. **BRINKLEY**: Petition of Mr. Dan Dixon, Mr. Richard Dennard, Mr. Frank Billings, Mr. E. W. Barber, Mr. Mike Turner, Mr. Don P. Asbell, Mr. C. B. Bailey, and Mr. Lamar E. Brooks, Gordon, Ga., et al., for legislation which will restore freedom of choice in the public school systems; to the Committee on Education and Labor.

SENATE—*Monday, February 23, 1970*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. Russell).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Washington's prayer for the Nation, which was written at Newburgh, June 8, 1783, and sent to the Governors of all the States:

Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection, that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government, and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large.

And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without an humble imitation of whose example in these things, we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, February 20, 1970, be dispensed with.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

WASHINGTON'S FAREWELL ADDRESS

The **PRESIDENT** pro tempore. In accordance with the order of the Senate of January 24, 1901, and pursuant to its order of February 23, 1970, designating the distinguished Senator from North Dakota (Mr. Burdick) to read Washington's Farewell Address, the Senator will now proceed to read it.

Mr. **BURDICK** advanced to the desk, and read the Farewell Address, as follows:

To the people of the United States.

Friends and Fellow Citizens: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to

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bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appelation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachment, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern—Atlantic and western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinions should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas; is it rendered impossible by its vices?

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In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degrees a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils, Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

READING OF THE FAREWELL ADDRESS—COMMENDATION TO SENATOR BURDICK

Mr. MANSFIELD. Mr. President, first I wish to commend the distinguished Senator from North Dakota for the inspiring reading of Washington's Farewell Address which he just made, and for the quality of his delivery, and to express again the thankfulness of so many of us to our first President for the wise words of caution and counsel he gave in 1793. So much of that message is still applicable today. It is a message which came from the heart and which means a great deal in the historical annals of our Nation. I am delighted that the Senate, on each Washington's Birthday, takes unto itself the responsibility of recalling the inspiration contained therein.

The words of George Washington will live forever. His advice and counsel will be a steady admonition to all of us, and I am happy that this custom is now so bound up in precedent that we may be assured it will continue in the years, the decades, and the centuries ahead.

Again, my congratulations to the distinguished Senator from North Dakota (Mr. BURDICK) upon delivering the address in an unusually effective manner.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. HRUSKA. Mr. President, I join the majority leader in commending and lauding the Senator from North Dakota upon his splendid reading of Washington's Farewell Address. It is a custom well taken, and I believe we are wise and it is very appropriate to follow this custom. Certainly, the commonsense maxims asserted in the address when given in 1793 are highly applicable in these days. The annual custom of reading it here, as we have done for all these decades, is one that I hope will be continued for a long time to come.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). What is the will of the Senate?

Mr. RANDOLPH. Mr. President, I join in the commendation expressed by the distinguished majority leader and by our able colleague from Nebraska (Mr. HRUSKA). Those of us who were present in the Chamber have listened attentively once again to the counsel and the admonition of George Washington, as recorded in his Farewell Address to the people of his and our beloved country.

I recall now, as I do often, particularly this expression of our first President, in his Farewell Address of September 17, 1796.

> Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections.

He foresaw then what was to happen: That we were to be a nation where there would be literally millions of persons who would come here by choice, who would join the other millions who were to be born in this Republic; and I think the virtue and the vision exemplified and emphasized by George Washington ought to be remembered and to be followed in greater degree than we have followed them in the past.

I, too, think these approximately 40 minutes once a year are minutes well spent. It has been helpful to have again listened to the reading of the Farewell Address, this year by our able colleague, the Senator from North Dakota (Mr. BURDICK).

The Library of Congress, through the Legislative Reference Service, has prepared pertinent material on the Farewell Address. I ask unanimous consent that it be included at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Washington's Farewell Address was not an address in the sense in which we customarily use the term; that is, it was never publicly read by Washington before an audience, but was first published in the Philadelphia *Daily American Advertiser* of September 19, 1796.

Washington's main purpose in making public his Farewell Address was to eliminate his name from the third presidential election. In 1792 he had hoped to avoid a second term and had asked Madison to prepare a draft of a valedictory address but friends had prevailed upon him to accept another term.

The first part of the Farewell Address gives Washington's reasons for retiring from office; the second part, perhaps the most important, presents his thoughts on the desirability of a strong union and the principles upon which domestic tranquility could be maintained and foreign respect induced; the third part justified his policy of neutrality toward France and England and connected that justification with the other principles of the address, which were based on his personal experiences in leading a revolutionary army and directing an untried republican government.

There has been controversy over the authorship of the Farewell Address, particularly to the extent to which Hamilton and Madison participated in its drafting. It is not possible here to recount in detail the arguments and counter-arguments on the subject. Victor Hugo Paltsits, who has examined carefully the related documents, has this to say in his book, *Washington's Farewell Address:* "* * * He [Washington] drew upon each source and altered or introduced words at will, even words that were in no anterior draft. In the final analysis he was his own editor, and the Farewell Address, in the final form for publication, was all in his own handwriting. It was then in content and form what he had chosen to make it by processes of adoption and adaptation in fulfillment of what he desired. By this procedure every idea became his own without equivocation."

The reading of the Farewell Address on Washington's Birthday, or, if that falls on Sunday, on the following day, has become an established custom in both Houses of Congress. It was read in the Senate as early as 1888, and has been read annually since 1896. In the House of Representatives it was read in 1899, in most of the years from 1909 to 1928, and annually since 1934. Thus each year we recall Washington's sincere and unselfish counsel to his own and future generations.

ORDER DISPENSING WITH THE CALL OF THE CALENDAR UNDER RULE VIII

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar under rule VIII be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

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Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements by Senators during the period for the transaction of routine morning business be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, in order that our colleagues may know that the reading of the Farewell Address has been concluded, I suggest a brief quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MAN WHO WOULD NOT GROW OLD

Mr. AIKEN. Mr. President, some men get old at an early age.

Some grow a year older with each birthday.

And some never get old no matter how many years they have counted.

This afternoon a funeral ceremony is being held in Springfield, Vt., for a man who would not grow old.

I knew Ralph Flanders long before he came to the U.S. Senate, and I have followed his course ever since he voluntarily left this body.

But during all these years I never knew him to yearn for "the good old days."

His heart and mind were always fixed on the future—the development of something better.

Ralph Flanders was a man of ideas.

Some of them he patented.

Most of them he offered free.

Some of his ideas fruited successfully.

Others seemed to miss their target.

His plan for raising the ovibos or musk ox in Vermont which was worked out with Dr. Vilhjalmur Stefansson did not work so well for Vermont—but it did turn out remarkably well for Alaska under the guidance of Dr. John Teal.

However, Ralph Flanders did see billboards nearly eradicated from the roadsides of Vermont years before the Interstate Highway System was started.

He did see Goddard College, of which he was one of the first trustees, become one of the better known small colleges of the Nation.

He knew success and he knew disappointment—and he knew tragedy all too well.

But he never turned his face backward.

The past was only prolog to him.

During the depression years of the 1930's and thereafter, he was vitally concerned with the welfare of our country and its people.

In 1938 he prepared what he called a "Program for America."

While directed primarily at the Republican Party, this program was equally suited to other parties as well.

From reading it, one can see that Ralph Flanders was well ahead of the times, and I ask unanimous consent to have this program printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. AIKEN. His passing will of course be a great loss to his wife Helen and other members of his family, but we must all agree that losing Ralph Flanders, a man who would not grow old, is a loss to the Nation.

EXHIBIT 1

A PROGRAM FOR AMERICA

What we seek is not a program for the Republican Party alone. A course of action which strengthens the Party at the expense of the nation is unthinkable.

We are not even interested in a program for the nation, considering the nation as something apart from its citizens. We have seen the effects in European countries of sacrificing the individual citizens to the power and alleged glory of the nation. No individual and no party in America would be attracted by such a prospect.

It is possible to state the American ideal for American citizens in terms that will commend themselves to sensible people of all ages and conditions.

For youth, we seek preparation for life's work and the broadest range of opportunity that it is possible to provide. Nature does not provide equality of gifts and abilities. No social organization has as yet successfully provided equality of income or equality of ownership, unless it be on the basis of a very low standard of living. What we can hold before ourselves as the ideal for youth is the nearest possible approach to equality of opportunity. This is a right possessed by the individual in a democracy. It is more than a right. It is necessity for the perpetuation of democracy, if democracy is to be perpetuated and if society is to move on to higher service for the individuals who compose it. We cannot afford to allow any talents to go unused and undeveloped. We cannot permit any abilities to lie undiscovered. We must prepare for an era of great expansion of education, not in its mere bulk so much as in the development of new kinds of education to fit more kinds of people to all kinds of situations.

We are moreover faced with an emergency which requires that we act now in this matter. With the present varieties and distribution of education, the great majority of students do not carry their schooling beyond the grades. Of the remainder, the majority get through our present high school courses with difficulty. In the meantime, the age at which the boy or girl may go to work has been raised to sixteen years and present tendencies will bring that minimum age before long to eighteen years or even older. These empty, unoccupied years at the critical period in the life of the boy or girl constitute a serious menace, not only to the character development and future of the individual, but as well to the state and nation of which he or she will become an effective ruling element under our form of government. This educational problem must become a matter of first importance to us.

As the other extreme of the life-span, we have entered a new period of responsibility for old age. It has become a part of our social purpose to see to it that those who have worked faithfully during their years of strength shall, during their years of retirement, be assured of adequate food, clothing and shelter. This minimum responsibility society is sharing as an obligation with the individual. In so doing we will relieve the middle years of unjustifiable worry for the future, leaving them free to be devoted to the productive occupations by which the programs for youth and old age will be sustained.

We have made real progress in these last few years in defining and accepting our social obligations to youth and age. We have failed completely and miserably in developing the policies and institutions, and even the proper mental attitudes required for such a direction of the productive years of men and women as will make it possible to support these new obligations for youth and age. It is in the reviving and redirecting of the effort of the working years that the Republican Party finds its duty and its opportunity.

Agriculture presents a special problem. While it is essentially a business rather than a trade or occupation, yet it is a business which is under the control of the seasons, the weather and worldwide conditions to an extent not found in any other business whatsoever. No manufacturer or merchant has as little control over his business as does the farmer.

At the same time the agricultural population has a special claim on the attention of the nation. The dwellers in the great cities do not add greatly to the population of the country; and children in cities are handicapped in their bodily, mental, and spiritual development as compared with those born and raised in the country. Our new attention to children and youth will diminish those handicaps, but it must always remain true that the welfare of the nation will be best served by maintaining the flow of healthy, intelligent boys and girls of good character which in years past has streamed from the country regions to the small and great cities of the nation. As the principal source of new blood for maintaining our energy and productiveness, whether in the city or the country, on the farm, in the office, factory, or halls of government, agriculture has a strong claim on the country as a whole.

There are things now being done for agriculture or camouflaged subsidies—outright distribution of funds from the public treasury—should be discontinued. Soil conservation is an extremely important matter but should be approached from the standpoint of attacking the worst situations first whereever they may be found, rather than using the policy as a thinly disguised mechanism for a general subsidy.

The farmer should not be bribed by subsidies or any other means into giving up his independence. The mass control of mass production, whether in industry or agriculture, leads to mass mistakes for which no government can afford to take responsibility and for which no political action can compensate without damage and distress. Both the giving up of his independence and the acceptance of disguised subsidies from the public treasury tend to destroy in the agricultural population the springs of character which are the prime reliance of the nation for the citizenship of the future.

The following things can and should be done for agriculture:

(1) Soil conservation policies should be developed and put into effect which will be applied to the worst conditions at the point where a given expenditure can make the greatest saving of our soil resources.

(2) The markets of the world must be kept open to the farmer, both by the avoidance of such artificial price policies as have well-nigh destroyed the cotton farmers' markets and by the careful negotiation of specific treaties which will expand his opportunities in the foreign field.

(3) In addition, the farmer is entitled to the same type of protection which the manufacturer and industrial worker receive through the tariff. So long as tariff protection remains for industry and those dependent on it with its resulting higher prices to consumers whether agricultural or industrial, so long will it be proper to give corresponding protection to those markets. This will best be done by some form of payment in lieu of duty to that part of the agricultural output which goes to the domestic market, protecting the farmer at home while he is left free to compete in price and volume in the markets of the world. These payments in lieu of duty should not be raised from processing taxes or any other special impost. Being for the good of the nation as a whole, the payments should be appropriated from the general funds.

(4) A wise policy of loans on crop surpluses should be developed. The loans should provide safe margins for price fluctuations, be limited in total at any one time to one-half the normal yearly domestic consumption for any one crop, and should be available only to individual growers and to bona fide cooperatives of bona fide growers. In any case, safe storage must be provided as a prerequisite to loans. Here, as in the case of crop control, wholesale mass operations are dangerous and must be avoided.

The first requirement for the welfare of the industrial worker is not being met. His first requirement is that he shall have remunerative work to do. As has been said, "The govment has done everything for the worker except give him a job." We believe that it is stupidity and not necessity which has slowed down the business machine to the point where jobs for the workers have become so scarce and difficult to find. We believe furthermore that in the inevitable minor fluctuations of business it will be possible to protect the worker's interest, not only by unemployment benefits, but as well by the provision of useful work under public auspices on a large scale, during the periods when temporary maladjustments diminish the amount of private work available. If we manage our economy so that its possibilities are realized, the worker can be freed of worry as to the opportunities for his children, and freed of fear as to lack of necessities in his old age. He can likewise be guarded against that most tragic of all tragedies—the plight of the man able and willing to work who can find no useful work to do.

The key to our whole program is to be found in such a control and such a freedom for agriculture and business as will make the middle years a period of great productivity. Of agriculture we have already spoken. As for business, the new governmental attitude toward it must be that of fostering its productivity, freeing it from hurtful restraints and guarding it only from speculative excesses and unfair competition. Small business in particular has suffered from these harmful influences, and the political experiments of the past few years have actually put a premium on bigness. This trend must be reversed.

With the harmful elements removed or controlled and with the government stepping in to furnish employment and purchasing power at the low periods, we may look for such an expansion of enterprise, risk, and productivity as will support the large social undertakings we have been describing. Enterprise, risk and productivity are the essence of the activities of the middle years. To these ends the training of youth will be directed. As a reward for their exercise in past years, the security of old age is assured.

The greatest change which we find necessary in the policies of the last few years lies in so altering the relationship between government and business as once more to make it possible for business to serve the citizens of the country, and to an extent never before possible. It is important for the farmer that industry and its workers shall furnish lucrative markets for his products. It is important for the farmer that industry shall open up opportunities for such of his children as are not needed on the farm, particularly in the undeveloped regions of the South and West. It is important for the worker that opportunities for employment shall be abundant and lucrative. It is the first essential to a rise in his standard of living that more goods and services may be provided him in spite of shorter hours. To provide more goods and services with shorter hours requires more and better organization, more and better productive machinery, and more industrial investment. Without these the shorter hours and higher wages can result in higher prices for fewer things to be bought with the wage earner's salary. The course we have been following is a dead end. It leads to nowhere. We must retrace our steps if we are to continue our progress toward a higher standard of living in this country.

From the standpoint of the support of the enlarged governmental activities it is necessary that business be active in order that unemployment may be at a minimum and agricultural markets at a maximum. It is necessary that it be productive if the labors of farmer and worker are to be rewarded with more efficient goods, instead of less goods at higher prices. It is necessary that it be highly profitable if it is to sustain the volume of taxation required by the new governmental services for youth, maturity, and old age.

To the correction of the shamefully mismanaged relationships between government and business the Republican Party pledges its constructive efforts, to the end that our present evils may be remedied and our social aims achieved.

The ends which we propose cannot be reached immediately. They can be approached, step by step, by action continued year in and year out. At present we are moving away from them instead of toward them. We must retrace our course. If we are steady in purpose and skillful in achievement, we can do our part in enabling the citizens of this country to attain the ideals which the nation's resources and their own abilities and character have marked out as their rightful destiny.

RALPH E. FLANDERS.

SPRINGFIELD, VT.

WELCOME HOME CHET—MULTI-MILLION-DOLLAR RESORT COMPLEX IN MONTANA

Mr. MANSFIELD. Mr. President, the Huntley-Brinkley newscast has been one of the most popular and favorite daily newscasts for many years. Chet Huntley and David Brinkley have done a remarkable job of analyzing the news and commenting on the issues of the day. Within a very few months this fine association will come to an end. While I am not happy that the Chet and David duo is ending, I am delighted and pleased to announce that Chet Huntley will be coming back home to Montana.

Chet Huntley has become the chairman of the board of Big Sky of Montana, Inc., which has just announced a multimillion dollar, year-round resort complex in Gallatin and Madison Counties. This is the kind of resort development that the Treasure State has needed for a number of years. Montana has an abundance of recreation resources but, until now, they have been neglected or underdeveloped. Quite frankly, I see the Big Sky Country as the major resort area in the continental United States within a very few years. Chet Huntley and the Chrysler Realty Corp. are to be complimented for taking the initiative in establishing this complex. The Montana congressional delegation and the people of Montana welcome the Huntleys back to Montana, the land from which he came.

Mr. President, I ask unanimous consent to have a comment entitled "Welcome Home Chet," from the Helena Independent Record of February 18, 1970, and a news story from the February 17, 1970, issues of the Great Falls Tribune and the Gallatin County Tribune printed at the conclusion of my remarks. These stories outline the plans for this recreation complex.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Helena (Mont.) Independent Record, Feb. 18, 1970]

WELCOME HOME, CHET!

The plans Chet Huntley unveiled here Monday for a $19.5 million year-round recreational development in the Gallatin are totally encouraging.

"Big Sky of Montana," which the Montana-born network newscaster will call the resort, will surely open the door to the type of industry for which Montana is best suited but in which it has lagged primarily because of a lack of capital and lack of imagination.

Now Huntley has provided the imagina-

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tion and lined up the capital—Chrysler Realty Corp., which is backing the project.

Combined with his imagination is Huntley's love for his native state and his interest in preserving its beauty. He is convinced that Montana can have economic development without scarring its surface with mines or the equally ugly sprawl of "hamburger stands and tarpaper shacks."

Montana has suffered from the lack of one or more truly great resorts such as Sun Valley or those in the Colorado Rocket, which attract recreationists on a year-round basis as well as providing accommodations, meeting rooms and outdoor fun for big conventions.

Far from competing with the existing facilities, Huntley's development should enhance their business and encourage additional recreation-oriented developments because of the traffic it will generate with its excellence and the famous name behind it.

This has been Colorado's experience, in both winter and summer recreation. Traffic generates traffic, and reputation and prestige build up, not necessarily for a single resort but for a whole state.

This is why we're confident that the complex to be built by Huntley and Chrysler is the beginning of a new era in Montana's economic development—an economy based on enjoying Montana's environment rather than destroying it.

Let us hope—no, let us insist—that the other developers who will follow Huntley have the same love and respect for our land as he does.

Welcome home, Chet!

[From the Great Falls (Mont.) Tribune, Feb. 17, 1970]

CHET HUNTLEY UNVEILS PLANS FOR 'BIG SKY OF MONTANA'

(By J. D. Holmes)

HELENA.—Gov. Forrest H. Anderson and native-son newscaster Chet Huntley unveiled plans Monday for the development of a $19.5 million year-around resort complex to be called Big Sky of Montana.

The 11,000-acre complex in Gallatin and Madison counties will feature a summer recreation village to open in the spring of 1972 and a winter resort ski village and convention center scheduled to open in the fall of 1972.

In formally announcing the project, the governor said the area involved—Spanish Peaks, Lone Mountain and West Fork of the Gallatin River—may some day "be more famous than Sun Valley and Jackson Hole and some of the other recreation areas in the West."

Huntley agreed, saying surveys show Big Sky has more and better snow and longer trails than such places as Aspen, Sun Valley, Vail and Squaw Valley.

Edwin N. Homer, president of Chrysler Realty Corp., which is backing the new resort complex, credited Huntley with envisioning the multimillion-dollar project.

Huntley said he sees the complex as a method of attracting visitors from throughout the world to Montana "to see its incredible scenery and meet its equally incredible people."

He said construction, with a crew of about 800, will begin as soon as snow in the area goes off. Initial work will involve roads, an 18-hole golf course, a small lake, a half dozen condominium apartments at the guest-ranch location and utilities.

The summer area will be developed on the eastern edge of the property. Another residential area for small horse ranches will surround the lake that will be created. Nearby is a presently existing dude ranch, to be enlarged.

The western boundary of the property is dominated by the 11,166-foot Lone Mountain from which runs a valley that is 2-3 miles wide and 9 miles long.

The winter ski village will be built at the base of the mountain at an elevation of 7,500 feet. The summer recreation village will be built four miles down the valley in a natural basin.

From the summer village site it is another two miles to the Gallatin River and Highway 191.

In introducing Huntley to the televised news conference in the governor's reception room, Homer said that Huntley is chairman of the new board of Big Sky of Montana, Inc., which held its first meeting the night before.

Both Homer and Huntley said they will take every step necessary to guard against either pollution or destroying the beauty of the area.

Huntley, in reply to a newsman's question, said the liquid waste from two sewage disposal plants will be clean and will be used to irrigate the golf course. Solid waste will be used over a period of years for fill and erosion prevention.

He said the resort will have lodging for 500 guests when it opens although it will be able, through four chair lifts, to handle 4,000–5,000 skiers from the start.

A relatively flat area has been set aside for development of an air strip, Huntley said. Plans are being developed for a 300-unit trailer park.

Development of Big Sky will occur over the next three years, with the summer work starting this spring. There will, however, also be some trail locations made and removal of trees for the ski runs.

Construction of a hard-surfaced highway will start this spring with major improvements to the existing county road leading from Highway 191 to the existing dude ranch.

The highway will continue another seven miles along logging trails and up the valley to the winter village site.

Road-building costs of $1.1 million will be financed by a grant from the Office of Economic Development Administration bearing 50 percent, Madison and Gallatin counties 25 per cent and Big Sky bearing 25 per cent of the overall costs.

Kingsbury Pitcher served as the ski consultant and planner. Huntley also said negotiations are in progress with Jean Claude Killy, who skied the Big Sky slopes and "was highly enthusiastic."

Huntley was born in the Northern Pacific Railway depot's living quarters at Cardwell about 58 years ago.

His father, a railroad telegrapher, soon moved the family to Saco to take up a homestead. Later, Pat Huntley returned to railroading and the family lived at Willow Creek, Logan, Big Timber, Norris, Whitehall and Three Forks.

Huntley was graduated from Whitehall High School in 1929, then went three years to Montana State University and was graduated from the University of Washington.

Since the 1956 political conventions, he and David Brinkley have been the nation's most familiar evening newscasting team.

[From the Gallatin County (Mont.) Tribune Feb. 17, 1970]

LONE MOUNTAIN LOOMS OVER SITE OF PROPOSED BIG SKY COMPLEX

(By Donna Brown)

The Big Sky of Montana—an undertaking of tremendous importance to Montana and the Gallatin area—has been confirmed by Chrysler Realty Corporation and Chet Huntley from the Governor's office yesterday.

At this time existing plans for the $19.5 million year-round recreation orientated resort were divulged to the press and a number of interested dignitaries.

How do planners see the proposed Big Sky of Montana in the not too distant future?

Envision a picturesque village of 3,000 people nestled in a large, green valley basin complete with well-maintained golf greens, an air strip, a trap and skeet shooting facility, indoor swimming pools, tennis courts, equestrian showgrounds, and a dude ranch nearby.

Follow a series of gently rising slopes from the valley floor to the northeastern base of the spectacular Lone Mountain.

Move your vision along the forested terrain at the base of Lone Mountain, until another village can be seen amidst the gently sloping meadows of a large scenic valley, one that boasts residences, hotels, a semi-enclosed pedestrian shopping street, and a huge central parking facility—all looking as though they were attached to the mountains by the five ski lifts rising towards the peaks.

Glance at the valley, notice that it runs along the base of the Spanish Peaks Primitive Area, is dominated to the southwest by Lone Mountain and includes Wilson Peak to the northeast—making the area one of scenic delight.

Is the picture painted an improbable dream?

Not at all, to date much of the necessary land has been acquired and a number of steps have been taken to bring into being the Big Sky of Montana, as proposed by a real estate study, conducted by Mandeco Corporation, Los Angeles, private consultants for Chrysler Corp.

In addition, Chet Huntley, in the Monday newscast from the Governor's office said that, "As soon as the snow melts and we can get in there with machinery we plan to start work—road building, the building of a golf course, creation of a small lake, building of a half-dozen or so condominiums at the middle ranch, or Sam Smedings guest ranch and then a tremendous amount of engineering and surveying and installation of utilities will have to be done this coming summer.

$19 MILLION RESORT

Chrysler Realty Corporation is developing the $19 million recreational area which, over a period of years and with sufficient development of land, will provide ski facilities equal to any of the big areas such as Sun Valley, Vail and Aspen.

The real estate study was made with the object of creating an environment for selling or leasing real estate. This includes residential, commercial, lodging and recreational facilities.

The proposed Big Sky of Montana will extend from the base of 11,166 foot Lone Mountain down through a large valley to U.S. Highway 191.

The lower valley will be developed into a high quality summer resort while at the base of Lone Mountain a large meadow is an ideal location for a ski village.

YEAR-ROUND RESORT

In the summertime the resort will offer its proximity to Yellowstone National Park; streams, rivers and lakes for fishing, swimming, boating and water skiing; bird and small game hunting; and camping, hiking, and sight seeing directly north in the Spanish Peaks Primitive Area.

In the wintertime, Lone Mountain and Andesite Peak offer a variety of slopes for every kind of skier with fine, dry powder snow.

EASILY ACCESSIBLE

Big Sky of Montana can be easily reached by persons from the large cities on the west coast and in the midwest.

Bozeman which is located 46 miles north of Big Sky has the long air strips needed to handle any jets in service today.

At present, any person from these larger cities can be at Big Sky within six hours. The planners believe that increased Big Sky traffic will be relieved by nonstop flights to Bozeman.

To help bring people to the development, an airport is planned in the lower village. An area has been set aside to the southwest of the summer area for development of a small craft air strip. It will be continually improved to meet the demand.

Transportation service does not end here, however, for taxis, busses and limousines will operate within the complex as well as to jet connections at Bozeman.

ORDER OF WORK

The real estate study calls for concentrated effort on the summer area while development in the ski village will be limited to clearing trails.

Due to the high investment costs of a year-round resort complex, a real estate program with 300 to 400 unit sales per year will be undertaken to carry these costs while the winter area is being developed.

By the second year, the majority of the summer facilities will be in place. This will allow full scale development of the winter area to take place in the second and third years of construction.

The planners believe the remaining development of the complex would be phased over the balance of the 10 year period to meet the demand anticipated.

ECONOMICALLY SOUND

The real estate study indicates that Big Sky has the potential of becoming an outstanding resort center, particularly with quality development, efficient management, major advertising and promotional programs.

It is expected by the spring of 1972 the Big Sky complex will be opened with about 500 guests anticipated and be able to increase this number at an accelerated pace in the next two or three years.

The market will be the determining factor in growth, but Big Sky has plenty of water and acreage to work with, Huntley said.

He added that the 500 guests obviously do not include the 4,000–5,000 skiers expected per weekend, saying that "in five years Big Sky should be built up to handle 8,000 to 9,000 people."

Contributing to its success are the current trends in growing leisure time, recreational activities and income levels.

Pluses for the summer recreation aspects of the development are Yellowstone National Park, the Grand Tetons within a two hour drive, the Spanish Peaks, spectacular scenery, the Gallatin and Madison Rivers for fishing, and numerous lakes for water sports.

Although the primary winter activity will be skiing, indoor swimming and ice skating will be offered.

The area has one of the heaviest snowfall areas in the country with over 120 days of snow cover. This guarantees an early opening and late closing for this activity. Thanksgiving, Christmas and Easter are important vacations that will provide a large percentage of the season's profits. Many ski resorts can't operate over these peak periods because of uncertain snow conditions, but Big Sky should not have this problem.

OTHER ASPECTS

Big Sky of Montana will have convention facilities that "will be somewhat constrained" said Huntley, "but will follow the natural course of expansion.

"We hope that we will be able to accommodate an 1100 or 1200 delegate convention—looking down the road about five years hence.

"We would try to schedule the conventions at two main times of the year—in the spring and in the fall."

When asked if he had any idea on the number of employees needed by the Big Sky complex, Huntley said, "Yes, and it scares me to death. On opening day we are going to have about 300. The build-up of employees will occur again on the growth of the accommodations. I have been told by some of the experts that the rate grows very rapidly. And, in the construction period, by the way, about 800 people will be needed."

In regard to the land exchange program going on in the West Fork area Huntley said, "That exchange I assure you is not being undertaken to accommodate Big Sky. We are curious as to who our next door neighbors are going to be, whether its the Forest Service or the Northern Pacific railroad.

"We are confident we can pursue the good neighbor policy no matter which one it turns out to be."

Huntley went on to say there was one section of land—section 30—that is very essential to the Big Sky complex, "It's only value is that its location is highly strategic because it sits at the base of three marvelous ski slopes."

SEWAGE SYSTEM

"At great expense to Big Sky we are going to install two sewage plants. The affluent of the two plants is absolutely pure water—pure enough to drink," said Huntley. "But I don't believe we'll even risk that, we will use the affluent of those plants to water the golf course.

"Solid waste material, engineers tell us, can be used for a number of years to shore up and stop washes and fill gullies up where erosion has occurred and impact these areas so the soil will be put back and the land steadily improved over the years.

"We think we are rather good conservationists getting off to a good start."

FAMOUS SKIER

Jean-Claude Killy skied the slopes of the Big Sky, reported Huntley, and was enthusiastic about the whole terrain, and quality of snow saying it "was absolutely magnificent."

Huntley said he didn't know what Killy's future association with Big Sky would be adding "quite frankly we are negotiating and if he was pleased with Big Sky, why, that is one leg up, isn't it?"

WINTER RESORT AREA

The development arterial winds approximately four miles along one side of the very scenic draw leading to the winter resort at the base of Lone Mountain.

The heart of the winter area is formed by the ski village and staging area.

The ski village separates into three major areas:

A semi-enclosed pedestrian shopping street.

A girded residential section.

And a central parking facility.

These three areas meet at a village green which is surrounded by a traffic circle. Traffic comes into the circle from the principal village road leading off the development arterial and a secondary road that connects with the arterial two miles before the village.

The traffic circle serves as an interchange turn-around and drop-off for skiers and shoppers. It forms the head of the central parking area which adjoins it to the northwest.

The traffic circle and village green also form the base of the shopping street which runs up the back of a finger-like plaza-like staging area which will serve ski slopes off Lone Mountain and Andesite Peak.

The staging area is best described as two curving wings which house extensions of the retail and restaurant developments of the shopping street.

Another wing, housing hotel and convention facilities will curve out to embrace the village green and the traffic circle.

Land use in the residential section ranges from single family residential to condominium apartments.

The central parking facility covers seven acres, and is linked to the shopping street via the Village Green.

A marshy meadow lying immediately west of the ski village will be flooded by the systematic damming of a creek running through it to create a series of terraced ponds. The ponds help to separate residential development from the village core.

A sports area, including indoor squash, swimming, and tennis, is planned in a park-like quadrangle surrounded on three sides by ponds and connecting with hotel and convention facilities via the village green.

Lines of residential development are planned east of the ponds and along the secondary road, running down the draw. These lots are located at the base of the ski slopes and owners would have the added advantage of being able to ski directly to their front door.

In conjunction with this, a future staging area for slopes off Andesite Mountain is planned midway between the ski village and the juncture of the secondary road with the arterial.

To the west of the village a large lot subdivision is planned in a fanlike geometry. Plans are to subdivide this area in large single family lots.

At the northwest corner of this "fan" an exclusive residential block is planned. It will include a small commercial building housing a country store, and, in the future, a high quality restaurant. This block forms the core for a future "outlying" village and is the only location that offers a dual view of Ulerys Lakes and Lone Mountain.

SUMMER RESORT AREA

The summer resort area is located two miles from Highway 191 in a large, flat basin where Sam Smeding has operated his cattle ranch since 1962.

This particular site gives one a vivid view of Lone Mountain to the west and a number of other peaks, including Wilson Peak to the north.

The summer area is proposed with an 18-hole tournament size golf course forming the heart of the summer area. It is located in the center of the large basin.

Residential development bounds the northern and eastern sides of the golf course, all of which makes it look like a large semi-enclosed park.

In the center of the golf greens are the golf clubhouse, swimming, tennis and other recreational activities.

The curving arterial road connects the ski village and the summer area with U.S. 191. A frontage road that runs along the arterial will be built for serving the condominium apartments and single family residential development which is built to define the areas of the golf course and in some cases fingers into the course.

Three other major developments are adjacent to the golf course. They are:

An equestrian area providing show grounds, arena and stables to the east.

A park surrounded by residential development to the north.

And a man-made lake ringed by small and large lots to the west.

Smeding's dude ranch is located to the northwest of the development while a skeet and trap shooting facility are located off the arterial to the east.

A linear commercial development, situated within the strip between the arterial and frontage roads, will be located near the first juncture of the highway arterial within the summer area. It can expand along the strip.

Larger lots are planned around the lake and around the northern perimeter of the circular residential area. They have direct access to open country and are envisioned as small horse ranches.

The lake will be created by an earth dam placed just below the fork of two streams. Its eastern shore will be left open for visual exposure to the arterial. Other open areas are planned for public beaches and mooring facilities.

XUM

HOWARD NELSON SAYS AIRPORT COULD DOUBLE BOARDINGS SOON

A member of the Gallatin Field board has predicted the Big Sky recreational development will double the boardings at the airport within the next five years.

In addition, Howard Nelson of Bozeman said while "looking into a crystal ball," the year-round recreational development will be one of the greatest economic boons this community has experienced.

Chet Huntley told board members Friday the development would be gradual.

MANY GUESTS

During the meeting on last Friday with board members, Huntley said between 3,000 and 4,000 guests could be expected by the winter of 1972 on a weekend.

Huntley has asked if the field is large enough for 747 jets.

"It is certainly going to increase the traffic at the airport," Nelson noted.

"I would say it would amount to a third more than the anticipated increase in the time.

"I would say we could count on 100,000 boardings by 1975 from the figures compiled for us."

ADDITIONAL FACILITIES

Nelson said the increased traffic would require additional parking facilities and the expansion of the terminal building.

"Baggage and terminal facilities," Nelson said, "will have to be expanded considerably. At this point we are thinking of expanding the present building."

He said under optimum conditions a 747 could land at Gallatin Field but not with a full load and warmer summer temperatures.

To accommodate 747s Nelson said, the runway would have to be lengthened and widened.

To accommodate executives twin engined aircraft, parking facilities will have to be expanded and reinforced to handle the heavier machines.

Nelson believes many of the employees of Big Sky will live in the Bozeman vicinity as well as near Gallatin Gateway and the Gallatin Canyon area.

"School age children will dictate a lot about that," Nelson said.

MAIN ACCESS

During the meeting with airport board members on Friday afternoon, Huntley and Chrysler Realty President Ed Homer said Gallatin Field would be the main access site to Big Sky. Huntley said Big Sky buses and limousines would transport passengers between the resort and the airfield at Belgrade.

In future years, Huntley said, an air taxi service would operate between Gallatin Field and the Canyon.

Big Sky has offered to purchase Buck's T-4 for the air taxi site, it was learned.

CHET HUNTLEY SAYS BIG SKY BRINGS CLEAN INDUSTRY TO MONTANA

"For years I have had an ambition and a vision to somehow arrange it so that thousands of fellow Americans, and visitors from foreign countries as well, might come to this state and see its resources and incredible scenery and meet its equally incredible people," said Chet Huntley in the press conference held Monday at the Governor's offices in Helena.

Huntley was announced at this meeting as chairman of Big Sky of Montana.

"I've always had the conviction too that this might be done without mining the land and spoiling or exploiting it, so that these priceless heritages that we have, and the incredible resources might be preserved for future generations.

"It was my good fortune, not too long ago, to become acquainted with the people of Chrysler Realty Inc. I was pleased to discover that these people share my convictions and I'm sure your convictions as well, that recreation areas must be handled in the correct way.

"These people believe in handling recreation correctly, preserving the environment, the natural resources, the scenery, the water and the land, so that they will not be disturbed.

"And make it possible so that hundreds of thousands of people can come to visit a recreation area of this kind and enjoy it in any degree of affluence that they may choose for themselves, either at a low cost budget, or live in a high degree of affluency for a few weeks—all this without disturbing the environment."

In summary, Huntley said that "Big Sky, the project and the concept is now well enough advanced that the next step I feel is that it's going to become a reality in the next few months if the people of the State of Montana want it. It has to be done in the correct way and here is where we are going to need your help particularly.

"We are aware that our interest in the Lone Mountain area is attracting other people. I think it is to the state's advantage, if it is done the right way and here is where we need your help to see to it that there are some agreements, if not laws, that this whole recreation area is undertaken in the correct way so that the environment is not going to be mined and harmed."

EMMETT CRAIL HAS SPENT MANY YEARS ON LONE MOUNTAIN RANCH

(By Bud Clark)

The six young hardy souls had left their base camp halfway down the Madison side of Lone Mountain early that morning and ridden their horses on up through the timber, brush and rocks and tethered them at timberline as they scrambled the rest of the way to the peak on foot.

Five of them reached the top abreast then one hollered to the lone straggler, "Hey Emmett, come take a look at the whole world."

Emmett Crail, not too enthusiastic about the whole deal, didn't reply until a long look had been taken to the Northeast at the sprawling Crail ranch a few miles below which was bordered on the north by the magnificent Spanish Peaks. His gaze shifted to the North and West Forks of the Gallatin River as they meandered toward the mother Gallatin wending through Porcupine Basin and then west at the Madison River as it slipped past the little town of Ennis nestled in the valley. His long awaited speech at this breathtaking moment was a typical Gary Cooperish, "Yeah."

This was a day in 1917 and there was certainly nothing to indicate that a lot of what he and his friends surveyed that afternoon would, in 1970, begin to be transformed into one of the world's finest winter sports and recreation areas.

Emmett first saw the light of day in the Springhill community on August 26, 1888. His father, Augustus Frank Crail, came to Montana from Indiana a few years prior and met and married Sally Creek.

There were three children born to this marriage, two boys and a girl, and when Emmett was fourteen, the father bundled up his family to move them up on the West Fork of the Gallatin near Lone Mountain to homestead the ranch that is now owned and operated by Sam Smeding.

This homestead was not easy to come by as most of it was on school lands and the rough part of it toward the Spanish Peaks had to be dickered out of a railroad company.

BUILDINGS STILL STAND

The main ranch buildings, just as they stand today, were erected on the original homestead and were built by the Crails from logs and lumber from their own land.

When Emmett became of age, he homesteaded a piece of land adjoining his father's place to the east.

His brother developed a place on the other side of the main ranch which they had obtained from a man by the name of Savage who originally homesteaded it.

The Crails ran a hundred or so cattle and when marketing time came, they would roundup those that were ready and drive them down the Gallatin canyon road, such as it was, to Salesville, which is now Gallatin Gateway, then ship them from there by rail to Chicago. In later years, when a better road and trucks became available, the cattle were trucked out as they are today.

BUILD LUMBER MILL

This industrious family also built a lumber mill a little ways east of the main ranch buildings to mill logs and lumber for their own use and for market. This particular mill burned down but that didn't deter the Crails for long. They proceeded to build another mill to the west of the ranch house that, for power, would be modern even today.

There was a waterfall on the North Fork creek at this site so a waterwheel was obtained from somewhere and geared to a turbine which developed about twenty five watts of power to operate their saws.

Nothing but a few blurred signs of this mill remain today and no one seems to know what became of the waterwheel. But in its heyday they could turn out about five thousand feet of lumber per day with this mill and that wasn't bad.

HUNTER'S PARADISE

Emmett naturally did a lot of hunting and fishing in this outdoor paradise. More than two hundred head of elk would summer graze in the ranch area. Lakes in the Spanish Peaks abounded with Cutthroat and Rainbow trout. And, prior to 1912, the Peaks were almost overrun with mountain sheep.

1910, Emmett spent a month in the Peaks with a naturalist from Harvard University and his wife. Sheep were everywhere but the following winter was extremely tough and there was a disastrous winter kill. Open season on sheep was closed for forty years after that and, even now, sheep are taken only on permits.

AVALANCHE BEGINS

Once Emmett and a companion were hunting in the Porcupine Creek area when they came to a slanting snow field that didn't look too solid. However, a deer had crossed it so they took a chance.

About halfway across, a slide started above them and all that could be done was run on a downhill slant. Sometimes Emmett was leading and sometimes his buddy was ahead. Just as they were about to be clobbered they reached a large tree fall that had come down with a previous slide. The log was large and high to block the slide with our heroes huddled behind it. Asked what they did then, Emmett said, "We just shook off the snow, checked our gun barrels and went on hunting."

BEAR GETS CHICKENS

One day Emmett entered his chicken house and there lay a bear near a hole in the wall. The bear had a good thing going as she just waited until a chicken wandered in through the hole then reached out and grabbed it. She didn't even look up at Emmett. He studied her for a few minutes then got a fishing pole and used it as a fencing rapier on her. Nothing. She just looked at him as if to say, "Scram!"

He then got his rifle and fired several shots into the air behind the chicken house to scare the old rascal but all that happened was the sow's two half grown cubs had by then joined her. Since noise and cajoling could not move them, Emmett finally eliminated them with powder and ball.

XUM

SENSE OF HUMOR

He has a very droll sense of humor and can even make a serious statement sound funny. He takes plenty of time in speaking. Emmett married late in life and on his wedding day he entered a barber shop and told the barber to fix him up nice as he was going to a wedding. The barber assured him he would, then asked who was getting married.

"Annie Brenaman."

"No kidding. Who is she marrying?"

"Me."

At this time Emmett had been operating his ranch alone for a number of years. His brother had departed for other interests and is living today in Salem, Oregon. His sister is living in Long Beach, California. Annie and he spent only one year on the ranch then sold out to Jack Hume in 1950, who, in turn, sold to Sam Smeding.

His beloved Annie passed away a few years ago and Emmett again lives alone in his little home about a mile or two south of the four corners on Highway 191. He keeps busy at gardening, leathercraft work and other interests. When asked if he was about to retire from it all, he drawled, "Aw, you ain't seen nothing yet. I'm just getting my second wind."

Summer Area of Proposed Complex Located on Smeding Land

"We want to show people, particularly those in this state, that Montana has a tremendous potential for the industrial development of its natural resources."

With these words, Sam Smeding, Lone Mountain rancher, who was one of the prime instigators in the development of Big Sky, Inc., gives his main reason for actions in the past few years that are leading to the development of a multi-million dollar recreational area in Gallatin Canyon.

"We want to develop this year-round recreational area and leave it to Montana as a monument of what can be done in developing recreational industry here," explained Smeding. "It will show Montana's potential.

"Montana governmental agencies simply haven't been recognizing the scenic and recreational potentiality of the state."

Smeding pointed out that the average out-of-state hunter comes here and spends, on the average, $1000 for this one trip—some spend more.

"Recreation is an industry and Montana has what is needed for developing this type of business," said Smeding.

THING OF THE PAST

Smeding, who has been a dude rancher and cattleman in the Gallatin Canyon since 1962, said he feels that hunting, by itself, has no future as a prime industry within the state.

"With the present hunting pressure and program I don't see how Montana's hunting could be built up to become a big state industry," he stated, adding, "I have argued with Montana governmental agencies for sometime on this subject."

This fall, Smeding and his wife, Florence, brought four elk to their ranch from the Roscoe area to join a young bull elk they had purchased last year.

"The elk will add to the atmosphere of the Big Sky development and they also can have a commercial value," he commented.

ORIGINAL IDEA

Who conceived the idea of a year-round recreation resort area in the Gallatin Canyon?

"I've always had the idea, as indicated by my dude ranch, that this area was good for recreation," said Smeding, "but, actually, the total recreation aspect came from my conversations with Fred Pessl and from talking with Chet Huntley with his imaginative ideas."

The Smedings sold 1,880 acres of land to Chrysler Corporation to become a part of Big Sky, Inc.

Their holdings include a cattle ranch with buildings located on the West Fork of the Gallatin River where the old Emmett Crail ranch was once established; a dude ranch, located two and a half miles to the northwest of the home ranch and a hunting camp, located eight miles up Middle Fork.

"The dude ranch will be retained," Smeding said, "but it will be upgraded. It will be maintained separately from the village."

Actually the main village will be located at the Smeding's home ranch. Although the plans aren't completely formed, the village will include a golf course, shooting gallery, horse arenas and "just about everything" according to Smeding.

The status of the cattle ranch remains in an indefinite state "it might have to be shifted to one side to make room for the activities."

Smeding says he doesn't know what his official designation will be in the development, but, adds laughingly, "I've been called everything from manager to handyman."

EVERYONE WELCOME

Rumors have circulated in the Bozeman area that the Lone Mountain development would be geared to only the very wealthy with local residents left out.

Smeding expressed surprise at the idea that the resort would be a posh club and only for the richest. "I certainly wouldn't say it is exclusive, of course, standards and specifications will exist for the buildings, etc.

"We really want to encourage local skiers, sports enthusiasts and everyone who is interested in recreation to participate."

OUTDOORS PEOPLE

The Smedings came to the Gallatin from Roundup where they owned and operated a 36 section ranch. They sold their Musselshell ranch to the man who interested them in their Lone Mountain land and purchased the acreage from Jack Hume.

A man who loves the outdoors, Smeding says, "I'm never indoors anymore than necessary." Not only has he been a cattle rancher for some years but he can tell of many years experience spent packing hunters into Montana's high country.

Mrs. Smeding shares her husband's enthusiasm for the outdoors but maintains she's been too busy in the last few years to spend as much time outside as she would like.

The Smedings have a daughter, Mrs. Alice Vander Voort, who makes her home in Ryegate, and a son, Bud, recently returned from Vietnam.

MONTANA SCHOOLCHILDREN CONCERNED ABOUT DDT

Mr. MANSFIELD. Mr. President, one of the most important issues facing the State of Montana and the Nation is the question of pollution. We have been doing a great deal of talking about it in this Chamber. The administration has come out four square against pollution, and the mail has perked up remarkedly so far as the membership of this body is concerned. Up to the present time, I have received in the neighborhood of 15,000 letters, telegrams, and petitions indicating the deep interest of the people of my State in preserving the environment, in doing away with pollution, and in undertaking the necessary means to become acquainted with the vast problems which this issue poses.

In this connection, one of the most interesting letters I have received is from a group of fifth grade students at the Riverview School in Great Falls, Mont. All of these students—there must have been 20 to 30—have been answered personally; but I wrote a letter to Miss Barbara Bristol, who was the originator of the idea and who was one who developed such great interest in this matter among her classmates. In a footnote, I assure Barbara and her classmates in the fifth grade at the Riverview School that I will do my best to save the newts, the sparrows and goldfish, the chamelon, the guinea pigs, and all their types and others from the danger of pesticides. I mentioned these because some of the students had told me that they had them in their room.

I ask unanimous consent to have the letter printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 3, 1970.

Miss BARBARA BRISTOL,
Fifth Grade, Riverview School C-2,
Great Falls, Mont.

DEAR BARBARA: This will acknowledge receipt of your letter of January 15 in which you and your classmates raise certain questions about DDT. First, may I say that I appreciated the initiative which you have shown in looking into this particular question in trying to become more knowledgeable about it and in contacting Mr. Eddie Albert and me.

I am delighted that you have heard from Mr. Albert, and I am very happy that you took the time and the trouble to give me the benefit of your views. What you have done is a first step in the exercising of citizenship and, to me, is a very encouraging attitude on the part of your generation. You have made me more interested in DDT and other pesticides, and the uses and abuses and, most important, the fact that their abuses have reached such a stage that something must be done about them. I have gone over each letter personally, and I have compiled a list of questions from the entire class and have endeavored to answer them to the best of my abilities. The questions and answers are as follows:

1. Are you a conservationist?

I most certainly am, and I feel that the need to face up to the problems of our environment as it affects the flora and fuana, as well as the air and the water, is long overdue.

2. What is our state doing about it?

This is a question which I think you should ask Governor Forrest Anderson, whose address is the State Capitol, Helena, Mont.

3. Have you been trying to stop it?

Yes, but I have not been concerned enough, though I intend to join Senator Gaylord Nelson and co-sponsor legislation which he has introduced to forbid the use of DDT so that plant and animal life will not be subject to its dangers, and, very likely, destroyed.

4. What can I do to help?

You are helping already by showing an interest in this problem, and I would suggest that you and your classmates, friends and parents read up on this question and make your views known to your State and National legislators.

5. What are both sides of the story?

DDT has been a very potential weapon in the extermination of mosquitoes and other pests and, thereby, has held down or erradicated certain kinds of diseases. However, on balance it seems to be more dangerous and I hope that other means can be found to replace DDT which would not be so dangerous.

6. What companies is this being sold from?

That information I do not have at my disposal.

7. How can we make it illegal to sell it?

By passing laws of the kind that Senator Nelson has introduced and which should receive strong Congressional support.

8. "I know you are good friends with President Nixon, so if you would get his opinions, I would be pleased."

I would suggest that you write to the President directly about his opinions. My thinking is that they would be very close to mine.

9. How does it affect the birds?

In all too many instances, it kills them.

10. If a bird had this disease and you ate the bird, would you get the disease also?

I think there are indications that birds so contaminated can pass on to human beings certain kinds of infections.

11. What other lands use pesticides?

Practically every civilized country in the world.

12. "I wish they would make sweatshirts looking like this about DDT." (Sent by Cynthia Coonse)

So do I!

13. Will you talk to Mr. Nixon about this problem?

Yes, I will be glad to at the first opportunity.

I hope that what I have said has given you the information you desire. I hope, also, that it indicates my great interest in this problem and greater and more intensive because of your interest and my desire to be of all possible assistance in coping with it. If you have any further questions, please feel free to write to me.

Again, I want to thank you Barbara, for being the originator of this particular project on this particular issue and to assure you that I am indebted to you and your classmates for the interest shown.

Must close now, but with best personal wishes, I am

Sincerely yours,

MIKE MANSFIELD.

P.S.—Please rest assured that I will do my best to save the newts, sparrows, goldfish, chameleon, guinea pig and all their types and others from the danger of pesticides. I mentioned the above because some of you have told me what you have in your room. Regards. MM

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ORDER OF BUSINESS

Mr. TALMADGE. Mr. President, is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFCER (Mr. MONDALE in the chair.) Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate, the following letters, which were referred as indicated:

Report on Department of Defense Procurement From Small and Other Business Firms

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense Procurement from small and other business firms from July–November 1969 (with an accompanying report); to the Committee on Banking and Currency.

Report of the Metropolitan Police Department Reserve Corps, District of Columbia

A letter from the Administrative Officer, Metropolitan Police Department Reserve Corps, Washington, D.C., transmitting, pursuant to law, a report of the Corps for the 1969 (with an accompanying report); to the Committee on the District of Columbia.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the evaluation needed of cost-effectiveness of four more deep submergence rescue vehicles before purchase by the Navy, dated February 20, 1970 (with an accompanying report); to the Committee on Government Operations.

Report on the Anthracite Mine Water Control and Mine Sealing and Filling Program

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the anthracite mine water control and mine sealing and filling program, for 1969 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Report of District of Columbia Government on Highways

A letter from the Commissioner, Government of the District of Columbia, transmitting, pursuant to law, a report on recommendations for highways in the District of Columbia (with an accompanying report); to the Commitee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

Resolution by the Commonwealth of Massachusetts

Resolutions memorializing the Congress of the United States to enact legislation to provide for the payment of all medical expenses of members under the medicare program

Whereas, Under the present Medicare program members must pay part of the medical expenses they incur; and

Whereas, The Medicare program has certain limitations as to the amount of time said members are covered by the program; and

Whereas, The Medicare program fails to provide benefits for many of the medical expenses of the members; and

Whereas, Many of the members are unable to pay the medical expenses they incur that are not covered by the Medicare program; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation to provide for the payment by the government of all medical expenses incurred by members of the Medicare program; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, February 4, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, February 9, 1970.

WALLACE C. MILLS, *Clerk.*

A true copy. Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

A resolution of the Legislature of the State of Wisconsin; to the Committee on Finance:

Enrolled Resolution by the State of Wisconsin

Memorializing Congress to support a bill to entitle the veterans of World War I to the same pension as veterans of the Spanish-American War.

Whereas, Senate Bill 2658 was introduced in the 91st Congress; and

Whereas, this bill amends title 38 of the U.S. Code to entitle veterans of World War I and their widows and children to a pension on the same basis as veterans of the Spanish-American War and their widows and children; now, therefore, be it

Resolved by the assembly, That the Congress of the United States be, and it hereby is, requested to pass Senate Bill 2658; and, be it further

Resolved, That a duly attested copy of this resolution be immediately transmitted to the secretary of the Senate of the United States, the clerk of the House of Representatives of the United States, to each member of the Congress from this state and to the President of the United States.

HAROLD V. FROEHLICH,
Speaker of the Assembly.

Attest:

WILMER H. STRUEBING,
Assembly Chief Clerk.

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

Assembly Joint Resolution No. 2

Relative to state regulation of offshore oil and gas development operations

Whereas, The recent Santa Barbara oil disaster provided an unforgettable example of the terrible destruction an offshore oil leak can cause to the marine environment anywhere along the California coast; and

Whereas, All new offshore oil wells are more than three miles offshore and therefore are not subject to strict California drilling regulations which might prevent such spillage; and

Whereas, The federal government recently established a precedent in the field of environmental protection by allowing California to establish stricter automotive exhaust standards than existing federal standards; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, the Congress of the United States, and the Secretary of the Interior to allow California to control and apply stricter state regulations to all oil and gas drilling in federal waters more than three miles off the coast of California; and be it further

Resolved, That with respect to oil and gas drilling on federal tidelands in the Santa Barbara Channel, the Legislature respectfully memorializes the federal government to act immediately to halt such drilling permanently; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSS:

S. 3490. A bill to designate a certain route on the National System of Interstate and Defense Highways between Omaha, Nebr., and Sacramento, Calif., as the Golden Spike Highway; to the Committee on Public Works.

(The remarks of Mr. Moss when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. NELSON:

S. 3491. A bill to provide for the regulation of present and future surface and strip mining, for the conservation, acquisition, and reclamation of surface and strip mined areas, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Nelson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. STEVENS (for himself, Mr. Bennett, Mr. Ervin, Mr. Goldwater, Mr. Packwood, Mr. Young of Ohio, Mr. Gurney, Mr. Magnuson, and Mr. Jackson):

S. 3492. A bill to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Stevens when he introduced the bill appear later in the Record under a separate heading.)

By Mr. MONDALE:

S. 3493. A bill for the relief of Miss Franca Bendel; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 3494. A bill for the relief of Vittorio Liotti; and

S. 3495. A bill for the relief of Alfredo Giammatteo; to the Committee on the Judiciary.

By Mr. MATHIAS:

S.J. Res. 174. A joint resolution to authorize the President to proclaim the period from March 15, 1970, through March 22, 1970, as "International Demolay Week"; to the Committee on the Judiciary.

S. 3490—INTRODUCTION OF A BILL DESIGNATING A CERTAIN HIGHWAY AS THE "GOLDEN SPIKE" HIGHWAY

Mr. MOSS. Mr. President, this past year—on May 10, 1969, to be exact—we celebrated in my State of Utah the centennial of the driving of the Golden Spike at Promontory, Utah, and the linking of the United States by transcontinental railroad.

The hundredth anniversary of the date when the Nation was welded from sea to sea by twin bands of steel gave us an opportunity to pay tribute to the leadership and vision which produced the railroads, and the incredible endurance of the men who laid the rails. These were celebrated both in rhetoric and in pageantry. Those who were there will never forget, I am sure, the dramatic reenactment of the moment when the Union Pacific's engine No. 119 and the Central Pacific's "Jupiter" inched forward to touch snouts, the executives shook hands, the workers exchanged bottles of champagne and the the Nation went wild with joy as the telegraph message reached major centers of population from coast to coast.

Those of us who were there for the centennial will never forget either hearing again the story of the grueling years of working and sweat and courage which went into the construction of the railroad from Omaha, Nebr., to Sacramento, Calif.

The builders, surveyors, engineers, graders, and tracklayers battled deep snow in the California Sierras and bitter cold in the Wasatch Mountains of Utah and on the Wyoming and Nevada plains. Side by side with Federal troops they fought costly skirmishes with Indians who suspected that the manmade iron trail meant an end to their free way of life.

The logistics of the construction job were unprecedented. Rails and other supplies for the Central Pacific were shipped around Cape Horn; ties for the Union Pacific were hauled across hundreds of miles of treeless prairie. Locomotives were hauled across the ice of the yet unbridged Missouri River. Horses, scrapers, hand shovels, pickaxes, and black powder were the most modern tools available in this nonmechanized era.

Union Pacific crews, mostly made up of Irish immigrants, pushed across the plains and Chinese laborers of the Central Pacific tunneled and laid track across the high Sierras of California and across Nevada toward Promontory. After the Civil War, freed slaves and former soldiers from both sides were added to the work crews. In Utah, Brigham Young—bitterly disappointed when told the railroad would bypass Salt Lake City by swinging north of the lake—nevertheless put Mormon contractors to work building the grades and embankments for both lines. In all, Union Pacific laid 1,085 miles of rail and the Central Pacific 690 miles.

I can think of no better way to cement forever in the minds of all Americans the story of the building of the first transcontinental railroad than to name the motor vehicle highway which follows the route of these bands of steel, "The Golden Spike Highway." The route I would recommend renaming is as follows:

The National System of Interstate and Defense Highways, which consist of route I–80 from Omaha, Nebr., to Echo Junction, Utah, route I–80N from Echo Junction to the junction with Utah State Highway No. U–30, and route I–80 from the junction with such State Highway No. U–30 near Oasis, Nev., to Sacramento, Calif. The State of Utah could designate U–30 between I–80N and I–80 near Oasis as "The Golden Spike Highway" to complete the link.

A part of this road—the portion across Nebraska and Wyoming, and a part of the road in Utah—was once known as the Lincoln Highway. Some of the route across Nevada was once known as the Victory Highway. But now no one ever calls either portion by these names. They are known only by their numbered route designations.

So it is not a question of usurping any name which is now in common use, or taking away any distinction which the highway now has. It is simply a question of designating the portion of one of our major cross-country highways with a name which links it to a very important and dramatic portion of our past—with the construction and completion of the railway which united the American East with the American West, and paved the way for the development of the vast wilderness west of the Mississippi River.

Mr. President, I introduce for appropriate reference a bill to designate a highway beginning in Omaha, Nebr., and ending in Sacramento, Calif. and passing within a few miles of Promontory, Utah, as the Golden Spike National Highway."

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3490) to designate a certain route on the National System of Interstate and Defense Highways between Omaha, Nebr., and Sacramento, Calif., as the "Golden Spike Highway," introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Public Works.

S. 3491—INTRODUCTION OF THE MINED LANDS RESTORATION AND PROTECTION ACT OF 1970

Mr. NELSON. Mr. President, one of the critical and to date much neglected elements in a truly effective American commitment to meet the environmental crisis must be the establishment of a tough national land and resource policy that will correct the tragic situation in which many continue to consider it their right to use and abuse our environment.

Such a policy must have enough teeth to put a halt to the kind of development that recklessly drains and fills coastal and inland wetlands; that destroys wildlife habitat and pollutes our rivers, lakes, and even the oceans; that carves up our coastal and lake shorelines, eliminating them forever from public use; that brings massive land erosion in urbanizing areas, and that devastates whole regions with scrape-up-and-get-out strip-mining operations.

Bluntly put, without immediate and high-priority attention to halting our destruction of the land, a national effort to protect the environment will be headed to total failure.

Today, I am introducing the fifth bill in a package of legislation to establish important parts of a national land and resource policy.

The bill, evolved from legislation I have introduced in previous Congresses, is entitled the Mined Lands Restoration and Protection Act of 1970. It is a far-reaching measure, designed to deal with the continuing national scandal of the extraction of minerals—ranging from coal to sand and gravel—in the cheapest possible fashion with little or no regard for the environmental and human consequences.

The bill would bring Government resources and authorities to bear for the regulation of present and future strip mining in the United States, and for the protection, acquisition, and reclamation of our vast surface and strip mined areas. Now, the environmental regulation of strip mining is almost nonexistent at the Federal level, and at the State and local levels, spotty, at best.

Title I of the bill requires the Secretary of the Interior and the Secretary of Agriculture after consultation with a national advisory committee to develop standards and reclamation requirements for all future strip mining operations, as well as for previously strip mined lands. Under provisions similar to the national water quality standards program, strip mining standards could be set by the States, meeting national criteria, or, if the States didn't act, by the Federal Government.

Title II authorizes the Secretary of Agriculture to enter into agreements with State and local governments to provide financial and technical assistance for the reclamation of strip or surface-mined lands owned by those State and local governments. The Secretary of Agriculture is further authorized to pay up to 75 percent of the cost of this reclamation.

Title III authorizes both the Secretary of Agriculture and the Secretary of the Interior to make grants to State or local agencies and to other public or nonprofit agencies and institutions to develop improved reclamation and conservation practices for the utilization and development of strip-mined lands and to develop improved mining techniques.

Title IV authorizes the Secretary of Agriculture to provide technical assistance and cost sharing for the conservation and reclamation of privately owned strip-mined lands.

Title V authorizes the Secretary of the Interior to acquire certain strip-mined lands for the purpose of their reclamation and in order to establish an effective continuing conservation, land use, and management program.

We have been hampered in our efforts at the Federal level to provide effective leadership in the regulation of strip-mining operations and the reclamation of strip-mined lands because the responsibilities for these programs fall into two different agencies; namely, the Department of the Interior and the Department of Agriculture. This bill attempts to resolve the differences which exist between these agencies and assign to each agency those responsibilities which fall within their respective jurisdictions.

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The strip mining controls proposed in this legislation are desperately needed. Up to 1965, 3.2 million acres of the American landscape, 5,000 square miles, had been disturbed by strip mining.

In 1964 alone, according to a report 3 years ago by the Department of the Interior, an estimated 153,000 acres were disturbed by the mining. According to the report, sand and gravel mining accounted that year for 60,000 acres; coal, 46,000; stone, 21,000; clay and phosphate rock, each 9,000, and other mineral activity, 8,000 acres.

The worst of the devastation has been in the coal fields stretching through nine States in Appalachia. But there is not a State that has escaped the disruption of some of its lands by surface mining.

The destruction can be expected to continue at an accelerating pace. The Interior report, titled "Surface Mining and Our Environment," noted that mining activities will only increase with the escalating demand for minerals and solid fuels. As an indication of the future, the report found that from 1960 to 1965 surface mining production increased from 2.5 billion net tons of crude ore to 3 billion tons. Strip mine production of coal increased from 138 million net tons to 185 million over the same period.

More than just directed impact on the land, the reckless strip mining operations have polluted thousands of miles of rivers and lakes with erosion and acid mine water; caused massive, damaging slides; ruined the beauty of the landscape with huge "spoil piles" and "highwalls," destroyed tens of thousands of acres of wildlife habitat, and left a clutter of rubbish dumps and abandoned buildings and equipment.

If mining operations continue to have their way, the ravages of this activity will for the most part remain forever, a permanent scar on a once beautiful land, and a further degradation of the quality of American life. According to the Interior Department report, 2 million acres of strip mined lands still lies in a ruined condition.

In congressional testimony 2 years ago, attorney Harry M. Caudill of Whitesburg, Ky., who continues to urge strict controls to stop the devastation, described the impact of strip mining in Appalachia:

> We have seen once-sparkling streams turn yellow and their channels choked with silt. We have seen valuable stands of second growth timber plowed under by bulldozers and broad and fertile fields reduced to desolate wastes. We have seen hundreds of families routed from their homes by mining corporations which blast and tear coal from under woodlots and orchards and, in at least one incredible instance, from beneath the resting places of the dead. And we have seen the deepening despair etched in the minds and hearts and faces of a multitude of once sturdy people—a people who even today sink with a dying land.

Today, the strip mining continues to rip and tear away, while the Nation stands quietly by, the dramatic attention of a few years ago faded to a murmur. It is another incredible environmental and human insult that America, in its pursuit of affluence at any price unfortunately continues to tolerate.

Make no mistake, the entire Nation is implicated in the strip mining destruction, as well as in all of our other environmental problems. Prof. Wayne H. Davis of the University of Kentucky in a recent article in the New Republic described the connections well. He pointed out:

> To run our air conditioners, we will strip-mine a Kentucky hillside, push the dirt and slate down into the stream, and burn coal in a power generator, whose smokestack contributes to a plume of smoke massive enough to cause cloud seeding and premature precipitation from Gulf winds which should be irrigating the wheat farms of Minnesota.

The destruction will continue until the American public as consumers and taxpayers demand action, and makes it clear that it is willing to help pay some of the costs of its affluence, and insists that industry and all the other institutions that have been willing accomplices in the frittering away of the quality of American life, do the same.

As I noted earlier in this statement, the Mined Lands Restoration and Protection Act is the fifth in a series of bills I have introduced in this Congress as a package of comprehensive proposals toward a national land and resource policy.

The other four bills are: S. 3484, the Marine Environment and Pollution Control Act, introduced last week, which establishes a broad-ranging effort to protect the environment and resources of the last and most vital frontier on earth, the sea; S. 3444, the National Lakes Preservation Act, also introduced last week, which establishes a comprehensive shoreline management policy for lakes across the United States through a concerted Federal, State, and local effort; S. 2848, the Mineral Leasing Act revision, which would help end the abuse of our public mineral resources by replacing our antiquated mining laws with a modern system of mineral leasing based on environmental quality principles; and S. 2757, which provides for large scale, federally aided programs to cut the massive erosion that is occurring along our streams, rivers, and highways from uncontrolled, unplanned urbanization and highway building.

Mr. President, I ask unanimous consent that the text of the Mined Lands Restoration and Protection Act of 1970 be printed in the Congressional Record at this point.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3491) to provide for the regulation of present and future surface and strip mining, for the conservation, acquisition, and reclamation of surface and strip-mined areas, and for other purpose, introduced by Mr. Nelson, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 3491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mined Lands Restoration and Protection Act of 1970.

Sec. 2. (a) The Congress finds and declares that the mining of minerals by the surface of strip method, both past and present, (1) destroys natural beauty, (2) damages the terrain for an indefinite period, (3) causes erosion of the soil, (4) contributes to water pollution, (5) adversely affects commercial and industrial development, (6) damages real property, (7) destroys forests, wildlife habitat, and other natural resources, (8) menaces the public health and safety, (9) cannot be made subject to uniform conservation requirements because physical and chemical conditions on spoil areas and spoil-bank characteristics can differ from State to State, county to county, bank to bank, and even from spot to spot on a particular bank, and (10) creates, because of the diversity of State regulations, or the lack thereof, competitive disadvantages for firms operating in a given market area and thereby interferes with the orderly and fair marketing of minerals in commerce. The Congress further finds that these results are detrimental to the economy of the Nation.

(b) It is therefore the purpose of this Act to provide for participation by the Federal Government with State and local governments, private, individuals, and other interested parties in a long-range, comprehensive program to reclaim lands and waters damaged by surface and strip-mining, to promote an effective continuing conservation land-use and management program, and to prevent further detriment to the Nation from such mining operations through—

(1) the establishment of criteria and standards for the reclamation, conservation, and protection of surface and strip mined areas;

(2) the encouragement of the States to enact, or revise, and enforce laws, rules, and regulations for the regulation of future surface and strip mining operations in accordance with criteria and standards at least equivalent to the criteria and standards established pursuant to this Act;

(3) financial aid to provide for research and development, and technical advisory assistance, and the installation of demonstration projects;

(4) cooperative programs with State and other governmental agencies to provide Federal assistance for the reclamation and conservation of publicly and privately owned surface and strip mined lands;

(5) the acquisition of surface and strip mined lands where necessary in the public interest to achieve their reclamation and conservation;

(6) the promotion of public recreation, flood control, and soil erosion control, water pollution control, forestry, agriculture, restoration and preservation of natural beauty, enhancement of fish and wildlife habitat, and other natural resource values, and the public health and safety; and

(7) the elimination of competitive disadvantages for firms operating in a given market area which interfere with the orderly and fair marketing of minerals in commerce.

SEC. 3. For the purposes of this Act:

(a) The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture;

(b) The terms "surface mining" and "strip mining" are interchangeable, and mean the mining of minerals after complete removal of the surface or overburden above the deposit to be mined in a series of rows or strips, and include "auger mining" when conducted in conjunction with such mining;

(c) The term "overburden" means the earth, rock, and other materials which lie above a natural mineral deposit;

(d) The term "spoil" means all overburden material removed from over the mineral after it is either deposited into the area from which the mineral has been removed, or deposited on undisturbed land;

(e) The term "spoil bank" means the material of whatever nature removed and deposited on the surface so that the underlying mineral may be recovered;

(f) The term "stripping pit" means any trench, cut, hole, or pit formed by removal of the surfsce or mineral as a result of surface or strip mining;

(g) The terms "person" or "operator" are interchangeable and mean person, partnership, association, corporation, or subsidiary of a corporation which owns, leases, or otherwise controls the use of land on which surface or strip mining is conducted, which is engaged in the mining of minerals as a principal, and which is or becomes the owner of the minerals recovered as a result of such mining, and includes any agent thereof charged with the responsibility for the operation of such mine;

The term "mine" means (1) an area of land from which minerals are extracted in nonliquid form, (2) private ways and roads appurtenant to such area, (3) land, excavations, and workings, structures, facilities, equipment, machines, tools, or other property, on the surface, used in the work of extracting such minerals from their natural deposits in nonliquid form, and (4) the area of land covered by spoil;

(i) The term "reclammation" means the reconditioning or restoration, when appropriate, of the area of land affected by surface or strip mining operations and such contiguous lands as may be necessary for an effective continuing use and management program, under a plan approved by the Secretaries;

(j) The term "commerce" means trade, traffic, commerce, transportation, or communication between any State, the Commonwealth of Puerto Rico, the District of Columbia, or any territory or possession of the United States and any other place outside the respective boundaries thereof, or wholly within the District of Columbia or any territory or possession of the United States, or between points in the same States, if passing through any point outside the boundaries thereof;

(k) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States;

(l) The term "area of land affected" means the area of land from which the overburden is removed, except that in stripping pits not more than one hundred feet in depth the area shall include the area occupied by the spoil banks; it also includes all lands affected by roads constructed to gain access and to haul minerals; and

(m) The term "operation" means all of the premises, facilities, roads, and equipment used in the process of producing minerals from a designated surface or strip mine area.

SEC. 4. Each surface or strip mine the products of which enter commerce, or the operations of which affect commerce, shall be subject to this Act.

SEC. 5. This Act shall be administered by the Secretary of Agriculture and the Secretary of the Interior as hereinafter provided. The Secretaries shall cooperate to the fullest extent practicable with each other and with other departments, agencies, and independent establishments of the Federal Government, with State and local governments and agencies, with interstate agencies, and with individuals or organizations. The Secretaries may request from any other Federal department or agency any information, data, advice, or assistance which they may need and which can reasonably be furnished, and such department or agency is authorized to expend its own funds with or without reimbursement. The Secretaries may also request the advice of State and local agencies and persons qualified by experience or affiliation to present the viewpoint of persons or operators of surface or strip mines, and of persons similarly qualified to present the viewpoint of groups interested in soil, water, wildlife, plant, recreation, and other resources.

SEC. 6. (a) The President shall establish a national advisory committee to advise the Secretary of Agriculture and the Secretary of the Interior in the development or revision of standards and reclamation requirements as required by section 101 of title I of this Act, and in such other matters as the Secretaries may request. The National Advisory Committee shall include among its members an equal number of persons qualified by experience or affiliation to represent the viewpoint of persons or operators of surface and strip mines, and of persons similarly qualified to represent the viewpoint of other interested groups, Federal, State, and local agencies. The President shall designate the Chairman of the Committee.

(b) The Secretary of Agriculture and the Secretary of the Interior, if they deem it desirable, may establish regional advisory committees to assist them and the National Advisory Committee. Each such regional committee shall consist of an equal number of persons qualified by experience or affiliation to represent the viewpoint of surface and strip mine operators and other interested groups, Federal, State, and local agencies.

(c)(1) Members appointed to such National Advisory Committee or regional advisory committees from private life shall each receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of any such committee. All other members of any such committee shall serve without compensation.

(2) All members of any such committee shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of any such committee.

TITLE I—STANDARDS, RECLAMATION REQUIREMENTS, AND CRITERIA FOR THE PROTECTION AND MANAGEMENT OF STRIP AND SURFACE MINED AREAS

SEC. 101. (a) The Secretary of Agriculture and the Secretary of the Interior shall develop, or revise, after consultation with the National Advisory Committee appointed pursuant to section 6(a) of this Act, (1) Federal standards and reclamation requirements for the reclamation, conservation, protection, and management of previously surface and strip mined areas of private, State, and federally owned or controlled lands and waters, (2) Federal standards, and mining and reclamation requirements for the administration and regulation of all future surface and strip mining operations in the United States, and (3) criteria and priorities for the selection of projects and programs for affected areas of land and water in need of reclamation in those States which are eligible for assistance under the provisions of titles II, III, IV, or V of this Act.

(b) In establishing Federal standards, and mining and reclamation requirements for the administration and regulation of future strip and surface mining operations in the United States, the Secretaries shall consider requirements which will reasonably assure the attainment of the following objectives:

(1) The standards shall include, but not be limited to, grading, drainage, backfillings, plantings, revegetation, and any other measures or practices deemed by the Secretaries, after consultation with appropriate advisory committees, to be necessary to carry out the purposes of this Act.

(2) No person shall be permitted to commence operations to mine by strip or surface methods without first securing a permit or license from the Secretaries.

(3) Adequate law enforcement procedures shall be provided.

(4) The posting of an appropriate performance bond shall be required, forfeiture of which may automatically involve denial of future mining permits or licenses.

(5) Surface and strip mining operations and reclamation procedures shall be required to be preplanned, and approved by the Secretaries prior to issuance of a permit or license.

(6) The penalties provided herein shall apply for mining by strip or surface methods without a license or permit, and for willful refusal or failure to comply with the law, approved regulations, or the orders of a duly authorized authority.

(7) If warranted, the Secetaries may prohibit strip and surface mining in areas where reclamation is considered unfeasible because of physical considerations, such as ground-surface slope, but not limited thereto.

(8) Reclamation work shall be required to be integrated into the mining cycle, and appropriate time limits shall be established for the completion of reclamation.

(9) Periodic reports by the operator on the progress, methods, and results of reclamation efforts shall be required.

(10) Provision shall be made for the reporting and evaluation by the Secretaries of environmental changes in active and dormant strip and surface mining areas in order to provide data upon which the effectiveness of the reclamation requirements and their enforcement may be evaluated.

SEC. 102. (a) The Secretary of Agriculture and the Secretary of the Interior, after consultation with the national advisory committee established pursuant to section 6(a) of this Act, shall publish in the Federal Register rules, regulations, model standards, and reclamation requirements promulgated by them pursuant to section 101.

(b) The provisions of section 553 of title 5, United States Code, shall be applicable to the rules, regulations, model standards, and reclamation requirements promulgated pursuant to this section.

(c) Any person or operator whose application for a license or permit has been denied by the Secretaries, or whose bond has been ordered forfeited by the Secretaries, or who has otherwise been aggrieved by an action of the Secretaries pursuant to the provisions of this Act, may appeal to the Secretaries for annulment or revision of such order or action, and the Secretaries shall issue regulations for such appeals which shall include due notice and opportunity for a hearing.

(d) Any final order made by the Secretaries on appeal shall be subject to the judicial review by the United States court of appeals for the circuit in which the mine affected is located, upon the filing in such court of a notice of appeal by the operator aggrieved by such final order within twenty days from the date of the making of such final order.

(e) The appellant shall forthwith send to the Secretaries by registered mail or by certified mail a copy of such notice of appeal. Upon receipt of such copy of a notice of appeal the Secretaries shall promptly certify and file in such court a complete transcript of the record upon which the order complained of was made. The costs of such transcript shall be paid by the appellant.

(f) The court shall hear such appeal on the record made before the Secretaries, and shall permit argument, oral or written, or both, by both parties.

(g) Upon such conditions as may be required, and to the extent necessary to prevent irreparable injury, the United States court of appeals may, after due notice to and hearing of the parties to the appeal, issue all neccssary and appropriate process to postpone the effective date of the final order of the Secretaries, or to grant such other relief as may be appropriate pending final determination of the appeal.

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(h) The United States court of appeals may affirm, annul, or revise the final order of the Secretaries, or it may remand the proceedings to the Secretaries for such further action as it directs. The findings of fact by the Secretaries, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

(i) Following adoption of rules and regulations by the Secretaries pursuant to the provisions of this section any person or operator who willfully fails or refuses to comply with such regulations shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than $5,000 nor more than $10,000, or undergo imprisonment not exceeding six months, or both. Such fine shall be payable to the Secretaries, who shall credit it to the reclamation fund established under title VI of this Act.

Sec. 103. (a) Any State which, at any time, desires to secure the benefits of the financial assistance provided in titles II and III of this Act, and to develop and enforce standards, and mining and reclamation requirements for the administration and regulation of future mining operations by strip or surface methods within such State, shall submit to the Secretaries a State plan for the development of such standards and requirements and their enforcement.

(b) The Secretaries shall approve the plan submitted by a State under subsection (a) of this section, or any modification thereof, if such plan—

(1) designates the State agency submitting such plan as the sole agency responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of standards and reclamation requirements for regulating surface and strip mining, and for the conservation and reclamation of surface and strip mining in mines in the State which are or will be substantially as effective for such purposes as the standards and reclamation requirements which the Secretaries have established pursuant to this Act, and which provide for inspection at least annually of all such mines,

(3) contains assurances that such agency has, or will have, the legal authority and qualified personnel necessary for the enforcement of such standards and reclamation requirements,

(4) gives assurances that such State will devote adequate funds to the administration and enforcement of such standards and reclamation requirements,

(5) provides that the State agency will make such reports to the Secretaries in such form and containing such information as the Secretaries shall from time to time require.

(c) The Secretaries shall, on the basis of reports submitted by the State agency and his own inspection of mines, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretaries find, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

(d)(1) If any State is dissatisfied with the Secretaries' final action with respect to the approval of its State plan submitted under subsection (a) of this section, or with his final action under the second sentence of subsection (c) of this section, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted to the Secretaries by the clerk of the court. The Secretaries thereupon shall file in the court the record of the proceedings on which they based their action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretaries, if supported by substantial evidence on the record considered as a whole, shall be conclusive; but the court for good cause shown may remand the case to the Secretaries to take further evidence, and the Secretaries may thereupon make new or modified findings of fact and may modify their previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Secretaries or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The provisions of sections 101 and 102 pertaining to the Federal standards and mining and reclamation requirements for the administration and regulation of future mining operations by strip or surface method shall not be applicable in any State in which there is a State plan approved under subsection (b) of this section.

Sec. 104. The Secretaries are authorized at any time to cause to be made in a surface or strip mine or previously surfaced or strip mined area such inspections and investigations as they shall deem necessary for the purpose of determining compliance with applicable rules, regulations, standards, and reclamation requirements.

Sec. 105. For the purpose of making any inspection or investigation authorized by this Act, authorized representatives of the Secretaries shall be entitled to admission to, and shall have the right of entry upon or through, any strip or surface mine or previously strip or surface mined area.

TITLE II—RECLAMATION AND CONSERVATION OF SURFACE AND STRIP MINED LANDS OWNED BY STATE AND LOCAL GOVERNMENTS IN THE UNITED STATES

Sec. 201. It is the purpose of this title to facilitate the reclamation and conservation of lands owned by State and local governments that have been adversely affected by strip and surface mining operations and have not been reclaimed prior to the date of enactment of this Act to a level commensurate with the criteria and standards established pursuant to the provisions of title I of this Act, by providing authority to the Secretary of Agriculture to enter into agreements with the States and local governments to provide financial and other assistance for their reclamation: *Provided*, That when the intended use of the lands to be reclaimed is for parks or fish and wildlife, the Secretary of Agriculture shall enter into agreements respecting such lands only after consultation with the Secretary of the Interior.

Sec. 202. (a)(1) To carry out the purpose of this title, the Secretary of Agriculture is authorized to enter into agreements with the various States and local bodies of government for the conservation and reclamation of surface and strip mined lands presently owned or hereafter acquired by them.

(2) Each such agreement shall describe (A) the actions to be taken by the Secretary of Agriculture and by the State or local body of government, (B) the estimated cost of these actions, (C) the public benefits expected to be derived, including but not limited to the benefits of the economy of the State or local area, abatement or alleviation of land and water pollution, public recreation, fish and wildlife, and public health and safety, and (D) the share of the costs to be borne by the Federal Government and by the State or local body of government: *Provided*, That, notwithstanding any other provision of law, the Federal share of the cost shall not exceed the direct identifiable benefits which the Secretary of Agriculture determines will accrue to the public, and shall not in any event exceed 75 per centum of such cost: *Provided further*, That the share of the State or local body of government shall not consist of funds granted under any other Federal program, and (E) such other terms and conditions as the Secretary of Agriculture deems desirable.

(b) The Secretary of Agriculture, in his discretion, may require as a part of any agreement under this section that adequate provision be made for access to and use by the public of lands reclaimed under the provisions of this title.

(c) Each agreement entered into under this section shall contain a reasonable assurance by the State or local body of government that the reclaimed lands which are devoted to public use will be adequately maintained.

Sec. 203. Whenever the Secretary of Agriculture, after reasonable notice and opportunity for hearing, determines that there is a failure to expend funds in accordance with the terms and conditions governing the agreement for approved projects, he shall notify the State that further payments will not be made to the State from appropriations under this Act until he is satisfied that there will no longer be any such failure. Until he is so satisfied the Secretary of Agriculture shall withhold any such payment to such State.

Sec. 204. The programs authorized to be assisted pursuant to this title shall be completed not later than January 1, 1988.

TITLE III—GRANTS TO STATES AND LOCAL AGENCIES AND OTHERS TO PROVIDE ASSISTANCE TO PROGRAMS OF RESEARCH AND DEVELOPMENT AND TECHNICAL ADVISORY ASSISTANCE

Sec. 301. It is the purpose of this title to facilitate the reclamation and conservation of lands and waters adversely affected by surface and strip mining operations by authorizing the Secretary of Agriculture and the Secretary of the Interior to make grants to the States, local governments, and others to be utilized in programs of research and development and in rendering technical advisory assistance.

Sec. 302. (a) The Secretary of Agriculture is authorized to make grants to States or local agencies and other public or nonprofit agencies and institutions (including State or private universities), for investigations, experiments, demonstrations, studies, and research projects with respect to the development of improved reclamation and conservation practices for the utilization and development of surface and strip mined lands, and for the development, preparation, and maintenance of a State program commensurate with the criteria and standards adopted pursuant to title I of this Act for the conservation, utilization, and development of surface and strip mined lands, and for rendering technical assistance to States and mining operators on these subjects.

(b) The Secretary of the Interior is authorized to make grants to States or local agencies and other public or nonprofit agencies and institutions (including State or private universities), for investigtions, experiments, demonstrations, studies, and research projects with respect to the development of improved mining techniques, for preparing and maintaining a continuing inventory of surface and strip mined areas and active mining operations on these subjects.

Sec. 303. (a) Any State or local agency or institution, desiring financial assistance under this title shall submit a proposal to the appropriate Secretary in such form and manner as he shall prescribe, and payments may be made only for those projects or programs approved by him.

(b) The appropriate Secretary may make payments from time to time in keeping with the rate of progress toward satisfactory completion of individual projects or the implementation of approved programs.

(c) No project or program to be assisted under the provisions of this title may be approved unless the State in which the project or program is to be undertaken has adopted State laws which meet the standards for the mining, reclamation, conservation, protection, and management of surface and strip mined lands established by the Secretaries pursuant to sections 101 and 102 of this Act, except in those instances where the appropriate Secretary determines that no surface or strip mining occurs within the State which produces a significant detrimental effect upon the local environment.

Sec. 304. Sums appropriated or otherwise available for State projects and programs under this title shall be apportioned among the eligible States by the appropriate Secretary, whose determination shall be final. In determining the apportionment among such States the appropriate Secretary shall consider, among other things, the financial and administrative resources available to the State to undertake projects of the type authorized by this title, and the nature and extent of problems and adverse conditions brought about by surface and strip mining operations in the individual States most in need of solution within the individual States.

Sec. 305. The programs authorized to be assisted by this title shall be completed not later than January 1, 1988.

TITLE IV—RECLAMATION AND CONSERVATION OF PREVIOUSLY MINED LANDS OWNED BY PRIVATE INDIVIDUALS

Sec. 401. It is the purpose of this title to facilitate the reclamation and conservation of privately owned lands and water adversely affected by surface and strip mining operations and not reclaimed prior to the enactment of this Act to a level commensurate with the criteria and standards established pursuant to the provisions of title I of this Act, by authorizing the Secretary of Agriculture to provide assistance to States, their political subdivisions, private organizations, and others for the reclamation and rehabilitation of such areas.

Sec. 402. (a) To carry out the purposes of this title the Secretary of Agriculture is authorized to:

(1) provide, upon the request of States, their political subdivisions, or legally qualified local agencies, technical assistance for developing project plans for the reclamation and rehabilitation of lands which were not reclaimed prior to the date of this Act to a level commensurate with the criteria and standards adopted pursuant to title I of this Act, and were not at the time they were mined subject to any legal requirements for their reclamation to a level commensurate with such criteria and standards; and

(2) cooperate and enter into agreements with, and to furnish financial and other aid to any agency, governmental or otherwise, or any person for the purpose of carrying out any project plan that has been approved by the Secretary of Agriculture and the cooperating State, soil and water conservation district, or other political subdivision or legally qualified local agency, subject to such conditions as may be prescribed by the Secretary of Agriculture.

(b) The Secretary of Agriculture may require as a condition to the furnishing of assistance thereunder to any landowner that the landowner shall:

(1) Enter into an agreement for a period of not to exceed ten years providing for the installation and maintenance of the needed reclamation works or measures;

(2) Install, cause to be installed, or permit the installation of the needed reclamation works or measures in accordance with technical specifications as approved by the Secretary; and

(3) Provide assurances satisfactory to the Secretary that such reclaimed and rehabilitated lands will be adequately protected against damages resulting from future surface mining operations.

Sec. 404. The financial contribution of the Federal Government toward the land treatment and construction costs for the reclamation and rehabilitation of lands in an approved project under this title shall not exceed 75 per centum of the total of such costs thereof.

Sec. 405. (a) Each project plan shall (1) describe the nature of the project and the actions to be taken by each of the public and private parties, (2) describe the public benefits expected to be derived, (3) specify the share of the costs to be borne by the Federal Government and by the other participating parties, and (4) such other terms and conditions as are deemed necessary to protect the public interests.

(b) The Secretary of Agriculture, in his discretion, may provide in the agreements with landowners that the work to be done under the project plan may be contracted for or performed by the owner of the land involved, subject to rules and regulations adopted by the Secretary of Agriculture.

Sec. 406. The programs authorized by this title shall be completed not later than January 1, 1988.

TITLE V—ACQUISITION OF LAND AND THE RECLAMATION AND CONSERVATION OF PREVIOUSLY SURFACE OR STRIP MINED LANDS

Sec. 501. In order to facilitate the reclamation, conservation, protection, and management of lands that have been affected by surface mining operations and not reclaimed prior to enactment of this Act to a level commensurate with the criteria and standards adopted pursuant to title I of this Act, the Secretary of the Interior is authorized to acquire by donation, exchange, or purchase any such surface or strip mined lands or interests therein and such contiguous lands as may be necessary for an effective continuing conservation land use and management program.

Sec. 502. (a) The Authority of the Secretary of the Interior to acquire lands, as provided in this title, may be exercised only when he determines that:

(1) The land is located within or adjacent to the boundaries of an established Federal unit and which, because of conditions prevailing thereon, are damaging other lands and waters inside or outside such Federal unit; and should be reclaimed to a level commensurate with the criteria and standards adopted pursuant to title I of this Act;

(2) The land is within the boundaries of an approved project provided for in title IV of this Act and that:

(A) The owners of the land are unwilling or unable to join with the other landowners in the project area in an agreement to reclaim jointly the project lands;

(B) The owners of 75 per centum or more of the lands within the project have entered into a joint agreement with the Secretary of Agriculture to reclaim surface mined lands pursuant to some other title of this Act.

(3) No State or local government body desires to acquire the land in furtherance of a project to be undertaken pursuant to some other title of this Act; and

(4) The Federal Government should acquire the land in order to accomplish the purposes of this Act.

(b) With respect to lands acquired by the Secretary of the Interior pursuant to this title which are located adjacent to national forest lands, the Secretary of the Interior is authorized to transfer jurisdiction over such lands to the Secretary of Agriculture for administration by him in the same manner and to the same extent as are other lands within the national forest system.

Sec. 503. In the case of acquisition by purchase of property pursuant to this title, the property owner shall, unless he offers to sell at a lower price, be paid the fair market value as determined by the Secretary of the Interior. Owners of improved property acquired under the provisions of this title may reserve for themselves and their successors or assigns a right of use and occupancy for noncommercial residential purposes, as hereinafter provided, appropriate portions of the property not required for reclamation measures for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. In such cases the owner of the property shall be paid the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided*, That such use and occupancy shall be subject to such general rules and regulations as may be established by the Secretary of the Interior.

Sec. 504. (a) The Secretary of the Interior shall conserve, reclaim, protect, improve, develop, and administer any property or interest therein acquired pursuant to this title

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and construct such structures thereon as may be necessary to adapt it to beneficial public use.

(b) Except to the extent otherwise herein provided, lands acquired for the purpose of this title within established Federal units shall become part of such unit and shall be administered in accordance with the laws and regulations applicable thereto.

(c) With respect to land acquired under this title other than those within established Federal units, the Secretary of the Interior may, under such terms and conditions as he deems will best accomplish an effective continuing conservation land use and management program, sell, exchange, lease, or otherwise dispose of such property. When, in the judgment of the Secretary, reclamation of such property has been substantially accomplished, and such property should be administered by another Federal or State agency under conditions of use and administration which will best serve the purpose of a conservation and land use program, the Secretary is authorized to transfer such property to any such agencies.

(d) With respect to any land or interest therein acquired for the purposes of this title, the Secretary may make dedications or grants for any public purpose, and grant licenses and easements upon such terms as he deems reasonable.

SEC. 505. Each Federal department and independent Federal agency head shall develop and carry out a program for the reclamation and conservation of federally owned lands under his jurisdiction that have been affected by surface and strip mining operations and are not reclaimed in accordance with the criteria and standards adopted pursuant to title I of this Act.

SEC. 506. The programs authorized by this title shall be completed not later than January 1, 1988.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. There are authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

SEC. 602. All appropriations for the purposes of this Act, all moneys received under this Act from the sale or lease of federally owned reclaimed land, repayment and interest costs by owners of nonfederally owned reclaimed land, all donations to the Federal Government for the purposes of this Act, all moneys received from fines or forfeitures, and other revenues resulting from the operations of the continuing conservation land use and management program shall be credited to a special fund in the Treasury to be known as the "Mined Lands Reclamation Revolving Fund". Such moneys shall be available, without fiscal year limitation, for carrying out the provisions of this Act, including purchase and reclamation of land.

SEC. 603. If any provision of this Act, or the applicability thereof to any person or circumstances is held invalid, the remainder of this Act, and the application of such provision or circumstances, shall not be affected thereby.

S. 3492—INTRODUCTION OF A BILL TO STRENGTHEN PENALTIES FOR ILLEGAL FISHING IN TERRITORIAL WATERS AND THE CONTIGUOUS FISHERY ZONE OF THE UNITED STATES

Mr. **STEVENS**. Mr. President, I am today introducing legislation which strengthens the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States.

The United States has witnessed an increase in foreign fishing and a corresponding increase in the number of violations of our territorial waters. In 1969, there were 48 reports by U.S. fishermen and the Coast Guard of foreign fishing violations off the coast of my State of Alaska. Seventy violations were reported off New England and the Middle Atlantic and two off the State of Washington and the State of Oregon. The problem concerning foreign incursions into American waters illustrates two facts:

First. The Coast Guard does not have sufficient personnel nor vessels to safeguard all the coastal waters of our Nation; and

Second. The penalties provided for presently are not sufficient to deter illegal fishing in our waters.

This legislation increases the fine which is payable upon conviction from $10,000 to not less than $25,000 and not more than $50,000. It also renders subject to forfeiture every vessel and its tackle, apparel, furniture, appurtenances, cargo, and storage. This bill also creates a rebuttable presumption that all fish found aboard a vessel seized in connection with a violation of the act prohibiting fishing in the territorial waters of the United States were taken in violation of the laws of the United States.

I ask unanimous consent that this bill be printed in the RECORD immediately following my remarks.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3492) to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes, introduced by Mr. STEVENS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of the Act entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels", approved May 20, 1964 (16 U.S.C. 1082), is amended—

(1) by striking out "not more than $10,000" subsection (a) thereof and inserting in lieu thereof "not less than $25,000 and not more than $50,000",

(2) by amending subsection (b) thereof to read as follows:

"(b) Every vessel employed in any manner in connection with a violation of this Act shall be subject to forfeiture and the tackle, apparel, furniture, appurtenances, cargo, and stores of any vessel so employed shall be forfeited. All fish taken or retained in violation of this Act or the monetary value thereof shall be forfeited, and, for the purposes of this Act, it shall be a rebuttable presumption that all fish found aboard a vessel seized in connection with a violation of this Act were taken or retained in violation of this Act.", and

(3) by amending subsection (c) thereof by striking out ", including its tackle, apparel, furniture, appurtenances, cargo, and stores" each place it appears therein.

SEC. 2. The first sentence of section 3(a) of such Act of May 20, 1964 (16 U.S.C. 1083), is amended to read as follows: "Enforcement of the provisions of this Act is the joint responsibility of the Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating and each such Secretary may, by agreement with any other Federal department or agency, utilize the equipment (including aircraft and vessels) of that department or agency to carry out such enforcement."

SEC. 3. Such Act of May 20, 1964 (16 U.S.C. 1081–1085), is further amended by adding at the end thereof the following new subsection:

"SEC. 6. The Secretary of the Treasury may pay to any person, other than an officer of the United States or a person authorized to function as a Federal law enforcement agent under this Act, compensation of not more than $5,000 if such person submits to any such officer or authorized person original information concerning any violation, perpetrated or contemplated, of this Act and such information leads to any penalty or forfeiture incurred for violation of this Act."

ADDITIONAL COSPONSORS OF BILLS

S. 3348

Mr. **TALMADGE**. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of S. 3348, a bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans and for other purposes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

S. 3385

Mr. **TALMADGE**. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of S. 3385, a bill to amend title 38, United States Code, to increase the income limitation applicable to non-service-connected pensions for veterans and widows, to increase the income limitations applicable to dependency and indemnity compensation for dependent parents, and to liberalize the rates of such pensions to such dependency and indemnity compensation.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF A RESOLUTION

S. RES. 357

Mr. **BYRD** of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing the names of the Senator from Texas (Mr. YARBOROUGH) and the Senator from Oklahoma (Mr. HARRIS) be added as cosponsors of Senate Resolution 357 urging a more effective and equitable set of anti-inflationary policies.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

EXPANSION AND IMPROVEMENT OF THE NATION'S AIRPORT AND AIRWAY SYSTEM—AMENDMENT

AMENDMENT NO. 513

Mr. **WILLIAMS** of New Jersey (for himself and Mr. CASE) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, which was ordered to lie on the table and to be printed.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS—AMENDMENTS

AMENDMENT NO. 514

Mr. STEVENS (for himself and Mr. INOUYE) proposed an amendment to the bill (S. 2548) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 515

Mr. MONDALE. Mr. President, I am submitting an amendment to S. 2548, which is now pending before the Senate.

The purpose of this amendment is to improve the special food service program for children.

BACKGROUND

Late in the fall of 1968, the Department of Agriculture, acting under the authority of section 13 of the National School Lunch Act, inaugurated a special food service program designed to improve the nutritional status of preschool and school-age children on a year-round basis. The program provided Federal funds to States to reimburse institutions such as day care centers, settlement houses, recreation centers, summer day camps, and school-based summer recreation programs serving children from poverty areas for the cost of food involved in providing breakfast and/or lunch and/or snacks. States could also use up to one-fourth of their allotments to finance the purchase or rental of food service equipment at a $3 Federal to $1 local matching rate.

Congress appropriated $10 million for the program in fiscal year 1969, but only $687,000 was actually spent, or less than 7 percent of the available funds; $2.5 million more was salvaged and carried over for use during the summer months of 1969. Similarly, of the $15 million appropriated for fiscal year 1970, including $5 million specifically added by the Senate, only $9.675 million is expected to be expended by June 30, 1970, leaving over 33 percent untapped.

This failure to exhaust available resources in order to fulfill program goals should be viewed against the background of the need for nonschool food service in the United States. There are 5 million preschool children whose mothers work full or part time, 3 million of whom come from low-income families. Only 560,000 of all preschool age children attend licensed or approved public, voluntary, or independent day care centers or family day care homes. Another 8.3 million children of school age have working mothers, with over 1 million of them having access to summer recreation programs.

A total of 13.3 million children thus require institutional care in order to obtain daytime food service during all or part of the calendar year. The Department purported to serve only 312,000 from the entire 13.3 million in fiscal year 1969 and, even then, the data do not reflect the frequency or quality of the food service available to each. Presumably many received nothing more than a half pint of milk on a handful of days or less, because the Department's count of 24,659,000 "meals" served costs out to a 2.8-cent reimbursement rate for each "meal" in light of the actual funds paid out.

The need and the gap between it and performance are undeniable. Substantial expansion of day care facilities is essential to meaningful child development. That expansion depends, in part, upon the assurance of adequate Federal aid for food service. The recommendations contained in the evaluation of the special food service program by the Senate Select Committee on Nutrition and Human Needs suggest administrative and legislative reforms needed to improve that program and make sure that it extends to as many needy children and children with working mothers—poor or not—as possible.

INSTITUTIONAL COVERAGE

The select committee's evaluation attributed the limited scope of the program not to the lack of service institutions requiring help, but to the indifference of Department of Agriculture personnel responsible for its implementation and their neglect to engage in meaningful outreach activities or otherwise broadcast the program's availability to its vast potential market. The program will never succeed until the Department conscientiously seeks to promote it and contacts and recontacts all eligible institutions.

In addition, the committee found that the Department's restrictive interpretation of the "nonprofit" requirement had artificially limited the class of eligible institutions by excludng any center neither wealthy nor expert enough to acqure tax-exempt status under the complex regulations of the Internal Revenue Service.

This certification test is unnecessarily stringent. The profitmaking character of the institution is essentially irrelevant to the goal of feeding children. Many day care centers that take care of children from needy families charge fees that enable them to make marginal profits. Cutting them off entirely from Federal assistance for food service is no benefit to the needy and only assures higher fees that may exclude the neediest. If an institution can feed children who are not able to eat at home, it should not be denied Federal assistance intended to overcome both the barriers of poverty and the unavailable parent.

This program is, of course, meant to assure that it is the children who are fed rather than the coffers of the institution. Accordingly, while the institution itself may be run for profit, its food service component must not be. Every Federal penny should be translated into a food benefit for the children. Attestation to that fact should be a prerequisite to the receipt of Federal funds.

Extension of the program's coverage to all private agencies could well prompt some of them to reduce the fees charged children from low income households in light of the Federal feeding input and should assure better, more nutritious food service for all. Finally, it would permit participation by many small neighborhood centers in inner-city areas that are now arbitrarily disqualified.

The proposed amendments to section 13(a) of the National School Lunch Act would further revise the program's coverage by redefining the class of recipients in terms of agencies or organizations rather than physical locations. Public or private agencies or organizations would qualify for aid by furnishing nonprofit food service, even if no other substantial caretaking service were provided. The agencies or organizations would still have to comply with appropriate State and local licensing, health, and sanitation standards.

In addition, the ambiguous division of jurisdiction between HEW and USDA on the provision of feeding funds for nonpublic school system-administered Headstart programs would be clarified by specifically authorizing USDA food service aid for such programs.

REIMBURSEMENT LEVELS

The inclusion of profitmaking agencies running nonprofit food service will substantially increase the program's coverage, as should more vigorous outreach by the Department. Equal expansionary impetus should flow from reductions in the local matching effort compelled by law. Many of the institutions that the Department has contacted in the past have been unwilling to become involved either because of their lack or inadequacy of equipment coupled with their inability to raise the requisite 25 percent of the cost of renting or purchasing such equipment, or because their restricted budgets prevented them from paying for the labor needed to serve the meals. The select committee's study identified this as a major problem.

The proposed amendments to section 14(c) of the National School Lunch Act would enable a State or the Department of Agriculture, in those 21 States that do not themselves administer the program, to pay for all—or less than all—of a particular organization's food service costs if that organization needed such a high level of support to meet its obligation to serve free meals to children from families with incomes less than $4,000 a year. Ghetto day-care centers or summer recreation programs, for example, might well have such a need for complete reimbursement.

It is expected that the flexibility in cost sharing would encourage the Secretary to develop objective standards for the States and the Department to apply in setting the percentage level of reimbursement for a particular program. This would avoid repetition of what the committee found occurred in the summer of 1969, when Detroit's school system received 80 percent of operating costs while Atlanta's poverty program, paid for food alone, was forced to serve plain peanut butter sandwiches to the children. This authority to pay all or part of operating costs, including labor, would parallel the reimbursement available in the lunch and breakfast programs under the coalition amendment offered by members of the Select Committee on Nutrition and Human Needs.

The amendment would also permit a

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State or the Department to waive any requirement for matching equipment expense. This would presumably be done if an organization would otherwise be unable to institute or expand its food operation to fulfill the demands of the population it serves. This waiver would not apply to the regular lunch or breakfast programs in schools during the school year, since capital expenditures are traditionally considered to be, at least in part, the responsibility of a local public school system. But many public and all private organizations have no bond-issuing authority or other ability to raise the sums involved in capital outlay. The amendment to section 13(c) would help them over this hurdle.

AUTHORIZATION

With the broadened coverage and the new, increased authority to reimburse organizations for all food service program expenditures, the Federal outlay for special food service should expand, for the first time, to meet the level of appropriations, and hopefully well beyond, toward the level of need for such food service. The law expires at the end of fiscal year 1971, with a $32-million price tag for that year. The amendments would extend section 13 for 2 more years, like the rest of the school lunch program and raise its authorization level 50 percent from fiscal year 1971 to fiscal year 1972—$32 million to $48 million—and another one-third in the following year—to $64 million, or double the 1971 level. Even this would not suffice to furnish food to the entire potential clientele of programs such as Headstart or day care.

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APPORTIONMENT FORMULA

Section 13(b)(2) would revamp the apportionment formula to comport with the changes in the formula adopted for distributing special assistance and breakfast funds. The poverty of the children to be reached would continue to be the criterion, but the $4,000 annual income figure—or its equivalent for households of size other than four—would replace the present $3,000 test.

ELIGIBILITY FOR FREE MEALS

The Talmadge bill and the coalition amendments combined would revise the eligibility test contained in section 13(f) to enable children from households satisfying the $4,000 income level to obtain free meals.

Mr. President, I ask unanimous consent that the summary of the evaluation of the special food service program for children by the Senate Select Committee on Nutrition and Human Needs be printed in the RECORD at this point.

Mr. President, I also ask unanimous consent that the text of this amendment be printed in the RECORD following these remarks.

The **PRESIDING OFFICER**. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and summary will be printed in the RECORD.

The amendment (No. 515) is as follows:

AMENDMENT No. 515

On page 26, line 22, insert the following and renumber section 9 as section 10:

"SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

"SEC. 9. Section 13 of the National School Lunch Act is amended by striking subsections (a), (b) and (c) and inserting in lieu thereof the following:

" 'SEC. 13. (a) There is hereby authorized to be appropriated $32,000,000 for the fiscal year ending June 30, 1971, $48,000,000 for the fiscal year ending June 30, 1972, and $64,000,000 for the fiscal year ending June 30, 1973 to enable the Secretary to provide financial assistance to States to assure non-school age children from low-income families and from households with working mothers access to nutritious meals served by service organizations and school age children from such families and households access to nutritious meals during the summer. For purposes of this section, the term "service organizations" means public or private agencies or organizations which provide nonprofit food service to such children, including handicapped children, in such settings as day-care centers, non-public school Headstart centers, settlement houses, recreation centers, churches, and schools during the summer recess.

" '(b)(1) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to such funds as the number of children aged three to seventeen, inclusive, in such State bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

" '(2) The remaining sums appropriated pursuant to this section for any fiscal year shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa. The amount apportioned to each State shall bear the same ratio to such remaining funds as the number of children in such State aged three to seventeen, inclusive, from families with incomes equivalent to $4,000 per year or less for a family of four bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

" '(c)(1) Funds paid to any State under this section shall be disbursed by the State educational agency to service organizations, selected by it on a non-discriminatory basis, to assist such organizations in financing all or part of the operating costs of the food service offered eligible children by such organizations, including the cost of obtaining, preparing, and serving food. The amount of funds that each service organization shall from time to time receive shall be based on the need of the service organization for assistance in meeting the requirements of subsection (f) concerning the service of meals to children unable to pay the full cost of such meals.

" '(2) Not to exceed 25 per centum of the funds paid to any State may be used by the State to assist service organizations in financing all or part of the cost of the purchase or rental of equipment, other than land and buildings, for the storage, preparation, transportation, and serving of food to enable the service organizations to establish or expand food service under this section.' "

The summary, presented by Mr. MONDALE, is as follows:

SUMMARY: SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

The six special child food service programs that were evaluated were in Washington, D.C., Detroit, Atlanta, Norfolk, Va., Jefferson County, Ark., and Cameron County, Tex. In three of these—Washington, Atlanta and Detroit—the program was used to increase the effectiveness of summer recreation programs, reaching an estimated 80,000 children. For the most part, however, the reports show that communities regard the special child food service programs as strictly to be used for day-care operations. These day-care operations, moreover, were usually established institutions which had the expertise and manpower to take advantage of this sort of a program.

Outreach in every community that was evaluated was limited, program administrators, school officials, and USDA personnel relied on mailings to eligible institutions in their areas and accepted the results of the returns. This resulted, particularly in inner city areas, in an exclusion of small neighborhood day-care centers which might not qualify for a State license or have the legal expertise to acquire a nonprofit rating. Yet these are the centers that are most in need.

Recommendation: The criteria for participation in the program should be changed to permit smaller, less well-established day-care centers to take advantage of its benefits. Special efforts should be made to contact and assist these centers in applying for and participating in the program. The country needs more day-care centers and this program could assist in their development.

Those cities that used the program for feeding participants in summer recreation programs did so amidst administrative confusion and chaos. USDA did very little in the way of informing communities about the vast potential of the program in this area. It was a "hurry up and get started" operation.

For example, the District of Columbia government announced in mid-April that it would use the child food program to feed some 100,000 youngsters in its summer recreation program. This estimate was quickly reduced to 50,000 because it was discovered that there had been considerable overlap in formulating the original estimate. In addition, the program as finally managed fed only youngsters enrolled in programs recognized by the Mayor's Youth Unit. The feeding statistics also included some 3,000 Headstart youngsters.

In those communities where the special child food program was found to be working fairly well, better and more balanced meals were being served, and enrollments increased in the centers. Center administrators were lavish in their praise of the program, reserving most of their criticism for the paperwork required. Recordkeeping in this program constitutes a burden for many of the institutions enrolled. The forms to be filed for reimbursement claims are cumbersome, wordy, and in some instances unclear. Since several of the communities provided no help to the centers on how to prepare the forms, it became a hit or miss operation for the centers. A "miss" generally meant doing the papers over several times and waiting about 3 months for the reimbursed funds.

Recommendation: Every effort should be made to simplify the procedures in this program. Reimbursement forms should be streamlined. Instructions on all forms should be clarified.

(2) The nonfood assistance under the program only provides 75 percent of the cost of equipment. The program will not pay for renovations or equipment which when installed become part of a building. This means that some centers are unable to take ad-

vantage of the program because they cannot even afford the 25 percent which they must contribute to get a complete, finished kitchen. Also, the provisions of 80 percent of operating costs for institutions which have a severe need is not being disclosed to many institutions that could qualify for it.

Recommendation: USDA should pay, when necessary, 100 percent of equipment costs to enable the poorest centers to take part in the program. It should also make widely known its willingness to pay up to 80 percent of operating costs in cases of "severe need." It should establish definite criteria for "severe need."

One serious concern, pointed out dramatically in Norfolk, was a lack of coordination and communication with regard to the program between USDA and the Office of Economic Opportunity (OEO). USDA regulations on the program provide that Headstart centers are eligible for the program if they are not part of a public school operation. This hasn't been made clear to the communities or to regional staffs of both OEO and USDA. As a result, 400 children were dropped from the Norfolk Headstart program because of a reduction in OEO funds through the local community action program.

Recommendation: USDA should immediately inform the Department of Health, Education, and Welfare, which has assumed responsibility for Headstart, that programs which are not being operated by public school systems are eligible for assistance under the special food service program.

PISCATAWAY NATIONAL PARK, MD.

Mr. ANDERSON. Mr. President, as the Nation observes the birthdate of the Father of our country, I should like to recall the date of October 4, 1961, when President John F. Kennedy signed Public Law 87-362. This act provided the vehicle for establishing Piscataway National Park and, more important, enhanced the ability of the Federal Government to protect the view from Mount Vernon, the revered home of George Washington, the first President of the United States. I was privileged to be the chairman of the Committee on Interior and Insular Affairs at the time this law was passed.

Typical of so many urban or near urban parks, it was not until February 22, 1968, that sufficient land and rights to land had been acquired that the President could declare the Piscataway Park a reality. It would be inappropriate for me to suggest that only my efforts accomplished this important legislative achievement. The chairman of the Subcommittee on National Parks and Recreation, the Senator from Nevada (Mr. Bible), and the present chairman of the full Committee on Interior and Insular Affairs, the Senator from Washington (Mr. Jackson), performed great service in this important and necessary preservation. Also, the chairman of the House Committee on Interior and Insular Affairs, Mr. Aspinall, and the ranking minority member, Mr. Saylor, labored long and diligently to create a park that would preserve the view from George Washington's veranda similar to that which the first President enjoyed so much.

As is always the case of great events, one is sure to leave unmentioned the effective efforts of some who worked with patience and ability. However, it would be impossible to forget the persistent and effective labors of the Honorable Frances Bolton, former Representative from Ohio and vice regent of Mount Vernon. To all who worked so tirelessly for the creation of a park and the preservation of this area, I extend my sincere congratulations and my deep gratitude. This action was a special achievement toward the saving of a significant part of American history for generations of Americans yet to come. I am proud that I had an opportunity to participate in it, especially as we honor today the memory of our first President.

FIRST NIXON ADMINISTRATION DEFENSE BUDGET

Mr. SCOTT. Mr. President, on Friday, February 20, the Secretary of Defense, Melvin R. Laird, presented the first defense program and budget prepared entirely by the Nixon administration to a joint session of the Senate Armed Services Committee and the Senate Subcommittee on Department of Defense Appropriations. The Secretary said that this "rock-bottom" budget is aimed at moving the national security policies of the 1960's to the goals appropriate for the 1970's.

The President of the United States, in his recent report on foreign policy outlined the goals for the future as partnership, strength, and a willingness to negotiate for peace. The Secretary's budget, as the first in many years that is smaller than the budget for social expenditures, displays a sincere desire to live up to those aims.

When he assumed office, Melvin Laird expressed the hope that the judgment of the Nixon administration would be based on its success or failure to achieve and maintain peace.

I commend Secretary Laird's statement to the attention of the Senate. It is a most broad-based and informative document on defense planning for the fiscal year 1971 of the Nixon administration.

DEATH WARRANT FOR THE CALIFORNIA ZEPHYR

Mr. MOSS. Mr. President, this morning's Washington Post carries an editorial entitled "R.I.P., California Zephyr." I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

R.I.P., California Zephyr

Now that the California Zephyr is about to become a fond memory, perhaps the administration and Congress will get down to work on the problem of what to do about passenger trains. There is not much life left in long-distance passenger service and perhaps that service ought to die on the grounds it is no longer needed and is an uneconomic use of resources. But it ought not to be allowed to die by default; there should be a national policy—one way or the other, a policy either of abolishing non-commuter passenger trains except in one or two heavily populated corridors or of saving this means of transportation as one of the alternatives to the automobile.

The death warrant for the California Zephyr, signed last week by the Interstate Commerce Commission, is symbolic of what has happened to the passenger trains. The Zephyr went on the rails in 1949 to compete with the City of San Francisco for traffic between Chicago and San Francisco. The Zephyr had the scenic route, the City of San Francisco, which had gone into service in 1936 and switched from a three day a week to a daily schedule in 1947, had the faster route. They were joined in 1954 on the long run to the Coast by the Santa Fe's Chief. Now, the Zephyr has been killed west of Salt Lake City and cut to three days a week west of Denver. The City of San Francisco is going back to a three-day-a-week schedule west of Salt Lake City and the Santa Fe hopes to abolish the Chief soon.

The direct cause of the deaths of these trains, and dozens of others around the nation, is economic; they lost money heavily. The indirect causes are, perhaps in this order: automobiles, airplanes, bad management, and outdated labor rules. Unless the federal government acts, those causes are going to lead to the end of non-commuter passenger service, except in the East Coast corridor and perhaps in a similar Midwestern corridor, within a few years. We think that this should not be allowed to happen until after a substantial effort has been made to save the trains; it makes no sense for the country to be discarding a basic means of transportation because of its current love of automobiles and airplanes at a time when substantial overcrowding of both highways and skyways is easily foreseeable.

What is needed are revolutionary changes in the railroad passenger business—changes that provide a mechanism through which new equipment, better schedules, new management, new labor contracts, and new reservation systems can be injected into one of the most old-fashioned businesses in existence. The Railpax plan put forward by the Department of Transportation has run into heavy criticism at the ICC largely because it isn't revolutionary enough. If inter-city passenger trains are to survive, more will be required than just $100 million of federal money and a device that lets current railroad management largely determine the fate of the trains.

Maybe this administration and this Congress aren't bold enough to take the drastic steps that are needed. Or maybe they think these steps will cost more than saving the passenger trains will be worth. Nevertheless, the railroads and the public are entitled to know what national policy is going to be. The death of each crack train, like the California Zephyr, speeds the day when the next one will die and before long there will be nothing to save. We were saddened to see the Zephyr go under, although we cannot blame the railroads for asking that it be discontinued or the ICC for granting their requests. But we do hope that its death will spur the kind of action that the deaths of other great trains leading up to it—the Twentieth Century Limited and the Royal Blue, for example—never did.

Mr. MOSS. Mr. President, the death warrant for the California Zephyr signed last week is indeed symbolic of what has happened to passenger trains. The Zephyr, running from Salt Lake City to Oakland, has been one of the most spectacular and desirable passenger runs in the United States. A few years ago I received a letter from a person who seriously suggested that the Federal Government acquire the California Zephyr and its right-of-way and convert it to a national park. That citizen believed that the spectacular beauty of the run and the pleasure and recreation of making that trip to California was one that should be preserved for all of our citizens of future years. But now the Zephyr is to die, as have so many of our trains in this country.

In the last session of Congress, and

again in this session, I have joined with Representative JOHN MOSS in submitting a resolution to suspend the discontinuance of trains for 1 year while an overall study is made of the transportation requirements of this country in future years. This would include all kinds of transportation—surface as well as air and water. With our population continuing to grow and our demands for alternate means of transportation increasing, it appears to me to be foolhardy to discontinue the California Zephyr and other trains of this sort while we pursue the inevitable course of discontinuance without any knowledge or plan of the ultimate outcome is a strange phenomenon.

DEATH OF JOHN M. BAER, OF NORTH DAKOTA

Mr. YOUNG of North Dakota. Mr. President, I was saddened last week by the passing of John M. Baer, a very talented and highly respected former Member of Congress, journalist, cartoonist, and political figure.

John Baer was a lovable and kindly person, one who was a prominent figure during the political upheaval that resulted mainly from low farm prices and the exploitation of farmers during the years just prior to and after 1920. The movement resulting from this upheaval became known as the Nonpartisan League. The NPL became a power that remained a major factor in North Dakota politics for more than 40 years. John Baer was the first of several Members of Congress to be elected in North Dakota as a result of this movement.

Mr. President, John Baer distinguished himself as one of the great cartoonists of the Nation. He devoted most of his cartoons to subject matter affecting labor, farmers, and all those he felt were needy and deserving people.

I became a very close friend of his years ago, and during all the years since I came to the Senate in 1945, I always enjoyed having visits with him. One especially fond remembrance of him is what he did to help a granddaughter of mine, the former Charmayne Young, who was also very much interested in cartoon work. In fact, it was he who gave her much help and advice, and sent her material which led to her becoming quite an accomplished cartoonist.

Mr. President, I ask unanimous consent that articles about John Baer published in the Washington Post and the Washington Evening Star, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 23, 1970]

CARTOONIST JOHN BAER, 83, DIES, COINED FDR's "NEW DEAL" SLOGAN

(By David Vienna)

John M. Baer, 83, whose 1931 "New Deal" cartoon is credited by many as the source of Franklin D. Roosevelt's slogan in the 1932 presidential campaign, died Wednesday at Sibley Memorial Hospital after a brief illness.

Mr. Baer's cartoons for a Fargo, N.D., liberal farm publication resulted in his election to two terms in the House of Representatives.

"I was drafted. No one had ever seen me," Mr. Baer once said, "but they had seen my cartoons."

While a member of Congress, he kept turning out cartoons that appeared in the Hearst newspapers.

"I caricatured my way into Congress and then I cartooned my way out," Mr. Baer once said.

He was defeated for reelection in 1920. He then joined Labor, a newspaper for transportation industry workers. He worked for the publication until his death.

Mr. Baer's "New Deal" phrase first appeared in cartoons he did in the 1920's urging social reforms. He pulled out the phrase again in a cartoon published in January, 1931, in Labor.

The slogan next turned up on July 2, 1932, when Franklin D. Roosevelt, then governor of New York said, in accepting the Democratic nomination for President, "I pledge you, I pledge myself, to a new deal for the American people."

Mr. Baer was a lifelong, liberal. He was a former leader of the old Nonpartisan League, a militant farmer-labor alliance in the Midwest.

In a recent interview in which he was asked about politics, he said "I don't give a whoop for either party." He said, "There are only about 10 liberals in Congress today," and he said he wouldn't give 10 cents for the rest.

When in Congress, Mr. Baer introduced a bill for World War I veterans that resulted in the distribution of $100 million in bonus benefits.

In addition to being a cartoonist and congressman, he also was a journalist and designer.

Mr. Baer wrote a volumn syndicated by the International Labor News Service.

He also designed the first emblem of the United Nations, the seal of the AFL–CIO and the seal of Pan American Airways.

Mr. Baer, a native of Black Creek, Wisc., lived in the Washington area for more than 50 years.

He is survived by his wife, Estelle, of the home, 3809 East-West Hwy., Chevy Chase, and three sons, John Jr., of Baltimore, Bryan, of Kensington, and Albert, of Chevy Chase.

[From the Washington Star, Feb. 20, 1970]

JOHN BAER, CARTOONIST, EX-CONGRESSMAN, DIES

John M. Baer, 83, the dean of labor cartoonists and a former congressman from North Dakota, died Wednesday in Sibley Memorial Hospital after a stroke. He lived at 3809 East-West Highway, Chevy Chase.

Born in Black Creek, Wis., he graduated in 1909 from Lawrence University, where he was editor of both the campus newspaper and yearbook and was student president for three years.

He was engaged in civil engineering and agriculture until 1915 and during that time drew cartoons and wrote articles for two newspapers, while also serving as postmaster of Beach, N.D.

ELECTED IN 1917

A lifelong liberal, Mr. Baer was the first Nonpartisan Leaguer elected to Congress, winning a special election in 1917. He was re-elected as a Republican the next year, but was defeated for a second full-term. He then resumed his activities as a cartoonist and journalist and since then had lived in the Washington area.

He was a cartoonist with the "Labor" magazine publication of the Railroad Brotherhoods, since its founding more than 50 years ago. He also wrote a column syndicated by the International Labor News Service in the 1920s.

As a congressman, Mr. Baer introduced and won passage of the first World War I soldiers bonus bill, which resulted in distribution of more than $100 million to discharged servicemen.

He also designed the first emblem adopted by the United Nations, the official seal of the AFL–CIO and the Pan American Airways seal on which the firm's name first was shortened to Pan Am. He also designed the first cover for the Cream of Wheat cereal.

Another newspaper feature, "The Diary of a New Senator," was written by Mr. Baer. He also wrote "The Nashnul Situation" under the name of Hiram A. Rube.

GENERAL MITCHELL USED CARTOON

One of Mr. Baer's cartoons—showing the Army and Navy as two bulldogs pulling on two ribbons of "red tape" held by a flying eagle symbolizing aircraft—was distributed by the millions of copies by Gen. Billy Mitchell, which developed into a charge in the general's court-martial.

For about 60 years Mr. Baer designed his own Christmas cards, using bears on them.

Last year, in an interview with the Grand Forks Herald, Mr. Baer said that he had always been an independent. "I don't give a whoop for either party," he said, adding: "There are only about 10 liberals in Congress today. . . . The rest, I wouldn't give 10 cents for 'em."

Hubert Humphrey, he said, "wouldn't be anybody without the Farmer Labor Party, which was a direct descendant of the (Nonpartisan) League."

He leaves his wife, Estelle; three sons, John M., of Baltimore; Alfred, at home, and Byron, of Kensington, and five grandchildren.

Services are to be at 9:30 a.m. tomorrow at Joseph Gawler's Sons Funeral Home 5130 Wisconsin Ave. NW, with burial in Gate of Heaven Cemetery.

DEFENSE SPENDING AND NATIONAL PRIORITIES

Mr. MONDALE. Mr. President, it is quite obvious that the monumental issue of defense spending and national priorities is still squarely before us. Although some cuts have been made in the Defense budget, it is becoming quite clear that the long awaited peace dividend is already beginning to get eaten up by wasteful, probably ineffective, and very likely dangerous weapons systems such as ABM, MIRV, and others.

The question of national priorities and Pentagon waste is not simply a question of choosing between domestic programs and Pentagon programs; there is also a serious question of how our country may be best defended by allocating whatever funds do go to the Pentagon among various alternative uses. The question, then, is equally as much as one of the "quality" of our Defense spending as it is of the "quantity" of our Defense spending.

The Minneapolis Tribune recently published an editorial on the matter which, I think, is a concise and perceptive statement of this crucial issue. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Minneapolis (Minn.) Tribune, Feb. 4, 1970]

THE QUANTITY AND QUALITY OF SECURITY

Rightly, President Nixon is calling attention to his success in holding the line on defense spending in the current fiscal year and his budget for fiscal 1971, which calls for a $5.3-billion drop in military outlays. The pressure on the Pentagon is evident. Not only are defense costs intrinsically greater now than ever before, because of inflation and more elaborate weapons systems; but the

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bulk of war costs in Vietnam is still present, and a limitation of strategic arms by mutual agreement with Soviets is only a hope for the future.

The administration's proposed defense budget for 1971 is therefore particularly impressive in quantitative terms: a significant decrease from the prior year, and the smallest percentage of total federal budget and gross national product in two decades. But quantity is only one dimension; the other is quality. More precisely, how should available defense dollars be used to further national security?

A first point is that there is not necessarily a correlation between quantity and quality of defense. Mr. Nixon has recognized that by shrinking the size of the armed forces. Reductions in military manpower do not, in our opinion, sacrifice national security, and the fact that most of the manpower cutback will come from Vietnam troop withdrawals strengthens that conclusion. We find it hard to argue that the long involvement in Vietnam has enhanced the security of the United States.

Second, and more widely debatable, is the question of where the emphasis on defense spending ought to be placed. The Nixon administration has chosen to expand the nation's nuclear weapons programs—multiple-warhead missiles for both land-based Minutemen sites and Polaris submarines, and more funds for an enlarged missile-defense system. "Until negotiations are successful," the President said, "we need a full range of new strategic programs to maintain our deterrent in the face of an evolving threat."

That sounds all too reminiscent of the massive retaliation policy put forward in the 1950s by the administration in which Mr. Nixon was Vice-President. The quality of national security is less likely to be improved by a "full range of new strategic programs" than by a clear action to improve the climate for strategic negotiations when they resume in April. Such an action, we suggest, would be to stop the ABM at Phase I rather than proceeding with Phase II as the President now proposes.

PROPOSED REFORM OF COMMITTEE CHAIRMANSHIP SYSTEM

Mr. MATHIAS. Mr. President, my colleague from Maryland in the other body, Representative GILBERT GUDE, has proposed legislation to reform the practice of awarding committee chairmanships to the committee member with the longest service. The bill has a number of Republican and Democratic cosponsors, which indicates the bipartisan nature of Representative GUDE's attempt to resolve this dilemma.

My hometown newspaper, the Frederick Post, in a recent editorial which commended his actions, took note of Representative GUDE's efforts to reform the seniority system. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Frederick, Md., Post]

GOOD GOING, GILBERT GUDE!

While it is unlikely to bring any immediate reforms, we heartily endorse the plain-speaking attack of Congressman Gilbert Gude of Montgomery County on the seniority system under which chairman of legislative committees obtain their offices.

He labeled the present method of selecting chairman as a "miserable decrepit procedure" and urged widespread reform in a recent address to the American Society for Public Administration.

"The best efforts of the people and the President will not succeed unless Congress enters the 20th century before the 21st rolls around," the Montgomery County Republican said.

He pointed out that under the present seniority system that the chairmanship automatically goes to the member with the longest service regardless of his capabilities for the position.

He added that seniority generally accumulates in the safe districts where either a Republican or Democrat is so entrenched that under the single party system he cannot be dislodged.

That is why the majority of the committee chairmanships in Congress come from the Deep South.

"A chairman can bog down a good bill if he doesn't personally want it to reach the floor regardless of the opinions of his colleagues," Mr. Gude told the group.

He suggested as alternatives either appointment of the chairman of each committee by the Speaker or his election by his colleagues.

DEATH OF JOHN BAER, OF NORTH DAKOTA

Mr. BURDICK. Mr. President, I invite the attention of the Senate to the passing of John Baer, a man who lived a life devoted to the idea that the pen is mightier than the sword.

A North Dakotan in his upbringing, this man once served as a Member of the House of Representatives. He will be remembered for his talent as a cartoonist in awakening the conscience of this Nation to its needs.

It is appropriate that the Senate take note of his accomplishments as recalled in an article published in the Grand Forks Herald and written 5 months ago by Mr. Jack Hagerty. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON.—Fifty-two years ago he was the nation's youngest congressman, an unknown cartoonist from North Dakota.

Today, virtually unknown in the state that sent him to Congress, he still is a cartoonist working 30 hours a week and helping to elect men he considers liberals to Congress.

Most of those in North Dakota who recognize the name John Baer probably think he has long been dead. But readers by the thousands of "Labor," a publication for which he has worked nearly half a century, watch for his cartoons regularly. At 83 he's still producing them every week.

Baer was the first Nonpartisan Leaguer elected to Congress. He won election as an independent in a special election in 1917, following the death of Rep. Henry I. Helgesen. He was re-elected as a Republican in 1918, but was defeated in the Harding landslide of 1920 by the late O. B. Burtness of Grand Forks.

That race as a Republican is something he quickly now explains as a "necessity." The Nonpartisan League filed its candidates in the Republican primary and when he won the nomination he nominally became a Republican.

But he insists he always has really been an independent.

"I don't give a whoop for either party," he says.

And he doesn't think much of most of the politicians in either party today.

"There are only about 10 liberals in Congress today," he explains: "The rest, I wouldn't give 10 cents for 'em."

Baer still thinks the League and its offshoots were major contributions to the political arena.

Baer comes by his liberalism honestly. He was the son of the Civil War times major who, according to Baer, exposed the contaminated food sold to the Army in 1898.

Baer recalls that as a boy of 12, he accompanied his father to Washington and was left in a hotel cafe while his father went to the War Department to tell officials of the old and rotting food which was being furnished to soldiers. His father was denied entrance to the office of the Secretary of War to make his complaint and broke into the office. He was arrested and Baer recalls a policeman coming to the hotel to get him.

When the boy asked where his father was, he was told "in jail."

Despite the arrest, Baer says his father's exposure of the sale of spoiled food to the Army led to better conditions in the future. By World War I, he said, no such food was served to the soldiers.

Baer was born March 29, 1886, at Black Creek, Wis. He attended Lawrence University, where he served as editor of both the campus newspaper and the annual. He was student president three years and graduated in 1909.

Even then, he foresaw today's campus unrest, he says. The students were brainwashed by "big business" he claims and weren't smart enough to realize it.

"The trouble on the campuses now comes from the fact that young people finally are catching on," says the 83-year-old liberal.

A year after his graduation, Baer married a North Dakota girl and began working on the farm of his father-in-law, J. R. Smith of Beach, known then as the "flax king of North Dakota." Smith was his wife's stepfather. Baer likes to recall now. Her real father was John F. (for Francis) Kennedy—no relation to the later president as far as Baer can determine.

In 1913 Baer was appointed postmaster of Beach, a job he held for three years. All the while he was drawing and selling cartoons, an avocation he began when he was 12. By 1916 he was making more from sale of cartoons than as postmaster, and moved to Fargo to take a full-time job with a Nonpartisan League newspaper, the Courier-News.

It was from this editorial vantage that he was drafted to run for Congress after the death of Helgesen.

Baer already had coined the slogan of the fledgling Nonpartisan League—"We'll Stick—and We'll Win." That was his cartoon answer to those who contended that "farmers won't stick together."

It was only one of the political catchwords attributed to Baer. He drew a card-playing cartoon in 1931 which contributed the phrase "New Deal" to the political language. He sent a copy of it to Franklin D. Roosevelt, who used the phrase in a campaign speech and again in his speech accepting the Democratic nomination for President.

Baer actually had used the phrase 18 years earlier, in a pamphlet entitled "A New Day and a New Deal in 1914."

While Baer's cartoons were widely known in North Dakota before he ran for Congress, he himself was not. But he plunged into the campaign and illustrated his speeches with "chalk talks." He won the election and was sworn in as a congressman in August, 1917.

He was only 31, the youngest member of Congress at the time.

He also was its first cartoonist member—and, he now says, "probably its last."

He continued to draw cartoons while serving in Congress, selling them to the Hearst Newspapers, Newspaper Enterprise Association, King Features and others. The cartoons continued his campaign against "big biz," his life-long enemy, and often showed Congress to be its tool. The cartoons aroused the enmity of their congressmen and, after his 1920 defeat, one writer commented that "he cartooned himself into Congress and then he cartooned himself out."

"They were all with big business and still are," he said late in September, bridging the gap from 1920 to 1969.

His caricaturing of his colleagues got under their skins.

"Oh my!" he has said, "how mad it made some of 'em."

In one interview published by Central Press years ago, Baer was quoted as telling this story of his relations with his fellow congressmen:

"Returning to the capital after his second election, he chanced to meet a fellow representative whose identity (among 435 there are many whose acquaintance with one another is of the slightest) puzzled him for a moment. 'Though your name escapes me,' confessed the North Dakotan, 'your face is perfectly familiar.' 'I should think,' said the other 'that it would be, considering that one of your damn pictures of it beat me for re-election last month.' "

He never returned to North Dakota to live and never again ran for public office. He likes to recall, however, that some time after his defeat for re-election a delegation of about 18 Nonpartisan Leaguers called upon him and urged him to come back and run for governor of North Dakota.

He said he decided he was more cut out to be a cartoonist than to be a legislator or governor.

After his defeat in 1920, he joined the staff of "Labor," a newspaper of the national railroad unions. He has continued to draw cartoons for that publication ever since. but also has sold his work to many other publications, largely those of labor and farm organizations.

Along with his cartooning, Baer also continued active in liberal movements otherwise.

One story he likes to tell was his fight against a proposal to censor books in New York in the 1920's.

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He tried to get Sen. William E. Borah of Idaho to accompany him to New York to make a speech at Cooper's Union against the proposal, but Borah "backed out." In desperation, Baer enlisted Sen. Magnus Johnson of Minnesota to take Borah's place and, on the train to New York, had Johnson read and re-read a speech Borah previously had given on the subject as it appeared in the Congressional Record.

When they arrived at the meeting hall, Baer recalls, Johnson did a creditable job of reading the Borah speech despite his heavy Scandinavian accent He got a favorable reaction at the end and then, unaccountably, blurted "Applesauce."

Baer later asked Johnson why he had added that final word Johnson pointed to the botton of the Borah text where, in tiny italic type, appeared the word "(Applause)."

The former congressman still works a fairly rigid schedule at his cartooning, partly at his Chevy Chase, Md., home and partly at his publication's office in the AFL–CIO Building in Washington, just across LaFayette Park from the White House.

Asked about his health at 83, he quips "I always say I'm loaded for bear."

Interviewers always ask him whether he still drives his own car.

"I always tell them I've driven more than half a million miles since 1898, when I drove my mother's Duryea electric 'horseless carriage,' " he says. "And I tell them I've never so much as scratched a fender. I tell my wife those things happened in the parking lot."

Baer and his wife will observe their 60th wedding anniversary in 1970. They have three sons, one an architect in Baltimore, one employed by the National Institutes of Health in Washington and the third a Land Developer.

Mr. BURDICK. Mr. President, there are many more things which could be said about John Baer, but I believe the following facts about him give us some outline of the contributions which he has made:

Former North Dakota Congressman John M. Baer once wrote a regular column under the above name, syndicated in the 1920s by the International Labor News Service.

For 58 years he has used bears on his Christmas Cards, but was turned down when he offered another cartoonist $1,000 for the right to use a bear symbol as an identifying mark in his cartoons.

He once received a letter, although it carried not a name, word or number of the envelope. The only address was a sketch of a bear at a drawing board, cartooning a laboring man, with the U.S. Capitol dome in the background. Mailed from Reseda, Ga., in April, 1967, it was delivered promptly.

Baer's mother was a first cousin of poet James Whitcomb Riley. Perhaps inheriting some of Riley's word magic, Baer wrote a parody on Casey Jones after Harry Truman's 1948 upset victory which was published in a Washington newspaper and sung at birthday parties for HST.

Baer introduced, and won passage of the first World War I soldier's bonus bill, which resulted in distributing of more than $100 million to discharged servicemen. He proposed a $365 bonus to each veteran at discharge, but the amount was reduced to $65.

Baer designed the first emblem adopted by the United Nations, the official seal of the AFL–CIO, the Pan American Airways seal which for the first time shortened that airline's name to "Pan Am", and the first cover for Cream of Wheat, the Grand Forks-born cereal.

A daily newspaper feature he once wrote "The Diary of a New Senator," had more than 12 million readers. He also wrote "The Nashnul Situation," under the pen-name Hiram A. Rube, which was widely circulated by farm publications and won compliments from Franklin D. Roosevelt, James Farley and others.

Baer has known every U.S. President since William McKinley, whom he met as a boy while visiting Washington with his parents.

Mr. President, the biographical material which has been cited gives an excellent account of his colorful life. No account, no matter how well written, could reveal the character of this good man, because you would have had to know him, and talk with him, to discover his deep feeling for what has been commonly called the underdog.

It was my good fortune to have known this man. Both of us came up through the same political process, having been members of the Nonpartisan League. We were good friends. In fact, at his home, right now, is a political cartoon he has drawn for me on his own as his contribution to my election campaign. I have lost a good friend, and the Nation has lost one who contributed much to his country both in and out of Congress.

OIL IMPORTS QUOTA SYSTEM

Mr. STEVENS. Mr. President, Robert O. Anderson, chairman of the board of the Atlantic Richfield Co., recently addressed the Oil Industry Day Conference of the New York Security Analysts on the environment in which the petroleum industry will be operating during this decade.

Mr. Anderson spoke in terms of demand and supply in 1970, 1975, and 1980, and where the production of my State of Alaska, Canadian production, foreign imports, and synthetics fit into our overall energy and economic picture.

His remarks were well taken, and I commend them to the attention of Senators.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

OIL INDUSTRY CONFERENCE

(By Mr. R. O. Anderson)

Atlantic Richfield Company is delighted to participate in this program of the New York Security Analysts.

The Oil Industry Day Conference is an excellent idea and has been organized to provide an interesting representation of various facets of the industry.

When you consider the many uncertainties facing the industry, I suspect that most of us who are speaking here today would have preferred to do so on some other occasion—some future date when national energy policies have become sufficiently stable so that forecasts could be made with less hesitation.

From your standpoint, however, this is a good time for such a program. It gives you the opportunity to judge a company's prospects in light of those uncertainties—under your own set of assumptions as to what kind of climate the industry will operate in over the next several years.

With that thought in mind, I should like to offer some reflections of my own about the environment in which the industry will be operating during the 1970's. Mr. Bradshaw, President of Atlantic Richfield, will help you to assess the Company's outlook by reviewing its operations within that environment. As a start, let's look at projections of supply and demand.

The importance of the need for our nation to produce a substantial portion of its petroleum requirements domestically cannot be overemphasized. Seventy-five per cent of our total current energy needs are provided by petroleum. It not only powers our transport and heats our homes but it lights our cities, runs our factories and moves our armies. We cannot risk the economic security of our country's future by becoming too dependent on foreign sources which we have seen shut off by international conflicts in which we are only by-standers.

Next year—1970—oil product consumption in the United States is expected to be about 14.5 million barrels per day. Reasonable projections indicate that this consumption will rise to approximately 17 million barrels per day by 1975 and close to 20 million barrels per day by 1980.

With production peaking and in some cases declining in the states which have historically supplied our petroleum, we see an everwideninig gap between demand and domestic supply.

On the West Coast we can foresee a shortfall of 400,000 barrels a day next year. If this year's pattern were followed, about half of this would come from Canada and half from overseas.

Production from California and the Cook Inlet, the two major producing areas for the West Coast, is at or near its peak and should actually begin to decline in the near future. When the Trans-Alaska pipeline is completed, hopefully in mid-1972, we would expect a ready market for about 400,000 barrels a day of North Slope oil. This 400,000 barrel-a-day gap assumes Canadian imports to District V will continue at present levels, and all but about 50 thousand barrels per day of overseas imports will be backed out. Further, we are assuming that no California or Cook Inlet production is shut in. Subsequent to 1972, with production in California and Cook Inlet declining and crude oil demand on the West Coast increasing at about 4.4 per cent per year, we would expect the market for North Slope oil on the West Coast to grow at least 100,000 barrels per day per year and reach one million to 1,200,000 barrels per day by 1980.

Turning now to the situation East of the Rockies in Districts I–IV, we expect product demand to grow from about 12.3 million barrels per day in 1970 to 16.5 million barrels per day in 1980. As most of you know, this total product demand is supplied from a variety of sources: U.S. crude production, crude imports from Canada, crude imports from overseas, and product imports from overseas. Production in the larger producing states, Texas and Louisiana is prorated and at the present time these states are not producing at capacity.

In developing forward policy for the United States, it is important to have a realistic understanding of the maximum potential productive capacity of Texas and Louisiana. While this type of estimate is difficult to make and there really isn't adequate information to justify precise forecasts, I believe oil production in Texas and Louisiana production cannot be increased more than one million barrels per day at the present time, if proration were abolished.

I suspect a number of people in government presently have too optimistic a view of the surplus productive capacity in Texas and Louisiana. I also believe they do not fully appreciate the likelihood that total U.S. production East of the Rockies will be declining at an annual rate of 300,000 barrels per day by 1980 unless attractive incentives are offered for encouraging the finding of new reserves.

If total demand in Districts I–IV increases at the three per cent, or about 300,000 barrels per day per year, and if total production in these states peaks out in 1972 or 1973 at about 8.5 million barrels per day as seems likely, there obviously is a big oil supply gap that will have to be filled by a combination of overseas imports, Canadian imports, and North Slope oil. In 1973, when we would hope to have facilities for bringing North Slope oil East of the Rockies, we would expect that gap to be 2,200,000 barrels per day and to increase to 5,800,000 barrels per day by 1980.

At this point in time, I don't think anyone can say just how much of the gap each of the three supply sources will fill. Obviously, the need is enormous and each supply source should obtain a reasonable share of the market. The foregoing rationale has been based on the assumption that tax and import policy questions currently being deliberated and debated by the government will result in a gradual liberalization of import quotas and modestly higher Federal Income Tax costs for the industry as a result of reducing the depletion allowance.

With respect to the depletion allowance, I believe there is a widespread misconception as to the relative benefit of the depletion allowance to the members of the petroleum industry and the consumers of oil products. Today major integrated companies produce more than one half of all the oil produced in the United States. Competition among the thirty or so companies that acocunt for this production has taken the form of very tight pricing of petroleum products with the result that the low tax costs obtained by the companies from using the depletion allowance have been passed along to the consumer in the form of lower product prices.

It would be hard to find a more competitive business than petroleum marketing. No one oil company dominates the market. Standard Oil of New Jersey, the largest company in the business, produces 8.9 per cent of U.S. production and sells 11. 3 per cent of petroleum products.

If the depletion allowance is some sort of loophole or windfall for petroleum companies, it would have to show up in the per cent earned on employed capital. Since petroleum company earnings are low by the standards of many other industries, obviously the American consumer has had to be the beneficiary. It follows, therefore, that if the depletion allowance is reduced and tax costs are increased, the higher cost of doing business will have to passed along to the consumer in the form of higher prices.

The depletion allowance today is admirably suited to the purpose for which it was intended. It has encouraged the finding of oil and, in the process, it has resulted in low, reasonable product prices for the consumer and it has not generated unreasonable profits for the petroleum companies.

With respect to the import quota system, I cannot over-emphasize the need for our nation to produce a substantial portion of its petroleum requirements domestically. We must assure the certainty of supply not just for national defense purposes but also to protect this country's economic security.

Seventy-five per cent of our total current energy needs are provided by petroleum and natural gas. They not only power our transport and heat our homes but they light our cities, run our factories, and move our armies.

Can we risk the economic security of our country's future by becoming too dependent on foreign sources? Keep in mind that these foreign sources are subject to wars, both external and civil; to expropriation and to confiscation when companies refuse to amend contracts to include unreasonable or uneconomic demands. Gentlemen, I am not raising possible spectors. All these actions have occurred within the last three to five years in countries which may participate in supplying crude oil to the United States, if total import restrictions are removed. The practical effect of the import quota system is that crude prices in the United States tend to stay at levels which encourage the exploration which is necessary to find new reserves. Adoption of any policy which turns the United States into a dumping ground for surplus foreign production obviously will decrease crude prices and equally obviously will eliminate the incentive for further crude exploration in the United States. Under these conditions, the oil industry would have no alternative but to sharply curtail crude exploration, converting existing operations to a liquidation basis and use the cash flow to diversify in other areas that are not subject to uneconomic regulation.

The East Coast of the U.S. already is heavily dependent upon foreign oil for much of its regular consumption. Today crude and product imports on the East Coast amount to 40 per cent of total demand. This amount could be greatly increased by 1980, if exploration were curtailed to a significant degree. Certainly interest in exploring in the Arctic regions would diminish significantly, if crude prices were reduced. The economic risk would be too great and large potential reserves would never be discovered, thereby hastening the day that the country would become dependent on foreign-source crude. Another negative effect of a crude price decrease is that the development of technology for converting shale, tar, and coal into oil would probably be eliminated because there is little likelihood of coming up with an economic process in a lower crude price structure.

Finally, with respect to prices, undoubtedly product prices would be lower at the outset, but in time they would rise as foreign taxes would increase and as the balance of economic power gravitated from the United States to the other countries on whom we were dependent for oil. In time, product prices in the U.S. would return to present levels, or perhaps even higher, as the U.S. lost its bargaining power.

Having reviewed with you the dangers of changing the environment surrounding the operation of the oil industry, I would like to state my belief that changes in national policy will be made by reasonable men and, therefore, I fully expect the changes to be reasonable. Thus, while we are sailing through a very stormy period, I believe that, as the facts are better understood, government policy will advocate only modest changes in both taxes and imports. In that case, the industry can expect a short period of adjustment followed by renewed growth through its efforts to meet the expanding energy needs of the 1970's.

This is the kind of future for which Atlantic Richfield is preparing. We believe that it will be a bright one for any company that is working toward crude oil self-sufficiency, a balance between North American and overseas reserves, greater efficiency in its products operations and sufficient financial strength to meet the greater capital needs of the years ahead.

ENVIRONMENTAL TEACH-IN

Mr. MONDALE. Mr. President, as the Nation moved into the 1970's, a new and frightening concern loomed large on the horizon—the degradation of our environment. The first national focusing on this problem will take place April 22, when an environmental teach-in will be held to begin the fight to restore the quality of our environment.

The problem has reached enormous proportions, with virtually every body of water in the United States polluted. One of our Great Lakes—Lake Erie—is, to all intents and purposes, already dead. Pollution of the others is going on at a rapid pace.

The last breath of perfectly clean air is reported to have been ingested in Flagstaff, Ariz., 6 years ago. The air in our cities is becoming increasingly laden with grit and noxious gases. The average person now breathes in 1.9 pounds of dirt each day.

To portray and dramatize the crisis, the Senator from Wisconsin (Mr. Nelson) has called for a national environmental educational effort. As a result, hundreds of campuses, high schools, and community groups have enthusiastically demonstrated their interest by organizing teach-ins. An article by Senator Nelson explaining the purposes of the teach-ins and the role libraries can play in them was published in the February issue of American Libraries, the internal magazine of the American Library Association.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

National Teach-In on the Crisis of the Environment

(By Senator Gaylord Nelson)

The destruction of natural resources on this planet is going on at a fantastic rate. If we don't act now to correct the situation, the decade of the 70s will signal the end of man as a species.

Eminent scientists predict the death of our oceans as life-bearing bodies of water by the end of the decade. By 1980, also, we will be consuming each day the total water supply available in the United States, and will begin using and reusing water up to ten and twenty times a day. Clean air will be equally scarce. Deaths from cardiac arrests and respiratory illnesses will rise alarmingly on days when the wind takes a holiday and fails to chase the smog from the cities.

And then there is noise pollution. Psychiatrists tell us that noise is becoming increasingly suspect as a cause of neuroses. Geneticists are investigating the possibility that the noise from sonic booms is causing irreparable mutations in human and animal

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populations. The quality of life in our overcrowded, under-financed cities is reaching crisis proportions.

It is clearly time to act to improve our environment. It is clearly time to start working toward gross national quality, as well as gross national quantity. Toward this end, a national Environmental Teach-In will be held April 22, which will cut across the generation gap and political party lines.

The objective of the Teach-In is to mobilize the constructive energies of American youth in a massive effort to halt the polluting and ransacking of our environment.

The Teach-Ins will be shaped campus by campus by student initiative, and may take the form of symposiums, convocations, panel discussions, or a combination of these. They will vary with the university and the section of the country in which they are located. For instance, students at the University of California might want to discuss recent oil spills off the coast of their state; students at the University of Wisconsin might focus on the pollution crisis facing the Great Lakes; and students at Columbia University might well be most alarmed about the rapidly decreasing quality of life in major American cities. A national office in Washington serves as a communications and service center, and as an organizational stimulus for individual campus Teach-Ins.

The Teach-Ins, already being planned at one hundred and fifty campuses, will map out steps to protect our environment. They will present information, draw the issues, stimulate plans for action, and demonstrate a concern in this country for a livable world. Hopefully, they will set specific goals for the 70s, goals for a decade of national effort which will recognize the same priorities of expenditure as did the moon-shot effort of the 60s.

It is particularly appropriate that, by the 200th anniversary of the founding of this nation in 1976, we be well on our way to solving the problems of population growth, pollution and the degradation of our open space. The key to achieving this result lies in mobilizing the idealism, the motivation, and the energies of this student generation.

And this time we had better listen to what they have to say.

THE LIBRARY ROLE

There is a growing social awareness among librarians, and it is reflected on the book and record shelves and in the films and services available to library users. An escalating concern for fulfilling the rapidly changing needs of those who visit libraries—and of those visited by libraries—is evidenced in the special unit created eighteen months ago within ALA devoted to exploring the issues facing man and bringing them to the attention of the Association so that resources can be collected and developed.

There is concern voiced by many involved with libraries that there was an overconcentration in the past decade on physical expansion and the acquisition of materials, to the detriment of efforts to make the library resources available and to show the public the uses to which the resources might be put.

The national Environmental Teach-In of April 22, of which I am cochairman along with Congressman McClosky, presents an excellent opportunity for libraries to help insure the success of a crucial endeavor, by bringing the traditional services of the library fully to bear on a single problem, in cooperation with the myriad interest groups motivated by the Teach-In.

The libraries will be able to offer trained staff and collected materials that will help in the gathering of background materials and as guides to sources of information needed for local inventories. The bibliographic skill of libraries alone can increase the effectiveness of the Teach-In immeasurably. In addition, the lesser known facilities and skills of libraries in the field of media materials selection and distribution can provide the Teach-In with a broad selection and visual aids for the presentations they wish to develop for community use. Many libraries are equipped to supply meeting facilities, display space, and exhibit areas, and have staff or access to individuals trained in providing these services.

One specific service which can be of tremendous importance is the setting up in libraries of displays, in which the address and phone number of the Washington office of the Teach-In are prominent. The Environmental Teach-In, Inc. is located at Room 600, 2100 M Street, NW, Washington, DC 20036. The phone number is (202) 293-6960. The Internal Revenue Service has ruled that the Teach-In is an educative, nonprofit organization. Libraries especially might want to get on the mailing list of the Washington office in order to receive environmental materials which will help them serve their local patrons. Enterprising libraries might want to arrange for speakers to address library users on what they can do to fight environmental despoliation.

Demonstrating their ability to meet such a concentrated effort to inform the public will give libraries the opportunity to perform a significant service and to show their potential force in the community. No more dramatic or urgent challenge has come forward to date to test the rising social awareness of the profession. All libraries and librarians, both as citizens and professionals, have a stake in the future of their environment, and it is fortunate that the investment in the growth of libraries on the federal, state, and local level will enable them to make a significant contribution to our national awareness of a serious ecological and sociological problem.

RESTRICTIVE REAL ESTATE COVENANTS

Mr. FANNIN. Mr. President, there has been a bit of talk here and there in the news media concerning the use of restrictive real estate covenants, particularly in connection with the nomination of Federal Judge G. Harrold Carswell to the Supreme Court.

In all honesty, we should admit that the use of such legalisms is by no means confined to the South, nor to those who are represented as being not equitable, just, and fair minded in their approach to civil rights.

Since the Supreme Court declared such covenants to be unenforceable, many people have overlooked their existence, treating them as dead letters with no basis in law.

Indeed, some distinguished Members of the Senate have lived in houses covered by such covenants. The Chicago Tribune took note of this fact on Saturday, February 21, 1970, in a front-page article entitled "Bare 16-Year Racial Curb on Humphrey's Home as a Senator." Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BARE 16-YEAR RACIAL CURB ON HUMPHREY'S HOME AS A SENATOR

Washington, Feb. 20—Hubert Humphrey, who has criticized the nomination of Judge G. Harold Carswell to the Supreme court, lived in a house with a restrictive racial covenant for 16 years while a United States senator.

Real estate records of suburban Montgomery county in Maryland outside the capital show Humphrey finally entered a disclaimer on Sept. 23, 1964, 27 days after he was nominated as the Democratic party's 1964 Vice Presidential candidate.

Humphrey bought the property on Dec. 27, 1947.

M'GOVERN CASE SIMILAR

Ten days ago, the Democratic policy council of which Humphrey is chairman, urged the Senate to reject Carswell's nomination. Any man named to the Supreme court, the council said, "must be devoid of any record of racial bias, intolerance or discrimination."

The same racial covenant that applied to Humphrey's home applied to the home of his neighbor, Sen. George McGovern (D., S.D.). McGovern bought his home in 1957 with the covenant and sold it last September still subject to the covenants of record.

In McGovern's case, his office said the purchaser was a Negro.

McGovern has not announced a position on Carswell. He has said he is inclined to vote against Senate confirmation of Carswell, but wants to look at the final report before making up his mind. McGovern has not attacked Carswell for having a racial covenant on a lot his wife sold four years ago in Florida.

CARSWELL SIGNED PAPERS

Mrs. Carswell sold a bayfront lot near Tallahassee for about $4,800. Her husband was a federal judge at the time. Among the dozen covenants written into the deed for the property by the original seller of the land to Mrs. Carswell was one restricting ownership and occupancy to "members of the Caucasian race."

Judge Carswell signed the sale papers.

President Nixon was not aware that the Carswells had sold the lot in 1966 with the "white only" restrictive covenant when he nominated Carswell for the Supreme court, the White House said on Feb. 14.

In Humphrey's case, Otis H. Garvin in 1946 put a restrictive covenant on two groups of lots known as "Rock Creek Knoll" in Montgomery county. The restriction stated that:

"None of the lots above can be sold, leased to or occupied by any person of Negro blood except as to occupancy by domestic servants while employed on the premises by the owner."

CALLS COVENANT INVALID

Garvin sold the lots to Mrs. Dorothy Belfiore in April, 1946, subject to that covenant In May, 1947, Mrs. Belfiore sold the lots to Joseph Gweraert, a Montgomery county builder. Humphrey bought the property from Gweraert.

On Sept. 23, 1964, after being nominated for Vice President, Humphrey and his wife, Muriel, filed this affidavit to the deed:

"After consultation with counsel, the undersigned want to make clear that as purchaser and owner, they do not consider themselves bound by any covenants or restrictions under the laws of the United States. Undersigned expressly disclaim liability under the covenant recorded April 16, 1946, in liber 1009 at folio 445, among the land records of Montgomery county of Maryland as follows:

"None of the lots above can be sold, leased to or occupied by any person of Negro blood except as to occupancy by domestic servants while employed on the premises by the owner."

SIGNED BY HUMPHREYS

"The obligations this covenant would exact are contrary to the public policy of the United States of America, have been declared unenforceable by the United States Supreme court, and are morally wrong, as well as offensive to the undersigned."

The affidavit signed by Humphrey and his wife was witnessed by V. W. Kampelman.

In January, 1967, the Humphreys sold the home to Lee C. White, and his wife, Mary. White was an aid to President Kennedy. White said his deed to the property is clear of any covenant.

PROPOSED DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

Mr. MOSS. Mr. President, for several years, now, I have been advocating the creation of a Department of Natural Resources and Environment. In the last Congress—the 90th—hearings were held in the Government Operations Committee on my bill. Although the bill has been reintroduced with some refinements in this session of Congress, no hearings have yet been scheduled. In the meantime, the wisdom—in fact, the demands—of such a move has become more and more apparent. The President in his state of the Union message this year indicated that he intended to shift many of our resource-oriented functions into the Cabinet department charged with preserving our environment and reasonable development of natural resources.

The Sunday edition of the Washington Post contains an editorial entitled "The Anomalous Army Engineers." It again points out the great need for a department alinement such as I have sponsored for the past several years. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THE ANOMALOUS ARMY ENGINEERS

Secretary Hickel's recommendation that the civil functions of the Army Engineer Corps be transferred to the Interior Department is in line with the growing demands for restoration of a healthful environment. The Engineer Corps is one of many agencies that should be deeply involved in the new conservation movement, and that movement is clearly not one with which the Army should be primarily concerned.

When the Engineer Corps was created, one of its chief functions was to provide training and experience for Army engineers in useful civilian projects. Nowadays the Army has plenty of military projects to keep its engineers busy. It is anomalous to keep in the Army an agency with 29,400 civilan employees and only 2,000 military men—an agency which is chiefly engaged in building dams and dredging rivers.

One of the penalties for allowing the Engineer Corps to meddle with conservation problems in its present orientation came to light a few weeks ago in Oregon. The Engineers permitted a chemical company to dump its waste into the Columbia River without even asking what the pollutants were. This turned out to be one of many instances in which permits for dumping industrial wastes into navigable streams had been issued with no regard for the consequences to the environment. Under pressure the corps was induced to change its regulation so as to require disclosure of contaminating materials discharged into the streams. But this still left the Engineers in control at the befouling spigots instead of the Interior Department's Water Pollution Control Administration.

Obviously the two ought to be working within the same department on problems of this sort. Indeed, we think that all the civilian operations of the Engineers ought to be reoriented within the new environmental control programs. There have been some indications from the White House that the President intends to reorganize the Interior Department and change its name in keeping with its larger function of conserving our resources and cleaning up the environment. That would afford an appropriate occasion for shifting the Engineer Corps into the restructured department.

ESTONIAN INDEPENDENCE DAY

Mr. WILLIAMS of New Jersey. Mr. President, on February 24, while all Estonian descendants throughout the world are honoring Estonian Independence Day, Americans as well should acknowledge the importance of the 52d anniversary of the liberation of Estonia.

Prior to 1918, the Soviet Union controlled the government and the people of Estonia before yielding to the invading forces of Nazi Germany. Many Estonians considered the ejection of the Soviets by the Germans to be to their advantage, but soon learned that they could not trust the Nazis. After much dissent, on February 24, 1918, the people of Estonia denounced the German oppression and declared their independence.

Many leaders were determined to create a powerful and prevailing movement in Estonia, so they escaped to spread dramatically the word of their suppression to the world.

Their work was so successful that, by March 1918, three world leaders, Great Britain, France, and Italy extended de facto recognition to Estonia as an independent nation.

However, the Germans refused to recognize the "liberalism" and their domination continued until they withdrew in November 1918, when, once again, the Estonians were confronted with Russian power.

But after a bitter struggle which lasted for several weeks, the Estonian loyalists, led by Col. Johan Laidoner, managed to hold off the Russians until, aided by the Finns and a British naval squadron, they could drive the Russians from Estonian soil. On the first anniversary of the Estonian Independence Day, February 24, 1919, the Estonian Government announced that all Soviet military forces had been expelled. A Russian-Estonian peace treaty was signed February 2, 1920.

In the succeeding years of liberation, the Estonians set up their Government based on a constitution, effective June 15, 1920, whose basic principles were derived from those found in the constitutions of France and the United States.

In September 1921, Estonia joined the League of Nations and was recognized by the world powers as a valuable representative for all small nations.

While a free nation, Estonia advanced culturally through music and literature, and economically, through great industrial improvement.

But the Estonian independence was tragically short lived. At the beginning of World War II, Russia and Germany signed the well-known "nonaggression treaty," in which Estonia was "assigned" to Russia for her control. Estonia was forced to allow Russian military bases on her soil, which, in October 1944, led to total Russian occupancy.

Although Russian control over Estonia is not as stringent today as it was in 1944, Estonia is still denied the right of self-government.

It is appropriate that on the 52d anniversary of Estonian Independence Day, we, in the United States, honor the people of Estonia and their commitment to a democratic way of life.

A SCIENTIFIC TOUR OF THE TRANS-ALASKA PIPELINE ROUTE

Mr. STEVENS. Mr. President, the proposed construction of an 800-mile pipeline through Alaska has generated much comment and concern.

I have consistently maintained that Alaskans value the protection of their environment and ecology and are adequately prepared to work with industry to insure that the problems afflicting other States do not ruin Alaska.

This past summer, the trans-Alaska pipeline system financed an ecological study along the northern portion of the pipeline route.

The observations of one of the members of the study group appear in the February 1970 edition of the Agroborealis.

I ask unanimous consent that the article, written by Prof. William W. Mitchell, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A SCIENTIFIC TOUR OF PIPELINE ROUTE

(By William W. Mitchell, associate professor, agronomy)

Anyone traversing the proposed Trans Alaska pipeline route would be privileged to view most of Alaska's principal physiographic regions and a major sampling of its flora. It would be a memorable experience.

This experience was afforded a group during the past summer when TAPS, a consortium of oil companies undertaking to construct the pipeline, financed an ecological study along the northen portion of the route. The group included a fisheries biologist, a mammologist, and a botanist[1] with Bryan Sage, a British Petroleum biologist, as project leader.

The Alaska Experiment Station became involved in the study because of its program in identifying and assessing native plant resources, their potential uses, and their position in natural ecosystems. The possible relationship of the pipeline to the environment was considered by studying successional occurrences in plant community development and processes of revegetation on disturbances. Plant materials were collected for further study and testing at the Alaska Experiment Station.

Research workers and explorers who have had to rough it on foot and by boat would have envied the helicopter support and camp catering service provided the group. However, weather, smoke and mechanical difficulties often grounded the helicopter.

The study was conducted out of five campsites from north of Livengood to the North Slope. Camps were located on Hess Creek, about 20 miles northwest of Livengood; on Kanuti Creek, at the base of Caribou Mt. about 40 miles southeast of Bettles; in the Dietrich Valley of the Brooks Range; and at two sites along the Saganavirktok River on the North Slope. One site was at an unnamed lake about 2,900 feet elevation just north of the Brooks Range and the other at Lake 730 (730 feet elevation) on a bluff overlooking Sagwon.

Among the purposes of the overall study was a survey of the flora and kinds of plant communities that the pipeline would traverse. This survey provides the basis for the following account.

The receiving station on the north end of the line will be located on the coastal plain

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[1] Dr. Peter McCart, University of Saskatchewan, Dr. Peter Elliott, Okanagan College of British Columbia, and Dr. Wm. W. Mitchell, University of Alaska Agricultural Experiment Station.

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of the arctic tundra in the Prudhoe Bay area. This is a soggy, drab plain dotted with ponds and small lakes. In distant view, its generally featureless surface is broken only by the occurrence of large, peculiar mounds, called pingos, and an occasional oil rig. It is distinguished in aerial view by the overall pattern of polygonal formations. Permafrost is encountered at a shallow depth and ice wedges underlie the margins of the frost polygons. Sedges, cottongrass, a few grasses, and dwarf willows are the most common plants. Among the more colorful plants to occur here are the small, yellow marsh saxifrage and arctic poppy.

The gravelly flood plains of the Saganavirktok River provide some relief from the wet tundra type. The relatively firm surface of the dried flood plains will sustain much more vehicular activity than the wetter tundra types. Plants that characteristically inhabit dry sites occur here, including arctic bromegrass, mountain avens, alpine bearberry, wild sweetpea, vetch, and lichens. Patterned ground also develops in the wetter areas of this bottomland with water sedge the principal species.

The pipeline will leave the coastal plain and enter the foothills province at Franklin Bluffs. These are very picturesque bluffs with prominent cobblestone slopes and should be left undisturbed as a landmark along the route. The uplands of the foothills are vegetated to a great extent with tussocked, cottongrass communities. Through the coastal plains and lower foothills the pipeline will cross land that was never glaciated during the Ice Ages; thus plants adapted to arctic conditions survived the glacial onslaught in this important refuge.

The pipeline will pass into glaciated terrain south of Sagwon on higher ground in the foothills. The vegetation here is more variable where plant communities have not reached the more stabilized stage of development as those on unglaciated terrain. Among the more colorful flowers to be seen are bistort, monkshood, dwarf fireweed, several saxifrages, arnica, and cassiope. Dwarf willows are common, a single shoot of one kind being no larger than a small fingernail. One may see the northern-most outliers of green alder and tall fireweed on sheltered slopes and draws above the "Sag" River in the high foothill region.

The pipeline will enter the Brooks Range proper through the Atigun Canyon and ascend a high pass in the neighborhood of some small persistent glaciers. It will cross an alpine heath-and-dwarf birch-type meadow containing a small colony of tall fireweed that is probably near its altitudinal limit at this latitude. Prior to pipeline activity this alpine meadow likely had been visited by only a few men.

After crossing the divide, one encounters the first timber upon descending into the Dietrich Valley. Timberline for white spruce at this northern limit runs at about 2,400 feet elevation on the valley bottom to about 2,800 feet on the slope. Both balsam, poplar and alder occur up the valley beyond the white spruce timberline. Migrating caribou have made deep trails through this headwater region. The Dietrich River, frequently muddied by heavy discharges from snow melt and summer thunderstorms, has carved a broad, braided, gravelly stream bed in the valley floor. White spruce, balsam poplar, willow, alder, and tall, shrubby birch have developed on abandoned stream beds. Sedge and cottongrass meadows occur on wetter, poorly drained sites. The pipeline will avoid the bases of the mountain slopes as much as possible, since they are subject to considerable soil movement from frost action and solifluction. Green alder and the beautiful white saxifrage, boykinia, often can be found together on solifluction lobes.

The Dietrich is one of the valleys explored by the intrepid Robert Marshall. Multihued, barren rock faces of the taller, steeper mountains provide a breathtaking contrast to the green vegetated slopes below. Dwarf fireweed adds splashes of color to gravel bars along the river, and tucked away on mossy mats lurks an interesting violetlike plant, the insectivorous butterwort.

The pipeline will encounter the northern outliers of paper birch near Sukakpak Mt. where the Bettles joins the Dietrich River to form the Middle Fork of the Koyukuk River. Small groves of birch trees can be seen on slopes between there and Wiseman. Bluejoint, Alaska's most abundant grass, and tall fireweed become conscipuous in the Wiseman area and southward.

The pipeline passes from glaciated terrain as it leaves the southern flank of the Brooks Range below Wiseman. Upon entering this northern interior region it will encounter its first black spruce stands, commonly found on north slopes and in bogs. However, the pipeline will attempt to avoid the wet permafrost problems generally associated with black spruce by holding to the drier ridges. The interior forested region through which the pipeline will pass for most of its length is dominated by white and black spruce with balsam popular, paper birch, and aspen developing under certain circumstances. The wetter, poorly drained grounds and drier knobs and bluffs are more or less open.

Though prospectors and others have ventured into the region between the Koyukuk and Yukon Rivers, little is known about this territory. The area generally is a blank on maps showing the distribution of plants found in the interior of Alaska. Southeast of Bettles in the vicinity of Caribou Mt. and Dall Mt. (named after one of Alaska's earliest explorers) the pipeline will cross some sandstone ridges. Prostrate heaths, such as bearberry, crowberry, and blueberry, and low birch, alder, and lichens are common on these ridges and knolls. Occasionally a peculiar fleshy, russet-colored plant, about 4 to 10 inches in height, occurs at the base of alder. The association is not accidental. The plant, called boshniakia, is a parasite on the roots of alder. In the alpine zone of this region on extremely dry, rocky slopes one can find the native carnation with its delicate rose to lavender colored flowers, truly a pleasant surprise in such a harsh environment. Extensive sedge and cottongrass meadows occur in the lowlands draining to the Yukon River.

The pipeline will cross the Yukon just below the Yukon Flats near the outlet of the Ray River. It will head southeastward across rolling hills, passing west of Livengood and keeping north of Fairbanks. The ridges of the highlands will provide it some relief from the deep, wet permafrost situations of the black spruce and cottongrass lowlands; whereas in the Arctic it was the gravelly flood plains that were sought for drier relief.

The generally stunted growth of the trees through this region attests to the cold soils. The tallest white spruce trees are found along river and slough banks where there is better drainage and warmer soils. The history of past fires is written in the occurrence of aspen and birch on spruce sites and of different aged spruce stands. The ubiquitous lingenberry is common in this region and throughout most of the route. Bluebunch wheatgrass and fringed sage, abundant in certain western U.S. and Canadian grasslands, and an attractive blue pentstemon prevail on extremely dry bluffs.

Through this interior region the pipeline traverses unglaciated terrain that remained vegetated during the Ice Ages. It enters glaciated terrain near Delta Junction when it crosses the Tanana River and heads south along the Richardson Highway. Low alpine tundra predominates along the route through the Alaska Range between Delta Junction and Paxson. Willows, dwarf birch, alpine bearberry, and blueberry are prominent in these tundra regions. The broad, gravelly river beds become ablaze with wild sweetpea in early to mid summer.

The pipeline reenters the interior forest near Paxson and descends into the Gulkana Basin and Copper River Valley. Small, inconspicuous orchids can be found on the mossy floor of black spruce forests in this region, along with hordes of mosquitoes. Wheatgrasses and sage occurring on dry bluffs and river beds are reminiscent of the western plains of the U.S. A creeping juniper, found only in the Copper River and upper Matanuska Valley region of Alaska, occurs on some high, dry mountain slopes. Deposits of fine silts and clay, laid down in a lake when the Copper River drainage was blocked by glaciers, present the pipeline with deep permafrost problems in this region.

Sudden changes of scenery take place in the last leg of the route as the pipeline ascends the Chugach Mountains and crosses Thompson Pass with its magnificent view of Worthington Glacier. Some areas in this region have only recently been deglaciated. The pipeline will make a difficult descent to the coast down steep slopes densely invested with Sitka alder, an important colonizer and soil builder on barren, rocky terrain. Newcomers working on the pipeline will learn to avoid the notorious devil's club, which forms thickets armed with thorns in moist places.

Upon crossing the pass, the pipeline leaves the interior forest and enters the narrow belt of coastal forest with Sitka spruce and hemlock as dominants. Balsam poplar gives way to black cottonwood, and green alder to Sitka alder. Lush stands of tall fern and bluejoint reflect the cool, moist growing conditions. Large white sprays of sea coast angelica and the deep red to violet flowers of beach pea adorn the beach meadows and coastline. The extensive ice fields verging on the bay at sea level are a contrast to the small remnant glaciers found only at high altitudes in the Brooks Range.

This survey provided the opportunity to explore for and find species of plants in areas where they had never before been reported. This, of course, points to an effect associated with the installation of the pipeline and the accompanying road system. It will provide access to areas that have had only rare to infrequent visitors. The region just north of the Yukon River, for instance, has received very little attention in botanical and zoological studies. Other areas, frequented only by air travellers now, will eventually yield to access by land. Possibilities for agricultural and other kinds of development will be enhanced.

In face of the certainty of large scale oil production in the Arctic and accompanying needs for development, the problem now confronting Alaskans is how to proceed with and assist this development while maintaining these areas with their natural qualities sufficiently intact. A system of land classification may be necessary, and exploratory, ecological studies will be basic to its implementation.

MASS MURDERS OF AIR TRAVELERS

Mr. RIBICOFF. Mr. President, the murder of 47 passengers aboard a Swiss airliner en route to Israel this past weekend fills me with revulsion for the perpetrators of this outrage, and with sorrow for the innocent victims.

Among the six American dead were Dr. and Mrs. Richard Weinermen from my own State and the Yale University School of Medicine. I had known the Weinermens personally for many years and have been impressed with the valuable work in the field of public health that Dick was engaged in. His loss is a

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tragedy not only to his family and friends, but to Yale University, Connecticut, and the entire Nation.

Mr. President, future incidents of the mass murders of air travelers will continue unless this country, with its preeminence in the field of civil aviation, takes the lead in insuring that resolute measures are taken immediately to deal with this growing menace. Israel civil aircraft and those of other nations which fly to Israel have been fair game for Arab terrorists since July 1968. The lack of firm international action against the guilty individuals and against the governments harboring, assisting, and encouraging these assassins in their cowardly assaults is largely responsible for the latest bloody episode. Our own extensive experience as victims of aerial piracy should have by now made our own Government acutely aware of what is at stake here. The next airliner blown out of the skies by the fanatics operating openly from Beirut, Damascus, Amman, and Cairo could be one of many nationalities, including our own. Must we wait for more of our citizens to become the grisly victims of madmen before we act?

The reactions so far to this latest outrage on the part of a half dozen airlines in suspending flights to Israel have been panicky and shortsighted and will serve only to embolden the warped minds who conceived this abomination. The voices which were so strident in their denunciations of the destruction of a dozen empty aircraft at the Beirut airport are, so far, strangely silent.

But from the Libyan regime's military dictator, we have public approval of the deed, and from Arab capitals reports of exultation by the terrorists. Hopefully, the governments, airlines, and pilots associations will realize the full implications of the Zurich tragedy and take appropriate action against those nations whose complicity here with the murderers is obvious. Unless this is done, and soon, the Israel Government will have little choice but to act on its own to protect its vital lifelines to the rest of the world. The consequences of such action could have serious repercussions for world peace that could be avoided if the United States assumed its rightful role in protecting international civil aviation and the lives of its own citizens.

THE ABM AND STRATEGIC TARGETING PLANS

Mr. NELSON. Mr. President, I invite the attention of the Senate to an article written last summer during the height of the debate over the ABM. "Washington's Whispered Issue: Our First-Strike Capability," written by Morton M. Kondracke, of the Chicago Sun-Times, touches on one of the most sensitive military issues—our strategic targeting doctrine.

Former Secretary of Defense McNamara in his historic speech announcing the deployment of the Sentinel system referred to the "mad momentum intrinsic in weapon system development." We have heard repeated warnings of concern on the spiraling arms race and the action-reaction syndrome. Advocates of superiority, as opposed to sufficiency or parity, seem to treat Soviet capabilities and intentions as identical. However, when analyzing the action-reaction process we must consider what the Soviets think about our capabilities as well as our intentions.

Mr. Kondracke aptly points out that we indeed have many of our missiles aimed at fixed Soviet missile sites. Why? Because if deterrence fails, so the argument goes, then we must try to limit damage to our Nation. Yet the United States and the Soviet Union both know that they can inflict an unacceptable level of damage to our cities and industrial complexes many, many times over even after a first strike.

Now plans have been announced to expand the Safeguard system by proceeding to phase II which is an area or city defense. The Soviets could very easily view this as a step toward a thick defense.

Certainly we do not intend to possess a first-strike capability but if we have that capability then how can we assure the Russians that we do not plan to use it?

It is not only probable but very likely that the Soviet Union will view any decision to expand Safeguard to an area defense system as a threat to their security. A possible response is another increase in the rate of their deployment of SS–9 missiles which was the primary justification given last year to go ahead with the Safeguard system. The cycle is alarming and deadly.

There will be another searching debate on the ABM this session. The majority leader expressed the reservations and deep concerns of many Senators in his commendable speech of February 4. I believe that our targeting plans—that is, our war plans—are too important for Congress not to look into them carefully.

We can no longer win in a nuclear exchange with the U.S.S.R. nor can they. Ironically, our nuclear weapons are effective only if they are never used, because we have passed the point where numbers of missiles make much sense. Any possible decisions we might make that would tempt the other side to escalate the arms race must be exposed for its destabilizing effort. The proposal to expand the Safeguard system, I believe, would escalate the arms race and sharply reduce chances for meaningful negotiations and agreements to come out of the SALT talks.

Mr. President, I ask unanimous consent that the article on our strategic targeting doctrine—an important component in the forthcoming ABM debate—be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEFENSE—OR OFFENSE? WASHINGTON'S WHISPERED ISSUE: OUR FIRST-STRIKE CAPABILITY

(By Morton M. Kondracke)

If we have to start all over again with Adam and Eve, then I want to be Americans and not Russians, and I want them on this continent and not in Europe."—Senator Richard B. Russell (D-Ga.)

Although these sentiments have been diagnosed as "criminally insane" by Nobel-Prize-winner George Wald in a now-famous speech, they are in fact part of United States strategic nuclear policy. While almost everyone assumes that our policy is to deter war, official doctrine contains another goal: if there is a war, to win it, even if everybody is dead. The Pentagon, of course, has a less disturbing way of expressing it. Its language says that, if deterrence fails, the nation's goal is "to insure that the United States and its allies emerge with relative advantage irrespective of the circumstances of initiation, response and termination."

To deter war, the United States depends on what the Pentagon calls "assured-destruction" capability, that is, "the unmistakable ability to inflict an unacceptable degree of damage upon any aggressor—even after a surprise attack on the United States." Legitimate questions are being asked in the anti-ballistic missile debate about how much assured destruction is enough. No one but certifiable unilateral disarmers (of which, despite House Minority Leader Gerald Ford, there are none in the ABM debate) would argue against the idea that "assured-destruction capability" is a capacity well worth retaining for the sake of deterrence.

But war-winning is another matter. It has not been publicly debated yet, but it should be. Our methods of war-winning, in Pentagonese, are called by the defensive-sounding (therefore harmless-sounding) name, "damage limitation." In the wonderful world of war-gaming, however, defensive-sounding programs are actually some of the most dangerous and provocative, not to mention expensive. For example, in the name of "damage limitation," we retain the option—senseless though it might be to exercise it now—of launching a pre-emptive, "counterforce" nuclear attack against the Soviet Union or China. If we ever used the option, the United States would be starting nuclear war, but we'd call it "damage limitation" because we would be cutting down on the number of enemy weapons that could damage us in return. If we tried to exercise the option against the Soviets, we would suffer "unacceptable damage" ourselves (about 80 million deaths). Nonetheless, the option is there and we have "damage-limiting" weapons on the drawing boards which look suspiciously (if to Americans, then certainly to Russians) like the means to making the option more attractive. These go by the names MIRV, AMSA, SRAM, SCAD and Safeguard.

Perhaps striking first is an option we don't want to have. Perhaps war-winning is not a game we want to play. If not—or even if so—it is a matter that ought to be debated, but this is as close as it's recently come:

"Senator STUART SYMINGTON (D-Mo.). You and I have talked about this many times . . . It seems for various reasons we do not want to establish what could be the greatest deterrence of all. If the Soviets knew that if they went after our missile bases we in turn would go after their cities, that would be a far greater deterrence than anything brought up at these meetings to date. . . .

"Secretary of Defense MELVIN R. LAIRD. I am a little concerned over that proposal . . . But you know what we are talking about, Senator. I'm sure you understand.

"SYMINGTON. And you know what I am talking about, Mr. Secretary. (Laughter.)"

What Secretary Laird and Senator Symington were talking about in this mystifying little exchange during the Senate Foreign Relations Committee's ABM hearings was United States strategic targeting doctrine. Most people assume, thanks to the latter-day Robert S. McNamara, that, as Symington suggested, U.S. missiles are targeted on Soviet cities as a means of deterring war—i.e., of letting the Soviets know that if they try a surprise first strike we will inflict "unacceptable damage" on them in return. In fact, this is not the whole truth.

PLAYING THE GAME

There was, in 1962, another Robert S. McNamara, who made a University of Michigan commencement speech in which he said

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that "the principal military objective, in the event of general nuclear war, should be the destruction of the enemy's military forces, not his civilian population." McNamara said that, instead of inflicting "maximum damage" on an enemy, it would be better to "bring the conflict to an end favorable to us and to minimize [i.e., limit] damage on ourselves . . ." Its proponents advertised this as a "city-sparing" strategy; in other words, as a humane way of waging nuclear war. In fact, it implied that the United States regarded nuclear war as a "winnable" proposition.

By the necessary rules of the game McNamara was proposing, the side with missiles left over when the other side was out would "win." The advantage, clearly, was on the side that struck first. McNamara began spreading the word that the U.S. had so many more missiles than the Soviets that it had a long head start for any such "game." (Although the "missile gap" of the 1960 campaign had been a phony, the U.S. went on building up its arsenal as if it had been real.) It so happened, also, that McNamara's speech came two weeks after a magazine article appeared quoting President John F. Kennedy as saying that "in some circumstances, we might have to take the initiative" in using nuclear weapons.

In furtherance of McNamara's "city-sparing" strategy, U.S. targeting doctrine was arranged in such a way that U.S. missiles were aimed at Soviet rockets, not at Soviet cities. This "counter-force" targeting doctrine was applauded by General Curtis E. LeMay (who was Air Force Chief of Staff at the time), but others at the Pentagon—particularly in the Navy—were aghast. The targeting doctrine implied that the United States would have to strike first. If the Soviets fired first, their missiles would no longer be there to be hit in a U.S. retaliatory strike.

Though he presumably didn't know the secret details of U.S. targeting, Nikita Khrushchev understood well enough what McNamara was proposing in his speech, and he condemned it as "a camouflage for nuclear war." The Soviet leader said he would never subscribe to "rules" for nuclear war (under which, not incidentally, he would have lost). He accused the U.S. of "preparing for a new world war" and of "feverishly stockpiling nuclear weapons." He took out ads in several North American newspapers. More realistically, he began to harden (protect) Soviet missiles so they could survive a U.S. surprise attack. McNamara's speech was delivered on June 16. By October 23, the Soviet Union had introduced intermediate-range missiles into Cuba. It is widely accepted, by President Nixon among others, that the United States emerged successfully from the Cuban missile crisis because of our overwhelming nuclear superiority. There are more than a few people in Washington, around at the time, who believe that the U.S. never would have got into the crisis in the first place had it not been for McNamara's rattling our rocket superiority and implying that the United States intended to use it in a realistic war game.

Much has changed since 1962. Nowadays, not entirely to the liking of the hawks in Congress or the Joint Chiefs of Staff, primary emphasis in U.S. strategic planning is on assured destruction (deterrence) instead of damage limitation (war-winning). But one thing that has not changed is U.S. targeting doctrine. Our missiles are still aimed at Soviet missiles as well as at Soviet cities. This is our option for waging pre-emptive war. Its existence was discussed in closed hearings last year before the Senate Preparedness Subcommittee, which published a heavily-censored version of the testimony during the Presidential campaign last fall. Most newspapers carried accounts of the subcommittee's report, which held that the Soviets were making dangerous strides in nuclear technology. But the hearings themselves are fascinating reading, despite the gauntlet of "[deleted]s" in the transcript. As to targeting, here are some excerpts.

"Gen. EARLE G. WHEELER (chairman of the Joint Chiefs of Staff). Speaking for the Joint Chiefs of Staff, we have always held to the view that we must attack those forces of the Soviet Union which are able to inflict destruction on ourselves and our allies.

"JAMES T. KENDALL (chief subcommittee counsel). What you are saying is that our war plans do allocate weapons for damage-limiting or counter-force?

"WHEELER. They certainly do. . . . We can do certain things that are significant in the damage-limiting field. [Deleted] and we have made no change in this targeting policy."

Later in the hearings, Dr. Alain C. Enthoven, then-Assistant Secretary of Defense for systems analysis, told the subcommittee: "First, I would like to emphasize that our targeting policy, as reflected in the guidance for preparation of the targeting plan, has not changed. From 1961–62 on, the targeting plan has been based on the principle that we should have different options that target the strategic forces and cities." Nor has the policy changed with the arrival of the Nixon Administration. Following the Symington-Laird "I understand-you understand" exchange, Pentagon research chief John S. Foster said there was nothing wrong with Symington's "city-hitting" proposal for insuring deterrence. "The limitation," said Foster, "is only one of retargeting our deterrent . . . to retaliate on his cities for an attack on U.S. missiles."

There are those, it should be said, who insist that counter-force targeting does not *necessarily* imply that the U.S. would be the first to launch a nuclear attack. They draw up this scenario for nuclear war: the Soviets would hit first, but would limit their attack (as in McNamara's 1962 war game) to our missile sites and other military targets. Although Enthoven testified that such an attack would kill 10 million Americans, the scenario goes that we would play the game, striking back at their unused missiles and military installations. They would hit back at ours, and so on, with no one ever getting mad enough to cheat and hit a big city. One of the creators of scenarios like this is Herman Kahn of the Hudson Institute, who told a House Foreign Affairs subcommittee this spring that "one must recognize the possibility of a controlled and limited use of these weapons, and of a need to alleviate the consequences, whether or not there is much control or limitation."

The brilliant Dr. Kahn might be termed Mr. Damage Limitation, for he has suggested numerous scenarios for limited nuclear war. One of them, admittedly extreme, is a "war of competitive mobilization" in which the U.S. might declare war but withhold its attack while it spent "hundreds of billions of dollars a year" preparing. Kahn says: "It might be possible to build almost a 'spare United States' underground in a year or two." Since the United States has a greater productive capacity than the Soviet Union, goes the plan, we could dig deeper into the ground and do it faster, thereby winning (!) the eventual nuclear war.

While Kahn acknowledges that this plan is a bit far-out, he testified in favor of closer-in damage-limiting programs, notably the anti-ballistic missile system. Someday, he said, it might be possible with lasers to deploy what amounts to an anti-ballistic bubble over the United States, capable of shooting down any incoming missiles. This would be an ultimate in damage limitation. If the United States had one and the Soviets didn't, we could launch a nuclear war with impunity and win. Of course, the Soviets might deploy an *anti*-laser laser, which would mean moving on to something else.

Kahn, along with other brilliant and sophisticated nuclear thinkers, scorns the idea that nuclear war is "unwinnable" or that it should be made—according to Symington's suggestion—too awful for anyone to contemplate. Kahn, borrowing from psychiatry, calls this common attitude "rejection." Incidentally, Kahn told the House subcommittee: "I think it is unpleasant to face these problems. I think it is more unpleasant to talk about them. I don't particularly encourage discussion in the general public because I think this is the kind of thing which you don't want housewives discussing, to be frank." He said Congressmen should discuss it, along with government officials and experts. Dr. Kahn's expertise notwithstanding, housewives may disagree. It is they who would do most of the dying in a nuclear war. Congressmen and the experts—especially the experts—would be protected. Should the housewives have the opportunity to see their fate debated? Quite a few would probably think so, if they knew about it.

THE QUESTIONS

If the issue were debated, the first question ought to be: do we want to retain our current targeting doctrine, which gives us the option of launching a first strike and which also makes it possible for us to contemplate "controlled" nuclear wars? A second question is: do we want to spend billions of dollars on "damage-limiting" devices which make nucler war (theoretically anyway) "winnable"? Maybe the answer to both questions is "yes," but there are good arguments for "no."

Nowadays, a first strike on the part of the United States would be madness. It was theoretically possible in 1962, when the U.S. had (using President Nixon's figures) a 4- or 5-to-1 superiority over the Soviet Union. (We have infinite superiority now over China—we have 4,200 warheads capable of reaching them, they have none capable of reaching us—and don't think there aren't people around who think about using them.) But, to the great sadness of U.S. superhawks, the United States no longer enjoys the old advantage, although we retain some numerical superiority. The Soviets now have an "assured-destruction" capability against us, meaning that they could inflict "unacceptable damage" on the U.S. in retaliation. The Pentagon estimates that there would be about 100 million dead on each side, give or take 20 million. Though McNamara has been mercilessly pilloried (by LeMay and the "old" Nixon) for letting U.S. superiority slip, it really didn't happen that way. Enthoven testified that, after the 1962 experience, the Soviets went to hardened silos and more missiles. Far from wanting to let the Soviets begin to catch up, he said, we just couldn't afford to stop them.

The upshot was summarized by Enthoven and the Preparedness Subcommittee chairman:

"Senator STENNIS. As I understand it, your position is that they have developed to such an extent that we do not have the capacity to knock them out with a first strike.

"Dr. ENTHOVEN. That is right, Mr. Chairman."

A question for the debate, then, is this: if we can't use our option to strike first, why have it? An answer might be: to fight a "controlled" nuclear war. Enthoven testified that this is not a very attractive proposition either. "If such an attack remained restricted, and if both sides withheld attacks on cities," he said, "we could significantly limit damage to our citizens by our current and programmed strategic offensive and defensive forces and civil defense measures. However, even an attack limited to our strategic forces would probably kill more than 10 million Americans. Furthermore, we would not be able to deprive the Soviets of their residual forces.

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. . . It is quite uncertain, under these circumstances, how a nuclear war could be ended."

That being so, do we want to be able to fight "limited" nuclear wars? Wouldn't it be better—since the chances are that controlled war would get out of control anyway—to take Symington's suggestion and announce that we will respond to any Soviet attack with a counter-attack on cities? Such a policy—it's called "mutual unconditional deterrence"—would eliminate any thought on either side of "winning" a nuclear war. Both sides would lose everything. It would be the best incentive not to start a war. It would, in fact, make strategic nuclear weapons irrelevant and unusable; and it could provide the basis for a gradual trimming down of arsenals on both sides.

Furthermore, it would reduce the need for "damage limitation" as a goal in national strategic policy, saving considerable money. All we would need in the way of strategic weaponry (research might continue, but deployment would not be necessary) would be enough to inflict unacceptable losses on an attacker. That amount would be a matter for debate, but in the past we have always built much more than we have needed—so much, in fact, that we have plenty left over for damage limitation (i.e., war-winning). This is known as overkill, and we both have plenty. Senator Albert Gore (D-Tenn.) has figured out that the United States has 48 times the number of warheads needed to destroy the 50 largest Soviet cities. The Soviets have 22 times the number needed to destroy our 50 largest cities.

Some damage-limitation weapons are bound to be deployed. We plan our deterrent needs not against what the Soviet have, or even what they are expected to have, but against a "greater-than-expected threat," which, in Enthoven's words, "assumes that the Soviets develop . . . their forces to a degree we believe is only remotely possible." As a result, "five years later, when the forces are actually in the field, we are likely to find that the actual Soviet threat is not as great as we had predicted it would be, so we have forces left over that can be used for other missions" besides deterrence. He was talking about a damage-limitation mission. It is probably neither possible nor desirable to eliminate all damage-limiting forces. But it is wise to have enough assured destruction to cover all circumstances. Some excess is an inevitable result.

It is quite another matter to plan for damage limitation or to build it stealthily, using cover assertions that "gaps" exist in our ability to deter war. The planner who is significantly and unnecessarily boosting our damage-limiting capability is thinking about winning a nuclear war—or starting one. The Joint Chiefs of Staff, straightforward soldiers that they are, want to build more damage-limiting hardware, and they say so. They consider it unpatriotic to think that nuclear war is unthinkable.

Counsel KENDALL. Are you concerned that in some way we may not be in or approaching a stage of unconditional mutual deterrence whereby neither side would dare to use its strategic nuclear weapons under any circumstances?

"General WHEELER. I do not think we have reached that stage, nor do I think we will necessarily reach it if we exert our brains and if we have the will not to permit it to happen. . . . I do not see this unconditional mutual deterrence. It could well be that you are going to arrive at a situation where the decision is going to be harder to make to use these forces.

KENDALL. Suppose the numbers of casualties . . . were doubled (to 160 million for the U.S., 200 million for the Soviets). . . . Obviously, you would have no country left, neither of us.

WHEELER. Mr. Kendall, I reject the "better Red than dead" theory—lock, stock, and barrel.

The Chiefs want to retain the option of trying to win wars and they want the equipment with which to pick up on that option. They want a large, advanced ICBM with multiple warheads. They want a new manned bomber equipped with SRAM (an air-to-ground nuclear missile) and SCAD (a bomber-carried drone plane). They want fallout shelters for the entire population and a thick, city-protecting ABM system. Total cost: classified but gigantic. Piled on, these damage-limiting systems might begin to approach the kind of all-out superiority you need if you want to think about launching a pre-emptive strike or threatening one to blackmail an enemy into submission. Unfortunately for the Joint Chiefs, these programs were not approved by McNamara. Neither was the theory of "exploitable nuclear superiority," simply because it was impossible to attain—any effort we made to achieve it would be matched by the Soviets. We would be matched by the Soviets. We would both have more weapons, concluded McNamara, but each side would still be able to kill off the same numbers of people.

GAP VERSUS PACT

But now we are embarked on a new Administration which speaks with two voices. One voice says that we will talk with the Soviets about limiting nuclear weapons and perhaps negotiate an agreement which will "codify equality." The same soft voice says that the goal of the U.S. strategic arsenal is "sufficiency" for deterrence, not "superiority." However, another voice tells us that the Soviets are striving for a first strike capability against us with "no question about it."

The same voice says that unless we build new weapons the Soviets will be ahead "in all areas" by the mid-1970's. This latter voice, which is heard most often from the mouth of Melvin R. Laird, echoes back to the days of yore, when "missile gaps" and "bomber gaps" were dreamed up (by Democrats, it should be noted) as opportunities to establish U.S. superiority in weapons. Laird may be right—and in the unfortunate position of the boy crying wolf the third time. But, having heard "wolf" before, suspicions among the population are natural. They should lead to vigorous debate.

If Americans are suspicious, what about the Soviets? They have seen the "gap" pattern develop before in the U.S. In 1962, it cost them dearly. They have reason to be suspicious now, too, because we are readying two programs that are at least partly damage-limiting (war-winning), though we are justifying them as maintaining assured destruction (deterrence). One such program is the Safeguard ABM system, which Laird says we need to plug a deterrent gap, but which also has a war-winning role against both China and the Soviets that could be expanded. The other program, on the verge of being deployed, is Minuteman III with MIRV (for multiple independently-targeted re-entry vehicle), a system for equipping each rocket with several warheads that can be directed to different targets. MIRV is justified these days in the name of assured destruction (in a retaliatory strike, to get through Soviet ABMs). But last year, Foster testified to its original purpose: "to increase our targeting ability." Our MIRVs are highly accurate—a requirement not needed for use on cities, but necessary for destroying somebody's missiles. Or, as Foster testified last spring, "we are beginning (with MIRV) to get a rather effective damage-limiting capability."

This being so, MIRV is an even bettter issue than ABM around which to debate the question of war-winning. This has not yet been done. The doves on the Senate Foreign Relations Committee have skipped around both MIRV and the larger question. They shouldn't: we could all get killed. If we want Adam and Eve to be Americans, we should decide it publicly.

BOUNDARY WATERS CANOE AREA, MINN.

Mr. MONDALE. Mr. President, the million-acre Boundary Waters Canoe Area is the pride of Minnesota. This magnificent expanse of forests, lakes, and rivers along the Canadian border is visited annually by thousands of persons seeking a breath of fresh air.

The Boundary Waters Canoe Area has escaped commercialism through the years. Now, however, the threat of mining has arisen within the area.

I am very much disturbed over this prospect, because it would be completely inconsistent with the history and purpose of this matchless region. It is apparent that many Minnesota citizens are also upset over the possibility of exploitation in this wilderness area.

A lawsuit by the Izaak Walton League to prevent mining there is now before the U.S. district court in Duluth, and I am watching developments in the case closely.

Mr. President, in this connection, I ask unanimous consent that the text of an article by Jim Kimball on the Boundary Waters Canoe Area, published in the Sunday picture magazine of the Minneapolis Tribune of February 8, be printed in the RECORD.

This fine article, which was accompanied by a number of excellent photographs, captures the feeling that most Minnesotans—indeed, thousands of out-of-State visitors—have for this region.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BOUNDARY WATERS CANOE AREA

For more than half a century Minnesota's famed wilderness lying along the Canadian border has been the scene of a running battle between conservationists and the commercial interests.

The area within the Superior National Forest known as the Boundary Waters Canoe Area (BWCA) covers more than a million acres of pine, spruce, balsam, cedar and hardwoods surrounding pure lakes, rushing rivers, dashing waterfalls and sluggish creeks and beaver ponds where water lilies grow. This is the place where granite cliffs rise vertically from clear blue lakes, the picturesque settings where massive pines or stunted cedars survive on rocks by extending the tentacles of their roots far into the crevices. Here too is the home of the timber wolf and the moose, the pine marten, the fisher and the spruce grouse.

It is big country, even bigger when you consider that it adjoins another million acres of comparable beauty in the Quetico National Park of Canada.

There are words to describe beauty, but there are no words to describe the sensation within the chest of the man who has fallen in love with the Quetico-Superior. An indescribable feeling builds up within him—a feeling that he is not only in the wilderness but part of the wilderness. This feeling builds as he glides over the deep blue waters along a rock-rimmed shore with a canoe paddle in his hand, shoots the rapids or travels its trails and crosses its lake on

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snowshoes in the depth of winter. He becomes one with nature and her Maker. He feels small, humble and insecure in the presence of such grandeur, and yet, at the same time, he has a sensation of strength, self-sufficiency and of being as big as the whole world of which he has become part.

When the spirit of wilderness invades the soul of a man it changes him. His animal senses are sharpened. The calluses are peeled away from his human sensitivities. He experiences a fresh new awareness of the world he lives in and of the magnificence of life itself.

I cannot remmber the date of my first trip into this great wilderness, but it has to be more than 40 years ago because I had not yet graduated from the two-room country school. A borrowed canoe was shipped to Ely on the train, and with two companions I hitch-hiked to that town where we spent our combined resources, except one dollar, for food.

A man forgets a lot of things in 40-odd years, but this trip? Never. After two weeks our grub supply was gone except for onions. But we couldn't bear to leave so we ate fish and onions. And when the onions were gone we ate fish until we could stand it no more.

Of course we did not know that even then the canoe country would have been gone, flooded over by dams which the lumber barons wanted to build, had it not been for fighting conservationists. We had not heard of Ernest Oberholtzer (Ober), the little man with the Harvard degree who had adopted the wilderness and who, supported by men of wealth and influence, had fought the lumbermen to a standstill.

There were many other canoe trips, and I recall the first one with my wife when we paddled for five days into a remote area which we could imagine no one else had ever seen. Then an airplane sat down beside us and three fat, soft, cigar-smoking men in business suits cast fishing lures in front of our tent. This couldn't happen now. Battling conservationists, led by the Izaak Walton League of America, put a stop to aerial invasion of this wilderness. I recall the first trip with our kids when David kept sliding off the rocks and had to be fished out of the water. And a later trip when the two boys, bigger now, had learned to sail and, making sails out of their ponchos, traveled farther by wind power than by paddle power.

I was involved in the battles to stop road building and logging in the BWCA. But the man who best knows the history of the long struggle is Sig Olson, Minnesota's most famous author, ecologist and authority on wilderness.

In discussing the new threat by New York mining interests to the BWCA, Olson said, "We have fought the dams. We have fought the roads. We have fought to get rid of the private resorts and the airplanes.

"As a result of the dedication of many people, not only in Minnesota but all over the nation, the Quetico-Superior country, and especially the BWCA, has become a sort of national treasure, a heritage of all the people. It is important to the people of America spiritually as well as physically and is loved by countless hundreds of thousands. It is an area that deserves to be held in a state of undevelopment. I have always favored the elimination of all logging in the BWCA. It is far too precious an area to be logged when all the needed timber can be harvested elsewhere. "And as for the mining, this is unthinkable. We don't need the minerals. They will keep for some future generation who might need them.

"I think the time has come for everyone to take a firm stand to say this must not happen to an area which has been fought over for so long, to a wilderness that millions of people recognize as superlative."

THE NEED FOR A SECURE SOURCE OF OIL

Mr. STEVENS. Mr. President, on Thursday, February 19, I introduced a bill which would maintain our oil import control program with some modification to meet regional needs. That bill has as one of its foundations the security requirements of the United States. Its aim is to protect our Nation from a growing dependence upon unstable foreign oil supplies.

Today's Washington Post carries a news dispatch which quotes the Libyan leader, Muammar Quadhafi, as saying that he would cut off all oil shipments to the West if asked to do so by other Arab leaders. This is the type of circumstance to which my bill is addressed.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIBYA WOULD CUT OIL IF NASSER ASKS

DAMASCUS, SYRIA, February 22.—Libya's revolutionary leader, Col. Muammar Qadhafi, said today he would be willing to cut off Libya's vast oil shipments to the West if Egypt's President Nasser asked him to do so for the Palestine cause.

Qadhafi was speaking in Tripoli as his first press conference since he took over power last September. The conference was broadcast by Tripoli radio.

The colonel was asked whether Libya was willing to stop the oil flow to the West and move against vast American oil investments in his country if asked to do so by the Egyptian leader or other countries bordering Israel.

"We are always prepared to sacrifice all our resources for the sake of the common cause in Palestine," he replied.

Asked his opinion on the spate attacks by Palestinian guerrillas on civilian aircraft and passengers, he replied:

"Attacks on civilian targets are generally inhuman. But Israel has attacked civilian targets in Arab countries . . . Therefore we cannot hold the guerrillas to blame for attacking civilian targets."

Qadhafi said the close cooperation among Libya, Egypt and Sudan was a prelude to a federation of the three countries. But he denied reports that Egyptian troops were stationed in his country.

He answered sharply when asked whether the Mirage jets that Libya has bought from France might be made available to Egypt for use against Israel.

"I believe the motive for this question is America's fear regarding the protection of Israel," Qadhafi said. "Since Israel has expansion plans covering the whole Arab world which could one day extend to Libya, then Libyan Mirages may well be used against Israel, even if they are not made available to Egypt."

SENATE YOUTH PROGRAM DELEGATES

Mr. MONDALE. Mr. President, traditionally, the reconvening of the Senate is a time of full schedules, innumerable visitors, and activity of every conceivable description. This year, reconvening very nearly coincided with the annual visit to the Senate by the eighth successive Senate youth program delegates, but those of us who were able to meet personally with the students from our States were again encouraged and impressed by the consistently high caliber of those young people. I know my colleague and cochairman for 1970, the Senator from Tennessee (Mr. BAKER), will join me in a salute to the high school leaders who were our guests and the guests of the Senate the final week in January.

As we in Congress have had occasion to learn, constituents come in many and varied models. Some are more welcome than others, coming as they do with bright, open minds to see and learn. The 102 student constituents brought to Washington by the William Randolph Hearst Foundation to participate in the annual Senate youth program represented the best of young America and surprised many of us with their perception and challenging queries. Hopefully, we acquitted ourselves with equanimity and anticipate that future day when some of these same young leaders will join us at this enormous task of law making and national guidance.

The Capital showed the visitors its best during their 6-day stay. Top officials, including Secretary of Defense Melvin Laird, Deputy Attorney General Richard Kleindienst, Associate Justice of the Supreme Court Byron White, J. Edgar Hoover, and Astronaut Michael Collins, now Assistant Secretary of State for Public Affairs, briefed the SYP delegates who also were conducted on a specially arranged tour of the White House and honored at a buffet luncheon in the elegant Ben Franklin Room of the Department of State.

Not the least among the good things befalling the delegates was the presentation to each of a scholarship in the amount of $1,000 by the Hearst Foundation. On behalf of the Senate Advisory Committee, I wish to express to the trustees of the foundation our appreciation of their generous gesture to the promising leaders of tomorrow. Likewise, we wish to thank our fellow Senators and their staffs who made the students welcome on "the Hill" on January 28.

Similarly, a special word of thanks must go to Mr. and Mrs. George Hearst Sr., who devote long hours of their time both to the planning aspects of and later to the actual week here in the city in company with the students when they assume the roles of super-parents to the 102 participants. Recognition and thanks go, too, to Mr. Ira Walsh, director of the program, who gives endlessly of himself to insure its complete success.

It is understood, of course, that without the generous assists received from departments and agencies of the U.S. Government and the hard-working staffs thereof, our agenda for the week would be barren indeed.

Mr. President, I ask unanimous consent that the names of the student delegates to the 1970 Senate youth program and of the escorting officers of the various military services be printed in the RECORD.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

U.S. SENATE YOUTH PROGRAM, 1970—WILLIAM RANDOLPH HEARST FOUNDATION

State and student	Address	City	School	Principal	State superintendent of public instruction
Alabama:					
Michael J. Evans	Route 2	Arley	Meek, H.S	Royce Cox	Ernest Stone, Montgomery.
Robert E. Simmons, Jr	5608 12th Ave. S	Birmingham	Woodlawn H.S	Elmer E. Moree	
Alaska:					
George Kris Cassity	211 West Cook	Anchorage	West H.S	Stowell Johnstone	Clifford R. Hartman, Juneau.
Jeffrey W. Lee	996 Stedman	Ketchikan	Ketchikan H.S	R. W. Stekl	
Arizona:					
Kevin T. Tehan	8249 E. Chaparral Rd	Scottsdale	Brophy College Preparatory	Fr. Leo J. Freitas	W. P. Shofstall, Phoenix.
Margaret C. Bachman	8800 N. 66th Place	do	Saguaro H.S	R. J. Davis	
Arkansas:					
Dixie Ann Acton	320 College Street	Mountain Home	Mountain Home H.S	M. R. Newton	A. W. Ford, Little Rock.
Robert P. Plummer	207 Princeton	Benton	Benton Senior H.S	John H. Butler	
California:					
Royal Forest Oakes	22110 Elkwood St	Canoga Park	Canoga Park H.S	Henry H. Leeds	Max Rafferty, Sacramento.
Kathryn A. Swallow	1321 W. Kildare	Lancaster	Antelope Valley H.S	Monroe E. Pederson	
Colorado:					
Kea Lynne Bockus	625 S. Valleyview St	Littleton	Littleton H.S	Richard Grey	Byron W. Hansford, Denver.
Fred L. Sedarsky	Route 1 Box 44	Ordway	Crowley Cty Senior H.S	Joe Kinard	
Connecticut:					
Joann N. Bodurtha	16 Hayes Lane	Ridgefield	Ridgefield H.S	Harold E. Healy	William Sanders, Hartford.
Robert R. LaRochelle	142 Woodstock Ave	Putnam	Marianapolis Prep. H. S	Rev. Donald S. Petraitis	
Delaware:					
Marcia Goodell	2801 Middleford Rd	Seaford	Seaford Senior H.S	C. Max Milliren	Kenneth C. Madden, Dover.
Nancy E. Cronmiller	603 Dorcaster Drive	Wilmington	Thomas McKean H.S	Malcolm Baird	
District of Columbia:					
Isaiah Poole	4081 Minnesota Ave. NE	Washington	Spingarn H.S.	Purvis Williams	Benjamin Henley, Washington.
Margo E. Green	5040 Hanna Place, SE	do	Eastern H.S	William J. Saunders	
Florida:					
Arthur C. Skinner, Jr	6803 Old Kings Rd. S	Jacksonville	The Bolles School	Carl E. Reed	Floyd T. Christian, Tallahassee.
Jacqueline N. Rood	20 Pinetree Circle	Jupiter	Jupiter H.S	John C. Golden	
Georgia:					
Susan E. Newman	1427 Dinglewood Dr	Columbus	Columbus H.S	W. Herman Dollar	Jack P. Nix, Atlanta.
Ralph H. Lankford, Jr	N. Victory Drive	Lyons	Lyons H.S	James H. Collins	
Hawaii:					
Mark A. Borreliz	98-803 Iliee Street	Aiea	Radford H.S	George Yamamoto	Ralph H. Kiyosaki, Honolulu.
Margaret B. Waldorf	P.O. Box 727	Kaunakakai, Mol	Molokai High & Int. School	Clifford Horita	
Idaho:					
Ethan E. Bickelhaupt	Route 2	Buhl	Buhl H.S	Frank Charlton	D. F. Engelking, Boise.
Paul D. Rolig	2420 9th Avenue	Lewiston	Lewiston Senior H.S	Frank B. Clark	
Illinois:					
Michael C. Dorf	4656 N. Monticello	Chicago	Roosevelt H.S	H. Zimmerman	Ray Page, Springfield.
Russell B. Toal	400 Morrison Ave	Waterloo	Waterloo H.S	Paul Meek	
Indiana:					
Richard Blackwell	4301 Alan Drive	Terre Haute	Honey Creek, H.S	William G. Ray	Richard D. Wells, Indianapolis.
Kathy A. Jackson	17450 Fiarlane Dr	South Bend	Clay H.S	Phillip Ell	
Iowa:					
Deborah C. Brandau	Rural Route 1	Marshalltown	Green Mt. Ind. School	Richard Hessenius	Paul F. Johnston, Des Moines.
Joseph C. Rasmussen	RFD 2, Box 186	Jefferson	Jefferson, H.S	Robert Schmidt	
Kansas:					
Jane E. Drury	1906 Marvonne Rd	Lawrence	Lawrence H.S	William Medley	
Ronald J. Hill	2226 South Estelle	Wichita	Wichita H.S. East	Vernon O. Kirby	Murle M. Hayden, Topeka.
Kentucky:					
Mary Jo Kulesza	Box 840	Middlesboro	Middlesboro H.S	Lloyd Sharp	
Daniel C. McCandlass	407 Main Street	Harrodsburg	Harrodsburg H.S	L. D. Knight	Wendell P. Butler, Frankfort.
Louisiana:					
Gary Joe Elkins	1511 Stering Road	Franklin	Franklin H.S	Donovan L. Pontiff	
Alvin Justin Ourso III	1421 Hearstone Dr	Baton Rouge	Catholic H.S	Brother Donnan Berry	William J. Dodd, Baton Rouge.
Maine:					
Elwood J. Howard	R.F.D. No. 2	Houlton	Houlton H.S	Elwood H. Scott	
James Lee Fossett	31 Rand Road	Yarmouth	Cheverus H.S	Rev. J. J. Bresnahan, S.J	Wm. T. Logan, Jr., Augusta.
Maryland:					
Stuart G. Weinblatt	Old Court Road	Baltimore	Pikesville H.S	L. Lee Lindley	James A. Sensenbaugh, Baltimore.
Robert A. Henley	Kendige Mill Road	Owings Mills	Franklin Senior H.S	Mr. Hackman	
Massachusetts:					
John M. Burke	716 North Street	Pittsfield	St. Joseph Central H.S	Rev. Raymond Lanoue	Neil V. Sullivan, Boston.
James Jackson	541 King Philip St	Fall River	Prevost H.S	Bro. Roger Millette	
Michigan:					
Nicole Turner	4901 Horton	Flint	Flint Northwestern H.S	Kenneth L. Fish	Ira Pollay, Lansing.
Michael J. Sventko	313 Church Street	East Tawas	Tawas Area H.S	John Alexander	
Minnesota:					
Susan Janis Kurre	7109 Sunrise Ave	Circle Pines	Centennial Senior H.S	Lawrence H. Biehn	Duane J. Mattheis, St. Paul.
Alan F. Olander		Nevis	Nevis H.S	Edward R. Brekke	
Mississippi:					
Robert S. Murphree	4205 Brookdale	Jackson	Murrah H.S	James E. Merritt	G.H. Johnston, Jackson.
Thomas B. Holmes, Jr	Box 265	Batesville	South Panola H.S	Joe G. Hamlin	
Missouri:					
Richard H. Koenigsdorf	1207 W. 70 Terrace	Kansas City	Southwest H.S	W. Lawrence Cannon	Hubert Wheeler, Jefferson City.
Sara Ann McIntosh	704 East Jackson	Mexico	Mexico H.S	William E. Lowry	
Montana:					
Timothy J. Mitchell	415 North 31 Street	Billings	Billings Central H.S	Sister Mary Rau	Dolores Colburg, Helena.
Stephen C. Owens	827 Milwaukee Ave	Deer Lodge	Powell County H.S	Roger Ranta	
Nebraska:					
John M. O'Shea	2212 Burnham	Lincoln	Lincoln Southeast H.S	Wes Lauterbach	Cecil E. Stanley, Lincoln.
Richard L. Kremer	720 7th Street	Milford	Milford H.S	Dale Hall	
Nevada:					
Jeffrey Eskin	3380 Nahatan Way	Las Vegas	Valley H.S	Dorence L. Bundren	Burnell Larson, Carson City.
Jeffrey Lynn Burr	111 Joshua	Henderson	Basic H.S	John A. Dooley	
New Hampshire:					
Marcella E. Jordan	Northwest Road	Canterbury	Merrimack Valley H.S	Peter J. Murphy	Newell J. Paire, Concord.
Robert V. O'Brien	463 Central Road	Rye	St. Thomas Aquinas H.S	Sister Raymunda	
New Jersey:					
Kirk Kerensky	5202 Terrace Ave	Pennsauken	Pennsauken H.S	John W. Partridge	Carl L. Marburber, Trenton.
Henry B. Handler	66 Navesink Ave	Rumson	Rumson-Fair Haven Reg. H.S	John F. Kinney	
New Mexico:					
Sylvia Balderrama	1407 W. Irvin St	Carlsbad	Carlsbad Senior H.S	William Loos	Leonard J. De Layo, Sante Fe.
James S. Liebman	1401 Cagua NE	Albuquerque	Del Norte H.S	Mr. Krumm	
New York:					
Raymond A. Meier	920 Jervis Ave	Rome	Rome Free Academy	Ralph Furiel	Ewald B. Nyquist, Albany.
Lynne Constantine	1735 Lafayette Ave	Bronx	Dominican Academy	Sister Laurene Hagman	
North Carolina:					
Frederick M. Casey	535 S. Haywood St	Waynesville	Tuscola H.S	Carl Ratcliffe	A. Craig Phillips, Raleigh.
Allen Wilton Wood	835 East Prospect Ave	Raeford	Hoke County H.S	George Autry	
North Dakota:					
Duane V. Krivarchka		Rowman	Bowman H.S	H. Friedt	M. F. Peterson, Bismarck.
James M. Zink	467 5th Ave. South	Carrington	Carrington H.S	Larry W. Nudell	

State and student	Address	City	School	Principal	State superintendent of public instruction
Ohio:					
Raymond Chris Burnett	414 Luther St	Ashland	Ashland H.S	James R. Wiand	Martin Essex, Columbus.
James E. Couch	R.R. 4	Van Wert	Van Wert H.S	Robert W. Games	
Oklahoma:					
Joe Lynn Heaton	713 Fifth Street	Alva	Alva Senior H.S	R. L. Brandenburg	D D. Creech, Oklahoma City.
Rick Joe Joseph	214 South Oak	Sapulpa	Sapulpa H.S	John C. Cochrum	
Oregon:					
Patricia A. O'Connell	Route 3, Box 375	Cornelius	Hillsboro Senior H.S	James D. Davis	Dale P. Parnell, Salem.
Stanley D. Peterson	6505 N.E. Rodney	Portland	Cleveland H.S	Clifford J. Skinner	
Pennsylvania:					
Stephen H. Galebach	1909 Northbrook Dr	Lancaster	Manheim Township H.S	C. Wendell Hower	David H. Kurtzman, Harrisburg.
James Arthur Lawrence	184 Marlyn Road	Lansdowne	Lansdowne-Alden H.S	Patricia R. Nolan (Asst.)	
Rhode Island:					
Frederick J. Mullen, Jr	44 Maynard St	Pawtucket	St. Raphael Academy	Brother Patrick	Wm. P. Robinson, Jr., Providence.
Maureen T. McConaghy	96 Morris Ave	do	St. Xavier Academy	Sister Marie Georgette	
South Carolina:					
Robert L. Lentz, Jr	311 Mimosa Drive	Greenville	Wade Hamptson H.S	D. E. Huggins	Cyril B. Busbee, Columbia.
Richard W. Dooley	4204 Rockbridge Rd	Columbia	Dentsville H.S	Leonard Gardner, Jr	
South Dakota:					
Lynnell Marie Lohr	604 N. Dakota St	Clark	Clark H.S	E. F. Elkins	Gordon A. Diedtrich, Pierre.
Rex Wm. Smith	3724 Morning View Dr	Rapid City	Rapid City Stevens H.S	Donald Varcoe	
Tennessee:					
Gary Murray Barkow	635 Pennsylvania Ave	Oak Ridge	Oak Ridge H.S	T. H. Dunigan	J. H. Warf, Nashville.
Edward A. McDowell	Lake Circle Drive	Tullahoma	Tullahoma H.S	Creed McClure	
Texas:					
Eduardo T. Esparza	1520 Lyon	Laredo	Martin H.S	F. L. Pena	J. W. Edgar, Austin.
Raymond M. Hampton	1824 Mary Ellen	Pampa	Pampa H.S	H. Cameron Marsh	
Utah:					
LeGrand R. Curtis	4373 South 23d St	Salt Lake City	Olympus H.S	John Larsen	T. H. Bell, Salt Lake City.
Linda Waters	2424 South 8th East	do	South H.S	Douglas F. Williams	
Vermont:					
Margaret Gustenhoven	115 Birch Street	Island Pond	North Country Union H.S	Russell Heath	Harvey B. Scribner, Montpelier.
Dwayne S. Roberts		Chelsea	Chelsea H.S	Melvin C. Somars	
Virginia:					
Blair M. Gardner	Box 496	Ashland	Patrick Henry H.S	A. W. Turner, Jr	Woodrow W. Wilkerson, Richmond.
Joseph Lee Bishop	578 Market Street	Harrisonburg	Harrisonburg H.S	C. B. Dix, Jr	
Washington:					
Pamela J. Alexander	306 E. 10th, Apt. 1	Olympia	Wm. Winlock Miller H.S	Don Bunt	Louis Bruno, Olympia.
Monte Jay Huntsman	533 Castle Drive	Moses Lake	Mola H.S	Del Miholland	
West Virginia:					
Barbara Lee Ayers	9 Willoughby Ave	Huntington	Huntington East H.S	Herbert L. Nutter	Rex M. Smith, Charleston.
George Lynn Hess	648 Callen Ave	Morgantown	Morgantown H.S	J. Edwin Jenkins	
Wisconsin:					
Kenneth L. Judd	R. R. No. 1	Mount Horeb	Mount Horeb H.S	Glenn Spaay	William C. Kahl, Madison.
Reed Charles Groethe	518 Harrison Boulevard	Wausau	Wausau East H.S	James Bollinger	
Wyoming:					
Maurya Ann Meenan	3070 East 4th	Casper	Kelly Walsh H.S	William Sullins	Harry Roberts, Cheyenne.
Robert J. Drazovich	1110 Edgar Street	Rock Springs	Rock Springs H.S	Robert Wallendorff	

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ESCORT OFFICERS—1970 SENATE YOUTH PROGRAM

U.S. MARINE CORPS

Senior Escort Officers

Captain Dennis R. Vandervoort 092464, Marine Corps Educational and Development Center, Quantico, Virginia 22134.

Captain Jacquelyn J. Alvord 086034, Headquarters, United States Marine Corps (Code AR), Washington, D.C. 20380.

Escort Officers

1st Lieutenant John P. Kiley 104248, Marine Barracks, 8th and I Streets, Washington, D.C. 20390.

1st Lieutenant Robert A. Packard 102607, Marine Barracks, 8th and I Streets, Washington, D.C. 20390.

2nd Lieutenant Cathrine A. Campbell 0110684, Headquarters, United States Marine Corps (Code A02), Washington, D.C. 20380.

U.S. ARMY

Escort Officers

2nd Lieutenant Atlas R. Yates 216-42-6473, Company B, 1st Battalion, 3rd Infantry, Fort Myer, Virginia 22211.

2nd Lieutenant Michael J. Pierson 382-44-3728, Headquarters Company, 1st Battalion, 3rd Infantry, Fort Myer, Virginia 22211.

2nd Lieutenant Frances E. Harding, Headquarters Company, (WAC), U.S. Army, Fort Myer, Virginia 22211.

U.S. NAVY

Escort Officers

LTJB Rosemary L. Berner 740487(W)/1100, Headquarters, Naval Systems Command Air, Washington, D.C. 20360.

LTJG Rachelle A. DeHoff 744003(W)/1105, Naval District Washington, Washington, D.C. 22204.

LTJG Robert C. Kirsch 742696/1355, Bureau of Naval Personnel, Washington, D.C. 22360.

U.S. AIR FORCE

Escort Officers

2nd Lieutenant Richard A. Pavel, 1st Composite Support Group (BA), Andrews Air Force Base, Maryland 20331.

1st Lieutenant Tom S. Clark, Jr., Assistant Chief, Personnel Office, 1100 AB Wing, (HQ Command, USAF) (CBPO-PA) Bolling Air Force Base, D.C. 20332.

2nd Lieutenant Jimmie Kaye Bair, Malcolm Grow USAF Medical Center, Box 2327, Andrews Air Force Base, Maryland 20331.

DEPARTMENT OF DEFENSE PROJECT OFFICER

Lieutenant Colonel Wayne B. Sargent, U.S. Army, Office of the Director for Community Relations, Office of the Assistant Secretary of Defense, Public Affairs, The Pentagon, Room 1 E 776, Washington, D.C. 20301.

MAJ. GEN. GEORGE GELSTON

Mr. TYDINGS. Mr. President, the death of Maj. Gen. George Gelston, commander of the Maryland National Guard, is a tragic loss for his family and for the State of Maryland.

General Gelston earned national praise and the gratitude of all Maryland with his sensitive handling of racial clashes in Baltimore and Cambridge, Md.

I ask unanimous consent that an article published in the Washington Evening Star be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GENERAL GELSTON, LEADER IN CALMING RIOTS, DIES

(By Richard Slusser)

Maj. Gen. George Morris Gelston, 57, the military man who emerged as the peacemaking hero of racial disorders in Cambridge and Baltimore, died yesterday in a Chicago hospital of complications from a heart ailment.

Gen. Gelston, commander of the Maryland national Guard drew national praise for restoring order in Cambridge during the 1963 and 1964 clashes.

He was also commended by many Baltimore city and civil rights groups for averting bloodshed there during the six months in 1966 he was police commissioner of the city.

Gen. Gelston had been ill for several months.

MANDEL CITES COURAGE

In a statement released yesterday Maryland Gov. Marvin Mandel said Gen. Gelston's "selfless and courageous leadership—combined with his deep sense of honor and order—held together many Maryland communities through some of their grimmest days." He continued:

"And through the years, Gen. Gelston remained a military figure who was truly dedicated to maintaining peace, not war. His decency, understanding and concern for the protection of all Maryland's citizens were an inspiration within our state and our nation."

PILOT IN WORLD WAR II

Gen. Gelston was a salesman for Coca-Cola in 1935 and in 1942 entered federal military service as a volunteer officer candidate. Later that year he was rated as liaison pilot. He served 14 months in Europe during World War II, flying Piper Cubs to spot enemy artillery. He was with the V Corps in Czechoslovakia on VE Day.

In 1948 he joined the National Guard after two years as a labor negotiator for Bethlehem Steel. He was state air defense officer in Maryland and commanding officer of the guard's headquarters detachment before he was made brigadier general in 1962.

Gen. Gelston, who had been assistant adjutant general of Maryland under Lt. Gen. Milton A. Reckord, was selected to command the National Guard force sent into Cambridge at the outbreak of racial trouble in 1963.

"EXCEPTIONAL MAN"

Gen. Gelston imposed a curfew, banned the sale of alcoholic beverages and prohibited demonstrations in the Eastern Shore town, and enforced martial law with equal firmness toward both sides.

He received the Baltimore Advertising Club man-of-the-year award in 1964 and the same award from the Press Reporters Association the next year.

The Star, in a 1964 editorial, praised Gen. Gelston for his exemplary conduct of the Guard. "During the moments of greatest tension and danger, the brunt of the pressure fell squarely on his shoulders. At times, his personal dignity and force of character weighed heavier even than the military force he commanded. More than once these traits earned him the admiration and, more importantly, the respect, of both sides . . . This is an exceptional man."

Gen. Gelston was named adjutant general on Jan. 1, 1966, and later that month was named temporary commander of the Baltimore police after the department had received sharp criticism from an international organization.

SUMMER OF DISORDER

Soon after taking the police job, Gen. Gelston was faced with another summer of racial disorder. Not only had the Congress of Racial Equality chosen Baltimore as a summer "target city," but the Ku Klux Klan and the National States Rights Party planned counter-demonstrations there.

Although the ghettos of Cleveland, New York, Chicago, Omaha and Los Angeles erupted after the July 4 national convention of CORE in Baltimore, Baltimore underwent a cooling-off period.

"I'm knocking on wood, and I fully realize that something could be the trigger, but I really think we're over the hump," Gen. Gelston said. He returned to his post of adjutant general in September 1966.

DISCOUNTED OUTSIDE ROLE

In 1967 Gen. Gelston, in testimony before the Senate Judiciary Committee, discounted the role of outside agitators in racial clashes. "I think it to be a sweeping and inaccurate generalization to determine that an outsider . . . necessarily creates disorder," he said.

Gen. Gelston received many other awards, was named the outstanding citizen of Baltimore in 1966, and received other awards from other city, state and national organizations.

He leaves his wife, the former Jean Houck, and two daughters, Susan, and Ann, all of the Lutherville, Md., home, and a son, Hugh, of North Carolina.

TRAGIC SPREAD OF USE OF HARD DRUGS

Mr. HARRIS. Mr. President, recently we have all become increasingly aware of the rapid and tragic spread of the use of hard drugs, particularly heroin, among youths of high school age and even younger. This subject has received greatly expanded coverage in the press. I invite the attention of the Senate to two timely contributions: one, a column written by Marquis Childs, and published in the Washington Post of January 18; the other, an article published in Life magazine for February 20, 1970. The common theme which runs through these and other articles on this topic is the inadequacy of our current efforts to arrest the spread of heroin addiction and to rehabilitate those who are already users.

In most communities, there is now little choice except to turn youthful addicts over to the police since no facilities or programs exist to provide the help that those afflicted so desperately need. Surely the resources it would take to develop adequate treatment programs, including special facilities in city and county health clinics across the country, would be but a fraction of the gain which could be realized by returning these youths to an active and constructive life. Since it has been estimated that the daily cost to the addict of supporting his habit is $30 to $150, almost all addicts eventually turn to crime to obtain the needed funds. This means that an addict steals goods worth three to four times these amounts, since the goods must be fenced. The amount of crime that is directly drug-related is staggering. It has been estimated by Mr. Childs that theivery by heroin addicts in New York adds up to $2 billion worth a year, and another estimate places the years loss in the District of Columbia at $450 million. If programs can be developed which attack the addiction problem on a major scale, we would not only realize the advantages of returning many of these youths to useful endeavors, but we would all benefit from a substantial reduction in crime in our cities.

We need legislation which will make it possible to begin a concerted attack on this problem. The recent passage of the Community Mental Health Centers Amendments of 1969 provides a beginning, and more needed provisions would be authorized by the passage of a pending bill, S. 2608, introduced by the distinguished senior senator from Texas, (Mr. Yarborough). At present, we lack facilities, funds, trained personnel, and complete knowledge in this field. We cannot, in my estimation, delay any longer in correcting these deficiencies. We must provide education and information, medical treatment, help for parents, and counseling for young addicts, as a minimum beginning.

Whether one looks at the problem in gross terms of the number of lives that are wasted or the amount of crime that results from heroin addiction, or in the individual context of the anguish of one young addict, as the Life story does, we can hardly deny that there is a great need for action. The time to begin that action is now.

I ask unanimous consent that the two articles which so usefully highlight the tasks we face in this field be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record as follows:

Use of Heroin by the Young Is a Terrifying Phenomenon

New York.—The young carolers who stood in the gathering twilight last Christmas Eve were singing in memory of the 210 teenagers who killed themselves in New York in 1969 with overdoses of heroin. The carolers themselves, outside the Mayors' Gracie Mansion and the Fifth Avenue apartment house where Gov. Nelson Rockefeller lives, were from Odyssey House where as former addicts they were being helped to kick the habit.

The rapid spread of the heroin habit among youngsters—12, 13 and 14 years old—is a terrifying phenomenon. While it is more prevalent and more conspicuous in the city of enormous contrasts of wealth and poverty, there is reason to believe that the use of the most dangerous of hard drugs is spreading in many urban centers.

The dimensions of this sinister growth are hard to come by and must be at best estimates. Mayor Lindsay's specialists in drug abuse put the number of heroin addicts in the city at 100,000. Although this includes some upper- and middle-class youths, they come mostly out of poverty as reflected by the estimate that 50 per cent are blacks and 25 per cent are Puerto Ricans.

The arithmetic of the habit is almost as terrifying as the addiction itself. The daily series of fixes for each addict costs from $50 to $70. To get that amount by theft means stealing roughly $400, since by the time merchandise passes through a fence the thief receives one-fourth of its value. The guess is that the thievery of New York heroin addicts adds up to $2 billion a year.

The city is making a strenuous effort to curb the habit and cure its victims. At present 63 treatment centers are operating and 12 more will be opened by June. They are staffed by more than 400 trained personnel, half of them former addicts. The long and painful cure means hardly less than restructing a life that has been all but eroded away by the drug. Hopefully, this can be accomplished in a year and a half to two years.

No one pretends for a moment that the attack on the evil is anything but pitifully inadequate. A volley of criticism is directed by Mayor Lindsay and those directly concerned with the drug problem at both Washington and Albany for failing to provide funds to expand present programs. Peter Goldmark, one of the mayor's aides, says bitterly that the cost overrun—not the cost but the cost overrun—of the new Air Force plane, the C5A, would be sufficient to treat every addict in the city.

The Nixon administration is initiating the first real breakthrough to try to stop the flow of heroin into the country. The number of agents of the Bureau of Narcotics and Dangerous Drugs overseas, which has been absurdly small, is being doubled to 70 positions—still very small when measured against the possibility of tracing shipments and alerting port authorities in the United States. Turkey, the principal source of the opium from which heroin comes, is getting a $3,000,000 loan from AID to pay Turkish farmers to grow crops other than the poppy.

The tentacles of the drug traffic are deep in the underworld of a half-dozen countries because the illicit profits are so fantastic. A kilo (2.2 pounds) of heroin on the dock at Marseilles, the center of manufacture and refinement, costs $5,000. Smuggled into New York or another port of entry it is worth up to a half-million dollars.

Conceding the Nixon administration's first real effort to reduce the traffic, those fighting the spread of the heroin curse fear the program will of necessity be laggard and inadequate. As the demand for the drug grows, so will the determination and the resourcefulness of those who profit so hugely from it.

In a fourth to a third of New York City's public high schools education is a myth and custodial care a constant struggle. In these schools a kind of Bourse reflects the daily price of a heroin fix as peddlers move through the halls. Here are the graduates into hell—the hell of addiction, crime and early death.

Addicts Have Shown They Want Help, But Who Will Give It?

Tom is one of 1,500 heroin addicts among the 20,000 high school students in his city, where worried social workers estimate that as many as one of every two students has tried hard drugs or still uses them occasionally.

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Yet the schools have no effective educational or rehabilitation programs. At the high school with the most serious heroin problem, the principal says that he would be powerless if a student came to him asking for help in kicking a habit: "I'd have to call the juvenile authorities if anything illegal had been done." The head of the city's narcotics squad maintains "nothing" is being done to stop young people from using hard drugs. "I'm not even sure enforcement is the answer. We go around the schools, talk about legalities, penalties and so forth and the kids say, 'You do your thing with liquor, why can't we do ours with drugs?' "

Yet the addicts themselves, and their friends, know they need programs. A new educational and rehabilitation center, manned by five young counselors, all ex-addicts, receives 500 visits and 500 phone calls each week from teen-agers curious about, using or addicted to hard narcotics. The counselors visit schools and give talks. "I don't have much faith in these talks, though," one counselor said. "Kids listen to other kids. Once they stop believing that the guy who can score [obtain narcotics] is a hero, and when junk is neither in nor cool, then that might do it. But it'll take a couple of years."

Until recently, only one doctor in the whole city was willing to treat heroin addicts. Despite his partner's initial objections and the warnings of other doctors ("Most of them were worried about scaring away their smart patients. And there isn't much money in this"), he did prescribe treatment for young addicts and is currently treating about 60. His therapy involves the use of methadone, a morphine substitute that satisfies the addict's psychological and physiological craving for heroin with a similar but milder high. At the same time it allows him to work effectively. Methadone is addictive but, under supervision, can be more easily kicked.

"You can't preach to these kids," the doctor says. "If and when they come to me and say they want to kick, I help them medically. But I make one rule: they must say goodby to all their friends. Junkies have junkie friends. With friends like that they'll never make it."

"I Don't Care About a Damn Thing, Except Where My Next Hit Is"

Tom's days are carefully scheduled to accommodate his hits: at 7 a.m. he takes his first in his room; at 11:10 he leaves school on a lunch pass and drives out alone to the desert; at 4 p.m. he goes to a friend's house and then returns home for supper; at 10 p.m. he heads back to friends or out to the desert. Tomorrow is always the same.

Like most heroin addicts, Tom is totally self-contemptuous: "Since I became a junkie"—he doesn't hedge about that—"my grades are down because I can't stay awake in school. I've lost a chance I had for a football scholarship to college. College—right now I won't get there at all. I used to have a lot of friends, I used to laugh a lot and go out with girls. I had a good time in those days, man. Now I'm just plain dull. All I do is sit around and watch television. (You ever watch *Dark Shadows*, man? All junkies dig *Dark Shadows*.) The friends I've got now are all junkies like me, and I wouldn't care if I never saw them. I don't care about a damn thing, except where my next hit is coming from."

Even in the Southwest, where prices are relatively low, the two grams of slightly cut Mexican heroin Tom uses every day are worth at least $30. His parents, who both hold responsible jobs, give him $20 a week. "I don't know where I get the money. Before I was on junk I had the same and was always broke. Now I hustle and I usually get it. Sometimes I'll buy two grams for $30 or $50, cut it, put it into eight or nine dime ($10) bags and sell it again. I've never smuggled and I've never stolen anything. I'd sooner kick than that. Stealing from people isn't cool." Most of his deals are set up in and around the school. The actual buys take place at various homes.

For all his protestations that heroin is bad—"Man, I'd hate to see somebody take that first hit"—he, like almost every other high school addict, has initiated new addicts to provide himself with a sales source.

Tom has been on heroin for about 10 months. He graduated from beer and wine ("I was a juice freak once. I got drunk before school while my friends turned on"), pills, LSD and speed. He took his first heroin shot with friends one day after school: "They were doing it, so I did." One of them helped him get that first needle direct into the vein.

At 7 a.m., with utmost precision, Tom prepares half a gram of heroin, draws it up into a hypodermic and injects it into his arm. Then, leaving his room, he calls goodby to his parents and sister, who are still finishing breakfast, and sets off for school.

At 17, a high school senior in a Southwestern city, Tom is a victim of the heroin epidemic, using two grams a day. Once strictly a ghetto malady, a product of poverty and hopelessness, heroin addiction is moving with appalling speed into new territory: smaller towns and cities, middle- and upper-class homes, younger and younger age groups. Dr. Donald Louria, a pioneer expert on drug addiction, went so far as to predict to a seminar recently that within a couple of years "every high school and college in the country will be inundated by heroin." Another speaker suggested that 40% to 60% of elementary students would soon be frequent users of marijuana and hard drugs. Last year, in New York City, 224 deaths from overdose were reported among teen-age and younger children.

Heroin is easily purchased in the corridors of many schools. Both as a symbol of rebellion and as a means of escape, hard drugs have become dangerously fashionable. Since student users usually also deal in order to finance their own expanding habit, they encourage their friends to become addicts. Almost nothing is being done in response. Attempts by the federal government to stem the flow of heroin into the country have not worked, and federal contributions to drug education total only $1.4 million a year. Few states or local authorities have adequate programs. Even in New York City, which has an estimated minimum of 20,000 addicts aged 19 and under, there is no state- or city-funded rehabilitation program specifically designed for teen-agers.

Tom, whose life as a heroin addict, is pictured on these and following pages, wishes to God he had never started. He might feel even more strongly if he were aware of the statistics: less than 10% of heroin addicts ever successfully kick the habit; the rest usually end in jail or die as derelicts.

ENVIRONMENTAL QUALITY: SENATOR WILLIAM S. JAMES OF MARYLAND MOVES TO PROTECT THE BAY

Mr. TYDINGS. Mr. President, as noted by the National Commission on Marine Science, Engineering, and Development, the lack of proper planning along our shoreline has contributed substantially to the deterioration of the coastal zone resource. The Commission recommended a Federal program to encourage State coastal management programs. On February 17 I introduced legislation, S. 3460, to establish this Federal program.

Of greater significance, however, is action taken by the States themselves to develop such programs. The first step is the development of a master plan for the shoreline of the State. It is most noteworthy, I feel, when a State moves ahead on its own, without Federal incentives, to develop such a plan. I thus wish to call attention to three bills introduced in the Maryland Senate by the distinguished president of the State senate, William S. James, of Harford County.

The bills call upon the Department of Natural Resources to develop a comprehensive master plan for Maryland's shoreline. They provide that the board of public works shall not convey any land owned by the State due to its relationship to the waters of the State to nonriparian owners without first consulting with the department and holding public hearings. Finally, they seek to protect State wetlands by prohibiting their sale without a license from the board which must receive a report from the Department of Natural Resources. I support the thrust of these bills and congratulate Senator James on their introduction.

Mr. President, to those familiar with Maryland affairs it comes as no surprise that Senator James has introduced them. Bill James is a legislator's legislator. Soft-spoken, thoughtful, and a true gentleman, he presides over the Senate with both dignity and efficiency. As a resident of Harford County myself, I am aware of his particular expertise in fiscal and conservation matters and feel well represented in the State senate.

I ask unanimous consent that Maryland Senate bills S. 98, 179, and 181, introduced by Senator William S. James, be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the Record, as follows:

98. A bill entitled an act to add new Sections 718 through 723 to Article 66C of the Annotated Code of Maryland (1967 Replacement Volume), title "Natural Resources," to follow immediately after Section 717 thereof and to be under the new subtitle "Shoreline Planning," to provide for the preparation of a master plan and zoning standards and criteria for the regulation of shorelines and cooperation between the State and its subdivisions concerning the effectuation of the plan and standards and generally dealing with the protection of the shorelines and adjacent waters in the State of Maryland

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Sections 718 through 723 be and they are hereby added to Article 66C of the Annotated Code of Maryland (1967 Replacement Volume), title "Natural Resources," to follow immediately after Section 717 thereof and to be under the new subtitle "Shoreline Planning," and to read as follows:

Shoreland Planning

718. Purposes

The General Assembly of Maryland finds and declares that the development of a master plan for the use and enjoyment of shorelands bordering its navigable waters is essential for the efficient use, conservation, development, and protection of those waters upon which the public health, safety, convenience, and general welfare are dependent. The purposes of the master plan shall be to further the maintenance of safe and healthful environmental conditions; prevent and control water pollution; protect spawning grounds, fish, shellfish, marine and aquatic life; conserve wildlife; control building sites, placement of structures, and land uses; and to

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reserve shore cover and natural beauty.

719. Territorial Jurisdiction

"Shorelands" means all land within 300 feet from any navigable waters, rivers, or streams in the State of Maryland.

EXPLANATION.—*Italics indicate new matter added to existing law.* [Brackets] indicate matter stricken from existing law.

720. Master Plan

The Department of Natural Resources shall prepare a comprehensive master plan as a guide for the preventative control of pollution by regulating the use of shorelands bordering navigable waters of the State of Maryland. The plan shall be based on a use classification of navigable waters and their shorelands, and it shall be designed for the application of zoning regulations to prevent water pollution; to conserve marine life and wildlife, and to conserve shore cover and natural beauty under the authority of Article 66B of the Annotated Code of Maryland or powers granted to counties under charters adopted pursuant to Article XI–A of the Maryland Constitution. As the development of the master plan progresses, the department may from time to time adopt and publish a part or parts thereof. The department shall periodically review its plan and make appropriate amendments.

721. Zoning Regulations

The Department shall prepare and provide for Baltimore City, counties, and municipalities general recommended standards and criteria for zoning regulations and their administration. Such standards and criteria shall give particular attention to safe and healthful aquatic recreation; the demands of water traffic, boating and water sports; the capability of water resources; requirements necessary to assure proper sanitary services, including septic tank disposal, near navigable waters, building setbacks from navigable waters; preservation of shore growth and cover; conservancy uses for low lying lands and wetlands; shoreland layouts for residential, commercial, and industrial development; and recommendations for effective administration of such regulations.

722. Duties of Department of Natural Resources, State Agencies, and Local Governments

The Department, all State agencies, Baltimore City, counties, and municipalities shall mutually cooperate to accomplish the objectives of this subtitle. To that end the Department shall consult with elected officials and the planning commissions of the subdivisions and the Department of State Planning to secure voluntary implementation of its master plan in so far as practicable, and it shall extend all possible assistance therefor. In the event a State Agency or a subdivision refuses to cooperate to achieve the purposes of this subtitle, the Secretary of the Department of Natural Resources shall report such refusal to the Governor and the General Assembly with his recommendations for appropriate State action.

723

Shoreland Planning Division. For the purpose of administration of this subtitle, the Secretary may create a Shoreland Planning Division with such personnel as may be provided in the State budget.

SEC. 2. *And be it further enacted,* That this Act shall take effect July 1, 1970.

179. A bill entitled an act to add new Section 15A to Article 78A of the Annotated Code of Maryland (1965 Replacement Volume), title "Public Works," subtitle "Board of Public Works," to follow immediately after Section 15 thereof, pertaining to conveyances by the Board of Public Works of interests in lands owned by the State due to their relationship to the waters of the State.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Section 15A be and it is hereby added to Article 78A of the Annotated Code of Maryland (1965 Replacement Volume), title "Public Works," subtitle "Board of Public Works," to follow immediately after Section 15 thereof, and to read as follows:

15A

"(*a*) *The Board of Public Works shall not convey any interest in land owned by the State due to its relationship to the waters of the State to any person other than the riparian owner or proprietor of the land abutting the land being conveyed. The Board may only make such a conveyance after seeking the advice of the Department of Natural Resources; appropriate agricultural agencies, including the Maryland Agricultural Commission and the Agricultural Stabilization and Conservation Committee of the county in which the land is located; and other interested Federal and State agencies, as to the possibility of detrimental effects to the natural resources and agricultural resources of the area. Prior to such a conveyance, there must be a public hearing with proper notice in the county in which the land is located, after which a written decision must be rendered by the Board justifying its action. This document shall be mantained in the permanent records of the Board and be open to public scrutiny.*

"(b) *The provisions of the section shall not effect the title to interests conveyed by the State prior to July 1, 1970 by a valid grant, lease or patent or a grant confirmed by Article 5 of the Declaration of Rights of the Maryland Constitution.*

"(*c*) *The provisions of this section shall not deprive any riparian owner or proprietor of any riparian rights, privilege to enjoyment that he had prior to July 1, 1970.*

"(d) *The provisions of this section shall not affect the provisions of 15A and 15B of the Code of the Public Local Laws of Worcester County.*"

SEC. 2. *And be it further enacted,* That this Act shall take effect July 1, 1970.

Explanation.—*Italic indicates new matter added to existing law.* [Brackets] indicate matter stricken from existing law.

An act to add new Sections 718 through 731, inclusive, to Article 66C of the Annotated Code of Maryland, 1967 Replacement Volume), title "Natural Resources," to follow immediately after Section 717 thereof, and to be under the new subtitle "Wetlands"; and to repeal Section 485 of Article 27 of the Annotated Code of Maryland (1967 Replacement Volume), title and subtitle, "Crimes and Punishments," subheading "Rivers, Harbors, etc."; and to repeal Sections 45, 46 and 47 of Article 54 of the Annotated Code of Maryland (1968 Replacement Volume), title "Hall of Records," subtitle "Land Patents," to provide a State policy for the preservation of wetlands in the State; to regulate the filling and dredging of wetlands; to authorize the Secretary of Natural Resources to prohibit certain activities on specified wetlands; to provide for an inventory of wetlands; to provide certain protections to riparian owners; and generally dealing with both State and private wetlands; and to repeal sections generally dealing with the removal of sand and gravel, ownership of accretions, improvements on lands bounding navigable waters, and the liability of riparian owners, with the general context of said sections to be incorporated into the new Sections 718 through 731, inclusive

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Sections 718 through 731, inclusive, be and they are hereby added to Article 66C of the Annotated Code of Maryland (1967 Replacement Volume), title "Natural Resources," to follow immediately after Section 717 thereof, to be under the new subtitle "Wetlands," and all to read as follows:

WETLANDS

In General

718

It is declared that in many areas of the State much of the wetlands have been lost or despoiled by unregulated dredging, dumping, filling, and like activities, and that the remaining wetlands of this State are in jeopardy of being lost or despoiled by these and other activities; that such loss or despoilation will adversely affect, if not entirely eliminate, the value of such wetlands as sources of nutrients to finfish, crustacea and shellfish of significant economic value; that such loss or despoilation will destroy such wetlands as habitats for plants and animals of significant economic value and will eliminate or substantially reduce marine commerce, recreation and aesthetic enjoyment; and that such loss or despoilation will, in most cases disturb the natural ability of tidal wetlands to reduce flood damage and adversely affect the public health and welfare; that such loss or despoilation will substantially reduce the capacity of such wetlands to absorb silt and will thus result in the increased silting of channels and harbor areas to the detriment of free navigation. Therefore, it is declared to be the public policy of this State to preserve the wetlands and to prevent the despoilation and destruction thereof.

719

(*a*) *"State wetlands" means all land under the navigable waters of the State below the mean high tide, which is affected by the regular rise and fall of the tide. Such wetlands, which have been transferred by the State by a valid grant, lease or patent or a grant confirmed by Article 5 of the Declaration of Rights of the Constitution of Maryland, shall be considered "private wetland" to the extent of the interest so transferred.*

(*b*) *"Private wetlands" means all lands not considered "State wetlands" bordering on or lying beneath tidal waters, which are subject to regular or periodic tidal action and which support aquatic growth. These include wetlands, which have been transferred by the State by a valid grant, lease or patent or a grant confirmed by Article 5 of the Declaration of Rights of the Constitution of Maryland, to the extent of the interest so transferred.*

(*c*) *"Dredging" means the removal or displacement by any means of soil, sand, gravel, shells or other material, whether of intrinsic value or not, from State or private wetlands affected by the regular ebb and flow of the tide.*

(*d*) *"Filling" means either the displacement of navigable waters by the deposition into wetlands affected by the regular ebb and flow of the tide of soil, sand, gravel, shells or other material; or the artificial alteration of navigable water levels by physical structures, drainage ditches or otherwise.*

(*e*) *"Person" means any natural person, partnership, joint stock company, unincorporated association or society, or the State and any agency thereof, or municipal or political subdivisions or other corporation of any character whatsoever.*

State Wetlands

720

The owner of land bounding on navigable waters shall be entitled to all natural accretions to said land and to make improvements into the waters in front of said land for the purposes of preserving his access to navigable water or for protecting his shore against erosion. After an improvement has been constructed, it shall become the property of the owner of the land to which it is attached. None of the rights covered under this subheading shall exclude the owner from developing other uses as approved by the Board of Public Works.

721

It shall be unlawful for any person to dredge or fill on State wetlands, except to the extent that he has been issued a license to do so by the Board of Public Works. The provisions of this section shall not apply to the dredging of seafood products by licensed operators or the harvesting of seaweed or other mosquito control and abatement or the improvement of wildlife habitat or agricultural drainage ditches as approved by an appropriate agricultural agency. In order to aid the Board of Public Works in the determination of whether a license to dredge State wetlands should be issued, the Secretary of Natural Resources, after consultation with interested federal, state and local agencies and appropriate agricultural agencies, and after taking of such evidence and holding of such hearings as it thinks advisable, shall submit a report indicating whether the license should be granted and, if so, the terms, conditions and consideration which should be required. The Board of Public Works shall then decide if issuance of the license is in the best interests of the State, taking into account the varying ecological, economic, developmental, recreational and aesthetic value each application presents, and if it so decides, shall issue a license for such consideration, and according to such terms and conditions as it deems advisable. All licenses shall be in writing. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction, fined not more than one thousand dollars ($1,000).

Private Wetlands

722

Notwithstanding any rule or regulation promulgated by the Secretary of Natural Resources for the protection of private wetlands, the following uses shall be lawful on those lands included in the Secretary's inventory of private wetlands:

(1) Conservation of soil, vegetation, water, fish, shellfish, and wildlife.

(2) Trapping, hunting, fishing, and shellfishing where otherwise legally permitted.

(3) Exercise of riparian rights to make improvements to lands bounding on navigable water to preserve access to such navigable waters or to protect the shore against erosion.

Private Wetlands

723

The Secretary of Natural Resources, with the advice and consent of the Maryland Agricultural Commission and in consultation with the appropriate agencies within the affected political subdivisions, many from time to time, for the purpose of promoting the public safety, health and welfare, and protecting public and private property, wildlife and marine fisheries, promulgate rules and regulations governing dredging, filling, removing or otherwise altering or polluting private wetlands. The Agricultural Commission, within sixty days of receiving any proposed rules and regulations from the Secretary, shall convey its decision concerning the adoption or rejection of such rules and regulations to the Secretary; and if this is not done, such rule or regulations shall be considered approved by the Commission. Such rules and regulations may vary as to specific tracts of wetlands because of the character of such wetlands.

724

The Secretary shall promptly make an inventory of all private wetlands within the State. The boundaries of such wetlands shall be shown on suitable reproductions or aerial photographs to a scale of one inch equals two hundred feet with such accuracy that they will represent a class D survey. Such maps shall be prepared to cover entire subdivisions of the State as determined by the Secretary. Upon completion of the tidal wetlands boundary maps for each subdivision and adoption of proposed rules and regulations governing activities on such wetlands as provided by Section 723, the Secretary shall hold a public hearing in the county of the affected wetlands. The Secretary shall give notice of such hearing to each owner of record of all lands designated as wetland as shown on such maps, by registered mail not less than thirty days prior to the date set for such hearing. The notice shall include the proposed rules land regulations. The Secretary shall also cause notice of such hearing to be published at least once not more than thirty days and not fewer than ten days before the date set for such hearing in a newspaper or newspapers published within and having a general circulation in the county or counties where such wetlands are located. After considering the testimony given at such hearing and any other facts which may be deemed pertinent and after considering the rights of affected property owners and the purposes of this subheading, the Secretary shall establish by order the bounds of each of such wetlands and the rules and regulations applicable thereto. A copy of the order, together with a copy of the map depicting such boundary lines, shall be filed among the land records in all counties affected after final appeal of such, if any, has been completed. The Secretary shall give notice of such order to each owner of record of all lands designated as such wetlands by mailing a copy of such order to such owner by registered mail. The Secretary shall also cause a copy of such order to be published in a newspaper or newspapers published within and having a general circulation in the county or counties where such wetlands are located.

725

Any person having a recorded interest in land affected by any such rules and regulations, may appeal the rules and regulations and the designation of his land within the inventory to the Board of Review of the Department of Natural Resources as provided by Section 237 of Article 41 of the Annotated Code. This proceeding shall be held in the county in which the land is located, and the Board shall view the land in question. If such person is dissatisfied with the decision of the Board, he may, within ninety days after receiving notice thereof, petition the circuit court in the county in which the land is located to determine whether such rules or regulations so restrict the use of his property as to deprive him of the practical uses thereof and are therefore an unreasonable exercise of the police power, because the order constitutes the equivalent of a taking without compensation. The court in a jury trial at the election of either party shall hear the case de novo without the rights of removal and the appeal shall not be subject to the provisions of the Administrative Procedure Act. In weighing the appropriate exercise of the police power, the court shall consider the importance of the land to marine life, shell fish, wildlife, prevention of siltation, floods and other natural disasters, the public health and welfare, and the public policy set forth in this subheading. If the court find the ruling to be an unreasonable exercise of the police power, as aforesaid, the court shall enter a finding that such ruling shall not apply to the land of the petitioner; provided, however, that such finding shall not affect any other land than that of the petitioner. The Secretary shall cause a copy of such finding to be recorded forthwith in the land records. The decision of the Circuit Court may be appealed by either party to the Court of Appeals.

726

Any person proposing to conduct an activity not permitted upon any wetland shall file an application for a permit with the Secretary, in such form and with such information as the Secretary may prescribe. Such application shall include a detailed description of the proposed work and a map showing the area of wetland directly affected, with the location of the proposed work thereon, together with the names of the owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice. The Secretary shall cause a copy of such application to be mailed to the chief administrative officer in the county or counties where the proposed work or any part thereof is located. No sooner than thirty days and not later than sixty days after receipt of such application, the Secretary or his duly designated hearing officer shall hold a public hearing in the county where the land is located on such application. The Secretary shall cause notice of such hearing to be published at least once not more than thirty days and not fewer than ten days before the date set for the hearing in a newspaper published within and having a general circulation in each county where the proposed work, or any part thereof, is located. All applications and maps and documents relating hereto shall be open for public inspection at the offices of the Secretary, and the chief administrative officer in the county. At such hearing any person or persons may appear and be heard. No person may make such an application within eighteen months of the denial of a prior application for the same type permit or the final determination of any appeal of such denial.

In granting, denying or limiting any permit, the Secretary or his duly designated hearing officer shall consider the effect of the proposed work with reference to the public health and welfare, marine fisheries, shellfisheries, wildlife, economic benefits, the protection of life and property from flood, hurricane and other natural disasters, and the public policy set forth in this subtitle. In granting a permit the Secretary may limit or impose conditions or limitation designed to carry out the public policy set forth in this subtitle.

The Secretary may require a bond in an amount and with surety and conditions satisfactory to it securing to the State compliance with the conditions and limitations set forth in the permit. The Secretary may suspend or revoke a permit if the Secretary finds that the applicant has not complied with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application. The Secretary may suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application. The Secretary shall state upon his record, his findings and reasons for all actions taken pursuant to this section. The Secretary shall cause notice of his order in issuance, denial, revocation or suspension of a permit to be published in a newspaper published within and having a circulation in the county or counties wherein the wetland lies. An appeal of the order may be taken to the Board of Review of the Department of Natural Resources as provided by Section 237 of Article 41 of the Annotated Code by the applicant or the county or municipal government in which the land is located. This proceeding shall be in the county where the land is located and the Board shall view the affected land.

728

Any party to the appeal to the Board of Review may take an appeal within ninety days after the decision of the Board of Review to the circuit court in the county in which the land is located. The court in a jury trial at the election of either party shall hear the case de novo without the right of removal, and the appeal shall not be subject to the Administrative Procedure Act. If the court finds that the action appealed from is an unreasonable exercise of the police power, it may set aside or modify the order.

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The court may order the State to pay court costs due because of any appeal made pursuant to Section 725 or 728, if it finds that the financial situation of the person so appealing warrants such action.

730

Any person who violates the rules and regulations validly promulgated by the Secretary or any provisions of this subheading shall be punished by a fine of not more than one hundred dollars ($100.00) or imprisonment for not more than one (1) month, or by both such fine and imprisonment. Any person who knowingly violates the said rules and regulations or any provision of this subheading shall be liable to the State for the cost of restoration of the affected wetland to its condition prior to such violation insofar as that is possible. The Circuit Court for the county or the Superior Court of Baltimore City shall have jurisdiction in equity to restrain a violation of this subheading at the suit of the Department of Natural Resources of the State of Maryland, or of any duly authorized agency or officer thereof.

Riparian Rights

731

It is the intent of this subtitle that no riparian owner shall be in any way deprived of any rights, privileges or enjoyment of such riparian ownership that he had prior to July 1, 1970, except as specifically provided by the provisions of this subtitle, and that the provisions of this subtitle not be construed to transfer the title or ownership of any lands or interest therein.

SEC. 2. *And be it further enacted*, That Section 485 of Article 27 of the Annotated Code of Maryland (1967 Replacement Volume), title and subtitle "Crime and Punishments," subheading "Rivers, Harbors, etc." be and it is hereby repealed, and that Sections 45, 46 and 47 of Article 54 of the Annotated Code of Maryland (1968 Replacement Volume), title "Hall of Records," subtitle "Land Patents," be and they are hereby repealed.

SEC. 3. *And be it further enacted*, That the provisions of this Act shall in no way affect the provisions of Sections 15A and 15B of the Code of Public Local Laws of Worcester County and the provisions of these sections shall remain in effect notwithstanding any provision of this Act.

SEC. 4. *And be it further enacted*, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of this Act which can be given effect without the invalid provisions or application, and to this end all the provisions of this Act are declared to be severable.

SEC. 5. *And be it further enacted*, That this Act shall take effect July 1, 1970.

EXPLANATION.—*Italics indicate new matter added to existing law.* [Brackets] indicate matter stricken from existing law.

PRECARIOUS BALANCE

MR. PROXMIRE. Mr. President, last week I was pleased to announce to the Senate that the President was asking us to give our advice and consent to the ratification of the Human Rights Convention outlawing genocide. The President endorsed the Genocide Convention with the strong support of Secretary of State Rogers and the concurrence of Attorney General Mitchell.

The Genocide Convention has been languishing in the depths of the Foreign Relations Committee for the last 20 years—ever since the committee shelved it after the American Bar Association expressed its opposition. The Foreign Relations Committee has said that presidential backing and the support of the ABA were important prerequisites to its reconsidering the Genocide Convention.

At this moment we are slightly more than half way down the road toward fulfilling these prerequisites. The President has given the convention his full support, and meeting in Atlanta later this afternoon the ABA's house of delegates will vote on whether to give its support urging ratification.

The ABA's Section of Individual Rights and Responsibilities has recommended ratification. The bar association's Standing Committee on World Order Under Law, headed by former Attorney General Katzenbach, has unanimously recommended that ABA support ratification. And most recently the Sections on Criminal Law and International and Comparative Law have also come out in favor of ratification.

It is imperative and indeed vital that the American Bar Association acts unequivocally to support the Genocide Convention. And that support must come now, it must come today. I urge ABA to act this very afternoon and give its strong endorsement to the Genocide Convention.

LITHUANIAN INDEPENDENCE

Mr. CURTIS. Mr. President, last week we marked the 52d anniversary of the Declaration of Independence of the Republic of Lithuania.

And, tragically, it is almost 30 years since Communist Russia—with Hitler's collusion—forcibly seized control of Lithuania, destroying that independence.

From 1918 to 1940 Lithuania stood next door to the U.S.S.R., its peace and prosperity a living contrast to the Soviet tyranny. Perhaps it was too close, and the contrast too sharp. This little country, and her neighbors, Estonia and Latvia, must have been objects of vicious envy on the parts of their Soviet neighbors.

Thus there occurred what Communist historians describe as the "annexation" of Lithuania by her giant neighbor.

Such weasel-words cannot hide the fact that Lithuania was quite simply the victim of Communist imperialism. And so it remains even unto today.

To its credit, the United States has refused to recognize this brutal subjugation of the Baltic peoples of Lithuania, Latvia and Estonia. The Lithuanian Legation is still maintained in Washington. As well, there are Lithuanian consulates in four other major American cities.

Mr. President, some will criticize this policy as unrealistic.

I commend it, and will continue to support it with every resource at my disposal.

We must never forget the crimes committed against so many peoples by Communist party leaders headquartered in Moscow.

The U.S.S.R. stands today as the most bloated, the worst example of 20th century imperialism.

And it stands unrepentant, still pointing an accusing finger at the West, even though the West has long since restored freedom to its colonies—something the U.S.S.R. has not ever done in a single instance.

The other totalitarian regimes that besmirched Europe until the end of World War II are gone, their works renounced, their cynical leaders totally discredited.

Not so in Communist Russia. The same party is in power, led by the same men, or their arrogant heirs, who participated in the purges and massacres, who subjugated whole nations, who destroyed entire cultures and religions.

One of the most dramatic ways we have of keeping their infamous deeds fresh in our memories is just this present policy of our country's continuing recognition of Lithuania.

The other is to continue to press for implementation of House Concurrent Resolution 416, agreed to by both Senate and House in 1966.

This resolution urges the President to bring the Baltic States question before the United Nations and demand that the Soviet Union withdraw from Lithuania, Latvia, and Estonia.

Mr. President, action on this Resolution would be little enough sacrifice on our part.

We have not suffered; it is rather the Baltic peoples. We have not lost our independence; it is rather Lithuania, Latvia, and Estonia.

What better cause is there than the liberty of an ancient people, whose language is the oldest in Europe today?

And what better tribute could we pay to the large numbers of Lithuanian-Americans all over these United States?

They have brought willing hands, fine minds, and a great and courageous spirit to this land.

I have marveled at their tremendous industry, their strong family ties, the depth of their religious belief.

For these reasons, Mr. President, I salute the people of Lithuania on this independence anniversary.

It will be a long struggle, but I am confident that eventually these people will know a new birth of freedom.

They have never lost hope. Neither should we.

ARMY RESPONSE TO SGT. KENT LAWTON'S SUGGESTIONS CONCERNING PROMOTION OPPORTUNITIES FOR WOUNDED VETERANS

Mr. PROXMIRE. Mr. President, a few weeks ago, after visiting Sgt. E/5 Kent Lawton, a wounded soldier from West Allis, Wis., now a patient at Walter Reed Hospital, I sent a letter to Secretary of the Army Stanley R. Resor concerning promotions for hospitalized veterans.

I was extremely pleased to learn in the Army's response that a change had recently taken place.

As regards promotion opportunities for enlisted personnel hospitalized for extended periods, the Army has very recently revised its policy pertaining to these individuals. The previous policy authorized no more than one promotion, and then only for individuals hospitalized as a result of action in a hostile fire area. The new policy applies to all individuals in an extended hospitalization status and provides promotion consideration to each higher grade for which the individual becomes eligible.

These promotions will be competitive rather than automatic and will, therefore, require a degree of motivation to attain. Providing an individual meets the stated eligibility requirements he may be considered for promotion by hospital commanders to each grade through grade E–7. Promotion is based to a great degree on the score an individual attains on the Army-wide 1,000 Standarized Promotion Scoring Form. Effective February 1 these forms were revised to include increased emphasis on both civilian and military education skills which an individual can undertake on his own. For example, it is now possible for an individual to receive the entire 125 points allotted to military education based on successful completion of courses of his choosing under the Army's extension course program.

The Army is certainly to be commended for this change in policy, as it will now enable veterans to take better advantage of educational opportunities and give them more incentive for continuing a program of study.

Sgt. Lawton is again to be commended for his suggestions, continued determination, and remarkable attitude in spite of the great obstacles he has encountered.

I ask unanimous consent to have printed in the RECORD a letter from Col. William E. Weber, of the Department of the Army, relating to this subject.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 16, 1970.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in reply to your inquiry concerning suggestions made by Sergeant Kent Lawton, a wounded veteran of Vietnam, for the initiation of a program to motivate wounded servicemen to take advantage of educational opportunities.

As regards promotion opportunity for enlisted personnel hospitalized for extended periods, the Army has very recently revised its policy pertaining to these individuals. The previous policy authorized no more than one promotion, and then only for individuals hospitalized as a result of action in a hostile fire area. The new policy applies to all individuals in an extended hospitalization status and provides promotion consideration to each higher grade for which the individual becomes eligible.

These promotions will be competitive rather than automatic and will, therefore, require a degree of motivation to attain. Providing an individual meets the stated eligibility requirements he may be considered for promotion by hospital commanders to each grade through grade E–7. Promotion is based to a great degree on the score an individual attains on the Army-wide 1,000 point Standardized Promotion Scoring Form. Effective 1 February these forms were revised to include increased emphasis on both civilian and military education skills which an individual can undertake on his own. For example, it is now possible for an individual to receive the entire 125 points allotted to military education based on successful completion of courses of his choosing under the Army's extension course program.

The Army agrees with Sergeant Lawton that opportunity for additional promotion is a means of motivating an individual to take advantage of available programs and has revised promotion policies accordingly.

As regards preparation for civilian life, the Army's project Transition provides top priority to disabled personnel in developing or improving salable civilian job skills. This program is operational at Walter Reed Army Medical Center.

Your interest in this matter is deeply appreciated. I trust the information provided will be of assistance to you.

Sincerely yours,

WILLIAM E. WEBER,
Colonel, GS Chief, Promotion, Separation tion and Transition Division.

DISCHARGES FROM NUCLEAR POWERPLANTS

Mr. MONDALE. Mr. President, the State of Minnesota—trying to protect its citizens—has become involved in a controversy through its strong regulations against radioactive discharges from nuclear powerplants. The safeguards go far beyond those imposed by the Atomic Energy Commission.

The New York Times, in an editorial published February 16, has taken a position similar to my own in the case. The Times questions the adequacy of AEC standards and is skeptical of the dual promotional-regulatory powers of the AEC.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MINNESOTA VERSUS THE AEC

The state of Minnesota is engaged in a dispute with the Atomic Energy Commission over safety standards for a nuclear power plant—a dispute that has far-reaching implications for other states seeking to protect their environment. In New York and Colorado, for example, local groups recently have raised searching questions about the adequacy of AEC precautions for nuclear installations, existing and planned.

Acting on the advice of independent scientists and concerned citizens, the Minnesota Pollution Control Agency has set rigid restrictions on radioactive discharges from a new nuclear power plant being constructed on the bank of the Mississippi River. The Northern States Power Company has filed suit, challenging the state's authority to set restrictions more rigid than those prescribed in AEC safety standards. Supporting the power company's position, Representative Chet Holifield of California, chairman of the Joint Committee on Atomic Energy, insisted the other day that the AEC has a pre-emptive right to set standards.

Minnesota's restrictions are far more severe than those of the AEC and may be open to legitimate challenge. But it is something else again to insist that Minnesota or any other state must be limited to standards laid down by any Federal agency in the precautions it may take to protect its own citizens. The standards set by Federal agencies, the AEC included, too often have been proved inadequate. Besides, as Representative Jonathan Bingham of New York pointed out at a hearing here recently, there is a conflict of interest between the AEC's regulative duties and the commission's role of promoting peaceful uses of atomic energy.

The overriding public interest in keeping the environment as free of pollution as possible would be better served if regulatory powers over nuclear installations were entrusted to a Federal agency that had no vested interest in nuclear development and if the states were given clear authority to set higher (but not lower) standards than those of the Federal Government if they so desired.

THE SUPREME COURT'S ABUSE OF POWER

Mr. ERVIN. Mr. President, the American Legion magazine of Febraury 1970 contains in its "Pro and Con" section a discussion by our esteemed minority leader and myself of the issue "Should the Powers of the Supreme Court Be Curbed?"

I took the position that the Court's powers are in need of revision through the exercise of judicial restraint by its members, who should make decisions based on what the Constitution says, not what they think it should say. And in the few days since the American Legion magazine reached its subscribers, I have received more than 300 letters from citizens who agreed with my position. These letters came from all regions of the United States and from people of all walks of life: men and women, young and old, laborers, professionals, ministers, and other concerned citizens.

Many of these people wrote long letters. And one of the points which they repeatedly made was that the Supreme Court has greatly abused its powers by requiring the busing of schoolchildren to achieve artificial pupil ratios based on race, a contrivance declared illegal by the Civil Rights Act of 1964. Moreover, there is not a single word in the Constitution which requires such foolishness. The truth of the matter is that the Supreme Court, as well as the Department of Health, Education, and Welfare, has denied to parents the right to send their children to schools of their choice.

Mr. President, I do not think that the voices of these citizens should be ignored. They are parents who want only one thing: A good education under good conditions for their children. They simply would like their children to grow up as they grew up—indeed, as all of us in the Senate grew up—with a sense of neighborhood and community. They do not want their children to be herded about like cattle, packed into noisy buses early in the morning, driven miles across a city or a county, and then returned late in the afternoon only to satisfy some bureaucrat's notion of social experimentation in Washington.

I think we should all pay attention to the sentiments in these letters, and in thousands of others like them, when we consider the Elementary and Secondary Education Act of 1970.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHOULD THE POWERS OF THE SUPREME COURT BE CURBED?

(By Senator SAM J. ERVIN, JR.)

In recent years, public criticism of the Supreme Court has reached mammoth pro-

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portions. Public confidence, which is so essential to that institution's effective operation, is at an all-time low.

In the early 18th century, Thomas Hobbes proclaimed: "Freedom is political power divided into small fragments."

In recognition of the truth of this profound principle, our Founding Fathers prudently established a government with three branches: the legislative, the executive, and the judicial. They drafted a Constitution to serve for all ages as the nation's basic instrument of government.

The power to interpret the Constitution is an awesome one, and the Founding Fathers attempted in the following manner to ensure that the role of the Supreme Court would be in practice what they dreamed on paper.

They decreed that Supreme Court Justices should be chosen carefully, and their overall aim was to make Supreme Court Justices independent of everything except the Constitution and require them to accept that instrument as the sole rule for the government of their official actions.

With the advent of the Warren Court and judicial activism, there came about a practice whereby the Supreme Court handed down decisions irreconcilable with the Constitution.

The tragic truth is that under the guise of interpreting it, the Warren Court repeatedly assigned to the Constitution meanings incompatible with its language and history.

It is obvious to those who love the Constitution and are willing to face naked reality that the Warren Court took giant strides down the road of usurpation, and that if the course set by it is not reversed, the dream of the Founding Fathers will vanish and the most precious liberty of the people—the right to Constitutional government—will perish.

Despite its perilous state, the dream of the Founding Fathers can be rekindled and the precious right of the people to Constitutional government can be preserved if those who possess the power will stretch forth saving hands while there is yet time.

Who are they that possess this saving power?

They are Supreme Court Justices who are able and willing to exercise self-restraint and make the Constitution the rule for government of their actions; Presidents who will nominate for membership on the Court persons who are able and willing to exercise self-restraint, and Senators who will reject those nominees who are either unable or unwilling to do so.

When all is said and done, the Supreme Court Justices should curb their own powers, and the citizens should be on guard to demand judicial restraint.

(By Senator Hugh Scott)

The Supreme Court has had a massive impact on the history of our nation. It is a powerful branch and under our Constitution, perhaps the branch least susceptible to its intricate network of checks and balances. Unlike the Presidency or the Congress, it is not obligated to respond to quickly changing American public opinion.

The Court has made decisions which have been greatly unpopular with large segments of our nation. I have personally disagreed with many decisions.

But the powers of the Court should not be curbed by any other method than is presently available. The Constitution has provided ways to balance the powers of the Court. The President can change its complexion, with the Advice and Consent of the Senate, by his choice of nominees. The Court has been out of balance in recent years. I favor the nomination and confirmation of a "strict constructionist"—a man who will read the Constitution as it is, and not as he would like it to be.

Another way to guide the direction of the Court without curbing its powers is by a Constitutional amendment. This is a difficult method, requiring the consent of two-thirds of each House, and ratification of the states; but nevertheless, the protection against unwise or unwarranted decisions is there. We may soon see the exercise of this method by enacting a Constitutional amendment permitting prayer in our public schools, which the Supreme Court saw fit to forbid.

Today, many want to make inroads on its power, and somehow make it more "conservative." President Franklin Roosevelt, on the other hand, only three decades ago wanted to "pack" the Court to make it see a more "liberal" light.

Depending upon the time and mood of the Court, a "strict constructionist" can be a "liberal" or he can be a "conservative." Likewise an "activist," one who sees the Constitution as a living document needing constant change and interpretation, can either be a "liberal" or a "conservative."

Thus, the present ideology of the Court or the present ideology of the country should not be allowed to pressure any change in the Court's basic structure and authority. The very ability to make unpopular decisions protects our federal system. Both ideologies have a way of changing, without any drastic and unprecedented step of curbing the Court's powers.

It would be unwise to tamper with the present powers granted the Court. Sometimes the Court has pulled ahead of the Executive and Legislative Branches, sometimes it has lagged behind. But over the years it has provided a necessary balance. Our intricate and delicate system of checks and balances must not be sacrificed to short-term views and public opinion polls.

OIL IMPORT POLICY

Mr. HANSEN. Mr. President, during my recent teach-in or preach-in on oil import policy and the dangers inherent in becoming dependent on unreliable and unstable foreign sources, I and other Senators have repeatedly called attention to the unstable and explosive situation in the Middle East and North Africa. An Associated Press article entitled "Libya Would Cut Oil if Nasser Asks," published in today's Washington Post, is further proof of just how insecure and undependable those sources could be for any appreciable supply of vital U.S. oil needs.

I am pleased to note that the President has refused to approve, without further study and congressional hearings, a task force recommendation that would have substantially increased imports from those areas.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Libya Would Cut Oil if Nasser Asks

Damascus, Syria, February 22.—Libya's revolutionary leader, Col. Muammar Qadhafi, said today he would be willing to cut off Libya's vast oil shipments to the West if Egypt's President Nasser asked him to do so for the Palestine cause

Qadhafi was speaking in Tripoli at his first press conference since he took over power last September. The conference was broadcast by Tripoli radio.

The colonel was asked whether Libya was willing to stop the oil flow to the West and move against vast American oil investments in his country if asked to do so by the Egyptian leader or other countries bordering Israel.

"We are always prepared to sacrifice all our resources for the sake of the common cause in Palestine," he replied.

Asked his opinion on the spate of attacks by Palestinian guerrillas on civilian aircraft and passengers, he replied:

"Attacks on civilian targets are generally inhuman. But Israel has attacked civilian targets in Arab countries . . . Therefore we cannot hold the guerrillas to blame for attacking civilian targets."

Qadhafi said the close cooperation among Libya, Egypt and Sudan was a prelude to a federation of the three countries. But he denied reports that Egyptian troops were stationed in his country.

He answered sharply when asked whether the Mirage jets that Libya has bought from France might be made available to Egypt for use against Israel.

"I believe the motive for this question is America's fear regarding the protection of Israel," Qadhafi said. "Since Israel has expansion plans covering the whole Arab world which could one day extend to Libya, then Libyan Mirages may well be used against Israel, even if they are not made available to Egypt."

MRS. ALBERT GIZZARELLI, RHODE ISLAND'S MOTHER OF THE YEAR

Mr. PELL. Mr. President, recently Mrs. Albert Gizzarelli, Rhode Island's Mother of the Year, gave the parents of my State some advice which I believe should have wider circulation.

Mrs. Gizzarelli is the mother of four, and twice a grandmother, so we can be assured she speaks from experience. Her 10 commandments for parents, emphasizing that parents and children should respect one another, deserves serious consideration by all of us.

She also has some thoughts about our priorities as a nation, believing we should take care of the problems in our "homes, backyards, and cities" first.

Mr. President, I ask unanimous consent that an article about Mrs. Gizzarelli and her ideas, published in the Providence Evening Bulletin, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mother of Year's 10 Commandments

(By George Popkin)

The Rhode Island State Mother of 1969 did not want her term to end without issuing a series of what diplomats would call white papers on national priorities, juvenile delinquency and the American home.

So, Mrs. Albert Gizzarelli of 665 Pleasant View Parkway turned up in the office of Atty. Gen. Herbert F. DeSimone with her typewritten thoughts, including 10 commandments for parents.

She did not get top billing from the Rhode Island State Mother Association for nothing.

But Mrs. Gizzarelli is more than an excellent seamstress, baker of cookies, bread and pizza, volunteer worker for charity, and a devoted homemaker. The tiny, dark-haired, cheerful mother of four, twice a grandmother, is concerned.

Mrs. Gizzarelli has been giving talks to senior citizens, church groups and the like since her titled existence began. She knows that once you're an ex-Mother of the Year, your audience evaporates. Her term ends May 1.

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Her year as Rhode Island state mother, she said, "has been much like a beautiful mosaic, made up of many pieces. Some of the pieces are more shining and perhaps more outstanding, but all put together they make a lovely memory."

Then she turned her attention to "Mom and Dad" in a statement especially dedicated to mothers and fathers. Declared Mrs. Gizzarelli:

"We seem to have misplaced our sense of values. Self-indulgence and the principle of pleasure before duty have become a phenomenon. When young people without discipline and moral standards implanted by a stable home are thrust upon society, they react by flouting established traditions, customs and authority.

"Therefore, the first and last hope for a correction of this condition is the home. The home should be a place where discipline, tempered with love, is a habit. The proper use of discipline demands respect, and respect taught in the home extends outside the home. Let there be no mistake, an undisciplined child cannot help being maladjusted."

At another point in her dissertation, Mrs. Gizzarelli warned, "If you are permissive parents, expect trouble. Dropouts and criminals are often determined in the highchair. Ninety-five per cent of the prison inmates are dropouts."

Hard on parents, Mrs. Gizzarelli said young people are being blamed for things out of their control. "Drugs and alcohol," she observed, "are neither manufactured nor distributed by youth. Teenagers are not responsible for the rising rate of divorce. They do not elect public officials, appoint judges, or make laws."

Mrs. Gizzarelli thinks we should stop exploring the moon and solve the problems of this planet.

She said: "As long as blood still flows in Vietnam or cannon fire is heard on the Arab-Israeli border, as long as the starving drop in the gutters of Biafra, while the mentally ill are unrecognized and untreated, while gang wars erupt, there will be time to reach all celestial bodies."

America, she advised, should concentrate on righting its own "homes, backyards and cities" and dispelling crime, racism, cancer and poverty before hurling astronauts into space.

Mrs. Gizzarelli listed her 10 commandments for parents as follows:

1. Thou shalt accept new ideas with faith and trust in my generation; 2. Thou shall honor the past and encourage the future; 3. Thou shalt not seek false gods of imagery and materialism; 4. Thou shalt stop, look, and listen before passing judgment; 5. Thou shall see me as one individual, not as a composite of all things you would wish me to be; 6. Thou shalt treat each man as an equal, regardless of his station in life or his skin tone; 7. Thou shalt control and discipline me, for that is an expression of love; 8. Thou shalt understand my world, if I am to respect yours; 9. Thou shalt practice what thou preacheth and; 10. Examine first from within before you can expect results from without.

Mrs. Gizzarelli has done volunteer work for the Rhode Island Heart Association, the Franciscan Missionaries of Mary, Little Sisters of the Poor in Pawtucket, St. Vincent de Paul Church, St. Pius Church and the former Home of Good Sheperd.

Her husband is a plumber and heating contractor.

Mr. and Mrs. Gizzarelli have two married daughters, Mrs. Anthony Nota and Mrs. Richard DiGiacomo; a third daughter, Marilyn Gizzarelli, and a son, Albert, a prelaw student at Providence College.

As Mrs. Gizarelli looked back at the year of her prominence, now slipping away, she found this consolation. Said she:

"I'll always be the 1969 mother. That will never change."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

> H.R. 12535. An act to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the City of El Paso North-South Freeway; and
>
> H.R. 14464. An act to amend the Act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS

Mr. TALMADGE. Mr. President, I move that the Senate proceed to the consideration of the unfinished business, S. 2548, calendar No. 633.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 2548, to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts.

The Senate proceeded to consider the bill.

PRIVILEGE OF THE FLOOR

Mr. TALMADGE. Mr. President, during further consideration of the pending bill, I ask unanimous consent that Harker T. Stanton, chief counsel of the Committee on Agriculture and Forestry, and my legislative assistant, Michael R. McLeod, may have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and ask that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I yield 30 minutes to the distinguished Senator from South Dakota (Mr. McGOVERN) on the bill.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 30 minutes.

Mr. McGOVERN. Mr. President, I thank the Senator from Georgia for granting me this time to speak on the bill now pending, of which the distinguished Senator from Georgia is the principal author.

Mr. President, last December President Nixon convened the White House Conference on Food, Nutrition, and Health. Three thousand people, interested in the nutritional health of our Nation, some because they were experts, others because they worked in fields related to nutrition, and a few because they know what it is to be poor and suffer from hunger, met for 3 days in Washington and made no less than 525 separate recommendations to the President.

At the end of the conference, 3,000 delegates unanimously endorsed a priority action program to eliminate hunger in America. That action program called upon President Nixon to declare a national hunger emergency. It endorsed a guaranteed adequate income for all Americans. It called for reform of the food stamp and commodity distribution programs and for prompt House passage of the Senate food stamp bill. Finally, it called for the immediate establishment of a universal, national child feeding program providing free lunch and breakfast to every American school and preschool child.

Let me read from the action statement itself:

> IV. UNIVERSAL SCHOOL FOOD PROGRAM
>
> There must be established a national child feeding program which will make available at least two-thirds of the Recommended Dietary Allowance. This is to be accomplished by implementing a free lunch and breakfast program for all pre-school, elementary and secondary school children.
>
> To assure maximum participation in the program, the following steps should be taken:
>
> A. Nutritious food selected shall be consistent with the cultural preferences of the children to be fed.
>
> B. Funds shall be provided to enable schools, child care centers, and other participating groups lacking adequate facilities for food preparation, to obtain such facilities or to devise ways to provide means by other means.
>
> C. Community groups shall be eligible to operate child feeding programs.
>
> D. Local poor residents must be trained for careers in nutritional planning and food preparation for employment in the program.
>
> E. Food provided at the schools shall be available at the choice of the children and their parents.

Mr. President, that is what the White House conference—3,000 strong—recommended to the President, the Congress, and the American people—free lunch and breakfast for every American school and preschool child regardless of family income. But it came to that conclusion, not just after 3 days' discussion in Washington. It did so on the recommendation of one of its panels of experts which studied child nutrition and our child food programs for 4 months. That panel recommended a long-range comprehensive nutrition program for children and youth, the principal feature of which is a universal free lunch program.

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Because of the importance of the legislation before the Senate today, I think the recommendations of this panel for a universal free lunch program should be placed in the RECORD, and I therefore ask unanimous consent to have printed in the RECORD the pertinent passages on pages 381 to 384 of the White House conference report.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Long Range Comprehensive Nutrition Program for Children and Youth

This Panel recommends a universal free school lunch program[1] within the framework of a Comprehensive Nutrition Program for Children and Youth; which would be available not as welfare for the poor but as a right of all children; which would combine the services of the health education, food service and community organization professions; which would operate through the school as a delivery system and which would provide a basic unit of food and nutrition counseling to all children ages three to eighteen who can be reached through institutional feeding. Our goal is an adequate nutrition program provided as a part of the child's total education program.

Congress should declare that it is the national policy that each American child has a right to the nutritional resources that he needs for optimal health and should enact appropriate legislation to guarantee the fulfillment of this right. This basic legislation should:

1. Establish a new Child Nutrition Administration within which all nutrition and food service programs for children would be administered and coordinated.

2. Authorize a comprehensive nutrition program with the school as a delivery system for all children who can be reached through institutional channels, normally ages three to eleven, with food service available by the beginning of the 1972–73 school term in all schools as well as in facilities providing for programs such as child care, nursery school education, and recreation, programs for out-of-school youth, pregnant girls, youth in on-the-job training, etc. The most imaginative development of outreach programs should be contemplated and encouraged, such as the use of facilities in housing projects for feeding school drop-outs, small children, etc.

a. A basic nutritional unit which should be provided without cost to every child would include:

(1) One meal, probably lunch, providing one-third of the RDA.

(2) Nutrition counseling, based on medical examinations and the identification of deficiencies, with the school coordinating the corrective efforts of the physician, the family and the child.

b. Supplemental Nutrition Units should be provided as follows:

(1) Children from families with incomes at or below the poverty level should receive supplementary nutrition units which will provide the total RDA, year-around. An essential part of this program should be a school breakfast providing at least one-third RDA.

(2) In addition to breakfasts which would be provided free in schools with concentrations of poor children, breakfasts should be provided in all other schools on an ability to pay basis as an important feature of an adequate nutrition program.

(3) All children away from home more than six hours should have two meals available, providing two-thirds RDA on an ability to pay basis. As schools develop off-campus educational and work programs for students, the concern for good nutrition should follow the child. Imaginative involvement of other community agencies or of the private sector (e.g. the use of vouchers for meals which could be redeemed at local cafeterias) will be required.

c. Incentive grants should be available to school districts to develop nutrition programs which would offer food at a reasonable cost as a community service: meals for the elderly, evening meals for children of working mothers; family meals to encourage participation in evening school programs, etc.

3. Provide for the financing of the child-nutrition program. At the present time we would recommend 100% Federal financing for all costs except construction. If Federal revenues are shared with the states, then the states should be expected to participate on a matching basis.

4. Establish the conditions for state participation:

a. States should be required to submit by January 1, 1972, a State plan which would:

(1) Describe the status of child nutrition and the state's unmet needs; identify concentrations of children who are high nutrition risks and locate the target schools and centers where these children will be reached.

(2) Project the nutrition and food service program indicating how Federal and State funds will be used to provide a delivery system to meet the otherwise unmet needs of all children, guaranteeing that all schools will have a food service program and showing plans for reaching out of school youth (pregnant girls, drop-outs, youth in on-the-job training projects, etc.)

(3) Provide working collaborative processes with State, Federal and local agencies, such as Comprehensive State Health Planning, Model Cities, OEO, ESEA, Bureau of Indian Affairs, Public Health agencies, etc.

(4) Indicate the State's overall plan for capital construction for food services to be provided with State revenues.

(5) Describe the State's plan for nutrition education and counseling.

b. States should be required to have a State Comprehensive Child Nutrition Advisory Committee, with broad community representation, to participate in the planning and monitoring of the State's program.

c. States should be required to submit an annual report showing progress in meeting needs identified in the plan.

5. Direct the responsible Federal administrative agency, after consulting with appropriate committees of the Congress, the States and various organizations concerned with child nutrition, to develop a model system for administering child feeding programs at the state level and to incorporate in Federal regulations the procedures for monitoring, evaluation and reporting to be implemented by the States and local districts to ensure the most effective service to children. The model system should include staffing requirements and should reflect technical assistance services provided by the Federal Government.

6. Provide for sanctions the withdrawal of Federal funds and/or direct Federal operation where programs are not reaching the intended beneficiaries.

7. Authorize one percent of budget for annual evaluation, research and development.

8. Provide for incentive grants for innovative demonstration projects.

9. Establish National Citizens Advisory Committee to facilitate citizens participation in the development, monitoring and evaluation of the Comprehensive Nutrition Program for Children and Youth.

Mr. McGOVERN. Mr. President, let me say that I wholeheartedly endorse the White House conference's call for a universal free lunch program. There are 52 million American children in school today. Some 32 million of them do not participate in the school lunch program; 51,800,000 of them do not participate in the school breakfast program. But a universal free school lunch program would be costly. We cannot, obviously, afford it today, but it is clearly the best long-range solution to the nutritional health of our children. However, we can and must meet our responsibility to the poor schoolchild today. This it seems to me to be the minimum necessity which cannot and should not be longer postponed.

Mr. President, last September the Senate met its responsibilities to America's hungry families. It passed by an overwhelming majority of 78 to 14 the most comprehensive family food assistance bill in our Nation's history—a food stamp bill which, if passed by the House and signed by the President, will help assure that 15 million poor and hungry Americans will have incomes sufficient to purchase an adequate diet.

Mr. President, let me say here that it seems to me a matter of the highest legislative priority that the other body act on this constructive and most important food assistance bill which was passed by the Senate so decisively in September of last year.

Today, we have an even more important responsibility to meet; 11½ million of our Nation's children live in families whose incomes are inadequate to purchase enough food for an adequate diet; 8½ million of these poor children are in school. They arrive at school in the morning more often than not without a decent breakfast. Five million of these poor schoolchildren receive no lunch in school—5 million who are taught the hypocrisy of hunger amidst affluence because their parents cannot afford the cost of lunch and no one else will help. The issue before us today is simply whether we are going to fulfill the right of those 5 million poor children to one nutritious meal each day so they can learn in school. That is the issue—the future of 5 million poor schoolchildren, who because they hunger for food, hunger also for knowledge, and for health—5 million children for whom hunger means apathy, listlessness, loss of energy and ability to concentrate—who cannot pay attention in class, except to their stomachs—5 million schoolchildren who are absent more often because they are sick more often. The experts have told us the results. Malnutrition, they say, is a major cause of retarded intellectual development. As Dr. Charles Lowe testified before the Select Committee on Nutrition and Human Needs:

> There is no evidence that feeding people makes them smart, but it is indisputable that hunger makes them dull.

I might add in passing that nearly 10 years ago we had a tragic illustration of the malnutrition in the learning process when, through the American food for peace program, a school lunch program was started in a poverty-stricken section of Peru. Very careful records were kept of the impact of that school lunch program upon the attendance and upon the academic records of these hungry children.

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[1] A universal school lunch program financed out of tax funds without charge to the children is recommended by the majority of the panel. Two members of the panel, however, urged instead a full Federal subsidy for the universal program with charges for meals for children from high income families. Various administrative methods, such as a credit card system with weekly or monthly billing, are available to prevent the identification of children who receive free or reduced price meals. This would retain the fee system and not further burden the strained state and local tax systems by subsidizing lunches for children from affluent homes.

In the months after the introduction of the school lunch program, the first thing that happened in the first 6 months was an improvement in the school attendance. The school attendance improved dramatically. Then, the other important thing was that the academic record of these children for this 6-month period improved across the board. There was an improvement of 50 or 60 percent, as far as it could be measured in the period after the introduction of the school lunch program.

Mr. President, that is the issue—whether we are going to continue to let 5 million hungry schoolchildren grow up half educated, unemployable, dependent on the rest of society and destined to spend their lives on welfare, because we failed to take the simple step of providing them with a nutritious meal at school.

Let me observe at this point that the Senator from Georgia deserves the appreciation and respect of all of us for bringing to the floor with the endorsement of the Committee on Agriculture and Forestry the best food stamp program that this body or the other body, for that matter, has ever introduced.

It does represent an enormous improvement in the present level of school lunch operations. We are going to suggest later today and tomorrow several improvements that we believe will make the program of the Senator from Georgia even stronger than it is today.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. TALMADGE. Mr. President, I desire to express my deep appreciation to the Senator from South Dakota for his generosity. I agree that the bill that the Senate committee reported is a vast improvement over the existing programs. I point out that the distinguished Senator from South Dakota is a cosponsor, along with several other Senators, of that bill.

Mr. McGOVERN. Mr. President, I thank the Senator. I am very proud to be listed as a cosponsor of that measure.

It does represent a very significant improvement over our present child feeding programs. I am very hopeful that the Senate at the proper time will agree to these modifications and amendments which we will be offering in due course, that I believe will make the program fully adequate to putting an end to malnutrition among the schoolchildren in this country.

There are three things we must do to assure the nutritional health of these 5 million poor schoolchildren who now receive no meals at school.

First, we must assure that if a child is from a poor family he will automatically be eligible for a free lunch.

Second, we must see that a child who is eligible actually gets to eat. We must do this both for those in schools that already have a lunch program and for those in the 15,000 schools that lack the facilities to initiate a program.

In that connection, I frequently encounter Americans who are generally well informed on public issues, who are shocked to know that there are still 15,000 schools in this country—and they stretch practically from coast to coast—that have no school lunch program at all for any child attending school. That is a shocking situation that I hope we can put an end to in a short time.

Third, we must provide the funds necessary to finance free and reduced price lunch for the poor and the near poor.

It is to achieve these three essential goals that I have joined with eight other members of the Select Committee on Nutrition and Human Needs in sponsoring five amendments to S. 2548.

Last December, President Nixon pledged that every needy schoolchild would receive a free or reduced price lunch in school by next Thanksgiving. That pledge was underscored by the White House Nutrition Consultant, Dr. Jean Mayer, of Harvard University. If the school lunch program were properly administered by the Department of Agriculture, by the States and by the schools themselves, and if the President had sought in his budget or if the Congress were to appropriate all instead of a third of the funds needed to feed every poor schoolchild by next Thanksgiving, we would not be seeking to amend S. 2548. In fact, we would not need to amend the National School Lunch Act at all. The school lunch program is perhaps as successful as any Federal program—more than most.

The distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana (Mr. ELLENDER), and the distinguished ranking minority member of the committee, the Senator from Vermont (Mr. AIKEN), deserve a considerable share of the credit. But, as with most programs of this kind, unfortunately, we see that the truth of the old adage "Them that has gets" applies to our school lunch programs. In short, the poorest schools have no lunch program at all.

Very frequently the schools with the highest percentage of children who most need a school lunch program are precisely the schools that either have no program at all or, if they have one, it does not provide adequate funding and adequate programs for the poor children attending those schools. Two-thirds of our poorest children receive no lunch at all simply because they or their schools cannot afford it—while 17 million boys and girls from affluent families pay their 35 cents and take the program for granted.

It is all too true that the present school lunch program works most effectively on the largest scale for children from upper-middle-class families, rather than reaching the need of the hungriest and poorest students in our schools.

Now, I would be the last to suggest that any of those 17 million should not receive lunch at school. But I do say that as we expand the program let us be sure that the next 5 million children who enter the program are those who come to school hungry because their parents are too poor to give them a decent breakfast at home. Our thrust from here on out should be in the direction of reaching the hungriest and the most underfed of our schoolchildren.

That is what the amendments, to S. 2548, which Senators JAVITS, HART, KENNEDY, PERCY, YARBOROUGH, PELL, COOK, MONDALE, and I seek, will achieve. They will assure that first priority in the future is given to children who are most in need of meals at school.

These amendments will further assure that we establish adequate standards uniformly across the country to achieve that fundamental purpose of putting a decent lunch at a free or reduced price level in the hands of every poor child now enrolled in our schools. How do we do this?

I shall refer to the specific amendments.

ELIGIBILITY STANDARDS AND "REDUCED PRICE"

First, the establishment of uniform, nationwide eligibility standards. Last September, the Senate passed a food stamp reform bill that provides for uniform nationwide standards for food stamp eligibility.

I think it is fair to say that practically all experts across the country who have studied this problem have come to the conclusion that such uniformity of standards on a generous and adequate level is the essential starting point for any good food assistance program. If that bill is enacted, every poor family whose income is the equivalent of $4,000 or less for a family of four will be eligible to receive food stamps whatever State they may live in. Amendment No. 508, which will be called up by Senator JAVITS tomorrow will simply apply the same standard to the national school lunch program. It will assure that all schoolchildren from poor families receive free lunch at school.

All pupils from households eligible to receive food stamps or commodities or from families of four with an annual income of $4,000 or less, the same standard we used on the food stamp program—or the equivalent for households of other sizes—would be eligible. These are the children who would be eligible for free school lunches. The amendment would apply to schools which receive cash or commodity support of their school lunch program. To satisfy the income tests and secure lunch, a child's father or mother or other adult household member would simply fill out an affidavit in a form prescribed by the Secretary of Agriculture attesting to the family's income.

Eligibility under the present programs is currently left by the Department of Agriculture to the discretion of individual school principals under general guidelines which, unfortunately, are completely unenforced and usually ignored. S. 2548 is silent on the issue of who should receive free or reduced price lunches. I think that is one glaring deficiency in the bill now before us, otherwise this is a very good bill. While the bill adds a provision to the present act requiring that school authorities announce publicly the criteria which they will apply in determining eligibility for free and reduced price lunch, it fails to

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set any standards which could be applied uniformly either among schools within a district, among districts within a State, or among the States themselves.

More than a year ago, in October 1968, the Department of Agriculture promulgated guidelines directed to the States in an effort to assure some uniformity in the determination of eligibility for free and reduced price lunch. Those guidelines purported to establish nationwide eligibility requirements. They required that each State school lunch agency inform the schools in their States of their responsibility to provide free and reduced-price meals to children from poor families. They required the States to develop written criteria for the determination of eligibility for free or reduced price meals. They prohibited the overt identification of poor schoolchildren receiving such meals. They suggested that free or reduced-price meals be provided to children from any family certified as eligible for assistance under the food stamp or commodity distribution program and for children on public assistance.

Mr. President, at this point I ask unanimous consent that the names of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Alaska (Mr. STEVENS) be added as cosponsors of the five pending amendments I have referred to in my earlier statements, amendments Nos. 508, 509, 510, 511, and 512.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, although the guidelines did not set any specific income standards, on their face, if implemented and enforced, they might have resulted in some uniformity at least within each State. Under the guidelines, by February 1, 1969, every pupil in every school participating in the school lunch program should have known precisely what his prospects were for obtaining lunch at a discount or without cost. Every child should have been protected from being singled out because he could not pay the full price.

Unfortunately, however, what is happening at present is a confused and unbelievable mess. A few school districts have adopted uniform family income guidelines throughout the district. Most, however, leave eligibility completely in the hands of the school principal. As a result, within school districts and within States, some children are entitled to a free lunch if they are on welfare, others are not. Some families with incomes of $2,000 get a free lunch while others with $4,000 get a free lunch. Some poor children are not entitled to eat the same meals as those who pay. Some are handed a ticket or token a different color or a different size so that they can be identified from the children paying the full price for the meal. Some poor children are forced to work for their lunch as a condition for receiving what Congress intended to be a free or reduced price lunch.

Miss Jean Fairfax, who is one of this country's foremost experts on the school lunch program and who was primarily responsible for the April 1968 report, "Their Daily Bread," recently undertook a private informal survey to ascertain the results of USDA's free and reduced price lunch guidelines. Her findings disclose a state of utter confusion as to the meaning of "reduced price," inconsistent eligibility standards and lack of uniformity in administration from school to school within school districts as well as from State to State. She found that many schools keep their eligibility policies secret, and that most had extremely cumbersome, embarrassing, and degrading application procedures.

I think all of us recall the moving incident in the television documentary in the spring of 1968 showing a child actually in a school lunchroom, standing there watching other children eat, under the rules of the school—which, unfortunately, exists in many schools of this country—that require a child who does not have the money to pay for a meal to stand there and watch while others eat their school lunches.

I think that kind of situation is so unconscionable that it cannot be allowed to continue in this country.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. TALMADGE. I agree with the statement the Senator has just made, but is he not aware that the bill and the committee report stop all the things he complains of?

Mr. McGOVERN. I will say to the Senator that the bill stops a good share of it, but I think, as will become clear here, there are still some gaps that we must take care of.

In thousands of schools throughout the country, poor children are required to work for their lunch. In thousands of schools throughout the country the kind of degrading snooping taking place puts the school lunch program in the same category as the demeaning character of our welfare programs. Hundreds of thousands of children are singled out in school as different from others because they cannot pay for their lunch. All these abuses take place in spite of the fact that the Department of Agriculture's guidelines prohibit them.

In other words, there has been a colossal failure of the administration of the program in terms of the new guidelines, or the recent guidelines, that were spelled out in 1968.

As the Senator from Georgia has said, S. 2548, as reported by the committee, does prohibit the overt identification of any child by the use of special tokens or tickets, or by the announcement or by the publication of names or by other means.

I hope this language will have some effect, but it is the same language, I hasten to add, that appears in the U.S. Department of Agriculture's free and reduced price guidelines and it has not been enforced since October 1968, and unless USDA is willing to enforce and monitor these programs in the States, the intent of Congress as well as the executive branch may well be circumvented in future years, as it has been in the past.

I submit that the way to deal with this problem—with the utter lack of uniformity in eligibility standards for free and reduced price lunch—is to do the same thing the Senate did in the case of the food stamp program. Amendment No. 508 would do this. It would require that any household with an annual income of $4,000 or less—or the equivalent for households of other sizes—the $4,000 figure is based on a family of four—be automatically eligible for a free lunch—no snooping, no demeaning test; just a simple declaration of the family income.

It would adopt the suggestion now contained in the USDA's regulations that any family eligible for the food stamp or commodity distribution program also be eligible for a free lunch.

These changes would make the eligibility determination uniform in the major Federal food assistance programs. School boards, State legislatures, and the Congress will be able to calculate the cost of feeding children from poor families district by district. This could furnish a much needed yardstick for measuring the adequacy of budget requests.

One of the great difficulties with the present program is that it is almost impossible even to guess at program needs and forward needs because of the utter chaos in the standards that are set from school district to school district and from State to State under the present program. In the absence of some language providing for uniform standards across the board in all the States, I do not see how the Congress or the administration can do anything in terms of forward planning and in terms of the essential needs of this program.

Amendment No. 508, in addition to setting uniform standards, would also specify that the price the child pays for a "reduced price" meal could not exceed 20 cents. Children from families above the $4,000 level, but with insufficient resources to pay the full 35 or 40 cents usually charged, would still have a right to receive such reduced price lunches under criteria established by the States and schools. At present, no regulation or statute governs the price of such a lunch.

It is very important to understand the purpose of setting the minimum price level of 20 cents on a reduced price meal. The purpose of a reduced price lunch is to bring a meal to a child who can pay something for his lunch, but cannot afford the regular 35- or 40-cent price. I must say that as I give my youngsters, day after day, the 35 or 40 cents, as the case may be, for their lunch, I wonder how low-income families with several children in school can meet that cost day after day.

The current lack of a definition thwarts this purpose and penalizes school districts that provide meals at reasonably reduced prices.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGOVERN. Mr. President, I have some additional remarks that I would like to make. I wonder if a Senator in control of the minority time would yield me some additional time.

Mr. AIKEN. Mr. President, how much times does the Senator need?

Mr. McGOVERN. Could the Senator give me another 30 minutes?

Mr. AIKEN. Certainly.

The PRESIDING OFFICER. The

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Chair recognizes the Senator from South Dakota for an additional 30 minutes.

Mr. McGOVERN. I thank the Senator from Vermont.

As I said, the purpose of a reduced price lunch is to bring a meal to children who can pay something for their meal, but who do not have the income base to pay the full price. The current lack of a definition of what this reduced price ought to be thwarts this purpose and penalizes school districts that provide meals at reasonably reduced prices by allowing districts that serve reduced price meals at a trivial reduction that would equal the cost of a regular price meal in other districts to claim the larger reimbursement due a free or reduced price meal. Thus, the money reserve for free and reduced price meals is unfairly depleted at the expense of schools doing the best job—it is apparent that a uniform definition is needed.

In other words, it penalizes districts that provide meals at reasonable reductions by allowing districts which make trivial reductions that would equal the cost of a regular price meal in other districts to claim the larger reimbursement due a free or reduced price meal. In other words, under the present program, in the absence of any uniform standards regarding the maximum allowed for a reduced price meal, some districts will reduce the cost of their regular meal by a penny or two, just enough to allow them to claim reimbursement for their reduced meals. They are then allowed to claim reimbursement under the school lunch program. What that does is produce the result that the money reserved for free or reduced price meals is often depleted, at the expense of other schools that are trying to do an honest and reasonable job in providing meals at reasonably reduced prices.

A uniform definition is needed to protect the integrity of schools that are sincerely trying to make this program work.

The respected study to which I referred earlier, by Miss Fairfax and her colleagues, "Their Daily Bread," has shown that the lower the price, the higher the number of pupils who buy the school lunch. In two schools where the price was 20 cents, participation was 100 percent.

Every child in those two schools participated; but when the price was raised to 25 cents, on a controlled plan, participation drops to near 80 percent; and at 30 cents a meal, it falls sharply to between 27 and 37 percent. In other words, by increasing the price of a meal from 20 cents to 30 cents, two-thirds of the students under actual controlled conditions, dropped out of the program.

That study was conducted over 2 years ago, but it is even more valid now since the price of school lunches has been increased since that time.

Mr. President, I would also like to point out that last December, President Nixon's White House Conference on Nutrition, specifically recommended that an emergency food service program be "launched immediately as a crash program to seek out and feed all schoolchildren that are high nutritional risks." It asked that the 5 million needy schoolchildren currently excluded from the national school lunch program be served free school lunch before the end of this school year, and that funds be made available immediately to meet this need. It recommended a nationally determined standard for eligibility and for free and reduced price meals in all schools—an eligibility standard which would furnish free lunch and breakfast to all pupils whose family income is at or below the poverty level. It recommended that reduced most meals be sold at a price not exceeding one-half the regular sale price.

Mr. President, amendment No. 508 adopts most of these recommendations, and I hope it will be passed by the Senate as an important improvement on the bill reported by the Committee on Agriculture and Forestry.

Mr. President, in view of the need to discuss the amendment in which I have a special interest, it will come before the Senate either later today or tomorrow. As to the second amendment on the list, I shall defer any discussion of that at this time, and move on to a discussion of some of the other amendments that will be offered by other Senators.

In addition to assuring that USDA in the future monitors the effectiveness of existing school lunch programs; we must facilitate the institution of new programs in the 15,000 schools that are now without lunch. Most of these schools simply have no facilities with which to prepare and serve meals. Many are located in our poorest urban and rural areas and cannot afford to build kitchens and lunchrooms even when they want to, with the very limited budgets under which they operate.

Amendment No. 509 will help alleviate this situation by providing the statutory framework necessary to enable private food service firms, under contract with the schools themselves, to provide meals for the children in these schools.

The Agriculture Department has informed the State school lunch directors that it is in the process of revising its longstanding regulations that now deter schools from seeking help from private food service concerns in providing school meals. Such assistance is particularly necessary where a lack or inadequacy of equipment in the schools means children are denied meals. The revision is expected to be in effect as of April 1. The Agriculture Committee has expressed its support of this change in policy.

The amendment will simply state the intent of Congress that the administration's plans be pursued as quickly as possible. As Dr. Jean Mayer, President Nixon's Special Assistant on Nutrition and Director of the White House Conference has stated many times:

> If we can provide filet mignon and the other delicacies eaten by businessmen on expense accounts 6 or 7 miles up in the air, we should at least be able to serve a Type A lunch to children in schools without kitchens on the ground.

FINANCING THE SCHOOL LUNCH PROGRAM

The third essential, if we are going to fulfill the promise that poor children receive meals at school, is that sufficient funds be provided.

If the President's goal for the national school lunch program is to become a reality—and every needy child is to receive a free lunch by Thanksgiving Day of this year—there must be a substantial increase in Federal, State, and local resources available for the school lunch program.

The Committee on Agriculture and Forestry, while recognizing that "greatly increased appropriations will be necessary," deleted the Federal authorization levels proposed by the Senator from Georgia (Mr. TALMADGE) because the Department of Agriculture strenuously objected to being faced with specific budgetary targets. Amendment No. 510 would restore a much needed budgetary target, specifically $250 million for fiscal year 1971; $300 million for fiscal year 1972; and $350 million for fiscal year 1973.

The proposed fiscal year 1971 budget continues a deficit of at least $400 million below what is needed to meet the demands and the hopes raised for an adequate school lunch proposal.

Unless the deficit is made up either by the Congress or the States, the administration's pledge to feed all children of the poor in school by Thanksgiving will simply be defaulted—and once again the poor will be left to eat promises.

Let me underscore that, Mr. President, I am convinced beyond any doubt that if we do not include in this bill an authorization of adequate funding, and if we just leave this as an open-ended matter—which in some cases I might think was a preferable course, if we knew what the administration would do in expending those funds—if we take that course, I am convinced that we will not come anywhere near the pledged goal of the administration, of seeing to it that all poor children in schools—5 million of them—are fed an adequate school lunch by next Thanksgiving.

The committee itself, at page 18 of its report on S. 2548 set $712.8 million as the total required to feed lunch to 6.6 million needy children—at 60 cents a lunch, 180 days a year. Even if there is a 10-percent reduction for normal absenteeism, the total still exceeds $640 million. In fiscal 1971 the Federal Government expects to spend approximately $300 million in cash grants and commodities through formal school lunch program assistance to furnish lunch to needy schoolchildren. State and local aid may possibly approach $100 million. The combined Federal-State-local support level of $400 million would leave a minimum deficit of $240 million. However, this figure ignores both the inflationary rising costs which all of us are aware of and Bureau of Census data placing the number of needy children in school at 8.4 million pupils. This is nearly 2 million above the estimate of 6.6 million currently used by the Department of Agriculture. If the higher estimate is used, it will cost $817 million to provide lunch to 8.4 million needy children, and on this basis the current deficit is about $420 million instead of $240 million.

Faced with such a deficit, it seems to

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me the least Congress can do is attempt to meet the minimum expected deficit based upon USDA's and the Agriculture Committee's own figures. Amendment No. 510 would do this, by authorizing the Federal Government in fiscal 1971 to pump $250 million into the program through the outlet of section 11 special assistance alone, which constitutes an increase of $206 million over the Nixon administration's request for this child nutrition budget line item. The administration budget relies too heavily on fluctuating section 32 funds and hardly at all on direct appropriations to meet the cost of free lunches. The new section 11 would correct this imbalance.

The $300 and $350 million sums authorized for fiscal years 1972 and 1973, respectively, would enable lunch service to reach the more generous census count of the needy, assuming an average rise in the cost of lunch, with State and local cooperation. If no or inadequate target figures are inserted, the performance of the executive branch in fulfilling its commitments would be less easy to measure. Let me underscore that I am not making a partisan judgment. Everything I have said here could apply to previous administrations. And the States and our needy children would be in great danger of paying the price for the "Thanksgiving promise," something they simply do not, at present, have the resources to do.

We must provide this authorization level in order to implement the other reforms contained in the five amendments offered to S. 2548.

The Agriculture Committee in rejecting these reforms stated that they were doing so because there was inadequate funding to support the free and reduced price lunches they would generate.

They say:

> We cannot reform this program because it lacks the funds to support such reforms—but, on the other hand we will not ask for the funds either!

Such reasoning only confuses the issue—do we or do we not keep our promises to the American people? Do we mean it when top officials of our Government say that by Thanksgiving of next year, no poor child in any school in this country should go hungry for want of a school lunch? The National School Lunch Act of 1946 declared that the program was to "Supply lunches without cost or at a reduced cost to all children determined to be unable to pay the full price thereof."

Twenty-four years later the program still fails to keep this promise—and yet we reject adequate authorization levels. I, for one, do not believe that this body will tolerate that gap between rhetoric and reality any longer.

Mr. President, the senior Senator from Texas (Mr. YARBOROUGH) is necessarily absent from the Senate today. He has had a longstanding interest, as Members of the Senate know, in the school lunch program; and he has prepared a statement supporting this bill and the strengthening amendments that we will be debating today and tomorrow. Senator YARBOROUGH is one of the cosponsors of each of the five amendments.

I ask unanimous consent to have his statement printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WE MUST STRENGTHEN THE SCHOOL LUNCH PROGRAM

(Statement by Senator YARBOROUGH)

Mr. President, we are working today on one of the most vital pieces of legislation to face Congress—the issue that confronts us, reduced to the simplest of terms, is feeding children adequately.

My personal experience as a teacher for three years in the rural schools of Texas taught me that hungry children are not good students. They come irritable and restless, they are sometimes discipline problems and distractions to other pupils in the classroom. Since that time, I have learned that undernourished children can develop diseases as well as physical and mental handicaps which remain with them throughout their lives. Mr. President, do we need any other reasons for acting on this measure?

I am a co-sponsor of the bill which has been brought to the floor under the able leadership of the Senator from Georgia, Mr. Talmadge. But, I feel that there are a few weaknesses in this bill which will be corrected by the amendments proposed by Senators McGovern, Hart, Kennedy, and Javits, all of which I have co-sponsored.

The School Lunch Program does not now reach enough children with free and reduced-price lunches. There is no set definition of a reduced-price lunch. Breakfasts are not provided for. Also, the program is underfunded.

These five amendments which I am cosponsoring will help eliminate these shortcomings in the program. A clear definition of a reduced-price lunch as one costing not more than 20 cents will be set. Also, the number of children eligible to receive free lunches will be increased with passage of the amendment proposed by Senator Javits. Senator Kennedy's amendment will provide for more breakfasts for school children. In addition, there is a specific authorization for the special assistance program which will hopefully give the Appropriations Committee some idea of how much money is needed to carry out the purposes of this law.

In addition to these changes in the existing law, there is a new provision for cooperation between school systems and private food service companies in child-feeding programs. This amendment, if passed, would allow school districts to utilize the services and know-how of private enterprise to bring food to our school children.

Mr. President, there is little doubt in my mind about the need for the adoption of these amendments and the passage of this bill. My experience as a teacher has given me first-hand knowledge of the effects of hunger on school children. My 12¾ years of work on the Labor and Public Welfare Committee and my service on the Select Committee on Nutrition and Human Needs have only served to reinforce my belief that education is wasted on hungry children. We cannot afford this sort of waste.

What matters it if we spend billions of dollars to provide an education for all American children, if we then cripple the ability of millions of them to learn by failing to provide them with enough food to eat? How good is their education if the real lesson that they learn is that the more affluent citizens of our country have all the advantages in life, from the very beginning? That is why we need to strengthen and enlarge our School Lunch Program and that is why we need to pass these amendments to the pending school lunch bill.

In the *New York Times* of February 19, 1970, there was a report of the publication of a report of the effect of malnutrition on children in Mexico. It is truly frightening to think that American children may be falling victim to the sorts of illnesses described in this article and that they, too, may be suffering permanent reduction of their I.Q.'s simply because this nation does not care enough about them to feed them properly.

I ask unanimous consent that the article by Nancy Hicks entitled "Long Study of Mexican Siblings Supports Malnutrition I.Q. Link," published in the *New York Times* of February 19, 1970, be printed in the RECORD at the conclusion of my remarks.

We have the chance now, Mr. President, to feed our children—all of them who need food—adequately. Let us make this effort now. I urge adoption of these amendments and this bill.

LONG STUDY OF MEXICAN SIBLINGS SUPPORTS MALNUTRITION I.Q. LINK

(By Nancy Hicks)

A group of Mexican children hospitalized at an early age with severe malnutrition has scored lower on intelligence tests in later life than did their siblings who had not suffered from the disorders.

These findings were reported in a three-year study of children from a small agricultural village, completed two weeks ago. The study was conducted by Dr. Joaquin Cravioto, director of nutrition at Children's Hospital in Mexico City, and by Dr. Herbert G. Birch, a psychologist and professor of pediatrics at the Albert Einstein College of Medicine here.

It was part of a larger study of the ecological factors in child growth and development that they have been conducting for the last seven years.

A number of reports have pointed to a link between development of intelligence and early nutriton. Dr. Cravioto and Dr. Birch chose 37 children to act as the experimental group in probing further into such a possible relationship.

Each child had been hospitalized somewhere between his sixth and 30th month of life with kwashkor, a severe malnutrition disease. Each had recovered and was five years of age or older.

SIBLING CONTROL GROUP

As a control group the doctors chose a brother or sister of each experimental group member. Each sibling in the control group was within three years of age of his brother or sister and had never had severe forms of malnutrition.

"We did this," Dr. Birch said in an interview in his office recently, "because even though malnourishment goes with disadvantage and affects in varying degrees many members of a society, it is very difficult to match control groups for the exact same socio-economic factors or child-rearing practices as the experimental group. Within the same family, we thought we would eliminate the problem."

Both groups were taken to the Army Hospital in Mexico City and given standard intelligence tests, with the following results:

The average intelligence quotient score of the experimental group was 68.5. The average for the control group was 81.5, a difference of 13 points. Scores between 95 and 110 are considered normal.

One-half of the experimental children scored below 70 on the I.Q. tests, as opposed to about 20 per cent scoring below 70 in the control group.

Only four of the kwashkor victims, or 10 per cent, scored above 90, while more than 10 children, or more than one-third of the children who had not suffered from severe malnutrition, scored above 90.

LASTING EFFECT NOTED

All this shows that malnutrition has a lasting effect on its victims, Dr. Birch said.

Those effects can be so strong, Dr. Birch said in a new book, that women who have suffered from malnutrition early in their lives have more complications and problems in child-bearing than do healthy mothers, and

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these complications and problems affect the health of their children.

The book, entitled, "Disadvantaged Children: Health, Nutrition and School Failure," will be published in April by Harcourt, Brace and World. Its coauthor is Joan Dye Gussow.

In past research, Dr. Birch has also found correlations between a mother's height and her baby's weight and between a mother's hygiene practices and the child's size at birth. Height and weight have been found to be general indicators of the health of a population.

"In this research, we are exploring hunger and malnutrition as factors which can handicap children as learners," Dr. Birch said.

"But we try to make it clear that it is not food alone or compensatory education alone which make the difference between school success and school failure for poor children," he continued. "One-shot treatments will not overcome handicaps brought on by generations of neglect. A complex and sustained attack will be required to remedy what is a complex and intergenerational problem."

Mr. McGOVERN. Mr. President, I thank both the Senator from Georgia (Mr. TALMADGE) and the Senator from Vermont (Mr. AIKEN) for yielding me time under the bill.

The PRESIDING OFFICER. Who yields time? The bill is open to amendment.

Mr. TALMADGE. Mr. President, I think the Senator from South Dakota has some amendments he desires to offer.

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

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The PRESIDING OFFICER. The time to be charged to which side?

Mr. TALMADGE. I did not hear anyone yield time for a quorum call.

The PRESIDING OFFICER. The question to the Senator from South Dakota is, Whose time will be charged for the quorum call?

Mr. McGOVERN. I ask unanimous consent that I be yielded sufficient time to ask for a quorum call.

The PRESIDING OFFICER. Without the time being charged to either side?

Mr. McGOVERN. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. TALMADGE. For how long? Two minutes?

Mr. McGOVERN. Five minutes.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Senator from South Dakota be authorized to initiate a quorum call not to exceed 5 minutes, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I send an amendment to the desk and ask that it be stated and be made the pending business.

Let me say, before the clerk reports it, that it is nearly identical to amendment No. 512, previously submitted. There is one clarifying modification in it. The modification simply makes clear that in reporting monthly the number of children eligible to receive and actually receiving free or reduced price lunches that they make their report to the States, and the States, then, in turn, will report to the Department of Agriculture.

That modification was furnished to the staff of the Committee on Agriculture and Forestry last Friday afternoon. I believe that the Senator in charge of the bill has had an opportunity to review it. It is merely a clarifying amendment.

Mr. TALMADGE. Let me thank the Senator from South Dakota. It is merely a clarifying amendment. I would ask that he request the amendments to be considered en bloc.

Mr. McGOVERN. Yes. Mr. President, I so request that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc; and the amendment just offered by the Senator from South Dakota will be printed in the RECORD without being read.

The text of the amendment, as modified, of the Senator from South Dakota is as follows:

(1) On page 23, line 20, strike everything after the period through the period on page 24, line 2, and insert in lieu thereof the following: "The amount apportioned to each State shall bear the same ratio to the total of such appropriated funds as the number of children attending schools in that State from families with incomes equivalent to $4,000 per year or less for a family of four bears to the total number of such children in all such States."

(2) On page 24, line 11, strike everything through line 22 and insert in lieu thereof the following:

"(e) Funds paid to any State for any fiscal year pursuant to this section shall be disbursed to schools in such State to assist them in financing all or part of the operating costs of the school lunch program in such schools including the costs of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive shall be based on the need of the school for assistance in meeting the requirements of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches."

(3) On page 25, line 3, strike everything through line 10 and insert in lieu thereof the following: "same ratio to such funds as the number of children attending such nonprofit private schools in such State from families with incomes equivalent to $4,000 per year or less for a family of four bears to the total number of such children in all the schools, public and private, in such State."

(4) On page 25, line 16, strike everything through line 25 and renumber subsection (h) on page 6 as subsection (g).

(5) On page 26 between lines 7 and 8 insert the following:

"(h) (1) Not later than June 1 of each year, each State educational agency shall submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds or any commodities donated by the Secretary for use in programs under this Act and the Child Nutrition Act of 1966, a State plan of child nutrition operations for the following fiscal year, which shall include, as a minimum, a description of the manner in which the State educational agency proposes (A) to use the funds provided under this Act and funds from sources within the State to furnish a free lunch to every needy child in accordance with the provisions of section 9; (B) to include every school within the State in the operation of the national school lunch program by the start of the 1972–1973 school year; and (C) to use the funds provided under section 13 of this Act and section 4 of the Child Nutrition Act of 1966 and funds from sources within the State to the maximum extent practicable to reach needy children.

"(2) Each school participating in the national school lunch program shall be required to submit a report each month to its State educational agency the average number of children in the school who received free lunches each school day during the immediately preceding month, the number of children in the school who were eligible to receive free lunches during such month, the average number of children in the school who received reduced price lunches each school day during the immediately preceding month, and the number of children in the school who were eligible to receive reduced price lunches during such month.

"(3) The State educational agency of each State shall submit a report to the Secretary each month showing the average number of children in the State who received free lunches each school day during the immediately preceding month, the number of children in the State who were eligible to receive free lunches during such month, the average number of children in the State who received reduced price lunches each school day during the immediately preceding month, and the number of children in the State who were eligible to receive reduced price lunches during such month."

Mr. McGOVERN. Mr. President, are we on controlled time on the amendment now?

The PRESIDING OFFICER. We are under controlled time. How much time does the Senator yield to himself?

Mr. McGOVERN. I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 20 minutes.

Mr. AIKEN. Mr. President, may we have the modification read?

The PRESIDING OFFICER. The Chair would inform the Senator from Vermont that reading of the amendment was suspended, under the previous order.

Mr. McGOVERN. Let me say to the Senator from Vermont that it merely provides that the schools, in reporting on the number of children eligible to receive free or reduced price lunches, make their report to the States and the States, then, in turn, report to the Department of Agriculture.

Mr. AIKEN. And that is all?

Mr. McGOVERN. That is correct.

Mr. AIKEN. I thank the Senator from South Dakota.

Mr. McGOVERN. Mr. President, ever since the passage of the National School Lunch Act in June of 1946, Congress has had specific legislative responsibility to safeguard the health and well-being of the Nation's children—all her children.

To achieve this goal, Congress declared that the program was to "supply lunches without cost or at a reduced cost to all children who are determined by local authorities to be unable to pay the full price thereof."

We have constantly told the public that our children are the Nation's most precious resource. In spite of such rhetoric and the avowed purpose of the national school lunch program, the program reaches only one-third of the Nation's schoolchildren—and not even that dismal percentage of its poor children.

This tragic situation cannot be allowed to continue. The rhetoric must become reality before we suffer further loss of the intellectual resources and productivity of our children. This threat alone should prod us to remedy the obvious failings of the national school lunch program.

We can no longer afford a program that in the words of its former director, Rodney E. Leonard, "befuddles its local administrators, not to mention the Department of Agriculture."

It is a punitive program which apportions its funds on the basis of past performance, not need or willingness to meet that need.

It is a program that does least for those States and children most in need.

It is a program that badly needs its priorities reordered. S. 2548 goes a long way toward doing this—but not all the way.

Most of all it is a program in need of close administrative supervision—S. 2548 totally fails to deal with this problem.

Therefore, I propose amendment No. 512, as modified, to S. 2548 which would require the States to file a plan of operations describing their proposals to assure that free and reduced price lunches are provided to every needy schoolchild; assure effective monitoring and evaluation of school lunch programs by requiring periodic reports on the number of needy children actually furnished lunch at school; allocate special assistance funds for free and reduced price lunches for low-income schools among the States according to the number of schoolchildren from low-income families; and permit the payment of all operating costs as well as food costs in schools most in need of special assistance under section 11.

I believe the single most glaring deficiency in the national school lunch program is the lack of accountability on the part of local school districts and States to the Department of Agriculture. At the State and local levels, where legal authority presumably rests, the child nutrition programs are in incoherent shambles. Rodney A. Ashby, the chairman of the State Directors and Supervisors Section of the American School Food Service Association, pointed this out in his testimony before the Agriculture and Forestry Committee. He specifically called for "a system of accountability which will assure prompt reporting by States thus making possible improved management of funds at the State and Federal levels."

Why is Mr. Ashby so concerned that there be a State plan requirement? When one considers the present extent of State and local accountability—or lack of accountability, the reason becomes quite apparent.

The Department of Agriculture cannot tell us accurately how many children in this country go without lunch. They have never done this kind of research. They cannot tell us how many actually receive free and reduced price lunches on a State-by-State basis.

Mr. MONDALE. Mr. President, will the Senator from South Dakota yield?

The PRESIDING OFFICER (Mr. STENNIS in the chair). Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. McGOVERN. I am happy to yield to the Senator from Minnesota.

Mr. MONDALE. I wish to commend the Senator from South Dakota for an effective definition of the problem which affects the school lunch program.

As I recall, President Nixon personally addressed the White House Conference on Food, Nutrition, and Health, and one of the key points in his message was a pledge that by the end of this fiscal year, every needy school child in the country would be supplied with a free or reduced cost school lunch. Is my recollection correct?

Mr. McGOVERN. The Senator is substantially correct. There was a statement made by the Special Assistant to the President, Dr. Meyer, setting Thanksgiving as the date when that would be achieved.

Mr. MONDALE. Mr. President, I ask unanimous consent that the President's remarks on that matter be printed at this point in the RECORD.

There being no objection, the President's remarks were ordered to be printed in the RECORD, as follows:

> In a related matter, we already are greatly expanding our school lunch programs, with the target of reaching every needy school child with a free or reduced-cost lunch by the end of the current fiscal year.

Mr. MONDALE. Mr. President, in the opinion of the Senator, how much money has to be authorized for the 1971 budget in order to achieve the objective which the President supports?

Mr. McGOVERN. The minimum figure would be $640 million. That is based on the number of needy children whose needs are not being met under the present program, to fill the gap of providing either a free or reduced-price meal to every needy child.

Mr. MONDALE. Mr. President, as I understand it, that is a conservative estimate of the need.

Mr. McGOVERN. The Senator is correct.

Mr. MONDALE. It may be that the estimate is up to 2 million children short of the actual number in need.

Mr. McGOVERN. The Senator is correct.

Mr. MONDALE. But even taking the most conservative estimate, based on the Department of Agriculture figure, we would need $640 million.

Mr. McGOVERN. They are the estimates that have been made by a competent staff.

Mr. MONDALE. How much did we spend this year for assistance for free and reduced cost meals?

Mr. McGOVERN. Approximately $200 million.

Mr. MONDALE. And how much does the President's budget call for in the 1971 fiscal year?

Mr. McGOVERN. There is about $300 million in the President's budget. There would be approximately $100 million additional from State and local sources. There would be a short fall of about $400 million—$300 million coming from the Federal Reserve Treasury and $100 million from State and local sources.

Mr. MONDALE. And if we are in fact underestimating the need by some 2 million children, the amount needed could be somewhat over $400 million.

Mr. McGOVERN. Mr. President, I think that actually the estimate is about $420 million.

Mr. MONDALE. I understand that the amendment the Senator is proposing is directed at providing school lunches. In other words, it does not substantially increase the efforts to provide school breakfasts, nor does it deal with the problem of early childhood feeding.

Mr. McGOVERN. The Senator is correct. The pending amendment is not the one that goes to the funding authorization, but is an amendment calling upon the States to establish a State plan setting forth what they are doing in systematic and clarifying language on a periodic basis so that we would know the number of needy children in that State, district by district, the number that are being fed, the difference between those that are being fed and those who are in need of a free or reduced price lunch.

That is one of the deficiencies in the program. We do not have any accountability from the States. We do not have any accurate or dependable statistics on what we are doing and what needs to be done.

Mr. MONDALE. Mr. President, as I understand it, last year $45 million was provided for funds under the so-called Perkins measure. And we do not know, because of this lack of accountability, how much of that amount actually went to reduce the cost of lunches for poor children. In fact, $18 million of it was returned to the U.S. Government by the States, despite the existence of this tremendous need.

Mr. McGOVERN. Mr. President, this is really one of the most confusing paradoxes in the whole school lunch shambles today. In spite of the fact that everyone recognizes the critical need for additional funds in order to reach these youngsters from poor families, as the Senator has said, money was actually returned from the present inadequate program. I think this is because there has never been any requirement that States work out plans year by year as to how they are progressing toward meeting those plans.

Under the present pending amendment, where every State would be required to set forth a plan of operation, we would at least know where we stand with reference to the administration program.

Mr. President, another provision of the amendment as the Senator may know, is that it would allocate funds available under section 11—that is the so-called special assistance program—to States on the basis of the number of poor children. That refers to children who come from families with an income of $4,000 a year or less. Funds would be allocated to those States and school districts where the funds are most needed.

Mr. MONDALE. Mr. President, I think that such a reform is desperately needed.

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In the course of serving on the Select Committee on Nutrition and Human Needs and examining various studies, I have been utterly shocked by the confusion, disarray, and inadequacy of the current school lunch program. There is not a national lunch program. There is really a case of anarchy. Many school districts cannot adequately feed their hungry children.

The result is that there are more than 5 million children who cannot afford school lunches and do not receive them. Many of them probably came to school without having had any breakfast, and some without having had dinner the night before.

I can recall visiting a third-grade class in Nome, Alaska. The school district had no school lunch program at all.

I asked the teacher how the children were doing. She said:

> They are not learning much at all. It is very discouraging.

I said, "Why?"

She said:

> Well, these kids haven't had anything to eat. They come to school hungry. When I first came here, my husband and I tried to raise money to feed them. But we could not do it. Until the children get enough to eat, they cannot learn.

I recall hearing testimony during the hearings to the effect that children who come to school without having had enough to eat cannot learn.

If we had to make a choice between textbooks and nutrition, it would be wiser to forgo the textbooks and feed the children so that they would be capable of learning.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. McGOVERN. Mr. President, I yield.

Mr. AIKEN. Mr. President, I understand that today we are not able to tell how many children are not getting school lunches. I believe that information should be required of them. I expect it would be required under the pending bill.

If there is no dependable report and the Department of Agriculture has no records, I wonder what the basis is for the statement of the Senator from Minnesota that there are 5 million school children who ought to be fed that are not being fed.

I am not asking this question to be critical. I know that some of the school children in Vermont are not getting school lunches because they do not want them. And Vermont should be the easiest State in the Union for getting that information. I think that there are about 8,000 out of a possible 12,000 needy children in Vermont who receive free or reduced price meals.

I was wondering how we know how many there are in the country.

Mr. McGOVERN. To respond to the Senator's question, we do not really know. We have some indication from the Bureau of Census figures on income breakdowns. We have certain studies that have been made by people looking into the school lunch program. But working largely from the Bureau of Census figures, there are about 5 million, nationally. However, nowhere can one go to the Department of Agriculture and know State by State what the need is, or even district by district.

Mr. AIKEN. But it is not the fault of the Department of Agriculture.

Mr. McGOVERN. No; only in the sense that the Department never really laid down any requirements of accountability. I think statutory action is required on the part of Congress.

Mr. AIKEN. Some schools, I believe, are not participating in the program for feeding needy children from poor economic areas because of the requirement that the States or the community pay the operating costs. Under the Senate bill they would pay only 20 percent of such costs in cases of severe need and that would make quite a difference. Even then I expect some people in some of the smaller schools would say, "We can take care of it better at home." That is not true with respect to the larger city schools.

Mr. McGOVERN. I thank the Senator. I do not think we know with any degree of certainty what the number is. I think the Senator's question is well taken.

Mr. AIKEN. We do not know.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. MONDALE. Mr. President, one of the most haunting experiences I have had since coming to the Senate was when I went to a grade school lunch period at a school in St. Paul, Minn. I decided to go there to see how a school lunch hour worked, to see how the children responded, to see what kind of meals were served, and so forth. The meal was a good one; it was balanced and nutritious. But I will never forget as long as I live seeing those children coming through the line. The cost of the lunch was 25 cents per child. They had had a 15-cent lunch the year before, but when the OEO money ran out, they went back to 25 cents. About every fifth child going through the line was unable to pay the 25 cents. Many of them just sat amongst their friends who were eating this fine meal. They would sit there with no meal at all. One pathetic little girl, obviously an impoverished child, had a little, dirty sack she brought with her. I asked her if I could look at it. Inside the sack there were three chocolate cookies which were going to be this child's lunch. That should never happen to any American child.

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Mr. McGOVERN. I yield myself 15 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 additional minutes.

Mr. MONDALE. Such experiences are being repeated throughout this country every day. Millions of children who are hungry sit amongst their friends at lunchtime. Those who need lunch most, those who need it to learn and to have strong bodies, are not only being denied food, they are also being served a lunch in humiliation as they sit amongst their friends and are denied this basic ingredient required for a healthy and dignified life. I think it is a national scandal.

The measure the Senator proposes would establish the necessary guidelines and the national policy so that we might deal with the poorest of the poor. We are beginning at that level as we did in the McGovern-Javits food stamp program.

Without this kind of help, millions of children will continue to suffer this humiliation every day and be denied the basic food which they need.

Mr. McGOVERN. I could not agree more. I know the Senator looked into the school lunch operation not only in his State but also elsewhere in the country and that he is aware, in addition to the problem he pointed out, that youngsters who do not participate in the school lunch program do not do so because they do not have the money. Many families have practically developed a plan whereby the mother or father will designate the child that is going to eat the school lunch that day. Maybe Johnny gets it on Monday, Mary gets it on Tuesday, and another child gets the school lunch on Wednesday. If there are three or four children they pass it around or share it. All these things are worked out. They are humiliating to the child and so unnecessary in a country with the resources we have.

I know the Senator from Georgia is trying to reach much of that problem with the bill which has been reported, but without these guidelines that we are talking about I am afraid the measure will fall short of the mark.

I thank the Senator from Minnesota for his helpful comments.

Mr. President, the Select Committee on Nutrition and Human Needs sent a questionnaire in June of 1969 to all 50 State school lunch agencies to attempt to get answers to questions like these—which the Department of Agriculture could not answer. The State answers we received are riddled with inaccuracies. The States' best answers add up to a failure—a program that lacks accountability—a program whose administrators, State or Federal, do not know what is happening in their own program.

Nothing makes it more clear than a look at the mismanagement of special section 32 funds which occurred during the 1968–69 school year and were revealed in the States' answers to the committee questionnaire. Under section 25 of the Agricultural Appropriations Act of 1968, engendered by Representative CARL PERKINS, an additional $45 million was appropriated to supply free and reduced price lunches for needy children. But most States apparently used these funds, possibly 20 percent of them, to hold down the prices of regular school lunches—in effect, benefiting the middle-class youngsters and diluting a special effort to provide an adequate diet for the poor. Perhaps more shocking is the fact that $13.8 million of these funds were returned by the States to the Department unused—while millions of needy children went unfed.

Local school districts, in the absence of strong State and Federal supervision, will continue to rationalize negligence and divisions of funds to meet rising program costs, contrary to congressional intent and executive instruction.

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The negligence in the use of Perkins funds is not the only example of the problem of sending out Federal resources accompanied by nothing more than good intentions. The experience with Federal guidelines for free and reduced price lunches parallels the fate of funds to finance them. The guidelines resulted from pleas from State school lunch directors who said, in effect, "we want you to tell us to feed the needy children because then we can tell local school boards we must because the Federal Government requires us to."

The Federal guidelines were published in October 1968 and required each school district to file a plan with the State by the start of the 1969–70 school year. The plan must describe the standards the district will use to certify a child as eligible for a free lunch. It also must describe who is to do the certifying, and how parents will be informed that free lunches are available.

Judging from the results of the select committee's questionnaire, fewer than a dozen States have made a serious effort to review the district plans.

Even more discouraging, no State is capable at this time of providing specific assurances that the guidelines are being followed in local school districts. No State has adequate staffing to conduct field audits. The Federal agency's monitoring effort is even more haphazard. It sends regional staff to review district plans on file in the State offices, and no one at USDA is even employed full time at monitoring the guidelines.

Hence, no one can describe the current status of the effort to establish guidelines for free and reduced price lunches in every school district and to feed every needy child because no one at the Federal or State level knows. The guideline enforcement policy calls for the withdrawal of all Federal funds for child feeding where the guidelines are not being carried out. Under the circumstances, the only conclusion is that present guidelines are meaningless and will remain so without a State plan requirement.

The information-gathering channels of the child feeding programs are designed primarily for bookkeeping purposes and less for program development, more for managing dollars than services. Reports show only how many lunches are served each day. A school district, a State, or the Federal Government can only estimate the number of children who participate. Similarly, all the administrative levels can estimate only the number of children who need free or reduced price lunches. The data available only record how many lunches were submitted by States on claims to the Federal Government for reimbursement, and does not tell how many need a free lunch, and this will remain the case until a State plan and periodic reporting are required.

Until we know how many children need a free lunch and how many actually receive free meals, Congress will never be able to provide adequate funding.

The Agriculture Committee, in rejecting plans and reporting, stated:

> The Committee was in complete agreement with the objective of this amendment, to wit, bringing every eligible local educational agency into the program by June 30, 1973. However, the Committee felt that this could not be done by refusing Federal child feeding funds to the entire state if some local agency refuses to enter the program.

The proposed amendment contains no such penalty but only the requirement that the States submit a detailed plan, which shall include, as a minimum, a description of the manner in which the State educational agency proposes first, to use the funds provided under this act and funds from sources within the State to furnish a free lunch to every needy child in accordance with the provisions of section 9; and second, to include every school within the State in the operation of the national school lunch program by the start of the school year 1972–73; plus, a monthly report—and this is very important—in local school districts and States of those eligible for and those actually receiving free lunches.

Surely this is not too great a burden to put on the States in order to end this chaotic situation in the administration of the program.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Since we are on limited time, I wonder if the Senator would get some time from the other side.

Mr. TALMADGE. Mr. President, I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. Since the Senator indicates that his amendment would not require the cutting off of funds to the entire State, how would the Senator require compliance with his suggested amendment?

Mr. McGOVERN. The Senator from Kansas is a member of the committee, as I am. The difference between the language that the committee was worried about and this is that the State is cut off for refusing to file a State plan, not for failing to enlist every school district in the school lunch program. In other words, a State is not penalized because one particular school district fails to participate in the program, but the States are told that if they want to participate they have to file a plan indicating how they are going to carry out the program.

Mr. DOLE. That might work where a State has jurisdiction over public schools, but how about jurisdiction over private schools? How are the States given that power?

Mr. McGOVERN. There is no requirement in the bill for the covering of private schools. There is no way I know of that we can get at that problem.

Mr. DOLE. I think the Senator's amendment deals with all schools in a State, public and private.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, will the Senator from Georgia yield me 2 minutes?

Mr. TALMADGE. I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. I call attention to page 3, line 14 of the amendment, which contains the language, "every school within the State in the operation of the national school lunch program."

Mr. McGOVERN. Under the provisions of this amendment, the State would be required to develop a plan, showing how it intends to carry out these provisions and how it intends to carry out the program by the year 1972 and 1973. What we are requiring here is that the report be filed by the State.

Mr. DOLE. But is it simply a report saying what the plan may be; it is not a requirement that that school, public or private, participate in the school lunch program. Is that correct?

Mr. McGOVERN. That is correct. We cannot force it.

Mr. DOLE. What happens in 1972 or 1973 if the plan is filed but not complied with? Does the State just file another plan?

Mr. McGOVERN. The State will not be cut off because of the failure of a district or school to participate. The only condition under which this amendment would deny funds to a State would be if the State failed to file a plan. The purpose is to bring some accountability, under pain of losing Federal aid, if a State fails to provide a plan of action. A report is called for under this amendment as to how a State plans to carry out the program.

I understand the difficulty the Senator refers to, if there is a district or school that may not comply. There is no intention to cut off the entire State because of that individual failure.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGOVERN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. McGOVERN. A more detailed State plan is already required of school systems under the Elementary and Secondary Education Act. S. 2548 itself calls for an undefined State plan of operation as a prerequisite to transferring funds from one program to another, for example breakfast funds to equipment. Thus, the requirement is neither onerous nor unprecedented. In fact, it should have been required in our school lunch program long ago.

The most controversial requirement, I believe, is that of monthly reporting—but it is also in my judgment the most necessary and effective one.

Consider the situation I have already described regarding the failure to use the $45 million in special section 32 funds to create free and reduced price lunches for needy children. If the monthly reporting system this amendment calls for had been in effect at the time, at the end of one reporting period it would have been apparent that the number of free and reduced price meals being generated from these increased funds were not sufficient

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and that obviously funds were going unused and being misdirected. Then before the months had passed and it was too late, the Department could have acted in its proper supervisory role to insure that these funds were used as Congress intended. Without such a reporting requirement, we know what happened—millions of poor children went unfed while millions of dollars were returned to the Department. I doubt that anything less than a monthly reporting requirement can solve this problem—for a longer period of time will be too long a time to allow prompt remedial action by the Department.

I am not calling for the States to answer idle empty questions—but to provide answers that can determine whether the program is working or not. I do not believe we will ever make it work without such systematic reporting procedures.

My amendment would also divide the funds available for special assistance to the States to meet the need for free and reduced price lunches according to the relative number of schoolchildren in a given State who require free lunch, that is, are from households of four under the $4,000 level. The committee bill already proposes to change the old allocation formula to focus on a $3,000 factor, hopefully Senator JAVITS' amendments will make $4,000 the only relevant income figure. This should be the relevant income figure. The Senate has already overwhelmingly endorsed this figure in the food stamp bill it passed last September.

The present allocation formula, as well as S. 2548, is based on the numbers served in previous years. Thus, States earnestly trying to improve are severely penalized for past failures. Such a system impedes progress in a most negative manner—at the cost of hungry children.

This would be changed so as to base apportionment strictly on need. It would penalize no State nor decrease any State's current participation, but would greatly benefit industrial States which, by and large, suffer from poor past performance.

Finally, this amendment would permit the Secretary of Agriculture to aid schools that could not otherwise afford to meet the demands of their pupils for free lunches, particularly schools in which nearly every child is eligible, by reimbursing them for the entire cost, including labor, of putting the meals on the table.

The committee bill makes some improvement in that direction. It sets 80 percent as the cutoff figure, but heavy reliance on title I Elementary and Secondary Education Act money to finance lunch service in the South indicates that the need for Federal assistance in some impoverished areas is total and that even 20 percent matching money is not available to the local school districts.

For the sake of a rather arbitrary 20 percent matching requirement many children would continue to be unable to participate in the national school lunch program. It would seem much wiser to leave this to the discretion of the Secretary rather than to limit his action at the expense of needy children.

Mr. President, may I again inquire how much time I have remaining?

The PRESIDENT OFFICER. The Senator has 6 minutes remaining.

Mr. McGOVERN. Clearly the 20 percent requirement would affect only the poorest of the poor. Schools unable to meet the requirement are obviously those schools with the greatest percentage of poor children—children who cannot pay for their meals leaving the schools without the children's fees that other schools use to meet their matching requirement.

Such schools are most in need of assistance. A penalty, which is what a 20 percent matching requirement amounts to in their case, simply makes no sense.

Mr. President, the report that I have referred to earlier, "Their Daily Bread," has described the national school lunch program as a failure. At this time I am afraid that judgment is true. But there is hope of change, the administration has promised that all needy children will be fed by Thanksgiving Day of this year. I sincerely believe that in order that this promise be successfully carried out, we ought to act favorably on the amendment now pending.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

Mr. President, the Committee on Agriculture and Forestry gave thorough consideration to the formula to be applied in the disbursement of special assistance funds under section 11 of the National School Lunch Act. Section 11 was added in 1962 to provide for the appropriation by Congress of funds over and above the regular amount to provide special assistance to needy schools.

My study of the school lunch program convinced me that we should be more concerned with needy children in schools rather than needy schools. Under the present law, there are many needy children in the schools that do not qualify as needy or special assistance schools.

To remedy this situation, S. 2548 gives the Secretary of Agriculture authority to provide funds for free and reduced price lunches to needy children, wherever they may go to school. A poor child in an average school district will no longer be penalized because his neighbors can afford to buy lunches while he cannot.

The committee realized also that it would be necessary to change the method of apportioning special assistance money to the States if all needy children are to be fed. Under present law, funds are apportioned among the States on the basis of the number of free or reduced price lunches served in the preceding fiscal year and the assistance need rate. Thus, under present law more funds go to States which are already serving a large number of free and reduced price lunches than to States which have a grave need to expand their free lunch program.

Therefore, the committee decided to utilize the formula of the Elementary and Secondary Education Act to provide that funds will be apportioned on the basis of the number of children aged 3 through 17, in families which either have incomes of not more than $3,000, or receive more than $3,000 per annum in payments from federally assisted public assistance programs.

In other words, funds will be apportioned according to the number of poor children in a given State.

In my opinion, the efforts to tinker with the apportionment formula of section 11 are ill-advised and the amendments are poorly drawn.

I read from amendment No. 512:

> The amount apportioned to each State shall bear the same ratio to the total of such appropriated funds as the number of children attending schools in that State from families with incomes equivalent to $4,000 per year or less for a family of four bears to the total number of such children in all such States.

The Department of Agriculture informed our committee that data are not available as to the number of children actually in school as related to family size and income.

As for the $4,000 standard to be used in apportioning funds, it is true that the low-income factor in the Elementary and Secondary Education Act has been raised to $4,000 by both bodies, effective in 1973, for a family of any size, but appropriations have never been adequate to move beyond the original $2,000 limit.

In my opinion, one of the principal reasons the school lunch program has been so successful in many States is that there has been a great deal of local cooperation. Wherever the school lunch program has been effective in the United States, there has been excellent State and local cooperation.

Now the Senator from South Dakota comes forward with a proposal to abandon this time-tested principle of Federal, State, and local cooperation in favor of total funding by the Federal Government. Under present law, special assistance funds generally are limited to reimbursement for food costs. There is no doubt that some poor schools need more assistance. For this reason, section 7 of the committee's bill would authorize the Secretary of Agriculture to provide up to 80 percent of total operating costs of the school lunch program in cases of severe need.

However, I must object to any proposal that the Federal Government pay a hundred percent of operating costs. We do not do it in unemployment insurance. We do not do it in old-age assistance. We do not do it in any other Federal-State cooperative local program of which I know. If we start funding the program 100 percent from Washington, D.C., when the money is going to be spent in its entirety by local people, who is to say, "Let us be careful and save a little and be a bit prudent in spending this money"?

If we are ever to do an adequate job of feeding all the needy children in this country—and our committee certainly wants to do that—we must rely heavily not only on State but on local cooperation as well.

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One of the key features of S. 2548 is a requirement that the States increase their matching funds. Under present law, the States are required to match every $1 of section 4 funds with $3 of State funds. However, there is no requirement that any part of this matching money comes from State revenues. At the present time, most of the money comes from pupil payments. Under the committee bill, all States will eventually be required to pay at least 10 percent of their matching requirements out of State revenue.

The need for State and local funding is graphically pointed out in the figures submitted for the RECORD by the Senator from South Dakota. The Senator's figures indicate that even if the Appropriations Committees appropriate all of the money requested by the administration for child feeding, there will be a funding gap of $419.4 million for 1971.

The administration has not indicated a willingness to greatly increase expenditures for child nutrition.

If we are to get the needed money, we must get it not only from the Federal Government but from the State and local governments as well. If the Federal Government can pay all the cost of school lunches, there will be no incentive for State and local governments to do anything.

Another objectionable feature of amendment 512 is the requirement that, as a prerequisite of receiving funds, the States submit a detailed State plan which would include, among other things, the manner by which the agency proposes to include every school district within the State in the operation of the national school lunch program by the start of the 1972–73 school year.

I have no objection to a requirement that the States submit a detailed State plan, but I do not think the Federal Government should impose impossible requirements as a prerequisite for the receipt of any Federal funds. State educational agencies can realistically file such a plan only if they have complete cooperation of the full range of local agencies, including nonprofit private schools.

It is folly to establish a requirement that cannot be met within the jurisdictional competence of an agency. State educational agencies do not have authority over nonprofit private schools, so there is no way on the face of the earth that they can assure that every school will come into the program by 1972.

Also, amendment No. 512 would place an impossible administrative burden on the clerical personnel of individual schools. The amendment would require monthly reports from each school and each State educational agency as to the number of children eligible during the preceding month for free lunches, the number eligible for reduced price lunches, the average number receiving free lunches each school day, and the average number receiving reduced price lunches each day.

How can a local school maintain a realistic count of the number of children from families with incomes less than $4,000 and get that information once a month? Can you imagine what would happen throughout the public schools of this land in the private schools if every school child went home once a month with an affidavit in his hand and said, "You have to sign this, relating to your income, so I can take it back to the school so they can file a report with the Federal Government, so we can tell them we are poor enough that I'll get a free lunch or a reduced-price lunch"? That would be an impossible burden that the Senator's amendment would put on every school district in this country. This amendment would mean that the local schools would have to require monthly affidavits from every family within the school district. While obtaining information regarding every family in America, the schools would be so busy that they would not have time to prepare the food and serve it to the hungry children.

I yield to the Senator from Vermont.

Mr. AIKEN. It seems to me that requesting a report once a month would be going a little too far, because when a factory shuts down, many children will be eligible for that month and may be ineligible the next, as the employment varied for that community. Asking for a report once a month would certainly take care of all the unemployed clerical people in this country.

Mr. TALMADGE. That is quite true.

Mr. AIKEN. It would not be accurate, either.

Mr. TALMADGE. That is correct. Every family would have to keep a record of its earnings for the previous 12 months. Also, the mobility of our society is such that every time a family moved, it would have to file a new report, and the school would have to send it to Washington.

Mr. AIKEN. It would be difficult. If they had to make a report every 3 or 6 months, perhaps that could be done. As the Senator has said, with the moving that is going on these days, it would be almost a clerical bookkeeping impossibility to make anywhere nearly accurate reports.

Mr. TALMADGE. I agree completely with my distinguished colleague.

Mr. AIKEN. That is one reason why we do not get accurate statements now.

Mr. TALMADGE. The present law gives the Department of Agriculture authority to set standards and require plans. It is flexible enough to be worked out on a realistic basis.

I compliment the distinguished Senator on his desire to feed the hungry children of this country. He is not alone in that desire, however. The Senate Committee on Agriculture and Forestry started that program some 24 years ago, and we have been interested in it ever since. We are interested in continuing it and perfecting it. There is nothing wrong with the program now, particularly the committee bill as reported, that cannot be solved, if it can be adequately funded.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to my distinguished colleague, the chairman of our committee, who is the father, I may say, of this program.

Mr. ELLENDER. Mr. President, the main virtue of this program is the cooperation that has been established between the States and the Federal Government. There is no doubt that the program which has been in effect since 1947 has been a huge success because there has been complete cooperation among the schools at the local level, the administrators of the program at the local level, and the Federal Government. As a result of that cooperation, the Federal Government has been able to make a success of the program by furnishing about 25 to 26 percent of the entire cost.

The main addition to the bill now being considered is that we are desirous of having the States put up a little more cash than they have in the past. The school boards of many of the States in the past, as well the administrators of the program, have collected quite a lot of funds from the fathers and mothers of the schoolchildren who are the recipient of the program.

It was felt that this new formula written into the bill will be very much desired. It will result, in my judgment, in a better program with the States making a contribution.

As the distinguished Senator from Georgia just stated, the provisions of the amendment that is proposed can be done administratively under the law as it now stands. It would be ridiculous to have a monthly report from each State on each school on the number of children being fed. It would mean the expenditure of a great deal of money to administer such a program.

It strikes me that the bill reported by the committee—I do not say it is perfect—is a great addition to what the law has been in the past.

Therefore, I hope that the amendment will be rejected.

Mr. TALMADGE. Mr. President, unless some other Senator desires to speak, the Senator from South Dakota has indicated a desire for a record vote. I would therefore request the aides to inform Senators in the cloakrooms and elsewhere to come to the Chamber so that we can ask for the yeas and nays.

Mr. AIKEN. Mr. President, let me emphasize what the Senator from Georgia just pointed out, that is, that the McGovern-Javits amendments would cost $817 million to feed the children, while all the amendments would provide for a total funding of $397.6 million. This means that there would have to be more drastic legislation provided before the deficiency of $419,400,000 could be made up.

This is covered in the RECORD of February 20, 1970, page 4317.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TALMADGE. Does the Senator from Vermont desire more time?

Mr. AIKEN. No. I just wish to put emphasis on the fact that the amendments call for money for which no provision is made.

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Mr. TALMADGE. Mr. President, if no other Senator desires to speak, and the Senator from South Dakota is prepared to yield back the remainder of his time, I am prepared to yield back the remainder of my time.

Mr. PELL. Mr. President, let me just say to the distinguished Senator from South Dakota that I support his amendment. I am glad to be a cosponsor of it. I realize that it apparently is controversial, but the objective is valid and I support it.

Mr. McGOVERN. I thank the Senator from Rhode Island.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

Mr. McGOVERN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. DOLE in the chair). All time has been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from South Dakota.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIBLE (when his name was called). On this vote I have a pair with the Senator from Massachusetts (Mr. KENNEDY). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), and the Senator from Ohio (Mr. YOUNG) are absent on official business.

On this vote, the Senator from Texas (Mr. YARBOROUGH) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from Texas would vote "yea" and the Senator from Alabama would vote "nay."

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from New Mexico (Mr. MONTOYA) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. JAVITS), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maine (Mrs. SMITH) is detained on official business.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from Maine (Mrs. SMITH), and the Senator from Kansas (Mr. PEARSON) would each vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 38, nays 32, as follows:

[No. 52 Leg.]

YEAS—38

Anderson
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Cook
Eagleton
Fong
Goodell
Gore
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Magnuson
Mansfield
Mathias
McCarthy
McGovern
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Stevens
Symington
Tydings
Williams, N.J.

NAYS—32

Aiken
Allott
Bellmon
Bennett
Boggs
Byrd, Va.
Cooper
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Goldwater
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Murphy
Prouty
Russell
Scott
Spong
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bible, against.

NOT VOTING—29

Allen
Baker
Bayh
Church
Cotton
Cranston
Dodd
Fulbright
Gravel
Griffin
Hollings
Javits
Kennedy
Long
McGee
McIntyre
Metcalf
Miller
Montoya
Mundt
Pearson
Percy
Saxbe
Smith, Maine
Smith, Ill.
Sparkman
Tower
Yarborough
Young, Ohio

So Mr. MCGOVERN's amendment, as modified, was agreed to.

Mr. McGOVERN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MONDALE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 510

Mr. HART. Mr. President, I call up my amendment No. 510 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 22, line 25, strike everything through line 1 on page 23 and insert in lieu thereof the following:

"SEC. 11. (a) There is hereby authorized to be appropriated $250,000,000 for fiscal year ending June 30, 1971; $300,000,000 for the fiscal year ending June 30, 1972; and $350,000,000 for the fiscal year ending June 30, 1973."

Mr. HART. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HART. Mr. President, this amendment is offered by the Senators COOK, JAVITS, KENNEDY, MCGOVERN, MONDALE, PELL, PERCY, YARBOROUGH, and me.

Mr. TALMADGE. Mr. President, may we have order, so that the Senator can be heard?

The PRESIDING OFFICER. The Senator will suspend. Attachés will please be seated. Senators will please be seated.

The Senator may proceed.

Mr. HART. Mr. President, the amendment would authorize sums under section 11 of the National School Lunch Act to provide free and reduce price lunches for every child from a low-income family. The amendment would authorize $250 million for 1971, $300 million for 1972, and $350 million for 1973.

In 1962 only 33 percent of America's children were participating in the school lunch program. In Michigan the figure was 17 percent. This low statewide average figure resulted from a participation figure of 10 percent in Detroit where old schools and low incomes meant that the very children who most needed the lunch were not getting it. Section 11 was designed to provide free or reduced-price lunches in such situations. Each year, we have appealed to the Committee on Appropriations for more adequate funding of section 11.

Make no mistake about it. Until we fund section 11 adequately, we are kidding ourselves if we think the school lunch is feeding the hungry children; it is not. Without section 11 adequately funded we are putting lunches before children who can afford to buy them, who are going to the newer schools in the better neighborhoods where food service facilities have been built in, but we are shortchanging those in need.

Section 32 was added to the program in 1962. Until 1965 we were unable to secure any funding for it, and we began then with a meager $2 million. Since then we have been inching forward. It is time to do the job right and I believe the American people want it done.

Mr. President, if the President's goal for the national school lunch program is to become a reality—and every needy child is to receive a free lunch by Thanksgiving Day of this year—there must be a substantial increase in Federal,

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State, and local resources available for the school lunch program.

The Committee on Agriculture and Forestry, while recognizing that "greatly increased appropriations will be necessary," deleted the Federal authorization levels proposed by the Senator from Georgia (Mr. TALMADGE) because the Department of Agriculture strenuously objected to being faced with specific budgetary targets.

The Senator from Georgia (Mr. TALMADGE) has been one of the most effective voices raised in support of this measure.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. TALMADGE. Mr. President, I desire to express my deep appreciation and gratitude to the Senator from Michigan.

Mr. HART. Mr. President, the Senator from Georgia has earned these words and many more.

Mr. President, this amendment would seek to restore a much needed budgetary target, specifically $250 million for fiscal year 1971; $300 million for fiscal year 1972; and $350 million for fiscal year 1973.

The proposed fiscal year 1971 budget contains a deficit of at least $200 million—possibly as high as $400 million.

Unless the deficit is made up either by Congress or the States, the administration's pledge to feed all children of the poor in school by Thanksgiving will be defaulted—and once again the poor will be left to eat promises.

The committee itself at page 18 of its report on S. 2548 set $712.8 million as the total required to feed lunch to 6.6 million needy children—at 60 cents a lunch, 180 days a year.

Even if there is a 10-percent reduction for normal absenteeism, the total still exceeds $640 million. In fiscal 1971 the Federal Government expects to spend approximately $300 million in cash grants and commodities through formal school lunch program assistance to furnish lunch to needy schoolchildren. State and local aid may approach $100 million. The combined Federal-State-local support level of $400 million would leave a minimum deficit of $240 million. However, this figure ignores both rising costs and Bureau of Census data placing the number of needy children in school at 8.4 million pupils.

Faced with such a deficit, the least Congress can do is attempt to meet the minimum expected deficit. My amendment would do this by authorizing the Federal Government in fiscal 1971 to pump $250 million into the program through the outlet of section 11 special assistance alone, which constitutes an increase of $206 million over the Nixon administration's request for this child nutrition budget line item. The Nixon budget relies too heavily on fluctuating section 32 funds and hardly at all on direct appropriations to meet the cost of free lunches. The new section 11 would correct this imbalance.

The $300 and $350 million sums authorized for fiscal years 1972 and 1973, respectively, would enable lunch service to reach the more generous census count of the needy, assuming an average rise in the cost of lunch, with State and local cooperation. If no or inadequate target figures are inserted, the performance of the executive branch in fulfilling its commitments would be less easy to measure, and the States and our needy children would be in great danger of paying the price for the "Thanksgiving promise," something they simply do not, at present, have the resources to do.

It would also appear to be necessary to provide this authorization level in order to enact the reforms contained in the amendments offered by Senator JAVITS and Senator MCGOVERN.

The PRESIDING OFFICER (Mr. COOK in the chair). The time of the Senator has expired.

Mr. HART. Mr. President, I yield myself 5 minutes.

The Agriculture Committee, in rejecting these reforms, stated that they were doing so because there was inadequate funding to support the free and reduced price lunches they would generate.

We cannot reform this program because it lacks the funds to support such reforms—but on the other hand we will not ask for the funds either.

Such reasoning only confuses the issue—do we or do we not keep our promises to the American people? The National School Lunch Act of 1946 declared that the program was to "supply lunches without cost or at a reduced cost to all children—determined—to be unable to pay the full price thereof." Twenty-four years later the program still fails to keep this promise—and yet we reject adequate authorization levels.

I think that is not a record on which this body would be content to rest.

Mr. President, I offer several summary sheets, which I ask unanimous consent to be printed in the RECORD, which reflect both the need and the method to insure that that need is met as reflected in the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX A. FREE SCHOOL LUNCH: THE BUDGET GAP

The cost of providing a free lunch throughout the school year depends on three factors: the number of poor children to be reached, the average cost of a lunch, and the annual number of lunches per pupil:

(1) There are two estimates in vogue of the number of school children from low-income families who require free lunches. USDA sets the figure at 6.6 million, by derivation from a study by the American School Food Service Association. Analysis of the Bureau of the Census' 1968 poverty data released in December, 1969 reveals that at least 7.8 and perhaps 8.4 million children between the ages of 5 and 17 lived in 1968 in families with annual incomes less than $3,600 for a family of four or the equivalent. Given the $4,000 eligibility test contained in the coalition amendments, coupled with the 3% annual decline in poverty, 8.4 million may be the most realistic target figure.

(2) The normal school year runs 175 to 180 days, but a 10% absenteeism rate is anticipatible, making 162 lunches per pupil per year a reasonable goal.

If 6.6 million needy children, then the total cost of furnishing free lunch in fiscal 1971 = $640 million (60¢ × 162 × 6.6 million).

If 8.4 million needy children, then cost = $817 million (60¢ × 162 × 8.4 million).

[All figures in millions]

Total cost	$640.0	$817.0
Funding sources (funding year 1971):		
I. USDA	297.6	297.6
(a) Sec. 11	44.0	44.0
(b) Sec. 32	4.3	4.3
(c) Special sec. 32	151.7	151.7
(d) Sec. 4 [1]	25.5	25.5
(e) Donated commodities [2]	72.1	72.1
II. States [3]	75.0	75.0
III. Local [4]	25.0	25.0
Total funding	397.6	397.6
Cost-funding, Gap	242.4	419.4
Proposed increase in fiscal year 1971 authorization	206.0	206.0
Gap increase, program deficit	36.4	213.4

[1] USDA estimates that approximately 15 percent of all sec. 4 funds will be applied to reimburse schools for serving free or reduced price lunches because 15 percent of all lunches receiving the across-the-board 5-cent reimbursement have been served free or at a reduced price. Sec. 4 is allocated $169,700,000 in fiscal year 1971, meaning that 15 percent of that sum is includible under anticipated free lunch expenditures.

[2] 1,100,000 of the 18,900,000 children whose lunches will be federally aided exclusively under the sec. 4 portion of the lunch program will be needy children receiving free or reduced price lunches in nonneedy schools. The additional 55 cents for their lunches (less commodities donated) will come from state or local contributions or the payments made by middle-class children, rather than from Federal funds. Those children constitute 5.9 percent of the sec. 4 children and will, accordingly, consume approximately 200,000,000 lunches during fiscal year 1971 (5.9 percent of the 3,394,000,000 sec. 4 lunches). 1,000,000,000 free or reduced price lunches are expected under the special assistance for lunch provisions.

Thus, free or reduced price lunches would constitute 1,200,000,000 or 27.3 percent of the 4,394,000,000 total number of all school lunches served under the national program in fiscal year 1971. Since the school lunch commodity budget for fiscal year 1971 is set at $264,500,000,000, some $72,100,000 of that cost would be attributable to free or reduced price lunches, on the appropriate assumption that, in a given State, commodities are divided equally among the lunches served.

[3] The Senate Agriculture Committee reports that, in fiscal 1968, $63,600,000 was contributed from State tax revenues for the school lunch program. Approximately ¾ of that sum or $45,000,000 was directed to supporting free or reduced price lunches. By fiscal 1971, an additional $30,000,000 in State funds will be devoted to that purpose, including $10,000,000 in New York, $5,400,000 in Illinois, $6,000,000 in California, $2,000,000 in Maryland, and assorted sums elsewhere.

[4] Although no accurate compilation of local support for free or reduced price lunches exists, $25,000,000 by fiscal year 1971 is the best available estimate. New York City contributes over $10,000,000; Atlanta $750,000; Baltimore $500,000; San Francisco $330,000; Detroit $400,000; the District of Columbia $2,850,000 and many other cities make or will be making substantial inputs.

[5] The non-USDA free lunch programs include:

Headstart	$40 to $48.
Johnson-O'Malley	$2.
ESEA, title 1	$25 to $30.
Migrant education	$3.1.
Handicapped and delinquent children	$0.2.
Follow through	$3.

The fiscal year 1971 program deficit for the 6.6 million count would easily be covered by the funds now spent for free lunches under non-Department of Agriculture-operated programs. Those programs currently yield in the neighborhood of $75 to 90 million annually (including some lunches for 3 to 4-year olds). (See footnote 5 above.)

The fiscal 1971 program deficit for the 8.4 million count would be in the $125–140 million range, after taking those other feeding programs into account. The deficit would, of course, be further reduced, although not entirely, by the overflow from payments by middle-class children, a sum which is not capable of estimation. In all likelihood, 8.4 million children could not be adequately served until the Section 11 increase for fiscal 1973 were fully funded.

Mr. HART. Mr. President, I hope very much that the Senate will adopt the amendment.

Mr. TALMADGE. Mr. President, I yield myself such time as I may need.

Mr. President, when I offered S. 2548, I had somewhat similar figures—in fact, I think they were identical—for fiscal years 1971 and 1972 as the amendment proposed by the Senator from Michigan. But the committee went into the matter fully. We did not know exactly how much money we needed. The figures were somewhat contradictory. The Department of Agriculture made one estimate. The Committee on Nutrition made another. As I recall, the school administrators in the respective 50 States made another.

So the action the committee took was to leave it completely open ended, so Congress would be authorized to appropriate any money that might be necessary to provide for the need.

If Senators will turn to page 22 of the bill, line 25, the language reads:

> SPECIAL ASSISTANCE
>
> SEC. 11. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch programs under this Act by children of low-income families.

The action the committee took is permanent legislation, completely open ended. The amendment of the distinguished Senator from Michigan would limit the figure to $250 million for the fiscal year ending June 30, 1971, $300 million for the fiscal year ending June 30, 1972, and $350 million for the fiscal year ending June 30, 1973; and no sums whatever would be authorized in subsequent years.

May I express the thought to the Senate that this authorization is a ceiling; it is not a floor. The committee bill has no ceiling at all. The time is not limited in any degree. It is permanent legislation.

So in this instance the Senator from Michigan is offering legislation that is far more restrictive than what the Committee on Agriculture and Forestry agreed to.

May I say, in conclusion, that my original bill had the same thought as the Senator, and I had fixed sums for the fiscal years 1971 and 1972 identical to what the Senator from Michigan has fixed. But when we looked into the matter in committee, it was determined that, rather than put a ceiling on the appropriation authorization, it should be left open ended, so the Department of Agriculture could study the needs for the program and the Appropriation Committees of the Senate and the House, in their wisdom, could appropriate such sums as were desirable and needed.

The Senator's amendment is restrictive in nature, whereas the committee's proposal is completely open ended.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, I yield to the Senator from Kansas such time as he may desire.

Mr. DOLE. Mr. President, I share the views expressed both by the Senator from Georgia and the Senator from Michigan and agree that the objective of the bill is to provide every child who needs it with a free or reduced price meal.

The Senator from Georgia initially provided some limit in the authorization, but, as he has just pointed out very well, perhaps what we are doing, under the amendment of the Senator from Michigan, is restricting the amount of money that may be appropriated.

Regardless of the amount we authorize, it does not guarantee any level of appropriations. As I recall the deliberations of the committee when we had the hearings and following the hearings, after consultation with the executive branch we felt we should leave it open ended so that there could be provided whatever money as might be necessary to achieve the objective expressed by the unanimous vote of the committee, and again today by the Senator from Michigan and by the Senator from Georgia.

The amendment of the Senator from Michigan would tend to restrict the amount of money that might be available. I share the views expressed by the Senator from Georgia, and, therefore, reluctantly oppose the amendment of the Senator from Michigan.

Mr. HART. Mr. President, I yield myself 5 minutes.

The exchanges indicate that all of us who have spoken to the point are anxious to insure that there are adequate authorizations and appropriations to feed schoolchildren. Which is the most likely way to put food in front of them, rather than promises, which we have been making for too many years? Those of us offering the amendment believe this to be the appropriate way. Why? The realistic fact of life is that the Department of Agriculture is asking, "How much money for this program? What is their request?"

Although I am not privileged to sit on the Appropriations Committee, I imagine that is a sort of ceiling at which appropriations begin and from which they are then lowered.

The Department of Agriculture asks all of $44 million to do this job. Whether they heard the promise about Thanksgiving, I do not know, but $44 million is not going to deliver by Thanksgiving.

Unless we put up a target, as proposed in the amendment, of $250 million, is it likely that there will be recommended, in the appropriation bill when it comes through, a figure very much larger than the Department in its wisdom and prudence says is needed, $44 million?

We doubt it very much; and it is for that reason that we argue the desirability of putting the target up, rather than having what admittedly is a very attractive, at the moment, open ended proposal. It will be open ended until the Department comes in and says, "We only need $44 million," and then, boom.

Mr. President, there are 6.6 million needy children. To furnish them free lunches in this fiscal year, at 60 cents a meal for 162 school days, would require $640 million.

This should alert us, first of all, to the fact that the department apparently is not using a schoolchild count, or it is getting the food at bargain prices. But even at bargain rates, with 6.6 million in need, $44 million is not going to get them into business by Thanksgiving.

With the ceiling, if you will, or target, as I would prefer to call it, established by the amendment, we would get within hailing distance of the total sum that would be required, making allowances for regular absenteeism, and so on. It is not, Mr. President, the motive of the offerers of the amendment to suggest a figure less than that which is required, but rather to state a figure which reality requires we talk about now as actually needed, if in fact delivery is to be made on this promise.

It is for that reason, Mr. President, that the suggestion is strongly made—and I hope will be adopted—that we now recognize the inadequacy of the department's recommendation, and the desirability of fixing a target figure which, in reality, this year and next and the following year, will deliver the food.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. DOLE. I assuredly share the objective of the Senator from Michigan. I wonder whether he has taken into account, in his request for these authorization limits, the amendment we have just adopted, in which we established new eligibility requirements. It may be that the amount requested in the Senator's amendment may not be adequate, in the light of the new standards, and because the Federal Government will now pay all the costs in certain instances.

Mr. HART. I think the amendment we just adopted established an eligibility income ceiling, and allocated money on the basis of a $4,000 annual income. It did not establish eligibility, but the Senator is correct, it is anticipated that such an amendment will be offered. We have not done it.

Mr. DOLE. I wonder, in the light of the amendment that was agreed to, if, sharing the views of the Senator from Michigan, we may not be tying the hands of the department because of the increased costs to be added by that last amendment, since in some cases 100 percent of the cost is to be borne by the Federal Government.

Mr. HART. It is my information that even with the adoption of the Javits amendment, there would still be an inadequate provision. But this $36 million deficit could be made up from other non-USDA child feeding funds, such as Johnson-O'Malley funds. I am advised that not until 1972 would the sum be adequate to insure delivery to all the children.

The PRESIDING OFFICER. The Senator's 2 additional minutes have expired. Who yields time?

Mr. HART. Mr. President, I ask for the yeas and nays.

Mr. TALMADGE. Mr. President, I yield such time to the Senator from Florida as he may require.

Mr. HOLLAND. Mr. President, I yield to the Senator from Michigan so that he may ask for the yeas and nays.

Mr. HART. I thank the Senator from Florida. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HOLLAND. Mr. President, I wish to say first that I agree implicitly with the distinguished Senator from Georgia

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and the distinguished Senator from Kansas in opposing this amendment. The Senator from Georgia had some figures in his bill. I do not remember the size of them, but I recall that there were three different estimates as to how many dependent children would come under the purview of the old section 11 of the act, which is what we are talking about now, the feeding of dependent children.

The Department of Agriculture thought there would be enough so that $44 million would take care of all they could possibly hope to bring within the program in this approaching year. The school officials had a different figure, and then the nutrition committee had a different figure still; and, though I rarely favor any open ended appropriation, it seemed to me that if we were to take care of this matter at all, we should do it, in this instance, through an open ended appropriation, because there was no dependable set of figures upon which we could rely in trying to decide what should be the amount required for each of the years.

So, Mr. President, we agreed to leave the authorization open ended, and we also agreed to make this part of the bill permanent legislation. In both of those particulars, the amendment in question is less desirable than the provisions of the pending bill; and my own feeling is that the amendment should be defeated.

I might say that our experience under this particular program is twofold. First, they have never used the amounts that we have appropriated. We appropriated for this particular year $45 million, and that amount was not used.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. I yield.

Mr. TALMADGE. The Senator did not include, I believe, the additional section 32 funds that are also being used for that purpose.

Mr. HOLLAND. The Senator is correct; and that is the one thing that I am grateful to the authors of this amendment for—they have finally realized that they should not continue to abuse the purposes of section 32 by encroaching upon section 32 for every use that came up and every amount that might be needed. At least the amendment has that virtue, though I cannot find any other virtue in it.

The open ended authorization is completely necessary because no one knows how big this program will be, first, as to the number of needy children that there are in the country, and, second, as to the number of States or cities that are going to come in for their part of the dependent children.

I am sure that Senators know that some of the most populous States, or several of them, have not come in on this program, and that some of the largest cities have not come in on the program, and many of the dependent children are in those largest cities. So the whole program, here, is in the air; no one has any definite figure in mind, and instead, our friends who offer this amendment propose definite figures which are very much larger than anything that has been able to be committed or spent before, and they limit them to the 3 years covered by the amendment.

Mr. HART. Mr. President, will the Senator yield so that I may ask for yeas and nays?

Mr. HOLLAND. I am glad to yield for that purpose.

Mr. HART. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, we still have those two imponderables, those two unknown matters, in this figure. We do not know how many dependent children there are nationwide. We do not know what States and large cities are going to come into the program. We do not know whether the large cities that have heretofore declined to come into that program are going to do so.

I think that everybody who is hopeful to do the most we can under this program realizes that, in the first instance, permanent legislation rather than 3-year legislation is desirable and, second, that open ended authorization is desirable because we hope that everybody will come in, for all the dependent children. But we have no assurance whatever that such will be the case, and we do not know how many there will be if it should be the case.

It seems to me that the bill reported by the committee is infinitely wiser than this amendment would make it.

I yield to the Senator from Vermont.

Mr. AIKEN. I simply cannot understand what motivates the sponsors of these amendments to require the expenditure of so much money for the school lunch program and then restrict the appropriation which would be necessary to meet that requirement to about half of the total. I do not know what the motive is. If it went through both Houses of Congress, of course only one thing could happen to it, and that perhaps could be useful in certain areas at certain times of the year. But it just looks to me that if they have their way, something disastrous will happen to the school lunch program. That is all there is to it.

Of course, I do not think the House would tolerate any such action on their part.

I forget how long ago we passed the Food Stamp bill. It was months and months ago.

Mr. TALMADGE. Five months ago.

Mr. AIKEN. Five months ago. And still nothing has come of it. We do not have any food stamp program for the future. And that is exactly what will happen to the school lunch program, I think, if we send it through with the amendments which are being proposed to it. I think it is irresponsible legislating.

Mr. HOLLAND. Mr. President, I appreciate the remarks of the Senator, and I agree with him entirely.

I may say that it seems to me that the committee bill as reported is infinitely wiser. It was supported by the full committee, with one exception. It appears that we are about to go through the same course—or, at least, we are having the same course suggested to us—that we had on the food stamp matter which the Senator from Vermont has mentioned. We passed that bill prior to July 7. I do not know the exact date, but July 7 was the date of the passage by the Senate of the Agriculture appropriation bill, which I had the privilege of handling on the floor of the Senate. That big food stamp bill, which so greatly enlarged the program authorized by the committee, with one exception, still languishes in the other body, and no action whatever has been taken on it. I do not want to see us go through the same course with reference to the school lunch program.

I do hope that the committee bill will pass, and I regret that the amendment which we recently adopted was adopted, because it adopts a much higher standard as to who are dependent children than does the present ruling or than was required by the committee bill.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Vermont.

Mr. AIKEN. In my opinion, the effect of the amendment just adopted would be to take the money from the smaller or poorer States of the Union and put it into the States that have the big cities.

Mr. HOLLAND. Mr. President, that might be the result. I do not know. But I am anxious that we do finally fulfill to a greater measure than we have heretofore the objectives of section 11. I think we would do that better under the committee bill, infinitely better and certainly longer, than would be done under the pending amendment. I hope the amendment will be rejected.

Mr. HART. I yield myself 1 minute before yielding to the Senator from South Dakota.

Mr. President, it is the understanding of the offerers of this amendment that there will be no selection among children who are poor, whether they are in small States or large States. The purpose we seek to achieve is that there is a good amount of money available to assure that children, wherever they are, are delivered of a promise we have talked about for a long time.

I yield 5 minutes to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I do not want to charge anyone here with hypocrisy, but the truth of the matter is that we have an argument going in a circle here on what it is going to take to meet the promise we have made to try to feed every poor, hungry child by Thanksgiving of 1970.

The administration officials who came before the Committee on Agriculture and Forestry objected to various reforms that are offered in the amendments we are considering today and will be considering tomorrow, on the ground that there was not sufficient funding to carry out those amendments.

The Senator from Georgia (Mr. TALMADGE) had in his bill, when it was originally introduced, funding to cover that purpose. The witnesses who came here to testify on behalf of the administration said, in effect, "Don't put us on the spot by putting the figure in the bill, because we don't know whether we are going to have that much money available." In other words, they were object-

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ing to the reforms in one breath by saying, "We don't have the money to pay for them," and then saying, "Don't ask for the money."

So we end up with the same old problem we have had before, of a lot of rhetoric about putting an end to hunger, and then a very careful sidestep in failing to provide the money that is needed.

It is all well and good to talk about an open-ended appropriation if you know that you have a commitment from the administration to ask for the money that will be needed to carry out these reforms. But every indication—I say this with very considered judgment, and I think it is true with other members of the committee—is that there is no intention to ask for adequate funding to carry out the kind of reforms that will be needed to make this program relevant.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. TALMADGE. How is it more liberal to put a ceiling on a bill than it is to have it open ended?

Mr. McGOVERN. In the absence of that kind of instruction from Congress of a specific authorization——

Mr. TALMADGE. The authorization constitutes the ceiling, as the Senator knows.

Mr. McGOVERN. Yes, but the ceiling is set at a reasonable level to provide the funds we need to do the job.

Mr. TALMADGE. Is it the Senator's idea that the ceiling would also constitute a floor?

Mr. McGOVERN. It is my argument that the funds we are asking for under Senator HART's amendment will meet the minimum needs that we have estimated for fiscal 1971, 1972, and 1973, and that is really what we are talking about. The absence of any kind of authorization is an indication, as I see it, to those who are going to be administering the program downtown that they are under no particular guidance from Congress as to what they are to do in the way of spending. It leaves the Budget Bureau and the administrators of the program free to cut, reduce, or do whatever they want, without any financial guidance from Congress.

Mr. TALMADGE. I am looking at a copy of the explanation of the School Lunch and Child Nutrition Amendments that the Senator was kind enough to give me, and his appendix A, free school lunch, budget gap. The Senator admits, in his own quotation, that even if the Hart amendment is agreed to, he will still lack $213.4 million of having sufficient money to fund the program. Is that accurate?

Mr. McGOVERN. I could not agree more. I am saying to the Senator that to establish a completely ideal program, the amount of money requested by Senator HART's amendment is not enough.

Mr. TALMADGE. If that is required, why put a ceiling on the amount Congress can appropriate and also cut it off at 1973?

Mr. McGOVERN. Because I want administration officials to understand that the Senate is saying here this afternoon that we want another $250 million spent in fiscal 1971 above and beyond what they now intend to spend, what the administration has asked for in the President's budget, we have set out now, and the President has gone before the White House Conference on Nutrition and said that he wants every hungry child fed by Thanksgiving of 1970. Then he submits a budget that provides for $300 million for school lunch funds. We get another $100 million estimated out of State and local sources, which leaves it $240 million short of what we need, to meet even minimum needs to achieve the President's goal, and using the most conservative figures available.

I am saying to the Senator that unless we provide this authorization or something close to it, we are in effect saying to the administration that they have a free hand to do whatever they want to do with reference to meeting the problems of hungry schoolchildren.

Mr. CANNON. If the Senator will yield, I have listened with interest to this discussion, and I am wondering, if the Senator intends to say what he is saying here in colloquy, why he does not say "not less than" $250 million, rather than just authorize $250 million, because it seems to me that the bill itself would authorize $250 million, or whatever amount the Appropriations Committee suggested and Congress determined to appropriate.

Mr. McGOVERN. Let me say to the Senator that for many years we have had these open ended appropriations and authorizations and they have meant nothing. I think the legislative history we are building now, and the reforms included in the bill, as we provide an authorization of $250 million above what is now in the President's budget, are about all we would hope to accomplish. I think that, in the absence of that, if we follow the pattern used in the past of open ended authorizations, without any figures spelled out, we will be back here a year from now talking about the same gap that is facing us today.

Mr. HART. First, let me say, on the point just made by the Senator from South Dakota, that we have gone up this hill for several years now, an open-ended authorizations, and find it is an open ended sack. It is the feeling and the hope that, by suggesting as a limit the figure we do, there will be some will on the part of the administration to come in and offer more than the $44 million they now suggest.

Mr. CANNON. If the Senator intends to make this type of request, would it have any binding effect on the Appropriations Committee?

Mr. HART. We do not represent that it would. We assert that the open-ended approach has been ineffective thus far, so, now, let us try this and see if we cannot get closer to a figure from the administration which will be more effective.

Mr. CANNON. Is it the Senator's intention that the bill as now drafted would not authorize the appropriation of the amount set forth in the amendment?

Mr. HART. Just as it has in the past, it would authorize what is needed, but we have never gotten what was needed in the past. Let us try it this way. Maybe we will get it this time. That is the point of our suggestion.

Mr. CANNON. That does not seem to be a very good argument, that because we did not get it in the past, because it was open-ended, we will get it now. That is not a very logical argument, as I see it. If the Senator wants to get something, why not say to appropriate "not less than" so much money? Then we would be putting in some guidelines that would at least mean something.

It does not appear to me that the Senator's proposal really has—I supported the last amendment—but it certainly does not seem to me this is a logical argument for putting a ceiling on, where we have an authorization that includes at least that much now.

Mr. McGOVERN. I should like to ask the Senator, as a point of information, whether that is a valid legislative procedure to say that, under an authorization bill, "not less than" an amount could be spent. Is that not invading the appropriations process?

Mr. CANNON. What I was suggesting is, "It is hereby authorized to be appropriated not less than." One can put in "not less than," just the same as one can put in, "not more than." It does not mean anything unless one gets it. The Appropriations Committee will have to determine that.

Mr. McGOVERN. I think the net effect would be the same. If the Senate would pass a strong school lunch bill, without specifying the amount, it would have the same impact as it would by using the words the Senator suggested or not. I personally have no objection to that modification. The Senator from Michigan may wish to speak to it.

Mr. HART. The yeas and nays have been ordered. To modify it would require unanimous consent, I believe. The Senator from North Dakota, who has worked with this problem, has indicated as his judgment the desirability of fixing an authorization of not less than.

Mr. President, may I suggest the absence of a quorum in order to clarify from the Parliamentarian whether this does in fact invade the appropriations process.

The PRESIDING OFFICER. The Chair would inquire of the Senator from Michigan on whose time, there being 19 minutes remaining.

Mr. HART. On our time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. The Senator from Michigan has 12 minutes remaining. The Senator from Georgia has 30 minutes remaining.

Mr. HART. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 additional minutes.

Mr. HART. Mr. President, after con-

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sultation with several of our colleagues, the Senator from South Dakota (Mr. McGovern) and I advise the Senate that in our opinion the most appropriate, and we would hope, the most effective way to respond to what all of us sense to be a problem that should be resolved—namely, our failure to deliver on the promise to feed the children—would be met better by agreeing to the amendment as proposed without any modification.

Mr. President, our reason has been stated. The experience is clear that when we have had an open-ended authorization in this area, grossly inadequate funding has been the result. It is our hope that by having a benchmark figure of $250 million this year, $300 million for 1972, and $350 million for 1973, the Department will recognize our feeling that figures in that range are required in order to assure the feeding of those children.

One can say, "but it will not happen." I cannot assert that it will, because none of us has a crystal ball. I can remember our experience with the Federal Water Pollution Control Act, when, after having established an authorization of $1 billion as a target figure, have seen in these recent months the delivery of $800 million rather than the $214 million proposed in the budget for 1970.

That experience persuades us that there is a likelihood that the same result will obtain if we fix in this debate today a target figure in the range we are suggesting.

We are all on notice that the Department says it cannot deliver because they do not have the money. Yet, they come around saying, "Do not give us the money."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 additional minute.

Mr. HART. Mr. President, we think that by setting the $250 million target figure, we will persuade them of the necessity to come in with substantially more than the present figure of $44 million.

Mr. TALMADGE. Mr. President, I yield 5 minutes or such time thereof as he may require to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. ELLENDER. Mr. President, I regret that the amendment proposed a while ago was agreed to. That means that the Federal Government would be spending much more money than it has spent in the past.

It further means that the cooperation that now exists between the State and Federal Government in the operation of the program would be lessened.

I do not quite understand the argument of my good friends, the Senator from Michigan and the Senator from South Dakota.

The Senator from Michigan mentioned the Pollution Act. It was my privilege to handle that bill, and although we had specified amounts in that bill, the administration never saw fit to authorize the amounts mentioned by Congress. To the contrary, the amount provided has been much less.

As I recall, the first authorization for the first year was something like $450 million. For the next year, it was $700 million, and for the next it was $1 billion each, and the fourth year $1,250 million. Congress only provided $250 million last year, and the administration, through the Budget Bureau, recommended $250 million. It was the Senate committee that put in the $1 billion. Therefore, if a stipulated amount did not work in this case, why should it work in the school lunch program.

I feel confident that, with the evidence we have before our committee and the fact that the administration is desirous of providing the funds necessary to operate the program, we would be far better off with an open-ended authorization than to limit it.

I am really and truly surprised that such arguments should be presented to the Senate. It certainly has not worked that way in the case of the pollution program. I doubt that it will work in this program.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, I yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. HOLLAND. Mr. President, there is a good deal more at stake here than meets the eye. In the first place, the Committee on Agriculture and Forestry came out with a new bill. It had the approval of 12 of the 13 members of that committee, some of whom originally would have preferred a much less generous bill than the bill reported by the committee.

The same situation took place on the food stamp bill. With only one member of that committee opposing what the committee did, the Senate overruled the committee and sent a bill over in July of last year to the other body. It was greatly swollen. No action has been taken on it yet, and we have gotten nowhere by overriding the committee action in that manner. And now, it is proposed that the same course be followed in this instance; in other words, that we do away with the action of the Senate committee.

I want to call attention to the fact that the Senator from Louisiana was one of the joint founders of this school lunch program years ago and that year after year he sought to increase the funding and to add to the original bill additional measures of which he was the author, such as the breakfast program and the facility programs, and other programs, which have made the program so much bigger.

I do not think it is sound practice to overrule a committee and the chairman of the committee. The Senator from Vermont (Mr. Aiken) has stood shoulder to shoulder every time with the Senator from Louisiana in what has been done in this field. I do not think it is good practice or procedure to overrule the committee and that is what is proposed by this series of amendments.

The second thing I do not like about this is the implication that the committee is not generous in dealing with the school lunch program. The authors of this amendment have very short memories. Last week, the same day this bill was first taken up and immediately before it was taken up, we passed a measure which came out of the Committee on Agriculture unanimously directing that $30 million be taken out of section 32 funds—a very highly regarded agricultural fund, by the way—to fund for the balance of this year a present deficiency in the funds for the school lunch program. That bill was passed without a dissenting vote on the consent calendar just a few minutes before we took up the bill that is pending now.

Mr. President, to the livestock industry, to the poultry industry, to the fruit and vegetable industries and to the many who produce perishable crops amounting in totality to more than one-half of the agricultural production of this Nation, section 32 is of immense value.

What did our committee do on this $30 million venture? We could not require an additional appropriation. We called to find if it could be made available without imperiling the carryover fund. When we were advised that there had been few claims on section 32 funds this year the committee unanimously and without a minute's delay voted approval of that bill and it was passed. I do not think that is an act of an ungenerous committee or an inhumane committee. I think, to the contrary, the committee showed itself to be both generous and humane. We cut corners by making it unnecessary to take that matter to the Committee on Appropriations, which would have been the case. Last year we had the same situation in making $45 million more available. I say more because we had already made $290 million available out of section 32 funds for the special milk program, for the school lunch program, and for other programs. We added on $45 million when we found we could do so and still have the carryover at the end of the year. We added on for this very objective

When we have come out of committee, as we did, with no dissenting vote except one—and that was not a dissenting vote; the Senator from South Dakota said he had three or four amendments he would propose on the floor, and what they would consist of—I think we should uphold the committee and the thinking of every member of that committee, but one. I do not think there is an inhumane member on the committee. I hope the amendment is rejected.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, if no other Senator wishes to speak I am prepared to yield back my time.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. HART. I yield 2 minutes to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I merely want a few minutes to respond to the statements of the Senator from Florida. First I want to make clear that no one here has suggested that the Committee on Agriculture, on which I am proud to serve, is inhumane. As a mat-

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ter of fact, I began my remarks, as other Senators have, by paying tribute to the distinguished chairman of that committee and to other members of the committee, and especially the Senator from Georgia (Mr. Talmadge), who is the author of this very fine bill that we are debating this afternoon.

However, the entire purpose of this sequence of amendments is to strengthen what we recognize as a good bill. I do not think what we have proposed is a reflection on the humanity or generosity of the members of the Committee on Agriculture, but it is a method, a perfectly legitimate and valid legislative process, and a means of strengthening the pending bill, and I refer to the floor of the Senate.

With respect to the statements by the Senator about the use of section 32 funds I appreciate as much as anyone what the committee has done with respect to protecting the real purpose of the program. That is why we asked for funding from other sources; to provide $250 of additional money, not by taking it out of section 32 funds, not by jeopardizing agricultural interest in that program, but by securing this money under the section 11 part of our school lunch program as a proper place to secure the additional financing that is needed. It would not have been necessary to take $30 million out of section 32 last week or $45 million out of that program in 1969 if we had had adequate authorization and appropriation for this program, as to the purpose of the amendment of the Senator from Michigan (Mr. Hart) in his amendment, to provide adequate funding and carrying out the functions of our school lunch program.

I hope the amendment is agreed to.

Mr. TALMADGE. Mr. President, if no other Senator desires to speak, I am prepared to yield back my time, if the Senator from Michigan is prepared to yield back his time.

Mr. HART. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. All the time is yielded back. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alabama (Mr. Allen), the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Cranston), the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from Alabama (Mr. Sparkman), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that the Senator from Idaho (Mr. Church), the Senator from Alaska (Mr. Gravel), and the Senator from Ohio (Mr. Young) are absent on official business.

I further announce that, if present and voting, the Senator from California (Mr. Cranston), the Senator from Alaska (Mr. Gravel), the Senator from Wyoming (Mr. McGee), the Senator from Montana (Mr. Metcalf), and the Senator from New Mexico (Mr. Montoya) would each vote "yea."

On this vote, the Senator from Texas (Mr. Yarborough) is paired with the Senator from Alabama (Mr. Sparkman). If present and voting, the Senator from Texas would vote "yea" and the Senator from Alabama would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New Hampshire (Mr. Cotton), the Senator from New York (Mr. Javits), the Senator from Michigan (Mr. Griffin), the Senator from Iowa (Mr. Miller), the Senator from Kansas (Mr. Pearson), the Senators from Illinois (Mr. Percy and Mr. Smith), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

If present and voting, the Senator from Iowa (Mr. Miller), the Senator from South Dakota (Mr. Mundt), and the Senator from Kansas (Mr. Pearson) would each vote "nay."

On this vote, the Senator from New York (Mr. Javits) is paired with the Senator from Illinois (Mr. Smith). If present and voting, the Senator from New York would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Illinois (Mr. Percy) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Texas would vote "nay."

The result was announced—yeas 35, nays 36, as follows:

[No. 53 Leg.]

YEAS—35

Brooke
Burdick
Case
Cook
Cooper
Eagleton
Goodell
Gore
Harris
Hart
Hatfield
Hughes
Inouye
Jackson
Mansfield
Mathias
McCarthy
McGovern
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stevens
Symington
Tydings
Williams, N.J.

NAYS—36

Aiken
Allott
Anderson
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Magnuson
McClellan
Murphy
Russell
Scott
Smith, Maine
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—29

Allen
Baker
Bayh
Church
Cotton
Cranston
Dodd
Fulbright
Gravel
Griffin
Hartke
Hollings
Javits
Kennedy
Long
McGee
McIntyre
Metcalf
Miller
Montoya
Mundt
Pearson
Percy
Saxbe
Smith, Ill.
Sparkman
Tower
Yarborough
Young, Ohio

So amendment No. 510 was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE ASSIGNMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Senate Resolution 338, 88th Congress, second session, appoints the Senator from Georgia (Mr. Talmadge) to the Select Committee on Standards and Conduct.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS

The Senate continued with the consideration of the bill (S. 2548) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 511

Mr. McGOVERN. Mr. President, I call up my Amendment No. 511, and ask that it be stated.

The Legislative Clerk. The Senator from South Dakota (Mr. McGovern) proposes amendment No. 511, as follows:

On page 29, after line 6, insert the following: Section 4 of the Child Nutrition Act of 1966 is hereby amended to read as follows:

"SCHOOL BREAKFAST PROGRAM AUTHORIZATION

"Sec. 4. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, $25,000,000; for the fiscal year ending June 30, 1972, $50,000,000; and for the fiscal year ending June 30, 1973, $75,000,000 to enable schools to initiate, maintain, or expand nonprofit breakfast programs for needy school children.

"APPORTIONMENT TO STATES

"(b) The Secretary shall apportion the funds appropriated pursuant to this section for any fiscal year in accordance with the apportionment formula contained in section 11 of the National School Lunch Act, as amended.

"STATE DISBURSEMENT TO SCHOOLS

"(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by it to assist such schools in financing all or part of the operating costs of the school breakfast program in such schools, including the cost of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive shall be based on the need of the school for assistance in meeting the requirements of subsection (d) concerning the service of breakfasts to children unable to pay the full cost of such breakfasts. In selecting schools for participation in the program, the State educational agency shall give first consideration to those schools with high numbers of children from low-income families and to those schools to which a substantial proportion of the children enrolled must travel long distances daily.

"NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

"(d) Breakfasts served by schools participating in the school breakfast program un-

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der this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full costs of the breakfast. Such determination shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions: *Provided*, That any child who is a member of a household which (a) is eligible to participate in a food stamp or commodity distribution program, or (b) has an annual income equivalent to or less than $4,000 for a household of four persons shall be eligible to receive meals without cost. The determinations of such income shall be made solely by execution of an affidavit by the member of such household. In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay, nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means.

"NONPROFIT PRIVATE SCHOOLS

"(e) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provisions thereof."

Mr. McGOVERN. Mr. President, the principal sponsor of this amendment is the senior Senator from Massachusetts (Mr. KENNEDY), who is unable to be present in the Senate today because of illness. Some nine Senators have joined in cosponsoring the amendment—the same Senators who sponsored the two previous amendments on which the Senate has already acted.

Mr. TALMADGE. Mr. President, may we have order, so that the Senator can be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. McGOVERN. As Senators know, a school breakfast program was inaugurated in 1966, largely on a pilot basis, to demonstrate what was already then believed to be a rather certain fact—that school performance is very considerably enhanced when the pupils receive a school breakfast. It was generally known that millions of children from poor families were going to school without breakfast, and that this fact was reflected in very poor performance in the classroom.

So a small investment was made, as I say, largely on a pilot basis, to give some measurement of the impact of the school breakfast upon health and academic performance. At the present time, we are feeding approximately 200,000 children under this program in some 2,900 schools, which of course means that the overwhelming percentage of youngsters do not even attend schools where a school breakfast is offered, and a rather small percentage of the youngsters of the Nation are participating in the program.

But those who are participating are responding on a scale that has left no doubt at all in the minds of those observing the program that it has been a most worthwhile investment, in terms both of improved health and of improved academic performance on the part of the participating students. To cite one of the witnesses who testified before the Senate select committee on this matter, Dr. Ray Hefner, professor of pediatrics at the University of Maryland, he recounted observations over many years on youngsters in the Baltimore school system, who go to school, in many cases, without any breakfast, and in some cases without lunch.

He said that for the poor families, breakfast is usually the first meal that is sacrificed; and in the Baltimore system, as in other schools that were under observation, behavioral patterns and attention problems were so painful and so dramatic, as contrasted with what happened when a school breakfast program was installed, that no observer could miss the dramatic contrast.

During the fiscal year ending June 30, 1969, we put only $4.2 million in Federal funds into this program. At present, for fiscal 1970, some $12 million has been authorized. The President's budget is couched in terms of $15 million. What is proposed in the amendment by the Senator from Massachusets (Mr. KENNEDY) and others is that the authorization be increased, in fiscal 1971, from $15 million to $25 million, and that that authorization be increased to $50 million in fiscal 1972, rising to $75 million in 1973.

In addition, this amendment provides for the same reform guidelines for the school breakfast program that we adopted earlier this afternoon in the amendment I offered to open the debate—in other words, guidelines that would concentrate the major portion of this program on the poorest children, on the neediest children, and on the neediest schools.

I think there is no great point in belaboring this amendment any longer. It is clear that what we are trying to do is to bring about a modest and I think entirely justified increase in funding for the school breakfast program. We have had some 3 years of experience with it. The time has come to begin moving beyond the pilot stage into a somewhat more significant program. We ask for limited amounts of money in a period of 3 years, but it will provide the kind of Federal backup that will enable us to raise the level of participating students from 200,000 to the point, in 3 years, that some 3 million of the neediest children can benefit from the school breakfast program.

I sincerely hope that the Senate will grant this request to give us an adequate school breakfast program by adopting this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SPONG in the chair). Who yields time?

Mr. TALMADGE. Mr. President, if I may have the attention of the Senate, I think that if all Senators understand what is in this amendment, they will vote to reject it overwhelmingly.

This is what the amendment would do. It would restrict this breakfast program to needy children. It would provide for the use of a different formula for apportioning breakfast program funds to the States. It would provide for financing by the United States of 100 percent of the operating expenses of the program in any and all schools at the election of the State educational agency. It would make any child who is a member of a family eligible to participate in a food stamp or commodity distribution program, or which has an annual income equivalent to or less than $4,000, for a household of four persons, eligible for a free breakfast. It would require the execution of an affidavit to show their income.

For example, if a man owned $300,000 worth of IBM stock, he would earn less than 1 percent return on his investment. His child would come to school, and the parents could sign an affidavit saying that he had an income of less than $4,000. They would put the child in a dining room restricted for poor pupils and feed him at the cost of the taxpayers of the United States, 100 cents on the dollar, and all the other students would point to him and say that he is poor, that his family cannot buy his breakfast.

That is what this amendment provides.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. AIKEN. The Senator has almost answered by question. I was going to ask if the needy children would be required to wear ear tags or license plates.

Mr. TALMADGE. They would be singled out and classified as being poor. This program would be restricted to the poor, and everyone who saw them would look at them and sympathize with the poor, pitiful children to whom the Government is giving breakfast.

Mr. AIKEN. I was going to ask if they would have to wear a license tag so the people could make no mistake in having them branded as poor, needy children.

Mr. TALMADGE. I do not think a license tag is required by the amendment, but these poor students would have to be isolated in a place in which no one else could be served.

Mr. AIKEN. Practically quarantined.

Mr. TALMADGE. Exactly.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Could the Senator tell me the process by which the families would be identified as having incomes under this amount?

Mr. TALMADGE. The school would have to take a census monthly, under the criteria of the first McGovern amendment that was agreed to, to determine those families that earned less than $4,000 a year, regardless of their assets. If a man had assets of $100 million and had income of only $3,999 a year, regardless of the fact that he lived on a farm and raised chickens and cattle and peas and wheat and lived very well, the Government would have to pay 100 cents on the dollar to feed his children in a poor folks' cafeteria in that particular school.

Mr. GOLDWATER. Is this not something like the means test?

Mr. TALMADGE. It is the means test. As a matter of fact, he would have to execute an affidavit stating that he did not earn $4,000 a year. A census of the families would have to be taken once every month to make sure they did not earn $4,000 a year. Every time a family moved, they would have to execute a new affidavit to demonstrate how poor they are, so that their children could get the poor folks' breakfast.

Mr. GOLDWATER. Does the Senator recall the days we served together when the means test would bring the loudest cries from the liberals that one ever heard?

Mr. TALMADGE. I do, indeed. To my mind, the means test always has been degrading. A child would have to get an affidavit from his parents and bring it to school. It would say that this is a poor family. He would be isolated and put off somewhere, in what would be referred to as the poor folks' cafeteria, and he would be fed in the poor folks' cafeteria.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. DOLE. Mr. President, I think the broader question involved was just discussed in great detail about the lack of funding for the school lunch program. Now we are talking about enlarging the school breakfast program, before we have even assured that every child in America will have a hot lunch.

It appears to me that, despite our desire to do what we should in this area, we recognize, as has been stated by almost every Senator in the Chamber, by the President, and by others, that some time this year we will provide a lunch for every needy child in America. If we are going to drain off some of these resources to start a breakfast program, I think we may as well face the fact that what we are really talking about is a nationwide breakfast program for every child in America coupled with a nationwide lunch program and, perhaps in a few years, a nationwide evening meal.

The point is this: Should we not establish some priority? And have we not established a priority that, first of all, we certainly can have a lunch? This is what we discussed in the committee and on the Senate floor.

In addition, I would agree that we say to the person who can pay for part of a meal, "You are not eligible. You have to be in the needy class. You have to have the affidavit signed. If you can pay for a portion of your breakfast, you can't have a breakfast. If you can't pay anything and if your parents sign an affidavit on a weekly or a monthly basis that they have less than $4,000 income, then you will be eligible for a free breakfast."

But I would hope that the amendment would be rejected on the basis outlined by the Senator from Georgia.

Mr. TALMADGE. I thank the distinguished Senator from Kansas, who is a member of our committee.

Mr. President, I am a strong supporter of the school breakfast program, but I think this amendment goes about it in a very poor way. This program, begun as a pilot project with the enactment of the Child Nutrition Act of 1966, has proved to be extremely beneficial when school districts have chosen to use it.

Let me say, for the benefit of the Senate, that that program was initiated by the Committee on Agriculture and Forestry. I say to those Senators who have any doubt as to the humanitarian motives and principles of the committee that it was initiated by that committee.

I have visited some of those programs in Georgia.

During my tour of school lunch programs in Georgia, I visited Alexander II Elementary School in Macon, Ga., and watched a good breakfast program in action. No one who has stood, as I have stood, in this school and watched eager little children file in to eat their breakfast could doubt that the breakfast program has tremendous merit.

The teachers and administrators in this school were extremely enthusiastic about the breakfast program. They stated that the children were much better behaved and more responsive after having a good, nutritious breakfast.

Although I feel that the breakfast program should be expanded, I do not agree with the way the Senator from South Dakota's amendment would accomplish the expansion.

The program has a number of glaring flaws, some of which I have already pointed out on the floor of the Senate. First, under amendment No. 511, the program would be restricted to needy children. At present, the breakfast program is open to all children. Those who can pay for their breakfast pay. Those who cannot pay get their breakfast free.

I have considered one of the most important features of S. 2548 to be the prohibition against overt identification. If the school lunch program and the school breakfast program are to be fully effective, there must be no barriers which prevent full utilization of free and reduced price lunches by the children who need them. S. 2548 amends section 4 of the Child Nutrition Act, the section which authorizes a school breakfast program, to read:

> Nor shall there be any overt identification of any such child by special tokens, announced or published list of names, or other means.

That is what the Senate committee bill did.

Under the present amendment, the child who takes advantage of a school breakfast program would be instantly singled out as a "poor" kid. If I am any judge of human nature, a great many children would have too much pride to get their school breakfast, even though they might really need it. So that the breakfast program that could be furnished under this amendment would be for poor kids. There are some who would not want to march into school and say, "I am a poor kid; feed me." It would embarrass them.

The Senator from South Dakota has been ambitious in his attempt to change the school breakfast program. Under amendment 511, the Federal Government would finance 100 percent of the operating expenses of the school breakfast program in any or all schools at the election of the State educational agency. One reason the school lunch program has been so effective is that it is worked on the principle of Federal, State, and local cost sharing and cooperation. The Senator from South Dakota would have the Federal Government underwrite the full operating cost of breakfast programs. Already, under the Child Nutrition Act of 1966, the Federal Government is authorized to pay up to 80 percent of the total program cost in situations of severe need, with appropriate justification from the schools.

Under a system where the Government pays 100 percent of the cost, there is little incentive to hold costs down. I believe that the efficiency of operation and economy would suffer under such a program.

Perhaps the most objectionable feature of amendment No. 511, is the establishment of a national uniform eligibility standard. Under the terms of this amendment, any child from a family which has an income equivalent to or less than $4,000 for a household of four persons, would be eligible for a free breakfast.

In a country where costs of living vary as much as they do in the United States, I believe it is folly to attempt a national uniform eligibility standard. A family of four on a small farm in Georgia might do quite well on $4,000 of income. In fact, they might be considered affluent in some neighborhoods. The same could be true in Tennessee, Vermont, and other States. But, in New York an income of $6,000 a year might be considered too low. That is why this should be left at the local level.

A family on a farm, where they have cattle, pigs, chickens, and a garden where they could grow corn and wheat, could live extremely well on a modest income. But if we have a family living in an apartment in New York City, Philadelphia, or Chicago, $6,000 a year might be an extremely modest income.

So why try to establish a national uniform clause here that would be meaningless as to what a person might do. I hope that the Senate will reject any such idea. That is what we should do. But, more important than that, even this criteria is tied to income. As I pointed out a moment ago, one could have $300,000 worth of IBM stock and still his income would be less than $3,000. His children would be eligible for a free breakfast, and when they went to school, they would be singled out in the dining room as coming from a poor family.

Furthermore, it appears highly likely that many families who have incomes of less than $4,000 would not permit their children to be stigmatized by participating in a program which is available to the poor only. Under the terms of amendment No. 511, determinations of income are made solely by execution of an affidavit.

I know that in my own State of Georgia most working families who earn less than $4,000 per year have too much pride to sign an affidavit saying they are poor.

According to the U.S. Department of Commerce, 46.5 percent of the families in the South had an income of less than $4,000 per year in March 1960. I doubt that we would get nearly half the families in the South to sign a pauper's oath. Also in March of 1969, 26.2 percent of the families in the Northeast had incomes of less than $4,000 per year. I am not so familiar with the Northeast as I am with my own region, but I do not

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believe we would get 26.2 percent of the families in the Northeast to sign an affidavit saying they are poor.

In attempting to expand the school breakfast program, the Senator from South Dakota would transform it into a welfare handout. In transforming it to a welfare handout, he would destroy it.

Mr. President, I hope that the Senate will reject as foolhardy an amendment such as this one.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Georgia ask for the yeas and nays?

Mr. TALMADGE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. Does the Senator wish me to yield him time or just to yield for a question?

Mr. HOLLAND. Just long enough to read from the amendment.

Mr. TALMADGE. I yield.

Mr. HOLLAND. Mr. President, I just wish to read generally with reference to the qualifications from the amendment:

> *Provided*, That any child who is a member of a household which (a) is eligible to participate in a food stamp or commodity distribution program, or (b) has an annual income equivalent to or less than $4,000 for a household of four persons shall be eligible to receive meals without cost.

And then this, Mr. President:

> The determinations of such income shall be made solely by execution of an affidavit by the member of such household.

Mr. President, I yield the floor.

Mr. COOPER. Will the Senator from Georgia yield me some time?

Mr. TALMADGE. How much time? Four minutes?

Mr. COOPER. Yes. I intend to vote against the amendment.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 4 minutes.

Mr. COOPER. Mr. President, my reason for voting against the amendment is not the same as that of the Senator from Georgia. I voted for the last amendment to authorize more money for the school lunch program. I did so, because I had read in the committee that of some 9 million schoolchildren eligible to receive free lunches, over 6 million were not able to pay the cost at all, or were not able to pay the cost they were asked to pay. That is the reason I voted for and supported the last amendment, for if we are going to provide free lunches for all children, above all we should take care of the economically depressed.

When the pilot breakfast program was inaugurated, I happened to be serving on the Committee on Agriculture and Forestry. It has been a pilot program, in my State, which has fared well. Last year under the program, 194,930 children received breakfasts. Out of that number, approximately 25 percent received a free breakfast. I assume that the school authorities determined that 45,000 schoolchildren in Kentucky are so poor that they could not pay anything. I assume that the Senator from South Dakota's amendment is reaching for approximately 25 percent—the poorest children. But if $250 million additional is required to take care of the children's free lunch program to provide for those children in the program who cannot pay required costs then the figure of $25 million he requests in fiscal year 1970 for the breakfast program is totally inadequate. Authorities would be forced to select the poorest of the poor and leave the other poor children out. I must say, with all due respect—because I know the Senator has a good objective—that it would be totally inadequate to meet the needs of the free or reduced-price breakfast program.

Mr. C. E. Bevins, director of Kentucky school lunch program, who operates that program in Kentucky, has told me that he considers the breakfast program is, in some respects, more valuable than the free lunch program. When the children come to school in the morning, and have a good breakfast, they start off the day with energy and work better and learn more than they do in the afternoon, after the school lunch. It is necessary for the development of an adequate mind and body.

I hope that some time in the future we will have such a complete program, for those who are poor and unable to get a nutritious breakfast—and one that begins with pre-school children, all of them.

I agree with the Senator from Georgia that children who come from a farm are more likely to have a good breakfast. However, in many places children cannot.

I notice the program provides for the operating costs to be paid out of the fund even 100 percent. I do not know how this can be done and still have free breakfasts in the rural sections of this Nation.

I do not complain because many write about our poverty. Poverty does exist in Kentucky in many rural sections. But we work at it and do have a good school lunch program, and breakfast program, and the State, local communities, and recipients help pay the bill.

The trouble is that some of the rich States—New York, Massachusetts, Pennsylvania, and others—do not support as poorer states do in the provisions of facilities for a free lunch program.

I oppose the amendment as written because it would allow these States to escape supporting costs, and every recipient to have a free breakfast—even though able to pay for part of the cost.

I really hope to see a good breafast program. However, this amendment does not provide the funds for a good program and it has the defects I have stated.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SCOTT. Mr. President, I am very anxious to see a good program established also. I supported the school lunch programs and other programs of this sort.

What disturbs me is to have this called a means test.

I have never heard the term "means test" used before without the adjective "infamous."

Would the Senator tell me whether he finds this as the interposition of a means test?

Mr. COOPER. Mr. President, actually, in the school lunch program, school authorities have to make a determination as to which children should have free lunches. So, in effect they make a means test. However, I think that to require some poor parents—many of them whom are ignorant and uneducated—to come in and make an affidavit and have a notary public acknowledge the affidavit is going too far.

Mr. SCOTT. Mr. President, to establish a breakfast program under the pending amendment, the children who get breakfast would be segregated from the rest of the children.

Mr. COOPER. The Senator is correct. But I am not so much worried about that if the child is hungry. I would rather the child have something in his stomach.

Even today in the school lunch programs, poor children may be going up to get lunch at the end of the line.

Those who pay for lunch may be in the front of the line, and those who pay less or who pay nothing may have to stand back. So they are marked in a way.

I think the important issue is that they get food.

Mr. SCOTT. Does the Senator agree that it would be better to have them fed and not segregated?

Mr. COOPER. I agree.

Mr. McGOVERN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes.

Mr. McGOVERN. Mr. President, I have been amazed by some of the answers that have been offered by Senators in objection to the amendment.

First of all, a strenuous complaint has been registered about the so-called means test, as though we were suggesting in the amendment that some kind of means test was going to be introduced that we had not had in the past to deal with the poor children.

Listen to the language in the committee bill with the amendment:

> Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full costs of the breakfast. Such determination shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions.

This is the amendment. This is the means test.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. TALMADGE. Mr. President, will the Senator read further on line 20 of the amendment:

> The determinations of such income shall be made solely by execution of an affidavit by the member of such household.

Mr. McGOVERN. That is the provision in the amendment that is pending. That is what I propose.

Mr. TALMADGE. That is not in the bill. That is the Senator's amendment. That is a means test by affidavit.

Mr. McGOVERN. Mr. President, as a matter of fact, would it not be much more dignified for a family to simply set forth by affidavit that their income is below $4,000 than to use the test provided in the bill?

Mr. TALMADGE. I do not think it is.

Mr. McGOVERN. Mr. President, this would require school authorities to identify which children are poor and which are not.

Mr. TALMADGE. Mr. President, I think the local people at the local level can make a better determination than by going around and having people swear to an affidavit once a month.

Mr. McGOVERN. This would not have to be done once a month.

Mr. TALMADGE. The people can determine pretty well the children that come from neglected families.

Mr. McGOVERN. The Senator from Georgia painted a picture of the awful experience of identifying the poor children. He proposes to do it by providing some method of finding out the income of those families so that the children can be certified.

I am saying that there is no more dignified way than to let the family sign a statement saying that their income is below $4,000.

What could be more dignified and a more gracious way of handling the program than that?

Under the Senator's proposal, it virtually leaves it to the school authorities to make that judgment.

Within a single State there are situations where a family on an income of $2,000 is qualified to recieve a free or reduced price meal. In other parts of that same State, the figure is $4,000; and in some cases, if a family is on welfare it is not qualified at all, while in other parts it is. There is this hopeless tangle of regulations which make it impossible for a reasonable determination to be made.

What is envisioned in this amendment is a simple declaration on the part of the family that their income is below a certain level.

Mr. TALMADGE. I do not know of any other area of activity where we require an affidavit from an individual about his poverty, unless it is a pauper's affidavit that is filed when one files a petition in bankruptcy or in some other legal proceeding. I know of no other instance where there is such a demand. In old age assistance it is not done.

I think it is much more demeaning than it would be to have an independent investigation by teachers or the faculty, or those designated by the school board with respect to whether the child needs a free lunch or a reduced cost lunch, or a free breakfast or a reduced cost breakfast, and to make a determination as to who can pay and who cannot pay.

Mr. McGOVERN. Mr. President, I am at a loss to understand the Senator's logic with respect to why he feels it would be more dignified to have someone snooping around to find out what that family is earning, or to have some welfare worker prying into the affairs of the family to find what the income level is, rather than to let the family do it.

I might say to the Senator that in the President's new welfare reform proposal, which I believe we will be debating later this year, he suggests that welfare be determined by a simple affidavit of the family. I think that is the dignified and the modern way to do it.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGOVERN. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER The Senator is recognized for 5 additional minutes.

Mr. MONDALE. Mr. President, as I understand it, the issue being discussed now is an old one that has been with us in welfare programs around the country for years. The question is how to be sure that the Public Treasury is being properly protected and at the same time protect the dignity of those who must rely on welfare assistance in the process of providing it to them.

Am I not correct in saying that the filing of an affidavit perimts this to be done in the most efficient manner with the least embarrassment to the recipient, and that figures have shown modest and infinitesimal losses of funds to persons who are ineligible?

Mr. McGOVERN. I think the Senator is absolutely correct in saying that the use of a simple affidavit filled out privately by the individual in which he establishes his claim is much more dignified and a simpler method than the present hodgepodge of systems used in various States and it represents a step forward.

Mr. MONDALE. I understand the record sets forth several examples in which local organizations establish committees to go into the home, ask questions, interrogate the family and investigate. One school board made use of a PTA committee. They would go in the homes and ask many questions. The record shows many other examples around the country of humiliating, degrading, and snooping tactics. All of us assume the poor are trying to chisel and all of us would permit investigations that are so bad that people would rather starve than be exposed to that kind of treatment.

Mr. McGOVERN. I think the Senator's point is well taken. When we file our income tax returns we do that on the basis of an affidavit. Occasionally someone comes around and asks us but the average citizen files his return based on his word. We are using that term for children entitled to free or reduced-price lunches.

Mr. MONDALE. Am I not correct in saying that the key issue is not so much those who are fortunate, but rather, the real issue here is whether we wish to increase this Nation's commitment to expanding the school breakfast program and making it possible for the poorest of the poor to participate?

Mr. McGOVERN. The Senator is absolutely correct. That is why I was puzzled by the argument of the Senator from Kentucky a while ago that he was inclined to vote against the amendment——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGOVERN. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. McGOVERN. I was puzzled by the argument of the Senator from Kentucky that he was inclined to vote against the amendment because it would not provide enough for the school breakfast program. He suggested going from $15 million to $25 million in fiscal 1971; and then $50 million and then $75 million was not enough money to give us an adequate school breakfast program, and he may be right. It is no reason to say we are better off with $15 million because $25 million is not enough.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. COOPER. Mr. President, I anticipated the argument. The Senator has not properly interpreted my remarks, although I probably did not make my remarks clear enough.

In his amendment, the Senator provides for as much as 100 percent of the cost of operating out of the authorization. I pointed out that I do not think this is correct. I have studied the school lunch program and the breakfast program.

I cannot understand when poorer States, including my State, pay their share—and I have looked into the situation in my State—why is it that the richer States do not share their part of the operating cost. Why should the rest of the country pay the sum total operating costs of the program of these States?

The breakfast program can be as good or a better program than the school lunch program. Rather, in his amendment the Senator would provide for 100 percent of operating costs and allow all recipients to have free breakfasts. Much attention is directed to poverty all over the Union, including my State. That is correct. But when we began to look at this problem several years ago, I found that many of the big cities of our country do not have adequate food programs at all, much to my surprise.

In some of the larger cities the figures are as follows: Baltimore, 22 percent; District of Columbia, 25 percent; Jersey City, 21 percent; Houston, 9 percent. The list goes on and on. Yet this amendment would require the rest of the country to pay their operating cost.

I will vote for a properly conceived school breakfast program, but I do not think this one is.

Mr. MAGNUSON. Mr. President, will the Senator from South Dakota yield to me?

Mr. McGOVERN. I yield.

Mr. MAGNUSON. I was going to pursue what the Senator from Kentucky just pursued, and suggest that I think the amendment is perfectly all right;

that in the beginning, as we move along, why should there not be some local participation? I understand the school lunch program and favor it. Everybody is eligible. But why should the amount of Federal participation not be 80 percent? I would still vote for an increase in the amount of the authorization, but why should not the Federal participation be limited to 80 percent so there would be a little local responsibility in the matter?

In appropriating moneys under the education programs, I find that where there is no local participation at all the tendency is for the programs not to be managed as well as when there is some local participation. In the latter case the local officials watch the programs closely and make their decisions more carefully.

The school breakfast program has many other values, but it is a sensitive matter with respect to some families, and some problems must be anticipated.

Perhaps the Senator from South Dakota does not have the permission of the Senator from Massachusetts to modify his amendment, but I believe it would make the amendment more acceptable to some of us who would like to go along with this program if the Federal Government were not required to pay 100 percent of the cost. If there is some reasonable local participation, I feel the amendment will be greatly improved.

It may be that as we progress and there is additional proof that more money should be involved, the Federal Government may increase its funding. If it is a good program, we will furnish more money.

I can see where there may be some abuse and people will be questioned and they may say the wrong thing, or people may be reluctant to sign such an affidavit, as the Senator from Georgia suggested. It is not really an affidavit; it would be merely a statement. Making an affidavit would require payment of a fee, which might cost more than the benefit.

Mr. TALMADGE. Mr. President, if the Senator will yield, the amendment provides that there shall be an affidavit, which means that the person would have to sign before a notary public and pay him a fee.

Mr. MAGNUSON. So I would hope the amendment might provide for local participation, even if it were on the basis of 90–10 percent.

Mr. President, it is getting rather late in the evening, but I merely wanted to add this because, as I was listening to the Senator from Georgia, I could not help thinking there could not be a possible conflict of interest on the part of the Senator from Georgia, because there is nothing better than a Talmadge breakfast of ham and eggs.

Mr. TALMADGE. Mr. President, I appreciate the commercial very much.

Mr. McGOVERN. Mr. President, to respond to the comments of both the Senator from Kentucky and the Senator from Washington with regard to this provision in the amendment, the first thing I want to state about it is that it is not a mandatory requirement. It permits the Secretary of Agriculture, in those cases where he finds a State is unable to pay for part of the operating cost of this program, to authorize full payment of it with Federal funds.

I think it goes without saying that, operating with the limited funds that the Senator from Kentucky and I both agree would be available, there would be great competition for those funds, and no Secretary of Agriculture will treat that authority lightly. The chances are that authority might not be used at all. It certainly would be used sparingly.

If some States were willing to pay 20 percent of the cost, or some portion of the cost, I cannot conceive of a Secretary of Agriculture using those limited funds in States where there was a refusal to do anything at all in the way of making a contribution to the program.

What we discovered is that in certain States, especially in the South—the Senator talked about wealthy northern States—there was a reluctance to pay participation costs, and funds were diverted from title I of the Elementary and Secondary Education Act to finance the cost of the school lunch program. As the Senator knows, that was done on a rather significant scale. It was to head off the use of education funds that it seemed wise to make a provision whereby, if a State could not pay any part of the cost of setting up this program, the Secretary of Agriculture, if he so desired—not by compulsion, not by mandatory requirement—could, in those cases, pay the entire cost.

I also want to remind the Senate that we adopted a provision with regard to the school lunch program—I believe the Senate voted for it earlier this afternoon—to provide that the Secretary of Agriculture could pay for the full cost in those areas where the States were unable to do so.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. MAGNUSON. Mr. President, I am going to make a motion to amend the amendment of the Senator from South Dakota. I have not had a chance to write it all out, but I think it can accomplish the purpose if I state that it would strike out lines 9 through 25 on page 2.

I ask unanimous consent that I may offer that amendment.

Mr. ALLOTT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MAGNUSON. I could wait and do it afterward.

The PRESIDING OFFICER. The Chair will state to the Senator from Washington that, in the absence of a unanimous consent, the motion to amend the amendment of the Senator from South Dakota would not be in order until all the time has expired under the unanimous-consent agreement on that amendment.

Mr. MAGNUSON. Mr. President, I would like to present this amendment to the amendment. Will it be in order after all time has expired on the pending amendment?

The PRESIDING OFFICER. The Senator is correct. He can do it either at the expiration of all time or after all time has been yielded back.

Mr. ALLOTT. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. AIKEN. Mr. President, may I ask the Senator a question? Would his amendment or modification remove either the segregation part or the means test?

Mr. MAGNUSON. No; this amendment would remove the 100-percent provision and make it an 80–20 program.

Mr. AIKEN. It would still leave the means test and segregation part in it?

Mr. MAGNUSON. Yes.

Mr. President, I ask unanimous consent to submit an amendment to the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MAGNUSON. I move to amend the amendment by striking lines 9 to 25 on page 2 and inserting the following language which appears on page 41 of the committee's report, section 4 (c) and (d). The whole section relates to the State distribution for schools.

Let me explain it very briefly. It would provide for financial assistance by the Federal Government up to 80 percent, and the other 20 percent would have to be taken care of by the local governments.

Mr. MURPHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. MURPHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. After the amendment is stated, the Chair will entertain a parliamentary inquiry.

Mr. MURPHY. It has to do with the amendment.

The PRESIDING OFFICER. The amendment must be stated, and then the Chair will entertain a parliamentary inquiry.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Washington proposes an amendment to the amendment, to strike out lines 9 through 25 on page 2 and insert subsections (c) and (d) of the committee report appearing on page 41.

The amendment to the amendment is as follows:

In the amendment No. 511, by Mr. McGovern, for himself and other Senators, on page 2, strike out lines 9 through 25 and insert:

"STATE DISBURSEMENT TO SCHOOLS

"(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by the State educational agency, to reimburse such schools for the cost of obtaining agricultural and other foods for consumption by needy children in a breakfast program and for the purpose of subsection (d). Such food costs may include, in addition to the purchase price, the cost of processing, distributing, transporting, storing, and handling. Disbursement to schools shall be made at such rates per meal or on such other basis as the Secretary shall prescribe. In selecting schools, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist and to those schools to which a substantial proportion of the children enrolled must travel long distances daily.

"(d) In circumstances of severe need where the rate per meal established by the Secretary is deemed by him insufficient to carry on an effective breakfast program in a school, the Secretary may authorize financial assistance up to 80 per centum of the operating costs of such a program, including cost of obtaining, preparing, and serving food. In the selection of schools to receive assistance under this section, the State educational agency shall require applicant schools to provide justification of the need for such assistance."

Mr. MURPHY. Mr. President, I would like to inquire about the amount of time that may be permitted on the amendment. Is it the full length of time?

The PRESIDING OFFICER. Pursuant to the Chair's understanding of the unanimous-consent agreement, the time will now be 1 hour——

Mr. MAGNUSON. Mr. President, I can explain it in half a minute.

The PRESIDING OFFICER. One hour on each amendment to the amendment. So it would be 30 minutes to a side.

Mr. MURPHY. One hour on the amendment to the amendment?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 5 minutes on the pending amendment, the time to be equally divided between the Senator from Washington (Mr. MAGNUSON) and the Senator from Oregon (Mr. HATFIELD), or whomever he designates.

The PRESIDING OFFICER. Is there objection?

Mr. MURPHY. Mr. President, reserving the right to object—and I shall not object—is my understanding correct that now there will be 5 minutes on each side, on the amendment to the amendment?

The PRESIDING OFFICER. The Chair's understanding of the unanimous-consent request by the majority leader is that there be a total of 5 minutes, and I would assume that would be divided, 2½ minutes to each side.

Mr. ELLENDER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. Who yields time?

Mr. TALMADGE. Mr. President, I yield 5 minutes on the amendment to the distinguished chairman of our committee.

Mr. ELLENDER. Mr. President, I have been chairman of the Agriculture Committee now for quite some time, and have seldom seen us write a bill on the floor of the Senate that was not considered by the committee as part of the whole bill now before the Senate.

There is nothing in the bill or the hearing record with respect to the breakfast program. This bill does not deal with the breakfast program at all. I fostered the breakfast program on a pilot basis 3 or 4 years ago, and I know what I am speaking about.

Mr. TALMADGE. Four years ago, in 1966.

Mr. ELLENDER. Four years ago. That program, which is a pilot program, has been working very well, and it strikes me that before amending it we should have hearings and use that as a basis for any desirable changes.

Here we are, trying to take the breakfast program and rewrite it altogether on the Senate floor. I think that is the wrong way to legislate. Here we are, Mr. President, as pointed out by the distinguished Senator from Kentucky, with the entire cost of this program to be borne by the Federal Government.

What made the school lunch program work well was the fact that we had full cooperation with the Federal Government by the people at the local level. But here we are, considering the breakfast program, which is now operating on a cooperative basis, and it is sought to make it, according to the amendment before us, totally supported by the Federal Government. That means that every State will have the opportunity to take care of its poor on the breakfast program, but the funds may not be sufficient. This amendment, Mr. President, if adopted without hearings and due consideration, I think is wrong. It should be studied, and we should take into consideration all that we have learned from the pilot program that has been on the books now for 4 years.

To me, it looks as if the Committee on Agriculture and Forestry is being overlooked. It does not appear that the committee is being done justice, to have worked on the pending bill diligently, and come out unanimously with the bill that is now before the Senate, and for the Senator from Massachusetts, through the Senator from South Dakota, to put in an amendment that totally changes the breakfast program which was not even considered by the committee at this time. The authorization for that program expires at the end of fiscal 1971.

The point I wish to make, Mr. President, is that the matter now being discussed has not been considered at all, and has not been studied at all, by the Committee on Agriculture, which is the permanent committee which has jurisdiction over the program. I think it is out of order for us to try to write a new breakfast program in which the Federal Government will pay the entire cost.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I have an amendment pending.

The PRESIDING OFFICER. The Senator is correct, and he has 30 minutes under the unanimous-consent agreement.

Mr. MAGNUSON. Mr. President, the amendment I suggest is to bring the formula back to what the committee recommended, as shown on page 41 of the committee report, by restoring the proportions recommended by the committee, 80 Federal and 20 local, for distribution to the schools. That is all it would amend and it should not indicate any opposition to the McGovern-Kennedy amendment.

Mr. McGOVERN. Mr. President, will the Senator yield me 1 minute?

Mr. MAGNUSON. I yield.

Mr. McGOVERN. I am perfectly willing to accept the Senator's amendment to my amendment, or the amendment that is pending.

I do wish to say, however, in all deference to the Senator from Louisiana, that we have nearly 100 percent Federal funding—at least 80 percent—of the breakfast program today. But I am perfectly willing to accept the amendment.

The PRESIDING OFFICER. Is time on the amendment yielded back?

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington has yielded back his time. The time on the other side is controlled by the manager of the bill.

Mr. TALMADGE. No; this is an amendment to the amendment.

The PRESIDING OFFICER. Or by the majority leader.

Mr. MANSFIELD. Mr. President, I yield back the time.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. Is the pending business the amendment offered by the Senator from Washington?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Washington to the amendment, No. 511, offered by the Senator from South Dakota. All time having been yielded back, the question is on agreeing to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment, No. 511, offered by the Senator from South Dakota (Mr. McGOVERN), as amended.

Mr. COOPER. Mr. President, I wish to offer an amendment.

Mr. MANSFIELD. Is it an amendment to the amendment?

Mr. COOPER. It is an amendment to the amendment; yes.

The PRESIDING OFFICER. The Chair advises the Senator from Kentucky that it will require unanimous consent for him to offer an amendment to the pending amendment of the Senator from South Dakota, as amended.

Mr. COOPER. Before I ask unanimous consent, perhaps the Senator from South Dakota would like to know what I am going to offer, so I will state my proposed amendment. If he will look as his amendment, on page 3, line 20, my amendment would place a period after the word "meals," and then strike the words "without cost. The determination of such income shall be made solely by execution of an affidavit by the member of such household."

I ask unanimous consent to offer the amendment to the amendment of the Senator from South Dakota.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COOPER. The explanation of my amendment is as follows: By striking the two words on line 20 at the end of the sentence, "without cost," it would leave to the discretion of the school authorities to determine if recipients were able to pay a part of the cost. In my State, some pay 5 cents for their breakfasts, some pay more. Some pay nothing. The first purpose is leave to the discretion of the school authorities to determine whether a child or his parents can pay any part of the cost of the breakfast.

Then, as to striking the words "The determination of such income shall be made solely by execution of an affidavit by the member of such household." I think the purpose is apparent—to do away with the necessity for these people to make an affidavit. The determinations are always made by the school authorities, anyway.

The PRESIDING OFFICER. Would the Senator from Kentucky send his amendment to the desk, in order that the clerk might read it?

Mr. COOPER. I will have to write it out.

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS of Delaware. How much time remains on the McGovern amendment?

The PRESIDING OFFICER. Thirty-nine minutes—18 minutes to the Senator from South Dakota and 21 minutes to the manager of the bill, the Senator from Georgia.

Mr. WILLIAMS of Delaware. If they have completed debating it, I would suggest that they yield back their time, and then we can consider these amendments in an orderly procedure. Why not yield back the time on the McGovern amendment? Then we can conclude this matter.

Mr. MANSFIELD. I am prepared to yield back the time I have on the Cooper amendment to the amendment.

Mr. WILLIAMS of Delaware. I mean on the McGovern amendment.

Mr. McGOVERN. I could not agree to that.

Mr. WILLIAMS of Delaware. I would object to any unanimous-consent agreement, then.

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Chair would first say to the Senator from Delaware that his objection is not timely as to the amendment of the Senator from Kentucky.

Mr. WILLIAMS of Delaware. It is as to limiting the time, though; is it not?

The PRESIDING OFFICER. No. The Chair would state to the Senator from Delaware that, pursuant to the existing unanimous-consent agreement, when an amendment is offered to an amendment, it has to have unanimous consent to be offered; but, if offered, the time is set by the existing unanimous-consent agreement, which is 1 hour, to be divided between the majority leader and the proponent of the amendment. The time for objection would have been at the time the Chair asked for it, when the Senator from Kentucky offered his amendment.

Approximately 28 minutes now remain to the Senator from Kentucky and 30 minutes to the majority leader, on the amendment to the McGovern amendment.

Mr. MANSFIELD. Mr. President, could we have the amendment of the Senator from Kentucky to the amendment read?

The PRESIDING OFFICER. The Chair is trying to arrange that.

The assistant legislative clerk read as follows:

> In the amendment No. 511, to S. 2548, by Mr. McGOVERN, for himself and other Senators, on page 3, line 20, after the word "meals", insert a period and strike out "without cost. The determinations of such income shall be made solely by execution of an affidavit by the member of such household."

Mr. COOPER. Mr. President, on line 20 I would place a period after the word "meals." I would strike the words "without cost. The determinations of such income shall be made solely by execution of an affidavit by the member of such household." I strike all that language, including the two words in line 20, "without cost." By striking the words "without cost," it is left to the authorities to determine whether schoolchildren are able to pay any part of the cost of breakfast. The remainder of the language stricken would remove the condition of making an affidavit.

In practice, the school authorities now determine by various criteria whether or not schoolchildren shall be relieved of any part of the cost of either school breakfast or school lunch.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. I yield back the remainder of my time.

Mr. COOPER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment is yielded back. The question is on agreeing to the amendment of the Senator from Kentucky to the amendment of the Senator from South Dakota.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. Who yields time on the McGovern amendment, as amended?

Mr. HOLLAND. Mr. President, will the Senator yield me 3 minutes?

Mr. TALMADGE. I yield 3 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I strongly object to the adoption of the McGovern amendment, although I completely recognize the good intentions of the Senator from Washington and the Senator from Kentucky.

I invite attention to the fact that they are about to set up a second breakfast program. We have not knocked out the breakfast program that is already on the books, and the breakfast program as included in this bill, where it has no place at all—and on which no hearings have been held—will be a second breakfast program, different in various particulars from the one that is on the books.

If confusion can be worse confounded, I do not see how that could be done. So far as I am concerned, I completely agree with the Senator from Louisiana that is unsound practice and confusing practice to consider here, at this time, a breakfast program which has not been heard by the committee, which does not take advantage of the experience we have had under the pilot program which has been in effect for 4 years, and which, if it is adopted, will be a different program and even a second program from the one that is already on the books.

I do not think that is good practice. I think it is the very essence of bad practice to write such a program, such an additional program, on the floor of the Senate.

I hope that the Senate will not approve the second breakfast program, which is what it will be if adopted, without hearings, as a part of this very carefully prepared bill.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. I yield myself 2 minutes.

Mr. President, I agree wholeheartedly with the Senator from Florida that we have now so completely confused the language of this amendment that there is really no point in taking a vote on it. I ask unanimous consent that I be permitted to withdraw the amendment.

Mr. MANSFIELD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, I am sorry that we have come to this pass after being on the job for 6 hours today. I am hopeful that the straightening out of the matter can come within the time left, rather than starting anew and having to go through another hour and a half.

I must report to the Senate—I must reiterate—that we have at least three other amendments following this; that we have a bill dealing with the security of the White House and the embassies in this city; that we have a bill dealing with an extension and expansion of the Hill-Burton Hospital Act, which is very important; that we will have an HEW appropriation bill later this week; that we will have the very important aviation bill.

I am hopeful that we can get these matters out of the way this week; because—I must repeat—beginning next week, with the Voting Rights Act, with the Carswell nomination, and with other measures coming up, we are going to be delayed and will be considering items longer than I like. But that is the way things turn out.

So, Mr. President, if there is not further business——

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. McGOVERN. Let me say to the Senator that I have been here all afternoon, too, trying to get a good amendment considered. I wonder if we could get an understanding from the chairman of the committee, the distinguished Senator from Louisiana, that if this amendment were withdrawn, hearings might be held at an early date on this school breakfast provision.

Mr. ELLENDER. I would be glad to do it.

Mr. McGOVERN. I do think the amendment as it now stands has really lost the purpose, which is to proivde free breakfast for poor children. We cannot do that, as I see it, under this language. I think that if we can get an understanding from the Senator from Louisiana to hold hearings on the school breakfast——

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. TALMADGE. I am sure the distinguished chairman already knows this. The breakfast program has a termination date of fiscal 1971. The entire bill must be extended at that time. The whole thing will be under review by the Committee on Agriculture and Forestry, not only for the purpose of extending but also for the purpose of improving, broadening, and modifying it. I am sure that the chairman, as is his custom, will let everyone who desires to testify have his say.

Mr. ELLENDER. As I tried to point

out earlier, we are trying to rewrite this pilot program which has been in effect for 4 years. It is my hope to take the pilot program and improve it.

If there is a request to rewrite it now instead of waiting until 1971, I shall be willing to proceed and hold hearings; but trying to write a bill on the floor of the Senate, without any further study, or taking into consideration the experience we have gathered from the pilot program which we have had on the statute books for 4 years, I think is bad legislation.

I am hopeful that the Senator will withdraw his amendment.

Mr. McGOVERN. Could the Senator give me some indication when hearings might be scheduled—just generally not a specific date?

Mr. ELLENDER. As the Senator knows, we are conducting hearings now, and have been all last week practically, and will all of this week, on the extension of the present farm program. I have been there every day. I cannot tell at this moment the exact time but, as soon as possible, we will do it. As the Senator knows, we will start appropriations pretty soon. I am on the Appropriations Committee but I can give the Senator assurance that, as soon as possible, it will receive consideration from the committee.

Mr. McGOVERN. The school breakfast program is just as important to the health of schoolchildren as the school lunch program. It may turn out to be even more important. Thus, I am hopeful that hearings can be held.

On that basis, Mr. President, I again renew my unanimous-consent request that I be permitted to withdraw the amendment, as amended.

Mr. DOLE. Mr. President, reserving the right to object—and I shall not object—I just want to make certain that there will not be a modification of that amendment offered on tomorrow.

Mr. McGOVERN. So far as I have any control over the situation, there would not be. However, I cannot speak for other Senators.

Mr. MAGNUSON. Mr. President, reserving the right to object, I hope that I have not been misunderstood in what I was attempting to do. The amendment of the Senator from South Dakota, as amended—or of the Senator from Massachusetts—would provide 100 percent funding by the Federal Government with no contribution by local agencies. I do not think that is the right approach and neither did the Senator from Georgia. This amendment if adopted, and I did not know it would be, would provide an 80–20 program which would make the States bear part of the responsibility. That is what I was trying to do. I do not believe that weakens the amendment and may in fact add a measure of strength and support for its passage.

Mr. MANSFIELD. As a matter of fact, I believe it does strengthen it.

Mr. MAGNUSON. There should be some local responsibility in the program. I would like to see such a program in my area, and I would also like to see the local school board have some financial responsibility for its operation. I believe it would be a better program if so amended.

Mr. ELLENDER. Under the present program, the Federal Government furnishes the food, but the administration of it is in the hands of the local communities——

Mr. MAGNUSON. Is it not, as a practical matter, an 80–20 split?

Mr. ELLENDER. Not the entire amount. In extreme cases, then it would be 80–20, but the amendment offered by the Senator from South Dakota would make the entire program a Federal one.

Mr. MAGNUSON. I was trying to temper that aspect of the McGovern amendment. That figure may not be exactly equitable, but I am perfectly willing to see it reviewed at a future date—as suggested by the Senator from South Dakota. I suppose this will be taken up in future hearings, because this is a very good program. I just want to leave the record straight that I favor this program for needy children. The committee has got a good program here. We have got to look at it again and review it when its authorization expires. I just want the record to be clear that I support this effort. I appreciate also that the Senator from Louisiana was correct in his interpretation of the legal technicalities of the amendment.

Mr. MANSFIELD. Mr. President, may I say that what the distinguished Senator from Washington did was to strengthen the bill, as I think the distinguished Senator from Kentucky did likewise. So, what we are laying aside now, if agreed to, is a far stronger proposition than was originally introduced.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, I notice that the Senator from South Dakota has just held a conference with his associates. I should like to ask him, does this pledge that the amendment will not be reoffered tomorrow; does this meet with the agreement he just held with his associates with whom he has just conferred?

Mr. McGOVERN. Let me say to the Senator from Delaware, before I reply to that, that the amendment as originally proposed carried the names of several other Members of the Senate.

As the Senator knows, we did not anticipate the amendment offered by the Senator from Kentucky. It has been difficult merely to know what impact it would have. It seemed to me better to hold off, rather than to try to move to a decision on this tonight.

Other Senators who have spoken to me in the last few minutes indicate that they would prefer we go ahead and get a vote tonight on this amendment, as amended by the Senator from Kentucky.

The Senator knows that I have been handling this myself, in the absence of the Senator from Massachusetts. It has been difficult for me to know what judgment the other cosponsors wish; but, perhaps, under the circumstances, the best thing to do is go ahead and vote on the one amendment as modified by the Senator from Kentucky.

The PRESIDING OFFICER. Has the Senator from South Dakota withdrawn his unanimous consent request?

Mr. McGOVERN. Yes, sir, Mr. President. I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, let me make this brief comment, and then I shall be ready to vote.

The amendment of the Senator from Washington and the Senator from Kentucky has greatly improved what I think was a most untenable amendment. The amendment of the Senator from South Dakota would still restrict the program to needy children. No other children that were not needy would buy or could buy the breakfast at the schoolhouse. It would be restricted purely to needy children.

It would provide for using a different formula for the apportioning of the breakfast program. In addition, it would make that child, a member of a family which is eligible to participate in the food stamp or commodity program, a family which has an annual income equivalent to or less than $4,000 for a household of four, eligible for a breakfast.

Mr. President, I think that is going too far, to try to write a bill on the floor of the Senate and set up national uniform standards here, that any child from any family, anywhere in the United States of America, is entitled to go to the schoolhouse and buy a breakfast.

There are many families in this country who reside in rural areas and have gardens and can raise vegetables. They have cattle, chickens, and they have an adequate diet. They are considered in their community to be affluent if they have income of $4,000 or less.

On the other hand, we could have a family that lived in Hartford, Conn., Philadelphia, Pa., or New York, N.Y., or Chicago, Ill., where food, wages, and taxes are very high, where $6,000 a year income would be very low.

I object to trying to set up standards on that basis. I object to trying to write a breakfast program here on the floor of the Senate, when the Committee on Agriculture and Forestry, which has jurisdiction, has not even seen or heard of the amendment before.

I therefore hope that the Senate will postpone consideration of the amendment, by killing it, and giving the committee time, in due course, as the chairman of the committee has already promised the distinguished Senator from South Dakota (Mr. McGOVERN), to hold hearings on it, when we can take a look at the situation and find out what the facts are, to the end of trying to improve a program which was begun 4 years ago, and which all of us think is a very desirable program.

Mr. AIKEN. Mr. President, if the amendment offered by the Senator from South Dakota is voted on and defeated now, do I correctly understand that the committee will still consider the identical provisions at the end of the farm program hearings?

Mr. ELLENDER. Oh, yes. I have already pledged that to the Senator.

Mr. AIKEN. It would seem to me, in the interest of saving time, that we should have a vote on the amendment right now.

Mr. TALMADGE. I agree fully.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back on the amendment.

The question is on agreeing to the amendment, as modified, of the Senator from South Dakota.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alabama (Mr. Allen), the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Cranston), the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hartke), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Georgia (Mr. Russell), the Senaator from Alabama (Mr. Sparkman), the Senator from Maryland (Mr. Tydings), the Senator from New Jersey (Mr. Williams), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that the Senator from Idaho (Mr. Church) and the Senator from Ohio (Mr. Young) are absent on official business.

On this vote, the Senator from New Jersey (Mr. Williams) is paired with the Senator from Alabama (Mr. Sparkman). If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Alabama would vote "nay."

On this vote, the Senator from Texas (Mr. Yarborough) is paired with the Senator from Georgia (Mr. Russell). If present and voting, the Senator from Texas would vote "yea" and the Senator from Georgia would vote "nay."

I further announce that, if present and voting, the Senator from California (Mr. Cranston), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wyoming (Mr. McGee), and the Senator from Montana (Mr. Metcalf) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New Hampshire (Mr. Cotton), the Senator from New York (Mr. Javits), the Senator from Michigan (Mr. Griffin), the Senator from Iowa (Mr. Miller), the Senator from Kansas (Mr. Pearson), the Senator from Illinois (Mr. Smith), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from Oregon (Mr. Packwood) are detained on official business.

If present and voting, the Senator from Iowa (Mr. Miller), the Senator from South Dakota (Mr. Mundt), the Senator from Kansas (Mr. Pearson), and the Senator from Texas (Mr. Tower) would each vote "nay."

On this vote, the Senator from New York (Mr. Javits) is paired with the Senator from Illinois (Mr. Smith). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 37, nays 33, as follows:

[No. 54 Leg.]

YEAS—37

Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Cook
Cooper
Eagleton
Fong
Goodell
Gravel
Harris
Hart
Hatfield
Hollings
Hughes
Inouye
Jackson
Magnuson
Mansfield
Mathias
McCarthy
McGovern
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Percy
Prouty
Ribicoff
Schweiker
Spong
Stevens
Symington

NAYS—33

Aiken
Allott
Anderson
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Gore
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Murphy
Proxmire
Randolph
Scott
Smith, Maine
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—30

Allen
Baker
Bayh
Church
Cotton
Cranston
Dodd
Fulbright
Goldwater
Griffin
Hartke
Javits
Kennedy
Long
McGee
McIntyre
Metcalf
Miller
Mundt
Packwood
Pearson
Russell
Saxbe
Smith, Ill.
Sparkman
Tower
Tydings
Williams, N.J.
Yarborough
Young, Ohio

So Mr. McGovern's amendment, as amended, was agreed to.

Mr. McGOVERN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MONDALE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 514

Mr. STEVENS. Mr. President, I call up my amendment No. 514.

The PRESIDING OFFICER (Mr. Hughes in the chair). The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the Record. I do so because I wish to announce to the Senate there will be no further votes tonight.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

AMENDMENT 514

On page 22, lines 13 and 14, strike out "a new sentence as follows" and inserting in lieu thereof "the following".

On page 22, line 20, immediately after the period, insert the following: "Whenever the amount of annual income of a family is prescribed as part of the criteria for determining the eligibility of a child of such household to receive free or reduced price lunches, the amount of annual income prescribed by such criteria shall be increased by 25 per centum in the case of Hawaii and Alaska and the amount apportioned to each state shall be increased accordingly.

On page 22, between lines 20 and 21, insert a new subsection as follows:

"(e) Section 4(e) of the Child Nutrition Act of 1966 (42 USC 1771) is amended by adding at the end thereof a new sentence as follows: "Whenever the amount of annual income of a family is prescribed as part of the criteria for determining eligibility of a child of such household to receive free or reduced price meals, the amount of annual income prescribed by such criteria shall be increased by 25 per centum in the case of Hawaii and Alaska and the amount apportioned to each State shall be increased accordingly."

Mr. TALMADGE. Mr. President, I yield 2 minutes to the Senator from Virginia on the bill.

Mr. SPONG. Mr. President, I am pleased to support the National School Lunch Act Amendments of 1969.

For more than 20 years, the Federal Government has been involved in school nutrition programs. Thousands upon thousands of our schoolchildren are indebted to Senator Richard S. Russell and Senator Allen Ellender for their foresight in securing passage of the school lunch program in 1946.

In the 20 years since enactment of the legislation many changes have taken place in our lives and in areas related to the lunch program. The number of hot meals served to schoolchildren has increased dramatically. Kitchens and cafeterias have become a fixture in new school facilities. Mass purchasing and preparation of foods have become the rule rather than the exception in many areas.

Yet, other changes—changes which have not served to benefit the lunch program—have also taken place. Food costs have risen continuously. Operational expenses have forced school lunch programs to increase lunch prices. To meet rising expenses some school districts have curtailed the quality and quantity of meals served.

At the same time, medical evidence indicating a relationship between proper nutrition and normal growth and development has accumulated. And, statistics have been gathered to demonstrate the failure of many low-income pupils to receive lunches.

Of the more than 50 million schoolchildren in the Nation, less than 20 million participate in the school lunch program. Of the more than 1 million Virginia schoolchildren, slightly more than 57 percent participate.

On a national and State basis, there are many needy pupils who do not or cannot participate.

Of the 6 million school-age children in our Nation from families earning less than $2,000 a year and/or receiving aid to families with dependent children, fewer than 2 million participate in the school lunch program. Of the 186,000 Virginia school-age children from families earning less than $2,000 a year and/or receiving aid to families with dependent children, only about 45 percent participate.

The bill under consideration would help local school systems serve better meals and serve meals to more children. The bill is a logical step forward.

Our children are our Nation's greatest asset. They are tomorrow's leaders and producers. The future of our Nation depends upon them—their education, their development, and the opportunities they are afforded today.

The properly nourished child presents a marked contrast to the malnourished child. He is more active, more alert, more interested in his environment. According to school officials, he is often less of a discipline problem and is a better student. These are compelling reasons to support the school lunch program.

I am pleased with the participation which Virginia pupils have registered in the past. Less than one-fifth of the States have recorded higher participation rates. But, much remains to be done in the State and much remains to be done in the Nation.

While the committee has been considering school lunch legislation, I have been polling Virginia school districts to determine what their needs in the school lunch program are and how these needs can be met. Over 70 percent of the school districts in Virginia replied. I believe it is significant that many of the needs mentioned will be met by the pending bill. The greatest need, according to the poll, is more financial support, followed by the need for more trained workers and supervisors in the program. The pending bill will assist in these areas.

It will also help meet the following problems which were mentioned in the poll: It will provide additional assistance for the purchase of equipment; it will permit advance funding of the program and it will help the needy child no matter what school he may attend.

The poll also suggested several problems which could be overcome through administrative action, including the elimination of redtape, the provision of more meat and protein and the development of better delivery procedures for commodities. I have written to Secretary of Agriculture Hardin about these matters, since the Department of Agriculture administers the program.

The school lunch program is an important part of our educational endeavors. It can be a more important one.

I believe the pending bill will greatly assist us in doing what remains to be done. I commend the able Senator from Georgia (Mr. Talmadge), for introducing the bill. I thank him for permitting me to cosponsor it. I was presiding on Friday when the able Senator from Georgia presented the bill to the Senate. His explanation was both lucid and effective. I recommend it to all who are interested in the problems and potentialities of the school lunch program.

I ask unanimous consent to insert into the Record charts indicating participation in the program by locality in Virginia and the funds committed to the program in Virginia in 1969.

There being no objection, the charts were ordered to be printed in the Record, as follows:

SUMMARY OF SCHOOL FOOD SERVICE PROGRAMS—FISCAL 1969

Programs	Number of schools with programs	Average number of pupils served daily: Free or partially paid	Average number of pupils served daily: Paid	Average number of pupils served daily: Total	Total meals served	Federal reimbursement	Local operating cost
Breakfast	54	4,965	3,894	8,859	885,910	$129,370.10	
Lunch	1,763	86,541	466,196	574,666	100,383,500	5,928,207.58	
Milk	1,801			[1] 49,424,367	[1] 149,807,867	1,811,560.55	
Nonfood (equipment)	264					549,970.85	
Total reimbursement						8,415,248.64	$47,077,639.26

[1] ½ pints milk.

Source: State Department of Education, Commonwealth of Virginia school lunch division.

The chart below reveals the rank in percent of participation in the counties, cities, and towns of the State.

[Percent of participation]

County division:	
Floyd	90.9
Highland	88.1
Rockingham	85.8
Augusta	84.9
Carroll	84.8
Smyth	82.2
Frederick	79.8
Westmoreland	79.7
Grayson	79.4
Wythe	78.5
Cumberland	77.9
Pulaski	77.7
Dickenson	76.3
Scott	76.3
Washington	76.3
Henry	75.6
Shenandoah	74.9
Bland	74.8
Lee	74.7
Buckingham	74.3
Wise	74.2
Charlotte	73.7
Caroline	72.8
Page	72.3
Rockbridge	72.1
Clarke	72.0
Montgomery	72.0
Northumberland	71.8
Fluvanna	71.6
Patrick	71.6
Franklin	71.5
Rappahannock	71.5
Nottoway	71.3
York	70.9
Halifax	70.7
Greene	70.6
New Kent	70.3
Amelia	69.2
Appomattox	69.0
Giles	68.9
Russell	68.8
Richmond	68.2
Pittsylvania	67.3
Louisa	66.8
King and Queen	66.7
Essex	66.0
Spotsylvania	65.9
Tazewell	65.8
Bath	65.0
Orange	65.0
Buchanan	64.8
Craig	64.7
Alleghany	64.4
Accomak	64.0
Lancaster	63.9
Prince Edward	63.2
Middlesex	62.5
Sussex	62.5
Madison	62.1
Mecklenburg	61.9
Hanover	60.6
Albemarle	60.0
Botetourt	59.7
Greensville	59.7
Dinwiddie	59.4
Brunswick	58.8
Campbell	58.0
Gloucester	58.6
Loudoun	58.5
Warren	58.1
Mathews	[1] 57.0
Bedford	56.9
Chesterfield	56.6
Goochland	56.3
Fauquier	55.8
Southampton	55.5
Stafford	55.5
Nansemond	55.4
Prince William	55.3
Surry	55.1
Nelson	54.3
Fairfax	53.4
Lunenburg	53.2
Culpeper	51.7
Northampton	51.5
Roanoke	51.5
Amherst	50.9
King William	50.3
Powhatan	50.2
Henrico	48.4
Prince George	48.3
Isle of Wight	45.8
Charles City	45.5
Arlington	43.0
King George	40.0
Cities Division:	
Staunton	79.8
Radford	76.6
Suffolk	74.0
Danville	72.6
Norton	72.6
South Boston	70.6
Harrisonburg	71.5
Galax	70.1
Waynesboro	68.2
Martinsville	67.3
Newport News	66.1
Bristol	62.4
Lexington	61.5
Richmond	60.6
Williamsburg-James City	58.4
Hampton	58.0
Covington	57.6
Clifton Forge	54.0
Charlottesville	53.0
Hopewell	51.7
Petersburg	49.9
Fredericksburg	49.2
Virginia Beach	48.1
Portsmouth	47.9
Alexandria	47.5
Roanoke	47.5
Norfolk	46.4
Lnchburg	45.4
Franklin	44.0
Colonial Heights	43.7
Falls Church	42.1
Chesapeake	42.0
Buena Vista	39.2
Winchester	13.1
Towns:	
West Point	71.5
Colonial Beach	44.1

[1] State average daily participation.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order of Friday, February 20, 1970, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 25 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, February 24, 1970, at 10 a.m.

EXTENSIONS OF REMARKS

ANTI-AMERICAN YOUTH ORGANIZATIONS

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, February 23, 1970

Mr. FANNIN. Mr. President, it has come to my attention, through requests to my office for information, that certain so-called youth organizations in the United States, while prominent in the news, have so little information published about them or about their genesis.

I am indebted to members of the American Research Foundation for supplying me with carefully researched concise information about several of these groups which I believe should be more widely disseminated.

Mr. President I ask unanimous consent that the information be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

YOUNG SOCIALIST ALLIANCE

The Young Socialist Alliance (YSA) is the youth and training section of the Socialist Workers Party (SWP), a militant revolutionary communist party based upon the theories of Marx, Engels and Lenin as interpreted by Leon Trotsky. Numerically, the SWP is the largest Trotskyist-Communist organization operating in the United States. Like the SWP, YSA opposes Soviet and Red Chinese "bureaucracy"; however, it fully endorses their economic systems. It also lends wholehearted support to the Cuban revolution as well as other revolutions of Communist origin. Founded in 1960, YSA openly claims that it is a "nationwide communist revolutionary youth organization" composed of both students and young working people. It has a current membership of over a thousand and maintains 40 local chapters. YSA's national office is located in New York City, where it publishes a monthly journal, the "Young Socialist." YSA views the war in Vietnam from a broad international perspective. It advocates the formation of an international united front under the banner of Che Guevara's revolutionary call for the creation of "two, three, many Vietnams." YSA has publicly repudiated outright terrorist actions by certain small groups in the United States but has fully supported the concept of "self defense." While praising the Black Panther Party, YSA condemns the Students for a Democratic Society (SDS), particularly its Weatherman faction. According to YSA's own pronouncements, it advocates "the concept of turning the campus into an organizing center for the anti-war, black power, and revolutionary socialist movements." Certain YSA members have been instrumental in fomenting disruptions on various college campuses. Following the pattern of the SWP, YSA maintains fraternal relations with certain international Communist elements. Prominent members of YSA have made recent visits to Communist Cuba. During the past several years, YSA has been exceedingly active in both anti-war and anti-draft activities. Both YSA and SWP members completely control the Student Mobilization Committee to End the War in Vietnam, an organization which has fully supported the projects of the New Mobilization Committee to End the War in Vietnam (MOBE). YSA is well represented on MOBE's Steering Committee which is composed of a high concentration of Communists and pro-Communists. A considerable portion of YSA anti-war activities is devoted to undermining the morale of the United States Armed Forces through subversion and propaganda. At its most recent national convention held in Minneapolis, Minnesota, December 27–30, 1969, YSA discussed plans to take over the leadership of the left-wing student movement and to fill the vacuum created as a result of the recent decline of SDS and the splintering of that group into various factions.

STUDENT MOBILIZATION COMMITTEE TO END THE WAR IN VIETNAM

The Student Mobilization Committee to End the War in Vietnam (SMC) is a national organization composed of college and high school students united in an "uncompromising struggle" against U.S. military involvement in Vietnam. The SMC was founded as an outgrowth of a conference held in Chicago, December 28–30, 1966, under the sponsorship of the Communist Party, U.S.A. (CPUSA) and the Trotskyist-Communist group, Socialist Workers Party (SWP). The purpose of this conference was to consider a proposal of Bettina Aptheker to call a nationwide student strike as a protest against the war in Vietnam. Bettina Aptheker, whose proposal failed to receive the support of the majority solely because the delegates felt that such a project was incapable of being successfully organized, was subsequently elected to the National Committee of the CPUSA. The CPUSA and SWP controlling factions within the SMC were in a state of almost constant disagreement from the beginning. This dissension reached a climax in June 1968 when the CPUSA withdrew from the organization, thereby leaving the SWP in complete control over the SMC. The SMC has sponsored several national antiwar demonstrations and has cooperated in various protest actions of the New Mobilization Committee to End the War in Vietnam and its predecessors. It has also actively promoted agitational activities among members of the U.S. Armed Forces through demonstrations and other forms of protest. The national office of SMC is currently located at 1029 Vermont Avenue, N.W., Washington, D.C. Significantly, every prominent officer of the SMC on both the local and national levels is a member of the SWP and its youth section, Young Socialist Alliance.

BLACK PANTHER PARTY

The Black Panther Party (BPP) is a Negro extremist group which seeks a violent social revolution in the United States. Its members receive instruction in guerrilla warfare tactics, including the preparation and use of Molotov cocktails. Founded in Oakland, California in 1966, the BPP has a current membership of about 1,200 and maintains chapters in 30 cities, including New York, Philadelphia, Chicago, Los Angeles, San Francisco and Oakland. The BPP initially gained nationwide attention when its members began openly to carry firearms on Oakland streets during what they called "defense patrols" to prevent alleged police brutality in black neighborhoods. A group of Black Panthers, armed with a variety of pistols, rifles and shotguns invaded the California State Assembly while it was in session on May 2, 1967, to protest pending firearm legislation. Members of the BPP are armed with an assortment of weapons and many have criminal records. For example, while stopped by law enforcement officers for a traffic violation in October 1967, Minister of Defense Huey P. Newton killed one policeman and wounded another. Leroy Eldridge Cleaver, who as BPP Minister of Information brought considerable growth to the organization, became a Federal fugitive as a result of criminal charges involving violation of parole and participation in a gun battle with Oakland, California police. David Hilliard, BPP Chief of Staff, was recently arrested for threatening the life of the President of the United States. Approximately 350 members of the Party were arrested on criminal charges in 1969 alone. Violence against law enforcement officers, whom the Panthers term "pigs" and consider prime targets for destruction, has been a notorious part of BPP activities. Gun battles between police and the BPP have occurred in Oakland, Los Angeles, Chicago, and other cities. Some clashes with police have actually involved BPP-instigated sniping and ambushes. Police raids on the BPP in various cities have resulted in confiscation of large caches of guns and ammunition. The BPP ideology is based partly on the writings of Communist China's Mao Tse-tung and emphasizes the slogan "Serve the people." To win support among poor blacks, as well as middle-class liberals, the Panthers have organized "Free Breakfast for Children" programs in poor areas in many cities. These programs are supported in part by the BPP intimidation of local merchants to contribute food and supplies. Another source of funds for the Party is the sale of its weekly tabloid newspaper "The Black Panther," a publication devoted to disseminating BPP's doctrine of revolution and hate. The BPP seeks revolutionary allies among certain minority groups and white radicals. It is noteworthy that the BPP has recently received considerable support from the Communist Party, U.S.A. Certain officials of the BBP have traveled abroad to various countries including Communist ones, for the purpose of developing international contacts and gaining support. In view of its violent and revolutionary nature, FBI Director J. Edgar Hoover has declared that the BPP "represents the greatest threat to the internal security of the country."

YOUTH ORGANIZATIONS OF THE COMMUNIST PARTY, U.S.A.

The W. E. B. DuBois Clubs of America (DCA) served as the youth group of the Communist Party, U.S.A. (CPUSA) for nearly the last six years. Named in honor of a deceased member of the CPUSA, the DCA is the lineal descendant of a number of Party youth organizations including the Young Communist League, American Youth for Democracy, Labor Youth League, and the Progressive Youth Organizing Committee. Since its founding convention held in San Francisco, California, June 19–21, 1964, the DCA has been substantially directed and controlled by the CPUSA and was operated for the sole purpose of rendering support to the Party itself. At various times, DCA has maintained a national office in San Francisco, Chicago and New York, its final location. A

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considerable number of individuals having CPUSA leadership backgrounds were active in managing the DCA. The organization held several national conventions and its last one named Jarvis Tyner as DCA National Chairman. Tyner had become a CPUSA National Committeeman months before his election to the DCA top post. In addition to Tyner, other principal DCA leaders appointed to the National Committee of the CPUSA at the Party's 18th National Convention held in 1966 were Bettina Aptheker, Carl Bloice, Robert Duggan, Michael Eisenscher, Peggy Goldman, Matthew Hallinan, Donald Hammerquist and Robert Heisler. Actually, DCA never became a very effective youth group of the CPUSA, mainly because it functioned as a disciplined Communist organization and its program failed to win the support of thousands of radical and revolutionary youths who turned to the New Left and groups like the Students for a Democratic Society. In 1967, DCA's membership was down to about 300, scattered in 25–30 chapters throughout the country. DCA membership dwindled to such a point in the late 1960's that it became obvious to the CPUSA that DCA influence among American youth was quite negligible. In a concerted effort to revitalize its whole youth program, the CPUSA recently established a Temporary Organizing Committee for a Marxist-Leninist Youth Organization for the purpose of scrapping the decadent DCA and forming an entirely new group representing "Communist, DuBois Club and Independent Youth." Under the direction of the CPUSA, the Temporary Organizing Committee scheduled a founding convention for the Party's new Marxist-Leninist youth organization to be held in Chicago, Illinois, February 6–8, 1970. Among the directives and other publications issued by this Committee was a secret report entitled "A Plan to Win." This document, using appropriate quotations from V. I. Lenin, set forth the need for a new CPUSA youth organization and discussed the necessity for a revolutionary solution to all social problems in the United States.

New Mobilization Committee to End the War in Vietnam

The New Mobilization Committee to End the War in Vietnam, commonly known as MOBE, is a Communist-oriented organization which has functioned as a coalition for numerous anti-war groups operating throughout the country. MOBE has a three-year history involving violence and civil disobedience. It originated at a conference in September 1966 organized by the late A. J. Muste, a radical pacifist and Communist sympathizer. In addition to Muste, others involved in the formation of this organization were Fred Halstead and Gus Horowitz, functionaries of the Trotskyist-Communist Socialist Workers Party; Stokely Carmichael, a former revolutionary leader of the Student Nonviolent Coordinating Committee; Sidney M. Peck, a former State Committeeman, Wisconsin Communist Party; and certain other individuals having similar backgrounds. Active in the organization from its early operations to the present have been David T. Dellinger, who has publicly declared that he is a "Communist but not the Soviet type," and Arnold Johnson, Public Relations Director of the Communist Party, U.S.A. MOBE has been known under a variety of names. First organized as the November 8 Mobilization Committee for Peace in Vietnam, it subsequently changed its name to the Spring Mobilization Committee to End the War in Vietnam, and still later to the National Mobilization Committee. At a National Anti-War Conference held in Cleveland, Ohio, July 4–5, 1969, MOBE became known as the New Mobilization Committee to End the War in Vietnam, its present designation. MOBE has been involved in almost every major anti-war demonstration since its founding, and it appears that MOBE's violence-prone element has become increasingly stronger with each succeeding protest. MOBE sponsored the October 21–22, 1967 demonstration in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Convention held in Chicago, and sponsored the demonstrations in the Nation's capital on January 18–20, 1969 in protest over the inauguration of President Nixon. MOBE was the chief architect of an anti-war project called the "Fall Offensive" which included the staging of demonstrations in Washington, D.C. on November 13–15, 1969. Notwithstanding the fact that MOBE's so-called "Washington Action" was billed as a pacifist demonstration, considerable injury to persons and damage to property occurred. The MOBE Steering Committee, its leadership hierarchy, contains a large percentage of individuals who are or have been members of the Communist Party, U.S.A., Socialist Workers Party and other Communist groups, including their youth branches. MOBE leadership has coordinated its anti-war agitational activities with the international Communist movement. This can be best illustrated by the fact that during the MOBE demonstrations of November 15, 1969, there were anti-American protests throughout the world on exactly the same day. During the height of the 1969 fall demonstrations, there were exchanges of support, encouragement and good will between various international Communist sources and MOBE. One such greeting to MOBE emanated from North Vietnamese Prime Minister Pham Van Dong, who wished "brilliant success" for MOBE's Fall Offensive. MOBE held a Steering Committee meeting on December 13–14, 1969 for the purpose of assessing its future role. MOBE leadership decided to concentrate in 1970 on local activities involving many war-related issues as opposed to staging further massive demonstrations.

Students for a Democratic Society

The Students for a Democratic Society (SDS), together with its many factions and splinter groups, is composed of revolutionary communists who form the core of the New Left. These communists have been responsible for much of the disruption, destruction and unrest in high schools and on college campuses in recent years, mainly involving anti-war related protests. Many acts of violence have been directly attributed to SDS members, including assaults on private individuals, destruction of property, seizure of buildings, and in some cases, actual sabotage. SDS doctrine is based solely upon Marxism-Leninism, and its program is dedicated to the violent overthrow of the United States Government. It was originally formed as a successor to the Student League for Industrial Democracy (SLID), a Socialist-oriented group which was established in the early 1930's as the youth affiliate of the League for Industrial Democracy. The SLID was a relatively insignificant group until 1959, when it changed its name to the Students for a Democratic Society. However, the real militant and revolutionary nature of SDS first began to appear at a SDS national convention held in Port Huron, Michigan, in 1962. At this convention, in which the present-day SDS was born, the organization endorsed a lengthy statement prepared by Thomas E. Hayden which advocated militancy in connection with such concerns as civil rights, peace and poverty. Hayden's document, known as the "Port Huron Statement," referred to "participatory democracy" as an ideal form of society. In actuality, "participatory democracy" meant nothing but a political program bordering on anarchy which vehemently distrusts "the establishment," "authority," and "the system." The objective of SDS since its 1962 convention has been one of ever increasing opposition to the United States Government and the free enterprise capitalistic system. By 1965, when SDS became more and more militant and revolutionary, the League for Industrial Democracy severed all connections with it, and thereafter, SDS functioned as an independent group. The youthful idealism of "participatory democracy" was subsequently replaced by Marxist dogma as SDS became entrenched with communists, particularly at the national leadership level. Members of the Communist Party, USA (CPUSA) have been quite active in SDS and SDS has rather consistently operated in furthering the objectives of the Party. SDS claimed at its 1968 National Convention that it had a membership of 30,000 functioning in 300 chapters. Certain of its top national officers at this convention publicly identified themselves as "revolutionary communists," meaning a non-CPUSA type of Marxist-Leninist. During the period between its 1968 convention and the one held in June 1969, various factions within SDS fought for control of the organization. The bitter dissension and factionalism at the 1969 convention left SDS badly splintered and seriously weakened. It was at this last SDS convention that a faction called Revolutionary Youth Movement (RYM) I, commonly known as Weatherman, joined forces with RYM II, for the purpose of expelling from SDS a third faction, Worker-Student Alliance (WSA). The WSA, a pro-Peking clique within SDS which had long sought to take over the entire SDS organization, is an affiliate of the Progressive Labor Party (PLP), a communist party founded in 1962 by former members of the CPUSA. As a result of convention action in which the extremely violent Weatherman faction won complete control of the SDS national structure, including the national office in Chicago, WSA formed its own SDS organization in Boston which claimed to be the true SDS. After the expulsion of PLP–WSA, RYM II became bitterly opposed to the SDS Weatherman leadership because of its violent, street fighting-type tactics and policies. During SDS's "Bring the War Home" action in Chicago, October 8–11, 1969, approximately 400 Weathermen went on a rampage, attacked police and engaged in indiscriminate destruction of property. The terroristic tactics of the Weathermen were also seen when they attempted to assault both the Embassy of South Vietnam and the Department of Justice building in Washington, D.C. during the November 1969 "Fall Offensive" sponsored by the Communist-oriented New Mobilization Committee to End the War in Vietnam. Among the other factions which have been active in SDS have been the Labor Committee, Independent Socialists, Mad Dogs and Running Dogs. Continued factionalism has brought about another SDS splinter group. On November 27–30, 1969, about 300 members of RYM II met in Atlanta, Georgia, and formed a new "anti-imperialist" youth organization called Revolutionary Youth Movement. Regardless of the internal differences among SDS factions and splinter groups, they all share the same goal, the complete destruction of the United States by force and violence based upon the Marxist-Leninist concept of revolution.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental

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genocide on over 1,400 American prisoners of war and their families.

How long?

JUSTICE—DARKLY SEEN

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. McMILLAN. Mr. Speaker, I insert in the CONGRESSIONAL RECORD an article written by Mr. Morrell L. Thomas Jr., publisher of the Darlington News & Press, Darlington, S.C., and the Lake City News, Lake City, S.C. I consider Mr. Thomas one of the outstanding editors and journalists not only of South Carolina but of the Southern States, and in his editorial he has properly explained the extreme damage to the Darlington County public school system caused by a recent court order.

I cannot understand why it is necessary to compel schoolchildren, and especially high school seniors, to change schools in the middle of a school term when integration was progressing satisfactorily. This one act will prevent a number of students, both black and white, from receiving their high school diplomas in June. They had already ordered their high school rings and their high school annuals were in the process of being printed. No one can criticize the people of Darlington County of both races, for being disturbed over this unnecessary action on the part of the courts.

Darlington County has always enjoyed excellent race relations between black and white people and I have not heard of any trouble previously. The integration of these schools was an orderly process.

I hope every Member of Congress will take time to read this article which presents the absolute true facts surrounding the Darlington school case. The article follows:

JUSTICE—DARKLY SEEN

When Thomas Paine wrote "These are the times that try men's souls", he could well have had in mind Darlington County, South Carolina in February, one hundred and ninety-four years later.

The unfair edict of the United States Supreme Court to integrate Darlington's public schools at this time and in the specified manner puts to the supreme test the patriotism of a people who in the past have defended America with much fervor. No heinous plot of the Kremlin could have more effectively rendered asunder the close-knit bond of fellowship which has for years existed between the homogenous people of this community.

We have no doubt that Americans throughout the land will rise up and demand an end to this ridiculous forced integration of schools. The nation will use its voice and the ballot box. It will not allow six misguided old men sitting on the Supreme Court to force on the country something which no one—a handful of radicals and misfits to the contrary—really wants. We have every confidence that within a few years a just Freedom of Choice plan will be operative in America's great public school system. What could be fairer than the privilege of sending your child to the school of your choice, regardless of color or creed; and what could be fairer than allowing a teacher to determine where she is to teach? This will develop eventually, but the pity of it all is the great and needless damage which is being wrought in the meanwhile.

The extreme to which "minority" crusaders aided by liberal legislators and unthinking and unconcerned Americans have carried this business is absurd; it makes a mockery of Democracy.

Listen to this 1952 statement: "The only thing that we ask for is that the state-imposed racial segregation be taken off, and to leave the county school board, the county people, the district people, to work out their own solution of the problem to assign children on any reasonable basis they want to assign them on". That, including the poor grammar, from Thurgood Marshall arguing before the Supreme Court (the bench he now graces) the Clarendon County school case, which lit the fuse of the bomb which drops on Darlington County this week. How diametrically opposed to his present day philosophy, subscribed to by a majority of his fellow "justices".

And if you doubt the scales will be balanced eventually, take heart from this pronouncement: "Massive school integration is not going to be attained in this country very soon, in good part because no one is certain that it is worth the cost. It creates as many problems as it purports to solve and no one can be sure it would yield to any educational return. There must be a better way to employ the material and political resources of the federal government." This from, not a rednecked Southern Senator, but from Professor of Law at Yale University, Dr. Alexander Bickel, writing in the very liberal New Republican magazine.

Turn now to the immediate problem facing Darlington County. Like snowflakes, no two people among the 60,000 of us have exactly the same feeling; and all 60,000 are saying exactly what they think. Thank God we still have that much freedom left!

The reaction can be categorized roughly, however, into: 1) those who feel we should integrate calmly and make the best of a sorry situation, 2) those who demand that their children be in the school of their choice, court order or no court order, and 3) those who will enter their children in a private school.

We respect the feelings of these groups; we can appreciate the turmoil of emotions at conflict within us all. The only action we cannot condone is open violation of the law, stupid and unfair though it be.

It is sad to sit by, seemingly helpless, and see lowered the standards of Darlington's public school system—for many years held up as an example to the state. No knowledgeable person can deny this will happen. And because of the ill-timing of the court edict 15,000 inquiring young minds for all practical purposes will lose a semester of the guidance and stimulus they need. Our school administrators—and teachers, with few exceptions—are able, dedicated men and women who will see that the quality of education is raised as quickly as is humanly possible. In recent days they have shown the stuff of which they are made; they have had and will continue to have our unqualified support.

We can particularly relate to the come-lately supporters of private academies, since our children already are attending one. There will no doubt be one or two new private schools in the area by September. This is good . . . good for those who will be able to attend them and good for the public schools whose lightened burden with the same tax dollars rolling in will allow them to improve more rapidly than otherwise. Those who feel they cannot "afford" private schooling for their children should reassess their values. One mother who was bemoaning her lack of financial means admitted that if she "stopped smoking" she could pay the year's tuition with this savings. And we didn't tell her, but if she and her husband stopped drinking, too, they could send their children to Phillips Exeter.

Darlingtonians at this time instead of being divisive and quarrelling among themselves must show the supreme respect for their neighbor's actions and reactions. This is no time for boycotts . . . no time for "are you with me?" . . . no time for vindictiveness and anger and hate. UnChristian words and actions can leave scars which will not heal in our lifetime.

UKRAINIAN INDEPENDENCE SPIRIT STILL BURNS BRIGHTLY

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, February 23, 1970

Mr. FANNIN. Mr. President, January 22 marked the 52d anniversary of the Proclamation of Independence of the Ukraine after they had been enslaved for over 260 years.

It is usually my custom to call attention to this milestone each year, because I think it important that we continue to remember the millions of enslaved people who still live under the iron heel of Communist dictatorship.

In my State of Arizona, we have some wonderful citizens of Ukrainian descent. Unfortunately, this year I was not able to call attention to the continued enslavement of their homeland on January 22 as I would have liked to.

I do so now.

We are in continual need to be reminded that the Red flag of communism still has as its never-repudiated goal, the conquest of all other political and religious ideologies. We need to recognize and remember the plight of those thousands who would be free of the heavy yoke of their totalitarian oppressors. As a gesture of that remembrance, I ask unanimous consent to have printed in the RECORD a letter from Mr. Alexander Bunka, of Tucson, Ariz., which details the history of this brave people.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TUCSON, ARIZ,
January 2, 1970.

Senator PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SIR: January 22nd 1970 will mark the fifty second anniversary of the Proclamation of Independence of Ukraine, after 260 years of enslavement. It was on this day 52 years ago that Ukrainians regained independence. The new Republic enjoyed this freedom for a very short time because Russia, Imperial or Communist could not accept the independence of the Ukraine which is the breadbasket of Europe and the gateway to the east and Russia needed both.

The Red army with great force, well equipped engaged the defenders of the new republic in a deadly struggle for survival.

The dedicated and courageous defenders of the new republic faced the superior communist forces, decimated by an epidemic of typhoid were defeated and forced into exile.

Ukrainians today are not asking any nation for help to liberate their country, being aware that under the present conditions this is not possible, but we do plead for understanding of the plight of these unfortunate people behind the Iron Curtain.

Ukrainians living in the free world are

grateful to Congress and the President of the United States for recognizing the rights of the enslaved people to freedom, by enacting the Captive Nation Resolution 89-90 which enumerates Ukraine as one of the enslaved nations dominated by Communist Russia.

We Ukrainians living in the State of Arizona respectfully request you to join us in commemoration of Ukrainian Independence Day, that records might be preserved in the Congressional archives and our museums for posterity.

Yours truly,

ALEXANDER BUNKA.

THE SENIORITY RULE IN CONGRESS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. BROOKS. Mr. Speaker, we again are hearing considerable discussion of the seniority system in Congress. Unfortunately, these discussions provide more emotion and rhetoric than enlightenment.

This, of course, is not always the case and I commend to my colleagues and other interested individuals an article which appeared in the Western Political Quarterly almost a decade ago on March 1, 1961. The offering, "The Seniority Rule in Congress," is a scholarly assessment of the seniority system as it affects the Congress of the United States.

Although it was written some time ago, it is supported by the authority of a man who was then a very senior Member and is now the most senior Member of the House of Representatives—the highly respected chairman of the Judiciary Committee, EMANUEL CELLER.

In order that this timely article by an experienced and highly respected Member can be read by my colleagues, the text follows:

THE SENIORITY RULE IN CONGRESS

(By Representative EMANUEL CELLER)

It is a rare session of Congress that does not produce its share of proposals to abolish that perennial red herring—the so-called "seniority rule." This long-standing congressional tradition, under which the House and the Senate organize their working committees, has become as popular a target as sin itself. It is intermittently bombarded by Democrats and by Republicans, by liberals and by conservatives, depending largely upon whose ox is being gored.

I do not entirely understand why this should be so. True, it is sometimes expedient to explain the defeat of a locally popular measure in terms of the tyranny of a committee chairman. Also, able and energetic young men and women who come to Congress and find the best seats occupied will understandably chafe at the tardiness with which their talents are recognized and rewarded by assignments to coveted posts. Thus, a distinguished United States Senator, after two years of service, called the seniority rule a "straitjacket," described it as "rigid, inflexible, and unyielding," and urged its discontinuance as "the sole determinant of Congressional sovereignty and influence" in committee chairmanships and assignments. An example of the intermittent assaults upon congressional seniority is the joint resolution, H.J. Res. 253, of the 86th Congress, which would have rendered senators and representatives who have served twelve years ineligible for re-election for a two-year period.

But the tendency to attack the seniority principle has not been confined to members of Congress, nor, indeed, to politicians. Students of political science regularly excoriate the rule for theoretical imperfections which no method of selection designed by human beings could conceivably eliminate. Even members of the working press—practical men and women who know their way around Capitol Hill—fall in with this approach. The seniority bugaboo is always good for a couple of sticks on a dull Monday; or for a feature in the Sunday Supplement, predicting what the Hill "leadership" will or will not "permit," with the clear implication that the congressional power is too narrowly held and dictatorially exercised.

From the tone of some of its critics, one would suppose that the seniority principle is firmly entrenched and sanctified by law, and that little short of a constitutional amendment could dislodge it. Properly speaking, however, it is not a rule at all, but is rather a custom or convention. Although operative in both the Senate and the House for many years, it is embodied in no formal rule of either chamber. And, far from being sacrosanct, seniority has been overridden by both parties, when circumstances appear to require. Instances of this include the ouster of Stephen A. Douglas from the chairmanship of the Senate Committee on Territories in 1859, and the removal of Charles Sumner from the chairmanship of the Committee on Foreign Relations in 1871. It was a Democratic caucus that ousted Douglas, a Republican caucus that removed Sumner. Moreover, the rigor of the seniority rule has been modified in the current practice of Senate Democrats to allow no senator a second committee choice until each freshman shall have received at least one major committee assignment.

Recurrent criticisms also create the impression that the seniority criterion has wrested control of legislation from the members of Congress and concentrated it in the hands of autocratic committee chairmen, for the gratification of their personal whims. Yet despite these repeated assertions, no steps are even taken to change the basic operation of the system. Like the weather, much is said, but nothing done about it.

Just what role does seniority actually play in the operation of Congress, and why, if it is as unsatisfactory as its critics assert, has it not long been abandoned?

My thirty-eight years of continuous service in the House of Representatives spent first in acquiring the experience and understanding of legislative work which are implicit in "seniority," and more recently in the exercise of the responsibilities that go with a committee chairmanship, have given me a better than average opportunity to observe the working of the system. I believe that the seniority principle, though far from perfect, performs an indispensable function in the organization of the Congress, and that the alternatives that have been offered as a cure for its deficiencies would aggravate, rather than relieve them.

The significance and operation of the rule are best appraised against its history which, in turn, involves the history of the manner of selection of the members of standing committees. The first House of Representatives operated under a rule which placed the appointment of committees of three or less in the Speaker, larger committees being elected by the House. This proved unsatisfactory, and, at the opening of the second Congress it was specified that "The Speaker shall appoint committees until the House shall otherwise determine." By usage, the member first named to a committee served as its chairman.

Late in 1804, a vacancy in the House Committee on Claims was occasioned by the withdrawal from the committee of its chairman, Samuel W. Dana, of Connecticut, who was appointed "in his stead," maintained that this appointment placed him at the bottom of the committee's list with respect to the chairmanship, because he was last named to it. The Committee thought otherwise claiming him as its chairman. In resolving the resulting impasse, the House framed a rule specifying that the first-named member of a committee should be its chairman and that order of appointment should govern succession, "unless the committee, by a majority of their number, elect a chairman." Although the Committee on Claims, availing itself of the last word which the closing clause of the rule gave it, elected Dana chairman, from the time the usage in the House, as among American law-making bodies generally, has been that the first-named member of a standing committee shall serve as its chairman.

Appointment of House committee members by the Speaker was under sporadic attack from 1806, when James Sloan of New Jersey unsuccessfully proposed that committees should be elected by the House, and their chairmen by the committees, until 1911, when the House "rebelled" against the rule of Speaker "Uncle Joe" Cannon, stripping him and his successors of the power of committee appointments. His autocratic power of appointment and the evils attending thereupon should be sufficient reason for never reinstating such power in the Speaker of the House. The House rules have since provided that initial appointments and permanent vacancies both in the membership and the chairmanship of standing committees shall be made by the House itself.

This rule, however, inadequately reflects the actual practice, for though the House has reserved the prerogative of making appointments, the formal process of election amounts to little more than the assignment of newly elected members to committees and the occasional transfer of members from one committee to another. Even in this, the two parties tacitly accept each other's designations of majority and minority members. Actually, the Democrats' new assignments of members to fill vacancies on committees are made by majority vote of the Democratic members of the Ways and Means Committee. A Republican Committee on Committees, appointed by the Republican leadership more or less on a geographical basis, assigns the Republican members to fill vacancies on the House Committees. The House itself then confirms all new appointments to fill vacancies. Beyond this, a member who has served on a committee is regarded as entitled to continue to serve on it as long as he keeps his seat, and the seniority ladder determines the succession to the chairmanship.

In the Senate, standing committees have been appointed in various ways at different times: by ballot, by the President of the Senate, by the President pro tempore, or by the adoption of a full list of names submitted by the party leaders.

During the first thirty-four years (1789-1823) all Senate committees were appointed by ballot, and a plurality of votes determined the choice. According to John Quincy Adams, it was the prevailing practice of the Senate during this period that "the member having the greatest number of votes is first named, and as such is chairman."

From December 9, 1823, until April 15, 1826, the Presiding Officer appointed the committees. Appointment by ballot was the rule from April 15, 1826, to December 24, 1828. The President pro tempore appointed the committees of the Senate from December 24, 1828, to December 9, 1833, at which time the practice of appointment by ballot was resumed. From 1839 to 1845 the President pro tempore made the appointments. It was not until the 29th Congress (1845-46) that the Senate began to approve of lists of committees drawn up by party leaders. Since 1846 it has been the traditional practice (with occasional exceptions) for the Republican and Democratic committees on committees to draw up slates of committee assignments at the opening of each new Congress.

The procedure of the Senate in the appointment of committees is prescribed in a long-standing rule (Rule XXIV) which reads in part as follows:

"1. In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint."

For upwards of a century, however, the significant phrase—"unless otherwise ordered"—has usually been invoked; and unanimous consent has been given to enable the majority party to determine the chairmanships of the standing committees. Seniority of committee service has long been the principal guide in making up the list of committee chairmanships. Writing in 1938, George H. Haynes, historian of the Senate, remarked "In the shifting of chairmanships in the past half-century there probably has not been one instance in fifty where the caucus Warwicks have failed to place the crown upon this universally recognized 'heir apparent.' So assured is such an unchallenged succession that voters are often exhorted to consider it as a main reason for re-electing a Senator of great expectations."

The salient and long-established features of the committee system in the American Congress are thus seen to include length of uninterrupted tenure as the traditional determinant of choice in committee assignment, length of uninterrupted committee service as the rule of succession to a chairmanship, and minority party representation on committees roughly proportional to minority strength in the chamber. It may be noted that the bipartisan character of the committees was challenged by President Wilson as weakening party responsibility—a position reminiscent of Jefferson's asserted belief that only members in favor of a measure shoud be assigned to work on the committee charged with responsibility for its progress.

With respect to the designation of members to committees, moreover, John Quincy Adams believed that this should be by lot, a method which has not found favor in the United States or in Commonwealth countries but which is operative today in a number of Western European parliaments, notably those of France, Belgium, the Netherlands, and Italy.

As concerns the method of designating chaifmen of standing committees, foreign countries today fall into two principal categories. The parliamentary organization and practice of the seventeen countries that compose the British Commonwealth are modeled on that of the Mother of Parliaments—the English House of Commons, where the practice appears to be for the Speaker to appoint the chairmen of standing committees.

Elsewhere among the fifty-seven parliaments that are members of the Interparliamentary Union, the general practice is for the chairmen of committees to be elected by the committees themselves. A curious departure is found in the Bundestag where chairmen of committees are allotted proportionally among the parties. The number of chairmen of committees allotted to a parliamentary party corresponds to the number of members of the different parliamentary parties. Chairmen of different committees are nominated by parliamentary parties on the basis of agreement between the parties. The chairman is then formally elected in committee. Up to the present, the chairmen proposed by the parliamentary parties have always been elected.

Appraisal of the American system against this background must take into account the realities of the legislative process. Neither house of Congress could conceivably give detailed attention to all the facets of its legislative program in regular session. Preliminary consideration of legislative proposals is therefore delegated to standing committees, which, with the aid of specialized subcommittees, study the bills, conduct investigations, hear and attempt to reconcile divergent needs and views, and finally report a measure to he full body. Thereafter the committee members perform their individual responsibilities in the ensuing debate. In addition, each committee has the task of keeping itself informed as to the effectiveness with which existing laws within its jurisdiction are being enforced.

What is more, legislation destined for ultimate enactment frequently fails of passage in the Congress in which it is initially introduced. Indeed, it is not unusual for legislative history of a measure to extend over more than two biennia. In such cases, although new bills must be introduced in each new Congress, the committee has a virtually continuing responsibility for managing, or processing, the legislative issue.

Against this background, the rationale of the seniority principle becomes evident. Over the years, manifestly, the effectiveness of a committee will bear a direct relationship to the stability of its personnel. If the legislative committees were to be reshuffled after each election—beyond what is necessitated by the retirement of members and the arrival of new ones—all issues pending unresolved in the House, and to a lesser degree those pending in the Senate would require consideration *de novo*. The time and effort necessarily expended by committee members in familiarizing themselves with the nature of the committee's work, the intricacies of its problems, and the identity and character of interested parties would indeed be lost. What has been said of the members applies with peculiar force to the committee's chairman. Upon the chairman rests the administrative responsibility for the committee's program and for the functioning of the subcommittees. He supervises the professional staff. Continued availability of the chairman's accumulated expertness, experience, and prestige is a central factor in a committee's effectiveness. Interruption of his tenure, other than is necessitated when the control of the Chamber passes from one political party to the other, would needlessly impair the efficiency of the committee's operations.

Fundamentally, the seniority system avoids the waste implicit in instability of committee composition and management. It invokes the presumption that, other things beng equal, the man or woman with the greatest experience in a particular job is best fitted to participate and to lead in its performance. To quote Luce, in his work on legislative procedure, "Whatever the activity, we all know that experience counts for more than anything else, and promotion by seniority is nothing but the recognition of this." Since a senior congressman is more experienced than his junior, and since all congressmen aspire to posts of influence, choice of committee assignments may safely be left to seniority. Within a committee, similarly, since effectiveness is presumptively related to length of uninterrupted service, the seniority ladder properly defines the succession to the chairmanship.

The seniority criterion for selecting committee chairmen has the added virtue of being objective. It automatically eliminates the intrigues, deals, and compromises that characterize election campaigns. By the same token, committees are able to get down to work immediately, without having first to bind the wounds of disappointed aspirants to leadership.

To counter these salient advantages, opponents of the system offer two principal criticisms. The first is addressed to its alleged effect upon the functioning of the committees. Here it is contended that the capacity to achieve re-election has no necessary relation to the qualities ideally embodied in a chairman; that under a seniority rule the potential contribution of an exceptionally able young legislator is sacrificed to the entrenchment of an aging incumbent whose energies may be waning; and that the relative inviolability of the custom operates to immunize chairmen against retribution, no matter how arbitrary and dictatorial their conduct of office.

Each of these claims has surface plausibility—and each has been overstated. Although seniority, alone, does not guarantee superior ability, success in effectively serving the state or district remains an indispensable attribute of the perennially successful candidate for election. The most backward electorate will not indefinitely return a congressman who wholly fails to serve its needs. Such a man is retired, if not in an election, then in a primary contest. By and large, the so-called "safe" state or district is one that has been getting the kind of representation it wants. And inevitably, the affirmative qualities that keep a man in office do contribute to his effectiveness as a committee chairman.

Each of us must some day lay down his burdens, but nature has not uniformly decreed when this must be. Some men remain vigorous and effective in their eighties; others may fail at fifty. As stated by Gross in *The Legislative Struggle:*

"The seniority system has often been mistakenly attacked on the ground that it puts too much power in the hands of old men. This argument misses the real implications of the seniority system. Age alone does not cause diminution of mental vigor, alertness, and leadership ability. Nor does it mean that a man becomes more conservative. Some of the outstanding liberals in Congress have been old men who have fought valiantly despite the other handicaps of age."

I am reminded of Longfellow in "Morituri Salutamus":

"But why, you ask me, should this tale be told
To men grown old, or who are growing old?
It is too late! Ah, nothing is too late
Till the tired heart shall cease to palpitate.
Cato learned Greek at eighty; Sophocles
Wrote his grand Oedipus, and Simonides
Bore off the prize of verse from his compeers,
When each had numbered more than fourscore years,
And Theophrastus, at fourscore and ten,
Had but begun his "Characters of Men."
Chaucer, at Woodstock with the nightingales,
At sixty wrote the Canterbury Tales;
Goethe at Weimer, toiling to the last,
Completed Faust when eighty years were past."

Public servants with long tenure should be able to retire with a measure of security, and recent amendments of the retirement system make this increasingly possible for members of Congress. But most men know when they have had enough and I fear that by imposing compulsory retirement of committee chairmen upon the attainment of any particular age we would as often lose as gain in terms of the vigor and capacity of the successor. With respect, also, to the criticism that able young legislators with special skills must today go too long without appropriate outlet for their talents, it is noteworthy that increasing use of subcommittees, as well as select committees, are enabling greater utilization of such members in chairmanships.

By far the most serious of this group of criticisms is that which implies arbitrary, one-man rule of committees. It is true that the prerogative of calling meetings and the control of agendas gives some chairmen wide powers, sometimes amounting to the practical equivalent of a veto. But it would be a mistake to attribute this to the seniority system. Seniority does no more than designate the chairman; it does not write the committee's rules of procedures, nor does it prescribe despotism in the conduct of the committee's affairs. Recent years have seen an increasing incidence of well-developed rules of procedure for the governance of committee business. It is always possible for the members of a committee to outvote its chairman. That this happens from time to time is wholesome. That it does not happen more often is as reasonably attributable to the respect and confidence with which the members regard their chairman as to any sinister implication of dictatorship. I believe that the charge of dictatorship is often an attempt to saddle the chairman with sole responsibility for the committee majority's unwillingness to act.

As Luce puts it: "Somebody must lead. If it is not the strong, it will be the weak. If it is not the experienced, it will be the inexperienced. Otherwise, chaos." Under any method of selection, the chairman will remain the committee's most powerful member. The cure for despotism, where it may still exist, is not to deprive the committee of the services of its most seasoned member, but to insist on democratic procedures. In this way, the committee itself can guarantee that the chairman will act as a guide and leader, responsive to the will of the majority, and not as a dictator.

The other major objection that has been leveled at the seniority system is that it concentrates the power implicit in chairmanships in congressmen from so-called one-party states and districts, at the expense of areas whose political complexion is mixed. It is further asserted that the prestige and influence of a high-seniority congressman becomes a political asset in warding off assaults upon his tenure, thus further entrenching him in office. Here, again, some truth and some exaggeration are encountered.

XUM

In a Democratic Congress, like the present one, the argument is usually illustrated by pointing to the preponderance of southerners, traditionally more conservative than northern and western Democrats, at the helms of the committees. It is true that of 36 standing committees in the House and the Senate, 21 are headed by men from the South. On the other hand, many important chairmanships are in the hands of northerners and westerners. Indeed, the dean at this writing among Senate Democrats, in his eighties, is the exceptionally able Senator Carl Hayden, chairman of the Committee on Appropriations, who speaks for Arizona. So, too, the states of Nevada, Washington, New Mexico, and Missouri, none of them classed as southern, are represented among Senate committee chairmanships.

In the House, likewise, the important Committees on Appropriations, Banking and Currency, Education and Labor, Foreign Affairs, Government Operations, Interior and Insular Affairs, Judiciary, Public Works, and Un-American Activities, are chaired by men from non-southern states, including New York, Illinois, Pennsylvania, Missouri, Kentucky, and Colorado. And four of the six House committee chairmen having the greatest length of uninterrupted service are from non-southern states. Numerous northerners are also chairmen of powerful subcommittees.

Withal, it cannot be denied that the seniority system produces some disproportion in the distribution of committee chairmanships. Whether this justifies abandonment of the rule raises the question whether the one-party districts can properly be penalized, simply for being able to make up their minds, by being deprived of the fruits that normally accrue from the acquisition of experience and expertness by their representatives. Such considerations tend to become academic, however, unless some satisfactory substitute for the existing rule can be found.

It is my conviction that the reason why the seniority principle has not long been abandoned lies not only in its demonstrable advantages but also in the difficulties that beset alternative proposals. I know of no substitute for the present system whose disadvantages would not outweigh its benefits. Proposals to require chairmen to step down at a specified age, or after a specified period of service, and to rotate chairmanships among committee members having a specified period of service would destroy continuity without necessarily producing more capable leadership. Proposals to elect chairmen in party caucuses would additionally give rise to campaigning with its attendant evils—again without any real assurance of the election of the best fitted candidate. Resort to secret ballot would slightly, but not wholly obviate this objection. The practice of foreign parliaments in which chairmen are predominantly elected by committee members may be appropriate in situations in which the members are themselves selected by lot. Such a system, however, makes knowledge or interest on the part of the committee members improbable. In systems like our own in which a premium has always been placed on continuity, election by committee members would be subject to all the infirmities of election by caucus. Appointment by the Speaker would generate inordinate pressures upon him from within and without Congress and would inordinately enlarge his power over legislation. I doubt whether the present Speaker would want such power. None of these alternatives would go to the real heart of the problem—the evolution of committee procedures that will guarantee democratic functioning.

I suspect that we shall continue to follow the custom of respecting seniority in the selection of congressional committee chairmen, not because it is perfect, but because it is better than any other method that has yet been proposed. And we could do much worse, for, to paraphrase Speaker Rayburn, the rules of both Houses of Congress are such that a determined majority can always work its will.

TO DENY THE RIGHTS OF MANY TO GRANT A LICENSE TO A FEW IS MEASURELESS FOLLY

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. BRINKLEY. Mr. Speaker, a poignant petition has been sent to me by the Gordon, Ga., Jaycees, together with an inch-thick compilation of copies signed by other concerned citizens.

The communication reads as follows:

> Because I believe that every man who lives under the flag of the United States of America is entitled by the Constitution of this land to live according to the laws and freedoms contained therein, I cannot condone the recent court action depriving me of my freedom of choice to send my children to the school in my county or community that I so desire. Therefore, I urge *you* as a representative of the people to initiate legislation that will restore freedom of choice in our public school systems.

I am amending the address to specifically include the Congress of the United States and file herewith the same with the Clerk of the House of Representatives.

To draft other children from unwilling parents to serve as social leavening; to transport human beings from one end of the county to another to provide others with academic fellowship; to yoke together those of unequal learning readiness, ability, and cultural background in the faint hope of benefiting one at the almost certain expense of the other; to punish some to pamper others; to set the stage for disorder and educational chaos as an atonement for past real or faniced wrongs; to use educational institutions as factories for social experiment and reform; to deny the rights of many to grants a license to a few; is measureless folly.

"SIMPLIFIED" INCOME TAX FORM

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. ICHORD. Mr. Speaker, a few days ago, I received a masterpiece of a letter from Dr. Edward J. Griffith of 800 North Lindbergh Boulevard in St. Louis, Mo. With Dr. Griffith's permission I have shared that letter of February 8, 1970, with my colleagues.

In this time of tribulation when millions of Americans are attempting to comply with their civic duty to file their income tax reports on earnings for the past year, I must compliment a citizen who retains his sense of humor even under duress and then has the ability to let that inimitable humor shine through even in a letter of protest.

Let me say, I agree with Dr. Griffith 100 percent, and it is in fullest appreciation of his wit and sympathy with his views that I share his puckish wit:

FEBRUARY 8, 1970.

Hon. RICHARD H. ICHORD,
House Office Building,
Washington, D.C.

DEAR MR. ICHORD: Help! Help! Help! Help! Help! Help! It is a hard time of year Mr. Ichord. The winter has been cold. The children have colds. The wife has cabin fever. The dog is in heat. The car won't run well. The heat bill is excessive. My boss doesn't feel well. The house payment just came due. I have a headache and the Congress of the United States has "simplified" the income tax forms. I consider myself to be a conservative but this morning I feel like joining the Youth Rebellion. No wonder they are rebelling. If these tax forms get any more "simple", God Himself will be unable to understand them. This assumes of course that He is not already in trouble with the IRS.

Now let me make myself completely clear to you. I do not object to paying taxes. I consider the moneys paid in taxes the greatest single bargain I get each year. I can see the beautiful highways, the wonderful schools, the fire and police protection and on and on. No, I do not object to paying taxes. No, I do not feel that the tax rate is unjust. I pay a reasonable tax load. And oh yes, no one has ever caused me trouble about my tax forms. I am an honest man and I file as honest a tax form as I am capable of filing. In fact in order to be sure that I do not have to waste time with long audits and trips to the tax office I usually calculate my taxes slightly to the government's credit.

Mr. Ichord I am not an uneducated man. My title at Monsanto is Advanced Scientist.

I have earned the B.S., the M.S. and the Ph.D. degrees. I am the editor of many books dealing with the chemistry of phosphorus. I am currently editing a book dealing with pollution. I understand Thermodynamics. I understand Chemical Kinetics. I understand Quantum Mechanics. I can use an IBM computer. I understand mathematics and I have a speaking knowledge of many other sciences. But Mr. Ichord I cannot understand that damned tax form. How any group of men could expect the average person in the United States to understand that tax form is beyond me. There just must be a more equitable method of collecting taxes.

Today we are not only taxing a man's property we are taxing his head. It cannot be just to tax a man in a manner in which he cannot understand. I am given no credit for the time and effort which goes into filling out those forms. I resent the fact that vast enterprises as H and R Block exist because congress has over taxed the heads of our people. Our country was founded on the cry, "Taxation without Representation". Today the cry is becoming, "Taxation without Comprehension".

Mr. Ichord, I have agreed with most of the ideas you have proposed since you have represented us. I split a ticket to vote for you. I have great respect for you. Let's get something started to remove the unjust load of these crazy tax forms from our people. Let's change it even if we must completely do away with the old laws and start over. There is a growing rebellion, Mr. Ichord. Most of the people I know are as bitter as I am. I repeat:

Help! Help! Help! Help! help! help!. . . .

Sincerely,

EDWARD J. GRIFFITH.

INSURANCE PRACTICES THREATEN FUTURE OF WASHINGTON BUSINESSMEN

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. ANNUNZIO. Mr. Speaker, a recent survey by the Mayor's Economic Development Committee of 100 random businessmen in Washington, D.C., showed that many businessmen are worried about the inability to obtain insurance or the high rates for this insurance and that unless the problem is solved, these businessmen may close their doors in the District of Columbia.

The survey further shows that one of seven businessmen is planning relocation, many to the suburbs where they feel will be free of the problems that face them in the city.

Mr. Speaker, Washington, D.C., as well as the other cities of the United States cannot afford to lose businessmen. Something must be done to make certain that they do not flee to the suburbs. One of the answers is to provide for Government insurance of crime losses in instances where private business will not accept the risk.

I introduced, during the first session, two measures to accomplish such a purpose and these measures have been cosponsored by some 10 Members of this body. It is my hope that this legislation can be enacted before the end of the 91st Congress to provide some relief for inner-city businessmen.

Mr. Speaker, I am including in my remarks an article from the Washington Post of February 5 which outlines the results of the Mayor's study.

The article follows:

SURVEY SHOWS 1 IN 7 PLAN RELOCATION: DISTRICT FIRMS DISCOURAGED

(By Robert J. Samuelson)

Washington businessmen are so discouraged about the future that many—one out of seven—plan to close down and relocate in the suburbs. Almost none envision expanding their operations in the city.

That is the principal finding of a new survey of local businessmen by the Mayor's Economic Development Committee. For the survey MEDCO selected 100 businessmen at random from each of the city's quadrants.

The respondents, about 70 per cent of whom are white, complained that the rising crime rate and their inability to find adequate insurance protection threaten the survival of their stores.

POOR INSURANCE

Sixty-one per cent reported that they had either "poor" insurance coverage or none at all. And some owners with policies are apparently afraid to report losses.

"If you file a claim for anything, they (the insurance companies) drop you, so you can't afford to file a claim," one man is quoted as saying.

A majority of the businessmen (64 per cent) felt that police protection was "fair"—none thought it was "good"—but the remainder classified public security for their stores as "poor" (12 per cent) or "nonexistent" (24 per cent).

Facing these problems, most businessmen predicted a "bleak" future.

"We found little desire to expand. In fact one out of seven businessmen we contacted wanted to close down, relocate or simply stop doing business in the city," the study said.

Most local businessmen surveyed felt that prosperity has bypassed them, and that most increases in sales volume occur in the suburbs. Available statistics cooroborate this impression: in November, for example, the downtown D.C. department stores suffered sales declines of 10 per cent over the same month in 1968, but the surburban department stores held even.

Even in black neighborhoods, the study said, most buyers can afford to shop selectively—and do, by going to the suburbs. Shoppers are becoming more sophisticated, credit availability is expanding, and Negro families are increasingly mobile, the survey said.

MINORITY MARKET

"Suburban competitors keenly sense the sophistication of the District's essentially minority market and meet its needs in the suburbs," according to the study.

As a result, the report suggested that new black businessmen should consider suburban locations as well as inner city sites for their stores. "The view of blacks selling to blacks is absurd and the whole concept of a separate market is invalid," the reports said.

The study was motivated, in part, to determine whether the expansion plans of District business firms were being frustrated in their expansion plans by a lack of capital. (The conclusion: they weren't.)

Another reason was to prepare for one or two Washington "leased department stores"—large shopping centers which MEDCO plans to sponsor. MEDCO would lease various businesses within the center to individual owners in an effort (a) to provide shopping variety to compete with the suburbs and (b) to offer a central source of financial and management help to the individual owners, many of whom would be black.

Any new businessman today, the report said, faces an exasperating time in starting a new firm:

"By the time he finishes his rounds of government offices, banks, and technical assistance companies, the enthusiasm he had for the business has dwindled. Thus, if he finally gets the money . . . it is doubtful that he will ultimately succeed."

FEDERAL JUDGE HENRY N. GRAVEN

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. GROSS. Mr. Speaker, death has eliminated from the courts of this country Federal Judge Henry N. Graven, of Greene, Iowa, one of the great judges of all time.

Judge Graven served for nearly 20 years as the U.S. District Judge for the Northern District of Iowa. Retiring in 1961, he served thereafter as a senior Federal judge on roving assignment throughout the Nation. It was in that capacity that he was presiding in a Federal court case in San Antonio, Tex., when he was suddenly stricken and died.

Judge Graven had the unchallenged reputation of being one of the hardest working members of the Federal judiciary, and it was often said those who observed closely the workings of the Federal courts that there would be no backlog of cases if there were more jurists of the energy and drive of this man. He was also a "no-nonsense judge," and there has been speculation in recent months as to what would have transpired had he been assigned to preside at the trial of certain of the hippies and yippies.

Mr. Speaker, the following editorial from the February 10 isuse of the Mason City, Iowa, Globe-Gazette is an excellent and well deserved tribute to this great jurist:

A GREAT JUDGE IS GONE

Death has taken unexpectedly one of North Iowa's finest minds and hardest workers.

Henry N. Graven spent practically all of his adult working life in public service, first as counsel to the Iowa State Highway Commission, then as judge for the 12th judicial district, next as judge of the U.S. District for Northern Iowa and finally as a senior federal judge on assignment throughout the country.

No lawyer who participated in a trial before Judge Graven will ever forget him. His diligence in pursuing the study of law throughout life was a source of wonder to many.

Seven of Iowa's foremost attorneys conceded in open court after a seven-month trial of a multimillion dollar lawsuit that the judge was in better command of the law involved than any of them.

During the trial, which involved hundreds of financial exhibits and also hundreds of pages of depositions, attorneys of the two sides frequently disagreed heatedly over preceding testimony. Their arguments invariably were interrupted by Judge Graven's quiet:

"Gentlemen, gentlemen! You will find that on Page 203 of the second Denver deposition," or a like remark, after he had thumbed through his private card file.

The judge enjoyed visiting in chambers with his many friends, but his courtroom was a model of decorum. He tolerated no horseplay or diversion by attorneys and was jealous of the time of his jurors. If a trial could be finished by holding an evening session, the court worked.

It was more than just a joke when, as the story goes, a lawyer was told that court would convene at 7 o'clock and he asked: "A.M. or P.M.?" It could have been either.

Despite his diligence in the study of law, he found time also for community and church activities, particularly the latter.

No lawyer will laugh at the suggestion that Judge Graven could have graced the U.S. Supreme Court. He was a great judge and a fine man.

A PROPHETIC STATESMAN

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. SCOTT. Mr. Speaker, inasmuch as the House is meeting today for the purpose of hearing the Farewell Address of our first President, it seems appropriate to insert in the RECORD an editorial entitled "A Prophetic Statesman" which appeared last week in the Tidewater Weeklies, a group of newspapers serving the area where Washington was born and lived as a young man.

The editorial is set forth in full below for the information of my colleagues.

A PROPHETIC STATESMAN

George Washington not only provided superb leadership to make our embryonic republic work, but guidelines which are still timely and sound. This is particularly true of his Farewell Address which he used to give advice for the future. This future still has not been fully realized and many of his words can serve as a challenge today.

For example, in administering the affairs of the new government of the United States he urged "efficient management" with "as much vigor as is consistent with the perfect security of liberty." He said, "Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian."

He valued religion highly, saying, "It is substantially true that virtue or morality is a necessary spring of popular government." Our first President also emphasized the need for education when he said that, "In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened."

He also saw the need for government economy, expressing his opinion that public credit should be cherished as an important source of strength and security. "One method of preserving it," he said, "is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repeal it."

When he talked about the need for patriotism he showed both eloquence and wisdom:

"Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discrimination. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint counsels, and joint efforts of common dangers, sufferings, and successes."

Truly his words retain their validity as we seek answers to the problems of our day.

SOLVING CRIME PROBLEM IS NOT GOING TO BE EASY

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. SHRIVER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial from the Wichita, Kans., Eagle and Beacon which realistically discusses the crime problem across the Nation and the actions necessary to resolve the problem. Many of us certainly agree with the conclusion that it will take patience, money, and leadership to make our country safe again, and it is to be hoped that the Congress will exert some of that leadership by moving ahead on the administration's anticrime proposals. The editorial follows:

SOLVING CRIME PROBLEM ISN'T GOING TO BE EASY

Crime in the streets has become a universal American problem.

Strong measures are being taken to curb crime in the nation's capital, and for good reason. Reported crime in Washington jumped 26 per cent over a year earlier, compared with an average national increase of 11 per cent.

Kansas has not escaped, nor has Wichita. A recent rash of home burglaries was the worst in years here, and two assaults in two days near Wichita State University have brought about a beefing up of police security in the area.

Why the increase in crime in this affluent society? There are many theories. Some think it is part of a general breakdown in respect for authority.

For example, a group of students at Topeka High School is so concerned that a complaint has been filed with members of the Shawnee County legislative delegation. Two girls who attend the school told the legislators they sometimes are afraid to walk the halls at the school.

Most of Washington is afraid of crime, and the Wall Street Journal recently reported that fear has changed the way of life of residents of the nation's capital and its environs, affecting everyone from cab drivers to senators.

The premise of the Nixon adminstration and a majority of the Congress is that "unshackling" the police and prosecutors will alleviate the appalling crime problem. That is the justification for cutting into the established rights of defendants.

There is talk of undoing many of the Supreme Court decisions which police and many prosecutors believe have shackled the law enforcers. Restraints on confessions, for example, are bitterly attacked.

But as Prof. James Vorenberg of the Harvard Law School and director of the President's Crime Commission, points out, only a tenth to a third of all crimes committed are actually reported to police.

There are arrests in only a fourth of those reported, and confessions are essential to resolution of only a tiny portion of those.

Other attacks on individual rights in the name of law and order include wire tapping and reducing the protection of the Fifth Amendment.

Real progress goes deeper. The root causes of crime must be found.

This will take a penal system with some hope of rehabilitating prisoners. Criminal cases must be tried swiftly and appeals taken care of rapidly so that conviction is a present threat.

Police must regain the confidence of the ghetto, and the whole question of relations between the black and white communities—of welfare, education and employment and housing—must be explored.

A bitter, divided society isn't likely to be a law-abiding one. Upgrading the police is an immediate step that should be taken, but it won't erase crime.

There are no easy ways to solve the crime problem, and it a disservice to the people to pretend that there are.

It will take a great deal of patience, money and leadership to make this country safe again.

NONCONFRONTATION, THE NEWEST DREAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. RARICK. Mr. Speaker, the President has outlined to us what he himself terms an unprecedented blueprint for a foreign policy for the 1970's. He says the basis of this policy is negotiation, not confrontation. There is only one thing wrong with this; the Soviet rulers have not got the word.

They are confronting us with rockets, tanks, howitzers, aircraft, and even personnel described as advisers, in Vietnam. They are confronting us so hard there that they are killing Americans daily.

They are confronting us in Cuba, recently visited by the Chief of Staff of the Red army. They are confronting us off the east and west coasts of the United States, off Alaska, and off Hawaii, with their submarines, trawlers, and electronic intelligence vessels.

They are confronting us in the Middle East with major units of the Soviet Navy, including surface vessels as well as undersea vessels, and they have recently rushed additional military weapons by plane to Egypt and to Syria. They have not rejected, but have simply ignored the pleas of the President and of his Secretary of State for cooperation in settling the Middle East problem. They prefer confrontation.

They are confronting us with Nigeria, which preferred the Russian Communists to us, after our weird hijinks in Biafra.

They are confronting us with air power poised on their airfields in Siberia across the Bering Straits from Alaska. They are confronting us across the North Pole with missiles.

Even more than this, they are confronting us with the United States on the streets, in the courts, and in their attempts to destroy the moral fiber of our citizens through dissemination of Chinese and Cuban dope, pornography, and salacious literature intended to debase our youth.

The President, himself, made clear in his state of the world message this week to the Congress, that the United States can no longer dictate what happens in the world. I have one simple question: "What makes President Nixon think he can end the Soviet policy of confrontation by his unilateral fiat?"

I fear that we can safely call his foreign policy for the 1970's a dream policy.

We must awaken. We must deal with the true state of the world, with the cold, hard facts as they are—not as we wish them to be.

As it is with men, so it is with nations; the loss of contact with reality is one of the sure signs of insanity.

EARL R. HAMMETT AND ALBERT S. GUERARD, JR., HONORED

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. COLMER. Mr. Speaker, Pascagoula, Miss., as well as the whole State of Mississippi is a better place to live and work today because of the contributions of two outstanding citizens, who retired recently. Mr. Earl R. Hammett, senior vice president of Ingalls Shipbuilding Corp., a division of Litton Industries, and Mr. Albert S. Guerard, Jr., manager of the Standard Oil Co.'s refinery at Pascagoula, Miss., have made outstanding contributions to the community and State as business and civic leaders.

Because of their contributions and splendid service to our country and our State, I am inserting in the RECORD the following resolutions adopted by the Jackson County, Miss. Board of Supervisors commending them:

RESOLUTION OF THE BOARD OF SUPERVISORS OF JACKSON COUNTY, MISS., COMMENDING MR. EARL R. HAMMETT FOR SERVICES RENDERED TO JACKSON COUNTY

Whereas, in 1939, Mr. Earl R. Hammett came to Pascagoula, Mississippi, to assist in the organization of The Ingalls Shipbuilding Corporation and continued as Assistant to the President until 1942, during which period of time he was responsible for Industrial and Cost Engineering, Material Control, Estimating, Production Control and Yard Accounting; and

Whereas, since 1942 through 1969, he held positions of Controller, Assistant Vice-President and Production Manager, and Vice-President, and in 1968 was elected Senior Vice-President, in which position he was responsible to the President for the overall organization and management of shipyard operations, and he is now a member of Ingalls Senior Policy and Review Board and is also engaged in company forward planning and expansion and public affairs; and

Whereas, Mr. Hammett who was born in Laurel, Mississippi, and who received his B.S. Degree from Samford University in Birmingham, Alabama in 1928, announced his retirement from The Ingalls Shipbuilding Corporation, a Division of Litton Industries as of December 31, 1969; and

Whereas, during the thirty (30) years from 1939 through 1969, while living in Pascagoula, Mississippi, he was an outstanding leader in civic affairs, having held business and professional membership in the following: Society of Naval Architects and Marine Engineers; Navy League; American Welding Society; National Security Industrial Association; National Association of Manufacturers; President: Mississippi Manufacturers Association; Director: Merchants and Marine Bank, Pascagoula, Mississippi; and Mississippi Research and Development Council (Executive Committee); and

Whereas, in December, 1969, Mr. Hammett was honored by a dinner, sponsored by the Pascagoula-Moss Point Chamber of Commerce; and

Whereas, his long years of civic service to Jackson County and the State of Mississippi will be greatly missed in the years to come.

Now, therefore, be it resolved by the Board of Supervisors of Jackson County, Mississippi, that this Board does hereby commend Mr. Earl Hammett for his many years of service given to the people of Jackson County and the State of Mississippi, during the thirty (30) years in which he was associated with The Ingalls Shipbuilding Corporation, a Division of Litton Industries.

Be it further resolved that this Board wish Mr. Earl Hammett well during his retirement for many years to come.

The adoption of the above Resolution was motioned, seconded and unanimously adopted by the Board of Supervisors of Jackson County, Mississippi, on this the 6th day of January, A.D., 1970.

BOARD OF SUPERVISORS,
JACKSON COUNTY, MISS.,
EDWARD A. KHAYAT,
President.
OLIN H. DAVIS,
Vice President.
LUM R. CUMBEST.
J. C. MAY.
W. T. ROBERTS.

Attest:
WILBUR G. DEES,
Clerk.

RESOLUTION OF THE BOARD OF SUPERVISORS OF JACKSON COUNTY, MISS., COMMENDING MR. ALBERT S. GUERARD, JR., FOR SERVICES RENDERED TO JACKSON COUNTY

Whereas, in 1962 Mr. Albert S. Guerard, Jr., came to Pascagoula, Mississippi, as Refinery Manager for the Standard Oil Company, Pascagoula Refinery, which was a new oil refinery located in the Bayou Casotte industrial area in Jackson County, Mississippi; and,

Where as, Mr. Guerard, who was educated in Asheville, North Carolina, and who received his BS in Mechanical Engineering from the University of California, announced his retirement from Standard Oil Company as of December 31, 1969; and,

Whereas, during the short time he was in Mississippi, he was an outstanding civic leader, having held and served in the following positions, to-wit:

1. The first Chairman of the Mississippi Air and Water Pollution Control Commission.

2. Former Chairman of the Engineering Advisory Committee of Mississippi State University.

3. Past President of Pine Burr Area Council, Boy Scouts of America in which work Mr. Guerard received in 1966 the coveted Silver Beaver award which is the highest award a local Council can bestow upon an adult scouter and which is awarded for noteworthy service to boyhood, and in which work, in 1969, he received in behalf of the National Court of Honor the "Distinguished Eagle Award", that is authorized by the National Council based upon a person being an Eagle Scout as a boy and having distinguished himself for 25 years or more in outstanding service in his profession of service to his country.

4. Former Vice President of the Mississippi Manufacturers Association.

5. Past President of the United Fund of Jackson County, Mississippi.

6. Former Director and Member of the Executive Committee of the Mississippi Economic Council.

7. Past President of the Pascagoula-Moss Point Chamber of Commerce.

8. Past Treasurer of Gulf Pines Council, Girl Scouts of America.

9. Director of Gulf Coast Symphony Orchestra Association.

10. Member of the following organizations:

Mississippi State Council on Arts.

Mississippi Newcomen Society.

Mississippi State Advisory Committee on Scientific and Engineering Personnel, Selective Service System

National Association for Professional Engineers.

Society of American Military Engineering (Mr. Guerard having served as a Marine Corps officer in World War II in the Pacific Theater).

and,

Whereas, in December 1969, Mr. Guerard was honored by a dinner sponsored by the Pascogoula-Moss Point Chamber of Commerce; and,

Whereas, his civic service to Jackson County and the State of Mississippi will be greatly missed in the years to come since Mr. Guerard will be leaving this area and traveling before going to his new home in Pebble Beach, California.

Now, therefore, be it resolved by the Board of Supervisors of Jackson County, Mississippi, that this Board does hereby commend Mr. Albert S. Guerard, Jr., for his many services given to the people of Jackson County and the State of Mississippi during the time of his living in Pascagoula and being manager of the Standard Oil Refinery.

Be it further resolved that this Board wishes Mr Guerard well during his retirement for many years to come.

The adoption of the above resolution was motioned, seconded and unanimously adopted by the Board of Supervisors of Jackson County, Mississippi, on this the 6th day of January, 1970.

BOARD OF SUPERVISORS OF JACKSON COUNTY, MISS.
EDWARD A. KHAYAT, *President.*
OLIN H. DAVIS, *Vice President.*
LUM CUMBEST.
J. C MAY.
W. T. ROBERTS.
Attest: WILBUR G. DEES, *Clerk.*

BILL O'MALLEY: A MAN OF FAITH

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. RANDALL. Mr. Speaker, when a prominent constituent who has been an outstanding leader in his field passes on to his reward, his Member of Congress must try to evaluate whether the memory of the departed should be perpetuated by recognition in the CONGRESSIONAL RECORD. Many times in the past I have reached a decision against such recognition. In a recent instance, however, I am justified to share with my colleagues and all the readers of the RECORD an editorial prepared by Meyer L. Goldman, publisher of the Kansas City Labor Beacon, in which he so aptly describes William T. O'Malley of Kansas City, Mo., as a man of faith.

In these days when emphasis is placed upon the poverty program as a Federal project to help the poor, we all too frequently omit and neglect to recognize and commend those who on their own without any desire for praise or applause proceeded with unpublished efforts in behalf of the unfortunate and the needy in his midst. As the editorial so appropriately points out, all during Bill O'Malley's life, his heart was open to any person who needed help. Because he worked on, in spite of rebuffs and setbacks, to better the condition of the poor—he was truly a man of faith.

The editorial follows:

XUM

BILL O'MALLEY: MAN OF FAITH

William T. O'Malley lived his faith for more than four score years. And his life was filled with faith—faith in his family, in his union, in his fellow-man. His passing this week removes a stalwart worker from the ranks of Labor.

For more than 25 years he was an active leader in International Association of Machinists Kansas City Lodge 92. For almost as long, he was active in IAM District 71, serving more than 15 years as secretary-treasurer. And he found time to devote eight years to the Kansas State Council of Machinists, also as secretary-treasurer.

But Bill O'Malley was more than a union officer. Many of his accomplishments were beyond the call of official duty. He was a champion of the Machinists Non-Partisan Political League. In organizations, and as an individual he devoted his time to the uplifting of the unfortunate and the needy. His heart was open to any person who needed help. And he never retired from his humanitarian efforts.

When he retired from his post with the Kansas Council, he was presented with a resolution from the delegates. "We extend our highest respects and admiration for his past leadership and dedication to this Council", the resolution read.

"His resignation will create the absence of his wisdom, guidance, leadership, and the glowing light of his personality for all members."

All those who worked with Bill O'Malley, and those who benefited from his services, will join his family in the feeling of this loss.

PAINFUL POLITICS—USING FEARS OF THE POOR

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. SPRINGER. Mr. Speaker, I submit herewith an editorial by C. L. Dancey of the Peoria Journal Star of February 14, 1970, regarding the President's recent veto. This editorial will point out that the President had, in fact, proposed the largest budget for the Department of Health, Education, and Welfare in history—larger than any proposed under the Kennedy or Johnson administrations.

What happened was opponents trying to get an issue proposed still bigger increases in order to pressure the President into the veto. This is an extremely well-written editorial and I think all of my colleagues would be considerably enlightened by its reading.

The article follows:

[From the Peoria Journal Star, Feb. 14, 1970]

USING FEARS OF THE POOR

Serious human tragedies result from the irresponsible bitterness of the political battle arising from President Nixon's recent veto of the Health, Education and Welfare spending bill.

The people most affected by federal health and welfare programs are those, very often, who least understand what has happened. As a result of the violent language of opponents of the President, speaking in terms of the "great human suffering" they say will result from the veto, too many of these persons have been made frightened and fearful that they are going to lose vital services they depend on today!

Even some confused folks on Social Security have been scared and upset that something is going to happen to it! (It is no way involved, even.) Such confusion and distress has come directly and intimately to our attention. It is very moving.

This is, certainly, pain and distress that we don't need. It is fear and distress which arises not from any fact basis but from political infighting, and it is a high human cost to pay directly for political gutter tactics.

One hates to see human beings caused to suffer needlessly in this way.

No person is better informed in detail on what these issues and funds are than the congressman from this district, as it happens.

Rep. Robert Michel is a ranking member of the Health, Education and Welfare committee and of the Appropriations committee. These are two of the most important committees in the House, and Michel is a veteran and influential member of both. They are also the two committees most closely involved with this issue.

Here are some of the things Michel said on the floor of the House where he was a major speaker on the issue, due to his particularly knowledgeable position.

"Let us get the record straight," said Michel. "The veto of this bill does not mean that we are summarily cutting off Federal aid to schools, hospitals, medical research, etc.

"The President did not veto this bill because he is opposed to air pollution control; his budget called for an increase of $7.1 million over the 1969 level of spending.

"He is not opposed to rubella vaccinations. His budget provided for an increase from a 9.6 million figure in 1969 to $16 million in 1970.

"He is not opposed to the Food and Drug administration. His budget provided for an increase from $68.9 million to $72 million.

"He is not opposed to health manpower training for his budget carried an increase from $182.4 million to $228.9 million.

"He is not opposed to health educational research and library facilities, for his budget reflected an increase from the 1969 level of $93.2 million to $127.1 million.

"In the field of education, the President's budget actually provided for increases in bilingual education, in education for the handicapped, in vocational education, and over $100 million increase in Title I of the Elementary and Secondary Education act . . ."

And so it goes.

The President has, in fact, proposed the largest budget for Health, Education, and Welfare in history, by a country mile . . . and the first time in a generation that federal spending for "humane" purposes has exceeded defense spending in the proportions of the national budget.

It is not a cut back, but the most significant advance yet.

What happened was that his opponents, seeking an issue, proposed still MORE increases in order to pressure a veto against nice sounding labels—or put the President in the position of (1) another inflationary budget, or (2) very seriously compromising the U.S. defense position.

It was a "back door" sneak attack on the military, and on the administration's efforts to curb runaway inflation, with the price of responsibility to be an emotional political issue.

They didn't hesitate to USE the emotions of poor and needy people, to inspire fear and distress among those who already have more than enough distress, for the sake of such a maneuver.

The fact remains that this government is doing MORE not LESS in the key program affected by new HEW budgets, and impressions given to the country are simply false, unfair, and unscrupulous.

INSURANCE COMPANY APATHY REASON FOR FEDERAL REGULATION

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. ANNUNZIO. Mr. Speaker, on a number of occasions, I have stood in this well to discuss the horrendous treatment that insurance companies are giving to inner city residents and businessmen.

Those in the inner city who are able to obtain insurance are being charged astronomical premiums but, for the most part, little insurance can be purchased at any price.

The tactics of the insurance industry in the inner city does not mean that those living outside of the inner city are receiving any better treatment and a number of situations recently have brought this sharply into focus.

Typical of the insurance companies apathy toward its policyholders whether they be inner city residents or suburbanites, is a case which came to my attention a few days ago. It involves a suburbanite whose home and automobile were insured by Liberty Mutual Insurance Co. of Washington, D.C. The individual was involved in a single car accident and his attempts to have his insurance claim paid by Liberty Mutual makes the television series "Mission Impossible" seem like child's play.

NO CLAIMS AGENT AVAILABLE

Following the accident, the Liberty Mutual policyholder called the company to determine what steps he should take to have the car repaired. He was told that the person who handled claims for policyholders whose names began with the letter "P" was out to lunch and no one else in the office could handle the claim. While waiting for the claims representative to return from lunch, the policyholder took his car to a garage to obtain an estimate but was told by the garage that there was interior body damage involved and that until the insurance company gave the garage an authorization the garage could not even make an estimate. Following this, the policyholder once again called Liberty Mutual, the claims representative was still out to lunch but the policyholder was informed that he should take his car to a Liberty Mutual appraisal service in Virginia. After searching for the appraisal service for more than an hour, the policyholder found the appraisers located in the rear of a building with no sign in front to indicate the location of the appraiser and only a small sign in the rear of the building on what appeared to be a service entrance identifying the appraiser. The appraisal service, after looking at the body damage, refused to ride in or drive the car to ascertain the mechanical difficulties stating that "we are not allowed to make mechanical appraisals."

The insured was not given a copy of the estimate nor was he even informed as to what damage the appraiser had surveyed.

The following day, the insured once

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again called Liberty and after waiting half an hour for the person supposedly handling his claim because she was "talking on the line," the operator finally informed the policyholder that the line was clear and she could ring the number now. When the phone was answered, the policyholder was informed that the claims representative was not in the office. When he protested that he had been waiting on the line for half an hour while she was talking on the phone, he was once again informed that the people in the office had no idea where the claims agent had gone.

APPRAISER MAKES FALSE REPRESENTATION

The following morning, the policyholder received a telephone call from a person identifying himself as a Liberty Mutual appraiser and asking if he could view the car. When the insured told the appraiser that the car was parked in an office building garage in Washington, the appraiser quickly said that Washington was out of his territory and he could only appraise cars in Virginia. At that point, the appraiser stated that he was really not working for Liberty Mutual but was an independent appraiser used by the company.

The next day, the insured once again called Liberty Mutual and after being transferred from one claims representative to another was finally informed that the appraiser had valued the damage to his car at $265.85. The insurance company, however, did not know what damage the appraisal covered nor whether it included any mechanical work. The policyholder was told it would be several days before the company would have that information. Since the policyholder had been told by the appraiser that he could not check for any mechanical damage, he asked Liberty Mutual if he could obtain estimates on any mechanical repairs. He was told that he could obtain estimates but to make certain that he only got them from garages who charged no more than $7 an hour since that was the maximum that Liberty Mutual would pay for repairs. Liberty Mutual also gave the insured a list of garages approved by the insurance company. The insured called a number of the garages and not one of them indicated that it would make the mechanical repairs at any rate approaching $7 an hour. The hourly rates ranged from $8 to $9.50.

ONLY LIBERTY-APPROVED COMPANIES ALLOWED

At this point, the insured took his automobile to an independent garage and asked for an estimate. He received an estimate of $342.68 which included straightening the frame of the automobile. When he reported the appraisal to Liberty Mutual, the company protested vigorously that the appraisal was too much and that it was not one of the garages approved by the company. When the insured explained that it was a highly reputable garage which in the past had performed repair work at a rate much lower than other garages, including those recommended by Liberty Mutual, the Liberty Mutual claims manager became indignant and asked why the policyholder had sought another appraisal. When the policyholder explained that he felt it was his right under the policy terms, the claims manager explained that if the policyholder had not been satisfied with the appraiser, Liberty Mutual would have given him the name of another appraiser to look at the car. The claims manager also demanded to see a copy of the policyholder's appraisal. The policyholder explained that the appraisal was at the repair shop and that Liberty Mutual should have its appraiser go to the shop, check the appraisal, and if he felt there was any discrepancy in the prices, to inspect the car. Liberty Mutual declined to do this.

CLAIMS MANAGER HANGS UP ON POLICYHOLDER

The policyholder then asked the claims manager for a copy of the Liberty Mutual appraisal which had been made 5 days earlier. The insurance company stated that it did not have the appraisal. The policyholder then complained that Liberty Mutual was making a large number of demands without even knowing what damage had been done to the car. The claims manager then told the policyholder that "We're doing everything we can for you." The policyholder replied, "You're not doing a damn thing for me." The claims manager then hung up the phone.

Mr. Speaker, the individual involved in this case had been a policyholder of Liberty Mutual since 1948. During that period, he has submitted only one other small claim on his automobile policy and a week prior to his accident, he called the company and increased the insurance on his home by $235 a year. It should be pointed out that this individual has never missed a premium payment.

There is something else about this situation that disturbs me, Mr. Speaker. In the course of the discussion with the insurance company, the individual discovered that his insurance file contained information that was totally untrue; namely about the individuals place of employment. The individual was listed as being employed by a company for which he did not work and this information was contained in the insurance company's file without the knowledge and, of course, without the permission of the policyholder.

Mr. Speaker, this type of situation goes on every day in our country. Policyholders of a large number of insurance companies are being treated with total indifference by insurance companies. This applies whether or not the policyholder lives in the ghetto, a subdivision, or a large estate.

The time has come when we can no longer depend upon State agencies to control the misdeeds of insurance companies. We must have a Federal agency to make certain that insurance companies provide policyholders with the services for which they have paid. This is one fact that the insurance industry seems to ignore. Policyholders are not freeloaders asking for a handout. They have paid for a service to which they are entitled. If insurance companies such as Liberty Mutual are not willing to honor their contractual obligations, then the policyholder must have an agency to which he can turn and that will give him more than lipservice.

PROBLEMS OF CROSS-BUSING

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. SHRIVER. Mr. Speaker, in recent weeks and days the President, Vice President, and other top Government leaders have taken issue with busing as a method of desegregating school systems. The President has stated that desegregation plans for school systems should involve minimum possible disruptions—busing or otherwise—of the educational routine of children. I am in agreement with these views, and supported amendments to the Health, Education, and Welfare appropriation bill considered by the House on February 19, 1970. Those amendments were aimed at preserving the neighborhood school system and freedom of choice to all students.

We must get on with the job of integration in accordance with the laws and the Constitution, but the methods used should not damage the quality of education.

The Wichita, Kans., Board of Education presently is working to develop a plan to desegregate certain elementary schools. The board of education already has implemented plans to satisfactorily integrate high schools, junior high schools, and the teaching staffs of the Wichita public schools.

Many citizens and parents are concerned that a desegregation plan for the elementary schools might involve cross-busing which would disrupt the educational routine of their children.

A heavy volume of mail has reached me in Washington on this problem of cross-busing. My constituents have requested that I bring their views and concerns to the attention of officials in the Department of Health, Education, and Welfare, and this I have done.

Under leave to extend my remarks in the RECORD, I include a sample of the many letters I have received from concerned parents and other citizens regarding this important matter:

Congressman GARNER SHRIVER,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SHRIVER: We are writing as tax-paying citizens; and also concerned parents.

We are against compulsory cross-busing of our children to school as a means of integration in this city.

We believe that our children should be allowed to attend their own neighborhood school, and that this decision should be left up to our own Board of Education, with no alternatives or intervention from the Federal Government or HEW.

We regard this as a freedom; a freedom we do not wish to give up.

The solution may lie in voluntary cross-busing or fair housing, but not compulsory cross-busing.

Sincerely,
Mr. & Mrs. ROGER JOHANSEN.

FEBRUARY 1, 1970.

Representative GARNER E. SHRIVER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHRIVER; I am writing

to protest the idea of mandatory cross busing and to state my belief in the "neighborhood school concept".

The small children of this generation are being asked to pay the price for the wrongs that have been allowed to develop for the past 100 years.

The people of this city have mostly agreed that housing integration is both necessary and desirable. However, a recent poll here has shown that 80 to 90 percent of the people are against cross busing except on a voluntary basis.

I wish to take this opportunity to request that you contact the neecssary Administration officials to assist in a solution to our current controversy over the busing of elementary students in order to satisfy HEW officials.

We need more time to work this out without causing hatefulness on both sides by forcing anyone to do something they are so opposed to.

HAROLD A. SMITH.

JANUARY 30, 1970.

Mr. GARNER SHRIVER,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. SHRIVER: As parents & home owners, we would like to voice our opinion on the cross-busing plan proposed for the city of Wichita for our grade school age children.

They have not found a plan for cross-busing acceptable as yet, but it seems to us that we are going to be forced to send our children to the school that the government wants them to go to rather than the neighborhood school.

It doesn't seem like a democracy that tells you that you have no choice & that the voice of the people doesn't count.

We are very much against being forced to send our children to any other school. We are in Minnelo Grade School, Coleman Jr. High & Southeast High School.

Thank you for letting us air our opinion. Could you help make the voice of the people count?

Sincerely,

MR. AND MRS. MAX HERZET.

FEBRUARY 2, 1970.

Congressman GARNER SHRIVER,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SHRIVER: The intent of this letter is to inform you that I am opposed to cross busing of Students.

I am however; for the integration of our Schools on a voluntary basis.

Sincerely,

MRS. CAROLYN S. RATHKE.

WICHITA, KANS.,
February 2, 1970.

Representative GARNER E. SHRIVER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHRIVER: We wish to take this opportunity to express our view concerning a current problem facing this community. We are, here in the City of Wichita, Kansas, faced with the requirement of H.E.W. to integrate our schools now, and the possibility of cross-busing students to accomplish this, or be faced with court action or the withdrawal of Federal school aid.

We, as parents of two school age children (6 and 8 yrs old), are opposed to compulsory busing of *any* children, black or white, to achieve integration, but we are not opposed to our children attending classes with black students as they are already doing so. We as taxpayers surely have a right under the Constitution, as do those who are of a minority group have rights, to provide the type of educational system which we decide will best serve to educate our children and produce leaders of tomorrow for this great country of ours, but it seems that we are gradually becoming subservient to minority rule rather than majority rule as has been the great Democratic way of life in these United States for many years.

Busing of children creates a severe hardship on the people it affects, economically as well as physically, and we favor the neighborhood school concept so we can have an active part in the school-parent relationship which is vital for maximum school achievement, and to have better control over our children's environment and activities. With the growing availability of drugs at all of our schools it is necessary to have as close a surveillance of our children as possible.

We, through taxation, finance the educational system which is already expensive enough, and the proposed alternatives will either be more expensive or some of the programs which are in effect to help the underprivileged will be cancelled because of the withdrawal of Federal funds.

We respectfully request that you contact the necessary Administration officials to assist in a solution to our current controversy, and we prefer to maintain the neighborhood school system.

Very truly yours,

DONALD C. GISICK.

JANUARY 30, 1970.

Representative GARNER SHRIVER,
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE SHRIVER: We're sure you must be aware of the crisis facing the Wichita School System over the issue of busing and cross-busing to achieve a racial balance in the schools.

We are not against integration. We attended integrated schools ourselves and are trying to raise our children without prejudice. However, we feel that integration should come about by open housing, not by forced busing. We are for the neighborhood school and can't help but think that the biggest share of the Negro parents must feel the same way if they could make their opinions known.

We wonder if, in their effort to push this busing, HEW isn't overlooking the most important thing—our children. We hadn't discussed the busing issue with our children, but they finally learned of it and wanted to know about it. When we tried to explain, our 2nd grader was terribly upset—he didn't want to have to leave his school and his friends. He surely can't be the only one to feel this way! Can you imagine the number of homes in Wichita where there will be this same problem if we are forced to bus our children next year?

We bought our home in this area so that our children could attend this school and we can see nothing fair at all about a system that now says they may not be able to attend this school.

There are many other reasons for our opposition, one of which is the fact of not being at all pleased to think of our children having to stand on a corner in some ghetto area waiting for a bus. We all know what goes on in these areas. What is right about sending elementary children who know nothing of these things into this situation?

The pressure should be taken off our Board of Education. They offered a fine plan to HEW and it was rejected, even though they included extra classes for the Negro children (pre-school and all-day kindergarten) to help them get a head start on their education.

We believe in equal rights and education for all Americans. Fair housing is the proper way, but it is going to take a little time, and in the meantime, our children should not have their rights taken from them.

We urge you to use your influence whereever possible to see that our children are treated fairly and allowed to stay in their own schools and are not forced into this busing situation.

Respectfully,

Mr. and Mrs. JAMES F. LAY.

JANUARY 30, 1970.

Mr. GARNER SHRIVER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SHRIVER: This is to inform you of my opinion on cross-busing students of the elementary schools in the Wichita Public Schools; as well as schools across this Nation.

I am not opposed to a combination of black and white children in public schools. I am not opposed to black and white community living. I am opposed to cross busing. Why increase the burden on our children—the neighborhood school concept is a wonderful way of living. Parents can attend PTA and other conferences and meetings. Children take part in extra-curricular activities such as scouts, campfire girls, etc. This is part of our American heritage. Bus children for miles and make them miss the joy of childhood and participation is unfair and unsatisfactory.

Our taxes at the present time are of such magnitude that keeping our standard of living where we enjoy it and prefer it is very difficult now. How about the older people who are semi-retired or retired? Should they be forced out of their homes they own because the taxes are raised again? With cross-busing someone has to pay and it will be costly! This is true in every city in the Nation. The taxpayer (regardless of having school-age children or not) will ultimately foot the bill for cross-busing.

My solution—Please demand the repeal of Section VI of the Civil Rights Bill and preserve our American Heritage of neighborhood schools for elementary children.

Sincerely,

MRS. EDWARD S. WEBB, Jr.

Hon. GARNER SHRIVER,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE SHRIVER: As a parent, an active member of the P.T.A., a room mother, and a den mother I can attest to the great success of the neighborhood school system. I know that through the employment of close personal contact, we are able to generate the vital enthusiasm and energy required to build and maintain an interested, concerned public.

Psychiatrists, theologians, philosophers, and politicians have long warned us of the dangers of alienation in our society; nevertheless, H.E.W. is literally attempting to annihilate our neighborhood school system which remains one of the last bulwarks of personal identity and group unity.

Our neighborhood school system works! It works superlatively, and being an involved parent I want to know that my time and effort will go directly to benefit my children and my immediate community with no vague maybes and no strings!

Please help us save our neighborhood schools.

Yours very truly,

MRS. FRANCIS L. BOURKE.

FEBRUARY 5, 1970.

Mr. SHRIVER,

SIR: I've heard it said several times that cross-busing is illegal.

I don't know if this is from the bill of rights or civil rights, or where.

Can you advise me?

I want to go on record as being opposed to any kind of school busing.

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I suppose I would make an exception where one school is overloaded and another under.

Sincerely,

E. V. PHILLIPS.

Re: Crossbusing at McLean Elementary School, Wichita, Kansas.

Hon. GARNER E. SHRIVER,
House of Representatives
Washington, D.C.

DEAR SIR: Last week the McLean PTA board conducted a survey of the parents whose children attend McLean school in regard to the issue of crossbusing.

The attached questionnaire is self-explanatory and was sent to each of the 307 families in the school.

Of the 204 families replying, 194 were opposed to compulsory crossbusing, six were in favor of compulsory crossbusing, and three were undecided. We feel the results of this survey represent the true feelings of the majority of the people regarding crossbusing.

Why are we being led to believe that crossbusing is the answer to the problems that exist in the Wichita school system?

Very truly yours,

(Mrs.) MARY LOU MEREDITH,
McLean PTA Board President.

Congressman GARNER SHRIVER: Have you considered the problem of cross-busing in Wichita?

We have tried for years to get good programs such as scouting for our children. If cross-busing goes through it will ruin the scouting program and all other such programs for our youth.

Please sir: Look this situation over and do what you can to help us prevent crossbusing. There has got to be a better way, such as open housing. Consider these children on both sides, it would be so hard on them.

Thank you,

MRS. GLORIA FORSYTHE.

AMERICAN DESERTERS ATTACK CANADIAN HELPER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. RARICK. Mr. Speaker, from time to time we hear of the good people of our neighboring Canada, lulled into carelessness by the pro-Red policies of their Trudeau government, aiding and encouraging deserters from the Armed Forces of the United States to enter Canada. At the same time, the leftists here hold out the hope to these sorry excuses for Americans that after awhile the Nation will forget, there will be an amnesty, and they can return home as leftist heros.

Perhaps the story of a Canadian nurse, playing the Good Samaritan to such cowards in Montreal, should warn our friends in Canada that criminals are criminals—and are dangerous.

I include a pertinent clipping following my remarks:

[From the Washington (D.C.) Post, Feb. 20, 1970]

GI DESERTER IS CHARGED

MONTREAL, February 19.—An American army deserter was charged yesterday with the attemped murder of a nurse who offered him and a companion shelter until they got settled in Canada.

Donald E. Delauder, 18, of West Townsend, Mass., was ordered held without bail pending a preliminary hearing Feb. 26 on charges of attemped murder, assault with intent to commit robbery, and causing property damage estimated at $1,000.

His companion, whose name was withheld, claimed to be 17 years old, and was held pending verification of his claim to juvenile status. He also is an army deserter.

CONGRESSMAN FRANK ANNUNZIO RECEIVES 1970 MAN OF THE YEAR AWARD FROM THE DISABLED AMERICAN VETERANS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. PUCINSKI. Mr. Speaker, last Friday, a very distinguished award was bestowed upon a very distinguished colleague.

Congressman FRANK ANNUNZIO received the 1970 Man of the Year Award from the Disabled American Veterans at a luncheon held in the Como Inn in Chicago.

Chairman Lou Farina, Cmdr. Les Kolom, Adjutant Robert Boyajian and the officers of the DAV were among those who arranged this high tribute.

FRANK ANNUNZIO has worked unstintingly to bring human dignity to our war veterans. As a member of the Bank and Currency Committee, he was instrumental in seeing that the loan sharks who charged our GI's usurious interest rates were put out of business by the establishment of federally chartered credit unions.

As a member of the House Veterans' Affairs Committee, I can state that FRANK ANNUNZIO has been unwaivering in his efforts to get more funding for our VA hospitals; improvement in educational benefits; loans for our veterans; low interest rates on VA mortgages; higher disability compensation and pension benefits; training programs for careers in Government and industry; and working on many other measures that benefit our war veterans.

FRANK ANNUNZIO has spent most of his life being a public servant. He exemplifies the highest virtues of dignity and compassion for his fellow man, working tirelessly to see that this great country which he loves so much is made a better place to live for all, and working endlessly to see that liberty, freedom, and justice prevails in an America founded on the supremacy of law.

And so it is only fitting that a high honor should be bestowed upon FRANK ANNUNZIO by a distinguished organization like the DAV. He embodies those lofty words spoken thousands of years ago by Plutarch:

> No man ever asked a favour with less offence, or conferred one with a better grace. When he gave, it was without assumption; when he received, it was with dignity and honour.

I am including in the RECORD today FRANK ANNUNZIO's speech delivered in acceptance of the highly distinguished award by the DAV:

REMARKS OF CONGRESSMAN FRANK ANNUNZIO, DEMOCRAT, 7TH DISTRICT, ILLINOIS, ON RECEIPT OF THE 1970 "MAN OF THE YEAR" AWARD FROM DISABLED AMERICAN VETERANS, DEPARTMENT OF ILLINOIS, BUSINESS AND PROFESSIONAL CHAPTER NO. 47, COMO INN, FEBRUARY 20, 1970

Chairman Lou Farina, Commander Les Kolom, Adjutant Robert Boyajian, distinguished officers and guests of the Disabled American Veterans: I am pleased and honored to be chosen as the 1970 "Man of the Year" by your distinguished veterans organization, and I want to express my sincerest appreciation to all of you for extending this recognition to me. For 50 years the DAV has faithfully served the disabled veterans of America, their widows, their orphans, and their dependents. For 50 years you have helped to maintain the honor, integrity, and supremacy of our country. Your members wear a common badge of chivalry—for each one has been wounded, injured or disabled while serving in the United States armed forces during time of war.

It is with great humility, therefore, that I come before your group today to receive this award, for I am so keenly aware of the sacrifices that each of you has made and of the common bond that has drawn you together in the great cause of helping your fellow veterans.

I have been privileged to join you in this cause since taking office as a Member of Congress almost six years ago. In fact, one of my first official acts was to contact the Administrator of Veterans Affairs and protest the proposed closing of VA hospital facilities. Since that time, I have been in the forefront of the fight to keep VA hospitals and medical care services second to none.

Right here in Illinois we have a million-and-a-half veterans from all wars. Only New York, California and Pennsylvania have more veterans than we do. The bulk of these men are from World War II—861 thousand to be exact. But we also have a new group of veterans who are becoming a large and determining factor in our nation. Illinois has 248 thousand men who have served in the Post-Korean and Viet Nam eras.

And I am proud to say that in the Seventh Congressional District of Illinois, which I have the honor to represent, the largest and greatest medical center in the world serving veterans is located. I refer, of course, to the West Side Veterans Administration Hospital which has more than 1,200 employees dedicated not only to healing our veterans, but to doing research aimed at the eventual complete eradication of illness and disease.

In addition to modern medical facilities for our Nation's veterans, I have always supported better educational benefits; home, farm, and business loan assistance for our veterans; keeping the interest rate down at six per cent on VA mortgage loans; higher servicemen's life insurance; opportunities to train for public service, private industry, or a government career; increases in rates for disability compensation and pension benefits; and other measures which would benefit our veterans who have given heroic service in order to protect our liberties and keep America free.

I have recently been in close touch with my Colleague, Honorable Olin E. Teague of Texas, who is the distinguished Chairman of the Veterans' Affairs Committee of the House of Representatives. Under his leadership the Committee recently completed an investigation of the six Illinois Veterans Administration Hospitals, and the results of that investigation are astounding!

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(1) Hospital Director Charles M. Turner at VA's Chicago Research 500-bed hospital reported a funding deficiency of approximately $266,000 for Fiscal Year 1970.

(2) At Chicago's 500-bed West Side Hospital, Director Joseph J. Frankel reported funding deficiencies of more than one and a half million dollars for Fiscal Year 1970.

(3) Director Marvin A. Chapman of the 1,500-bed VA hospital at Danville reported a deficiency of about one million dollars for Fiscal Year 1970.

(4) Dr. William W. Bourke, Director of the VA's largest psychiatric hospital, the 2,487-bed facility at Downey, Illinois, reported a funding deficiency of more than $217,000 for Fiscal Year 1970.

(5) Dr. Lee H. Schlesinger, Director of the Hines VA Hospital, reported a funding deficiency in excess of $900,000 to operate his 1500-bed hospital.

(6) L. M. Frazier, Jr., Director of the VA's 176-bed hospital at Marion, Illinois, reported a funding deficiency in Fiscal Year 1970 of more than $370,000.

All these figures add up to the staggering fact that the six VA hospitals serving Illinois veterans face funding deficiencies in Fiscal Year 1970 of more than four million dollars to operate about 6700 hospital beds serving one and a half million Illinois veterans.

I for one do not intend to sit idly by and allow shortsighted policies to destroy a medical program that is absolutely essential for America's veterans. A veteran returning home from a shooting war, suffering from wounds and service-connected disabilities, should not be expected to fight another war against inflation at the expense of his health. The VA hospital modernization program has been deferred, apparently because of inflation. In 1969, VA appropriations contained no funds at all for new hospital construction. Your distinguished past National Commander, Wayne L. Sheirbon, when he testified before the Veterans' Affairs Committee last year, emphasized that additional delays in construction would further increase the cost of the modernization program because construction costs are rising at the rate of more than ten per cent per year.

As a Member of the Banking and Currency Committee which has jurisdiction over all housing legislation, I am well aware of damage done to our building programs by the inflationary spiral which has gripped our country. I pledge to you, here and now, that I shall continue my vigorous efforts to insure not only passage of the best possible programs for our veterans but also to produce maximum funding for the implementation of these programs.

I also want to tell you that as a Member of the House Banking and Currency Committee, I was directly involved in the Congressional investigation and public disclosure which took place of usurious interest rates, as high as 80 per cent, being charged to servicemen on U. S. military installations all over the world. I am happy to inform you that on military installations in Europe, Federally chartered credit unions have already been established and the unscrupulous "juice" operators and loan "sharks" have been eliminated.

I am also happy to report that on my recent visit to the Far East, I found Federally chartered credit unions established in that area of the world and that fraudulent automobile brokers had been put out of business there, too. It is estimated that as a direct result of Congressional investigations in both the European and the Asian Theatre, a racket of more than $50 million has been broken and servicemen now are free of the "fast buck" operators.

What about the servicemen who have already been bilked out of thousands of dollars? Many of these men have already been discharged from the armed forces and are leading lives as private citizens. I felt strongly that the government was liable for the losses sustained by these servicemen, because the Department of Defense, until our Congressional investigation took place, refused to take action against the companies involved in charging usurious interest rates to our servicemen. Therefore, in 1968 I introduced legislation that would allow repayments out of the U. S. Treasury to the servicemen who had already been bilked by these "fast buck" operators. I have just completed revision of the list of names of servicemen who had been bilked, and last Monday I reintroduced my bill with the additional names included. I am hopeful that the Banking and Currency Committee will take early actions on my measure so that these veterans can be reimbursed for their losses. The DAV has always stood for unswerving allegiance to America and over the years has held aloft the torch of true patriotism. That is why I am going to speak very frankly to your group this afternoon.

Today, in America, we are faced with many people in our society who are sick. They are mentally frustrated. There is a jealousy that is permeating our society. There is a materialism that is permeating our society. If we do not become aware of those who are spreading hate and prejudice, then these people will destroy those very liberties that are so sacred to all of us.

As Americans, regardless of race, color, creed, or nationality, we have a responsibility to maintain a society that will serve the needs and wants of all of our people in a democratic fashion. We must achieve this, just as our forefathers after the Revolutionary War, through the legislative and democratic processes, established a form of government in which the best interests of all the people were served.

In order to preserve our country, we must have law and order in the cities of America. We cannot allow people to seize control, as they do in totalitarian states. It is the obligation of every man and woman to understand the social needs of our time and the social ills of our time. As citizens of the greatest democracy on earth, we must understand these problems and meet these responsibilities.

Too many of our people are joining those who are causing destruction—not by physical means, but with their tongues and their propaganda. They speak evil of their fellow man and they shun their responsibility to understand the problems of their fellow Americans. Everybody seems to be taking delight in spreading vicious propaganda and lies about their elected public officials. There is no question that some of these public officials are misusing the trust placed in them, and we ought to expose those who are misusing this trust. On the other hand, it is our responsibility as Americans to extol and to praise the remaining 99.99 per cent of our decent, hard-working public servants who are serving the people in their towns, their cities, their states, and their country with honesty and dedication.

When we destroy our public officials, we destroy the very foundation of our democratic society. It is your responsibility, and my responsibility, as Americans, to praise the good that is done. We have too little praise in the press, television and radio for those who are doing a good job.

The preamble to the DAV constitution begins with the inspiring words—"For God and Nation." So today I am challenging you who have already given so much to our beloved America to work together in order to stop these people who are spreading hate, who are gossip-mongers, who are using the guilt-by-association technique, and who are spreading insinuations and vicious lies. The people who are using this technique are aiming to divide us as Americans and to ultimately destroy us. They are causing great harm, causing whites to hate blacks, and black people to hate white people, turning nationality against nationality, Jews against gentiles. All of this must stop. We are all Americans. We all love our country and all of us must protect our free institutions and our great heritage of freedom. This war at home must be won if we are to restore understanding, tranquility, and love for each other.

Again, I thank all of you for extending this recognition to me, and I wish all of you Godspeed in the years ahead as you continue to serve our deserving veterans and a grateful Nation.

Thank you.

1732—GEORGE WASHINGTON—1970 WE NEED YOU

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. LATTA. Mr. Speaker, a Bethesda man, Ralph Brown, has written a commendable piece on the Father of our Country, which I am pleased to insert in the RECORD in order that my colleagues and others may read it:

1732—GEORGE WASHINGTON—1970 WE NEED YOU

Up to a half century ago everyone knew who George Washington was. Parson Weems and the cherry tree episode helped instill honesty in our little noggins, and love of country was the guiding principle taught at home and in school. The picture of Washington praying at Valley Forge was proof that no law prohibited worship in school either. We thanked God in our own way and followed the precepts of the great man whose picture adorned every classroom. That was a long, long time ago.

The other day we asked a group of youngsters about Washington and one lad wanted to know what channel he was on. But to a youngster in Indiana fifty years ago, Washington was the nation's original hero, boy and man, who carved his way from cherry tree to first president. He fought his way through the British, crossed the Delaware, starved through the terrible winter at Valley Forge and won the war at Yorktown.

This was the simple faith of all Americans in the bygone days and these simple faiths sustained us and guided us because George Washington was real. America was real. We knew who we were and where we were going. A look at what has been accomplished by Americans in such a short span of years proves that we got there—further and faster and better than any country in the history of civilization making our citizens the most envied people in the world.

When we look at some of the confusion surrounding much of the atmosphere these days, we yearn for recall of the notions that grew up around the memory of Washington. They are not as corny as a lot of agitators would have us believe. The self-appointed sophisticates never had to face the scourge of Valley Forge nor cross an icebound Delaware. They accept liberty as a right while assuming no responsibility for duty.

It is difficult to match Washington's greatness against today's standards: he might even be different in viewpoint, but as a man, he would have been the same; this same man of destiny he proved to be in 1776 when we faced our most crucial period. Then, one man stood tall to lead us out of the wilderness of despair. No man, before or since, has ever come nearer meeting and conquering the challenge of such a crisis than did George Washington.

Rightly have we called him our greatest American. The principles and ideals for which he stood, tho battered and torn by enemies foreign and domestic, have survived and are the envy of the world. The keystone

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of our government and its ethical standards are as sound today as when he established them two hundred years ago.

We might dust off the Gilbert Stuart portrait of Washington and put it back on every classroom wall to remind us of our great inheritance and help prepare today's youth to combat the enemies of America who keep whittling away at the foundations of this great heritage we are privileged to call home.

Indeed, George Washington, we need you!

ABANDONED CARS

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. VANDER JAGT. Mr. Speaker, on December 8, 1969, in this Chamber, I expressed my concern, as I have done on many occasions before, over the sad state of our environment. In my remarks I sought to call attention to the contamination of our lakes and streams and the infringements on our open spaces, and the pollution of the air we breathe. I stated at that time that we must begin at once, a massive, all-out war if we are to turn back slime and foul air, litter, and revitalize our once majestic landscape. Following up on those earlier remarks I am pleased to state today that the first of many related proposals I intend to introduce in the coming months, aimed at improving the quality of our surroundings, will be introduced this week. This proposal will deal with the problem of abandoned automobiles.

America is truly a nation on wheels. Today there are over 86 million cars in use on our streets and highways, and the trend is ever upward. We are fortunate to be able to afford the enjoyment and convenience of automobile travel. The number of cars owned by our citizens is unprecedented in history and stands as a measure of our technological greatness as a nation. But as the size of our auto population grows the number of vehicles becoming unusable and left abandoned also grows, and the Nation that relies on and loves the automobile is about to be overwhelmed by a proliferation of rusting hulks.

Here are the dimensions of the problem. Over the past several years 6 to 9 million automobiles per year have been worn out and rendered useless for transportation. Many of these overage vehicles have been picked up, stripped of usable parts, processed to remove impurities, and then melted down to make new steel products.

However, large numbers of cars have not been consumed for steelmaking, but rather, have been abandoned on city streets or strewn across the countryside as a less attractive measure of our national prosperity. Fully 10 to 15 percent of all no longer driveable autos, as many as 2,500 every single day, are being discarded yearly. The result is an uncounted backlog of these rusted, unprocessed hulks which dot the landscape.

At the same time, because of prevailing conditions in the industry, many worn out cars—10 to 20 million according to one estimate—which are hauled away, are piling up in auto graveyards around the Nation and are not being reduced to usable scrap. Mountains of junk are rising on the outskirts of our cities. And yet, incredibly, all of this old metal is valuable. It is needed. We can put it to very good use.

A processed auto body used to make new steel substitutes for 1.5 tons of iron ore, 1 ton of coke, and 1 ton of limestone, all nonreplaceable national resources. Presently, the steel industry consumes 77 million tons of scrap steel each year. By 1980 the industry will require more than 100 million tons of scrap a year. The hundreds of thousands of cars now being left to corrode and spoil our open spaces can easily be absorbed into industrial use, and we can clean up the countryside if we take action along the lines I shall propose.

There are two problem areas which require immediate attention. First, large numbers of cars have been left to rust in remote areas. Transportation of these carcasses over long distances to processing points is expensive and unprofitable and this accounts for many of the unretrieved bulks around the country. It costs too much to go out and get them.

Second, industrial requirements call for scrap that is relatively pure and free of the many nonsteel materials such as fabric, plastics, glass, copper, and rubber goods which are present in today's cars. Expensive handling procedures with modern, high-priced equipment are required to prepare wrecked vehicles for reconversion. Many processors have been unable to purchase the needed equipment and so heaps of wrecked autos have been accumulating in junkyards throughout the land.

Others who formerly did away with impurities by burning them now find their activities restricted by local antipollution laws banning open burning. As a result many processors with bulging inventories of old cars are turning away owners seeking to dispose of worn out vehicles, thereby increasing the number of cars being abandoned on vacant lots, at service stations, in open fields and woodlands.

We must take action to deal with ever growing numbers of abandoned cars. We need an innovative program to assure that worn out vehicles are removed from the countryside and recycled back into the steelmaking process. With this aim in mind I will be introducing in the next few days, a bill to provide assistance to the States in retrieving abandoned automobiles and processing them for scrap.

My bill will offer Federal financial aid to the States to administer programs to remove abandoned cars from public thoroughfares and remote rural areas. Under this plan Federal guidelines are to be established to spell out requirements for State participation. The guidelines will include requirements for easing auto title and lien restrictions and for enacting and enforcing antiabandonment statutes, two significant obstacles to improving the present situation. State applications for aid in accordance with the guidelines may include either assistance for State-operated pick up programs, or for contracts with private operators to remove abandoned vehicles.

The aid program is to be financed by earmarking for abandoned auto removal 1 percent of the annual revenues derived from the Federal automobile excise tax. Last year revenues from this 7 percent tax on new car purchases amounted to $1.9 billion. Setting aside just 1 percent of that figure, $19 million, will finance the removal of almost 2 million cars each year, based on an estimate of $10 per car. This estimate is in line with the experience of a program now underway in one of the States. At $10 per car, $19 million not only would facilitate the hauling away of all of each year's crop of newly discarded vehicles, but would make a significant start on reducing the vast junk car backlog as well.

In addition this bill will offer rapid amortization benefits to scrap processors who purchase modern, more effective equipment with which to reduce old cars to usable scrap. Efficient, expanded capacity is badly needed, but is presently beyond the reach of many processors. Installations of required equipment such as shredders, hammer mills, magnetic separators, and nonpolluting burning pits may cost as much as $2 million.

For this program to succeed there must be sufficient processing capacity. Rapid amortization for purchasers of up-to-date auto scrap processing equipment represents a valid and necessary incentive to assure that adequate disposal capacity will be available to handle the large numbers of cars to be retrieved by the pickup program.

With an assist from my bill, industry capacity would increase greatly. Operators would be able to reach out for about-to-be abandoned cars before they are scattered across the land. Within a few years the huge accumulation of junk could be shrunk to nothing. The ultimate goal would be a smooth flow of old cars back to steelmaking facilities without intermediate stops on city streets, junkyard stockpiles, or the woods off a country road.

The bill will be a balanced, flexible, easy to administer plan to assist the States, which lack the resources to carry on this badly needed program. The funding aspects of this approach are consistent with proposals currently being advanced to deal with other pollution and waste-processing problems. Under this approach, the existing auto excise tax becomes a fair and equitable user tax. A small part of taxes already being paid by new car purchasers would be used to guarantee funding for the cleanup program.

At a small cost the plan I have outlined would remove rusting eyesores from the countryside, reduce air pollution levels by helping to eliminate open burning, save natural resources, and lower the cost of producing basic steel. All of these benefits can result from a concerted effort to put an end to the wasteful and ugly practice of littering the Nation with unwanted automobiles.

It is time for action. Americans want a cleaner America. We want a country free from trash and smoke, a nation of clear lakes and rivers, of unlittered roadways and unspoiled wilderness. The Nation which sent three of its own to the moon in the sixties is ready to clean up

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its own landscape in the seventies. We are ready to move ahead in this struggle to make America what we all want it to be. America the beautiful.

PRESENTATION OF JAMES FORRESTAL TROPHY TO 3-57(L) NAVAL RESERVE SURFACE DIVISION OF BUFFALO, N.Y.

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. McCARTHY. Mr. Speaker, on January 9, of this year, I was privileged to participate in the program in which the James Forrestal Trophy for Naval Reserve efficiency was presented to the 3-57(L) Naval Reserve Surface Division of Buffalo, N.Y. The Forrestal Trophy is given each year to the division which has the most outstanding efficiency record among the 148 Naval Reserve Large Service Divisions in the competition. I am very proud of the 3-57th and extend my heartiest congratulations to Comdr. P. R. Lucci and his men for their outstanding achievements.

The trophy was presented by the Honorable James D. Hittle, Assistant Secretary of the Navy for Manpower and Reserve Affairs, who made the following remarks:

REMARKS BY HON. JAMES D. HITTLE, ASSISTANT SECRETARY OF THE NAVY (MANPOWER AND RESERVE AFFAIRS), AT THE PRESENTATION OF THE JAMES FORRESTAL TROPHY TO NAVAL RESERVE SURFACE DIVISION 3-57(L), BUFFALO, N.Y., JANUARY 9, 1970

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It is a genuine pleasure for me to be here tonight because it is my privilege to make the presentation of the James Forrestal Trophy to Naval Reserve Surface Division Three Fifty Seven. At this point I want to convey to you the greetings of President Nixon, Secretary of Defense Laird, and Secretary of the Navy Chafee. They are aware of this presentation ceremony and they send congratulations to the personnel of Surface Division Three Fifty Seven.

I think that it is very important that those of us here realize the very real significance of this trophy and what it means. The James Forrestal Trophy was first presented to the Naval Reserve after World War II. It was established in an effort to put the Naval Reserve Surface Divisions in close competition with each other.

The trophy was presented to the Navy Department in 1948 by the Reserve Officers of the Naval Service who later that same year merged with the Reserve Officers Association. It has been presented to the winning Large Surface Division each year since then, except 1950 when competition was temporarily suspended

Your first place standing among all the other Large Surface Divisions throughout the country, 148 in number, is truly an outstanding achievement. In looking to see how Division Three Fifty Seven accomplished this, I was glad to learn that while leading all other contenders in the seven areas of competition, which include advancement, strength and attendance, the two areas that were truly excelled in were the areas of reenlistment and volunteers for re-call to active duty. These two areas are of immense importance to the Navy as a whole. Reenlistment, because this gives stability and increased readiness to the Reserve; and volunteer re-call, because this supports the active Navy with a source of skilled personnel otherwise unobtainable.

The success that you have earned and that is being recognized tonight is a result of efforts of each of you, in Division Three Fifty Seven, and in the support that you have received from the Training Center and its staff. Every officer and man shares in the responsibility and in the glory. This trophy would not be here tonight if each of you had not put forth needed extra effort. And let's not forget the other ingredient of success that so often goes unrecognized when men are being recognized for achievement. That is, the wives, mothers and girl friends who understood and supported their men in their efforts instead of objecting to the time spent on drills and training duty.

This trophy is particularly meaningful because of the person whose name it bears—the late James Forrestal. He was Secretary of the Navy and became the first Secretary of Defense. James Forrestal was indeed a man in whom were combined the characteristics of personal leadership, great intellect, abundant common sense, and a rare understanding of sea power, and particularly the kind of sea power the United States needs to remain secure.

It was because of his understanding of the kind of sea power our nation needs that James Forrestal placed such great emphasis upon what he referred to as "The Balance Fleet". He used this term to characterize the type of U.S. naval power that emerged from the great naval campaigns of World War II. It was the kind of U.S. naval power that had been achieved by no other nation in all history. It is a naval power based on the integration of surface ships, submarines, carriers with their aircraft, and Fleet Marine Corps landing forces.

Each of these elements contributed to the strength, mobility, and combat versatility of U.S. naval power. And because of their organizational integration into the fleet, the sum total of their combat effectiveness is far greater than the simple mathematical total of the individual parts.

But James Forrestal knew something else that was very important. He knew the importance of a strong, vigorous, and energetic Naval Reserve. He took a lead in establishing the organizational pattern of the Naval Reserve. The basic concept of the role of the Naval Reserve and the Regular Navy within the Department of the Navy is known, and properly so, as the "Forrestal Principle". That is the principle of One Navy; a concept of a Reserve that is a partner of the regular establishment, and it is this same principle under which we are still operating today. I can assure you that the Forrestal principle is recognized, and moreover, being adhered to within the Department of the Navy today.

So, I think you will agree with me that it is highly appropriate that this annual award for Naval Reserve efficiency should bear the name of James Forrestal who so well understood the need for the Naval Reserve as an integral part of the kind of American sea power we know is vital to the protection of our nation.

I know that we have all heard the out-of-town speaker say that he brings the greetings of some high official and I suspect that you have taken my previous statement of conveying greetings from Washington with a certain degree of skepticism. But I want to let you know that the greetings I said I convey are not empty amenities. At this time it is my privilege to read to you, and particularly to those of you of Surface Division Three Fifty Seven, the following letter.

Comdr. P. LUCCI,
Buffalo Club,
Buffalo, N.Y.

Deeply regret that official business abroad keeps me from attending dinner and Forrestal Trophy Award ceremony at the Buffalo Club. Please convey my sincere congratulations to Assistant Secretary Hittle, who continues to be a vigorous force for leadership and wisdom in the United States Department of the Navy. I trust this voice will continue to be heard and help guide our Nation in the challenging and crucial years ahead. Regards to all present.

JACOB K. JAVITS,
U.S. Senate.

THE SECRETARY OF DEFENSE,
Washington, D.C., January 8, 1970.

Comdr. P. R. LUCCI,
USNR, Commanding Officer, Naval Reserve Surface Division 3-57(L), U.S. Naval and Marine Corps Reserve Training Center, Three Porter Avenue, Buffalo, N.Y.

DEAR COMMANDER LUCCI: I want to take this opportunity to extend to you and your members of Surface Unit 3-57(L) my official and personal congratulations upon the award, this evening, to your Unit of the James Forrestal Trophy.

The significance of this award cannot be overestimated. It is an appropriate recognition of the fact that the Surface Unit 3-57 (L) has been the leader among large Surface Units in the U.S. Naval Reserves in overall efficiency, which includes advancement, recruiting, re-enlisting, and all of those many things that contribute to seagoing combat ability and the contribution which Naval power in turn makes to our national security.

The record which Surface Unit 3-57(L) has made during the past year is one which you, as the Commanding Officer, and all of the personnel of your unit can be justifiably proud. The Unit's record, on which the award of the Forrestal Trophy is based, sets a high standard for all other Naval Reserve Units to emulate, and I am confident, also, that the Unit will continue to maintain the high standards which it has so clearly established.

I would deeply appreciate it if you would convey, for me, to All Hands of your unit, the traditional Naval recognition of duty properly performed—"Well Done."

Sincerely,

MELVIN LAIRD.

ISRAEL MUST NOT BE LEFT TO STAND ALONE

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. BRINKLEY. Mr. Speaker, the Arab commando group which boasted responsibility for the in-air destruction of the Swiss jetliner bound for Israel Saturday, are premeditated, barbaric, murdering animals. Will time ever erase from memory the grief pictured in the faces of weeping families at Israel's Lydda Airport when they were told there were no survivors.

U.S. citizens were on that plane of which Abou Mariam boasted, and later retracted, credit for destroying. Precious lives, dear to Americans.

What about it Beirut, Lebanon and Amman, Jordan? Will you sanction such atrocities and the cold fury they engender, or will you cooperate in making deterrent examples of those monstrous killers?

To capitulate to terrorism is beneath the character of free nations. Whether air service or people service, Israel must not be left to stand alone.

RESULTS OF SURVEY ON STUDENT UNREST IN THE NATION'S HIGH SCHOOLS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. PUCINSKI. Mr. Speaker, the House Subcommittee on General Education has completed an exhaustive survey on student unrest in American high schools. It is part of our committee's continuing investigation of the impact of Federal aid in American education.

A total of 15,086 high school principals responded to a comprehensive questionnaire which had been mailed to all of the Nation's 29,000 high schools.

The survey of student unrest activity in the Nation's high schools was conducted as part of the subcommittee's overall study of the educational needs of the 1970's.

Results of the comprehensive questionnaire returns were tabulated for the subcommittee by the Division of Computer Research and Technology of the National Institutes of Health.

It is my hope that results of this thorough survey will help educators, social scientists, school administrators, as well as students themselves evaluate the nature and extent of student unrest. I am certain there is a wealth of information for social scientists to study in this survey.

The survey categorized schools by city, suburb and rural areas. It also went into detail on ethnic composition, ethnic increases, family income, degree of student protest, and principal causes for such protest activity.

The survey included responses from principals in public, private, and parochial schools.

It showed what actions school administrators had taken to resolve problems leading to protest.

Mr. Speaker, the Library of Congress had researched for us previous surveys on student unrest, including Dr. Alan Westin's study at Columbia University. The largest previous survey of principals covered 1,900 randomly selected. Most previous studies covered much smaller urban or regional areas, and concentrated on newspaper articles about protests that have reached the proportions of newsworthy items. I believe our study here is the most complete to date. Results of the survey follow:

SURVEY OF AMERICAN HIGH SCHOOLS, 1968-69 ACADEMIC YEAR

COMPARATIVE FIGURES AND PERCENTAGES

[Number of U.S. high schools: 29,000 (approximately); number of high schools responding: 15,086; number of responding high schools that experienced student protest: 2,710 (18 percent of 15,086) number of responding high schools reporting 1 or more "riots" as protest activity: 149 (1 percent of total); number of high schools reporting significant increase in ethnic enrollment over past 5 years: 3,008 (20 percent of total); number of high schools reporting significant increase in ethnic enrollment that experienced protest: 788 (26 percent of 3,008); number of public city high schools with significant ethnic enrollment increase that experienced protest: 400; number of high schools with significant ethnic enrollment increase reporting "riots" as protest activity: 53 (36 percent of 149)]

All schools responding (15,086)	City public schools with significant increase in ethnic enrollment in last 5 years that experienced protest activity (400)	Schools reporting riots (149)
1. Location of school:		
25 percent, city	100 percent, city	70 percent, city.
20 percent, suburb		21 percent suburb.
54 percent, rural town		9 percent, rural town.
2. Enrollment:		
68 percent, less than 1,000.	21 percent, less than 1,000	22 percent, less than 1,000.
23 percent, 1,000 to 2,000	48 percent, 1,000 to 2,000	43 percent, 1,000 to 2,000.
6 percent, 2,000 to 3,000	19 percent, 2,000 to 3,000	22 percent, to 3,000.
2 percent, over 3,000	13 percent, over 3,000	11 percent, over 3,000.
3. Family mean income:		
6 percent, less than $3,000.	6 percent, less than $3,000	5 percent, less than $3,000.
30 percent, $3,000 to $5,000.	33 percent, $3,000 to $5,000	31 percent, $3,000 to $5,000.
49 percent, $5,000 to $10,000.	53 percent, $5,000 to $10,000	48 percent, $5,000 to $10,000.
8 percent, $10,000 to $15,000.	6 percent, $10,000 to $15,000	10 percent, $10,000 to $15,000.
3 percent, $15,000 and above.	0.05 percent, $15,000 and above.	0, $15,000 and over.
4a. Composition of student population:		
93 percent, white American.	91 percent, white American	86 percent, white American.
34 percent, black American.	88 percent, black American	86 percent, black American.
14 percent, Mexican American.	28 percent, Mexican American	31 percent, Mexican American.
7 percent, Oriental American.	23 percent, oriental American	27 percent, oriental American.
4 percent, Puerto Rican American.	21 percent, Puerto Rican American.	19 percent, Puerto Rican American.
7 percent, American Indian.	9 percent, American Indian	13 percent, American Indian.
4b. Predominant ethnic enrollment:		
84 percent, white American.	66 percent, white American	64 percent, white American.
8 percent, black American.	28 percent, black American	26 percent, black American.
3 percent, Mexican American.	3 percent, Mexican American	5 percent, Mexican American.
0.36 percent, Oriental American.	0.25 percent, oriental American.	0.67 percent, oriental American.
0.50 percent, Puerto Rican American.	2 percent, Puerto Rican American.	1 percent, Puerto Rican American.
0.97 percent, American Indian.	0.75 percent, American Indian.	0, American Indian.
5. Description of school:		
85 percent, public	100 percent public	97 percent, public.
8 percent, private		0.67 percent, private (1 school).
6 percent, parochial		0, parochial.
6. Significant ethnic enrollment increase in past 5 years:		
20 percent, yes (3,008)	100 percent, yes	56 percent, yes.
79 percent, no		41 percent, no.
7. Protest activity 1968-69:		
18 percent, yes (2,710)	100 percent, yes	100 percent, yes.
78 percent, no		
8. Number of protests:		
68 percent, 1	53 percent, 1 (212 schools)	34 percent, 1.
20 percent, 2	26 percent, 2 (102 schools)	30 percent, 2.
8 percent, 3	11 percent, 3 (42 schools)	18 percent, 3.
1 percent, 4 (24 schools)	2 percent, 4 (7 schools)	4 percent, 4.
3 percent, 5 or more (83 schools).	6 percent, 5 or more (23 schools).	12 percent, 5 or more (17 schools).
9. Protest planned in advance:		
52 percent, yes	74 percent, yes	77 percent, yes.
48 percent, no	24 percent, no	21 percent, no.
10. Percentage of students participating:		
59 percent, less than 5 percent of students.	52 percent, less than 5 percent of students.	46 percent, less than 5 percent of students.
19 percent, 5 to 10 percent of students.	23 percent, 5 to 10 percent of students.	24 percent, 5 to 10 percent of students (36).
10 percent, 10 to 25 percent of students.	12 percent, 10 to 25 percent of students.	15 percent, 10 to 25 percent of students (22).
4 percent, 25 to 50 percent of students.	7 percent, 25 to 50 percent of students.	7 percent, 25 to 50 percent of students (10).
2 percent, over 50 percent of students.	2 percent, over 50 percent of students.	2 percent, over 50 percent of students (2).
11. Number of injuries in protests:		
91 percent none	76 percent none	33 percent none.
4 percent, 1 to 5 (133 schools).	11 percent, 1 to 5	33 percent, 1 to 5.
3 percent, 5 to 10 (53 schools).	4 percent, 5 to 10	16 percent, 5 to 10.
1 percent, 10 to 25 (36 schools).	2 percent, 10 to 25	7 percent, 10 to 25.
1 percent, over 25 (37 schools).	4 percent, over 25	7 percent, over 25.
12. Property damage resulting from protest:		
91 percent, less than $100.	73 percent, less than $100	55 percent, less than $100.
3 percent, $100 to $500	11 percent, $100 to $500	22 percent, $100 to $500.
1 percent, $500 to $1,000.	2 percent, $500 to $1,000	8 percent, $500 to $1,000.
0.05 percent, over $1,000 (28 schools).	3 percent, over $1,000 (12 schools).	10 percent, over $1,000 (14 schools).
13. Police called as a result of protest:		
24 percent, yes	50 percent, yes	83 percent, yes (124 schools).
76 percent, no	47 percent, no	12 percent, no.
14. Tactics of student protest:		
15 percent, boycott (424 schools).	32 percent, boycott (129 schools).	41 percent, boycott (62 schools).
17 percent, strike (473 schools).	29 percent, strike (116 schools).	30 percent, strike (46 schools).
1 percent, riot (149 schools).	13 percent, riot (53 schools)	100 percent, riot.
22 percent, sit-in (583 schools).	22 percent, sit-in (88 schools)	27 percent, sit-in (41 schools).
27 percent, underground newspapers (754).	24 percent, underground newspapers (99 schools).	34 percent, underground news (51).
46 percent, other tactics (1,254 schools).	40 percent, other tactics (160 schools).	23 percent, other tactics (35).
15. Issues involved in protest:		
18 percent, curriculum policy (487).	25 percent, curriculum policy (102).	34 percent, curriculum policy (52).
33 percent, dress codes (913).	22 percent, dress codes (91)	16 percent, dress codes (25).
15 percent, student political organizations (410).	22 percent, student political organizations (88).	34 percent, student political organizations (51).
34 percent, general disciplinary rules (941).	31 percent, general disciplinary rules (126).	48 percent, general disciplinary rules (73).
18 percent, teachers or principals (489).	20 percent, teachers or principals (80).	36 percent, teachers or principals (55).

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All schools responding (15,086)	City public schools with significant increase in ethnic enrollment in last 5 years that experienced protest activity (400)	Schools reporting riots (149)
24 percent, school services and facilities (671).	28 percent, school services and facilities (115).	33 percent, school services and facilities (45).
9 percent, outside speakers (246).	11 percent, outside speakers (47).	22 percent, outside speakers (34).
44 percent, other issues (1,198).	50 percent, other issues (199).	48 percent, other issues (73).
16. Racial issues involved in protest:		
30 percent, yes (803 schools).	59 percent, yes (237 schools).	83 percent, yes.
70 percent, no	36 percent, no	15 percent, no.
17. Specific racial issues: [1]		
25 percent, percentage of teachers, etc. from minority groups.	35 percent, percentage of teachers, etc. from minority groups.	31 percent, percentage of teachers, etc. from minority group.
34 percent, ethnic studies programs.	37 percent, ethnic studies programs.	39 percent, ethnic studies programs.
99 percent, other issues.	83 percent, other issues	85 percent, other issues.
18. Issues outside school policy: [2]		
22 percent, yes	30 percent, yes	33 percent, yes.
78 percent, no	62 percent, no	62 percent, no.
19. Nonstudents involved in protest:		
31 percent, yes (865 schools).	51 percent, yes (201 schools).	72 percent, yes (107 schools).
69 percent, no	45 percent, no	25 percent, no.
20. If nonstudents, they were—		
43 percent, college students.	34 percent, college students.	46 percent, college students.
49 percent, high school dropouts.	58 percent, high school dropouts.	77 percent, high school dropouts.
56 percent, members of community organizations.	66 percent, members of community organizations.	67 percent, members of community organizations.
28 percent, teachers	19 percent, teachers	22 percent, teachers.
32 percent, parents	31 percent, parents	34 percent, parents.
30 percent, others	28 percent, others	46 percent, others.
21. Protest leaders rank academically in:		
21 percent, top ⅓ of class.	10 percent, top ⅓ of class	5 percent, top ⅓ of class.
17 percent, middle ⅓	15 percent, middle ⅓	11 percent, middle ⅓.
25 percent, lower ⅓	38 percent, lower ⅓	46 percent, lower ⅓.
37 percent, cross section of above.	37 percent, cross section of above.	36 percent, cross section of above.
22. Action taken to resolve protest:		
44 percent, appointed faculty-student committees.	50 percent, appointed faculty-student committees.	60 percent, appointed faculty-student committees.
27 percent, meetings with parents.	43 percent, meetings with parents.	25 percent, meetings with parents.
15 percent, meetings with minority groups.	30 percent, meetings with minority groups.	50 percent, meeting with minority groups.
40 percent, alter various school rules.	38 percent, alter various school rules.	55 percent, alter various school rules.
5 percent, approve student political organizations or underground newspapers.	6 percent, approve student political organizations or underground newspapers.	13 percent approve student political organizations or underground newspapers.
27 percent, other actions taken.	29 percent, other actions taken.	36 percent, other actions taken.
23. Protest activity anticipated in 1969-70 school year: [3]		
43 percent, yes (1,172 schools).	51 percent, yes	65 percent, yes.
51 percent, no	42 percent, no	28 percent, no.
6 percent, declined to respond.	3 percent, declined to respond.	7 percent, declined to respond.
Protest activity anticipated in 1969-70 school year: [4]		
14 percent, yes		
53 percent, no		
28 percent, declined to respond.		

[1] Percentages are based on number of schools responding "yes" to questions 16 and 19.

[2] Percentage based on number of schools responding "yes" to question 7.

[3] Percentages based on number of schools responding "Yes" to question 7.

[4] Percentages based on total number of high schools responding.

Note: In this survey, percentages exceeding 100 percent indicate multiple response; percentages less than 100 percent indicate no response; numbers in parentheses are actual schools represented by percentages. Questions 8 through 16 are based on numbers of schools responding "yes" to question 7. Percentages in questions 18, 21, and 22 are also based on schools responding "yes" to question 7. Percentages in question 17 are based on number of schools responding "yes" to question 16. Percentages in question 20 are based on number of schools responding "yes" to question 19.

RESPONSE TO HIGH SCHOOL QUESTIONNAIRE SELECTED URBAN AREAS [1]

	Metropolitan Chicago		Metropolitan Cleveland		Metropolitan Detroit		Metropolitan Los Angeles		Metropolitan New York City		Metropolitan San Francisco		Metropolitan St. Louis	
	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number
1. Total number schools responding		78		42		48		43		185		24		47
2. Enrollment:														
Less than 1,000	41		43		54		26		38		54		68	
1,000 to 2,000	26		43		29		28		37		33		9	
2,000 to 3,000	21		7		8		26		5		8		17	
Over 3,000	12		7		8		21		15		4		6	
3. Family mean income:														
Less than $3,000	4		2		2		2		9		8		6	
$3,000 to $5,000	22		19		19		35		18		17		17	
$5,000 to $10,000	56		43		63		51		48		58		40	
$10,000 to $15,000	6		26		10		9		13		4		23	
$15,000 and above	8		10		0		2		8		8		13	
4A. Approximate composition student body:														
White American	82		83		90		67		91		92		96	
Black American	65		55		65		77		67		71		51	
Mexican American	32		0		27		72		1		58		2	
Oriental-American	18		5		20		42		21		63		4	
Puerto Rican American	29		7		6		5		54		21		0	
American Indian	6		5		8		12		2		17		0	
4B. Predominant ethnic enrollment:														
White American	68		71		60		47		70		63		85	
Black American	27		29		31		30		11		25		13	
Mexican American	1		0		4		19		0		4		0	
Oriental American	0		0		0		0		0		0		0	
Puerto Rican American	1		0		0		0		12		0		0	
American Indian	0		0		0		0		.05		4		0	
5. Description of school:														
Public	47	37	67	28	54	26	79	33	55	102	46	11	43	20
Private	26	2	19	8	17	8	6	3	25	47	21	5	36	17
Parochial	27	2	12	5	29	14	15	7	19	36	33	8	21	10
6. Significant increase in ethnic enrollment in last 5 years:														
Yes	51	41	29	12	42	20	58	25	44	82	54	13	32	15
No	49		70		58		42		56		46		68	
7. Protest activity in 1968-69:														
Yes	46	36	21	9	35	17	51	22	41	70	29	7	17	8
No	54		79		65		49		59		71		83	
8. If yes, number of protests:														
1	33	12	67	6	65	11	45	10	41	29	28	2	75	6
2	28	10	22	2	23	4	27	6	33	23	28	2	13	1
3	17	6	11	1	6	1	9	2	11	8	28	2	0	
4	33	1	0		0		5	1	4	3	0		0	
5 or more	19	7	0		6	1	14	3	10	7	14	1	13	1

Footnotes at end of table.

RESPONSE TO HIGH SCHOOL QUESTIONNAIRE SELECTED URBAN AREAS[1]—Continued

	Metropolitan Chicago		Metropolitan Cleveland		Metropolitan Detroit		Metropolitan Los Angeles		Metropolitan New York City		Metropolitan San Francisco		Metropolitan St. Louis	
	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number
9. Protests planned in advance:														
Yes	89	32	89	8	82	14	68	15	90	63	57	4	87	7
No	11		11		18		32		10		43		13	
10. Percentage of students participating in protests:														
Less than 5 percent	27		77		59		54		57		14		62	
5 to 10 percent	19		11		24		18		29		28		37	
10 to 25 percent	27		0		12		10		7		43		0	
25 to 50 percent	22		0		0		5		4		0		0	
Over 50 percent	5		11		5		0		3		14		0	
11. Number of injuries in protests:														
None	61		88		82		77		83		57		75	
1 to 5 injuries	10		11		12		5		14		28		25	
5 to 10 injuries	9		0		6		10		3		7		0	
10 to 25 injuries	8		0		0		0		0		0		0	
Over 25 injuries	9		0		0		0		0		0		0	
12. Property damage:														
Less than $100	61		77		82		68		81		43		87	
$100 to $500	10		0		12		0		3		28		0	
$500 to $1,000	8		22		0		5		1		28		0	
Over $1,000	8		0		6		18		7		14		0	
13. Police called as a result of protest:														
Yes	63		33		51		41		70		71		50	
No	24		66		49		54		30		28		50	
14. Tactics of student protest:														
Boycott	53	19	0		29	5	27	6	39	27	43	3	38	3
Strike	30	11	22	2	53	9	32	7	64	45	43	3	13	1
Riot	25	9	0		12	2	18	4	13	9	43	3	0	
Sit-in	33	12	0		6	1	32	7	27	19	57	4	50	4
Underground paper	36	13	44	4	18	3	50	11	40	28	43	3	38	3
Other tactics	36	13	77	7	53	9	27	6	40	28	43	3	50	4
15. Issues involved in protest:														
Curriculum policy	42	15	22	2	18	3	23	5	31	22	71	5	38	3
Dress codes	19	7	33	3	24	4	32	7	33	23	14	1	38	3
Student political organizations	30	11	22	2	29	5	55	12	27	19	71	5	38	3
General disciplinary rules	36	13	44	4	0		18	4	37	26	57	4	25	2
Teachers or principals	36	13	22	2	41	7	14	3	20	14	0		38	3
School services and facilities	39	14	33	3	24	4	18	4	36	25	100	7	25	2
Outside speakers	25	9	11	1	12	2	14	3	9	6	14	1	13	1
Other issues	42	15	22	2	53	9	45	10	46	32	71	5	63	5
16. Racial issues involved in protest:														
Yes	75	27	33	3	35	6	41	9	40	28	86	6	38	3
No	22	8	66	6	76	13	55	12	60	42	14	1	63	5
17. If yes, specific racial issues:[1] Percentage of teachers/administrators from—														
Minority groups	48		33		67		11		54		83		0	
Ethnic studies	48		33		33		11		54		100		67	
Other issues	74		66		67		100		93		17		100	
18. Were issues outside regular school policy:														
Yes	26		11		43		23		44		14		25	
No	59		77		57		54		56		86		75	
19. Nonstudents involved:														
Yes	56	23	55	5	57	10	63	14	56	39	100	7	25	2
No	29		44		43		32		44		14		75	
20. If yes they were:[1]														
College students	26	6	0		30	3	36	5	49	19	43	3	50	1
High school dropouts	78	18	60	3	60	6	36	5	38	15	71	5	100	2
Members of community organizations	70	16	20	1	60	6	71	10	44	17	86	6	100	2
Teachers	26	6	20	1	30	3	29	4	51	20	29	2	50	1
Parents	30	7	0		50	5	14	2	26	10	14	1	100	2
Others	35	8	20	1	20	2	14	2	44	17	43	3	50	1
21. Protest leaders rank academically in:														
Top 1/3 of class	11	4	33	3	12	2	18	4	24	17	0		12	1
Middle 1/3	8	3	22	2	12	2	18	4	13	9	28	2	12	1
Lower 1/3	44	16	22	2	0		32	7	13	9	43	3	37	3
Cross-section	36	13	11	1	71	12	27	6	43	30	43	3	37	3
22. Actions to resolve protest:														
Appoint faculty/student committees	53	19	66	6	64	11	41	9	73	51	100	7	87	7
Meetings with parents	53	19	77	7	43	7	63	14	34	24	86	6	50	4
Meetings with minority groups in community	36	14	11	1	12	2	36	8	16	11	86	6	25	2
Alter various school rules	50	18	33	3	47	8	27	6	44	31	71	5	37	3
Approve student political organs or underground newspapers	8	3	11	1	6	1	4	1	6	4	43	3	0	
Other	42	15	11	1	29	5	36	8	30	21	28	2	0	
23. Protests anticipated in 1970:[1]														
Yes	28	22	26	11	38	18	33	14	26	49	17	4	13	6
No	41	32	48	20	46	22	51	22	49	90	67	16	64	30
No reply	31	24	26	11	16	8	16	7	25	46	17	4	23	11

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[1] Percentages in question 23 are based on total number of schools responding from each city, per question 1.

Note: This represents returns received from schools in the metropolitan areas in and surrounding the cities indicated. In this survey, percentages exceeding 100 percent indicate multiple response; percentages less than 100 percent indicate no response; percentages in questions 8 through 16 are based on numbers of schools responding "yes" to question 7; percentages in questions 18, 21, and 22 are also based on schools responding "yes" to question 7; percentages in question 17 are based on number of schools responding "yes" to question 16; percentages in question 20 are based on number of schools responding "yes" to question 19.

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DR. ARTHUR F. BURNS SHOWS SCOPE FOR THE JOB

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. BURTON of Utah. Mr. Speaker, there was an interesting story by Hobart Rowen in the business and finance section of yesterday's Washington Post regarding Dr. Arthur F. Burns, the very capable new Chairman of the Federal Reserve System. It quoted him as saying that we are not in a recession at present and that he does not think we are going to get into one. I found the article quite reassuring and therefore bring it to the attention of those of my colleagues who may have missed it:

BURNS SHOWS SCOPE FOR THE JOB AS ECONOMY BEGINS CRUCIAL TEST

Best show in town last week was a set of hearings conducted by the Joint Economic Committee of Congress—and the star performer was Arthur F. Burns, new Chairman of the Federal Reserve System.

One didn't go for laughs: this was all serious stuff. The underlying theme, as Nixon administration witnesses put it, was that a sluggish economy is now entering a crucial, question-mark period.

Will it spill over into a recession with heavy unemployment? Will a disastrous inflation in prices and interest rates ever come down? Will the Federal Reserve Board, riding to the rescue, misjudge things as it did in 1967 and 1968, rekindling the inflationary fires?

Like the old-time movie serials, the only certain answers will come in future installments.

But Burns, although warning that "I'm no prophet," was willing to lay his long and distinguished reputation on the line. "There's been some loose talk in this country about a recession," he told the Committee. "But we don't have a recession (now) and I don't think we're going to have it."

More than any other man in the country—not excluding the President himself—Burns is able to make a meaningful prognostication of this kind. For it is up to the Federal Reserve Board and its Open Market Committee, both of which he heads, to establish and change the basic monetary policy of the country.

And while he was careful, adhering to the Central Bankers' code of not tipping capital markets of precise plans, Burns clearly indicated that monetary policy had been drawn too tight, and would be cautiously relaxed in 1970.

Congressional Democrats are maintaining a professional degree of skepticism. They both fear and anticipate a recession and higher unemployment; this naturally would work to their advantage in elections later this year.

But it was also evident after the hearings last week that Burns' appointment to the Federal Reserve Chairmanship has brought with it a new mood of confidence that the country will emerge from its current economic trauma in pretty good shape, albeit not unscathed.

"Your appointment," said Sen. William Proxmire (D-Wisc.), "is probably the best that President Nixon has made."

Not a bashful man, Burns no doubt privately agrees. He has enormous confidence in himself and his capacity to keep cool under stress. He is something of a task-master and is said to be difficult to work for, but he undoubtedly has the scope for the job.

This all came through in a three-hour session in which he didn't hesitate to point a finger at the Nixon Administration for underestimating the strength of inflationary pressures last year. Burns had been saying this privately while still Counselor to the President. Now, he put it on the record:

"The unified budget concept (masking a federal funds deficit) caused a little difficulty. It gave us the feeling we were being a little more conservative on the fiscal side than we really were. Then, we talked a little too much about 'gradualism.' The policy was all right, but talking about it so much helped to sustain strong inflationary expectations." (This was an open poke at Economic Council Chairman Paul W. McCracken.)

But as a card-carrying Republican he insisted that inflation had really begun to get out of hand as early as 1963, and "the deepest mistakes" were made in the Johnson Administration.

Nor was the Fed's own staff spared a sharp critique: he said bluntly that staff projections last year helped to create a belief the Fed was planning merely a brief period of monetary restraint. Actually, the kind of austere monetary policy that proved to be needed was much greater than the Fed staff (or anyone else) had dreamed.

The general impression is that things are going to be much different at the Fed. The pipe-smoking economist told Senator Javits of New York, for example, that if he had been in charge "some months ago," he would have been sympathetic to credit controls that would have choked off part of the flow of loans to businesses for less essential expansion.

That's something the Democrats would still like to see done, but they couldn't move Burns to their side: "Let's keep this under observation," he said. "Let's not be ideological or dogmatic."

A willingness to be flexible and open-minded was a constantly restated theme. For example, while he told Senator Stuart Symington that he opposed wage and price controls, he added: "I'm not an ideological economist, and I'm always ready to reassess my position." In respect to changing the standard mortgage instrument so more money might flow into housing, "we have got to be more inventive and less lethargic."

He's against "jawboning," but promptly indulges in it to suggest that businessmen and union leaders follow the example of the President in postponing a Federal pay increase: "Something like moderation if not a moratorium (on pay increases) would be very helpful at the present time."

He wound up with a bow to the "brilliance" of the Fed staff of economists (balm for the earlier criticism) and a bit of wrist-slapping for other academic types. "I'm going to draw on business and banking economists as well as academic economists," Burns said.

"I think our discussions will be a little more realistic. I've noticed that when academic economists enter a discussion, they fix their gaze on some other economist, and try to impress him. We may get better results this way."

Time will tell, as Burns himself said. By next year, Democrats may find Burns as good a whipping boy as William McC. Martin. But for the moment, there's a honeymoon.

THE HONORABLE STEPHEN A. MAERAS

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. PRICE of Illinois. Mr. Speaker, on Monday, February 16, of last week I was saddened to learn of the death of the Honorable Stephen A. Maeras, mayor of Madison, Ill. A longtime personal friend and political ally, Steve Maeras served as the first and only mayor of Madison after its incorporation as a city in 1942. His political and civic career date back to the mid-1930's, and he had been a partner in an insurance company since 1944.

Born in Bucharest, Rumania, July 4, 1906, Steve Maeras moved to Madison with his family when he was 4 years old. He attended Madison elementary schools and graduated from Madison High School. In 1932 he graduated from La Salle Extension University and continued to attend classes at Washington University, St. Louis.

Elected to the Madison School Board in 1937, Steve Maeras served on the board for 6 years, during which time he won election in 1939 to the Madison Village Board of Trustees.

When the village of Madison was incorporated as a city in 1942, Steve Maeras was elected mayor and served in that capacity until his death. During his tenure the city of Madison developed into one of the soundest communities financially in the area.

Mayor Maeras is survived by his wife, Mrs. Nigel Maeras; one son, Jerry S. Maeras; one daughter, Mrs. Robert "Penny" Phillips; one stepdaughter, Mrs. J. C. "Betsy" Ritchie; one brother, Madison County Treasurer John Maeras; two sisters, Mrs. Peter "Vicki" Skundrich and Mrs. Marie McDaid, and five grandchildren.

It was my privilege to join in eulogizing Mayor Maeras. At this point in the RECORD, I am including the eulogy I delivered Wednesday, February 18, at the 2 p.m. funeral services for Steve Maeras at the Madison First Union Methodist Church:

To eulogize my dear departed friend Steve Maeras is to reflect on thirty-eight years of warm friendship with a man whose word was his bond, whose courage was stripped of vanity and whose conviction was without brashness.

It is with a sense of profound respect and admiration that I speak of Steve in mourning his loss, humbly thankful for the time I knew him. To speak of a friend like Steve in the past tense does not come easy for me. But I am consoled by the fact that his memory will remain with us because of his devotion to his family, his community and his fellow man. His legacy of great leadership will stand the test of time and sustain his memory for those who follow.

To eulogize Steve Maeras is to speak of a man skilled in the political process. He was a political man to whom ideas and people were the stuff of life.

He was a public man who gave himself to the public's business with zeal and enthusiasm.

He was a man of courage and independence.

He was a man of talent, enterprise and skill.

He was a man gifted in the art of government.

From the time we first met in 1932 until his death I liked Steve as a man. Loved him as an American. Enjoyed him as a friend. Admired him as a leader. Supported him as a Mayor.

Our relationship was forged in a crucible of mutual trust and respect. To be here today is the least I can do to honor a man devoted to his family, his friends, his religion and his chosen work.

What is lost by Steve's passing can be remembered in our minds, recalled in our

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words and revered in our hearts. But what has not been lost will endure in more meaningful ways. So very much has not been lost. So very much remains.

The industrial park which he championed vigorously remains as a living memorial to Steve. His foresight, his vision and his tenacity in making that complex a reality symbolizes Steve's sense of purpose and his untiring devotion to his community.

He loved Madison and its people. He came from the people and he remained part of them throughout his life. A week barely went by in my office that I did not receive a call or a letter from Steve on behalf of someone in the area. Steve was truly devoted to serving the people, regardless of their politics.

Steve was partisan in his politics and one of the finest Democrats I ever met. Yet when it came to serving people in the community and Madison County he knew no partisanship. People were people and Steve Maeras saw to it that when they were in need he was there to help.

Today we hear a lot of talk about the dawning of a new age, the Age of Aquarius; that is the age of the humanist. For Steve Maeras there is nothing new about this. He was always a humanist, firmly believing in the dignity of his fellow man and the Christian principle of lending a helping hand to some one in need.

As we eulogize Steve today, we pay honor to a man who felt deeply about the political process. Steve was a man who participated in the political life for the better part of his adult life. He was steeped in the principles of democratic government and party politics. He believed that the political parties were the most effective institutions for translating the public will into public policy. He saw in the parties the lifeblood of American political life. And he was right.

Steve worked for his principles at the local level—the cornerstone of democratic government. He was a democrat in terms of party as well as political theory. He believed strongly in participation in political life. It is because of men like Steve Maeras that American political life flourishes.

Steve brought to public life the experience of a businessman. He utilized that experience as Mayor, believing firmly that the city government should operate efficiently and effectively. As a result, the people of Madison benefited from a public interest administration under Steve and witnessed the industrial and commercial expansion of their community under his leadership. His record was one of success from which the citizens of this community profited immensely.

To have known Steve as I did was a distinct privilege. To have worked with him was a personal honor. To pay him this final tribute is only fitting.

To his beloved wife and family, I hope that you will be consoled in the memory of his work and life.

IF HANOI IGNORES TREATY OBLIGATIONS, WHY NEGOTIATE?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. RARICK. Mr. Speaker, a number of the Members of this House have called to the attention of our colleagues the plight of those Americans—taken captive in their country's battles in Vietnam and held by the enemy in Hanoi.

We have also called to the attention of our colleagues the plight of their loved ones—wives who know not whether they are wives or widows, children who cannot be told whether their father lives or has given his life for his country.

We continue to hear great sermons from the left on the subject of humanitarianism, world peace through law, the United Nations, world public opinion, and similar claptrap. Not one of these devices has shown any interest or any potential value in obtaining the treatment of our fighting men which is provided by the Geneva Convention, to which Hanoi has acceded.

It becomes abundantly more clear. The Nation which has no will to prosecute a war to its victorious conclusion has abandoned its fighting men taken prisoner, and cannot redeem them. Perhaps its citizens, acting independently, must do so.

A timely editorial comment by the distinguished David Lawrence, in the current U.S. News & World Report, again reminds us of our obligation, and I insert it in the RECORD with my remarks:

DOES HANOI HAVE A HEART?

(By David Lawrence)

What has happened to the 1,354 American servicemen missing in action in Vietnam over the past five years? Information has been received from one source or another that 422 are being held in North Vietnam, but nothing whatsoever has been disclosed about the fate of the other 932.

Undoubtedly many of these men are secluded in the prisons of North Vietnam. They are deprived of all contact with the outside world. They are not permitted to receive mail or packages. Their families are not allowed to know whether any are alive, and, if so, how they are faring.

This is a kind of torture that not only outrages all sense of humanitarianism but is banned by international agreements. The Hanoi Government itself gave formal adherence to the 1949 Geneva Convention on the humane treatment of prisoners, but now scorns these obligations. The pact specifically provides:

"Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write direct to his family. . . . The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

"Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number shall not be less than two letters and four cards monthly. . . . Such letters and cards must be conveyed by the most rapid method at the disposal of the Detaining Power; they may not be delayed or retained for disciplinary reasons."

The agreement also calls for prompt identification of prisoners, adequate diet and medical care, communication with other prisoners, quick repatriation of the seriously sick and wounded, protection against abuse or reprisals, and inspection of camp conditions by a neutral intermediary, generally the International Red Cross.

Besides North Vietnam, 125 countries are parties to the Convention, including the United States, the Soviet Union, France, Great Britain, Poland, Yugoslavia, Czechoslovakia, Egypt, Rumania and Hungary.

For the first time in modern history, the Red Cross has been denied all contact with prisoners of war. Similarly, the United States Government has unsuccessfully sought in every way through diplomatic channels for news about the missing men. Wives of the men have tried appeals to representatives of Hanoi in Paris and through other sources to learn whether their husbands are alive. The efforts have been in vain.

All this has cast a shadow over the "peace" negotiations at Paris. A question is raised now whether any regime in Hanoi can be relied on to adhere to future agreements it may sign.

Why does the Hanoi Government withhold information concerning the prisoners? Why will it not furnish at least a list of those who are still alive? What possible military purpose is served in keeping this information secret? There is no logic whatsoever in the position taken by the North Vietnamese Government, and surely it can win no friends by such a course.

What are the other nations of the world doing about it? What are the allies of North Vietnam—particularly Red China and the Soviet Union—saying to Hanoi? The people of the world have a right to know why military assistance continues to be given to a government that treats human beings with incredible cruelty.

Isn't it about time, too, that the countries of the free world spoke out? Isn't there a humanitarian instinct somewhere in the United Nations that can be expressed in a cause like this?

Surely the world hasn't been broken apart to the extent that an international organization such as the United Nations can stand aside and pay no attention to what is happening in North Vietnam with respect to the treatment of the captives and their families!

There can be no greater agony for the wives and parents of the prisoners than to be kept wondering whether a husband or son is being tormented and what suffering he might be undergoing.

What is even more incomprehensible is the silence on the subject by the free world. Acts of inhumanity in the past have usually been denounced unequivocally. Little has been said, however, about the American prisoners held by North Vietnam.

No international organization can afford to allow to go unchallenged such brutishness as the continued failure of North Vietnam to disclose the identity of prisoners and to permit them to communicate with their families. This example of inhumaneness should no longer be ignored by the United Nations collectively or by the governments of the world individually. North Vietnam must realize that belligerents are expected to give decent treatment to prisoners.

Most of the North Vietnamese leaders have a background of Buddhism—a faith that certainly calls for humaneness.

THE GIANT HARVEST FROM SPACE—TODAY AND TOMORROW

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. TEAGUE of Texas. Mr. Speaker, Mr. James J. Haggerty, noted author and one of the country's leading aerospace writers, has provided a definitive article on the value of our national space program in the February 1970 issue of Air Force Space Digest.

Because of the accurate and lucid description of the benefits of our national space program portrayed by Mr. Haggerty's article, I believe that it commends itself to the attention of my colleagues and the general public; therefore, I am including this important article in the CONGRESSIONAL RECORD:

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THE GIANT HARVEST FROM SPACE—TODAY AND TOMORROW

(By James J. Haggerty)

"What is space research doing for me?" John Jones, average American citizen, shrugs. "I was awed and thrilled by the moon landing. I had a great feeling of national pride that we, and not the Russians, had done it. But as for benefits, all I can think of offhand is international television. Maybe the moon rocks are important, but I don't understand that part of it."

John Jones's attitude typifies that of many people, but it is a myopic viewpoint. The US space investment is already paying handsome dividends, "hard" benefits of practical value as well as the little-understood gains in scientific knowledge and national prestige. The benefits include new techniques, new processes, new services, new products, even new companies formed to exploit the wealth of technological know-how accumulated in twelve years of concentrated space effort. Collectively, these innovations contribute to an improved standard of living and produce a concrete boost to the general economy running to tens of millions of dollars.

Substantial as it is, the current flow from the well-spring of space technology is only a trickle compared with the flood to come. And it is coming not in some nebulous, distant future, but *now*—within the decade just starting.

The transfer of technology from the realm of space science to the civil economy is not an overnight process; it takes years, sometimes a decade or more. Because the primary space-research thrust came with Apollo, which reached its technological peak in 1965 and 1966, a rapid acceleration of technology transfer is expected in the next few years. Space systems that promise enormous practical benefit to mankind have progressed from the theoretical to the "feasible" stage, and the National Aeronautics and Space Administration has initiated their development for near-future civil use. That these programs will get the requisite backing is clear from stated Administration policy, supported by congressional leaders, that aims to "increase utilization of space capabilities for services to man through an expanded space applications program."

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Thus, the real payoff is about to begin. The evident benefits are tremendous in potential. They span a broad spectrum ranging from new levels of convenience to direct applications in the most pressing areas of global concern—food shortages in an overpopulated world, public health, air and water pollution, education, transportation safety, law enforcement, and urban development. They promise new levels of business efficiency, improved resources management, acceleration discovery of oil and minerals, and reduction of life and property losses from natural disasters.

And they offer economic returns of a very significant order. Existing estimates, admittedly conservative, warrant the prediction that, by the end of the decade, the direct economic benefits stemming from space-originated technology will far exceed the anticipated annual funding for space research.

APPLICATIONS SATELLITES

Space benefits are grouped in two categories. "Derived" benefits are those, like new products and processes, derived from the general fund of technological knowledge. "Direct" benefits are those provided by orbiting spacecraft, or "applications" satellites, which do earth jobs better or perform tasks that cannot be accomplished by earth-based systems.

A type of spacecraft that has special utility in practical applications is the "synchronous" satellite, whose movement in space is synchronized with the earth's rotation. The satellite is directed into an orbit 22,300 miles high; at that altitude, its requisite speed is such that it remains stationary with respect to a point on the earth's surface. From its lofty perch, a single satellite can "see" approximately forty percent of the earth: three of them can cover the globe with considerable overlap.

The synchronous satellite is already in regular operational service in the global communications network operated by the sixty-nine-member International Telecommunications Satellite Consortium (Intelsat). It serves as a relay tower in the sky, picking up signals beamed from an earth station and transmitting them to another point on earth or to another satellite. Synchronous capability is now being extended to other applications satellites whose primary payloads will be a variety of earth-watching "remote sensors."

Sensor development was pioneered by the Air Force, as early as 1958, for use in surveillance and early-warning spacecraft. The technological foundation thus provided led to recent development of several types of highly sophisticated civil-use sensors, which can be used to monitor various conditions of the atmosphere, the surface, or the subsurface. Some sensors are detectors—for instance, instruments that take temperature readings of the atmosphere. Others are picture-taking devices, though not cameras in the ordinary sense; called "multispectral imagers," they photograph in both the visible and nonvisible bands of the light spectrum and show many features of the earth that the human eye cannot see. The combination of synchronous satellite and remote sensors opens up a fascinating new range of earth-surveillance capabilities, which promises concrete benefits of staggering dimensions.

THE COMMUNICATIONS SATELLITE

The communications satellite, or "comsat," owes its exceptional utility in long-distance message relay to the fact that, generally speaking, radio waves must travel in a straight "line-of-sight" path; they cannot bend with the curvature of the earth and, therefore, the distance that a radio signal can be transmitted through the atmosphere is sharply limited. Before the comsat came along, it was necessary to route long-distance radio signals either by cable or by means of tall relay towers, each in line-of-sight, or within about thirty miles of its neighbor. Either alternative is expensive, but the yearly cost of a satellite channel runs about one-sixth that of a circuit on a submarine cable.

The major benefit accuruing from the comsat, of course, is international television. It is generally agreed that, without the comsat, overseas TV would still be a "someday" thing, because a single TV channel is equivalent to about 1,000 voice channels, and that imposes prohibitive cost and capacity considerations.

Television, however, constitutes only two percent of the Intelsat system's current workload. The broader benefit of the comsat has been in direct economic gain to world commerce, due to increased business efficiency by virtue of cheaper and more reliable long-distance communications. The comsat has also greatly increased the availability of circuits for transoceanic phone conversations. In 1963, there were only 500 such circuits and one could count on a lengthy wait for a connection. Today, the Intelsat system alone provides more than 3,000 simultaneously usable circuits; a single satellite already operational—Intelsat III—has roughly ten times the channel capacity of an in-service submarine cable.

The comsat paid an extra dividend to the US economy in stimulating the formation of Communications Satellite Corp., Intelsat's American member, which developes the space hardware and manages the global network for the consortium. Comsat Corp., a privately owned company that did not exist six years ago, now has 132,000 shareholders, total assets approaching $300 million, and annual operating revenues of about $45 million.

Impressive as are the benefits to date, the comsat has barely scraped the surface of the lode. Already in hardware development are new types of satellites that offer exciting potential for the near future.

Channel capacity is the major key to further growth of the comsat network because higher capacity is directly translatable into lower costs, hence wider usage. The comsat is inherently a high-capacity system and advancing technology is widening the capacity gap between satellites and terrestrial cables. The most advanced cable, in development but not yet in service, has 720 channels. A new satellite called Intelsat IV initially will have some 6,000 two-way channels—a greater capacity than all currently operating satellites combined—and later versions may have as many as 10,000. Intelstat IV is a *now* advancement; it is already being fabricated and it is slated for regular service starting next year. Behind it, inevitably, will come even larger comsats.

Capacity of the order offered by Intelsat IV will spark a number of innovations. A probability, already proposed, is a domestic satellite system for the US, a single satellite hanging stationary over Los Angeles and linking the United States from Hawaii to the Virgin Islands. The system would supplement, not replace, the existing terrestrial system, and it would offer particular advantages to Alaska, where cities are widely dispersed and landline connections are inadequate.

Greater capacity will also stimulate increases in international TV programming, and direct-dialing phone calls to London, Hong Kong, or Tokyo may become as commonplace as the holiday long-distance call to the folks back home. And that long-awaited Buck Rogers device, the videophone, bids fair to become an everyday reality. Channel capacity has slowed its arrival, because it takes the equivalent of 100 telephone circuits to carry on a single two-way photophone conversation. But the new breed of high-capacity, low-cost comsats will bring the videophone into wide usage as a tool of international commerce. Since the videotube can carry charts, graphs, and other information presentations, as well as face-to-face long-distance conversation, it offers vast potential as a tele-conference system for businessmen, capable of more than paying its way in travel expenses saved.

Some experts feel that the biggest impact of the comsat may lie neither in TV nor telephony, but in the rapid transmission of data from source to user, by linking together widely separated computers and other data-processing equipment. Such systems might have video channels, but in most cases video is not needed; the information can be sent in computer-language and teleprinted in readable form at the other end of the circuit.

A major example is transmission of management information—inventory and production-control data, for example—from a number of plants to a central headquarters. Another is transfer of the latest medical knowledge from research centers and great library complexes to outlying precincts where such information is not available. Services like these are not particularly new. Computer interconnection was pioneered by the military services in the 1950s, and it is now making inroads in commercial applications. But existing systems employ landline interconnections that, in most instances, are more costly. The coming generation of comsats can bring about a big boom in data transmission.

THE BROADCAST SATELLITE

From the standpoint of general benefit to the world, rather than direct economic benefit to the U.S., the most important project in the space communications field is a completely new type of comsat called the broadcast satellite. This is a system that can send its signal directly to the home TV set or to a community antenna, bypassing the intervening complex of ground facilities needed by the point-to-point comsat.

Existing comsats, designed with size and weight considerations in mind, operate at extremely low power levels; their small antennas can pick up only a very strong signal from a ground station, and their transmitting equipment sends only a very weak signal back to earth. This is no handicap in point-to-point communications, such as are being relayed around the world by Intelsat. Intelsat's ground complex has forty stations, which generate great power and have giant antennas, ranging in diameter from thirty to almost 100 feet, and capable of picking up the weakest transmission from space. The ground equipment amplifies the signals and directs them via landlines or microwave towers to local TV stations, whose own powerful transmitters beam the image to home TV sets.

In the broadcast satellite, a reverse technique is employed: the satellite, rather than the ground station, has the primary power source. This is accomplished by equipping the spacecraft with nuclear power, huge batteries, fuel cells such as those that supply electricity to Apollo, or with enormous "solar arrays"—banks of thousands of cells that draw energy directly from the sun. The broadcast satellite also has a very large antenna, as big as some of those on earth, and it can be sharply focused to increase signal strength.

This means that a space communications signal can be acquired by a simple, inexpensive ground station with a relatively small antenna, which can receive broadcasts directly, eliminating the necessity for the elaborate ground complex. If the satellite has enough power, the home TV can qualify as a ground station with slight modification, costing an estimated $125. An interim alternative for underdeveloped nations that have no TV is the community receiver, capable of displaying a large-screen picture in the local school, town hall, or the village elder's backyard.

Direct broadcast to the home tube can be available within the decade if demand is demonstrated. Community TV is much closer. The National Aeronautics and Space Administration is already developing the first spacecraft capable of such transmission. Called Applications Technology Satellite F (ATS F), it is a large, sun-powered craft with the biggest antenna ever designed for in-space use, a thirty-foot dish that is folded during launch and deployed automatically in orbit. In 1972, the governments of the United States and India will use ATS F in a joint space-benefit demonstration of extraordinary significance, a far-reaching experiment in satellite-relayed mass-instructional TV.

Soon after its launch in mid-1972, ATS F will be jockeyed into a stationary position over India where it can "see" the primary ground station at Ahmedabad in the west coastal state of Gujarat, several auxiliary transmitting stations, and low-cost receivers to be set up by the Indian government in some 5,000 villages. TV programs—focused initially on population control and improvement in agricultural practices—will be beamed from the ground stations to ATS F and retransmitted to hundreds of thousands of people in the receiver-equipped villages.

If the year-long experiment is successful, and there is every reason to expect that it will be, India can move on to the next step, an operational, direct-broadcast system of its own. A study by one aerospace firm working on direct-broadcast satellites indicates that it is both technically and economically feasible to provide India, as early as 1974, with a single satellite capable of linking all of the nation's 560,000 villages. The potential is enormous. With a dearth of teachers and educational facilities, no interconnecting system of TV landlines and insufficient funds to build one, India can use the space satellite as an immediate instructional tool for the uplift of its 500,000,000 people.

The project has excited wide discussion in the United Nations, in other international forums, and in the executive chambers of developing nations all over the world. The low-cost aspects of direct broadcasting by satellite have implications of enormous dimensions. At a fraction of the cost and about one-tenth the time it would take to build a conventional communications network, a developing nation can acquire a nationwide communications network. The broadcast comsat can help knit a burgeoning country more closely together, speed the growth of commerce and technology, and bring entertainment to people who have known little. More importantly, it affords a direct attack on some of the world's most pressing ills through its use as an educational medium. India's planned targets, for instance—overpopulation and low yield per acre of tillable land—are examples of major problem areas susceptible to improvement by mass instruction.

THE WEATHER SATELLITE

Last September, shortly after the launch of Nimbus III, NASA's most advanced meteorological satellite, there occurred an incident that received scant attention from the news media but had space scientists turning cartwheels. Orbiting 600 miles above Kingston, Jamaica, Nimbus III relayed to earth a complete "profile" of the temperatures at every altitude from the ground up to the top of the atmosphere. Later comparison showed the readings to be completely accurate; the profile coincided almost identically with one taken by a balloon launched from Kingston at the same time.

The achievement may not sound like much to the layman, who might think that temperature-reading equipment is standard on all weather satellites. It is not; until Nimbus III, the informational capability of the weather satellite, or "metsat," was confined to photographic coverage of the earth's cloud cover.

Nimbus III's accomplishment represented a very important breakthrough in metsat development. Made possible by a new instrument called SIRS (for Satellite Infrared Spectrometer), it pioneered a technique known as "vertical sounding," in which highly sophisticated sensors in the satellite measure the various conditions in the atmosphere that contribute to changes in the weather. These sensors, coupled with other metsat technological advances and concomitant improvement in the ground-based weather-analysis system, hold the key to accurate weather predictions two weeks or more in advance. Obviously, long-range weather forecasting is potentially one of the most productive areas for harvesting benefits from space technology.

The weather satellite system that the Environmental Science Services Administration (ESSA) has been operating for the past four years has proved the value of the metsat. The thousands of cloud-cover photographs being transmitted daily by ESSA's eight satellites have contributed substantially to upgrading the professional dignity of the weatherman, long the butt of the jokester. When the weatherman says "zero probability of rain tomorrow," it's pretty safe to get out the golf clubs; the metsat has made possible an accurate increase in predictions for up to forty-eight hours.

The satellite's most important utility has been in provision of storm warnings. From its vantage point in space, it can detect the buildup of a destructive storm, track it, estimate its force, and predict when and where it will strike inhabited areas. Metsat warnings have cheated many a hurricane or typhoon of its anticipated toll of casualties.

But the capability of the existing metsat system is limited. The satellites operate in relatively low-altitude orbits, circling the earth every two hours or so. In that way, they can photograph most of the earth in a twenty-four-hour period, but they observe no given area continually, as would be possible with a stationary satellite. Although cloud-cover photos are a valuable addition to the meteorologist's data file, they are just that—a supplement to conventional methods of gathering atmospheric data, rather than a primary system.

Reliable forecasts need more than cloud-cover input. The source of the earth's weather is energy radiated from the sun, which penetrates the atmosphere and triggers a variety of changing conditions. The primary clues to the distribution of solar energy, hence the type of weather that can be expected, are temperature, pressure, the movement of air masses, and the moisture content of the air. Such information is currently obtained from aircraft, ships, rockets, balloons, ocean buoys, radars, and visual observations from the ground. There are some 7,000 stations reporting the data, but even so they cover only one-fifth of the earth's surface and reports are periodic rather than continuous.

What is needed for a global, long-range weather-forecasting system? First, atmospheric measurements over the *entire* earth, by means of satellites equipped with vertical sounding sensors capable of providing all the data now acquired by other means. The space system will probably include low-altitude satellites for certain applications, but the main workload will fall to a network of synchronous, stationary metsats that can relay simultaneous and continuous information.

But the satellite segment of the system is "only one leg of the stool," as one space scientist puts it. The satellite simply acquires information; the information must be put to work by people. It must be collected from the satellites, transmitted to regional receiving stations, analyzed, translated into usable form, and delivered to weathermen all over the globe. This demands a system of interconnected, computerized data-transmission facilities far beyond anything in existence today.

An even more important requirement is what scientists call a mathematical model. This is a computerized numerical representation of the composition of the atmosphere, a basic reference point for determining what the weather will be like under a given set of conditions. One might think that in an explosive scientific era that has witnessed landings on the moon such a model already exists. But weather is a complex subject, and there are still major knowledge gaps to be filled.

Important steps are being taken toward realization of both the mathematical model and the worldwide data-relay system. More than 100 members of the World Meteorological Organization are pooling their resources in two massive projects called the World Weather Watch and the Global Atmospheric Research Program (GARP). The Weather Watch is an operational surveillance system, the major aim of which is the establishment of a worldwide, computerized telecommunications network for transmitting and processing meteorological data. GARP is an extremely broad research program from which scientists hope to attain a level of understanding of the dynamic processes of the atmosphere sufficient to develop the long-sought model.

The pacing factor in two-week-plus weather forecasting is development of the requisite sensory devices. The outlook is

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promising. A variety of atmospheric sensors, based on photographic, infrared, microwave, radar, and laser principles, is already in or approaching flight status, and NASA will space-test them over the next few years with its Nimbus and Applications Technology Satellites. In addition, ESSA expects to have a degree of vertical sounding capability in its new generation of operational satellites, and the Agency plans to have stationary metsats in orbit by 1972. It seems very likely that the mid-1970s will bring forth the synchronous metsat with a full range of sensors and that at least a prototype of the global, long-range forecasting system—satellites and earth components—will become a reality by the end of the decade.

When such a system becomes fully operational, it can provide staggering benefits. Since everybody is a weather expert, one can conjure up his own vision of a world in which the weather is known two weeks, three weeks, even a month in advance. Some major examples of the advantages include better planning for all forms of transportation, particularly aviation; reduced loss of crops from weather changes; reduction of flood and storm damage; optimum scheduling of work force, machinery, and materials delivery at construction sites; and better management of public utilities through advance knowledge of load requirements and efficient scheduling of maintenance operations.

Among the broadest benefits, aside from general public convenience, are savings of life and property, a substantial gain in worldwide crop yield at a time when population expansion threatens the world food supply, and hard economic returns of tremendous scope.

Because of the myriad factors involved in a subject so broad, it is very difficult to make precise dollar-benefit estimates. There is, however, a generally accepted yardstick, an estimate made by a study panel of the National Academy of Sciences' National Research Council, which rated economic benefits of a long-range forecasting system at $2.5 billion a year. The figure, the Academy admits, is conservative and, it is for the United States alone. Further, it covers only the four broadest and most visible areas of benefit—agriculture, construction, transportation, and flood/storm control. There are hundreds of others—on-location motion-picture filming and programming outdoor sports events, to mention only a couple—whose individual dollar savings are less impressive but whose aggregate might run to additional billions. Applying even the most conservative estimates, the yearly economic return of the global system is potentially several times the amount of all the money expended on metsat research and operation since the first such "working" satellite went aloft in April 1960.

And, once the system is fully operational, man will be able to realize one of his oldest and fondest dreams—to "do something about the weather." With current and foreseeable advances in the art of weather modification, abetted by the vast encyclopedia of atmospheric knowledge provided by the mathematical model and the metsat reporting system, it appears not only possible but probable that weather conditions can be altered. Scientists feel that it will be possible to change the timing, amount, and distribution of rainfall; to take the sting out of destructive storms by reducing their intensity or directing them into harmless paths; to suppress hail and lightning; to clear fog; to prevent frost; even—though it is farther down the road—to effect large-scale changes of climate.

Fantastic? Today it seems so. But what was more fantastic, only a decade ago, than the wild talk about landing men on the moon?

NAVIGATION/TRAFFIC CONTROL SATELLITE

Another area in which the satellite offers great promise is in precision navigation and traffic control for aircraft and surface vessels.

Since 1964, the Navy has been demonstrating the utility of the navsat with an operational system used to pinpoint the location of fleet ballistic-missile (FBM) submarines. Before the advent of the navsat, the Navy frequently experienced navigational errors of two to three miles in good weather, and as much as fifty miles in bad weather. The network of navigational satellites makes possible position "fixes" with errors as small as the length of a submarine.

The Navy navsat, however, is oriented toward position determination for the individual boat rather than surveillance of a large number of craft, so it cannot be readily adapted to civil use. Using the Navy's experience as a departure point, civil agencies are working toward development of a combined navigation/traffic control system for both marine and aviation employment. It has sweeping potential for benefits in safety and in economic return.

The proposed system envisions a pair of stationary satellites over each of the oceans. Each satellite, its location in space known precisely, becomes in effect an artificial star, a reference point for fixing aircraft and ship positions. In operation, each of the two satellites sends a continuous radio beam which is picked up by a receiver in a "mobile"—the term used to embrace both planes and ships—and triggered back to the satellities. Computer translation of the time it takes the signal to travel from mobile to satellite gives the exact distance between them, hence a line of position. The point at which position lines from the two satellites intersect is an exact fix, available simultaneously to the mobile's navigator and to the land-based traffic control center to which the information is relayed by the satellite.

Although it may someday be applicable, the navsat is not now a panacea for the problem of air traffic control in high-density areas. It can, however, be of significant value in overwater air movement, where there are no watchful radars along the flight path and where existing earth-based, long-range radio navigation aids do not provide the degree of precision needed for efficient air traffic control. The situation over the North Atlantic, the most heavily traveled overwater route, serves as an illustration of navsat benefits.

Because of navigational shortcomings, traffic control regulations demand a 120-mile lateral separation of aircraft as an anticollision measure. This means that, when a number of planes depart a terminal within minutes of each other, only one of them can take the direct, shortest-distance-between-two-points route. The second must move out 120 miles to one side of the direct course; the third, 120 miles to the other. The fourth and fifth airplanes must fly 240 miles off course, and so on.

Aside from longer travel time for the passenger, such directional inefficiency costs the airlines in increased fuel expenditure. It is estimated that extra costs run from $30,000 to $50,000 per year per airplane, which amounts to a very substantial figure for airlines operating large fleets. The satellite system can reduce required lateral separation to thirty miles at a dollar savings for the North Atlantic alone estimated at close to $20 million a year.

The new breed of airliners, like the Boeing 747, will have very accurate onboard navigational equipment, an inertial navigation system that is a direct spinoff from Apollo. This is not, however, a substitute for the navsat; effective traffic control demands an independent ground-monitored system to confirm the onboard position determination.

The navsat may find even greater utility in the field of surface shipping. There are some 3,000 ships of more than sixty countries reporting to the existing traffic control system and probably a greater number of non-reporting smaller craft, such as deep-water yachts and fishing boats. Ship traffic control is relatively new; it is subject to the vagaries of long-range radio transmission; position reports are not mandatory and those that are made frequently are suspect because only the largest and most modern ships have adequate all-weather navigational equipment.

Collision avoidance is, of course, the primary advantage of the navsat system, but there are other benefits, due to the fact that the navsat also doubles as a communications satellite, permitting voice linkage between ship and shore. This allows the transmission of up-to-the-minute regional-weather advisories so that ships can steer clear of storms. It also offers more reliable, lower-cost direct contact between company offices and ships anywhere in the world.

There are no concrete estimates as to the economic potential of the navsat as regards surface shipping, but it is clear that they are of a substantial order. Precision navigation is, in itself, a money-saver in fuel costs and reduced time at sea. Direct home-office-to-ship contact offers wider flexibility in scheduling and routing, an important factor in merchant shipping. And the prevention of even a minor collision offers corollary savings far beyond the cost of damages. Take, for example, the oil-shipping industry, where efficient operation entails tight coordination of ship dockings and oil flow. The removal of a single ship from service can cause a temporary shutdown of an oil field with losses running to a million dollars a day.

The real benefit of the navsat system, for both ships and aircraft, is in human safety, not only in collision avoidance but in post-accident rescue. All too frequently search-and-rescue craft experience delays—or complete failure—in their efforts to find a downed aircraft or a distressed ship, because the last known position reported was miles from the real location. Through continuous monitoring, the traffic control centers will know the precise position of any troubled craft, eliminating the search period of a rescue mission wherein time is literally a life-or-death factor.

A major part of the effort needed to bring this important system into being involves development of on-board equipment cheap enough to be available to the smallest ocean-going craft. Fortunately, the mobile will not need elaborate and costly computers, since the computing function will be handled by the satellites and the land stations. Ships and planes need only a new-type receiver and antenna and a signal booster capable of reaching the satellite, orbiting some 22,000 miles high. It appears quite feasible to produce such equipment at relatively low cost.

Technology for the civil-use navsat is well advanced. With the Applications Technology Satellites I and III, NASA and a number of airlines have been conducting satellite-to-aircraft tests for several years, and the results have demonstrated the workability of the system. NASA and the Federal Aviation Administration are developing plans for the prototype, one-ocean air-traffic-control system, and the European Space Research Organization has expressed interest in joining the experiment. No major breakthroughs are required, and it is generally accepted that an operational system, for ships as well as aircraft, can be put in service by 1975.

EARTH-RESOURCES SATELLITES

Perhaps the greatest potential for realizing hard economic returns from applications spacecraft lies in earth-resources surveys, or keeping satellite watch on the globe's natural resources with the aim of better managing nature's bounty. This program can alleviate many of the world's paramount ailments, in that it can help to produce more arable land, more water, food, clothing, shelter, and fuel to meet the needs of a population that is growing at an alarming rate.

Like the advanced weather satellite, a close relative, the earth-resources survey spacecraft reaps its harvest of benefits by means of remote sensing devices. Generally, earth-resources sensors focus on the earth's surface and subsurface rather than on its atmosphere. An example is a crop-imaging sensor, designed to take advantage of the fact that various types of vegetation reflect light in different bands of the spectrum and in different degrees. This makes it possible to program an imager to "see" one particular kind of vegetation—wheat, for instance. From either a stationary or a "moving" orbit, the sensor can take a picture of a large region in which the total wheat crop is imaged in a given color. This provides the basis for predicting crop yield and planning its distribution, important factors in agricultural management.

The sensor provides an extra bonus in reducing crop losses, because the image would also pinpoint areas where the wheat crop is threatened. A slightly different coloration would indicate plant disease, and it would show up sooner because of constant surveillance. As is the case in human physiology, disease detected early can most readily be treated.

The information provided by the satellite's battery of sensors will be relayed to an earth-based, computerized data-handling and analysis network like that being developed for the global metsat system, perhaps the same one expanded to accommodate the additional input. Thus, regional data banks all over the world will receive daily volumes of information that can be put to work for man's benefit in three basic directions: The information will provide more of everything through far better management of the world's resources; it will uncover new resources; and it will identify trouble zones for earliest remedial action.

Here are some examples of what this information would mean to the world:

In agriculture, besides controlling losses, it would facilitate national land-use planning—what to plant and when, where to build roads for movement of harvests, where to locate irrigation works, and a variety of other management considerations. Good land management is vital to agricultural output, as is evident in the high-yield nations of North America and Europe, each of which already has some sort of information-reporting system. Even for these countries, the earth-resources system offers a vast improvement in efficiency because of the rapidity with which the information can be obtained as contrasted with existing methods. But the real potential of the system lies in upgrading the management capability of the underdeveloped nations of Africa, Asia, and South America, many of which have never surveyed their land resources.

In hydrology, the earth-resource system would detect water-pollution trends, provide a complete inventory of lake and reservoir levels, show rainfall and snow levels, allow quicker prediction of potential floods, and locate freshwater reserves in underground springs and streams, which collectively are believed to hold thousands of times more water than all rivers.

In oceanography, it would benefit the fishing industry by accurate location of fish schools, aid maritime commerce by better charting of sea conditions and wave profiles, and spot ice fields for iceberg warnings.

In geology, it would allow continuous monitoring of glaciers and volcanoes, improve earthquake prediction and warning, and, most importantly, identify terrain features associated with oil and mineral deposits, particularly in those remote areas not explored by aircraft.

In geography, it would produce a constantly updated "living" map, showing population densities and spread trends for use in urban development and transportation planning.

These are but a few of the more visible potential benefits. Experts have identified a great many more, and experience with the system undoubtedly will open up broad new ranges of application not yet considered. One space scientist sums it up with the statement that the earth-resources satellite system is applicable to "all the conditions of the earth's surface that are of economic or cultural interest to humanity."

What is such a system worth? Clearly, a subject so broad does not readily lend itself to accurate appraisal, and many of the benefits are humanitarian rather than economic. There is one study that serves as an indicator of the enormous scope of the potential benefits. NASA investigated agricultural losses in the United States and calculated that an earth-resources survey could reduce them by ten percent, an extremely modest gain. The resulting estimates showed savings approaching $400 million a year in reduced crop losses; increased meat output valued at $350 million annually due to early detection and correction of nutrient-deficient rangeland; and $100 million a year in agricultural land saved from floods.

From these guidelines, which embrace only a single area of benefit in a single country, even the most conservative assessor must assign to a global system an economic value running to billions of dollars a year.

Experience with the worldwide communications and weather satellite networks shows that the nations of the world are ready to band together to reap the advantages of space technology, but conclusion of the necessary international agreements leaves open the question of when the global system can become an operational reality.

The technology is now or soon to be available. NASA has already signaled the go-ahead for the first Earth Resources Technology Satellites (ERTS), experimental models whose assignment will be the evaluation of certain types of resources-monitoring sensors and other data-collection equipment. Design contracts for the ERTS were awarded last October, hardware fabrication will begin this year, and the first ERTS will be sent into orbit in 1972.

Although ERTS is purely a developmental program, it will have a limited operational capability. It will produce a land-use map of the United States, classify surface geological features for agricultural purposes, and collect information from unmanned earth-based devices, such as river gauges. The ERTS spacecraft will provide the developmental base for an operational earth-resources survey system, which, technically speaking, is a "within the decade" probability.

DERIVED BENEFITS

Less dramatic, less sweeping, not as easily understood, and in some cases practically unknown are space benefits of the "derived" category, those that stem from general technological advances rather than from the application of satellites to earth uses. The primary source of this class of benefits is the Apollo program, the broadest and most rapidly progressive technological undertaking ever attempted by man.

So extraordinary were the demands for performance and reliability needed to land men on the moon that the Apollo team had to create an entirely new order of technology and to compress several decades of normal technological gain into less than one. Advances in aerospace technology were not, by themselves, sufficient for the task; it became necessary to force progress in virtually every scientific and technological discipline.

The results of this monumental effort reach far beyond the ability to build better aerospace vehicles. The knowledge acquired affects many channels of man's way of life; its yield embraces thousands of new ideas, inventions, materials, and processes for the betterment of human existence.

On an ever-accelerating scale, the vast library of know-how is being put to work. Through its Technology Utilization Program, NASA is working hard to achieve maximum return on the space investment by transferring the know-how to nonaerospace applications.

The space agency is not simply waiting and hoping for technology transfers. It is actively pushing them by means of a well-managed program operated on a minimal budget. Specialists at field installations and in the plants of contractors scrutinize every research and development project, trying to find new applications, and report their "possibles" to the space agency's headquarters. Working with independent research institutes, the technology utilization staff sorts out the "possibles" and the "probables" and disseminates information on the latter to almost 7,000,000 potential users. So far NASA has identified some 2,800 probables, and about a third of those have already found their way into the civil economy.

Most familiar are the new products coming into the market. The list is far too lengthy to recount more than a random sampling: A hand-size, battery-operated TV camera, used to photograph rocket-stage separation, is being used to monitor industrial processes; spacecraft-coating research produced an ultra-long-wearing paint for home use; a device employed to find space capsules in the oceans, the "underseas pinger," has new employment in the plotting of ocean currents and in tracing the movements of fish schools.

The medical profession has been a particular beneficiary of technology transfer. For example, a lunar-gravity training device has become a tool for teaching crippled persons to walk again; a tiny space-sensor, so small it can be inserted into an artery without discomfort, has been adapted to medical use; a plastic-metallic spray for attaching heart electrodes to pilots makes it possible to radio ahead to a hospital an electrocardiogram of an ambulance patient.

Among the larger direct economic benefits of technology transfer are a great variety of new tools and processes that are bringing new efficiency to American industry. Examples: An electromagnetic hammer, invented for launch-vehicle construction, causes metal to flow like soft plastic, so that it can be smoothed and shaped without weakening; an electron beam devised for spacecraft construction can accomplish on one welding pass what might take fifty to 100 passes by earlier methods.

Still another area of transfer is new materials. An extremely thin, high-strength aluminum foil, a requirement for an unmanned satellite, is employed in packaging sensitive pharmaceuticals; pyroceram, developed for radar tracking domes, has brought increased durability for kitchen utensils; Apollo's spray-on foam heat-shielding has application as a home insulator.

For each of these examples, there are multiscore others. Some of them amount to little more than a small increment of added convenience, but others represent economic benefits of a very substantial order, and in many instances new companies have been formed solely for their exploitation.

DATA BANKS

Taking the process of technology transfer a step further, NASA has set up six Regional Dissemination Centers, operated by universities and research institutes, to serve fee-paying industrial clients. NASA calls the Centers "knowledge brokers." Their stock in trade is a vast warehouse of some 750,000 technical documents whose contents have been abstracted, categorized, and computer-

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ized for ready access; NASA's own input is backed by reports from the Department of Defense and the Atomic Energy Commission.

Updated every two weeks, these great data banks contain the latest scientific lore in all of the many disciplines that space research encompasses. They are information gold mines to businessmen exploring new markets, looking for answers to operating problems, or simply seeking to keep their technical personnel abreast of developments in their fields. The system works this way:

A client is provided a librarian, to whom he spells out his needs. The librarian, an engineer or scientist skilled in the client's field of interest, prepares a computer query, narrowing as closely as possible the area the machine must search. The electronic search produces the titles of perhaps 150 technical reports that seem applicable. The librarian discards most of them, selects a score or more that seem most pertinent, and asks for brief summaries of the reports. The automated system provides printed briefs, or single-page abstracts, which the librarian digests and weeds out. The remainder are given the client, who may then order the complete reports.

A single search may cost $150 and bring a hundred-fold return to the client. For example, a textile manufacturer in North Carolina, skeptical of any relationship between his own business and the exotic research being conducted in space, was persuaded to give the system a try. He went to the Center in his area and presented the librarian a quality-control problem. The old equipment he was using could not maintain desired yarn consistency—output varied from too thick to too thin. Was there a solution short of replacing the equipment? The computer search turned up details of an infrared scanner that could be adopted to keep an electronic eye on yarn thickness and warning when it slipped out of tolerance. It is now in service.

The proper information usually gives a client's own technologists a line of approach toward solving the problem but, where information is not enough, the Center goes a step further and locates, in its computerized file, the most authoritative consultant for a given task. Example: A California company specializing in products for the oil-drilling industry came up with a design for a tool long sought by drillers, a device that could monitor the direction of the bore and warn of deviation from the desired path. Key to the design was an accelerometer, or motion-sensor. However, prototype construction was snagged because the company's engineers could not find on the regular market an accelerometer capable of withstanding the broad temperature range and sharp jolts it would have to take in its drillhead mounting. The company's president went to the application Center where a computer search turned up a specialist in small, superdurable accelerometers. He solved the problem, and the monitoring device it now in pilot production.

Many firms subscribe to the service on a yearly basis, seeking a competitive edge by keeping their technical personnel up to the minute. For one large company, a Center screened 63,000 abstracts in a six-month period, submitting 4,500 as "possibly pertinent" to the company's interests. The company's own technologists selected 153 of them for follow-up investigation. Impressed by the results, the firm has appointed its own technology utilization manager to provide liaison between the data bank and its research engineers.

NASA can't afford the machinery needed to trace every transfer and estimate direct economic benefits, but reports filtering in from beneficiaries indicates it is of a very substantial order. One major research and development organization credits data-bank service with savings of $1 million a year. Few reports are that impressive, but a thumbnail poll of fourteen companies during one quarter of 1969 showed that, as a direct result of Center services, five companies had sales increases totaling $1 million, five effected production-cost savings amounting to $20,000, and four had labor savings totaling 1,000 man-hours.

By themselves, such gains don't seem very significant, but the Centers are now serving some 700 customers, and the list of regular clients is growing at the rate of twenty to twenty-five percent annually. The oldest Center, with fees of almost $300,000 in 1969, has virtually reached the self-sufficient stage, and others are approaching that level. When fees exceed the costs of maintaining the service, client charges will be reduced, increasing the attractiveness of the service and expanding its breadth. The biggest problem is spreading the word of the tremendous national resources stored in the data banks; many potential beneficiaries either are unaware that the service exists or believe, like the textile manufacturer, that space research is too remote from their operations to produce any concrete gains.

SOFTWARE FOR BUSINESS

In this age of the computer, more and more business firms are automating their operations for increased efficiency in everything from complex machining to simple accounting. Time-sharing plans make the computer itself available even to very small companies at modest costs, but a larger cost factor is developing a computer program for a specific application. Space spinoff is helping industry to reach new levels of efficiency at low cost, by making available programs that can be adapted to a wide variety of business uses. In the course of twelve years of space research, NASA has developed thousands of programs, which are simply taped sequences of instructions telling a computer how to solve a problem or produce desired information from its stored input. Usually, a program can be converted from one computer "language" to another, or from one machine to another. Many of NASA's programs are too esoteric for general use, but a surprising number can be adapted to everyday business purposes.

At the University of Georgia, NASA has established the Computer Software and Management Information Center (COSMIC) for the benefit of the business community. From field installations, NASA contractors, DoD, AEC, and university research laboratories, COSMIC gets a continual flow of computer programs which are reviewed for their adaptability to uses other than those for which they were designed. The Center now has an inventory of about 1,000 such programs, and NASA issues a quarterly bulletin stating the types available.

The broad utility of space-developed software is illustrated by the example of a program used in the design phase of the rocket engine that powers the upper stages of the Saturn V launch vehicle. Engineers at Bonneville Dam employed the same basic program in their design of control circuitry. General Foods used it for food-preparation research. The University of North Carolina adapted it to public health studies. With modifications for their specific needs, more than 300 American businesses found a use for this one program.

So far COSMIC has disseminated some 20,000 software items, a munificent benefit to industry since NASA deliberately keeps the costs low to attract broadest interest. Prices run from $125 to about $1,200 per program and NASA estimates that a COSMIC customer can get a software package for from one-half to one-tenth what it would cost him, to develop a similar program from scratch. COSMIC is still in its infancy—it was started in 1966—but early results indicate it may become one of the really big areas of return on the space investment.

BIOMEDICAL APPLICATION TEAMS

NASA's manned space programs, particularly Apollo, demanded a great deal of research in the biosciences. This, together with other areas of intense developmental effort—such as microminiaturization, instrumentation, and telemetry—made the world of medicine a natural prime beneficiary of space spinoff. Noting that medical systems constituted an exceptionally high percentage of the new products and techniques being transferred to the public economy, NASA concluded that medical research offered a particularly fruitful field for a more sharply focused thrust. As an adjunct to the continuing business of promoting product transfer, the space agency launched an assault on specific problems of medical research, on the premise that space knowledge and expertise might offer lines of solution where none existed otherwise.

At independent research institutes, NASA organized three Biomedical Application Teams (BATs). Each team is composed of a mix of space technologists and medical men, and it is "multidisciplinary" in nature, meaning that a BAT is composed of a number of skilled specialists—physicians, surgeons, biologists, physicists, mechanical engineers, electronics engineers, information scientists, and so forth. Working with university medical centers and other medical research groups the BATmen seek first to identify problems that appear susceptible to space-technology application. They prepare "medical problems abstracts," which are used to search NASA's data banks for relevant technology and for existing expertise in the problem area. The experts thus located are then invited to join the attack on the problem.

As an example, a medical researcher at Duke University Medical Center developed a technique for more precise monitoring of human heart action by measuring electrical signals simultaneously at fifteen points of the heart wall. The problem was how to ensure good electrical contact at so many points without damaging the heart wall in the process of insertion. The BAT in the researcher's zone, operated by Research Triangle Institute in Durham, N.C., prepared the abstract, searched the data bank, and turned up an instrumentation engineer exceptionally qualified for the task. He designed a safe, fifteen-electrode probe that could be inserted by an ordinary hypodermic needle; it was thoroughly tested, found to be the answer, and it is now in use.

The BAT operation is a form of technology utilization activity to which no economic value can be assigned but which is nonetheless a "hard" benefit to mankind. It also exemplifies the "nonvisible" type of benefit; the heart probe may help prolong the life of many a person who may be completely unaware that he is a beneficiary of space technology.

In three years of operation, the Biomedical Application Teams have chalked up a strikingly successful record. They have identified some 500 problems and found a solution for one out of every five. A .200 batting average does little for a baseball player's image, but in medical research it represents a high order of success. It has excited wide interest among the medical community and NASA anticipates snowballing growth in this vital area of space benefit.

Encouraged by the success of the BATs, NASA recently broadened the focus of the application team concept with the organization of its Technology Applications Teams (TATs). "Technology," in this sense, means technology applicable to "people problems"—broad areas of national concern such as air and water pollution, highway safety, law enforcement, urban construction, and a good many others. Like the BATs, the TATs are multidisciplinary groups, except that the nonaerospace input usually comes from other government agencies.

One of TATs' first problems, brought to NASA's attention by a metropolitan fire chief, involved the high number of casualties among firemen due to inhalation of smoke or toxic gases. It was established that existing protective breathing devices left something to be desired from the standpoint of efficiency, and the TAT at IIT Research Institute of Chicago was assigned the job of suggesting a new design approach. Interviews with a great many fire experts produced some tough requirements: The system had to be low-cost for widest acceptance; it had to operate for at least thirty minutes yet should weigh no more than ten pounds; for visibility, the face-mask visor should be fog-proof; and the backpack harness should not restrict the wearer's movement.

A technology search disclosed several areas in which NASA had done a lot of research. A space agency contractor had developed, for astronaut use, a "chlorate candle," which generated oxygen by the chemical decomposition of sodium chlorate, with high reliability and at considerable backpack weight-saving. Another contractor had developed a completely fog-free facepiece for full-pressure suits. Also available was a lightweight, nonrestrictive harness assembly originally designed for astronaut use. A bonus innovation was found in a liquid-crystal device incorporated in an astronaut's helmet to indicate the temperatures he is encountering. The Technology Application Team put them all together in a compact design, now being evaluated, that seems to be the answer to a fire fighter's prayer.

The TAT program, only nine months old, is moving into broader areas of problem-solving, in cooperation with such agencies as the Department of Transportation; the Law Enforcement Assistance Administration; the Department of Justice; the Bureau of Reclamation and the Federal Water Pollution Control Administration, both in the Department of the Interior; and the National Air Pollution Control Administration of the Department of Health, Education, and Welfare. One current program, being jointly conducted with the US Bureau of Mines, aims at reducing the death toll in mining disasters. Here TAT personnel hope to be able to apply NASA's considerable expertise in rescue and survival technology, communications, sensors, and life-support devices. Under consideration is the use of such space-developed equipment as radar and sonic systems for locating trapped miners, chlorate candles for underground life support, sensors to identify mine sectors poisoned by carbon dioxide, and devices for restoring ventilation knocked out by explosions.

TATmen have identified a number of other areas in which space technology appears to have direct application to public problems. For instance, experiments in how much deceleration force an astronaut can sustain are applicable to minimizing injuries in auto accidents; sensor technology may prevent railroad train derailments; detection systems can measure the components of air pollution and existing mechanical devices can be applied to controlling pollution at the source; materials technology promises lower-cost housing construction; and a great variety of advanced communications systems are available for improved law enforcement, and space science techniques can be used to advantage by criminology agencies.

Space enthusiasts are fond of asserting that the people of the twenty-first century will look back upon the United States' venture into space and declare it to be the best investment in the future ever made by any nation. That seems very likely. But, from the evidence at hand, even those of us who cannot expect to see the next century may be able to say as much—within this new decade.

TALLY SHEETS ALTERED IN UMWA ELECTION

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. HECHLER of West Virginia. Mr. Speaker, I have called upon both Tony Boyle and George Titler, president and vice president of the United Mine Workers of America to resign forthwith. Both officials have repeatedly encouraged and participated in violations of the law in running the union and the recent December 9 election. Mr. Titler particularly has engaged in a despicable defamation of the character of the murdered Joseph A. Yablonski.

On top of these developments comes the documented information that widespread illegal voting in UMWA District 26 in Nova Scotia, where Mr. Boyle allegedly received 2,677 votes to 470 for Mr. Yablonski, has been further corrupted by obvious alterations in the tally sheets. It took a free lance television producer for the Canadian Broadcasting Corp., Mr. Strang Ferguson, to develop this information rather than the Department of Labor. I am attaching a letter to Secretary of Labor Shultz, with Mr. Ferguson's memorandum appended, to reveal the full extent of these election violations as well as other illegalities within the United Mine Workers of America.

DEFAMATION OF CHARACTER

In the face of these revelations, the vice president of the United Mine Workers of America, George J. Titler, has sent up a very smelly smokescreen in a desperate attempt to divert attention from the sight and smell of his own illegal activities. Aside from calling the murdered Jock Yablonski a thief and a liar, Vice President Titler falsely charges that—

> There were millions and millions of dollars behind Joe Yablonski, trying to destroy the UMW. He was hired for that very purpose.

Mr. Speaker, such a fantastic statement comes only a short time after Joseph A. Yablonski, Jr., testified under oath to the Senate Labor Subcommittee that approximately $60,000 had been expended on his father's campaign.

Mr. Titler descends to the very depths in insulting the character of a dead man when he is confronted with the unanswerable question of why Mr. Yablonski could hold a high UMW office for so many years if he is now as bad as Mr. Titler says he is. Here is Mr. Titler's response, quoted in the Charleston, W. Va., Gazette for February 19, 1970:

> You don't know that foreign element of coal miners from Russia and Yugoslavia and the like up there in Pennsylvania. I don't mean there's anything wrong with being foreign, but they stick together and stick behind their man. It's not like down in the Kentucky fields or someplace where everybody's Anglo-Saxon.

Mr. Speaker, if Mr. Boyle and Mr. Titler spent one-tenth of the time they are devoting to maligning a dead man's character to a small effort to find who put up the money for Mr. Yablonski's murders, the crime would be quickly solved.

There follow the articles in the Charleston, W. Va., Gazette of February 19, 1970, concerning this incident, as well as the letter from Joseph L. Rauh, Jr., to Secretary of Labor George P. Shultz, dated February 21, 1970, as well as other pertinent telegrams concerning illegal activities within the United Mine Workers Union:

[From the Charleston (W. Va.) Gazette, Feb. 19, 1970]

BECKLEY UMW AFFAIRS "CURIOUSER, CURIOUSER"

(By James A. Haught)

BECKLEY—Before his hideous murder, Joseph A. Yablonski wrote a letter saying there's something peculiar about the United Mine Workers in Beckley.

Such as a little one-room office that cost $1,354 to operate in 1963, and $31,540 to operate in 1968.

And an $83,622 loan that seems a mystery to everyone.

Today, Beckley UMW leaders give vague answers or decline to answer.

Involved are UMW District 29, the largest district in the entire union, and Local 7086, the largest local in the entire union. Both are located in the same building, a former coal baron's mansion on W. Va. 3 east of the city.

* * * * *

Local 7086, a catch-all for pensioners and workers at little mines too small to have their own locals, occupies a single room in the massive gray mansion.

On Nov. 24, in the final days of the savage UMW election campaign, presidential candidate Yablonski asked for an investigation of the Beckley offices. He wrote to a UMW auditor:

". . . I have been frequently questioned about the financial dealings of the local unions which are located in the district offices of our organization. Again and again, the local in Beckley, W. Va., Local Union 7086, has been brought up.

"I have made a cursory examination of the limited financial records available and am deeply troubled by what I have discovered . . .

"As you know, since 1959, locals have been required to file annual records with the federal government. The first report ever filed by Local 7086, filed while George Titler was president of District 29, showed an outstanding loan from District 29 in the amount of $83,622.

"In my many years in this organization, I have never seen a 'loan' of such size. Over the years, the local has made 'payments on the loan' of $17,000, $9,000, $8,500, $5,700, $3,000 and $8,000, as well as an outright transfer of $20,000 to the district.

"But the district's reports have never acknowledged the existence of the loan or the receipt of $71,200 listed above. I would like to know what has happened to this money.

"Additionally, there would appear to be something unusual in the local's administrative and office expenses over the past six years. The local is housed in the district office; therefore, the sharp rise in these costs is all the more perplexing:

"In 1963—$1,354; in 1964—$8,025; in 1965—$8,004; in 1966—$6,761; in 1967—$8,314; in 1968—$31,540.

". . . The 1968 figure exceeds the administrative cost of almost every district. The administrative and office expense for all of District 29 in 1968 was $28,008 . . ."

Yablonski's letter pointed out that Local 7086 has 2,850 members of whom 2,400 are pensioners. Since it is largest in all the

UMW, he said it has 24 votes in the national convention—and all its delegates to the 1968 convention were District 29 officials or employes.

One of Yablonski's charges during the election campaign was that many of America's 80,000 retired miners belong to some 600 "bogus locals." He said such locals have no meetings, no real officers and no actual activities for the members, but the members pay dues and vote in UMW national elections.

Since Yablonski's death, his letter about Beckley was unearthed by Rep. Ken Hechler, D-W. Va., and reprinted in the Congressional Record.

Last week at the UMW headquarters, it seemed evident that district officials, rather than rank-and-file members of Local 7086, handle the operation of the local.

The secretary to the district president, questioned by a newsman, couldn't remember the name of the old pensioner who is listed as this year's local president.

In the room designated as local headquarters, a grandmotherly secretary sat amid filing cabinets. She said she was paid by the district, not the local. She said the local had no paid employes. She said she had handled the local's affairs for 10 years. When asked what caused the local's administrative costs to rise from $1,354 to $31,540, she said she wasn't permitted to discuss such matters.

Larkin S. Philpot, outgoing district president who has been elected to the UMW international board, agreed to a brief interview.

When asked about the $83,622 loan from the district to the local, he said it was "before my time" and he knew nothing about it.

When asked about the twentyfold increase in the local's administrative expenses.

"I don't care to go into a lot of detail here. Those accusations are untrue."

Asked if he could remember any special expenses that might have caused Local #7086's costs to soar in 1968, he replied:

"Well, I don't want to get into that. A lot of things would cause that."

He gave no examples. He said he'd prefer not to be quoted by name. He said all answers about costs should come from the union finance officer.

Philpot concluded with an accusation against Yablonski:

"It's all clear in our labor management reports filed with the government. What he left out could have given a complete picture. He just took part of it to make it look like something was wrong."

J. Carl Bunch, secretary-treasurer of District 29, was less cooperative. He said:

"That's a matter of public record and I wouldn't have anything to say about it . . . They've just got them (the federal reports) garbled up; that's all. I'd rather not comment on it."

On the other hand, George Titler, the old warhorse of District 29, was willing to talk at length, even though he's bedridden with spinal arthritis in Appalachian Regional Hospital at Beckley. Now vice president of the entire UMW, he spoke nearly two hours about operations in the Beckley district.

. . . he said there were "a lot of reasons for it." He mentioned the purchase of a $7,000 bookkeeping machine, but acknowledged that it was bought by the district, not the local. Then he grew brusque:

"Local 7086 got big because it was a local that was looked after by district officials," he boomed. "I'll stack my life on it that there's not a ——— penny off in any report. If we made a false report to the Labor Department, we'd all go to the penitentiary."

But he was unsure of details. When asked about the $83,622 loan from the district to the local, he first said it must be a mistaken report, that it must have been a loan from the local to the district, because 7086 was a "fabulously wealthy local."

Assured that the letter said otherwise, Titler ventured that the local may have borrowed money when it first was being started and encountered expenses. He shrugged off the matter. But he repeated that the local is wealthy.

"When I was saving money in that local for future benefits, I had more than a million dollars in it," he said. "I put it in a bank on the West Coast at five and three-quarters per cent. To ——— with these banks around here."

The "future benefits" the money was saved for, he explained, were the huge relief expenses the UMW encounters when miners are out on strike.

Titler spoke glowingly of the brotherhood between miners during the hard times of strikes, and how large sums are shifted from one group to help another group in need—"If it's paid back, all right, and if it's not paid back, it's still all right."

TITLER BRANDS YABLONSKI A THIEF

Beckley.—The vice president of the United Mine Workers says Joseph Yablonski was a notorious thief—"so ——— crooked he could hide behind a corkscrew"—that his campaign for union president actually was an undercover plot to destroy the UMW, and that his murder probably was ordered by persons he had swindled.

George Joy Titler, barrel-shaped, shaggy-headed, 75-year-old veteran of the bloody years in the coalfields, lay like a wounded grizzly bear in a bed at Appalachian Regional Hospital here. He was in constant pain from spinal arthritis that recurred in an old back injury he suffered in the mines. An armed guard was on duty outside his door because of telephoned threats.

A Gazette reporter was allowed to pass the guard and ask Titler about accusations which Yablonski made against UMW District 29 at Beckley, which Titler once headed, and Beckley UMW Local 7086.

The union chief dealt quickly with the accusations and then loosed this tirade against the slain Yablonski:

"Joe Yablonski was the crookedest ——— we ever had. I'll say that, even though he's dead. He stole more votes in the years he was in the UMW . . .

"All this talk to make him a martyr is just a lot of hogwash. There were millions and millions of dollars behind Joe Yablonski, trying to destroy the UMW. He was hired for that very purpose . . .

"The last time, they got a man from an insane asylum to run against Tony Boyle, and they saw that he got 25,000 votes, so they said, 'all right, next time we'll get someone on the international board.' But they made a mistake. They got a man so ——— crooked he could hide behind a corkscrew."

In a previous interview, Titler had hinted that oil millionaires, or maybe even the Mafia, may have been the source of Yablonski's funds. He didn't mention that possibility this time.

The union leader continued:

"I worked with Joe Yablonski 25 years, and I always made more money than he did, but, ——— I don't have no million dollars. That's what he's supposed to have had . . .

"Hell, you ought to talk to the guys in Pittsburgh who worked with Yablonski. The story is told and sworn to by dozens up there that they had what was called a 'kopek,' a kitty where they all put their money in for the UMW convention. They had $5,550 collected and they told Yablonski 'you owe $375.' He threw down his $375 and then picked up the whole kopek and put it in his pocket and kept it.

"He was the small end of nothing shaved down to a point. He lost his own district by 300 votes after being an official there 25 years. . . .

"Joe Yablonski always worked himself up to the head of any organization so he could get his hands on the money in it. A guy was in here to see me the other day and he had a little newspaper printed by Poles up there in Pennsylvania. It said Joe collected $3 million for the Polish underground that was fighting against the Russians, but he never turned the money over.

"It's probably something like that that got him killed. . . .

"Joe Yablonski and his family dealt with the big coal operators and bought water companies from them at a dollar apiece—you know, the water works that'd be left in a coal town after the mine played out.

"I've got deeds to them all to prove it . . . Last year it was estimated they were making $180,000 a year revenue. . . .

"One operator told me, 'Yeah, I sold it to him for a dollar, and he never paid me the dollar.' He said Yablonski later was offered $39,000 for the same waterworks.

"Once John L. Lewis called Yablonski in and asked him if it was true about one of the water companies. Yablonski said it was, and Lewis said, 'divest yourself.' So Joe gave it to his brother. It's called Redstone Water Co. . . ."

Titler continued:

"One time, Yablonski had a fellow stealing votes in a union election, and the guy got caught. Joe got in a fight with the man who caught him, and hit him in the eye with a spittoon and knocked his eye out. Everybody knows that story.

"Once before he became a union officer, Yablonski was one of the guys who hid in the back of a police paddy wagon and rode through a UMW picket line to work every day."

Titler didn't mention Yablonski's robbery conviction in his younger years—a record that was hit repeatedly during the union election campaign by UMW President W. A. Boyle—nor did he mention a campaign accusation that Yablonski had been a "child deserter."

As for titler's $500,000 suit against Yablonski because of Yablonski's accusation that Titler made "under-the-table" agreements with coal firms, Titler said it's "too bad he died" and never had to answer in court.

Titler was asked why, if Yablonski was such a person, he was allowed to hold international-level office in the UMW. He said it was because coal miners in Pennsylvania elected Yablonski to the international UMW board and top leaders had no choice but to accept him.

"You don't know that foreign element of coal miners from Russia and Yugoslavia and the like up there in Pennsylvania," he said. "I don't mean there's anything wrong with being foreign, but they stick together and stick behind their man.

"It's not like down in the Kentucky fields or someplace where everybody's an Anglo-Saxon."

Titler's strong statements were made last week. He was released from the hospital Wednesday.

Appalachian Regional Hospital formerly was one of several operated by the UMW. It still has a big bronze plaque to John L. Lewis beside the entrance and a framed portrait of Lewis by the information desk.

"I guess that picture will stay up as long as the hospital does," a blonde receptionist said with a smile.

"But we don't have to bow when we pass it anymore."

January 20, 1970.

Hon. George P. Shultz,
Secretary of Labor,
Washington, D.C.

Mike Trbovich, vice president of Local Union 6330 of United Mine Workers and campaign chairman for Yablonski-Brown ticket, has asked me to forward this message to you:

"I hereby challenge the December 9 UMWA election for reasons stated in Yablonski letter to international tellers and appendices attached thereto and in Rauh letter to you dated January 13th. I urgently request a Department of Labor investigation of election based on those letters. Massive violations of law and UMWA constitution committed by UMWA officers and those working with them clearly affected results of election. New nominations and new elections are essential to a clean-up of this union."

JOSEPH L. RAUH, Jr.

JANUARY 23, 1970.

Hon. GEORGE P. SHULTZ,
Secretary of Labor,
Washington, D.C.:

In our letter of January 13, 1970, we asked that you examine every voucher and every expenditure of the UMWA during 1969. This request was based on our knowledge that union funds (in addition to personnel) were being unlawfully diverted to the Boyle campaign in many ways. One such means is the subject of this telegram. During the course of the campaign we received unsolicited information from someone within the union headquarters which information generally proved to be reliable. This informant several times stated on the telephone that union personnel were ordered to contribute to miners for Boyle, Titler and Owens and promised recompense by later increase in salaries. At executive board meeting this week these unlawful promises were fulfilled. Stenographic notes are kept of union meetings but transcripts are doctored and do not accurately reflect stenographic notes taken. See Yablonski v. UMWA (C.A. 1799-69, U.S. District Court for the District of Columbia). We request you subpoena stenographic notes at once before they are destroyed.

JOSEPH L. RAUH, Jr.

JANUARY 26, 1970.

Hon. GEORGE P. SHULTZ,
Secretary of Labor,
Washington, D.C.:

H. Elmer Brown, candidate for vice president of the Yablonski-Brown ticket, has asked me to send this protest to you concerning manner in which Labor Department is investigating election irregularities. Brown states that Labor Department investigators talk only to local union officials who are bought lock, stock and barrel by Boyle machine and that Yablonski-Brown supporters and even their observers have not been contacted by investigators. We also understand that no effort is being made to get at vast illegal expenditures of union money and personnel in support of Boyle election. We had long feared that Labor Department would be more interested in justifying your failure to investigate prior to the election than in providing new election to bring democracy to the union. Initial reports seem to justify these fears.

JOSEPH L. RAUH, Jr.

RAUH AND SILARD,
Washington, D.C., February 5, 1970.

Hon. GEORGE P. SHULTZ,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: This is in response to the letter of January 27, 1970, from W. J. Usery, Jr., Assistant Secretary of Labor.

Mr. Usery purports to respond to my January 13, 1970 letter and my telegrams of January 23 and 26, 1970. But his letter does not respond to any of the allegations in my three communications except to make some form of general denial. The sad fact, as appears to be coming out in testimony before the Senate Labor Subcommittee, is that your investigators are limiting themselves to the least important of the four reasons why you should upset the election. These four reasons, of course, are:

1. The pre-election violations of law, including the massive use of union personnel and union treasury, require a new election.

2. The incidents of violence and the atmosphere of intimidation and fear made a fair election impossible and require a new election.

3. The voting of pensioners through unconstitutional locals was obviously unlawful and requires a new election.

4. The hundred violations on election day, which Joseph A. ("Chip") Yablonski recounted in his affidavit, were probably matched some tenfold by those about which we have no information and these violations, too, require a new election.

What your investigators are doing (and apparently quite poorly) is investigating item 4, probably the least important of the four grounds for setting aside the election. Worse yet, many of your investigators appear to be union-oriented. For example, your Mr. Hollis Bowers seemed interested only in what the Yablonski forces had done wrong and acted as a wholesale apologist for the union position in interrogating Mr. Fred Barnes yesterday.

You will understand why we reject Mr. Usery's self-serving general denial.

Sincerely yours,

JOSEPH L. RAUH, Jr.

RAUH AND SILARD,
Washington, D.C., February 21, 1970.

Hon. GEORGE P. SHULTZ,
Secretary of Labor,
U.S. Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: For over 7 months the Yablonski forces inside the United Mine Workers have been determinedly and honorably pleading for just one thing: that you do your duty as Secretary of Labor and enforce the Labor-Management Reporting and Disclosure Act of 1959 against the UMWA. For those 7 months your answer to us has always been "no." And, as we contemplate the wholly pusillanimous investigation that your Department is presently making, we fear that your answer remains "no" even today—or, what is just as bad, that you will seize upon the narrowest possible ground to upset the election.

Time and again we have asked for Labor Department action. Back in July and August we detailed over a hundred violations of LMRDA and asked you to use your admitted authority under Section 601 to investigate those violations. In your office on July 24, 1969 I told you that if the Department of Labor failed to enter the case there would be violence and more violence and this would be on your conscience and yours alone. You turned a deaf ear and thus courted that very violence which has now occurred. On December 1 we brought the sorry record of the illegal activities of Tony Boyle and his henchmen up to date. We asked you to start an investigation at once and to station an agent at every polling place. We pointed out that "if the incumbent UMWA officers are allowed to steal this election on December 9th with the Department of Labor standing by, then everyone will know that enforcement of this law is a joke." Again you turned a deaf ear; again our predictions came true. Immediately after the election, we asked you to start an investigation and to impound the ballots and tally sheets to prevent their alteration. Again you turned a deaf ear; and now, as you can see from the Canadian Appendix, *tally sheets have indeed been altered*. Finally, after the triple murder in January, we made one last desperate request for an investigation. Although your public relations people talked about putting 200 investigators in the field as your answer to our charges of inaction, all that they did is play "patty-cake" with the Mine Workers and even that type of investigation ended quickly. We had feared that the Labor Department would be more interested in justifying its failure to investigate prior to the election than in providing an all-out basis for a new election to bring democracy to the union. Our fears have been fully justified by the weak and inadequate nature of its investigation.

Mr. Secretary, you and your advisers are apparently the only people in the whole United States who do not know how rotten things are in the Mine Workers. Why do you refuse to see what even a blind man could not miss? Is it the influence of Mr. Usery who denounces the Yablonski group with allegations that they accepted money from Walter Reuther and the UAW (a false statement which Joseph A. (Chip) Yablonski under oath denied as "garbage" before the Senate Labor Subcommittee)? Is it your lawyers' prattlings about "volunteerism" in the labor movement and Mr. Silberman's desire to play the wheeler-dealer role with the UMWA? Or is it your own personal desire not to take any steps of which the powerful UMWA might not approve? We do not know your motivation for inaction and apathy in the face of tyranny and violence, but there is one thing we do know: We shall keep up this fight, whatever you do, Because the American people will not forever tolerate bureaucratic indifference to UMWA corruption any more than they would in the case of the Teamsters. The Yablonski supporters will *never* let you sweep this mess under the rug.

The evidence which we have presented to you over a 7 month period demonstrates beyond peradventure of doubt that the December 9th election must be set aside for each of the following four reasons:

1. Pre-election violations of law, including the massive use of union personnel and the union treasury, require a new election.

2. The voting of pensioners through unconstitutional bogey locals was obviously unlawful and requires a new election.

3. The over a hundred violations on election day, which Joseph A. (Chip) Yablonski recounted in his Affidavit, were probably matched some tenfold by those about which we have no information and these, too, require a new election.

4. The incidents of violence and the atmosphere of intimidation and fear made a fair election impossible, and require a new election.

Your investigation has failed to deal at all with points 1, 2, and 4 and has been woefully inadequate on point 3. One can only conclude from this half-hearted investigation that, while you feel the need to avoid a public outcry if you failed to set aside the election, you have decided to act on some technical ground rather than on a basis that will get to the rest of the corruption, violence and tyranny in this union. We deal below with each of the four matters you should have investigated.

1. The Department has done nothing to investigate the preelection violations of law, especially the massive use of union personnel and the union treasury. In my letter to you of January 13, 1970 we asked that the Department examine every voucher and every expenditure of the UMWA during 1969; we asked that you interrogate all UMWA personnel (in the field and in the head office) and all the additional personnel added to the payroll during 1969. You have done virtually nothing about this. Joseph A. (Chip) Yablonski outlined in his testimony before the Senate Labor Subcommittee the steps your Department would have to take to conduct a real investigation of the UMWA election: (i) lists of all persons employed at all levels of the union must be made for 1968 and 1969 and compared; only in this way can the extent to which the UMWA unlawfully padded its payrolls be made known; (ii) all expense vouchers for this

period must be carefully scrutinized to ascertain how much really went to the incumbents in the form of kickbacks to finance their reelection. (Privately we have been told that your staff regards this as an impossible task at this late date. We do not think it is. Moreover, had you begun your investigation when we first requested that you do so, the job would have been far easier); (iii) detailed itemized statements of all expenditures and income for all branches of the union, including the bogey locals, must be prepared and scrutinized with particular emphasis on money spent on postage, printing, telephone, and secretarial expenses to ascertain how much of the union's treasury was used to bankroll directly the incumbents' reelection bid; (iv) all loans to union personnel and union officers by the National Bank of Washington must be examined to determine how much of the incumbents' election expenses were financed by the union itself through the bank which it owns; (v) a list should be made of all union and union-related bank accounts in the National Bank of Washington and other banking institutions to determine how much of this money was siphoned from these accounts into the officers' campaign chest; (vi) a close study should be made of the relationship between the National Bank of Washington and other banking institutions—inter-bank loans should be bared and the union's loans to all closely held corporations and coal companies should be revealed along with the terms and amounts of these loans. Despite the fact that the transcript of this testimony was immediately made available to you, nothing was done to investigate along these lines either. The ineffectual nature of your investigation of the massive and illegal use of UMWA funds and personnel was demonstrated to us once again this week when several highly-respected miners from District 31 came into our office and told us of 13 men added to the UMWA payroll in 1969 to work for Boyle. Your people never even bothered to seek them out; they came to you of their own volition to make the facts known.

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2. The Department has done nothing to investigate the illegal voting of pensioners through 600 bogus local unions. Mr. Boyle in his release of February 13 states that "Charges that there are 600 allegedly bogus locals in the UMWA were dismissed by federal district court in Washington, D.C. during the election campaign." We do not know if this "Boyleism" is the reason for your inaction in this area, but we know that his statement is false. Local unions, under the UMWA Constitution, are "composed of ten or more workers, skilled and unskilled, working in or around coal mines . . ." Secretary-Treasurer Owens in that pre-election case stated under oath that "there are some six hundred" local unions which do not report under LMDRA (Tr. 117). He explained that those locals do not report "because they are not workers in the mines" (Tr. 118). Far from rejecting our claim that the maintenance of these locals without workers in the mines was in violation of the UMWA Constitution, Judge Hart indicated that he was sympathetic to our assertion (Tr. 232, 236), but that since the case was being heard only a month before the scheduled election, it was "too late" for him to force the union to disband all those locals and transfer their members to lawful, working locals (Tr. 232). He further indicated, "I think the Secretary of Labor can probably take care of that one" (Tr. 238). Sadly for the forces of reform in the UMWA, Judge Hart's confidence in the Secretary of Labor, like our own, was wholly misplaced.

3. With respect to the election day violations, the inadequacy of the Department's investigation can be shown in many ways, but the simplest thing is to take a look at just one of our statements of violation. Paragraph No. 61 of the election day violations covered by the Yablonski affidavit reads as follows:

"In Canada, in UMWA Districts 18 and 26, pensioned miners voted in their first International election, though they are not qualified to vote. The margin given Boyle in District 26 (Nova Scotia), 2677 to 470, is in large measure due to the illegal pension vote since most of the active mines have closed down. Local officers in one active Canadian local were offered $50.00 apiece by District Representative Marsh to tabulate the unlawful pensioner vote, but they refused."

This statement was true as far as it went, but, as the Canadian Appendix to this letter demonstrates, the actual facts—never investigated by you but now handed to you on a silver platter—are far worse. Among other things, that Appendix shows that tally sheets were altered and another forged after the election. We told the Labor Department in December that this was going to happen, but we were scoffed at as we had been for so many months. Now we have the sworn proof that it did happen. Yet, despite the fact that we handed your Department on a silver platter the proof of altered and forged tally sheets, your investigators have made no effort to followup with a general investigation of other places where the tally sheets were likewise altered or forged. Equally outrageous, your Department stood idly by while the UMWA violated its constitution and its assurances to Judge Hart in failing to print and mail out the votes of each local by January 15, 1969, thus giving additional time for manipulation and falsification.

President Boyle knew where the Yablonski forces had no watchers and how to fake the results in those places. This was not just true of Canada. Within the past few days, we received for the *first* time the UMWA "official" local-by-local tally. It is utterly appalling that your people apparently had this information in their possession since January 26, 1970, and did not make it available to us or even inform us that you had it. Mr. Secretary are you trying to keep us in the dark? Does it make your job easier if the party on whom you have placed the burden of proof is not given notice of what figures he must disprove?

Nonetheless, in the short time we have had to examine these "official" results, we have pinpointed their inherent lack of credibility. For example, out of all the locals listed, in only two (2) did Boyle fail to receive a vote, while Yablonski was shut-out in three hundred and three (303) locals. In more than one-third of all the locals, 455 to be exact, Mr. Yablonski received two or less votes. The Yablonski forces did not have an observer in 98% of these locals; 90% of these locals are bogus locals, which are not even recognized by the Department as "labor organizations"; and their polling places were kept a deep, dark secret as the information already furnished to your investigators reveals.

In the UMW's infamous Districts 19 and 20 Boyle supporters outdid themselves in the absence of Yablonski observers. Mr. Yablonski was denied a vote in 90 of the 127 locals that "voted". It comes as no surprise to us that District 19's "official" tally (3737 to 88) is almost identical with the initial figure posted at Boyle election headquarters in the UMW Journal office at 8:00 p.m. on the night of December 9, 1969 (3725 to 87). The Alabama (District 20) figures similarly defy imagination. For example, look at these vote totals for Boyle: 98–0, 66–0, 87–0, 64–0, 373–2, 117–0, 280–2, 156–2, 92–0, 90–0, 75–1, 352–1, 145–1. In all of District 21, where Mr. Yablonski did not have a single observer, he received 9 votes, and was defeated by an astonishing ratio of 77 to 1. And even in a spot check of our observer reports which we furnished you, we note that certain reported returns do not accord with the returns reported to us. Thus, for example, R. C. Owens, son of Secretary-Treasurer Owens, ran the election in Local 6, District 6. There our two observer reports indicate that Boyle received only 8 votes—the official tally, however, records 67 votes for Boyle and 2 for Mr. Yablonski. Mr. Secretary, I submit these figures are patently fraudulent.

There is adequate ground for overruling the election on these election day illegalities alone despite your once-over-lightly investigation But the fact remains that the other three grounds for setting aside the election—which your investigation has not even touched—are even more significant and more determinative. We turn now to the most determinative one of all, the violence in this union.

4. It is not possible to repeat in detail all of the charges of violence and threatened violence to Mr. Yablonski and his supporters that we made during the course of these past months. Illustrative of these assertions are the following: we told you Mr. Yablonski had been brutally attacked in Springfield, Illinois on June 28; we told you a rally of his supporters had been forcefully broken up in Shenandoah, Pennsylvania the following day; we told you that John Aiello telephoned Mr. Charles Shawkey, a Yablonski supporter, on July 19 and threatened to kill him; we told you that Mr. James Torma had been theratened by Joseph C. Morris and that Mr. Torma and his wife had been harassed by threatening telephone calls. As Chip Yablonski told the Senate Subcommittee, "In every rally, in every coal mining town, from the anthracite regions of Pennsylvania to Kincaid, Illinois, that same fear prevailed. Every meeting was routinely attended by Mine Workers officials who made known their presence, who welcomed to the rally individuals they knew personally. They all carried notebooks and tape recorders, and in some instances I was told there were even cameras present.

We warned you concerning these and similar incidents. As early as July 9th, we wrote you: "What we have set out . . . is only the part of the iceberg above the water line. The terror inside a union where a candidate for President is knocked unconscious and where a rally for that candidate is broken up by goons is even greater when it comes to the individual members." That reign of terror—abetted by bureaucratic indifference—made a fair election wholly impossible.

Some of the violence connected with this election and with efforts to reform the UMWA were unknown *even to us* until after the brutal murders of the Yablonskis encouraged some people to come forward with the facts of the terror they felt due to repeated threats to themselves and their families.

Thus *Life* magazine reported that Dr. Hawey Welles, who campaigned for Mr. Yablonski, came home one night to a ransacked home and on another occasion found that the gas tank of his airplane had been stuffed with pine cones and leaves—he would surely have been killed had he flown the plane that day.

And Mr. Harry Huge, an attorney formerly with the Washington Research Project and now at Arnold and Porter, who filed a lawsuit against the UMWA aimed at correcting abuses in the administration of the union's welfare fund, gave the following account of a series of harassing incidents to the F.B.I. at their request:

"The law suit was filed against the U.M.W.A., the Welfare and Retirement Fund, and the National Bank of Washington on August 4, 1969. On August 19 some kind of black grease or dust was smeared on the steering wheel of my automobile. On August 20 my wife and two-year old son were followed home from a playground near our home by a man dressed in casual clothes with a complex camera around his neck. When my wife arrived at home, she noticed a car with Ohio license plates, cream-colored, two door, American made, and relatively new. There was a young man in casual clothes in the area in front of the house, and the car was directly in front of the house. Sev- people in it—a man with red hair, a woman, eral minutes later the Ohio car picked up the man with the camera. The car had three and another man.

"On September 6, 1969, I was leaving my house at approximately 8:30 a.m. to catch a flight to Charleston, West Virginia, when a red car with a black vinyl top, two door, late model like a Mustang or a Cougar, started up across the street and sped past me. The driver gave a motion with the flat of his hand across his neck or chest. He was a white man about thirty-five or forty years old with black hair. When I tried to start my car, it didn't turn over. The battery wasn't run down because the radio worked. I later learned from the garage that the wires to the distributor cap had been pulled loose or cut."

Violence pervaded and infected the election process from one end of the coal fields to the other. No miner—at least anti-Boyle miner—felt safe during the election process, just as none feels safe today. Fear may be difficult to measure, but no one could reasonably contend that fear and violence may not "have affected the outcome" of this election—the statutory standard for setting aside an election under LMRDA.

Each of the four grounds we have set forth above *may have affected the outcome* of the election; put together they *obviously did affect it*. Your duty to hold another election (after further nominations) is clear.

We do not know, of course, what your decision will be. From the day Mr. Yablonski started his fight on May 29, 1969 you and your Department have treated him and his reform group—whose only crime was a fervent desire to bring democracy to the United Mine Workers and end the present reign of corruption and tyranny—as untouchables who did not deserve even the protection of the law of the land.

We know we cannot affect your decision, but we do have the right as American citizens to demand answers to our verified evidence of violations of law. *We ask that you give us an answer point by point to each illegality we have charged*. We ask you to take each such illegality separately and tell the public whether it was proven, erroneous, or not investigated. We ask for an answer (i) to each and every allegation of UMWA wrongdoing in my letters to you (ii) to each and every allegation in the affidavits of Joseph A. ("Chip") Yablonski and Mrs. Clarice Feldman in the December 18th election challenge letters, and (iii) whether, in addition to the Mine Workers Journal, union funds and union personnel were used to further the reelection of the incumbent International officers, including the degree to which each union employee devoted his time and the money in the International, District or local treasury to advance the candidacy of Boyle and his ticket.

Your decision on this matter will be credible only if you tell the whole story by answering each and every allegation the Yablonski forces have made—proven, erroneous, or not investigated. Then the public can decide whether you have done your full duty—not only to set aside the election but to base this action on the full record of corruption, violence and unlawful activities of the incumbent officers and their supporters.

Sincerely yours,

JOSEPH L. RAUH, Jr.

CANADIAN APPENDIX

I, STRANG ("Jock") FERGUSON, being duly sworn, depose and state the following:

I am a free lance television producer for the Canadian Broadcasting Corporation. In January 1970 I saw a copy of Joseph A. ("Jock") Yablonski's challenge to the UMWA election. Paragraph 61 of "Chip" Yablonski's affidavit, attached thereto, caught my attention. That paragraph reads:

"In Canada, in UMWA Districts 18 and 26, pensioned miners voted in their first International election, though they are not qualified to vote. The margin given Boyle in District 26 (Nova Scotia), 2677 to 470, is in large measure due to the illegal pension vote since most of the active mines have closed down. Local officers in one active Canadian local were offered $50 apiece by District Representative Marsh to tabulate the unlawful pensioner votes, but they refused."

Subsequently, I went to District 26 where for eight days I investigated the circumstances surrounding the December 9 election, interviewing hundreds of miners in Nova Scotia and New Brunswick. The facts as I found them reveal that paragraph 61 far understated the matter—there were election irregularities throughout District 26. These irregularities I also found were due to the efforts of District President Bill Marsh who at the order of UMWA President W. A. ("Tony") Boyle and with money given him by Boyle attempted to unlawfully pad the vote totals in this District to give Boyle an overwhelming majority of the votes tallied. Persons who spoke to me and revealed these events were threatened. The events I describe below have been publicized in the Canadian press and on the Canadian Broadcasting Corporation television network. They have raised concern on the part of the Canadian government and have resulted in a local union tribunal which after a hearing, has charged 9 Boyle-Marsh supporters with election irregularities.

There are twelve local unions in District 26. I went to five of the biggest which are Locals 8672, 4520, 4522, 4527 and 4529. I checked carefully by telephone—through conversations with responsible local union officials—the facts relating to the election in four other locals (Locals 4514, 4535, 7409 and 9938). Additionally I personally and with the aid of my researcher Fred Peabody interviewed District President Marsh, International Representative John Delaney and hundreds of miners in the area.

I read District President Marsh the charges in Chip Yablonski's affidavit. He laughingly brushed them off and said he would be glad to appear on national television to give his version of the election events. He did say that he was coming to an International Executive Board meeting in Washington but would fly back to Toronto on Friday evening, January 23, to tape the program for airing on Sunday the 25th of January. He never showed up for the taped interview, having heard from his henchmen on Wednesday, January 21 what C.B.C. had discovered in District 26. In this initial interview he said that he had been summoned to Washington shortly before the election and told by Boyle to vote the pensioners in his district. The pensioners have never before voted in any International election in this district and cannot vote since they neither pay union dues nor remain eligible to vote under the District's Constitution. (Although he did not say whether or not he had been paid by Boyle to carry out this order, Marsh was seen throughout the election period dispensing large sums of cash and cheques and it is widely believed in the area that Marsh received a substantial sum of money from Boyle to carry out this unlawful scheme.)

Two miners from this District, Jake Campbell and Leo P. (Lem) Chiasson, appeared on the January 25th program C.B.C. Weekend and revealed the following facts. In local 4527, District President Marsh and local board member Pius Burke brought to the polling place a ballot box literally stuffed to the bursting point with ballots they said had been cast by pensioners. (Of all the several hundred pensioners I spoke to I could find only 11 who said they had voted since they believed they had no right to vote and therefore refused to do so.) There was no list of names of voters accompanying the ballot box and the local executives refused to count the votes even though they had been offered $50 apiece earlier in the day by Marsh. (This money was above and beyond the two-shift rebate each had received from the local union. Further investigation revealed that this money was offered to officials in virtually every single local in the district—certainly to the big locals in the Glace Bay area. The purpose of this money was never made clear, but local officials interpreted it as a bribe to persuade them to close their eyes to any election irregularities which might later develop.)

Marsh and Burge left and then came back for the stuffed ballot box, returning [2 hours later] with a ballot box—this time containing 54 ballots and accompanied by a voter list. On this voting list one name appeared twice and one name was that of a member of the Canadian Brotherhood of Railway Transport Workers. This time the ballots were counted. All 54 were for Boyle. All this took place in Marsh's own local in New Waterford, Nova Scotia.

In Local 4529, the vote as given by Bill Mackenzie was 87 for Boyle, 51 for Yablonski with 12 spoiled ballots. At midnight he received a telephone call from Marsh's secretary who told him to add 170 votes for Boyle and 8 for Yablonski. This brought the totals to 257 for Boyle and 59 for Yablonski. There were never any ballots to back up the tallies in this midnight call nor was a voter list or any other evidence of this vote ever presented.

Local 4520, the largest local in the district, had a light turnout according to its President, Tom O'Leary. No election return sheet was received by the International office in Washington from this local. The total vote for Boyle in this local was very low and to quote President Marsh, "very disappointing". A local tribunal to deal with the charges of vote irregularities in this local has been convened and they have charged 9 men with having committed election day irregularities.

The Mechanics Local, Local 4522, had no pension vote. A member of this local, Junior Gardner, gave me the total of 78 for Boyle and 55 for Yablonski. He said there are 63 ballots left over at the Union office from 200 he received from the Union. There was no vote in the Broughton local, Local 9938, as President Ralph Smith said they had no money to set up the necessary election machinery.

In Minto, New Brunswick, Local 7409, the President, Garnet Day, said all four hundred members voted—350 for Boyle and 50 for Yablonski. There was no pension vote.

In the Princess Local, Local 4535, there are approximately 700 members according to Hugh Bushore, the Recording Secretary. There were 588 votes for Boyle and 78 for Yablonski. And in the Thorburn local, Local 8672, with 230 members, the vote was 129 for Boyle and 45 for Yablonski. River Hebert, Local 9835, with less than a hundred members, voted 83 for Boyle and 2 for Yablonski. Springhill, Nova Scotia, Local 4514, again with about 100 members, voted 214 for Boyle and 18 for Yablonski. The small Saint Rose local, Local 1047, voted 55 for Boyle and 0 for Yablonski. Local 7749, the Shiploading local in Sydney, voted 19 for Boyle and 3 for Yablonski.

I came to Washington Friday, February 13, and told the Labor Department what I had uncovered. The investigative staff showed me the original Official District 26 tally sheet from the International Headquarters which contained numerous changes from the original and was about one thousand votes short of the original announced totals for this District. The discrepancies I saw lead me to believe that the International took advantage of the period of time since the election to juggle the figures in an attempt to hide the irregularities I had uncovered, and also to try to maintain the huge vote advantage they had previously announced for W.A. ("Tony") Boyle.

In 4527 the official results contain the disputed 54 ballots brought to the local by Marsh and Burke, the only "pension" ballots in existence in all of District 26.

In Local 4529, the midnight "pension" additions have also been retained in the official tally. It would be impossible for the district to ever produce the record evidence to support these extra votes.

In Local 4520 as expected, the local tribunal has charged the executive and tellers of the local with condoning election irregularities.

In Local 4522, the official listed totals are 133 for Boyle and 43 for Yablonski. There was no pension vote and therefore extra votes have been added to Boyle's total and subtracted from those cast for Yablonski. We are checking to see if the extra ballots have been tampered with at the local office.

The chicanery in this official tally is best illustrated by the tally in Local 9938 where 150 votes were counted for Boyle and 5 for Yablonski. But the head office has sent them only 95 ballots! *In fact this local held no election whatsoever.* To further implicate President Marsh in this unlawful activity, he realized that I knew there was no vote in this local and he phoned the International office and had them erase the totals from the official tally sheet, but the figures I have given above appear even through the erasures. President Ralph Smith never signed the return sheet—although his name is there as President on the fraudulent return! The forgery obviously took place in the District 26 head office under Mr. Marsh's supervision. In the official tally as printed in the UMW *Journal*, the words "over voted" appear beside "Local 9938". How can they have over voted where they in fact never voted?

In Local 7409 the membership listed on the official tally sheet is 550. This number had obviously been changed several times as there was heavy erasure marks over this spot on the tally sheet. The totals under the erasures were 488 for Boyle and 18 for Yablonski. This local's vote was also not counted in the official tally and is listed as "over voted". This local is sufficiently remotely located that Marsh could well have believed it was safe to stuff the ballots here and in the past has been reputed to have been involved in similar irregularities. Even the membership figure given earlier by local President Day—400 men—is in the opinion of many, grossly inflated.

In Local 4535, the only large local that I did not personally visit, I was able to obtain an estimate of 250 members having voted from a member of that local. Marsh, realizing that I had not gone to this local, felt some safety in jacking up a large surplus of votes for Boyle through this local. Careful checking of a membership list of this local would reveal, I am sure, a much lower number of votes had actually been cast. Is it probable that 666 out of 700 members voted when only about 30–40% of the other large locals voted?

In Local 8672, also well-removed from the Sydney area, I was able to ascertain that there had been a very slight turnout on election day. Again Marsh felt safe to pad the vote. In Local 9835, Marsh felt safe in voting the total membership and giving only 2 votes to Yablonski. In Local 4514, with less than 100 members, Marsh again felt safe in giving a total almost two-and-one-half times as large as the number of actual eligible working miners.

As these charges illustrate, gross election irregularities have occurred in District 26 mostly in the pension vote which was under the direct supervision of "Bull" Marsh who told me he had been deputized by Boyle to personally supervise the pension vote. Well he has supervised it to the extent that Boyle has received between 700–1,000 more votes than we have ballots for.

Joe Yablonski was generously given eight pension votes by Marsh while he gave Boyle some 1,000 pension votes.

The two men who supplied some of this information have been threatened with loss of jobs and pension and Jake Campbell has had threats on his life.

I urge that the Labour Department request the Canadian Government to subpoena all District 26 financial and election records in order to further the investigation and throw out this diabolically corrupt election.

STRANG ("JOCK") FERGUSON.

Sworn to and subscribed before me this 19th day of February, 1970.

CLARA IGHNAT,
Notary Public.

My Commission expires March 14, 1970.

INDEPENDENCE, KANS., CENTENNIAL

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. SKUBITZ. Mr. Speaker, this year the city of Independence, Kans., will be celebrating its 100th anniversary. In keeping with the centennial celebration, Independence Mayor Paul Viets will place into a time capsule a letter to the chief political officer of Independence which is not supposed to be opened until July 23, 2070.

We live in unpredictable times. To insure that at least a copy of the mayor's letter will be available to the good people of Independence when the year 2070 rolls around, I include the mayor's letter as a part of my remarks:

INDEPENDENCE CENTENNIAL, JUNE 27–JULY 4, 1970

DEAR MAYOR: The year 1970 marks the Centennial Anniversary of the City of Independence. We are proud of the achievements attained during these first 100 years and only hope that the second century, which you will be recognizing upon receipt of this letter, will far exceed any goals which we might hopefully establish for you.

In the course of the first 100 years here in the Verdigris Valley we have moved forward from a handful of settlers living in log cabins trying, sometimes desperately, to seek out a bare existence against the forces of nature as well as not-too-friendly Indians, into the 1970 status of a prosperous community supported by a strong, agricultural economy and blossoming with new industry each year.

The 1970 citizenry of Independence is rightfully proud of the heritage given our people by her forefathers; we are proud of their dedication and foresight that has laid the foundation for the city which is today known as "The Queen City of Southeast Kansas."

It is our purpose to enter into the second century of our City's life with a devotion to progress which will move us forward in sound economic and social developments so that you, the Citizens of Independence, 2070 AD, can proudly hail this fair City's achievements during its second Centennial Celebration.

Sincerely,

PAUL H. VIETS,
Mayor.

SCHWENGEL DEFENDS ARMY CORPS OF ENGINEERS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. SCHWENGEL. Mr. Speaker, the Wall Street Journal of January 6 contained an article highly critical of the efforts of the U.S. Army Corps of Engineers. I felt the criticism was unjust and unwarranted. A speech recently delivered by Lt. Gen. F. J. Clarke, Chief of Engineers, U.S. Army, before the Mississippi Valley Association in St. Louis, Mo., effectively responds to most of the charges leveled in the Wall Street Journal article. I would like to insert the text of General Clarke's speech in the RECORD at this point:

THE WHOLE ENVIRONMENT

(Remarks by Lt. Gen. F. J. Clarke, Chief of Engineers, U.S. Army)

President Barcus, members of the Mississippi Valley Association and water users, all:

It seems like yesterday, in fact it was yesterday, that "environment" was something children were brought up in. Sociologists told us that a child raised in a good environment would grow into a stable member of society and an excellent citizen. On the other hand, if a youngster grew up in a bad environment he would be a problem to society for the rest of his life.

And so the words—good homes and bad homes, good kids and bad kids used in your day and mine were banished from common usage. But the sociologists found they didn't have a copyright on that fancy word "environment." They lost their exclusive rights when the word became the Nation's password.

Today, you and I, the man on the street, the conservationist, the preservationist, the educator, the doctor, the lawyer and the Indian Chief, are all using the magic word. I understand there is even a cemetery on the West Coast that has cranked the word into a new slogan which reads "Our environment produces a sounder sleep." Aside from this usage, the environment is really on center stage. It is the new campus cause for the Seventies; a filler for newspapers, books, television screens, crusades and, oftentimes the fuse which sets off a raging controversy. Although the word "environment" is getting tremendous play and, I might add, is misused on several occasions, the interest it is generating in our lives and the things that surround us is truly remarkable if not wonderfully welcome. Even though this awakening has come at the eleventh hour there is still time for us and for our children.

Some environmentalists tell us America was still a lovely land up until the 1920's, about the same time this Association was formed. They say it still offered scenic wonders, unspoiled wilderness, beautiful cities, pure air and clean waters. Those who hold these views are only partially correct.

True the air was fresher over our cities. Why woudn't it be. We didn't have the large populations that swell today's urban centers. We didn't have the big industrial complexes needed to support city workers and the economy of the Nation. The automobile still caused heads to turn in 1920. The old trade-ins weren't piled high in the junk yards as they are today.

Prop driven bi-planes were around, but certainly not in any great numbers. They belched a little when they were cranked up, but they didn't leave a trail of black smoke in their wake as today's jets produce.

We didn't have as many billboards dotting the countryside. Of course we didn't have as many highways to accommodate them nor did we have the big inventory of products to advertise.

Compared with today's computer age civilization, the first three decades of this century were quiet years when man didn't make too many waves in his environment.

But if man was quiet, nature wasn't.

The pure air over the cities and countryside oftentimes turned black as it spiraled out of the Dust Bowl carrying top soil across the Great Plains. Some forget that burning eyes, scratchy throats and hacking coughs were symptoms of the Thirties just as they are in today's smog covered cities.

Rivers certainly weren't as polluted in the Twenties and Thirties, but many were dark brown with the rich farmland they carried to the oceans.

Every now and then the rivers would carry away homes and barns, factories and shops, crops and livestock, and in many instances, people.

The wet cycles would suddenly change to the dry cycles and farmers and ranchers had to contend with a parched and cracked earth. Many went broke and to their graves in bitter frustration after trying for a lifetime to get a few good crops.

Yes, this was the other side of that peaceful environment where "the deer and the antelope played and seldom was heard a discouraging word." Today they sing a song called "Those were the days my friend." But many of you, I am sure, still remember the refrain, "River Stay 'Way From My Door."

And it was on the latter note—no pun intended—that the quiet men suddenly erupted. They were fed up with the whims and fickleness of nature. They adopted President Theodore Roosevelt's great line which you can still see today if you visit Theodore Roosevelt Island in the Potomac River just opposite Washington, D.C. It says:

"Conservation means DEVELOPMENT as much as it means PROTECTION."

And their demands led to a strong push by the Federal government into the field of natural resources. Snagging and clearing of our navigable streams developed into navigation and stabilization works. Dams and reservoirs, large and small, took shape in the dust bowl and elsewhere throughout the country. Earth levees and concrete floodwalls took their stands along the banks to keep the rivers in check.

Water stored behind the dams was sent to the lands through vast irrigation systems which made the prairies bloom. Hydroelectric power gave an all-electric label to farms and cities. Towboats and barges brought life to the docks and ports which had stood idle since the days of the packet boats. Water was available not only for crops but for municipal and industrial uses as well. It also provided guaranteed flows to keep streambeds covered. Fish and wildlife resources were improved as the working waters transformed heretofore dry places into water wonderlands. No longer did people have to stint and save for the once-in-a-while trip to the Northland for lakeside enjoyment. Prairie lakes brought a vacationland to the neighborhood.

And so things began to hum in the environment of the "silent majority". Organizations like the Mississippi Valley Association, pledged to the development of our inland waterways, put its organizational talents to work and the peoples voices were heard. Not the voice of the Corps of Engineers but the voice of the people speaking through Congress demanding that these works be built.

Despite all the man-made river controls installed during the first half century of MVA, despite the benefits from these projects, the pace of development could not keep abreast of the demand. As the population grew so did the industrial and agricultural might of the country. More lands had to be given up to accommodate the ever growing, ever demanding populace.

The air became polluted, rivers and lakes became polluted, junk yards sprang up, water supplies dwindled, transportation networks had to be expanded to meet the ever growing demands. And today, the great environmental awakening. Angry words are exchanged and all of a sudden those who have been in the thick of the fight to improve the environment for better living suddenly find themselves the targets of criticism. I can think of no bigger bullseye these days than the Corps of Engineers.

In the last six months the Corps has been prominently featured in Playboy, the Reader's Digest, and the Wall Street Journal. We are well aware that people in public life and their agencies are fair game. We also know that it's the "in" thing these days to attack the establishment, in this case the Nation's oldest natural resources development agency.

I am not violating the unwritten law governing Federal Agencies whose function it is to serve the public, not argue with it when I attempt to set the record straight. As the Biblical proverb states: "There is a time to keep silence, and a time to speak."

And so in this vein let me address these words to that not so silent minority that has not only blasted the Corps and its program but, in my opinion, defamed some of the tried and true measures of water resource development.

When dealing with a basic resource like water, practically every proposal or new project (or any other public works project, for that matter) no matter how many it benefits, will step on some toes; hence practically all our projects are controversial to some degree.

The theory of our government is that decisions will be made, and controversial questions settled by the public through the democratic process. Every project we build is in response to a directive by Congress, which in turn is responding to an expression of need by some segment of the public.

We are not an elite contingent doing what it wants, when it wants. To those who say, we build, build, build, our response is that destruction has been the base for construction.

We know that the program we have been and are carrying out is good, sound and necessary; that it has conferred countless benefits upon all our citizens, that our country and its prosperity and enlightment and advancement could not exist as we know it today had it not been for river and harbor works. A brief summary will tell you what I mean about environmental enhancement.

The Corps' navigation improvements, spanning 146 years, today lists some 22,000 miles of inland and intracoastal waterways which last year carried about one-sixth of the total freight traffic moved within the United States.

Our flood control program lists more than 340 reservoirs and other impoundments, completed or under construction. Some 644 local protection projects include over 9,000 miles of levees and flood walls plus 7,500 miles of improved channels. The program has already saved more than 14 billion dollars in damages—over 3 dollars for every dollar invested.

The Corps is the largest single builder and operator of hydroelectric power facilities in the Nation with an installed capacity of 11½ million kilowatts at 48 projects. This represents one-fifth of the United States' total hydroelectric power capacity.

Nearly 6 million acre-feet of water supply storage is now included in 61 Corps' reservoirs. This storage provides a dependable yield of nearly 3½ billion gallons per day for 110 cities and towns.

Some 5.8 million acre-feet of storage is being utilized either exclusively for irrigation or jointly for irrigation and other purposes. Reservoirs under construction will provide almost 2.6 million acre-feet of additional exclusive irrigation or joint-use storage.

Water quality control and low flow augmentation are receiving greater attention by the Corps today than ever before. To meet this end, several Reservoir Control Centers, regionally located, have been established to assure that all projects in the region are operated as a system to provide their multipurpose benefits most efficiently.

The Nation's outdoor recreational opportunities have been vastly expanded by the Corps' water resources program. The recreation visitations at Corps reservoirs were over 227 million last year. More than 4 million surface acres of water and about the same acreage of adjacent land offer camping, picnicking, boating, swimming, fishing, hunting, and other outdoor activities. That's an area larger than the State of Maryland. The shoreline of these reservoirs totals about 28,000 miles, which would more than circle the earth.

Construction of reservoirs throughout the country has been the greatest single contribution to sport fishing in this century. The lakes themselves are highly popular fisheries, and the improvement of the quality of river flows made possible by reservoir releases has transformed hundreds of miles of streams into excellent gamefish waters.

Many other forms of wildlife receive major benefits from Corps projects. Wildlife refuges, both Federal and State, have been established at many of them. Fort Peck Reservoir on the Upper Missouri River formed the nucleus and provided half the lands for establishment of the Fort Peck Big Game Range—larger than the State of Rhode Island. The major river systems of this Nation constitute the controlling elements of the continental flyways for migratory waterfowl. Built as they are in the heart of those flyways, the resting, feeding and nesting grounds provided by projects of the Corps as a chain from northern breeding grounds to southern wintering grounds have made a major contribution to the National Waterfowl Refuge System. The Upper Mississippi River National Wildlife Refuge has been extended to include the entire length of the 26 consecutive reservoir pools of the Navigation Project extending from St. Louis to Minneapolis-St. Paul. A new flyway has been created overland from the Great Lakes and Ohio River system to the Gulf by the series of reservoirs constructed by the Corps in the Cumberland, Black Warrior, and Alabama River Basins.

The Corps has also constructed some 500 coastal, Great Lakes, and waterway harbors, including almost all of those through which the United States carries on its vital waterborne domestic and foreign trade as well as about 250 small boat harbors and harbors of refuge.

Protection of critical coastal areas against beach and dune erosion and hurricane flooding is a function of increasing importance in the Civil Works program. To assist the Corps in improving its capabilities in the coastal program, a Coastal Engineering Research Center was established. This Center—located in Washington, D.C.—employs a staff of 75 research engineers and scientists.

Of all those who have written about us, who has mentioned these accomplishments? Until they too are told, what is written is not really true and certainly not fair.

If we are to believe what we have read, it would seem that the Corps is the number

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one enemy of society running helter-skelter throughout the Nation building water resource projects which have ravaged the countryside and left nothing in their wake but waste and destruction; that dams, levees and channel works are disturbing influences on nature's intricate cycles; that things were much better before man started down that long road to try and strike a better balance between our land and water resources. Hogwash!

Have people forgotten, has time passed that quickly, have we erased those pages from our history that told of the devastating floods on the Mississippi, Missouri, and Ohio. What about the New England floods of the Fifties, or those in California, the Pacific Northwest and the Rocky Mountain area in the Sixties. For those with shorter memories, let me point to the big snow melt of a year ago that trigged Operation Foresight.

These too were examples of nature's intricate cycles but the people involved hope they never return.

You know the loneliest man in the world is the fellow on levee patrol during nighttime hours. He walks along over the sandbags with only his flashlight to guide him, deep, rushing waters on one side and a frightened city on the other, praying that the levees will hold.

We have seen, indeed we have been a part of those patrols in Sioux City, Omaha, Sioux Falls, the Twin Cities, New England, and at many other places around the country. But I have never heard nor have I met an anti dam or levee builder during these long vigils.

Let me say again, that water resource projects in this valley and in this country have produced more immediate and long-range benefits to our citizens than any other type of resource developments. This thought above all is the one I hope you carry home from this meeting because if we, and I mean not only the Corps of Engineers, but the Mississippi Valley Association and all other agencies and organizations pledged to the development of our water resources, don't start coming through loud and clear and soon, we stand the chance of placing the whole environment in jeopardy. Think of the consequences to our children and their children's children.

Judging by the current trend, the day of letting our deed speak for us is long gone. We now will have to speak for ourselves, and we will have to spell out the environmental benefits of water projects throughout this Nation.

The Corps of Engineers woud be the last agency to proclaim that all its projects have resulted in perfection.

We can see mistakes when viewed in the after glow of experience and operation. But, for every one which has created a problem, hundreds more have created a good which has never existed before.

Patrick Henry put it pretty well when he said, "I have but one lamp by which my feet are guided, and that is the lamp of experience. I know no way of judging of the future but by the past."

And speaking of the future and the problems that beset us today, there is not one man in the Corps of Engineers, one member of this Association, one person in this Nation who doesn't want a quick solution to smog-laden air, mounting junk yards, burned-out forests and the filth which is discharged every minute into our rivers and harbors. There is not a man among us who is not aware that today's booming and shifting population poses great problems in meeting water supply needs, recreation outlets, transportation and urban rebirth.

We have been beset by these problems for a long, long time—but the public in general has ignored them until very recently. But let us not through impatience and disgust, destroy the orderly and the balanced development of our resources.

Let us not overlook the attempt to take a new look at the whole environmental picture through the Comprehensive Framework Studies involving the Mississippi, the Missouri, and the Ohio and other major river basins throughout the land. If these are not completely attuned to the problems that beset the whole environment let us quickly adjust to insure that every environmental ill is included in what we hope will bring the cure.

The road to success in achieving our goals does not permit stops for name calling, bickering, and scrapping over how the job should be done. Let us—the Corps of Engineers, the Mississippi Valley Association, conservationists, preservationists and environmentalists—and all who strive for betterment in life's surroundings—follow a balanced course which will permit both the development and protection of the whole environment.

A-7E'S JOIN THE FLEET

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. TEAGUE of Texas. Mr. Speaker, I have just reviewed in the February 6 issue of Aviation Week & Space Technology an article relating to the phasing of the A-7E's into the operations of the fleet. I am justly proud of the A-7 series of airplanes which are built at Grand Prairie, Tex., immediately adjacent to my own district. Many of the workers, engineers, and business leaders responsible for this airplane live in my district. The article indicates that this extremely modern airplane has greatly increased the striking power of the fleet.

We are indebted to the vigilance of the House Armed Services Committee, under the leadership of its distinguished chairman, the Honorable L. Mendel Rivers, that the strength of our fleet is reinforced by new and adequate weapon systems such as the A-7E. I include the article in the Congressional Record, so that all of my colleagues can read about the performance of this promising new weapons system:

Navy Phasing A-7Es Into Operation: Relatively Few Airframe Problems Accompany Introduction of Corsair 2—Avionics Studied for Cause of Errors in Bombing

(By C. M. Plattner)

Lemoore, Calif.—Navy/LTV A-7E Corsair 2 now being phased into the fleet inventory shows promise of becoming the most accurate bombing platform yet developed for the visual attack role once early system difficulties are overcome, according to Navy pilots at the Naval Air Station here.

The A-7E, like its Air Force Counterpart the A-7D, is an improved—more expensive—version of the A-7A and A-7B (AW&ST Nov. 11, 1968, p. 84).

The A-7E has a new higher-thrust engine, a more elaborate navigation and bombing system and several other features common with the USAF A-7D, such as a Gatling-action M61 cannon.

BOMBING SYSTEMS

Early A-7E problems have involved the avionics systems rather than the airframe. Because of improved hydraulic plumbing connections the A-7E airframe actually has fewer difficulties attributed to it than the A or B versions. The major problem encountered with the Corsair 2 is a tendency for the bombing system to group hits off target occasionally.

The cause is being analyzed by Navy and LTV officials and is believed due to a computer program errors and faulty ranging information supplied by the forward looking radar. Nevertheless, the system has worked with surprising reliability and accuracy when the degree of sophistication is considered, officers report. Also, troubleshooting has been prolonged by the fact that Navy acceptance trials and fleet introduction are being conducted concurrently, and there is little experience to go on.

The first A-7E with an Allison TF41 engine arrived at Lemore Oct. 8 to join a block of A-7Es fitted with Pratt & Whitney TF30-P-8 engines. This block of 67 P-8 powered A-7Es will not be retrofitted with Allison engines.

The first two A-7E operational squadrons, VA-146 and VA-147, have completed intensive training and are set for deployment to Southwest Asia. VA-122, first A-7E pilot training squadron, is completing the switch from A-7A and A-7B aircraft to the new A-7E.

The navigation and bombing system in the A-7E comprises a variety of complex avionics equipments comparable to installations found in two-place aircraft such as the Grumman A-6 and General Dynamics F-111. However, Navy officers of VA-122 charged with training A-7E pilots consider mastery of the systems well within the ability of the average fleet pilot based on experience to date. They point out that the autopilot, head-up display, moving map display, and the computer-run navigation and bombing system all reduce the pilot workload.

MANUAL WORK

This is in contrast, they said to the McDonnell Douglas A-4, which the A-7s are replacing, in which pilots do much of this work manually.

Another Navy officer said the A-7E has the potential of realizing a long-time goal of being able to cut the average fleet pilot's circular error probability in half (see box, p. 42). In a hostile environment such as encountered over North Vietnam, this provides operational flexibility by improving standoff capability. Pilots may drop ordnance at a higher altitude with no degradation in accuracy while avoiding the heavy concentrations of anti-aircraft fire found at lower altitudes.

The Navy's decision to equip its visual attack aircraft heavily is an expensive one. Unit price of the A-7E is estimated at close to $3 million. Another problem, the impact of which is yet to be fully felt, is the requirement for trained maintenance personnel.

The Navy continues to have a high turnover rate in trained maintenance personnel, particularly avionics specialists. Equipment such as the inertial platform, digital computer, head-up display, moving map display, and increasingly complex electronic countermeasures gear requires educated maintenance and trouble-shooting specialists for optimum operation.

The present philosophy of Commander Fleet Air Lemoore is that the full A-7E potential be utilized, meaning that flights with some systems not operating are discouraged. This will require special emphasis on maintenance.

From the training standpoint, no hard and fast rules have been established yet on how much backup work should be done with partially operative or nonoperative systems as backups but one high-level officer predicts that this will be minimized.

Some A-7E features include:

Automatic wind compensation for improved bombing accuracy. In early A-7s, pilots had to set in the wind parameters based on predictions and estimates. The A-7E's computerized bombing system keeps track of the wind on a realtime basis.

Fewer hydraulic leaks than in earlier models, based on extensive use of brazed

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joints and redesigned fittings. An estimated 70% of the A-7E's fittings are the permanent brazed type, replacing aluminum fittings of the early A-7s. Maintenance personnel list hydraulic leaks as one of the annoying problems in early A-7s.

Improved automatic throttles. Large excursions of the autothrottles for the Pratt & Whitney TF30-P-6 and TF30-P-8s have been disturbing to many pilots. With the Allison TF41, throttle corrections normally stay within a 5-10% band compared with 30-40% for the A-7B, one pilot said.

Head-up display. Reaction to the display generally is favorable but with the limited experience gained so far a typical reserved comment is that "the pilots like it better all the time." The A-7E's head-up display is the first standard installation in a Navy attack aircraft. It provides steering commands for ordnance delivery and airspeed, altitude and attitude information.

Pilots say the display helps combat vertigo when flying wing in the clouds. It is helpful monitor on automatic instrument approaches and is excellent when maintaining a lookout for surface-to-air missiles. On the other hand, at night, the light on the windscreen tends to mask the lights from other aircraft and some pilots turn it off. Some also complain the symbology is somewhat hard to read and sometimes is superfluous.

Anti-skid brakes. This is one of several features resulting from the decision by Navy and Air Force to make the A-7D and A-7E alike. It is an Air Force-sponsored item but one Navy pilot says that the A-7 has a tendency to hydroplane on wet runways and the anti-skid brake system is most welcome. Maintenance officers anticipate increased tire wear with the anti-skid system, however, based on initial experience.

Increased thrust of the new Allison TF41 engine. The TF41-A-2 for the A-7E has a thrust of 15,000 lb. compared with 12,000 lb. rated thrust for the TF30-P-8 in the A-7B and 10,800 lb. thrust for the TF30-P-6 installed in the A-7A.

No problems with the Allison engine have been encountered with steam ingestion and compressor stalls. The TF-41 uses more fuel per hour than the TF30 but the endurance of the A-7 even without external fuel is well beyond the normal carrier cycle time of 2 hr. so this is not a problem. One pilot estimates roughly 800 lb. additional fuel will be used on a standard mission with the TF41. The A-7 carries 10,200 lb. of fuel internally.

General Electric M61A1 internal gunnery system. This Air Force developed 20-mm. cannon replaces two Navy Mk. 12 cannons. The M61 can be fired at either 4,000 or 6,000 rounds per minute. Capacity is 1,280 rounds stored in a bin behind the cockpit. Opening the panels on the left side of the aircraft for complete access to the gun is a lengthy procedure requiring uncoupling nose-wheel door linkages and unscrewing numerous fasteners. Routine inspections can be accomplished through smaller, quick-opening panels.

Pushbutton, lighted armament selection switches located in an arc just under the glare shield. This allows pilots to check armament status readily without sticking their heads down in the cockpit. Pilots need only depress the proper square button to select the appropriate armament stations, fuzing, and functions such as gun and camera. Green and amber lights glow to indicate status. The new armament layout is considered by the pilots as a welcome improvement in view of the often remote hard-to-reach locations of many armament control panels.

One of the future changes planned for the A-7E is a third hydraulic system. Purpose is to increase redundancy of the flight controls and improve survivability.

Of more immediate concern are the changes in the computer and forward looking radar. To improve reliability of the circuitry, changes recently were incorporated into the APQ-126 radar made by Texas Instruments to ensure better radar ranging information. Another improvement is now being engineered and is planned for later this spring.

The computer program is being modified after analysis of early bombing results pointed up some errors in assumption such as the amount of g-forces used by pilots in pulling out of dives. Squadron pilots are optimistic that with these changes, bombing accuracy will be further improved.

The primary components of the navigation/weapon delivery system are the Doppler radar set, forward looking radar, air data computer, inertial measurement set, the central digital computer, the head-up display and the controls. System has been designed with automation in mind to permit the pilot maximum time for lookout and tactical flying tasks.

The digital computer does high-speed arithmetic calculations based on sensor inputs and, combined with memory items, sends these outputs to the displays. These include the head-up display, attitude director indicator, horizontal situation indicator, projected map display set and the computer panel.

For navigation, the Doppler radar, which has an antenna on the belly just aft of the nose wheel, provides ground speed and wind drift information. The forward looking radar serves the primary function of providing slant range information during ordnance delivery runs. The radar also has a ground mapping mode. Although fidelity is quite good at short range, permitting large buildings to be identified, there are no plans for blind all-weather radar bombing.

TERRAIN FOLLOWING

The forward-looking radar also may be used for terrain following although, again, Navy does not anticipate making all-weather, ground-hugging flights on a routine basis as it does with the Grumman A-6.

Terrain following at altitudes from 500-2,000 ft. above ground level can be done with reference to flight director commands on the attitude director indicator or the head-up display. The radar scope provides a special terrain clearance picture so the pilot can monitor progress. Radar altimeter is used with the forward looking radar to provide terrain clearance information.

The air data computer's function is to ensure an accurate true airspeed input into the system. The three-axis inertial measurement set provides attitude, speed and navigation information. It has functioned well so far, and error seldom exceeds 1 mi. in a normal flight.

Operationally, the inertial measurement set requires 2 min. for rough alignment after being turned on in the checks. Normally, a 9-min. fine alignment is then conducted while the aircraft remains in the same spot. Depending on the route chosen the pilot would enter up to nine en route checkpoints by punching latitude and longitude coordinates into the computer through a keyboard on the right console.

STEERING COMMANDS

After becoming airborne, the pilot selects the first checkpoint. Steering commands are automatically displayed on the head-up display. Horizontal situation indicater provides heading, bearing and distance information to the selected checkpoint. This is continued from checkpoint to checkpoint.

The computer also runs the projected map display, a feature that has received much enthusiasm, although it is not a vital part of the navigational system. The map display in the A-7E shows the location of the aircraft relative to a film projection of a standard topographical navigation chart. The system also can be used to project such things as letdown plates or emergency procedures, but the film for these is not yet available. So far, only a one million to one scale aeronautical chart is available and pilots would like to have a more magnified 500,000 to one scale.

Piloting with the primary Doppler/inertial/gyrocompass mode of navigation simply involves following fly-to commands on the HUD or ADI and HSI.

Tacan, and Loran, as well as a substantial number of degraded modes provide navigational backups in event of component failures.

The navigation system is updated en route visually by flying over known geographical points, or by using radar, Tacan, or Loran.

TARGET MARKING

Pilots also can mark targets of opportunity along the way by depressing a special button. These points can be recalled later and bearing and distance to them read out in case an attack is desired.

The bombing techniques possible with the A-7 include the dive toss, used to train pilots here, and others such as level, loft and over-the-shoulder. Steep angle bombing is viewed as the primary means and is the one practiced most frequently.

In bombing, strafing and firing rockets, pilots use the attack symbology on the head-up display for aiming and tracking while in the dive. The pilot first places the aiming reticle on the target and depresses the designate button. He then is free to maneuver in the dive, although at the release point he must have the target in line with a bombfall line (a vertically oriented line of predicted impact points) displayed on the head-up display.) Symbology also indicates when to pull out of the dive. During the dive, sensors feed the computer information on dive, angle, airspeed, wind drift, altitude and range to the target and the computer calculates the right time for release based on previously entered weapons ballistics.

The central computer is assisted in its job of keeping track of ordnance information by an armament station control unit located in the left side of the fuselage and accessible to ground crewmen. This unit helps to economize the computer workload and provides a convenient location for the ordnance crews to enter information about the stores carried.

The A-7E, like the early A-7 models, has the same airframe and carries a variety of weapons including the Texas Instruments Shrike anti-radiation missile, the Walleye television glide bomb, Rockeye, Sadeye, Weteye, Snakeye and Sidewinder missiles for defense.

There are no plans at present to use the A-7 for carrying Condor, Navy's large TV-guided standoff missile.

Latest electronic countermeasures gear, both passive and active are built into the A-7E to assist in penitrating areas protected by radar networks, surface-to-air missiles and anti-aircraft guns.

A touch-tune UHF radio set has been included in the avionics package of the A-7E. This enables pilots to select new channels or frequencies with finger-tip tuning bars.

The automatic flight control system of the A-7E is one of the most advanced systems of its kind and has such features as attitude hold, control-stick steering and capability of making a completely hands-off landing approach to a carrier landing. Completely automatic landings are not being practiced at this point however.

A-7E TRAINING

VA-122, which has added only 2 hr. to the A-7E training syllabus beyond that provided the A-7A/B students, has found that the A-7E is a relatively easy aircraft to transition to. Students include fliers directly from the training command and more experienced pilots. Length of the course of instruction is approximately 28 weeks, during which time about 100 hr. of A-7 flight time is logged. An advanced A-7E 6-deg.-motion simulator with sound and visual features is in use. It was developed by Link Div. of General Pre-

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cision and Melpar Div. of American-Standard Co. Ground school course is about 540 hr. in length.

BOMBING ACCURACY

Bombing accuracy of the Navy LTV A–7E as demonstrated on the first concentrated bombing practice is substantially improved over that of the McDonnell Douglas A–4 and earlier A–7A and A–7B models.

The average bombing circular error probability (CEP) for pilots of two squadrons, VA–146 and VA–147 flying A–7E aircraft for two weeks of concentrated ordnance practice was 60 ft. This was the first A–7E squadron deployment and included some initial problems with systems.

Squadron officials believe on the basis of this first deployment that the average bombing CEP for the A–7E ultimately will shrink to 40 ft. These figures compare with an average 95–100 ft. pilot CEP for experienced A–4 squadrons at Lemoore and 70–75 ft for A–7A/B units. A 125–ft. CEP is required to qualify under Navy regulations.

Mode of delivery in the A–7E was dive toss in which the automatic system computed the proper release point and the practice bomb was released during the pullout. The A–4 and A–7A/B averages are based on straight dive bomb runs at a 30 deg. angle.

EQUIPMENT INTEGRATION

Major equipment components for the A–7E are integrated with a central computer to provide maximum automation and assistance for navigation and bombing with improved accuracy at any dive angle, speed or altitude the pilot selects.

Major components include:

International Business Machines, CP–952/ASN–91 (V) digital computer.

Elliott Bros., Ltd., AN/AVQ–7 head-up display.

Texas Instruments, AN/AVQ–126 forward looking radar.

Singer General Precision, AN/APN–190 (V) Doppler radar.

Singer General Precision. AN/ASN–90 (V) inertial measurement set.

Computing Devices of Canada ASN–99 projected map display set.

Garrett CP–953/AJQ air data computer.

LTV armament station control unit.

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THE MIDDLE EAST

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 23, 1970

Mr. LUKENS. Mr. Speaker, I am quite concerned over the recent turn of events regarding the military balance of power in the Middle East. Recent shipments of arms to the Arabs by France and the Soviet Union put Israel at a major arms disadvantage.

While I deplore the escalation of the arms race and the increased intensity of hostilities, I refuse to silently stand by while our ally, Israel, is in need of help. The people of America will not and cannot accept Israel's being placed at such a disadvantage.

I am particularly disturbed over the recent sale of 100 French Mirage jets to Libya. This infusion of arms into a country whose army is smaller than the New York City police department is of major concern to me. Libya has virtually no trained pilots, and a nation of 3 million people, in my opinion, does not require 100 warplanes for its defense. France's action can only serve to inflame the fires which have been blazing in the Middle East.

The action is even more reprehensible when one recalls that Israel has paid for 50 French jets and that the French regime, contrary to all norms and ethics, has refused to honor its own contract. Since France failed to deliver jets after accepting Israel's money, our country remains the prime source of aid to Israel in its fight for freedom and survival. We must not turn our backs on that small fortress of democracy in the Mideast.

I have long feared that the Middle East which is vital to American interests could become part of a Communist enclave. Our country must help our allies so they do not fall to the forces of communism. I have been gravely concerned for some time over an ambitious program by the Soviet Union to subvert the entire Mideast.

The Soviet Union and France ship arms; we deliberate; the Mideast situation deteriorates. Those who advocate a so-called even-handed approach are actually jeopardizing our fight against world communism and risking the security of the people of Israel. Too often we have been placed in the position of reacting to the maneuvering of Russia.

I wholeheartedly concur with the President in his concern that the Soviet Union is not doing what it could toward peace in the Middle East. I fully agree with the President who said the "United States would view any effort by the Soviet Union to seek predominance in the Middle East as a matter of grave concern."

The Soviet Union has a very strong interest in opening the Suez Canal since it would be able to supply Asia, especially the North Vietnamese Communists, with equipment on a much larger scale than is now possible by overland routes.

I, therefore, strongly urge for the President to give favorable consideration to Israel's request for additional Phantom and Skyhawk jets. Credit should be extended to Israel to pay for the jets in view of that country's dire financial situation.

It is high time that we take the initiative with a positive program for assistance to Israel to keep the spirit of democracy alive in that part of the world.

TRIBUTE TO THE LATE HONORABLE BEN F. JENSEN

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. EVINS of Tennessee. Mr. Speaker, permit me to take this means of joining with members of the Iowa delegation and others in paying a brief but sincere tribute to the memory of our late colleague and friend, Ben F. Jensen of Iowa.

I was saddened to learn of Ben Jensen's passing, as announced in the press. It was my privilege to serve with Ben Jensen on the Committee on Appropriations and as a member of the Subcommittee on Public Works Appropriations.

Ben Jensen also served as ranking minority member of the Subcommittee on Interior Appropriations. He played an important role in the development of our national parks and recreation areas. I was impressed with his concern regarding fiscal affairs and of his desire to effect economies in Government wherever possible.

Ben Jensen served his district, State, and Nation well and will be greatly missed.

I want to take this means of extending to the members of the Jensen family an expression of my deepest and most sincere sympathy in their loss and bereavement.

SENATE—*Tuesday, February 24, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for the creative spirit mediated to American life by Thy followers in every age. We thank Thee for the godly heritage of this land, for the faith of our fathers, and for spirit-filled leaders in every generation. May the same spirit pervade our common days and guide us in all our actions. May there arise in us the resolution to create that better world which proceeds from holy lives. Grant that the spirit of wisdom may save us from all that is wrong, and that in Thy light we may see light, and in Thy straight path we may walk uprightly.

Through Him whose name is above every name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, February 23, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS—ADDITIONAL STATEMENTS OF SENATORS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the transaction of routine morning business be conducted with statements by any Senator being limited to 3 minutes, and—this is something new—I further ask unanimous consent that it be in order to include in the morning business additional statements presented at the desk by each Senator, respectively—and that means personally.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am happy to yield to the distinguished minority leader.

Mr. SCOTT. Mr. President, may I say that this is a matter of agreement between the distinguished majority leader and myself.

The purpose is to make the RECORD more readable and more readily understandable, to enable Senators and their staffs to follow a cursive debate rather than a discursive variance. Whereas up to now the RECORD has been interspersed with olla podidra, mixed hash, and pot au feu, now, hopefully, by the elimination of largely extraneous matter, when we begin debate on a subject such as the school lunch program and a Senator wants to talk about grazing rights, mineral rights, irrigation, or housing, there will be a separation of the data, so that we may, perhaps, find the CONGRESSIONAL RECORD becoming, at long last, slightly interesting.

I am very anxious that this be done and congratulate the distinguished majority leader.

Mr. MANSFIELD. It will not only be all that, but I think a certain amount of money will be saved in the process, which is a good thing in this day and age.

Mr. SCOTT. As a Republican, I am sorry I forgot the money. [Laughter.]

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 O'CLOCK A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The bill clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The bill clerk read the nomination of Vice Adm. Lawson P. Ramage, U.S. Navy, for appointment to the grade indicated, when retired, in accordance with the provisions of title 10, United States Code, section 5233.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. MARINE CORPS

The bill clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

WISE WORDS OF A GREAT AMERICAN

Mr. YOUNG of Ohio. Mr. President, John S. Knight, editor and publisher of the Akron Beacon Journal and the Miami Herald, is one of the Nation's most distinguished journalists. Also, he has been one of the most consistent critics of our involvement in that immoral, undeclared war in Vietnam during the Johnson administration and now during the Nixon administration.

In a recent column that appeared in the Miami Herald and other Knight newspapers entitled "Too Kind to Nixon? Well, That Depends," John S. Knight responded to criticism that he was "going a little easier on the Nixon administration than is deserving." In that column he clearly and concisely pointed out the futility of our involvement in Vietnam and the danger of that war dragging on indefinitely and expanding.

Mr. President, I believe that this column should be read by as many citizens as possible, and therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TOO KIND TO NIXON? WELL, THAT DEPENDS

A distinguished professor of history has been kind enough to offer some commendation of JSK's Notebook.

"With the death of Ralph McGill," he writes, "the number of aggressive editors diminished and I hope you will continue your work. However, I have felt that you were going a little easier on the Nixon administration than is deserving."

Well, sir, people differ about that. Many Republicans, and especially those who read this column in the Miami Herald, appear to think that any criticism of President Nixon is tantamount to treason.

The "either you're for him or against him" dictate runs very strong in the minds of people who oversimplify the issues by automatically rejecting any view not in consonance with their own.

As an original member of the "Give Nixon Every Chance" club, I have muted my criticism on issues raised by the opposition for purely partisan reasons.

Thus, when the volatile Hubert Humphrey charged that Nixon's veto of the Health, Education and Welfare bill was a victory won "at the expense of America's children and the needy," I called the allegation "pure bosh" which of course it was.

Yet there has been no hesitancy about disagreeing with the President on matters where—at least in one man's opinion—he has been wrong.

Issue was taken here with the selection of Henry Cabot Lodge as our chief negotiator at the Paris peace talks. Cabot Lodge, a longtime friend, was too closely associated with the Saigon regime to offer any hope that he and Hanoi could ever agree on anything. Other than the shape of the peace table, that is.

Subsequent columns expressed objections to a gala inauguration since a nation at war should practice austerity; to the doubling of the President's pay and to labelling critics of the Pentagon as the "new isolationists."

We have been puzzled by Nixon's apparent acceptance of the Johnsonian dictum on "our sacred commitments" in Vietnam and the contradictions in the President's Guam and Bangkok pledges.

Nixon said at Guam that the United States would avoid future Vietnams. But at Bangkok he gave assurance that we will stand proudly with Thailand. Even the Asians found this confusing.

And then there is the "secret war" in Laos. We have printed the facts on Laos which include U.S. air support, bombing of the Ho Chi Minh trail which travels through Laos, U.S. tactical air support for the Laotian forces, U.S. advisers running the Laotian army and the loss of at least 100 American pilots on Laotian missions conducted by the Central Intelligence Agency.

We think it high time the administration came clean and told the truth about Laos, an area fraught with the same perils as Vietnam in the early 1960's.

On the lighter side, the Nixon-Agnew anti-media kick was incomprehensible. Mr. Nixon's name is included since the Vice President wouldn't even think of playing in the Bob Hope Golf Classic without White House approval.

Spiro Agnew succeeded in shaking the network presidents and he offended some overly sensitive editors and commentators. But for what purpose?

The Vice President is so elated over his oratorical successes that he is now scorching the "limousine liberals" and finding "the old lions and wolves of the Democratic party being replaced by tabby cats and lap dogs."

This is good partisan stuff and the crowds love it. What contribution it all makes to national unity or solution of the nation's pressing problems somehow escapes us.

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The latest Gallup poll shows President Nixon with 66 pct. of the persons interviewed giving approval to the way he is handling his job, a rise of 7 points over his lowest rating last year.

As the most politically sensitive President since Franklin D. Roosevelt, the man in the White House has checkmated the Democrats on every move.

He is given credit for doing his utmost to curb inflation, getting tough on pollution, urging reform of an unworkable welfare system and planning an orderly withdrawal from Vietnam.

Nixon has his political opposition in complete disarray. In commenting on the resignation of Democratic National Chairman Fred R. Harris, Columnist Mary McGrory says that "no ambitious young man would want to linger in the Democratic National Committee which can scarcely pay its telephone bills and is reduced to putting on vaudeville shows because, thanks to Johnson, the Vietnam war and the Chicago convention, there is nothing its orators can safely talk about."

Even Lyndon Johnson is, as Mary McGrory says, "rubbing salt in the wounds he inflicted on the Democratic party during his five years in the presidency."

So Dick Nixon who made it to the White House the hard way is sitting pretty over on Key Biscayne. Given a little better weather, he might even become exuberant.

We cannot forget, however, that the people and the polls are fickle. One month's applause can become next month's disaster.

The Vietnam war is not ending, as so many persons choose to believe.

High interest rates are drying up expansion capital. Without the benefit of presidential jawboning on wages and prices, the cost of living indices continue to rise.

Whether inflation can ever be checked without credit and wage and price controls is at best a dubious prospect.

Other than inflation, the Vietnam war is President Nixon's gravest problem. Defense Secretary Melvin R. Laird promises "steady withdrawals" beyond the 250,000 level once advocated by his predecessor Clark Clifford.

But Mr. Laird qualifies his optimism by conceding that U.S. combat troops will remain in Vietnam after American forces have given up primary combat responsibility in the war. They will remain, he said, to protect American support troops left in Vietnam to help the South Vietnamese.

In other words, another Korea where elements of U.S. combat troops have remained for 20 years. The South Vietnam situation is infinitely more complicated than Korea where an armistice of sorts does exist and the South Koreans as fighting men are far superior to the South Vietnamese.

Let Vietnam drag on interminably and public patience will wear thin. This would spell trouble for Nixon in view of his forthright pledge "to end this war in a way that would increase our chances to win true and lasting peace . . . If I fail to do so I expect the American people to hold me accountable."

As to whether I have been "easier on Nixon than is deserving" or "too critical" as some readers see it, the endeavor has been to deal fairly and objectively with an administration not long in power and still facing its most crucial tests.

Whenever thoughts of disenchantment begin to smoulder, I think of what might have been and the combustive processes come down to cool.

Mr. YOUNG of Ohio. Mr. President, John S. Knight points out how President Nixon has failed to use the Paris peace talks as an effective forum for ending the Vietnam war. While the peace talks have come to a complete standstill, young Americans daily continue to fight and die in that little faraway country of no strategic or economic importance whatever to the defense of the United States. He reiterates his disappointment that President Nixon appointed Henry Cabot Lodge to succeed Averell Harriman as our chief negotiator at Paris. Averell Harriman is a great American diplomat who succeeded in achieving the Limited Nuclear Test Ban Treaty with the Soviet Union which his predecessors under previous American Presidents had failed to accomplish. Even though Henry Cabot Lodge was his longtime friend, Mr. Knight strongly believed the President made a bad appointment if for no other reason than that Henry Cabot Lodge on several occasions has stated that he affectionately regarded Vice President Ky as a son. This flamboyant air marshal who has stated that Hitler was his hero, fought against his own fellow countrymen seeking national liberation from the French. That Lodge had stated that Ky was like a son to him is a fact that is well known to representatives of North Vietnam and of the National Liberation Front and was a roadblock toward any possible effectiveness of Lodge as a negotiator.

John Knight also criticizes the so-called "secret war" in Laos and the very real danger of our escalating the undeclared war we are waging at the present time in that small undeveloped country that is not worth the life of a single young American.

In his column Editor and Publisher Knight states the danger that U.S. combat troops may remain in Vietnam for many years to come. Reducing the troop level in Vietnam to 350,000 or 250,000 men is not what Americans had in mind when they elected Richard Nixon to end the war.

Mr. President, John S. Knight deserves the gratitude of all Americans for his keen understanding of the issues involved in Vietnam and for his editorial efforts to help bring about an end to our involvement in the Vietnam quagmire.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABOMINATION

Mr. YOUNG of Ohio. Mr. President, conscription of our youth in time of peace is an abomination. It should never be tolerated. We should seek to have a purely volunteer army, though an increase in pay would probably be necessary. Only in times of grave national emergency and when Congress has declared war should our youth be conscripted into the Armed Forces. Under our former selective service law the lives of young men were disrupted due to uncertainty. Under our present selective service policy, a 19-year-old boy if he is not summoned before his 20th birthday will not be drafted except in time of war. The old draft law of taking the oldest first needlessly disrupted countless homes, marriages and careers.

The Armed Services Committees of the Congress also have a duty to recommend a maximum 18 months' service for draftees.

In that connection, may I say that every one of our European allies has conscription for a lesser period than 2 years.

West Germany has a conscription for 13 months.

Belgium conscripts for only 12 months. France and Norway conscript for 12 to 15 months; Denmark from 12 to 14 months.

We alone have 2 years.

The United Kingdom and Canada have no draft whatever.

It is high time that we do away with this abomination except in a time of grave national emergency or in a period when Congress has declared war. Otherwise, we must have a purely volunteer army.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

Mr. MANSFIELD. Mr. President, I want to express my approval of what the distinguished Senator has just said and also express my wholehearted support for the Gates Commission report on an all-volunteer army.

I think that the figure set by the Gates Commission is too high. Instead of being 2.5 million, the figure ought to be around 2 million or a little less.

I certainly approve their suggestion and their recommendation that the pay of the lower grades be increased considerably and that those who become members of an all-volunteer army be subject to veterans' benefits. I think this is a step in the right direction.

I applaud the recommendations of the Gates Commission. I think the present draft law is most inequitable and most unfair. I say that as one who voted against the draft law, and as one who voted against the lottery affecting the 19-year-olds, which I think in itself was also inequitable.

I am delighted that we have come to this pass whereby a Commission appointed by the President of the United States has made some sound and solid recommendations.

I would hope most sincerely that even though the draft does not expire until next year, the Armed Services Committee would start hearings on the Gates proposals this year. The way needs to be paved without further delay, leading to a better situation as far as armed service personnel are concerned than is the case today or has been the case for a good number of years.

It is my understanding that one of the recommendations of the Gates Commission is that a means will be created whereby a stand-by will be in operation in case of extreme emergency.

A most significant and most important part of that proposal is that the decision will be up to Congress, the elected representatives of the people. They will be responsible once again for putting it in operation and to me that means a return to constitutional normalcy and congressional intent. In a sense, it will be an application related to Congress' war-declaring powers.

The Senator mentioned the draft. His figures were correct. He also mentioned the fact that 18-year-olds had been called up over the past several decades. Maybe some of them are still eligible. It would be fitting and I would hope that the hearings now being conducted by the Committee on the Judiciary relative to giving the voting franchise to the 18-year-olds would become a part of the law of this land, either through a constitutional amendment or through attachment to another bill which may come to the floor of the Senate.

I think it is about time, because the 18-year-olds are considered adults; they are subject to criminal action; are subject to the draft; are subject to paying taxes; are allowed to marry at that age. However, they are not allowed to participate in the making of a policy which has a vital control over their lives for a certain period of time in the application of the draft. Because of this and the other factors mentioned they should be given the right and the responsibility to vote.

I think we are long overdue in giving these young citizens the right to participate in the exercise of the franchise. I would hope that if they are continued to be denied that right—incidentally, they have that right in the State of Georgia—that we would consider seriously in any future draft or conscription legislation, a provision that no man will become eligible for the draft until he has the right to vote. That would mean, generally speaking, at age 21. The way to face up to this question and overcome it is to give the 18-year-olds the right to vote now or as soon as possible so that they can determine in some small part the policy of this country that they are called upon and have been called upon to execute over the last several decades.

Mr. YOUNG of Ohio. Mr. President, I thank the distinguished majority leader very much for his remarks and commend him for the statement he has made today. I am so glad that the distinguished majority leader and I are in complete agreement.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GURNEY. Mr. President, I have listened with great interest to the colloquy between the distinguished majority leader and the distinguished senior Senator from Ohio. I would like to add one thought.

People who run for public office make many promises and sometimes extravagant promises. Sometimes I think there is no intent to live up to some of the promises.

One of the gratifying things about the present incumbent in the White House, President Richard Nixon, is the fact that he has carried out or has tried to carry out many of the major campaign promises he made in 1966, 1967, 1968. One of the campaign promises that I recall was that we should have a volunteer army. So I am gratified that the Commission has come up with this suggestion and also that the President's attitude has received the very strong support and, of course, the very important support of the distinguished majority leader as well as the distinguished Senator from Ohio.

Mr. President, I might also make a further remark that if the granting of the franchise to 18-year-olds and up is in the mainstream of America's thinking, then, too, the present incumbent in the White House, President Richard Nixon, also advocated this many years ago.

I would also like to say, in passing, that I think these attitudes on lowering the voting age, coupled with draft reforms already made and coupled with his attitude on a volunteer army, certainly are factors why there is less youth unrest in the country today and a greater acceptability by the young people of the present incumbent of the White House.

Mr. MANSFIELD. I think it also should be pointed out that the initial legislation in this body for an all volunteer army was in accord with what the President advocated during the campaign; and if I remember correctly, the initiators of the legislation were the distinguished Senator from Oregon (Mr. HATFIELD) and—I believe I am correct in saying this—the distinguished Senator from Arizona (Mr. GOLDWATER) joined him, and also a number of Senators on this side, including the Senator from Wisconsin (Mr. NELSON) and others. So there is truly a bipartisan feeling on the part of Members of the Senate.

I hope this promise which had been made by the President during the campaign—this Commission he created which has come forth with these recommendations—would be followed by specifics from the executive branch of Government to the end that this proposal can be given consideration as expeditiously as possible and brought before the Congress as a whole for debate, consideration, and disposition.

Mr. GURNEY. I thank the distinguished majority leader for his further contribution. Indeed, it is a truly bipartisan effort. I should hasten to add that this Senator from Florida has also supported for a long time the concept of a volunteer army as soon as we are able to move in that direction.

Mr. STEVENS. Mr. President, I wish to join the distinguished majority leader and to congratulate him for holding out hope to the 18-year-olds that we may take the step to extend to them the voting privilege. My State has the 19-year-old law. Our 19-year-olds may vote. They have been responsible in exercising this privilege.

I would like to urge that we make this a bipartisan effort and that we do not hold out a carrot to these young people to let them believe we will finally take this action and then not take it.

I think one of the great causes of unrest among the young people in this country is that they have not had an opportunity to really have a piece of the action, so to speak, as far as participation in Government nationally is concerned. I would hope we will do this.

I notice the suggestion that the matter might be tacked on to the civil rights legislation. I think that would be a good place to put it; but, in any event, it would seem to me that once we start the ball rolling we must keep the ball rolling because our young people have been disappointed with us all too often because we start things and then do not finish them.

I think the majority leader will find he has a lot of Young Turks who will be behind him in his efforts to extend the voting privilege to 18-year-olds.

Mr. BYRD of West Virginia. Mr. President, anent the suggestion that the franchise be accorded to persons under 21 years of age, may I say that my colleague (Mr. RANDOLPH) has been in the forefront of this effort over a period of many years. He is not in the Chamber at the moment but I rise to remind Senators that my senior colleague has been fighting this battle a long time. At the present moment he has, I believe, a joint resolution to provide for a constitutional amendment placing the matter before the people of the States for them to decide. He has as cosponsors of this proposed constitutional amendment about two-thirds of the Members of the Senate. He has been very diligent in his efforts to obtain signatures. I am cosponsor of that resolution. He is pressing for action by the Committee on the Judiciary and, hopefully, by the Senate at an early date.

I very much support the idea of a constitutional amendment. I could not support any suggestion that a Federal statute be passed to implement this proposal because I think that under the Constitution, article I, section 2; article II, section 1; and the 17th amendment to the Constitution, the matter of determining the qualifications of voters remains the prerogative of the States. The States may, of course, act individually to lower the voting age without action by the Congress.

But I heartily support the idea of the constitutional amendment. I would vote for it. I hope the Senate will take action to present the matter to the people to let them make the final judgment thereon. But I wanted to remind Senators that my colleague (Mr. RANDOLPH) has been fighting this battle for a long time and I did not want this moment to escape without due credit being given him.

Mr. MANSFIELD. Mr. President, I, too, want to join in giving full credit to the distinguished Senator from West Virginia (Mr. RANDOLPH) for the interest he has shown in trying to achieve the right to vote for 18-year-olds over a long period of time. He has made an outstanding and continuing contribution to the effort to bring about this desirable change. Just a few days ago, hearings were held on Senate Joint Resolution 147, which was introduced by the Senator from West Virginia (Mr. RANDOLPH) and which would lower the voting age to 18. Among the witnesses supporting the proposal at the time were Dr. S. I. Hayakawa, of San Francisco State University, Dr. Walter Menninger, who served on the National Commission on

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the Causes and Prevention of Violence, and Deputy Attorney General Richard Kleindienst. I would also point out that the distinguished senior Senator from Vermont (Mr. AIKEN), the dean of the Republicans, and I—and I say this in all modesty—over a number of years jointly have been interested in this matter and have introduced constitutional amendments seeking to achieve the same objective.

I agree that basically it is the responsibility of the States under all the notations which the distinguished Senator from West Virginia has cited; but I note also in certain States like New Jersey and Virginia in the last election—and just in the past week, I believe in the Maryland House of Delegates—proposals to lower the voting age to 18 or 19 were turned down.

In my State I have been advocating the vote should be given to 18-year-olds for many years. It was turned down until last year. The Montana Legislature did pass a resolution calling for a referendum this November which would lower the vote to 19-year-olds in my State. I am sorry it is not going down to 18-year-olds but I intend to campaign up and down the width and length of my State in behalf of the 19-year-old amendment for the young people of Montana. I am hopeful that with a combined and coordinated effort on the part of many of us that this referendum will be agreed to by the people.

I think what many of us forget or do not recognize is that the young men and women of today are far more aware and far better informed than we were at their age. They know what is going on. They want a "piece of the action," to use the phrase of the distinguished Senator from Alaska (Mr. STEVENS), who has been in the forefront of this fight. They are entitled to be given recognition and responsibility, so that their responsibilities will be in accord, at least in some degree, with the making of the policies which they are called on to carry on, as in Vietnam and elsewhere.

Mr. BYRD of West Virginia. Mr. President, if I may have 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I want to thank the majority leader for reminding us that the able senior Senator from Vermont (Mr. AIKEN) and our own beloved majority leader have over the years advocated a constitutional amendment which would present to the people of the United States the question of allowing persons under 21 the privilege of voting. It was not my intention to detract from the actions of any other Senators, but I just wanted to make clear that the proposal or suggestion that 18-year-olds be given an opportunity to vote, or at least allowing the people of the United States to decide the issue through such a constitutional amendment, is not something new. The reference to New Turks is all right, but some of the Old Turks have been fighting for this for a long time. It is not something that has recently come about with the advent of a new administration. I wanted my colleagues to know that my senior colleague, who was in the House of Representatives for 14 years, was fighting for this privilege a long time before any of the New Turks on either side reached this body. He, in fact, offered his first constitutional amendment for 18-year-old voting in 1942.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. GORE. Mr. President——

Mr. BYRD of West Virginia. Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I just wanted to say a word about the 18-year-old vote question.

Will the Senator from Tennessee yield to me for a moment?

Mr. GORE. I yield.

Mr. JAVITS. Mr. President, I joined the Senator from West Virginia (Mr. RANDOLPH) only a month ago, in redeeming a campaign pledge of mine in 1968 to let 18-year-olds vote. I rise only to join in what has been said about the Senator from West Virginia (Mr. RANDOLPH) on that score. I am very enlightened by what has been said by the majority leader and the Senator from Alaska (Mr. STEVENS).

I would like to affirm by own feeling that we ought to have a constitutional amendment granting 18-year-olds the right to vote. It should be universal and not just on a State-by-State basis. It would thus represent the judgment of the whole Nation on this question.

I have done much campaigning among the young people and I think it is definitely what they want. This is one of the major aspects of our response to their feelings about the modern world. I deeply believe it will be very satisfactory to them and will introduce a note of responsibility which we saw in the McCarthy campaign and which is most desirable for the Nation.

I rise only to affirm my own feeling about a constitutional amendment. I hope very much that we may have a very early opportunity to consider the question. I notice there is some thought that this objective can be accomplished by law. I shall devote myself to looking into that question. I would not say "No,'" but it seems to be a doubtful question. However, whatever is done should be done nationally and uniformly in all the States and for all our young people.

I thank the Senator from West Virginia for yielding and I also thank the Senator from Tennessee for his customary courtesy.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator from New York for his remarks.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Mr. President, I wish to congratulate the distinguished majority leader.

I also wish to associate myself with the views expressed by the distinguished senior Senator from Alaska.

Fixing a voting age is a question that has no partisan characteristics. I think it is a question of recognition of the improved enlightenment of our citizens.

I have been associated with the youth in my State for a long while. As a teacher, as a superintendent, as a Congressman, and now as a Senator, I have visited many schools. Few things give me greater thrill, nothing gives me greater inspiration and challenge, than a visit with the bright youngsters of today. I hold them infinitely better informed on domestic and international problems than my generation was. I hold the 18-year-olds today better informed, more capable of the exercise of discriminating judgment on national issues, than my generation was at the age of 21.

The Democratic Party has been characterized throughout its history with initiative, with adventure, with progressive action. The action proposed in the speech of the distinguished majority leader today is in keeping with that character. We of the legislative branch must of necessity, and also out of genuine desire, cooperate with the Executive, but this does not mean that the initiative passes from us, or should. Indeed, the initiation of legislation, the consideration of legislation, the enactment of legislation, is the primary function of the legislative branch of Government.

With the leadership of the distinguished majority leader, I think we should proceed to make a reality of the goals to which so many of us on both sides of the aisle have given voice—that is, to effectuate the franchise for the young men and women of 18, 19, and 20 years of age.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Tennessee may have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I would like to associate myself with the remarks regarding lowering the voting age to 18 years. During my campaign for Governor and also for Senator I supported that proposition, and still strongly feel that the present law which does not allow for voting until the age 21 is a relic of the past, and it is long past the time when we took note of the fact that young people today are better informed. They are able to exercise the good judgment we expect of voters. More than that, young people desire a "piece of the action." Until we give them a chance to exercise that privilege, we are going to continue to let them believe that they are being left out and that we do not recognize the contribution they can make.

I would like to congratulate those Senators who have commented on this subject this morning. I am very happy to tell them that I will do what I can to help them bring about that change.

Mr. GORE. Mr. President, I appreciate the remarks of the Senator from Oklahoma. They further indicate that this is not a partisan issue. It is an issue in which the legislative branch can take the lead. I am happy we are now in the act of doing so.

Like the senior Senator from New York, I would prefer a constitutional amendment to dramatize and formalize this progressive move; but if it is possible to do it through legislation, constitutionally and effectively, I would favor that, too. Perhaps legislation on the sub-

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ject would facilitate the approval of a constitutional amendment.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Tennessee may have an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, under the Constitution, the sections thereof to which I have already alluded, I do not believe that this matter can be resolved by legislation. Article I, section 2; article II, section 1; and the 17th amendment state in essence that the electors for offices such as those of Senators, Representatives, and so on in each State shall have the same qualifications as electors of the most numerous branch of the State legislature. It would seem that this clearly indicates that the determination of qualifications of voters is a prerogative of the States.

But with respect to its being a matter for the legislative branch, it seems to me, Mr. President, that when we consider the fact that constitutional amendments are presented by way of joint resolutions, and that this would be a joint resolution which would not go to the President for his signature—he has no opportunity to veto a resolution presenting to the people a constitutional amendment; he has no voice in that——

Mr. GORE. Nor to initiate it.

Mr. BYRD of West Virginia. Nor to initiate it. So it is entirely a legislative matter, resting with the legislative branch—the elected representatives of the people—and in the final analysis the people themselves, when it comes to ratification of such an amendment.

So I do not view this as a matter requiring Presidential initiative, at all. He has no voice in the matter; and if we present a resolution carrying a constitutional amendment to the people, this is not a matter which would go to the President's desk. He has no opportunity to veto it or sign it; therefore it is unquestionably a matter, I think, over which we have jurisdiction. It would go directly from the Congress to the people.

Mr. GORE. Of course, in the case of legislation it would be a matter for reference to the President.

Mr. BYRD of West Virginia. Yes, it would.

Mr. GORE. Like the distinguished Senator from West Virginia, I have leaned in favor of a constitutional amendment. That would still be my choice. But I am willing to examine the possibility of legislation, and if substantial doubt as to its constitutionality exists, then I would lean toward initiation of legislation as a means possibly of achievement, and also as a means of spurring the more formalized and surer matter of a constitutional amendment.

I congratulate the Senator from Montana for his fine presentation.

Mr. SCOTT subsequently said: Mr. President, with regard to the proposal that the voting age be lowered, I should like to say that I hope the committee will act on this matter and bring it to the floor of the Senate, and that we can then act expeditiously upon it.

I favor the lowering of the voting age. I have something of a feeling that perhaps it might be accomplished more quickly by statute by the several States, but if a constitutional amendment is necessary, and if it is in the proper wording, I would expect to be able to support it.

As evidence of my own feeling, I point out that there is a controversy going on with relation to whether the voting age should be lowered to 19 or whether it should be lowered to 18. That is one part of the general controversy. Some States say 18, others say 19. An interesting poll, taken some time ago, I believe in the State of Washington, showed that the 18-year-olds voted heavily for lowering the voting age to 18, but those polled whose ages were from 19 to 21 voted equally heavily to lower the voting age to 19.

In other words, as you progress from 18 to 19, you change your views and you believe more favorably that 19 is the best age. So apparently the only voting age group which is overwhelmingly for voting at 18 is the 18-year-olds; and 1 year later, they have decided that 19 is better.

I do not know which is better, but I do know there is a good deal of merit in saying that if you are old enough to fight, you are old enough to vote, and when we see 16-year-olds driving automobiles and 18-year-olds piloting fighter planes, it would seem to me that it is about time we got away from the old fashion of believing that all decisions of import are to be postponed until you are 21. If you can get married at 18 in many places, and in practically every place with the consent of your parents, I think getting married is as important a decision as whom you are going to send to public office. If that is the case, perhaps we should apply it in our laws, and therefore I would like to see the voting age lowered.

THE TRANS-ALASKAN PIPELINE

Mr. BELLMON. Mr. President, the attention of conservation-minded Americans will be directed toward Alaska in the months ahead as the construction of the Trans-Alaskan Pipeline begins. In many ways, this is the most critical pipeline construction job in history, since it will encounter many problems which have seldom been confronted and never on this large a scale before.

Secretary Hickel is to be commended for the care and thoroughness he has exercised in requiring that extraordinary safeguards be established before a permit to build this pipeline is issued. Those who were fearful of the Secretary's Alaskan background and the pressures generated by those with an economic interest in an early construction date should take heart from the courage and good judgment which the Secretary has used.

The Trans-Alaskan Pipeline involves spanning over 800 miles of some of the most difficult and ecologically sensitive terrain on earth. In addition, the climatic conditions under which this job must proceed offer severe challenges to the ingenuity and the technology of the pipeline construction industry.

The job is likely to cost in the neighborhood of $1 billion and will be the means whereby many billion barrels of crude oil from the North Slope move to markets in this country. In addition, success with the Trans-Alaskan Pipeline project will help hasten the day when a natural gas pipeline can be built to the North Slope to bring in natural gas to combat pollution and meet growing energy needs.

Mr. President, the construction of this project will be watched by many conservation groups, both within our Government and in the private sector. In addition, the eyes of conservationists abroad will be directed toward Alaska to observe effects on the delicate, ecological balance which exists in the Arctic. Clearly, the construction of the Trans-Alaskan Pipeline is no place for experimentation. The successful completion of this pipeline will require the services of the most experienced builders and the finest technology which the industry has developed. The pipeline must be built as near 100-percent failure free as possible, for a mistake here could produce an environmental disaster.

The construction of the Trans-Alaskan Pipeline is no place to cut corners. The rule established by Secretary Hickel must require compliance with superior construction standards and must specify the use of the highest quality materials and workmanship. All who desire a strong domestic petroleum industry and who wish to see this Nation remain largely self-sufficient in meeting its petroleum needs, also have a stake in what happens on the Trans-Alaskan Pipeline job. A mistake or failure here will re-energize the critics of the domestic oil industry and further weaken the position of this vital segment of our Nation's economy and defense. Here is a place where the petroleum industry cannot afford to gamble.

Again, I wish to compliment Secretary Hickel for the thoughtful and deliberate manner in which he has proceeded in making the difficult decisions he has faced in this matter. The Secretary is an Alaskan, but he has not sacrificed safety for speed. The companies which are responsible for this project will be well advised to follow his example.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BELLMON. I am happy to yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I commend the Senator from Oklahoma for his statement on this matter. He certainly has highlighted one of the great fears of the national conservation organizations, and I think that he has stated the Alaskan position on the construction of the new pipeline by the Trans-Alaskan pipeline system, which is that we want the pipeline constructed in the manner that will provide the most absolute guarantee possible from the industry that no incidents such as Santa Barbara will develop in Alaska.

I have spoken to oil industry groups throughout the country and put it just like that—that the industry cannot afford an Arctic Santa Barbara, and that it must insist upon compliance with the high standards that have been set by Secretary Hickel and his advisers, and

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that they must be patient, so that we and the American public as a whole can be assured that all of the conditions that are necessary for the completion of this pipeline will be met without some adverse incident.

Mr. SCOTT. Mr. President, will the Senator yield for a brief comment?

Mr. STEVENS. I am happy to yield, though the Senator from Oklahoma has the floor.

Mr. SCOTT. The Senator made reference to Santa Barbara. There is a saying that Santa Barbara gets its oil changed twice a year.

Mr. STEVENS. I thank the Senator.

Mr. President, the reason I am happy that the Senator from Oklahoma has made this statement is that many of us are watching with interest to see who is awarded the contracts for building this pipeline, because, as the Senator from Oklahoma has pointed out, we want no experimentation as far as the Alaska pipeline is concerned. It must be constructed by those who are qualified and experienced in the field, and people who understand the problem; and I have said often that I think there are many Alaskans who do know this problem, and can perform the service that is required.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

Modification of Trade Agreement Concession and Adjustment of Duty on Certain Pianos

A communication from the President of the United States, informing the Senate that he has issued a proclamation providing tariff relief for 3 years for most of the U.S. piano industry (with accompanying papers); to the Committee on Finance.

Report on Proposed Facilities Projects for the Army National Guard

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Army National Guard (with an accompanying report); to the Committee on Armed Services.

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COMMUNICATION AND RESOLUTION RELATING TO THE KNESSET (PARLIAMENT) OF ISRAEL

The **PRESIDENT** pro tempore laid before the Senate a letter from the Ambassador, Embassy of Israel, Washington, D.C., transmitting the text of the Knesset—Parliament—of Israel resolution in support of the right of Soviet Jewry to leave the U.S.S.R. and emigrate to Israel, which, with the accompanying papers, was referred to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Whitney North Seymour, Jr., of New York, to be U.S. attorney for the southern district of New York;

John L. Buck, of Pennsylvania, to be U.S. marshal for the middle district of Pennsylvania;

Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States; and

Malcolm R. Wilkey, of New York, to be a U.S. circuit judge for the District of Columbia circuit.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HRUSKA:

S. 3496. A bill for the relief of Ilona Kocsan; to the Committee on the Judiciary.

By Mr. HART:

S. 3497. A bill for the relief of Aleyamma Venneappa Parayil; and

S. 3498. A bill for the relief of Bijan Sajjadi; to the Committee on the Judiciary.

By Mr. PERCY:

S. 3499. A bill to provide emergency financial assistance to urban public transportation systems; to the Committee on Banking and Currency.

(The remarks of Mr. Percy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. NELSON:

S. 3500. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorous; to the Committee on Public Works.

By Mr. PACKWOOD:

S. 3501. A bill to authorize abortions in the District of Columbia; to the Committee on the District of Columbia.

S. 3502. A bill to amend the Internal Revenue Code of 1954 to adjust the amount of, and restrict the number of, personal exemptions allowable for children; to the Committee on Finance.

(The remarks of Mr. Packwood when he introduced the bills appear later in the Record under separate headings.)

By Mr. SCOTT:

S.J. Res. 175. Joint resolution to authorize the President to designate the period beginning August 2, 1970, and ending August 8, 1970, as "Professional Photography Week in America"; to the Committee on the Judiciary.

(The remarks of Mr. Scott when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 3499—INTRODUCTION OF A BILL RELATING TO EMERGENCY FINANCIAL ASSISTANCE FOR URBAN MASS TRANSPORTATION

Mr. **PERCY**. Mr. President, I am introducing legislation today to provide emergency financial transportation assistance to those urban mass transportation systems which might well, first, face curtailment of all or a significant part of such service, or second, which through further threatened fare raises could seriously undermine the welfare of lower income persons who are now totally dependent upon public transportation systems.

The Senate enacted on February 3 the Urban Mass Transportation Assistance Act of 1969 to provide $3.1 billion over a period of 6 or more years to fund improved mass transportation service. For years Congress has pumped billions of dollars into highway construction while starving our mass transit system. The result was predictable: decline of mass transit, clogged roads, and increased air pollution. Our environment and transportation system has grown so bad, however, that we are finally beginning to wake up. The act just passed represents a good beginning in our road back to a balanced, modernized transportation network. Far larger sums will have to be appropriated as inflationary pressures ease. Careful consideration should be given to the creation of a transportation trust fund to intelligently fund modes of transportation on a systems basis.

These considerations all relate to future hopes and aspirations, however. In the meantime, those mass transportation systems that have managed to survive and those gallant or desperate or needy mass transit riders who have hung on are suffering. Emergency help is required by them now. Yet, nothing in present legislation appears available to help them quickly and adequately.

The legislatoin will greatly assist in the construction of new systems or help existing systems purchase new equipment. It does not, however, help those systems that have had the foresight, initiative, and courage to purchase new equipment without the promise or commitment of outside financial assistance. Thus, one system with gumption incurs debt to preserve or improve transportation service while another plays it safe, does nothing, and winds up with Federal financial assistance. By rewarding delay and penalizing initiative, we are undermining the very spirit we need if we are to revitalize urban mass transportation.

The Chicago Transit Authority is a prime case in point. The CTA presently faces a deficit for 1970 exceeding $20 million primarily as a result of having to pay interest on equipment bonds and to lay funds aside to pay off the principal on such obligations as well as the need to contribute to a depreciation account to meet future needs. Yet, income will only cover current operating expenses. To meet these added expenses, then, the CTA will be forced to increase their fare. It is already 40 cents. Initial proposals called for increasing this to 50 cents. The public protest was monumental. Now talk is circulating that the fare will go to 45 cents. But, no one can doubt this is only a way station pending a new emergency and a new need for a fare increase.

As fares are increased total paid passenger fares have declined from $1.1 billion in 1947 to under $400 million today. This decline cannot continue. Roads in the Chicago area are becoming increasingly overcrowded. Mass transportation continues to decline in quality and service. Passengers continue to desert the system. The air grows more foul. Lower income persons are being forced to dig deeper into lean budgets for higher fares they can ill afford or to turn to group riding in old cars which endanger safe driving and further pollute the air.

Such conditions can be found in city after city. Means must be found to help reverse the trend away from decay of these systems. One way would be to provide direct operating subsidies. Such an idea should be seriously considered. It is a drastic step, however. A step more moderate in nature is that proposed in the bill I am introducing today which provides emergency relief to mass transportation systems which are in serious financial difficulty—at least partly because of a burdened indebtedness—and who can be helped if relieved of the need to service such debt.

The proposed bill was offered by me as an amendment to the Mass Transportation Assistance Act just passed by the Senate. Because of the highly technical nature of the proposal and because inadequate time existed to explore the proposal in all its ramifications, I agreed to withdraw the amendment in return for the scheduling of early hearings by the Banking and Currency Committee. Senators Williams of New Jersey, and Tower, the floor managers of the legislation, both of whom have a good understanding of the problem, graciously agreed to schedule such hearings. It is my hope that through such hearings we can bring forth constructive legislation to provide necessary financial assistance to mass transportation systems in vital need of emergency help. I ask unanimous consent that the bill be printed in the Record immediately following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3499) to provide emergency financial assistance to urban public transportation systems, introduced by Mr. Percy, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 3499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602), is amended by inserting "(a)" after Sec. 5 and by inserting at the end thereof the following subsections:

"(b) Notwithstanding any other provision of this Act, the Secretary is authorized to make grants to States and local public bodies and agencies thereof to pay the interest on and to discharge obligations on securities, equipment trust certificates, or otherwise which have been incurred in the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas. A grant may be made under this authority where the Secretary determines that such a grant is essential to prevent (1) the termination of all or a significant part of the transportation service for a community, or (2) the occurrence of a serious adverse affect upon the welfare of a substantial number of lower income persons who are dependent upon the transportation service of such community.

"(c) To finance the grants under subsection (b) of this section, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $250,000,000. This amount shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed $25,000,000 prior to July 1, 1970, which amount may be increased to not to exceed an aggregate of $75,000,000 prior to July 1, 1971, not to exceed an aggregate of $150,000,000 prior to July 1, 1972, and not to exceed an aggregate of $250,000,000 prior to July 1, 1973. Sums so appropriated shall remain available until expanded."

SENATE JOINT RESOLUTION 175—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING PROFESSIONAL PHOTOGRAPHY WEEK IN AMERICA

Mr. SCOTT. Mr. President, I welcome this opportunity to introduce a joint resolution calling on the President to designate the week of August 2 to August 8 of this year as Professional Photography Week in America.

This year, 1970, marks the 90th anniversary of the founding of the Professional Photographers of America, Inc., the oldest and largest association of photographers in the world. It is especially significant that the nine decades of this organization's lifetime have seen the growth of photography into its modern form. It has bridged the gap from the daguerreotype to the scientific photographic applications we know today.

Today, photography—in all of its many facets and applications—is an almost $5 billion per year industry, employing over a quarter of a million Americans. Its annual growth rate three times that of our gross national product.

Photography has preserved for us, and for our children's children, the faces of our great men, from Lincoln and Grant, Davis and Lee, down to Roosevelt, Churchill, Eisenhower, Martin Luther King, John F. Kennedy—and Richard M. Nixon.

Photography has recorded, and reported, the great events that shape men's lives: wars and peace treaties, invention, exploration, legislation, politics, business, and man's never-ending struggle for freedom and dignity. Indeed, photography—in both the print and broadcast media—has helped make Americans the best-informed people in history.

But photography is more than a faithful recorder and reporter. It is the scientific tool that gave us our first look inside the human heart, our first look at the floor of the deep ocean, our first look at the surface of the moon. Indeed, without the many applications of photography in our space program, man would not yet have reached the moon.

Today, photography plays a leading part in medicine, scientific and industrial research and development, manufacturing, distribution and sales. It is contributing in ever-increasing measure to our fight against crime. It helps expand every horizon of human knowledge.

And the art of photography enriches our lives with beauty.

In recognition of the role of photography in our modern life and culture—and of the contribution of the men and women of the Professional Photographers of America, Inc.—I am pleased to introduce this joint resolution and to urge immediate and favorable consideration.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 175) to authorize the President to designate the period beginning August 2, 1970, and ending August 8, 1970, as "Professional Photography Week in America," introduced by Mr. Scott, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF A BILL

S. 3492

Mr. STEVENS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Mississippi (Mr. Eastland) be added as a cosponsor of S. 3492, to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishing zone of the United States, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPANSION AND IMPROVEMENT OF THE NATION'S AIRPORT AND AIRWAY SYSTEM—AMENDMENTS

AMENDMENT NO. 516

Mr. GURNEY (for himself, Mr. Boggs, Mr. Brooke, Mr. Cook, Mr. Fannin, Mr. Griffin, Mr. Hansen, Mr. Hart, Mr. McGovern, Mr. Packwood, Mr. Percy, Mr. Prouty, Mr. Smith of Illinois, and Mr. Tower) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. Gurney when he submitted the amendment appear later in the Record under the appropriate heading.)

AMENDMENT NO. 517

Mr. STEVENS. Mr. President, I am submitting today an amendment, intended to be proposed by me, to H.R. 14465, the airport and airways bill, that will exempt State and local governments from the proposed user taxes.

It is a longstanding doctrine that taxation of governmental entities can be accomplished only through reciprocity. For example, we permit State and local governments to tax the incomes of Federal employees in return for which we tax the incomes of State and local employees. In another instance, the Federal Government does not pay State or local sales taxes for purchases made in those areas which impose such taxes. State and municipal government are likewise exempted from paying certain Federal excise taxes on their purchases.

This bill proposes to extend to State and local governments a user tax to which they have been previously exempt. But the bill provides no reciprocal taxing power to compensate for this tax. Since the recipocity doctrine has its foundations in constitutional law, there is a real question as to whether the elimina-

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tion of the exemption will withstand a test of constitutionality.

However, I would like to point out a much more real and likely result if we refuse to continue this exemption. The word that best describes this action—and it is not a nice word—is "retaliation." If the State and local governments find that they are going to have to pay a tax to the Federal Government, they are quite naturally going to look for a way to get the Federal Government to repay that tax to them. The possibilities are infinite: a tax on aircraft owned by persons or entities that do not pay property taxes to the State is one possibility. Refusal to exempt the Federal Government from State sales or gasoline taxes is another.

Obviously, we do not wish to create an environment of hostility between the Federal and local governments. In fact, we are trying to establish just the opposite: a relationship of cooperation and mutual good will. We are concerned with the problems of our cities and of our rural residents. We are concerned that many State and local governments are facing budgetary crises. We are even considering sharing portions of the Federal revenues with the State and local governments to assist them in meeting their financial obligations.

With these purposes and attitudes, how can we justify imposing these user taxes on these governments? At a time when increased participation of State and local officials in conference, hearings and other important gatherings is desired, we cannot in good conscience impose a tax which will effectively reduce their ability to participate rather than increase it.

Nearly every day there are hearings being conducted by this Congress affecting the State and local governments. Attendance at these hearings by representatives of those governments is essential if their side is to be fairly and properly heard. Yet this Congress is considering a bill that will clearly make such attendance more difficult.

One pertinent fact to which I would like to address myself is the amount of revenue that the elimination of this exemption is expected to produce. Various inquiries have failed to produce a firm figure, but a very rough figure of $25 million has been suggested. This $25 million figure represents only 4 percent of the total $670 million the Finance Committee anticipates will be earned in the first full year of operation of the new user taxes. Yet, $25 million is a very substantial burden to place on our Nation's hard-pressed State and local governments. Clearly, the slight increase in revenues to be derived by elimination of this exemption is not worth the consequences of reduced local participation in important hearings and conferences or of hostility and retaliation toward the Federal Government that could result.

For these reasons I strongly urge that the Senate retain the exemption from air transportation user taxes presently provided to State and local governments. The amendment I am submitting will accomplish that purpose.

Because of the importance of this amendment to our Nation's State and local governments, I ask unanimous consent that it be printed in the Record immediately following my remarks.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 517) is as follows:

AMENDMENT NO. 517

On page 105, line 16, strike out the closing quotation marks, and after line 16, insert the following:

"SEC. 4283. STATE AND LOCAL GOVERNMENTS.

"Under regulations prescribed by the Secretary or his delegate, the taxes imposed by sections 4261 and 4271 shall not apply to transportation furnished to the government of any State, any political subdivision of a State, or the District of Columbia."

Page 97, lines 22 and 23, strike out "sections 4281 and 4282" and insert "sections 4281, 4282, and 4283".

Page 114, line 22, strike out the period and insert a comma. and after line 22, insert the following: "except that such term does not include any aircraft which is owned by the government of a State, any political subdivision of a State, or the District of Columbia and which is normally used exclusively in the exercise of governmental functions."

ADDITIONAL COSPONSOR OF AN AMENDMENT

NO. 514

Mr. STEVENS. Mr. President, I ask unanimous consent that the name of the Senator from Hawaii (Mr. Fong) be added as a cosponsor of my amendment No. 514, to S. 2548, the school lunch bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

SENATOR WILLIAMS CALLS FOR PRIVATE MEETING BETWEEN CONGRESSIONAL DELEGATION AND PRESIDENT POMPIDOU—URGES CANCELLATION OF JET SALE TO LIBYA

Mr. WILLIAMS of New Jersey. Mr. President, for weeks and months now, we have become accustomed to opening our morning newspapers to news of an increasingly intense Middle East conflict. We were all greatly distressed last week when, in the heat of that conflict, bombs fell on a civilian plant in Egypt killing 70 civilians. Israel immediately informed the world that the bombing had been a mistake: That the civilian plant had not been intended as a target. In what must have been one of the most unusual displays of good faith between combatants in wartime, Israel's Defense Minister, Gen. Moshe Dayan, immediately warned Egypt, through the Red Cross, that one of the bombs that fell on that plant was a bomb timed to explode 24 hours later. Fortunately, this enabled Egypt to defuse the bomb and avoid subsequent loss of life.

The State Department reacted immediately and strongly with a resounding criticism of Israel, despite Israel's immediate assurance that the bombing was an accident of war and not premeditated destruction of civilians. This reaction is in marked contrast to the State Department's lethargic response to the admittedly premeditated bombings of civilian aircraft by Arab terrorists which have injured scores of civilians, Israelis and non-Israelis alike. This immediate reaction was also in marked contrast to our belated, afterthought-like criticism of the bombing of a civilian airliner in Munich, Germany, killing and injuring civilians. This is in marked contrast to our lack of response to the series of terrorist activities directed against Jews outside of Israel culminating in a Munich fire killing seven elderly Jews.

And now we have witnessed the apparent sabotage of a Swissair flight the past weekend, resulting in 47 deaths, and the ambush of a bus of American tourists visiting the Holy Land.

The State Department has pledged itself to a policy of even-handedness as between our Israel allies and the Soviet-dominated Egyptian and Syrian regimes. I have previously criticized that policy and do so again. But I do so now with even more fervor because I have learned that the State Department apparently believes that in making foreign policy, it need not respond to the wishes of the American people. It need not even respond to the policies enunciated by the President of the United States.

Mr. President, it is my sad duty to share with Senators and with the people of our country a recent exchange of correspondence with the State Department regarding the Middle East and our policy of even-handedness.

As we all recall, Secretary of State Rogers, on December 9, 1969, delivered his first major policy statement on the Middle East. In that statement, the full text of which appeared in the New York Times the following day, he announced his basic position on what should be contained in any settlement agreement.

I ask unanimous consent that the statement be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

A LASTING PEACE IN THE MIDDLE EAST: AN AMERICAN VIEW

(An address by Secretary of State William P. Rogers)

I am very happy to be with you this evening and be a part of this impressive conference. The Galaxy Conference represents one of the largest and most significant efforts in the Nation's history to further the goals of all phases of adult and continuing education.

The State Department, as you know, has an active interest in this subject. It is our belief that foreign policy issues should be more broadly understood and considered. As you know, we are making a good many efforts toward providing continuing education in the foreign affairs field. I am happy tonight to join so many stanch allies in those endeavors.

In the hope that I may further that cause I want to talk to you tonight about a foreign policy matter which is of great concern to our nation.

U.S. POLICY IN THE MIDDLE EAST

I am going to speak tonight about the situation in the Middle East. I want to refer to the policy of the United States as it re-

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lates to that situation in the hope that there may be a better understanding of that policy and the reasons for it.

Following the third Arab-Israeli war in 20 years, there was an upsurge of hope that a lasting peace could be achieved. That hope has unfortunately not been realized. There is no area of the world today that is more important, because it could easily again be the source of another serious conflagration.

When this administration took office, one of our first actions in foreign affairs was to examine carefully the entire situation in the Middle East. It was obvious that a continuation of the unresolved conflict there would be extremely dangerous, that the parties to the conflict alone would not be able to overcome their legacy of suspicion to achieve a political settlement, and that international efforts to help needed support.

The United States decided it had a responsibility to play a direct role in seeking a solution.

Thus, we accepted a suggestion put forward both by the French Government and the Secretary General of the United Nations. We agreed that the major powers—the United States, the Soviet Union, the United Kingdom, and France—should cooperate to assist the Secretary General's representative, Ambassador Jarring, in working out a settlement in accordance with the resolution of the Security Council of the United Nations of November 1967. We also decided to consult directly with the Soviet Union, hoping to achieve as wide an area of agreement as possible between us.

These decisions were made in full recognition of the following important factors:

First, we knew that nations not directly involved could not make a durable peace for the peoples and governments involved. Peace rests with the parties to the conflict. The efforts of major powers can help, they can provide a catalyst, they can stimulate the parties to talk, they can encourage, they can help define a realistic framework for agreement; but an agreement among other powers cannot be a substitute for agreement among the parties themselves.

Second, we knew that a durable peace must meet the legitimate concerns of both sides.

Third, we were clear that the only framework for a negotiated settlement was one in accordance with the entire text of the U.N. Security Council resolution. That resolution was agreed upon after long and arduous negotiations; it is carefully balanced; it provides the basis for a just and lasting peace—a final settlement—not merely an interlude between wars.

Fourth, we believe that a protracted period of no war, no peace, recurrent violence, and spreading chaos would serve the interests of no nation, in or out of the Middle East.

UNITED STATES-SOVIET DISCUSSIONS

For 8 months we have pursued these consultations in four-power talks at the United Nations and in bilateral discussions with the Soviet Union.

In our talks with the Soviets we have proceeded in the belief that the stakes are so high that we have a responsibility to determine whether we can achieve parallel views which would encourage the parties to work out a stable and equitable solution. We are under no illusions; we are fully conscious of past difficulties and present realities. Our talks with the Soviets have brought a measure of understanding, but very substantial differences remain. We regret that the Soviets have delayed in responding to new formulations submitted to them on October 28. However, we will continue to discuss these problems with the Soviet Union as long as there is any realistic hope that such discussions might further the cause of peace.

The substance of the talks that we have had with the Soviet Union has been conveyed to the interested parties through diplomatic channels. The process has served to highlight the main roadblocks to the initiation of useful negotiations among the parties.

On the one hand, the Arab leaders fear that Israel is not in fact prepared to withdraw from Arab territory occupied in the 1967 war.

On the other hand, Israeli leaders fear that the Arab states are not in fact prepared to live in peace with Israel.

Each side can cite from its viewpoint considerable evidence to support its fears. Each side has permitted its attention to be focused solidly and to some extent solely on these fears.

What can the United States do to help to overcome these roadblocks?

Our policy is and will continue to be a *balanced* one.

We have friendly ties with both Arabs and Israelis. To call for Israeli withdrawal as envisaged in the U.N. resolution without achieving agreement on peace would be partisan toward the Arabs. To call on the Arabs to accept peace without Israeli withdrawal would be partisan toward Israel. Therefore, our policy is to encourage the Arabs to accept a permanent peace based on a binding agreement and to urge the Israelis to withdraw from occupied territory when their territorial integrity is assured as envisaged by the Security Council resolution.

BASIC ELEMENTS OF U.N. RESOLUTION

In an effort to broaden the scope of discussion we have recently resumed four-power negotiations at the United Nations.

Let me outline our policy on various elements of the Security Council resolution. The basic and related issues might be described as peace, security, withdrawal, and territory.

Peace between the parties

The resolution of the Security Council makes clear that the goal is the establishment of a state of peace between the parties instead of the state of belligerency which has characterized relations for over 20 years. We believe the conditions and obligations of peace must be defined in specific terms. For example, navigation rights in the Suez Canal and in the Strait of Tiran should be spelled out. Respect for sovereignty and obligations of the parties to each other must be made specific.

But peace, of course, involves much more than this. It is also a matter of the attitudes and intentions of the parties. Are they ready to coexist with one another? Can a live-and-let-live attitude replace suspicion, mistrust, and hate? A peace agreement between the parties must be based on clear and stated intentions and a willingness to bring about basic changes in the attitudes and conditions which are characteristic of the Middle East today.

Security

A lasting peace must be sustained by a sense of security on both sides. To this end, as envisaged in the Security Council resolution, there should be demilitarized zones and related security arrangements more reliable than those which existed in the area in the past. The parties themselves, with Ambassador Jarring's help, are in the best position to work out the nature and the details of such security arrangements. It is, after all, their interests which are at stake and their territory which is involved. They must live with the results.

Withdrawal and territory

The Security Council resolution endorses the principle of the nonacquisition of territory by war and calls for withdrawal of Israeli armed forces from territories occupied in the 1967 war. We support this part of the resolution, including withdrawal, just as we do its other elements.

The boundaries from which the 1967 war began were established in the 1949 armistice agreements and have defined the areas of national jurisdiction in the Middle East for 20 years. Those boundaries were armistice lines, not final political borders. The rights, claims, and positions of the parties in an ultimate peaceful settlement were reserved by the armistice agreements.

The Security Council resolution neither endorses nor precludes these armistice lines as the definitive political boundaries. However, it calls for withdrawal from occupied territories, the nonacquisition of territory by war, and the establishment of secure and recognized boundaries.

We believe that while recognized political boundaries must be established and agreed upon by the parties, any changes in the preexisting lines should not reflect the weight of conquest and should be confined to insubstantial alterations required for mutual security. We do not support expansionism. We believe troops must be withdrawn as the resolution provides. We support Israel's security and the security of the Arab states as well. We are for a lasting peace that requires security for both.

ISSUES OF REFUGEES AND JERUSALEM

By emphasizing the key issues of peace, security, withdrawal, and territory, I do not want to leave the impression that other issues are not equally important. Two in particular deserve special mention: the questions of refugees and of Jerusalem.

There can be no lasting peace without a just settlement of the problem of those Palestinians whom the wars of 1948 and 1967 have made homeless. This human dimension of the Arab-Israeli conflict has been of special concern to the United States for over 20 years. During this period the United States has contributed about $500 million for the support and education of the Palestine refugees. We are prepared to contribute generously along with others to solve this problem. We believe its just setlement must take into account the desires and aspirations of the refugees and the legitimate concerns of the governments in the area.

The problem posed by the refugees will become increasingly serious if their future is not resolved. There is a new consciousness among the young Palestinians who have grown up since 1948 which needs to be channeled away from bitterness and frustration toward hope and justice.

The question of the future status of Jerusalem, because it touches deep emotional, historical, and religious wellsprings, is particularly complicated. We have made clear repeatedly in the past two and a half years that we cannot accept unilateral actions by any party to decide the final status of the city. We believe its status can be determined only through the agreement of the parties concerned, which in practical terms means primarily the Governments of Israel and Jordan, taking into account the interests of other countries in the area and the international community. We do, however, support certain principles which we believe would provide an equitable framework for a Jerusalem settlement.

Specifically, we believe Jerusalem should be a unified city within which there would no longer be restrictions on the movement of persons and goods. There should be open access to the unified city for persons of all faiths and nationalities. Arrangements for the administration of the unified city should take into account the interests of all its inhabitants and of the Jewish, Islamic, and Christian communities. And there should be roles for both Israel and Jordan in the civic, economic, and religious life of the city.

It is our hope that agreement on the key issues of peace, security, withdrawal, and territory will create a climate in which these questions of refugees and of Jerusalem, as well as other aspects of the conflict, can be resolved as part of the overall settlement.

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FORMULAS FOR UNITED ARAB REPUBLIC-ISRAEL ASPECT OF SETTLEMENT

During the first weeks of the current United Nations General Assembly the efforts to move matters toward a settlement entered a particularly intensive phase. Those efforts continue today.

I have already referred to our talks with the Soviet Union. In connection with those talks there have been allegations that we have been seeking to divide the Arab states by urging the U.A.R. to make a separate peace. These allegations are false. It is a fact that we and the Soviets have been concentrating on the questions of a settlement between Israel and the United Arab Republic. We have been doing this in the full understanding on both our parts that, before there can be a settlement of the Arab-Israeli conflict, there must be agreement between the parties on other aspects of the settlement—not only those related to the United Arab Republic but also those related to Jordan and other states which accept the Security Council resolution of November 1967.

We started with the Israeli-United Arab Republic aspect because of its inherent importance for future stability in the area and because one must start somewhere.

We are also ready to pursue the Jordanian aspect of a settlement; in fact the four powers in New York have begun such discussions. Let me make it perfectly clear that the U.S. position is that implementation of the overall settlement would begin only after complete agreement had been reached on related aspects of the problem.

In our recent meetings with the Soviets we have discussed some new formulas in an attempt to find common positions. They consist of three principal elements:

First, there should be a binding commitment by Israel and the United Arab Republic to peace with each other, with all the specific obligations of peace spelled out, including the obligation to prevent hostile acts originating from their respective territories.

Second, the detailed provisions of peace relating to security safeguards on the ground should be worked out between the parties, under Ambassador Jarring's auspices, utilizing the procedures followed in negotiating the armistice agreements under Ralph Bunche in 1949 at Rhodes. This formula has been previously used with success in negotiations between the parties on Middle Eastern problems. A principal objective of the four-power talks, we believe, should be to help Ambassador Jarring engage the parties in a negotiating process under the Rhodes formula.

So far as a settlement between Israel and the United Arab Republic goes, these safeguards relate primarily to the area of Sharm al-Shaykh controlling access to the Gulf of Aqaba, the need for demilitarized zones as foreseen in the Security Council resolution, and final arrangements in the Gaza Strip.

Third, in the context of peace and agreement on specific security safeguards, withdrawal of Israeli forces from Egyptian territory would be required.

Such an approach directly addresses the principal national concerns of both Israel and the U.A.R. It would require the U.A.R. to agree to a binding and specific commitment to peace. It would require withdrawal of Israeli armed forces from U.A.R. territory to the international border between Israel [or Mandated Palestine] and Egypt which has been in existence for over a half century. It would also require the parties themselves to negotiate the practical security arrangements to safeguard the peace.

We believe that this approach is *balanced* and fair.

U.S. INTERESTS IN THE AREA

We remain interested in good relations with all states in the area. Whenever and wherever Arab states which have broken off diplomatic relations with the United States are prepared to restore them, we shall respond in the same spirit.

Meanwhile, we will not be deterred from continuing to pursue the paths of patient diplomacy in our search for peace in the Middle East. We will not shrink from advocating necessary compromises, even though they may and probably will be unpalatable to both sides. We remain prepared to work with others—in the area and throughout the world—so long as they sincerely seek the end we seek: a just and lasting peace.

Mr. WILLIAMS of New Jersey. Mr. President, Mr. Rogers was greatly criticized for this statement because it gave the appearance of an attempt by the United States to impose a settlement on the Middle East.

The Secretary of State then followed that policy statement with a news conference on December 23, 1969, in which he reiterated the bureaucratic position of America's evenhandedness in the Middle East, of America's friendship to all nations in that war-torn area.

Americans of all religious persuasions were gravely and publicly concerned about this serious erosion of U.S. support for Israel. I expressed my own views, as well as the views of the thousands of New Jersey citizens who have written to me, in a letter to Secretary Rogers. In that letter, I strongly criticized the Secretary's statements equating America's friendship to Israel with the need for friendly relations with countries like Syria and Egypt. I called into question this so-called evenhanded approach. With an urgent warning that this country was sliding backward toward a renewal of the disastrous Dulles policies of the 1950's, I urged that we continue to provide military and economic assistance to Israel and, more particularly, that we expend all of our efforts to demand "that all powers desist from providing the Arab nations with the tools to fulfill their maniacal dreams of destruction of Israel."

I ask unanimous consent that the full text of my letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 19, 1970.

Hon. WILLIAM P. ROGERS,
State Department,
Washington, D.C.

DEAR MR. SECRETARY: For several months now, we have been witnessing the gradual but nonetheless harmful erosion of U.S. support for the continued secure existence of Israel.

In your recent press conference, you called for an "even-handed" approach to the Middle East crisis. You solicitously called for continued American friendship for the Arab nations.

Perhaps you can explain to America why it is in our national interest to be even-handed when dealing with a pro-American democracy, on the one hand, and pro-Soviet dictatorship on the other.

Let us look at the record.

Israel is the only bastion of democracy that is willing to stand in the way of Soviet domination of the entire Middle East. She is willing to do so without the aid of even one American soldier. The Arab nations at war with Israel, on the other hand, have demonstrated a willingness and even a desire to embrace the Soviet Union.

Perhaps you can explain why Americans should be willing to continue to seek friendship with Arab nations at the cost of weakened security of Israel when those same Arab nations have nothing but contempt for an America which has provided billions of dollars in aid over the past twenty years.

Let us again look at the record.

Over the past twenty years, we have given in direct grants, $917 million of economic aid to those Arabs whose military might was thrust against Israel in June, 1967. During the same period, we have given Israel only $369 million.

Viewing the parties from a purely economic sense also discloses a distorted basis for a claim of even-handedness. We have loaned these same Arab states $803 million since 1946. In that same period of time, we have loaned Israel almost the same amount, $786 million. Yet, Israel has already repaid 47% of that loan. We have generously permitted the Arab nations to repay less than 17% of their loans.

Not long ago, this country granted almost $20 million to Jordan for an irrigation project. Yet, when your Administration prepared its first budget, you deleted President Johnson's proposed authorization for a grant to Israel for development of a desalination plant. You still have not seen fit to approve the Congressional proposal for a $20 million loan to Israel for the same peaceful purpose. Why, Mr. Secretary, does "even-handedness" always lead us down the same one-way street?

Despite this record, you equate American friendship with Israel to American friendship with nations such as Egypt and Syria. Despite this record, you call for an even-handed approach.

We can already see some of the many unfortunate consequences of the State Department's policy shift. First, the Arab nations have confirmed their own resolve not to negotiate a lasting peace since they see a weakening of American resolve. Then, just a few days ago, the French government demonstrated complete disregard of the views of its own citizens as well as responsible people throughout the world by the sale of 50 mirage jets to Libya. Surely you realize, as France must, the likelihood that those jets are destined for Egypt.

It is imperative that you clearly reiterate America's position of unrelenting support for the continued and secure integrity of Israel. You must assure the world of America's willingness to approve the sale of military equipment to Israel as well as our desire to provide economic assistance to Israel's projects of peace.

Instead of permitting the four-power talks to be the cloak for continued war in the Middle East, we must expend all our efforts to demand (1) that the Arab nations negotiate a lasting peace with Israel and (2) that all powers desist from providing the Arab nations with the tools to fulfill their maniacal dreams of destruction of Israel.

To do less, in the name of "even-handedness," signals a complete return to the disastrous Dulles policy of the 1950's.

Sincerely,

HARRISON A. WILLIAMS, Jr.

Mr. WILLIAMS of New Jersey. Mr. President, just a few days after I sent this letter, President Nixon assured the Nation and the world of this country's continued support for Israel.

Although the text of the President's statement left much to be desired, the mere fact of his making the statement offered great encouragement. For in that statement he not only reiterated America's historical support for Israel, but assured the world that America "is prepared to supply military equipment necessary to the efforts of friendly govern-

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ments like Israel's, to defend the safety of their people."

Despite the fact that this statement was designed to offer encouragement to Israel's friends in this country, the State Department, which implements America's foreign policy, reads the President's statement as a Presidential seal of approval for the bureaucracy's distorted evenhanded approach.

For example, the President's promise to provide aid to Israel "as the need arises" means to the State Department that "we will not hesitate to provide arms to friendly states as the need arises." I have emphasized "friendly" because we know who the State Department considers America's friends. The State Department has eliminated the President's specific reference to Israel. Furthermore, to the State Department, it is clear that the "need" has not yet arisen. The bureaucrats even try to demonstrate that the finding of a lack of need is based on the statements of Israel's leaders. Concerning economic aid for Israel, the State Department obviously still opposes the congressionally authorized loan to Israel for purposes of establishing a desalination plant. And, finally, not one word about France's sale to Libya of 110 Mirage jets.

I ask unanimous consent that the State Department's response to me be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., January 29, 1970.

Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senate
Washington, D.C.

DEAR SENATOR WILLIAMS: The Secretary has asked me to reply to your letter of January 19, in which you express concern about United States policy on peace in the Middle East and urge close attention to Israel's requests for economic and military assistance.

I can assure you that this Government remains steadfast in its support for the continued secure existence of Israel, as has been reflected in recent statements by both President Nixon and Secretary Rogers. I do not think Israel has found America wanting in our responsiveness to Israel's arms requirements. As the President said in his January 25 statement on the Middle East, we continue to be prepared to supply military equipment necessary to support the efforts of friendly governments, like Israel's to defend the safety of their people. We would prefer restraint in the shipment of arms to this area. But we are maintaining a careful watch on the relative strength of the forces there, and we will not hesitate to provide arms to friendly states as the need arises.

According to the statements of Israeli leaders, Israel enjoys an overwhelming military superiority over the combined strength of Israel's Arab neighbors, and the margin of that strength has grown since May 1967. These assertions seem well borne out by recent military events on the ground.

As for Israel's needs for economic assistance, the United States has been responsive in this regard as well. It is pertinent to note that Israel stands 18th among the independent nations of the world in per capita gross national product, about the level of Finland and Austria. Israel's current economic requests are related to arms purchases, chiefly from the United States, and not to strictly economic criteria. They are under careful study.

The United States Government is attempting to promote a permanent peaceful settlement of the Arab-Israel crisis not for the primary purpose of furthering our relations with Arab nations, but because peace in the Middle East is in the national interest of the United States. Mutual suspicions between the parties to the conflict have steadily mounted, along with the violence. There is no doubt that Arab leaders are under increasing pressures at home to reject the very idea of achieving a peaceful settlement with Israel and to withdraw the acceptance by their governments of the UN Security Council resolution of November 1967. I enclose a copy of the resolution for your reference. Meanwhile, some in Israel tend increasingly to define Israel's future security in territorial terms and to write off all hope of a final and agreed settlement with Israel's neighbors.

The deteriorating situation in the Middle East thus poses grave dangers to world peace and security, a fact which is clear to all the major powers, including the United States and Soviet Union. The United States is confronted with serious difficulties in attempting to evolve, together with the other major powers and also in consultation with the parties concerned, a set of guidelines which would help the parties come together under the auspices of UN Special Representative Jarring to work out a settlement. We have been carefully weighing all the considerations as we proceed in our efforts to promote the achievement of peace.

While keeping up our guard at all times, and ever mindful of Israel's legitimate security concerns, we believe that the best interests of the United States lie in continuing our search for ways to help Israel and her neighbors settle their differences by mutual agreement and without resort to war. This view is explained in the Secretary's speech of December 9, of which I enclose a copy in case you have not had the opportunity to examine the text in entirety. I also enclose a policy information brief prepared recently which further explains the United States stand.

In conclusion I would like to point out that the present situation is completely different from the one which followed the Arab-Israeli fighting of 1956. Today the United States is strongly opposed to a so-called imposed solution and to any return to the kind of fragile armistice arrangements of the past. The sole purpose of our peace efforts is to bring the parties together in a negotiating process, as we believe that only through negotiations between the parties can a viable peace settlement be attained.

I hope the above information will be useful. If I may be of further assistance, please let me know.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

Mr. WILLIAMS of New Jersey. Mr. President, it is clear to me that America cannot rely upon our so-called experts in foreign affairs to represent America's viewpoint accurately with regard to the Middle East. We cannot rely on the State Department to vigorously urge France to cancel the sale of 110 jet planes to Libya.

Therefore, I am proposing that Senators and our friends in the House join me in what may be an unprecedented step, but a step which needs to be taken.

Yesterday President Pompidou arrived from France for a state visit. He will be given the opportunity to address a joint meeting of Congress tomorrow. I intend to request that the administration arrange for a delegation from Congress to meet privately with President Pompidou to bring to his attention our own views and the views of our constituents on the Middle East crisis and to present to him our formal request that France rescind the sale of military equipment to Libya.

I have distributed a copy of the proposed letter and a declaration I wish to present to President Pompidou to every Senator as well as to Members of the other body, welcoming them to join me in these statements.

TRANSPORTATION AND THE ENVIRONMENT

Mr. BAYH. Mr. President, the magnificent accomplishment of safely transporting our astronauts to the moon and back to earth was accomplished in less than a decade because the goal announced by President John F. Kennedy in May of 1961 was accepted as a matter of top priority by the Nation as a whole. Similarly, the task of restoring, protecting and conserving our natural environment will require the same degree of dedication and sense of urgency in the decade ahead.

Those most knowledgeable about the potentially hazardous state of our despoiled and poisoned land, water and air have raised the very question of human survival. Surely this is an issue which confronts everyone, the consequences of which no one can ignore or neglect. It is not the question of whether only the strong shall survive; rather, it is whether through careful planning, absolute cooperation and herculean efforts none shall perish.

If the inevitable economic, social, and human losses caused by ever-mounting pollution are to be combated successfully, all persons, agencies and institutions must unite in a concerted drive toward this goal. Of critical importance in this quest will be the role to be played by Government and industry, both of which have been sometimes criticized for lethargy and inactivity.

It is encouraging to note that in recent months there appears to be wide recognition of the need to pool our strengths and talents in this struggle. One industrialist who has publicly indicated his awareness of the situation and a determination to attack the ills of pollution is Mr. Richard Stoner, vice chairman of the board of Cummins Engine Co., Inc., of Columbus, Ind. In a recent address to the National Transportation Institute, Mr. Stoner pointed out that his firm has committed itself to "standards of sociability" as a planning goal for the 1970's. This means, according to Mr. Stoner, that Cummins intends to operate its plant and make its products "in such a manner that it is acceptable to the public—that it is not too noisy; that it is not unhealthy; that it does not emit offensive odors; and that it does not sting the eyes." As a leading manufacturer of diesel engines, Cummins is intensifying research and investing substantial amounts of capital on engine design modifications in order to greatly reduce or eliminate noxious exhaust emissions and to control noise problems.

Because of the significance of this forward-looking message, I ask unanimous consent that it be printed in the RECORD.

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There being no objection, the address was ordered to be printed in the Record, as follows:

Developing Transportation for the Seventies

I wonder how many of you saw a full-page advertisement that appeared in the "News in Review" section of The New York Times on January 18? It was headed "April 22: Earth Day." It said "a disease has infected our country. It has brought fog to Yosemite, dumped garbage in the Hudson, sprayed DDT in our food, and left our cities in decay. Its carrier is man."

Sponsor of that ad is an organization called "the environmental teach-in," which says April 22 "is a day to challenge the corporate and governmental leaders who promise change but who shortchange the necessary programs."

A few days earlier, on January 13, The Times carried a report issued by Mayor Lindsay's task force on noise control. Let me summarize one portion.

One of the first moves will be against truck and construction equipment noise. As for trucks, attempts will be made to lower the 88-decibel limit the State of New York now prescribes.

The report says anything above 85 decibels is where injury begins; and California, the leader in sociability standards, has already set standards for 1973 at 86 decibels.

Do you know whom both the ad and the report are talking about?

They are talking about us!
And we had better listen!
And . . . we had better take action!

Our industry is either going to fulfill its moral obligation to lead the way in minimizing the threat of air, water, waste, and noise pollution in this decade or the people, led by our youth, will force the government to enact legislation which requires us to do the job we will not do ourselves.

All of industry is about to be caught again with an inadequate response to those problems that affect the human environment—health, hunger, security, to name three.

For most of us who have operated effectively with the clear economic goal of producing a competitive product at the lowest possible cost, a new phrase—sociability—is about to become the planning "goal" of the 1970's. Never before has this country entered a new decade with such a clear-cut technological challenge. We must clean up our environment.

So, remember that word, "sociability." It means making our products, our industry, our company, or plant operate in such a manner that it is acceptable to the public—that it is not too noisy; that it is not unhealthy; that it does not emit offensive odors; and that it does not sting the eyes.

Sociability has real meaning to us today as we recognize that stopping pollution is the number one technological challenge to the transportation industry in this decade.

This is the thesis of my remarks today because transportation vehicles are the number one contributor to air, noise, and esthetic decay. Emissions from vehicles make up over half of the contamination in the air over the United States. To a great extent, our success in cleaning up our products will determine the improvement in environmental quality throughout the country. The 100 million automobiles, trucks, and buses on America's highways spew more than 66 million tons of carbon monoxide, one million tons of sulfur oxides, six million tons of oxides of nitrogen, 12 million tons of hydrocarbons, and one million tons of particulates annually into the air we breathe.

In addition, the smoke, dirty water, and industrial wastes from our production facilities, our foundries, and even our office complexes are tainting the air we breathe, the water we drink, and the sources of food we eat.

Admittedly, pollution has been with us as long as time itself. The American Indian had little need to be concerned about the polluting effects of his smoke signals. But, as population has increased, as we have become technologically more sophisticated, as consumers have demanded more convenience products in non-returnable containers, and more powerful engines, and as we have moved together into huge urban areas, man has emerged as a threat to his own environment.

The transportation industry has responded to pollution about as well, but no better, than all of industry. Until just a few years ago, we were not greatly concerned with engine exhaust emissions. The problem was concentrated primarily in a few highly populated industrialized areas.

Then, California's smog problems became so great the State government was forced to issue the first automobile exhaust emission standards. If you will recall, the industry and general public reaction was less than enthusiastic. We protested costs would be too high, the time requirements were too short, and the standards were impossible to achieve. Yet, today, we are rushing ahead, successfully I might add, to meet the latest Federal standards which until recently we also had criticized as too costly, too restrictive in time to achieve, and, yes, even impossible to achieve.

The latest Federal or State of California standard became our next target. And, this is why the transportation industry has not solved its pollution problem. Our goal must become the reduction of engine emissions and noise to the lowest possible level which technology will permit.

Our technical staff at Cummins is confident the technology can be developed and applied within this decade which will eliminate the problems of internal combustion engine emissions and noise in environmental quality. We can achieve this goal if our industry is prepared to commit itself to solving the problem. Dramatic improvements must and will be made in the next two to three years.

The emission control effort will be massively expensive. The many millions already committed to the problem by the automotive industry will seem almost insignificant when the total cost is added up.

And, all of us will pay. Increased costs will not stop with the manufacturer. Equipment purchasers and finally the ultimate consumer will feel the cost of the emission control effort. This is not because manufacturing costs will be passed along in their entirety. It is primarily because high horsepower-to-weight ratios and high engine performance and low emissions are not necessarily compatible according to our present understanding of the state of the art.

Where we have historically emphasized high horsepower engines to pull heavier loads and lighter, smaller engines to permit more freight to be hauled, we now may be talking about bigger engines with lower horsepower. This could require more trucks to haul the same amount of produce; consequently, higher freight charges to keep trucking profitable and, thus, more costs to the consumer. I choose this illustration to point up the inescapable fact that all of us—producers and consumers alike—will share in the added cost of emission controls.

WHAT MUST BE DONE?

Somehow out of today's rhetoric must come not just governmental pledges, nor industry programs, but a national commitment to improve environmental quality. Most of us as consumers will have to change our life style. Protection of our environment must become a personal cause of highest magnitude in the everyday lives of tens of millions of Americans. President Nixon in his state of the Union address said, "each individual must enlist if this fight is to be won . . . It is time for those who make massive demands on society to make some minimal demands on themselves."

In this growing effort government can provide guidelines and help define priorities, but it is those of us in industry who must take on the leadership role and commit, now today, both our human and financial resources to guarantee, as the President has requested, that: "clean air, clean water, open spaces—these should once again be the birthright of every American." Surely, if we have the brainpower and resources to put a man on the moon in the short span of ten years, we can bring our environmental violations into tolerable limits within a similar time span.

INDUSTRY'S ROLE

There is a jarring truth to *Newsweek's* statement that "until a few years ago, fighting pollution ranked somewhere below giving to charity on the list of corporate priorities." We have this black eye because we have not led in the control of pollution. And, we have not given sufficient attention to the harm our manufacturing plants and products are having on the quality of our environment.

There is, however, a growing movement among responsible industrialists; and, if the effort can be expanded and maintained, I am confident we can have clean air, pure water, and decent living conditions for all people.

As a first step in industry's commitment, all of us must take whatever action is necessary to stop noise, air, water, and waste pollution resulting from our manufacturing processes. The technology is available and it must be put to work. The cost will be enormous and it is likely that some industries will need governmental assistance and incentives. Unfortunately, some enterprises will not survive, but that is a necessary cost.

Second, sociability must become a priority design criterion in planning all new products, plants, and services.

Third, those of us who produce products that pollute must modify present product lines so they are as emission-free as society requires. Products which cannot be modified, must be abandoned and replaced by new ones with a high sociability factor. Cost consideration must be secondary to health and safety.

Fourth, industry-wide cooperation in reducing pollution must override competitive considerations. I am pleased to be able to tell you that cooperative studies to develop meaningful test procedures to measure the emissions from diesel engines are underway through the engine manufacturer's association and in conjunction with the State of California. I will be gratified if the association can go to Washington with a recommendation that stricter standards be applied. This will be the kind of positive leadership our industry should provide.

Fifth, industry must find more basic reseach to develop new technologies which go beyond those presently known. We have great faith in the adaptability of the internal combustion engine. It has served man well over the years; and, if we are as creative in making social improvements as we have been in improving its efficiency, we can extend its useful life for years to come.

However, and this is very important, if the technology cannot be found, we must be prepared in fact to bury our old friend (as University of Minnesota students did recently at a campus demonstration when they buried a gasoline automobile engine) and replace it with a new, less offensive power plant. Presidential science advisor Dr. Lee A. DuBridge cautions that "such a power plant, however, has not yet been invented, or at least has not yet proven to be reliable, economical, or capable of the high performance required."

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GOVERNMENT'S ROLE

Government's primary role is to make pollution a priority public issue of our decade and to provide incentives and, where necessary, requirements for industry to meet its responsibilities to eliminate pollution as a threat to the nation's survival.

This role should be implemented as follows. First, economic incentives should be devised that encourage all industries, large and small, to accelerate their anti-pollution efforts—the idea being to make normal economic factors provide the nation with the direction so urgently needed in the conservation task ahead of us.

Second, we would also favor the establishment of a Federal program of penalties for those who pollute, whether it be the producer or the end user, if he is at fault. Income from a pollution tax could be used to fund research, pollution control devices, and purification systems for the good of the entire community. Senator Proxmire has introduced a bill that would levy a Federal "effluency fee" of 10 cents per pound for industrial wastes emitted into the Nation's rivers. A similar fee system could be developed for engines with emissions measured at the time of annual licensing and a punitive fee schedule used for emissions of various kinds. When the consumer realizes it costs him more to own a product that pollutes or he will be fined if he deactivates the emission control device on his engine, he will demand and maintain a clean product.

Third, we recommend the Government reallocate present funds earmarked for development of low-emission engines into more productive channels. Industry has the proper economic incentives to develop sociable products and industry will get this job done.

More appropriately, Government should be funding studies to determine what levels of pollution we can tolerate and maintain a good environment, thereby determining the standards required. Also, we are not well enough informed on the interactions of various emissions, especially their tolerability as they affect health and living conditions and the rate at which the atmosphere cleanses itself. These studies should lead to specific emission parameters. Industry does not have the facilities for such ecological determinations. These are governmental responsibilities of the highest order.

Government's efforts must be coordinated and not diffused through establishment of inefficient and ineffective offices in a number of Federal bureaus. The effort must be singularly directed and receive the top-level attention the problem demands.

Fourth, while industry should set the pace, Government must make it possible for industry-wide cooperation to be carried out without fear of antitrust violation. In other words, we must be able to "swap information" in the public interest. Cooperation between Government and industry is imperative in setting targets and meeting new standards.

CUMMINS' COMMITMENT

Cummins Engine Company's commitment is to eliminate, to the extent technically feasible, the pollutants, noise, and wastes resulting from each of our plant operations and all of our products. We will do this job as quickly as possible. We will take this action, not waiting for an adjustment in Federal requirements or incentives, but in an attempt to fulfill our responsibility to improve the quality of our environment.

Diesel improvement starts with an engine that already has emission characteristics superior to most vehicular engines in use today. The diesel is inherently low in unburned hydrocarbons, a principal contributor to chemical smog, and carbon monoxide, a known poison. Both are major concerns in gasoline engines, although the automobile manufacturers are well along the road to solving these problems.

We are funding an accelerated program for the development of clean and quiet engines, including new power forms. Cummins has adopted emission control standards more severe than any current governmental standards as design criteria for all new products. Our ultimate goal is to produce engines that are completely socially acceptable. By this we mean that engine emissions and noise will no longer cause problems of environmental quality. An immediate target is to reduce smoke substantially below the present federal smoke standards, thus removing diesel smoke as a nuisance. We will apply this new target across the broad spectrum of our power applications—off-highway uses in construction, industrial, and marine equipment as well as on-highway truck engines. To achieve this further improvement of our engines will require changes ranging from minor modifications and substantial increases in the number of turbocharged engine models to the possible elimination of some engine models and development of new engines to replace them.

Our technical center staff is currently studying promising techniques of emission and noise control and is hard at work exploring new techniques.

These clean engine commitments have been made with the full realization that the risks involved may include:

Reductions in profitability,

Increased capital investments,

Increased initial investment for the customer, and

A massive educational job to sell the new concepts and their importance to customers and operators.

Beyond product research and development, Cummins has placed in the 1970 capital budget substantially increased funding for an accelerated program to begin the cleanup of all of our plant operations. We will cooperate fully with each of our plant communities in the solution of the solid waste disposal problem.

Frankly, we are not in a position to brag about these decisions. We should have made them years ago. But it is important to understand that Cummins has made the basic commitment to go as far as we can in eliminating contamination of our environment, not just meeting federally imposed standards.

We hope others will join us in this commitment because we concur with philosopher Lewis Munford's observation that: "Any square mile of inhabited earth has more significance for man's future than all of the planets in the solar system."

NETWORK NEWS BIAS

Mr. ALLOTT. Mr. President, an interesting and highly readable article dealing with television network commentators appears in the February 28 issue of TV Guide now on sale at newsstands.

The article is written by Edith Efron and titled "There Is a Network News Bias." That is the conclusion of the article's subject—the distinguished television newscaster Howard K. Smith—who cites coverage of the race question, Vietnam, Russia, and conservatives as proof of his thesis.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

There Is a Network News Bias

(By Edith Efron)

On Nov. 12, 1969, when the liberal media were angrily aboil over Vice President Agnew's blasts at the liberal left and its frequently violent crusades, a quiet voice on ABC–TV declared: "Political cartoonists have that in common with the lemmings, that once a line is set, most of them follow it, though it lead to perdition. The current cliche shared by them and many columnists is that Spiro Agnew is putting his foot in his mouth [and] making irredeemable errors. . . . Well, . . . I doubt that party line. . . . There is a possibility it is not Mr. Agnew who is making mistakes. It is the cartoonists."

One week later, on Nov. 19, 1969, when the liberal media were even more violently aboil over the climactic Agnew speech blasting bias in network news, that same quiet voice on ABC–TV once again was heard: "I agree with some of what Mr. Agnew said. In fact, I said some of it before he did."

The speaker was Howard K. Smith, ABC's Washington-based anchor man, ex-CBS European correspondent, and winner of a constellation of awards for foreign and domestic reporting. Mr. Smith had, indeed, said some of what Mr. Agnew said before Mr. Agnew had said it. For several years, despite his respect for network news departments and their achievements, he had been criticizing his colleagues—on the air and off—for falsifying U.S. political realities by means of biased reporting.

Mr. Smith is by no means an unqualified suporter of Mr. Agnew, and he has reservations about The Speech. To name the two most important: "A tone of intimidation, I think, was in it, and that I can't accept. . . . Also a sense that we do things deliberately. I don't think we do them deliberately."

Mr. Smith, however, says: "I agree that we made the mistakes he says we made." And he himself levels charges at the network news departments.

In fact, according to Howard Smith, political bias in TV reporting is of such a magnitude that it fully justifies the explosion we have seen. Here is this insider's analysis of the problem.

His candor begins at the very base of the network news operation—namely, with the political composition of the staff. Networks, says Mr. Smith, are almost exclusively staffed by liberals. "It evolved from the time when liberalism was a good thing, and most intellectuals became highly liberal. Most reporters are in an intellectual occupation." Second, he declares that liberals, virtually by definition, have a "strong leftward bias": "Our tradition, since FDR, has been leftward."

This is not to say that Mr. Smith sees anything wrong with being a leftist—"I am left-of-center myself." But he sees everything wrong with the dissemination of an inflexible "party line"; and this, he charges, is what liberal newsmen are doing today: "Our liberal friends, today, have become dogmatic. They have a set of automatic reactions. They react the way political cartoonists do—with over-simplification. Oversimplify. Be sure you please your fellows, because that's what 'good.' They're conventional, they're conformists. They're pleasing Walter Lippmann, they're pleasing the Washington Post, they're pleasing the editors of The New York Times, and they're pleasing one another."

He says a series of cartoonlike positive and negative reflexes are determining much of the coverage.

He names a series of such negative reflexes—ie., subjects which newsmen automatically cover by focusing on negatives. Herewith, excerpts from his comments:

Race: "During the Johnson Administration, six million people were raised above the poverty level. . . . And there is a substantial and successful Negro middle class. But the newsmen are not interested in the Negro who succeeds—they're interested in the one who fails and makes a loud noise. They have ignored the developments in the South. The South has an increasing number of integrated schools. A large part of the South has *accepted* integration. We've had a President's Cabinet with a Negro in it, a Supreme Court with a Negro on it—but more important, we have 500 Negroes elected to local offices in the deep South! This is a tremendous achievement. But that achievement isn't what we see on the screen."

Conservatives: "If Agnew says something, it's bad, regardless of what he says. If Ronald Reagan says something, it's bad, regardless of what he says. Well, I'm unwilling to condemn an idea because a particular man said it. Most of my colleagues do just that."

The Middle Class: "Newsmen are *proud* of the fact that the middle class is antagonistic to them. They're proud of being out of contact with the middle class. Joseph Kraft did a column in which he said: Let's face it, we reporters have very little to do with middle America. They're not our kind of people. . . . Well, I resent that. *I'm* from middle America!"

The Vietnam War: "The networks have never given a complete picture of the war. For example: that terrible siege of Khe Sanh went on for five weeks before newsmen revealed that the South Vietnamese were fighting at our sides, and that they had higher casualties. And the Viet Cong's casualties were 100 times ours. But we never told *that*. We just showed pictures day after day of Americans getting the hell kicked out of them. That was enough to break America apart. That's also what it did."

The Presidency: "The negative attitude which destroyed Lyndon Johnson is now waiting to be applied to Richard Nixon. Johnson was actually politically assassinated. And some are trying to assassinate Nixon politically. They hate Richard Nixon irrationally."

If this is a sampling of the liberal reporters' negative reflexes, as seen by Howard Smith—what then are the positive reflexes? He provides an even more extensive set of examples—subjects on which, he says, his colleagues tend to have an affirmative bias and/or from which they screen out negatives. Again here are excerpts from his comments:

Russia: "Some have gone overboard in a wish to believe that our opponent has exclusively peaceful aims, and that there is no need for armaments and national security. The danger of Russian aggression is unreal to many of them, although some have begun to rethink since the invasion of Czechoslovakia. But there is a kind of basic bias in the left-wing soul that gives the Russians the benefit of the doubt."

Ho Chi Minh: "Many have described Ho Chi Minh as a nationalist leader comparable to George Washington. But his advent to power in Hanoi, in 1954, was marked by the murder of 50,000 of his people. His consistent method was terror. He was not his country's George Washington—he was more his country's Hitler or Stalin. . . . I heard an eminent TV commentator say: 'It's an awful thing when you can trust Ho Chi Minh more than you can trust your President.' At the time he said that, Ho Chi Minh was lying! He was presiding over atrocities! And yet an American TV commentator could say that!"

The Viet Cong: "The Viet Cong massacred 3000 Vietnamese at Hue alone—a massacre that *dwarfs* all allegations about My Lai. This was never reported on."

Doves: "Mr. Fulbright maneuvered the Gulf of Tonkin Resolution through—with a clause stating that Congress may revoke it. Ever since, he's been saying: 'This is a terribly immoral thing.' I asked him: 'If it's that bad, aren't *you* morally obligated to try to revoke it?' He runs away! And yet Mr. Fulbright—who incidentally has voted against *every* civil-rights act—is not criticized for his want of character. He is beloved by reporters, by everyone of my group, which is left-of-center. It's one of the mysteries of my time!"

Black Militants: "A few Negroes—scavengers on the edge of society—have discovered they're riding a good thing with violence and talk of violence. They can get on TV and become nationally famous."

The New Left: "The New Left challenges America. They're rewriting the history of the Cold War. Some carry around the Viet Cong flag. Some shout for Mao—people who'd be assassinated in China! They've become *irrational*! But they're not portrayed as irrational. Reporters describe tnem as 'our children.' Well, they're not *my* children. *My* children don't throw bags of excrement at policemen. . . . If right-wing students had done what left-wing students have done, everyone, including the reporters, would have called in the police and beaten their heads in. But we have a left-wing bias now, that has 30 years of momentum behind it."

What do Mr. Smith's examples of negative and positive biases add up to, politically? He says: "The emphasis is anti-American." In fact, as he portrays the pattern, it is a dual emphasis: This coverage as described by Mr. Smith is *anti*-American in that it tends to omit the good about America and focus on the *bad*. And it is also biased in *favor* of attackers-of-America by tending to *omit* the bad about them and focusing on the *good*. Mr. Smith has actually reconstituted here a loose variant of the New Left line. And New Left attitudes are influencing newsmen, he says. "The New Left," says Smith, "has acquired a grave power over the liberal mind."

This is not a new charge—it is the essence of the public outcry against network news, and it's the essence of the long-standing conservative charges against the newsmen. Mr. Smith himself, although he's been described as a "conservative" because he supports the war, is as he says, a Leftist—indeed, a semi-socialist who shares many views with economist John Kenneth Galbraith. He has been one of TV's most ardent fighters for civil rights—too ardent, Smith says, for CBS's tastes, which is one reason why, he adds, he is at ABC today. He is generally in disagreement with political Conservatives on virtually everything. And, for that matter, he finds it psychologically easier to defend TV news departments than to criticize them. But on this issue of anti-American, pro-New-Left bias in the network news departments, his observations are identical to those coming from the right.

His explanation of the causes of this pattern, however, are quite different from those which emerge from the right. Where conservatives are often inclined to see this pattern as a deliberate, conscious and intellectually potent conspiracy, Mr. Smith sees it as the opposite—as a largely unconscious phenomenon, stemming from intellectual impotence, from such qualities as "conformism," "hypocrisy," "self-deception" and "stupidity."

One of the chief conformist patterns, he says, is the automatic obedience to a convention of negativism in journalism itself, often for self-serving reasons. "As reporters, we have always been falsifying issues by reporting on what goes wrong in a Nation where, historically, most has gone right. That is how you get on page one, that is how you win a Pulitzer Prize. This gears the reporter's mind to the negative, even when it is not justified."

But how about the opposite form of bias—a chronic omission of negatives and the unremitting focus on the good in our country's enemies? Here Mr. Smith tackles the New Left influence head on. He attributes it to a mental vacuum in the liberal world:

"Many of my colleagues," he says, "have the depth of a saucer. They cling to the tag 'liberal' that grew popular in the time of Franklin Roosevelt, even though they've forgotten its content. They've really forgotten it. They don't know what 'liberal' and 'conservative' *mean* any more! They've forgotten it because the liberal cause has triumphed. Once it was hard to be a liberal. Today it's 'in.' The ex-underdogs, the ex-outcasts, the ex-rebels are satisfied bourgeois today, who pay $150 a plate at Americans for Democratic Action dinners. They don't know what they stand for any more, and they're hunting for a new voice to give them new bearings."

The search for a "new voice," he says, has catapulted such men into the arms of the New Left: "They want to cling to that thrill of the old days, of triumph, and hard fighting. So they cling to the label 'liberal,' and they cling to those who seem strong—namely, the New Left. The New Left shouts tirades, rather than offering reasoned arguments. People bow down to them, so they have come to *seem* strong, to *seem* sure of themselves. As a result, there's a gravitation to them by the liberals who are *not* sure of themselves. This has given the New Left grave power over the old Left."

It is this New Left "power" over many of the Nation's liberal reporters, he says, that underlies an anti-American and pro-radical basis in network coverage—and that underlies public anger.

What is the solution to this problem, as envisaged by Mr. Smith?

Let public protest r.i.p., he says. He experiences a twinge of discomfort over the fact that his solution is identical to Mr. Agnew's: "There have been very unpleasant, even threatening, letters," he reports. "But, quite literally, what Mr. Agnew suggests is all right."

Public protest, he thinks, will knock these men back into contact with U.S. political realities.

"The networks have ignored this situation, despite years of protest, because they have power. And you know what Lord Acton says about power. It subtly corrupts. Power unaccountable has that effect on people. This situation should not continue. But I wouldn't do anything about it. I would let public opinion and the utterances of the alleged silent majority bring about a corrective. The corrective? Just a simple attempt to be fair—which many people have thrown aside over the last few years."

THE ENVIRONMENTAL CRISIS

Mr. NELSON. Mr. President, for years we have labored under the illusion that progress was a sacred word, that nothing should stand in the way of our achieving it. We have believed that progress had its own built-in safeguards, that when progress occasionally produced unwanted side effects, progress would help eliminate them.

For years, conservationists and wildlife biologists have been warning us that environmental pollution—in the name of progress—was rapidly, relentlessly lowering the quality of our lives and making irretrievable inroads on our resources.

Most of us proved hard of hearing where the environment was concerned. But in recent months there has been an awakening. Suddenly—very suddenly, in comparison to the decades the pollution had been taking place—we awakened to the fact that we were thoughtlessly squandering our resources and undercutting the quality of the air we breathe, the water we drink, and the space in which we live.

In the words of the Senator from New Hampshire (Mr. McIntyre):

> We're in trouble, we Americans.

And the loss has not all been physical. In a recent speech entitled "The Environmental Crisis," Senator McINTYRE warned:

> Man is a natural creature. . . . But we do not live in harmony with nature, and the realization that we have become estranged from it, alienated from it, a prime offender of it, is taking a grim psychic as well as physical toll.

I ask unanimous consent that this excellent speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The Environmental Crisis

General Thyng, Dean McKenna, Frank Goodspeed, faculty members, students and guests:

I came here today to talk about young people like you, older people like me, and what is happening to the America my generation is about to turn over to yours.

We're in trouble, we Americans, and, if we didn't know it before, you young people have made it clear to all of us.

And the trouble is not *all* Vietnam.

Someone wisely observed not long ago that what the war has done is to catalyze and illuminate all our other fundamental problems.

As a result, the forces of discontent run much deeper than Vietnam. And the range of discontent extends far beyond the ranks of the peace marchers and the students and the Black Front. It cuts deep into Middle America.

The American people are becoming more and more convinced that the *way* they are living is not the way they *want* to live.

Man is a natural creature. His Creator meant for man to live in harmony with Nature.

But, we do *not* live in harmony with nature, and the realization that we have become estranged from it, aliented from it, a prime offender *of* it, is taking a grim psychic as well as physical toll.

Technology and the mechanistic mentality have seduced us too long. We have succumbed to the blandishments of ease and efficiency, never fully realizing until now the price we are paying in terms of psychological stress and physical abuse of the world we live in.

In the ironic name of "progress" we are well on our way to killing the world we live in—choking off the air we breathe, poisoning the water we drink, despoiling the earth that sustains us . . . and "uglifying" America the Beautiful.

Signs of the death of our environment are everywhere. Lake Erie is dead or dying, killed by industrial and municipal wastes. Oil spills off Santa Barbara, Nova Scotia, Tampa Bay, and closer to home, beautiful Martha's Vineyard, imperial wildlife, fish, and natural beauty. The sludge, waste, sewage, excavation soil and metal refuse dumped into the ocean by the millions of tons just a few miles from New York's harbor have so decimated marine life as to shock and awe many ecologists who have observed what's happening there.

The carbon dioxide content of the earth's atmosphere has jumped fully 10% in the last century. Even if we could manage to survive the future with oxygen masks, we don't know what further increases in carbon dioxide will do to the earth's climate.

But there is more than carbon dioxide choking us.

Stroll around New York City for a single day and you'll breathe in the toxic equivalent of nearly two packs of cigarettes.

This is Fun City?

And there are urban rivers, my young friends, urban rivers so clogged with inflammable wastes that they actually constitute fire hazards. Not so long ago the Cuyahoga River, running through the heart of Cleveland, burst into flames.

And what we've done to our land is just as bad. Our own carelessness, our ignorance and neglect of erosion, have cost us precious, life-sustaining topsoil. And over a century of irresponsible mining practices have mutilated the topography and so undermined two million acres of land—in 28 states—that the surface is buckling and sinking, taking with it homes, streets, cars, utility systems, indeed entire neighborhoods.

In short, our relationship to nature has ranged from naive to rapaciously greedy, and now we're paying the consequences.

The other day I heard a story that illustrates how naive and ignorant we've been about what it takes to co-exist with Nature.

It seems that two young greenhorns were about to make their first wilderness trip. Just before they left the outskirts of civilization, they chanced to meet the area game warden. The warden, sizing up their obvious ineptitude, thought it wise to tell them that three shots fired in rapid succession was the recognized distress signal.

Sure enough, the two neophyte campers weren't gone an hour when they found themselves hopelessly lost.

"Well," said one cheerfully, "do what the game warden said, shoot three times."

The other dutifully did so and both sat down to await rescue. No one came.

"Maybe you'd better shoot three more," said the first.

The second did. But no help arrived.

By dusk both men were in a panic.

"Shoot three more!" yelled the first.

"I can't," whimpered the other. "I'm out of arrows."

Well, time won't permit us the luxury of anguishing over past mistakes.

It took many years to get us into our present environmental crisis, but this does *not* mean we have plenty of time to get out of it.

History is accelerating at an incredible rate. We live in an era of compressed time, and this means that problems will accelerate as rapidly as progress.

You've all heard, I'm sure, that 90 percent of all the scientists who ever lived are now alive, and that new scientific discoveries are being made every day.

But there are other awesome facts to consider, too.

Sir Julian Huxley, the famous biologist, observed that: "The tempo of human evolution during recorded history is at least 100,000 times as rapid as that of prehuman evolution."

Someone else noted that if the past 50,000 years of man's existence were divided into lifetimes of 62 years each, there have been about 800 such lifetimes. The first 650 lifetimes were spent in caves. Only during the past 70 lifetimes has writing made it possible to communicate from one lifetime to another.

Only during the past six have masses of men ever seen tAe printed word, and only during the past four lifetimes has it been possible to measure time with precision. Only in the past two lifetimes has anyone anywhere used an electric motor. And the overwhelming majority of all material goods we use in daily life today were developed within the present, the 800th lifetime.

Prior to the invention of movable type in the 15th century, Europe was producing books at a rate of 1,000 titles per year. By 1965, the world book production was up to 1,000 titles per day!

Though not every book advances knowledge—I can think of some that caused a net loss—there is, of course, a very positive correlation.

The 12th chemical element, antimony, was discovered at the time Gutenberg was working on the first printing press. It had been 200 years since the 11th, arsenic, had been isolated.

Had the same rate of discovery continued, we would have added only two or three more elements since Gutenberg's time. Instead, we have discovered 73 more.

Knowledge goes hand in hand with technology. And as knowledge accelerates so does technology, industrial growth . . . and pollution.

Our advanced societies now double their total output of goods and services about every 15 years—and the doubling times are shrinking. By the time this audience reaches the age of 30, a second doubling will have occurred. And by the time you have reached old age *society will be producing 32 times as much as when you were born!*

Production requires energy, and it should come as no surprise, then, to learn that half of all the energy consumed by man during the past 2,000 years has been consumed in the past 100. Hence the sharp increase in atmospheric carbon dioxide.

Today, as Senator Gaylord Nelson recently observed, "Progress—American style—adds up each year to 200 million tons of smoke and fumes, 7 million junked cars, 20 million tons of paper, 48 billion cans and 28 billion bottles.

This seems almost incredible, until we realize what voracious consumers we Americans are. Though we constitute only 6 percent of the world's population, we devour 35 percent of the world's annual production of raw materials!

Now then, combine this rate of consumption with the positive evidence that accelerating knowledge is resulting in accelerating gross national product—and then add the fact that by the end of this century there will be 100 million *more* people in this country.

This will bring our population to 300 million, and if present demographic trends continue, most of those 300 million will be living in metropolitan areas which *already do most of the air and water polluting in our Nation.*

Indeed, 187 million of us will be living in just four huge urban agglomerations. Sixty-eight million will live in Bos-Wash, the same given to the agglomeration extending from Boston to Washington. Another 61 million will live in an agglomeration extending from Utica, New York, along the base of the Great Lakes to Green Bay, Wisconsin. Forty-four million will live on a Pacific strip between San Francisco and the Mexican border, while 14 million will live in the area extending along the Florida East Coast from Jacksonville to Miami and across the peninsula to Tampa and St. Petersburg.

And most of the remaining 40 percent of us will *also* live in urban concentrations, and big concentrations, at that.

In other words, by the year 2000 only 12 percent of our people will be outside urban areas of 100,000 or more people.

Now there is double irony to this demographic pattern. In addition to further concentrating the impact of pollution—which it is certain to do—it also flies in the face of what the American people—young as well as old, educated as well as uneducated—really want.

Poll after poll indicates that no less than two-thirds of the people now living in big cities *do not want to live there!*

They want the clean air, pure water, the natural beauty, the tranquillity of rural life and the smaller community. But they'll never get that until our Nation officially adopts a firm policy of balanced rural and urban growth, a policy designed to promote economic opportunity and jobs in the countryside—where most Americans want to live.

Well, I hope all this will give you an in-depth appreciation of the magnitude of the pollution problem—today *and* tomorrow.

XUM

In many respects its dimensions are so awesome as to invite surrender. Indeed, some ecologists *have* lost hope that man can save his planet.

But others have not given up hope, and neither have I. Let me tell you why I still have confidence.

First, all signs indicate that the American people are now *aware* of the danger. Awareness triggers concern, and concern triggers action.

Secondly, the Nixon Administration now is moving to meet the challenge to restore the quality of the environment. Some will say it is not moving fast enough with enough, and although I'm inclined to feel that way, too, I nevertheless welcome the President's new leadership—as evidenced in his Environmental Program, announced earlier this month—and in endorsing balanced rural and urban growth, as he did in his State of the Union message.

Finally, and of most importance, I am encouraged because you young people have made anti-pollution *your* issue, just as you made Vietnam *your* issue.

You were able to change the direction of our policy in Southeast Asia. You were able to affect the political destiny of this Nation in 1968.

If you bring to bear on pollution the same intensity, the same determination, the same idealism, you can win that struggle, too.

You can insist that we reorder our priorities, and make it possible for Americans to live *where* they want to live . . . and *how* they want to live.

You can demand a national policy of saving our atmosphere, our land and our water; a national policy of resettling people; economic opportunity and jobs to relieve the pressures on the city, and to ease the pressures in the environment by rejuvenating the countryside . . . a policy, in short, that can create a new land where Americans can live at ease with each other—in harmony with Nature.

It will soon be *your* Nation, *your* world, to make of what you will.

Only *you* can make it a better nation. Only *you* can make it a better world.

I wish you—and our beloved Nation—the very best of luck.

XUM

DEATH OF JUDGE THADDEUS M. MACHROWICZ, OF MICHIGAN

Mr. HART. Mr. President, the State of Michigan today mourns Judge Thaddeus M. Machrowicz, a Polish immigrant who achieved success in this Nation but gave America far more than he received.

He served with distinction in Congress for six terms, rightfully earning the reputation of a hard-working and effective legislator.

Judge Machrowicz was an indefatigable champion of the St. Lawrence Seaway. For years, he devoted most of his time to mustering the arguments for the seaway and presenting them with skill and eloquence.

He left Congress for the Federal bench in Detroit and threw himself into that endeavor with the same energy and conscientious attention that characterized his entire career.

He was a fine judge—a credit to President Kennedy, the man who appointed him. His temperament and quick mind were well suited to the bench, where he earned a reputation for sound decisions logically arrived at.

Understandably, Judge Machrowicz was an object of great pride in Michigan Polonia.

He was a born leader who became, in a large sense, a symbol of the tremendous contributions that immigrants—Polish and others—have made to the Nation. His affection for this country was certainly no secret. Its respect for him, and its debt, I rise to voice.

I know my Senate colleagues join me in offering condolences to his widow and two sons, Tod and Don. We all have much to be sad about in the judge's passing. But all of us, most especially his family, to whom he was devoted, are comforted by the great pride and happy memory in which we hold this good and fine man.

HOW NOT TO ELECT A PRESIDENT

Mr. BAYH. Mr. President, the reform of our antiquated electoral college system should be a top priority assignment in this session of Congress.

One of the most vigorous voices to speak out in behalf of this long overdue reform belongs to the junior Senator from Wisconsin (Mr. NELSON).

Senator NELSON is a former LaFollette progressive, and his comments on electoral college reform reflect the basic principles of the progressive tradition—a distrust of bossism, a dedication to the public interest, and a faith in the ability of an informed citizenry to make intelligent decisions.

In a recent article in Playboy magazine discussing the urgent need for electoral college reform, Senator NELSON wrote:

> Rightly or wrongly, there are millions of people in this country who no longer believe that they have any significant voice in the destinies of this nation. Obviously, many things must be done to correct this problem, but one dramatic step toward solving it would be to restore the integrity of our Presidential election system . . . What more dramatic way is there to give politics back to the people?

Before coming to the U.S. Senate, Senator NELSON had a long and distinguished record as a State legislator and as a reform-minded Governor. Deeply involved in politics and government ever since returning from overseas service during World War II, Senator NELSON shows his deep faith in the American people when he says:

> These reforms will not come easily. But I am convinced they are necessary if the American system of government is to regain the confidence of the people—especially the young people—without which I do not believe the American system can survive . . . The public becomes cynical when candidates cater to power blocs, when they make deals with political bosses, when they seem to rate the favor of interest groups higher than the public interest.
>
> If the American people will demand that this session of Congress set in motion the necessary reforms in the presidential system, I think we can look forward to a future of strong, responsible presidential leadership, and to a united nation ready to build itself a new and better future.

Mr. President, I ask unanimous consent that Senator NELSON's stirring argument in favor of sweeping reform of the presidential election system be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW NOT TO ELECT A PRESIDENT

Election Night 1968 almost produced the nightmarish spectacle of the most powerful nation on earth on the brink of contitutional chaos. If Illinois, California and Ohio hadn't tipped into the Republican column on the morning of November 6, no one can say with certainty what would have happened to this country.

The best we could have hoped for would have been the triumph of criminal greed among our national leaders. When the members of the Electoral College met on December 16, it seems likely that enough electors would have been influenced to switch their votes through either outright cash bribery or the promise of special political favors—to produce an electoral majority.

Both acts happen to be felonies under Federal law, calling for long prison terms. But a nation without a President-elect, and with no idea as to how one would be chosen, presumably would prefer to have the office filled through the commission of a crime than to have no President at all.

If naked political deals did not resolve the crisis in the Electoral College, the full catastrophe would have been upon us. The election, as the commentators kept saying, would have been "thrown" into the House of Representatives. But few Americans have any idea what that would really have meant.

At best, the President would have been chosen without any regard for the popular will. For the election of President in the House of Representatives, each state has one vote, a complete denial of the "one man, one vote" doctrine that our courts enforce in all other elections. The first candidate to receive 26 votes would have been our new President. Deals and vote trading would certainly have been resorted to by all three contending factions at that point. With the Presidency at stake, who would have failed to use any weapon in the political arsenal? One candidate and his supporters had already spent a reported $20,000,000 in an attempt to win the Presidency on November 5. Is there any reason to assume the spending would not have continued until the battle was won?

And, at worst, after all this sordid chaos, we could still have ended up without a President-elect. The party split in the House is such that it is entirely possible that no candidate could have gotten the necessary majority.

The postelection House line-up was 26 delegations controlled by Democrats, 19 controlled by Republicans and five tied and thus unable to cast a vote. Technically, this could have produced a Democratic victory. But it is very doubtful that the delegations from the five states that supported Wallace would have voted for the Democratic candidate. If one or all of these delegations shifted to the Republican candidate or held out for Wallace, it would have created a stalemate.

With the House stalemated, the Senate would have proceeded with the election of a Vice-President. In the Senate, each member's vote is counted; Democrats have a clear majority and would have, presumably, been able to agree on an interim leader. But how much power would he have? Could he expect public support if he had to move quickly to put down some domestic disorder or meet a foreign crisis? Would the new Vice-President be able to prod the House into conferring the Presidency on himself?

Think of the pressures on all concerned: the three principal candidates, the leaders of the Armed Forces, the general public, the incumbent President, who would be properly reluctant to leave the nation without a duly elected commander in chief. Can you imagine the political crisis if we raced from one Presidential term to the beginning of another with no new President elected?

When we were freshly back from the brink of this crisis, public opinion was fired up with a demand that we reform our Electoral College system—a system that even the conservatively oriented American Bar Association has called "archaic, undemocratic, complex, ambiguous, indirect and dangerous."

The United States Chamber of Commerce called for the abolition of the Electoral College. The polls reported that 81 percent of the public favors abolishing the Electoral College and electing the President by direct popular vote.

Senators and Congressmen saw this trend in their daily mail. A schoolboy from New Richmond, Wisconsin, wrote me, "It's just plain undemocratic." A Racine housewife complained that "it seems very odd that the Electoral College is more important than we, the people." A Milwaukee businessman put his finger on the key issue: "We don't like to be passed on by some nameless individual who does our voting for use. The personal feeling of participation is the important point. Keep our country strong and the faith of the people firm in our Government."

When the 91st Congress convened, I labeled Electoral College reform as one of the hottest political issues; yet experienced Congressional observers viewed the prospect for reform as only fair to poor. It may seem astonishing that any reform supported by 81 percent of the people could fail, but the hard fact is that the public does not have a very good reputation for following through on such things. It would have been far more hopeful if this reform was supported by two or three determined special-interest groups. The professionals stick with a fight to the end. The public, no matter how aroused it may get at a moment of apparent crisis, soon goes back to its normal pursuits.

The worst thing that could happen would be the passage of an Electoral College revision bill that would not correct the problem and might make it worse. This is a distinct possibility. Powerful support exists among conservatives for a proposal that would merely eliminate the "winner take all" feature of Electoral College voting, so that each state's electoral vote would be cast in proportion to the popular vote in that state. The rest of the system would be left as it is. This "solution"—which President Nixon substantively endorsed last February in one of his first messages to Congress—would be most unfortunate. It would doom for a generation any hope of electing the President by a direct, popular vote. It would give inflated power to one-party states, which can deliver most of their electoral votes for a candidate, while the votes in the closely balanced states would be virtually canceled out. And it would perpetuate the scandalous system under which tiny states wield disproportionate influence in electing a President, because each gets two bonus votes to match its two Senate seats, without regard to population.

Insead of hammering out some possible compromise to placate all the contending factions, Congress and the public should take a long, hard look at what is wrong with the whole election system and then correct it.

To do less, it seems to me, is to aggravate the most serious problem facing this country—the increasing alienation of many of our people, especially our young people, from our democratic institutions. Rightly or wrongly, there are millions of people in this country who no longer believe that they have any significant voice in the destinies of this nation. Obviously, many things must be done to correct this problem, but one dramatic step toward solving it would be to restore the integrity of our Presidential-election system.

The President is the one man in our political system who is intended to represent all of the people, yet he is selected by the most restrictive and most undemocratic of methods. A special commission of the American Bar Association, after lengthy study, has listed the following defects in the Electoral College system:

1. It allows a man to become President even though he receives fewer votes than his opponent.

2. Since all the electoral votes of a state go to whichever candidate wins a plurality, the minority votes in that state are nullified—in effect, disfranchising millions of people.

3. Electors in many states are not required by law to vote for the candidate who carries their state. They can utterly defy the popular will.

4. The electoral vote that decides the election does not depend in any way on the turnout state by state—a situation that encourages voter apathy and fails to reward voter enthusiasm. (If you are a minority voter in a one-party state, what's the incentive to vote?)

5. The Electoral College system flagrantly disregards population. States get a minimum of three electoral votes, regardless of their size, and no allowance is made for population changes from election to election (except when a state's Congressional delegation is revised).

6. The system of election in the House, with one vote per state, is disgraceful and un-American.

That is a scorching indictment of an undemocratic system that should be replaced by a new procedure that guarantees the Presidency to the winner of the popular vote. A direct-vote process would put equal weight on every man's vote, thereby encouraging individuals to participate in the election and encouraging the national parties to seek the largest possible voter turnout.

Such a plan has been developed by the American Bar Association and has been introduced in the Congress by Senator Birch Bayh. As a safeguard, it provides that if no candidate received 40 percent of the popular vote, there would be a runoff election between the two highest candidates.

Surprisingly and encouragingly, the House version of Bayh's proposal easily passed its first major test last spring. It was approved in late April by the House Judiciary Committee—the first time since 1949 that the committee had submitted to the House at large a measure calling for the scrapping of the Electoral College system—and appeared to have the required two-thirds backing among House members. President Nixon has also made it clear that he will throw the weight of his office behind the campaign for ratification of a direct-popular-election reform, should one emerge from Congress. Yet many hurdles remain. If the amendment makes its way successfully through the other pertinent committees and is then approved by two-thirds majorities in each branch of Congress, it will still have to be ratified by the legislatures of three-fourths of the states.

In the traditional American way, there will be many attempts to water down, compromise or completely subvert this reform all along the way. The above-mentioned plan of conservative Senators is the most formidable enemy of reform. But let's keep our eye on the ball. The prime failure in the present Electoral College system is its flagrant denial of one man, one vote. The U.S. Supreme Court enunciated this principle in a series of Congressional and legislative reapportionment cases—*Baker* vs. *Carr* (1962); *Wesberry* vs. *Sanders* (1964); *Reynolds* vs. *Sims* (1964); and *Gray* vs. *Sanders* (1963).

In one instance, the Court said:

> Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal voice.

Obviously, the geographical constituency of the President is the entire nation, and all the citizens should have an equal voice in his selection. They do not, today.

In another instance, the Court said:

> Within a given constituency, there can be room for a single constitutional rule—one voter, one vote.

It is time to apply that "single constitutional rule" to the Presidency.

The one man, one vote principle is a key to understanding Electoral College reform for another reason.

Americans have a reverence for the founding fathers and a reluctance to tinker with their work. Therefore, it is important to understand how public opinion and the weight of constitutional law have developed in this country in the almost 200 years since the Constitution was drafted.

The fact is, the reason we have the Electoral College system today is that the founders plainly and simply did *not* believe in popular elections. They quite literally lived in a different world. The general public was not educated. Communication and transportation systems were very primitive. America was an undeveloped country of 13 lightly populated states, whose leading citizens were anxious for the stability of a national Government controlled by the propertied and educated classes.

The framers of the Constitution had no intention whatsoever that the President be elected by the people. As Professor John D. Hicks says in his American-history textbook, *The Federal Union:*

> The creation of an executive department caused the convention a great deal of trouble. Extreme conservatives were in favor of a single executive, chosen by Congress for life, or at least for a very long term. Some, however, felt that such a plan was too closely akin to monarchy. . . . Popular election seemed the natural alternative, but the judgment of the people was sorely distrusted by the great majority of the delegates, and this idea was hastily thrust aside.

If you read the minutes of the Constitutional Convention, you will see the hostility to popular election—completely understandable in those days but almost unbelievable in today's context.

Colonel George Mason of Virginia told the convention that "it would be as unnatural to refer the choice of a popular character for chief magistrate to the people as it would be to refer a trial of colors to a blind man." He utterly rejected popular election, saying: "The extent of the country renders it impossible that the people can have the requisite capacity to judge the respective pretensions of the candidates."

Another convention delegate, Hugh Williamson of North Carolina, put it very simply: "There are at present distinguished characters (prospective Presidents) who are known perhaps to almost every man. This will not always be the case. The people will be sure to vote for some man in their own state, and the largest state will be sure to succeed. This will not be Virginia, however: The state will have no suffrage."

Think how many things have changed in America since Mr. Williamson made those statements! Can we continue to maintain a system that was, at best, a compromise in his day?

The Electoral College system was a kind of last-minute compromise in the Constitutional Convention, designed to end a deadlock that was caused by hostility to the popular vote on the one hand and a sincere belief that Congress should not choose the President on the other. (The fear was that a President elected by Congress would be completely subservient to that body, and hence, a weak executive.)

I doubt, however, that those who are reluctant to tinker with the work of the founding fathers realize what a strange system they devised and how utterly foreign it is to today's beliefs.

As originally established, the electors—"appointed" in whatever manner each state decreed—really would select the President.

XUM

There need not have been any popular vote at all. Furthermore, the electors originally were required to vote for two candidates for President. If anyone should receive the votes of a majority of the electors, he was to be declared elected President, while the candidate receiving the next highest number of votes, whether a majority or not, was to become Vice-President.

Again, Professor Hicks offers some insight into what was really intended, when he states, in *The Federal Union:*

> It was assumed, however, that unless there were some outstanding candidate, such as in the first election General Washington was sure to be, an election by a majority of the Electoral College would be impossible, and each state delegation would merely cast its voice for some favorite son. [Then the election would go to the House, on a one state, one vote basis.] This involved a subtle compromise. [Since the House would choose from the five candidates with the most votes in the Electoral College], it appeared that the large states would ordinarily nominate the candidates, while the more numerous small states would hold the balance of power in the election to follow.

Obviously, if the Electoral College system were to function today as envisioned by the founding fathers, the nation would rise up in outrage. The Constitutional Convention really intended that the House should pick our President from nominees chosen by the Electoral College, a system that virtually every political observer today sees as chaotic and susceptible to widespread corruption. Remember that fact the next time someone argues against Electoral College reform on the ground that we shouldn't tinker with the work of our founding fathers.

As a matter of fact, the original constitutional plan for picking a President lasted only until 1804, when it was changed by the 12th Amendment. This directed that electors vote separately for President and Vice President, and said that when the Electoral College failed to cast a majority vote for President, the House would make the selection from the top three candidates (originally, from the top five). This amendment also shifted the responsibility for picking the Vice-President from the House to the Senate. In 1933, the 20th Amendment further modified the original plan by providing that the Senate should proceed with the election of a Vice-President if no President is elected, and that he should serve as President until a President is chosen.

The challenge to those who believe in government by the people is to proceed to amend the Constitution to elect the President by direct popular vote. We will hear a lot of reasons why this should not be done. Let's examine them.

"It will weaken the two-party system." It will not. It will save it. The greatest threat to the two-party system now lies in the fact that third- and fourth-party candidates make an Electoral College majority hard to obtain. This gives candidates such as George Wallace, with as few as five states' electoral delegates, enormous bargaining power—either in the Electoral College or in the House. A direct-popular-vote system, with a requirement that one candidate win 40 percent of the vote or face a runoff would greatly discourage the entry of third-party candidates. There would be no point at which they could make a deal. They would work only with the electorate as a whole—which is the way government ought to operate.

"It would end our Federal system of government." It would not. The Federal system is firmly established in the U.S. Senate, where every state has two votes, regardless of its size. The Senate retains great powers, especially in foreign affairs and in confirming Presidential appointments, and continues to be almost universally accepted as an effective government institution. The fact is, the Electoral College system is irrelevant to the institution of Federalism, because its effect is so capricious. No one knows in advance how it is going to work, so governmental decisions cannot be influenced by it. Under the present system, a tiny shift of popular votes could have resulted in the election of Dewey instead of Truman, of Nixon instead of Kennedy and of Humphrey instead of Nixon. Was it a triumph of Federalism that those elections came out the way they did? Would it have been a triumph if they had been reversed? Of course not. It would merely have been a freak accident, as unrelated to Federalism as it would have been to the popular will. The Presidency today is really above the Federal system. The President is the one elected officer of the Federal Government who does *not* represent states or special interests He represents people and the public interest.

"It would delay learning the outcome and would lead to massive recounts, subject to fraud." It might—and, again, it might not. Voting machines, computers and modern communications systems make it possible to tabulate a nationwide popular vote today far more quickly than we were able to compute the likely electoral vote even a decade ago. As for fraud, that is a strange argument from those who stand on the sanctity of the Federal system. Can't our states be trusted to take a fair vote for President, just as they do for Senators, Congressmen, governors, legislators, judges, and so forth? If this really is a problem, Congress might have to enact legislation to guarantee that all qualified citizens are allowed to vote. Personally, I think this whole argument on possible delay and fraud falls flat on its face. I would far rather risk a delay in computing the popular return in a close election than wait until mid-January to see what the House of Representatives might do. Any system runs the risk of delays and recounts. But only a popular-vote system guarantees that the public ultimately will win the election.

"Populous, industrial states would lose some of their present influence." This might prove true, although historically, many have expressed the exact opposite fear—that large industrial states would pile up big margins for their favored candidate and dominate the election. Recently, on the other hand, articles in *The New Republic* and other liberal journals have argued that the present Electoral College system has the desirable effects of forcing Presidential candidates to pay extraordinary attention to big cities and large industrial states, because their large chunks of electoral votes could easily decide an election. This argument contends that this helps offset the domination of the legislative branch by small states and rural areas. One obvious answer to this argument is that two wrongs do not make a right. Neither large nor small states should have extraordinary influence in choosing a President. A vote in Iowa should mean just as much as a vote in New York. The choice should be by people, regardless of where they live. By shifting to a popular-vote system, the small states would give up their unjustified bonus of two electoral votes (representing their two Senate seats) and the large states would give up the special attention they have received from candidates during campaigns.

"It would force democracy down the throats of the American people." That is an actual complaint, voiced by Lloyd Wright of Los Angeles, former president of the American Bar Association, during a 1967 A.B.A. debate. This is the one criticism of Electoral College reform that makes sense. If you really are of that strange breed that hates democracy, you should oppose Electoral College reform. If you really believe (as Colonel Mason and Mr. Williamson did at the Constitutional Convention) that the people should not have a voice in picking the President, then you are on solid ground in opposing Electoral College reform.

Reform of the Electoral College system would be a great step forward for our developing American democracy. It would enable our President—whatever his party—to come out from the shadow of the political bosses and the state machines and walk the streets again as the chosen candidate of all the people.

But if reforming the election system is attainable, why stop there? Why not reform the nominating system as well, so that the people have a really meaningful choice between candidates who stir the imagination of the electorate and generate a strong personal following?

After the Republican and Democratic nominating conventions of 1968, which alternately bored and horrified the public, the Gallup Poll found 76 percent of the people in favor of junking the convention system.

The most logical substitute is a nationwide primary system. But a nationwide primary presents serious technical problems. The biggest single problem lies in narrowing the field of prospects, so that the top candidates would have hope of polling something near a majority of the votes cast in each party. There also is the problem of how candidates would finance nationwide primary campaigning without the support of the party organization that a candidate acquires along with a convention nomination. (This problem could be solved, I believe, through strict new controls on political spending, coupled with a requirement that television stations—which operate under a public franchise—be required to give free time to Presidential candidates.)

At the very least, Congress should set up some rules for the selection of convention delegates. The present system is a disgrace.

In Wisconsin, partly because of the La Follette heritage, we have a tradition of making the public a full partner in government. Our convention delegates are selected in an open Presidential primary in which all of the major candidates are on the ballot and a citizen may choose to vote in either the Republican or the Democratic column. Delegates are elected from the state at large, as well as from individual Congressional districts. At the convention, delegates must vote for the candidate who won the primary, as long as he receives one third of the total convention vote or until he releases them.

Procedures followed in other states are, at the worst, scandalous and, at the very best, arbitrary and nonuniform. In Georgia, the governor appoints the state chairman of the party and he, in turn, chooses all of the convention delegates. Obviously, they are mere pawns of the governor: In Louisiana, the party's state central committee, elected four years earlier, when they don't even know who the candidates might be, picks the delegates with no participation by the public. In Texas (delegates are chosen at a state party convention that operates under the unit rule. Dozens of smaller units, presumably subservient to top party leaders, wield disproportionate influence in such convention. I am informed that in Oklahoma and Missouri, at least some delegates were selected at local party conventions that were held in secret. In Indiana, I am informed, some delegates were selected in a district caucus at which the district party leader announced his choices and rammed them through in a total of 22 seconds.

Obviously, the public is not given any consideration when delegates are selected in this manner, and we at least open the door to the suspicion of bossism and possible corruption.

Following the 1968 conventions, I introduced a resolution to set up a 30-member blue-ribbon commission to propose to the Congress a new and better nominating system.

It might be that the best solution to the Presidential nominating dilemma would be this: Let primaries in each state pick convention delegates on a popular-vote basis and, at the same time, register the public's feelings toward the leading Presidential candidates. Then let the conventions meet—with their honestly elected delegates—and make the final choice of their candidates.

The 18-year-old vote would be the final stage in making the President of the United States a truly popular leader who can reunite this country and guide it through the perils of the future. We saw in the primaries of 1968 how young people can be turned on by Presidential politics. And we saw at the two conventions how they can be turned off again. As my colleague from New York, Senator Jacob Javits, argued in *Lower the Voting Age* (Playboy, February 1968), if we are really sincere in deploring the dropping out of young people from society, why not bring them back in again by making them full partners in the American system? Youthful interest in government invariably begins with the Presidency. Let's give them a piece of the action the minute they turn 18, and give them a real stake in the future.

These reforms, as I said at the outset, will not come easily. But I am convinced that they are necessary if the American system of government is to regain the confidence of the people—specially the young people—without which I do not believe the system can survive.

These reforms also are necessary if we are to get what I think the people crave but are failing to receive—strong, personalized Presidential leadership. The public becomes cynical when candidates cater to power blocs, when they make deals with political bosses, when they seem to rate the favor of interest groups higher than the public interest. Yet the public desperately wants to be led—by a man who has earned their confidence and fired their imagination.

If the American people will demand that this session of Congress set in motion the necessary reforms in the Presidential system, I think we can look forward to a future of strong, responsible Presidential leadership, and to a united nation ready to build itself a new and better future.

THE NADER STORY

Mr. NELSON. Mr. President, consumerism has come a long way since the time Congress first recognized the need for consumer protection in 1872 with the passage of the criminal fraud statute.

In 1887, the Interstate Commerce Commission was created to regulate the railroads. In 1906, Upton Sinclair's novel "The Jungle" brought public attention to the need for regulation of packing plants and led to the Federal Meat Inspection Act. The Food and Drug Administration was created the same year, and the Federal Trade Commission was set up in 1915 to maintain "free competitive enterprise" and to prevent "unfair or deceptive trade practices." Following the stock market crash in the late 1920's, the Securities and Exchange Commission was founded to regulate the securities market.

There are now about 40 Government departments and bureaus, hundreds of laws, a Special Assistant to the President for Consumer Affairs, advisory commissions, and a consumer counsel in the Justice Department—all pledged to the consumers' interests. There is, as yet, no Department of Consumer Affairs.

But there is Ralph Nader, who, some say, heads the unofficial department of consumer affairs. Officers in the unofficial cabinet are the crusading students called Nader's raiders. When they first came to Washington 3 years ago, they numbered 12. This summer they will number 250—out of more than 2,000 applicants.

I ask unanimous consent to have printed in the RECORD an article about Mr. Nader, published in the January 1970 issue of the Progressive.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NADER STORY: WHAT MAKES RALPH RUN?

(By Paul Dickson)

The term "household word" is not one to be used with abandon. It is safe to say, however, that at thirty-five years of age Ralph Nader has become a household word. He is better known than many United States Senators, and is unquestionably the most prominent of all Washington lobbyists or lawyers. What is more, he is generating new household words and terms that are serving to further awareness of his unique mission and talents. *Life* magazine, among others, now uses the word Naderism without enclosing it in quotation marks.

In the four years since Nader first came into national prominence with his hard-hitting criticism of automobile safety, *Unsafe at Any Speed*, he has discovered and effectively played the role of the outspoken advocate of consumerism in the nation. To the dismay of old-line lobbyists, Nader has beaten them at their own game, but he has chosen the public interest rather than the special interest in his advocacy.

Nader has carved out a niche for himself in Washington while possessing none of the usual prerequisites. He is not salaried, appointed, elected, or employed by any client or organization. He is bound to no predetermined issues, as demonstrated by the ever-growing assortment of topics in which he has involved himself since he began with the issue of automobile safety. Pollution, pipeline safety, radiation, the American Indian, industrial safety, law schools and law firms, food, medicine, regulatory agencies, secrecy in government, and the effects of noise—these are just some of the issues now associated with him. Moreover, he still keeps a close eye on the automobile industry. From time to time somebody predicts that Nader will spread himself too thin and subsequently flounder when he chooses an issue on which he can neither substantiate his charges nor muster public indignation. Though conceivable, such a tactical error is not likely: Two traits which those around him most often ascribe to Nader are his thoroughness and his uncanny sense of timing.

Judged in terms of a one-man operation, he has been a phenomenal success: Nader's power has grown apace with his diversification. Despite periodic predictions by his detractors or by skeptics to the effect that Nader's influence must soon wane, it shows no signs of doing so. He has achieved in four years the kind of momentum that politicians dream of but seldom attain.

Nader got his start while working as an attorney in a Connecticut law office where he was handling a large share of its automobile accident cases. The idea for his book on automobile safety came because he was disturbed that the driver was almost always blamed for accidents while the vehicle itself was seldom singled out. Nader set out to prove the vehicle was often at fault. He was an immediate success with his first consumer issue; the book has sold almost a half million copies. In early 1966, when the furor over the book was still high, he mentioned, in an interview in *Saturday Review*, that the automobile safety issue had been so successful because Americans are ". . . starved for acts of the individual in a conflict situation outside the sports arena."

Now, many consumer issues later, he is still receiving the attention of students, journalists, members of Congress, and just plain consumers. He has remained controversial, and enjoys wide respect—along with some disdain. He has been a prime mover in making the consumer stand up and make himself heard. He has had an enormous impact on legislation, a feat he has accomplished as a witness in the hearing room, by working directly (often behind the scenes) with members of Congress, and by the timely introduction of new information or allegations in the press. Nader is in constant communication with the sympathetic Congressional members of Washington's "consumer establishment."

It could easily be argued that Nader's impressive record as an effective gadfly and everyman's lawyer has fulfilled his obligation to what he started out to do and that it might be time for him to start thinking about a more stable future. Nader does not have a Swiss bank account, a side business in accident referral, a subsidy from labor unions, nor any of the other covert sources of income that crop up in nasty rumors about him. He leads a frugal existence. His income is limited; he lives in a drab furnished room in an area of Washington known more for burglaries than cocktail parties, and he shuns all luxuries. His income is from magazine articles, lectures, an occasional quick course taught at a university, and the royalties from his book. He could easily work himself into a lucrative position in a law firm or take a fat job on Capitol Hill. This is just what his adversaries would love to see. According to Ralph Nader, nothing could be further from his mind.

Nader told me that there is no end to the specific areas he would like to explore, and he is not planning to drop the ones he is already working on. Beyond his interest in specific issues, Nader has tied himself to a grand plan which could ultimately have a far greater impact than all that he has done thus far. The three elements in the plan are young people who will work with him, an organization, and money—the last not for Nader but to keep the other two elements going.

The most important element in the plan is finding and cultivating other bright, dedicated young people who are of a similar mind. Over the last four years Nader has been in almost constant communication with students. He has found time to advise them individually, and he is one of the most sought after speakers on the college lecture circuit; he has also given "short" courses in consumerism, including a two week course at Princeton, his alma mater. His delivery and content are as strong on campus as they are in the Congressional hearing room; for example, he told a student group in Michigan last year that the United States ". . . will see consumer demonstrations someday that will make civil rights demonstrations look small by comparison." Nader says that he likes to talk with students because he feels their energies can be channeled into public service investigation. His interest in students has begun to pay off as a young force quickly lines up behind him.

There are now four facets to the Nader organization.

The first and perhaps least known of the Nader operations is one which at this point has no name (they answer the telephone with the words "Auto Safety"). According to Lowell Dodge, who works for Nader as head of "Auto Safety," the organization is one which is setting out to pick up where *Unsafe at Any Speed* left off. Says Dodge, "We're working on a lot of things—car and tire safety, a guide to auto repairs for consumers, and surveys." He adds, "In general, we will act as a watchdog over the National Highway Safety Bureau and we intend to keep the pressure on Detroit."

Dodge, a recent graduate of Harvard Law School, is paid under a fellowship from the Consumer's Union of the United States, of which Nader is a director. He considers his new job to be permanent. The three others working with him are volunteers. "Auto Safety" is both a testament to and a lobby for Nader's large constituency of irate automobile owners. The office now handles the thirty to forty letters on automobile safety that are sent to Nader each day.

The second and best known of Nader's operations is Nader's Raiders. The first group of nine Raiders was assembled in the summer of 1968. Nader explained the rationale: "Students have long come to Washington to work *in* Federal agencies for the summer. My idea is to have them come down and work *on* the agencies: to come and study relentlessly on a daily basis what an agency is doing—this has never been done before." The students were assigned to two agencies: Seven zeroed in on the Federal Trade Commission and two probed the Food and Drug Administration. The investigations were not authorized by the two agencies.

Last summer the Raiders returned. There were more than 100 of them from all over the country with varied credentials: More than a score were women, a half dozen were engineering students, and several were medical students. Under the direction of Robert Fellmeth, Harvard Law student and alumnus of the first summer, the number of targets increased. Teams were assigned to the Interstate Commerce Commission, the Department of Agriculture, the Food and Drug Administration, safety agencies of the Department of Health, Education and Welfare, the health and safety activities of the Labor Department, and the Department of the Interior.

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Also included in a significant new step was the influential Washington law firm of Covington and Burling. The law firm study, conducted by a team of law students, will be published shortly and will be a profile of the power and influence of large Washington law offices. Covington and Burling, one of Washington's oldest and most prestigious firms, has represented tobacco companies and drug manufacturers in Washington.

The major product of the first summer's activity, in 1968, was a stinging 185-page critique of the Federal Trade Commission, which has recently been released as a book. Strong, documented charges were made against the Commission. Among the conclusions and recommendations of the report was the Raiders' request that the Commission's Chairman, Paul Rand Dixon, resign. A typical charge appearing in the report stated that the Commission masks its failures with secrecy, misrepresentation, and "collusion with business interests." The FTC report received plenty of news coverage, touched off charges and counter-charges, and precipitated a Presidential study of the FTC. The Presidential study, conducted by the American Bar Association, came up with similarly stinging charges and cited the Raiders' report with approval.

While the report was an important product of that summer, the original Raiders felt that what they learned from Nader was even more significant. John Schulz, team leader for the FTC study and assistant professor of law at the University of Southern California, says that the invaluable part of the summer was learning Nader's investigative style. This is how he explained it to me:

"Typically, a member would do his homework on an area of the Commission's activities by reading public documents. Then meetings would be arranged on an off-the-record basis with people who were in a position to know about that area of the FTC's operation. Finally, an interview would be set up with the FTC officials in the particular area of interest. In the interview a response which was not in line with what had been learned in the off-the-record interviews would be pressed and the responses recorded."

Schulz points out that the pursuit of facts which were in disagreement between the outside sources and the FTC yielded some of the best leads. One key element in the group's information gathering process was Nader's inexhaustible list of contacts. Says Schulz, "Nader has a working relationship with a great number of people in and out of the Government. He protects these relationships by assuring them that the confidentiality won't be violated."

The results of the efforts of the class of the summer of 1969 are not yet available. The reports of the various teams will start coming in shortly, to be released at times Nader deems appropriate. Eventually the reports will be published in book form, with the royalties earmarked to field future teams of Raiders.

Meanwhile, individual Raiders are taking independent action. James Williams, one of last summer's Raiders and a Princeton engineering student, was the author of an amendment to the Motor Vehicle Safety Act passed by Congress in September. The amendment, based on summer investigation, is aimed at the study and prevention of farm tractor accidents. There are many other examples of efforts by last summer's group, especially on the state and local level. Plans now call for another large team next summer and serious thought is being given to deploying some teams to state capitals and city halls.

The third and undoubtedly the most important facet of Nader's organization is one which began early last summer with the somewhat drab tile of The Center for the Study of Responsive Law (where they answer the telephone with, "*The* Center"). Quartered in a brick row-house near Washington's Dupont Circle, the Center staff includes seven professionals—six lawyers and a political scientist. These men are full-time workers who will help the summer Raiders.

The Center is the basis for what may emerge as one of Nader's most cherished concepts. As Nadar explained it to me: "I think there is a need for what might be termed a public interest law firm, composed of lawyers, economists, accountants, scientists, technical specialists, and physicians who will engage in a vigorous pursuit of the public interest in Washington, whether it deals with air pollution, water pollution, pesticides, product safety, or any of a whole range of issues that come up for Congressional decisions and administrative implementation." Nader believes that government reacts to pressure, and in Washington only special interests are in active operation exerting their power on a government which is more likely than not to bend to that pressure. "What is needed," says Nader, "is a counterbalancing force, so that the broader public issues receive a systematic and highly professional airing in our councils of government."

The fledgling Center has Nader as its board chairman and employs Harrison Wellford, a candidate for a doctorate in political science, as its executive director. The Center is now compiling a "citizens handbook" outlining ways in which a citizen can participate in government proceedings to secure his rights.

The fourth and remaining facet of the emerging Nader organization is the least organized and one which those who work with him call his "amorphous and largely secret network." Nader has followers all over the nation on whom he can call to ferret out special information. Says Lowell Dodge: "Nader produces from time to time detailed and comprehensive reports which come from these people in the field. We know very little about them except that they are specialists who come up with significant information."

Crucial to all of the new activity is the fact that Nader is starting to attract money. His early efforts were made possible by the estimated $60,000 in royalties from his book, but a year or so ago he realized he would need more to finance his expanding operation. The first group of Raiders were, for the most part, unpaid, although Schulz received a grant of $500 from the *Yale Law Journal*. Nader started looking for funds anywhere he thought he could find them, including the Ford Foundation. The money is now coming in. Some of the 1969 Raiders were given individual stipends of between $500 and $1,000 from the New World, New York, and Taconic Foundations. Those who could paid their own way, and others were paid small amounts by Nader and other individuals. The plan now calls for using royalties from the publication of reports from the summer of 1969 to help finance the Raiders of 1970. The Center is currently operating on a $55,000 Carnegie Foundation grant, two $10,000 grants from the Aaron Norman and Jerome Levy Foundations, and $18,000 from a wealthy Massachusetts lawyer who admires Nader.

Nader and those close to him feel they can continue to raise the money they will need to grow. Nader has considered "a consumer dues system" for the law firm and has not ruled out Federal support. He reasons: "If [the] Government can give subsidies by the hundreds of millions to private industry, which are special interests, I don't see why the Government shouldn't begin to support consumer protection activities which, of course, are designed to protect us all."

Ralph Nader's ultimate goal is reform: His ism is based on saving man from himself and his products. His goal transcends a variety of labels which are attached to him. He is more than a muckraker, a lobbyist, a lawyer, or an investigative reporter; he is also a reformer who plays these roles to achieve his desired end. He has set out to change the scheme of things with the single-mindedness and dedication of a devout populist, a sincere evangelist.

The public side of Ralph Nader is easy to find—ask him about Washington law firms or hazardous radiation from television sets and he will pause for a moment and then respond with a long, carefully thought-out, and factual response. Ask Ralph Nader about Ralph Nader and one gets terse, self-effacing answers.

Contrary to many portraits of the man that have described him as dour, one-dimenisonal character, he is a personable, enormously energetic, wide-ranging young man. At the person to person level, he is relaxed, courteous, patient, and devoid of his public cynicism. His most striking characteristic is his sincerity. His lieutenants have personal opinions of Nader that come close to pure testimonial. After a summer working with him, Schulz saw him as "witty," "possessed of entirely genuine and seemingly endless outrage and indignation," "a great motivator and a wellspring of ideas," "having tremendous intellectual charisma," and "gracious." Schulz was most impressed with Nader's dedication: "He accomplishes the work of three or four people and works unbelievably long hours. This man is at it seven days a week and some days puts in as much as eighteen to twenty hours."

There are aspects to Nader's background which suggest the shaping of this dedicated and uncompromising personality. His parents emigrated from Lebanon in 1925 and settled in Winsted, Connecticut. His father, who owns a restaurant, was soon active in local issues such as helping to create a community college. Ralph Nader credits his parents with giving him a strong sense of the individual's duty to contribute to the improvement of society. Ralph's older brother, Shaffack, who helps run the family restaurant, is, like his father, constantly involved in local campaigns and crusades.

Ralph entered Princeton in 1951 and graduated with a degree in Oriental studies, *magna cum laude*, a Phi Beta Kappa key, and a developing sense of anger over the lack of interest in the public interest. In the apathetic 1950s, Nader was far from the stereotyped Princeton clubman in white bucks and blazer. He was convinced that the use of DDT on the campus was killing off the songbirds, which in those pre-*Silent Spring* days was considered the notion of a crank. His classmates refused to become involved in his DDT crusade and the campus paper refused to publish an article he had written on the use of pesticides on campus.

During his Princeton years he also became interested in, and then outraged by, the plight of the American Indian. He spent vacation time on Indian reservations and produced a paper condemning those who were exploiting and dehumanizing the Indian. The silent, satisfied status quoism on campus was a source of frustration for Nader.

He also found fault with his next stop, Harvard Law School. He later described the curriculum at Harvard Law as one with "a great overemphasis on the kinds of subjects in law practice which the wealthy are primarily concerned with, and not very much emphasis on the kinds of practice which deal with the mass of the public." A telling incident occurred while he was at Harvard: He disposed of the only car he ever owned when he became convinced of its safety defects.

After law school it was six months in the Army, a grand tour of Europe and South America, and employment with a Hartford law firm where he began to develop his concern about auto safety. Along the way he mastered five languages—Chinese, Russian, Arabic, Spanish, and Portuguese.

Nader is not without quirks, the most notable of which is his penchant for privacy, which often assumes the proportions of a cloak and dagger operation or comic opera. He has a topsecret office that is occasionally relocated for security reasons. According to Lowell Dodge, nobody working with Nader has access to the office or knowledge of where it is. It is used for outgoing calls of an important nature, as a repository for projects in progress, and a place for Nader to work and think alone. He has a secret telephone line for his most important conversations, a slightly less secure line for secondary calls, and he makes it a policy of not having a line where he can be reached on a regular basis. If you want to talk with Nader, you leave word around: at the Center, at Auto Safety, with the newsdealer on the ground floor of the National Press Building, or with one of Nader's staff. Once contact is made, it's your place, not his, for an interview. Nader sees his privacy as an essential resource. He feels that memos, meetings, and unsolicited telephone calls would severely hamper him. It is also clear that the notorious incident when General Motors' sleuths tried to get something on Nader has influenced his current mode of operation. The G.M. incident made it obvious that Nader was no longer a crank out to get DDT off campus, but a serious threat to the image of an industry. Secrecy would seem to be a proper defense against venal snooping. Nader wishes to keep his next move or campaign secret; this gives him the advantage of surprise. Some have suggested that his secrecy is also "good drama," which enhances his role.

Nader has little time for anything outside of his mission. If he had the time, he says, he would play basketball, chess, squash, and do some hiking. He adds: "There isn't time for that anymore." Nader told me his relaxation comes from working hard. This dedication brings up the frequently asked question of what makes him do it—or, on another level, what's in it for him? Nader believes that such questions are in themselves an indictment of things as they are, for they suggest that people find it hard to believe that a person can put all his energy into public interest issues.

His aides say that nobody would be asking these questions if Nader were pouring his energies into religious evangelism, antivivisection, a Hollywood career, or getting elected to public office. As a matter of fact, there are those who view Nader's activities as planned prelude to getting himself elected to public office. From time to time, the rumor crops up that he will seek a Senate seat from Connecticut. Those close to him say that election is only a long-term option and not a motive. In reality, he already has the fame, visibility, and power that many Senators are still seeking.

It is becoming clearer that his motive lies deceptively on the surface: Ralph Nader is simply amassing the clout he needs to fight for what he believes in.

ESTONIAN INDEPENDENCE

Mr. ALLOTT. Mr. President, it is a pleasure to join with all Americans of Estonian descent in celebrating the 52d anniversary of the declaration of independence of the Republic of Estonia.

For two decades the Estonian people enjoyed independence and political freedom. Then during World War II, while we fought against National Socialist imperialism, Estonia fell victim to Soviet imperialism. Soviet armies occupied Estonia, and have never left.

For 30 years now Estonia has suffered from cruel despotism. For 30 years the United States has steadfastly stood by the principle that Soviet domination of Estonia is illegitimate. We have never recognized the incorporation of Estonia into the Soviet empire and we are glad that Estonia continues to maintain diplomatic and consular representation here.

Mr. President, we wish all Estonians the very best on this Independence Day. We fervently hope the future will bring a second Independence Day, and lasting independence.

INDIAN HEALTH CRISIS

Mr. CRANSTON. Mr. President, in January I joined with more than 90 Members of the House and Senate in writing to the President, asking that the administration immediately release $3,000,000 of the funds appropriated by Congress for Indian health programs.

Congress in the supplemental appropriation act, Public Law 91-166, had appropriated $2,048,000, of which $1 million was intended for contract medical services, and $1,048,000 for staff, supplies, and equipment for Indian Health Service programs. A total of $957,000 of the original appropriation bill intended for this same purposes had also been withheld.

Until mid-February, the administration had taken no steps to release these funds. Finally, at that time, $1 million was released for contract medical care. In addition, the $957,000 in the original appropriation bill was also released, but its use was restricted to supplies and equipment, and any expenditure for staff was prohibited. The remaining unallocated $1,048,000 was then transferred from the staff, supply, and equipment account, to be used to defray the increased costs to the Indian Health Service resulting from the Pay Act increase which became effective last year.

While I am gratified that some of these funds were released for the purposes for which they were appropriated, I am still distressed by the apparent lack of recognition by the administration of the dire circumstances under which the Indian Health Service operates.

One of the situations which prompted my support of the letter to the President was a description of the effects of budget limitations on the ability of the dedicated staff members to deliver day to day services in one of our Indian hospitals at a performance level in which they could take pride.

The first inadequacy they must face is the hospital building itself. The building dates from 1934 and is so inadequate that hospital accreditation has been withheld. The staff has been told that accreditation will never be granted so long as the hospital remains in the present building. The laboratory space, the size of the waiting room, and the outpatient clinic are all too small for the number of patients served. Doctors and patients are constantly tripping over each other. There are no adequate isolation facilities in the inpatient wings. This situation is particularly grievous at this hospital since over 50 percent of the admissions are for infectious diseases.

The second inadequacy is the lack of personnel. During a recent 6-month period there was a ratio of one staff member for 206 inpatient hospital days and one staff member for 305 outpatient visits. Included in these staff figures are doctors, nurses, and all supporting personnel, including janitors.

The third inadequacy is in the area of equipment. In the medically sophisticated era in which we live, equipment undergoes significant changes frequently, as new techniques are developed. This hospital has been unable for the last several years either to buy new equipment or to replace the antiquated, outdated, and wornout machines already on hand.

Indeed, the supervising unit director, after waiting many months while a request for an excess property transfer of three dictating machines, urgently needed to expedite the enormous paper backlog, finally attempted to purchase the dictaphones with his own money through his father, 2,500 miles across the country. Eventually, arrangements were made for a private person in Philadelphia to donate to the hospital three machines he had purchased for a fraction of their value when they were declared surplus by the Navy Department. What can I say to add to the ludicrousness of this situation?

A part of the services provided by this Indian health unit is a field health program which consists of three clinics at distances of 40, 60, and 80 miles from the central hospital. Here again, the program is severely handicapped by shortages in manpower, facilities, and equipment. One of the clinics is a converted trailer which is wholly inadequate for its purpose; the other clinics badly need repair and enlargement. There are two public health nurses for 15,000 people, which translates to a ratio of 1 to 7,500, an incredible situation, and a tragic one. It is unrealistic to expect any degree of

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success from a preventive health program operated under these conditions.

There is one clinic vehicle available to transport the doctor to these field clinics. The vehicle is in the same state of disrepair as the bulk of the equipment at the hospital station. There is no personnel slot for a driver; thus the physicians drive themselves and patients to or from the field stations. The physicians are becoming quite adept at making emergency repairs along the road, often under extremely adverse weather conditions. One doctor suffered frost bite; and a patient was critically endangered when their vehicle broke down in a heavy snowstorm.

Mr. President, this state of affairs is not limited to this one facility. A congressional investigation conducted by members of the House Committee on Interior and Insular Affairs, Subcommittee on Indian Affairs, has documented the critical needs of the Indian health program. Yet the administration still refuses to utilize all the funds appropriated. These funds must be released immediately. As a member of the Health Subcommittee of the Committee on Labor and Public Welfare, I again call upon the administration to remove the freeze, and to make the $1,000,000 available for the staffing purposes for which it was appropriated.

PROPOSED NATIONAL ECONOMIC EQUITY BOARD

Mr. HARRIS. Mr. President, recently, in Oklahoma, I made a statement calling for the establishment of a National Economic Equity Board to set voluntary guidelines on wages and prices, with the power, if necessary, to institute freezes for up to 6 months.

It is incredible that in this, the richest, best educated, and most skilled Nation in the world, officials should announce zero economic growth, rising unemployment, and idle productive capacity as major governmental accomplishments. This is wrong.

In the hope my statement may be of interest or use to Senators, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF U.S. SENATOR FRED R. HARRIS AT A PRESS CONFERENCE AT OKLAHOMA CITY, OKLA., FEBRUARY 20, 1970

The economic policies of this Administration are terribly out of kilter.

Inflation is at its worst since 1951, interest rates are at their highest level since the Civil War and people are being laid off their jobs in alarming numbers.

The Administration deplores inflation but has mistakenly refused to even speak out against wage and price increases, even in the basic industries, or to set up voluntary guidelines.

The Administration has also been dreadfully mistaken in its high interest rate policy.

The result of these policies is that, while there are huge and growing backlogs in housing needs, home construction has been drastically slowed.

While there is tremendous demand for goods and products, idle plant capacity is purposely forced upward.

While hundreds of thousands are already looking for work, the unemployment rate is deliberately pushed higher.

I say it is a wretched and heartless policy that makes men go jobless in order to slow down the economy.

By refusing to take the steps which it should have taken, this Administration has brought us to the point where more drastic measures are now necessary.

I propose the creation of a National Economic Equity Board to set up voluntary guidelines on prices and wages.

The Board, which should be composed of representatives of both management and labor, would hold hearings and issue findings and focus the spotlight of public opinion on wage and price decisions.

The Board should have the power if necessary to institute wage and price freezes for up to six months in order to give the economy time to cool off and get back to normal.

I do not like the idea of wage and price controls any more than the next person. But I think the system I propose would be far preferable to the misguided economic policies of this Administration which deliberately drive interest rates up out of sight and send hundreds of thousands into the jobless lines.

ADVANCE PAYMENT REFUSAL HURTS FARM PROGRAM

Mr. NELSON. Mr. President, the future of the Government's feed grain program is being jeopardized by the Agriculture Department's refusal to make advance payments to participating farmers this year.

Twenty-three percent fewer farmers than last year have signed up for the feed grain program so far this year because farmers have no incentive to enter the program.

Farmers participating in the feed grain program have received advance payments every spring for the past 7 years. Now, without the early incentive, only 331,000 farmers have agreed to divert crop acreage this year, more than 100,000 less than last year.

The decline in participation thus far represents 3 million fewer acres diverted from crop production in the feed grain program which stabilizes farm income and crop supplies by encouraging farmers to limit production. In Wisconsin, only 15,277 farmers have signed up for the program as compared with 18,741 during the same period in 1969.

With less than a month left before the signup deadline, the Agriculture Department should reverse its earlier decision and immediately authorize advance payments to all farmers who wish to join the program.

Otherwise, sufficient acreage might not be diverted from production over the coming year and the resulting oversupply on the market will force farm income down to disastrous levels.

Nearly 53,000 Wisconsin farmers received $12,768,722 in advance payments last year for diverting more than 1.5 million acres.

Now, these farmers are being forced to borrow funds at outrageous interest rates, often upward of 12 percent. In the past, they have received the money that they needed for planting and other operating expenses from the advance payments.

The Department's apparent reason for denying advance payments this year is to shift the expenditure of funds to the next budget year, which begins on July 1.

The Agriculture Department is trying to balance its own budget at the expense of hundreds of thousands of family farmers who now have to turn to banks and other lending agencies to obtain the funds they need to keep their farms operating.

Proposed legislation is now pending to require the Agriculture Department to make at least 50 percent of farm program payments to participating farmers in the spring. Unless the Department acts soon, Congress should act to require payment of these funds.

FINANCIAL STATEMENT OF SENATOR ALLEN

Mr. ALLEN. Mr. President, before coming to the U.S. Senate on January 3, 1969, I had filed with the Secretary of the U.S. Senate, the secretary of the State of Alabama, and the probate judge of Etowah County, Ala.—my home county—a statement of my assets and liabilities as of December 20, 1968. Then in January 1970, I filed with said officials a statement of my assets and liabilities as of December 31, 1969.

I ask unanimous consent that there be printed in the RECORD a copy of each of said financial statements so filed by me.

The statements themselves contain a declaration of my purpose in filing the statements.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

FINANCIAL STATEMENT

STATE OF ALABAMA, *County of Etowah.*

I, James B. Allen, Gadsden, Alabama, do hereby certify that the following is a true and correct statement of my financial condition as of December 20, 1968:

ASSETS

Home at No. 1321 Bellevue Drive, Gadsden, Ala	$32, 500. 00
Furniture, furnishings, books	5, 000. 00
Automobile	3, 500. 00
State of Alabama bonds, at cost	21, 000. 00
U.S. savings bonds, at cost	7, 500. 00
City of Mobile bonds, at cost	4, 200. 00
Bank certificates of deposit	15, 000. 00
Note, receivable	1, 500. 00
Bank accounts	8, 284. 01
Stocks and corporation bonds	None
Total	98, 484. 81

LIABILITIES

Reserve for balance of 1968 Federal and State income taxes	5, 000. 00
Estimated unpaid and unbilled personal and household bills	500. 00
Other liabilities	None
Total	5, 500. 00
Net worth	92, 984.81

I am not an Officer, Director, Stockholder, or Attorney for any Firm, Company, or Corporation, nor am I a member of any law firm, nor am I now engaged in the practice of law.

This statement is made pursuant to a declared policy of filing annually with the Secretary of the U.S. Senate, the Secretary of the State of Alabama, the Probate Judge of Etowah County, Alabama, a statement of my assets and liabilities. A similar statement will be filed each year during my service in the Senate.

The purpose of this statement is two-fold:

1. To show the absence of any conflict of interest between my ownership of assets and my service in the Senate in the public interest.

2. To keep the public advised as to my financial status, and to disclose the extent to which I have benefited financially during my public service.

I believe that the public is entitled to this information from me as a United States Senator in the discharge of this public trust.

This December 20, 1968.

JAMES B. ALLEN.

Sworn to and subscribed before me on this 20th day of December, 1968.

LUCILLE G. YEAGER,
Notary Public.

FINANCIAL STATEMENT

STATE OF ALABAMA, *County of Etowah:*

I, James B. Allen, Gadsden, Alabama, do hereby certify that the following is a true and correct statement of my financial condition as of December 31, 1969:

ASSETS

Home at 1321 Bellevue Drive, Gadsden, Ala	$32,500.00
Furniture, furnishings, books	5,000.00
Automobile	3,500.00
State of Alabama; city of Huntsville, Ala., bonds at market	19,000.00
U.S. savings bonds, at cost	1,500.00
U.S. Treasury notes	20,000.00
Note, receivable	1,500.00
Bank accounts, estimate	2,250.00
Payments into civil service retirement account, estimate	3,000.00
Stocks and corporation bonds	None
Total	88,250.00

LIABILITIES

Estimated unpaid and unbilled personal and household bills	500.00
Other liabilities	None
Total	500.00
Net Worth	87,750.00

I am not an Officer, Director, stockholder, employee or Attorney for any person, firm, company, or corporation, nor am I a member of any law firm, nor am I engaged in the practice of law in any form.

My income is limited to my Congessional salary and interest on assets listed above. During 1969 I received no honoraria or expense payments or reimbursements of any sort; nor do I have a committee or person designated to receive contributions, political or otherwise.

This statement is made pursuant to a declared policy of filing annually with the Secretary of the U.S. Senate, the Secretary of State of the State of Alabama, the Probate Judge of Etowah County, Alabama, a statement of my assets and liabilities. A similar statement will be filed each year during my service in the Senate.

The purpose of this statement is two-fold:

1. To show the absence of any conflict of interest between my ownership of assets and my service in the Senate in the public interest.

2. To keep the public advised as to my financial status, and to disclose the extent to which I have benefited financially during my public service.

I believe that the public is entitled to this information from me as a United States Senator in the discharge of this public trust.

This December 31, 1969.

JAMES B. ALLEN.

Sworn to and subscribed before me on this 31st day of December, 1969.

LUCILLE G. YEAGER,
Notary Public.

HENRY GIBSON SPEAKS OUT FOR THE ENVIRONMENT

Mr. NELSON. Mr. President, a significant portion of the state of the Union address was devoted to the issue of the crisis that we are headed for if we continue to contribute to the deterioration of our Nation's natural resources. I commend the President on taking a public stand for a clean environment, for I can think of no other issue that deserves our attention in this decade more than the issue of how we can make peace with our environment. Many of our citizens are enraged, and we are witnessing an unprecedented interest in the quality of the environment from people from all walks of life—people who are concerned about making this globe a livable place for our children.

Recently, a leading entertainer and lifelong conservationist addressed himself to this subject when he spoke before the annual Keep America Beautiful meeting in New York. Henry Gibson, sometimes poet and sometimes priest in NBC's popular "Laugh-In," vividly demonstrates in his brief remarks a sensitive awareness of the crisis. Mr. Gibson's declaration of dependence is a startling example of the attitude which our citizens, industries, and government must adopt if we are to learn to live in peace with nature.

I ask unanimous consent that Mr. Gibson's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY MR. GIBSON

Everyone is protesting violence these days. But what can be worse than the violence we inflict every minute of every day upon our own environment?

Litter is violence. Noise is violence. Smog is violence. We worry about our children's exposure to violence on TV . . . but what about the violence done to them?

It has been only two years since I became associated with Keep America Beautiful, but I'm glad I did . . . for Keep America Beautiful has instilled in me a growing concern for our weak and wounded environment.

We here in this room know the statistics better than most. Each of us can recite figures about the tons of pollutants and poisons and wastes accumulating daily in this country. We know the effects of pollution on our health, on our homes, on our pocketbooks, and on the lives of those who will come after us.

And, yes, our message is getting through slowly to some who never stopped to think about such things before. But, in the single day it takes us to make one convert to this cause, there is a net gain throughout the world of three hundred thousand babies. And each is Technology's child.

If he's born in this country, chances are he'll be nursed on mother's milk containing DDT at three to seven times the FDA danger level.

He carries strontium 90 in his bones . . . asbestos in his lungs . . . consumes three pounds of additive chemicals per year . . . inhales three quarters of a ton of toxic air each year . . . drinks water half of which is either below Federal drinkability standards or of unknown quality . . . lives against a background radiation that has increased five per cent from fallout . . . amid a constant barrage of noise so intense, no one has yet been able to estimate its national level.

But Technology's children are *our* children—my three boys, your sons and daughters. Is there no hope for them?

Yes, there is hope, but time is running out.

There is hope in each of you here today, being honored for your achievements. But time is running out.

There is hope in your communities, in your families, in your children, in all the children reached by your individual efforts. But time is running out.

There is hope in the magnificent service being rendered by our heroic national and local conservation groups, by our Boy Scouts, our Girl Scouts, our 4-H Clubs. But time is running out.

There is hope in the enlightened press and TV coverage being given the subject of environment by our greatest newspapers, magazines and networks. But time is running out.

There is hope in the inspired national leadership of such environmental champions as Senators Nelson, Muskie and Jackson. But time is running out.

There is hope in your efforts to turn your enlightened technology to the task of saving our race and our environment.

But time is running out.

All our children learn the Declaration of Independence. But, in these times of environmental crisis, perhaps they should also learn a Declaration of Dependence—a declaration of our dependence on Nature. Here's the one I taught my sons:

"I am a part of Nature.
I am a part of everything that lives.
I am bound together with all living things
in air, in land, in water.
My life depends upon Nature—
Upon its balance, upon its resources, and
upon the continuity of both.
To destroy them is to destroy myself.
As a member of the human race
I am responsible for its survival.
I am a part of Nature.
I will not destroy it."

I promised you I'd recite a poem, and I will, but it's one of the saddest poems I've ever written. I hope I'll never have to recite it again.

"ELEMENTS

(By Henry Gibson)

"I used to like fresh air
When it was there.
And water—I enjoyed it
Till we destroyed it.
Each day the land's diminished.
I think I'm finished."

ON GRAZING FEES

Mr. McGEE. Mr. President, if we believe all of what we read in the newspapers we inevitably are going to be misled at times. So it is with a column written by Jack Anderson which appeared in the Saturday Washington Post and a large number of other newspapers across this country. It would have us believe that Western ranchmen are out to ambush the Public Land Law Review Commission, Congress, the Treasury, and the public. The issue he writes of is grazing fees for use of the public domain.

Mr. President, I am not an apologist for Western ranchers; not even Wyoming ranchers. I happen, however, to know them well and to know the problems they have with the currently suspended proposals to raise annual grazing fees both on public lands administered by the Interior Department and on forest lands. Frankly, they have a strong case; and are not out to freeload on Uncle Sam. For example, Mr. President, I know from many sessions with cattlemen and with wool growers who use public lands for grazing that these livestock producers are willing to pay a fair con-

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sideration for their use of these lands, and further know that they realize this will be required of them. Fair is fair, however, and these men also want assurances that the grazing fee schedule they are subject to is equitable and does not simply represent another increase in cost with no corresponding opportunity for increased income. Already, the livestock producer is up against the wall because of a cost-price squeeze. As it happens, Wyoming livestock operators are using 13.1 percent of the total 21,440,031 animal-unit-months provided by the public lands in the United States. This is the largest percentage of AUM's allocated to permittees in any State. Thus, my State is the most affected by this question. And that, Mr. President, is why I speak today.

When, in 1968, a 10-year program of staged increases in grazing fees was announced, the Wyoming Stock Growers and Wool Growers Associations, among many other interested parties, sought to have the new fee schedule, incorporating increases of up to 400 percent over a decade, held in abeyance until the report of the Public Land Law Review Commission was filed—as it is scheduled to be later this year. In view of the situation with regard to public lands, this seemed reasonable. Yet Mr. Anderson's column makes it sound as if the Secretary of the Interior buckled under to a power play when he announced a moratorium on further grazing fee increases. I would remind him that many Members of this body and of the House had the same request.

For my own part, I protested the announced increase in grazing fees because it was an action taken in isolation from the many other issues involved in the Public Land Law Review Commission's study—issues Mr. Anderson mentioned, though he chose to focus his spotlight only on the question of grazing fees. The question of land management involves watershed protection, recreation and public access, wildlife protection and management, mining, and many other issues aside from grazing.

Our public lands are a precious heritage which must be safeguarded. And they must be looked upon as a whole, with all questions affecting their future reasonably and intelligently considered. Indeed, in the long run, it will be of greater importance that we have managed these lands well and fostered their maintenance rather than that we have managed them for the purpose of producing the greatest income to the U.S. Treasury. And it is about as important, in my judgment, that we also foster a healthy livestock industry as well. That need was recognized in the Taylor Grazing Act, which states that its purpose is to provide for "stabilization of the livestock industry," and which calls for "reasonable fees."

Reasonable fees, Mr. President, will not find many opponents on the range. Indeed, I have letters in my files from graziers who readily concede that some increase in their own fees would be reasonable. That is not exactly the image of an industry out to ambush the taxpayer.

Mr. President, my own proposal, in which the Senator from Utah (Mr. Moss) has joined, is embodied in S. 716, introduced last year and now pending before the Interior Committee. That bill would permit the cost of a grazing fee to be taken into consideration by the Federal departments in the formulas used by them to establish fees for grazing permittees.

I have no quarrel with the concept of reasonable return, and no quarrel with the concept of comparability between private and public land grazing costs. But I have suggested before, Mr. President, and I repeat today, that we cannot be fair or reasonable if we are to be selective and arbitrary in selecting those particular cost factors which we are willing to consider in determining fees. If comparability is our goal, then certainly few reasonable persons would object to the proposition that all cost factors should be considered. And among those costs is the price of acquiring a grazing permit in the first instance. My bill would see that it is a relevant factor.

Now, I am aware of the objections against this approach; namely, that it would constitute recognition of a permit as a property right instead of a privilege. While, in theory, the argument has some merit, in practice everyone familiar with the situation recognizes that Taylor grazing rights have been sold, transferred and otherwise alienated with the exchange of valuable consideration. It is unreasonable to pretend otherwise, and it is time we faced life like it is on the range.

That, I believe, is what the western livestock industry is trying to say.

ESTONIAN INDEPENDENCE

Mr. SMITH of Illinois. Mr. President, today is the 52d anniversary of the Declaration of the Independence of the Republic of Estonia, yet another Baltic state like Latvia and Lithuania, cruelly stripped of her freedom by the force of Communist aggression and violence.

Hardly an American Estonian has been spared personal suffering from the terror of Russian domination of his homeland. Friends and relatives trapped by the seizure of Estonia in 1940 have been subjected to Soviet Russification programs of expropriation, pauperization, deportation, and, the ruthless suppression of all basic human rights.

The United States has steadfastly refused to recognize any legality in the Russian control of the Baltic States. We continue to recognize the legitimate representatives of Estonia, Latvia, and Lithuania. Congress has reaffirmed American support of the right of the captive Baltic peoples to restoration of freedom and liberty in their lands by the adoption of House Concurrent Resolution 416, which I ask unanimous consent to have printed in the Record.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination, by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspiration of the Baltic peoples of self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the people of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

NUCLEAR POWER PLANT ON MISSISSIPPI NEAR TWIN CITIES

Mr. NELSON. Mr. President, the Joint Committee on Atomic Energy this week reopened hearings on the environmental effects of producing electric power. One of the issues being considered is the location of a nuclear power plant on the Mississippi River near the metropolitan area of Minneapolis and St. Paul.

The Senator from Minnesota (Mr. Mondale) has prepared a statement for the Joint Committee in connection with this case. In his statement, Senator Mondale points out the discrepancy between allocations for promotion of atomic power and for the regulation of this power. He also questions current AEC policy.

I ask unanimous consent that the Senator's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Walter F. Mondale

A controversy has developed in Minnesota over the installation of atomic power plants in the Twin Cities area.

Rising concern with the threat to the environment and to the health of residents in this area has prompted the Minnesota Pollution Control Agency to increase limitations on radioactive effluents beyond the standards set by the Atomic Energy Commission.

I am disturbed by the potential danger of these effluents, and I am concerned that the Federal agency charged with regulating these installations is the agency also responsible for promoting them.

Strong evidence suggests that while the Atomic Energy Commission is doing an excellent job of promoting peaceful uses of atomic energy, it is not doing nearly enough to regulate nuclear power in behalf of the public and our environment.

This apparent conflict of interest is revealed in the budget allocations to regulatory activities. From an AEC budget of just

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under $2½ billion, only about one-half of one per cent is earmarked for its regulatory functions.

The reliability of the AEC's regulatory program is surely open to question when provided with such a minuscule portion of its total resources. As the atomic energy field expands, it is important that the regulatory effort is also expanded and strengthened. In addition, I think we need to take a hard look at this odd coupling of regulatory with promotional activities.

The Minnesota Pollution Control Agency felt that the AEC regulations were too permissive. In the absence of effective regulation from the AEC, the Minnesota agency employed expert counsel and devised its own limits to assure adequate protection for the people of the State.

The operation of a nuclear power plant within forty miles of Minneapolis and St. Paul poses at least three possible problems.

A malfunction similar to those experienced at nuclear installations in the past could be calamitous in a metropolitan area. Hopefully, this prospect is very remote.

Yet at the same time, the routine operation of this proposed plant would create thermal pollution and cause the discharge of radioactive material into an adjacent waterway. In this Minnesota case, the waterway happens to be the Mississippi River—a major source of water for the Twin Cities and its one million residents.

There is evidence that waste heat can alter the ecological balance of a body of water. The peril of a nuclear power plant's apparatus to marine life was dramatically illustrated this month by the fish kill in New York State.

Any deterioration of the Mississippi River will be damaging, particularly with the added uncertain dangers of radioactive materials.

In an effort to protect its citizens, the State of Minnesota has moved to impose tight restrictions regarding radioactive discharge in its permit to the Northern States Power Co. They were set to lower the amount of radioactivity to which the people of Minnesota would be exposed.

I find it surprising that guardians of the public interest object to the imposition of additional safeguards.

Let me emphasize that I do not object to the concept of nuclear power or the peaceful use of the atom. But I feel that both public agencies and private enterprise have a duty to build in every protective device available.

I am opposed to the dumping of radioactive materials into the Mississippi River for any reason.

I support the State of Minnesota's position in this matter and believe that the State should have the prerogative to maintain its own restrictions as long as they are tighter than those imposed by the AEC.

In another case involving pollution and states rights, the State of California has been permitted to establish its own, more stringent, standards relating to automobile exhaust control. With proliferation of nuclear power installations, it is clear that extra effort must be made to shield our people and environment.

This is no time for an exercise in the arrogance of nuclear power. The nuclear field remains a relatively new and hazardous one. There is still so much unknown that caution would appear to be a more prudent course than fixed policy. The AEC standards should not be sacrosanct. I see no reason why the State of Minnesota should not be allowed to strengthen the standards of the AEC for the security of its people.

AN LSD TRAGEDY

Mr. MOSS. Mr. President, on February 14, Valentine Day, a tragic series of events took place in and near my home State of Utah. On that day, a young man, aged 19, a victim of LSD, drove to a rest stop near Little America, Wyo., and took his own life.

Before doing so, he left a message on a tape recorder. His parents, in the hope that his final words would help other youngsters avoid the same mistake, have released the contents of a portion of that taped message.

On Saturday, February 21, the Salt Lake Tribune printed an article which includes the recorded message. So that others may have an opportunity to read this important message, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOUTH'S LAST WORDS TELL TRAGEDY: HOOKED ON ACID: A TESTAMENT

(By Clark Lobb)

Last Saturday—Valentine's Day—Craig D. Gardner, handsome 19-year-old postal worker, got up early.

He went to his job at the Midvale Post Office from 5 to 9 a.m.

About 9:30 that morning he visited briefly with his mother, Mrs. William J. (Mary) Blain, 4445 W. 4805 South in Kearns.

Then he went to his apartment of one week at 2174-3rd East and made a tape recording.

After that he drove to a rest stop a mile out of Little America, Wyo., and shot himself.

LEFT RECORDING BEHIND

But he left a message behind—the tape recording.

His friend and roommate, Dave, found it Saturday about 12:30 p.m.

And Friday his mother, his father, Don R. Gardner, St. George, and Mr. Blain, released the contents of a portion of that tape—a dramatic account of what it means to get "hooked" on LSD.

They said they wanted to make the contents of the tape public to help others who are or might be considering "fooling with drugs."

"We just hope to God it will help somebody else," Mr. Blain said.

BEQUEATHS WORLDLY GOODS

The tape, played at the boy's funeral, first outlines his will. He methodically listed his worldly goods—car, clothing, stereo, skis—everything—and listed the names of those to whom they should go.

There was a pause.

Then he turned to his dealings with LSD. Here, word for word, is what he had to say:

"I can't think . . . can't think . . . can't think.

"Well, about all I have to say is—actually, the real reason is that I really don't know—(pause) I'll tell you one thing, Dave, and anybody else who's listening, you can really get messed up on that stuff. (pause) You might hear it sooner or later, Mom—I'm sorry, Mom, Dad and Bill—I'm sorry that your little boy has turned into an LSD addict.

" 'DON'T KNOW WHAT'S REAL'

"It's bad news—it really is. I didn't think it was when I was first taking it, but I've been getting pretty stoned lately and you just don't know what's real and what isn't real. You really don't.

"All I can say is, I had to find out by myself—kind of a poor excuse, you know—but I really shouldn't have taken any dope at all—any acid (LSD)—and I shouldn't really have started off with any grass (marijuana) either. Of course, grass isn't bad—it's the acid that got to me.

"But (pause) some things arise in every day living that you just don't know if it's real or really what's happening and you're lost.

" 'YOU DON'T KNOW WHERE'

"Tell you one thing—after you take so much of that stuff, you just really don't know where you're at sometimes. You don't know where you're at. You don't know if your reasoning is correct. Because I'm no doctor—I really don't know if I'm nuts or what. I mean, I don't think I am, but what I've heard is that a person who thinks he's insane or even screwed up or something would never admit it to himself. That's what I've heard.

"Of course, this factor lies closely with the idea I might be. It's possible—it really is possible.

"I don't know myself. I wish I did. I could go get some medical help but—I mean mental health, excuse me—but I don't think that would really change things—not really. (pause) It's tough. I don't know. I just don't know if you do the right things or the wrong things. It's hard to distinguish between right and wrong. It's hard to distinguish between real and unreal and whether you're actually going nuts or it's just the drug (pause) or what.

PONDERED QUESTION

"I've pondered many nights on this thought. I really don't know. (Laugh). I really don't know what to say actually. I don't have much to say other than (pause)—oh, I don't know, I just don't feel like moving on. (Pause).

"I have enough problems of my own without even taking LSD to keep my mind bent. Well, actually what acid does is it intensifies everything to a great extent. This probably is what it did to me. I really don't know—I really don't. You think I'm kidding you, but I really don't. Sometimes I'm not sure even what I'm saying. (Pause).

"What'd I say? Yeah. Acid might have intensified my feelings about myself. I was screwed up enough without taking acid. Probably just buried me more deeper in my hole than I was before I started 'tripping out.'

"I wish I could have come out all the way. I did poke my head out once in awhile, but just . . . my mind's not ready—I don't know—maybe I'm to take what my body has to offer.

"I don't think I've lived with my physical condition. For awhile—but I really can't cope with it. I've lived with it, but I can't cope with it. (He had polio as a youngster and it left one arm partially paralyzed.)

CAN'T FACE THINGS

"I don't know if this is right or wrong or if people ever do cope with it. I don't know. There are so many things I don't know, that I'm not sure of—a lot of things I can't face. It's kind of a cowardly idea, isn't it? Yeah, well that's what I've heard before—it's kind of a cowardly idea.

"My feelings are that what I want to do at the time I do. It's just what I feel like at the time.

"If you're listening to this, Dave, when you get home—I don't know if I'm going to leave it here or not—but don't try to do anything about it, because by the time you hear this, I'll already be 'wrote off.'

"So just take it in stride and pull through with what I've had to say.

"I really don't want to elaborate very much on different subjects because I don't know if I'm going to be revealing that I'm nuts or what. I really wouldn't want anybody to think more than they have to about me.

"All I know is I'm going to be in one hell of a fix when I have to face the Big Man Up in Heaven. I'm not saying that with disrespect—the Big Man. I'm just saying it because I felt like saying it. And it says in the Bible that he who kills himself will not be resurrected. Well, this is the great punishment that I'm bestowing upon myself not only physically, but, from what I've read, I'm going to be suffering eternally for this.

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SO LONG TO WAIT

"But—actually, I thought I could sit it out through this short life span, you know, and maybe just have enough courage to stay alive until something bestows upon me that I will die and that I will go up to Heaven . . . well, in one of the kingdoms, anyway. And wait for the big day. When the big day comes, maybe I could have made a little bit better of myself than if I had just copped out and pulled the trigger. (pause)

"But life sometimes seems so long to wait. All I'm actually doing is existing now. I'm not trying to feel sorry for myself, but maybe you talk to a psychological doctor, maybe I am. I don't know.

"I have thought it over many times and there really isn't anything to live for. I don't think there is. And I really don't think anyone could convince me that there is—not me anyway. We're talking about individual feelings.

"Wow! I got my words all twisted up here. I can hardly talk sometimes.

(long pause)

NO MORE TALKING

"I could actually sit here and jabber on and jabber on about my troubles, but I'm not going to because I just don't feel like it. Everybody has problems you know. So I won't talk any more about my problems.

"All I have to say is I'm not going to give any sentimental speech here, if you know what I mean.

"So I think I'll just close with a blank statement—maybe kind of an idiotic statement, but a lot of things are crazy.

"So I'll close with the statement that this is Dexter Gardner speaking.

"I am signing off. Thank you."

The name "Dexter" was one the youth had adopted himself. His middle initial, D, was just that—a middle initial. He had no middle name, family members explained.

SENATOR LEN JORDAN ON THE RESPONSIBILITY OF STEWARDSHIP

Mr. HANSEN. Mr. President, the distinguished Senator from Idaho (Mr. JORDAN) made some excellent remarks recently at a breakfast meeting. I was privileged to be present.

The Senator spoke on the subject "The Responsibility of Stewardship" and presented some highly interesting views concerning a subject most of us have recognized as one requiring immediate attention—the pollution of the environment of the United States and of the world by man.

The Senator covered in his remarks some pertinent examples of how man's world has arrived at its present state of pollution and urged that all of us face the responsibility of our stewardship to protect those areas as yet unspoiled by the advance of technology, and to improve those already damaged.

I am certain that Senators will find Senator JORDAN's remarks well worth reading.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE RESPONSIBILITY OF STEWARDSHIP

(By Senator LEN B. JORDAN)

Man's recent success in reaching the moon—thus escaping for the first time the confines of the planet earth—has, I am sure, given all of us a new perspective on man and the universe. To begin with, it is a marvelous tribute to our nation's technology. The achievement of launching a vehicle from a moving earth, plotting its course over millions of miles to a target which is also moving, the moon, and landing within a few hundred yards of a specified point is awe-inspiring, particularly to those of us who do not have a full understanding of the techniques involved. Our awe has led many of us to say, or at least to think, "If we can do this, surely we can conquer the difficult problems we face here on earth."

Yet our success in landing on the moon is a tribute to more than man's ability. It is striking evidence of the precise order which characterizes the universe in which we live. Space travel is possible only because man has discovered some of the laws governing the universe, which is a system so precisely engineered as to make even the most skeptical admit that it must be traceable to a Creator. The wonders of the system are apparent, of course, not only in space, but here on earth, where a remarkable system of life and balance was long ago established. Man's wonder at the rhythmic cycles of this system is aptly expressed in Ecclesiastes:

> One generation passeth away, and another generation cometh: but the earth abideth for ever.
>
> The sun also ariseth, and the sun goeth down, and hasteth to his place where he arose.
>
> The wind goeth toward the south and turneth about unto the north; it whirleth about continually, and the wind returneth again according to his circuits.
>
> All the rivers run into the sea; yet the sea is not full; unto the place from whence the rivers come, thither they return again.—Ecclesiastes I:4

The last lines of this passage, charming in their rhetoric and their economy of words, describe beautifully the hydrologic cycle which has sustained life through all of history.

Yet it is only recently that man has begun to fully appreciate just how complex, and how delicately balanced, is God's design. We are only now awakening to the incredible complexity of the earth's ecology, the system by which living organisms and the nonliving environment function together as a whole. In the past man has been blind to his own utter dependency on the oceans, forests and grasslands. He has not realized that he is only a part of a vast web of interacting organisms and processes, those processes which allow the rivers to flow into the seas and yet the seas not to be full.

Four hundred million years ago, our earth's atmosphere was enriched to its life-supporting mixture of oxygen and other gases. With uncanny precision, this mixture was then maintained by plants, animals and bacteria, which used and returned the gases at equal rates. The process is governed by distinct laws of life and balance which assure that no single type of animal or plant will proliferate and dominate the community. By adding just one alien component to this delicate balance, man can quite unknowingly trigger a series of dangerous changes.

An interesting example of the dangers of man's tampering with the system is the campaign waged in South Africa against hippopotamuses. Deemed useless beasts, they were shot on sight. Sometime later, an agonizing liver and intestinal disease swept the country. Though these two events were on the surface entirely unrelated, it was finally discovered that they were in fact tied together by one of nature's intricate chains. It seemed that without the hippos to keep river silt in motion as they bathed and to make natural irrigation channels, the rivers silted up and periodic floods swept lower adjacent lands. The altered conditions favored the proliferation of disease-carrying snails, which in turn were responsible for the epidemic.

We are learning more every day about man's assaults upon the system created to sustain him. Scientists have reported that just as people get hooked on drugs, so the soil seems to become addicted to chemical additives and loses its ability to fix its own nitrogen. A respected geo-physicist has concluded that man's activities have even upset the interior condtions of the earth's crust. It appears that wherever huge dams are built, the earth starts shuddering, due to the enormous weight of the water in the reservoirs behind the dam.

The earth has a truly marvelous built-in waste-disposal system, but man's activities are now taxing the system's limits. Modern technology is pressuring nature with tens of thousands of synthetic substances, many of which almost totally resist decay—thus poisoning man's fellow creatures, to say nothing of himself. The burden includes smog fumes, aluminum cans that do not rust, inorganic plastics that may last for decades, floating oil that can change the thermal reflectivity of oceans, and radioactive wastes whose toxicity lingers for literally hundreds of years. Most pollutants probably end up in the oceans, and some fear that the oceans will become so burdened with noxious wastes that they will lose their vast power of self-purification.

Some scientists are predicting that man's activities have already doomed life on earth. We are warned that the earth is warming up and that we can look forward to a melting of the icecaps and drowning of the world's coastal cities; or that the planet is cooling and we are headed for another ice age; or that nitrogen build-up will eventually cause light to be completely filtered out of the atmosphere. But it is not only these science-fiction type predictions that are frightening. Some of the results of man's carelessness are all too real and visible today. We feel shaken when we read that several times each week public schools in some of our major cities forbid children to exercise lest they breathe too deeply of the polluted air.

We can trace this environmental crisis to a few deeply ingrained assumptions. We have dedicated ourselves to the idea of infinite growth, though we live on a finite planet. We have assumed that nature is endlessly bountiful, that economic growth is worth any effort. There is also the even more fundamental belief that nature exists primarily for man to conquer. Many thinkers trace this idea back to the passage in Genesis in which God gave man "dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the earth." But I believe we are now coming to understand, if we have not in the past, that our dominion over nature involves not only the exercise of power, but a tremendous responsibility as well.

And yet, there is more: man is also abusing nature through his sheer numbers. Unprecedented population growth during the past few centuries is a key factor in today's environmental crisis. For human population growth has suddenly become cancerous.

The following lines, written by a demographer about the life of Wolfgang Amadeus Mozart, point out the revolution that has caused this tremendous growth:

> One of seven children, five of whom died within six months of birth; Father of six children, only two of whom lived six months. Himself a survivor of scarlet fever, smallpox, and lesser diseases. Only to die at the age of 35 years and ten months. From a cause not diagnosable by the medical knowledge of his time; Thus making his life demographically *typical of most of man's history*.

The fact that this account startles us today is evidence of the revolution that rising health standards and resulting low-level death rates have brought about. The low-level death rates which Europe required a century and a half to achieve are now being accomplished in the emerging nations in a fifth of that time.

The human population in 6000 B.C. was

about five million people. It had taken perhaps one million years to get there from two and a half million. Then the population began doubling every thousand years or so, reaching 500 million about 1650 A.D. Then it doubled in some 200 years, reaching one billion around 1850. The next doubling took only 80 years or so, with the population reaching two billion around 1930. And in just 40 years we have almost completed the next doubling, to four billion people on the face of the earth. The reduction in doubling times is startling: 1,000,000 years, 1,000 years, 200 years, 80 years, 40 years.

To project the totals beyond the year 2000 becomes so demanding on the imagination as to make the statistics almost incomprehensible. A child born today, living on into his 70's, would know a world of 15 billion. His grandson would share the planet with 60 billion. In six and a half centuries there would be one human being standing on every square foot of land on earth. But such projections, are, of course, unreal. They will not come to pass because events will not permit them to come to pass. And some are predicting that these events will be dismal: mass starvation, mass death due to lack of oxygen, political chaos.

One of the laws of life and balance has always been that predators are required to hold the population within the limits of its food supply. In the case of man, war, pestilence, disease and famine have served this function for millions of years. Now, however, man has tipped the balance in his battle against these predators. We are, quite naturally, not willing to forgo the blessings of medical science for the sake of allowing the natural order to prevail. Nor are we willing to promote war as a means of keeping population down. Committed as we are to the value of the individual life, we must reject these means and somehow find others. I regret that I can offer no easy answers or solutions. I can only say that we must face our dilemma squarely and be prepared to make some difficult decisions, if we are to avert the catastrophe that will otherwise result.

Colman McCarthy, in a recent article in the Washington Post entitled "The Lack of Reverence for Nature," made the following comments on man's relationship to the earth:

> Man is only a recent visitor to the planet earth. Compared to the billions of years that the primordial forces worked in silence in the vast canyons of cosmic space, he has been here only an infinitesimal moment. The prospect that he will pollute his species back to oblivion is a huge tragedy, but perhaps it is only part of a cycle, a ripple in the contour of evolution, part of the pilgrimage of living things that began with cells and plants and only lately has included man.
>
> The philosopher Whitehead saw the earth as a "second-rate planet revolving around a second-rate sun." Despite this, the earth has been a gracious host for the few moments its most recent visitor—man—has been here. But it has never guaranteed this species a permanent place; and because man is doing what no other species has ever done—quarreling with Nature—it appears that his presence on earth will be nothing more than a brief guest appearance.
>
> As I looked at the basketball-sized earth through the TV cameras of the astronauts, I was struck by how small the earth is, how limited its precious resources, and how crucial it is that man exercise his authority over this pinpoint in space wisely and well. We cannot, of course, fathom God's intentions in allowing man to develop a technology that threatens the existence of life on earth. In our zeal for progress we have even gone so far as to split the atom, which surely is the ultimate form of pollution. Maybe we have already gone too far. But I would like to believe that the success of our space ventures is an omen—that we will continue discovering the laws of nature which sustain our marvelous planet, and that we will learn to live in harmony with them. Man's dominion over the earth is truly a marvelous challenge—to use the earth's resources to provide the best possible life for all its inhabitants, and at the same time to insure that the system may endure.

If we are not to be the victims of our own inventiveness in our "quarrel with nature," we must delay no longer in facing the responsibilities of our stewardship. Our generation must commit itself to using the earth's resources wisely, so that they may be passed on to the next generation undiminished and unspoiled.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Bill Clerk. A bill (S. 2548) to amend the National School Lunch Act and Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be permitted to withdraw my amendment No. 514 at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 508

Mr. JAVITS. Mr. President, I call up my amendment No. 508 and ask that it be reported in a slightly revised form.

The PRESIDING OFFICER. The clerk will report the amendment in the slightly revised form.

The legislative clerk read as follows:

On page 21, beginning with line 9, strike out all down through line 18, and insert in lieu thereof the following:

"Sec. 6. (a) The second sentence of section 9 of the National School Lunch Act (42 U.S.C. 1751) is amended by inserting 'not exceeding 20 cents per meal' immediately after 'or at a reduced cost.'

"(b) Section 9 of the National School Lunch Act is further amended by inserting after the second sentence thereof two new sentences as follows: 'Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of critieria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but any child who is a member of a household which (1) is eligible to participate in a Federal food stamp program or commodity distribution program or (2) has an annual income equivalent to $4,000 or less for a household of four persons shall be served meals without cost. Determination with respect to the annual income any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household.' "

On page 21, line 19, strike out "(b)" and insert in lieu thereof "(c)".

On page 22, line 3, strike out "(c)" and insert in lieu thereof "(d)".

On page 22, line 12, strike out "(d)" and insert in lieu thereof "(e)".

On page 22, line 20, immediately after the period insert the following: "The requirements of this section relating to the service of meals without cost or at a reduced cost shall apply to the lunch program of any school utilizing commodities donated under any of the provisions of law referred to in the preceding sentence."

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. I gather that there is an hour and a half on the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Three-quarters of an hour to be controlled by me.

GENERAL EXPLANATION OF AMENDMENT

Mr. President, I introduce at this time an amendment to the Agriculture Committee's bill, which would specify that the price to the child of a "reduced price" lunch could not exceed 20 cents and, second, would establish uniform eligibility standards under the National School Lunch Act to assure that all children from poor families receive free lunches.

All pupils from households eligible to receive Food Stamps or commodities under Federal programs or from families with an equivalent annual income of $4,000 or less for a family of four would be eligible for free lunches.

This amendment differs from amendment No. 508, which I filed last Friday, only in that the eligibility requirement applies solely to lunches and not, as in the case of No. 508, to breakfasts as well. This modification takes into account the action by the Senate yesterday on the amendment proposed by Senator Kennedy, which sought to establish eligibility standards for free breakfasts.

My amendment would implement the important recommendation of the recent White House Conference on Food, Nutrition and Health, which called for a "nationally determined standard of eligibility for free and reduced price meals."

XUM

Mr. President, under present law, which would be unchanged by the committee, the determination of eligibility for free lunches is left by statute and by U.S. Department of Agriculture regulations solely to the discretion of individual schools. Testimony before the Select Committee on Nutrition and Human Needs—of which I am the ranking minority member—has clearly underscored the need for a national standard.

One witness, Miss Jean Fairfax, who formerly was chairman of the interfaith committee on school lunch participation, which published "Their Daily Bread," a study of the school lunch program, stated that the lack of uniform procedures for determining eligibility for free meals was one of the main problems affecting the rights and dignity of poor children. Information which she received from 40 State school lunch directors and community groups indicated wide variances among the State definitions of eligibility for free lunches. For example, some States indicated that being on welfare was sufficient evidence of need; others indicated that it only made a child eligible for consideration, while still others provided no guidance at all. Another witness stated there was arbitrary administration of the free lunch program on the part of principals resulting in a variance from school to school as to who is eligible depending upon the principal's interpretation of school board policy.

My amendment would establish a national eligibility standard to assure that all children from families with equivalent income of $4,000 or less for a family of four, or from households eligible to receive food stamps or commodities under federal programs, would receive free lunches.

Mr. President, $4,000 is substantially below the $6,000 level which the Bureau of Labor Statistics has estimated is necessary for a family of four to maintain a "low standard of living," and it is slightly above the poverty index based on an economy food plan, which even the Department of Agriculture has acknowledged is inadequate to provide a proper diet. $4,000 was the eligibility level adopted by the Senate last year in the Senate-passed food stamp program.

As I noted, this amendment provides that free lunches shall be made available to those eligible under the food stamp or commodity program. The alternative of participation in food stamp or commodity programs is necessary because there could be instances where a family of four has an annual income which exceeds $4,000 but is still eligible to participate in the food stamp program or commodity program.

For example, in my State of New York, a family of four will qualify for food stamps if the annual income is less than $4,200. This figure is above $4,000, but family eligibility for the stamp program would still allow their children to receive free meals. Furthermore, the Department of Agricuture's new food-stamp program includes provisions for a stamp allotment for a family of four with a monthly income of up to $359.99, or over $4,300 per year. Therefore even under the Department's schedule, there could be instances in which a family's annual income would exceed $4,000 and yet the family still would be entitled to receive an allotment of stamps.

This amendment would require all schools which receive commodities for lunch programs, but which do not participate in the school lunch program, to meet requirements set forth above. For example, there are approximately 14,000 schools in the United States that do not participate in the national school lunch program but receive section 32 and 416 donated foods and special milk reimbursement. No requirement is imposed on these schools for meal standards or for providing meals to needy children attending such schools. This provision would require these 14,000 schools to meet the same program requirements for standards as national school lunch schools.

For example, at the Los Angeles hearings of the Select Committee on Nutrition and Human Needs, which I chaired, the director of the Los Angeles school lunch program stated in his testimony:

> Until passage of the Child Nutrition Act of 1966, no provision had been made to provide free or reduced-price meals to pupils on a district-wide basis with district funds—a private organization assumed that responsibility.

The district did, however, receive commodities for its own lunch program. My amendment would require schools in a similar situation to meet the eligibility requirement of free and reduced-price lunches above if they were to receive any commodities at all for their program under the School Lunch Act.

The Department of Agriculture has indicated in regulations issued on October 23, 1968, that free or reduced-price meals should be provided to children from any family certified as eligible for assistance under the food stamp program or the commodity distribution program. My amendment seeks to firmly establish the policy that any children from families that qualify for food stamp programs or commodity distribution programs shall be eligible for free lunches.

Office of Education figures indicate that there would be 9 million children eligible at the $4,000 level. Based upon a study by Rodney Leonard, former Administrator of the Consumer and Marketing Service of the Department of Agriculture, and now a consultant to the Children's Foundation, only 3 million children are receiving free or reduced-cost lunches.

Mr. President, members of the Agriculture Committee may have different estimates of the number of children who would be entitled to free lunches under the standard, but none I think would question the ultimate goal of providing free lunches to such persons. As Senator Dole stated yesterday, we first should establish a priority of feeding children under the school lunch program.

My amendment also would specify that the price to the child of a "reduced price" meal could not exceed 20 cents. Children from families above the $4,000 level, but with insufficient resources to pay the full 35 cents or 40 cents usually charged, would still have a right to receive such reduced-price lunches under criteria established by the States and schools. At present, no regulation or statute governs the price of such a lunch.

The purpose of a reduced-price lunch is to bring a meal to a child who could not afford a meal at the regular price. The current lack of a definition thwarts this purpose and penalizes school districts that provide meals at a truly reduced price. Under the present system, districts that served reduced-price meals at only a trivial reduction—equal to the cost of a regular-price meal in other districts—are permitted to claim the larger reimbursement for a free or reduced-price meal. Thus, the money reserve for free and reduced-price meals is unfairly depleted at the expense of schools doing the best job. It is apparent that a uniform definition is needed.

The respected study, "Their Daily Bread," has shown that the lower the price, the higher the number of pupils who buy the school lunch. In two schools where the price was 20 cents, participation was 100 percent. At 25 cents, participation drops to near 80 percent, and at 30 cents, it falls sharply to between 27 percent and 37 percent. Although this study was conducted over 2 years ago, it is even more valid today since the price of school lunches has increased since then.

Finally, my amendment also first, would require—permit—a sworn affidavit, in such form as the Secretary prescribed, to be the sole basis upon which income is determined for eligibility for free lunches; and, second, would make the requirements of above-stated standards apply to those schools which do not participate in the school lunch program but receive Federal commodities.

The record is clear that the use of an affidavit is needed and worthwhile: The White House Conference on Food, Nutrition, and Health rcommended the use of "a simple self-certification process free from any humiliating or discriminatory practices," for child feeding programs; the Senate recognized this principle by including a provision for certification by affidavit for the food stamp program in its food stamp bill; the President proposed that applicants for welfare assistance be certified by simple personal self-declaration, and the fact that the city of New York is already using the affidavit for over 100,000 welfare recipients in the aged category and hopes to expand this method of eligibility determination to other public-assistance categories.

The Senate will be interested to know that a demonstration project administering AFDC at social service centers to test the use of formal declaration statements showed that there was no significant difference in eligibility findings between the declaration cases and the nondeclaration cases. I think that the case for implementing such an affidavit system for determination of income or food stamp or commodity participation for receipt of free lunches is very sound based upon the above data alone.

It has often been stated that a hungry child cannot learn. Let us act today to put an end to the problem of hunger among our children. Let us act to feed the millions of hungry children in this Nation so that all of them will be able to have full stomachs leading to full and healthy minds. I feel that this amendment will go a long way toward meeting that objective.

Mr. President, I ask unanimous consent that the various parts of this amendment may be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

COMMITTEE ACTION ON S. 2548 COMMENDABLE

Mr. JAVITS. Mr. President, this is, really, a sequel to the work which was done yesterday. I would be remiss in my duty to the Senate if I did not say again—as a number of Senators said yesterday—that the bill of the Senator from Georgia (Mr. Talmadge), of which a good deal is incorporated in S. 2548, is itself a massive and major improvement in respect to the school lunch program.

Mr. TALMADGE. Mr. President, will the Senator from New York yield at that point?

Mr. JAVITS. I yield.

Mr. TALMADGE. I desire to express my deep appreciation to the distinguished senior Senator from New York for his generous personal reference to me. The Senator, as I recall, testified before the committee when we held hearings on the matter on behalf of his own and on behalf of other bills pending relating to the amendment. I am grateful to the Senator for his comments.

Mr. JAVITS. I thank the Senator. I would not wish to detract from the Senator's fine efforts, but we think his efforts are improved by the amendment—and when I say "we," I refer to the group of Senators who have sponsored the amendments. I would not wish to detract one whit from the sterling job done by the Senator from Georgia in committee or in the remotest way to imply our unhappiness with it. On the contrary, it is a fine job and materially improves the program.

I consider Senator McGovern's amendment, considered and adopted yesterday, to be a material improvement in S. 2548. He, too, tried in committee. I would like to say that the committee has performed most laudably; namely, it analyzed in its report the amendments of the Senator from South Dakota (Mr. McGovern), and my own bill, S. 2982. That was commendable in that it actually put forth the reasons why it did not include certain aspects of these provisions in the bill.

Mr. TALMADGE. If the Senator will yield at that point, I should like to point out that in executive session not only did it take testimony in all the areas from interested Senators and others, and from the Senator from New York and the Senator from South Dakota and myself and various other Senators, but also every suggestion that was made by any Senator and any other witness, was considered in detail in executive session. The department's views were requested and the matter was voted on by the committee in executive session.

Mr. JAVITS. I thank my colleague. I might point out, too, that a good deal of what was asked by those measures got into the bill, which I think is also laudable. For example, the committee set aside 1 percent of the funds which are available, to deal with something very close to my heart; namely, the problem of using the private enterprise system.

Mr. TALMADGE. I might point out, if the Senator will yield, that I know he was interested, in certain instances, in private food vendors or caterers serving food in schools that do not have facilities for breakfast programs and school lunchroom facilities. I think, as a result of the legislation proposed by the Senator, and as a result of the committee hearings and inquiries, that the Department has issued its order, that effective April 1, private caterers will be able to serve schools that do not have facilities now.

Mr. JAVITS. The Senator is exactly right. That is contained in the report, and will figure in the discussion of the next amendment which I have.

I also note with great approval the following committee actions; the requirement for the development of uniform standards and procedures in respect to school allocations, which was also dealt with by the McGovern amendment yesterday; funds for training and education; prohibiting overt identification of children who are associated with the program; recognition of the fact that low-income individuals are available who can be trained to administer and supervise programs. I am pleased that the committee directs attention to the fact that that should be done even if not exactly as I proposed in my own lunch bill S. 2982.

Therefore, I certainly think that none of us can complain on the one side, on the part of those of us proposing amendments to the bill, that they were not considered and, on the other side, as sometimes happens, there can be no complaint that what we had in mind was not fully submitted to and exposed to the Committee on Agriculture and Forestry, for approval or disapproval.

This has shown, in my judgment, the very best of the Senate. What does remain, however, are honest differences of opinion with respect to what should be done.

My amendment, which I feel is key, relates to the desirability of a national standard—that is, a national minimum standard. I hasten to point out that the committee itself provided a sort of compromise on this subject. What it did was to provide that determinations should be made public.

The bill provides, on page 21, line 14:

> Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions.

FURTHER AND SPECIFIC REASONS FOR A NATIONAL STANDARD OF $4,000

As I have stated, what my amendment adds is essentially a basic national income standard which shall not be less than the $4,000 level.

The reason for the advantages and desirabilities of a national standard are attributable to the fact that we have had considerable testimony, and the testimony of a very considered report by the interfaith group called the Committee on School Lunch Participation in a publication called, Our Daily Bread, which indicated that one of the three problems with respect to the school lunch program was the absence of a national standard.

There were wide variances in the States' definition of eligibility for free or reduced price lunches. That was not only true of the States, but the amendment of the committee will precisely make it true by districts as well. It seems to me and my associates in this amendment—the same group that sponsored the amendments of yesterday—Senators Cook, Hart, Kennedy, McGovern, Mondale, Pell, Percy, and Yarborough—that a national standard is essential if we are to put the school lunch program on a basis of national fairness. A national standard is also essential to realize the objectives which have now been, in my judgment, etched on the conscience of the people of the United States, based upon the findings of the Select Committee on Nutrition and Human Needs chaired by the Senator from South Dakota (Mr. McGovern), of which I am the ranking minority member.

The PRESIDING OFFICER (Mr. McGovern in the chair). The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 10 minutes.

Mr. JAVITS. Mr. President, as to the propriety of the $4,000 minimum standard, I call the attention of the Senate to the figures from the cost of living index for the spring of 1969, which were published recently, by the Bureau of Labor Statistics.

I ask unanimous consent that the table attached to that study together with the material issued by the Bureau of Labor Statistics, dated December 1969, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Three Budgets for an Urban Family of Four Persons; Preliminary Spring 1969 Cost Estimates

The Bureau of Labor Statistics has developed a set of budgets which describes a specified manner of living at three levels for an urban family of four persons—husband, wife, 13-year-old boy, and 8-year-old girl. These budgets, described as Lower, Intermediate and Higher, were first published in the report. Three Standards of Living for an Urban Family of Four Persons, Spring 1967 (Bulletin 1570-5), and in the April 1969 issue of the *Monthly Labor Review,* Reprint No. 2611. Preliminary estimates of the budget costs in 39 metropolitan areas, 4 regional classes of nonmetropolitan areas, and urban U.S. are now available for spring 1909.

The "food at home" costs in these budgets are final estimates. For other consumption costs, preliminary estimates were derived by applying price changes between spring 1967 and spring 1969, reported in the Consumer Price Index, to the appropriate spring 1967 cost of each budget class of goods and services. These estimates are preliminary because the Consumer Price Index reflects prices paid for commodities and services purchased by urban wage earners and clerical workers generally, without regard to their family type and level of living. The final estimates will utilize specific price data considered more appropriate to each budget level than is the Consumer Price Index.

Other costs and OASDHI were also updated to 1969, but personal taxes were computed from tax rates in effect for 1968. Final detailed estimates based on the complete repricing of the budgets in spring 1969 will be published in mid-1970.

Bulletin 1570-5 can be purchased from the regional offices of the Bureau of Labor Statistics and the Superintendent of Documents, Washington, D.C. 20402. Price $1. *Monthly Labor Review* Reprint No. 2611 is available upon request.

TABLE 1.—ANNUAL COSTS OF A LOWER BUDGET FOR A 4-PERSON FAMILY,[1] SPRING 1969

Area	Total budget [2]	Cost of family consumption							Personal taxes
		Total	Food	Housing [3]	Transportation [4]	Clothing and personal care	Medical care [5]	Other family consumption	
Urban United States	$6,567	$5,285	$1,778	$1,384	$484	$780	$539	$320	$619
Metropolitan areas [6]	6,673	5,364	1,803	1,418	457	796	557	333	638
Nonmetropolitan areas [7]	6,092	4,935	1,663	1,235	603	713	460	261	536
Northeast:									
Boston, Mass	7,035	5,593	1,867	1,583	475	776	556	336	759
Buffalo, N.Y	6,791	5,412	1,849	1,384	489	851	507	332	698
Hartford, Conn	7,163	5,804	1,927	1,631	498	842	566	340	664
Lancaster, Pa	6,445	5,185	1,842	1,303	434	791	479	336	618
New York-Northeastern New Jersey	6,771	5,410	1,913	1,324	408	827	598	340	679
Philadelphia, Pa.-N.J	6,628	5,279	1,902	1,271	442	794	542	328	692
Pittsburgh, Pa	6,487	5,200	1,819	1,267	475	789	511	339	643
Portland, Maine	6,567	5,352	1,809	1,413	433	798	542	357	562
Nonmetropolitan areas [7]	6,290	5,073	1,779	1,186	617	732	502	257	572
North Central:									
Cedar Rapids, Iowa	6,653	5,342	1,687	1,579	446	808	496	326	655
Champaign-Urbana, Ill	6,857	5,570	1,754	1,711	453	774	554	324	614
Chicago, Ill.-Northwestern Indiana	6,799	5,512	1,848	1,519	464	794	557	330	619
Cincinnati, Ohio-Ky.-Ind	6,278	5,079	1,758	1,260	478	778	471	334	568
Cleveland, Ohio	6,651	5,368	1,786	1,411	491	802	536	342	626
Dayton, Ohio	6,513	5,293	1,739	1,471	446	785	461	337	627
Detroit, Mich	6,543	5,268	1,817	1,310	480	788	538	335	626
Green Bay, Wis	6,255	4,952	1,680	1,334	436	748	448	306	677
Indianapolis, Ind	6,706	5,396	1,782	1,561	468	777	476	332	649
Kansas City, Mo.-Kans	6,550	5,282	1,799	1,376	469	818	500	320	619
Milwaukee, Wis	6,721	5,275	1,726	1,483	455	784	511	316	788
Minneapolis-St. Paul, Minn	6,714	5,267	1,725	1,458	476	787	488	333	790
St. Louis, Mo.-Ill	6,572	5,297	1,832	1,381	488	790	489	317	624
Wichita, Kans	6,537	5,269	1,755	1,444	464	789	501	316	619
Nonmetropolitan areas [7]	6,408	5,152	1,686	1,421	589	740	456	260	616
South:									
Atlanta, Ga	6,201	5,048	$1,651	1,334	452	750	514	347	527
Austin, Tex	5,812	4,776	1,663	1,116	436	720	530	311	437
Baltimore, Md	6,491	5,176	1,678	1,420	492	746	509	331	671
Baton Rouge, La	5,997	4,911	1,672	1,210	477	727	505	320	474
Dallas, Tex	6,214	5,077	1,633	1,346	449	738	583	328	510
Durham, N.C	6,196	4,983	1,617	1,346	428	749	524	319	590
Houston, Tex	6,130	5,017	1,692	1,233	492	723	556	321	491
Nashville, Tenn	6,151	5,037	1,622	1,386	451	744	488	346	491
Orlando, Fla	6,033	4,944	1,606	1,323	440	727	514	334	474
Washington, D.C.-Md.-Va	6,907	5,501	1,781	1,567	488	780	549	336	732
Nonmetropolitan areas [7]	5,712	4,680	1,583	1,128	597	671	438	263	439
West:									
Bakersfield, Calif	6,424	5,176	1,784	1,193	479	815	584	321	544
Denver, Colo	6,425	5,206	1,705	1,409	450	802	533	307	579
Los Angeles-Long Beach, Calif	7,030	5,628	1,787	1,509	467	817	709	339	648
San Diego, Calif	6,792	5,444	1,750	1,461	484	783	630	336	614
San Francisco-Oakland, Calif	7,309	5,832	1,850	1,676	491	866	602	347	701
Seattle-Everett, Wash	7,197	5,817	1,935	1,662	486	837	564	333	683
Honolulu, Hawaii	8,168	6,347	2,162	2,013	541	750	534	347	1,080
Nonmetropolitan areas [7]	6,561	5,230	1,728	1,359	618	789	477	259	682
Anchorage, Alaska	9,913	7,673	2,289	2,661	806	882	719	316	1,416

[1] The family consists of an employed husband, age 38, a wife not employed outside the home, an 8-year-old girl, and a 13-year-old boy.

[2] In addition to family consumption and personal taxes shown separately in the table, the total cost of the budget includes allowances for gifts and contributions, life insurance, occupational expenses, and social security, disability, and unemployment compensation taxes.

[3] Housing includes shelter, household operations, and housefurnishings. All families with the lower budget are assumed to be renters.

[4] The average costs of automobile owners and nonowners are weighted by the following proportions of families: Boston, Chicago, New York, and Philadelphia, 50 percent for both automobile owners and nonowners; all other metropolitan areas, 65 percent for automobile owners, 35 percent for nonowners; nonmetropolitan areas, 100 percent for automobile owners.

[5] In total medical care, the average costs of medical insurance were weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying half cost; 44 percent for families covered by noncontributory insurance plans (paid by employer).

[6] For a detailed description see the 1967 edition of the Standard Metropolitan Statistical Areas, prepared by the Bureau of the Budget.

[7] Places with populations of 2,500 to 50,000.

Note: Because of rounding, sums of individual items may not equal totals.

TABLE 2.—ANNUAL COSTS OF AN INTERMEDIATE BUDGET FOR A 4-PERSON FAMILY,[1] SPRING 1969

Area	Total budget [2]	Cost of family consumption							Personal taxes
		Total	Food	Housing [3]	Transportation [4]	Clothing and personal care	Medical care [5]	Other family consumption	
Urban United States	$10,077	$7,818	$2,288	$2,351	$940	$1,095	$543	$601	$1,348
Metropolitan areas [6]	10,273	7,968	2,322	2,426	925	1,113	561	621	1,387
Nonmetropolitan areas [7]	9,204	7,151	2,135	2,012	1,006	1,023	464	511	1,176
Northeast:									
Boston, Mass	11,108	8,534	2,465	2,866	944	1,078	559	622	1,651
Buffalo, N.Y	10,801	8,250	2,400	2,530	993	1,190	512	625	1,622
Hartford, Conn	10,934	8,632	2,551	2,691	1,037	1,162	571	620	1,376
Lancaster, Pa	9,932	7,743	2,438	2,178	906	1,089	482	650	1,294
New York-northeastern New Jersey	11,236	8,589	2,541	2,796	855	1,158	600	639	1,703
Philadelphia, Pa.-N.J	10,160	7,859	2,486	2,246	869	1,096	547	615	1,398
Pittsburgh, Pa	9,757	7,601	2,377	2,077	916	1,097	514	620	1,266
Portland, Maine	10,117	7,992	2,430	2,315	944	1,119	545	639	1,221
Nonmetropolitan areas [7]	9,952	7,720	2,334	2,309	1,027	1,033	506	511	1,324

See footnotes at end of table.

Area	Total budget [2]	Cost of family consumption: Total	Food	Housing [3]	Transportation [4]	Clothing and personal care	Medical care	Other family consumption	Persona taxe
North Central:									
Cedar Rapids, Iowa	$10,143	$7,814	$2,127	$2,486	$957	$1,127	$498	$619	$1,432
Champaign-Urbana, Ill	10,200	8,059	2,239	2,626	921	1,092	558	623	1,235
Chicago, Ill.-northwestern Indiana	10,332	8,154	2,325	2,651	892	1,105	562	619	1,269
Cincinnati, Ohio-Ky.-Ind	9,783	7,631	2,221	2,290	944	1,087	477	612	1,261
Cleveland, Ohio	10,453	8,182	2,252	2,697	930	1,135	541	627	1,361
Dayton, Ohio	9,604	7,498	2,191	2,200	916	1,102	467	622	1,220
Detroit, Mich	9,972	7,745	2,334	2,226	923	1,100	543	619	1,332
Green Bay, Wis	9,825	7,400	2,123	2,270	912	1,056	452	587	1,542
Indianapolis, Ind	10,139	7,902	2,257	2,491	978	1,078	481	617	1,336
Kansas City, Mo.-Kans	9,943	7,732	2,277	2,210	991	1,145	503	606	1,316
Milwaukee, Wis	10,586	7,942	2,201	2,616	918	1,096	515	596	1,742
Minneapolis-St. Paul, Minn	10,369	7,773	2,187	2,420	955	1,096	492	623	1,700
St. Louis, Mo.-Ill	10,065	7,834	2,330	2,353	952	1,109	494	596	1,333
Wichita, Kans	9,763	7,598	2,179	2,224	989	1,099	505	602	1,275
Nonmetropolitan areas [7]	9,425	7,304	2,111	2,169	982	1,064	461	517	1,241
South:									
Atlanta, Ga	9,233	7,218	2,140	1,957	917	1,059	517	628	1,138
Austin, Tex	8,832	6,986	2,137	1,815	907	1,014	534	579	977
Baltimore, Md	9,735	7,391	2,202	2,088	921	1,062	512	606	1,461
Baton Rouge, La	9,260	7,292	2,189	1,988	989	1,027	506	593	1,089
Dallas, Tex	9,265	7,329	2,120	2,050	921	1,049	586	603	1,055
Durham, N.C	9,592	7,363	2,099	2,163	915	1,051	527	608	1,347
Houston, Tex	9,212	7,287	2,180	1,959	974	1,022	559	593	1,046
Nashville, Tenn	9,295	7,354	2,085	2,145	943	1,053	494	634	1,060
Orlando, Fla	9,162	7,252	2,069	2,092	933	1,023	519	616	1,032
Washington, D.C.-Md.-Va	10,503	8,032	2,343	2,463	936	1,122	552	616	1,566
Nonmetropolitan areas [7]	8,641	6,760	2,061	1,779	1,002	971	441	506	1,019
West:									
Bakersfield, Calif	9,728	7,562	2,221	2,035	988	1,128	586	604	1,203
Denver, Colo	9,790	7,613	2,133	2,300	945	1,113	537	585	1,287
Los Angeles-Long Beach, Calif	10,285	7,986	2,240	2,328	934	1,141	714	629	1,321
San Diego, Calif	10,127	7,866	2,187	2,364	969	1,093	634	619	1,288
San Francisco-Oakland, Calif	10,865	8,412	2,332	2,611	1,000	1,214	607	648	1,461
Seattle-Everett, Wash	10,485	8,276	2,434	2,474	1,009	1,167	568	624	1,295
Honolulu, Hawaii	12,064	9,009	2,699	2,959	1,138	1,036	537	640	2,116
Nonmetropolitan areas [7]	9,662	7,393	2,133	2,125	1,017	1,124	481	513	1,386
Anchorage, Alaska	14,017	10,494	2,796	3,820	1,279	1,262	723	614	2,489

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[1] The family consists of an employed husband, age 38, a wife not employed outside the home an 8-year-old girl, and a 13-year-old boy.

[2] In addition to family consumption and personal taxes shown separately in the table, the total cost of the budget includes allowances for gifts and contributions, life insurance, occupational expenses, and social security, disability, and unemployment compensation taxes.

[3] Housing includes shelter, household operations, and housefurnishings. The average costs of shelter are weighted by the following proportions: 25 percent for rental costs, 75 percent for homeowner costs.

[4] The average costs of automobile owners and nonowners are weighted by the following proportions: Boston, Chicago, New York, and Philadelphia, 80 percent for owners, 20 percent for nonowners; Baltimore, Cleveland, Detroit, Los Angeles, Pittsburgh, San Francisco, St. Louis, and Washington, with 1.4 million of population or more in 1960, 95 percent for automobile owners, and 5 percent for nonowners; all other areas, 100 percent for automobile owners.

[5] In total medical care, the average costs of medical insurance are weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying half cost; 44 percent for families covered by noncontributory insurance plans (paid by employer).

[6] For a detailed description see the 1967 edition of the "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.

[7] Places with populations of 2,500 to 50,000.

Note: Because of rounding, sums of individual items may not equal totals.

TABLE 3.—ANNUAL COSTS OF A HIGHER BUDGET FOR A 4-PERSON FAMILY,[1] SPRING 1969

Area	Total budget [2]	Cost of family consumption: Total	Food	Housing [3]	Transportation [4]	Clothing and personal care	Medical care [5]	Other family consumption	Personal taxes
Urban United States	$14,589	$10,804	$2,821	$3,544	$1,215	$1,609	$565	$1,050	$2,523
Metropolitan areas [6]	14,959	11,064	2,876	3,677	1,214	1,628	584	1,085	2,618
Nonmetropolitan areas [7]	12,942	9,645	2,572	2,954	1,217	1,527	482	893	2,101
Northeast:									
Boston, Mass	16,341	11,944	2,998	4,355	1,342	1,570	583	1,096	3,091
Buffalo, N.Y	15,505	11,182	2,909	3,695	1,199	1,744	531	1,014	3,039
Hartford, Conn	15,424	11,700	3,155	3,902	1,250	1,696	592	1,105	2,430
Lancaster, Pa	14,096	10,585	2,982	3,234	1,122	1,602	502	1,143	2,273
New York-northeastern New Jersey	16,914	12,147	3,112	4,328	1,250	1,704	523	1,130	3,432
Philadelphia, Pa.-N.J	14,782	10,992	3,034	3,448	1,236	1,609	568	1,097	2,527
Pittsburgh, Pa	14,061	10,558	2,907	3,250	1,166	1,600	537	1,098	2,266
Portland, Maine	14,005	10,665	2,922	3,270	1,165	1,637	565	1,106	2,098
Nonmetropolitan areas [7]	13,879	10,311	2,797	3,309	1,225	1,541	526	913	2,329
North Central:									
Cedar Rapids, Iowa	14,544	10,697	2,651	3,657	1,168	1,635	518	1,068	2,603
Champaign-Urbana, Ill	14,621	11,116	2,795	3,928	1,153	1,588	578	1,074	2,240
Chicago, Ill.-Northwestern Indiana	14,814	11,234	2,897	3,828	1,264	1,600	582	1,063	2,309
Cincinnati, Ohio-Ky.-Ind	13,730	10,303	2,782	3,249	1,140	1,588	497	1,047	2,203
Cleveland, Ohio	14,749	11,117	2,802	3,852	1,175	1,664	565	1,059	2,367
Dayton, Ohio	13,842	10,423	2,724	3,436	1,108	1,608	487	1,060	2,189
Detroit, Mich	14,464	10,745	2,931	3,401	1,180	1,591	567	1,075	2,473
Green Bay, Wis	14,348	10,207	2,655	3,427	1,116	1,526	472	1,011	2,922
Indianapolis, Ind	14,506	10,830	2,823	3,690	1,182	1,557	502	1,076	2,425
Kansas City, Mo.-Kans	14,228	10,594	2,831	3,378	1,200	1,613	527	1,045	2,395
Milwaukee, Wis	15,211	10,742	2,780	3,676	1,119	1,601	535	1,031	3,223
Minneapolis-St. Paul, Minn	14,803	10,537	2,729	3,491	1,156	1,580	513	1,068	3,030
St. Louis, Mo.-Ill	14,229	10,616	2,932	3,335	1,207	1,614	512	1,016	2,373
Wichita, Kans	13,912	10,363	2,706	3,286	1,224	1,599	526	1,022	2,322
Nonmetropolitan areas [7]	13,382	9,936	2,577	3,182	1,186	1,603	480	908	2,240
South:									
Atlanta, Ga	13,269	9,888	2,655	2,885	1,150	1,604	538	1,056	2,178
Austin, Tex	12,618	9,659	2,617	2,819	1,158	1,494	555	1,016	1,767
Baltimore, Md	14,350	10,314	2,764	3,155	1,169	1,620	533	1,073	2,811
Baton Rouge, La	13,754	10,400	2,711	3,302	1,252	1,548	527	1,060	2,125
Dallas, Tex	13,565	10,358	2,658	3,261	1,167	1,591	609	1,072	1,980
Durham, N.C	13,910	10,126	2,589	3,167	1,170	1,587	544	1,069	2,569
Houston, Tex	13,306	10,156	2,711	3,032	1,243	1,548	584	1,038	1,933
Nashville, Tenn	13,413	10,235	2,546	3,320	1,180	1,594	511	1,084	1,957
Orlando, Fla	13,452	10,272	2,563	3,343	1,191	1,557	537	1,081	1,957
Washington, D.C.-Maryland-Virginia	15,350	11,127	2,906	3,683	1,174	1,716	571	1,077	2,958
Nonmetropolitan areas [7]	12,146	9,143	2,466	2,656	1,217	1,470	459	875	1,836

Area	Total budget [2]	Cost of family consumption: Total	Food	Housing [3]	Transportation [4]	Clothing and personal care	Medical care [5]	Other family consumption	Personal taxes
West:									
Bakersfield, Calif	$14,059	$10,451	$2,748	$3,125	$1,284	$1,613	$613	$1,068	$2,302
Denver, Colo	14,122	10,457	2,721	3,413	1,142	1,590	557	1,034	2,433
Los Angeles-Long Beach, Calif	15,137	11,187	2,815	3,673	1,223	1,639	743	1,094	2,608
San Diego, Calif	14,862	11,005	2,728	3,729	1,221	1,570	678	1,079	2,524
San Francisco-Oakland, Calif	15,752	11,600	2,937	3,882	1,285	1,743	634	1,119	2,789
Seattle-Everett, Wash	14,861	11,299	3,038	3,701	1,230	1,665	592	1,073	2,288
Honolulu, Hawaii	17,823	12,462	3,410	4,533	1,321	1,491	559	1,148	4,029
Nonmetropolitan areas [7]	13,591	9,930	2,596	3,097	1,247	1,585	500	905	2,455
Anchorage, Alaska	19,035	13,579	3,389	5,168	1,461	1,775	754	1,032	4,025

[1] The family consists of an employed husband, age 38, a wife not employed outside the home an 8-year-old girl, a 13-year-old boy.

[2] In addition to family consumption and personal taxes shown separately in the table, the total cost of the budget includes allowances for gifts and contributions, life insurance, occupational expenses, and social security, disability, and unemployment compensation taxes.

[3] Housing includes shelter, household operations, housefurnishings and lodging out of home city. The average costs of shelter are weighted by the following proportions: 15 percent for rental costs, 85 percent for homeowner costs.

[4] All families were assumed to be automobile owners.

[5] In total medical care, the average costs of medical insurance were weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying half cost; 44 percent for families covered by noncontributory insurance plan (paid by employer).

[6] For a detailed description see the 1967 edition of the "Standard Metropolitan Statistical Area," prepared by the Bureau of the Budget.

[7] Places with populations of 2,500 to 50,000.

Note: Because of rounding, sums of individual items may not equal totals.

TABLE 4.—INDEXES OF COMPARATIVE COSTS BASED ON A LOWER BUDGET FOR A 4-PERSON FAMILY,[1] SPRING 1969

[U.S. urban average cost=100]

Area	Total budget [2]	Cost of family consumption: Total	Food	Housing [3]	Transportation [4]	Clothing and personal care	Medical care [5]	Other family consumption	Personal taxes
Urban United States	100	100	100	100	100	100	100	100	100
Metropolitan areas [6]	102	101	101	102	94	102	103	104	103
Nonmetropolitan areas [7]	93	93	94	89	126	91	85	82	87
Northeast:									
Boston, Mass	107	106	105	114	98	99	103	105	123
Buffalo, N.Y	103	102	104	100	101	109	94	104	113
Hartford, Conn	109	110	108	118	103	108	105	106	107
Lancaster, Pa	98	98	104	94	90	101	89	105	100
New York-Northeastern New Jersey	103	102	108	96	84	106	111	106	110
Philadelphia, Pa.-New Jersey	101	100	107	92	91	102	101	103	112
Pittsburgh, Pa	99	98	102	92	98	101	95	106	104
Portland, Maine	100	101	102	102	89	102	101	112	91
Nonmetropolitan areas [7]	96	96	100	86	127	94	93	80	92
North Central:									
Cedar Rapids, Iowa	101	101	95	114	92	104	92	102	106
Champaign-Urbana, Ill	104	105	99	124	94	99	103	101	99
Chicago, Ill.-Northwestern Indiana	104	104	104	110	96	102	103	103	100
Cincinnati, Ohio-Kentucky-Indiana	96	96	99	91	99	100	87	104	92
Cleveland, Ohio	101	102	100	102	101	103	99	107	101
Dayton, Ohio	99	99	98	106	92	101	86	105	101
Detroit, Mich	100	100	102	95	99	101	100	105	101
Green Bay, Wis	95	94	94	96	90	96	83	96	109
Indianapolis, Ind	102	102	100	113	97	100	98	104	105
Kansas City, Mo.-Kans	100	100	101	99	97	105	93	100	100
Milwaukee, Wis	102	100	97	107	94	101	95	99	127
Minneapolis-St. Paul, Minn	102	100	97	105	98	101	91	104	128
St. Louis, Mo.-Ill	100	100	103	100	101	101	91	99	101
Wichita, Kans	100	100	99	104	96	101	93	99	100
Nonmetropolitan areas [7]	98	97	95	103	122	95	85	81	100
South:									
Atlanta, Ga	94	96	93	96	93	96	95	108	85
Austin, Tex	89	90	94	81	90	92	98	97	71
Baltimore, Md	99	98	94	103	102	96	94	103	108
Baton Rouge, La	91	93	94	87	99	93	94	100	77
Dallas, Tex	95	96	92	97	93	95	108	103	82
Durham, N.C	94	94	91	97	88	96	97	100	95
Houston, Tex	93	95	95	89	102	93	103	100	79
Nashville, Tenn	94	95	91	100	93	95	91	108	77
Orlando, Fla	92	94	90	96	91	93	95	104	78
Washington, D.C.-Md.-Va	105	104	100	113	101	100	102	105	119
Nonmetropolitan areas [7]	87	89	89	82	123	86	81	82	71
West:									
Bakersfield, Calif	98	98	100	86	99	104	108	100	88
Denver, Colo	98	99	96	102	93	103	99	96	94
Los Angeles-Long Beach, Calif	107	106	101	109	96	105	132	106	105
San Diego, Calif	103	103	98	106	100	100	117	105	99
San Francisco-Oakland, Calif	111	110	104	121	101	111	112	108	113
Seattle-Everett, Wash	110	110	109	120	100	107	105	104	110
Honolulu, Hawaii	124	120	122	145	112	96	99	108	174
Nonmetropolitan areas [7]	100	99	97	98	128	101	88	81	110
Anchorage, Alaska	151	145	129	192	167	113	133	99	229

[1] The family consists of an employed husband, age 38, a wife not employed outside the home, an 8-year-old girl, and a 13-year-old boy.

[2] In addition to family consumption and personal taxes shown separately in the table, the total cost of the budget includes allowances for gifts and contributions, life insurance, occupational expenses, and social security, disability, and unemployment compensation taxes.

[3] Housing includes shelter, household operations, and housefurnishings. All families with the lower budget are assumed to be renters.

[4] The average costs of automobile owners and nonowners are weighted by the following proportions of families: Boston, Chicago, New York, and Philadelphia, 50 percent for both automobile owners and nonowners; all other metropolitan areas, 65 percent for automobile owners, 35 percent for nonowners; nonmetropolitan areas, 100 percent for automobile owners.

[5] In total medical care, the average costs of medical insurance were weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying half cost; 44 percent for families covered by noncontributory insurance plans (paid by employer).

[6] For a detailed description see the 1967 edition of the "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.

[7] Places with populations of 2,500 to 50,000.

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TABLE 5.—INDEXES OF COMPARATIVE COSTS BASED ON AN INTERMEDIATE BUDGET FOR A 4-PERSON FAMILY,[1] SPRING 1969

[U.S. urban average cost=100]

Area	Total budget[2]	Cost of family consumption							Personal taxes
		Total	Food	Housing[3]	Transportation[4]	Clothing and personal care	Medical care[5]	Other family consumption	
Urban United States	100	100	100	100	100	100	100	100	100
Metropolitan areas[6]	102	102	101	103	98	102	103	103	10
Nonmetropolitan areas[7]	91	92	93	86	107	93	85	85	87
Northeast:									
Boston, Mass	110	109	108	122	100	98	103	103	122
Buffalo, N.Y	107	106	105	108	106	109	94	104	120
Hartford, Conn	109	110	111	114	110	106	105	103	102
Lancaster, Pa	99	99	107	93	96	99	89	108	96
New York-northeastern New Jersey	112	110	111	119	91	106	110	106	126
Philadelphia, Pa.-New Jersey	101	101	109	96	92	100	101	102	104
Pittsburgh, Pa	97	97	104	88	97	100	95	103	94
Portland, Maine	100	102	106	98	100	102	100	106	91
Nonmetropolitan areas[7]	99	99	102	98	109	94	93	85	98
North Central:									
Cedar Rapids, Iowa	101	100	93	106	102	103	92	103	106
Champaign-Urbana, Ill	101	103	98	112	98	100	103	104	92
Chicago, Ill.-northwestern Indiana	103	104	102	113	95	101	103	103	94
Cincinnati, Ohio-Kentucky-Indiana	97	98	97	97	100	99	88	102	94
Cleveland, Ohio	104	105	98	115	99	104	100	104	101
Dayton, Ohio	95	96	96	94	97	101	86	103	91
Detroit, Mich	99	99	102	95	98	100	100	103	99
Green Bay, Wis	98	95	93	97	97	96	93	98	114
Indianapolis, Ind	101	101	99	106	104	98	89	103	99
Kansas City, Mo.-Kansas	99	99	100	94	105	105	93	101	98
Milwaukee, Wis	105	102	96	111	98	100	95	99	129
Minneapolis-St. Paul, Minn	103	99	96	108	102	100	91	104	126
St. Louis, Mo.-Illinois	100	100	102	100	101	101	91	99	99
Wichita, Kans	97	97	95	95	105	100	93	100	95
Nonmetropolitan areas[7]	94	93	92	92	104	97	85	86	92
South:									
Atlanta, Ga	92	92	94	83	98	97	95	104	84
Austin, Tex	88	89	93	77	96	93	98	96	72
Baltimore, Md	97	95	96	89	98	97	94	101	108
Baton Rouge, La	92	93	95	85	105	94	93	99	81
Dallas, Tex	92	94	93	87	98	96	108	100	78
Durham, N.C	95	94	92	92	97	96	97	101	100
Houston, Tex	91	93	95	83	104	93	103	99	78
Nashville, Tenn	92	94	91	91	100	96	91	105	79
Orlando, Fla	91	93	90	89	99	93	96	102	77
Washington, D.C.-Maryland-Virginia	104	103	102	105	100	102	102	102	116
Nonmetropolitan areas[1]	86	87	90	76	107	89	81	84	76
West:									
Bakersfield, Calif	97	97	97	87	105	103	108	100	89
Denver, Colo	97	97	93	98	101	102	99	97	95
Los Angeles-Long Beach, Calif	102	102	98	99	99	104	131	105	98
San Diego, Calif	101	101	96	101	103	100	117	103	95
San Francisco-Oakland, Calif	108	108	102	111	106	111	112	108	108
Seattle-Everett, Wash	104	106	105	105	107	107	105	104	96
Honolulu, Hawaii	120	115	118	126	121	95	99	106	157
Nonmetropolitan areas[7]	96	95	93	91	108	103	89	85	103
Anchorage, Alaska	139	134	122	162	136	115	133	102	185

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[1] The family consists of an employed husband, age 38, a wife not employed outside the home, an 8-year-old girl, and a 13-year-old boy.

[2] In addition to family consumption and personal taxes shown separately in the table, the total cost of the budget includes allowances for gifts and contributions, life insurance, occupational expenses, and social security, disability, and unemployment compensation taxes.

[3] Housing includes shelter, household operations, and housefurnishings. The average costs of shelter are weighted by the following proportions: 25 percent for rental costs, 75 percent for homeowner costs.

[4] The average costs of automobile owners and nonowners are weighted by the following proportions: Boston, Chicago, New York, and Philadelphia, 80 percent for owners, 20 percent for

[5] In total medical care, the average costs of medical insurance are weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying ½ cost; 44 percent for families covered by noncontributory insurance plans (paid by employer).

[6] For a detailed description see the 1967 edition of the "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.

[7] Places with populations of 2,500 to 50,000.

nonowners; Baltimore, Cleveland, Detroit, Los Angeles, Pittsburgh, San Francisco, St. Louis, and Washington, with 1,400,000 of population or more in 1960, 95 percent for automobile owners, and 5 percent for nonowners; all other areas, 100 percent for automobile owners.

TABLE 6.—INDEXES OF COMPARATIVE COSTS BASED ON A HIGHER BUDGET FOR A 4-PERSON FAMILY,[1] SPRING 1969

Area	Total budget[2]	Cost of family consumption							Personal taxes
		Total	Food	Housing[3]	Transportation[4]	Clothing and personal care	Medical care[5]	Other family consumption	
Urban United States	100	100	100	100	100	100	100	100	100
Metropolitan areas[6]	103	102	102	104	100	101	103	103	104
Nonmetropolitan areas[7]	89	89	91	83	100	95	85	85	83
Northeast:									
Boston, Mass	112	111	106	123	110	98	103	104	123
Buffalo, N.Y	106	103	103	104	99	108	94	105	120
Hartford, Conn	106	108	112	110	103	105	105	105	95
Lancaster, Pa	97	98	106	91	92	100	89	109	90
New York-northeastern New Jersey	116	112	110	122	103	106	110	108	136
Philadelphia, Pa.-New Jersey	101	102	180	97	102	100	101	104	100
Pittsburgh, Pa	96	98	103	92	96	99	95	105	90
Portland, Maine	96	99	104	92	96	102	100	105	83
Nonmetropolitan areas[7]	95	95	99	93	101	96	93	87	92
North Central:									
Cedar Rapids, Iowa	100	99	94	103	96	102	92	102	103
Champaign-Urbana, Ill	100	103	99	111	95	99	102	102	89
Chicago, Ill.-northwestern Indiana	102	104	103	108	104	99	103	101	92
Cincinnati, Ohio-Kentucky-Indiana	94	95	99	92	94	99	88	100	87
Cleveland, Ohio	101	103	99	109	97	103	100	101	94
Dayton, Ohio	95	96	96	97	91	100	86	101	87
Detroit, Mich	99	99	104	96	97	99	100	102	98
Green Bay, Wis	98	94	94	97	92	95	84	96	116
Indianapolis, Ind	99	100	100	104	97	97	89	102	96
Kansas City, Mo.-Kansas	97	98	100	95	99	100	93	100	95
Milwaukee, Wis	104	99	99	104	92	100	95	98	128
Minneapolis-St. Paul, Minn	101	97	97	99	95	98	91	102	120
St. Louis, Mo.-Illinois	98	98	104	94	99	100	91	97	94
Wichita, Kans	95	96	96	93	101	99	93	97	92
Nonmetropolitan areas[7]	92	92	91	90	98	100	85	86	89

Area	Total budget[2]	Cost of family consumption							Personal taxes
		Total	Food	Housing[3]	Transportation[4]	Clothing and personal care	Medical care[5]	Other family consumption	
South:									
Atlanta, Ga	91	92	94	81	95	100	95	101	86
Austin, Tex	86	89	93	80	95	93	98	97	70
Baltimore, Md	98	95	98	89	96	101	94	120	111
Baton Rouge, La	94	96	96	93	103	96	93	101	84
Dallas, Tex	93	96	94	92	96	99	108	102	78
Durham, N.C	95	94	92	89	96	99	96	102	102
Houston, Tex	91	94	96	86	102	96	103	99	77
Nashville, Tenn	92	95	90	94	97	99	90	103	78
Orlando, Fla	92	95	91	94	98	97	95	103	78
Washington, D.C.-Maryland-Virginia	105	103	103	104	97	107	101	103	117
Nonmetropolitan areas[7]	83	85	87	75	100	91	81	83	73
West:									
Bakersfield, Calif	96	97	97	88	106	100	108	102	91
Denver, Colo	97	97	96	96	94	99	99	98	96
Los Angeles-Long Beach, Calif	104	104	100	104	101	102	132	104	103
San Diego, Calif	102	102	97	105	100	98	120	103	100
San Francisco-Oakland, Calif	108	107	104	110	106	108	112	107	111
Seattle-Everett, Wash	102	105	108	104	101	103	105	102	91
Honolulu, Hawaii	122	115	121	128	109	93	99	109	160
Nonmetropolitan area[7]	93	92	92	87	103	99	88	86	97
Anchorage, Alaska	130	126	120	146	120	110	133	98	160

[1] The family consists of an employed husband, age 38, a wife not employed outside the home, an 8-year-old girl, and a 13-year-old boy.

[2] In addition to family consumption and personal taxes shown separately in the table, the total cost of the budget includes allowances for gifts and contributions, life insurance, occupational expenses, and social security, disability, and unemployment compensation taxes.

[3] Housing includes shelter, household operations, house furnishings, and lodging out of home city. The average costs of shelter, are weighted by the following proportions: 15 percent for rental costs, 85 percent for homeowner costs.

[4] All families were assumed to be automobile owners.

[5] In total medical care, the average costs of medical insurance were weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying ½ cost; 44 percent for families covered by noncontributory insurance plan (paid by employer).

[6] For a detailed description see the 1967 edition of the "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.

[7] Places with populations of 2,500 to 50,000.

Mr. JAVITS. Mr. President, this deals with the annual cost of a minimal budget for a four-person family in the spring of 1969. And since then we have had an increase in living cost of about 6 percent. This shows that at a minimum, everywhere in the Nation—rural and city alike—we have a basic living cost which runs at the very minimum 25 percent plus above the $4,000 standard.

For example, in nonmetropolitan areas, the total cost, the very basic figure—and it is the lowest cost in the chart—is $4,935 a year for this type family. It is well above the $4,000 standard.

Mr. President, as I stated before, this also costs out on the basis of the figures used by the Department of Agriculture on a low food budget, really the minimum for decent existence, of $1,200 a year. And using the multiplying factor of 3, which is applied in these cases, for total cost, the very minimum comes to $3,600 a year without using the increased costs which have been an incident of the last year. That is the very basic human living standard.

The argument is made that there are different situations existing throughout the country. I am the first to grant that there are. However, I point out also that none of them comes anywhere near the $4,000 level, for which we contend. We also have the recommendations with respect to the school lunch program of the Department of Agriculture and its recommendations—and I will read from their statement—for determining eligibility for free and reduced-price lunches and other meals.

Mr. President, it will be recalled that we ourselves wrote the minimal $4,000 standard into the food stamp program before it left the Senate.

We have now written a $4,000 figure into the aid to education, the elementary and secondary education bill, which passed here after a very considerable struggle last week.

Mr. President, it seems to me, therefore, that the evidence is overwhelming that, at long last, we seek some underpining, some concrete base, with respect to eligibility throughout the country. And this is in the very proper exercise of Federal authority.

Mr. President, as to the impact of such a standard at this time on the standard which is generally used—roughly $3,000—there are some 6.9 million children in the country who ought to have the benefit of free lunch. But only about 3 million are being reached. We need to set our sites at a realistic figure—namely, the $4,000 figure which would increase eligibility by at least 5 million children.

Mr. President, it does not seem to me that we are doing anything but what we ought to do. In raising our sites, even though we cannot by appropriations meet the goal, at least it gives us a real aspiration, instead of being limited in both aspiration and reality to the exigencies which we find in respect of appropriations. In short, we are just kidding ourselves when we provide free lunch for half the children. They are not the only ones who need free lunch. We are merely providing free lunch for one-third of the children who need it.

It seems to me that the one thing that the Committee on Agriculture would have done would have been to at least set a criteria for the country which would satisfy the country and give them a realistic approach, instead of an artificial approach as we are doing today. There is an absence of a national standard.

Finally, with respect to the matter of the affidavit, we show, that by the adoption by the committee of the amendment which is intended to prevent overt identification, it seems to me that we obtain consistency. As I stated in my preceding remarks we need the use of the affidavit technique. It is just as invidious to have identification of the family as it is to have identification of the child. If we are inhibiting identification for the child, then it seems to me to be correlative that we inhibit identification through the case worker technique.

We know how this has been used to discourage families from seeking free and reduced-price lunches. In many instances, the only way to get it was to submit to this kind of an investigation.

The criteria I have outlined in this amendment gives us a floor which befits the national dignity and the national intention.

The general drift of the amendments which have been proposed here has been directed toward the end of maintaining a floor upon which the program can then rest—with plenty of room for innovation above that. It seems to me that this amendment is absolutely essential.

Before I conclude my remarks I would like to make one other point about my own State because so often when we debate things here, because New York is a most vital and active State, the question is asked, "What is New York doing?"

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

NEW YORK STATE PERFORMANCE COMMENDED

Mr. JAVITS. Mr. President, I would like to indicate for the record what we are doing. In New York, the proportion of children getting free or reduced-price meals comes very close to the optimum figure for the Nation. It is estimated that in the Nation 15 percent of the children in schools in densely populated areas should be eligible for free or reduced price meals. New York attained 13 percent in the last school year. Also, New York serves thousands of children more than the number of children who get the benefits of title I of the Elementary and Secondary Education Act.

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We serve 417,000 free lunches against 405,000 of the children who benefit from the Elementary and Secondary Education Act; and serve free lunches to 85 percent of those eligible under AFDC. In New York City, very few schools lack food service. We do not do as well in Buffalo, however, and that is one of the reasons for my very great interest in using food purveyors because the situation can be materially improved in that regard. In addition, I am pleased to say that New York contributes more at the State level than would be required by the bill—$19 million more—and New York City contributes $10 million locally for free and reduced-price meals. I say that about New York because we must first look at ourselves in the mirror before we try to bring about higher standards for all.

NATIONAL AWARENESS

I conclude my argument for the amendment as follows: The amendment is really directed toward acceptance by the Nation of its responsibility and whether we can meet that responsibility in respect of the actual money appropriated. I was very interested to note yesterday that relatively conservative members who serve on the Committee on Appropriations felt we should have an open-ended appropriation in respect of the school lunch program rather than to fix any figure, even a good figure such as the Senator from Michigan (Mr. HART) proposed.

We made that proposal because we believe it is necessary to fix an optimum objective. We can only hope that those who argued against it for the reason they felt we should not limit ourselves will have the same feeling when we come to the appropriations and remember the arguments they made which induced the Senate by such a narrow margin to turn down the Hart amendment. However, it does indicate a disposition.

Again, I wish to pay tribute to the Senator from South Dakota (Mr. McGOVERN) who chairs the "Hunger Committee," for having done what is probably the most effective thing which can be done in a democracy: Arousing the people to a great national deficiency, thus animating currents designed to deal with that deficiency. This is only one area but the people of the United States were appalled by the finding that there was hunger and deprivation and much more appalled to find that it was more prevalent among children than among adults. This is the area in which we are legislating today. They were appalled and they have taken many measures, including revision of the food stamp program in this body, in order to show their sentiments and views.

This is but a part of the whole reform in these programs dealing with the most basic of all approaches to problems. It should be a matter of deep satisfaction to our country that it knows how to respond to a call of conscience. That is what this is. The amendment which I have proposed, along with colleagues, is to add another aspect of implementation to the weight of national conscience, which is represented by the findings of the Committee on Nutrition and Human Needs.

Mr. President, I reserve the remainder of my time.

Mr. TALMADGE. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, the amendment offered by the Senator from New York would in effect make three amendments which by unanimous consent we would vote upon en bloc.

The principal change the Senator's amendment would make is that a reduced-price lunch must not exceed 20 cents per child. The second amendment would set up national standards which would provide that a family of four earning $4,000 or less would be entitled to meals without cost. The third principal provision is that requirements of this section relating to service of meals at reduced cost shall apply to the school lunch program of any school utilizing commodities donated under any provisions of law referred to in the preceding sentence. That refers to private schools to a great degree.

I will deal with the first amendment first, which is that the cost of meals should not exceed 20 cents per meal for the cost of food. As the Senator pointed out in his remarks, I had that in my bill that the committee considered but they decided by an overwhelming vote that it should not be retained in the bill. The reason therefor was that the Department, in its report on the bill, advised the committee that this provision "imposes a restriction that many schools may not be able to meet it until the time comes that fully adequate funding from Federal, State, and local sources is assured."

The amendment—the McGovern amendment—would impose a restriction even more difficult to meet since the 20 percent restriction would be considerably lower than the 20-cent restriction. The committee amendment seeks to improve the program and provide better funding from Federal and State sources so that the objective of this amendment can be met. The committee did not want to impose a restriction which could not be met. Attempted enforcement of such a restriction could result in the dropping of the program in some areas, with the consequent loss of its benefits.

I would point out also that if we have a substantial number of meals served with inadequate funding at not to exceed 20 cents, it would mean a much larger percentage of the students who may be entitled to a free lunch could not get it at all.

The committee is opposed to the amendment offered by the Senator from New York. I regard it as another attempt that would seriously and adversely affect the bill reported by the committee by establishing a nationwide eligibility standard of $4,000 and by imposing impossible requirements on State governments and local school districts. The amendment would transform the school lunch program into a Washington welfare handout.

The present amendment would ignore all of the principles of Federal, State, and local cooperation which have worked so well in the school lunch program.

The junior Senator from South Dakota stated yesterday that the school lunch program has worked well, that it has worked better than most Federal programs. Yet, the Senator from South Dakota joins in the support of this amendment which, together with amendment numbered 512 approved yesterday, would destroy the kind of school lunch program that has been so successful.

The supporters of this amendment propose to ignore the experience of more than 20 years of operating the national school lunch program—they propose to ignore the judgment of the members of the Senate Agriculture Committee, which gave thorough consideration to this amendment—they propose to completely rewrite the school lunch program and change the basic philosophy of the program on the floor of the Senate.

Mr. President, it is regrettable that every time the Senate considers any legislation dealing with the problem of hunger in this country, we always get involved in a contest to see who can offer the most. No matter how generous the Senate Agriculture Committee might be, we are always faced with a number of amendments which would sacrifice sound administrative and legislative experience for unlimited promises of "pie in the sky."

Need I remind the Senate of our experience with the food stamp legislation last year? The Senate overrode its Committee on Agriculture and approved a tremendously expensive giveaway program that has not a prayer of receiving the approval of the House of Representatives.

The folly of attempting to write complex legislation on the Senate floor is illustrated by the fact that not even the sponsors of amendment 511, to change the breakfast program, knew what the amendment said after the Senate had finished with it yesterday.

The provision of amendment 508 which establishes a nationwide eligibility standard of $4,000 is the most objectionable feature of all the amendments. This provision requires that lunches be served free to all children in all families with incomes of less than $4,000 rather than at a reduced price.

In a country as vast and individualistic as ours, it seems foolish to impose uniform eligibility standards over the whole Nation. Cost of living varies greatly according to the region of the country and depending on whether the family is urban or rural.

There is a similar discrepancy in the level of income. For example, 26.2 percent of the families living in the Northeast have incomes of less than $4,000. In the South, 46.5 percent of all families have incomes of less than $4,000. In the Nation as a whole, 36.3 percent of all

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families have incomes of less than $4,000 per year.

If this amendment becomes law, about one-third of the families in the United States will be authorized free food at Government expense.

Mr. AIKEN. Will the Senator yield?

Mr. TALMADGE. I yield to my colleague from Vermont.

Mr. AIKEN. The Senator has pointed to the distinction between rural areas and the larger cities of this country. Can the Senator give us an estimate as to how many children in the large cities of this country might be deprived of school lunches if this $4,000 limitation remains?

Mr. TALMADGE. I believe it would be quite a number, because I do not think Congress would authorize and appropriate sufficient funds to take care of the entire needs, and there would be so many eligible for free lunches that those in the direst need would be severely restricted. So I think the Senator's amendment would have an effect opposite to what he seeks, which is to provide free lunch to children who are in real need.

To show Senators something of the diversity of the program, I would assume that a family living in a tall building in New York City or Chicago or San Francisco or Philadelphia and which has a $6,000 income would have an income that would be extremely modest and the family could be classified as poor; but a family that lives on a dairy farm in Vermont or in Georgia or in the Midwest, where they raise hogs and chickens and have cows and gardens and have an income of $4,000, might be considered in their neighborhood as being affluent.

That is the reason why it is wise policy, in my judgment, to leave it to the discretion of local officials to prescribe standards and conditions. Then when funds are appropriated by Congress and they are allocated to the States and various school districts, the money can be directed to those who are in need, rather than to try to paint a pie in the sky for everybody.

Mr. AIKEN. Would the Senator say that adoption of the amendment would mean the penalty would fall on children in large cities and upon the taxpayers of the Nation?

Mr. TALMADGE. I think that is correct.

Mr. AIKEN. We are used to having a penalty on the taxpayers.

Mr. TALMADGE. That is true.

Mr. AIKEN. But with this limitation, it would conceivably prevent many thousands of deserving youngsters in our cities from receiving a free school lunch.

Mr. TALMADGE. I agree with the Senator. The Senator's criterion is based solely on income, and not assets. So if a man owned 300,000 shares of IBM stock, for example, from which the dividend is less than 1 percent, he would be entitled to send his children to school and then would be authorized, under this amendment, to have them receive free lunches, despite the fact that he had a net worth of $300,000 or more.

Mr. AIKEN. Let me ask the Senator another question. Does he think it necessary to have a new school lunch bill this year, or should we let it go on the same basis as the food stamp program is going now?

Mr. TALMADGE. I would hope we could get a bill passed without cluttering it up, as we did the food stamp bill last year, where it would get bogged down in the House of Representatives. As the Senator knows, we held hearings and considered in detail all the amendments in the committee bill. The people who handle the school lunch programs in the various States testified, and virtually all they suggested was written into the committee bill. If the bill becomes law, if it passes the Senate and passes the House of Representatives, and is signed by the President, and if the Congress appropriates the money, every child who is economically deprived in this country will have adequate food. It was the desire of the community to see that no child who went to school hungry would go home hungry.

Mr. AIKEN. The Senator from Georgia is aware of the fact that the Committee on Agriculture and Forestry brought out a food stamp bill which increased the food stamp program approximately 400 percent over what is authorized today, and yet there were those who preferred to kill it, and conceivably have done so.

Can the Senator tell us how much the bill on the school lunch program which was brought out from the committee increases the school lunch program over the present provisions?

Mr. TALMADGE. According to the best estimates the committee had, approximately 3½ million needy children are being served under the nutrition programs in the schools at the present time. According to our best estimates, about 6,600,000 children come from needy families. In other words, we aimed at a bill that would double the existing programs. That is the bill pending before the Senate at the present time.

As the Senator pointed out so effectively, when the food stamp bill came before the Senate, by an overwhelming vote the Senate overloaded the committee bill, and it has been buried in the House of Representatives ever since. I hope that does not happen to the school lunch program.

Mr. AIKEN. There is no indication that the food stamp bill will come out of the House in the near future, is there?

Mr. TALMADGE. I have heard of no such indications.

Mr. AIKEN. Does the Senator believe the same would happen to the school lunch program if we adopted all of the pending amendments to the bill?

Mr. TALMADGE. I certainly believe that is what the House would do. I believe the experience of the food stamp bill is the best guide.

Mr. AIKEN. Has the Senator from Georgia any idea why Members of this body who profess to be strong for feeding poor children insist on provisions that would kill the bill?

Mr. TALMADGE. I do not. I wish I could answer the question, but I think we ought to try to take a step toward a bill that we hope can become law.

I thank the Senator for his contribution and his very effective work, over the years, in the Committee on Agriculture and Forestry, on the programs that are now law.

A family which lives on a small farm in the South and has no more than $4,000 of monetary income may consider itself to be fairly well off. The same applies for a small farmer in New England. In many cases, these farm families produce most of their own food. Housing is less expensive than in our giant cities, and taxes are low. On the other hand, a family living in New York City with an income of $6,000 might be considered poor. The Senator from Alaska has an amendment pending in which he asks for a 25-percent bonus simply because Alaska has a very high cost of living. That shows how diverse cost-of-living standards are in this country; and I do not think we ought to attempt to enact one standard nationally that would be a guide for all of the 50 States, for all families, regardless of where they dwell, regardless of whether they are urban or rural, and regardless of whether they make most of their living on the farm or whether they dwell in giant apartment houses.

The cost of providing free lunches to all children in families having incomes of less than $4,000 would be fantastic. By the Nutrition Committee's estimate, there are 8.4 million children in families with annual incomes of less than $4,000.

The sponsors of this amendment estimate that it would cost $817 million to foot the bill. When you consider the amount budgeted for free school lunches under all Federal sources and all State sources, there is still a tremendous funding gap. The sponsors of the amendment estimate that the cost funding gap would be $419.4 million.

The administration has not indicated a willingness to spend this kind of money on child nutrition. The agricultural budget for 1971 includes an increase of $133.3 million for child nutrition programs. However, the increase is a false one, for the administration proposes to eliminate the special milk program and thus save $104 million. Therefore, the real increase is only $29 million.

If the Senator from New York and the Senator from South Dakota could guarantee that the additional $419 million will become available, then it would not deprive the children who are really poor and undernourished of the meals that they seek. If they cannot guarantee that we are going to get this extra $419 million, they ought to withdraw the amendment, because it is going to make the burden much greater on the children who come from homes that need the extra money, and will also drive many States and districts out of the school lunch program.

The Agriculture Committee gave thorough consideration to amendments providing a national eligibility standard when it considered the present bill. It

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rejected this amendment for reasons that are aptly described in the committee report. I read from page 5 of the report:

> The objective of the Committee is to expand the school lunch program so that free or reduced price lunches will be available to all needy children. To accomplish this objective, it will be necessary to secure maximum cooperation on the state and local levels. Many school districts do not participate in the school lunch program at all. Many states contribute no state revenues to the school lunch program.
>
> If the states and the local school districts are required to meet the eligibility standards of the McGovern amendment, and they are not given the funding to do so, they will be faced with tremendous administrative problems and a large funding gap. It is highly likely that many states would choose not to participate in the school lunch program at all. Such problems would certainly discourage those large municipalities who do not now participate from coming into the school lunch program. Thus, the McGovern amendment would have the result of denying access to the school lunch programs to thousands of needy children.

The last provision of the pending amendment is a requirement that any school which does not participate in the regular school lunch program, which utilizes donated commodities, be required to provide free and reduced-cost lunches in the same manner as any school which participates in programs under the National School Lunch Act and the Child Nutrition Act.

The Department of Agriculture estimates that there are about 400,000 needy children in schools which utilize donated commodities without participating in the regular school lunch program. Of course, it will be necessary to bring all school districts into the regular school lunch program if we are to provide free and reduced price lunches for all needy children.

The pending bill, S. 2548, already gives the Secretary of Agriculture authority to prescribe terms and conditions for the utilization of donated commodities. If Senators will turn to page 32 of the committee report, they will find the language at the bottom of the page there, where it is included in section 10. This provides for flexible approach to those school districts that are using donated commodities without placing an immediate requirement on them. The practical effect of amendment 508 would be to deny many school districts any financial aid for their school lunch programs. Rather than immediately assume the burden of providing free lunches for all children from families with incomes of less than $4,000, these schools might prefer not to participate in any kind of Federal school lunch program.

The funding gap would be especially harmful to private schools. Many of these schools are in financial trouble already. They would be required under amendment 508 to immediately assume the burden of providing free meals to all children from families whose incomes are less than $4,000, and if they were not given enough Federal money to do so, most of these schools would have nowhere else to turn. Their only alternative would be to withdraw from any kind of Federal lunch assistance program.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. TALMADGE. I yield to the Senator from New York.

PRIVATE SCHOOLS

Mr. JAVITS. The question of private schools has been put up to me, also, and to Senator McGovern and the other members of the bipartisan coalition which sponsored this amendment.

We are rather of a mind to amend our proposal to deal with the nonprofit private school question, and I am at liberty to do it, because the yeas and nays have not been ordered, but I did want the Senator's advice on the matter.

To be very frank with the Senator, I am cognizant of the fact that this affects a good many religious schools, and we certainly want them to have the benefit of school lunches. However, I am also cognizant of the fact that it would affect contrived private schools to avoid desegregation, but of course there are other ways of reaching the latter.

Because we wish to be as collaborative as we can about what we can agree on, if the Senator feels—and I again presume the Senator's good will in all of this, because he is the man who has brought about such great changes himself in this bill—that on the private school question it would be better to accommodate them—and I would greatly appreciate his opinion on that point—having consulted with the Senator from South Dakota (Mr. McGovern), I would be prepared to modify my amendment in order to accommodate the nonprofit private school problem.

Mr. TALMADGE. What does the Senator propose to do—to strike out the last part of the amendment?

Mr. JAVITS. No, I propose to add a proviso, as follows:

> *Provided,* That none of the requirements of this section shall apply to nonprofit private schools which participate in the school lunch program under the provisions of section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements.

Mr. TALMADGE. I have not had an opportunity to study the Senator's proposal, but I would point out to the Senator that I hold in my hand a letter dated February 24, 1970, addressed to me from the Office of Government Liaison, U.S. Catholic Conference, in which they strenuously object to the Senator's amendment, and point out that something like 2,871 Catholic schools would be affected by his amendment.

I ask unanimous consent that the letter be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Gurney in the chair). Is there objection?

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Catholic Conference,
Office of Government Liaison,
Washington, D.C., February 24, 1970.
Hon. Herman E. Talmadge,
Select Committee on Nutrition and Human Needs, Washington, D.C.

Dear Senator Talmadge: Senate Amendment No. 508, by Senator Javits and others, offered as an amendment to your school lunch bill, S. 2548, seeks to impose a maximum price of 20 cents per meal for reduced cost lunches and to require provision of free lunches to all children in families with an income equivalent to $4,000 or less for a household of four persons as a condition for schools to participate in the national school lunch program. Unfortunately, Senator Javits' amendment fails to make adequate provision for the special circumstances faced by 2,871 private non-profit schools with lunch programs in 26 states where the state is not authorized by law to administer the lunch program in non-public schools. As you are aware, the school lunch program since its inception has made special provisions for these schools under Section 10. This section authorizes the Secretary to administer the program for these schools and to disburse Federal funds withheld from the State allocations directly to the participating private non-profit schools. These schools must meet the State matching requirements from sources other than State and local tax revenue.

Your bill, S. 2548, and H.R. 515, by Representative Perkins, will require, over a period of years, that State revenues other than children's payments must be provided in increasing amounts to pay a portion of the cost of the school lunch program, including the cost of providing free and reduced price lunches. The same State legal prohibitions which require Federal administration of the program for non-public schools in 26 states also prevent use of State and local public funds to pay a portion of the cost of the lunch program in these non-public schools. Thus, the non-public schools have had to turn to the only source of non-Federal funds available to them—that is the revenue collected from children who are able to pay for their lunches. The rise in price of school lunches in recent years has prompted many children to drop out of the program and has forced some non-public schools to discontinue the service. Unless some special provisions is made, it is to be expected that the additional financial requirements which would be imposed by the Javits amendment would accelerate this undesirable trend. The non-public schools do not wish to leave the program. They want to stay in and improve their service. They agree with the objective shared by yourself and Senator Javits to provide free and reduced price lunches for all needy children. But, if they are to continue in the program, they must have some assurance that Federal funds will be forthcoming to pay the additional cost which the requirements of Amendment No. 508 will impose. Without such protection, the Javits amendment could force these particular schools to price themselves and their children out of the national school lunch programs. All children would suffer—the poor as well as those fortunate enough to be able to pay for their lunches.

In view of the serious nature of the threat posed for these 2,871 schools, I would urge the Senate to reject the Javits amendment in its present form. I respectfully request that you call this situation to the attention of the Senate and that this letter be entered in the Congressional Record in an appropriate place.

Should the Senate decide to adopt the Javits amendment to your bill, I would hope

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that a special provision could be included to insure that the new requirements for free and reduced price lunches would not apply to those private non-profit schools in those 26 States covered by Section 10 of the School Lunch Act until such time as the Secretary of Agriculture is able to certify that sufficient funds from sources other than children's payments are available to enable such schools to meet the new requirements.

In closing, I would like to take this opportunity to commend you and those Senators who have assisted you in the development of S. 2548. The bill represents a commendable advance toward a national goal of an adequate diet for all children.

Respectfully,

James L. Robinson,
Director.

Private school programs administered by USDA

State:	*Number of schools*
Delaware	2
Maine	44
Maryland	42
New Jersey	150
Pennsylvania	379
West Virginia	27
Alabama	46
Florida	58
South Carolina	16
Tennessee	52
Virginia	37
Iowa	208
Michigan	239
Minnesota	310
Nebraska	107
North Dakota	48
Ohio	314
Wisconsin	408
Arkansas	43
Colorado	58
Texas	187
Hawaii	19
Idaho	17
Montana	21
Nevada	1
Washington	38
Total	2,871

Mr. TALMADGE. Mr. President, they object to it very strenuously. There is no way of telling how many other private schools in existence—Protestant, Jewish, Catholic, nondenominational, and so forth—are involved. I think it is bad practice for the Government to try to intrude in their affairs and tell them what they ought to do in their own lunch program.

Mr. JAVITS. I will say to the Senator that I believe they had a hand in the drawing of this particular provision. It will enable the Senator to study it.

Mr. TALMADGE. May I look at it?

Mr. JAVITS. Yes.

Mr. TALMADGE. Has the Senator submitted it?

Mr. JAVITS. I am prepared to modify my amendment accordingly, but I think it would be desirable, before I actually do so, to have the Senator's staff look at it.

Mr. TALMADGE. I will have the staff look at it.

I ask the Senator to turn to page 32 of the committee report, section 9, and refer to the last paragraph thereof, in italics:

> The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under section 32, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, as will maximize the nutritional and financial contributions of such donated commodities in such schools and institutions.

I think that gives the Secretary authority to protect the Government's interest on donated commodities, and I feel that that is as far as the Federal Government ought to intrude in imposing its will on any private school.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. TALMADGE. I yield.

Mr. JAVITS. I think that our objective—if that provision looks all right to the staff—would be to limit our desire to the public school systems. There you have taxing authorities and a different situation from the financial pressure upon the private nonprofit schools. That issue, of course, I am prepared to debate with the Senator. But at least it will narrow the issue to that point.

The Senator need be under no pressure about it. I will be speaking again. The Senator may look it over at his leisure. I would understand that no concession is involved in respect of the amendment. Inasmuch as I think we a have common purpose, the idea would be to get the best expertise on how to deal with the private school problem.

Mr. TALMADGE. I think the committee's report, as I read the Senator's proposed modification, is substantially what the Senator proposes for the private schools.

Mr. JAVITS. Exactly.

Mr. TALMADGE. I see no necessity for the Senator proposing this at all. I think he could strike that part in its entirety from his amendment.

Mr. JAVITS. If I struck that part, it would eliminate the requirement upon the public schools. I am not prepared to do that. Therefore, I would have to modify my amendment.

Mr. President, I modify my amendment accordingly.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Unanimous consent, I understand, is not required, because the yeas and nays have not been ordered.

The PRESIDING OFFICER. The clerk will report the modification.

Mr. JAVITS. Mr. President, I ask unanimous consent that the reading of the modification be dispensed with.

Mr. TALMADGE. This is the proposed modification.

The PRESIDING OFFICER. The clerk will state the modification.

The assistant legislative clerk read as follows:

> At the end of the Javits amendment add:
> "*Provided*, That none of the requirements of this section shall apply to nonprofit private schools which participate in the school lunch program under the provisions of Section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

Mr. TALMADGE. Mr. President, one final word. If I may sum up the difference between the approach of the committee and the approach of the sponsors of the pending amendment, it is the difference between persuasion and force. It is the difference between our traditional approach of Federal, State, and local cooperation, and the idea that the Federal Government is the great provider.

I appeal to the Senate to reject this attempt to promise more, and I urge that we stick with the committee bill, which offers lunch rather than rhetoric.

I reserve the remainder of my time.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from South Dakota.

Mr. McGOVERN. I thank the Senator from New York for yielding to me and also for the generous remarks he made about me a few moments ago. I wish to reciprocate by commending the Senator for the amendment that he brings before the Senate today.

I regard the amendment offered by the senior Senator from New York as the most important of the five amendments that this bipartisan group of Senators has presented to this bill. It is a matter of great importance in terms of bringing uniformity and some direction to an otherwise good proposal offered by the Senator from Georgia.

In reference to the comments made earlier by the Senator from Vermont and the Senator from Georgia, let me just say that the passage of the food stamp bill by the Senate last September, which has now been tied up in the House for some 6 or 7 months, in no way reflects on the judgment of the U.S. Senate. The truth is that the House had every legislative opportunity available to it that it had before the passage of the Senate food stamp bill. They had the opportunity to modify that bill if they felt the Senate had gone too far. They had the opportunity to act on a bill of their own.

But I think the fact is that a judgment was made by the House Agriculture Committee leadership that they wanted to wait for the passage of the food stamp bill until they could attach it to the extension of a comprehensive agricultural price support bill. That is the real explanation for the failure of the other body to act on food stamp legislation.

I want to lay that concern to rest here and now. Nothing whatever that was done by the Senate last fall has delayed the passage of adequate food stamp legislation, and we cannot use that excuse to fail to do the best possible job of passing a sound school lunch bill and school breakfast bill in the Senate when this matter is before us now.

The measure proposed by the Senator from New York, which I am pleased to cosponsor together with other Senators, would in effect be consistent with the action taken by the Senate with reference to the food stamp legislation last fall. At that time we said that families with an income of $4,000 or less would be eligible for food stamp assistance. We are now applying the same criteria under the Javits amendment to the school lunch program. We are providing a uniform standard in place of the presently chaotic situation that exists not only between the States but even within certain States. One of the common conclusions that has been reached by just about everyone who has looked carefully and critically at our existing school lunch programs across the country is the need for some definite guidelines to provide a basis for determining who shall get free and reduced price lunches.

More than a year ago, in October of 1968, the Department of Agriculture itself recognized this need, and they suggested certain guidelines to the States, in an effort to assure some kind of uniformity not only between the States but also within the States with reference to the various school districts. But to date little or nothing has been done to bring any degree of order out of the present shambles of guidelines in determining what students will qualify for free or reduced price lunches. That is the reason it is important for the Senate to adopt and write into law guidelines that will determine, once and for all, what children shall be eligible to receive lunches, either on a free basis or on a reduced price basis.

Second, it is equally important that in this amendment we determine what we mean by reduced price lunches at the present time. I think the Senator from Georgia would be inclined to agree with this, that some of the States are exploiting the opportunity to get additional Federal funding for the reduced price lunches by a nominal reduction of 1 to 3 cents on the price of lunch, and then qualify for an additional Federal subsidy, which penalizes those school districts trying to do an honest and reasonable job of offering a reduced price lunch.

What the Javits amendment proposes is a 20 cent minimum, which was in the original bill as offered by the Senator from Georgia (Mr. TALMADGE).

It seems to me that the amendment is entirely reasonable. It does meet congressional responsibility of providing some guidelines to carry out the program which we are authorizing.

I honestly hope that the amendment, above all others, which have been proposed, will be agreed to by the Senate.

Mr. TALMADGE. Mr. President, I yield 5 minutes to the Senator from Kentucky (Mr. COOPER).

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Senator from Kentucky is recognized for 5 minutes.

Mr. COOPER. Mr. President, I am sure that everyone in this body would like very much to see the school lunch program and the breakfast program extended to every needy child in this country.

That is my position. I understand and I honor the objectives of the Senator from New York. I would like it to be noted that the issue we are talking about—the amendment offered by the Senator from New York and others—is not a question among us as to whether we favor additional free lunches for children, or fewer free lunches, because that would be an easy oversimplification.

We have to ask, What would be the effect of the amendment? Well it actually, if put in operation, provide more help? I do not think so.

I have the appendix which was very generously provided me by my friend from New York, explaining his amendment. As I understand it, the cost of the amendment is based upon a total of 8.4 million needy children, at an average cost of 60 cents a meal, which would total $817 million. Then, subtracting from the $817, the amount provided in the bill—$397.6 million—there is left a total of $419.4 million which would be needed to fund the program, if the amendment of the Senator from New York is agreed to.

My first question is this—Is there a provision in the bill for $419.4 million?

Mr. JAVITS. There is an open-ended provision there for appropriations. That is what the Senate, as I understand it, did yesterday in turning down the Hart amendment which tried to fill up part of the gap. So they have left this open. I think this gap problem is a question of what gap we are willing to show, whether a realistic or an unrealistic gap. We have a gap now, because 3 million children are not under the program at all. Everyone admits they should be on it. The only question is, shall we set the target at 6.9 million, or shall we set the target at 9 million?

Mr. COOPER. My first question has been answered, and properly so. The bill is open ended. If the Committee on Appropriations would appropriate $419.4 million, it would close the gap.

My second question goes to participation by the States. Present law requires, so far as the school lunch program is concerned, for a matching basis of 3 to 1, with the States required to provide three times as much as the Federal Government.

Mr. JAVITS. Right. That is correct, except for the new provision, which will make the States put up 7 percent to 10 percent over a graduated period of that State's contribution.

Mr. COOPER. I should like to direct attention to factors which I believe would make it much more difficult for the poorer States to participate in the program, if the Senator's amendment is adopted.

As we know, the States are permitted to meet their share of the cost either by contributions from State and local revenues or by cost to the schoolchildren according to their ability to pay. As a result of this procedure, States like mine, and others, have been able to charge children able to pay—and why should they not be charged for a nutritious meal if their parents are able to pay? These charges help to fund the cost to children who are unable to pay.

In many cases, children are not required to pay anything. In other cases, they are required to pay as little as 5 cents a meal—or more, based upon ability to pay.

First, I believe that when a parent is able to pay, he should pay the cost of the meal. This may be just a general expression on my part, and without available statistics at hand now, but there are probably two chief areas in the country where unfortunately many needy children live. One area is in the poorer States in the South. My State, for example, has been pointed out for the conditions which exist in eastern Kentucky. Another area is in the great cities of the country with their ghettos and thousands of poor people.

Mr. President, in the poorer States, in many areas of the South or border States, the States have met their responsibilities. Any where from 55 percent to 70 percent of their schoolchildren receive lunches. It is 74 percent in my State.

But States which have other categories of poor, such as in the great cities, in the ghettos, they have not met their responsibilities. The State of New York has done better than most, but States like Illinois and Pennsylvania hardly have any school lunch program at all.

I want all to have the programs but these States should assume their responsibilities in contributing to this program and the children in those States able to pay should do so.

In my judgment, through the pending amendment, the States absolve themselves—the richest States in the country, from bearing a proper share of the burden. Other States, like mine, would be required to provide to well-to-do children a 20-cent meal or less, and this increases the cost to the States and the Federal Government.

Mr. TALMADGE. Mr. President, if I may interject there, if there are not sufficient funds in the program, it is going to mean depriving a great many of the poorer children who are most in need.

Mr. COOPER. The Senator is correct.

I applaud the Senator from New York for his objective. I would like to see all poor children fed without cost. I would like to see the Congress provide money to feed them all and give a good breakfast, too. For, unless a meal is nutritious, it is not the food the children require in years that are formative in mind and body.

I say this with great respect to my friend, that a program, if it is to reach the children, must be looked at very carefully. We must ascertain and provide a way to persuade the States who are able to bear the burden, to help pay the cost of the meals for needy children.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement showing the status of the school lunch and breakfast programs in every State that bears out the facts of the statements I have just made.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

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TABLE PRESENTED BY RODNEY E. LEONARD, WHO WAS ADMINISTRATOR OF CONSUMER AND MARKETING SERVICES, USDA, 1967-69. PRIOR TO THAT, HE HELD OTHER POSTS IN THE DEPARTMENT

School year 1968-69	School lunch									Breakfast			Guideline policy		
	Average daily attendance (1)	Average daily participation (2)	Percent 2:1 (3)	Free and reduced price lunches (4)	Percent 4:1 (5)	Number AFDC children (6)	Percent 4:6 (7)	Number ESEA children, fiscal year 1967 (8)	Percent 4:8 (9)	Average daily participation (10)	Percent 10:1 (11)	Percent free breakfast (12)	Number school districts	Number plans approved, June 30, 1969	Number plans rejected
Alabama	787,714	510,628	64	101,536	12.0	327,500	31	244,311	41.6	39,415	5.0	46	119	117	0
Alaska	46,437	24,668	53	8,120	17.0	8,187	99	6,974	11.6	633	1.4	100	29	19	0
Arizona	311,477	165,602	53	30,855	9.9	62,264	50	46,633	66.2	33,987	11.0	76	296	117	0
Arkansas	414,173	280,506	68	80,482	19.0	202,135	40	149,658	53.8	5,047	1.3	83	395	385	0
California	2,186,433	827,000	38	75,743	3.5	472,876	16	396,632	19.1	6,000	.3	21	1,109	660	75
Colorado	498,129	222,647	44	13,973	2.0	60,026	23	45,989	30.3	5,172	1.0	6.0	181	181	0
Connecticut	460,041	191,344	42	7,548	1.6	45,085	17	39,361	19.1	18,705	4.1	96	177	188	0
Delaware	108,261	58,464	54	2,548	2.4	12,628	20	10,982	23.2	132	.1	30	48	48	0
District of Columbia	130,605	36,469	28	20,542	15.7	30,320	68	22,896	89.7	8,665	6.7	100			
Florida	1,270,412	774,369	60	81,227	6.0	243,894	33	145,719	55.8	5,052	.5	43	67	72	0
Georgia	1,014,144	790,003	76	158,563	15.0	357,359	44	243,261	65.3	7,572	.5	58	193	181	17
Hawaii	159,819	128,004	80	7,324	4.6	18,423	40	12,460	58.6	284	.2	76	1	1	0
Idaho	252,369	78,735	31	2,652	1.0	24,031	11	14,902	17.7				117	all	0
Illinois	2,392,786	600,000	25	33,933	1.4	290,423	11	254,140	13.4	3,982	.2	7.0	1,279	1,175	few
Indiana	1,124,711	622,014	55.3	20,665	1.8	127,923	16	88,233	23.5	31,212	2.0	81	339	all	0
Iowa	625,474	344,020	55	11,785	1.9	118,709	99	85,169	13.8	3,339	.5	15.3	461	470	0
Kansas	391,266	253,215	65	17,305	4.4	75,287	23	49,671	34.8	405	.1	36	335	380	5
Kentucky	638,818	477,161	74	94,000	14	263,414	35	196,465	47.8	194,930	30	21	195	190	0
Louisiana	913,598	696,747	76	90,933	9.9	294,483	31	205,962	44.2	13,037	1.4	81	70	70	0
Maine	175,000	96,311	55	15,023	8	35,931	41	22,456	66.9	1,120	.7		297	297	0
Maryland	729,995	293,158	40	15,532	2.1	93,802	16	81,246	19.1	3,454	.5	88	24	23	0
Massachusetts	685,175	445,364	65	48,881	7	105,057	46	77,492	63.1	1,927	.2	86	351	558	0
Michigan	1,339,829	554,528	41	27,589	22	231,004	11	167,661	16.4	3,989	.3	62	650	532	0
Minnesota	773,871	457,550	59	18,500	2.4	135,658	13.6	102,145	18.1	2,016	.3	25	1,244	1,244	0
Mississippi	540,000	380,573	70	79,311	14.7	320,750	25	256,196	31.0	6,435	1.2	100	149	130	[1] 50
Missouri	1,017,412	523,787	51	41,396	4	196,430	21	144,612	28.6	1,314	.1	78	729	All	0
Montana	161,559	57,310	35	5,497	3.4	24,602	22	16,978	32.4	815	.5	100	730	220	0
Nebraska	266,313	142,783	54	10,037	3.8	60,088	16.7	37,346	26.9	517	.2	37	1,571	395	0
Nevada	113,468	19,424	17	1,725	1.5	5,718	30	4,688	36.8	485	.6	22	17	13	0
New Hampshire	139,135	71,165	51	(5)	(5)	12,434	(5)	8,385	(5)	600	1.0	16	173	All	0
New Jersey	1,266,524	248,002	19.5	25,327	2	126,334	21	108,767	23.3	4,782	.4	97	573	321	13
New Mexico [1]															
New York	3,160,000	1,413,000	45	417,500	13	489,281	85	405,584	103	4,800	.2	98	747	974	0
North Carolina	984,946	776,198	78	155,893	15	456,019	34	334,527	46.6	10,640	1.0	79	157	157	0
North Dakota	130,046	89,097	68	N.A.		39,332		26,325		290	.2	8.3	474	354	0
Ohio	1,511,727	779,635	52	56,601	3.7	257,320	22	194,251	29.1	36,549	2.4	100	640	all	0
Oklahoma	391,471	257,000	65.5	39,227	10	135,770	29	101,346	38.7	4,970	1.3	65	694	740	0
Oregon	430,401	191,486	44	8,033	1.5	44,075	18	33,832	23.7	646	.1	71	356	(3)	2
Pennsylvania	2,125,071	830,961	39	58,558	2.0	334,387	17	255,396	22.9	3,640	.2	80	699	547	0
Rhode Island	107,840	41,577	38	6,484	6	24,291	26	18,883	34.3	41,577	38	72	39	32	0
South Carolina	603,387	458,865	76	142,248	23	278,491	51	208,329	68.3	5,250	.9	81	93	92	0
South Dakota [2]															
Tennessee	678,509	529,546	78	72,299	13	314,191	29	222,959	32.4	11,654	1.7	82	150	145	3
Texas	2,395,000	967,112	40	122,000	5	617,085	19	403,275	30.3	92,558	3.8	80	1,244	1,106	0
Utah	251,361	162,220	65	15,866	6.3	21,478	74	15,395	103	325	.1	3.2	40	40	0
Vermont	85,461	40,598	47	4,200	10.3	14,723	28.6	8,945	47.2	753	.8	24	235	248	0
Virginia	1,018,000	(4)	[4] 41	64,630	6.3	256,421	25	179,409	35.5	47,111	4.6	47	134	132	0
Washington	753,460	777,076	37	15,350	2	67,200	23	49,358	31.1	1,822	.2	13.6	326	224	16
West Virginia	320,628	181,724	56	35,600	11	141,566	25	109,083	32.6	51,905	16	95	55	55	0
Wisconsin	721,329	351,095	49	10,739	15	112,011	9.6	78,593	13.6	1,859	2.6	47	459	431	0
Wyoming	80,362	35,922	44	2,065	2.0	9,273	22	6,585	31.4	744	.9	100	161	110	0

[1] Percent.
[2] No date supplied.
[3] All but.
[4] Estimated.
[5] Not available.

Note: In the case of columns 3, 5, 7, 9, and 11, percentages were figured by the simple division indicated.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **JAVITS**. Mr. President, I yield myself 5 minutes. I am desirous of bringing about a vote at the earliest possible time. As soon as we get enough Senators present to get the yeas and nays, I think we can proceed to vote.

The **PRESIDING OFFICER**. The Senator from New York is recognized for 5 minutes.

STATES' PRIORITIES

Mr. **JAVITS**. Mr. President, I have heard with deep interest the views of the Senator from Georgia and the Senator from Kentucky. And I respect them both fully. I should like to deal with those views very briefly.

First, as to the views of the Senator from Kentucky, I thoroughly agree with him that people who can afford to pay should pay. But I cannot agree with the argument of the poor States because it is a question of priorities in those States.

Unless the Senator from Kentucky can produce a chart for me, or produce it for the Senate—he does not have to do it for me—which shows that Kentucky is striving to its maximum, based upon intelligent priorities of which hungry children would be the top, it seems to me, and is doing its utmost in respect of this program, I do not think that the argument that remaining static at present is the best they can do is a valid argument.

Certainly we have seen it time and again. If the carrot is big enough, they will do a little more themselves and will give higher priorities than otherwise.

I do not know exactly what Kentucky is doing about its own tax system. It is none of my business. But I would hazard a guess that on the basis of progressive income, it is a lot less onerous than is the case in New York, Illinois, or other such States.

It is a question of priority. Certainly the children are entitled to the highest priorities. And the poor States should not hold back the march of progress for the whole country unless there is a demonstrated need for it.

As to the 20-cent figure, there is an extraordinary variation shown throughout the testimony as to the circumstances under which they have the so-called reduced price meals throughout the country. And we have had lots of that testimony. There has been victimization in regard to this. I do not necessarily want to pick out the State of Georgia, but it is an example. There was testimony before the Agriculture Committee with respect to Richmond County, Ga., where it is said on page 247 of the hearings report:

> It is understood that free lunches are granted only in cases of extreme emergency. Parents with TV sets, telephones, automobiles, etc., should not request free lunches unless dire circumstances have suddenly overtaken them.

They ask:

> Would you be willing to let your children do a small amount of work, such as picking

> up paper, as part payment for the lunches they receive?

More important than that is the question:

> Are you willing for a committee from the P.T.A. to visit your home to investigate this application for free lunches?

I am not citing that as a horror story. I am sure that there are other places in other States that are much worse. I would not be surprised to find an example of this in my own State. And I am frank to say that. None of us can claim any kind of immunity.

I only point out that the absence of a concrete base on which this program can stand is a serious one. That is what we are trying to restore.

The Senator from South Dakota (Mr. McGovern) has pointed out—and he is the fountainhead of knowledge concerning this effort—that he considers this as important as any amendment that we are presenting to the Senate.

Finally, I would point out that we are not approaching the optimum. Half the children are not getting the lunches that they need and should have. We have on the present basis over 6 million children. And over 3 million of them are being served, but are being served on an unrealistic standard that does not represent the need.

It seems to me that we must establish the need. If we cannot do it by appropriations, we will of course take the most needy first. But it is one thing to be appropriating against a standard which shows a 2 million gap and appropriating against a standard which shows the true gap of more than 4 million. That goes for every State.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. Mr. President, I should like to address myself to the main argument of the Senator from Georgia, which is the diversity that he claims exists. This argument was not challenged, and it must be challenged.

Only 5 percent of the families of the United States work on or have anything to do with farming. That is all.

Mr. AIKEN. Mr. President, I object to that statement. Over 30 percent of the population gainfully employed in the United States depends on agriculture for their living—producing, harvesting, handling, and processing our food and fiber. The figure is 30 percent.

Mr. JAVITS. Mr. President, I will not in any way controvert my beloved colleague, the senior Senator from Vermont, because he is right. However, the statement is not germane to the argument. The question is what is the cost of living for those families. Of the 30 percent, 25 percent are engaged in processing various types of agricultural products and live in towns with populations of from 2,500 to 50,000. Their cost of living—not certified by me, but certified by the Bureau of Labor Statistics—is at the very minimum in the area of $5,000 for a family of four.

And the rural people, the people who, because of cows, pigs, and vegetables, may have a lower cost of living because they get the benefit of the farm, is a very small percentage of the population of the United States.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. TALMADGE. Mr. President, the Senator will agree with me that he will find no farmers in New York City, but he will find a great many farmers in Missouri, Iowa, and Georgia. That indicates the diversity of our population and the folly of trying to have national standards.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I ask unanimous consent at this time to modify my amendment.

The modification I proposed before omitted some key words.

As modified, my amendment would read:

> *Provided*, That none of the requirements of this section in respect to the amount for "reduced cost" meals and to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school lunch program under the provisions of Section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements.

Mr. TALMADGE. Mr. President, I have no objection.

Mr. JAVITS. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The amendment is so modified.

Mr. JAVITS. Mr. President, to complete the point, the fact is that the Bureau of Labor Statistics gives us a figure which indicates the lowest possible budget required in nonmetropolitan areas—which is defined as places having a population of from 2,500 to 50,000—the lowest conceivable cost analyzed here is $3,945. There are families living on farms who receive the benefits of produce from the farm. They amount to a very small proportion of the population. I honor them and love them dearly. But I do not think that is a criterion that ought to control the situation. They would have a lesser standard than in other areas. Where we have to set a standard, and in the overwhelming majority of the population of the United States, the standard is at least 25 percent below the actual living cost on a low-budget average.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. Mr. President, I think this is important when it comes to arguing farm stability and when it comes to arguing questions of the stability of farm prices and so forth.

The Senator from Vermont is correct. There we deal with everybody depending on the farm income. But we are not arguing that. We are arguing the cost of living as far as the country is concerned.

I respectfully submit that the Bureau of Labor Statistics Index applies to the overwhelming majority of families engaged in what we call the agriculture business—although it does not apply to that low proportion of population—which gets its income directly off the farm.

Mr. President, I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I wish to speak on behalf of the amendment. The only concern I have is that the $4,000 eligibility standard is going to be obsolete with the present rate of increases in the cost of living of 5 percent or 6 percent a year. If there are communities or States where $4,000 is a little high, I would anticipate that they will be coming in and asking that the sum be made $4,500 because $4,000 is not realistic in a relatively short period of time.

The deep concern I have is with respect to the reference to New York and Illinois as rich States. That does not take into account that they are also rich in problems. A great many poor people migrate to those States from the South; perhaps it is because there is more opportunity, or that welfare is higher, or perhaps someone down there gave them a one-way bus ticket to take the problem to another State.

Illinois has a State income tax, a State property tax, and a State sales tax of 5 percent. We have every tax that one can think of and we still do not have sufficient funds to meet the needs of our residents. The city of Chicago depends primarily on property taxes and the higher they get the more we drive industry out.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield 2 additional minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. JAVITS. I yield 1 minute to the Senator from Illinois.

Mr. PERCY. We drive industry out and people lose jobs so that in Chicago we are feeding 150,000 children who are poor and hungry. A month ago the schools that were recently opened needed money for free and reduced price lunches for 9,000 more children and we did not have the money. The rate of progress of 150,000 being fed today has more than doubled from a year ago. State and local communities are doing the best they can, but I do not think we can go further with the resources available and the problems we face in health institutions and welfare programs. The kind of help in this bill and amendment would be needed. I think a uniform standard will not jeopardize the program. It would insure that all hungry, poor children wherever they are will receive a free or reduced price lunch.

Mr. COOPER. Mr. President, will the Senator yield to me for one minute?

Mr. TALMADGE. I yield 1 minute to the Senator from Kentucky.

Mr. COOPER. Mr. President, I think there is merit in the argument of the Senators from Illinois and New York that the amendment should not be a parochial issue. I do not intend to do so, but it is a fact that States with rather limited resources have been trying to make the school lunch program work by State and local revenues and payment by students able to pay. Seventy-five percent of the schoolchildren in Kentucky have participated, and throughout the South from 50 percent to 75 percent receive school lunches.

Other States have not assumed their responsibility. Now they come with an amendment which would make it easier for their States to afford the program and which would force heavier costs on the States which have been trying to do a good job. That is the point I make. I want a program that will reach every truly poor child in the country but I do not think it can be done by letting all the rich and the middle-income people get off with a 20-cent lunch, and by shifting a heavier burden to the States which have been meeting their responsibilities and actually feeding most of the schoolchildren.

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

The Senator from New York in arguing for a nationwide standard brought out similar problems a child may have in the city of Augusta, Ga., to get a free or reduced price lunch. I hold in my hand statistics from people who make comparisons, the American School Service Association. The statistics in this document show that in Georgia, of the schoolchildren eligible for a free or reduced price lunch, 77 percent of our students participated. In the State of New York the figure is 62 percent. So our standard of performance in Georgia is 15 percent better than it is in New York State.

The departmental views on this subject were quite persuasive. We were considering a question of whether or not to have legislative mandate determine what a reduced price lunch would be. The department felt the question of reduced cost lunches is a matter of administrative regulation and flexibility and not legislative mandate. The department has already by regulation defined reduced cost lunch as one which is 15 cents under the regular price paid in the school, if that price is over 25 cents; and if the regular price is 25 cents or less, the reduced cost lunch must be at least 10 cents under the price. I think the department regulation is better than writing in a standard because it lends itself to flexibility and change.

In conclusion, the Senator from New York would make every family eligible for a free lunch if its earnings were $4,000 a year or less. There are 8.4 million such students in the United States. The Senator admits it would cost $817 million to try to carry out the provisions of his amendment. Being realistic, I do not think Congress is going to authorize that sum of money this year or at any time immediately. What would be the effect? There would be all those who would be eligible and the funds would not be available. That would mean it would hit hardest on those that the committee and Congress want to help. It would be foolhardy to pass legislation that we know in the final analysis is going to hurt people that we purport to help.

Mr. President, I hope the amendment is rejected.

Mr. President, I yield back the remainder of my time. I am ready to vote.

Mr. JAVITS. Mr. President, I ask for 1 minute on the bill. Will the Senator from Georgia reserve the remainder of his time?

Mr. TALMADGE. I reserve the remainder of my time.

Mr. JAVITS. Mr. President, to conclude the debate, the one point that needs to be dealt with is that we are not going to deprive poor children because we will have these basic standards. I do not see how that would operate because, naturally, as they have up to now, they are going to operate on the basis of the most needy first. If that were true, what about the present situation where there are inadequate appropriations to deal with 6 million eligible schoolchildren and only 3 million are being cared for?

If my amendment is agreed to we would have the right target to shoot at.

Mr. TALMADGE. It would not let local authorities designate in that group because Congress would be acting.

Mr. JAVITS. I cannot agree with the Senator. If under the definition of the locality they have twice as many eligible as they are looking after they have to do the right thing.

Mr. TALMADGE. I yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

On this vote, the Senator from Virginia (Mr. SPONG) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from Virginia would vote "yea" and the Senator from Alabama would vote "nay."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The result was announced—yeas 41, nays 40, as follows:

[No. 55 Leg.]

YEAS—41

Bayh
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Cook
Cranston
Eagleton
Fong
Goodell
Gore
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Magnuson
Mathias
McGovern
Montoya
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Stevens
Williams, N.J.
Young, Ohio

NAYS—40

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Boggs
Byrd, Va.
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Goldwater
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Long
Mansfield
Miller
Moss
Murphy
Prouty
Russell
Smith, Maine
Smith, Ill.
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—19

Church
Dodd
Gravel
Griffin
Kennedy
McCarthy
McClellan
McGee
McIntyre
Metcalf
Mondale
Mundt
Pell
Saxbe
Sparkman
Spong
Symington
Tydings
Yarborough

So Mr. JAVITS' amendment (No. 508), as modified, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the previous vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TALMADGE. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The motion to reconsider the previous vote is pending. The yeas and nays have been ordered. The question is debatable.

Mr. ALLEN. Is the question on a motion to table?

The PRESIDING OFFICER. Does the Senator from Alabama move to table?

Mr. ALLEN. No; I ask for a yea-and-nay vote on the motion to reconsider.

Mr. TALMADGE. Mr. President, is my understanding correct that the pending question is on the motion to reconsider the vote by which the amendment was agreed to?

The PRESIDING OFFICER. The Senator is correct.

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Mr. TALMADGE. And that a yea vote would be a vote to reconsider?

The **PRESIDING OFFICER.** A yea vote would be to reconsider, that is correct. The motion is debatable.

Mr. JAVITS. Mr. President, I do not think it was the intention of the majority leader to have the question debated. I was not eligible to make such a motion, but I moved to reconsider the vote simply as a formality; therefore I would ask unanimous consent to withdraw the motion, so that it could be made by an appropriate Senator, and a motion to table would be in order.

Mr. MANSFIELD. Mr. President, the majority leader had nothing to do with the pending motion, but in view of the fact that one of our colleagues was stuck in an elevator, through no choice of his own, and was out of breath when he arrived here, I move to reconsider the vote by which the bill was passed.

Mr. AIKEN. Is the question on a motion to lay on the table?

Mr. ALLEN. No, on the motion to reconsider.

The **PRESIDING OFFICER.** The question is on agreeing to the motion to reconsider the vote by which the amendment (No. 508, as modified) of the Senator from New York was agreed to. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), the Senator from Alabama (Mr. Sparkman), the Senator from Missouri (Mr. Symington), the Senator from Maryland (Mr. Tydings), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that the Senator from Idaho (Mr. Church) is absent on official business.

I further announce that, if present and voting, the Senator from Utah (Mr. Moss) would vote "yea."

On this vote, the Senator from Alabama (Mr. Sparkman) is paired with the Senator from Texas (Mr. Yarborough). If present and voting, the Senator from Alabama would vote "yea" and the Senator from Texas would vote "nay."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. Griffin) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Tennessee (Mr. Baker) and the Senator from Arizona (Mr. Goldwater) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

The result was announced—yeas 39, nays 42, as follows:

[No. 56 Leg.]

YEAS—39

Aiken
Allen
Allott
Anderson
Bellmon
Bennett
Boggs
Byrd, Va.
Byrd, W. Va.
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Mansfield
Miller
Murphy
Prouty
Randolph
Russell
Smith, Maine
Smith, Ill.
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—42

Bayh
Bible
Brooke
Burdick
Cannon
Case
Cook
Cranston
Eagleton
Fong
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Magnuson
Mathias
McGovern
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Schweiker
Scott
Stevens
Williams, N.J.
Young, Ohio

NOT VOTING—19

Baker
Church
Dodd
Goldwater
Griffin
Kennedy
Long
McCarthy
McClellan
McGee
McIntyre
Metcalf
Moss
Mundt
Saxbe
Sparkman
Symington
Tydings
Yarborough

So the motion to reconsider was not agreed to.

AMENDMENT NO. 509

Mr. JAVITS. Mr. President, I call up my amendment No. 509 and ask that it be stated.

The **PRESIDING OFFICER.** (Mr. Eagleton in the chair). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered; and the amendment will be printed in the Record.

The amendment of the Senator from New York is as follows:

On page 29, after line 6, insert the following:

"UTILIZATION OF PRIVATE FOOD SERVICE COMPANIES

"Sec. 10. The National School Lunch Act is further amended by adding after section 14 (as added by section 9 of this Act) a new section as follows:

" 'UTILIZATION OF PRIVATE FOOD SERVICE COMPANIES

" 'Sec. 15. (a) Any school which the Secretary determines lacks or has inadequate food preparation facilities may formulate and carry out under this Act and the Child Nutrition Act of 1966 a child feeding program by contracting with private food service concerns for the provision of nutritious meals for such school.

" '(b) The Secretary shall provide food commodities, including milk, to schools which conduct programs authorized by this section, and such schools shall be entitled to cash benefits authorized under this Act and the Child Nutrition Act of 1966.

" '(c) The highest nutritional requirements prescribed by the Secretary for lunch and breakfast means served under this Act and the Child Nutrition Act of 1966, respectively, shall apply in the case of lunch and breakfast meals contracted for by any school under authority of this section.' "

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The **PRESIDING OFFICER.** The Senator from New York is recognized for 5 minutes.

PRIVATE FOOD MANAGEMENT COMPANIES

Mr. JAVITS. Mr. President, at this time, I am withdrawing my second amendment, No. 509, an amendment to allow schools to utilize private food management companies in the provision of nutritious meals to children in federally assisted child feeding programs.

I first introduced this concept in my omnibus hunger bill in August of last year and reintroduced it in revised form in my Child Nutrition Act of 1969, on which the Committee on Agriculture conducted hearings.

ADMINISTRATION'S INITIATIVE

Since that time, the administration has taken the initiative in drafting regulations which reverse the policy prohibiting food management companies from entering child feeding programs. I wish to commend Secretary Hardin for doing what previous administrations had for so long refused to do—utilize the expertise and competence of the private food industry.

In an effort to ascertain whether the new regulations would be in complete harmony and accomplish the same purposes as my amendment, I wrote a letter of inquiry to Secretary Hardin.

Mr. President, based on that response, I feel the new regulations will accomplish the same purposes as my amendment, and I have the assurance of the Department that the regulations will not restrict schools from contracting with such companies. Therefore my amendment is no longer necessary.

The administration's action, which has been needed for so long, will help feed many millions more children in such cities throughout the Nation as Buffalo, N.Y., where school officials have sent out bids to private food companies asking for help.

I am especially pleased that the administration is taking steps to implement the recommendations of the White House Conference on Food, Nutrition, and Health calling for utilization of private food companies.

Mr. President, the utilization of private food management companies, in respect to the school lunch program, has been a matter of absorbing interest to me for a long time, as this is a way in which schools can have this program without having the facilities themselves.

Many companies specialize in food service to factories and similar public establishments, and when I say "public" I do not mean necessarily governmentally owned, where the problem arises.

The Department, in a letter to the committee, said that it would change its regulations as of April 1.

With respect to the matter of the food service companies being brought into this picture, my amendment nonetheless was pressed because as stated before:

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one, we wanted to be sure that the earliest possible date would obtain; second—a very important proposition—we wanted to be sure that there would be no conflict with the intent of my amendment on the basis of agreement of the department; and three, also that no school would be penalized by losing anything under the School Lunch program because it was going to contract with a private food management company.

I wish to reiterate that the department is fully satisfied on all points, as expressed in a letter dated yesterday, which I ask unanimous consent to have printed in the RECORD, as well as the letter which I wrote to the Department on the subject. I have given the letter to the Senator in charge of the bill, and he is satisfied.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 20, 1970.
Hon. CLIFFORD M. HARDIN,
Secretary, Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: As you know the Senate will consider S. 2548, the School Lunch bill reported by the Agriculture Committee.

I intend to introduce an amendment to that bill, which would allow private food management companies to contract with schools for the provision of nutritious meals under Child Feeding Programs receiving federal assistance.

Recognizing that the Administration has indicated an intention to issue new regulations to permit private food companies to provide meals, I would appreciate your advising me as to the present status of your efforts and the extent to which the regulations contemplated would accomplish the intent of my amendment. I am particularly interested in knowing whether under the new regulations schools with contracts with food management companies would receive the same cash and commodity benefits as do schools completely operating their own programs.

Sincerely,

JACOB K. JAVITS.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 23, 1970.
Hon. JACOB K. JAVITS,
U.S. Senate.

DEAR SENATOR JAVITS: Thank you for your letter of February 20 regarding your amendment to S. 2548 to allow private food management companies to serve child feeding programs.

As you point out in your letter the Administration has indicated its intention to utilize the capabilities of food management companies in child feeding. This policy was announced by Dr. Jean Mayer in his December 24 White House press conference. Dr. Mayer's announcement was the product of a review of the long standing practice of excluding these companies. It was also responsive to legislative initiatives including the provisions of your own child feeding bill.

We will publish our proposed regulation in the Federal Register on or before March 1. It will allow all schools to contract with food service management companies and continue to qualify for all the cash and commodity grants available to school administered programs.

The regulation will clearly accomplish the purposes of your amendment.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

Mr. TALMADGE. If the Senator will yield there, as the Senator knows, the committee took action along with the Senator's insertion in the committee report of another letter from the Department. I ask unanimous consent that the letter, beginning on page 8 of the committee report, signed by Edward J. Hekman, Administrator, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
Washington, D.C., January 14, 1970.
Dr. J. W. EDGAR,
Commissioner of Education, State Education Agency, Austin, Tex.

DEAR DR. EDGAR: This is to give you advance notice of the Department of Agriculture's intention to amend the regulations for the child nutrition programs with respect to the use of food service management companies.

We know you are aware of the great need to expand the coverage of the child nutrition programs to reach as many additional needy children as possible and as quickly as possible. President Nixon and the delegates to the recent White House Conference on Food, Nutrition, and Health, have urged action to make these programs a more effective delivery system in the drive to eliminate poverty related hunger and malnutrition in this country.

To help reach this goal, we have evaluated all available resources that could make a contribution, including the use of the skills and capacities of food service management companies.

Our analysis leads to the conclusion that there is no justification for the continued across-the-board exclusion of food service management companies in the operation of the school lunch and other child nutrition programs which are federally assisted by this Department.

Accordingly, we will develop new regulations establishing the policies and standards under which food service companies may be authorized to conduct food service in schools and service institutions receiving Federal food assistance.

Under this change in the Federal regulations, State educational agencies would still have the authority and discretion through their own regulations to determine their policies with respect to the use of food service management companies in schools.

The proposed changes in the regulations will be forwarded as soon as possible for your review. We are aiming for April 1 as the target date on which the changes will become effective.

Sincerely,

EDWARD J. HEKMAN,
Administrator.

Mr. TALMADGE. Mr. President, I thank the Senator from New York.

Mr. JAVITS. I thank my colleague from Georgia.

Also included was the message as sponsored with my colleague from New York (Mr. GOODELL) on the school lunch program. I express my gratification to the committee and to the department, that it is taken care of in this effective way. The Senator from Georgia (Mr. TALMADGE), the cosponsors, and I, believe that this should have a measurable and helpful effect upon the totality of the program.

Mr. TALMADGE. It would be extremely helpful in some of the large cities that have no large food serving equipment, or space. In the hearings, it was brought out that there were no equipment, no cafeterias, or dining rooms in some of the large metropolitan areas.

Mr. PERCY. Mr. President, on that very point, if the Senator will yield, in Chicago, there are 50,000 ghetto children who attend schools without facilities of this kind. This amendment certainly would facilitate providing them with a needed meal. I think we should point out that many times we hold conferences in Washington and nothing ever comes of them. This is not so with the White House Conference on Food, Nutrition, and Health. I think we have expeditiously moved on the recommendations of the Conference by this and other amendments.

Mr. JAVITS. I thank my colleague from Illinois. The Senator is a cosponsor of this amendment and has expressed the deepest interest and has helped work on it. The letter from the Department of Agriculture acknowledges the valuable contribution of Dr. Jean Mayer who planned the White House Conference on Nutrition in bringing about this result.

On that basis, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The question is on agreeing to the committee amendment in the nature of a substitute.

AMENDMENT NO. 514

Mr. STEVENS. Mr. President, I call up my amendment No. 514 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

AMENDMENT No. 514

On page 22, lines 13 and 14, strike out "a new sentence as follows" and insert in lieu thereof "the following".

On page 22, line 20, immediately after the period, insert the following: "Whenever the amount of annual income of a family is prescribed as part of the criteria for determining the eligibility of a child of such household to receive free or reduced-price lunches, the amount of annual income prescribed by such criteria shall be increased by 25 per centum in the case of Hawaii and Alaska and the amount apportioned to each state shall be increased accordingly."

On page 22, between lines 20 and 21, insert a new subsection as follows:

"(e) Section 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1771) is amended by adding at the end thereof a new sentence as follows: 'Whenever the amount of annual income of a family is prescribed as part of the criteria for determining eligibility of a child of such household to receive free or reduced-price meals, the amount of annual income prescribed by such criteria shall be increased by 25 per centum in the case of Hawaii and Alaska and the amount apportioned to each State shall be increased accordingly'."

Mr. STEVENS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 10 minutes.

Mr. STEVENS. First, I should like to make certain that the record is clear that the amendment is cosponsored by both Senators from Hawaii (Mr. FONG and Mr. INOUYE).

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We have previously recognized the concept of the cost of living in Alaska and I have pointed this out in many ways.

For instance, military people who serve in Alaska are paid overseas pay. Government employees are paid 25 percent in addition to the rate they would be paid in the "South 48"—as we call them. This is cost-of-living allowance for Government employees. Many Government employees are on a wage board scale. Even in the area of moving costs for those displaced by Federal projects, we increased the payment for moving costs to recognize the extreme high cost of living in my State and in Hawaii.

Our costs are 25 percent in excess of any other State in the Union. The pending amendment merely seeks to recognize this in terms of the children that would be benefited by the programs.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. STEVENS. Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, having just recently been in Alaska on the occasion of the momentous opening of the bids, I was shocked at the prices for clothes, meals, for hotel rooms, lodging, rent, and interest. Everything is substantially higher. Certainly in view of that situation—and the same situation also prevails in Hawaii—I know that the Senator is seeking to put Alaska and Hawaii on the same basis as the rest of the country with his amendment.

The Senate has said that the $4,000 eligibility standard should be used. The Senator is seeking to except Hawaii and Alaska by increasing the standard and thus put them on the same basis.

I support him and commend him for pointing out the needs of his people.

Mr. STEVENS. Mr. President, I thank the Senator. There are 124,000 children under the age of 18 in my State.

As the amendment of the Senator from South Dakota and the amendment of the Senator from New York have been adopted, thereby placing a $4,000 figure in the bill, there would be 14,062 children under the age of 18 who would be covered by the bill, or approximately 11 percent of the children of Alaska. In families having a family income of under $5,000, which would be the goal of the amendment we have offered, there are 18,057 children or approximately 16 percent. That would be close to the national average of the effect of the bill as it has been amended. The increase brought about by raising the amount from $4,000 to $5,000 would be an increase of 38.4 percent in my State.

In the case of Hawaii, there are 304,000 children under the age of 18. For those in families with family incomes of less than $4,000, there are 34,889 children under the age of 18. That is approximately 10 percent, almost exactly as is the case in Alaska for those in families with under $4,000 annual income.

In families having $5,000 annual income or less, there are 52,722 children under the age of 18.

I call particular attention to this. Although the coverage of this amendment is approximately the same as in Alaska—Hawaii would be 15 percent and Alaska would be 16 percent. To raise that amount from $4,000 to $5,000 would increase the coverage in the case of the children in Hawaii by 59.7 percent.

We are not seeking any special benefit. We are merely saying that if we have a figure of $4,000, it would not be effective because it would not cover the children of people living in poverty. The bill as it stands covers only those people living in abject poverty.

The bill will not assist those in urban areas with a high cost of living. This amendment of ours is not something just for the native people of my State. Most of their family incomes do not equal $4,000.

This is an amendment for Hawaii and Alaska to make the school breakfasts and lunches available to the schoolchildren in the urban areas of Hawaii and Alaska where the cost of living is the highest in the Nation.

If the figure $4,000 remains, it would be discriminatory to the people of Alaska and Hawaii.

Just as we provide Government employees with a cost-of-living allowance and provide military people in Alaska with a cost-of-living allowance, we should recognize that a 25-percent actual cost-of-living allowance should be included in this program.

I feel very strongly about the matter. I cannot see setting arbitrary limits in bills such as this. The amount has been agreed to. I support it. I understand fully the reasons why it is necessary to have the figure. However, in doing so, I would hope that those who have supported the amendment of the Senator from South Dakota and the amendment of the Senator from New York will realize that in supporting the amendment of the Senators from Hawaii and the Senators from Alaska they have not done a disservice to the people of my State.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, the objective of this amendment appears to be to provide in both the school lunch and school breakfast programs in Alaska and Hawaii for, first, income criteria for free or reduced price lunches or breakfasts 25 percent higher than other States, and, second, a commensurate increase in Federal funds apportioned to Alaska and Hawaii.

The amendment appears to be defective in several respects.

First, the income criteria for free or reduced price meals are required to be fixed by local school authorities. This amendment would thus require Alaskan school authorities to fix the income requirement 25 percent above the income requirement fixed by Alaskan school authorities. We do not see how this could be done. The purpose of the amendment probably is to substitute $5,000 for the $4,000 minimum income criteria adopted by the Senate yesterday for the school breakfast program, and the similar amendment adopted for the school lunch program today. But the amendment does not do that.

Second, the amendment provides that the amounts apportioned to Alaska and Hawaii shall be increased "accordingly." This raises the following questions:

What funds are we talking about? Section 4 funds for the regular school lunch program, nonfood assistance funds, section 11 funds for special assistance, section 32 funds? The amendment is probably directed in the case of the school lunch program to section 11 funds, but it does not so provide.

Then, if we determine what funds are to be increased, how should they be increased "accordingly" for Hawaii and Alaska. Possibly the intent is to increase them 25 percent. More probably the intent is to use a $5,000 factor for Alaska instead of the $4,000 factor adopted by the Senate yesterday for the apportionment of section 11 and school breakfast programs, but the amendment does not specify.

These income criteria are fixed by local school districts and consequently may vary from district to district. Alaska might have a wide variety of income standards, as might every other State, with possibly two or more standards in each district, one for free meals, and one or more for reduced price meals. Alaskan standards might be higher or lower than Hawaiian standards. If New York authorities were in a generous mood they might fix standards above those for either Alaska or Hawaii. The provision for increasing the apportionment is completely ambiguous.

The committee is sympathetic with this amendment. It underlines the fact that conditions do vary from country to city and from State to State. The committee does not believe that it is feasible or fair to fix a minimum that is applicable in all areas regardless of conditions.

I am aware of the fact that the cost of living is quite high in Alaska and in Hawaii. But I am also equally aware of the fact that the cost of living is quite high in New York City and Chicago and Detroit, perhaps higher than it is on a farm in south Georgia or in a rural area of Hawaii or Nebraska.

That shows the foolhardiness of trying to legislate national standards.

Alaska and Hawaii are both members of the Union. We make laws for all 50 States. We make laws to apply equally and uniformly. I think it would be a great mistake if the Senate were to set up standards and then make exceptions and name two States that have different standards from the other 48 States. To my mind, it might be a serious impairment of the equal protection provision of the law.

Mr. President, this is one common country, indivisible, with liberty and justice, I hope, for all. We should have equal application of the law for all.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 10 minutes.

Mr. STEVENS. Mr. President, I un-

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derstand the position stated by the manager of the bill, and I have great respect for the Senator from Georgia. I remember so well sitting up in the gallery at the time we sought statehood, and we did it on the basis that we wanted to be treated equally. But that is just my point. No one—and I repeat, no one—can deny the statistics. There is not a State in the Union which has a greater cost of living than ours, other than Hawaii. Under those circumstances, when a figure of $4,000 is submitted in a bill it is no different than writing in x dollars for the salary of a Government employee or writing in a figure of x dollars for a serviceman. We recognize that those salaries in Alaska and Hawaii do not provide Government employees and servicemen enough money on which to live.

Now, we are saying we should have these programs to assist schoolchildren. We want equality, and that is all—not special benefits. In this connection, as far as the coverage of this amendment, I thought it was very specific. It states:

> "Whenever the amount of annual income of a family is prescribed as part of the criteria for determining the eligibility of a child of such household to receive free or reduced price lunches, the amount of annual income prescribed by such criteria shall be increased by 25 per centum in the case of Hawaii and Alaska and the amount apportioned to each state shall be increased accordingly.

That language is very plain. Whenever the income of the family is to be used as the criteria we would get recognition of the fact that the cost of living is at least 25 percent higher.

I would be pleased to have the Senator from Georgia to come to my State with me as I go around and see the prices. The Senator from Illinois was there. I know that. He was in Anchorage. The cost of living there is about 25 percent higher

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. TALMADGE. I have been to the great State of Alaska. It is a great, beautiful, growing, and dynamic State. I am proud it is one of the 50 States in the Union.

When we get into the question of prices, they vary in all 50 States. I do not know of another Federal program, such as old age assistance, when we say there shall be one price for New York State, a different price for New Mexico, a different price for Kansas, and a different price for Alaska. We have to legislate uniformly for all 50 States. It would be unfair to pass a law for 49 States and provide that the application of that law be applied in a different manner for one State.

Mr. STEVENS. Mr. President, I appreciate the comments of the distinguished Senator from Georgia. I am happy to hear that he has been to my State. I was going to say I would like to take the Senator to the places where the cost of living exceeds the national average by 60 percent. We are just talking about the amount by which the cost of living exceeds the national average, and that is the amount we pay Government employees.

In most OEO programs, the OEO allowances are 25 percent higher for Alaska. It has been recognized in the poverty program that there are exceptions for Hawaii and Alaska if arbitrary national limits are set in terms of eligibility.

Mr. TALMADGE. Mr. President, will the Senator yield on that point?

Mr. STEVENS. I yield.

Mr. TALMADGE. I did not favor that amendment. Unfortunately, the Senator from Alaska did.

Mr. STEVENS. The Senator is correct.

Mr. TALMADGE. If that amendment had not been agreed to the State of Alaska would have the complete right to make those determinations by the local people in Alaska.

Mr. STEVENS. I appreciate the comment of the Senator but it is not quite the way I understand the situation. If we are going to have emphasis on this program, it is necessary that Alaska be heard on the national scene, and I think we should be. I am prepared to go home and defend myself for having voted for this program.

All we are doing is seeking equity under this program and it is no different than being under the poverty program of the OEO, or the situation in connection with Government employees or military employees.

As I told the Senator from Georgia prior to the Senate convening today, a young military man who serves in my State, who comes from another State, gets a cost of living allowance, but a young man from Alaska who goes in the military and serves in his State does not get an allowance. We are used to discrimination in some Federal laws and I hope we will be able to eliminate some of them. This is just a forerunner of discussions we hope to have in connection with legislation the President has submitted in terms of setting national standards as far as the poverty level is concerned.

I agree with the Senator from Georgia, to a certain extent, that a fair level cannot necessarily be set. But if there are to be national levels in the law they should be as fair as possible to the noncontiguous States. I do not think the Senator disagrees. We do not manufacture any products. Only about 8 percent of our agricultural products are grown in Alaska. We import almost everything from "outside," from the Senator's State and other States. We are growing with the new oil industry and we will be improving more.

I am happy to have the support of the Senators from Hawaii in connection with this effort to get equity for our two States.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. INOUYE. Mr. President, I would like to add to the presentation of the Senator from Alaska by advising Senators that in the last determination by the Department of Labor, the city of Honolulu received the No. 1 ranking in the cost of living in the United States. If our present laws are permitted to remain as is in terms of qualification, we will have approximatly 35,000 young children qualifying.

Under the amendment of the Senator from Alaska, the level would be much more realistic and we would have an increase of approximately 60 percent, raising the figure to 55 percent.

I think it would be unfortunate if the present law were permitted to stand. It would mean that in Alaska and Hawaii innocent children who had nothing to do with being impoverished would have to suffer from the high cost of living in our States.

As noted by the Senator from Alaska, the high cost of living in Hawaii is due to high transportation costs, and our distance from the mainland. The effect would be to penalize those young people because of the circumstances.

I commend the Senator for his leadership and initiative in promoting and sponsoring the pending amendment. I hope the amendment of the Senator from Alaska is agreed to.

The PRESIDING OFFICER. Who yields time?

Do Senators yield back the remainder of their time?

Mr. STEVENS. Mr. President, the senior Senator from Hawaii asked to be heard in connection with this matter, and I would like to wait for him. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 35 minutes remaining.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield such time to the distinguished Senator from Hawaii (Mr. FONG) as he may desire.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. FONG. Mr. President, I strongly support this amendment, which would add 25 percent to the amount of annual income used in determining the eligibility of a child in Hawaii or Alaska to receive free or reduced price school lunches.

Official Federal Government surveys on costs of living in Hawaii and Alaska since 1949 have consistently shown that it costs between 15 percent to more than 25 percent more to live in these noncontiguous States than it does to live in an area like Washington, D.C. The last survey of the U.S. Civil Service Commission regarding the cost of living for Federal white-collar employees in Hawaii and Alaska as compared to Washington, D.C. states:

> On the basis of Washington equaling 100, the new indexes were determined through the 1968 survey to be 130.0 in Anchorage, 139.3 in Fairbanks, 125.3 in Juneau, 115.4 in Honolulu.

The U.S. Department of Labor earlier this year, in recognition of Hawaii's higher cost of living increased the poverty level income criteria for Hawaii by 15 percent. This increase has allowed the State to more effectively assist lower income families, providing them with greater opportunities for upward mobility. This move allowed the State to offer assistance, through economic opportunity programs, to many more hundreds of poverty income level families in the State of Hawaii.

The increase from $3,000 to $4,000 in the poverty income level for certain programs now in the bill is a step in the right direction. However, the differential in living costs and income between Hawaii and the mainland United States has existed for many years and continues. There is no reason to believe that there will be a lessening of this differential, and it should be recognized and allowed for in this measure.

The 2,800 miles of open ocean separating Hawaii from its sister States imposes higher living costs for all of Hawaii's more than 700,000 people. These higher costs are shared by all industry and consumers in Hawaii, but the income levels remain at a level in line with and in many instances lower than those of the citizens of the other States of the Union.

This peculiar situation of high costs with no comparable increases in family income should be recognized when such income is a criterion for eligibility in a critical program such as this school lunch program. To ignore this disparity would place many of the schoolchildren in Hawaii and Alaska who come from lower income homes at a disadvantage not intended by the Congress. They would be denied participation in the school lunch program in a degree that is essential to their continued health and well-being.

I believe this amendment would only put back into law the spirit in which the school lunch program was formulated as it affects schoolchildren in Hawaii and Alaska. It is only fair that the income disparity be recognized and allowances made for it in this essential Federal program. I urge the adoption of amendment 514.

Mr. TALMADGE. Mr. President, I am prepared to yield back my time and get to a vote, but first I would like to get a few more Senators present on the floor before I do so. Meanwhile, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The time will be charged to the Senator from Georgia.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, if the Senator from Alaska is prepared to yield back the remainder of his time and have a voice vote, I am prepared to do so.

Mr. STEVENS. Mr. President, I have just received word that the junior Senator from Alaska (Mr. Gravel) is on his way to the Chamber, if we could delay it for just a few more minutes.

Mr. TALMADGE. Mr. President, under those circumstances, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am prepared to yield back my time.

Mr. TALMADGE. Mr. President, is the Senator prepared to vote?

Mr. STEVENS. Yes, I am prepared to vote.

Mr. TALMADGE. Does the Senator yield back the remainder of his time?

Mr. STEVENS. Yes, I yield back the remainder of my time. I move the adoption of my amendment.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time. I think we can have a voice vote.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Alaska. [Putting the question.]

Mr. TALMADGE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Oklahoma (Mr. Harris), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Alabama (Mr. Sparkman), the Senator from Missouri (Mr. Symington), the Senator from Maryland (Mr. Tydings), and the Senator from Texas (Mr. Yarborough), are necessarily absent.

I further announce that the Senator from Idaho (Mr. Church), is absent on official business.

I further announce that, if present and voting, the Senator from Alabama (Mr. Sparkman), would vote "nay."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. Griffin) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Tennessee (Mr. Baker) and the Senator from Texas (Mr. Tower) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "nay."

The result was announced—yeas 37, nays 45, as follows:

[No. 57 Leg.]

YEAS—37

Bellmon
Boggs
Brooke
Case
Cook
Cooper
Curtis
Eagleton
Fong
Gravel
Hart
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Magnuson
Mansfield
Mathias
McGovern
Mondale
Montoya
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Ribicoff
Schweiker
Scott
Stevens
Williams, N.J.

NAYS—45

Aiken
Allen
Allott
Anderson
Bayh
Bennett
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Cranston
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Goldwater
Goodell
Gore
Gurney
Hansen
Hartke
Holland
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Moss
Prouty
Proxmire
Randolph
Russell
Smith, Maine
Smith, Ill.
Spong
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—18

Baker
Church
Dodd
Griffin
Harris
Kennedy
Long
McCarthy
McGee
McIntyre
Metcalf
Mundt
Saxbe
Sparkman
Symington
Tower
Tydings
Yarborough

So Mr. Stevens' amendment was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FULBRIGHT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 515

Mr. MONDALE. Mr. President, yesterday I submitted amendment No. 515, accompanied by certain remarks which appear in yesterday's Congressional Record.

This amendment is designed to deal with what I regard to be a very serious gap in this Nation's——

The PRESIDING OFFICER. Has the Senator called up his amendment?

Mr. MONDALE. I have not yet called it up.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield 3 minutes to the distinguished Senator from Minnesota.

Mr. MONDALE. This amendment is designed to deal with what I regard to be a very serious inadequacy in our present national effort to bring good nutrition to those who do not now have it.

There has been ample testimony by Dr. Lowell and top pediatricians and experts around the country that in the first 4 or 5 days of life the human mind and the human body are most vulnerable to malnutrition and that during this time malnutrition can cause serious and permanent and physical and mental damage that cannot be remedied in later life. It is here that a failure to provide adequate nutrition can make the difference between a healthy mind and a healthy body and a mangled human being unable to achieve or even take care of himself in adulthood.

The pending school lunch program,

however, has been before us for several days, and I recognize that the approach embodied in this amendment is new. It has not been subjected to hearings and has not yet been the product of discussions in the Select Committee on Nutrition and Human Needs.

Therefore, I rise to emphasize what I regard to be the serious importance of an effort in this field, but I do not propose to raise it as an amendment at this time nor to seek to attach it to this bill.

I ask the Senator from Georgia, the floor manager of the bill, if he will yield to me for a question.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota for a question?

Mr. TALMADGE. I am delighted to yield to the Senator from Minnesota.

Mr. MONDALE. I have just indicated that I do not intend to raise this amendment on this measure. It is my understanding that the whole school lunch program will come up for renewal in 1971.

Mr. TALMADGE. The breakfast program will come up at that time, and the committee chairman has promised full hearings, and we would be delighted to consider the Senator's amendment at that time.

I compliment the Senator for not proposing the amendment at this time, because it was offered yesterday, and it was never considered by the committee. It is most far-reaching and comprehensive, as the Senator knows, and even our staff and the Department of Agriculture have not been able to ascertain its full import. But it will be given complete and thorough consideration at the time the Senate committee goes into this area next year.

Mr. MONDALE. I agree with what the Senator has just said.

As the Senator knows, the Committee on Finance will shortly begin with the President's program that he calls the family assistance program.

Mr. TALMADGE. If and when the House sends us a bill.

Mr. MONDALE. That is correct.

One element of that particular amendment is a national system of day care centers to take care of children while the mothers are engaged in employment. This gets into the question of what kind of care those children are provided during that period, and I hope that the Committee on Finance will also give some thought to the nutritional element.

Mr. TALMADGE. I agree with the Senator.

As the Senator knows, a nonprofit organization is eligible for contribution of commodities at the present time, and in certain instances I think it has done an outstanding job. Certainly, day care centers enable needy mothers to work, and a nonprofit organization is entitled to it under existing law. Certainly, it should be looked into carefully, because that is a laudable purpose and probably should be expanded.

Mr. MONDALE. I thank the Senator for his comments.

I do not intend to call up this amendment.

Mr. TALMADGE. I thank the Senator from Minnesota.

Mr. COOK. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from Kentucky.

Mr. COOK. I wish to commend the Senator from Minnesota for introducing the amendment and making the Members of the Senate aware of this.

The only point I should like to make and get into the RECORD is that we did have some testimony before our committee that rather disastrously showed that of all the children who are born today, medical science has determined that approximately 5 percent will have some mental deformity; that taking the same group of children today and projecting them to the age of 5, their mental problems will increase to 12 percent, and that means that we, with all the resources of this Nation, do far worse than nature.

I just wanted to get this into the RECORD, because I think it is one of the things that is vitally important in regard to the Select Commitee on Nutrition and Human Needs, as to why it was allowed to stay in existence. When we uncover more such statistics and show the necessity for a revitalization of parents in this country to understand and assume their responsibilities in true nutritional soundness in the case of children between the ages of absolute infancy and 5 years, I believe we will have cured one of the major problems in this Nation.

Mr. TALMADGE. I thank the Senator. I have served with him on the Nutritional Committee, and I know of his keen interst in this matter, and I compliment him on it.

Mr. President, so far as I know, there are no further amendments, so I think third reading is now in order.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the Senator from Virginia, who is a cosponsor of the bill.

Mr. SPONG. Mr. President, earlier today we voted on amendment No. 508. I reached the door of the Chamber just as the regular order was called for. I realize that the call for the order is completely within the rules of the Senate. Nevertheless, I subsequently voted that this matter be reconsidered, in the hope that I would have an opportunity to vote on that amendment, and I want to state that to the Senate at this time.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I corroborate the fact that he was unavoidably delayed due to technical difficulties over which he had no control. He was entering the door of the Chamber just at the time the Chair was announcing the vote.

Mr. TALMADGE. Mr. President, the Senator from Virginia is a cosponsor of the pending bill. He and I have discussed it many times. He delivered an excellent speech last evening in its behalf, and I know of his keen interest in this area. I know that if he had not been unavoidably detained, he would have been on the floor at the time of the vote.

Mr. SPONG. I thank the Senator.

Mr. MANSFIELD. Mr. President, I have directed the Sergeant at Arms to discuss the condition of the elevators with the Architect of the Capitol.

Mr. SPONG. I thank the majority leader.

Mr. MOSS. Mr. President, I rise to support S. 2548, a bill to amend the Nutritional School Lunch Act and the Child Nutrition Act of 1966 as reported by the Senate Committee on Agriculture and Forestry. It is an excellent bill that makes needed changes in our child nutrition program. I am proud to be a cosponsor. I believe in both of these programs and I want to see them as adaptable and flexible as we can make them. No American child should be handicapped in any way by lack of wholesome nutrition. We have the national capacity to produce or even to overproduce food. We must provide distribution to our children.

The bill is the product of extensive hearings. Witnesses testified from the widest possible range of expertise as to how we can do a better job of reaching children through the child nutrition programs. Expansion of these programs as a delivery system is the quickest and most direct route to improving nutrition among children—with special emphasis on getting at least one or two good meals a day to our neediest children.

S. 2548 is a very comprehensive measure affecting a number of phases of program operation and administration. The committee is to be commended for what I believe to be a really successful effort to get to the basic problems and come up with solutions.

There are several features of the bill that I find particularly attractive:

First. For the first time we are asking that the States, from their own resources, provide some program money. The National School Lunch Act has always had a 3 to 1 matching requirement. The States are supposed to be providing from State and local sources $3 for every $1 they receive in Federal funds for the regular school lunch program. Aside from State funds for administration, only a handful of States have been providing money to help put that lunch on the table. For many years now, States have consistently more than met the matching requirement primarily through the counting of the children's payments for the lunch as a credit toward the matching requirement.

Utah, I am happy to say, is one State that does put a substantial sum of money into the program. This school year we are providing $1,737,857 in State school lunch funds—almost 6 cents a meal. This does make a real difference. During the 1968–69 school year, 54 percent of Utah's schoolchildren participated in the lunch program compared with a national average of 39 percent.

S. 2548 would require that States provide funds from State revenues toward meeting the matching requirement. The level of State revenue to be provided would rise gradually until it constitutes 10 percent of the total matching requirement. No funds from children's luncheon payments or privately contributed funds of any kind could be included in computing the 10 percent.

Second. The proposed change in section 11 of the National School Lunch Act is really needed. At the present time, special assistance—higher rates of reimbursement per meal from Federal funds—is directed to schools drawing enrollment from low-income families. Now the focus is to be shifted to the needy child—the money will follow the child. This will go far to help relieve the impact on the paying child in schools that have an economic mix of poor, near poor and lower-middle-income children. Heretofore, the child who pays for his lunch also had to help pay for the lunch served to those in his school who could not afford the full price. This left the school in a real dilemma—price increases can quickly drive the paying child out of the program, leaving still less money to provide free meals for the poorest children. Everyone loses. The proposed new section 11 makes real sense to me.

Third. The committee has done an admirable job incorporating some flexible features that will permit testing of new ideas and new approaches to group food service for children; that will encourage efforts to improve nutrition education and training as an adjunct to the child feeding programs; that will enable States to use available funds where they are most needed.

Mr. President, we have by no means finished our task in child nutrition. The passage of this bill will make comprehensive statutory reforms, provide more adequate funding, and make the administrative changes necessary to help us meet this unfinished task. S. 2548 incorporates the best advice, the best thinking that has emerged from the intensive scrutiny of the child nutrition program over the past several years.

Its passage will move us toward that objective so eloquently expressed in the early sixties by Secretary of Agriculture Orville Freeman:

> Never let it be said of this decade that we put a man on the moon but failed to put food in the mouths of hungry children.

Mr. MURPHY. Mr. President, I rise in support of S. 2548, a bill which would strengthen and improve our child feeding program under the School Lunch Act and the Child Nutrition Act of 1966.

I, of course, was pleased to have helped spotlight and stimulate the national focus on the hunger issue. In 1967, when the Poverty Subcommittee, on which I serve, was in Mississippi, we heard testimony that people were "starving." This was shocking to me, and I am sure to the American people. I immediately responded that if this were true, that an emergency situation existed, and that we should go directly to the President and get him to provide immediate emergency assistance. Well, the bureaucratic buckpassing that ensued in the last administration was unbelievable and is a matter of public record.

Mr. President, I am so pleased that such has not been the case under President Nixon's administration. President Nixon, believing as I do, that with America's agriculture abundance, no family—and particularly no child—should go hungry. The President's action in this regard shows his commitment to the cause of insuring proper food and nutrition to all our people.

Last Friday, the Senate passed H.R. 11651, a bill to provide temporary emergency assistance in order to provide nutritious meals to needy children. This bill, H.R. 11651, amended the National School Lunch Act and authorized the Secretary of Agriculture to transfer up to $30 million to section 32 funds to allow California and other States to continue to serve lunches for the last 4 months of this school year.

Mr. James M. Hemphill, chief of the Bureau of Food Services of the Department of Education in California, has corresponded with me on the situation, and has advised me that unless the Congress acted, California would have "to cut back on our programs." According to Department of Agriculture figures, California, as of February 6, had requested $569,236 for additional funds for free or reduced-price lunches, over amounts allocated for fiscal year 1970. I am hopeful that the passage of this emergency measure, H.R. 11651, will provide California with the needed assistance to move ahead.

The school lunch program began in the 1940's and it has been of great value in helping American children secure nutritional lunches. That is why I am so pleased to strongly support S. 2548, which would strengthen and improve food service programs for children under both the National School Lunch Act and the Child Nutrition Act of 1966. S. 2548, the bill being discussed in the Senate today, would:

First. Provide for advanced appropriations for child nutrition programs. As a member of the Education Subcommittee, I have been a supporter of the advanced funding concept in our education programs. The present practice of passing appropriations for a school year when the school year is well underway—or in the extreme example this year, when the school year is drawing to a close—creates administrative nightmares and certainly is not conducive to good education planning and programs or to the wise use of taxpayers' funds.

Second. Authorize $25 million for fiscal year 1971, $33 million for fiscal year 1972, $75 million for fiscal year 1973, and $10 million for each succeeding year thereafter for nonfood assistance. This provides largely for equipment to help schools prepare and serve meals. One of the findings of recent studies on the school lunch program and other programs, as well as the committee's hearings on the subject, was that many schools, particularly older schools in the inner-city areas, lacked the cafeteria and kitchen equipment necessary to serve their youngsters. The thrust of these changes is to see that these schools do have the necessary equipment and to see that they have it as early as possible. This accounts for the higher appropriations in the earlier years so that the equipment can be secured, and then, as more and more schools secure the equipment, it is envisioned that the program will taper off.

Also a change is made under section 5 of the Child Nutrition Act to add another factor in the formula so that one-half of the funds under section 5 will be distributed on the basis of need for nonfood assistance. The other half of the funds under section 5 will continue to be distributed, as in the past, namely, on the basis of past participation and the assistance-need rate which is based on average per capita income in the various States.

Third. Authorize 1 percent of the appropriations under the National School Lunch Act and the Child Nutrition Act to be used for nutrition training and education. In addition to providing the necessary resources to feed our school children, it is important that nutrition education be included. Of course, this is essential for the cafeteria supervisors and workers, but it also is needed by the children themselves. For inculcating children in good nutritional habits has the immediate prospect of bringing about the improvement of diets in the homes of these children, and, of course, over the long run of making these children better parents and leaders subsequent to their departure from the school system.

Fourth. Require that State matching represent a portion of the local matching requirement under the regular lunch program. Under section 4 of the national school lunch program, Federal grants must be matched by three times as much in local funds. The major part of these local funds comes from children's payments for these lunches. For fiscal year 1972 and fiscal year 1973, States would be required to provide at least 4 percent of the State's total matching requirements from State funds. This percentage increases 2 percent each succeeding year until State revenues make up 10 percent of the matching requirements for 1978. Thirteen States already provide more than 10 percent matching, and I am pleased that California is one of the States meeting these requirements. This is an important provision for it encourages State participation. It not only has the desirable effect of expanding the funds available to feed youngsters, but also, by taking advantage of the State's administrative abilities and leadership, it would improve the program.

Fifth. Prohibit the public identification of children who receive free or reduced-price lunches. Eligibility for free or reduced-price lunches would be determined by the local school authorities but in accordance with publicly announced policy. Eligibility criteria would include the consideration of family income, family size, and the number of children in the school.

Sixth. Revise section 11 of the National School Lunch Act so that special assistance funds would go under a formula that is derived from the Elementary and Secondary Education Act, which is based on the number of low-income children.

Seventh. Extend the special assistance program to all schools and change the formula for apportioning these funds under the special assistance program so that all needy children have access to the school lunch programs.

Eighth. Authorize the Secretary of Agriculture, where there is a severe need, to provide up to 80 percent of the op-

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erating cost, instead of the present restriction to food alone, to school lunch programs under the special assistance provisions of the bill.

Ninth. Authorize funds for special demonstration projects to improve the program methods and facilities.

Tenth. Finally, the bill would establish a 13-member National Advisory Council on Child Nutrition to make continuing studies of the child nutrition programs, so as to make certain they are as effective as possible.

Mr. President, the Agriculture Committee has reported a good measure to the full Senate. Senator TALMADGE, the subcommittee chairman, as well as Senator AIKEN, the ranking Republican on the committee, and Senator DOLE and other members of the committee, are to be congratulated for their outstanding work in connection with this measure. This measure, I am convinced, will provide the administration with the tools it needs to see that no American child goes hungry. I certainly will support the administration in this commitment and in this effort, and I am confident that this commitment, in cooperation with all levels of government and all sectors of our economy will be met.

Mr. President, I strongly urge enactment of this program.

IMPROVED CHILD FEEDING PROGRAMS NEEDED

Mr. HRUSKA. Mr. President, the bill we have before us, S. 2548, was closely and fully considered by the Senate Agriculture Committee. It has received a favorable report from that committee, and is strongly supported by the Nixon administration. The bill is designed to strengthen and improve the food service programs provided for children, and it provides many significant and desirable features to help make the goal of eradicating hunger in our school-age children a reality.

It is my opinion, however, that the bill should have been passed in the form recommended by the committee without further amendments. The amendments which have been adopted are unwise and impractical. They impose requirements that go too far toward a wholly Federal program. The child feeding programs have always been a cooperative venture between the Federal, State, and local governments. Amendments that unduly and unnecessarily weaken this cooperation, for both funding and administration, are deplorable.

In balance, and after thoughtful consideration, I have decided to support the amended bill. The objectives and the improvements contained in the committee bill are sound and outweigh the inadvisable amendments.

President Nixon pledged in his special hunger message to Congress to put an "end to hunger in America." The national school lunch program, together with the child nutrition programs, offers a balanced and sound approach to improving the nutritional well-being of our growing schoolchildren. However, many children, particularly from poor families and from poor areas, are not receiving these benefits. To assist the President and the Secretary of Agriculture in meeting their commendable objective of ending hunger, the expansion and improvement of these child feeding programs is necessary.

The Agriculture Committee's report on this bill states that S. 2548 is designed to reach all children, "particularly those from poor economic areas whose need is greatest." That is certainly where the problem of hungry children is most severe. It has been estimated that 6.5 million children need a free or reduced price lunch, but the Department of Agriculture could reach only 3.5 million of those children in fiscal 1969. More are being reached during this current fiscal year, but changes proposed in this bill for the school lunch and child nutrition programs will more effectively insure that all needy children in school may be provided with nourishing meals.

One of the objects of S. 2548 is to see that the funds under the programs will go wherever the poor children are. The reported bill provides that special assistance funds go to schools according to their need for assistance in providing free and reduced-price lunches. The bill would authorize the Secretary of Agriculture in circumstances of severe need, where necessary to provide for an effective school lunch program, to authorize assistance of up to 80 percent of program operating costs, including preparation and serving costs. This provision is needed because some areas are too poor to support the program, even though they receive substantial help for food alone.

Mr. President, I am told that in recent years the school lunch program alone helped to feed about 20 million children in nearly 76,000 schools in all parts of the country. About 3.5 billion meals were served annually through this program. This is a magnificent accomplishment, and deserves the highest of praise from all thoughtful people concerned about hunger and malnutrition. The 23-year history of this program has shown it to have been a commendable investment in our Nation's greatest asset—our children. It has also been a model of Federal, State, and local cooperation.

The child nutrition programs, by providing for school breakfast programs, preschool and summer recreation feeding programs, have been a valuable addition to the Nation's efforts to provide nourishment to the needy children of America. About 400,000 children were reached last year in the summer recreation program, and about 100,000 children were provided with meals in the day-care program. These programs have been very effective and helpful, but there is much more that can be done.

Let us join in support of this bill to continue the progress toward fulfilling the intent of Congress when it passed the National School Lunch Act in 1946, "to safeguard the health and well-being of the Nation's children." Let us join President Nixon in his goal of ending hunger. Let us insure the necessary food and nutrition for our children to promote their fullest mental and physical growth.

Mr. President, I urge my colleagues to pass this bill, despite the objectionable features which have been adopted on the floor.

Mr. TALMADGE. Mr. President, I ask for the third reading of the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MANSFIELD. I yield back the remaining time.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from the further consideration of H.R. 515 and that the Senate proceed to the immediate consideration of H.R. 515.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities relating to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the program, and otherwise to strengthen the food service programs for children in schools and service institutions.

The PRESIDING OFFICER. Without objection, the committee will be discharged, and the Senate will proceed to consider the bill.

Mr. TALMADGE. Mr. President, I ask unanimous consent that H.R. 515 be amended by striking out all after the enacting clause and inserting the text of S. 2548, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion to strike out all after the enacting clause of H.R. 515 and to insert in lieu thereof the text of S. 2548 as agreed to by the Senate.

The motion was agreed to.

The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The question now is on the engrossment of the amendment and the third reading of H.R. 515.

The amendment was ordered to be engrossed and the bill (H.R. 515) to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr.

McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. McCARTHY), the Senator from Wyoming (Mr. McGEE), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE), is absent on official business.

The Senator from Texas (Mr. TOWER), is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 58 Leg.]

YEAS—85

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
Mathias
McClellan
McGovern
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—15

Church
Dodd
Griffin
Kennedy
Long
McCarthy
McGee
McIntyre
Metcalf
Mundt
Saxbe
Sparkman
Tower
Tydings
Yarborough

So the bill (H.R. 515) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 2548 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, S. 2548 is indefinitely postponed.

Mr. MANSFIELD. Mr. President, I rise to pay a well-deserved tribute to the distinguished Senator from Georgia (Mr. TALMADGE). His management of the extremely important school lunch measure was a monumental task. Wrestling with the complexities of providing proper food and aid to needy schoolchildren of our Nation is a matter of the greatest priority. There is not a single Member of this body who understands better the problems involved with the administration of such a program than Senator TALMADGE. We appreciate very much his guidance and his thoughtful views, his strong efforts, and his great devotion.

Working closely with Senator TALMADGE was the ranking minority member of the Senate Agriculture Committee, the able and distinguished senior Senator from Vermont (Mr. AIKEN). He, too, played a major role in enlightening the Senate regarding the ramifications of the measure and aided immensely in its expeditious disposition. Senator AIKEN brought to us the benefit of his great knowledge gained through the many years he has overseen not only the school lunch program but the entire farm policy of the United States.

The distinguished Senator from South Dakota (Mr. McGOVERN) deserves special commendation for urging so successfully his own strong and sincere views. He contributed greatly to the overall high quality of the debate and his amendments exhibited a keen insight into the problems of hungry schoolchildren. He is to be congratulated.

The very able chairman of the Senate Agriculture Committee is also to be commended for his contributions on this measure. Because of his efforts both in committee and on the floor, the Senate backed the bill unanimously in its final passage. Also assisting in explaining and guiding the measure through the Senate was the senior Senator from New York (Mr. JAVITS). As always his incisive views aided greatly the orderly discussion and we are most grateful.

The Senate as a whole may be proud of the manner in which it attended to its duties in regard to this bill and I wish to commend all who worked to make this measure so successful.

Mr. HOLLAND. Mr. President, I voted for the school lunch program which just passed the Senate. I did so with regret as to some of the details included in the bill.

I am impelled to vote for the bill for two principal reasons.

First, I have always supported the school lunch program. I think that it is a fine program and that it should be continued.

Second, the distinguished Senator from Georgia (Mr. TALMADGE) has spent many months of work in an effort to improve that program. Many details of his work which will improve the program remain in the bill.

I want to make it very clear, however, that my votes on the various amendments agreed to on the floor of the Senate by very close votes express my convictions as to those particular details which I regret have been placed in the bill.

I would hope that the other body would correct those details or that they can be corrected in conference. And I would very much hope that the bill not become law or not go to the White House in the form in which we originally passed it.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on February 20, 1970, the President had approved and signed the act (S. 2214) to exempt potatoes for processing from marketing orders.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Office laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

EXECUTIVE MANSION AND FOREIGN EMBASSY PROTECTION FORCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 652, H.R. 14944.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 14944) to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. RANDOLPH. Mr. President, as we approach the consideration of H.R. 14944, I am grateful for the presence in the Chamber of the able ranking minority member of the Senate Public Works Committee, the Senator from Kentucky (Mr. COOPER). Later in the discussion of this measure, we will have the chairman of our Subcommitee on Public Buildings and Grounds, the able Senator from North Carolina (Mr. JORDAN), with us. He is temporarily absent from the Chamber on other business.

I will proceed, as the chairman of the Public Works Committee, to discuss the measure prior to his returning to the floor, at which time he and other members of our commitee and other Members of the Senate, as well, will have comments on the measure.

The pending bill was reported from the Committee on Public Works after it had passed the House of Representatives by a very substantial majority.

The legislation would amend chapter 3 of title 3 of the United States Code, which authorizes a police force for the

White House and the grounds thereof. These amendments would change the name of the force to the "Executive Protective Service."

The purpose of the legislation will be to place the force under the direction of the U.S. Secret Service.

It will also increase the scope of the duties of the force to include protection of foreign diplomatic missions located in the metropolitan area of the District of Columbia and such other areas of the United States, its territories and possessions, as the President of the United States, on a case-by-case basis, may direct and will increase the size of the new executive protective service. This increase would go to 850 members.

I think it is important as we consider this legislation to realize that the responsibility for the security of foreign diplomatic mission is a Federal responsibility. Sometimes this is forgotten as we discuss this question. The President of the United States, as a part of his constitutional responsibility for the conduct of this country's relations with foreign governments, is responsible for assuring to the duly accredited representatives of foreign governments to the United States the same security of persons and property that the laws of this Nation assure to our own citizens.

Also, under international law and practice this protection is an obligation of the Central Government. Protection is afforded American embassies in foreign countries by the central government in the countries in which our embassies are located. We are certainly well aware of the incidence of unrest and lawlessness which infects much of the world today, including our own country, and about which our distinguished majority leader (Mr. MANSFIELD) spoke in such moving language just a few days ago.

We are conscious of this problem and we realize that the institutions which were formerly relatively immune to such criminal activities are, in a sense, the focal point today for the disturbances, demonstrations, and disruptiveness that occurs. It occurs to our embassies in other countries, and it is documented. It occurs to embassies located in the District of Columbia. I think there was a time when embassies in the Nation's Capital were, in a sense, almost to be considered off limits by the criminal element. In other words, they were thought of, in a sense, as sacred ground, but this is no longer true. So the criminal tide advances upon the embassies as it advances on the homes of persons living in the District of Columbia or the businesses of persons attempting to make a gainful living through legitimate enterprise in the District of Columbia.

We have been informed—the Senator from Kentucky and other Senators will affirm this fact—that the Foreign Diplomatic Corps has repeatedly petitioned the State Department and the Office of the President for increased protection. The reason they asked for this protection is, of course, because of the high incidence of crime directed at foreign embassies and the personnel of those embassies. Because of this increase in the crime rate and this current persistence of protest and violence, the President of the United States has become increasingly concerned as have other Governmental officials.

In fact, the citizens of this country, not only those who live in the District of Columbia, but those living throughout our respective States, are concerned over the problem of security involving foreign diplomatic missions and the possible adverse effect on our own foreign relations which could result if the Federal Government of the United States fails to discharge its obligation to provide adequate security for these missions.

At the present time there are 117 foreign missions in the immediate metropolitan area of the District of Columbia. At the present time the protection of these missions is the responsibility of the Metropolitan Police Department or the other local police departments, if they are located in nearby Maryland or Virginia.

Due to the very heavy responsibility and demands placed on the Metropolitan Police force for protection of the general public, this police force apparently is unable to provide the amount and type of security that the foreign missions and their personnel believe they should have. It is not an easy problem, and it is not one that has a solution ready made, but it is one we attempt today by this legislation to approach constructively. The best answer, we believe, is a specially trained force under the direction of a Federal agency. This would be the U.S. Secret Service. Thus the ambassadors and other members of the missions would be protected by the same force that gives protection to the White House and its environs, not only to the President of the Republic but also to the members of his family.

As I said in the beginning, the House passed H.R. 14944 on December 18, 1969, by a substantial majority. The vote was 394 for the measure we are now considering in the Senate and only seven votes against it.

As I have indicated, it has been the subject of very careful consideration within the Committee on Public Works. Initially consideration was through the Subcommittee on Public Buildings and Grounds, and then the full committee reported the matter to the Senate and recommends its passage.

That is all I want to say at the present time in laying down the general purposes of the legislation. Perhaps the Senator from Kentucky (Mr. COOPER) might desire to join at this time, or perhaps other Members of the Senate might wish to speak. I know of the intense interest of the Senator from Ohio (Mr. YOUNG), the ranking majority member of the Committee on Public Works, on this problem. Although there is some disagreement, perhaps we can adjust through amendment of otherwise some of these difficulties and have a measure we can pass today and bring to the desk of the President for his signature.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. COOPER. Mr. President, the Senator from West Virginia has covered this subject very adequately and with his usual competence. I would just emphasize the point he made that the duty of protecting foreign missions and their personnel is the responsibility of the Federal Government, and particularly of the President. Congress has recognized this grave responsibility of adhering to several conventions. One of the latest was the Vienna Convention on Consular Relations signed at Vienna under date of April 24, 1963, article 31, section 3, reads:

> 3. Subject to the provisions of paragraph 2 of this Article, the receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

This convention was ratified by the Senate on October 22 last year.

An earlier convention approved by the Senate is the Vienna Convention on Diplomatic Relations of April 18, 1962. Article 29 provides:

> The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

It is the Senate's constitutional responsibility, because of its approval of these conventions, to pledge the Government of the United States to take whatever steps are necessary to protect the persons and property of diplomatic agents, usually referred to as ambassadors or ministers and, by later conventions, consuls.

There is not only a responsibility to protect the personnel of foreign missions—that is our primary responsibility by law, because a convention becomes the law of the land—but we should also do so to help assure and to insist that Americans in diplomatic missions abroad are properly protected.

Under the pending bill, the expanded White House Police Force, which would be renamed the Executive Protective Service, would be recruited by the Secret Service, and the command function would be exercised by the Director of the Secret Service. It would require the recruitment of about 600 additional officers. The cost during the remainder of this fiscal year would be $4.2 million, including many initial and first-time only costs, and for fiscal 1971 are estimated at $9,950,000.

The measure does not in any way interfere with the duties of the Metropolitan Police. Its primary purpose is that of security for the personnel of foreign missions. But this force would also have security responsibility with respect to the White House and buildings of the Federal Government when required, as well as for foreign missions and their personnel.

In the presentation to the Public Works Committee by the Assistant Secretary of the Treasury, Mr. Eugene T. Rossides, and the Director of the Secret Service, Mr. James J. Rowley, it was pointed out that increasingly representatives of foreign governments who are residents here were not being adequately protected. There have been a large num-

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ber of burglaries, housebreakings, and personal assaults on the personnel.

The police would not be required to exercise the responsibility of the Metropolitan Police if demonstrations or riots should occur. That function would continue to reside with the Metropolitan Police.

I think that, in general, supplements the statement made by the distinguished chairman of our committee (Mr. RANDOLPH). I strongly support the bill, which is an administration bill, and urge that it be adopted.

Mr. GURNEY. Mr. President, I rise to support H.R. 14944, and urge its prompt approval.

For reasons that are pretty obvious, there is an urgent need for this protection force which the President has requested for the Executive Mansion and the foreign embassies.

Every day we are confronted in the press, on the radio, and even on TV with evidence of this need.

The reasons were underscored in the testimony of the Honorable Eugene T. Rossides, Assistant Secretary of the Treasury Department, before the Subcommittee on Buildings and Grounds of the Senate Public Works Committee.

Mr. Rossides said:

> With the increase in the crime rate and the current conditions of violence and protest prevailing in our contemporary society, the President has become increasingly concerned over the problem of security involving foreign diplomatic missions and the adverse effect on our foreign relations which could result if the Federal Government fails to discharge its obligation to provide adequate security for these missions.

As Mr. Rossides added:

> The ultimate responsibility for the security of foreign diplomatic missions is a Federal responsibility.

Just as we expect our embassies and missions abroad to be protected, so must we provide protection for foreign embassies and missions in this country and our possessions.

The need for such protection was emphasized most strongly by Mr. James J. Rowley, Director of the U.S. Secret Service, in his testimony before the subcommittee. Mr. Rowley said:

> Current conditions are much different than those of the past, as we all know. The incidence of unrest and lawlessness which today infects our country, as well as others, has spread to and finally engulfed many of those institutions which were formerly relatively immune from such activity.
>
> Our newspapers graphically report, almost on a daily basis, abuses of such entities as churches, schools, colleges, and public offices. During the past few years, and with increasing frequency, criminal attacks have also been directed toward foreign diplomatic missions located in the Greater Washington, D.C. area, resulting in demands for adequate protection from the diplomatic personnel who have been victimized.

Mr. Rowley cited some disturbing figures regarding such attacks. He said:

> For example, during calendar years 1967, 1968, and through December 2, 1969, a total of 44 robberies and attempted robberies were reported by foreign embassies; 12 breaking and enterings; two bombings; 39 threats of violence which could lead to personal injury or property damage to diplomatic personnel and property; and 16 separate acts of vandalism.

Mr. President, the House recognized the responsibility of the Federal Government in this area and last December 18 approved the bill now pending before the Senate by a vote of 394 to 7.

The Senate Public Works Committee reported the House-passed bill with only one dissenting view.

The distinguished Senator from Ohio (Mr. YOUNG), as we heard, has taken the position that the responsibility for protecting foreign embassies should be left to the District police and that any additional police should be available for the protection of all citizens

Now, we all share the Senator's concern about the high incidence of crime in the Nation's Capital and elsewhere in the country. But with all due respect to the Senator of Ohio, we are talking about two different things here.

Mr. RANDOLPH. Mr. President, will my able colleague yield to me at that point?

Mr. GURNEY. I am happy to yield to the Senator from West Virginia?

Mr. YOUNG of Ohio. Mr. President, will the Senator from West Virginia yield to me so that I may ask for the yeas and nays?

Mr. RANDOLPH. I yield.

Mr. YOUNG of Ohio. Mr. President, on the question of passage of this bill, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RANDOLPH. I think we ought to ask for it on recommittal also.

The PRESIDING OFFICER. There is no motion to recommit pending.

Mr. GURNEY. As we all know, it is the duty of the Washington police to protect all persons from criminal acts. Under this bill before the Senate the Executive Protection Service will undertake to protect foreign embassies from criminals. But its role will be more limited, and it will work closely with the Metropolitan Police Department at all times.

The bill would authorize 600 additional men for the protection force and Senator YOUNG in a letter to other Senators has suggested no more than 351 would be required inasmuch as many of the foreign embassies, as the Senator says, are "clustered side by side."

I would suggest that the task is somewhat greater. As Mr. Rowley pointed out in his testimony before the Senate Subcommittee on Public Buildings and Grounds, there are 117 diplomatic missions in the greater Washington area. Of these, 16 to 24, he also noted, have requested special protection.

In addition, I would point out, the bill also would authorize the President to use the service, on a case-by-case basis, for the protection of foreign diplomatic missions located "in other areas in the United States, its territories, and possessions."

In view of all this, the President's request is quite modest in terms of manpower.

But there is a more important consideration involved in this matter. It is the fact that the President has the duty to keep our relations with foreign nations and their representatives on a proper and meaningful plane.

One of the important ways we do this is to treat their representatives as guests in our country and to protect them from violence. To do less would be to abdicate our duty and risk strained relations with other nations.

I am sure no one would like to see the assassination in the streets of Washington the way the American Ambassador, John Gordon Mien, was murdered in Guatemala in 1968. Nor would we like to see the Philippine Embassy in Washington firebombed as the American Embassy in the Philippines was firebombed on last February 18.

Mr. President, in this matter the United States must set an example—we must see that those who come here as representatives of foreign countries have the protection they need.

Mr. President, one other thing: We all agree that we need better protection against crime here in the District. The President has proposed stronger anticrime measures for the District and the Nation, but not one of more than a dozen bills has crossed his desk.

The protection service proposed in this bill will give limited help in that direction by freeing District police from some of their responsibilities—and fulfill our responsibility in another important area at the same time.

For this reason I strongly favor this legislation.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. MANSFIELD. I just happened to come into the Chamber when the distinguished Senator from Florida said that not one of the crime bills has crossed the President's desk. I think the RECORD ought to be made clear that as far as the Senate is concerned, all the crime bills affecting the District of Columbia and three or four other significant bills, including the omnibus crime bill and the drug control bill, have passed the Senate.

Mr. GURNEY. The majority leader is certainly correct. The Senate has a much better record of performance on these bills than the other body.

AMENDMENT NO. 505

Mr. YOUNG of Ohio. Mr. President, I am opposed to this bill. I think it is a bad bill. But before I proceed to any expression of my views, I call up my amendment, No. 505, and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Ohio (Mr. YOUNG) proposes amendments (No. 505), as follows:

> On page 2, line 17, strike out "and".
>
> On page 2, beginning with line 18, strike out down through line 22, and insert in lieu thereof the following:
>
> (5) by striking out the last two sentences of section 203(a);
>
> (6) by amending section 203(b) to read as follows:
>
> "(b) Members of the Executive Protective Service shall be recruited under the civil service laws and regulations on a nationwide basis. Members of such Service may also be appointed from the members of the Metropolitan Police force and the United States

Park Police force from lists furnished by the officers in charge of such forces. Whenever any vacancy is created in the Metropolitan Police force or the United States Park Police force as the result of an appointment to the Executive Protective Service, such vacancy shall be filled in the manner provided by law. In the period of time which follows the date of enactment of this sentence and precedes January 1, 1975, but not more than thirty members of the Metropolitan Police force may be appointed annually to the Executive Protective Service."

(7) by striking out section 205; and

(8) by striking out in section 206 "Members appointed pursuant to section 205 of this title" and inserting in lieu thereof "Members of the Executive Protective Service not appointed from the Metropolitan Police force or the United States Park Police force".

Mr. YOUNG of Ohio. Mr. President, this is a very important remedial amendment. The purpose is to set a limit to the number of transfers from the District of Columbia Police Force to the proposed Executive Protective Service should the pending bill be enacted into law.

This amendment should not be objected to by anyone. It would prevent the stripping of the Metropolitan Police Force. Members of the D.C. Police Force might well say, "Well, if they are adding 600 more members to the special executive police force of fancy dans, that is a very attractive assignment," and a large number of officers in the police force of the District of Columbia might think they would enjoy wearing those special uniforms and having an easy life.

Mr. President, what we need in the District of Columbia is more tough cops. We do not need this fancy executive protective service, so-called. While I do not wish to argue my amendment at length because I hope it will be accepted by the chairman of the committee, I say there cannot be any valid argument against it. If it is said that at the outset some of the present police, intelligent, good members of the present Metropolitan Police Force, should be permitted to enroll in this force, my amendment would place the limit of such enrollments at 30 a year, so that we would not strip the Metropolitan Police Force. I hope that the chairman of the subcommittee who is handling the bill will see the merit of my amendment and accept it.

Mr. JORDAN of North Carolina. Mr. President, I appreciate the Senator's remarks and his amendment. I had not had an opportunity to study it before I came in, but I think it is a good amendment, and we will accept it.

Mr. COOPER. Mr. President, I shall not object, but I would like to be heard.

I inquired of the Treasury Department as to its purpose and methods in recruiting such personnel. I have their answer, which is, first, that the Secret Service will utilize 74 field officers throughout the country to accomplish this effort. Then they make this statement:

> The recruitment effort will not be directed toward the police agencies of Washington, D.C. The Secret Service is well aware of the crime situation in our Nation's Capital, and will do nothing to weaken this situation. In addition, before an officer can transfer from the Metropolitan Police or Park Police to the Executive Protective Service, he must be released in writing by the organization. It is expected that practically all of the personnel for the Executive Protective Service will be recruited from our nationwide effort.

I thought I should place this information in the RECORD to show that that is the intention of the Secret Service. But I have no objection to the amendment.

Mr. JORDAN of North Carolina. That was the testimony that we received when we held the hearings on the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 505) of the Senator from Ohio.

The amendment was agreed to.

Mr. YOUNG of Ohio. Mr. President, I wish to speak at some length on this bill. I regard it as a bad bill. It had been my intention to make a motion to recommit the bill to the committee.

However, in view of the acceptance of this amendment, I will not make the motion to recommit and cause us in the Committee on Public Works to give additional time to this matter. The bill should be defeated, and I intend to be heard in expressing opposition to it.

This bill was reported from the subcommittee to the full committee following a single 39-minute session of the Subcommittee on Public Buildings and Grounds. This bill, if enacted, will cost taxpayers at least $10 million—more than that, I would say—for the first year.

In the 39-minute session of the Subcommittee on Public Buildings and Grounds, two witnesses testified—Eugene T. Rossides, Assistant Secretary for Enforcement and Operation, U.S. Secret Service, Treasury Department and James J. Rowley, Director of the U.S. Secret Service.

In my opinion, there is no justification for the passage of this bill. On the basis of that hearing and the brief debate that I read in the RECORD that took place in the House of Representatives, there is no need for the proposed legislation.

Advocates of the bill argue that we must provide for other countries the same protection they provide for our embassies and personnel in their countries. Think of that. They are arguing that we must provide to the personnel and the ambassadors of the 117 foreign missions in Washington the same protection that those countries are giving us.

Mr. President, our Ambassador to Brazil was kidnaped and held as hostage. Nothing like that has happened here. What has happened here was that the butler of the Italian Ambassador while walking one afternoon a few doors from the Embassy was assaulted by four young hoodlums. I do not see how the proposed special force of police in fancy uniforms reminiscent of Napoleon's old guard, could have prevented the butler of the Italian Ambassador from that assault. The butler was banged around a little, but not seriously injured. A small amount of money was taken from him. The Ambassador in his wrath, wrote a letter of protest to the State Department, and it is in the record of our subcommittee. In his letter he requested continuous police protection for the Italian Embassy. That was given as the reason for this proposed legislation—because the Italian Ambassador's butler was assaulted on the street, in broad daylight, a few steps away from the Embassy.

In Manila, in the Philippine Republic, a nation that was created by the blood and valor of American youth, our Embassy was burned, stoned, and was partly destroyed. A similar incident occurred in Peru.

Let me say, as one who is opposed to this bill, that very definitely we in the United States have given far greater protection to the embassies in Washington and to the ambassadors and representatives of these 117 nations than our embassies and their staffs have received in many other nations.

Advocates of the bill argue that we must provide for other countries the same protection they provide for our embassies. We know what happened to our Ambassador in Brazil and to our Embassy in Peru, where our Embassy was ransacked, and in Tokyo, where the police came out in hundreds to succeed in keeping our Ambassador from being injured, but where our Embassy has been very badly damaged.

Mr. President, I am very happy to report that no foreign ambassador to the United States has been kidnaped, and no embassies in the United States have been ransacked. The fact is that those now responsible—the Metropolitan Police force—are providing the protection at home that we expect overseas. The proposals embodied in this measure would not provide for better protection of foreign embassies or better law enforcement. Indeed, they might frustrate and complicate police protection for the embassies and for all the citizens of the District of Columbia.

Our Metropolitan Police force in the District of Columbia is understaffed to a very large extent—by 661 men at the present time, as I understand.

I hold in my hand a few recent newspaper items from Washington, D.C., papers. We had better be a little more concerned about a 20-year-old secretary of a U.S. Senator who was raped last night. Of course, I shall not name the fine young lady, nor the Senator. This item is from today's Washington Post. We are apparently doing nothing about that in this proposed bill. We are not leading a campaign to employ more tough cops for the District of Columbia. No. We are proposing now an elite force of special "fancy Dans."

Here is another news item, "Catholic University Co-ed Slain." It remains an unsolved crime. I will advert again to those very sad incidents later.

There is no justification for establishing at this time what would amount to an 850 man Praetorian guard, almost one-fifth as large as the entire District of Columbia police force. What we need in the District of Columbia is to pay the ordinary cops higher salaries, so that young men will be interested in making a career of law enforcement. Instead of this special bill creating a praetorian guard for the White House and then assigning them to the protection of the embassies, we need in the District of

Columbia judges of integrity, who have backbone, to enforce the law and provide real punishment to those who are found guilty. This, instead of those who riot here being released on $25 cash bail, never reappearing in court, or a judge sentencing some culprit to 30 days in the workhouse and then secretly, later on the same day—as some of the judges here have done, and I can name them—changing that and granting them probation.

The title given to this legislative proposal is, in itself, a misnomer. The fact is that, at the present time, there is no evidence whatever to indicate that the present ceiling of 250 members for the White House police force is inadequate to protect the Executive Mansion.

Mr. President, that is quite a good sized number, so that, when visiting potentates come to Washington, our President can be happy, indeed, to see these 250 men parading around in a manner similar to that which must have impressed him on his European trips. It is high time, in this country, that we quit aping royalty from the old world.

Of course, the District's police force should be increased. The sole reason for the passage in the Senate of this proposal is to provide new protective services, so it is claimed, for foreign embassies located in the metropolitan area of the District of Columbia, and in such other areas within the United States as the President may direct on a case-by-case basis.

Mr. President, Washington, D.C., is the Federal City. Of course, it is the duty of the police force of the District of Columbia to protect all citizens in the Federal City—visitors from all over the world, and visitors from the 50 States of the Union who come to this beautiful city. They certainly are entitled to receive at least the same protection as the butler in the Italian Embassy, whose letter brought about the preparation of this bill.

As the host government, the Federal Government must take all reasonable precautions necessary to assure the safety of foreign diplomatic missions.

I think that we are doing that.

They are undoubtedly better protected than secretaries to Senators and Members of the House of Representatives, and the young ladies who are attending Catholic University, and that 14-year-old girl who was slain with an icepick and thrown out of an automobile within one-eighth of a mile of where I live.

Mr. President, I know all about the disorders in our streets today, and the dangers of walking them. I am very proud to tell the Senate that I have in my home a little 13-year-old girl whom we have adopted. On some nights, when she is home from boarding school, she babysits a short distance down the street from us at Colonel Barber's house. Her babysitting period ends at 10 o'clock at night. I either walk down Manning Place Northwest toward MacArthur Boulevard to get her, or Colonel Barber himself brings her home, because neither one of us would permit her to be out alone at night for even a few minutes.

The police force of the District of Columbia is understaffed at the present time. But, no, we are not adding to them. We are not seeking recruits for them. We are coming in here to add 600 men to a praetorian guard for the sole protection of foreign missions.

When this matter was first discussed in committee, it was stated that the cost of each man would be $9,600 a year to start. I asked a few questions and conducted a cross-examination on that point. I observed that there is a difference between starting salaries for a policeman in the District of Columbia and starting salaries for schoolteachers. Teachers still get $7,000 a year. However, they were talking about a $9,600 cost for each member of this praetorian guard for the White House.

I am glad that the amendment I offered has been accepted, and that if the bill is passed, it will mean that the Metropolitan Police force will not be raided to the extent of more than 30 men a year. I think it will be unfortunate to lose even 30 a year.

I say that we have given much more protection to embassies, to ambassadors, and to those who work in the embassies than we have been giving to visitors who come to Washington from all over the Nation and to those who live in the Capital City. I believe that an outrage would be perpetrated if the pending bill is passed.

Mr. President, throughout the years, the District of Columbia police force has had the primary responsibility for protecting the property of foreign missions and individuals assigned to them. There is really no evidence that it is now necessary to create a special constabulary for the purpose, unless one is so impressed by the incident involving the butler in the Italian Embassy being roughed up and robbed in broad daylight. I do not know how these fancy dans in the proposed praetorian guard can prevent that from occurring in daylight.

Furthermore, passage of the bill would grossly distort the proper priority of crime control which the District of Columbia needs.

Comparative crime statistics for the 3-year period 1967–69, between crimes involving embassies and embassy personnel and District of Columbia citizens in general, certainly do not justify providing a special police force for the protection of foreign missions.

Mr. President, I give you a few statistics. In that 3-year period, there were 44 robberies and attempted robberies, 12 burglaries or breakings and enterings, and 39 threats of violence involving embassies and embassy personnel. Not all of these, by any means, occurred in or near foreign missions themselves.

There have been 16 acts of vandalism against embassies.

During the past 3 years, not one murder or case of rape has occurred against any embassy personnel.

Mr. President, I wish we could say that about the secretaries of Senators. A few years back a very lovely secretary of former Senator Carlson, of Kansas, was assaulted and murdered very near the Capitol. I do not think that much was done following that incident. But the Italian Ambassador certainly does have influence.

During the 3-year period in which 44 robberies of embassies and embassy personel occurred, there have been 26,801 robberies in the District of Columbia. That does not include attempts to rob. It includes only robberies of citizens of the District of Columbia or of American citizens or of foreign countries who visit here. There have been 55,478 burglaries, 573 murders, 691 rapes.

Instead of increasing our police force and adding tough cops to our force as needed, we are spending our time and effort to create this additonal White House praetorian guard of 600 men who will stand at attention with a lot of ruffles and flourishes whenever a foreign potentate is visiting here.

Robberies and attempted robberies against foreign missions and their personnel accounted for one-tenth of 1 percent of the total of such crimes in the District of Columbia. The fact is that the District of Columbia averages more burglaries in each 5-hour period than the number of crimes reported by the foreign embassies in the last 3 years combined.

According to the statistics for that period, the average citizen of the District of Columbia is more than eight times as likley to be a victim of crime as is the butler of any ambassador or any other member of his staff. However, under the pending bill, the foreign missions would receive more than 25 times as much police protection as the average citizen of the District of Columbia in terms of police per resident.

It is a fact that the District of Columbia has one of the most serious crime rates among the cities of the Nation. This rate is rising rapidly. For the first 9 months of 1969, there was a 30 percent overall increase of crime in the District of Columbia, a 56 percent increase in murders and nonnegligent manslaughter, and a 41.5 percent increase in rape.

President Nixon knows the situation to be of such severity that in his state of the Union message the President said:

> I doubt if many Members of this Congress who live more than a few blocks from here would leave their cars in the Capitol garage and walk home alone tonight.

The fact is that there have been several instances of Senators and Representatives being robbed and mugged.

A distinguished Senator was recently assaulted as he was leaving his apartment. However, we can let that incident go because he knocked his assailant to the ground. He later said that if he had been in prime shape as a rancher in Idaho, he would have knocked him unconscious. He apologized for not doing so.

The newspapers have now resorted to reporting most crimes in the District on a box-score basis. They sometimes fill a whole page of a daily newspaper. These are crimes that at one time would have been considered front-page news.

Many citizens of the District of Columbia walk the streets in broad daylight in fear. Few feel secure in their homes. Members of Congress and their secretaries have been robbed, beaten, and raped within the past few months. With-

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in the past few months a teenager babysitting for one of our colleagues was raped. That is how violent crime is.

A boy of 4 years of age was stabbed while looking for the baby bottle of his baby sister. Little Randy Gibson was sent for his baby sister's bottle. His mother found the boy a little later staggering the street, nude and assaulted. He died.

There are no facts to indicate that crimes committed against foreign missions are more serious than those committed aganist citizens in general, or that they even approach the severity of the crimes being committed against the citizens of the District of Columbia. In fact, the evidence is to the contrary—that any offenses of violence against any embassy personnel are far less serious than the crime committed day after day on the streets of Washington.

The pending legislation does not, as its proponents claim, assure to the duly accredited representatives of foreign governments to the United States the same security of person and property that the laws of this Nation assure its own citizens.

We have given them greater security in Washington throughout the past years than we have given our own citizens. This bill will give them even added protection—for more than is given American citizens living in the District of Columbia.

Now they are proposing to add 600 additional police as a special force.

They will have a distinctive uniform. Perhaps it will outdo the cap and the braid on the uniform that we now have for the White House Police.

This measure attempts to assure representatives of foreign governments protection which is not assured residents of the District of Columbia, any of the visitors to the Nation's Capital, or the families of Members of Congress.

We would give these embassy people far more protection that we give our own. It is high time we stop, look, and listen and take care of American citizens.

Can we honestly say we have a special obligation to protect foreign embassies, but not the little children that might be playing across the street from those embassies? They are our children. They are American children.

Can it be true that our responsibility to those inside the Russian Embassy is so much greater than our responsibility to the American tourist who stays in one of the hotels down the street? This bill is really a ringing indictment of our system of values. To approve it, it seems to me, would be to say we cannot and will not provide protection for the girls who come here from all States in the Union to attend fine universities in Washington, D.C.

In nearly every one of these universities some coed has been assaulted in the past 3 years. Some of those murders, rapes, and assaults are unsolved to this time. We must give these college girls protection as well as the secretaries, tourists, and all residents of and visitors to the District of Columbia.

Less than 45 minutes has been given in the subcommittee to the consideration of this bill. That was on Thursday, December 18, 1969. The subcommittee met at 10:06 a.m. and at 10:45 a.m., according to the record, 39 minutes later, the hearing was concluded.

As has been stated here, there was a unanimous view in the subcommittee in favor of the bill, except for one recalcitrant, and I was the one who spoke out questioning it.

In that session, Mr. Rossides, assistant Secretary for Enforcement and Operation of the Treasury Department, and James J. Rowley, Director of the U.S. Secret Service, testified in favor of the proposed bill. Neither the House Report nor the Senate report accompanying the bill contains a single communication from any official of any of the departments or agencies of the Government that really should be interested in what is involved here.

The House of Representatives passed this bill after a single hour of debate which was marked by confusion of the issues involved. This bill that is going to cost our taxpayers $10 million the first year was passed after 1 hour of debate, in the other body. The cost of this 850-man force was continually and drastically underestimated.

The distinguished Representative in charge of the bill claimed the additional 600 men would cost only $1 million. That figure has now gone up to $10 million. That does not include additional barracks and facilities that would be required.

The present barracks of the police force of the District of Columbia would not be good enough for any force like this, because the men in the proposed Executive Protective Service would be an elite group. They are not law enforcement officers. They are going to be decked out like Princess Grace's guard at Monaco. As U.S. Secret Service Director Mr. Rowley reported to us in the subcommittee—

> Our space requirements are vital to this operation. We have to have a separate control center with proper communications, squad room, and supply room, and garage."

When we add all those things, the cost of the proposed executive force will be astronomical.

In our brief committee hearings, Mr. Rossides introduced a letter from the Ambassador of Italy saying—I cannot say enough about this; this was the motivation for the bill—that at 1:30 p.m. on a recent afternoon, not far from the chancery of the embassy, an assault by four unruly youngsters was perpetrated on Guiseppe Corsini, his butler, who was knocked down and robbed. He contended he needed the presence of two policemen in uniform at all times to scare off potential assaulters on members of his staff.

This at a time when we daily read in the Washington newspapers of assaults on young women, including the slain Catholic University coed, whose murder is unsolved. I refer to various headlines in newspapers I have on my desk: "Beating and Robbery"; "Boy of Four Slain"; "Potomac Girl, 14, Slain With Icepick"; "Boy, 9, Shot Dead." "Teacher Mutilated." I am reading from headlines in recent newspapers. "Policeman Slain." That was a policeman from the District of Columbia. It was not one of the superduper executive police strutting around. He was a cop, and no doubt he was a tough cop. We need more of them. We do not need more law—we need better law enforcement.

Frankly, Mr. President, I am not at all interested in an elite police force to protect embassies, to the exclusion of the homes and businesses of the ordinary residents of the District of Columbia.

Those of us who work here, whose jobs bring us here from our States throughout the Union, and who bring people to work for us, are not interested in an elite police force to stand around the White House yard or to parade in front of embassies.

Mr. President, I am interested in law enforcement. I have said before, that as former chief criminal prosecuting attorney of Cuyahoga County, Ohio, I believed then, and I believe now, that certain punishment, like a shadow, should follow the commission of crime. I think it is deplorable, disgraceful and indefensible that here in the Capital City of our country crime is rampant and often goes unpunished. Instead of working hard to add to our police force and to encourage young men of intelligence to make law enforcement in the District of Columbia and other areas of the United States their career, we are spending time talking about creating an elite police force.

In the bill, it is proposed that members of that police force will wear a distinctive uniform. I assume it is contemplated that those outfits will exceed in grandeur, in braid, in brass, and in all-around glamor those braided white coats that the White House Police are now wearing. Too bad, though that President Nixon discarded the Franco-Prussian cap that aroused the risibilities of so many millions of people. However, he has not discarded the embellished white coats that the White House police officers wear.

If this bill goes through, I am wondering what the garb of the special Executive police who stroll around embassies will be. Probably it will be even more reminiscent of the chocolate soldiers in the comic operas of past generations. Perhaps the distinguished junior Senator from North Carolina (Mr. JORDAN) will remember the beautiful costume of Prince Danilo in the Merry Widow. Perhaps that is the sort of costume we are going to have for this special force. Nothing would surprise me along that line.

Very seriously, it is evident that President Nixon and those running things at the White House are aping European royalty. It is high time we tried to have some austerity in this country. It is high time that we looked back with pride to James Madison and Benjamin Franklin who dressed as ordinary American citizens in ordinary garb, in contrast to the fancy garb of royalty and their guards.

We might be able to accept this elite corps, garbled with less restraint and in poorer taste than ushers at the old-time movie palaces, if they would be of genuine value in law enforcement. But they would not. In fact this new force might well obstruct law enforcement.

The Assistant Secretary of the Treasury, Mr. Rossides, testified before the Subcommittee on Public Buildings and Grounds that—

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> The protection to be provided the foreign diplomatic missions will be preventive in nature, not investigative. It is not contemplated that the Executive Protective Service . . . will operate as a police force. It will not assume the responsibility of the local police department to enforce the laws relating to the protection of persons and property.

This division of authority between the Executive Protective Service and the Metropolitan Police Force certainly leaves room for confusion. The distinction set forth by Mr. Rossides sounds good, but how will it work in an individual case? Where does one force go out and the other come in?

The District of Columbia is already faced with the problem of severely fragmented police protection. Seven different police departments presently operate in the Nation's Capital. We have the Metropolitan Police, the White House Police, the Park Police, the Capitol Police, the Zoo Police, the Supreme Court Police, and the Airport Police. Legislation has been considered in Congress that would merge the first five departments I mentioned under a single commission.

In other words, there is legislation pending in Congress to merge into one entity the Metropolitan Police, the White House Police, the Park Police, the Capitol Police, and the Zoo Police. But, Mr. President, that legislative proposal is still buried in committee. Any shifting of responsibility for protection of embassies should be considered with that type of legislation so that clear division of authority can be assured. To shift the responsibility, or part of the responsibility, through the bill before us today would assure only confusion.

Under the circumstances it would be unconscionable to spend as much as $10 million of taxpayers' money solely for the attempted protection of a comparatively few individuals. Rather, there should be a serious attempt to improve law enforcement for all citizens of the District of Columbia as well as representatives of foreign governments.

There is a need for more policemen in the District of Columbia. There is a need for more stringent law enforcement. It would be a gross distortion of priorities to ignore those needs and to create a special police force solely for the protection of foreign missions.

The same thing can be accomplished by expanding the police force of the District of Columbia, by providing higher salaries to attract better trained and more capable policemen and in general by upgrading the quality of law enforcement in the District of Columbia.

This proposed bill, unfortunately, calls for 600 additional policemen, not for the District of Columbia, but for the so-called Executive Protective Service, at a time when the police force of the District of Columbia, with an authorized strength of 4,625 men—which should be expanded to 5,000 or 6,000—is understaffed by nearly a thousand men.

This bill will further aggravate an existing condition, if enacted into law, by enticing qualified men away from the District of Columbia police force into the so-called Executive Protective Service. I understand that some hundreds of policemen of the District of Columbia, anticipating the passage of the bill providing for this elite force have made application for it. However, I am glad that, by adoption of my amendment, this will be cut down to a maximum limit of 30 each year. I regret that we are making even that concession.

The best qualified and most capable officers of the Metropolitan Police Force would be attracted to the new force for the increased prestige and softer duties. I imagine that the first 30 who will leave the Metropolitan Police Force to become members of this fancy, elite group will be very intelligent, very worthy, and important members of the District police force, further weakening that unit.

What we need over and above everything else is increased salaries for law enforcement officers—greatly increased salaries—so that there will be some attraction for intelligent young men graduating from high school to make law enforcement their careers. We lack sufficient enforcement officers in Washington now. It is unfortunate that the District police force is understaffed. Assistant District of Columbia Police Chief Pyles recently reported to a member of my staff that the District of Columbia Police Department will be trying to recruit 1,500 men in the next 6 months. He stated, "that is an almost impossible task." He further stated that he hated to release one man from the present force to the proposed Executive Protective Service, but, of course, he cannot prevent at least 30 of his best from going.

The pending bill, if passed, would make the recruiting task of the Metropolitan Police Force of the District much more difficult and would lure away many patrolmen and officers already on the force. Those who seek to join the executive force and who are disappointed are likely, it is feared, to seek to resign from the police force and enter into some other duties. That would further weaken our District police force.

As I have stated, there are only 117 diplomatic missions in the Greater Washington area. Even if policemen were to be posted at each mission on 8-hour shifts, on an around-the-clock basis, the number required would not exceed 351. Yet, the bill calls for twice that number or more.

The fact is that more than half of the 117 foreign missions are located on exactly four avenues in the District of Columbia, and they are broad, well-lighted avenues. I refer to Massachusetts Avenue, Connecticut Avenue, New Hampshire Avenue, and 16th Street—the best lighted areas of the District of Columbia, the broadest and straightest of our avenues, and the least likely to be afflicted with crimes of violence of any places in the District of Columbia.

In one three-block stretch on Massachusetts Avenue there are 17 embassies and consular offices. Therefore, each diplomatic mission could be provided full-time protection, as I have said, with 351 policemen, and most probably with no more than 250 policemen—not fancy dressers who are just strutting around, but 250 real, honest to God policemen who could give more than ample protection to everyone of these embassies, to their staff members, and to their visitors.

The problem is not even of this dimension. The fact is that only 16 to 24 diplomatic missions have recently requested special protection. That is the maxium number—24 out of 117. Less than 25 percent have requested special protection. One hundred men could do that.

I take a dim view of solving the protection problems of foreign missions in the manner proposed in this bill. I think the proper way to go about it is to demand and see to it that the police force of the District of Columbia has armed policemen around the clock guarding the embassies.

That, in my view, is the manner in which this problem should be approached and solved. Enactment of H.R. 14944 would actually hamper police protection in the District of Columbia. It would be an insult to every citizens of the District of Columbia and to all taxpayers.

I may bring my remarks on this matter to a conclusion, as I have kept the faith with my colleague and friend who could not return here until 4 p.m., and I note, Mr. President, that it is 2 minutes to 4. However, what I have said has not been merely to hold the floor for a long time.

Recent issues of newspapers publish such headlines as, "Teacher Murdered—Sex Motive Probable." "Potomac Girl Slain With Ice Pick." "Policeman in Heroin Case Is Slain."

And here we are, thinking about the unfortunate butler to the Italian Ambassador assaulted by four youngsters in broad daylight. We seem to forget all about the ravished and slain secretary of a former great U.S. Senator from the State of Kansas. Then there was the secretary of another U.S. Senator who just last night was brutally raped.

I think this is the most ill-advised bill that we have given consideration to in the Senate during the present session. Enactment of the bill will actually hamper all-around police protection in the District of Columbia. I do not believe it will be helpful to the embassies, or to the members of their staffs.

What we should be doing today is increasing the salaries of policemen in the District of Columbia. We should be promoting a campaign to get more good, honest, tough cops to walk beats in the city of Washington to protect our citizens as well as visitors and those who work in foreign missions.

Let us forget about the ruffles and flourishes and the special, deluxe, supercolossal, Executive Mansion police force, merely for the protection of embassies. It has been stated that we should give the embassies here the same protection that we require for our embassies abroad. That leaves me cold when we read of the destruction and vandalism perpetrated on our embassy in Tokyo and our embassy in Manila, the buildings being practically destroyed, and when we know that our Ambassador to Brazil was kidnaped and held for ransom. Give them the same protection? They are getting 100 percent better protection today without spending this $10 million-plus.

Mr. President, I hope very much that the bill will be defeated.

Mr. JORDAN of North Carolina. Mr. President, I am ready to vote.

Mr. COOPER. Mr. President, I will not delay passage of the bill but I do

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wish to ask unanimous consent to have printed in the RECORD a letter from the Treasury Department explaining the proposal and answering some of the questions raised by the distinguished Senator from Ohio, and also a letter from the Department of the State, explaining the responsibilities of the Federal Government to protect diplomatic missions in this country.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., February 24, 1970.
Hon. JOHN SHERMAN COOPER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOPER: This Administration has sponsored, by direction of President Nixon, a bill to provide adequate protection for foreign missions in this country, H.R. 14944.

Because of the importance of this matter, and in response to your request for expository and more definitive data in several areas of this pending bill, I would like to stress several salient points which this legislation contains.

First, the protection to be provided the foreign diplomatic missions will be *preventive* in nature, not investigative. The Executive Protective Service will not operate as a regular police force, and will not assume the responsibility or jurisdiction of the Metropolitan Police Department or Park Police in enforcing laws relating to the protection of persons and property. The narrowly restricted responsibility this proposed legislation will grant to the Executive Protective Service is a security authority in very limited areas—the Executive Mansion and grounds, Presidential offices and foreign diplomatic missions.

Further, the Executive Protective Service will not assume the continuing responsibility of local law enforcement in providing protection to foreign diplomatic personnel, conducting criminal investigations involving embassy employees, etc. Nor will the Executive Protective Service be capable of furnishing officers in adequate numbers to control serious demonstrations and like disturbances in close proximity to foreign missions.

Second, the creation of the Executive Protective Service does not attempt to minimize or ignore the crime situation in the District of Columbia. But it does recognize the international situation which might develop by this country's failure to provide adequate protection for foreign missions here. Our national image and reputation suffers abroad each time an embassy is victimized.

It is important also to point out that if the resources requested for the Executive Protective Service are denied, this denial will not automatically result in benefits to the Metropolitan Police Department. The denial would merely continue the vulnerability of the foreign missions without a corresponding improvement in the crime situation in the District of Columbia. It should not be implied that the men requested for the Executive Protective Service will seek employment at the Metropolitan Police Department if the Executive Protective Service legislation is denied. Such an implication is entirely without basis in fact.

Third, there is no resistance on the part of the Metropolitan Police Department or Park Police to the creation of the Executive Protective Service. The Metropolitan Police Department recognizes that there will be collateral benefits which will accrue to them, by the establishment of the Executive Protective Service. The Metropolitan Police is an enforcement and investigative agency primarily. It is not protection oriented. The training the Metropolitan Police Department receives, which including certain elements of protection, is primarily investigative.

The Executive Protective Service functions will be protective, not investigative. Its training will be primarily directed to that effort. All of the resources of the Metropolitan Police are needed to contain and combat the steady rising crime rate in the District of Columbia. That fact is the exact reason the foreign missions are being victimized today. The Metropolitan Police Department is straining to fulfill its mission to suppress crime and they cannot adequately respond to the requests for embassy protection. Therefore, it will logically follow that the Metropolitan Police Department manpower commitments in the areas in which the Executive Protective Service will function can be significantly reduced.

Finally, the officers of the Executive Protective Service will have the same, identical *work* uniforms as now worn by the White House Police, with the exception of different badges and hat shields. Regarding the ceremonial uniforms which were recently acquired for some of the White House Police officers, only 150 tunics have been purchased. Not all of the Executive Protective Service members will receive the ceremonial tunics, and those who do will continue to wear their regular uniform trousers with the tunics.

If I can be of any additional service to you, please do not hesitate to ask.

Sincerely yours,
EUGENE T. ROSSIDES.

DEPARTMENT OF STATE,
Washington, D.C., February 24, 1970.
Hon. JOHN SHERMAN COOPER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOPER: I am writing in response to your inquiry regarding certain features of H.R. 14944, a bill to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes. The proposed legislation would authorize an expansion of the present White House Police force, which would be redesignated as the Executive Protective Service, and would authorize the Service to protect foreign diplomatic missions in the metropolitan area of the District of Columbia and such other areas the the President may direct on a case-by-case basis.

The United States has long subscribed to the view that a host government is obliged to afford adequate protection to foreign diplomats and embassies. The degree of protection afforded to the community at large is not necessarily sufficient. Where warranted by the circumstances, we have insisted upon special protection against intrusion and disturbance for our own diplomatic missions abroad and have demanded compensation for damages resulting from instances of failure to provide such protection.

The Congress has recognized the international duty to protect foreign diplomatic missions in this country by enacting legislation for that purpose. Federal statutes proscribe assaults against ambassadors and other public ministers (18 U.S.C. 211) and prohibit the display of certain placards and participation in demonstrations within 500 feet of an embassy or other building in Washington used for public purposes by a foreign government (D.C. Code § 22–1115).

In 1961, representatives of sixty-three governments signed the Vienna Convention on Diplomatic Relations. The Convention is now in force among some ninety-one countries. The Senate gave its advice and consent to ratification in 1965 and the Convention's entry into force for the United States awaits only the enactment of complementing legislation which was recently submitted to the Congress. Articles 22(2) and 29 of the Vienna Convention express the established duty to protect in the following manner:

Article 22(2)—"The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity."

Article 29—"The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity."

The primary responsibility for protecting the more than 100 diplomatic missions in the District of Columbia has heretofore been placed upon the Washington Metropolitan Police Department. The Police Department, within the limits of its available manpower, has been most cooperative and effective in endeavoring to perform essential protective functions. However, public demand for police services is increasing while at the same time more and more threats and acts of violence are being directed against diplomatic missions and their personnel. As a result, the Police Department has been unable to respond to some requests for protection of foreign embassies in advance of anticipated hostile acts. Moreover, when the police are diverted to protective duties at embassies, their ability to provide services to the rest of the community is impaired accordingly. The enactment of H.R. 14944 would provide the manpower resources needed to observe a national responsibility of great importance.

Please feel free to call upon me if the Department of State can furnish additional information that would be of assistance to you in connection with this or any other matter.

Sincerely yours,
H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

Mr. COOPER. Mr. President, I have enjoyed very much—as I always do—listening to the speech of the distinguished Senator from Ohio (Mr. YOUNG).

I agree wholeheartedly with that part of his speech which describes lawlessness in the District of Columbia, and the state of law enforcement here. I agree that there should be more policemen, and more judges, and that they should be stricter in their enforcement of the law. Conditions in the Nation's Capital today are a disgrace. However, I think that is entirely outside the subject of the pending bill.

In the bill, we are dealing with our responsibilities under conventions which we have entered into with other countries.

I must say the Senator from Ohio spent a great deal of time discussing the Italian Ambassador's butler.

Mr. YOUNG of Ohio. Because that precipitated the preparation of the bill, let me say to the Senator.

Mr. COOPER. I think it is true that the Italian Ambassador, being one of the senior ambassadors here, was speaking not only for himself but also conveying to the Department of State the problems confronting the embassies. We do have a responsibility to provide this protection.

By the same token, we hope that other countries will provide better protection for our embassies and representatives abroad.

I would agree also that our embassies and representatives abroad have been outraged more than have the representatives of other countries here. I think, that there may be a distinction because our situation abroad has perhaps been more dangerous—with riots and disturbances expressing, unhappily, some anti-American feeling, which I do not believe that we deserve. The instances to which the Italian Ambassador referred have all been purely criminal offenses.

The Senator referred again and again to the wonderful old light operas, especially the Merry Widow and Prince Danilo, but I am sure he is joking. I know what a wonderful sense of humor he has. But for those who may read the Record who do not know the Senator from Ohio as well as we do, and love him as much as we do, let me say that the additional policemen are not going to wear those white uniforms. They will wear the ordinary police uniform.

Mr. YOUNG of Ohio. Is it not a fact that those people who saw the pictures of the policemen in their fancy new hats, and their white coats and gold braid—the praetorian guard for the White House—had good reason to feel the same as I do now? I was not merely joking about the distinctive new uniform proposed for the Executive Protective Service.

Mr. COOPER. I cannot know their feelings. I will say, and most directly, that I do not believe President Nixon is being influenced by the traditions and trappings of Europe. I know that he is determined to have an adequate guard for the White House, for the Executive Buildings, and for foreign missions.

I think it is very worthwhile work on the part of the President.

I should like to close on that thought. I have enjoyed the the comments of the Senator from Ohio, as I am sure all of us have, and support enactment of the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. RANDOLPH. Mr. President, I shall detain the Senate for only 3 or 4 minutes before we vote on this important measure.

I do so, as other Senators have done, first to compliment the loyal opposition to the measure, carried forward by the Senator from Ohio.

I think it is good to have a well-reasoned discussion of the legislation and the background of the measure to explain the varying viewpoints.

I feel, however, that in concluding this debate we would want to have it known that the Senate has acted affirmatively on all the legislative proposals that have been brought before it to reduce the criminal elements and to lower the lawlessness which exists in the District of Columbia.

Our action on a sheaf of bills indicates the desire of the Senate to come to grips with this subject which is now pending before it. This is another important measure to join the others that have passed the Senate.

I underscore what has been said by the Senator from Kentucky (Mr. Cooper) and the Senator from North Carolina (Mr. Jordan) and by other Senators on the floor from time to time.

I make special reference to the very remarkable and timely speech delivered by our distinguished majorty leader (Mr. Mansfield) only a few days when he said, in essence, that this is not a fit place in which people are living these days.

My colleague, the able Senator from West Virginia (Mr. Byrd) has taken this forum from time to time to express himself on this subject. Many other Senators have done the same, including the Senator who now speaks. I have attempted to contribute to the focusing of attention on the excessive crime in the District of Coumbia and in the country as a whole.

I repeat that the action taken by the Senate on this measure will be another indication of our desire to move affirmatively and purposefully toward the goals which are very necessary to be attained.

The PRESIDING OFFICER. The bill having been read the third time, the question is shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Louisiana (Mr. Ellender), the Senator from Indiana (Mr. Hartke), the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. McCarthy), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Alabama (Mr. Sparkman), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that the Senator from Idaho (Mr. Church) is absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. Ellender) and the Senator from Connecticut (Mr. Dodd) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. Griffin) and the Senator from Maryland (Mr. Mathis) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Texas (Mr. Tower) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt) and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 84, nays 1, as follows:

[No. 59 Leg.]

YEAS—84

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Gurney
Hansen
Harris
Hart
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—1

Young, Ohio

NOT VOTING—15

Church
Dodd
Ellender
Griffin
Hartke
Kennedy
Mathias
McCarthy
McIntyre
Metcalf
Mundt
Saxbe
Sparkman
Tower
Yarborough

So the bill (H.R. 14944) was passed.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JORDAN of North Carolina. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I am delighted that the Senate has now completed action on the sixth and, as far as I know, final anticrime measure requested by the administration for the District of Columbia.

The able and distinguished chairman of the Senate Committee on Rules and Administration, the Senator from North Carolina (Mr. Jordan) is to be commended for his expert handling of the proposal. It is designed to provide adequate protection for the Executive Mansion and for foreign embassies. With its adoption the Senate has again responded to the need for crime fighting tools. We may all be proud.

Our thanks go particularly to the senior Senator from Kentucky (Mr. Cooper). His knowledgeable assistance on the bill contributed greatly to its wide acceptance and we are most grateful.

Expressing his always sincere views to the Senate, the distinguished Senator from Ohio (Mr. Young) also contributed a great deal to the debate. The Senate, may I say, profited a great deal from his views—always strong and most sincere.

The Senate worked expeditiously and thoroughly on this proposal and I am grateful to the entire body.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States requesting the withdrawal of the following treaty was communicated to the Senate by Mr. Geisler, one of his secretaries:

Executive B, 90th Congress, second session—Protocol between the United States of America and the United Mexican States, signed at Mexico City on December 21, 1967, further modifying the agreement concerning radio broadcasting in the standard broadcast band signed at Mexico City on January 29, 1957, as amended.

The message was referred to the Committee on Foreign Relations.

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EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations which were reported earlier today by the Committee on the Judiciary and which I understand have been cleared all around.

There being no objection, the Senate proceeded to consider executive business.

The PRESIDING OFFICER. The clerk will state the first nomination.

FOREIGN CLAIMS SETTLEMENT COMMISSION

The legislative clerk read the nomination of Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission.

The PRESIDING OFFICER. Without objection, the nomination will be considered; and, without objection, it is confirmed.

U.S. ATTORNEY

The legislative clerk read the nomination of Whitney North Seymour, Jr., of New York, to be U.S. attorney for the southern district of New York.

Mr. JAVITS. Mr. President, I ask unanimous consent to put a statement in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

> I am gratified that Whitney North Seymour, Jr., is now confirmed as the new United States Attorney for the Southern District of New York. Mr. Seymour comes from a most distinguished family of lawyers in my State and has distinguished himself and his name as a lawyer and legislator in his own right. Also his appointment puts him in a position to carry on the most effective work which his predecessor, Mr. Morganthau, began. I have every confidence that Mr. Seymour will be an outstanding United States Attorney for the Southern District of New York.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

U.S. CIRCUIT JUDGE

The legislative clerk read the nomination of Malcolm R. Wilkey of New York, to be a U.S. circuit judge for the District of Columbia circuit.

The PRESIDING OFFICER. Without objection, the nomination will be considered; and, without objection, it is confirmed.

U.S. MARSHAL

The legislative clerk read the nomination of John L. Buck, of Pennsylvania, to be U.S. marshal for the middle district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination will be considered; and, without objection, it is confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

STATUS OF CRIME, OBSCENITY, AND PORNOGRAPHY BILLS

Mr. MANSFIELD. Mr. President, for the information of the Senate, the Senate this afternoon passed the sixth bill connected in some fashion with crime in the District of Columbia, and that completes the total of all the requests made by the President of the United States in respect to the District of Columbia.

I just think that the people ought to know that the Senate has faced up to its responsibilities and has passed these bills, all six of them; and I would hope those bills would be effective in making the streets of this Capital a little safer for all concerned.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield. May I say they have not yet passed across the President's desk, but we passed them.

Mr. SCOTT. I was not raising the point. I simply want to say that if we are going to do anything about crime in the District of Columbia, this is one way to start, and I am very pleased that these measures have been passed.

I would like to ask the distinguished majority leader if he knows anything about the status of the bill or bills on obscenity or pornography. I believe they are still in committee.

Mr. MANSFIELD. Yes. I understand the committee of the Senator from North Carolina (Mr. Ervin) is going to start hearings on the 3d of next month. I would anticipate that the distinguished Senator from Wyoming (Mr. McGee), chairman of the Committee on Post Office and Civil Service, will start hearings about that time, in accord with the pledge which he made to the Senate some weeks ago.

Mr. SCOTT. I thank the Senator.

May I inquire what is the next order of business?

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is now our intention to ask unanimous consent that the Senate turn to the consideration of calendar No. 701, H.R. 14465; that it be laid before the Senate and made the pending business. I make that request.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system for the imposition of airport and airway user charges, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be no further votes today.

Mr. MAGNUSON. Mr. President, several Senators have asked as to how many amendments there will be. I do not know how many amendments will be offered to the bill, but I know there will be three or four very important amendments on which I am sure we will have votes tomorrow. I wanted the Record to show that.

Mr. MANSFIELD. Mr. President, I am delighted that the manager of the bill, the chairman of the Commerce Committee, is present. I hope that at least we could have the groundwork laid, because we are coming in at 10 o'clock tomorrow morning.

GENOCIDE CONVENTION—WHAT ARE WE AFRAID OF?

Mr. PROXMIRE. Mr. President, yesterday the move toward ratification of the Convention on the Prevention and Punishment of the Crime of Genocide was slowed in Atlanta when the American Bar Association's house of delegates failed to endorse the convention. This refusal must be recognized in spite of the fact that its standing committee of world order under law and three of its sections urged the house of delegates to support ratification—the section of criminal law, the section of international and comparative law, and the section of individual rights and responsibilities.

I was very disappointed and disturbed by the ABA's inability to act positively on the Genocide Convention and I fail to understand the ABA's reluctance to endorse an international convention which has the full support of the President of the United States, his Secretary of State, and his Attorney General.

But though I deeply regret that the ABA's house of delegates did not act positively on the convention, I am heartened by the fact that the vote was very close—it lost by four votes—and many individual members of the association strongly favored ratification.

What are the objections to endorsement of the Genocide Convention? President Nixon, in his message urging Senate ratification last week, said America's refusal to adopt the convention was misunderstood in the world and harmed her interests, a point repeatedly stressed in the delegates' debate.

Opponents, however, bring up the argument that the Black Panthers are charging Federal officials and police with genocide. It is also argued that Communist and other countries could use the pact to charge our American servicemen in Vietnam with genocide and bring them before alien trial courts.

What are we afraid of?

Not to act to ratify this convention gives credence to the ridiculous allegation that we are practicing genocide in Vietnam or elsewhere.

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Let us get at the truth.

I urge the Senate Foreign Relations Committee to hold hearings on the Genocide Convention to decide this Nation's stand on genocide once and for all. I am confident that if open hearings were held by the Senate Foreign Relations Committee, the thoughts of those distinguished members of the ABA who favor ratification—including ABA president, Bernard Segal—together with supporting testimony from the Secretary of State, the Attorney General, our representative on the United Nations Human Rights Commission, former Attorney General Nicholas Katzenbach, and others would be so convincing and powerful as to overcome any hesitation based on a misinterpretation of constitutional or international law that opponents may have.

Mr. President, I am now in the process of gathering the statements and arguments made at the annual meeting of the American Bar Association. In the near future, I intend to make a full statement refuting the arguments made against ratification of this convention.

We cannot afford to delay any longer. The United States must accept the opportunity and the obligation to lead the great struggle for human rights. President Nixon has called on us to do this. It is not up to the House. It is not up to the President. It is up to the Senate. It is up to us. If we fail, history will be our final judge and mankind will be the victim.

APPOINTMENTS BY THE VICE PRESIDENT

BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY

The PRESIDING OFFICER (Mr. Bellmon in the chair). The Chair, on behalf of the Vice President, pursuant to Public Law 84–1028, appoints the following Senators to the Board of Visitors to the U.S. Military Academy: Cannon, McGee, Hollings, and Pearson.

BOARD OF VISITORS TO THE U.S. NAVAL ACADEMY

The Chair, on behalf of the Vice President, pursuant to Public Law 80–816, appoints the following Senators to the Board of Visitors to the U.S. Naval Academy: Bible, Spong, Allott, and Schweiker.

BOARD OF VISITORS TO THE U.S. AIR FORCE ACADEMY

The Chair, on behalf of the Vice President, pursuant to Public Law 84–1028, appoints the following Senators to the Board of Visitors to the U.S. Air Force Academy: Pastore, Moss, Boggs, and Dominick.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. MAGNUSON. Mr. President, I am very pleased today that the Senate is beginning consideration of what I consider one of the most important pieces of legislation before the Congress this year, the Airport and Airways Development Act.

Mr. President, there has probably not been any matter more important involving aviation before this body since the enactment of the Federal Aviation Act 12 years ago. At that time the distinguished former Senator from Oklahoma, Mr. Monroney and I completely rewrote U.S. aviation law.

The airport and airways bill now before us is the product of 3 years of extensive and exhaustive study and review by the Senate Commerce Committee. May I say also that our colleagues in the House of Representatives have had similar experience in dealing with the problem.

In fact, in my memory no other legislation has been the object of such intensive examination and research prior to a committee recommendation. We discussed all the merits of the matter, we listened to all amendments, and the committee, after long deliberation, wrote this bill. I am pleased to note that throughout development of the legislation before us today the committee worked in a splendidly cordial and nonpartisan fashion with each member's only concern being the development of a strong and responsive program to deal with the explosive growth of the Nation's air transportation and the resulting saturation of its strained and outdated airport and airways facilities.

Mr. President, one of the most notable aspects of our Nation's prosperity in this decade has been the surging growth of its civil aviation. Travel by both commercial airlines and privately owned aircraft has increased to an extent that has astonished all but the most optimistic forecasters. In the past 7 years, for example, the number of passengers carried by the scheduled airlines of the United States has increased from 62 million to 153 million. These airlines have put in service 1,300 new jet aircraft in this period—aircraft which account for approximately 163 billion seat-miles of passenger service annually. The assets of the airlines have nearly tripled—from $3.8 billion in 1961 to $11 billion in 1968, and the figures for 1969 will probably show an increase in growth in the same ratio.

The statistics on general aviation—that is, private aircraft—during this period are equally impressive. The fleet of aircraft, for example, has grown from 77,000 to 124,000. In 1968, these aircraft were flown 23 million hours. At present, more than 690,000 men and women of this country have qualified to fly aircraft.

This remarkable growth is tangible evidence of the value placed by the people of the country on the efficiency and convenience of air transportation for both business and personal pursuits. It is testimony also to the vision, initiative, skills, and industry of the men and women of civil aviation in both industry and Government. The Nation's extensive and technically sophisticated airway and airport system is the finest in the world. Civil aviation in the United States is the envy of all foreign aviation enthusiasts.

All who travel by air are aware, however, that the great increases in air traffic in recent years have brought their problems. Congestion at the large airports of our metropolitan areas is one of these problems. It is a nagging, troublesome problem which is becoming more extensive and severe. The capacity of the Nation's system of public airports has not increased at the rate demanded by the air traffic. Aircraft, and the air travelers seated in them, are being delayed all too frequently at the busier airports because of insufficient runways, taxiways, ramps, and gate positions. Air travelers are being delayed additionally, and are experiencing more inconvenience and discomfort during peak periods of travel, because of inadequate facilities and services for ticket handling, baggage handling, access to the airport, and parking cars at the airport. The Federal Aviation Administration estimates that aircraft delays at airports are costing the airlines in excess of $100 million a year—and the delays and costs are increasing. Added to that, of course, is what we call stacking up in the air, when too many planes arrive at a destination at the same time, and they cannot all land. No dollar value can be placed on the time lost by the air travelers in the delays, inconvenience, and discomfort associated with airport congestion.

On the other hand, many of the Nation's smaller communities have been unable to participate fully in the growth of civil aviation, and to enjoy the economic and social benefits which air transportation brings, because of inadequate airport services for general aviation and airline aircraft. Many of these communities have no airports, and others have airports which are too small.

The problem of congestion, serious and costly as it is, must be rated below the problem of maintaining the safety of aircraft and air travelers in the Nation's airspace. The safety record of air transportation in the United States, is excellent.

No one, however, is satisfied that the record of air safety is as good as it should be. Death in an accident will always be an intolerable event. The great growth in air traffic has brought new anxiety about the maintenance of safety. It is not only more aircraft in the airspace which add to the problem. The new aircraft are generally faster and larger—and the mix of large and small, fast and relatively slow, aircraft is becoming more complex.

However, I might say here, Mr. President, that larger aircraft, when considering safety, may improve the safety record because, instead of having two aircraft in the air trying to come in, the one large aircraft can often carry the same number of passengers as two and this enhances safety by having fewer aircraft flying. But handling these giant jets after they land is still a confusing and perplexing problem.

Safety is as much an airspace problem as an airport problem—particularly in the terminal area airspace during the departure and arrival of aircraft. To the extent that the airways system is responsible as distinct from other elements affecting safety—it is a problem of insufficient and technologically inadequate facilities of the Federal airways system—in

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brief, a lack of capacity for air traffic control and air navigation.

Mr. President, the outline I have presented of the problems with which we are faced at the present time indicates a troubled future, unless we do something about it.

However, the growth in air transportation, impressive as it has been, is not now standing still. Unless we act immediately, the problems about which I have been speaking—and I can stand here all afternoon and list them—will become even more acute as the press of more passengers and more airplanes becomes felt on our outdated and inadequate airport and airways system.

These, then, are the challenges with which the Commerce Committee and the Finance Committee sought to deal in providing a new Federal program to cope with the Nation's unrelenting desire to travel by air.

The bill before us today follows in principle the precedent set by Congress in 1956 in enacting the Federal Highway Act. That legislation has since become recognized as a landmark in demonstrating Federal assistance in meeting the transportation needs of the people of the United States.

This bill will establish an airport airways trust fund quite similar to the now familiar highway trust fund, the revenues from which are intended to finance the capital investment in airports and airways facilities so critically needed to keep pace with the growth in aviation and to provide for the maintenance and operation and related activities of the Federal Airways System.

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The aviation trust fund will derive its moneys from two sources. First, users of the system are being asked to contribute a greater share of financial support for the required investment in the form of new and increased user charges or taxes. Second, general tax revenues will be appropriated to the trust fund primarily to continue to finance the operation and maintenance of the air traffic control system. I am confident that in later years the general revenue appropriations needed to augment user charge revenues will decline as the users shoulder the greater financial portion of the needs of the system, as do the users of the highways today. However, at the outset, the proposed legislation provides that most of the user-charge-derived trust fund revenues will be earmarked or specifically allocated for the capital improvements in the system for which the user is being taxed.

Mr. President, the program before us is a 10-year commitment to fund airport and airways facilities development at a level consistent with the estimates of needs presented to the Commerce Committee in testimony spanning 2 years. The bill earmarks for new facilities, both airways and airports, no less than $5.5 billion over the 10-year period, or $550 million per year. The remainder of the trust fund revenues to be derived from user charges, or approximately $4 billion over the next 10 years, will be spent for the necessary expenses of operating and maintaining the air traffic control system. Of course, general revenue appropriations will continue to be necessary to partially finance these activities but at a gradually diminishing level.

After a thorough study, the committee concluded that if a program is to be responsive to the long-range needs of the system and to the necessarily protracted period over which aviation planning must be made, a program of more than several years would be required.

One of the most glaring deficiencies of the current Federal airport aid program is that it provides assistance or assurance of assistance only 1 year at a time. Such a start-and-stop program does not provide a sound blueprint for progress. On the contrary, it tends to disrupt and discourage planning, resulting in sporadic development and piecemeal planning. Testimony before the committee strongly indicated that a long-term program providing Federal assurances of airport development aid is required. The committee, after long hearings and lengthy meetings, rejected industry proposals calling for a 20- to 30-year commitment of funds and likewise rejected the administration's proposal to commit airport development funds for only 2 years. The committee believes that a 10-year commitment to airport development grants does not bind the Federal Government to extremely long-range obligations, but does allow for a sound foundation for planning and development consistent with the pressing needs of the coming decade.

As in the past, airport development grants will be made to airport sponsors—States, counties, cities, port districts, and so forth—on a 50-50 matching basis, provided that such government bodies submit a plan for development to be approved by the Secretary of Transportation.

Grants for aid will be apportioned under terms of a new formula which assures that one-third of the grant money available will go to projects which have the greatest need as measured by the number of annual passenger enplanements at such airports. One-third of the available grant funds will be apportioned to projects in the States, with projects in each State receiving a guaranteed share according to the State's size and population under the area-population formula.

I see in the Chamber the Senator from Florida (Mr. GURNEY) who is interested in this matter.

The actual grants will be allocated to projects in the States, and will be apportioned among projects, in many cases, as the State wishes. A few States have airport authorities. In many others, the airports are operated by the cities or the counties or an aviation district or a port district.

In other words, the grants ultimately will be given to the authorities who run the airports—there are five or six instances in which the State will be the authority.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. RANDOLPH. On this important point to which the distinguished chairman has made reference—he also has referred to the interest of the junior Senator from Florida (Mr. GURNEY)—I should like to emphasize what Senator MAGNUSON has very well said:

> That we keep here a certain flexibility which is necessary, because we faced this problem in the original Federal Aid Highway Act of the forties.

Mr. MAGNUSON. The Senator is correct.

Mr. RANDOLPH. At that time there was an effort to channel all the moneys through the State agencies, and this was defeated.

If a local airport authority, at any political subdivision level, wishes to move forward with a project, it receives funds often from the State to supplement the moneys that are raised locally. It receives the Federal Aviation Agency money.

In the State of West Virginia and 12 other States, it might now receive funds from the Federal program under the Appalachian Regional Act. There are many sources of money for the program.

Mr. MAGNUSON. Or different sources of income which the local people might provide for.

Mr. RANDOLPH. Absolutely.

Mr. MAGNUSON. Without regard to Federal Assistance——

Mr. RANDOLPH. In other words, an airport authority can come directly to the Federal Aviation Agency and request a program to be approved, stating the reasons for their belief that the runways need to be lengthened, that certain obstructions need to be taken down in order to make the aircraft moving in and out of the airport safer in flights at a particular point.

In other words, we allow the political subdivision, whatever that may be, to come directly to the Federal Government. Is that correct?

Mr. MAGNUSON. That is correct in many cases. Of course, that is only the just due of local governments because I would think that 90 percent of the airports have been developed not by the States but by the city, the county, or the port district; by the local people.

Mr. RANDOLPH. We would have, perhaps, delayed airport programs 5 or 10 years, if we had relied upon the States in this case, because it is where people live that we now have air transportation. We have, of course, a need everywhere. But in earlier days, it was where the movement of people and products was involved. In large areas of States, there was no need, as the people saw it, for the development of an important airport project, including terminal facilities for cargo and passengers.

Mr. MAGNUSON. Well, many States did not welcome the responsibility for that, because a State legislature is composed, like Congress, of many people; and in those days, when aviation began to grow, the legislatures did not deem it appropriate to use State moneys to develop airports.

Mr. RANDOLPH. Take Michigan, for example. There would not have been, under the citizens of Michigan, who were involved, funds to appropriate for the development of even an airport in the greater metropolitan area of Detroit, because essentially the State was rural in its representation.

Mr. MAGNUSON. As to financing airport development, certainly the local port authority could raise the money for bonds, but the State did not want to become involved. They did not want the responsibility.

Mr. RANDOLPH. Let me add at this point, to what has been discussed here, that in the Federal Aid Airport Act in the 1940's, we had to deal with this problem, because then it was raised, as it is now being raised again.

Mr. GURNEY. Mr. President, will the Senator from Washington yield at that point?

The PRESIDING OFFICER (Mr. BAYH in the chair). Does the Senator from Washington yield to the Senator from Florida?

Mr. MAGNUSON. I yield.

Mr. GURNEY. I have listened to this colloquy with great interest. Certainly it is true that we do need flexibility in the bill, so far as the moneys are concerned that go to airports for the granting, the planning, and for other things, too. I want to explain my amendment later. The Senator from Washington knows that I intend to offer the amendment.

Let me point out that it is in exactly the spirit of flexibility that I am offering my amendment. There is a great deal of money in the bill for the planning of airports. My recollection is that it is $150 million.

My amendment would earmark or add $25 million, at only $5 million per year, which would go, however, to States that have agencies that do plan airports on a statewide basis. This in no way would affect the situation in Washington. The Senator is perhaps concerned with, and more familiar with, the fact that they do not have a State agency but deal directly from airport to Federal Government. It has no effect on that at all. But what it does do in the States that do have planning agencies—as a matter of fact, 27 do, more than half——

Mr. MAGNUSON. About half, as I understand it, yes.

Mr. GURNEY. A great many of the State planning agencies get into this business on a statewide basis. I am one Senator—and I know others, too—who feels that we need to look more to statewide planning coordination now than perhaps city by city.

I would like to make one other observation, because this is of considerable importance to the history of airport aid. There was an exchange and colloquy between the distinguished chairman of the committee, the Senator from Washington, and the distinguished chairman of the Committee on Public Works, the Senator from West Virginia (Mr. RANDOLPH), over the fact that cities were early in the airport game. That is true, but I should like to point out that, long before the cities got into the airport game, the State was there. Actually, originally, so far as planning for airports is concerned, it was done on a State basis.

Mr. MAGNUSON. In Florida?

Mr. GURNEY. Yes. As a matter of fact, in Florida. For 10 years prior to the Federal Airport Act, during the period 1935 to 1945, we in our State increased our State funds for airport development from $20,000 in 1935 to as much as $2 million in 1945, which point I make for the reason that the cities got such an impetus—I guess I would better express it that way—in the airport business, because after World War II there were many surplus airports that the Army and the Air Force had developed during the war. The Airport Act of 1946 was designed especially to take care of surplus airports and give them to the cities. That is how the cities got into the business. But, long before that, the States were also in the business, and long before that, the Federal Government.

Mr. MAGNUSON. In some States.

Mr. GURNEY. I will not say all, but in the history of airports, the States were in the business long before the cities, and long before that, the Federal Government.

My amendment does not in any way intend to limit the flexibility of the Senator's bill, which is a fine bill and deserves the support of the Senate. But it would give, as I see it, a little more flexibility.

Mr. MAGNUSON. Well, I appreciate that. Of course, these problems are sometimes related to size. Consider a State like Rhode Island. It could have a State system of airports but a State like California would go broke trying to finance and operate the airports they have there.

In my State of Washington, and in Oregon, the States did not want that responsibility. I appreciate that after World War II, there were many surplus airports, of which Florida had many——

Mr. GURNEY. They did, indeed.

Mr. MAGNUSON. During World War II, I was around Florida as a result of being in the service. I know that one could fall out of an airplane anywhere in Florida and land on a military field. In California, the situation was about the same. But many of the airports there have been developed by separate authorities. They are sometimes called airport authorities and are like school districts. The mechanisms vary all over the country. Then in some of the Western States, like North Dakota, Wyoming, South Dakota, or Montana, the State would not have anything to do with developing an airport. The responsibility was left up to the city or the county. That is the way airport facilities developed. We want the flexibility in this program so that those communities can expand their airports with Federal matching funds. I am concerned, because as the Senator and I talked earlier today, I do not want to mix up the local communities' ability to sell bonds.

Mr. GURNEY. I certainly agree with the distinguished chairman of the Commerce Committee. Indeed, we would not want to do that. I am well aware of the fact that most financing is done that way, either through the airport authority—we have one at home in my own county of Orange, Fla.—by the cities, or by the flotation of bonds. No one would want to change that scheme of financing. Let me make this point again, because it is interesting: Besides the principal financing of airports, that is done by, as was pointed out, authorities and cities. It is also true, though, that the States in fiscal 1970 will put $180 million into airports in this country. So what I am saying is that under the amendment I am going to propose, it will encourage the States to get into planning and will also encourage the States to get into financing, so that we will have more flexibility so far as the money is concerned.

We have the city, the Federal, and also the input by the States. I would hope that the amendment I am going to offer—I think it will—will encourage the States to get into the business of financing.

Mr. MAGNUSON. There are some communities which do not want the States to get into airport financing.

Mr. GURNEY. The amendment I will introduce——

Mr. MAGNUSON. These communities do not want to be running down to the State capital with hat in hand to get a program approved so that they can sell bonds; a development program into which they have put blood, sweat, and tears. As I say, to each his own.

Here is what my committee said on that point—on page 37 of the committee report No. 91-565:

> The Committee believes that the 23 States which do not now have so-called "channeling laws" should not be forced to adopt them in order to qualify for Federal financial assistance. The Committee finds that the decision whether to adopt such policies in the States should be made on the merits in each State and should not be compelled by Federal law. While State channeling of Federal funds has worked exceedingly well in some States, it must also be said that equally satisfactory results have been achieved in States in which airport sponsors, in developing airports, deal directly with the Federal government.
>
> The provisions of Section 212 of S. 2437 would tend to upset the well-established and harmonious precedent of allowing the individual States to determine this matter in the way which seems most appropriate in that State without the Federal Government seeking to impose one view over the other by withholding Federal funds from States which don't comply with the channeling requirements.
>
> Therefore, under this bill the States will be eligible to receive planning grants under Section 203 without having to meet any Federal requirement other than that the State, or its agency, be authorized by law to engage in airport system planning.

Mr. GURNEY. Mr. President, the Senator is correct. And I would not quarrel with that statement at all. I think it is eminently fair.

I point out that the amendment I will offer to determine eligibility would provide only $5 million each year and would encourage those who want to go into the business of statewide planning.

Mr. MAGNUSON. But it would not, in effect, compel statewide channeling of Federal funds.

Mr. GURNEY. No, indeed not.

Mr. MAGNUSON. Mr. President, as I said before, one-third of the amounts set aside for grants is to go to airports with the greatest number of passenger enplanements. The second third goes to projects in the States under the area/population formula. Finally, one-third of the grant money will be available to be expended at the discretion of the Secretary on projects he feels most worthy and most needy without regard to location.

This would be an attempt to determine the overall system needs, particularly as they relate to air safety, and use the funds accordingly. The Secretary could put this money where he deems it most worthy and most needed.

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In addition to the $270 million earmarked for annual grants to air carrier and reliever airports, this bill sets aside and earmarks at least $30 million annually, exclusively for the development of general aviation airports.

The purpose of that, of course, is that general aviation is growing by leaps and bounds. It is growing faster than commercial aviation. The number of pilots licensed is 690,000. The number will continue to grow.

Congestion in the major airports is sometimes caused by a mix of the large and the small aircraft. Many of us have been in airports to see big jet passenger planes, lined up and waiting, together with one little Cessna lined up to go with them, too. All airplanes now have a right to use the airport.

The ideal arrangement would be to have general aviation conduct its operations from its own airports away from the major aircarrier airports. One place in the United States that has provided excellent facilities for general aviation is the Twin Cities. There all of the commercial planes land at the hub airport, but around the periphery of the community are situated a number of general aviation airports.

The idea is to see if that can be done elsewhere. What we are trying to do is to set aside funds for the development of general aviation airports.

It is amazing to realize how many privately owned airports there are in the United States. I have not the figure, but I will have it placed in the Record.

These airports have encouraged a lot of general aviation flying.

An ideal situation exists in my State in the Spokane area where the community has built two airports; one for commercial and the other for general aviation.

The provisions of this bill provide that grants for airport development may, at the Secretary's discretion, be made for periods of longer than 1 year. I know there will be some discussion about that. But I do not see how we can develop these airports whether general aviation, or commercial; whether they are run by the city, county, or State, and do the kind of job that needs to be done unless they can plan on Federal assistance for more than a year's time.

So the Secretary can do that. He is authorized to enter into contracts, if he deems it advisable, with airport sponsors to provide assistance for periods of up to 5 years.

That provision will not pose too much of a problem for the Congress because this is a trust fund program. There will be no annual appropriation process for airport aid funds, as we have known it in the past. We thought that provision was advisable.

While this authority to enter into obligations for periods of longer than 1 year is similar to provisions in the urban mass transit bill recently approved by the Senate, the committee believes that only user-charge-derived trust fund revenues and not general revenues should be obligated for periods of longer than 1 year.

This, then, Mr. President, is a brief, if not all-encompassing, summary of the major features of the bill before us.

I would suggest that my colleagues consult the committee's report, 91–565, which contains a concise summary and section-by-section analysis of the program which will be helpful in understanding the details of this legislation.

Mr. President, I would like to stress again the pride with which we on the Commerce Committee view this legislation. Never before have the many issues involved been studied and discussed so thoroughly. Rarely has our committee produced a recommendation which has had such widespread support and endorsement from our members, Republican and Democrat alike. The bill was worked out following many months of hearings, staff consultations, informal discussions, and executive sessions of the committee and represents our studied judgment of priorities and needs. The committee bill, I believe, is in the form best suited to achieving our objectives, and aside from several technical amendments, it is my view that the bill does not require amendment in any but minor form.

We cannot please everyone or make everyone satisfied, but we surely have reduced to a minimum the controversy involved, I think. There may be some amendments offered on the floor, but I hope they will not be striking at the heart and the goal of the bill.

The bill is supported wholeheartedly by my colleagues on the Commerce Committee and would not have been possible without the hard work and dedication of several of my fellow Senators in particular. Notably the Senator from New Hampshire and ranking Republican on the committee, Senator Cotton; my distinguished vice chairman of the Aviation Subcommittee, the Senator from Nevada; my friend, the Senator from Kansas, Senator Pearson, and the Senator from Tennessee (Mr. Baker). The Senate owes a great deal to these colleagues without whom this bill would not be before us today.

I might also mention the name of the Senator from Indiana (Mr. Hartke) without whose support the bill would not be before us today.

This measure is long an overdue program to meet a growing problem. I do not think anyone can point a finger at anyone else and say, "We were not aware something like this would be needed," because even the most optimistic people in aviation never had any idea that aviation would grow the way it has.

Coming from an area that does manufacture airplanes of some note, I realize that the technology in aircraft development is startling and hard to believe. We think this bill is aimed at this problem and in the decade ahead it will help solve the problems, and we will continue to have the best air system in the world. I think the Secretary and those others who are going to be in charge of this matter are going to have to consider environmental factors of new airport facilities because no matter where it is decided to build an airport someone is not going to like it. The same thing is true with respect to roads, bridges or anything else.

I think the Secretary of Transportation, whoever he may be, during this development period is going to have a tough job and we are giving him the financial tools to work with. The question is going to be asked, "How much is this program going to bring in in user taxes the first year?" Our best estimate is that it will be more than $600 million.

But in addition we are appropriating, this year, over $1 billion for FAA and its air control work.

It is fair that those people who use the airlines and the airways, whether it be general aviation, commercial passengers or air cargo, help meet the challenge.

This bill is not perfect in every single feature, but in the main it has been endorsed by nearly everyone that we know is involved, from the Government to the airlines. Sometimes some segments of the aviation industry are not happy. In the Committee on Commerce, I have always found that if there is a bill in the transportation field in which the railroads want to strike out one section, the truckers want to add a section, and the inland waterways want to eliminate three words, and the airlines want further hearings, it is a pretty good bill.

It is a bill which we tried to work out in an objective manner. I must say there was less opposition last year than before. Everyone said, "Yes, we cannot all have our own way." Of course, in the transportation business—air, rail, and trucking—they all want a fair adavntage; they cannot all have a fair advantage.

I hope the Senate will consider the bill favorably. I know we will have some amendments but I know they are not amendments which are offered to try to injure the objectives and the goals but merely are offered to change methods of procedure on which there may be some disagreement.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. GURNEY. Mr. President, H.R. 14465 is a fine bill and deserves the support of the Senate. The distinguished Senator from Washington, the chairman of the committee, and his entire committee deserve credit for reporting the bill.

However, there is one aspect of the bill which needs a small change. I believe planning for airports on a statewide basis needs encouragement and I intend to offer an amendment at the appropriate time which would seek to accomplish that purpose. I wish to take this time to explain the amendment briefly.

My amendment would provide $25 million over 5 years, or $5 million a year, for grants by the Secretary of Transportation for the purpose of carrying out airport planning on a statewide basis and for airport development on a systematic State basis.

This amendment has the support of several cosponsors in the Senate: Senators Fannin, Smith of Illinois, McGovern, Packwood, Percy, Prouty, Cook, Brooke, Boggs, Gravel, Hart, Hansen, and Tower. It has the support of the administration, the National Governors' Conference, and the National Association of State Aviation Officials. Many Governors have communicated their support to me.

Thirty-three States already have legislation establishing State responsibility for Federal aid to airport programs. Twenty-seven States provide for channeling airport grants in aid through the State.

This amendment would encourage systematic planning for airports on a statewide basis. In my view it is long overdue. Air transportation is too big and too important to deal with on a city-by-city basis. This amendment would encourage coordination between State and local governments. We have this coordination in highway construction, urban mass transit, waterway and harbor development, law enforcement, housing, pollution control, education, welfare, and health.

What is unique or different about aviation to except it from State planning and coordination?

The amendment will help local airports to get State aid which they need badly—both money and technical and engineering assistance. States put $180 million in airports in fiscal 1970.

Moreover, the Federal Government under this concept could have 50 State agencies to work with on Federal aid instead of hundreds of individual airports.

In closing, I am sure some argument will be made that there is no need for State agency planning, that the concept of individual airports working with Uncle Sam is good enough.

I have pointed out that over half the States have such airport central planning and coordination. But further, the States were in this business long before Federal Government. Cities and the Federal Government got into the act because of surplus World War II airport disposal. The States long ago were doing and are doing a fine job. In short, in this day of burgeoning air travel we need more and not less airport planning and coordination. My amendment specifically encourages just that.

Mr. President, I ask unanimous consent that the amendment (No. 516) be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 80, between lines 20 and 21, insert the following:

"STATE AGENCIES

"AUTHORIZATION TO MAKE GRANTS

"SEC. 212. (a) In accordance with such terms and conditions as he may prescribe, the Secretary may make grants to agencies designated by the States for the purpose of assisting those agencies in carrying out the functions contained in subsection (b) of this section.

"FUNCTIONS OF AGENCIES

"(b) A State agency shall not be eligible to receive a grant under subsection (a) of this section unless it is empowered to—

"(1) act as the agent of sponsors located in the State;

"(2) accept in behalf of the sponsors and disburse to them all payments made pursuant to agreements under section 209;

"(3) acquire by purchase, gift, devise, lease, condemnation, or otherwise, any property, real or personal, or any interest therein, including easements, necessary to establish or develop airports;

"(4) engage in airport systems planning on a statewide basis; and

"(5) undertake airport development, or provide financial assistance to public agencies within the State for carrying it out.

"AMOUNT OF GRANTS

"(c) The total funds obligated for grants under this section may not exceed $25,000,000, and the amount obligated in any one fiscal year may not exceed $5,000,000.

"APPORTIONMENT OF FUNDS

"(d) The funds made available each fiscal year for the purposes of making grants under this section shall be apportioned among the States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States, except that (1) not more than 10 per centum of the funds made available under this section in any fiscal year may be apportioned to any State, and (2) the total of the amount of any reductions in State apportionments for any fiscal year pursuant to clause (1) shall be available to the Secretary for the purpose of increasing, subject to the limitation in such clause (1), apportionments for such year to such other States under this section as he determines will best carry out the purpose of this section. Any amount apportioned to a State which is not obligated by grant agreement at the expiration of the fiscal year for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of section 205, and be available for use for the purposes stated in paragraph (1) of section 204 (a).

"DEFINITION OF TERMS

"(e) As used in this section, 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam. For the purposes of this section, the terms 'population' and 'area' shall have the definitions given to such terms by section 205."

On pages 80 through 86, redesignate sections 212 through 217 as sections 213 through 218, respectively.

Mr. COOPER. Mr. President, I wish to say that while I am not a member of the Committee on Commerce, I was glad to hear part of the speech of the Senator from Washington. Throughout the years he has had charge of many important pieces of legislation—legislation which affected the entire country.

The Senator from Washington always does so in a very unassuming, modest way. I read that the late President Kennedy in talking about those who had great influence, said that when he was a Member of the Senate, the Senator from Washington would make a speech in a very modest way, somebody would ask him questions, he would be self-deprecating, but then they turned around and gave him whatever he asked for.

Mr. MAGNUSON. I wish that had been true.

RECOMMENDATIONS BY SECRETARY OF TRANSPORTATION AND BY GOVERNMENT OF DISTRICT OF COLUMBIA ON PROPOSED DISTRICT OF COLUMBIA HIGHWAYS

Mr. COOPER. Mr. President, while it is late in the day and I know the Senate is ready to adjourn, I would like very much to place in the RECORD a letter from the Secretary of Transportation to the Congress, containing his report and recommendations with respect to certain projects on the Interstate Highway System proposed for the District of Columbia. I may say, in introducing this subject, that my interest grows out of the fact that in 1968, when we were considering the biennial Federal-Aid Highway Act, the House inserted in the bill and in the report of its managers language purporting to describe the precise location of the Interstate System within the District of Columbia. I opposed the provision because I thought it in contradiction of the law, at that time at least, and because I thought it bad precedent for the Congress to try to lay down a highway system for any State or for the District of Columbia. My statement today expresses my continued interest in this matter, and the letter of the Secretary presents the latest development following the 1968 provision.

Mr. President, today the government of the District of Columbia and the Secretary of Transportation are sending to the Congress a report of their recommendations with respect to certain projects on the Interstate System, as required by section 23(c) of the Federal-Aid Highway Act of 1968. That subsection reads as follows:

> (c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate", House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the government of the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section.

The report and restudy is the result of work and consideration by the agencies of local and Federal Governments, the city council which conducted seven sessions of hearings on the Highway Department's recommendations, one of which lasted into the early hours of the morning, deliberation by the mayor and the Secretary of Transportation. I do not know what the Secretary and Mayor Washington are going to recommend, but I believe that the report will reflect the desire and determination of the people and government of the District of Columbia to make decisions for the future of their city, just as the actions taken since the passage of the Federal-Aid Highway Act of 1968, by and large, have reflected that spirit.

As ranking minority member of the Senate Committee on Public Works, I was a member of the Senate-House conference on the Highway Act in 1968. I opposed the section in the House bill which purported to require the District of Columbia to construct a highway system specified in the report of the managers on the part of the House. Mr. President, I request permission at this time to insert in the RECORD the original language of section 23 as it was passed by the House of Representatives in their version of the Federal-Aid Highway Act of 1968.

There being no objection, the language was ordered to be printed in the RECORD, as follows:

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> (a) Chapter 3 of Title 23 of the United States Code is amended by inserting immediately following section 312 the following new section:
>
> "313. INTERSTATE ROUTES IN THE DISTRICT OF COLUMBIA.
>
> "Notwithstanding any other provision of law, or any court decision, or administrative decision to the contrary, the Secretary of Transportation and the Government of the District of Columbia shall, as soon as possible after the enactment of this section, construct all routes on the Interstate System within the District of Columbia as set forth in the Document entitled '1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia' submitted to the Congress by the Secretary of Transportation with, and as part of, 'The 1968 Interstate System Cost Estimate' printed as House Document Numbered 199, Ninetieth Congress. Such construction shall be carried out in accordance with all other applicable provisions of this title."

Mr. COOPER. In the conference, we were successful in achieving some compromise in this language—a compromise which, among other things, directed the report forwarded to Congress today. But it was because of section 23, among other provisions, that I would not sign the conference report, spoke against the provision in the Senate, and voted against the conference report. I opposed the idea of Congress asserting the authority to attempt to lay down a road system in the District of Columbia, or any State or city in the United States, and as I said in the Senate at that time such action was dangerous because they create precedents which are contrary to the procedures provided by statute. Section 23, despite the representations that appear to have been made about it, is far from clear on its face and, I believe, is of doubtful validity and efficacy. In fact, President Johnson stated upon signing the Highway Act, that he could do so only because of the clause in section 23 stating that construction "shall be carried out in accordance with all applicable provisions of title 23 of the United States Code."

Mr. President, I would like to read from parts of the President's message on signing the Federal-Aid Highway Act of 1968 and ask unanimous consent to include the entire statement in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COOPER. Mr. President, on August 23, 1968, President Johnson said:

> By far the most objectionable feature of this bill is the requirement that the District of Columbia Government and the Secretary of Transportation construct all interstate routes passing within the District as soon as possible—with the District required to commence work on four specific projects within 30 days. These provisions are inconsistent with a basic tenet of sound urban development—to permit the local government and the people affected to participate meaningfully in planning their transportation system.
>
> Under the Constitution, the Congress does possess special and unique responsibilities—different, from its powers over the fifty States—to legislate for the Nation's Capital. The desire of the Congress to move forward with the construction of a highway system to serve the Washington area is understandable. But it is vitally important that these roads be constructed in accordance with proper planning and engineering concepts and with minimum disruption of the lives of the District citizens.
>
> Fortunately, the Congress has called for construction only in accordance with the applicable provisions of the Federal highway law.
>
> If the authority of the Executive Branch were not so preserved, I would have no choice but to veto this bill as an infringement of basic principles of good government and Executive responsibility.

The City Council in August of last year passed a resolution to comply with section 23, a section of law I would again remind my colleagues is of disputed interpretation and is currently the subject of litigation pending before the court of appeals. Despite that action, the House of Representatives wrote into the revenue bill for the District of Columbia provisions which could have held the city's revenues and the development of the rapid rail transit system virtual hostage to the proposed highway projects. That section was generated, in my view, by the same intention as that of the House in drafting section 23 of the 1968 Highway Act.

A week ago the City Council, after studying the recommendations of the District of Columbia Department of Highways and Traffic, and after conducting extensive hearings, adopted a plan for the north leg of the inner loop and the south leg, and excluded the North Central Freeway from the overall highway plan. The plan, which is much like that adopted by the Council in December of 1968, has been supported by many groups from all segments representative of the District of Columbia. Opposition to the North Central Freeway was voiced throughout the hearings, not only from those who live in the path of the construction, but also from experts in the fields of engineering, city planning, architecture, air pollution, and from citizens of Montgomery County, including a member of their county council.

The testimony given at the hearings on the issue is very persuasive and I would recommend that members of this body, particularly my colleagues who sit on the Public Works Committee and the District of Columbia Committee, take the opportunity to review it, for increasingly the problems of environmental change, and the social consequences of transportation development in urban areas, are touching all of us.

I have yet to see the formal report of the government of the District of Columbia, but I do have the report of the Secretary of Transportation before me. I ask, Mr. President, for unanimous permission to have it included in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. COOPER. Mr. President, the Secretary recommends the Council's adopted plan for the south leg. He recommends that the north leg be studied as proposed by the District government, although he would not limit that study to the alternatives spelled out in the Government's recommendation. And he recommends that the North Central Freeway be given further study, rather than dropped altogether. That study, the Secretary believes, should be carried out with five objectives in mind, in order to secure a well-considered and long-range solution. Those objectives are: First, "meaningful" citizen and community involvement; second, comprehensive land use and environmental planning coordination; third, continued discussions with the Department of Housing and Urban Development on relocation and replacement housing; fourth, making the best use of the rail corridor for its joint development as a highway and rapid transit corridor; and fifth, clarification of the present uncertainty which has developed in Maryland about connecting routes.

I applaud the report of the Secretary, the goals it embraces, and its general direction and tone. I am concerned about the interpretation which was given to section 23 of the Federal-Aid Highway Act of 1968, in the second paragraph of the Secretary's report. The Secretary appears to interpret the language of subsection (b) of section 23 as mandating the construction of the segments specified in the bill. The language of the act says "commence work" and construction has gone forward on all segments specified, all of which are uncontroversial, except for the Three Sisters Bridge. It is the action to construct the Three Sisters Bridge taken under this language which is currently being challenged in court on grounds that the construction is proceeding contrary to the applicable provisions of title 23 of the United States Code as specified in section 23.

Mr. President, the issue of freeways in the District of Columbia is entering a new phase with the submission of these reports to the Congress. I hope that as they are received and considered by this body and the House of Representatives we recall the principles of self-determination and democratic government which are the foundations of our Nation's greatness.

EXHIBIT 1

STATEMENT OF PRESIDENT JOHNSON, AUGUST 23, 1968

> After careful consideration, I have signed the Federal-Aid Highway Act of 1968.
>
> In this review I have weighed the bill's positive and progressive features against its shortcomings, the range of Executive actions we might take to ease some of its burdens, and the time yet remaining in this session for the Congress to correct its drawbacks.
>
> In many respects this is the most important highway authorization bill since the start of the Interstate Program over a decade ago. It authorizes funds to carry the program through 1974, enough to assure the construction of many thousands of miles of roads. These highways can forge new links to more of our cities, serve America's growing transportation needs, and open up new avenues of convenience to millions of citizens. This measure also deals more effectively and more humanely than any previous measure with a modern dilemma—the problems created by road construction in or through our cities. It shows in these provisions more of a concern for our citizens than for concrete:
>
> Families—particularly the poor—who are displaced from their homes by highway projects—will receive the assistance they need in moving to other dwellings.

Authority to acquire new rights of way in advance can help assure that highways in the future will be better planned, less costly, and cause the least possible disruption to local residents and businesses.

Funds to institute innovative measures to improve traffic flows will mean less congestion in city streets.

A new test program providing fringe parking away from crowded business districts will further improve the movement of traffic.

Highway planners will be required to consider social and environmental factors in determining the location of urban highways—thus preserving many neighborhoods from the bulldozer and the wrecking ball.

More effective equal employment opportunity in the highway construction industry will bring jobs to Americans of all races.

Unfortunately, these forward-looking provisions do not stand alone in this bill. There are other sections which I believe to be unfortunate, ill-considered, and a set-back to the cause of conservation. I urge the Congress to move promptly to correct them. The bill as it now stands will:

Seriously weaken the pioneering effort to beautify America's highways by depriving that effort of the funds it needs, and by diluting the billboard removal provisions of the present Act.

Removing the protection we have given in the past to many park lands that should be preserved for the families and children of America.

Extend the interstate system by 1,500 miles without any serious study of the type of major highway program we will need after we complete the present system in 1974.

By far the most objectionable feature in this bill is the requirement that the District of Columbia Government and the Secretary of Transportation construct all interstate routes passing within the District as soon as possible—with the District required to commence work on four specific projects within 30 days. These provisions are inconsistent with a basic tenet of sound urban development—to permit the local government and the people affected to participate meanginfully in planning their transportation system.

Under the Constitution, the Congress does possess special and unique responsibilities—different from its powers over the fifty states—to legislate for the Nation's Capital. The desire of the Congress to move forward with the construction of a highway system to serve the Washington area is understandable. But it is vitally important that these roads be constructed in accordance with proper planning and engineering concepts and with minimum disruption of the lives of District citizens.

Fortunately, the Congress has called for construction only in accordance with the applicable provisions of the Federal highway law.

If the authority of the Executive Branch were not so preserved, I would have no choice but to veto this bill as an infringement of basic principles of good government and Executive responsibility.

I am advised that under Federal highway law the Secretary of Transportation is required to approve construction only when:

Funds are available.

All rights of way can be obtained.

These projects are shown to be appropriate links in a comprehensive transportation plan for the District.

Other requirements of sound highway construction are met.

I have therefore directed the Secretary of Transportation promptly to convene the representatives of all interested Executive Agencies to support the Government of the District of Columbia in developing a comprehensive plan for a D.C. highway system.

This plan should:

Promote the rapid movement of traffic in the metropolitan area.

Protect the people and neighborhoods affected by the new roads.

Recognize the city's needs for expanded parking facilities.

I have asked the Secretary of Transportation and the Mayor of the District of Columbia to make certain that the plan is developed in sufficient time to have portions under contract prior to January 1, 1969.

Earlier this year the Congress directed me to reduce expenditures by $6 billion and new obligations by $18 billion. This was not a responsibility I sought. While I appreciate the sense of the Congress—as expressed in this bill—that Federal moneys not be withheld from the highway program, I must still exercise the responsibility to carry out these stringent economy measures. All government programs are being scrutinized with care. Highway projects will not be immune from this study, and funds will be provided or withheld in accordance with the need to comply with the Congressional mandate to cut $6 billion from the federal budget.

I believe the good in this bill outweighs the bad. I believe that the progressive steps we are taking here will permit us to improve the highway program in urban areas, and make it more responsive to the needs of the people who live there. I hope that the Congress will assist the Executive Branch in moving further in this direction, and in amending the undesirable features of this bill.

EXHIBIT 2

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., February 22, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I submit herewith the report and recommendations required of the Secretary of Transportation by subsection 23(c) of the Federal-Aid Highway Act of 1968 regarding completion of the Interstate Highway System in the District of Columbia. This submission is within the limit of time specified in the Act.

Under the law, this report is concerned with the three freeway projects—South leg, North leg, and North Central—which were included in the 1968 Interstate System Cost Estimate for the District of Columbia but which were not specified in the Federal-Aid Highway Act of 1968 for immediate construction.

The development of this report began with the preparation of professional studies by the Department of Highways and Traffic of the District of Columbia on each of these segments of the system. These studies and related recommendations were the subject of public hearings before the City Council of the District of Columbia at which all points of view were afforded opportunity to be heard, including those from adjoining jurisdictions in Maryland. Following the hearings, the City Council unanimously adopted formal recommendations and alternatives, and the Commissioner of the District of Columbia has endorsed them. These recommendations and alternatives are being submitted separately by the District Government.

In my opinion, the recommendations of the Government of the District of Columbia reflect a determined effort to comply with the requirements of the Congress as well as to remain sensitive to the expressed concerns of the citizen groups of the District of Columbia. It is necessary to remember in this connection that the time available for preparation of studies and for Government action was considerably reduced by the practical necessity last year to resolve the controversy concerning the relationship of rapid transit and highways in a balanced transportation program for the metropolitan area. Yet the completed freeway network reflected in the District Government's recommendations includes in mileage over 73 percent of the network set forth in the 1968 Cost Estimate. With the New York Avenue addition proposed by the District Government, the total mileage would be 87 percent of the mileage in the 1968 Cost Estimate.

My responsibility as Secretary of Transportation, in reporting to Congress on these matters, requires that I give consideration to the metropolitan area and national transportation needs as well as those of the District of Columbia. My judgment must be based on transportation by all modes and not be limited to highway considerations alone. Based on this concept, my recommendations on the three projects referred to are as follows:

(1) *South Leg Freeway.* I recommend that Plan C in the District Highway Department report be adopted for the South Leg Freeway plan. This plan would provide for a tunnel about 1,400 feet long beneath the Lincoln Memorial area returning to the existing elevation on Independence Avenue approximately 1,000 feet beyond the south tunnel portal. I recommend a modification of the tunnel section in Plan C to the extent that a vertical clearance of 12½ feet be provided rather than the 14½ feet tunnel clearance, since commercial traffic will not be permitted on this route.

Additional background information and details regarding this project recommendation are provided in Enclosure 1 with this letter. My recommendations on this segment are in substantial agreement with the recommendations of the District of Columbia Government. This plan will do the least damage to the esthetics and monumental character of this area and permit its easy accessibility to visitors and city dwellers alike.

(2) *North Leg Freeway.* I recommend that the action proposed by the District Government be deferred for 18 months pending preparation, in cooperation with the Government of the District of Columbia, of a final plan of action on this segment of the Interstate System in the District and pending necessary public hearings. The further study leading to this plan of action should not be restricted to the alternative specified by the District Government (4-lane tunnel along K Street, 2-lane tunnels along L and M Streets, or a tunnel connecting the E Street Expressway with Downtown). Further details regarding the background information and other considerations relating to this freeway segment are provided in Enclosure 2 with this letter.

(3) *North-Central Freeway.* The District Government proposes to remove the North-Central leg from the freeway system. In my opinion, any judgment requiring or precluding this segment is premature. Significant problems have not been resolved. Admittedly, the North-Central area is the most heavily traveled in the D.C.-Maryland portion of metropolitan Washington. This traffic load, now carried on residential streets and projected in the 1968 Cost Estimate to go up to 90,000 vehicles per day by 1990, is bound to have an ever-increasingly harmful effect on the neighborhood environment, schools, playgrounds, parks and community life. The New York Avenue freeway proposed by the District Government as a substitute is not in fact an alternative; it is primarily an east-west corridor and offers little relief to north-south traffic. Nor can possible improvements in managing traffic arterials as suggested by the District Government meet but a part of the problem. For the safety and enhancement of this community, we must seek a more effective and reasonable solution for channeling this heavy traffic away from homes, schools, and playgrounds. In the professional judgment of our staff, the Baltimore and Ohio Rail-

road corridor appears to offer the most practicable and feasible alignment for a freeway development in the North-Central area with the least disruption to the community.

Notwithstanding these observations, additional studies and planning are unavoidable, if a well-considered and long-range solution is to be our objective. First, a concerted effort must be made to obtain involvement of the community and meaningful citizen participation. Second, the highway planning in this area needs to be coordinated more closely with comprehensive land use and environmental planning for the total community. Third, continuing discussions with the Department of Housing and Urban Development are necessary to establish in advance attractive replacement housing alternatives for persons potentially subject to relocation, consistent with the policy I have stated that no construction will be undertaken before adequate replacement housing is in fact available. Fourth, the possibility of removing the operating rail line from the corridor needs to be explored thoroughly so that the most advantageous program for joint development of the corridor with the Washington Metropolitan Area Transit Authority can be developed in order to save construction money and time, improve design features, and enhance appearance and utility. Fifth, additional time would permit clarification of the uncertainty which appears to have developed in Maryland regarding the Maryland connecting links.

In summary, I recommend that final judgment be deferred until the studies and planning enumerated above are completed. I believe that this work can be accomplished and a definitive recommendation made within a period of 16 months. Additional background information and details regarding this segment are provided in Enclosure 3 with this letter.

The District Government's proposal to create a New York Avenue freeway has merit as an addition or alternate routing for that portion of I–95, which is to be carried jointly with I–70S south of Gallatin Street. This section is very heavily loaded because the design was administratively restricted to eight lanes despite the larger traffic load demand. It is further complicated by undesirable weaving movements at and between the inter-changes. I would, therefore, be willing to give favorable consideration to an adjustment as proposed for rerouting I–95, assuming that approvals could be obtained for the adjustments in routing of the East Leg which are made as a part of the District Government recommendation in connection with the New York Avenue change, and a satisfactory solution can be found to handling the traffic load on the section of present I–95 removed between the Beltway and the present I–70S junction near Gallatin Street in the District of Columbia.

In Section 23(b) of the Act, reference was made to four specific projects: (1) Three Sisters Bridge, (2) Potomac River Freeway, (3) Center Leg of the Inner Loop, and (4) East Leg of the Inner Loop, on which work was to proceed. There follows a status report on these segments.

THREE SISTERS BRIDGE I–266 (SECTION B1 TO B2)

In 1966 a compromise location was agreed to by the District, Virginia, and the National Park Service. The Fine Arts Commission approved a single span structure design in September 1967. The February 1968 Court of Appeals injunction against this route was lifted by the 1968 Highway Act. In August 1969 a consulting engineer was engaged to prepare detailed plans. The first construction contract, for two river piers, is now underway.

In late 1969 there was a move in the U.S. District Court to enjoin further action on the Three Sisters Bridge. This was denied in January 1970, and the court ruled that construction should proceed. An appeal is now pending.

POTOMAC RIVER FREEWAY I–266 (SECTION B2 TO B4)

The District of Columbia presently has a design contract underway for this project. A civil action was filed in the U.S. District Court in January 1970 to enjoin construction and right-of-way acquisition on this project. The plaintiffs, defendants, and the alleged violation of law, are similar to those filed in the Three Sisters Bridge court action.

Recommendations regarding the design concept for this segment of the Interstate System in the District of Columbia are presented in Enclosure 4 with this letter. This design concept would enhance the development of the Georgetown Waterfront.

CENTER LEG OF THE INNER LOOP I–95 (SECTION A6 TO C4)

Preliminary design is underway for joint development housing and freeway facilities on a 5-acre site between H and K Streets, N.W., on the Center Leg, I–95. The segment of the route between the Southwest Freeway and H Street is under construction and is well along. The Mall tunnel is about 50 percent complete. Grading walls and structure for the depressed section between D Street and H Street, N.W., are complete. Paving and stone facing operations are awaiting improved weather conditions.

EAST LEG OF THE INNER LOOP I–295 (SECTION C1 TO C4)

The first section from 11th Street to Barney Circle (Pennsylvania Avenue) is partly under construction. Detailed design work is underway for ½ mile east of Barney Circle. Bids were opened January 15, 1970, for a short grading project in this area.

The alignment along the Anacostia River in the vicinity of the D.C. Stadium has been affected somewhat by recreational development studies by the Interior Department. The East Leg highway project should be developed in keeping with the planning of the National Park Service for this recreational complex, with joint financing to be determined on the basis of later discussion between the responsible agencies. Additional views on this subject are presented in Enclosure 5 with this letter.

To complete this submission, as a matter of information, I am also enclosing copies of the recommendations as reported by the District of Columbia Department of Highways and Traffic. Enclosures 6, 7, and 8 are that Department's reports on the South Leg Freeway, the North Leg Freeway, and the North-Central Freeway, respectively.

My report is also being submitted to the Speaker of the House.

Sincerely,

JOHN A. VOLPE.

SOUTH LEG FREEWAY

1. BACKGROUND OF PLANNING

The report by the District of Columbia Department of Highways and Traffic correctly states the long history of planning for the South Leg corridor, spanning a 20-year period from 1950 to the present date.

In addition to the chronology in the Highway Department report, there was the Report on Development of Lincoln Memorial Park prepared for the National Park Service in 1960. This report recommended a tunnel project connecting the Theodore Roosevelt Bridge with Independence Avenue by means of a twin tunnel section under the Lincoln Memorial area. This proposal did not include the additional tunneling under the Tidal Basin area as shown in Figure 2 of the Highway Department report, and did not make other changes in the present traffic service facilities in this area. This report also was the basis for the contract design proposal which was advertised for bids in June 1965 with the approval of all affected Federal agencies. As noted in Section II of the Highway Department report, the invitation for bids on this project was withdrawn prior to contract award.

The proposed tunnel cross section in the design as advertised was for two 36-foot roadways, a tunnel length of 1,430 feet between portals, vertical clearance of 12½ feet and narrow refuge on each side of each roadway. The profile returned to the existing elevation on Independence Avenue approximately 1,000 feet beyond the south tunnel portal.

This advertised proposal very closely approximates the layout plan shown as Plan C, Figure 6, in the Highway Department report now under review, identified as a plan suggested by the Federal Highway Administration.

The Highway Department report provides descriptive data regarding Plan A, Plan B, and Plan C giving comparative cost figures, encroachment on present Tidal Basin area, ventilation structure needs, landscaping effects, and assigns to each Plan a traffic carrying capacity.

The Highway Department report recommends that Plan A be adopted citing the difference in traffic capacity and the possible later conversion of Plan A to a full tunnel section similar to the Plan B solution. Plan B is shown to cost $95 million, Plan A $65 million, and Plan C $22.5 million.

The District Government recommends that Plan C be built.

2. TRAFFIC CONSIDERATIONS

The Highway Department report assigns a traffic capacity of 100,000 vehicles per day to Plan A and Plan B. Plan C is stated to have a capacity of only 60,000 vehicles per day. Under the operating conditions set out in the report, we agree with these values.

In considering the Highway Department report, however, it should be noted that neither Plan A or B take into account the 27,000 vehicles daily using 17th Street that would have to seek another route through the Mall area. Only Plan C mentions a capacity restraint, 60,000 ADT, "in the section east of the Tidal Basin, which is also the maximum current volume." This 60,000 ADT is the sum of the four present one-way roadways serving the area immediately east of 17th Street.

If Plan C were to be operated with the limited movements permitted in Plan A and B, i.e. the elimination of 17th Street connections during rush hour and the resulting removal of heavy wearing movements, then Plan C could, with relatively minor modification, be made to approach a capacity equal to Plans A and B. In addition to closing off the 17th Street service, there would be needed separation structures at 15th Street in the vicinity of the Bureau of Printing and Engraving. Consideration should also be given to the ultimate elimination of the grade crossing at Independence Avenue and 14th Street.

3. ENVIRONMENT EFFECTS

As shown in the Highway Department report, Plan C has the minimum adverse effect on the present landscape, requires no modification of the existing Tidal Basin area and thus no change in its functional operation. There would be no major disruption of a large part of the total area under Plan C as would be required for either Plan A or Plan B. And finally, Plan C, too, could be an element of some more extensive tunnel plan if future needs of the District made such a change desirable.

Meanwhile, the traffic requirements of this area, and of the District as a whole, can be met with the minimum of construction—freeing the Memorial area of unwanted traffic while preserving for the most part the existing amenities of West Potomac Park.

4. RECOMMENDATION

It is recommended that Plan C be adopted for the South Leg Freeway plan but with

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modification from the section as described in the Highway Department report to provide only a 12½-foot vehicle clearance. There is no established need for a 14½-foot tunnel clearance since heavy commercial traffic will not be permitted. The 12½-foot clearance will accommodate all foreseeable emergency needs and other routings are available for the movement of military vehicles requiring larger clearances.

North Leg Freeway

1. BACKGROUND OF PLANNING

Several alternate alignments for the North Leg Freeway have been considered. The alternate in the area of T and U Streets, N.W. of the District was the line on which the 1968 Cost Estimate was reported. There was also included in the 1968 Cost Estimate the cost information on the proposal for the "K" Street tunnel line as information for the Congress to consider. This "line" was recommended for study by the District Council and the National Capital Planning Commission.

The Highway Department report recites the problems in this area and recommends that in order to provide needed time for a thorough study of this area and its problems, and to provide needed time for community input and public hearing review, that the Congress be requested to permit added study of the problem and an additional 18 months' time extension be allowed for this purpose.

The District Government rejects this recommendation and recommends instead aligning the North Leg in a 4-lane tunnel along K Street or in 2-lane tunnels along L and M Streets or some combination of these, or as an alternative, a tunnel connecting the E Street Expressway to "Downtown." The District Government rejects all other alternatives and notes that public hearings are necessary before the final alignment chosen can be built.

2. OTHER CONSIDERATIONS

In the study of the North Central Freeway alignment, and our report on this matter, there are involved many elements of the total study of relocation assistance and the associated problems of providing public housing at reasonable rentals. In the North Central Freeway study, in cooperation with HUD and other government departments and agencies which have authority and responsibility in public housing, it is our hope we can come up with some procedural answers and some financing solutions which can contribute greatly to solving the basic problem which creates the public opposition to a highway answering the traffic need in the North Leg corridor.

3. ALTERNATES

There is a strong possibility that the "E" Street line extension, across the area in the rear of the White House and extending beyond Pennsylvania Avenue, perhaps ultimately to the Center Leg Freeway, can be accomplished. This could well be the "release" from the pressure for a traffic service line along "K" Street—and certainly would give relief to the present problem of "just too many cars and too much confusion in area between the White House and the Washington Monument."

4. RECOMMENDATIONS

In view of the potential stated under paragraph 3 above, and in anticipation of the results we hope to achieve with HUD and others in the search for relocation problem solutions, we recommend that there be prepared within 18 months, in cooperation with the District Government, a final action plan on this segment of the Interstate System in the District. The additional studies necessary for this final action plan must not be restricted to the alternatives proposed by the District Government.

North Central Freeway

1. BACKGROUND OF PLANNING

The Department of Highways and Traffic report on a freeway in the northern sector includes a historical review of the recognized need for such a facility evidenced by many proposals spanning the broad area between the Potomac and Anacostia Rivers. All other corridors were ruled out and the highway department's evaluation of traffic and design considerations was limited to the North Central and New York Avenue routes. While conceding that highway improvement will be needed in the New York Avenue corridor, the District Highway Department recommended immediate construction of a low-level freeway along the Baltimore and Ohio Railroad.

Preliminary engineering and right-of-way acquisition had been authorized by Public Roads for the southern portion of this route prior to the 1968 Interstate Cost Estimate. North of Taylor Street the estimate was based on the so-called Route 11 alinement recommended by consultants in 1964. The newer line following the tracks at-or-below railroad grade all the way to the Beltway resulted from a post-hearing attempt to minimize displacements. Within the District the number of families displaced was first reduced from 720 to 372, but with an increased cost of about $29 million, or over $83,000 per unit saved. Further efforts by the highway department have lowered the displacement needs to 223 units, again at some additional cost and sacrifice of design standards. The estimated cost now exceeds $25 million per mile for a freeway that will barely serve traffic demands, while design elements suffer from the squeeze of right-of-way constrictions.

2. TRAFFIC CONSIDERATIONS

The anticipated traffic of the combined northwest, central and northeast corridors into one North-Central route requires an exceedingly high capacity, 4-2-4 lane freeway with reversible express center lanes. The wide swath needed for such a cross-section with extreme traffic concentrations in the vicinity of the Capitol dictated an arbitrary cutback to a 4-4 lane proposal. Although generally recognized as inadequate for future needs, it could be accepted at this time with two expectations.

First, another outlet to the northwest will eventually be supplied upon completion of the George Washington Memorial Parkway on the District side of the Potomac River from the Three Sisters Bridge to the Beltway, Interstate 495. Although commuter travel over parkways is generally undesirable, it would seem the river valley is too important a resource to be devoted solely to "pleasure" driving.

Second, an outlet to the northeast is possible in two ways. The proposed New York Avenue Freeway via the Kenilworth Interchange and northward on the Baltimore-Washington Parkway to the Beltway may be built. The northeast branch from the North Central corridor to meet Maryland's Interstate 95 at the Beltway would provide similar service.

3. HOUSING POTENTIAL

Continuing discussions with the Department of Housing and Urban Development are necessary to establish new methods of providing for these relocatees and replacing their housing. One possibility is a new goal to provide replacement housing while reconstructing the 1968 riot-damaged areas.

4. DESIGN ALTERNATIVES

The high cost per freeway mile on the Highway Department's recommended design, the low-level railroad concept, has beeen previously noted. Coupled with incompletely satisfied capacity needs, the price tag is inordinately high.

Undoubtedly the Baltimore and Ohio Railroad's presence adds considerably to the costs The five underpasses are intrinsically expensive because of the angle of crossing and the need to maintain railroad operations by detour tracks and supports. The proximity of the railroad itself and the future rapid transit lines add to the costs by requiring additional retaining walls and other appurtenances.

Since the B&O has an alternate connection into Washington through Baltimore and Laurel, a proposal has been made to purchase the railroad right-of-way. The railroad might desire a new east-west connection from Gaithersburg to Laurel or thereabouts, however this would be their decision and action.

Removal of the operating rail line would allow joint development of the transportation corridor by the highway departments in conjunction with the Washington Metropolitan Area Transit Authority. There are many obvious advantages:

1. Joint Development would coordinate and accelerate construction plans, lessen traffic congestion and aid in solving many problems in parking facilities, relocation, etc.
2. Considerably better highway alinement both vertical and horizontal and improved interchange geometrics would be possible.
3. Large sections of expensive retaining walls would be eliminated.
4. Minor savings in right-of-way widths would either reduce displacement of people or result in lower wall costs and improved esthetics.
5. A major reduction in tunnel construction costs and in construction time would occur.
6. A corollary advantage would be the possibility of a later extension of I–70S along the railroad line north of the Beltway to an interchange in the vicinity of Gaithersburg. While adding to overall costs this would also reduce traffic overloading on critical sections of the Beltway and I–70S.

The Interstate alinement does not parallel the railroad until it approaches Monroe Street and the Taylor Street bridge reconstruction practically fixes the highway alinement to that point. The possibilities in highway design with the railroad removed begin therefore north of Taylor Street. The joint development with WMATA could well begin at Monroe Street.

5. RECOMMENDATIONS

The following course of action is recommended:

1. Further exploration of the B&O corridor as a practical and feasible alinement for joint highway-metro development in the North-Central area.
2. Expolration of the possibility of removing the B&O Railroad from the corridor.
3. Continued study of housing replacement strategies involving HUD.
4. Study of joint development possibilities with WMATA.

Potomac River Freeway

Section 23 of the 1968 Federal-Aid Highway Act lists the Potomac River Freeway as one of the segments on which work is to be started in accordance with the 1968 Interstate Cost Estimate without further study. In compliance with this mandate, the District of Columbia presently has a design contract underway.

It is the thought of the Federal Highway Administration that further consideration should be given to the design along the Georgetown Waterfront, particularly the area downstream from Key Bridge. The 1968 Estimate Report envisioned a tunnel for the eastbound lanes beginning near Three Sisters Bridge and extending almost to Wisconsin Avenue. The existing Whitehurst Freeway would remain at present for westbound traffic with a shorter tunnel beginning west of Key Bridge. It is felt that further consideration should be given to an earlier design concept which provided two elevated struc-

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tures and reserved the area beneath and riverward for park and recreation purposes.

Full development of the Georgetown Waterfront requires the removal of all commercial and industrial activities between the Potomac River and the C&O Canal and the Whitehurst Freeway. Under existing concepts for highway development, the entire cost of acquisition for this land could be financed from the Federal-aid highway fund. The National Park Service would be the logical agency for developing the park and recreational use.

The proposal described permits full and unrestricted access from the entire Georgetown area to all of the Potomac River bank. The tunnel east of Key Bridge creates a severe barrier to access because of the approach grades towards the completed structure at 31st Street. The elevated facilities would obviate the necessity for the elaborate construction techniques, ventilation equipment and constricted operations that are the earmark of all highway tunnels.

In conclusion, it is felt that further study of alternative solutions in the Georgetown Waterfront area should be undertaken before final decision is made on the type of facility to be constructed. The treatment upstream from the Key Bridge to the connections with the Three Sisters Bridge and the George Washington Memorial Parkway will of necessity have to await final decision on the treatment of the waterfront downstream from Key Bridge.

EAST LEG FREEWAY

1. BACKGROUND

The 1968 Federal-Aid Highway Act directed the government of the District of Columbia to commence work on four specific segments of the Interstate System in the District. One of these was the East Leg Freeway described in the Act by the 1968 Estimate termini "(C1 to C4), terminating at Bladensburg Road." In terms of local street identification the East Leg so described extends from the connection with I-695 on the District side of the 11st Street Anacostia River Bridge, east along the Anacostia River to Barney Circle at Pennsylvania Avenue, then north past the East Capitol Street Bridge, to the south edge of the Arboretem, thence west to Bladensburg Road.

Inasmuch as this segment is specifically spelled out in the 1968 Act, the District Highway Department has made no recommendation regarding this route and is preparing for construction contract work on the south end of the line described. The Secretary has given 4(f) clearance to the entire segment.

2. NATIONAL PARK SERVICE PLANNING

The National Park Service has been developing a recreation area plan along the Anacostia River in the stadium area. These plans, if they are implemented, will require full coordination of the construction activities for the Park Service objectives and for the highway facility. The highway can be designed to permit the development of the cover section envisioned in the Park Service plan as the center point for the recreational complex. Also the highway segment can be constructed south of the East Capitol Bridge so as to complement the Department of Interior Plans for a sewer system and treatment facilities. However, these elements of the joint planning effort are very costly and the highway contribution to the joint development should be limited to the value received for highway purposes, with others responsible for the funding of those elements which are non-highway oriented.

3. RECOMMENDATION

The joint development concept is endorsed for this highway segment, subject to the capability of the National Park Service to bring their plan into a firm schedule status within the Interstate timetable. It would be a mistake to proceed with a very costly highway design and then find there is no way in which the remainder of the undertaking can be accomplished.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. LONG. Mr. President, the portion of H.R. 14465 with which I am primarily concerned is title IV—the Airport and Airway Revenue Act of 1970. The remaining titles of this bill deal with the expansion and improvement of the Nation's airport and airway system. This falls within the jurisdiction of the Commerce Committee. The distinguished chairman of that committee this last Friday obtained unanimous consent of the Senate to have the provisions of S. 3108 substituted for what was previously title I of this bill.

The only amendment I intend to offer to the first three titles is a perfecting amendment I was instructed to offer by the Committee on Finance. The amendment which I will offer strikes out sections 101, 102, and 103 of title I and renumbers section 104 as section 101. The reason for offering this amendment is that these sections deal with the airport and airway trust fund and a study to be made by the Department of Transportation of the appropriate share of aviation user taxes which should be borne by the different classes of users. These are dealt with more fully in title IV where provisions of this type have been perfected. Deleting these provisions from title I will prevent duplication.

As my colleagues in the Senate know from their experiences in traveling by air, there is an increasing congestion at our major airports—a congestion which will grow worse if we do not act. The revenue provisions of this bill provide the major part of this urgently needed expansion and development by increasing aviation user revenues in a manner which the Finance Committee believes is both fair and efficient.

The evidence of the need to rapidly increase expenditures on airports and the airway system in the coming decade is overwhelming. Revenue passenger-miles on U.S.-scheduled air carriers more than tripled over the past 10 years and are expected to triple again over the next decade.

Probably even more indicative of the need for airport and airway expansion over the next 10 years is that total aircraft operations at airports with Federal Aviation Administration traffic control services are expected to increase by an estimated 179 percent, and FAA air route traffic control centers are expected to handle 86 percent more aircraft using instrument flight rules. The greatest percentage growth in the use of these FAA airport and airway facilities is expected to be by noncommercial or by what has come to be known as general aviation aircraft.

To meet the growth in the demand for air transportation facilities, it is projected that Federal expenditures for the expansion and development of an advanced air transportation system with high safety standards must rise to an annual level of $1.8 billion by the fiscal year 1980, or more than double the $865 million expended in fiscal 1969. Over the decade, 1971–80, Federal spending for this purpose is projected to total $15.6 billion—$12.9 billion for airway facilities and $2.6 billion for airport grants.

Table 2 appearing on page 5 of the Finance Committee report presents the detailed figures on the 10-year projection of expenditures. I ask unanimous consent that it be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 2.—PROJECTION OF ESTIMATED EXPENDITURES FOR THE AIRPORT AND AIRWAY SYSTEM, FISCAL YEARS, 1971 TO 1980[1]

[In millions of dollars]

Fiscal year	Airport grants	Airway facilities: Civil	Airway facilities: Military	Airway facilities: Total airways[2]	Total airport and airway	Total civil airport and airway
1971	191	840	210	1,050	1,241	1,031
1972	242	970	242	1,212	1,454	1,212
1973	258	972	243	1,215	1,473	1,230
1974	274	965	241	1,206	1,480	1,239
1975	274	984	246	1,230	1,504	1,258
Subtotal	1,239	4,731	1,182	5,913	7,152	5,970
1976	275	1,042	260	1,302	1,577	1,317
1977	275	1,090	273	1,363	1,638	1,365
1978	275	1,130	283	1,413	1,688	1,405
1979	275	1,166	291	1,457	1,732	1,441
1980	275	1,200	300	1,500	1,775	1,475
Subtotal	1,375	5,628	1,407	7,035	8,410	7,003
Total	2,614	10,359	2,589	12,948	15,562	12,973

[1] Projections are in constant dollars; whereas, the revenue estimates by FAA are in current dollars. Thus, the totals are not comparable in determining a gap between estimated revenues from the aviation user taxes and projected expenditures.

[2] Does not include nonairway FAA expenditures or pay raise.

Source: Department of Transportation, Federal Aviation Administration, Office of Aviation Economics.

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Mr. LONG. Mr. President, the revenue provisions of this bill are based upon the principle that the best way to finance the Federal outlays for these purposes is primarily through taxes on the users who benefit from the services provided. The Congress followed this principle previously in the financing of the Interstate Highway System.

Although I know it is not popular to raise taxes at any time, the Finance Committee agrees with the House that there is no other practical alternative. With the already heavy demands on the Federal budget in other areas of expenditures, we cannot finance this program from existing revenues. This means an increase in taxes either on taxpayers generally or on the users of the system, if the urgent need is to be met and if we are to prevent further increases in the congestion at our airports and of our airways. On the other hand, the safety of our passengers and aircrews cannot wait, nor should the needs of an efficient air transportation system with its attendant economic benefits to the users of the system, and to the economy as a whole.

Mr. President, the revenue provisions of the bill as reported by the Finance Committee contain the same general features as those in the House bill. Under both versions of the bill, general aviation, on the one hand, will be subject to fuel taxes and an aircraft use tax; and commercial aviation, on the other hand, will be subject to passenger and cargo taxes and the aircraft use tax. General aviation could not be subjected to the passenger and cargo taxes since they generally do not make charges for the transportation services they provide.

Now let me turn to the specifics of the revenue provisions of the bill as amended by the Finance Committee.

First. Both versions of the bill provide an increase in the gasoline tax on general aviation from the present net rate of 2 cents a gallon to 7 cents a gallon and impose a new tax of 7 cents a gallon on other fuel used by general aviation. This, of course, is primarily jet fuel.

Second. The bill, as amended by the Finance Committee, increases the tax on domestic passenger travel by imposing a tax of 7.5 percent of air fares from passenger travel directly on the airline, rather than on the passenger as a separately stated ticket tax. This replaces the provision in the House bill which would have increased the present 5-percent ticket tax to 8 percent. The revenue impa[illegible]f the Finance Committee's 7.5-percent tax on gross domestic air fares is substantially the same as the House bill's 8-percent ticket tax. Since it is intended that the 7.5-percent tax on domestic passenger travel is to be included in the price of the ticket charged to the passenger, the committee amendments specify that the Civil Aeronautics Board is to provide for the airlines passing the tax on to the passengers in the fares charged.

Third. Both versions of the bill impose a new tax on the use of international travel facilities of $3 per person in the case of international flights from the United States. This $3 tax also is to apply to flights between the continental States and Alaska and Hawaii, since under the bill, and also present law, the flights to Alaska and Hawaii are not subject to the tax on passenger travel on the charge for the portion of the flight outside U.S. territory.

Fourth. Both versions of the bill impose a new tax of 5 percent on air freight "waybills." However, for administrative reasons the committee amendments provide an exemption for charges for excess baggage of passengers. An exemption for freight shipments to or from Alaska and Hawaii is also provided for the portion of the charge representing the flight not over U.S. territory. This is the same provision which applies in the case of the tax on passenger travel.

Fifth. Both versions of the bill impose a new, annual aircraft use tax, which is somewhat similar to the highway use tax on trucks. This is a $25 basic tax on all aircraft plus a tax of 2 cents a pound for piston-powered aircraft and 3½ cents a pound for turbine-powered aircraft, or jet planes.

The Finance Committee amendments, however, provide an exemption from the "poundage" portion of the use tax for the smaller aircraft with a seating capacity of four adults or less.

In general, the revenue provisions as amended by the Finance Committee will be effective on April 1, 1970. However, the change in the tax on domestic passenger travel, the new tax on the use of international travel facilities, and the new tax on air freight are to become effective on May 1, 1970. Moreover, the $25 aircraft use tax for small aircraft exempted from the poundage portion of the use tax does not become effective until July 1, 1970.

The Finance Committee amendments also provide a termination date of June 30, 1980, for the increases in aviation user taxes provided by this bill and also provide the same termination date for the airport and airway trust fund. This will provide Congress an opportunity to review the entire Federal airport and airway program. I might point out to the Senators that this is consistent with the highway trust fund which also has a termination date.

Mr. President, as I indicated earlier, in the absence of the increased aviation user taxes under this bill, the general taxpaying public would be required to pay most of the increased Federal outlays required for the expansion and development of the airport and airway system. Present aviation user taxes, including the current 5-percent passenger tax, the 2-cent-a-gallon gasoline tax and the taxes on tires and tubes used on aircraft would yield only $927 million a year by fiscal 1980. With the increases in existing taxes and the new taxes put into effect by this bill, the users of the aviation system will pay about twice this amount, or $1.8 billion in annual aviation user taxes by fiscal 1980.

The detail of the source of this revenue is shown in table 3 on page 7 of the committee report. I ask unanimous consent that it be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 3.—REVENUES FROM AVIATION USER TAXES, SELECTED FISCAL YEARS, 1965-80

[In millions of dollars]

User tax	Actual			Estimated[1]				
	1965	1967	1969	1970[2]	1971	1974	1979	1980
Tax on passenger airfares[3]	147.5	194.5	259.5	355.6	533.3	741.6	1,310.6	1,463.7
Waybill tax, 5 percent[4]				5.9	40.2	59.5	126.5	148.5
Fuels tax[5]	16.7	14.4	11.0	19.4	47.2	59.2	81.0	85.4
International travel facilities use tax, $3				4.3	28.4	39.6	68.4	74.5
Aircraft use tax[6]				4.6	22.8	28.7	38.5	40.6
Taxes on tires and tubes used on aircraft	2.0	2.4	2.6	2.8	3.0	3.5	5.0	5.3
Total	166.2	211.3	273.1	392.6	674.9	932.1	1,630.0	1,818.0

[1] Revised estimates of revenues, in current dollars.

[2] Assumes the tax changes on passenger and waybill transportation are in effect on May 1, 1970; the increased fuel taxes on Apr. 1, 1970; and the new aircraft use tax on Apr. 1, 1970.

[3] 5 percent of the ticket price through Apr. 30, 1970, and 7.5 percent of the air tariff after Apr. 30, 1970.

[4] Excludes the portion of transportation to or from Alaska and Hawaii not over U.S. territory; includes revenue from U.S. Post Office mail freight and other Government freight on civil air carriers.

[5] 4 cents a gallon on gasoline fuel only (with a 2-cent-a-gallon refund or credit for aviation use) on both general aviation and air carriers through Mar. 31, 1970; a full payment or credit of 4 cents a gallon on gasoline fuel for air carriers on or after Apr. 1, 1970; and 7 cents a gallon on gasoline and other aviation fuel for general aviation use only on or after Apr. 1, 1970.

[6] Annual: A basic $25 use tax on all civil aircraft, plus 2 cents a pound on piston-engined aircraft and 3.5 cents a pound on turbine-engined aircraft, effective Apr. 1, 1970, except that aircraft with a seating capacity of 4 adults or less are exempt from the weight part of the use tax and become liable for the $25 basic use tax on July 1, 1970.

Source: Department of Transportation, Federal Aviation Administration, Office of Aviation Economics.

Mr. LONG. Mr. President, the growth potential of the aviation user taxes on domestic passenger travel and freight transportation, also portrayed in table 3 of the report, shows that revenues from the tax on domestic passenger travel are expected to almost triple from $533 million in fiscal 1971 to $1.5 billion in fiscal 1980. In the case of the tax on air freight, revenues are expected to increase by more than threefold from $40 million in fiscal 1971 to $148 million in fiscal 1980.

While the total revenues from aviation user taxes are almost identical under the two versions of the bill, the Finance Committee version imposes a somewhat smaller burden on general aviation than would the House bill. Under the committee action, general aviation is expected to pay $57.9 million for the total $674.9 million in aviation user taxes in the fiscal year 1971. This represents 8.6 percent of the total, as against 9.2 percent provided for general

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aviation by the House bill. By fiscal 1980, general aviation's share is expected to decline to 5.6 percent as contrasted to 6 percent under the House bill. This decline in general aviation's share is due in large part to the much greater growth expected in the taxes on passenger and air freight transportation as compared to the taxes on general aviation fuel. I ask unanimous consent that table 6 of the report be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 6.—COMPARISON OF ESTIMATED AVIATION USER TAXES ON GENERAL AVIATION AND AIR CARRIERS, FISCAL YEARS 1971 AND 1980[1]

[Dollars in millions]

User tax	Fiscal year 1971			Fiscal year 1980		
	General aviation	Air carrier	Total	General aviation	Air carrier	Total
Tax on passenger air fares, 7½ percent		$533.3	$533.3		$1,463.7	$1,463.7
Waybill tax, 5 percent		40.2	40.2		148.5	148.5
Fuel tax, 7 cents a gallon	$47.2		47.2	$85.4		85.4
International travel facilities use tax, $3		28.4	28.4		74.5	74.5
Aircraft use tax, total	9.7	13.3	22.8	15.0	25.7	40.6
$25 basic amount	3.6	.1	3.7	5.6	.1	5.7
Weight addition[2]	$6.1	$13.2	$19.3	$9.4	$25.6	$35.0
Taxes on tires and tubes used on aircraft	1.0	2.0	3.0	1.8	3.5	5.3
Total	57.9	617.2	674.9	102.2	1,715.9	1,818.0
Percent of total	8.6	91.4	100.0	5.6	94.4	100.0

[1] Revised revenue estimates, in current dollars.

[2] 2 cents a pound for piston-engined aircraft and 3.5 cents a pound for turbine-engined aircraft, except that aircraft with a seating capacity of 4 adults or less are exempt.

Note: Details may not add to totals due to rounding.

Source: Based on data from Department of Transportation, Federal Aviation Administration Office of Aviation Economics.

Mr. LONG. Mr. President, let me explain now why most of the needed aviation user revenues was obtained from the taxes on passenger and freight transportation.

First. We have the present administrative experience in collecting the tax on domestic passenger travel. While the form of the 7.5-percent tax on domestic passenger air fares varies somewhat from the form of the existing 5-percent tax on tickets, the procedure for payment of the tax by the airlines will be essentially the same as under present law. As a result, the administrative experience under the present tax in practice will still carry over to the new tax. The Internal Revenue Service is also experienced in the administration of a tax on freight transportation. Prior to 1958, a 3-percent tax was imposed on domestic freight shipped by air and other means.

Second. Since the taxes are based upon the amount of the passenger air fares or the air freight waybill charge, tax receipts will automatically grow not only as air traffic increases in volume, but also as general price increases, or inflation, cause air tariffs to rise. This means that these revenue sources will expand more than other alternatives. As a result, these revenue sources will better cover increasing costs of airport operations and airway facilities.

Third. A tax based upon the amount of the air tariff is geared in more closely with the actual use of airport and airway facilities. Short trips tend to make greater use of airport facilities than longer trips. This is taken into account in the tax in that air tariffs, on which the tax is based, for short flights are more per mile than long-line flights, reflecting the higher costs of operation per mile on shorter flights.

The decision of the Finance Committee to impose the passenger tax directly on the airlines and as a result to include the tax in the price of the ticket, rather than have a separately stated tax on the passenger, was designed to eliminate delays in ticket preparation arising from the fact that ticket agents presently make a separate computation of the tax and then add this as a separate item in order to determine the passenger's total fare. In addition, by imposing the tax directly on the airlines as a percentage of their air fares, there is no longer any need for exemptions—with the attendant delays in determining the traveler's proper exemption—for specific transportation. Moreover, inclusion of all domestic air travel in the base of the tax appears appropriate since all domestic passenger travel uses the airports and airway facilities.

To simplify recordkeeping for taxpayers and to facilitate administration, both versions of the bill provide special rules for small aircraft—that is, those under 6,000 pounds maximum certificated takeoff weight—not on established lines and also for aircraft used by members of an affiliated group of corporations. Neither of these categories of air use is to be subject to the taxes on passenger travel and freight transportation. Instead these aircraft will be subject to the aviation fuel tax, which I will discuss in a moment.

I would like to point out to the distinguished chairman of the Commerce Committee and other members of the Commerce Committee that the Finance Committee amendments do take into consideration the Commerce Committee's recommendation with regard to freight shipments to Alaska and Hawaii. The Commerce Commitee was concerned that imposing the regular freight tax on the entire trip would magnify the already large shipping costs to those two States. The Finance Committee amendments provide that the portion of the flight to or from Alaska and Hawaii not over U.S. territory is not to be subject to tax. This is the same rule that applies under existing law for the tax on passenger travel to or from Alaska and Hawaii.

As I indicated previously, the 7.5-percent tax on passenger transportation does not apply to international flights, nor does it apply to that portion of flights to or from Alaska and Hawaii that is outside U.S. territory. Therefore, to insure that passengers using U.S. airports for international flights and partially tax-exempt flights contribute to the cost of airport and airway operations associated with their air travel, both versions of the bill impose a tax of $3 per person on the use of such international travel facilities provided by the United States. The prospective revenue, $75 million by fiscal 1980, from this tax is related to the estimated costs of such airport and airway facilities to the United States.

While the bulk of the user revenues from commercial aviation is to be derived from taxes on passenger travel and air freight transportation, these revenue sources, of course, cannot be used in the case of general aviation which often imposes no charges on someone using its transportation. Both versions of the bill impose a tax of 7 cents a gallon on fuel used by general aviation. The fuel tax on general aviation is expected to yield an estimated $85 million annually by fiscal 1980. While the fuel taxes will impose some tax burden on general aviation, the burden on the noncommercial flights still is light, relative to their use of airports. Moreover, as I will indicate in just a moment, we are substantially decreasing general aviation's burden under the aircraft use tax.

Both versions of the bill establish an annual aircraft use tax on both commercial and general aviation aircraft. The tax, which is similar in nature to the Federal highway use tax on trucks, amounts to a basic tax of $25 for all aircraft plus a tax of 2 cents a pound for piston-powered aircraft and 3½ cents a pound for turbine-powered aircraft. However, in order to carry out the objective of the Commerce Committee of lightening the burden on general aviation, the Finance Committee amendments exempt a significant proportion of the general aviation aircraft from the "poundage" part of the use tax. This is accomplished by excluding aircraft with a seating capacity of 4 adults or less from the poundage part of the use tax. It is expected that this modification will relieve about 75 percent of the aircraft used in general aviation from this tax. I believe this can be justified on the grounds that these smaller aircraft, which are mostly for personal use, generally make relatively less use than other planes of the Federal airway facilities. These air-

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craft will therefore only be subject to the basic $25 annual use tax, which is no higher than the average charge for automobile license tags. Moreover, these small aircraft are not liable even for the $25 use tax until the fiscal year beginning July 1, 1970, even though other aircraft are subject to this tax for the last quarter of fiscal 1970, beginning April 1.

Mr. President, an airport and airway trust fund is established under both versions of the bill. The revenues from the aviation user taxes which I have just discussed will be paid over to this trust fund. The trust fund is created to insure that the aviation user taxes provided in this bill are available for airport acquisitions, the cost of maintaining the airway system, and certain other closely related costs.

The airport and airway trust fund established by this bill is similar to the existing highway trust fund, except that the airport and airway trust fund is not expected to be self-sustaining in the near future. Therefore, to maintain effective control over the funding of the airport and airway system, the bill provides that any general fund appropriations necessary to supplement the aviation user taxes are also to be paid into the trust fund, rather than paid directly.

To provide the Congress with more precise information in its next review of the aviation user taxes, both versions of the bill direct the Department of Transportation to conduct a study to determine the distribution of the costs and uses of the airport and airway system, in order to insure a proper distribution of the burden of financing the airport and airway system, among the primary users of the system, as well as other persons deriving benefits from it. An interim report is to be made to the Congress by March 1, 1971, and a final report by March 1, 1972.

Mr. President, it also was brought to the attention of the House and the Finance Committee that Washington National Airport is the only Federal airport where Congress—in the Buck Act, enacted in 1940—has not permitted State tax jurisdiction of or the imposition of nondiscriminatory sales, use, and income taxes upon private individuals and business operations located on Federal reservations.

Both versions of the bill provide that, with certain exceptions, the general rule as to State tax jurisdiction on Federal reservations is to apply to Washington National Airport. As a result, facilities at the airport that do not deal directly with persons as passengers or with the aircraft will be subject to the general provisions of State or local law. This change was made because it appears inconsistent to continue complete exemption from State sales and income tax jurisdiction in the case of Washington National Airport when other competitive businesses located in the vicinity are subject to these State taxes. Transitional relief is provided, however, so that the new provision does not apply in the case of leases existing as of September 28, 1969, but instead will apply only when these leases are renewed or when new leases are made.

Mr. President, as I indicated previously with regard to the tax on domestic passenger travel, the Finance Committee amendments provide that the Civil Aeronautics Board is to direct the air carriers within its jurisdiction to pass the 7.5-percent tax on to the passengers in the form of higher air fares. This is wholly consistent with actions the tax committees have taken elsewhere in specifying how regulatory commissions in setting rates should treat other tax measures—such as tax savings from the investment credit and from accelerated depreciation.

This provision is to be effective for transportation of persons after April 30, 1970. The CAB also is to take action to see that any future changes in the rate or base of this tax is passed on, including the scheduled reduction—under the Finance Committee amendments—of the tax from 7.5 percent to 4.8 percent for transportation of persons beginning after June 30, 1980. Thus, it is the committee's intention that the 7.5-percent tax not be absorbed by the air carriers. Air fares, as a result of the increase required by the bill, are to rise by about 8 percent to offset the effect of the tax. This means that the cost of the air travel to the passenger will, therefore, be about the same as under the House bill.

Finally, the Finance Committee amendments provide for the claiming as tax credits against income tax the retailers' excise taxes on gasoline—added by this bill—and special fuels sold or used for nonaviation purposes. This procedure is similar to the existing law tax credit procedure for the manufacturers' excise taxes on gasoline and lubricating oil sold or used for nonhighway purposes. The committee amendments also provide that these tax credits may be claimed within the time presently available for filing a claim for credit or refund of an overpayment of income taxes—that is, within 3 years after the due date for filing the income tax return on which the credit may be claimed.

In summary, Mr. President, the case for the revenue provisions of this bill rests on two primary factors: First, there is an urgent need to expand and improve the Nation's airport and airway system; and, second, if the expenditures are to be made to meet this need, then it is proper to place the major burden, in the form of user taxes, on those who directly benefit from the airport and airway system. I, therefore, urge the Senate to pass this bill.

ORDER FOR RECOGNITION OF SENATOR MOSS TOMORROW MORNING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the prayer and the disposition of the reading of the Journal tomorrow morning, the able Senator from Utah (Mr. Moss) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3502—INTRODUCTION OF A BILL TO PROVIDE TAX INCENTIVES FOR FAMILY LIMITATION AND S. 3501—INTRODUCTION OF A BILL TO LIBERALIZE THE DISTRICT OF COLUMBIA ABORTION LAWS

Mr. PACKWOOD. Mr. President, in the past 9 months to a year, we have had a substantial amount of discussion about the environmental problems facing this Nation. I think every politician in this country is now on what we might call the environmental bandwagon. By that is commonly meant that we are all against water pollution, and we are all against desecrating our landscapes and ravaging our national forests.

But I think many of us have not faced up to the particular problem that is going to have to be overcome if we are to solve what we call the environmental crisis, and that problem is, basically, people.

Projections indicate that if our numbers continue to grow in this country as they have been growing, by the year 2000 we will have 300 million people in this country—almost 100 million more than the number we have today—and that not too many years thereafter, we can look forward to 400 or 500 million people.

The question is, Are we prepared in this country to face the problems created by 300, 400, or 500 million people?

I shall not contend that it would be impossible to feed 300, 400, or 500 million people in this country. It is not impossible if we do not care whether or not we overutilize the farmland, and if we ignore the effect the pesticides used on the crops to feed that many people may have on the rest of the country. It may not even be impossible to house them, if we do not care that it may be necessary to cut down all of the trees in our national forests and then deplete other natural resources that would have to be found as a substitute for wood to build that many houses. We might even be able to handle the solid waste disposal and the air and water pollution that 300, 400, or 500 million people would cause.

But at some stage, even the United States is finite. At some point we will reach a limit where we cannot handle, we cannot feed, we cannot house all of the people who can be born in this country.

I would rather that we face that problem now, and start to undertake a policy of national population restraint whereby we can look forward to limiting the population of this country by voluntary means, so that we do not have to, in 30, 40, or 50 years, look forward to limiting it by compulsory means.

Last year, the President, in introducing a request for a population commission, indicated that many of the problems that this Nation has faced in the past few years may be due to a rushing population increase, but that what we have had to face in the last 30 years is not by half what we will have to face in the next 30, unless we control our population.

It is for that reason that I have prepared for introduction two bills. One relates to the Nation as a whole, and the other relates to the District of Columbia. I ask unanimous consent that the texts of both of these bills be printed in the Record.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. **PACKWOOD**. The first of these bills deals with tax incentives. It provides that, as of January 1, 1973, a family will be allowed a $1,000 deduction for the first child in the family, $750 for the second child, $500 for the third child, and nothing for any children after that. The bill will not apply to children in being prior to January 1, 1973.

The second bill relates to the abortion laws in the District of Columbia. At the moment, the abortion laws in this District are confusing, to say the least. One District judge has said that the abortion law is unconstitutional. Other District judges have not commented on it. The case is on appeal before the U.S. Supreme Court now, and we are left in a situation where no doctor knows whether or not he can legally perform certain types of abortions. If he does perform certain types that might be illegal under the present statute, and the Supreme Court were to reverse the district court case now on appeal before it, such physician might be guilty of a felony.

But be that as it may, if the Supreme Court were to affirm the present abortion decision, all that would do is say that the present law is vague and unconstitutional, and Congress would be faced with the problem, do we want to simply throw the law out, or do we want to try to draw it so specifically and definitely that it would not be vague, and therefore not unconstitutional?

I think Congress should take the lead in this field. I think Congress should pass a law legitimatizing abortions in the District of Columbia, and hold that out as an example to the rest of the country as to what the States should pass. And by legitimatizing, I mean establishing the right of a woman to have an abortion when she wants it, in a licensed hospital, needing only the consent of her physician.

We have seen today the Supreme Court refuse to take jurisdiction of a case on appeal from the California Supreme Court in which the California Supreme Court had ruled that their State's abortion law was unconstitutional.

We have seen the State of Hawaii in the last 2 weeks pass an abortion law that says that any woman, as a matter of right, may have an abortion.

We have seen in the last month the State of Washington place on the ballot, for approval or rejection by its voters next fall, an abortion measure which will allow a woman, as a matter of right, to have an abortion.

It is time that the District of Columbia face up to the problem and that Congress act as it has the power to do for this District, not drag its feet, and hold ourselves out as an example to the rest of this Nation as to what should be allowed.

Mr. President, I have talked about two bills. There is a third leg. The third leg is Senate bill 2108, relating to family planning, and this is the third leg of population restraint. We should, as a goal in this Nation, say that any woman, of any economic circumstance, shall have access to all information concerning birth control, contraception, and all other information that she needs to make a wise choice in the matter of child bearing, and whether or not she wants to give birth to a child.

Second, when contraceptive devices fail, we should have legitimatized abortion, so that that woman, if she does not want the pregnancy, can abort it.

Studies by Dr. Westoff indicate that approximately 22 percent of the pregnancies of married couples in this country are unwanted pregnancies by at least one spouse.

Third, the Government, as a matter of policy, should write into its tax law tax incentives for smaller families. We write into the law tax incentives for oil depletion allowances, tax incentives for charitable giving, tax incentives for all kinds of things; and the most important problem we face in this Nation domestically—I will say it again—the most important problem we face in this Nation domestically, in the next decade, in the next 30 years, is overpopulation. It is not asking too much, if we are willing to write into the tax law gimmicks and incentives for every kind of industry, to write into the tax law an incentive for small families; and that is what I am asking in this bill.

We tie those three things together—family planning, abortion, tax incentives. I think we can control, restrain, and plan the population in this country.

I will say again, in conclusion, that I am convinced that we can probably feed, clothe, and handle the pollution of 300, 400, or 500 million people, if that is all there is to life. But I am hoping that we are willing to pass a policy that makes it possible to restrain our population so that we do not so overcrowd our national forest facilities and recreational campgrounds that those people who want to go someplace to avoid the roar of a Honda can still find the kind of area in this country that has not been crowded out or shouldered aside by the crush of people. It is time we realize that in this country life should be fulfilling and not just a matter of existing.

EXHIBIT 1

The bill (S. 3501) to authorize abortions in the District of Columbia, introduced by Mr. Packwood, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the Record, as follows:

S. 3501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any physician shall be authorized, in the District of Columbia, by means of any instrument, medicine, drug, or otherwise, to take such action as may be necessary to produce an abortion or miscarriage with respect to any qualified patient so requesting that action.

Sec. 2. As used in this Act, the term—

(1) "qualified patient" means (A) any unmarried female eighteen years of age or older; (B) any married female, without regard to age, who has the written consent of her spouse; (C) any female, without regard to age, who at the time of her request pursuant to the first section of this Act, is legally separated or divorced from her spouse, or who, though married, is not living with her spouse at the time of such request, and (D) any female under the age of eighteen years who has the written consent of at least one of her parents or guardian; and

(2) "physician" means any person licensed under the laws of the District of Columbia to practice medicine, or a person who practices medicine in the employment of the Government of the United States or of the District of Columbia.

Sec. 3. Notwithstanding any other provision of this Act, in any case in which a physician certifies in writing that failure to comply with any request of a female for an abortion or miscarriage would likely result in an impairment to the mental or physical health of the person making such request, any physician shall be authorized to take action in accordance with the provisions of the first section of this Act without regard to the consent of the spouse or parent of such female.

EXHIBIT 2

The bill (S. 3502) to amend the Internal Revenue Code of 1954 to adjust the amount of, and restrict the number of, personal exemptions allowable for children, introduced by Mr. Packwood, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 3502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 151 of the Internal Revenue Code of 1954 (relating to allowance of deductions for personal exemptions) is amended by striking out subsection (e) and inserting in lieu thereof of the following new subsections:

"(e) Additional Exemptions for Children.—

"(1) In general.—An exemption for a dependent (as defined in section 152) who is an eligible child of—

"(A) $1,000, for the first eligible child,

"(B) $750, for the second eligible child,

"(C) $500, for the third eligible child, and

"(D) $750, for each additional eligible child.

"(2) Exemption denied in case of certain married dependents.—No exemption shall be allowed under this subsection for any dependent who has made a joint return with his spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

"(3) Eligible child.—For purposes of paragraph (1), the term 'eligible child' means a child of the taxpayer who—

"(A) (i) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, (ii) is a student, or (iii) has gross income for the calendar year in which the taxable year of the taxpayer begins of less than $750; and

"(B) was born before January 1, 1973, or was adopted by the taxpayer before such date; or

"(C) was born after December 31, 1972, or was adopted after such date, if at the time of the birth or adoption of such child the number of living children of the taxpayer was less than 3.

"(4) Student and educational institution defined.—For purposes of paragraph (3) (A) (ii), the term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

"(A) is a full-time student at an educational institution; or

"(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational institution or of a State or political subdivision of a State.

For purposes of this paragraph, the term 'educational institution' means only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on.

"(5) Child defined.—For purposes of paragraph (3), the term 'child' means an individual who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the taxpayer.

"(f) Additional Exemptions for Other Dependents.—

"(1) In general.—An exemption of $750 for each dependent (as defined in section 152), other than a child of the taxpayer (as defined in subsection (e)(5)), whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $750.

"(2) Exemption denied in case of certain married dependents.—No exemption shall be allowed under this subsection for any dependent who has made a joint return with his spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins."

Sec. 2. (a) Section 3402(b)(1) of the Internal Revenue Code of 1954 (relating to percentage method withholding) is amended by inserting after the table contained therein the following new sentence:

"In the case of a withholding exemption to which an individual is entitled for an eligible child (as defined in section 151(e)(3)), if the amount of such exemption under section 151(e)(1) is $1,000, the amounts in the preceding table shall be increased by one-third and, if the amount of such exemption under section 151(e)(1) is $500, the amounts in the preceding table shall be decreased by one-third."

(b) Section 3402(f)(1) of such Code (relating to withholding exemptions) is amended by striking out "151 (e)" in subparagraph (E) and inserting in lieu thereof "151 (e) or (f)".

Sec. 3. The amendment made by the first section shall apply to taxable years beginning after December 31, 1972. The amendments made by section 2 shall apply with respect to wages paid after December 31, 1972.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the able Senator from Utah (Mr. Moss) tomorrow, there be a period for the transaction of routine morning business and that Senators may be permitted to speak for not to exceed 3 minutes therein, and that, at the conclusion of routine morning business, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, before moving to adjourn, I wish to ask the Chair to state, for the information of Senators, what the pending business is before the Senate.

The PRESIDING OFFICER. The pending business is H.R. 14465, to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 55 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, February 25, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 24, 1970:

Diplomatic and Foreign Service

Albert W. Sherer, Jr., of Illinois, a Foreign Service officer of Class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

U.S. Attorney

Robert L. Meyer, of California, to be U.S. attorney for the central district of California for the term of 4 years vice William Matthew Byrne, Jr.

In the Marine Corps

The following named (Naval Reserve Officers Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefore as provided by law:

Jackson, Elmer R.
Manfredi, Thomas A.
McCool, Richard M.
Rosemond, Niley J.

The following named (platoon leaders class) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Wilson, Douglas G.

In the Marine Corps

The following-named officers of the Marine Corps for permanent appointment to the grade of colonel:

Robert V. Anderson
Clark Ashton
Louis Baeriswyl, Jr.
Roscoe L. Barrett, Jr.
Arthur C. Beverly
Herbert J. Blaha
Charles H. Bodley
John C. Boulware
Lawrence J. Bradley
James T. Breckinridge
Sherwood A. Brunnenmeyer
George W. Callen
George G. Chambers, Jr.
Allen B. Clark
Morris D. Cooke
Clifford D. Corn
James M. Cummings
Bertram H. Curwen, Jr.
Clarence G. Dahl
William J. Davis
Edmund G. Derning, Jr.
Jack N. Dillard
James W. Dillon
Earl C. Dresbach, Jr.
Edward W. Dzialo
William W. Eldridge, Jr.
Dean E. Esslinger
William S. Fagan
Alfred F. Garrotto
William F. Gatley, Jr.
James M. Hayes
James S. Hecker
Gilbert R. Hershey
Marvin M. Hewlett
Ralph A. Heywood
Twyman R. Hill
Kurt L. Hoch
Frank X. Hoff
Donald E. Holben
Joseph J. Holicky, Jr.
Louis S. Hollier, Jr.
Glenn R. Hunter
David G. Jones
Edward H. Jones
Douglas T. Kane
John H. Keith, Jr.
James P. Kelly
Walter C. Kelly
William A. Kerr
Charles S. Kirchmann
Frederick M. Kleppsattel, Jr.
Wilson A. Kluckman
Frederic S. Knight
Francis R. Kraince
Robert J. Lahr
James M. Landrigan
John J. Leogue
Dean W. Lindley
Verle E. Ludwig
Joseph W. Malcolm, Jr.
Donald L. May
Gene M. McCain
Alfred F. McCaleb, Jr.
Stewart B. McCarty, Jr.
James McDaniel
Gordon D. McPherson
George A. Merrill
Edward B. Meyer
George F. Meyers
Jack L. Miles
Richard R. Miller
Robert T. Miller
John F. Miniclier
John F. Mitchell
Herman L. Mixson
Donald E. Morin
Thomas E. Mulvihill
Arthur A. Nelson, Jr.
Joseph A. Nelson
Noah C. New
Thomas P. Ocallaghan
Fredric O. Olson
Owen L. Owens
Thurman Owens
Robert E. Parrott
William C. Patton
Clifford J. Peabody
Eddie F. Pearcy
Richard F. Peterson
William Plaskett, Jr.
William D. Pomeroy
Albert R. Ptko
Richard H. Rainforth
Walter L. Redmond
Jack L. Reed
James H. Reeder
Robert V. Reese
Carroll D. Rowe, Sr.
John C. Scharfen
George R. Scharnberg
Richard J. Schening
Robert B. Sinclair
Clyde H. Slaton, Jr.
Joris J. Snyder
Walter E. Sparling
Charles R. Stephenson III
Thomas J. Stevens
Richard M. Taylor
William W. Taylor
William G. Timme
Henry A. F. Vonderheyde, Jr.
Charles M Wallace, Jr.
Marshall A. Webb, Jr.
Raymond J. Weber
Paul Weiler
Wallace Wessel
Charles T. Westcott
William J. White
Royce M. Williams
Robert L. Willis
Howard Wolf
Kermit M. Worley
Robert E. Young
Wilbur K. Zaudtke

The following-named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel:

Thomas R. Abernathy
Sammy T. Adams
John B. Arquietto
William C. Ashby, Jr.
Robert H. Axton
Frank J. Badamo
Richard A. Bancroft
Warren H. Barker
Willis W. Barton, Jr.
Carl L. Battistone
Don D. Beal
George N. Bell
Kenneth H. Berthoud, Jr.
Anthony L. Blair
Thomas E. Bradley
Richard L Brownell
Philip F. Buran
Larry R. Butler
James D. Calder
James H. Carothers, Jr.
Robert E. Carruthers
Logan Cassedy
Fred E. Clark, Jr.
James E. Clark
James H. Coffin
William A. Cohn
Joseph A. Como
Marcus H. Cook
Wallace M. Couch
Richard G. Courtney
John Cummings
Will C. Cuppy, Jr.
Daniel C. Daly
Darrell C. Danielson
Forest G. Dawson
Clyde S. DeLong, Jr.
William H. Disher
Charles R. Dunbaugh
Billy R. Duncan
Thomas A. Dutton
William E. Farris
Gerit L. Fenenga
Malcolm V. Fites
Daniel J. Ford
Arthur D. Friedman
Raymond S. Fry
Joseph J. Gagliardo, Jr.
Donald J. Garrett
Elmer T. Garrett, Jr.
Gus J. George
John P. Gillen
Harold G. Glasgow
Richard W. Goodale
Michael J. Gott
David E. Gragan
Thomas E. Graney
James C. Gray III
Robert P. Guay
James J. Harp
James B. Harris
Donald L. Harvey
Paul M. Heisher
Walter J. Henderson
Robert J. Henley
Clark G. Henry
Ralph P. Holt
Ivan F. Horne
Carl C. Hossli
Darrell L. Howarth
Robert N. Hutchinson
Milton E. Irons
Herschel L. Johnson, Jr.
Martin D. Julian
James P. Kehoe
David A. Kelly
John F. J. Kelly
Albert W. Keller
Richard H. Kirkpatrick
Robert D. Klein

XUM

Charles W. Knapp
Howard M. Koppenhaver
Milton C. Kramer
Arthur W. D. Lavigne
Chester A. Liddle, Jr.
Marvin H. Lugger
Aubrey L. Lumpkin
Herman A. MacDonald, Jr.
Leroy A. Madera
Joseph A. Mallery, Jr.
Bennie H. Mann, Jr.
John W. Mann
Preston P. Marques, Jr.
Warren M. McConnell
James G. McCormick
Richard C. McDonald
James W. Medis
John H. Miller
Lewis L. Mills
Thomas E. Morrow
Donald L. Murphy
Michael J. Needham
Merrill S. Newbill
William J. Nielsen
James K. Orourke
Lowell W. Parish
Richard Perez
Aydlette H. Perry, Jr.
Victor A. Perry
Robert A. Plamondon
Walter S. Pullar, Jr.
Richard E. Rainbolt
Thomas E. Raines
John M. Rapp
J. C. Rappe
Robert W. Rasdal
Percy D. Ratcliff
Arvid W. Realsen
Edmund J. Reagan, Jr.
Edward D. Resnik
Donald N. Rexroad
Otto W. Ritter
Morris G. Robbins
James C. Robinson
Richard T. Roberts
Duncan J. Robertson
Edward J. Rochford, Jr.
Ilow M. Roque
Alfred W. Ruete, Jr.
Harry M. Runkle
James Ryan, Jr.
David F. Seiler
Raymond A. Shaffer
Morris S. Shimanoff
James E. Shuttleworth
Jack A. Simmons
Gerald J. Slack
Robert K. Slack
Daniel B. Smigay
William E. Smilanich, Jr.
Bernard B. Smith, Jr.
Joseph T. Smith
Kenneth L. Smith
Robert E. Solliday
Ralph B. Spencer
John R. Stanley
Merlin V. Statzer
Fred W. St. Clair
Billy F. Stewart
Robert C. Tilly
Joseph H. Thompson
Billy D. Thornbury
William M. Thurber
Edward H. Toms
Kenneth D. Vanek
Frederick N. Vansant
Joe G. Walker, Jr.
Frank R. Warren
Jean P. White
Clair E. Willcox
Lawrence J. Willis
Billy E. Wilson
Willard J. Woodring, Jr.
Dale E. Young
Earnest G. Young
George P. Yourishin

The following-named officers of the Marine Corps for permanent appointment to the grade of major:

John B. Airola
Raymond C. Albro, Jr.
Dwight R. Allen, Jr.
Robert R. Allen
William H. Allen, Jr.
Lewie E. Amick, Jr.
Alton L. Amidon
Thomas W. Amis
Burk Andrews
Thomas P. Angus
Ralph J. Appezzato
Curtis G. Arnold
Roy F. Arnold
Robert R. Babbin
Donald N. Babitz
Vladimir H. Bacik
Gene E. Bailey
Edgar M. Bair
Daryl E. Baker
Owen C. Baker
Weldon D. Barnes
James M. Barnhart
William C. Barnsley
Victor E. Barris
Arthur G. Bartel
Kent C. Bateman
William S. Bates
Ernest F. Baulch
John W. Beach
James D. Beans
Donn C. Beatty
Ronald L. Beckwith
Cornelius F. Behan
William D. Benjamin
Eugene A. Berry
Robert M. Black
Robert C. Blackington, Jr.
James L. Blake
Robert D. Blanton
Daniel J. Blaul
John M. Bloodworth
Richard D. Bloomfield
William H. Bond, Jr.
Robert B. Booher
Jerry D. Boulton
Curtis R. Brabec
James A. Bracken, Jr.
Claude H. Brauer, Jr.
Richard P. Brenan
Gene E. Brennan
James W. Bridges
Robert C. Bright
Richard L. Bromwell
Howell H. Brooks III
Robert P. Brooks
Edward W. Brown III
Randolph M. Browne III
Robert C. Bruce
Samuel P. Brutcher
John C. Buckley, Jr.
James F. Bugbee
Robert D. Burnette
William A. Burtson
Marion G. Busby
Walter M. Bush
John W. Butler
James R. Campbell
Robert L. Cantrell
Frederick R. Crew, Jr.
Charles L. Carpenter, Jr.
James T. Carroll, Jr.
James E. Cassity
Christopher Catoe
James R. Caton
Donald C. Caulfield
Michael D. Cerreta, Jr.
Robert W. Chambers
Jimmy C. Champlin
John F. Charles
Richard F. Chenault
Ronald P. Cherubini
Walter T. Chwatek
Fred L. Cisewski
Joseph R. Civelli
Darcy L. Clasen
James S. Coale
Robert C. Cockell
David D. Colcombe
Paul M. Cole
Michael E. Collins
Walter N. Collison, Jr.
Donald B. Conaty
Edward A. Condon, Jr.
Charles K. Conley
Richard P. Connolly
Donald G. Cook
Ernest T. Cook, Jr.
Harlan C. Cooper, Jr.
John G. Cooper
Donald O. Coughlin
Logan A. Crouch
George W. Cumpston
James R. Curl
Christopher J. Curran, Jr.
John J. Czerwinski
Martin J. Dahlquist
Robert D. Dasch
Ronald K. Davia
James U. Davidson
Jay M. Davis, Jr.
William G. Davis
Hollis E. Davison
Carmine W. Depietro
Ruel O. Depoali
Larry D. Derryberry
James G. Dixon
John J. Dolan
Tom R. Doman
Robert R. Doran
William B. Draper, Jr.
Ronald S. Drost
Peter T. Duggan
John M. Dye
Jon T. Easley
Ray F. Eastin
Gary E. Elliott
George V. Ellison
Leo R. Elwell, Jr.
John P. English
Richard H. Esau, Jr.
Henry D. Fagerskog
Edward J. Fairbanks
James F. Farber
Gerald D. Fassler
Rudolph F. Faust, Jr.
Roger A. Fetterly
Mervin A. Fiel
Vernon E. Firnstahl
William D. Fitts III
Dennis C. Fitzgerald
Herbert M. Fix
Walter F. Flato
Pasquale J. Florio
William C. Floyd
John F. Flynn
Joseph G. Foti
George R. Frank, Jr.
Lloyd E. Gailey
Robert E. Garcia
Benjamin W. Gardner
George L. Gardner
James I. Gatliff
James R. Gentry
William R. Gentry
Charles G. Gerard
Alan C. Getz
Umberto Giannelli, Jr.
Hal J. Gibson
Richard E. Gleason
Charles D. Goddard
Robert K. Goforth
Thomas A. B. Goldsborough
Robert L. Gondek
Joe L. Goodwin
Gary R. Grant
William J. Griggs, Jr.
Henry O. Grooms
George H. Grossfuss
Gerard G. Guenther
Joseph T. Guggino
Richard A. Gustafson
James T. Hagan III
Richard A. Hageman
Donald D. Hall
William L. Hammack
George L. Hammond
Jack F. Hansston
Gerald E. Harbison
Garry Harlan
Kenneth P. Harrison
Gene B. Harrison
George R. Hart
John G. Hart III
James H. Harte III
Joseph E. Harvin, Jr.
Hans S. Haupt
Thomas W. Haven
Jackye W. Hayes
James E. Hayes
Ronald E. Heald
David Y. Healy
Franklin H. Heins
John A. Hellriegel
Norman E. Henry
Charles E. Hester
Donald L. Hicks
Irvin C. Hill
David R. Hines
Joseph P. Hoar
Richard C. Hoffman
Walter H. Hofheinz
John T. Hopkins, Jr.
William H. Horner, Jr.
Gerald R. Houchin
Anthony C. Huebner
Emmett S. Huff, Jr.
Laurice M. Hughes
Richard D. Hughes
Richard V. Hunt
Harold L. Hunter
Larry T. Ingels
Angelo M. Inglisa
James D. Ingram
William R. Irwin
Joseph L. James
Robert L. James
Peter F. Janss
David E. Jersey
Richard R. Johnson
Sven A. Johnson
William A. Johnson
Ward B. Johnson, Jr.
Gordon R. Johnston
Joe P. Joiner
Duncan H. Jones
Stanley E. Jones
Jim R. Joy
Francis M. Kauffman
John H. Keegan, Jr.
Robert D. Kelley
Leo J. Kelly
Gerald G. Kemp
Kevin P. Keough
Philip J. Kieselbach
William G. Kilbreth
David W. Kinard
James V. Knapp
Howard E. Knight, Jr.
George A. Knudson
Edwin S. Kowalczyk
Donald A. Kozischek
James M. Kruthers
Zane V. Lamascus
John P. Landis
Clyde E. Lane
Robert F. Lang
Guy L. Larkin
Lee T. Lasseter
Emanuel E. Lawbaugh, Jr.
Robert L. Lawrence
Don L. Leach, Jr.
Timothy B. Lecky
Willis D. Ledeboer
Pierre L. Lefevre
John B. Legge
Douglas W. Lemon
William H. Leonard
Paul F. Lessard
John M. Lilla
Jerry D. Lindauer
John A. Linnemann
David R. Mabry
Alan C. Macaulay
William W. Mackey
Howard D. Maines, Jr.
Harrison A. Makeever
Elliot F. Mann
William J. P. Mannix
Charles L. Manwarring
Joseph P. Marada
John O. Marsh
David W. Martell
Robert J. Martin
James D. Mattingly
James U. McCraner
Ronald B. McCrindle
Donald W. McCulley
John W. McCullough
James A. McGinn
John B. McIlhenny
David S. McIntyre
George D. McLaughlin, Jr.
Bernard McMahon
Harold R. McSweeney
James P. McWilliams, Jr.
James M. Mead
Howard W. Meissner
Richard O. Merritt
Donald J. Meskan
Larry K. Michael
Harl J. Miller
Huey P. L. Miller
John G. Miller
Justus K. Miller
Kenneth P. Millice, Jr.
Jack G. Mills
Charles B. Mitchell, Jr.
Edward M. Mockler
Robert J. Modrzejewski
Brian D. Moore
David J. Moore
Royal N. Moore, Jr.
Calvin M. Morris
Donald L. Morris
Fred H. Mount
Daniel E. Mullally, Jr.
William F. Mullen
Carl E. Mundy, Jr.
Gerald P. Murphy
James W. Murray
Ronald L. Murray
Robert G. Neal, Jr.
Harold M. Nelson
Martin T. Nicander
Daniel F. M. Nielsen, Jr.
James M. Nolan
Wayne F. Nordell
Carl R. Noyes
Richard H. Oates
Richard V. O'Brien, Jr.
Francis T. O'Connor
Martin E. O'Connor
Jerry D. Oden
John W. O'Donnell
Nelson M. Olf
Glenn A. Olson
Robert M. Ondrick
Ralph B. Orey
James W. Orr
Eugene L. Osmondson
Richard C. Ossenfort
Robert F. Ott
Robert F. Overmyer
John J. Paganelli
Billy J. Palmer
Luther L. Payton, Jr.
Richard J. Pederson
Raymond F. Perry
William P. Peters
Jerry D. Peterson
Roy C. Peterson
William M. Pettigrew III
Lamar V. Phillips
Robert A. Phillips, Jr.
Earl S. Piper, Jr.
Antonio F. Piracci
Ross S. Plasterer
Ferrell F. Powell, Jr.
John Powers
John B. Pozza
Joseph F. Prochaska
George C. Psaros
Richard S. Pyne
John T. Radich
Donald R. Raiselis
Cornelius H. Râm
David R. Ramzel
Jesse T. Randall
David L. Rathbone
Harold D. Read
Werner F. Rebstock
William P. Redding, Jr.
Joseph E. Revell
Charles A. Reynolds
Angus S. Reynolds, Jr.
Thomas W. Rich, Jr.
Ronald G. Richardson
Paul E. Ridge
David S. Rilling
Benny D. Rinehart
Hermon J. Rivella
Olin J. Robertson
George N. Robillard, Jr.
Larry W. Robinson
William J. Rodenbach
Robert P. Rogers
Geoffrey H. Root
David L. Ross
James W. Ross
Paul E. Roush
Frederick J. Rowland
Joseph D. Ruane
Herbert F. Saeger
Francisco U. Salas
Conrad J. Samuelsen
James W. Sanders
Dicky A. Saye
William J. Scheuren
Robert D. Schreiber
Joseph P. Schultz
Frank Scialdone, Jr.
Richard J. Seed III
Wiley J. Sellers
John P. Senik
Kenneth F. Seymour
Roger L. Shafer
Danny A. Sharr
Phillip E. Shaw
Robert W. Shaw
John M. Shay
William L. Shearer
James L. Shelton
Michael K. Sheridan
William J. Shriner
William D. Shuman
Roger E. Simmons
Clyde C. Simon
Patrick S. Simpson
Robert N. Simpson
Frederick E. Sisley
James L. Skinner
John P. Slater
Jon M. Slocum
Joseph J. Smartz
Gareth W. Smeltzer
Karl S. Smith
William W. Smith
John H. Snyder
John M. Solan
Bobby G. Stanton
James J. St. Clair
Victor D. Steele
Richard W. Stevens
Douglas P. Stewart
Michael R. Stiavelli
Patrick R. Stingley
Burl V. Stonum
Doyle E. Stout
George J. Stremlow
Herbert F. Stroman
Jon A. Stuebe
Louis W. Sullivan
Billy M. Summerlin

Verl D. Sutton
Robert E. Swartwood, Jr.
James R. Sweeney
Merrill A. Sweitzer, Jr.
James S. Tardy
Madison L. Taylor
Robert L. Thien
Bernard H. Thomas
Wayne D. Thompson
Daryl W. Thompson
Joseph C. Thorp
Russell B. Tiffany
William J. Tirschfield
John M. Tivnan
Bruce E. Townsend
Russell P. Treadwell
Charles S. Tubbs
Richard H. Ulm
George R. Vanhorn
Robert E. Vigal
John W. Viglione
John S. Vogt
Edward H. Walsh
Gerald E. Walsh
William H. Walters
Larry N. Ward
George F. Warren
William C. Warren, Jr.
Mark H. Waterbury III
Kenneth D. Waters
David C. Watkins
John L. Watson
Richard J. Webb
Charles J. Weir
Harry E. Wells
George H. Welsh
Michael F. Welty
Charles M. Welzant
Eugene L. Wheeler
Lawrence A. Whipple
Raymond F. Wiley, Jr.
Larry R. Williams
James C. Wilson
Charles A. Wimmler
Robert J. Winglass
George P. Wuerch
John R. Wuthrich
Merritt G. Yeager
Jack R. Zellich

CONFIRMATIONS

Executive nominations confirmed by the Senate February 24, 1970:

IN THE AIR FORCE

The following-named officers for appointment in the Regular Air Force, to the grades indicated, under the provisions of chapter 835, title 10, of the United States Code:

To be major general

Maj. Gen. Robert L. Petit, 555-03-3964FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William W. Berg, 312-14-5923FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Henry B. Kucheman, Jr., 229-01-5312FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. John R. Murphy, 501-42-8549 FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Louis T. Seith, 545-28-8317FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Sherman F. Martin, 455-07-1548 FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William V. McBride, 185-16-7573FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Gerald W. Johnson, 301-07-2449FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Kenneth W. Schultz, 085-14-8118FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. George J. Eade, 324-12-0828FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William F. Pitts, 561-54-7688FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Edward A. McGough III, 136-32-6526FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Winton W. Marshall, 545-14-4500FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Robert J. Dixon, 216-16-4239FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Donavon F. Smith, 379-12-7137FR (brigadier general, Regular Air Force), U.S. Air Force.

To be brigadier generals

Brig. Gen. Jones E. Bolt, 251-09-1158FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Rexford H. Dettre, Jr., 564-18-8174FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Edmund B. Edwards, 224-52-7087FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Jessup D. Lowe, 269-01-6236FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Donald A. Gaylord, 484-03-5502FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William A. Jack, 035-14-3519FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Vernon R. Turner, 463-14-0408FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John B. Hudson, 260-03-9967FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George W. McLaughlin, 286-03-1348FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James O. Frankosky, 501-07-4936FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Wendell L. Bevan, Jr., 419-52-9676FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Roger K. Rhodarmer, 245-60-9509FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Richard C. Catledge, 441-12-7761FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James H. Watkins, 458-09-4133FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles W. Carson, Jr., 444-40-7754FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Jonas L. Blank, 410-64-3601FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Clare T. Ireland, Jr., 331-14-4689FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Clifford W. Hargrove, 572-01-6382FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Woodrow A. Abbott, 308-12-5932FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Woodard E. Davis, Jr., 423-09-8551FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Jack K. Gamble, 529-20-8741FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James L. Price, 550-20-2568FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert P. Lukeman, 119-01-8312FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John O. Moench, 311-16-2033FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Warren D. Johnson, 448-05-3925FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Paul C. Watson, 718-05-9803FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Sanford K. Moats, 515-07-8858FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Homer K. Hansen, 479-18-7988FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles I. Bennett, Jr., 267-09-6442FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James A. Bailey, 250-12-9641FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John W. Roberts, 471-14-9298FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Ray M. Cole, 430-26-3497FR (colonel, Regular Air Force), U. S. Air Force.

Brig. Gen. Maurice R. Reilly, 459-18-7905FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert E. Hails, 424-12-8069FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Geoffrey Cheadle, 002-30-1359FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Foster L. Smith, 506-30-5302FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles E. Yeager, 233-30-4847FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Alfred L. Esposito, 147-16-4006FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Donald H. Ross, 546-24-3229FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James A. Hill, 283-18-0772FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Jimmy J. Jumper, 449-24-9931FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert W. Maloy, 351-16-0103FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Devol Brett, 265-26-8632FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert E. Huyser, 522-24-6598FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Alton D. Slay, 426-03-5604FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Fred A. Heimstra, 531-18-26[illegible]4FR (colonel, Regular Air Force Medical), U.S. Air Force.

The following-named officers for temporary appointment in the U.S. Air Force, under the provisions of chapter 839, title 10, of the United States Code:

To be major general

Brig. Gen. Maurice F. Casey, 334-18-3434FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Henry L. Hogan III, 270-12-5291FR, Regular Air Force.

Brig. Gen. Charles W. Carson, Jr., 444-40-7754FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert A. Patterson, 224-52-8320FR, Regular Air Force, Medical.

Brig. Gen. Dudley E. Faver, 449-14-7087FR, Regular Air Force.

Brig. Gen. Richard R. Stewart, 308-01-9946FR, Regular Air Force.

Brig. Gen. Harold C. Teubner, 462-07-1025FR, Regular Air Force.

Brig. Gen. Paul N. Bacalis, 228-18-9715FR, Regular Air Force.

Brig. Gen. David V. Miller, 351-05-5105FR, Regular Air Force.

Brig. Gen. Allison C. Brooks, 561-07-8673FR, Regular Air Force.

Brig. Gen. William S. Chairsell, 714-18-1581FR, Regular Air Force.

Brig. Gen. Jones E. Bolt, 251-09-1158FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Frank M. Madsen, Jr., 332-09-8137FR, Regular Air Force.

Brig. Gen. William R. MacDonald, 363-12-5683FR, Regular Air Force.

Brig. Gen. Albert R. Shiely, Jr., 470-16-7860FR, Regular Air Force.

Brig. Gen. James M. Keck, 039-09-7364FR, Regular Air Force.

Brig. Gen. Ernest T. Cragg, 046-07-5816FR, Regular Air Force.

Brig. Gen. John R. Kullman, 035-16-4978 FR, Regular Air Force.

Brig. Gen. John B. Hudson, 260-03-9967 FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John H. Buckner, 449-64-3194 FR, Regular Air Force.

Brig. Gen. William E. Bryan, Jr., 381-18-2791FR, Regular Air Force.

Brig. Gen. Leslie W. Bray, Jr., 462-07-0782 FR, Regular Air Force.

Brig. Gen. Earl L. Johnson, 307-18-5165 FR, Regular Air Force.

Brig. Gen. John B. Kidd, 119-01-5369FR, Regular Air Force.

Brig. Gen. Joseph G. Wilson, 229-01-5510 FR, Regular Air Force.

Brig. Gen. Rexford H. Dettre, Jr., 564-18-8174FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George W. McLaughlin, 286-03-1348FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Roger K. Rhodarmer, 245-60-9509FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Richard M. Hoban, 490-44-9997 FR, Regular Air Force.

Brig. Gen. John O. Moench, 311-16-2033FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Sanford K. Moats, 515-07-8858 FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert E. Hails, 424-12-8069FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John C. Giraudo, 553-16-6776 FR, Regular Air Force.

Brig. Gen. Jimmy J. Jumper, 449-24-9931 FR (colonel, Regular Air Force).

Brig. Gen. Robert W. Maloy, 351-16-0103 FR (colonel, Regular Air Force).

U.S. NAVY

Vice Adm. Lawson P. Ramage, U.S. Navy, for appointment to the grade of vice admiral, when retired, in accordance with the provisions of title 10, United States Code, section 5233.

U.S. MARINE CORPS

Lt. Gen. Herman Nickerson, Jr., U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list in accordance with the provisions of title 10, United States Code, section 5233, effective from the date of his retirement.

Maj. Gen. Keith B. McCutcheon, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

The following U.S. Marine Corps general officers for appointment to the grade of lieutenant general on the retired list, in accordance with the provisions of title 10, United States Code, section 5233, effective from the date of their respective retirements.

Lt. Gen. Henry W. Buse, Jr.

Lt. Gen. Lewis J. Fields.

Lt. Gen. Frank C. Tharin.

The following-named (Naval Reserve Officers Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Beagley, Larry E.
Braun, Frank, IV
Ekle, Thomas L.
Rickman, Dwight G.

U.S. CIRCUIT JUDGE

Malcolm R. Wilkey, of New York, to be a U.S. circuit judge for the District of Columbia circuit.

U.S. ATTORNEY

Whitney North Seymour, Jr., of New York, to be a U.S. attorney for the southern district of New York for a term of 4 years.

U.S. MARSHAL

John L. Buck, of Pennsylvania, to be U.S. marshal for the middle district of Pennsylvania for the term of 4 years.

U.S. FOREIGN CLAIMS SETTLEMENT COMMISSION

Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1969.

HOUSE OF REPRESENTATIVES—*Tuesday, February 24, 1970*

The House met at 12 o'clock noon.

Rev. Andres Taul, Estonian Evangelical Lutheran Church, New York City, N.Y., offered the following prayer:

Almighty God, Holy Spirit, come now and gather together our wandering thoughts. Envelop with Thy power our restless minds.

You know that the world in which we are called to serve is exceedingly complex. It is a world where truth so easily fades into half-truth, where compromise so often is called a just solution, where love is dispensed according to expediency. In this world of conflicting issues, O God, grant us the judgment of a righteous mind.

Let not, our Father, diplomacy blind us to suffering nor complacency lead us to indifference.

Grant us a vision of the day.

When truth shall conquer falsehood.

When justice shall be triumphant.

When all nations, great and small, may live out their own destinies.

Armed with the vision and the power of Thy Spirit let us strive mightily to achieve the same. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

REV. ANDRES TAUL

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, I would like to extend my appreciation to Rev. Andres Taul, a constituent of mine, for coming to this House today and sharing his devotions with us. I know that my colleagues join with me in appreciation for his most eloquent and moving prayer.

Reverend Taul is pastor of the Estonian Evangelical Lutheran Church in New York. He ministers to a community of 10,000 and a congregation of 3,500. His congregants are very fortunate to have such an outstanding pastor.

THURSDAY, A DAY OF PRAYER IN SUMTER COUNTY AND THE CITY OF AMERICUS, GA.

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRINKLEY. Mr. Speaker, the Book of Proverbs teaches that we should seek wisdom.

Thus, great personal sacrifices have been made to sustain the little red schoolhouse in critical times; trustees come from among the most enlightened and concerned citizens of the area; people will rake and scrape and finance to the hilt in order to move into a neighborhood served by a good school.

The schoolhouse itself is especially dear to the hearts of parents. Here is where their most valued possessions live and learn, grow and make lifelong friends. Neighborhood schools are community centers, recreational centers, places of friendly competition, and sources of local pride.

The crucial concern of Sumter County and the city of Americus for its schools, and their good example in seeking guidance through a day of prayer on Thursday, is a distinct credit to the civic character of one of the Nation's finest areas.

SECRETARY ROMNEY IS WRONG ABOUT RENT CONTROL

(Mr. RYAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, it is a sad day when a Cabinet member, the Secretary of Housing and Urban Development, chooses to side with New York City's landlord lobby against tenants who are struggling for decent housing. I refer to the recent assault on New York City's rent control law by Secretary Romney. Last Thursday the Secretary said it is "absolutely ridiculous" to expect landlords to properly maintain their buildings while under rent control. This statement, for all its validity, might as well have come from a real estate lobbyist.

Following the news conference at which the Secretary took this position, his press secretary added that Secretary Romney "is not for rent control in any form." Does not the Secretary realize that there are thousands of landlords in New York City who are properly maintaining their buildings while their tenants enjoy the protection of rent control? Does he not realize that local law guarantees a fair return. The law defines a reasonable rate of return as income equal to 6 percent of the building's valuation, or the sales price, plus 2 percent depreciation. Taking into account the fact that the typical landlord has not completed payment, but has a large mortgage, he may be earning 20 percent or more on his actual cash investment.

Any landlord who is not making a fair return may apply to the local rent administrator for rent increases.

Secretary Romney's statement is a disservice to the hundreds of thousands of New York City tenants caught in a market with a near zero vacancy rate. Without rent control New York City would indeed be a city of the rich and the poor and would lose its middle-income groups.

The Secretary has injected the pressures of the Federal Government into a matter of peculiarly local concern. In doing so, he has placed his prestige along with the real estate lobby in the effort to scuttle rent control. His remarks show an insensitivity to urban affairs.

I would hope that the Secretary of Housing and Urban Development hereafter would ascertain all the facts before speaking, and I urge him to recognize the desperate plight of New York City residents.

DEFAMING THE CHARACTER OF A DEAD MAN

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. HECHLER of West Virginia. Mr.

Speaker, 2 months have passed since the brutal murder of Joseph Yablonski, his wife, and his daughter, Charlotte. On Thursday, February 19, there was printed in the Charleston, W. Va., Gazette, an interview quoting the second highest ranking official of the United Mine Workers of America, George Titler, in which the vice president was directly quoted as making a number of despicable slurs against the character of a dead man. The headline of the article is "Titler Brands Yablonski a Thief."

The second highest ranking officer of the UMW also has cast slurs on the great Commonwealth of Pennsylvania, and the people of the Keystone State.

When the interviewer very properly asked Mr. Titler how he could now call Mr. Yablonski all these names, then how he could have condoned having Mr. Yablonski serve as a high-ranking official in the union for so many years, here is the response of Mr. Titler:

> You don't know that foreign element of coal miners from Russia and Yugoslavia and the like up there in Pennsylvania. . . .
>
> It's not like down in the Kentucky fields or someplace where everybody's an Anglo-Saxon.

Mr. Speaker, I am a West Virginian, and Mr. Titler is a West Virginian, and I would like to apologize to the people of Pennsylvania for these slanderous slurs. I hope that as much effort will be expended by the United Mine Workers top officials in seeking out those who put up the money for the Yablonski murders as is now being spent in impugning the character of a man who cannot respond.

I would also like to refer to page 4457 of the February 23 RECORD, in which I have placed the entire text of Mr. Titler's interview. It is significant to note that Mr. Titler's language has made the Government Printing Office blush, and there are several deletions from Mr. Titler's profanity because of course such profanity in the RECORD would not be in conformity with the rules of the House.

HEARINGS ON BILL TO INCORPORATE COLLEGE BENEFIT SYSTEM OF AMERICA

(Mr. ROGERS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Colorado. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled public hearings on H.R. 9010, and related measures, to incorporate College Benefit System of America. These hearings will be held on March 18 and 19, 1970, at 10 a.m., room 2226, Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

GOOD CITIZENSHIP AWARD IN HIGH SCHOOLS OF NORFOLK AND PORTSMOUTH

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Speaker, I am currently conducting a Good Citizenship Award in the high schools of Norfolk and Portsmouth, Va., as a means of recognizing high school senior students who have been contributing toward a better community by working with their school, organizations, and civic groups.

The award is given in cooperation with Norfolk School Superintendent E. L. Lamberth, and Portsmouth School Superintendent M. L. Alford, and the mayor's committees of Norfolk Mayor Roy Martin and Portsmouth Mayor Jack Barnes. The award is an all expense paid day in Washington as my guest, and a tour of the Capitol. The two winners will be a "Congressman for a Day."

The selection will be made on the basis of volunteer work, leadership or participation in a community service project such as a church, Scout, civic, or political organizations, and leadership or participation in school activities.

A faculty committee of each school will select the school winner. These nominees will then be forwarded to the mayor's committee in each city. They will select the final winner.

I am sure the selection of a student from each Norfolk and Portsmouth high school will not be an easy task, and the selection of the final winner for each city will be most difficult.

Recognition for students contributing toward a better community and interested in public and civic affairs is something we all recognize as a worthwhile undertaking. An award, such as a Good Citizenship Award, can perhaps bring to the public's attention that the majority of our students have appealing qualities and are interested in the orderly growth of our cities.

DEAR BOB

(Mr. SCHERLE asked and was given permission to address the House for 1 minute.)

Mr. SCHERLE. Mr. Speaker, the following message is intended for Secretary of Health, Education, and Welfare, Hon. Robert H. Finch:

> DEAR BOB: Are you having difficulty locating the mailbox in your palatial 5th floor office suite? Are your aides too busy "looking busy" scurrying up and down the carpeted halls sipping coffee?
>
> If so, I will dispatch a member of my staff to your office for your reply to my "personal and confidential" inquiry of February 11, 1970. Surely there is one professional paper shuffler in your maze of bureaucracy who has time to acknowledge a Congressional inquiry.
>
> I await your reply.
>
> Sincerely,
>
> BILL SCHERLE,
> *Member of Congress.*

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONFERENCE REPORT ON H.R. 2, NATIONAL CREDIT UNION ADMINISTRATION

Mr. PATMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume the gentleman from Texas will take a little time to explain this conference report.

Mr. PATMAN. I assure the gentleman I will.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House on February 18, 1970.)

Mr. PATMAN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the conference report in view of the fact that it is printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, on July 28, 1969, the House passed H.R. 2, legislation to create an independent Federal agency for the supervision of federally chartered credit unions, by the overwhelming vote of 356 to 10. Today, the House is in a position to take final action on this worthwhile legislation so that the bill can go to the President for his signature.

Since 1934, the Bureau of Federal Credit Unions has been a "poor relative" in the Federal Government. It has been bounced from agency to agency and only achieved any type of permanency when it was lodged at the third level in the Department of Health, Education, and Welfare. Before the Bureau could take any action, it was necessary to gain clearance from the Social Security Administration and then from the Department of Health, Education, and Welfare. The Bureau was not even given the benefit of full time legal counsel but had to depend on attorneys furnished on a part-time basis from the Children's Service Bureau.

This is the type of treatment that was afforded the agency responsible for the greatest number of federally chartered financial institutions in the country. In fact, there are more federally chartered

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credit unions than there are federally chartered banks and savings and loans combined.

Adoption of the conference report today, and it is my firm hope that the action will be unanimous, will put an end to the stepchild treatment given to the Bureau of Federal Credit Unions in the past. It is a distinct tribute to the more than 24 million credit union members throughout the country, more than half of which belong to federally chartered credit unions. Basically, H.R. 2 would remove the Bureau of Federal Credit Unions from under the dominance of HEW and in its place create a National Credit Union Administration which will function independently and will be operated by an Administrator and a Board "working in close and continuous operation."

Not only have the credit unions deserved their own regulatory agency based on their outstanding record of safety and service, but it also must be remembered that for the past 15 years, the operations of the Bureau of Federal Credit Unions have been paid for solely by fees assessed against federally chartered institutions. This means that the taxpayers have not had to pay a penny for Bureau operations. The same financial pattern will be continued under H.R. 2.

When the House and Senate conferees met, there were only three major areas of disagreement. It did not take the conferees long to work out an amicable compromise of the two bills and the compromise version represents in my opinion, an outstanding piece of legislation—one that has been thought through carefully and written so as to provide the greatest benefit for credit unions, their members, and those who in the future will be members of the fast growing credit union movement.

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The complete conference report is available to Members so I will very briefly summarize the main points of difference between the two bills and as well as the compromise agreed to by the House and Senate conferees.

The House version called for the Administration to be run by an Administrator and a Board of Governors, while the Senate version included an Administrator but replaced the Board of Governors with a National Credit Union Advisory Board. The conferees agreed to a substitute which called for an Administrator and a National Credit Union Board. The conferees further made it clear that the Administrator "shall seek the advice, counsel, and guidance of the Board with respect to matters of policy relating to the activities and functions of the Administration under this act." In short, the conferees wanted to make certain that the Board and the Administrator would work hand in hand in setting Board policy.

The two versions of the legislation also differed as to the criteria the President must use in appointing members of the Board. The conferees agreed to substitute language that provides "in making appointments to the Board, the President shall appoint persons of tested credit union experience." This is similar to the language contained in the Federal Reserve Act which provides that class C directors of the Federal Reserve System shall be persons of tested banking experience. The language of the conference compromise is not intended to limit the President's choice of appointees to only persons who have actively engaged in the operation of a credit union but rather includes people who have been experienced in the credit union movement and those who have shown a consistent dedication to credit union principles and philosophies.

The House version also provided for an annual report to be submitted by the Board to the President, while the Senate version did not contain an annual report provision. The conferees agreed on language directing the Administrator to make an annual report to the President for submisson to the Congress and added that the report should be made "after full consultation with the Board and shall contain any recommendations or comments submitted by the Board for inclusion in the report."

And, finally Mr. Speaker, the Senate version called for the appointment of so-called supergrades within the Administration. However, to make it clear that we were not trying to infringe upon the jurisdiction of other committees, the conferees accepted a substitute for the supergrade section which was suggested by the Senate Post Office and Civil Service Committee. The conferees agreed to the suggestion with the distinct understanding that the Civil Service Commission would immediately upon the creation of the Administration, provide the Administration with the seven supergrades called for in the Senate version of H.R. 2.

H.R. 2 is a truly unique piece of legislation. It was cosponsored in the House on a bipartisan group of Banking and Currency members. These members were: Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ASHLEY, Mr. MOORHEAD, Mr. STEPHENS, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. MINISH, Mr. HANNA, Mr. GETTYS, Mr. ANNUNZIO, Mr. REES, Mr. GALIFIANAKIS, Mr. BEVILL, Mr. GRIFFIN, Mr. HANLEY, Mr. BRASCO, Mr. CHAPPELL, Mr. WIDNALL, Mrs. DWYER, Mr. HALPERN, and Mr. COWGER.

The bill was reported out of the committee unanimously and was passed by both Houses of Congress by an overwhelming majority. In addition, the conference report was adopted unanimously.

Mr. Speaker, there are credit unions in every congressional district in the United States and roughly one out of every 10 people in the United States belongs to a credit union. As I stated earlier, I hope that this body will adopt the conference report unanimously so that this body can show its support for the little people of America.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. I want to ask the gentleman about the paragraph at the bottom of page 5 of the conference report dealing with the supergrades. How many supergrades were in the bill as it left the House?

Mr. PATMAN. I cover that in my statement. There are seven supergrades, to the best of my recollection.

It is a unique way of handling this, different from others, I will state to the gentleman. The Federal credit unions are paying for everything. They are paying for all these employees. That has never been done before. There is no Government expense at all.

It is worked out between the Senate counsel of the Banking and Currency Committee and the Post Office and Civil Service Committee. They placed it in the bill when it was considered on the Senate floor, and we accepted it in conference. There is no dispute about it, and all the Members signed the report.

There is no Federal money involved.

Mr. GROSS. I know, but after all, as Members of Congress we have to be interested in the welfare of the employees and what they are being called upon to put out by way of salaries for those who administer their affairs.

Mr. PATMAN. That is right.

Mr. GROSS. We cannot just dismiss it lightly.

In other words, this provision was not in the House bill but was put in by the other body and accepted by the House in conference?

Mr. PATMAN. It was contemplated in the House bill that we would have some employees to administer this.

Mr. GROSS. I understand that, but it was not contemplated that they have seven supergrades, so far as I am concerned.

How many employees will the administration of this setup have?

Mr. PATMAN. I do not know exactly, I believe it is 450 but all the expense will be paid by the credit unions themselves. There is no Federal money involved in this at all.

Mr. GROSS. The gentleman has no information on the total number of employees needed to man this new agency?

Mr. PATMAN. They have had 450 a good long time in the agency. No increase is contemplated.

Mr. GROSS. They have 450, the gentleman says?

Mr. PATMAN. Yes, 450 in the agency as it is now.

Mr. GROSS. I thank the gentleman.

(Mr. PATMAN asked and was given permission to revise and extend his remarks.)

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

THE FEDERAL CREDIT UNION ACT

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, the House in approving the conference report on H.R. 2 to establish a separate Federal Credit Union Agency has completed congressional action on a major piece of legislation. H.R. 2 is another example of legislative initiative by the 91st Congress. The establishment of a long-needed separate Federal credit union agency is solely a congressional product. Its passage is due to the long and untiring efforts of the gentleman from Texas, the distinguished chairman of the Banking and Currency Committee (Mr. PATMAN). He introduced H.R. 2 on January 3, 1969. Despite repeated requests from the Banking and Currency Committee, departmental reports were not rendered by the administration. He received absolutely no cooperation from the executive branch. In the face of this intransigence, Mr. PATMAN announced hearings which were held on June 17 and 18. The Treasury Department then appeared in opposition to the bill. Despite this, the committee reported the bill on June 27 and on July 28 the measure passed the House by a vote of 356 to 10.

I repeat what I have said on previous occasions, that far from being a foot-dragging Congress, as has been alleged by certain spokesmen for President Nixon's administration, the 91st Congress has and continues to be the innovative branch of the Federal Government. The executive branch, by way of contrast has been exceedingly slow in forwarding its proposed bills to the Congress and has been most uncooperative at all stages of the legislative process toward congressionally initiated measures of vital concern to the national welfare.

CALL OF THE HOUSE

Mr. GROVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 28]

Abbitt
Ashley
Blatnik
Boggs
Boland
Bolling
Brown, Calif.
Buchanan
Burleson, Tex.
Burton, Utah
Bush
Carey
Carter
Celler
Clark
Clay
Corbett
Cramer
Crane
Dawson
Dent
Donohue
Dorn
Edwards, Calif.
Edwards, La.
Fish
Ford, Gerald R.
Foreman
Fulton, Pa.
Fulton, Tenn.
Halpern
Harrington
Harvey
Hastings
Howard
Hull
Jarman
Jones, Ala.
Jones, Tenn.
Kirwan
Lennon
Lukens
McEwen
Mailliard
Monagan
Moorhead
Morse
Morton
Moss
Nix
Ottinger
Pettis
Philbin
Poage
Powell
Price, Ill.
Rogers, Fla.
Rosenthal
Roybal
St Germain
Sandman
Schadeberg
Scheuer
Sikes
Taft
Talcott
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tunney
Weicker
Widnall
Zablocki

The SPEAKER. On this rollcall 358 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PARLIAMENTARY INQUIRIES CONCERNING RULES FOR THE JOINT MEETING TOMORROW

Mr. PODELL. Mr. Speaker, I should like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. PODELL. I should like to know whether or not on tomorrow, at 12:30, during the address by President Pompidou to the joint meeting of the House of Representatives and the Senate, whether rule 32 of the Rules of the House of Representatives relating to admissions to the floor will be recognized, or whether those rules will be suspended?

The SPEAKER. The answer to that is that the rule will be recognized, but the purpose of the joint meeting is to receive the visitor who will come to the House Chamber. The Chair will follow the rules of the House.

Mr. PODELL. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PODELL. I should like to know whether or not rule 32, which relates to the restriction of those people to be admitted to the floor, will be observed tomorrow, or whether it will be suspended because it is a joint meeting or because the House is in recess?

The SPEAKER. The Chair will state that one of the purposes of a joint meeting is to permit people who do not have the privilege of the floor to come upon the floor.

Will the gentleman expose himself and be specific as to what he has in mind?

Mr. PODELL. I shall not expose myself, but I shall read to you section 32 of the Rules of the House of Representatives relating to admission to the floor.

> The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, viz: The President and Vice President of the United States and their private secretaries, judges of the Supreme Court, Members of Congress and Members-elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant-at-Arms of the Senate, heads of departments, foreign ministers, governors of States . . .

It continues on with a few more categories, and it says that no other person shall be admitted to the floor and the Speaker may not request such permission under the appropriate provisions.

The SPEAKER. In further response to the gentleman's inquiry, the Chair will follow the customs and the practices of the House when there is a joint meeting taking place.

DISTRICT OF COLUMBIA DAY

The SPEAKER. This is District of Columbia Day.

ADOPTION PROCEEDINGS

Mr. ABERNETHY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 13307) to amend chapter 3 of title 16 of the District of Columbia Code to authorize the domestic relations branch of the District of Columbia court of general sessions to remove a child from a proposed adoptive home if a petition for adoption is revoked, withdrawn, or denied, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill as follows:

H.R. 13307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 16–309 of the District of Columbia Code is amended by adding at the end thereof the following new subsection:

"(g) In any case in which the petition is revoked, withdrawn, or denied the court may order removal of the child from the proposed adoptive home if the court finds that such removal is in the child's best interest. If such removal is ordered, the court shall vest parental rights in a licensed child-placing agency or the Commissioner with power to remove the child and to plan for the child's welfare."

SEC. 2. Subparagraph (C) of subsection (b)(2) of section 16–304 (of title 16) of the District of Columbia Code is amended by striking out "according to the laws of any jurisdiction" and inserting in lieu thereof "according to the laws of the District of Columbia".

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That subparagraph (C) of subsection (b) (2) of section 16–304 of title 16 of the District of Columbia Code is amended by striking out 'according to the laws of any jurisdiction' and inserting in lieu thereof 'according to the laws of the District of Columbia'."

The committee amendment was agreed to.

Mr. ADAMS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would simply ask the gentleman handling the bill how many days of hearings were held on the bill. I believe it was 1 day. Is that correct?

Mr. ABERNETHY. Mr. Speaker, will the genteleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. ABERNETHY. That is correct. There were two witnesses. The one who testified for the District of Columbia government and an attorney in the District who was associated with the numerous child placement agencies.

Mr. ADAMS. Mr. Speaker, I have no further questions.

PURPOSE OF THE BILL

Mr. ABERNETHY. Mr. Speaker, the purpose of H.R. 13307, as amended, is to amend section 16-304(b)(2)(C) of the District of Columbia Code so as to eliminate the requirements of consent to a proposed adoption from the father of a prospective adoptee born out of wedlock whose birth is subsequently legitimatized according to the laws of the District of Columbia.

EFFECTS OF THE BILL

The adoption of this bill will provide that the consent of the natural father to an adoption bill will be required only if the prospective adoptee has been legitimatized according to the laws of the District of Columbia.

The legitimization of a child born out of wedlock may occur under the laws of

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the District of Columbia—section 19-318 of the District of Columbia Code—only by the subsequent marriage of the putative father to the mother of such child and his acknowledgement that the child is his.

HEARING

A public hearing was held by Subcommittee No. 1 of the District Committee on this legislation on November 3, 1969, and witnesses on behalf of the Corporation Counsel's Office of the District of Columbia, the Licensing and Consultant Services Office, Department of Public Welfare, District of Columbia, and the Supervisory Rules and Regulations Committee—to formulate rules and regulations prescribing standards of placement, care, and services to be required of child-placing agencies—of the District of Columbia testified in favor of H.R. 13307, as amended. No testimony or statements were filed in opposition to the bill, as amended.

HISTORY OF THE BILL

H.R. 13307, as introduced, contained two sections. The language of the bill as reported retains only section 2 of the bill.

Section 1 of the bill, as introduced, would have added a subsection (g) to section 16-309 of the District of Columbia Code, to authorize the Domestic Relations Branch of the District of Columbia Court of General Sessions to order the removal of a child from the home of prospective adoptors, if such action was in the best interest of the child, whenever the petition for adoption of such child was revoked, withdrawn, or denied. Section 1 would have further provided that upon such removal, the court shall vest parental rights in a licensed child-placing agency or in the Commissioner of the District of Columbia, and such agency or the Commissioner are empowered to effect the removal of the child from the adoptive home and to plan for his future welfare.

The District of Columbia Assistant Corporation Counsel, testifying on behalf of the Commissioner, opposed section 1 as introduced as being too broad and sweeping and questioned whether the authority granted therein should reside in the Domestic Relations Division of the Court of General Sessions rather than in the Juvenile Court of the District of Columbia.

Since the committee was considering other legislation which would merge the Domestic Relations Branch of the Court of General Sessions and the Juvenile Court of the District of Columbia into a Family Division of a new court to be known as the Superior Court of the District of Columbia, the committee amended H.R. 13307, as introduced, striking out section 1 and retaining section 2, so as to provide only for the change in the consent requirements for the adoption of children under 21.

CONCLUSION

Since there was general agreement on behalf of all those agencies of the District of Columbia government testifying on behalf of the bill as to the provisions of H.R. 13307, as amended, and an apparent irreconcilable conflict as to section 1 of H.R. 13307, as introduced, the controversial provision was deleted from the bill without prejudice to further consideration at some further date.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under 21 years of age."

A motion to reconsider was laid on the table.

TAX EXEMPTION FOR INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 14982) to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 14982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall apply to the International Telecommunications Satellite Consortium, and any successor organization thereto, in which the United States through its designated entity participates pursuant to the Communications Satellite Act of 1962 (47 U.S.C. 701 and following).

SEC. 2. The International Telecommunications Satellite Consortium, and any successor organization thereto, its property, income, operations and other transactions, and the participants therein other than the designated United States entity, shall be exempt from all taxes imposed by the District of Columbia and shall not be required to obtain any license required by the District of Columbia Income and Franchise Tax Act of 1947, as the same hereafter may be amended: *Provided, however,* That this exemption shall not apply to any property which shall not be used for the purposes of said Consortium or successor organization, or to any income, operations, or other transactions which shall not be related to the purposes of said Consortium or successor organization.

SEC. 3. The District of Columbia Council is authorized to promulgate regulations to carry out the purpose of this Act.

SEC. 4. This Act shall be effective with respect to taxable years beginning after December 31, 1969.

With the following committee amendment:

Page 2, line 14, strike out "1969" and insert in lieu thereof "1964".

The committee amendment was agreed to.

Mr. ADAMS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would ask the gentleman handling the bill how many days of hearings were held on this bill. Was it 1 day?

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. FUQUA. We had 1 day of hearings on the bill.

Mr. ADAMS. I have no further questions.

PURPOSE OF THE BILL

Mr. FUQUA. Mr. Speaker, the purpose of H.R. 14982 is to provide complete immunity from all District of Columbia taxation for the International Telecommunications Satellite Consortium—Intelsat—its foreign participants, and any successor organization to Intelsat.

The membership of Intelsat is made up of foreign governments, foreign government ministries, and private corporations and wholly owned government entities serving as the government's representatives in Intelsat. This legislation would guarantee that all participants are treated equally as foreign governments and, as such, would be exempt from local District taxation, insofar as their participation in Intelsat is concerned.

The proposed legislation will not affect in any way the tax liability of the United States participant in Intelsat, the Communications Satellite Corporation. This Corporation—Comsat—which was incorporated under the laws of the District on February 1, 1963, receives and is liable in the District for taxes on approximately 53 percent of Intelsat's net income today. The present bill expressly excludes Comsat from applicability of the exemptions being sought.

The committee amendment makes the tax exemption effective retroactively to taxable years beginning after December 31, 1964.

THE EFFECTS OF THE BILL

The adoption and promulgation of this bill will clarify the tax situation in several areas. The proposed legislation is directed primarily at the District of Columbia franchise tax—District of Columbia Code, title 47, section 1580. This law imposes a franchise tax on every corporation and unincorporated business which carries on or engages in trade or business in the District. The measure of the tax is "that portion of the net income of the corporation and unincorporated business as is fairly attributable to any trade or business carried on or engaged in within the District and such other net income as is derived from sources within the District."

Intelsat is managed by a corporation located in the District, but its primary business—and consequent source of revenues—is operating satellites in outer space to work with earth stations around the world. Since little, if any, business revenue is generated in the District, and that portion of it which accrues to foreign government members of Intelsat is exempt from taxation, the tax loss in this particular case would be de minimis from the viewpoint of District government revenues. As a matter of fact, the District of Columbia government has advised your committee that the enactment of H.R. 14982 would not result in any significant revenue loss to the District.

In addition to the franchise tax, the proposed legislation is also directed at

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real property tax, license tax, sales tax, and other similar taxes which might be enacted.

Our committee was advised that Intelsat does not presently own any property in the District, and does not contemplate acquiring any in the future. Hence no potential real property taxes would be lost by the District by this exemption. Likewise, the revenue loss from the exemption from personal property tax, sale and use tax, and the unincorporated business license tax, would apparently be insignificant.

Further, the proviso in section 2 makes it clear that the exemption from taxes shall not apply to any property which shall not be used for the purposes of Intelsat and any successor organization, not to any income, operations or other transactions which shall not be related to the purpose of said consortium or successor organization. The purpose of this proviso is to establish that the ownership or operation of such a communication satellite system is exempt from District of Columbia taxation, regardless of whether Intelsat or its successor, or any foreign participants therein, are "carrying on or engaging in any trade or business within the District" or receiving income "from sources within the District," within the meaning of section 47-1580 of the District of Columbia Code, and regardless of whether such system would otherwise be subject to tax.

PRECEDENT—FEDERAL EXEMPTION ALREADY GRANTED

During the 90th Congress a companion bill to H.R. 14982 reported herewith by this committee was introduced to establish exemptions for the Intelsat members from Federal taxation. That bill, H.R. 18486—was passed and was signed into law on October 22, 1968 as Public Law 90-622—82 Stat. 1311.

Passage of the present bill, H.R. 14982, will bring the District of Columbia law into agreement with the above—referred—to Federal law on this subject.

NEGOTIATIONS FOR PERMANENT HEADQUARTERS

Comsat, the American Corporation which manages Intelsat, as stated, is already located in and taxable in the District of Columbia. It has between 100 and 200 employees here. The Intelsat organization headquarters are also located in the District, and it would appear to be in the national interest to continue to have the Intelsat management entity located in the United States and in the District of Columbia.

The Department of State, working with other agencies of Government and ComSat, is involved currently in a negotiation among all 73 Intelsat member countries concerning the future permanent nature of the Intelsat organization. Both these negotiations and the operations of the global satellite system could be adversely affected by tax inequities affecting certain member countries in the District of Columbia.

Other countries which grant tax exemption in such cases are desirous of having the headquarters of Intelsat within their borders, and the State Department has advised your committee that it would be in much stronger position of assuring the maintenance of the organization in Washington if this legislation is enacted.

HEARING

A public hearing was held by Subcommittee No. 4 of the District Committee on this legislation on February 17, 1970, and witnesses on behalf of the State Department and of the District of Columbia government testified in complete support of H.R. 11482. No testimony or statements were filed in opposition to the bill.

CONCLUSION

Since the possible loss of revenue effect on the District of Columbia would be so slight, and since specific policy considerations of facilitating our international negotiations and assuring the uninterrupted, efficient operation of the global satellite system would seem to be best served by this legislation, our committee recommends the enactment of H.R. 14982, as amended.

The State Department transmitted the proposed legislation to the Congress in the previous administration urging its enactment, and the District of Columbia government support, H.R. 14982:

Mr. NELSEN. Mr. Speaker and fellow Members of the House, on November 25, 1969, I introduced on behalf of myself, Mr. THOMSON of Wisconsin, Mr. FUQUA of Florida, and Mr. BROYHILL of Virginia, H.R. 14982, a bill to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto.

This bill comes before the House for consideration at a particularly critical time for the International Telecommunications Satellite Consortium—Intelsat—for at this very moment, representatives from other 72 nations that form the membership of Intelsat are in Washington, D.C., negotiating new arrangements for global commercial communications.

The legislation which is the subject of discussion today would exempt from taxation in the District of Columbia Intelsat, foreign participants therein, and any successor organization thereto together with its foreign participants. The former Assistant Secretary of State for Congressional Relations has informed me that the legislation was prepared by the Department of State, the Corporation Counsel of the District of Columbia, and the Communications Satellite Corporation—Comsat. It received the assent of the Board of Commissioners of the District of Columbia by letter dated October 13, 1967. The Department of State also informs me that H.R. 14982 will not effect in any way the tax liability of the U.S. participant in Intelsat, the Communications Satellite Corporation.

Intelsat, as I understand it, is a joint venture of entities now representing 73 nations, formed to establish a global commercial satellite system. It was created by the Intergovernmental Agreement establishing interim arrangements for a global commercial communications satellite system. The Communications Satellite Corporation has been designated by the President, pursuant to the Communications Satellite Act of 1962, as the U.S. representative to and member of Intelsat.

The participants in Intelsat vary from country to country. As we all know, our representative, Comsat, is a jointly Government-private-owned corporation. Most of the foreign participants in Intelsat are either foreign governments or foreign government ministries. Other foreign partners, however, are either private corporations or entities wholly owned by foreign governments but separate in form therefrom. Foreign governments or ministries would not be subject to applicable District of Columbia taxes, but foreign private or governmentally owned corporations might well, under existing legislation and regulations, be subject to the District of Columbia franchise tax. Taxation of such private or quasi-governmental entities in the District of Columbia could, therefore, create inequities among the various foreign partners. From the point of view of the effective operation of the joint venture, it is clearly inequitable for the majority of signatories to be exempt from District of Columbia tax while other partners in the joint venture, in precisely the same position except with regard to their governmental affiliation, may not be similarly exempt. From the point of view of our foreign policy interests, this possible discrimination must be eliminated.

The State Department informs me that if the taxability of a foreign partner in the joint venture depends upon whether such partner is a government or government ministry, then the freedom of that government to select the appropriate form of entity to represent it in Intelsat would be unduly affected by operation of United States and District of Columbia tax laws. It is clearly desirable to allow each government the freedom to choose the form of entity which it believes can most effectively contribute to its participation in the global system.

Imposition of the District of Columbia unincorporated business franchise tax upon certain of our foreign partners in the international joint venture would be based necessarily, it appears, on a determination that Intelsat is either first engaged in a trade or business within the District, or second, that it derives any other net income from "sources within the District." Either such determination would rest in part on the activity of the Comsat Corporation as manager for Intelsat. It is my opinion that it is in our interest that these managerial activities continue to be performed in the United States and not transferred abroad because of possible United States or District of Columbia tax consequences. It is, accordingly, in our national interest to insure that our local tax laws, in this respect, are consistent with our overall policy.

The State Department claims that the interim nature of the present arrangements provides an additional reason for legislation at this time. Article IX of the agreement contemplates agreement

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on definitive arrangements for an international global system at this time. The draft legislation is designed to exempt foreign signatories to the special agreement—or to a successor agreement—from District of Columbia taxation, irrespective of the form of the definitive arrangements. The enactment of such legislation at this time would thus insure that the choice of an appropriate structure and form for the permanent organization would not be influenced by United States or District of Columbia tax laws.

The foregoing discussion demonstrates the necessity as seen by the State Department to establish with certainty that the income to the foreign participants derived from Intelsat operations is not taxable by the District of Columbia. Since it is not possible to achieve this certainty within the existing framework of statutory law and administrative interpretation, legislation is necessary to set forth clearly that, as a matter of national policy, all foreign participants in Intelsat are exempt from District of Columbia taxation on their income derived from the ownership or operation of the global system.

I am informed that this legislation will not result in any significant loss of revenue to the District of Columbia. The greatest share of Intelsat's income—(currently 53.03 percent)—is received by Comsat. The taxability of Comsat is not affected by the proposed legislation. Thus, if Intelsat is exempted by the proposed legislation, such share of Intelsat's income will be included in Comsat's gross income, and hence Comsat will be liable for franchise tax with respect to the portion of such income fairly attributable to the District at the same rate, 5 percent, as Intelsat would have been. Of the balance of the income from Intelsat; that is, the share received by the foreign participants, only that portion which would be considered to be fairly attributable to the District is affected by this legislation. Thus, when the franchise tax rate is applied to the small portion of Intelsat income actually affected by this legislation, it can be seen that the result in terms of loss of revenue is de minimis. Intelsat does not presently own any real property in the District and I am informed does not contemplate acquiring any in the future. Hence, no potential real property taxes would be lost by affording Intelsat the exemption. The revenue loss to the District resulting from the exemption from personal property tax, sales and use taxes, and the unincorporated business license tax would be apparently insignificant.

A companion item of legislation to accomplish similar objectives with respect to U.S. income tax on foreign participants in Intelsat was promulgated on October 22, 1968 as Public Law 90-622.

I believe this legislation should receive favorable action from the House because I believe there is a national and local interest in retaining the location of Intelsat in this country and more particularly in this Nation's Capital.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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DWIGHT D. EISENHOWER NATIONAL MEMORIAL ARENA AND CONVENTION CENTER STUDY

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10937) to authorize the construction, maintenance, and operation by the Armory Board of the District of Columbia of the Eisenhower National Memorial Arena in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 10937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide the people of the United States with a national memorial to honor Dwight David Eisenhower, thirty-fourth President of the United States and General of the Army of the United States, to preserve for the youth of America the example of his exemplary life, and to also provide the people of the United States with an arena suitable for holding national athletic, political, and social events and other activities and events of a nature requiring such a facility, the Armory Board (hereafter referred to in this Act as the "Board"), created by section 2 of the Act entitled "An Act to establish a District of Columbia Armory Board, and for other purposes", approved June 4, 1948 (D.C. Code, sec. 2 1702), is authorized in accordance with section 2 of this Act, to design, construct, maintain, and operate the Eisenhower National Memorial Arena (hereafter referred to in this Act as the "arena") with a seating capacity of not to exceed twenty thousand and a motor vehicle parking facility (at or below the level of the land on which the arena is constructed) providing space to park not to exceed seven thousand vehicles.

Sec. 2. (a) Not later than one year after the date of the enactment of this Act, the Board shall prepare and submit to the President a detailed plan for the construction of the area which shall include a description of the proposed site (selected in accordance with this section) for the arena and estimates of construction costs. The Board shall make such revisions in the plan as the President may require. There is authorized to be appropriated not to exceed $500,000 to enable the Board to prepare the plan and make such revisions in it as may be required by the President.

(b) The site for the arena shall be selected by the Board from real property of the United States within the area bounded by Constitution Avenue on the north, Fourteenth Street, Northwest and Southwest, and the Washington Channel on the east, and the Potomac River on the south and west. The Board shall consult with the Secretary of the Interior in selecting a site for the arena.

(c) Upon approval of the plan by the President, the Board may construct the arena in accordance with the plan with funds raised by voluntary contributions, and the Secretary of the Interior shall reserve for the arena the site designated in the plan.

Sec. 3. (a) To finance the cost of the operation of the arena there is authorized to be appropriated, effective on the date of the completion of the construction of the arena, $500,000 which shall be deposited in a fund to be known as the "arena operating fund" (hereafter referred to in this section as the "fund"). The fund, including all receipts credited to it, shall be used as a permanent revolving fund for all expenses incurred by the Board in the exercise of the powers granted by section 4 of this Act, including expenses for personal services. The Board is authorized to make such advances from the fund as may be necessary for the operation of the arena, including promotional expenses and operation and maintenance of the motor vehicle parking facilities in connection with the arena, but no such advance may exceed $25,000 at any one time. The Board shall place into the fund all receipts derived by the Board from the operation of the arena under this Act. All records and accounts relating to the operations, revenues, expenses, and costs of the arena and the lighting, operation, and maintenance of motor vehicle parking facilities in connection with the arena shall be kept separate and distinct from the records and accounts relating to the operations, revenues, expenses, and costs of the District of Columbia National Guard Armory and the stadium constructed under the District of Columbia Stadium Act of 1957.

(c) As soon as practicable after the close of each fiscal year, after provision has been made for payment of all lawful obligations then incurred, all sums in excess of $500,000 in the fund shall be deposited in the Treasury as miscellaneous receipts. Expenditures from the fund may be made only upon vouchers which have been certified by the Board and which have been approved before payment by the Comptroller General of the United States.

Sec. 4. (a) Notwithstanding any other provision of law, for purposes of this Act, the Board may—

(1) determine all questions concerning the use of the arena;

Subject to the Act of March 4, 1915 (31 U.S.C. 686), enter into contracts and agreements with the District of Columbia and the departments, agencies, and establishments of the Federal Government;

(3) acquire, by purchase or lease, equipment, appliances, facilities, and property of any kind necessary or desirable to carry out the purposes of this Act, and sell or dispose of any such property so acquired when in its judgment it shall be advantageous to do so, except that no contract for more than $3,000 shall be entered into for the purpose of this paragraph without competitive bidding;

(4) make such structural and other changes in the arena as it may deem necessary or desirable for carrying out the purposes of this Act;

(5) light, operate, and maintain motor vehicle parking facilities;

(6) operate or contract for the operation of such concessions, including the checking of clothing and the sale of beverages and food as it may deem appropriate to the purposes for which the arena may be rented or leased;

(7) furnish such services to renters, lessees, and other occupants of the arena as in its judgment are necessary or suitable for carrying out the purposes of this Act:

(8) rent or lease from time to time for any of the purposes of this Act, all or any part or parts of the arena, including any or all structures, equipment, or facilities of the arena, at such rental values and for such periods of time as it shall determine;

(9) carry public liability insurance protecting the Board, and the members, officers, and employees thereof engaged in operating and maintaining the arena, and in operating and maintaining the motor vehicle parking facilities in connection therewith; and require tenants or lessees of the arena to carry public liability insurance protecting the interests of such tenants or lessees;

(10) accept the gratuitous services of such

persons as may volunteer to aid in the conduct of its activities;

(11) solicit, hold, and administer gifts, bequests, or devises of money, securities, or other property of whatsoever character for the benefit of the arena; and

(12) unless otherwise restricted by the terms of the gift, bequest, or devise, sell or exchange and invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the arena, the income from which, as and when collected, to be placed in such depositaries as the Board shall determine and to be subject to expenditure by the Board.

(b) The Board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it.

(c) No obligation created or liability incurred under this Act shall be a personal obligation or liability of any member of the Board.

SEC. 5. (a) The Board may employ and fix the compensation and term of a manager, fiscal officer, and such other personnel as may be necessary for the operation and maintenance of the arena. Under the direction of the Board and with written authorization signed by the members thereof, the manager may exercise such of the powers vested in the Board by section 4 of this Act as the Board shall determine.

(b) The Board shall appoint the manager, fiscal officer, and other personnel without regard to the provisions of title 5 of the United States Code relating to appointments in the competitive service and shall fix their compensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

SEC. 6. The Board shall file with the Congress in January of each year a financial statement certified to as to accuracy by the Comptroller General of the United States, a report of the activities and business at the arena during the preceding fiscal year, any recommendations it may have for legislation or administrative action relating to the operation, use, or control of the arena.

SEC. 7. (a) This Act shall cease to be effective, all appointments made under this Act shall terminate, and the Secretary of the Interior shall no longer reserve a site for the arena if the Board does not find that sufficient funds to construct the arena have been received within three years after the date of the enactment of this Act.

(b) If the Board finds that there are insufficient funds to construct the arena, it shall take such action as may be necessary to return to the donors all funds and property (and any income therefrom) accepted by the Board under section 4 of this Act.

SEC. 8. (a) The first sentence of section 2 of the Act entitled "An Act to establish a District of Columbia Armory Board, and for other purposes", approved June 4, 1948 (D.C. Code, sec. 2–1702), is amended by striking out "and a third person" and inserting in lieu thereof the following: "the Special Consultant to the President on Physical Fitness and Sports, the Secretary of the Interior, and the fifth person not a resident of the District of Columbia, Virginia, or Maryland and".

(b) The amendment made by subsection (a) with respect to the qualification of a member of the Board to be appointed by the chairmen of the District of Columbia Committees of the Senate and the House of Representatives shall apply with respect to members of the Board who are appointed by such chairmen after the date of the enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That it is the purpose of this Act to provide the people of the United States with a national memorial to honor Dwight D. Eisenhower, thirty-fourth President of the United States and General of the Army of the United States, to preserve for the youth of America the example of his exemplary life, and to provide the people of the United States with an arena and convention center in the District of Columbia suitable for holding national athletic, political, and social events and other activities and events of a nature requiring such an arena and center.

"SEC. 2. The Secretary of the Interior (hereafter in this Act referred to as the 'Secretary') is authorized to study, investigate, and formulate recommendations and a development plan and program for constructing an arena and convention center as a memorial to Dwight D. Eisenhower in the area northerly of the facilities to be constructed in accordance with the National Visitor Center Facilities Act (82 Stat. 43).

"SEC. 3. The Secretary shall include in the study conducted under section 2 an economic analysis of the expense and impact of the arena and convention center. The report and recommendations made as a result of such study shall include the design of the arena and convention center and any other related facilities, recommendations for methods of financing the construction and operation (including types and forms of agreements in relation thereto) of the arena and convention center, and such other matters as the Secretary may deem necessary.

"SEC. 4.(a) In conducting the study under section 2, the Secretary shall cooperate with the National Capital Planning Commission and shall include in his report any specific recommendations of the National Capital Planning Commission in regard to a transportation center in the vicinity of the National Visitor Center and the arena and convention center.

"(b) In conducting such study, the Secretary shall also consult with the Dwight D. Eisenhower National Memorial Arena and Convention Center Advisory Commission, created under section 5 of this Act, with interested agencies of the Federal and District of Columbia Governments, and with individuals and organizations having an interest in the construction and operation of the arena and convention center.

"SEC. 5. (a) There is created the Dwight D. Eisenhower National Memorial Arena and Convention Center Advisory Commission (hereafter in this section referred to as the 'Commission'). The Commission shall be composed of the Secretary; six Members of the Senate, three from each party, to be appointed by the President of the Senate; six Members of the House of Representatives, three from each party, to be appointed by the Speaker of the House of Representatives; the Chairman of the National Capital Planning Commission; the Chairman of the Commission of the Fine Arts; the Secretary of the Smithsonian Institution; the Special Consultant to the President of Physical Fitness and Sports; the Commissioner of the District of Columia; and three persons appointed by the President, none of whom shall be officers or employees of the Federal Government. The Secretary shall be the Chairman of the Commission. The Commission shall meet at the call of the Chairman.

"(b) Members of the Commission who are not officers or employees of the Federal Government or the government of the District of Columbia shall be entitled to receive compensation in accordance with section 3109 of title 5, United States Code, and travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"SEC. 6. Not later than 1 year from the date of enactment of this Act, the Secretary shall submit his report and recommendations to the Congress of the United States.

"SEC. 7. There is authorized to be appropriated to the Secretary the sum of $350,000 to carry out the purposes of this Act."

Mr. ADAMS. Mr. Speaker, I move to strike the requisite number of words.

I do this, Mr. Speaker, for the purpose of asking the gentleman from Florida who is handling the bill how many days of hearings were held on this? Was there 1 day of hearings?

Mr. FUQUA. Mr. Speaker, if the gentleman will yield, we had 2 days of open hearings on the bill and 1 day in executive session on it.

Mr. ADAMS. I thank the gentleman.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, it is my privilege and honor to speak to the House today as the sponsor of H.R. 10937, a bill to authorize a study of the Eisenhower National Memorial Arena and Convention Center.

I should like to first say that in offering my views on a memorial for one of our greatest Americans, Dwight D. Eisenhower, I do so with deep humility. I must confess it is extremely difficult to find words eloquent enough to express my feelings on this occasion. As one who served under him in war, I and millions of other Americans had more than one instant to trust his wisdom and leadership as the commander of all our forces in the war against Nazi Germany. And, as one who came to the Congress when he was first elected President of these United States, I again was privileged to know of his wisdom and leadership. The example of calmness, strength, and trust that always radiated from this great, but modest being should not be lost to this Nation of ours, which is today just beginning to stumble out of a decade of divisiveness.

It was, therefore, an honor for me to sponsor legislation that would erect not just an edifice of stone and steel, but a living, useful, and needed memorial that would be closest to his inclinations.

Mr. Speaker, there is little question in my mind what Dwight D. Eisenhower stood for. Above all it was fair play, the love of the game, the joy of being an American. He loved sports, people, and seeing each and all of us enjoy the fruits of our labor. More than any other modern American leader, he knew that America's future was not tied to technology, but to the physical and moral strength of its people. It was for these reasons that he established a Council on Physical Fitness and Sports for the youth of our Nation.

Look upon the technological advances we have made in the past decade; then cast your eyes aside at the fields of pot, the forests of obscenity, and the streams of polluted ideas that our children face today. Is there one among us who can say that our young people do not require increasing moral and physical strength to meet the trials and tribulations of tomorrow? Dwight D. Eisenhower was of the opinion that the youth of our Nation could meet this challenge better if they were strong of body and clean of mind, and well grounded in the rules of fair play that participation in sports teaches easiest.

It was for these reasons that I was most agreeable with friends of the sporting world, shortly after ex-President Eisenhower's death, to sponsor this legislation. They were of the opinion that this Nation could best help our youth, young and old, by memorializing our 34th President, Dwight D. Eisenhower by constructing a national arena in our Nation's Capital for their benefit and use. The arena would be dedicated to improving the physical fitness of our citizenry, especially our youth in which former President Eisenhower had an unrivaled faith. It would also serve as a suitable place for holding national athletic, political, and social events.

Shortly after I and 14 of my colleagues, all former athletes, introduced the bill to establish and construct the arena, the businessmen of greater Washington approached me to expand the legislation to include a convention center. This suggestion, which had long been a goal of the business community of greater Washington, proved in my estimation to be the frosting for the cake, the economic catalyst, that makes this project feasible.

It became apparent rather early that the arena alone would not stand on its own feet economically speaking. But, coupled with a multipurpose project consisting of both an arena and a convention center, the economic soundness of the project takes a most encouraging and facination turn.

Visualize, if you will, the following:

First. A facility or industry that would add between $90 and $120 million per year to the economy of the Washington area.

Second. The creation of 5,000 new jobs, most of them of the type that would employ persons from the hard-core unemployed of the Nation's Capital.

Third. A $2.8 to $3 million increase in District of Columbia tax revenues without an increase in tax rates.

Fourth. An industry that could apply some $2.3 to $2.5 million from net operating profit to the retirement of its initial construction costs.

Fifth. 18.5 acres of space that are available for the construction of this facility, within a stone's throw of the Nation's Capitol, the acquisition of which would not displace any existing dwellings or businesses.

Sixth. A facility which will be compatible with and insure the success of the National Visitors Center.

Seventh. A facility which will further the original L'Enfant plan to make Washington, D.C., a truly National Capital. One which already promises to regenerate a large area of what has been an economically depressed area in the Nation's Capital.

Eighth. An indoor arena seating 17,500 spectators, an exhibit hall of approximately 250,000 square feet, approximately 30 convention-type meeting rooms of varying sizes to accommodate upward of 12,800 persons in the aggregate. Adequate off-street parking, immediate Metro, train, local and distant bus service. Shops, offices and the headquarters for the President's Council on Physical Fitness and Sports and other related national groups and organizations related thereto.

Mr. Speaker, I should have liked for each Member of the Congress to have attended the hearings last November on this legislation. Testimony was unanimous and most enthusiastic for the need for this facility in the Nation's Capital.

Mr. Speaker, I am of the opinion that there will be sufficient net operating profits; offset tax revenue to the District of Columbia government, permitting the Congress to make a parallel reduction in its annual payment in lieu of taxes to the District of Columbia; and long-range community benefits and national benefits to make this project economically feasible. I bow to the wisdom of the chairman and my colleagues on the District of Columbia Committee to obtain from the Secretary of the Interior a complete feasibility study on this project as a prelude to legislation authorizing the actual construction of the Eisenhower National Memorial Arena and Convention Center. I am aware of their concern on the cost of this project. I am also aware of the testimony already heard during the hearings from reliable management-consulting firms as to the feasibility of this project.

Mr. Speaker, in closing, I should like to remind my colleagues that this Capitol Building, the Federal office buildings, the White House, the various memorials to other great Americans in this National City produce little or no revenue. This facility, I and my cosponsors propose, will create revenue, will be most appreciated by the visitors to our Nation's Capital, will create jobs at no expense to the Government, and will uplift this decaying city and do much to rekindle the American spirit in our youth. I urge your support to the Eisenhower National Memorial Arena and Convention Center Study.

Mr. GROSS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, here we go again, with another white elephant that the taxpayers of the country are being asked to finance.

There is still needed information—and a good deal of it—which this report does not provide.

I would like to ask the gentleman from Florida if the cost of the site for this so-called sports arena, for which $90 million is set up in the report as the total cost, is included?

Mr. FUQUA. I would answer the gentleman by saying, No, it does not include the site. This today is to determine the economic benefits and the impact that this will have on the District of Columbia.

Mr. GROSS. Where and how do you propose to get the site?

Mr. FUQUA. It is proposed to use the air rights over the Washington Railroad Terminal.

Mr. GROSS. And to whom do these air rights now belong?

Mr. FUQUA. They belong to the railroad company. This is something the study commission could develop as to the feasibility—a study of trying to finance this—whether it will be an outright purchase or whether it may be constructed similar to the Visitors Center, leased back to the District government each year where the revenues accruing from the rental of the facility would pay back the construction costs that would be incurred maybe by the terminal company.

Mr. GROSS. The gentleman from Virginia (Mr. BROYHILL) says that this is the eighth largest metropolitan center—I believe those were his words—that does not have a sports center, and the report says it is the fastest growing metropolitan area in the United States. Then why do you not just build your own sports center? Why come in here with this $350 million foot-in-the-door raid on the U.S. Treasury? If this is the fastest growing community in the country and the eighth largest center of population without a sports center, why do you in Virginia, Maryland, and Washington, D.C., not get busy and build it and not come to the taxpayers of the country to pay for it?

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BROYHILL of Virginia. To answer the second part of the gentleman's question first, this bill does not provide for $350 million—it provides for $350,000 for this study.

Mr. GROSS. If I said $350 million, I meant to say $350,000 is the foot in the door—the entering wedge to gouging the taxpayers of the Nation out of at least $90 million.

Mr. BROYHILL of Virginia. The purpose of this legislation is to make a determination of the economical feasibility of what would be the most practical method of financing this. The gentleman knows that we cannot propose any facility of this sort here in the Nation's Capital without some cooperation and some sanction on the part of Federal Government. We could not get the zoning for something of this nature without some recognition and some approval by the Congress.

Mr. GROSS. It does not take $350,000 to be spent over a 1-year period to get the city council, or whatever they call it around here, to rezone or to zone. Let us not joke about this. It does not require $350,000 for that purpose.

Mr. BROYHILL of Virginia. We hope it will not take $350,000. I think it would be a very small amount for such a facility such as we propose to create for this type of memorial to the 34th President of the United States. We spent a great deal more than that on dead memorials that do not have any useful benefits or economic benefits to the people other than something to look at.

Mr. GROSS. When a stadium was built here a few years ago at a cost of $20 million, we were promised repeatedly that it was never going to cost the taxpayers of the Nation a dime. The taxpayers of the entire country are now paying heavily on the interest on the bonds that were issued—paying right through the nose, while the local citizens cannot or will not pay a dollar on the principal of that $20 million worth of bonds.

Why did you take out the paragraph, if you want to be fair to the taxpayers,

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that appears on page 8, line 13? In the original bill you had the following provision:

> If the Board finds that there are insufficient funds to construct the arena, it shall take such action as may be necessary to return to the donors all funds and property (and any income therefrom) accepted by the Board under section 4 of this Act.

Why did you take that out? If this project falls by the wayside, why do you not provide that the Federal Government shall be repaid the $350,000 that you propose to take from them through this bill?

Mr. FUQUA. Let me say to the gentleman, if he will yield, I share his concern that we not create another Kennedy stadium fiasco. But I say the reason for the study is the fact that we can make an accurate determination as to whether in fact this project is a feasible undertaking. It may not be feasible. Therefore, we shall not have constructed some type of facility and then later found out that it is not feasible. We want to get the best information possible to find out if this is going to work, if it is going to bring in revenues to the District of Columbia, and what are the side benefits and tax advantages.

Mr. GROSS. We went all through that with that white elephant stadium. The gentleman knows that. The gentleman knows that we were assured and reassured in the House that it would never cost his taxpayers and mine a single dime. The gentleman well knows what has happened.

The gentleman knows that it is not intended to put up a sports arena in the District and make it pay. The gentleman knows that the next step will be to come in and filch the pockets of the taxpayers of the entire country to build this structure.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Ohio.

Mr. ASHBROOK. I would say to the gentleman that, with all his perceptive wisdom that he has had, I believe he missed probably the salient point here. It is proposed that we honor the memory of our late president and to provide a "shot in the arm" with the $350,000. I am not sure it is so much the memory of a president as it is a "shot in the arm" for the District of Columbia. That might be a little closer to what we are getting at.

Mr. GROSS. Why do we have to rush to allegedly honor former presidents? It was years and years and years before Taft was honored, and other Presidents the same. Why do you have to rush in here and unload on the taxpayers of the Nation this type of project? I do not care how many sports arenas private enterprise builds in the District of Columbia. You can locate one at every cockeyed street intersection. But get off the backs of the taxpayers of my district in Iowa, and the State of Iowa. Do not ask them to finance sports arenas in the District. We were deceived once, and I am saying that you are going to be deceived again if you believe that the taxpayers of your States—South Carolina, Florida, Iowa, and all the rest—are not going to pay for something strictly for the benefit of the District of Columbia and its immediate and contiguous area. I am sick and tired of my taxpayers being milked to take care of white elephants of this kind.

I hope and trust that Members of the House will defeat this boondoggle.

PURPOSE OF THE BILL

Mr. FUQUA. Mr. Speaker, the purpose of H.R. 10937, as amended and reported by your committee, is to authorize the Secretary of the Interior to conduct a study and to formulate a development plan for the construction of an arena and convention center, as a memorial to the late President Dwight D. Eisenhower, in the area lying north of the planned National Visitors Center in the vicinity of the Union Station.

PROVISIONS OF THE BILL

The bill provides as follows:

First. The study shall include an analysis of the cost and the economic impact of this arena and convention center; and the report and recommendations shall include the design for the structure, as well as recommendations for methods of financing its construction and operation.

Second. In the course of conducting this feasibility study, the Secretary of the Interior shall cooperate with the National Capital Planning Commission, and shall include in his report any recommendations of the Planning Commission as to a transportation center in the area of the arena and convention center and the National Visitors Center. The Secretary of the Interior shall also consult with the Dwight D. Eisenhower National Memorial Arena and Convention Center Advisory Commission and with other interested agencies of the Federal and District of Columbia Governments.

Third. There is created the Dwight D. Eisenhower National Memorial Arena and Convention Center Advisory Commission, to be composed of the Secretary of the Interior as chairman; six Members of the U.S. Senate, three from each major party, to be appointed by the President of the Senate; six Members of the U.S. House of Representatives, three from each major party, to be appointed by the Speaker of the House of Representatives; the Chairman of the National Capital Planning Commission; the Chairman of the Commission of Fine Arts; the Secretary of the Smithsonian Institution; the Special Consultant to the President on Physical Fitness and Sports; the Commissioner of the District of Columbia; and three persons appointed by the President, none of whom shall be employees of the Federal Government.

Fourth. The Secretary of the Interior shall submit his report and recommendations to the Congress not later than 1 year from the date of enactment of this proposed legislation.

Fifth. The sum of $350,000 is authorized to be appropriated to carry out the provisions of this act.

HEARINGS

Public hearings on this proposed legislation were conducted on November 18 and 19, 1969, by Subcommittee No. 4. At that time, testimony in favor of the project was offered by spokesmen for the National Capital Planning Commission; the President's Council on Physical Fitness and Sports; the Commissioner of the District of Columbia; Seymour Auerbach, Cooper and Auerbach, architects; the Baltimore & Ohio, and Chesapeake & Ohio Railroads; the Washington Caps professional basketball team; the Hotel Association of the District of Columbia; the International Horse Show Association; the Metropolitan Board of Trade; the former District of Columbia Commissioner of Boxing; the Penn Central Railroad Co.; the Washington Terminal Co.; the U.S. Junior Olympics Committee; the U.S. Olympics Committee; the Washington Convention and Visitors Bureau; the Washington Metropolitan Track Coaches Association; and the U.S. Army Sports Program.

On the basis of certain recommendations offered at this hearing by the Department of the Interior and the U.S. Bureau of the Budget, the committee decided to amend the bill as introduced, to authorize a complete feasibility study of the project as a prelude to legislation authorizing the actual construction of the arena and convention center.

There was no objection expressed to this bill as amended and reported.

CONCLUSIONS

In view of the present lack of any adequate facility in the Washington metropolitan area to accommodate large-scale indoor sports activities and conventions, and the established need for a modern multi-purpose arena and convention center for the region, your committee is of the considered opinion that such a facility should be constructed, provided the project is demonstrated to be economically feasible.

The enthusiasm expressed by the many witnesses at the hearings on this legislation was such that your committee is strongly of the opinion that the entire project is certainly worthy of a comprehensive feasibility study such as this bill will authorize.

For these reasons, your committee earnestly commends this proposed legislation for favorable action by the Congress.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

XUM

The question was taken; and there were—yeas 136, nays 230, not voting 65, as follows:

[Roll No. 29]

YEAS—136

Addabbo
Albert
Anderson, Calif.
Annunzio
Arends
Ashley
Barrett
Belcher
Bell, Calif.
Blackburn
Brooks
Broomfield
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cabell
Cleveland
Corman
Cowger
Culver
Cunningham
Diggs
Dorn
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Evins, Tenn.
Fallon
Fascell
Flood
Foley
Fraser
Friedel
Fuqua
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Gray
Green, Pa.
Griffiths
Gubser
Gude
Halpern
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Hogan
Horton
Howard
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Kee
Kluczynski
Leggett
McCarthy
McClory
McCloskey
McDade
McDonald, Mich.
McFall
McMillan
Macdonald, Mass.
Mathias
Meeds
Melcher
Mikva
Mills
Mizell
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
O'Hara
O'Neill, Mass.
Pelly
Pepper
Perkins
Pike
Podell
Poff
Pollock
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Reid, N.Y.
Reifel
Rhodes
Riegle
Rivers
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Ryan
St. Onge
Sandman
Saylor
Schneebeli
Schwengel
Scott
Shipley
Sisk
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Steed
Steiger, Wis.
Stephens
Stratton
Stuckey
Tiernan
Watson
Whalen
Whalley
Widnall
Williams
Winn
Wright
Yatron
Young

NAYS—230

Abernethy
Adair
Adams
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Aspinall
Ayres
Beall, Md.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Button
Byrnes, Wis.
Caffery
Camp
Casey
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Clay
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Coughlin
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dingell
Downing
Dulski
Duncan
Eckhardt
Eilberg
Esch
Eshleman
Evans, Colo.
Farbstein
Feighan
Findley
Fisher
Flowers
Flynt
Ford, William D.
Foreman
Fountain
Frelinghuysen
Frey
Galifianakis
Gallagher
Gaydos
Gilbert
Goodling
Green, Oreg.
Griffin
Gross
Grover
Hagan
Haley
Hall
Hamilton
Hanley
Harsha
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Holifield
Hosmer
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jonas
Karth
Kastenmeier
Kazen
Keith
King
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
McClure
McCulloch
McKneally
MacGregor
Madden
Mahon
Mann
Marsh
Martin
Matsunaga
May
Mayne
Meskill
Michel
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mollohan
Montgomery
Mosher
Myers
Natcher
Nichols
Obey
O'Konski
Olsen
O'Neal, Ga.
Passman
Patten
Pickle
Pirnie
Poage
Preyer, N.C.
Pryor, Ark.
Pucinski
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reuss
Roberts
Robison
Roe
Roth
Roudebush
Ruppe
Ruth
Satterfield
Scherle
Sebelius
Shriver
Sikes
Skubitz
Slack
Snyder
Stafford
Stanton
Steiger, Ariz.
Stokes
Stubblefield
Sullivan
Symington
Taylor
Thompson, Ga.
Thompson, N.J.
Udall
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watts
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Charles H.
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Zion
Zwach

NOT VOTING—65

Abbitt
Anderson, Ill.
Baring
Blatnik
Boggs
Boland
Brock
Brown, Calif.
Buchanan
Burleson, Tex.
Bush
Carey
Carter
Celler
Clausen, Don H.
Corbett
Cramer
Crane
Daddario
Dawson
Dent
Donohue
Edwards, Calif.
Edwards, La.
Fish
Ford, Gerald R.
Fulton, Pa.
Fulton, Tenn.
Goldwater
Harrington
Harvey
Hull
Jarman
Jones, Ala.
Jones, Tenn.
Kirwan
Lennon
Lukens
McEwen
Mailliard
Monagan
Morse
Morton
Moss
Nix
Ottinger
Patman
Pettis
Philbin
Powell
Rogers, Fla.
Roybal
St Germain
Schadeberg
Scheuer
Smith, Calif.
Taft
Talcott
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tunney
Ullman
Weicker
Zablocki

So the bill was rejected.

The Clerk announced the following pairs:

Mr. Philbin with Mr. Anderson of Illinois.
Mr. Donohue with Mr. Morse.
Mr. Zablocki with Mr. Mailliard.
Mr. Dent with Mr. Fulton of Pennsylvania.
Mr. Daddario with Mr. Morton.
Mr. Carey with Mr. Smith of California.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Hull with Mr. Brock.
Mr. Celler with Mr. Corbett.
Mr. Monagan with Mr. Harvey.
Mr. Fulton of Tennessee with Mr. Lukens.
Mr. St Germain with Mr. Thomson of Wisconsin.
Mr. Teague of Texas with Mr. McEwen.
Mr. Jones of Alabama with Mr. Talcott.
Mr. Lennon with Mr. Cramer.
Mr. Abbitt with Mr. Buchanan.
Mr. Brown of California with Mr. Powell.
Mr. Edwards of Louisiana with Mr. Weicker.
Mr. Rogers of Florida with Mr. Pettis.
Mr. Roybal with Mr. Kirwan.
Mr. Moss with Mr. Don H. Clausen.
Mr. Nix with Mr. Edwards of California.
Mr. Ottinger with Mr. Teague of California.
Mr. Tunney with Mr. Goldwater.
Mr. Ullman with Mr. Crane.
Mr. Burleson with Mr. Schadeberg.
Mr. Jarman with Mr. Fish.
Mr. Boland with Mr. Carter.
Mr. Blatnik with Mr. Baring.
Mr. Scheuer with Mr. Harrington.

Messrs. SYMINGTON, GILBERT, WOLFF, DE LA GARZA, CONTE, BROTZMAN, MOSHER, and KAZEN changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. GROSS. Mr. Speaker, I move to lay upon the table a motion to reconsider the vote by which the bill was rejected.

The motion was agreed to.

CHANCERIES

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 8656) to authorize the use of certain real property in the District of Columbia for chancery purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore (Mr. PATTEN). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill. as follows:

H.R. 8656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the real property described as lot 803, square 2234, and parcels 56/6, 56/7, 56/9, 56/11, 56/13, and 56/15 in the District of Columbia is authorized to be used for a chancery of a foreign government. As used in this Act, the term "chancery" shall have the same meaning as is given to it in section 6(e) (2) of the Act of June 20, 1938, as amended (D.C. Code, sec. 5-418).

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That section 6 of the Act entitled 'An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and the uses of land in the District of Columbia, and for other purposes', approved June 20, 1938 (D.C. Code, sec. 5-418), is amended—

"(1) by inserting 'or subsection (e)' immediately before 'of this section' in subsection (c); and

"(2) by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following new subsection:

"'(e) If two or more foreign governments lawfully use for chancery purposes at least two lots within one side of a block of a street in a district or zone of the District of Columbia restricted in accordance with this Act to use for residential purposes, any foreign government may construct, alter, repair, convert, or occupy a building for chancery purposes on real property which adjoins any such lot and which is on the same side of the block as such lot if the Board of Zoning Adjustment makes the findings described in paragraphs (1), (3), and (4) of subsection (d) with respect to such building.'"

(Mr. DOWDY asked and was given permission to extend his remarks at this point in the RECORD.)

PURPOSE OF THE BILL

Mr. DOWDY. Mr. Speaker, the purpose of the bill H.R. 6947 is to amend the act of October 13, 1964—78 Stat. 1091; District of Columbia Code, section 5-418a—hereafter referred to as the Chancery Act of 1964, approved by the 88th Congress to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia. In House Report 1727—88th Congress—which accompanied that legislation, your committee recognized the complexity of the problem of providing for the location of chanceries and that the bill, later enacted as Public

XUM

Law 88–659—78 Stat. 1091—might require amendments pending some final solution to this problem in the District of Columbia.

Since the enactment of the abovementioned law, additional problems have been brought to the attention of your committee in connection with the administration of that law under its terms and concerning unique, or at least unusual situations which have resulted in substantial hardship to property owners. This bill is an effort to supplement and clarify the previous enactment and meet some of the difficulties which have been presented to your committee.

BACKGROUND

For many years, foreign governments were without any restriction as to the purchase or rental of property to be used for chancery purposes. The great majority of foreign chanceries were located within single-family detached residential areas. Because of the substantial, and sometimes intense, business usage of such properties, they were not compatible, in many instances, with the character of the neighborhoods in which they existed. With the development of zoning laws and establishment of zoning categories, the admissibility of chanceries in residentially zoned areas became an increasingly controversial matter. Although zoning regulations were developed to require at least some parking facilities to avoid traffic congestion, and to preserve the residential character where chanceries were located, existing laws and regulations did not provide a suitable basis to the District of Columbia for providing for chancery locations, nor did they provide a suitable basis for harmonious relations between foreign governments and the State Department. The latter agency is the only agency which might exercise any sanctions to bring about the enforcement of District of Columbia regulations regarding the location of chanceries. This situation led to action taken during the 88th Congress, and the enactment of Public Law 88–659, approved October 13, 1964—78 Stat. 1091.

INTENT OF CONGRESS

Aside from specifying the zoning categories within which chanceries of foreign governments might be located the intent of Congress was clearly expressed concerning the preservation of existing rights established by previous use under law. Existing uses of buildings as chanceries, where such use had been established under the benefit of statute or by use preceding applicable zoning laws and regulations, were to be continued. Although that act appears to have had the effect of extinguishing the right of use of some properties as chanceries where such use did in fact exist and the owner or occupant was without notice that the use was not based upon any law, rule, or regulation, some instances of hardship have been demonstrated. These represent borderline cases where, under the normal operation of law and regulation prior to the act of the 88th Congress, chancery uses would have been permitted and approved, the owners of such property now find that they are precluded under the strict language of the act from continued use of their property for chancery purposes.

A single example will illustrate the problem. In 1958 a residential structure in an area where many similar properties were used for chanceries was rented by a representative of a foreign government. The property owner was of the understanding that this was a chancery use. Two years later, another foreign government rented the same property, which was actually used for chancery purposes, but the owner of the property was without any knowledge that such was not a proper use. Thereafter, a third government rented the property for chancery use. The record shows that during the period when the property in question was being used as a chancery, two additional residential structures in the area were authorized for use as chanceries pursuant to regulations. Had the owner of the subject property made application for a variance for chancery use it undoubtedly would have been granted. When the government occupying the subject property as a chancery moved to another location, and following the enactment of the Chancery Act of 1964 regarding location of chanceries, the property owner discovered the deficiency in his use and made application to the zoning board for a variance for such use. This application was denied by the zoning board under the terms of the enactment by the 88th Congress.

As a result, the subject property was the only structure in the residential block which is not used for chancery purposes, or a comparable use authorized by Congress for the Washington Institute of International Law. Thus, a property owner in a city block zoned for residential use found that such use was incompatible with uses of other property and he was unable to dispose of his property for residential purposes at a normal market value for such use, nor was he able to continue the use of the property as a chancery which was compatible with the uses in the remainder of the block. In effect, the terms of the Chancery Act of 1964 produced a contradiction as to the intent of Congress, and to the normal application of zoning laws which endeavor to maintain compatibility of uses in a given area.

APPLICATION OF THE TERMS OF THE BILL

Under the terms of H.R. 6947, the Chancery Act of 1964 is amended by the addition of a new clause 3 to section 2 of the act. The future use or the continued use of a building as a chancery would not be prohibited even though such use was contrary to the provisions of law if such use existed between the date of May 12, 1958, the date of the revision of zoning rules and regulations of the District of Columbia under the Lewis plan, and the date of October 13, 1964, the effective date of the Chancery Act of 1964, if such use was without written notice, from the Federal or District Government, of noncompliance with existing zoning provisions. Thus, any use of a building as a chancery which qualifies under the provisions of this bill, becomes a lawful use as specified in the first clause of section 2 of the Chancery Act of 1964.

Section 2 of the Chancery Act of 1964, which the pending bill H.R. 6947 amends, was the subject of a clear expression of intent in House Report 1727 of the 88th Congress. That report stated as follows:

> It is the specific intent that no existing lawful rights of use shall be affected by any provision of the bill. Where the lawful use of the building as a chancery has been established and exists on the date of enactment, whether the property be vacant, whether the use as a chancery be interrupted at some future date, or whether the use of the building be transferred from one foreign government to another, nothing in the act shall affect such right of use.

In the pending bill, H.R. 6947, our committee amends section 4 of the Chancery Act of 1964 by including reference in section 4 of the act—District of Columbia Code, section 5–418c—to the amendment made by section 1(a) of the bill. The effect of this amendment is to make it clear that if a building used as a chancery was lawfully used, is being used or is to be used, such use may be transferred from one foreign government to another. Thus, whenever real property which has been lawfully used for chancery purposes, pursuant to the Chancery Act of 1964 as amended by this bill, was or becomes vacant, the fact of vacancy alone has no effect upon the right of continued or future use of the property for chancery purposes. The amendment is intended to preserve the right of such use, and transfers of use, even though such use may have been or is interrupted, the property vacant, or used for other purposes so long as the use of the property as a chancery is not abandoned.

It is believed that the enactment of the amendment as favorably reported by our committee will aid in resolving inequities and hardship situations, and relieve any area of doubt as to the committee's intent in preserving a right, once established, for the future and continued use of a building as a chancery and the right of transfer of the use from one foreign government to another.

ANALYSIS OF THE BILL

The bill H.R. 6947 amends the act of October 13, 1964—78 Stat. 1091; District of Columbia Code, section 5–418a—regulating the location of chanceries of foreign governments in the District of Columbia. The first of two amendments in the bill adds a new paragraph at the end of section 2 of the act which provides that the limitations and restrictions of the act shall not prohibit the future or continued use, or the making of ordinary repairs, to a building which was used as a chancery contrary to any zoning rule or regulations between May 12, 1958, and October 13, 1964, if the owner or occupant of such building received no written notice from the District or Federal Government that the use of the property as a chancery was in violation of any law, rule, or regulation.

The second amendment inserts language in section 4 of the act—District of Columbia Code, section 5–418c—referring back to the language added by the first amendment of the bill to provide that buildings qualifying under this bill for use as chanceries may be transferred from one foreign government to another under the terms of the act as amended.

XUM

Mr. ADAMS. Mr. Speaker, will the gentleman from Texas yield?

Mr. DOWDY. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, I ask the gentleman who is sponsoring and handling the bill for the committee if there were any committee hearings on the bill at all?

Mr. DOWDY. Yes, there were.

Mr. ADAMS. One day?

Mr. DOWDY. One day.

Mr. ADAMS. Mr. Speaker, is it also true, as indicated on page 2, that this bill is essentially a private bill which is designed to permit certain residential property to be used for chanceries, and this was extended so that other similar residential properties could be used as chanceries?

Mr. DOWDY. The bill, as it was introduced, was what I considered to be in the nature of a private bill. This question comes up from time to time, and we had considerable conferences to arrive at a general bill which would take care of like situations.

Mr. ADAMS. Was this opposed by the District government?

Mr. DOWDY. I do not think so.

Mr. ADAMS. The report, I believe, shows it was opposed in its original form. I was asking if it was opposed in its original form.

Mr. DOWDY. It was, I believe, opposed in the original form. The objections were taken care of in the amendment. As a matter of fact, this was worked out in conjunction with the zoning commission.

Mr. ADAMS. Mr. Speaker, I have no further questions.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

XUM

GENERAL LEAVE

Mr. DOWDY. Mr. Speaker, I did not ask for this in the beginning, but I ask unanimous consent that the subcommittee chairmen and all Members be permitted to extend their remarks in connection with each of the District bills today.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

TO REVISE LAWS RELATING TO OFFENSES AGAINST HOTELS, MOTELS, ETC.

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10335) to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes.

The Clerk read the bill, as follows:

H.R. 10335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 842 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1326; D.C. Code, sec. 22–1301), is amended—

(1) by inserting "(a)" immediately before "Whoever";

(2) by inserting "any service or" immediately before "anything of value";

(3) by striking out "value of the money or property" and inserting in lieu thereof "value of the money, property, or service";

(4) by striking out "$200" and inserting in lieu thereof "$1,000";

(5) by striking out the second sentence and inserting in lieu thereof:

"(b)(1) Whoever obtains, at a hotel, motel, or other establishment which provides lodging to transient guests—

"(A) lodging, food, or any other item of value, with intent to defraud the proprietor or manager of such establishment, or

"(B) credit by the use of false pretenses, shall, if the unpaid amount of such lodging, food, or other item of value is $100 or more, be guilty of a felony and fined not more than $3,000 or imprisoned for not less than one year nor more than three years, or both; or if such unpaid amount is less than $100, be guilty of a misdemeanor and fined not more than $1,000 or imprisoned not more than one year, or both.

"(2) Proof that a person—

"(A) obtained lodging, food, any other item of value, or credit, at a hotel, motel, or other establishment which provides lodging to transient guests and failed to pay in full upon demand any amount then due for such credit or item of value, or

"(B) departed or removed his baggage from a hotel, motel, or other establishment which provides lodging to transient guests without the express consent of the proprietor or manager of such establishment and without first paying in full any amount due for food, lodging, any other item of value, or credit,

shall be prima facie evidence that the acts specified in clause (A) of paragraph (1) were committed with fraudulent intent.".

"(c) Whoever, in the District of Columbia, registers at a hotel, motel, or other establishment which provides lodging to transient guests, under any name or address other than his actual name or address, with intent to defraud the proprietor or manager of such establishment, shall be guilty of a misdemeanor and fined not more than $500 or imprisoned not more than six months, or both."

SEC. 2. Subsection (b) of section 207 of the Act entitled "An Act to provide for the more effective prevention, detection, and punishment of crime in the District of Columbia", (D.C. Code, 23–306(b)) is amended—

(1) by striking out "and section 863(a)" and inserting in lieu thereof "sections 863(a) and 842 (b) and (c)"; and

(2) by inserting immediately before the period at the end the following: "(failure to pay for lodging or food; D.C. Code, sec. 22–1301)".

SEC. 3. The Act entitled "An Act regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia", approved July 1, 1922 (42 Stat. 820; D.C. Code, sec. 22–1410), is amended—

(1) by striking out "or order" in each place it appears and inserting in lieu thereof "order, or other instrument";

(2) by striking out "shall be guilty of a misdemeanor punishable by imprisonment for not more than one year or fined not more than $1,000, or both." and inserting in lieu thereof "shall, if the amount of such check, draft, order, or other instrument is $100 or more, be guilty of a felony and fined not more than $3,000 or imprisoned for not less than one year nor more than three years, or both; or if the amount of such check, draft, order, or other instrument is less than $100, be guilty of a misdemeanor and fined not more than $1,000 or imprisoned not more than one year, or both.";

(3) by inserting, in the second sentence, after "notice in person, or writing, that such" the following: "check,".

With the following committee amendments:

Page 3, line 11, strike out the quotation mark and the period following the quotation mark.

Page 3, at the end of line 18, insert a quotation mark.

Page 3, line 22, after the quotation mark insert ", approved June 29, 1953".

Page 3, line 23, strike out "and" the first time it appears.

(**Mr. DOWDY** asked and was given permission to revise and extend his remarks.)

Mr. DOWDY. Mr. Speaker, the purpose of the bill, H.R. 10335, is to strengthen the provisions of certain criminal laws in the District of Columbia relating to persons who defraud hotel, motel, or other commercial lodging proprietors, by means of forgery, issuance of bad checks, or by departing without payment for the goods or services received.

The amendments provided by the bill are directed to three acts of Congress to make them responsive to modern needs. Laws enacted, and unamended since 1901, are inadequate to deal with current problems and difficulties confronting hotels and motels operating in the District of Columbia.

Commercial lodging establishments are more often subject to losses resulting from fraud and deceit than is the case with most other businesses. During the years 1965 through 1968, member establishments of the Hotel Association of Washington, D.C., sustained losses in excess of $1 million as a result of forgeries, bad checks, and departures without payment for value and services received.

PROVISIONS OF THE BILL

Existing law, enacted in 1901—District of Columbia Code, section 22–1301; 31 Stat. 1326—provides criminal penalties for defrauding lodging proprietors and relates to the "value of money or property" but not to "services" provided to a guest or patron. Section 1 of the bill would make the provisions of law, as otherwise amended, equally applicable to "services."

The fines which may be assessed under this section, where the amount of value involved is less $100, are increased from $200 to $1,000.

The amendments in section 1 also provide that whoever obtains from a commercial lodging proprietor items of value or credit by the use of false pretenses in the amount of $100 or more commits a felony. The penalties provided are a fine of not more than $3,000 or imprisonment of not more than 3 years, or both. If the unpaid amount is less than $100, the offense is a misdemeanor with penalties of a fine of not more than $1,000 or imprisonment of not more than 1 year, or both.

The amendment further provides that when proof is given that a person obtained the items of value or the credit and failed to make full payment on demand, or when such person departed and removed his baggage without the consent of the proprietor and without payment of any amounts due, such proof is prima facie evidence of the intent to defraud.

Section 1 of the bill provides, in further amendment, that whoever registers under a false name or address with intent to defraud shall be guilty of a misdemeanor. It is not the intent that the act of so registering be an offense, but only where such act is accompanied with the intent to defraud the proprietor of the lodging establishment.

A problem frequently confronting the commercial lodging proprietor is where a guest has shown clear intent to leave the premises without paying his bill. If the amount involved makes the offense a misdemeanor, an arrest may not be accomplished without a warrant unless the misdemeanor is committed in the presence of a police officer. If steps are taken to secure a warrant to effect an arrest, the guest most probably will have fled the jurisdiction. Section 2 of the bill would remedy this situation by providing that a police officer may make an arrest for such misdemeanor without a warrant.

The final section of the bill amends existing law relating to crimes involving the issuance of checks, drafts, and orders for the payment of money—act of July 1, 1922, 42 Stat. 82, District of Columbia Code section 22-1410—so as to make the terms of the law applicable to modern situations and credit practices. The amendment in section 3 would make the terms of the present law applicable to "other instruments." The amendment also provides that where the amount involved in such acts exceeds $100, the offense shall be a felony, the penalties for which shall be a fine of not more than $3,000 or imprisonment of not less than 1 year or more than 3 years or both. Where the amount involved in the offense is less than $100 it is a misdemeanor and punishable by a fine of not more than $1,000 and imprisonment of not more than 1 year or both.

PUBLIC HEARINGS

Public hearings were conducted by Subcommittee No. 3, of the House Committee on the District of Columbia on October 8, 1969. Officials of and counsel for the Washington Hotel Association testified in support of the provisions of the bill. Additionally, a representative of the Office of the Corporation Counsel presented the views of the Office of the Commissioner for the District of Columbia.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, during the course of this calendar I have tried to point out by my questions to the Members of the committee who are handling the bills that we put nine bills on this calendar today, most of which had only 1 day of hearing or very cursory hearings.

This bill before us right now is a piece of special interest legislation. It does certain things to help the hotel people. Perhaps we should do some things to help the hotel people, and I have not opposed this bill as it is before us now, but I would state it was pointed out by the Commissioner, as shown on page 4 of the report, that the provisions of it give it the character of special legislation. This is to help the hotel people.

The bill which was up before was to help people in the real estate business, so that they could take care of some of their problems. There is another bill up to help the hotel people in another aspect of their business, and there is a bill to help the liquor people in this area.

All have limited public purposes.

Today this committee could pass out nine bills and even if we opposed them we allowed them to come to the floor. All of us cooperated. We have also finished the crime bill. We have cooperated on that. Though many of us oppose certain provisions of it, we feel the Members should have an opportunity to work their will.

As I indicated in my 1-minute speech earlier today, we have been waiting for the nonvoting delegate bill since spring of last year, and we have also been waiting for the charter commission bill since last year.

I have filed in the RECORD, on the 1-minute speech time, the chronology which points out that Messrs. DIGGS, FRASER, ADAMS, HORTON, GUDE—Member after Member has asked that these bills be brought up to be voted on. If we were to have hearings, we asked for those back on January 20 that it be done promptly. We have had no hearings. We have had no indication there will be hearings. We have had no indication there can be a vote. We have had no indication that anything will happen to these bills, which are of general interest to the District of Columbia.

We have asked the chairman for a right to vote on those bills. They were a part of the President's package. The President sent them up and said he wanted them enacted. He sent his messages up to support them.

They were introduced in the committee by a majority of the committee. They passed the Senate October 1 on the Consent Calendar. There was not a single vote against either one.

Now they are pending in this committee as two Senate bills. I placed in my 1-minute speech the number of each of those.

I believe it is incredible that the committee can come in here today and present to the floor the bills to which we have prevented action, and the committee will work its will on them. We went through the crime bill. We sat all afternoon, sat during votes, sat until 6 o'clock so that the committee could work its will on it because certain Members of the committee wanted it out.

We believe it is only fair treatment that these two bills be heard by the Committee on the District of Columbia and be brought before this House and be voted on. If a Member is against them, let him be against them and go tell his constituents. Let us not have hypocrisy about the fact that we are for them but nobody is willing to vote on them.

On March 2 at 10:30 in the morning, the rules of this House provide the District of Columbia Committee shall meet. It will meet without the call of anybody. It will meet because it is supposed to meet. The rules of the committee and the rules of the House provide that a majority of the committee can vote out any bill.

I have given notice to each member of the committee that on Monday morning at 10:30 I will offer a motion that each of these bills be reported out to the House to be voted up or down.

I believe the record is clear that we have tried every possible means by parliamentary procedure to do this. We have been gaveled down when we even tried to bring up those bills whether in the subcommittee or in the full committee.

If the other body can pass these bills unanimously and we can pass these kinds of bills today, it seems to me that we can carry out the President's recommendation which a majority of the committee sponsored so the House can vote on these bills. I urge everyone on this floor today, if you are passing these bills today, that you talk to members of the committee and ask them to be present on Monday so these two bills can be called up. I hope you will also support these bills.

Mr. DOWDY. Mr. Speaker, I want to incorporate in the statement I have already asked to be placed in the RECORD a memorandum showing the amount of forgeries, impostors, skips, bad checks given to hotels and motels in the last 3 years.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MEMORANDUM OF HOTEL ASSOCIATION OF WASHINGTON, D.C., MAY 6, 1968

RESULTS OF PROTECTIVE SURVEY

As a result of a Memorandum sent out by this office on April 12, 1968, we have received the following replies for costs on forgeries, skips, and bad checks for a three-year period:

Hotels responded to the survey	31
Had no records, and said "no"	3
Had no information	1
Made no response at all	8
Total	43

A compilation of these statistics is indicated below:

Year	Forgeries, impostors, etc.	Skips	Bad checks	Total
1965	$67,470.44	$47,581.42	$51,678.21	$179,730.07
1966	79,746.20	95,232.56	58,397.16	248,375.92
1967	115,920.62	119,916.72	84,511.87	340,349.21
Total	263,137.26	262,730.70	194,587.24	[1] 768,455.20

[1] 1 hotel reported total loss of $48,000 for the 3 years with no breakdown.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding to me.

I have no desire to be associated with any of the problems of the committee itself or those who have spoken previously. Therefore I particularly appreciate the distinguished gentleman yielding directly to me.

However, I too have noted that this is a form of special legislation, and secondly in one report of the Commissioners of the District of Columbia they referred to the lack of departmental reports and especially asked to await expressing an opinion on these, until such time as they had heard from the Department of Justice.

Mr. Speaker, I would like to ask if, in the opinion of the gentleman handling the bill, in considering the purpose of this bill H.R. 10335, it does not allow some rather extreme actions on the part of hotel and motel operators. It seems to me that I recall we have passed previous legislation in this regard. Is the right of seizure not confirmed in an overabundant way in these amendments to the bill; and does it not confirm, as the report itself says, wherein it quotes the old law which remains unchanged, on page 5, that there may be arrests without a warrant, and searches of the person and seizures pursuant thereto, may be made for violation of any section listed in subsection (b), by police officers, as in the case of a felony, upon probable cause that the person arrested is violating the section involved at the time of the arrest?

My concern is, although I am not ordinarily known as a civil libertarian, I do believe in the rights of the individual and in freedom for all. As much as this may be needed for special interest, particularly in the District of Columbia, I am just concerned lest we have gone too far on the rights of seizure and in the respect of going into a person's privacy and arrest without a warrant, "as though in case of a felony."

I would like to ask the distinguished gentleman from Texas handling the bill, a distinguished jurist, as to his opinion on this, because I know of his eminent fairness and his regard for his fellow man, also.

Mr. DOWDY. In this bill we are dealing with frauds and con men. I believe I do recall this matter. The point is that unless they can arrest a man before he runs off, they will probably lose him. This is just relating to a thief who is giving bad checks and otherwise defrauding hotels and motels. That is all it deals with.

Mr. HALL. If the gentleman will yield further, Mr. Speaker. I understand and as I said in my peroration and initial statement, there may be some need for some corrective legislation, but I believe that the gentleman has not addressed himself to the question of going too far insofar as arrest without a warrant is concerned, seizure, search, ingress into the privacy of one's rooms, and even the amount of the penalties. I am not a lawyer and I do not always thoroughly understand these things. But I do understand the rights of individuals and the need to protect freedom, even though we do not want to protect an individual absconding with goods of another property owner.

Mr. DOWDY. That is true. I think we in the consideration of these things must bear in mind that the managers of the hotels and motels are not going to get themselves into the position of false arrests. However, the point here is that most of these offenses come in the nature of a misdemeanor and in those cases, arrests cannot be accomplished without a warrant unless the crime is committed in the presence of an officer. So, the question goes to the point that if it is necessary to secure a warrant for the arrest, this party would most probably have fled the jurisdiction of the District of Columbia and would be where he could not be touched.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, does the distinguished gentleman not feel that if this happens in the District of Columbia, it may spread across the land and the rights of seizure and rights of ingress and arrests without a warrant might well become the way of the land in these troublous times rather than protecting the individual until he is proved guilty?

Mr. DOWDY. Well, of course, I have the same feelings as does the gentleman from Missouri. But if he realizes as I do the situation in the District of Columbia I am sure he will come to the conclusion that we are trying to do something about it. The purpose of this bill is to make the terms of the law applicable to the modern situations and of credit practices.

The SPEAKER pro tempore (Mr. PATTEN). The time of the gentleman from Texas has expired.

(By unanimous consent (at the request of Mr. HALL) Mr. DOWDY was allowed to proceed for 3 additional minutes.)

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I appreciate his indulgence. Would the gentleman tell the members sitting in the Committee as a Whole, who came before the Committee on the District of Columbia and pleaded for this legislation, and at what time?

Mr. DOWDY. We had hearings on October 8 of last year. The witnesses were Leonard E. Hickman, Allen Jones, Jr., Richard D. Grow, and Michael Sindler.

Mr. HALL. Mr. Speaker, is it fair to ask whom they represented? I would presume that they represented the hotel and motel interests of the District; is that correct?

Mr. DOWDY. The first three witnesses were the hotel group and Mr. Sindler was the Corporation Counsel for the District of Columbia.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding and his explanation. I am sorry that in my opinion the bill to revise certain provisions goes too far, and I cannot be in support of this bill in its present form.

I thank the gentleman.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I would like to ask my friend from Texas (Mr. DOWDY) whether this provision for arrest without warrant and searches of persons and seizures of property by police, is in conformance with the laws of any States?

What, for instance, is the law in Texas with respect to this type of action?

Mr. DOWDY. I do not know. I have no information on that.

Mr. GROSS. At the hearings was there any reference to any State law as, for instance, the State of Iowa, the State of Missouri, the State of Texas or any other State?

Mr. DOWDY. Not that I recall.

Mr. GROSS. Well, I must join with my colleague from Missouri (Mr. HALL) in saying that while there is a situation in the District of Columbia with respect to the operation of hotels and motels that is probably somewhat worse than elsewhere over the country, this seems to go beyond what I can support.

Mr. DOWDY. If the gentleman will yield, I do not believe there is anything in here about search and seizure, it is purely the arrest.

Mr. GROSS. I refer to the report on page 5, at the bottom of the page, section 207:

> Arrests without a warrant, and searches of the person and seizures pursuant thereto, may be made for violation of any section listed in subsection (b), by police officers, as in the case of a felony, upon probable cause that the person arrested is violating the section involved at the time of the arrest.

This seems to me to go much too far. But perhaps the gentleman can explain it.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I would like to suggest to the gentleman from Iowa that arrest without a warrant for a person is not unusual. Take the situation where a police officer comes upon a person who is trying forcibly and illegally to enter the premises of a business; he certainly places that person under arrest without a warrant, and he certainly searches that person to make sure that he does not have any concealed weapons. Then he does actually seize the person, and transport him to the Police Department.

Mr. GROSS. In this situation we are talking about the transient in a hotel or motel.

Mr. WILLIAMS. Yes.

Mr. GROSS. One who has rented a room, and who ought to be able to feel fairly secure in that transaction.

Mr. WILLIAMS. This specifically refers to the case of a felony, it does mention probable cause, and the rest without warrant and searching of a person, et cetera, applies to police officers.

Mr. GROSS. Could not the hotel or motel owner demand payment in advance?

Mr. WILLIAMS. Certainly he could, but suppose the hotel or motel owner is given a bad check. He has received payment in advance. Then suppose he tries to clear the check the next day, and the check does not clear.

Mr. GROSS. Then the gentleman is saying it is perfectly permissible for the police to come in, and without a warrant, arrest the man, search his person, search his luggage, and in the next bill that is coming up confiscate his luggage, his property, regardless of the amount of the bill or anything else?

Mr. WILLIAMS. All I am really saying to the gentleman is that I do not think this provides anything for the District of

Columbia that is not already provided in every State in the Union. Police officers have the right to arrest under certain conditions, to search a person under certain conditions, and to seize them under certain conditions.

Mr. GROSS. If the gentleman will say as a fact—and certainly I am not a lawyer and I am not prepared to argue any part of the legal question involved here—but if the gentleman is saying as a matter of fact that this law prevails across the country I have no objection to it. But let it be uniform across the country, including the gentleman's State of Pennsylvania.

Mr. WILLIAMS. If the gentleman will yield further, I am not an attorney, either, but all I am saying is that in the State of Pennsylvania—as well as in the State of Iowa—there are conditions wherein a police officer can arrest a person without a warrant, can search a person without a warrant, and can seize a person without a warrant. So this does not seem to me to be any great departure from the constitutional rights of the people.

Mr. GROSS. I guess I will have to ask some attorney to answer my question.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I thank the gentleman for yielding, and I would say that I am an attorney—although I usually do not mention so—but I believe the point the gentleman is making is a very good point, and the point raised by my colleague, the gentleman from Missouri, is a good point. This would permit an arrest without a warrant, and permit a seizure pursuant thereto——

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. HUNGATE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, as I started to say, this permits searches of a person without a warrant, and seizure, pursuant thereto for violation of any section listed, in subsection (B), by police officers, as in the case of a felony. There is where the change comes about.

In the case of a felony I think it is generally true they can make an arrest, that is, where probable cause is, and probable cause is not unusual in itself when dealing with a felony, which is something you can go to the penitentiary for 2 years or life in other words the more serious offenses.

But now they are going to treat this as in the case of a felony. I think that is a significant change. I think normally in most of your States a police officer might also make an arrest for a crime committed in his presence. But this is extending that. The man at the motel or hotel calls for a policeman and says, "Come and get him."

He did not see it—he does not have personal knowledge necessarily of these facts. He can arrest and search and seize. I would agree very largely for the reasons stated by my colleague, the gentleman from Missouri that this may be going too far and I would just as soon see this bill defeated. It does to some extent extend the criminal law protection, as the Commissioner's office says on page 4 of the report where they favor strengthening the criminal law. But it seems to do it in just one area whereas, if it is good practice, we should do it on a broader basis. I would not want to stop without saying at the same time that many bills that come before this committee, and as someone has previously alluded they may deal with only one thing—perhaps optometry or doctors or real estate people, but I do not think that necessarily means we are handling special interest legislation. It can mean that, but it can mean that we, as a city council—and anybody who has served on a city council knows that this is the sort of thing you get into—and people from certain areas of the community naturally come in.

I would think it well to defeat this bill for the reasons stated by the commissioner on page 4 of the committee report.

Mr. ECKHARDT. Mr. Speaker, I am against this bill. It is particularly bad since it adopts harsh law against the visitor to our Nation's Capital, but it would also be bad law if it applied anywhere else. Let me give you a personal example of how an innocent guest may be treated abominably under circumstances covered by this law if he is thus subjected to its risks.

I was in New Orleans last New Year's season. My daughter made reservations for me at an out-of-the-way hotel, since hotel accommodations were very difficult to obtain due to the Sugar Bowl game. When I arrived at the old, somewhat rundown house which operates under the name of "The Columns" as a hotel, I was told that the rate for myself and daughter would be $20 per night.

When I explained that my daughter would not be with me, the clerk said, "Oh, then it will be only $10." The next morning he said he had talked to the proprietress, and the room would have to be at the rate of $15. I protested but did not leave, thinking that the extra $5 would not justify a move.

But there was an additional difficulty. The proprietress refused to take either my Carte Blanche or American Express credit cards or a check drawn on my account at the Sergeant at Arms of the Congress of the United States presented with my official credentials as a Member of Congress.

Now there were certain additional items on the bill which were not in contest, which made it in excess of $40, and I had not anticipated a bill in this amount. So I had to go somewhere to get a check cashed. Under Louisiana law my departing without the express consent of the proprietor or manager did not make me guilty of fraud. Under the law of Louisiana concerning offenses by guests, part I, "Fraud in Obtaining Accommodations," section 21(3), one is not permitted to "Remove or cause to be removed any baggage or effects from any hotel, inn, boarding house, or restaurant without the consent of the owner or manager before having paid the proper charges due for food or accommodations."

But had I been acting under the same circumstances in the District of Columbia under the provisions of H.R. 10335, it would have constituted prima facie evidence that I intended to defraud the establishment if I "departed or removed baggage without the express consent of the proprietor or manager without first paying in full any amount due." Section 22 of the Louisiana law may, however, possibly create a presumption to the same effect as H.R. 10335. If it does, it is equally obnoxious.

Of course, there was a question as to whether or not the amount due for the two nights was $20 or $40, but if I had to depart to cash a check without even paying the $20 I would have been guilty under the law proposed in H.R. 10335. Also, if I chose to pay only that amount which I considered to be "due," the question as to what was due would be a question of fact and to raise that question I would have to take the risk of that fact being held against me with resultant misdemeanor penalty of $1,000 or imprisonment for not more than 1 year, or both.

Why should we in Congress permit the innkeepers' guild to restore in America the jolly old institution of imprisonment for debt?

If I may be held against my will by some curmudgeon or vixen who presides at the room clerk's desk until I satisfy the proprietor respecting the amount of my civil obligation, I am imprisoned. I am indeed very effectively held if my leaving may result in my being fined $1,000 or put in jail for a year, or both.

Even to seriously consider this bill is to accept a special interest position without considering the rights and dignity of tens of thousands of people who visit their Congressmen each year. It surpasses understanding how we, who primarily represent them, should find ourselves doing the bidding of a lobby foreign to our districts and oblivious to the interests of the people at large.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mrs. CHISHOLM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, and the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 246, nays 117, not voting 68, as follows:

XUM

[Roll No. 30]

YEAS—246

Abernethy
Adair
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Aspinall
Ayres
Beall, Md.
Belcher
Bell, Calif.
Berry
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burlison, Mo.
Button
Byrnes, Wis.
Cabell
Camp
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins
Colmer
Conable
Conte
Corbett
Coughlin
Cowger
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Denney
Dent
Devine
Dickinson
Dingell
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Findley
Fisher
Flood
Flowers

Flynt
Foreman
Fountain
Frelinghuysen
Frey
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Green, Oreg.
Griffin
Griffiths
Grover
Gude
Haley
Hansen, Idaho
Harsha
Henderson
Hogan
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lloyd
Lujan
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McFall
McKneally
McMillan
MacGregor
Mahon
Mann
Marsh
Martin
May
Mayne
Melcher
Meskill
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Mizell
Montgomery
Moorhead
Morgan
Mosher
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Konski

O'Neal, Ga.
Patman
Pelly
Pepper
Pickle
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Riegle
Rivers
Roberts
Robison
Rogers, Colo.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steiger, Wis.
Stephens
Stratton
Stubblefield
Taylor
Thompson, Ga.
Utt
Vander Jagt
Vigorito
Waggonner
Watkins
Watson
Watts
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zion
Zwach

NAYS—117

Adams
Addabbo
Anderson, Calif.
Annunzio
Ashbrook
Bennett
Bingham
Blatnik
Bolling
Brademas
Brasco
Burke, Mass.
Burton, Calif.
Burton, Utah
Byrne, Pa.
Caffery

Chisholm
Cohelan
Collier
Conyers
Corman
Culver
Daniels, N.J.
Delaney
Dellenback
Dennis
Derwinski
Diggs
Eckhardt
Erlenborn
Farbstein
Feighan
Foley

Ford, William D.
Fraser
Friedel
Gallagher
Giaimo
Gilbert
Gonzalez
Goodling
Gray
Green, Pa.
Gross
Hall
Halpern
Hamilton
Hammerschmidt

Hanley
Hanna
Hansen, Wash.
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Howard
Hungate
Jacobs
Kastenmeier
Koch
Leggett
Long, La.
Long, Md.
Lowenstein
McCarthy
McClory
Macdonald, Mass.

Madden
Mathias
Matsunaga
Meeds
Mikva
Mink
Mollohan
Murphy, Ill.
Nedzi
Obey
O'Hara
Olsen
O'Neill, Mass.
Passman
Patten
Perkins
Pike
Price, Ill.
Pryor, Ark.
Rees
Reid, N.Y.
Reuss
Rodino
Roe

Rooney, N.Y.
Rosenthal
Ryan
St. Onge
Smith, Iowa
Staggers
Stokes
Sullivan
Symington
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vanik
Waldie
Wampler
Whalen
White
Wolff
Yates

NOT VOTING—68

Abbitt
Alexander
Ashley
Baring
Barrett
Boggs
Boland
Brock
Brown, Calif.
Buchanan
Burleson, Tex.
Bush
Carey
Carter
Celler
Clay
Crane
Daddario
Dawson
Donohue
Edwards, Calif.
Edwards, La.
Fascell

Fish
Ford, Gerald R.
Fulton, Pa.
Fulton, Tenn.
Gubser
Hagan
Harrington
Harvey
Hébert
Holifield
Jarman
Jones, Ala.
Kirwan
Lennon
Lukens
McEwen
Mailliard
Michel
Monagan
Morse
Morton
Moss
Nix

Ottinger
Pettis
Philbin
Podell
Powell
Rogers, Fla.
Roybal
St Germain
Schadeberg
Scheuer
Steed
Steiger, Ariz.
Stuckey
Taft
Talcott
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Weicker
Wilson, Charles H.
Wright
Zablocki

So the bill was passed.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Gerald R. Ford.
Mr. Charles H. Wilson with Mr. Gubser.
Mr. Barrett with Mr. Fulton of Pennsylvania.
Mr. Donohue with Mr. Morse.
Mr. Teague of Texas with Mr. Morton.
Mr. Baring with Mr. Carter.
Mr. Daddario with Mr. Teague of California.
Mr. Zablocki with Mr. Thomson of Wisconsin.
Mr. Hébert with Mr. Pettis.
Mr. Philbin with Mr. Michel.
Mr. Holifield with Mr. Mailliard.
Mr. Celler with Mr. McEwen.
Mr. Carey with Mr. Fish.
Mr. Abbitt with Mr. Talcott.
Mr. Lennon with Mr. Lukens.
Mr. Podell with Mr. Taft.
Mr. Burleson of Texas with Mr. Steiger of Arizona.
Mr. Jarman with Mr. Schadeberg.
Mr. Alexander with Mr. Brock.
Mr. Monagan with Mr. Crane.
Mr. St Germain with Mr. Weicker.
Mr. Wright with Mr. Bush.
Mr. Hagan with Mr. Buchanan.
Mr. Steed with Mr. Harvey.
Mr. Brown of California with Mr. Clay.
Mr. Dawson with Mr. Kirwan.
Mr. Edwards of California with Mr. Nix.
Mr. Ashley with Mr. Powell.
Mr. Fulton of Tennessee with Mr. Fascell.
Mr. Moss with Mr. Rogers of Florida.
Mr. Roybal with Mr. Harrington.
Mr. Jones of Alabama with Mr. Stuckey.
Mr. Edwards of Louisiana with Mr. Scheuer.

Mrs. SULLIVAN and Messrs. JACOBS and DELANEY changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

REVISE LAWS RELATING TO LIABILITY OF HOTELS TO THEIR GUESTS

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10336) to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 10336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) if a hotel, motel, or similar establishment in the District of Columbia which provides lodging to transient guests (1) provides a suitable depository (other than a checkroom) for the safekeeping of personal property (other than a motor vehicle), and (2) displays conspicuously in the guest and public rooms of that establishment a printed copy of this section (or summary thereof), that establishment shall not be liable for the loss or destruction of, or damage to, any personal property of a guest or patron not deposited for safekeeping. In the case of any personal property of a guest or patron deposited in such a depository for safekeeping, that establishment shall be liable for the loss or destruction of, or damage to, the property to the extent of the lesser of $500 or the fair market value of the property at the time of its loss, destruction, or damage.

(b) If a hotel, motel, or similar establishment in the District of Columbia which provides lodging to transient guests maintains a checkroom (conspicuously designated as such) where guests and patrons may deposit personal property, that establishment shall, if it conspicuously posts a printed copy of this section (or summary thereof), be liable for the loss or destruction of, or damage to, that property only to the extent of the lesser of $100 or the fair market value of the property at the time of its loss, destruction, or damage.

SEC. 2. (a) A hotel, motel, or similar establishment in the District of Columbia which provides lodging to transient guests, has a lien upon, and may retain possession of, any personal property belonging to, or under the control of, a guest or patron of that establishment, for the amount due that establishment from that guest or patron for lodging, food, or other item of value.

(b) If, within 30 days after his property has been retained under subsection (a), a guest or patron fails to pay the establishment retaining that property any amount due that establishment for lodging, food, or other item of value, that establishment may sell that property at a public sale. Prior to that sale, the establishment shall send, by registered or certified mail, to the last known address of that guest or patron a demand for payment of the amount due, and shall publish a notice of sale once a week for three successive weeks in a daily newspaper of general circulation published in the District of Columbia. That notice shall state—

(1) that the purpose of the sale is to satisfy the lien granted by subsection (a);

(2) the amount for which that lien is granted, including storage charges;

(3) the day, time, and place of sale; and

(4) a description of the property including, in the case of the sale of a motor ve-

hicle, the make, type, year, model number, serial number, engine number, and the year and license registration number of that motor vehicle.

In the case of the sale of a motor vehicle, a notice shall be given to any person whose security interest, lien, or other claim upon that motor vehicle is recorded with the motor vehicle registry of the State (including the District of Columbia) of registration of that motor vehicle. That notice shall be given at least 15 days prior to the date of sale.

(c) The proceeds of a sale of property made under subsection (b) shall be applied as follows:

(1) first, to cover the expenses of the storage and sale of the property, and

(2) second, to discharge any security interest, lien, or other claim upon the property in the order of priority provided for by law. Any amount remaining after the application provided for by paragraphs (1) and (2) shall be paid to the party entitled to the remainder if that party is known and can be located. If that party is not known or cannot be located within one year after the date of the sale, the establishment shall pay, within a reasonable time, the remainder to the government of the District of Columbia.

SEC. 3. (a) A hotel, motel, or similar establishment in the District of Columbia which provides lodging to transient guests may sell at public auction any personal property that has been deposited for safekeeping, checked, or left unclaimed at that establishment for more than 90 days. If the owner of that property is known, the establishment shall, at least 15 days before that sale is held, send, by registered or certified mail, a notice to the owner at his last known address stating—

(1) that the purpose of the sale is to dispose of unclaimed property;

(2) the amount of storage and other charges (including interest on those charges) against that property;

(3) the day, time, and place of sale; and

(4) a description of the property including, in the case of the sale of a motor vehicle, the make, type, year, model number, serial number, engine number, and the year and license registration number of that motor vehicle.

In the case of the sale of a motor vehicle, a notice shall be given to any person whose security interest, lien, or other claim upon that motor vehicle is recorded with the motor vehicle registry of the State (including the District of Columbia) of registration of that motor vehicle. That notice shall be given at least 15 days prior to the date of sale.

(b) The proceeds of a sale of property made under subsection (a) shall be applied as follows:

(1) first, to cover the expenses of the storage and sale of the propertty (including interest on those charges), and

(2) second, to discharge any security interest, lien, or other claim upon the property in the order of priority provided for by law.

Any amount remaining after the application provided for by paragraphs (1) and (2) shall be paid to the party entitled to the remainder if that party is known and can be located. If that party is not known or cannot be located within one year after the date of the sale, the establishment shall pay, within a reasonable time, the remainder to the government of the District of Columbia.

SEC. 4. (a) The Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1189), is amended—

(1) by striking out section 1261 (D.C. Code, sec. 34–103) and redesignating the succeeding sections accordingly; and

(2) by striking out in section 1262 (as redesignated by paragraph (1)) (D.C. Code, sec. 34–104) "last three sections" and inserting in lieu thereof "last two sections".

(b) The Act entitled "An Act establishing the liability of hotel proprietors and innkeepers in the District of Columbia", approved December 21, 1920 (D.C. Code, secs. 34–101 and 34–102), is hereby repealed.

With the following committee amendments:

Page 2, line 2, strike out the period and insert in lieu thereof a comma and the following: "except that this sentence shall not apply with respect to the liability of that establishment for loss or destruction of, or damage to, any personal property retained by a guest in his room if the property is such property as is usual, common, or prudent for a guest to retain in his room."

Page 6, strike out lines 8 through 21, and insert in lieu thereof the following:

"SEC. 4. (a) The Act entitled 'An Act to establish a code of law for the District of Columbia', approved March 3, 1901 (31 Stat. 1189), is amended—

"(1) by striking out section 1261 (D.C. Code, sec. 34–103) and by redesignating sections 1263 and 1264 as 1261 and 1262, respectively; and

"(2) by striking out in the section redesignated as section 1263 (D.C. Code sec. 34–104) 'by any of the last three sections' and inserting in lieu thereof 'by section 1260'.

"(b) The Act entitled 'An Act establishing the liability of hotel proprietors and innkeepers in the District of Columbia', approved December 21, 1920 (D.C. Code, secs. 34–101 and 34–102), is repealed."

The committee amendments were agreed to.

Mr. DOWDY. Mr. Speaker, the purpose of the bill, H.R. 10336, is to revise certain civil laws in the District of Columbia Code relating to the liability of commercial lodging proprietors for the property of their guests or patrons, the lien rights of such business establishments as to the property of their guests and patrons, and to improve the procedures for the disposal of unclaimed personal property left with such lodging operators.

PROVISIONS OF THE BILL

Section 1 of the bill provides for a limitation on the liability of operators of commercial lodging establishments for the property of their guests.

A lodging establishment may limit its liability if it provides a suitable depository for the safekeeping of personal property, displays conspicuous notice of the availability of such depository, and notice of the limitation on the proprietors' liability if valuable personal property is not placed in such depository. When personal property of a guest or patron is placed in a designated depository for safekeeping, the maximum liability of the lodging establishment for loss or destruction of, or damage to, property shall be the fair market value of the property but not in excess of $500. This limitation on liability does not apply to losses to personal property retained by a guest in his room if the property left in his room is such as is usual or prudent for a guest to keep in his room.

This section of the bill likewise limits the liability of the lodging establishment for loss of, damage to, or destruction of property placed in a checkroom. If the checkroom is conspicuously designated as such place for depositing personal property, and such designation is likewise accompanied with a printed copy of this section of the act, the proprietor is liable only for the fair value of the property but not to exceed $100.

PROTECTION OF LIEN RIGHTS

The lien rights of commercial lodging establishments would be strengthened by the amendments to existing law provided in section 2 of the bill.

Existing law provides that the lodging establishment shall have a lien upon, and may retain possession of, baggage and effects of any guest or patron who fails to make payment for any amount due. If such lien is exercised, and the property retained exceeds the value of $50, then the lodging establishment must institute a court proceeding for handling the sale of the property held under the lien.

The amendments in section 2 would provide the lodging establishment with a lien on any personal property including motor vehicles in possession of a guest which are not subject to lien under present law. When property has been retained under the provisions of this section, and the owner of such property fails to pay the amount due for lodging, food, or value received by the guest within 30 days, the property retained may be sold at a public sale.

Prior to such sale, demand shall be made by registered or certified mail for the payment of the amount due, and notice of such sale published once a week for 3 successive weeks in a daily newspaper in the District of Columbia. Such notice shall state that the sale is to satisfy the lien; state the amount of the charges, including any storage charges; state the day, time, and place of the sale; and give a description of the property, along with a full and complete description and information concerning any motor vehicle which may be included in the notice of sale. Notice of such sale shall also be given to any person having an interest, lien, or other claim on the motor vehicle which is recorded by registration within any State. A notice of sale must precede the sale by at least 15 days.

The proceeds of any such sale shall be applied to cover the expenses of storage and sale of the property; to discharge any security interest, lien, or other claim in order of priority provided for by the law; and any remainder paid to the party entitled if the party is known and can be located or otherwise at the end of 1 year after the date of sale the remainder shall be paid to the government of the District of Columbia.

SALE OF UNCLAIMED PROPERTY

Personal property of guests at a lodging establishment, which had been deposited for safekeeping, checked, or left otherwise unclaimed for a period of 90 days or more, may be disposed of under the provisions of section 3 of the bill. The provisions of this section regarding the sale of such property are similar to those described next above for the execution of a lien, except that no sale may be conducted in less than 90 days plus a 15-day period of notice. The residue of any such sale after satisfaction of all other claims in order of priority provided by law is to be paid within a reasonable time to the government of the District of Columbia.

The final section of the bill, section 4, as amended, provides the necessary technical amendments to existing law.

PUBLIC HEARING

A public hearing on the bill, H.R. 10336, was held by Subcommittee No. 2 of the House Committee on the District of Columbia on October 8, 1969. Representatives of the Hotel Association of Washington and the counsel for the association testified in support of the provisions of the bill. A representative of the Office of the Corporation Counsel for the District of Columbia testified in support of the legislation and presented the recommendations of the District of Columbia government.

AMENDMENTS OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Speaker, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. HUNGATE: Page 2, line 11, strike out "$500" and insert in lieu thereof "$1,000".

Page 2, line 20, strike out "$100" and insert in lieu thereof "$200".

Page 3, line 4, strike out the period and insert in lieu thereof a comma and the following: "except that the amount of the lien authorized by this subsection may not exceed $1,000."

The SPEAKER. The gentleman from Missouri (Mr. HUNGATE) is recognized.

Mr. HUNGATE. Mr. Speaker, I would first like to inquire of the gentleman from Texas (Mr. DOWDY) the exact import of the committee amendment just adopted.

Mr. DOWDY. Mr. Speaker, section 1 of the bill provides for a limitation on the liability of operators of commercial lodging establishments for the property of their guests.

A lodging establishment may limit its liability if it provides a suitable depository for the safekeeping of personal property, displays conspicuous notice of the availability of such depository, and notice of the limitation on the proprietors' liability if valuable personal property is not placed in such depository. When personal property of a guest or patron is placed in a designated depository for safekeeping, the maximum liability of the lodging establishment for loss or destruction of, or damage to, property shall be the fair market value of the property but not in excess of $500. This limitation on liability does not apply to losses to personal property retained by a guest in his room if the property left in his room is such as is usual or prudent for a guest to keep in his room.

This section of the bill likewise limits the liability of the lodging establishment for loss or damage to, or destruction of property placed in a checkroom. If the checkroom is conspicuously designated as such place for depositing personal property, and such designation is likewise accompanied with a printed copy of this section of the act, the proprietor is liable only for the fair value of the property but not to exceed $100.

Then it protects certain lien rights of commercial lodging establishments.

Mr. HUNGATE. I thank the gentleman for his statement. I wanted to be sure the amendment is still in order, and I believe it to be.

Mr. Speaker, in essence, my amendment would double the liability of the hotel or motel keeper. On page 2, line 11, it would increase the liability from $500 to $1,000, and on page 2, line 20 from $100 to $200. This bill places a limit of the amount of liability a motel or hotel keeper will have to you. So I would propose also to add to the end, at page 3, line 11, a provision that his lien on your property shall not exceed $1,000, since he is carefully limiting his liability to you for $1,000.

If I may, I would like to give you an example of what could happen under this bill. If the bill is enacted as written, you could drive your $6,000 Cadillac to a motel where you register as Mr. and Mrs. John Smith. You run up a bill of $150. You have put Mrs. Smith's $2,000 ruby ring, which you just gave her, in the motel safe, and you check her $4,000 sable coat that you gave her for Christmas in the motel checkroom. The motel safe is left unlocked. The night clerk scoops up the $2,000 ring and leaves with the checkroom attendant, who is now wearing the $4,000 coat. You would be entitled to recover $100 for that $4,000 coat and $500 for the $2,000 ring, and you would still owe a motel bill of $150, so they could get a lien on your $6,000 Cadillac. I suggest that is inequitable, and my amendment would attempt a better balance of responsibilities and liabilities of each party by doubling the amount for which the motel could be liable to you, and limiting the amount of their lien against you to the total amount that they can be liable to you.

So far as I know, the President takes no position on my amendment. Mr. and Mrs. John Smiths everywhere support it, and I hope you will support it.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the amendments offered by the gentleman from Missouri.

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Page 2, line 22, after the word "damage" insert "unless the destruction or damage is caused by its agent or servant".

Mr. ECKHARDT. Mr. Speaker, under the circumstances described in this bill, as I read it, a person could leave his wristwatch on a table, someone could come in to repair the air conditioning, an employee of the hotel, step on the wristwatch, destroy it, and no matter how much the wristwatch may be worth, the owner could not collect more than $100. It strikes me that the limitations of liability here were intended to be with respect to acts done by third parties and not with respect to acts done by the servants or agents of the hotel. It seems to me it is absolutely unconscionable to provide that even the grossly negligent acts of the hotel or its servants shall be limited to $100 liability.

For example, a man might have a $250 suit. The cleaning woman comes in with some material that bleaches that suit, puts a big spot in it so it is worthless. Certainly you ought to be able to proceed against the agent of the hotel for the total value of that suit where their own agent or servant was responsible.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Missouri.

Mr. HUNGATE. My amendment, which was just adopted, would increase that liability from $100 to $200 in one instance and from $500 to $1,000 in another.

Mr. ECKHARDT. I think that is desirable, and I certainly should amend what I have said to conform to that amendment. Still a wristwatch or suit might be involved worth more than $200. I think a specific act of the agent or servant of the hotel which has been negligent should not be limited to that amount.

Mr. DOWDY. Mr. Speaker, if the gentleman will yield, I think perhaps what he is saying is covered by an exception in connection with the bill, in this statement: "except that this sentence shall not apply with respect to the liability of that establishment for loss or destruction of, or damage to, any personal property retained by a guest in his room if the property is such property as is usual, common, or prudent for a guest to retain in his room."

That would apply to the suit or the wristwatch.

Mr. ECKHARDT. I do not know whether this is true if it is a $250 or $300 wristwatch. Will the gentleman tell me whether this is the kind of property a person should leave in his room or put in the locker. That is a difficult question to answer. That is one trouble with this bill. That is terribly loose language, as to what is commonly put in the lockbox.

I would respectfully submit that unless an amendment of this nature is put on this bill, the bill is wholly indefensible and wholly favorable to destructive or negligent activities of hotels and innkeepers.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROCEDURE FOR RETURN AND CANCELLATION OF CLASS A LIQUOR LICENSES

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 14608), to authorize the District of Columbia to compensate holders of class A retailer's licenses issued under the District of Columbia Alcoholic Beverage Control Act who return such licenses to the District of Columbia for cancellation, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 14608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any person lawfully holding a class A retailer's license issued under the District of Columbia Alcoholic Beverage Control Act may, during the five-year period beginning on the first day of the first license year which begins on or after the date of the enactment of this Act and in accordance with such regulations as the District of Columbia Council shall prescribe, return such license to the Commissioner of the District of Columbia for cancellation.

(b) The Commissioner of the District of Columbia shall pay $10,000 to each person who returns a license for cancellation under this Act.

SEC. 2. (a)(1) For such period as may be necessary to reimburse the District of Columbia for payments made under the first section of this Act, the Commissioner may require each holder of a class A retailer's license issued under the District of Columbia Alcoholic Beverage Control Act to pay each license year, in addition to the license fee prescribed by section 11 of such Act for such year, the amount determined under paragraph (2) of this subsection.

(2) For purposes of determining the amount required to be paid for a license year under paragraph (1) of this subsection by each holder of a class A retailer's license, the Commissioner shall determine the relative positions of the holders of such license on the basis of the amount of gross sales of alcoholic beverages reported by each such license holder for the preceding license year. In the case of any license holder who did not report any such sales for such preceding year or whose report covers only a portion of such year, the Commissioner shall by regulation determine the position of such license holder on the basis of such additional information as may be appropriate. The additional amount to be paid by a license holder for a license year under paragraph (1) shall be—

(A) $100 if the license holder is determined to be within the bottom third of all such license holders,

(B) $200 if the license holder is determined to be within the middle third of all such license holders, and

(C) $300 if the license holder is determined to be within the upper third of all such license holders.

Amounts collected under this section shall be deposited in the general fund of the District of Columbia in the United States Treasury.

(b) If the total amount collected by the Commissioner under this section exceeds the total amount paid by him under the first section of this Act, the Commissioner shall, in accordance with regulations, make such reduction in the annual license fee for class A retailer's licenses as may be necessary to return to each licensee his proportionate share of such excess.

(c) For purposes of this section (1) the term "license year" means the twelve-month period beginning February 1 of each year, and (2) the term "alcoholic beverages" means the beverages which the holders of a class A retailer's license may sell under such license.

SEC. 3. Section 35 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–133) is amended by inserting after the first sentence the following: "For purposes of this section, the extension of credit by the holder of a class A retailer's license in connection with a sale by such license holder of any beverage through a credit card or other document or device intended or adapted for the purpose of establishing credit shall be considered a sale on credit of such beverage by such license holder."

With the following committee amendments:

Page 2, strike out line 6 and all that follows down through line 18 on page 3 and insert in lieu thereof the following:

"SEC. 2. (a) To provide funds for payments made under the first section of this Act, the Commissioner, after determining the relative positions of all class A retailers in terms of their gross sales of alcoholic beverages during such period as may be fixed by him, shall require each holder of a class A retailer's license to pay each license year, in addition to the prescribed license fee—

"(1) $100 if the amount of gross sales is within the lowest third of all class A retailers,

"(2) $200 if the amount of gross sales is within the middle third of all class A retailers, and

"(3) $300 if the amount of gross sales is within the highest third of all class A retailers.

"(b) Amounts collected under this section shall be deposited in the Treasury of the United States to the credit of a special fund of the District of Columbia which is hereby authorized and from which shall be paid such sums as may be necessary to carry out the purpose of this Act.

"(c) If the total amount collected by the Commissioner under this section exceeds the total amount paid by him under the first section of this Act, the Commissioner shall after the conclusion of the five-year period specified in the first section return to each licensee his proportionate share of such excess."

Page 3, line 19, strike out "(c)" and insert in lieu thereof "(d)".

Page 4, after line 7, insert the following new section:

"Sec. 4. The provision the first sentence of section 13 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–114) is amended by inserting ", the holder of a retailer's license, Class A," immediately after 'wholesaler's license', and by inserting a comma immediately before 'may store beverages'."

The committee amendments were agreed to.

Mr. GROSS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, what does this bill do, if I may ask a member of the committee? Does this fix the value of liquor licenses in the District of Columbia at $10,000?

Mr. FUQUA. No, sir. The bill actually has three provisions. The provision which the gentleman from Iowa speaks of is the reimbursement for the cancellation of class A liquor licenses. This is a surtax to be applied to holders of class A retail licenses, to be paid into a special fund to pay for losses of licenses due to such things as the disturbance in the District of Columbia during April 1968. This provision expires 5 years after its enactment.

Mr. GROSS. Mr. Speaker, let me refer the gentleman's attention to the statement beginning on line 3 of page 2, where it says:

> (b) The Commissioner of the District of Columbia shall pay $10,000 to each person who returns a license for cancellation under this Act.

My question is, does this have the effect of fixing the value of a liquor license at $10,000?

Mr. FUQUA. It is reported to the committee they are worth much more than that when they are sold, but these payments are for those licenses which are inoperative or where the licensees were burned out or destroyed in that period, and they have been unable up to this date to get back into operation. It has been said and it has been testified before the committee that the District has felt for some time that some effort should be made to reduce the number of licenses in the District of Columbia, and they support this concept whereby the dealers themselves would pay into the fund so that the retailers could be reimbursed $10,000.

In further answer to the gentleman's question, I am reliably informed that a retail license is worth much more than $10,000.

Mr. GROSS. How many of them are there in this category?

Mr. FUQUA. About 12 to 15 in this category.

Mr. GROSS. Twelve to 15 in this category?

Mr. FUQUA. Yes.

Mr. GROSS. What is the open market price for a liquor license in the District of Columbia?

Mr. FUQUA. I would have no idea. I understand it depends on the location and the volume of business, but generally it is considerably more than $10,000.

Mr. GROSS. Then why not let them sell them for more than $10,000, if they can get a higher price? Why does the committee wish to put a price of $10,000 on them?

Mr. FUQUA. This was the price arrived at. They felt it was an equitable price for these licenses. We discussed that. We discussed the possibility of making it fluctuate, or perhaps having a negotiable figure. We felt since the dealers themselves were paying the money in, this was an adequate and appropriate and fair fee for these licenses.

Mr. GROSS. Under the circumstances, is this considered to be a ceiling or a floor on the price of liquor licenses?

Mr. FUQUA. This would be the maximum amount or price that could be paid for those purchased under this surtax that will be imposed on the dealers, which expires in 5 years.

Mr. GROSS. If there are only 10 or 12 of these licenses outstanding, what would be wrong with letting the free market take care of the cost of the liquor licenses?

Mr. FUQUA. The point I was trying to make earlier is that the ABC Board would like to see the licenses reduced.

Considering the locations assigned, many of them have been unable to get back into business since the disturbances of April 1968. They do not want any more licenses in these areas. It would be better to reduce the total number of licenses in the District of Columbia. Many of them are located in areas of a high concentration of licenses. They would prefer to use a method such as this to reduce the total number.

Mr. GROSS. Can they not transfer them to other areas? Cannot the Board which controls this permit the transfer to other areas of the city?

Mr. FUQUA. They can be transferred. They must stand on their own case. The Board feels they need to reduce the total number of licenses in the District.

Mr. GROSS. There is something here that somehow or other does not seem to meet the eye. I do not know what it is.

Mr. FUQUA. If the gentleman will give me a hint I will be happy to try to assist him.

Mr. GROSS. I cannot understand why we by legislation in the Congress should fix the price of a liquor license at $10,000, or any other figure, in the District of Columbia or elsewhere.

Mr. FUQUA. This is to be paid for by the industry, not from tax revenues of the District of Columbia.

Mr. GROSS. I understand that perfectly. That still does not change the fact that we here in Congress are fixing the price of a liquor sales license in the District of Columbia. I do not understand why.

Mr. FUQUA. I beg to differ with the gentleman. I do not think this is any price setting on the license. I think the license in the free market would sell much higher than this.

Mr. GROSS. Then let them sell them at the higher price or for less if there is a poor market for such licenses. I am against Congress fixing the cost of such licenses either here or in the several States.

Mr. ADAMS. Mr. Speaker, I move to strike the requisite number of words.

I would point out once again that what we are dealing with here—and it may have some merit, to try to retire some of these licenses—is a piece of special legislation that will be directed to the aid of 12 or 15 people, and will provide the sum of $10,000 for the license, because of the disturbances, which is listed as the reason, though this could apply to anyone in the city who wanted to get rid of a liquor license.

It is true that the liquor licenses involve a goodwill feature. Actually you are not supposed to pay anything for the license, and they should not, because it is something that is granted by the city, and in this they have no proprietary right. They do, however, transfer them back and forth. This would be sort of a floor, to be sure that if somebody wants to get out the business they would have a floor of $10,000.

I agree with the gentleman from Iowa that they have considerable problems. This is directed again toward a very special interest in the District of Columbia.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Iowa.

Mr. GROSS. It would be possible in some areas of Washington, D.C., that a liquor license issued for a particular location could have a very low value unless it could be transferred, but this guarantees $10,000 to the holder of that license, does it not?

Mr. ADAMS. That is correct.

Mr. GROSS. Is that the purpose of this bill, to see to it that a license that has depreciated tremendously in value is now held to be worth $10,000? Is that the purpose of it?

Mr. ADAMS. That is correct. It is held to be worth $10,000. It was done because it was felt in certain areas of the city men could not get their money out of the licenses because of what happened there.

Mr. GROSS. And we in Congress are cast in the role of being a party to that kind of transaction—in effect helping guarantee the value of a liquor license?

Mr. ADAMS. Well, you are sort of organizing the party.

Mr. GROSS. I thank the gentleman for yielding.

Mr. FUQUA. Mr. Speaker, the purposes of H.R. 14608, as amended, are threefold: First, to authorize the District of Columbia to compensate holders of class A retailer's licenses issued by the District Alcoholic Beverage Control Board who return such licenses to the District for cancellation, the compensation to be derived from a surcharge levied against like licenses; second, to include in the prohibition against purchases on credit from package stores the use of a credit card; and third, to extend the present authority of the ABC Board to consent to storage places for class A retailers.

REIMBURSEMENT FOR AND CANCELLATION OF CLASS A LICENSES

Retailer's license, class A, under the District of Columbia Alcoholic Beverage Control Act, is for a package store. The number of this class of licenses is controlled by regulation, promulgated some 30 years ago, which sets the ceiling at 300, subject to a grandfather clause which results in there presently being 387 such licenses in existence. H.R. 14608 presents a partial solution to the problem of reducing the number of outstanding class A licenses in that it permits the holders of existing package store licenses to surrender their licenses for cancellation at a compensation therefor of $10,000; the period within which this may be exercised is limited to 5 years from the date of enactment, and the cost is to be assessed against other holders of such licenses.

A public hearing was held by Subcommittee No. 4 of our committee on this legislation on November 13, 1969.

Testimony then presented indicated that as a result of the civil disturbances in the District in 1968 and because of the crime problem, the stores of some 180 retail beverage licensees, class A, were either totaly or partially destroyed. Between 15 and 20 such businesses, victims of the riot and others displaced by eminent domain, have not been reestablished through no fault of the license holders, relocation being a critical issue. The District of Columbia Retail Liquor Dealers Association, which represents the package store licensees, has agreed to a surcharge against class A licenses to provide funds for reimbursing holders of such licenses who surrender them for cancellation, the surcharge to be graduated according to the volume of business.

The bill provides that the compensation for cancellation of such licenses will be $10,000. The District government suggested that it may be more appropriate to give the ABC Board authority to negotiate a fee not to exceed that amount. Your committee recommends the flat fee of $10,000 for the following reasons: First, negotiations would entail extensive factfinding if equitable results obtain; second, the sale of such a license (actually a sale of goodwill and a going business) under usual circumstances brings many times that amount, and the unusual circumstances under which these licenses may in lieu of sale be offered for cancellation arose through no fault of the holders of the license; and, third, the dealers who will subsidize the cost through surcharge feel that the flat fee is most equitable, precluding a burden on the Board to negotiate and on the holders of the licenses who must in negotiations prove a value of the license.

The ABC Board requested, and your committee recommends, amendments which will facilitate the administration of such cancellations. The period for determination of the appropriate surcharge is to be established by the Board—rather than being set by law as being the license year—for the reason that reports upon which the determination are based may be delayed beyond the time when assessment should be made. The amounts collected from the surcharge will be placed in a special fund for the purpose of compensating the holders whose licenses are canceled, rather than in the District's general fund as originally proposed, inasmuch as the latter method will entail involvement of the appropriations process whereas special funding will not. The Board also felt that amounts collected in excess of amounts paid should be directly reimbursed to the payees and not be treated as a reduction of license fees, any adjustment to statutory fees being undesirable. There was no objection to making these changes, and your committee agrees that they are appropriate.

No testimony or statements were made or presented to our committee in opposition to this legislation.

PACKAGE STORE PURCHASES ON CREDIT

Present law prohibits sales on credit by class A retailers. In an interpretation of this law, the District of Columbia Corporation Counsel's office found that the existing statute does not prohibit such sales to be charged against credit cards, and in effect approved the use of credit cards for the direct purchase of liquor in any quantity in package stores.

H.R. 14608 makes clear the intent of Congress that no sales by package stores shall be on credit, and that this prohibition includes the use of credit cards. Both the District government and the Retailers Association support this clarifying provision.

STORAGE PLACE FOR CLASS A RETAILERS

The Alcoholic Beverage Control Board has ruled that under the present statute it may not approve storage of alcoholic beverages by class A retailers in a location not contiguous to the licensed premises. The Board is authorized by law to permit storage "upon premises other than the premises designated in the license"—where actual sales take place—to wholesalers and to certain other retailers—section 25-114 of the District of Columbia Code. The class A retailers have requested that like privilege be afforded them. The ABC Board testified before your committee that it recognizes the hardship on class A retailers which results particularly at the holiday season or under other special situations, and regards the storage restriction as unnecessarily harsh on legiti-

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mate businessmen who already have to comply with rather stringent law. The Board supports the provision as giving it a flexibility to meet the problem and the control to avoid any abuse in the public interest.

SECTION-BY-SECTION ANALYSIS

Subsection (a) of the first section authorizes holders of class A retailers licenses to return such licenses for cancellation, within 5 years from the date of enactment.

Subsection (b) directs the District of Columbia to pay $10,000 to each holder for such cancellation.

Section 2(a), as amended, authorizes the Commissioner to determine the volume of sales of class A retailers and to assess against such licensees, in addition to the statutory license fee, according to their standing by volume of sales, $100 per annum for the lowest third of these retailers, $200 for the middle third, and $300 for the highest third. Collections from these surcharges will be placed in a special fund from which cancellation compensation will be paid.

Subsection 2(b), as amended, provides for a proportionate share to be returned to such licensees if collections on surcharges exceed amounts paid by the Commissioner for cancellations pursuant to this legislation.

Section 3 prohibits the use of credit cards in the purchase of alcoholic beverage from a package store in the District.

Section 4, a new section of H.R. 14608, authorizes the ABC Board to permit storage by a class A retailer in premises other than those designated as sales locations.

The SPEAKER pro tempore. The question is on the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 97, nays 262, not voting 72, as follows:

[Roll No. 31]

YEAS—97

Adair
Addabbo
Albert
Annunzio
Ayres
Barrett
Biester
Blackburn
Blanton
Bow
Brasco
Brooks
Broyhill, Va.
Burton, Calif.
Byrnes, Wis.
Cabell
Cederberg
Clark
Corman
Coughlin
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dent
Downing
Fallon
Fascell
Fisher
Flood
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fuqua
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Griffin
Griffiths
Gude
Hanna
Harsha
Hogan
Holifield
Horton
Hosmer
Jones, Tenn.
Kee
Kyros
Leggett
Long, Md.
McCarthy
McClory
McFall
McMillan
Mann
Marsh
Mills
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Nelsen
O'Konski
O'Neill, Mass.
Patten
Pepper
Preyer, N.C.
Price, Ill.
Quie
Railsback
Rarick
Rees
Roberts
Robison
Roe
Rooney, Pa.
Rosenthal
Rostenkowski
Satterfield
Saylor
Sisk
Smith, N.Y.
Stanton
Stephens
Stubblefield
Tiernan
Tunney
Waggonner
Williams
Winn
Wolff
Yatron
Young
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Wold
Wyatt
Wydler
Wylie
Wyman
Yates
Zion

NAYS—262

Abernethy
Adams
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Aspinall
Beall, Md.
Belcher
Bennett
Berry
Betts
Bevill
Bingham
Blatnik
Bolling
Brademas
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Utah
Button
Byrne, Pa.
Caffery
Camp
Casey
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Cowger
Cramer
Crane
Culver
Cunningham
Daddario
Daniel, Va.
de la Garza
Delaney
Dellenback
Denney
Dennis
Devine
Dickinson
Dingell
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Farbstein
Feighan
Flowers
Flynt
Foley
Foreman
Fountain
Frey
Galifianakis
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Gross
Grover
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Keith
King
Kleppe
Koch
Kuykendall
Kyl
Landgrebe
Landrum
Langen
Latta
Lloyd
Long, La.
Lowenstein
Lujan
McCloskey
McClure
McCulloch
McDade
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Montgomery
Moorhead
Mosher
Natcher
Nedzi
Nichols
Obey
O'Hara
Olsen
O'Neal, Ga.
Patman
Pelly
Perkins
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rodino
Rogers, Colo.
Rooney, N.Y.
Roth
Roudebush
Ruppe
Ruth
Ryan
St. Onge
Sandman
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Springer
Stafford
Staggers
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stuckey
Sullivan
Symington
Taylor
Thompson, Ga.
Thompson, N.J.
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watkins
Watson

NOT VOTING—72

Abbitt
Alexander
Baring
Bell, Calif.
Biaggi
Boggs
Boland
Brock
Brown, Calif.
Buchanan
Burleson, Tex.
Bush
Carey
Carter
Celler
Chisholm
Clay
Dawson
Derwinski
Diggs
Donohue
Dorn
Dowdy
Dulski
Edwards, Calif.
Edwards, La.
Esch
Findley
Fish
Ford, Gerald R.
Fulton, Pa.
Fulton, Tenn.
Gettys
Gubser
Harrington
Harvey
Hébert
Jarman
Jones, Ala.
Kirwan
Kluczynski
Lennon
Lukens
McDonald, Mich.
McEwen
Mailliard
Monagan
Morse
Morton
Moss
Nix
Ottinger
Passman
Pettis
Philbin
Powell
Rivers
Rogers, Fla.
Roybal
St Germain
Scheuer
Steed
Taft
Talcott
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Weicker
Wilson, Charles H.
Wright
Zablocki
Zwach

So the bill was rejected.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Gerald R. Ford.
Mr. Philbin with Mr. Brock.
Mr. Donohue with Mr. Pettis.
Mr. Celler with Mr. Morton.
Mr. Biaggi with Mr. Fish.
Mr. Kluczynski with Mr. McEwen.
Mr. Teague of Texas with Mr. Gubser.
Mr. Charles H. Wilson with Mr. Teague of California.
Mr. Gettys with Mr. McDonald of Michigan.
Mr. Rivers with Mr. Carter.
Mr. Brown of California with Mr. Findley.
Mr. Lennon with Mr. Buchanan.
Mr. Zablocki with Mr. Morse.
Mr. Monagan with Mr. Mailliard.
Mr. Moss with Mr. Bell of California.
Mr. Dorn with Mr. Derwinski.
Mr. Fulton of Tennessee with Mr. Bush.
Mr. Hébert with Mr. Fulton of Pennsylvania.
Mr. Steed with Mr. Taft.
Mr. Jones of Alabama with Mr. Thomson of Wisconsin.
Mr. Jarman with Mr. Esch.
Mr. Abbitt with Mr. Talcott.
Mr. Boland with Mr. Harvey.
Mr. Carey with Mr. Dawson.
Mr. Ottinger with Mr. Nix.
Mr. Harrington with Mr. Powell.
Mr. Wright with Mr. Passman.
Mr. Kirwan with Mr. Zwach.
Mr. Scheuer with Mr. Clay.
Mr. Baring with Mr. Rogers of Florida.
Mr. Roybal with Mrs. Chisholm.
Mr. Edwards of California with Mr. Burleson of Texas.
Mr. Alexander with Mr. Dowdy.
Mr. Dulski with Mr. Diggs.
Mr. St Germain with Mr. Edwards of Louisiana.
Mr. Weicker with Mr. Lukens.

Messrs. SMITH of Iowa, JACOBS, HAGAN, BROYHILL of North Carolina, DON H. CLAUSEN, BROWN of Ohio, POLLOCK, and PODELL changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA TEACHERS' RETIREMENT AMENDMENTS OF 1970

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District

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of Columbia, I call up the bill (H.R. 15980) to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The last sentence of the first paragraph of section 13 of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code, sec. 31-733), is amended to read as follows: "The term 'average salary' shall mean the largest annual rate resulting from averaging, over any period of three consecutive years of eligible service, or in the case of a survivor annuity under subsection (b) of section 9 of this Act based on service of less than three years, over the total eligible service in the public schools of the District of Columbia, a teacher's rates of annual salary in effect during such period, with each rate weighted by the time it was in effect.".

(b) The first paragraph of section 8 of such Act (D.C. Code, sec. 31-728) is amended—

(1) by inserting after the first sentence thereof the following new sentences: "In computing an annuity under section 5(a) of this Act the total service of a teacher shall include days of unused sick leave credited to him. No deposit may be required for days of unused sick leave included in a teacher's total service under the preceding sentence. Days of unused sick leave shall not be counted in determining a teacher's average salary or his eligibility for an annuity."; and

(2) by striking out "This section" in the last sentence of such paragraph and inserting in lieu thereof "Except as otherwise provided in this paragraph, this section".

(c) Section 21 of such Act (D.C. Code, sec. 31-739a) is amended—

(1) by inserting "1 per centum plus" immediately after "shall be increased by" in subsection (b); and (2) by amending subsection (c)(2) to read as follows:

"(2) For the purpose of computing the annuity of a child under subsection (b)(2) of section 9 of this Act that commences on or after the first day of the first month that begins on or after the effective date of the District of Columbia Teachers' Retirement Amendments of 1970, the items $900, $1,080, $2,700, and $3,240 appearing in subsection (b)(2) of section 9 of this Act shall be increased by the total per centum increases allowed and in force under this section on or after such day and, in case of a deceased annuitant, the items 60 per centum and 75 per centum appearing in subsection (b)(2) of section 9 of this Act shall be increased by the total per centum allowed and in force to the annuitant under this section on or after such day".

(d)(1) The first sentence of the first section of such Act (D.C. Code, sec. 31-721) is amended to read as follows: "Beginning on the first day of the first pay period which begins after December 31, 1969, there shall be deducted and withheld from the annual salary of each teacher in the public schools of the District of Columbia an amount equal to 7 per centum of the teacher's annual salary.".

(2) The amendment made by this subsection shall not apply to any persons retired or otherwise separated prior to the date of enactment of this Act.

(e) Subsection (b) of section 9 of such Act (D.C. Code, sec. 31-729(b)) is amended—

(1) by amending the first sentence of paragraph (1) to read as follows:

"(b)(1) In the event any teacher to whom this subchapter applies shall die subsequent to March 6, 1952, after completing at least eighteen months of eligible service and is survived by a widow, or dependent widower, such widow or dependent widower shall be paid an annuity beginning the day after the teacher dies, equal to 55 per centum of the amount of an annuity computed as provided in subsection (a) of section 5 of this Act with respect to such teacher, except that in the computation of the annuity under such subsection the annuity of the teacher shall be at least the smaller of (i) 40 per centum of his average salary, or (ii) the sum obtained under such subsection after increasing his eligible service of the type last performed by the period elapsing between the date of death and the date he would have become sixty years of age.";

(2) by amending the first two sentences of paragraph (2) to read as follows:

"(2) If any teacher to whom this subchapter applies shall die after completing at least eighteen months of eligible service or after having retired under the provisions of section 3 or section 4 of this Act and is survived by a wife or husband, each surviving child shall be paid an annuity equal to the smallest of (a) 60 per centum of the teacher's average salary divided by the number of children, (b) $900, or (c) $2,700 divided by the number of children. If such teacher is not survived by a wife or husband, each surviving child shall be paid an annuity equal to the smallest of (a) 75 per centum of the teacher's average salary divided by the number of children, (b) $1,080, or (c) $3,240 divided by the number of children."; and

(3) by amending paragraph (3) to read as follows:

"(3) In the event any teacher to whom this subchapter applies shall die subsequent to March 6, 1952, after completing at least eighteen months of eligible service, and is not survived by a widow, a dependent widower, and/or children, but is survived by dependent parents or a dependent father or a dependent mother, such surviving dependent parents or parent shall be paid an annuity, beginning the first day of the month following the death of the teacher, equal to 55 per centum of the amount of an annuity computed as provided in subsection (a) of section 5 of this Act with respect to such teacher, except that, in the computation of the annuity under such subsection, the annuity of the teacher shall be at least the smaller of (i) 40 per centum of his average salary, or (ii) the sum obtained under such subsection after increasing his eligible service of the type last performed by the period elapsing between the date of death and the date he would have become sixty years of age: *Provided*, That such payments shall be made jointly to surviving dependent parents and payment of such annuity shall continue after the death of either dependent parent: *Provided further*, That all such payments or any right thereto shall cease upon the death of both dependent parents."

(f)(1) The second sentence of subsection (b)(1) of section 5 of such Act (D.C. Code, sec. 31-725(b)(1)) is amended by striking out ", excluding any increase because of retirement under section 4 of this Act,".

(2) The first sentence of subsection (b)(2) of section 5 of such Act (D.C. Code, sec. 31-725(b)(2)) is amended by striking out "50" and inserting in lieu thereof "55".

(g) Such Act is amended by adding at the end thereof the following new section:

"SEC. 23. Effective on (a) the first day of the first month which begins after October 20, 1969, or (b) the commencing date of annuity, whichever is later, the annuity of each surviving spouse whose entitlement to annuity payable from the District of Columbia teachers' retirement and annuity fund resulted from the death of:

"(1) a teacher prior to October 24, 1962, or

"(2) a retired teacher whose retirement was based on a separation from service prior to October 24, 1962, shall be increased by 10 per centum."

SEC. 2. (a) The amendments made by subsections (a), (b), (e)(1), (e)(3), and (f) of section 1 of this Act shall not apply in the case of persons retired or otherwise separated prior to October 20, 1969, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been made.

(b) The amendment made by subsection (c)(1) of section 1 of this Act shall apply only to determinations of amounts of annuity increases which are made after October 20, 1969, under section 21 of the Act of August 7, 1946 (D.C. Code, sec. 31-739a).

(c)(1) The amendment made by subsection (e)(2) of section 1 of this Act shall become effective on the first day of the first month which begins after October 20, 1969.

(2) The annuity of each surviving child who, immediately prior to the effective date of such amendment is receiving an annuity under subsection (b)(2) of section 9 of such Act (D.C. Code, sec. 31-729(b)(2)) or under a comparable provision of any prior law, or who hereafter becomes entitled to receive annuity under such Act shall be recomputed effective on such date, or computed from commencing date if later, in accordance with such amendment. No increase allowed or in force prior to such date shall be included in the computation or recomputation of any such annuity. This paragraph shall not operate to reduce any annuity.

SEC. 3. The Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946, as amended (60 Stat. 875; D.C. Code, sec. 31-731 to 739) is amended by inserting the following section after the first section:

"SEC. 1A. (a) Any teacher who enters on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of teachers, for the purpose of bargaining with the District of Columbia concerning grievances, disputes, hours of employment, or conditions of work, may, within sixty days after entering on such leave without pay, file with the Board of Education of the District of Columbia an election to receive full retirement credit for his periods of that leave without pay and arrange to pay currently into the teachers' retirement fund established pursuant to this Act, through the Board of Education, amounts equal to the retirement deductions plus additional amounts equivalent to such amounts, in lieu of District of Columbia contributions which would be applicable if he were in a pay status. A teacher who is on approved leave without pay and serving as a full-time officer or employee of such an organization on the date of enactment of this section may similarly make such election within sixty days after such date of enactment. If the election and all payments herein provided are not made, the teacher shall receive no credit for such periods of leave without pay occurring on or after the date of enactment of this section.

"(b) A teacher may deposit with interest at 4 per centum compounded annually an amount equal to retirement deductions representing any period or periods of approved leave without pay while serving, prior to the date of enactment of this section, as a full-time officer or employee of an organization composed primarily of teachers, and may receive full retirement credit for such period or periods of leave without pay. In the event

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of the death of such teacher any individual entitled to annuity under this Act may make such deposit."

SEC. 4. Section 7 of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946 (60 Stat. 879, as amended; D.C. Code, sec. 31-727), is amended to read as follows:

"The amount of each year's appropriation shall be such amount as is necessary to maintain during such fiscal year a balance in the teachers' retirement fund approximately equal, to the nearest million dollars, to the balance in that fund on June 30, 1969, or such amount as is necessary to maintain the equity in such fund of all teachers, active and retired, whichever amount is greater. If at any time the balance in the Teachers' Retirement Fund is not sufficient to meet all obligations against such fund, the fund will have a claim on the District of Columbia revenues to the extent necessary to meet such obligations."

SEC. 5. (a) Section 1 of this Act, except for subsection (d), shall be effective October 20, 1969.

(b) Subsection (d) of section 1 of the Act shall be effective on the first day of the first pay period which begins after December 31, 1969.

(c) Sections 3 and 4 of this Act shall be effective on the date of enactment.

SEC. 6. This Act may be cited as the "District of Columbia Teachers' Retirement Amendments of 1970."

AMENDMENT OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FUQUA: On page 9, line 21, insert immediately after the quotation marks "Section 7".

The **SPEAKER** pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. FUQUA).

The amendment was agreed to.

Mr. FUQUA. Mr. Speaker, I move to strike out the last word.

The purpose of the bill H.R. 15980, is to amend the District of Columbia Teachers' Retirement Act so as to provide the same retirement benefits for the teachers and other professional employees of the District of Columbia Board of Education as are presently afforded the classified employees of the Federal and District of Columbia governments who retire under the Civil Service Retirement Act as amended by Public Law 91-93, approved October 20, 1969.

PROVISIONS OF THE BILL

The provisions of H.R. 15980, all amendments to the District of Columbia Teachers' Retirement Act, are 12 in number, as follows:

1. NEW BASIS FOR COMPUTATION OF ANNUITIES

The bill will authorize the computation of annuities on the basis of the teacher's highest consecutive 3-year average salary, rather than the present highest 5-year average. Our committee is advised that this provision will result in an increase of approximately 6 percent in retired teachers' annuities. It is to be noted, however, that none of the benefit provisions of this bill will apply to the annuities of those teachers who retired prior to October 20, 1969, which is the effective date provided for the benefits in this proposed legislation.

2. SERVICE CREDIT FOR UNUSED SICK LEAVE

This bill provides that sick leave which an employee has accumulated at the time of his retirement be credited, with no deposit required for such days, to the employee's length of service in computing his annuity. However, such days of unused sick leave may not be used in determining either average salary or eligibility for an annuity. Not only is this provision in keeping with the present trend regarding unused sick leave in other large public school systems, as well as with the policy which now applies to retirees under the Civil Service Retirement Act, but your committee feels also that it will provide an incentive against abuses of the sick leave privilege.

3. ADDITION TO "COST OF LIVING" INCREASES

H.R. 15980 authorizes a 1 percent cost-of-living adjustment, to be applied in addition to any increases in annuities based on the Consumer Price Index figure as provided under present law. Inasmuch as this is the only area of protection for reitrees against inflation, our committee feels that this provision is of vital importance.

4. MINIMUM SERVICE REQUIREMENT FOR SURVIVOR ANNUITY ELIGIBILITY

A serious present weakness in the District of Columbia teachers' retirement system is its failure to furnish realistic protection for employees with fewer than five years of service. Currently, if a teacher dies with less than 5 years of service, his survivors get only a refund of his annuity contributions plus 3 percent compounded interest thereon to the date of his death. Employees in private industry, however, being subject to the Social Security Act, are entitled to survivor annuity protection after as much as 18 months of service. This applies also in the case of employees under the civil service system.

This committee is of the opinion that this same protection should be provided for survivors of employees under the District of Columbia Teachers' Retirement Act, and hence the bill H.R. 15980 reduces this minimum length of service for survivor annuity eligibility from 5 years to 18 months.

5. GUARANTEED MINIMUM ANNUAL ANNUITY FOR ADULT SURVIVORS OF DECEASED TEACHERS

H.R. 15980 provides that a widow, widower, or dependent parent of a deceased teacher shall be entitled to at least 55 percent of, first, 40 percent of the teacher's average salary as used for computing annuity, or, second, his annuity projected to 60 years of age, whichever is the smaller amount. Under present law, if a District of Columbia teacher dies after 6 years of eligible service, the widow, dependent widower, or dependent parent would be entitled to only 5.1 percent of the deceased teacher's average salary.

This proposed amendment would allow the surviving adult dependent in such an instance to receive an annuity of approximately 22 percent of such salary.

Inasmuch as the benefit provisions of H.R. 15980 all have their counterparts in the Civil Service Retirement Act, as presently amended, the committee feels it appropriate to point out, as the single exception, that there is no provision in the Civil Service Retirement Act for annuities for dependent parents. However, since the District of Columbia Teachers' Retirement Act presently provides annuities for dependent parents, our committee feels it proper to continue this policy on the same basis as is provided for other adult dependents.

6. INCREASED YEARLY ANNUITY FOR CHILD SURVIVORS OF DECEASED TEACHERS OR TEACHER RETIREES

The bill provides increased annuities for child survivors of District of Columbia teachers or teacher retirees.

It is the opinion of our committee that these increased annuities for child survivors are much more consistent with present-day economic conditions than are those presently provided in the District of Columbia Teachers' Retirement Act.

7. INCREASED YEARLY ANNUITIES FOR WIDOWS AND WIDOWERS OF DISABILITY ANNUITANTS

At present, the surviving spouse of a disability retiree under the District of Columbia teachers' retirement system faces the same problem as do adult survivors of teachers not on disability retirement, as discussed in this report under item 5 above.

Currently, a teacher retired on disability receives an annuity based on the smaller of 40 percent of his average salary, or his annuity projected to age 60 years. However, if that teacher on disability retirement should die, these provisions no longer apply and his spouse would be entitled to only a survivor annuity based on the teacher's number of years of eligible service. In the case of a disabled teacher with 6 years of service at the time of retirement, for example, the annuity would be only 5.1 percent of the teacher's average salary. The amendment proposed in H.R. 15980, however, would allow the surviving widow or widower in this instance to receive 55 percent of the deceased's disability annuity, including any increase because of disability retirement.

8. ELIMINATE THE REQUIREMENT THAT A CHILD MUST RECEIVE MORE THAN ONE-HALF HIS SUPPORT FROM THE DECEASED PARENT IN ORDER TO RECEIVE A SURVIVOR'S ANNUITY

The requirement that a child must have received more than one-half his support from the deceased parent in order to qualify for a survivor's annuity was eliminated from the Civil Service Retirement Act by Public Law 89-504, approved July 18, 1966. Public Law 90-231, approved December 29, 1967, was designed to grant personnel under the District of Columbia teachers' retirement system the same benefits as were provided civil service retirees by the above-cited act. However, the provision regarding the 50-percent support requirement was overlooked at that time, and this committee is of the opinion that the inequity should be eliminated in this proposed legislation.

9. INCREASE THE SURVIVORSHIP ANNUITY OF WIDOWS, WIDOWERS, AND DEPENDENT WIDOWERS OF TEACHERS WHO RETIRED OR DIED PRIOR TO OCTOBER 24, 1962, FROM 50 TO 55 PERCENT OF THE EMPLOYEE'S ANNUITY

Another legislative oversight exists in regard to this provision of H.R. 15980. Prior to 1962, the survivors of both

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teachers and civil service retirees were entitled to an annuity of 50 percent of the former employee's annuity. In 1962, however, this figure was increased to 55 percent for such survivors of annuitants under the civil service system by an act of Congress approved on October 11, 1962; and for survivors of annuitants under the District of Columbia teachers' retirement system by section 203 of Public Law 87-881, approved October 24, 1962. Neither of these amendments, however, was made retroactive at that time, and thus both groups of survivors of annuitants retired or otherwise separated prior to the dates of enactment of these respective laws were still limited at that time to 50 percent of the annuity.

Title V, section 507, of the Federal Salary and Fringe Benefits Act of 1966—Public Law 89-504—approved July 18, 1966, increased the annuities of civil service annuitants who were retired or otherwise separated prior to October 11, 1962, by 10 percent. This was equivalent of course, to increasing the maximum percentage of annuities for such survivors from 50 percent to 55 percent of the employee's annuity. However, even though Public Law 90-231, approved December 29, 1967, was modeled to provide the same benefits to District of Columbia teacher retirees as had been afforded civil service retirees under Public Law 89-504, this law did not include a provision which would have eliminated the inequity described above. Therefore, while survivors of all civil service retirees are eligible to receive a maximum of 55 percent of the employee's annuity regardless of when the employee retired or was otherwise separated, and although survivors of District of Columbia teachers who retired or were separated after October 24, 1962, enjoyed this same benefit, the survivors of teachers who retired or died before October 24, 1962 are singularly excluded from the benefit of this 5 percent differential. Our committee feels that this situation should be corrected at this time.

10. INCREASE IN TEACHERS' RATE OF CONTRIBUTION TO THEIR RETIREMENT FUND

The bill provides that the rate of contribution of teachers to the District of Columbia teachers' retirement fund shall be increased from 6.5 percent to 7 percent of their salaries. This is to take effect on the first day of the first pay period beginning after December 31, 1969.

In view of the numerous retirement benefits provided in this proposed legislation, our committee is of the opinion that this increase in the contribution rate is entirely equitable. Also, it is identical to the increased rate of contribution presently required of civil service employees.

11. AUTHORIZE CREDITABLE SERVICE FOR RETIREMENT PURPOSES FOR PERIODS OF AUTHORIZED LEAVE WITHOUT PAY FOR TEACHERS SERVING AS OFFICERS OF EMPLOYEE ORGANIZATIONS

The bill will authorize teachers to count as creditable service for retirement purposes all periods of authorized leave without pay while serving as officers of employee organizations.

The teachers in the District of Columbia public school system are represented by the Washington Teachers Union as their bargaining agent with the government of the District of Columbia. This organization has, in fact, a proportionally higher membership than comparable organizations of classified employees. Accordingly, our committee is of the opinion that the extending of this benefit to District teachers who are full-time union officers is justified.

Although this provision will immediately affect only one teacher, the present president of the Washington Teachers Union, the benefit will extend to all teachers who may serve in the future as officers of employee organizations.

Under the language of this bill, such employees of the District of Columbia Board of Education on leave without pay shall be required to pay the entire cost of that part of their annuities accruing from that period of creditable service, as is required of employees under the civil service retirement system under these same circumstances.

12. MODIFICATION OF THE FORMULA FOR THE DISTRICT OF COLUMBIA GOVERNMENT'S ANNUAL CONTRIBUTION TO THE DISTRICT OF COLUMBIA TEACHERS RETIREMENT FUND

Under existing law, the income to the District of Columbia teachers retirement fund is derived from three sources, as follows:

Teachers' contributions.

Interest earned by the reserve funds, which are invested.

Contribution from the District of Columbia government.

Section 7 of the District of Columbia Teachers' Retirement Act—District of Columbia Code, section 31-727—requires an annual appropriation from the District of Columbia general fund into the District of Columbia teachers retirement fund. Each year's appropriation shall be calculated, on an actuarial basis, as a level percentage of the payroll of all participants sufficient to cover the liability normally accrued, plus a further amount equal to interest on the unfunded liability.

The bill, H.R. 15980, includes a provision, requested by the Commissioner of the District of Columbia, which will amend section 7 of the District of Columbia Teachers' Retirement Act so as to substitute this modified "pay as you go" plan for the "normal cost plus interest" formula specified in the present law. This plan requires that the teachers retirement fund be pegged at its level as of June 30, 1969, or at an amount equal to the employees' equity in the fund, whichever is the larger. For active teachers, employee equity is simply the total of their contributions. For retired teachers, it is the total of their contributions which have not been returned to them in the form of annuities.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, the gentleman from Florida has explained the bill. The bill does nothing more than bring the schoolteachers in the District of Columbia in line with all of the civil service employees insofar as retirement benefits are concerned. This has been our tradition, we have always done this. In fact, we have the rather ironic situation at this time where we have 2,000 temporary District of Columbia schoolteachers who are now receiving the same benefits as the civil service employees, which benefits are better than the permanent teachers receive.

Mr. FUQUA. The gentleman from Virginia is correct in that statement.

Mr. BROYHILL of Virginia. Mr. Speaker, there is one thing that does concern me quite a bit, and it likewise is of concern to some of the retired teachers, and that is that the District of Columbia government does not have to match the employees' contributions in the future. Does the gentleman from Florida know, under the existing law, whether the District of Columbia government has to match these contributions, and whether it also has to provide interest on the funds in the system?

This legislation does permit the District government or the Committee on appropriations just to appropriate the amount needed, added to the teachers' contributions, current contributions, to pay up what is required to be paid out to keep the fund going through the current year.

I wonder if the gentleman could assure the Members that this would not in any way jeopardize the funds in the system, and that it will not in any wise release the District government, or the Federal Government, for that matter, from properly funding this system in the future?

Mr. FUQUA. Mr. Speaker, let me assure the gentleman from Virginia that it was never the intention of the committee that the government of the District of Columbia at any time would be released from the liability that it has for the unfunded portion of the retirement fund. In no way is it intended to jeopardize any funds that are already in there. As a matter of fact, it says that it must be maintained at the level it was on June 30, 1969, and this was approximately $62 million.

This is adequate to maintain the fund, and as a matter of fact, I think this fund is one of the more sound funds financially that we have for Federal employees.

Mr. BROYHILL of Virginia. I think the language in the legislation, as it has been reported, does help to emphasize that assurance of sound financing because it also provides that if the fund is not sufficient in the system to meet all the obligations of the system, then the retirement fund would have first claim on the District revenues, and I think that is very assuring language to have in the legislation.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include my remarks in the RECORD following the remarks of the gentleman from Florida (Mr. FUQUA).

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BROYHILL of Virginia. Mr. Speaker, I am pleased indeed to commend to my colleagues for favorable action the bill H.R. 15980, which will amend the District of Columbia Teachers Retirement Act in a number of significant respects.

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Last July 7, I first introduced this measure as H.R. 12600, embodying four major provisions, as follows:

First. Authorize the computation of the District of Columbia teachers' annuities on the basis of their highest consecutive 3-year average salary, rather than the present highest 5-year average.

Second. Permit sick leave which a teacher has accumulated at the time of his retirement to be credited, with no deposit for such days, to the teacher's length of service in computing his annuity.

Third. Add a 1-percent increase to the amount of any cost-of-living annuity adjustments each time such adjustments are made.

Fourth. Increase the deduction rate from the teachers' salaries to the teachers' retirement fund from 6.5 percent to 7 percent, effective as of the first day of the first pay period beginning after December 31, 1969.

I wish to make it clear that this bill was introduced for the express purpose of bringing the District of Columbia Teachers' Retirement Act benefits into line with those provided for classified Government employees in the Civil Service Retirement Act. Historically, this has always been the case, and the 1969 amendments to the Civil Service Retirement Act, enacted as of October 20, 1969 (Public Law 91-93), have once again made it essential that we in the Congress, in fairness to the teachers and other professional employees of the District of Columbia Board of Education who plan to retire in the near future, enact legislation to provide all these new benefits to those faithful and dedicated employees.

Thus, all the provisions I have enumerated in H.R. 12600 were provided as of last October 20 for retirees under the civil service retirement system. However, when we held a public hearing on this proposed legislation, it was brought to our attention that there are six or seven other provisions now in the Civil Service Retirement Act which my bill would not provide for the District of Columbia teachers. While these further provisions are not as important as those incorporated in H.R. 12600, in that they do not affect nearly as many people, I and my colleagues on the District of Columbia Committee feel strongly that complete comparability between the two retirement systems should be maintained.

For this reason, we adopted the amendments to provide these further benefits, and these are all incorporated in the later bill, H.R. 15980, which I introduced as a clean bill on February 18.

These new provisions include such items as reduction in the minimum period of service required for survivor annuities from 5 years to 18 months, a guaranteed minimum yearly annuity for adult survivors of deceased teachers, increased annuities for both adult and child survivors of deceased teachers or teacher retirees, and increased benefits to survivors of teachers who were retired prior to October 24, 1962. In addition, there is also a provision which will allow a teacher on leave without pay, while serving as an officer in an employee organization, to count the time so spent as creditable service for retirement under the Teachers' Retirement Act, provided that he pay all the expenses involved to the fund.

Again, I wish to emphasize that every one of these provisions has its counterpart in the Civil Service Retirement Act as presently amended. Actually, the fact that these benefits are not yet available to teacher retirees has caused something of a morale problem among the teachers. This problem has arisen because in the District of Columbia public school system's full complement of some 8,300 teachers, about 2,000 are temporary in status. These temporary teachers come under the Civil Service Retirement Act, rather than the District of Columbia teachers' retirement system, and thus have been in a position to receive these new retirement benefits since last October 20. However, this situation will be remedied with the enactment of this proposed legislation.

In order to achieve complete equity between the two systems, this bill will make all these new benefits effective as of October 20, 1969, the date of their application to retirees under the civil service system.

The following chart shows the cost of these additional benefits, for fiscal years 1971 and 1975. The lapse between these years is for the purpose of demonstrating how the costs are estimated to change over a period of time. For fiscal year 1971, and for the ensuing 2 fiscal years, the additional cost of these new benefits will be more than offset by the increase of one-half of 1 percent in the teachers' rate of contribution to the retirement fund. After that time, however, it will be necessary for the District of Columbia government's contribution to the fund to increase somewhat. It will be noted, however, that the figures shown are based upon the assumption that teachers' salaries will continue to increase at the rate of some 7 percent per year, and that cost-of-living increases will continue at about 4 percent annually, as has been the case in recent years. Of course, should there be some slowing of this inflationary trend, then the costs will increase more slowly.

ESTIMATED ANNUAL COST OF H.R. 12600 AS AMENDED AND APPROVED BY SUBCOMMITTEE NO. 4, FISCAL YEARS 1971 AND 1975, ASSUMING CONTINUED ANNUAL SALARY INCREASES FOR D.C. TEACHERS OF 7 PERCENT AND CONTINUED ANNUAL COST OF LIVING INCREASES OF 4 PERCENT

[In thousands of dollars]

Fiscal year	High-3 average	Sick leave credit	Extra 1 percent cost of living	Benefit No. 1	Benefit No. 2	Benefit No. 3	Benefit No. 4	Benefit No. 5	Total, all benefits	One-half percent contribution by teachers	Net cost to fund
1971	48.0	4.6	105.0	0.7	1.2	8	0.1	10.3	177.9	364.5	−186.6
1975	293.4	27.9	644.7	3.5	5.5	8	.4	12.9	966.3	477.8	518.5

Note: The benefits numbered 1 through 5, above, are described as follows: Benefit No. 1—Minimum service requirement for survivor annuity decreased from 5 years to 18 months. Benefit No. 2—Guaranteed minimum yearly annuity for adult survivors of deceased teachers. Benefit No. 3—Increased yearly annuity for child survivors of deceased teachers or teacher retirees. Benefit No. 4—Increased yearly annuity for widows and widowers of disability annuitants. Benefit No. 5—Increased benefits to survivors of teachers retired prior to Oct. 24, 1962.

Source: Office of Government Actuary, U.S. Treasury Department.

There is a final provision in H.R. 15980, which was requested by the Commissioner of the District of Columbia, relating to the formula for determining the District of Columbia government's annual contribution to the teachers' retirement fund. The District of Columbia Teacher's Retirement Act presently provides, in section 7—D.C. Code, sec. 31-727—that the District's share of contribution shall be based on a percentage of the teachers' total contributions, plus an amount which is interest on the fund's unfunded liability. Over the years, this formula has caused the reserve, or unspent portion of the fund, to increase until it now stands at some $62 million. This reserve is invested, and of course brings in interest to the fund. Beginning with fiscal year 1968, however, the House Committee on Appropriations has granted the District government's annual request that they be permitted to contribute only the amount of the fund's total normal cost for that year, minus the sum of the teachers' contributions and the interest earned by the fund's reserve. As a result, of course, the reserve has not increased appreciably beyond its level as of the beginning of fiscal year 1968.

The reason for this permission on the part of the Congress is the assurance of the Treasury Department's actuaries that the stability of the retirement fund is not imperiled by this modified "pay as you go" contribution plan, and the fact that it results in a smaller appropriation of funds, which is important in view of the District's dire need of revenues for other vital purposes.

In view of this assurance, and in recognition of the fact that the District of Columbia does indeed face a critical situation with regard to revenues, the District of Columbia Committee felt that this provision in H.R. 15980, which will simply incorporate this "pay as you go" formula into the D.C. Retirement Act and thus grant legislative status to the formula which has been in practice anyway for the past 3 years, should be enacted. For the coming fiscal year, this will call for an appropriation of $4 million for the District's contribution to the teachers' retirement fund, in comparison to the $19 million which the formula in the present law would require.

Mr. Speaker, each year some 104 teachers retire from the District of Columbia public school system, after devoting an average of 36.7 years of service to the youth of this city. For a number of reasons, this service in recent years has become as difficult and as demanding as such professional work can possibly be—far more so, certainly, than typical service under the civil service system. Under these circumstances, I feel strongly that these public servants should have the assurance and confidence that they may someday be able to retire with an annuity sufficient to live on without the constant threat of being unable to meet the costs of the necessities of life—and that should they die, their surviving dependents may be able to live in at least a very modest way.

For these reasons, I am pleased to offer this bill, and trust that it will receive favorable action.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I am happy to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding.

Mr. Speaker, I am concerned about this bill because I wonder if it is the forerunner of equalization and comparability of retirement throughout the United States of all people, establishing a standard of living income in retirement.

Mr. FUQUA. I might say to the gentleman that this, of course, only affects the District of Columbia. Historically, it has been the precedent that the teachers of the District of Columbia correspond to the Federal retirement system, as passed for the civil service employees. This was passed last October. This bill now is retroactive back to October. It only affects, I believe, some 12 teachers who have retired in that period of time. So this is conforming as far as the practice that has prevailed here in the District of Columbia for some time.

Mr. HALL. I appreciate the gentleman's statement. I am not sure that this tradition or historical practice is worthwhile and proper. There are differences in employees. There are differences in tenure. There are differences in earnings and contributions, and there certainly are differences in people's retirement plans of life.

I am very sympathetic with the teachers retirement fund, as suggested by the various States. But I am also concerned that this may be a system wherein we accept inflation as a way of life and delegate our responsibility.

The **SPEAKER** pro tempore. The time of the gentleman from Florida has expired.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for an additional 3 minutes.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HALL. Mr. Speaker, if the gentleman will continue to yield?

Mr. FUQUA. I am happy to yield to the gentleman.

Mr. HALL. Mr. Speaker, I would like to ask the gentleman in that regard, whether or not he expects that should the rate of inflation ever stop and, indeed a recession occur, that there would be any reduction in the retirement based on the cost of living, as are the increases that are also included in this bill?

Mr. FUQUA. I might say to the gentleman, if, and I hope we do succeed in stopping the rate of inflation or inflation, that then this percentage would not increase. Only if there were inflation to cause it to increase.

However, if there was a recession, there would not be a provision that this would be lower. It would not increase automatically unless there were inflationary pressures that would lead to this, as provided in the formula in the bill. But under a recession, it would not reduce by a corresponding amount, nor do our other retirement systems to my knowledge.

Mr. HALL. I appreciate the gentleman's forthrightness.

I think he has stated the situation exactly and I think it is wherein Congress has erred in the past, in not considering decreases in the cost of living as well as increases, in accordance with parity in living costs.

In the gentleman's opinion, would this insure tenure for teachers? Or, is it applicable only in respect to those who have or do retire in the future?

Mr. FUQUA. This is for those, as I understand it, who have tenure already and does not apply to those who do not have tenure. This has to do with permanent teachers and does not affect teachers without tenure in the District of Columbia.

By the way, as was pointed out by the gentleman from Virginia, those temporary teachers are covered by the Civil Service Act and they have already received their benefits under the bill as passed by the Congress last year.

Mr. HALL. I know full well whereof the gentleman speaks, and I know he is right. I am not sure I agree with the logic that just because we passed it for one class of employee that we should necessarily follow with all classes because this does indeed heighten the spiral of inflation. For example, I am sure the gentleman would agree with me that in the military pay bill we made comparable the pay and the retirement benefits of military and defense employees immediately so that they could correspond with those of the civil servants in the retirement bill that was passed, as he says, last October. Now we are coming along doing the same thing for teachers. Furthermore, we did the same thing for ourselves, only we went them one better.

Could the gentleman assure me that the contributions that are demanded by this bill will more than offset the increased costs of this retroactive, equalizing, comparable bill for retired teachers?

Mr. FUQUA. I am happy to say that this year, with the retroactive payments, there will be a surplus in the fund.

Mr. SCOTT. Mr. Speaker, I move to strike the last word.

The **SPEAKER** pro tempore (Mr. Albert). The gentleman from Virginia is recognized.

Mr. SCOTT. Mr. Speaker, I would like to ask the distinguished gentleman some further questions with regard to this measure. Is it true that this bill puts the teachers in the same position as all Federal civilian workers and also other civilian employees of the District of Columbia?

Mr. FUQUA. This puts the teachers in the same category as all the other employees of the District of Columbia, many of whom have already received these benefits in legislation passed by this Congress last year.

Mr. SCOTT. Does the gentleman know why they were omitted from the general legislation previously passed by Congress? I say this, even though I am a member of the subcommittee and the full Committee on Post Office and Civil Service which considered the general bill that passed the Congress.

Mr. FUQUA. Let me defer to my good friend from Virginia (Mr. Broyhill) to answer that question.

Mr. BROYHILL of Virginia. The gentleman is a member of the Committee on Post Office and Civil Service, which has jurisdiction over the District of Columbia classified employees and also the temporary schoolteachers. But the salaries and benefits of the permanent schoolteachers come under the purview of the House Committee on the District of Columbia. That is the reason we must come back to legislate separately on each of these matters.

Mr. SCOTT. It is a question of jurisdiction, then?

Mr. BROYHILL of Virginia. It is within the jurisdiction of the Committee on the District of Columbia.

Mr. SCOTT. I thank the gentleman and commend the committee for bringing the bill before the House.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I am interested in knowing how the retirement system for teachers of the District of Columbia compares generally with the teacher retirement systems in the several States of this country.

Mr. FUQUA. The committee went into that situation and tried to make such a determination. The committee felt that it was in somewhat the same category and within the same amount as those in the surrounding jurisdictions of Maryland and Virginia.

Mr. GROSS. Comparable to Maryland and Virginia?

Mr. FUQUA. The retirement system for school teachers, yes, sir, in the Washington area.

Mr. GROSS. How about the rest of the country? Is this a better retirement system than is generally prevalent over the country?

Mr. FUQUA. I think this system is probably one of the better ones in the country. I would not say it was the highest or the lowest, but it is among the better retirement systems that we have in this country. That is one of the inducements we have in order to get quality teachers to teach in the District of Columbia schools, which, as the gentleman is well aware, do not provide the most pleasant conditions.

Mr. GROSS. It becomes our responsibility today to vote for or against this

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proposal, and I am trying to relate it to the retirement systems in the State of Iowa and in other States over the country as to what we are here doing by legislative enactment.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. I would like to say that the prevalent classified Federal employees system and that for Members of Congress would compare quite favorably to that of public employees in the State of Iowa.

Mr. GROSS. I would suspect it is much better than in the State of Iowa.

Mr. BROYHILL of Virginia. If the gentleman will yield further, what we are confronted with here is competition with the principal industry in the area, which happens to be the Federal Government.

Mr. GROSS. What I am interested in is the competition this may engender, the competition for funds to pay for a retirement system comparable to this one, if there is a wide difference between the two.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. Yes, of course.

Mr. BROYHILL of Virginia. I point out also that we have provided this year to increase the contribution on the part of the teachers to the fund, and on an actuarial basis it is sound, the same as the system for classified employees is a sound system, if the Federal Government will only pay its share.

Mr. GROSS. Let me ask this: Does this retirement system give credit for unused sick leave?

Mr. BROYHILL of Virginia. It does the same thing that the classified employees got. It gives them credit toward retirement for unused sick leave. It does not count toward getting a higher salary.

Mr. GROSS. It gives them credit toward total retirement?

Mr. BROYHILL of Virginia. For tenure; that is correct.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. HALEY. May I say to the distinguished gentleman from Iowa, probably this should be a little better than the retirement for the people in Iowa, because of the hazard here, which I am sure they do not have in the gentleman's great State.

Mr. GROSS. I thought they were already dispensing combat pay to teachers in the District of Columbia.

Mr. HALEY. I think they are entitled to it.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I believe I have the answer to the gentleman's question, so far as a comparison of the retired pay of teachers in the District of Columbia with those in the State of Missouri. The teachers in the State of Missouri who have retired draw $72 a month from the Missouri State Teachers Association retirement fund and an additional $75 a month from the Missouri Legislature's act for retired teachers, two separate funds, one established by the Missouri taxpayers and the other by their own payment into the retirement fund.

According to the Civil Service Retirement Act, which we are equalizing for the teachers in the District of Columbia, they would draw over double that amount, on the basis of the 3 years of service worked under this act.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. I wonder if the gentleman from Missouri can tell us what the teachers in Missouri pay into the system. The main point is that the teachers in the District of Columbia system will be paying in 7 percent of their salaries. They have been paying 6½ percent. The system therefore is adequately funded. In fact, in the bill we are providing for a portion to be reduced in the future, because the surplus is more than it needs to be.

Actually, we are not doing anything not sound from an actuarial standpoint in properly funding the system.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAXATION BY DISTRICT OF COLUMBIA OF REGULATED INVESTMENT COMPANIES

Mr. FUQUA. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 15381) to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1557b) is amended by inserting after paragraph (15) of section 3a the following new paragraph:

"(16) Regulated Investment Companies.—In the case of a regulated investment company as defined in section 851 of the Internal Revenue Code of 1954, which meets the requirements of section 852(a) of the Internal Revenue Code of 1954, the dividends paid by the regulated investment company which qualify for the dividends-paid deduction under section 852(b) (2) (D) and section 852(b) (3) (A) (ii) of the Internal Revenue Code of 1954, including dividends considered as having been paid during the taxable year by reason of section 855 of the Internal Revenue Code of 1954."

Sec. 2. The amendments made by this Act shall apply with respect to taxable years of regulated investment companies beginning after December 31, 1968.

AMENDMENT OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Speaker, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. Fuqua: Page 2, strike out lines 1 through 8 and insert in lieu thereof the following: "of the Internal Revenue Code of 1954—

"(A) the dividends paid by the regulated investment company which qualify for the dividends-paid deduction under section 852 (b) (2) (D) and section 852(b) (3) (A) (ii) of the Internal Revenue Code of 1954, including dividends considered as having been paid during the taxable year by reason of section 855 of the Internal Revenue Code of 1954; and

"(B) such amount as the regulated investment company shall designate for purposes of section 852(b) (3) (D) (ii) of the Internal Revenue Code of 1954 as undistributed long-term capital gains to be included in computing the long-term capital gains of the shareholder. Such amounts shall be included as gains from the sale or exchange of capital assets, as defined in this article, in computing such shareholder's taxable income as defined in section 1 of title VI of this article."

The amendment was agreed to.

Mr. FUQUA. Mr. Speaker, the purpose of this amendment is to further conform the District of Columbia income tax law to the provisions of the Internal Revenue Code. The bill as reported from committee applied to regulated investment companies which fully distribute dividends to shareholders each year. The amendment relates to the regulated investment companies which operate as venture capital companies where dividends are partially distributed to the shareholders and partially held by the company but the shareholder reports for tax purposes and pays taxes on all dividends accruing to his interest whether distributed or not. On the dividends withheld by the company and on which the company pays the income tax, the shareholder receives credit for taxes paid by the company along with his payment of taxes on the dividends he received.

PURPOSE OF BILL

The bill H.R. 15381 would conform the provisions of the District of Columbia Income and Franchise Tax Act of 1947—District of Columbia Code, title 47, section 1501 et seq., 61 Stat. 331—to the provisions of the Federal Internal Revenue Code relating to the treatment to be given to dividends paid by regulated investment companies which qualify for the dividends paid deductions under section 852(b) (2) (D) and section 852(b) (3) (A) (ii) of the Internal Revenue Code of 1954.

Its purpose is to make clear that investment companies domiciled in the District of Columbia will be accorded treatment under the laws of the District of Columbia similar to that which they are accorded under Federal law; namely, the flowthrough or conduit treatment in connection with their distribution of dividends to their shareholders.

Regulated investment companies—mutual funds—which distribute their income currently are not subject to Federal income taxation. This is because mutual funds are merely conduits for the dividends and net gains which are passed on to the shareholders. Most

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States, including Maryland and Virginia, follow the Federal practice and do not tax mutual funds.

The conduit treatment is a deduction against income to the extent that income realized by mutual funds are paid to the shareholder.

If conduit treatment was ultimately held to be unavailable to mutual funds, the net effect would be to cause triple taxation: First, taxation by the corporation paying dividends to the mutual fund; second, taxation if the mutual fund itself were taxed; and third, then taxation by the shareholder. Already, the shareholder or taxpayer does in fact pay a tax and, of course, the corporation distributing the dividends to the mutual fund pays a tax. It is this second tax—a 6-percent tax—that would be eliminated by the enactment of H.R. 15381, which would, in effect, grant to the mutual funds the same deductions for dividends paid to shareholders that the mutual funds are allowed for Federal income tax purposes.

NEED FOR LEGISLATION

The District of Columbia Revenue Act of 1969—Public Law 91-106, October 31, 1969, 83 Stat. 169—conformed the provisions of the District of Columbia Income and Franchise Tax Act to the provisions of the Federal Internal Revenue Code with respect to capital gains and losses generally, including the treatment accorded shareholders of regulated investment companies.

The need for this legislation is caused by the language which was included in the District of Columbia Revenue Act of 1969 referred to, which amended the District of Columbia Income and Franchise Tax Act of 1947 by, among other ways, defining the term capital asset in a manner consistent with our Federal income tax laws but in a manner different from that heretofore the case in the District of Columbia; that is, retroactive to January 1, 1969, individuals and corporations domiciled in the District of Columbia would be taxed on their capital gains realized on capital assets held for a period more than 6 months.

HEARING

A public hearing was held on this legislation by Subcommittee No. 4 of your committee on February 2, 1970. Representatives of the regulated investment companies, Steadman Mutual Funds—representing over 70,000 shareholders—and the Washington Mutual Investment Funds, testified in support of H.R. 15381. They suggested that if the District law is not clarified to effectuate the intention of Congress in enacting the 1969 Revenue Act for the District, the funds may be compelled to consider moving from the District. An assistant corporation counsel, representing the District of Columbia government, also testified in support of the bill, and advised that its enactment would result in no loss of revenue to the District. No testimony or statements were made or filed in opposition to the bill.

CONCLUSION

First. There is need for this legislation to carry out the declared purpose of the Congress in enacting the District of Columbia Revenue Act of 1969.

Second. It was clearly expressed in the statement of the managers on the part of the House, explaining the conference agreement on the District of Columbia Revenue Act, that it was the intention of the conferees "that gains and losses from the sale or other disposition of capital assets shall, for District income and franchise purposes, be determined in accordance with provisions of the Internal Revenue Code of 1954."

Third. No objection or opposition to H.R. 15381 has been presented to your committee.

Fourth. The enactment of H.R. 15381 would result in no loss of revenue to the District of Columbia.

Mr. Speaker, I urge the passage of the bill.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I am happy to yield to the gentleman.

Mr. ADAMS. I have just two questions. First of all, this bill was only introduced or hearings on the bill were held on February 2, 1970. Is that correct?

Mr. FUQUA. I assume it is correct.

Mr. ADAMS. There was only 1 day of hearings?

Mr. FUQUA. Yes.

Mr. ADAMS. And the District government said they would not oppose it but preferred the bill they sent in nearly a year ago which took care of making the District of Columbia laws similar to the Federal income tax laws across the board. Did they not?

Mr. FUQUA. That was a part of the District's recommendation.

Mr. ADAMS. I will not oppose this bill, but again I think it points up taking care of special interests with a quick hearing when the general propostion which was offered by the District to take care of all of these laws has not been heard before the committee.

I thank the gentleman for yielding.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I am glad to yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. The gentleman is absolutely correct when he stated it will not cost the District of Columbia any revenue. The purpose is to clarify some ambiguities that resulted as a result of the Revenue Act of 1969. It is the desire of some of us on the Committee on the District of Columbia to correct this situation by adopting the proposal the gentleman from Washington just referred to; namely, to adopt in the District of Columbia Income and Franchise Act a provision which is similar to the Federal act. I might further point out this proposal is embraced in the pay bill for the teachers and firemen, because it is necessary that we provide additional revenue at the time we consider those increases, and at that time I hope the committee will approve what the gentleman from Washington suggested we bring in; namely, to have the same system locally as under the Federal Government system.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VOTING ON THE DISTRICT OF COLUMBIA GOVERNMENT BILLS

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include certain correspondence.)

Mr. ADAMS. Mr. Speaker, on Thursday, February 19, 1970, I wrote to the President of the United States, the leadership of the House, and to every member of the District of Columbia Committee to give notice that at the regular meeting of the committee on March 2, 1970, at 10:30 a.m. I will move that the committee pass S. 2163, the District of Columbia nonvoting delegate bill, and S. 2164, an act to establish a Commission on Government for the District of Columbia.

Members of the District of Columbia Committee have been asking for action on these bills since June of 1969, and I am including at this time certain correspondence and a chronology which lists the many attempts by many members of of this committee to obtain action on these bills. Bills that were practically identical to these bills were introduced by a majority of the House District Committee in May of 1969, as H.R. 11216 and H.R. 11471 to establish a nonvoting delegate, and H.R. 11170 and H.R. 11215 to establish a Commission on Self-Government.

I am moving on the two Senate bills because they are practically identical to the House bills with the exception of a "little Hoover Commission" which was added by Senators PROUTY and SPONG in the Senate and which has been supported by the President.

These bills were recommended to the Congress by the President and passed the Senate unanimously on October 1, 1969, as part of the Consent Calendar.

As can be seen from my letters to Chairman McMILLAN and to the President, we have exhausted every possibility to have these bills heard and voted upon.

I bring these bills before you today because we are hearing the District calendar, and on this District calendar are nine bills of very limited public interest, some of which were introduced only recently.

Many of us on the committee worked long hours on the President's crime bill, and although we object to some portions that were added by the members of the District Committee without any hearings, we did not delay this bill; yet the leadership of the committee has refused to even allow a vote on the companion bills.

I hope each of you will contact the members you know on the House District of Columbia Committee and urge them to be there to make a quorum on March 2, 1970, at 10:30 and to vote to send to the floor S. 2163 and S. 2164.

FEBRUARY 19, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I have this day written to each member of the District of Columbia Committee of the House of Representatives asking support for your recom-

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mended bills to establish a commission to study self-government for the District of Columbia and to create a nonvoting delegate in the House of Representatives.

I am enclosing a copy of this letter which I have forwarded to the Chairman of the Committee and each member today.

As you know, these bills which you suggest were sponsored by a majority of the Republicans on the Committee, including the ranking minority member, and have also been cosponsored by a number of Democrats on the Committee.

As you will notice from the enclosed letter, I have given notice to the Committee that I will move that these bills be reported when the Committee has its regular meeting at 10:30 A.M. on Monday, March 2, 1970. If those members of the Committee who have cosponsored these bills are present and voting, we will have a quorum present and a majority of the Committee will be available to pass the bills.

I have enclosed in my letter a chronology which indicates the efforts which many of us have made for a period of nearly nine months to obtain passage of these bills. We need your help and that of every interested citizen if we are to pass these bills and carry out your recommendation that the District move toward a greater degree of self-government.

Many of us who oppose portions of the crime bill for the District of Columbia have nevertheless cooperated with the Committee Chairman and other members of the Committee to move this bill as rapidly as possible. The crime bill is now ready for Committee vote, and therefore any time spent on the District of Columbia government bill and nonvoting delegate bill will not in any way interfere with the time schedule for the District of Columbia crime bill.

I hope you will help us in our efforts to pass these bills at the same time as the District of Columbia crime bill is being considered so that the people of the United States will know that we believe in representative government for all our people and that any faults which may exist in the crime legislation we have passed can be discussed and corrected in a democratic fashion through the process of elected government.

Sincerely yours,

BROCK ADAMS,
Member of Congress.

FEBRUARY 19, 1970.

Hon. JOHN L. MCMILLAN,
Chairman, Committee on the District of Columbia, U.S. House of Representatives.

DEAR MR. CHAIRMAN. I am sending this letter with the attached enclosures to you and all other members of the District of Columbia Committee in order that you may be aware of the motion I proposed to offer at the regularly-scheduled meeting of the Committee at 10:30 on Monday, March 2, 1970. As you are aware, the Rules of the Committee provide that the full committee shall meet on the first Monday in each calendar month at 10:30 a.m. In addition, Rule 26 of the House Rules provides:

"26. Each standing committee of the House . . . shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee, and . . . each such committee shall meet to consider any bill or resolution pending before it (a) on all regular meeting days selected by the committee; . . . ."

Pursuant to these procedures, I will move at the March 2, 1970, meeting that the Committee immediately consider the Nonvoting Delegate bill (H.R. 11216, H.R. 11471, and S. 2163). I will also make a motion at that time, unless the Committee shall have previously disposed of it, that the Committee consider the Charter Commission and "little Hoover Commission" bill, as passed by the Senate (S. 2164), a similar House version of which is pending in the Committee (H.R. 11170 and H.R. 11215). Both of these bills were sponsored at introduction by a majority of the Committee.

As you will recall, these bills were strongly recommended to the Congress by the President. They comprise a significant part of his legislative package for the District of Columbia. In addition, they passed the other body four months ago without a single dissenting vote.

As indicated by the attached chronology of attempts made to consider these bills, many of us have made numerous attempts to have these bills considered through the normal legislative process. Congressman Charles Diggs, Chairman of Subcommittee No. 2, has repeatedly offered to hold hearings on these bills if the Committee is busy with other business. It is only because the Committee has refused to schedule hearings—and to let the Committee work its will—that I have reluctantly moved to force the issue in this manner.

I do not propose this action lightly, nor do I believe it is abrupt. As those who have attended various meetings of both the full Committee and Subcommittee No. 3 will remember, Mr. Horton of New York and I have moved that these bills be considered at regular meetings of the Subcommittee and Committee. In all cases our motions were rejected and the Committee has not been permitted to proceed in orderly fashion. Yesterday, to illustrate how quickly the Committee can proceed, we passed a number of bills in a crime package that had not been the subject of any hearings. Today we passed many bills with limited public interest, again indicating we have time to pass numerous pieces of legislation. During this same meeting you would not discuss the two bills on the Charter Commission and Nonvoting Delegate but did indicate you would be bound by a vote of a majority of the Committee.

It is because I hope to follow proper procedures, through service of notice of my proposal, that I am sending this letter to each member of the Committee. I hope a majority of the Committee will act favorably on these bills on March 2.

I am forwarding copies of this letter to the Speaker of the House, the Majority Leader, and the Minority Leader, so they will know the status of these bills for purposes of overall legislative scheduling. I am also enclosing copies of our most recent correspondence.

I have no objection to any member of the Committee making public this letter, and I will be pleased to answer any questions that you may have regarding this proposed procedure. If for any reason I am unavailable in my office to discuss the matter, your staff can obtain information from Mr. Jacques DePuy in my office (X 3106). I have also asked him to be certain that each office is contacted in advance of the meeting so that you will have another notice just prior to March 2.

Yours very truly,

BROCK ADAMS,
Member of Congress.

CHRONOLOGY: ACTION ON DISTRICT OF COLUMBIA SELF-GOVERNMENT PROPOSALS IN THE HOUSE DISTRICT OF COLUMBIA COMMITTEE

January 31, 1969: President's statement on domestic programs; includes support for Congressional representation for D.C., an interim nonvoting delegate, and a Commission on Self-Government.

April 28, 1969: Presidential message to Congress (recommending above).

May 13, 1969: Nonvoting delegate for D.C. (17 Committee co-sponsors) and Commission on Self Government (15 Committee co-sponsors) bills introduced.

June 9, 1969: D.C. City Council unanimously supports Commission (if passed before July 28) and Delegate bills.

June 13, 1969: Letter, Diggs to McMillan, urging hearings on Commission bill prior to July 28.

June 17, 1969: Letter (reply), McMillan to Diggs, pledging action to have hearings scheduled on Commission bill after disposition of D.C. revenue bill.

June 19, 1969: Letter, Horton to Nelsen, urging meeting of minority members of Committee to discuss and support D.C. proposals.

June 20, 1969: Letter, Adams to McMillan, urging hearings and action.

June 24, 1969: Letter, Fraser to McMillan, recommending action on nonvoting delegate bill.

June 25, 1969: Letter (reply), McMillan to Fraser, noncommittal.

October 1, 1969: Senate passes nonvoting delegate and Commission bills (Commission to include functions of "little Hoover" Commission).

October 13, 1969: Adams 1-minute speech on floor supporting President's D.C. proposals in response to President's message prodding Congress for action on domestic program.

October 13, 1969: Letter, Adams to Nelsen, pledging support for appropriate action at any full committee meeting.

October 16, 1969: Full Committee meeting; request for action on home rule bills by Adams, Horton, etc.

October 20, 1969: Letter, Adams to Dowdy, urging hearings.

November 4, 1969: Adams, Horton make motion at public hearings of Subcommittee No. 3 that Dowdy's subcommittee hold hearings on bills; ruled out of order by Dowdy.

November 20, 1969: Full Committee executive session (authorization of subway system) chaired by Dowdy; Fraser, Diggs, Gude, others urge action on self-government bills.

December 1, 1969: Letter, Adams to Diggs, suggests motion be made by Diggs at next full committee meeting to hear immediately these matters.

December 11, 1969: Letter, Adams to McMillan, urging hearings and early action; offering to be present for hearings as soon as possible.

December 15, 1969: Letter, Adams to Speaker McCormack, detailing inaction by committee and urging assistance in securing hearings and consideration of all major Nixon bills for D.C. as a package.

December 24, 1969: Letter, Diggs to the Speaker, urging that Speaker use his persuasive powers to prompt the Chairman to act.

January 20, 1970: Letter, Adams to McMillan, again urging hearings and support for self-government bills; offering to sit with Subcommittee No. 2 for any scheduled hearings.

January 27, 1970: Letter, Adams to Speaker, bringing Speaker up to date on committee inaction and indicating interest in action within 30 days.

February 10, 1970: Letter, Adams to McMillan, urging action, informing Chairman that he intends to press for action on March 2.

February 10, 1970: Letter (reply), McMillan to Adams, referring to pending crime bill as reason for not scheduling hearings.

HOUSE OF REPRESENTATIVES,
U.S. COMMITTEE ON THE
DISTRICT OF COLUMBIA,
Washington, D.C., February 10, 1970.

Hon. BROCK ADAMS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ADAMS: Your letters of January 20 and February 10 were received. However, I could not give you a definite answer to your question until we make further progress on the pending crime bill.

I would like to state that after the crime bill is completed, I will be guided by the wishes of the majority of the Members of the House District Committee on the preference they would like to give to pending legislation.

With kindest regards, I am,

Sincerely yours,

JOHN L. MCMILLAN,
Chairman.

FEBRUARY 10, 1970.

Hon. JOHN L. MCMILLAN,
Chairman, Committee on the District of Columbia, U.S. House of Representatives.

DEAR MR. CHAIRMAN: I have not received a reply from you to my letter of January 20, 1970, regarding the Committee schedule for the non-voting delegate bill (H.R. 11216, H.R. 11471 and S. 2163) and the charter commission bill (H.R. 11170, H.R. 11215 and S. 2164).

I am deeply concerned that an argument might be made that no time had been set aside for hearings and an executive session on these bills.

I want to emphasize again that I am going to ask members of the Committee to pass these bills from the Committee at the regular meeting on the first Monday of March (March 2, 1970).

I have hoped that you would schedule these bills for any hearings you deem necessary and that we could follow an orderly procedure in presenting them at the meeting on March 2, 1970, or at the last executive session on the D.C. crime bill.

I have also indicated to you that Chairman Diggs of Subcommittee No. 2 and I have been willing to sit and hold hearings if they were necessary on these bills so that members and others who are interested could attend the hearings at their pleasure and the work of the Committee in executive session on the crime bills would not be delayed.

I have had inquiry from numerous sources about these bills and I have not prior to this time released information to the public media because I was awaiting a reply from you.

We are this day completing business prior to the Lincoln's Day recess and will not return until February 16th, which means there will be less than two weeks before the March 2nd meeting. I am therefore releasing today the contents of my letter of January 20, 1970, and this letter so the public may be informed regarding the status of these bills.

Yours very truly,

BROCK ADAMS,
Member of Congress.

JANUARY 20, 1970.

Hon. JOHN L. MCMILLAN,
Chairman, Committee on the District of Columbia.

DEAR MR. CHAIRMAN: I was dismayed to read in last night's *Evening Star* that you were being quoted as saying there would be a strict omnibus crime bill voted out of the District of Columbia Committee very soon and that no mention was made of hearings or vote on the nonvoting delegate and charter commission bills.

I am speaking on the floor today to indicate my dismay about this and request that we vote on all three of the bills which have passed the Senate involving the court reorganization (anticrime) bill (H.R. 13689, S. 2601), the nonvoting delegate bill (H.R. 11216, H.R. 11471 and S. 2163), and the charter commission bill (H.R. 11170, H.R. 11215 and S. 2164) at the regular meeting of the Committee on the first Monday of March (March 2, 1970).

This would give an ample opportunity to hold any additional hearings that might be necessary on any of these bills and would allow completion of drafting, if it is necessary, on the more complicated crime bills.

As you know, I have previously written to you indicating my willingness to sit and hold hearings on the charter commission bill and a nonvoting delegate bill and I have been informed that Congressman Diggs has repeatedly offered to make his subcommittee available to hold hearings if the other subcommittees do not have time.

All three of these bills have been recommended by the President and been passed by the Senate, and in the original House form were cosponsored by a majority of the committee. I hope we will have an opportunity to complete hearings on them and vote by the first week in March so the people of the nation will know that we are meeting our legislative responsibility.

I want to thank you for your consideration and I would be most happy to meet with you or the staff and discuss this in greater detail if you believe that would be helpful.

Yours very truly,

BROCK ADAMS,
Member of Congress.

PRICE AND WAGE CONTROLS, NOW

(Mr. HICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HICKS. Mr. Speaker, the President recently stated that when it comes to economic policy, "timing is everything." If this is true, the time for price and wage controls is now.

For the past few years we have tried to run the country on the theory that we could have "guns and butter" without an increase in taxes. That we could fight the war in Vietnam without making the economic sacrifices of other wars. Because our economy had expanded so rapidly and because the Vietnam war had built up so gradually, it seemed we might not need the distasteful tax increase or the equally distasteful price and wage controls. We were wrong.

Price and wage controls were imposed during World War II and the Korean conflict, and when it became obvious that Vietnam had developed into a major military engagement and a serious drain on our economy, we probably should have recognized that price and wage controls were again necessary.

The price of our mistake has been inflation. And put in basic terms, inflation means higher prices.

By this time we are all familiar with the President's chief weapon in the battle against inflation—tight money and high interest. As the administration sees it, a combination of tight money and high bank interest would lead to a decrease in the demand for goods and services. This in turn was supposed to lead to a stabilizing of prices without a significant increase in unemployment.

What actually has happened? The Nixon administration has had over 1 year to start controlling prices, but inflation is worse than ever. Prices in 1969 increased by 6 percent, and at that rate the prices we pay for our goods and services will double in only 11 years. With "real wages"—buying power of wages earned—actually declining during the past 5 years, it is the workingman, as AFL-CIO President George Meany points out, who is getting the "short end of the stick."

On the other hand, unemployment throughout the State of Washington increased last year by nearly 50 percent. With the large Boeing layoff and the serious condition of the homebuilding and timber products industries, unemployment in our area is just about twice the national average.

Thus, by crippling industrial production without controlling prices, the Nixon administration has created the worst of both worlds—more inflation and more unemployment.

A Gallup poll published as far back as July indicated that the American public would accept controls on prices and wages. The President, however, has responded that he has "ruled out wage and price controls as a way of dealing with inflation under conditions that are now foreseeable." At this point, I would agree with Economist Robert Lekachman when he writes:

> The public may have a better grasp of the necessities of national economic policy than do the Administration's professional economists.

I do not like controls in our economy. But I like the present double-barreled blast of recession and inflation even less. To stabilize the economy we must establish price and wage controls and the President must exercise the authority Congress already has given him to control credit spending.

Price and wage controls as well as credit controls have been used in this country only as a last resort. That time of "last resort" is now.

REAFFIRM SUPPORT OF JUDGE CARSWELL

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, the Judiciary Committee of the American Bar Association has reaffirmed its approval of the nomination of Judge Harrold Carswell to be an Associate Justice of the Supreme Court.

Their independent action bears out my firm belief that Judge Carswell will add stature to the Court and that his record of service on the bench is one of service, wisdom, and dedication.

I know him both as a man and as a jurist. He is from Tallahassee, in my district, and my district office was on the floor above his office as U.S. circuit judge before his appointment to the U.S. court of appeals.

I think it significant that at the time of his appointment to the court of appeals, only a short time ago, the Senate saw fit to quickly confirm his nomination. This is the second highest court in the land. Certainly men appointed to this position should possess the high degree of integrity and ability as those who serve on the Nation's highest Court.

Their action in approving him at that time speaks for itself. He has had to sit in judgment in some very difficult cases. Throughout that time he acquitted himself with firmness and fairness—and I emphasize the fairness which has always been a hallmark of his court.

I resent the attacks which have been made upon his character and his judgment. These are but the outbursts of selfish and self-seeking individuals and

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organizations who are determined that they, and not the President of the United States, will determine the membership of the Court.

It is my feeling that the Senate will not be deluded by these attacks. It is my feeling that they will find, just as the American Bar Association committee has found, that this is a distinguished member of the bar.

Again, I add my voice to those supporting his nomination and urging confirmation of his nomination at the earliest possible date. Years from now I predict that it will be said that as a member of the Supreme Court he served his Nation and justice well.

NATIONAL TIMBER SUPPLY ACT

(Mr. MARTIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MARTIN. Mr. Speaker, I hold in my hand a letter purportedly sent out by the young lawyers section of the American Bar Association and signed by a gentleman by the name of Nicholas J. Healy, Jr., who states that he is the chairman of the environmental quality committee of the young lawyers section. No such committee exists.

This is in regard to the National Timber Supply Act which is scheduled for consideration on the floor of the House on Thursday of this week.

Mr. Speaker, the only thing that is correct about this is that it is printed on American Bar Association stationery showing their address in Chicago and the vice chairman and the chairman and various officers of the young lawyers section and directors and so forth—those are correct.

Mr. Thomas D. Cochran of Independence, Mo., who is chairman of the young lawyers section has been called on the telephone in regard to his knowledge of this letter and whether it was authorized, and he advises it was not authorized, that the gentleman who purportedly signed the letter is not even known to him and so far as he knows is not even a member of the American Bar Association. This is typical of the misinformation and tactics being used by those who are opposed to this legislation, and I want to call it to the attention of the Members of the House, Mr. Speaker, this afternoon. This is a phoney letter. I hope it can be investigated to find out who this gentleman is and where it came from. It does not represent the American Bar Association. Several members of the American bar have been called and disclaim any knowledge of this action. They further state that they do not operate in this manner—they are not interested in this bill and would not take any position.

Mr. Speaker, the letter is as follows:

AMERICAN BAR ASSOCIATION,
Chicago, Ill., February 20, 1970.

DEAR CONGRESSMAN: The Environmental Quality Committee of the Young Lawyers Section of the American Bar Association has studied the National Timber Supply Act (H.R. 12025) now pending before you on the matter of timber supply in the national forest lands. Having considered the arguments for and against the proposed legislation the Committee believes enactment of the bill in its present form would not be in the public interest.

There are three fundamental objections to the bill as now drafted. First, earmarking receipts from timber sales to increased timber yield would seriously impair the principle of multiple use as enunciated in the Multiple Use-Sustained Yield Act of 1960 (16 U.S.C. 528 *et seq.*) While it is true that the expenditures from the "high timber yield fund" are mandated to be "in conformity" with the latter Act, there is no assurance that comparable funds will be appropriated for land use other than timbering. Consequently, it seems likely that in practical effect intensive forestation will unduly predominate over such other uses of the national forests as wildlife preservation and recreation.

Secondly, the legislation would tend to inhibit additions to the National Wilderness Preservation System. Thus, the increase in funding for timber cutting would make possible far more extensive logging, including logging in areas of unique value as wilderness but of marginal value as timber land. Once such areas were subjected to heavy cutting they would not only lose their inherent quality as wilderness, but Congress would hardly be disposed to appropriate funds for their inclusion in the Wilderness System. Clearly, potential wilderness regions should be expressly excluded from the definition of "commercial forest land".

Finally, the bill would subject more than half of our national forests to intensive "tree farming" methods, such as monoculture and fertilization. Scientists are only now finding evidence of the adverse cumulative effects on wildlife of such supposedly harmless chemicals as nitrogen fertilizers. To permit an unprecedented expansion of intensive forestation techniques would thus appear to risk incalculable ecological damage to vast watershed and wildlife areas. It would seem appropriate to restrict intensive forestation to, say, ten million acres of public lands until its long range effects on the environment can be fully evaluated.

In summary, the bill in question does not provide adequate protection for the natural resources of our national forests other than commercial timber. Accordingly, the Committee urges you to cast your vote against the bill.

Respectfully yours,
NICHOLAS J. HEALY, Jr.,
Chairman, Environmental Quality Committee.

PROHIBITING SEGREGATION

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, the General Assembly of the State of Georgia in the session ending on February 21 passed a law almost identical to one that had been earlier passed in the State of New York. This law grants to each student and teacher in the State of Georgia the basic right that their assignment to a school shall not be based upon their race, creed, or color.

The effect of this, of course, is to prohibit segregation through assignment of students or teachers based upon race, creed, or color, and also to prohibit racial balance based upon assignment of students or teachers based on race, creed, or color.

On examination of the U.S. Constitution, Mr. Speaker, it is clear that at no place therein is there provided any authority for the Federal Government to regulate and control education within the States. Further, since there is no specific granting of authority to the Federal Government, article X specifically reserves this power of control of education to the States. The State of Georgia has now acted in a nondiscriminatory manner by providing for the elimination of race as a basis of requiring attendance of students and assignments of teachers at particular schools.

In the past, Mr. Speaker, the lower Federal courts have seen fit to interpret the 14th amendment, particularly that part which provides for equal protection of the laws, to require racial balance in assignments of students and teachers. This was done by court ordered gerrymandering of districts, closing of schools, pairing of schools, and busing. Of course, Mr. Speaker, these actions of the court were prior to the State of Georgia providing by statute the right of a student and teacher not to be assigned to a particular school because of their race.

The State has the constitutional power to grant such rights to its people and because of article IX the Federal court may not take from a person the right thus granted. Article IX of the Constitution specifically provides:

> The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Mr. Speaker, in looking at the plain language of the Constitution it is clear: First, that no power is granted to the Federal Government to regulate and control education within the States; second, article X specifically reserves to the States the right to control local education since this was not an enumerated right granted to the Federal Government; third, full faith and credit as provided in article IV shall be given to every public act of a State; fourth, the article XIV provides that each citizen shall be entitled to equal protection of the laws which guarantees one citizen that he shall not be treated differently from another nor discriminated against in the application of the laws; fifth, article IX provides that the granting of certain rights shall not be construed to deny or disparage other rights granted to or retained by others.

Therefore, Mr. Speaker, it is clear that the Constitution provides for no discrimination based upon race, creed, or color. Further, it is clear that all acts of the States shall be given full faith and credit and when rights are granted to one person it shall in no way be construed as taking away the rights of another.

The State of Georgia, having within its constitutional power to do so, has granted to students and teachers the right not to be forcibly assigned to a school because of their race, creed, or color. Today, I am calling the attention of judges of the Federal courts having jurisdiction in Georgia and am advising them that as an elected representative of the people I shall expect them to give full faith and credit to this act passed by the Georgia General Assembly. If such is done we will have seen the end of

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Federal court ordered forced closing of schools, gerrymandering of districts, pairing of schools, busing of students and assignment of teachers based on race, creed, or color.

POSTAL REFORM

(Mr. SCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. SCOTT. Mr. Speaker, we hear a lot about postal reform and negotiations being conducted to develop a package deal which will include reorganization of the Post Office Department, new labor-management laws and salary increases for postal workers. Even as a member of the Post Office and Civil Service Committee, I have not been privy to the negotiations but hear of them through the news media and hearsay.

However, the legislative director of the United Federation of Postal Workers wrote to each member of the House committee on February 19 regarding the position of his organization and six other postal workers' unions and enclosed material which sets forth the position of these unions.

In view of the long delay by the legislative committees of the House and the Senate in dealing with postal reform, I hope we can separate postal reform, labor-management, and salary adjustments. Both Houses of Congress have already acted upon salary legislation and it is pending in conference between the two bodies. Labor-management, in my opinion, is such a complicated and important matter that the subcommittees should act in this field before consideration by the full committees and, of course, postal reform is of the highest importance and urgency to the people of the country.

Therefore, I hope that our House Post Office and Civil Service Committee can in the very near future report out the bill it has been considering for many months and that we can have meaningful postal reform legislation enacted into law during this session of Congress.

Because I am sure the entire membership of the Congress is interested in this vital subject, the letter from the postal unions and all the enclosures, except a copy of Executive Order 11491, are set forth below in full:

United Federation
of Postal Clerks,
Washington, D.C., February 19, 1970.

Hon. William L. Scott,
Committee on Post Office and Civil Service, Longworth House Office Building, Washington, D.C.

Dear Congressman Scott: We are writing to you as a Member of the Committee on Post Office and Civil Service to make certain there is no misunderstanding concerning the legislative position of the United Federation of Postal Clerks, in particular and also the other 6 EXCLUSIVE postal employee organizations on postal reform—postal corporation—any combination of reform with postal pay and collective bargaining.

Contrary to what you may read in the newspapers or may hear from White House officials and Postmaster General Winton M. Blount, UFPC and the other 6 postal organizations have not "bought" any postal corporation concept and have not agreed to accept any postal employee pay—collective bargaining "package" short of the employees' benefits position statements enclosed in the file accompanying this letter. The 7 exclusive postal organizations are urging your Committee to draft a postal reform bill which will include the postal employee benefits and guarantees referred to in this file.

I am today sending similar letters with our proposed postal employe benefits "package" statement to all Members of the Committee on Post Office & Civil Service for their information and hopefully, to avoid any possible misunderstanding concerning our collective and unified position on these matters. The statement contained in the enclosed file is our "MUST" legislative program concerned with any postal reform which your Committee may report. You will note this legislative statement is dated January 26, 1970—our position is the same today, as it was on January 26.

Also, our 7 Exclusive postal organizations as recently as one week ago on February 12 reaffirmed our absolute and total opposition to any reform legislation, such as, the postal corporation proposed in H.R. 11750. While I am addressing this letter and enclosures to you, particularly, on behalf of the United Federation of Postal Clerks, the enclosed postal employees' benefits "package" is the legislative position of all 7 exclusive postal employee organizations representing 700,000 postal workers in collective bargaining with the Post Office Department.

It is our hope that you will have an opportunity to carefully review *Exhibit C*, which is our proposed "Chapter 8—Labor-Management and Personnel Relations." Basically, the provisions in Chapter 8 have been taken from established labor laws, including the following Acts: Norris-LaGuardia, National Labor Relations, Taft-Hartley, and Landrum-Griffin. In addition, there are provisions from Executive Order 11491 signed by President Richard M. Nixon on October 29, 1969. Most of Chapter 8 would finally provide recognition of postal labor organizations, collective bargaining, and labor-management relations for postal employees similar to that established more than 30 years ago for management and labor in the private sector.

We are also enclosing for your information two editorials published in the February, 1970 issue of our UFPC *Union Postal Clerk and Postal Transport Journal*.

These editorials entitled, "Unfair Labor Practice" and "Who's Discriminating" effectively contradict and destroy the felonious arguments of the unaffiliated National Postal Union and National Alliance of Federal and Postal Employees, who are opposed to the *exclusive* recognition and bargaining rights which our 7 Exclusive postal employee organizations originally won under the Kennedy Executive Order 10988 and presently provided for in the Nixon Executive Order 11491. We propose to have these rights become a matter of law through enactment of either the enclosed "Chapter 8 of Exhibit C, Chapter 47 of Title VII, of H.R. 4", or "H.R. 4803 and S. 309."

We will appreciate your support of the enclosed position statements concerned with postal employee benefits and guarantees under any postal reform legislation approved by your Committee and equally important opposition to the postal corporation concept proposed in H.R. 11750.

Your continuing interest in the legislative program of the United Federation of Postal Clerks and the other 6 Exclusive postal organizations referred to in this letter, and named below, is appreciated very much.

President Francis S. Filbey, United Federation of Postal Clerks (AFL–CIO)

President James H. Rademacher, National Association of Letter Carriers (AFL–CIO)

President Monroe Crable, National Association of Post Office & General Services Maintenance Employes (AFL–CIO)

President Michael J. Cullen, National Association of Special Delivery Messengers (AFL–CIO)

President Chester W. Parrish, National Federation of Post Office Motor Vehicle Employes (AFL–CIO)

President Lonnie L. Johnson, National Association of Post Office Mail Handlers, Watchmen, Messengers & Group Leaders (AFL–CIO)

President Herbert F. Alfrey, National Rural Letter Carriers' Association

Sincerely,

Patrick J. Nilan,
Legislative Director.

Postal Reform and Postal Pay

The seven exclusive postal employee labor organizations named at the conclusion of this statement agree that the employee benefits outlined in this position statement necessarily must be specifically provided for in any act which may result from pending postal reform & postal pay legislation.

I. COMPENSATION

(a) *Effective January 1, 1970:* A new wage scale shall be established with the present Step 3 becoming Step 1 and the Steps 12A–12B of H.R. 13000 becoming Steps 11 and 12. There will be just 12 steps and the pay will range from $6588–$8856 annually. This is just the two-step increase originally provided for in H.R. 13000. However, in order that postal employees currently in Steps 10 and 11 will be able to secure the same top pay as other workers, the new two steps have been added.

(b) *Effective July 1, 1970:* The legislation must include an "iron-clad" agreement in the Act itself providing for a postal employee wage increase consistent with wages paid employees in the private sector and based on the most current B.L.S. wage survey report.

(c) *Effective January 1, 1971:* The provisions of H.R. 13000, Section 4 (on pages 39 and 40) amending Section 3552 (a) of Title 39, U.S. Code to establish a new schedule of pay steps for postal employees shall be provided for.

II. FRINGE BENEFITS

All so-called fringe benefits, including such items as annual leave, sick leave, health benefits, life insurance, workmen's compensation, uniform allowances, etc., in effect on December 31, 1970, *shall* be continued as *minimum* benefits for postal employees. Neither management nor employee labor organizations can subsequently bargain *below* such benefits as the status of each such item in effect on December 31, 1970, is established as the "*floor*."

III. POLICY ON COMPENSATION AND BENEFITS

Amend Section 805, page 57 of the Committee Print to read as follows:

"805. Policy on compensation and benefits and performance of service,

(a) "It shall be the policy of the Authority to maintain compensation and benefits for all employees on a standard of comparability to the compensation and benefits paid or to be paid under negotiated collective bargaining agreements in the private sectors of the economy, such compensations and benefits to be national in scope.

(b) "It shall further be the policy of the Authority that all services which the Authority is required to provide, or provides, under this Act shall be performed exclusively by employees of the Authority."

IV. ADVISORY COUNCIL—LABOR REPRESENTATION

Amend Section 212(a) (1) (page 16) of the Committee Print to read as follows:

"(1) four persons from among persons nominated by those labor organizations recognized as national exclusive collective bargaining representatives for employees of the Authority."

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V. CIVIL SERVICE STATUS

(a) Specific provisions shall make certain that *ALL* employees (those employed as of December 31, 1970, and in the future) *SHALL* be employed with the *U.S. Civil Service status and protection*. This status cannot be changed or eliminated by management and/or employee labor organizations.

(b) Specific provisions shall make certain that *ALL* employees (those employed as of December 31, 1970, and in the future) *SHALL* continue as participants in the *U.S. Civil Service Retirement System*.

(c) Employees of the Authority shall receive all future increases in Civil Service benefits such as, improvements in the Civil Service Retirement System.

VI. COLLECTIVE BARGAINING

Executive Order 11491 shall be the instrument for collective bargaining between the Post Office Department and employee labor organizations during the 1970 transitional period.

A separate document is attached to this position statement as a substitute for existing language in "Chapter 8—Labor Management and Personnel Relations" of any postal reform-pay legislation.

VII. EXISTING LAWS

Specific language *must be* inserted to retain all existing U.S. laws considered in the best interests of postal workers, particularly, in regard to protection of existing employee benefits and rights. *No postal reform-pay legislation should automatically repeal such law!*

VIII. GENERAL—AMENDMENTS

It will be necessary to have proper language prepared and inserted in the postal reform-pay legislative draft as follows: (a) Proposed amendment to transportation title as provided in *Exhibit A*.

(b) proposed amendment to appointment of rural letter carriers as provided in *Exhibit B*. Also, appropriate language inserted in Section 801(a), page 50 of the Committee Print to require first consideration of career employees in the post office where postmaster or rural letter carrier vacancies occur when filling such vacancies.

(c) Proposed amendment as a substitute for existing language in "Chapter 3—Labor Management and Personnel Relations" as provided in *Exhibit C* (final language to come).

EXHIBIT A

Substitute the following language in lines 7 through 13 on page 95 of the Committee Print:

(d)(1) Before contracting for transportation of mail under subsection (a)(4) of this section, the Postmaster General shall cause a cost study to be made of transporting such mail by Government-owned vehicle service. He may contract for such transportation of the mail only if the Government-owned motor vehicle service is higher than the cost of contracting.

(2) All mail moving between an airport and a post office at which there is established a Government-owned motor vehicle service of the Post Office Department shall, if possible, be transported by such Government-owned motor vehicles, provided that such mails need not be so transported when the distance between the post office and the airport is in excess of 35 miles.

EXHIBIT B

Amend the Committee Print to include the following language, as indicated: Page 50, Sec. 801(a)

"To provide career status as rural carrier to certain qualified substitute rural letter carriers of record. That, notwithstanding, any other civil law, rule, or regulation, each qualified substitute rural letter carrier of record who has rendered at least three years of satisfactory service in such capacity shall be made eligible to receive a career appointment upon satisfactory completion of a non-competitive examination, similar to that given other employees to determine eligibility for a rural route position.

Said appointment to be made to any rural route vacancy remaining unfilled after reassignment procedures of career employees at the local office have been completed."

Important: It is also essential that additional language, as appropriate, be introduced in Section 801(a) starting on page 50 of the Committee Print to require: that *FIRST* consideration shall be given to career employees within the post office where a postmaster or rural letter carrier vacancy occurs in making appointments to fill such vacancies.

EXHIBIT C

(The following is submitted as a substitute for Sections 807–809 and 111(d) of the proposed Postal Reform and Salary Adjustment Act of 1970:)

CHAPTER 8—LABOR-MANAGEMENT AND PERSONNEL RELATIONS

Section 801. *Definitions,* as used in this chapter—

(a) "Employee" means an employee of the Postal Service but does not include, for the purpose of this chapter, a supervisor;

(b) "Supervisor" means an employee having authority, in the interest of the Postal Service, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees or responsibility to direct them, or to evaluate their performance, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of authority is not of a merely routine or clerical nature, but requires the use of independent judgment;

(c) "Labor organization" means an organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of dealing with labor disputes, wages, rates of pay, hours of employment, conditions of work, grievances, personnel policies and practices, or other matters affecting the working conditions of employees; but does not include an organization which—

(1) consists of management officials or supervisors; or

(2) discriminates with regard to the terms or conditions of membership because of race, color, creed, sex, age, or national origin;

(d) "Agency management" means the Executive Council and all other management officials, supervisors, and other representatives of the Postal Service having authority to act for the Postal Service on any matters relating to the implementation of the labor-management relations program established under this chapter;

(c) "Council" means the Federal Labor Relations Council established under Executive Order 11491;

(f) "Assistant Secretary" means the Assistant Secretary of Labor for Labor-Management Relations;

(g) "Professional employee" means.

(i) any employee engaged in work (A) predominantly intellectual and varied in character as opposed to routine, mental, manual, mechanical, or physical work; (B) involving the consistent exercise of discretion and judgment in its performance; (C) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (D) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or

(ii) any employee, who (A) has completed the courses of specialized intellectual instruction and study described in clause (D) of paragraph (i), and (B) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (i).

RIGHTS OF EMPLOYEES

Section 802. Employees shall have the right to self-organization to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in Section 803(a)(3).

UNFAIR LABOR PRACTICES

Section 803(a). It shall be an unfair labor practice for the Postal Service, agency management, or a supervisor—

(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 802;

(2) to dominate or interfere with the formation or administration of any labor organization;

(3) by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization; provided that nothing in this chapter or in any other statute of the United States shall preclude the Postal Service from making an agreement with a labor organization to require as a condition of employment membership therein on or after the 30th day following the beginning of such employment or the effective date of such agreement, whichever is the later,

(i) if such labor organization is the exclusive representative of the employees as provided in Section 804 in the appropriate collective bargaining unit covered by such agreement when made; provided further, that the Postal Service shall not justify any discrimination against an employee for nonmembership in a labor organization

(A) if it has reasonable grounds for believing that such membership was not available to the employee on the same terms and conditions generally applicable to other members, or

(B) if it has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

(4) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this chapter, or in connection with any grievance or adverse action case;

(5) to refuse to bargain collectively with the labor organization representing its employees subject to the provisions of Section 804.

Section 803(b). It shall be an unfair labor practice for a labor organization or its agents—

(1) to restrain or coerce (A) employees in the exercise of the rights guaranteed in Section 802; provided, that this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (B) the Postal Service in the selection of its representatives for the purposes of collective bargaining or the adjustment of grievances;

(2) to cause or attempt to cause the Postal

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Service to discriminate against an employee in violation of Section 803(a)(3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

(3) to refuse to bargain collectively with the Postal Service, provided it is the exclusive representative of the employees of the Postal Service subject to the provisions of Section 804;

(4) to require of employees covered by an agreement authorized under sub-section 803(a)(3), the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the Assistant Secretary finds excessive or discriminatory under all the circumstances. In making such a finding, the Assistant Secretary shall consider, among other relevant factors, the practices and customs of labor organizations in the Postal Service, and the wages currently paid to the employees affected.

Section 803(c). For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the Postal Service and the labor organizations which are the exclusive representatives of its employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession, subject to the provisions of Section 815.

Section 803(d). The Assistant Secretary is empowered, as provided in Executive Order 11491, to prevent or remedy the commisson of any unfair labor practice defined in this chapter. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, or otherwise.

EMPLOYEE REPRESENTATION

Section 804. Labor organizations designated or selected for the purposes of collective bargaining by a majority of the employees in a unit appropriate for such purposes shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment; provided, that any individual employee or group of employees shall have the right at any time to present grievances to agency management and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of the applicable collective bargaining contract or agreement in effect; provided, further, that the bargaining representative has been given opportunity to be present at such adjustment.

Section 805. Exclusive Recognition—

(a) The Postal Service shall accord exclusive recognition to a labor organization when the organization has been slected by a majority of the employees in an appropriate unit as their representative. The sole units which shall be appropriate for the purposes of collective bargaining under this chapter shall be the national craft units previously established under Executive Order 10988.

(b) All grants of recognition previously issued by the Post Office Department on other than a national exclusive basis are hereby declared to be null and void; provided, however, that contracts entered into pursuant to such grants of recognition shall be permitted to expire upon their normal expiration date but no later than March 31, 1970.

(c) Formal and informal recognition previously granted by the Post Office Department shall be terminated on the effective date of the enactment of this chapter, and all relationships thereby established shall immediately be terminated.

(d) Grants of national exclusive recognition and national agreements and supplements entered into by the Post Office Department pursuant to Executive Order 10988 and Executive Order 11491 shall be recognized by the Postal Service until altered or amended pursuant to the provisions of this chapter.

(e) Whenever a petition shall have been filed, in accordance with such regulations as may be prescribed by the Assistant Secretary—

(i) by an employee or group of employees or any labor organization acting in their behalf alleging that a substantial number of employees (A) wish to be represented for collective bargaining by a labor organization and that the Postal Service declines to recognize such labor organization as the representative defined in Section 805(a), or (B) assert that the labor organization, which has been certified or is being currently recognized by the Postal Service as the bargaining representative, is no longer a representative as defined in Section 805(a); or

(ii) by the Postal Service, alleging that one or more labor organizations have presented to it a claim to be recognized as the representative defined in Section 805(a), the Assistant Secretary shall investigate such petition and if he has reasonable cause to believe that a question of representation exists he shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the Assistant Secretary, who shall not make any recommendations with respect thereto. If the Assistant Secretary finds upon the record of such hearing that such a question of representation exists, he shall direct an election by secret ballot and shall certify the results thereof.

Section 806. No election shall be directed in any bargaining unit within which, in the preceding twelve-month period, a valid election shall have been held. In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election. In the event of a tie vote, additional runoff elections shall be conducted until a majority vote has been achieved.

Section 807. A unit shall not be established which includes—

(a) any management official or supervisor;

(b) an employee engaged in Postal Service personnel work in other than a purely clerical capacity;

(c) both professional and non-professional employees, unless a majority of the professional employees vote for inclusion in the unit.

Section 808. All elections shall be conducted under the supervision of the Assistant Secretary, or persons designated by him, and shall be by secret ballot. Each employee eligible to vote shall be provided the opportunity to choose the labor organization he wishes to represent him, from among those on the ballot, or "no union," unless "no union" has been dropped from the ballot pursuant to Section 806.

Section 809. A petition filed under subsection 805(a)(1) shall be accompanied by a statement signed by thirty per centum or more of the employees in the appropriate unit alleging they desire that an election be conducted for the purpose set forth in subsection 805(a)(1).

Section 810. When a labor organization holds national exclusive recognition, the Postal Service shall deduct the regular and periodic initiation fees, dues, and assessments of the organization from the pay of all members of the organization in the unit of recognition: provided, that the Postal Service has received from each employee, whose account such deductions are made, a written assignment which shall be irrevocable for a period of not less than one year; provided, however, that deductions being made by the Post Office Department pursuant to Standard Form No. 1187 (Request and Authorization for Voluntary Allotment of Compensation for Payment of Employee Organization Dues) on the effective date of this enactment, shall continue to be made by the Postal Service in accordance with the terms of such authorizations where the labor organizations which are the beneficiaries of such authorizations hold national exclusive recognition.

MISCELLANEOUS

Section 811. The Assistant Secretary shall have authority from time to time to make, amend, and rescind, in a manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this chapter.

Section 812. Appeals from decisions of the Assistant Secretary regarding unfair labor practice proceedings, and representation proceedings made by the Assistant Secretary, may be taken to the Council in accordance with regulations issued by the Council in a manner prescribed by the Administrative Procedure Act.

STANDARDS OF CONDUCT FOR LABOR ORGANIZATIONS

Section 813. Labor organizations which are accorded national exclusive recognition under this chapter shall comply with the standards of conduct for labor organizations established under Executive Order 11491.

PROVISIONS OF COLLECTIVE BARGAINING AGREEMENTS

Section 814(a). Collective bargaining agreements between the Postal Service and bargaining representatives recognized pursuant to Section 805 of this chapter shall be effective for not less than two (2) years but no more than three (3) years.

Section 814(b). Collective bargaining agreements between the Postal Service and bargaining representatives recognized pursuant to Section 805 of this chapter may include any procedures for resolution by the parties of grievances and adverse actions, including procedures culminating in binding third-party arbitrations, or the parties may adopt any such procedures by mutual agreement in the event of a dispute.

Section 814(c). The Postal Service and bargaining representatives recognized pursuant to Section 805 may by mutual agreement adopt any procedures for the resolution or disputes or impasses arising in the negotiation of a collective bargaining agreement. It is the intent of the Congress that the parties adopt such procedures and not rely on the procedures prescribed in Section 815 of this chapter.

Section 815. Disputes.

(a) Where there is in effect a collective bargaining agreement no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than ninety days prior to the expiration date thereof, or not less than ninety days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within forty-five days of such notice, provided no agreement has been reached by that time.

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(b) In the event the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification the Federal Mediation and Conciliation Director shall direct the establishment of a factfinding panel. For this purpose he shall submit to the parties a list containing no less than fifteen names of neutral, impartial persons from which list each party, within ten days, shall select one person. The two so selected shall then choose from the list a third person who shall serve as chairman of the factfinding panel. If either of the parties fail to select a person or if the two members are unable to agree on the third person within three days, the selection shall be made by the Federal Mediation and Conciliation Director. The factfinding panel shall after due investigation issue a report of its findings, with or without recommendations, to the parties no later than forty-five days from the date of the list of names was submitted.

(c)(1) In the event no agreement is reached within ninety days after the expiration or termination of the agreement or date on which the agreement became subject to modification pursuant to subsection (b) of this section, or if the parties decide upon arbitration but do not agree upon the procedures therefor, an arbitration board shall be established consisting of three members, not members of the factfinding panel, one of whom shall be selected by the Authority, one by the bargaining representative of the employees, and the third by the two thus selected. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within five days after their first meeting, the selection shall be made by the Federal Mediation and Conciliation Director. In the event the parties do not agree on the framing of the issues to be submitted, the factfinding panel shall frame the issues and submit them to the arbitration board.

(c)(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties.

(d) Costs of the arbitration board shall be shared equally by the Postal Service and the bargaining representative.

Section 816. The provisions of the Act of March 23, 1932, 47 Stat. 70 (29 U.S.C. §§ 101–15), shall be applicable with respect to a case growing out of a labor dispute between parties subject to this chapter.

Section 817. Except to the extent expressly provided herein, the provisions of Executive Order 11491 shall not be applicable to the Postal Service or its employees or the labor organizations who are their representatives with respect to matters arising under this chapter.

Section 818(a). Suits for violation of contracts between the Postal Service and a labor organization as defined in this chapter may be brought in any district court of the United States having jurisdiction of the parties without respect to the amount in controversy or without regard to the citizenship of the parties.

(b) Any labor organization which represents employees as defined in this Act and the Postal Service shall be bound by the acts of its agents. Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

(c) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal offices, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

(d) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

Section 819. The provisions of Executive Order 11491 issued by the President on October 29, 1969, shall continue to apply in full to employees of the Post Office Department until January 1, 1971.

UNFAIR LABOR PRACTICE

No need to beat about the bush. Once a union has been chosen by a majority of employes to represent them in a given bargaining unit the employer thereafter is prohibited from assisting rival unions which want to displace the incumbent.

In fact any employer who tried to do so would quickly find himself charged with an unfair labor practice.

Assuming for the sake of argument, however, that an employer might try to get away with it, how best could he help rival unions undercut their successful opposition?

One positive way would be to help the losers finance their continuing efforts—not necessarily by providing actual funds but just by making it easier to collect from the employer's own workers. That's one reason why, in the private sector, only the recognized union is given the privilege of a union dues check-off system.

In the Postal Service, however, the situation is reversed—just like Alice In Wonderland. Sure, a union that wins exclusive bargaining rights is given the dues check-off but any similarity to private industry stops right there.

As an employer, the Post Office Department also extends dues check-off rights to any other organization in the same bargaining unit, regardless; thus exposing itself to the allegation, at least, that it helps to undermine lawful bargaining relationships democratically established in each bargaining unit by a majority of the employes.

So we ask; is an unfair labor practice any less unfair because it happens in the sector of Government employment?

And we answer: Hell, no!

WHO'S DISCRIMINATING?

There has been much wailing and gnashing of teeth on the part of certain independent postal organizations since the issuance of Executive Order 11491, especially over those parts of the Order covering the kind of recognition that shall exist.

The new Order provides for eventual elimination of any other form of recognition in any bargaining unit where an organization gains Exclusive Recognition.

The National Postal Union and the National Alliance of Federal and Postal Employes have launched a campaign to convince one and all that such provisions discriminate against them. They raise the specter that they will lose their present National Formal status solely because they are industrial type unions rather than craft unions.

Nothing could be further from the truth.

They will eventually lose their National Formal status only because they have been unable to gain National Exclusive Recognition in any one of the seven crafts of postal employes. This fact alone should be a sufficient corrective for those who may be misled by NPU or Alliance propaganda that postal employes do not want industrial unionism at this time.

Let us examine the history of recognition in the Postal Service.

Upon the issuance of Executive Order 10988 on January 17, 1962, the Post Office Department set up procedures to hold elections among the rank and file employes to determine which, if any, employe unions could gain National Exclusive Recognition for all employes, or which could gain National Exclusive Recognition for each of the existing craft groups in the Postal Service.

This election was held during the period of June 16–July 1, 1962.

On the ballot the employe could vote for one of twelve choices.

The Alliance sought to represent all postal employees.

The NPU sought "to represent all postal employes except postmasters and supervisors."

Neither obtained sufficient votes to gain the right to represent all postal employes. In fact, neither of them gained the right to National Exclusive Recognition for any of the seven crafts. That was almost eight years ago.

In those intervening years neither of them has been able to gain National Exclusive for even the smallest of the seven crafts. Nor has either of them been able to secure enough members to attempt to challenge the seven crafts for across-the-board industrial national exclusive recognition.

Only with the issuance of E. O. 11491, which they so deplore, has the NPU now been able, allegedly, to find a sufficient interest within two crafts in the hopes of obtaining a national election in those two crafts. For only through E. O. 11491 has the 30% membership requirement now been eliminated.

In October, 1969, there were 633,656 employes in the combined seven crafts. Had the Alliance and the NPU then merged their postal membership, estimated at that time to total 107,000 members (93,883 on check-off), they would still not have been able to mount a challenge for National Exclusive for the seven crafts. (Amount needed at 30% = 190,097.)

Indeed, to challenge for an individual craft they would have needed only the following as of October, 1969:

Special Delivery Messengers Craft	1, 844
Motor Vehicle Craft	3, 769
Maintenance Craft	7, 448
Rural Carrier Craft	9, 300
Mail Handler Craft	13, 804
Letter Carrier Craft	60, 936
Clerk Craft	92, 999

Here are two postal employe organizations, with a combined estimated membership of only 107,000, attempting to convince us now that industrial unionism is the choice of postal employes. They have had 7½ years to try to gain National Exclusive Recognition for all postal employes and still haven't gained it for even the smallest of the postal crafts. Yet they now want E. O. 11491 so changed that they can have yet another one, two, or three-year period to continue trying to accomplish what they have been unable to do in the preceding 7½ years! Not a bad deal from their viewpoint.

It would leave those of us who have gained National Exclusive Recognition with the continuing obligation to represent all employes in our crafts, including their members, while they sit back and second guess our actions.

Who did they say is being discriminated against?

DREAMS OF LONG AGO

Next time you write your congressman a letter pause for a moment to reflect that it hasn't always been possible to take such

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simple rights for granted—even in the United States of America!

In fact it was only 75 years ago that the first of several "gag" orders prohibiting the exercise of normal freedom by postal employes was issued.

"Hereafter," ruled Postmaster General William Wilson in 1895, "no postmaster, post office clerk, letter carrier, or other postal employe shall visit Washington, whether on leave with or without pay, for the purpose of influencing legislation before Congress."

But that was nothing compared to the Executive Order issued in 1902 by President Teddy Roosevelt which absolutely forbade all employes of the Federal government from attempting to influence in their own interest any legislation whatever, whether before Congress or in committee.

As late as 1909, President William Howard Taft extended the same gag to officers of the Army, Navy and Marine Corps stationed in Washington!

Apparently no one ever thought of seeking redress from the Supreme Court in those days. Leaders of our Federation simply defied the majesty of the White House in appearances before the House Post Office Committee—the only postal union to take such leadership. Thus did the Lloyd-LaFollette Act of 1912 re-securing our right of petition finally become law.

PRESIDENT NIXON'S ENVIRONMENT PROGRAM

(Mr. **DEVINE** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **DEVINE.** Mr. Speaker, President Nixon's environment program has received enthusiastic support from public officials, newspapers, and private citizens all across the Nation. Aspects of the program which deal with air pollution, water pollution, and solid waste are all being praised as far-reaching, realistic solutions to some of the most crucial problems facing us in the future.

The Cleveland Plain Dealer, in an editorial entitled "Top-Notch Environmental Plan," notes that this plan for positive action "should not be treated as a Republican program, presented to overcome a Democratic lead in pollution control, but as a nonpartisan program of such overwhelming importance as to transcend politics," and should "receive an enthusiastic reception in Congress."

Mr. Speaker, I urge that my colleagues heed this advice, and I commend this editorial to their attention, as follows:

TOP-NOTCH ENVIRONMENTAL PLAN

President Nixon has presented Congress with a top-notch environmental program based on excellent concepts of pollution control. If properly funded, it will enable the nation to begin making reparations for past damage to the air, water and land—one of Mr. Nixon's major goals for the 1970s.

Federal spending for his clean water program—a $4-billion federal and $6-billion state and local effort—will proceed at a much faster pace than originally indicated. Mr. Nixon calls for federal grants to cities of $1 billion a year for the next four years, and a review in 1973 of future needs.

We are pleased that he has stepped up the spending schedule, originally designed to be stretched over nine years, and that he recognizes a $4-billion federal investment may not be enough.

Excellent concepts embraced in his clean water program are rivershed control of pollution, effluent standards for industrial and municipal pollution sources, stiff penalties for violators, a financing authority to help cities and states, sell wastewater treatment bonds.

Mr. Nixon has an equally sound air pollution control program, calling for much lighter controls on auto pollution and development of a virtually pollution-free auto by 1975, federal controls on auto fuel, uniform air quality standards, and uniform emission standards for especially hazardous pollutants.

His imaginative solid waste program seeks to recycle materials normally thrown away or left stacked in unsightly piles in junk yards.

This is a smashing no pun program that should receive an enthusiastic reception in Congress. It should not be treated as a Republican program, presented to overcome a Democratic lead in pollution control but as a nonpartisan program of such overwhelming importance as to transcend politics.

Pollution control activities are popping on the local front:

The state threatens to prosecute Cleveland if it does not come up in 60 days with a specific sewage plant construction schedule. Fine. Cleveland needs a spur to get going on its water cleanup program.

Cleveland suspends new water connections to the suburbs until it can review the adequacy of their sewer systems. If they aren't adequate, no more new water service. The object is laudable: to force suburbs into regional sewer systems, either in the Cuyahoga River or some other draining basin.

The suburbs hold up action in suing the city over its increased sewer rates until city, suburbs and county can explore a regional sewer and water system. Good. Cooperation here is necessary.

SDS RECRUITED CANECUTTERS SET NO RECORDS IN CUBA

(Mr. **ADAIR** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **ADAIR.** Mr. Speaker, some time ago I introduced legislation designed to curb overseas travel by various radical groups who seek to make common cause with our enemies in an effort to thwart the foreign policy of the U.S. Government. At that time, my colleague from Louisiana (Mr. WAGGONNER) stated that if the SDS was able to recruit some of our young radicals to cut cane in Cuba, it might be the first hard work some of them had ever done. Evidently they did not work too hard. The press reports that Castro lost money on his American contingent. However, I am still distressed at the propaganda value of this journey by these young people, and still feel that our State Department needs the statutory authority to regulate travel to unfriendly nations, for which I will continue to press. Therefore, I commend this article from the Philadelphia Inquirer of January 27, 1970, to the attention of my colleagues:

U.S. HARVESTERS BRING NO PROFITS, CASTRO DISCOVERS

WASHINGTON, January 26.—The 216 Americans who went to Cuba late last year to help Fidel Castro harvest sugar cost him more than they were worth.

The transportation, care and feeding of the Americans came to more than three times the worth of the sugar they harvested U.S. sources said.

They estimated that each American harvested $83 worth of sugar.

They reckoned that Castro laid out at least $160 for transportation and $112 for food and other living expenses for each of the harvesters during their eight-week stay in Cuba, for a total of $272.

A $40,000 DEFICIT

The difference adds up to a total loss of $40,724 for Castro—a deficit that presumably will be extracted in some fashion from the Cuban people.

The quixotic economics of the sugar-harvesting project apparently have caused no concern either in Cuba or among other Americans desirous of helping Castro in the cane fields.

He reportedly is preparing to welcome another 400 said to have volunteered to help him harvest 10 million tons of sugar this year.

The first contingent of 216 Americans, including a sizeable number of Students for a Democratic Society, went by air via Mexico to Cuba last month.

They volunteered to work six weeks cutting sugar cane and then were to be given a two-week tour of Cuba. They are scheduled to leave for home soon.

During their cane-cutting, they were joined by Cubans and by "volunteer" detachments of Vietcong and North Vietnamese who also went to Cuba to help with the sugar Harvest.

The Vietnamese presented the Americans with rings made of metal from U.S. Airplanes downed in Vietnam.

Castro has welcomed other foreign volunteer cane-cutters, including 77 North Koreans who arrived in Havana Jan. 12. A delegation of 31 Bulgarians is en route.

INADEQUATE MILLS

Last July, a contingent of Russian sailors from a red fleet naval squadron visiting Cuba made a brief cane-cutting expedition to the sugar fields as Castro was beginning the harvest. A Cuban photo of the fleet admiral cutting cane suggested he was not overjoyed with his task.

U.S. sources doubt if the field work of the volunteers will help Castro reach his 10 million-ton sugar harvest goal, more than twice last year's output of 4.47 million tons.

THE NEWSPAPER PRESERVATION ACT: TULSA NEEDS IT

(Mr. **BELCHER** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **BELCHER.** Mr. Speaker, it is very clear that Minnesota does not need the Newspaper Preservation Act, since it has no city with either commercially competing or editorially competing newspapers. It does have in Minneapolis, St. Paul, and Duluth, morning and evening newspapers owned by one family or a newspaper chain. These cities miss the real news and editorial competition we enjoy in Tulsa. The Tulsa World and the Tulsa Tribune see the world, the Nation, the State of Oklahoma, and the city of Tulsa, from different viewpoints. Their differences make for lively and instructive reading. In order to maintain this diversity of viewpoints, we must have a true joint operating arrangement in Tulsa. In order to maintain these joint operating arrangements, we must have the Newspaper Preservation Act. Tulsa needs the Newspaper Preservation Act.

The plan imposed by the judge in Tucson for the papers in that city would be an utter disaster in Tulsa. The paper

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with the greater circulation would do just fine, but the other paper would most assuredly fail. That would put us back where we were some 30 years ago, with one paper about to go out of business.

Mr. Speaker, spare Tulsa from becoming a city with only one editorial voice. I do not care if that voice is for or against me, personally, but we should have all points of view.

I agree with our Vice President that there is too great a degree of concentration in our mass media, and I think it is relevant that the papers opposing this bill, particularly the New York Times and the Washington Post, are the major offenders to which he referred. The Newspaper Preservation Act is consistent with the idea of maintaining a free press providing every point of view. I am personally proud that this administration recognizes the merits and the need for this legislation, and has given its support to the Newspaper Preservation Act.

Mr. Speaker, this is one matter we can all agree on—the need for a free and diverse press. I am pleased to note that this bill is endorsed by the Oklahoma Newspaper Association, composed of big and little dailies, as well as weeklies, and that it has even received labor support from employee groups in Tulsa.

Mr. Speaker, the record is clear. I urge all of my colleagues on both sides of the aisle to vote for this important bill.

REEVALUATE TIGHT-MONEY POLICY

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute.)

Mr. ANDERSON of California. Mr. Speaker, this past year, 1969, was the most inflationary 12 months since the Korean war. Thus far, 1970 does not offer any hope for relief, and hope and high interest rates are the only action that the administration appears to be offering.

The administration's policy of tight money has resulted in the highest interest rates in history, but this policy has not prevented an 11-percent increase in the plans of American corporations for new plant expansion in 1970.

To paraphrase the song, "You Don't Need a Weatherman To Tell Which Way the Wind Blows," you do not need an economist to tell you that the administration's economic policy is having a devastating impact on the average consumer.

The homeowner, or the prospective homeowner, does not need an economist to tell him that housing prices are putting him out of the market. The administration's policy has resulted in a rise in homeownership costs by 10.2 percent in 1969. The National Association of Real Estate Boards reports that the median sales price of an existing single family home was $22,000 in December 1969, whereas in December 1968 the same home sold for $20,910.

The wage earner does not need an economist to tell him that his money is buying less and less. The administration's economic policy has resulted in a reduction of the buying power of the wage earner by 2 percent between January 1, 1969, and December 31, 1969. The consumer price index, which in December 1968 was at a level of 123.6, has risen to 131.8 in January 1970. In other words, in January it took $131.80 to purchase the same goods and services that $123.70 bought a little over a year ago.

The shopper does not need an economist to tell her that groceries are more expensive. The Los Angeles Times reports that food prices have risen by 5.5 percent above a year ago. The most dramatic increase has been in meats, poultry, and fish prices which have risen by 12.2 percent higher than a year ago.

The administration has the tools to combat inflation. The administration has the power and the influence to roll back interest rates, stabilize prices and wages, and loosen credit restraints. Thus far, the administration has relied on a policy of tight money. This policy has had drastic effects on the consumer, the homeowner, the small businessman, and the wage earner, but it has not halted inflation nor has it slowed inflation.

The time to reevaluate this policy is overdue. The administration must act in order to place our economy on a sound footing.

SHOULD MADDOX BE ALLOWED TO PASS OUT AX HANDLES IN THE CAPITOL?

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CONYERS. Mr. Speaker, this may not have much to do with the legislative business at hand today but it does have a great deal to do with the dignity in which this House should conduct its business. Only a few minutes ago the Governor of Georgia, Mr. Lester Maddox, while enjoying the privileges of the Members Dining Room, engaged in the most shocking conduct. He distributed to all who would accept them full-size, full-length ax handles.

Now, I want all the Members to listen to this. I want to repeat for the benefit of those of my colleagues who are seriously dedicated to the enormous task of trying to pull this country together. But, I think it is of equal importance that some in these very Chambers who are yet unwilling to accept the premise of the equality of races, hear this, too. Because it is in the Congress that I have heard so much talk against violence. It is in this very Chamber that we have heard so many calls for law and order. It is here that the evidence of racial polarization and the longstanding ethnic divisions of this country are pointed out incessantly. I have heard again and again about disruption and failure to respond to the call of law and order—hopefully with justice, but frequently without. And now we have witnessed the spectacle of the Governor of one of the 50 States passing out ax handles in the Capitol of the United States.

I hear some of my colleagues laughing about it. They think it is funny. I say it is a tragic mockery of law and order to have Lester Maddox bring ax handles to the Capitol, assisted by the Capitol Police. Some think it a shame but will not say anything about it. And I suppose there are others who think it is fine. They know too well that the ax handle is that symbolic instrument encouraging violence in the South. And yet there are Members in this body who condone this conduct and at the same time hypocritically call for law and order. By what authority, Mr. Speaker, does Lester Maddox come into the Capitol, into the Members' dining room and engage in this activity? Can any citizen do this?

I want to go on record as one Member of this body who feels that this House has been totally disgraced by this illegal conduct. And I think every Member worthy of representing hundreds of thousands of other Americans ought to feel similarly outraged.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Washington.

Mr. ADAMS. I agree with the gentleman's sentiments completely, and I think he has stated them very well. I join in his remarks.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. RYAN. I want to commend the gentleman from Michigan (Mr. CONYERS) for bringing this outrageous action to the attention of the House. He is exactly right. The House itself should condemn the use of the Capitol by the Governor of Georgia for the purpose of defying the Constitution of the United States. His ax handles are symbolic of his defiant determination to deny equal rights to all our citizens. This is the same Governor who has urged school students to destroy the tires of buses being used to implement the Supreme Court decision. Is that the way to uphold law and order?

Mr. NEDZI. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Michigan.

Mr. NEDZI. I also want to commend the gentleman for his pertinent remarks and to associate myself with them. I am appalled that such insensitive conduct could take place in the Capitol of our country. The gentleman from Michigan has made a valuable contribution in apprising the House of this shameful incident. I trust that those responsible will recognize that there are Members who do not approve of such symbols of violence.

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to my friend from Michigan.

Mr. WILLIAM D. FORD. I thank my colleague from Michigan for bringing this to the attention of the House, and I wish to associate myself with the sentiments he has just expressed and to pledge my support in joining in an effort to bring appropriate action in this regard, and to bring this matter to the attention of the leadership of the Congress, in both bodies, to take such appropriate action as they may determine.

Mr. STOKES. Mr. Speaker, will the gentleman yield?

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Mr. CONYERS. I yield to the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. I thank the gentleman for yielding.

I should like the House to know that I personally attended the House restaurant with the gentleman from Michigan and personally witnessed this matter.

I should like the House to know I want my remarks associated with those of the gentleman from Michigan.

Mr. Speaker, the act which the Governor of Georgia performed in the House restaurant today was despicable and the act was characteristic of the man. He is obviously the same sick man today that he was when he stood in the doorway of his restaurant with his ax handle, defying black people to come into his public restaurant. This man today represents everything that is sick about the society in which we live.

Mr. Speaker, Gov. Lester Maddox is the symbol of racism in our society, and as such, should be denounced by every Member of this body. His actions today were an affront not only to the black Members of Congress but to every Member of Congress. This restaurant is within the sole jurisdiction of the Members of this body. A display of racism within our jurisdiction reflects upon every Member and every district which he represents. Our Nation today has serious problems. People of good will, all over America, will resent this display of racism within the confines of the House of Representatives.

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I call upon all of my colleagues in this House to forthrightly and unqualifiedly denounce the actions of Governor Maddox and all that this sick human being stands for. History will record for all time that today, February 24, 1970, the doors of the House of Representatives Restaurant swung open and that a fool walked in.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from California.

Mr. COHELAN. I commend the gentleman for bringing this to the attention of the House. I wish to associate myself with his remarks.

The outrageous action by Governor Maddox, the chief officer of one of our 50 States, distributing symbols of violence and repression in the precincts of the Capital of the United States, where legislators are presumed to be searching constantly for liberty and justice for all, was a reprehensible and disgusting performance.

I want to again commend my colleague from Michigan and those other colleagues present who demanded that Governor Maddox cease and desist in his contemptible activity in the House dining room.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from California.

Mr. WALDIE. I commend the gentleman on his remarks and wish to associate myself with them.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I, too, should like to thank the gentleman for bringing this matter before the House. He has again made us realize how fortunate we are that he is a Member of this body, and I want him to know that the revulsion he has expressed is shared by many of his colleagues, white as well as black.

Mr. FARBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. FARBSTEIN. I should like to associate myself with the remarks made by the gentleman from Michigan today and to say that I certainly deplore the situation described by him.

Mr. KOCH. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York (Mr. KOCH).

Mr. KOCH. I want to associate myself with the gentleman's remarks.

Mr. REES. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from California.

Mr. REES. I wish to commend the gentleman on his remarks and I would like to associate myself with his remarks.

ESTONIA STILL ENSLAVED BY SOVIET IMPERIALISTS

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, today marks the 52d anniversary of the Declaration of Independence of the Communist-enslaved Republic of Estonia. Free Estonians in the United States and about the world commemorate this event—not with joy and happy exuberance as one might expect, but rather in sadness and heartache in lonely exile.

Their flicker of hope, their destiny, their last chance rests with America.

We of the United States can well benefit from the trials and tribulations of these gallant people in our national policies of appeasement and coexistence with the Communist Party of Russia.

Estonia stretched forth the hand of friendship and reconciliation in many treaties and agreements with Soviet Russia: A treaty of peace in 1920, the Kellogg-Briand pact in 1928, a Nonaggression and Peaceful Settlement of Disputes Treaty in 1932, and a treaty that defined aggression in 1933.

Mr. Speaker, the Communist Party that pilots Russia repudiated every agreement. Estonia—by trying, by trust and faith—was the loser for having attempted to negotiate differences. The treaties and agreements by Communists, then as now, are but mere scraps of paper used for their gain but never representing their bond.

When Estonia declared herself a democratic republic in February of 1918 she was recognized as a nation by all Allied Powers, as well as other countries. And, in November of that same year, she was, without great protest, invaded by the brutal forces of Communist Russia in complete violation of all treaties and international law, violating Russia's previous declaration whereby Estonia was recognized as a free state.

Fourteen months later Estonia succeeded in gaining a written treaty of peace whereby "Russia unreservedly recognizes voluntarily and forever all rights of sovereignty held by Russia over the people and territory of Estonia."

Unprecedented terror, brutality, and mad fear was turned upon the citizens by the Communists to force submission, silence, and compliance. Arrests and murders of untold numbers became a daily occurrence. Prisons were so jammed with political prisoners that new torture chambers had to be hastily built. The overwhelming number of those arrested were never heard from again, disappearing without a trial, a hearing, or an explanation.

Many Estonians recall the horror of the nights of June 13 and 14, 1941. Thousands upon thousands of innocent men, women, and children were dragged from their beds, carried away at gunpoint to railway cattle cars to be delivered to slave labor camps in the most secluded areas of the Soviet Union. Mothers and dads were separated from their children and delivered to "special camps" never to regain contact with one another.

The order for this family purge was signed by Gen. Ivan Serou, top-ranking Communist of the NKVD and GPU of the Soviet security police, only 13 days after the Soviet Union had signed the so-called mutual assistance pact with Estonia—which was then not occupied—and had pledged not to violate Estonian national integrity and independence.

During World War II, Estonia established that 7,926 persons had been arrested in 1 year of Communist occupation. Of those taken into custody by the Communists, only 1,950 were ever accounted for. These occupy mass graves scattered about Estonia. Included were the bodies of 206 women. All had been murdered by Communist security police using nape shots, hands bound behind their backs. The unaccounted 5,900 arrested were sent to forced labor camps in the Soviet Union, or were murdered in the Soviet Union, never to be heard from again.

By June 1941, those deported into the Soviet Union totaled 10,205. More than 1,100 were unaccounted for and missing.

The Nazis occupation ended in the fall of 1944, when Communist troops reentered Estonia. Arrests, murders, and deportations resumed. To escape Communist terror 75,000 Estonians fled their country in advance of the Red army occupation.

Another large kidnaping of Estonians was effected by the Russians on March 22 to 25, 1959. Thousands of peasants were seized and carted off to Siberia as an effort to frighten those remaining into agricultural collectives. All told, the known Communist brutality consumed 10 percent of the populace of Estonia.

By savage brutality, Estonia as well as Latvia and Lithuania were converted to Communist puppet fronts for the Soviet.

Today, her government does not speak

for her people. The enslavement of formerly free peoples, the destruction of constitutional governments by the ruthless dictatorship of the communistic international conspiracy under its blueprint for world domination continues as one of the great tragedies of our time.

This wanton destruction of freedom—hideous and terrifying—must never be forgotten nor these facts silenced.

We salute these proud people who continue the struggle in heart and mind for individual liberty and the restoration of the national identity that is rightfully theirs. We, as free Americans, must recommit ourselves to a firm conviction that the struggle of the free Estonians is ours. For we acknowledge that so long as any peoples are denied their God-given right to individual liberty and self-determination no free people can be truly safe in any land.

Mr. Speaker, in an effort to bring to bear on this intolerable situation the often extolled prestige of the United Nations Organization, I have today introduced a concurrent resolution urging the President to cause to be placed on the agenda of that international body in New York, the question of these brutal and multiple violations of the humanitarian principles for which it professes to stand. I urge other Members to join in sponsoring this resolution, and for this purpose include it in my remarks at this point:

H. CON. RES. 514

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of denial of the right of self-determination, and other human rights violations, including genocide, in Soviet-occupied Estonia on the agenda of the United Nations Organization.

FRANCE AND THE MIDDLE EAST

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House the gentleman from New York (Mr. FARBSTEIN) is recognized for 60 minutes

(Mr. FARBSTEIN asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. FARBSTEIN. Mr. Speaker, tomorrow the President of France, the Honorable Georges Pompidou, will appear before a joint session of the U.S. Congress. I urge upon my colleagues that he be extended every courtesy due a visiting head of state. But I and many of my colleagues on both sides of the aisle are so bitterly opposed to some of the recent policies and actions of the French Government as they affect the explosive situation in the Middle East that we have felt compelled to ask for this time to make known to Mr. Pompidou and his government our opposition to these actions.

Some time ago we all read with dismay of the decision of the French Government not to deliver to Israel the 50 Mirage planes for which she had contracted and which were paid for and were only awaiting delivery. Protests from all over the world were heard, to no avail. Again, we learned of the sale of the 110 Mirage planes to Libya—a transaction, incidentally, the dimensions of which were kept discreetly quiet.

France seems to be very strong on the point of diplomatic silence. I have been advised that besides the sale of the Mirage jets there have been sold 60 trainers to Libya, trainers which are capable of being easily converted into fighters. Does the diplomatic silence surrounding this alleged transaction imply that denials similar to the denials made in connection with the sale of the 110 Mirage fighters will again be made? Or have I been misinformed?

I would like for someone in authority in the French Government to make a denial of the fact that they are going to sell or have contracted to sell 60 trainers to the Libyan Government and let that denial not be be similar to the denial made by the French Government at the time they originally proposed to sell 10 or 12 Mirages when instead it was multiplied from 10 to 110.

Mr. Speaker, I hope that Mr. Pompidou or the Government of France will see fit to give the Congress and the people of this Nation straight answers to these questions. I trust that his government will not again indulge in pronouncements that, in the light of actual developments, will once more call for prolonged expositions, explanations, and augmentations.

Personally, I have not found it easy, in any case, to follow and understand the connection between the stated and seemingly actual objectives of French foreign policy. The following excerpts from an interview with Mr. Pompidou were recently published by the French Embassy:

> Anyone can see that France is seeking ways to reconcile the assertion that Israel has an absolute right to exist, to function freely and to live in peace within safe, recognized borders, with our refusal to recognize Israel's right of military conquest.
>
> Every one should understand that France has not forgotten the Nazi martyrdom of European Jews, including French Jews, whose courage during the ordeal earned the admiration of all our people.
>
> In the Middle East crisis, France wants and seeks only peace—a peace which I believe is indispensable to everyone and first of all to Israel. This is why we have placed the embargo on the shipment of arms to all the countries in the field of battle.
>
> On the other hand, why should we refuse to fulfill the requests of countries that are not in the field of battle? To let others take our place? What would the cause of peace gain by that?

In addition, today at a press conference Mr. Pompidou said that each country must be free to live in harmony with its neighbors within secure borders of a sovereign state. This is true concerning Israel. One must recognize the right of all people to freely determine their own destiny. This is all that the people of Israel seek. This is all they ask.

They merely request the right to live in peace with their neighbors. This they are being denied by these very neighbors who surround them, and who would drive them into the sea.

I said before and I say again that I cannot understand the connection between the stated and the seemingly actual purposes of French foreign policy. I cannot understand how Mr. Pompidou can make the above statement and then how his government can turn around and refuse to sell Israel the 50 Mirage planes which she has bought and paid for while simultaneously making a contract to sell Libya, an Arab country, 100 Mirage fighters.

At a press conference on February 22, Colonel Qadhafi, who is head of the State of Libya, said:

> Since Israel has expansion plans covering the whole Arab world which could one day extend to Libya, then Libyan Mirages may well be used against Israel, even if they are not made available to Egypt.

So Libyan Mirages may well be used against Israel even if they are not now available to Egypt.

Now, the raison d'être, if you will, that Mr. Pompidou gives for the sale of these jets, these Mirages, to Libya, is that they will not use them against Israel. And here we have a statement from the head of the Libyan Government to the effect that when it suits their purpose they will use these Mirages, and the trainers, against Israel, whether they are sold or whether they are given to Egypt or not.

Mr. Pompidou assures us that France has not forgotten the martyrdom of European Jews and the agony of the French Jews. He assures us that their courage during their ordeal under the Nazis has earned the admiration of all the people of France. And yet recalling their sufferings and bringing to mind the acts of genocide, the relevations of which sickened the world, Mr. Pompidou can still refer to the assertion that Israel has the right to exist, and at the same time—and I hesitate to say this—is doing those things which are most prone to destroy that little country which only seeks that right which he contends every nation has the right to live.

Mr. Speaker, Israel exists and will continue to exist. Three times in the past 20 years the Arab threat of annihilating this infant state has turned into a bitter nightmare of defeat. However, the Arab States are sworn to destroy Israel. Unable to do something until now through direct military action, they have employed the use of terrorism by illegal bands of cutthroats and guerrillas to carry on the war against the people they want to destroy and wipe off the map. Civilian aircraft in countries such as Switzerland and West Germany have been sabotaged and have been the objects of their indiscriminate hatred. Neither the age nor sex of their victims have served as deterrent.

But harassment and murder of civilians was only one phase in the attempt to alter the situation in the Middle East. We have another friend of Israel, another so-called friend of Israel, called Russia. The Soviet Union has made no secret of her arms shipments. Since the 1967 war she has poured into the Arab countries 515 jet fighters, 35 bombers, 50 helicopters, 600 tanks, 80 self-propelled guns, 750 armored personnel carriers, and 1,175 artillery rockets. Other sources have also contributed to the buildup. The United States, for instance, is still furnishing military training to students from Jordan, Libya, and Saudi Arabia.

Although the number of students is less than those trained for these countries last year, the total for these countries still represents a substantial number. Do these numbers include trainees who receive pilot and combat flight instructions? Are we helping to increase the efficiency and war readiness of the Libyan Air Force? If so, I think it is high time that we discontinued doing so. Training Libyan pilots is for us an anachronism at this time. After being chased out of Wheelus Air Force Base by the Libyan Government, training her pilots could add insult to injury and negate the position taken by the administration in connection with the sale of the Mirage jets to Libya.

As of this moment, Arab forces have 1,100 first-class fighters compared to Israel's 250; the supersonic fighter ratio is 6 to 1 against Israel; and on the ground, less than 300,000 Israeli soldiers face over a half million Arabs. In view of this, is it deemed wise to deny Israel the 80 Skyhawks and 24 Phantom fighters she seeks from our Government?

Mr. Speaker, Israel's existence incorporates the twin symbolisms of a memorial and a promise. In the 20 years of her history as a nation the dedication and determination of her people made her deserts bloom; their industry built up her thriving economy; their heroism safeguarded her borders. Her achievements stand and will always stand as a lasting monument to the spirit of the people who willed her into being.

But to fulfill her promise Israel has got to have peace. For her, the goal of peace is not only desirable, it is a necessity. Time and time again in search of this objective she has appealed to the United Nations. Again and again her hopes for assistance from that source came to naught. The astounding courage of her people earned a strange reward. While some Arab bloc nations received and continue to receive military training and aid not only from Russia and the United States but other countries as well, Israel had to buy every piece of military equipment available to her. Now, in this crucial hour of her need, she finds it difficult to purchase planes even from our Government. Israel's past victories, her ability to survive, have been attributed to her superiority in training, motivation, skill, discipline, and mastery of tactics. By some strange reasoning that I cannot follow, a consensus seems to have developed that the lack of efficiency and morale on the part of her enemies must be offset therefore, to maintain a so-called balance of power, by making armaments available to them and denying weapons to this tiny country so valiantly struggling alone. At this point in time, Israel is not only abandoned to her fate, she even must make efforts to placate her friends. It must be obvious unless she has superiority in one fashion or another she will be destroyed.

There seems to be a complaint abroad not alone in this land but in the whole world, to the effect that Israel has superiority. It seems she is to be destroyed because her people have dedication, because they are willing to risk their lives for their country; and because they have the education and the will to do what they can to defend their nation.

Yet peace or war in the Middle East is of no little consequence to the rest of the world. The solution of the struggle will not leave untouched Israel's disapproving "friends." America has found over and over that this nation dedicated to democracy is a loyal friend, a good ally. The United States would have much to lose should Israel collapse under the combined weight of imported military hardware and overwhelming Arab numbers. Is is for this reason that I have urged repeatedly that the Nixon administration return to the more progressive policies of earlier administrations; that she sell to Israel the arms she must have to maintain her existence.

Mr. Speaker, we have Mr. Pompidou's statement that France wants only peace in the Middle East. To prove how badly she wants to attain her stated objectives for this troubled spot of the globe she has placed an embargo on arms. But this embargo is, because of French rationalizations, only being enforced against Israel. By selling planes to Libya, France is, in point of fact, making them available to the Arab bloc.

France also tells us that she is limiting her sales of weapons to countries that are not involved in the conflict. In this uninvolved category she includes Libya; with this pronouncement she explains away her recent actions. But how, in the name of logic, can she advance these assertions as justified, especially in view of the statement I have just read, made by the head of state of Libya to the effect that Libyan Mirages may well be used against Israel even though they are not made available to Egypt?

Libya is a country with only 10 pilots. There is no external threat to her existence. What could be her purpose in acquiring these aircraft? To what use will they be put? The answer appears only too obvious. Despite the assurances by France that end-use agreements preclude their transfer to any country unless such transfer is approved by the Government of France, these planes will eventually be used against Israel.

Yet in the face of all this France assures us that she remembers the martyrdom, under the Nazis, of the European Jews. All her people, she tells us, recall with great admiration their courage during their ordeal. Are we to assume that she is impelled to her inexplicable actions by this admiration?

All nations have a right to survive. It is the duty of all nations to prevent one from being destroyed. This requires a conscientious approach to problems, and an approach that will deny the means of destruction to those with a ruthless determination to destroy.

All governments alike share the responsibility for world peace—for world survival. In our complex society the actions of one cannot fail to have consequences for all others. No government can fail in its decisionmaking to take into account this awesome reality. No nation may escape this responsibility.

The world has a great stake in the drama unfolding in the Middle East. Wrong decisions on the part of the world powers will, I am certain, result in a drastic alteration of the world balance of power. They may irrevocably destroy the chance for genuine peace. It is in this context that France's actions must be weighed; it is in this context that they must be evaluated. And her policies judged in this light are not only pro-Arab and anti-Israel, but in the long run pro-Russian and anti-West. They also are, ironically, essentially anti-French.

Ever since 1955 the Soviet Union has paced the arms race in the Middle East. She moved first to provide the Arabs with the most sophisticated equipment. I mentioned previously the large number of weapons, including artillery rockets, she has supplied to the Arab bloc since the 1967 war. Surely none of us are naive enough to believe her actions to be motivated by altruism. Russia, to the best of my recollection, has never acted out of anything but self-interest. Being fully cognizant of the importance of the available military strength in the Mediterranean, through her military aid to the Arabs, she is establishing and has established for herself air and ground bases in an extremely strategic spot. She must be delighted to receive the assistance of a Western bloc nation, France, in her endeavors.

Of course, we have heard it said that if the planes that Libya receives or any portion of them, are turned over to the other Arab countries, France will discontinue her sales to Libya. Who is to say, however, that Libya, with all the oil wealth she has, will not buy additional planes from the Soviet Union? We know the Soviets will sell them to her and will be only too pleased to do so.

Israel to date has served as a counterweight, a bar to the ruthless and calculated power grab of the free world's enemies in this area. Intelligent self-interest on the part of the West, and thus France, would demand that help, not censure, be extended to Israel. I am amazed that a country with as long a tradition in diplomacy as France should fail to act astutely in this instance. But there are other matters as well that puzzle me.

In the course of the debates surrounding Britain's entry into the common market France has demonstrated a healthy understanding of economic realities. She now appears to forget, by acting against the interests of her allies, the facts of mutual economic interdependence. Presently the big cities of the Western World buy her wines and other delicacies, provide the markets for her fashion fabrics and products. Her famous perfumes and cosmetics are the luxuries of the women of her allies; tourism to her country comes primarily from other free world nations. Do her actions indicate that she is expecting a shift in demand? Does she perhaps see more gain for herself in the exporting of fashions to the Libyan desert than, say, to Fifth Avenue shops? Quite bluntly,

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does France prefer the limited opportunities for trade proffered by state controlled economic systems to the good will and cooperation of her allies? Is she cognizant of the economic repercussions that may result from her foreign policy?

But perhaps she is satisfied to sell the products for which she is famous to the women of the desert. If she is, well and good. I question whether those of her friends who come from the large cities will, in view of her late actions, continue to purchase these items of luxury.

Mr. Pompidou poses the rhetorical question of "What would the cause of peace gain by France's refusal to sell weapons to countries not in the field of battle?" The gains would be substantial if France were really precise in her definition of countries "not involved in the field of battle"—if sales were made only to those nations who not alone professed their peaceful intentions but carried them out. Libya certainly has not professed any peaceful intentions toward Israel. If anything she has stressed Arab solidarity, which in her case obviously implies making war against Israel. Had France, therefore, refrained from selling her planes and war material, additional means of destruction would have been withheld from an area that is involved in a ceaseless and merciless strife; an already critical situation would not have been further aggravated; and last, but not least, the belief of France's allies in her good faith would not have been shaken.

If France is serious with regard to her professed desire for peace, she should drastically reconsider and change her policies. If she is concerned about a balance of power, she should not only not sell to nations who are engaged in mortal combat against Israel, she should consider what the balance of power in the Middle East really means. She should realize the desperate necessity for Israel to obtain real military deterrent strength and not expect her superiority in dedication and heroism to take the place of military hardware. Instead of furthering the policies of Russia by her sales to this area, she should instead use her good offices to persuade the Soviets in the name of world peace to discontinue arming the Arab bloc.

Mr. Speaker, the foregoing represent the reasons for my belief that Mr. Pompidou owes this House and the people of this country an explanation. I believe he should try to help us comprehend just how France is planning to help achieve the objective of peace in the Middle East. I think he should let us know what France's understanding of a balance of power is. We should be helped to realize why it is considered necessary to further augment the buildup of the Arab forces that already outnumber Israel both in the air and on the ground. France should tell us, Mr. Speaker, just what precautions she thinks are needed to prevent the overtaxing of Arab morale and dedication. Above all, Mr. Pompidou should acquaint us with the type of final settlement, or is it final solution, that his government is trying to find for the Middle East.

Mr. PODELL. Mr. Speaker, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from New York.

Mr. PODELL. I thank the gentleman for yielding.

I should like to associate myself with a good deal of the gentleman's remarks. I believe his definition of what is occurring in the Middle East is an excellent one.

I should like to add one or two more points which I believe are worthy of noting at this time.

First let me say that some weeks ago I asked some of the Members of this House to join with me in refraining from attending a joint session which will be addressed by Mr. Pompidou on Wednesday, February 25. I believe it is important to cite the reason for this.

First: I do not object to Mr. Pompidou's visit to the United States. I am glad he is coming. I am pleased he is coming to discuss with our President the great problems that affect the mutual security of our mutual countries.

What I am interested in doing is to visually demonstrate to Mr. Pompidou the thinking of the American public as it is reflected by the Members of Congress, because in this manner can the American public truly express themselves.

When I was in France some 4 or 5 weeks ago I spoke with French officials regarding the delivery of 50 French planes to Libya. They denied the facts of the deal and said it was a figment of someone's imagination. The French Government lied to me. The very next day or 2 days later it was admitted and the amount of the planes was raised to 80 and then 110 and now, of course, including training planes and miscellaneous hardware, there will probably be sufficient planes delivered to Libya to account for every man, woman, and child in the armed services of that country.

So the purpose of the boycott is not a discourtesy to President Pompidou but merely to demonstrate to him the thinking of the American public so that when President Nixon sits down with Mr. Pompidou to discuss those problems President Nixon will have the added muscle of the Congress and he will be able to say to Mr. Pompidou, "You see, Mr. Pompidou, the Congress agrees wholeheartedly that you have to change your policy." We certainly hope that he will reconsider that policy.

Let me cite a further reason. The addressing of a joint session or a joint meeting of the Congress is not a customary honor to bestow upon a visiting head of state. As a matter of fact, it has only been done three times in the past 9 years. Recently Prime Minister Sato of Japan, Prime Minister Wilson of Great Britain, the King of Norway, Haile Selassie of Abyssinia, and ad infinitum came to visit our country and none was accorded the same consideration. I think it is not appropriate at a time when we disagree so vehemently with the foreign policy of the French Government in the Middle East and their attempts to destroy American interests in the Mediterranean area that we accord the leader of the French Government that honor which is over and above that usually accorded a visiting head of state.

Therefore, Mr. Speaker, I wish to urge my colleagues to join with me tomorrow in not attending the session of the House which will be addressed by Mr. Pompidou.

I thank the gentleman for yielding.

Mr. FARBSTEIN. I thank the gentleman for his remarks.

Mr. Speaker, I now yield to the gentleman from New York (Mr. GILBERT).

Mr. GILBERT. Mr. Speaker, I thank my colleague from New York (Mr. FARBSTEIN) for yielding to me.

I wish to express my gratitude for his wonderful address here this afternoon. I think it was a very pointed, very vital, and very telling speech. I wish to associate myself with his remarks. I have also followed the situation very carefully, and I agree with almost all of his conclusions. I, too, agree with you, my colleague from New York (Mr. FARBSTEIN) that Mr. Pompidou should be accorded every courtesy, but I am one of those who agree with my colleague from New York (Mr. PODELL) that I will not attend the session to which Mr. Pompidou has been invited. I think this would be a discourtesy to the thinking of the people of our country who are violently opposed to the policies of France as they constitute their policy with respect to the State of Israel. This runs diametrically opposite to American policy. It hurts us throughout the world.

So I, too, will boycott this session, and I urge all of my colleagues to do likewise. I think this is one area where the Congress can assert itself is by indicating to the gentleman from France that the Congress is behind the State of Israel.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Speaker, I realize that this debate on the situation in the Middle East has been occasioned by the visit to the United States of French President Pompidou. The specific motivation is the deal whereby France is selling more than 100 military jets to Libya.

I wonder, Mr. Speaker, if in focusing so directly on the Middle East we are not overlooking a more general problem.

French foreign policy in the 25 years since the end of World War II has been a continuing series of affronts to the United States. Not only does France fail to cooperate with us in international affairs, her actions have been almost deliberately designed to work against the policies of the United States.

I think, therefore, that we are somewhat circumscribed in objecting only to French foreign policy in the Middle East. I also think it is a grave mistake to place solely an ethnic character on the protest being directed toward the visit of President Pompidou. This is not an ethnic matter; it is a matter of U.S. interests in international affairs. And the record clearly shows that France simply does not give the slightest thought to our interests.

That would be well and good if France

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would drop the game of pretending to be our friend. The facts belie this masquerade. Consider the following instances of French foreign policy that have worked to undermine the interest of the U.S. international cooperation and world peace.

We all know that France can never repay the debt of American lives lost in saving her in two World Wars. We lost 220,000 men and another 700,000 were wounded in these two wars in which we spent $227 billion. Yet France has refused to honor a legal debt to the United States of $7 billion. This is a 50-year-old debt reaching back to World War I. Its legality has never been questioned, it is not tied to German reparations yet France refuses to meet its obligation to us.

Or consider for a moment the refusal of France to use its influence to promote peace in Vietnam. The original American involvement in Vietnam is directly related to the precipitous French withdrawal from Indochina and yet France has shown no desire to help achieve peace in Vietnam.

Then there is the matter of NATO. The North Atlantic Treaty Organization was our great hope for cooperation with our friends across the Atlantic; NATO was to be the vehicle for securing peace in in Europe. Yet the French Government summarily ordered NATO out of France at a time when Western unity was crucial. And in typical fashion they took over the NATO establishment, worth $2½ billion, without payment.

But should we expect anything different from a government that has regularly vetoed British entry into the Common Market? The British have suffered special economic hardship because of France's unreasonable posture and failure to acknowledge that the Common Market was designed to promote economic cooperation throughout all of Europe.

Of course the French Government's selfishness in economic affairs is nothing new. While in debt to us for $7 billion France did not hesitate in the last decade to raid huge quantities of gold from our Treasury in complete disregard to the American economy. Once again, French self-interest held sway over mutual cooperation.

And of course France pays lipservice to the matter of world peace. But once again the facts belie the words. France is the only major Western power that has not signed the Nuclear Nonproliferation Treaty.

Most recently we have seen France apply a selective arms embargo in the Middle East. Even while we are engaged in four-power talks on the Middle East crisis—talks that include France—the French completed a deal to sell Libya more than 100 military jets. We were not consulted about this sale which is totally counterproductive to the purpose of the four-power discussions. Peace in the Middle East rests on a precarious balance and France has seen fit to tamper with that balance.

Now, we have heard from the French President that the jets sold to Libya will not be used in the Middle East conflict. How then can he answer the statement of the Libyan Chief of State, Col. Mu'ammar Qadhaafi, that "Libyan Mirages may well be used against Israel"? Clearly there is a sharp and potentially catastrophic contradiction between what we hear from Mr. Pompidou and Colonel Qadhaafi.

What we have, then, is a long history of repeated acts contrary to American interests and in general disregard of the precepts of international cooperation and world peace.

This attitude was a deliberate device of General de Gaulle when he was the French President. When Pompidou took over we held out the hope that the historical basis for cooperation between France and the United States would again be recognized.

But that hope was short lived. Mr. Pompidou has followed in the inglorious steps of De Gaulle and the substanteial basis that should exist for mutual cooperation remains untapped.

As a member of the Foreign Affairs Committee I take exception to French foreign policy and I take exception to the fact that Pompidou is to address a joint session in this very Chamber tomorrow.

I have provoked the ire of some of my decision to walk out on Mr. Pompidou at tomorrow's joint session. I realize the gravity of what I propose to do; but also realize the greater problem created by French foreign policy.

By walking out tomorrow I wish to convey to President Pompidou my sincere and very deep chagrin at French actions that work against the interests of the United States and the free world. I would hope that President Pompidou would give just as sincere and serious thought to the kind of actions his government has taken in disregard of the consequences to the United States.

Perhaps then we can once again have true cooperation with France and not the erratic cooperation we have witnessed in recent years.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, for many years, Nasser and other heads of Arab States have loudly proclaimed their intentions to drive the people of Israel into the sea. At no time have the Arab States signified an intention to sit down with Israeli officials and discuss their differences. This is most unfortunate, not only because the peace continues to be violated, but because human progress is deterred. Israel has achieved great development and progress during its brief period of existence. Given peaceful relations, the knowledge which Israel has gained, the progress she has enjoyed, could be shared with her Arab neighbors for essential development of the entire Middle East and its people.

The prime source of arms to the Arab States has been the Soviet Union, whose sole purpose is to further expansion of Soviet power throughout the entire area.

More recently, however, France has joined the Soviet Union as a source of Arab arms. Curiously, this is the same France that used the 6-day war as an alibi for backing down on its previous agreement to sell military aircraft to Israel.

To date, the cause for greatest concern for the new French conduct is her sudden selling of military aircraft to Libya far in excess of any military needs that Libya, alone, could possibly have for such equipment.

This, of course, is not the first time that French conduct has seemed strange. The United States saved France in two world wars; yet General de Gaulle, as President of France, seemed to go to great lengths to embarrass the United States and grow close to the Soviet Union. Fortunately, under President Pompidou, relationships between the United States and France seem to be improving. I hope I will be able to make this same statement a year from now.

After actively promoting a war between the Arab countries and Israel, Soviet Russia is engaging in the typical Communist tactic of trying to brand Israel the aggressor as justification for Moscow's continuing buildup of Arab forces who continue to threaten to annihilate Israel.

It should be rather obvious that we must do everything necessary to help Israel protect herself. That Israel is our only true friend in the Middle East was demonstrated, among other ways, by the riots which erupted in Turkey when the U.S. 6th Fleet attempted to put into that supposedly friendly spot.

Israel must never be compelled to relinquish any territory taken in the 6-Day War without concrete assurances that the Arab States will recognize her sovereignty and integrity. Even if Israel receives these assurances, she must never be compelled to retire to her former boundaries. New boundaries, easily defensible, must be established.

On December 31, at a meeting of the Board of Rabbis of Greater Philadelphia, I signed a resolution urging President Nixon to call for direct negotiations. On January 19, I cosponsored a similar resolution in the House of Representatives. On January 28, I cosponsored a House resolution supporting the principle that the deterrent strength of Israel must not be impaired. I reaffirm my position, now.

Further, I wish to state that I am greatly pleased by President Nixon's recent statement to the effect that he is prepared to correct any French- or Soviet-created imbalance of arms or planes which might weaken Israel's military deterrent against Arab aggression.

The sooner Moscow, Paris, and Nasser and company recognize that Israel is there to stay, the quicker we will have peace in the Middle East.

President Pompidou has described his visit to the United States as an effort to solidify traditional French-American friendship, to strengthen relations, and to support peace.

If President Pompidou is serious in his stated purpose, the most logical thing for him to do is stop aiding and abetting the aims of Soviet Russia and her world Communist allies by supplying the Arab nations with the military weapons and aircraft which France refused to supply to Israel.

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Mr. EILBERG. Mr. Speaker, will the gentleman yield?

Mr. FARBSTEIN. I am happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Speaker, it is a real privilege and a pleasure to follow my colleague, the gentleman from Pennsylvania (Mr. WILLIAMS). Once again we shake hands so to speak across the aisle in a truly bipartisan effort which is of concern not only to Israel but to our country. It is so good to be with you, Mr. WILLIAMS.

Mr. Speaker, it has been said that the Arabs can continue to lose wars; Israel can lose but once. The implication is clear. The war Israel loses will be its last.

The fact that Israel, outnumbered and outgunned, continues to prevail on the battlefield obscures a basic fact. Despite the international clamor for peace and the agonizing search for paths to peace, the situation remains relatively unchanged.

Israel fights for survival.

The Arabs continue to fight because Nasser cannot let them stop. To reject war and to honestly talk peace would require a public concession from Nasser that his policy was and is bankrupt.

Nasser continues to fight to shore up his regime and his reputation as the leader of his world. Once the smoke of battle clears, Nasser is finished; and I suspect he knows this.

France's contention, therefore, that the 110 Mirage jets sold to Libya will not be used against Israel is particularly cynical and dishonest. Where and against whom will Libya use those jets?

The French even concede that Egyptian officers sat in on the arms negotiations in Paris. The Egyptians are interested in only one war, their holy war against the people of Israel.

French President Pompidou, now being extended every honor and courtesy this Nation can provide, has insisted that—

> Israel has an absolute right to exist, to function freely and to live in peace within safe, recognized borders.

We are to presume that the Mirage jets sold to Libya and denied to Israel are an instrument of that French policy.

Paris also has conceded that the sale of jets to Libya was good business. We cannot argue with that contention. War is good business and that is not a French discovery.

But we can question the cynicism that prompts such a public declaration.

We also can question the wisdom of a French policy which makes oil and commercial interests the hostage of arms sales. France has said she is concerned that Arab States will cut off oil shipments to Western Europe. The Israelis have long had an answer for that contention.

The Arabs cannot drink their oil.

In 1967, the Arab States cut off oil shipments to the West, but found that course too costly and quickly resumed the shipments.

So finally we must reject the French policy.

France speaks of peace, but primes the pump of war.

France speaks of Israel's right to survive, but delivers into the hands of her enemies the instruments of her destruction.

France speaks of oil and money, but whets the Arab thirst for blood and murder.

For what else can you call the atrocity in Zurich Sunday and the machinegunning of a tourist bus in the Holy Land Monday.

It is for these reasons, and meaning no disrespect to our distinguished Speaker nor to the great traditions of this House in which I am privileged to serve, that I have decided to boycott the joint session tomorrow.

Finally, I must urge that we continue to support and shore up Israel. Her cause is morally just. Her ties to the United States are forged by long friendship and common aspiration.

But more than all this, Israel stands alone in the Middle East as a bulwark against Russian expansion through that corner of the world. Russian dreams of warm-water ports and control of the eastern Mediterranean date back to the czars.

Russia is as close as she has ever been to achieving these ambitions. All that stands in her way is Israel.

A peace settlement that guarantees Israel's freedom and survival thwarts this Russian ambition. No matter how well intentioned our pursuit of peace at two-power and four-power talks may be, they are doomed to fail because Russia seeks domination, not peace.

The U.S. course is clear. We must firmly support Israel. For, if Israel's strength, will, and courage prevails, peace will come to the Middle East.

Mr. FARBSTEIN. Mr. Speaker, I yield to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, along with so many of my colleagues, I am bitterly discouraged with the policies of the French Government in selling planes and arms to Libya. The French Government knows, or in the exercise of ordinary judgment must know, that these arms are being sold for use in the Middle East conflict. The delivery of planes to Libya cannot be reconciled with the failure and refusal to deliver planes already paid for by the State of Israel. The French decision which singles out sales to Libya is irrational and discriminatory. This is a retreat from principle which is becoming the hallmark of French policy.

It is incredible that the French people would support the announced plans of their Government to supply sufficient airpower to supply every officer of the Libyan Armed Forces with his own personal jet. The leader of the revolutionary government of that country was quoted in the Washington Post of yesterday on page 1 as saying that there is little doubt that the Mirage Jets supplied to his government by France will be used against Israel, contrary to the assurances given the world by the President of France.

Today, French entrepreneurs are searching the face of Libya to pick up oil concessions and developments in exchange for French military assistance. The French have yet to discover the short-range value of this inheritance in oil resources. The temporary profit in these concessions will be soon offset by the burdens of further Arab demands. The selfish pursuit of Libyan oil is a retreat from principle which is becoming the hallmark of French policy.

In making alliances with foreign countries, France must come to learn what we have learned through our bitter and costly experiences. Morality must be the keystone of alinement. We must ally with those who believe in free institutions—with those who believe in justice—with those who believe in freedom—with those who believe in human dignity and individual liberty.

In the Middle East, those who seek an alliance based on these principles must support the integrity of the State of Israel, which stands distinguished and alone as a bastion of liberty, justice and human dignity in the Middle East.

Under these circumstances, it is difficult to be warm and hospitable to the French Government. The arms sales to Libya make no sense whatsoever. It is my hope that the French Government will reconsider its actions in Libya and follow instead the long-range policies directed toward peace and the preservation of democratic institutions.

The history of French contribution to democracy and free institutions is too vivid to suffer it to be marred by military assistance to government forms which do violence to the institutions in which we believe and in which the French people must believe.

I hope that President Pompidou and the French people will come to realize the gravity and the dangers inherent in present Libyan policies; that the government will reconsider—that President Pompidou and his government will not destroy in Israel the concepts of liberty, justice and freedom which were nurtured in France.

The State of Israel has courageously demonstrated its right to survive and prosper with free institutions and high concepts of justice. Israel deserves better treatment from the French and more certain support from the free people of this world in her hour of crisis.

Mr. FARBSTEIN. Mr. Speaker, I yield to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank the able gentleman from New York for the privilege of participating in this most important discussion.

Concerned about this matter about what the French have done, on February 4 of this year I sent the following telegram to the French Ambassador:

FEBRUARY 4, 1970.

HIS EXCELLENCY,
CHARLES LUCET,
Ambassador of France,
Washington, D.C.

You must know that many members of the Congress and many citizens of our country will be expecting your distinguished President, if he addresses a joint session of our Congress, to clarify the recent action of his government in agreeing to provide 100 modern fighter planes to Libya, are in the opinion of many destined for use by the Arab Nations as a part of their aggression

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against Israel, thus increasing the danger of war in the Middle East. I respectfully submit that this action on the part of your Government has encouraged further threats on the part of the Soviet Government to give further encouragement to Arab aggression by continuing to provide a weapons buildup for them. I believe it is the consensus of our Congress and Country that the Government of the United States cannot allow aggression to be encouraged by such buildup in Arab arms without our contributing to stability and peace by matching in arms aid to Israel whatever your Government and the Russians provide to those who declare their determination to destroy Israel.

Due to the special friendship which has so long prevailed between your country and ours, many of the Congress and all our citizens earnestly hope that your distinguished President will lessen the danger of war by supporting our Government in trying to get a negotiated peace between Israel and the Arab Nations and in your Government retracting your Libyan plane commitment and joining the United States in attempting to induce Russia to cease its aid to the Arab States which encourages the danger of war.

With respect.

CLAUDE PEPPER,
Member of Congress.

On February 6, I received the following reply from the French Ambassador:

WASHINGTON, D.C.,
February 6, 1970.

DEAR MR. CONGRESSMAN: I read with great care your telegram dated February 4, in which you suggest that the President of the French Republic take advantage of his forthcoming trip to the United States to explain, in his address to Congress, the motives of French policy towards the Middle East.

I would first of all like to thank you for the spirit of friendship towards my country which inspired your communication.

Without trying to anticipate on what the President of the French Republic might have to say on the subject, I think it necessary to remember that the French Government was the first to propose that a total embargo be imposed on delivery of weapons to the countries directly involved in the "Six day war". The French Government has also, constantly and publicly, held the opinion that the existence and the sovereignty of the State of Israel should be recognized and guaranteed. The French Government, finally, has multiplied its endeavours towards the opening of negotiations destined to accomplish these objectives. It is evident that the security of all the states in the area can only be insured on a long term basis by a general return to calm and by a peaceful settlement.

As for the more particular point having to do with the delivery of aircraft to Libya, I must recall that the conditions imposed by France on the use of these aircraft (forbidding their reexport, etc. . . .), as well as their delivery over a period of time until 1974, guarantee that Israel's security will not be jeopardized. We can besides reasonably think that peace will be reestablished before the completion of the contract. As the French Prime-Minister, Monsieur Jacques Chavan-Delmas, recently declared, the contract would be cancelled if its provisions were not respected.

With my best wishes for you and Mrs. Pepper.

Sincerely yours,

——— ————.

All I wish to add, Mr. Speaker, is that tomorrow, when the President of the great French Republic speaks in this Chamber, he should be aware of the grave responsibility which rests upon his shoulders so to clarify this issue that his country will not have contributed to the devastation of war in the Middle East which might eventuate into a world holocaust in a nuclear age.

We hope that the President will take advantage of this opportunity to assure the Congress and the country that he will support us in limiting the arms buildup in the Middle East and in moving Israel and the Arab Nations into face-to-face negotiations for peace in the Middle East and the world.

I thank the gentleman.

Mr. FARBSTEIN. I thank the gentleman from Florida.

Mr. Speaker, I yield to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Speaker, I intend to participate in the joint session of Congress to which President Pompidou has been invited.

I believe that as a Member of Congress, it is my obligation and responsibility to participate in its official functions and this is such a function.

Furthermore, I believe it is not productive nor in our national interest for Members of Congress to shun a head of a foreign state because of a disagreement with some of his policies. In this case we are objecting to the French Government's support of the Arab States to the detriment of Israel and her sale of jets to Libya while placing an embargo on such sales to Israel. Little will be gained by antagonizing or alienating President Pompidou by boycotting him. Instead we must persuade him that it is not in the national interest of France to sell out democratic governments like Israel in exchange for the transient commercial benefits that might flow for a time by supporting despotic governments, who are admittedly bent on the destruction of a sister state. We must seize the opportunity provided by this visit to persuade Monsieur Pompidou to reconsider his position toward Israel—a friend who needs his support just as France needed ours in her moment of great danger.

It should be remembered that the people of France in fact overwhelmingly disagree with President Pompidou's position on this matter and believe Israel should be supported. At the same time, however, they expect their President to be accorded the honors and respect of a head of state. It would be counterproductive to the best interests of Israel, for those of us here in Congress who support Israel to treat President Pompidou in a manner that will inflame the passions of Frenchmen.

When I discussed this matter with the dean of the New York delegation, Mr. Celler, he summed it up for me with the wisdom of experience and with that old maxim, "you catch more flies with honey than with vinegar."

I yield to no one in this House with respect to my affection and support of the State of Israel. I believe it is in the national interest as well as morally correct to support Israel and provide it with the arms needed to defend itself from the concerted attacks of the hostile nations surrounding it including those by terrorist organizations. And I urge President Nixon to prepare to offset the anticipated delivery of over 100 French jet fighters to Libya.

I have joined with approximately 100 Members of the House in signing a declaration of concern to President Pompidou on the French Middle East policy. And I have joined with the distinguished Senator from New Jersey (Mr. WILLIAMS), and others in writing to Secretary Rogers requesting that the administration make arrangements for a meeting between President Pompidou and congressional representatives in order to present him with a declaration urging that France cancel the jet sale. I hope that we have the opportunity to discuss with him our feelings on this matter and convince him of the error he has made and most important persuade him to change his position.

Tomorrow I will with my colleagues accord President Pompidou the courtesies of the Congress and I hope he will reciprocate by meeting with those of us who are in disagreement with him.

Mr. FARBSTEIN. I thank the gentleman.

I now yield to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, I want to express my thanks to my colleague from New York (Mr. FARBSTEIN) for arranging for this special order.

I share the indignation of millions of Americans at the French Government's action in agreeing to sell 100 Mirage airplanes to the Libyan Government.

This action is especially deplorable in view of the refusal of the Federal Government to deliver to Israel Mirage planes that have been bought and paid for.

The government of President Pompidou professes to believe that the Libyan Government wants these Mirage planes for its own use and will not transfer them to the United Arab Republic. But the Libyan Government's assurances in this regard seem worthless in view of the fact that it is not reasonable to suppose that the Libyan Government has need of these planes for its own use. No other North African country has airplanes of this degree of speed and sophistication. Admittedly, Libya does not have the pilots to fly them or the trained crews to maintain them. For the kind of mission that the Libyan Government might reasonably want to have aircraft for, these highly sophisticated supersonic aircraft would indeed be a disadvantage.

Thus, at best the French Government's action seems irresponsible and hypocritical; looked at in a less favorable light, it seems a calculated betrayal of France's former ally and friend, Israel.

I shall not be attending any of the public meetings at which President Pompidou will appear in Washington, but I hope to have the opportunity to express these views to him at a private meeting.

Mr. ROTH. Mr. Speaker, escalation of the arms race in the Middle East will only increase the flames under that already boiling pressure cooker. As were many Americans, I was very dismayed to learn that France had decided to sell more than 100 supersonic jets to Libya—especially since it has been reported that

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Libya lacks the trained manpower to fly and maintain the entire fleet. The possibility that some of the jets might end up in Egypt is, in my mind, a matter of grave concern.

I was also quite concerned about a report yesterday quoting the leader of Libya's revolutionary forces. He said:

> Since Israel has expansion plans covering the whole Arab world which could one day extend to Libya, then Libyan Mirages may well be used against Israel, even if they are not made available to Egypt.

The visit of President Pompidou provides an excellent opportunity to clarify the conditions of France's agreement with Libya, in light of what I understand to be, in Mr. Pompidou's own words, a French "embargo on the shipment of arms to all the countries in the field of battle." I hope this situation can be resolved so that it does not pose a threat to the tenuous balance of power in the Middle East or to the security of Israel, as it would be tragic if such a matter strained our relations with France. A continuing friendship between France and the United States is in the interest of not only our two nations but the entire free world.

One thought, I believe, should be stressed. After Secretary Rogers' December 9 speech, I wrote him a letter explaining my stand and expressing the hope that he could clear up any misunderstanding that existed with respect to our diplomatic stance in the Middle East. Some of the recent statements by the Secretary and by President Nixon, affirming our support for Israel, have in my mind been most encouraging.

In my judgment, a true settlement can be reached in the Middle East only by direct negotiations between the parties in conflict. In my letter to Secretary Rogers I put specific emphasis on that point, and I would like to insert a copy of that letter at this point in the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 6, 1970.

Hon. WILLIAM F. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I am distessed about recent developments regarding the policy of the United States toward Israel.

I am concerned that our stance with respect to the tension in the Middle East has not adequately reflected condemnation of continued Arab threats to Israel's safety and security. More diplomatic support, I believe, should be afforded to that single democracy in the part of the world most constantly beset with turmoil.

On June 20, 1967, I introduced in the Congress House Resolution 652, stating, among other points, that "it is the sense of the House of Representatives that permanent peace in the Middle East can be achieved only if the existence and sovereignty of Israel is acknowledged by the Arab nations."

On July 30, 1968, I cosponsored, with a number of my colleagues in the House, House Concurrent Resolution 808. That measure stated emphatically that "Israel is entitled to recognition by all nations of her rights to exist," and that "Israel and her Arab neighbors are entitled to automatic, ironclad international guarantees that their borders be free from the threat of aggression and the attacks of terrorist groups in return for national pledges to renounce the use of military force." I repeat these points now, because I continue to support them now.

There is only one way, I believe, that the United States can help solve the crisis in the Middle East: by encouraging direct negotiation between the Arab powers and Israel to assure that these questions are fully resolved. I hope that you will use all your ability to this end. True peace can be achieved, in my judgment, only by mutual accords among nations in direct conflict.

Sincerely,
WILLIAM V. ROTH, Jr.,
Member of Congress.

Mr. HOWARD. Mr. Speaker, I rise today to express my concern, and that of my constituents in the Third District of New Jersey, over the actions of the French Government regarding the very explosive situation in the Middle East. I appreciate the generosity of my colleagues in permitting me to share this time during special orders.

I am hopeful that, by this means, President Pompidou will be made aware of the deep concern of the American people over the action of the French Government in selling 100 Mirage jets to Libya. It is my belief, and one shared by many in my constituency, that this sale can only hurt efforts to obtain a peaceful settlement of the differences between Arabs and Israelis in that troubled area.

As we stand here today, tensions in the Middle East continue to rise, and are virtually on the edge of full-scale warfare. The only hope to avert such a possibility is to bring these nations together at the peace table, in an effort to allow them to work out these differences. As outsiders, we can offer our assistance, but we cannot force an agreement upon any of the countries involved. I would hope that President Pompidou will recognize this, and that the French Government would endeavor to work in this direction with us, rather than by increasing the already lopsided arms race in that area.

The people of the United States are determined in their support of a negotiated peace in the Middle East. I do not believe it is in the best interests of either France or the United States to encourage in any way further violence in that conflict. To this end, I feel that the sale of these planes, while France has forbidden all such sales to Israel has had an unfortunate effect on these efforts toward peace.

In a further effort to convince the French Government to join our efforts to reduce the Middle East tensions, I have joined my distinguished colleague from New Jersey, Senator HARRISON A. WILLIAMS, JR., in requesting the Secretary of State to arrange a meeting with President Pompidou, in order that we may present a declaration to President Pompidou urging the cancellation of the sale of the Mirage jets.

The friendship between the United States and France has been very close and very valuable over the years. We would hope that this friendship will continue in a spirit of even greater cooperation and good will. To this end, I would hope that President Pompidou's first visit to our country, as the President of the Republic, will be successful and productive.

I would also hope that this spirit of cooperation and friendship would be a firm basis for the development of a fair and equitable policy toward the tragic circumstances now enveloping the Middle East.

Mr. OTTINGER. Mr. Speaker, I join many of our colleagues today in voicing our deep concerns over the Middle East policies currently being pursued by both the United States and France.

U.S. commitments against any aggression in the Middle East have their foundation in the early 1950's. Nevertheless, while Israel's Arab neighbors continue to attack and harass her, the United States stands mute. Arab aggression against Israel clearly calls for our affirmative response in accordance with worldwide moral and policy positions and we can no longer remain silent. It is clear that our country must honor its commitments and assure Israel's invulnerability to continued Arab attack.

Although on the brink of renewed warfare, the Middle East's troubled waters are worsened by the selfish and ill-conceived policies of France. By withholding the delivery of jet aircraft already purchased by Israel while at the same time selling over 100 jet fighters to the Arab nations, France is simply adding fuel to the fire of discontent and increasing tension. As I have noted on countless occasions in the past, the Middle East—both Israel and the Arab States—needs bread, not bombs; it needs tractors, not tanks; it needs water, not war. Nevertheless, the French Government apparently refuses to recognize this simple truth and continues to pursue a biased policy favoring continued Arab aggression and terrorism.

For the past 5 years I have urged our Government to take meaningful initiatives to reverse the arms race, to bring Israel, the Arab nations, and the big powers together to pave the way for an eventual, lasting peace. We have no more time, and we simply cannot afford the obvious erosion by the Nixon administration of our position of support for a fair and permanent resolution of the Middle East conflict.

Mr. Speaker, I again call upon the United States to make clear now its determination to honor our commitments to support Israel and to oppose any form of aggression in the Middle East. I further call upon the Government of France to desist from its support of those Arab forces which have sworn to annihilate Israel and are daily sending terrorists across the borders to kill and wound not only Israel citizens but, now, Americans.

Mr. BUTTON. Mr. Speaker, I make this statement out of great concern over the rising temperature of conflict in the Middle East. I feel very strongly that, rather than the United States making pledges for a more even-handed policy in the Middle East—which in my view can only mean a line weighted in favor of the Arabs and detrimental to Israel's security and very existence—we must rather assume a determined hard-line position based on the imperative of the Arab nations recognizing "the fact" of Israel.

I believe that many unnecessary delays in a permanent settlement in the Middle East have been created by Big

Four capitulation to Arab threats of violence. The security of Israel rests on the geography of the area, and that geography must be determined through direct negotiation among the parties concerned.

I strongly urge our Government's sponsorship of a regional Mideast peace conference with Israel, Egypt, Syria, Lebanon, Iraq, and Jordan as the major participants. A realistic evaluation of the Middle East situation cannot avoid the conclusion that the existence and strength of Israel is the only effective guarantee that the other Arab and non-Arab states of the area have against Nasser's encroachment on their existence and independence. For this reason alone, we must have a singleminded policy based upon the insistence that Israel be recognized, that a regional peace conference be held, and that the agenda for that peace conference be determined when the major participants agree to reason together. For us to be involved in the making of international security guarantees at Big Four talks, is pointless and fruitless as evidenced by the experience of the last 20 years. Guarantees did not prevent war in 1950 or in 1956 or in 1967 and there is no reason to believe that they will succeed now even if the Soviet Union is a party to the guarantees.

In my opinion there is no compromise or negotiation possible until the Arab nations recognize Israel and at least agree to negotiate directly at a peace conference. Realistically speaking, territory is Israel's only negotiable strength at such a conference, and it was won with Israel blood spilled in protection of her homeland. We have no moral or political right to trade in another nation's blood.

I am particularly concerned about the position of France in trying to buy her way back as a major power in the Mediterranean by selling arms for oil concessions, influence, and bank deposits. It is time that the whole Western World face up to its oily hands, and not trade in short-term profits at the expense of long-term dependable friendship, peace, and justice.

Libya and Egypt are in the process of discussing some kind of federation and have announced cooperation in military matters. Selling jets to Libya is not only a threat to Israel; it also undermines the position of the United States in the Mediterranean. I urge President Pompidou to recall the heroic, historic role of France as protector of Israel as a showcase of democracy and freedom in the Middle East.

I also urge our Government to initiate an international aviation conference through the United Nations to determine what steps can be taken to bring the strength of all nations to insure that continued hijacking, plaguing, and plundering and murder of people on international flights to Israel, Cuba, or whatever nation is unthinkable.

It is unconscionable to stand by while flagrant violation of international order is being exercised daily by terrorists.

We cannot hope for peace in the Middle East, in the sky, on the sea, or on the land until the people of Israel are granted the elemental right to be a nation in the eyes of their neighbors. We can no longer censure self-defense and excuse terrorism either for reasons of morality or our own national interest for peace in the area.

Mr. MINISH. Mr. Speaker, the seething dispute between Israeli and Arab is not one of territory or politics or economics; it is a question of existence. The Arabs make no high-sounding pretensions when they express their determination to "push Israel back into the sea."

Nonetheless, it is in the interest of the free world to explore the avenues to peace in the Mideast. Next to Vietnam, the Middle East is one of the most sensitive areas of American foreign policy. Substantive peace must be our goal there. Otherwise, the great powers will all be embroiled in the ensuing strife. Israel as a bulwark of democracy surrounded by Soviet-dominated nations should receive the support of the world democracies before all-out war ensues. Such support, more than anything else, will serve as the deterrent to suppress Arab aggression.

I have espoused throughout my tenure in office a belief in the preservation and growth of a free and independent Israel. In 1965 I joined with a number of my colleagues in sponsoring legislation prohibiting the furnishing of information or the signing of agreements that would assist the Arab nations to boycott American firms carrying on trade with Israel. This measure was enacted. Last year, I joined with my colleague, EMANUEL CELLER, in a statement of strong support of Israel, which carried with it condemnation of the U.N. Security Council for its one-sided censure of Israel which sidestepped Arab terrorism as an issue. I also cosponsored legislation that would authorize U.S. assistance to Israel in constructing and maintaining a desalting installation that would greatly enhance her economic development. This, too, is now law. Moreover, I recently communicated with Secretary of State William Rogers to express my firm conviction that the United States must give meaningful support to Israel.

The simple reason behind these aforesaid actions is my sincere belief that it is in America's interest to insure that the Soviet-Nasser alliance does not gain a dominant influence in the Middle East. Only recently, 100-odd French jets were sold to Libya. Such an increase in Arab armaments threatens Israel's security, and just might tip the delicate balance of power that now prevails. Such an imbalance would only have horrendous consequences for the small State of Israel. The odds already are stacked so overwhelmingly against this State of Israel. The odds already are stacked so overwhelmingly against this stalwart nation that I cannot see how we in the Congress can condone the sale of military hardware to her sworn enemies.

The sale of weaponry to the Arabs can only set back the cause of peace in the Mideast. It is obvious that peace will only be achieved through face-to-face negotiations between the Arab States and Israel. Israel has already expressed her willingness to negotiate. The Arab countries, on the other hand, have continued to disdain such a solution and have pursued a collision course that will eventually result in full-scale warfare. The French Mirages will certainly not convince them to sit down at the bargaining tables.

We must remember that Israel has asked only for the preservation of peace, in order to develop a prosperous and spiritual nation.

Mr. BARRETT. Mr. Speaker, tomorrow the President of the Republic of France will address a joint meeting of the Congress. Today, the Philadelphia congressional delegation telegraphed His Excellency, Georges Pompidou, asking him to cancel the sale of over 100 military aircraft to Libya and use his good office to secure a just and lasting peace in the Middle East.

Our desire, and I am certain this is the desire of the entire Congress, is to see an end to the tragic conflict in the Middle East. In pursuit of that goal, I ask permission to insert a copy of the telegram as an open letter, at this point in the RECORD:

FEBRUARY 24, 1970.

His Excellency GEORGES POMPIDOU,
President of the Republic of France, Blair House, 1651 Pennsylvania Avenue NW., Washington, D.C.

DEAR MR. PRESIDENT: There is a long history of warm, friendly, cooperative and cordial relations between the governments of the United States and France. History attests to the friendship, love and respect that exists between the peoples of both nations. It is in that spirit, as representatives of the people of Philadelphia, Pennsylvania in the United States Congress that we communicate with you.

Recognizing the special interests of your government toward North Africa and the Middle East, it is in the true spirit of friendship and respect that we feel compelled to express to you our grave concern and the grave concern of the people we represent, over the current policy of your government in that area. We are particularly concerned over the effect of said policies on the continued intransigence of the Arab nations and the welfare and existence of the state of Israel.

The recent decision of your government to sell over 100 military aircraft to Libya, which is providing financial support to the Arab nations actively engaged in an armed campaign to destroy the state of Israel, does not lend itself to the efforts to bring the tragic conflict in the Middle East to an end. It is in the interest of world peace for the government of France to cancel the sale of military aircraft to Libya.

All of the people of the Middle East have a common goal in striving to wipe out the scourges of disease, poverty, illiteracy and to meet together in good faith to achieve peace and turn their swords into ploughshares.

We respectfully request that you cancel the sale of aircraft to Libya and use your good office to secure a just and lasting peace in the Middle East.

WILLIAM A. BARRETT,
ROBERT N. C. NIX,
JAMES A. BYRNE,
JOSHUA EILBERG,
WILLIAM J. GREEN,
Members of Congress.

Mr. HELSTOSKI. Mr. Speaker, this week we have welcomed to our shores the President of France.

His visit has come at a most opportune time for it affords us the opportu-

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nity of placing clearly before him the American opposition to his nation's sale of 110 Mirage jets to Libya.

I do hope that during President Pompidou's visit that we can make abundantly clear to him that such sale will gravely upset the military balance in the Middle East and might well light the fuse for the outbreak of a full-scale war between the State of Israel and the Arab nations.

The sale must be canceled and when President Pompidou leaves our shores I do firmly hope that he will have deposited with President Nixon and the American people a commitment to call off the Mirage transaction with Libya upon his return to France.

In my opinion the President of France now has firm grounds on which to cancel the sale of aircraft to Libya. Some spokesmen for France have defended the sale on the grounds Libya was not a participant in the present difficulties in the Middle East.

That rationale was thoroughly demolished by the new leader of Libya at a press conference held during the weekend and which was duly and fully reported by the American news media. In his declaration the leader of Libya pledged his full support and cooperation and that of his nation to President Nasser of Egypt, the chief instigator of the many years of unrest in the Middle East.

Libya now has openly taken its place in the ranks of the aggressors and if France has a genuine interest in maintaining even an uneasy peace in the Middle East it can do nothing less than call off the sale of the Mirage jets.

The United States and the world await the decision of President Pompidou with great concern for it will have a far-reaching impact on not only the Middle East but the world in general.

Mr. ADDABBO. Mr. Speaker, I commend my colleague from New York, Mr. FARBSTEIN, for taking this time on this important subject. I join and concur with my colleagues.

I believe the sale of 100 jet fighter planes by France to Arab nations at a time when the Middle East crisis threatens to explode into an uncontrollable war is beyond any justification. The Congress has always expressed its friendship toward Israel and its determination to preserve the ability of Israel to protect itself against the threats of destruction from her Arab neighbors. France has deliberately undermined that policy by her actions in attempting to tip the balance of military power in favor of the Arab nations.

President Pompidou adopted a one-sided policy in the Middle East at his first press conference on July 10, 1969 when he said:

> France owes it to herself to defend her own moral and material interests, which are considerable and very varied, in the whole Mediterranean basin and which stem particularly from the good relations, old and then renewed, that we maintain with the Arab nations.

This desire to please the Arab nations has sparked a renewed arms race in that troubled area. At the same press conference, President Pompidou said:

> The French government's position is to desire that all the powers will halt all arms deliveries to all the Middle Eastern countries, which would undoubtedly be a way of tipping the scales decisively in favor of peace.

Now 6 months later, President Pompidou approves the sale of 100 fighter jets to an Arab nation. This is certainly a credibility gap to beat all credibility gaps.

I cannot in good conscience attend a function planned to pay tribute to the man responsible for carrying out this policy which is so inconsistent with our stated objectives in the Middle East. For that reason I will boycott the joint session of Congress in President Pompidou's honor.

In addition to the boycott, I have joined with more than 150 Members of the House in signing a congressional declaration stating our "dismay" at the sale of jet planes to Arab nations and asking President Pompidou to join our Nation in seeking immediate "Face-to-face negotiations between the Israelis and their Arab neighbors."

Mr. McCLORY. Mr. Speaker, it is with some concern that I note the intentions of some of our colleagues to display discourtesy and disrespect to the Honorable Georges Pompidou, President of France, on the occasion of his visit to the United States and his appearance at a joint session of Congress.

As the head of a foreign state with which our Nation has friendly relations, it is consistent with good manners and recognized standards of official conduct that President Pompidou should receive cordial and respectful attention.

Mr. Speaker, I would not undertake to analyze or to pass judgment on any of the recent acts of the Republic of France with respect to its relations with other nations. I assume that subjects of diplomacy and matters affecting both the common and individual interests of our respective countries will be covered during the discussions between President Pompidou and President Nixon.

It is my hope that in matters affecting our individual and joint interests that the Presidents of our respective nations may adopt positions consistent with the achievement of world peace—including peace in the Middle East.

Our Nation's determination to support the sovereignty and national interests of an independent State of Israel, and to help achieve other goals consistent with that objective are well known to all Americans.

President Pompidou's visit should enable us to strengthen this policy and to encourage the French Government to help restore peace in the Middle East and elsewhere.

Hostile and discourteous expressions on the part of the Members of this body would seem to me to be most inconsistent with genuine efforts to advance and strengthen our position in behalf of a sovereign and independent State of Israel.

As for me, I wish to join with the overwhelming majority of my colleagues in extending to President Pompidou a warm and cordial welcome to the United States and to the joint session of Congress. I hope that the visit of President and Mrs. Pompidou, and all of the others who have accompanied them to our land, reflects the friendly and hospitable attitudes of our people. I hope further that President Pompidou's visit may promote improved understanding between the people of France and the people of the United States, and that President Nixon and President Pompidou may be enabled to work together for peace among nations everywhere.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I commend the gentleman from New York for taking these special orders so that a discussion could take place and a foundation laid with regard to French policy in the Middle East.

I know that quite a few of my colleagues will boycott the address tomorrow of President Georges Pompidou. I intend to be present at the joint session. But in order to make clear that attendance is not supportive of France's present policy in the Middle East, I am taking this opportunity to express my views.

I consider the sale to Libya of more than 100 Mirage jets to be an act of utter irresponsibility and a demonstration of absolute callousness to the situation in the Middle East. To pretend that Libya is not involved in the Arab-Israel conflict is to be disingenuous in a manner unbefitting a great nation; to declare that these jets will not upset the very delicate arms balance in that area is to pretend to an ignorance of all that has occurred in the Middle East for the last 2½ years.

France's attitude and policy toward Israel since the June 1967 war is incomprehensible unless one likens it to the machinations of Metternich in another age. In an attempt to gain influence with Libya and other Arab States, President Pompidou appears willing to sacrifice Israel and all her people. This is the central fact that must be faced by all nations concerned: Israel's very life is at stake, her survival depends on her ability to defend herself.

The stated goal of the Arab nations and the Palestinian terrorists is not to merely make gains, or to achieve a settled peace, or even to make some territorial conquests; their goal is the absolute and total destruction of Israel. France's aid to Libya and her denial of promised and paid-for jets to Israel make that goal much more easily attainable.

There is much talk about maintaining a balance of arms in the Middle East, but there is not now a balance. The Arab States are completely and overwhelmingly supplied with vast numbers of weapons including the most sophisticated machinery the Soviet Union has produced. In comparison, Israel has a limited supply of arms, many of them outdated and barely operable. At this moment she needs tanks, planes, and spare parts in order to obtain a semblance of parity with the Arab States. President Pompidou's decision to sell Mirage jets to Libya has only made the gap between Israel and Arab strength that much greater.

France has reneged on her contract with Israel to supply her with Mirage jets. Israel had already paid for those planes and her defense depended upon them. France, by increasing arms shipments to Libya, has doubled the burden upon Israel and has brought disrepute to French Middle Eastern policy.

The ties between Libya and Egypt are strong and growing. There are approximately 3,600 Egyptians now in Libya and half that many technicians from Iraq. Latest reports state that Egypt is encouraging technicians and advisers to take their families to Libya in anticipation of long service there.

President Pompidou has defended his policy with the unjustified contention that Libya would not allow the jets to be used against Israel. All evidence, as I have indicated in the above facts, points to the contrary. I hope that President Pompidou will reexamine the present situation, heed the demands of the French people and end this destructive policy that can only lead to tragedy.

Mr. BRASCO. Mr. Speaker, today the President of France, Georges Pompidou, is here in the United States, seeking American favor and support for his regime and its policies. I believe we should withhold our approval from this man and his actions. Neither reflect credit upon France and her traditions. Pompidou holds forth the bloody hand of a merchant of death in the Middle East, and I have no desire to see my country clasp such a hand in friendship.

I take basic issue with the premise that France is actually a friend of the United States. Facts that are openly available indicate the contrary. It is a fact that France votes against the United States in the United Nations Security Council more often than any other nation. It is a fact that she has waged economic war against our country—few will ever forget how she behaved when our gold drain was so severe. It is a fact that France followed an anti-American policy for years on the continent of Europe. This policy still continues. It is a fact that General de Gaulle ordered the United States out of France. This involved moving innumerable military installations elsewhere, at fantastic costs to our country. It is a fact that France has taken the side of our enemies abroad at every opportunity, and her attitude on the Vietnam situation has consistently been anti-American. We inherited the Vietnam situation from her, yet she shows no desire to help us unravel this now.

It is a fact that France owes us in excess of $7 billion in debts from previous wars. It is a fact that Americans are treated with hostility in many areas of France. Millions of American soldiers that have served at one time or another on French territory can testify to the hostility shown them by French Governments, and individual Frenchmen.

Mr. Speaker, the list is endless. For every single evil perpetrated against America by France that I have listed so far, I could list yet another. Fine words to the contrary, the actual deeds and policies she perpetrates and follows have been basically anti-American. When she follows a policy designed to stamp out the last democracy in the Middle East, any intelligent person begins to wonder how we can further delude ourselves that she is a friend. I prefer honest enemies to false allies any day in the week.

For a good many generations, France has stood forth before the world as a nation where conscience and morality were much more than mere words. Often she has suffered physical disaster rather than sacrifice her revered principles.

This is the same nation which promulgated the sublime ideals of the French Revolution. Diderot, Voltaire, Montesquieu, and Rousseau gave their genius to France and the world. Each revered the individual. Each spoke of the beauty and dignity of man. Each broke a path that helped shape France and all the modern western world. Their memories have been degraded by France's actions in betraying the cause of peace by escalating the arms race in the Middle East.

This is the same nation that produced a Victor Hugo, who could write magnificent literature and man the barricades of liberty. It produced Emile Zola, who fled to exile rather than show a coward's flag and desert the cause of Dreyfus. These men, and so many others like them helped make France what she once was. The red, white, and blue of her tricolor banner was a deeper red because of their blood—a more sparkling white because of their purity of spirit—a nobler blue because of their courage.

France's spirit and message allowed her to raise herself up from the dust of defeat many times. In World War I, she triumphed because men gave their bodies to the ground, their souls to God, their lives to France. It was all worth it. The Republic deserved such sacrifice, because she stood for a vindication of Dreyfus, passion for truth, love of one's fellows, the search for all that is good in man.

Today France stands alone as the most hypocritical nation in the world. This is the country that eagerly sought to be treated as a great power after her heyday had passed. She did so by playing Russia off against the United States. She gained nothing but contempt and disgust from those whose boots she licked.

Now she stands as purveyor of vast quantities of weapons of mass destruction to Arab nations who have vowed to destroy Israel to the last man, woman, and child. How easily France has forgotten the heel of Nazi conquerors on her neck. How swiftly she has forgotten the Gestapo and the Nazi legions of Hitler parading victoriously under the Arc de Triomphe. How fast she has lost the memory of hostages shot, concentration camps, forced labor, and the mass murder of millions. Then, even though the tricolor dipped in defeat on the field of battle, it waved on triumphantly in the minds and hearts of millions, for it had not known dishonor—until now.

Is not the memory of every brave Frenchman who perished in the Gestapo's torture chambers dishonored by French weapons sales to Arab dictatorships? Does Dreyfus sleep quietly under the French soil he loved so much when French planes are to be placed in Arab hands to murder Jews? Do the great French spirits who cherished liberty so passionately lie in honest repose? Can they, as the 2½ million Jews of Israel face French weapons in the hands of bloodthirsty, murderous foes? Is the tricolor unstained by dishonor as France betrays a tiny democracy for hoped-for oil concessions? Since when does a barrel of oil count for more than a life to a Frenchman? Since when does France shine the boots of a Nasser, or the juvenile colonels of Libya?

What has happened to French decency, courage, morality, compassion, love of truth? For every Jewish life taken by Arab use of French steel, there shall appear a stain upon the escutcheon of the French Republic that a lifetime will not remove. For every child, woman, and old person, Jew or Arab, who perishes because of such sales for blood money, there shall be a deeper red on the French flag and on Georges Pompidou's soul—the red of shame. No applause will cause it to go away. No wealth will compensate for its presence. No empty honors from abroad will alter this fact of French life.

That is why I do not choose to honor this man. I do not choose to stand in this Chamber and hear him mouth empty words of friendship. What would he do to America if it were profitable or gainful to him? I do not choose to applaud him. I do not choose to lend my approval to his policies, which are an abomination in the eyes of every honest, merciful man.

I believe if the great names and voices of French history were to rise from the grave this moment, they would act similarly toward this Frenchman. What would the old tiger, Jacques Clemenceau say? Or Zola? Or Rousseau? Or Napoleon's marshals? What would Michael Ney say—the bravest of the brave—who faced a firing squad true to his salt and emperor? As one man, they would turn their back on Pompidou. They would weep with open shame at this degradation of their beloved France. They would shout in frustrated outrage at what he has done.

I sorrow for the French people who bear this stigma and shall continue to do so for a long time to come. No public relations can conceal the truth of all this. I pray there shall come a better day—a day when France's motto will cease to be "Naught is lost save honor." A day when it shall act in consonance with its national motto: "Liberty, Equality, Fraternity."

GENERAL LEAVE

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the subject of my special order.

The SPEAKER pro tempore (Mr. GRAY). Is there objection to the request of the gentleman from New York?

There was no objection.

VISIT OF PRESIDENT POMPIDOU

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 60 minutes.

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Mr. ROSENTHAL. Mr. Speaker, no one would deny the wisdom of President George Pompidou visiting President Nixon to iron out differences between the United States and France.

But in my judgment it is ludicrous to pay high honor and tribute to a man oblivious to the interests of world peace, not to mention the will of the majority of his own constituents.

Few heads of state have been given the honor of addressing a joint session of Congress. And I cannot see including in this select group President Pompidou who has placed commercial values ahead of humanitarian concerns. The sale of more than 100 jet fighter planes to Libya is a clearcut example of blatant disregard for the delicate balance of power which has kept the Middle East from erupting into a full-scale war.

While we should not begrudge France trying to improve her financial position and widen her sphere of influence, we cannot forgive her leadership in elevating avarice above commonsense and fair play, and the need to keep the major powers from being drawn into a dangerous confrontation.

I think that any congressional condemnation of President Pompidou will not be misinterpreted by the French people. They have been made abundantly aware that American criticism of the Pompidou regime is not aimed at the French citizenry, who have themselves expressed their disapproval of their Government's Mideast policy.

We must not turn our backs on France, a traditionally loyal ally, because of its retrogressive Mideast policy. Congress must use its influence to persuade Mr. Pompidou that the sale of aircraft to Libya will only escalate the arms race in the Middle East and bring full scale hostilities closer to realization.

Mr. Pompidou's "policy of imbalance" has not been limited only to the sale of Mirages to Libya. Arms embargoes have been imposed on Israel by France while the sale of weapons is being negotiated with a country such as Iraq. This is hardly a manifestation of France's evenhanded treatment in the Middle East.

In my judgment it is specious to say that the sales contract bars Libyans from transferring the planes to a third party, and that peace will surely arrive before 1972 when the delivery of the jets is scheduled to be completed. One does not have to be a genius to see that the contract's transfer provision would be extremely difficult if not impossible to enforce. This provision is unusable as a justification for the French action in the Middle East and is, on its face, absolutely ridiculous.

Mr. Speaker, I urge President Nixon to press upon Mr. Pompidou and other heads of state the necessity to halt the flow of arms into the Middle East and to work for ways to defuse the explosive situation in that region. I also hope President Nixon will stress to Mr. Pompidou the importance of Israelis and Arabs settling their differences among themselves. An imposed solution by the Big Four would be a transient one at best.

The element of terrorism has been injected into international air travel by the Mideast crisis. Will the French Government turn its back on Israel once again, relenting perhaps only when some airline passengers with French citizenship are killed in an Arab terrorist act?

Mr. Speaker, the United States must continue to work for negotiations between the feuding parties. It must resist the pressures of certain American business interests that would betray Israel to preserve holdings in Arab lands. A solution must be found which guarantees Israel's right to exist as well as permanent settlement of the Palestinian refugees.

Some dangerous misconceptions in certain levels of the administration jeopardize Israel's position in the Middle East and the stability of the region in general.

A number of American diplomats have succumbed to the Arabs' florid rhetoric which insists the Israelis would be able to bully the Arabs every step of the way in negotiations.

Other Western diplomats have accepted the Arab line that if the Palestinian refugees were given a choice of returning to Israel or receiving reparations, 95 percent would pick the latter alternative. The diplomats overlook the distinct possibility that the Arab governments might coerce the refugees to return to Israel and act as a fifth column.

Mr. Speaker, Arab propaganda has portrayed the United States as champion of Israel since its inception in 1948. Yet the U.S. Government embargoed military aid to Israel when the Arabs sought to destroy the fledgling state in its first year of existence.

Since that tie, the United States has provided arms to both Arabs and Israelis. Only the Israelis have regularly paid for them. And our only purpose of selling arms to Israel has been to prevent the kind of arms imbalance which French policy now produces.

Israel asks no more, and the United States can do no less, than supply weapons with which Tel-Aviv can defend itself.

Hopefully, a military stalemate will buy the time for tensions to unwind in the troubled Levant.

Mr. Speaker, it is with great reluctance that I say that I do not believe we should honor a Chief or State whose Government has engaged in these outrageous activities. It may be within the power of the President of the United States and the Speaker of the House of Representatives to invite President Pompidou to address a joint session of Congress but it is also my prerogative not to attend such a session.

I will not be in this Chamber tomorrow afternoon during the joint session of Congress.

Mr. Speaker, it would be most polite for me to attend tomorrow. It would be indulgent for me to attend tomorrow. It is not easy for one who suggests to young people that we must have an orderly society and that we must have respect for our elders and for our traditions to suggest that I shall wait outside this Chamber until Mr. Pompidou departs.

Now, one of my colleagues has made reference to the fact that it may be, and indeed be, uncivil or impolite or discourteous or lacking—to use a French expression—savoir-faire not to attend the session tomorrow. But, sometimes, there is a limit on rhetoric, sometimes there is a limit on words and speeches.

Mr. Speaker, it would be most delightful for me to attend tomorrow afternoon, but it would be useless in expressing my objection to President Pompidou addressing this hallowed Chamber. As my colleague, the gentleman from New York (Mr. PODELL) suggested earlier, very few heads of state have been so honored. Many great men have been honored to stand at the podium behind me and address a joint session of Congress. I would not think I have to agree in every way and in every respect with everyone who addresses a joint session of Congress.

But on the other hand when I weigh the events of the day, where this world is going, and the enormous possibility of a major conflagration beginning in the Middle East, and the absolute assertive of Mr. Pompidou selling 100 jet planes to a country that has 10 pilots, I must go beyond cordiality. I must indeed go beyond savoir faire, and I must exercise the most expressive physical act I can and still be within the prerogatives of respectability. So I shall not join one of my colleagues who has announced that he shall stand up and walk out, because that imprecise act has a potential of reflecting on the colleagues who sit around the Chamber at that moment. But I shall restrain myself from attending. I shall read about Mr. Pompidou's remarks in the paper the following day, and I shall comment upon them accordingly.

Mr. KOCH. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from New York.

Mr. KOCH. Mr. Speaker, I would like to assure my distinguished colleague and friend from New York (Mr. ROSENTHAL) that we are not in disagreement on the merits of the issue; the gentleman in the well and I are of the same mind in our opposition to the French Government's policy, vis-a-vis Israel. There is a difference, however, with respect to the tactics to be employed in changing that policy. I certainly would not take the position that my tactics are necessarily better than those of the gentleman in the well and those others who will boycott tomorrow's joint session. However, I believe that it is possible if we do not use harsh rhetoric and do not use the politics of confrontation, we may yet effect a change in M. Pompidou's position.

I would like for a moment, if I may, to make an observation on the substantive aspects of this issue as opposed to the matter of tactics. I know, because we have seen it in our own country, that the major reason we find people opposing the interests of Israel and supporting the Arabs is oil. We saw this in operation when David Rockefeller, Robert Anderson, and John McCloy, representing the oil interests, went to see the President on December 9. We were fortunate in that their private meeting was made public by the New York Times and we learned that they sought to have

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President Nixon change the policy of the United States so as to make it more favorable to the Arab States. A public outcry ensued and because Americans throughout the country made their views known, we were able to bring home the message to the President: That if a change in our national policy vis-a-vis Israel was being contemplated and if Secretary of State Rogers' December 22d statement was a trial balloon for this change, this new policy was not acceptable to the American people. And subsequently, we have seen a partial withdrawal of the Rogers' statement, not sufficient for my taste, but a withdrawal nevertheless.

Now, the French Government in pursuit of the same oil interests is doing what the American oil companies sought to have our own Government do, namely turn its back on Israel.

The French believe that in some way they can assure themselves oil leases from the Arab States and a position of leadership relinquished by other countries who are unwilling to knuckle under to Arab pressure.

The French and Messrs. Rockefeller, Anderson, and McCloy take the position that in some way we have to fear that the Arabs, if they are not placated, will turn off the oil lines. Well, that is nonsense, arrant nonsense. Because the fact is that the entire Arab economy is based on the sale of oil to the Western Powers and Japan and if they were to turn off the spigot, they would turn off their own economy. That is so easily demonstrable. Today Arab oil goes through pipelines that go over Israeli-occupied territory.

Indeed, on the last occasion when some Arab terrorists blew up an oil pipeline, the Arab countries condemned that act and the Arab countries paid Israel through the oil companies over $1 million to clean up the oil damage resulting from the sabotage of the pipes. Why did they make the payment? Because they did not want to turn off their own source of income.

In addition, the Arab States know that at some time in the future, whether it be 10 years from now or 100 years, there will be other sources of energy. Obviously, the major future source will be the atom. They do not want to hasten that day. They do not want to have other sources of energy substituted for oil any sooner than might otherwise occur through ordinary technological developments. They also know that if Arab oil were denied us now we could quickly find other sources, such as those recently discovered in Nigeria, in the State of Alaska, as well as using our own proven continental reserves.

If we understand that, then we would realize that when Mr. Rockefeller and company say it is in the national interest of the United States to protect that Arab oil supply, they are in effect confusing their own economic interest with our national interest, just as Charles Wilson of General Motors did when he said, "What's good for General Motors is good for the country." Today David Rockefeller's refrain would be, "What's good for Chase Manhattan is good for the country." Mr. Rockefeller is as wrong as was Mr. Wilson.

We can say to the American people, and rightly so, that it is in the national interest of the United States to keep firm the hand of friendship with the State of Israel which is our only friend in that part of the world. That little country seeks the arms by which it can defend itself from the concerted attacks of the surrounding Arab states. Through the two decades ever since the birth of Israel, the Arabs' goal publicly expressed was to destroy her. Now they have hired some public relations people and they have softened their harsh threats. Now instead they say—all they want to do is to live at peace, while they engage in terrorism and repudiate the cease-fire agreement, and have their agents blow up commercial airliners, and fire upon and kill tourists visiting the holy places. The fact is that for 21 years, their announced goal was to push the Israeli into the sea.

Let us for a moment look at what the Arabs and in particular what the Kingdom of Jordan did when it seized the old city of Jerusalem. They were not given Jerusalem under the original partition of Palestine. Today you hear them saying that Jordan was in lawful possession of the western bank of Jerusalem. The truth is they seized them both by an act of war, and they lost them both under another act of war.

But what did Jordan do when it occupied Jerusalem? When the old city of Jerusalem was under the rule of the Jordanians, every house of worship sacred to the Jews was desecrated and defiled and the cemeteries were uprooted with the tombstones used for building blocks, and no Jew was allowed to live in the old walled city, or pray at the western wall.

What is Jerusalem like today? That city is is no longer divided but is administered by the State of Israel and Arabs come from every country including those at war with Israel. No one is refused the right to enter the State of Israel or the city of Jerusalem unless he is a terrorist. People come from Jordan, from Saudia Arabia, from every place to visit and pray at the holy places. Arabs living in the old city of Jerusalem are full citizens of the State of Israel and voted in the recent mayoralty election; they join the same labor union founded by the Jews; and they receive equal pay for equal work.

That is totally different from what was the situation when Jordan occupied the old city. And I wonder whether there is anybody in this Chamber tonight who believes that the lot of the Arabs now living in the occupied west bank area is comparable to what the lot of the Jews would have been had the Jews lost the war? Is there anyone who thinks that the Arabs would have treated the Jews had they subjugated them, in the same way that the Israelis are treating the Arabs who are living on the west bank and in Jerusalem? I do not think so. Had—God forbid—the outcome of the 1967 war been reversed, we would have seen the kind of brutality we witness regularly in Iraq where Jews are hanged in the public square.

What is it that the Israelis want? The Premier of Israel, Golda Meir has said:

> All we want is to sit down at a table with the Arabs and talk peace. We are not putting any conditions on that talk. We are not saying that we have to go back to the 1967 lines or the 1956 lines or the 1948 lines. There are no prior conditions or limitations on the discussion. We will just sit down. We are not telling you what you must do or what we will not do. But only those who have fought can negotiate a lasting peace.

But, the Arabs will not do that. Why? Because they rely on the Soviet Union, a new found friend in the French, and England's crass broker position. That is why it must be so frustrating to be an Israeli today and look out upon the world and see what used to be friends—France and England now taking positions adverse to the State of Israel. And what must be the cruelest blow of all is to look to the United States and see it vacillate. While we are still friends of Israel, we do not find ourselves in that same firm position of support that existed prior to the current administration's coming into power.

In closing I say to our colleagues here in this House that not only is it in our national interest to keep Israel, a friendly country, safe and secure and prevent its being destroyed by external aggression, but there is a moral aspect that makes it doubly important to do so. We cannot let these people, who have suffered persecution in almost every country in which they have lived for the past 2,000 years since the destruction of the Second Temple in 70 A.D., and who have finally come home, to perish. I urge our President to stand fast and to provide them with the arms they need to defend themselves, and I pray that the President of France, Mr. Pompidou, will reconsider his position.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I would like to congratulate the gentleman in the well for his leadership and initiative he has brought on this whole discussion today. The ill-timed and ill-advised visit of President Pomidou places the President of the United States in a very perplexing situation. I personally feel sorry for President Nixon. The exigencies of diplomatic protocol make it necessary for the President to play the role of the good host, and this he is going to do well, I am sure, for we Americans, of course, have a long history of good manners.

And I congratulate our President for taking that course.

But for myself, the gentleman in the well, and perhaps as many as 150 other Members of this Congress, we are going to stay away tomorrow. This is the only way I have of registering my own protest against the policies of Mr. Pompidou. We have not recommended demonstrations. We have not recommended any overt acts in the Chamber or out of the Chamber. He is a Head of State. He is entitled to certain courtesies as the Head of State. Those courtesies will be afforded him. But there is nothing that says that I have to be here, in the pursuit of my

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official responsibility as a Representative from the 11th Congressional District of Illinois, to pay tribute or even to listen to Mr. Pompidou, particularly since the meeting tomorrow is only a joint meeting and not a joint session.

I suspect that there will be a large number of Members who will take the same course that I am going to take.

Of course the leadership has been very busy all afternoon lining up forces to make sure that the Chamber itself looks reasonably respectable, with bodies in the chairs. But I do not know why I should give this visit any official notice. Not only is Mr. Pompidou addressing a joint meeting tomorrow, not a joint session, but also I wonder just how official this whole visit is, when I discover that apparently the President of France and the President of the United States have agreed there would be no joint statement at the conclusion of their visit.

Now, perhaps that is just as wise, but it certainly does raise many questions as to, first, the validity of the visit to this country, and, second, the importance that we ought to place on this visit.

Nevertheless, Mr. Speaker, I believe that as long as Mr. Pompidou will be here tomorrow, perhaps the President of France would like to address himself to a number of questions which might make his stay in the United States a little more informative.

First of all, perhaps he might be able to tell us why 44 percent of his own people, 44 percent of the people of France, do not support his policies in the Middle East of selling jet bombers to Libya and Iraq.

Perhaps he might tell us whether or not his trip to America was arranged in order to strengthen and to build up and perhaps repair some of his own problems back home.

I am aware that the trip to America was planned and arranged long before the Libyan Mirage sale incident. I am also aware that a great effort was being made to build up the French President's image.

I received a very elaborate packet, and I imagine all of my colleagues received the same sort of packet, that looks about half like a Sears Roebuck catalog, with all sorts of interesting pictures, speeches, analyses, opinions, and editorials. One would almost think that the President of France is running for some public office here in the United States. I envy the fact that they have that kind of money to spend on that kind of literature. I wish I had in a political campaign.

There are those, of course, who would argue that there are more important problems the United States and France have, and therefore we ought not put quite so much emphasis on the French relationship with Libya on the sale of the Mirages, and how this affects the fortunes of Israel.

I would say those people make a very serious mistake. We have every reason to believe, and hope and pray, that indeed we will in some manner extricate ourselves from Vietnam in the very near future. Certainly we have reason to believe that a large number of our combat forces can be removed from that theater or continent.

But I tell you, the clouds of war now hovering over the Middle East can make Vietnam look like child's play, and we lost 40,000 American sons in Vietnam.

This is a tough business in the Middle East, and I am astounded and amazed that the President of a great nation like France can give this whole subject such cavalier treatment.

Mr. Pompidou is playing Russian roulette with the survival of peace in this world.

That is why I say those who say, "We have other more important things to talk about," should consider there is no more important challenge than to find a solution to meaningful peace in the Middle East.

I submit that Mr. Pompidou is this generation's architect of another Munich. His sale of Mirage bombers to Libya only intensifies the arms race and escalates the prospects for war in the Middle East.

What excuse do the French give for the Mirage sale to Libya? Well, excuse No. 1 is that they have made a very large capital investment in their airplane factories and that the French cannot absorb enough Mirages for their own defense to justify the capital investment, so they must seek markets wherever they can. What a ghoulish and bloody business that is.

Second, they say in order to have a flow of French currency in exchange for oil, the sale of the Mirages to Libya improves their balance of payments. What a cynical approach that is.

Finally, Mr. Pompidou says, "But none of these airplanes are going to be used by the other Arab nations." Now, how naive does he think we are? Libya has an air force of 13 pilots. Nobody at this late date can deny the fact that our best intelligence shows—and it has been confirmed—that Egypt is now sending 800 technicians into Libya every month.

No, Mr. President, your excuses don't hold water.

Another question Mr. Pompidou might address himself to tomorrow as he speaks in this Chamber is this: What assurance do we have that when we abandon Wheelus Air Force Base on July 1, that tremendous installation will not be used to house the French Mirages and to train Russian, Egyptian, Libyan, and Arab pilots, to wage aggression against Israel and ultimately against the Sixth Fleet in the Mediterranean.

The behavior and conduct of the French Government headed by Mr. Pompidou gives us the right to ask today whether France is in a conspiracy to drive America out of the Mediterranean. After all, we find Mr. Pompidou in strange company today when he does business with those dedicated to our ultimate destruction.

Another thing Mr. Pompidou might address himself to tomorrow is this: How does he view the statements made by the Libyan Government that the terrorist attacks being waged against aircraft in other parts of the world are justified? How does the French President view the admission by the Libyan Government that Mirages which are going into Libya may find themselves in service against Israel? How does the French President view the announcement by the Libyan Government that it will gladly shut off the whole flow of American oil if Mr. Nasser so desired and if it will help him?

Yes. I tell you the President of the United States is in a very difficult position tomorrow. He has to play host to a man who ignores so patently the lessons of history. We all remember a great American President in 1937 calling upon the whole world to embargo the first post-World War I aggressor—the great quarantine speech of Franklin Delano Roosevelt, when he saw the clouds of war moving across the Mediterranean and called for an embargo after the attack on Abyssinia. The world kept quiet. The Congress of the United States itself passed the Neutrality Act. Nobody wanted to disturb the status quo of economics. As a consequence, we found ourselves embroiled in a titanic World War II, with huge losses, one which finally led to our major problems of today with the Soviet Union emerging as a great world force for evil and destruction. Mr. Pompidou completely closes his eyes to that and comes to America expecting the American people to put out their arms and say, "Welcome. You come here as a friend," when he is part and parcel of that vicious conspiracy in the Middle East to destroy the only friend we have there, the State of Israel.

So, Mr. Speaker, I do not think there is anything wrong with so many of us who having taken the position that we are not going to be in this Chamber tomorrow. It was the most polite and gentlemanly way I know of showing my objection to his policy.

Mr. Pompidou could repair a few things if he had the courage. More importantly, if he had the understanding. Yes, he might join with our President in announcing to the Soviet Union that the survival of Israel is not a sentimental journey for the Jewish people alone. The survival of Israel is not a "Jewish" question. The survival of Israel stands in the highest interest of American security and French security and free world security. For too long, too many people have treated the case of Israel as a "Jewish" question.

Mr. Speaker, we have seen the Soviet Union rearm every one of the Arab states. Every terrorist that is captured in the Middle East bears Soviet arms. We have seen the Soviet Union's military staff move in and take over command of every Arab country. They are today developing plans and techniques and training the Arab soldiers.

The Soviet Union is determined to drive Israel into the sea. Why? Because this tiny little nation stands in the way of another Soviet cordon sanitaire. The Soviet Union has a cordon sanitaire of more than 180 million people through the middle of Europe, the captive nations of Europe, and now the Soviets want a cordon sanitaire in the Middle East.

Mr. Speaker, Israel's people for more than 2,000 years have fought, struggled, pleaded, prayed, and suffered the worst type of persecution so they could today

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have a home of their own; an identity, and a recognition of a national spirit. Israel today stands in the way of Soviet expansion which would destroy the dream that took 2,000 years to be realized. So, Israel must be destroyed. That is the edict from Moscow. And the irony is that that edict is inadvertently being supported by the President who will stand in this Chamber tomorrow as a representative of France.

Why does the Soviet Union want to destroy Israel? Because the Soviet Union wants to get her hands on that rich-in-natural-resources continent of Africa. That is where the future battle is going to be fought.

Mr. Speaker, there is an old saying that he who controls Africa controls the world. The United States cannot economically move to a $2 trillion economy by 1980, if we do not have access to those rich natural resources of Africa. That is why Secretary of State Rogers just came back from Africa last night, to try to bolster our position there because he sees Soviet missions in every one of the African countries.

The Soviet Union has to get rid of Israel; must destroy little Israel, because Israel today stands in the way of Soviet expansion into Africa. That is another thing that the President of France ought to be addressing himself to.

He also ought to join our American President in a call for a world embargo against the Arab countries for exporting in a new kind of terrorism. What these Arabs are developing in the way of terrorism for the rest of the world will make the Vietcong look like kids' play when their wanton destruction of airplanes and communications and terrorism is exported all over the world. And the President of Libya says such terrorism can be justified.

The President of France can make a great contribution tomorrow if he will address himself to these problems.

I submit the time has come when the free world ought to call upon the seafarers unions of every free country to refuse to handle surface transportation out of Arab countries. There is not enough aircraft flying into Arab countries to make an air carrier embargo fully effective.

There are not enough aircraft going into the Arab countries, there are not enough airplanes going into Egypt, Syria, and other countries, but the way to bring these people to their senses, in my judgment, is to call upon seafarers all over the free world to say that they refuse to handle goods going into and out of the Arab countries, and bring them to an economic standstill.

Mr. Speaker, the time has come for greater understanding in this conflict. Those of us who are going to stay away from this session tomorrow are doing so because we want to exercise our silent protest. Thoreau once wrote about the masses who suffer in quiet indignation. We see the President of France coming to America tomorrow, a President who has been part and parcel of an agreement which will destroy the only friend we have in the Middle East. No matter how much President Pompidou may want to justify his policy, it is obvious it just can't stand up to righteousness.

Mr. Speaker, I want to thank the gentleman for yielding.

Mr. ROSENTHAL. Mr. Speaker, I want to thank the gentleman for a very articulate and expressive statement of a very important event.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Speaker, I am glad we are having this discussion today. The arrival of President Pompidou coincides with the worsening situation in the Middle East, and the conjunction of these events makes it more important than ever that there be no wobbling or vagueness in America's commitment to Israel. Forty-seven innocent passengers have died in the sky and scores more are miraculously alive, an American minister's wife has been shot to death while visiting holy sites in the Holy Land, and the French Government has confirmed the sale of scores of sophisticated warplanes to a government that hailed these events and praised their perpetrators. In this situation, and at a time when the President of the United States is conferring with the President of France while the terrible problem of how to respond to murder in the sky is being weighed in the airports and capitals of the world, there must be no confusion about the feelings of the American people.

First, let it be clear that if the result of the attacks on planes bound for Israel is to diminish air traffic to Israel, murder and piracy will have been rewarded and those who have engaged in murder and piracy will have new incentive to expand their grisly operations. I include in the RECORD at this point an editorial from the New York Times, which I am sure speaks for the vast majority of the Members of Congress and of the American people:

[From the New York Times, Feb. 23, 1970]

TO STOP MURDER IN THE SKY

One of the most severe crises in the history of the world's civil aviation has been touched off by the Arab guerrilla sabotage that last weekend destroyed a Swiss airliner flying to Israel and almost destroyed an Austrian plane. At any given moment, this planet has innumerable national quarrels, miniwars and other conflicts of varying degrees of intensity. When and if partisans in such disputes have reason to believe that the sabotaging of airplanes is an effective means of pursuing their causes, then murder in the sky might become so common as to paralyze the air transport industry. This vulnerability of airplanes makes it particularly important that those who try to profit by such sabotage learn quickly and unequivocally that this tactic is self-defeating.

These considerations are self-evident. Nevertheless, the initial reaction of several European airlines to last weekend's sabotage could, if continued, please the saboteurs. One line simply canceled its regularly scheduled flight from Copenhagen, while other firms which continued flying to Israel banned mail or freight. Unless these stoppages were temporary moves made to improve security, they can only encourage those who planted the bombs.

In the long past history of Arab attacks against Israeli aircraft or against planes bound to Israel, the objective has been to isolate that country by cutting it off from normal transport connections with the rest of the world. If the Arab terrorists see that the latest outrages are advancing their purpose, they will only escalate their effort to blow other Israel-bound planes from the sky. And any evidence that these crimes are hurting Israel will give fanatics devoted to other causes and hating other states reason to employ similar sabotage tactics widely.

If the air transport industry is to avoid committing suicide, its reaction to last weekend's tragedy must not be ruled by panic. The need is for continued normal air traffic to Israel, and for intensified security measures to protect the planes.

In the past, Arab states have exalted as heroes those terrorists who attacked Israeli or Israel-bound planes. Yesterday Libya's strongman, Col. Maummar el-Qaddafi, publicly defended such attacks. But some Arabs are beginning to understand these outrages may be counterproductive. This is evidenced by the sudden shift last weekend from the first jubilant claim of guerrilla responsibility for the Swiss plane's destruction to the later unconvincing denial. And yesterday a Beirut newspaper denounced the attack on the Swiss airliner as "the most irresponsible, unforgiveable and outrageous act that has ever been committed in the name of Palestine."

The need now is to convince the great majority of Arabs and the rulers of their states that such criminal acts hurt rather than help their cause. This can be done by applying sanctions against the Arab countries which finance, harbor and encourage the terrorists and provide the bases for these murderers. A worldwide airline boycott of those Arab states would be the best means to punish the perpetrators of these foul and cowardly deeds and those behind them and to put pressure on both groups to halt their crimes.

Second, we must not allow the dismay and disgust most Americans feel about French policy in the Middle East to be obscured by disagreements about how to convey these feelings to President Pompidou during his visit. I am accordingly sending the following telegrams to President Nixon and President Pompidou.

DEAR PRESIDENT NIXON: I would like to add my voice to those of millions of Americans who hope and trust that you bring home to President Pompidou clearly and forcefully the deep concern of the American people about French policy in the Middle East and the consequences of that policy both to the peoples directly involved and to the rest of the world.

President Pompidou should not leave Washington unaware of the deep resentment felt by the vast majority of dedicated friends of France in this country.

DEAR PRESIDENT POMPIDOU: I wish to join in welcoming you to Washington in the spirit of friendship between the French and American people that has played so significant a role in the history of our countries during the past two centuries.

You will understand how deeply troubled millions of Americans are by French policy in the Middle East, a policy we are convinced encourages aggressor states at the expense of both peace and justice and that cannot help but undermine the historic relationship between France and the United States. As one who has opposed American foreign policy in Vietnam and elsewhere when I felt it to be wrong, I must urge you to reconsider French policy in the Middle East while there is still time to avoid the dire consequences to all concerned that will result from continued discrimination against Israel. Such discrimination only adds to the already existing difficulties involved in encouraging the nations in this area to resolve their differences

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through negotiation rather than through resumption or extension of hostilities.

The great democratic nations of the West ought to be able to work together to create an atmosphere more conducive to peace and justice in the Middle East. The price to the whole human race of our failure to do so may be incalculable. I hope you will address yourself to this situation when you speak in the House of Representatives today.

Finally, if there is to be any hope of reversing the tragic drift of events in the Middle East, we must end all doubt that the United States will supply Israel with all armaments necessary to maintain her deterrent power until the Arab States are prepared to negotiate a peaceful settlement. The President's declaration in his report to Congress on American foreign policy provided welcome assurances on this point. The Congress must now speak and thus clear up any confusion about the unity of the American people on this matter that may have arisen as a result of other recent statements by high officials. We must press for favorable action on House Concurrent Resolution 479 and on House Concurrent Resolution 511, the resolution introduced by Mr. Wolff and myself, among others, that would insure that Israel will be able to buy the weapons she needs to protect herself in the ugly situation created by the continuing flow of Soviet and French armaments to some of the Arab States.

I am inserting in the Record at this point the text of the aforementioned resolutions, together with a statement signed to date by 248 Representatives and 68 Senators.

H. Con. Res. 479

Whereas deep concern has been aroused by the statement of the Secretary of State of the United States of December 9, making certain proposals for peace in the Middle East between the State of Israel and the Arab States, and

Whereas such statement of the Secretary of State has been understood as contrary to the previous policy of the United States in the Middle East and to the expressed sentiment of approximately two-thirds of the Senate and the House of Representatives: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the policy of the United States for the promotion of peace in the Middle East should be to exert its best efforts to arrange for direct, face-to-face negotiations between the State of Israel and the Arab States; and, further, that neither the United States nor any other power should attempt to impose a settlement in the Middle East nor attempt to induce a settlement other than through direct, face-to-face negotiations between the State of Israel and the Arab States.

H. Con. Res. 511

Whereas five successive Presidents have seen the relationship between Israel's integrity and survival and United States national interests; and

Whereas the Soviet Union and France have sharply escalated the Middle East arms race; and

Whereas a balance of power is the best available deterrent to full-scale war; and

Whereas the President has said "The United States is prepared to supply military equipment necessary to the efforts of friendly governments, like Israel's, to defend the safety of their people;" and

Whereas the Government of Israel has asked to purchase jet aircraft (beyond current sales) essential to its defense: It is hereby

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President should take such steps as may be necessary, as soon as possible after the adoption of this concurrent resolution, to negotiate an agreement with the Government of Israel, providing for the sale to Israel, on a cash basis, by the United States of military aircraft, commonly known as Phantom jets and Skyhawk jets, in amounts necessary for her security.

Declaration in Support of Peace in the Middle East

We, the undersigned Members of the United States Congress, declare:

A just and lasting peace in the Middle East is essential to world peace. The parties to the conflict must be parties to the peace achieved by means of direct, unhampered negotiations. We emphasize these significant points of policy to reaffirm our support for the democratic State of Israel which has unremittingly appealed for peace for the past 21 years. Our declaration of friendship for the State of Israel is consistent with the uninterrupted support given by every American President and the Congress of the United States since the establishment of the State of Israel.

It is not in the interest of the United States or in the service of world peace to create the impression that Israel will be left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations supplied by the Soviet Union and other sources. We thus adhere to the principle that the deterrent strength of Israel must not be impaired. This is essential to prevent full-scale war in the Middle East.

All the people of the Middle East have a common goal in striving to wipe out the scourges of disease, poverty, illiteracy and to meet together in good faith to achieve peace and turn their swords into ploughshares.

I am also including in the Record an article by the distinguished columnist, Mr. Clayton Fritchey, and an editorial from the New York Post:

[From the New York Post, Jan. 14, 1970]

Even-Handed Rogers

(By Clayton Fritchey)

Washington.—Secretary of State Rogers justifies the Administration's new policy of arms-length relations with Israel on the grounds that "we have to conduct our foreign policy in a way that we think is best for our national interests."

Quite so, but this seems to suggest that the previous U.S. policy on Israel had to be altered because it was *not* in our national interests. This will come as news to most Americans, who for years have thought our long friendship with a democratic and resolute Israel was the best thing—perhaps the only thing the U.S. had going for it in the troubled Middle East.

Putting aside other considerations, where would the U.S. be in that area if Israel collapsed, and the whole region was taken over by the hostile Arabs and their great patron, Soviet Russia? The answer suggests that our ties to Israel rest as much on self-interest as on anything else.

Reliable friends like Israel, willing and able to defend themselves without the help of U.S. troops, don't grow on trees, and no government should know this better than our own. If we had only been able to find more allies in Asia as dependable as Israel, we would not have had to send armies to Vietnam and Korea.

Rogers talks of being "even-handed" toward Israel and the Communist-backed Arabs. He is being even-handed at the wrong time, the wrong place, and with the wrong countries. The place for even-handedness was Asia, but instead the U.S. was getting American troops to win wars the Asians couldn't win themselves.

What have Chiang Kai-shek, Syngman Rhee, Ngo Dinh Diem or Nguyen Van Thieu ever done for the U.S. or the cause of democracy? Nobody in the Administration is talking about being even-handed toward South Vietnam or Taiwan.

The only silver lining is that Russia's record of embracing ineffectual and expensive proteges is almost as disastrous as ours. At least the U.S. is not yet stuck with Nasser. The Soviets have invested untold billions in him; they re-equip his armies as fast as Israel destroys them; they let him drag them into humiliating and compromising situations. And after all these years they have little to show for it; they can only look forward to further costly rescue operations.

Russia's effort to establish a secure foothold in the Middle East through the quicksand of make-believe Arab governments may be as fruitless in the long run as America's effort to establish itself on the Asia mainland through equally untrustworthy satellites.

For once, in Israel, the U.S. has a friend it can depend on—a democratic nation which is devoted to peace, but has the courage to fight its own battles. Yet now the Administration wants to cultivate Nasser, despite his long record of being anti-American and pro-Russian. Just how this translates into a policy that is "best for our national interests," is something Rogers needs to explain more clearly.

* * * * *

If the Administration wants to promote peace in the Middle East, it should back Israel's desire for direct negotiations with the Arabs.

[From the New York Post, Feb. 9, 1970]

Unending Crisis of the Middle East

Leaders of five Arab countries are meeting at this moment to draft a new manifesto in their war of words against Israel. Any pronouncement they produce is unlikely to contribute to a diminution of the rising tensions; this is essentially a council of beligerence, and no serious new formula for peace can be expected to emerge from such a meeting regardless of strategic differences that may exist behind the scenes. What really matters now is not what is said but what is happening to escalate the level of hostilities—and how far the Soviets are prepared to promote a major confrontation.

In these dangerous hours UN Secretary General U Thant has issued a call for a complete embargo on arms shipments to this explosive area. In principle he once again spoke as a voice of reason and sanity. But he clearly has little expectation that his plea will be heeded now.

As long as the Soviets multiply their arms commitment to Nasserism (and the French emerge as Libya's plane factory), how could any balance be preserved by a one-sided American adherence to the principle of embargo? How could the cause of peace be enhanced by encouraging the delusion in Cairo that the Israelis are finally isolated and alone?

In a sense what is taking place is a battle for time—time, above all, in which new forces in the Arab world may arise to respond to Israel's repeated calls for negotiated peace among equals.

These are complex, unresolved rights and wrongs in such grave matters as the treatment of Arab refugees, the redefinition of boundaries and other conflicts rooted deep in the agony of history. We have never minimized these problems. But on one issue the record remains clear: Israel's reaffirmation of its readiness to negotiate all issues, and Nasser's evasion of that challenge.

As long as this remains his stand, and Arab spokesmen thunder their resolve to

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destroy this democratic island, any attempt to "halt" the arms race by a unilateral U.S. boycott of Israel could only set the stage for a blow-up that would shake the world. Until or unless there is a break in the deadly diplomatic stalemate, the proposed sale of additional U.S. jets to Israel becomes a symbolic act to maintain a fragile psychological balance. There will be no real prospect of solution before the day of serious negotiations, in one form or another, finally arrives.

I thank the gentleman for yielding. If this discussion helps to demonstrate—and mobilize—American opinion at this critical moment in the Middle East, it may turn out to be one of the most useful discussions in which any of us has participated in a long time.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wish to commend the gentleman from New York and his colleagues for taking these special orders this afternoon concerning very important events that will take place in this Chamber tomorrow.

Mr. Speaker, I would like to say that back in 1967 in the spring I had the honor of visiting the nation of Israel just a few days before the 6-day war. At that time in the city of Tel Aviv, although the dark clouds of Arab aggression were hanging low over the city of Tel Aviv, the people of Israel were confident and were determined. This was just the day before Israel's birthday. Israel was to be, the next day, 19 years old, still a teenager, but a nation of people who could truly be called the chosen ones.

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The people of Israel knew at that time that they were about to engage in battle and defend their land and to keep their nation alive. For thousands of years fathers had told their sons, and they in turn their sons, that some day there would be a State of Israel and that it would have to be defended.

Mr. Speaker, I also had the pleasure of going a little bit north of Tel Aviv and visiting the town of Herzlia to see a magnificent accomplishment made by the Jewish people in Israel. It was in a sense just a small medical clinic, but it was a place where anyone could go if they were sick or ill, whether they were a citizen or not, and at no cost be treated and become well. I was proud because this particular small clinic had been established mainly through the efforts of the Jewish community in my area of central New Jersey, and the Histadrut organization of central New Jersey, and I was proud and surprised to see the beautiful hospital on a hillside just outside of the town of Herzlia, a large, efficient, modern hospital which just a few years before had been created to take care of the tuberculosis patients—the whole hospital—to take care of the tuberculosis patients for just that area of Israel.

But at that time in 1967 it had gotten to the point where only one wing of the hospital was used to handle its tuberculosis patients, of the entire nation of Israel. They were proud that Israel had become an oasis of hygiene in that desert of disease that is the Middle East.

I also visited a small kibbutz at Ein-Gev in the northern part of the country on the eastern shore of Lake Tiberias. There I could see a young nation, a teenager at work—productive work—work that involved farming primarily. But they also had time for the important things, like good education for the young people. There was a tremendously large building to promote the arts, one of the finer things in life.

But there were some discouraging things also. There was a statue outside the art center that had been blown apart, to a small degree, by the bombs which already before the war had been floating down on this poor little kibbutz from the Syrians. A few hundred yards away near the top of an adjoining hill, part of the Golan Heights, I also saw the classroom that had been half blown apart when without any warning—perhaps on a whim—a bombing had taken place just a few days before I arrived there.

I saw other educational facilities. I also saw beneath the playground a dark damp room with little cribs that had the ominous name of the "Kindergarten Bomb Shelter." It was not a rusty relic from World War II. Unfortunately, it was a necessary piece of educational equipment in Israel today.

But despite the ominous threats of millions of Arabs around them—and despite its tiny size—and despite its vulnerability—being on low ground everywhere along that area of the country, except for one very small place north of Lake Tiberias—the people were determined. The people were confident. The people had that something extra that makes for a great nation—that something extra—like the ordinary farmer who on weekends is a concert violinist—and the seamstress who paints—and the laborer who is a tank commander.

We have heard so much about the future of Israel, and what it shall be. After defending their country in the late 1940's and after a battle in the 1950's, some of the older and so-called wiser nations gave Israel their advice—back off, in two 10-year periods they were told. Make concessions. Do not insist upon being recognized as a real nation—and everything will be all right.

Everything was all right for 10 years. Then Israel found itself in a position where it had to fight again. And again against overwhelming odds, Israel was victorious. Let us hope the mistakes of the past 10 years do not reoccur again in the next 10 years.

Some people say that maybe the United States should decide what Israel shall do in negotiation. Some people may say that France should decide what Israel should do. Some people say that perhaps the United Nations should decide what Israel should do.

Mr. Speaker, I wonder what is wrong with letting Israel decide what Israel shall do. What is wrong with the whole world listening to Abba Eban and to Golda Meir in their insistence that the negotiations will only come face to face, nation to nation, recognition of one nation for another nation, and let the Arab nations know that Israel is here to stay.

Certainly all of us would like to know for sure what the policy of the Government of France is concerning Israel and, Mr. Speaker, I would also like to know, if I could, for sure, what is the U.S. Government's policy concerning Israel. There have been many conflicting statements made in this area. So in these troubled times, for a great democratic nation in the Middle East let all of us hope that the American people will be able to feel that when democracy is threatened in the Middle East, our Government, our President, and our Congress will always be on the side of justice, and in the Middle East today the word "justice" is pronounced "Israel."

Mr. REES. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from California.

Mr. REES. Mr. Speaker, tomorrow will be the occasion for French President George Pompidou to address a joint meeting of Congress. I have joined with other of my colleagues in a declaration of concern to President Pompidou on French Middle East policy. The text of the declaration is as follows:

DECLARATION OF CONCERN TO PRESIDENT POMPIDOU ON FRENCH MIDDLE EAST POLICY

On the occasion of your first visit to the United States as President of the Republic of France, we welcome you on behalf of the American people whom we represent. We understand the desire of our President to extend you the courtesy accorded to a visiting dignitary, and we share with him the hope that your visit will be a pleasant and productive one.

However, we feel compelled to express to you our grave concern over French policy in the Middle East. Recognizing that the situation there borders on yet another full-scale war, we feel reason and caution to be of paramount importance in so far as the policy of all parties involved in concerned.

Specifically, we are greatly dismayed by your decision to permit the sale of over 100 jet fighters to the Arab Nations while at the same time forbidding all such sales to Israel.

We ask that you join with this country in seeking immediate face-to-face negotiations between the Israelis and their Arab neighbors in an effort to settle this tragic conflict. We want to make it perfectly clear to you that the people of the United States will not condone a state of war in the Middle East and that we persist in the search for negotiated peace as a major goal of American policy.

We ask that you utilize the great power of your office to help achieve such a peace and urge that you refrain from a reckless and irresponsible course of action which your government seems to have been pursuing with regard to the Middle East.

Mr. Speaker, I am very disturbed over what the French sale of jets to Libya will do to the precarious arms race in the Middle East. The French sale presents a serious escalation which might well signal the point of no return in a resumption of full hostilities.

I am also disturbed at the direction which our own American foreign policy has taken in regards the Middle East and our attitude toward Israel. I believe that the United States should return to its previous policy of urging direct negotiations between Israel and the Arab States.

The abrupt change in American policy was evidenced by Secretary of State William Rogers' proposals to the four-power conference in December regarding boundaries, refugee settlements and withdrawals from occupied territories. His proposal that negotiations between Israel and the Arab States need not be direct but could be held indirectly based upon the Rhodes formula is a sudden reversal of our previous policy and could seriously erode the Israeli bargaining position.

Rejection of the new U.S. position by the Russians demonstrates that four-power enforcement of a Middle Eastern peace essentially would mean a Soviet-Arab peace at the expense of Israel and shows that the Soviet Union is willing to accept no less than total Israeli surrender.

I believe that America must continually reaffirm her previous position of encouraging direct negotiations between the involved parties so that a true and lasting peace in the Middle East may one day be attained.

America's reliance on four-power talks is risky not only because of the Soviet commitment to the Arab cause but also because of the mercurial policies of France and Great Britain. The sale by France of 100 Mirage jets and an undisclosed amount of tanks and other weapons to Libya while at the same time continuing an arms embargo against Israel demonstrates an attitude openly biased toward the Arabs. One also wonders how deeply the attitudes of Great Britain and France might be influenced by their interests in Arab oil development.

I was shocked by this abrupt shift of American foreign policy as it runs directly counter to the April 28, 1969, congressional resolution sponsored by 68 Members of the U.S. Senate and 280 Members of the House of Representatives endorsing face-to-face Arab-Israeli negotiations. The resolution, which I cosponsored, declared in part:

> We believe that the issues which divide Israel and the Arab states can be resolved in the spirit and service of peace if the leaders of the Arab states would agree to meet with the Israelis in face-to-face negotiations. There is no effective substitute for the procedure. The parties to the conflict must be parties to the settlement. We oppose any attempt by outside powers to impose halfway measures not conducive to a permanent peace.
>
> To ensure direct negotiations and to secure a contractual peace settlement freely and sincerely signed by the parties themselves, the United States should oppose all pressures upon Israel to withdraw prematurely and unconditionally from any of the territories which Israel now administers.

The proposals of Secretary Rogers appear to fly in the face of this congressional policy statement.

I believe that any four-power—United States, Soviet Union, France, and Great Britain—action in imposing a peace in the Middle East is doomed to failure. Former President Lyndon Johnson stated as U.S. policy after the 6-day war that "the parties to the conflict must be parties to the peace." It is the Israelis and the Arab nations who must sooner or later settle with each other.

The need for the parties to themselves negotiate their differences was well illustrated after the 1956 Suez crisis. The subsequent 1957 settlement was imposed by outside powers and the Arabs were not required to negotiate to enter into a direct peace commitment with Israel. That political settlement conceived by by the United States soon fell apart because of the failure of the Arab states to honor the guarantees and set the stage for the events which led to the precipitation of the 6-day war in 1967.

President Johnson on June 19, 1967, set forth the essentials of peace in the Middle East—the recognized right of national life, justice, for the refugees, innocent maritime passage, limits on the wasteful and destructive arms race, political independence, and territorial integrity for all. The President said in regards to his point on independence and integrity that—

> The principle can be effective in the Middle East only on the basis of peace between the parties . . . what they need are recognized boundaries and other arrangements that will give them security against terror and destruction and war.

It is this principle reinforced by the congressional resolution of April 1969 which should be the policy of our country in her efforts to create a lasting peace in the Middle East.

Mr. ROSENTHAL. What I would like to pursue for just a moment with the gentleman from Illinois and the gentleman from New York, a thing that disturbs me so deeply, is that we have such a long history of warm and deep affection for the French people. I think all of us, without having to say it, understand and feel it. We do not have to say the names of Lafayette and so many others who played such an integral part in the development of democracy. I wonder if the people of France understand that what the French Government is presently doing by selling 100 jets to a nation that has 10, 11 or 12 pilots, and clearly these planes are going to be used in a conflagration that can lead to the destruction not only of the immediate neighbors there but they involve all the great world powers, what a great disservice the French Government is doing not only to the American people and to the other nations involved, but to the French people. It is kind of leading down a blind path.

I am personally distressed because my remembrances of being in France on so many occasions during the war is that there is a great body of affection and understanding, a great love, friendship, warmth and brotherhood between our great peoples, and the sad thing is that governments occasionally stray from truth and righteousness, and I would hope that the people of France would somehow understand this and help to correct what appears to be a real deficiency of their present Government's policy.

Mr. PUCINSKI. The gentleman, I think, stated the case correctly in his opening remarks when he underscored the fact that our objections to the President of France, Mr. Pompidou, in no way alters our deep affection for the people of France, and I think he can find another answer in the fact that 44 percent of the Frenchmen do not support Mr. Pompidou in his policy. So it seems to me that when such a large percentage of his own people do not support him, really I do not know why I should be here tomorrow, or that anyone else should be here tomorrow, indicating by our presence some sort of support for his position.

Finally, I would like to add we have many similar situations all over the world. We have, for instance, a Communist-dominated government in Poland. I am sure most Americans do not recognize that government or do not have any great affection for it. Yet there is a friendship between the people of Poland and the people of America which is deep and historic. Likewise, we can go right across the whole belt of the captive nations.

I might also say that in the Middle East, when the Israeli people and the Arab people are together, they get along. I was in Israel a few weeks ago. I saw them getting along. It is the leaders, as the gentleman properly has said, who provide the turmoil and chaos and stray from truth and good judgment.

I do not think the fact that so many of us do not intend to welcome Mr. Pompidou will in any way affect the friendship of the people of France and of America. I think the people of France will respect us because they are going to be encouraged by the fact that we at this end of the world are pretty much corroborating what they have said themselves, if the public opinion surveys are correct—and I have no way to doubt that—but the most recent public opinion survey in France shows 44 percent of President Pompidou's own French people do not support his position.

THE AMERICAN NURSING HOME: THE COMMERCIALIZATION OF OUR AGED

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House, the Chair recognizes the gentleman from Arkansas (Mr. PRYOR) for 60 minutes.

Mr. PRYOR of Arkansas. Mr. Speaker, the problem of human obsolescence is not new to Western society. For too many years we have rejected our poor, our old, our sick, and sent them to die in workhouses, poor farms, lunatic asylums, and hospitals.

Since 1959, Congress has recognized this problem and made numerous attempts to help our elderly. We have done this because we felt the force of a new "national conscience" for our aged citizens. Many of us have asked for a reordering of national priorities. Near the top of these priorities, we must, in this House, list care for our aged citizens. We have not yet done so. For all of our good intentions, we have created not humane, dignified places where our aged may spend their last days, but in some instances, coldhearted business empires that maximize profit while minimizing human life.

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Care has suffered and profit has conquered while two-thirds of the money fueling the nursing home boom has been public tax money.

It is the treatment and the care for our elderly—or the lack of it—which is my subject today, Mr. Speaker. I am concerned about the direction our Government is now pursuing, the very philosophy it has adopted over the years, with regard to the kind of final days we will provide for our elderly.

I feel we are trying, but we have missed the mark. If we continue our present policies toward the aged much further, we may well be judged by history as a rather calloused people.

My subject today is American nursing homes where almost 1 million of our citizens are confined. Some and probably most find that this is where they have been sent—not to live, but to die. Some of these 1 million Americans will spend those last few days of life on this earth in comparative comfort; but many will find lives of horror, filth, loneliness, and despair. Too many of those confined to an American nursing home will feel that they have been sentenced to a halfway house—somewhere between society and the cemetery. There are 20,000 nursing homes in our country today. We have made some progress, yes. But the basic standard or quality of care is not rising commensurate with the amount of dollars the American taxpayer is now putting into the nursing home industry, nor with the exploding prices that are being charged the patient or their relatives.

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In the last two decades, we have adopted a basic theory that if we could funnel more money into the nursing home industry, the quality of care would rise in commensurate proportions. This is a basic fallacy which has been perpetrated not only on the American taxpayer, on governments at State and Federal levels, but on the patient himself. In fact, it is a fallacy to such a degree that it approaches the definition of fraud.

One out of 10 Americans today is 65 or older. Through science and a better quality of life, the average age span has been lengthened to the extent that most of our older Americans will some day be candidates themselves for nursing home care. There is no more critical need in America today than good nursing homes—homes which really care—homes which are staffed and owned by individuals or groups in which the patient—and not profit—is its very reason for existence. But today, we are "dehumanizing" the American nursing home because the patient has taken the backseat to a rather thirsty quest for big profits in the industry which can only result ultimately in poorer and poorer service and care for the patient.

This is where our Government made its mistake: It made nursing home care a profitmaking industry, a housing program and not a health program.

Our Nation has no goal, no policy, with regard to where the nursing home industry is heading today.

The Associated Press produced a series of thoughtful and provocative articles on the nursing home industry some months ago and found that:

Physician care for the nursing home patient is so scarce that it is a national scandal.

One-seventh of drug prescriptions to nursing home patients are administered wrong.

Drugs are commonly used to make patients "easier to handle."

The average food cost per patient in many nursing homes today is less than $1 per day.

In a Topeka, Kans., home three-fourths of the patients checked had not been seen by a doctor in 6 months.

In Minnesota, the average amount of physician care per patient in 100 nursing homes was 2½ minutes per week.

In a California study it was revealed that more medicare money was spent on tranquilizers than any other group of drugs.

The National Fire Prevention Association shows nursing homes at the top of unsafe places to live.

Other news media findings:

A New York Daily News reporter was hired as a nurse's aide, and she found the food in several New York homes abominable, filthy rooms, roaches in glasses, dirt in water pitchers and indescribable conditions in bathrooms.

That today a nursing home administrator may well have as his only qualifications that he was a junk dealer.

Ethical controls within the nursing home industry are not protecting the nursing home patient and neither is the purchaser of his care, the Federal Government.

Tough Federal regulations have been much slower reaching the nursing homes than the Federal dollars.

That 87 nursing homes which failed to meet Federal standards were paid $398,000 in the last half of 1968.

In Tennessee, a hospital administrator states:

> If the State of Tennessee would be as firm as it could be, I would wager that 30% to 50% of long-term care facilities would be closed down overnight.

"We never had the appropriations to enforce the law," stated a Florida official, where there were several hundred nursing homes with only two inspectors.

In Wisconsin, a 317-bed home went without regular State inspections for almost 3 years, although a 1967 check resulted in a four-page list of violations.

And the Associated Press quotes a Los Angeles administrator as saying:

> You tighten up on nurses . . . but if you cut your staff too short, you keep the patient snowed on drugs.

It will be recalled that 32 persons recently died at Marietta, Ohio, in a "good" nursing home which had been allowed to operate with "deficiencies."

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield to me?

Mr. PRYOR of Arkansas. I yield to my friend from West Virginia.

Mr. HECHLER of West Virginia. The gentleman from Arkansas is performing a signal service in bringing to the attention of the House the scandalous conditions in some of the nursing homes throughout the Nation. He mentioned the fire in the Marietta, Ohio, nursing home in which many of my West Virginia constituents perished. That is right on the edge of my congressional district.

I know that the gentleman from Arkansas has done a massive amount of research on this subject. I would particularly like to commend him because he has done research not only with regard to facts and figures but he has personally taken the time to go out and inspect these nursing homes and to talk with the patients and those who administer the homes and really has collected a down-to-earth and practical set of materials that enable him to appraise the conditions of these homes and also make recommendations based on his practical experience.

As a matter of fact, the gentleman from Arkansas, I understand—is it not true?—did a good deal of this work also when he was in the Arkansas Legislature prior to coming to this House.

I am particularly interested in the recommendations which the gentleman mentions. We have discussed them on frequent occasions.

Mr. Speaker, I would like to ask the gentleman if it is not true, also, that there are a number of companies that have even gone to the extent of floating stock issues, companies that run these homes, and these stock issues are actually as important and as remunerative as any stocks on the larger stock exchanges.

Mr. PRYOR of Arkansas. I say to the gentleman that is true. We have some 70 chain operations now in the United States which are selling their stock publicly. I should say, as one of our Wall Street bankers or lawyers in the investment world said, that the nursing home stocks are the hottest stocks on the market today. We see this situation has created a dilemma, which is that the patient himself is taking a back seat to the profits. The patient in the American nursing home today, especially in those homes in which they are subject to stock sales and where they are listed on stock exchanges, with mutual funds, and so forth—the patient in those homes has in many cases become a ping-pong ball on the stock market every time it opens each morning. I do not think that is the way it was intended to be in our great country, I say to the gentleman from West Virginia. We can do a better job and we need to look into the entire situation in its entirety.

Mr. HECHLER of West Virginia. I would further ask the gentleman from Arkansas this question: I am familiar with the condition of inspectors in the coal mining industry where the companies always know when the inspectors show up and a cake is always baked for these inspectors when they come in to inspect conditions in the coal mines. I wonder if a comparable condition exists as far as inspections in nursing homes are concerned.

Mr. PRYOR of Arkansas. I will answer the gentleman by saying that I cannot speak to that point directly, but from some indications we have received at this time it does appear there might be a "cozy" relationship between some of the nursing home inspectors in this country and some of the owners of the profiteering firms.

Mr. HECHLER of West Virginia. If the gentleman will yield further briefly for another observation, we are all prisoners of time in the House of Representatives. We tend to be limited by papers, letters, phone calls, radio broadcasts, television broadcasts, as a means of communication. We tend to face too many issues from the standpoint of what does this organization feel about this issue or what is the political position on this issue.

I think the gentleman from Arkansas has served the highest function of a true Representative by his concern for people, because it is people after all that we, the Members of the House of Representatives, represent. We too often forget the fact that we are dealing with people and I believe in the way in which the gentleman from Arkansas has presented his approach to the patients and the people concerned, that he is serving the highest function of a Representative in the Congress of the United States.

Mr. PRYOR of Arkansas. I wish to thank the gentleman from West Virginia for those generous remarks. I would say that there is no man in this House whom I would rather have coauthoring this resolution to create this Select Committee on Nursing Homes and Homes for the Aged than the very distinguished gentleman from West Virginia, the Honorable KEN HECHLER.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Speaker, I can add no substantive information to the comprehensive and devastating report that is being submitted to us this afternoon by the gentleman from Arkansas.

There is no man in this House whose integrity and initiative have gained him more respect over the years. He is one of the best men in this body—quiet, persevering, and compassionate—and I only wish we had more people like him in public life. We are indebted to him again today for this contribution.

There are no votes for Mr. PRYOR in nursing homes. But there is plenty of tragedy for the old people who are there and plenty of shame for this country. I hope this resolution will get the support it deserves, and that all of us who are concerned about suffering will join with the gentleman from Arkansas in his effort to alleviate these conditions. It should be obvious by now that unless we do something here nothing will be done.

Mr. Speaker, I want to join with many of my colleagues, and with concerned citizens throughout the Nation, in thanking the gentleman from Arkansas for the enormous effort he has put into documenting the shameful exploitation of the elderly that goes on in many of the Nation's nursing homes today. I hope we will proceed forthwith to act favorably on his resolution.

Mr. PRYOR of Arkansas. I thank the gentleman very much for his generous remarks.

I want to also say that I am very proud and I know that 20 million elderly American citizens are proud that the gentleman from New York is also one of the cosponsors of this resolution to create a select committee in this House on nursing homes and homes for the aged.

Mr. HALPERN. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman from New York.

Mr. HALPERN. Mr. Speaker, I wish to commend the very able and distinguished gentleman from Arkansas for his superb presentation here this afternoon. The gentleman has given us a most provocative and most vital report on one of those human issues in our Nation today. The gentleman deserves the undying, unqualified appreciation of all the Members of this House for focusing attention on this most important issue. It is a pleasure and a privilege for me to associate myself with his remarks.

Mr. PRYOR of Arkansas. I thank the gentleman from New York very much.

Mr. Speaker, the list could go on and on, but our Government has lost control of the nursing home industry and we are today impotent in attempting to achieve a higher standard of care for the patient.

It is time, and past due, for this Nation and this Congress to look at where we are and where we are going in the treatment of our elderly.

Mr. Speaker, we are commercializing our aged. Our citizens in nursing homes today have become in some instances mere human ping-pong balls on Wall Street. Rather than reading about the elderly in health care manuals and medical journals, we find them now the subject of great discourse by such financial publications as the Wall Street Journal, Barron's, and Business Week. One Wall Street firm executive made the statement recently that "in the nursing home business—there is no way to lose."

A maze of pyramiding new Government programs such as medicare and medicaid, new methods of financing nursing homes, new formulas adopted by social security and welfare agencies to reimburse the proprietor of nursing homes, together with a lack of interest in both the enactment and enforcement of tough regulations which protect the patient—all this adds up to not only new and booming profits for the owners but also explosive and rising costs for the patient, their relatives and the American taxpayer. In recent months some 70 nursing home chains have been established which now sell their stock to the public. Mutual fund companies now own approximately 6 million shares of stocks in these nursing home chains. Nursing home securities in recent months have been referred to as "the hottest stock on Wall Street." The new play on the stock market today and interest in this unique stock—predicated on the expectation of an increasing number of old and sick human beings—has caused such magazines as Time to call a recent article, "Gold in Geriatrics" and Barron's Weekly to entitle a 1969 article, "Unhealthy Growth?" The New York Times just last week in a front page story labeled nursing homes for the elderly, "a booming industry." Business Week recently entitled an article, "Nursing Homes Offer an Investment Lure." The same publication featured another article explaining a novel financing plan whereby several nursing home chains induced doctors to find patients for them by selling a major interest in each home to a group of local physicians. Nat Caldwell, a Pulitzer prize-winning reporter from the Nashville Tennessean, lived incognito for several weeks in nursing homes and wrote a revealing series entitled, "The Abandoned Generation."

Yes, Mr. Speaker, our elderly residents of nursing homes have not only become a financial but also a political football. They are the common denominator of what is termed "a glamour stock issue." Nine out of 10 nursing homes in America today exist for a profit. Yes, only 10 percent are nonprofit institutions, and these as a general rule are operated for the benefit of the patient by communities, locally supported hospitals, churches, religious organizations, fraternal groups, and well-motivated individuals who have formed nursing homes with the idea that the patient and not the profit must come first.

Thus, we see in the profit-inspired institutions that the patient or his relative or the American taxpayer must continue paying the bill to keep the earnings of these institutions rising. And to keep these profits rising, and to permit them to sell their stock publically, they must continue to further increase their price to the patient, or diminish their services, or both.

When these so-called "hot" nursing home stocks begin to diminish, it will be the patient who will suffer the consequences. Those individuals who are entering the nursing-home-for-profit arena today according to many of the prospectus now on file with the Securities and Exchange Commission are generally builders, contractors, restaurant operators, fast buck entrepreneurs, and a multitude of others who seek only a monetary profit for their investment.

Although the new nursing homes in many instances are an improvement within the brick-and-mortar concept, the ultimate price per bed is zooming upward at such an alarming rate that only the affluent in our society can afford to grow old. It is not uncommon to find the price per month in a nursing home to be upward of $700. Oftentimes in addition to the basic room and board fee, there are extra costs which add still another burden on the patients or their relatives who foot the bill. It is true that when a patient is enticed into a particular nursing home that these extra costs are sometimes in effect without their knowledge until the first statement arrives.

Mr. Speaker, I have obtained an additional-charges list from a nursing home in northern Virginia which I include as part of my remarks. I urge my colleagues to examine it carefully to see if they feel such charges are fully justified as "extra":

ADDITIONAL CHARGES FOR A NURSING HOME IN NORTHERN VIRGINIA

(It should be noted that these are charges in addition to the $595 (single room) per month cost)

Admission sets, $3.50.
Air mattress, $45.00 per month.
Air worms, $3.50.
Alcohol, $0.50 per pint.
Aspirator, $5.00 per day or use.
Baby oil, $1.00.
Bed sore care, $3.00 per day.
Bibs, plastic, $2.50.
Bladder irrigation tray, $1.50.
Body lotion, $1.00.
Catheters (Foley), $3.50.
Catheterization sets, $2.00.
Chest restraints, $10.00.
Denture cups, $0.25.
Diabetic diet, $15.00 per month.
Disposable chux, $0.15 each.
Drainage bags and tubing for catheterization sets, $1.00.
Emesis basin, $1.50.
Enemas: Fleet/oil, $1.00.
Foam cushion or ring, $4.85.
Guest trays: Luncheon or breakfast, $1.00, evening meal, $1.50.
Hand feeding, $45.00 per month.
Hand restraints, $3.00.
Hypodermyclysis sets, $2.00.
Intravenous sets, $2.00.
Incontinent care (including chux), $80.00 per month.
Intensive nursing care—terrace floor, $90.00 per month.
Irrigation set, $1.50.
Levine tubes, $2.00.
Liter cytol urologic irrigating fluid, $2.50 per 1 liter.
Medicated powder, $1.40.
Nasal catheters, $1.00.
Oxygen: ¼ tank or less, $10.00, ½ tank, $15.00.
Oxygen mask, $1.00.
Personal laundry, $10.00 per month.
Plastic gloves, $0.10.
Posey restraints, $6.00.
Rectal tubes, 1.00.
Restraining chair, N/C.
Shampoo, 1.00 per pint.
Sheepskin (synthetic), 10.00.
Solutions for clysis & I. V.'s, 5.00 per bottle.
Spray deodorant, 1.30.
Suction machine, 25.00 per month.
Suction tube, .50.
Television in room, 21.00 per room.
Tissues, .25.
Trapeze, 15.00 per month.
Tube feeding, 30.00.
Rubber pants, 5.00.
Walkers, 3.00.
Wheel chairs, 15.00 per month.
Senile care, 90.00 per month.
Syringes, 1.00.

I would call your attention to the item: "Air Mattress, $45 per month." How many times over would a bedridden patient pay for this product?

Here's another: "Bed Sore Care, $3 per day." This could well add $90 a month to a patient's bill.

Here is "Hand Feeding, $45 a month." Is this an honest "additional charge" for a bedridden patient who may be unable to feed himself?

On the surface, this particular home bills its patients a reasonable fee—$595 per month for a private room—but the "extra charges" above could quickly bankrupt an unsuspecting son, daughter, or patient.

Mr. Speaker, for a relative newcomer to this Congress, it is sometimes frustrating to see an issue within our overall spectrum of government which needs attention; yet, because of the voluminous problems which daily face us as a Congress, that one single issue may tend to get lost in the shuffle.

I became interested in the nursing home industry several years back while serving as a freshman legislator in the Arkansas House of Representatives.

At each legislative session we found ourselves voting additional welfare payments for the local nursing home industry. Upon asking questions as to why these continual appreciating payments from our State treasury to the profit-making nursing home institution, we were told that the additional moneys would be spent for additional care.

What additional care? What services would be improved? How would the patient benefit?

There were no answers.

Again, our basic theory—this illusion, fostered by the industry, "that more money meant better care"—prevailed, as it has throughout the recent history of this highly subsidized and extremely profitable industry.

Personal inspections by a legislative committee on our State level at that time reported conditions which were not pretty or pleasant to read about—but again, the issue, as issues tend to do, came and went.

Since coming to Congress, I have received an increasing number of letters not only from constituents, but also from other areas that have whetted my interest in this issue and my frustration to do something about it.

One of these letters tied in closely to what the owner of a nursing home chain said:

> In our operation, we must give people satisfactory quarters and food.

A daughter of a patient in that particular home wrote that some meals "consisted of two spoons of pork'n beans, a cup of milk, and three slices of carrot". Is this, I ask, "satisfactory food"?

Another letter came to my attention:

> I was under the assumption that only a nurse could dispense medicine. On one occasion a maid came into one of the rooms; had a handful of pills and capsules and asked one of the elderly women there if she knew which medicine was hers.

Another patient's relative wrote that the sheet on her grandmother's bed was changed only once a week:

> The top sheet is transferred to the bottom for the second week, before it is changed.

Another letter reads:

> On September 21, 1969, (Sunday, 3 PM to 11 PM shift) I reached our nursing center at 5:05 PM and found my Mother, who is completely paralyzed except that she can swallow and move her eyes, bathed in perspiration and moaning violently. I lifted her sheet and found her leg suspended with no support, the support pillow being under the leg next to the bed which needed no support. Her leg was quivering violently. As soon as I moved the pillow to properly support her leg, my Mother's pain stopped and she dropped off to sleep. If I had not gone by at that time, she would have suffered until nearly 6:30 when the aide came in with her dinner.

Another letter read:

> These three people (aides) were making a valiant effort to care for approximately 90 people about 25% completely bedridden, another 25% in wheelchairs (many having to be tied in their chair). One elderly lady who has great difficulty walking and handling herself because of an old broken hip injury tried to get up from her chair and fell in the floor. No matter how she tried she could not get up. She scooted along the floor almost to the door, but was unable to open it. She called and begged for help for over an hour before a friend happened to come by and open the door. Two of the elderly men patients finally got her up and on to her bed. This all happened while the aides and nurse were down on the East Wing. It was some two hours later before the aides returned to the West Wing about 9 p.m. All the old people sitting or tied in the wheelchairs were crying and moaning and begging to be put to bed; none of the bed patients had been turned or tended to for more than three or four hours on the West Wing. I stayed at the home until after 9, fed my Grandmother, turned her twice and gave her the medicine the nurse gave me for her. The little aides as they finally arrived said they had never worked so hard in all their lives.
>
> They were ready to drop but still had practically the whole West Wing to care for. Checking both patients for bowel movements, they stated they were glad both had clean beds because there was not a clean sheet left in the home . . . . by the last week or 10 days of the month the home runs out of meat. Sometime they attempt to grind up leftover beef or chicken. This is so stringy and coarse it is impossible to feed it to the patient and it goes back to the kitchen. Many meals toward the end of the month consist of a small amount of baby carrots, baby beets and applesauce and peas mixed with one small glass of milk. . . . I reported these conditions to the local welfare office and they assured me that they were well aware and deeply deplored the existing conditions and that they had made out reports and sent them in without any results whatsoever. At their suggestion I contacted our local State Representative, he advised me to write this letter to you, and send copies to the Senator and other Congressmen.

A colleague from another State brought to my attention a letter he had received from a constituent stating that the home from her hometown in which her mother was a patient charged her $15 a month for laundry. To alleviate this charge the daughter had attempted to take her mother's laundry home and bring it back to the nursing home but the owner said that that was part of the "deal" and "would not let me do my Mother's own laundry." She concluded her letter to my colleague by stating:

> I do not know that my complaint, along with others, will do any good but I feel, at least, I am doing the right thing and I am standing for the right thing. This is all I can do. This sort of thing ought to be given special attention and controlled some way to protect loyal Americans.

Mr. Speaker, the list of complaints from nursing homes in not only our State but in our 50 States could proceed ad infinitum. When these complaints are brought to our attention, and we send them to the Department of Health, Education, and Welfare, they are usually merely "bucked" back to the State from whence they came. Last week, when I asked an official in the Department of

Health, Education, and Welfare how these complaints were generally investigated, his reply was, "They aren't."

The patient today in American nursing homes is voiceless. True, we have the stockbrokers and the big business interests who protect the value of their stock, some nursing home associations who constantly lobby for greater Government subsidies to make them even richer, who fight off most movements for legislation which would provide legislation to protect the patient—but the patient himself has no lobby, no association, or no one speaking in his behalf.

It is time we spoke in his behalf, Mr. Speaker. It is time we took note of the fact that this new and booming and highly profitable industry is truly commercializing, dehumanizing, and exploiting the older people of this great land.

Will we continue to let this happen? Will we continue, in what we say is the greatest of all civilized nations, to let our elderly in many instances become the mere pawns for some selfish individuals and organizations looking for profits through patients?

Mr. Speaker, I have spent the last 4 weekends as a volunteer worker at nursing homes in the Washington area. I did this not for the reason of becoming an instant expert in the field, as certainly I am not, but merely to better acquaint myself with some of the problems not only of the patient but of the nursing home industry itself. My experience in these homes has shown me a new dimension that I had not seen before: Seeing older citizens being placed in homes which, in some instances, were excellent, bright, cheerful, and well managed, but also some which could have been created within the pages of a Charles Dickens novel. I saw loneliness and despair. I saw filth and anxiety—but more than any of these other characteristics, I think the word that describes the typical patient in many of our homes today is boredom—total, absolute boredom—the only relief from which oftentimes comes when the attendant brings a meal into the room. I saw in one home of 14 beds, the proprietor of the home woke an elderly lady, asked her how she was feeling and then told me that this particular patient had had a "slight heart attack" early in the day, but that they did not make a practice in the home of calling the doctor on Sunday.

In another home, as I was clipping the toenails of an 80-year-old veteran, he told me not to let the attendant see me do this, as they charged him $7 when they did it.

Another fine old gentleman told me that every day he begged the attendants to just let him put his suit on, but that no one ever had time to do it.

A little silver-haired lady said:

> I hate to see dark come because I know that mean night attendant will be on duty and I always try to play like I am asleep when she comes into the room.

On several occasions at mealtime, I saw old and toothless patients served big slabs of cold meat and because of their physical condition were not capable of cutting into bite-size portions. Had I not been there, I can only assume that they would have eaten it with their hand, if at all.

One man told me that when he was a young boy growing up in Cleveland, he was known as "The boy with a thousand songs" and in telling me this, broke out at the top of his voice singing, "Nearer My God to Thee."

In one Washington, D.C., home of 80 patients, there was only one attendant on duty. In the hall I saw four old and helpless people sitting in wheelchairs, three of whom were sitting in their own human excretion. The attendant then told me:

> We just don't have enough help and the owners don't pay us enough to live on.

"Who shaves your older men?" I asked the proprietor of one home in which I was spending the afternoon writing letters for patients. "About every 3 days, when they catch up with their other work, that is the job for the maintenance crew," was his reply.

"How much does it cost to have a patient in here?" I asked the attendant on duty one Saturday afternoon in a Maryland home, and she said:

> It depends on their income.

Also, in trying to ascertain some of the real conditions that exist within the nursing home industry, a friend of one of my staff members who is a registered nurse worked on weekends in nearby nursing homes to supplement her income. She reported to me:

> I had heard about some of the nursing homes but I did not believe it until I actually did some work there.

She stated that one nursing home owner had told her that the county had required bells in each room and, rather than buzzers, the owner had installed small, tingling, dinner bells to save on expenses. The nurse asked to see the emergency light setup, and the manager of a home tried to demonstrate how the lights worked and upon closer inspection found none to be plugged in. When the manager plugged in one of the lights to show her, it still did not work because the light bulb was burned out. Then the manager said:

> Oh, well, if they need us they can just yell.

Noticing no air-conditioning system of any nature, the nurse inquired only to be answered:

> Old people don't want air conditioning.

In one nursing home in which she worked, to make the home come up to the standards of the bathroom ratio for patients, the owner had built extra bathrooms in the new part to make up for the lack in the old part. The nurse added that in one home of 96 patients in which she worked, there was no way to get the medication to the patients at the right time as she and one other aide were the only ones on duty—and that the patients were bathed only once a week.

A member of our staff served as a nurse's aide recently and recalls vividly the conversation between the proprietor of the home and one of the patients. "What's for lunch today?" someone yelled. "Hot dogs and pork and beans," was the reply. It was only 3:15 in the afternoon. "They get their supper at 4," an aide told our staff member. "You mean they are setting up those trays already?" "Yes, that's all they think about. They don't do nothing but eat and sleep here," was the answer.

A friend of mine in Connecticut recently visited four nursing homes in his immediate area with the idea of placing his father in an extended care facility. In a letter which I received on February 10, 1970, he wrote:

> David, I saw attendants ignore one old woman's call for help; I saw one owner talk in an insultingly derogatory way about a patient, in front of that very patient; I saw incredible filth and signs of neglect; and I heard things that seemed to me to evidence a callousness and crudity that I certainly would not want any parents of mine exposed to. The owner of the home said to me, "Look, your Father is getting old and he is hard to handle, right? You bring him right here, maybe in a few weeks you can take him home on a Sunday afternoon but the first thing you've got to show these old people is who's boss." While talking with the proprietor, an old man came over and asked him for a cigarette. The owner answered, "No, the doctor said you could not have any cigarettes." The old man said, "The doctor told me to cut down on smoking, not to cut it out completely." The owner turned to me and said of the man, "He has been nothing but trouble ever since he got here. He is a real trouble maker, that one." For the record, David, I note that the brochure the owner handed me refers to "pleasant home atmosphere".

My friend concluded his letter by saying:

> All in all, it made me think that when the time comes, there's really no substitute for a nice clean head-on collision.

Although some phases of the nursing home industry are today making a conscientious effort in trying to provide homes which care about patients, and which attempt, if possible, to restore them to the mainstream of life, some homes have become only human warehouses. It is my own thinking that today the nursing home industry might to some degree parallel the early days of our hospital development in America, when they, too, tried for a while to operate for a profit. As a nation, we changed our direction and tried to implement and encourage community owned and locally sponsored and nonprofit hospital groups which have to a great degree been highly successful. Possibly, it is in this field of nursing homes for our aged, that it is time to redefine our thinking and to take a look as to where we actually are at this time and to see if it is not, in fact, too late to attempt to find some reasonable method of caring for our elderly, absent the profit angle.

Some in the nursing home industry have fostered several myths and illusions which have been successfully sold to the American public. One of these myths is that all nursing homes or homes for the aged are strictly licensed, duly inspected, and that a health team is physically present at all times or at least nearby to serve the patients. It is not true.

Another illusion, which the potential candidate for a nursing home is led to believe, is that if that particular institu-

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tion states that it is "approved for medicaid and medicare" then, as a result, it is a home which provides the apex of good service to the patient.

It is time that we lance the boil and are told the truth about what licensing, inspection, certification in actual practice means.

Mr. Speaker, there is no control in the nursing home industry today. What little jurisdiction there is over this booming and highly important business is fragmented to the extent that there are only small slivers of jurisdiction or authority today. This is an odd paradox, especially when we see that government is the largest provider of nursing home care in America today. In fact, two out of three of all patients in nursing homes and homes for the aged in our country are maintained there through some Federal or federally assisted program. One chain nursing home owner said in a recent newspaper article that 85 cents of each dollar which flowed into his business came from government sources. It is quite astounding to learn, Mr. Speaker, that the American taxpayer is today paying at the rate of $2 billion a year into the nursing home industry, and that this outlay is constantly rising to such proportions as to still lure the fast buck entrepreneur into this highly subsidized but loosely controlled industry.

All controls over where this money is going and what it is buying are fragmented, it is disjointed, self frustrating, and ineffectual. Again, the patient suffers the consequences. His complaints go unanswered. His plea for help is unheeded.

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Both the medicaid and medicare agencies in the Department of Health, Education, and Welfare issue standards for nursing homes participating in their respective programs; however, neither agency applies their standards. In the case of medicaid, which is a State administered program, nursing homes are certified for participation in the program by State agencies. Often their approvals are on the basis of surveys and reports by county agencies. The Federal administrative agency, the Social and Rehabilitative Service, has virtually no control over the quality or frequency of these surveys and does not even receive information on the number of homes certified by the States. As a practical matter the Federal agency has no way of knowing that its standards are being met. If a patient or his family writes to his Representative in Congress to complain of conditions in a medicaid nursing home, we ordinarily refer the complaint to HEW for investigation. But from the Fedreal agency it is referred to the State agency and from there to the county agency which probably is responsible for permitting the condition to exist in the first place.

The patient again has nowhere to turn. No one is really in control.

The medicare agency, the Social Security Administration, must approve nursing homes for participation as extended care facilities. Here, too, the medicare standards, which in many respects are vague and subject to a wide range of interpretation, are actually applied by State and county agencies. These reports are sent to the regional offices of the Social Security Administration where the certifications are signed, but with little or no knowledge of actual conditions in the homes. In a hearing before the Intergovernmental Relations Subcommittee of the Committee on Government Operations only last week it was brought out that social security officials have no information on the qualifications of surveyors doing medicare inspections. They did not even know to what extent medicare inspections are done by county personnel rather than State agencies.

The Federal medicare administrators know how many extended care facilities are deficient under their standards—about three out of four are—but they have little information on the number and seriousness of these deficiencies. The quality of extended care facilities is not really under their control.

The Public Health Service has several different activities concerned with nursing home care but none of these are regulatory in nature. Although three major agencies of the Department of Health, Education, and Welfare have heavy responsibilities in this area, none is able to move effectively to protect patients or the taxpayer's dollars.

Mr. Speaker, the tremendous sums which Federal programs are pouring into nursing home care is profoundly affecting the development and growth of the industry. This huge infusion of money has stimulated a building boom in nursing homes which is completely out of control. This Congress has supported and appropriated funds to assist State and regional planning agencies in their efforts to rationalize the numbers, types, and distribution of new health facilities; to curtail waste and duplication, and to provide our communities with a balanced complex of facilities which can deliver modern medical care in an effective and economical way. With the other hand, Mr. Speaker, we frustrate their plans by enticing investment capital into the industry on a huge scale with a virtual guarantee of business and profits. But where we actually need to be encouraging nursing home activity—in the nonprofit sector—we turn our backs.

I have mentioned earlier, Mr. Speaker, the recent phenomenon of the growth of public stock companies operating nursing home chains. These companies have gone public to tap the investor public for capital to cash in on the medicare-medicaid bonanza.

The Securities and Exchange Commission is charged with serving the investor public. Here are some of the facts the public needs to know. Are the nursing homes listed as properties of a particular company good or bad? Are they properly staffed; do they give good care? The prospectus does not say and the SEC does not know. Are some of these newly formed public companies simply devices for paper transfer of ownership and inflating the capitalization of the properties? The SEC does not know. What are realistic expectations of the profit potential in a market dominated by Federal health care programs? Are the SEC and HEW working together to assess the phenomenon of the burgeoning growth of public investment in nursing home chains? I can report to you that they are not. Mr. Speaker, a myriad of Federal and State agencies are pursuing narrow, routine, and traditional concerns, and no one is protecting the public, no one is protecting the tax dollars, and no one is protecting the patient.

The formation of public law and policy concerning nursing homes by the Congress is equally fragmented. In the House of Representatives, the Committee on Ways and Means has jurisdiction over medicare and medicaid programs. The Committee on Interstate and Foreign Commerce is concerned with health facilities planning and funding of construction. The Banking and Currency Committee deals with sections of the National Housing Act which provide mortgage insurance for various types of nursing homes and other facilities for care of the aged.

The Small Business Administration has its own criteria for making loans for nursing home construction. The Committee on Veterans' Affairs oversees a program providing nursing home care for thousands of veterans in private nursing homes. The Committee on Government Operations is concerned with the quality of administration of nursing home programs and the effectiveness of Federal and State Government relationships in carrying out these programs.

But for each of these committees, Mr. Speaker, the subject I am discussing today is a small fraction of their total responsibilities. Within the constraints of jurisdiction, time, and staff, none of these committees can thoroughly explore this complex and difficult subject. No one committee can attack the whole problem. This is our dilemma.

Mr. Speaker, I have discussed today at length, and undoubtedly too much so, a brief history of the American nursing home industry. The fact that we are proceeding on a course without guidelines or goals; that 2 billion tax dollars a year go into the nursing home industry; that commercialization of our aged has reached the point that something must be done; that gross irregularities and poor treatment are not uncommon in this industry; that both costs to the patient and profits to the owner soar at an alarming rate; that fragmentation of authority and administrative chaos, which spell the lack of controls and regulations to protect the patient and the taxpayer, exist to an alarming degree.

It all adds up to the basic fact that the patient has no voice and must lead us to ask ourselves: "What can be done?"

I am not sure that I have that answer, but I do know that before we go any further along the trail of complete disorganization and frustration of purpose, it is now imperative that we examine fully and completely the entire spectrum of the American nursing home and all homes which house our senior citizens.

There is only one way to do this, Mr. Speaker, and that is to establish a Select Committee on Nursing Homes and Homes for the Aged in the House of Representatives. I am proposing such a committee today, and I am offering a resolution which I hope will be met with favor by our colleagues.

This is the only route by which we can make sure that a comprehensive study can be made to investigate thoroughly the situation today, and to explore the alternatives and various viewpoints on the care and treatment of America's aged.

It is my thinking that such a committee should be composed of nine Members of this House; that it should be adequately staffed; that a moderate sum for travel into the various States should be appropriated; and that full powers necessary to conduct a proper and thorough investigation should be granted.

No, Mr. Speaker, the mere creation of a select committee such as I have proposed today will not solve the problems overnight of this complex American dilemma.

But at least it will afford us an opportunity to ascertain where we are to seek new ideas and to hopefully provide meaningful recommendations in plotting our path for the future.

Mr. Speaker, speaking in behalf of 20 million senior citizens of America, all of whom are potential candidates for a nursing home or a home for the aged, the creation of such a select committee is the very least we can do.

The resolution is as follows:

RESOLUTION

Resolved, that there should be and is hereby created a Select Committee on Nursing Homes and Homes for the Aged, of the House of Representatives to be composed of nine members to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the Committee shall be filled in the same manner in which the original appointment was made.

The Select Committee is authorized and directed to conduct full and complete investigations and studies of the characteristics of nursing homes and other institutions for long-term care of the aged, trends in the growth and development of the nursing home industry, the impact of Federal and Federally assisted programs on the development of the nursing home industry and on its role in the spectrum of health care resources for the aged, the quality of service rendered to the aged by such institutions, and the effectiveness of Federal and Federally assisted programs in protecting and promoting the interests of patients in such institutions and of the public. The Select Committee shall not be authorized to report by bill or otherwise have legislative jurisdiction.

For the purpose of carrying out this resolution the Select Committee, or any duly authorized subcommittee thereof, is authorized to sit and act during the present Congress at such times and places, within the United States including any Commonwealth or possession thereof; whether the House is in session, has recessed, or has adjourned; to hold such hearings and to require by subpoena or otherwise the attendance and testimony of such witnesses and the production of books, records, correspondence, papers and documents as it deems necessary; except that neither the Select Committee nor any subcommittee thereof may sit while the House is meeting unless special leave to sit shall have been obtained from the House. Subpoenas may be issued under the signature of the chairman of the Committee or any member of the Committee designated by him, and may be served by any person designated by such chairman or member.

The Select Committee is further authorized to employ such full-time or part-time professional, technical and clerical personnel and consultants as the Committee deems necessary to carry out this resolution; and to obtain through reimbursable or nonreimbursable loan the services of employees of executive departments or agencies with the consent of such departments or agencies. Salaries and expenses of the Select Committee shall be paid from funds of the House upon vouchers signed by the chairman but shall not exceed $250,000.

The Select Committee shall report to the House as soon as practicable during the present Congress the results of its investigations and studies together with such recommendations as it deems advisable. Any such report which is made while the House is not in session shall be filed with the Clerk of the House.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman from Arkansas yield briefly?

Mr. PRYOR of Arkansas. I shall be happy to yield to the distinguished gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I would only challenge one sentence of the gentleman's exposition which has been so eloquently set forth, and that is his statement that the patient today in American nursing homes is voiceless.

I would say that on the 24th day of February 1970, 1 million patients in 20,000 nursing homes throughout this Nation have a most eloquent voice in the gentleman from Arkansas.

Recently, one of our colleagues made a rather critical comment to the effect that the Congress was irrelevant in its approach to modern pressing problems. The gentleman from Arkansas has helped make the Congress very relevant to this problem. I know he will succeed in his efforts and I know he will gain great support in the Congress and the Nation.

Mr. PRYOR of Arkansas. I thank the gentleman from West Virginia very much for his kind remarks. I must say to my friend from West Virginia, however, that throughout the voyage of this investigation I have had from the very beginning not only the help but the encouragement of my wife and a great staff of people as well as a lot of friends who have helped us in this endeavor.

And we are just beginning on this course now, and I am looking forward to counting on working with the gentleman from West Virginia and others who joined us today in introducing this resolution into the House.

Again I thank the gentleman for his very generous remarks.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, I would like to commend the gentleman from Arkansas for his very splendid presentation this afternoon, and for the study, thought, and effort which he has given to this subject. I am sure it will all be of great benefit to the Members of the House as they consider legislation which must be enacted in this field.

Mr. PRYOR of Arkansas. Mr. Speaker, I thank the gentleman from New York very much for his generous remarks.

Mr. Speaker, I yield back the balance of my time.

Mr. STEIGER of Wisconsin. Mr. Speaker, I would first like to commend my colleague, the gentleman from Arkansas (Mr. PRYOR) for his analysis and in-depth investigation of a problem that is affecting an increasing number of Americans and their families. If we are to effectively provide solutions to the increased need for nursing home facilities and care, as well as the best methods of achieving our goals, then a complete assessment of the present situation—its causes and potential for improvement—is essential. Thus I am pleased to join in cosponsoring my colleague's resolution to create a Select Committee on Nursing Homes and Homes for the Aged.

Serving as a member of the board of directors of the Lutheran Home in Oshkosh, Wis., I am well aware of the many homes for the aged in Wisconsin which offer quality care, both nonprofit and proprietary. These homes, however, face rising costs, increased demands to provide more beds and services, and the continuing problem of accommodating the resident who needs minimum care, as well as the patient who requires a great deal of personal attention.

Two articles which I would like to include at the end of my remarks from the Fond du Lac Commonwealth Reporter outline many of the problems nursing homes in my district face as they strive to provide quality care. I would hope that the select committee in its investigation of the impact of Federal and federally assisted programs on the development of the nursing home industry and its role in the spectrum of health care resources for the aged would pay particular attention not only to how medicare and medicaid have been abused by some, but how we might improve the guidelines and operation to have a positive impact on nursing home care which was our original intent.

A question that has been raised by several of my constituents, and one which I feel the select committee should also address itself to, is the alternatives to hospital and nursing home care for our senior citizens. One writes:

> We need more flexibility in finding living arrangements for the person who needs more than room and board, but less than skilled nursing home care. In Fond du Lac and Winnebago counties, we have been working to develop adult foster homes as a partial answer to our problem.

Another important aspect of the problems we must confront is evident in a recent incident which occurred in my district.

In Sheboygan County a much respected home for the elderly, the Anna M. Reiss Home, recently closed its doors after 50 years of service. The Reiss home placed its emphasis on compassion for the elderly, providing quality and personal care for its residents. On the other hand it was in great need of remodeling, including electrical, and plumbing, as well as a sprinkler system. These improvements were required to meet the Wisconsin standards. The cost was estimated at about $150,000. Unable to meet these expenses the home closed. The tragic fire that recently occurred at a Marietta, Ohio, nursing home attests to the need for the safest facilities possible, but should we not be able to have both safe facilities and personalized care, and is this not what we should be striving for?

Care for our elderly is a relatively new area of concern which has developed only in the last decade. It will become increasingly important, however, as our senior citizens face rising property taxes and have greater and greater difficulty in living in their homes and caring for themselves.

The select committee would be instructed to look into quality care and the effectiveness of our programs in protecting and promoting the interests of patients in such institutions. The patient should be uppermost in our mind and what we do to meet this problem is of the utmost importance.

The two articles from the Fond du Lac Reporter follow.

[From the Fond du Lac (Wis.) Commonwealth Reporter, Nov. 28, 1969]

Nursing Home Standards Above Average

(By John Green)

Fond du Lac's nursing homes are using every available means to bring moments of hope and happiness to the long, lonely days of the aging.

Clean, comfortable and well operated facilities are provided the 582 residents of the city's seven nursing homes, building inspections and interviews with administrators indicate.

Equipment and employe standards in nursing homes here surpass minimum requirements set and enforced by the state and federal governments, according to reports of nursing homes officials.

Goal of home administrators is to care for and bring some measure of cheer to society's elderly—while operating within a limited financial budget. They feel they are attaining that goal.

"I think the majority of them like it," said Mrs. Yvonne Waldbillig, administrator of Maple Manor Nursing Home. "In the beginning when they are first put in, there is a reluctance to leave home. But they do adjust pretty rapidly. Some would rather be here than at home."

Mrs. Carol Paradies, administrator of Care Center and Pioneer Nursing Homes, spoke of the philosophy in handling nursing home patients:

HELP WITH ADJUSTMENT

"I don't think anybody wants to come into a nursing home and admit that they have to have care," she said. "I feel it is up to the home to make it as easy as possible for the patient to make the adjustment by treating them with kindness and as individual patients and not just let them get lost in a crowd."

Still rows of the elderly—many in wheelchairs—spend hours staring gloomily across rooms and out of windows of Fond du Lac nursing homes. Administrators consider this a fact of growing old—not the result of inadequate care.

"Some see an old person and say this is a deplorable condition," said Donald Idzik, administrator of Grancare Nursing Hospital. But he asked: "What's deplorable about old age?"

"These new medicines are the key to the whole thing," declared Idzik. "They not only extend their (patients) lives but they make them more comfortable."

Fond du Lac nursing homes have either registered nurses or licensed practical nurses working around the clock. Some homes build their staffs around the LPN. Others concentrate on a large number of RNs.

Maple Manor, with 108 patients, has 12 RNs.

At the Catholic Home for the Aged, the nursing staff consists of two RNs. But of the home's 33 residents, only one is a bed patient and only two are wheelchair victims, according to Sister M. Collette, C.S.A., home administrator.

"This accounts for the low number of nursing personnel," she explained. "Because when the need is there we increase our staff—on a temporary basis."

Nurses' Aides make up the bulk of the employe roster at many nursing homes. At the Lutheran Home for the Aged, where 147 patients reside, 45 of the 96 employes are nurses' aides. At Rolling Meadows, the county's nursing home which accommodates 165 patients, 40 of the 115 employes are nurses' aides.

Five of the city's nursing homes employ part-time dietician-consultants to plan meals for patients requiring special diets.

The Catholic Home coordinates its diets—as it does many other medical services—with physicians at St. Agnes Hospital. The head cook at the Lutheran Home carries out diets prescribed for patients by physicians.

Recreation and hobby rooms—called "occupational therapy" centers—are found in all of the city's homes. They offer relaxation, television, sewing, woodwork and a host of other programs geared for the elderly.

The Catholic Home uses the St. Agnes Hospital physical therapy department for massage, infra-red and ultra-violet light, exercises and other physical treatment programs. All other homes in the city have physical therapy rooms. Some employ part-time therapists.

Fond du Lac nursing homes have chapels where church services are conducted.

All homes except Maple Manor and the Lutheran Home provide transportation to residents for periodic trips to downtown shopping stores, the Senior Center and other points.

There is no regular pattern for trips from the Catholic Home, but Sister Colette says, "I've offered to take anybody to the Senior Center anytime he wants to go. And I go downtown at least three times a week and they are always welcome to ride along."

Nursing homes keep track of their patients by providing registers for them to sign before they leave.

Signing is not always mandatory. At some homes a physician's approval must be given before a patient can leave.

"No one leaves unless he goes with a relative," said Mrs. Waldbillig. "They don't leave to begin with unless we have a doctor's order that they can leave."

At Rolling Meadows the policy is more lenient.

"They are actually free to come and go as they want," said Mrs. Merlin J. Schabel, who with her husband manages the county institution. "We do ask them to let the nurse in charge know when they are leaving the premises—where they are going and when they are expected back."

Residents of Care Center and Pioneer Nursing Home wear arm bands at all times for emergency identification.

In all Fond du Lac nursing homes, the "confused" patient gets closer supervision by nurses.

More than one nursing home administrator here wishes elderly persons weren't so reluctant to leave their homes and begin living in nursing institutions. Patients could adjust to the new life more easily, they feel, if they wouldn't wait until they are bed-ridden.

"They connect nursing homes with the end of the line," declared Sister Colette, "instead of thinking of it as a new home that will provide all the services they need."

"They can make an adjustment to the home a little easier when they can participate in the programs," said Mrs. Schabel. "If they are already bed-ridden, they don't look at it as a home but as a hospital."

Pastor A. M. Jenkins, administrator of the Lutheran Home, said "They should come in when they can walk on their own power." He said patients, wanting to remain at home with relatives as long as possible, sometimes delay too long and, when admitted, don't receive the special programs they want or aren't accepted at all.

Idzik, however, disagrees with this philosophy.

"I feel there is no reason to institutionalize a person who is able to take care of himself," he said.

Idzik indicated he has few problems with patients attempting to adjust to the nursing home, pointing out that "Sometimes a change in environment is good for a person. Sometimes they stop worrying about themselves and start feeling sorry for someone else."

Grancare specializes in the care of patients whose condition is too bad for them to live in other nursing homes. "Our activities are geared for the severely handicapped person," Idzik said.

Persuading a resident to participate in activities—and not just pass away his time in front of a window—is a problem of concern to nursing home administrators and nurses.

"They are encouraged to participate," said Mrs. Schabel. "The girls work very hard to get them up. We practically insist that they go to church on Sundays."

[From the Fond du Lac (Wis.) Commonwealth Reporter, Nov. 29, 1969]

Nursing Home Care Is Expensive: Problems With Medicare, Medicaid

(By Harley Buchholz)

Growing old can be graceful but expensive in Fond du Lac.

Nursing homes here, hit by inflation and government requirements for expensive facilities and personnel, have raised their rates one to four times in the last four years.

The range is from $8 to $18 per day, depending on the home and the level of care needed.

But all of the city's nursing homes are full and all have waiting lists, some of them lengthy, possibly because there is a universal feeling among Fon du Lac nursing home operators that they stress care of the patient over monetary return.

"I don't believe people in the nursing home business are in it for profit," said Donald Idzik, operator of Grancare Nursing Hospital here and president-elect of the Wisconsin Association of Nursing Homes.

Compassion and a feeling for the happiness of patients suggestive of a "Good Samaritan" philosophy was expressed by administrators in each of the city's nursing homes.

"The administrator in any nursing home is concerned first with the patient," Idzik declared. "Then," he added, "the problem of where the money comes from is simply a bookkeeping problem."

This can be quite a problem in itself.

Nursing home bookkeeping is a maze of reports, papers, care level classifications, carrying accounts receivable and general "red tape" as a result of government programs for Medicare and Medicaid.

FORCED TO DECERTIFY

In testimony last month before hearings of the House Ways and Means Committee, Idzik said: "One of the facilities which I administer was a charter member of the Medicare extended care program in 1967. However, we were forced to decertify in mid-1968 when after 18 months of providing extended care benefits under Medicare, my first audit revealed I could no longer effi-

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ciently and responsibly administer it and provide benefits under the law and regulations."

Mrs. Merlin Schabel, wife of the Rolling Meadows superintendent, explained that Medicare only pays what it costs an institution, plus a percentage for profit. A Medicare audit later rechecks the charges and in some cases will bill the institution for what it considers overcharges.

Medicaid pays charges based on its own classification of care level after any of the patient's own funds, including all but $9 of their monthly Social Security checks, are deducted.

Two other Fond du Lac nursing homes certified for Medicare—the Lutheran Home for the Aged and Maple Manor Nursing Home—no longer participate in the program. Maple Manor was the first in the state and the second in the nation to be certified.

Administrators say they gave up because of lateness of government payments and failure to receive payment for all charges. Pastor Allan M. Jenkins, administrator of the Lutheran Home, complained that the government still owes Medicare charges to his institution dating back to 1966.

WELFARE UNSATISFACTORY

The entire welfare system is unsatisfactory to Pastor Jenkins and his counterpart at the Henry Boyle Catholic Home for the Aged, Sister Colette, C.S.A.

The pastor said, "The government worked up a set of rules for the whole country, but they don't apply to the whole country."

His words were echoed by the nun: "The government has blanket standards but these are not needed in all places and we end up paying for the standards the government insists on. It's too inflexible."

She feels the government programs are not financially or psychologically sound.

"I feel today we can do more for our people in helping them pay for their own way," she said. By not being in Medicare, she feels, we're saving the government money because to meet their standards we would have to double our charges and still provide basically the same services."

Five of the home's 34 residents are welfare recipients.

At the Lutheran Home, where Pastor Jenkins remarked, "I can't see all these first class facilities for medical assistance persons when people in the community are struggling," 69 of 147 residences receive medical assistance.

He cited the difference between a community resident who pays his own way but has to wait a day or several days to see a doctor while a nursing home resident, whether on welfare or not, "has a nurse 15 seconds away."

A number of nursing home operators also contend that paying residents subsidize Medicaid patients because of requirements for ratings on care levels and individual home negotiations with the state to fix rates.

One nursing home operator said privately paying residents subsidize those receiving aid there by $20,000 per year.

USE POINT SYSTEM

Medicaid classifiers use a point system to determine the level of care for which the state, through Blue Cross, will pay. The state allows a 6 per cent maximum rate increase per year, according to the county department of social services.

"When a person comes into a nursing home it is because he can't be cared for any other place," Mrs. Yvonne Waldbillig, administrator of Maple Manor pointed out. "Often it's on a doctor's order. But this is not considered Medicaid."

Idzik is a member of a Wisconsin Association of Nusring Homes "Title 19 Committee" which is attempting to work out a reasonable charge formula for Medicaid.

Despite possible subsidies by privately paying patients, welfare individuals receive the same levels of care, administrators stressed. In all homes, only the office staff and the recipients themselves know who they are.

Of the 582 nursing home residents in Fond du Lac, about 298 are paid for under provisions of Medicare or Medicaid.

Nursing home patients are classified according to levels of minimum, moderate and maximum care and are charged accordingly. Maple Manor also has a classification for extended care.

In a minimum care, a patient is fairly independent, able to eat in a dining room and needs only partial help in dressing. The moderate care patient receives meals in his room, might be somewhat confused, often is bedbathed and requires physical therapy. The maximum care patient is bedridden, might be noisy and belligerent and generally is completely incontinent.

CURRENT RATES

Current rates charged at Fon du Lac Nursing Homes, listing minimum, moderate and maximum charges in order, are as follows:

Rolling Meadows	$9.00	$11.00	$15.00
Catholic Home [1]	250.00	280.00	310.00
Lutheran Home	8.42	10.60	12.72
Care Center	13.00	14.00	15.00
Pioneer	9.00	11.00	13.00
Grancare	13.00	14.00	15.00
Maple Manor	12.00	14.50	16.00

[1] Monthly rate.

The rates are for semiprivate rooms on a daily basis except for the Catholic Home charges which are by the month. Rates for the new Care Center addition have not been approved as yet and are not listed. Maple Manor also has a rate of $18 per day for extended care patients.

Figures include most normal services with such things as haircuts, hairsets, oxygen, and some medical supplies extra in most homes.

Corresponding average costs for patient care range from less than $8 per day to more than $15. Of those institutions supplying average per capita costs, Rolling Meadows is listed as $60.88 per week for 1967–68; the Catholic Home, $7.52 per day; the Lutheran Home, $10.28 per day; and Maple Manor, $15 to $17 per day.

Differences in the operating philosophies of homes account for much of the variance in figures. The Boyle Home, for instance, is more of a residential home for the aged than a nursing hospital like Grancare and Maple Manor. Catholic Home residents generally are ambulatory and long term. In contrast, around half of those at Grancare are short term patients who have been transferred directly from St. Agnes Hospital.

All of the nursing homes accept patients on a first come, first serve basis, with qualifications depending on the operation and sometimes on which care level area of an institution has an open bed.

Because of costs and what home operators contend is a low margin of profit, beds cannot remain open long. New construction of nursing homes is estimated at $10,000 per bed.

GENERALLY LOWER RATES

Debt service plus the high costs of professional personnel, special foods and special facilities required result in rates that are high, yet generally lower in Fond du Lac than in most areas of the state.

And, too, because of Medicare and Medicaid supervision in Wisconsin, abuses are difficult to start or continue. Some operators say unscrupulous homes could "get by" for a short time with overcharges or charges for nonexisting functions but they pay dearly in the end.

Mrs. Carol Paradise, administrator of the two Care Center homes and Pioneer Nursing Home, said flatly that "it is impossible in Wisconsin to come up with abuses. Any abuse can cause forfeiture of your license and it's very easy to lose a license in Wisconsin."

She noted that the state "has a code to cover practically everything," involving nursing homes.

But in Milwaukee, a social worker friend of the writer said, homes often classify a Medicaid patient at a higher level of care than a Medicaid classification would so higher rates can be charged.

He told the story of a resident classified as maximum care and supposedly bedridden who dropped in on his social worker in the Milwaukee County Welfare Department "for a chat after shopping."

The proliferation of nursing homes in recent years proves there are good profits being made, is the argument of some.

Care Center opened a new addition, certified for Medicare, earlier this month. The Lutheran Home completed a new addition several years ago and Maple Manor, Grancare and Rolling Meadows all are relatively new institutions.

Operators of the three privately owned institutions, Care Center, Maple Manor, and Grancare, also operate homes in other cities.

Generally, although good relationships exist among local nursing homes, officials in religious and municipally owned operations feel the privately owned are making money while private operators take issue with the ordinarily lower rates of the others because they do not have to show a profit, sometimes have less expensive help and receive outside support through gifts and grants.

Although none is considered major, common problems exist at all of the nursing homes.

GIRLS GET TRAINING

Staffing is one. Mrs. Waldbillig said it is difficult hiring "people who are interested in the older person, the elderly." She has started a program of hiring girls and sending them through vocational school training.

More complex care is another. Schabel related that his institution is receiving fewer of the minimum care residents since the opening of the Rosalind Apartments.

Doctors sometimes are hard to find when needed. Schabel stressed, though, that homes run into their biggest medical troubles when they are understaffed.

"We have enough professionals," he said, "to tell when a person really needs a doctor and then there is not a doctor in town that won't come."

And there is a feeling that some children literally "dump" their parents in nursing homes and then forget them until Thanksgiving and Christmas. Some nursing homes take patients only on a doctor's order and will not take the word of family members who insist a relative should be placed here.

Idzik took a different viewpoint: "A nursing home is the most humane way of fitting the elderly person into society because most elderly can't cope with living conditions outside a supervised environment."

Problems, according to him "are really what we're here for; this is our job."

Mr. PURCELL. Mr. Speaker, it is always a personal source of satisfaction for me to be able to associate myself with my gifted young colleague and friend, the gentleman from Arkansas (Mr. PRYOR).

This effort is no exception, and I think the gentleman should be commended for involving himself so completely in assuring that American families and their elderly members can look with confidence to professional care available in nursing homes and other institutions which assume the responsibility for care to the aged.

We need to give attention to the entire

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problem of care to the aged as a matter of developing technology. Advances are being made every day in medical care, in teaching new skills to various age groups; yet officially, we seem to know relatively little about the extent the government can aid toward pushing back this barrier to a healthy productive life—an incapacity due to age to perform a useful function in life, or even enjoy the remaining years of life.

It is shocking to learn that in many areas operating a nursing home is viewed as a strictly "commercial" relationship, and subject to the laws of the marketplace. The physical and emotional necessity for sufficient care in nursing homes is too critical for us to fail to exercise some degree of responsibility. I do not believe that cosponsorship of the measure implies that anyone is "against" nursing homes, but we are concerned about the possibility for unscrupulous operators to take advantage of what is obviously a position of trust.

Establishment of a committee as the resolution envisions could go a long way toward ultimately answering the hard questions we must ask ourselves about the proper role of the Federal Government in this area. I urge its favorable consideration.

GENERAL LEAVE

Mr. PRYOR of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include their own extraneous matter on the subject of this particular special order.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

OUR FOREIGN POLICY CONCERNING ISRAEL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 60 minutes.

(Mr. RYAN asked and was given permission to revise and extend his remarks and to include extraneous material.)

FRENCH SALE OF JETS TO LIBYA—PERIL TO ISRAEL

Mr. RYAN. Mr. Speaker, I need not dwell on my dissatisfaction with the course of action France has followed—levying an arms embargo on Israel, while selling 110 Mirage jets to Libya. It takes no penetrating analysis to discern that these jets whether flown by Libyans or by their Egyptian allies, are a dire threat to Israel.

Only Sunday, Col. Muammar Qadhafi, the Libyan leader, announced at a press conference that he would be willing to cut off Libya's vast oil shipments to the West if Egypt's President Nasser asked him to do so. The February 23 edition of the Washington Post quoted Colonel Qadhafi as stating:

> We are always prepared to sacrifice all our resources for the sake of the common cause in Palestine.

Equally as perilous, and directly in point so far as the French jets are concerned, was Colonel Qadhafi's response to a query as to whether the Mirage jets which Libya has obtained from France might be used against Israel:

> I believe the motive for the question is America's fear regarding the protection of Israel. Since Israel has expansion plans covering the whole Arab world which could one day extend to Libya, then Libya Mirages may well be used against Israel, even if they are not made available to Egypt.

France's conduct is unprincipled. At the least, the French Government has acted unwisely and foolishly. At the worst, it is willfully worsening a situation which can only bring despair to those who are seeking peaceful resolution to a conflict steadily increasing in intensity, with no apparent respite, let alone cessation, in sight.

I trust that my colleagues have effectively declared our opposition to the French Government's action. I would, therefore, take this occasion to speak chiefly to two other matters. There are two problems, one an internal one, and the other a matter of foreign affairs, which, to my mind, must be addressed, but which, thus far, have either been skirted or ignored. These are the role of the Jewish segment of our population, and the reasons behind the U.S. support of Israel. It is totally wrong to ascribe U.S. support of Israel to so-called pressures levied by the American Jewish community, and it is totally accurate to view America's interests as requiring support of Israel.

In recent months I have noted stories in the news media about "Jewish leaders" and "Jewish groups" protesting the State Department's underground diplomacy—its submission of peace proposals to the Soviet Union which undermine Israel's insistence on direct negotiations.

The stark fight for survival being waged by Israel naturally stirs the concern and sympathy of American Jews. They, particularly, feel the tragedy of 6 million dead in World War II. They, particularly, know the history of a people who have, for 2,000 years, been homeless.

But, it must be made eminently clear that U.S. support for Israel is premised on the fact that the American people—Jews, Christians, whites, blacks—are, to a very large extent, persuaded of Israel's claim for sovereignty and survival.

I think this is made clear by virtue of the fact that 247 Congressmen, including myself, joined Congressman CELLER in signing the declaration in support of Israel.

America's posture must be firmly pro-Israel, not only because Israel requires our support but, as well, because our national interests dictate that we stand by Israel.

First, traditional U.S. foreign policy—as articulated by four successive Presidents—Truman, Eisenhower, Kennedy, and Johnson—has been one of firm support of Israel. To, at this juncture, modify that policy is to declare bankrupt our promises. Granted, if promises alone bound us, I would perhaps be less rueful of change. But, compelling factors justify those promises, and mandate meeting their measures.

Second, the United States has supported Israel because we support the principle of self-determination. Sometimes, the assessment of that principle's operation is tragically misplaced. Vietnam is the best example. Israel, on the other hand, clearly is a prime example where support for the principle of self-determination requires firm American support of Israel. The threat to her existence is not an internal one, but one created by her neighbors.

There are those who point to Israel's possession of occupied territories as flouting the self-determination of the Arabs of these areas. I think nothing is further from the truth. Israel has never annexed these territories. Her sole reason for retaining them after the 6-day war of June 1967 is that this is the only card she holds with which to bargain for recognition of her right to exist in peace. As Ambassador Rabin recently told me:

> We have nothing which is not negotiable but the existence of Israel as a sovereign and independent country.

In sum, our support for the principle of self-determination—a principle integral to our foreign policy—requires our firm support of Israel.

Third, the United States endorses the principles of democracy and freedom, which Israel upholds. Israel is, in the finest sense of the concept, a true Western democracy. This may appear ethocentric or chauvinistic. I do not mean it to be so. I am fully cognizant that other nations have devised political systems which, while not conforming to the American conception of government, well serve the desired ends of their citizens. But, inasmuch as I am convinced that our form of government maximizes the opportunity for individual freedom and social welfare, so am I thereby committed to Israel because her governmental form does the same.

In contrast, I would point to the Arab nations, several of which have not met the test of a democratic form of government. Syria is ruled by a xenophobic, repressive Baathist regime, as is Iraq. Jordan, whatever the intentions of King Hussein, is in the grip of terroristic guerrilla organizations not bent on bettering the lot of the Jordanian people, but only on perpetuating bloodshed and diversion of vital resources, which inevitably perpetuate poverty and deprivation. Libya has undergone a coup, and the Sudan is conducting a brutal suppression of its black population in the south.

Fourth, the United States must firmly support Israel because of the stanch friendship she has offered us. Again, this factor alone would not justify U.S. support. Trujillo offered us friendship. But, because Israel asks only to be allowed to survive in peace, because her institutions embrace self-determination as basic, her friendship should be reciprocated.

Moreover, Israel has never called upon one American soldier to defend her soil. She has fought her own battles, and, as I need not mention, fought them brilliantly. She has not required the positioning

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of U.S. troops at foreign bases. She has not asked for a nuclear umbrella. She has not asked of us free military aid. This is not to say that, had she done so, or should she do so, we should then not respond favorably. It is only to point out that hers is a friendship without strings.

When Israel obtains American armaments, she pays for them. When we vote $20 million to develop a desalinization plant in Israel, that small nation, with a gross national product of only $4.8 billion, is required to put up a much larger amount. I do not endorse the stringent strictures the United States imposes, but I do applaud the independence of Israel, which asks only to be allowed to pay her own way for survival.

Fifth, we must support Israel because she is an example to her neighbors of how to bring the benefits of modern technology to their citizens. The Israelis have, literally, brought the desert to life. And they have created a vital, viable economy based on diversified industrial and agricultural production. The lessons Israel has to offer are especially meaningful to the third world nations, beset with soaring populations, undeveloped resources, and minimal capital. The success of the Ivory Coast's Service Civique, as detailed in the Washington Post's February 23 edition, in an article by Prof. Ross K. Baker of Rutgers University, is only one example. I think Professor Baker's assessment of the role Israel has played in helping those underdeveloped nations willing to accept that help is not exaggerated:

> The longer one spends in Africa, the more he is struck by the enormous impact that the minuscule Jewish state has had in Africa. Despite a colonial past which saw England, France, and Belgium dominate the continent, and a decade in which there has been intense American involvement, Israel, with the slenderest of national resources, has amassed political credit there to such a degree that the great powers have been forced to concede that their own programs come off second-best.

Instead of warfare, the interests of the Arab peoples would so much better and more productively be served by emulation.

Because the United States supports the development of third world nations, and seeks to bring the benefits of 20th century technology and science to their peoples, we are required to support Israel, which so well affords an example to these nations, and so well can help them.

I can make no clearer, then, why it is the national interests of this country which require support for Israel. Cultural affinity, emotional affinity, and political affinity make Israel of prime importance to all Americans, non-Jew and Jew alike.

The events of recent days particularly call upon us to make clear that U.S. support must be rendered promptly and firmly. The Libyan leader has announced to the world that the jets his country is obtaining from France may be used against Israel. Previous reports have made clear that Egyptian officials participated—in the guise, perhaps, of Libyans—in the purchase of these jets. Only a few days ago, two planes, one Swiss and the other Austrian, were bombed. It appears that these were the work of Arab terrorists.

Continual actions such as these cannot be allowed to continue. To this end, I have today joined in a request to Secretary of State Rogers requesting a meeting with President Pompidou, so that Members of Congress may tender a declaration to the French leader calling upon him to cancel the sale of the military aircraft to Libya.

I now call upon President Nixon in his talks with President Pompidou to urge, in the strongest terms, that France cancel that sale which further imperils Israel's survival.

In addition, I call upon the administration to respond to the Arab attacks on Israeli-bound aircraft. The bombings last week, if perpetrated by Arab terrorists, are only the latest in a series of similar events. The administration should immediately take the following steps:

First. Bar flights to any Arab nation that does not denounce and dissociate itself from the violent acts of the fedayeen; and

Second. Propose and expedite an international agreement permitting the arming of pilots.

I further call upon the administration to declare that the United States will hold the Arab governments giving succor to the Palestine Liberation Organization, and other fedayeen groups, accountable for the loss of any American lives—a loss which has been suffered three times in the past year, the killing of Mrs. Barbara Ertle yesterday being the latest in this series of atrocities.

When freedom of the skies, and freedom of movement of Americans, become barred by terrorists, the United States must respond.

The past months have seen a tragic escalation in the Mideast conflict. Where the blame is to be laid is clear. The Arab nations continue to espouse a war of attrition, aimed at Israel's destruction. The Soviets support them. And France's action in selling 110 Mirage jets to Libya has not only exacerbated the tense Middle East situation. Inexcusably, it has seriously endangered Israel's survival.

France's action can still be rescinded. President Nixon should strenuously urge this. But whether or not France undertakes to now act responsibly, it is clear that the United States must support a strong and viable Israel, shielded by the armaments she needs to survive. We can settle for no less. We will not settle for any less. Israel's existence is at stake, and U.S. interests require her survival.

THE DEFENSE BUDGET AND PROGRAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Arizona (Mr. RHODES) is recognized for 10 minutes.

Mr. RHODES. Mr. Speaker, last Friday, Secretary of Defense Melvin Laird presented his Defense report to a joint session of the Senate Armed Services and Appropriations Committees. This report addresses the first Defense budget and program prepared entirely by the Nixon administration. Mr. Laird carefully summarized the progress realized during 1969 and projected the picture for 1970. It is a most encouraging report.

I feel it would be well for each Member of the House to note some of the facts and observations contained in Mr. Laird's report. Since the Defense program and budget comprises a major portion of our national program, we are obliged to analyze very carefully where we have been and where we are going.

In submitting the fiscal year 1970 Defense budget, it is obvious that Mr. Laird has taken a great step toward the reordering of national priorities—a goal most Americans support. The new Defense budget calls for a lower percentage of the GNP than in any year since before the Korean war. It reflects a reduction of 682,000 in civilian and military manpower during fiscal years 1970 and 1971. It reflects major defense economies through internal reorganization, proposed base closures, and continued disengagement from combat activities.

Mr. Laird has demonstrated unusual leadership in drastically reducing our financial commitment for defense while at the same time assuring an adequate defense posture which reflects changing world conditions. He has properly noted the continued military research and expansion of our adversaries and has attempted to evaluate the types and volumes of defensive manpower and armaments we will need to defend against these military advances.

As we all know, defense is expensive. In this era of rapidly changing state of military technology, it is even more expensive than ever to maintain a modern and effective defensive posture. Mr. Laird's program seems to have effectively meshed the realities of national defense, the need for diversion of national resources from defense to other internal requirements, the determination of the President to scale down our manpower involvement abroad while still upholding our commitments to our allies, and the need to reduce national expenditures in order to curb inflation.

It is significant to note that the proposed Defense budget reflects a decrease during the Nixon administration from 40.6 percent of the Federal budget to only 34.6 percent. This is a decrease of 6 percent. In terms of actual buying power, however, the new budget is a decrease of 16 percent compared to the dollar value of the fiscal year 1969 budget.

I think Mr. Laird and the Nixon administration are to be complimented for this effort to redirect our national resources without impairing our security. I trust that the Defense budget and program will receive a truly objective, bipartisan review when it comes before the House.

PRESIDENT POMPIDOU'S VISIT TO THE UNITED STATES AND THE QUEST FOR PEACE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 30 minutes.

Mr. HALPERN. Mr. Speaker, I wish to commend our distinguished colleagues for their bipartisan participation in the dialog today to focus attention, on the eve of French President Pompidou's appearance before the joint meeting of Congress, on American concern over developments in the Middle East.

As Congress prepares to officially greet Georges Pompidou, the architect of France's disastrous new arms policy towar the Middle East, we should bear in mind that his precipitous actions are a serious threat to world peace. The acquisition of these sophisticated French jets by Libya, whose new regime is dedicated to the hard-core Arab bloc, is obviously a vital move toward the paranoic goal of those states determined to destroy Israel. The history of the Middle East has tragically indicated for over 20 years, the Arabs will not rest until Israel is wiped out.

For Israel, with its 2.5 million people, is an island of freedom in the Middle East surrounded by feudal, repressive military dictatorships who, supported by the Soviet Union, have the ability to absorb military punishment. The Israelis cannot afford this luxury. The rumor that has become an obsession for the Arabs is that: "The Arabs can lose any number of wars, the Israelis lose only one."

To think that after Israel has had to fight for its right to survive three times in recent years—1948, 1956, and 1967 and has been subjected to stepped-up warfare along its borders, guerrilla atrocities and ruthless international terrorism almost constantly in the past year.

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I have tolerated and encouraged dissent all my life as a healthy development toward creating an open dialog with those who oppose a particular policy—at home or abroad. The audacity of France in sending Libya 108 jetfighters smacks not only of disagreement with U.S. policy toward Israel, it is a calculating, cold-blooded indifference to Israel's security and is a serious blow to world peace.

I believe a vast majority of the American people from north to south, from east to west, whether Republican or Democratic, conservative or liberal, abhor this defiance by the French Government of international propriety as well as France's repeated insults to the United States.

The procrastination of French administrations through the years in meeting its war debt to the United States is a lasting blot on our relations with a country to which we have repeatedly evidenced warm friendship and close cooperation.

The insults of President de Gaulle will long be remembered by the American public. And when the aged President retired and Georges Pompidou was chosen the new head of state, his election was universally hailed as a new era of French leadership for peace and friendship.

This anticipation has now been dashed by the French Government's sale of the 108 jetfighters to Libya. This despite the fact that France welched on its delivery of jets and other arms contracted with, and paid for, by Israel. The audacity of this is that such sale comes while France is engaged in the four-power talks aimed to recommend a formula to resolve the Middle East crisis.

Since France startled the world with its disclosure that it changed its order to send Libya's revolutionary military chieftain not 50 but 108 Mirage jetfighters, men of decency have asked: Why? Libya has only 13 pilots, no navigators and no ground crews.

It is impossible to accept President Pompidou's answer that the planes are only to be used by Libya, and are not for Egypt or any other Arab State. Who does he think he is kidding? Libya's total Armed Forces number less than the New York City Police Department.

President Pompidou is here for official talks with the administration. Despite the French President's present policy of irresponsibility in the Middle East, I fervently hope that the occasion of his visit will result in a new attitude and proper prospective of the enormity of the damage his policy has caused not only with his relationship with the United States but toward world peace.

I trust that our President will use the occasion of his visit to confront him foursquare with the realities of the Middle East situation and will urge Pompidou to join the United States in seeking immediate face-to-face negotiations between the Israeli and the Arab States in the effort to settle the Middle East conflict.

It is in this perilous state of international brinkmanship that France's President has come to visit our country. If it is not clear to President Pompidou, it is clear to us that the Arabs have decided to wage a war of attrition against Israel. The shocking explosion of a Swiss airliner by Arab commandos killing 47 people this weekend, the daring escapades of the Syrian Air Force daring to dart across Haifa's skyline and the steadily mounting Egyptian forays across the Suez Canal are all ominous indications that the Arabs are bent on isolating and wearing down Israel.

The fear is whether these raging airplane, tank, and artillery attacks can be contained because it will not take much to ignite the Middle East fuse, setting off another major conflagration.

This is probably the precise aim of the Soviet Union which has rearmed the Arabs since their defeat in the June 1967 war. Every gesture by the United Nations peacekeeping force and the United States to reduce hostilities and bring both parties to the negotiating table has been refuted because the Russians are not interested in conciliation. Arab nationalism is being conveniently manipulated in the interests of Soviet expansionism.

Perhaps if the Soviet Union did not arm the Arabs, there would not have been a war in 1967. And if Moscow did not nod its approval, the Arabs would not have dared state at their so-called Khartoum summit meeting in August 1967, that their policy toward Israel is "no peace, no negotiations and no recognition."

Is it any wonder then that Israel's friends are just a little exasperated when some diplomats suggest the Jews would rather exercise their military superiority against the Arabs than negotiate with them? As Israeli Premier Golda Meir has summed it up:

> I refuse to play chess with myself.

All questions of borders, access to the Suez Canal, the status of Palestinian refugees and the other explosive matters that must be resolved if the Middle East is to live in tranquillity, cannot be negotiated in New York, Washington, or Moscow. The Arabs must agree to sit down with the Israelis in the quest for peace. As Mrs. Meir notes:

> There are not negotiating partners.

This was the implication of the U.N. Security Council resolution of November 22, 1967. It called on Israel and the Arab nations to negotiate a resolution of their conflict to secure a genuine peace. It is the Egyptians—tacitly supported by Russia—not the Israelis, who have rejected procedures for negotiation.

It is my fervent hope though that despite the provocation, the guerrilla warfare, and the escalating flow of Soviet and French armaments to the Arabs, there still is time for peace.

But one thing is certain, the Arabs will not drive Israel into the sea and Russia cannot isolate and wear down the Jewish state.

The present administration, as every American administration since 1948, has reiterated its unequivocal loyalty to the security of Israel.

I welcome President Nixon's statement to Prime Minister Golda Meir. It is clear. He affirmed:

> The United States stands by its friends. Israel is one of its friends.

And the President has refuted allegations that we will not supply Israel with the necessary arms to maintain its deterrent. The President is expected to shortly announce his decision on how many more weapons America will sell to the Israel Government. As the Arabs escalate hostilities, Mr. Nixon has made it very clear that the United States would weigh Israel requests against Arab threats.

The President says:

> We will honor these requests to the extent that we determine that Israel needs additional arms to meet that threat.

Israel wants to purchase 100 additional A-4 Skyhawks and 50 more F-4 Phantom jet bombers.

But these modern, sophisticated planes cost money. I am asking Congress to ease these costs of offsetting the flow of Soviet and French arms to the Arabs by setting up special U.S. financial arrangements for Israel. The beleaguered Jewish state has had to pay hard cash for every plane and arms shipment received from America, although the United States has in the past given military aid to Iraq, Saudi Arabia, and Jordan.

Israel will survive, but the financial drain for its defense is crippling its economy. It is costing $3 million daily to defend Israel, and Tel Aviv may have to devalue its currency if the steady drain on Israel foreign currency reserves continues. Last year the small nation's imports cost $2.1 billion, while exports equalled only $1.2 billion, creating a whopping imbalance.

Somehow the Israel economy will manage itself—it is part of this tiny state's will to survive that matters of economic development have a way of creating self-sufficiency. But the essence of that will to survive depends more importantly on maintaining Israel's physical security. Dependence on military deterrence is no way for decent people to live. But as long as the Arabs adamantly refuse to resolve their differences with Israel so that all the people of the Middle East can work together to abolish deprivation and want, then the world must know that the United States stands loyal to Israel toward these goals.

Peace is possible and necessary for Israel and the Middle East, but time is working against them. The situation is growing worse each day. The Soviet Union must be made to realize it cannot control the belligerent emotional forces it has loosened in the Arab world. And somehow, the great powers, including France, must realize that in the interests of world peace, they must cease intervening in the Middle East. And the Arab States must realize Israel will not and cannot be destroyed. Then, and only then, will it be possible for them to realize it is in their own best interests to negotiate a just and lasting peace with Israel.

Mrs. HECKLER of Massachusetts. Mr. Speaker, that the Middle East again shudders on the brink of war cannot be complacently accepted. Irrespective of outcome, the brief Israeli-Arab conflicts of 1948 and 1967 were inimical to the cause of world peace.

The deterioration of the situation in the Middle East is all too obvious so that new urgency must be attached to a solution. United Nations Secretary General U Thant has recently warned that strong measures will be needed to avert a catastrophe. The recent threat of more Soviet aid to Arab States, and the proposed sale of military equipment by other countries, adds fuel to a smoldering fire which at any moment could burst forth into a raging holocaust.

To rescue Israel from this dire situation, and to establish a real basis for a peaceable settlement in the Middle East, I believe, urgently requires that the United States undertake new and forceful initiatives. I believe this requires the pursuit of U.S. policies which are based on principle, rather than predicated on fear.

It is commendable that Members of Congress have introduced strong resolutions expressing our concern that there be resolute action by the United States to insure direct negotiations and necessary arms for Israel's defense. I have gladly joined in support of several of these.

I have written the Secretary of State to urge that the United States not deviate from its past allegiance to policies assuring Israel's survival and the direct negotiations concept, and I was delighted that the President several days later enunciated these as U.S. commitments. But we must now respond to dangerous new developments in the Middle East.

I feel that U.S. initiatives should be chiefly restricted to achieving direct negotiations between the parties and to removing the cold war implications of the Middle East crisis.

The character of the Middle East crisis has increasingly assumed the fearsome countenance of a cold war confrontation since the Soviet Union moved a naval fleet into the Mediterranean and began to compete with the Western powers for the allegiance of Arab nations. A typical balance-of-power struggle has evolved in the Middle East as the United States sent its 6th Fleet to the Mediterranean to offset the Soviet move, as the Soviets sent arms and military advisers to Egypt, as French and British policymakers have countered Soviet political gains by moving from pro-Israel stances to sell or promise military hardware to Arab nations, and as the competing big powers have balanced air strength against air strength—approximately 1,000 Soviet-made planes in Egypt, Syria, and Iraq versus some 200 French and U.S.-built planes in Israel. The United States has promised Phantom Jets to Israel, while France sells jets to Libya which may give them to Egypt. Then the Soviet promise "necessary" help to the Arabs.

I think the unfortunate fact remains that the Soviet can only be deterred by strength. Little Israel, through its military strength and moral strength as a strong and viable democracy, has deterred both Soviet and Arab expansionism and tipped the scale of the balance-of-power contest to the advantage of the United States. Accordingly, it is vital that Israel remain strong and capable of maintaining its security.

The Soviet Union, of course, would prefer an imposed settlement in the Middle East in an effort to legitimize its own Mid-East presence. But there may be better hopes for peace today on the assumption that the Soviets share our own apprehension that the crisis can spark a third world war. It may be wishful thinking, but the possibility should not be overlooked.

Nor should U.S. policy be heavily influenced by the need to protect its oil interests in the Middle East.

In recent years, the United States has received less than 2.5 percent of its total oil supply from the Arab countries, including those of North Africa. Oil income, on the other hand, is a matter of paramount concern to the Arab nations, comprising an estimated 90 percent of foreign exchange receipts for most Arab countries, and a greater part of national income in these countries.

It should not be forgotten that after the six-day war in 1967, when certain oil-producing Arab nations severed diplomatic relations with the United States, they nevertheless continued selling oil to their best customer, the United States. The shoe is on the other foot.

I believe there must be no retreat from the policy, to which the President committed this Nation in his speech of January 25, 1970, that—

> The United States believes that peace can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them.

The United States must take the lead in securing world pressure for direct negotiations in the Middle East.

In this reference, it must not be forgotten that Israel is the only democracy in the Middle East. She is a model of self-government, whose individual nationhood and right to negotiate on her own behalf should be respected by all powers. Of course Israel realizes that compromises should be made. My point is that she should be allowed to act in her own behalf and make her own compromises.

The reason for direct negotiations was explained by former U.S. Ambassador to the United Nations, Arthur Goldberg, when the U.N. Security Council adopted its November 22, 1967, resolution on proposals to bring about a "just and lasting peace" in the Middle East. He said:

> History shows that if boundaries are to be secure, they cannot be . . . imposed from the outside; they must be worked out and recognized by the parties themselves in the process of making peace . . . It was a clear premise of the U.S. vote on the November 22 Resolution that the parties to the conflict must be the parties to the peace . . . It is they who, sooner or later, must make a settlement . . . Other countries can help; but the time when even great nations can impose their will on small ones is long past . . ."
>
> "The Resolution is not self-executing . . . it states general principles and envisions "agreement" on specifics; the parties must put flesh on these bare bones . . ."
>
> If the four Powers, either singly or in combination, seek to impose a settlement on the parties, then I fear their efforts will fail. No good can come from any attempt to impose a settlement. On the contrary, much mischief may result from such an enterprise. This is the lesson of the last twenty years, particularly of the Suez crisis in 1956–57 when our country took the lead in imposing a settlement. We were singularly unsuccessful in achieving the just and permanent peace we sought, and even the make-shift arrangements of 1957 fell apart in May 1967.

In his recent report to the Congress, President Nixon declared:

> The policy of this Administration is to help strengthen the freedom of other nations to determine their own futures.

The cold war must be scaled down, and no cold war power should develop the peace plan.

If other neutral and uninvolved nations such as Iran, Turkey or India can usefully participate as mediators in the negotiation process, and are acceptable to the negotiating parties, then I think this should be considered. But the parties to the dispute, and they alone, should be permitted to develop the terms for compromise upon which a peace settlement in the Middle East will stand.

Any "even-handed" U.S. policy toward the Middle East must certainly nurture friendship and cooperation with those Arab nations which wish to reciprocate the friendship and live in peace. Building an economically strong and stable

Middle East will insure that peace. But it must never be forgotten that Israel, to whom we have had long ties of friendship, respect and love that have deep roots here in the United States, has proven its worthiness to stand at our right hand.

In this spirit, I applaud the President's strong pronouncement of January 25 that—

> The United States stands by its friends. Israel is one of its friends.

I applaud his commitment in that speech to direct negotiations and to arms for Israel which will permit it to defend the safety of its people.

The President has also declared that the objective of the United States is that of "helping the people of the Middle East build a peaceful and productive future." I believe we all share this goal, and that our full efforts must be directed to its achievement.

But peace in the Middle East will never be achieved without full recognition of the nationhood and integrity of the State of Israel. This must be the key concern in our future endeavors.

GENERAL LEAVE TO EXTEND

Mr. HALPERN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

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THE GATES COMMISSION REPORT ON AN ALL-VOLUNTEER ARMED FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 30 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, on March 27, 1969, President Nixon created an Advisory Commission to develop "a comprehensive plan for eliminating conscription and moving toward an all-volunteer Armed Force." The Commission was chaired by former Secretary of Defense Thomas Gates, and its members represent a wide cross section of age, race, sex, religion, political affiliation, and occupation.

Thomas Curtis, our former colleague; Frederick Dent, president of Mayfair Mills; Milton Friedman, professor of economics at the University of Chicago; Crawford Greenewalt, chairman, finance committee, E. I. du Pont de Nemours & Co.; Alan Greenspan, chairman of the board, Townsend-Greenspan & Co.; Alfred Gruenther, former Supreme Allied Commander, Europe; Stephen Herbits, Georgetown University law student; Rev. Theodore Hesburgh, president of Notre Dame; Jerome Holland, president, Hampton Institute; John Kemper, headmaster, Phillips Academy; Jeanne Noble, vice president, National Council of Negro Women; Lauris Norstad, former Supreme Allied Commander, Europe; W. Allen Wallis, president, University of Rochester, and Roy Wilkins, executive director, NAACP, made up the Commission membership.

The Commission submitted its report and recommendations to the President on February 21.

I strongly urge my colleagues to read the report in its entirety. It will be available from the Superintendent of Documents at $1.25 per copy, but I feel it is extremely important that it receive each Member's personal attention, and thus I plan to place the complete report into the RECORD over the next several days.

Today I include chapter I which sums up the critical questions about the feasibility of a volunteer army:

PROTECTING THE FREE SOCIETY

Since the founding of the Republic, a primary task of the Government of the United States has been to provide for the common defense of a society established to secure the blessings of liberty and justice. Without endangering the nation's security, the means of defense should support the aims of the society.

The armed forces today play an honorable and important part in promoting the nation's security, as they have since our freedoms were won on the battlefield at Yorktown. A fundamental consideration that has guided this commission is the need to maintain and improve the effectiveness, dignity and status of the armed forces so they may continue to play their proper role.

The commission has not attempted to judge the size of the armed forces the nation requires. Instead, it has accepted a range of estimates made for planning purposes which anticipate maintaining a total force in the future somewhere between two million and three million men.

VOLUNTEER FORCE URGED

We unanimously believe that the nation's interests will be better served by an all-volunteer force, supported by an effective stand-by draft, than by a mixed force of volunteers and conscripts; that steps should be taken promptly to move in this direction, and that the first indispensable step is to remove the present inequity in the pay of men serving their first term in the armed forces.

The United States has relied throughout history on a voluntary armed force except during major wars and since 1948. A return to an all-volunteer force will strengthen our freedoms, remove an inequity now imposed on the expression of the patriotism that has never been lacking among our youth, promote efficiency of the armed forces and enhance their dignity. It is the system for maintaining standing forces that minimize Government interference with the freedom of the individual to determine his own life in accord with his values.

The commission bases its judgments on long-range considerations of what method of recruiting manpower will strengthen our society's foundations. The commission's members have reached agreement on their recommendations only as the result of prolonged study and searching debate, and in spite of initial division.

We are, of course, fully aware of the current and frequently emotional public debate on national priorities, foreign policy, and the military, but are agreed that such issues stand apart from the question of when and how to end conscription.

RECRUITMENT PROBLEM

To judge the feasibility of an all-volunteer force, it is important to grasp the dimensions of the recruitment problem in the next decade.

If conscription is continued, a stable mid-range force of 2.5 million men (slightly smaller than pre-Vietnam) will require 440,000 new enlisted men per year. To maintain a fully voluntary stable force of the same effective strength, taking into account lower personnel turnover, we estimate that not more than 325,000 men will have to be enlisted annually.

In recent years, about 500,000 men a year have volunteered only because of the threat of the draft, the best estimates are that at least half—250,000 men—are "true volunteers." Such men would have volunteered even if there had been no draft, and they did volunteer in spite of an entry pay that is roughly 60 per cent of the amount that men of their age, education, and training could earn in civilian life.

The often ignored fact, therefore, is that our present armed forces are made up predominantly of volunteers. All of those men who have more than four years of service—8 per cent of the total—are true volunteers; and so are at least a third of those with fewer than four years of service.

The return to voluntary means of raising and maintaining our armed forces should be seen in this perspective. With true volunteers now providing some 250,000 enlisted men annually, a fully volunteer force of 2.5 million men can be achieved by improving pay and conditions of service sufficiently to induce approximately 75,000 additional young men to enlist each year from the 1.5 million men who will annually turn 19 and who will meet the physical, moral and mental requirements.

A voluntary force of 3 million men would require 400,000 enlistments each year, or 150,000 additional volunteers from the 1.5 million eligible 19-year olds. Smaller forces would require fewer than 75,000 additional volunteers annually. Reasonable improvements in pay and benefits in the early years of service should increase the number of volunteers by these amounts.

EQUALITY IN PAY SOUGHT

In any event, such improvements are called for on the ground of equality alone. Because conscription has been used to provide raw recruits, the pay of men entering the services has been kept at a very low level.

It has not risen nearly as rapidly as the pay of experienced military personnel, and it is now about 60 per cent of comparable civilian pay. Similarly, the pay of first-term officers has not been kept in line with the pay of more experienced officers, or with comparable civilians.

Correcting this inequity for first-term enlisted men and first-term officers will add about $2.7-billion to the defense budget in fiscal 1971. Regardless of the fate of the draft, the commission strongly recommends elimination of this discrimination against first-termers.

If the commission's recommendations are put into effect for fiscal 1971, they will entail a budget increase of an estimated $3.3-billion for the following expenditures:

[In billions]

Basic pay increase	$2.68
Proficiency pay	.21
Reserve pay increase	.15
Additional Medical Corps expense	.12
Recruiting ROTC and miscellaneous	.08
Total	$3.24

The additional proficiency pay is required to attract individuals in the first term with special skills and talents. The additional Reserve pay extends the increase in pay provided for the active-duty forces to the Reserves, and is called for as a step toward a voluntary Reserve.

CHANGES IN MEDICAL CORPS

The additional outlay for a voluntary Medical Corps is for increased pay to medical officers, for medical student fellowships, and, where possible, for contracting with civilian physicians to provide medical services now rendered by military physicians.

Because most of this budget increase takes the form of personal income . . . $540-million of it will be recovered by the Treasury in Federal income tax collections. The net increase in the budget in fiscal 1971, after taking these tax collections into account, will be $2.7-billion.

The commission recommends that these additional funds be provided effective July 1, 1970. We believe, on the basis of our study, that the increased pay and other recommended improvements in personnel management will provide enough additional volunteers during the transition to achieve an all-volunteer force by July 1, 1971.

When force levels are stabilized, the additional expenditures needed in the transition to a voluntary force will be partly offset by savings engendered through lower turnover and a reduction in the number of persons in training status.

BUDGET ESTIMATES

Combining the expenditures to eliminate the present inequity for first-termers and other steps necessary to move to an all-volunteer force with the savings that will accrue, the commission estimates that the added budget required to maintain a fully voluntary force on a stable, continuing basis is: $1.5-billion for a 2-million-man force; $2.1-billion for a 2.5-million-man force; $4.6- * * * force.

These are net amounts, reflecting the personal income tax collections that would be recovered.

Although the budgetary expense of a volunteer armed force will be higher than for the present mixed force of volunteers and conscripts, the actual cost will be lower. This seemingly paradoxical statement is true because many of the costs of manning our armed forces today are hidden and are not reflected in the budget.

Men who are forced to serve in the military at artificially low pay are actually paying a form of tax which subsidizes those in society who do not serve. Furthermore, the output of the civilian economy is reduced because more men serve in the military than would be required for an all-volunteer force of the same strength.

This cost does not show up in the budget. Neither does the loss in output resulting from the disruption in the lives of young men who do not serve. Neither do the costs borne by those men who serve, but who rearrange possibility of being drafted. Taking these hidden and neglected costs into account, the actual cost to the nation of an all-volunteer force will be lower than the cost of the present force.

ROLE OF RESERVES

The commission has attempted to allow for the uncertainties of the future. In the event of a national emergency requiring a rapid increase in the number of men under arms, the first recourse should be to Ready Reserves, including the National Guard. Like the active their lives in response to the duty forces, these Reserves can and should be recruited on a voluntary basis.

Whatever advantages may be claimed for it, conscription cannot provide emergency forces; it takes many months of training for civilians to become soldiers. However, to provide for the possibility of an emergency requiring a major increase in forces over an extended period, we recommend that machinery be created for a standby draft, to take effect by act of Congress upon the recommendation of the President.

The draft has been an accepted feature of American life for a generation, and its elimination will represent still another major change in a society much buffeted by change and alarmed by violent attacks on the established order. Yet the status quo can be changed constructively, and the society improved peacefully, by responsible and responsive government.

DRAFT CALL COSTLY

It is in this spirit that the commission has deliberated and arrived at its * * * conscription may have been in World World War II, it has revealed many disadvantages in the past generation. It has been a costly, inequitable and divisive procedure for recruiting men for the armed forces.

It has imposed heavy burdens on a small minority of young men while easing slightly the tax burden on the rest of us. It has introduced needless uncertainty into the lives of all our young men.

It has burdened draft boards with painful decisions about who shall be compelled to serve and who shall be deferred. It has weakened the political fabric of our society and impaired the delicate web of shared values that alone enables a free society to exist.

These costs of conscription would have to be borne if they were a necessary price for defending our peace and security. They are intolerable when there is an alternative consistent with our basic national values.

STEPS ARE LISTED

The alternative is an all-volunteer force, and the commission recommends these steps toward it:

1. Raise the average level of basic pay for military personnel in the first two years of service from $180 a month to $315 a month, the increase to become effective on July 1, 1970. This involves an increase in total compensation (including the value of food, lodging, clothing and fringe benefits) from $301 a month to $437 a month. The basic pay of officers in the first two years should be raised from an average of $428 a month to $578 a month, and their total compensation from $717 a month to $869 a month.

2. Make comprehensive improvements in conditions of military service and in recruiting as set forth elsewhere in the report.

3. Establish a stand-by draft system by June 30, 1971, to be activated by joint resolution.

YEAR-ROUND DAYLIGHT SAVING TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, the idea of year-round daylight saving time is attracting considerable attention around the country, principally because of growing public apprehension about walking the streets of our crime-infested cities after dark.

Crime statistics clearly show that the incidence of street robberies and muggings increases significantly after dark. In Washington, D.C., for example, the peak hours for street crimes in July are 8 to 10 p.m. In October, as darkness comes earlier, the peak hours move forward to 7 to 8 p.m. And in December, the hours are 5 to 6 p.m.

This verifies the opinion of most law enforcement officers that criminals wait until dark to attack people on the streets. During the winter months, millions of Americans must leave their offices and travel home after dark. Unfortunately, many of these—particularly women—will be victims of attack—crimes which might be avoided if they could reach home at an earlier hour.

If daylight saving time were in effect on a year-round basis, instead of just during the April through October period, the great bulk of our urban workers and shoppers could be safely home before full darkness sets in. In mid-December, for example, sunset would be postponed from 5 until about 6 p.m.

Today, I am introducing for myself and 10 colleagues a bill directing the Secretary of Transportation to conduct a 3-month study of the desirability and feasibility of year-round daylight saving time. If that study indicates the concept is attractive, the bill would permit the Secretary to institute a 2-year trial period of year-round daylight time.

Great Britain is now in the second winter of a 3-year experiment with year-round daylight time. One of the principal objectives of the study proposed in this bill would be to gain detailed information on the British experience to date.

Joining me in cosponsoring this measure are Mr. CLEVELAND, Mr. FRIEDEL, Mr. GALLAGHER, Mr. GUDE, Mr. HELSTOSKI, Mr. LOWENSTEIN, Mr. MOORHEAD, Mr. OTTINGER, Mr. PETTIS, Mr. WHITEHURST, and Mr. HALPERN.

There are other advantages to year-round daylight saving time which need examination. Among these would be increased traffic safety as a result of having the peak evening traffic hours during daylight rather than after dark. There also would be social benefits to the public in terms of more leisure time for families during daylight hours, and more after-school playtime for children. Winter daylight time also would eliminate the nationwide confusion and expense which surround the twice yearly readjustment of communications and transportation schedules.

We believe that this concept is worthy of a detailed study and hopefully trial period.

HOUSE CONCURRENT RESOLUTION 485

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 20 minutes.

Mr. HOGAN. Mr. Speaker, since its birth almost 22 years ago, Israel and America have been the closest friends and allies. Setting aside our longstanding friendship with this small, but hardy, outpost of democracy, we must keep in mind that Israel is America's most valuable asset in the Middle East, consistently withstanding Soviet and Communist efforts for domination. Bearing both thoughts in mind, I have become increasingly concerned over the recent trend of events in the Middle East, the possible change of policy of our Government toward Israel, and the effect it may have on the future of this ally.

Following Israel's birthday last spring, I was happy to be among the majority of the Members of the House of Representatives supporting a "declaration for peace in the Middle East," which affirmed the support of those Members for direct face-to-face negotiations between the Arab States and Israel as the only way by which a true lasting peace can be achieved in the Middle East, and ex-

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pressed our opposition to "any attempt by outside powers to impose halfway measures not conducive to a permanent peace." That declaration went on to read:

> To ensure direct negotiations and to secure a contractual peace settlement, freely and sincerely signed by the parties themselves, the United States should oppose all pressures upon Israel to withdraw prematurely and unconditionally from any of the territories which Israel now administers.

After the statement by Secretary of State Rogers on December 9, 1969, in which our administration's policies appeared to be wavering from our position of noninterference and direct negotiations, and went so far as to suggest areas of settlement, I felt compelled to join with colleagues in sponsoring the following resolution:

H. Con. Res. 485

> Whereas deep concern has been aroused by the statement of the Secretary of State of the United States of December 9 making certain proposals for peace in the Middle East between the State of Israel and the Arab States; and
>
> Whereas such statement of the Secretary of State has been understood as contrary to the previous policy of the United States in the Middle East and to the expressed sentiment of approximately two-thirds of the Senate and the House of Representatives: Now, therefore, be it
>
> *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the policy of the United States for the promotion of peace in the Middle East should be to exert its best efforts to arrange for direct, face-to-face negotiations between the State of Israel and the Arab States; and, further, that neither the United States nor any other power should attempt to impose a settlement in the Middle East nor attempt to induce a settlement other than through direct, face-to-face negotiations between the State of Israel and the Arab States.

Also, on January 29, 1970, I signed a declaration in support of direct, unhampered negotiations, which further expressed my sentiments that "It is not in the best interests of the United States or in the service of world peace to create the impression that Israel will be left defenseless in the face of the continuing flow of sophisticated offensive armaments to the Arab nations" and adhering to the principle that the strength of Israel must not be impaired.

The recent sale of over 100 jet fighters by France to Libya, following France's refusal to deliver jets to Israel after receiving payments, should certainly make it clear to all of us that America may be the only nation Israel can look to for assistance in her effort to remain an independent and democratic nation.

With further deterioration of the situation, particularly the latest terroristic tactics of Arab forces in sabotaging airliners carrying passengers, including Americans, bound for Israel, Israel is, today, very much in need of and deserves America's reassurance that we will stand beside her.

Therefore, I strongly urge the President to take positive and immediate steps to provide Israel with the assistance she needs, material and otherwise, to keep the spirit of democracy alive in that part of the world.

PANEL OPPOSES TIMBER SUPPLY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, today, a distinguished panel of environmental experts issued a thoughtful statement in opposition to the Timber Supply Act which this House will consider on Thursday, February 26, 1970. The panel includes:

Prof. Stuart Udall, visiting professor, Yale School of Forestry.

Mr. Julien McCaull, program coordinator, Center for Biology of Natural Systems, Washington University, St. Louis, Mo.

Prof. Paul Ehrlich, professor of biology, Stanford University.

Mr. Eugene P. Odum, director, Institute of Ecology, Alumni Foundation, University of Georgia.

Prof. Donald Aitken, professor of physics, Stanford University.

Prof. John Hewlett, associate professor of forestry, University of Georgia.

Prof. Kenneth Watt, professor of ecology, University of California at Davis.

Prof. E. W. Pfeifer, professor of plant physiology, University of Montana.

Prof. Douglas Chapman, director for Quantitative Science in Forestry, Fishery, and Wildlife, University of Washington.

Prof. Richard Gale, vice chairman, environmental specialist, department of sociology, University of Oregon.

Prof. Richard Sill, associate professor of physics, University of Nevada.

The panel stated that we shall pay the dear price of environmental degradation if we acquiesce in the improvidence of those who manifest little concern for our national forests.

Their statement is as follows:

> This week Congress shall consider H.R. 12025, the Timber Supply Act, a bill which gravely threatens the preservation of a most precious national treasure—our national forests and wilderness areas.
>
> The bill requires all receipts from the sale of National Forest Timber to be deposited in a special High Yield Timber fund, the proceeds of which may be used solely to increase logging in the National Forests. The desire to increase National Forest timber production is bought at a high price. Specifically:
>
> (1) The bill is in flagrant violation of the Multiple Use Sustained Yield Act of 1960 (16 U.S.C., 528–531) which wisely provided that the National Forests serve equally as areas of outdoor recreation, range lands, timber growth, watershed, and wildlife and fish conservation. Supporters of the bill estimate that in 1970, $229 million would be fed into the High Yield Timber Fund, a figure which represents 62% of the total Forest Service budget estimate of $372 million. Thus only 38% of the Forestry Service budget would be available for the four other purposes which Congress designated the National Forests to serve.
>
> (2) The bill represents a dangerous threat to some of our most scenic wilderness areas. It defines as "commercial forest land" (Section 3) *de facto* wilderness areas hitherto protected by their inaccessibility. The Secretary of Agriculture is directed to develop these lands into "optimum timber productivity" (Section 7).
>
> (3) Intensive forestry to be practiced in all areas designated as commercial forest lands threatens irreparable ecological damage. The harvesting of timber for short-run maximum yield may well add another disgraceful chapter in this country's history of exploiting its natural resources.
>
> The High Yield Timber Fund purports to solve a national timber shortage crisis. The bare facts are that no timber shortage exists at the present time. Although fears of such a shortage were raised during the first 6 months of 1969, when timber prices rose precipitously, the rise in prices was never traced to a timber shortage. Current prices are normalized at 1968 levels. Fears that high timber prices will handicap the nation's housing program are unwarranted. The highest costs of housing are tight money and labor. Lumber constitutes less than 10% of the costs of the mass-produced, multi-unit dwellings on which the present administration proposes to concentrate its efforts to solve the housing shortage.
>
> The Timber Supply Act sacrifices the environmental quality of an area equal to approximately 10% of the surface area of the United States in return for supposed "economic benefits." Painfully, we have borne witness to these "economic benefits" on the tarnished faces of our cities, on the fouled sands of our beaches, in our polluted rivers and streams, and in the air we must breathe. *An area in our National Forest the size of the entire state of New Jersey remains in a state of deforestation.* With every passing year, this denuded land becomes increasingly difficult to salvage; yet the present bill, by diverting funds to commercial logging, may well seal its fate.
>
> As the President recently stated in his State of the Union Message, "The answer is not to abandon growth, but to redirect it." Thus, while we realize the economic necessity of sustained timber production, we insist that these economic goals are not incompatible with environmental quality. Incumbent upon us is a long term National Forest timber policy consonant with the Multiple Use Act that provides both for the timber needs of the nation and the preservation of our National Forests. The Timber Supply Act provides neither. Should we acquiesce to the improvidence of those who manifest little concern for our National Forests, we shall pay the dear price of environmental degradation.

Mr. VANIK. Mr. Speaker, I further wish to insert in the RECORD at this point a splendid analysis of H.R. 12025 which was competently prepared by the Yale Legislative Services of the Yale Law School.

This document is but one of many which the Yale Legislative Services has prepared to assist legislators on every level of government better deal with the complicated issues which daily confront them. These knowledgeable and competent young men and women demonstrate clearly the opportunities which exist today for meaningful contribution to the governmental process here in Washington and in every State house and city hall. In many cases, this group of men and women has provided the very best evidence required by any fair-minded legislator, to assist in formulating his judgment upon a particular piece of legislation. This example of their work provides to every Member of this House ample material upon which to base his judgment when the debate and vote occurs on Thursday of this week.

The Yale Legislative Services study of H.R. 12025 is as follows:

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ANALYSIS OF H.R. 12025, S. 1832

This bill appears to involve the conflicting interests of protecting the National Forests and of providing adequate supplies of materials for the housing industry and other users of wood. The bill therefore may appear to present the dilemma of having to choose between legitimate and unreconcilable public interests. This is, however, a false dilemma, for future lumber needs can be provided without damaging the National Forests in the ways this bill would.

I. THE BILL

The object of this bill is to increase the harvest of timber from the National Forests: Its main provisions are as follows:

It establishes a High Yield Timber Fund into which will be paid all receipts (save those already committed elsewhere) from sales of timber on the national forest. (est. 229 m in 1970)

Money from the fund will be used to increase the yield of the National Forests through "intensive forestry practices" which are detailed in the bill.

The money is to be spent on "commercial forest lands". "Commercial forest lands" are defined by the bill to be all those lands not *currently* withdrawn from lumber use by statute or administrative order.

The Secretary of Agriculture is directed to revise the allowable cut (the quantity of timber allowed to be harvested each year from the National Forests) to take into account the increased timber yields expected from application of the measures authorized by the bill.

Money spent under the bill is to be spent subject to and in conformity with the provisions of the Multiple Use Act.

II. THE ARGUMENTS FOR THE BILL

A. Price increases

The original impetus for this bill was the sudden rise in the price of lumber in early 1969 by levels of 15% to 75% depending upon the kind of lumber.[1] The two principal groups which claimed to be injured were: (1) the users of wood products such as the construction industry, and particularly the home-builders; (2) the timber companies, who complained of various dislocations connected with the price increases. These included lack of adequate supplies of timber and excessive mid prices at federal timber sales.

The bill rests on the presumption that a principal cause of the price rise was a shortage of timber available for cutting.[2] This presumption is subject to major qualification which the supporters of the bill conceded. It was admitted at the hearings on the bill and elsewhere that a number of factors coincided to contribute to the price increases: extended *bad weather* which impeded logging, a *boxcar shortage* which prevented supplies from reaching markets, a temporarily low *capacity* of producers to *process* timber (attributable to an earlier industrial recession which forced out many smaller producers), *increased exports,* and other factors.[3] Witnesses were unable to evaluate the relative effects of each of these admittedly important causes.

However, in the past nine months lumber prices have *fallen* nearly as far and as fast as they rose. At the end of 1969 the prices were at or near their 1968 levels.[4] The fall in prices is attributed to the measures which were taken to cure the short-term causes of the price rise, and also to a decline in construction attributed to the credit squeeze.[5]

B. Long-term timber prospects

Much of the testimony before the House and Senate Committees on this bill concerned the long-term prospects for the supply and demand of timber. The significance of these estimates, vague as they were, is that with the funding which this bill seeks to provide, the National Forests will only be able to provide *approximately half* of the projected increase in demand. In 1968 the United States domestic economy used 40.9 billion board feet (BBF),[6] which was met by a supply of 37.0 BBF from domestic production and a 3.9 BBF excess of imports over exports.[7] Different witnesses made different estimates about timber needs in the future. The Forest Service estimates that demand will increase close to 50% by 1985 and nearly double by the year 2000.[8] This is a level of increase between 17 to 20 BBF feet by 1985 and close to 40 BBF by the year 2000. The largest part of the predicted increase in demand is based on the assumption that new housing construction will double to meet the goals of the 1968 Housing Act, vastly increasing timber demand. While the Chief of the Forest Service in his testimony avoided making a clear cut prediction of the effect of the bill's funding, he estimated a maximum of increased production eventually resulting from the bill of 5.8 BBF.[10] In addition the bill might make possible salvage of up to 5 BBF annually of fallen or diseased timber, according to other Forest Service testimony.[11] This means an eventual maximum increased production, if all goes well, of 10.8 BBF, a level *double* that of the present production levels within the National Forests. Put against a projected 17 to 20 BBF of need it is clear that this bill, even if it is optionally successful, would not bring about attainment of projected future timber demands.

As seen from above, the bill is based on an assumption that major increases in the rate of housing construction will vastly increase demands for timber. As has been shown, even if that assumption is true, it is doubtful that the bill will meet the stated need. But it is also highly doubtful that this major increase in demand will materialize. While the nation's critical need for more housing cannot be doubted, the level of building that supporters of the bill based their projected demand on (2.6 million new units a year) has never been approached in this country. Failure to attain it in the future could easily result from all sorts of reasons having little or nothing to do with materials shortages, lack of skilled construction labor, site and design problems, and most crucially, lack of adequate construction credit, the culprit in the present housing construction squeeze.

Moreover, there is some question that even if this level of construction is met it would result in that significant an increase in *total* consumption of wood products. For the past seventy years, the *total* annual consumption of timber has been almost static: in 1967 it was two BBF less than in 1900.[12] Further, Housing and Urban Development is committed to a program of changing over housing construction techniques to mass production and pre-fabrication and much of the need for new housing is for multi-unit, not single family dwellings. Mass produced and multi-unit dwellings utilize less than half as much timber as single family houses.[13] Considerable opportunities exist for eliminating waste of wood in both the logging and the construction industries and it is technologically possible to make use of parts of trees such as crowns and limbs which are now discarded.[14] It is also argued by opponents of the bill that it is possible to use metal and other wood substitutes in place of wood in housing construction. That particular argument, however, is less compelling, wood is a renewable product while metals and other substitutes generally are not, making wood an ecologically preferable material for construction *assuming* that *it is* readily available.

In general what this analysis shows is that the demand for timber projected by the housing and timber industries has been created by using the worst possible set of assumptions; that is, that there will be no change in construction techniques and that the nation will construct housing at an annual rate of 2.6 million units through 1980. A more realistic set of assumptions as to levels of housing construction and future building techniques would undoubtedly show a much less pressing future timber demand and a much less pressing need for the bill that need supposedly demands.

III. THE NATIONAL FORESTS

A. Introduction

There are, however, some real needs for investment in the national forests. At the same time, however, there are major environmental dangers to be guarded against, particularly the environmental consequences of this bill. To understand both, some background is necessary.

B. Background

The Forest Service, of the Department of Agriculture, administers 183 million acres of publicly-owned National Forest lands in the United States.[15] 97 million acres are considered potential commercial forests and the remainder is unavailable for timber harvesting mainly because of the inability of the land to produce commercially usable timber. While these 97 million acres are 19% of the nation's total commercial forest land, they provided approximately 30% of its domestic timber production in 1968.[16]

The Multiple Use—Sustained Yield Act of 1960 (16 USC 528–531) is the key statute governing the administration of National Forest lands. It names five uses which the National Forests are to serve—outdoor recreation, range, timber, watershed, and wildlife and fish—none of which are to be accorded preference over another. The Act also requires the harvest of timber from the National Forests to be on a sustained—yield basis—meaning roughly that it may not be cut at a faster rate than it is replaced. The Forest Service procedure for selling National Forest timber is first to determine what timber may be cut and then to establish a minimum bid and offer it for sale at auction.

C. Timber production in the national forests

Witnesses at the hearings criticized the Forest Service as inefficient because its commercial timber harvest is proportionately less than on the lands of private timber companies.[17] This inefficiency is attributed in part to the failure of Congress to provide sufficient funds to make the necessary investments—road building, thinning and pruning, etc.—to increase timber production.[18] Admittedly, timber production in the National Forests could have been greater with larger Congressional appropriations for just that purpose. But timber productivity is only one of five equally important purposes under the Multiple Use Act which the National Forests must serve. It is inappropriate to compare the Forest Service, under the express duty to provide necessary recreation, watershed, wildlife and grazing uses all of which may be contrary to timber productivity with private timber companies whose primary purpose is to maximize lumber production. The Multiple Use Act specifically states that its object is ". . . not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output." [19] While the Forest Service may preserve a stand of timber to provide a wildlife habitat a private timber company will cut the stand to increase timber productivity.

A second reason for lower Forest Service timber productivity is that much National Forest land is in low productivity areas such as high-altitude locations which private companies would not purchase.[20]

D. Actual forest service needs

Nevertheless the lack of funds has handicapped the Forest Service in optimally man-

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Footnotes at end of article.

aging the National Forests. The Forest Service estimates that it has a backlog of unfinanced investment opportunities of $866 million in timber stand improvements which would yield a very favorable rate of return.[21] There are two main needs here, the need to reforest millions of acres currently unforested or unsatisfactorily stocked and the need to carry out thinning and pruning to improve site quality. The need for and the desirability of these two steps, assuming they were not used as a justification for increasing the allowable cut, was unchallenged in the hearings.

IV. WHY THE BILL SHOULD BE DEFEATED

A. The threat to multiple-use

The principal fault of the bill is that it is destructive of the multiple-use concept for the National Forests. In fact, some of the witnesses who favored this bill objected to the Multiple Use Act and urged that the National Forests be managed mainly for timber production.[22] Although the bill was worded to require that measures taken under the Act be in conformity with the Multiple Use Act the bill is still *hostile* to the Multiple Use concept in several important ways: (1) By segregating 61.5% of the Forest Services estimated budget for the exclusive use of only one of the five values, leaving the remaining 38.5% to the other four, the bill gives timber sales a large actual priority over the four other purposes combined. (1970 budget estimates for the Forest Service programs in the national forests totaled $372 million[23] while estimated income to the high yield timber fund is $229 million.[24] Thus the 61.5%.) The Secretary of Agriculture stated in a letter to the House Agriculture Committee that if funds were ear-marked in this manner for a specific purpose there could be difficulty in financing the other programs for outdoor recreation, wildlife, forage and water production.[25] While some supporters of the bill expressed the hope that the segregated funds would be in addition to normal Forest Service appropriations[26] this position is at best a pious hope. It is impossible to believe that in this year of tight inflation, anyone is seriously contemplating an increase in the total appropriation to the Forest Service of $229 million or anywhere near that amount. Consequently, if the timber fund does lead to a major increase in monies devoted to intensive forestry purposes, it will have done so by reducing funds available to the Forest Service to spend on other purposes. (2) The bill, by enacting a special financing mechanism for promoting timber production, is in effect a statement by Congress that as a matter of policy timber production is a favored value. (3) The bill puts enormous pressure on the Forest Service to increase timber production. These pressures cannot avoid making it very difficult for the Forest Service to rationally and impartially consider the claims or increased timber production versus other multiple use values. The bill puts these pressures on in two ways: first, by the direct command to revise the allowable rate of harvest to take account of *increased yields* resulting from implementation of the bill.

Second, and more importantly, funding for the Forest Service is now directly tied to the amount cut so that *the more that is cut the more money the Forest Service receives*. The best intentions in the world cannot be relied on to protect against such a clear temptation to bureaucratic aggrandizement. The Forest Service has a large backlog of extremely worthwhile projects demanding funding. They would be solely tempted to take advantage of such a built-in funding mechanism, particularly when Congress had given such clear approval to more cutting. With such pressures it would not be at all surprising if multiple use values were gradually lost sight of over time, and increasing budget needs.

B. The threat to wilderness areas

The bill would probably lead to the destruction of certain areas, whose recreational and other values are more important than the timber which could be harvested from them. These are the areas termed by the Sierra club de facto wilderness areas because like those areas formally designated as wilderness they are virgin timber land that has remained roadless. However, since the bill defines all lands not already receiving some official protection as commercial timber lands these lands would now be open to exploitation for timber purposes and in fact the Forest Service would be required to do so. This would mean that old growth, which has stabilized and is not adding anything to the timber supply should be cut so that seedlings could be planted whose annual growth would add each year to the timber supply. Such a step would obviously destroy the enormous recreational and scenic values of these areas for almost no purpose. The thirteen areas specified by witnesses as most in need of protection[27] contain *only 1%* of the total timber in the national forests and they are not particularly appropriate for timber production because of their relatively high altitudes, fragile soils, and slow growth, while cutting may seriously diminish the watershed values of an area and bring about soil erosion.[28] Although theoretically such areas could still be brought under official wilderness designation such a procedure is time-consuming and may well be accomplished too late, if at all, given the pressures to cut this bill creates. It is not necessarily advocated in this paper that such scenic areas be automatically preserved and that all of them do so, but they should have their merits carefully considered. They should not be destroyed because of a shotgun definition of what is commercial timberland.

C. The threat to the forest ecology

The bill may result in practices which are ecologically unsound. Those who supported the bill indicate that the Forest Service would be expected to practice "intensive forestry", as do private timber companies. Intensive forestry would probably lead to short-run increases in the production of timber but at a very possible cost of doing serious harm to the forest environment: (1) the bill authorizes the use of fertilizers which, washed into streams, would pollute hitherto clear waters.[29] (2) Intensive Forestry may lead to more clear cutting reducing the watershed capability of the National Forests and leading to erosion of shallow mountain soils. (3) It may lead to replacing diversified forests with single-species, uniform age forests which are more vulnerable to disease.[30] By emphasizing intensive forestry and increased lumber production the supporters of the bill have deemphasized careful conservation of harmful side effects at a time when the dangers from singlemindedly exploiting the environment have become even more clear.

D. Inadequate reforestation

The bill does not provide adequately for reforestation. There is a backlog of 4,750,000 acres, 5% of the commercial land in the National Forests, in need of reforesting.[31] These lands were either acquired in a deforested condition, destroyed by fire or disease, or cut before current programs for reforesting the lands cut in each current year were put into effect.

The bill does list reforestation as one of the activities funds under the bill will be spent for. To some extent, therefore, the bill, in promoting reforestation, promotes all the values of the Multiple Use Act, save possibly grazing. However, the bill's concentration on increased timber production limits the impact of reforestation in two ways: (1) Reforestation is only one of many purposes for which the bill provides money and the others are all directed to increased commercial sales of timber. The Forest Service itself specifically acknowledges that its primary concern is with timber improvement for commercial purposes rather than reforestation.[32] (2) Money is made available under the bill for reforesting only "better site lands", lands whose timber would yield the highest case return. The bill does not provide for reforesting a denuded area which might be necessary for watershed or wildlife protection but which would not give the highest cash return on planted timber.

V. WHAT SHOULD BE DONE

A. Develop a True Management Plan for all the Nation's Forest Lands

Even if the bill were to be adopted the National Forests could not be expected to furnish as much as half of the demand for timber projected by the bill's supporters, if sound conservation was practiced it could very probably be less. With the private timber companies claiming to be at or near their maximum productivity the key to the situation is in the 59% of the nation's forest land which is in the hands of 3,000,000 small private owners. These lands are the least efficiently managed and are capable of providing greatly increased supplies of timber.[34] The Administration is conducting a study of methods to increase timber production on *all lands* including these small private tracts. In a letter to the House Committee[35] Secretary of Agriculture Hardin urged the Bureau of Budget position that the House postpone any action on the bill until the study was complete. This report recommends rejecting the present bill, waiting for the results of that study and then developing a program for overall management of the nation's forest resources, particularly the small holdings, that would increase timber production on all available lands to the maximum possible *consistent* with *complete* protection for all environmental values.

B. Reforestation

While the proposed bill should be rejected there are real needs for investment in forestry. The chief of these is to clear up the enormous backlog of land that needs reforestation. There may be some fear on the part of conservation motivated opponents of the present bill that to spend any new money on any Forest Service activity would be used as an excuse to bring about more timber cutting. Such fears could be dealt with by a properly worded bill. What is required is an allocation to the Forest Service over the next few years of the money it needs to clear up the backlog of reforestation. Such a program could begin at low levels of funding in the next year or two to allow for startup time and the necessity in the coming year to hold the budget line for anti-inflation reasons. This program, which could be called an emergency reforestation program could be expected, within six to eight years, to eliminate the backlog, thus markedly improving the quality of the National Forests to the benefit of all users.

VI. CONCLUSION

The proposed legislation is unsound and should be defeated. Whatever the motives of its sponsors its result would be the management of the National Forests for the primary purpose of timber production, in disregard of the Multiple Use Act. Such management could be expected to lead to the destruction of areas of major scenic and recreational importance, to the introduction of ecologically unsound forestry practices and the neglect of major areas of investment need in the forest system simply because it is not commercially sound to do so. For these reasons the attempt to use the National Forest system as

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Footnotes at end of article.

the sole source for increased timber production must be resisted.

DISCLAIMER

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FOOTNOTES

[1] Senate Committee on Banking and Currency, *Effect of Lumber Prices and Shortages on the Nation's Goals*, Sen. Doc. No. 27, 91st Cong., 1st Sess. 10 (1969). [hereinafter cited as *1969 Senate Report*].

[2] *Id.* at 9.

[3] *H.R. Report to 655*, 91st Cong., 1st Sess. 5 (1969) [hereinafter cited as *1969 House Report*].

[4] *1969 Senate Report*, at 31.

[5] *Hearings on the National Timber Supply Act of 1969 Before the Subcommittee on Forests of the House Committee on Agriculture*, 91st Cong., 1st Sess., 77 (1969) [hereinafter cited as *1969 House Hearings*].

[6] *Id.* at 57.

[7] *Id.*

[8] *1969 House Hearings*, at 79.

[9] *Hearings on Lumber Pricing and Production Before the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking and Currency*, 91st Cong., 1st Sess. 605 (1969) [hereinafter cited as *1969 Senate Hearings*].

[10] *1969 House Hearings* 97.

[11] *1969 Senate Hearings* 607.

[12] *1969 House Hearings* 57.

[13] *1969 Senate Hearings* 592.

[14] *1969 House Hearings* 56.

[15] *1968 Report of the Chief of the Forest Service* 47 [hereinafter cited as *1968 Forest Service Report*].

[16] *1969 House Hearings* 80, 82.

[17] *Id.* at 131.

[18] *Id.* at 124, 125.

[19] 16 U.S.C. 531.

[20] *1969 Senate Hearings* 603, 617.

[21] *Id.* at 597.

[22] *Id.* at 424.

[23] *Id.* at 594.

[24] *1969 House Report* at 7.

[25] *1969 House Hearings* 92.

[26] *Id.* at 96.

[27] *Id.* at 209.

[28] *Id.*

[29] *Id.* at 218.

[30] *1969 Senate Hearings* 646.

[31] *1969 House Hearings* 88.

[32] *1968 Forest Service Report* 5.

[33] *1969 House Hearings* 93.

[34] *1969 Senate Hearings* 588.

[35] *1969 House Hearings* 92.

PRESIDENT POMPIDOU'S VISIT TO THE UNITED STATES

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, I am gratified that the responsible leaders of this Congress, despite their party affiliations and personal opinions on the policies of the French Government, are joining in the highest American tradition to welcome President Pompidou at a joint meeting of the Congress.

It is important that our Government achieve success in efforts to develop a better understanding and closer relationship with France. Among the modern nations of the world, France is our oldest friend. But more than sentiment motivates my words. I am deeply concerned because the visit of President Pompidou coincides with very grave developments.

The violence of the Middle East has escalated in recent days. It has spread to Western Europe. A number of American citizens, innocent passengers aboard an international airliner, have fallen victim to extremist fanaticism. One of my own constituents, the wife of a respected Baptist minister of Grandville, Mich., has been ruthlessly murdered by terrorists. Her only offense was to ride a tourist bus to view the holy places near Jerusalem.

Anger and emotion are rising in the Middle East. The conflict is striking down innocent bystanders and affecting the transportation and communication links connecting Western Europe and America with the State of Israel. This is a time for negotiation, not confrontation. It is a time to discuss with President Pompidou the policies of his government in the Middle East, Europe, and elsewhere, as they relate to the national security interests of the United States. It is a time to seek ways of cooling down passions, to seek ways of working with France to decrease the level of violence in the Middle East and to limit the introduction into that region of destructive new weapons.

Our Government is now engaged in very serious talks with President Pompidou. Our historic relationship with France demands that President Pompidou, as the elected head of his government, be accorded the courtesies that have been traditional. I do not completely agree with all the policies of the Pompidou administration nor of the preceding De Gaulle administration. But this is a time for statesmanship, not showmanship, a time for reconciliation, not agitation.

We will accomplish nothing by boycotting or blockading, by walking in or by walking out on President Pompidou. We may accomplish something—indeed, we may accomplish very much by exchanging ideas with President Pompidou in a constructive, relevant, and civilized manner.

It has been a basic tenet of our Government that while we may be divided at home on foreign policy matters we are nevertheless willing to permit our Government to deal in an orderly and diplomatic manner with other governments.

The negotiations with France are of such importance that we cannot permit an impression that this Congress is unwilling to accord the traditional courtesies to the Republic of France. The violence and killing in the Middle East are very serious. The situation is daily growing worse.

I would like to suggest a better course than an empty, negative boycott of President Pompidou. Let us devote the same time and energy to seeking a lessening of violence. I would like to suggest the alternative of an international agreement to deal with the rise in airborne terrorism, bombings, and hijacking; perhaps, a world conference on safety of air passengers. Another alternative for the time wasted in opposing the joint meeting would be a discussion of ways and means of implementing President Nixon's very recent report to the Congress on foreign policy. I might add that the Government of Israel has received this report with deep satisfaction. The President expressed himself quite clearly on the threats to Israel and it is incumbent upon the Congress to respond to his forthright leadership on this crucial issue.

Instead of negativism and obstructionism, let us strengthen the hand of President Nixon when he speaks for all of us with President Pompidou. This is the way to impress upon the French President the deep conviction and profound unity of the American people on these matters.

We shall do everything we can in the interest of peace and stability in the Middle East. But we will do more than talk. The United States cannot and will not stand by and watch the military balance turn against Israel. We will not let the situation deteriorate because of ill-advised policies of other governments.

Of course, we hope that President Nixon's statesmanlike effort to limit the arms race will generate a positive response from France, from Great Britain, and, of course, from the Soviet Union. This aim is served by the courtesies this Congress is rendering to President Pompidou in our common effort to create better communications between our two countries. This aim is frustrated by flamboyant gestures that add to the dismay and discord of a troubled world.

LITHUANIAN INDEPENDENCE DAY

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, Lithuanians were one of the helpless and innocent victims of the last war, and today they are still suffering under a Kremlin-imposed Communist regime. They were also among the first nationality groups to take advantage of the overthrow of the czarist regime in Russia and proclaim their national independence of February 18, 1918.

These sturdy and stout-hearted people have a long eventful history in their northeastern homeland on the Baltic Sea. For centuries they maintained their freedom and fought for its preservation against all their adversaries. For awhile they built a powerful force which extended its activities far beyond Lithuania's historical boundaries. Then their kingdom was united with that of Poland, and in this union they found strength, maintaining their independence until late 18th century. Then both Poland and Lithuania were forcibly annexed to Russia, and thenceforth Lithuanians lived under the oppressive czarist regime of Russia for more than 100 years. But these people did not become Russianized; they did not give up their hope for freedom. And when they had the chance, they seized upon it and proclaimed their

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national independence on February 16, 1918.

That was a glorious event in Lithuanian modern history. All Lithuanians and all their friends abroad were overjoyed in seeing the birth of a new sovereign and independent Lithuania. With joy and gallantry Lithuanians created a prosperous country out of their war-ravaged and ruined homeland. In a rather short time they made it a model democracy. They enjoyed their life under their own democratic government, and hoped to work and live in peace. But foreign foes had evil designs upon democratic Lithuania, and the Soviet Union proved the deadliest of these foes. Very early in the last war Stalin let loose the Red Army upon helpless Lithuania; the country was overrun and made part of the Soviet empire. Thus ended the happiness of the Lithuanian people in their homeland.

Since those fateful and tragic days Lithuanians have been suffering under totalitarian tyranny. They are no longer master of their fate, and they are victimized by their heartless overlords. But these gallant people have not given up their hope for freedom, and on the observance of Lithuanian Independence Day we all pray for their deliverance from Communist totalitarian tyranny.

Mr. Speaker, 2 years ago on February 20, 1968, on the 50th anniversary of Lithuanian independence, I spoke on this subject for the RECORD. I said then and I repeat now that we should do all we can to reaffirm the commitment of the American people to the ultimate liberation of captive nations such as Lithuania.

ADOPT THE PRESIDENT'S PROGRAM ON AMERICA'S ENVIRONMENT

(Mr. SCHERLE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SCHERLE. Mr. Speaker, not too long ago Stewart Udall, so Newsweek tells us, in talking about pollution, admitted:

> We all talked a much better game in recent years than we actually played. Across the nation our rivers, lakes and air are all more polluted than they were five years ago.

Confession is good for the soul, although it does not do much for the environment.

President Nixon fortunately is aware of this. For that reason, he has chosen to act rather than just talk in the matter of preserving what is good and improving what is bad in America's environment.

As a result, he has sent us a comprehensive message on the subject and has followed it with seven specific pieces of legislation which, if we pass, will go a long way toward cleaning up our air, our water and our land.

Mr. Speaker, the time to make things better is before they get too bad. Already we have reached the point where things are much worse than they ought to be—our air over many cities is foul, our water in many areas stinks and is unfit for any kind of use, our land is dirty with abandoned autos, broken bottles, beer cans, and blowing papers.

It is time we made things better. We can do so by adopting the President's program this year. Next year it will be just that much harder. And that much more expensive.

I urge members of both parties to put partisanship aside on this one issue. It will take cooperation by all of us if we are to have a better America.

CLEVELAND LAUDS JAYCEES ON 50TH ANNIVERSARY

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, it is my pleasure to extend a "well done" to the Jaycees for 50 years of good work. During these uncertain times when the news media are filled with tales of all the things wrong with America and young Americans, it is a real pleasure to be able to call attention to the good work done by the Jaycees. We need leaders, and the Jaycees are helping to produce them. We need good citizens, and in the Jaycees we find them. We need people who are willing to work to solve the problems we face, instead of just complaining about the problems—and in the Jaycees we find just such people: young men of action and accomplishment.

Much of the attention of the media is focused on the complainers, the dropouts, and the radicals. Yet in the Jaycees we have people who are action oriented, and committed to good works and good projects. We should give them the appreciation they deserve, because they are something that is "right" about America. I suggest that in the end, groups such as the Jaycees will have a much greater impact on history than the complainers, because they are daily, actively working to solve problems and to make their communities better places to live.

In this their 50th year, I join in congratulating the Jaycees and wishing them many more years of action, accomplishment, and well deserved acclaim.

INCREASE IN SOCIAL SECURITY BENEFITS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, The recently enacted 15-percent increase in social security benefits was badly needed, but it just made a dent in the real needs of retired and disabled Americans. I am today introducing legislation which will further increase social security benefits to a level 50 percent higher than a year ago. My bill also includes a great many needed improvements in the social security law, such as needed extensions of medicare benefits. I am pleased that my able and dedicated colleague (Mr. SCHEUER) is joining me as a cosponsor of this important legislation.

Over 25 million people are now receiving social security benefits—one out of every eight Americans. For about 75 percent of these people, social security payments constitute their principal source of income. For about 50 percent, these payments are their only source of income. Yet the current level of benefits can hardly provide economic security to the large number of Americans who depend upon these payments every month. Our bill will increase benefits across the board in two steps and will bring the minimum benefits up to $120 by January 1, 1972. Benefits will be increased each year thereafter by 3 percent, or by a percentage equal to the rise in the cost-of-living, whichever is greater.

Another provision of this bill would provide that a person who chooses to work beyond age 65 would be able to receive increased benefits. Under present law, a person who retires at age 62 has his benefit reduced on the premise that he will be receiving those benefits for a longer time. But no provision is made for someone who chooses not to apply for his benefits when he first becomes eligible, and instead continues to work. This bill provides that such a person would have his benefits increased on an actuarial basis to assure that he will be expected to receive the same total benefit as a person who applies for benefits when he first becomes eligible.

With respect to medicare coverage, this bill makes a number of changes which are of great importance to older Americans. Poor eyesight and foot problems are two common afflictions of old age which tend to force people to remain indoors and at home resulting in a loss of contact with and a declining interest in the outside world. Our bill will revise the medicare provisions of social security to include extensive care for these two problems. It will extend medicare coverage to include the cost of eye examinations and the cost of eyeglasses, and will also permit such examinations to be conducted by a licensed optometrist, in addition to an ophthalmologist. The bill also extends medicare coverage to include the cost of routine but medically necessary foot care, such as painful swelling, callouses, bunions, and so forth.

Dental care is another medical problem facing many elderly persons. This bill will extend medicare coverage to include the cost of routine dental care, except teeth cleaning, and to include the cost of false teeth.

In urging this legislation, I want to point out that I was one of the original sponsors of the medicare program and consider it one of the outstanding social advances of our time. In nearly 4 years' operation, it has overcome monumental obstacles and has demonstrated its value to the Nation to an extent surpassing even the most optimistic estimates of its supporters.

However, medicare's supporters had to accept many compromises to insure enactment of the program—compromises that place a painful financial burden on the Nation's low-income elderly and have the effect of excluding many medicare eligibles from the full protection the original cosponsors sought.

Mr. Speaker, no program of this nature comes without a price tag. Accordingly, we have included in our bill funding provisions to cover the additional cost of the program, structured to include a contribution by the Federal Government out of general revenue. This is overdue recognition that the Federal Government has an obligation toward our senior citizens for the important contributions they have made to the life of our Nation.

A summary of my bill follows:

ANALYSIS OF SOCIAL SECURITY BILL INTRODUCED BY REPRESENTATIVE JONATHAN BINGHAM

1. BENEFIT AMOUNTS

(a) Basic amounts

Benefit amounts for the worker would be increased in 2 steps: July 1970, $90 to $293; January 1972, $120 to $537.

Benefits for dependents and survivors would be increased proportionately.

(b) Automatic adjustment

Benefits amount would be automatically adjusted annually for at least a 3 percent increase in the cost of living.

(c) Actuarial reduction

Smaller reductions would be made. A worker's benefit at age 62 would be 85 percent of the unreduced amount; a wife's or husband's 82½ percent.

(d) Actuarial increase

Workers choosing to continue in their jobs past the age at which they become eligible for benefits and who, in so doing, cannot apply for benefits until retirement, would have their benefits increased on a basis to assure that they would be expected to receive the full total benefit they would have received had they applied when first eligible.

2. BENEFIT COMPUTATIONS

(a) General

The number of years used in figuring the worker's average monthly earnings would be reduced by ⅓ beginning in December 1970, and to his best 10 years out of any 15 consecutive years beginning in December 1972 The average monthly earnings figured over the shortened periods would be adjusted to take account of the length of time the person worked under Social Security.

The ending point of the period that is used to determine insured status for a man and the number of years over which a man's average monthly earnings are calculated, will be the beginning of the year in which he reaches age 62 instead of age 65. The ending point for men will be the same as it is for women under present law.

(b) Husband-wife combined earnings

Makes it possible for a husband and wife to combine their earnings record and apply as if one person had earned the total amount, thus in many cases increasing the benefit they would receive.

3. EARNINGS TEST

No benefits will be withheld on earnings of $1800 or less. For earnings up to $1200 above $1800 (i.e. $3000), $1 would be withheld for each $2 of earnings, and for additional earnings $3 would be withheld for each $4 of earnings, except that no benefits would be withheld for any month in which a person does not earn more than $150 in wages nor render substantial service in self-employment.

Beginning in 1973, the $1800 and $150 amounts specified above would be automatically increased as average earning levels rise.

4. PARENT'S BENEFITS

Benefits would be provided for aged dependent parent's of retired and disabled workers. The benefit amounts for the parent of a living worker would be equal to 50 percent of the worker's primary insurance amount; actuarially reduced if taken at age 62–65. The benefit amount for parents of deceased workers would continued to be 82½ percent.

5. WIDOW'S BENEFITS

Increases a widow's or widower's benefits from 82% to 100% of the worker's benefits. Increases benefits for widows and widowers with minor children.

6. NONCONTRIBUTORY WAGE CREDITS FOR MILITARY SERVICE

Would extend noncontributory wage credits of $100 a month retroactively to 1957.

7. DISABILITY PROVISIONS

(a) Definition of disability

The waiting period would be reduced from 6 to 3 months and the requirement that the disability must be expected to last months or to result in death would be eliminated.

(b) Alternative definition for older workers

Workers aged 55–64 could qualify if unable to engage in substantial gainful activity (by reason of a medically determinable physical or mental impairment), in their regular work or in any other work in which they have engaged with some regularity in the recent past.

(c) Childhood disability benefits

Benefits would be payable if such adult son or daughter becomes totally disabled before he reaches age 22.

8. MEDICARE

(a) Financing both hospital insurance and supplementary medical insurance on the basis of payroll contributions and general revenues

Would eliminate supplementary medical insurance premiums and provide for financing both hospital and medical insurance programs through contributions of employers, employees, and the self-employed, and a matching contribution by the Federal government. All money's would go into a combined trust fund, which would pay the benefits and administrative expenses of both programs. Eligibility requirements for both hospital and medical insurance would be identical to that required under existing law for hospital insurance.

(b) Medicare for the disabled

Would extend medicare, under the combined financing approach described above, to people under age 65 entitled to monthly cash disability benefits. Benefits would begin with the 1st month for which the individual is eligible for cash benefits and end 12 months after cash benefits cease.

(c) Eye care

Would include the cost of eye examinations and the cost of glasses on prescription. Makes it possible for services rendered by a licensed optometrist to be covered under Medicare.

(d) Foot care

Would extend coverage to include routine foot care, such as swelling, callouses, bunions, etc.

(e) Dental care

Would extend coverage to include the cost of routine dental care, except teeth cleaning and includes the cost of dentures.

(f) Prescription drugs

Would extend coverage to include the costs of most prescription drugs and some non-prescription drugs.

9. CONTRIBUTION AND BENEFIT BASE

The amount of annual earnings to be counted for contribution and benefit purposes would be increased as follows:

To $9,000 for 1970 and 1971;

To $15,000 for 1972; and

For years after 1972, the annual earnings amount would be automatically increased (in even-numbered years) as average earnings levels rise.

10. CONTRIBUTION RATE SCHEDULE

The required additional costs of these provisions would be covered by increases in the contributions made by employers, employees and self-employed persons. There would also be a contribution by the Federal government as described below.

11. FEDERAL CONTRIBUTIONS

General revenue contributions gradually increasing over a ten year period to an amount equal to approximately ⅓ the total cost of the program.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the world's largest manufacturer of synthetics. In 1967 the United States produced 367,400 short tons of rayon and acetate. This represented one-fourth of the total world production and was 70 percent more than what was produced by the Soviet Union, the second leading nation.

OUTSTANDING ALABAMA CITIES RECEIVE NATIONAL AWARDS

(Mr. BEVILL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BEVILL. Mr. Speaker, Albertville and Boaz, two progressive cities in my congressional district, have won Distinguished Achievement Awards from the national Clean-Up, Paint-Up, Fix-Up Bureau for improvements made during 1969.

Representatives from these two municipalities were in our Nation's Capital this week to receive these awards. Four other Alabama cities, Decatur, Scottsboro, Montgomery, and Hartselle also received Distinguished Achievement Awards.

Mr. Speaker, much attention is being focused on the need to protect our environment. The need for work and planning to insure an enjoyable harmony between man and his environment is one of the greatest challenges facing us today.

These outstanding Alabama cities are leading the way in promoting a quality environment. I was pleased to attend the meeting earlier today when representatives from these six cities received their well-deserved awards.

I wish to add my thanks to all the citizens in each of these municipalities. It is citizens like these who are leading the way in revitalizing our communities through resource conservation and development projects.

I also include for the RECORD a recent newspaper account of how these six cities earned this high recognition.

ALBERTVILLE, BOAZ—TWO OF SIX WINNING CITIES

Albertville and Boaz were two of only six Alabama cities to win Distinguished Achievement Awards from the national Clean-up, Paint-up, Fix-up Bureau for work in 1969.

Decatur, Scottsboro, Montgomery and Hartselle joined Albertville and Boaz in the winning category.

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Six Alabama cities have won Distinguished Achievement Awards from the national Clean-up, Paint-up, Fix-up Bureau.

The Alabama municipalities are Decatur, Scottsboro, Montgomery, Hartselle, Albertville and Boaz.

Representatives of each of the winning municipalities will go to Washington later this month to receive the awards, which will be presented Feb. 24 at the Statler Hilton Hotel during the National Congress on Beautification.

This is the fourth consecutive year that Decatur has won such an award. It is the third win for Boaz and the second for Albertville.

Hundreds of volunteers, Garden Club members, city and town officials, and representatives of other civic clubs worked together for months to improve the appearance and health of their respective municipalities.

Recreation facilities were upgraded, eyesores removed, health hazards eliminated and programs for solid waste disposal developed and expanded.

Olin Hays, principal of the high school, was chairman of the drive in Boaz, which was carried out in association with a $3 million, plus, urban renewal programs underway there.

A city-wide clean up, paint up and spruce up program was put into action. Ground was broken for a $263,000 community center, which will have an olympic pool on the outside and a full size gym inside. A day care center and facilities for county health workers also will be provided.

Children handed out leaflets, garbage trucks made additional pick ups, and a group of "spotters" combed the town, listing violators who later were notified of the violations.

Albertville pushed its "Project Pride" to another national win with a community wide effort under the chairmanship of Bill Hagler. The garden clubs and other civic organizations joined city officials in the beautification and clean up efforts. A big parade launched the campaign, which included planting shrubs and flowers, picking up debris, and working with school children.

Scoring highly for Decatur was its solid waste disposal system which utilizes a central interchange point where the garbage is brought by the trucks to the central area where it is placed in large trailer vans, compacted and taken to the land fill area.

Decatur also carried out a successful program to eliminate eyesores and substandard houses. Buildings failing to meet minimum standards were listed and owners notified. The city utilities department then would refuse to serve the structure until it had been upgraded.

LEGISLATIVE PROPOSALS AIMED AT ORGANIZED CRIME

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, this year marks the 50th anniversary of what, unfortunately, is one of the most successful enterprises in our Nation—organized crime. Nurtured by the horrible fiasco of prohibition, organized crime has amassed such power and wealth in the intervening five decades that no area of American life is immune from its corrupt tentacles.

Why has organized crime been permitted to grow? I believe there are two basic answers. Until recent years many law enforcement officials with high credentials remained unconvinced that organized crime constituted any serious menace to the United States. Also, there was a general reluctance to involve the Federal Government in a problem that many considered to be solely local, or a State problem at best.

There can no longer be any doubts that organized crime poses a massive threat to the welfare of our Nation. Nor are its operations confined to small geographic areas or to transgressions of State or local laws. Organized crime is big business, and its operations extend not only beyond State boundaries, but across international waters as well. It even has the audacity to seek and obtain Federal loans and contracts, as has only too sadly and too often been made known.

The Federal Government has an obligation to commit its capabilities to the mitigation and, if possible, the elimination of that menace from society. But what has the Federal effort against organized crime been, and how can it be improved? Those are the questions that as chairman of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations I started asking 3 years ago in a series of public hearings and inquires that involved some thirty prosecutive, investigative and administrative agencies of the Federal Government.

The Legal and Monetary Affairs Subcommittee has no legislative jurisdiction in criminal matters. Its functions in this area are purely investigatory in its role as overseer of agency operations.

The three absolute essentials for a truly effective effort against syndicated crime that we found were: First, law enforcement officials, both investigative and prosecutive, must be equipped with sufficient tools, such as adequate laws and sufficient personnel. Second, there must be a coordination and continuity of effort at all levels. The Federal Government must have a single general with authority to determine long range strategic objectives. Third, there must be continuing public awareness of the threat and support for efforts against it.

Our committee concluded that the Federal Government had an inadequate arsenal of tools, that its effort was uncoordinated and inconstant, and that virtually no programs existed to enlist the private sector's support in the effort.

For example, some regulatory agencies with responsibilities for guarding the marketplace against corrupt practices indicated little awareness of the inroads being made by the underworld into their areas of supervision. Moreover, petty jealousies among agencies at times not only resulted in an absence of cooperation but also in wasteful duplication of effort. Our charting of Government activity in this area revealed few peak periods. The prolonged periods of lethargy were conducive to continued growth of organized crime.

Some of the operational deficiencies that were noted in our report are being remedied. Some remain unattended. On April 23, 1969, President Nixon submitted a message on organized crime which in six vital areas paralleled exactly what our subcommittee had recommended the previous year. It is, of course, gratifying that the President effectively adopted the heart of our committee recommendations.

Over the years we have been moving toward mitigating the impact of organized crime. For instance, at our subcommittee hearings it was clear from the testimony of expert investigators that it was nearly impossible to penetrate the high strata of organized crime structures and reach the principal decisionmakers. Almost without exception they testified that the leaders could be reached only through authorized electronic surveillance. So convincing was their testimony that I advocated the use of such devices long before the Congress permitted those investigatory tools to be made available to law enforcement officers under judicial supervision.

All of us are in some way to blame for letting the recommendations of past committees, commissions, and other investigative bodies go unheeded. As a poignant and dramatic example witness the prophecy from the final report of the Kefauver committee dated August 1951:

> The illegal sale of narcotic drugs represents an evil of major proportions requiring for its eradication the combined efforts of law enforcement bodies, legislators, educators, and parents. It should be attacked at all levels of the Nation's social structure. If not successfully overcome in the near future, it may do lasting damage to the youth of the Nation. The organized gangster syndicates will unquestionably turn to the sale of narcotic drugs when they are driven out of the presently lucrative field of gambling. * * * Under present conditions, narcotic drugs offer them the most profitable opening. * * * There has been a startling increase in the abuse of drugs by young pepole, many of whom are unaware of its frightful consequences. They fail to realize that they are dealing with what is, in effect, a contagious disease which brings degradation and slow death to the victim and tragedy to his family and friends.

The committee's projection of our grim harvest resulting from failures to overcome the illicit drug importation and abuse problem unfortunately proved only too true. And the end is nowhere in sight. A growing development is the increased smuggling of cocaine into the country.

As horrible as it is, drug abuse is only one of a host of domestic evils which are aggravated by organized crime activities. The great increase in recent years in the number of robberies, burglaries, embezzlements, and other white collar crimes are, in large part, attributable to the necessity of organized crime's consensual victims to obtain the money necessary to satisfy the syndicate's exactions. A heroin addict whose addiction costs $40 every day and whose legitimate means of income do not provide enough for that outlay, must turn to theft to satisfy his daily drug desires.

The same applies to those whose debts to organized crime bookmakers and loan sharks exceed their legitimate income. The very real connection between organized crime and what we call street crime is thus evident.

The great wealth accumulated by syndicated crime, estimated at a gross of $60 billion annually, does not rest idle. It moves back into the stock exchange, into legitimate business, and, generally, into any area that will provide a front of respectability.

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Twenty years ago the Kefauver committee listed 46 industries which in varying degrees had been infested by organized crime. Recently, a study by the Internal Revenue Service revealed that the top 98 organized crime figures in the Nation have now invested their illegally obtained funds in 159 different industries. One can only speculate on the amount of money taken in my organized crime from the average consumer for shoddy merchandise or services produced by a mob-controlled firm which, because of its great economic advantage is not subject to the competitive pressures of the private enterprise system.

If we agree with some experts that the annual net profit of organized crime is $3 billion, we are saying that it has $8 million every day to do with as it pleases. Obviously, a force such as this, operating with relative impunity outside the framework of our system of law cannot be tolerated.

Throughout the subcommittee's public hearings the Government's prosecutors and investigators, who are on the front line of the fight against organized crime, continually made requests for new evidence-gathering tools with which better to carry on their missions. Almost without exception they asked for a general immunity statute, whereby witnesses could be compelled to give testimony, under assurances that their testimony could not be used against them. They also sought means of protecting witnesses against recriminations that might come to them unless they were safeguarded. These tools, and numerous others, are being sought in a bill, S. 30, which was introduced by Senator McClellan on January 15, 1969, and which has passed the Senate. That bill is the most comprehensive legislative attack ever made on organized crime by the Federal Government, and it is a good bill.

At our subcommittee's hearings I noted the need for some means of keeping criminal profits out of legitimate businesses. S. 30 seeks to meet such need, by foreclosing the right of racketeers to engage in interstate enterprises. It seeks to prevent the incursion of mobsters into businesses and to protect legitimate businessmen from such competition, while providing harsh penalties.

It provides some vital evidence-gathering tools to our law enforcement agencies, tools which for many years have been in great demand by those on the front lines. The bill has a few gaps, however, which I believe must be filled if we are to satisfy the three critical elements I previously mentioned.

First, there is a need for an ongoing federally sponsored training program for prosecutors. An indispensable concomitant of new legislation aimed at organized crime is a program which will train and educate prosecutors both as to the substantive and procedural benefits of new laws and as to the ways of utilizing existing laws in a more productive way. Recently, two very important laws were enacted which provided for the education and training of all but one of the important sectors of the criminal justice system. The Safe Streets Act of 1968 made provision for training of police and correctional personnel of State and local governments, while the Federal Judicial Center Act of 1967 provided similar benefits for personnel of the judicial branch of Government. The one key member of the system whose training needs have been neglected is the prosecutor.

The need for a permanent training program for organized crime prosecutors is evident for a number of reasons. First, our law schools unfortunately place little emphasis on criminal law subjects generally and almost no emphasis on nuances of organized crime prosecutions. Second, organized crime is a unique phenomenon that must be combated in a unique way. It recognizes no State or local boundaries and operates under a shroud of secrecy which is necessary to its pernicious works. We can no longer solely rely on on-the-job training and on our law schools to equip our prosecutors with the means to deal effectively with the menace of organized crime. Third, our antitrust, tax, securities, and even civil rights laws can and should be used against organized crime. To do so effectively, however, we should assure that our prosecutors are extended the opportunity of availing themselves of the information which makes those laws germane to the organized crime fight.

The benefits of such a program, in addition to improving the prosecutor's ability to deal with organized crime cases are: First, it would establish rapport among prosecutors in the various levels of Government. The basis of cooperation is trust and trust is engendered through commonality of interests and pursuits. Second, build an esprit de corps among prosecutors which could add a new tone and vigor to the offensive against organized crime. And, third, enhance the career opportunities and incentives to our prosecutive personnel.

Too often our prosecutors' offices serve merely as recruiting grounds for private law firms and industry. We must provide incentives to our young attorneys to continue in public service.

The training that I envision need not be lengthy, nor need it be housed in a new facility. However, it should be extended to State and local prosecutors as well as Federal attorneys.

The second gap that I think needs to be filled is that of assuring a continuing dialog on the nature of the organized crime threat and on efforts to combat it. An annual conference under the auspices of the Attorney General at which Federal, State, and local officials are invited to attend would help initiate and maintain that dialog.

The conference could be patterned after the National Conference on Crime Control convened in 1967. It could make significant contributions to a better understanding of organized crime on the part of the Federal, State, and local officials in attendance. While much has been done recently, mainly through the Law Enforcement Assistance Administration, to enhance intergovernmental cooperation in the battle against organized crime, an annual conference such as I propose would enhance continuity of effort and stimulate discussion of new and improved techniques against syndicated crime.

But an annual conference is not enough to increase public awareness about a menace which too often is romanticized and clothed with an aura of invincibility.

The Government has a responsibility to dispel myths and tell the facts about organized crime, and to do this I propose that the Attorney General annually publish a report on that subject as he already does in many other areas. In the form of a white paper on organized crime, the annual report could assure continued public disclosure of organized crime manifestations and of progress and results of intergovernmental efforts against it.

S. 30 contains needed and significant evidence-gathering procedures and innovative methods to deal with the problem of organized crime infiltration of legitimate business. I am, therefore, introducing a bill which duplicates its provisions in all respects except that my bill adds clarifying language with regard to sentences imposed on dangerous special offenders under S. 30. My proposed changes would make certain that both the defendant and the United States are entitled to appellate review of any such sentences imposed at any stage of the proceedings. Additionally, I am introducing a bill which fills the gaps I have discussed and needs passage as urgently as S. 30.

In three sections my bill establishes a permanent training program for Federal, State, and local organized crime prosecutors, directs the Attorney General to conduct annual conferences on organized crime and directs the Attorney General to publish an annual report on organized crime.

I strongly urge my colleagues to acquaint themselves with the provisions of these bills, and know they will agree that earliest passage of these measures is vital.

The text of my bill follows:

HR. 16133

A bill to provide for a training program for organized crime prosecutors, an annual conference of Federal, State, and local officials in the field of organized crime, an annual report by the Attorney General on organized crime, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TRAINING OF ORGANIZED CRIME PROSECUTORS

SECTION 1. (a) The Law Enforcement Assistance Administration (hereafter referred to in this section as the "Administration") is authorized to establish and conduct a permanent training program for prosecuting attorneys from Federal, State, and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

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(c) (1) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

(2) The cost of training persons under this section who are employed by any agency or department of the Federal Government shall be paid out of funds appropriated to the agency or department for the purpose of such training.

(d) (1) The Administration shall appoint a National Advisory Committee on the Training of Organized Crime Prosecutors (hereafter referred to in this subsection as the "Committee") consisting of fifteen members appointed without regard to the civil service laws. Persons appointed to the Committee shall be qualified by experience, competence, or special knowledge in the prosecution and investigation of organized crime. Seven members of the Committee shall be employees of agencies or departments of the Federal Government, at least one of whom shall be appointed from persons nominated by the Assistant Attorney General for the Criminal Division of the Department of Justice. Eight members of the Committee shall be experts appointed from the governments of the several States, units of local government, law schools, and universities.

(2) The Committee shall advise, consult with, and make recommendations to the Administration with respect to the curriculum, course materials, administration and all other aspects of the training program authorized by subsection (a). The Committee shall hold no fewer than two meetings during each calendar year.

(3) The members of the Committee who are not full time officers or employees of the United States shall each be entitled to receive $100 for each day (including travel time) during which they are engaged in the performance of services for the Committee. Members of the Committee who are full time officers or employees of the United States shall receive no additional compensation on account of their service on the Committee. While away from their homes or regular places of business in the performance of services for the Committee, all members of the Committee shall be allowed travel expenses, and a per diem allowance, in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

(4) The Administration shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(e) In the exercise of the functions, powers, and duties established under this section the Administration shall be under the general authority of the Attorney General.

ANNUAL CONFERENCE

Sec. 2. In order to achieve greater continuity in the effort to eliminate organized crime, to facilitate planning on a long-term basis, and to improve cooperation between Federal, State, and local agencies, the Attorney General is authorized and directed to annually call a conference of Federal, State, and local officials who are engaged in combating organized crime, including, but not limited to Federal, State, and local prosecutors and investigators.

ANNUAL REPORT

Sec. 3. (a) Not later than January 1 of each year the Attorney General shall report to the Congress and to the President on organized crime in the United States. Such report shall include but shall not be limited to—

(1) a statement on the nature, scope, and status of organized crime operations;

(2) an analysis of the consequences and dangers that such operations present to the well-being of the people of the United States;

(3) a review of Federal capabilities, including personnel levels, for combating organized crime;

(4) a survey of all Federal and intergovernmental programs and efforts undertaken against organized crime;

(5) a summary of the results of such programs and efforts; and

(6) an explanation of proposed programs for the purpose of combating organized crime.

(b) Nothing shall be included in the report which shall jeopardize the possible success of any ongoing or prospective activity against organized criminal operations.

THE EPIDEMIC OF "ENVIRONMENT FEVER," ESQUIRE ARTICLE POSES INTERESTING QUESTIONS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I believe I can honestly tout my conservationist background without being labeled a "Johnny-come-lately" and I do so today to bring to our colleagues' attention a most interesting review on the current epidemic of "environment fever" which is sweeping the country.

In an article entitled "Our Country 'Tis of Thee, Land of Ecology," by Mr. Jon Margolis, appearing in the March issue of Esquire, the old and new conservation groups, movements and individuals are dissected in a most disconcerting manner. One is not sure whether the author is pumping for an increased awareness of our environment problems or is deprecating the achievements of the "voice in the wilderness" conservationists who fought alone before it became faddish to care about ecology.

Nevertheless, the article is instructive. Its merit lies in the examination of the groups which have become household words because of their fights with various establishments to conserve our national and natural resources.

I cannot agree with all of the characterizations Mr. Margolis uses to describe the efforts of the groups, nor can I vouch for the correctness of his facts about the internal financing or support of the groups, and I will not attempt to argue with him about the effectiveness of some of the group efforts. But I will applaud the author's ability to weave an understandable story out of what sometimes appears to be contradictory goals of the various groups.

The thrust of the article is to inform us that the conservation groups—old and new—lack direction; that is, there are so many groups with so many directions, that effectiveness could be limited unless there is an agreement on goals. In this, I tend to agree with Mr. Margolis. However, I feel that leadership and goal formulation will not come from the conservation groups. Heretofore, the administration and the Congress have not been environmentally "organized." Such organization is haltingly underway and I predict that the effective, practical, and comprehensible direction for the environment movement will come from the Congress of the United States. And it is about time. The article follows:

OUR COUNTRY 'TIS OF THEE, LAND OF ECOLOGY

(By Jon Margolis)

Senator Ted Stevens first noticed them last September. Stevens is an Alaska Republican; as such he supports the right of every able man to get rich by building things. When he saw late last summer that this faith too had its heretics, Stevens could not keep silence. "All of a sudden all these conservationists are coming out of the woodwork to tell us how to save Alaska," he said. He did not approve.

The statement did wonders for Stevens politically. Alaskans don't like conservationists. Nearly everyone else does, though, and in the past few years they have been coming out of the woodwork more often. Going right back in, too, and staying out of sight once they have made their point. Conservation may be the first revolution led by unknowns.

And make no mistake, it is a revolution, very likely the most contentious and the most important of the rest of the century. The radicals know this now; the politics of confrontation has been used on conservation disputes, and the politics of ecology is now a frequent term in the underground press. If only the conservationists knew it. Conservation is in revolt against its own past as much as against the country's present. Like the unfettered technology it fears, the conservation movement may contain within itself the seeds of its own destruction.

There is little doubt that conservation is quite the vogue. Hardly a county lacks some sort of citizens' conservation group. Usually, they are formed not to protect the environment in general but to battle a specific threat to it, often a threat close to home. With increasing frequency, the battles are being won. Consolidated Edison has not been able to build its power plant on Storm King Mountain in New York State; Dade County and the U.S. Transportation Department may yet be prevented from building the world's largest jetport in the Big Cypress Swamp of Florida, and there are more nuclear power plants on the drawing boards than will ever be on the waterside killing fish.

So successful have the protectors been that the developers have begun to fight back. In 1967, naturalists found a covey of ivory-billed woodpeckers, then considered extinct, in the heart of the Texas Big Thicket. But they didn't say precisely where for fear that timber and real-estate interests would kill the lovely birds. The theory is that the fewer natural wonders there are in any plot of land, the less reason Congress will have to preserve it. Similar tactics were used by the California lumber companies which tried to cut down the best of the redwoods while a bill to protect them was being debated.

Not that business is unware of the growing public concern with conservation. Advertising and public-relations departments across the country are hard at work telling us how much corporations care about the environment they are befouling. In full-color, two-page ads in fancy magazines, oil companies inform how the fish actually like detonations for underwater wells, or that their brand of gasoline will pollute the air just a bit less. Magazines and television networks are devoting unprecedented time and space to conservation, and even newspapers, usually the last to know what the public really cares about, are beginning to cover the subject. Possibly they noticed the appointment of a hard-line law-and-order attorney general did not create nearly as much fuss as the naming of an interior secretary who dared deride conservation for its own sake.

Conservation crosses party lines and even ideologies. John Birchers and Communist, *Ramparts* and *Reader's Digest*, The New York *Times* and the Los Angeles *Free Press*, Max Lerner and James Kilpatrick, Barry Goldwater and George McGovern. This may

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not last, for the New Conservationists are about to enter the political arena full force, perhaps even borrowing from older revolutions such tactics as the sit-in, the boycott, and, who knows, can the Molotov cocktail be far behind? This will make some enemies. Even now, not everyone is a conservationist, though opposition also is bipartisan. Ronald Reagan, Richard Daley and Nelson Rockefeller are among those uncommitted to the cause.

Nonetheless there are places where a man can get elected by being a good conservationist. Westchester County, New York is full of old-fashioned Republicans, and Richard Ottinger is a liberal young Democrat. But because he has pledged to save the Hudson River, those Republicans keep sending him to Congress. Richard McCarthy, another liberal New York congressman, comes from a working-class backlash district in Buffalo. When he goes home he doesn't talk about race and welfare; he talks about how dirty Lake Erie is. Union men out collecting money for the Committee on Political Education likewise have learned to get a dollar out of right-wing workers by telling them the money will support candidates committed to clean streams and lakes. Some local unions have even taken opposing industrial expansion which would increase their membership. The current members, lacking the money to move to the suburbs, have begun to notice something foul in the air they breathe, and they don't want it any dirtier. Rich or poor, most people are lining up on the conservationist side of any given dispute.

Yet few of these newly enlisted troops know who their generals are, or even their sergeants. Nearly everyone knows which senators are prominently for or against the war, civil rights, and unions. But how many know that were it not for Gaylord Nelson of Wisconsin every drop of fresh water in America would be too sudsy to drink? Nelson, a liberal, is the leading conservationist in the Senate. John Saylor of Pennsylvania, a friend of the American Medical Association and the Chamber of Commerce, is the leading conservationist in the House.

One reason conservationists remain unknown while their cause is embraced is that many of them are Westerners, while the people who make people famous are in the East meaning the Northeast. Conservation, after all, means the wise use or preservation of natural resources. There are young women in New York who talk about conservation every evening but aren't quite sure what a natural resource is. Of course the East is very conservation conscious now, but it is a recent concern. Westerners have been involved in conservation for years, especially the kind which subsidizes farmers, ranchers, miners, and lumber entrepreneurs, which is certainly not what the women in New York have in mind. The typical informed Westerner, for instance, may know that Boyd Rasmussen is director of the Bureau of Land Management. The typical informed Easterner has never heard of the Bureau, though it controls twenty percent of his country's land.

Yet East and West alike are probably ignorant of such names as Dan Poole, Stewart Brandborg, Elvis Stahr, or Paul M. Dunn. These are some of the men who are not in government but who are at the center of the Conservation Establishment, an establishment which has been left behind by its cause. Which is not necessarily bad at this point for both cause and establishment. If some of the young intellectual liberals who have lately embraced conservation found out what some of the leading conservationists thought about the world in general, they might go back to the peace or civil-rights movements.

As an organized movement, conservation still deals in specifics—getting a national park established, preserving a wild river or species of bird. But the cause, the unorganized but ever more popular movement, has become holistic without quite realizing it. When conservation started in the last century, the basic concept was wise use. Later it was beauty. Now it is ecology, and if you doubt the potency of conservation consider that three years ago you probably didn't know what that word meant; now you surely do. In ecology, by definition, all of a nature is connected, all relates to everything else.

Yet if the North American Wildlife Foundation and the National Audubon Society spent all their time worrying about ecology, fewer woods and rivers would have been saved in the last few years. Sometime soon the New Conservationists must define their beloved ecological conscience and figure out how best to organize to put it to use. But the concept is too new and the organizations are in their infancy. Meanwhile the bulldozers roll on, and someone has to stop them, lest there be no life left to interrelate.

There are really two Conservation Establishments. The first, centered in Washington, is dominated by the "user" groups, or tools of the interests as children of another revolution might call them. It is made up of foresters, fishery managers, and state fish-and-game officials. Its friends in government are in such agencies as the Bureau of Commercial Fisheries or the Bureau of Reclamation. Its friend in Congress is Wayne Aspinall, head of the House Interior Committee, who makes sure that every time some wild land is set aside there remains a way for some one to make money from it. It was Aspinall who included in the Wilderness Bill an amendment allowing all mining until 1984, a loophole which may create in the northern Cascades a pit which can be seen from the moon.

This traditional approach to conservation is the one most often found in the Interior Department, whose task is less to preserve the environment than to subsidize nature's users. Interior's public relations are conservation-oriented—its annual report features colored pictures of natural wonders and inspirational words about saving them—but its budget is not. In fiscal 1968, half of the department's $1,800,000,000 went to "water resources," most of which was for "reclamation," meaning flood-control and irrigation projects which reclaim rivers from running free and reclaim salt marshes from being breeding grounds for fish and nesting spots for birds. Flood control is needed because people decided, before we knew as much as we do today, to live along flood plains. Actually, houses are still being built on flood plains, though everyone knows they will necessitate a new dam somewhere. But then, building homes is often the most profitable use for flood-plain land, and once people need flood control, the government is sure to provide it. Floods also occur downstream because of reckless deforestation upstream. Among their other values, trees hold water. When they are removed, the waters run into the streams in greater quantity than the stream beds can accommodate. The solution to that is to build a dam, upsetting the river basin's ecology, and possibly reducing the number of fish.

The second Conservation Establishment, the one everybody is talking about, is not really headquartered anywhere, and it isn't very established. Nor is it united. It consists of perhaps twenty national organizations, most of them as ineffective as they are unknown, and an uncountable number of local groups, a few of which are very tough indeed. Conservation has all the disadvantages of citizen-oriented politics. Most of the official leaders, especially of the national groups, are part-timers, people who do other tasks, usually well-paid ones, most of the time. For instance, Dr. Edgar Wayburn of the Sierra Club is a successful San Francisco physician; Warren M. Lemmon, the head of the Nature Conservancy, manages extensive California real-estate holdings; Robert Winthrop of the North American Wildlife Foundation is on the board of directors of the First National City Bank. The opening bankroll for the John Muir Institute, the educational and tax-exempt arm of Friends of the Earth, came from Robert O. Anderson, chairman of the board of Atlantic Richfield; and Laurance Rockefeller runs the American Conservation Association. It is not a poorman's movement. The day-to-day operations are left to small professional staffs made up in large part of unknown men. The citizen leaders like it that way. When David Brower began to act as though he ran the Sierra Club, the paragons of San Francisco society who controlled his executive board got rid of him. And when he challenged them in an election among the club members he had recruited, they beat him badly.

Because the movement is so loosely organized, strong personalities can have an unusually strong effect. Allen Morgan is credited with making the Massachusetts Audubon Society perhaps the most effective conservation organization in the country, and the West Virginia Highlands Conservancy is a force in that little state primarily because of Grover C. Little. Local conservation groups usually start on an ad hoc level, coming into existence to fight one threat to the local environment, but they often stay around to look for more trouble. In Hawaii, a group called Save Diamond Head saved Diamond Head, and it's aiming now to save all of Hawaii. The women of Morris County, New Jersey, did not disband after they had stopped the airline industry from filling in the Great Swamp to make a jetport; now they are fighting power companies and the Army Engineers elsewhere in northern New Jersey. Nearby, the Scenic Hudson Preservation Conference formed to fight Con Ed's Storm King Plant, but when that fight ends there will be more. The Hudson is a big river.

Despite the increasingly political character of the movement, there remain several national conservation organizations which stay out of politics and lobbying in favor of more restricted tasks. The American Conservation Association gives away Laurance Rockefeller's money to select research projects. The Conservation Foundation studies public policy's effects on the environment. The North American Wildlife Foundation and the Wildlife Management Institute, really one outfit supported by the gun industry, have undertaken the research which has brought wildlife management a long way from the days of indiscriminate predator control and un-ecological stocking, though some of that still goes on. Perhaps the organization closest to the heart of the matter is the Nature Conservancy, which with a pittance from private sources does what the government won't do enough of—buy land valuable to nature and about to be lost to it. The Conservancy thus far has been able to save 150,000 acres of the American Earth.

But the Conservation Establishment has been taken over by the militants, some of them so militant they don't even call themselves conservationists, but preservationists. The militant preservationist is a radical. Well, about nature he's a radical; about people he may be quite conservative. This is not a new irony. Since the movement began before the turn of the century, it has been split between those who wanted to save and manage nature for people—all the people—and those who wanted to leave it just as it was for nobody at all, or perhaps for those with the time, money, and culture to appreciate true wilderness. At the beginning, this schism was personalized by Gifford Pinchot, head of the Forest Service under Teddy Roosevelt, and a populist, and John Muir, founder of the Sierra Club, and a mystic. They were friends for a while, camping out together in the Grand Canyon, but they be-

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came estranged, first over the fight about sheep grazing on the public lands, then over the Hetch Hetchy Dam, which violated Yosemite National Park but brought low-cost public power to San Francisco. The preservationists fought the dam bitterly, making common cause with the private-utility industry. Then or later, they seemed not at all embarrassed about the bedfellow.

Today, within the militant conservation movement, united opposition to dams can usually be counted on unless the dam will also create a big lake for motorboating and stocked fishing. Which it always will, the power companies and the Army Engineers and the Reclamation Bureau knowing they then have a good chance of splitting the recreationists—the "parks are for people" crowd and the sportsmen—from the preservationists.

Within the Conservation Establishment, these arguments rage within as well as between organizations. There are Sierra Club members who think saving Mineral King Valley not worth the effort, and there are ardent preservationists in the National Wildlife Federation. But in general the recreationist cause is taken up by the hunters, who far outnumber everyone else in organized conservation. Theoretically, they are hunters and fishermen both, but fishermen per se have no clout. Fishing rods are cheap. The only militant and effective sportsmen's group is the National Wildlife Federation, which is run by the state councils of rod-and-gun clubs, thus representing local groups totaling about 2,500,000 people. Many of these members are not really conservationists, and the Federation gets most of its money from conservationists who are not members, but who subscribe to *National Wildlife Magazine* or purchase the wildlife stamps the Federation sends out without mentioning who controls the beneficiary. Nationally, the Federation is not as strong as some other conservation groups, but on the state level its councils are often the only working conservation lobby. Non-sportsman conservationists have only begun to lobby in state legislatures in California, Oregon, Maine, and New York, but the Wildlife Federation has close ties with legislators and state fish-and-game departments. At present, the Federation is supporting an anti-conservation proposal backed by the Western state fish-and-game bureaucracies which would give state departments total control over all wildlife in their states, a move which could open the national parks to hunting and effectively erase federal protection now given eagles and migratory birds.

If the recreationists are most likely to come from the sportsmen's groups, the extreme preservationists are most apt to be found in the Wilderness Society, a single-minded collection of 55,000 persons to whom a well-managed campground is as hideous as an oil refinery on a promontory would be to other conservationists. Wilderness Society members want parks which are not for people other than themselves. They do not seem motivated primarily by ecology, but speak of preserving the pristine for the sake of "our physical and spiritual regeneration." Among other effects, such statements give aid and comfort to the enemy, be they mining interests, the Agricultural Department's Forest Service, which manages the national forests, wherein are most potential wilderness area, or the power-boat manufacturers who wish every mountain stream to be turned into a huge lake courtesy of the Army Engineers.

Hard-core preservationists are also found in large numbers in the National Parks Association and Defenders of Wildlife. The former spends half its time fighting the National Park Service, which in recent years has suffered the delusion that it is a federation of highway departments commissioned to build roads through all the national parks. The Association's staff head is Anthony Wayne Smith, an abrasive man whose background offers a good defense against charges of elitism. Smith was once conservation director for the C.I.O., where he apparently found a hero. A few years ago, he got angry at the Natural Resources Council of America, a forum for national conservation groups, and, in the manner of John L. Lewis, he disaffiliated.

Defenders of Wildlife began as a group of women who were upset about inhumane trapping and roadside zoos, and expressed their anger in a mimeographed newsletter. As such causes are wont to do, this one attracted the attention of several persons with excess money, and the newsletter became a slick if virtually unedited quarterly which combines valuable facts on conservation with little cutenesses about squirrels. As fierce as any species, Defenders of Wildlife is less nimble than most, hence not very effective.

The bridge between the straight conservationists and the sportsmen is the Izaak Walton League, which is a bit of both. The national Izaak Walton League is a loose collection of chapters which maintain virtual autonomy. In states like Montana, where conservation sentiment is minimal, the Walton League is strictly a sportsmen's group, delving into social issues only to pass a yearly resolution against gun-control laws. In crowded Indiana, the Walton chapter pays no mind to fish and game, concentrating instead on preserving what remains of nature there. At times this local autonomy can be embarrassing. For three consecutive years, the League's national convention was rent by the emotional, and successful, effort to override the California chapter's opposition to the 80,000-acre Redwood National Park, opposed by most sportsmen because hunting is not allowed in national parks. More recently, the refusal of Florida chapter president James Redford—again the importance of personality—actively to oppose the Everglades jetport left the Walton League the only national conservation group outside the anti-jetport coalition. Coalition is the League's hallmark though, and its conservation director, Joe Penfold, until recently headed the Natural Resources Council, essentially a coalition of warring groups.

Actually, they get along rather well, considering basic differences in outlook, because there remain enough specific problems for them to unite on: the lumber industry's raid on the national forests, the jetport that would ruin the Everglades, the dam which would have created in Alaska a lake the size of New Jersey to provide more power than Alaska needs, the possibility that the trans-Alaska oil pipelines will ruin the tundra ecology, the danger that a little-known federal commission will recommend this summer that the public lands be parceled out to the highest bidder. If these fights are won, they will be won by cooperation and old-fashioned lobbying with the conservationist friends in government. The Old Conservation has its work cut out for it while the New Conservation figures out just what its work is.

To the New Conservation, rivers, mountains, and wildlife are no more important than cities and suburbs. The New Conservationist's concern is the total environment, and Penfold thinks it's in trouble. The rallying cry of the old preservation was poetry, Thoreau's: "In wilderness is the Preservation of the World." The New Conservationist quotes not poets, but scientists such as Paul Ehrlich, Eugene P. Odum, and Barry Commoner, who say, in effect, that in unfettered technology is the destruction of the world. In place of the whooping crane, the roseate spoonbill, and the California condor, the New Conservation has interposed another endangered species—the two-legged predator, man.

This is not an assumption on which to base moderation. New Conservationists have adopted some of the rhetoric and even a few of the methods of the Left; and the Left, especially the psychedelic Left, has discovered conservation. In Berkeley, something called Ecology Action, which participated in the People's Park campaign and conducts symbolic destruction of automobiles, grew out of a splinter wing of the Peace and Freedom Party. Elsewhere in California, ecological revolutionaries have burned cars as hateful artifacts, lain down in front of trucks carrying what once were redwoods, and pulled out the surveyors' stakes marking the path of a road through Sequoia National Park. The underground press, especially the Los Angeles Free Press, devotes considerable space to conservation matters. Despising science, such of the young that meet the turned-on label adore ecology, a science. Logic is not their strong suit.

But militant new Conservation is not solely, even mainly, the province of the young and radical. In Patchogue, Long Island, an outwardly ordinary lawyer named Victor Yannacone has formed the Environmental Defense Fund, which plans to take every polluter to the Supreme Court if need be. In Colorado, the Environmental Protection League threatened to disrupt recent underground nuclear tests. In St. Louis, a group of scientists concerned about nuclear pollution formed the Committee for Environmental Information, now prepared to fight all environmental threats.

Thus the radical and the technical. But political movements succeed by being careful and emotional, and if the New Conservation succeeds, it will be through its mainstream—the Sierra Club, the Audubon Society, and now the Friends of the Earth. The first two are the giants of the movement. It was the Sierra Club which stopped the dams proposed for the Colorado River, dams which would have filled in part of the Grand Canyon, and it is the Audubon Society which is leading the fight against DDT and other hard pesticides. Each has more than 80,000 members, and both have enough knowledge of and connections in media to gain the support of many thousands more whenever needed. Charles Callison, executive vice-president of the Audubon Society, is often on the phone to John Oakes at The New York *Times*, who is never unwilling to rise to any conservation cause. The power of both Audubon and the Sierra Club is acknowledged by the powerful, which is a form of power itself. They complement each other nicely. The Sierra Club, hitting hard and fast, constitutes the shock troops; Audubon, choosing its targets more deliberately, using its well-written, handsome magazine to recruit support, provides the bulwark of the line. The Sierra Club, still West-oriented though half its members now are not from California, leads the fight on saving the public lands and the redwoods, preserving wild rivers, and Alaska. Audubon, strong in the East, concentrates on wetlands and wildlife.

The bitter Sierra Club election which ousted Brower did not weaken the club, other than to deprive it of his services. But neither did it weaken Brower. A committed, even demonic conservationist, Brower was out of a job but not a vocation. Like all conservationists, his emotions may tend him toward the remote and pristine past, but his talents are contemporary. He is an editor, a writer, a public-relations wizard. In 1966, he correctly read the mood of the country by gambling that if only the people knew of it, they would oppose the New Colorado River dams. Now he bets the country is ready for an avowedly political conservation group. Friends of the Earth will openly espouse candidates and raise money for them. More, Brower wants conservation to go on the attack, to go back over where men have trod, often unwisely, and reclaim the land in a

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way the Reclamation Bureau never dreamed. Reclaim shopping centers, not swamps, cities not mountains, polluted rivers, not free-flowing streams. More open space and less development, more wild animals and fewer people are the political aims of Friends of the Earth, and Brower intends to use money and political muscle to get them. He feels he has to.

For basic to the ecological conscience is the belief—no, the scientific fact—that the Earth is finite, and the opinion that we are approaching its limits, that every assault on its nature starts a chain of certainly unknown and possibly cataclysmic events, which could make life for all of us uncomfortable, unsafe, even impossible. No longer is the militant conservationist worried that the whooping cranes might die out, or that the lovely land will disappear, or that the oil will run out. He is worried that the oxygen will run out.

Nor is this a needless panic; the supply of oxygen is not infinite and it is diminishing. Every time a tree is cut down, there is just a touch less, and we cut down a million acres of trees a year. Of course, that's not the source of most oxygen, most of it comes from the phytoplankton in the oceans, oceans now so polluted that the phytoplankton is endangered. Only half-facetiously, Ehrlich has predicted the death of the oceans in 1979, and when the oceans die, we all die. When all the water is salty or polluted we die also, and there are those who say that at current rates we have thirty years of water left. Then there is the weather. Suppose the sun's rays can't get through because the air around the Earth is full of glop. Would the glaciers march south again? Or suppose, once here, the heat could not filter away. Then would the polar ice caps melt, raising the seas and flooding the coasts?

To be more mundane, take southern Florida, and what could be more mundane. By nature, men ought to live only along the coasts there, where the land is high enough and dry enough. What is in the middle is really not land at all, but a unique river which does not flow so much as seep through the saw grass from Lake Okeechobee to Florida Bay. It is no place for men to live, but years ago some pioneers saw it was a good place for men to make money. So, like most pioneers, they went to the government and got an elaborate and expensive system of canals and reservoirs to drain the river of grass, leaving rich black soil and some roads to cross the newly created farmland. (They also got laws restricting foreign competition and no laws regulating wages and hours, but that is another matter.)

Now the glades produce vegetables in quantity, adding to the national surplus, but the water is not seeping south the way it used too, and the southern Everglades, including the national park, is dryer than it should be. Because the downward flow of fresh water has declined, Florida Bay may be getting too salty and too warm, so that while southern Florida may continue to produce plenty of tomatoes, it may soon cease to produce menhaden and black mullet and spotted sea trout. Tomatoes we can grow in New Jersey, or at least we could until we paved it over. Menhaden and black mullet in such size and numbers come nowhere else. Perhaps the New Conservationists are right. Perhaps nature knows best. Perhaps we should not have messed with it.

As if they don't realize that messing around with nature is both What Made America Great and the basis of Western Civilization. The trouble with society, to a New Conservationist, is not that it is unjust or immoral, but that it is anthropocentric. And it is. We were, after all, given dominion. And now we have established it. We were all brought up to admire the pioneer who cleared the forest and blazed trails through the wilderness. We think Boulder Dam was a triumph of mankind, that swampland filled and built upon is useless land reclaimed, that it is virtuous to build million-dollar ditches to make fallow land fertile. Now who are these people come to tell us different?

They are among the most handsome beneficiaries of dams and irrigation projects and dirty air and water which lie, let's face it, at the foundation of our prosperity. Most of those in the forefront of the fight for clean lakes and rivers belong to country clubs with chlorinated swimming pools. The New Jersey women who saved the Great Swamp had, in addition to fervor, money. Those committed to preserving the Hudson Valley live along it; it is not a low-income neighborhood. When a road is to pass through loveliness, the denizens of the lovely arise to fight it, and if the engineers retreat to the point of rerouting the highway through the ghetto, well, for some that's victory enough.

Everyone wants to preserve Alaska save the Alaskans, who want to make a passel of money tapping their natural resources. The Sierra Club saved the Red River Gorge from inundation by a proposed dam fought by everyone except the small farmers who live along the river's often-flooded banks. Northern New England is full of impoverished families living in near secrecy off back roads and paying absurd prices for electric power and fuel oil. The prices could come down if the Dickey-Lincoln School Dam were built and an oil-import complex constructed at Machiasport, Maine. And prosperity could come to the hamlets of the North if factories were lured there. But such steps are strongly fought by a lot of $40,000-a-year executives from Boston and New York, who point out that the dam might block free-flowing rivers, the oil pollute the water and deface a lovely harbor, the industry and resultant housing and shopping-center development would dirty the air and spoil the region's character, a character quite irrelevant to many of the region's residents.

The New Conservationists are telling us to stop, and from their perspective, they are quite right. If the power companies are to be prevented from ruining more hills and warming more rivers, we must stop needing more electricity. If we are not to be buried by mountains of bottles and cans, we must use fewer of them, or use them over again. If we are not to pave over all the open land, we must have fewer cars. If we are not to run out of food, or out of open space because we need all the land for farms, we must stop adding to the population. If we are to have clean air and water and decent places to live, perhaps we need less manufacturing. Brower says we must "do more with less." Odum says we must stop being "consumptive" and "learn how to recycle and reuse." Either way, they are saying that this vaunted economy, this sainted Gross National Product, must stop growing.

Stop growing? But growing is the secret of our success. We have mass affluence, to the extent we have it, not because we took from the rich and gave to the poor but because we became—we *grew*—so much richer that even most of the poor live tolerably. They still get the short end of the stick, but the stick is so long now that one can get at least a fingerhold on that end. To stop growing is to stop elongating the stick, and since most people are still clinging to that short end, this presents some problems.

Because the conservationists are not on that end. They are not steelworkers or assembly-line workers or small farmers or hotel clerks. They are Wall Street lawyers and junior faculty and editors and writers and corporate vice-presidents. One does not become a conservationist until one has had the time and learning to care about whether there are eagles or Everglades. Searching for their hundred-fifty-year-old Vermont farmhouses, conservationists wonder how people can actually want to live in a new, $25,000 split-level in the suburbs, apparently never thinking that for most people the alternative is a three-room walk-up in the downtown smog. The suburbs are open to them, as Vermont is to the more affluent, because of technology, because draining swamps and dirtying streams and damming rivers and polluting the air gave them high-paying jobs. Shouting about the environmental catastrophe, urging an end to growth, the conservationists are $20,000-a-year men telling all the $7500-a-year men simply to stay where they are so we can all survive. Ethics aside, there is a serious tactical problem here; there are more $7500-a-year men and they are likely to say no. True, money would go farther in a good environment. True, as Ian McHarg said, ecological planning can give any given area more high-paying jobs and more profits plus good environment. But for the nation as a whole, for the economy, the conservationist's dichotomy remains, and he has not faced up to it: if we do not stop expanding, we ruin the environment; if we do, we condemn the lower-middle classes to their present fate.

Unless. Unless of course we did redistribute the profits of affluence by legislative fiat. Unless we planned where industries could locate and how much they could produce and where people ought to live in what numbers, and where, ecologically, no one ought to live, or drive, or even walk. Unless we instituted such extensive public regulation over use of the land, water, air, and people, that hundreds of enterprises, perhaps most of them, could not operate profitably, especially if they couldn't grow, so that perhaps they would have to be operated on a basis other than profit. There is a name for such a system. And can you see Laurance Rockefeller financing a feasibility study on that, and can you see all those $40,000 executives endorsing it?

Well, maybe, Huey Long supposedly said that if fascism came to America it would come from the working class. Now we may have come to the point where if socialism comes to America, it will come from Wall Street lawyers concerned less about the welfare of people than the survival of spoonbills. Maybe. But days after Dave Brower announced formation of Friends of the Earth, he invited to Aspen, Colorado, a select group of scientists and professors and businessmen to discuss "progress in a living environment," and because he is concerned about conservation's upper-class, all-white constituency, he invited also one Ted Watkins, Negro, chairman of the Watts Labor Community Action Committee. For two days, amidst Aspen's beauty, Watkins listened to the learned, concerned men, and then he spoke:

"What are you going to sacrifice to do the kind of conserving we want to do? Which teacher is going to give up his nice two-story home? What doctor, what architect, is going to sacrifice some of his practice to help the cause along? What advertising man is going out and campaign to raise funds without a twenty-five- or thirty-percent fee? Who of you in this room is ready to make a sacrifice to do what you say you are going to do?"

There were no takers.

TIMBER SUPPLY ACT

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, despite all the doctoring that has been done on H.R. 12025, it is still a sick bill. Despite all the amendments and revisions made in an attempt to assure the conservationists that the proposed legislation would pose

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no threat to the environment, I am still not convinced that the bill is in the public interest.

Let us not be deceived by the lumber lobbyists. We must not be taken in by their high-pressure sales pitch. We must not let ourselves be deceived by the barrage of distorted statements being perpetrated upon the public to cloud the real issues.

It is my contention, Mr. Speaker, that we should carefully examine the facts before making a decision that would so drastically change national policy in regard to our basic resources.

First of all, let us look at timber supply. Early last year we were told that shortage of timber was a contributing factor to the alarming price spiral in softwood lumber and plywood. The real cause was temporary dislocations, not a shortage of sawtimber. In fact, we are growing more wood than we are currently using.

The alarmists also claimed that accelerated cutting on the national forests would be necessary to meet the demand and bring prices down. But now we can see for ourselves that prices have dropped very sharply without the aid of new legislation or increased cutting. To me, it is clearly evident that the shortage arguments simply do not hold water.

Timber supply is not a crisis. There is time for study and analysis. Forest economists are predicting that acute shortages will not come until about 1985. I see no reason why Congress should be pressured into passing a half-baked piece of legislation to remedy a crisis that does not exist. Furthermore, we already have adequate legislation to increase timber supply and improve management of the national forests. We need only to use it.

The more crucial problem relates not to timber production but to the other legitimate uses of the forests as set forth in the Multiple Use-Sustained Yield Act of 1960. Under this act, which became a landmark in conservation history, the multiple-use principle was spelled out to give balanced protection to wildlife, water, recreation, and range resources, as well as to timber. Even though H.R. 12025 includes provisions that require operation within the guides set out in the Multiple Use Act, the fact remains that the proposed high timber yield fund would be used only for boosting timber production. The bill would permit the allocation of an estimated 62 percent of the budget for the national forests to this single use. How then could balance with other values such as wilderness, esthetics, wildlife, recreation, watershed protection, and range be adequately maintained? The emphasis is bound to go where the money goes, regardless of verbal assurances to the contrary.

Supporters of the bill contend that other forest uses could be adequately financed through established appropriation channels. If this argument were valid, the same reasoning should hold true for timber production. Why then have a special fund earmarked exclusively for timber?

I am not denying that we need more housing. I am not denying that our population is growing. I am not blind to the urgent needs of the future as we enter this environmental decade of the seventies. We have pledged to the people of America that we shall strive to create and preserve a quality environment. We cannot do this if we become so shortsighted that we cannot see the forest for the trees.

Mr. Speaker, I include material pertinent to this subject:

[From the Roseburg (Oreg.) News-Review, Feb. 5, 1970]

WASTE OF RESOURCES

To the EDITOR:

I recently came to Oregon from Wisconsin where I had been in the logging and sawmill business all of my life. When I observed the huge timber resources of Oregon, my first regret was that I didn't come to this area as a young man.

However, my favorable reaction was short lived. After running around in the back country I was horrified and appalled by the criminal waste of the forest resources.

In Douglas County alone there are millions of feet of merchantable logs being left in the woods to rot. I saw piles of partly burned logs containing 100 thousand feet or more. In places it appears that as many logs have been left in the woods as were taken out.

When I ask why, no one seemed to know. Some blame it on the Forest Service, some on the BLM. Being new in the area I wouldn't know who is to blame. Coming from Wisconsin, where every cull, snag and windfall is utilized, it looked like criminal waste to me and, what makes it still more confusing, I understand that there are several small operators in this area who would be only too happy to buy and salvage these so-called culls and windfalls if they were allowed to go in and clean up the ground from this ever present fire hazard.

But no, it seems that some one would sooner see these logs rot in the woods. It's no wonder Americans are labeled the most wasteful people on earth.

Just why the Forest Service or the BLM would assume this dog in the manger attitude, and would sooner see these logs rot instead of selling them, is a question no one in this area seems to be able to answer. Sometimes I wonder if the BLM isn't deserving of the name I have heard it called "The Bureau of Land Mismanagement!"

Some day when these back country hills are stripped as barren of timber as the hills around Roseburg, and the Umpqua River is a muddy little creek, future generations are going to ask, "Where has all the timber gone?"

FRANK HARRIS.

ROSEBURG, OREG.

[From Field and Stream, March 1970]

WANTED: A PROGRAM FOR OUR TREES

(By Michael Frome)

This country is in desperate need of a valid long-range national forest plan. I don't mean simply a plan for the national forests, although they must figure prominently, but for all our woodlands—public and private, in large and small holdings, in urban, suburban, farm, plantation, and wild settings. The prolonged failure to protect and enhance these forests on a comprehensive basis has contributed directly to the environmental crisis we face today. But if we dare to act boldly and on a broad front, the forests will make America more livable, and truly more prosperous, for generations to come.

Forests even now cover an estimated one-third of the land area of the United States. We cannot afford to sacrifice more of them. As sources of raw material, they play a part in raising the physical standards of American life. They are absolutely necessary to conserve soil and water; we have only to look at the denuded slopes of the Middle East, once tree covered but now reduced to poor mineral soils and sparse scrub vegetation, as a living reminder. Forests serve as barriers to hot polluted air and restore the atmosphere with volumes of oxygenated air. In urban areas, they reduce harsh sounds and the effects of solar radiation, and limit the movement of wind, dust, and snow. As the environment for the highest type of recreational and aesthetic enjoyment, they are essential to the well-being and happiness of millions.

Sportsmen are familiar with the values of forests for fish and game. The national forests are particularly significant in this respect. They were conceived and created in order to end the waste of America's woods and other resources; some were established largely because they could serve as game refuges. National forests today are said to account for 30 percent of the nation's annual big-game harvest, including over 80 percent of the elk, bighorn sheep, and mountain goats; nearly 60 percent of mule deer; and more than 35 percent of bear and blacktail deer. They embrace 80,000 miles of fishing streams, 40,000 lakes, the habitat of millions of small-game animals, upland game birds, waterfowl and song birds, as well as more than twenty-five rare and endangered species.

Therefore, I suppose, sportsmen, as well as other citizen conservationists, should be grateful to the old diehards of the timber industry for forcing the issue of forest management and protection before the public.

The diehards demand that providing logs must be the primary role of public and private forests alike. They fought the Multiple Use-Sustained Yield Act of 1960, which declares the purposes of the national forests to be enhancement of recreation, soil, range, timber, watershed, wildlife, fishing, and mining. They fought the Wilderness Law of 1964 and establishment of the Redwood National Park. They objected bitterly to such "non-economic set-asides" in behalf of the people as the National Scenic and Wild Rivers Act and the National Scenic Trails Act.

The passage of these laws might have been the signal to the diehards to review their own archaic position in the light of changing times and to quit trying to exercise the whip hand over the national forests through timber country Congressmen. Instead, they chose last year to strike back with vengeance. They endeavored to perpetrate a hoax called the National Timber Supply Act, which subsequently blossomed and is still pending with the more presumptuous title of "National Forest Timber Conservation and Management Act of 1969."

My purpose is not to dwell on this bad joke, or on the gullibility of those Congressmen who allowed their names to be used as sponsors. The original bill was a flimsy, raw attempt to play upon the housing shortage and high lumber prices in order to destroy multiple use in the national forests. It would have opened the way for an immediate increase in timber cutting—although the "allowable cut" is already being exceeded in a number of national forests. The bill was toned down before being adopted by the House Agriculture Committee, but continues to emphasize the primacy of logging. It is still fundamentally wrong. The provision for a timber improvement fund, to be created by the deposit of receipts from timber sales, might contribute to needed tree planting and thinning, but without providing increased funds for other uses it would only worsen the existing imbalance.

Private forests today are being overcut to reach the high-priced markets and bigger profits. Some of those who weep over the unhoused poor in the American ghettos have been enjoying the returns from the uncontrolled and very substantial export of logs

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to Japan. Simply stated, having cut most of their own holdings, they now seek to continue the wave of liquidation of old growth timber in the publicly owned forests.

I don't think they can get away with it. The plot is too raw and rapacious. "If a man tells you that a drastic increase in the allowable cut is cheap, easy and safe, distrust that man," as the Medford (Oregon) Mail Tribune editorialized. "He is more concerned with his meal ticket today than with his children's meal ticket tomorrow." "Don't Let the Loggers Raid National Forests," warned the Salt Lake Tribune. And from the spunky Elko (Nevada) Independent: "Money and personnel used for range improvement, recreational development and other multiple uses would have to be diverted to the timbering operations. We here in the non-timber producing areas of the national forests would suffer severe cuts in money and personnel needed for development of our forest uses."

What concerns me most is that we lack national goals and leadership in dealing with the forested one-third of the country; yet we cannot ignore or long afford the continuation of wanton, wasteful land abuse, and the disregard of land values other than timber.

According to Bernard Orell, vice president of the Weyerhaeuser Company, nearly 10,000 professional foresters are involved in industrial forest management. He considers this to be "an unparalleled achievement in resource conservation." Possibly so. Weyerhaeuser and other large firms employ specialists in forest pathology, wildlife biology, entomology, silviculture, and forest soils, which is to the good. But how much do foresters really know and understand of the environmental world?

"Some at least have failed to give proper consideration to their environmental responsibilities," concedes one of their own number, William E. Towell, executive vice president of the American Forestry Association. "They have clearcut steep slopes opening the way to floods and erosion. They have wiped out fish and game populations in whole watersheds in attempts to control forest pests by spraying. They have destroyed roadside vistas and the beauty of the landscape through carelessness or thoughtless harvest methods." Mr. Towell explains quite simply why these deeds are done: "Foresters by nature tend to be timber-oriented—it's the way they are taught."

The timber diehards, although they would like to carve up national parks and wilderness areas of the national forests, aren't even using the resources available to them on private land.

In 1933, the National Plan for American Forestry, called the Copeland Report, a major and constructive effort developed by the Forest Service in response to a Congressional resolution, showed that private initiative had failed to preserve forest values in all respects. Again in 1945 a survey showed cutting practices "poor" to "destructive" on 64 percent of all private forest land. The Timber Resources Review, published by the Forest Service in 1958, showed 60 percent of commercial forest land divided among 4½ million farmers and other private owners, mostly in small holdings—on which productivity and management were at the lowest levels. Yet the industry consistently greeted Forest Service warnings of potential timber shortages with derision, assurances that "growth exceeds drain," and sought to block Government efforts at every turn of the road. It offered instead a voluntary tree farm program, which displays lots of metal signs in public view. But the signs mean little when weighed in the balance against the sights of millions upon millions of acres of nonstocked or poorly stocked forest land.

Professor Albert C. Worrell, of the Yale School of Forestry, recently undertook a cursory survey of small private properties, specifically for the purpose of determining timber supplies. He found that small properties contain more than their proportionate share of better growing sites, that they are physically capable of producing 4 billion cubic feet of softwood timber a year—equivalent to about 40 percent of our present consumption—but they are not producing anything near their capability. On nearly two-thirds of the small forests covered in the survey, timber is harvested occasionally, but without any provision for a future crop.

The conclusions of Professor Worrell are most disturbing because they contain more questions than answers. "The forestry profession still cannot estimate how much timber our various forest types can produce under management," he wrote. "We are still resorting to rule of thumb averages."

Instead of a National Timber Supply Act to supply logs from public forests to an industry that has overcut its own lands, we need a national inquiry to answer the questions raised by Professor Worrell, such as: How much land is in small properties today? How much timber is growing on them? How much is commercially available? How fast are additional lands being diverted to other uses? But this inquiry should serve only as the basis of solidifying the national forest plan, complete with a corps of farm foresters to aid small woodland owners and support of long-term loans at low interest in order to insure both softwood and hardwood for the future.

But, of course, providing timber is only one use of the forests. Insofar as public lands are concerned, I submit that maintenance of fish and wildlife habitat, prevention of erosion and sedimentation of streams, and recreation are of greater importance than timber if we are truly to pursue President Nixon's "strategy of quality to supplement our strategy of quantity."

Foresters keep telling us that timber cutting opens the forests, increasing the growth of herbs and shrubs for game, forever giving the impression that "deer" and "game" are synonymous, failing to mention that when one species moves in there is apt to be a mass exodus of many other species.

The grizzly bear and wolf have been wiped out of the forests, the elk is confined almost entirely to the Western States. Even today sportsmen report that clearcutting of marginal timber on steep slopes of the Rockies cuts off elk calving grounds, reduces the summer range, forcing the elk beyond the hunters' reach in autumn, making areas vehicle-oriented rather than wildlife-oriented, destroying the scenic environment that lends zest to sport—and this on public land. Little wonder, I suppose, considering the timber sales budget of the Forest Service is *ten times greater* than that for fish and wildlife habitat. This too must be subjected to close public scrutiny and rearrangement made in the order of priorities.

Sportsmen need to focus close attention on the impact of clearcutting and rotation cycles on the life-community of the forest. The mixed hardwood or hardwood and pine forest is a complex, diverse, and stable association of plants, with a tendency to maintain its ecological norm. There is plenty of room for manipulation within the norm, along with growing timber on long rotations. Drastic changes outside the norm—such as clearcutting and conversion to pine—may be efficient in terms of technology and short-range cellulose production, but are likely to prove disastrous in the long run.

Yet vast areas of the Southland that once supported rich mixed forests have been reduced to even-aged stands of pine only, like apple orchards or orange groves, with few plants desirable for game. True multiple use precludes using forests as farm lots for such monoculture, which inevitably attracts rodents and insects, thus creating the need for pesticides and insecticides damaging to fish and game (as well as humans) and for fertilizers that ultimately take more out of the soil than they put into it. Hardwoods take longer to grow and show a slower return. But they seem better to me than the mass production of low-quality wood at what must become a steadily reduced rate.

Two other elements of the national plan for forestry I must outline all too briefly:

First, forests need to be considered as an integral part of the city.

They lend charm and comfort to the crowded urban scene, provide daily reminders of man's relationship to nature, and enhance the supply of oxygen. However, growing conditions for city trees have steadily degenerated because of air pollution, drought, heat, erosion, disease, and concentrated use of the land; the loss of trees invariably speeds the destruction of other values. Even more serious, studies show urbanization can raise the temperature by as much as ten degrees over surrounding woods and fields and cause a concentration of sulphur dioxide.

Urban conservation is a new art—seldom practiced, little understood. The primary target should be to provide more greenbelts, buffer strips, community parks and forests. A program should be conducted through Federal cooperation and cost-sharing with state and local governments, with a special goal of encouraging city and county forestry departments and private enterprise tree services.

Second, the relationship of forest trees to man and his survival is becoming evident.

The unlimited supply of pure air has forever been taken for granted; but the only reason the earth's atmosphere contains oxygen for us to breathe is that it is constantly given off by green plants. We cannot continue to allow forests to be replaced by jetports, freeways, shopping centers, barren suburbias, and factories. And efforts will have to be made to safeguard forest land from air pollution damage.

Forest practices by tradition have been directed to correct an entire sequence of abuses from grazing, logging, mining, and farming; forest cover has been known to maintain water quality and to help control floods. Now, the management and conservation of air holds equal value in environmental forestry.

All this means to me that we are entering a new era, though perhaps with some strain and pain. "Profit is the only tool by which we can progress soundly toward meeting the resource demands, desires, and requirements of our people," according to Mr. Orell of Weyerhaeuser. "If we fail to make a profit, we fail our responsibility." But I disagree—the transcendent demands, desires, and requirements of the people are for *usufruct*.

Mr. Towell of the American Forestry Association understands this ancient concept and expresses it forthrightly in these modern terms: "Land ownership may be right under our democratic society, but it should be treated as a privilege. No landowner, large or small, should be able to control land use entirely for his own benefit without regard for what his actions do to others. Ownership is a trust which must be exercised in the interests of other people and the quality of our total human environment."

I feel that my role at times is to alert industry to its opportunities and challenges in the new era. But if I were to sum up my feelings I could not do it better than W. H. Hunt, executive vice-president of the Georgia-Pacific Company, when he addressed the American Plywood Association in 1968:

"Business has a natural and understandable tendency to stress economics rather than ecology when thinking about resources," he declared. "But land is an integral part of all life; its resources remain part of the environment and in dealing with them we should carefully blend ecology and economics in our thinking.

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What we need now are rules to guide those who use the land. We need to agree on rules that will help determine how to control land use while simultaneously permitting a combination of maximum uses. At stake are the physical and human resources of this nation. The problem of wisely managing these resources for the greatest benefit of all is our greatest problem; greater than minority problems and greater than poor people's marches, for without this proper management we will impoverish all the land and all the people."

This is why the National Timber Supply Act is all wrong and must not become law. A system of conservation based solely on economic self-interest is hopelessly lopsided. It tends to ignore, and thus to eliminate, elements in the life-community of the land that lack commercial value, but which are essential to its well-being. Perhaps the first rule to guide those who use and administer the land should be that economic parts of the biotic clock will not function without the uneconomic parts. When they learn that, we can go on from there to sustain healthy forests for many years to come and to develop a long-range comprehensive program.

THE LATE WILLIAM RAYMOND CORBEAU

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on January 29 Mr. William Raymond Corbeau of Orlando, Fla., suddenly and unexpectedly passed away at age 49 and his many friends are deeply saddened. Bill, as he was known to his friends, was a great man, because greatness is not always determined by prominence in national headlines but in the daily tasks of citizenship, devotion to one's work, and love of family and friends. Bill was an outstanding former president of the Florida Association of Letter Carriers, a loyal and dedicated American, a fine gentleman, and a treasured friend of many. His short life was an inspiration to his fellow man and especially to his fellow letter carriers, whom Bill so honorably and devotedly represented.

I extend my deep and heartfelt sympathy to the family of William Raymond Corbeau and in fond memory of him I place here in the Record the notice which appeared in the Orlando Sentinel on January 31; marking the passing of a good man:

WILLIAM RAYMOND CORBEAU

Mr. William Raymond Corbeau, 49, 1½ East Spruce St., Orlando, died Thursday. He was past president of the Florida Association of Letter Carriers.

A native of Cleveland, Ohio, he came to Orlando in 1935 and became a letter carrier for the Orlando post office. He was a member of the Calvary Presbyterian Church of Orlando; American Legion Post No. 19; National Association of Letter Carriers, Editor for the Orlando Letter Carriers publication, chairman of the National Association of Letter Carriers building committee, delegate at large of the Florida State Association of Letter Carriers, director of Florida Postal Benefit Association, and a past officer and active member of the Muscular Dystrophy Association.

Survivors: daughters, Mrs. Carolyn Caviness, Blue Mountain, Miss.; Mrs. Kathy Wallace, Sanford; Miss Doris Corbeau, Winter Park; Mrs. Betty Coy, Cleveland, Ohio; parents, Mr. and Mrs. William C. Corbeau, Largo; grandson, George Caviness, Blue Mountain, Miss.

Cox-Parker Funeral Home, Winter Park.

THE EIGHTH INTER-AMERICAN SAVINGS AND LOAN CONFERENCE HELD IN MANAGUA, NICARAGUA, JANUARY 25-30, 1970

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on January 25-30, 1970, the Eighth Inter-American Savings and Loan Conference was held in Managua, Nicaragua, under the general direction of the very able secretary-general of the conference who has also served as secretary-general of the seven previous Inter-American Savings and Loan Conferences, the Honorable Stanley Baruch, Director of Housing and Urban Development in the Agency for International Development in the Department of State. Mr. Baruch on behalf of the Agency for International Development has immeasurably promoted the welfare and progress of the people of Latin America and good will and friendship between the people of Latin America and the United States by the establishment and development of the savings and loan industry in the Latin America nations. Every nation in Central and South America today has savings and loan associations. There are today a total of 170 savings and loan associations in 10 countries in Latin America which have total savings of $500,000,000 outstanding mortgages in the amount of $700,000,000 and under this program 200,000 homes have been built. The Agency for International Development through Mr. Stanley Baruch and the savings and loan industry of the United States particularly through the National League for Insured Savings have aided the Latin America countries in the enactment of legislation providing for savings and loan associations and for setting up the necessary financial institutions for assistance to such associations, in the drafting of rules and regulations governing such associations, and in the training of personnel to direct and manage such associations.

All of this progress in the encouragement of thrift and the building of homes in Latin America has been accomplished by an outlay of absolutely nothing by way of grants and $75,000,000 as loans by the Government of the United States over the past 10 years. In what way, Mr. Speaker, could our country have at less expense to itself done so much to help our friends in Latin America to accumulate savings and to enjoy their own homes.

These conferences have also immensely contributed to the building of better understanding and friendship between the Latin American countries and the Government and people of our own country. At this last conference under the direction of Mr. Baruch, a meaningful new institution came into being; namely, the meeting of Representatives of the Congresses of the several Latin American countries and the United States in connection with the International Savings and Loan Conference for the purpose of promoting a candid and full exchange of views about the future of our hemisphere among the congressional representatives of our country and the nations of Central and South America.

My distinguished colleague, the gentleman from Georgia (Mr. Blackburn), and I were privileged as Members of this House to participate in this meaningful conference with members of the Congresses of Nicaragua, El Salvador, Costa Rica, and Honduras. Out of this conference and with strong endorsement from Mr. Blackburn and me, we believe, at future Inter-American Savings and Loan Conferences, there will be a large number of members of Congress of participating countries present so that in conjunction with the Inter-American Savings and Loan Conference there will be held the Inter-American Congressional Conference. Thus, the First Inter-American Congressional Conference which came into being at Managua will become a continuing and everexpanding institution. It is rather surprising that we have conferences annually with representatives of the free nations of the world through the Inter-Parliamentary Union and with members of the Canadian Parliament through the American-Canadian Parliamentary Group; and with members of the British Parliament through the British-American Parliamentary Group, but we have never had an inter-American congressional organization with regular meetings and conferences.

So great credit goes to Mr. Stanley Baruch for having initiated the Inter-American Congressional Conference in conjunction with the Eighth Inter-American Savings and Loan Conference.

Mr. Speaker, President Nixon at the inauguration of this conference, presented through his personal representative a very warm and encouraging message which was very heartily received by the conference. I include the President's message at this place in my remarks:

THE WHITE HOUSE,
Washington, January 15, 1970.

Greetings to the participants in the Eighth Inter-American Savings and Loan Conference, and warmest wishes for the success of your deliberations.

The encouraging development of thrift and home-ownership institutions throughout Latin America over the past decade has provided new opportunities and incentives for countless citizens of this Hemisphere.

The questions to which your meeting is addressed are as pertinent in this country as they are throughout our Sister Republics. Together, I believe that we can work efficiently and effectively to stimulate greater resourcefulness, creativity and energy among our people, and to marshal the fullness of both our fiscal and human resources toward the kind of society that offers true freedom of opportunity, equality and human dignity to every citizen.

Savings and loan institutions are a most vital vehicle in the attainment of this goal. On behalf of the citizens of the United States, I join with all the leaders and the people of the Americas in the hope that the results of your sessions will be another milestone in the history of Inter-American cooperation and another step forward in uplifting the quality of human life.

RICHARD NIXON.

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At the inaugural ceremony as the secretary-general of the Eighth Inter-American Savings and Loan Conference, Mr. Stanley Baruch delivered a very outstanding and appropriate address which was warmly received by the President of Nicaragua, who with his lovely wife, presided over the inaugural ceremonies of the conference and by the several hundred delegates and guests who were in attendance in the beautiful theater in Managua where the conference was held.

I commend to my colleagues and my fellow countrymen Mr. Baruch's outstanding address and include it here in my remarks:

Address of Hon. Stanley Baruch

Your Excellency, Mr. President of Nicaragua, General, Anastasio Somoza Debayle;

Your Excellency, Mrs. Hope Somoza, First Lady of Nicaragua;

Your Excellencies, Members of the Legislative, Judicial, and Electoral Colleges;

Your Excellencies, Vice-Presidents of Nicaragua;

Your Excellency, Dr. Lorenzo Guerrero, Ex President of Nicaragua; and Secretary of the Department of Foreign Affairs;

Honorable Secretaries and Assistant-Secretaries of State;

Your Excellency, Apostolic Nuncio of His Holiness the Pope, and Dean of the honorable Diplomatic Corps;

Your Excellencies, Ambassadors and honorable "Charges d'Affaires";

Your Excellency and Reverend Apostolic Administrator of the Archdiocese of Managua;

Honorable Members of the Army Staff of the National Guard;

Honorable Presidents of the Autonomous Agencies;

Honorable Delegates and Observers at the VIII Inter-American Savings and Loan Conference;

Distinguished Guests;

Ladies and Gentlemen:

It is alleged that the essence of great pride is sincere humility. In support of this thesis, and to the extent that such noble emotions may be equated with the crass nature of housing finance, I embark on this eighth year of my Secretary-Generalship bursting with pride and simultaneously suffused with humility.

I propose to tell you this morning the source of my pride and the corresponding condition of humility which this pride inspires.

I am proud that each savings and loan system which exists throughout the hemisphere is the product of a truly collaborative undertaking in which I have been honored by having had the opportunity to play a constructive and creative role.

I am humble because in the process I became all too familiar with the agonizing degradation suffered by the millions of families living in sub-human housing conditions from one end of this hemisphere to the other.

I am proud that a truly distinguished group of Congressmen from Latin America and the United States have honored us with their presence and on behalf of all of us in this Conference I want to acknowledge their presence by requesting that they stand so that all the delegates may know who and where they are.

I am humble because it is these same Congressmen who must provide us with the necessary housing legislation and with adequate housing appropriations if we ever hope to achieve the targets and timetables which contemporary crises have conspired to establish. The wisdom which our Congressmen must have in order to accommodate both domestic and international priorities is so awesome that I tremble when I reflect on it.

I am very proud that the Inter-American Development Bank is represented here this year by its distinguished Executive Vice-President, T. Graydon Upton. This is the most elevated representation from the Bank at these savings and loan conferences since they started eight years ago.

I am humble because the Bank no longer is an official sponsor of the Conference and I yearn for some assurance that this apparent incongruity of altitudinous representation while not being a sponsor will be remedied long before the definitive arrangements for next year's conference are formalized.

I am proud because the participation of the Deputy Assistant Secretary of State for Latin America at this head table in the person of Mr. Robert Hurwitch represents the highest level of leadership heading the U.S. delegation to any of our eight conferences.

I am humble because he is certain to discover what great fun we are having in carrying out our noble crusade and some puritan ethic may therefore compel him to impose upon us a crown of thorns since it is a basic rule that work really is not meant to be enjoyed.

I am proud to welcome to this conference the distinguished representatives of the two (2) newest savings and loan system which have come into existence since we met last year in Santo Domingo and I request that the delegates from Honduras and Costa Rica please rise so that we may show them how delighted we are to have them as members of this growing family.

I am humble because five countries have yet to embark on the glorious path to thrift and home ownership through the establishment of a savings and loan system, the most potent institutional mechanism yet conceived for this purpose.

I am honored and flattered that the President of the United States has sent a personal representative to deliver his message of encouragement and appreciation to the Conference and particularly that the person entrusted with this assignment is an old friend and associate.

I am humble because it is my deep and unshakable conviction that what the President of the United States is honoring here is our unique and dynamic approach to institution-building and international cooperation. It seems to me, therefore, that even though our achievement and already very significant, the support which we can anticipate from the President of the United States as well as from the Congress provides us with almost limitless horizons as we contemplate the future. Believe me, that is a very sobering and solemn consideration.

I am proud of the increasing role of the United States savings and loan associations together with the Boston and New York Federal Home Loan Banks in making substantial resources available to help the growth of Latin American thrift and home ownership institutions.

I am humble because the decision on the part of the U.S. industry to help in Latin America comes at a time when U.S. domestic urban priorities are abundant and volatile and when savings are actually being withdrawn from the U.S. associations because of the competition of commercial banks and other alternative sources of investments. Interest rates from the U.S. industry to Latin American savings and loans must continue to reflect considerations other than simply what the market will bear. The courage of my colleagues to expand their assistance to Latin America and thereby fulfill their moral and international commitments notwithstanding these competing demands, is something I will not easily forget.

I am proud that during the past year eleven (11) loans totaling US$53,300,000 were authorized under the Latin America Housing Guaranty Program which is an important part of the office I administer. By the end of December, 1969, this program, which now has as its principal objective assistance exclusively for completely indigenous Latin America institutions, had a total of US$317,000,000 in authorized projects of which US$206,000,000 was already under contract.

I am humble because of the many ways in which our program must continue to be improved in order to become fully capable of achieving its enormous potential.

I am proud to stand before the President of this great country to extol the fiscal and institutional achievements of the public and private sectors of the Nicaraguan savings and loan industry and to respond with love to the overwhelming warmth of the Nicaraguan hospitality we have already experienced during our brief visit.

I am humble because I appreciate better than anyone in this magnificent theater the enormous effort and sacrifice and affection and good will which it represents.

I am proud for all the great accomplishments which have been already achieved by each of you and by the savings and loan systems throughout the hemisphere.

I am humble about the huge distance we still have to go together.

A TRIBUTE TO JACKIE MARTIN

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, many of our colleagues knew and cherished the friendship of the late Cecelia Martin, fondly known as "Jackie" as did Mrs. Pepper and I. It was a great loss to all of us and to her country when Jackie passed away on Monday, December 15, 1969, after a long illness. Jackie was a grand lady, warm and generous of heart, gracious and charming of manner, loyal in friendships, a truly noble woman. Mrs. Pepper and I shall never forget the many happy times we enjoyed with Jackie and what a lovely person she was. We shall always cherish her memory.

Jackie left behind a legend of accomplishments more particularly detailed in the column of December 17, 1969, from the Washington Post, as follows:

Newspaper Art Director, D.C. Author

Cecelia B. (Jackie) Martin noted Washington photographer, newspaperwoman and author, died Monday at Northern Virginia Doctors Hospital after a long illness. She was 65.

She was an editor, writer and photographer for several major newspapers, news syndicates and magazines and was the first woman to become photographic and art director of a metropolitan paper when she was appointed to that position at the old Times-Herald here.

Miss Martin was a war correspondent during World War II and received numerous awards for her work.

She was co-author of the book, "Washington, City of Destiny," published 20 years ago. A panorama of then-contemporary Washington, the book contained pictures by Miss Martin and text by Alice Rogers Hagers.

Photographs in the book included interiors of the White House and intimate scenes of the Truman and Roosevelt families.

In 1936, Miss Martin was elected to the Royal Photographic Society of England, a position reached by few women since the society's establishment in 1853.

Born in Pittsburgh, Pa., Miss Martin came to Washington during World War I. She graduated from Eastern High School and Syracuse University.

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She was the first woman member of the White House News Photographers Association and a founder of the American Newspaper Women's Club.

Survivors include two sisters, Mrs. William P. Pugh, of Washington, and Mrs. William H. Clements Sr., of Hyattsville; a brother, Philip Jr., of Rockville, and several nieces and nephews.

A touching and beautiful tribute to Jackie was the eulogy of the able and distinguished commentator, Roscoe Drummond, her longtime and dedicated friend, which he gave at the services for Jackie and which I ask be included in the body of the RECORD following these remarks:

A TRIBUTE TO JACKIE MARTIN

(By Roscoe Drummond)

Friends—for the friends of Jackie Martin cannot fail to be friends of one another.

I welcome this opportunity to bear witness to Jackie Martin as she showed herself to me.

I bear witness to great talent, to radiant character and to a very special human being.

Some have great talent without matching integrity.

Jackie Martin had both.

Some have great talent and matching integrity but without the gift of humanity to their fellows.

Jackie Martin had all three—talent, personal and professional integrity and generosity of spirit.

She not only thought good thoughts; she did good deeds—for her friends, for her acquaintances and for those travelers who she would not pass by though they were on the other side of the road.

That is the Jackie Martin I knew and you knew.

Like some in Bible history and some today, Jackie did not bury the talents that God gave her. She nourished them and multiplied them by employing them usefully, able and often strenuously because she is one who lived to work not worked to live.

Jackie was an inveterate first. No telling where she would have been last summer if she had been an astronaut.

She was the first woman photographic and art director on an American metropolitan newspaper and on her work, William Randolph Hearst, Sr., called her "the best art editor in the United States."

She was the first woman member of the White House News Photographer's Association. She was a founder of the American Newspaper Woman's Club.

When World War II came, she volunteered to do what she could do best. She served the WAACs as a special assistant to corps commander Oveta Culp Hobby. Later she and her camera fearlessly went to the European Theater of Operations.

In turning her lens on Brazil's burgeoning aviation industry, Jackie's photographs illustrated more than 30 magazine articles and two memorable books, "Frontier by Air" and "Brazil, Giant of the South," for which she was decorated with Brazil's highest award to any foreigner, the Order of the Southern Cross.

In 1949 she took exclusive photographs of the heads of Government of Iceland, Ireland, Norway, Finland and Denmark together with the first pictures ever allowed by the Swedish Royal family of the young Crown Prince.

Of course, that's not surprising. Jackie was irresistible—and we know why. She was ingratiating—but she was also implacable.

Jackie could never resist a call to duty and when that duty meant serving her country, she did not have to think twice.

I know this from first-hand experience. When I took leave of absence from my newspaper to serve as Information Director of the Marshall Plan in Western Europe and saw the uncultivated opportunities to tell its marvelous story to its recipients by means which would do it best, one of my first actions—and certainly one of my best—was to summon Jackie. She did a terrific job. I knew she would come. She did—because a patriotic duty to her was a call to be answered, not a draft to be escaped from. By virtue of long ancestry going back to the Revolution and by virtue of an inner cherishing of what her nation—the home and headquarters of religious and political freedom—means to all free men, Jackie was the kind of patriot we need more of.

Jackie's humanity was universal. To her nothing was more rewarding than when she was asked by the U. S. I. A. to assemble for world-wide showing its exhibit of the "Family of Man" by the renowned artist Steichen.

The Family of Man is the Family of Jackie Martin and she will never be separated from it.

I believe in the immortality of man in his true human identity. I believe it is not just the good that a man does which lives on, but that man, when he awakes from his experience called death, will know that the life God bestows never ends.

And so, in your behalf and mine, I venture to say to Jackie Martin, with serenity and with appreciation: Thank you, Jackie, for what you were and for what you are.

CHICAGO TRIAL POINTS UP NEED FOR REFORM IN COMMUNICATIONS MEDIA

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD Mr. Speaker, last week I had occasion to make brief remarks on the trial of "the Chicago 7." I pointed out that the objectives of the defendants and their lawyers throughout the trial were quite explicit. They attempted deliberately to make a mockery of our judicial system. That the defendants, with the connivance of their attorneys, ostensibly succeeded in doing so, is in no small degree due to the cooperation they received from a large segment of our communications media.

According to the self-styled revolutionaries who were on trial, as it is with others in "the Movement," the law is a "class" tool which must be "exposed." A trial is to them a confrontation with "the system," which they ultimately seek to destroy or transform. And to this end, a large segment of the communications media permitted itself to be fully exploited, by obscuring the reprehensible nature of the behavior of the defense, while demeaning the court and the prosecution. It was the kind of reporting that lends credence to the charges now increasingly heard that the communications media is failing in its responsibilities to the public.

That reform, not protest, should be the response of the communications media to the growing and reasonable attack being made upon it is the correct thesis of at least two gentlemen of the press whose recent column I append to my remarks. I fully agree with the observations of Richard Harwood and Laurence Stern when they say:

> If the response of the networks and companion media is merely defensive, nothing is gained. What is needed is reform and an abandonment of bad habits, such as the 'staging' of news events and the excessive preoccupation with aberrant behavior.

That the communications media is not incapable of self-criticism is thus evident. Although the process of reform has by no means begun, the increased sensitivity to the issue which is reflected in articles of this tenor, is a necessary prelude to reform. This malaise of the communications media in its preoccupation with "aberrant behavior" is, however, so deep-seated that I fear that reform will be slow in coming, unless the media is made to feel the widespread public revulsion to its conduct.

The article to which I referred appeared in the February 18 issue of the Washington Post, and follows:

REFORM, NOT PROTEST, IS THE ANSWER TO GROWING ATTACK ON NEWS MEDIA

It becomes more apparent each day that Vice President Agnew's attack last fall on the real or imagined biases of the communications media was not the last word on that subject. He "tipped over a witch's caldron," a disturbed editor said this week, and created in the country "an ugly mood" toward the people who gather and sell news in the United States.

Whether the mood is "ugly" or simply critical, it is a fact that the performance of the media is a continuing preoccupation of the government and the public.

In the Senate a couple of days ago, members of the Judiciary Committee and a procession of witnesses, old and young, charged that the press has created such a false and negative image of America's young people that it has been impossible to make any headway on the proposal to lower the voting age to 18.

Distortions by the media, the argument went, have convinced the masses that the "typical" high school senior or college student is a wild one—a long-haired, pot-smoking, rock-throwing radical whose vocabulary begins and ends with four-letter words and whose politics begins and ends with a Vietcong flag.

The committee was told that the militant cadres of SDS, the Black Panthers and similar groups represent no more than 1 or 2 per cent of the youth population. But they have so intrigued the media, television in particular, that one young witness complained: "Adults see more of this stereo-type 'media kid' than of their own son or the kid next door." They don't like what they see and they sometimes react oppressively.

While this inquiry was under way, the House Interstate and Foreign Commerce Committee was conducting its own investigation of the broadcasting industry. It wants to know if network crews are "staging" or manufacturing news.

CBS, for example, is being asked to explain its involvement in an inconsequential and abortive scheme to "invade" Haiti a few years back. NBC may be asked why one of its television crews showed up at a college demonstration in California with prefabricated protest signs which were handed out to students.

The House Government Operations Committee has gotten into the act with an investigation of news "management" practices by American military officials in Vietnam. The Justice Department has begun issuing subpenas for film and notebooks accumulated by reporters in their coverage of the militant minority.

There is something disturbing in all this to news people with a legitimate concern for the press freedoms guaranteed by the First Amendment and with legitimate skepticism of the motives of governmental agencies that

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question or interfere with those freedoms.

Those concerns are being asserted strongly and properly by the managers and owners of the media on the correct theory that neither Vice Presidents nor Attorneys General nor congressional committees have any writ or authority to suspend or modify the First Amendment.

The more difficult problem for the media is their credibility and standing with the American audience. A Burns Roper poll, conducted for the television industry in 1968, revealed that there is already a sizable minority in the country (11 per cent) that favors governmental control over television news and an even larger minority (30 to 35 per cent) that indicts newspaper and television coverage of riots and crime as "a very important cause of crime and violence" in the United States. The same poll reveals that the "believability" of the media is not impressive.

It may be even less impressive when the congressional committees have finished their current inquiries and have exposed some of the shoddy or juvenile practices that go on in this business, most particularly the television end of it.

If the response of the networks and companion media is merely defensive, nothing is gained. What is needed is reform and an abandonment of bad habits, such as the "staging" of news events and the excessive preoccupation with aberrant behavior.

Midway through the Senate Judiciary Committee hearings this week, the network crews packed up and left before several young witnesses had testified on the proposition of giving the vote to 18-year-olds.

This drew from Sen. Marlow Cook (R-Ky.) a defensible judgment on what is so often wrong:

"If you had come out of your seats back there, knocking over chairs and shouting that you want the right to vote, I promise you that you would have been on every national TV news program in America tonight."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Esch (at the request of Mr. Arends), for February 25 and the balance of the week, on account of death in family.

Mr. Thomson of Wisconsin (at the request of Mr. Arends), for February 23 and 24, on account of official business as a member of the House Committee on Foreign Affairs.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Michel, for 1 hour, today; to revise and extend his remarks and include extraneous matter.

Mr. Podell, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Williams) and to revise and extend their remarks and include extraneous matter:)

Mr. Rhodes, for 10 minutes, today.

Mr. Halpern, for 30 minutes, today.

Mr. Williams, for 60 minutes, today.

Mr. Button, for 10 minutes, today.

Mr. Steiger of Wisconsin, for 30 minutes, today.

Mr. Hosmer, for 10 minutes, today.

Mr. Hogan, for 20 minutes, today.

(The following Members (at the request of Mr. Pryor of Arkansas) and to revise and extend their remarks and include extraneous matter:)

Mr. Brasco, for 60 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Vanik, for 15 minutes, today.

Mr. Nedzi, for 60 minutes, on February 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Michel and to include extraneous matter in two instances.

Mr. Eckhardt immediately prior to the vote on H.R. 10335.

(The following Members (at the request of Mr. Williams) and to include extraneous matter:)

Mr. Burke of Florida.
Mr. Langen.
Mr. Schadeberg in two instances.
Mr. Don H. Clausen.
Mr. Derwinski in four instances.
Mr. Button in three instances.
Mr. Price of Texas in two instances.
Mr. Scott.
Mr. Gerald R. Ford.
Mr. Martin.
Mrs. Reid of Illinois.
Mr. Ashbrook in two instances.
Mr. Scherle.
Mr. Johnson of Pennsylvania.
Mr. Hosmer in two instances.
Mr. Anderson of Illinois in two instances.
Mr. Wyman in two instances.
Mrs. May.
Mr. Utt in three instances.
Mr. Bow.
Mr. Conte.
Mr. Hammerschmidt.
Mr. Goldwater.
Mr. Bray in two instances.
Mr. Reid of New York in two instances.
Mr. Quie.
Mr. McClory.
Mr. Widnall.
Mr. McKneally.

(The following Members (at the request of Mr. Pryor of Arkansas) and to include extraneous matter:)

Mr. Eilberg.
Mr. Rosenthal in five instances.
Mr. Tunney.
Mr. Rodino in two instances.
Mr. Montgomery.
Mr. Ullman.
Mr. Mahon.
Mr. Kastenmeier in two instances.
Mr. Brinkley.
Mr. Ashley.
Mr. Rarick in three instances.
Mr. Murphy of New York.
Mr. Dingell in four instances.
Mr. Charles H. Wilson.
Mr. Evins of Tennessee in six instances.
Mr. Obey in six instances.
Mrs. Griffiths.
Mr. Miller of California in five instances.
Mr. Gonzalez.
Mr. Gaydos in five instances.
Mr. Fountain in two instances.
Mr. Patten in two instances.
Mr. Pepper.
Mr. St Germain.
Mrs. Chisholm.
Mr. Diggs.
Mr. Chappell.
Mr. Gibbons.
Mr. Wolff in four instances.
Mr. Clay in six instances.
Mr. O'Neal of Georgia in five instances.
Mr. Stephens.
Mr. Edwards of California.
Mr. Helstoski in two instances.
Mr. William D. Ford.
Mr. Vanik.
Mr. Jacobs in two instances.
Mr. O'Hara.
Mr. Feighan in five instances.
Mr. Brasco.

ADJOURNMENT

Mr. PRYOR of Arkansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p.m.) the House adjourned until tomorrow, Wednesday, February 25, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1674. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classifications, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1675. A communication from the President of the United States, transmitting a draft of proposed legislation to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors; to the Committee on Foreign Affairs.

1676. A communication from the President of the United States, transmitting copies of a proclamation providing modification of trade agreement concession and adjustment of duty on certain pianos; to the Committee on Ways and Means.

1677. A letter from the Under Secretary of the Navy, transmitting a report of the Naval Reserve Officers' Training Corps flight instruction program for fiscal year 1969, pursuant to the provisions of 10 U.S.C. 2110(b); to the Committee on Armed Services.

1678. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Army National Guard, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1679. A letter from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas; to the Committee on Armed Services.

1680. A letter from the Secretary of the Export-Import Bank of the United States, transmitting the quarterly report of the export expansion facility program for the period ended December 31, 1969, pursuant to the provisions of Public Law 90-390; to the Committee on Banking and Currency.

1681. A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a report on exports of significant defense articles for the period January–June 1969, pursuant to the provisions of Public Law 90-629; to the Committee on Foreign Affairs.

1682. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the operation of Government-owned vessels in support of military activities in Southeast Asia, Maritime Administration, Department of Commerce; to the Committee on Government Operations.

1683. A letter from the Secretary of Transportation, transmitting a report and recommendations regarding completion of the Interstate Highway System in the District of Columbia, pursuant to the provisions of subsection 23(c) of the Federal-Aid Highway Act of 1968; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. S. 2593. An act to exclude executive officers and managerial personnel of Western Hemisphere businesses from the numerical limitation of Western Hemisphere immigration; with amendments (Rept. No. 91-851). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred to as follows:

By Mr. **BINGHAM** (for himself, Mr. William D. Ford, Mr. Fraser, Mr. Hathaway, Mr. Hungate, Mr. Karth, Mr. Koch, Mr. Matsunaga, Mr. Mikva, Mrs. Mink, Mr. Moorhead, Mr. Ottinger, Mr. Roe, Mr. Scheuer, and Mr. Wolff):

H.R. 16124. A bill to reorganize the functions of the executive branch of the Government which relate to the regulation of commercial uses of nuclear power, except those which relate to source materials, by transferring such functions from the Atomic Energy Commission to the Secretary of Health, Education, and Welfare to be administered through the Public Health Service subject (in certain cases) to disapproval by the Federal Power Commission or the Secretary of the Interior; to the Joint Committee on Atomic Energy.

By Mr. **BINGHAM** (for himself and Mr. Scheuer):

H.R. 16125. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. **BUSH**:

H.R. 16126. A bill to impose statutory quotas on imports of petroleum and petroleum products, and to impose reciprocal duties on petroleum and petroleum products imported from foreign countries which impose duties on petroleum and petroleum products produced in the United States; to the Committee on Ways and Means.

By Mr. **DELANEY**:

H.R. 16127. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. **DUNCAN**:

H.R. 16128. A bill to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes; to the Committee on Armed Services.

H.R. 16129. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. **CLARK**:

H.R. 16130. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. **ESHLEMAN**:

H.R. 16131. A bill to amend title 18 of the United States Code to prohibit the desecration of Armed Forces uniforms; to the Committee on the Judiciary.

By Mr. **EVINS** of Tennessee:

H.R. 16132. A bill to provide for payments in lieu of real property taxes, with respect to certain real property owned by the Federal Government; to the Committee on Interior and Insular Affairs.

By Mr. **FASCELL**:

H.R. 16133. A bill to provide for a training program for organized crime prosecutors, an annual conference of Federal, State, and local officials in the field of organized crime, an annual report by the Attorney General on organized crime, and for other purposes; to the Committee on the Judiciary.

H.R. 16134. A bill relating to the control of organized crime in the United States; to the Committee on the Judiciary.

By Mr. **GIBBONS**:

H.R. 16135. A bill to amend the National Emission Standards Act to require Federal emission standards for used motor vehicles; to require that Federal emission standards for new motor vehicles shall be the same as the emission standards adopted by the State of California for the calendar year 1975 and for each calendar year thereafter; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16136. A bill to provide for the elimination of the use of lead in motor vehicle fuel and the installation of adequate antipollution devices on motor vehicles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16137. A bill requiring the Secretary of Health, Education, and Welfare to study and report annually to the Congress on the health hazards of environmental pollution and the availability of medical and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. **GUBSER**:

H.R. 16138. A bill to amend title 38, United States Code, to extend certain benefits presently provided to veterans who are blind as a result of service-connected disability to veterans who are blind as a result of nonservice-connected disability but who have other service-connected disabilities rated as total; to the Committee on Veterans' Affairs.

By Mr. **HOSMER** (for himself, Mr. Cleveland, Mr. Friedel, Mr. Gallagher, Mr. Gude, Mr. Helstoski, Mr. Lowenstein, Mr. Moorhead, Mr. Ottinger, Mr. Pettis, Mr. Whitehurst, and Mr. Halpern):

H.R. 16139. A bill to provide for study and experiment concerning the establishment of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. **MURPHY** of New York:

H.R. 16140. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16141. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16142. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16143. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Commitee on Public Works.

By Mr. **PHILBIN**:

H.R. 16144. A bill to amend title 38 of the United States Code so as to provide that public or private retirement, annuity, or endowment payments (including monthly social security insurance benefits) shall not be included in computing annual income for the purpose of determining eligibility for a pension under chapter 15 of that title; to the Committee on Veterans' Affairs.

By Mr. **PODELL**:

H.R. 16145. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on Judiciary.

By Mr. **ROBERTS**:

H.R. 16146. A bill to impose statutory quotas on imports of petroleum and petroleum products, and to impose reciprocal duties on petroleum and petroleum products imported from foreign countries which impose duties on petroleum and petroleum products produced in the United States; to the Committee on Ways and Means.

By Mr. **ROBISON**:

H.R. 16147. A bill to amend and improve the Public Health Service Act to aid in the development of integrated, effective, consumer-oriented health care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development on a State and areawide level, promoting research and demonstrations relating to health care delivery, encouraging experimentation in the development of cooperative local, State, or regional health care delivery systems, enlarging the scope of the National Health Survey, facilitating the development of comparable health informations and statistics at the Federal, State, and local levels, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. **RODINO**:

H.R. 16148. A bill to amend title 10, United States Code, to prescribe health care cost-sharing arrangements for certain surviving dependents, and for other purposes; to the Committee on Armed Services.

By Mr. **THOMSON** of Wisconsin:

H.R. 16149. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. **UTT**:

H.R. 16150. A bill to provide for payments in lieu of real property taxes, with respect to certain real property owned by the Federal Government; to the Committee on Interior and Insular Affairs.

By Mr. **WIGGINS**:

H.R. 16151. A bill to protect the public health and safety to provide new means for the control of depressant, stimulant, and hallucinogenic drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 16152. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER:

H.R. 16153. A bill to provide that the interest on certain insured loans sold out of the Agricultural Credit Insurance Fund shall be included in gross income; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 16154. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil servie retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GIAIMO:

H.R. 16155. A bill to establish a national policy for the coastal zone resource, to encourage a systematic approach to coastal zone planning and development, and to assist the States in establishing coastal zone management programs; to the Committee on Merchant Marine and Fisheries.

By Mr. MATSUNAGA:

H.R. 16156. A bill to provide that poultry and meat products prepared from diseased animals shall be deemed adulterated; to the Committee on Agriculture.

By Mr. MOLLOHAN:

H.R. 16157. A bill to consent to the Interstate Compact on Air Pollution between the States of Ohio and West Virginia; to the Committee on the Judiciary.

H.R. 16158. A bill to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty; to the Committee on Veterans' Affairs.

By Mr. RUPPE:

H.R. 16159. A bill to provide for the inspection of eggs and egg products by the U.S. Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. SKUBITZ:

H.R. 16160. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. WIGGINS:

H.R. 16161. A bill to amend title 28, United States Code, to change the age and service requirements with respect to the retirement of justices and judges of the United States; to the Committee on the Judiciary.

By Mr. GUBSER:

H.J. Res. 1094. Joint resolution authorizing the President to proclaim the second week in April of each year as "National Zero Defects Week"; to the Committee on the Judiciary.

By Mr. HALEY:

H.J. Res. 1095. Joint resolution authorizing the President to proclaim the week of June 7 through June 13 of 1970 as "National Future Business Leaders of America and Phi Beta Lambda Week"; to the Committee on the Judiciary.

By Mr. HASTINGS:

H.J. Res. 1096. Joint resolution authorizing the President to proclaim the week of May 24 through May 30 of 1970 as "Memorial Week"; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.J. Res. 1097. Joint Resolution proposing an amendment to the Constitution of the United States relating to the attendance of students at public elementary or secondary schools nearest to their place of residence; to the Committee on the Judiciary.

By Mr. MAHON (for himself and Mr. Bow):

H.J. Res. 1098. Joint Resolution to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. CLEVELAND:

H.J. Res. 1099. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.J. Res. 1100. Joint resolution proposing an amendment to the Constitution of the United States relating to powers reserved to the several States; to the Committee on Judiciary.

By Mr. WIGGINS:

H.J. Res. 1101. Joint resolution to authorize the President to issue a proclamation designating the week of May 17, through May 23, 1970, as "D for Decency Week"; to the Committee on Judiciary.

By Mr. FASCELL:

H. Con. Res. 513. Concurrent resolution expressing the sense of the Congress that the United States should sell Israel aircraft necessary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. RARICK:

H. Con. Res. 514. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of denial of the right to self-determination, and other human rights, including genocide, in Soviet-occupied Estonia on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. GALLAGHER:

H. Con. Res. 515. Concurrent resolution expressing the sense of the Congress that the United States should sell Israel aircraft necessary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. DEVINE:

H. Res. 847. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

By Mr. GIBBONS (for himself and Mr. Fascell):

H. Res. 848. Resolution to create a bipartisan select committee to study ways in which the House of Representatives can improve and reform itself as an organization; to the Committee on Rules.

By Mr. O'KONSKI:

H. Res. 849. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

By Mr. PRYOR of Arkansas (for himself, Mr. Bennett, Mr. Purcell, Mr. Udall, Mr. Hechler of West Virginia, Mr. Hamilton, Mr. Wolff, Mr. Brasco, Mr. Edwards of Louisiana, Mr. Rees, Mr. Galifianakis, Mr. Lowenstein, Mr. Obey, Mr. Steiger of Wisconsin, and Mr. Wyman):

H. Res. 850. A resolution creating a select committee to conduct an investigation and study of the care of the aged in the United States and the effects of Federal laws and programs on the availability and quality of care; to the Committee on Rules.

By Mr. QUIE (for himself, Mr. Andrews of North Dakota, Mr. Arends, Mr. Berry, Mr. Buchanan, Mr. Button, Mr. Cleveland, Mr. Collins, Mr. Derwinski, Mr. Esch, Mr. Findley, Mr. Frelinghuysen, Mr. Hosmer, Mr. King, Mr. Kuykendall, Mr. Kyl, Mr. Latta, Mr. Lloyd, Mr. McKneally, Mrs. May, Mr. Minshall, Mr. Mosher, Mr. Ruppe, Mr. Ruth, and Mr. Schneebeli):

H. Res. 851. A resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

By Mr. QUIE (for himself, Mr. Scherle, Mr. Scott, Mr. Smith of New York, Mr. Winn, and Mr. Wydler):

H. Res. 852. A resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 16162. A bill for the relief of Hanni Tabacnik; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 16163. A bill for the relief of Myrtle H. Davis; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 16164. A bill for the relief of Neville Montgomery Pigott, and his wife, Laurel Lutella Pigott; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 16165. A bill for the relief of Mrs. Esther Jane Anhalt; to the Committee on the Judiciary.

By Mr. WYLIE:

H.R. 16166. A bill for the relief of S. Sgt. J. C. Bell, Jr., U.S. Air Force; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

309. By the SPEAKER: A memorial of the House of Representatives of the General Assembly of the State of Colorado, relative to requiring motor vehicle manufacturers to develop pollution-free propulsion systems; to the Committee on Interstate and Foreign Commerce.

310. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to preventing damage to the Atlantic coastline from oil leakage; to the Committee on Merchant Marine and Fisheries.

311. Also, a memorial of the Legislature of the State of Wisconsin, relative to entitling the veterans of World War I to certain pensions; to the Committee on Veterans' Affairs.

312. By Mr ALBERT: Memorial of the second session of the 32d Oklahoma Legislature relating to the Selective Service System; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

403. By the SPEAKER: Petition of the municipal board of Angeles City, Philippines, relative to additional residential housing units inside Clark Air Base; to the Committee on Armed Services.

404. Also, petition of the Police Chiefs Association of Southeastern Pennsylvania, Inc., Philadelphia, Pa., relative to paying honor to the Director of the Federal Bureau of Investigation and his associates; to the Committee on the Judiciary.

405. Also, petition of the council of the city of New Orleans, La., relative to restricting the distribution of pornography; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

PEACE AND NATIONAL SECURITY

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. GERALD R. FORD. Mr. Speaker, there are many Americans today who are crying out for peace in Southeast Asia without giving any thought to how peace might best be attained there.

There recently appeared in the Dolphin, a quarterly newspaper published by the NROTC unit at Duke University, a carefully done examination of the current demands by some of our people that we get out of Vietnam with all possible haste. The article is by Adm. George W. Anderson, retired, former chief of U.S. naval operations. I commend a reading of this article to all Members of the House.

The article follows:

PEACE AND NATIONAL SECURITY

(By Adm. George W. Anderson)

At no time in my memory has there been such a vocal expression throughout the fabric of America, by a minority of the population, as there has been during the past two years in the call of "Peace" or alternatively to "Stop the War in Vietnam." Most recently the theme has been carried forward in accelerating volume in churches, universities, in the Congress, in various public and private assemblies, by speakers on television and radio and writers in newspapers and magazines. As a special example many major newspapers carry full page advertisements sponsored by one group or another, the staff work for whom is usually provided by members of the academic-political scientific complex. In massed marches in Washington during October and November, thousands of well meaning but inadequately informed young people echoed in good faith the cry for "Peace" as stimulated by an insidious minority whose objective is to break the will of the United States to achieve a just peace in Southeast Asia. Let us remember that up until 31 March 1969 the major theme of the same people was "Stop the bombing"—the major U.S. military action that was hurting the North Vienamese and minimizing our own casualties.

Unfortunately, the thrust of all of the campaign is directed at the United States government and not at Hanoi, Moscow and Peking. The leaders in those three Communist capitals have clearly demonstrated that even though they may have certain differences, they do have a common three point objective in Vietnam:

(1) To win South Vietnam by one means or another and unite it to North Vietnam under Communist control.

(2) To eliminate U.S. power and influence in Southeast Asia.

(3) To discredit the United States in world opinion.

Furthermore, the onus for the warfare in Vietnam is placed on the United States and the Republic of South Vietnam by thousands and thousands of "dissenting" Americans even as it is by Hanoi, Moscow and Peking. None points the finger of responsibility at the government of North Vietnam from whose actions have stemmed the aggression, the terrorism and guerrilla warfare against the South; and which extends hostilities into Laos and subversion into Thailand. Among the dissenters and protesters never a word of condemnation is cast at the Communist side of the negotiating table in Paris for its failure to show any movement towards peace except in terms equivalent to unconditional surrender by the United States.

Let me endeavor to set straight several points which if properly understood and accepted could lead to greater support for President Nixon in his indefatigable efforts to achieve a just and lasting peace in the interest of the United States. After all, as the President he has the unequivocal primary responsibility to look out for our interests—not those of Hanoi or Moscow or Peking; and only secondarily of the interests of our allies. His overriding duty is to the United States of America—for today, for tomorrow and for the day after tomorrow or for the present and both short and long term future.

Our founding fathers set forth, in historic documents, an enduring objective of the United States government.

"To provide for the common defense, to promote the general welfare and to assure the blessings of liberty for ourselves and our posterity."

Some thoughts about the quotation seem pertinent:

First: The authors were concerned about what they felt was most important for the people who lived here in America—not for those who live someplace else.

Second: They, in their wisdom, placed in one sentence the phrases concerning defense, welfare and liberty. This indicates their recognition of the interrelationship of the three and the equal importance of each in our nation.

Third: By inserting the word "posterity" they rejected the idea of accepting short term or expedient actions at the risk of longer term adverse consequences for future generations of Americans.

Fourth: "Posterity" is not something that is abstract in the current situation. It is very real! Consider the case of a five year old boy or girl in the United States today. By normal life expectancy that child today will live for another seventy years or close to the middle of the next century. Reflect back on what has happened in the last seventy years as some indication of what may occur in the next seventy. Our country has been involved in two World Wars, two big ones of lesser scope (Korea and Vietnam) and many crises in which the will and power of the United States were of decisive importance.

Fifth: The concisely stated objective of our founding fathers is constantly in the mind of the President of the United States. As a matter of personal reaction following each occasion in which I have had contact with President Nixon my words to my wife have been: "The American people do not know how lucky they are to have him as their President at this time." Why? Because he is able, alert, informed, dedicated, cool, decisive and confident. Moreover, he has no illusions as to the gravity of the problems which the United States faces at this period of the nation's life. In their scope and complexity, each individual problem requires wisdom, determination and patience to solve. To cope with all concurrently and successfully requires the special grace of God to bless the efforts of good people who are endeavoring to do their duty in time of trial and frustration. The President—and your government—need your support and your prayers and your willingness to do your duty within the framework of your present responsibilities whatever they may be.

"Peace"—which we all seek—does have different connotations and meanings. Most important to individuals is peace of mind, peace of conscience or peace with God. In this connection there is probably a far greater degree of peace in the heart and mind of a soldier or marine in the humid jungles of Southeast Asia than in a "hippie" peddling an underground publication in Berkeley or Cambridge. I would think that a sailor or airman who knows that he has the unqualified respect of his shipmates would have more peace of mind than a politician who takes up an alien cause to compete for votes in Detroit or Los Angeles. Genuine peace of conscience flows from doing what is right, because you know what is right, to the best of your abilities.

In a broader sense most of us think of "Peace" as the absence of armed conflict. But to a dedicated communist "Peace" is simply the condition that will prevail when there is an absence of opposition. In the context of either of these connotations Peace in Vietnam can be achieved very quickly either by surrendering, abandoning our principles or precipitously withdrawing our forces from the area. Of course, we might lose face or prestige or national honor or the confidence of friends and allies. However, some spokesmen of the peace movement assert that these are not really matters of transcending importance. To them and to others perhaps they are not. But what is of overriding significance is the essential qualification to the absence of hostilities that there ensure a conformance to a rule of law and a prospect for the preservation of peace once it is attained. On the other hand, communist doctrine teaches that there will be a long series of violent clashes before Peace—by their definition—will be possible. Progress to date in the negotiation in Paris together with reflections of the prolonged conferences in Panmunjon to end the Korean war do not portend any agreement under prevailing circumstances.

Therefore, the process of disengaging U.S. forces from Vietnam seems most likely to be accomplished without benefit of a mutually agreed negotiated settlement in Paris or elsewhere. Rather, the concept of building up South Vietnamese strength adequate to provide their own defense offers a more appealing alternative under present circumstances to going "all out" to win a military victory or caving in to external and internal pressures. While the requirement to get our forces home may be accepted as a matter of urgency, common sense should indicate that time will be needed for its accomplishment. How much time and to what extent U.S. forces can be progressively reduced can best be judged by the President with the advice of the Joint Chiefs of Staff and the National Security Council. Certainly such advice, by any stretch of the imagination, should be much more sound than that from any other source no matter how sincere.

It is one thing for the United States to desire peace even after the conclusion of hostilities in Vietnam and another matter to preserve the peace. Witness all of the crises that have occurred in the past fifty years. From an analysis of our experiences, certain conclusions emerge:

The first lesson is that to deter aggression strength, determination and unity are of transcending importance. We can readily speculate that had there been a NATO with strong, versatile and ready military forces to back up the alliance at best. World Wars I and II would not have happened. As a minimum they would not have been as disastrous as they were. NATO now and in the future must be recognized as an alliance of vital importance to all of its members.

The second lesson is that the adoption of unrealistic or expedient solutions to peace

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following hostilities can lead to subsequent wars of more devastating proportions. In terminating the U.S. involvement in Vietnam, let us be certain that our future security position in the Pacific is on a sound and realistic basis.

The third lesson is that the administration that is the elected custodian of the executive branch of the U.S. government and the congress each of which are charged with grave responsibilities under our constitution must demonstrate wisdom and common sense in matters of national security. Specifically:

(a) The deterrent posture of the United States strategic forces must be absolutely convincing to potential enemies and our allies. Deterrence to nuclear attack is of paramount importance.

(b) The conventional military and naval forces maintained by the United States must be consistent with the burdens placed upon them by our foreign policy. Of equal importance our foreign policy must be soundly conceived and realistic in terms of our capabilities. America's ideals, hopes and domestic politics should not be permitted so to dominate our foreign and military policies that our national security may be placed in jeopardy.

(c) The National Security Act of 1947, as amended, reflects the mature judgment of the congress and both Republican and Democratic administrations of the executive branch under Presidents Truman and Eisenhower. It provided for a Department of Defense with civilian control of the military and for "unification of the armed forces." That is good! It is necessary! But the act also provided for a National Security Council and the Joint Chiefs of Staff delineating their duties. That was good too! They also are necessary and should function as intended! It would be appropriate that a serious and objective analysis be made to determine whether the Security Council and the Joint Chiefs of Staff were properly utilized in connection with the Vietnam experience.

(d) Over the centuries certain valid principles have evolved relative to the use of military power. These principles are as sound today as ever before even though weapons have changed and the world has become smaller with technological progress. When military force is to be employed those principles should be followed. When they are not adhered to even a great power such as the United States can be placed in as difficult a position as President Nixon inherited when he took the oath of office in January 1969. The same comment applies to the maintenance of a sound economy and financial structure for the United States.

The common defense, the general welfare and the blessings of liberty for ourselves and our posterity should be the continuing concern of every American citizen, not only those who hold public office. Some have great opportunity to contribute constructively to these ends by service in government, in the armed forces, in universities, in many walks of life. Every citizen, however, can make certain that he or she really makes a contribution to the country by avoiding the abuse of liberty or tolerating the substitution of license for our most precious heritage.

ST. JOSEPH'S HOSPITAL AND MEDICAL CENTER

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 24, 1970

Mr. FANNIN. Mr. President, through the years it has been my good fortune to watch the growth of St. Joseph's Hospital and Medical Center as it has become one of the most complete and modern medical centers in the Nation.

Arizonans are extremely grateful for, and proud of, the effective and compassionate hospital service St. Joseph's has provided.

I have taken great personal pride in the building program which has been advanced over the years under the wonderful and able leadership of Sister Mary de Paul.

St. Joseph's Hospital and Medical Center in Phoenix is now observing its 75th anniversary, and the whole State of Arizona is joining in the celebration of this important milestone. Several public events have been planned to call attention to the diamond jubilee.

St. Joseph's is operated by the Catholic Church, but has always been a community project. Even in 1895, when the Sisters of Mercy established the hospital by renting a six-room cottage, the city of Phoenix took the institution to its heart. People of all faiths joined in to assure the success of the ministry of healing.

There were 4,000 people living in Phoenix at that time. Today, there are well over half a million. Through these 75 years of growth, St. Joseph's Hospital has kept pace, not only with the expanding population, but with the progress of medicine. Today, there is not a more modern establishment of this kind in America. It moved into its present quarters in 1953 and has never ceased expanding since.

Today, St. Joseph's is a 550-bed hospital. It is a center of teaching and research. It is a treasure of devices and personnel which offer the priceless gift of healing to thousands of people in the Southwest and throughout the country.

It is also the site of Barrow Neurological Institute, which is a wing of the hospital. BNI is one of three such institutes in the Western Hemisphere, covering the entire spectrum of neurology: Research, diagnosis, treatment, and surgery. "Miracles of the mind" have become almost commonplace at Barrow. This is the 1970 frontier of medicine, this growing understanding of the nervous system and its functions. The whole world comes to Barrow Neurological to learn the newest developments in this field.

But this is only a part of the St. Joseph's story. The hospital is attacking mental illness, alcoholism, and drug addiction. Its Mercy Clinic annually cares for thousands of indigent patients without charge. It is a vital link in the emergency medical system, and helicopters now routinely land patients on the hospital grounds for immediate treatment. It is now phasing out its nursing school, oldest in the State; but it will continue to be the training ground for nursing students taking their academic training at nearby institutions of higher learning.

And all of this is over and above the traditional functions of a hospital. In the past 75 years, St. Joseph's has seen thousands of babies born, has cared for the ill by the hundreds of thousands, performed prodigious acts of healing, comforted the hopeless, and consoled their loved ones, and served as a never-failing companion to a great community of Americans.

The history of St. Joseph's is the history of Phoenix, and in a real sense the history of Arizona. It began as six rooms in a dusty desert village; it continues today as a huge institution serving a great city without ever losing the compassion and love of a dependable friend and neighbor. Let me join today with all other Arizona citizens, and with the entire medical profession of America, in extending hearty congratulations, best wishes, and a sincere "well done" to St. Joseph's Hospital and Medical Center on its 75th anniversary.

NEED FOR NATIONAL FOREST TIMBER BILL IS IMPERATIVE

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. MARTIN. Mr. Speaker, just 1 year ago I proposed the resolution which led to the investigatory hearings of the House Banking and Currency Committee into the skyrocketing prices of lumber and plywood used in housing construction. I did so not only as a consequence of my firsthand knowledge as a retail lumberman in Nebraska since 1931 but out of my deep concern for millions of potential homeowners.

At that time, homebuilding was recovering from the 1966 credit crunch and expectations were optimistic for the long-awaited upturn in construction. Over the 2 prior years, the wholesale price index for softwood lumber climbed 57 percent and the softwood plywood index jumped 123 percent. I believed it imperative that Congress fully investigate the situation.

During days of hearings the House and Senate Banking and Currency Committees found a combination of factors responsible for the price increases, including the distressing circumstance of an inelastic supply of raw material, or timber, due in large part to inadequate national commercial forest policies. The National Forest Timber Conservation and Management Act, which will soon be called up for House consideration, had its origins in the findings of those congressional committees.

Since that time, lumber and plywood prices have subsided as high mortgage rates and tight money pushed down housing starts. This has served to postpone another day of reckoning, but not to avoid one.

I point out to my colleagues that not one thing has occurred during the past year to indicate that we will not experience another dramatic shortage and consequential rise in lumber and plywood prices with a recovery in homebuilding.

A major solution to the problem of an inadequate and inelastic supply of timber depends upon passage of H.R. 12025, the National Forest Timber Conservation and Management Act. Revisions in the original bill have added full safeguards for assuring activities carried out under provisions of the act will conform to multiple use-sustained yield law and sound conservation principles. We are

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now talking about a bill that is necessary to meeting the pent-up demand for housing.

At no time since World War II have we seen a greater deficit in the supply of housing. The Housing and Urban Development Act of 1968 set an annual goal of 2.6 million new and rehabilitated units each year. We are already 1.1 million units behind that schedule and the deficit is accumulating. The inventory of vacant new and older homes is virtually nonexistent. Servicemen returning from Vietnam, the poor, and minorities pressing for upgraded housing, and growing families shifting from apartments to single-family dwellings, are increasing the demand for new and rehabilitated homes at an estimated rate of 300,000 units per month.

This then is the challenge. We will not have the housing we need unless we have adequate and economical supplies of lumber and plywood. And we will not have the wood products for housing unless we have the timber supply which this bill will help to assure.

DOD AWARDS CERTIFICATE OF ESTEEM TO UNIVERSITY OF TEXAS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

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Mr. PRICE of Texas. Mr. Speaker, the Department of Defense has awarded the certificate of esteem to the University of Texas in Austin. This award is not lightly given; it is confined to those instances in which an individual or an organization—"acting in a civilian capacity"—renders the department an outstanding patriotic service in an overseas assignment.

The University of Texas rendered such a service last summer by sending representatives of its noted drama department on a USO-sponsored tour overseas. For 12 weeks UT collegians entertained our servicemen in the east and west Mediterranean commands with a stellar review entitled "Here's US."

Those of us who have served our country abroad in the armed services know full well that shows from home provide a general tonic for the troops and serve as a big morale booster. This fact is recognized by the Department of the Army, for as Army Secretary Resor stated in a letter to UT President Norman Hackerman:

> Entertainment from home is extremely popular with our servicemen and women throughout the world and is among the most effective of the recreational programs designed to stimulate and maintain high group morale in the Armed Services.

Mr. Speaker, I am particularly proud that the University of Texas has achieved this particular award. It constitutes official recognition of the fact that this great Texas institution is achieving high standards of excellence in the arts as well as the sciences. I congratulate the university for a patriotic service performed and a job well done.

TREES AND GAME—TWIN CROPS

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, there has been a great deal of interest and discussion on the upcoming legislation, the National Forest Conservation and Management Act.

Recently, I read a very interesting and informative article that, I believe, would be helpful to my congressional colleagues, as they deliberate on the pending bill.

Much of what is said in this article has application to forest conservation and land management concepts that I sincerely feel must be encouraged and expanded in the future. Many people have referred to the Black Forests of Germany as the outstanding example of forest conservation and management practices. I had the pleasure of visiting the Baden-Baden and other forested areas of Germany and ever since then, I have been motivated to do everything possible to encourage the improvement of our domestic forestry and land management programs.

This article states, very well, thoughts and ideas that are consistent with my own forest land use concepts.

I hope we can move toward the implementation of this very constructive trees and game program.

The article follows:

FOREWORD

In these times of a mushrooming population, when demand for outdoor space and wood products is increasing steadily, it is highly important that all segments of the American public understand the relationship between timber and wildlife. It is particularly important to timbermen and sportsmen, for with them lies the responsibility to educate the public to the needs of a permanent timber supply, as well as the need to perpetuate wildlife as a part of our American heritage.

An increasing number of sportsmen and timbermen realize the opportunities and responsibilities of timber and game management. They recognize the importance of forest edge as a favorable habitat for many species of wildlife. They realize that the primary function of the managed timberland is to produce wood for the nation's needs. Fortunately we can have both timber and game from the same lands so long as there is co-operation and understanding.

Despite substantial progress in recent years, there still are regions in the United States where timbermen and those looking for an opportunity to enjoy the out-of-doors can join forces to the common interest and mutual advantage of both. To accomplish this, there must be a profound and sympathetic understanding of the basic problems involved; and in this instance the old adage "to have good neighbors, one must be a good neighbor" truly applies.

In this book one of the nation's most eminent outdoor writers, Mr. Arthur Carhart, deals with the subject of timber and game in a most effective manner. The reader will quickly grasp the fact that the timberman and the sportsman can improve the lots of each other by dealing intelligently with the many problems of timber and game management.

I feel that Mr. Carhart's book will do much to establish a common ground on which both timbermen and sportsmen can serve each other for the mutual benefit and for the general welfare of all.

ERNEST SWIFT,
Executive Director, National Wildlife Federation.

ABOUT THE AUTHOR

Art Carhart's name is well known to outdoor folk across the nation; he has received the Founder's Award of the Izaak Walton League of America and the similar top award of the Outdoor Writers Association of America, both for leadership in conservation of natural resources.

His experience ranges from a boyhood that was partly spent on a "tree claim" patented by his grandfather Hawthorne to organizing and for five years directing the Federal Aid in Wildlife Restoration program in Colorado. It was during this period that the deer-elk studies in Colorado became the pioneer, systematic research into food requirements of these animals.

Other experiences include supervision of laboratory control of the water, milk and ice cream supplies of Camp Meade, Md., during World War I; some three years as the regional information executive of Office of Price Administration in all the Rocky Mountain states, and a decade of professional practice in landscape architecture and city planning which is his field of professional training. And he was the first man with this training to be hired by the U. S. Forest Service (1919) to blaze trails in planning recreational uses of national forest lands.

TREES AND GAME—TWIN CROPS

(By Arthur H. Carhart)

Trees and wildlife live together on nearly half a billion acres of commercial timberlands in the United States. A great many of our native animals and birds require forest environments for food and shelter.

The value of natural resources lies in people making wise use of such wealth. Therefore, wise management of timber and of game is directed at the production and harvest of each as a crop—indeed, they are twin crops.

Well planned management of our timberlands means two things of prime interest to sportsmen. First, in most instances, it assures high levels of production of both wood and wildlife. Second, it is the best prospect we have of sustained yields in both resources.

In this booklet we explore the co-existence of trees and animals; how animals live in and near our timberlands, mostly in congenial association with trees, sometimes in conflict.

It is also our purpose to show how people interested in timber and those interested in wildlife can assist each other in producing and harvesting more timber and more game from wooded acres.

FOREST IS A CHANGING COMPLEX

We must keep in mind that a forest is a constantly changing complex made up of bits and quantities of many things. Even a minor shift of the status of any part may affect numerous other segments. A major change, such as harvesting a crop of game animals, or ready-for-use trees, can cause severe impacts on other forest values. Such effects may be adverse or distinctly beneficial.

Moose, elk, deer, bighorn sheep, mountain goats and bears are timberland dwellers during some stages of their existence or in certain seasons. These animals would be hard put to survive if forested acres suited to their needs were unavailable.

Woods are homeland for many of the furbearers. Grouse, partridge, woodcock and other game birds find homes in or near timber. Small game such as rabbits, woodchucks, all varieties of squirrels, locate their dens and burrows in or close to the woodlands.

Trees are the fisherman's best friends because the managed forest excels in protecting slopes that gather the waters of streams. Wooded acres assure more constant stream flow and water of better quality. Tree growing lands prevent excessive and destructive erosion—the silt which is the greatest by volume of all water pollutants.

Another contribution to underwriting wildlife values is the protection timber-covered slopes give the habitat of waterfowl. Silt carried by floods from unmanaged or poorly managed water shed lands is most certain death for pond, slough or marsh. Timbered hillsides do not bleed silt.

For such reasons, approximately 40 million hunters and fishermen who each year buy licenses, plus 20 million youngsters and other privileged to hunt and fish without a license, have the keenest interest in how our forest lands are managed. The student, naturalist, and vacationer also have their stake in how forests are handled. Having ample lands dedicated to growing trees is the most positive assurance we may have that our forest wildlife will continue to live in natural homelands rather than to exist as remnants preserved in museum-like parks and zoos.

Let's now explore and discuss how good forest management and the management of many types of North American wildlife are linked together.

WILDLIFE MANAGEMENT IS YOUNG

The profession of wildlife management is less than a quarter century old. Acceptance of its position in conservation has come only within the last decade or so. The present-day systematic approach to wildlife's needs arrived after and partly because of numerous fumbles, flops, and calamities in game and fish administrations.

As the year 1900 arrived, many kinds of American wildlife faced serious trouble. Bison, elk and woodland caribou had been wiped out in eastern states. Passenger pigeons and heath hens were entering the realm of legend. In numerous localities once-abundant deer approached oblivion.

In Michigan there was another story. Here, briefly is what happened there between 1880 and 1900.

Old trees that cast dense shade had been logged off. Unopposed wildfire swept away cull and weed trees. Brush and young tree sprouts sprang up. Thousands of acres became loaded with excellent deer forage.

Wherever nature produces an extravagant supply of food, wildlife populations often erupt. The Michigan deer population erupted. At the high point considerably over a million head of deer fed through thickets on 8 million acres.

No exact data were kept of this population eruption. Field evidence and news stories of the day indicate that the rapidly multiplying deer herds ate themselves out of food supplies. Surviving trees grew so tall that tender tips stood above the reach of hungry deer. A new forest canopy formed. Shrubby browse plants not eaten out by deer were shaded out by new forest.

Uncounted hundreds of thousands of Michigan deer died.

Market hunters were generally blamed for the collapse of Michigan deer herds. Early efforts at saving wildlife centered at halting over-shooting. Closed seasons and increased law enforcement had their values, but they were no cure for such a situation as that affecting Michigan deer from 1880 to 1900.

So a new movement, another type of protection, began about 1900. Game refuges and sanctuaries were hailed as the panacea for saving our wildlife.

The Wichita National Wildlife Refuge in Oklahoma was established in 1905. The Lower Klamath National Wildlife Refuge, a vital link in the Pacific Coast flyway used by migratory waterfowl, was made official in 1908. The famous National Elk Refuge in Jackson Hole, Wyo., dates from 1912. The Charles Sheldon Antelope Refuge in northwestern Nevada was closed to hunting in January, 1931.

States began throwing big acreages into bigger, and it was believed, better, refuges. Some were so large a big game animal might live its entire life within refuge boundaries. Such a long, protected life could be devoted mainly to eating and producing more of its kind.

A widespread campaign of trapping, shooting and poisoning predatory animals began about 1918. That removed some of nature's checks on many game species and allowed populations to spiral upwards.

Over-size refuges began to be incubators of wildlife catastrophes.

CASE OF KAIBAB DEER

Harold Titus, the distinguished conservationist who wrote "Timber and Game—Twin Crops," the antecedent of this book, ably reported two important milestones of wildlife management reached soon after World War I.

The first milestone was The Case of the Kaibab Deer. This is what happened to those deer:

The Kaibab Plateau is a vast tableland north of the Grand Canyon in Arizona, much of it within the Kaibab National Forest. The great canyon lies as a barrier against deer traveling southward. On the other three sides is desert. Kaibab deer were, and are, dependent on what that plateau offers.

Mature ponderosa pines in moderately open stands were typical trees of the Kaibab. Cliff rose, aspen sprouts, and twigs and shoots the deer could reach provided fairly abundant browse beneath the high-crowned evergreens. Both the deer hunting and timber were "hard to get to." The harvesting of deer by hunting, of timber by logging, might have prevented calamity. In their isolation the populations of Kaibab deer herds began to pyramid.

Between 1918 and 1924 the herds built from an estimated 20,000 head to over 100,000. The original food supply could have maintained only about 32,000 head of deer.

Browse was eaten out. Deer died in droves. Men argued over authority to permit emergency hunting to remove surplus animals and save the battered deer range. Several highly qualified observers believe the Kaibab deer population hit bottom with less than 5,000 surviving.

The Kaibab story brought certain facts into sharp focus. First, with adequate checks removed, game populations starting in good environment often erupt, then skid to near-extinction. Second, the Kaibab record was a positive demonstration of how management plans for every part of the forest complex are inseparably intertwined.

The second milestone to which Titus directed attention was a study of the bobwhite quail, made by Herbert L. Stoddard in Georgia between 1924 and 1928.

Pioneer hunters undoubtedly knew that forests solidly blocked with mature trees are not good game territory. The part of a forest preferred by wildlife is the "edge." As Dr. Ira N. Garbrielson stated in his book, "Wildlife Conservation," a virgin forest is practically a biological desert. The "edge" means not only the forest border, but it includes openings and clearings within the forest.

Stoddard's studies brought sharp attention to bear on the high value of the forest "edge" as game habitat. It was, in a considerable degree, confirmation of what had been demonstrated in the Kaibab—for it was abundant brushly browse growing in open pine and aspen stands that first underwrote the upsurge of deer populations. Then, as it was eaten out, its disappearance sealed the doom of the deer.

Prior to Stoddard's work, technical studies of wildlife often were made by vacationing university biology professors. Or naturalists studied wildlife in less exact ways known as nature study. These scholars contributed greatly to wildlife work that was to follow, but generally they lacked opportunities and funds to do the job that had to be done. State game and fish departments needed facilities to dig, and dig, and dig, deep, with thoroughness and twelve months each year, for vital facts concerning wildlife needs.

The needed funds became available to the states in the late 1930's.

The 11 per cent excise tax on sporting arms and ammuntion that had been collected under the Federal Aid in Wildlife (Pittman-Robertson) Act, was first put to work in the autumn of 1938. Among the activities approved by the law and the supervising U.S. Fish and Wildlife Service was a program of systematic studies of problems affecting game species. Later the Dingell-Johnson Act supplied the same opportunity with relation to game fishes and sport fishing. The states now can put trained men into the field to procure the facts essential in sound management of game species.

World War II temporarily derailed the Pittman-Robertson program. Since the war, hundreds of trained young men have assembled more information about American wildlife than was recorded from Colonial times to 1940. Encounter these "college dudes" in the field and you'll probably find them in jeans, dusty, muddy, whiskery and deep-plunged in their exacting, often exciting work. Don't sell them short; they know their business. They are as fully qualified in their field as the young forester is in his work. Teamed with the forester, they can assure results in managing "Trees and Game—Twin Crops."

This is the third major milestone, the one of paramount importance that marks the arrival of modern wildlife management. Most of the former guess-and-hope techniques by which officials did their best to conserve our wildlife has been replaced by knowledge, that most potent of all management tools.

Let us now take a brief inventory of the lands of the country that are classified as "forest." These are prime game producing areas on which foresters and game managers may work together to assure future crops of trees and wildlife.

FORESTS PRODUCE WOOD AND WILDLIFE

Statistics usually are uninteresting. You must look beyond mere figures, envisioning what they represent, if statistics are to come alive. These data to follow represent the size of our forests. The acres they tally are fields from which we will harvest crops of wood and wildlife.

Look beyond the figures. You will then see the woodlots, groves, great blocks of man-planted forest growing rampant, the millions of other acres of naturally reproduced forest. Then these figures may translate into something as big as all outdoors.

Before Europeans arrived on this continent, about 965,000,000 acres of what now is the United States were forested. Nearly a fifth of this acreage has been cleared of timber and serves other needful uses—in farms, cities, giant reservoirs, highways, airfields. We have 786,000,000 acres that should be maintained as forest.

Foresters classify some 489,000,000 acres as "commercial," that is, timberlands which produce timber in commercial quantity for sale and manufacture. "Commercial" does not refer to ownership status.

The largest block of commercial forest land under one management is in the national forests, 85,000,000 acres. Approximately 15,000,000 acres of reserved forest land are in national parks and similarly reserved federal areas where, for the most part, neither logging nor hunting is permitted.

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About 28,000,000 acres in western grazing districts are classified as forest land.

States own 19,000,000 acres of commercial forest, and 8,000,000 acres are owned by counties, towns and villages.

These are the government forests. They contain a lot of acreage.

But here are figures more arresting.

Of the 786,000,000 acres of forest in the United States, 358,250,000 acres are privately owned.

Owership of this vast acreage is spread among 4,510,000 individuals or companies.

The average size of these private forest properties is 79 *acres*.

About 300 owners hold title to holdings of 50,000 or more acres each. The average size of these "large" properties is 127,317 acres. The owners are timber companies, pulp and paper enterprises, mining, railroad, oil, power, water system and other concerns. They are known as "industry forests."

Subtract 300 "large owners" from the 4,510,000 who each and severally own a chunk of forest, and you still have most of the 4,510,000 who hold title to three fifths of the commercial forest land in the nation.

Taking 500 acres as the upper limit of forest holdings to be regarded as "small," the average across the nation is 49 acres per owner.

With varying degrees of success, the agencies responsible for government forests and state-owned wildlife have co-operated. We should assume these government agencies will do their best to achieve good management of the resources in their charge.

It doesn't take much figuring to reach the arresting conclusion that some of the most hopeful prospects for producing a greater abundance of wildlife are in the privately owned forests.

It should be equally clear that these acres will greatly benefit wildlife if they are assigned to and maintained in wood production. In fact, if we can find the way toward having most of the 4½ million owners of private forests adopt good timber management practices ***we have a great potential increase of the most productive type of wildlife habitat in the nation.***

Question is—how might this gigantic job be done?

THE TREE FARM PROGRAM

Though still in its infancy, the nationwide movement initiated by the wood-using industries, known as "tree farming," gives promise of bringing many smaller forest properties under good timberland management. Most of the larger holdings are accredited Tree Farms. Thousands of the smaller ones also are enrolled in this tree growing movement.

Those who launched the Tree Farm program agree that their foremost interest in it is based on long-range business planning. A number of timber and pulp companies own sizeable blocks of forest land, but few have enough wood production potential on their own lands to keep mills and plants running indefinitely.

Taking a hard look at the future, these companies realize they must have greater supplies of wood than can be harvested continuously from their properties. The smaller properties include 62 per cent of all commercial forests. A high level of production from all these must be achieved if these forest products companies are to have a future wood supply. The consumer, meaning you also, has a stake in having those smaller holdings growing wood at full capacity; you're the one who will feel the jolt of higher and higher prices for wood products if we fail to get most of these acres under full-scale management.

And remember, increased wildlife production usually results from good forest management.

To get most of these acres to growing all the wood possible is a Herculean task. This program is a challenge to every forester, sportsman-conversationist and woodland owner.

Tree farming in itself is not an involved operation. It means handling a plot of land to grow good trees so they may be harvested as a crop, again and again. Whether a Tree Farm contains 100,000 acres in Georgia or is a 20-acre woodlot in Wisconsin owned by a fellow named Peterson, Pottelby or Pavich, its primary job is to grow useful wood. But as it is actively busy at achieving that Number 1 purpose, it also protects watershed, grows wildlife, cloaks hillsides with mantles of greenery and may supply recreation such as only woodlands may afford.

This is not the place to state in detail how a private property, suited to growing wood, becomes a unit in the nationwide Tree Farm system. Briefly, these are the general requirements.

The property must be privately owned, taxpaying and dedicated by its owner to growing and harvesting repeated crops of timber.

The forest must be managed in accord with good practices.

Protection against fire, insects, disease and destructive grazing must be in basic management programs. Acceptable protective measures may include such items as constructing fire lanes, removing dead trees and other fire hazards, and having equipment ready for fire fighting. Fire lanes and access roads both can provide forest "edge" so important to wildlife.

Though the land is dedicated to growing and harvesting of trees, the accredited tree farmer gives consideration to other inherent values and uses such as watershed protection, wildlife and recreation.

Since the property is managed to produce repeated crops of trees, harvest by accepted methods is part of the standards applying to the approved Tree Farm. Furthermore, each harvest must provide for establishing the next crop of trees.

Certification of property as a Tree Farm usually is the job of a state-wide Tree Farm committee. Full information on steps to be taken can be secured from the American Forest Products Industries, 1816 N Street, N.W., Washington 6, D.C.

You probably are fully aware of how much more privately owned forests contribute to greater crops of wildlife and game, as well as timber, when managed as Tree Farms. Now comes your logical question:

"Suppose sportsmen-conservationists back the Tree Farm program—what about 'No Trespass' signs? What's the chance of my hunting partner and me getting any more hunting if there are more of these Tree Farms?"

The most assuring answer to that question is case after case of Tree Farm forests, where true sportsmen are welcome.

HUNTERS PLEDGE FOREST PROTECTION

Each season a paper company in Pennsylvania has issued approximately 1,000 permits to hunt on its large Tree Farm, which is heavily populated with deer. In receiving the permits the hunter pledges himself not to build fires on the forest lands, nor damage property. He also pledges he will help fight forest fires if they break out, prevent damage-doing by others if he can, and report to the company as a good and co-operative visitor any off-trail doings he may come across on the Tree Farm.

"Welcome Hunter" signs greet sportsmen entering the 275,000 acres opened to their use (except some outright sanctuary areas), **by a paper company in the South. This company, a large one, instructs crew workers to leave persimmon, hickory, cedar and mulberry trees as food-producers for game.**

This company also floods pin oak flats for winter feeding of ducks; the flats are drained each spring by breaking the dams so no lasting damage is done to trees.

Two oil companies in Louisiana welcome hunters to their holdings, while another forest industry not only welcomes sportsmen but is co-operating with Louisiana State University's wildlife studies by having fenced an area of 4,500 acres assigned to this use.

In North Carolina still another pattern shows up in co-operation between the State Game Department and a paper company. As the company makes a planting of small trees after clear-cut harvesting, the state comes in and sows seed which produce super-quail cover. Until pines over-top the lesser plants, hunters enjoy the finest sort of quail hunting for they can shoot over tops of the small pines.

In Florida the same company has tied in with state and federal agencies and with other industries in wildlife management on 5 million acres. To underwrite the co-operative program, a moderate fee in addition to state licenses is collected from hunters using the area.

In the Pacific Northwest a large lumber and pulp company not only opened one of its Tree Farms to hunters, but supplied maps of the unit, gave sportsmen hot coffee, and had visitors sign the "Red Hat Pledge" of the Izaak Walton League which puts in words basic creeds of real sportsmen. With this positive approach, it was reported soon after season closed that:

Among 500 hunters there were no civil nor game laws violated.

No lost hunters were reported.

No uncontrolled fires started during hunting season.

No gates were broken down, no equipment stolen or damaged.

Signs were respected and sportsmen kept out of dangerous areas where the company had asked there be no auto travel.

In Maine one company co-operates with the state to protect and improve spawning runs of Atlantic salmon and alewives in streams with its properties.

Another Maine company teams up with the state to develop wildlife habitat, even to a limited use of heavy equipment in the co-operative program.

These cases are representative of how the leaders in the Tree Farm program have produced and provided for the harvesting of timber crops and game. A recent survey of 46,263,852 acres of privately owned forest land revealed a million and a half visitors enjoying these lands, including those coming to hunt and fish. The survey was limited to 455 companies owning "industry" forests. Of the properties on which reports were secured, hunting was provided for on 42,737,538 acres which is 92.4 per cent of the total. Nearly 900,000 acres were in cooperative game refuges and management areas, and 31 companies employed game specialists.

Near where you live there may be timber lands owned by your neighbors that could qualify as a certified Tree Farm—which is another term for sound forestry practices that inevitably will underwrite more productive wildlife management.

Small, medium or large, whatever the acreage of a block of timberland may be, there's a wide open opportunity for the hometown sportsmen to promote its establishment as a Tree Farm.

Furthermore, the sportsman-hunter has a vital function in basic operations of tree farming. And here is why he has that function!

CONSERVATION'S GOAL—HARVEST FOR USE

Basically, tree farmers and informed sportsmen are genuine conservationists. They believe in the same goals. A primary precept of both is prevention of waste in natural wealth. To reach its proper objective, natural wealth must be used; it must perform a service.

With this philosophy, the tree farmer would wish to have put to use the game,

fish and recreation available on his timberlands. For this is a way of thinking that is a tie between all who may be regarded as the real article in conservationists.

But there is a far more definable set of reasons for the sportsman and tree farmer to co-operate. Several woodland creatures are tree eaters. If a species starts pyramiding in population, headed toward ultimate disaster for itself and the food supply on which it exists, the one most feasible means for checking that eruption is a well-thought-out hunting harvest. It can be, in an extreme situation, as imperative to reduce over-abundant animals as it is to fight a forest fire.

Porcupine, elk, bear and beaver feed on tree parts in sufficient amounts to greatly damage or destroy forest growth. Topping all in this category are deer.

Since the turn of the century, deer herds have staged a phenomenal comeback. Practically every community with even a little forest cover nearby has its deer herd—and often its deer problems.

Deer are our most nearly universal big game. As such their management is of concern to most sportsmen, most tree farmers. These are illustrative of management problems on which forester, sportsmen and game and fish officials may, and need to, apply fullest co-operation.

To assure this co-operation, many of us must discard certain long-nurtured misbeliefs and myths about deer. Regardless of much data we now have, some of these unfounded beliefs persist and have raised hob with the best management of timber and deer.

The principal portion of deer diets comes from woody plants. Until we had systematic determinations of what deer eat, many thought a grass range was excellent deer range.

A pioneer investigation of food requirements of Colorado mule deer, carried on through 1938 to 1942, showed only one period of three months in which grass made up any appreciable part of their food. In spring, grass was 12.22 per cent of total deer diet. Throughout the other nine months grass was less than 1 per cent of food taken. This data was based on stomach samples collected as 250 deer were range slaughtered for scientific examinations. Shrubby plants, leaves, buds, twigs, bark and fruit supplied most of the deer food. And surprisingly, two kinds of evergreens, pinon pine and the western junipers, supplied approximately 35 per cent of the winter diet of the mulies.

California found that in January deer ranging in the far northeastern corner of the state included evergreens as 26.4 per cent by bulk of their diet. Even more significant was finding evergreen browse in 89 per cent of the stomachs examined. Almost surely growing tips of young trees and branches were the portion of the evergreens browsed. The future of any young tree can be blighted, a whole generation of forest can be "eaten out" if only the tender, growing tips of the young trees are nipped off.

TOO MANY DEER HAMPER REFORESTATION

The problem of deer feeding on woody plants is not perculiar to western game ranges. At least *forty-seven studies* of feeding habits of white tail deer have been made in northern states, Maine through New York and Pennsylvania to Minnesota. White tails seem to prefer white cedar for food, with hemlock, the maples, and then the sumacs acceptable in that order. They feed, however, on the tips and buds of most of the better hardwoods and seem to particularly relish the tips of young planted fir, red pine and white pine. Heavy deer populations make it impossible to successfully reforest many areas.

In the southern states, eleven studies supplied less positive definition of deer food requirements. In that region deer ate young growth of hardwood forest trees—maples, gums and their associates. Curiously in Texas and North Carolina, deer fed comparatively heavily on grass.

As early as 1931, investigators in Pennsylvania placed four yearling deer in a 5-acre test plot of typical mixed forest type. Between spring and September 10 these deer had eaten out all leafy growth and were beginning to chew on twigs and branches, though a goodly supply of grass was available. When a deer herd begins to over-use its range, damage in massive chunks is just ahead for both the carrying capacity in the range and the herd, or herds, depending on the food it supplies. Just how much damage may build up is well illustrated by the "peak" in Wisconsin deer populations that arrived about 1948.

A statewide check was made to determine how seriously the over-abundant deer were hurting the young forests. The report came back—browsing deer were destroying young trees at a rate *one hundred times the loss that season caused by forest fires.* At that time forestry officials were expanding Wisconsin's state nurseries to grow 40 to 60 million seedling trees per year for planting on denuded land. That year deer were destroying *an estimated 600 million trees by browsing!*

Of course beavers destroy trees by cutting them down for food, flooding tree-growing sites and building beaver houses. In many locations even greater damage to the forest is caused by the ponds drowning out tree roots.

Moose and elk take food from woody plants much as do deer. And if there is any question about bear doing damage to a forest, you should have been with me one day recently when I inspected one 35-foot fir tree in Grays Harbor County, Wash., that had at least half its trunk stripped to the solid wood. Within view were many other trees of like size that bears had thoroughly stripped of bark. Bears like sugar and it is believed this is the reason they tear off sweetish inner bark of younger conifers.

In every part of the country, with no regard for land ownership, some of our more important wildlife species do damage, particularly to future forests. Recently the American Forest Products Industries, Inc., made nationwide inquiries on wildlife damage on industrially-owned woodlands.

Altogether 46,263,852 acres were surveyed. Deer damage was reported by owners of 20,046,017 acres and was rated serious by the owners of 12,724,980 acres. Bear damage, almost entirely in the West, was reported by the owners of 8,911,289 acres with serious damage on ownerships of 5,859,099 acres.

Across the nation, deer are principally browse eaters. We now should have a better understanding of what we mean by forest "edge." Specifically, in the case of the deer, it is browse, mostly bushes, twigs of young trees and weedy growth with occasional use of grass.

Typical "edge" is found where forest surrounds a meadow. From the margin of the grassy open space, shrubs and vines build up through stages of tree-like shrub-like trees, and the low-crowned trees, toward tall timber.

But "edge" used in reference to wildlife environment may spread over thousands of acres in continuous plant-type associations. It exists in the more open stands of some of the pine species, where an understory of shrubs and vines grows in semishade and where one or several old trees are selectively cut and young growth takes hold.

Most certainly, under modern methods of timber harvest, there always will be acres of "edge." It is the recurring creation of "edge" by maintaining forests on a sustained yield basis which calls for recurrent harvest of older trees that is the greatest promise, perhaps assurance, that in the future there will be habitat that can supply our most valuable wildlife with suitable homes.

HUNTING IS HARVESTING

The case of the Kaibab deer became the classic example of what happens to a deer herd when it begins to erupt. There probably were times and places where this happened before Michigan had its 1880–1900 build-up and die-off, and before the Kaibab rise and fall. The Kaibab became famous because of the big squabbling over who should order what in the way of hunting to harvest and make use of the surplus animals while the deer died by thousands.

The complete eruption and collapse pattern has occurred in a number of places—including the squabbling over the basic issue of reducing the number of breeding does to stop the snow-balling increase in the herd.

Between 1910 and 1928, beginning with an estimated 1,000 deer, plus large refuges, plus an iron-clad buck law, Pennsylvania's deer population exploded to in excess of 1,000,000 head—then hit the skids.

Michigan in 1937 again had a deer crisis. An estimated 1,172,975 head roamed range which could properly take care of about 450,000. Inadequate liberalized hunting only partially blocked an all-out die-off.

In Colorado, where in the late 1930's and early 1940's ground alfalfa and stock food pellets were being fed to deer in an attempt to tide animals through the winter crisis time, nearly half the fawns died on one canyon feeding ground. Comparable losses occurred in other feed grounds, and after snow melted, game wardens working in one limited locality stacked up nearly 6,000 carcasses of dead deer out of sight from the highway, threw oil on them, and lit the pyre. The range was capable of carrying a herd of 12,000 head on a sustained basis, yet a census showed 23,400 head of deer were on it, and the local people fought furiously against shooting does to check the population eruption.

A like pattern showed up about the same time on the Dixie National Forest in Utah. The deer herd built to a dangerous 50,000 head on range capable of supporting 35,000, and when officials tried to control the herd by reducing the does on it, sportsmen and politicos whooped protest. Men bought the special doe licenses, and while news cameras clicked, burned the licenses or tore them to pieces. It made news; it make no sense. After cooling off, Utah sportsmen saw the rightness of controlling herds by hunting harvest. They have checked back the herd several times and found it resurgent at an even greater increase rate (with more hunting as a result) each time the reduction has been made.

The list could be extended by many times if all comparable problems of population build-up among deer were listed. These are typical examples—the beginning of snowballing in population, the faster-and-faster increase, the efforts of the officials who know what impends to get reduction of the productive does, the outcry against any killing of the "sacred doe," and then either the big die-off or some relief, some adjustment though late, as sportsmen finally are convinced harvest is better than mass starvation of the entire herd unit.

Until systematic records were kept, not much information on how fast deer might increase was available. We know now that potentially a healthy deer herd might *more than double in size in one season*. Here's why it *might* do so.

Between 1938 and 1943 some 250 range-slaughtered Colorado mule deer does were examined after the rut for evidence of pregnancy. Right across the board, including yearlings and "dry" does, 166 recognizable embryos were tallied for every 100 does.

Applying this to a deer herd in which there is one buck to each five does, the 100-doe herd, plus 20 bucks, would add up to 120.

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Add, now, the 166 fawns. The total would be a possible 286 animals. Carry it to the second season; if the ratio holds at one buck to five does, the 100-doe herd would be 183, for half of the fawns would be females. Bucks on a 1-to-5 ratio would number 36. The total breeding herd would stand at 219. The theoretical maximum fawn crop would approximate 200 head—and half of them would be females.

California found in comparable studies that 100 does carried 173 embryos in one herd, 171 in another herd investigated, with a high of 175 in another part of the state. The lowest ratio found was 127 per 100 does.

In normal habitat deer never reach this maximum theoretical reproduction. But the approximate average increase is enough to shake one into realizing the imperative need to watch and control against eruption of population.

In Michigan, 1928, four does, two bucks were placed in a big enclosure, large enough to approximate natural conditions. Five years later that sextette had boomed up to 160 head.

Another case: Eleven years after one buck, three does, were released in 1933 on the Horseshoe Lake National Wildlife Refuge in Illinois, the herd had grown to 250 head.

The wildlife research men figure an annual net increase of about 40 per cent can be expected, and hunters may safely take about 25 per cent each year of both sexes.

MOST DOES PRODUCE TWIN FAWNS EACH YEAR

Two significant sets of facts should be added to the deer data. First, though it was believed that doe fawns did not breed until they were well into their second year, it is now known certainly they may breed in their first year. The average life span of the doe is 8 to 12 years, and they are capable of producing twin fawns each year of their lives. It has been established that one buck can service as many as 20 does, but the optimum buck-doe ratio is one buck to five does.

Devoted sportsmen once fought militantly to protect does; what they did then performed a great service in re-establishing our deer herds. They can do as great a service today by insisting on and lending a hand in harvesting excess she-stock before herd or flock populations start snowballing toward a disastrous overstocking of a game area. This is nobody's opinion as to what must be done to curb population explosions. It is common sense application of facts we now know about wildlife.

The other set of facts double-emphasizes the common sense of keeping livestock, though wild, in balance with its available food.

The *percentage* of fawns born decreases terrifically in the herd living on a beat-out range. The *survival* of the fawns falls off as drastically. The weights and condition of individual animals suffer extreme deterioration. In one herd where white tail bucks had been averaging 150 pounds hog-dressed weight, the weight dropped to 115 pounds.

The rock-bottom truth is that a smaller breeding herd maintained on a top-condition range may produce a greater annual *crop* of venison, numbers of pounds, than a greater population with its winter-crisis loss due to malnutrition, disease and parasite epidemics and common, outright starvation.

These are representative facts of wildlife management that sportsmen, foresters and game and fish officials now have with which they may work out full, well-balanced programs for the wood-growing Tree Farm and the wildlife that inevitably utilizes that managed forest as its home. Deer has been used here as the species to illustrate essential conditions that may be present on most timberlands. Deer was used as the illustrative species also because it is so universally established as our main type of big game, and because we have such positive evidence that failure to harvest surpluses as a crop can cause great damage to both game and its habitat.

In varying degrees, the principles of wildlife management are similar in most localities with reference to most species.

Permit me now to be direct and personal. I've tried to supply you, whether you're forester, landowner, game official or sportsman, with enough bed-rock facts on which all can develop teamwork in insuring good management plans for the twin crops of trees and game. There's a potential, in the Tree Farm movement and all forest management like it, to materially increase not only timber supplies, but game resources.

The opportunity's too good to pass by; grab hold, brother outdoorsmen, and let's get our part of the job going!

UNDEFEATED NEW BRUNSWICK HIGH TEAM

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. PATTEN. Mr. Speaker, New Brunswick High School recently completed its regular 1969–70 basketball season with its first undefeated season in history. Winning 19 consecutive games is a great achievement, but I know the team will continue to advance in tournaments.

Coach Bob Bornstein deserves credit for a superb coaching performance and so does the team with its great record—a team that played together for victory—not glory.

I am proud and happy that NBHS compiled this remarkable record and even though the team is presently ranked third in the State, I strongly believe that after the county and State tournaments are over, the "Zebras" of New Brunswick High School will be ranked first.

So even though I graduated from a rival school—Perth Amboy High—I join the students of New Brunswick High School in singing their old, but beautiful school song, which begins with, "Hail to dear old high school" and ends with, "We will salute thee, New Brunswick High."

I salute the school and its great team, now, and I will salute them after the team captures the State basketball championship.

An article was published in the Home News, of New Brunswick, on February 12, 1970, and it shows the tremendous spirit of the students that helped inspire the team to 19 straight victories. Since then, the "Zebras" have won two more games.

The article follows:

HEY KNICKS, WE ARE NO. 1!

"All I can think is basketball, basketball, basketball," said a blonde senior girl yesterday at New Brunswick High School.

She probably was expressing the feelings of the entire school: Ecstasy over the fact that the Zebras had just completed their first undefeated season in history.

The excitement that rippled throughout the schoolday culminated in a rally that Principal Willard Lindstrom described as the most enthusiastic he had ever seen.

WE ARE NO. 1

"Who's number one?" asked John Ragone, director of athletics.

"We are!" yelled the 2,000 students who filled the school gymnasium.

There was a standing ovation and cheers for Coach Bob Bornstein and members of the team, who wrapped up a skein of 19 winning games with a lopsided score of 93–50 over East Brunswick High School Wednesday night.

The students themselves were accorded their share of praise.

"Having fans like you makes the team look good," Bornstein declared.

SCHOOL "POLICY"

Ragone revealed that he has been invited to a state athletic association meeting to explain what sort of "policy" the school uses to produce such exemplary crowd behavior at games.

Guest speaker was City Commissioner Aldrage B. Cooper Jr., star of the New Brunswick High 1954–55 basketball team, which was described by Ragone as the school's "last good championship team."

"Coach Bornstein deserves to be commended for putting together a team that plays as a unit," said Cooper, who attended all but two of this season's games.

The former all-state basketball player who went on to success at the University of Connecticut noted that with the fine ability of individual team members, it would have been easy for Bornstein to center on one or two players.

He didn't, Cooper said, and the undefeated season is "exemplary of team work and team spirit."

Lindstrom, whose blue-and-white tie and blue blazer reflected the school's colors, exclaimed that everyone at the school should display pride "not just in the team but in ourselves." This will pave the way for being "not only the number one team in the state but the number one school," he said.

CLIMBING A MOUNTAIN

Bornstein observed that the rally and hoopla are merely a pause. "We're climbing a mountain and we're about halfway there," he said, referring to the fact that the Zebras now must compete for the Middlesex County and then the state championships.

"I know we have a lot of work . . ." continued Bornstein, who was interrupted by an enthusiastic group of 10 boys who shouted, "Defense!" The students were repeating one of Bornstein's key concerns in the Zebras' march to victory.

The school band, color guard and cheerleaders also participated in the rally, which not only celebrated a victorious season but also showed the team the school's support in its upcoming championship games.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

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CONGRESS PROHIBITS BUSING TO ACHIEVE RACIAL BALANCE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the Congress has spoken both in the Civil Rights Act of 1964 and also in prohibitions and limitations set out in the Appropriations Acts of 1969 and 1970 against busing students to achieve racial balance. The intent of the Congress in laws and statutes is thus clear or should be clear with respect to this issue.

However, the administration of the laws by the Department of Health, Education, and Welfare continues to be fuzzy.

In this connection, I submit for inclusion in the RECORD a column by the noted columnist, David Lawrence, from the Nashville Banner, which will be of interest to my colleagues and the American people.

The column entitled "Law of the Land Prohibits Forced School Busing" follows:

"LAW OF THE LAND" PROHIBITS FORCED SCHOOL BUSING

(By David Lawrence)

WASHINGTON.—The Constitution of the United States specifically says that Congress may by law limit the jurisdiction of the Supreme Court. Congress recently has passed such a law, forbidding the courts to issue any order to achieve "racial balance" in the schools by busing. The Civil Rights Act of 1964 says:

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the courts to insure compliance with constitutional standards."

In another section of the same act is the following provision:

"'Desegregaton' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

In the 1969 appropriations act of the Department of Health, Education, and Welfare, there were two sections that dealt with the forced busing of students. These provide:

"Section 409. No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

"Section 410. No part of the funds contained in this act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining federal funds otherwise available to any state, school district or school."

In the 1970 appropriations act for the Department of Health, Education, and Welfare, which has been vetoed by President Nixon, these sections were revised to read:

"Section 407. Except as required by the Constitution, no part of the funds contained in this act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.

"Section 408. Except as required by the Constitution, no part of the funds contained in this act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining federal funds otherwise available to any state, school district or school."

After President Nixon's veto of the bill, it went back to a House Appropriations subcommittee. The phrase "except as required by the Constitution" makes the two provisions valueless because there is nothing in the Constitution that directly or indirectly deals with the compulsory busing of school children. The Civil Rights Act of 1964 states broadly the power of Congress to forbid the use of public funds to correct "racial imbalance," of a state law or deliberate discrimination locally.

What the people everywhere are insisting upon is "freedom of choice" insofar as the districts in which they reside are concerned. They want to be able to send their children to any school within a school district, but they cannot, under court orders, object to children of other races attending the same schools. The parents, however, do not feel their own children should be required to go to a distant school to correct "racial imbalance." Congress has specifically ruled against this remedy and has, in effect, prohibited not only the courts from issuing such an order but also the Department of Health, Education, and Welfare from carrying out any such instructions of the courts.

The administration has appointed a special Cabinet committee under Vice President Agnew to try to solve the problem. It certainly needs further study, particularly by legal experts, so that some solution in conformity with "the law of the land" may be found.

THE LATE HONORABLE GLENARD P. LIPSCOMB

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. MAHON. Mr. Speaker, at its meeting on February 16, 1970, the Committee on Appropriations unanimously adopted a set of resolutions on the life and service of the late Honorable Glenard P. Lipscomb, of California, a member of the committee.

I include a copy of the resolutions:

Whereas, on the afternoon of Sunday, the first of February, nineteen hundred and seventy, the Honorable Glenard P. Lipscomb of California, after more than sixteen years in the service of his country as a Member of the House of Representatives, responded to the final call of his Maker; and

Whereas, he was a senior and valuable member of the Committee on Appropriations, and ranking minority member of the subcommittee on defense for five years; and

Whereas, his outstanding contributions to the American people and his unrelenting efforts on behalf of the security of our country were always characterized by his fairness and objectivity, by his patience and compassion; and

Whereas, the warmth of his friendship and his uncommon spirit and determination shall stand as an example to Members of this House for years to come: Now, therefore, be it

Resolved, That we, the Members of the Committee on Appropriations, recognize in the passing of our colleague, Glenard P. Lipscomb, we have lost a beloved friend and our Nation a great public servant, with a profound understanding of the needs of our Nation, and a courageous and tireless worker for the good of all mankind; and be it further

Resolved, That we extend our deepest sympathy to his wife, Virginia, his daughters Diane and Joyce, and other members of his family whom he loved so much; and therefore, be it further

Resolved, That these resolutions be entered in the Journal of this Committee; that a copy be sent to Mrs. Lipscomb; that a copy be sent to Mrs. Louis Grasso; that a copy be sent to Mrs. Robert Murrell; and that the Chairman of the Committee on Appropriations place a copy of these resolutions in the Congressional Record.

ENVIRONMENTAL POLLUTION

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. GIBBONS. Mr. Speaker, because of the tremendous amount of interest evidenced by my constituents in air and water pollution programs, I asked the Library of Congress to analyze for me the status of existing laws and programs. The attached is an excellent summary which I would like to have placed in the CONGRESSIONAL RECORD.

Before we enact new legislation, I think it would be well to review the laws we now have on the books, as well as legislation still pending in Congress.

I commend the following summary to the Members of the House:

ENVIRONMENTAL POLLUTION

(Compiled by John Douglas Wellman, analyst in Conservation and Natural Resources, Environmental Policy Division, February 1970)

A Summary of Federal Legislation and Programs in the Areas of Water and Air, and Solid Waste Management.

WATER POLLUTION

Legislation.—The Federal Water Pollution Control Act of 1956, as amended in 1961, 1965, and 1966, is the legal backbone for our national water cleanup campaign. In essence, this legislation provides for construction grants, enforcement procedures, and research programs. The 1956 Act (P.L. 84–660) authorized a $50 million a year, five-year program of construction grants to municipalities for sewage treatment plant construction. It had limits on Federal participation of 30% of the total project cost and $250,000 for any single project. It further established the enforcement machinery (which, with some strengthening, still exists), increased research, and extended aid to state and interstate water pollution control agencies.

The amendments of 1961 (P.L. 87–88) increased construction grants to $100 million a year, extended enforcement authority to navigable as well as interstate waters, raised the ceiling on aid to individual projects to $600,000, encouraged joint municipal projects by setting a $2.4 million ceiling, increased research to $5 million a year, authorized seven regional laboratories, and transferred authority for the program to the Secretary of HEW from the Surgeon General.

The Water Quality Act of 1965 (P.L. 89–234) created the agency currently leading the Federal effort, the Federal Water Pollution Control Administration (FWPCA). Originally in HEW, FWPCA was transferred in 1966 to the Dept. of the Interior. The 1965 Act authorized the demonstration program of projects on the separation of storm and sanitary sewers, with a $20 million-a-year, four-year authorization. It increased construction grants to $150 million and raised the individual project ceiling to $4.8 million. It provided an incentive of up to an additional 10% for projects conforming to metropolitan area plans. Perhaps most important, this law authorized the program of mandatory standards for the quality of interstate waters which is discussed below.

The Clean Water Restoration Act of 1966 (P.L. 89–753) had as its major contribution the authorization of extensive funding for construction of treatment facilities. The $3.4 billion was to be dispensed as follows: $450 million in FY 68, $700 million in FY 69, $1 billion in FY 70 and $1.25 billion in FY 71. This Act also authorized $305 million for research and development and $3 million for a study of estuaries, completed in Nov. 69. It removed all ceilings on aid to individual projects and provided incentive features making it possible for a city to receive as much as 55% Federal aid. The incentives encourage state matching funds and the establishment of enforceable state water quality standards. Research authorized for a three-year period for the first time included authority to make grants to industry. This research is to cover demonstration of industrial waste-treatment methods, advanced waste treatment, and joint municipal and industrial treatment.

This constitutes the existing water pollution control legislation. Currently in conference are two bills (H.R. 4148 and S. 7) which would: begin to deal with sewage pollution from vessels; provide for more effective oil spill cleanup measures, with liability to the offenders; forbid Federal agencies or licensees to pollute navigable waters; authorize a $50 million revolving fund for emergency oil cleanup costs for Federal agencies; provide for identification, designation and cleanup of discharge of hazardous substances other than oil; extend research authorization for acid mine drainage, lake eutrophication, Great Lakes pollution control, and oil pollution removal ($15 million for acid mine drainage and $20 million for the Great Lakes); establish an Office of Environmental Quality in the Executive Office of the President; authorize the Secretary of the Interior to apply unallocated funds for construction grants to approved projects or for reimbursement of state and local governments which have advanced funds for construction of sewage treatment facilities in anticipation of Federal grants; provide for a study of pesticide pollution control; and provide for safe water facilities on Federal lands in Alaskan rural villages.

Standards.—The FWPCA, acting under the Water Quality Act of 1965, has participated in the establishment in whole or part, of water quality standards for all of the 50 states. After approval by the Secretary of Interior, the standards become the basis for Federal enforcement actions. Should the Secretary find the standards submitted by the state to be inadequate, he has the power to set the standards himself.

The standards, established through a process of public hearings and consultation with affected Federal, state, interstate, and local interests, have three major components: designation of the uses which interstate waters are to serve (e.g. municipal water supply, industrial usage); specification of narrative and numerical criteria to protect and enhance water quality (ex. dissolved oxygen level, temperature, radioactivity); and specification of a plan of implementation and enforcement.

The Department of Interior in 1966 issued "Guidelines for Establishing Water Quality Standards in Interstate Water." This publication stressed the desire to avoid adversary proceedings in the courts; made it clear that the prime objective of the standards is to improve water quality, not to justify using a stream as a sewer; require some treatment of all wastes, regardless of standards, and placed the burden of proof on the polluter to justify using less than the "best practicable" treatment; and provided that the standards be "adequate to protect and upgrade water quality in the face of population and industrial growth, urbanization, and technological change," with periodic review for adjustment.

The two most controversial questions causing disagreement between the Department of the Interior and some states have been Interior's insistence on secondary or equivalent treatment of all wastes, and the non-degradation clause concerning waters with quality currently higher than the standards require.

Enforcement.—Violation of the standards for interstate water can, according to the law, result in a pollution abatement suit by the Attorney General. Over the last 12 years, 46 enforcement actions have been taken. There are three steps in the enforcement process: enforcement conference; public hearings before a Hearing Board; and court action. Only one court action has evolved, and only a handful of cases have passed the conference stage. For the most part leverage is applied through public opinion rather than through the courts, although a policy shift is evident in the notices delivered recently to four steel companies and one city polluting Lake Erie.

Construction Grants.—The construction grant program, with very substantial authorization under the 1966 Clean Water Restoration Act, has dropped far behind schedule and run into financial difficulties due to a reluctance to spend the money available. The Vietnam budget restrictions have been the main reason for the lagging appropriations and has lately been joined by the anti-inflation attack. In 1968 $203 million of the $450 million authorized was spent, and in 1969 $214 million of the $700 million authorized was spent. This year, although $1 billion was authorized, only $214 million was requested. A campaign in the House resulted in a $600 million appropriation bill, and recently the Senate has passed a bill for full $1 billion funding. The two bills are now in conference. As a result of the conference, $800 million was appropriated for fiscal year 1970.

Other Programs.—In addition to its work in funding treatment construction works and in establishing and enforcing standards, FWPCA carries out a large workload of research and development, training, and aid to state and interstate control programs. Though it has the lead, FWPCA is not the only Federal agency involved in water pollution control. The Department of Housing and Urban Development administers three programs which provide funding for water and sewer facilities. The Commerce Department's Economic Development Administration makes both grants and loans for water and sewer systems under its program of aiding facilities to create employment. The FHA finances up to 50% of the cost for planning and construction of rural water and sewer systems. The Public Health Service of HEW plays a significant role as related to water quality and health; these functions are administered by the Environmental Control Administration, a unit of the Environmental Health Service. Altogether, 38 Federal agencies are involved in some way with water.

AIR POLLUTION

Legislation and Programs.—The development of Federal air pollution control effort has followed that of water pollution control, several years behind. It began with a law (P.L. 84–159) passed in 1955 which authorized the Public Health Service to conduct a research program and to give technical assistance to cities, states and other groups concerned with air pollution control. Funding under this law rose from less than $1 million in 1956 to almost $13 million in 1964. In 1960 another law (P.L. 86–493) directed the Surgeon General to study automotive pollution; his report was published in 1962 as House Document 489.

The Clean Air Act of 1963 (P.L. 88-206) authorized a three-year program of research, technical assistance, and other aids to state and local agencies, and abatement procedures. Three specific research areas were designated for special attention: control of motor vehicle exhaust, removal of sulfur from fuels, and development of air-quality criteria for major pollutants to serve as guidelines to control agencies in establishing source-emission limits and ambient air-quality standards. The grants provided up to two-thirds of the cost of developing, establishing, or improving state or municipal air pollution control programs. For comprehensive regional programs the Federal share could be as much as three-fourths. Only 20% of the authorization could be spent for grants. The abatement authority provided for federal conferences and recommendations in cases of interestate pollution in which local agencies failed to act. If a conference failed to produce results, a hearing board could be convened, and eventually the case could be taken to court, under procedures nearly the same as those for water pollution.

The Clean Air Act of 1965 (P.L. 89–272) provided for Federal regulation of motor vehicle emissions, authorized an expanded research program and creation of a Federal laboratory, authorized investigation of new sources of pollution, and instituted a procedure for abating international air pollution.

In 1966 Congress authorized (in P.L. 89–675) a $186 million, three-year expansion of the program. For the first time grants were authorized for operations of local control agencies as well as for the establishment or improvement of local programs. The legislation authorized $46 million for fiscal year 1967, $66 million for 1968, and $74 million for 1969.

The Clean Air Act of 1967 revamped the whole program, however, providing a complicated procedure for issuance of air-quality-control criteria, establishment of atmospheric areas and air-quality-control regions, setting of standards and adoption of implementation plans by the states, and Federal action only if the states fail to act.

The National Air Pollution Control Administration in HEW has designated eight atmospheric areas covering the continental United States according to homogeneity of climate, meteorology, and topography. Currently NAPCA is working on designating air-quality-control regions, described as including groups of communities, in the same or different states, that share common air-pollution problems. The plan is to designate 32 such regions. The boundaries of regions covering Washington, D.C., New York, Chicago and Philadelphia were the first to be announced. The regional boundaries are being drawn on the basis of meteorological and topographical factors, the extent of urban-industrial development, and jurisdictional factors, including existing arrangements for regional action. State and local officials are being consulted about the boundaries in a series of hearings before final action is being taken in each region.

NAPCA is also laboring on the air-quality criteria, scientific descriptive documents about the damage that a particular air pollutant does to health and property. The intent is for the states to use the criteria in the preparation of standards. Criteria on sulfur oxides and particulates have been published.

The 1967 Act authorized a total of $428.3 million for the program, including $125 mil-

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lion earmarked for research on fuels. The remaining $303.3 million is for operating expenses, grants to state and local agencies for abatement programs, training, and other research. The research authorization was for fiscal 1968–69 while other funds were authorized through 1970. S. 2276 was passed on Dec. 5, 1969 to extend research authorization in the amount of $18,700,000 for FY 70 (PL 91–137).

Another feature of the 1967 Act requires the registration of fuel additives with the Secretary of HEW. The fuel manufacturer is required to provide the name, range of concentration, and purpose in use of any additive in fuel sold in interstate commerce. The registration requires the furnishing of information on chemical composition and structure, with provision for protection of trade secrets. No research relating to health is required as a condition of registration, however. NAPCA is currently in the early stages of implementing this program.

The fiscal 1970 budget request was for $95.8 million to implement the Air Quality Act. Of this amount, over $53 million was for research, with emphasis on automotive pollution, and the rest was for control programs, training, and fellowships.

In summary, aside from motor-vehicle-exhaust standards instituted in 1968 and due to be stiffened in 1970, the Federal air pollution control effort is just getting started. It is following the same pattern set by the water pollution control effort, but it is behind in development and expenditures.

SOLID WASTES

Legislation and Program. The Solid Waste Disposal Act of 1965, Title II of the Clean Air Act of the same year, marks the beginning of Federal involvement in this growing problem. The Act authorizes federal research, training programs, and grant support for demonstration projects and planning of state and local programs. The object of the research program is to find ways of disposal without creating health hazards or environmental pollution and to recycle scrap materials into production processes. The grant program provides for payment of up to two-thirds of the cost of local demonstration projects, or three-fourths in the case of regional projects. Unlike air and water pollution, the Federal program—so far— has not tended toward regulation; this follows, in part at least, from the fact that solid wastes, as opposed to air and water pollutants, are not carried across state boundaries by natural transport systems.

The Federal role, so far limited completely to support of local and state efforts, is jointly carried out by the Departments of HEW and Interior. The administration of the program rests with HEW and is carried out by the Solid Wastes Program, Environmental Control Administration, Environmental Health Service. Interior is responsible for solid wastes resulting from the extraction, processing, or utilization of minerals and fossil fuels. Fiscal authorizations—later decreased in appropriations for budgetary reasons—were to give HEW $7 million in 1966 and $20 million by 1969. Interior was authorized $3 million for the first year's work and $12.5 million for 1969. HEW is spending most of its funds on research and development programs and technical and financial assistance to state and local governments. Included in the demonstrations programs are new incineration technology, sanitary landfill techniques, rail haul, recovery and reuse, and composting. Interior's work, under the leadership of the Bureau of Mines, covers three major categories—municipal wastes, tailings, and scrap. As is the case with HEW, the major thrust of the program is in research and development. Research grants and contracts supplement and Bureau's internal work and are coordinated with the Solid Waste Program of HEW.

(NOTE.—In the preparation of this summary, extensive use has been made of *Federal Pollution Control Programs: Water, Air, and Solid Wastes*, written by Stanley E. Degler and Sandra C. Bloom, and published by the Bureau of National Affairs, Washington, D.C., in 1969. To avoid cumbersomeness, direct quotations from this text have not been identified, though much of the language has been copied directly.)

NO GUARANTEED INCOME NEEDED

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. PRICE of Texas. Mr. Speaker, in this age when it is popular to talk about guaranteed income and more opportunities for minorities, I am pleased to report that at least one minority family is guaranteeing their own income. Mr. and Mrs. Emigidio Ramos, of Swisher County, Tex., in my district have sent 12 of 13 children to college and give away food from their garden to anyone who needs it.

An excellent article in the February 16, 1970, issue of the Amarillo Daily News outlines the accomplishments of this remarkable family. I commend it to the attention of all those who believe there are no opportunities for minority group Americans to "pull themselves up by their own bootstraps."

The article follows:

FAMILY PROSPERS WITH HARD WORK

(By Doug Smith)

HAPPY.—While some farmers grumble about the adversities that affect their crops and daily chores, a Castro County family has stoically faced life and sought to improve their lot.

About 15 miles southwest of Happy, in a community called Arney, live Mr. and Mrs. Emigdio Ramos.

Most of their 13 children now are gone from home, but while they were in school the family farmhouse was a hubbub of off-campus activity that probably rivaled many small college towns.

For this soft-spoken couple have put a dozen sons and daughters through colleges with the proceeds sifted from the High Plains soil and livestock operations.

No sign hangs above the door of the Ramos home to tell visitors "my home is your home," but traditional Latin-American hospitality welcomes them.

Mr. and Mrs. Ramos, both Texans, are "proud to be living in America and to be Americans."

They are Americans—not hyphenated.

And in them is part of the curious mixture that perhaps can be found only in America: pride and humility, Mexican culture and modern education; and charitable feelings toward others, while striving to be independent—to stand alone, unaided as individuals.

They are aware of bigotry among their fellow men, and try to understand it when "some poor Christian has lost his way."

Their two eldest daughters graduated from Shallowater High School; their next daughter and three sons from Whiteface High School; a daughter and a son, from Tulia High School; and their three youngest daughters, from Happy High School.

The youngest son, Jesus "Jesse" Ramos, 19, is a senior student at Happy High School, where as tailback and fullback, he has lettered for three years on the Cowboys' football team.

Weighing 186 pounds "dripping wet," Jesse also lettered three years in track, running the mile and sprints relays and the open quarter mile.

He pitches and plays third base in the Babe Ruth League of Happy.

As is the family custom, Jesse plans to go on to college and "probably be an engineering major, maybe a teacher."

"I'm undecided right now," Jesse said, "but I might try to play football somewhere . . . Texas Tech of Sul Ross."

If he follows in the footsteps of his siblings, Jesse will wind up with a bachelor's degree and probably a master's degree, although his father left school in the eighth grade because he "had to get out and plow."

"Those were the depression years, you remember," Ramos said.

But he has taken night courses and correspondence courses. Although he gained it "the hard way," Ramos believes he has the equivalent of a two-year college level-education.

The 56 year-old farmer has taught conversational Spanish in free adult night education courses for the past 20 years in Austin, Levelland, Tulia, Plainview and Happy.

His students, "mostly Anglos," have included bankers, doctors and nurses and totaled as many as 70 in a single class.

Ramos plans to start a new class this month in the Happy Community Center.

Serving as a teacher without pay is part of his "good neighbor" policy, Ramos said.

The produce from his five-acre vegetable garden are often given as a friendly gesture, too.

Part of the 662-acre farm that the Ramos family leases from Pete McFarland, who lives nearby, is used yearly to raise okra, black-eyed peas, pinto beans, watermelons, tomatoes, corn, turnips and peppers.

"It's for ourselves and neighbors, too," Ramos said.

"I always put an ad on the radio to come and get it, it's free. Some people even come from Amarillo.

"Do you know we can grow 70 tons of tomatoes per acre?

"I've had people tell me I'm crazy," Ramos said, "that you can't grow tomatoes in this country.

"One man told me 'they'll grow for you, but not for me,'" he said, describing some of the two-pound tomatoes he has grown.

The rest of the land is put to good use, with 400 acres being irrigated. Here he raises milo, wheat, and soybans.

"We've been hailed out too many times," said the persistent farmer. "You can't depend on crops alone. You've got to have a lot of stock, too."

Part of the farm serves as dry-land pastures for about 120 steers, and a place to keep 40 to 50 Hampshire hogs, he said.

"Somebody will ask me how I keep the kids in school," Ramos said. "If you put them to work doing chores around the place Saturday afternoons, they're ready to go to school Monday morning."

Son Jesse doesn't agree much with the idea, but said, "I guess he does it anyway most of the time."

Like his older brothers did in the past, Jesse helps out.

"Whenever there's much to do in the summer, I always work around the farm—just drive the tractor, feed the pigs—something like that," Jesse said.

"Somebody's going to read that, and they're not going to believe you," his father joked.

But what about all the problems of putting 13 children through high school, college or a university?

"Some of it has been expensive," Ramos

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admitted, saying that it cost about $2,000 to $5,000 per student.

"Except for a $2,000 scholarship, the rest came from Momma and Daddy," Ramos said.

"It cost around $35,000 over a period of 18 years," he said.

Mrs. Ramos? She's proud of her children.

"They should never stop when they graduate from high school," she said in Spanish to her husband.

And Juana and Emigdio, who "have had lots of experience at raising children," proudly reflected back to when their eldest daughter, then an honor student at Shallowater High School, started the trend by winning a four-year $2,000 scholarship.

Now Mrs. Maria Ellis, an elementary school teacher at Las Cruces, N.M., the daughter received her B.A. degree from Texas Tech and her M.A. at Pennsylvania State University.

Her sister, Mrs. Marcelina Harrel, a teacher at Pasadena, Tex., got her M.A. degree at the University of Oklahoma after getting her B.A. degree at Texas Tech.

Miss Ventura Ramos, now Sister Maria Juanita, teaches at the Good Shepherd Convent in Phoenix, Ariz. A graduate of Texas Tech, she is working on her master's degree.

Ysidoro Ramos, employed in computer engineering with International Business Machines (IBM) at Dallas, attended South Plains College at Levelland before obtaining his engineering degree while serving with the U.S. Army in Germany.

Emigdio Ramos Jr. attended South Plains College, received his B.A. degree at Texas Christian University and is working on his master's degree at the University of Illinois.

Juan Ramos is a high-salaried employe with Ford Motor Co. at Birmingham, Mich., where he supervises overseas shipments of all farm implements. A graduate of Texas Tech, he also graduated from the American Institute for Foreign Trade at Phoenix.

Another daughter, Mrs. Francisca Zavala, is studying for her B.A. degree at the University of Washington at Seattle.

Miss Petra Ramos is a senior student at Texas Tech.

A younger brother, Jose Ramos, now serving with the U.S. Army at Ft. Sill, Okla., attended Foothills Junior College at San Jose, Calif., before entering the service.

Mrs. Lupe Diaz, a senior at West Texas State University, and Miss Flora Ramos, a sophomore there, are both majoring in nursing education.

The youngest daughter, Miss Irene Ramos, attended the University of Mexico at Mexico City and is now employed as a key-punch trainee with IBM at Dallas.

That leaves only young Jesse back home, going to Happy High School and thinking about college.

Aren't things kind of quiet now that most of the children are away?

"You bet," Ramos said. "Once in awhile I feel real lonesome because they're gone. We get daily long-distance calls from some of the children, though."

Collect?

"No, they've got more money than we've got," the farmer said.

Emigdio Ramos has heard about plans to create a School of Agriculture at WTSU.

"If I wasn't 56 years old, I would go to WT and study farming methods," Ramos said.

"Here's the way I feel about agriculture," he said. "It's one of the greatest things on earth.

"Whatever you grow or make, it's God's gift," Ramos said. "You don't take it away from anybody."

His son, Juan, at Birmingham, looked back at his early days at home and paid tribute to his parents.

"They encouraged us, but never pushed. "We did it for them in a way. The worst thing would have been to let them down," Juan said.

"You can imagine nine or 10 kids filing out of the house to try and catch the school bus."

"Mom? She's kind of like the Rock of Gibraltar. She's been through a lot.

"More than anything else she gave us faith and courage," Juan said. "Just doing her singing and tending the younger kids."

"My Dad is a very remarkable Man," said Juan, telling how his father faced trying times in the past.

"One year we had a crop just looking beautiful with the cotton coming up.

"In five or ten minutes everything was wiped out by one of those sudden, summer hailstorms," Juan recalled.

"A neighbor came by to sympathize and see if he could help, but my Dad could not complain about his problem to others.

"He just took it in stride," Juan said. "He was unwilling to burden others with his problems.

"Somehow we always made out," Juan said. "Sometimes we ate beans all winter and the pumpkins I used to plant."

"Christmas at home was always close to my heart," the faraway son said. "When a family has 13 kids you don't get new gifts every year."

Juan told of hand-me-down gifts and of wrapping old shoes to give over again.

"The pair of shoes you wore the week before, you would get on Christmas Eve just so there would be something under the tree."

Yes, young Juan and his brothers and sisters are proud of their mother and father. Maybe they have a right to hold their own heads high, too.

A NEW FORMULA FOR ALLOTING FEDERAL FUNDS TO STATES

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 18, 1970

Mrs. REID of Illinois. Mr. Speaker, in the past, the Federal program for awarding money to States and cities for the construction of waste treatment plants has been criticized as a "shotgun" approach.

Under existing formula, Federal funds are allotted to States on the basis of population and per capita income. This arrangement simply has not put the money where the principal water pollution control needs are.

These needs are primarily in the heavily industrialized, heavily populated States of the Northeast, the Great Lakes, and surrounding area, and on the west coast.

A new formula is required to meet these needs. The President recognizes this and has asked:

That the Secretary of the Interior have greater flexibility in placing water pollution control funds where the greatest needs exist.

That the allocation formula be reformed to give a positive incentive to States to adopt a matching system of grants.

That the time taken for allocating Federal funds be cut to 12 months from the present 18 months.

That the States develop comprehensive river basin plans as a condition for receiving Federal assistance.

President Nixon has pointed the direction.

By tightening and redirecting the formula for allocating Federal money, we will put the money where the trouble is and effectively move against pollution.

TIMBER GRAB BILL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. RODINO. Mr. Speaker, one of the most significant facts in the continuing consideration of H.R. 12025 is that some observers in the heart of the timber country are making known their distrust of the bill. There is a realization that communities which depend to a large extent on Forest Service timber will, in the long run, be jeopardized by such a hasty rewriting of basic forest policy.

In Medford, Oreg.—a lumber industry center—the Medford Mail Tribune puts it plainly:

> This bill is just the newest gimmick in the age-old game of "cut-out-and-get-out" no matter how it is dressed up with lip-service to sustained yields and allowable cuts.

The author of the editorial is Eric W. Allen, Jr., whose familiarity with Oregon's forest resources was recognized in his appointment to the Forest Service's Rogue River National Forest Advisory Council, and to the Interior Department's O and C Lands Advisory Board, of which he has been a member since 1961 and of which he was chairman in 1969.

Mr. Allen sums up the issue on which Members will have to decide:

> There are right ways and wrong ways to do things. A carefully planned, well-thought-out approach to increasing timber harvest through intensified management, with more money to make it possible, is one thing. A crash program to force the Forest Service to acquiesce in the rape of the forests is something else.

I commend this perceptive editorial to the attention of my colleagues and ask that it appear at this point in the RECORD:

TIMBER GRAB BILL—II

(On Thursday, Feb. 5, the National Forest Timber Conservation and Management Act of 1969 was due for a vote in the House of Representatives, but at the last minute was withdrawan from the calendar in what was interpreted as a victory for conservation forces, in that supporters of the bill doubted they had the votes to pass it. It may come up for another vote the last week in February. If it does, and is passed, it still must go to the Senate.)

Three letters on this page today take the editor to task for his opppostion to the National Forest Timber Conservation and Management Act of 1969.

Two of the letters are signed "Conservationist." They are from George E. Knowles, district forester for the Industrial Forestry Association, and Martin Craine, secretary-manager of the Southern Oregon Timber Industries Association. (The latter USED to be called the Southern Oregon Conservation and Tree Farm Association. Should that name-change tell us something?)

In response to Mr. Knowles question, yes,

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we have read the bill, and will quote portions of it:

Section 2 . . . it is necessary to increase substantially the timber yield from the commercial forest land of the Nation including that in the National Forests; . . . through intensified development and management, such land is capable of producing a substantially increased yield; . . . that increased annual harvests from National Forest commercial forest land may be permitted under sound conservation principles on the basis of short-range accomplishments so long as long-range goals are assured. . . .

Section 7. The Secretary of Agriculture . . . shall immediately establish programs to carry out the policy and purposes of this Act and shall specifically—

(1) develop into optimum timber productivity as soon as possible the National Forest commercial timberlands; and

(2) revise the allowable annual harvesting rates in National Forests to take into account (A) rotation ages estimated to be appropriate for markets and technology at the expected time of harvest, (B) the need for and benefits from use of High level current harvest rates options available within sustained yield limitations, and (C) increased timber yields which will result from application of the measures authorized . . . as rapidly as possible after such measures have been undertaken: Provided, That appropriate reduction in allowable harvesting rates will be made if planned measures are not satisfactorily accomplished. . . .

We have quoted only the most objectionable features of the bill; we have also added the emphasis.

Any careful reading of these excerpts will reveal at least four things:

1. The forest products industry is in a tearing hurry to get as much timber off the National Forest lands as possible, and as soon as possible;

2. The industry displays hardly a care in the world for any uses of the forests other than logging (such as hunting, fishing, camping, watershed management, and so on);

3. Many of the measures advocated to make increased allowable cuts possible are largely unproven, as the explicit language of the bill makes abundantly clear;

4. "Forest commercial timberlands" means everything not already set aside for other purposes, whether or not it may be desirable to do so in the future.

The Forest Service is now empowered to put into effect all the intensified management practices called for in the bill. All it lacks is the money to do it.

We have said before we would favor increased funds for these purposes. We have also said that it is evident that allowable cuts can be safely increased somewhat if these practices are employed.

But this bill goes far beyond this. Mr. Knowles states that this bill does not change the Forest Service's operating philosophy. Who is he kidding? The entire thrust of the bill is on "substantial" increases, "as soon as possible," "short-range" benefits, "expected" harvests, "high level" yields.

Would not any forest administrator in his right mind, faced with this kind of mandate, knock himself out to sell timber and do it in a crashing hurry?

It is not the Forest Service personnel we distrust—far from it. We know them to be a dedicated lot of men, men who are increasingly sensitive to the validity and necessity of multiple use management—including, in more and more areas, such things as scenery, wilderness and water quality.

No—the ones we distrust are the promoters of this gigantic timber grab, whether they sign themselves as conservationists or something else.

It is to our friend John Dellenback's discredit that he had allowed himself to be blinded to the real purposes of this bill through his natural concern for the health of the industry.

But the health of the industry should not be served at the expense of the forest resource. This bill is just the newest gimmick in the age-old game of "cut-out-and-get-out," no matter how it is dressed up with lip-service to sustained yields and allowable cuts.

A few simple amendments would make the bill acceptable to conservation-minded people. The decision to press ahead with it in its present form ended with a justifiable rebuff. What will happen now remains to be seen.

Mr. Crain finds our opposition contrary to our "customary liberal views of public responsibility." When it comes to conservation, Mr. Crain, we're just as conservative as you can get. Those forests belong to us—all of us—and to our grandchildren, too.

There are right ways and wrong ways to do things. A carefully planned, well-thought-out approach to increasing timber harvest through intensified management, with more money to make it possible, is one thing. A crash program to force the Forest Service to acquiesce in the rape of the forests is something else.

We suggest the lumber industry peddle its credibility gap elsewhere.

SIGNAL'S "TASK FORCE" LOOKS AT OIL IMPORTS PROGRAM

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. UTT. Mr. Speaker, I would like to include an interesting article which appeared in the Oil Daily on February 2, 1970, written by the president of Signal Oil & Gas Co., Mr. F. D. Lortscher. I think that Mr. Lortscher's description of how a task force is selected is hilarious, and deserves wide circulation.

The article follows:

SIGNAL'S "TASK FORCE" LOOKS AT OIL IMPORTS PROGRAM

(By F. D. Lortscher)

The first thing to do when you're looking for an answer to a problem is to appoint a committee, a task force. That's just what we did. Of course you have to choose people who will look at the problem objectively.

Our Number 1 choice was Jesse who, among other duties, serves coffee to Signal's executives. Then Louise, our chief cook. Next we picked Pete, who runs our parking lot. We added Earl, he's in charge of building security. We had no choice but to use Grant who washes the windows and Pat who changes light bulbs. Of course, the committee needed Henry, our gardener. Finally, as Executive Director of the Task Force we appointed our friendly cafeteria cashier, Margaret.

We wanted people with no direct involvement in the issues to be weighed so they could remain detached.

There has been no official report from the Task Force yet, but there have been a couple of leaks from reliable sources. Several committee members are said to be recommending that oil companies give their products away, that additional profits are not necessary since all money is made through tax loopholes.

Another leak says they will recommend the closing of service stations in certain beach cities on the West Coast until the people in those towns can get back on their feet agains.

There will be a reported demand from one member for an end to controls on Spanish Onions which he allegedly enjoys so much on his chili con carne. He believes that oil interests in Spain are behind an embargo.

Scores of company engineers, geologists and economists have testified before the committee, but it is said that their comments have been dismissed by five of the seven members. As one reportedly said, "I never thought much of the company anyway. I think the government should run all businesses. This is a good time to help me get my way."

Does what you've read so far sound incredible? Well, it is not as way out as it might seem. In fact it's quite similar to what's happening to the oil industry today. We must add here not to Signal Oil and Gas Company. That committee wasn't for real, but those people sure are, and they do a lot more on their jobs than the things we mentioned. If we didn't know them as well as we do and think as much of them as we do we wouldn't be able to kid them as we did.

But the point is, and we're sure those folks we mentioned understand, they have not had practical experience in the business end of petroleum. We think when you want an answer to a question you go to someone who knows the subject.

Recently, President Nixon appointed a Cabinet Task Force on Oil Import Controls to look into the quota system, to make recommendations to him. This was all well and good. In fact, it was the American Petroleum Institute representing our industry who had asked the President to look into the matter!!! They wanted him to have a serious review undertaken on the system!

These are the men whose background gave them their "insight" into the problems in the field of petroleum. As Executive Director, there was a professor from Harvard Law School. We always wondered how really interested he was in the "problem" as several times he indicated that he couldn't wait to get back to teaching.

The Task Force Chairman's background included an education at Princeton and a career steeped in Industrial Relations. Other members of the committee had the following professional backgrounds: a lawyer who studied at Colgate; an accountant who studied at Columbia; a banker who went to Rutgers; a Brigadier General who learned his economics at Oxford; a gentleman who succeeded his father when he died as a state senator and has been in politics ever since; and a man who quit school to go out and make a fortune in real estate and construction.

We do not mean to "knock" any of the backgrounds of these men. There's not a thing in the world wrong with them They are all fine men, indeed all but one is a member of the President's Cabinet. But we do question their interest in petroleum and their understanding of its role in our country's and the free world's defense. Several had the reputation for being anti-oil to begin with.

We don't say they went in with their minds made up, but this Task Force certainly approached its work from a strange point of view. It openly hunted out ways to relax import controls. It was harsh in its language towards what it called "high domestic oil prices" and "its heavy costs to the nation." Yet this is the group that should in all fairness hand the President an accurate, balanced report with equitable and workable recommendations on which to base the nation's oil policy.

How is this report being put together? Our Harvard law professor, who knows nothing about the industry, put together a staff. The staff's knowledge of oil economics is limited to what they have read about the industry, mainly what academic critics have written on the basis of pure theory without any practical experience.

Since his staff is biased toward free trade and biased against the oil industry, it puts the industry in a fairly hopeless position. Sure papers were submitted to the staff, but the key cabinet members did not have time to read them. So the staff summarized the

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industry papers and passed summaries to the Task Force slanted to their own bias. We can't expect the Task Force to go back and read tons of original papers so they will probably do what the staff recommends.

Vice President Agnew recently criticized the networks for what he said was the granting of preferential treatment to the politically Liberal point of view. It has certainly been true with the petroleum industry with Democratic Sens. Ted Kennedy of Massachusetts, Edmund Muskie of Maine, William Proxmire of Wisconsin and John Pastore of Rhode Island as leading members of our vocal critics. Their faces and voices have constantly come into the nation's living rooms. We can remember Senator Pastore shouting, "The (oil import) system reeks and is ripe for change. The industry should know that this is a time for consumer revolt!"

Consumer revolt? Against an industry which has continually produced a superior product at no increase in consumer prices? Against an industry which has contributed so much to bettering our standard of living? Someone's got to be kidding! If you don't count the taxes put on gasoline, it costs five cents a gallon less than it did 45 years ago! We would be interested in learning of any other major industry which can match that record. (By the way, those taxes on motor fuel generate revenue at the rate of one million dollars an hour! The total for 1969 was around $9 billion more than the revenue derived from any other commodity in this country!)

Five cents a gallon less . . . how does that compare with other prices and costs these days? Like, for instance, salaries of Senators. They recently voted themselves a raise in pay from $30,000 to $42,500 a year! ! ! That's more than a 41 percent increase. And what was it they said about inflation? About keeping wage increases to something like six percent? It seems their motto is "do as we say, not as we do." Yes, let's have a consumer revolt, but let's be fair and not cloud the issues with propaganda against just the petroleum industry, an industry which has contributed a great deal to the American way of life.

It's been said the oil industry is privileged, that it is, in essence, getting a government subsidy through oil import controls. That is not true but even if it were, how do we explain the fact that our government subsidized farmers to the tune of $293 million last year? And that $233 million was only the amount going to farmers who got payments of more than $25,000 each! ! ! We haven't even included the "small" farmers.

We hear constant senatorial speeches about the nation's poor who have to go to bed at night hungry. Then why are we paying out these hundreds of millions of dollars to farmers not to plant crops? Why do we order tons of food thrown away each year? If the government really wants to help the people, why not knock out supports on every commodity. The facts are that most petroleum product prices are not more, but less than they were 45 years ago, with import controls which have contributed to the vitality of all branches of the petroleum industry.

It's time the oil industry fought back. The old image of the millionaire with money sticking out of his pockets, wearing a ten-gallon hat, standing by his oil wells went out of style 30 years ago, just as did the image of the railroad tycoon. But it is still being used by politicians who seemingly hope for government controls of business and prices. They seem to think this image makes good copy. The fact that it is not true today doesn't bother them one iota. It's not how you play the game as long as you win. The fact that petroleum companies had an average return on net worth for the past ten years less than that of all manufacturing companies doesn't seem to enter into the picture at all. Profits in petroleum are not excessive. In fact, they are under most other major industries.

Instead of passing on higher costs to consumers, they have been absorbed by the oil companies. How many other industries today can make that statement? Like we said, it's time we shouted back. The President can afford to keep a "soft voice." His job is not at stake. Thousands of men and women in the oil industry don't have that same assurance. If the people of this nation were presented the facts, they'd be able to see through this political smokescreen.

The subject is immense, but we shall be as brief as possible, at least try to cover the major points on whey we have an Oil Import Control Program and what will happen if it is tossed out. And one of the latest "leaks" is that the recommendation of the Presidential Task Force will be to scuttle it, to desert the ship, to let it sink. Before we drown let's look at what's happened.

Not too long after World War II, crude from the rich oil fields of South America and the Middle East began to come into the United States. It was a small amount at first, then with the jumbo tankers it really started to "pour" in.

The government and most of the petroleum industry were concerned. It wouldn't be long before these unlimited low-cost imports would economically force closure of two-thirds of the oil wells in the United States. Once they were shut-in, it would be impossible to return most of them to production. The result would be that at least one-third of America's crude oil reserves could be lost forever.

There was an even greater problem: the effect on the nation's security. Security is something we Americans think is worth keeping and fighting for. If the United States were to become dependent on foreign crude—as England, France, Germany and Japan are—this country could become vulnerable in many ways, in peace or war.

In July, 1954, President Eisenhower established an Advisory Committee on Energy supplies and Resources which recommended that in the interest of national defense and to insure "orderly industrial growth," imports of crude oil and petroleum products be limited to a fixed proportion of domestic crude oil production.

Three-fourths of the energy that powers and lubricates American industry came from petroleum hydrocarbons. Armies, navies and industry succeed depending on the availability of oil. The threat to national security was obvious.

Then came the 1956 Suez Crisis. The canal was blocked cutting off supplies of vital petroleum. Overnight, Europe was thrown into panic. Only by a fantastic effort was the U.S. oil industry able to supply the oil and prevent even wilder military adventures from taking place in the Middle East.

Subsequent Congressional investigations, hearings by the Office of Defense Mobilization, and study by the President's "Special Cabinet Committee to Investigate Crude Oil Imports" prompted the President in July, 1957 to establish a program of voluntary controls on the level of crude oil imports.

The Suez Crisis was an eye opener for a lot of people. It added weight to a growing problem. In February, 1959, the Director of the Office of Civil and Defense Mobilization advised the President that the level of oil imports was still adversely affecting domestic exploration and development, and therefore, threatening to impair the national security. As a result, President Eisenhower issued a Presidential Proclamation on March 10, 1959, establishing the Mandatory Oil Import Control Program.

That policy has been in effect to this day. It "limits oil imports to whatever amount is required to supplement domestic production, and still be able to foster growth of a strong domestic oil industry, capable of exploring for and developing new domestic reserves." Of our total supply today, about 22 percent is imported crude and products, mostly going to the East Coast.

Certainly the program gets more complicated than this, but a policy of controls has enabled our nation to promote a strong viable domestic oil industry and has, thereby, avoided dependency on foreign oil supply. Under this policy the United States is flexible and can balance its requirements between domestic and foreign sources in order to maintain a viable domestic petroleum industry.

No other major industrial nation in the free world has this option. Only Russia has it in the Communist world. To determine whether or not the U.S. policy is correct, we need only ask ourselves what England or France or Germany or Japan would do if nature had given them this option. (It is interesting to note that Australia, which also has the option of choosing between domestic and foreign suppliers, has adopted a control program very similar to that of the U.S.)

During the Kennedy-Johnson years, political tampering began in the administration of the oil import program. Special exemptions made the program a political football hurting the industry as a whole. This is why the majority of members of the petroleum industry went to the President and asked him to move the program administration back to the President, to study the problems so as to return the program back to what it was intended to be. The industry did not expect the President to turn the problem over to a group of men with no practical experience in the oil industry, to a group who had in the past spoken out openly against the petroleum industry. According to the Task Force "leaks" some of them would like to "cut out the entire control program!" Isn't that smart? You have a sore on one of your toes, so you cut off your foot? It makes about as much sense?

While no single overseas producing country has a big enough share of total reserves to dominate the international world market, groups of oil producing countries with common interests do have large enough shares. In fact, it is the openly avowed aim of the members of the Organization of Petroleum Exporting Countries (Saudi Arabia, Kuwait, Iraq, Iran, Libya, Qatar, Abu Dhabi, Venezuela and Indonesia) to control the export market for crude oil. The main reason the control of market prices is yet to be achieved is that, so far, no individual country has been willing to give up producing income for the sake of the others. But without a strong U.S. petroleum industry to counter the potential market power of the OPEC group, it could in time act as a monopolistic entity at the expense of the consuming countries. This would include the entire free world and even the United States to a degree that we were overly dependent on oil from OPEC members to power our own economy. It is naive to think Mideast oil will remain cheap for very long. Then, of course, a move could be made by petroleum critics to nationalize the industry which may be what they wanted all along.

Some critics of oil shout, "You don't have to rely on oil from the Middle East. You can get it from Venezuela. It's the largest producer, with 17 percent of free world production, outside of North America. True, critics, but for how long? Venezuela has 4 percent of the world's reserves. The Middle East and North Africa have 86 percent! And shipments from both areas have been interrupted eight times since World War II.

Suppose the oil import control is abolished. What will happen? Any immediate savings to consumers would be wiped out in a few years by price increases. Once the U.S. became dependent on foreign sources, how long would prices stay low? If you have a monop-

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oly do you keep prices as low as you can? That wouldn't make sense in today's economic world. At least not according to what those nations have planned!

By the early 1970's the United States could be dependent on foreign oil for 50 percent of its supply! . . . while the Soviet Union's naval forces continues to sit in the Mediterranian, continues to rearm Egyptian forces . . . yes, it makes a lot of sense for us to become dependent on the Middle East for our oil. We'd better wake up to the fact that if we cannot produce a substantial part of our own we're going to be in trouble!

Elimination of controls would cause domestic production to be seven million barrels per day lower in 1985 than production anticipated with a continuation of import controls.

Without controls, the number of wells drilled in search for new oil and gas supplies would be reduced by 85 percent or approximately 4,500 wells annually in the 1970–1985 period! Development wells would be cut by 50 percent or approximately 8,000 wells per year!!! The tax reform bill removed some risk-taking incentive. It would be ridiculous to pile drastic changes in our imports policy on top of this.

Elimination of controls would result in the premature abandonment of 185,000 small wells, representing 60 percent of the active wells in the U.S. in the early 1980's. Total completion would be off from 485,000 to 190,000. Expenditures for development drilling would be off by $1.1 billion for 1976–1980. Discoveries after 1971 would become insignificant.

Without controls, it will worsen the country's balance of payments problems. The dollar outflow for oil would more than double by 1970 to nearly $4 billion. The country's total deficit in balance of payments is now $9.5 billion per year. And inflation, no matter what the Congress does, will grow even worse!

Without controls, the economies of oil producing states would be severely crippled. Labor forces would be cut—amounting to the elimination of as many as 165,000 workers—earnings would be off by $1,650,000,000.

Without controls, future domestic oil reserves would be 55 percent below current projections by the year 1985.

Domestic crude prices might be cut by $.80 to $1.00 per barrel and U.S. crude oil producing capacity could drop by at least 8 percent per year. Lease bonuses to the various government bodies would be off drastically. So would the billions in taxes now paid to the government. Who's going to pick up the slack? The public. But who will care? They might save a penny or two a gallon on gasoline, but have their total tax bill upped many times their possible savings on gasoline purchases!

There's a side effect, too, a very important one. Natural gas supplies would be severely cut with a reduction in domestic exploration and drilling. Most gas is found while looking for oil. The cost of natural gas to consumers will go up and up and up and up! That's not a threat, it's a fact of life.

Since 1954 the Federal Power Commission has regulated the price of natural gas. The petroleum industry tried in every way to demonstrate that these regulations would work against the American people, not for them, that controls would limit new supplies.

But the FPC members had no practical background in the petroleum industry. They lacked knowledge, they lacked understanding, a situation very similar to what's happending today with the Oil Imports Task Force.

So today, there is a shortage of natural gas. There will be some cold feet this winter because of the lack of foresight by a group of men who wouldn't listen to the petroleum industry's side to things. True men on the FPC today say poor judgment was used in the past, but they may not be in time. There's a big time lag between discovery and delivery and lots of cold feet in between.

The American public can thank a former government "task force" for this. The question is will the American public allow another task force to make even greater mistakes today with the oil imports program?

Sure the oil import control program has problems. The industry was the first to point that out. Certainly we ought to take a long hard look at the inequities that have developed. But let's not cut out the whole program because the last Secretary of the Interior "goofed." A firm decision should be made to phase out of the program those elements of favoritism which have allowed to creep in.

It is said a tariff system will be recommend to replace the quotas. Many inland refineries would be legislated out of business under such a system. True, it would bring in revenues to the government at first, but this must be weighed against job losses, price increases to consumers as inland refineries are eliminated, and in addition any revenues gained by the Treasury through tariff would undoubtedly be offset by revenue losses from federal lease sales and from losses in federal taxes paid by both coal and oil. (Yes, even the coal industry realizes full well that flooding the country with cheap foreign oil will render it less competitive.)

Its' amazing though, the beating the oil industry has been taking recently. When we spoke of fighting back, we meant fighting in order to save one of the greatest industries in the world—not only in this current attack, but against future ones as well. The political destroyers will be there, believe us. They won't stop until they have either completely crippled the petroleum industry, or maybe nationalized it.

If the oil business goes on the rocks and our nation's defense is immobilized for lack of fuel, it won't take the public long to decide who put it there—not if the petroleum industry does its public relations job well. Above all we must not forget the matter of security. Certainly we recognize that the men on the Task Force are intelligent and dedicated, that they have developed data to support change. What we do question is their complete lack of practical knowledge and understanding of the petroleum industry. We simply point out that uncertainties exist. National security is too vital to have policy based on uncertanties.

The administration of the Oil Import Program should be moved as rapidly as possible toward an objective basis, fully justified by the requirements of national security. The key issue in this whole debate is the relationship that exists between dependable petroleum supplies and the economic and military security of this nation.

Elimination of import controls means dependence on foreign oil—and dependence on foreign oil will make America insecure. When the last word has been spoken, this is what we must remember.

We are optimistic about the survival of the oil industry should it just be given an even break by our national government. The oil industry needs an identifying symbol, similar to Reddy Kilowatt of the electric industry. We need a symbol that would be used by all of the oil companies—to help the man on the go realize what allows him to get there!

Our industry should work with various government bodies to formulate programs designed to end pollution. And these programs should make sense.

Our industry should also try to make some sense out of our marketing practices. We think the public feels they're often being used and misled.

Above all, the oil industry needs to unite in a strong and positive public relations campaign. We've got to go on the offensive. We've got to stop allowing ourselves to be put on the defensive all of the time. We're the only major industry which constantly finds itself in that position.

There's too much at stake, and we're not just talking about the companies that are involved. We're talking about our country. This is our country, yours and mine. If we allow the very basics on which this country was born, to be destroyed, we might as well say goodbye to tomorrow. It sure won't be worth much.

But we've got a chance. It will take all of us pulling together, but the opportunity is there. We've got to make it work. Given half a break, we will, as we always have.

THE EFFECTS OF EXECUTIVE ORDER 11491 UPON BLACK LABOR ORGANIZATION

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. DIGGS. Mr. Speaker, because there is great concern regarding the effects upon black labor organizations in the Federal Government of the administration's new Executive Order 11491, I place the following communications and statistics in the Record for the attention of my colleagues:

Congressman Charles C. Diggs, Jr.,
Washington, D.C.:

Fully associate myself with position of National Alliance of Postal Employees re effects of Executive Order 11491 upon independent unions despite position of Civil Service Labor Division that all qualified labor organizations have equal opportunity for recognition and representation rights. The National Alliance, a predominantly black organization, came into existence because black employees were refused membership in other labor organizations and it, by its very nature and cause, has continued to this day to be the principal spokesman and action group for equal opportunity and merit promotions for all in the postal system without regard to race, sex, or religion. Since there are only 18.9% black employees, 2.1% Spanish-American, 0.5% Orientals, 0.2% American Indians, against 78.3% all others in the entire postal system, it is a statistical certainty that no predominantly black labor organization can achieve the required majority or 52% membership for exclusive recognition. In face of the current burgeoning movement toward self-determination as exemplified in black labor organization in the construction trades; black business ventures, etc., there could be no worst time for the administration to silence the voice and action of black and other minority labor groups.

An Open Letter to People Who Believe in Justice

Attention: U.S. Senators and Representatives, Republican and Democratic Parties, National committee chairmen, State committee chairmen, congressional district chairmen, precinct delegates, civic, religious and neighborhood organizations

On October 29, 1969, President Richard Nixon issued Executive Order 11491—Labor-Management Relations in the Federal Service—which revokes a Presidential Order issued in 1962 giving all labor organizations operating within government agencies, the right to sit at the bargaining table with representatives of national, regional and local agencies, to negotiate on matters of concern to workers, to settle their grievances, and granting to workers the right to select their own union representatives for the handling of grievances. All unions were granted dues check-off privileges.

The new Executive Order will be administered and interpreted by a Federal Labor Relations Council composed of the Chairman of the Civil Service Commission, Secretary of Labor, an official of the Executive Office of the President, and such other officials of the Executive branch of government as the President may designate from time to time. Implementation of certain provisions of this order will mean that independent labor organizations will not be recognized formally or informally at the national, regional and local agency levels.

The President's Executive Order violates the basic right of a worker to join a union of his choice and be represented by this organization at negotiations on matters concerning working conditions, personnel policies and practices, grievances and other matters affecting employees of a government agency. Effective January 1, 1970, the new Executive Order revokes the right of over ½ million postal and federal workers to belong to independent labor organizations, be represented by these unions, and have their dues checked off.

The National Alliance of Postal and Federal Employees, a 56-year-old industrially organized labor organization with a predominantly black membership, will be adversely affected by Executive Order 11491. Organized in 1913, this union has a history of brotherhood and service for all postal and federal workers. It is the only union, with affiliated local units, which has never refused membership to employees because of racial identity, sex, religion, national origin or employment status. The Alliance has worked cooperatively with other unions to secure higher wages, achieve salary comparability, improve working conditions and fringe benefits. However, the Alliance, as a labor organization within the Federal Service, is somewhat unique, for it is the only organization which has been an outspoken advocate of equal opportunity, merit promotions, and is concerned about human dignity and justice for all. While these concerns have been at some time shared by all workers, the National Alliance of Postal and Federal Employees has been the only union which has actively pursued programs and worked to eliminate and overcome inequalities in these areas.

Why does the government want to silence the voice of the Alliance and other independent unions in the Federal Service?

Why is the government allowing one giant union to form a monopoly and represent all employees in all government agencies?

Why is the government denying ½ million postal and federal workers the right to be represented by an organization of their own choice?

If you believe as we do, that the President's Executive Order seeks to crush the effectiveness of independent labor organizations, is unfair, and violates freedom of choice and individual rights of workers, we want you to come forward and join with us in our protest. Write your Senator and Congressman. TODAY, it is our rights which are being violated, but TOMORROW, it might be yours.

Sincerely,

SNOW F. GRIGSBY,
Editor.

EEOC REVEALS STATISTICS ON MINORITY MEMBERSHIP IN UNIONS

Preliminary results of a nationwide survey of minority membership in local unions with hiring halls or other referral arrangements have been released by Chairman William H. Brown III, of the U.S. Equal Employment Opportunity Commission.

"This is a unique survey," Brown declared. "It presents, for the first time, hard statistics on minority membership in labor unions. The unions in question are the so-called *'*Referral Unions'* which, in one way or another serve as a gateway to employment in the trades and crafts within their jurisdictions. The extent to which minority group people have gained membership in such unions is a practical measure of the degree of equal employment opportunity within those jurisdictions."

Commenting on the survey results, Brown said: "We find generally the membership statistics for those international unions with the highest pay levels show the lowest levels of minority group participation. That is certainly true of the building trades. However, it is also true of unions in other industries as well. In fact, as our employer surveys have shown, the one pervasive pattern in all of American industry is the inverse relationship between pay and skill levels and minority group employment."

The survey, based on 1967 reports received from some 3,700 local unions with over two million members in referral bargaining units, revealed an aggregate black membership of just under ten percent of the total. Spanish surnamed Americans accounted for an additional six per cent. Also, one per cent were Orientals, and one-half of one per cent were American Indians.

Unions in the construction industry with close to 1.3 million members had about five-eighths of total reported referral-union membership. There were 106,000 Negroes in those unions, or 8.4 per cent of the total, and 56,000 Spanish surnamed Americans with 4.5 per cent of all members. Both rates were lower than the nationwide levels for all referral unions.

Black membership in the building trades ranged from 30.5 per cent in the case of Laborers to 0.2 per cent for Plumbers and Sheetmetal Workers, respectively. The Laborers, with 81,000 had 3 out of 4 of all black members in the building trades. Other unions with relatively high black membership were the Bricklayers (9.8 per cent), Plasterers (14.0 per cent), and Roofers (13.5 per cent). In addition to the Plumbers and Sheetmetal Workers, unions with very low Negro membership included the Electrical Workers (0.6 per cent), Elevator Constructors (0.4 per cent) and Asbestos Workers (0.9 per cent). These 5 unions together reported only 1,421 Negroes out of close to 330,000 members.

Spanish surnamed American members in the building trades ranged from 16.0 per cent for Marble Polishers to 1.2 per cent for Asbestos Workers. Other unions with substantial Spanish surnamed American membership were Laborers (9.8 per cent), Plasterers (12.6 per cent), and Painters (6.7 per cent). Unions, other than the Asbestos Workers, with relatively low Spanish surnamed American membership included Electrical Workers (1.8 per cent), Elevator Constructors (1.3 per cent), Operating Engineers (1.4 per cent), and Plumbers (1.4 per cent).

Chairman Brown noted that membership figures in other than construction industries similarly show wide differences in the numbers and percentages of minority representation. The highest figures were found in two low-earning service industry trades, Building Service Employees (28.4 per cent), and Hotel and Restaurant employees (12.9 per cent). Together with the Teamsters (9.6 per cent), these unions accounted for half the black membership in the non-construction industries. Some of the unions with small black representation were Lithographers and Photoengravers (1.3 per cent), Stage and Motion Picture Operators (2.9 per cent), Barbers (0.9 per cent) and Patternmakers (0.1 per cent). A similar pattern is indicated for Spanish surnamed Americans among the unions other than the building trades.

In further comment on the sharp differences shown by the survey between different types of unions, Chairman Brown commented: "I do not wish to take any credit away from the Laborers Union. Their members get good pay, even if it is less than the pay of the skilled crafts. However, some of the unions representing those crafts which are most highly paid have reported only a handful of minority members throughout the nation. This is an unfortunate fact, clearly revealed for the first time by the Commission's statistics. I hope this information will serve to reinforce the efforts of all persons within the union movement who have been striving to better the performance of unions in order to make equal employment opportunity a reality."

Brown concluded that "it is most likely that these minority membership figures of two years ago are generally representative of the situation existing today. Even the most optimistic expectations for the Apprenticeship Outreach programs and other attempts to enroll minorities in apprenticeship programs only affect a small proportion of referral union membership. And it has been commonly accepted that the majority of craft union journeymen are not products of the apprenticeship system. Therefore, I was heartened to read that the Executive Council of the AFL–CIO's Building and Construction Trades Department has made the 'flat and unqualified recommendation to local unions throughout the United States' that they invite applications from and accept into membership all qualified minority journeymen and that local unions and local councils 'vigorously pursue' training programs to upgrade minority workers who are beyond apprenticeable age. I would further recommend to local unions and councils that they invite applications for membership and training in a clear and unequivocal manner which will not be misunderstood, and that they develop aggressive programs to carry their message to minority communities everywhere. I should hope that a survey conducted a year from today would tell a better story than the one we have described."

The 1967 survey was the first annual report to the Commission by local unions on a report form, entitled Local Union Equal Employment Opportunity Report EEO–3. Statistics from the 1968 survey are expected by the end of this year.

The EEOC is an independent Federal Agency employing about 589 persons. It administers Title VII of the Civil Rights Act of 1964 which prohibits employment discrimination based on race, color, religion, sex or national origin.

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*A Referral Union is a local union which itself, or through an agent, (a) operates a hiring hall or hiring office, or (b) has an arrangement under which one or more employers are required to hire or consider for employment persons referred by the union or any agent of the union, or (c) has 10 per cent or more of its members employed by employers which customarily and regularly look to the union, or any agent of the union, for employees to be hired on a casual or temporary basis, for a specified period of time or for the duration of a specified job.

MINORITY GROUP MEMBERSHIP IN REFERRAL LOCAL UNIONS, AS REPORTED IN 1967

International union/trade	Membership in referral units: Total	Negro	Percent Negro	SSA [1]	Percent SSA [1]
All unions	2,028,052	198,358	9.7	127,797	6.3
All building trades unions	1,257,929	106,263	8.4	56,062	4.5
Asbestos workers	6,104	61	0.9	75	1.2
Boilermakers	23,946	934	3.9	917	3.8
Bricklayers	34,069	3,300	9.6	733	2.1
Carpenters	315,538	5,284	1.6	8,692	2.7
Electrical workers	133,904	915	0.6	2,490	1.8
Elevator constructors	6,728	33	0.4	89	1.3
Operating engineers	103,677	4,200	4.0	1,456	1.4
Iron workers	70,273	1,197	1.7	2,406	3.4
Laborers	266,243	81,457	30.5	26,350	9.8
Lathers	4,660	177	3.7	147	3.1
Marble, slate, and stone polishers	4,355	387	8.8	699	16.0
Painters	66,714	2,498	3.7	4,502	6.7
Plasterers	28,182	3,947	14.0	3,568	12.6
Plumbers	147,862	320	0.2	2,038	1.4
Roofers	10,807	1,461	13.5	357	3.3
Sheet metal workers	34,867	92	0.2	1,543	4.4
All unions not in building trades	770,123	92,095	12.0	71,735	9.3
Bakery and Confectionery Workers	14,881	1,699	11.2	2,030	13.6
Bookbinders	20,289	1,350	6.6	1,693	8.3
Building Service Employees	29,089	8,290	28.4	2,306	7.9
Distillery Workers	13,098	1,646	12.5	368	2.8
Hotel & Restaurant Employees	139,616	18,093	12.9	18,362	13.1
Lithographers & Photoengravers	20,153	281	1.3	264	1.3
Masters, Mates, and Pilots	6,765	21	0.3	177	2.6
Meat Cutters	42,892	3,644	8.4	4,013	9.3
Musicians	12,487	805	6.4	184	1.4
Office Employees	7,393	1,061	14.3	582	7.8
Patternmakers	7,751	5	0.1	55	0.7
Printing Pressmen	21,710	962	4.4	1,383	6.3
Retail Clerks	17,497	1,127	6.4	641	3.6
Seafarers	9,274	141	1.5	580	6.2
Shoe Workers	6,580	480	7.2	2,247	34.1
Stage & Motion Picture Operators	22,756	672	2.9	1,202	5.3
Teamsters	213,632	20,573	9.6	11,984	5.6
Other nonbuilding trade unions	164,260	31,245	19.0	23,664	14.4

Source: Equal Employment Opportunity Commission, local union report EEO-3.

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[1] Spanish surnamed American.

POSTAL FIELD SERVICE SCHEDULE—EFFECTIVE 1ST PAY PERIOD, JULY 1969

PFS	1	2	3	4	5	6	7	8	9	10	11	12
1	$4,522	$4,673	$4,824	$4,975	$5,126	$5,277	$5,428	$5,579	$5,730	$5,881	$6,032	$6,183
2	4,889	5,052	5,215	5,378	5,541	5,704	5,867	6,030	6,193	6,356	6,519	6,682
3	5,286	5,462	5,638	5,814	5,990	6,166	6,342	6,518	6,694	6,870	7,046	7,222
4	5,715	5,905	6,095	6,285	6,475	6,665	6,855	7,045	7,235	7,425	7,615	7,805
5	6,176	6,382	6,588	6,794	7,000	7,206	7,412	7,618	7,824	8,030	8,236	8,442
6	6,675	6,898	7,121	7,344	7,567	7,790	8,013	8,236	8,459	8,682	8,905	9,128
7	7,216	7,457	7,698	7,939	8,180	8,421	8,662	8,903	9,144	9,385	9,626	9,867
8	7,802	8,062	8,322	8,582	8,842	9,102	9,362	9,622	9,882	10,142	10,402	
9	8,434	8,715	8,996	9,277	9,558	9,839	10,120	10,401	10,682	10,963		
10	9,101	9,404	9,707	10,010	10,313	10,616	10,919	11,222	11,525	11,828		
11	10,110	10,447	10,784	11,121	11,458	11,795	12,132	12,469	12,806	13,143		
12	11,233	11,607	11,981	12,355	12,729	13,103	13,477	13,851	14,225	14,599		
13	12,478	12,894	13,310	13,726	14,142	14,558	14,974	15,390	15,806	16,222		
14	13,864	14,326	14,788	15,250	15,712	16,174	16,636	17,098	17,560	18,022		
15	15,404	15,917	16,430	16,943	17,456	17,969	18,482	18,995	19,508	20,021		
16	17,114	17,684	18,254	18,824	19,394	19,964	20,534	21,104	21,674	22,244		
17	19,011	19,645	20,279	20,913	21,547	22,181	22,815	23,449	24,083	24,717		
18	21,122	21,826	22,530	23,234	23,938	24,642	25,346	26,050	26,754	27,458		
19	23,467	24,249	25,031	25,813	26,595	27,377	28,159	28,941	29,723	30,505		
20	26,071	26,940	27,809	28,678	29,547	30,416	31,285	32,154				
21	28,976	29,942	30,908	31,874	32,840							

GENERAL SCHEDULE—ANNUAL RATES AND STEPS

Grades	1	2	3	4	5	6	7	8	9	10
GS-1	$3,889	$4,019	$4,149	$4,279	$4,408	$4,538	$4,668	$4,798	$4,928	$5,057
GS-2	4,360	4,505	4,650	4,795	4,940	5,085	5,230	5,375	5,520	5,665
GS-3	4,917	5,081	5,245	5,409	5,573	5,737	5,901	6,065	6,229	6,393
GS-4	5,522	5,706	5,890	6,074	6,258	6,442	6,626	6,810	6,994	7,178
GS-5	6,176	6,382	6,588	6,794	7,000	7,206	7,412	7,618	7,824	8,030
GS-6	6,882	7,111	7,340	7,569	7,798	8,027	8,256	8,485	8,714	8,943
GS-7	7,639	7,894	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934
GS-8	8,449	8,731	9,013	9,295	9,577	9,859	10,141	10,423	10,705	10,987
GS-9	9,320	9,631	9,942	10,253	10,564	10,875	11,186	11,497	11,808	12,119
GS-10	10,252	10,594	10,936	11,278	11,620	11,962	12,304	12,646	12,988	13,330
GS-11	11,233	11,607	11,981	12,355	12,729	13,103	13,477	13,851	14,225	14,599
GS-12	13,389	13,835	14,281	14,727	15,173	15,619	16,065	16,511	16,957	17,403
GS-13	15,812	16,339	16,866	17,393	17,920	18,447	18,974	19,501	20,028	20,555
GS-14	18,531	19,149	19,767	20,385	21,003	21,621	22,239	22,857	23,475	24,093
GS-15	21,589	22,309	23,029	23,749	24,469	25,189	25,909	26,629	27,349	28,069
GS-16	25,044	25,879	26,714	27,549	28,384	29,219	30,054	30,889	31,724	
GS-17	28,976	29,942	30,908	31,874	32,840					
GS-18	33,495									

NEGRO EMPLOYMENT BY CIVIL SERVICE REGION, 1969

Pay category	Atlanta Region—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virgin Islands: Employment	Negro: Number	Negro: Percent	Boston Region—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont: Employment	Negro: Number	Negro: Percent	Chicago Region—Illinois, Indiana, Kentucky, Michigan, Ohio and Wisconsin: Employment	Negro: Number	Negro: Percent
Total all pay plans	317,187	41,620	13.1	119,367	4,485	3.8	351,177	74,410	21.2
Total general schedule or similar	147,079	7,703	5.2	42,861	1,382	3.2	150,925	23,845	15.8
GS-1 through 4	47,155	5,327	11.3	13,364	811	6.1	48,984	14,142	28.9
GS-5 through 8	39,692	1,587	4.0	10,433	331	3.2	37,983	6,429	16.9
GS-9 through 11	34,558	659	1.9	11,400	169	1.5	35,297	2,409	6.8
GS-12 through 18	25,674	130	.5	7,664	71	.9	28,661	865	3.0
Total Wage Board	91,276	23,681	25.9	26,444	1,214	4.6	54,044	10,639	19.7
Up through $4,499	13,148	9,040	68.8	1,221	155	12.7	2,502	1,212	48.4
$4,500 through $6,499	38,205	12,483	32.7	10,674	725	6.8	22,778	6,651	29.2
$6,500 through $7,999	29,687	2,069	7.0	12,042	318	2.6	18,974	2,343	12.3
$8,000 and over	10,236	89	.9	2,507	16	.6	9,790	433	4.4

Footnotes at end of table.

Pay category	Atlanta Region—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virgin Islands			Boston Region—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont			Chicago Region—Illinois, Indiana, Kentucky, Michigan, Ohio and Wisconsin		
	Employment	Negro		Employment	Negro		Employment	Negro	
		Number	Percent		Number	Percent		Number	Percent
Total Postal Field Service	68, 948	9, 391	13. 6	49, 074	1, 868	3. 8	142, 819	39, 569	27. 7
PFS-1 through 4[1]	57, 489	8, 836	15. 4	42, 394	1, 735	4. 1	123, 375	36, 961	30. 0
PFS-5 through 8	9, 067	526	5. 8	5, 377	127	2. 4	15, 797	2, 414	15. 3
PFS-9 through 11	1, 854	26	1. 4	1, 011	5	. 5	2, 902	153	5. 3
PFS-12 through 20	538	3	. 6	292	1	. 3	745	41	5. 5
Total other pay plans	9, 884	845	8. 5	988	21	2. 1	3, 389	357	10. 5
Up through $4,499	1, 151	275	23. 9	244	8	3. 3	1, 146	238	20. 6
$4,500 through $6,499	2, 744	431	15. 7	334	7	2. 1	927	98	10. 8
$6,500 through $7,999	1, 213	62	5. 1	53	1	1. 9	284	6	2. 1
$8,000 and over	4, 766	77	1. 6	357	5	1. 4	1, 032	15	1. 5

[1] Includes 4th class postmasters and rural carriers.

Pay category	Dallas region—Arkansas, Louisiana, Oklahoma, and Texas			Denver region—Arizona, Colorado, New Mexico, Utah, and Wyoming			New York region—New Jersey and New York		
	Employment	Negro		Employment	Negro		Employment	Negro	
		Number	Percent		Number	Percent		Number	Percent
Total, all pay plans	241, 722	22, 823	9. 4	135, 408	4, 322	3. 2	239, 986	43, 235	18. 0
Total general schedule or similar	117, 533	5, 396	4. 6	76, 289	1, 893	2. 5	86, 756	11, 194	12. 9
GS-1 through 4	37, 225	3, 490	9. 4	22, 479	911	4. 1	25, 111	6, 594	26. 3
GS-5 through 8	33, 205	1, 273	3. 8	21, 376	555	2. 6	21, 392	2, 974	13. 9
GS-9 through 11	29, 921	539	1. 8	19, 777	344	1. 7	22, 148	1, 156	5. 2
GS-12 through 18	17, 182	94	. 5	12, 657	83	. 7	18, 105	470	2. 6
Total wage board	69, 662	9, 639	13. 8	39, 899	1, 651	4. 1	31, 796	6, 177	19. 4
Up through $4,499	7, 628	2, 933	38. 5	1, 761	234	13. 3	2, 118	891	42. 1
$4,500 through $6,499	37, 020	5, 798	15. 7	18, 113	1, 048	5. 8	14, 626	4, 021	27. 5
$6,500 through $7,999	20, 858	870	4. 2	16, 757	354	2. 1	11, 889	1, 164	9. 8
$8,000 and over	4, 156	38	. 9	3, 268	15	. 5	3, 163	101	3. 2
Total Postal Field Service	52, 670	7, 609	14. 4	18, 225	763	4. 2	119, 445	25, 619	21. 4
PFS-1 through 4[1]	43, 631	7, 032	16. 1	15, 341	733	4. 8	107, 688	24, 525	22. 8
PFS-5 through 8	7, 263	563	7. 8	2, 276	26	1. 1	9, 051	994	11. 0
PFS-9 through 11	1, 393	14	1. 0	447	2	. 4	2, 124	83	3. 9
PFS-12 through 20	383			161	2	1. 2	582	17	2. 9
Total other pay plans	1, 857	179	9. 6	995	15	1. 5	1, 989	245	12. 3
Up through $4,499	595	150	25. 2	220	10	4. 5	658	128	19. 5
$4 500 through $6,499	547	20	3. 7	184	2	1. 1	466	79	17. 0
$6,500 through $7,999	154	2	1. 3	49			149	11	7. 4
$8,000 and over	561	7	1. 2	542	3	. 6	716	27	3. 8

[1] Includes 4th class postmasters and rural carriers.

NEGRO EMPLOYMENT BY CIVIL SERVICE REGION, 1967

Pay category	Philadelphia region—Delaware, Maryland, Pennsylvania, Virginia, and West Virginia			St. Louis region—Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota			San Francisco region—California and Nevada		
	Employment	Negro		Employment	Negro		Employment	Negro	
		Number	Percent		Number	Percent		Number	Percent
Total all pay plans	288, 739	59, 129	20. 5	157, 330	14, 513	9. 2	319, 260	46, 256	14. 5
Total general schedule or similar	138, 278	20, 482	14. 8	75, 326	6, 191	8. 2	133, 285	11, 773	8. 8
GS-1 through 4	47, 708	12, 428	26. 1	23, 617	3, 677	15. 6	39, 650	7, 086	17. 9
GS-5 through 8	36, 986	5, 533	15. 0	21, 454	1, 691	7. 9	36, 170	3, 384	9. 4
GS-9 through 11	33, 010	2, 017	6. 1	19, 526	698	3. 6	33, 865	994	2. 9
GS-12 through 18	20, 574	504	2. 4	10, 729	125	1. 2	23, 600	309	1. 3
Total Wage Board	81, 434	25, 105	30. 8	16, 527	2, 379	14. 4	106, 700	17, 654	16. 5
Up through $4,499	6, 137	4, 222	68. 8	2, 571	855	33. 3	1, 004	356	35. 5
$4,500 through $6,499	34, 872	14, 435	41. 4	7, 192	1, 192	16. 6	27, 174	6, 542	24. 1
$6,500 though $7,999	33, 703	6, 112	18. 1	4, 850	299	6. 2	57, 973	9, 806	16. 9
$8,000 and over	6, 722	336	5. 0	1, 914	33	1. 7	20, 549	950	4. 6
Total postal field service	66, 886	13, 357	20. 0	64, 208	5, 886	9. 2	77, 270	16, 644	21. 5
PFS-1 through 4[1]	57, 267	12, 385	21. 6	53, 511	5, 483	10. 2	67, 883	15, 629	23. 0
PFS-5 through 8	7, 790	915	11. 7	8, 630	361	4. 2	7, 386	921	12. 5
PFS-9 through 11	1, 459	46	3. 2	1, 509	33	2. 2	1, 546	82	5. 3
PFS-12 through 20	370	11	3. 0	558	9	1. 6	455	12	2. 6
Total other pay plans	2, 141	185	8. 6	1, 269	57	4. 5	2, 005	185	9. 2
Up through $4,499	571	127	22. 2	419	45	10. 7	565	119	21. 1
$4,500 through $6,499	608	40	6. 6	393	6	1. 5	459	56	12. 2
$6,500 through $7,999	151	9	6. 0	71	1	1. 4	139	5	3. 6
$8,000 and over	811	9	1. 1	386	5	1. 3	842	5	. 6

[1] Includes 4th class postmasters and rural carriers.

XUM

MINORITY GROUP EMPLOYMENT IN THE FEDERAL GOVERNMENT, FULL-TIME EMPLOYEES AS OF NOV. 30, 1968[1]

Pay category	Total employment	Negro		Spanish-American		Oriental		American Indian		All other employees	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total, all pay plans	2,621,939	390,842	14.9	68,945	2.6	20,416	0.8	16,469	0.6	[2]2,125,267	81.1
Total, general schedule or similar	1,270,051	133,626	10.5	21,450	1.7	9,269	.7	9,606	.8	1,096,100	86.3
GS-1 through GS-4	369,968	75,846	20.5	9,687	2.6	2,078	.6	5,500	1.5	276,857	74.8
GS-5 through GS-8	349,020	40,494	11.6	6,688	1.9	2,790	.8	2,476	.7	296,572	85.0
GS-9 through GS-11	296,560	12,631	4.3	3,631	1.2	2,630	.9	1,147	.4	276,521	93.2
GS-12 through GS-18	254,503	4,655	1.8	1,444	.6	1,771	.7	483	.2	246,150	96.7
Total, Wage Board	596,647	121,829	20.4	32,024	5.4	6,928	1.2	5,725	1.0	430,141	72.1
Up through $4,499	45,023	24,464	54.3	3,009	6.7	416	.9	530	1.2	16,604	36.9
$4,500 through $6,499	235,082	65,227	27.7	15,716	6.7	2,320	1.0	3,311	1.4	148,508	63.2
$6,500 through $7,999	233,218	28,879	12.4	11,599	5.0	3,088	1.3	1,578	.7	88,074	80.6
$8,000 and over	83,324	3,259	3.9	1,700	2.0	1,104	1.3	306	.4	76,955	92.4
Total, Postal Field Service	698,346	132,011	18.9	14,776	2.1	3,758	.5	1,057	.2	546,744	78.3
PFS-1 through PFS-4 [3]	601,160	123,632	20.6	13,626	2.3	3,337	.6	917	.2	459,648	76.7
PFS-5 through PFS-8	77,746	7,805	10.0	1,034	1.3	374	.5	124	.2	68,409	88.5
PFS-9 through PFS-11	14,985	467	3.1	87	.6	39	.3	13	.1	14,379	96.0
PFS-12 through PFS-20	4,455	107	2.4	29	.7	8	.2	3	.1	4,308	96.0
Total, other pay plans	56,895	3,376	5.9	695	1.2	461	.8	81	.1	52,282	91.9
Up through $4,499	6,523	1,252	19.2	173	2.7	28	.4	29	.4	5,041	77.3
$4,500 through $6,499	10,970	1,073	9.8	165	1.5	145	1.3	22	.2	9,565	87.2
$6,500 through $7,999	7,107	359	5.1	85	1.2	101	1.4	7	.1	6,555	92.2
$8,000 and over	32,295	692	2.1	272	.8	187	.6	23	.1	31,121	96.4

[1] Excludes employment in Hawaii, the Commonwealth of Puerto Rico, and foreign nationals overseas.

[2] Includes 233 Aleuts and 820 Eskimos in Alaska.

[3] Includes 8,261 4th-class postmasters and 31,071 rural carriers.

NEGRO EMPLOYMENT BY CIVIL SERVICE REGION—ALASKA, IDAHO, MONTANA, OREGON, AND WASHINGTON

Pay category	1967		
	Employment	Negro	
		Number	Percent
Total all pay plans	108,542	3,705	3.4
Total general schedule or similar	53,321	1,044	2.0
GS-1 through 4	15,046	654	4.3
GS-5 through 8	14,983	244	1.6
GS-9 through 11	14,855	115	.8
GS-12 through 18	8,437	31	.4
Total Wage Board	31,435	1,523	4.8
Up through $4,499	816	197	24.1
$4,500 through $6,499	8,826	652	7.4
$6,500 through $7,999	13,204	477	3.6
$8,000 and over	8,589	197	2.3
Total Postal Field Service	21,591	1,098	5.1
PFS-1 through 4 [1]	17,764	961	5.4
PFS-5 through 8	3,121	134	4.3
PFS-9 through 11	503		
PFS-12 through 20	203	3	1.5
Total other pay plans	2,195	40	1.8
Up through $4,499	263	10	3.8
$4,500 through $6,499	401	10	2.5
$6,500 through $7,999	475	11	2.3
$8,000 and over	1,056	9	.9

[1] Includes 4th class postmasters and rural carriers.

AN IDIOT INVADES HOUSE CAFETERIA

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. CLAY. Mr. Speaker, the House of Representatives' cafeteria seems to be enduring one crisis after another. Last month our cafeteria workers and patrons were exposed to the terrifying germ of tuberculosis. Today, the cancer of racial bigotry unleashed itself in our House dining room in the person of Lester Maddox, Governor of the State of Georgia. This idiot invaded our cafeteria and proceeded to pass out "ax handles."

The germs and diseases of racial hatreds spread by this madman are much more terrifying and more deadening than tuberculosis. Mr. Maddox's "ax handles" are not just political souvenirs, they represent an appeal to those who believe in white supremacy and who would deny blacks their constitutional rights. Mr. Maddox was really extending to the patrons of our cafeteria the opportunity to do as he did when he took an ax handle and drove black people from his restaurant in Atlanta.

Mr. Speaker, it strikes me as contradictory if the rules of this House subjects Quakers to arrest for peaceful assembly on the Capitol steps and do not prohibit a lunatic from invading our cafeteria to promote the barbarious doctrine of human slavery.

APPPLAUDS EFFORTS OF AMERICAN FIGHTER PILOTS ASSOCIATION TO HELP POW FAMILIES

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. CHAPPELL. Mr. Speaker, recently I had the opportunity of meeting with some of the members of the American Fighter Pilots Association. One of the organization's biggest concerns is the prisoners of war being held by the North Vietnamese.

Many members of the American Fighter Pilots Association are very familiar with the agonies that families go through when a loved one is missing or held prisoner—for many of these men were prisoners of war during the Second World War and Korea. Now they are offering whatever assistance they can to the families of men who are held prisoners now—legal aid, money, outings for the children.

Mr. Speaker, there are times when we feel so helpless in our efforts to help these families through such hard times that I find it especially heartwarming that this organization is offering some of the help which they so desperately need. Let me urge again, Mr. Speaker, that we Members of Congress continue to beseech the administration to consider the fate of these men and their families in all our negotiations with Hanoi.

TRIBUTE TO JUDGE BEN GALANTI

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. HELSTOSKI. Mr. Speaker, I would like to pay honor today to one of the outstanding members of New Jersey's judicial system.

He is Judge Ben Galanti of the Bergen County court. For 28 years Judge Galanti has been a member of the bench through a series of appointments made by Democratic and Republican Governors and by confirmation of State senates. His first appointment came from Democratic Gov. Charles Edison in the 1940's and his most recent from our former colleague, Republican Gov. William T. Cahill.

Through his years of service Judge Galanti has brought honor to the courts, to himself, and his family, and to those who appointed him and to the people of New Jersey. He has given dignity and fairness to our courts and gained the respect of those who came before him.

It has been my good fortune to know Judge Galanti for many years and to me he personifies everything that is good and decent in life. May he have many more years of happiness.

XUM

ELLIS ARMSTRONG—THE IDEAL COMMISSIONER

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mrs. MAY. Mr. Speaker, President Nixon and the Secretary of the Interior, Walter Hickel, are to be congratulated for selecting Dr. Ellis L. Armstrong as the Commissioner of the Bureau of Reclamation.

Although Commissioner Armstrong's appointment was effective last November 1, it was not until February 10 that I had an opportunity to become acquainted with the new Commissioner. We both had been invited to a meeting of reclamation interests on the Columbia Basin project in the State of Washington, and it happened that Commissioner Armstrong and I found ourselves on the same airplane and became acquainted en route to the meeting.

Ellis Armstrong is an engineer. The Engineering News-Record, noting his many accomplishments, has called him an engineer's engineer. But he is much more than that. He is a philosopher and I like his philosophy. He has the kind of outlook that is required of us, in the 1970's, to recognize and solve our problems and to build the kind of world we want.

As an indication of Commissioner Armstrong's philosophy, I include in the RECORD a speech he made on May 3, 1968, which was presented at a banquet following Dr. Armstrong's elevation to the 29th national honor member of Chi Epsilon Fraternity at the Newark College of Engineering, Newark, N.J.:

CIVIL ENGINEERING—THE IDEAL PROFESSION

(By Dr. Ellis L. Armstrong)

To receive an honor as I have tonight is a most sobering experience. In a way it is somewhat bewildering to me as a farm boy from the wilds of Southern Utah—but reflecting a bit quickly brings an awareness that this really is a recognition of the many wonderful people with whom I have been associated over the years—in my family, in my schooling, and in my career—a recognition of the wisdom of my mother and dad and others in guiding me into the exciting, adventurous Civil Engineering profession as my life's work—and to the extremely good fortune I've had in being a part of many of the top engineering projects of this age.

To have been involved in the Reclamation projects of the great American west; to have 30 dams that my youngsters and I claim as "ours;" to have been part of the high Aswan Dam on the Nile River, the St. Lawrence Power and Seaway Project, the highway network of my beloved Utah, the National Federal Aid Highway system including the Interstate; and to have had a part in the Civil Engineering Achievement Award Projects of the St. Lawrence, the Glen Canyon Dam, the Minuteman Missile Program, the Chesapeake Bay crossing; all make me the most fortunate of men.

There are sound and basic reasons why I'm so enthusiastic about Civil Engineering as a wonderful, magnificent, ideal profession. It is well to review some of these, I think, as too much of our outlook these days is colored by the cynical pessimism of our times. We sometimes tend to forget the purpose of life and overlook, perhaps, progress that has been made and the good life that we have today which Civil Engineering has made possible.

When the Good Lord created the earth, he never finished it. Nothing is all done, nothing is ended. He wisely provided for continuing vibrant and throbbing growth, for creation, throughout all time. He left mountains that were impassable, forests that were impenetrable; wild rivers that were uncrossable and uncontrollable; rainfall that was erratic producing deserts and rainforests; storms that brought forth hurricanes and rampaging floods and lack of storms that produced searing droughts; He left the heat of summer and the cold of winter.

He provided ample natural resources for the life of man, but they were resources which require work and knowledge and cooperation and will to develop and use; resources that must be developed on wise and sound principles or the development boomerang. He provided Nature governed by laws which have no sympathy for ignorance, no matter how well intended. And He gave Adam and Eve the job of subduing the earth and have dominion over it.

So Adam and Eve received the first Civil Engineering assignment, that of subduing the earth; taking the hostile environment outside of the Garden of Eden and by the sweat of their brows, making it compatible for the life of man. And that has been the primary job of Civil Engineering ever since; finishing the creation, applying scientific principles to the practical needs of man, assuming the constantly increasing responsibility of providing for the physical well being of all people—and in the process providing for man's spiritual and social growth and development.

For in working at the job of subduing the earth, and finishing the creation, there have been good side effects. Remember the Lord told Adam, "Cursed is the ground for thy sake;" and this has turned out to be a great blessing. Early man found that he had to work together with other men to control the floods and to conquer the mountains. He found that he needed other men, and they needed him; that every man is a part of the whole; and civilization was on its way. He found that the cooperation that was necessary to control the floods in the Nile Delta, and use the water for growing of food, was good also in other activities.

He discovered the necessity for and the power of human dignity and individual responsibility—and the overriding requirements of love, of justice and peace, and of brotherhood of all men. This march of civilization has brought us to the point where for the first time in history, physically within our grasp and within our capabilities, is a good life for every man, the elimination of hunger and poverty, the realization of dreams of all men. All we need to do is apply what we've learned about cooperation and brotherhood and mutual dependence and thus work together a little better; and then get with it.

Further, we believe all men have the inalienable right to search for and to the pursuit of happiness. The man who makes this search for happiness his chief business, never finds it. If instead, he makes his chief business service to others, happiness seeks him. Down through the ages, and in your lives and mine, the happiest people in the world are those who have useful work to do. Happiness comes from efforts directed toward the welfare and happiness of others and in accomplishment, and this is the fundamental objective of Civil Engineering.

So in Civil Engineering we have a profession that is stimulating, interesting and tremendously challenging and has been since the advent of time. Without equal is the fascination that comes from developing a dream, through application of basic principles, to a design on paper; and then through fashioning earth and rock and concrete and steel to the realization of a project that operates to make life better for man. Being engaged in such a profession is greatly rewarding to man in his search for happiness. It gives purpose to one's life. As our little old world becomes smaller and our population larger and our social relationships more closely entwined, the work to be done becomes increasingly complex, greater in magnitude, more necessary for man's survival, and most important it becomes more effective in service.

The problems to be solved are not easy, but they are not supposed to be. This world wasn't designed as a soft place for soft people, this produces soft heads; but was intended as a testing ground to provide challenge and work and sweat and toil and achievement and reward. And in the process man develops and grows.

We sometimes act as if leisure, comfort and luxury were the end requirements of life—and they are nice—but alone they can be empty and degenerating. Actually true happiness comes from activity and work that you can *be enthusiastic about. You can't just find life worth living; you have to make it worthwhile.*

So in Civil Engineering we have a basic, sound opportunity for an abundant, worthwhile, happy life. What are the needs then, for us to take advantage of these opportunities so that Civil Engineering *becomes* the ideal profession for each of us?

Technical ability, of course, is most important and during these times of "information explosion" is something that is a lifetime job. We often are told that our half-life, after our degrees, is only about 10 years these days, so we must accept technical learning as a lifetime undertaking.

In these changing times of challenge, moral integrity is most important. Technology without intellectual honesty doesn't produce the good life. Designs based on unsound principles can be evil. Construction without integrity and responsibility soon crumbles.

We are fortunate to have the great moral principles which are the foundation of our progress and culture to guide us. These principles, summarized in the Sermon on the Mount, have withstood the batterings of change and time and are as applicable today as ever. Thus the Golden Rule must be as indispensable to our profession as the slide rule.

It is most important to keep in mind the inherent great good that is in all men, and to direct our efforts toward bringing this out in ourselves, as well as in our associates. We must never lose faith in human nature, no matter how often we are deceived. We must keep solid confidence in the real, honest goodness, generosity, humanity and friendship that actually exists in this strife-torn world. These are overwhelming in majority. I've had this proven to me time and again; even when badly shaken a time or two.

The big contribution of the Civil Engineer is his common-sense practicality approach to problems that results in action being taken. We accept the world as it is—and start from there with our projects—remembering that the "creation" is not yet finished and we have a long way to go to perfection. And I'm sure we'd have a most difficult time, in view of the great variety of thought we have in the human family, to determine just what this perfection is. Perhaps there is no such thing. So it is a problem of determining what can be accomplished in view of the circumstances and doing the best we can—with a sensible, mature approach.

It is in many ways, a hard-boiled world; but I like the motto of the great state of Kansas: "To the stars—through difficulties." For visions and the dreaming of dreams is a part of the process. We must keep the end result in sight, but always remember that the project gets built brick by brick, stone by stone, timber by timber. And these individual parts must be strong and solid and right.

Three workmen were cutting stone for a structure and gave different answers to an inquiry as to what they were doing. One stated he was working for $4 an hour; one said he was shaping a rock, the other stated he was building a Cathedral to his God.

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Which do you think was doing the best job and which was the happy man?

A requirement that is increasingly important today more than ever before, and which is the big need of Civil Engineering, is to be socially effective. Our projects must, of course, be soundly for the best overall good of man. And we can do this. But our real problems are not technical, they are not physical—we know how to do and we could do much, much more than we are doing. But our projects are large, and they involve many people and they have to be accepted by many people *before* they can be built. The plans for our projects and the results expected must be understood and accepted by our society.

No matter how great our knowledge and our skill—no matter how great our dreams—no matter how sound our plans and designs—we can do little without the help and agreement of other people. The St. Lawrence Project is a good case in point.

From the beginning of our nations, Engineers dreamed great dreams of harnessing the power of the Long Sault and Galup Rapids; of opening up the Great Lakes and the middle of the continent to oceangoing ships; of creating the Eighth Sea. But it took 75 years after the first plans were made before the local, national, and international agreements were reached so the project could be built. It takes a long time and great continuing effort for nations and states and groups of men, with some differences in objectives and sometimes conflict of interests to cooperatively pool their dreams and combine their efforts for the common good.

The project itself is certainly a top achievement in man's struggle to improve his environment and harness the forces of nature. But most important for the future of mankind, it seems to me, is the demonstration that international, national, local, and individual interests *can cooperate and can be coordinated for positive accomplishment*. It is a successful, practical demonstration of what is needed to solve many of the problems of this troubled world. And the Civil Engineer has the key role to play.

Being involved in the design and construction, was an uplifting experience. The great orchestration of men and machines, 17,000 workmen and $90 million of equipment working around the clock fashioning and shaping the earth; these carried the melody of bringing the dreams to fruition. But also most important and an essential part of the orchestration and necessary for the melody to have substance, were the supporting backgrounds of many men and organizations and governments.

Involved in this background of support were the investors who with their savings bought the bonds that made the financing possible; the International Joint Commission and the State Departments of the United States and Canada; the Joint Board of Control of the St. Lawrence River; the Governments of the State of New York and the Province of Ontario; the nations of the Iroquois Indians; the county and the municipal entities of Government within the project area; the buyers of the power and the prospective shippers and ship owners; the many different disciplines of finance, economics, and manufacturing involved; the labor unions involved in supplying the workmen; the contractors and engineering supporting organizations not on the project; and the most important individual John Q. Citizen who influences and supports legislators and administrators of Government.

All had to be kept in harmony and all kept headed in the same direction for the project to be completed; for the melody to shine through. When this was done, the 75-year dream became reality in less than four years. And all this takes Civil Engineering in its broadest and fullest sense to conduct this great orchestration.

I visited the St. Lawrence last summer—and contemplated the soft lapping of the water against the riprap and concrete of the dams—and listened to the singing hum of the generators as they converted the power of the falling water into the energy of 21 million slaves and sent it wheeling over the great transmission lines to cities and homes and factories to perform back-breaking work for men and make life better for people. And I watched the big oceangoing ships being gently lifted up into the placid waters of the lake to continue their journey delivering cargo to the middle of the continent. And I viewed the visitors to the parks and beaches of the project and observed the beauty of the area, which was carefully planned and built into the project. And I was humbled—and proud to be a member of the human race—and a Civil Engineer.

Of course, gone was the activity and the excitement of construction—gone was the struggle and the headaches and the sweat and the roar of equipment and shouts of workmen. Gone were the continuing crisis upon crisis that are part of a large, complex, involved, accelerated, construction project. But the end results were there to see—and to feel—and to enjoy—and to marvel about—and *for man to use*. Is it any wonder that to me Civil Engineering is the ultimate?

The St. Lawrence Project, as with all great Civil Engineering undertakings, advances the civilizing process as the Good Lord intended. It shows what men can do in a cooperative endeavor in a positive way. It gives a *glimpse of the great potential of man* and of what this world could be—and can be—and will be when we finally realize what our enlightened self interests are—and get rid of our discord and conflicts—and unite all men in a brotherhood for the common good.

The real measure of a social system is not the inter-continental missiles, the moon rockets, the proximity fuses, or the hydrogen bombs which it produces. Rather it is the food and the shelter that it provides for all its citizens; and above this, the uplifting things of the spirit, the recreation, that culture that it creates, the purpose it gives to life. The real measure is the ample and abundant living it provides each and every individual of the society. Basic to doing this is the contribution of the Civil Engineer.

We have tremendous problems to be solved. In some ways it appears we have oversubdued the earth—and produced pollution and congestion and ugliness. While we now have a higher standard of living for all our people in this Miracle of America of ours, than ever before in all history, we also have problems without precedent. Our affluence has raised our expectations of life—and our unrest. Our capacity to alter our environment, along with preferences for convenience and speed and sometimes for quick returns, has headed us in some instances in the wrong direction. Sometimes it seems that we have become the victims of our technological and economic forces.

Much has to be done to correct air and water pollution, the traffic congestion our individual freedom of movement has created, and the desecration of many of our areas. We have a tremendous job ahead of rebuilding and making our cities the great places to live that they can be; and must be for our survival. All these are largely Civil Engineering problems and we have the knowhow and the methods to resolve them.

But we need, as a people, much more than that. We need collective recognition of the problem and the solution—we have made some progress here. We need individual and collective determination and self disipline—we have quite a ways to go here. We are testing whether comfortable people in our society have the will to sustain the effort that is needed to build the world we want. And it may well be that we are approaching the point in time where we either do these things or maybe we won't be around very long.

We've been rudely jarred from our complacency, I think, with the Viet experience and our Civil Rights problems. But I have great faith in individual man's sound common sense and resolve and will to solve his problems when he finally gets around to facing up to them. It seems to me that we are beginning to collectively see what must be done. And we can do it. And Civil Engineering has the key role.

Our great Cities need clean air and pure water and sewers and wider streets and more schools and more and better housing and better transportation. We know how to provide these and we can provide them. We are not short of technical know how—or cement—or steel—or money. We can provide these things if we would but get with it. The time and effort we waste and misuse in putting up our problems and the money it costs us not to resolve our problems—this alone would provide the better facilities.

It seems silly sometimes to say we can't afford to do these things—we contemplate a 4-day week—we argue about how big a TV set is needed, as a necessity, on our relief roll lists—we dissipate two hours a day in traffic jams—we shorten our lives and reduce the effectiveness by the polluted air we tolerate. We can't afford to resolve these problems.

What we need to make our dreams come true are character and drive and organization and leadership. We need clear thinking in our political, social, and business activities. We need appropriate Government institutions to carry out our plans. We need sound cooperation between our Governments and our businesses. We need social knowhow, coupled with courage and determinations. We need the inspiration coupled with practicality that Civil Engineering provides.

The self discipline provided by Civil Engineering training, the thorough analysis necessary to define a problem, the careful weighing of various solutions to determine the optimum, the clear thinking that is required for a successful Civil Engineer; all these uniquely qualify the Civil Engineer for a much greater role of leadership in these times.

As members of our society, you and I must become more involved, more committed in the total activities. As builders for a better world, we are in a position of influence with our society. Our profession provides us with the vision and the practical knowhow of continuing on with the creation; thus to accomplish the dreams for a better world we must help, much more than we're doing now, to meet the needs of leadership that will make a better world possible. Our profession places us in this unique situation and we must do more in overall society involvement in a positive way.

We've done well in the past—we must do better. We can do better. And this is the real challenge of our profession in our time.

Challenging, fascinating, demanding, stimulating, adventurous, exciting, rewarding—this is Civil Engineering. This is the profession that provides the opportunity for an interesting and abundant life.

As an example, a short time ago, a little over a week's activity included my being in Argentina wrestling with problems on the John F. Kennedy Highway from Corrienties to Posades; in Brazil on nine highway projects near Recife; in Colombia on the Internation Airport at Barrenquilla; in Newark wrestling with problems of the Newark Meadowlands and planning a 50,000 population development starting with 3,000 acres of New Jersey farmland; in Maine on a section of Interstate Highway across a marine clay

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swamp near Portland; in Vermont reviewing the location of a section of Interstate through the mountains near Montpelier; in Sacramento, California considering the problems of 125-foot high bridge piers on a Forest highway in the Sierra Nevada Mountains and an earthfill dam for a community development, and in Anchorage, Alaska tussling with plans for a 4-mile bridge across the Turnagain Arm with its 40-foot tides. Civil Engineering does indeed provide an interesting life.

When I take a careful look at the exciting Civil Engineering work to be done, and at today's young Civil Engineers as exemplified by the members of Newark College of Engineering Chapter of Chi Epsilon, I have an exuberant, dynamic enthusiasm for our profession and for the days ahead. Our problems will yield—solutions will be found—projects will be built—dreams will come true. The future looks good! *Civil Engineering is the ideal profession!*

ENVIRONMENTAL EFFECTS OF ATOMIC ENERGY

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. REID of New York. Mr. Speaker, as my colleagues may remember, the distinguished gentleman from New York (Mr. WOLFF) and I cosponsored on February 6 an ad hoc hearing on the environmental effects of atomic energy, particularly in the Long Island Sound region. I would like to include in today's RECORD the statements of two of the witnesses at our hearing—Dr. Andrew P. Hull, supervisor, environmental monitoring, Health Physics Division, Brookhaven National Laboratory, and Dr. E. J. Sternglas of the University of Pittsburgh. As my colleagues will note, the two scientists disagree about the degree of risk associated with the environmental radiation releases associated with nuclear plants. The material follows:

SOME COMPARISONS OF THE ENVIRONMENTAL RISKS FROM NUCLEAR AND FOSSIL FUELED POWER PLANTS

(Research carried out at Brookhaven National Laboratory under contract with U.S. Atomic Energy Commission.)

(By Andrew P. Hull)

Brookhaven National Laboratory was established on Long Island twenty years ago, prior to the adoption of uniform national radiation protection standards by the AEC and at a time when less was known about environmental radioactivity than is the case today. Conservative practices were adopted with regard to its release of reactor air and liquid effluents to the environment, and they therefore have corresponded to the routine low level releases which may be anticipated from large nuclear power plants such as those proposed on Long Island.

The Laboratory has, as part of its mission to obtain scientific information, maintained a more extensive environmental monitoring program than that which would be needed in the vicinity of a nuclear power reactor to establish compliance with radiation protection standards. The data developed by our program, which is in essential agreement with that from other major nuclear installations over a period of years, enables me to say with considerable confidence that the environmental radiation risk associated with the operation of one or even several nuclear power reactors on Long Island is negligible.

Almost two decades ago, Dr. Otto Frisch, a word renowned nuclear physicist, wrote a tongue-in-cheek article entitled, "On the Feasibility of Coal-Driven Power Stations." [1] In it, he imagined a situation in which nuclear reactors had been in common use for many centuries prior to the discovery of coal, and that proposals for the use of the latter as a potential power source were currently being subjected to the same prior-to-use hazards assessment that is actually now the case for reactors. Although his paragraphs having to do with plant design are a sort of "in" joke for technically educated persons, those on "health hazards" seem a most appropriate introduction to my remarks.

Frisch imagined the situation thusly:

"The main health hazard is attached to the gaseous waste products. They contain not only carbon monoxide and sulfur dioxide (both highly toxic) but also a number of carcinogenic compounds, such as phenanthrene and others. To discharge those into the air is impossible. It would cause the tolerance level to be exceeded for several miles around the reactor.

"It is therefore necessary to collect the gaseous waste in suitable containers, pending chemical detoxification. Alternatively, the waste might be mixed with hydrogen and filled into large balloons which would subsequently be released.

"The solid waste products will have to be removed at frequent intervals (perhaps as often as daily), but the health hazards involved in that operation can be easily minimized by the use of conventional remote-handling equipment. The waste could then be taken out to sea and dumped.

"There is a possibility—although it may seem remote—that the oxygen supply might get out of control. This would lead to the melting of the entire reactor and the liberation of vast amounts of toxic gases. Here is a grave argument against the use of coal and in favor of fission reactors, which have proved their complete safety over a period of several thousand years. It will probably take decades before a control system of sufficient reliability can be evolved to allay the fears of those to whom the safety of our people is entrusted."

As Frisch implies, I believe we can rationally consider the risks of nuclear power plants only in the context of the alternative choices. In attempting such a consideration, I start with three underlying assumptions:

Assumption I: Electricity is a basic necessity to a technological civilization. A review of recent electrical power statistics and a projection of future requirements by the end of this century is presented in Table I, which is adapted from information on the environmental effects of producing electrical power recently published for the use of the Joint Committee on Atomic Energy.[2] From this, it appears that our national generating capacity will need to be doubled about every decade to meet the anticipated demand, and that even with the anticipated introduction of nuclear power, a substantial increase in conventional fossil fueled generating capacity will also be required to meet the total projected needs for electrical power.

Assumption II: All human interventions related to the extraction and consumption of energy have the potential for both cost and benefit to the environment.

Some concrete instances are suggested in the following brief catalog, with regard to the present alternates for electrical power.

COSTS AND BENEFITS FROM THE GENERATION AND DISTRIBUTION OF ELECTRICITY

	Cost	Benefit
Hydroelectric	Alteration of stream flow. Destruction of habitats and scenery, that is, by reservoirs and long transmission lines from hydro sites to populated areas.	Energy, employment, flood control, recreation.
Gas	Destruction of scenery, that is, by pipe lines and plant stacks. Air pollution with many deleterious substances. Thermal waste.	Energy, employment, byproducts.
Oil	Destruction of scenery, that is, by pipe lines, storage tanks, plant stocks and ash disposal areas. Water pollution. Air pollution with many deleterious substances. Thermal waste.	Energy, employment, byproducts.
Coal	Destruction of scenery, that is, by strip mining transport and storage facilities, plants and stacks and ash disposal areas. Stream pollution (from mining refuse) .Air pollution with many deleterious substances. Thermal waste.	Energy, employment, byproducts.
Nuclear	Destruction of scenery, that is, by mining and processing facilities, plants, and stacks. Minimal air and water pollution with radioactive ash. Thermal waste.	Energy, employment, byproducts (that is, isotopes useful in medicine, industry, research, etc.).

Assumption III: For most areas of the U.S., including Long Island, fossil or nuclear power plants offer the only practicable methods of meeting the near future electrical energy demand.

Although various schemes are being researched, there is no alternate scheme for producing electricity that is sufficiently developed so that it can be applied "off the shelf" to meeting immediate needs for power.

It follows from these assumptions that the real issue before us is which technology, fossil or nuclear will yield the greatest overall benefit to cost ratio. In contrast to most technological innovations (including that of the use of fossil fuels), this sort of consideration has been uppermost from the outset in the development and employment of nuclear power reactors. In an article "Radiation in Perspective", Chauncy Starr[3] (a past-president of the American Nuclear Society) stated:

"The technological approach taken by the atomic power industry has been the most cautious in engineering history. It has been customary heretofore, in other new technologies, to proceed with applications first, safety being secondary, and then to await an empirical balance between safety constraints and social value. Examples of this are present in the history of the automobile, air transport, and of most recent public concern, the use of insecticides. The novel approach of the atomic industry in attempting to establish public safety prior to the construction and operation of atomic power plants is a direct consequence of the fact that *the public interest has been the principal objective, rather than the immediate economic gain of a few.* It has been assumed by the atomic industry that long-term economic gains will follow demonstrated social value."

It appears to me that in addition to economic cost, the public acceptance of large-scale technology of the sort under consideration has two principal aspects. These are the probability of catastrophic accidents and

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the apparent adverse effects on the environment from routine operations (which are mostly related to plant effluents). Even with conventional technologies, the dramatic nature of catastrophes is such that they are often given far more attention than routine mishaps, even though it may be shown that the latter are in the aggregate far more costly per capita. This is, for example, quite evident in the relative amounts of attention given and resources devoted respectively to air and highway safety.

With regard to catastrophes, the *public safety first* approach of the atomic industry has meant the careful assessment of the potential consequences of catastrophic events in what is known as a "safeguards analysis." This analysis is subjected to multiple technical reviews and approvals within the AEC, and is made available by the AEC to the Public Health Service and to state agencies for comment. It must also be submitted to a body of disinterested experts, the Advisory Committee on Reactor Safeguards, for their independent review and approval. The analysis and these reviews are also subject to question in public hearings, held prior to the construction of each reactor. In a safeguards analysis it must be convincingly established that, for the most pessimistically imaginable possible simultaneous combination of malfunctions and failures, the release of radioactivity would be sufficiently limited so that no person in the environs would be seriously affected. It seems deplorable to me that some unwarranted public fears about the inherent safety of reactors have recently been created by a favorite device of many antireactor propagandists. This is to quote from the consequences portions of these analyses out of context, with no accompanying indication of the exceeding improbability of the postulated events.

To inject a consideration of probability into this discussion, let me indicate that over 300 civilian and military nuclear reactors are now or have been operated in the United States.[4] A few have been functioning for as long as two decades, and a total of well over 2,000 reactor-years of experience have been accumulated. A malfunction leading to the release of a significant, let alone a catastrophic, amount of radioactivity to the environment has yet to occur in connection with their operation.

A theoretical "worst imaginable accident" analysis known as WASH–740 was made at Brookhaven over a decade ago. Subsequent experience suggests that the assumptions its authors made at that time were unduly pessimistic in many respects. Disregarding this, it has been calculated by Starr that the probability of the incident they envisioned is about comparable to that of a jet transport crashing into an occupied sports stadium that is about 1:300,000,000. Starr commented that no one has suggested that, on the basis of this probability, we should abandon either spectator sports or airline service.

Perhaps, because we are accustomed to them, we are sometimes forgetful of the near catastrophes and catastrophes that are at least in part attributable to the uses of fossil fuels, such as mine explosions, floods related to strip-mining, oil leakage from tanker wrecks, and urban air pollution incidents in which excess mortality over normal rates has been documented.

The remarkable safety record of atomic reactors is a result of the conscious provision of several layers of protection in their design and operation. This includes:

(1) Careful training and practices. Operators are trained for licensing as though the entire safety of the reactor depended on their actions.

(2) Electronic safety monitors. These "backup" devices act much faster than a human operator could to shut a reactor down, in the event any significant indication exceeds pre-set operating limits.

(3) Self-limiting behavior. The arrangement of the fuel and the inherent characteristics of a nuclear reactor are such that an accident tends to be self-limiting, should ever the many other control devices fail to operate.

(4) Fuel cladding. The fissionable material is "canned" to prevent the escape of fission products.

(5) Primary system enclosure. Since it does not depend on a supply of oxygen, the fuel of a nuclear reactor is inside the pressure vessel, rather than outside as is the case with a fossil plant.

(6) Building containment and engineered safeguards. These are provided to minimize their release to the environment, should any fission products escape from the primary system.

In concluding this consideration of catastrophes, I would suggest that the public welfare would be much enhanced if some of the scrupulous attention and many safety "backup" devices provided for nuclear reactors were applied to other large-scale technologies, with a view to promoting the same kind of conservative design and review prior to their application and/or extension.

When the situation with regard to the effluents produced by the routine operation of power facilities is examined, it appears that in principle the obnoxious agents from both fossil and nuclear plants are controllable at whatever level those responsible deem advisable, or that the public insists upon. However, the closer to zero this level is set, the greater the economic cost which is ultimately passed on to the consumer. In practice, effluent control seems largely governed by the state of the available technology and the economic cost of its application.

What this means is suggested by the comparison of the respective fuel requirements and of the principal types and amounts of atmospheric pollutants released from various 1,000 megawatt (electrical) plants using coal, oil, gas or nuclear fuel as shown in Table II, which is calculated from the information published for the Joint Committee on Atomic Energy.[5] As was originally suggested by Eisenbud[6] and Petrow, considering the much greater health significance of radium nuclides, the amounts of radioactivity released from conventional plants are biologically comparable to those released from nuclear plants.

The clean air advantages of atomic plants are more apparent from an examination of Table III, which is in part from data prepared by Terrill, Harward and Leggett.[7] It shows the volume of air required to dilute the yearly amount of released air effluents to suggested conventional pollutant concentration standards or established radiation protection standards. One way of interpreting the generally smaller dilution volume of atomic plants is to say that on the average they produce lower average concentrations of deleterious agents relative to accepted protection standards, than do fossil plants.

The air pollutants from fossil plants are perhaps reason for greater concern when seen in the context of the total emissions from all conventional air pollution sources. These are tabulated in Table IV. A Committee on Pollution[8] of the National Research Council has calculated that the total cost attributable to these air pollutants is $13,000,000,000 or $65 per capita. It has been calculated by Starr to result in about 20,000 deaths per year.

As indicated in Tables II and III, the principal air effluents from nuclear reactors, in particular the boiling water type (BWR), are the noble gases, xenon and krypton. These do not interact biologically. However, the short and intermediate lived nuclides of these gases are of concern, insofar as they may contribute to a non-cumulative increase in the external radiation background in the local vicinity while the reactor is in operation. These increases have been in general too small to be measurable. Measurements of the increase in background in the vicinity of Brookhaven National Laboratory during the years in which the air-cooled Brookhaven Graphite Research Reactor (BGRR) was in operation are suggestive of the maximum levels which might be anticipated. The BGRR was started up in the Fall of 1950. It was put on standby on July 1, 1968 and has operated only occasionally since then. It has been the only significant source of gaseous releases at BNL. As the air used to cool it was briefly subject to the neutron flux in the reactor, some of its constituent elements were activated, the principal product being Argon-41 (which has a half-life of 110 minutes). During most of the 1950's, the emission of Argon-41 from the 300 ft BGRR stack amounted to 7,000 curies per day. (A curie is equivalent to 2.2 million-million disintegrations per minute.) With the change from a natural to an enriched uranium fuel loading in the later 1950's, the emission was increased to 20,000 curies per day.

This corresponded to the release of about 40,000 curies of fission product noble gases, since the latter have a somewhat lower radioactive energy. The largest reported[9] average release of these gases from a BWR in 1968 was 2450 curies per day, from the Humbolt Bay (68.5 MW electrical) plant. Assuming a linear increase in emission with power, the emission at a 1,000 MW (electrical) power level would have been 37,000 curies per day, that is it would have been quite comparable to past emission rate of Argon-41 from the BGRR. An increase in external radiation levels at the BNL perimeter was apparent while the BGRR was operating. During the years immediately preceding 1968 at a distance of one mile, it averaged close to 0.050 rem per year. This was an increase of about 25% over the measured natural background, and was 1/10th of the applicable AEC radiation protection standard for individuals in the general population. At a distance of two miles it averaged 0.015 rem per year, and at three miles 0.005 rem per year. Due to the short-lived nature of this inert gas, it had no residual effect on background when the reactor was shut down.

About 2.5 curies of iodine-131 per year was also released from the stack while the BGRR was in operation. The largest reported release of iodine-131 from a power reactor in 1968 was 0.45 curies, also from the Humbolt Bay plant. Scaled up to 1,000 MW (electrical) this would have been 6.7 curies. The average ground-level concentration of iodine-131 one mile from the BGRR stack was about 0.005 picocuries per cubic meter (a picocurie is one trillionth of a curie) or 1/20,000 of the applicable radiation protection standard. At no time has iodine-131, or any other radionuclide released in somewhat smaller concentrations in the stack effluent air, been present in detectable concentrations in vegetation or milk collected from nearby dairy farms (between 3–5 miles from the stack). There has also been no measureable long-term increase in external background radiation levels over those measured prior to the startup at the BGRR, which documents that the accumulated deposition of long-lived stack effluent nuclides has been negligible.

Concern has been expressed about the world-wide buildup of krypton-85 (which has a half-life of 10.4 years) and of tritium

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(which has a half-life of 12.3 years). A projection made by Cowser [10] and coworkers at Oak Ridge, of the accumulations of these nuclides through the year 2000, and of the accompanying increases in dose-rate are indicated in Table V. The calculated rediation protection standard for krypton-85 is based on the external dose to the skin from being submerged in an infinite cloud of this gas. Dunster [11] has recently pointed out that its accompanying genetic dose would be only about 1% of the external skin dose. It can be calculated from data published by the International Commission on Radiological Protection,[12] which are based on the conservative assumption that effects observed at higher dose levels are linear, that an increase in background of 1 millirem/yr (a millirem is one-thousandth of a rem) would lead to an eventual mortality of less than 50 per year in the current U.S. population of 200,000,000 persons. I should repeat that this figure is based on conservative assumptions and would also like to put it into perspective by indicating that the natural incidence in the U.S. population of the same effects (as are assumed to be produced by radiation) appears to be over 1,000,000 per year.

Conventional power plants do not appear to have contributed significantly to the general acknowledged pollution of many of the rivers and lakes in the U.S. However, there is no reason to suppose that nuclear plants will pose any significant problem in this regard. The amounts of activity reported [9] to have been released from a typical pressurized water reactor (PWR) and a boiling water reactor (BWR) during 1968 are indicated in Table VI. In general the amounts of liquid wastes released from PWR's exceed that from BWR's. The amounts of water required to dilute this released radioactivity (most of which consists of relatively shortlived nuclides) to radiation protection standards appear to be small compared to the flow of a major river such as the Hudson, or to the volume of Long Island Sound. The released amounts are also small compared to the amounts of natural long-lived activity already present in the latter.

The low-level radioactive waste experience at Brookhaven is not directly relevant to that of a power reactor situated on a large body of water such as Long Island Sound, since we are situated at the headwaters of the Peconic River which is small by comparison. However, the release concentrations of our liquid effluents have been comparable to those from power reactors and since our discharge is more confined, there has been if anything, a greater opportunity for reconcentration in our more limited aquatic environment. In our routine downstream surveillance, we have found small amounts of some of the previously identified longer-lived radionuclides in the Laboratory effluent to be present in plants, fish, turtles and other biota obtained within a few miles below our site boundary. Making the most generous assumptions about dietary habits, our calculations suggest that even the most avid angler or watercress fancier would not have ingested more than 25% of the radiation protection standard derived daily intake of these nuclides.

The operating experience of six power reactors with regard to both gaseous and liquid waste discharges was reviewed in January 1968 by Blomeke and Harrington.[13] Their study documents that power reactor liquid effluents are generally being controlled at a small percentage of release limits, which are based on the radiation protection standard in the receiving body of water. I am therefore confident from our experience that the accumulation of radioactivity in the aquatic environments of power reactors on Long Island Sound will be insignificant.

Although it has come to public attention in connection with the heat releases from atomic electrical power plants, so called "thermal pollution" is neither new nor unique to atomic reactors. It has to do more with the growth in numbers and size of steam turbine generating plants, as suitable hydroelectric sources have been used up. Unfortunately due to the inherent nature of the steam cycle neither fossil nor nuclear power steam plants use anywhere near all the heat energy released by their fuel to produce electricity, and the unutilized waste must somehow be disposed of. The present average thermal efficiency of fossil-fueled plants is indicated [14] to be about 33%, and the ceiling for a modern fossil plant to be about 40%. The current generation of Light Water Moderated Atomic Plants are reported [15] to operate at about 32% thermal efficiency. Since none of its waste heat goes up a stack, this means that such a plant may reject up to 60% more heat to its steam condensor cooling water than does a modern fossil plant. However, the next generation of nuclear power reactors promises to reach an efficiency of 40% or better.

A detailed hydrologic survey of Long Island Sound is being planned by the Marine Science Department of the State University of Stony Brook. The study would be concerned with the potential consequences of not just one, but many power plants releasing heat to the Sound. It appears that most of this heat would in turn be lost to the atmosphere by evaporation within a small zone near each plant. If data developed for a similar study of the Ohio River which appears on a Federal Power Commission Study [16], is relevant, the thermally affected area of one 1,000 MW electrical nuclear plant, rejecting 2,000 MW to the Sound, would be between 1 and 3 miles^2, depending on prevailing wind and water and air temperatures. The total surface area of the Sound is 939 mi^2, so that there appears to be room for a number of power plants along the Sound before such alternates for the waste heat as holding reservoirs or evaporation cooling towers have to be considered.

In summary, it appears that the catastrophe, potential of nuclear plants has been vastly over-exaggerated by their adversaries. Such risks as do exist have been provided for, far beyond the disaster potential of any other large scale technology. With regard to routine effluents, nuclear plants produce far less air pollution than their fossil cousins. The concentrations of radioactivity in their liquid effluents are controllable at levels well below radiation protection standards, and pose no threat to the environment. Contemporary nuclear plants are somewhat less thermally efficient than modern fossil plants, but the immediate waste heat problem appears manageable without causing serious environmental problems in a body of water as large as Long Island Sound. Nuclear plants now being designed and tested promise to be as efficient as fossil plants. The AEC and others responsible for the application of nuclear plants have been proceeding in a manner which has the public safety and welfare as a prime consideration. Despite many recent allegations recently, there is little hard evidence on which to question their judgment to date.

FOOTNOTES

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ELECTRIC POWER STATION EFFLUENTS

I. USE AND PROJECTED DEMAND (UNITED STATES)

	1950	1968	1980	2000
Population (millions)	152	202	235	320
Capacity (10^3 megawatts)	85	290	600	1,352
Conventional (hydro, fossil)	85	287	350	411
Nuclear	0	3	150	941

II. FUEL CONSUMPTION AND STACK EFFLUENT—1,000 MEGAWATTS (ELECTRICAL) COAL—2.3 MILLION TONS; OIL—460 MILLION GALLONS; GAS—68 MILLION CUBIC FEET

Pollutant	Annual Release (Million Pounds)			
	Coal	Oil	Gas	Nuclear
Oxides of sulfur	306	116	0.03	0
Oxides of nitrogen	46	48	27	0
Carbon monoxide	1.15	0.02		0
Hydrocarbon	0.46	1.47		0
Aldehyde	0.12	0.26	0.07	0
Fly ash (97.5 percent removal)	9.9	1.6	1.0	0

Nuclide	Half-life	Annual release (curies)			
Radium-226	[1]1620	0.0172	0.00015	----	0
Radium-228	5.7	0.0108	0.00035	----	0
Krypton-85	10.8				[1]208
Plus Xenon-133	5.3	0	0	0	[2]1,200,000
Iodine-131		0	0	0	[1]10 [2].75

[1] Year.

[2] Days.

[1] Based on Indian Point I pressurized water reactor (PWR 1968 data.

[2] Based on Dresden I boiling water reactor (BWR) 1968 data.

III. VOLUME OF AIR REQUIRED TO MEET CONCENTRATION STANDARDS FOR YEARLY EMISSION FROM A 1,000 MEGAWATT (ELECTRICAL) PLANT

Type of plant	Pollutant	Standard	Discharge quantity	Dilution volume (billion cubic meters)
Coal	Sulphur dioxide	0.1 p.p.m	306 million pound	531,000
		0.025 p.p.m	do	2,120,000
Fly ash	Radium-226	0.1 pCi/m³	0.0172 Curie	172
97.5 percent removal	Radium-228	0.3 pCi/m³	0.0108 Curie	36
Oil	Sulphur dioxide	0.1 p.p.m	116 million pound	202,000
		0.025 p.p.m	do	810,000
	Nitrogen dioxide	2 p.p.m	48 million pound	5,770
Fly ash	Radium-226	0.1 pCi/m³	0.00015 Curie	1.5
97.5 percent removal	Radium-228	0.3 pCi/m³	0.00035 Curie	1.2
Gas	Sulphur dioxide	0.1 p.p.m	0.03 million pound	45
		0.025 p.p.m	do	180
	Nitrogen dioxide	2 p.p.m	27 million pound	3,220
Nuclear	Krypton-85+	30,000 pCi/m³	[1]208 Curies	[1]6.95
	Xenon-133		[2]1,200,000 Curies	[2]40,000
	Iodine-131	100 pCi/m³ (inhalation)	[1]0	[1]0
			[2]0.75	[2]7.5
		0.2 pCi/m³ (air-grass-milk)	[1]0	[1]0
			[2]0.75	[2]3,750

[1] Based on Indian Point I Pressurized Water Reactor (PWR) 1968 data

[2] Based on Dresden I Boiling Water Reactor (BWR) 1968 data.

Explanation:

1 p.p.m. = one part per million = $\frac{1}{1,000,000}$

1 pCi = 2.2 radioactive events per minute

1 Curie = 2,200,000,000,000 radioactive events per minute

IV. EMISSION OF ATMOSPHERIC POLLUTANTS IN UNITED STATES FROM ALL CONVENTIONAL SOURCES

	Million tons
Total	125
Carbon monoxide	65
Sulphur oxides	23
Hydrocarbons	15
Nitrogen oxides	8
Particulates	1.2
Electrical power (percent of total, most of sulphur oxides)	12.5

Cost of damages from effects on plants, animals, and man: $65 per capita or $13,000,000,000.

Estimated mortality from conventional air pollution: 20,000 per year.

V. CALCULATED KRYPTON 85 AND TRITIUM PRODUCTION AND DOSE RATE

Year	Accumulated krypton-85 (curies) (million)	Sea level dose rate (millirem/year)	Accumulated tritium (curies) (million)	Dose rate (millirem/year)
1970	4.8	0.008	0.32	0.000008
1980	62	0.13	6.3	0.00015
1990	210	0.65	32	0.0071
2000	520	1.8	96	0.0020

Note: Calculated mortality for 1 mrem/year (200,000,000 population): 50 per year, if effects observed at higher levels (100,000 mrem) are linear. Natural background is about 125 mrem/years.

VI. RADIOACTIVITY IN LIQUID EFFLUENTS FROM POWER REACTORS

Pressurized Water Reactor (Indian Point I—1968)

Type of activity	Fission products 34.6 Curies	Tritium 787 Curies
Volume of water required to dilute to radiation standard (million gals.)[1]	2-600	69
Flow of Hudson River (million gals. per year)	2,920,000	2,920,000

Boiling Water Reactor (Dresden I—1968)

Type of activity	Fission products 6.0 Curies	Tritium 2.9 Curies
Volume of water required to dilute to standard (million gals.)[1]	16-000	0.26

L.I. Sound Natural Background Radioactivity

	Inventory	Yearly river inflow
Volume	16,000,000 million gallons.	5,500,000 million gallons.
Gross Beta[2]	600 Curies	105 Curies.
Tritium[3]	1,800 Curies.	315 Curies.

[1] The numbers cannot be directly compared, since a 1/35th lower standard, that did not require analysis for specific nuclides, was utilized by Dresden.

[2] Calculated from measured concentrations, mostly Potassium-40.

[3] Minimum estimate. Worldwide natural tritium estimated. Cosmic-ray produced tritium is 4,000,000 to 8,000,000 Curies/year.

TESTIMONY OF DR. E. J. STERNGLASS

Mr. Chairman, members of the Committee. My remarks will address themselves to the evidence that low-level radiation from nuclear fission products in the environment such as are released by nuclear reactors may already have produced serious effects on the health of our population far beyond those ever believed possible when our present radiation standards were originally formulated and adopted.

Before discussing the latest evidence in some detail, I should like to review for you very briefly the nature of the early discovery that low-level radiation may have detectable effects, and also to summarize the difficulties that have existed until now in unequivocally relating the observed effects to the action of nuclear fallout.

The earliest indication that low-level radiation could produce serious effects in man came from the studies of Dr. Alice Stewart at Oxford University in 1958 showing that mothers who had received a series of 3 to 5 pelvic x-rays during pregnancy had children who were almost twice as likely to develop leukemia and other cancers before age ten than mothers who had had no pelvic x-ray examination.[1]

This work was independently confirmed in 1962 in a major study involving close to 800,000 children born in New York and New England Hospital by Dr. Brian MacMahon of the Harvard School of Public Health.[2] Using these two sets of data, I presented evidence in a paper published in "Science" in June 1963[3] that there appears to exist a direct, straight-line relationship between the number of x-ray films given to a pregnant woman and the probability that the child will subsequently develop leukemia, and that there is therefore no evidence for the existence of below which no additional cancers are produced, down to the relatively small dose from a single x-ray. Furthermore, the magnitude of the x-ray dose to the developing infant from one such x-ray was comparable with the dose we normally receive in the course of 2 to 3 years of natural background radiation, or from the fallout produced in the course of the 1961–1963 test series, namely 0.2–0.3 rad.

It was therefore possible that studies of large populations of children exposed to known incidents where localized fallout occurred in a given area might show detectable increases in leukemia some years later. Such a localized "rain-out" was pointed out by Ralph Lapp[4] as having taken place in Albany-Troy, N.Y., in April of 1953 following the detonation of a 40 kiloton bomb in Nevada. Examining the data on leukemia incidence published by the New York State Department of Health, I found that when plotted by year of death rather than by year of birth of the children, there was a clear increase in the number of cases per year from about 2 to 3 to as many as 8–9 per year some 6–8 years after the arrival of the fallout, exactly the same delay in peak incidence as observed in Hiroshima and Nagasaki. Furthermore, the peak contained many children who were not even conceived until a year or more after the arrival of the fallout, suggesting for the first time the existence of an effect on children yet unborn.[5] [6]

Due to the small number of cases in Albany-Troy, it was of course difficult to draw absolutely firm conclusions, and so I examined the situation for N.Y. State as a whole. Again, peaks of leukemia incidence were clearly present some 4 to 6 years after known atmospheric tests in Nevada, greatly strengthening the initial observations for Albany-Troy alone. This material has just been published in the Proceedings of the 9th Annual Hanford Radiobiology Symposium, May 1969, by the Division of Technical Information of the A.E.C.[6]

While examining the population statistics for the Albany-Troy area in September of 1967, I discovered that following the arrival of the fallout in 1953, there was a drastic slow-down in the steady decline of fetal mortality or still-births in that area. Following up this very disturbing and unexpected find-

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Footnotes at end of speech.

ing, I examined the fetal and infant mortality statistics for New York State as a whole, then California and other states of the U.S., and everywhere the same sort of slow-down in the declining mortality rates existed, beginning in the end '40's and early '50's, the declines resuming only 2–4 years after the end of atmospheric testing in 1962.[6] [7] Not until then did I learn that Dr. I. M. Moriyama of the U.S. National Center for Health Statistics had drawn attention to the leveling trend as early as 1960.[5]

Since then, we have extended our studies to other countries in the world, and especially in northern Europe, which received the fallout from the Nevada tests in its northeasterly drift across the Atlantic, the same patterns of slowdown and renewed rapid decline of infant mortality were found.

Using our computer to calculate detailed correlation coefficients, we have since established high degrees of correlation between the increases in infant mortality above the declining base-lines, and the measured Strontium–90 levels in the milk, and in the bone of children and young adults. These correlations suggest that as many as 400,000 infants 0–1 year old in the U.S. alone may have died as the results of nuclear testing.

These results are so startling and so unexpected, that they have naturally encountered considerable disbelief and opposition, primarily because the technique of analysis was based on the assumption of a steadily declining mortality in the absence of nuclear testing. Such an assumption is actually justified by the fact that in New Mexico, after the initial test in 1945, there was indeed a return to the same line of steady decline determined by the computer fit to the 1935–50 period, due to low rainfall and therefore low global fallout in the milk and diet after 1945. Nevertheless, there is some degree of arbitrariness inherent in using any given period of declining mortality rates as a base-line, and it is therefore important to find data that is not subject to the same criticism.

XUM

Such data exist in the case of childhood deaths associated with congenital malformations such as mongolism, severe mental retardation, and congenital heart-defects. For this particular category of infant and childhood deaths, there has been no marked downward trend over the last 30 years, and neither the introduction of new anti-biotics, medical-care methods or socio-economic factors had significant effects on these mortality rates. As a result, there is here no need to extrapolate a continuing downward trend, and one has for every state and many foreign countries, a well-established horizontal baseline prior to the onset of nuclear testing in 1945. Furthermore, congenital malformations are well-known to be capable of being caused by radiation, and recent studies on such conditions as mental retardation recently published by the United Nations Scientific Commission on Radiation [9] have established that relatively small amounts of radiation during certain critical periods of embryonic development and organ formation can produce detectable effects in children.

We have therefore examined the incidence of deaths among congenitally defective children in areas close to the Nevada test site, where relatively high local fallout was known to have occurred in a number of instances, documented both by the A.E.C.[10] and independent studies by scientists at the University of Utah [11] and the St. Louis Center for Nuclear Information.[12]

As an example, Fig. 1 shows the annual number of deaths of congenitally defective children 0–4 years old in Utah directly east of Nevada and therefore generally downwind from the test-site as taken from the published figures in the U.S. Vital Statistics. Also shown for comparison are the deaths due to accidents other than those involving automobiles. It is seen that the average number of deaths of congenitally defective children per year in the pre-testing period 1937–45 stayed relatively constant at about 75 cases per year, but that it rose to a peak of 123 cases per year in 1958, some 5 years after a particularly large fallout incident in 1953, returning close to the pre-testing rate of 80 per year 5 years after the end of atmospheric tests in Nevada. Altogether, there seem to be some 480 children that are likely to have died of congenital malformations in Utah above expectations since the onset of nuclear testing in 1945.

An even more striking peak in deaths of congenitally defective children took place in the 5–14 year age group shown in Fig. 2 for the case of Utah which includes children who received radiation from the milk and food some time after birth. Again, a 4 to 6 year delay is seen to occur between exposure and death, quite similar to the case of Hiroshima and Albany-Troy, N.Y.

Other examples of similar rises in deaths among children born defective is seen in the plots for the states of Missouri, Georgia, and Texas (Fig. 3–5). In the case of Texas, leukemia deaths have also been included, showing a parallel rise with deaths of congenitally defective children.

As to the reason why such unexpectedly large effects of fallout should be observed when radiation levels were believed to be so low as to be regarded as completely safe, these are still not fully understood. However, recent experimental studies on laboratory animals by Dr. Walter Muller published in "Nature" (London in 1967 [13] suggests that strontium-90 and other alkaline-earth elements that are known to seek out bone may produce biological and possibly genetic effect through their rare-earth daughter elements such as Yttrium into which they decay, and which are known to concentrate in such vital glands as the pituitary, the liver, the pancreas and the male and female reproductive glands.

In any case, we are apparently confronted with still another unanticipated biological concentration effect similar to the surprises we received when we discovered the special hazard of Iodine-131 going to thyroid, and Strontium-90 and 89 to the bone, via the originally unsuspected pathway of milk produced by cows grazing on contaminated pastures.

Once again, therefore, our knowledge of the physics and technology of nuclear fission was far more advanced than our knowledge of the complex biological mechanisms of man and his environment. Clearly, this must act as still another warning signal that despite our great desire to see the power of the atom used for the benefit of man as rapidly as possible, we are in mortal danger of biological damage to our newborn children and those of future generations to come if we proceed too hastily and recklessly with the installation of huge new reactors in heavily populated areas without a full reexamination of all the mounting evidence that the developing human embryo is far more sensitive than anyone had ever suspected.

But the potential damage is not merely confined to the newborn. We have recently obtained evidence that suggests to a degree none of us could ever have suspected that the invisible radioactive gases presently released from nuclear reactors such as Krypton-85 may have a serious effect on the incidence of lung cancer and other non-infectious diseases of the respiratory system that equal or even exceed the effects of our conventional chemical air-pollutants.

This is most strikingly shown in Fig. 6, which shows the number of deaths due to respiratory diseases other than influenza and pneumonia per 100,000 population in New Mexico and New York State between 1937 and 1965.

It is clear that between 1945 and 1948, there was a dramatic rise of deaths due to non-infectious respiratory diseases by almost 100 times, such that the incidence of these diseases previously almost non-existent in the pollution free air of New Mexico, exceeded the death-rate for the same diseases in heavily polluted New York.

Furthermore, the death rate remained higher than for New York until two years after the last atmospheric tests in 1962, when it fell below the rates for New York State.

That this is not an isolated case follows from Figure 7, where similar data on deaths due to respiratory diseases have been plotted for Wyoming and Illinois. Again, there is the dramatic rise in a state of almost no ordinary air-pollution such as Wyoming in 1945 to levels well above the death-rates in heavily industrialized and polluted Illinois.

More disturbing is the fact that here the gap has actually steadily widened with time, the less polluted state of Wyoming showing an ever increasing rate of respiratory deaths relative to Illinois. Such an apparently strong effect of nuclear isotopes in the north-central area of the U.S., fits to the existence of the well known "hot-spot" for Strontium–90 in the milk observed in Mandan, North Dakota since the 1950's.[6] And more disturbingly still, it fits the observation of large percent excess infant mortality for the North-central states relative to the 1940–45 trend as printed out year-by-year by our computer for the early years of the atomic age.[6] (See Figure 8.)

There is indeed a source of large quantities of radioactive gases constantly being released upwind from these states other than from the Nevada test-side, namely the large Idaho Falls National Reactor Testing Facility, and the huge Plutonium producing reactors of Hanford Washington.

Not only have the air-cooled Hanford reactors been operating at very high power-levels since 1944, releasing into the environment the rare gases and radioactive heavy hydrogen (H–3) that cannot be trapped readily, but on a number of occasions, there have been serious accidents in the course of extracting the Plutonium from the Uranium fuel elements by chemical techniques, when fuel elements burst into flames and discharged large quantities of fission products into the environment.[14]

The warning signs are therefore clear: man has underestimated the biological sensitivity of the human organism to subtle radiation effects again and again and again, and we shall have to reexamine the permissible levels of many isotopes, especially Strontium-90 in the light of our latest knowledge on the low doses required to double the normal incidence of cancers in the developing infant.[15] Nuclear reactors may indeed be cleaner than other power sources now available, but they may also be far more deadly than we could ever have imagined. To proceed in the face of these warnings with a crash-program of large reactors near our heavily populated urban areas without much further extensive epidemiological studies such as recently called for by the Editors of the American Journal of Public Health,[16] or without extensive low-level radiation experiments, as well as technical feasibility studies of underground siting and complete containment of all radio-isotopes would, in my view, amount to an act of criminal negligence by our government committed against the people of the United States.

FOOTNOTES

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BIOGRAPHICAL SKETCH

Dr. Ernest J. Sternglass is Professor of Radiation Physics and Director of Radiological Physics in the Department of Radiology, School of Medicine, and Professor of Radiation Health Physics in the Graduate School of Public Health, University of Pittsburgh. Until 1967, Dr. Sternglass was Advisory Physicist reporting to the Vice-President and Director of the Westinghouse Research Laboratories, where he did research in the area of nuclear physics, nuclear instrumentation and electronic imaging devices applied to nuclear power generation, medicine and space sciences. He joined Westinghouse in 1952, directly after receiving his Ph.D. from Cornell University in Englineering Physics.

ESTONIAN INDEPENDENCE DAY

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. FEIGHAN. Mr. Speaker, today marks the 52d anniversary of the Declaration of Independence of the Republic of Estonia. This anniversary of the birth of freedom in Estonia is not, however, a day of celebration. Instead, February 24 serves as a reminder to all of us that the Estonian people are still deprived of their national independence and human rights.

The independence won by Estonia 52 years ago followed decades of struggle against foreign rule. Yet, this independence was soon to be terminated with the advent of World War II. A secret protocol to the Soviet-German nonaggression treaty of August 1939, placed Estonia in the Soviet sphere of influence. The Soviet Union implemented its influence by imposing on Estonia a treaty of "mutual assistance," a justification on paper for establishing Soviet military bases on Estonian soil. With a military foothold, the Soviet Union occupied Estonia on June 17, 1940. Incorporation of Estonia into the Soviet Union ensued.

That incorporation brought tragedy to the Estonian people. After 1 year of occupation, it is estimated that 60,000 Estonians were killed or deported by the Soviet Union. Nevertheless, the Estonian hope for self-determination has not been suppressed.

Mr. Speaker, the 89th Congress adopted House Concurrent Resolution 416 urging the President to bring the Baltic question before the United Nations. We must rededicate ourselves to the use of every legitimate means to bring pressure upon the Soviet Union to withdraw from Estonia, Latvia, and Lithuania.

Mr. Speaker, I am proud to join with my colleagues in paying tribute to Estonia and I extend to the Estonian people my ardent hope that they may soon attain freedom and live in peace in their homeland.

YESTERDAY'S BLUEPRINTS—TODAY'S FOREIGN POLICY

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. UTT. Mr. Speaker, the La Jolla unit of the southern California chapter of Pro America has made a study of our foreign policy and has done a fine job of recapping the blunders which we, as a nation, have committed since World War II. As pointed out, at that time we were vastly superior to any nation on earth, and it is distressing to realize that we are fast becoming a second- or third-rate power, through a long planned policy of unilateral disarmament.

It has been somewhat heartening, however, to see some beneficent change in this policy under President Nixon, although too many of the same advisors maintain top spots in the State Department to this day.

Mr. Speaker, I urge everyone to read "Yesterday's Blueprints—Today's Foreign Policy," which follows:

YESTERDAY'S BLUEPRINTS—TODAY'S FOREIGN POLICY

(By Janet Hall Parsons)

The most powerful nation the world has ever known has been making one blunder after another since the end of the second World War. Our mistakes cover the globe; letting Communism get established ninety miles from our shore is a glaring example of how to do everything wrong. How could a nation that kept war from its shores for a century and a half wake up one morning to find rockets pointed at its heart at such close range? How could a nation that stood for "millions for defense but not one cent for tribute" pay blackmail to a petty tyrant and then engage in domestic blackmail to raise the levy? After the "eyeball to eyeball" showdown who came out the undisputed winner?

How did we happen to get ourselves bogged down in a land war over Asia where we do everything to keep from winning and can't seem to extricate ourselves with honor?

What were we thinking about when we aided the Red Chinese to take over China from our pro-Western, Christian ally, Chiang Kai-shek?

How did we happen to agree to Russia's gobbling up Eastern Europe?

Why did we aid the Communist regime in the Congo and turn against our Christian pro-Western ally, Tshombe, defending his stable prosperous province of Katanga? Why did we not allow him to come to this country but welcomed Roberto Holden and even gave him financial support to commit his raids with the most brutal atrocities against anti-communist Portuguese Angola?

Why did we donate money to Cheddi Jagan of British Guiana, and give him the red carpet at the White House when it was well known that he was a Communist?

Why did we lionize Sukarno of Indonesia and turn against our long time allies, the Dutch? Why did we give a 21-gun salute at the White House to Ben Bella of Algeria at the time we were giving Madam Nhu the cold shoulder for whose widowhood we must take more than a little responsibility?

Why did we supply Nasser of Egypt with millions of dollars which he used to buy arms from Russia in order to wage war on Yemen?

Why did we send over $400 million to Nkrumah in Ghana even though he had seized our embassy and was an avowed Communist dictator?

Why after our consulate was attacked in Zanzibar and Americans ousted with a communist federation formed with Tanganyika, did we give the new federation 925 thousand dollars?

Why, when the anti-communists were putting down the communist rebels in the Dominican Republic in 1965 did we turn on the anti-communists and force a coalition greatly overbalanced by leftists?

Why did we force the anti-communist government in Laos to accept a coalition with the communists thereby giving the North Vietnamese easy access down the Ho Chi Minh Trail?

Why do we trade with Communist countries but do not permit commerce with our pro-Western, Christian friends in Rhodesia and South Africa?

Why did we not allow a military victory in Korea which would have been decisive and possibly have prevented the current trouble in Southeast Asia?

Who was asleep at the switch just recently when a recent revolution in Libya has placed that Mediterranean base in the Communist orbit jeopardizing our Wheelus Air Base and our foothold in that area?

Government or political authority exists to serve the people, maintaining the arena of order within which they may go peacefully about their business. The first purpose of a nation's foreign policy is to protect the lives and vital interests of its citizens from the initiatives of alien powers. The nation which forgets its self-interest soon has no interest to protect.

The early history of our country shows how the infant states with great odds against them, bordered by the Atlantic Ocean and a hostile wilderness became a respected, independent nation mindful of our own best interest in dealing with other governments. Benjamin Franklin skillfully pitted England and France against each other in securing advantages for his country. The Monroe Doctrine, which was just a proclamation by a president to the Congress in 1823, was not international law, not multilateral with any others participating or having anything to say about it. It was a policy announced and enforced. Until 1960 there was no major challenge although it had been invoked many times until foreign powers got the message.

At the end of the Second World War the U.S. found itself the unquestioned leader of the West and the most powerful nation in the world. With her military might still in operation, her monopoly in nuclear arms, and a colossal industrial capability undamaged and even stimulated by the war, the U.S. was greater than any combination of nations.

It is quite evident that there has been a change in our principles of foreign policy. The U.S. abandoned its self-interest for international interest. It used its military might as a shield for the protection of Western Europe, took the initiative in forming an Atlantic alliance, contributed money to promote the economic recovery of war-torn Europe, and helped sponsor the United Nations Organization.

We lost our sole nuclear capability through foreign and domestic treachery. This loss caused a significant imbalance that has been detrimental ever since.

Our working strategy became weighted with ideologically derived policies such as anti-colonialism, racial equality, assistance to disadvantaged and underdeveloped countries, co-existence, peace, disarmament, world law, and great concern for world opinion.

We seem to be abandoning the precepts of national self-interest at a time when the entire world is threatened by Communist domination. The policy makers seem to be unmindful of the hostile forces working against us; as if the world were a sort of placid laboratory in which we could undertake all kinds of social and political tinkering.

They fail to grasp the fact that the Communists are committed to our destruction regardless of their pledges, their cultural exchanges, their trade agreements, their embassies, and test-ban and consular treaties. "Peaceful co-existence" to a Communist is a weapon as well as an emblem of triumph. We are to believe that the Communists are mellowing and we should allay their suspicions of us. We must not offend them with military phrases that may seem provocative.

We have given up precepts of self-interest diplomacy precisely at a time when we stand most in need of them. Instead of defining our policy in terms of the enemy we have taken to defining the enemy in terms of the policy.

Essentially the same group of people have been in charge of policy under four presidents since the inception of the Cold War.

Let us examine the blueprints and look over the architects responsible for the conditions existing in our foreign policy.

To understand the changes that have occurred in our country we have to go back less than a hundred years and take a look at the Fabian Society organized in England in the 1880's for the purpose of bringing socialism to Britain and, gradually, to the entire world. Their name comes from the Roman general Quintus Fabius Maximus whose strategy was to delay fighting in big engagements but to strike hard when the time was ripe. Like their emblem, the tortoise, they moved slowly and persistently. A greyhound would be more appropriate for today's activity though the coat-of-arms showing the wolf in sheep's clothing still applies. "Make haste slowly," an early Fabian slogan shows how to succeed by trying. How successful they have been can be judged by their influence in the fields of economics, education, religion, anthropology, and government. In England its present day leaders control the Parliament and the ministries in the name of the Labour Party.

In the United States it has nearly succeeded in reversing our national independence, begun in 1776.

The Fabians published a weekly called New Statesman in England and one founded in New York in 1913 called the New Republic, staffed by talented and ambitious young socialists from Harvard, among them Walter Lippmann who joined the party in 1909.

While Woodrow Wilson was president of Princeton University and later Governor of New Jersey the Fabians perceived his potentialities of becoming President of the U.S. and one who might serve their cause. Col. Edward M. House, a Fabian for many years, attached himself to Wilson and was his behind-the-scenes mentor for 7 years.

A book that Col. House wrote in 1912 revealed his ideas toward changing the U.S. Constitution by degrees of revising the judiciary, passing new laws affecting capital and labor, revamping the military forces, introducing a graduated income tax, revising the banking laws (the Federal Reserve system) and establishing an international federation of nations. This book, Philip Dru, became a handbook for future presidents who disregarded the constitutional rules of government. Young Franklin D. Roosevelt, assistant Secretary of the Navy at that time, was a friend of Col. House and possibly picked up a few ideas for his New Deal years later.

Young Walter Lippmann and Col. House were very close. Lippmann was executive secretary of a confidential group formed to formulate war aims and post World War I policy for President Wilson. They prepared the fourteen points as they had been conceived by the Webbs and London Fabians years before, calling for universal democracy, an end to imperialism, arms limitation, economic controls, collective security, supranational authority, an international court of justice, and an international labor legislation.

When the American people rejected Wilson's internationalist views, Col. House realized that steps must be taken to change the climate in the U.S. and educate the public to accept the new socialist policies.

THE COUNCIL ON FOREIGN RELATIONS

This group met again with Col. House (who had fallen out with President Wilson) in Paris in 1919 with like-minded Englishmen to form an organization for the study of international affairs. Norman Thomas, John Foster and Allen Dulles, and Christian Herter were among them. The Council on Foreign Relations was incorporated in 1921. Other organizations of the same philosophy are in Belgium, Denmark, India, Australia, France, Italy, Jugoslavia, Greece, and Turkey. The Bilderbergers are another group in the international web. Prince Bernhard of The Netherlands usually presides at their meetings.

The Council on Foreign Relations is financed by a number of the largest tax-exempt foundations and various large corporations like Standard Oil and the Chase Manhattan Bank. It grew and prospered, spreading out into many interlocking organizations with overlapping membership. Some of these are: The Foreign Policy Association; Institute of Pacific Relations; American Civil Liberties Union (founded by Felix Frankfurter); Americans for Democratic Action; National Congress of Christians and Jews; SANE Policy, Inc.; The National Association for the Advancement of Colored People, and many others comprised of people from all walks of life with far reaching influence in government, education, finance, religion, business, the communication media, entertainment, the cultural arts, and even the military.

Forty of their members were delegates to the organizational meeting of the United Nations in 1945. In 1961 Council on Foreign Relations members held top positions in the Government from the President and Secretary of State to Ambassadors and appointees. They are also represented in President Nixon's cabinet and staff. Their principal quarterly publication, Foreign Affairs, is important in that it often launches trial balloons before they become standard operating procedure.

There was a parallel in the relationship between FDR and Louis Howe and the one between Col. House and Woodrow Wilson. Louis Howe, a Socialist and friend of Col. House, attached himself to Franklin Roosevelt early in his political career becoming his behind-the-scenes mentor, even living at the White House until his death. Louis Howe was succeeded by Harry Hopkins—the man who delivered the material for making nuclear bombs and the money-making plates to Russia in 1943 and 1944. He was a protege of Frances Perkins, Felix Frankfurter, and Col. House who was still living. Harry Hopkins was with FDR, Averell Harriman and Alger Hiss at the time the Yalta Treaty was signed in 1945 giving three votes in the United Nations to Russia to one for the U.S.A., and betraying the countries in Eastern Europe. Then and there the stage was set for the loss of China to the Reds.

The influence of members of this group on our recent foreign policy weighs so heavily there can be no discussion without mentioning them.

Two characteristics of their philosophy are a high tolerance for Communism and disarmament.

DISARMAMENT

In Geneva our negotiating teams on Disarmament in 1958 were demanding a global network of 600 inspection stations. When the Soviets would say "Nyet" the number would go lower and lower. We finally got down to 7 and then we proposed that the Russians could monitor their own stations. Dr. Hans Bethe was quite apologetic of this insult implying that the Russians were capable of cheating.

These were the steps that led to the State Dept. Document No. 7277 entitled "Freedom from War—The United States Program for General and Complete Disarmament in a Peaceful World." The steps are spelled out whereby we dismantle our arsenal and turn it over to the United Nations Police Force. This was to be done in three stages over a period of ten years. It would mean complete surrender to a World government.

There are many prominent characters in this disarmament proposal going back over many years. In 1959 Nikita Khrushchev made the suggestion at the United Nations.

The next year when the Pugwash Conference met in Moscow, agreement was reached that later became U.S. policy, to give military decisions to civilian planners and by disarming we would show our friendship and trust in the Communists.

Names prominent in this type of thinking are Paul Nitze who in 1960 addressing a National Strategy Seminar in California, said that the second best poker hand was in the greatest danger and for this reason we should scrap our nuclear arms entirely. It is safer to be weak than strong. This is the "better Red than Dead" thinking. Two years later he was appointed Secretary of the Navy. McGeorge Bundy, Special Assistant to President Kennedy and later to President Johnson, advocated that we disarm in order not to be provocative to the Soviets. Adam Yarmolinsky and many others expressed the same views. Robert McNamara, Secretary of Defense, went into high gear to implement this policy.

In 1962 about 40 "intellectuals" wrote essays edited in a book by James Roosevelt called the Liberal Papers. These papers were shocking at the time because of their attitude toward unilateral disarmament. In 1963 Vincent Rock wrote a paper called Phoenix Study for the U.S. Arms Control and Disarmament Agency calling for the U.S. to go even farther than containment and co-existence, considering a detente, even unification with the Soviets. This paper recommends bringing this about without public knowledge by pushing for a tax cut in defense spending for the sake of economy. It proposed a hot line to Moscow from the White House. This went into effect immediately.

The Institute for Defense Analyses for the U.S. Arms Control and Disarmament Agency within the State Department came up with one called Study Fair proposing that we use a firebreak-pause strategy in Vietnam. We

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must stop bombing and fight with a very limited amount of force in order to assure the enemy that he runs no risk of immediate massive retaliation for his aggression. This is to discourage aggression. U.S. Ambassador Maxwell Taylor revealed that this no-win, firebreak-pause war strategy with unilateral restraint was put into effect to be a psychological deterrent on the Reds.

You may say that this kind of reasoning went out with the Kennedy-Johnson era but according to Barron's Weekly of Oct. 19th, 1969 the third largest spending lobby in Washington is a think-tank enjoying tax-exempt status as an educational institution, directed by leaders of the New Left, supported by foundations, universities, and individuals. J. Edgar Hoover calls them "subversive . . . an ever increasing danger to our national welfare and security."

Organized 6 years ago as a private agency to undertake and stimulate research in all fields relevant to peace, security, disarmament, and international order it is called the Institute for Policy Studies. The senior fellow is Arthur Waskow, one of the writers for the Liberal Papers, former legislative assistant to Rep. Robert Kastenmeier (D.-Wis.). He just happens to have demonstrated at the Pentagon with a "Peace" group and also at the National Democrat Convention in Chicago.

Prominent in this Institute for Policy Studies is the economist who advises Sen. William Proxmire (D.-Wis.) who is spearheading an assault on the Pentagon's proposed budget. The economist is one Richard Kaufman who has an interesting record with Leftist groups. The IPS works with and contributes money to Senator George McGovern (D.-S.D.) who is one of the loudest of the cooing doves.

WALT WHITMAN ROSTOW

A study of U.S. foreign policy must direct a special spotlight on a certain individual who was a very important architect drawing up blueprints that are affecting our present struggle in Vietnam.

The Ordeal of Otto Otepka by William J. Gill throws some light on this man that is not found in Who's Who or the usual biographical sketches.

Walt W. Rostow was born in 1916, the son of a Menshevik Socialist who came from Russia in 1905. After graduating from Yale he was a Rhodes Scholar to Oxford, mingling with the advanced thinkers in England and on the continent. After Pearl Harbor he was commissioned in the OSS and spent the next three years in England where he distinguished himself selecting targets for Allied bombing in Germany.

In 1945 the OSS merged with the State Department and he became Assistant Chief in the German-Austrian Economics Division which was in charge of extracting reparations from defeated Germany. Through the influence of U.S. Ambassador Averell Harriman he went back to Oxford to teach American History.

From 1947 to 1949 he was assistant to the executive secretary of the United Nations' Economic Commission in Geneva, Switzerland, who happened to be the Swedish Gunnar Myrdal. Myrdal has been an ardent writer about internal domestic issues in this country such as our negro problem and suggests that we get out of Vietnam, disarm and spend trillions of dollars on the negroes. His son Jan is an active pro-Chinese Leftist.

Walter, replaced by his younger brother, Eugene, went to Cambridge to teach American History where he was impressed by Fabian Essays. In his later writings he expressed the same ideas that were published in Fabian Essays at this time.

For instance the no-win policy—"if freedom is to survive it is essential that neither the USA nor the Soviet Union should win" . . . "and an anti-communist ideology would intensify the Cold War, etc."

Then he came back to Massachusetts Institute of Technology where with a $6 million grant from the CIA he set up a Center for Internal Studies—a think-tank for influencing U.S. policies. In 1950 he quietly established himself with the White House. (Jerome Wiesner from M.I.T. became JFK's scientific adviser getting his foot in the White House door at this time. They both attended the Pugwash Conference in Moscow mentioned above.)

Walter become an expert on China, Africa, Latin America, Indo-China—and disarmament. His books rolled off the presses. He was a strong advocate for the "end of nationhood" and internationalism. This is the man who started with the Truman Administration in 1950 pressuring U.S. foreign policy, although he could not get a State Department security clearance until Robert Kennedy and Dean Rusk overruled Otto Otepka. This shows the laxity in government—the fact that the CIA would finance a security risk and even though the Air Force once terminated a contract on security grounds because he was involved in it. He went right along dropping bits of advice here and there. He was a China expert with a hand in our Korean War no-win policy. He was the originator of Eisenhower's Open Skies proposal providing mutual U.S.-Soviet aerial surveillance of military bases.

VIETNAM

The division of French Indo-China was not decided at the Geneva Conference on July 21, 1954. Three months earlier in April 1954 WWR unveiled the plan in a private diningroom of the third floor of the Metropolitan Hotel in Washington. A dozen U.S. government officials were there. Three were from the State Department, Allen Dulles from CIA, but no military men. M.I.T.'s Center for International Studies had been assigned the task of preparing the guidelines. Rostow proposed the 17th Parallel division a week after Red China had proposed the same line. One dissenter pointed out that that was giving too much real estate to the North in case they did not keep the truce and that 80 miles farther north would be more equitable.

In 1961 when he moved in as JFK's adviser he played the key role at every stage of the Vietnam policy.

It was a shock to many that after years of advocating reconciliation with the Communist bloc that he should emerge as a hawk in Vietnam. It was Rostow who drafted the plan to neutralize Laos. He made a speech in 1961 advising our forces to go to South Vietnam and also to carry the war to North Vietnam. After returning from a trip to South Vietnam with Gen. Maxwell Taylor he recommended that American ground troops be dispatched at once. The U.S. was doing what MacArthur had warned us against—and we were irrevocably hooked. In spite of all the evidence to the contrary he blamed China and seemed blind to the fact that the Russians were supplying fuel to the flames. He was for building up American troops but restricting their chances of victory. That should explain some of the obvious bungling that has resulted in our huge losses of men and wealth and now is causing such turmoil in our nation today. It is obvious which of the two great powers is deriving benefit from the Vietnam War.

Among the architects that have shaped U.S. foreign policy a large share of the credit must go to the fourth estate, the nation's press.

The New York Times, a leader in the field, strongly influences and often serves many newspapers and periodicals in the U.S., Latin America, Europe, Asia, and Australia.

In All the News That Fits, Herman Dinsmore, former international editor of The New York Times exposes that paper's subtle but massive change in policy since the Second World War. In reporting and analyzing news relating to the Communist world The Times lost its objectivity. By distortion and omission the anti-communists always comes out second.

This new direction was apparent in their treatment of news at the time of the Soviet take-over in Eastern Europe, when our atomic secrets were being stolen, when Russia was preparing, launching, and sustaining the Korean War, when Russia was giving support to the Communist forces of Indo-China under Ho Chi Minh, when a Communist assassinated President Kennedy, and even when evidence was mounting that a Communist regime was being established in Cuba. The fact that the State Department relied on the views of Herbert Matthews, editorial writer for The Times in his endorsement of Castro is well known.

The Times' reporting and editorials on the Vietnam War have been an important factor in our stalemate there and the clamor of the people who would surrender South Vietnam to the Communists.

In their zeal for a balance of power it might appear that some on the staff of The Times are tipping the scales.

KAOLIN INDUSTRY'S CONSERVATION PROGRAM AT GORDON, GA.

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. BRINKLEY. Mr. Speaker, conservation is now recognized as a national goal by government and private industry. Freeport Kaolin Co., a division of Freeport Sulphur Co., is a company which practices conservation, has a threefold conservation program underway and is making a significant contribution to the kaolin industry's land reclamation, reforestation, and water pollution abatement activities in the State of Georgia, the Nation's leader in kaolin. This program is concentrated at open-pit kaolin mines and a plant near Gordon, Ga. Gordon is located in the Third Congressional District which I have the privilege to represent. A recent article appeared in the Southern Pulp & Paper Manufacturer which describes this conservation program, and I wish to commend it to the attention of my colleagues.

The article follows:

REFORESTATION PROGRAM OF FREEPORT KAOLIN

Freeport Kaolin Co., a division of Freeport Sulphur Co., New York, is making a significant contribution to the kaolin industry's land reclamation, reforestation, and water pollution abatement activities in the State of Georgia.

The company's threefold conservation program is being undertaken with the cooperation of state and federal officials, the University of Georgia's School of Forestry, and other leading companies in the industry. The program is concentrated at open pit kaolin mines and a plant near Gordon, Ga., about 18 miles due East of Macon.

Here, Freeport has for several years employed the "roll-over" mining method, in which land reclamation actually becomes part of the ore-removal process and reforestation with pine seedlings restores the land to its approximate original state. Water pollution abatement projects at the mine and plant have been in operation for some time, and were recently augmented by a million-dollar system for impounding plant waste materials.

WIDELY USED BY PAPER INDUSTRY

The primary market for wet-processed kaolin products is the paper industry, for

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both filling and coating use. As a filler in paper, kaolin imparts whiteness, opacity, smoothness and strength. As a coating, it lends similar characteristics but also provides a surface which can be printed. As a result, most printed paper is coated with kaolin.

Kaolin products used by the paper industry are mainly produced by wet processing, or water-washing. Clays of this type cover a wider range and command higher prices than the less sophisticated dry-processed, or "air-floated" products. It is estimated that U.S. production of wet-processed kaolin, restricted almost entirely to the State of Georgia, runs about 2,500,000 tons per year. Plants using wet processing techniques are most numerous in an area within about 50 miles East of Macon in a band approximately 15 miles wide. Freeport Kaolin's mine at Gordon, Georgia, is in this area, and its clays from the mine are slurried and piped some 6 miles to the plant site.

LAND RECLAMATION

For several years state and federal officials throughout the United States, as well as various conservation groups, have raised objections to the unsightly and hazardous conditions often associated with areas where strip mining has been undertaken. The "roll-over" method, a complex strip mining technique developed by Freeport, and the key to the company's land reclamation program at Gordon, is clearly a step forward in this respect.

Instead of leaving mined-out areas in a disrupted state, where vegetation will not grow immediately, the roll-over method leaves a relatively flat surface where a minimal effort is required for land reclamation and reforestation, and where little or no stream pollution occurs. Such a landscape contrasts sharply with the traditional strip-mined surface where unconsolidated soil conditions, poor water percolation and steep slopes are conducive to extensive erosion and resulting stream pollution.

REFORESTATION

In 1965, Freeport inaugurated a reforestation program in mined-out areas where the roll-over method had been employed. The first step in the program was experimentation with various types of ground cover to establish the simplest and most economical seeding method. The results of these experiments indicated that native Georgia "slash pine" would be best suited to the soil and climate.

Initial trial seeding of approximately 15 acres produced a favorable crop of seedlings, about 80% of which had taken root by the spring of 1966. The application of fertilizer to these seedlings in 1967 established the value of the fertilization of subsequent plantings. During the same year a trial planting of grass was undertaken which, though successful, proved to be prohibitive in cost.

Later in 1967, 50 more acres were planted with improved one-year-old "slash-pine" seedlings, which had been produced and recommended by the Georgia State Forestry Commission. Other experiments currently in progress include the planting of small areas with oak, cottonwood, hickory, sycamore and similar hard woods. While it is still too early to predict the outcome of these experiments, Freeport officials consider initial results from sycamore seedlings promising.

A recent development in the reforestation program at Gordon is the introduction of hydro-seeding or the simultaneous planting of fertilizer and grass seed in water under pressure by mechanical means. While the cost advantage achieved with this method in the short run is significant, an added advantage is its usability in inaccessible terrain. For example, hydro-seeding has been employed successfully on raw "over-burden" piles to stabilize the surface and prevent erosion in old mined-out areas which predate Freeport's operation of the mine.

Company officials continue to regard the smoother surface resulting from the use of the roll-over method as best suited to reclamation. Not only is mechanical planting of seedlings the most economical method in the long run, but its use also makes it possible to achieve a high density of plantings per acre without extending planting time. The rate of planting maintained at the company's mining sites at Gordon is 800 seedlings per acre, well above the 500 established trees-per-acre minimum set in recently enacted state legislation affecting strip mining operations in Georgia. The high planting rate was designed to exceed state requirements despite normal seedling loss.

The latest development in the ever-expanding reforestation program at Gordon is the planting of an additional 125 acres, again using the improved seedlings provided by the Georgia State Forestry Commission. These have now become the standard for all future plantings, while the inauguration of large-scale seeding marks the beginning of a new stage in the program.

PROCESS WATER POLLUTION ABATEMENT

In 1968 the company put into operation a third phase of its conservation program with the completion of a million-dollar treatment system for effluents from the plant at Gordon. The system consists of a series of pumping stations and pipes through which plant process water is channelled to a 600-million-gallon waste pond, created by a dam approximately half-a-mile in length. The function of the system is to prevent solid material from returning to stream, and to insure that released water is chemically neutral.

These goals are achieved by means of the addition of acid to the collected process water, flocculation of solids, and decanting of clear water with caustic neutralization prior to release. The remaining process solids are retained in the waste pond.

CONSERVATION A NATIONAL GOAL

The growing interest in conservation was highlighted in early 1969 as a new federal administration took office in Washington. Clearly conservation is now regarded as a national goal, and among the areas where attention is often focused is the mining industry, and in particular, those mining companies engaged in strip mining.

Commenting on Freeport's role as an innovator and experimenter in the areas of land reclamation, reforestation and water pollution abatement, Fred A. Gunn, vice president and general manager, notes that 85% of U.S. mineral output now comes from surface mines. "Our effort may seem modest," he adds, "but for a company our size, we feel it is significant. We are pleased with the success of the program so far, and hope our initiative in this area will also contribute to the nationwide effort to conserve our national resources."

Freeport Kaolin Co., headquartered in New York, is one of the largest producers of water-washed clays in the United States, as well as the originator and world's largest producer of calcined and delaminated clays. The company maintains a six-month supply of kaolin in above-ground stockpiles at its mines and is engaged in a vigorous and extensive research program.

AX HANDLES

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. BINGHAM. Mr. Speaker, following is the text of a letter which I have delivered today to the Speaker of the House:

Hon. JOHN W. MCCORMACK,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I wish to join with those of my colleagues who have expressed disgust and dismay at the deplorable action of the Governor of Georgia, Mr. Maddox, in handing out wooden ax handles at the entrance to the House Members Dining Room today. This action was an affront to our black colleagues in the House of Representatives, as well as millions of black Americans. It was as if Governor Maddox had seen fit to distribute to the Members and their guests small flags bearing the Nazi swastika emblem.

I hope that you will take steps to see that this type of deplorable incident is not repeated in the Capitol or on the Capitol grounds.

Sincerely,
JONATHAN B. BINGHAM,
Member of Congress.

PRESIDENT NIXON'S FOREIGN POLICY MESSAGE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the Knoxville News-Sentinel in a recent editorial provided an incisive, perceptive insight into President Nixon's recent voluminous message on foreign policy.

Because of the interest of my colleagues and the American people in this most important matter, I herewith place the editorial in the RECORD.

The editorial follows:

THE FOREIGN POLICY MESSAGE

President Nixon should be congratulated for starting the practice of sending an annual report to Congress on U.S. foreign policy.

The largest item in our budget—defense—and the sharpest tragedy of recent years—young men dying in Vietnam—are directly linked to foreign affairs. Thus a report on the subject, along the lines of the President's traditional budget and economic messages, is more than justified.

An important point that emerges from the wide-ranging, 40,000-word report is that Nixon is probably a better administrator than his immediate predecessors. With the help of his brainy adviser for national security, Henry A. Kissinger, he has put together an improved system of getting facts, intelligence, analysis and options before making a foreign-policy decision.

All this, of course, is no guarantee the President will be right, and he recognizes it. Administration policies "will be judged on their results," he says, "not on how methodically they were made." But insofar as better procedure leads to better policy, he is on the right track.

The message contained one new element: A public warning to Russia not to exploit the Arab-Israeli conflict to seek "predominance" or "a special position" in the Middle East. Presumably, this warning had been given to the Kremlin earlier through diplomatic channels. It is good that the United States is now on record that it will resist losing its interests in the area. Hopefully, Russia will reconsider its dangerous practice of fishing for oil and power with high explosives.

Some people will be disturbed by Nixon's report that the Russians have caught up with us in nuclear weapons and are ahead in some categories. The fact remains, though,

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that both countries possess vast overkill, and this may make it possible to reach arms control agreements.

In a hopeful phrase, the President reported "certain successes . . . in negotiations" with Russia and "cause for cautious optimism that others will follow." However, he quite rightly cautioned the public against euphoria or expecting a quick and easy understanding with the Kremlin.

On Vietnam, the message claimed continued progress. For instance, Viet Cong control over the rural population "has dropped sharply to less than 10 per cent." At the same time Nixon candidly wondered "whether the Vietnamization program will succeed."

Underpinning the report was what the President has decided to call the "Nixon Doctrine"—that the United States will keep its commitments and stand by its Allies. But they will have to do more for themselves and carry the brunt of ground fighting that may occur.

More clearly than before, the President defined his formula for a peace that is "more than the absence of war." It requires a partnership with friendly nations, strength to discourage would-be aggressors, and the willingness to negotiate, patiently and persistently.

Nixon did not say so, but his formula for peace also requires a willingness on the part of the Soviet Union to reach an accommodation with us. We should know more about that after another annual report or two.

IN REACTION TO THE PRESIDENT'S STATEMENT ON THE REPORT OF THE CABINET TASK FORCE ON OIL IMPORT CONTROL

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. ST GERMAIN. Mr. Speaker, a decision for a foreign-trade subzone at Machiasport should have been made over a year ago. Instead, in March, the President appointed a Cabinet Task Force on Oil Import Control to do a 6-month study on the Government's oil import policy. There were suspicions even then that the study was a stalling tactic. Now, 11 months later, with the study finally completed, the President's decisions are a bitter disappointment.

Not a word about Machiasport. Not a word about abolishing the quota system. Not even a decision to implement the all-too-modest task force recommendation on a tariff system that would bring the domestic wellhead price down from $3.30 per barrel to $3. Instead, we are promised more studies. Delay is to follow delay.

The subject has been studied into the ground. We need action. New England needs relief from high prices and recurring fuel shortages. How ridiculous it is for the Northeast to have to rely on the unused Department of Defense import quota to meet winter shortages of home heating oil. And how inconsistent it is for the administration to voice deep concern about inflation at one moment and then ask the American people to pay out an unnecessary $5 billion a year to support the present oil import system.

It is sad to see the New England consumers being sacrificed in what looks like a political move designed to keep the favors of the big oil companies.

THE COMPLEX NEW INCOME TAX FORMS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. TUNNEY. Mr. Speaker, why is it that taxpayers this year are confronted by a confusing array of new Federal income tax forms? Why cannot the IRS simplify, not complicate, the layman's responsibility to honestly compute and report his fair share of the skyrocketing tax load? Why has the IRS this year abolished the simple short form for taxpayers with incomes under $10,000 and claiming only standard deductions?

Why are instructions for the intricate new long forms so hard to understand? American taxpayers need a break; they do not need to be broken. If clear evidence of this disturbing problem is required, I direct IRS attention to the sudden sharp increase in the number of retail stores and other businesses which this year are offering—for a fee—expert technical help in preparing not corporate but just individual wage-earner tax returns. I protest the administration forcing citizens to turn in desperation to costly professional help when in previous years they could figure their taxes out themselves.

The adoption of the Tax Reform Act of 1969 was the final and perhaps the most significant accomplishment of the first session of the 91st Congress. It was a mammoth job made possible by the year-long efforts of many able and dedicated Members of this Congress.

We must recognize, however, that tax reform, as desirable as it is, has introduced new complexities into the tax laws. Large numbers of taxpayers will be affected in the next few years particularly, by the phasing-in of such provisions as the increases in personal exemptions, the raising of the level of standard deductions and the new low-income allowance. Fewer, but still many, taxpayers will be affected by the other 100 or so new provisions. These complexities are a new challenge to the tax administrator and the challenge will grow as the new provisions reach their maturity. The basic tools, available to the Commissioner of Internal Revenue, for meeting this new challenge are the income tax return forms. Every effort must be exerted to make these tax return forms as simple and as helpful as possible for the taxpayers.

Recent trends seem to be moving us away, however, from the simplification of tax return forms and toward greater complexity in their design.

Early in 1969, even before the Tax Reform Act acquired its momentum, the Internal Revenue Service announced a new approach to the income tax return form, consisting of two major features. The first was the adoption of a new one page basic form—1040—to which up to seven or eight schedules could be added. This was thought by the Service to be an improvement since taxpayers would not "have to contend with inapplicable items, which will now appear on separate schedules." Second, the old punchcard form 1040A, formerly used by some 18 million taxpayers, in 1968, with under $10,000 of wage and salary income, would be discontinued. The abandonment of the simple form was put forward as an improvement because some of its users were unknowingly giving up advantages they could have by using the regular form. Whether this is a real improvement offsetting the loss by 18 million taxpayers of a simple way to meet their tax obligations is open to question.

When these decisions were first announced, there was some criticism in the press. The Service answered these by assurances that 31 million taxpayers would still be able to file only a single page and 22 million two pages, leaving only 24 million filers of more than two pages.

Now that the tax return filing season is in full swing, it is becoming evident that these decisions are producing major problems. Here is some of the evidence.

On December 17, 1969, the Wall Street Journal carried a report to the effect that commercial tax services expect to benefit from the new Federal income tax forms.

On January 21, 1970, the Wall Street Journal reported the mushrooming of tax services, with department stores, banks, and computer companies entering the field, and with increasing costs to the taxpayer.

On February 9, 1970, the Internal Revenue Service issued a news release pointing out that many taxpayers were making errors in claiming adjustments which may delay their refunds. The release pointed out that "adjustments" as used on the return—line 15B—had a narrower meaning than the public seemed to give the term. The service intended it to refer only to "sick pay, moving expenses, employee business expenses and payments to self-employed retirement plans." The instructions on the Form 1040 which point this out seem to be unclear, however.

On February 16, 1970, the New York Times published a long article by Robert Metz headlined "Tax Savings Still Possible Despite Baffling New Forms."

On February 16, 1970 in the Washington Star, Sylvia Porter issued the following warning:

> Read the general instructions before tearing out any of the duplicate schedules to use as pencil copies, for the four pages of general instructions are not consecutive and, even worse, are printed on the backs of duplicate schedules. If you do not obey this warning, you may not even find the instructions when you start to look for them.

Copies of these articles and releases are furnished for the attention of my colleagues.

Mr. Speaker, we seem to be heading into a crisis of tax administration. Precisely when the need for simplification is greater than ever, we seem to be stepping backward toward complexity of forms and instructions and toward increased taxpayer uncertainty and confusion. We urgently need a new approach to this matter of forms design and I hope the Revenue Service will undertake a new study of forms simplification without delay. When they do, I would suggest they give serious consideration to an idea they seem to have abandoned in 1969. This idea is that "simplification" does not necessarily lie in the direction of fitting all taxpayers into the "Procrustean bed" of a single tax return form. On the contrary, a special simple form for taxpayers in relatively simple tax situations will make tax return filing simpler for them. Even if Government were to have problems of printing and of stocking more than one tax return form, the taxpayers who could use the simple form would benefit. And the taxpayer's convenience is what should count more than that of the Government and more than any other consideration. If a single form for all taxpayers is decided upon, then let us be sure that this form is at least as simple as the old punch card 1040A so that the burden on low-income taxpayers can be made as simple as we know how to make it. This is not the case, of course, with the 1969 form 1040.

For taxpayers with complex situations, the new "building block" approach to tax return filing may be desirable. The present version does not seem to be going as well as we would like, but perhaps it is still too early to tell. Much should be learned from this year's experience. But the feeling still persists that an active search for new approaches is imperative. Let this search be limited by only one constraint; that the convenience of the taxpayer is paramount.

Fortunately, over the next few years, the Tax Reform Act will remove several million low-income people from the tax rolls, through the new low-income allowance. That is a real step toward simplified tax compliance. But for the taxpayer who will still remain on the tax rolls the complexities will have increased and the need for forms simplification will grow.

In summary, my purpose in speaking today, is not to criticize the complexities of the Tax Reform Act of 1969. In solving the equity problems, while retaining fiscal balance, we had to be content with some complexity. We will now look to future amendments to simplify the provisions.

What I am concerned about today, however, is the trend away from forms simplification which began even before the Tax Reform Act was started on its way. I refer to the decision made early in 1969 by the Internal Revenue Service to abandon the simple tax form, the so-called form 1040A, and to redesign the form 1040 for use by all, the high and low-income taxpayer alike.

It is becoming plain, that Government is giving inadequate weight to the taxpayer's compliance problem. I submit that if we want voluntary tax compliance we must make it as easy as possible for the taxpayer to comply. This applies to all taxpayers: rich and poor, young and old, workers and investors, employers and employees.

I am not opposed to private tax preparers giving taxpayers all the help they need. I think, however, that Government should see that the need of taxpayers for help and their consequent susceptibility to exploitation are reduced to the very minimum.

Let us remember that as a result of the Tax Reform Act, next year's tax return may be even more complex than the 1969 form. And the complexity in 1971 may be even greater. Let the tax administrators aggressively reexamine the matter. Let them put a premium on new ideas. Let Government merit the concurrence of our citizenry that paying taxes, though painful, is as painless as possible.

NIXON SMASHES ALL PRECEDENTS TO LAUD RUSSELL

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. O'NEAL of Georgia. Mr. Speaker, public servants of Senator RICHARD BREVARD RUSSELL's quality do not come along often. Therefore, it is a source of great pride that this giant of American Government is a fellow Georgian.

Several hundred friends of DICK RUSSELL recently gathered in Washington to honor him. Among those who attended the reception was President Nixon, the most recent in a long list of Presidents who learned to respect and depend on Senator RUSSELL's advice and wise counsel. It was obvious from the President's words and actions as he made the ceremonial introduction that Senator RUSSELL is one of the truly great men of our age.

Syndicated columnist Holmes Alexander also attended as a friend of Senator RUSSELL and was moved to tell his readers why Georgia's senior Senator has earned the respect and admiration of so many fellow Americans. Mr. Alexander's column follows:

NIXON SMASHES ALL PRECEDENTS TO LAUD RUSSELL

(By Holmes Alexander)

WASHINGTON.—There were some 800 of us in the Washington Hilton International Ball Room—"friends of Senator Richard Brevard Russell"—and I think if not restrained by an invitation list, the "friends" could have filled Memorial Stadium.

The 25-hour taped television interview, which ran in three one-hour installments at Atlanta and at the Senate Office Building auditorium, had a title "Georgia Giant," and that was fitting. But I recalled an apocryphal anecdote about George Bernard Shaw who reputedly was offered a knighthood, and replied, "When they find a better title than GBS, I'll take it." Somebody could have said that about the seven-term Senator. There just isn't a better title for him than "Russell of Georgia."

President Nixon, who made the ceremonial introduction, smashed precedent and protocol all over the place. It can't be often that a Republican chief executive is master of ceremonies for a Democratic chieftian whose State only once in history (1964) gave its electoral votes to the GOP.

Mr. Nixon told us that when the band played Ruffles and Flourishes and announced the President of the United States, "I nudged the agent and said, 'They were supposed to have said the President of the United States and Senator Russell.' " It's fairly certain that nothing of that sort has happened before. But Mr. Nixon, in high spirits, over-topped even that, and his words off my tape-recorder were:

"You also note that the Senator was walking on my right. He didn't want to do that. He said 'I should be on the left.' I said, 'Look, prime ministers, kings and emperors would be on my right, and the Senator from Georgia should be.' "

The Senator, let's face it, has always walked in the aura of majesty. He was 6 when his politically prominent father ran for Governor and was defeated as being too liberal. He was 32 when elected governor himself, and he was sworn into office by the State's chief justice, his father. Before that, at 30, Dick Russell was chosen Speaker of the Georgia House.

On the high plateau of his renown as leader of the Senate's Southern bloc, he had the satisfaction of finding his beloved mother named Mother of the Year by Colliers Magazine. On May 11, 1950, the home town of Winder declared a holiday in her honor.

Nobody ever intruded upon Senator Russell's private life as a sought-after bachelor who received many invitations and accepted few. A reason might be that he feels altogether sufficient within the royal circle of a huge family of brothers, sisters, nephews, nieces, and other assorted relatives. One of the nieces at the testimonial said, "We never invite outsiders to the family parties, because we want to talk among ourselves. In fact, we talk so much that we all interrupt—it's the only way of being heard."

To be so self-sufficient as the senator is, so regal, so special-privileged, and so politically unbeholden makes it wholly amazing that he has been popular, too. New reporters in town would not find him approachable, but among us old survivors there is no more productive session than an interview in his hall-sized private office.

Russell has talked with this reporter in the most revealing detail about persons he liked (Lyndon Johnson), those he disliked (the late Defense Secretary Charlie Wilson), matters of delicacy (the Kennedy assassination) and affairs of state (the Vietnam war).

No man has engineered more filibusters to protect States' rights (i.e., to throttle civil rights legislation), or has more openly supported the much-maligned military industrial complex. It is not his joviality (he keeps that for his friends) which has made Russell the popular figure and the uncrowned monarch of the Confederacy-in-exile. It is because one can say of him, without embarrassment or hyperbole, that he simply gives truth to the words of Pope, "An honest man's the noblest work of God."

Integrity of character is as plain as the nose on his face—and that explains everything about Russell of Georgia.

NORTHERN ILLINOIS ESTONIANS DEDICATED TO LIBERATION OF THEIR HOMELAND

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. McCLORY. Mr. Speaker, I wish to call the attention of my colleagues to an inspiring address by Olaf Tammark,

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president of the Estonian Association of Northern Illinois, on the occasion last Saturday night in Woodstock, Ill., of an observance of the 52d anniversary of the Declaration of Independence of the Republic of Estonia.

Other officers of the Estonian Association of Northern Illinois are Alemar Inn, vice president; Voldimar Oper, secretary; Alemar Nikopensius, treasurer; and Osvald Pervi, director.

Mr. Speaker, we pause today in remembrance of the courage and continued struggle for freedom of the people of Estonia. This small nation has witnessed a succession of invaders from as early as the ninth century. The country was so ravaged during the Northern War between Russia and Sweden from 1703 to 1729 that only the city of Tallinn escaped complete destruction.

Perseverance and courage finally won for the Estonian people some measure of freedom and property rights in the 19th century.

Following the Russian revolution in the second decade of the 20th century, Estonia broke away from its mammoth neighbor and in February of 1918, after German troops occupied the country, declared its independence.

When the Germans withdrew in November that year, the Soviets once again attacked Estonia, precipitating the War of Independence of 1919–20. Some of the men at the gathering in Woodstock Saturday night had fought in that war.

Today Estonia is one of 28 captive nations under the tyranny of communism. We salute the people of Estonia on the anniversary of their national independence and reaffirm our hope for their eventual freedom.

Mr. Tammark's address follows:

ADDRESS BY OLAF TAMMARK, PRESIDENT, ESTONIAN ASSOCIATION OF NORTHERN ILLINOIS

Our Distinguished Guest, The Honorable Congressman Robert McClory and Mrs. McClory, The Honorable Mayor of Woodstock, Mr. Melvin Stuessy and Mrs. Stuessy, Ladies and Gentlemen:

We are happy to see you with us tonight. Allow me to introduce to you the ladies and gentlemen you meet here.

Most of our guests are Estonians, and a number of our American friends are gathered with us to celebrate the 52nd anniversary of the Declaration of Independence of the Republic of Estonia.

The majority of us left Estonia over 25 years ago, a time when Estonia became occupied for the second time by the Soviet Army.

After some years in displaced persons camps in Germany and Sweden, these Estonian refugees were lucky to arrive in the United States and to work for a year or two on the farms and in houses as servants, from Florida to North Dakota, from California to New York—wherever the sponsor of the family resided.

From the first day here they relied only on their ability to work. They had no money, no relatives or friends in the United States. They spoke only sparsely English and were not accustomed to the ways and means in this country.

Afterwards, looking for each other, they moved into the area of Woodstock and Crystal Lake. They started to work in factories and construction.

Whatever they did, they did well. They built their own homes; advanced at their jobs. Their children went through high schools and universities.

They all are well off now because they have earned it by honest and hard work.

They always asked for work—never for handouts.

They all are Federal, State, and property taxpayers—not taxeaters.

They believe that the United States of America is still the country of opportunity and freedom for all—and they like to keep it that way.

In their success they are like most Americans. But there is something that only very few Americans can say they know as well as the men and women you meet here tonight.

We all have lived under Communism. We all have seen the extermination of all freedoms and human rights, experienced the loss of our independence, our country, and our property. We have seen our friends and family members arrested without cause, and deported. We have learned of their deaths in slave-labor camps in Siberia, and some of us have seen them buried in mass graves after being killed by neckshot.

For us freedom is not only a word—it is everything, and we feel it to be our duty to keep it and to fight for it.

Before we endured all these experiences, we lived and worked as happy people in a happy and free country which we loved very much—Estonia.

There are tonight men among us who fought in the War of Independence, 1918 to 1920, and made the dream of a free democratic Republic of Estonia come true.

In 1940, the Soviet Union, breaking all treaties made with our Republic, using threats and force, occupied and incorporated Estonia into the Soviet Union.

Today after almost 30 years of occupation and Communist terror over one-third of the population in Estonia is Russian. Some towns are almost 100% Russian. This is accomplished by removing the Estonians from their homes by a variety of methods and their numbers are reduced in their own country.

Genocide is the result of the actions directed from Moscow.

The forced labor camps have been and are today used as a terror tool to exterminate the Estonian nation.

The United States Government has continuously refused to recognize the forcible incorporation of Estonia, Latvia, and Lithuania into the Soviet Union.

This statement and plea can help only if our efforts are continued and a stable policy is adopted toward Communism, in general, and the Soviet Union, in particular.

We want the United States to stay on the side of the oppressed and not on the side of the oppressor.

We want the Government and the people of the United States to be well informed and alert to Communism.

We want the Government of the United States to have an ear to listen and to understand about the danger and menace of Communism and to learn of the experiences which so many nations have had with Communism.

We want appropriate attention to be given to the pollution of our air, water, and earth. Also, we want equal attention to be given to the deterioration of our most valuable asset—our children and youth, and we want to put a stop to the pollution of their minds in many of our schools, colleges and universities. They should have the chance to learn the truth about Communism in an easier way than we did.

There is ample evidence that the image of the Kremlin, as built up by effective Communist propaganda, is vulnerable.

If on a large scale we could expose the crime made by the dictatorship of the Communist Party of the Soviet Union, we could check, and perhaps stop, the genocide going on in Estonia and in the other occupied countries.

If that could take place, public opinion here and the resistance movement in the Soviet Union would do the rest.

On July 17, 1959, the Congress passed a law authorizing the President to proclaim the third week of July as "Captive Nations Week" and "such proclamation will be issued every year until freedom and independence shall have been achieved for all the Captive Nations of the world."

The late President Eisenhower was the first to issue such a proclamation, in 1959. Then there were 28 Captive Nations. In over ten years this number has not diminished.

We urge you, our Congressman, to keep the goal alive to uncover the crimes and subversive actions of Communism here and around the world, to keep the issue of freedom and self determination for all nations a hot and lively issue, so we could be sure to bring the Estonian flag back to a free Estonia and in doing so count you as well as many other Americans our dear and truthful friends.

Please accept as a gift from the Estonian Association of Northern Illinois this set of Medals of the Captive Nations with the face of the late President Eisenhower surrounded by 28 stars representing the 28 Captive Nations.

One of these nations is the land of our fathers—Estonia.

ESTONIAN INDEPENDENCE DAY

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. HELSTOSKI. Mr. Speaker, we pause today to commemorate an anniversary which represents an important monument in the history of self-determination for all people.

Today the Americans of Estonian descent are celebrating the 52d anniversary of the Declaration of Independence of the Republic of Estonia.

For two decades the flame of freedom burned brightly in Estonia. Under a democratic form of government the country flourished, economically, culturally, and socially. Unfortunately, the Estonian people had their land overrun by the Soviet Union's Red Army during World War II and the Soviet Union still occupies the land to this day.

The United States has never recognized the forcible incorporation of Estonia into the territory of the Soviet Union, and continues to recognize Estonian diplomatic and consular representatives in this country.

Through the Communist aggression and violence Estonia lost her independence and her people were deprived of their liberty. Through Soviet military occupation and unlawful Communist expropriation they have lost their personal property and the wealth created by industrious Estonians during many generations. Thousands of American-Estonians who have been lucky enough to find

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refuge in this country, have personally suffered from Communist cruelty and terror. Most of them have lost members of their families and close relatives through arrests, deportations to Siberian slave labor camps or by outright murder, committed by the Communist oppressors.

For 30 years now the expropriation, pauperization, slave labor, suppression of basic human rights and freedom, Russification, terror, mass deportations and murders have been the mark of the Soviet occupation in Estonia and the other Baltic States of Latvia and Lithuania.

The Estonian people have never lost hope to regain their freedom and independence and we Americans salute them for their hope.

In the years past we have often heard the United States and other Western countries criticized by Communists for practicing colonialism. But the Soviet Union overlooks its occupation of Estonia, which is certainly colonialism of the most obvious sort.

Both the United States and the Soviet Union have talked about the principle of self-determination, and we are giving and have given evidence of our belief in this principle. Russia has had an opportunity to do so, but has not acted.

This 52d anniversary gives us all in the United States one more opportunity to offer friendship and encouragement to those who seek to be free and to govern themselves in their own way. This anniversary also directs our attention to the Estonian Declaration of Independence which urged Estonians "to be ruled by right and order, so as to be a worthy member of the family of civilized nations."

Mr. Speaker, the 89th Congress of the United States, after extensive hearings, unanimously adopted House Concurrent Resolution 416 which I submit for the Record and again call upon the President to use his high office to carry out this congressional mandate.

The resolution follows:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (*the Senate concurring*), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. Speaker, we should seek the liberation of the Estonian nation and the other Baltic States from Soviet colonialism and oppression. It is our hope that their freedom and independence is not too far away and that they will once again join the community of nations who have full national sovereignty.

NATIONAL PEANUT WEEK

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. O'NEAL of Georgia. Mr. Speaker, man cannot live by bread alone. As a dietitian once said, "he must have a little peanut butter to spread on it."

Dr. J. G. Woodroof is the author of a new book about peanuts. A series of articles in Peanut Journal and Nut World makes use of interesting and valuable information from the book.

The coming of National Peanut Week, when the House and Senate restaurants will feature delicious peanut soup, makes it appropriate that the first article of the series be shared with our colleagues and those who read the Record.

The article follows:

COMPOSITION AND USE OF PEANUTS IN THE DIET

(By J. G. Woodroof)

I. INTRODUCTION

Possibly no crop in the world has advanced as fast as the peanut as a source of food for man and feed for animals. It is grown and eaten on six continents, in more than 400 ways, and its production and use are expanding. The chemical, physical and dietetic uses of the peanut make it a favorite food item over the greater part of the world.

It may be said that peanuts are the most unexplored and neglected food crop in the United States. The potentialities for developing additional food products, utilizing proteins, lipids, vitamins and flavor of peanuts are as great as for any crop in the world. The years ahead may witness new peanut food products not even dreamed of at the present time.

Peanuts are aptly described as nature's masterpiece of food values. Practically everybody likes them and it is a rare person who can eat one peanut and quit. The pleasant aroma, irresistible nutty flavor and smooth crisp texture of roasted peanuts are enjoyed by people of six continents.

In the United States, the per capita consumption of peanuts increased from practically none in 1865 to 2.4 lbs. in 1909, 4.3 lbs. in 1940, 6.5 lbs. in 1960, and 7.2 lbs. in 1965. An upsurge in consumption is now underway. This is in the light of increased number and quality of peanut products, a better appreciation of the flavor and high nutritional qualities, and an increased world-wide need for protein.

Peanuts offer an abundant source of proteins, protein concentrates, and their isolates in developing countries. They should be used in combination with industrially produced amino acids (lysine and methionine) or with some animal protein such as skim milk, powder or fish protein concentrate.

The story is told of a missionary, Archdeacon Thompson of the American Missionary Society, who in 1889 took quarts of peanuts in his luggage to China. He then divided these with Dr. Charles R. Mills of American Presbyterian Mission. Mills in turn gave a quart to each of two Chinese converts. Production of peanuts spread to every province of China and China is now the world's number two producer with approximately two million tons annually, while the United States ranks fifth with one million tons.

George Washington Carver is said to have made many food and industrial products from peanuts before World War I. He prepared a meal for Macon County, Ala., businessmen, consisting of nine dishes containing peanuts. These were soup, mock chicken, a creamed vegetable, bread, salad, ice cream, candy, cookies, and coffee. He is said to have made more than 300 products from peanuts. Among these were mayonnaise, cheese, chili sauce, shampoo, bleach, axle grease, linoleum, metal polish, wood stains, adhesives, and plastics. From the fats, proteins, sugars, starches, gums, and resins, he isolated pentoses, pentosans, legumins, lysin, amido and amino acids, as well as fatty acids. From these he made milk, ink dyes, shoe polish, creosote, salve, shaving cream, soap, and several kinds of peanut butter.

The origin of peanuts is unknown, though they were known as early as 950 B.C [Higgins, 1951]. They are supposed to have been found first in Brazil or Peru, and to have been carried to Africa by early explorers and missionaries. They were brought from Africa to North America by slave traders in the early colonial days, and used as food for slaves while on shipboard. Peanuts were cheap, of high food value, and did not spoil readily. In America, peanuts were not extensively used until after the Civil War in 1865 and then for many years the crop was confined to Virginia and North Carolina.

While there are several types of wild and cultivated kinds, the peanut (ground nut, earth-nut, monkey nut, gober, pinda, pinder, Manila nut) that we know is the fruit or pod of *Arachis hypogaea* of the Leguminosae family. The flower is borne above ground and after it withers the stalk elongates, bends down, and forces the ovary underground. The seed matures below the surface, and the plant favors light sandy soil. When the seed is mature the inner lining of the pods, or seed coat, changes from white to brownish. The entire plant, including most of the roots, is removed from the soil during harvesting.

Producers, processors, and end-users are working, as a team, to utilize peanuts more completely. Food technologists and nutritionists on six continents are discovering that an agricultural commodity which has been relished by practically all forms of fowl and domestic animals, and which abundantly supplied protein, vitamins, minerals and rare nutrients to pigs, cattle, poultry, turkeys, horses, and dogs, is a valuable source of food for humans. More than 637 million pounds of peanuts, or about half of the crop, are used annually for human consumption in the United States.

Hardly a month passes without the announcement of a new discovery for the use of peanuts as a food item. These range from new confections, new bakery products, new snacks items, peanut flour, peanut milk, peanut ice cream, peanut flavored milkshakes, defatted peanuts, and peanuts in breakfast cereals, to peanut protein, peanut lipoprotein, peanut protein isolates, polyunsaturated peanut fats, dietetic foods, and special foods for curing pellagra and haemophilia. Possibly no crop in the world has potentialities of being processed in as many ways used in as many products as does peanuts.

An example of the diversity of uses of peanuts is the fact the school lunch supervisors use peanut butter in 35 varieties of sandwiches and 23 ways other than sandwiches; and that housewives use peanut butter in more than 100 ways. There are more than 300 ways of using peanuts in restaurants, bakeries, candy shops, and snack bars.

In contrast, only 7.9% of the 155,249 tons of peanuts produced in South Africa are used for domestic purposes; 62.3% are exported, 23.8% are crushed for oil, and 5.5% go for seed, feed, or shrinkage.

Much of the credit for progress in production, processing, and utilization of peanuts is due to engineers who developed facilities for mechanical planting, cultivating, fertilizing, controlling pests, harvesting, drying, grading, shelling, sorting, storing, heating, blanching, cooling, grinding, packaging, conveying, and transporting peanuts and peanut products.

A world-wide expansion in growing and consumption of peanuts is under way. It is hoped this treatise will furnish some information and inspiration to guide those who are in, or may wish to enter, the area of peanut growing, exporting, importing, or processing.

II. USE OF PLANT PROTEIN TO REPLACE ANIMAL PROTEIN

The most serious dietary problem in a large area of the world is lack of protein in adequate quantity, particularly that suitable for infants and young children. This deficiency is more significant than over-all caloric availability.

It has now been clearly established that deficiency disease related to protein inadequacy in diets of young children, occurring during the period of maximum human physical growth is a major cause of lower vitality, susceptibility to diseases, and the very high death rate in tropical and subtropical areas [Milner, 1964]. Cumulatively, the effects of these conditions on the intellectual and physical vigor of population may be seriously hampering the economic and social development in these areas.

Protein-rich residues of peanuts and other crops have been traditionally used as fertilizers or as animal feed. The proposal that they be used as foods for infants and children, not withstanding the extensive literature on their feeding value for animals, prompted searching questions from human nutritionists and pediatric clinicians.

Food-grade peanut flour, defatted either by means of screw pressing or solvents, offers considerable potential. UNICEF is presently assisting the Government of India to bring into production the first commercial plants to provide edible peanut flour with protein content of 45% or more. The major application will be as a supplement to wheat flour used principally for chepathis and for infant food formulations. In Nigeria, peanut flour supplemented with skim milk (4 : 1) is being introduced and has been shown to have nutritive and therapeutic value essentially equivalent to that of skim milk in treatment of kwashiorkor. In Senegal, FAO and UNICEF are cooperating in the promotion of millet foods supplemented with locally produced peanut flour. Brazil also has achieved considerable production of peanuts, and a solvent-defatted locally-made product has been utilized in school lunch feeding.

On the basis of techniques which have been developed largely in British laboratories to select clean peanuts, FAO and UNICEF are reacting to this problem by providing training grants to scientists involved in national efforts to process and introduce peanut flour as food in order that they may initiate such screening methods in their home countries. It is expected that such quality supervisory programs will permit full resumption of these introductory and food promotion efforts.

FOREST MANAGEMENT

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. STEPHENS. Mr. Speaker, last August an article by W. F. Mann, Jr., appeared in the Forest Products Journal, titled "Techniques and Progress in Regenerating Southern Pines." Mr. Mann is a research forester with the Southern Forest Experiment Station of the Forest Service. The article describes the resurgence of timber in the South after a period of overcutting. The resurgence was the result of the kind of high-yield practices which would be promoted on national forests under H.R. 12025.

In the South most of the forest land is in private ownership. It is certainly time for the Federal Government to take similar steps in forest management on its own lands.

The article follows:

A Review: Techniques and Progress in Regenerating Southern Pines

(W. F. Mann, Jr.)

(The past few decades can be considered an era of regeneration in the southern pine region. During this time significant progress has been made in developing techniques for natural and artificial regeneration and applying them on a large scale. This paper briefly traces the rapid transition from almost complete indifference towards perpetuation of the forest resource to the most intensive regeneration program in the country. It also predicts some further changes.)

The southern pine region embraces about 100 million acres, most of which are highly productive for pines. Coniferous species include loblolly (*Pinus taeda* L.), slash (*Pinus elliottii* var. *elliottii* and *Pinus elliottii* var. *densa* Little & Dorman), short-leaf (*Pinus echinata* Mill.), longleaf (*Pinus palustris* Mill.), Virginia (*Pinus virginiana* Mill.), pitch (*Pinus rigida* Mill.), pond (*Pinus serotina* Michx.), spruce (*Pinus glabra* Walt.), table-mountain (*Pinus pungens* Lamb.), and sand pine (*Pinus clausa* (Chapm.) Vasey). The first five are the most important; singly or in mixtures they are probably dominant on 95 percent or more of the South's pinelands. The others are found in relatively small areas where they are favored by unique site conditions such as rocky mountain ridges, deep sands, extreme wetness, or fertile hummocks along streams.

The discussion will refer primarily to the major species, which have received greatest emphasis in research and practice. Comparatively little is known about regeneration of table-mountain, spruce, pond, and pitch pines. Sand pine received scant attention until a few years ago, when landowners began to plant it on a large scale in the sandhills of northwest Florida. Although detailed information may be lacking for some of the species, it is known that all southern pines have a history of depletion and restocking that is quite similar.

AFTERMATH OF ORIGINAL CUTTING

Cutting of the virgin pine timber in the South was largely completed by 1930. Moreover, many second-growth stands had been high-graded for sawtimber or harvested for pulpwood. Left behind were vast expanses of denuded lands, especially in the Coastal Plains where longleaf once occupied 45 to 60 million acres. W. R. Mattoon, a knowledgeable and respected forester, reported that, "About 6,000,000 acres of long-leaf timber land, it is estimated, are cut in this country yearly, and about 4,000,000 acres are left fire-swept and practically idle."

A great opportunity to regenerate millions of acres was lost by failure to protect the small residuals left in the harvest of the original forests. Since cutting of virgin stands was to a diameter limit, many undersized trees were passed by. Unfortunately, most of them were destroyed in skidding operations or killed by fire or storm. Surviving residuals responded to release and developed into seed bearers that restocked uncounted acres, but foresight and the means to preserve more of these trees might have changed southern forestry drastically in the years that followed.

The best source of seed was usually on wet areas such as the stream bottoms that are prevalent throughout the uplands. Probably loggers left more residuals on boggy soils. And, of course, these sites were naturally protected from the devastating wildfires that swept over drier areas. Once fire protection was improved, the trees often restocked surrounding land as much as 10 chains away.

Wildfires probably caused greater losses than all other factors combined. They burned over tremendous acreages each year, destroying seed trees and young stands that had reproduced naturally. In addition to direct effects, the incidence of fires discouraged most landowners from investing in a future crop.

Two other major factors retarded the rebuilding of the South's pine forests. First, intensive turpentining reduced vigor of trees in the longleaf-slash pine belt and caused heavy mortality. Moreover, the pitch-soaked faces left trees highly vulnerable to destruction by fire. Second, longleaf seedling stands on thousands of acres were killed by free-roaming hogs that uprooted trees to feed on the succulent roots.

Though they caused great destruction, the wildfires were sometimes beneficial. Well-stocked pine stands became established occasionally when burning exposed mineral soil coincidentally with a bumper seed crop. Such examples of natural restocking helped influence the few observant foresters who early advocated the use of fire in management. Probably wildfires were most beneficial by retarding the invasion of worthless hardwoods, which complicate pine regeneration.

Outstanding examples of natural reproduction were also found on abandoned farmland. Sales of cutover land for agriculture boomed around the turn of the century. From the Atlantic coast and the Piedmont across the Gulf Coastal Plain to Texas, as much as 10 percent of the land was put into cultivation after the virgin stands were harvested. Many of these operations failed, and the abandoned fields were quickly invaded by pines or low-grade hardwoods. Old-field stands—some of which had the best stocking to be seen in the early days of forestry—are noteworthy because they demonstrated that pines could be regenerated and would grow rapidly. They furnished, and still do furnish, a sizable proportion of pulpwood and sawtimber in many sections.

By 1930, after 40 years of heavy cutting that removed almost 500 billion board feet of pine, the South was faced with a tremendous job of rebuilding its forests. The lands were not completely barren by any means, for it was estimated that 200 billion board feet of saw-timber was still standing in the late 1930's, but the situation was grim. About 10 percent of the acreage still had old-growth stands, the bulk of which had been high-

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graded. Twenty-five percent, lacking adequate reproduction and seed trees, was so depleted that the only hope of restoration was by artificial regeneration. From 5 to 10 percent of the region was well stocked with second-growth that had originated accidentally on old fields and on cutovers. The remainder was partially stocked, but the stands were mostly open and tree quality was accordingly poor.

STARTING TO REBUILD

The early 1920's saw the beginning of large-scale regeneration programs. This was about the time that the Forest Service and some schools and private companies started research programs, and it was not long before many southern states had taken the first steps to establish fire-protection organizations. Research coupled with commercial trials led to the accumulation of knowledge in all phases of regeneration from seed handling and nursery culture to site preparation and protection of the young stands. Prior to this time, successful plantations were estimated to total less than 500 acres; planned natural stands probably were equally uncommon.

The Great Southern Lumber Company of Bogalusa, Louisiana, was the first to plant on a commercial basis. It began in 1920 and planted almost 13,000 acres in the next 6 years. By 1931 it had established longleaf, loblolly, and slash pine on about 26,000 acres. Southwide, only 20,000 acres were planted prior to 1927, and 73,000 acres by 1931. The pioneering of this Louisiana company was carefully followed by other landowners.

The Clarke-McNary Act of 1924, which provided for increased Federal cooperation with States in the production of planting stock, was a stimulant to nursery programs. The earliest planters had utilized wildlings, and a few companies had developed their own nurseries. State nurseries, however, were needed to supply stock for small as well as larger landowners.

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The depression of the 1930's stifled many of the programs of private owners, but it led to a new and different stage in regeneration of the southern pines. The Civilian Conservation Corps was established and in a 7-year period planted in excess of ½ million acres. On thousands of additional acres CCC workers deadened hardwoods that were overtopping and suppressing pines.

While the planting movement was gaining momentum, a few landowners throughout the region began leaving seed trees purposely for regeneration. The trees thus reserved were not suppressed runts but well-spaced stems with sufficient crowns to produce seed immediately. When coupled with fire protection, many of these operations were successful, especially along the Atlantic coast where seed crops are consistently good. Further west, where seed crops tend to be intermittent, many failures occurred. Inadequate preparation of seedbed and site often resulted in low stocking even when ample seed was cast.

The selection system of management also gained in popularity during this time, especially in the loblolly-shortleaf pine type. The basic purpose of the system was to provide a steady flow of larger trees to the sawmill, and at the same time to preserve small, potentially valuable stems and to establish reproduction in small openings. It was used extensively, even after the war, as it aided landowners and industry to make the transition from repeated high-grading to reliance on managed stands. Now, most landowners have switched to even-aged systems of management.

The prewar period was significant for demonstrating that pines could be regenerated and that the new crop would grow fast, rather than for any great progress in restoring depleted lands. It was a time of trail blazing. The successes achieved then encouraged and guided land managers after the war.

THE REGENERATION BOOM

Conditions at the end of World War II were favorable for the largest reforestation program ever attempted. There was a broad awareness that southern forests could be restored to their former productivity, forest industry seemed ready to expand plant facilities, and large landowners had accumulated capital to invest in development of lands. In addition, planting machines had been invented to cut costs and speed up the work fivefold over hand planting.

From 1947 to 1967, about 15 million acres were planted. More than 99 percent of this acreage was reforested to slash, shortleaf, loblolly, and longleaf pines. Sand pine plantations totaled about 50,000 acres, and Virginia pine about 10,000 acres. The remaining four species accounted for less than 2,000 acres.

During this time planting techniques remained essentially unchanged, but there were several other shifts that merit mention. First, a gradual trend towards wider spacings developed. Early plantings were primarily at spacings of 6 by 6 feet, whereas spacings now are 8 by 8 feet or wider. The purpose is to reduce planting costs, to hasten the time of the first thinning, and to speed the growth of large products. Another consideration is to provide access between rows, which some managers believe will be important for efficient operation of future harvesting equipment.

Reduction in plantation stocking will decrease cubic yields per acre even though diameter growth is accelerated. Many economic factors will ultimately influence how plantations are spaced. With shrinking acreage for timber production, higher land costs, and increasing expenses for owning and managing land, there may be a shift to maximum fiber production per acre, particularly for pulpwood growth. Wide spacings may be most profitable only when large trees for saw logs or veneer bolts are the major goals of management.

Another important trend has been towards intensive site preparation before regeneration. Invasion of brush following improved fire protection has precipitated much of the work. Heavy machines are used to destroy the small hardwoods; they prepare a good seedbed at the same time. But many landowners are disking, bedding, or chopping sites for the specific purpose of increasing growth.

Most of the easier planting chances are completed. The job now is to reestablish pines on the more difficult areas, which are usually dominated by dense stands of small brush. Many of these areas are on steep terrain and have thin soils that are apt to be droughty. Foresters have tackled them with ingenuity, using large machines for site preparation where topography will permit safe operation and herbicides on very rough ground. Other difficult sites now being regenerated are those where waterlogged soils retard pine growth. Here elaborate drainage systems have been dug to remove excess water, and elevated beds have been disked to further promote rapid growth.

In the mid-1950's direct seeding was perfected, and in the past 10 years more than 1 million acres have been sown. The key to the development was the finding of a chemical coating to protect seed from birds, rodents, and insects.

This method has proven to be fast, economical, and reliable. One helicopter can sow 2,000 to 3,000 acres daily—the equivalent of two planting machines working all winter. One company in Louisiana sowed 60,000 acres in 2 years, and thus put its land into production 4 to 5 years earlier than would have been practical by planting. Savings of seeding over planting in the South are estimated to exceed 10 million dollars. They are greatest on sites that are most difficult and expensive to plant, often averaging $15 to $20 per acre. Direct seeding has been successful on many tracts that would have been nearly impossible to plant.

Regeneration by natural means also progressed at an accelerated pace after the war. On areas with a seed source, improved fire protection alone resulted in successful restocking of many thousands of acres. Foresters reproduced large acreages naturally by applying selection management in understocked loblolly-shortleaf pine stands and by harvesting mature second-growth stands on the seed-tree system. More advanced techniques have been incorporated into natural systems of reproducing stands. Prescribed burning, for example, has become an accepted method for seedbed preparation and the control of small hardwoods, except in mountain regions. Heavy machines are also employed for site preparation.

The success of natural methods of regeneration varies greatly with the frequency of good seed crops and summer droughts. Probably the most favorable location is along the Atlantic coast, where seed is ample almost every year and rainfall is well distributed. At the other extreme is the West Gulf region, where seed crops occur at 3- to 10-year intervals and something like every other seedling catch is lost in dry weather during the critical first year. In areas where good seed years are infrequent, landowners are switching to artificial regeneration because they cannot tolerate the loss of production from the delay in restocking. Not only is valuable growth lost, but seedbeds deteriorate and dense brush often takes over the site when seed is not available.

But even where natural seedfall is consistently reliable, natural methods are not so inexpensive as they may appear. Lightning, wind, and insects take a steady toll of reserved trees, and the loss of only a few choice stems is costly. The presence of seed trees limits the intensity of fire that can be used for hardwood control and hampers mechanical site preparation. Moreover, stumpage returns when harvesting seed trees are usually less than those received for the main cut.

A number of landowners have begun to divert their resources to improvement of unstocked stands. Typically, these stands have 25 to 60 percent of full stocking in low-quality, open-grown trees. They are either cut back to seed trees or clearcut and then planted or direct-seeded. Often the site is prepared mechanically to destroy competing vegetation. Because 50 percent or more of the stands in the South are substantially understocked, such conversion will be a major activity for some time.

Seed orchards, which are numerous in the South, are beginning to influence regeneration practices. Production of superior seed will favor further expansion of artificial regeneration and deemphasis of natural methods. To obtain maximum benefits from limited supplies, foresters will use most of the initial production to grow nursery stock. Within 10 to 15 years, however, there should be ample quantities of improved seed for all methods of artificial regeneration.

THE FUTURE

Further advances in techniques of regenerating the southern pines can be expected as land management intensifies. Their exact nature will be determined only after research, much of it already under way, is completed. But it is certain that sites will be prepared thoroughly to obtain fast growth and high productivity. Many of them may be cultivated, bedded, drained, fertilized, weeded, and perhaps irrigated.

Planting of tube-grown seedlings is currently under study by a number of landowners. In this method, seed is sown in plastic or cardboard tubes containing soil, and the seedlings—still in their individual containers—are planted when they are several months old. Potential advantages include greater production from limited supplies of genetically improved seed than by nursery sowing, extension of the planting season, and better success on adverse sites than by planting bare-rooted stock from nurseries.

Many factors suggest that close control of spacing, from seedling stands through the rotation, will become increasingly important. For this reason, studies are being made to determine how row seeding can be accomplished from aircraft. Also under development are ground-traveling row seeders that will be adaptable to a wider variety of site and cover conditions than are any present models.

In the second-growth stands of the South, the degree of success achieved in regeneration has always been the major determinant of forest productivity. Regenerative techniques will assume still greater importance as foresters seek to keep lands in continuous, full productivity and to reduce rotations by intensive cultural practices.

THE NATIONAL CONSERVATION AND MANAGEMENT ACT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, testimony was offered before the House Banking Committee 2 weeks ago by the former Democratic Secretary of Housing and Urban Development, the Honorable Robert C. Wood, which failed to attract the widespread publicity it deserved.

His testimony, as head of the Massachusetts Institute of Technology's Joint Center for Urban Studies, cautioned the United States against its tendency to replace priorities instead of fulfilling them. Mr. Wood said specifically that he is seeking realization by advocates of quality living that no decent environment is possible without adequate housing. He pointed out that Americans continually mobilize their resources to meet changing objectives and thus may never have to allocate them at all and thus "evading discipline, work, and costs, we embrace environmental escapism."

It is with respect to the quality of life, adequate housing, mobilization of resources, discipline, and environmental escapism that I will speak briefly today.

President Nixon has committed his administration and the Nation to improving the quality of American life. His breadth of scope in his environmental message embraced decent housing as one element of our environment. That this is true none of us, regardless of party, can deny. People who live in squalor or congestion or decaying structures, anywhere in America, whether it be in teeming cities or in rural isolation, can scarcely be said to be enjoying either a wholesome environment or the quality of life to which we all aspire.

The President has forthrightly declared that housing is and must continue to be a top national priority. There is increasing evidence in the utterance of Dr. Arthur Burns, of Paul McCracken, of Secretary Romney, and other fiscal and housing leaders that the administration is preparing to take positive actions to ease fiscal policies in such a way as to enable a resumption of housing activity which has been strangled for a year by limited financing. Deliberate financing of new housing programs, both public and private, together with the first fruits of Operation Breakthrough and the promise of its application of modern techniques to housing, both represent a mobilization of our national resources to meet public need.

The administration has demonstrated discipline in its rigorous, and sometimes unpopular, efforts to control inflation. It has held the line on fiscal policy even though it recognized and publicly stated that housing was bearing an unwarranted proportion of the pressure. We can be assured that when fiscal restraints do begin to ease, housing will be one of the first areas of the total economy to respond. The pent-up demand for housing is unprecedented since the end of World War II. The projections for new housing and rehabilitated housing through the seventies, the decade of the environment, as it is frequently referred to, exceed any housing requirements in our history.

There must be, as the President has said, and there will be, as he has also said, priority consideration of housing in achieving the quality of American life and environment to which we all aspire. This means more mobilization of resources—this means lumber and plywood, steel and concrete, hardware and plumbing, and skilled workmen.

In January of last year when housing starts rose to an annual rate of 1.9 million we experienced severe shortages of lumber and plywood for construction. Prices for these commodities doubled. Congressional investigations over a period of several months revealed that the U.S. Government was not managing its publicly owned commercial forest lands adequately with the result that the national forests were consistently failing to yield their appropriate share of the timber needed for housing. Legislative steps have been undertaken to overcome that deficiency in our mobilization of resources for housing. We shall soon have the opportunity to vote on H.R. 12025, the National Forest Timber Conservation and Management Act, which will be considered in the House this week. A similar bill has been the subject of Senate hearings.

As a member of the Rules Committee, I had the privilege of hearing a careful explanation of this measure, its origins, and its evolution. It has been the subject of thorough hearings and careful amendment in the House Agriculture Committee to meet objections from conservation groups and perfecting suggestions from the Forest Service. I am convinced that this timber-growing legislation must be passed by the Congress and signed into law at the earliest possible time if we are to meet the material demands imposed upon the Nation by our critical housing shortage. I shall vote for this bill and urge my colleagues to do so as well.

This brings me to my conclusion and a brief comment upon "environmental escapism" as it was called by former Secretary Wood. There has been widespread opposition to timber supply measures by those who consider the environment to be largely a matter of ecology, woods and fields, birds and wildlife and, if you will, the "escape back to nature." I can appreciate their feelings but I quarrel with their logic and, regrettably, some of what they have alleged to be the facts.

This forestry legislation is carefully designed to safeguard the National Forests and specifically requires their management under the stringent provisions of the Multiple Use-Sustained Yield Act of 1960. I have reassured myself of that fact. It will not interfere with individual or collective enjoyment of the outdoor environment. The "escape hatch" to the wonders of the forests for enjoyment yawns as widely as it ever has and, some argue, will actually be widened by this act.

But more importantly, the environmental impact upon those of our citizens who cannot escape to the forests, who are compelled to remain within the cities by reason of economics, lack of transportation, infirmity, age or plain weariness, will be even greater. Passage of this measure will afford them a chance to have that most valuable of all possessions for any man and his family—a decent home in which to live.

This, in that context, is an environmental bill of singular importance and demands unanimous backing of a Congress which is committed to housing all our people.

CIVIL AIR PATROL FLIES 27,625 AIR HOURS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. WOLFF. Mr. Speaker, as commander of the Congressional Squadron of the Civil Air Patrol, the official U.S. Air Force auxiliary, I have seen countless instances in which help from a patrol unit has meant the difference between life or death for a pilot reported missing.

It therefore gave me great pleasure to recently read of two most notable records set by this excellent organization. I would like to include this noteworthy information in the RECORD:

FLIERS RECORD 27,625 AIR HOURS ON AIR FORCE-DIRECTED MISSIONS

MAXWELL AFB, ALA.—Civil Air Patrol fliers did their thing in 1969 by logging a record-shattering 27,625 flying hours supporting Air Force-authorized search and rescue operations. The total number of hours tops a previous high of 24,857 flying hours in 1968.

During the year, CAP flew 14,548 sorties or 2,000 more than the previous year and saved 38 persons' lives.

It was also a record-breaking year for the number of persons assisted by Civil Air Patrol during national and local disaster such as Hurricane Camille. Emergency Services officials at CAP's National Headquarters reported that 1,529 were assisted and another 149 were evacuated to safety from the stricken areas.

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IN SUPPORT OF THE NATIONAL FOREST CONSERVATION AND MANAGEMENT ACT OF 1969

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. ULLMAN. Mr. Speaker, this week the House will debate one of the most important pieces of proposed legislation in recent years regarding resource management—the National Forest Conservation and Management Act of 1969.

As a cosponsor of this bill, I regard passage as crucial to the future of the Nation's timberlands, the lumber economy and the housing industry. At the same time, I am convinced that the multiple-use concept—the preservation of the scenic, recreation, wildlife and watershed values—of forest management is strictly safeguarded by this legislation.

A leading voice in my State, the Oregon Journal, recently declared its strong support for this bill in an editorial. I commend the Journal's excellent arguments to the attention of my colleagues:

TIMBER BILL NOT A "GRAB"

A growing polarization between the forest products industry and some conservation interests makes it difficult to sell the idea that improved timber management and conservation can live side by side.

A much revised timber bill designed to increase the productivity of National Forest lands is in trouble in the House of Representatives, partly as the result of this conflict.

The timber industry has to accept some of the blame because the original version went too far toward jeopardizing well-established multiple-use and sustained-yield concepts. It gave good reason for conservationists to suspect the motives of the industry and to tack a "timber grab" label on the legislation.

Now the measure has been drastically revised, through the influence of the U.S. Forest Service and those forces in Congress and out who see the need for more timber and who believe in conservation too. It now bears the title, "National Forest Conservation and Management Act of 1969."

It contains safeguards which will permit the U.S. Forest Service to manage its timberlands with the same concern for other values—recreation, wildlife, watershed protection, etc.—that it has always exercised. Contrary to opposition arguments, it will not constitute a "raid" on lands set aside for other uses.

Its essential aim is to permit the Forest Service, through more adequate financing, to grow timber faster on given acreages of land by the use of already tested practices, such as stepped-up reforestation after harvest or destruction by fire, thinning, pruning, fertilization and development—through genetics—of improved stock.

This legislation may not be justified solely on the basis of what it will do for the timber economies in Western states. This by itself is a matter in which Oregon has a stake. But the nation needs a continuing, even increasing, flow of wood products if it is to make a serious dent in the housing crisis.

Opponents say that housing can be built of other products, but this requires the use of materials which are not renewable and thus consumes fixed resources too rapidly. Wood is renewable. The same land can be harvested over and over again through the centuries. The availability of wood products also has an important bearing on housing costs, a critical item in trying to develop shelter for persons with limited income.

The principles embodied in this bill are supported by many conservation-minded people. Improved timber management in itself offers a conservation plus, since better forests, even though planned for future timber harvest, provide many other benefits, including de facto wilderness enjoyment opportunities.

The legislation is supported almost unanimously by members of congressional delegations in Northwest states. Its aims have been applauded even by Oregon's Sen. Bob Packwood, who has staked his career on an all-out crusade in behalf of the environment.

Edward P. Cliff, chief of the U.S. Forest Service, has predicted that the Forest Service can, by accelerated management of the kind called for in this legislation, increase timber production from its current level of 13.5 billion board feet a year to 19.5 billion by 1978. This can be done, he believes, without "raiding" lands set aside for other purposes or interfering with recreational enjoyment of timberlands generally.

Such legislation will not end the controversy that has always existed between timber interests and extreme conservationists, which has put the Forest Service in the middle, sometimes damned by both sides. The federal agency will still have to exercise its judgment, based on the management of the forests for the best interests of all the people.

The Journal believes this legislation will benefit Oregon and the nation as a whole. Efficient timber harvest aimed at attacking the housing crisis can live side by side with the protection of the other multiple values of the forests.

ISRAEL'S ONLY CRIME: SUCCESS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. MICHEL. Mr. Speaker, the world is watching the worsening situation in the Middle East with growing concern and I for one support the President and Secretary Rogers as they strive to keep the "cork" in the bottle.

An editorial appearing in the February 18, 1970, edition of the Peoria Journal Star brings out some very significant aspects of the situation and I insert it in the RECORD at this point:

ISRAEL'S ONLY CRIME: SUCCESS

The only thing unprecedented in the Israeli air attack which smashed the Egyptian factory and killed many workers was Moshe Dayan's notification of the enemy that time bombs were probably in the wreckage.

He did this when he discovered the planes had apparently hit the wrong target.

No such step has ever been known as consideration for civilians in any war by anybody at any time before this, including us.

And this was done in spite of the fact that by contrast, the Egyptian dictator finances, equips, trains, encourages, cheers, and decorates guerrilla forces whose chief role has been the clandestine murder of Israeli civilians.

An auto packed with dynamite, parked in the main market of Jerusalem, and timed to explode when that market is in full swing is not a blow to a military target that went astray. It is a direct plot to murder civilians.

Trying to machine gun a civilian airliner in international service on a Greek airfield, on take-off, is not a military objective. It is naked terrorism directed at innocent civilians, Israeli and international.

Bombing a waiting room at an airport in West Germany is not a military objective. It is a deliberate, murderous assault on Israeli and non-Israeli civilians.

WANTON MURDER

Shooting Israeli honeymooners off the beach by border guards within range is not an attack on a military objective, but wanton murderous assault.

Mining the soccer field at night of a farm community is not a military attack.

So it goes, and so it has gone for many years.

The sudden great flap over the deaths of a number of Egyptians in an Israeli raid advertises the truth that in spite of a campaign designed to bring the most modern weapons to bear for terrorist killing of Israeli civilians, the Israeli response throughout these years has been a series of "operations directed at military objectives."

The factory incident was plainly treated as a unique exception to the normal experience.

The Israeli design of defense is one based on good sense as well as good moral grounds, and will undoubtedly continue to be restricted.

But it is patently absurd, and anything but "even-handed" (as the Secretary of State likes to keep saying) to shrug one's shoulders at the continued calculated murder program directed against the civil population of Israel—and go off into a screeching condemnation of an Israeli response that exceeds anything any western nation has ever done in its efforts to restrict the consequences to strictly military targets and objectives.

ISRAEL'S DESPERATE PLIGHT

Israel is in a desperate situation.

For every American there are four Chinese, and that fact disturbs many. Yet for every Israeli, there are not four but forty Arabs. No people wants endless conflict under those odds.

If that isn't enough, she has the calculated enmity of the entire Communist world for the horrid crime of demonstrating that a vigorous democracy can develop an "undeveloped nation" far beyond anything "Communist discipline" can accomplish anywhere, including at home.

If that isn't enough she has to worry about oil-rich Arab nations employing the shrewdest opinion-benders available in the U.S.

She has to worry about the influence of oil interests in the U.S. (that are deeply involved in Arab oil.)

She has to worry about the policies of a Europe that feels itself in desperate need of Arab oil.

No nation, so isolated, so threatened, so small and so desperate, has defended herself as best she can with such restraint.

Her only crime seems to be that she has also done so with remarkable success—to date.

We had best hope she continues to be successful.

We would do well to think of the full consequences of the other possibility—to Israel, to the United States, and to the world.

Meanwhile, Gamal Nasser can free himself from Israel's military response in the air, easily, and immediately—by calling off his fedayeen attacks and El Fatah support for terrorist attacks against the civilian population of Israel . . . and honestly observing the "cease fire" that saved his life.

And he can do much better than that if he would go to the table and negotiate a genuine peace.

He will do neither, thanks to Russian encouragement—and, heaven help us, sometimes ours!

VFW MAGAZINE SAYS ADMINISTRATION'S RECORD IS ANTIVETERAN

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. OBEY. Mr. Speaker, in veterans' affairs the administration's deeds fall far short of its words.

I have never understood how an administration, or for that matter any citizen, can expect veterans to not only fight our wars, but to do so on substandard pay with the knowldege that upon their return to civilian life they will face veterans' benefits and veterans' programs insufficient for today's needs.

In a ringing pronouncement, President Nixon declared last June that veterans' benefit programs "have become an investment in the future of the veteran and his country." Since then, the administration has shown itself a very wary investor, indeed.

The VFW magazine in December commented that the President's words "sounded just grand, didn't they?" Then it remarked:

> But the sorry and dismal record of his Administration up to now has proved them to be nothing more than words, well-intentioned perhaps, but empty and meaningless when compared to his performance.

I am inserting the entire VFW magazine article, subheaded "Administration's Record is Anti-Veteran," so that it may receive the attention it deserves.

The article follows:

ADMINISTRATION'S RECORD IS ANTI-VETERAN

"Veterans' benefits programs have become more than a recognition for services performed in the past. They have become an investment in the future of the veteran and his country."

Those are the words uttered by President Richard M. Nixon on June 5, 1969, setting what was hoped would be the policy of his Administration toward veterans.

His expression gave encouragement to the thousands of veterans who wanted to believe that President Nixon was a man who understood their problems and would address himself to their solution for the welfare of the nation they had fought to defend and as the acknowledgement of their service by a grateful government and people.

Those words of President Nixon last June, less than six months after taking office, sounded just grand, didn't they?

But the sorry and dismal record of his Administration up to now has proved them to be nothing more than words, well-intentioned perhaps, but empty and meaningless when compared to his performance.

In the 11 months of its life, the Nixon Administration has opposed or asked that action be delayed on virtually every piece of major, meaningful, vital veterans legislation introduced into Congress.

One of the most glaring examples of the failure of President Nixon's utterances to match what he ultimately advocated is that of increasing GI Bill training and education allowances.

The origin of that goes back to last June when President Nixon appointed a commission to study the needs of the returning Vietnam Veteran, with special emphasis on his training and education.

An interim report of that commission recommended a 13% boost in subsistence payments and President Nixon implied he would veto anything higher.

The Senate, however, approved a 46% increase. The House voted a 27% hike in the allowance.

President Nixon's attitude toward raising the GI Bill allowance for student veterans is inconceivable in light of his oft repeated concern over the failure of veterans returning from Vietnam to take advantage of the GI Bill to increase their earning power.

Reams of documentation have been provided him demonstrating that one of the principal reasons the young men are not going back to school is that they simply cannot afford it on the basis of the inadequate allowances they would receive. As a result they are losing a million dollars a day in benefits.

When President Nixon appointed the members of that commission, there was real concern that the Veterans Administration would be controlled not by Donald E. Johnson, a former national commander of the American Legion, named Veterans Administrator by President Nixon, but by Robert Finch, secretary of Health, Education, and Welfare; or Patrick Moynihan, an urbanologist with pronounced leanings toward social planning, or Robert P. Mayo, director of the Bureau of the Budget.

Nothing has happened yet to dispel that fear and, except for a few pious pronouncements, Administrator Johnson has given little indication that he is anything more than a puppet dangling from the Bureau of the Budget's strings. The presence of men on that commission whose antipathy toward the VA and veterans benefits in general is well known gives further reason for concern that the VA will be strangled by the HEW octopus.

Further evidence of the Administration's anti-veteran stance is its refusal to permit correction of the deplorable state of many VA hospitals.

As early as last April—two months before the President uttered his noble phrases about veterans benefits—the Administration's bias began to emerge.

That was when the VA budget for the 1970 fiscal year was slashed by nearly $90 million, $78.5 million of it for hospital construction and medical operating expenses.

The House, however, restored nearly all the budget cuts in a move vital to the VA because of its increased workload resulting from the discharge of 75,000 young men each month, or a million a year, from the service, many of them in need of hospital care.

Since then, Administration antics would seem inspired by "Alice in Wonderland."

To appreciate just how ridiculous they have proved to be, it is necessary to review the events in sequence.

Former President Johnson's 1970 budget called for 4,000 new jobs in the VA's medical program, but President Nixon's revised budget in April lopped them off.

Then at his request, mind you, Congress restored these jobs. But President Nixon turned right around and cut them out again after signing the second supplemental appropriations bill for 1969.

Net result was not just the loss of 4,000 jobs, but 634 more.

Of these lost jobs, 378 were to have been assigned to VA staffs that handle education and other claims. At the same time that the Nixon Administration was cutting VA jobs to the bone there was a backlog of 600,000 cases in VA regional offices.

Recently Rep. Henry Helstoski (N.J.), a member of the House Veterans Affairs Committee, contrasted the expenditure of $830,000 in federal funds to "refurbish" Air Force One, the Presidential plane, and "additional millions of federal money on the San Clemente summer retreat and Key Biscayne winter retreat" with the slashing of $17 million from the VA for air conditioning of four veterans hospitals.

Because of the Administration negativism, VA facilities built and equipped in the past two years to meet the needs of returning veterans stand idle.

As Rep. Olin E. Teague (Texas), Chairman of the House Veterans Affairs Committee, told Congress last October:

"Here stands over $20 million of modern medicine's most advanced technological equipment—installed and waiting—to perform life-saving and life-prolonging miracles for thousands of sick veterans who are suffering with kidney disease, heart disease, blindness and numerous other ailments which require intensive treatment."

These facilities total 828 in all parts of the country ranging from a $592,605 intensive care unit in the Bronx to a $1,675 speech pathology program in Oteen, N.C.

Despite the Administration's consistent negativism in the field of veterans legislation, Congress has passed much needed laws broadening the scope of legislation to include hundreds of thousands who are in dire straits.

How is it possible for anyone to oppose a measure to let service-disabled veterans stay in nursing homes for nine months instead of six, if there is a need? This Administration is against such a bill now in the Senate.

Can you imagine anyone being against more money in these inflationary times for widows and children of men killed in the service? This Administration was.

Why would anyone object to providing VA medical service for the non-service-connected disabilities of a totally service-disabled veteran. The Administration did.

In spite of Administration obstructionism, Congress passed both of these bills.

Realizing that the representatives of the people were unwilling to submit to Administration dictation when the public interest was involved, President Nixon signed the two into law.

There you have it, the record of the Nixon Administration to date.

It is one that reveals shocking indifference on the part of Administrator Johnson and the Administration to the plight of the millions of men who answered their nation's call willingly, even eagerly, only to face on their return home a callousness from the Administration rarely equalled in this nation's history.

The veterans deserve and have every reason to expect better than this from an Administration pledged to their welfare.

ESTONIAN INDEPENDENCE DAY

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. WIDNALL. Mr. Speaker, today many of my constituents mark an anniversary with both pride and sadness. Some remember while others hear about the good life that was in a growing nation in another land.

It began on February 24, 1919. The Russian occupation force left the country that day as Estonia declared its independence and began to prosper as an individual nation with its own sense of commitment. In two decades Estonians built a remarkably solid nation while enjoying the life of prosperity and liberty. Today Estonian Americans note that achievement with pride.

But Estonians also view today with sadness. The anniversary is a reminder of confiscated property, destroyed homes, burned lands, deportation, slave labor camps, and death of family and friends. That litany of horror began in 1940 with the invasion of the Red army. Thirty years later, the Soviet Union and its army still occupy Estonia.

It was the resolve of the 89th Congress that Estonia exist with self-determination. On the anniversary of their nation's independence, I join Estonian Americans in renewed support of this resolve for liberation.

LITHUANIAN INDEPENDENCE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. HALPERN. Mr. Speaker, February 16 is a day dear to the people of Lithuanian birth and descent throughout the world, including the more than 1 million patriotic American Lithuanians. This year will mark the 52d anniversary of the Declaration of Independence of Lithuania, proclaimed in the capital city of Vilnius in 1918.

On that date, the Lithuanian nation declared its independence. This was a goal for which the Lithuanian people had been striving throughout a long period of Russian domination—1795–1915—followed by German occupation during the First World War. After two decades of independence, Lithuania again fell under Russian domination when it was occupied by the Red army in the Second World War. It was declared a constituent republic of the U.S.S.R. on August 3, 1940. Following the German attack on the Soviet Union 10 months later, Lithuania was in Nazi hands until reoccupied by the Soviet army in 1944. Since then it has been considered by the Soviet Union as a component republic.

The United States has never recognized the Soviet incorporation of Lithuania or the other two Baltic States, Estonia and Latvia.

News from the Baltic States has been very sparse since their incorporation into the Soviet Union, for the borders of Lithuania, as well as of Latvia and Estonia, have been kept sealed against the outside world and each other. Until 1959, when Vilnius was opened, no Western observers were allowed in Lithuania. The rest of the country is still closed. This is often attributed to military reasons, observers noting that the Baltic coast is ideally situated for missile bases.

As would be expected, Communist literature claims great accomplishments for Lithuania in industry, agriculture, education, and culture. The Communists appear to have concentrated their efforts on industrialization and on collectivizing agriculture. However, the few who have been able to escape report a lack of freedom and the imposition of Communist methods which exists throughout the Communist world.

With this recent history in mind, on this occasion I want to pledge my support to the sentiments of the Lithuanian-American community which believes the free world can never rest in peace, knowing that in Lithuania under Soviet Russian rule, genocide, and Russification are commonplace, religious persecution is prevalent, and basic human freedoms and rights are denied to the Lithuanian people.

COLUMNIST QUESTIONS FORCED INTEGRATION AND BUSING

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. MONTGOMERY. Mr. Speaker, in last Friday's Washington Post, Columnist William Raspberry wrote an article on a subject that was debated extensively in this body as well as the other body last week—the subject being forced integration and busing as opposed to quality education. I do not agree with every statement he made in the column in question, but I do agree with his main thesis that forced integration and busing is only serving to destroy the quality of education. As he pointed out in his column, too many people have made real education the secondary concern in public education while concentrating on so-called social concerns. As a result of this redesignaton of priorities, education has suffered and parents and children have lost their right to chose the school which they prefer and to attend the school closest their home. I would like to share the following excerpts from the column with my colleagues:

CONCENTRATION ON INTEGRATION IS DOING LITTLE FOR EDUCATION

Racial segregation in public schools is both foolish and wrong, which has led a lot of us to suppose that school integration must, therefore, be wise and just.

It ain't necessarily so. It may be that one reason why the schools, particularly in Washington, are doing such a poor job of educating black children is that we have spent too much effort on integrating the schools and too little on improving them.

The preoccupation with racial integration follows in part from a misreading of what the suit that led to the 1954 desegregation decision was all about.

The suit was based (tacitly, at least) on what might be called the hostage theory. It was clear that black students were suffering under the dual school systems that were the rule in the South. It was also clear that only the "separate" part of the separate-but-equal doctrine was being enforced.

Civil rights leaders finally became convinced that the only way to ensure that their children would have equal education with white children was to make sure that they received the same education, in the same classrooms.

Nor would the education be merely equal, the theory went: It would be good. White people, who after all run things, are going to see to it that their children get a proper education. If ours are in the same classrooms, they'll get a proper education by osmosis.

That, at bottom, was the reasoning behind the suit, no matter that the legal arguments were largely sociological, among them, that segregated education is inherently unequal.

(Why it should be inherently more unequal for blacks than for whites wasn't made clear.)

In any case, the aim of the suit was not so much integrated education but better education. Integration was simply a means to an end.

Much of the confusion today stems from the fact that the means has now become an end in itself. Suits are being brought for integration, boundaries are being redrawn, busing is being instituted—not to improve education but to integrate classrooms.

The results can sometimes be pathetic.

In Washington, blacks send their children (or have them sent) across Rock Creek Park in pursuit of the dream of good education. But as the blacks come, the whites leave, and increasingly we find ourselves busing children from all-black neighborhoods all the way across town to schools that are rapidly becoming all-black.

The Tri-School setup in Southwest Washington is a case in point. Of the three elementary schools in the area, only one was considered a good school: Amidon, where the children of the black and white well-to-do attended. Bowen and Syphax, populated almost exclusively by poor kids from the projects, were rated lousy schools.

Then the hostage theory was applied. A plan was worked out whereby all first- and second-graders in the area would attend one school, all third- and fourth-graders a second, and all fifth- and sixth-graders the third.

The well-to-do parents would see to it that their children got a good education. All the poor parents had to do was see to it that their children were in the same classrooms.

That was the theory. What happened, of course, is that instead of sprinkling their children around three schools, the luxury high-rise dwellers, black and white, packed their youngsters off to private school. Now instead of one good and two bad schools, Southwest Washington has three bad ones.

After 16 years, we should have learned that the hostage theory doesn't work. This is not to suggest that integration is bad but that it must become a secondary consideration.

Busing makes some sense (as a temporary measure) when its purpose is to transport children from neighborhoods with overcrowded classrooms to schools where there is space to spare.

It works to a limited degree when it involves children whose parents want them bused across town for specific reasons.

But it has accomplished nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they'd rather not attend.

CIVIL SERVICE RETIREMENT FUND PLACED ON SOUNDER BASIS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. EVINS of Tennessee. Mr. Speaker, as a result of recommendations by the Subcommittee on Independent Offices Appropriations, Congress last year enacted Public Law 91–93 to place the civil service retirement fund on a sound basis of solvency and liquidity.

In this connection I want to commend my colleague, Representative DOMINICK V. DANIELS, chairman of the Subcommittee on Retirement, Insurance, and

Health Benefits of the Post Office and Civil Service Committee, for legislation which his committee prepared and reported with the necessary provisions to assure the ultimate solvency of the civil service retirement fund.

Testimony before the Subcommittee on Independent Offices Appropriations during recent hearings reflects the results of this legislation which requires the Treasury Department to credit substantial amounts to the retirement fund each year. The total contribution this year will approximate $236,500,000 at the end of fiscal 1971.

Eventually this annual contribution by the Treasury will be equivalent to the interest on the unfunded liability and current annuity disbursements for the year attributable to credit allowed for military service.

The deficiency in the fund as of June 30, 1970, is estimated to be $64,571,054,000. However, with the annual payments into the fund by the Treasury Department over the next 10 years—as the law provides for 10 annual installment payments plus other provisions to insure liquidity—the civil service retirement system is now established on a sound financial basis. Approximately 2.7 million Federal employees are members of the civil service retirement system at this time and currently an estimated 925,000 retired employees and survivors receive monthly benefits totaling $2.5 billion annually from the retirement and disability fund administered by the Civil Service Commission.

The recent legislation requiring employing agencies and employees both to contribute an increased and equal percentage to the fund of the employee's basic salary will serve also to improve the retirement system which is now on the road to solvency with a new basis of actuarial soundness enacted by the Congress.

A STATE OF COLD PEACE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, President Nixon's recent foreign policy message, "A New Strategy for Peace," has now been widely reviewed and analyzed by columnists, commentators and editors across the country and around the world. Most seem to agree that the general tone of the message reflects a new low profile for the United States as our role in world affairs shifts from paternalism to partnership.

I think one of the best commentaries I have heard on the foreign policy message was delivered last Wednesday on the CBS evening news by Eric Sevareid. In Mr. Sevareid's words:

> The document symbolized the end of America's 30-year love affair with foreign policy, the end of the idea that a society's quality, great or otherwise, depends on its foreign policy, the end of automatic big power dominance in a world of fiercely nationalistic smaller powers, the end of the idea that we have the capacity to renovate the economies and politics of alien societies and can give more than marginal help.

Mr. Sevareid is careful to point out, as did President Nixon, that this new low profile should not be confused with isolationism, and that we still have an important role to play in world affairs. In his words:

> All this will be criticized as neo-isolationism. It is, rather than a retreat from the world, a withdrawal from overextension, an effort to adjust our reach to our grasp.

Mr. Speaker, I include the full text of Mr. Sevareid's excellent commentary at this point in the RECORD:

CBS EVENING NEWS WITH WALTER CRONKITE

SEVAREID. Some years ago "Cold War" was defined as a condition in which the superpowers talk as if they were at war but stop short of making war; "Cold Peace" as a condition in which they talk as if they were at peace but stop short of making peace.

President Nixon's 40,000-word statement today is the official American recognition that we exist in the state of Cold Peace. It cannot be adequately discussed in these few minutes, but it's fair to say that the document recognizes what scores of books, articles and speeches have recognized for several years and what previous American Administrations would not formally acknowledge.

The document symbolized the end of America's 30-year love affair with foreign policy, the end of the idea that a society's quality, great or otherwise, depends on its foreign policy, the end of automatic big power dominance in a world of fiercely nationalistic smaller powers, the end of the idea that we have the capacity to renovate the economies and politics of alien societies and can give more than marginal help.

It is formal notice that the containment policy toward Russia is long since over, notice to our own people and the world that we will not again allow our easy, mobile power to lead us into interventions in other people's quarrels save in the unlikely event that our own vital interests are unmistakably involved.

One may fairly deduce from this document that Mr. Nixon accepts what his predecessors would not accept—that the period of Hitler and the immediate postwar period of Stalin amounted to a very exceptional episode in history, but that today neither peace nor freedom is indivisible, and will coexist with war and tyranny as they usually have.

The document explicitly recognizes that world communism is no longer a monolithic, centrally manageable force, but now lies badly fragmented and at war with itself. It treats this change pretty much as the result of a natural growth of nationalisms, giving sparse credit to the strong actions of previous Administrations, such as the Greece-Turkey Program, Marshall Plan, Korea and so on.

The President affirms that we shall not endanger the vital interests of the Soviet Union, and we shall expect similar restraint from them. But his document is more of a call for a definition of those interests than a definition.

It adds up to what is already called the Nixon low posture foreign policy for America, notice to others in the world to expect no action from us beyond our existing treaty commitments of a strenuous or dramatic kind. All this will be criticized as neo-isolationism. It is, rather than a retreat from the world, a withdrawal from overextension, an effort to adjust our reach to our grasp.

MILITARY-INDUSTRIAL COMPLEX

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. GOLDWATER. Mr. Speaker, in a recent talk to the Society of Logistics Engineers in Cocoa Beach, Fla., Assistant Secretary of Defense for Logistics and Installations, Barry J. Shillito spoke candidly about the so-called "military-industrial complex." As I believe that these remarks should be given the widest possible circulation, I insert into the RECORD that portion of Mr. Shillito's speech which touched on this subject:

MILITARY-INDUSTRIAL COMPLEX

Few subjects in recent months have been given more attention than the "military/industrial complex." Some might be lead to believe that a giant conspiracy of many elements of our society has been at work; that the members of this conspiracy are being unjustly enriched at the expense of the taxpayer, and are perpetuating conflicts abroad and a large military establishment here at home in order to maintain themselves in power and wealth for the indefinite future, all at the expense of many other more worthwhile social goals which cannot, thereby, be achieved. I do not agree with these charges and it is difficult for me to understand how anyone with all the facts and an appreciation for the problems involved can be so easily convinced that they are true.

First, let us look at the military-industrial complex—where did it come from, what is it, and what is its influence?

As most of us know, the term is generally attributed to statements made by President Eisenhower in his Farewell Address to the American people on 17 January 1961. What too many people do not know, or have forgotten, is that the warning against the military-industrial complex was not the single main theme of his talk. The talk actually contained six warnings. The first and main one, from which the rest came, was the concern that America's progress toward "world peace and human betterment" was being "persistently threatened by the conflict now engulfing the world." The conflict was with a "hostile ideology [Communism]—global in nature, atheistic in character, ruthless in purpose, and insidious in method." President Eisenhower went on to say:

"Unhappily the danger it [the conflict with Communism] poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily . . . the burdens of a prolonged and complex struggle."

"A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction.

"Until the latest of our world conflicts, the United States had no armaments industry. American makers of plowshares could with time and as required, make swords as well. *But now we can no longer risk emergency improvisation of national defense: we have been compelled to create a permanent armaments industry of vast proportions.*"

It was against this background that President Eisenhower issued his next warning which was directed against the military-industrial complex. This warning concluded:

"Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of Defense with our peaceful methods and goals, so that security and liberty may prosper together." eral domination of research; living only for today and plundering the precious resources of tomorrow; the avoidance of hate and fear in the world; and hope for disarmament. Taken in context, the talk emphasizes the need to have a healthy military-industrial complex along with an "alert and knowledgeable citizenry" to check the dangers posed by the complex, not its dismantling.

Turning now to the next part of the problem—that is, what is the military-industrial complex? The answer to this question is a little more difficult. Let's ask first of all, is there a conspiracy? All thinking critics even those most violently opposed to the complex, are unanimous that there is no conspiracy involved. The diversity of the complex makes a conspiracy unlikely. In fact, to get the majority of those related in any way, the cliche should be broadened to call it the "Military-Industrial-Labor-Scientific - Academic-Public" complex—even then, someone surely would be left out. After all, some 22,000 prime contractors and 100,000 subcontractors work on Defense programs; 76 industries are classed as Defense industries even though the average Defense sales of our larger suppliers are less than half their total sales; and some 5,300 cities and towns have at least one plant or company doing business with the Armed Services. These few statistics indicate the difficulty in viewing the complex as a "conspiracy," and demonstrate the widespread participation in the complex by every facet and skill of American life.

It has been estimated that 5% of the nation's labor force have jobs which result from Defense spending. Now, that sounds like a pretty potent military-industrial lobby, doesn't it? Frankly, I doubt whether many of these people would make very good lobbyists or would want to assume such responsibilities. The so-called Defense Industry is accused of being a profiteering industry. Nothing supports this allegation. A few companies make high profits, generally sporadically. On balance, average Defense contractor profits are significantly less than non-Defense profits. Every soundly constructed available statistical compilation supports this statement.

By the way, what many people do not know or tend to forget is that very few people in any large commercial organization have their income affected by the company's profits. These few people and the stockholders naturally have a vital interest in the profitability of the company. While interested in the company's well-being and their jobs, the rest of the employees of such companies are generally not compensated in any manner that ties to the company's profits. I might say at this point that almost all of the retired military personnel in industry are in this "employee" category with compensation not tied to profits or stock options. To illustrate the point further, the bulk of salaried employees' rates of pay are not significantly affected whether they work for a company that derives a large percentage of its business from Defense or is predominantly commercially oriented.

The facts which demonstrate the pervasiveness of Defense spending in the country's life bring up the last part of the problem—what is the influence of the complex, or to put it another way, who can keep an eye on the complex and blow the whistle on it if need be. I believe this job has been, and is being, well done by an alert Congress, a watchful press, and a strong and responsible civilian Secretary of Defense. In fact, I am often more concerned that efficient management may be stifled by the number and variety of those who look over the operators' shoulders. Currently, there are several Congressional Committees profoundly interested in Defense logistics matters; the General Accounting Office is pursuing a variety of reviews of logistics; and the Inspector General and auditors are everywhere in evidence. At the same time, the Congress has been considering proposals for the DoD to furnish progress reports on large weapon systems, and a bill passed by Congress and recently signed by the President establishes a Commission on Government Procurement.

I also think it ought to be clearly understood that military policy under our system of Government is made by top civilian political leaders, which means the President and key members of Congress. The budget which feeds the complex is subject to extensive administrative and Congressional scrutiny. The course of the budget through legislative committees in the tortuous route leading to appropriation of funds, is typical of the constitutional checks and balances at work in the total scheme of things.

Can it really be seriously proposed that the Government—Executive and Congress together—is beyond control of the people? The term of the Chief Executive still expires after four years; and he may seek to renew his mandate only once. Congressmen must seek re-election every two years, and Senators, every six. Thus, if there are dynasties in our Government, ladies and gentlemen, it is because they are bestowed by the people, not forced on them.

COMMENDING THE CHIROPRACTIC PROFESSION ON ITS 75TH ANNIVERSARY

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. BRASCO. Mr. Speaker, recently, it was my pleasure to attend a luncheon here which was conducted by the Iowa Chiropractic Society and the Iowa Chiropractic Education Bureau, which is the education arm of the profession in Iowa. This was a highlight of the 75th anniversary celebration of chiropractic. Like their colleagues throughout the Nation, these doctors impressed me as men who are dedicated to guarding and improving the health of our people.

The Iowa Chiropractic Education Bureau seeks to impart to the community it serves valuable information regarding health care. Its programs are directed to all age groups. The bureau endeavors to educate young people—and their parents—to the importance of correct posture and its relationship to spinal problems and general health.

Among the elderly, the bureau stresses the need for regular, professional health care and calls attention to the tremendous value chiropractic can be in terms of alleviating the spinal problems that invariably accompany the aging process.

At our luncheon, these doctors offered some enlightening statistics as to the substantial numbers of aged in Iowa who are utilizing chiropractic services.

These statistics served to underscore the Bureau's contention that increased numbers of aged persons would be able to benefit from chiropractic if the health discipline was included in the medicare program.

The Bureau further pointed out that inclusion of chiropractic in medicare would grant millions of aged the right to a free choice of doctor—a choice they are presently denied.

Mr. Speaker, it is my belief that the Iowa Chiropractic Education Bureau has offered some sound arguments for the expansion of medicare coverage and I feel that measures to achieve this goal merit careful analysis and consideration.

The chiropractic profession—and the chiropractors of Iowa in particular—are to be commended for their diligent efforts in meeting the health care needs of the community, and I am happy to offer this word of tribute on the occasion of the 75th anniversary of the profession.

ADMINISTRATION FIGHTS INFLATION WITH A HOUSING SHORTAGE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. MIKVA. Mr. Speaker, the administration continues to tell us that the results of its economic policies will not be a disaster for all Americans. As the weeks and months go by, it becomes harder and harder to believe. Unemployment goes up, prices go up, and only one thing seems to be going consistently down—housing starts.

The extent to which the administration's war on our prosperity has affected the housing industry was recently brought home to me by an article in Chicago Today. The article shows that permits for the construction of new housing in Chicago plummeted from 3,496 in January of 1969 to a scant 812 for January of this year. For apartments, January 1970 saw the lowest number of permits issued of any year since 1958. For single family private homes, the story is even worse. Not since 1945—the year the Second World War ended—has there been a month in which so few permits were issued. Even President Eisenhower, the last practitioner of Republican economics, who gave us three recessions in 8 years, did not equal this administration's dismal record on housing.

I insert the Chicago Today article from February 20, 1970, at this point in the RECORD so that my colleagues may read firsthand of the results of the administration's war on our prosperity.

The article referred to follows:

BELL SURVEY SHOWS: HOUSING PERMITS HERE PLUNGE

Housing permits in the Chicago area last month plunged 77 per cent to 812 units from 3,496 in the same month a year ago, according to Bell Federal Savings & Loan Association.

In its monthly report on new building released today, the company said single family home permits were the lowest for the month since 1945 and apartments were at the lowest point since 1958.

Bell said altho the number of permits in each of the housing categories were lower than respective totals last year, the largest decrease occurred in the construction of apartment units.

Apartments alone dropped to 422 units from 2,745 in January, an 85 per cent decline.

Single family home permits totaled 390 in the month compared with 751 last year.

The total building permit values for all types of construction last month dropped 6 per cent to $88,762,317 from $83,578,896 in the corresponding month in 1969.

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ATOMIC ENERGY AND THE ENVIRONMENT—CONTINUED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. WOLFF. Mr. Speaker, I am continuing to include in the RECORD statements submitted earlier this month at a hearing on atomic energy and the environment which my colleague (Mr. REID) and I held in New York.

Today I am including the statements of a group of scientists at the State University of New York and William J. Burns, of the Long Island Lighting Co. in the RECORD:

THERMAL POLLUTION, LONG ISLAND SOUND REGION—OPENING STATEMENT

(By Peter K. Weyl)

My name is Peter K. Weyl and I am a senior research oceanographer in the Marine Sciences Research Center of State University of New York at Stony Brook. The Marine Sciences Research Center under the direction of Dr. Donald Squires has been established by the Board of Trustees of the State University of New York to provide facilities and develop a research program in the marine sciences for the 70 odd units of the State University. Our research program has primarily been directed to the problems created by the impact of the New York Metropolitan Region on the marine environment. Specific projects deal with the problem of solid waste disposal at sea and the problem created by thermal discharges from electric generating plants.

I am project leader for thermal pollution studies, and our initial efforts have been jointly financed by the University and by the Long Island Lighting Company, and are coordinated with the New York State Department of Conservation Division of Marine and Coastal Resources. The project was initiated in Spring, 1969 and my colleagues will give some of the results we have obtained.

At present, the average rate of generation of electric power in the United States amounts to 170 million kw and this requirement will double by the year 1980. In a steam electric generating plant, heat is generated either by burning fossil fuels or by a nuclear chain reaction. Every 100 units of heat energy generated result in the following:

In a modern fossil fuel plant 40 units of electrical energy are generated, 15 units of heat are discharged to the atmosphere from the stack and from the plant and 45 units of heat are transferred to the cooling water. In a nuclear power plant, 33 units of electrical energy are generated, 5 units of heat are discharged from the plant to the atmosphere and 60 units of heat are transferred to the cooling water. Thus a nuclear plant will discharge 60 per cent more heat to the water than a fossil fuel plant of the same generating capacity. This difference is due to the lack of stack losses in a nuclear plant and due to the slightly lower efficiency, 33% rather than 40% caused by the lower operating temperature. The limited supply of fossil fuels, and the problems of air pollution will force a gradual transition from fossil to nuclear plants.

In 1967, the installed capacity of power plants, all fossil fuel, that discharged their thermal waters into Long Island Sound were as follows: Long Island Lighting Company, 1.25; H. E. Utilities, 1.18 and United Illuminating Company 0.58×10^9 watts. In addition Consolidated Edison had an installed capacity of 6.8×10^9 watts on the East River, which contribute heat to the western end of the Sound.

Heat added to the water of Long Island Sound is ultimately returned to the atmosphere, largely by the evaporation of water. Part of the heat is lost to the atmosphere in the immediate vicinity of the plant where the surface water is heated significantly and the rest is returned to the atmosphere due to a regional slight warming of the Sound. Under calm conditions, the heat loss for the thermal anomaly near the plant is about one quarter of the total and this fraction decreases if mixing is increased by wind action.

The ecological effect of the added heat consists of the direct effect near the plant due to the thermal plume and the effect of the regional warming. Our studies so far have been primarily directed towards local effects. However, in the long run, the regional effects are likely to become more important, particularly in the western parts of the Sound. On an average summer day, a 1 km^2 area (247 acres) that is warmed 1°C (1.8°F) above ambient will dissipate about 5×10^6 calories per second, corresponding to the heat rejected to the water by a 19.5 megawatt fossil fuel plant or an 11.3 megawatt nuclear plant. Long Island Sound west of Bridgeport has an area of about 1000 km^2 so that an average temperature rise of 1°C would result from an installed capacity between 20,000 and 12,000 megawatt, depending on the mixture of nuclear and fossil fuel plants. The present loading amounts to about 3,000 megawatt. If we add the proposed 4,000 megawatt Davids Island nuclear plant, this would give 7,000 megawatt resulting in an average temperature rise of about ½°C or about 1°F. What are the effects of such temperature rises? First Mr. Charles Hardy from the Suffolk Community College, who is spending his sabbatical at the Marine Sciences Research Center, will tell you about our findings on the general aspects of the waters of Long Island Sound. Then Dr. George Williams will report on our biological investigations of the effect of the Northport plant of the Long Island Lighting Company.

BIOLOGICAL EFFECTS OF THERMAL POLLUTION

(By George C. Williams)

The most universal biological effect of increased temperature is the acceleration of vital processes, such as metabolism and development. A ten degree rise in temperature will usually give at least a doubling and often a mainfold increase in these rates. Another common effect of sudden heating is the physiological damage that may be trivial or may be fatal. At the Northport power plant of Long Island Lighting Company, almost all of the plankton going through the plant, both animal and plant, is killed by the heating of 15°C or more during the summer. The same heating during the cooler seasons allows some survival. Unlike killing by natural forces, the destruction in cooling waters is unrelated to either demographic parameters or trophic niche. Long-lived predators and rapidly replaced primary producers are equally vulnerable. The seriousness of this destruction will vary with the replacement rates.

Because heated water floats when it is discharged into a cooler marine environment, it will directly affect benthic communities only to a shallow depth. At the 800 megawatt plant in Northport, many species are reduced in numbers or in distribution within about 300 meters of the discharge into Long Island Sound. A few show a greater abundance, perhaps because the heat adversely affects their competitors or predators. Although the area of bottom affected may be small, a heated discharge may affect a considerable linear extent of intertidal and shallow-water life, when wind and tide act to confine the hot waters along shore. This intertidal and near-shore benthos is in many ways the most important, because of its productivity and use as breeding and nursery grounds for important species. The winter flounder, for instance, lays eggs in winter in shallow water where they normally develop at or near the freezing point. A large source of hot water near shore may drastically alter their conditions of development. Juvenile winter flounder concentrate and feed in large numbers in intertidal marshlands and ponds along shore.

Ultimately, the indirect effects of heating may prove more important than the direct. Hot water discharged into the marine environment forms a semi-stable surface layer that mechanically reduces vertical mixing. It may thereby contribute to the exhaustion of oxygen and influence plankton distribution. In turbulent water, non-motile plant cells will be thoroughly mixed through the water column. In stable stratified water they may settle out into regions of insufficient light or oxygen. On the other hand, the motile phytoplankton will be able to concentrate in well lighted surface waters if stratification is strong. Planktonic fish eggs in Long Island Sound are near their point of neutral buoyancy. In turbulent water they will be kept in suspension off the bottom and with a variable thickness of water as a shield against ultraviolet radiation from the sun. In stratified water they may rise and float to the surface without shielding, or sink to the bottom, where oxygen may be deficient and bacterial attack more likely. These are largely unevaluated possibilities.

Lastly, a hot-water discharge may have a variety of effects on animal behavior. At elevated temperatures, some species will breed out of season, so that their young will encounter abnormal conditions, for instance, the absence of a seasonally limited food source. Motile animals may react in various ways to a thermal boundary. As the water cools in the fall, many fishes may be attracted to a thermal plume and be trapped in it by their aversion to lower temperatures outside. This effect provides productive recreational fishing near the discharge at Northport. On the other hand, if fishes that normally avoid winter cold by emigrating are induced to stay until the temperatures in Long Island Sound are too low for their survival, their chances of surviving are small.

HYDROGRAPHIC FEATURES OF LONG ISLAND SOUND

(By Charles D. Hardy)

My name is Charles D. Hardy, Research Associate, Marine Sciences Research Center, State University of New York at Stony Brook. This past year the Marine Sciences Research Center began a program of hydrographic surveys of Long Island Sound under the direction of Dr. Peter K. Weyl. Three cruises were conducted in 1969 and one cruise has been completed in 1970. These surveys are designed to identify hydrographic events of regional significance and to establish baselines for comparative studies of local water characteristics.

The only previous study of Long Island Sound occurred fifteen years ago (1952–55) by a group at Yale University headed by Dr. Gordon A. Riley. During the intervening period, only isolated or localized measurements have been attempted on major physical, chemical, and biological parameters.

The seasonal temperature fluctuation of Long Island Sound is extreme with a range from −1.5°C (29°F) to 25°C (78°F). During winter months, the temperature distribution is characterized by warmer waters at the eastern portion due to mixing with waters from Block Island Sound. A second, smaller temperature maximum begins at the entrance to the East River. The origin and environmental effect of this heat input is not adequately understood but may indicate the presence of water originating from the New York Bight or thermal discharges into the channel of the East River by power and industrial plants. Minimum winter temperature occur in the shallow waters off Sands Point. From April to September, a temperature stratification develops in the Sound's central basin where a temperature difference exists between surface and bottom of 6°C

(11°F). Such stratification reduces vertical mixing of the water column which results in a summer nutrient depletion of the surface waters due to biological activity. Strong tidal mixing in the eastern part of the Sound prevents the formation of a thermocline and the tidal oscillations at the west end dampen vertical temperature differences.

A horizontal salinity gradient of 5 parts per thousand (Range 25–31°/°°) exists between the east and west end of the Sound with water of least salinity always occurring at the west end.

Dissolved oxygen is generally considered a sensitive indicator of the existing quality of the marine environment. Changes in oxygen concentration reflect changes in the metabolic activity of organisms, the presence or absence of substances in a reduced chemical state and various physical events at the air-sea interface. The metabolism of plants and animals are responsive, in turn, to the changes in temperature, salinity, the presence of nutrients and toxic materials. The sudden heating of water reduces the concentration of oxygen which the water may dissolve and release the excess oxygen to the atmosphere.

Oxygen measurements, begun in October, reveal two areas of the Sound which were significantly depressed and warrant more extensive observation. These areas were found at the western end of the Sound between Executive Rock to Throgs Neck and within a plume issuing from the mouth of the Connecticut River. Both areas were less than 70% saturated in October and would be lower during August when minimum oxygen concentrations appear.

Such nutrients as orthophosphate, nitrate and nitrite displayed a dramatic increase from east to west. Nutrient concentrations in the urbanized western portion of the Sound were frequently 5 times or more that of the east end. Phytoplankton abundance, as indicated by chlorophyll values, followed the general pattern of nutrient concentration.

Large oxygen demands may exist in the western area of the Sound, due to the decomposition and regeneration of large quantities of carbonaceous and nitrogenous matter discharged from sewage treatment plants, storm drainage as well as plant and animal debris.

This biological and chemical competition for available oxygen may suffer serious interference by additional burdens imposed by the activities of man. The decreased solubility for oxygen by thermal effluents coupled by the presence of surface interfering pollutants, such as oils, detergents and proteinaceous substances which decrease the rate of air-sea oxygen transfer, may reinforce the severity of existing oxygen demands.

We are left with the conclusion that the effects of thermal discharges cannot be considered independently from other interrelated features which may be unique to the local or regional environment.

SUMMARY STATEMENT

(By Peter K. Weyl)

Our studies to date have shown the effect of the thermal effluents of the Northport plant on its immediate environment and they have documented the large west to east gradients in nutrients in Long Island Sound. In future studies, we hope to explore the west to east gradients of biological parameters in the Sound. This is necessary in order to monitor changes in the Sound. Further we hope that these studies will permit us to predict the effects of additional generating plants on the ecology of the Sound. In cooperation with Dr. Stewart from the State University at Albany, who is also testifying here, we hope to examine the effects of thermal pollution on the atmosphere. It is important to survey the radioactive background of the Sound before any nuclear power plants start operating, so that their impact on the natural radiation background can be evaluated. No one monitors the natural radioactivity released by the burning of fossil fuels. Such data are needed to evaluate the relative environmental effects of fossil fuel and nuclear plants.

The results of the present and proposed studies will assist the state and federal regulating agencies in making decisions that affect the ecology of Long Island Sound. In order that the people of New York and Connecticut may derive maximum benefit from this magnificent body of water, however, we must initiate long range planning.

Instead of deciding on each power plant and sewer outfall separately, we must look at the overall development of the Sound. How many megawatts can we generate around the Sound without significant deterioration of the environment and where should plants be located? What about the interaction of heat and sewage? By combining them, we speed up the bacterial oxidation of organic matter. This has both beneficial and detrimental aspects. What should be an optimum environmental design? One of my colleagues has suggested that we dam up Long Island Sound and turn it into a freshwater lake. The result of this action would be the largest and perhaps foulest sewage lagoon in the nation. The reason Long Island Sound is still a pleasant body of salt water is that it is tuned to the frequency of the tide generating forces. The large tidal prism, about 10% of the water of the Sound, renews the water and dilutes the pollutants.

The State University must play two roles in facilitating long range multiple use planning. Through continued and intensified research, we must develop the capability to predict the impact of proposed changes on the marine environment. To help government and industry in environmental planning, we must train a new breed of professionals. Our universities know how to train specialists in various aspects of the marine sciences. Long Island Sound, however, did not go to the University and it is not organized on a departmental basis. Physical, chemical, biological, geological and atmospheric processes all interact in complex ways and man's use of the Sound is subject to legal, political, economic, social, and psychological forces. In order to train professionals to cope with these multidisciplinary aspects, the State University of New York at Stony Brook will be initiating a graduate program in Marine Environmental Sciences this fall. This will be a difficult task from which the faculty will learn as much as the students. It is, however, an essential task if we are to replace limited objective exploitation by multiple use planning of our marine resources.

STATEMENT BY WILLIAM J. BURNS, MANAGER OF ENVIRONMENTAL ENGINEERING, LONG ISLAND LIGHTING CO.

I am William J. Burns, residing at 100 Lincoln Avenue, Mineola, Nassau County, Long Island, New York, and I appear at this hearing in behalf of Long Island Lighting Company. The Long Island Lighting Company is a public utility company serving electricity to the residents of Nassau and Suffolk Counties, as well as to the Rockaway Peninsula in Queens County.

I am a licensed Professional Engineer in the State of New York and in the State of Ohio. I received a Bachelor of Science degree in Mechanical Engineering from Carnegie Institute of Technology in 1933 and since that date have done graduate engineering work at Carnegie Institute of Technology, the University of Cincinnati, New York University, and C. W. Post College. I have been employed by Long Island Lighting Company since 1947 and was Manager of the Mechanical and Civil Engineering Department until April 1969. At that time, I was appointed the Manager of the Environmental Engineering Department of Long Island Lighting Company. The creation of this latter Department was the culmination of many years of activity and interest by Long Island Lighting Company in the impact of its facilities upon the environment.

Under the Public Service Law of the State of New York, the Long Island Lighting Company is required to furnish electricity to consumers within its franchise territory in an economical and safe manner. Its territory, which consists of an area of approximately 1,230 square miles, has experienced an unparalleled growth rate in population since 1950. Since that time, the population of Nassau and Suffolk Counties has grown to 2.6 million people and planning studies show that by 1958, the population will have increased to 3.8 million people.

Accompanying this phenomenal growth has been a similar increase in the demand for consumers services, especially electricity. The Company's studies establish that the increased demand for electricity is attributable not only to population growth but also to a large extent it is due to the increase in use of electric appliances by each consumer. For example, in 1950, the peak hour demand by electric consumers made upon Company generating facilities was 341 megawatts. In 1960, this demand had grown to 1,034 megawatts, and in 1969 it had reached 2,005 megawatts. There is attached hereto a schedule for the period 1950–1985 showing the Long Island population, the peak hour electric demand, and the generating capability of Long Island Lighting Company which has been installed over the years to satisfy that demand. It also shows the Company's plans for future generating installations through 1976. As shown by the exhibit, the demand in 1972 will be met by the Northport No. 3 unit (fossil) now under construction; and the demand in 1975 will be met by the proposed Shoreham Nuclear Plant to be located at Wading River.

In addition to the Northport and Shoreham sites, the Company has also acquired a site at Lloyd Harbor in the Town of Huntington. This site was acquired for a possible generating station use in the mid-1980's. At the present time, the Company has no additional generating station sites.

Long Island Lighting Company recognizes that the large generating facilities needed to supply the needs of Long Island cannot be built without some disturbance of the environment where such facilities are located. It, therefore, created the Environmental Engineering Department to assist the Company in formulating plans for minimizing the impact of its facilities upon the quality of Long Island air and water. As Manager of this Department, my major concern is to determine how best Long Island Lighting Company can continue to serve the Long Island community with electric power and at the same time cause the least disturbance to the human environment and Long Island's natural ecology.

In accordance with this philosophy, Long Island Lighting Company is at present engaged in studies with universities, government and engineering research firms on ecological matters. Examples of this are the ecological studies now being conducted at the Northport Power Station by Dr. Donald Squires and the Marine Sciences Research Center of the State University at Stony Brook, and a similar study being conducted by Oceanographic Analysists, Inc. under Dr. Alfred Perlmutter of New York University at Shoreham. I will say a few additional words about these studies later in this statement.

Recently, claims have been made that New York State public utilities are not subject to any regulation in the construction of their facilities, implying that utilities can construct their generating stations without any concern for the environment or for the public interest.

However, there is no merit to such claims. The State of New York has been in the forefront of the State's activities in the concern

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for the protection of environment. In his recent message to the State Legislature, Governor Rockefeller expressed New York State's special concern for the environment and proposed the creation of an Environmental Council which will provide additional protection for the total environment of the State. Legislation to implement the Governor's proposal is expected to be introduced in the Legislature in the very near future.

Further evidence of New York State's concern was evidenced last year when the Water Resources Commission of the State of New York adopted extremely stringent water quality criteria and regulations designed to protect the quality of the waters of the State. It is significant that this action was taken only after the Water Resources Commission conducted extensive public hearings throughout New York.

The regulations referred to above incorporate, among other things, a requirement that any substantial user of waters obtain a permit from the Department of Health. This permit can be obtained, if the State so directs, only after the proposed user has carried out an ecological study of the area involved. This procedure presently in effect in the State of New York therefore enables the State to make an appropriate judgment about the ecology of the area of use, ascertain the impact of the use upon environment, and permits the imposition of appropriate permit conditions to insure that the water quality of the State will be preserved.

In accordance with these State procedures, the Long Island Lighting Company is presently conducting a study of the waters off its Northport, Huntington site and also off the Shoreham site in Wading River, Brookhaven. York State Conservation Department, by Dr. under the supervision of recognized experts in the field of ecology. The Northport program is being conducted under Dr. Donald Squires of the State University at Stony Brook, and the study at Shoreham is being conducted under Dr. Alfred Perlmutter of New York University.

In addition, both these programs are being directed by a Technical Committee consisting of a member of the United States Department of Interior, a member of the New York State Conservation Department, by Dr. Squires, or his representatives, and Dr. Perlmutter, and by me as representative of Long Island Lighting Company. This Technical Committee reviews the progress of the studies at frequent intervals, makes modifications of the studies, if necessary, and directs the manner in which the studies are to be carried out.

As a result of the ecological programs described above, the Long Island Lighting Company and the State of New York are able to take appropriate steps to preserve the water quality of Long Island Sound by minimizing the impact of thermal discharge. These studies will be continued in the future so that changes may be made in the design or in the operation of the plant, if needed. In view of these environmental activities being carried on by Long Island Lighting Company and by the State of New York, it seems clear that the environmental amenities are now being given appropriate consideration in Long Island Sound by Long Island Lighting Company.

In respect to the effect of the Shoreham Nuclear Plant upon Long Island Sound, since this appears to be one of the concerns of this hearing, I would like to advise you that the Lighting Company's plan call for the installation of a costly and sophisticated discharge system designed to minimize the effect of the discharge of cooling water at the plant site. The details provide that water is to be discharged through a buried discharge line terminating in a multi-port diffuser. These diffusers, which will promote diffusion of the discharge before it reaches the surface, will be located at least 1600 feet from shore in approximately 12 to 15 feet of water at low tide. The diffuser system is designed to promote local mixing and achieve rapid temperature drop within approximately 100 feet. The studies made by the Company indicate that the magnitude of the heat from the Shoreham Station on Long Island Sound can be best illustrated by comparing it to the natural event of a cloudless day following an average day. This natural occurrence would impose a differential heat loading on Long Island Sound about about 125 times larger than that of the Shoreham Power Station. Clearly, therefore, the Shoreham Plant will have a negligible effect upon Long Island Sound and the area of discharge.

Although I have devoted most of this statement to a discussion of the thermal discharge, I realize from your letter of invitation that you are also interested in the effect of radiological discharges of nuclear plants upon the environment. Before discussing that subject, however, I believe it would be helpful to say a few words about some of the considerations which affect a utility's decision to use nuclear power rather than fossil fuel. In the first instance, it must be recognized that the burning of fossil fuel to produce steam causes the release of pollutants to the atmosphere, with the amounts and types released depending on the nature of the fuel burned. Normally, these plants emit such pollutants as sulfur dioxide, nitrogen oxides, hydrocarbons, and various particulates. These pollutants and their control have long been a source of concern to utility companies and much has been done by the utility companies to limit the extent to which they are discharged to the atmosphere. However, their complete elimination is extremely difficult, if not impossible, under existing technology.

A nuclear power plant does not produce these air pollutants which are a product of combustion of fossil fuel. It does, however, emit controlled amounts of radioactive materials to the environment. Under the regulations of the Atomic Energy Commission, all such discharges are rigidly policed so that they present no hazard to the health and safety of the public. In addition to the careful supervision of plant construction and operation, a prescribed surveillance program is required to be maintained by the utility to insure that these discharges comply with AEC standards.

The Long Island Lighting Company in its Shoreham design will install an advanced hold-up and decay system to reduce the amount of the radioactivity in the gaseous releases. The system, which is extremely costly, will allow for a hold-up of ten hours in order that a substantial amount of the short-lived radioactivity will be deactivated. It is anticipated that with the use of this system the release rate at the Shoreham Plant will be maintained below the Atomic Energy Commission's limits contained in 10 CFR 20.

The radioactive liquid wastes at the Shoreham Station will also be processed through a system of advanced design so that the discharge into Long Island Sound will be below the limits of the Atomic Energy Commission's regulations.

Experience in existing licensed power reactors shows that concentrations of radioactivity in effluents have generally been only a few percent of the release limits set forth in the Atomic Energy Commission's regulations referred to above. In fact, the environmental monitoring programs to measure radioactivity levels carried out by the licensees, some of the states, the Bureau of Radiological Health, and the Atomic Energy Commission have demonstrated that the quantities of radioactivity released in liquid wastes are small. Even in areas near power reactor sites it has been difficult to measure any increase in radioactivity levels above the existing background in the receiving waterways that can be attributed to the nearby power reactor.

In summary, I would like to reemphasize that the constantly increasing electric demands of the people of Long Island must be met. In my opinion, this demand can be met only by constructing additional power plants on Long Island. If we accept this premise, we must look for ways to minimize any detrimental effect on the environment. The use of nuclear power at Shoreham represents a balancing of the competing interests involved in the decision of the type of plant to be constructed. Shoreham Power Station has been designed to minimize the effect of thermal discharge. It presents no radiological hazard and will supply the needed electricity for the consumers on Long Island with a minimum effect upon the environment of the area.

Finally, I would like to conclude my remarks by reemphasizing that the Long Island Lighting Company shares your concern for the environment and natural beauty of Long Island Sound and wishes to assure you that it will continue its efforts to preserve these prized assets to the best of its ability.

LILCO—POPULATION, ELECTRIC DEMAND AND CAPABILITY

Year	Population (thousand)	Peak hour demand (megawatts)	Season	Generating capability [1] (megawatts)	Major additions in year
1950	[1] 1,000	341	Winter	356	
1951		398	do	362	
1952		439	do	471	Glenwood No. 4.
1953		519	do	577	Far Rockaway No. 4.
1954		632	do	702	Glenwood No. 5.
1955		702	do	702	
1956		745	do	887	Barrett No. 1.
1957	[2] 1,772	814	do	887	
1958		912	do	1,064	Port Jefferson No. 3.
1959		950	do	1,072	
1960	[2] 2,036	1,034	do	1,257	Port Jefferson No. 4.
1961	[3] 2,162	1,078	do	1,269	
1962	[3] 2,220	1,206	do	1,277	
1963	[3] 2,322	1,272	do	1,481	Barrett No. 2.
1964	[3] 2,368	1,338	do	1,496	
1965	[3] 2,433	1,466	do	1,500	
1966	[3] 2,491	1,568	do	1,606	Various gas turbines.
1967	[3] 2,536	1,676	do	2,045	Northport No. 1.
1968	[3] 2,597	1,876	Summer	2,382	Northport No. 2.
1969		2,005	do	2,362	
1970		2,235	do	2,486	Barrett gas turbines.
1971		2,450	do	2,738	Various gas turbines.
1972		2,665	do	3,124	Northport No. 3.
1973		2,880	do	3,307	Various gas turbines.
1974		3,100	do	3,307	
1975		3,325	do	4,127	Shoreham No. 1.
1976		3,560	do	4,127	

[1] Generating capability is peak one hour capability during the season of peak demand in that year.

[2] Census.

[3] LIL.

URBAN RENEWAL LOOK

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. SCOTT. Mr. Speaker, the town of Leesburg is located a few miles from the Capital within my congressional district and is an old and historic town. Recent efforts have been made by local citizens to improve the business area. An editorial appeared in last week's Loudoun Times-Mirror entitled "Urban Renewal Look" which indicates what can be done by local citizens and private business without Federal assistance. I commend it to you:

URBAN RENEWAL LOOK

West Loudoun St. in Leesburg is beginning to look like an urban renewal area, rural style, and it is all the more impressive because a great portion of it has been done by private interests rather than the government dollar. In fact, private enterprise might be said to have hurried the Leesburg government into doing something about its own house.

Growing into sort of a little complex of their own along West Loudoun St. are The Loudoun Museum, the Soroptimist Club's thrift shop and Leesburg's new council chambers—none of which have an significant connection with the other except that they combine to completely change the face of what was once one of Leesburg's less attractive areas.

The Loudoun Museum, now moved into its restored quarters, has developed into an unusual success brought about by a mixture of business interest, civic pride and government backing. The Town of Leesburg made the whole thing possible by providing the already historic buildings involved, but it has been private effort that has developed the museum into a reality.

Across the street from the museum is the new Soroptimist Club thrift shop, which was set up to raise funds for the Loudoun County Association for Retarded Children, but which as a by-product also resulted in substantial renovations to a building whose proximity to the museum demanded that something be done with it.

The Town of Leesburg did its part by demolishing the old town office building (just in time, for the structure was showing signs of a terminal illness) and moving the local government into a remodeled commercial garage. The council chambers had, during this period, been shifted to a neighboring building replete with a curved podium a la board of supervisors, carpets on the floor and other amenities designed to make the business of government deliberation more bearable.

Leesburg's plans for a new municipal building have gotten stuck in financial mud, but the improvements made during the past year have made the larger project seem a bit less urgent.

The entire downtown Leesburg business district has been substantially facelifted in the past several years by both commerce and professional interests, again at the initiative of private citizens. It is an encouraging sign for the downtown area, which until very recently was being consigned to tortuous deterioration in the face of modern shopping centers which are beginning to ring the town.

The trend should continue, with whatever help is necessary from government, but with the citizen leading the way as he has so far.

TOTAL DISARMAMENT?

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. JOHNSON of Pennsylvania. Mr. Speaker, while every rational person deplores war and yearns for a day when disarmament talks may be conducted in an atmosphere of mutual trust and understanding, the realities of the world situation today simply do not allow for naive idealism to dictate our national defense policy.

A perceptive editorial from the Christian Science Monitor discusses how the lessons of history, as well as the current world tensions, make "total disarmament" proposals unrealistic, irrelevant, and plainly dangerous to the United States and the entire free world. I include this editorial in the RECORD:

[From the Christian Science Monitor, Feb. 11, 1970]

TOTAL DISARMAMENT?

(By William H. Stringer)

Can we somehow sort out why it is that intelligent individuals march against defense preparations? That is, why do they march in protest in the United States and not in Moscow's Red Square?

Protests against war make sense. War is inhuman, grotesque, should be outmoded by now, should not be an instrument of national policy. Protests against the Vietnam war are understandable—though less so now, unless one doubts that President Nixon means to end the conflict as quickly as arrangeable. But protest against arming for defense, protest against preparedness in this unpredictable world?

For Britons or Frenchmen to march against their countries' investment in costly nuclear arsenals could be relevant. It is just conceivable that the British or French nuclear arsenal would, by its very existence, serve to attract missiles from Moscow onto Europe's small space in event of a superpower war. But does similar reasoning apply to the United States?

Let us look into history, remembering the observation that those who refuse to learn the lessons of history are often obliged to repeat the experience. At the time of the Suez crisis, Soviet Premier Khrushchev rattled Russia's nuclear weapons. In effect he threatened Britain and France with long-range missiles as they were calling off their Suez adventure. He could do this because their nuclear retaliatory power was not impressive.

Now then, supposing the government heeded its protesters against armament—against the involvement of Massachusetts Institute of Technology in defense research—against investment in weaponmaking corporations—against any development of new weapons systems? Would not the moment arrive when the United States, stripped of its defenses, could make no reply to a threat from abroad, save to capitulate?

Is that the future any Americans want for their country? Because, of course, one cannot rule out threats, cannot rule out international gangsterism at this period. A country can work to reduce tensions, begin arms-cutback talks with Moscow, restore relations with China. But it cannot be totally ruled out that relations might go sour. It is also axiomatic that, to negotiate a reduction of armaments with Moscow, or a deal with tough-minded Peking, one has to have "credibility." That is, the United States must be powerful, worth talking to, not a pushover.

Now it is true that the Pentagon can become overweening in its demand for new weapons and more weapons, for "overkill." If that's what marchers are marching against, they should specify. And it's even arguable that MIT should avoid defense-oriented research—except that this university-backed expertise probably saved America in World War II. (And do protesters prefer to have the research transferred to big corporations, where the secrecy would be greater and the leavening academic spirit would be absent?)

A lot of people can remember when Hitler and Tojo began to rampage, how General Marshall sought to get antiaircraft guns to the Philippines, B-17 bombers to other outposts, and the supply was cruelly, desperately short. Because the United States had regarded disarmament as a virtue.

Disarmament is a virtue, if the other guy disarms too. And Americans can work to that end, and to halt this dangerous arms escalation between the superpowers. But some leaderships in some countries are still ruthless enough, or unidealistic enough, so that they do not understand example-setting, exhortations to virtue, and unilateral disarmament. This being the case, those who demand an end to American arms and defense preparations, without standards, distinctions or agreements, must be considered suspect. Maybe they believe "better Red than dead." Maybe they have absorbed mesmeric propaganda. Maybe they disbelieve human nature. Maybe they just want to light their small candle of protest. But thank goodness they aren't dictating national policy.

DOUBLETHINK IN THE FORESTS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. UDALL. Mr. Speaker, during the time the timber bill, H.R. 12025, has been under consideration, there has been a marked trend not of growing support, but of growing opposition. Serious doubt is being raised even by organizations that at first endorsed the bill, but later realized its harmful implications.

An example of this is American Forests magazine, which previously expressed cautious support for the bill, as a means of improving management of the national forests. However, in the February 1970 issue American Forests writer Van Trumbull takes a new look at the bill and concludes:

> It would subvert the management of the national forests for multiple uses—watershed protection, wildlife, recreation, and timber yield—to favor only the latter.

Mr. Trumbull's Washington Lookout column quotes the former Assistant Chief of the Forest Service, Dr. Edward C. Crafts, who said the bill "would be just like overdrawing the Nation's bank account." The column scores the lumber industry's "doublethink" in calling the measure a tree-growing bill, when it would actually cause overcutting of the forests.

I hope my colleagues will join me to defeat the bill.

The article follows:

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The "high-yield" timber bill sponsored by Rep. John L. McMillan (D–S.C.) and 50 other congressmen did not come to the House floor for action in the first session of Congress. It is not likely to be acted on soon in the 1970 session because of an odd combination of factors: (1) failure of the housing interests, both in business and in government, to get really excited over the lumber supply issue (soaring interest rates are giving them trouble enough); (2) a sharp drop in lumber prices; and (3) determined opposition from conservationists.

There is heavy irony in the very name of the McMillan bill: The National Forest Timber Conservation and Management Act. It would not conserve timber. It would subvert the management of the national forests for multiple uses—watershed protection, wildlife, recreation, and timber yield—to favor only the latter. In a classic example of doublethink, one lumber industry official told a reporter: "This is a tree-growing bill." AFA's Edward C. Crafts told the House Forestry Subcommittee the measure "would be just like overdrawing the nation's bank account."

THE LUNAR ADVENTURE—PROGRESS FOR MANKIND

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. MILLER of California. Mr. Speaker, on February 4 of this year the American Business Press held its annual Silver Quill Dinner here in Washington. Each year, impressive awards are made to individual Americans who have distinguished themselves by outstanding achievements in government and in private life that have been major contributions to the welfare and progress of our country and our society.

This year, the American Business Press decided to make an award not to an individual but to an organization, the National Aeronautics and Space Administration, in recognition of epochal achievement in 1969—man's first step upon the moon.

During the dinner a remarkable statement was made to the guests, one that makes clear the benefits the world has garnered as a result of this Nation's decision to undertake the exploration of space for the good of all men everywhere. I think that every Member who reads that statement, which I offer for the RECORD, should carry back to his constituents the proof that the United States has kept its promises to explore space for peaceful purposes and for the benefit of all mankind.

The statement follows:

THE LUNAR ADVENTURE: PROGRESS FOR MANKIND

We have shared the adventure.

We have reached the goal.

But—after the Moonglow—What have we left?

What does it mean to you and to me?

It is a brave, but essentially empty, exercise in making science fiction come true? Or is it a dynamic stride in the extension of human horizons?

We do know that the Moon program is the largest and most important scientific and engineering project in history—surpassing even the harnessing of atomic energy or the construction of the pyramids. Moreover, the earthbound application of space science can be channeled into solving the serious industrial and social problems that eat away at our civilization even as it climbs toward the heavens.

In 1958, the far-sighted shapers of the National Aeronautics and Space Act decreed: "The Administration shall provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof."

Accordingly, NASA established the technology utilization program to bring scientific knowledge, technical skills and aerospace-related inventions to potential users in the civilian economy.

The bonuses paid thus far on the taxpayer's investment have not been accidental. In the words of the technology utilization program: "It is our objective to insure that developments resulting from NASA's scientific and technological programs be retrieved and made available to the maximum extent for the nation's industrial benefit in the shortest possible time, thus strengthening the bridge between technical research and marketable end use."

It has lived up to its words. Scores of new technological developments designed to meet the needs of the space program already have been transferred or adapted for other use.

First of all, there are the direct benefits of the space program, those planned and paid for.

In communications, we have satellites that link us to people throughout the world. Events that happen halfway across the globe, we can see and enjoy and learn from—not tomorrow or next week, but on our TV screen the instant they happen.

In meteorology, new weather satellites not only tell us whether to bundle up tomorrow, but give advance warning of killer hurricanes in time to save homes and lives.

In navigation, air-sea traffic control and navigation satellite systems will add to the economic contribution of space activity through increased traffic efficiency and safety. A one percent saving in fuel and manpower costs due to navigation improvement could save the shipping industry $150 million dollars a year.

The knowledge of earth resources has been another direct beneficiary. The long-dormant fuel cell was activated to supply electrical power for spacecraft in orbit, and is now being researched by natural gas companies for possible home power units. And, in Gemini photographs, geologists have discovered some promising possibilities of detecting oil and mineral deposits in remote areas of our globe.

However dramatic and newsworthy these direct benefits are, the larger bonus may well lie in the unplanned, indirect benefits—those that know-how and serendipity have combined to give us—in the transfer or application of space science to a variety of fields.

NASA has developed a communications network to actively disseminate the data to proper sources. A series of publications includes tech briefs, short descriptions of innovations, devices, methods, and concepts: and technological surveys, covering entire areas of specific disciplines.

In addition, regional dissemination centers across the country, equipped with databanks of unclassified aerospace research and development material, provide problem-solving and current awareness to clients who will apply the new technology to problems here on earth.

Developments that have been embraced and used range from the mundane to the exotic—from a silicone sealant, a super glue developed for use on spacecraft, which you can now buy at the hardware store—to an electronic switch activated by the blink of an eye.

That giant corporation you may own part of, or work for, or buy from, or report on, is a beneficiary of the space program, as is that newborn infant in your neighborhood.

For example, an electromagnetic hammer, developed for fabricating large rockets, is being tested for construction of ships and automobiles. Smoothing and shaping metals without weakening them, it will contribute to the efficiency, economy and safety of the car in your future.

Newborn infants will benefit from another space development. Research for a heated glass canopy to prevent icing on aircraft led to the development of a so-called "glass sandwich." A cradle cover using this principle is now being marketed specifically for the close control of temperature in the newborn, especially those born prematurely.

Similarly, an adult version has been installed in a hospital that specializes in burn treatment. Early results indicate a new dimension in treatment of severe burns.

Where warmth is *desirable,* you can now use a super insulation blanket of aluminized mylar—similar to material developed for the Echo balloon satellite. You can also use it to keep cool when it's warm, and dry when it rains. Thanks to reflective insulation, it can be a lean-to or a wrapper for the fish you just caught or a radar-reflective air-sea rescue signal. It's a multi-purpose item and, more importantly, a potential life-saver.

Space clothing will make your life a lot more comfortable. Developed for astronauts and able to withstand lunar temperatures as hot as 250 degrees and as cold as 240 degrees, it will lead to suits that are lightweight, strong and wear-resistant. Instead of bulky overcoats, we may be wearing thermo-electrical weave, with built-in automatic temperature control systems, to say nothing of lightweight and more comfortable undergarments already on the market.

Nearly 50,000 Americans die every year in motor vehicle accidents. Now, the space program is helping to cut down on one major cause of highway carnage: wet-weather skidding.

NASA-sponsored research with the problem of aircraft tire hydroplaning showed that at certain speeds, tires actually lost contact with wet, paved surfaces and that automobiles are subject to the same dangerous conditions. Resulting improvements in tire tread design, and grooving of pavements with a constant depth of cut have virtually eliminated the problem in test areas. In a California experiment, for example, 93% of wet highway accidents have been eliminated on test roads: the number of accidents was cut from 124 to 8. Similar tests are underway in 16 other States, a highway-grooving machine is now a commercial product on the market, and the outlook is that we'll eventually be spared automobile accidents caused by wet highways.

A different kind of danger: heart attack, we all know someone who's had one, and we can all appreciate the need for split-second diagnosis and instant attention.

An ambulance races through the streets with a cardiac patient. The attendant uses dry, spron-on electrodes—which cause the patient no discomfort—to flash electrocardiogram data—via radio waves and telephone lines—back to the waiting physician in the hospital. Thus, because of NASA research for test pilots, the doctor can now see a patient's electrocardiogram before he sees the patient, and the moment the patient arrives at the hospital, the doctor and staff are ready to swing into action.

Just as every second counts with the patient being sped to the hospital, so, too, does every second count if there should be clogging of the tracheotomy tube that certain patients—especially small ones—must use to breathe, ordinarily a nurse has to stand

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watch full-time to check that the tube is clear. Now, a NASA developed breathing sensor will give an audible or visible alarm within ten seconds of any change in breathing. Thus, a nurse can be in another room, attending to other functions, and be alerted by the alarm in time to take immediate corrective action.

Sometimes just a flick of an eye is all a person needs to call for help—or get around—once again, because of our space program.

A sight switch developed to give astronauts the equivalent of an extra pair of arms, has been adapted for use by paralytics. If you know someone who's paralyzed, then you understand how frustrating and pride-shattering it is for him to depend on others for his every need. The sight switch give him a new freedom. With it, a patient can activate a call board, or even manipulate a motor-driven wheelchair, with only the movement of eye.

The control of machinery and electronic devices are other possible applications of the sight switch, which lead to greater independence and more meaningful occupation of our Nation's handicapped.

All sorts of equipment to make commercial transmission more efficient and economical—and, in the long run, more pleasurable listening for you—have emerged from the space program. One example is this solid state oscillator for FM stereo broadcasting, which takes up but a tenth of the space and requires less maintenance and power than previous equipment that does the same job.

Solar cells first produced for the Vanguard satellite led to development of cells that today power some of our portable radios and provide emergency call systems for motorists stranded on highways.

Space research has also led to more sophisticated electronic and mechanical components, including a development that one day may give sight to the blind.

A small TV camera worn on the forehead would scan the blind person's surroundings and reading matter. Then, bypassing the damaged eyes, it would transmit the image through the skin and skull to a teflon-insulated receiver in the visual cortex of the brain, enabling the blind to "see."

It's probably at least a decade off, but the hope is that the camera can be miniaturized to fit into an eye socket.

Space research has altered the shape of things to come—literally as well as figuratively.

NASA engineers engaged in solving the difficult problems of operating bearings in the vacuum of space came upon a basic discovery with widespread implications: They found that bearings should have hexagonal, not cubic structures, and learned that strength is not the most important factor where lubrication problems exist. With a cubic structured metal, surfaces weld together and bearings fail. A hexagonal metal structure is far less likely to weld or explode in the absence of lubrication.

One alloy of cobalt and molybdenum—with a hexagonal structure—shows potential for use in artificial human hip joints and is being tested for compatibility with living tissue. This new alloy will offer more freedom of movement and longer life.

Metal producers, bearing manufacturers, designers of prosthetic devices, and users of bearings are being kept up to date on this work through the NASA technology utilization program.

Space science developments have contributed to a variety of new or improved quality control tests for industry. For example, a technique developed by a NASA contractor involves the application of a thin coating of commercially available liquid crystal solution to the surface of the test article. When the article is heated, the exact locations of defects are shown by differences in temperature and by differences in color.

Temperature plays a big part in testing. A heat sensor was developed for continuous monitoring of the temperature of spacecraft heat shields, from minus 250 to plus 5000. Now a firm is integrating these termocouples into its product line for use in metal treating and high-temperature reactive environments.

Temperature also plays an important role in determining the quality of health in human beings. NASA researchers needed a means of carefully controlling skin blood temperature without interfering with movement. Water-cooled space underwear—in which, by the way, you'd be the hit of the country-club locker room—helps them complete the study of effects of stress on the normal heart, a step to understanding the nature of strokes and cardiovascular disease.

Astronaut underwear helps us in medical exploration, and so, too, does the astronaut's space helmet. An adaptation—the respiratory ailment helmet—helps physiologists conduct studies on the proper exercise levels for children with respiratory ailments. For most youngsters, the helmet adds an element of fun to an otherwise unpleasant diagnostic function.

Mobility has been a prime concern of the space agency, ever since landing men on the moon first seemed feasible. The lunar walker was designed for NASA as an automated instrument carrier for unmanned lunar exploration.

Now a lunar walker has been adapted to give mobility to people who cannot walk. The eight-legged mechanism is activated by electronic power delivered to electric drill motors by a motorcycle battery. The child using it steers the machine by a control stick, or a chin cup if he is unable to use his hands.

This rather ugly device offers beautiful possibilities for a fuller life for the handicapped—even paraplegics—allowing them to get places on their own, be it a soft beach, a curb, a small stairway or any obstacle-covered area that would block an ordinary wheelchair.

Better diagnosis has been made possible through space research. Digital computers have been used for years to enhance the clarity of pictures televised from spacecraft. This includes thousands of photographs taken near or on the surface of the moon, and a series made by mariner IV and transmitted from Mars across 140 million miles.

Like a hi-fi phonograph, which can emphasize treble or bass to the listener's preference, the computer processes the photos so as to bring out desired details that were obscured in the original.

The same ingenious techniques now make medical x-rays more revealing. The computer filter processes remove irrelevant details and enhance those that Doctors want to study, making the diagnosis and prognosis more explicit and accurate. Note the difference in these x-ray photographs of a human skull. First, the conventional . . . Then, those put through a digital computer.

NASA information, searched by one of its six regional dissemination centers, has led to a teaching tool that enables up to 800 students to participate in a lesson, although there are no interconnecting wires. The teacher can determine how each student answered, whether the whole class responded, and the proportion of right answers.

Many new companies have been formed to market products and systems that are outgrowths of the space program. One was organized to market the electrocardiogram system using dry spray-on electrodes: another, to produce and market diamond impregnated grinding wheels.

Hystyle resins described in a NASA tech brief drew sufficient response from electronics and grinding wheel manufacturers, among others, for a firm to be organized to develop and sell the new family of plastics. You'll see it on automobile fenders in the near future.

Not only new businesses, but whole new industries have arisen, such as the handling of storage of very low temperature gasses. Cryogenic fluids are now being supplied for truck refrigeration systems: cryogenic containers make it more economical to ship liquefied methane and other hydrocarbon fuels. Cryongenic bulk storage of liquid oxygen has contributed to improved steel production: liquid nitrogen is being used as a refrigerant to freeze perishable foods, and other liquefied gasses are being employed for medical use.

Several years of NASA research to develop a durable coating for spacecraft resulted in the development of a family of silicate-based inorganic paints, easily applied—they don't have to be baked on, just sprayed—these paints have withstood scratching at 50,000 pounds per square inch pressure; they have defied the corrosion of sulfuric acid, and have been subjected to 4,000° flame and can withstand it better than the rugged metals on which they have been painted. They have a variety of applications in non-aerospace fields—and products—oven liners, vacuum cleaners, furnaces, generators, truck exhaust systems and insulation, to name just a few. Two firms have already developed their own formulations for commercial sale.

The variety and scope of developments created for our benefit by the space program reach staggering proportions. In all fields of human experience, space developments have already made tremendous strides for mankind—giant steps on earth, which lead the way to better, fuller, happier lives for us all.

The future possibilities are as boundless as man's imagination . . . and are limited only by our ability to inter-communicate. The business press of America stands ready to serve both as catalyst and communicating agent.

Launched by a vision of new and better worlds. . . .

Propelled by traditional America willingness and ability to rise to mammoth challenges, America's space program will continue to add to the quality of your life and mine, and to the knowledge, health and comfort of the entire world.

1970 SILVER QUILL SCRIPT

Nearly five hundred years ago, a man named Christopher Columbus set out to discover new worlds with three ships built with finances furnished by a queen's pawned jewels. As simple as that.

Things are not quite so simple now. The year of two manned moonflights, 1969, marks another milestone in man's continual struggle to conquer his environment. 1969 will always be remembered, along with 1492, as the opening of a new frontier in this endeavor. But we cannot pick out a single incident, or a single man, or a single vision to honor. We are honoring a cooperative undertaking of the two most powerful and forward-thinking components of our nation. We are honoring the National Aeronautics and Space Administration for its tremendous feat of organization of human and material resources from both government and industry.

There were no simple answers to NASA's problem of how to get to the moon. No one with enough jewels to pawn . . . no one builder for the ships . . . no one man to lead the expedition. In honoring NASA, we must honor all the men and women behind the deed . . . from the three Chief Executives of our nation who articulated the goals and led the nation forward, to each workman who helped build the space capsules. We honor the government which fostered the

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program, and the many industries which helped bring it into being.

The 1970 Silver Quill Award also acknowledges the imagination and know-how of taking the discoveries and developments of manned space flights and translating them into down-to-earth benefits for the good of industry, America, and all mankind. The utilization of space technology in helping to solve the riddle of life itself, gave us our theme: The Lunar Adventure: Progress for Mankind.

For the first time in its 19 year history, the Silver Quill is being given to an organization rather than an individual. This marks perhaps a new era in which our problems, goals, and feats are so gigantic that they are beyond the scope of one man alone, or even a small group of men. The true hero of our time is the organization, not the man, which can bring together the hopes and dreams, the talents and resources, of an entire nation for the greater good.

But this award, going to an organization, does not lose sight of the fact that an organization is made up of individuals; that even with all the technology and know-how of thousands behind them. It took unique combinations of courage and skills for the six astronauts who actually manned the Apollo 11 and Apollo 12 moon-flights to accomplish the given objectives. They symbolized success for all who stood behind them. This award goes to NASA, not as an arm of the government, or as a separate entity, but as *the* representative of each of the individuals whose courage, knowledge, and leadership made this undertaking possible.

Captain Charles Conrad, Jr. is one of the brave men who stand at the forefront of man's quest for knowledge of, and dominance over, his environment. Captain Conrad commanded the Apollo 12 mission last November, becoming the third man to set foot on the moon.

With his permission, I would like to pass over the usual listing of his many achievements and give you the flavor of the man by repeating to you the words of his pilot in the Apollo 12 lunar module, Captain Alan Bean, who said, and I quote: I hope that when I'm crew commander that my LEM pilot has as much confidence in me as I had in Pete. I've always felt that he was the best seat-of-the-pants, stick-and-rudder astronaut in our entire office. Unquote.

We could think of no better representative of NASA's achievements and we are proud to have Captain Conrad accept the Silver Quill Award on behalf of NASA.

Captain . . . it is my privilege and honor to present the 1970 Silver Quill Award on behalf of the members of American Business Press—to the National Aeronautics and Space Administration "for distinguished service in opening new frontiers and translating these discoveries into benefits for all mankind."

WHY WE ARE IN VIETNAM

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks in the Record, I am pleased to include the following interesting and very timely editorial which appeared in the Evening News of Newburg, N.Y., on Wednesday, January 7, 1970, and which clearly sets forth the reasons why the United States is presently engaged in Vietnam and sustains the legality of our position there.

The editorial follows:

WHY WE'RE IN VIETNAM

There is a tendency for some of us to forget why we do certain things as a nation. A good illustration is the war in Vietnam.

On Aug. 10, 1964, for instance, the Congress by almost unanimous vote in both houses, approved a resolution which stated, among other things:

"Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

"Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

"Whereas the United States is assisting the peoples of Southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way; now, therefore be it

"Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, that the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression . . ."

The resolution, which conveys virtually all the powers of a formal declaration of war, provides these may be terminated when the President "shall determine that the peace and security of the area is reasonably assured by international conditions created by the action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."

There are those in America today who try to argue we are fighting an "illegal" war in Vietnam. They also try to argue that there is no Communist aggression in Vietnam, but only American aggression, as the Communist claim.

These critics, in addition to giving aid and credibility to an enemy which has warred openly on Americans and the United Nations ever since the June, 1950, invasion of South Korea, have been successful in so obscuring the issues that many Americans today suffer from a weakening of their resolve to aid the victim of aggression and to resist Communist aggression.

There is an easy way for the critics to support their arguments. That is to go to Congress, the ultimate power which legalized and financed the defense of South Vietnam. There these critics can seek the concurrent resolution which would terminate the powers conferred under the Gulf of Tonkin action.

There would be no doubt of the result. Everything would be clarified. If the Tonkin resolution is terminated, America would have no alternative but to withdraw as the critics (including Senator Goodell of New York) demand.

If the concurrent resolution fails, these dissidents would have to decide whether they will support their own country in an issue obviously authorized and supported by due process.

Meanwhile, there is no reason to question the legality of our national effort in Vietnam, nor the official, formal recognition of Communist aggression in that unhappy land. The record is clear.

A VOTE FOR YOUTH

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. DERWINSKI. Mr. Speaker, it was recently my privilege to appear before the delegates of the Illinois constitutional convention to urge that they adopt an 18-year-old vote clause in the new Illinois State constitution.

This subject in the form of a proposed constitutional amendment is also before our House and Senate committees.

The Southwest Graphic of Lemont, Ill., in its Wednesday, February 18 edition carried a spirited editorial commentary directed to delegates of the Illinois constitutional convention urging the 18-year-old vote clause and in view of the public interest, I feel this editorial deserves special attention and therefore insert it into the Record:

A VOTE FOR YOUTH

One of the many proposals presented to the Illinois Constitutional Convention is the lowering of the voting age in Illinois. In many respects it would seem this position should be high on the priority list for consideration by the delegates.

The increasing dissatisfaction of our youth with the politics of their elders must be recognized as more than just a few malcontents flexing their muscles. A growing disenchantment with the "establishment" has, and is, attracting many of our youngsters who we would have referred to in the past as "normal students." What has occurred is a realization by our youth that they are not being dealt with rationally.

To say those under 21 years of age must pay taxes, die for their country and in many instances submit to adult law in civil and criminal cases, and then deny them the right to vote is unfair.

Today's young people enjoy more freedom, better education and more luxury than at any time in our history. This apparent enrichment of their being has not kept pace with their responsibility in forming their destinies. Despite their greater knowledge, or because of it, some have shown irresponsibility in their actions while many others have displayed remarkable insight and understanding of today's problems.

That our country should not accept, and benefit by, the new thinking of our youth is a social and political problem we can no longer afford to ignore.

A lowering of the voting age should be written into the proposed new Illinois constitution. Those 18 years of age, or perhaps 19 years old, should have a voice in determining the laws by which they are bound. The youth of our state, and the country, are sophisticated enough to understand the needs of our land. Perhaps they know or can find the answers to many of the problems with which the current voting populace have been unable to cope with on an acceptable level.

The many complex issues facing our state as a whole must be met with fresh and innovative solutions. Taxation, education, environmental control, pollution and local government has a great need for the new approach.

Our government was founded with the idea that man needed to govern himself with fairness and equality for all. It is time we reaffirmed this ideal and looked to new horizons in seeking out that which is the best

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for all our citizens. Youth is the answer and with guidance, support and confidence they will rise to the occasion with a vigor long dormant in our government.

We urge the Constitutional Convention to follow in the footsteps of our founding fathers. Bold concepts are needed to realize bold ambitions. Our country is not old; our state is not old; our thinking must be realigned to fulfill the dream of ever greater things. Our thinking must accept our youth and their dream.

NATIONAL FOREST TIMBER CONSERVATION AND MANAGEMENT ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. DINGELL. Mr. Speaker, once again the proposed National Forest Timber Conservation and Management Act (H.R. 12025) has been scheduled for consideration by the House.

As a conscientious supporter of the multiple-use concept of forest management, I feel that the proposed act is not in the public interest, since it would go a long way toward setting a policy that Federal forest lands shall be managed solely for commercial timber production.

I am pleased to say that I do not stand alone in my objections to the proposed act. Many concerned and thoughtful citizens from all sections of the country share my view, including persons from the timber-producing Pacific Northwest.

So that my colleagues may be aware of the views of several respected publications on this matter, I include at this point in the CONGRESSIONAL RECORD the text of editorials carried by the Portland Oregonian; the Eugene, Oreg., Register-Guard; the Medford, Oreg., Mail-Tribune; the Lewiston, Idaho, Morning Tribune; and the St. Louis, Mo., Post-Dispatch, as well as the text of an article on the same subject by Michael Frome, which appeared in the March 1970 issue of Field & Stream:

[From the Portland Oregonian, Feb. 6, 1970]

FOREST BUDGET SHORTCHANGES PUBLIC RECREATION PROGRAMS

(By Herbert Lundy)

One trouble with national priorities is that they keep stumbling over each other's feet. President Nixon proposes to double the housing for Americans in the next decade. He also proposes to preserve and restore the environment and provide opportunities of outdoor recreation for all comers.

So we get a fiscal 1971 budget for the U.S. Forest Service which places major emphasis on timber production but seems to give the short end of the stick to over-all resources development—campgrounds, wild rivers, pollution control, recreation, scenic and wilderness areas, ski slopes, wildlife habitat improvement; these and other resource uses aside from cutting trees for wood products.

The public pressures are in the recreation category and Forest Service management people are keenly aware, and responsive to, these popular requirements. The policy of "multiple use" of public lands is meaningless if timber production is to dominate forest management. Some figures are illustrative:

For Region 6 of the Forest Service—an empire of federal timberlands spread over one-fourth of the State of Oregon and one-fifth of the State of Washington—Congress appropriated for the 1970 fiscal year $28.3 million for management and $44.6 million for roads.

The fiscal 1971 budget just submitted to Congress, as near as can be figured, proposes $31.7 million for management and up to $50 million for roads. The increases of $3.4 million and almost $7 million, however, are all in categories of timber production. In the words of Regional Forester Charles A. Connaughton, who is concerned about it, this leaves the management of resources for public use "in status quo" while providing a "pretty favorable" prospect for timber marketing.

Although this kind of unbalanced treatment of the national forests could only lead to more public protest by organized outdoor groups and the hiking, camping, fishing, hunting, skiing, rock-gathering public generally, it would be good business for the federal treasury.

The federal forests in Oregon and Washington earned $172 million in the past fiscal year—$122 million in Oregon and $50 million in Washington. It was with the goal of plowing more of these earnings back into intensified forest production management that the National Timber Supply bill sponsored by lumber interests was introduced last session.

Conservationists and the Forest Service itself objected to the single-purpose nature of the original bill. It has now been modified to some extent and renamed. A provision requiring expenditure of forest earnings in the region in which they were earned was eliminated. A section earmarking the funds for timber production only was also removed. But the bill is still timber oriented. For example, forest funds could be used for thinning young forests, but not for campgrounds. Forest earnings would still be earmarked for forest management, although subject to congressional appropriation. The earmarked funds would be 65 per cent of forest earnings, leaving the present 25 per cent for counties and 10 per cent for roads.

A House vote on the bill was postponed Thursday as conservationists intensified their lobbying in Washington against it.

The proposed Forest Management act, it is estimated by Regional Forester Connaughton, would permit an immediate increase in timber harvesting in Region 6 of about one-third, without harming sustained yield. This would be accomplished by a 40 per cent increase in yield by commercial thinning and by additional salvage. Intensified management practices would include seeding thousands of acres of brushlands to start new forests and increasing future yield by precommercial thinning. Much greater production may also result from research projects which include irrigation and fertilization.

But Forest Service management already is being bombarded by conservationists, environmentalists, preservationists and assorted reasonable and unreasonable protesters. Their theme in most cases is that the Forest Service is anti-public and pro-timber cutting. We have not found this to be the whole truth. But the forest managers have to "go through channels" to reach the policy makers in Washington, D.C., and these channels are easy to dam.

Whether the Nixon Administration and Congress continue to operate under the present budget system or adopt the proposed new intensified management act, more consideration must be given to the regional foresters who are facing the guns of public demand for recreational opportunities. Western members of Congress need to become activists on the budgetary front to make certain that the foresters are given the tools to fufill the national policy—proclaimed by law—of multiple use of public resources.

[From the Eugene (Oreg.) Register-Guard, Jan. 31, 1970]

TIMBER ACT TOO IMPORTANT TO RUSH

What this country needs is a good timber supply and conservation law.

An act so titled will be debated in the House of Representatives Tuesday. It probably will be voted on after just two hours of pro and con discussions and amending procedures.

That's a regrettable prospect, considering all that is at stake. True, the bill has been argued at length before the House Committee on Agriculture and its subcommittee on forests. True, it has been analyzed, both approvingly and disapprovingly, in numerous publications since those hearings were concluded last spring. However, proponents and opponents of H. R. 12025 remain poles apart.

Those who read the bill with thoughts of improving forestry practices and promoting better utilization of this nation's timber croplands can easily conclude that it would serve several important progressive purposes. It would provide the Forest Service with a better system of funding for reforestation, for the building of access roads into areas where overripe timber should be harvested and for development of modern "high yield" timber production techniques. It would also, in the eyes of these efficiency favorers, stress adequate safeguarding against irrational exploitation of federally owned forests by its reference to provisions of the Multiple Use-Sustained Yield Act of 1960.

On the other hand, many conservationists earnestly dispute the wisdom of H.R. 12025 in its present form. Rep. Charles M. Teague (R-Calif.), a member of the Agriculture Committee, filed a staunch dissent in November when the bill was given that committee's "do pass" recommendation. He argued that "the evidence spread upon the public record is woefully deficient." He said that the bill would not assure that the Forest Service would gain increased capability "to better fulfill its statutorily imposed missions," including those of protecting watersheds, wildlife habitat and public recreation opportunities. Rep. Teague contended the bill was born in a panic situation early last year when there was a national hue and cry about a timber shortage and resulting high lumber and plywood prices. He also endorsed complaints of organizations such as the Sierra Club, stating: "There is no assurance that extensive logging operations will not be conducted on de facto wilderness areas . . ."

Evidence is strong that our nation faces a critical housing shortage. Accordingly, it must move to make more intelligent utilization of its forest resources and not permit trees which should be harvested to rot in the woods or delay needed reforestation projects and promising experiments in silviculture. Timber supply and demand effects occurring in feast-or-famine sequences must be more sensibly controlled, for the economic benefit of such major producing regions as the Pacific Northwest and for rational steadying of national construction costs.

However, as these goals are implemented, Congress must also give farsighted consideration to conservationists' fears. Although some 14 million acres of public land had already been designated for wilderness use, future generations may need additional wilderness and/or semi-wilderness areas. Certainly care must be exercised to protect watersheds, wildlife and forage areas for range animals.

Simple logic argues that a good timber supply and conservation law can be best assured if it is developed with due regard for all important ramifications. Accordingly, the House would be wise to debate H.R. 12025 on Tuesday and then return it to committee for reappraisal in context with all suggested amendments.

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[From the Medford (Oreg.) Mail-Tribune, Jan. 19, 1970]

THE HIGH-YIELD FOREST IS UNPROVEN

Citified Easterners, looking at some of the glossy advertising put out by Georgia Pacific, Crown Zellerbach, Weyerhaeuser, and some of the other corporate giants of the forest products industry, must have a strange idea of what a tree farm looks like.

These ads make a huge clear-cut look so pretty (all dressed up with various forms of wildlife and instant new trees springing to life), that one almost pants to visit one.

Those of us who live in logging country know better. We know that the forest products industry is essential to our economy. But we no longer believe the lie that a clear-cut is a thing of beauty.

We know that a clear-cut—depending on the amount of after-treatment given it—can be a jungle of slash, of jumbled limbs and punky logs, of Cat-trails and skid-marks, of streams clogged with debris and opened to the burning sun that destroys the fishery, of erosion and desolation.

It has long been our belief that, if and when the readers of those glossy green ads ever get a chance to see the real thing, there will be a kick-back of public reaction on the giant lumber firms that will make their heads swim.

Weyerhaeuser not only boasts about its pretty clear-cuts. It also brags about something it calls a "high-yield forest."

In promotional pieces mailed to news media (and presumably to its trusting stockholders), the big company is telling a story that may or may not be true—and one that has yet to be proven either way.

A high-yield forest, Weyerhaeuser says, is one in which proper silvicultural practices—including fire protection, reforestation, pruning, thinning, fertilizing, genetic improvement, reduced harvest rotation time, irrigation, and other management techniques including the use of computers—will increase long-term productivity by as much as one-third. No one knows for sure whether or not this can be done.

Weyerhaeuser is very, very persuasive. But not everyone is persuaded—and among them are some extremely savvy foresters.

If its gamble—and it is just that, a massive gamble—pays off, Weyerhaeuser's stockholders will be happy. If it doesn't, Weyerhaeuser could be in trouble.

As a private corporation, the firm is entitled to gamble. But public land managers, who are under increasing pressures to take the same kind of chances for "high-yield" forests, are dealing with public property.

That is one reason why a proposed law entitled the National Forest Timber Conservation and Management Act should be viewed with the deepest suspicion by one who cares about the integrity of the National Forest.—E.A.

[From the Lewiston (Idaho) Morning Tribune, May 22, 1969]

POTENTIALLY MISCHIEVOUS LEGISLATION

Identical bills have been introduced in the House and Senate which would direct the Forest Service and the Bureau of Land Management to substantially increase the timber yields on federal commercial forest lands.

The "National Timber Supply Act of 1969," as it is called, ostensibly is intended to increase the supply of lumber for housing, especially for low-cost housing and to make all the federal forest lands more productive of wood. At first glance the bill's intent seems good; it is the sort of measure that an area like this, which depends largely on timber for its economic health, could be expected to support. It has the enthusiastic backing of the lumber industry, whose spokesmen are saying they hope to drive the bill to passage by July 1, and it has encountered only scattered opposition.

That is the trouble. There is a very good chance that the National Timber Supply Act of 1969 will be rushed through Congress without the consideration it deserves and pass into law before its defects have been publicized and discussed. This is a potentially mischievous piece of legislation which, if wrongly utilized, could expose the federal forests to the greatest rape since the days of the timber buccaneers.

The bill would set up a fund, to be used by the Forest Service and the Bureau of Land Management, to improve timber production on federal lands by reseeding, thinning, and fertilizing, and to facilitate the timber harvest by building logging roads. There is nothing much wrong with that. But the bill also directs the federal agencies to manage these lands for the production of timber exclusively, as though there were no other legitimate uses for them.

Some conservationists fear that if the bill becomes law there will be virtually no chance of ever adding more forests to the wilderness system or the national park system, or of putting presently unclassified forest lands to any use that might interfere with maximum exploitation of the timber. As the bill is written, it could force the Bureau of Land Management and the Forest Service to increase the allowable cut, in some cases without regard for such other considerations as watershed protecting, erosion prevention and the preservation of fish and wildlife habitat.

In its present form, the bill would take away from the federal agencies the power to manage forest lands for the benefit of all users and require that they be managed for timber production first and for other uses only when they do not interfere with that. It thus represents the very opposite of multiple use, a concept to which the lumber industry has expressed consistent devotion.

The impact of the bill on the management of the federal forest lands needs to be more thoroughly analyzed. So does the argument that the bill would increase the supply of lumber for home building. That claim is not entirely convincing, since the real obstacle to home building seems to be not so much a shortage of lumber as a shortage of credit. There is no certainty that a drastic increase in the allowable harvest of timber would bring lumber prices down, and no certainty that the additional lumber would go into low-cost housing.

The bill's chief defect, however, is its failure to recognize that the public lands, including the forests, belong to all of the people and not only to the loggers. In its present form it would reverse some 60 years of forest conservation policy by denying the legitimacy of any use incompatible with the harvesting of timber. The Lewiston region, which depends upon its forests for many things besides logs, should be particularly wary of the National Timber Supply Act of 1969 as it is written now.—L. H.

[From the St. Louis (Mo.) Post-Dispatch, Dec. 14, 1969]

RAIDING OUR FORESTS

A timber raid on the national forests is being promoted in Congress under the leadership of Senator Sparkman of Alabama. An unusual opportunity for it, which the lumber industry evidently considers golden, has come about because of the housing shortage. The rationale under which the raid is cloaked is that the housing shortage is caused by short supply and rising prices in lumber, both of which can be corrected by increasing the national-forest cut.

In fact the housing shortage is due to high credit rates rather than to high lumber prices; and anyhow, lumber prices are down again. The alleged shortage of lumber is so far from existing that the industry is increasing export of its surplus, to the tune of some 4,000,000,000 board feet this year, double the rate of a few years ago.

The Sparkman bill and a companion measure in the House, both of which are pending in the Agriculture committees, are damaging to every relevant aspect of conservation.

Determination of the amount to cut would be removed from the professional judgment of the Forest Service and directed by arbitrary act of Congress. Cutting which the Forest Service has planned to space out over the next 60 to 100 years would be concentrated in the next 15. Areas disturbed would be doubled to quadrupled, with consequent adverse effects on control of erosion and floods, and on protection of habitat for wildlife and fish. As much as 90 per cent of the national forests would be vulnerable, or all that has not been specifically reserved for recreation and other non-commercial values.

If the lumber industry—and Congress—want to increase the timber supply, means which would not do violence to the national forests are ready to hand. To note just one example, the law restricting Alaskan shipping to the United States mainland to U.S. vessels should be repealed; it prices Alaskan lumber and plywood out of the American market and forfeits it to Japan, which is hauling it in Japanese ships. Raiding the national forests is not the answer.

[From Field & Stream Magazine, March 1970]

WANTED: A PROGRAM FOR OUR TREES

(By Michael Frome)

This country is in desperate need of a valid long-range national forest plan. I don't mean simply a plan for the national forests, although they must figure prominently, but for all our woodlands—public and private, in large and small holdings, in urban suburban, farm, plantation and wild settings. The prolonged failure to protect and enhance these forests on a comprehensive basis has contributed directly to the environmental crisis we face today. But if we dare to act boldly and on a broad front, the forests will make America more livable, and truly more prosperous, for generations to come.

Forests even now cover an estimated one-third of the land area of the United States. We cannot afford to sacrifice more of them. As sources of raw material, they play a part in raising the physical standards of American life. They are absolutely necessary to conserve soil and water; we have only to look at the denuded slopes of the Middle East, once tree covered but now reduced to poor mineral soils and sparse scrub vegetation, as a living reminder. Forests serve as barriers to hot polluted air and restore the atmosphere with volumes of oxygenated air. In urban areas, they reduce harsh sounds and the effects of solar radiation, and limit the movement of wind, dust, and snow. As the environment for the highest type of recreational and aesthetic enjoyment, they are essential to the well-being and happiness of millions.

Sportsmen are familiar with the values of forests for fish and game. The national forests are particularly significant in this respect. They were conceived and created in order to end the waste of America's woods and other resources; some were established largely because they could serve as game refuges. National forests today are said to account for 30 percent of the nation's annual big-game harvest, including over 80 percent of the elk, bighorn sheep, and mountain goats; nearly 60 percent of mule deer; and more than 35 percent of bear and blacktail deer. They embrace 80,000 miles of fishing streams, 40,000 lakes, the habitat of millions of small-game animals, upland game birds, waterfowl and song birds, as well as more than twenty-five rare and endangered species.

Therefore, I suppose, sportsmen, as well as other citizen conservationists, should be grateful to the old diehards of the timber industry for forcing the issue of forest management and protection before the public.

The diehards demand that providing logs must be the primary role of public and private forests alike. They fought the Multiple Use-Sustained Yield Act of 1960, which declares the purposes of the national forests to be enhancement of recreation, soil, range, timber, watershed, wildlife, fishing, and mining. They fought the Wilderness Law of 1964 and establishment of the Redwood National Park. They objected bitterly to such "noneconomic set-asides" in behalf of the people as the National Scenic and Wild Rivers Act and the National Scenic Trails Act.

The passage of these laws might have been the signal to the diehards to review their own archaic position in the light of changing times and to quit trying to exercise the whip hand over the national forests through timber country Congressmen. Instead, they chose last year to strike back with vengeance. They endeavored to perpetrate a hoax called the National Timber Supply Act, which subsequently blossomed and is still pending with the more presumptuous title of "National Forest Timber Conservation and Management Act of 1969."

My purpose is not to dwell on this bad joke, or on the gullibility of those Congressmen who allowed their names to be used as sponsors. The original bill was a flimsy, raw attempt to play upon the housing shortage and high lumber prices in order to destroy multiple use in the national forests. It would have opened the way for an immediate increase in timber cutting—although the "allowable cut" is already being exceeded in a number of national forests. The bill was toned down before being adopted by the House Agriculture Committee, but continues to emphasize the primacy of logging. It is still fundamentally wrong. The provision for a timber improvement fund, to be created by the deposit of receipts from timber sales, might contribute to needed tree planting and thinning, but without providing increased funds for other uses it would only worsen the existing imbalance.

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Private forests today are being overcut to reach the high-priced markets and bigger profits. Some of those who weep over the unhoused poor in the American ghettos have been enjoying the returns from the uncontrolled and very substantial export of logs to Japan. Simply stated, having cut most of their own holdings, they now seek to continue the wave of liquidation of old growth timber in the publicly owned forests.

I don't think they can get away with it. The plot is too raw and rapacious. "If a man tells you that a drastic increase in the allowable cut is cheap, easy and safe, distrust that man," as the Medford (Oregon) Mail Tribune editorialized. "He is more concerned with his meal ticket today than with his children's meal ticket tomorrow." Don't Let the Loggers Raid National Forests," warned the Salt Lake Tribune. And from the spunky Elko (Nevada) Independent: "Money and personnel used for range improvement recreational development and other multiple uses would have to be diverted to the timbering operations. We here in the non-timber producing areas of the national forests would suffer severe cuts in money and personnel needed for development of our forest uses."

What concerns me most is that we lack national goals and leadership in dealing with the forested one-third of the country; yet we cannot ignore or long afford the continuation of wanton, wasteful land abuse, and the disregard of land values other than timber.

According to Bernard Orell, vice president of the Weyerhaeuser Company, nearly 10,000 professional foresters are involved in industrial forest management. He considers this to be "an unparalleled achievement in resource conservation." Possibly so. Weyerhaeuser and other large firms employ specialists in forest pathology, wildlife biology, entomology, silviculture, and forest soils, which is to the good. But how much do foresters really know and understand of the environmental world?

"Some at least have failed to give proper consideration to their environmental responsibilities," concedes one of their own number, William E. Towell, executive vice president of the American Forestry Association. "They have clearcut steep slopes opening the way to floods and erosion. They have wiped out fish and game populations in whole watersheds in attempts to control forest pests by spraying. They have destroyed roadside vistas and the beauty of the landscape through carelessness or thoughtless harvest methods." Mr. Towell explains quite simply why these deeds are done: "Foresters by nature tend to be timber-oriented—it's the way they are taught."

The timber diehards, although they would like to carve up national parks and wilderness areas of the national forests, aren't even using the resources available to them on private land.

In 1933, the National Plan for American Forestry, called the Copeland Report, a major and constructive effort developed by the Forest Service in response to a Congressional resolution, showed that private initiative had failed to preserve forest values in all respects. Again in 1945 a survey showed cutting practices "poor" to "destructive" on 64 percent of all private forest land. The Timber Resources Review, published by the Forest Service in 1958, showed 60 percent of commercial forest land divided among 4½ million farmers and other private owners, mostly in small holdings—on which productivity and management were at the lowest levels. Yet the industry consistently greeted Forest Service warnings of potential timber shortages with derision, assurances that "growth exceeds drain," and sought to block Government efforts at every turn of the road. It offered instead a voluntary tree farm program, which displays lots of metal signs in public view. But the signs mean little when weighed in the balance against the sights of millions upon millions of acres of nonstocked or poorly stocked forest land.

Professor Albert C. Worrell, of the Yale School of Forestry, recently undertook a cursory survey of small private properties, specifically for the purpose of determining timber supplies. He found that small properties contain more than their proportionate share of better growing sites, that they are physically capable of producing 4 billion cubic feet of softwood timber a year—equivalent to about 40 percent of our present consumption—but they are not producing anything near their capability. On nearly two-thirds of the small forests covered in the survey, timber is harvested occasionally, but without any provision for a future crop.

The conclusions of Professor Worrell are most disturbing because they contain more questions than answers. "The forestry profession still cannot estimate how much timber our various forest types can produce under management," he wrote. "We are still resorting to rule of thumb averages."

Instead of a National Timber Supply Act to supply logs from public forests to an industry that has overcut its own lands, we need a national inquiry to answer the questions raised by Professor Worrell, such as: How much land is in small properties today? How much timber is growing on them? How much is commercially available? How fast are additional lands being diverted to other uses? But this inquiry should serve only as the basis of solidifying the national forest plan, complete with a corps of farm foresters to aid small woodland owners and support of long-term loans at low interest in order to insure both softwood and hardwood for the future.

But, of course, providing timber is only one use of the forests. Insofar as public lands are concerned, I submit that maintenance of fish and wildlife habitat, prevention of erosion and sedimentation of streams, and recreation are of greater importance than timber if we are truly to pursue President Nixon's "strategy of quality to supplement our strategy of quantity."

Foresters keep telling us that timber cutting opens the forest, increasing the growth of herbs and shrubs for game, forever giving the impression that "deer" and "game" are synonymous, failing to mention that when one species moves in there is apt to be a mass exodus of many other species.

The grizzly bear and wolf have been wiped out of the forests, the elk is confined almost entirely to the Western States. Even today sportsmen report that clearcutting of marginal timber on steep slopes of the Rockies cuts off elk calving grounds, reduces the summer range, forcing the elk beyond the hunters' reach in autumn, making areas vehicle-oriented rather than wildlife-oriented, destroying the scenic environment that lends zest to sport—and this on public land. Little wonder, I suppose, considering the timber sales budget of the Forest Service is *ten times greater* than that for fish and wildlife habitat. This too must be subjected to close public scrutiny and rearrangement made in the order of priorities.

Sportsmen need to focus close attention on the impact of clearcutting and rotation cycles on the life-community of the forest. The mixed hardwood or hardwood and pine forest is a complex, diverse, and stable association of plants, with a tendency to maintain its ecological norm. There is plenty of room for manipulation within the norm, along with growing timber on long rotations. Drastic changes outside the norm—such as clear-cutting and conversion to pine—may be efficient in terms of technology and short-range cellulose production, but are likely to prove disastrous in the long run.

Yet vast areas of the Southland that once supported rich mixed forests have been reduced to even-aged stands of pine only, like apple orchards or orange groves, with few plants desirable for game. True multiple use precludes using forests as farm lots for such monoculture, which inevitably attracts rodents and insects, thus creating the need for pesticides and insecticides damaging to fish and game (as well as humans) and for fertilizers that ultimately take more out of the soil than they put into it. Hardwoods take longer to grow and show a slower return. But they seem better to me than the mass production of low-quality wood at what must become a steadily reduced rate.

Two other elements of the national plan for forestry I must outline all too briefly:

First, forests need to be considered as an integral part of the city.

They lend charm and comfort to the crowded urban scene, provide daily reminders of man's relationship to nature, and enhance the supply of oxygen. However, growing conditions for city trees have steadily degenerated because of air pollution, drought, heat, erosion, disease, and concentrated use of the land; the loss of trees invariably speeds the destruction of other values. Even more serious, studies show urbanization can raise the temperature by as much as ten degrees over surrounding woods and fields and cause a concentration of sulphur dioxide.

Urban conservation is a new art—seldom practiced, little understood. The primary target should be to provide more greenbelts, buffer strips, community parks and forests. A program should be conducted through Federal cooperation and cost-sharing with state and local governments, with a special goal of encouraging city and county forestry departments and private enterprise tree services.

Second, the relationship of forest trees to man and his survival is becoming evident.

The unlimited supply of pure air has forever been taken for granted; but the only reason the earth's atmosphere contains oxygen for us to breathe is that it is constantly given off by green plants. We cannot continue to allow forests to be replaced by jetports, freeways, shopping centers, barren suburbias, and factories. And efforts will have to be made to safeguard forest land from air pollution damage.

Forest practices by tradition have been directed to correct an entire sequence of abuses from grazing, logging, mining, and farming; forest cover has been known to maintain water quality and to help control floods. Now, the management and conservation of air holds equal value in environmental forestry.

All this means to me that we are entering a new era, though perhaps with some strain and pain. "Profit is the only tool by which we can progress soundly toward meeting the resource demands, desires, and requirements of our people," according to Mr. Orell of Weyerhaeuser. "If we fail to make a profit, we fail our responsibility." But I disagree—the transcendent demands, desires, and requirements of the people are for *usufruct*.

Mr. Towell of the American Forestry Association understands this ancient concept and expresses it forthrightly in these modern terms: "Land ownership may be right under our democratic society, but it should be treated as a privilege. No landowner, large or small, should be able to control land use entirely for his own benefit without regard for what his actions do to others. Ownership is a trust which must be exercised in the interests of other people and the quality of our total human environment."

I feel that my role at times is to alert industry to its opportunities and challenges in the new era. But if I were to sum up my feelings I could not do it better than W. H. Hunt, executive vice-president of the Georgia-Pacific Company, when he addressed the American Plywood Association in 1968:

"Business has a natural and understandable tendency to stress economics rather than ecology when thinking about resources," he declared. "But land is an integral part of all life; its resources remain part of the environment and in dealing with them we should carefully blend ecology and economics in our thinking.

"What we need now are rules to guide those who use the land. We need to agree on rules that will help determine how to control land use while simultaneously permitting a combination of maximum uses. At stake are the physical and human resources of this nation. The problem of wisely managing these resources for the greatest benefis of all is our greatest problem; greater than minority problems and greater than poor people's marches, for without this proper management we will impoverish all the land and all the people."

This is why the National Timber Supply Act is all wrong and must not become law. A system of conservation based solely on economic self-interest is hopelessly lopsided. It tends to ignore, and thus to eliminate, elements in the life-community of the land that lack commercial value, but which are essential to its well-being. Perhaps the first rule to guide those who use and administer the land should be that economic parts of the biotic clock will not function without the uneconomic parts. When they learn that, we can go on from there to sustain healthy forests for many years to come and to develop a long-range comprehensive program.

HOW THE MILITARY USES SCIENTIFIC RESEARCH

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. KASTENMEIER. Mr. Speaker, I would like to call to the attention of my colleagues the following article which appeared in the February 3 Daily Cardinal, the campus newspaper at the University of Wisconsin at Madison.

This report, written by Jim Rowen, tells how the Pentagon converts even the most innocent of research projects, as in this case, one conducted by a 16-year-old schoolgirl, for its own repugnant purposes. This incident goes to the problem, which is not new, of the use of science and technology for the advancement of war and warmaking capabilities, and the concomitant challenge to the rest of us to insure that scientific research, wherever it may be done, is used solely for humanitarian purposes.

The article follows:

THE ARMY GOES TO HIGH SCHOOL

(By Jim Rowen)

Last year, a 16 year old Ohio girl finished what for nearly all red-blooded American high school students is a prescribed ritual—she completed her science fair project and entered it in the school competition. What happened to her project is the clearest indication to date of the limitless power held by the faceless officers in the grey Virginia monolith known as the Pentagon.

Marilyn Miles attended high school in the small town of Solon, Ohio. She became interested in the way branches grew out from their tree trunks, and found that on each tree, the angle between branch and trunk was identical. Furthermore, she discovered that each kind of tree had a specific angle for all its branches. Deriving a mathematical formula from her study, Marilyn Miles entered it in the science fair.

Impressed with her findings, the high school sent her project to the International Science Fair to compete with other top projects produced by the world's most precocious minds. Equally impressed with the tree branch study, the judges of the International competition awarded Marilyn Miles First Prize.

These judges felt it was such an exceptional project that they decided to immediately apply to an urgent problem—how to insure that bombs dropped over the jungles of Vietnam will penetrate the dense branch cover and explode on the jungle floor. The judges, you see, were from the Pentagon.

"The reason the bombing was so inefficient," the prize winning teenager explained, "is that the bombs were hitting the branches and exploding in the air. They've been trying to plot models of forests for about two years, but they hadn't come across this idea." Since forests are usually composed of only a few kinds of trees, she added, foliage density can be plotted from aerial photographs, and the best location for bombing can be precisely determined.

Now a freshman at West Liberty State College in West Virginia, Marilyn Miles is only 17. She brought her xylophone to school with her in a trailer. Her friends say she most enjoys working on the homecoming float, dating, and sitting in on all night bull sessions in her dormitory.

This girl is clearly no monster—no premeditated murderess remorselessly scheming to inflate the body counts which come tapping over the AP wire on Thursday morning like the weather reports. She was a high school senior with an inquisitive brain who discovered a scientific principle and expressed it as a numerical equation—and the Pentagon, right on the scene as the judge of the science fair, ripped off her brilliance and talent like they do everything else.

We have repeatedly said that the opposition to the Army Mathematics Research Center is not directed against the specific people who staff it no matter how personally despicable they appear to be. Their names and faces are inconsequential.

What must be met head on is the system which generated the AMRC and other similar institutes—the same system which busies itself looting high school science fairs for the innovative thinking of kids.

The next time one of those self-effacing AMRC staff members quietly says with an innocent shrug and a charitable smile; "I only do my own research—what the military does with it is of no concern to me," keep in mind how the Pentagon took a high school science fair project from Ohio and put into use dumping napalm on peasants 12,000 miles away.

ESTONIAN INDEPENDENCE DAY

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. BOW. Mr. Speaker, today is the 52d anniversary of the independence of the Republic of Estonia. Last week we observed with appropriate remarks the anniversary of the Republic of Lithuania. In the next few weeks we will be observing the days upon which the peoples of Bulgaria, Slovakia, Hungary, Poland, and Rumania established independent republics. Not to be overlooked are the independence days of the short-lived Ukrainian, Ruthenian, Armenian, Azerbaijan, and Georgian Republics. Later in this spring and next fall we will complete the rollcall of once independent states when we observe the independence days of the Czech, Latvian, Albanian, and Turkestan Republics.

This is a rollcall of hope and tragedy in the first half of this century. In 1917 and 1918 one could believe that all of the horror and bloodshed of World War I was not in vain if a result could be the establishment of new independent states where the ancient peoples I have mentioned would enjoy the blessings of independence, freedom and self-government. Some of them, as we know, were swallowed up almost immediately when the Communist revolution established the U.S.S.R. Others survived and prospered until World War II, only to lose their identities in the Communist empire that grew out of that war.

In the long centuries of European history, the past 30 years is not a long period of time. The history of the people in these areas is proof that the fires of freedom cannot be destroyed by one generation or two of tyranny. They have maintained their national identities through many centuries. For various periods of time and with varying degrees of success they have won freedom from

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oppression and had brief but glorious periods of self-government. Their national identity and their desire for independence has not been destroyed by the most brutal of oppressors and they have not been destroyed by communism.

There is little we can do directly now to aid them in the quest for freedom, but we can give them our moral support, our prayers and our good wishes by joining together in observance of these precious days of independence. I urge all Americans to do so.

WCBS OPPOSES JUDGE CARSWELL IN EDITORIAL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. DINGELL. Mr. Speaker, for some little time I have had the feeling that the nomination of Judge Harrold Carswell as an Associate Justice on the Supreme Court was lacking in distinction. I am now convinced that Judge Carswell as a nominee is most undistinguished.

Therefore, I was interested in the text of an editorial which had been broadcast on February 10, 1970, over WCBS News Radio 88 in New York City. So that my colleagues may be aware of the comments on Judge Carswell's nomination, I include the text of the editorial at this point in the RECORD:

WCBS EDITORIAL

The kindest assessment that can be made of the latest nomination for the Supreme Court is that Judge Harrold Carswell's qualifications for the appointment are imperceptible.

The legal opinions he has written lack either ethical or judicial distinction. He is not known to have contributed any other legal writings.

Much of the opposition to Judge Carswell's nomination rests on a "white supremacy" oration he made as a candidate for the Georgia legislature. He later printed the speech in the home town newspaper he published. It cannot, therefore, be dismissed as no more than unreflective campaign rhetoric. And it should be remembered he was 28 years old at the time—hardly a pink-cheeked, impetuous youth.

He was appointed a federal district judge 12 years ago. Since then, more than half of his decisions in civil rights cases were reversed by the Circuit Court. Leroy Clark, a law professor at New York University who argued Legal Defense Fund cases in Florida in Judge Carswell's court, describes the judge as "insulting to black lawyers."

We see no evidence that Judge Carswell's personal philosophy has matured significantly. He has now repudiated the racist speech. Beyond that, there's no indication that the 1948 Carswell has metamorphosed into a man of vision. A man of sensitivity. And above all, a man marked by a strong sense of social justice.

The South has given the Supreme Court some of its most eminent jurists. It's hard to believe that Harrold Carswell, any more than Clement Haynsworth, represents the best qualified of the available Southern candidates at this time.

Today, the relentless surge of great issues leaves the Supreme Court little time to offer remedial training in social awareness to members of its bench.

We believe Senate confirmation of Judge Carswell's appointment to the highest court in the land would be an indefensible rewarding of mediocrity.

PRESIDENT SHOULD SET GOOD EXAMPLE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. JACOBS. Mr. Speaker, I insert the following item which appeared in the Indianapolis Star, February 22, 1970:

PRESIDENT SHOULD SET GOOD EXAMPLE

(By Jameson G. Campaigne)

The best way to exert leadership and persuade others to your point of view is to set a good example yourself.

President Nixon, speaking of his programs for helping America's Negro minority said, "I am interested in closing the performance gap . . . I would rather be measured by my deeds than by all the fancy speeches I have made."

Speaking to congressional leaders in December about the budget he also said, "We stand at the crossroads of credibility (on fiscal responsibility) . . . If we miss this opportunity it will be a long time before the public will ever believe that government can manage its finances in any other way than to produce sustained and serious inflation."

To set an example, he vetoed the huge appropriation bill passed by the Democratic majorities—and made it stick.

That was a good deed. But the President has missed another opportunity to set a good example of fiscal housekeeping right in his own back yard.

In the first six months of this fiscal year the White House spent $1.2 million more than President Johnson did in 1968. In operating the White House he spent $1.87 million in the last half of 1969 compared to $1.4 million in the first half. In his own "special projects" account he spent $1.2 million in the second half of '69 compared to $439,000 spent in the same period of '68. The President's emergency fund is budgeted at $1 million a year. In six months he spent $728,000—far more than half of that. At the same time he put the White House guards in Graustarkian new uniforms, accepted a 100 per cent increase in salary, and built up the biggest White House staff in history.

The President is quite right when he sees inflation and Federal overspending as the biggest threat to the national economy right now. He was right to veto the inflated HEW bill. He is right to call for congressional restraint in spending the taxpayer's money. He is right to present a balanced budget for congressional approval.

But he is also the first President in history to submit a $200 billion budget to Congress. And he is also the spendingest occupant of the White House in history.

He as well as Congress stands, as he put it, "at the crossroads of credibility."

How can he persuade Congress or the American people that he intends to cut down on Federal spending and taxes, reduce the Federal budget to anti-inflationary proportions, unless he sets a good example of financial responsibility himself?

It is a good question, for it is quite true that the President, in his own words, will be "measured by my deeds, rather than all the fancy speeches I may have made."

UNEMPLOYMENT—A PATRIOTIC DUTY?

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. O'HARA. Mr. Speaker, once again that great historian and student of statecraft, Art Buchwald, has in his own way, pointed out to his country how it can preserve the public peace and order while at the same time pursuing the President's gallant quest for unity.

Mr. Buchwald's latest column, appearing this morning in the Washington Post, tells us how we can make the rising number of unemployed Americans not only willing, but proud to go along with those policies of this administration which have, in the name of fighting inflation, brought prices and unemployment up together to new heights.

The Buchwald plan for making a virtue out of what this administration's economic views turn into a necessity is simple, yet inspired. I shall not seek to explain it. I insert the Buchwald Doctrine in the RECORD, since it speaks so magnificently for itself:

JOBLESS PATRIOT CERTIFIED NOW

There has been a great deal of discussion by the government concerning unemployment. No one likes to be without a job, but it seems to me that if you explain it to someone in terms that he can understand, the unemployed person will be willing to go along with it.

"I beg your pardon. Is that a pink slip in your hand?"

"Yeh."

"Well, congratulations. You can consider yourself a front-line soldier in the President's fight against inflation."

"I can?"

"Yes, sir. And under government regulations you are entitled to a complete explanation as to why you find yourself in what we refer to as the 'unemployment-rate zone.' Incidentally, you will be happy to know that your being laid off came as no surprise to us."

"It didn't?"

"No, sir. Your government predicted that given high interest rates and a tight money situation, you would be out of work by February. Here it is, right on the graph."

"I'll be darned. You guys really know your stuff. But what do I tell my family."

"You can tell them that although they will have to put up with a certain amount of inconvenience, the upward spiral in unemployment—to which I might say you've made such a valuable contribution—will have a very definite effect on the stabilization of prices."

"They'll be happy to hear that."

"If it weren't for people like you, I'm afraid the economy would have kept over-heating and your dollars would have lost their purchasing power. But if we can raise the unemployment level to a reasonable figure, say 4.5 per cent, without putting the country into a recession, we can bring prices down by 1975."

"It makes sense to me, but I would like to ask you a question. Am I better off reversing inflation by being unemployed, or am I better off working and earning dollars that have less value?"

"That's the kind of question that we in the government resent. I would say in the short run you might be better off earning inflationary dollars. But if you're truly concerned

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about the economy of the country, then you should be willing to be part of the 4.5 per cent of the population that we need on our unemployment rolls."

"But why me?"

"Everyone says, "Why me?" It has to be somebody. If we are to take strong anti-inflation measures, we have to have a citizenry ready to make financial sacrifices. All we're asking of you is to stay unemployed until the economy cools off."

"How long will that be?"

"We're projecting 18 months, but I'd count on two years to be on the safe side."

"What am I supposed to do in the meantime?"

"This is a certificate of Unemployment, which you can hang on the wall. It attests to the fact that your government appreciates all you are going to do to keep the economy from spiraling sky high."

"Gosh, it's beautiful."

"I might mention that only the elite of the labor force in this country is entitled to this certificate. You can be very proud that you are among the chosen few."

"Wait until my family sees it. Is there anything else I can do to help fight inflation?"

"Just stay off the streets. And don't call us. We'll call you."

POLLUTION OF JUSTICE—DOUGLAS MUST GO

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. RARICK. Mr. Speaker, the continued stench from the Hall of Justice on the Capitol Hill, although conveniently ignored by many here in Washington, reeks throughout the land.

The reasons for the removal of William O. Douglas from the Supreme Court are numerous, the grounds for his impeachment are accumulating daily in other offices than mine, and the people are calling for action.

I insert a letter demanding his impeachment, as published by the Chicago Tribune:

IMPEACH DOUGLAS

BROOKLYN, February 17.—You are to be congratulated for your courageous and much needed editorial "A Justice Disgraces the Supreme Court" (Feb. 13), pointing out the incompetence of Supreme Court Justice William O. Douglas to serve in high public office.

It would seem safe to say that Mr. Douglas more than any other individual, has contributed to the breakdown of traditional values in this country. While few would doubt the need for protection of individual constitutional rights, Mr. Douglas over the years has shown virtually a complete disregard for the rights of society in cases where these interests are in conflict.

He, probably more than anyone else, is responsible for what may be the most underrated form of pollution plaguing us today—pollution of the mind. He has gone on record as being opposed to anti-pornography laws in general, and has cast his powerful votes accordingly.

He has constantly and summarily voted to upset the convictions of individuals in riot cases, draft resistance cases, and criminal cases in general. Concerning such cases, when even his liberal fellow jurists deem the appeal too far removed from constitutional considerations to so much as to be heard, Mr. Douglas can be found dissenting and clamoring for the "rights" of the appellant. On the other hand, he of course has maintained an extremely hard line against religious expression in any sort of public situation.

In short, if Mr. Douglas ever was truly a jurist, he has long since abandoned that role and assumed the part of a quasi-revolutionary policy dictator. As you so rightly state, impeachment proceedings are in order if voluntary retirement is not forthcoming.

POLLUTION

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. SCHADEBERG. Mr. Speaker, I have been receiving much mail lately asking what can be done about pollution. Many of these letters come from schoolchildren of all ages who realize their personal stake in a livable environment is a great one.

Today, I received a letter from the Cadette Girl Scout Troop 101 in Kenosha, Wis., which does not ask the question, but which sets forth what these fine citizens of tomorrow are doing today as their part in the preservation of a livable environment.

Anna Principe, Kathy Marks, Ann Girman, Loretta Suggar, Kim Carlsen, Chris Angelo, Julie Bruneau, and Teresa Aulozzi are to be commended on their having taken the following pledge, which they were so gracious to share with me:

> I will not buy and will persuade others not to buy: goods with excessive wrapping; goods sold in plastic, aluminum or pressurized containers; non-return bottles; unnecessary electric appliances; enzyme detergents.
>
> I will not use the toilet for a wastebasket.
>
> I will use less paper products in my home.
>
> I will use garbage cans instead of a garbage grinder.
>
> I will use snow shovels instead of air-polluting snowblowers.
>
> I will bundle newspapers and magazines and save them for reprocessing.

They recognize that the struggle for the preservation of our environment must be an effort made by all parts of society: the individual, business, and Government. Therefore, they ask that we in Congress do our part. Because of their interest in fighting pollution, they firmly believe that Government and industry should:

First, remove contaminants from household products;

Second, find readily disposable packaging;

Third, promote the most advanced solid and liquid waste disposal obtainable; and

Fourth, initiate a crash research program on the recycling and refuse of waste.

Mrs. Einar Carlsen, Jr., and Rita Jones, the leaders of the troop are to be commended for their fine leadership, the young girl scouts for their recognition of the obligations of citizenship.

CHEMICAL AND BIOLOGICAL WARFARE

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. McCARTHY. Mr. Speaker, as part of my examination of this Nation's chemical and biological warfare program, I have investigated the policies regarding the use of herbicides at home and abroad.

This Nation has used herbicides on a widespread basis for over a decade. For military purposes we have sprayed over 6,500 square miles of South Vietnam with chemical defoliants.

At home, over 3 percent of our land has been chemically treated with these compounds. One of the most commonly used sprays contains the chemical 2,4,5-trichlorophenoxyacetic acid, generally known as 2,4,5-t.

Last year it was revealed that a study conducted for the National Cancer Institute by the Bionetics Laboratories concluded that the compound had teratogenic, or birth deforming properties.

As a result of these findings, the White House announced on October 29, 1969, that the Departments of Health, Education, and Welfare; Agriculture; and Defense were to take certain actions to restrict the use of the compound by the first of the year.

I learned to my surprise on February 3 that the ban had not been put into effect. I made immediate inquiries to the responsible agencies, and what followed was a typical bureaucratic "don't hold me responsible" game.

While the original White House directive forbid the compound's use on food and food crops "unless the Food and Drug Administration established a basis for safe tolerance levels," the Agriculture Department informed me that it would continue its authorized use while the FDA tests continued.

I was then told by Dr. Lee A. DuBridge, the President's Science Adviser, on February 10, that the responsible agencies were to make final decisions regarding the chemical's use.

Following this retreat by the White House, I learned from the FDA that their tests continued to show a teratogenic property in the chemical, in spite of the manufacturers claim by Dow Chemical Company that the original tests were conducted on a contaminated sample. The FDA further informed me that traces of this chemical had been found in food samples in Boston and Kansas City.

This whole affair cannot be characterized as anything less than an outrage. The White House has failed to impose executive authority over agencies responsible to it, and the Departments have distorted the intent of the 1954 Pesticides Chemical Act to prevent a chemical's use until the FDA establishes safe tolerance levels.

Accordingly, I have now called on the President to take all necessary steps to

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halt the use of this dangerous chemical, and impound all existing stocks on the market. Anything less would threaten the safety and well-being of the American people.

Mr. Speaker, I have had extended correspondence with government officials regarding this matter. In addition, I recently held 2 days of hearings in Globe, Ariz., where controversy exists over the effects of 2,4,5-t from a series of sprayings last summer.

I will be making a full report on my findings at a later date. However, in order to inform my colleagues of the nature of this controversy, I insert my correspondence and statements relating thereto in the RECORD at this point:

PRESS RELEASE FROM THE OFFICE OF SCIENCE AND TECHNOLOGY, OCTOBER 29, 1969

Dr. Lee A. DuBridge, Science Adviser to the President and Executive Secretary of the President's Environmental Quality Council, announced today a coordinated series of actions that are being taken by the agencies of Government to restrict the use of the weed-killing chemical, 2, 4, 5–T.

The actions to control the use of the chemical were taken as a result of findings from a laboratory study conducted by Bionetics Research Laboratories which indicated that off-spring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities.

Although it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2, 4, 5–T, and while the relationships of these effects in laboratory animals to effects in man are not entirely clear at this time, the actions taken will assure safety of the public while further evidence is being sought.

The study involved relatively small numbers of laboratory rats and mice. More extensive studies are needed and will be undertaken. At best it is difficult to extrapolate results obtained with laboratory animals to man—sensitivity to a given compound may be different in man than in animal species; metabolic pathways may be different.

2, 4, 5–T is highly effective in control of many species of broad-leaf weeds and woody plants, and is used on ditch banks, along roadsides, on rangelands, and other places. Almost none is used by home gardeners or in residential areas. The chemical is effective in defoliating trees and shrubs and its use in South Vietnam has resulted in reducing greatly the number of ambushes, thus saving lives.

The following actions are being taken:

The Department of Agriculture will cancel registrations of 2, 4, 5–T for use on food crops effective January 1, 1970, unless by that time the Food and Drug Administration has found a basis for establishing a safe legal tolerance in and on foods.

The Department of Health, Education, and Welfare will complete action on the petition requesting a finite tolerance for 2, 4, 5–T residues on foods prior to January 1, 1970.

The Departments of Agriculture and Interior will stop use in their own programs of 2, 4, 5–T in populated areas or where residues from use could otherwise reach man.

The Department of Defense will restrict the use of 2, 4, 5–T to areas remote from the population.

Other Departments of the Government will take such actions in their own program as may be consistent with these announced plans.

The Department of State will advise other countries of the actions being taken by the United States to protect the health of its citizens and will make available to such countries the technical data on which these decisions rest.

Appropriate Departments of Government will undertake immediately to verify and extend the available experimental evidence so as to provide the best technical basis possible for such future actions as the Government might wish to undertake with respect to 2, 4, 5–T and similar compounds.

[February 3, 1970]

CONGRESSMAN MCCARTHY FINDS THAT ADMINISTRATION FAILS TO APPLY BAN ON HARMFUL DEFOLIANT

Representative Richard D. McCarthy (D-NY) today said that the Nixon Administration had failed to put into effect a ban on the use of the defoliant 2,4,5-T announced last October by Dr. DuBridge, President Nixon's Science Advisor. Despite the evidence available last October showing that this defoliant may lead to the deforming of babies, the Department of Agriculture continues to allow its use on food grown in the United States.

"I welcomed Dr. DuBridge's announcement last October that the use of the defoliant 2,4,5-T would be banned in American agriculture after January 1, 1970 unless the Food and Drug Administration was able to show that it was not harmful to use," McCarthy said. "But I now find that the Department of Agriculture has not banned the use of this defoliant. The most elemental common sense calls for a halt to the use of this potentially dangerous chemical until we know much more about its use."

On October 29, 1969, Dr. DuBridge announced that the results of tests conducted by the Bionetics Research Laboratory for the National Institutes of Health had shown that exposure of female mice and rats to 2,4,5-T caused a high incidence of deformed births on their offspring. The tests also showed that the defoliant 2,4-D was potentially dangerous. Dr. DuBridge said that 2,4,5-T would be prohibited for use on American agricultural products after January 1, 1970 unless the Food and Drug Administration could develop information showing that it could be used with safety. That information has not been developed.

Dr. DuBridge also announced that the use of 2,4,5-T in Vietnam would be restricted to areas remote from population. McCarthy noted that on the following day the Department of Defense seemed to contradict Dr. DuBridge's announcement by saying that 2,4,5-T would be used in areas where there were enemy troop concentrations. "Dr. DuBridge's order was already being watered down the day after it had been issued," McCarthy said. At the same time there was some speculation that a team would be sent by the Office of Science and Technology to Vietnam to investigate the reports of the birth of deformed children as a result of the use of defoliants. "Even though the Vietnamese papers carried reports on the birth of children deformed as a result of the use of defoliants, apparently no investigation is being made of the charge," McCarthy said. In the meantime, we continue to dump defoliants over the Vietnamese and Laotian countryside.

McCarthy said that it would be irresponsible to continue to use the defoliant 2,4,5-T until we have evidence that it is safe. "On the contrary, we now have indications that it may be even more dangerous than we previously thought," he said. I have received information from the town of Globe, Arizona indicating that there is a possibility that 2,4,5-T used to spray vegetation by the United States Forest Service may have caused health effects on women and on animals in the area. McCarthy announced that he would go to Globe, Arizona this month to talk to those who have information about the problem.

In letters to Dr. DuBridge, Secretaries Hardin and Finch, Congressman McCarthy called on the Administration to put the ban on 2,4,5-T into effect immediately and also to consider whether 2,4-D can be used on agricultural products with safety. The text of the letters follow:

DEAR DR. DUBRIDGE: On October 29, 1969, you announced that a number of restrictions would be placed on the further use of the defoliant 2,4,5-T because of the potentially dangerous health effects. As I understand it, the announcement that 2,4,5-T would no longer be used on agricultural products in the U.S. was made because information from an NIH report indicated that this defoliant might lead to the birth of malformed babies. At the same time, you announced that 2,4,5-T would not be used in populated areas in Vietnam.

The day after your announcement about the restrictions on the use of 2,4,5-T, a Defense Department spokesman seemed to contradict you by saying that 2,4,5-T would still be used against enemy training and regroupment centers. In addition, no attempt has evidently been made to verify reports in the Saigon press that there has been a marked increase in the birth of deformed children as a result of the use of defoliants.

I learned to my surprise yesterday, that the Department of Agriculture has not banned the use of 2,4,5-T in American agriculture. Mr. Donald Brock of the Office of the Secretary of Agriculture told me yesterday that the license for the use of 2,4,5-T had not been canceled. This information indicates that the Administration appears to be going in two different directions at the same time.

I urge you to take the necessary steps to insure that the Department of Agriculture enforces the ban on the use of 2,4,5-T until such time as it can be shown that it is safe to use. I also urge you to undertake an investigtaion of the reports of the birth of malformed children in Vietnam as a result of the use of defoliants so that the United States can determine whether it should continue to use this defoliant.

I also urge you to consider whether other defoliants such as 2,4-D can be used with safety either on agricultural products or our countryside. The Bionetics Laboratory report indicated that 2,4-D had the potential for danger and should be investigated further.

I look forward to your reply on this matter.

Sincerely,
RICHARD D. MCCARTHY,
Member of Congress.

Secretary CLIFFORD M. HARDIN,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: On October 29, 1969, Dr. Lee DuBridge, Science Advisor to the President, announced that restrictions were being placed on the use of the defoliant 2,4,5–T as a result of information that it might be dangerous to human health. Dr. DuBridge said that 2,4,5-T would not be used on agricultural products in the U.S. after January 1, 1970 unless the Food and Drug Administration was able to show that it was not harmful to health.

I learned yesterday that the ban announced by Dr. DuBridge has not been put into effect. I find it difficult to understand why Dr. DuBridge's order has not been carried out. The continued use of 2,4,5–T in the fact of information that exposure to it may cause children to be born with deformities shows a callous disregard for human health.

I call on you to ban the further use of 2,4,5–T immediately so as to prevent any possible danger to health. I also call on you to investigate other uses of 2,4,5-T and its derivatives by the Department of Agriculture to determine whether they may have any untoward health effects.

Sincerely,

RICHARD D. MCCARTHY,
Member of Congress.

SECRETARY ROBERT H. FINCH,
Department of Health, Education and Welfare, Washington, D.C.

DEAR MR. SECRETARY: On October 29, 1969, Dr. DuBridge, Science Advisor to the President announced that the use of the defoliant 2,4,5-T would be banned on agricultural products in the United States after January 1, 1970 unless the Food and Drug Administration was able to develop information showing that it was safe to use.

I learned yesterday that 2,4,5-T is still licensed for use on agricultural products [illegible] the Department of Agriculture I would like to know whether the Food and Drug Administration has information indicating that 2,4,5-T is now safe to use.

Sincerely,

RICHARD D. MCCARTHY,
Member of Congress.

[February 6, 1970]

CONGRESSMAN MCCARTHY WILL INVESTIGATE REPORT OF DEFOLIANT HEALTH HAZARD; CHARGES AGRICULTURE DEPARTMENT WITH INSENSITIVITY TO NEED FOR SAFETY

Representative Richard D. McCarthy (D-NY) today released the text of a letter from the Department of Agriculture he had received in answer to his request earlier this week as to why the Department had not carried out a ban on the use of the defoliant 2,4,5-T. McCarthy had written to Secretary Hardin earlier this week to ask why the White House restriction on the use of the defoliant 2,4,5-T as of January 1, 1970 had not been put in effect. The White House prohibition, announced by Presidential Science Advisor Lee DuBridge on October 29, 1970, followed the release of information from a Bionetics Research Laboratory study showing that the defoliant 2,4,5-T, widely used in U.S. agriculture and in Vietnam, caused a high incidence of birth defects on rats and mice.

The reply from the Department of Agriculture states that the Department of Health, Education, and Welfare believes that "the public interest would best be served by waiting for additional research data which will be available shortly" before stopping the use of 2,4,5-T. McCarthy sharply criticized the failure of the Department of Agriculture to carry out the White House order saying that "the failure to act by the Department of Agriculture and the Department of Health, Education, and Welfare shows an insensitivity to the need to protect human health." "There is no clear evidence that this defoliant is safe for human health. On the contrary, there is some evidence to suggest just the opposite. The public's right to a safe environment is threatened by governmental inaction", McCarthy said.

In a related announcement, Congressman McCarthy said that he would travel to Globe, Arizona on February 12 and 13th along with Professor Arthur Galston, biologist of Yale University, to investigate reports of damage to animal and human health caused by a U.S. Forest Service defoliation program. The Congressman said that he had reports that accidental drift of Forest Service defoliants had led to birth defects in animals born in the area and to some severe health problems for local residents. McCarthy said that he would talk to local residents to determine what further action is required.

The text of the letter from the Department of Agriculture follows:

FEBRUARY 6, 1970.

DEAR MR. MCCARTHY: Here are the actions of this Department with respect to use of 2,4,5-T. These actions were based on review of an unpublished study made by Bionetics Research Laboratories for the Department of Health, Education, and Welfare. The study indicated that 2,4,5-T may be a teratogen.

We are informed that on December 22, 1969, an amendment to the original petition was filed with the Department of Health, Education, and Welfare for tolerances for 2,4,5-T on certain food crops. New data submitted to DHEW relevant to this petition indicates that the 2,4,5-T used in the Bionetics study contained about 27 ppm of tetrachlorodibenzo-para-dioxin, a highly toxic contaminant, whereas 2,4,5-T of current manufacture contains only about 1 ppm of this contaminant. Preliminary tests for teratogenicity of 2,4,5-T with 1 ppm tetrachlorodibenzo-para-dioxin give no indication of tetratogenic effect.

We are awaiting advice from DHEW as to whether or not they intend to establish tolerances for 2,4,5-T before we decide whether to cancel or extend uses of 2,4,5-T on food crops. Our January 1, 1970, date was based on DHEW's expectation that they would have reached a decision by that time. That agency believes that the public interest would best be served by waiting for additional research data which will be available shortly. We concur in their judgment.

We are initiating an examination of the many polychlorophenolic pesticides now registered to determine whether or not any of those now on the market do contain hazardous amounts of polychlorodibenzo-para-dioxins. This examination will require several weeks. We shall be glad to inform you of its progress and outcome.

Sincerely,

NED D. BAYLEY,
Director, Science and Education.

[February 12, 1970]

MCCARTHY STARTS PROBE INTO USE OF HERBICIDE 2,4,5-T

Representative Richard D. McCarthy (D-NY) today began an investigation into the effects of a herbicide, Silvex/Kuron, containing 2,4,5-T which was sprayed as part of the U.S. Forest Service Chaparrel Management Program of the Salt River Watershed Project.

The compound continues to be authorized for commercial use by the Department of Agriculture despite an announced White House ban last October.

In his opening statement McCarthy pointed out that the ban was announced following disclosure by the Bionetics Research Laboratories that 2,4,5-T has possible teratogenic—or fetus deforming—properties. The study was conducted for the National Cancer Institute.

The Buffalo Democrat, a long-time opponent of policies which have encouraged the uncontrolled use of unsafe herbicides, sharply criticized Government agencies for not taking steps to carry out White House instructions. "Instead of following a safe and prudent course the Departments of Agriculture and Health, Education, and Welfare are ignoring known risks for the sake of convenience."

Promises by the Agriculture Department that further studies will be conducted are not reassuring, since the product's use is still authorized, McCarthy said.

McCarthy's schedule includes public hearings with Dr. Paul Martin, Department of Geochronology, University of Arizona and Dr. F. I. Skinner, veterinarian, Globe, Arizona.

The text of Mr. McCarthy's remarks follows:

For over a decade scientists and conservationists have had serious misgivings about the effects of certain chemical components of herbicides.

One of the early outspoken critics was the late Rachael Carson. In her eloquent book, *The Silent Spring,* she pointed to the risks of using herbicides whose ecological effects were either harmful or unknown. She condemned, in her words, "The agricultural engineers who speak blithely of chemical plowing in a world that is urged to beat its plowshares into sprayguns."

In the United States at the present time 120 million acres of land are chemically sprayed each year for railroad clearing, brush control in grassland areas, and watershed projects. Of the approximately 125 herbicide chemicals now on the market, the compound 2,4,5-Trichlorophenoxyacetic acid, commonly known as 2,4,5-T, is one of the many commercial products which was originally produced by the military—in this case the Army's Biological Warfare Research Center at Fort Detrick, Maryland. Over 83 million pounds of 2,4,5-T and a similar 2,4-D were produced in 1968.

The characteristics of 2,4,5-T have been carefully observed by scientific investigators. Professors C. I. Harris and T. J. Sheets noted its persistency in soil—up to three months—in 1965. Its toxicity is exemplified by the warnings on commercial doses which caution against its application in irrigation ditches or water supplies for domestic consumption.

I have long denounced its unregulated, widespread and irresponsible use in Vietnam. Last year my attention was called to certain rather alarming genetic qualities in the substance. A study conducted by the Bionetics Research Laboratories for the National Cancer Institute noted a teratogenic—or fetus deforming—property in tests conducted on mice and rats. Although the government was most reluctant to make these results available to the public I obtained a copy and was shocked to read the conclusions which read:

"These results imply a hazard of teratogenesis in the use of this compound. The problems of extrapolation preclude definition of the hazard on the basis of these studies, but its existence seems clear."

On the basis of this obvious risk the White House announced on October 29, 1969 that the use of 2,4,5-T was to be severely restricted by the military, and terminated outright in the United States by the end of 1969.

I welcome this announcement at the time for it indicated a willingness to prevent the use of chemicals whose safety has not been guaranteed. While the risks of 2,4,5-T compounds have been noted there has never been a safe-use level established by the Food and Drug Administration or any other agency.

I was therefore distressed to learn on February 1, 1970 that contrary to White House instructions, the Department of Agriculture continues to authorize the use of 2,4,5-T and that the FDA has agreed to postpone the ban indefinitely. So, instead of taking a safe and prudent course, the Departments of Agriculture and Health, Education, and Welfare are ignoring risks already known for the sake of convenience.

After complaining on February 3, 1970 about this irresponsible attitude I am now informed that the Agriculture Department is initiating a new investigation into the role 2,4,5-T and a dioxin contaminant might have played in tests showing malformed fetuses. Until that time products containing 2,4,5-T will be authorized.

I am not reassured by this course of events. The evidence already analyzed suggests that its use should be halted until the compound can be guaranteed as medically safe. Only then should the renewed application of this chemical be reconsidered.

These somewhat confusing and contradictory series of decisions are of great interest

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to the citizens of Gila County Arizona and the residents who live near the Russell Gulch and Kellner Canyon area near Globe.

It is here that the U.S. Forest Service permitted the spraying of a 2,4,5–T Silvex compound, Kuron, as a defoliant in the Chaparrel Management Program of the Salt River Project. As a part of the effort to increase the water supply for the Phoenix region, an area of 1,900 acres was sprayed initially in 1965 and again in 1968 and 1969 with Silvex 2 (2,4,5–T).

A study conducted in 1967 for the Army Corps of Engineers recommended that this compound "not be applied to a body of water that is being used as a source of water for human consumption." In spite of the warning of these experts and the previously noted warnings on commercial spray cans, the spray evidently found its way into water supplies of the area defoliated.

The observations of the chemical's effects by several government officials gives credence to the warnings voiced by scientists on the compound's dangerous characteristics.

I am disturbed by the Administration's attitude toward this matter. We have had enough experience with improperly tested chemicals, such as thalidomide, to know that assured safety checks must be made before a product is used commercially. Products of this kind should be barred until all evidence to the contrary is dispelled.

I have come to Globe to inform myself of the scope, nature and results of the Chapparel Management Program. In this way I hope to determine whether the ambiguous policy now in effect with regard to 2,4,5–T compounds should be reassessed by appropriate scientific and medical officials. I am hopeful that the information which I obtain during my visit to Globe will assist me in deciding what further steps to recommend to assure the safety and well-being of citizens to live in areas sprayed by this herbicide.

[February 18, 1970]

FOOD AND DRUG ADMINISTRATION FINDS DEFOLIANT IN FOOD: CONGRESSMAN MCCARTHY DEMANDS HALT ON USE

Representative Richard D. McCarthy (D-NY) today demanded that the Nixon Administration immediately ban the sale of the herbicide 2,4,5-T and seize all existing stocks of the compound.

The New York Congressman was informed by Food and Drug Administration officials yesterday that traces of the herbicide, which causes birth defects in animals, have been found in food and dairy products in Boston and Kansas City.

McCarthy charged that the FDA was not enforcing its own regulations which prohibit the marketing of any chemical found in food supplies for which safe tolerance levels have not been established.

"Since no safe tolerance level has been established, and because of the evidence that it exists in food products," McCarthy said in a telegram to President Nixon, "I call on you to ban its use, and seize all supplies now on the market." McCarthy also urged that its widespread use as a defoliant in Vietnam be halted.

The Congressman said he has been informed that the "FDA is today sending one of its own scientists to the Midland Michigan laboratories to cooperate with Dow Chemical Company in testing a contaminant, known as a dioxin, that has turned up in 2,4,5-T to see if it produces the birth defects."

"This is academic and a waste of time," McCarthy declared. "Dr. Dale Lindsay, Assistant FDA Commissioner, informed me that 2,4,5-T cannot be produced commercially without some dioxin in it."

McCarthy charged that Dow was "instrumental in overturning an October 29 White House directive banning 2,4,5-T. Dow came to the Government and claimed that it was not pure 2,4,5-T which produced birth defects but the dioxin."

McCarthy said he was informed on February 6 by Ned D. Bayley, Agriculture Department Science and Education Director, that because of the discovery of the contaminant "we are awaiting advice from the Department of HEW and as to whether to cancel or extend uses of 2,4,5-T on food crops."

McCarthy recalled that on October 29 Dr. Lee A. DuBridge, President Nixon's Science Advisor, announced that "the Department of Agriculture will cancel registrations of 2,4,5-T for use on food crops effective January 1, 1970, unless by that time the Food and Drug Administration has found a basis for establishing a safe legal tolerance in and on foods."

The Congressman revealed that he discovered on February 3 that the tolerances had not been set and yet the ban was not put into effect. In reply to an inquiry from McCarthy as to why the ban had not been imposed, DuBridge said on February 10 that his October 29 announcement "was not a directive to agencies . . ."

THE WHITE HOUSE,
Washington, February 10, 1970.

Hon. RICHARD D. MCCARTHY,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. MCCARTHY: This will acknowledge your February 3 letter concerning 2,4,5-T.

The October 29, 1969, announcement that you refer to was a statement of the actions that were planned to be taken by the various units of the Federal government in relation to 2,4,5-T. It was not a directive to agencies for the simple reason that statutory responsibility for these decisions rests in the separate agencies. I am sure by now you will have heard from the Department of Agriculture.

I appreciate your views on the desirability of an investigation of reports of births of malformed children in Vietnam. By copy of this letter, I am calling your views to Secretary Laird's attention, since this area is primarily his responsibility.

As to 2,4-D, this compound is being reviewed along with other compounds singled out as requiring additional study in the Bionetics report to which you referred.

Sincerely yours,

LEE A. DUBRIDGE,
Science Adviser.

H.R. 860—JOINT INDUSTRY PROMOTION ACT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. EDWARDS of California. Mr. Speaker, on January 27, 1970, this House passed the Joint Industry Promotion Act, H.R. 860, and I wish to add my support for that action of the House. Had circumstances allowed me to be present, I would have voted aye on this highly important act and I am terribly dismayed that the Senate has delayed its passage by recommitting the bill to the Labor and Public Welfare Committee.

This bill has been studied by the House of Representatives since 1962. It would have allowed industry and labor by mutual agreement to join in promotion of construction industry products in their joint interest.

However, H.R. 860 provided carefully drawn safeguards to guarantee the integrity of the trust fund.

The exemptions provided by this bill would have been used when there was joint agreement between labor and management. No one would be forced to participate.

In conclusion, Mr. Speaker, passage of this bill by the House gave labor and management the hope and the opportunity for cooperation in their mutual interest. Certainly, both recognize the need for healthy promotion of the construction industry. Today the construction industry is in trouble. This bill could have helped it to once more become healthy and through its health could have improved the economic health of the Nation and it is a great loss to the Nation that the other body has not acted.

NUTLEY SUN AWARDED JOURNALISTIC HONORS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. RODINO. Mr. Speaker, the weekly Nutley Sun of Nutley, N.J., has long served the community in the finest of journalistic traditions. I was delighted to learn that it has been recognized by the New Jersey Press Association's Best Newspaper Institute as No. 1 in its category. And, I am happy to bring the following article to the attention of my colleagues:

NUTLEY SUN WINS TOP AWARDS AT 48TH JOURNALISTIC INSTITUTE

(By Steve Brothers)

The Nutley Sun was awarded several prizes by the New Jersey Press Association's 48th Annual Best Newspaper Institute of Atlantic City. The most coveted honor was the Sun's first-prize plaque for weeklies in the above 5,000 circulation category.

For the first time, The Sun's affiliate in Belleville, The Times-News also won first prize for weeklies in the under 5,000 circulation division.

The first prize honors were based on judges reviews of two consecutive issues of the paper. General typography and layout were considered.

The Sun also won a third-prize for a spot-news photo entered in weekly competition. The picture was taken by Steve Brothers, a Nutley High graduate who is now attending Rutgers University. Brothers is still a part-time photographer at The Sun.

Of special interest to The Sun was an "honorable mention" or fourth place award given to Philip R. White managing editor for coverage of alleged improprieties in the Nutley Public Safety Department. The top awards in this category all went to daily papers with the Paterson Morning Call taking first prize.

The Sun and White were cited for the article, "Another Mystery—Another Patrolman Quits." Judges commended the initiative and enterprising work of The Sun in the story. Comments from the judges noted that "the enterprise of this reporter extended a regular news story until everyone concerned was placed in correct perspective. We hope officials now know the importance of telling all facts from the beginning for the protection of the innocent and punishment of the guilty."

The third-prize award in photography, won by Brothers, went to a picture titled, "Who, Me?" which was taken in the Nutley Jaycees' Essex County Junior Miss Pageant.

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AIR AND NOISE POLLUTION: THE MAJOR BYPRODUCTS OF THE JET AGE

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, as a longtime advocate of controlling air and noise pollution principally caused by jet aircraft, I have been seeking to call to my colleagues' attention the very real dangers to public health and welfare that jet noise can and does cause. I have introduced legislation in this area, and I will continue to fight for its adoption. I regret the necessity to use the term "fight for," but such is the reality and the urgency of the situation.

More and more communities across the Nation are feeling the adverse effects of a modern jet aircraft transportation system which is giving off massive doses of both air and noise pollution as its principle byproducts. I have, therefore, participated both as a legislator and as a concerned citizen within the Congress and elsewhere in many activities aimed at effectively reversing the rising tide of environmental chaos which so many areas, particularly those close to jet airports, are now experiencing.

From many different news sources come articles and essays which underline the worsening jet noise—jet air pollution situation in all of its aspects. Fewer and fewer of our citizens are exempt from the unpleasant realities of life in the jet age. Among the most tragic and defenseless victims are young schoolchildren who, in many areas, cannot receive a proper day's education due to intolerable jet noise interruptions. A recent article from Parade magazine depicts the deteriorating situation in my own district where two schools have already been forced to close, causing expensive physical plant waste and overcrowding in other existing schools.

Homeowners comprise a large segment of those whose tranquility is shattered daily by jet aircraft. The frustrations experienced by one group of Los Angeles homeowners led them finally to file suit, the result of which appeared recently in the Los Angeles Times news article.

Various other aspects of jet age problems are examined in a most useful and informative newsletter titled "Tvasnac quotes", so named because it is the publication of the Town-Village Aircraft Safety and Noise Abatement Committee, located in Lawrence, N.Y. The items which they have culled from various sources point up the serious and all-encompassing nature of the jet aircraft-inspired pollution problems.

I would like to bring the Parade, Los Angeles Times, and Tvasnac Quotes articles to the attention of my colleagues by including them at this point in the RECORD:

[From Parade magazine, Feb. 8, 1970]

SOUND BARRIER TO EDUCATION

Last week Airport Junior High School in Los Angeles, Calif., closed for good. The school, erected in 1955 to serve 1600 students, is now, 15 years later, unusable.

The reason? Noise.

The constant roar of jets taking off and landing at nearby Los Angeles International Airport had made teaching and learning physically impossible. In 1968, Westchester Elementary School closed for the same reason.

Three months ago the Los Angeles City Unified School District filed a suit for approximately $96 million against the International Airport. Jet noise, the suit claimed, had seriously interfered with the education of 46,000 youngsters enrolled in 31 Los Angeles schools.

This brought the total damages claimed against the airport by various interests in the area to $2.3 billion.

Los Angeles is not the only city in the nation wracked by jet noise. As airports grow in size to handle the jumbo jets, as prop-driven aircraft become fewer and fewer, jet noise becomes a greater problem.

No one suggests the abandonment of jet transportation. After all, 22 million people use Los Angeles International Airport each year, making it the nation's second. It handles 975 million pounds of freight each year, provides jobs for 34,000 people.

Given jets and jetports as accepted ingredients of American life, the two apparent solutions to the noise problem are relocation of airports and redesigning of jet engines.

Unfortunately, the engines on the new 747 jumbo jets are noisier than their predecessors. Unfortunately, too, airports are not being constructed 40 or 50 miles away from schools.

[From the Los Angeles Times, Feb. 6, 1970]

HOMEOWNERS WIN SUIT ON JET NOISE—JUDGE TELLS CITY TO PAY $740,000 TO LANDOWNERS NEAR L.A. AIRPORT

(By Rudy Villasenor)

More than $740,000 was awarded in Superior Court Thursday to 539 owners of property near International Airport as compensation for losses caused by jet aircraft noise.

The precedent-making 75-page opinion was delivered by Judge Bernard S. Jefferson, who held that owners are entitled to payment for the loss of full enjoyment of their property.

The jurist also found that properties of 131 other owners have not been sufficiently affected to compensate them for compensation.

His decision was based on a suit involving the principle of "inverse condemnation." In effect, the suit alleged the city had taken away some of the free use of the properties of the petitioners—the air space above them—without remuneration.

COMPENSATION FOR NOISE

Although the suing owners contended that they were bothered by soot, oil and other debris falling from jet planes, the judge found that they are entitled only to compensation for noise.

The exact amounts, which must be fixed in later proceedings, will represent the loss of the value of the land and improvements.

Tentative awards made by Jefferson range from $6,000 to $400 for each piece of property. The decision involves almost entirely dwellings, some for single families and others for multiple use.

"There is a significant difference," the jurist wrote, "between the noise emanating from jet aircraft and that coming from automobiles and trucks on a street or freeway. The difference is so pronounced that the legal consequences of jet noise should not be the same as the legal consequences of street and freeway noises of cars and trucks."

Jefferson pointed out that the "hue and cry" over aircraft noise did not develop until the advent of jets. He remarked that propeller craft make sounds of much lower frequency, not much more annoying to the human ear than the noises of gasoline-powered ground vehicles.

HIGH FREQUENCY OF NOISE

But the high frequency of jet noises, the jurist added, does bother the human ear and under extreme conditions prevents conversation and interferes with television and radio reception.

Properties affected by the decision spill over from Los Angeles City territory to that of Inglewood, El Segundo and some unincorporated county territory.

In estimating damages, the judge made allusion to "noise exposure forecast" areas, that is, terrain which experts calculate will suffer from the noise.

The jurist, accordingly, dealt mostly with the noise caused by aircraft approaching the airport from the east in the usual landing pattern.

Jefferson declared that properties affected because of take-offs, mostly in a westerly direction, involve fewer homes.

In reaching his decision, the jurist began by fixing a territory of damage which began east of the airport and widened in direction proportional to the lower altitude of aircraft as they approach landing strips.

Fixed by the court as the narrowest and most distant point to be affected by the noise was the area of Avalon Blvd. and Golden Ave. The affected area then stretches in a southwesterly direction and widens gradually so that at Vermont Ave., its northerly boundary becomes 94th St. and its southerly limit 103rd St.

At Western Ave., the north boundary becomes 95th St. and the south 105th St. At Crenshaw Blvd., the limits stretch from 98th St. on the north to 108th St. on the south.

At Hawthorne Blvd. and La Brea Ave., it widens to limits between 99th St. and 110th St.

Finally, at the San Diego Freeway, the noise-affected area widens to 99th St. on the north and 111th St. on the south.

The judge commented in his decision that the problem became increasingly acute after 1960. That year, his decision said, there were 55 jet landings a day, increasing to 93 in 1961, 129 in 1962, 164 in 1963, 191 in 1964 and 238 in 1965, the last year for which evidence was produced.

Many other individual suits are still pending over jet noise at International. Last year, however, similar issues were raised in a suit dealing with Santa Monica Airport. But another judge in that case decided in favor of the airport, holding that its use by noisy aircraft was limited to a few landings and takeoffs per day.

The judge also declared that other jurists have reached similar conclusions in cases tried in the state courts of Oregon and Washington.

Jefferson began hearing testimony last July 17 and took the matter under submission Nov. 14.

[From Tvasnac Quotes, January 1970]

DID WE HEAR IT BEFORE?

"The Port of New York Authority granted permission yesterday for regular operation of jet airliners from New York International Airport.

"But the agency imposed strict take-off rules to cope with the noise problem. It said the rules would insure that jets would prove no more disturbing to near-by communities than propeller-driven craft now using the Idlewild, Queens, field." (New York Times October 4, 1958, Reprinted in Nassau Herald, December 11, 1969.)

SCIENTIST ASSERTS VIOLENT NOISE MAY HARM BABIES BEFORE BIRTH

Boston, Dec. 28.—Violent noise such as sonic booms, may have permanently damaging effects on unborn babies, a scientist warned today.

The warning presented to a noise pollution panel at the annual meeting of the American

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Association for the Advancement of Science, was issued by R. Lester W. Sontag, director of the Fels Research Institute in Yellow Springs, Ohio. The paper by Dr. Sontag, who could not be present today, was read by a colleague.

Too much noise in the everyday environment—noise pollution—has been shown to cause health problems in adults. Loss of hearing, increased mental stress and heart disease have been linked to the assault of excess noise in daily living.

The human fetus, according to Dr. Sontag, is equally vulnerable to the noxious effects of too much noise. Forty years ago many people believed that the human fetus was protected from unpleasant conditions in the outside world in the comfort of the mother's womb, but recent experiments have shown that the fetus is not so isolated after all, Dr. Sontag said. The fetus seems to react to harmful environmental conditions just as the mother does, he said.

Supersonic transport jets may therefore pose a threat to the health of unborn infants in that the planes will be one more noxious addition to the total assault of an increasingly noisy environment. It is estimated that one such jet, crossing the United States, would cut a swath of noise 25 miles wide on each side, within earshot of up to 50 million people. (Excerpt from article New York Times—December 29, 1969.)

DRAFT BILL TO BAR SST OVERLAND FLIGHTS, SENATE PANEL TELLS DOT

The Senate Appropriations Committee has given a mandate to the Department of Transportation to prepare legislation to bar commercial SST flights over U.S. Land areas pending solution of sonic boom problems.

Although the committee supported the prototype program by approving $80 million for fiscal 1970, a report released yesterday on the DOT appropriation stated the committee "is not willing to buy aviation leadership at further costs to our environments." DOT should have the suggested legislation ready before it returns to Congress for its fiscal 1971 budget request, the report stated.

The committee specifically recommended legislation similar to S. 942, introduced last January by Sen. Jacob K. Javits and six other senators. This measure bans commercial SST flights from land areas until the boom can be significantly reduced or even eliminated altogether.

Legislation could allay "public concern" over the boom, the report said, stating that the committee is "not completely satisfied by administration, statements that commercial SST will not be permitted to fly over the U.S. at sonic-boom producing speeds." The report added:

"Administration statements on the subject have been ambivalent. For example, FAA states that both American and foreign SSTs will not be permitted to fly at boom speed over inhabited areas. It makes no mention of wilderness or other open areas where the sonic boom could have intrusive or damaging effects."

The committee also sent up warnings about alleged FAA statements to the effect that marketplace pressures may spur SST flights over the transcontinental U.S. (Excerpt from article Aviation Daily—December 18, 1969.)

IMPLICATIONS AND JUSTIFICATIONS OF THE SST

In the event of unrestricted SST operation *over land* there will, every year, be hundreds of millions of occurrences of people being hit by severe superbooms over 4.5 to 5 psf and many more superbooms exceeding 3.5 psf. According to the Edwards tests practically all people will find booms exceeding 4 psf unbearable. Furthermore, there will be some 500,000,000,000 "people booms" exceeding about 1.75 psf. This level will be deemed more disturbing—by roughly 50% of those exposed—than subsonic fly-over noise of 110–112 PNdB, the highest permissible level in the build-up areas close to London Airport and the Kennedy Airport of New York.

The tremendous discrepancy between the anticipated SST boom intensities and the acceptable level for over-land operation makes it unlikely that the SST boom will be acceptable for *over-sea* use. Passengers and crews on boats would probably run unacceptably high risks of being hit by superbooms exceeding 5 to 6 ps. and the boom intensities will often be doubled due to reflection by cabin wall. (Excerpts from article by Bo Lundburg in the April 1969 edition—Publikatie Nr. 15—Netherlands Acoustical Society.)

AIRCRAFT NOISE—MENTAL HEALTH AFFECTED

London.—The next time someone says he is going crazy from the racket don't dismiss this as just another temperamental outburst. He may be.

A two-year study in an area near London's Hearthrow Airport has shown a significantly higher incidence of mental illness requiring treatment among people most exposed to aircraft noise. (Excerpt from article Long Island Press—December 14, 1969.)

JET PLANES' UNSEEN GASES THREATEN MORE POLLUTION

Jet engine manufacturers, who are confident that they can rid the nation's airliners of ugly black smoke trails, may soon be faced with pollution problems from the part of a jet's exhaust that cannot be seen.

Atmospheric scientists studying the impact of pollutants on the atmosphere voiced concern last week over this little-known problem.

One of them was Dr. Richard D. Cadle, head of the Department of Chemistry and Microphysics at the National Center for Atmospheric Research at Boulder, Colo.

"It is not definitely established," he said, "but a lot of evidence suggests that the gases given off by jet planes are as harmful in the long run as the visible particles." (Excerpt from article New York Times—December 21, 1969.)

ESTONIAN INDEPENDENCE DAY

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mrs. GRIFFITHS. Mr. Speaker, on February 24 Estonians all over the world are recalling the 52d anniversary of the declaration of independence of the Republic of Estonia.

In 1918, the people of Estonia established an independent republic under which they enjoyed freedom and prosperity. For the next 22 years the people of Estonia showed the world that they were worthy members of the community of peace-loving nations and that they were dedicated to building a just, social, and economic order.

The unforgivable tyranny of the Soviet Union cut short the development of this brave new Estonian nation when the Red army invaded Estonia in 1940, and in August of that year Estonia was politically annexed as a portion of the Soviet Union. Since the Soviet conquest and annexation of Estonia in 1940, faithful friends around the world have marked this day each year as a moment of rededication to the cause of Estonian self-determination and independence.

It is fitting that we who are endowed with the blessings of freedom pause to reflect upon the struggle of a people less fortunate than ourselves. We in the United States share in the joyous recollection of Estonia's short-lived independence; we share a deep sense of grief over the tragedy of the Soviet Union's forced occupation of Estonia; and we share in Estonia's hopes that one day soon she will again be free.

AAU AND NCAA FEUD

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. MICHEL. Mr. Speaker, as a result of the action taken by the NCAA in suspending Yale University for 2 years, the gentleman from Connecticut (Mr. GIAIMO) and I, together with 25 cosponsors, introduced a resolution calling for creation of a special committee to investigate the NCAA.

We deferred any action pending the outcome of the meeting tomorrow between officials of the Eastern College Athletic Conference and the director of athletics at Yale University, Mr. DeLaney Kiphuth. We will determine our course of action upon receiving a report of the proceedings in New York.

An article appearing in the Wall Street Journal today, written by Mr. Frederick Klein summarizes the long-runnng controversy between the NCAA and the AAU. I insert it at this point in the RECORD:

[From the Wall Street Journal, Feb. 24, 1970]

IN 9HIS CORNER: AAU AND NCAA JOUST TO CONTROL AMATEUR SPORTS

(By Frederick C. Klein)

Jack Langer really didn't mean to become a cause celebre. He just likes to play basketball.

Jack is a member of the varsity squad at Yale, where he is a junior. Although he is six feet eight inches tall, his enthusiasm seems to exceed his skill; he mostly warms the bench. Nevertheless, Jack wound up last summer as the only collegian on the U.S. basketball team at the Maccabiah Games, an international competition in Israel for Jewish amateur athletes.

The lanky Yalie committed only one sin by going to Israel: The National Collegiate Athletic Association (NCAA) had directed that no athlete from any member college could take part. Jack therefore was declared ineligible to play for Yale. But Yale declined to remove him from the team. The NCAA thereupon barred Yale from its championship tournaments and its lucrative telecasts for two years.

Why is the NCAA so exercised over a seemingly innocent tournament in Israel? The answer lies in its long and bitter feud with the Amateur Athletic Union of the United States (AAU). Mr. Langer, in fact has been thrust into the center of the latest outbreak in the continuing struggle for control of amateur sports in the U.S.

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POWERFUL COMBATANTS

Both disputants in the NCAA-AAU battle are powerful and deeply entrenched. Their quarrel is almost 50 years old. Its implications for the athletes, the games they play and the U.S. role in international athletics continue to be immense.

Considering the ostensibly laudable purpose of both groups—furthering amateur athletics—the intensity and complexity of the warfare baffles outsiders. To hear spokesmen for either side tell it, each is working to preserve democracy, integrity and quality in American sports for the participants and the millions of spectators they entertain.

Other observers, however, often find the struggle most notable as a tangled contest in which the interests of the athletes and the public usually wind up being subordinated to the interests of the men who run the NCAA and the AAU. Several times in recent years the dispute has made it difficult for the U.S. to field top teams in international sports events.

"I'm fed up with both organizations," says Gerry Lindgren, 23, a top-level distance runner. "They are older people who don't seem to care much about athletes."

CAN'T GET TOGETHER

Over the years the NCAA-AAU feud has defied mediation efforts by Gen. Douglas MacArthur, Robert F. Kennedy and a special Sports Arbitration Board set up in 1965 by the Senate Commerce Committee. The latter effort stretched over a three-year period, but foundered when the NCAA rejected a seven-point peace plan. The AAU had accepted the plan.

"I've rarely seen such intransigence," says Theodore Kheel, the noted New York lawyer and labor mediator who headed the special board. "Those people make the Teamsters look like undernourished doves."

Bill Toomey, the 31-year-old teacher of English from California who won the decathlon in the 1968 Olympic Games, agrees. "The whole thing has become so wrapped up in personalities and jealousies that it's tough to see any daylight," he says. "The tragedy of it all is that it has taken both groups' attention away from doing things to improve sports."

For instance, suggests Mr. Toomey, "The NCAA should be thinking of ways to improve competition for graduate students. . . . Right now there's nothing for them." And, he says, "The AAU ought to be finding ways to help support the noncollege sports clubs where fellows like me compete.

SCRAPING BY

"I belong to the Southern California Striders, probably the best track club in the country. We have eight or 10 Olympic-level competitors, but we can't pay a coach and we have to supply just about all our own equipment. All the club can pay for is T-shirts and shorts."

One important reason that the NCAA-AAU fight has proved so difficult to resolve is that it has been going on for so long. The AAU was formed first, in 1888. Few colleges then had organized sports programs, and most amateur competition in the U.S. was between local clubs composed of athletes of various ages. By the time the Olympic Games were revived in 1896, the AAU had attained preeminence in U.S. amateur sport and assumed the task of certifying the amateur credentials of American candidates for the games.

In succeeding years, the AAU broadened its authority by taking in as voting members such groups as the Armed Forces, YMCA, National Association of Intercollegiate Athletics, which represents about 550 small colleges and universities, and—for a time—the NCAA.

Through membership in international governing bodies, the AAU has acquired the right to approve the amateur eligibility of U.S. athletes in 11 Olympic sports, including track and field, basketball, swimming, gymnastics and wrestling. That right is the crux of its power.

The NCAA was started in 1906 at the behest of President Theodore Roosevelt after a rash of deaths and injuries in college football sparked a public outcry. It began as a football rulemaking and enforcing body, but quickly expanded its jurisdiction over big-college sports to rival that of the AAU.

As colleges supplied more and more athletes for U.S. international teams, the NCAA became more and more insistent on having a greater voice over their administration. By the 1920s, collisions between the NCAA and the AAU had become frequent. Quarrels over the selection of the 1928 U.S. Olympic team were so heated that Gen. MacArthur was called in to try to cool matters. The next year, he helped work out a reorganization of the U.S. Olympic Committee that gave the NCAA substantial—but not majority—representation. With few modifications, this arrangement kept the peace through the 1950s.

Meantime, pressures for a rupture continued to build. "Every time the AAU picked a coach to take a team abroad, it made enemies of a dozen other coaches who thought they should have been selected," says a long-time college track coach. "Every time a kid was picked for a team, some coach thought one of his kids should have been picked."

At the same time, this coach adds, "the AAU consistently managed to make things worse by refusing to answer complaints or take the trouble to explain their actions. New York (AAU headquarters) treated us like second-class citizens. The AAU's top men found ways to deny almost everything the coaches wanted."

NCAA frustration reached the breaking point in the early 1960s. By 1961, it had ceased to be an active member of the AAU, although several NCAA-school coaches remained on AAU governing boards as individuals. In 1962 and 1963, the NCAA made the split complete by joining with high school, junior college and club groups to form "federations" to contest the AAU's rule-setting authority in U.S. amateur track, basketball, gymnastics and wrestling. In all those sports, federation members claim to control the big majority of top athletes, coaches and facilities.

The NCAA doesn't have a voting majority in any of the federations, but it is clearly the dominant member in each of them. "Without NCAA financial and moral support, the federations couldn't exist," says Delaney Kiphuth, athletic director at Yale.

Open warfare erupted when the federations—especially the U.S. Track and Field Federation (USTFF)—began holding meets in competition with those of the AAU. Both groups refused to allow their athletes to appear in events sponsored by the other. In 1965, an AAU-organized track team that was boycotted by the NCAA lost to the Russians in a dual meet at Kiev, touching off a national uproar.

In 1966 and 1967, the AAU declared numerous athletes ineligible for international competition because they competed in various federation meets. The banned-by-the-AAU list ranged from Olympic-level gymnasts to the Iowa Girls High School Athletic Union track and field team.

The 1965 loss to the Russians in the track meet brought the Senate Commerce Committee into the act. When its peace proposal was vetoed in 1968 by the NCAA, partly on the ground that it didn't give the USTFF enough power, several Senators introduced a bill to set up a Federal corporation to run U.S. amateur track, supplanting both the AAU and USTFF. The bill, however, has languished in the Senate Judiciary Committee without hope of passage.

"Congress never should have got mixed up with that thing in the first place," says one Commerce Committee aide. "It was really a can of worms."

Just how complex the NCAA-AAU dispute has become is evident in the Langer case. The affair had its roots in a seven-year-old dispute that eventually involved a whole handful of sports governing groups.

In 1962, the NCAA and several allies formed the Basketball Federation of the USA (BFUSA) to contest the AAU's place on the International Amateur Basketball Federation (FIBA) as the sole U.S. governing body in the sport. In 1963, FIBA gave BFUSA three years' permission to sponsor games between American and foreign basketball teams—a right previously limited to the AAU.

When that agreement expired, the AAU, claiming to be the dominant force in U.S. amateur basketball, asked that it not be renewed. FIBA went along with the AAU, whereupon BFUSA members moved to withhold their athletes from all international competition except the Olympics. "We decided to call their bluff," says Walter Byers, the NCAA's executive director.

The NCAA boycott sharply curtailed U.S.-foreign basketball competition, so in early 1969 FIBA made an effort to settle things. It set up still another group—the International Basketball Board (IBB)—to try to mediate the dispute. A meeting was called for June 25 in Kansas City but only half the AAU delegations showed up. (Bad weather hindered air travel that day, an AAU representative explains. For one reason or another, the IBB didn't meet until after the Maccabiah Games.

Thus, U.S. organizers for the Israeli event went begging when they tried to recruit NCAA college basketball players. Seven Jewish collegians were approached but all refused under NCAA threat of losing their college eligibility. Only Mr. Langer, with Yale's permission, said he would go.

"The games were on the up and up, and the boy wanted to go, so we couldn't see refusing him," says Athletic Director Delaney Kiphuth. "We had athletes and coaches in other sports going to the games with NCAA approval, and it didn't make sense to say 'yes' to them and 'no' to Jack."

Yale says it will go on letting Mr. Langer play. "It's become a question of organizational obedience versus the good of the boy, and we choose to support the boy," says Mr. Kiphuth. He adds: "When we are forced to make that sort of choice, it's clear that the dispute has been allowed to go much too far."

Leaders of both the NCAA and AAU readily agree that their struggle has persisted too long. Indeed, each has the same formula for solution: Let the other bow out of the fray and accept a subordinate role.

Differences in the philosophy and composition of the two groups make such a solution highly unlikely, however. Most importantly, the NCAA and its federations are made up primarily of college coaches and athletic directors who are paid to oversee sports programs, while the AAU prides itself on being an organization of unpaid volunteers.

Among some long-time AAU men, the aversion to college coaches is extreme. Avery Brundage, president of the AAU from 1927 to 1952 and president of the International Olympic Committee for the past 18 years, declares that the coaches "have distorted and commercialized college sports" with scholarships for athletes and "professional training camp methods." He seriously doesn't think coaches should be allowed in the stadiums on game days.

Col. Donald Hull, the 51-year-old former paratrooper who as executive director heads the small AAU headquarters staff in New York, doesn't go that far. He says he has "no special quarrel" with either coaches or college scholarships for athletes. "That's the way things are done nowadays," he shrugs.

But he quickly adds that he has reservations about both. "Men who make their living from the performance of amateur athletes can be tempted to misuse them," he says. "Colleges have been known to go beyond tuition, room and board in their recruiting, and this had led to a lot of synicism about amateurism."

The NCAA's Mr. Byers, a trim, 47-year-old former sportswriter, replies that he doesn't see "any inconsistency at all" between "wholesome amateurism" and the big-money aspects of college sports (colleges will split $12 million a year under a two-year football television contract the NCAA recently negotiated with American Broadcasting Cos.). He asserts: "The colleges put the money to good purpose by building and maintaining the best sports facilities in the world."

As for college coaches, Mr. Byers observes that "they (the AAU) seem glad enough to use them every chance they get."

Mr. Byers goes on to charge the AAU with "gross mismanagement" of amateur sports. "They send incompetent officials to meets and unqualified freeloaders on international trips in the guise of being managers," he contends. "They take money out of sports and they don't put any back in."

Col. Hull responds that while the AAU does its best to train good meet officials—the vast majority of whom serve without pay—"we have some who are better than others." Tour managers, who handle financial and travel arrangements when U.S. athletes go abroad, also are picked for their "competency," he says, but he agrees that manager-athlete relations on trips aren't always ideal. "Some of those big-stud athletes resent getting their spending money from Casper Milquetoast-type managers," he says.

Col. Hull dismisses Mr. Byers' money charges. He says that the AAU administers many minor sports at a financial loss ("I don't see the NCAA rushing to set up federations in luge (a sledding sport), judo, bobsledding or sports like that") and that there is "very little money and no profit" in his group's handling of track and field.

"Local AAU's usually charge between $20 and $300 to staff major track meets," he says. He adds that one of the AAU's biggest recent fees—$1,800—came from the 1969 Millrose Games, which drew more than 17,000 people to Madison Square Garden in New York. The AAU sent about 100 officials to that meet, he says.

Still other differences divide the two organizations. The NCAA says one big reason it withdrew from the AU was that concern's refusal to change its "one organization, one vote" rule that gives the smallest athletic club the same vote as the largest university in the election of most members of the AAU's ruling National Board of Governors.

Col. Hull replies that the voting rule "might not be the best imaginable." But he adds that "like most volunteer organizations, we are run by the people who do the most work. If the colleges became active with us on the local level, I have no doubt they could take us over inside of two years."

There is an East vs. West element in the dispute. The AAU's main strength is in the East among the Ivy League colleges and businessman-athletic clubs such as the big New York Athletic Club. The NCAA is the strongest among the Midwestern and Western universities that bloomed later athletically and still resent the AAU's Eastern bent.

There also is no love lost between the leaders of the two groups. At NCAA headquarters in Kansas City, Mr. Byers accuses top AAU men of various kinds of wrongdoing, but refuses to be specific "because I don't want to get involved in personalities," One senior official at AAU offices in New York confides that he has heard that "Walter Byers is promoting this feud because he wants to be czar of all sports."

No one professes to know how it will all turn out. "The AAU seems to be mainly rich men who can afford to preach amateurism because they don't need the money," says Mr. Lindgren, the distance runner. "On the other hand, a lot of NCAA coaches seem to think that because they give a person a scholarship they own him."

A GUIDE TO RESEARCHING DEFENSE ISSUES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. BROWN of California. Mr. Speaker, last summer the Democratic Study Group conducted an extensive educational program for its members and their staff concerning our Nation's defense policy and programs. One of the products of this effort was a short pamphlet, entitled "A Guide to Researching Defense Issues," which was published in August. It seemed to me at the time a very useful introduction to the problem of learning more about these issues. Although it is now 5 months old, it still is of considerable value, and I would like to make it available to all Members by placing it in the RECORD. In doing so, I would like to compliment its authors, the summer interns who served on the staff of the study group during 1969.

The "Guide" follows:

A GUIDE TO RESEARCHING DEFENSE ISSUES

This annotated bibliography has been prepared by the DSG staff to assist Congressional staff members investigating defense issues. It contains the following sections:

Selected books, articles, statements, and pamphlets useful to developing general understanding of Defense Department management, how our forces are sized, and how the defense budget is determined.

Periodicals of a specialized nature dealing with strategic issues and the technicalities of weapons systems.

Annual compilations describing force levels and weapons systems for all countries.

Indexes relating to defense.

Congressional resources for studying defense.

Materials available on the request of a Member of Congress.

Individuals with their telephone numbers whose job it is to assist Congressional staff in this area.

Sample outline to follow in investigating a defense program or weapons system.

Most items are available through the Library of Congress. The Army Library at the Pentagon is also an easy-to-use resource and contains defense materials organized in a readily accessible manner.

GENERAL MATERIAL

Books

Hitch, Charles J. *Decision-making for Defense.* Berkeley: University of California Press, 1965. A comprehensive overview of the basic problems faced by Secretary McNamara in the early sixties. The book is a collection of the Gaither lecture series and contains chapters dealing with pre-1960 procedures, the advent of planning, programming, and budgeting systems (PPBS), the concept of cost-effectiveness, and a concluding appraisal of problems yet unsolved. It is informative and well presented.

Hitch, Charles J. & McKeen, Roland. *The Economics of Defense in the Nuclear Age.* Cambridge: Harvard University Press, 1969. A detailed and technical rendition of the above lectures. It moves away from the simple concepts and presents detailed examples of the types of analyses actually undertaken in the DOD. By no means light reading.

Lyden, Fremont & Miller, Ernest. *Planning, Programming, Budgeting; A Systems Approach to Management.* Chicago: Markham Publishing Co., 1968. A collection of articles dealing with applications of the PPBS system.

McNamara, Robert S. *The Essence of Security: Reflections in Office.* New York: Harper & Row, 1969. In this summation of his views on the DOD and the role he played in it, McNamara analyzes successively the world situation, the assumptions this evaluation leads to in the formulation of defense policy, how the PPBS works, and the role he sees for the DOD and the nation in the future. Not objective, but a useful description of the "McNamara Era" at DOD.

Articles

Benson, Robert. "How the Pentagon Can Save $9,000,000,000." *The Washington Monthly,* March 1969. Benson, formerly of the DOD controller's office, examines questions of manpower, training, supplier performance, parallel and obsolete weapons systems, responses to unrealistic threats, unreasonably large commitments, and projects such as SAGE, ABM, and MOL. The cuts he proposes are unrelated to Vietnam, do not impair national security, are immediately (within 24 months) implementable. They cut fat from ongoing core programs. The article is short but incisive, and closely reasoned.

"Defense Budget Cuts of $10.8 Billion Seen Feasible." *Congressional Quarterly,* June 1968, p. 1605–10. A system-by-system analysis of where cuts can be made, with recommendations and their rationale versus Administration policy. The cuts cover Strategic Forces (ABM, bombers, SAM), general purpose forces (manpower for all services, plus NATO), antisubmarine forces, attack carriers, amphibious forces, and MOL. Not an in-depth study; it is an enumeration of where and how much.

"Pentagon Rebuts Assertions of $10.8 Billion in 'Fat'." Congressional Quarterly, September 1968, p. 2482–86. Again a system-by-system examination, including the original CQ cuts, a Pentagon rebuttal and counter-rebuttal.

Niscanen, William. "Defense Management After McNamara," *Armed Forces Journal,* 8 February, 1969. A comprehensive and incisive appraisal of McNamara's goals, and where his programs seem to have fallen short of expectations. Niscanen concludes that the military should be given more say in the defense decision-making process.

The Progressive. "The Power of the Pentagon." Entire June 1969 issue. Senators, Representatives, scientists, scholars and former high officials discuss ABM and other weapons developments, strategies for ending the Vietnam war, Congressional authority over the Pentagon, the militarization of foreign and domestic policies, and the need for a redefinition of national priorities.

Schick, Alan. "PPBS." *The Pubilc Administration Review,* December, 1966. This article provides an excellent background on the development of program budgeting in DOD, and its effect on the management process. It is not light reading, but does provide a wealth of information on decision-making beyond the planning, programming, budgeting system.

Statements before Congress

Schultze, Charles J. Statement before the Subcommittee on Economy in Government of the Joint Economic Committee on June 3, 1969. *Congressional Record,* p. S6036. Former Budget Director Schultze provides a clear presentation of the factors underlying the military budget. The statement includes an analysis of the budgetary framework, the factors determining rising military budgets,

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and suggestions for improving budgetary decisions. The best single analysis of the field in so short and easily readable form.

Weidenbaum, Arthur. Statement before the Joint Economic Committee on November 11, 1968. *Military Procurement,* Vol. 1, Washington: Government Printing Office. Weidenbaum discusses profits made by defense contractors. His statement is in response to the findings of a Logistics Management Institute study financed by DOD which found no excessive profits.

Defense Department publications

Posture Statements have been issued by the Office of the Secretary of Defense every year since 1963. They contain an analysis of the world situation and the military stances of the major powers, the defense budget for the following fiscal year determined in light of the preceding, and a five-year projection of programs and systems into which the budget is incorporated. Of particular importance is McNamara's FY 1969 Posture Statement which was personally supervised by him at every level and expresses most explicitly his views on defense, and Clark Clifford's FY 1970 Posture Statement. They are available from the Department of Defense or from either Armed Services Committee.

The Industrial College of the Armed Forces at Ft. McNair, Washington, D.C., publishes a series of "Blue Books" for its courses, including a series of ten on defense management. The most useful is *Defense Organization and Management,* by Harry S. Yoshpe & Theodore W. Bauer, ICAF, Washington, D.C., 1967. It is a detailed and descriptive overview of the defense establishment. It covers the debate over the organization of the DOD, the role of the Joint Chiefs, a summary of weapons systems as of 1967, the structure of the departments and patterns of management. A useful bibliography is included.

Recent studies

Democratic Study Group, *The FY 1970 Defense Budget.* Washington: Democratic Study Group, U.S. House of Representatives. Short papers on assumptions and contingency planning underlying the FY 1970 Defense budget and fact sheets on controversial new weapons systems, including ABM, MIRV, SRAM, SCAD, AMSA, bomber defense, SHERIDAN and MBT-70 tanks, CBW, manpower, air-to-ground missiles, F-14, F-15, C-5A, S-3A and AX aircraft, anti-tank missiles, anti-submarine warfare, and FDL and LHA logistics ships.

Members of Congress for Peace Through Law, *Report on Military Spending.* Washington: Members of Congress for Peace Through Law, 201 Massachusetts Avenue, N.E. A collection of critical papers on ABM, procurement, F-14, attack carriers, bomber defense, CBW, manpower and MBT-70. The papers cover policy assumptions, military strategy, cost-effectiveness of the system, and performance and managerial problems. They are of varying length and scope, but all are useful.

PERIODICALS

Conceptual

Air University Review (USAF Aerospace Studies Institute, Maxwell AF Base, Ala. 36112), 75c a copy, $4.50 a year; bi-monthly. Contains policy as well as technically-oriented articles, including serious analysis, projections and alternatives. The studies are in-depth and excellent.

Army Quarterly and Defense Journal (W. Cloves & Sons, Ltd., Dorland House, 14 & 16 Lower Regent St., London SW1). 12s6d a copy. L2.10s a year: monthly. Thoughtful, well-documented articles on defense issues. Includes appraisals of political and military international strength.

Military Review (US Army Command and General Staff College, Ft. Leavenworth, Kansas), 50c a copy, $4 a year; monthly. Good articles by widely diverse authors on political as well as military aspects of international relations and the U.S. defense posture. Discusses contingency plans and policy alternatives, as well as analyses of the present situation.

Naval War College Review (Naval War College publication, Newport, R.I. 02840). Available on request to authorized persons. Long articles by impressive contributors, analytic as well as narrative, presently a somewhat biased, but competent review of the world situation in defense policy terms, as well as articles on purely naval matters. It contains complex but non-technical papers presenting alternatives and projections.

Royal United Service Journal (Royal United Service Institution, Whitehall, London SW1), quarterly. Long, analytic articles followed by discussion of international relations and military strategy. The articles are closely argued and generally of high standard.

US Naval Institute Proceedings (US Naval Institute, Annapolis, Md. 21402). $1 a copy, $8.50 a year: monthly. Examines military and political questions in national security terms. Contains opinionated but competent narratives and analyses.

Technical

Armed Forces Management (American Aviation Publishing Association, 1156 15th Street, N.W., Washington, D.C., 20005). $2 a copy, $12 a year: monthly. Short articles covering new developments in management concepts. Defense and related matters cursorily covered. The April 1969 issue contains a military systems directory specifying project name, nomenclature, service/agency, description/use, contractor/status. 56 pages (reprints, looseleaf, available for $5).

Army Research and Development (Office of the Chief of R & D, Department of the Army, Washington, D.C.). 20c a copy, $2.25 a year: monthly. Progress notes on all aspects of R & D from lab work to war games to field use. Useful for leads more than coverage of an issue.

Flight International (Royal Aero Club, Transport Publishing Ltd., Dorset House, Stamford Street, London SE1), weekly. Covers civilian as well as military air matters. Not excessively technical.

Flying Review International (Haymarket Publishing Group, Gillow House, 5 Winsley Street, London W1, subscriptions 9 Harrow Road, London W2), monthly. Exhaustive treatment of civilian as well as military aircraft; lists all current developments, contracts, purchases and technical data. December 1968 issue provides a comprehensive overview of missile developments.

Naval Research Review (Department of the Navy, Office of Naval Research, Washington, D.C., published by GPO), 20c a copy, $1.75 a year: monthly. Results of research by Navy laboratories and contractors, and some theoretical articles. Lists selected research reports available through the Clearinghouse for Federal Scientific and Technical Information, Department of Commerce, Springfield, Va. 21151.

General

Air Force and Space Digest (Air Force Association, 1720 Pennsylvania Avenue, N.W., Washington, D.C.) 60c a copy, $7 a year: monthly. Public relations-oriented presentations, giving an overall picture but few technical details. The style is narrative rather than analytical.

American Aviation (Ziff Davis Publishing Company, 1156 15th Street, N.W., Washington, D.C.) Concerned with the state of the aeronautical industry. Out of business as of May, 1969, but back issues contain useful information.

Armed Forces Journal (Army and Navy Journal Inc., 1710 Connecticut Avenue, N.W., Washington, D.C.), 35c a copy, $10 a year: weekly. General coverage of defense issues and new weapons.

Army Digest (Army Chief of Information, Cameron Station, Alexandria, Va. 22314, or US Army AG Publishing Center, 2800 E. Blvd, Baltimore, Md. 21220), $8.50 a year: monthly. Short articles, not particularly informative.

Navy (The Navy League of the U.S., 818 18th Street, N.W., Washington, D.C.), 25c a copy, $3.00 a year: monthly. Opinionated, short articles which are more colorful than authoritative.

COMPILATIONS

Institute for Strategic Studies (18 Adam Street, London WC2).

The Military Balance provides an annual overview of the balance of power in the world. It covers 40 countries and analyzes their forces in terms of types and weapons systems, numbers, and purpose. Their sources are often non-official, and they dislike being quoted in print; their information, however, is usually extremely reliable, and much of it precedes official de-classification.

The Adelphi Papers are published periodically but at no fixed interval on specific defense issues. They provide excellent in-depth analyses of the problems.

The Strategic Survey provides a narrative account of the balance between the military forces of the members of NATO and of the Warsaw Pact.

Jane's (local agent for the U.S., Charles E. Thorp, 175 Greenwich Avenue, Greenwich, Connecticut 06830).

All the World's Ships accounts for all the ships afloat in the world. It contains precise and reliable data as to numbers, speed, fire power, weapons systems, and other technical specifications.

All the World's Aircraft covers all the major and most of the minor aircraft in the world. It provides diagrams and a great deal of technical data on each model. It is extremely reliable. It also contains such information on strategic and tactical missiles.

INDEXES

Air University Periodical Index is organized by subject matter in three-year volumes. It lists exclusively defense-oriented and sponsored publications, which are primarily useful for the technical information and the official and/or military rationales behind the projects.

Government Publications Office (541-3000, code 139, North Capitol and H Streets, Washington, D.C. 20401) publishes a list of all government publications every month. The December issue is an index for the entire year, organized by issuing office and by month (serial listings refer to monthly indexes).

General Accounting Office maintains an index to its public reports, but there is a lag in the availability (reports are filed by date and number immediately, and there is an indefinite time lapse before it is incorporated into an index by subject). Inquire at the Reports Division, code 149 x 4485.

CONGRESSIONAL SOURCES

Library of Congress

Legislative Status Checklist. Weekly publication available to all congressional offices on request. It covers the status of major legislation pending or passed. It also contains a list of Congressional reports, hearings, and bills, received during the week, with date of publication, title, number of pages and a summary.

Legislative Status Report. A monthly publication which supplements the preceding. It is likewise available to all Congressional offices. Provides an expanded checklist and cumulative summary of bills, indexed by subject, with cross-reference to bill number, and all action to date on each bill.

Legislative Reference Service Multilithed Reports. Available on the request of a Member. Reports deal with subjects of recurring interest. An increasing number deal with defense subjects; ABM, CBW, and nuclear-powered vessels are currently available. A

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periodically updated compilation of reports available on request from LRS.

Committee prints

Hearings and reports of House and Senate authorizing and appropriating committees on military construction, procurement, and research and development. Available from the Armed Services and Appropriations Committees. The best committee resources are the authorization hearings before the Senate Armed Services Committee and the appropriations hearings before the House Appropriations Committee. Most of the important questions relating to new weapons development are asked in these two committees. Administration testimony often provides the answers to these questions.

Occasional hearings and reports on defense issues by the Armed Services, Government Operations, and Foreign Relations/Affairs Committees of both houses, and the Joint Economic Committee. Recent such reports include *Status of Naval Ships* and *Review of Army Tank Program* (House Armed Services), and *Economics of Military Procurement* (Joint Economics).

General Accounting Office reports

These reports fall into three categories as far as availability is concerned. First are those prepared on the initiative of the GAO. They are public information and available in the Library of Congress. Second are reports undertaken at the request of a Member of Congress or of a Committee; these are not public and can only be obtained with the permission of the person who commissioned them. Third are reports on certain aspects of the DOD: these are not public.

AVAILABLE TO MEMBERS—IN SOME CASES

Department of Defense Press Releases (OX 5–0128 for information, OX 7–3189 for copies, delivered to Congressional offices on request every two weeks)

Speeches by DOD personnel at the level of Assistant Secretary and above are issued as press releases by DOD when they contain major new information or herald shifts in policy.

Fact sheets on controversial new weapons systems are also issued as press releases and contain the DOD rationale for obtaining the system.

Contract announcements are issued as press releases.

Current News in an internal DOD compilation of major news stories on defense issues. It appears in two daily editions; the second edition is by far the most comprehensive. Available on a daily basis at the request of a Member.

U.S. Technical Abstract Bulletin abstracts technical articles dealing with defense, available at the Library of Congress. Classified.

BOB Justification Sheets explain how funds are to be spent within DOD for specific projects. They are prepared by the Budget Bureau with the budget office of DOD. Their circulation is severely limited because detailed cost breakdowns on systems components are classified. Available to agency representatives, the BOB, and members of the Appropriations Committees.

The Weapons Dictionary contains the projected 5-year force structure and projected 10-year force levels given the threats the U.S. is likely to face at that time. It includes total cost data for the projected life of a weapons system, adding personnel and operations and maintenance estimates to generally available procurement and research and development costs. Updated periodically. Top Secret.

NUMBERS TO CALL—PEOPLE TO SEE

Defense Department

The Office of the Secretary of Defense houses a Legislative Affairs Division (76211, Jack Stempler, Asst. Sec.) to handle Congressional requests. The Directorate for Defense Information (59082, Col. Rodger Bankson, Dir.) can handle specialized requests. Other useful offices in OSD are the Defense Science Board (54157), the Armed Services Procurement Regulation Committee (72026), the Armed Services Policy Council (55261), and the Economics and Statistics Committee (48295).

Army information can be obtained either through the office of the Secretary of the Army (55135, William Coats, Dir. of Public Information) or the Office of the Chief of Staff (55136, Col. William Schabacher, Chief of Information).

Navy information can be obtained either through the Navy Office of Information (77391, RADM L. R. Geis, Dir.) or the Program Information Center (70517, RADM C. E. Bell, Dir.). Marine information is headed by BGen. Jay Hubbard, 42958.

Air Force information can be obtained either through the office of the Secretary of the Air Force (76061, MGen. William Garland, Dir.) or the Public Information Division (55554, Col. Louis Churchville, Dir.).

Project Managers for individual weapons systems and programs will respond to a call from a Congressional office or meet with staff members. Numbers are available in the yellow pages of the DOD telephone directory under the system or program in question.

The Industrial College of the Armed Forces (Information Office: 58581) will provide useful information, particularly on management question.

Congress

The General Accounting Office (GAO Building, 441 G Street, NW., Washington, D.C., telephone code 129 x 4485) will provide reports on request. For information about reports in particular fields, particularly recent reports not yet indexed, call either the Defense Division (129 x 5187, C. M. Bailey, Dir.) or the Division of Special Defense Activities (11 x 78608, Eugene Wohlhorn, Dir.)

Congressional committees will have copies of recent hearings and information on how to obtain past hearings. Most are available from the Document Clerk (x3456) or from the Committees: Senate Appropriations (x3471), Armed Services (x3871), Foreign Relations (x4651) or Government Operations (x4751); House Appropriations (x2771), Armed Services (x4151), Foreign Affairs (x5021) or Government Operations (x5051); and the Joint Economic Committee (x5171), the Joint Committee on Defense Production (x2337), or the Joint Committee on Atomic Energy (x6171).

Legislative Reference Service will prepare papers at the specific request of a Member or staff member on official business. Specialists on Defense issues are Col. Donald Bussey and Dr. Albert Stillson (173x8081).

Bureau of the Budget (code 103 x 3000) is highly bureaucratized and therefore difficult to penetrate, but the divisions of National Security Programs (Richard Nathan, Dir.), Management (William Pfleger, Dir.) and National Budget Review (Samuel Cohn, Asst. Dir.) may be of assistance.

SAMPLE OUTLINE

I. The Threat the System is Designed to Counter:

1. What is the threat?

2. How much does it cost the enemy to mount it?

3. What have been past responses to this threat?

(a) Similar systems.

(b) Other kinds of systems.

(c) Force levels and force mixes broken down by year.

(d) Cost of past responses to the threat: Unit cost, 10-year systems cost, and related costs, such as troops and basing.

4. What weapon is presently being used to counter the threat?

(a) Useful life it has left.

(b) Modifications that could bring it up to date: Cost of such modifications, and length of time they would last.

II. The System:

1. What are the estimated RDT & E costs?

2. What is the present stage of development or production?

3. Does development overlap production?

4. Are there difficulties with development?

5. Have the original performance characteristics changed?

6. What will the unit cost of the system be?

(a) Past, present, and rumored estimates.

(b) Cost of the comparable enemy weapon.

7. Who are the contractors?

(a) Companies that originally bid.

(b) Reasons why one company was chosen over another.

(c) Background of the winner: Service affiliation, previous military or civilian DOD personnel hired, past history of efficiency and cost-control, and committee assignments of Members representing the district.

(d) Progress payments made to date.

(e) Spares to be purchased: When they are to be purchased, total cost of all spares, and cost of spares per unit produced.

(f) Orders placed: Number of orders, units per order, and contractor profits per order and per unit.

(g) Details of contract: Repair of faulty units, maintenance, and options on additional buys.

III. The Total Program:

1. What is the total production run?

2. What are the annual operating costs?

(a) Fuel.

(b) Personnel.

(c) Maintenance.

3. What are the other investment costs?

(a) Training of system operators.

(b) Bases: Annual operating costs, investment costs, and military aid given in return for base rights overseas.

4. Is the system to be operated with other systems?

(a) Related ordinance, rockets, and warhead costs.

(b) Costs of escort troops and hardware.

(c) Costs of any related systems required.

IV. Deployment:

1. What were past force levels and mixes?

2. How does this system compare with other past or present systems?

(a) Capabilities.

(b) Unit costs.

3. What force levels and mixes have been programmed for the system?

4. What are the new factors that require the system?

(a) Change in threat.

(b) More efficiency.

(c) Lower cost.

(d) Change in political or military posture.

(e) Service lobbying.

(f) Congressional pressure.

(g) Industry initiative.

(h) Technological breakthrough.

5. Under what combat conditions will the system be used?

6. How vulnerable is the system?

(a) To attack by existing enemy weapons.

(b) Cost of enemy counter-system.

(c) Effectiveness of possible countermeasures.

V. Assumptions Behind the System:

1. How likely is the contingency for which the system is being deployed?

2. What foreign policy assumptions underlie deployment?

3. Do the assumptions behind deployment correspond with stated policy?

4. Might the system, if deployed, in itself affect foreign or national security policy?

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THE CIVIL AERONAUTICS BOARD

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. ASHLEY. Mr. Speaker, today 31 of my colleagues and I filed a reply brief in the Federal appellate court in the District of Columbia in a case which we have brought against the Civil Aeronautics Board.

We are asking the court to reverse a decision of the CAB that recently allowed all domestic interstate airlines to put fare increases into effect. We are contending that this decision was reached in violation of several provisions of the Federal Aviation Act of 1958.

The Members who have joined in this lawsuit are, in addition to Hon. John E. Moss and myself, Hons. Glenn M. Anderson, Walter S. Baring, George E. Brown, Jr., Phillip Burton, Daniel E. Button, Jeffery Cohelan, James C. Corman, John D. Dingell, Don Edwards, Richard T. Hanna, Augustus F. Hawkins, Chet Holifield, Harold T. Johnson, Robert L. Leggett, Joseph M. McDade, John McFall, Spark M. Matsunaga, George P. Miller, Joseph G. Minnish, Patsy T. Mink, Jerry L. Pettis, Thomas M. Rees, Peter W. Rodino, Jr., Edward R. Roybal, Bernie Sisk, Charles M. Teague, John Tunney, Lionel Van Deerlin, Jerome R. Waldie, and Charles H. Wilson.

The reply brief which we filed follows:

[U.S. Court of Appeals for the District of Columbia Circuit]

PETITION FOR REVIEW OF ORDERS OF THE CIVIL AERONAUTICS BOARD—REPLY BRIEF FOR PETITIONERS

(No. 23,627—*John E. Moss, et al., Petitioners, v. Civil Aeronautics Board, Respondent*).

Petitioners are replying to the briefs filed by the Civil Aeronautics Board and certain carriers because those briefs seek to convey the impressions that the agency has acted here in a reasonable manner consistent with the governing statute and that this is merely another in a long string of similar regulatory cases. Both of these contentions are, in Petitioners' view, incorrect.

The parties are in agreement that the principal question in this case is how far the CAB may involve itself in the ratemaking process without following the procedures of section 1002(d) of the Federal Aviation Act of 1958 and without adhering to the substantive criteria of section 1002(e). The Board apparently believes that even when it plays an instrumental part in determining rates, it alone may decide when, if ever, those sections are to be applied to its activities.

The CAB states that if it does not "purport" to prescribe rates pursuant to section 1002(d) (Resp. Br., p. 14), it may effectively promulgate a rate formula and approve tariffs based on that formula without regard to the procedural and substantive rules of the statute. A complaint from interested members of the public may be deferred indefinitely or, indeed, dismissed entirely, with perhaps the possibility of being resurrected at a later date in the event the complainants seek judicial review.[1] When resurrected, that complaint may be scheduled for decision after a year or more of proceedings, with no possibility of retroactive relief. And prior to the Board's decision, according to the Board, no court may step in to accord relief.

The CAB maintains that this position is sanctioned by the "plain language" of section 1002(g) of the Federal Aviation Act (Resp. Br., p. 13) or, if not by that section, then by a need for administrative flexibility which derives general support from other broad provisions of the statute.[2] We have earlier stated why we believe section 1002(g), which is interlocutory in nature, cannot justify the Board's orders here. (Pet. Br., pp. 32–33). We add at this juncture only that the cases cited by the Board, relating to the Interstate Commerce Commission's powers under a similar provision, indicate as we did that section 1002(g) orders serve "only as an interim action, to preserve the status quo . . . ." *Ferguson-Steere Motor Co.* v. *United States*, 126 F. Supp. 588, 590 (N.D. Texas 1954).[3] The Board's argument assumes, in any event, that section 1002(g) is irrelevant, for the agency claims that it "could have made its views known by press release or other publication or discussion without being called to task for improperly issuing a procedurally defective rate order." (Resp. Br., p. 15) The Board thus ultimately relies for its position on considerations of administrative flexibility.

The Board's contention appears to be that the "variety of powers" granted by the statute (Resp. Br., p. 27) authorizes it to employ any number of *ex parte* procedures to make its decisions with respect to rates known to the carriers. Thus, the Board claims that if it did not employ what it terms "speaking" orders under section 1002(g), it could make its rate decisions known in press releases or other statements, or could "review the tariff informally with the carrier" (Resp. Br., p. 29; *Id.*, pp. 15, 30). Essentially, the Board's position is that in order not to "hobble the administrative process" (*Id.*, p. 13), the Board should never be held to procedural and substantive ratemaking standards unless the Board itself "regard(s) its action" as ratemaking. (*Id.*, p. 22).

Such non-statutory arguments have inherent limitations. The Federal Aviation Act cannot be read as the Board suggests. Sections 1002(d) and 1002(e) of the Act are clearly intended to open up the Board's decision-making process to the presentation of certain views on the record, at a full and fair hearing, and to bind the agency to certain standards when it undertakes to determine rates. These sections would be read out of the statute if the Board were permitted consistently to determine rates for the entire industry, to thrust those rates upon the carriers, to ignore complaints from the public, and to go to court on the basis of administrative expediency and its own assurances that it has acted in the public interest—as it is seeking to do in this case.

None of the decisions cited by the Board supports such a result. The string of old Interstate Commerce Commission cases upon which the Board principally relies, such as *ICC* v. *Inland Waterways Corp.*, 319 U.S. 671 (1943), *Algoma Coal & Coke Co.* v. *United States*, 11 F. Supp. 487 (E.D. Va. 1935), and *Birmingham Slag Co.* v. *United States*, 11 F. Supp. 486 (N.D. Ala. 1935), did not deal with an issue of agency involvement in the ratemaking process without regard to the procedural and substantive rules of the governing statute. Those cases merely discussed the threshold question of *when* an agency's decisions with respect to rates—there made on the record and in accordance with the procedural and substantive standards of the statute—will become subject to review under the Interstate Commerce Acts.[4] Similarly, cases such as *United States* v. *Los Angeles & S.L.R. Co.*, 273 U.S. 299 (1927), and *Toilet Goods Ass'n* v. *Gardner*, 387 U.S. 158 (1967), dealt with the question of when a potential dispute between an agency and a regulated company is ripe for resolution. Other cases cited by the Board have already been discussed by Petitioners and the contending interpretations of those cases are fully disclosed by the briefs.

This case raises questions about the administrative process which were not remotely contemplated in the decisions cited by the Board. The case is unique because (a) it fully and clearly discloses important agency actions taken without regard to governing statutory provisions and (b) the agency has decided to defend the case by a claim of inherent discretionary power not controlled by the statutory provisions. Only a decision of this Court that compels the Board to exercise its responsibilities in accordance with the governing statute can protect the public interest.

Respectfully submitted,
Stanford G. Ross,
H. David Rosenbloom,
Attorneys for petitioners.

Of Counsel
Ronald B. Lewis.
Dated: February 20, 1970.

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[1] Contrary to intimations in the Board's brief, Petitioners' complaints against the Board's formula and the tariffs now in effect (as opposed to Petitioners' accompanying request for a general passenger fare investigation) were not deferred last September, but were denied. It is, moreover, absurd for the Board to suggest that it has not passed on the reasonableness of the present tariffs and to claim that the belated resurrection of Petitioners' complaints and their consolidation with a general investigation, part of which may be completed after a year's time, "afforded petitioners and the public full opportunity to participate in the ratemaking proceedings. . . ." (Resp. Br., p. 34)

[2] The intervening carriers rely exclusively on an expansive interpretation of the Board's powers under section 1002(g). It is worth noting that these carriers are not so tolerant of the Board's powers when the agency acts without notice and hearing to deny, rather than grant, a benefit to them. Thus, a number of the carriers protested when the Board indicated in late January that it would condition its continued approval of the present tariffs upon agreement with a joint-fare arrangement proposed by the local service carriers and found "satisfactory" by the Board. Following a denial by this Court of an interlocutory petition to strike down this decision, the trunk carriers all signed the agreement; but the carriers made it plain that they considered the Board's actions to be flatly illegal. American Airlines, for example, notified the Board that it was signing the agreement "under duress and without waiver of any right or remedy that may be available to it, before the Board or the courts . . .", and that "the procedures followed by the Board . . . are contrary to . . . [the Federal Aviation] Act and to the Administrative Procedure Act;" Trans World Airlines wrote that it was signing "under duress" and termed the Board's action "an attempt to prescribe the division of rates illegally and without notice and hearing required pursuant to section 1002(h) of the Federal Aviation Act."

[3] The Board at one point in its brief characterizes its actions here as merely intended to maintain the *status quo* pending investigation (Resp. Br., p. 24). This is contrary to fact, because the tariffs established on the basis of the Board's order, far from representing the *status quo*, constituted both a totally new fare formula and a significant increase in fares.

[4] In those cases the statute in question specifically contemplated the possibility of a reparations remedy on collateral attack, and the courts emphasized that such remedy was still available to the complainants if they could show that the tariffs in question were unlawful when applied to them.

THE SCHOOLS NEED MONEY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. EILBERG. Mr. Speaker, public education in America is in serious trouble. The public schools, taken for granted for decades and longer, are in jeopardy. Not only is their continued ability to perform at peril, but the very survival of the institution, public education, is in question.

The public school system of Philadelphia is a paradigm of the crisis. It cannot meet its ordinary, day-to-day operating expenses. The superintendent warns that schools may close in May, a month early, and may not reopen in September, unless more money is found. Real property owners properly have declared that they cannot pay any more taxes. The city's banks have been carrying the school district's $50 million deficit, but have declared that to carry the debt indefinitely or to lend more money would simply be poor banking practice. The school's can neither borrow money nor sell bonds, because of tight money and imposed interest ceilings.

The Philadelphia school system is not the only school system in America in these desperate straits. Every school system in America is feeling the pinch. But the Philadelphia school system is the one the children of my friends and constituents attend and I know it best. And I know it is in trouble.

But while the schools crumble, this administration fiddles, equivocates, and dissembles. The veto of the appropriations bill was justified as an inflation-fighting measure. There are more rumblings along Pennsylvania Avenue that the administration thinks the compromise package is too high and may have to invoke the veto again. My people, too, are concerned about inflation and demand it be curbed. But my people also are demanding that their children's right to attend public school not be revoked because of this administration's misplaced sense of national priorities.

This is not an either-or situation. We can and must reduce Federal spending. We can and must help keep our public schools open. The Labor, Health, Education, and Welfare appropriation represents only 10 percent of the Federal budget. I suggest the President turn his paring knife elsewhere. Should the children of this Nation be the ones who really pay the price for military cost overruns?

John Corr, the education writer of the Philadelphia Inquirer, visited Washington recently and was briefed by the administration's domestic and education experts. Mr. Corr found that the administration was interested in a study to learn what was "effective" in education. Mr. Corr had an answer for that: "Money is effective." I commend to the attention of my colleagues, Mr. Corr's column of Sunday, February 22, 1970:

ADMINISTRATION SIDESTEPS SCHOOL FUNDING RESPONSIBILITY

(By John P. Corr)

Daniel P. Moynihan, glib resident liberal in the Nixon Administration, was sent over to explain to the Education Writers Association the government's new and insultingly absurd position on funding education.

That position, briefly, goes something like this:

"We are not sure of the best ways to invest in education, so we are not going to invest."

Instead, Moynihan said, there will be a "national institute" to study the best ways to spend the money the Federal Government is not appropriating.

The U.S. Commissioner of Education, Dr. James E. Allen Jr., said the same thing earlier that day. He, at least, had the decency to appear distressed.

Moynihan and other mouthpieces for the administration are stressing three points these days.

We need more information about what is effective in education, don't we?

A GOOD JOB?

The schools—our fine American schools—are not really in such bad shape. They do a pretty good job, really.

More federal money for education would be inflationary.

All three points are untruths designed to obscure the fact that the Federal Government is disregarding its responsibility to the nation's schools.

Let's take them one at a time.

Any teacher, any principal and most parents can tell you what is effective in education. Money is effective. Smaller class size is effective. Feeding children who are hungry is effective. Good salaries to attract good teachers is effective. Tutoring is effective.

Is somebody kidding? What is all of this talk concerning "evaluation of effectiveness of experimental programs"? The schools need money, the kind of money that only the Federal Government—which collects most of the tax dollar—can provide.

Next, are the schools really in such bad shape?

CAN'T COPE

The schools in Philadelphia are in bad shape. The schools in Philadelphia may have to close down as did those in Youngstown, Ohio. The schools in Philadelphia each year "graduate" thousands of illiterates and one child in three drops out and 40 percent of the children read below "minimum functioning level." Forty percent! Forty percent can't even cope with the simplest readers and textbooks.

The situation is not much better elsewhere in America. Chicago is threatening to fire 6000 teachers—more than 25 percent of the total—because of a $48 million deficit.

In Champaign, Ill., teachers are being paid in "scrip," which banks will redeem if the school district can sell enough bonds.

WIDE IMPACT

And it's not just in the big cities. In Grand Ledge, Mich., a new school stands empty because there is not enough money to staff it.

Our fine American schools . . . can they really be in bad shape?

In what other country do so many children go through so many years of schooling and emerge illiterate?

In what other country do the children make war on each other in the schools and on the streets outside of the schools?

In what other country is there such rigid racial segregation in the schools?

Is somebody kidding? Moynihan likes to refer to the number of Nobel Prize winners America produces. What about the number of unemployable illiterates, the number of Black Panthers, riots, teenage gang killings, muggers and murderers? What about the firetrap school buildings (42 of them in Philadelphia) and the teacher strikes and the high school riots?

Finally, we all want to hold the line on inflation, don't we?

It is not inflationary to spend money on schools. It is not inflationary to equip people to get jobs, earn incomes and keep off the welfare roles.

It is not inflationary to break the cycle of ignorance and poverty that produces the crime that costs us billions in law enforcement, crowded courts, grim prisons.

It is not inflationary to give a hungry child a free lunch and, if it is, so what?

SCHOOLS DECAY

What is inflationary is trying to fight a land war in Asia, a war that has divided Americans and is sabotaging the national morale.

What is inflationary is going to a dead planet to bring back rocks and dirt.

What is inflationary is putting horror weapons into tubes in the ground and on submarines under the sea.

Is somebody kidding? Moynihan, as Mr. Nixon's adviser on urban affairs, ought to know that the cities and the city schools are decaying.

He ought to know about the illiteracy and the crime and the riots. He ought to know that every neighborhood does not have a police station but every neighborhood does have a school.

The schools can do something about the urban mess. Or, if you don't consider that the role of the schools, they at least should be equipped to perform a relatively simple and straightforward function—teaching people to read and count—given 12 years to do it.

ONLY FICTION

Moynihan ought to know that the local tax base in the cities can't support the schools. He ought to know that the Federal Government collects most of the tax money and is best equipped to do something about the wretched financial condition of our schools.

Most galling of all in the whole matter are the cheap fictions with which the government surrounds its refusal to make the necessary financial commitment to education.

If the government will not support the schools, let it say so. Let it be a little more direct and honest about it.

If the government will not support the schools, let it at least spare us all this nonsense about evaluations and study commissions and inflation and the fine quality of our schools.

Let it stop sending people like Moynihan out to spread these fictions. They can only add to the misery of our schools and the people who work in them and the children who must attend them.

Things are bad enough without all of that.

TIMES-STAR SIX-TIME SOCIETY PAGE WINNER

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. MILLER of California. Mr. Speaker, those of us who have the privilege of living in Alameda, Calif., are extremely proud of our local newspaper, the Alameda Times-Star, and of the very fine staff which helps publish it under

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the direction of Mr. Mort Kofman—the son of Mr. Abe Kofman, owner and publisher of the paper.

I am including with these remarks an article which appeared recently in the Times-Star pertaining to an award made to Barbara Stevenson, who is the women's editor of our paper. As set forth in the article, this is not the first time that Miss Stevenson's work has been recognized and I am sure that it will not be the last.

Congratulations, Barbara.

The article follows:

TIMES-STAR SIX-TIME SOCIETY PAGE WINNER

(By Everett Johannes)

Our Barbara has done it again!

The first-place award for Best Women's Interest Coverage in dailies under 15,000 circulation was awarded over the weekend to the Times-Star by the California Newspaper Publishers' Association.

The page is a product of the genius of Barbara Stevenson, Women's Editor of the Times-Star for more than 18 years.

This marks the sixth time Barbara has walked away with the first-place award in the annual CNPA Better Newspaper Contest, which is entered by many newspapers in the State.

"I try to present pages of interest to all Alamedans," she said. "I'm grateful for this honor."

Barbara also won two third-place awards for her work on the Times-Star in the days when the Women's Interest Coverage was not broken down into sub-classifications.

Mort Kofman, assistant publisher of the Morning News, accepted the award, on behalf of the Kofman newspapers, at the awards banquet Saturday in the Century Plaza Hotel, Los Angeles.

The award was donated by Lederle Laboratories, and official presentation was made by Lt. Gov. Ed Reinecke.

Barbara joined the Times-Star staff in June, 1951, and became Women's Editor in August of that year.

She long has been recognized as a leader and guiding force in the women's community of Alameda.

THE 52D ANNIVERSARY OF ESTONIAN INDEPENDENCE DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. DERWINSKI. Mr. Speaker, today marks the 52d anniversary of Estonian Independence Day but unfortunately the brave people of Estonia are unable to celebrate this great day in their homeland because they are now among the captive peoples of communism.

We must rededicate ourselves to continued efforts to see that freedom is restored to the brave people of Estonia and all the other captives of communism.

The Estonians proclaimed their independence after the tsarist government fell and enjoyed a period of freedom and progress from 1918 until 1940 when their country succumbed to the Communist forces.

May I reemphasize, Mr. Speaker, that the Estonians are a distinct nationality who are at the present time being subjected to a most insidious form of genocide practiced by the dictators of the Soviet Union and that legitimate world opinion should rally behind these subjugated people of Estonia.

Mr. Speaker, our Government has never recognized the Soviet seizure of Estonia, Latvia, and Lithuania and a fundamental point of our foreign policy must be self-determination for the peoples of Eastern Europe including the non-Russian peoples like the Estonians who are held captive in the U.S.S.R.

DISCIPLINE

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. QUIE. Mr. Speaker, it was my privilege to hear Pastor C. J. Swanson, preach on the First Sunday in Lent, February 15, 1970, at the St. Olaf College Chapel, Northfield, Minn., on the subject of "Discipline."

His sermon was excellent. He spoke to the needs of people in this era of permissiveness and "new morality." Because of its relevance, I submit it for printing in the RECORD at this point so that others may share in the benefit of his thinking:

DISCIPLINE

There was a time, and not so very long ago, that the church sought to legislate morality. Those in authority (however that may have been determined) stated quite explicitly what was right and what was wrong in terms of individual behavior. Such a dictatorial policy sounds pretty far-out according to the current approach to moral issues. Yet I would submit that life then was a lot simpler for a young person growing up than it is today.

This doesn't mean that everyone followed the pronouncements of the authorities, but at least one knew where one stood. You were either among the faithful or you were a reprobate on the outside. You made a choice in the context of your personal freedom and you knew what this said about you as over against the existing standards. Even the rebels who defied the standards because they thought they were wrong had some satisfaction in their defiant action.

Those who had no interest in breaking the code, on the other hand, found it possible to blame their conservative action on parental and church authorities rather than assume responsibility for being so narrow-minded themselves. And I wonder if it isn't altogether possible that this is one of the role authority figures like parents are called to play by virtue of their position. The child is somehow let off the hook from the standpoint of being the decision-maker. And at certain stages of one's development this may be a very healthy and much-needed arrangement. More likely than not, the child will never admit that he appreciates his parents' role—but deep down on the inside he may very well do so.

MORAL DECISION-MAKING FRUSTRATING TODAY

All of this is by way of suggesting that decision-making in the moral sphere is far more frustrating and difficult today. Even parents are confused as to when it is appropriate to say no and we probably err on the side of being too permissive, rather than too strict—fearing our role. Most of you wouldn't be willing to admit it to your closest friends, but my hunch is that in spite of your apparent sophistication you, too, are often confused by the choices with which you are confronted. And adult society is only adding to the confusion by providing you with an absolutely open view to practically all aspects of human behavior and you're in a mighty rough spot—and I mean this in all seriousness.

What kind of principles does one apply today when, for example, he attempts to determine his own attitude toward his behavior in the realm of sex? Is this simply a physical activity from which one derives momentary pleasure? If so, is promiscuity—without regard for the depth or quality of human relationships—the name of the game? Can one condone pre-marital intercourse with any number of partners and still hope for fidelity in marriage? Granted that the sex act has a unitive function, can one carelessly ignore the procreative possibility? I would suspect that the matter of drug use and excessive drinking undoubtedly cause similar feelings of ambivalence.

There's simply not much that isn't available anymore if you really want it. And even if you don't want it, you may have to face the embarrassment of turning it down. No one even says anymore, as they once did, "Christians don't indulge." Thus, we're left holding this wildcat of freedom. Does being free mean that one does everything that's possible for him?

And then there is the vast area of seemingly lesser concerns—yet concerns that do involve moral issues with regard to the way in which we relate to our fellows: The malice, the guile, the envy, the slander, and the insincerity so prevalent among us; the sins of omission when we thoughtlessly ignore fellowmen who obviously need some attention, a little measure of love and acceptance. How easily we set aside our responsibility for other people in the affairs and the encounters of everyday. And what about honesty—is an honor system something to laugh about? Do only the fools live by it? Or, if we take it seriously in the matter of examinations, does it apply in other aspects of life on campus?

What's all of this about anyway? You may think I'm preparing to give you a verbal spanking, but that's not the point. Such spankings are not very effective anymore, anyway. Rather, I think we've left you without help.

"NEW MORALITY" IN PETER'S DAY

Hopefully, some of you have been reading the New Testament book of I Peter this week. If you haven't—take ten minutes after dinner today to do so because here, it seems to me, Peter is dealing in a very fundamental way with this whole business of what we have come to call the "new morality" in recent years. And I think we have to be very honest about the appeal the term has for us. Some adult critics say it means "no morality" and for some of us it is precisely this apparent absence of all rules that appeals. We construe it to refer to a kind of freedom that is absolutely without restrictions or limitations of any kind.

In this letter obviously Peter doesn't use the term "new morality" but this is, in fact, what he's talking about. Because this is what Jesus was talking about and it is what virtually the entire New Testament is talking about. It was a morality based upon God's redemptive act in Christ rather than demands upon man. It is a response to a covenant of love rather than to a covenant of law.

An understanding of the situation to which Peter addresses himself is helpful. He was writing to a group of very young congregations in and around Asia Minor. This was the primitive church, which means that it was without traditions, rules, regulations—any kind of a codification to determinte what life among them would be like.

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In a similar sense, we are kind of a primitive Christian generation for—without asking for it—we have been bequeathed the "new morality." We are the first modern Christian generation without rules. The day of codified behavior clearly defined by the church is over. The day of moral absolutes as they were once known is over. This means we're going to face all of the ambiguities faced by a primitive people.

In his letter, Peter discusses basically three things with his Christian friends in these congregations: First of all, he calls their attention to the blessings they have received as God's redeemed people. Secondly, he says a good deal about their duties as Christians in the world. And, finally, he talks about the kind of trials they are going to face because they are Christians.

BLESSINGS OF GOD'S REDEEMED PEOPLE

To me the most significant thing about this letter is the place Peter begins. Upon being faced with the responsibility of instructing a group of young congregations, one might have expected that he would begin by listing all of the things they ought to do or not do. This is the place most of us would begin. In fact, I'm afraid this is the place we've made a tragic error in the instruction of the young in our Sunday schools in the past. Fortunately, this error is gradually being rectified in new materials but I take it that most of you had the experience I had of being confronted first with laws and rules rather than being reminded of who we were by virtue of our baptism. To this day many of us think of being Christian in terms of keeping the rules.

I recall an incident out of my early teens which I have never forgotten. A bunch of us fellows were going to another town for some school affair and my dad wanted to talk to me before I left. I had a rather strong suspicion that he wanted to warn me against getting involved in any drinking but to my surprise he didn't say anything about it, specifically, at least—all he said was, "Remember who you are." Without having any great theological insight into the mind of Peter or Paul or Jesus at this point and without ever having heard the term "new morality"—he instituted the basic ingredient in any concept of Christian ethics worth its salt.

And it's the thing that becomes evident in the way in which Peter addresses his friends in this letter. It is this: What a person does is determined by who a person is. You may have seen the article I did a few weeks ago regarding the rehabilitation of prisoners. It talked about the importance of his contacts with his family while he is in prison and about the importance of training him for a respectable job when he gets out; for, if he can have a sense of identity with self-respect, a large part of the battle will have been won in his attempt to go straight.

Peter addresses these people as exiles (i.e., people living in a strange land among hostile forces of every kind), but he says, "You are destined by God and sanctified by the Holy Spirit for obedience." He doesn't begin by saying, "Here is the rule book; this you are to obey." But rather, "This is what God has given you life for." It is a grace note rather than a note of condemnation.

He continues, "We are born anew to a living hope through the resurrection and to an imperishable inheritance." To have an inheritance means that you belong to someone. You are, he is saying, the people of God. In this, he says, you can rejoice even though you may suffer for awhile. A bit later he adds emphasis to this theme: "You are a chosen race, a royal priesthood, a holy nation, God's own people." Once you were nobody but now you are somebody. "Live as free men, yet without using your freedom as a pretext for evil." This, then, is what's new—the guidance is from within, rather than from without.

CHRISTIAN LIFE DISCIPLINED BY INNER SPIRIT

Having thereby established in explicit and colorful language who they are, he then moves on to remind them not of a code they must follow to be Christian but rather he suggests that as disciples they will lead disciplined lives—lives that are directed not by legal codes but by an inner spirit that is alive and wise because it knows who it is and to whom it belongs. Then he can say in loving concern, "Remembering who you are—gird up your minds, be sober, do not be conformed to the passions of your former ignorance but be holy in conduct (that is different because your allegiance is different from those who operate under another power). Putting away malice, guile, envy, slander, and insincerity—seek your maturity in Christ the living stone upon whom your life is built."

TRIALS FACED BY CHRISTIANS

Peter then makes his third point: To follow such a course will bring with it trials. This is crucial! Our problem is usually not a matter of knowing what's right. Rather, it's a matter of being willing to do the right we know. Trials can be endured because we live by a new will not our own. Most of us need not more knowledge, but more strength. Now during Lent we are mindful of Christ going his trying way to the cross, yet this he could endure because he was certain of his Easter. So, too, we can endure if we are certain of our Easter—the inheritance that belongs to the people of God. The Christian must face the reality of the struggle.

On the basis of my introductory remarks you may have expected a more definitive statement on morality, yet it would not be in keeping with the thrust of Peter's message: What a person does is determined by who a person is. This, to be sure, will not provide answers for those outside the faith, but those who are living in the strength of their baptismal covenant (i.e., in the knowledge of God's cleansing power in their lives through Christ), know who they are and have available to them the inner discipline to act in the power of his Holy Spirit.

Should there be those present (and this may include all of us) who feel somehow that they are removed from the family of the living God by virtue of actions or thoughts unbecoming his children—it is my privilege to remind you of his grace, his endless mercy, his desire and delight to forgive and to receive his own back into the fold. In the power of that forgiveness, "Live as free men, yet without using your freedom as a pretext for evil."

DISTRICT MAN KILLED IN ACTION

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Lance Cpl. Harold R. Schuler, of North Versailles Township, Pa., who was killed in Vietnam on February 12, 1970.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Lance Corporal Schuler for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

DISTRICT MARINE KILLED IN ACTION

NORTH VERSAILLES TWP.—A 20-year-old township Marine has been killed in action in Vietnam, according to the U.S. Defense Department.

Lance Cpl. Harold R. Schuler, of 15 Sprague St., West Wilmerding, was fatally wounded by small arms fire on a high mountain in Quang Nang Province on Feb. 12.

The township Marine, a graduate of Turtle Creek High School, had been in Vietnam six weeks at the time he was mortally wounded.

His mother, Mrs. Richard Fisher, had received a letter from her son on Feb. 13 in which he told of plans to attend school when his tour of duty ended in October.

CAMPAIGN GM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. ROSENTHAL. Mr. Speaker, corporate responsibility for corporate behavior remains an underdeveloped and even uncharted terrain of the American legal system. The recent decision to press the largest American corporation—General Motors—on its responsibilities to our society is an important step toward specifying corporate responsibilities.

The effort—called Campaign GM—is led by Ralph Nader and several colleagues, all of whom have demonstrated by their previous activities, a strong commitment to improved consumer and citizen representation in both industry and Government.

I include below the statement of Mr. Nader announcing this program, copies of the resolutions his group will present to the General Motors Corp., biographies of the organizers and biographies of those candidates which Campaign GM has proposed for the General Motors board:

STATEMENT BY RALPH NADER

Today is announced an effort to develop a new kind of citizenship around an old kind of private government—the large corporation. It is an effort which rises from the shared concern of many citizens over the role of the corporation in American society and the uses of its complex powers. It is an effort which is dedicated toward developing a new constituency for the corporation that will harness these powers for the fulfillment of a broader spectrum of democratic values.

Ours is a corporate society. Corporations produce, process and market most of the goods and services in the nation. They constitute the most powerful, consistent and coordinated power grid that shapes the actions of men in private and public sectors. Yet, far less is known about the actual operations of the giant corporations than any other institution in America, including the national security agencies.

The diverse impacts of corporate actions on citizens, however, are being felt and described in their torment. These impacts are not catalogued in company annual reports whose style of aggregate, numerical evaluation of *company* gains and losses has been mirrored by similarly parochial governmental and scholarly assessments. Instead, corporate imprints are reflecting themselves in growing violence to our air, water and soil environments, in imbalancedl consumer and producer technologies that harm their users and dehumanize their operators, in the colossal waste and depreciation of consumer goods and services and in the moloch-like devouring of a society's resources to the detriment of sane and humane allocation of these resources to meet the needs of all the people by superior distribution and innovation. In other negative ways—through the power of avoidance—corporate power centers can condition or determine whether other forces will unjustly prevail over the expression of weaker but more legitimate interests in peace and justice.

For most citizens there can be no rejection of nor escape from the corporate embrace. There can only be submission or control in varying degrees. The choice is between increasing predation or increasing accountability of corporate power to the people. As a bureaucratic structure, the corporation is here to stay and whether it comes in private, public, utility or Comsat-type dress is less important than the dynamic relationship with its total constituency. The paramount foci should include the establishment of enduring *access* to corporate information, effective *voice* for affected social and individual interests, and thorough *remedy* against unjust treatment.

Throughout the past century, the major forms of curbing the excesses of corporate power have been external pressures and stimuli from government and labor. As confronting organizations, however, government and labor groups did not possess the stamina, motivation and generic nourishment that the corporation displayed to keep its opponents at bay or accommodate their vulnerabilities. While overcoming the regulatory state and adjusting to the narrow goals of organized labor, the modern corporation increased its direct power, and, through an imbalanced use of complex technology, its indirect power over citizens. Now mere inaction, mere forebearance, can wreak havoc on the health, safety and well-being of people.

The corporate quest for control of its operating environment has led industry and commerce to narrow or virtually eliminate the range of quality competition in contrast to non-price and/or trivia-indentured competition. The same quest has led to endemic violations of antitrust and other economic laws and produced greater and greater concentrations of corporate power. The intricate evolution of the legal structure of the corporation permits the increasing exercise of personal power accompanied by institutional, not personal, responsibility at the most. The corporate shield absorbs the rare enforcement of the law, not the official(s) whose decisions or negligence led to the violation. In addition, the ownership and management of the corporation have become separated and the ease of even the largest investors in exiting reduces any remaining incentives for owners to exercise voice and guide or discipline management. Clearly the gap between corporate performance and corporate responsibility is steadily enlarged by these aforementioned patterns. Just as clearly, a new definition of the corporation's constituency and its activation is needed.

With its massive size and pervasiveness, General Motors is a leading candidate for the attentions of its assertive constituency—consumers, labor, dealers, suppliers, insurance companies and all citizens who experience the forced consumption of its air pollution and other environmental spillages. Nearly a million and a half of these citizens and institutions are shareholders in the company. In theory they own the company; in fact they have about the same rights as the owner of company debentures. The procedures, the information, the organization, the manpower and the funds are management's to deploy. But the fiction of shareholder democracy continues to plague the reality. By highlighting the fiction a new reality can be borne that will tame the corporate tiger.

And verily, a tiger is General Motors. By virtue of the engines it produces and the plants it operates, the company contributes about 35% of the nation's air pollution by tonnage. Its *hourly* average gross, around the clock, of $2.4 million has not discouraged the company from spending last year less than $15 million on research and development for less polluting engines. Grossing more than any single governmental budget, except that of the USA and the USSR, GM, with its 1969 gross of some $24 billion, still cannot find the will to build the greatly safer automobiles that can be built economically by free engineers.

The company continues to lead the way in designs that pile up enormous and avoidable property damage in low speed (under 10 mph) collisions and increase its aftermarket replacement sales as a result. The company is a charter member of the highway lobby that has opposed successfully the development of mass transit systems and pushed highways through cities and suburbs in the most indiscriminate manner of land use planning. The market power that is synonymous with GM has propelled the industry toward attenuated competition or collusion over design and marketing practices. Innovation has been creatively stayed to the consumer's harm and economic detriment. GM's huge financing arm, General Motors Acceptance Corporation, according to Congressional testimony, engages in deceptive, usurious and exploitive practices in its service to the parent corporation. Secrecy, obfuscation and contracts of adhesion characterize the techniques used to render consumers impotent in remedy for their complaints. These are only the surface references to GM's imprint but they suggest a ferocity of acquisitiveness which could render an optimist euphoric at the prospect of transforming such motivational velocities *for* man instead of *against* man.

What is emerging from closer study of companies such as General Motors is that the most intractable obstacles to change *for* man are not technical at all but are more often associated with rigidities of a bureaucratic and personal nature rather than an economic incapacity or loss. The half century of delay in installing a collapsible steering column was quite probably due to the vested interest of an authoritarian psychology than to the more conventionally adduced reasons. When the decision was made for the 1967 model cars that the collapsible steering column was "in", it was finally decided that in any collision between man and column, prudence dictated that the column should give, not the man's rib cage. This microcosmic episode illustrates the enormous power in the hands of those who decide manufacturing priorities and product designs (the ramrodding steering column is estimated to have fatally injured over 200,000 Americans since 1900). They need assistance in making such decisions along the entire continuum of impacts on people. A few years ago, the company produced many advertisements with the headline "GM IS PEOPLE". It is time to amend the caption to "GM IS FOR PEOPLE." In addition, GM is continually violating laws, including air pollution and safety laws, and it is time for shareholders to voice their concern here. For as has been said, shareholders are harmed as consumers and citizens by the very activities that they own in part.

Campaign GM will appeal to the nearly million and a half shareholders of the company. It will appeal to these shareholders as citizens and consumers, victims of air and water pollution, congested and inefficient transportation and rocketing repair bills for shoddy workmanship.

I am informed that a new organization called the Project on Corporate Responsibility, record holder presently of 12 shares of GM stock, is mailing to its company three shareholder resolutions with the request that they be included in the proxy statement to be sent by GM to its shareholders in April, preparatory for the annual meeting in Detroit on May 22, 1970.

The first of these resolutions proposes an amendment to GM's charter which would limit the business purposes of the corporation to those purposes which are not detrimental to the public health, safety and welfare.

The second resolution proposes that a shareholders' committee for corporate responsibility be established. This committee, to be appointed jointly by representatives from GM, the campaign committee and the United Auto Workers, would prepare a study on the corporate impact of GM on its workers, the environment, transport safety and efficiency and the public welfare. It will recommend new priorities for the corporation to pursue. The committee will render a report to the shareholders in time for shareholder action at the next meeting. To permit such a task to be accomplished, the committee would have access to all of GM's files.

The third resolution proposes to amend the bylaws of the corporation to increase the size of the Board of Directors from 24 to 27 members. The purpose of this action, as explained in the statement supporting the resolution, would be to make room on the Board for three representatives of the public without displacing anyone now on the Board of Directors.

Three knowledgeable and public-spirited citizens have agreed to stand for election as public representatives on the Board. They are Professor Rene Dubos, Miss Betty Furness and the Rev. Channing Phillips. Their achievements are outlined briefly in the accompanying attachments. The assumption to the Board of these three Americans and the adoption of the aforementioned resolutions will go a long way toward making the days of GM executives less daily and less inimical to the short and long run public interest.

This campaign will seek to win public and shareholder support for these resolutions and candidates. The drive will be run by the Campaign to Make GM Responsible Committee, a Washington based organization with four coordinators—Philip Moore, executive secretary, Geoffrey Cowan, Joseph N. Onek and John C. Esposito. The coordinators will undertake a nationwide effort to raise many of the issues relating to the public impact of GM's private decisionmaking.

A basic thrust of the campaign will be alerting and informing the public about their omnipresent neighbor—General Motors—and how it behaves. It will ask citizens to make their views known to both shareholders and management. It will go to institutions that own GM stocks and, if they decline to respond, the constituents of those institutions will be contacted. The campaign will reach to the Universities and their students and faculty, to the banks and their depositors and fiduciaries, to churches and their congregations, to insurance companies and their policyholders, to union and company pension funds and their membership and to other investors. Not only is everyone affected by General Motors, whether a car owner or not, but almost everyone could exert some influence on some aspect of the company's operations. The totality of such influence may be productive of a sustained momentum. At its annual meeting on May 22, 1970, GM may be the host for a great public debate on the giant corporation rather than a wooden fecital of aggregate financial data. Putting the people back into People's Capitalism, as the New York Stock Exchange once phrased it before small investors were desired to go out of style, is no easy task. But then it was for any period in our history. Increasingly the looming issue is that the choices no longer include the luxury of deferral. Rather they demand the urgency of unyielding reform.

PROJECT ON
CORPORATE RESPONSIBILITY,
Washington, D.C., February 6, 1970.
Mr. EDWARD B. WALLACE,
Secretary, General Motors Corp.,
New York, N.Y.

DEAR SIR: The Project on Corporate Responsibility (The Project) is a record owner of twelve shares of General Motors stock. The project is a newly formed organization which will explore methods by which corporations can be made more responsive to public and social needs. Both as shareholders and as members of the public, we have been concerned about the myriad ways in which General Motors' decisions affect the lives of virtually all Americans—in areas ranging from auto safety to repair bills, environmental pollution, minority employment, and worker health and safety.

Too many of General Motors' past corporate decisions have been made with eyes fixed on their short range profitability rather than their social effects. For this reason we urge that the corporate charter be amended to underline a principle which we wish management had treated as self-evident: that the Corporation should undertake no activity which is inconsistent with the public interest.

We also recommend that the Board of Directors be increased by three to permit new members to join the Board to insist that the Board take account of the many social consequences of its corporate decisions.

Finally, we recommend that the Corporation finance an independent committee to study past decisions of General Motors and to recommend appropriate structural changes and substantive goals for the future. The Committee would submit a full report to the shareholders before our 1971 shareholders meeting.

Of course, it is the shareholders, of whom the Project and management are only a small part, who, according to corporate law, should vote on these and other matters concerning the Corporation. Thus, the Project encloses three proposals which we intend to present for action at the next annual shareholders meeting in Detroit on May 22, 1970. We are sure that you will share our view that the proposals are proper matters of shareholder concern and we trust that you will include these proposals in the proxy materials which you send to us and our fellow shareholders.

Should management oppose the proposals, we would expect you to include the enclosed statements in support of these resolutions as is required by law.

Thanking you in advance for your cooperation, I am

Sincerely,

GEOFFREY COWAN,
(For the Board of Directors).

PROJECT ON CORPORATE RESPONSIBILITY

Resolved: That the Board of Directors amend Article Third Subsection (1) of the Certificate of Incorporation by adding the following language: provided that none of the purposes enumerated in subsections (a) through (1) of Article Third shall be implemented in a manner which is detrimental to the health, safety or welfare of the citizens of the United States, or in a manner which violates any laws of the U.S. or of any state in which the Corporation does business.

STATEMENT IN SUPPORT OF CHARTER AMENDMENT

The purpose of this resolution is to put the Corporation on record as limiting its business purposes only to those purposes which are consistent with the health and safety of consumers and citizens. Too often, General Motors has manufactured products which are unsafe, unhealthy, and unreliable. The sponsors believe that rather than fighting laws regulating General Motors products, or seeking loopholes in existing laws, the Corporation should take the initiative in creating products that are fully consistent with the health and safety of its consumers, and of the nation as a whole.

BY-LAWS

Resolved:

That Number 15 of the By-Laws of the Corporation be amended to read as follows:

15. The business of the Corporation shall be managed by a board of twenty-seven members.

STATEMENT IN SUPPORT OF AMENDING BY-LAWS

This amendment will expand the number of directors to enable representatives of the public to sit on the Board of Directors without replacing any of the current nominees of management. The proponents of this amendment believe that adding representatives of the public to the Board is one method to insure that the Corporation will consider the impact of its decisions on important public issues, including auto safety, pollution, repairs, mass transportation and equal employment opportunities.

RESOLUTION

Whereas the shareholders of General Motors are concerned that the present policies and priorities pursued by the management have failed to take into account the possible adverse social impact of the Corporation's activities, it is

Resolved that:

1. There be established the General Motors Shareholders Committee for Corporate Responsibility.

2. The Committee for Corporate Responsibility shall consist of no less than fifteen and no more than twenty-five persons, to be appointed by a representative of the Board of Directors, a representative of the Campaign to Make General Motors Responsible, and a representative of United Auto Workers, acting by majority vote. The members of the Committee for Corporate Responsibility shall be chosen to represent the following: General Motors management, the United Auto Workers, environmental and conservation groups, consumers, the academic community, civil rights organizations, labor, the scientific community, religious and social service organizations, and small shareholders.

3. The Committee for Corporate Responsibility shall prepare a report and make recommendations to the shareholders with respect to the role of the corporation in modern society and how to achieve a proper balance between the rights and interest of shareholders, employees, consumers and the general public. The Committee shall specifically examine, among other things:

A. The Corporation's past and present efforts to produce an automobile which:

(1) is non-polluting

(2) reduces the potentiality for accidents

(3) reduces personal injury resulting from accidents

(4) reduces property damage resulting from accidents

(5) reduces the costs of repair and maintenance whether from accidents or extended use.

B. The extent to which the Corporation's policies towards suppliers, employees, consumers and dealers are contributing to the goals of providing safe and reliable products.

C. The extent to which the Corporation's past and present efforts have contributed to a sound national transportation policy and an effective low cost mass transportation system.

D. The manner in which the Corporation has used its vast economic power to contribute to the social welfare of the nation.

E. The manner by which the participation of diverse sectors of society in corporate decision-making can be increased including nomination and electon of directors and selection of members of the committees of the Board of Directors.

4. The Committee's report shall be distributed to the shareholders and to the public no later than March 31, 1971. The Committee shall be authorized to employ staff members in the performance of its duties. The Board of Directors shall appropriate to the Committee all sums necessary to accomplish its tasks, including compensation to its members and staff. The Committee shall have the power to obtain any information from the Corporation and its employees as deemed relevant by the Committee.

STATEMENT IN SUPPORT OF RESOLUTION ON COMMITTEE

The purpose of this resolution is to enable shareholders to assess the public impact of the Corporation's decisions, and to determine the proper role of the Corporation in society. Past efforts by men such as Ralph Nader to raise these issues have been frustrated by the refusal of management to make its files and records available either to the shareholders or the public. Only a committee representing a broad segment of the public with adequate resources and access to information can prepare a report which will accomplish these objectives.

CAMPAIGN GM

The Campaign to Make General Motors Responsible is a national campaign to generate public and shareholder support for proposals, such as those submitted today by the Project on Corporate Responsibility, which best reflect our concern that General Motors must be responsive to issues of basic public importance. Campaign GM will take these proposals, together with the candidacies of Betty Furness, Channing Phillips and Rene Dubos to the shareholders directly, the constituencies of institutions that own General Motors stock, and to the public at large.

We will ask the shareholders to support the proposals at the annual meeting on May 22 in Detroit. We will ask constituencies of institutions to urge those institutions to support these proposals. And we will ask the public at large to impress on General Motors management and shareholders the importance of these proposals.

Campaign GM will be coordinated by a committee of four people with the assistance of staff and volunteers. The four coordinators are Philip Moore, Executive Secretary, Geoffrey Cowan, Joseph Onek, and John Esposito.

Philip W. Moore, Coordinator, graduated from Harvard in 1964 and the University of Chicago Law School in 1967; was an attorney with the La Salle Street firm, Devoe, Shader, Mikva and Plotkin, in Chicago. He served as Executive Director of ACLU convention litigation project and has spent the last year as staff counsel to Businessmen for the Public Interest. He is also staff counsel to the Project for Corporate Responsibility.

Geoffrey Cowan, Coordinator, is a graduate of Harvard, 1964, and Yale law School. 1968; He served as Legislative Assistant to Congressman William F. Ryan, (D-N.Y.); worked on the McCarthy for President campaign in 1968 and was then Associate Director of the Hughes Commission on the Democratic Selection of Presidential Nominees. He is currently on the legal staff of the Center for Law and Social Policy and is the *Village Voice* Washington columnist. He is a Director of the Project on Corporate Responsibility.

Joseph N. Onek, Coordinator, graduate of Harvard, 1962, attended the London School of Economics in 1962-64, and graduated from Yale Law School in 1967. He clerked for Chief Judge Bazelon of the U.S. Court of Appeals for the D.C. Circuit and for Mr. Justice Brennan of the U.S. Supreme Court.

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He is presently assistant counsel for the Senate Subcommittee on Administrative Practice and Procedure.

John Esposito, Coordinator, received a B.A. from Long Island University in 1963, an M.A. in government from Rutgers University and graduated from Harvard Law School in 1967. An attorney in Washington, D.C., he has studied consumer and regulatory matters for the last two years.

Mrs. Susan Weiss Gross, Press Secretary, graduated from Mount Holyoke in 1962 and did graduate work in political science at Columbia University. She worked for pollster Louis Harris, was the principal assistant to Samuel Lubell, and was a reporter for BNA publications.

Joel Kramer, Director of Research, was president of the *Harvard Crimson* in 1968 and graduated from Harvard College in 1969. He has been a reporter for *Science* and *Newsday*.

Radine Fernandez, Administrative Assistant, is a graduate of Douglass College (Rutgers U.), 1968, and is doing graduate work in American studies at George Washington University. She has worked for Stanley Sheinbaum, economist with the Center for the study for Democratic Institutions, in Santa Barbara, California, and was on the staff of Congressman Frank E. Evans (D-Colo.) for the past year.

Donald E. Schwartz, counsel for the Campaign GM Committee, is Professor of Law at the Georgetown University Law Center. He graduated from Union College, 1952, from Harvard Law in 1955 and received an LLM in Tax Law from New York University in 1966. He worked for the Securities and Exchange Commission and for a mutual fund. He practiced law with the Wall Street firm of Hill, Betts, Yamaoka, Freehill and Longcope, and has been a professor of corporate law at Georgetown University since 1966.

BIOGRAPHICAL SKETCHES ON CANDIDATES

Betty Furness

Betty Furness was President Lyndon B. Johnson's Special Assistant for Consumer Affairs from 1967 to 1969. She also served as Chairman of the President's Committee on Consumer Interests and as Executive Secretary of the Consumer Advisory Council.

Miss Furness is currently consumer affairs columnist for *McCall's* Magazine.

Rene Dubos

Rene Dubos, one of America's most distinguished biologists, studied at Rutgers University, the University of Rochester and Harvard.

Except for a brief stint as the George Fabyan Professor of Comparative Pathology at the Harvard Medical School, Mr. Dubos has been on the faculty of the Rockefeller University (formerly the Rockefeller Institute of Medical Research) since 1927. The recipient of numerous scientific awards including the Lasker Award in Public Health, he is presently on President Nixon's Citizens' Advisory Committee on Environmental Quality.

His books include *Louis Pasteur—Free Lance of Science, Mirage of Health,* and *So Human an Animal* which won him the Pulitzer Prize Award in 1969.

Channing Phillips

Channing Phillips graduated from Virginia Union University and received his B.D. from Colgate Seminary in Rochester, N.Y. He was awarded a fellowship to Drew University and has taught at both Howard University and American University in Washington, D.C.

For the past four years Reverend Phillips has been President of the D.C. Housing and Development Corporation. In 1968 he was nominated for President at the Democratic National Convention and he is presently the Democratic National Committeeman from the District of Columbia.

THE LACK OF REVERENCE FOR NATURE

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. COHELAN. Mr. Speaker, I submit for the attention of my colleagues an article of current interest by Colman McCarthy of the Washington Post on environmental pollution. Mr. McCarthy brings up a point all of us should consider in our efforts to attack this problem of pollution which is implicit in the title of his essay, "The Lack of Reverence for Nature".

To quote Mr. McCarthy:

> The one thing needed to recover and preserve the American environment is exactly the one thing money, programs, and Presidents cannot instantly effect among the people: a reverence for the earth.

I think this is a valid point and perhaps the crux of the entire environmental crisis problem. It is something we should think about as legislators, as we try to deal with this problem. And it is something we should bring to the attention of our constituents. Because the only solution to this critical problem will be found in the close working together of the executive and the legislative with the people of this country.

The article follows:

THE LACK OF REVERENCE FOR NATURE

(By Colman McCarthy)

Politicians and businessmen, often the last to prevent a disaster but the first to squirm when it comes, are predictably raising their voices and their dollars on the crisis of pollution control. That many use the word "control" is itself a hearty mock of Nature, as if nothing is wrong with polluting the air, land and water, so long as we "control" it. Hardly a syllable is uttered about elimination, perhaps in stiff fear that if America eliminates pollution who knows what else might go—perhaps the happy twosome of progress and profits.

Thomas Merton, the late Trappist priest who spent 25 years in the Kentucky hills seeking union with God and harmony with Nature, wrote shortly before his death a moving essay on the environment called "The Wild Places." Merton believed that the "tragedy revealed in the ecological shambles created by business and war is a tragedy of ambivalence, aggression and fear cloaked in virtuous ideas and justified by pseudo-Christian cliches . . . An examination of our social, economic and political history in the last hundred years would be a moral nightmare, redeemed only by a few gestures of good will on the part of those who obscurely realize that there *is* a problem. Yet compared to the magnitude of the problem, their efforts are at best pitiful; and what is more, the same gestures are made with great earnestness by the very people who continue to ravage, destroy and pollute the country. They honor the wilderness myth while they proceed to destroy nature."

In peeling the pollution onion to its eye, it is not really enough that we are going to spend billions on anti-pollution programs, or that polluters are being hauled into court, or that Mr. Nixon is sponsoring road shows to express his alarm. The one thing needed to recover and preserve the American environment is exactly the one thing money, programs and Presidents cannot instantly effect among the people: a reverence for the earth. This reverence, in its simplest form, means paying fair homage to the soil, the winds, the waters and honoring the very spirit of their places. In the balance of ecology, wrote American naturalist Aldo Leopold, "a thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise."

One reason the American environment is now a septic tank is that we have never considered ourselves in union with the biotic community. Arrogantly, we have chosen not to be a partner but a master, always goaded to greater horrors by one ethic; what good is Nature if it can't be transformed into wealth? Many believe that our ecologic depravity comes from the Bible—an over-emphasis of the notion in the first chapter of Genesis that man was meant by God to have dominion over all living things. When the Puritans, with their love of literality, came to the North American continent, they took it as their Christian duty to fight and tame the wilderness. That was "God's work." The Bible- and ax-carrying pioneers followed, and the nation needed only 200 years combat duty with Nature to subdue it with asphalt, chemicals and atmospheric mud.

Part of the taming of the wilderness was a legitimate struggle for existence; the trouble came when the early American tiller of the soil and feller of trees saw nothing wrong with taking a little extra food from Nature, just to make the next struggle easier. This was labelled progress, and if anyone argued, he could be refuted by Genesis I and the growing GNP: the Almighty God and almighty dollar.

Since the time when the first trees were needlessly cut by an early American settler, the overkill mentality has prevailed. It became a habit of mind, a destructive urge so deeply subconscious that even now the politicians and businessmen are easily conning the public that the environment can be saved with just money, programs and patience. Few dare say that pollution is in our national blood, a part of our mood and a basic to our economy, and until we get it out of all three—completely out—our country is doomed. Doomism is not popular among a people who have convinced themselves they can do anything; but eventually the unrevered earth will begin returning to us exactly what we have been giving to it: cruelty and poison.

Assuming for a moment, a wild one, that this country could miraculously regain its senses, what would reverence for the earth involve? A recent talk by Dr. Rene Dubos at the Smithsonian Institution supplies an important part of the answer. Insisting that Nature can be used, without being exploited, by means of "creative intervention," Dubos cited practices of the 12th century brothers and priests of the Cistercian order. With only their muscles and reverence for their land, they used ecological concepts which are as relevant to modern times as the latest ideas of a Fuller or a Doxiades.

"The Cistercians," said Dubos, "established their monasteries in the lowlands and swamps; consequently, they had to learn to drain the land, and therefore they learned to use water power. And, through these technological practices, they converted areas of swamps and forests—that were not habitable because of the prevalence of malaria—into wonderful fertile land which now makes up much of Europe's countryside.

"The achievements of the Cistercians serves to illustrate another aspect of modern ecologic philosophy . . . The swamps in which they established their monasteries were unfit for human life because of insects and malaria. But monastic labor, skill and intelligence converted these dismal swamps into productive agricultural areas, many of which have become centers for civilization. They demonstrate that transforming of the land, when intelligently carried out, is not destructive but, instead can be a creative art."

As an example of modern creative intervention—there are a few, incredibly—Dubos praised the stretch of the Taconic State Parkway above New York City. "This is a product of technology which has transformed nature while still respecting her character. I think the Taconic Parkway is a kind of creation which in some ways is the equivalent of the medieval cathedrals."

Another important statement on reverence for the earth is the book, "Design With Nature," by Ian McHarg (Natural History Press, Garden City, New York). McHarg, a landscape architect, goes beyond melancholy and dismay over the anti-nature crimes.

In great, but readable, detail, McHarg outlines ecological plans for the Potomac River Basin, the Green Spring and Worthington Valleys above Baltimore, Staten Island, the New Jersey shore and the Philadelphia airshed.

Man is only a recent visitor to the planet earth. Compared to the billions of years that the primordial forces worked in silence in the vast canyons of cosmic space, he has been here only an infinitesimal moment. The prospect that he will pollute his species back to oblivion is a huge tragedy, but perhaps it is only part of a cycle, a ripple in the contour of evolution, part of the pilgrimage of living things that began with cells and plants and only lately has included man.

The philosopher Whitehead saw the earth as "a second-rate planet revolving around a second-rate sun." Despite this, the earth has been a gracious host for the few moments its most recent visitor—man—has been here. But it has never guaranteed this species a permanent place; and because man is doing what no other species has ever done—quarreling with Nature—it appears that his presence on earth will be nothing more than a brief guest appearance.

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GREEK REGIME IN HISTORICAL FOCUS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. DERWINSKI. Mr. Speaker, in view of the well-organized attacks to which the Government of Greece is subject, I feel that the column by William F. Buckley, Jr., in the Wednesday, February 18, Washington Evening Star sheds an interesting light on the internal situation in that country.

In addition, I would like to emphasize that the Greek Government is meeting its NATO obligations, cooperating fully with the United States and Turkey in maintaining calm in Cyprus and is also extending the fullest possible linguistic cooperation with the U.S. 6th Fleet and our military forces in the Mediterranean.

The article sets its case well and it is entitled to objective reading:

GREEK REGIME IN HISTORICAL FOCUS

I remember Robert Murphy telling me about having been sent to the Dominican Republic by President Kennedy to investigate various charges that had settled down around Trujillo after the dynasty was finally overthrown. He was taken to one large castle-type villa outside the city.

"Here," his guide said, "is where a colonel or a general or a politician suspected of disloyalty would be invited to dinner by young Ramfis Trujillo. He would be royally wined, fed, and flattered,"—the guide walked Murphy around the spacious dining room—"and then he would be led down these—watch your step—steep narrow stairs to (clank clank) this chamber"—the guide opened a huge door into a deep freeze storage room girded with meat hooks—"and then two men would materialize, grab the dinner guest, and suspend him alive on the meathooks. Ramfis would then close the door, and go back upstairs for a cigar and brandy."

"Great God," I gasped, "is that true?" "No," said Murphy. "Not one solitary word of it turned out to be true. It was all made up by Trujillo's enemies."

Libre Belgique is the most influential daily newspaper in Brussels. A few weeks ago, it dispatched an enterprising reporter with instructions to get through to Nicolas Vardikos, former head of the Greek electricians' union, and a supporter of the late George Papandreou.

The ordeal of Nicolas Vardikos was high in the register of complaints posted by Amnesty International to the Council of Europe which resulted in the expulsion of Greece.

According to the report, Vardikos was arrested April 23, 1967, the day after the colonels' coup, beaten brutally, wounded in the head by being thrown against a wall; had two teeth broken; was beaten all over the body with iron rods and for hours on the soles of the feet; had his head squeezed in a vise; was covered with wounds.

To the astonishment of the Belgian correspondent, Vardikos told him: "None of it is true. I was never arrested, never mistreated, never tortured."

Libre Belgique reproduces this sentence handwritten and signed, dated Nov. 12, 1969.

Vardikos then told in detail the story of his relation to the regime and the events since his exile. He explained how Greek emigres in Britain had tricked him into signing what he understood was an appeal for a general amnesty but turned out to be a statement that he had been tortured.

He told also how in Sweden, Andreas Papandreou had tried to get him to join a Communist-controlled trade union and to deliver speeches making accusations he knew to be false against the colonels.

"Why have you given us this information?" Libre Belgique finally asked.

Vardikos answered "Because this whole struggle against Greece is being directed by the Communists. Also because I saw at first hand the corruption of the Greek politicians who have gone abroad."

Strange, how little publicity this statement has received. I have seen it only in the National Review Bulletin. Certainly it has not appeared on the cover of Look magazine, which practically serializes Greek torture stories. On the other hand, let's face it, it is more exciting to read about tortures committed than tortures uncommitted.

To say that the Greek colonels are not guilty of systematic torture is not of course, to say that therefore the Greek colonels' regime is justified.

C. L. Sulzberger writes, as ever intelligently, in the current Foreign Affairs that he does not "believe that torture is official policy" in Greece, "altough gendarmes and especially Ioannidis' military police have sometimes been ruthlessly brutal."

And he puts the Greek situation in historical focus. "The current fashion," he writes, "is to decry the military coup as a rape of democracy. Indeed it was: but democary in Greece is no virgin. There had already been eight military revolutions or coups d'etat since World War I." And two civil wars.

"Democracy" was invented in Greece all right, and is a Greek word. But one should not forget, Sulzberger reminds us, that so are the words "anarchy," "tyranny," despotism" and—above all—"chaos."

Col. Papadopoulous emerges more and more clearly as an old-fashioned military despot—who is in absolutely no rush at all to implement his much-vaunted Constitution. But it helps a little bit to know that he is not taking his guests down to the deep freeze at night.

AMERICAN TAXES USED TO HONOR LENIN—UNO BUREAUCRATS RESPONSIBLE TO NO ONE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. RARICK. Mr. Speaker, most of us have heard from the people at home—the majority which is becoming increasingly less and less silent. One of the messages which they are sending loud and clear has to do with taxes, and with the shameless waste and theft of their hard earned money.

I call to the attention of Members that a portion of the money which we have appropriated—part of the more than $20 million which our taxpayers have been forced to contribute to UNESCO, one of the arms of the U.N. Organization—will be used this year to honor the bloody Bolshevik Lenin as a "humanistic" educator.

See my remarks in the CONGRESSIONAL RECORD, volume 115, part 10, page 13440.

In view of the recent arrest of a Soviet U.N.O. bureaucrat for espionage on the west coast, I further call to the attention of the House the double freedom from any control over such people, which is an apparently unexpected result of the application of the doctrine of diplomatic immunity by this country and the application by the international organization of its own doctrine of freedom from any government control over its U.N.O. bureaucrats. See article 100.

I include pertinent newsclippings in my remarks:

[From the Chicago (Ill.) Tribune,
Feb. 21, 1970]

U.S. TO HELP U.N. HONOR LENIN

(By Willard Edwards)

WASHINGTON, February 20.—This nation, because of its membership in the United Nations, has been led down some strange paths and forced to assist in the financing of activities repellent to American ideals.

Some kind of a climax will be achieved Sunday, however, on the 100th anniversary of the birth of Vladimir Ilvich Ulyanov, born April 22, 1870. He is better known as Lenin, the founder of bolshevik communism and father-god of the soviet empire.

American taxpayers, whether they like it or not, will help to defray the costs of a symposium in honor of Lenin's memory conducted under the auspices of the United Nations education, scientific and cultural organization (UNESCO).

Even the state department found this a mockery, and the United States delegation vigorously opposed the proposal when it was put forward in the fall of 1968 by Russia. It was outvoted, however, 48 to 7, with 21 abstentions and 47 absentees.

The United States was embarrassed by this Russian propaganda coup, because it had initiated the celebration by UNESCO and other U.N. agencies of 1970 as International Education year. Now it was taken aback by the inclusion of "Lenin and the development of science, culture, and education" as a theme to be explored in a symposium.

George Orwell, some of whose prophecies in "1984" are approaching reality long in advance of that year, would have been enchanted by the selection of Lenin as an educational figure to be deified by a world organization established to maintain international peace and security.

The record of Lenin's words and actions makes clear his contempt of education as a force for serious social change. He believed firmly that violence was the only solution to world problems: "Not a single problem of the class struggle has ever been solved in history except by violence."

He created the "dictatorship of the proletariat," and it was based on power, not on laws or elections. In praise and encouragement of terror, he was second to none. A lawyer by education, he was completely blind to law as an instrument of social organization.

The symposium, to be held some time this year, will require talented participants to adjust these recorded views of Lenin with "the development of science, culture and education." Even UNESCO, it is suggested, will be hard put to produce salutes to Lenin as an educator.

In a letter to the state department, Sen. George Murphy (R., Cal.) asked for an explanation of American participation in, and financing of, this grotesque event.

The reply from Assistant Secretary H. G. Torbert Jr. confessed American discomfiture about the symposium. Lenin, he conceded "was not the kind of personality preeminent in education, science, and culture whom UNESCO might appropriately commemorate." He was, in fact, "a political figure whose concepts are irreconcilable with American ideals of freedom and liberty."

But, Murphy was asked, why get disturbed? The cost of the symposium was only $8,000, a small item in comparison with the regular UNESCO budget of 77.4 millions for 1969–70. The United States pays 30 per cent of the cost of UNESCO operations.

Most U.N. delegates, Torbert said, "considered the symposium to be a relatively insignificant activity which would present no real problems."

Whether it cost $8,000 or 8 cents, Murphy commented, he thought American taxpayers would resent this use of their money. They would not agree that honoring an apostle of terror lacked significance.

[From the Washington Post, Feb. 23, 1970]

REDS PUT PRESSURE ON THEIR EMPLOYEES IN U.N.

(By Robert H. Estabrook)

UNITED NATIONS, February 22.—The U.N. Staff Council representing the 3,600 international civil servants here is considering how to dissuade governments from bringing pressure on their citizens in the secretariat.

At stake are allegations that one Communist mission has subjected civil servants to "evaluations" of their work, as well as the practice of two Communist countries of requiring their nationals in the United Nations to turn over part of their salaries to the government.

A Czechoslovak former member of the secretariat, whose contract was not renewed after objections by the Czechoslovak mission, brought the issue to the attention of the 41-member Staff Council. He is now employed in private industry in New York.

REFUSED TO KICKBACK

He asserted that he had been given a form showing that he was expected to give back part of his $14,000 U.N. salary and that on several occasions his work was "evaluated" by the Czechoslovak mission. His refusal to pay the kickback supposedly was a factor in the opposition of the mission to renewal of his U.N. contract.

Eastern European sources explain that both the Soviet Union and Czechoslovakia have required the contributions so as to bring the income of their citizens in the secretariat in line with that paid their diplomats of comparable grade.

Although the Czechoslovak requirement reportedly was suspended in response to protests about two weeks before the Soviet invasion in 1968, the government is said to be planning to reinstate it.

After receiving the allegations, the Staff Council appointed a five-man committee to investigate. This in turn produced both a majority and a minority report, neither of which has yet been approved.

THE TWO VIEWS

The majority view, signed by employes from the Soviet Union, Pakistan and Argentina, recommended that the case be dropped in the absence of actual evidence of mission interference with the work of civil servants.

The minority report, signed by staff members from the United States and India, called for a more careful review of the particular complaint.

The result has been the drafting of a resolution now before the council calling upon the U.N. to protect employes and establishing a committee to receive complaints. It reminds employes of their obligation neither to seek nor to accept instructions from any national government.

Article 100 of the United Nations Charter enshrines this obligation. In it each member-government also undertakes not to attempt to influence members of the international secretariat.

WASHINGTON EVENING STAR WARNS OF POLLUTION SHELL GAME

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the Washington Evening Star in a recent editorial vigorously denounced the administration's fast shuffle of funds appropriated by the Congress to combat water pollution through matching grants to State and local governments.

Before some officials of the administration seemed to discover pollution this year, the budget request last year for this important program was a minimal $214 million. The Congress, aware of the seriousness of the problem, raised this amount to $800 million. The administration later proposed a $10 billion 5-year program to combat water pollution with the Federal share being $4 billion and the State and local share $6 billion—which amounts to a recommended Federal share of $800 million a year.

The Evening Star points out that, although the $800 million which Congress appropriated for this year was to go as matching funds to the States to finance the Federal share for sewage treatment expenditures undertaken at the behest and urging of the Federal Government, the administration is now putting at the bottom of the list those States which had the initiative to move ahead with this program.

Because of the interest of my colleagues and the American people in this most important matter, I herewith place the Evening Star editorial in the RECORD.

The editorial follows:

NOW YOU SEE IT

A while back, we had some words of praise for the Nixon administration's decision to release $800 million in federal clean-water funds. The money—or so we thought—was to go as matching funds to the states in partial repayment for sewage treatment expenditures undertaken at the urging of the federal government.

This was, it seemed, a belated acknowledgement of the federal obligation to the states, as spelled out under the Clean Water Act of 1965. But things are not, as the saying goes, always as they seem. Not when the administration spokesmen start rewriting the script.

That $800 million, according to the new official line, will not actually go to paying the states back for those projects that have already been completed. To qualify for a cut of it, the states must undertake new projects before June. Anything left over after the new projects are paid off will be available to pay off the old debts. This, the federal spokesmen explain, they are entitled to do because of some vague wording in the 1965 act.

At least that's what the administration seems to be saying.

If that indeed is the new plan, it is highly dubious environmentmanship. What it does, in effect, is to penalize those states that took the federal government at its word, and reward those that have dragged their heels. It may save a buck for the administration during fiscal 1970. But it will also make the states justifiably reluctant to pick up the tab for any future anti-pollution programs based on a vague promise of future repayment from a proven welcher.

It is entirely possible that some other explanation of what is happening to the $800 million will be forthcoming. Perhaps we are still wrong in our understanding of federal intentions. Considering the confused explanations that have come out so far, we feel no obligation to apologize for any uncertainty.

We are, however, tired of trying to follow the $800-million pea while the shells are shifted by a battery of federal pitchmen.

Maryland's governor, Marvin Mandel, displayed a healthy skepticism when he was told of the federal decision to release the matching funds. With a caution born of months of fruitless pleading with Washington to cough up the $13.4 million that his state was owed, he pointed out that promises of payment were an old story and that he would believe that the money was coming when it arrived.

The federal government is about to undertake a $10 billion clean water program, promising to match $6 billion in state expenditures with $4 billion in federal funds. State governments can be expected to take note of Washington's low credibility rating and to examine the wording of any new bills for fine-print escape clauses. They should hesitate, before plunging ahead with costly plans, until they are certain that the federal obligation is something more than a contract written on the water.

THE 52D ANNIVERSARY OF ESTONIAN INDEPENDENCE

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. LUKENS. Mr. Speaker, I wish to extend my good wishes to those freedom loving people of Estonia, and their relatives and descendants in the free

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world on this their 52d anniversary of independence.

Estonia, as the other captive nations, had a short-lived independence. The Soviet Union occupied Estonia during World War II and to this day have not withdrawn.

I am proud of the fact that the United States continues to recognize Estonian diplomatic representatives and has never recognized the forcible incorporation of Estonia into the territory of the Soviet Union.

Estonia is another example of Communist aggression and the inability of communism to permit individual freedom and self-determination.

My heart goes to these people who know first hand the value of freedom and who still today entertain the hope to regain this freedom and independence which was stolen from them.

UNAMERICAN ACTIVITIES ON CAPITOL HILL

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mrs. CHISHOLM. Mr. Speaker, today Mr. Lester Maddox, the Governor of Georgia, was allowed to present one of the most flagrant anti-American displays ever performed in this Nation's Capitol.

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As a black woman, I am dismayed by the fact that within the Capitol Restaurant he was allowed to pass out ax handles, his personal symbol of resistance to the orders of the highest court and the laws of this Congress. Such symbolism is basically racist.

But as an American and a duly elected Representative of the people, I am appalled by this act. I am appalled not by his action of protest, but by his symbol of protest and the place of its occurrence.

First, may I address myself to the symbol. The ax handle as first displayed by Mr. Maddox was intended to be seen as a weapon. What Mr. Maddox was saying was that he intended to use it on any black person who attempted to enter "his" restaurant, a public eating place, and as such covered by the civil rights law. Therefore, he was saying that he would, by any means necessary, resist the law of the land, as it applied to him and he was, of course, encouraging others to join him. The ax handle, relative to Lester Maddox, therefore, must be seen as a weapon of resistance to the U.S. Government.

Mr. Speaker, we are Representatives sworn to uphold and defend that Government. Can we afford to condone such action either by open agreement or tacit acceptance, especially when it takes place virtually within our Chambers? I wonder if we are not endangering the sanctity and validity of our oaths of office?

Second, I would like to pose this question to my esteemed colleagues. What would your reaction and the reaction of the Capitol Police Force have been if this anti-American display had been carried out by members of the Black Panthers, the SDS, the American Nazi Party, or the Communist Party of America and the symbolic weapons they had chosen were toy guns and not ax handles?

How many of them would be in jail at this very moment? Does Lester Maddox enjoy a privileged position simply because he is a Governor and not an ordinary citizen? To my mind that is the only difference between his display and the hypothetical ones that I proposed.

DRUG FIRMS OVERPRODUCE, ILLEGAL DEALERS GET RICH

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. PEPPER. Mr. Speaker, a page 1 story in the Miami Herald of February 15, 1970, written by Mr. Al Pagel, the Herald's medical writer, graphically depicts the alarming extent of the black market trade in amphetamines or "pep" pills in the United States.

Mr. Pagel cited the case from the House Select Committee on Crime's hearings last October in San Francisco of a young man who saved $200, opened a clandestine laboratory in the kitchen of his apartment and was soon in business manufacturing metamphetamine or "speed" tablets. Within a year, the youth was netting more than $30,000 a month.

This is an American success story we can well do without.

At those same San Francisco hearings, the committee revealed that existing statutes governing the manufacture and distribution of amphetamines, barbiturates, and tranquilizers are so lax that one pharmaceutical firm had for 10 years been shipping millions of amphetamine tablets to an address in Mexico that turned out to be approximately the 11th hole of the Tijuana Country Club.

The address, of course, was phony. But the pills were very real. They ended up, according to the Bureau of Narcotics and Dangerous Drugs, on the American black market. Taken to excess amphetamine pills are more than dangerous, they are deadly.

That is why a bipartisan majority of the members of the Select Committee on Crime on February 23, 1970, introduced legislation to set a strict quota system on the number of amphetamine tablets that can be legally produced in the United States. The bill also provides law enforcement officers with needed statutory regulations to clamp down on the operators of clandestine laboratories.

Mr. Speaker, the facts that the committee learned in San Francisco and the facts contained in the excellent and timely article written by Mr. Pagel are indeed disturbing.

I highly recommend my colleagues read the informative article that appeared in the Miami Herald and insert it in full at this point in the RECORD:

[From The Miami Herald, Feb. 15, 1970]

DRUG FIRMS OVERPRODUCE, ILLEGAL DEALERS GET RICH

(By Al Pagel)

It was a typical American success story—a young man on his way up.

Ben was the youth's name. He was 19; ambitious. And he had an idea. Getting a parttime job after school he diligently saved his money until he had nested away $200. That was enough. He purchased some used equipment, a few raw materials and set up a small manufacturing plant in the kitchen of his apartment.

Within a year, Ben was netting more than $30,000 a month.

A true success story. Except for one flaw. Ben's fast-selling product was a mind-boggling drug called methamphetamine. His kitchen-styled manufacturing plant was illegal.

The history of Ben's operation was reported at the San Francisco hearings held last October by Rep. Claude Pepper's Select Committee on Crime. It is, say investigators, just one of many clandestine laboratories that are springing up across the country to meet a soaring demand for "backstreet" drugs.

Ben's plant, in comparison to some, was a small operation. Federal agents, for example, closed down an Atlanta lab last December that was turning out a million amphetamine tablets a week. A plant almost that large was discovered near Malone, Fla., the previous year.

But despite the output of such illegal laboratories, authorities insist most unlawfully-purchased drugs come from the shelves of legitimate manufacturers, not from clandestine operations.

American drug firms are over-producing, claim the critics. The figures are indeed startling.

Almost 23,000 different drugs are currently manufactured which can cause either psychotic or physical dependency.

Eight million amphetamine tablets are produced each year by major U.S. drug firms.

Three-and-one-half billion barbiturate capsules or tablets are produced annually.

"The manufacture of 30 to 40 therapeutic doses of amphetamines and barbiturates for every man, woman and child in the nation is wrong," Dr. Joel Fort, a noted drug expert, told the Pepper committee. "There's not that great a need."

Even more disturbing than the general over-production of such drugs, however, is the fact that nearly half of the yearly production falls into non-medical hands.

Although drug firms can be criticized for over-production and a certain lack of self-policing, it would be unfair to place the sole blame for today's drug problem on manufacturers. The problem is more complex.

Some of the fault lies in the laws. Controls are far from strict.

None of the chemical ingredients of the most commonly abused drugs, for example, are controlled by federal law. They are readily available—usually without question—to anyone with money enough to buy them.

At the Pepper hearings a California witness told how he obtained needed chemicals for an unlawful operation by sending in orders to a chemical supply house on a standard statement form that can be purchased from any printer. He was challenged only once and a curt phone call to the questioning salesman brought a quick apology.

Information on how to combine these chemicals is also easy to obtain.

By mailing 50 cents to the U.S. Patent Office, for instance, you can get the formula for making lysergic acid (LSD).

A common tool among drug abusers today is the socalled "cook book." Sold on the street or passed from friend to friend, these handy manuals tell amateur manufacturers what equipment to buy, what chemicals to buy, what steps to take and how to use the end substance. Anyone with normal ability to comprehend can easily follow the instructions.

In Ben's case, he learned how to manufacture methamphetamine in two hours by studying a chemistry book available in any college library.

Restrictions on exportation of legally manufactured dangerous drugs are also minimal. Huge quantities of these dangerous drugs are shipped to Mexico and Canada each year by U.S. drug firms. Millions of tablets then are smuggled back across the borders for illegal use.

"Any kind of pill made in America can be purchased in large quantities in Tijuana drug stores," a long-time San Francisco dealer testified.

Even after recent inspection crackdowns by U.S. border guards, smuggling drugs back into the country was relatively simple, said the dealer, either by car or light plane.

He explained to Pepper's committee how the smugglers operate.

"Go to Tijuana, to a drug store there, and for $3,000 buy 300,000 tablets of benzedrine. Hire a runner and help the runner stash the benzedrine in the gas tank of the car.

"You can get approximately 75,000 in a tank at a time, and it would take about four trips to take the 300,000 across the border.

"The runner would cost about $1,000 and the benzedrine would then be resold in the Bay area through dealers for about $12,000. So your profit on that would be about $9,000."

The smuggler told committee members he didn't work the system full time.

"I work a week, then take a few weeks vacation."

His average yearly profit—$60,000.

"These guys are smart," acknowledges Tony Acri of Miami's Federal Bureau of Narcotics and Dangerous Drugs.

"If things get tough on the Mexican border, they switch to Canada," he said.

Florida's drug action differs somewhat from California, notes the agent. There is less problem with smugglers, but more from thieves.

"We average about 30 drug store robberies or burglaries every month in South Forida," said the agent. "It's the chief source of supply down here."

Hi-jacking also channels legitimate drugs into abusers hands. Last June, for instance, some 2.2 million units of methamphetamine were stolen from a New York loading dock.

Even modern Knights of the Road—long-distance truckers—add to the problem, according to Acri, by peddling thousands of amphetamine tablets to truck stops along the eastern coast.

And Florida, like the rest of the nation, is troubled by excessive refills on physicians' prescriptions. Under federal drug abuse amendments, a doctor can write a prescription for 100 to 200 amphetamine or barbiturate tablets and the patient can get five refills for that prescription during a six-month period without additional prescription.

"I think that situation is leading to much of our indiscriminate use and abuse of these drugs in our society," said Dr. Fort.

Enforcement officers claim their job is made more difficult by inadequate laws which coddle pushers and illegal manufacturers.

Lt. Norbert Currie, head of San Francisco's narcotic's detail, explained one aspect of the problem to the Pepper committee.

"Say we run into circumstances where, on the premises, we find certain specific chemicals and certain specific equipment. By combining these chemicals and this equipment the end result can be methamphetamines or LSD or hallucinogenic substances.

"Unless we have the end product that we can identify in our crime lab as this substance, there is actually nothing we can do with the equipment. We confiscate it, but if we are challenged we have to give it up."

Law officers and medical experts both are calling for changes—tightening of prescriptions refills, stricter requirements on exportation of dangerous drugs, a registry system for chemical ingredients, and greater social concern.

One witness before the Pepper committee struck strongly at what he termed "social permissiveness."

"I think a society which does not and will not demand accountability for various types of ethical drugs which we know are circulating around in woeful proportions is a society which will not demand accountability for soaring crime rates.

"I think we are getting, not necessarily what we deserve, but we are getting . . . what we should expect."

DECEPTIVE TV ADVERTISING—I

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. ROSENTHAL. Mr. Speaker one of the more refreshing aspects of the "consumer revolution" is the devotion and energy dedicated to it by those in private life who must volunteer their time and resources to protect the consumer who lacks the voice in government he needs and deserves.

One of the more effective private spokesmen for the consumer has been Prof. John F. Banzhaf III of the George Washington University Law School. Professor Banzhaf, who has also done much work in the antismoking cause, recently prepared the following petition on deceptive television advertising.

Because of its length, the brief is being inserted in the RECORD in two sections. The first, included below, covers the principal petition for rulemaking asking for action by the Federal Trade Commission. In tomorrow's RECORD, I will include the appendices with specific examples of this deceptive advertising as cited by Professor Banzhaf.

The brief follows:

[Before the Federal Communications Commission, Washington, D.C.]

PETITION FOR RULEMAKING

(In the matter of adoption of standards designed to eliminate deceptive advertising from television)

Pursuant to 5 USC Section 553, the statutory authority, and 47 CFR Section 1.401(a), the Commission authority, TUBE, Termination of Unfair Broadcasting Excesses, a group of students from George Washington University Law School, respectfully requests that the Commission adopt as part of their Rules and Regulations, standards (included herein) designed to eliminate deceptive advertising from television.

In support whereof, the following is respectfully submitted:

INTRODUCTION

Deceptive advertising is recognized as having a harmful impact upon the public. Due to the great potency of television, this impact is magnified and expanded. Thus, regulation is necessary to guard the public interest. Unfortunately, industry self-regulation has been found to be ineffective. Governmental agencies now responsible for such regulation, as the FTC, are effective in the determination of deceptive advertising on a case by case method, yet their enforcement policies and sanctions are weak and ineffective. Thus, it becomes the reponsibility and obligation of the FCC to regulate deceptive advertising on television. This responsibility can be accomplished by the FCC's acceptance of standards for deceptive advertising.

I. THE IMPACT OF TELEVISION

With the increasing sophistication of our technology, the impact of television has had a tremendous significance which will continue to increase in the future. Recently, many social scientists have been concerned with the psychological effects of television. An acknowledged authority, Marshall McLuhan, suggests that a "world community" has been formed due to the effect of television. McLuhan states that T.V. is an instantaneous, electronic informational system and the viewer approaches T.V. as a reliable source of factual information.[1] Two other well-known social scientists, Paul Lazerfield and Robert Merton, found that the flood of information from television transforms the energies of the audience from active participation to passive knowledge. They described this phenomenon as "narcotizing dysfunction"; television actually drugs listeners into a state of passive reception.[2] In this state, the viewer is susceptible to any form of information that he receives from T.V. Use of television by educators further emphasizes the fact that people learn more easily from T.V. Today, many modern schools have installed closed circuit T.V. as a teaching tool. Television, therefore, has become an extremely potent source for the gathering of knowledge, knowledge which causes people to act.

In addition to television's ability to disseminate knowledge with great impact, the effectiveness of advertising has been enhanced by the recent sophistication in the science of motivation. Advertisers now make use of the following basic characteristics of human behavior to increase the effectiveness of their advertisements: people react when stimulated; inconsistency is a form of stimulation which creates a feeling of uncertainty; people resolve this uncertainty by seeking an answer to clarify this inconsistency.[3] Thus a product's advertisement on T.V. should stimulate the viewer into comparing that product with the one he is currently using. The claim of the new product, inconsistent with the performance of the old one, will create a feeling of uncertainty in the viewer's mind, and the viewer will resolve this uncertainty by purchasing the advertised product to see if the performance is consistent with the claims.[4] These psychological characteristics have been employed by the advertising industry to effectively sell their products through the television media. Hence, the advertiser is encouraged to provide sufficient stimulation in order to cause uncertainty about their product.[5]

As a consequence of this entire process, advertising encourages and is susceptible to excessive claims by advertisers which, ultimately, often leads to deception (See Appendices B–F). Deception is defined as the capacity or tendency to deceive the public. Actual deception need not be shown or found. *Montgomery Ward & Co.* v. *Federal Trade Commission*, 379 F. 2d 666 (1967). The effect of the ad, more than anything else, constitutes deception:

Advertising deception may result from the use of statements which are not technically false or which may be even technically true,

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Footnotes at end of speech.

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since the only relevant consideration is the impact of the statements on the general public, including the ignorant, unthinking and the credulous. *National Broadcasting Company, Inc.*, 14 RR 2d 315, 316 (1968).

The tendency to deceive is the greatest among viewers that are the least sophisticated. "In evaluating the tendency of the language to deceive, the Commission should look not to the most sophisticated readers (or viewers) but rather to the least." *Exposition Press, Inc.* v. *Federal Trade Commission*, 295 F. 2d 869, 872 (1961).

The attractiveness of extravagant and even deceptive advertising is its effectiveness. Certain studies have shown that up to a certain point, the more extravagant the claim the more successful the ad.[5] Furthermore, disbelief of the consumer is no bar to the effectiveness of an exaggerated advertisement. Mr. Gerhold, Vice President and Director of Research for J. Walter Thompson Company has said that if you make a statement, repeat the claim often enough, loud enough, with enough vigor and sincerity, the problems associated with disbelief of the ad will disappear.[6]

II. THE HARM CAUSED BY DECEPTIVE ADVERTISEMENTS

Deceptive advertising on television leads to substantial harm. This harm takes various forms, and adversely affects all segments of society. One form, financial harm, may be realized through the monetary loss to an individual consumer each time he purchases a deceptively advertised product. The loss for each separate purchase may be small, but in a year's time these losses add up to a significant amount. Moreover, an individual's loss leads to a sponsor's gain. The sponsor, inducing sales by deceptive ads, gains huge profits from the total of these small individual sales. This gain is contrary to public policy.

The harm to one's health that can result from deception is direct and serious. This can occur because the advertisement omits a warning of serious side effects (cigarettes can kill, powerful mouthwashes may injure the mucous membrane of the mouth, brightening toothpastes contain abrasives which remove enamel from teeth), and furthermore, one might conceivably rely solely on the therapeutic claims of a product when medical advice is needed (Geritol isn't the panacea it so implies [see Appendix F–4]; Listerine will not prevent colds [see Appendix F–2]; analgesics do not relieve tension [see Appendix C–2]).

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Unfortunately, the greatest amount of relative harm falls on those who can least afford it—the poor, particularly the inhabitants of the inner-city. Due to their lack of education and the feeling that they are members of a lower social class they are particularly susceptible to the misleading claims of products advertised on television which give the impression of being identifiable with the prosperous middle class. This harm is compounded, because in the inner-city, television, which is almost a universal appliance, is more extensively watched than elsewhere.[7]

Children are also easily taken in by misleading claims (see Appendix B). Children, especially pre-schoolers, are highly impressionable, and are usually unable to appreciate the fine distinctions between reality and illusion, truth and falsification, fact and exaggeration. Lacking the ability to properly place in perspective advertising claims, youth are susceptible to accepting blindly that which is represented as truth. Their parents, the eventual purchasers, are not in a position to judge either since they probably did not see the ad and know only that their child desires the advertised goods. Others have recognized the vulnerability of youth to misrepresentation, including the National Association of Broadcasters which has said:

The broadcaster and the advertiser should exercise special caution with the content and presentation of television commercials placed in or near programs designed for children. Exploitation of children should be avoided. Commercials directed to children should in no way mislead as to the product's performance and usefulness.[8]

Finally, the harmful effects of deceptive advertising are felt within the industry. Here the snowball theory has taken effect. Once that first deceptive ad is aired, advertisers of competing products are forced into making similar claims to remain competitive. As a result, extravagant deceptive claims have become an accepted practice utilized by all. The effect of this is that now, if a manufacturer has a superior product he will probably begin his advertising campaign by employing the exaggerated claims technique. The result is that the public has no firm basis upon which to distinguish product superiority.

The public is, therefore, the ultimate loser. For example: In 1956, Procter and Gamble marketed Crest with stannous fluoride (an additive which had been skillfully developed and researched at Indiana University. The stannous fluoride, by a process of coating the tooth, was proved to add to the effectiveness of ordinary toothpaste. However, from 1956 until 1960, Procter and Gamble, caught up in the exaggerated claims technique, developed campaigns centering on the themes of "Triumph over tooth decay" and "Look Mom, no cavities." These ads, unable to inform the public of a proven product, gave Crest only 12% of the toothpaste market. The leader with 35% of the market was Colgate Dental Cream.[9] Its advertising was based on the results of tests which essentially showed that those who brushed after every meal with Colgate Dental Cream fared better than a control group which followed their ordinary brushing habits.[10] The fallacy in this test is that any toothpaste could have been substituted for Colgate Dental Cream with comparable results.

The unavoidable conclusion is that for four years the only proven effective anti-decay toothpaste was not reaching the public while the best seller was exploiting the results of irrelevant and misleading research. Thus, for four years the public was without an important product.

III. THE FAILURE OF THE FEDERAL TRADE COMMISSION

The Federal Trade Commission, the traditional agency responsible for the regulation of deceptive advertising, has proven to be ineffective. The FTC, by the Federal Trade Commission Act of 1914, initially was given broad jurisdiction and powers over misleading advertising. Under the Act (as amended in 1938), deceptive practices in commerce are declared unlawful, Section 5(a)(1), the Commission may prevent these deceptive acts, Section 5(a)(6), and the Commission's findings are conclusive, Section 5(c). However, the FTC has been remiss in executing this statutory delegated authority. The American Bar Association Report on the FTC states: "When actual performance is measured against the potential which the FTC continues to possess, the agency's performance must be regarded as a failure on many counts."[11]

The ineffectiveness of the FTC in controlling deceptive advertising has been in the area of enforcement. The main deficiencies are delay, ineffective sanctions, and the inability to reach those most responsible for the dissemination of deceptive advertising on television, i.e. the broadcast licensees.

One of the main problems of enforcement is the delay in making a determination of a deceptive practice during an investigation.[12] There is also delay in the actual elimination of a deceptive practice due to the lengthy appeal process. The Commission does not have the statutory power to halt a challenged activity immediately.[13] It must wait until the respondent has exhausted all the legal machinery available before a deceptive advertisement will be removed from the airwaves.

An example of delay involving a deceptive television commercial is the case *Carter Products, Inc. v. Federal Trade Commission* 268 F. 2d 461 (1959). This case involved misleading advertising claims made about "Carter's Little Liver Pills." The FTC, in 1956, issued a cease and desist order against the respondent prohibiting him from using certain advertising claims. Through all the legal maneuvers possible, the respondent was capable of postponing his compliance with this order for over 13 years. It was only in 1969 that they were required to remove the deceptive commercials from the airwaves.

Another major problem of enforcement is that of the FTC's ineffectiveness in utilizing its sanction powers. This agency is ineffective in regulating deceptive advertising over the airways because it does not use its formal enforcement procedures as effectively and as often as it should. The FTC's formal or adjudicative proceedings are commenced by the filing of a complaint by the Commission, 16 CFR Section 3.11(a) and results in the issuance of either a cease and desist order, or a "consent" (non-contested) cease and desist order.

The cease and desist order is the only coercive legal enforcement tool generally available to the Commission. It is issued after hearings and appeals, and prohibits the respondent from employing the particular deceptive practice described. This order imposes no retroactive sanctions, but merely prohibits future repetition of that conduct against which it is aimed. Thus these sanctions are defective in that their scope is limited to future violations rather than imposing punitive measures for past violations. For example, the deceptive advertising campaign by an advertising sponsor may have already been presented to the public or may even have been terminated by the time of the issuance of the cease and desist order. The producer, already having achieved his intended objective, will be told not to use that deceptive ad again, but will not be punished for having already used it. Thus the producer will not be deterred from using other deceptive advertisements in the future. As long as the ads are not the same type that were sanctioned previously by the FTC, an advertiser is free to conduct any type of misleading campaign that he so desires.

The "consent" (non-contested) cease and desist order is the other possible result of a formal adjudicative proceeding. For this result, all the formalities of a trial are dispensed with, and the respondent merely consents to the issuance of a cease and desist order. This order has the same force and effect as an order entered after a formal trial. Thus, as with the cease and desist order, an advertiser can successfully promote a deceptive advertisement and not be punished for his violations.[14]

Even when the Commission issues a cease and desist order, there may be a failure to diligently enforce its decision as is illustrated by the long history of the Commission's dealings with the J. B. Williams Company over advertising campaigns for Geritol.

J. B. Williams Company, the manufacturer of Geritol, represented their product as being of benefit in the treatment of fatigue and other minor disorders such as nervousness and irritability. After three years of investigations as to the validity of these statements, the FTC, in 1962, issued a complaint stating that respondent misrepresented the efficacy of their product. The Commission did not seek a preliminary injunction as they had the power to do. Three years passed before the Commission issued

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a cease and desist order, which was finally affirmed in 1967 by the Court of Appeals in the case of *J. B. Williams Company* v. *Federal Trade Commission*, 381 F. 2d 884 (1967).

As required, the respondent filed their first compliance report early in 1968. On November 14, 1968, the Commission held a public hearing to determine whether the new Geritol commercials complied with their order. In the FTC New Release of December 13, 1968, it was stated that the new commercials "not only failed to comply with the order, but . . . are no less objectionable than the commercials denounced by the Commission when it issued its original order herein."

Instead of seeking civil penalties (up to $5,000 per day for violations), the Commission merely asked for the submission of another compliance report. Even after this report was submitted, the Commission found that certain Geritol commercials still violated the cease and desist order. Again, the FTC failed to impose civil sanctions for violations. As of September, 1969, the commercials were still being televised.

The Commission is also ineffective in regulating deceptive advertising over the airwaves because it cannot control those most responsible for its dissemination—the broadcast licensee. Section 14(b) of the FTC Act states:

> No publishers, radio-broadcast licensee, or agency or medium for the dissemination of advertising . . . shall be liable under this section by reason of the dissemination by him of any false advertisement, unless he has refused, on the request of the Commission, to furnish the Commission, the name and post office address of the manufacturer, packer, distributor, seller or advertising agency, residing in the United States, who caused him to disseminate such advertising.

Thus the FTC, even if it has issued a cease and desist order against a sponsor for a deceptive commercial, can probably take no action against the broadcaster, the one who is showing this deceptive ad to the intended consumer.

IV. THE INADEQUACY OF SELF-POLICING

Self-policing by the industry itself has been generally inadequate. The National Association of Broadcasters, the self-created regulatory arm of the broadcasting industry, is always quick to claim that they can take care of any problems arising with respect to deceptive advertising. But for the most part, they cannot.

In 1962, Phil Edwards, the Chairman of Broadcast Advertisers Reports, which was monitoring television commercials in an attempt to ferret out deceptive advertising, announced he would no longer monitor for the industry. The NAB and the stations were ignoring the complaints. He stated: "Self-regulation on an industry-wide basis is not only deceptive, but it is impossible."[15]

It is clear, that the economic structure of the industry itself precludes the possibility of effective self-policing. The broadcast licensee is dependent on advertising sponsorship for its very existence. It is idealistic to expect the industry to bite the hand that feeds it. (Broadcasters are not in a position to be selective unless all are required to conform to a uniform policy of regulation.)

Advertising agencies also are caught in the economic trap. As Max Geller, President of Weis and Geller, has said:

> Agencies don't get paid for sticking to principles. If a company wants to go haywire in its claims, the agency either goes along or loses the account. Agencies need the moral crutch of Uncle Sam's regulations to resist the pressure of clients in this Darwinian jungle.[16]

The NAB, purporting to be concerned over the issue of public health, has been remiss in their duties with respect to the advertising of cigarettes and analgesics. Amidst all of the anti-cigarette information presently available, the NAB introduced a plan of voluntary withdrawal of cigarette commercials by September 1, 1971; yet this plan calls for ending these ads a full year after the tobacco companies proposed withdrawal and actually a year and nine months from the time tobacco companies were willing to drop the ads providing broadcasters would release them from their contracts.[17] (Subsequently, the Senate has passed a bill that terminates the advertising of cigarettes on T.V. by January 1, 1971.) The NAB has not been able to eliminate deceptive advertisements for analgesics from television either. Earlier this year the Code Authority, a section of the NAB, surveyed its Medical and Science Advisory Panel on the extent of relief of tension by non-prescription analgesics. Certain analgesic advertisements claim that their products calm "jumpy nerves" and relieve "taut-tense nerves". The results of the survey reveal that in the doctors' expert opinions, none of the analgesics surveyed is capable of relieving tension, depression, jumpy or taut-tense nerves. The Code then advised the broadcasters of these findings presumably so that the broadcasters could remove these deceptive advertisements from the air. Now, seven months later these claims still persist. (See Appendix C-2).

As Warren Braren, the former head of the New York office of the Code Authority, said recently:

> The NAB still continues to see itself as the protector of the free enterprise system of broadcasting which is another way of saying don't interfere with the broadcaster's right to sell advertising time as he chooses.[18]

V. THE RESPONSIBILITY AND AUTHORITY OF THE FEDERAL COMMUNICATIONS COMMISSION TO REGULATE

The Federal Communications Commission has a responsibility to control deceptive advertisements on television. Such responsibility is, in part, derived from the impact and potential of the media itself. Many deceptive advertisements would not have the great effect upon the public were it not for the ability of television to narcotize its viewers. It is the media which allows many advertisements to be so effective and the FCC has control over the media.

Thus, due to the fact that the media is the means for deception, the great impact of television, and the ineffectiveness of the Federal Trade Commission and industry self-regulatory organizations to control deceptive advertising, the responsibility of such regulation should be assumed by the Federal Communications Commission.

The FCC's effectiveness in this area is derived from its powerful point of leverage. This point of leverage is its power to grant licenses. This power, found in Sections 301 and 303 of the Communications Act, is pervasive and absolute as "Congress has occupied the field of television regulation in its entirety." *Opinion of the Attorney General of Massachusetts*, 7 RR 2d 2081 (1966). Anyone who desires to broadcast anything on the airwaves must have a license and once the license is obtained, the broadcaster has a virtual monopoly for the period of the license. *WFLI Inc.*, 12 RR 2d 18 (1968). A broadcasting license, of course, is not obtainable from any other source and must be granted by the Federal Communications Commission. The "federal government has preempted the licensing and assignment of radio frequencies" (including television). *Opinion of the Attorney General of Michigan*, 12 RR 2d 2145 (1968).

The ultimate power of licensing is readily recognized by the licensees themselves. Any action by the Commission to limit the term of a licensee by granting a short-term renewal, *In re Application of Melody Music, Inc. (WGMA)*, 6 RR 2d 973 (1966), *In re Application of WCHS-AM-TV Corp.*, 10 RR 2d 445 (1967), *In re Application of Eastern Broadcasting Co.*, 14 RR 2d 331 (1968), to deny a license in an application for renewal, *In re Application of Melody Music., Inc. (WGMA)*, 36 FCC 701 (1964), *Eleven Ten Broadcasting Corp.*, 22 RR 699 (1962), *In the Matter of WHDH, Inc.*, 15 RR 411 (1969), or to revoke a license, *In the Matter of Revocation of License of KWK Radio, Inc.*, 34 FCC 1039 (1963) is met by strong opposition by the licensee. The licensee should react; his economic life is at stake. In fact, potential economic loss is great. The licensees have a total market value of about $3 billion.[19] The only possible recovery for the licensee is to sell his equipment, but this step is small consolation for the fact that he has lost the value of his license without compensation and, even worse, that he is out of business. The FCC, thus, can exercise a great deal of power over the licensee to eliminate the broadcasting of deceptive advertising. For, while a censured manufacturer can still produce products and a censured advertising firm can still produce ads, a broadcaster without a license ceases to exist.

The Federal Communications Commission's authority to regulate deceptive advertising is clearly within the scope of its powers. The Commission has on various occasions acknowledged its ability to act in related areas of deceptive broadcasting, and on many occasions, has regulated in this field.

The source of this power is found in the Communications Act itself where the Commission is granted the power to license a prospective broadcaster on the basis of "public convenience, interest, and necessity." *Radio Station WOW v. Johnson*, 326 U.S. 120, 65 S. Ct. 1475 (1945).[20] The Communications Act also states that the Commission has the power to prescribe the nature of service to be rendered by stations, Section 303(b), the duty to encourage the larger, more effective use of radio (which includes television), Section 303(g), and the authority for adoption of rules to carry out provisions of this Act, Section 303(r).

The Federal Communications Commission has a long history of acting in the public interest to prevent deceptive broadcasting. The earliest cases, incluuding one coming from the Federal Radio Commission, predecessor to the FCC showed the Commission acting against the use of airwaves to promote dangerous drugs and quack medicine. *KFKB, Broadcasting Ass'n., Inc v. Federal Radio Commission*, 47 F. 2d 670 (1931), *In the Matter of the Farmers and Bankers Life Insurance Co.*, 2 FCC 455 (1936), *In the matter of Oak Leaves Broadcasting Station, Inc.*, 2 FCC 298 (1935).

The Commission addressed itself directly to the problem of false, misleading, and deceptive advertising in 1960 when it established a duty on the licensee to eliminate this type of advertising.

> Broadcasting licensees must assume responsibility for all material which is broadcast through their facilities. This includes all programs and advertising material which they present to the public. With respect to advertising material, the licensee has additional responsibility to take all reasonable measures to eliminate any false, misleading or deceptive matter.[21]

The FCC restated this policy in the following year.[22]

A series of cases since these statements of policy clearly show that the FCC not only can but desires to eliminate fraudulent, deceptive, and misleading advertisements from the air. The Commission has viewed a variety of broadcasting practices as contrary to the public convenience, interest, and necessity and has used various sanctions to end these practices including letters of censure, short-term license renewal, denial of license renewal, and license revocation. The Commission has expanded upon its early rulings that

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limited the use of airwaves in the broadcasting of materials that lead to physical harm to the public. In, ***In the Matter of Television Statement WCBS-TV,*** 9 FCC 2d 921 (1967), the Commission applied the "fairness doctrine" to the field of cigarette advertising. Deceptive use of audience survey ratings of a program was, in two instances, grounds for a short-term license renewal of one year instead of the usual three. *In re Application of Star Stations of Indiana, Inc.,* 3 RR 2d 745 (1964) and *In re Application of Western Broadcasting Co.,* 14 RR 2d 335 (1968). The FCC has also ruled in the area of fixed quiz shows issuing a letter of censure to a licensee in one case, *National Broadcasting Company,* 14 RR 2d 421 (1968) and granting a short term license renewal in another, *Melody Music,* supra p. 18 (1966). The Broadcasting of fraudulent contests resulted in the denial of license renewal in two cases, *Eleven Ten Broadcasting Corp.,* supra p. 18, and *Melody Music,* supra p. 18 (1964), and license revocation in a third case, *KWK Radio,* supra p. 18.

A special type of fraudulent contest, the "Lucky Bucks", has recently become the object of Commission action. The listening and viewing audience were led to believe that by staying tuned to that particular station, they would receive information which would enable them to win sums of money up to $1,000. However, in reality, the mathematical chances for winning were infinitesimal. The Commission issued two letters of censure, *National Broadcasting Company,* 14 RR 2d 315 (1968) and *In re Complaint Concerning Deceptive Advertising by Station WKYC,* 14 FCC 2d 683 (1968), stating that the practices of these licensees would be considered in the proceedings for the renewal of their licenses. Two licensees, *WCHS-AM-TV,* supra p. 18, and *Eastern Broadcasting Corp.,* supra p. 18, received only short term license renewals because they broadcast "Lucky Bucks" shows on their station. In each of these cases, the Commission, in making specific reference to Public Notice 61-1316 placed responsibility directly on the licensee to limit deceptive and fraudulent advertising on his broadcasts.[23] This responsibility, the Commission stressed, if improperly executed could lead to sanctions.

The Commission can act and has acted to prevent deceptive and fraudulent broadcasting from the air and thus far has prevented advertisements leading to public harm, fraudulent audience rating surveys, fixed quiz shows, fraudulent contests, and deceptive program advertising from being broadcast by their licensees. Deceptive commercial broadcasting has not yet been categorically eliminated and now is the time to include deceptive commercial advertising with those other forms of deceptive broadcasting and advertising and also prohibit this form of deception from the airwaves.

VI. THE CONSTITUTIONALITY OF FEDERAL COMMUNICATIONS COMMISSION STANDARDS

The argument has been made at various times that Federal Communications Commission sanctions on the ground of "public interest, convenience, and necessity" are unconstitutional as violative of the First Amendment right to freedom of speech. On the basis of the law in this area, these objections are simply untrue. Granting or denying licenses to prospective broadcasters on the basis of the above criteria is merely one of the powers granted to the Commission by Congress. The denial to a station of a license, validly made, because the standard of "public interest, convenience, and necessity" has not been met is not a denial of free speech. *National Broadcasting Company v. United States,* 319 U.S. 190, 63 S. Ct. 997, (1943).

Standards for deceptive advertising, as long as they do not constitute "prior restraints," impositions of limitations before publication, do not constitute censorship. Standards will merely act as a guide for the Commission to determine whether a licensee, on the basis of his past performance is fit to perform in the future. In the KFKB case, supra p. 20, the court held that:

> There has been no attempt on the part of the Commission to subject any part of the appellant's broadcasting matter to scrutiny prior to its release. In considering the question whether the public interest, convenience, or necessity will be served by a renewal of applicant's license, the Commission has merely exercised its undoubted right to take note of applicant's past conduct, which is not censorship. (At 672).

The Commission's action to limit excessive commercial broadcasting has even been construed as not to constitute censorship as evidenced in *Bay State Beacon, Inc., v. Federal Communications Commission,* 171 F. 2d 826 (1948). In that case, the Commission went so far as to refuse to grant a permit for the construction of a broadcasting station to an applicant because the applicant's proposed broadcasting schedule allowed too much time for commercial broadcasting. Again the court held that such an act by the Commission was not censorship and did not violate the applicant's First Amendment right. Thus, FCC action is the area of regulation of deceptive advertisements on television is not unconstitutional.

VII. THE CODE OF STANDARDS

A method of eliminating these deceptive forms of advertising is the adoption by the Commission of general standards defining and proscribing deceptive and misleading advertising. Standards would create a broad, uniform guide instructing each licensee of his responsibility and obligations and could be used by the Commission with great accuracy in measuring the performance of any licensee. Members of the Commission, themselves, have on past occasions recognized the value of adopting standards. Regarding overcommercialization (i.e., too great quantity of ads), the suggestion of adopting such standards was raised in *In the Matter of amendment of Part 3 of the Commission's Rules and Regulations with respect to advertising on Standard, FM, and Television Broadcast Stations,* 1 RR 2d 1606 (1964) and *Commercial Practices of Broadcast Licensees,* 2 RR 2d 885 (1964). In addition, both decisions made reference to the need for regulation in the area of the content and quality of commercial broadcasting. In the former decision, the Commission denied the adoption of standards at that time because sufficient information was lacking, but in general, they recognized the need for employing such standards:

> The establishment of generally applicable standards by means of rule-making procedures . . . may have a number of advantages. For, in addition to permitting an overall treatment of the problem, not available in a case by case consideration, the rules adopted would have the added advantage of being definite, of providing guidelines and guidance to licensees and of applying equally to all competitors in a given market.[24]

And in the latter decision, Chairman Henry in a dissent, quite specifically asks for the adoption of standards:

> The most fair and effective way for this Commission to regulate the commercial practices of broadcasters would be through the announcement of general standards—criteria which would let the public and industry know where they stand and what they can expect from us. (At p. 887).

Thus, it is proposed that the FCC accept a code of standards which would regulate deceptive advertising on television on an industry wide basis. The proposed standards recognize the ability of the Commission to effectively regulate television advertising through enforcement policies applicable directly to the licensees and the existing interaction and cooperation between governmental agencies. Further, the proposed regulations are aware of the necessity of advertisements to the broadcast industry, yet consider the balance between that necessity and the public welfare, good, and well being to be determinative of the responsibilities of the FCC as to advertising misrepresentation on television.

Following is a presentation of the Code of Standards (See Appendix A for a complete text of Code) and accompanying comments:

I. General statement and considerations

(a) This proposed code establishes basic standards which define and regulate deceptive advertising on television. The code develops principles of aesthetic and ethical considerations and incorporates criteria which identify misleading advertisements. The intent is to foster Commission acceptance of its regulatory obligations and maximum utilization of current enforcement policies.

(b) Broadcast licensees have certain responsibilities and obligations to the public in relation to media advertising.

1. Advertising messages should be presented with courtesy and good taste and function in accordance with the highest standards of ethical sensitivity, acceptability, and discretion in regard to the average viewing public.

2. Broadcast licensees must understand the great impact and effect of media advertising upon the general public, especially children and youth.

3. Concern for the public good and well-being should take precedence over consideration of economic expediency and institutional or individual advantage.

Comment: The proposed code is concerned with regulating deceptive advertising on television. Its motivating force is the public interest and well-being to be accomplished through industry-wide standards enforced by the FCC. The code holds the broadcast licensee to standards of good taste and discretion in regards to their viewing audience's composition and preferences. Evaluation of such audience composition by the licensee is to include consideration of "the ignorant, the unthinking, and the credulous" and children and youth. It further requires the licensee to be aware of the types of deception and their methods of presentation. The FCC will utilize these standards as criteria to determine the success of the licensees' efforts to eliminate these various forms of deception from their broadcasts.

The proposed standards are further concerned with the balance between the economic value of advertisements to the broadcast industry and the public interest, convenience, and necessity. The code in no way underestimates the value and necessity of advertisements to the viable functioning of broadcasting. Yet, this interest must be subordinate to the concern for the public. As the Commission has said:

> Thus, while it must be recognized that, as the only source of revenue for most broadcast stations, advertising is an indispensible part of the American system of broadcasting, it must be further recognized that broadcast stations cannot be operated primarily in the interests of advertisers in presenting their message to the viewing or listening public, or primarily in the interests of the station licensees in the revenues to be derived therefrom; broadcast stations must be operated in the public interest—the interest of the viewing or listening public in the nature of the program service received.[25]

Hence, acceptance of these standards will allow FCC participation in regulatory procedures which requires no change in legislation, no change in basic inter-governmental relationships, and no change in the basic functioning of the FCC. The only change required by this proposed code is the ac-

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ceptance by the FCC of greater responsibilities and obligations for the benefit of the average viewing public.

II. General standards for deception in media advertising

(a) Criteria for the regulation of deceptive media advertising concerns identification of deceptive advertisements as to their ability to deceive, the applicability of the deception, and the method of deception.

(b) Elements of deceptive advertisements:

1. An advertisement which has the tendency or capacity to deceive the average viewing public is proscribed.

2. Proscribed deception applies to the misrepresentation of a product's characteristics, performance, and/or appearance.

3. Proscribed deception applies to the methods of achieving misrepresentation in advertising:

(a) Misrepresentation of facts to induce the purchase of goods.

(b) Misrepresentation as to the implications derived from the totality of the deceptive advertisements.

(c) Failure to disclose material facts.

Comment: The standards apply deception to misrepresentation of a product's characteristics, appearance, and/or performance. This includes both verbal and visual misrepresentations which can be attained by three methods, or techniques, of deception. The first method concerns a misrepresentation of fact. Such techniques include undisclosed simulations, mock-ups, distortion by cameras or props, or tampering with or abusing a competitor's product. Misrepresentation of fact is among the most common forms of deception and abounds on the media today in the form of advertisements for various consumer goods (See Appendices B–F). A second method does not necessarily require a specific misrepresentation of fact to be deceptive. This method of misrepresentation is successful in its ability to foster deception in a viewer's ultimate impression derived from a total advertisement. It is deception derived "from the sum total of not only what is said but of all that is reasonably implied." *Aronberg* v. *Federal Trade Commission*, 132 F. 2d 165, 167 (1942). Thus, there need be no specific misrepresentation. Rather, it is the impression derived from the totality of the advertisement or series of advertisements which creates the deception. Again, these advertisements exist on today's media in the form of certain advertisements (See Appendices B–F). The third form of deceptive advertisement may present the greatest danger, for it is the most devious and insidious in its nature. It involves simply the deletion from the advertisement of pertinent, necessary, or material facts as to a product's danger, limitations, or ineffectiveness. This is inverted deception. Rather than falsification of facts, advertisers hide them; rather than manipulation, there is deletion. Yet the result is the same. The average viewer is deceived, misinformed about a product's characteristics, appearance, or performance. Such deletion of material facts or non-disclosure of pertinent information which results in deceiving the average viewing public is equivalent to deception accomplished through implication or misstatement. "To tell less than the whole truth is a well known method of deception; and he who deceives by resorting to such a method cannot excuse the deception by relying upon the truthfulness *per se* of the partial truth by which it has been accomplished." *P. Lorillard Co.* v. *Federal Trade Commission*, 186 F. 2d 52, 58 (1950). Such deception can be found in various advertisements (See Appendices B–F).

III. Enforcement

The Commission shall, upon reasonable notice, take appropriate action against licensees who fail to comply with the provisions of these standards. Appropriate action by the Commission is limited to only those sanctions provided for in the Communications Act.

Comment: These proposed rules recognize the powers granted to the FCC under the Communications Act of 1934 and propose that the Commission utilize certain provisions to require station licensees to operate "in the public interest, convenience, and necessity." The point of leverage by the Commission over the licensee, as stated before, is the power to license. All forms of Commission sanctions would be related to this power.

The Commission has a wide range of alternatives in enforcing these provisions. Probably the best summary of these alternatives is found in a 1959 memorandum by the U.S. Attorney General, William Rogers, to the President. His suggestions included:

Adopt a program of more intensive scrutiny of licensee's past performances in connection with renewals. It might be appropriate for the Commission to adopt a system similar to that followed by the Internal Revenue Service which chooses a certain number of returns at random for a spot check in depth. The Commission might follow the same course by requiring narrative and detailed accounts of past operations, and, in addition to acting on specific complaints, choose a certain number of renewal applications of all the licensees in a particular community for close examination, requiring more detailed information where necessary, and setting questionable cases for hearing. The procedure would include consideration of advertising practices, material which has been advertised, and action taken on complaints by the FTC. The procedure should emphasize a comparison of the licensee's actual performance with the promises he made as to his programs and operations when his license was originally granted or last renewed. The licensees would thus be put on notice that from time to time they might have to give a detailed accounting as to their operation in the public interest.[26]

Further, the Commission, considering a licensee's qualifications during a license renewal hearing, may use existing intergovernmental relationships for aid in the determination of deceptive arvertisements. For example, the FCC and FTC have already established a convenient working relationship between themselves.[27] Thus while the FCC could have assistance in determining whether a particular ad is deceptive, they alone would make a determination as to whether or not a licensee adhered to the standards for the elimination of deceptive ads. Ultimately, a licensee who failed to adhere to these standards could receive a letter of censure, be granted a short term license renewal, have its application for license renewal denied, or have its license revoked.

Wherefore, these arguments considered, the Commission is respectfully requested to issue an appropriate notice of proposed rule making looking toward the adoption of these standards designed to eliminate deceptive advertising on television.

Respectfully submitted,

TERMINATION OF UNFAIR
BROADCASTING EXCESSES,
JONATHAN S. BOWERS,
LAURENCE H. COHN,
PETER M. NEMKOV,
RICHARD PORTUGAL.

APPENDICES

Appendix A consists of a complete text of the proposed Code of standards.

Appendices B–F consist of a representative sampling of advertisements which may be deceptive. These ads have been broadcast within the last two months in the Washington metropolitan area by the three major networks: CBS, ABC and NBC (not in RECORD).

APPENDIX A: CODE OF STANDARDS

I. General statement and considerations

(a) This proposed code establishes basic standards which define and regulate deceptive advertising on television. The code develops principles of aesthetic and ethical considerations and incorporates criteria which identify misleading advertisements. The intent is to foster Commission acceptance of its regulatory obligations and maximum utilization of current enforcement policies.

(b) Broadcast licensees have certain responsibilities and obligations to the public in relation to media advertising.

1. Advertising messages should be presented with courtesy and good taste and function in accordance with the highest standards of ethical sensitivity, acceptability, and discretion in regard to the average viewing public.

2. Broadcast licensees must understand the great impact and effect of media advertising upon the general public, especially children and youth.

3. Concern for the public good and well-being should take precedence over considerations of economic expediency and institutional or individual advantage.

II. General standards for deception in media advertising

(a) Criteria for the regulation of deceptive media advertising concerns identification of deceptive advertisements as to their ability to deceive, the applicability of the deception, and the method of deception.

(b) Elements of deceptive advertisements:

1. An advertisement which has the tendency or capacity to deceive the average viewing public is proscribed.

2. Proscribed deception applies to the misrepresentation of a product's characteristics, performance, and/or appearance.

3. Proscribed deception applies to the methods of achieving misrepresentation in advertising:

(a) Misrepresentation of facts to induce the purchase of goods.

(b) Misrepresentation as to the implications derived from the totality of the deceptive advertisement.

(c) Failure to disclose material facts.

III. Enforcement

The Commission shall, upon reasonable notice, take appropriate action against licensees who fail to comply with the provisions of these standards. Appropriate action by the Commission is limited to only those sanctions provided for in the Communications Act.

FOOTNOTES

[1] *The Medium is the Message*, Marshall McLuhan, Bantam Books, New York, 1967.

[2] Lazerfield, Paul and Robert Merton, "Mass Communication, Popular Taste, and Organized Social Action," *Mass Communication*, ed. Wilber Schramm (University of Illinois Press, Urbana, Illinois, 1960).

[3] Leavitt, Dr. Clark, "The Communication Response," *Psychology in Media Strategy*, ed. Leo Bogart (American Marketing Association, (1966), p. 27.

[4] Ittleson, Professor William H., *Psychology in Media Strategy*, ed. Leo Bogart (American Marketing Association, 1966), p. 44. (*) To illustrate by example: A housewife has viewed three different ads for a detergent: the first states "X detergent will get your wash clean"; in the second, a wash cleaned with Y is compared with another and it is stated "Y gets wash cleaner". The third shows the same comparison but it is stated that "Z with bio-enzyme will get wash whiter than white—bright!" The housewife is most stimulated by the most extravagant claim. Originally she thought that the brand she was using was adequate. Now she is told that Z is the best and this creates uncertainty. She resolves her conflict by purchasing brand Z to test the validity of the claims.

[5] McGuire, Dr. William J., *Psychology in Media Strategy*, ed. Leo Bogart (American Marketing Association, 1966), p. 71.

[6] Gerhold, Paul E. J., "Basic Research and Advertising Practice: A Dialogue," *Psychol-*

ogy in Media Strategy, ed. Leo Bogart (American Marketing Association, 1966), p. 68.

[7] *Report of the National Advisory Commission on Civil Disorders,* (New York, Bantam Books, 1968), Chapter 4.

[8] *The Television Code of the National Association of Broadcasters,* 14th ed. (1969), section X, 3.

[9] Bliven, Bruce, "Annals of Business," *The New Yorker,* Vol. 39 (March 23, 1963), pp. 83–84.

[10] Whiteside, Thomas, "Annals of Television," *The New Yorker,* Vol. 45 (September 27, 1969), p. 78.

[11] *Report of the ABA Commission Report to Study the Federal Trade Commission.* American Bar Association, September 15, 1969, p. 35.

[12] The ABA Commission report states: "The number of investigations in that Bureau (Deceptive Practices) pending in 1969 (about 800) also is down sharply from the highs in tne period 1962–64 (about 1200 to 1350 per year). But again in terms of the length of time investigations remain in a pending status, the percentage pending 'over 2 years' was 52% in 1969, more than double the figure in each year during the period 1962–64 and substantially higher than any single year since 1962." (*Workload and Manpower Reports*) (ABA Commission Report, p. 30.)

[13] An exception to this involves those deceptive commercials discussed in Section 12, 15 U.S.C. Section 52, i.e., "any false advertisement" likely to induce the purchase of foods, drugs, or cosmetics. In these cases, if the Commission should feel that delay during the pendency of administrative proceedings will work prejudice to the public due to the continued circulation of allegedly deceptive advertisements, it has available the recourse to the federal district court for a temporary injunction provided in Section 13(a) of the Act, 15 U.S.C. Section 53(a).

[14] In recent years, there has been a noticed decline in the Commission's use of formal enforcement procedures. This is revealed through an investigation into the workings of the Bureau of Deceptive Practices. The ABA Commission Report, stated that this bureau has over recent years issued fewer and fewer formal complaints. It issued 177 formal complaints in 1961, but only 129 in 1964. The number issued then fell to only 45 in 1968 and to 65 in 1969. Corresponding to this decrease in formal complaints, has been a decrease in the number of cease and desist orders issued after formal litigation. The Bureau of Deceptive Practices issued 180 cease and desist orders in 1961 and only 68 in 1969. (*Workload and Manpower Reports*) (ABA Commission Report, pp. 20–21).

[15] Edwards, Phil. "Deceptive Regulation," *Time,* Vol. 79, March 23, 1962, pp. 73–74.

[16] Geller, Max. "Madison Avenue v. The FTC," *Time,* Vol. 79, February 2, 1962, p. 61.

[17] Baren, Warren. Speech before the Advertising Age Media Work-Shop. December 3, 1969.

[18] Ibid.

[19] "3 Billion in Stations Down the Drain?" *Broadcasting,* Vol. 76 February 3, 1969, p. 19.

[20] That this phrase is important is evidenced by its presence in Section III of the Communications Act no less than 14 times. Sections 303, 307(a), 307(d) twice, 309(a), 310(b) twice, 311(b), 311(c)(3) twice, 316(a), 317(d), 318 and 319(d).

[21] *Statement of Policy,* FCC Public Notice No. 60–970 (1960).

[22] *Licensee Responsibility with Respect to the Broadcast of False, Misleading, or Deceptive Advertising,* FCC Public Notice No. 61–1316 (1961).

[23] Ibid.

[24] *FCC Notice of a Proposed Rule Making,* FCC Public Notice No. 63–467 (1963).

[25] Ibid.

[26] Laurent, Lawrence (ed.) *Equal Time: Private Broadcaster and the Public Interest,* Atheneum, New York, 1964, pp. 85–86.

[27] *Liaison Between FCC and FTC Relating to False and Misleading Radio and T.V. Advertising,* FCC Public Notice No. 57–172 (1957).

POLICE CHIEFS, PLEASE COPY EXAMPLE OF INDIANAPOLIS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. BRAY. Mr. Speaker, one of the most novel, effective, and yet basically simple ideas to be put into practice in the war on crime in cities has been developed by the Indianapolis Police Department. Policemen assigned to patrol cars take them home with them; under the orders of Police Chief Winston Churchill, they are to be used for personal errands, and in so doing Indianapolis has 450 police patrol cars on the city streets at all times.

The results have been dramatic. The following story from the February 22, 1970, issue of Parade tells how and why:

POLICE CHIEFS, PLEASE COPY

Indianapolis, Ind., is a fortunate city. It has a progressive mayor, Richard Luger, 38, a former Rhodes scholar from Denison College.

It also has a progressive police department headed by Winston Churchill, 44, and his assistant, Frank Spallina, 43, both Luger appointees.

A year ago these gentlemen came up with a novel idea. As a deterrent to city crime, they ordered policemen assigned to patrol cars to take the cars home with them. "In your off-duty hours," Churchill explained to the surprised squad men, "these cars are for your personal use. Take the wife shopping in them. Drive your kids to the movies. Those of you who are single, use your car for dating purposes if you like. The idea is to get the cars out on the streets where they can be seen.

"In exchange for using the cars, all we ask of you is that you keep the radio on and respond to police calls."

As a result of this practice, Indianapolis now has 450 police cars out on patrol or in visible use all the time. Says assistant chief Spallina: "Because of this system we've had more than 100 felony apprehensions by our men in off-duty cars. We've been able to foil a bank robbery, several bar stickups, all kinds of felonies.

"In the past we only had 110 cars on the street at any one time. Now we're using 450 cars around the clock, and our citizens couldn't be more pleased. We had one off-duty officer riding around with his 3-year-old son when he heard a radio call on a bar robbery. He raced to the scene of the crime and helped apprehend the criminal."

Indianapolis policemen are also taking better care of their vehicles.

Chief Churchill, who gets kidded a good deal about his famous name, plans to extend the same personal-use system to an additional 60 surveillance cars used by his detectives.

"That will give us 510 cars on the streets," explains Spallina, "which is not bad for a police department which numbers 1086 men. Our idea is working because crime rates in every classification have gone down. The presence of a police car means a policeman is nearby, and that's what deters crime in so many cases.

PATRIOTISM—A PERSONAL EMOTION

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. MURPHY of New York. Mr. Speaker, as we embark on a new decade, the American Legion begins its 51st year of meritorious service to veterans and their families. Patriotism, unabashed and undying, is one of the Legion's most important products. It is therefore fitting that the following address on patriotism be included in the RECORD. Mr. Leonard M. Shayne, president of the National Customs Brokers and Forwarders Association of America and a Legionnaire, reminds us all in his Veterans Day address at the Port of New York Customhouse that patriotism is a personal emotion, but one worth sharing. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include Mr. Shayne's moving address:

SPEECH BY LEONARD M. SHAYNE

Fellow Americans, fellow veterans, my remarks are highly personal for I consider that patriotism is a personal emotion. Therefore, I am honored to be able to address you today but at the same time I am somewhat embarrassed to discuss what have been my private thoughts.

Men have created many beautiful works of art—some of the greatest of these I have been privileged to see and to admire the world over. But no other thing man has made gives me the thrill, the excitement that I feel when I see my flag, the flag of our country, our star spangled banner. Its brilliant colors, its shape, its design are to my eyes a thing of never ending beauty.

Yet, I ask myself, Are red and white and blue any more beautiful colors than green or yellow or any other color? Do not men of equal critical faculty to ours admire their own national flags as much? If I am an honest man, must I therefore not admit that my flag is beautiful to me because my eyes see the symbol but my heart and mind see something else beyond? Without doubt it is the love of country which makes us admire our flag, and without doubt when we pay our reverent respects to our flag, we try to express our attitude towards our country.

Our country! The country we love. The wondrous, rich, bountiful land which by grace of God we were born in. The land to which by His grace, and by our courage and intelligence, or that of our forefathers, we migrated. It is a lovely land. No river or valley exceeds in majesty that of our own Hudson. No seacoast is superior in beauty to that of Maine, nor beaches to those of Cape Cod, nor mountains to the Grand Tetons. One could catalog our nation's natural wonders for hours. It is easy to love the beautiful handiwork of nature we find here—it is easy to love our remarkable land. But, stop now—what of the sights of other countries that I have seen—the towering Alps, the Mediterranean coasts, the rolling green fields of England and of Ireland. Surely these are beautiful too. It cannot be only the land of America that I love for the wonders of nature are everywhere in the world.

Perhaps it is the works of my fellow men I see about me which inspires my admiration—this towering city, our institutions, museums and universities, our places of worship, our public monuments such as this magnificent building in which we are assembled. I admire so many of them, and I

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am proud to see what my countrymen have built. But, my friends, there is Paris, London, and Rome—there are the wondrous remains of Ancient Greece. And, in all truth, what we have made here may be bigger or different and we may prefer it to what men have created elsewhere because it is our creation, but it is hard indeed to say that ours is better in the absolute sense than that which other men have created elsewhere.

Perhaps my love of country is based upon the beauty of our people—but in truth our people are but the immediate descendants, and in many cases of the same generations, as their brothers and sisters of other continents. We do not have our own language. Most of our customs are not our own. Our people are vigorous and creative and have that special spirit which is "Americans." But all in all we are not native to this land. We are native to the whole world. They are us, and we are they.

Our form of government is surely to my preference. I like the fact that I can speak my mind and vote secretly as I choose. I cherish the right to believe or not believe as I choose, to worship as I choose, to aspire as my imagination leads me. I value the security of my home and I feel that it is secure. I value the knowledge that the corner cop is there to protect me, the certainty that our citizen armed forces are our defenders—the mighty arm of civilian government, the knowledge that our courts presume every man innocent of wrongdoing until proven guilty, the sense of government by the people for the people which finds each public official to be at once a citizen like me and at the same time a man of conscience, and a servant of the people. The entire fabric of democratic government chosen by a free and educated electorate is necessary to me. Yet, the citizens of Great Britain, the Scandinavian countries, France, our Canadian neighbors and many others in today's world have a basically similar atmosphere of government.

I ask myself then, what is it that makes an American love his country? What should he love about it? Why do I?

It is the *idea* of it. Not the symbols, not the flag, not just the land, nor the things we have wrought, nor our people who are our partners during these brief years we have on earth, but the totality of the *idea* of America which is unique and precious and superior to any other *idea* of nationality that has existed and survived.

Thomas Jefferson and the founders of our country summed it up better than I can.

"We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

This is what we fought for in war. This is what we worked for in peace. This is what Americans have died for on battlefields around the world. This is what Americans live for and work for at all times.

Friends, I thank you for inviting me to speak to you on this important occasion because it has given me an opportunity to consider seriously these matters which we tend to forget during our busy daily lives. Fellow citizens, I repeat—patriotism is a personal matter, and I admonish myself as follows (for I do not presume to suggest to others), I admonish myself: Wave the flag for the sake of the pleasure it may give you, but remember the republic for which it stands. Work for the ideals of that republic, for much remains to be accomplished. Love your country—be proud of its heros—but do what you can to make their sacrifices worth while. Regretfully, the dead are dead, no pomp or circumstance can affect them or bring them back. So, think of their families, think of their loved ones, think of their ideals. Think of those who are fighting for our country today on foreign fields, think of their loved ones and those who love them. Think of all our living fellow Americans everywhere who need us. Think of the living who are in pain, or in want, or who suffer injustice. And, thus remembering, let me express my appreciation of the privilege of being an American not alone by my thoughts or by my words, but my deeds of every day.

A NEW ECONOMIC THEORY

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. LANGEN. Mr. Speaker, on November 21, 1966, I introduced into the RECORD a newspaper article on inflation that was published in the Duluth Herald. It was written by William D. Pardridge, editorial director of the book-in-the-making "Economic Inequities."

Mr. Pardridge's book consists of three parts: First, 50 articles in 50 daily newspapers in 50 States; second, 50 coauthor analyses of the newspaper articles by substantial professional economists and other social scientists, and, third, congressional remarks from time to time by 50 Members of the Senate and House of Representatives. The book is now in 44 of the 50 States, and has located and publicly announced 40 of the 50 coauthors. The book's profits or royalties in entirety go to American colleges and universities.

A year ago, I wrote to Mr. Pardridge about the newspaper articles, as follows:

> They are as current now as when written, some even more pertinent. The problems discussed remain, and the solutions still seem to escape the bulk of our economists.

Inflation, which is the subject of the Minnesota article, certainly bears out this comment.

Mr. Pardridge has visited me to tell of an observation he has made concerning certain mathematical relationships that seem to exist between debt, production, and inflation. He calls it the debt-production ratio, or DPR. I have read his original DPR account, which I include as a part of these remarks, and, while I am not an economist myself, it makes much sense to me. I sincerely hope our body of professional economists and others in the business and labor communities will investigate this DPR concept, for we all know that inflation is not under control. Mr. Pardridge's original account follows:

THE TRIPARTITE RELATIONSHIP BETWEEN CREDIT, PRODUCTION, AND INFLATION: THE DEBT-PRODUCTION RATIO AS AN INDEX OF TOTAL CAPITAL FORMATION OR CONSUMPTION

(By William D. Pardridge)

Government expenditures numerically increase monetary, fiscal, and business statistics, but they do *not* increase *economic* wealth except in socialistic, fascist, or communist societies. Tax dollars taken from the producing economy to purchase a fighter aircraft (albeit needed), to finance a welfare situation or way-of-life, or to support a civil service (much of which is needed) do not increase *economic* production or *real* wealth. Since the stone age, economic activity has been rationalized to produce and trade goods and needed services for an ever-increasing standard of living. This constant movement forward to higher and higher standards of living is activated and fed by an individual's *profit motive,* which motive is not born of greed, as some would put forth, but of instinct. There is no moral problem involved, for instincts are not man-made. Governments are not individuals, and they have no instincts: they *are* man-made and in the natural order are subservient to the individuals who made them. Recognition of Government as an economic entity or as a human super-father is destructive to the individual as an individual, is psychopathologically wrenching to man's *natural* instincts, and, finally, is preclusive to *pure* economic analysis, which is the subject under discussion. Examination of the economic or real credit structure, therefore, must be confined to the private sector if one is to learn just what is actually "bought and paid for."

During the seven years 1962–1968, Non-Governmental Gross National Product (total GNP *less* Governmental Expenditures) as a percent of total net *private* debt has steadily declined from the low of 60.7% in 1962 to the still lower 52.6% in 1968.

Put in reverse, more clearly, the private sector owed 1.647 times as much as it produced in 1962. ($659.5 Billion owed ÷ $400.4 Billion produced = 1.647.) In 1962, the private sector owed 165% of what is produced.

Right here, in 1962, is the "tilt light" that most professional economists ignored. As the years passed, the "tilt light" glared ever brighter: but few in economics or in business stopped to play the game according to the rules. Man's *instinct* for profit (like *other* instincts) cannot be legislated out of existence. Nor can it be equated with his intelligence. The fact that paper profits make paper tigers and paper economies was not a controlling influence. To wit: The seven-year period (1962–1968) percents for amounts owed in relation to amounts produced are as follows, starting with 1962—165%, 170%, 173%, 175%, *176%*, 184%, 190%. In other words, in 1968, we owed almost twice what we produced.

Note well: The 1966 increase was the smallest increase in the whole series of debt-production ratio (DPR).

Now, the Consumer Price Index (CPI) percent increase for the seven years lagging by one (1963–1969) were as follows, starting with 1963—1.2%, 1.3%, 1.7%, 2.9%, *2.8%*, 4.2%, 5.4%. Six of the seven years showed price-increase rates higher than the year before. The one year showing no rate increase was 1967, which followed immediately the lowest debt/production ratio (DPR) increase—that for 1966.

This, presumably, is a brand-new, 3-way relationship between credit, production, and inflation, each element in the whole picture being part and parcel of the other two *taken together.* A more complicated linear-correlation methodology, it is submitted, might establish the DPR as a prime economic indicator, a *tool,* for realistic macroeconomic analysis.

The CPI is the glamor index of price watchers who watch prices. The DPR is much more than a mere index, for its main importance is the key to *positive* operational procedure. "Gradualism" just might work with the DPR, which is *causal,* whereas "gradualism" won't work with the CPI, which is *resultant*.

In order to reduce the CPI for 1971, we must forcefully reduce the DPR for 1970. If reduction of the DPR became national economic policy *in fact,* then prices might start to come down immediately through human expectation, which is *not* dependable. On the other hand, once DPR reduction were in force in fact, prices would eventually come down, certainly not continue upward, because of economic logic, which *is* dependable.

As long as the DPR is over 100%, that long will there be inflationary pressures as well as a real capital formation less than real capital consumption. This is true whether or not total government spending is in deficit. Public deficit spending, or public excessive spending not in deficit, means so much more real capital taken from the producing economy. This, in turn, reduces production and expands the need for private borrowing. The numerator (D) goes up, the denominator (P) goes down, the whole DPR goes up.

Given no decrease in the U.S. standard of living, Environmental Control is an economical impossibility as long as the DPR is greater than 100%.

ESTONIAN INDEPENDENCE DAY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. WOLFF. Mr. Speaker, we should all give pause today to honor a nation whose people have shown indefatigable courage despite centuries of Communist control. I am speaking of Estonia, a land which today celebrates her 52d anniversary of her declaration of independence.

Indeed, it is well that the United States has always supported this courageous nation's attempt to regain her own identity—an identity which she held for only two decades. By acknowledging Estonian diplomatic and consular representatives in this country, we have reaffirmed that this freedom loving land should have the right to her independence.

Through years of Communist aggression and terror, Estonia has not been afforded the opportunity for her culture and her people to grow and flourish freely. Instead, as we know, she has remained under a shadow of intimidation and hardship. Yet, despite this most unfortunate situation, her people have never lost hope of achieving liberty and freedom once again.

But, in order to do this, they must receive the support of all who are already free, all who already know the precious nature of independent thought and independent expression.

I would therefore like to take this opportunity to reaffirm our support of efforts to gain freedom for mighty Estonia and all other nations who remain under Communist control. May each one of us hold this matter among those of top priority until we gladly can say that independence has been restored to all lands and the world is truly at peace.

HOUSE OF REPRESENTATIVES—*Wednesday, February 25, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

And now abideth faith, hope, and love, these three; but the greatest of these is love.—1 Corinthians 13: 13.

O God and Father of mankind we call to mind before Thee the men and women who come from other lands to visit our country and to study at our universities in an attempt to learn something about our way of living. Keep alive in them and in us the love of that which is good that goodness may live in all our hearts.

Particularly do we pray for the President of France who visits us this day. Guide his country and ours that together we may walk in Thy ways and make freedom, justice, and peace an increasing reality in our troubled world. Let no bitterness separate us, but may good will fill our hearts and bind us together in a fellowship of kindred minds seeking the good of all mankind.

In the spirit of the Prince of Peace we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 515. An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions; and

H.R. 14944. An act to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 80–816, appointed Mr. Bible, Mr. Spong, Mr. Allott, and Mr. Schweiker to be members of the Board of Visitors to the U.S. Naval Academy.

The message also announced that the Vice President, pursuant to Public Law 84–1028, appointed Mr. Pastore, Mr. Moss, Mr. Boggs, and Mr. Dominick to be members of the Board of Visitors to the U.S. Air Force Academy.

The message also announced that the Vice President, pursuant to Public Law 84–1028, appointed Mr. Cannon, Mr. McGee, Mr. Hollings, and Mr. Pearson to be members of the Board of Visitors to the U.S. Military Academy.

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE PRESIDENT OF THE FRENCH REPUBLIC, GEORGES POMPIDOU

The SPEAKER of the House presided.

The Doorkeeper (Hon. William M. Miller) announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the President of the Republic of France into the Chamber the gentleman from Oklahoma (Mr. Albert), the gentleman from Louisiana (Mr. Boggs), the gentleman from New York (Mr. Celler), the gentleman from Michigan (Mr. Gerald R. Ford), and the gentleman from Illinois (Mr. Arends).

The VICE PRESIDENT. Pursuant to the order of the Senate, the following Senators are appointed to accompany the committee of the House to escort the President of France, Georges Pompidou, into the House Chamber: Richard B. Russell of Georgia, Mike Mansfield of Montana, Edward M. Kennedy of Massachusetts, Robert C. Byrd of West Virginia, J. W. Fulbright of Arkansas, Hugh Scott of Pennsylvania, Robert P. Griffin of Michigan, Gordon Allott of Colorado, Milton R. Young of North Dakota, and George D. Aiken of Vermont.

The Doorkeeper announced the Ambassadors, Ministers, and Charges d'Affaires of foreign governments.

The Ambassadors, Ministers, and Charges d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 30 minutes p.m., the Doorkeeper announced the President of the French Republic.

The President of the French Republic, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the great honor of presenting to you the President of the Republic of France.

[Applause, the Members rising.]

ADDRESS BY THE PRESIDENT OF THE FRENCH REPUBLIC, GEORGES POMPIDOU

President POMPIDOU. Mr. Speaker, I thank you for the noble words which you have spoken to introduce me. Through me, they are addressed to France, where

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they will be received with emotion and gratitude. How could I myself fail to be moved on addressing the assembled representatives of a great, a free people, on addressing the Congress of the United States, the embodiment of the oldest democracy? For if it is true that France helped in the birth of the United States of America, if French philosophers of the 18th century were often the inspiration of your founders, your independence and your Constitution have given an unprecedented grandeur and magnetic force to liberty, to the rights of man and to democracy through election.

In 1789, in a letter addressed to a member of the French Academy of Science, Benjamin Franklin wrote:

> Our Constitution is in actual operation; everything appears to promise that it will last; but in this world nothing is certain but death and taxes.

For once, Benjamin Franklin was being pessimistic. Certainly death and taxes have remained. But after two centuries, this Constitution, intended for a population scattered over 13 colonies, continues to direct the growth and power of a nation of over 200 million inhabitants and a federation of 50 States.

This surprising and almost unique political stability, conquered right from the start and maintained through vast changes and upheavals, is something which we French admire all the more that it has often escaped us. France at the present time is aware of this and feels profound gratitude for General de Gaulle for having endowed her with well-balanced institutions, in the shelter of which freedom can be fully enjoyed without endangering the necessary continuity and efficacy of governmental action. The year 1969 brought proof to this. It was a year in which the crucial period brought on by General de Gaulle's voluntary withdrawal was weathered smoothly. Therefore, it is not without some pride that I am today the first President of the Republic of France elected by universal suffrage to bring the greeting of my country to this Congress and to convey to you the friendship of the French people.

It is a friendship which reaches both into a distant and a recent past, into the struggles waged together, the invaluable services rendered, whether long ago for your independence or 25 years ago—as no Frenchman has forgotten—for our liberation. But it is a living and active friendship because over and above interests which sometimes are bound to differ, there are common ideals which unite us and command our action.

Such is first of all, love of liberty, that is, the firm desire to safeguard our own freedom, to maintain it in our institutions, to defend it if necessary against any external threat. "Our reliance is in the love of liberty which God has planted in us," Lincoln said. But there is also respect for the liberty of others, that is, for the right of all peoples to self-determination and to organize themselves as they see fit. "We believe that every nation has a right to live its own life," said another of your Presidents, General Eisenhower. It is a fact that many nations do not live according to the principles which we believe in. We must admit that this is their right. The crusading spirit, in the last analysis, is the spirit of domination. In politics, as in religion, freedom is akin to tolerance and does not seek to convert except by example.

Tolerance in the world today means coexistence, not accepted as a passing obligation but wanted and sought after as being the path which leads to lasting detente and peace. Herein, of course, lies the second powerful ideal we have in common—the desire for peace. The alliance which unites us has no other aim but to defend, were it necessary, our freedom and our independence. It threatens no one; it rejects all spirit of aggression. France, having known war only too well, seeks merely to safeguard her own peace and to facilitate, within her means, the reestablishment or maintenance of this peace throughout the world. It is in this spirit that we welcomed the conference on Vietnam in Paris. At times we have regretted its length and wondered whether the paths followed had always been the speediest and the surest. But I know, from having observed it even yesterday, the will to peace which guides the President of the United States. I know—because France has experienced it—how difficult it is to end such conflicts and that the stronger a people, the more difficult the effort required, but also the greater the honor won. Allow me, as a friend, to tell you that the end of the war in Vietnam will be for the United States the most worthy of victories—a victory won first over oneself.

How could I not also mention the conflict in the Middle East? Judging its existence threatened, the State of Israel has started a preventive action which has brought it undeniable success on the battlefield. France has indicated her position in terms which have often been criticized or misunderstood. Faithful to the United Nations resolution for which our two countries voted, I reaffirm here the right of the State of Israel not only to existence but also to security and the free exercise of all the rights of an independent and sovereign state. But who cannot see the precarious and in the long run the barren nature of military success? Who does not understand that there is no assured future for Israel outside a lasting entente with the world which surrounds it—entente which implies renunciation of military conquest and the solution of the Palestinian problems. Such a result, in a situation where emotions and fanatical passions are increasing daily, should, to be quickly reached, proceed from United Nations action and in particular from the agreement of the four permanent members of the Security Council to define and propose the general conditions for a settlement and to provide the guarantees for it.

Believe me, France's intention in the face of these different conflicts has never been to wrong the one and to serve the other. We seek, we want only peace, a peace that is sound and just because it is founded on the will of peoples and the right of all men to a home and a homeland.

The extensive means of destruction invented by science, the crime against mankind that a nuclear war would constitute, compel us to make peace our first and permanent goal. And, because you are the most powerful nation on earth, you, more than any other, are responsible for peace. Never has any nation borne so heavy a responsibility. But there is no nobler mission for a people than to follow the age-old words of Antigone: "My vocation is not hatred, but love," not war, but peace.

So many necessary and exciting tasks await us, if we are allowed to devote ourselves to them. With you, as with us, there is poverty which is not yet overcome, human dignity which is far from always being guaranteed. There are innumerable perils stemming from technical and scientific progress and problems by the growth of enormous and often inhuman cities. There are whole continents around us where underdevelopment nurtures want. We have no duty more imperious than to help them develop without seeking to make them dependent; decolonization must be coupled with an active cooperation whereby the richer nations assist the less-favored without encroaching on their independence. Poverty is proud. Let us respect it as such, but let us help it.

Liberty, peace, cooperation. Such are ideals common to us and to France. These are what closely unite us because they correspond to our common concept of life and of the destiny of mankind. Of course, there are times where immediate interests prevail. Sometimes these words—liberty, peace, cooperation—are distorted and they are used for less honorable ends. We know full well that men are not perfect and states even less so. But our ambition must be to resist the lurking temptations of individual or national selfishness. Never have men seemed so divided yet never have they been so close. We recently had proof of this when Neil Armstrong and Edwin Aldrin set foot on the moon. This unprecedented feat was hailed as a victory for all mankind. That day, all men felt a sense of brotherhood with the American astronauts and were proud of their success. May that demonstration of human solidarity inspire our action.

Vive les États Unis.

[Applause, the Members rising.]

At 12 o'clock and 58 minutes p.m., the President of the French Republic, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order: the Members of the President's Cabinet, the Ambassadors, Ministers, and Charges d'Affairs of foreign governments.

The SPEAKER. The joint meeting of the two Houses is hereby dissolved.

Accordingly, at 1 o'clock and 1 minute p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess until 2 o'clock p.m.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock p.m.

PRINTING PROCEEDINGS HAD DURING THE RECESS

Mr. **ALBERT.** Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The **SPEAKER.** Without objection, it is so ordered.

There was no objection.

A GRACELESS ACT

(Mr. **VAN DEERLIN** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **VAN DEERLIN.** Mr. Speaker, the ax handle was the indispensable tool of those hardy pioneers who carved a new nation from the wilderness that became the United States of America. It symbolizes the independence, the self-reliance and the love of freedom of those brave men and women. Today, because of a graceless act by the Governor of the great State of Georgia, the ax handle also symbolizes the narrow-minded bigotry, the racism and the hatred that threatens to tear apart the Nation our ancestors built. Yesterday, the Governor of Georgia, abusing the courtesy extended to him by the House of Representatives, distributed ax handles inside the Capitol itself. In this unparalleled display of racism and bigotry, the Governor of Georgia affronted not only the dignity of every black man and woman; he affronted the dignity of every American. It would be demeaning to the House of Representatives to allow this reprehensible act to pass unchallenged. I hope that every Member will join me in cosponsoring the resolution which expresses the revulsion of the House at such an act, and which makes it very clear that the present Governor of Georgia will never again be welcome as a guest in the Capitol.

SELECT COMMITTEE ON HOUSE REFORM

(Mr. **GIBBONS** asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. **GIBBONS.** Mr. Speaker, I am today introducing a resolution which, if approved, would create a select committee to study ways in which this House might improve its procedures and practices.

Any institution of long standing, however august its responsibilities or distinguished its history, must adapt itself to new situations. This House is no exception.

There are a number of problems which need examination and in so saying, I am saying nothing new. I, and others, too, have outlined them on numerous occasions.

I will not try at this time to give an exhaustive analysis, but only touch on highlights.

There seem to be two problems which stand high on everybody's list. These might be termed secrecy and seniority.

We have, in my opinion, much too much business conducted behind closed doors in this body. We write bills in secret and often hold the basic hearings—the ones in which the really crucial information is given—in similar limited public view.

Why cannot the mark-up sessions on significant legislation be open to press and public to observe?

Why cannot we allow the eye of the camera and pencil of the press inside committees when matters of great moment to all Americans are being decided?

And why cannot all votes in committee be recorded votes subject to public inspection?

As to seniority, this is admittedly a sensitive question, and in discussing it, I mean no personal reflection upon any present chairmen.

Yet, is it logical or fair or democratic to grant power and perquisites solely on the basis of political and physical survival? Is it reasonable or wise to give one man a virtual veto for decade after decade on fundamental laws? Can we afford to keep the perusal of pressing problems bottled up and unreviewed on the judgment of one man or a handful of men?

Is not the expertise and judgment of all House members, including those of limited longevity in this House, needed for the good of this Nation and its citizenry?

I think it is and we must move to adapt our own institution to the facts of contemporary need rather than mere past precedent.

While these two topics appear most prominently in current debate about House and congressional procedure, there are others. We consume an ungodly amount of time on rollcall votes, even on minor matters. Can we not at least join the age of Edison on counting our votes and perhaps even the age of the computer in providing ourselves with prompt and accurate summaries of information on the floor when and where we need it?

These matters seem to me to call for attention and action and not in the remote future.

This committee which I propose would be allowed to sit during the present session and when the Congress is both in or not in session. This committee could meet both in Washington and elsewhere and could, if it so chose, call witnesses and records.

This committee would report as soon as practicable during the present Congress, giving both results of its findings and recommendations on them. If Congress should not be in session when the committee is ready to report, it may file such report with the Clerk of the House.

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

(Mr. **GIBBONS** asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. **GIBBONS.** Mr. Speaker, during the last session the Congress passed the National Environmental Policy Act of 1969—Public Law 91-19—which stated:

> The Congress recognizes that each person has a responsibility to contribute to the preservation and enhancement of the environment

Incidentally, the act was drafted, introduced, and steered through Congress by Democrats.

We can only carry out the objectives of the National Environmental Policy Act by having an informed public. I am cosponsoring several educational bills which would do this. One of these bills is the Environmental Quality Education Act. It provides for grants to colleges and universities to develop teaching materials in the environmental field, for teacher training, and for supporting environmental studies in elementary and secondary schools as well as for community conferences for business and industrial leaders and State and local governmental officials. This legislation can help us begin now to educate Americans, and especially schoolchildren, about the entire range of problems that will determine the kind of environment we have in the future. Hearings are expected to begin in the near future on this important legislation.

One of the vital concerns of our times is the menace of air pollution. We know that air pollution is inescapably rooted in all endeavors of man today—in the methods he uses to build his cities and his industrial plants; in the methods he uses to transport his goods and himself; in the methods he uses to provide for heat, power, and light; in the methods he uses to dispose of his waste materials. Man is at once the polluter and the victim of pollution.

Congress has met the challenge of nationwide air pollution abatement for many years, and in various ways. A recitation of the many bills introduced and of public laws enacted would be filled with instances of successful congressional response to the Nation's needs for improved control practices on many fronts. It would include such diverse areas as national standards for pollution by motor vehicles, grants for research and development in pollution hazards and effects, support of air quality planning activities, and authorizations for the establishment of criteria for individual major pollutants. The Clean Air Act of 1963, the first comprehensive air pollution control legislation, has been amended several times through the years to take cognizance of new national requirements and priorities in air pollution abatement and control.

One of the areas of great concern is pollution caused by automobiles. We know that motor vehicle emissions are responsible for 60 percent of the ground-level air pollution in metropolitan areas. I was one of the first sponsors of legislation that culminated in Public Law 89-272, enacted in 1965, which gave the Secretary of Health, Education, and Welfare authorization to set standards for control of automobile exhaust, and

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called for the launching of a major study of methods to control pollution from smoke and other wastes.

This year the Air Quality Act of 1967 comes under review of the Congress because new funding must be authorized for fiscal 1971 and subsequent years. Many bills have already been introduced to amend this act and provide new insight into existing problems and draw attention to still unsolved aspects of air pollution. I wish to go on record as cosponsor of the following bills with which I am in complete agreement and which, if enacted, will surely contribute greatly to air pollution abatement and control:

Legislation to amend the National Emission Standards Act to require Federal emission standards for use on motor vehicles; to require that Federal emission standards for new motor vehicles shall be the same as emission standards adopted by the State of California for the calendar year 1975 and for each calendar year thereafter;

Legislation to eliminate the use of lead in fuel and install adequate antipollution devices in vehicles; and

Legislation requiring the Secretary of Health, Education, and Welfare to study and report annually to the Congress on the health hazards of environmental pollution and the availability of medical and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels, and for other purposes.

In the area of water pollution and control, one of the the most important bills, H.R. 4148, is still before House and Senate conferees, where it has been for several months. As I mentioned in a speech on the House floor several days ago, the disastrous oil spill in my area could have been speedily dealt with had this legislation been in effect. Unless Congress completes its action on this bill, it will be the third consecutive year that Congress has failed to complete action on a major water pollution control bill.

EXISTING DEFICIT IS UNPRECEDENTED

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, in reviewing the balance-of-payments figures issued by Department of Commerce, I have become alarmed at the tremendous deficit which the present administration has run up at an annual rate of $10.8 billion for the first three quarters of 1969.

You may recall, Mr. Speaker, the efforts that were made by the previous administration and the imposition of restrictions to control the balance of payments after we had incurred a deficit of $3.5 billion in 1967. The deficit which exists today measured by the traditional liquidity balance is the highest that we have had in this Nation's history. As a matter of fact, this $10.8 billion deficit is higher than the total combined deficits of the past 6 years. The cumulative effects of all of this has been to put over 40 billion American dollars in the hands of foreigners and to further increase the claims against our Treasury's $11.9 billion in gold stock.

As I am certain you are aware, Mr. Speaker, we have never in this Nation's history had a deficit in excess of $4 billion.

After the efforts of the previous administration brought us back to a surplus of $168 million in 1968, President Nixon, practicing his new fiscal policy, abolished all of the corrective actions early in his administration. As a result, our balance-of-payments deficit skyrocketed in the first three quarters of 1969. This type of fiscal irresponsibility is intolerable. It is the same type of policy that has caused the single highest rise in the cost-of-living index in 19 years. This is the same policy that continues to contribute to rising unemployment in this country today.

The deficits from 1964 to 1968 were as follows: $2.8 billion for 1964, $1.3 billion for 1965, $1.4 billion for 1966, $3.5 billion for 1967 and 1968 saw a surplus of $168 million.

For the first quarter in 1969, it went to $6.7 billion, $15.5 billion for the second quarter and $10.2 billion for the third quarter. The existing deficit is unprecedented and an administration cannot claim to have a sound fiscal policy if it will tolerate this type of a deficit for an extended period of time.

SCHEDULE OF HEARINGS BEFORE SUBCOMMITTEE NO. 4 OF THE HOUSE COMMITTEE ON THE JUDICIARY

(Mr. ROGERS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Colorado. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled public hearings on the following proposals:

H.R. 7213, to amend sections 102 and 104 of the Revised Statutes of the United States to provide that misbehavior in the presence of either House of Congress or any committee or subcommittee thereof, shall constitute a misdemeanor—March 25, 1970, at 10 a.m., room 2237, Rayburn House Office Building;

S. 3274, H.R. 15132, and related measures, to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards—April 2, 1970, at 10 a.m., room 2226, Rayburn House Office Building; and

H.R. 14071, to provide for audit of and to require disclosure of certain information concerning federally chartered corporations—April 9, 1970, at 10 a.m., room 2237, Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

LAFAYETTE, WHERE ARE YOU?

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, as I address my distinguished colleagues in the House today, I feel like crying out, "Layafette, where are you?" Patriot of liberty, ally in time of need, where is the France we knew.

Yes, Mr. Speaker, where is the heart of France in 1970? I, for one, question the honor and integrity of a nation who attempts to extend her influence throughout the world at the expense of world peace. Yet this is precisely what France has been doing over the past 25 years under the name of Amerca's ally.

France's attitude toward world peace must seriously be questioned when she announces the sale of 108 Mirage jet fighters to the Arab nation of Libya. This is done in the same breath as she continues to refuse to deliver 50 Mirage jets to Israel that have long ago been paid for.

We all know that a military balance must be maintained between Israel and the Arab States if stability and security is to be maintained in that powder keg area of the world. The continued supply of French armaments to states dedicated to the destruction of Israel can only provoke the escalation of their "holy war."

If France were really our ally she would have joined us in calling for peace in the Middle East through face-to-face negotiations. Her massive supply of arms to the radical Arab cause can only cast doubt on her intentions and add flames to the already burning cauldron of instability in the Middle East.

At a time when international solidarity and cooperation are so vital to the world's survival, I doubt whether the United States can count on France for assistance. Her actions in the Middle East undermine not only the stability of the whole Mediterranean, but it strikes at the security interests of the United States as well as Israel.

This one-sided and prejudiced policy of France in the Mideast provokes war under the guise of friendship and disinterested business policies. It is as though French leaders have not learned that two disastrous world wars originated from overbearing national rivalries.

Mr. Speaker, the French Government does not have friendships—it has interests. When the United States attempted to create, over the past 25 years, a united Western Europe in the hope of achieving lasting peace, stability, and prosperity there, De Gaulle fought it. His obstructive tactics and inherent mistrust of supernational institutions frustrated the momentum that was needed to achieve this political and economic union in Europe, despite the fact that the idea of a European federation received ardent support in Europe during the 1950's and 1960's.

In the U.N., France's overall voting record against the United States, second only to Portugal's, also attests to her lack of a cooperative spirit among the countries of the Western Alliance. England has not yet succeeded in participating in the Common Market because of French opposition.

France's independent pursuit of national goals has also blinded her to the

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necessity for multilateral agreement and solidarity in action in the Atlantic community. De Gaulle's attitude was that France's participation in NATO meant the subservience of France and other Western European nations to the United States, so he pulled France out of NATO leaving a huge gap in the European defense system.

De Gaulle's outdated sense of independence and national pride has not significantly enhanced France's defense posture as far as I can tell, and France has certainly compromised the security of her European neighbors. Taken as a whole, France's attitude toward NATO can only be viewed as one of hostility, not friendship.

On the economic front France launched an indirect attack on America through the dollar. By calling for a return to the gold standard and accumulating gold reserves, France only succeeded in stalling international efforts to solve our balance-of-payments problem through the International Monetary Fund.

On the diplomatic front, France continues to pursue a course of bilateral agreement rather than multilateral action in her dealings with the Soviet Union and Eastern Europe. I question the wisdom of a complacent American attitude toward this continued disregard for American interests in Eastern Europe and elsewhere, when France has at her disposal all of our defense intelligence secrets as a result of her earlier participation in NATO. We paid for France's security and liberty in World War II with the lives of American fighting men, and we helped her rebuild her country with the tax dollars of American citizens.

France simply does not have the credibility nor the weight in international affairs to influence the Soviet Union to adopt a more conciliatory stance in European world affairs. Rather, her unilateral approach tends to perpetuate the communist hope for a schism in the united Western front. "Divided they fall" is the dream of communism.

We are a free Nation today because of the motto "United We Stand." This concept has kept freedom in the new world since 1776, and it is the key that helped to win two world wars in the cause of peace—and stave off a third. A united defense posture among the Allies has helped to maintain the freedom throughout the world. It is the basis upon which the delicate balance of power is built.

The national interests of France have helped to fan the fires of many internal conflicts in recent years. Anglo-Saxon interests in Canada were subverted during the summer of 1968, when De Gaulle interfered with the internal affairs of Canada by calling for Quebec separatism.

In Africa, De Gaulle supported mineral-rich Katanga's secessionist movement against a pro-American Congo. This did nothing to further the peace and internal security and stability of Africa.

Turning now to the Middle East we see that French nationalism has clearly been placed, once again, on a pedestal above the interests of world peace. It is obvious, Mr. Speaker, that France measures her friendship only as far as it relates to her national interests and aspirations.

I sincerely hope that Mr. Pompidou's visit to the United States will serve as the springboard for a new French foreign policy based on a consideration of the needs and realities of peace. Solidarity and cooperation must be the cornerstone of any alliance and I hope that Mr. Pompidou will reevaluate past Gaullist policies with this in mind.

TWO EAST TEXAS COMMUNITIES WIN NATIONAL CLEANUP AWARDS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, every Member of the House is proud of the district which he represents, but recently I have had cause to take special pride in two communities in Texas' First Congressional District, Texarkana and Sulphur Springs. Both of these communities have won a trophy for outstanding achievement in the area of community beautification. These awards were presented to officials of Texarkana and Sulphur Springs during the National Congress on Beautification being held here in Washington this week under the sponsorship of the National Clean Up, Paint Up, Fix Up Bureau.

Texarkana was selected for its second consecutive award and Sulphur Springs for its first based on documentary evidence of all civic improvement activities undertaken during 1969. A panel of seven judges with long experience in community development used a point system to determine degree of achievement and scope of participation in such areas as communitywide beautification, property improvement, and youth activities. The trophy winners were selected in three different population categories—under 25,000, between 25,000 and 250,000, and over 250,000. In announcing the awards, Mr. Richard H. Hackendahl, director of the National Clean Up Bureau, praised the people of Texarkana and Sulphur Springs for their deep concern about their communities and their dedication to improving the quality of life for their citizens.

Mr. Speaker, as with nearly all programs, the most important ingredient in any community improvement effort is leadership and we are fortunate in Texarkana and Sulphur Springs to have local officials and concerned private citizens who are willing to roll up their sleeves and get to work to enrich the lives of their communities. A local volunteer organization, Beauty in Texarkana, has taken the lead in working with city officials and propertyowners to make their community improvement program a nationally recognized success. Under the chairmanship of Mrs. William B.—Jerri—Roberts, Beauty in Texarkana has, with the valuable assistance of the local model city officials, undertaken a wide range of beautification projects which benefit everyone in the city. In Sulphur Springs, the chamber of commerce has provided the local leadership necessary to coordinate public and private beautification efforts which have resulted in this national award.

A second key factor in such local projects is wide public support, and as an example of the local interest in beautification, a large delegation from the area is attending the National Congress on Beautification this week. Representing the Texarkana area are Mayor and Mrs. A. J. Womack, Mr. and Mrs. Larry Patterson, Mr. Burney Jones, Mr. Paul Schriever, Mr. Harvey Nelson, Mr. Carl Hurst, Mrs. Vasco McCoy, Mrs. Eileen Welch, and Mrs. Roberts. From Sulphur Springs we have Mayor J. D. Bennett and Dr. and Mrs. Sam Swindell who represent the Sulphur Springs Chamber of Commerce.

For hundreds of years, growth has understandably been a major goal with most Americans, and growth is too often measured in terms of quantity alone. It is encouraging to see the recent trend toward a greater emphasis on quality of which beauty is a meaningful part. At a time when pessimism and cynicism are encountered on every hand, it is especially important that we strive for cleaner and more attractive towns and cities. The trash and debris that are byproducts of our industrial civilization, together with the bleak and grimy aspects of untended and neglected areas in the community can depress the spirits of all whose lives they touch. On the other hand, clean and well-ordered streets and parks lined with trees, flowers, shrubs, and lush grasses uplift a man's spirit and his thoughts. Beauty enriches and strengthens the life of a people and is a worthy goal for all our citizens. I am glad to be able to say that my neighbors in east Texas recognize this and are working hard for better communities.

COMMITTEE ON LOBBYING PRACTICES SHOULD LOOK AT THE BANK LOBBY FIRST

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the sponsors of House Resolution 822 are to be commended for bringing the question of lobbying practices before the House.

This is a subject that for too long has been overlooked, while the lobbying organizations have grown tremendously in size and power. The House should approve House Resolution 822, and I hope that the committee appointed under this resolution will come forward with recommendations that will put real teeth in the lobbying laws.

Mr. Speaker, it is no secret that I have sought on many occasions a detailed investigation of the bank lobby—a lobby which I am convinced is the most potent, year-round influence group operating in the city of Washington. So far, I have been unsuccessful in bringing about such an investigation and I am hopeful that House Resolution 822 will be a step toward this much-needed scrutiny of the bank lobby.

The bank lobby is undoubtedly the fastest-growing influence apparatus op-

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erating on Capitol Hill. In fact, a quick rundown of the filings at the Clerk's office reveals that this lobby has increased four to five times in the past 3 years. Today, not only are lobbyists registered for the American Bankers Association, but for many of the Nation's largest banks and for an endless variety of special banking committees.

The official filings are misleading since the Washington offices spread their opinions out across the country through a complex network of so-called contact bankers. These opinions are then fed back to the Congress and the national media as grassroots reaction—reaction that began on the mimeograph presses in the Washington ABA office.

No one—I am sure—questions that the banking lobby is a bigtime lobby. A banking publication a few months ago wrote that the Washington ABA office had been "transformed from a mini-lobby into a well-staffed, well-heeled, activist political apparatus." The article said that the ABA had been brought from "the bottom of the league right up there to title contention." And an ABA staff member was quoted as saying:

> In the old days, I don't remember seeing in the newpapers that anyone feared the American Bankers Association lobby. Now this seems to be injected into almost every debate on the Hill.

Completely aside from the obvious facts of its size and power, the banking lobby raises many basic questions in its day-to-day operations.

A few years ago, I discovered that the ABA had not even bothered to file reports for some of its key lobbyists with the Clerk of the House of Representatives. The reports that are filed seem designed to be as misleading as possible and reveal only the most limited information.

During one 6-month period last year, the five lobbyists registered for the American Bankers Association listed only $190 in expenditures. And this during a period of an extremely heavy run of banking legislation in the Congress. Surely we are not expected to take this $190 figure at face value.

Mr. Speaker, these are but a few of the fertile areas which a committee on lobbying practices might scrutinize. There are many other questionable practices involving the bank lobby which should be controlled in the public interest and in the interest of the reputation of the Congress.

Mr. Speaker, I hope that any committee which is named will deal with these subjects in a forthright manner and that no punches will be pulled regarding the banking lobby.

ATTENTION SHOULD BE GIVEN TO PRESIDENT NIXON'S RECOMMENDATIONS

(Mr. NELSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NELSEN. Mr. Speaker, the visit today, of the President of France to this Nation's Capital is an appropriate occasion to discuss President Nixon's legislative program which he outlined for this city shortly after taking office. The French influence in this city can readily be seen in the layout of its broad avenues and even in the approach to this Capitol Building and its surrounding grounds. The French influence has measurably added to the beauty of this city. I hope that it can be made a city, in all respects, of which its residents and all our citizens can be justly proud.

However, after the visit of President Pompidou of France and his eloquent address to the joint meeting of Congress, I think many of us need direct our attention to some of the recommendations of our own President, particularly as they relate to dealing with some of the problems in our Nation's Capital. The President has not forgotten the Nation's Capital in his legislative program and in fact several of his recommendations were high on the agenda of his "must" legislation for the 91st Congress. We on the District Committee are not unmindful of his priorities.

Early in the 91st Congress, it was agreed in the District Committee that there would be a priority of attention given to the several legislative proposals forwarded by the President to the Congress as they related to the District of Columbia. The 1969 revenue bill, and the several crime proposals making up the President's crime package were given the number one priority. Of lesser priority, but certainly of great importance, were the police, firemen, and teachers' pay bill, the nonvoting delegate proposal, the charter commission proposal, and my own bill calling for a Little Hoover Commission for the District of Columbia.

Some concern has been expressed in the press and by some in this Chamber as to when some of these bills would be considered by the District Committee and reported out to the full membership. As you know, the revenue bill has been enacted, and the omnibus crime bill will be reported out in the near future for floor action.

Recently the chairman of the District Committee, with the concurrence of many of us on that committee, has requested Subcommittee No. 3, chaired by the gentleman from Texas (Mr. DOWDY), to schedule hearings on the police, firemen, and teachers' salary bill, the nonvoting delegate bill, the charter commission bill, and the Little Hoover Commission bill, at the earliest possible date.

I think it only fair to call to the attention of the House that in my opinion the District Committee has not been dilatory in handling these matters. This is a matter of priorities which have been attended to in the committee; and we will now proceed with hearings to vote up or down those proposals which have been advanced by the President as well as my own proposal concerning the Little Hoover Commission.

And so fellow colleagues in the House of Representatives, I hope this report to you relative to matters pending before the House District Committee will clarify the situation which may have been obscured by other statements and speculative comment.

Mr. NELSEN. I yield to the gentleman from Florida.

Mr. FUQUA. I thank the gentleman from Minnesota for yielding. I want to say that we regret that the integrity of the chairman of the District Committee has been impugned by some Members in saying that he has not kept faith and he has not kept his word. He said at the beginning of the year that he intended to hold hearings, and the fact that he has called for hearings is a further indication of the good intentions of the chairman of the District Committee in living up to his word that he has given not only to the gentleman from Minnesota but also to other members of the House District Committee.

Mr. NELSEN. I thank the gentleman very much.

DEATH OF MRS. EMMA GUFFEY MILLER

(Mr. MORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORGAN. Mr. Speaker, I was saddened to learn from this morning's paper of the passing of Mrs. Emma Guffey Miller, the sister of former Senator Joseph Guffey, who served in the U.S. Senate from 1935 to 1947. Mrs. Miller died at the age of 95 after a truly amazing career. She was a Democratic national committeewoman from the State of Pennsylvania who played a leading role in national party politics for more than 40 years. It was my pleasure and honor to know and to work with her during nearly all of that period.

Many of us will remember her as "The Old Gray Mare" which was a nickname affectionately given to her in 1928 by Senator Joseph T. Robinson when he toasted her at a party meeting. Mrs. Miller was subsequently honored many times by the band striking up the tune "The Old Gray Mare" whenever she attended a party rally.

Mrs. Miller epitomized the best in American womanhood. She was one of the early fighters for equal rights for women and she was one of those wise women who abhorred the evils that came with prohibition and she fought for its repeal.

I feel that in the passing of Mrs. Miller, the Democratic Party has lost more than an honored member. We have all lost a true friend and a great American who did so much to prove that through selfless devotion and dedication, the women of our country can accomplish so much to make the world a better place in which to live. I wish to extend my deepest sympathy to the members of her family.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the distinguished Speaker of the House.

Mr. McCORMACK. Like so many other Members, I read with deep sorrow of the death of Emma Guffey Miller. She was one of the greatest warriors I have ever met—a wonderful lady, kind, understanding, but firm in her devotion to a principle and those policies in which she believed. She was one of the strongest Democrats I have ever met, and our Republican friends admired her for it. They knew Emma was a fighter and they knew she fought hard but clean, and there was

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always an appreciation of that wonderful spirit that she possessed as a lady, as a human being, as an American, and as a Democrat.

There are some Democrats who could take an example from Emma Guffey Miller's life, from her love and devotion to the Democratic Party. She was a very dear friend of mine. She was a great inspiration as an individual and as a human being. The good she did will always live on.

I join with my distinguished friends, the gentleman from Pennsylvania (Mr. MORGAN) and the gentleman from Pennsylvania (Mr. DENT), and others from Pennsylvania and the country, in extending my profound sympathy to her loved ones.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join with the distinguished gentleman from Pennsylvania in his tribute to this great lady. In 1964, I served on the platform committee of the Democratic Party in Atlantic City. Her contributions on that occasion, in spite of her advanced years, constituted one of the most inspiring experiences in my life. She was really a great person.

I join the gentleman from Pennsylvania in expressing sorrow at her passing.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, I join my colleague, the gentleman from Pennsylvania (Mr. MORGAN) in the remarks he has made concerning the passing of this great lady.

Emma Guffey Miller and the Miller family originated in Westmoreland County, Pa., which is my congressional district. Her brother Joe served in the U.S. Senate for two full terms. Her father was the sheriff of our county many years ago. The whole town was named after the family. It is called Guffey's Hollow, and it is still in existence, and some of the old houses there are still in existence, going back maybe 150 or more years.

Emma Guffey Miller was the first lady of our State and addressed more gatherings of Democrats in her lifetime than any person I have known in my more than 60 years of life. She fought harder for equality for women than any other person I have been in contact with in my 39 years as a legislator.

We were very fond of Emma Guffey Miller. She would always come to help and never come to hurt. I never knew her to say one bad word about anybody—except a few times when her tongue slipped when she was talking about Republicans, but it was never done in other than a political way, never in a personal way.

INFLATION INHERITED FROM PREVIOUS DEMOCRAT ADMINISTRATION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, last Thursday the House majority leader placed in the CONGRESSIONAL RECORD a statement in which he castigated the Nixon administration for the inflation President Nixon inherited from the previous Democrat administration.

This is the height of irony, Mr. Speaker—that the Democrat floor leader in the House should seek to blame the Nixon administration for the inflation today that is directly due to the policies of the previous Democratic administration.

The gentleman from Oklahoma knows as well as does anyone else in this Chamber that the inflation from which we continue to suffer began in 1965 and gathered speed because of excessive and often irresponsible Federal spending and the uncoordinated monetary policies in the years immediately thereafter—years when both the White House and the Congress were controlled by the Democratic Party.

The Democratic floor leader would have the American people believe that their economic lot has suddenly worsened, has deteriorated because a Republican President now sits in the White House.

The truth is that the Democrats, because of irresponsible fiscal policies, brought on inflation which a Republican President now is forced to combat, with all of the painful consequences attending such efforts.

The truth is that the real earnings of the nonfarm worker in the private sector rose hardly at all in the Democratic years of 1965, 1966, 1967, and 1968—the years when then President Lyndon Johnson said we could have both guns and butter.

Figures I have just obtained from the Department of Labor's Bureau of Labor Statistics show that a nonfarm worker's rise in gross weekly earnings between January 1965 and January 1969 were almost completely eaten up by increases in consumer prices and by income and social security tax increases.

The gross weekly earnings of this worker rose 19 percent during this period—from $92.64 a week to $110.25.

But what happened to those weekly earnings as a result of price increases and the rise in taxes? The advance in earnings almost vanished.

The Consumer Price Index jumped from 108.9 in January 1965 to 124.1 in January 1969, a 14-percent rise. When a nonfarm worker's gross weekly earnings were adjusted for price increases, he showed an increase in real earnings of only 4.4 percent in that 4-year period under the Democrats.

Add to that the increase in income and social security taxes, and the nonfarm worker's real weekly earnings drop to $77.90 a week—an increase in real earnings of only 0.7 percent in 4 years.

That is what the American worker has to show for all of his years of struggle during the previous Democratic administration—a rise of 0.7 percent in real weekly earnings. This is less than 1-percent increase in purchasing power, not much help for a growing or expanding family.

The Democratic floor leader has unfairly attacked the Nixon administration for its efforts to combat the inflation brought on by the previous administration, a Democratic administration which committed 540,000 military personnel to Vietnam and refused to pay for that war, an administration which ran up Federal deficits totaling $45 billion.

He should be candid enough to tell the workers of America that the Nation is plagued by Democratic inflation—that the Nixon administration is finding it extremely difficult to fight that Democratic inflation because it was permitted to gain momentum while the Democrats controlled both the White House and the Congress—that Democrats currently are not cooperating with the President in his efforts to fight Democratic inflation but are seeking to make political capital out of those efforts.

It of course is naive to expect some Democrats to make such admissions, although I must say that Senator EDMUND MUSKIE was frank enough to state in a recent Christian Science Monitor interview that President Nixon had inherited his problems from the previous Democratic administration.

So we are not really being naive today. We are simply making a plea for candor. And we would also express the hope that the Democrats would stop playing politics with the people's pocketbook.

President Nixon is making a constructive effort to solve the inherited problem of inflation. He is seeking to build a strong peacetime economy that will provide jobs and industrial growth for a better America. He deserves better from the opposition party than political sabotage.

JOINT SESSION CONDUCTED ADMIRABLY

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ABERNETHY. Mr. Speaker, prior to the joint session and the appearance of our distinguished visitor, President Pompidou of France, there was a bit of jitterness about this Chamber. Many were concerned that there might be some kind of ugly demonstration, which could have done harm to no one but our own great country and ourselves.

I was tremendously pleased that the joint session was without the slightest element of an ugly incident. I am proud of the manner in which the Congress conducted itself, of the warm manner in which our distinguished visitor was received and the very fine attention which he received.

We have our differences with some nations and some people around the world. We differ with their high officials and they differ with us. We have had differences in recent years with the Government of France, with its policies and its leaders. But this does not mean that we should not be on speaking terms, or that we should boycott them, or that we should insult them. Boycotts do not promote friendship. They solve nothing. Actually, such conduct only creates problems or makes bad matters worse.

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The ties between our country and France have been long and friendly, conceding that there have been some sporadic differences but nothing so serious that things could not be straightened out.

Take a look at the walls of this Chamber. Only two portraits hang thereon. One is of the Father of our Country, George Washington. The other of a great and brave man of France, General Lafayette.

This man Lafayette and his country, France, made great contributions to the independence and freedom the people of these United States enjoy. The ties between the United States and France are so old and so deep that we should never let them die. Differences may arise; but the people of these two nations are big enough to settle these differences when they do arise.

I seemed to sense, as the President of France spoke today, that that Frenchman whose portrait is hanging on this wall made a few remarks himself, and his remarks were that he was still proud of the contribution which he and his people made toward making these United States a free and independent nation of the world.

There were those who stayed away from the session today. They had a right to stay away. That is one of the privileges of being an American. I wish they had occupied their seats. I wish they had been willing to listen to what President Pompidou had to say. They might have disagreed. I certainly am not in full agreement with all of the policies of the French Government. I very much disagreed with many of the policies of the Government of France which preceded Pompidou. But even though men at times may disagree and dissent, they should always be willing to listen and talk.

Again, Mr. Speaker, I regret that some Members failed to occupy their seats. And with all deference, I suggest they did injury only to themselves.

THE NATIONAL FOREST TIMBER CONSERVATION AND MANAGEMENT ACT

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, my mail of February 25 included a letter from an outstanding conservationist, Mr. Frank Mainville, outdoor editor of the Lansing, Mich., State Journal. Mr. Mainville noted that he had just learned "that the Timber Supply Act is coming to the floor next Thursday, February 26, under a new name, the National Forest Timber Conservation and Management Act." He added:

> As I am sure you realize, Michigan's northern trout streams do not need the extra burden of erosion, fertilization and siltation which this bill suggests.
>
> I am told the timber companies are selling off their own land for all but forest purposes with the idea of chopping down wilderness areas which are all too few in Michigan today.
>
> As an outdoor editor and a member of Trout Unlimited, which opposes the bill too, I am very concerned that industry will benefit at a serious cost to the public.

I am pleased that Mr. Mainville shares my opposition to H.R. 12025. But, then, as an ardent conservationist I am not surprised that he sees the legislation in its true light.

Also, I am pleased that Mr. Mainville's views are shared by our most distinguished newspapers and by many of our most responsible organizations.

For the information of my colleagues, I include at this point in the Record the text of editorials which appeared in the New York Times, the Denver Post, the Salt Lake City Tribune, and the Washington Post, as well as the text of a letter which I received from Nickolas J. Healy, Jr., chairman, Environmental Quality Committee, American Bar Association:

[From the New York Times, Feb. 25, 1970]

Speaking of the Environment—

The Sierra Club and Senator Edmund S. Muskie have raised a question that directly tests the determination of the Nixon Administration to protect and restore the environment against the pressures of vested interests. The question is: where are the detailed statements of the Secretary of Agriculture and the Secretary of Housing and Urban Development on the environmental impact of pending legislation to get "optimum timber productivity" out of the national forests?

The freshly signed Environmental Policy Act calls for just such an analysis to be made to the President and the Council on Environmental Quality by agencies recommending just such legislation. The House is scheduled to take up the bill—the so-called "National Timber Supply Act"—tomorrow, the both Cabinet heads have endorsed it. But from neither of the departments has come the evaluation required under law.

Their reluctance, though hardly commendable, is all too understandable. The bill threatens to upset the "multiple use," long established as policy for the national forests: a balance among the various demands of water supply, wildlife protection, recreation and timber production. It would do so emphatically in favor of timber as the priority use, to the profit of the logging industry and the despoliation of much of the 19 per cent of the country's forest land that is still owned by the people of the United States. In fifteen years, old growth would be cut that the Forest Service has been planning to ration out over a century. Logging would be king—and forget about scenery, environment and everything else.

The pretext for this raid is the need for more housing. But it would be hard for Secretary Romney or anyone else to make a convincing case. If the country is short of lumber, why did it export four-billion board feet last year? Why has the rate of export been doubling in the past few years? And why are huge quantities of logs still being shipped to Japan? It is pertinent to ask why some thirty out of thirty-three members of the Agriculture Committee used the need for housing to justify this bill, while only nine of those 33 voted for the Housing and Urban Development Act.

The House should turn back this attempted misuse of a great national asset. And the Administration ought to be fighting this timber grab, not endorsing it.

[From the Denver (Colo.) Post, Feb. 19, 1970]

Timber Bill Needs a Rewrite

The Nixon administration has chosen unwisely to support a House bill which would seriously damage the concept of multiple use in U.S. national forests. It is, moreover, a special interest bill.

Under the banner of "more housing" the timber industry has sold Agriculture Secretary Clifford Hardin on a bill to upgrade the priorities of timber-production in the U.S. forests.

We hope the fabric of multiple use is strong enough to withstand the assault. The next week or so may be crucial: the bill has been withdrawn once because of opposition but it may be offered to the House again next week.

Multiple use is a strong and wise principle. It says that public land resources exist for all the people. It balances the interests of many. It does not permit the livestock man to kill off all the wildlife in the interests of raising more cattle. It does not permit recreationists to interfere with the rancher. And it does not allow timbermen to ruin watersheds and grazing in the interests of timber alone.

Yet after a brief lumber "shortage" a year ago the timbering industry raised such an outcry that Congress was put under pressure to readjust management of the national forests to give timbering a big new priority.

Many people are worried about this proposal, as embodied in H.R. 12025. It not only hurts the interests of other forest users but, in the case of prospective wilderness areas, actually provides for timbering on them.

We can't believe the American people, who showed such tremendous support for wilderness in the 1960s, are now ready to wash out the potential values of those prospective areas still to be added to the system.

The basic problem with the timber lobby's bill is that it is self-centered. The industry has said, in effect: "We've got a problem so we want you (the public) to solve it."

The nation does need to produce more timber. But putting the bite on the national forests is reminiscent of the child who wants to sleep in the guest room because he's made a mess of his own.

A large proportion of the nation's commercial forests are in private control—off the U.S. forests. And despite the fact that they are superior growing lands, the timber operators still want to solve the problem by cutting faster on U.S. forests.

Bear in mind, these private lands in many cases can produce a sawlog in 35 to 60 years as compared to 250 years, which is the age of similar trees in the White River Forest near Glenwood Springs.

More reforestation certainly is needed in the U.S. forests. The Forest Service says it has a 60-year backlog of reforestation that needs to be done. It needs money. In this the timber operators are correct in urging more resources from Congress.

But a greater effort is needed to get private land reforested; the bill's efforts in this direction are slight.

A greater effort is needed to protect wildlife, grazing and watershed values as part of the multiple use concept. Rewriting is needed.

It would be little satisfaction to the American homeowner of the future to be told that the lumber in his house was a little cheaper—but at the cost of silt in his water supply and the absence of recreational opportunities on his denuded mountain slopes.

[From the Salt Lake City (Utah) Tribune, Feb. 9, 1970]

No Babe in the Woods

It has a babes-in-the-woods-like label but the latest attempt to raid the national forests for commercial lumber is no Red Riding Hood.

The wolf in question right now is in the House of Representatives and it carries the innocent title National Forest Timber Conservation and Management Act of 1969, originally known as the National Forest Timber Supply Act of 1969 before its name was changed, apparently to throw conservationists off the track.

In essence this legislation would explode the tried and true multiple use theory as

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it applies to the national forests and enthrone lumbering as king of the woods, especially the approximately 97 million acres that now support timber of commercial quality. Recreation, watershed control, range management, fish and wildlife management, all these other uses of the same land would become strictly secondary and virtually meaningless. Multiple use, the idea that national forests and other federally administered lands should be managed for the maximum benefit of all, will have been dealt a body blow from which it may never recover.

The bill now before the House, and its companion measure in the Senate, is supported on grounds that it is necessary to increase the timber cut on the national forests in order to supply additional lumber to build additional houses the nation sorely needs.

Opponents say the bill would evade the sustained-yield principle which allows for strictly controlled harvesting of timber in relation to replacement potentialities. This would be accomplished by instructing the secretary of agriculture to achieve "optimum timber productivity" and never mind whether enough new trees will grow up to replace those cut, or whether the denuded forests then become gathering places for flash floods in the valleys below or whether wildlife can any longer live there.

The 97 million acres of commercial forest lands involved directly in the bills represent about one half of the 183 million acres in the nation's 154 national forests. They amount to only about one-fifth of the 510 million acres of commercial forest lands in the U.S. Thus, while the 97 million acres are only a small part of the total timber production picture, they are a big hunk of the total national forest preserve. If they are given over to the lumber industry, half of the national forests will be threatened with ruinous exploitation.

We do not dispute that if and when the much talked of federal housing programs get rolling there may be a need for more lumber. But it does not have to come from the national forests. It is possible that improved timber management by the Forest Service could produce an increase without throwing the commercially suitable forests open to forced productivity. This possibility should be explored but the best answer to the real or alleged need for more lumber must be sought on private timber lands which are managed mainly for that purpose and in a renewed search for and a greater use of wood substitutes.

The multiple use concept was embodied in law in 1960 and in the 10 years it has been practiced its manifold blessings have been widely recognized. With federal, state and local governments beginning to strike out in many directions to reclaim the environment, it is unthinkable that Congress is even giving serious consideration to moving in the opposite direction by invalidating the multiple use principle on the national forests.

[From the Washington (D.C.) Post, February 4, 1970]

FIGHT OVER THE NATIONAL FORESTS

Congress is facing an early test of its concern over protection of the environment. The House has before it a national timber supply bill which, many conservation groups believe, would raid the national forests in an effort to reduce lumber prices. The measure was approved by the House Agriculture Committee at the behest of the home builders and the timber industry as a stimulus to the growing and cutting of timber to sustain expanded home construction. But conservationists fear that it will intensify the pressure on the national forests with grave consequences to watersheds, wildlife, human recreation and the ultimate supply of timber itself.

The motive behind the bill is undoubtedly a worthy one. It recognizes that an enormous increase in the supply of timber will be needed in the years ahead to support a larger housing industry and other essential building and seeks to intensify use of the national forests for this purpose. The country is still growing timber a little faster than it is being cut, but experts expect the cutting rate to exceed the growing rate within a few years, and not much is being done about it. At least 5 million acres of national forest land ought to be replanted and 13 million additional acres need improvement of one kind or another. It is estimated that $200 million per year is needed to bring these forests into full production under the approved multiple-use, sustained-yield policy now followed by the Forest Service, but less than half that sum is available.

Almost everyone seems to be in agreement that rehabilitation of the national forests should no longer be delayed. But there the agreement ends. The conservationists fear that, even though larger outlays for planting, stand-improvement and so forth are contemplated in the bill before the House, it would lead to intensified cutting too soon. Sponsors of the bill insist that it would give no new authority to the Forest Service, that multiple use would be retained and land management improved, and that cutting would not be stepped up until justified by additional planting. But Section 7 of the bill seems to authorize new programs, heavier cutting and revision of the rotation rate in timber growing which many regard as incompatible with sound forest management.

The House should know what it is doing before it ventures into this quagmire. It is true that the Agriculture Committee substantially improved the bill, but ambiguity remains. The least that can be asked is that Congress wait for the recommendations of the President's task force on housing and timber needs. It is said that the report of the task force has been completed and is under scrutiny by department heads before being sent to Capitol Hill.

The issue is not merely one of providing new timber supplies, vital though that objective is. Since any change of policy in the national forests will have an impact upon recreation, grazing, water supply and the environment as a whole, it must be scrutinized from the viewpoint of the general welfare. If this requires a good deal of time, a proper start could be made by providing more funds for improvement of the forests, while leaving the controversial problem of cutting more timber until the new growth is under way.

AMERICAN BAR ASSOCIATION,
Chicago, Ill., February 20, 1970.

DEAR CONGRESSMAN: The Environmental Quality Committee of the Young Lawyers Section of the American Bar Association has studied the National Timber Supply Act (H.R. 12025) now pending before you on the matter of timber supply in the national forest lands. Having considered the arguments for and against the proposed legislation the Committee believes enactment of the bill in its present form would not be in the public interest.

There are three fundamental objections to the bill as now drafted. First, earmarking receipts from timber sales to increased timber yield would seriously impair the principle of multiple use as enunciated in the Multiple Use-Sustained Yield Act of 1960 (16 U.S.C. 528 *et seq.*) While it is true that the expenditures from the "high timber yield fund" are mandated to be "in conformity" with the latter Act, there is no assurance that comparable funds will be appropriated for land use other than timbering. Consequently, it seems likely that in practical effect intensive forestation will unduly predominate over such other uses of the national forests as wildlife preservation and recreation.

Secondly, the legislation would tend to inhibit additions to the National Wilderness Preservation System. Thus, the increase in funding for timber cutting would make possible far more extensive logging, including logging in areas of unique value as wilderness but of marginal value as timber land. Once such areas were subjected to heavy cutting they would not only lose their inherent quality as wilderness, but Congress would hardly be disposed to appropriate funds for their inclusion in the Wilderness System. Clearly, potential wilderness regions should be expressly excluded from the definition of "commercial forest land".

Finally, the bill would subject more than half of our national forests to intensive "tree farming" methods, such as monoculture and fertilization. Scientists are only now finding evidence of the adverse cumulative effects on wildlife of such supposedly harmless chemicals as nitrogen fertilizers. To permit an unprecedented expansion of intensive forestation techniques would thus appear to risk incalculable ecological damage to vast watershed and wildlife areas. It would seem appropriate to restrict intensive forestation to, say, ten million acres of public lands until its long range effects on the environment can be fully evaluated.

In summary, the bill in question does not provide adequate protection for the natural resources of our national forests other than commercial timber. Accordingly, the Committee urges you to cast your vote against the bill.

Respectfully yours,
NICHOLAS J. HEALY, Jr.,
Chairman, Environmental Quality Committee.

CONGRESSIONAL REFORM

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, our fine colleague from Vermont (Mr. STAFFORD) was here a moment ago and regretted his inability to make some prepared remarks about congressional reform, a mutual concern of ours. His remarks are excellent, and I would like to repeat them for the RECORD as though he were himself here.

Mr. Speaker, more than 4½ years ago I appeared before the Joint Committee on the Organization of Congress to testify in behalf of proposals to modernize and reorganize the Congress.

The joint committee subsequently made its report and a congressional reform bill was approved in the Senate in 1968, but was never acted upon by the House in that 90th Congress. This last year, here in the 91st Congress, more than 200 Members have introduced bills calling for congressional reorganization.

Last April 22, the Rules Committee of the House set up a special select subcommittee to screen reform bills, and according to a fact sheet issued for the week of June 13, 1969, by Congressional Quarterly the honorable chairman of this select subcommittee, the gentleman from California, was quoted as saying:

> We definitely intend to take a bill to the floor and I think it will be a good bill.

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Well, Mr. Speaker, this is now the end of February 1970, and as the saying goes, the natives are getting restless. More and more I find my constituents asking what has happened to the great drive to modernize congressional rules and machinery. And, of course, I find it more and more necessary to express my regret that my friends on the other side of the aisle who control this House have refused to let us act on congressional reform.

I certainly trust that we will not have to provide the same answer when we face our constituents later this year. Congressional reform is not of course a partisan issue. We all seem to be for it—so let us stop talking and act on a bill.

HOW TO STOP SKY MURDERS

(Mr. MORSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, the kind of sabotage that resulted most recently in the loss of 47 innocent lives onboard a Swissair plane destined for Israel, and endangered those on an Austrian plane transporting mail to Israel, is an outrage and a tragedy, the horror of which needs no embellishment. What it portends for the continuing conflict in the Middle East, and for the future of world aviation, however, cannot be understated.

It is the responsibility of the international community to take steps to insure that such tragedies do not happen again. This involves more than improving inflight security; it calls for a concerted and firm agreement, making it clear in the most definite terms that all governments of the Middle East will be assigned clear responsibility for controlling the activities of individuals and organizations operating in or from their territory.

Members of the Arab guerrilla groups which have undertaken such terrorist activity in the past and are suspected of instigating the latest attacks, can no longer remain unclaimed by the governments which have tolerated their actions and issued passports for their travel abroad. The world cannot allow them to remain aloof from law and justice.

Neither should Israel be penalized for being so victimized. The security of international airlines must be reassessed and improved, but services must be fully reinstated to Israel. To do otherwise would be to place a premium on such terror tactics. It would, as the following editorial in the February 24 Boston Globe states, "contribute to the toleration of murder and the disruption of international travel" by the international community:

HOW TO STOP SKY MURDERS

The Arab guerrilla sabotage which on Feb. 21 destroyed a Swiss airliner flying to Israel with the loss of 47 lives, and on the same day almost destroyed an Austrian plane carrying mail to Israel, confronts the civilized world with a challenge that must be met head-on, and immediately and decisively.

Nothing could be less convincing than the denial of responsibility issued by an Arab guerrilla organization, in the light of both its earlier claim that it had engineered the disaster, and a record of similar guerrilla terrorist attacks that date back to July 23, 1968, when an El Al Airline plane was hijacked to Algiers after taking off from Rome.

Since then, and until last weekend's two atrocities, there had been two other attacks on El Al planes at airports in Athens and Zurich with the loss of three lives, two more attacks by grenade on El Al offices in Brussels and Athens with a 2-year-old Greek boy killed, and still another attack on El Al passengers at the Munich airport only last Feb. 10 in which an Israeli was killed and 11 persons were injured.

Almost as difficult to understand as these shocking acts of Arab guerrilla sabotage has been the reaction of most of Europe's major airlines in canceling freight and mail deliveries to Israel. To be sure, the ban was described as temporary. But it was precisely what the Arab terrorists have wanted to achieve by their hideous acts, and can only encourage their repetition once air deliveries have been resumed.

Also contributing to the toleration of murder and the disruption of international travel was last week's indefinite postponement by a criminal court in Athens of the murder trial of two Arabs who attacked an Israeli airliner there almost 14 months ago.

The answer to these terrorist attacks does not lie in postponing punishment for the culprits or in cutting off air deliveries to Israel. Rather it lies in the sternest of reaction from all civilized countries.

They must apply sanctions against those Arab countries which encourage and finance the terrorists. Instead of cutting off flights to Israel, the international airlines should act jointly to boycott these Arab states which are the source of the international murder and piracy in the air and on the ground.

Nothing less than such sanctions can stop these atrocities.

OIL IMPORT POLICY

(Mr. BUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSH. Mr. Speaker, much has been said on the matter of policy this Nation should follow with respect to its oil import program. No study of our oil import policy is complete without a realization of the effects the policy has on our national defense. This is particularly true now—when instability in the Middle East severely threatens sources of our petroleum imports from that region of the world.

An oil import policy based on a tariff system, which would allow this Nation to become dependent upon oil imports from other countries, and break the price of American crude, could halt American oil exploration. In turn, new natural gas deposit discoveries, almost all of which are found incidental to oil exploration, would be halted. With indications of a developing natural gas shortage in the United States, a reduction in American oil exploration would be detrimental in finding new, necessary sources of natural gas deposits.

With this in mind, I have introduced a bill establishing 12.2 percent statutory quotas on imports of petroleum and petroleum products, and to impose reciprocal duties on petroleum and petroleum products imported from foreign countries which impose duties on petroleum and petroleum products produced in the United States. It is an extension of H.R. 10706 which I introduced in June 1967.

In view of the President's recent decision to give further consideration to the national security aspects of this issue, perhaps this legislation will provide a vehicle for rational public discussion.

CONFERENCE REPORT ON H.R. 14733, HEALTH SERVICES FOR DOMESTIC AGRICULTURAL MIGRANTS

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–853)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That section 310 of the Public Health Service Act (42 U.S.C. 242h) is amended—

(1) by striking out "and" after "next fiscal year,", and by inserting after "June 30, 1970," the following: "$20,000,000 for the fiscal year ending June 30, 1971, $25,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.".

(2) by adding at the end thereof the following new sentence: "The Secretary may also use funds appropriated under this section to provide health services to persons (and their families) who perform seasonal agricultural services similar to the services performed by domestic agricultural migratory workers if the Secretary finds that the provision of health services under this sentence will contribute to the improvement of the health conditions of such migratory workers and their families."

(3) by adding immediately after the sentence added by paragraph (2) the following new sentence: "For the purposes of assessing and meeting domestic migratory agricultural workers' health needs, developing necessary resources, and involving local citizens in the development and implementation of health care programs authorized by this section, the Secretary must be satisfied, upon the basis of evidence supplied by each applicant, that persons broadly representative of all elements of the population to be served and others in the community knowledgeable about such needs have been given an opportunity to participate in the development of such programs, and will be given an opportunity to participate in the implementation of such programs."

(4) by striking out "to improve health services for and the health conditions of" in clause (1)(ii) and inserting in lieu thereof "to improve and provide a continuity in health services for and to improve the health conditions of".

(5) by inserting "(including allied health professions personnel)" after "training persons" each place it appears in clause (1).

(6)(A) by striking out "Surgeon General" and inserting in lieu thereof "Secretary", and (B) by inserting at the beginning of such section the following heading: "Health Services for Domestic Agricultural Migrants".

And the Senate agree to the same.

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That the Senate recede from its amendment to the title.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
DAVID E. SATTERFIELD III,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
Managers on the Part of the House.

RALPH YARBOROUGH,
HARRISON A. WILLIAMS, Jr.,
EDWARD M. KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
JACOB K. JAVITS,
GEORGE MURPHY,
WINSTON L. PROUTY,
WILLIAM B. SAXBE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill.

With respect to the amendment of the Senate to the text of the House bill, the House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the Senate amendment and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

AUTHORIZATION OF APPROPRIATIONS

The House bill amended section 310 of the Public Health Service Act to extend for 3 fiscal years (fiscal year 1971 through fiscal year 1973) the authorization of appropriations for programs of assistance for health services for domestic migrant agricultural workers. The following amounts were authorized: $20 million for fiscal year 1971, $25 million for fiscal year 1972, and $30 million for fiscal year 1973.

The Senate amendment and the conference substitute are identical to this amendment made by the House bill.

SERVICES FOR SEASONAL AGRICULTURAL WORKERS

In another amendment to section 310, the House bill authorized the Secretary of Health, Education, and Welfare to use funds appropriated under that section to provide health services to seasonal agricultural workers (and their families) when he found that the provision of such services would contribute to the improvement of the health conditions of the domestic migrant agricultural workers and their families who may presently receive health services under that section.

The Senate amendment contained no similar provision.

The conference substitute is the same as the House bill in this regard, and provides that project grants may be made to provide health services for certain seasonal agricultural employees. This provision is intended to be restricted in its applicability to projects in areas where migratory workers reside, and is to be limited to projects which will improve the health conditions of migratory workers themselves.

COMMUNITY PARTICIPATION IN DEVELOPMENT AND IMPLEMENTATION OF PROGRAMS

The Senate amendment contained a provision not in the House bill requiring applicants for assistance under section 310 to give the Secretary satisfactory assurances that persons broadly representative of all elements of the population to be served and others in the community knowledgeable about such needs have been given an opportunity to participate in the development of programs for domestic migratory agricultural workers' health needs and that such persons will be given an opportunity to participate in the implementation of such programs.

The conference substitute is the same as the Senate bill in this regard.

It is the intent of the conferees with respect to citizen participation in development and implementation of these programs that such participation extend to development of new, or modification of existing, programs, but does not extend to the actual administration of the programs themselves.

PROGRAM ADMINISTRATION

Two years ago, when this act was last extended, the conferees agreed that it ". . . should also be considered as a permanent and separately identifiable program. . . ." Because residency requirements still exclude migrants from many State health programs and because there continues to be a lack of willingness or financial ability to include migrants in State and local programs for the general population, we wish to restate this position and express concern that the 1968 Public Health Service reorganization may have seriously compromised the separately identifiable status of the program, contrary to the intent expressed in last extending the act.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
DAVID E. SATTERFIELD III,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
Managers on the Part of the House.

CONFERENCE REPORT ON H.R. 11702, MEDICAL LIBRARY ASSISTANCE EXTENSION ACT OF 1969

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–854)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Medical Library Assistance Extension Act of 1970".

THREE-YEAR EXTENSION OF EXISTING PROGRAMS

SEC. 2. (a) Subsection (i) of section 393 of the Public Health Service Act (42 U.S.C. 280b–3(i)) (relating to assistance for construction of medical library facilities) is amended to read as follows:

"(i) For the purposes of carrying out the provisions of this section, there are authorized to be appropriated $11,000,000 for the fiscal year ending June 30, 1971, $12,000,000 for the fiscal year ending June 30, 1972, and $13,000,000 for the fiscal year ending June 30, 1973."

(b) The first sentence of subsection (a) of section 394 of such Act (42 U.S.C. 280b–4(a)) (relating to grants to training in medical library sciences) is amended to read as follows: "In order to enable the Secretary to carry out the purposes of section 390(b)(2), there are authorized to be appropriated $1,500,000 for the fiscal year ending June 30, 1971, $1,750,000 for the fiscal year ending June 3, 1972, and $2,000,000 for the fiscal year ending June 30, 1973."

(c) Section 395 of such Act (42 U.S.C. 280b–5) (relating to assistance for compilations or writings concerning advances in sciences related to health) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

(d) Subsection (a) of section 396 of such Act (42 U.S.C. 280b–6(a)) (relating to research and development in medical library science and related fields) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

(e) Subsection (a) of section 397 of such Act (42 U.S.C. 280b–7(a)) (relating to assistance to improve or expand basic medical library resources) is amended to read as follows:

"(a) In order to enable the Secretary to carry out the purposes of section 390(b)(5), there are authorized to be appropriated $3,500,000 for the fiscal year ending June 30, 1971, $4,000,000 for the fiscal year ending June 30, 1972, and $4,500,000 for the fiscal year ending June 30, 1973."

(f) The first sentence of subsection (a) of section 398 of such Act (42 U.S.C. 280b–8(a)) (relating to grants for establishment of regional medical libraries) is amended to read as follows: "In order to enable the Secretary to carry out the purposes of section 390(b)(6), there are authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1971, $3,250,000 for the fiscal year ending June 30, 1972, and $3,500,000 for the fiscal year ending June 30, 1973."

(g) Subsection (a) of section 399 of such Act (42 U.S.C. 280b–9(a)) (relating to assistance for biomedical scientific publications) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

GRANTS FOR CONSTRUCTION OF MEDICAL LIBRARY FACILITIES

SEC. 3. Section 393 of the Public Health Service Act (42 U.S.C. 280b–3) is amended—

(1) by amending clause (B) of subsection (b)(1) to read as follows: "(B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and";

(2) by striking out subsection (c) and redesignating subsections (d), (e), (f), (g), (h) and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(3) by striking out in subsection (c) (as so redesignated by this section) ", and shall give priority to applications for construction of facilities for which the need is greatest".

GRANTS FOR SPECIAL SCIENTIFIC PROJECTS

SEC. 4. (a) Section 395 of the Public Health Service Act (42 U.S.C. 280b–5) is amended—

(1) by striking out in the second sentence "for the establishment of special fellowships to be awarded to physicians and other practitioners in the sciences related to health and scientists" and inserting in lieu thereof the following "to make grants to physicians and other practitioners in the sciences related to health, to scientists and to public or non-

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profit private institutions on behalf of such physicians, other practitioners, and scientists"; and

(2) by striking out in the third sentence "In establishing such fellowships" and inserting in lieu thereof "In making such grants" and by striking out in such sentence "fellowships are established" and inserting in lieu thereof "grants are made".

(b) Subsection (b)(3) of section 390 of such Act (42 U.S.C. 280b) is amended by striking out "the awarding of special fellowships to physicians and other practitioners in the sciences related to health and scientists" and inserting in lieu thereof "grants to physicians and other practitioners in the sciences related to health, to scientists, and to public or noprofit private institutions on behalf of such physicians, other practitioners, and scientists".

RESEARCH AND DEVELOPMENT IN MEDICAL LIBRARY SCIENCE AND RELATED FIELDS

SEC. 5. (a) The second sentence of subsection (a) of section 396 of the Public Health Service Act (42 U.S.C. 280b–6) is amended by striking out "research and investigations" and inserting in lieu thereof "research, investigations, and demonstrations".

(b) Subsection (b)(4) of section 390 of such Act is amended by striking out "research and investigations" and inserting in lieu thereof "research, investigations, and demonstrations".

GRANTS FOR BASIC RESOURCES OF MEDICAL LIBRARIES

SEC. 6. (a) Section 397 of the Public Health Service Act (42 U.S.C. 280b–7) is amended—

(1) by striking out in the first sentence of subsection (b) "for the purpose of expanding and improving" and inserting in lieu thereof "for the purpose of establishing, expanding, and improving";

(2) by amending paragraph (2) of subsection (c) to read as follows:

"(2) In no case shall any grant under this section to a medical library or related instrumentality for any fiscal year exceed $200,000; and grants to such medical libraries or related instrumentalities shall be in such amounts as the Secretary may by regulation prescribe with a view to assuring adequate continuing financial support for such libraries or instrumentalities from other sources during and after the period for which Federal assistance is provided."; and

(3) by striking out in the heading of such section "improving and expanding" and inserting in lieu thereof "establishing, expanding, and improving".

(b) Subsection (b)(5) of section 390 of such Act is amended by striking out "improving and expanding" and inserting in lieu thereof "establishing, expanding, and improving".

GRANTS FOR ESTABLISHMENT OF REGIONAL MEDICAL LIBRARIES

SEC. 7. Section 398 of the Public Health Service Act (42 U.S.C. 280b–8) is amended as follows:

(1) Subsection (b) is amended (A) by striking out "and" at the end of clause (4), (B) by redesignating clause (5) as clause (6), and (C) by inserting after clause (4) the following new clause:

"(5) planning for services and activities under this section; and".

(2) Subsection (c)(1) is amended by striking out "(A) to modify and increase their library resources so as to be able to provide supportive services to other libraries in the region as well as individual users of library services" and inserting in lieu thereof "(A) to modify and increase their library resources, and to supplement the resources of cooperating libraries in the region, so as to be able to provide adequate supportive services to all libraries in the region as well as to individual users of library services".

(3) Subsection (c)(2) is amended by striking out clause (A) and by redesignating clauses (B) and (C) as clauses (A) and (B), respectively.

(4) The following new subsection is added at the end thereof:

"(f) The Secretary may also carry out the purposes of this section through contracts, and such contracts shall be subject to the same limitations as are provided in this section for grants."

FINANCIAL SUPPORT OF BIOMEDICAL SCIENTIFIC PUBLICATIONS

SEC. 8. Section 399 of the Public Health Service Act (42 U.S.C. 380b–9) is amended by inserting before the period at the end of subsection (b) the following: ", except in those cases in which the Secretary determines that further support is necessary to carry out the purposes of this section".

TRANSFERABILITY OF FUNDS

SEC. 9. The part of title III of the Public Health Service Act redesignated as part J by section 10 is amended by adding at the end thereof the following new section:

"TRANSFERABILITY OF FUNDS

"SEC. 339b. (a) Notwithstanding any other provision of this part, whenever there is appropriated any amount for any fiscal year (beginning with the fiscal year ending June 30, 1971) to carry out any particular program or activity authorized by this part, the Secretary shall have the authority to transfer sums from such amount, for the purpose of carrying out one or more of the other programs or activities authorized by this part; except that—

"(1) the aggregate of the sums so transferred from any such amount shall not exceed 10 per centum thereof,

"(2) the aggregate of the sums so transferred to carry out any such program or activity for any fiscal year shall not exceed 20 per centum of the amount appropriated to carry out such program or activity for such year, and

"(3) sums may not be transferred for any fiscal year to carry out any such program or activity if such transfer would result in there being available (from appropriated funds plus the sums so transferred) to carry out such program or activity for such year amounts in excess of the amounts authorized to be appropriated for such year to carry out such program or activity.

"(b) Any sums transferred under subsection (a) for any fiscal year for the purpose of carrying out any program or activity shall remain available for such purpose to the same extent as are funds which are specifically appropriated for such purpose for such year."

REDESIGNATIONS

SEC. 10. (a) Title III of the Public Health Service Act is amended—

(1) by redesignating part I as part J:

(2) by redesignating the part H entitled "PART H.—NATIONAL LIBRARY OF MEDICINE" as part I; and

(3) by redesignating sections 371, 372, 373, 374, 375, 376, 377, and 378 as sections 381, 382, 383, 384, 385, 386, 387, and 388, respectively.

(b)(1) Subsection (c) of the section of such Act redesignated as section 382 is amended by striking out "section 373" and inserting in lieu thereof "section 383".

(2) The section of such Act redesignated as section 385 is amended by striking out "section 373" and inserting in lieu thereof "section 383".

(3) Section 391(2) of such Act is amended by striking out "section 373(a)" and inserting in lieu thereof "section 383(a)".

(4) Section 392 of such Act is amended—

(A) by striking out in subsection (a) "section 373(a)" and inserting in lieu thereof "section 383(a)",

(B) by striking out in such subsection "section 373" and inserting in lieu thereof "section 383",

(C) by striking out in subsection (d) "section 373(d)" and inserting in lieu thereof "section 383(d)", and

(D) by striking out in such subsection "part H which deals with the National Library of Medicine" and inserting in lieu thereof "part I".

(c)(1) Section 395 of such Act is amended—

(A) by inserting "(a)" immediately after "SEC. 395.",

(B) by striking out in the second sentence "under this section" and inserting in lieu thereof "under this subsection", and

(C) by amending the section heading to read as follows: "ASSISTANCE FOR SPECIAL SCIENTIFIC PROJECTS, AND FOR RESEARCH AND DEVELOPMENT IN MEDICAL LIBRARY SCIENCE AND RELATED FIELDS".

(2) Section 396 of such Act is amended—

(A) by striking out "SEC. 396. (a)" and inserting in lieu thereof "(b)",

(B) by striking out in the second sentence of subsection (a) "under this section" and inserting in lieu thereof "under this subsection",

(C) by redesignating subsection (b) as subsection (c), and

(D) by striking out the section heading.

(3) Sections 397, 398, 399, 399a, and 399b of such Act are redesignated as sections 396, 397, 398, 399, and 399a, respectively.

(d)(1) The part of title III of such Act redesignated as part I is amended by striking out "Surgeon General" each place it occurs in the sections of such part redesignated as sections 382, 383, 386, and 388. The section of such part redesignated as section 384 is amended by striking out "Surgeon General" and inserting in lieu thereof "Board".

(2)(A) The part of title III of such Act redesignated as part J is amended by striking out "Surgeon General" each place it occurs and inserting in lieu thereof "Secretary".

(B) The subsection of section 393 of such part redesignated as subsection (e) is amended by striking out "Surgeon General's" and inserting in lieu thereof "Secretary's".

MEANING OF SECRETARY

SEC. 11. Subsection (c) of section 2 of title I of the Public Health Service Act (42 U.S.C. 20) is amended to read as follows:

"(c) Unless the context otherwise requires, the term 'Secretary' means the Secretary of Health, Education, and Welfare."

EFFECTIVE DATE

SEC. 12. (a) Except as provided in subsection (b), the amendments made by this Act shall apply with respect to appropriations for fiscal years ending after June 30, 1970.

(b) The amendments made by sections 10(d) and 11 shall take effect on the date of the enactment of this Act.

And the Senate agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
WILLIAM L. SPRINGER,
TIM LEE CARTER,
Managers on the Part of the House.

RALPH YARBOROUGH,
HARRISON A. WILLIAMS, Jr.,
EDWARD M. KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
JACOB K. JAVITS,
GEORGE MURPHY,
WINSTON L. PROUTY,
WILLIAM B. SAXBE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes, submit the following statement in explanation

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of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the Senate amendment and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

GRANTS FOR CONSTRUCTION OF MEDICAL LIBRARIES

The House bill amended section 393 of the Public Health Service Act to extend for 3 fiscal years (fiscal year 1971 through fiscal year 1973) the program of grant assistance to public or private nonprofit agencies or institutions for the cost of construction of medical library facilities. The House bill extended the program at its current funding level which is such sums as may be necessary but not to exceed $10 million in any fiscal year.

The Senate amendment also extends the program for 3 years but at the following amounts: $11.5 million for fiscal year 1971, $14 million for fiscal year 1972, and $16.5 million for fiscal year 1973.

The conference substitute extends the program for three years, authorizing $11,000,000 for fiscal year 1971, $12,000,000 for fiscal year 1972, and $13,000,000 for fiscal year 1973.

The conference substitute also is the same as the provision of the House bill eliminating language in section 393(d) (redesignated as (c) by this bill) providing priority to applications for construction of facilities for which the need is greatest. This provision can operate to deprive projects which have matching funds available of Federal matching money because other projects have greater priority, although the other projects may not be in a position to be initiated. It is the intent of the conferees, however, that where projects have available funding to match Federal grants, priority shall be given to those projects for which the need is greatest, notwithstanding the deletion of this language.

GRANTS FOR TRAINING IN MEDICAL LIBRARY SCIENCES

The House bill amended section 394 of the Public Health Service Act to extend for 3 fiscal years (fiscal year 1971 through fiscal year 1973) the program of grant assistance to individuals and institutions to support training for careers of service and research in medical library science and related health communications fields. The House bill extended the program at its current funding level which is such sums as may be necessary but not to exceed $1 million in any fiscal year.

The Senate amendment also extended the program for 3 years but at the following levels: $2 million for fiscal year 1971, $2.5 million for fiscal year 1972, and $3 million for fiscal year 1973.

The conference substitute extends the program for 3 years, authorizing $1.5 million for fiscal year 1971, $1.75 million for fiscal year 1972, and $2 million for fiscal year 1973.

GRANTS FOR BASIC RESOURCES OF MEDICAL LIBRARIES AND RELATED INSTRUMENTALITIES

The House bill amended section 397 of the Public Health Service Act to extend for 3 fiscal years (fiscal year 1971 through fiscal year 1973) the program of grant assistance to improve and expand the basic resources of medical libraries and related instrumentalities. The extension continued for the current funding level which is such sums as may be necessary but not to exceed $3 million in any fiscal year.

The Senate amendment also extended the program but at the following levels: $4 million for fiscal year 1971, $5 million for fiscal year 1972, and $6 million for fiscal year 1973.

The conference substitute extends the program for three years at the following levels: $3.5 million for fiscal year 1971, $4 million for fiscal year 1972, and $4.5 million for fiscal year 1973.

GRANTS FOR REGIONAL MEDICAL LIBRARIES

The House bill amended section 398 of the Public Health Service Act to extend for 3 fiscal years (fiscal year 1971 through fiscal year 1973) the program of grant assistance for the development of a national system of regional medical libraries. The extension continued the current funding level which is such sums as may be necessary but not to exceed $2.5 million in any fiscal year.

The Senate amendment also extended such program but at the following amounts: $3 million for fiscal year 1971, $4 million for fiscal year 1972, and $5 million for fiscal year 1973.

The conference substitute extends the program for three years at the following levels: $3 million for fiscal year 1971, $3.25 million for fiscal year 1972, and $3.5 million for fiscal year 1973.

FINANCIAL SUPPORT FOR BIOMEDICAL SCIENTIFIC PUBLICATIONS

The House bill amended section 399 of the Public Health Service Act to broaden the eligibility for assistance under that section. Currently assistance may be provided only to institutions of higher education and scientists. Under the House bill assistance may be provided to scientists and any nonprofit private institution.

The Senate amendment contained no corresponding provision.

The conference substitute deletes this provision of the House bill.

The House bill also amended section 399 to permit the Secretary to make exceptions to the three-year limit on assistance for any single publication if he determines extension of support would advance the purposes of the program.

The Senate amendment contained no corresponding provision.

The conference substitute is the same as the House bill.

CONTINUING AVAILABILITY OF APPROPRIATED FUNDS

The Senate amendment contained a provision not in the House bill amending section 399a of the Public Health Service Act to provide that funds appropriated for grants for construction would remain available until expended. Existing law permits funds appropriated for any purpose to remain available for only one year beyond the appropriation year.

The conference substitute is the same as existing law.

TRANSFERABILITY OF FUNDS

The Senate amendment contained a provision not in the House bill authorizing the Secretary of Health, Education, and Welfare to transfer funds from appropriations for a program of assistance for medical libraries for use in another program of assistance for medical libraries. Transfers would be subject to the following conditions: (1) Transfers from any program could not exceed 10 percent of the funds appropriated for that program; (2) transfers to any program could not exceed in the aggregate more than 20 percent of the funds appropriated for that program; and (3) the sum of the funds appropriated for and transferred to a program in a fiscal year could not exceed the authorization of appropriations for that program for that fiscal year.

The conference substitute is the same as the Senate amendment.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
WILLIAM L. SPRINGER,
TIM LEE CARTER,
Managers on the Part of the House.

CONFERENCE REPORT ON S. 2809, PUBLIC HEALTH TRAINING

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 2809) to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel:

CONFERENCE REPORT (H. REPT. No. 855)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2809) to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That section 309(c) of the Public Health Service Act is amended by striking out "$5,000,000 for the fiscal year ending June 30, 1968, $6,000,000 for the fiscal year ending June 30, 1969, and $7,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof "$7,000,000 for the fiscal year ending June 30, 1970, $9,000,000 for the fiscal year ending June 30, 1971, $12,000,000 for the fiscal year ending June 30, 1972, and $15,000-000 for the fiscal year ending June 30, 1973.".

SEC. 2. Section 309(a) of the Public Health Service Act is amended by striking out "and $12,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "$14,-000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $16,000,000 for the fiscal year ending June 30, 1973.".

SEC. 3. Section 306(a) of the Public Health Service Act is amended by striking out "and $14,000,000 for the fiscal year ending June 30, 1971" and inserting in lieu thereof "$14,000,-000 for the fiscal year ending June 30, 1971, $16,000,000 for the fiscal year ending June 30, 1972, and $18,000,000 for the fiscal year ending June 30, 1973".

And the House agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
DAVID E. SATTERFIELD III,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
Managers on the Part of the House.

RALPH YARBOROUGH,
HARRISON A. WILLIAMS, Jr.,
EDWARD M. KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
JACOB K. JAVITS,
GEORGE MURPHY,
WINSTON L. PROUTY,
WILLIAM B. SAXBE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2809) to amend the Public Health Service Act so as to extend

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for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the House amendment and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

PUBLIC HEALTH TRAINING

Traineeships for professional public health personnel

The Senate bill extended for 4 fiscal years (fiscal year 1972 through fiscal year 1975) the authorization of appropriations (in section 306 of the Public Health Service Act) to cover the cost of traineeships for graduate or specialized training in public health for physicians, engineers, nurses, sanitarians, and other professional health personnel. The following amounts were authorized: $18 million for fiscal year 1972, $22 million for fiscal year 1973, $26 million for fiscal year 1974, and $30 million for fiscal year 1975.

The House amendment contained no corresponding provision.

The conference substitute provides for a two-fiscal year extension of these authorizations, with $16,000,000 authorized for fiscal year 1972 and $18,000,000 for fiscal year 1973.

Project grants for training in public health

The Senate bill extended for 4 fiscal years (fiscal year 1972 through fiscal year 1975) the authorization of appropriations (in section 309(a) of the Public Health Service Act) for project grants to schools of public health and other public or nonprofit private institutions providing graduate or specialized training in public health to expand or strengthen such training in such schools and other institutions. The following amounts were authorized: $15 million for fiscal year 1971 (an increase of $3 million over the current authorization), $18 million for fiscal year 1972, $21 million for fiscal year 1973, $24 million for fiscal year 1974, and $27 million for fiscal year 1975.

The House amendment contained no corresponding provision.

The conference substitute provides for a two-fiscal year extension of this authorization, with an increase in the current authorization for fiscal year 1971 from $12,000,000 to $14,000,000, and authorizing $15,000,000 for the fiscal year ending June 30, 1972, and $16,000,000 for the fiscal year ending June 30, 1973.

Formula grants for schools of public health

The Senate bill extended for 5 fiscal years (fiscal year 1971 through fiscal year 1975) the authorization of appropriations (in section 309(c) of the Public Health Service Act) for grants to provide, in accredited public or nonprofit private schools of public health, comprehensive professional training, specialized consultive services, and technical assistance in the public health fields and in administration of State or local public health programs. The following amounts were authorized: $9 million for fiscal year 1971, $12 million for fiscal year 1972, $15 million for fiscal year 1973, $18 million for fiscal year 1974, and $20 million for fiscal year 1975.

The House amendment in a similar provision extended such program for 3 fiscal years (fiscal year 1971 through fiscal year 1973) at the following amounts: $7 million for fiscal year 1971, $9 million for fiscal year 1972, and $12 million for fiscal year 1973.

The conference substitute provides for a three-fiscal year extension of this authorization, with $9,000,000 authorized for fiscal year 1971, $12,000,000 for fiscal year 1972, and $15,000,000 for fiscal year 1973.

Harley O. Staggers,
John Jarman,
Paul G. Rogers,
David E. Satterfield III,
William L. Springer,
Ancher Nelsen,
Tim Lee Carter,
Managers on the Part of the House.

CONFERENCE REPORT ON S. 2523, COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS OF 1969

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 2523) to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes:

Conference Report (H. Rept. No. 856)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2523) to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that Act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

Section 1. This Act may be cited as the "Community Mental Health Centers Amendments of 1970".

TITLE I—EXTENSION OF GRANTS FOR CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS; TRUST TERRITORY; STATE PLAN ADMINISTRATION; FEDERAL SHARE

AUTHORIZATION OF APPROPRIATIONS

Sec. 101. (a) Section 201 of the Community Mental Health Centers Act (42 U.S.C. 2681) is amended (1) by striking out "and" immediately before "$70, 000,000", and (2) by inserting immediately before the period at the end thereof the following: ", $80,000,000 for the fiscal year ending June 30, 1971, $90,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973".

(b) Section 207 of such Act (42 U.S.C. 2687) is amended by striking out "1970" and inserting in lieu thereof "1973".

ALLOTMENTS TO STATES; INCLUSION OF TRUST TERRITORY

Sec. 102. (a) (1) The first sentence of subsection (a) of section 202 of such Act (42 U.S.C. 2682) is amended by striking out "and Guam," and inserting in lieu thereof "Guam, and the Trust Territory of the Pacific Islands,".

(2) The second sentence of such subsection (a) is amended by inserting after "State" the first time it appears ", other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands,".

(3) Such subsection (a) is further amended by adding at the end thereof the following new sentence: "Sums so allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it for such purpose for the next two fiscal years (and for such years only), in addition to the sums allotted to it for such purpose for each of such next two fiscal years."

(b) Section 401(a) of such Act (42 U.S.C. 2691(a)) is amended by inserting immediately before the period at the end thereof the following: "; and, for purposes of this title and title II only, includes the Trust Territory of the Pacific Islands".

(c) The amendments made by this section shall be effective with respect to allotments under section 202 from funds appropriated for fiscal years beginning after June 30, 1970.

PERCENTAGE OF ALLOTMENTS AVAILABLE FOR STATE PLAN ADMINISTRATION

Sec. 103. (a) Effective with respect to expenditures referred to in the first sentence of section 403(c) (1) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (42 U.S.C. 2693) made after June 30, 1970, such section is amended by striking out "2 per centum" and inserting in lieu thereof "5 per centum".

(b) (1) The first sentence of such section 403(c) (1) is further amended—

(A) by inserting "for any fiscal year" immediately after "title II";

(B) by striking out "during such year";

(C) by striking out "for a year" and inserting in lieu thereof "for any fiscal year"; and

(D) by striking out "for such year".

(2) Section 403(c) (1) of such Act is further amended by inserting immediately after the first sentence thereof the following new sentence: "Amounts made available to any State under this paragraph from its allotment or allotments under part A of title II for any fiscal year shall be available only for such expenditures (referred to in the preceding sentence) during such fiscal year or the following fiscal year."

FEDERAL SHARE: HIGHER SHARE FOR DISADVANTAGED AREAS

Sec. 104. Effective with respect to projects approved after June 30, 1970, under part C of title I or part A of title II of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, section 402 of such Act (42 U.S.C. 2692) is repealed and section 401 (h) of such Act is amended to read as follows:

"(h) (1) The term 'Federal share' with respect to any project means the portion of the cost of construction of such project to be paid by the Federal Government under part C of title I or part A of title II.

"(2) The Federal share with respect to any project in the State shall be the amount determined by the State agency designated in the State plan but, except as provided in paragraph (3), the Federal share for any project may not exceed 66⅔ per centum of the cost of construction of such project or the State's Federal percentage, whichever is the lower. Prior to the approval of the first such project in the State during any fiscal year, such State agency shall give the Secretary written notification of the maximum Federal share established pursuant to this paragraph for such projects in such State to be approved by the Secretary during such fiscal year and the method for determining the actual Federal share to be paid with respect to such projects; and such maximum Federal share and such method of determination for such projects in such State approved during such fiscal year shall not be

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changed after the approval of the first such project in the State during such fiscal year.

"(3) In the case of any facility or center which provides or will, upon completion of the project for which application has been made under part C of title I or under part A of title II, provide services for persons in an area designated by the Secretary as an urban or rural poverty area, the maximum Federal share determined under paragraph (2) may not exceed 90 per centum of the costs of construction of the project."

PERIOD FOR PROMULGATING FEDERAL PERCENTAGES

SEC. 105. Section 401(j)(1) of such Act is amended by striking out "August 31" and inserting in lieu thereof "September 30".

TITLE II—PROGRAMS OF GRANT ASSISTANCE FOR COMMUNITY MENTAL HEALTH SERVICE

FEDERAL SHARE OF STAFFING GRANTS

SEC. 201. (a) Effective with respect to costs of compensation of professional and technical personnel of any community mental health center for any period after June 30, 1970, for which a grant has been or is made under subsection (a) of section 220 of the Community Mental Health Centers Act (42 U.S.C. 2688), subsection (b) of such section is amended to read as follows:

"(b)(1) Grants under this section for such costs for any center may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day; and, except as provided in paragraph (2), such grants with respect to any center may not exceed 75 per centum of such costs for each of the first two years after such first day, 60 per centum of such costs for the third year after such first day, 45 per centum of such costs for the fourth year after such first day, and 30 per centum of such costs for each of the next four years after such first day.

"(2) In the case of any such center providing services for persons in an area designated by the Secretary as an urban or rural poverty area, grants under this section for such costs for any such center may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day."

(b) In the case of any community mental health center for which a staffing grant was made under section 220 of the Community Mental Health Centers Act before July 1, 1970, the provisions of subsection (b) of section 220 of such Act (as amended by subsection (a) of this section) shall, with respect to costs incurred after June 30, 1970, apply to the same extent as if such subsection (b) had been in effect on the date a staffing grant for such center was initially made.

GRANTS OF INITIATION AND DEVELOPMENT OF SERVICES

SEC. 202. Section 224 of such Act (42 U.S.C. 2688d) is amended (1) by inserting "(a)" immediately after "SEC. 224.", and (2) by adding at the end thereof the following new subsection (b):

"(b) Not to exceed 5 per centum of the amount appropriated for grants pursuant to subsection (a) for any fiscal year shall be available to the Secretary to make grants to local public or nonprofit private organizations to cover up to 100 per centum of the costs (but in no case to exceed $50,000) of projects, in areas designated by the Secretary as rural or urban poverty areas, for assessing local needs for mental health services, designing mental health service programs, obtaining local financial and professional assistance and support for community health services, and fostering community involvement in initiating and developing community mental health services. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project."

REQUIREMENTS FOR GRANTS

SEC. 203. (a) Paragraph (4) of such subsection (a) of section 221 of the Community Mental Health Centers Act (42 U.S.C. 2688a) is amended to read as follows:

"(4) the Secretary determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this part for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds, including third party health insurance payments, that would in the absence of such Federal funds be made available for the program described in paragraph (2) of this subsection and will in no event supplant such State, local, and other non-Federal funds; and".

(b) Section 221(a) of such Act (42 U.S.C. 2688a) is further amended by adding after and below paragraph (5) the following new sentence: "Notwithstanding the provisions of paragraph (2) of this subsection, the requirement therein with respect to essential elements of comprehensive mental health services shall not apply, in the case of an application for a grant to any center which will provide services in an area designated by the Secretary as an urban or rural poverty area, for the eighteen-month period commencing on the date such application is filed, if the Secretary is satisfied that such center will meet such requirement prior to the end of such period; however if such center has not by the end of such eighteen-month period met such requirement, payments under any grant (made under such application) to such center shall be suspended until the Secretary determines that the center has met such requirement."

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. (a) The first sentence of section 224(a) of such Act (42 U.S.C. 2688d), as amended by section 202(a) of this Act, is amended (1) by striking out "and" immediately after "1969", and (2) by inserting immediately after "1970," the following: "$45,000,000 for the fiscal year ending June 30, 1971, $50,000,000 for the fiscal year ending June 30, 1972, and $60,000,000 for the fiscal year ending June 30, 1973,".

(b) The second sentence of section 224(a) of such Act (42 U.S.C. 2688d), as amended by section 202(a) of this Act, is amended by striking out "seven" and inserting in lieu thereof "thirteen".

(c) Section 221(b) of such Act (42 U.S.C. 2688a) is amended by striking out "1970" each place it appears and inserting in lieu thereof "1973".

TITLE III—ALCOHOLISM AND NARCOTIC ADDICT REHABILITATION

EXTENSION OF PROGRAMS FOR FACILITIES FOR ALCOHOLICS AND NARCOTIC ADDICTS

SEC. 301. (a) Section 261(a) of such Act (42 U.S.C. 2688o) is amended by striking out "and $25,000,000 for the next fiscal year" and inserting in lieu thereof "$15,000,000 for the fiscal year ending June 30, 1970, $30,000,000 for the fiscal year ending June 30, 1971, $35,000,000 for the fiscal year ending June 30, 1972, and $40,000,000 for the fiscal year ending June 30, 1973,".

(b) Subsection (a) of such section 261 is further amended by inserting before the period at the end of the first sentence the following: "and section 246".

(c) Section 261 of such Act is further amended by adding at the end thereof the following new subsection (c):

"(c) Not to exceed 5 per centum of the amount appropriated pursuant to the preceding provisions of this section for any fiscal year shall be available to the Secretary to make grants to local public or nonprofit private organizations to cover up to 100 per centum of the costs (but in no case to exceed $50,000) of projects for assessing local needs for programs of services for alcoholics or narcotic addicts, designing such programs, obtaining local financial and professional assistance and support for such programs in the community, and fostering community involvement in initiating and developing such programs in the community. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project."

(d) Subsection (b) of such section 261 is amended by striking out "three" and inserting in lieu thereof "nine", and by striking out "for the fiscal year ending June 30, 1969, or the fiscal year ending June 30, 1970" and inserting in lieu thereof "for any fiscal year ending before July 1, 1973".

MAXIMUM FEDERAL SHARE OF CONSTRUCTION PROJECTS FOR FACILITIES FOR ALCOHOLICS OR NARCOTIC ADDICTS IN DISADVANTAGED AREAS

SEC. 302. Effective with respect to projects approved after June 30, 1970, under part C or part D of the Community Mental Health Centers Act, section 241(b) of such Act (42 U.S.C. 2688f), section 243(d) of such Act (42 U.S.C. 2688h), and section 251(b) of such Act (42 U.S.C. 2688k) are each amended by inserting immediately after "66⅔ per centum" the following "(or 90 per centum in the case of a facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area)".

FEDERAL SHARE OF STAFFING GRANTS

SEC. 303. (a) Effective with respect to costs of compensation of professional and technical personnel of any alcoholism prevention and treatment facility, specialized facility for alcoholics, or treatment facility for narcotic addicts for any period after June 30, 1970, for which a grant has been or is made under section 242, 243, or 251 of the Community Mental Health Centers Act (42 U.S.C. 2688g, 2688h, 2688k), subsection (b) of section 242 of such Act is amended to read as follows:

"(b)(1) Grants under this part for such costs for any facility may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day; and, except as provided in paragraph (2), such grants with respect to any facility may not exceed 80 per centum of such costs for each of the first two years after such first day, 75 per centum of such costs for the third year after such first day, 60 per centum of such costs for the fourth year after such first day, 45 per centum of such costs for the fifth year after such first day, and 30 per centum of such costs for each of the next three years after such first day.

"(2) In the case of any such facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area, such grants with respect to any such facility may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day."

(b) In the case of any alcoholism prevention and treatment facility, specialized facility for alcoholics, or treatment facility for

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narcotic addicts, for which a staffing grant was made under section 242, 243, or 251 of the Community Mental Health Centers Act before July 1, 1970, the provisions of subsection (b) of section 242 of such Act (as amended by subsection (a) of this section) shall, with respect to costs incurred after June 30, 1970, apply to the same extent as if such subsection (b) had been in effect on the date a staffing grant for such center or facility was initially made.

DIRECT GRANTS FOR SPECIAL PROJECTS; ALCOHOLISM

SEC. 304. Part C of the Community Mental Health Centers Act is amended by redesignating section 246 as section 247, and by adding after section 245 a new section 246 as follows:

"DIRECT GRANTS FOR SPECIAL PROJECTS

"SEC. 246. The Secretary is authorized during the period beginning July 1, 1970, and ending June 30, 1973, to make grants to any public or nonprofit private agency or organization to cover part or all of the cost of (1) developing specialized training programs or materials relating to the provision of public health services for the prevention or treatment of alcoholism, or developing inservice training or short-term or refresher courses with respect to the provision of such services; (2) training personnel to operate, supervise, and administer such services; (3) conducting surveys and fields trials to evaluate the adequacy of the programs for the prevention and treatment of alcoholism within the several States with a view to determining ways and means of improving, extending, and expanding such programs; and (4) programs for treatment and rehabilitation of alcoholics which the Secretary determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to such alcoholics."

DIRECT GRANTS FOR SPECIAL PROJECTS; NARCOTIC ADDICTS

SEC. 305. (a) Section 252 of the Community Mental Health Centers Act is amended (1) by striking out "1970" and inserting in lieu thereof "1973", (2) by striking out "and" at the end of clause (B), and (3) by adding immediately before the period at the end thereof the following: "; and (D) programs for treatment and rehabilitation of narcotic addicts which the Secretary determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to such narcotic addicts".

(b) The heading to such section 252 is amended to read as follows: "DIRECT GRANTS FOR SPECIAL PROJECTS".

TITLE IV—MENTAL HEALTH OF CHILDREN

GRANTS FOR CONSTRUCTION AND STAFFING OF TREATMENT FACILITIES AND FOR TRAINING AND PROGRAM EVALUATION

SEC. 401. The Community Mental Health Centers Act is amended by adding at the end thereof the following new part:

"PART F—MENTAL HEALTH OF CHILDREN

"GRANTS FOR TREATMENT FACILITIES

"SEC. 271. (a) Grants from appropriations under section 272(a) may be made to public or nonprofit private agencies and organizations (1) to assist them in meeting the costs of construction of facilities to provide mental health services for children within the States, and (2) to assist them in meeting a portion of the costs (determined pursuant to regulations of the Secretary) of compensation of professional and technical personnel for the operation of a facility for mental health of children constructed with a grant made under part A or this part or for the operation of new services for mental health of children in an existing facility.

"(b)(1) Grants may be made under this section only with respect to (A) facilities which are part of or affiliated with a community mental health center providing at least those essential services which are prescribed by the Secretary, or (B) where there is no such center serving the community in which such facilities are to be situated, facilities with respect to which satisfactory provision (as determined by the Secretary) has been made for appropriate utilization of existing community resources needed for an adequate program of prevention and treatment of mental health problems of children.

"(2) No grant shall be made under this section with respect to any facility unless the applicant for such grant provides assurances satisfactory to the Secretary that such facility will make available a full range of treatment, liaison, and follow-up services (as prescribed by the Secretary) for all children and their families in the service area of such facility who need such services, and will, when so requested, provide consultation and education for personnel of all schools and other community agencies serving children in such area.

"(3) The grant program for construction of facilities authorized by subsection (a) shall be carried out consistently with the grant program under part A, except that the amount of any such grant with respect to any project shall be such percentage of the cost thereof but not in excess of 66⅔ per centum (or 90 per centum in the case of a facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area), as the Secretary may determine.

"(c) Grants made under this section for costs of compensation of professional and technical personnel may not exceed the percentages of such costs, and may be made only for the periods prescribed for grants for such costs under section 242.

"(d)(1) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973, for grants under this part for construction and for initial grants under this part for compensation of professional and technical personnel, and for training and evaluation grants under section 272.

"(2) There are also authorized to be appropriated for the fiscal year ending June 30, 1972, and each of the next eight fiscal years such sums as may be necessary to continue to make grants with respect to any project under this part for which an initial staffing grant was made from appropriations under paragraph (1) for any fiscal year ending before July 1, 1973.

"TRAINING AND EVALUATION

"SEC. 272. The Secretary is authorized, during the period beginning July 1, 1971, and ending with the close of June 30, 1973, to make grants to public or nonprofit private agencies or organizations to cover part or all of the cost of (1) developing specialized training programs or materials relating to the provision of services for the mental health of children, or developing inservice training or short-term or refresher courses with respect to the provision of such services; (2) training personnel to operate, supervise, and administer such services; and (3) conducting surveys and field trials to evaluate the adequacy of the programs for the mental health of children within the several States with a view to determining ways and means of improving, extending, and expanding such programs."

TITLE V—MISCELLANEOUS

GRANTS FOR CONSULTATION SERVICES

SEC. 501. Part E of the Community Mental Health Centers Act is amended by adding at the end thereof the following new section:

"GRANTS FOR CONSULTATION SERVICES

"SEC. 264. (a) In the case of any community mental health center, alcoholism prevention and treatment facility, specialized facility for alcoholics, treatment facility for narcotic addicts, or facility for mental health of children, to which a grant under part B, C, D, or F, as the case may be, is made from appropriations for any fiscal year beginning after June 30, 1970, to assist it in meeting a portion of the costs of compensation of professional and technical personnel who provide consultation services, the Secretary may, with respect to such center or facility, make a grant under this section in addition to such other staffing grant for such center or facility.

"(b) A grant under subsection (a) with respect to a center or facility referred to in that subsection—

"(1) may be made only for the period applicable to the staffing grant made under part B, C, D, or F, as the case may be, with respect to such center or facility, and

"(2) may not exceed whichever of the following is the lower: (A) 15 per centum of the costs with respect to which such other staffing grant is made, or (B) that percentage of such costs which when added to the percentage of such costs covered by such other staffing grant equals 100 per centum.

"(c) For purposes of making initial grants under this section, there are authorized to be appropriated $5,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973. There are also authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next eight fiscal years such sums as may be necessary to continue to make grants under this section for projects which received initial grants under this section from appropriations authorized for any fiscal year ending before July 1, 1973."

"DEFINITION OF TECHNICAL PERSONNEL

SEC. 502. Part E of such Act is further amended by adding after the section added by section 501 the following new section:

"DEFINITION OF TECHNICAL PERSONNEL

"SEC. 265. For purposes of this title, the term 'technical personnel' includes accountants, financial counselors, medical transcribers, allied health professions personnel, dietary and culinary personnel, and any other personnel whose background and education would indicate that they are to perform technical functions in the operation of centers or facilities for which assistance is provided under this title; but such term does not include minor clerical personnel or maintenance or housekeeping personnel."

"APPROVAL BY NATIONAL ADVISORY MENTAL HEALTH COUNCIL

SEC. 503. (a) Part E of such Act is further amended by adding after the section added by section 502 the following new section:

"APPROVAL BY NATIONAL ADVISORY MENTAL HEALTH COUNCIL

"SEC. 266. Grants made under this title for the cost of construction and for the cost of compensation of professional and technical personnel may be made only upon recommendation of the National Advisory Mental Health Council established by section 217(a) of the Public Health Service Act."

(b) The amendment made by subsection (a) shall apply with respect to grant initially made under the Community Mental Health Centers Act from appropriations made for fiscal years beginning after June 30, 1970.

DETERMINATION OF POVERTY AREA

SEC. 504. Title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended by adding at the end thereof the following new section:

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"DETERMINATION OF POVERTY AREA

"Sec. 410. For purposes of any determination by the Secretary under this Act as to whether any urban or rural area is a poverty area, any such area which would not otherwise be determined to be a poverty area shall, nevertheless, be deemed to be a poverty area if—

"(1) such area contains one or more subareas which are characterized as subareas of poverty;

"(2) the population of such subarea or subareas constitutes a significant portion of the population of such rural or urban area; and

"(3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas."

And the House agree to the same.

Harley O. Staggers,
John Jarman,
Paul G. Rogers,
David E. Satterfield III,
William L. Springer,
Ancher Nelsen,
Tim Lee Carter,
Managers on the Part of the House.

Ralph Yarborough,
Harrison A. Williams, Jr.,
Edward M. Kennedy,
Gaylord Nelson,
Thomas F. Eagleton,
Alan Cranston,
Harold E. Hughes,
Peter H. Dominick,
Jacob K. Javits,
George Murphy,
Winston L. Prouty,
William B. Saxbe,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2523) to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that Act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the House amendment and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

GRANTS FOR CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS

Authorization of appropriations

The Senate bill amended section 201 of the Community Mental Health Centers Act to extend for 3 fiscal years (through fiscal year 1973) the programs of grants for construction of community mental health centers. The following amounts were authorized to be appropriated: $95 million for fiscal year 1971, $115 million for fiscal year 1972, and $115 million for fiscal year 1973.

The House amendment also extended such program for three fiscal years but continued the current level of funding for fiscal year 1970 ($70 million) for each of the additional three fiscal years.

Section 101(a) of the conference substitute extends the program for three fiscal years and authorizes the following amounts for those fiscal years: $80 million for fiscal year 1971, $90 million for fiscal year 1972, and $100 million for fiscal year 1973.

Trust Territory of the Pacific Islands

The Senate bill made the Trust Territory of the Pacific Islands eligible for assistance under the Community Mental Health Centers Act on the same basis as the Virgin Islands, Guam, and American Samoa. The Senate bill also provided that allotments to the Trust Territory of the Pacific Islands, the Virgin Islands, Guam, and American Samoa for construction grants under the Community Mental Health Centers Act would remain available two years (instead of one) following the year the allotment was made.

The House amendment contained no corresponding provisions.

Section 102 of the conference substitute is identical to the Senate bill.

Use of allotment for State plan administration

The Senate bill changed the ceiling on the portion of a State's allotment for construction grants under the Community Mental Health Centers Act that could be used for State plan administration. The ceiling was changed from the lesser of 2 percent of the State's allotment or $50,000 to the lesser of 5 percent of such allotment or $50,000. In addition it was also provided that the amount available for State plan administration would be available in the year of allotment and the following year (instead of only in the year of allotment).

The House amendment contained no corresponding provisions.

Section 103 of the conference substitute is identical to the Senate bill.

GRANTS FOR INITIAL OPERATION OF COMMUNITY MENTAL HEALTH CENTERS

Scope of grant program

The Senate bill changed the scope of the program of grants for the initial operation of community mental health centers from grants for initial costs of compensation of professional and technical personnel of the centers to grants for operating, staffing, and maintaining the centers. The Senate bill also made a corresponding change in the programs for facilities for alcoholics, narcotic addicts, and the mental health of children.

The House amendment contained no corresponding provision.

The conference substitute does not make any corresponding change in in the scope of any of those programs. However, section 502 of the conference substitute adds a definition of the term technical personnel which will apply with respect to each of those programs. Such term is defined to include accountants, financial counselors, allied health professions personnel, dietary and culinary personnel, and any other personnel whose background and education would indicate that they are to perform technical functions in the operation of the centers or facilities for which assistance is provided. Such term is defined to exclude minor clerical personnel and maintenance or housekeeping personnel.

Although there are special provisions in this legislation for facilities serving the needs of alcoholics, narcotic addicts, and the mental health of children, it should be emphasized that every community mental health center may use grant assistance under this section for such programs in order to provide assistance to persons suffering from any mental or emotional disability, particularly adolescent narcotic addicts or drug abusers.

Duration of grants

The Senate bill changed the duration of the grants from four years and three months to ten years.

The House amendment changed the duration of the grants from four years and three months to six years and three months, except that in the case of centers providing services to persons in urban or rural poverty areas the duration of the grants was set at six years.

Section 201 of the conference substitute changes the duration of the grants to all centers to eight years.

Ceilings on grants to centers serving persons in urban or rural poverty areas

The Senate bill provided that the ceiling on such grants would be 90 percent of costs during each of the first two years of the ten year period and 75 percent of costs during each of the remaining eight years.

The House amendment provided that the ceiling on such grants would be 90 percent of costs during each of the first two years of the six year period, 80 percent of costs during the third year, and 70 percent of costs during each of the remaining three years.

Section 201 of the conference substitute provides that the ceiling on such grants shall be 90 percent of costs during each of the first two years of the eight year period, 80 percent of costs during the third year, 75 percent of costs during the fourth and fifth year, and 70 percent of costs during each of the remaining three years.

Ceilings on grants to other centers

The Senate bill provided that the ceiling on such grants would be 75 percent of costs during each of the first two years, 60 percent of costs during the third year, 45 percent of costs during the fourth year, and 30 percent of costs during each of the next six years.

The House amendment provided that the ceiling on such grants would be 75 percent of costs during the first fifteen months, 60 percent of costs during the first year thereafter, 45 percent of costs during the second year thereafter, and 30 percent of costs during each of the next three years.

Section 201 of the conference substitute provides that the ceiling on such grants shall be 75 percent of costs during each of the first two years, 60 percent of costs during the third year, 45 percent of costs during the fourth year, and 30 percent of costs during each of the next four years.

Authorization of appropriations

The Senate bill authorized appropriations for grants for initial operations of community mental health centers for three additional fiscal years (through fiscal year 1973). The following amounts were authorized: $60 million for fiscal years 1971 and 1972 and $80 million for fiscal year 1973.

The House amendment also authorized appropriations for three additional fiscal years. In addition, the House amendment reduced the authorization for fiscal year 1970 from $32 million to $26 million. For the three additional fiscal years the following amounts were authorized: $32 million for fiscal year 1971, $40 million for fiscal year 1972, and $48 million for fiscal year 1973.

Section 204 of the conference substitute authorizes appropriation for such grants for three additional fiscal years but does not reduce the authorization for fiscal year 1970. The following amounts are authorized: $45 million for fiscal year 1971, $50 million for fiscal year 1972, and $60 million for fiscal year 1973.

REQUIREMENTS FOR GRANTS FOR COMMUNITY MENTAL HEALTH CENTERS

Assurances regarding services

The Senate bill provided that a grant could be made with respect to a community mental health center only if the Secretary determined that the services to be provided would be in addition to, or a significant improvement in, the services that would otherwise be provided.

The House amendment contained no corresponding provision.

Section 203(a) of the conference substitute is identical to the Senate bill.

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Consideration of application by State mental health authority and health planning agencies

The House amendment contained a provision not in the Senate bill that no grant for the initial operation of a community mental health center could be made unless opportunity had been provided for review of the application by the State Mental Health authority, the State comprehensive health planning agency, and the areawide health planning agency.

The conference substitute contains no corresponding provision.

Assurances regarding increase in support from other sources

The Senate bill required that before a grant could be made with respect to a community mental health center that the Secretary determine that there is satisfactory assurance that grant funds will be used to supplement and, if practical, to increase the level of third-party health insurance payments that would otherwise be made available for mental health services. The Senate bill also deleted the requirement of assurances that grant funds would in no event supplant other funds.

The House amendment contained no corresponding provision.

Section 203 of the conference substitute conforms to the Senate bill, except that it does not delete the requirement of assurance that grant funds will in no event supplant other funds.

Requirement of provision of essential elements of comprehensive mental health services

The Senate bill contained a limited waiver of the requirement that an applicant for a grant for a community mental health center provide the essential elements of comprehensive mental health services. It was provided that in the case of an application for a center providing services in an urban or rural poverty area, the requirement would not apply during the eighteen month period beginning on the date such application was filed if the Secretary was satisfied that the center would meet such requirement before the end of such period.

The House amendment contained no corresponding provision.

Section 203(b) of the conference substitute is the same as the Senate bill except that it also provides that if the center does not meet such requirement by the end of the eighteen month period, payment under any grant to the center will be suspended until the Secretary determines that the center has met such requirement.

Grants for initiation and development of services

The Senate bill authorized grants to be made for the initiation and development of community mental health services. The grants would be limited to projects in rural or urban poverty areas and could be made only on an application showing that persons broadly representative of all elements in the service area would be given an opportunity to participate.

The House amendment also authorized grants for initiation and development of community mental health services but did not place limitations on the grant program corresponding to those contained in the Senate bill.

Section 202 of the conference substitute is the same as the Senate bill, except that it does not require that an application for such a grant show that persons broadly representative of all elements in the service area will be given an opportunity to participate.

It is the intention of the conferees that grants under this section, as well as grants for initiation and development of programs of services for alcoholics and narcotic addicts shall be made to persons who are qualified, and who are knowledgeable of the health needs of the population to be served by the project.

GRANT PROGRAMS FOR FACILITIES AND SERVICES FOR ALCOHOLICS AND NARCOTIC ADDICTS

Authorization of appropriations

The Senate bill extended for two additional fiscal years (through fiscal year 1972) the authorization of appropriations for initial grants for facilities and services for alcoholics and narcotic addicts. The following amounts were authorized: $25 million for fiscal year 1971 and $30 million for fiscal year 1972.

The House amendment extended such authorization for three fiscal years and reduced the authorization for fiscal year 1970 from $25 million to $15 million. For the three additional fiscal years the following amounts were authorized: $20 million for fiscal year 1971, $25 million for fiscal year 1972, and $30 million for fiscal year 1973.

Section 301(a) of the conference substitute extends the authorization of appropriations for such programs for three additional fiscal years. It also reduces the authorization for fiscal year 1970 from $25 million to $15 million. The amounts authorized for the three additional fiscal years are as follows: $30 million for fiscal year 1971, $35 million for fiscal year 1972, and $40 million for fiscal year 1973.

Alcoholism and drug abuse are fields which have long been neglected by the medical profession. The alcoholic, or the drug abuser, is frequently an extremely difficult patient to deal with, and mental health professionals in general have shown considerably less interest in the problems of these patients than they have in the problems of other patients who are easier to treat. For this reason, the conferees direct that the National Institute of Mental Health take all appropriate steps to direct more attention to problems of alcoholism and drug abuse, and aggressively pursue programs designed to stimulate the interest of professionals in these fields.

Duration of grants for initial operation of facilities and services

The Senate bill changed the duration of such grants from four years and three months to ten years.

The House amendment changed the duration of such grants from four years and three months to six years.

Section 303(a) of the conference substitute changes the duration of the grants to eight years.

Ceiling on grants for initial operation of facilities and services

The Senate Bill provided that the ceiling on such grants would be 90 percent of costs during each of the first two years and 75 percent of costs during the next eight years.

The House amendment provided that the ceiling on such grants would be 80 percent of costs during each of the first two years, 75 percent of costs during the third year, 60 percent of costs during the fourth year, 45 percent of costs during the fifth year, and 30 percent of costs during the sixth year, except that if the facility serves an urban or rural poverty area the ceiling would be 90 percent of costs during each of the first two years, 80 percent of costs during the third year, and 70 percent of costs during each of the next three years.

Section 303(a) of the conference substitute provides that the ceiling on such grants will be 80 percent of costs during each of the first two years, 75 percent of costs during the third year, 60 percent of costs during the fourth year, 45 percent of costs during the fifth year, and 30 percent of costs during each of the next three years; except that if the facility serves an urban or rural poverty area the ceiling will be 90 percent of costs during each of the first two years, 80 percent of costs during the third year, 75 percent of costs during the fourth and fifth year, and 70 percent of costs during each of the next three years.

Consideration of grant application by State mental health authority and health planning agencies

The House amendment contained a provision not in the Senate bill that provided that no grant for initial operations of a facility or service could be made unless opportunity had been provided for review of the application for such grant by State mental health authority, the State comprehensive health planning agency, and the areawide health planning agency.

The conference substitute contains no corresponding provision.

Grants for training and evaluation

The Senate bill extended for two fiscal years the program of grants for training and program evaluation in connection with narcotic addiction. The Senate bill also added to that program authority to make grants for significant treatment and rehabilitation projects. In addition, the Senate bill authorizes a similar grant program for training program evaluation, and significant projects concerning alcoholism.

The House amendment was the same as the Senate bill, except that it did not authorize grants for significant projects, and the grants for training and program evaluation were authorized for three fiscal years instead of two.

The conference substitute is the same as the Senate bill, except that the duration of such grant programs is for three fiscal years (through fiscal year 1973).

Grants for initiation and development of services

The Senate bill authorized grants for initiation and development of programs of services for alcoholics and narcotic addicts. Such a grant could be made for one year only and could not exceed the lesser of 100 percent of cost or $50,000. Grants for any fiscal year were to be made from not more than 5 percent of the appropriation for such fiscal year under section 261 of the Community Mental Health Centers Act. Applications for such grants were to show that persons broadly representative of all elements in the service area were to be given an opportunity to participate.

The House amendment contained no corresponding provision.

Section 301(c) of the conference substitute is the same as the Senate bill, except that the requirement of opportunity for participation by persons in the service area is not included.

MENTAL HEALTH OF CHILDREN

Authorization of appropriations

The Senate bill added a new part F to the Community Mental Health Centers Act authorizing a program of grants for construction and operation, staffing, and maintenance of facilities for the mental health of children. The following amounts were authorized to be appropriated: $18 million for fiscal year 1971, $30 million for fiscal year 1972, and $45 million for fiscal year 1973.

Under the House amendment, grants were authorized for construction of facilities for the mental health of children, the cost of professional and technical personnel in new facilities for the mental health of children or in new services in existing facilities, and for training and program evaluation. The following amounts were authorized: $6 million for fiscal year 1971, $10 million for fiscal year 1972, and $15 million for fiscal year 1973.

The grant program authorized by section 401 of the conference substitute corresponds in its scope to that authorized by the House amendment, but the conference substitute authorizes the following amounts:

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$12 million for fiscal year 1971, $20 million for fiscal year 1972, and $30 million for fiscal year 1973.

Relation to community mental health center

The Senate bill required that a grant could be made only to a facility that was a part of or affiliated with a community mental health center or, if there was no such center, to a facility with respect to which provision had been made for appropriate utilization of existing community resources.

The House amendment provided that grants could only be made to owners or operators of community mental health centers and that construction grants could be made only for facilities to be part of or affiliated with a community mental health center owned or operated by a grant recipient.

The conference substitute is the same as the Senate bill.

Assurance of full range of treatment

The Senate bill required that an applicant for a grant must assure that full range of treatment, liaison, and followup services and (if requested) consultation and educational services would be provided.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill.

Duration of operation grants

The Senate bill provided that the duration of the operation grants would be ten years.

The House amendment provided that the duration would be six years.

The conference substitute provides that grants for the cost of compensation of professional and technical personnel in a facility may be made over a period of eight years.

Ceilings on operation grants

The Senate bill provided that the ceiling on such grants would be 90 percent of costs during each of the first two years and 75 percent of costs during each of the next eight years.

The House amendment provided that the ceiling on such grants would be 80 percent of costs during each of the first two years, 75 percent of costs during the third year, 60 percent of costs during the fourth year, 45 percent of costs during the fifth year, and 30 percent of costs during the sixth year; except that if the facility served an urban or rural poverty area the ceiling on such grants would be 90 percent of costs during each of the first two years, 80 percent of costs during the third year, and 70 percent of costs during each of the next three years.

The conference substitute provides that the ceiling on grants for the cost of compensation of professional and technical personnel will be 80 percent of costs during each of the first two years, 75 percent of costs during the third year, 60 percent of costs during the fourth year, 45 percent of costs during the fifth year, and 30 percent of costs during each of the next three years; except that if the facility serves an urban or rural poverty area, the ceiling on such grants will be 90 percent of costs during each of the first two years, 80 percent of costs during the third year, 75 percent of costs during the fourth and fifth years, and 70 percent of costs during each of the next three years.

Consideration of grant application by State mental health authority and health planning agencies

The House amendment contained a provision not in the Senate bill that provided that no initial operation grant could be made for a facility unless opportunity had been provided for review of the application for such grant by the State mental health authority, the State comprehensive health planning agency, and the areawide health planning agency.

The conference substitute contains no corresponding provision.

MISCELLANEOUS

Approval of grants under Community Mental Health Centers Act by National Advisory Mental Health Council

The Senate bill provided that any grant under the Community Mental Health Centers Act could be made only upon the recommendation of the National Advisory Mental Health Council established by section 217(a) of the Public Health Service Act.

In a similar provision, the House amendment provided that grants under such Act for the cost of compensation of professional and technical personnel could be made only upon the recommendation of such Council.

Section 503 of the conference substitute provides that grants for construction and for the cost of compensation of professional and technical personnel under the Community Mental Health Centers Act may be made only upon recommendation of such Council.

Meaning of urban or rural property area

Both the Senate bill and the House amendment made provision for increased assistance to projects serving urban or rural poverty areas. Under section 504 of the conference substitute it is provided that an urban or rural area which might not otherwise be determined to be a poverty area will nevertheless be treated as a poverty area if (1) such area contains one or more subareas which are characterized as subareas of poverty, (2) the population of such subarea or areas constitutes a significant portion of the population of such rural or urban area, and (3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas.

DEMONSTRATIONS AND EVALUATION

In the hearings before both the House and Senate committees it became apparent that there are a wide variety of types of community mental health centers throughout the United States ranging from those serving very large geographic areas with sparse population to those serving extremely densely populated areas in our cities. The types of services provided by these facilities vary widely, and a great deal of experience has been gained over the last few years by these various centers.

The conferees feel that the National Institute of Mental Health should therefore select a number of centers that demonstrate various approaches to service, and that serve different types of populations, in order to study extensively the variables, problems, and effectiveness of their programs.

With respect to site visits, the conferees feel that future site visit teams should include at least one representative from a mental health center not from the same region as the site being visited, that at least one center representative sit on the Grant Review Committee at the regional level, and that two center directors serve on the National Review Committee.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
DAVID E. SATTERFIELD III,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
Managers on the Part of the House.

ADDITION TO LEGISLATIVE PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that those eligible conference reports which have been filed by the gentleman from West Virginia (Mr. STAGGERS) will be called up tomorrow.

ASIAN DEVELOPMENT BANK—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-260)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency and ordered to be printed:

To the Congress of the United States:

In 1966, the United States—with strong bipartisan approval of the Congress—joined with other nations in the establishment of the Asian Development Bank. Since then this Bank has shown its ability to marshal funds from Asia, Europe and this continent for the purpose of economic development. In the short span of three years, it has effectively put these resources to work. It has demonstrated an ability to make a major contribution to Asian economic development. It gives evidence of a unique capability for acting as a catalyst for regional cooperation. And it can assist individual Asian countries find solutions to their problems on a multilateral basis.

Now it is time for the United States to reaffirm its support of the Asian Development Bank.

Experience has shown that effective Bank support of certain projects and programs essential to economic growth and development in Asia must involve some financing on easier repayment terms. The economic capabilities of some of the countries of Asia have not yet reached a level of development adequate to service needed loans on conventional terms. The Bank cannot furnish this needed financing out of its ordinary resources and the limited amount of special funds now available to it.

To measure up to its potential for assisting in the economic growth of Asia, the Bank must have adequate facilities and resources to provide concessional as well as conventional financing. I believe that the United States should now join with other donors in providing the Special Funds that will enable the Bank to meet a wider range of Asia's development needs.

The proposal I am submitting to the Congress would authorize the United States to pledge a contribution of $100 million to the Bank's Special Funds over a three-year period. It would authorize the appropriation of $25 million in the present fiscal year, and $35 million and $40 million, respectively, in the next two fiscal years.

This proposal is designed to assure that the United States contribution will have maximum impact on Asian development problems, that the Bank's Special Funds will constitute a truly multilateral financing facility, and that the United States contribution will take account of our own balance of payments position. To assure that other advanced countries provide their fair share of these funds, the United States contribution would not exceed that contributed by other donors as a group, nor would it constitute the largest single contribution to the Bank's Special Funds. The terms governing the use of the United States contribution are clearly set forth in the bill I am transmitting to the Congress.

This support by our country will enable the Asian Development Bank to more effectively perform its critical role in promoting Asian economic progress. The Bank is in a unique position to do this because:

—It is first and foremost *a bank*, applying sound economic and financial principles to the job of development.

—It is *Asia's own creation*, largely conceived, established, financed and operated by Asians to meet Asian problems.

—It embodies equitable arrangements for *sharing the burden* of providing development finance.

—It brings to bear on Asia's challenging development problems *the cooperative efforts of 33 nations*, with balanced representation among Asian and non-Asian members, and among developed and developing countries.

—Its progress to date gives promise that it will become the important focal point for Asian development efforts envisaged by its founders.

Other developed country members already have responded to the Bank's need for Special Funds resources.

Japan has earmarked $100 million of which $40 million has already been paid. Canada is contributing $25 million in five equal annual installments, while Denmark and The Netherlands have also contributed a total of $3.1 million.

The Governors of the Bank have supplemented these contributions by setting aside for Special Funds purposes $14.5 million of the Bank's own paid-in convertible currency capital resources, as permitted by the Bank's charter.

A United States contribution at this time will give additional needed strength to this essential supplement to the Bank's Ordinary Capital resources, and will encourage other developed countries to contribute to the Special Funds facility.

This proposal has been developed after careful study of the pressing development needs of Asia, of the ability of the Asian Development Bank to use Special Funds resources to help meet those needs, and of our own fiscal and balance of payments problems. I believe that it represents a sound and realistic balancing of those factors, and that it will serve the national interests of the United States in a number of ways.

—It will further demonstrate the strong United States interest in the economic development of Asia.

—It is responsive to the developmental needs of Asia and to Asian initiatives already taken to meet them.

—It will strengthen the Bank as a multilateral regional institution capable of dealing with current and future development problems in Asia.

—It will encourage other advanced nations to provide their fair share of concessional aid to Asia—a region heretofore predominantly dependent on United States aid.

—It takes account of our fiscal and financial problems and contains the necessary balance of payments safeguards.

—It constitutes another example of effective utilization of the multilateral approach to economic development.

I urge the Congress to give this proposal its wholehearted and prompt approval.

RICHARD NIXON.

THE WHITE HOUSE, *February 25, 1970.*

ICC NOT COMPETITION KILLER

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the Evening Star on Thursday, February 12, published an editorial entitled "the Competition Killers," which contained some questionable conclusions. The editorial follows:

THE COMPETITION KILLERS

For thousands of Americans of modest income, the charter flight has been the magic carpet to those dreamed-of places that were otherwise economically out of reach. The competition even began to pay off recently for the users of scheduled international airlines when the big boys, with a nervous glance over their shoulders, decided to cut fares.

Now the Civil Aeronautics Board has come galloping to the rescue of the airlines with a charge that travel agents and supplemental airlines providing charter flights for foreign travel groups are guilty of 70,000 violations of existing regulations.

The charges may be true. Certainly some of the groups that come together for a flight to Europe seem to have little in common other than a desire to save money on their fares. The urge to save a buck probably does not meet the CAB's definition of an "affinity group"—and probably means that the board was right to put its regulatory foot down.

But the board's action also raises some fundamental questions about the entire concept of transport regulation.

The CAB's partner in the regulation game is the Interstate Commerce Commission, which controls methods and rates of surface transport. And just as the CAB has demonstrated its ability to stifle competition in the air, the ICC serves the establishment on earth. It is almost impossible for a new trucking firm to get a certificate to transport anything. An established trucker will argue that he already carries the commodity, does a satisfactory job and that no competition is called for. It's an odds-on bet that the ICC will agree.

There is no doubt that some regulation of transportation is needed in order to protect the public from exorbitant prices, inferior service and dangerous methods. But there is considerable doubt that this is in fact what the present regulations and the agencies that administer them are doing.

There is some reason to believe that the public has somehow gotten lost in the shuffle, and that the agencies are devoting their energies to protect established carriers from the effects of competition from upstarts who might offer lower prices or better service. And that, in turn, is reason to insist that the present regulatory structure should be carefully and thoroughly re-evaluated.

The implications of this editorial caused me to direct a letter to the Chairman of the ICC, Mr. George M. Stafford, which resulted in a very interesting response dated February 24. I am happy to share the information contained in my letter from Chairman Stafford, and I trust the editorial writers for the Washington Evening Star will analyze the contents and perhaps reconsider their position publicly.

The letter follows:

FEDERAL COMMERCE COMMISSION,
Washington, D.C., February 24, 1970.

HON. SAMUEL L. DEVINE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DEVINE: I am very pleased to have your letter of February 18, 1970, because I, together with the other members of the Interstate Commerce Commission, share your interest and concern in certain statements contained in the Washington Evening Star editorial appearing in that publication on Thursday, February 12, 1970.

To those families with the operations of the Interstate Commerce Commission hearing upon the issuance of new operating authorities, it is abundantly clear that the writer of the editorial did not "do his homework" before making assertions of the kind contained in the subject editorial.

The writer charges that the ICC stifles competition in surface transportation and he implies that a grant of new operating authority is impossible to obtain. A call by the writer to the Commission would have served to put his mind at ease on this score, because the facts of the matter are 180 degrees removed from the completely unfounded and inaccurate allegation. The facts of the case, which I am happy to have the opportunity to place on the record, indicate that new operating authority, supported by evidence of shippers' needs and other statutory and case law requirements, are not, as the editorial writer alleges, difficult or impossible to obtain.

Factually, Commission statistics for the year 1969, as an example, are most revealing. The Commission processed 4,902 applications for motor carrier operating authority last year. These cases involved applications for extension or modification of existing authorities, plus a great many requests for entirely new operating authority. Of the total, 3,838 applications were granted, in whole or in part. The significant fact of the matter, insofar as your question is concerned, is that of the total there were 488 grants to carriers entering the motor carrier field for the first time. Of this total number of applications granted, approximately two-thirds were vigorously opposed by existing carriers holding competitive operating authority. I believe that it is significant that more than twice as many carrier opposed applications were granted as were denied. The editorial charge "it is almost impossible for a new trucking firm to get a certificate to transport anything" is a statement that will not stand up to reasonable, logical, factual or statistical scrutiny

The Commission, charged with implementation of the Interstate Commerce Act and the stated national transportation policy, is required to maintain a balanced and competitive system of surface transportation and every grant of authority must be viewed within a context bounded by the public interest, shipper requirements, financial responsibility and a demonstrated need for the service which cannot be or is not being furnished by existing carriers.

The fact that 488 new operating authorities were issued during 1969 should be adequate rebuttal to any charges such as those made so loosely in the editorial in question.

Contrary to the allegation that the Interstate Commerce Commission stifles competition, and in light of the irrefutable facts

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stated above, it seems to me that the logical conclusion to be reached by any reasonable man would be that competition where required to better service shippers and consignees is encouraged. There appears no justification whatever for any conclusion to the contrary.

In this connection, the ultimate determination as to the efficiency and efficacy of the Commission is not determined on the editorial pages of our newspapers, in the industry press, or in the legislative halls of the land. The proud record of the Interstate Commerce Commission has been built upon sound judgment, the wise exercise of discretionary powers, and a meticulous regard for accuracy, even-handed justice, and nondiscrimination.

You have requested information relative to the matter of judicial review of Commission actions and I am pleased to be afforded the opportunity of putting this box-score on the record.

The office of our General Counsel has provided this information for the combined fiscal calendar years of 1968 and 1969 as follows:

	Commission sustained	Percentage
Fiscal years 1968 and 1969:		
U.S. District Courts	176 out of 211	83.45
U.S. Supreme Court	36 out of 39	92.3
Fiscal year 1970 (July 1, 1969 to Jan. 30, 1970):		
U.S. District Courts	9 out of 9	100
U.S. Supreme Court	2 out of 2	100
Combined totals fiscal years 1968 through 1970 (Jan. 30, 1970):		
U.S. District Courts	185 out of 220	84.09
U.S. Supreme Court	38 out of 41	92.68
Calendar years 1968 and 1969:		
U.S. District Courts	180 out of 213	84.5
U.S. Supreme Court	31 out of 34	91.17

With reference to the above-cited figures, it should be remembered that the court actions involved covered the entire spectrum of surface transportation. The actions were brought against Commission findings and decisions by both unsuccessful applicants for operating authority and by protestants seeking to overturn decisions and grants of the Commission. We are, and I believe rightfully so, gratified that the considered judgments of the Interstate Commerce Commission have fared so well in courts throughout the country.

In conclusion, we who are privileged to serve on the Interstate Commerce Commission have never taken and do not now take the position that we should be above criticism or that there is anything sacrosanct about our deliberations or our operations. Even if we were inclined to this viewpoint our numerous critics in the regulated industries and in various and sundry "watch dog" groups would dispel any such ideas. Criticism, when founded in fact and having a constructive purpose, is a healthy expression in this day and age but when criticism parts company with fact and strays into the area of distortion, inaccuracy and emotion, it is well that the truth of the matter be put on the public record for all to see.

The facts set forth in this letter could have been determined by the writer of the editorial had he simply picked up his telephone and requested accurate statistical information. However, and because your concern has prompted this communication, we here at the Commission feel that a worthwhile purpose has been served by inaccurate reporting.

If there is any further information you require, please do not hesitate to let me know.

With all best wishes, I remain,

Sincerely yours,

GEORGE M. STAFFORD,
Chairman.

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ON THE 52D ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE OF THE REPUBLIC OF ESTONIA

(Mr. McCORMACK (at the request of Mr. ALBERT) was granted permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, in my remarks in connection with the 52d anniversary of the declaration of independence of the Republic of Estonia, I include an appropriate letter of reminder of this event which took place February 24, 1970, sent to me by Heikki A. Leesment, president of the Estonian National Committee in the United States.

As Mr. Leesment said, "The Estonian people have never lost hope to regain their freedom and independence."

The desire and determination for liberty will remain strong in the minds of the Estonian people everywhere until that hope materializes. The Soviet Union may suppress that hope but cannot permanently destroy the restoration to the people of Estonia their freedom and independence.

The letter follows:

THE ESTONIAN NATIONAL COMMITTEE IN THE UNITED STATES,
New York, N.Y., February 19, 1970.

Hon. JOHN W. MCCORMACK,
House of Reresentatives,
Washington, D.C.

DEAR SIR: On Tuesday, February 24th, 1970, your constituents, the Americans of Estonian descent, will celebrate the 52nd anniversary of the Declaration of Independence of the Republic of Estonia.

Unfortunately, the Estonian people were able to enjoy their freedom and national independence for merely two decades. The Soviet Union with the aid of Red Army overran Estonia during World War II and occupies the country to this day.

The United States has never recognized the forcible incorporation of Estonia into the territory of the Soviet Union, and continues to recognize Estonian diplomatic and consular representatives in this country.

Through the Communist aggression and violence Estonia lost her independence and her people were deprived of their liberty. Through Soviet military occupation and unlawful Communist expropriation they have lost their personal property and the wealth created by industrious Estonians during many generations. Thousands of American-Estonians who have been lucky enough to find refuge in this country, have personally suffered from Communist cruelty and terror. Most of them have lost members of their families and close relatives through arrests, deportations to Siberian slave labor camps or by outright murder, committed by the Communist oppressors.

For thirty years now the expropriation, pauperization, slave labor, suppression of basic human rights and freedom, Russification, terror, mass deportations and murder have been the marks of the Soviet occupation in Estonia and the other Baltic States of Latvia and Lithuania.

However, the Estonian people have never lost hope to regain their freedom and independence.

The United States 89th Congress, after extensive hearings, adopted unanimously the House Concurrent Resolution 416, where it is stated, that the Baltic peoples of Estonia, Latvia and Lithuania have been forcibly deprived of the right to self-determination by the Government of the Soviet Union, and urged the President of the United States—

"(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the people of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples".

The Americans of Estonian descent ask you again to give your support to these principles, and to seek the liberation of Estonia and other Baltic States from Soviet colonialism and oppression.

Sincerely yours,

HEIKKI A. LEESMENT,
President.

TRADE AND TARIFF AGREEMENTS

The SPEAKER. Under a previous order of the House the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

(Mr. DENT asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. DENT. Mr. Speaker, like any other American having seen the President of France today and having listened to his remarks and having noted too that the Premier of Great Britain was here just a few weeks ago and the Premier of Japan was here just a few weeks ago, I predict that like 1960 we will have a parade of heads of states and potentates coming from all over the world, because this is the year in which the decision will be made on trade and tariff agreements. They will continue to come until the committee and Congress does something about the trade bill. They will come to make sure that nothing will interfere with the dumping of their cheaply made goods upon the American people.

It is a serious situation when we find that the State Department interferes with the domestic affairs of the communities by ordering these communities to buy foreign-made goods.

Mr. Speaker, the metro system, which I voted for, but will never vote another penny for was not supposed to buy foreign-produced goods. They are now. When they started the metro system they said they were going to buy American products, equipment, and materials to build this metro system.

Mr. Speaker, this is a multimillion-dollar project.

Mr. Speaker, the State Department on the 20th of February ordered the Washington Metropolitan Area Transit Authority to drop its primary policy and to spend those millions of dollars anywhere they could get the products at a price they would like to have on purely commercial goods.

Now I read that and then I turn around and read here another approach. This means, of course, that they are giving encouragement to what happened in Pittsburgh when the sanitation water board had an architectural and engineering group that they employed from New England. They deliberately wrote the specifications for the equipment for the new water pollution project, which was to cost $80 million altogether, with 80 percent of the money coming from the Federal Government, knowing that

American producers could not possibly bid on that equipment. The largest producer of that type of equipment happens to be located in my district in my hometown. They put a bid in, all right; and they were second, all right, some $50,000 less, but they could not meet the specifications as the specifications were aimed at bringing in only Swiss equipment from the Bouvier Electric Co.

Mr. Speaker, we are just starting the water pollution program, we are starting the air pollution reform, and I want to tell all of you that they were so deliberate in this fixed bid proposition that they wrote a little clause in the specifications that barred the Japanese, because the Japanese would have underbid the Swiss. If they had wanted to save money for the taxpayers of America, if they had wanted to save money for the people of America, why did they not buy the Japanese equipment?

American producers thus have lost a sizable contract to the Swiss and the $50 million will be paid by the people in that area of Pennsylvania that will not be working because we did not buy the equipment from them.

Just yesterday the President of the United States invoked the escape clause of the Trade Act of 1962 to roll back the tariff on upright pianos—roll it back, mind you, from 11.5 percent back to 13.5 percent.

Let me just show you what is happening. In 1960 we imported 4,200 upright pianos. In 1964, the Japanese got into the act. They had not been in it before. The pianos that were coming in here were well made, expensive, and went back into centuries of craftsmanship in Italy, France, and Great Britain. And so they were bought by discriminating people who wanted a certain type—and this is good trade. But the Japanese got into the act, and last year not one upright piano was made in the United States of America. The importation of pianos into the United States jumped from 4,200 pianos to 29,000 pianos in 1969, 94 percent of them coming from Japan.

Have any of you been into Japan? Well, if you have not, you had better go, because if you want to see something that will awaken you into the dangers that this country faces economically and militarily you had better go.

Sato was here just about a month or so ago, and he came here to win his reelection. Because he met with the President he got the President to announce that there would be no cutback on the importing of pianos into the United States, and the President did so—and I am not blaming President Nixon because my own President Kennedy did this sort of thing and Johnson did it, and every President we have ever had has done it. There is no party line in this country on this issue.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Iowa.

Mr. GROSS. And he got Okinawa thrown in with it.

Mr. DENT. Yes, that helped a little to get him a greater majority.

Now, Mr. Speaker, I know poverty, because I have lived in it. I did not experience it by reading a book or going into the ghettos to see it. I grew up in it. I came from a poverty-stricken area and a poverty-stricken family, and I know what it is. And when I am told I have got to spend money to help poverty-stricken people I want them to take a look at my Indian friends in America and see what kind of poverty they are living under in this country today.

Well, what are we talking about when it comes to the Indians? I went out to Alcatraz, and I spent a day out there because the daughter of an old friend of mine, Jim Thorpe, is on the Indian Council. I went out to see what was happening out there. We had better start putting some economic relief into our Indian areas of the country and into the poverty areas of our country. Do not tell be that an Indian mother at 35° below zero has to hang clothes out on an Indian reservation on a long clothesline, and at 35° below zero, that we have not reached a stage here somewhere along that line—these people are Americans too.

Well, are we Americans?

At one place the girl said to me, "They call us squatters, but they had better recognize we have been squatting here for hundreds of years."

This Federal trade law, and the stress on international trade, is going to cause this country its most severe crisis in its history. We had 2,700 glass workers in my county, flat-glass workers, mind you, a dying industry now, just 4 years ago, and we have 336 left. One plant shut down the 15th of January with 650 workers, all of them over 40 years of age. They are offered relief, mind you, and that is what the President says he is going to give these pianoworkers. Under the law the President can give relief, and under the escape clause, can provide trade adjustment relief. He said that the assistance is going to be put into effect, and he is going to pay adjustment assistance of 65 percent of the workers' wage for 1 year to every worker.

He is going to pay the industry to rehabilitate itself to meet the competition.

Now is this not an outrageous way to answer the argument, against which there is a very simple answer? They say we have to help our foreign friends to sell their equipment and their material in the United States and we have to import in order that we can export. Then they turn around and in the same law say that when imports become too heavy for industry to bear, we are going to spend Federal money to rehabilitate that industry so that they can beat the prices of the imports.

Now this just does not make any sense to me. We have 140,000 steelworkers in the United States today who are unemployed because of the difference between the exports and the imports of steel.

We have 350,000 textile workers in the United States who are out of work today because of the difference between the exports and the imports of textile materials.

I predict that within 5 years of this date—within 5 years of this date—there will be a nationwide strike in this country of unemployed workers and of employed workers against our reciprocal trade agreements—and Lord help anybody who stands in the way.

I have seen angry men. A busload came here to see me in Washington last week. They are angry men. One of them had his uniform on—a World War II uniform and he said, "I wore this uniform, and it ran red." Then he said, "Now I do not have to see the red run because I have it in my eyes." He said, "They just recently took my television set, and within the next month or so they are putting a lien on my home for taxes. I have been out of work for 2 years from the glass plant in Arnold, Pa. They give me relief."

Mr. Speaker, people do not want relief. My people do not want relief. The hardworking stock of this country want no relief. They only want a God-given right under our Constitution for an opportunity to work. They are working today at wages of less than what the relief is paying when they are working. We are going to try to do something about that this year. But a man working a 50-week year will receive $300 less than if he went on relief. Yet, thousands of Americans are working at that lower wage. The dignity of a job cannot be supplanted by relief. You cannot answer your children when they come home and say, "How come, Dad, you are always home and never at work."

When you realize that relief payments do not take care of the pipe that froze and broke in your house in winter or take care of the leaking roof then you realize how inhuman we are to our own people by denying them jobs—jobs that are here today but which will not be here tomorrow.

Because every day a ship with 200,000 tons ships out of Yokohama or Brussels or Antwerp or other ports loaded with manufactured goods for this country, America pays with the loss of three jobs. Every man who is working in a production job is carrying on his shoulders two other people who are working in the service industries. A lot of service industries do not know the danger that they and their workers are in. They do not know that when that glass plant shut down in Arnold, Pa., 650 glass workers were out of work within 2 years and that 1,300 people in that community will be without any income.

We have given away 83 percent of all the china market in this country. We have given away 68 percent of the plywood market in this country. Even baseball gloves. Baseball is our national sport, but it is Japan's national pastime to make the gloves for our sport—93 percent of these gloves.

I want to tell the few Members of Congress who have time to come here today that when I predict anything, I do so only after studying every possible avenue of error. Five years ago I said on this floor that within 5 years, after what I had seen in Japan, the Toyota and Datsun automobiles, and the Honda, Yamaha, and Suzuki motorcycles would come into this country in streams so fast that Detroit, with its proud and haughty attitude against anything that I have ever said about them, would start to feel the pinch.

Well, yesterday General Motors laid

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off a bunch of workers. This is the first time in history—the first time that I have ever heard of layoffs at the beginning of the new automobile season. Chrysler Corp. recently made a deal with Mitsubishi of Japan. They started 2 years ago with a great hullabaloo about building a plant in my county which would employ 4,500 people. Yes, they have almost built the plant, but there is nobody working in it. I will tell you what the plant is going to be. The plant will be a warehouse for Mitsubishi automobiles made overseas.

Did you know that Ford has just signed a contract—this is for the information of you Michiganites who are present—for Ford engines to be manufactured in Japan and brought over to this country?

In his message on the state of the world, the President has asked for us not to do anything that would injure trade between nations. He has asked that we lower the requirements for American investment overseas so that Americans can be encouraged to invest overseas. Does he not know why Americans are investing overseas? To get away from the American worker, to get away from the American minimum wage.

I walked into a plant in Hong Kong where 5,500 workers were producing 100 percent for the Fairchild Camera people in New Jersey, shipping their product on Chinese ships, and bringing it here to the United States where no man alive can tell where it was made because it is put in in that manner.

Today only two television sets are wholly made in the United States. Three years ago I visited the Sony plant in Japan. I saw their television, which they call Trinitron color. You see it advertised today. Let me tell you something. Last year we sold in the domestic market 8,700,000 color television sets. Japan provided one-third of that number of televisions with Japanese labels. The 5,000-plus that were left supposedly had the American trademark. Twenty-two percent of the 5,300,000 sets left—supposedly American made—were made in Japan with American trade names on them.

A Sylvania picture tube plant was just shut down. I talked to the president of Sylvania 2 weeks ago. He said:

> Unless we get some relief, we at Sylvania may have to buy overseas and sell it under our trade name just as everyone else does.

The Small Business Administration, which was set up to help small businessmen survive against monopolistic encroachments, issued a ruling they should be arrested for. Someone put in a bid to sell pencils. In the small business set-aside it says that the set-aside is for American manufactured products. So there was a fellow with an address on 1 Wall Street, one of those Wall Street addresses where he has a post office box and a chair and a telephone. He put a bid in and was low bidder. He had bought his pencils in Japan. Oh, yes, they sell pencils. They will sell anything, and they can make anything. They are good workmen. They are very intelligent people. Do not underestimate them. These pencils were accepted on this bid. It was protested that they were foreign made. The set-aside was for American-made products. So our Small Business Administration ruled that, because this fellow who sold them had taken one pencil out of the box and had sharpened it and put it back into the box, there was American value added, and therefore, it was American made.

We have gone so far that it is not even possible to crawl back to where we were. Wait until the districts of other Members are hit as mine has been. Remember, I was born in Appalachia. I saw imported oil drive the coal business underground—literally, physically, and economically—and the people in Appalachia have never recovered, because once the mines were shut down, it was uneconomical to go down 500 or 700 or 1,100 feet underground when we were getting enough coal above ground, and when there were deeper veins of coal in Kentucky and elsewhere. But we watched my little town become almost a ghost town. It is not a ghost town, because there are still a few cabins there now.

I watched the handmade glass industry deteriorate. There were 17 plants in my area when we moved there and my father went to work in one of the plants as did I. We have not one glass plant of any consequence left in my community. The only one is one that used to be called the American Window Glass Co. It is now the American-St. Gobain Co. The French came over and bought the plant. They are not taking our glass and importing it into France, but they are bringing their glass here and selling it here at the same price as American glass. I am not going to sit idly by. I am not going to let the lungs God gave me decay by being silent any more about the devastation of my hometown and my home district and my home State, and the degrading of my people to the position of welfare recipients.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Pennsylvania (Mr. GAYDOS).

Mr. GAYDOS. I want to thank my colleague.

I want to reiterate my concern. I happen to have the distinction of serving in a Congressional district which adjoins that of the gentleman in the well. I have shared, both physically and also intellectually, in many discussions with him concerning this problem. I was physically present when he had the very meaningful discussion with the Pittsburgh Glass people and we talked about the unemployment, and also with the Allegheny Sanitary Authority, a part of which is in my district, where they did make the purchase overseas of equipment that could well have been made in the gentleman's district.

So far as the financial arrangements are concerned, I know the gentleman in the well shares my feeling that it is not a bilateral agreement, it is a unilateral agreement.

In the New York Times, as recently as 2 weeks ago, there was an indication that the administration is thinking seriously about taking away even this partial protection from us, and allowing a flood of imports to come in uninhibited.

Representing the greatest conglomeration of facilities of the world, in the Monongahela Valley, I was invited to attend, along with the gentleman.

I know that the gentleman, in his service in the Statehouse at Harrisburg, was concerned about foreign imports then, and he has made almost an unrelenting fight against this problem as we know it.

I will close with one example which I believe substantiates the gentleman's position.

When we talk about a percentage, on national statistics of unemployment, I want to make sure that everyone understands that when talking about a secondary aspect of 1 percent in unemployment that means 800,000 unemployed in this country.

I compliment the gentleman for his continuing fight. I know that in the future he will remain an outstanding advocate in this field, as regards foreign imports, which in my opinion represent such a danger.

Mr. DENT. I thank the gentleman.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman from Mississippi.

Mr. ABERNETHY. I want to compliment the gentleman on a very fine speech and a very effective statement.

It has been my privilege to serve under six Presidents since I have been in this body. Every one of them came to office with some kind of a commitment to do something about this situation. Unfortunately, each of them got taken off by people down in our State Department.

As the years have gone by the situation has worsened and worsened and worsened.

I recall attending a meeting last year that was called by Secretary Stans, the Secretary of Commerce. I remember that he made some very strong and definite commitments that something would be done about the textile and apparel imports at that meeting. I believe he was very honest about what he was saying. In fact, I know he was. I believe he committed himself to do something, and so dedicated himself. He has made some effort to do something. But somewhere along the way every time someone makes this effort he gets lost, unquestionably with the people down at the Department of State.

I suggested to Mr. Stans at that meeting that I doubted very seriously anything would come of the effort, although I hoped it would. Up to now nothing has come of it.

Mr. DENT. I want to thank the gentleman, because I attended that meeting with him.

I will tell why nothing has come of it. You see, we have a Tariff Commission. We ought to save the money we pay to it and just abolish it, because it does not mean anything.

The Tariff Commission found, under a majority rule, that there was an injury to glass, after our appeal to the Tariff Commission, at which I represented our glass people. They ruled there was a serious injury to the glass industry, and that relief ought to be given.

However, that is not the final word, because the President has what is called a special representative for trade negotiations. His name is Gilbert. He was

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formerly the head of the Gillette Razor Blade Co. The Gillette Razor Blade Co. is the largest, farthest flung international producers in the world. He is just like Otto Krueger, the old match king, was with matches.

I visited his plants in Brazil. I visited his plants in Europe. I visited his plants in the Far East. I went to his plants in Chile this last year. He is paying there the magnificent sum of 67 cents a day for his workers in Chile working on the same production machines that are used in the United States.

This is the thing that some people do not understand. When they say to us, "We have the know-how," yes, we have the know-how. We have had it for a long time. We kept it for a long time, until they started opening up the plants and getting the chambers of commerce and good will people to open up all of our plants so that the foreign people could come over.

If you remember, and if you ever had it happen to you, Japanese all come to you with a camera hung around their necks. I want to tell you I went into the Japanese plants and I was not allowed to bring in a camera. In one steel mill they kept me and my committee sitting in the office until the whistle blew. They gave us coats and iron hats, but we did not need them because they kept talking to us until the whistle blew, and when the whistle blew he told us he was sorry, he did not know how late it was. I knew how late it was and I am telling you how late it is for the American people. It is a great deal later than you think because this fellow Gilbert is the final say in the United States on tariff considerations; and do you think he is going to hurt himself by going for so-called protectionism? Since when is protectionism a bad name when you are protecting your country and your people? Since when? I remember the ash tray that Sam Rayburn gave me. I still have it at home and keep it on my desk at home. Sam Rayburn had an ash tray he gave me after the first speech I made. Let me just close now by saying that this ash tray contained on it just this one slogan. It said, "If it is American it is worth protecting." I think it is.

Mr. Speaker, in conclusion I wish to put into the RECORD a handful out of thousands of letters and signed petitions from all segments of our country protesting our trade policy. These are from glass towns and cities.

I will address the House next week and every week thereafter until I make a complete record on all the industries that are dead or dieing from our misguided and antiquated State Department-dictated trade policies.

The material follows:

AMERICAN ST. GOBIAN CORP.,
Kingsport Tenn., February 18, 1970.

The Hon. JOHN DENT,
Washington, D.C.

DEAR MR. DENT: I thought you might be interested in the concern expressed by different local governments regarding the pending action to be taken by President Nixon relative to sheet glass tariffs.

As you have been very active in trying to protect the domestic industry, I thought you would be interested in the community reaction of neighborhoods in the vicinities where American Saint Gobain plants are located.

I believe we are all of one accord, that being, higher tariffs are necessary to reduce these imports, now the President needs to be convinced.

Sincerely yours,

E. C. GOOD,
Vice President.

SULLIVAN COUNTY,
Blountville, Tenn., February 13, 1970.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

MR. PRESIDENT: I am the County Judge of Sullivan County, Tennessee, which is located in the northeastern section of Tennessee with a population of approximately 150,000.

This is my first letter to a President of The United States and I am writing to you about a matter of great importance to the citizens of this area. We are very much concerned about the plight of American Saint Gobain Corporation, which has its principal office in Kingsport, Sullivan County, Tennessee, one large plant employing approximately 500 people in Kingsport and its Greenland Plant, located about 15 miles away in Hawkins County, Tennessee, which employs approximately 700 people.

I understand that American Saint Gobain is threatened by increasing imports of sheet glass. I, therefore, respectfully request that you take favorable action to restore the tariffs on sheet glass to the statutory level of 1930, or at least the level provided in the Reciprocal Trade Agreements Act of 1934.

This matter is of great economic interest to this area since the Holston Army Ammunition Plant, which is operated under contract by The Tennessee Eastman Corporation and is located on property adjoining Sullivan County Tennessee, has reduced its working force by approximately 500 people in the past three months. As you can see, Mr. President, this is having a tremendous adverse economic impact on our small County, situated in the Appalachian Mountains.

We are not asking for Federal assistance, but we are asking that our industries be given a fair and reasonable opportunity to compete with low wage foreign industries.

The people of this area will certainly appreciate any help or assistance you may give us in this matter so that we may remain free, independent and self-supporting people.

Sincerely yours,

LON V. BOYD.

CITY OF KINGSPORT, TENN.,
February 13, 1970.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Kingsport, Sullivan County, Tennessee, is a city of 34,000 population, the center of a suburban and rural community totalling about 75,000. The American Saint Gobain Corporation, a manufacturer of flat glass, has its Corporate headquarters and one plant in Kingsport, with another plant nearby. They employ about 1,500 people locally.

The citizens of this community are deeply concerned with the economic well-being of American Saint Gobain. They furnish employment to many of our citizens, and they pay taxes. Their employees are our neighbors and friends, and some of them are substantially involved in civic affairs.

We do not want the jobs of our friends at American Saint Gobain to be exported as a result of inadequate tariff protection for sheet glass against the inroads of foreign glass produced by underpaid labor.

I respectfully request that you act to restore the tariffs on sheet glass to the statutory level of 1930.

Sincerely,

FRED GILLETTE,
Mayor.

TOWN OF MOUNT CARMEL,
Church Hill, Tenn., February 13, 1970.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In a regular meeting held last night the City Council of the city of Mount Carmel by unanimous resolution instructed me to convey to you our urgent request that tariff protection for sheet glass be increased. There are two flat glass plants within 10 miles of Mount Carmel. Together, they must employ about 1400 people, many of these citizens of our town. We are interested in having those plants continue to operate, and to pay good wages.

If competition from imported foreign made glass impairs the ability of those plants to employ our people, it will do serious harm to our community.

For that reason, I respectfully request that you restore the tariffs on sheet glass to at least the level provided by the Reciprocal Trade Agreements Act of 1934.

Cordially,

THOMAS E. DEAN, Jr.,
Mayor.

HAWKINS COUNTY COURT,
Rogersville, Tenn., February 12, 1970.

President RICHARD M. NIXON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: Hawkins County, Tennessee, which I have the honor of serving as County Judge, has a population of 34,500. A flat glass manufacturing plant employing about 700 people is operated in this county by the American Saint Gobain Corporation. This plant contributes substantially to the economy of this county through both employment and taxes. I would not want to have the economic stability of American Saint Gobain jeopardized by uncontrolled imports of foreign glass.

I, therefore, respectfully request that you act to restore the tariffs on sheet glass to the levels provided by the Reciprocal Trade Agreements Act of 1934.

Sincerely,

J. B. HOWE,
County Judge.

TOWN OF ROGERSVILLE,
Rogersville, Tenn.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As mayor of the city of Rogersville, Hawkins County, Tennessee, I respectfully request that you take favorable action to increase the tariff on sheet glass. Ours is a city of 4,000 people. Many of our people work at the American Saint Gobain plant located in Hawkins County and we all know how much the flood of imports is hurting this company now and what disastrous effects a continuing trend in the same direction will have on the security of our people's jobs. We emphatically request that the sheet glass tariff be returned to at least the level established in the Reciprocal Trade Agreements Act of 1934.

We can't understand why American jobs are being lost to people in industries in countries where our boys fought and died for the independence of those very people.

Yours truly,

REID TERRY,
Mayor.

CHURCH HILL, TENN.,
February 12, 1970.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As Mayor of the City of Church Hill, Tennessee, I urge you to increase tariff protection for sheet glass.

The American Saint Gobain Corporation operates one plant about six miles west of our town, and another about twelve miles to the last. Naturally, both plants employ many of our citizens. The economic well being of that company is important to the economic health of our community.

I therefore respectfully request that tariffs on sheet glass be restored to at least the level of the Reciprocal Trade Agreements Act of 1934.

I feel that you will give this your careful consideration. Your wise decisions and actions so far have made me proud that I supported you. I trust and pray that your further actions will continue to strengthen our land—the greatest nation on earth.

Sincerely,

JOHN E. HENARD,
Mayor.

KINGSPORT CHAMBER OF COMMERCE,
February 16, 1970.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In 1958 and 1959, the Kingsport Chamber of Commerce began negotiations with American Saint-Gobain Corporation to establish one of the world's largest flat glass industries in the Kingsport area. These negotiations were successfully completed in 1959 and it has meant employment for approximately 1,000 of our fine citizens of the area.

Now, because of inroads made by foreign imports in the flat glass industry, these 1,000 jobs are seriously jeopardized by this competition, and we strongly feel that some relief must be given to protect this fine company and their employees.

Therefore, Mr. President, in making your final decision, we urge that you restore the tariff on flat glass to at least the level of the Reciprocal Trade Agreements Act of 1934.

Respectfully,

JOHN A. DUDNEY,
President.

SURGOINSVILLE, TENN.,
February 16, 1970.

The PRESIDENT OT THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am the mayor of Surgoinsville, Hawkins County, Tennessee, population 1,334.

The Greenland Plant of American Saint Gobain Corporation is located about four miles away. It employs about 700 people, many of whom live in Surgoinsville.

I understand that American Saint Gobain is threatened by increasing imports of sheet glass.

I, therefore, respectfully request that you take favorable action to restore the tariffs on sheet glass to the statutory level of 1930, or at least the level provided in the Reciprocal Trade Agreements Act of 1934.

Yours very truly,

JOHN KENSINGER,
Mayor.

GATE CITY, VA.,
February 16, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Scott County, Virginia, population 25,500, lies in the southwestern part of the Commonwealth, adjacent to Tennessee. As chief administrative officer of this county and also as district chairman of the Republican Party I respectfully request that you increase the tariff protection for flat glass.

We are at least partly in the Appalachian Poverty Area, and we would be worse off than we are except for the fact that many of our citizens work in Sullivan and Hawkins Counties in Tennessee.

One of these industries, The American Saint Gobain Corp., is suffering loss of business because of foreign glass, made by underpaid labor, and admitted into the U.S. market by progressively lower tariffs.

I respectfully ask that you take action to restore the tariffs of sheet glass to the statutory level of 1930.

Sincerely yours,

B. W. FRAZIER.

GATE CITY, VA.,
February 16, 1970.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Gate City is a town of *2400* in southwest Virginia, near the Tennessee line. We are in the edge of the depressed area of Appalachia, but are more fortunate than most in this area in that many of our citizens are employed in the industries in and near Kingsport, Tennessee.

One of those industries is the American Saint Gobain Corporation, a flat glass manufacturer.

It is my understanding that imports of foreign glass threaten the economic security of that company. If they were forced to curtail operations in Tennessee, it would seriously affect the economy of Gate City.

For that reason, I would like to ask you to take action to restore the tariffs on sheet glass to the statutory level of 1930.

Sincerely,

JAMES L. BROADWATER, *Mayor.*

PENN TOWNSHIP COMMISSIONERS,
Harrison City, Pa., February 17, 1970.

PRESIDENT RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

MR. PRESIDENT: It has been brought to our attention that the decision to eliminate the tariff on flat glass has been moved up from March to February 27, 1970. We, the Commissioners of the Township of Penn, Westmoreland County, Pennsylvania, would like to request that the glass tariff be kept at least at its prevent level. If it is lowered or removed we could have a loss of at least 600 jobs at the American St. Gobain plant in Jeannette, Pennsylvania.

The following communities, comprised of 123,000 people, have adopted resolutions opposing the removal or the reduction of the tariff on flat glass:

City of Jeannette, Penn Township, Irwin Borough, City of Greensburg, Hempfield Township, Penn Borough, North Huntingdon Township and Manor Borough.

We do not understand why American jobs are allowed to be threatened by industries of other countries. We strongly feel that it is our government's duty to protect American jobs and therefore hope that your decision is favorable to us.

A reply is requested.

Sincerely yours,

RICHARD H. IRWIN,
President of the Board.

JEANNETTE, PA.

Hon. JOHN H. DENT,
Washington, D.C.:

Following is copy of telegram sent to President Nixon—

"It is our understanding that the decision whether or not to eliminate the tariff on flat glass has been moved up from March to February 27, 1970. We, the city council of the city of Jeannette, Pennsylvania, Westmoreland County, would like to reiterate our position concerning this matter. We emphatically request that the glass tariff be maintained to at least its present level. The lowering or removal of this tariff and the loss of over 600 jobs therefrom at the American St. Gobain plant in Jeannette, Pennsylvania, would create an immeasurable hardship upon the glass-worker, his family and this community. * * * We remind you of the fact that the following communities comprising of 123,000 people have adopted resolutions opposing the reduction or removal of this tariff. These communities are: city of Jeannette, Penn Township, city of Greensburg, Manor Borough, North Huntingdon Township, Hempfield Township and Irwin Borough.

We strongly feel that this request that our Government protect American jobs is a reasonable one, and hope that your decision is favorable to us. We also request that we be given the opportunity to appear before you or your committee before the final decision is made.

MICHAEL A. RIEHL,
Mayor.

JEANNETTE PUBLISHING CO., INC.,
Jeannette, Pa., February 19, 1970.

Hon. HUGH SCOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SCOTT: With an understanding realization that because of your obligation as Senate Majority Leader to confer with the President at the White House periodically you were unable to be present in person at the flat glass tariff regulation appeal meeting arranged Wednesday afternoon for a local area delegation by our Congressman, Representative John H. Dent, we enclose for your reading in its entirety, a self-explanatory account of same meeting as appeared in the News-Dispatch today.

We dispatch this to you with the thought that, as a Republican-leaning newspaper editor, if even in a staunchly Democratic area as you may know, you as Republican leader in the Senate who is running for re-election in the fall, with our continued support incidentally . . . whatever it's worth . . . might just get close enough to our Republican President to do a little last-minute, eleventh-hour arm twisting as regards the desperate problem at hand locally as outlined in same story enclosed. May we suggest, sincerely that you might even take the article to the president personally and have him read it for full effect. And let Sen. Schweiker read it also, if you will!

It goes without saying that anything you can do will help not only your constituents back home here in west central Westmoreland County but your own cause as well, speaking quite bluntly and frankly.

Sincerely,

J. GRAFF BOMBERGER,
Editor and Publisher.

P.S.—We know you'll do your level best in the face of problems at hand and with a knowledge that this is extremely serious business on the home scene here in Jeannette and Arnold.

MOYER PRINTING CO.,
Jeannette, Penn., February 18, 1970.

President RICHARD M. NIXON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: There is now before you for your signature, a bill to eliminate all tariffs on flat glass.

How something as ridiculous as this could even be considered is beyond me, but it has been proposed and passed. If this is signed by you, one of the major plants in Jeannette, Pennsylvania, would close immediately, as would several others in our area and an estimated 19 plants across the country. It would appear to me that instead of eliminating these tariffs, it would be wise to protect these jobs as much as possible by either holding or raising tariffs.

The total picture of tariffs and the balance of trade is confusing and complicated, especially to a small business man such as myself, but it seems rather fundamental that our standards should be protected whether it be glass, steel, plastic, automobiles or any other business competing with our manufacturers. Our first concern should be to our own people and then to the world.

When the proposed reductions on tariffs finally reach you, please do as over 17,000 signers of a petition presented to the U.S. Tariff Committee pleaded—protect their jobs and our friends and neighbors and customers.

Respectfully,

GALEN E. MOYER.

JEANNETTE, PA.

Representative JOHN DENT,
Washington, D.C.:

We the Board of Directors of the School District of the City of Jeannette urge your support in maintaining the tariff on flat glass to at least its present level. The lowering or removal of this tariff would result in the loss of over six hundred jobs. At the American St. Gobain plant in Jeannette Pennsylvania and would greatly disrupt the financial support received by the Jeannette school district for the education of our youths.

We would appreciate your continued assistance in this matter.

MORRISON S. LEWIS, Jr.,
President.

PPG INDUSTRIES, INC.,
Washington, D.C., February 19, 1970.

Hon. JOHN DENT,
Washington, D.C.

DEAR CONGRESSMAN DENT: Thank you for all the assistance and leadership you have given us in our most recent effort to secure relief from sheet glass imports. You have lived with this problem in your district for a number of years, and we at PPG are well aware of your tremendously strong efforts on behalf of American industry and labor.

While I feel none of us are overly optimistic about the chances of receiving an increase on sheet glass tariffs, I think the record you have established on our behalf, as well as others so affected, speaks highly of a man who desires to serve his people and country.

Thanks again for all your help, and I look forward to our continuing relationship. If I can be of any service to you, please do not hesitate to let me know.

Yours sincerely,

RADY A. JOHNSON,
Manager.

AMENDMENT TO THE TRADE EXPANSION ACT OF 1962

The SPEAKER pro tempore (Mr. GIAIMO). Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 10 minutes.

Mr. PRICE of Texas. Mr. Speaker, I rise to introduce an amendment to the Trade Expansion Act of 1962, an amendment which would codify and make permanent the present mandatory oil import program.

My action is motivated largely by the fact that last Friday, President Nixon released the long-awaited report of the Cabinet Task Force on Oil Import Control. Throughout the course of the task force inquiry, I had hoped that the panel members would carefully examine and sift the testimony presented, be guided by the relevant and material facts at hand, and conclude on the basis of the full weight of the evidence that it would be in the national interest to continue the mandatory oil import control program.

As those of us who have read the report well know, however, the task force failed to unite and recommend any clear course of national policy. Instead, a cloudy and conflicting set of conclusions were arrived at, and even those were the product of much debate as to meaning and significance. Although all seven of the panel members agreed on the need for establishing a new management system to set policy for the oil import program, only five concluded that the present system should be abolished, and even this conclusion was marked by disunity. The Secretary of Commerce and the Secretary of Interior differed sharply in their conclusions from the majority, while the Secretary of State and the Secretary of Defense expressed particular concern over the implications of the report's conclusions in the area of national security and international relations.

Fortunately, President Nixon has wisely refrained from taking immediate action on the thrust of the task force's report. Be that as it may, however, I am particularly disturbed by the report's principal recommendation that the quota system be scrapped in favor of a new and untested tariff system. In the words of the report:

> National security will be adequately protected by adopting as a first step a revised control system and a modest immediate reduction in import restraints. This rhetoric was clarified by the declaration that, a prudent course, in other words, would be to adopt a system of tariff restrictions, to take effect no later than January 1, 1971.

I believe, if this recommendation were taken seriously and adopted as a course of national policy, it could well prove disastrous to the American way of life as we know it. When I say this, I am not trying to be an alarmist; neither do I think I am overstating the case. I do think, however, I am fairly stating a chilling possibility. If this Nation trades the tried and proven quota system for a new and untested tariff system, we may save a few dollars in the short run, but we could destroy our country in the long run.

To prevent this from happening I am introducing a bill to make the present quota system permanent. I urge my colleagues to lay partisan politics aside and join with me in this endeavor. This issue is larger than party, and it goes beyond politics.

Mr. Speaker, I have stated the facts on which I base my conclusion before this body. I have also, along with other concerned Members, written the President and urged him not to initiate any changes in the present program. Consequently, I do not think that it would serve any good purpose to go over the same ground again. There is, however, one new development I would like to briefly discuss.

Even the proponents of the tariff system admit the obvious fact that increasing the flow of oil imports would reduce the incentives needed to motivate domestic exploration for new petroleum sources. They argue, however, that foreign oil supplies are more than adequate to meet our consumer and defense needs. Conveniently ignored is the fact that if our foreign supplies were cut off, we would literally be left high and dry if our domestic oil and gas industry had withered away due to the operation of a tariff system.

In my view, it is entirely within the realm of possibility that the United States could be placed in this condition. After all, had we not had a healthy domestic petroleum industry in 1967, we would have been in dire straits when several oil-producing nations in the Middle East placed an embargo on oil exports to the United States. The specter that an even worse situation could develop in the future was raised by no less a personage than United Arab Republic President Gamal Abdel Nasser, who earlier this month stated that if the United States gave more Phantom jets to Israel, we would lose our economic interests in the Arab world in less than 2 years.

When individuals like Nasser, who directly or indirectly control our foreign sources of oil, start making threats like this, our national interest is placed in clear perspective. We simply cannot afford to let the destiny of this great country be decided by foreign rulers. We must retain the mandatory oil import control program. To adopt any other course of action would be madness.

The amendment follows:

H.R. 16177

A bill to promote the general welfare, foreign policy, and national security of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the national security provision (19 U.S.C.A. 1862) of the Trade Expansion Act of 1962 be amended by adding the following new subsections:

"(e) Imports of petroleum into districts I–IV shall not exceed 12.2 per centum of production of crude petroleum and natural gas liquids in those districts during the most recent appropriate period for which United States Bureau of Mines statistics are available.

"(f) Imports of petroleum into district V shall be limited so as to encourage development of district V production and use of domestic supplies in that district, but in no event shall the maximum level of overseas imports, which shall be subject to allocation, be greater than the amount necessary, when added to domestic supply available to the district and to the volume of overland imports into the district which shall be exempt from allocation, to approximate total district V demand. Determination of supply-demand relationships in the district shall be made by the United States Bureau of Mines for appropriate periods.

"(g) Imports of petroleum into districts I–IV and district V, other than crude petroleum, shall be progressively reduced.

"(h) As used in this Act:

"(1) 'Petroleum' shall include crude petroleum and natural gas liquids, and finished and unfinished products thereof except residual fuel oil for use as fuel.

"(2) 'Imports' shall include 'imports for consumption' as reported by the United States Bureau of the Census and shipments (A) from Puerto Rico, the Virgin Islands, and Guam into the United States, and (B) into any foreign-trade zone located within the United States.

"(3) 'Districts I–IV' means the District of Columbia and all the States of the United States except those States within district V.

"(4) 'District V' means the States of Arizona, Nevada, California, Oregon, Washington, Alaska, and Hawaii."

"(i) The President, upon a finding that a national emergency threatens the adequacy of fuel supplies to meet national requirements, may modify or suspend the quota established by subsection (e) for a period not to exceed six months.

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THE GATES COMMISSION REPORT ON AN ALL-VOLUNTEER ARMED FORCE—PART I, CHAPTER 2

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 30 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, yesterday I placed the first chapter of the Gates Commission report in the RECORD and announced my intentions to include a chapter of the report each day for the next several days.

Chapter 2 summarizes the main arguments raised against the volunteer army and the Commission's answers to them. These questions deal with the political and social effects an all volunteer force might have on a democratic society.

Chapter 2, part I of the report follows:

THE GATES COMMISSION REPORT ON AN ALL-VOLUNTEER ARMED FORCE

CHAPTER 2—THE DEBATE

"We have lived with the draft so long," President Nixon has pointed out, "that too many of us accept it as normal and necessary." Over the past generation, social, political, and economic arrangements have grown up around conscription that touch our lives in a great many ways. The elimination of the draft will inevitably disrupt these arrangements and may be disturbing to some. But beyond these narrow, often overlooked interests lie broader considerations which have prompted defenders of conscription to argue that an all-volunteer armed force will have a variety of undesirable political, social, and military effects.

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In our meetings we have discussed the opposing arguments extensively. As our recommendations disclose, we have unanimously concluded that the arguments for an all-volunteer force are much the stronger. Yet, there can be no question of the sincerity and earnest conviction of those who hold the views we have rejected. In fairness to them, and to acquaint the Nation with both sides of the issues, this chapter summarizes the main arguments raised against the volunteer force and offers answers to them. In succeeding chapters (noted in parentheses) these arguments are taken up in detail.

A general point should be made here. The elimination of conscription admittedly is a major social change, but it will not produce a major change in the personnel of our armed forces. The majority of men serving today are volunteers. And many who are now conscripted would volunteer once improvements were made in pay and other conditions of service. Therefore, the difference between an all-volunteer force and a mixed force of conscripts and volunteers is limited to that minority who would not serve unless conscripted and who would not volunteer in the absence of conscription. An all-volunteer force will attract men who are not now conscripted and who do not now volunteer but who will do so when military service imposes less of a financial penalty than it currently does.

Contrary to much dramatic argument, the reality is that an all-volunteer force will be manned largely by the same kind of individuals as today's armed forces. The men who serve will be quite similar in patriotism, political attitudes, effectiveness, and susceptibility to civilian control. The draft does not guarantee the quality of our armed forces, and neither will voluntarism. There are no simple solutions or shortcuts in dealing with the complex problems that must always concern us as a free people.

Arguments against an all-volunteer force fall into fairly distinct, though sometimes overlapping categories, one of which is feasibility. Summarized below are some of the main objections under this heading.

Objection 1: An all-volunteer force will be very costly—so costly the Nation cannot afford it.

Answer: The question of how much the armed forces cost is confused with the question of who bears those costs. It is true that the budget for a voluntary force will generally be higher than for an equality effective force of conscripts and volunteers; but the cost of the voluntary force will be less than the cost of the mixed force. This apparent paradox arises because some of the costs of a mixed force are hidden and never appear in the budget.

Under the present system, first-term servicemen must bear a disproportionately large share of the defense burden. Draftees and draft-induced volunteers are paid less than they would require to volunteer. The loss they suffer is a tax-in-kind which for budget purposes is never recorded as a receipt or an expenditure. We estimate that for draftees and draft-induced volunteers the total tax amounts to $2 billion per year; an average of $3,600 per man. If Government accounts reflected as income this financial penalty imposed on first-term servicemen, it would become clear that a voluntary force costs less than a mixed force. One example of real cost savings that will accrue is the reduction in training costs as a result of the lower personnel turnover of a voluntary force.

Conscription also imposes social and human costs by distorting the personal life and career plans of the young and by forcing society to deal with such difficult problems as conscientious objection (chapter 3).

Objection 2: The all-volunteer force will lack the flexibility to expand rapidly in times of sudden crises.

Answer: Military preparedness depends on forces in being, not on the ability to draft untrained men. Reserve forces provide immediate support to active forces, while the draft provides only inexperienced civilians who must be organized, trained, and equipped before they can become effective soldiers and sailors—a process which takes many months. The Commission has recommended a standby draft which can be put into effect promptly if circumstances require mobilization of large numbers of men. History shows that Congress has quickly granted the authority to draft when needed (chapter 10).

Others contend that an all-volunteer force will have undesirable political and social effects. Some of these objections are given below.

Objection 3: An all-volunteer force will undermine patriotism by weakening the traditional belief that each citizen has a moral responsibility to serve his country.

Answer: Compelling service through a draft undermines respect for government by forcing an individual to serve when and in the manner the goverment decides, regardless of his own values and talents. Clearly, not all persons are equally suited for military service—some are simply not qualified. When not all our citizens can serve, and only a small minority are needed, a voluntary decision to serve is the best answer, morally and practically, to the question of who should serve (chapters 3 and 12).

Objection 4: The presence of draftees in a mixed force guards against the growth of a separate military ethos, which could pose a threat to civilian authority, our freedom, and our democratic institutions.

Answer: Historically, voluntary service and freedom have gone hand in hand. In the United States and England, where voluntarism has been used most consistently, there is also the strongest tradition of civilian control of the military. There are responsibilities to be met in maintaining civilian control, but they must be exercised from above rather than at the lowest level of the enlisted ranks. They reside in the Halls of Congress, and in the White House as well as in the military hierarchy.

In either a mixed or volunteer force, the attitudes of the officer corps are the preponderant factor in the psychology of the military; and with or without the draft, professional officers are recruited voluntarily from a variety of regional and socioeconomic backgrounds. It is hard to believe that substituting a true volunteer for a draftee or a draft-induced volunteer in one of every six positions will so alter the military as to threaten the tradition of civilian control, which is embodied in the Constitution and deeply felt by the public. It is even less credible when one considers that this substitution will occur at the lowest level of the military ladder, among first-term enlisted men and officers, and that turnover of these first-term personnel in an all-volunteer force will be approximately three-fourths of that in a comparable mixed force.

The truth is, we already have a large professional armed force amounting to over 2 million men. The existing loyalties and political influence of that force cannot be materially changed by eliminating conscription in the lowest ranks (chapter 12).

Objection 5: The higher pay required for a voluntary force will be specially appealing to blacks who have relatively poorer civilian opportunities. This, combined with higher reenlistment rates for blacks, will mean that a disproportionate number of blacks will be in military service. White enlistments and re-enlistments might decline, thus leading to an all-black enlisted force. Racial tensions would grow because of white apprehension at this development and black resentment at bearing an undue share of the burden of defense. At the same time, some of the most qualified young blacks would be in the military—not in the community where their talents are needed.

Answer: The frequently heard claim that a volunteer force will be all black or all this or all that, simply has no basis in fact. Our research indicates that the composition of the armed forces will not be fundamentally changed by ending conscription. Negroes presently make up 10.6 percent of the armed forces, slightly less than the proportion of blacks in the Nation. Our best projections for the future are that blacks will be about 14 percent of the enlisted men in a conscripted force totalling 2.5 million officers and men, and 15 percent in an all-volunteer force of equal capability. For the Army, we estimate that the proportion of blacks will be 17 percent for the mixed force and 18 percent for the voluntary force as compared to 12.8 percent in the Army today. To be sure, these are estimates, but even extreme assumptions would not change the figures drastically.

If higher pay does make opportunities in an all-volunteer force more attractive to some particular group than those in civilian life, then the appropriate course is to correct the discriminations in civilian life—*not* introduce additional discrimination against such a group.

The argument that blacks would bear an unfair share of the burden of an all-volunteer force confounds service by free choice with compulsory service. With conscription, some blacks are compelled to serve at earnings below what they would earn in the civilian economy. Blacks who join a voluntary force presumably have decided for themselves that military service is preferable to the other alternatives available to them. They regard military service as a more rewarding opportunity, not as a burden. Denial of this opportunity would reflect either bias or a paternalistic belief that blacks are not capable of making the "right" decisions concerning their lives (chapter 12).

Objection 6: Those joining an all-volunteer force will be men from the lowest economic classes, motivated primarily by monetary rewards rather than patriotism. An all-volunteer force will be manned, in effect, by mercenaries.

Answer: Again, our research indicates that an all-volunteer force will not differ significantly from the current force of conscripts and volunteers. Maintenance of current mental, physical, and moral standards for enlistment will ensure that a better paid, volunteer force will not recruit an undue proportion of youths from disadvantaged socioeconomic backgrounds. A disproportionate fraction of the 30 percent presently unable to meet these standards come from such backgrounds, and these men would also be ineligible for service in an all-volunteer force. Increasing military pay in the first term of service will increase the attractiveness of military service more to those who have higher civilian earnings potential than to those who have lower civilian potential. Military pay is already relatively attractive to those who have very poor civilian alternatives. If eligible, such individuals are now free to enlist and, moreover, are free to remain beyond their first term of service when military pay is even more attractive.

Finally, how will "mercenaries" suddenly emerge in the armed forces as a result of better pay and other conditions of service? The term "mercenary" applies to men who enlist for pay alone, usually in the service of a foreign power, and precludes all other motives for serving. Those who volunteer to serve in the armed forces do so for a variety of reasons, including a sense of duty. Eliminating the financial penalty first-term servicemen presently suffer, and improving other conditions of service, will not suddenly change the motives and basic attitudes of new recruits. Also, can we regard as mercenaries the career commissioned and noncommissioned officers now serving beyond their first term? (chapter 12).

Objection 7: An all-volunteer force would stimulate foreign military adventures, foster an irresponsible foreign policy, and lessen civilian concern about the use of military forces.

Answer: Decsions by a government to use force or to threaten the use of force during crises are extremely difficult. The high cost of military resources, the moral burden of risking human lives, political costs at home and overseas, and the overshadowing risk of nuclear confrontation—these and other factors enter into such decisions. It is absurd to argue that issues of such importance would be ignored and the decision for war made on the basis of whether our forces were entirely voluntary or mixed.

To the extent that there is pressure to seek military solutions to foreign policy problems, such pressure already exists and will not be affected by ending conscription. The volunteer force will have the same professional leadership as the present mixed force. Changes in the lower ranks will not alter the character of this leadership or the degree of civilian control.

A decision to use the all-volunteer force will be made according to the same criteria as the decision to use a mixed force of conscripts and volunteers because the size and readiness of the two forces will be quite similar. These military factors are key determinants in any decision to commit forces. Beyond initial commitment, the policy choice between expanding our forces by conscription or by voluntary enlistment is the same for both the all-volunteer force and a mixed force of conscripts and volunteers. The important difference between the two forces lies in the necessity for political debate before returning to conscription. With the all-volunteer force, the President can seek authorization to activate the standby draft, but Congress must give its consent. With the mixed system, draft calls can be increased by the President. The difference between the two alternatives is crucial. The former will generate public discussion of the use of the draft to fight a war; the latter can be done without such public discussion. If the need for construction is not clear, such discussion will clarify the issue, and the draft will be used only if public support is widespread (chapter 12).

Other critics of an all-volunteer force argue that it will gradually erode the military's effectiveness. Some of their main concerns are taken up below.

Objection 8: A voluntary force will be less effective because not enough highly qualified youths will be likely to enlist and pursue military careers. As the quality of servicemen declines, the prestige and dignity of the services will also decline and further intensify recruiting problems.

Answer: The Commission has been impressed by the number and quality of the individuals who, despite conscription now choose a career in the military. The fact that we must resort in part to coercion to man the armed services must be a serious deterrent to potential volunteers. A force made up of men freely choosing to serve should enhance the dignity and prestige of the military. Every man in uniform will be serving as a matter of choice rather than coercion.

The Commission recognizes the importance of recruiting and retaining qualified individuals. It has recommended improved basic compensation and conditions of service, proficiency pay and accelerated promotions for the highly skilled to make military career opportunities more attractive. These improvements, combined with an intensive recruiting effort, should enable the military not only to maintain a high quality force but also to have one that is more experienced, better motivated, and has higher morale (chapters 4, 5, 7, and 12).

Objection 9: The defense budget will not be increased to provide for an all-volunteer force, and the Department of Defense will have to cut back expenditures in other areas. Even if additional funds are provided initially, competing demands will, over the long term, force the Department of Defense to absorb the added budgetary expense of an all-volunteer force. The result could be a potentially serious deterioration of the nation's overall military posture.

Answer: Ultimately, the size of the military budget and the strength of our armed forces depend upon public attitudes toward national defense. Since World War II, our peacetime armed forces have been consistently supported at high levels. The public has supported large forces because it has felt them essential to national security. The change from a mixed force of volunteers and conscripts to an all-volunteer force cannot significantly change that feeling.

The contention that an all-volunteer force is undesirable because it would result in smaller defense forces raises a serious issue regarding the conduct of government in a democracy. Conscription obscures a part of the cost of providing manpower for defense. When that cost is made explicit, taxpayers may decide they prefer a smaller defense force. If so, the issue has been resolved openly, in accord with the Constitution, and in the best tradition of the democratic process. Those who then argue that too little is being devoted to national defense are saying that they are unwilling to trust the open democratic process; that, if necessary, a hidden tax should be imposed to support the forces they believe are necessary (chapters 3 and 12).

CHARLES ABRAMS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on Sunday, February 22, Charles Abrams, one of the world's foremost urban planners and housing consultants, died at the age of 68.

In addition to a career based on his great concern and knowledge in housing and urban development, Charles Abrams was a lawyer, author, journalist, and Pulitzer Prize nominee, and professor.

He began his campaign to create a better living environment for all people in 1934, when at the age of 32 he wrote the law creating the New York City Housing Authority. Acting as the authority's first legal counsel, he successfully defended its constitutionality in the courts, making way for the start of its many projects.

Throughout his years of public service, Charles Abrams served on New York City's Slum Clearance Committee, the U.S. Housing Authority and the Federal Public Housing Authority, the State legislative committee on housing and multiple dwellings, the New York State Commission Against Discrimination, of which he was chairman, and United Nations housing missions to the Gold Coast, Turkey, Pakistan, India, the Philippines, Bolivia, Ireland, Japan, Nigeria, and Singapore.

He was housing columnist for the New York Post from 1947 to 1950, and his articles on real estate abuses and inadequate housing policies won him a Pulitzer Prize nomination.

He was a prolific author on the problems of the cities and housing. His seventh and eighth books on these subjects are awaiting publication.

He taught at MIT from 1957 to 1965, then he was the chairman of Columbia University's Division of Urban Planning. In 1969, he took leave of absence from Columbia to fill the Williams professorship of city planning at the Harvard School of Design.

In 1965, he was appointed chairman of a task force to make recommendations on the problems of housing in New York City. The task force's report recommended a single housing administration with responsibility for all housing and urban renewal. As a result, the New York Housing and Development Administration was created.

Certainly these were not the accomplishments of an ordinary man. Charles Abrams was devoted to the concept that people should live in adequate housing and his career reflects his personal attempts to achieve decent homes and suitable living environments in New York City, the United States, and abroad.

His work and his writings have greatly contributed to housing and urbanology in this Nation, and he will be greatly missed.

I am inserting in the Congressional Record the obituary which appeared in the February 23 New York Times, written by Murray Illson. Also, I am also inserting a February 23 obituary from the New York Post by Judith Michaelson.

I commend to my colleagues these trib-

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utes to this talented and dedicated man, as follows:

[From the New York Times, Feb. 23, 1970]

CHARLES ABRAMS, WORLDWIDE HOUSING EXPERT, DIES—LAWYER, AUTHOR, 68, SHAPED OUTLOOK OF MANY COUNTRIES—FOE OF DISCRIMINATION HEADED COMMISSION UNDER HARRIMAN

(By Murray Illson)

Charles Abrams, the urban planner whose views have had a major effect on housing here and abroad, died of cancer in his home, at 19 West 10th Street, yesterday. He was 68 years old.

As one of the world's leading housing consultants, Mr. Abrams had helped nearly a score of countries formulate basic housing policies. He was once described by Architectural Forum as "perhaps the foremost housing consultant in the United States" and on another occasion was called the "champion of the urban dweller and the pedestrian."

A man of energy, Mr. Abrams had throughout his career combined positions as an official or consultant in private, governmental and international agencies with university lecturing.

He taught at the Massachusetts Institute of Technology from 1957 to 1965 and in 1968–69 took a leave of absence from Columbia University, where he was chairman of the Division of Urban Planning, to fill the Williams Professorship of City Planning at the Harvard University School of Design.

PULITZER PRIZE NOMINEE

He was the author of numerous books, pamphlets and articles dealing with land, housing, planning and racial problems. For three years Mr. Abrams was housing columnist for The New York Post, where he was nominated for a Pulitzer Prize. His articles, which appeared from 1947 to 1950, exposed real estate abuses and shortcomings in city, state and Federal housing policies.

Mr. Abrams developed his interest in housing and urban planning through the practice of law and the ownership of property in Greenwich Village, where he pioneered in the twenties and thirties in preserving and renewing the character of buildings and streets. He lived in the Village for more than 40 years in the high-ceiling brownstone on West 10th Street.

When W. Averell Harriman was Governor of New York, Mr. Abrams was a member of his cabinet, serving from 1955 to 1959. When he resigned as chairman of the State Commission Against Discrimination, it was said of him that his political foes and his warmest friends could unite in calling him a zealot.

But Mr. Abrams said that this was not 100 per cent true. Rather, he described himself as "a practical planner who becomes a propagandist when it's necessary."

Until he resigned as chairman of the State Commission Against Discrimination he had spent two years bringing landlords, employers, places of public accommodation and others into line under applicable laws prohibiting discrimination. Later, he sought to ease job discrimination against the elderly.

Mr. Abrams, a Democrat, was appointed by Mayor Fiorello H. La Guardia to a nonsalaried post on the city's Slum Clearance Committee in 1934. He resigned three years later and then served for three years as consultant to the United States Housing Authority and the Federal Public Housing Authority.

In the mid-1940's when the Liberal party was organized, Mr. Abrams joined it and became one of its state vice chairmen. In 1946 he was named counsel to the State Joint Legislative Committee on Housing and Multiple Dwellings.

BORN IN VILNA, POLAND

Conservative Republicans in Albany used to denounce him for what they called his "socialistic" aims. They reduced the antidiscrimination commission's budget after he became chairman in 1956.

It was then that Assembly Speaker Oswald D. Heck characterized Mr. Abrams as "a zealot" also and declared that he wanted all New Yorkers to show "zeal, not moderation" in the fight against discrimination.

Mr. Abrams was born in Vilna, Poland, on Sept. 20, 1901, the youngest of four children in an Orthodox Jewish family. In 1904 the family emigrated to the United States and settled in the polyglot Williamsburg section of Brooklyn, where they lived in a cold-water flat across the street from the father's pickle and herring stand.

In a profile in The New Yorker magazine three years ago, Mr. Abrams remembered his father as a "noble" man who comported himself in such a way that "even the sale of a miserable pickled herring became somehow a courtly and humane transaction."

While a student at Eastern District High School in Brooklyn, young Abrams helped supplement the family income by working part-time as a lamp lighter for the Brooklyn Union Gas Company and later as a full-time Western Union night clerk.

After graduating from high school, Mr. Abrams took evening courses at Brooklyn Law School and was admitted to the bar in 1923.

With money borrowed from Arthur Garfield Hays, whom he had earlier served as a law clerk, Mr. Abrams opened an office in partnership with another young lawyer. The partner, Bernard Botein, later became presiding justice of the State Supreme Court's Appellate Division for New York and Bronx Counties.

After joining Mayor La Guardia's administration in 1934 and serving as counsel to the American Federation of Housing Authorities, Mr. Abrams was credited with laying the groundwork for the laws and procedures for public housing in the United States. Subsequently he was to become the much sought-after international expert on housing and planning.

In June, 1964, the M.I.T. Press published Mr. Abram's book "Man's Struggle for Shelter." It was described as "the first authoritative eyewitness report on the explosive problems of the world wide migration to the cities."

The book drew on Mr. Abram's 11 years of observations, beginning in 1953, as an adviser for the United Nations, which had asked him to make a worldwide study of urban land problems and policies.

In 1954, Mr. Abrams was named chief of the United Nations housing mission to the Gold Coast (now Ghana). After that he participated in United Nations housing missions to Turkey, Pakistan, India, the Philippines, Bolivia, Ireland, Japan, Nigeria and Singapore.

At the invitation of the individual governments, he advised Puerto Rico, Israel, Barbados and Venezuela. He also served as housing consultant to Jamaica, W.I., under the auspices of the International Cooperation Administration, and Colombia under the auspices of the Pan American Union.

SLUM-CLEARANCE ADVICE

Two problems that Mr. Abrams encountered continually in his United Nations missions in underdeveloped countries were slum clearance and squatting.

As to slum clearance, he warned that demolition of old housing should follow, and never precede, the construction of new housing. "The worst aspects of slum life," he said, "are overcrowding and excessive shelter cost. Demolition without replacement intensifies overcrowing and increases shelter cost."

* * * which he defined as "the trespass of desperation," he recommended that authorities temper providing squatters with water and sewage facilities if possible while making provisions for them to gain ownership of the land eventually.

Books by Mr. Abrams also were credited with having strongly influenced a generation of housing and planning officials. His "Revolution in Land" (1937) was hailed by Lewis Mumford as this century's most important book in its field and the most significant study of land problems since Henry George's.

In 1946 Mr. Abrams's "The Future of Housing," a study of housing in the United States, was a dividend book of the Book-of-the-Month Club. "Urban Land Problems and Policies" (1953), a United Nations report, was issued in three languages and had several printings, and "Forbidden Neighbors" (1955) was termed "a landmark in the work of measuring the Goliath of housing segregation" in America.

LINDSAY TASK FORCE

Mayor Lindsay appointed Mr. Abrams in November, 1965, as chairman of a 14-member task force to draw up recommendations for combating the deteriorating housing situation in the city. In January, 1966, the task force issued a report proposing a single city housing administrator to have jurisdiction over all capital expenditures involving housing and urban renewal. As a result of the proposals, the New York City Housing and Development Administration was created.

Among Mr. Abrams' citations were the annual award of the League for Industrial Democracy (1954), the Brotherhood Award of the Catholic Interracial Council (1959), and the S. L. Strauss Memorial Award of the New York Society of Architects (1965).

He was a member of the American Institute of Planners and the American Society of Planning Officials, and an honorary associate of the American Institute of Architects.

Mr. Abrams leaves his wife, the former Ruth Davidson, the painter; two daughters, Judith and Mrs. Abby Baratta; a brother, a sister, and three grandsons, all of New York.

[From the New York Post, Feb. 23, 1970]

CHARLES ABRAMS, 68

(By Judith Michaelson)

Charles Abrams, lawyer, public servant, author, urbanologist and one of the pioneers in public housing, died of cancer yesterday at his home, 18 W. 10th St.

Abrams, 68, worked up to the end on his seventh and eighth books on cities and housing. One of them, on the housing situation in Philadelphia, will be published shortly, and the last, a glossary of urban terms, was just recently completed.

To tear down the slums, as well as to rebuild those that could be restored, and to resolve some of the human conflicts, particularly in the area of discrimination, were some of the tasks Abrams set for himself, beginning with the LaGuardia years.

In 1934, when he was 32, Abrams made his mark on the city scene by writing the law creating the New York City Housing Authority and becoming its first legal counsel. When that law was threatened in the courts the following year, he successfully defended its constitutionality, and the first projects were begun.

The building of Williamsburg Houses, near the site where he himself grew up, in a slum, was one of the major satisfactions of his life, Abrams was to say years later. "I used to go over and walk around the project," he said. "That was a great thrill for me."

The house in which he grew up, he remembered, was "full of cockroaches and rats." The toilet was out in the yard, and he slept on the fire escape because it was "better than sleeping in a room without a window."

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The youngest of the four children of Abraham and Freda Rabinowitz Abrams, he was born Sept. 20, 1901, in Vilna, Lithuania, and was brought to this country at the age of three. Abrams was graduated from St. Lawrence University Law School three months before his 21st birthday. His father had worked in an outdoor herring stand to send all four to college.

In 1937 Abrams and LaGuardia crossed paths. The Mayor had banned the city authority's participation in housing conferences with Nathan Straus, the first federal housing administrator. "Stargazing conferences," LaGuardia said, whereupon Abrams quit the authority, saying that if the Mayor could interfere in one way, he could interfere in all ways and destroy the agency's independence.

Twenty-eight years later, in John Lindsay's first Mayoralty campaign, Abrams headed up a task force report on housing and urban renewal.

Abrams worked for the UN too, serving as its specialist on housing and urban land problems. He planned streets in Dublin, helped set up a technical university in the Mideast, and altogether served in missions in 14 countries. He had four rather stormy years in state government in the Harriman Administration, first as State Rent Commissioner, fighting the battles against decontrol, and then as chairman of the State Commission Against Discrimination (SCAD), trying to squeeze more funds and authority from a tight GOP Legislature. He resigned in early 1959, complaining that Rockefeller was too lax on civil rights.

Abrams, who wrote a housing column for The Post in the late 40s, was flexible in his ideas. A pioneer in slum clearance, he later worried that it would be used to perpetuate segregation. "The best intentioned social reform," he said, "tends to be perverted into an instrument of oppression." He was an early champion of public housing in the suburbs.

In later years he devoted much of his time to teaching. He was chairman of the city planning department at Columbia and advocated that the university get involved with the surrounding community. He also taught at Harvard.

There were other activities. He lectured at the New School and worked to save the Greenwich Village landmarks. He loved the Village, his home, calling it "one of the few escapes from tedium that remain." He helped put up the 8th St. Playhouse. Abrams is survived by his wife, the former Ruth Davidson, an impressionist painter; his daughters Judith Abrams and Mrs. Thomas Baratta; two grandsons Scott and Jason, and by his sister Mrs. Esther Tarshis and his brother Ralph.

THE LATE HONORABLE THADDEUS MACHROWICZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. NEDZI) is recognized for 60 minutes.

Mr. NEDZI. Mr. Speaker, it was my sad duty on February 17 to inform the House of Representatives that one of its former Members, Federal Judge Thaddeus Machrowicz, had that morning died of a heart attack at his home in suburban Detroit.

Thaddeus Machrowicz loved this House deeply. And he served our Nation honorably and at length in a career remarkable for its variety and high purpose.

My memories of Judge Machrowicz will always be fond ones. He was my predecessor in Congress, serving almost 11 years, from 1951 to the fall of 1961, when he was appointed Federal district judge by President John F. Kennedy. He was my good friend and wise counselor.

Thaddeus Machrowicz viewed history and he made history at home and abroad. Born in Gostyn, Poland, in 1899, he immigrated to the United States at the age of 3, settling with his family first in Chicago, then in Milwaukee.

When in 1912 the Polish community of America founded Alliance College at Cambridge Springs, Pa., a very young Thad Machrowicz was one of its first students. He headed his class scholastically throughout his 4 years there. At his graduation ceremony he had a chance meeting with the great Polish artist and national leader, Ignace Jan Paderewski. This encounter between the young graduate and the world famous pianist developed into a close friendship which lasted until Paderewski's death.

During World War I he and his brother, Matthew, volunteered for service in the U.S. Army, Matthew was accepted; Thaddeus was rejected due to poor eyesight. He was then 17, a youth of vigor and patriotism. So he volunteered for the Polish Army of America Volunteers, then forming in Canada. This was to lead to 3 years of adventure and distinction in Europe.

We should recall that in 1917 there was no Poland except in the hearts and minds of the long-suppressed Polish people and the men and women of Polish blood abroad. Since 1791 Poland had been living under the dominance of three great powers, Russia, Austria, and Germany. Now the moment of its liberation seemed at hand.

Machrowicz and his comrades first were sent to France, where they fought in the Champagne Fields, then eventually reached Poland where an independent nation was being formed. He served as an officer in the army of Gen. Joseph Haller, which, along with the overall effort of armies under the leadership of Joseph Pilsudzki fought a winning war with the invading armies of Bolshevik Russia. The eastern frontier was stabilized, the new nation preserved its fledgling sovereignty.

When the fighting ended young Thaddeus Machrowicz stayed on in Poland until 1921, serving in a variety of fascinating and important jobs. He worked as a war correspondent with the legendary journalist Floyd Gibbons, he worked for the American relief mission headed by Herbert Hoover, which laid the foundations for the economic reconstruction of Poland, and he served with the American Advisory Commission to the Polish Government in 1920–21. Then he returned to the United States and soon moved to Detroit.

He graduated from Detroit College of Law in 1924 and began the practice of law in the unique city of Hamtramck, a town encircled geographically by Detroit and boasting the Dodge plant and a vibrant, heavily Polish population. He practiced quietly, earning the confidence and admiration of the tightknit community. After a few years he was drawn into public life and began to serve in a number of appointive and elective offices: city attorney of Hamtramck, 1934–36, legal director of Michigan Public Utilities Commission, 1938–39, and municipal judge in Hamtramck, 1942–50. He married Sophie Jara, of Detroit, an accomplished pianist, and their close family life provided a fundamental strength in Judge Machrowicz's serenity and clear headedness throughout his public career.

In 1950, he entered a stormy contest for Congress from the First District of Michigan and emerged triumphant. He won five subsequent elections, most by great margins, and served nearly 11 years in the House. In the fall of 1961 he was one of the first judicial appointees of President John F. Kennedy, with whom he had enjoyed a close and trusting friendship from the days when they had adjoining offices in the House Office Building.

As a U.S. Congressman, Thaddeus Machrowicz served first on the Judiciary Committee, then on Public Works, finally on Ways and Means. He was a foremost advocate and leader in the fight to pass the authorization of the great St. Lawrence Seaway. The existence of the seaway today is attributable in significant part to his legislative skill. Our friends in the labor movement testify to his tireless efforts on the unemployment compensation bill in 1959–60, when Senator John F. Kennedy was his counterpart on this legislation in the Senate. A representative of the auto workers told me last week:

> He really did a tremendous job on UCB, and he was always sympathetic to the causes of working men.

Thaddeus Machrowicz looked upon the Soviet Union without illusions. He was equally firm whether such a posture was in or out-of-fashion. In 1952, he was a central figure in the special House committee to investigate the Katyn massacre, which helped bring forth the grim truth of the cold-blooded massacre of over 10,000 captured Polish officers by the Russians in World War II.

He was not a narrow partisan. His friendship covered both sides of the aisle. Nor did he limit his interests. True, he had a special interest in Eastern Europe but he is to be applauded for his work here for he brought special experience and talents to bear. He favored enlightened contacts with the people of Eastern Europe and he favored economic aid to Poland, legislation which he successfully cosponsored in 1957.

That same year he represented the United States at the international fair at Poznan, Poland. It was during this trip that he paid a visit to his birthplace, Gostyn. A veteran Voice of America official who accompanied Machrowicz recalls:

> One of the most unforgettable scenes of my life; the entire town had come out to see him. He made a short, wonderful speech in impeccable Polish and there was not a dry eye in the crowd. It was an incredible experience. The people knew him and revered him. He was a man of character and infinite modesty.

Congressman Machrowicz taped hundreds of broadcasts for the Voice of America. Indeed, his record in this regard exceeds that of any Member of Congress.

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The final decade of Judge Machrowicz's life was devoted to the Federal judiciary. His fairness, his judicial demeanor, and his industriousness earned the respect of the bar. He was, in his last years, an elder statesman, consulted often by the State Department, by his former colleagues, and by the Polish-American community.

Indeed, I do not know of another American of Polish descent who was born in Poland and achieved such heights of personal success and universal respect.

He succeeded as a soldier; he succeeded as a lawyer; he succeeded as a Congressman; he succeeded as a judge. Above all he succeeded as a decent human being.

In the last 2 years, two Washingtonians, Mark Swiercicki and Rose Nowotarska, have been working on a biography of Judge Machrowicz. It is entitled "Gentleman from Michigan" and it has just gone to press. It is a pity he did not live to see it published.

I recall when I was Democratic Party district chairman in 1959–61 and the hush that would come over an audience when Congressman Machrowicz appeared. The very mention of his name evoked great respect.

The same admiration, the same great respect for this man was evident in the huge outpouring of people from all walks of life who attended Judge Machrowicz's funeral this past Saturday. It was the largest funeral in Hamtramck's history.

To the end he had worked; he was about to embark for his courtroom when he was fatally stricken. Until the end he contemplated not so much what he had done but what was yet left to do.

And now it is our duty and our privilege to pay him a well-deserved tribute for a life well lived, a life of accomplishment, honor, modesty. We prolong this farewell, in order to keep him with us a little longer, we remember the work done by this great man and we resolve to take up the work yet undone.

I extend my sympathies to his devoted wife, Sophie, and his fine sons, Tod and Don.

Mr. Speaker, I insert two editorials:

[From the Detroit (Mich.) Polish Daily News, Feb. 19, 1970]

MACHROWICZ—SON OF TWO FATHERLANDS

Raised in a truly Polish spirit from childhood, Thaddeus Machrowicz had a deep pride in his ancestry. He was born in Poland over 70 years ago and was just three years old when he and his parents left for America, which was to become his new Fatherland.

If it is at all possible to speak of one as a son of two Fatherlands, Thaddeus Machrowicz was such a man. He knew perfectly how to combine his love of Poland and America. He had no conflicts or pangs of conscience about this. Following his service as a volunteer officer in the Blue Army, he transferred to American service in Warsaw before his return to the United States.

When he renewed his career in America, he did not forget his childhood heritage and the education he had received at Alliance College.

He was interested in public life and was most pleased when he could combine his professional career with social action. He entered public life early and brought notice to himself as an outstanding lawyer. But a worthy cause had drawn him even earlier. As a young volunteer in the Polish Army forming in America, he did not hesitate to stress his Polish ancestry. Nor did he ever forsake it in a long and distinguished career.

The sudden death of Judge Machrowicz shook Metropolitan Detroit and Polonia on Tuesday morning, February 17, and the news spread about his fatal heart attack.

Strange are the fates and occurrences of Providence.

For some time his health had been failing, sometimes worse, sometimes better, but he did not stop working. He could have retired last August when he became 70 years of age, but inactivity was not in his nature. There were cases and problems to be faced and worried about and suffered through, but he was accustomed to hard work and even to hardship. It was his life.

He regretted the lack of unity among the various elements of Polonia, and he did not mask his regret. But he was self-critical, as well as a critic of others. On occasion, his straight-forward manner would bruise people, but such was his nature, and he was appreciated for his candor and lack of guile.

He was less active in his last years as age took its toll. Even then, however, he did his own research.

He was an able and convincing speaker. As such, he was frequently in demand at public gatherings all over the nation. In 1944 he helped create the Polish Congress in a meeting at Buffalo, New York, and as late as two years ago, he had accepted the Chairmanship of its convention. He envisioned the Congress as the one organization which could unify American Polonia. He encouraged youth to take part in social causes.

It is well known that he was a strong supporter of Senator John F. Kennedy and worked tirelessly in his 1960 campaign for the Presidency. Indeed he was instrumental in attracting Polish-Americans to Kennedy on a nationwide basis.

He viewed the Yalta Agreements as a curse for both Poland and America and never forgave Roosevelt for his part in those Agreements. He was an unrelenting foe of Communism as far back as 1920 when he joined in repelling the Bolshevik attack on Poland. His criticism of Russia was steady at all times, including that period when a majority of Americans considered Rusisa a good friend and ally.

As a Congressman Machrowicz rose swiftly. Among his many contributions was his part in the investigation of the Katyn Massacre. He was also a leader in the fight to organize the construction of the St. Lawrence Seaway.

As a judge, he earned the respect of his colleagues. Machrowicz presided with dignity, courtesy, and the utmost fairness.

He had one desire to be U.S. Ambassador in Warsaw. The untimely death of President Kennedy which deprived the world of so much also ended that dream.

We also bid farewell to him as a former Director of the POLISH DAILY NEWS, when he—a judge—stands before the Highest Judge, God. To Mrs. Sophie Machrowicz some words of sympathy and comfort that she was able to share the life of a man who was an exemplary Pole, American, soldier, patriot, politician, and social activist loyally serving Poland and the United States and Polonia.

[From the Detroit (Mich.) News, Feb. 18, 1970]

HE HEARD THE CALL OF FREEDOM

Federal Judge Thaddeus M. Machrowicz so conducted himself that this newspaper, which supported him on so many occasions, joined its pride in him with that of his people.

Early in life, Thad Machrowicz, an immigrant as a child, heard the drums of freedom. At 16, he went back abroad, enlisted in the Polish army and fought the Russian invaders at the gates of Warsaw. The experience stayed with him and he was to hear the call of human liberty until the hour of his death yesterday, as a citizen, a legislator and a jurist.

It was a cleansing political experience when he was elected to Congress in 1950 from a district not notable in previous years for its representation. He served there 11 years before judicial appointment. He was an enduring force behind the ultimate realization of the St. Lawrence Seaway. His industry and his talent eliminated many frustrations in the nation's immigration laws.

Judge Machrowicz was the embodiment of the present need of his country. He was a man of integrity and decency, of judicial temperament, intolerant only of oppression, always deeply human. His stature abroad was such that it brought friendship and prestige to America.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. NEDZI. Mr. Speaker, I yield to the gentleman from Michigan (Mr. O'Hara).

Mr. O'HARA. Mr. Speaker, I wish to commend the gentleman from Michigan for his fitting tribute to a really great American, Tad Machrowicz. I will never forget, Mr. Speaker, the many kindnesses that Tad Machrowicz showed me when I was a freshman Member. I was about as green as any Member of Congress could be. I had never held an elective office before, and Tad Machrowicz stood beside me, helped me and advised me, and generally served in the role of counselor and adviser to a new Congressman who very badly needed that kind of help.

He was a great model, Mr. Speaker, because he was a very effective and respected Member of Congress. He was a Member of Congress who knew how to get things done. He was a Member of Congress who really fought for the welfare of the people that he represented. He was a great Member of this House.

I know too, Mr. Speaker, of the great affection he had for his family, and that they had for him. I shall miss him very much, as, I am sure will all those who knew him in his many years of public service. He was a truly great American.

I want to express my deep sympathy to his family and to his many friends.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DINGELL. Mr. Speaker, I wonder if my good friend from Michigan will yield?

Mr. NEDZI. Mr. Speaker, I yield to the gentleman from Michigan (Mr. Dingell).

Mr. DINGELL. Mr. Speaker, I wish to commend my good friend, the gentleman from Michigan (Mr. Nedzi) for arranging this special order to pay tribute to a distinguished American, to a great friend of Poland, to a remarkable legislator, and to a fine Member of the Judiciary, and to a great friend of mine and my family, and my late father.

I had the privilege of knowing Tad Machrowicz for many years. It was my privilege first to meet him when I was a boy, when he was still active in politics in the great city of Hamtramck, so ably served by his distinguished successor, Congressman Nedzi. He was already at that time showing the leadership that would make him a great and distinguished Member of this body. He was an American of Polish descent and, indeed,

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he was born in Poland. To his everlasting credit, he never forgot the nation from whence he came.

He was a leader not only in American political affairs, but also in the political affairs of Americans of Polish descent. But more important than this, he was the voice of freedom speaking loudly and clearly to the people of Poland during the trying times that followed World War II and during the times when Poland fell through great misfortune behind the Iron Curtain.

His accomplishments in the Congress were many. It was my Dad's proud boast that he had arranged to move Tad Machrowicz to the Committee on Public Works and it was a result of his distinguished service that Tad gave on that great committee that ultimately led to the enactment of the legislation for the construction of the St. Lawrence Seaway.

His work on behalf of labor, social security and the unemployed and the American working man and foreign nationals and immigrants and persons of limited income and in behalf of civil rights are well known to all who had the privilege of serving with Tad. His monuments in the field of legislation will be many.

Tad was a warm, decent, and fine human being. I am proud indeed that I could number him among my friends. He was an eminently fine and successful model upon which any young Congressman could and should model himself.

I am pleased that in my young days of service in this Congress, my good friend took me under his wing and I had the benefit of his leadership and his guidance and his wise counsel. I can say he was a remarkable man not only in his humanity, but also in his rare courage and coupled with that judgment that would be a tribute to any Member of this body.

It was with considerable sadness that I read in the paper the other day of his untimely passing. I am satisfied that he is mourned, and properly so, by a large number, indeed by a legion of friends. I join my many colleagues in expressing to his dear wife and to his family and to his dear loved ones the sympathy of Mrs. Dingell and myself.

I shall conclude again by commending my dear friend and colleague, the gentleman from Michigan, Honorable LUCIEN N. NEDZI, for making possible my ability to pay a brief tribute to a distinguished American and to a great Member of this body.

Mr. NEDZI. Mr. Speaker, I thank the gentleman for his warm personal tribute to a great American.

Mr. BOGGS. Mr. Speaker, permit me to join my colleagues on both sides of the aisle in honoring the memory of our good friend and former colleague, Judge Thaddeus Machrowicz of Michigan.

For more than a decade I had the honor of serving with Thad Machrowicz as both a Member of Congress and a member of the Committee on Ways and Means. During those years I came to know him as an immensely talented legislator and a compassionate human being.

In 1961, when he was appointed a federal district judge by President Kennedy, many of us viewed his departure from the House with some regret. Our regret, however, was tempered by our knowledge that he would continue in the service of the American people, though in another branch of their Government.

From 1961 until his death last week, continued his service to the American people—as a wise and dedicated member of the Federal judiciary.

I think it appropriate that we remember Thad Machrowicz for what he was—a gifted and devoted leader who spent most of his adult life in the service of the American people. This country can never have enough Thad Machrowicz's.

Mrs. Boggs joins me in mourning the loss of a good friend and a remarkable man.

Mr. GERALD R. FORD. Mr. Speaker, I was shocked to learn recently of the death of Federal Judge Thaddeus M. Machrowicz.

Judge Machrowicz was an outstanding jurist who rose to the Federal bench in 1961 after serving six terms in this House.

I remember Ted Machrowicz well. He first came to Congress 2 years after I did. I was very fond of Ted. He worked well with others. He was never narrowly partisan, although there was never any mistaking which party he belonged to.

Ted Machrowicz represented Michigan with great zeal. He was one of the strongest promoters of the St. Lawrence Seaway, and he carefully looked out for Michigan's interests during his years on the House Ways and Means Committee.

Ted was of Polish descent and proud of it. He had served as a lieutenant in the Polish Army of American Volunteers during World War I, fighting in France and in Poland. While in Congress he faithfully represented his Polish-American constituency in Hamtramck, Mich. But Ted Machrowicz was an American first and always, without hyphenation.

Those of us who served with Ted Machrowicz in this House will always remember him We will remember him as a kind and thoughtful individual. We will remember him as a capable lawmaker. We will remember him as a real gentleman, one of those who have made this House a place in which we are all proud to serve.

Mr. MILLS. Mr. Speaker, it is with deep sorrow that we observe in the House today the passing of our former colleague and good friend, Judge Thaddeus M. Machrowicz, in Detroit last week.

Thad Machrowicz' life represents in a sense an aspect of American life that has always been one of her greatest assets and strengths. He was an immigrant who came to this country as a child from his native Poland and rose in his lifetime through hard work and dedicated service to his fellow men to high positions in the Government of this country, both in the legislative and judicial branches.

During and shortly after World War I, as a young patriot, Thad Machrowicz served in the Polish Army of American Volunteers in Canada, France, and Poland. He also served with the American Advisory Commission to the Polish Government and as a war correspondent in Poland.

After graduating from the Detroit College of Law in 1924 and then practicing law in that city for 10 years, he embarked on his career of public service that saw him city attorney of Hamtramck from 1934 to 1936, legal director of the Michigan Public Utilities Commission in 1938 and 1939, municipal judge in Hamtramck from 1942 through 1950, and public member of the War Labor Board during World War II.

Thad Machrowicz was elected to the 82d Congress and began his distinguished service here in this body on January 3, 1951. It was my privilege to serve with Thad for a number of years in the Committee on Ways and Means. He was a very valuable and highly esteemed member of that committee, who applied himself assiduously to its complex and highly technical areas of jurisdiction in the fields of taxation, tariffs, and the social security system.

We were both saddened and made glad in 1961 when Thad Machrowicz accepted President Kennedy's call to serve as the U.S. district judge for the eastern district of Michigan. We were sad because this fine American was leaving this body where he had served with such dedication and devotion. We were glad, however, that the Federal judiciary was being strengthened with his addition to its bench.

Mr. Speaker, we are all exceedingly sorrowful at the passing of this very able and distinguished public servant. Our heartfelt sympathy is extended to Mrs. Machrowicz and the family at this sad time.

Mr. ROSTENKOWSKI. Mr. Speaker, I was saddened to learn of the sudden death of my friend and former colleague, Thaddeus M. Machrowicz, of Michigan. For not only was he an outstanding public servant as is evidenced by the numerous elective and appointed posts which he held in all levels of government, but he possessed a certain quality of human understanding and compassion for his fellow man which will be long remembered by the many people who knew him.

Thad Machrowicz was a man whom I greatly admired not only because of his abundant ability or his noble character but because of his impressive record of accomplishments. Thad was well known as a "doer" and many of us in this great body still recall his leadership in passage of that monumental and historic legislation authorizing creation of the St. Lawrence Seaway. However, his career did not end in the House of Representatives. After serving 11 years in the Congress he was appointed in May of 1961 by former President John F. Kennedy to the Federal district court in Detroit, Mich. In that capacity he distinguished himself as a fair and impartial jurist of the highest caliber. His untimely passing has created a giant void in our Federal judicial system and he will be sorely missed.

On behalf of myself and Mrs. Rostenkowski I would like to extend my sincere

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condolences to Mrs. Machrowicz and to the entire Machrowicz family.

Mr. HARVEY. Mr. Speaker, I am both saddened and yet privileged to join in paying tribute to Judge Thaddeus Machrowicz. It was my pleasure to meet Judge Machrowicz when I came to Washington in 1961. Unfortunately, our personal association was all too brief, as he was appointed to the Federal district court by the late President Kennedy several months after I became a Member of the House of Representatives. In that brief period, however, I became aware of his fine reputation, his sound wisdom, and the high esteem in which he was held by all.

Judge Machrowicz was a devoted and conscientious public servant, and during his many years of public service, he always displayed great courage and unquestioned integrity. He served his Nation with great distinction, and I consider myself fortunate to have been counted among his friends.

To his family, I extend my heartfelt sympathy in their great loss. Without any doubt, he will be sorely missed.

Mr. WILLIAM D. FORD. Mr. Speaker, I learned with sorrow last week of the death of Federal Judge Thaddeus M. Mackrowicz of Michigan, a former Member of Congress and one of the first judicial appointees of the late President John F. Kennedy.

Judge Machrowicz, a native of Poland, came to the United States at the age of 3, and carved for himself a distinguished career which included military service and both elective and appointive positions in all levels of government.

At the age of 17, he joined a volunteer division of the Polish Army, which was organized in Canada, and served as a lieutenant in helping to repel the 1919–20 Russian invasion of Poland. Following the war, he served on an American advisory commission which helped rebuild the war-shattered Polish economy.

He was graduated from Alliance College in Cambridge Springs, Pa., and earned a law degree at the Detroit College of Law.

After serving as city attorney for Hamtramck for several years, he joined the legal staff of the Michigan Public Service Commission in 1938. Four years later, he was elected a Hamtramck justice of the peace, a post he held until his election to Congress in 1950. He represented the former First District, which included Hamtramck and part of Detroit.

In Congress, he first served on the House Judiciary Committee, where he built a reputation as a firm anti-Communist. In 1951, he gave up the Judiciary Committee seat and moved to the Public Works Committee where he was a strong supporter of St. Lawrence Seaway legislation.

Four months after President Kennedy took office, he was appointed to the Federal district court in Detroit.

Judge Machrowicz offered an outstanding example of fine citizenship, patriotism and public service. I join his family and his friends in mourning his death.

Mr. CORMAN. Mr. Speaker, I join my colleagues in expressing deep regret and sadness over the death a few days ago of former Representative Thaddeus Machrowicz.

When I came to Congress as a freshman in 1961, Judge Machrowicz was a seasoned Member of the House, soon to be appointed by President Kennedy as a Federal district judge. Although I served with him only a few months, I enjoyed knowing him and looked upon him as a personable, able, and distinguished Representative, totally devoted to serving his country, his State, and the people of his congressional district. He will be remembered, by those of us who came here as young Members, for the fine assistance and counsel that he extended to everyone.

Ted Machrowicz came to this country as a small boy, and as an immigrant from Poland. His rise to his high office in the House of Representatives and the Federal bench is indeed a tribute to his ability, to his integrity, and his devotion to service. His life presents a striking example of the opportunities that await our youth who have the initiative to seek, and the fortitude to persevere, no matter what their present station in life may be.

Representative Machrowicz will not be forgotten by those who knew him while he served in this House, nor by his many other friends, who I am sure are legion.

My heartfelt sympathy is extended to his family.

Mr. FRIEDEL. Mr. Speaker, it is with a heavy heart and great sadness that I join those who are paying a last tribute to our former colleague, the late Thaddeus Michael Machrowicz. To have known him was to admire him and respond to his engaging and warm personality.

Few men are as imbued with patriotic fervor and high idealism as our late departed colleague. Here was a man who lived as an example that the story of Horatio Alger is not mere fiction, but a dream and inspiration realized. Although born abroad and brought to these shores at an early age, he rose from humble surroundings to achieve distinction and recognition in high and important office. His career embraced the political spectrum, including elective and appointive posts at all levels of Government.

During the First World War, although a U.S. citizen, he served as a Lieutenant in the Polish Army of American Volunteers. Later he served with the American Advisory Commission to the Polish Government in 1920 and 1921. It is interesting to note that this brave soldier also acted as war correspondent with Floyd Gibbons in Poland.

After graduating from law school and being admitted to the Michigan bar the same year, he soon became city attorney of Hamtramck, Mich., and some years later a municipal judge. In recognition of his keen mind, he was named legal director of the Michigan Public Utilities Commission. During World War II, Thad Machrowicz was a member of the War Labor Board. However, his age kept him from enlisting in the U.S. armed services and it was reported that he said:

> If I were 20 years younger I would be out on the firing line with our boys.

It was natural that this brilliant lawyer, great patriot, intrepid soldier, and public official should attract the attention of the people of his community who urged him to seek a seat in Congress. On November 7, 1950, Thad Machrowicz was elected to the House of Representatives for the 82d Congress and to the five succeeding Congresses. It was here in this historic Chamber that we first met this truly exemplary man. It was here where his special talents, his dedication to the service of his great State of Michigan and to our Nation came to fruition.

Thad Machrowicz' incisive legal mind served him well as a valued member of the special House committee to investigate the brutal World War II Katyn massacre. He also served with great distinction on the House Judiciary Committee and the important Ways and Means Committee.

Our late colleague played a key role in the efforts of the congressional delegation of his State of Michigan, particularly in helping to develop the St. Lawrence Seaway.

His leadership was seen in the encouragement he has given to the various ethnic groups in this country and to others who have been striving in behalf of freedom to restore dignity and a sense of their intrinsic value to those who suffer behind the Iron Curtain.

As evidence of his deep concern for his fellowmen, Thad Machrowicz backed housing legislation and bills to boost unemployment benefits and make them uniform throughout the Nation.

Possessing these qualities and talents, it was no wonder that in 1961 President Kennedy as one of his first judicial appointments, selected Thaddeus M. Machrowicz for the Federal bench as district judge for the eastern district of Michigan. As judge, he was eminently fair and just, and became well known and highly respected by other jurists and members of the bar. He was the personification of an ideal judge, a great legislator, and above all a warm and real human being who dedicated his life to public service.

Thad Machrowicz' passing leaves a void that is most difficult to fill. We all admired and respected hm. I join my colleagues in mourning our loss and in extending my heartfelt sympathy to his grieving family.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I was greatly saddened to learn of the death of my close friend and former colleague, the Honorable Thaddeus Machrowicz. I commend the gentleman from Michigan for taking this time that we pay tribute to a former Member of this body, who was a truly fine individual and a Representative of the highest order. He was one of the kindest and most humane men I ever known. I think it is a mark of Ted's warm and generous nature that his staff regarded him and his lovely wife as members of their family as people to whom they could turn in times of need. They looked on him as a close personal friend and not solely as an employer.

He ably represented his district for 10 years and his first concern was for the people of his district, their problems, no matter how small. As a member of the Ways and Means Committee, Ted saw

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many of the great problems of the Nation and worked untiringly and earnestly to cure them. He was a great advocate of adequate social security benefits and a fairer tax system. He sought in all his endeavors to provide for all the people of the United States. Ted represented one of the largest industrialized cities in the Nation and knew the problems of the people not only of his urban area but of cities throughout the Nation.

When he was appointed a Federal district judge in 1961 by the late President John F. Kennedy, I was saddened that the House would lose such an able and dedicated member, but I knew the Federal bench would gain immeasurably by his appointment.

Even more than by great respect for him as a legislator and as a representative of the people, was the close friendship we shared. We spent many enjoyable evenings together. He was a wit, a raconteur, and one of the most entertaining men I have ever known.

The Nation has lost a great public servant, and I have lost a good friend. My heartfelt sympathy goes to his wife and sons. I hope they will be consoled somewhat by knowing in what high esteem Ted was held by all who knew him, and the great respect we all had for his ability and his kind and good nature.

Mr. DERWINSKI. Mr. Speaker, I join my colleague from Michigan (Mr. NEDZI) in expressing respect for the memory of our former colleague, Federal Judge Thaddeus Machrowicz.

When I first commenced my congressional service in January 1959, Thad Machrowicz was one of the first Members with whom I had the privilege of establishing a close friendship sharing as we did a Polish background and membership in many fraternal and patriotic groups.

As a Member of Congress, Thad Machrowicz was a very effective and respected Member, and in his career as a Federal judge distinguished himself as an astute and compassionate jurist. Judge Machrowicz throughout his career demonstrated the type of dedicated service that has made our country great. He set an example for dedication to the principles of our Nation that will remain an inspiration to all of us who had the privilege of knowing him and working with him.

Mr. RODINO. Mr. Speaker, February 17 was a sad day, for it took from our midst our beloved former colleague, Judge Thaddeus M. Machrowicz.

When Thaddeus Machrowicz first came to the House of Representatives in 1951, he had already achieved distinction and honor as a valiant soldier in World War I, as an adviser for our Nation to the Polish Government after the war, and as a public official in several important capacities in the State of Michigan. In the House he became one of our most respected and learned Members, and since 1961 he has been an outstanding Federal judge.

Born in Poland, Thaddeus Machrowicz became a naturalized citizen. And to me there is no better example of the significant contributions of immigrants to America than the life of this dedicated, talented and honorable man.

I was proud and privileged to consider him a warm and dear friend, not only here in the House but also in my home city of Newark, where he was a very welcome visitor. My family and I will miss him, and we want to extend our heartfelt sympathy to Mrs. Machrowicz and her sons. Our prayers will be with them during this difficult time.

Mr. BROOMFIELD. Mr. Speaker, the death of a friend is always a great personal loss, but the death of a friend who was a great patriot is much more.

The passing last Tuesday of the Honorable Thaddeus M. Machrowicz was a tragedy shared not only by those of us who knew him well, but by every American.

The son of a Polish immigrant, he rose from a justice of the peace in Hamtramck, Mich., to Federal district judge in Detroit. In between, he served six distinguished terms in this body representing the former First Congressional District on Detroit's East Side.

Judge Machrowicz's career was built on a deep and dedicated love for his country. He was stanchly anti-Communist in keeping with his active service with the Polish Army in fighting the Bolshevik army in 1920.

Born in Poland in 1899, the son of Boniface and Frances Majihrowicz, he was brought to the United States at the age of 3.

A graduate of Alliance College in Cambridge Springs, Pa., and the Detroit College of Law, he also attended De Paul University and the University of Chicago.

At the age of 17 he joined a volunteer division of the Polish army which organized in Canada during World War I. He served as a lieutenant and helped repel the 1920–21 Communist invasion of Poland.

Following the war he served as a member of the American Technical Advisory Commission, a group trying to put Poland back on its financial feet.

He served in a variety of local and State offices during the 1930's and 1940's before his election to Congress in 1950.

In addition to his great patriotism, Mr. Machrowicz made an indelible mark on domestic issues as a sponsor of some of the great social legislation of that time, notably, medical care for the aged, social security amendments, and uniformity in unemployment compensation.

Most of all, however, he will be remembered for his outspoken support for the St. Lawrence Seaway, a project on which he worked in close cooperation with my predecessor the late Honorable George A. Dondero, then chairman of the House Public Works Committee.

He left Congress in 1961 following his appointment to the Detroit Federal district court by President Kennedy.

During his years on the bench, I had the honor of calling Judge Machrowicz a constituent as well as a friend as he moved his residence to Bloomfield Township, Mich., in my congressional district.

I know each Member of this body joins in sending condolences to his wife, Sophia, and his two sons, Don and Tod, in their time of grief.

Mr. FEIGHAN. Mr. Speaker, it was with deep regret that I learned of the passing of our former colleague Judge Thaddeus Machrowicz.

Judge Machrowicz served his country with distinction in numerous positions. Born in Gostyn, Poland, Judge Machrowicz immigrated to the United States with his parents in 1902. During World War I he served as a lieutenant in the Polish Army of American Volunteers. After the war he continued his education, obtaining his law degree in 1924. For the next several years, he practiced law in Detroit, Mich. and also served in many different capacities at the local level. In 1951, Judge Machrowicz was elected to the Congress and served until 1961 when President Kennedy appointed him Federal district judge.

It was my privilege to serve with Thad, as he was affectionately known, on the so-called Kersten committee, the committee of the House to investigate Communist aggression in the 83d Congress. Thad's contribution to the work of the select committee was very significant as was his contribution to the other committees, including the Committee on Ways and Means, on which he served.

It was a privilege to have known Judge Machrowicz well and to have served with him in Congress. His passing has brought sorrow to those with whom and for whom he served. I extend my deepest sympathy to his family and loved ones.

Mr. REUSS. Mr. Speaker, I was greatly saddened to learn of the passing of our former colleague, Judge Thaddeus M. Machrowicz. The Federal judiciary and the Nation lost one of its most able servants.

Born in Poland, the late Judge Machrowicz came to my home city of Milwaukee at age 3. He remained in Milwaukee until he was 17 when he left to join the Polish Army of American Volunteers in World War I.

The late Judge Machrowicz's career in public life began in 1934 when he was appointed attorney for the city of Hamtramck, Mich. In 1942, he was named municipal judge of that city.

Before his appointment to the Federal bench for Michigan's eastern district in May 1961—he was one of the late President Kennedy's first judicial appointments—our former colleague served six distinguished terms in the House.

During his congressional tenure, which began in 1950, Judge Machrowicz served ably on the Ways and Means Committee and made a record as a stanch patriot. He played a large role in developing the St. Lawrence Seaway, which was proven so valuable to my own city and State and other States bordering the Great Lakes.

Mr. Speaker, the late Judge Thaddeus M. Machrowicz was 70 years old at his passing.

All who knew Judge Machrowicz shall miss him.

Mr. ZABLOCKI. Mr. Speaker, I wish to join with my colleagues in expressing my sorrow at the sudden passing of our former colleague from Michigan, the late Honorable Thaddeus Machrowicz.

It was a privilege to serve in the House with him from the time of his first election to the House in 1950 until he was

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appointed a Federal district judge by the late President John F. Kennedy in 1961. Judge Machrowicz, or Ted, as he was affectionately called by his friends, was an able and accomplished legislator and an outstanding representative of his district. Personally, I learned to respect him greatly for his integrity, for the soundness of his judgment, and for his devotion to legislative duties. I well remember his wise counsel and the able assistance he gave me on several technical and complex legislative issues.

Judge Machrowicz served his God through his family and his work, and his fellow man through his legislative and judicial endeavors. My wife joins me in expressing our sincere sympathy to his widow and family. I am confident they will derive some consolation from the knowledge that the good Lord has chosen him to be among His very own and that their sorrow is shared by a legion of his friends.

Mr. RHODES. Mr. Speaker, I was deeply saddened to learn of the untimely passing of our good friend and former colleague, Honorable Thaddeus Machrowicz. His service in the House of Representatives was marked by his wisdom and statesmanship, which earned him the unreserved respect of the Members from both sides of the aisle. He was hardworking and dedicated to the enactment of legislation which would benefit his fellow Americans, not only in his own district but on a nationwide scale. I am glad I had the privilege of serving with Thaddeus Machrowicz for 8 years, before he was appointed a Federal judge in 1961, for during that period we became close friends, and I shall always treasure my memories of that fine gentleman.

Mrs. Rhodes joins me in deepest sympathy for his family in their bereavement.

Mr. ROGERS of Colorado. Mr. Speaker, it saddened me to learn of the passing of The Honorable Thaddeus Machrowicz. The judge was my good friend and coworker in the Congress of the United States. He and I were sworn in on the same day and assigned to the Judiciary Committee, where he and I worked closely together until he was appointed as a Federal judge.

During this association, I learned to honor and respect Thad Machrowicz. He was a hard worker and diligent in his efforts to bring about enactment of legislation which he felt was beneficial to mankind.

After his appointment to the Federal bench, he returned to Congress for visits with his former colleagues, and we all enjoyed his understanding of the enactment of the law and his interpretation of it as presented to him as a judge. We all knew he was fair, honest, and sincere, and those of us who knew him will miss him in the future.

May I extend my sympathy to his family.

Mr. KLUCZYNSKI. Mr. Speaker. For those of us who knew Thaddeus M. Machrowicz and had the honor and pleasure of working with him, his recent death was a tragic loss. The gentleman from Michigan and I were new Members together during the 82d Congress. I can honestly say that I never met a more kindly or generous man than Ted Machrowicz.

He was a distinguished legislator, and, when he left Washington in 1961 for the Federal bench, his absence in this House was quickly felt. He possessed those qualities which are essential to both legislators and judges—courage, a sense of fairness, and utter rectitude.

Born in Poland, he became one of our country's eminent citizens, ever grateful for the opportunities that the United States had afforded him.

Prior to coming to Congress, Ted and I had the opportunity to come to know each other. At one point he came to New York State to speak at a gathering of Polish Americans. He showed himself then to be one of the most dynamic men I ever had the honor of knowing and I remember thinking then that here was a man I would like to know better.

Later on he spoke at a dinner when I was running for Congress. His assistance then, as always, was of great benefit and welcome. During his years in Congress Representative Machrowicz proved to be one of the finest, most able, conscientious and hardworking Members of this body.

It has been difficult for me to reminisce, and, with a saddened heart, let me say it was an honor to know and love Thaddeus Machrowicz.

Mrs. Kluczynski and I extend our deepest sympathy to his lovely wife, Sophie, and his family. We mourn the loss of a great American.

Mr. HELSTOSKI. Mr. Speaker, I wish to join my colleagues in paying tribute to a man who was one of the more able men who served in this body as a Member of Congress.

Although I have not had the privilege of serving with Thaddeus Machrowicz in this House, I am well aware of his work as a member who represented his district faithfully and capably.

Thaddeus Machrowicz had behind him one of the most brilliant careers in the life of a man.

Born in Gostyn, Poland, August 21, 1899, he immigrated with his parents to the United States in 1902 and settled in Chicago, Ill., later moving to Milwaukee, Wis.; naturalized in 1910; attended the parochial school in Milwaukee. His later education was attained at Alliance College, Cambridge Springs, Pa., and the University of Chicago.

During the First World War he served as a lieutenant in the Polish Army of American Volunteers in Canada, France, and Poland. In 1920 to 1921, he served with the American Advisory Commission to the Polish Government, and also acted as a war correspondent with Floyd Gibbons in Poland during the years of 1919 to 1921.

Returning to the United States, he attended De Paul University in 1921 and graduated from the Detroit College of Law in 1924, was admitted to the Michigan bar in 1924 and commenced the practice of law in Detroit.

The public career of Thaddeus Machrowicz began in 1934 when he was appointed city attorney of Hamtramck, Mich., a post he held for 2 years when he became the legal director of the Michigan Public Utilities Commission during the years 1938 to 1939. He was a public member of the War Labor Board during World War II, and from 1942 to 1950 he held the position of municipal judge in Hamtramck, Mich. He was elected to Congress in 1950 and to five succeeding Congresses.

As a Member of Congress, he first was assigned to the Judiciary Committee where he served diligently. He resigned from that committee post to serve on the Committee on Public Works at the time when the St. Lawrence Seaway legislation was being considered. As a member of that committee he devoted much time to having this project become a reality, which opened a deep waterway to the States of the Middle West.

His last committee assignment was as a member of the Ways and Means Committee, having succeeded the late John D. Dingell, the father of our esteemed colleague JOHN D. DINGELL, representing the 15th Congressional District of Michigan.

As a member of the Katyn Massacre Investigating Committee he played a leading role in formally placing the blame of the murder of over 14,000 Polish officers and men upon the Soviet Union.

At the Warsaw meetings of the Interparliamentary Union he showed unusual bravado when, in his speech to the assembled delegates, he placed the blame on both Russia and Germany for the invasion of Poland in 1939.

Congressman Machrowicz was also an official U.S. representative to one of the Poznan trade fairs, having been appointed by President Eisenhower.

Aside from being active in the political field, he was known as a leader in the affairs of our Polish communities. Always interested in the activities of the Polish people, he became the spokesman for this ethnic group and his voice was heard many times in defense of the Polish heritage and on the problems of various minority groups.

His civic activities included membership in many veteran groups, fraternal organizations, and neighborhood community units. One of his greatest achievements was the organization of the Michigan chapter of the Polish American Congress, of which he was the first and long-time President.

As a Federal Judge, having been appointed to this position by the late President John F. Kennedy, he showed unusual judgment and a true neutrality in the cases coming before him. For this he was admired by the legal profession.

One of the few known positions held by Judge Machrowicz was that of a consultant to the Department of State on cultural relations between the United States and Poland.

One of his last major speeches was delivered on September 28, 1969, at Doylestown, Pa., at the Shrine of Czestochowa, on the occasion of the arrival of Cardinal Woytylo from Poland.

Judge Machrowicz was a leader in both public and civil life. He was a distinguished judge and Congressman. He was dedicated to service throughout his en-

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tire life, helping all the citizens of his community. He was a leader in the full meaning of the word. His loss is the loss of all Polish-Americans in the United States and of those who aspire to regain their freedom in Poland.

I extend my condolences and that of my wife to Mrs. Sophia Machrowicz and his two sons, Tod and Don.

Mr. RHODES. Mr. Speaker, I was deeply saddened to learn of the untimely passing of our good friend and former colleague, Hon. Thaddeus Machrowicz. His service in the House of Representatives was marked by his wisdom and statesmanship, which earned him the unreserved respect of the Members from both sides of the aisle. He was hard working and dedicated to the enactment of legislation which would benefit his fellow Americans, not only in his own district but on a nationwide scale. I am glad I had the privilege of serving with Thaddeus Machrowicz for 8 years, before he was appointed a Federal judge in 1961, for during that period we became close friends, and I shall always treasure my memories of that fine gentleman.

Mrs. Rhodes joins me in deepest sympathy for his family in their bereavement.

Mr. ROONEY of New York. Mr. Speaker, sadly I join with my colleagues in paying tribute to a longtime friend, the late Hon. Thaddeus M. Machrowicz. At the time of his sudden passing, Ted was serving as a judge of Michigan's eastern district Federal court having received an appointment to that bench from the late President Kennedy in 1961 after a decade of distinguished accomplishments here in the House of Representatives. Ted had an amazing and full life, coming to the United States from his native Poland at the age of 3. At age 10 he became an American citizen and at 17 he enlisted in a volunteer regiment of the Polish army and returned to his homeland to join the fight against communism then threatening to engulf the country. He even found time during that period to serve as a war correspondent with the fabled Floyd Gibbons. Returning to the United States he took a law degree and a short time later entered upon a long career of public service that in 1951 was to bring him to Washington and the 82d Congress. Ted made many friends here and those of us fortunate enough to be included in that long list will miss him dearly. We shall miss his vigor, his warmth, his friendliness. But most of all, we will miss him. To his wife, Sophie, and their two sons, I extend the Rooneys' deepest sympathy.

Mr. FISHER. Mr. Speaker, it is my desire to join in the eulogies being paid the late Judge Thaddeus Machrowicz. He served with great distinction in this body for 10 years. It was my pleasure to have known him well, and I counted him among my special friends. It is sad indeed to learn that he has been taken away.

Ted Machrowicz was an immigrant from Poland. He overcame many handicaps to gain honor and distinction in many respects. Always jolly, friendly, and cooperative, Judge Machrowicz was universally admired and respected by all who knew him. In the Congress he contributed much to the cause of good government.

The passing of Ted Machrowicz leaves a vacuum which will not be easy to fill. In many respects he is simply irreplaceable. I extend to the family my deepest sympathy in their bereavement.

Mr. VANIK. Mr. Speaker, it was my privilege to serve in this body with the late Judge Thaddeus Machrowicz between 1955 until September 1961, when he was appointed to the Federal bench by the late President John F. Kennedy.

"Thad" was a warm, kindly, and compassionate person who brought into legislation the essence of these fine qualities. He was understanding and in every respect a just man—fully deserving of the judicial responsibilities to which he was directed by President Kennedy.

The Congress was made a better institutition because of "Thad's" dedicated service. Countless laws will carry the mark of his compassion for his fellow man.

Mr. BOLAND. Mr. Speaker, I join my colleagues in paying tribute to Thaddeus Machrowicz, a remarkably able legislator in this body and a U.S. district court judge celebrated for his knowledge of the law. It is no exaggeration to say that he will be missed—and missed badly. As a personal friend of Ted Machrowicz—as a man who has been in his home many times—I can testify personally to the moral courage and strength of character for which he was known.

His background was richly diverse. A soldier, a lawyer, a newspaper correspondent, a Government administrator, a Congressman, a judge, Ted Machrowicz excelled at virtually everything he did. Born in Gostyn, Poland, in 1899, he immigrated to the United States with his parents as a small boy. His family settled in Chicago, then moved on to Milwaukee. He went to parochial schools in Milwaukee, Alliance College in Cambridge Springs, Pa., the University of Chicago, and the Detroit College of Law, earning scholastic honors all the way from the first grade to his last year of law school.

During World I he was a lieutenant in the Polish Army of American Volunteers, serving in France and in Poland. After the war—for about 2 years in the early 1920's—he served with the American Advisory Commission to the Polish Government, and was a newspaper correspondent with Floyd Gibbons in Poland.

Admitted to the Michigan bar in 1924, he practiced privately in Detroit for almost a decade, served as city attorney in Hamtramck, Mich., from 1934 to 1936, moved up to legal director of the Michigan Public Utilities Commission in 1938 and 1939, then took on the post of municipal judge in Hamtramck from 1942 to 1950. He was elected to this body in 1950, serving 10 years here as a member of the Judiciary Committee before President John F. Kennedy made him a U.S. district court judge for the eastern district of Michigan.

Few Members of Congress were more uniformly admired and respected than Ted Machrowicz. A hard worker, a brilliant legal scholar, a man genuinely dedicated to his job, Ted approached as closely as anyone I know the qualifications for the ideal Member of Congress.

I extend my deepest sympathy to his family.

GENERAL LEAVE TO EXTEND REMARKS

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and service of the late "Tad" Machrowicz.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1967 Americans consumed 2,157,146,000 short tons of energy—coal equivalent. This was more than 34 percent of the total world consumption and more than twice as much as the second ranking nation, the Soviet Union.

THE OVER $16 BILLION FEDERAL RESEARCH BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, in the budget which President Nixon recently sent to Congress, there is evidence that the rate of rise in outlays has been slowed down. The increase over the previous year is the smallest since fiscal 1965.

Let us take a look at the figures for the years that have elapsed since then:

Fiscal year	Outlays in millions	Increase in millions over previous year
1966	$134,652	$16,222
1967	158,254	23,602
1968	178,833	20,579
1969	184,556	5,723
1970 estimated	197,885	13,329
1971 estimated	200,771	2,886

The brakes on spending will have to be applied even more effectively if we are to make Mr. Nixon's anticipated surplus a reality. Such a surplus can be achieved if the legislative and executive branches will seek out places to cut. Unnecessary programs should be eliminated, those that are overfunded or inefficiently operated should be improved, and no new programs should be started without adequate justification.

Not only must the budget be balanced, but the debt must be reduced and the tax burden lightened. Inflation cannot be brought under control if we do not slow down Government spending. Continued and accelerated inflation would be another form of taxation from which there would be no exemptions.

As we go through the budget, looking for places to economize and places to spend more efficiently, we must not over-

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look the enormous amounts that have been spent and will continue to be spent for research and development. The list that I am inserting in the RECORD today is about as comprehensive as it is possible to make such a list. A few programs have been omitted because funds for research could not easily be separated from money for other items.

Let me assure my fellow Americans that I am not opposed to research. I have always been very much in favor of it and will continue to vote for whatever is truly necessary for demonstrably worthwhile research activities. At the same time, I want State and local governments, business and industry, and private philanthropy to assume their shares of the burden and not expect the Federal Government to keep taking on new burdens.

Included among the items on which research and development is conducted with money provided by the taxpayers are the following: agriculture, atomic energy, aviation, civil defense shelters, culture and the arts, disarmament, economics, education, explosives, fish, foreign trade, forestry, health and medicine, highways, history, housing, hydrology, manpower, marketing, meteorology, minerals, narcotics, national defense, navigation, nuclear physics, nutrition, obscenity and pornography, ocean shipping, oceanography, outer space, pestiferous insects, pollution, population growth, the postal service, public power, radio, reclamation, recreation, safety, small business, telecommunications, transportation, urban problems, vocations, weather, and wildlife.

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When the screams from the spenders threaten to deafen talk about fiscal responsibility, let us once more recall the wise counsel that came from Dwight D. Eisenhower. On January 17, 1961, 3 days before he left the White House, he told his fellow Americans about what he called "a scientific-technological elite."

Here are the pertinent paragraphs from President Eisenhower's farewell address:

> Akin to, and largely responsible for the sweeping changes in our industrial-military posture, has been the technological revolution during recent decades.
>
> In this revolution, research has become central; it also becomes more formalized, complex, and costly. A steadily increasing share is conducted for, by, or at the direction of, the federal government.
>
> Today, the solitary inventor, tinkering in his shop, has been overshadowed by task forces of scientists in laboratories and testing fields. In the same fashion, the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a government contract becomes virtually a substitute for intellectual curiosity. For every old blackboard there are now hundreds of new electronic computers.
>
> The prospect of domination of the nation's scholars by federal employment, project allocations, and the power of money is ever present—and is gravely to be regarded.
>
> Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.

The list that follows shows the amounts of money outlays for research, in millions of dollars, for the fiscal years 1969, 1970, and 1971, the last two being estimates.

Legislative Branch—Library of Congress; Legislative Reference Service

[In thousands]

Research and analysis:

1969 actual	$3,236
1970 estimated	3,815
1971 estimated	4,559

The Legislative Reference Service assists Members and committees of Congress by preparing research reports, digests, translations, charts, and consultative services, and by supplying reference information and materials. The bulk of these services are furnished through seven subject-matter divisions and a reference division: American law, economics, education and public welfare, foreign affairs, government and general research, environmental policy, science policy research, and the congressional reference division. Senior specialists are also available for high-level research and consultative services in the following fields: International economics, international relations, American government and public administration, conservation, American public law, labor, engineering and public works, agriculture, price economics, national defense, social welfare, taxation and fiscal policy, and science and technology.

Judicial Branch—Federal Judicial Center

Research, innovation, and development:

1969 actual	$155
1970 estimated	180
1971 estimated	395

Executive branch—Executive Office of the President, Office of Emergency Preparedness, salaries and expenses, telecommunications

Research and development:

1969 actual	$494
1970 estimated	1,091
1971 estimated	880

This activity funds contractual studies and research in support of the following telecommunications management activities: establishing executive branch telecommunication goals in support of national objectives and providing policy direction for Government telecommunication activities including the national communications system, coordinating, and encouraging the application of new technology, developing mobilization, and preparedness policies for telecommunications in a national emergency, assigning frequencies to Federal radio stations, and developing procedures and rules for their use, developing data on Government frequency usage and requirements, providing assistance and advice to the Department of State on international telecommunications matters, assisting the President with respect to his functions under the Communications Satellite Act of 1962, promoting efficiency and economy in the procurement and management of telecommunications throughout the Government, and establishing an engineering facility to solve frequency compatibility problems.

Funds appropriated to the President—Appalachian regional development programs

Research and local development district program:

1969 actual	$3,241
1970 estimated	5,502
1971 estimated	7,500

Appalachian planning assistance is provided through grants to multicounty local development districts and for research and demonstration projects. Grants are made for up to 75 percent of the administrative expenses of local development districts. Other planning and technical assistance is provided for (a) programs which improve the base for economic growth, (b) programs which will attract industrial development within the region, (c) programs which improve the health, education, and skills of people, and (d) projects which conserve, maintain, or improve natural resources.

Foreign assistance—Economic assistance—International organizations and programs

World Health Organization—Medical research:

1970 estimated	$150
1971 estimated	150
1969 actual	150

Office of Economic Opportunity—Economic opportunity program

Community development programs—Research, pilot programs, and evaluation:

1969 actual	$56,638
1970 estimated	56,950
1971 estimated	78,800

This provides for research and demonstration projects, day care, and support.

Research and pilot projects are designed to serve as the basis for planning national programs for alleviating poverty and promoting equality of opportunity. This includes identification of need, design of experimental projects, the conduct and evaluation of social experiments, the expansion of successful experimental efforts to pilot scale, and the development of mechanisms for moving these programs to full-scale operation either within the agency or to other organizations. A major effort will be devoted to the development of effective means of providing day care and to the development of models that will facilitate the rapid expansion of day care facilities.

The evaluation activities included in this component are of two types: those providing an overall assessment of the impact and effectiveness of antipoverty programs, with emphasis on the extent to which programs are successful in achieving basic objectives, and those aimed at assessing the relative effectiveness of different program strategies in carrying out a program.

DEPARTMENT OF AGRICULTURE—AGRICULTURAL RESEARCH SERVICES, SALARIES AND EXPENSES—RESEARCH

	1969 actual	1970 estimated	1971 estimated
Farm research	$107,742	$105,841	$106,696
Utilization research and development	36,745	35,751	35,728
Nutrition and consumer use research	4,863	4,394	4,317
Marketing research	9,975	9,207	9,088
Coordination of departmental and interdepartmental activities related to pests and their control	159	208	208
Construction of facilities	11,845	8,183	5,515
Contingencies	0	1,000	1,000
Total, research	171,331	164,584	161,952

The Service conducts basic and applied research relating to the production, utilization, and marketing of agricultural products, and research on nutrition and consumer use, as follows:

Farm research: Improved breeding, feeding, and management practices, including management of animal wastes, are developed for farm livestock, poultry, and domestic fur animals. Practical methods are sought for control of diseases, parasites, and insect pests affecting them and to protect them from toxic chemical poisons and other hazards.

Investigations are conducted to improve varieties of food, feed, fiber, and other plants, and to develop new crops; to improve crop-production practices, including methods to control plant diseases and nematodes, and reduce cost of production; and to develop safe chemical, biological, and other methods for control of harmful pests affecting farm production.

Investigations are conducted to improve the management of natural resources, including investigations to improve soil and water management—including salinity and saline soils—irrigation, and conservation practices; to study hydrologic problems of agricultural watersheds; to determine the relation of soil types and water to plant, animal, and human nutrition; and to apply engineering principles to improve efficiency and reduce costs of agricultural production.

The research is aimed at the profitable production of an adequate supply of food, feed, fiber, and other agricultural products of desired quality at minimum costs.

Attention continues to be given to the production of agricultural products having industrial uses. Increased attention has been given to studies on protection of plants, animals, and natural resources from harmful effects of polluted soil, water, and air. Research also concerns the application of remote sensing techniques in meeting agricultural problems. The proportion of funds going into basic research is currently estimated at 45 percent of the total funds for farm research. The basic research is fundamental to and strengthens the other research efforts.

The increase requested for 1971 would provide for expanded research to improve quality, reproductive, and feed efficiency of beef; improve methods for the control of mastitis in dairy cattle; improve methods for diagnosis and control of bluetongue of sheep and cattle; improve potato varieties and production practices to control the golden nematode; expand remote sensing research; and conduct pollution research concerned with animal waste management.

Utilization research and development. Chemical, physical, and biological research is conducted to develop increased industrial uses of farm products, and new and improved foods, feeds, and fabrics; and to develop improved methods for processing agricultural commodities.

The research aim is to expand the demand for farm products by developing new and improved products and economical processes tailored to the requirements of the domestic and foreign markets. The research conducted includes studies to protect food and feed products from harmful micro-organisms and naturally occurring toxins and studies of health-related problems of tobacco. Increased effort is being given to the processing of agricultural commodities to minimize waste formation and to utilize waste products to avoid pollution.

Nutrition and consumer use research. Studies are made of human nutritional requirements, composition and nutritive value of foods, and consumer and food economics. The research aim is to determine nutrient requirements and how foods can supply these to best assure nutritional well-being of people throughout their lifespan; to provide up-to-date information about food consumption and nutrition of the population; and to develop improved procedures for household preparation, care, and preservation of foods which will preserve their nutritional, sanitary, and wholesome quality.

Marketing research. Practical answers to reduce costs and maintain product quality in moving products from farm to consumer are sought through research. For farm products as they pass through marketing channels, efforts are made to develop safe methods to protect against insect attack, find objective methods to determine quality, reduce losses from waste and spoilage, and improve efficiency in physical handling. The work includes research at each stage of marketing, such as assembly points and storage facilities, and of transportation at terminal or central markets. Research is also concerned with mycotoxins in agricultural products in relation to off-farm handling, conditioning, and storage.

Coordination of departmental and interdepartmental activities related to pests and their control. The protect provides for coordination with the Department of Health, Education, and Welfare, Department of the Interior, and other agencies of the Federal Government in development of measures to protect the public health, producers, and resources.

Contingencies. One million dollars is available to meet urgent research needs that develop unexpectedly during the year, when such needs cannot be met by redirection of resources from other projects.

Salaries and expenses—Special foreign currency program

Market development research:	
1969 actual	$2,057
1970 estimated	1,800
1971 estimated	1,600
Agricultural and forestry research:	
1969 actual	5,184
1970 estimated	6,500
1971 estimated	6,300

Foreign currencies, generated by the sale of surplus agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, are used by the Department for market development research under subsection 104(b)(1) and for agricultural and forestry research under subsection 104(b)(3) of the act. Work is carried on through agreements, in both basic and applied fields, by research institutions and organizations in foreign countries. In addition to developing scientific information of great importance to American agriculture, the research under this program contributes to the solution of agricultural production and related problems of the countries in which it operates. It serves to preserve and expand existing markets and develop new ones for agricultural commodities, including cotton, dairy products, fats and oils, grain, feed, livestock and meat, poultry, and fruit and vegetables. It also provides for research supplementary to domestic programs on farm, forest, marketing, utilization, agricultural economics, and human nutrition problems.

WORKING CAPITAL FUND, AGRICULTURAL RESEARCH CENTER—OPERATING COSTS, MAINTENANCE AND OPERATION OF CENTRAL FACILITIES AND SERVICES

	1969 actual	1970 estimated	1971 estimated
Cost of materials sold or applied	$1,307	$1,246	$1,246
Other expense	3,770	3,854	3,889
Capital outlay: Purchase of equipment	60	50	50
Total program costs, funded	5,137	5,150	5,185
Change in selected resources	−165		
Total obligations	4,972	5,150	5,185

This fund finances, on a reimbursable basis, central facilities and services furnished to agencies at the Agricultural Research Center.

Advances and reimbursements

Research:	
1969 actual	$3,200
1970 estimated	3,714
1971 estimated	2,585

COOPERATIVE STATE RESEARCH SERVICE—PAYMENTS AND EXPENSES

	1969 actual	1970 estimated	1971 estimated
Payments to agricultural experiment stations under the Hatch Act	$51,439	$53,702	$62,668
Grants for cooperative forestry research	3,483	3,785	4,412
Contracts and grants for scientific research	1,391	1,640	2,200
Grants for facilities	1,678	1,000	1,423
Penalty mail	198	160	160
Federal administration	1,666	1,946	2,213
Total program costs, funded	59,856	62,233	73,076
Change in selected resources	−1,008	415	−541
Total obligations	58,848	62,648	72,535

The Service administers funds for payments and grants to State agricultural experiment stations and other eligible institutions for the support of research in agriculture, the rural home, the rural community, and forestry. This administration involves supervision of the funds, and close advisory relations with the State agricultural experiment stations, schools of forestry, and other institutions eligible to receive funds. The Service participates in planning and coordination of research programs among the States and between the States and the Department.

Payments to agricultural experiment stations under the Hatch Act. Grants under the Hatch Act are allocated to agricultural experiment stations of the land-grant colleges in the 50 States and Puerto Rico for agricultural research including investigations and experiments to promote a permanent and efficient

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agricultural industry and improvements in the rural home and rural community.

The increase requested for 1971 will provide for pollution research, a major research effort in support of community resource development, and increased cost of research.

Grants for cooperative forestry research. These grants are allocated to land-grant colleges or agricultural experiment stations in the 50 States and Puerto Rico and other State-supported colleges and universities offering graduate training in the sciences basic to forestry and having a forestry school. In 1971, emphasis will be placed on timber production, forest pest, and increased cost of forestry research.

Contracts and grants for scientific research. These funds are for the support of grants on specific research problems at nonprofit institutions of higher education or nonprofit organizations whose primary purpose is the conduct of such research.

The increase requested for 1971 will provide for food and nutrition research and community resource development work.

Penalty mail. Funds to cover the cost of penalty mailings for State agricultural experiment station directors are provided under this appropriation.

Federal administration. A coordinating and review staff is maintained to examine research projects and assist State institutions and Federal agencies.

ECONOMIC RESEARCH SERVICE—SALARIES AND EXPENSES

	1969 actual	1970 estimated	1971 estimated
Farm economics	$6,576	$6,795	$7,359
Marketing economics	3,536	3,750	3,750
Domestic and foreign economic analysis	3,732	4,047	5,119
Total program costs, funded	13,843	14,592	16,228
Change in selected resources	−669		
Total obligations	13,175	14,592	16,228

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Agricultural economics research in the Department is administered by the Service. The results of the research program are relied upon by first, producers, dealers, importers, and exporters as aids in planning the most profitable adjustments in their operations; second, Government agencies in formulating and administering agricultural programs; and third, Congress in considering agricultural legislation.

Farm economics. Research is conducted to measure, appraise, and analyze, on a continuing basis, economic changes that occur in farming and in the use of human and natural rural resources and to indicate needed adjustments.

Research on the economics of farm production includes the economics of organization and management of farms; adjustments of production to prospective demands and changing technologies; appraisals of costs and returns on farms representative of important types, sizes, and locations, and the appraisal of costs of producing important commodities; development of measures of farm output and productivity; problems of farm size and capital requirements; financing of farm enterprises; and appraisal of alternative agricultural production policies and programs.

Natural resources economics is concerned with the economics of use, conservation, development, management, and control of natural resources and their relationship to economic activity. It includes economic analysis of land and water resources, resource institutions, and the economic and social conditions affecting use of resources. The increase proposed in 1971 will be used to adapt and test remote sensing techniques for use in making resource inventories.

Economic development is focused upon the well-being and opportunities of rural people. It includes a broad research program on economic development of rural areas, opportunities and employment of rural people and factors affecting them, including local governments and other organizations. Special attention is given to the poor, who are found in heavy concentrations among rural people. The increase requested in 1971 will permit development of a responsive research and data base for community development planning and action.

Marketing economics. This activity covers economic aspects of marketing farm products, including the nature of farmers' bargaining power; potentials for new products and new uses; market structure, performance costs, and margins; the economic effects of school feeding, food stamp, and direct food distribution program.

Domestic and foreign economic analysis. Domestic economic analysis is concerned with identifying, measuring, and analyzing: First, the factors affecting demand, supply, and price of agricultural commodities; second, relationships between agriculture and the national economy; third, farm income and the income of the farm population; fourth, demand for and consumption of farm products; fifth, long-term projections of economic growth and demand for farm products; and sixth, historical developments in the policies, programs, and organization of the Department. The increase requested in 1971 will be used to develop better measures of farm income and improve techniques of forecasting farm prices and income.

Foreign economic analysis includes trade studies and investigation of supply-demand relationships. The trade and market studies focus on the problems of developing foreign markets and the effect of these developments on U.S. agricultural production. Research is carried on for more than 100 countries around the world, focusing on the forces affecting supply demand, and trade in farm products, and their impact on U.S. agricultural exports. The request for additional funds in 1971 is based on the need for more accurate and timely information on the impact of world agricultural development and adjustment on U.S. foreign trade. This need stems from increasing world competition for agricultural export markets.

ADVANCES AND REIMBURSEMENTS—ECONOMIC RESEARCH

	1969 actual	1970 estimated	1971 estimated
Agriculture	$194	$209	$198
Other agencies	661	496	330
Agency for International Development (funds appropriated to the President)	978	757	444
Total obligations	1,833	1,462	972

FOREST SERVICE—FOREST PROTECTION AND UTILIZATION, FOREST RESEARCH

	1969 actual	1970 estimated	1971 estimated
Forest and range management	$16,841	$18,028	$18,297
Forest protection	10,306	11,414	11,414
Forest products and engineering	7,953	8,966	9,307
Forest resource economics	5,067	5,441	6,048
Forest research construction	1,565	567	36
Total, forest research	41,732	44,416	45,102

The Service carries on forestry research for all public and private forest lands and related ranges to improve protection from fire, insects, and diseases; to increase production of timber, forage, water, and other products; to improve methods for developing and managing recreation resources; to develop better utilization and marketing of forest products; and to maintain a current inventory of forest resources through a nationwide forest survey.

Research is conducted at eight regional forest experiment stations, the Forest Products Laboratory, and the Institute of Tropical Forestry.

Forest and range management. This research provides private and public land managers and owners with a sound basis for management of timber, forage, and watershed lands. Studies are conducted to maintain a sustained yield of products at the lowest possible costs; increase forage for domestic livestock and improve habitat for wildlife without damage to soil, watershed, or other values; assure maximum regular flow of usable water and reduce floods and sedimentation; and improve methods for developing and managing recreation resources.

Forest protection. Research is conducted to develop sound measures for the protection of forests from damage by fire, insects, and diseases. Forest fire research provides improved methods of predicting fire danger, and preparing for and combating fire by combinations of ground and aerial methods. Insect and disease research develops direct controls, silvicultural measures, and biological agents to combat forest pests.

Forest products and engineering. Studies are conducted to develop: New and improved forest products, reduction and utilization of waste, and use of low-quality wood and less desirable species. These include studies to reduce costs of logging and wood utilization, and to develop basic knowledge of wood and disseminate this to forest owners, manufacturers, fabricators, and consumers.

Research is also conducted to advance the mechanization and efficiency of forestry operations, and to develop and evaluate machines and similar equipment for such operations as logging, planting, timber-stand improvement, and protection of forests.

Forest resource economics. Investigations are conducted to inventory and appraise the condition of forest lands, volume and quality of standing timber, ownership of timber resources, annual growth and depletion, and the potential need for timber products. Studies of the economics of forest crop production and of marketing of forest products are also included.

ADVANCES AND REIMBURSEMENTS

	1969 actual	1970 estmated	1971 estimated
Forest research at experimental forests and ranges, and for foreign countries	$1,669	$1,910	$1,801
Cooperative work (trust fund) Research investigations	722	735	975

DEPARTMENT OF COMMERCE—BUSINESS ECONOMICS AND STATISTICS

	1969 actual	1970 estimated	1971 estimated
Office of Business Economics, advances and reimbursements: Economic research in water resource development	$503	$456	$469
Bureau of the Census, salaries and expenses: Research and development	570	758	751

Research and development is conducted on survey methods and techniques including sample survey methods and theory, questionnaire design, response errors, equipment design and utilization, computer editing, and administrative control, operations, analytical techniques including techniques of geographic analysis, for the purpose of increasing accuracy, output, and usefulness of statistical data per unit of cost.

SCIENCE AND TECHNOLOGY—ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION—RESEARCH AND DEVELOPMENT

	1969 actual	1970 estimated	1971 estimated
Weather forecasts and warnings	$12,192	$12,127	$14,998
River and flood forecasts and warnings	683	768	898
Earth description, mapping, and charting	2,121	2,356	2,529
Marine description, mapping, and charting	4,201	3,265	3,724
Telecommunications and space services	5,269	5,573	5,251
Environmental satellite	2,891	2,793	2,895
Depreciation included above	−1,290	−1,191	−1,100
Total program costs, funded	26,067	25,691	29,195
Change in selected resources	−512		500
Total obligations	25,555	25,691	29,695

Weather forecasts and warnings. Consists of meteorological research and development designed to improve the weather forecasting and warning services by gaining a fuller understanding of the composition, dynamics and circulation of the atmosphere and developing better instrumentation and technique for weather observing and forecasting. The 1971 increases provided for expansion of weather modification studies, improvement of severe storms forecasting extension of forecasting and data gathering programs to a worldwide scale, and development of climatological data systems.

River and flood forecast and warnings. Includes research and development for further improvements in river and flood forecasting services and development of specialized equipment related to forecasts and water resources services. The 1971 increase provides for data acquisition system studies.

Earth description, mapping and charting. Include research directed toward understanding the intricate processes and phenomena of the solid earth, such as determining the size and shape of the earth, seismological studies and warnings, and improvement in the aeronautical charting program. The 1971 increase provides for systems development for automated cartography.

Marine description, mapping and charting. Includes research directed toward the further improvement of oceanographic data systems and nautical charting systems leading to understanding of ocean properties and processes, including ocean and environment interaction. The 1971 increases provide for ocean structure and ocean-atmosphere interaction studies.

Telecommunications and space services. Includes research leading to improved understanding of the propagation of radio and light waves, directed toward improvement in predictions of propagation conditions, warnings of electromagnetic disturbances, and effective use of radio and light waves.

Environmental satellite. Provides for research in the environmental satellite program to determine the most beneficial method of data selection, collection, and use by operational programs. The 1971 increases provide for technological applications to additional parameters and development of sensing devices.

RESEARCH AND DEVELOPMENT (SPECIAL FOREIGN CURRENCY PROGRAM)

	1969 actual	1970 estimated	1971 estimated
Weather forecasts and warnings	$147	$212	$150
River and flood forecasts and warnings	76	67	100
Earth description, mapping, and charting		109	100
Marine description, mapping, and charting		100	130
Telecommunications and space services	147	112	75
Environmental satellite	29	100	75
Total program costs	399	700	630
Change in selected resources	−103	165	−244
Total obligations	296	865	386

In order to augment and supplement its domestic research and service programs, the Environmental Science Services Administration enters into cooperative projects with foreign government agencies, universities, and other research organizations. These projects utilize to advantage scientific competence, environmental data sources, physical facilities, and regional environmental conditions in countries where Public Law 83-480 funds are available. The program consists of individual projects which vary from year to year. In 1971, these projects will be supported entirely by carryover funds and will consist of:

Weather forecasts and warnings. Studies of cloud physics and other meteorological factors; study of agricultural potential of arid areas where rainfall amounts are marginal and studies of techniques for regional analysis and prediction of marine environmental factors.

River and flood forecasts and warnings. Studies of meteorological characteristics of watersheds and river basins for use in developing hydrologic models and improving river forecasting techniques.

Earth description, mapping, and charting. Studies in geodesy, geomagnetism, and seismology; studies of the earth's magnetic field and its secular changes, and studies of energy dissipated along fault lines as compared with the latent energy which is built up in other areas.

Marine description, mapping, and charting. Studies leading to a better understanding of the large scale motions of the ocean system and its interaction with the atmosphere.

Telecommunications and space services. Studies of the upper atmosphere and space; studies of the influence of water vapor, irregular terrain, climate, and weather on radio wave propagation.

Environmental satellite. Utilization of satellite data in studies of meteorology, geomagnetism, ionospheric physics, and radio propagation.

NATIONAL BUREAU OF STANDARDS—RESEARCH AND TECHNICAL SERVICES

	1969 actual	1970 estimated	1971 estimated
Standards missions:			
Basic measurements and standards	$12,059	$13,554	$15,107
Reference materials	3,102	3,316	3,541
Standard reference data	1,825	2,047	2,187
Data on properties of matter and materials	11,685	12,037	12,191
Technological standards	3,915	4,915	6,551
Special central missions:			
Computer science and technology	1,578	1,828	1,849
Federal clearinghouse	1,090	1,157	1,173
Invention and innovation	210	211	215
Total program costs, funded	35,464	39,065	42,814
Change in selected resources	255	122	466
Total obligations	35,719	39,187	43,280

The proposed increase will strengthen the Bureau's program, particularly with regard to the central core of the physical measurement system, reference materials, and fire research and safety. It will provide also for continued implementation of the Metric System Study Act. A transfer of $950,000 will be made to the working capital fund to provide capital for equipment in support of research and technical programs and for preparation of standard reference materials.

Basic measurements and standards. This includes research, development, analysis, or specifications relating to standards for physical measurement; method of precise measurement of physical quantities; and precise values of fundamental physical constants suitable for tying measurement systems together. Most of the work in this subactivity deals with a basic core of 50 physical quantities such as length, electric current, temperature, and so forth, which are fundamental to all physical measurements and for which a standard representing unit magnitude is maintained. Each quantity must be measured over a wide range from very large to very small magnitudes, and at each magnitude it must be measurable as accurately as the current state of technology requires.

The increase will be applied to help meet the increasing demands of our technologically oriented society to extend the range and improve the accuracy of the measurement of many of these basic quantities. The greatest emphasis is planned for development of a unified program for one-, two-, and three-dimensional metrology.

Approximately $600,000 of the increase is budgeted to implement the Metric System Study Act, which authorized a study to determine the advantages and disadvantages of increased use of the metric system in the United States.

Reference materials. This includes: first, description and development of methods of description of the essential features of composition and structure of selected materials which govern their behavior in technologically important environments; second, preparation and development of methods to prepare materials of precisely known composition and structure; and third, preparation of reproducible, stable sample materials for use as measurement standards and as specimens in the measurement of behavioral characteristics under given conditions.

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The increase in 1971 will be used to prepare and characterize research or reference materials including samples of polymers, pure crystals, metals, ceramics, biologically important compounds, and many other materials.

Standard reference data. This includes programs arising as a result of the Bureau's responsibility for developing a standard reference data system and other programs concerned with standard reference data. Work is directed toward systematically obtaining from the scientific and technical literature and critically evaluating numerical data in the physical sciences needed by scientists and engineers. These data are the numbers that describe the properties of matter, the strengths of high temperature materials, the masses of atoms, the rates of chemical reactions, the wavelengths of light in emission spectra, and many others. Programs involve analysis of needs, acquisition of data from all available sources, critical evaluation, and compilation of data for dissemination.

Data on properties of matter and materials. Data concerning the behavioral characteristics of matter and materials is generated in areas of technology where urgently needed and not readily attainable elsewhere. This program is a major resource for research scientists and design engineers in areas such as electronics, polymers, metallurgy, ceramics, communications, defense, and nuclear energy. The program supports and contributes to the basic measurement system, the standard reference data system, and standard reference materials program.

The increase will be applied to the development of chemical compounds to improve accuracy of clinical laboratories.

Technological standards. This includes research and development of test methods and standards of performance which serve as a basis for specifications, standards, and codes pertaining to materials, products, and systems used in industry and commerce; participation in technical committees for standardizing bodies such as the American National Standards Institute; administration of procedures for voluntary industrial standardization; participation in international standardization activities; and provision of information services relating to standardization activities.

The increase will be used to implement the provisions of the Fire Research and Safety Act of 1968, and for research on flammability of fabrics pursuant to Public Law 90–189, for building technology, and for standardizing activity with regard to industrial and consumer products.

Computer science and technology. This includes technical activities of the Bureau aimed at improving the effective utilization by Government of automatic data processing equipment and computer-based data processing and information-handling systems. It includes, but is not limited to, investigation, design, and evaluation of complete systems, and the rendering of advice, consultation, and technical assistance to agencies of the Federal Government in connection with the design, selection, acquisition, and utilization of such systems. Closely connected with these technical activities are the following: Providing technical leadership for and monitoring the Federal Government's participation in the development, measurement, and testing of voluntary commercial automatic data processing standards in a manner consonant with Government requirements for a compatible complex of equipments, languages, and practices; determining the need for and recommending establishment of uniform Federal standards where necessary to supplement voluntary commercial standards; and maintaining a specialized information service in support of all of the foregoing activities.

Federal clearinghouse. The clearinghouse for Federal scientific and technical information provides the following services: Collection of technical reports generated by the Federal Government except those withheld for reasons of military security; indexing, reproducing, abstracting, announcing, and distributing these reports; analyzing, evaluating, and digesting contests of these reports and providing for special dissemination to regional centers and industries; and maintaining a clearinghouse for foreign technical translations. Costs of acquiring and storage are borne by this appropriation; costs of reproduction and distribution are paid by the customers.

Invention and innovation. The research program financed by this appropriation provides a capability and competence for many services performed by the Bureau for the Government, science, industry, and commerce, including, for example, publication of scientific information; calibration of measuring instruments; tests of materials, products, or systems; production and sale of standard reference materials; consultation and advice on scientific or technical problems; and specialized research on specific technical problems of other Federal agencies.

RESEARCH AND TECHNICAL SERVICES (SPECIAL FOREIGN CURRENCY PROGRAM)—STANDARDS MISSIONS

	1969 actual	1970 estimated	1971 estimated
Basic measurements and standards	$18		
Reference materials	175	$310	$480
Standard reference data	31	153	170
Technological standards	30	240	275
Total program costs, funded	254	703	925
Change in selected resources	−249	462	−196
Total obligations	6	1,165	729

The responsibilities of the Bureau for basic and applied research, improvement of standards, collection and dissemination of standard reference data, and the certification and distribution of standard reference materials are of sufficient breadth to encourage utilization of research capabilities in other countries. The foreign currency program supplements the Bureau's existing program, allows an acceleration of research efforts in selected areas, and permits economies to the Bureau's regular appropriations over the long term.

Foreign currencies determined by the Treasury Department to be excess to normal requirements of the United States will be used in countries where scientific talent is available to augment the in-house capabilities of the Bureau in the areas of standard reference materials, standard reference data, and technological standards.

WORKING CAPITAL FUND—TECHNICAL PROGRAMS

	1969 actual	1970 estimated	1971 estimated
Standards missions	$51,199	$54,692	$60,113
Special central missions	9,491	10,502	11,013
Miscellaneous services	1,538	1,547	1,584

Technical programs. Research and technical services are conducted by the Bureau on the request of other government agencies and the public, as well as in support of the Bureau's own research program.

OCEAN SHIPPING—MARITIME ADMINISTRATION—RESEARCH AND DEVELOPMENT

	1969 actual	1970 estimated	1971 estimated
Joint surface effect ship program	$3,332	$1,500	$500
Maritime science and technology	767	2,243	5,000
Shipping economics and requirements	1,318	1,850	3,000
Advanced ship engineering and development	434	2,015	5,400
Improvement in ship operations and shipping systems	581	1,405	2,200
NS "Savannah" operation	3,641	3,400	1,700
Administrative expenses, research, and development	952		
Total program costs, funded	11,026	12,413	17,800
Change in selected resources	−2,894	1,948	2,900
Total obligations	8,132	14,361	20,700

The 1971 program provides funding required to initiate a long-range program designed to serve the needs of the entire maritime complex including government, shipbuilders, labor, and shipowners.

Joint surface effect ship program. This activity covers the administration's participation with the Navy in the study, design, and development of prototype testcraft designed to properly define the commercial role of such ships in ocean transportation.

Maritime science and technology. Research conducted herein is planned to raise the level of marine scientific knowledge in order to advance the technological base upon which ships are designed, built, and operated. Primary research will be in hydrodynamics, propulsion, ship structures, navigation-communications electronics, and facilities and systems to disseminate technical information.

Shipping economics and requirements. This activity is concerned with forecasting trade and technology and with the economic analyses of total transportation systems. Included are studies of transportation demands as a means for projecting ship numbers and characteristics, advanced vehicles, intermodal aspects, and special economic studies.

Advanced ship engineering and development. Concerned with advanced ship design and construction methods. Nuclear and nonnuclear advanced ship design programs, subsystem development, management systems, and shipyard methods are included in this activity, as well as development of computer added design programs and development for naval hull types.

Improvement in ship operations and shipping systems. Includes applied research for all aspects of the maritime field concerned with ship and port operations. Consideration will be given to related operational equipment and procedures for navigation, cargo handling, automated control systems, containerization, manning, training maintenance, and other aspects of the field.

Funds requested for 1971 provide for the initial phase of layup of the N.S. *Savannah.*

Salaries and expenses

Research and development administration:

1969 actual	$952
1970 estimated	1,031
1971 estimated	942

Provides for the cost of technical and administrative support required for research and development type contractual activity. An increase in funds has been requested to support the expansion of the research program.

ADVANCES AND REIMBURSEMENTS

	1964 actual	1971 estimated	1971 estimated
Maritime Administration: Research and development	$68	$120	$120

DEPARTMENT OF DEFENSE—MILITARY

Military personnel:			
Army, research and development	$58,657	$65,709	$62,902
Navy, research and development	53,106	65,308	64,153
Marine Corps, research and development	444	477	492
Air Force, research and development	183,065	190,942	177,964

Research, development, test, and evaluation. The programs funded in this title provide the Department of Defense with scientific and technological capabilities for the development, test, evaluation, and improvement of weapon systems and related equipment and techniques. Many investigative and engineering activities are performed, including scientfic research directly related to defense functions and operations, design and fabrication of weapons and equipment for the future, and testing of these items to evaluate their military utility. This work is performed by government laboratories, universities, industrial contractors, and nonprofit organizations.

Since both uncertainty and risk are involved in pursuing and applying new technology, research and development programs are usually funded so that each year's resources support about 1 year's increment of the total program cost. Development of a new weapon system from initial definition to completion of testing and introduction into the operating forces may require 5 or more years.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

	1969 estimated	1970 estimated	1971 estimated
Military sciences	$603,141	$552,017	$585,241
Aircraft and related equipment	1,054,983	1,606,951	1,663,670
Missiles and related equipment	2,426,882	2,323,865	2,226,500
Military astronautics and related equipment	1,064,120	677,770	482,085
Ships, small craft, and related equipment	330,358	290,400	375,500
Ordnance, combat vehicles, and related equipment	351,170	314,034	329,274
Other equipment	$1,161,452	$1,146,142	$1,158,940
Programwide management and support	498,982	514,486	512,700
Emergency fund		75,000	50,000
Total direct obligations	7,491,088	7,500,665	7,384,000

These total obligations have not been included in the grand totals that appear at the end of this compilation, as they are duplicated below.

Military sciences. This activity supports research in the physical, mathematical, environmental, engineering, biomedical, and behavioral sciences, adding needed scientific knowledge leading to applications of military significance. The research tasks selected are derived from an analysis of basic missions and corresponding technological requirements, as well as from a review of technical opportunities related to national security needs. Examples are: Oceanography research to increase the future effectiveness of sea-based deterrent, submarine, and antisubmarine warfare systems; biomedical research in shock and trauma; behavioral science research to achieve improvements in methods for personnel training and selection; and electronics research to increase performance and reliability of military components and systems.

The principal support for such inhouse organizations as the Naval Research Laboratory and some of the Federal contract research centers is also provided here. In addition to the amounts directly provided for in this activity, applied research is also performed by industrial contractors supported by certain allowable indirect costs which may be permitted under contracts funded by both the research, development, test, and evaluation and procurement appropriations.

Aircraft and related equipment. This activity funds research, development, test, and evaluation related to airframes, engines, avionics, and other installed aircraft equipment. Applied research in a wide variety of supporting technologies including flight dynamics, advanced aircraft propulsion systems, avionics, and biotechnology are funded here.

Weapon systems commencing major development in 1971 include the Air Force B–1 advanced strategic bomber, the subsonic cruise armed decoy, and Navy heavy lift helicopter. Systems continuing fullscale development in 1971 include the Navy F–14A fleet air defense fighter-interceptor and its F14B/C growth versions, the S–3A antisubmarine warfare carrier based aircraft, and the Air Force F–15 air superiority fighter. Programs nearing completion in 1971 include the Air Force FB–111 strategic bomber, the C–5 logistic transport, and the Navy EA–6B electronic warfare aircraft.

Studies and preliminary development will continue on an advanced aerial tanker, light intratheater transport, an improved air defense interceptor for the Air Force, and a Navy destroyer-based helicopter system for fleet defense. Also funded in this activity are research and development centers such as the laboratories located at Wright-Patterson Air

Force Base, the Naval Air Development Center at Johnsville, Pa., and the Army Aviation Materials Laboratory at Fort Eustis, Va.

Missiles and related equipment. This activity provides for research, development, test, and evaluation of missile systems of all types.

Development will continue on the Poseidon and Minuteman ballistic missile systems, and increase on an undersea long range missile system. The Safeguard antiballistic missile system as well as other antiballistic missile system concepts will be pursued to assure maximum effectiveness of both retaliatory and defensive forces. Advanced strike weapons such as the strategic short range attack missile, the Condor and Maverick tactical air-to-ground missiles, and an antiship missile are also under continuing development. Tactical air defense missile systems, for protection of both land-based and sea-based forces, remain high priority programs.

In addition to funding contracts with industry in the missile research and development program, this activity is a major source of financial support for the operation of certain test and evaluation facilities, such as the Eastern and Western test ranges, the White Sands Missile Range, the Naval Weapons Center at China Lake, and the research and development programs at the Army's Redstone Arsenal.

Military astronautics and related equipment. This activity provides for programs directed toward the improvement of space technology for military purposes, and investigations and development of specific military applications of space vehicles. Major programs include military communications satellite systems and ballistic missile early warning systems. Continued support will be provided for flight experiment programs, and ground based applied research and technology development programs in such areas as secondary power sources and navigation, guidance, sensor, reentry, and propulsion systems. Both contractual and in-house efforts relating to space technology are funded from this activity.

Ships, small craft, and related equipment. This activity provides for design of new types of ships and for development of mine warfare weapons, shipboard equipment including command and control systems, and nuclear and nonnuclear propulsion plants. Antisubmarine warfare continues to be emphasized with development of ship and submarine sensors and countermeasures systems, as does advanced surface craft development with the expansion of the surface effects ship program. A significant portion of the effort at the Naval Ship Research and Development Center is funded under this activity.

Ordnance combat vehicles, and related equipment. This activity provides for the development, test, and evaluation of improved artillery, guns, rocket launchers, mortars, small arms, mines, grenades, torpedoes, nuclear and chemical munitions, and conventional air-launched weapons, as well as exploration and evaluation of new fuzes, propellants, explosives, detonators, dispensers, and armor. Systems contributing to increased or improved mobility, firepower, and counterinfiltration in limited and unconventional warfare in remote areas continue to receive major attention. Development will also continue on the MK-48 torpedo and on the medium anti-tank-assault weapon—Dragon—to replace the .90 millimeter recoilless rifle. This activity provides principal support for research and development activities at several Army arsenals and the Naval Ordnance Laboratory at White Oak, Md.

Other equipment. This activity provides for research, development, test, and evaluation of equipment not separately provided for under other activities. Examples of the types of programs funded here are ocean engineering systems and technology development, chemical and biological agent detection and protective devices, combat clothing, tactical data processing systems, communications and electronic warfare equipment, improved logistics and materiel handling, mapping and geodetic systems, and biomedical projects. Major emphasis will continue on development of tactical night vision devices, malaria therapy, the airborne warning and control system, and undersea surveillance systems. Much of the support for the research and development effort at the Army Electronic Research and Development Laboratories, the Mitre Corp., and the Lincoln Laboratories is provided under this activity.

Programwide management and support. For the Army and the Navy, this activity provides for those costs of operation, management, and maintenance of research, development, and test facilities which are not dstributed directly to other budget activities. For the Air Force it provides for certain costs of central administration such as the Air Force Systems Command headquarters and divisions, as well as several large research, development, test, and evaluation centers.

Emergency fund. The emergency fund enables the Secretary of Defense to support the exploitation of new scientific developments and technological breakthroughs and to provide for other unforeseen contingencies in the research, development, test, and evaluation programs.

Note: The 13 above paragraphs apply also to the tables below:

	1969 actual	1970 estimated	1971 estimated
Military sciences	$183,946	$162,000	$180,000
Aircraft and related equipment	124,642	95,000	135,000
Missiles and related equipment	721,860	893,000	893,000
Military astronautics and related equipment	5,705	11,300	10,000
Ships, small craft, and related equipment	100	400	1,000
Ordnance, combat vehicles, and related equipment	152,734	153,000	155,000
Other equipment	346,981	334,000	310,000
Programwide management and support	48,034	49,200	53,000
Total, direct	1,584,002	1,697,900	1,737,000
Reimbursable (total)	83,081	93,000	84,000
Total	1,667,083	1,790,900	1,821,000

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

	1969 actual	1970 estimated	1971 estimated
Military sciences	$163,009	$140,000	$140,000
Aircraft and related equipment	363,390	800,000	694,500
Missiles and related equipment	672,257	460,000	494,910
Military astronautics and related equipment	19,432	19,000	29,500
Ships, small craft and related equipment	330,258	290,000	374,500
Ordnance, combat vehicles, and related equipment	160,453	94,000	92,450
Other equipment	247,608	248,000	225,640
Programwide management and support	133,935	144,000	144,500
Total direct	2,090,342	2,195,000	2,196,000
Reimbursable (total)	607,682	115,000	81,000
Subtotal	2,698,024	2,310,000	2,277,000
Intrafund obligations	−312,851	−30,000	−30,000
Total	2,385,173	2,280,000	2,247,000

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

	1969 actual	1970 estimated	1971 estimated
Military sciences	$143,891	$135,017	$136,241
Aircraft and related equipment	566,379	711,468	834,170
Missiles and related equipment	968,374	903,365	772,680
Military astronautics and related equipment	1,035,837	644,270	439,585
Ordnance, combat vehicles, and related equipment	37,983	67,034	81,824
Other equipment	311,646	304,925	360,300
Programwide management and support	306,162	308,686	304,200
Total direct	3,370,272	3,074,765	2,929,000
Reimbursable (total)	213,844	230,000	230,000
Total	3,584,116	3,304,765	3,159,000

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

	1969 actual	1970 estimated	1971 estimated
Military sciences	$112,295	$115,000	$129,000
Aircraft and related equipment	572	483	----------
Missiles and related equipment	64,391	67,500	66,000
Military astronautics and related equipment	3,146	3,200	3,000
Other equipment	255,217	259,217	263,000
Programwide management and support	10,851	12,600	11,000
Total direct	446,472	458,000	472,000
Reimbursable	6,090	6,000	6,000
Total	452,562	464,000	478,000

EMERGENCY FUND, DEFENSE

	1969 actual	1970 estimated	1971 estimated
Research and development contingencies		$75,000	$50,000

CIVIL DEFENSE—RESEARCH, SHELTER SURVEY, AND MARKING

	1969 actual	1970 estimated	1971 estimated
Research and development	$5,026	$4,324	$3,500

Note.—Provides for improvement of the technical basis for ongoing and potential future civil defense programs and operations.

	1969 actual	1970 estimated	1971 estimated
Special foreign currency program, research	$187	$5,411	$2,829

REVOLVING AND MANAGEMENT FUNDS

	1969 actual	1970 estimated	1971 estimated
Navy industrial fund, research	$280,907	$947,186	$985,179
Air Force industrial fund, research activities	57,026	56,621	54,783

DEPARTMENT OF DEFENSE, CIVIL—DEPARTMENT OF THE ARMY, GENERAL INVESTIGATIONS—RESEARCH AND DEVELOPMENT

	1969 actual	1970 estimate	1971 estimate
Coastal engineering research and development studies	$2,274	$4,000	$3,500
Hydrologic studies	221	245	250
Civil works investigations	2,976	3,800	4,575
Mississippi basin model:			
Construction	2	5	
Maintenance	157	65	65
Computer application studies			150
Mississippi River comprehensive studies	156	61	
Nuclear explosive studies for civil construction	2,231	2,300	1,300
International hydrological decade	73	275	550

Research and development. Coastal engineering research and development studies deal with physical phenomena, techniques, basic principles, and remedial or control measures related to shore protection and improvement. The results of these studies are disseminated to interested Federal, State, and local agencies and individuals.

Civil works investigations are made to improve procedures for analysis of hydrologic and engineering data, refine design methods, develop better materials and practices for the construction and maintenance of hydraulic structures, and improve procedures used in formulating plans for water resources development. A scientific and technical information center will acquire published and unpublished literature, prepare and distribute abstracts, technical reviews, and evaluations, and answer inquiries for information from scientists and engineers to maintain their knowledge of new developments in their fields.

The Mississippi River Basin model is being utilized to improve operation of the reservoir system in the basin and to study potential flood levels on the lower river. A 1-year program of computer studies will be conducted to substitute mathematical models for the hydraulic model.

Nuclear explosives studies for civil construction are carried out as part of a joint research program with the Atomic Energy Commission. The objective is to develop an engineering capability to use nuclear explosives in the construction of public works projects. The Corps of Engineers has primary responsibility for chemical explosive experiments and development of engineering, construction, and cost data.

The International Hydrological Decade—1965-74—is a joint effort by some 100 countries to advance scientific knowledge of water to meet the growing demands for this resource more effectively. The Corps of Engineers component of the U.S. effort will be devoted to preparing for and conducting studies relative to the International Field Year on the Great Lakes in cooperation with Canada. In addition, the corps is preparing a technical report outlining techniques and procedures for determining hydrologic engineering criteria under conditions of limited data.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

	1969 actual	1970 estimated	1971 estimated
Air pollution control—Research, development, and demonstrations:			
Grants and contracts	$11,630	$28,456	$39,915
Direct operations	18,606	22,231	22,382

Research, development, and demonstrations. Grants and contracts: Grants are awarded to universities and other nonprofit institutions to conduct research into air pollution problems. Contracts relating to fuels and vehicles are used to accelerate research and development into new and improved methods, having industrywide application, for the prevention and control of air pollution resulting from the combustion of fuels. Special emphasis will be placed on development of technology for the control of sulfur oxides.

Direct operations: This activity includes research into the nature and extent of air pollution; its transport and atmospheric behavior; the effects on humans, other biological systems, property, and the atmosphere itself; and improvement in means for controlling pollution. The 1971 program will continue ongoing research in the control of vehicle emissions and sulfur oxides and the development of air quality criteria.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—MENTAL HEALTH—RESEARCH

	1969 actual	1970 estimated	1971 estimated
Grants	$91,630	$85,254	$87,740
Direct operations	22,412	25,982	26,389
Total, research	114,042	111,236	114,129

Research grants. Grants are awarded on a project basis for behavioral, clinical, psychopharmacology, and applied research in mental illness and health. Clinical research centers, research in special areas such as alcoholism, drug abuse, and violence, and general research support grants are also supported from this subactivity. Hospital improvement projects, which are awarded to State institutions for the mentally ill, are designed to improve the quality of care, treatment, and rehabilitation in these institutions.

Direct operations. Laboratory and clinical research is conducted in the behavioral and biological science; for example, psychiatry, socioeconomic studies, neurobiology, and neurochemistry. Additionally there is laboratory and clinical research in special mental health problems of neuropharmacology, clinical psychopharmacology, narcotic addiction, and alcoholism. This subactivity also supports the planning, development, and administration of grant and contract programs in behavioral sciences research, applied research, clinical research, and psychopharmacological research. It also includes those multidisciplinary programs which focus and coordinate the Institute's efforts in special areas of concern, such as alcoholism, drug abuse, suicide prevention, crime and delinquency, schizophrenia, and the mental health of children and families.

HEALTH SERVICES RESEARCH AND DEVELOPMENT—STUDIES, TRAINING, AND SYSTEMS DEVELOPMENT

	1969 actual	1970 estimated	1971 estimated
Grants and contracts	$16,846	$37,440	$50,867
Direct operations	7,850	3,850	5,025
Program direction and management services	1,390	1,212	1,511
Migrant health grants	6,218		
Mental retardation grants	14,297		
Total program costs, funded	46,601	42,502	57,403
Change in selected resources	20,338		
Total obligations	66,939	42,502	57,403

The National Center for Health Services Research and Development has been established as the principal agency within the Department of Health, Education, and Welfare to improve the organization, delivery, and financing of health services by stimulating and supporting research, research and development, demonstrations, and related training. The National Center is focusing on national priority problems in health services such as rising costs, unequal distribution, and utilization of health services, inadequate methods for planning and decisionmaking, and shortages of professional personnel. To make progress in solving these problems, both basic studies and action-oriented research and development are essential. To increase the number of people and institutions capable of conducting such studies and projects, research training and the development of research capabilities in academic and community organizations are supported.

Studies training and systems development. Grants and contracts: Funds are provided to carry out large-scale research and development projects for the specific purpose of increasing the availability and controlling costs of health services. Of the budgeted increase, $10,000,000 will be used to initiate the development of effective health care delivery systems at regional, State, and local levels. The experiments, under the supervision of the National Center, will be conducted jointly with regional medical programs and comprehensive health planning agencies in selected places throughout the Nation. The experiments should result in a number of working models of health care systems which could be utilized, with appropriate modifications, elsewhere in the Nation. First, basic studies. Grants and contracts are awarded to academic and other research organizations to conduct analyses of economic, social, and technological factors which have a basic effect on the organization, financing, and utilization of health services. Second, resource development. Grants and contracts are awarded to academic institutions for the development of health services research and development resources. Third, training and fellowships. Grants are awarded to institutions and to qualified scholars for supporting research training programs in the health services field.

Direct operations. This subactivity provides staff with the operational capability for both extramural and intramural research programs. It permits utilization of Federal direct health services and federally funded service programs, for the development, testing, and demonstration of improved health services techniques. It determines the strength of the research in such areas as cost containment, economic analysis, the improvement of health service institutions, technology, and community health services systems. The 1971 increase will provide for additional specialized staff to concentrate on the above areas, provide consultative services associated with the Center's program, and develop research training programs in universities and other appropriate settings.

Maternal and child health

Research and training:	
1969 actual	$15,188
1970 estimated	14,885
1971 estimated	17,085

Training. Grants are made to public or nonprofit institutions of higher learning including university-affiliated mental retardation centers for training personnel for health care and related services for mothers and children.

Research. The focus of this program is to support research which shows promise of substantial contribution to the advancement of maternal and child health or crippled children's services and to study the effectiveness of such programs through research grants, contracts, or jointly financed cooperative arrangements.

Advances and reimbursements—National Center for Health Services

Research and development:	
1969 actual	$72
1970 estimated	150
1971 estimated	150

NATIONAL INSTITUTES OF HEALTH

In 1971, the National Institutes of Health will initiate or expand its activities in several areas. In a major program expansion, the National Cancer Institute will increase research on viruses as the cause of cancer with the aim of developing a vaccine or other means for preventing virus-induced cancers. The National Heart and Lung Institute will initiate a national effort to predict and control the relationship between risk factors and the incidence of diseases of the heart and lungs. The National Institute of Child Health and Human Development will expand research on diseases and other factors affecting the health of infants and children and will increase efforts to develop safe and effective contraceptives. The National Institute of Dental Research will expand research efforts to understand the cause, and develop a means of preventing dental caries. Research on the biological effects of environmental pollutants will be increased by the National Institute of Environmental Health Sciences and on eye diseases and disorders by the National Eye Institute. Biomedical research on other diseases and disorders will be continued at about the 1970 level by the National Institute of Arthritis and Metabolic Diseases, the National Institute of Allergy and Infectious Diseases, the National Institute of Neurological Diseases and Stroke, and the National Institute of General Medical Sciences.

The missions of the research institutes and divisions are carried out through the following funding mechanisms: Research grants are awarded to individual researchers in support of projects which have been reviewed by study groups composed of outstanding scientists, recommended for their high scientific merit and approved by disease-oriented national advisory councils. Fellowships are awarded to promising individuals preparing for a research career in the biomedical sciences. Training grants are awarded to academic or research institutions which have demonstrated the ability to design and conduct successful training programs in one or more of the biomedical sciences.

In addition to grants, the research institutes and divisions of NIH support biomedical research through direct operations which can be categorized as follows: Laboratory and clinical research is conducted in the institutes' laboratory facilities and in a commonly shared clinical center facility. Collaborative research and development projects are conducted by NIH researchers in collaboration with other Federal and non-Federal institutions largely through contracts and thus are strongly oriented toward the solution of specific health problems in areas where the state of knowledge is sufficiently advanced to permit a more directed approach. Other activities under direct operations include biometry, epidemiology, and field studies, international research, and biologics standards. Funds are also included for program direction, research support and service activities, and review and approval of grants.

NATIONAL INSTITUTES OF HEALTH

	1969 actual	1970 estimated	1971 estimated
Research	$555,281	$527,871	$546,389
Fellowships	54,827	46,771	44,817
Training	141,565	131,751	131,970
Total grants	751,673	706,393	723,176
Laboratory and clinical research	87,828	90,264	102,544
Collaborative research and development	121,165	114,724	165,607
Other	47,426	47,206	44,221
Total direct operations	256,419	252,194	312,372
Facility planning and construction	500		
Total research institutes and divisions	1,008,592	958,587	1,035,548

These total obligations have not been included in the grand totals that appear at the end of this compilation, as they are duplicated below:

BIOLOGICS STANDARDS

	1969 actual	1970 estimated	1971 estimated
Program costs, funded	$7,985	$8,223	$8,640
Change in selected resources	45		
Total obligations	8,030	8,223	8,640

Activities include administration of the Biologics Control Act, establishment of standards for preparation of biologics, testing of vaccines and their preparation, and research related to development, manufacture, testing, and use of vaccines and analogous products.

NATIONAL CANCER INSTITUTE

	1969 actual	1970 estimated	1971 estimated
Research	$80,052	$75,144	$77,193
Fellowships	4,366	3,610	3,348
Training	11,636	10,774	10,774
Total grants	96,054	89,528	91,315
Laboratory and clinical research	16,438	17,842	18,820
Collaborative research and development	65,743	61,944	88,384
Review and approval	2,478	2,556	2,707
Program direction	1,212	1,136	1,157
Total direct operations	85,871	83,478	111,068
Total program costs funded	181,925	173,006	202,383
Change in selected resources	511		
Total obligations	182,436	173,006	202,383

Grants. Research grants will be supported. In addition, funds are provided for general research support grants and specialized research centers. Postdoctoral and special fellowships will be supported. Also, career award and career development fellowships will be supported. Training grants are awarded to accredited schools for the improvement of instruction in the curriculum; clinical training grants are awarded for training in such fields as surgery, pathology, radiobiology, radiotherapy, and internal medicine; and grants are awarded to research training centers for individual traineeships.

Direct operations. First: Research includes laboratory research in the fields of biochemistry, biology, pathology, and physiology and clinical research in the fields of dermatology, endocrinology, immunology, metabolism, and surgery. Second: Collaborative research and development. Research is conducted in the areas of etiology and cancer therapy. This activity includes several task forces including breast cancer and lung cancer. Research efforts include field studies, investigations, and contracts with public and private organizations and universities for the acquisition, development, and application of new knowledge pertinent to the prevention, control, and treatment of cancer.

XUM

NATIONAL HEART AND LUNG INSTITUTE

	1969 actual	1970 estimated	1971 estimated
Research	$99,632	$94,500	$100,468
Fellowships	6,933	6,563	6,195
Training	18,800	16,943	17,643
Laboratory and clinical research	13,375	13,840	15,663
Collaborative research and development	14,758	15,788	26,491
Biometry, epidemiology, and field studies	1,639	1,787	1,807
Training activities	219	169	165
Review and approval of grants	2,693	2,656	2,690
Program direction	682	624	625
Total program costs, funded	158,731	152,870	171,747
Change in selected resources	3,185		
Total obligations	161,916	152,870	171,747

Grants. Research grants will be supported. In addition, funds are provided for general research support grants, categorical and specialized research centers, and the heart cooperative drug study. Fellowship awards will be supported. For undergraduate training, funds will provide assistance to schools of medicine, osteopathy, and public health. Funds will also provide grants for graduate research and clinical training.

Direct operations. First: Laboratory and clinical research. Research is conducted to aid in the understanding of the cardiovascular system and its diseases, with emphasis in therapeutic agents, diagnostic instrumentation, surgery, and clinical medicine. Second: Collaborative research and development. Funds will support programs in myocardial infarction, artificial heart research, drug studies, blood resources, clinical applications, and pulmonary diseases. Third: Biometry, epidemiology, and field studies. This activity conducts and supports therapeutic evaluation, epidemiology, and biometrics research. Fourth: Inservice training is provided for positions requiring unique combinations of cardiovascular training and experience.

NATIONAL INSTITUTE OF DENTAL RESEARCH

	1969 actual	1970 estimated	1971 estimated
Research	$15,050	$14,516	$16,054
Fellowships	1,765	1,529	1,367
Training	5,492	5,206	5,206
Total grants	22,307	21,251	22,627
Laboratory and clinical research	4,844	4,954	5,833
Collaborative research and development	814	831	4,333
Biometry, epidemiology, and field studies	492	462	670
Review and approval of grants	704	722	724
Program direction	430	359	376
Total direction operations	7,284	7,328	11,936
Total program costs, funded	29,591	28,579	34,563
Change in selected resources	20		
Total obligations	29,571	28,579	34,563

Grants. Research grants support fundamental, clinical, and applied research studies in such areas as dental caries, periodontal disease, oral-facial growth and development, and dental restorative materials. Support is furnished for studies designed to advance scientific frontiers and exploit emerging research opportunities including investigation of the interplay of host, dietary, and microbiotic factors in dental caries; development of more effective therapeutic and preventive measures in periodontal disease; development of treatment procedures and determination of preventive measures for oral-facial anomalies; and work on the immediate problems of dental treatment through development of new and improved restorative materials and clinical methods. In addition, support is furnished for clinical research centers, dental research institutes, and general research support grants. Funds for fellowships are used for support of clinical and basic research training. Applications under this program are for special fellowships, predoctoral and postdoctoral fellowships, and career development and career awards. Training funds are the principal means of meeting the need for dental schools to teach clinical and basic sciences, and to conduct research.

Direct operations. First. Laboratory and clinical research studies conducted in Institute facilities are concerned with the causes, treatment, control, and prevention of such dental diseases and disorders as caries, periodontal disease, oral-facial anomalies, and oral cancer. Three primary approaches are used: Basic research directed at the acquisition of new knowledge as a means of solving dental health problems; field studies and clinical trials of new therapeutic and prevention concepts coming out of basic research; and further studies on the definition and distribution of oral-facial diseases and disorders on an epidemiologic or geographic basis. Much of this research will make direct contributions to the recently initiated national caries program. Second. Collaborative research and development. The programs in this activity involve contracts with public and private research and development organizations. Primary objectives include the development of new and improved dental restorative materials and support of the national caries program. Third. Biometry, epidemiology, and field studies. These activities are concerned with the planning, conduct, and analysis of epidemiological and field investigations concerning such matters as prevalence of oral disease, and effectiveness of new or improved methods of diagnosis, control, and prevention. A number of the studies conducted will be integral parts of the national caries program.

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES

	1969 actual	1970 estimated	1971 estimated
Research	$91,688	$86,027	$85,874
Fellowships	6,737	5,482	5,094
Training	16,109	15,072	15,072
Total grants	114,534	106,581	106,040
Laboratory and clinical research	15,690	15,897	16,953
Collaborative research and development	5,441	5,650	5,806
Biometry, epidemiology, and field studies	708	709	858
Review and approval of grants	2,307	2,226	2,157
Program direction	$396	$330	$338
Total direct operations	24,542	24,812	26,112
Total program costs, funded	139,076	131,393	132,152
Change in selected resources	1,221		
Total obligations	140,297	131,393	132,152

Grants. Research grants will be supported. Funds are also provided for general research support grants and clinical research centers. Fellowships will be supported. Training grants will be awarded to accredited schools for the improvement of instruction.

Direct operations. First. Laboratory and clinical research. Research is conducted in the fields of arthritis, rheumatism, diabetes, and other metabolic disorders, as well as studies in the major disciplines including pharmacology, physiology, biochemistry, nutrition, chemistry, pathology, endocrinology, physical biology, molecular biology, chemical biology, gastroenterology, hematology, and biomathematics. Second. Collaborative research and development projects are conducted cooperatively and under contract with individuals and institutions, including programs in scientific communications, such as the preparation of abstracts on specific areas of research interests; research and development conducted cooperatively and under contract leading to improved methods of hemodialysis and the development of a simpler, more economical and less cumbersome artificial kidney; and projects directed toward the preparation and distribution of hormonal substances. Third. Biometry, epidemiology, and field studies. Research and epidemiological studies are conducted on arthritis, diabetes, cholecystitis, iodine metabolism, and hyperuremia in American Indians and other special population groups, primarily long-range studies in the southwestern United States.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

	1969 actual	1970 estimated	1971 estimated
Research	$75,256	$55,528	$54,591
Fellowships	3,630	2,657	2,595
Training	19,502	14,300	14,300
Total grants	98,388	72,485	71,486
Laboratory and clinical research	10,691	10,036	10,852
Collaborative research and development	7,683	8,692	8,972
Biometry, epidemiology, and field studies	2,721	3,035	3,150
Training activities	63	64	62
Review and approval of grants	2,504	2,097	1,964
Program direction	763	469	486
Total direct operations	24,425	24,393	25,486
Total program costs, funded	122,813	96,878	96,972
Change in selected resources	3,271		
Total obligations	126,084	96,878	96,972

Grants. Research grants will be supported. In addition, funds are provided for general research support grants, clinical research center grants, and specialized research center grants. Fellowships will be supported. Graduate training grants will be supported. These grants are made to training institutions to establish and improve programs to train teachers and clinical investigators in neurology, ophthalmology, and otology. Traineeships will be awarded to individuals for specialized postgraduate training.

Direct operations. First. Laboratory and clinical research. Research is being conducted on disorders of the brain, and spinal cord and peripheral nerves, such as epilepsy, multiple sclerosis, apoplexy, and Parkinson's disease; on neuromuscular disorders, such as muscular dystrophy; hearing impairments; and the perinatal physiology studies using primates. Second. Collaborative research and development. These studies include the coordination and central service activities for the collaborative project on cerebral palsy, mental retardation, and other neurological and sensory disorders of childhood. Also included is the Institute's research programs on head injury and epilepsy. Third Biometry, epidemiology, and field studies. These studies include epidemiological, biometric, and international studies relating to cerebrovascular disease, speech and hearing disorders, and research on viruses and their effect on the central nervous system. Fourth. Training activities. Support is given for inservice training of qualified staff members in subjects related to neurological and other sensory disorders.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

	1969 actual	1970 estimated	1971 estimated
Research	$52,235	$56,205	$56,780
Fellowships	4,035	3,581	3,504
Training	9,463	8,972	8,972
Total grants	65,733	68,758	69,256
Laboratory and clinical research	15,350	15,547	16,818
Collaborative research and development	9,398	11,265	11,274
Training activities		105	93
Review and approval of grants	1,451	1,505	1,452
Program direction	415	319	326
Total direct operations	26,614	28,741	29,963
Total program costs, funded	92,347	97,499	99,219
Change in selected resources	264		
Total obligations	92,611	97,499	99,219

Grants. Research grants will be supported. In addition, funds are provided for general research support grants, clinical research centers, Gorgas Memorial Laboratory, and international centers for medical research and training. Fellowships will be supported. Training funds will provide grants to train individuals in allergy and immunology, tropical medicine, infectious diseases, parasitology, mycology, and rickettsiology.

Direct operations. First. Laboratory and clinical research. This research is conducted in the broad fields of allergic immunology, chronic and degenerative, and viral diseases. Current studies are concentrated on the natural antiviral substance—interferon—and its inducers. Immunological studies are concerned with the problems of allergy, transplanted organ rejection, mechanisms of protection against infections, and prevention of autoimmune diseases. Second. Collaborative research and development. Contracts are programed in the areas of vaccine development and testing; research reagents development; production and distribution; tissue transplantation immunology; and for the geographic medical science program. Third. Training activities. This activity was established to provide 2-year training of promising young scientists to work abroad as members of the U.S. biomedical research groups in medical research related to problems of an international nature which cannot ordinarily be undertaken in the United States.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

	1969 actual	1970 estimated	1971 estimated
Research	$83,217	$77,894	$78,193
Fellowships	21,373	17,626	17,142
Training	46,901	44,477	43,746
Total grants	151,491	139,997	139,081
Collaborative research and development	4,648	3,548	4,665
Training activities	353	279	268
Review and approval of grants	3,061	3,267	3,209
Program direction	1,350	1,108	1,153
Total direct operations	9,412	8,202	9,295
Total program costs, funded	160,903	148,199	148,376
Change in select resources	799		
Total obligations	160,104	148,199	148,376

Grants. Research grants will be supported. In addition, funds are provided for general research support grants, research and training resources, and research centers in diagnostic radiology and anesthesiology. Fellowships and training grants will be supported.

Direct operations. First. Collaborative research and development in the biomedical sciences and supportive areas are conducted by contract with institutions. Second. Training activities. This activity supports a program for training pharmacologists and toxicologists.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

	1969 actual	1970 estimated	1971 estimated
Research	$41,675	$43,131	$49,773
Fellowships	4,192	3,616	3,653
Training	10,012	9,392	10,142
Total grants	55,879	56,139	63,568
Laboratory and clinical research	6,434	6,262	9,102
Collaborative research and development	2,277	6,674	15,350
Biometry, epidemiology, and field studies	1,737	2,101	2,145
Training activities	81	71	73
Review and approval	1,958	2,040	2,178
Program direction	1,073	850	887
Total direct operations	13,560	17,998	29,735
Total program costs, funded	69,439	74,137	93,303
Changes in selected resources	1,766		
Total obligations	71,205	74,137	93,303

Grants. Research grants will be supported. In addition, funds are provided for general research support grants, clinical research centers, and mental retardation research centers. Postdoctoral and special fellowships will be supported. Also, career awards and career development fellowships will be supported, as well as training grants.

Direct operations. First. Laboratory and clinical research is conducted in five major program areas of child health and human development: Reproduction and population research—reproductive biology, endocrinology, and ecology. Perinatal biology and infant mortality—maternal-child interactions, maturation of motor and behavioral systems, and nutrition and development. Growth and development—neurophysiology, neurochemistry, and nutrition. Adult development and aging—cellular biology biochemistry, physiology, and psychology. Mental retardation—biochemistry, neurophysiology, and behavioral research. Second. Collaborative research and development. Supplements the Institute's five research programs primarily, through the contract mechanism. The research conducted is usually Institute initiated and is directed toward gaps in existing research or to expand on current studies of either the intramural program or the research grant program. This activity provides one of the most effective ways for coordinating program development in the five program areas. The main thrust of the Institute's population research program is accomplished through contract efforts within this activity. In addition to the contract activities, program liaison is maintained and advanced through support of interdisciplinary research conferences and symposia and through scientific information centers. Third. Biometry, epidemiology, and field studies. Through contracted research, this activity supports the Institute's scientific staff in planning and conducting studies dealing with the incidence, distribution, and control of health programs in certain populations. Efforts are also being made to develop more effective and reliable means for measuring health problems, to collect and analyze health data and to make statistical studies for use in initiating and evaluating scientific programs. Fourth. Training activities. This activity represents the NICHD career development program designed to help overcome the shortages of professional manpower in pediatrics and obstetrics and the lack of the necessary cross-disciplinary training required in the basic research programs of the Institute.

NATIONAL EYE INSTITUTE

	1969 actual	1970 estimated	1971 estimated
Research		$16,873	$18,372
Fellowships		876	876
Training		2,998	2,998
Total grants		20,747	22,246
Laboratory and clinical research		818	1,807
Collaborative research and development		332	332
Biometry, epidemiology, and field studies		334	330
Review and approval of grants		461	658
Program direction		130	313
Total direct operations		2,075	3,440
Total obligations		22,822	25,668

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Grants. Research grants will be supported. In addition, funds are provided for general research support grants and categorical clinical research center grants. Fellowships will be supported. Graduate training grants are made to training institutions to establish and improve programs to prepare clinical investigators and laboratory scientists for research and academic careers in disorders of the eye and visual system.

Direct operations. First. Laboratory and clinical research is conducted to increase available knowledge on disorders of the eye and visual system through a multidisciplinary blend of fundamental laboratory studies with clinical research aimed directly at specific vision disorders such as glaucoma, diseases of the retina, and choroid, cataracts, and uveitis. Second. Collaborative research and development. Funds will support various studies including those dealing with manpower needs and biomedical communications. Third. Biometry, epdemiology, and field studies. This activity supports the national vision research effort through the design of collaborative studies and biostatistical consultation with in-house and extramural programs. Causal factors of vision disorders are also sought by studies of population groups.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

	1969 actual	1970 estimated	1971 estimated
Research	$8,638	$7,903	$8,941
Fellowships	194	164	264
Training	3,650	3,617	3,117
Total grants	12,482	11,684	12,322
Laboratory and clinical research	5,383	5,068	6,696
Review and approval of grants	415	453	456
Program direction	398	363	369
Total direct operations	6,196	5,884	7,521
Total program costs, funded	18,678	17,568	19,843
Change in selected resources	−772		
Total obligations	17,906	17,568	19,843

Grants. Regular research grants will be supported, as well as environmental health centers. The grants activity supports research on the phenomena associated with the source, distribution, mode of entry, and effect of environmental agents on biological systems through grants to universities, research institutes, and other public or private nonprofit institutions. Under the fellowship program, predoctoral, postdoctoral, special, and research career development awards are made to graduate students and scientists for training in the field of environmental health sciences. The graduate research training program supports the availability of high quality training opportunities in environmental health. It has a threefold goal: To increase the number of highly qualified scientists primarily concerned with environmental health, to enable training institutions to strengthen and to enrich the research training capabilities, and to expand opportunities for environmental health research training in a greater number of graduate institutions throughout the United States.

Direct operations. Laboratory and clinical research. This activity supports the in-house research programs in environmental health sciences at the National Environmental Health Sciences Center in the Research Triangle Park, North Carolina. Included are research efforts in cell biology, pharmacology and toxicology, analytical and synthetic chemistry, biophysics and biomedical instrumentation, animal science and technology, pathologic physiology, epidemiology, biometry, epidemiologic pathology, and scientific information as well as the supporting services for these laboratories and branches.

John E. Fogarty International Center for Advanced Study in the Health Sciences—Grants

Research:	
1969 actual	-----
1970 estimated	$150
1971 estimated	150
Fellowships:	
1969 actual	193
1970 estimated	1,067
1971 estimated	779

The primary function of the International Center, which will be located at the National Institutes of Health, is to create the environment and provide the means to bring together scholars, scientists, and innovative minds for advanced study of the development of science as it relates to health and its implications for the future. Specifically, the Center administers a fellowship program to provide support for the broad international exchange of individuals for teaching, research, and study in the health and related sciences. It also administers the International Postdoctoral Research Fellowship program and its complementary program of grants to returning fellows. It serves as the focal point of the special foreign currency program for the National Institutes of Health. Further, the International Center provides leadership in planning and organizing conferences, seminars, and working scientific sessions developed around the major scientific problems, opportunities, trends, and developments to facilitate the progress of knowledge and to explore its implications for society.

Operations. Research—project—grants will be supported. In addition, funds are provided for scientific evaluation. Fellowships will be supported.

Health manpower

Manpower requirements and utilization—Grants:	
1969 actual	$3,895
1970 estimated	4,082
1971 estimated	4,082

Research grants support studies in the areas of physician methods and techniques, continuing physician education, effective use of health manpower, nursing care, and methods to deliver nursing care to patients. Research training grants enable institutions to establish training programs in fields where there is unusual demand for researchers having skills in nursing specialties and in the field of educational research.

DENTAL HEALTH

	1969 actual	1970 estimated	1971 estimated
Research	$651	$1,259	$1,259
Fellowships	63	150	150
Training	1	4,301	3,301
Direct operations	2,808	5,114	5,244
Total program costs, funded	3,523	10,824	10,954
Changes in selected resources	5,266		
Total obligations	8,789	10,824	10,954

Grants. Research grants support studies related to the distribution and supply of dental manpower, the organization of manpower and other resources for the delivery of dental services, and the promotion of preventive dental measures by practitioners and the public. Research fellowships support candidates for advanced degrees to prepare them to conduct research to help improve dental health in the area of dental education, preventive dentistry, organization and delivery of dental services, and dental diseases. Funds are provided to dental schools to support programs to train students to use dental auxiliaries. Research training grants support programs for training researchers in the applied dental sciences to produce high-quality investigators. Projects to provide continuing education for dental practitioners will be supported.

Direct operations. Funds are provided for programs to insure that there is an adequate supply of dental manpower to meet the growing needs for dental treatment and services. Particular attention will be given to further increasing the productivity of the private dentist through use of auxiliaries performing expanded functions in the dental office. The educational process will be studied for improvements in curriculums and methods for teaching dental students. Continuing programs will be maintained in the area of the prevention and control of dental diseases and conditions and in the more effective organization and delivery of dental services to the public.

RESEARCH RESOURCES

	1969 actual	1970 estimated	1971 estimated
Research	$61,033	$59,310	$60,310
Fellowships	135	126	126
Training	376	352	352
Direct operations:			
Collaborative research and development	1,133	1,384	1,384
Review and approval of grants	1,229	897	909
Program direction	729	609	620
Office of International Research	11,969		
Division of computer research and technology	3,554	4,462	
Engineering development	812		
Total program costs, funded	80,970	67,140	63,701
Change in selected resources	1,950		
Total obligations	82,920	67,140	63,701

The programs administered by the Division of Research Resources are oriented toward providing the resources and facilities necessary for the conduct of biomedical research, including support for the maintenance of laboratory animals and the provision of specialized resources such as large-scale equipment to improve multidisciplinary research capabilities of institutions. The Division also administers the general research support grants program.

Grants. General clinical research centers, special research resources, and animal resources—including primate centers—will be supported. Fellowship awards and training grants will be supported.

Direct operations. Collaborative research and development: Research is conducted in collaboration with Federal and non-Federal institutions through contracts. Included are chemical/biological information handling program, special research resources, surveys of animal resources, and development of standards for laboratory animal facilities.

Buildings and facilities—Research facilities:	
1969 actual	------
1970 estimated	$3,615
1971 estimated	3,139
Scientific activities overseas (special foreign currency program)—Foreign health research:	
1969 actual	16,618
1970 estimated	4,297
1971 estimated	32,444

Research efforts are directed toward the prevention, control, and treatment of specific disease and health problems in the United States and abroad. Emphasis is placed on institutional development in host countries through training, demonstration, and information dissemination.

The increase requested in 1971 will be directed toward biomedical research activities—particularly in the areas of family planning and nutrition.

General research support grants—Obligations

1969 actual	$60,700
1970 estimated	57,677
1971 estimated	45,977

Amendment of the Public Health Service Act provides for grants-in-aid to universities, hospitals, laboratories, and other public or nonprofit institutions for the general support of research and research training in sciences related to health. The act specifies that this program will be supported with funds provided for research grants through the appropriations for the National Institutes of Health and the National Institute of Mental Health.

National Institutes of Health Management Fund—Research services

1969 actual	$4,592
1970 estimated	4,843
1971 estimated	4,900

This fund was established to facilitate the conduct of operations of the National Institutes of Health which are financed by two or more appropriations.

Research services provide the central administration and operation of services for the conduct of research activities such as providing laboratory animals, culture media, and glassware; design and fabrication of laboratory instrumentation; operating the NIH medical reference library including the translation of medical literature; scientific photography and medical arts; and environmental engineering services.

Service and supply fund—Research animals

Cost of goods sold:	
1969 actual	----
1970 estimated	$129
1971 estimated	140
Other:	
1969 actual	----
1970 estimated	1,365
1971 estimated	1,233

The NIH animal facilities provide small and large research animals to the research laboratories. The facilities include breeding, holding, and conditioning facilites for mice, rats, guinea pigs, rabbits, hamsters, dogs, cats, primates, and ungulate animals.

Advancements and reimbursements—Medical research

1969 actual	$2,230
1970 estimated	988
1971 estimated	969

Office of Education

Education for the handicapped—Research and innovation:	
1969 actual	$19,328
1970 estimated	21,530
1971 estimated	26,500

Research and innovation. Grants and contracts are awarded for the development of new curricular materials, teaching techniques, research and development centers, and other research and demonstration projects. In 1971 large programmatic efforts will replace many of the small awards of previous years. More awards will be continued, providing intensive research in critical areas. As a result, fewer new awards will be made.

Grants or contracts are awarded for the establishment and operation of regional resource centers to develop and apply the methods of appraising the special educational needs of handicapped children. Grants are also made for model centers to provide diagnostic, educational, and related services to deaf-blind children and for research in the field of physical education and recreation for handicapped children. Contracts are made for the acquisition, captioning, production, and distribution of films and other educational media, for conducting research in the use of educational media, and the training of persons in the use of the materials for the handicapped.

Vocational and Adult Education—Vocational research and innovation:	
1969 actual	-------
1970 estimated	$14,150
1971 estimated	25,650

Vocational research and innovation. Grants are made to States, colleges, universities, and other institutions to develop new models for upgrading vocational education programs and for stimulating new ways to create a bridge between school and earning a living for school dropouts and youth who graduate from high school lacking employable skills. Grants are also made for the development of curriculums for new and changing occupations. In 1971, a proposal will be made to expand the authority for exemplary projects to incorporate complementary provisions now contained in separate authorities for curriculum development and research activities.

Research and training

Research and development:	
1969 actual	$77,572
1970 estimated	65,135
1971 estimated	71,339
Training:	
1969 actual	6,709
1970 estimated	6,350
1971 estimated	6,250

Research and development. In 1971, priority will be placed on reading, early childhood development, and evaluation of educational programs. A total of $4,500,000 is included for continuation of a national study of the educational attainment of the population under the administration of the Education Commission of the States. An amount of $5,000,000 is provided for program evaluation studies. Research and development centers and educational laboratories will study specific problem areas and develop instructional programs for use in the Nation's schools.

Training. Grants are awarded for the training of manpower to carry out educational research, development, evaluation, and related activities. Awards are also made to develop materials for use in such training programs. During 1970, the research training program will be reviewed to determine which efforts are producing the best results. New projects awarded in 1971 will be based on the outcome of the current review.

Social and Rehabilitation Service—Research and training

Research and demonstrations:	
1969 actual	$24,795
1970 estimated	31,222
1971 estimated	40,360

Grants and contracts to support research and demonstration projects which hold promise of making a contribution to the solution of vocational rehabilitation problems common to all or several States, and for the conduct of research or demonstration projects relating to programs carried on or existing under the Social Security Act, some of which are administered in cooperation with the Social Security Administration; those relating to the prevention and reduction of dependency; and those which will aid in effecting coordination of planning between private and public welfare agencies. For support in the United States of foreign rehabilitation research projects funded by excess foreign currencies. The $40,360,000 requested in 1971 will provide for research and demonstration projects in the areas of: Rehabilitation, $22,360,000; graduated work incentives related to income maintenance, $12,000,000; social services, $4,500,000; and drug utilization, $1,500,000.

Social and rehabilitation activities overseas (Special foreign currency program)

Social and rehabilitation research:	
1969 actual	$5,711
1970 estimated	2,439
1971 estimated	7,000

The Agricultural Trade Development and Assistance Act of 1954 and the International Health Research Act of 1960 authorize the conduct of research and related activities abroad. Research, demonstration, and research training pro-

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grams are supported primarily with foreign currencies accruing to the United States through the sales of surplus agricultural commodities and through other sources.

Research and demonstration programs are directed to the solution of problems which hold promise of contributing knowledge to the advancement of rehabilitation both in the United States and in other countries. Research training and fellowships are provided and exchanges of rehabilitation experts are arranged between the United States and cooperating foreign countries to increase the rehabilitation research resources both here and abroad.

Studies of urban social welfare and delivery of social services are conducted in countries selected because of the country's experiences and research facilities in programs such as urban social services, community development, methods to strengthen family life, control and prevention of juvenile delinquency, and services for the aging. Cooperative projects including seminars and expert consultation contribute new knowledge valuable to social welfare programs in the United States, the country concerned, and internationally.

Continuing collaboration among investigators from different disciplines engaged in gerontological research maximizes the benefit of findings and increases the possibility of drawing general conclusions of cross-national applicability. Multinational studies on providing more effective services to the aged will be expanded and new projects will build upon findings growing out of completed or ongoing projects. Comprehensive neighborhood services will be developed to help older persons obtain needed services and lead more productive lives. A series of studies will explore changes in life patterns as persons grow older. In addition, some investigations will be made of the psychological factors associated with the aging process during the middle years of life.

Department of Housing and Urban Development

Urban Research and Technology—Other[1] contracts, studies, and performance of research:

1969 actual	$8,658
1970 estimated	9,460
1971 estimated	12,100

[1] Other than Operation Breakthrough.

The Housing Acts of 1948 and 1956 and the Demonstration Cities and Metropolitan Development Act of 1966 authorize a program of research into housing, urban technology, metropolitan growth, and urban problems.

Other contracts, studies, and performance of research. The program for studies and research is carried out primarily through contracts and grants with other Federal agencies, educational institutions, nonprofit private research organizations, and private corporations. When economy and effectiveness would be served, studies may be carried out by staff of the Department or by a combination of staff and contract work, as best suits the problem. In 1971, a major portion of the program will be directed at devising new methods for rehabilitating deteriorated housing and for preventing deterioration which would create a future need for extensive rehabilitation. Other major areas of programs emphasis will be: Improving public facilities and services, gathering data on housing and mortgage markets, applying university resources to urban problems, and improving State and local government procedures and methods for dealing with urban problems.

Department of the Interior—public land management—Bureau of Outdoor Recreation—salaries and expenses

Planning and research:

1969 actual	$2,648
1970 estimated	2,500
1971 estimated	2,400

Funds are provided for nationwide outdoor recreation planning, encompassing all aspects of outdoor recreation, taking into consideration activities of the Federal, State, and local governments and the private sector; the conduct of recreation studies and reporting on river basins and water resource projects, and for the conduct of studies of other areas having significant potential for meeting outdoor recreation needs; and for the conduct of research studies and reports on factors and conditions relating to current and future outdoor recreation purposes, uses, and needs.

Mineral resources—Geological Survey

Surveys, investigations, and research water resources investigations:

1969 actual	$28,964
1970 estimated	30,702
1971 estimated	32,542

The continuing national program of water resources investigations has the objectives of seeing that the Nation's water resources are appraised and that the necessary water data to develop and manage them efficiently are available when needed. The program produces data and information relevant to the flow and sediment discharge of rivers, location and quantity of underground waters, chemical quality and temperature of waters, changes caused by nature and by man, availability and suitability of water supplies for present and future demands—all of which are essential to water planning and management. Included, also, is the research needed to increase our understanding of fundamental principles of water occurrence, movement, and interaction with its environment, and also to increase the accuracy and usefulness of water data through improvements in technology. Increased funds for 1971 are requested to expand the Federal-State program in data-deficient segments of the national water data system, to develop information and a research base relative to determining the potential of saline aquifers as sources of supply or for storage of wastes, to begin field coordination of data acquisition as a preliminary to preparing a Federal plan for water-data acquisition, and to publish the highest priority manuscripts in the current backlog of publications.

BUREAU OF MINES—CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES—RESEARCH

	1969 actual	1970 estimated	1971 estimated
Coal	$6,962	$6,968	$8,468
Petroleum	2,574	2,695	2,295
Oil shale	2,525	2,413	2,413
Metallurgy	10,746	12,147	12,235
Mining	4,750	6,391	7,691
Marine mineral mining	1,695	925	925
Explosives	596	663	663

Coal. Coal research is carried out to maintain the technological competence necessary to achieve maximum utility from this vast resource and help satisfy the ever-increasing national energy requirements. To this end, the research effort is directed toward developing economic and more efficient methods of synthesizing fuels from coal and converting coal energy to electrical power as well as providing basic information for the development of new and better uses to enhance the quality of the environment. The 1971 estimate provides for the design of a small prototype plant to optimize the gasification process criteria, converting coal to high-B.t.u. pipeline gas.

Petroleum. Research is devoted to providing more petroleum and natural gas and greater efficiency in the extraction and utilization of these energy resources in the interest of the national welfare. Attention is directed to increasing the resource base through improved technology, developing new uses and products from oil and gas of higher quality and lower cost, and improving the environment by combating the causes of pollution.

Oil shale. Oil shale research is conducted to provide the scientific and engineering competence needed to establish and administer a national oil shale policy to insure its efficient development. Additionally, the program will help stimulate industry to initiate the commercial production of shale oil and associated oil shale minerals. Of particular interest are new in situ techniques for retorting ungraded shale, problems dealing with the disposal of resultant wastes and the chemical and physical properties of kerogen and shale oil.

Metallurgy. Research is carried out seeking new and improved processes to extract, recover, purify, fabricate, and recycle metallic and nonmetallic minerals for the most efficient utilization of this Nation's resources attainable through increased production, reduced costs, and a minimum of waste. Of particular interest is research leading to improved iron and steel processing technology, more efficient extraction methods for copper and other base metals, new extraction and processing techniques for aluminum and magnesium, and research on effective recovery and reuse of mineral material from urban waste.

Mining. Mining research is conducted to develop improved extractive systems through technological advancement of fundamental subsystems elements to in-

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crease significantly total output at the least cost. An integral part of this objective are the provisions for the maintenance of health and safety and the preservation of the environment. Concerted research effort is focused on the efficient control of methane to eliminate potentially hazardous concentrations of explosive gas.

Marine mineral mining. Research is directed toward developing the tools and techniques for evaluating marine mineral deposits, defining technological problem areas and establishing mining system criteria to assure compatability with the marine environment. Interest is centered on the technology of drilling at sea and the feasibility of using geophysical methods to characterize marine mineral deposits as well as determining what possible consequences marine mining might have on other mining resources.

Explosives. Explosive and explosions research is conducted to provide technologic information and guidance to Federal, State, and local government agencies and industry on safe handling and use of commercial explosives and blasting agents, safety characterstics of explosives certified for use in underground mines where gas/dust explosions might occur, hazards associated with flammable liquids and gases and potentially explosive chemicals of commerce, and the means of combating and controlling fires and explosions occurring in minerals and mineral fuels.

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Health and safety

Health and safety research:	
1969 actual	$2,323
1970 estimated	11,020
1971 estimated	20,620

Research is directed toward developing mining procedures and devices to avoid, detect, or control those aspects of mining and the working environment which involve potential personal hazards to mine workmen. The continuing effort to assure a much safer environment and working conditions for miners involves research to develop the technology for inherently safer mining methods, equipment, techniques, and systems to adequately cope with current and future mining conditions. Research is conducted on the support of mine roof and control of overburden, ventilation of mines, methods of reducing formation, and of allaying harmful and combustible dusts and of coping with other mine air contaminants, prevention of underground fires and propagation of methane and dust explosions, provision of safe electrical equipment and installations, improvements in mining machine design to reduce noise and optimize other man/machine interrelationships to enhance health and safety, development of improved and practical instrumentation for detecting and measuring content of methane, dust, and other contaminants in mine atmosphere, and development of improved postdisaster life support and rescue technology for coal mining.

Helium fund

Research expense:	
1969 actual	$1,015
1970 estimated	1,300
1971 estimated	1,318

The Helium Research Center will continue its program in basic and applied research. Emphasis will be placed on improvements in processes, production methods, purification, liquefaction, and utilization, in order to increase technical literature and knowledge of helium and helium-bearing gas mixtures.

OFFICE OF COAL RESEARCH—SALARIES AND EXPENSES

	1969 actual	1970 estimated	1971 estimated
Administration and contract supervision	$392	$448	$495
Contract research	8,341	13,654	17,105
Total program costs, funded	8,733	14,102	17,600
Change in selected resources	4,800		
Total obligations	13,533	14,102	17,600

The Office of Coal Research develops, through research, new and more efficient methods of mining, preparing, and utilizing coal and contracts for, sponsors, cosponsors, and promotes the coordination of, research with recognized interested groups—including, but not limited to, coal trade association, educational institutions, and agencies of States and political subdivisions.

The Office of Coal Research is responsible for developing the full potentiality and versatility of coal as the Nation's largest energy resource to the maximum benefit of the United States. The Office is devoting its efforts to expand the use of coal through development of new uses as well as within presently known fields of utilization. The scientific and technical aspects of the program are performed through a program of contract research.

Contract research. The entire research activity cited above as the responsibility of the Office is represented in the contract aspect of its operation. Contract research activities are conducted with profit and nonprofit research organizations. Contracts vary from complete government funding to joint funding. Only applied research and development projects are undertaken. Several have now reached the pilot plant phase of their development. No grant research projects are carried on, and basic research is extremely limited—only insofar as a project may support other ongoing research.

Fish and wildlife, parks, and marine resources—Bureau of Commercial Fisheries—Management and investigations of resources

Research:	
1969 actual	$12,735
1970 estimated	14,473
1971 estimated	13,316
Research on fish migration over dams:	
1969 actual	1,437
1970 estimated	1,510
1971 estimated	1,310

Research is conducted. On variations in abundance of important commercial food fishes and other aquatic animals; on declining species and fishery resources; on cultivation of aquatic animals, including shellfish; and in the design of fish protective devices.

Research on fish migration over dams. Investigations are conducted to determine factors influencing direction and rate of movement of anadromous fish over dams, for consideration in designing future dams.

Management and investigations of resources (Special foreign currency program)

Research:	
1969 actual	$140
1970 estimated	100
1971 cost	75

These funds finance biological research conducted on: Variations in the abundance of important commercial food fishes and other aquatic animals, discovering and conserving declining species, cultivation of fishery resources, and a translation program to gain biological research information from foreign fishery publications and reports.

FEDERAL AID FOR COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT

	1969 actual	1970 estimated	1971 estimated
Aid to States	$4,449	$4,460	$4,260
Resource disaster aid	77	1,063	
Program administration	201	240	240
Total program costs, funded	4,727	5,763	4,500
Change in selected resources	129	337	—460
Total obligations	4,855	6,100	4,040

The Commercial Fisheries Research and Development Act of 1964 authorized assistance to the States, Puerto Rico, American Samoa, the Virgin Islands, and Guam for commercial fisheries research and development; and assistance directly to the commercial fishing industries in cases where there is a commercial fishery failure due to a resource disaster arising from natural or undetermined causes, or to prevent such a resource disaster.

Aid to States. States are reimbursed up to 75 percent of the cost of approved commercial fisheries research and development projects, within their respective apportionment of funds appropriated for such purposes.

Promote and develop fishery products and research pertaining to American fisheries

Research:	
1969 actual	$4,307
1970 estimated	4,301
1971 estimated	3,799
Research on fish migration over dams:	
1969 actual	45

These funds supplement moneys appropriated to the Bureau of Commercial Fisheries for the same purposes under the appropriation for Management and Investigations of Resources.

Bureau of Sport Fisheries and Wildlife—Management and investigations of resources

Fishery research:	
1969 actual	$4,027
1970 estimated	4,410
1971 estimated	4,674
Wildlife research:	
1969 actual	8,181
1970 estimated	8,496
1971 estimated	8,902

Fishery research. Research is conducted to provide information needed for improved methods of sport fishery management. The program includes: Studies of the factors governing sport fish productivity in the natural environment, both marine and freshwater; studies of how hatchery fish can be produced more efficiently and used more effectively; studies of the effects of pesticides on fish and to develop methods of controlling fish that are pests. Results are used by Federal, State, and private fishery managers.

Wildlife research. Research is conducted on game and nongame, resident, and migratory forms of wildlife. Results are used by the Bureau as well as cooperating Federal, State, and private agencies to improve wildlife management and conservation practices. Wildlife units are also maintained to give technical training in wildlife management, conduct research, and demonstrate improved management practices.

MANAGEMENT AND INVESTIGATIONS OF RESOURCES (SPECIAL FOREIGN CURRENCY PROGRAM)

	1969 actual	1970 estimated	1971 estimated
Fishery research			$10
Wildlife research			40
Total program costs, funded			50
Change in selected resources			50
Total obligations			100

Activities in foreign countries under this appropriation complement domestic programs financed by the regular appropriation for management and investigations of resources.

Water and power development—Bureau of Reclamation—General investigations

General engineering and research:

1969 actual	$6,849
1970 estimated	7,897
1971 estimated	9,257

Studies directed toward improvements in planning procedures and in engineering methods and materials. Included are studies of atmospheric water resources and techniques for conserving water on Federal irrigation projects.

WATER QUALITY AND RESEARCH—OFFICE OF SALINE WATER SALINE WATER CONVERSION

	1969 actual	1970 estimated	1971 estimated
Research and development	$22,421	$17,896	$15,775
Construction, operation, and maintenance:			
Test beds and facilities	2,654	4,700	4,500
Modules	511	1,200	2,900
Administration and coordination	1,929	2,139	2,378
Total program costs, funded	27,515	25,935	25,553
Change in selected resources	−2,280	41	3,820
Total obligations	25,235	25,976	29,373

This program finances the research on, and development of, low-cost processes for converting saline water to fresh water in quality suitable for municipal, industrial, and agricultural uses.

Research and development. Both basic and applied research, engineering and development, and evaluation work are accomplished by means of contracts or grants to Federal or non-Federal agencies, institutions, commercial organizations, and consultants.

Construction, operation, and maintenance. This activity provides for the design, construction, acquisition, operation, maintenance, and modification of saline water conversion test bed plants, facilities, and modules to determine the practical application of the conversion processes under development.

Federal Water Pollution Control Administration—Pollution control operations and research

Research, development, and demonstration:

1969 actual	$58,353
1970 estimated	50,721
1971 estimated	44,594

Grants and contracts are made to public and private agencies, institutions, and individuals for research and for field investigations and studies of an applied nature. Their purpose is to test and illustrate the applicability of research findings and newly devleoped techniques to problems of water pollution and particularly those related to industrial waste pollution problems, combined sewer problems, advanced waste treatment, water purification, and joint treatment of municipal and industrial wastes problems. Nearly 64 percent of the total estimate for this activity is for these purposes. The balance of the estimate is to carry out activities in the Federal Water Pollution Control Administration laboratories, to conduct field studies and demonstrations, and to provide technical management for the grants and contract programs.

ADVANCES AND REIMBURSEMENTS

	1970 actual	1970 estimated	1971 estimated
Research, development, and demonstration	$105	$156	$156

SECRETARIAL OFFICES—OFFICE OF THE SECRETARY

	1969 actual	1970 estimated	1971 estimated
Underground Electric Power Transmission Research:			
Administration and contract supervision			$120
Contract research			580
Total program costs, funded			700
Change in selected resources			300
Total obligations			1,000

The Department of the Interior will participate in a joint private-public research program to reduce the costs of placing high-voltage transmission lines underground.

Administration and contract supervision. The Office of the Assistant Secretary for Water and Power Development will perform all necesary functions related to the administration of research contracts.

Contract research. The contract research, in cooperation with the Electric Research Council, will be conducted with commercial organizations, educational institutions, nonprofit research organizations, and other governmental agencies where expertise may exist.

OFFICE OF WATER RESOURCES RESEARCH—SALARIES AND EXPENSES

	1969 actual	1970 estimated	1971 estimated
Assistance to States for institutes	$5,088	$5,100	$5,100
Matching grants to institutes	2,717	3,000	3,000
Additional water research	2,230	2,000	3,500
Scientific information center	654	516	900
Administration	593	665	812
Total program costs, funded	11,282	11,281	13,312
Change in selected resources	−130		
Total obligations	11,152	11,281	13,312

The objective of this program is to stimulate, sponsor, provide for, and supplement present programs for the conduct of research, investigations, experiments, and the training of scientists in the fields of water and of resources which affect water, in order to assist in assuring the Nation at all times of a supply of water sufficient in quantity and quality to meet the requirements of its expanding population.

Assistance to States for institutes. This activity provides for specific grants to all 50 States and Puerto Rico for assistance in carrying on the work of a competent and qualified water resources research institute at one college or university in each State. The function of such institute is to conduct research, investigations, and experiments of either a basic or practical nature, or both, in relation to water resources and to provide for the training of scientists through such research, investigations, and experiments. States may elect to use their grants in support of regional institutes in which several States participate.

Matching grants to institutes. This activity provides for grants to match, on a dollar-for-dollar basis, funds made available to institutes by States or other non-Federal sources to meet the necessary expenses of specific water resources research projects which could not otherwise be undertaken.

Additional water research. This activity provides for grants to, and contracts and matching or other arrangements with, educational institutions, private foundations, or other institutions, with private firms and individuals whose training, experience, and qualifications are adequate for the conduct of water research projects, and with local, State, and Federal Government agencies, to undertake research into any aspects of water problems related to the mission of the Department of the Interior which are deemed desirable and which are not otherwise being studied.

Scientific information center. This activity provides for the operation of a water resources scientific information center. The objectives of center operations are to be responsive to the needs of water resources officials and organiza-

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tions by making information available concerning water resources research results and developments, to avoid replication of research, and to improve communications and coordination of efforts among all these engaged in federally sponsored water-related research.

Administration. This activity provides for the administration of the Water Resources Research Act including the prescribing of rules and regulations, review and appraisal of Institute programs and research proposals, making and monitoring of allotments, contracts, and grants; establishment and maintenance of cooperation and coordination among the centers and between the centers and Federal and other organizations concerned with water resources.

Department of Justice—Bureau of Narcotics and Dangerous Drugs—Salaries and expenses

Drug abuse prevention—Supporting research:	
1969 actual	$991
1970 estimated	1,309
1971 estimated	1,318

The Bureau is engaged in a variety of applied research projects directed at studying the pharmacological effects of narcotic substances, the patterns of drug distribution, the causes of abusive drug use, development of test methods to detect addiction, and wide dissemination of factual information on the short- and long-term effects of the use of specific drugs.

Department of Labor—Manpower Administration—Salaries and Expenses

Experimental, demonstration, and research programs:	
1969 actual	$20,344
1970 estimated	19,890
1971 estimated	20,918
Planning, research, and evaluation:	
1969 actual	4,408
1970 estimated	3,903
1971 estimated	4,233

Experimental, demonstration, and research programs. A wide-range manpower research program is carried on to investigate and study programs which give promises of furthering activities under the Manpower Development and Training Act and its amendments. Areas of study include appraisal of manpower requirements and resources, unemployment resulting from automation and technological advances, mobility of workers, adequacy of manpower development efforts, and manpower utilization.

The Office of the Associate Manpower Administrator is responsible for the planning, research, and evaluation necessary to develop and implement a comprehensive manpower program. It provides leadership, coordination, and direction to the manpower research program. It provides continuing review and appraisal of operating programs. It identifies and develops solutions, through policy exploration, proposed legislation, research, experimental and demonstration programs, and evaluation for special manpower problems.

POST OFFICE DEPARTMENT—CURRENT AUTHORIZATIONS OUT OF GENERAL FUNDS

	1969 actual	1970 estimated	1971 estimated
Contribution to the postal fund, operating costs, funded:			
By annual appropriation (limitation): Research, development, and engineering	$30,942	$44,161	$57,930
By advances and reimbursements: Research, development, and engineering	2		
Capital outlay:			
By annual appropriation (limitation): Research, development, and engineering	38		
CURRENT AUTHORIZATIONS OUT OF POSTAL FUND			
Research, development, and engineering operating costs, funded:			
General research	$2,986	$8,958	$10,994
Applied research and development	17,422	20,816	27,744
Capital outlay: Applied research and development	38		

General research. This activity includes the operations research and human engineering programs. Operations research includes long-term systems engineering, the application of advanced management sciences to the research and development program and the identification and/or analysis and evaluation of new technological capabilities. Human enginering provides for the conduct of studies and tests in the areas of mechanization, design, and the improvement of environmental conditions.

Applied research and development. This activity provides for the applied research and development program, designed to modernize the postal service. Toward this end, the program will provide designs for better sorting equipment, facing and canceling equipment, optical address readers, improved employee training equipment, improved equipment to assure security to the mail and postal property, and development of techniques and equipment to improve employee working conditions and safety.

DEPARTMENT OF TRANSPORTATION

	1969 actual	1970 estimate	1971 estimate
Office of the Secretary Transportation, Planning, Research, and Development:			
Transportation policy and planning	$4,960	$6,223	$7,500
Transportation technology	648	4,615	12,200
Transportation facilitation	55	250	300
Special programs	35	150	2,000
Total program costs, funded	5,698	11,238	22,000
Change in selected resources	2,287	2,000	
Total obligations	7,985	13,238	22,000

This appropriation finances those research activities and studies which directly support the Secretary's responsibilities and which can more effectively or appropriately be conducted in the Office of the Secretary rather than by the operating administrations within the Department. The program is carried out primarily through contracts with other Federal agencies, educational institutions, and nonprofit research organizations, and private firms.

Transportation policy and planning. Studies and analyses are conducted on a broad range of transportation policy and economic problems to determine national transportation requirements and to provide the Secretary with the information and analyses needed for effective decisionmaking on national transportation policies, plans, and programs. Included are programs to forecast transportation demand, to develop models and other analytical devices that will help assess alternative courses of action, to conduct economic and statistical studies designed to assess the effects of economic regulation, and to examine the interrelationship of transportation with changing economic factors and forces. Projects are also carried out to develop new methods and effective programs to provide transportation information needed by the Federal, State, and local governments, and industry. Amounts are also included for the ongoing programs to develop plans for meeting the transportation needs of the Northeast Corridor as well as studies and research relating to transportation systems development as it affects national urban and environmental policy.

Transportation technology. Projects are carried out to advance transportation technology generally: to seek solutions to transportation problems which are intermodal in nature; to provide information and forecasts on new technology required as a basis for planning and development of transportation systems, policies, and programs; to conduct research on longer range technical problems in transportation; and to manage research programs of such priority that they demand secretarial emphasis. In 1971, funds are requested to continue and expand advanced research and development efforts on equipment and techniques to fully automate certain air traffic control functions and to increase air traffic capacity. In general, projects are designed to complement research and development programs of the operating administrations and to stimulate industry efforts to advance transportation technology.

Transportation facilitation. Research and studies in this area are aimed at reducing the costs and removing the impediments to the rapid and efficient flow of passengers and cargo by modernizing our systems of transportation documentation and procedures. Projects will also be directed at realizing the economic and technological benefits of important transportation developments which can be achieved through cooperative research and development arrangements with foreign countries.

Projects in this activity are chiefly to provide technical studies and other data in support of the Department's programs in the areas of hazardous materials and pipeline safety regulation.

SPECIAL PROGRAMS

	1969 actual	1970 estimated	1971 estimated
Advances and reimbursements—Transportation research	$95	$900	$900

COAST GUARD—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

	1969 actual	1970 estimated	1971 estimated
Search and rescue	$27	$483	$978
Aids to navigation	53	718	776
Marine safety	176	830	510
Marine law enforcement	204	2,833	2,000
Oceanography, meteorology, and polar operations	356	3,285	6,246
Program support	965	1,500	2,560
Total direct program costs, funded	1,781	9,649	13,070
Change in selected resources	2,087	4,983	10,930
Total direct obligations	3,868	14,632	24,000
Oceanography, meteorology, and polar operations		100	
Change in selected resources	60	−60	
Total reimbursable obligations	60	40	
Total obligations	3,928	14,672	24,000

This appropriation provides for administration and conduct of basic and applied scientific research, development, test, and evaluation with maintenance, rehabilitation, lease, and operation of facilities and equipment.

Search and rescue. The program includes projects to increase our search effectiveness, for both cooperative and noncooperative targets, and to improve our rescue capability under adverse weather conditions. Comparative model testing and analytical development of domestic icebreaking capability will be continued in 1971, together with an evaluation of icebreaking concepts developed in 1970.

Aid to navigation. Work will be continued toward developing an all-weather harbor approach and navigation system, which will build on the knowledge gained in the San Francisco Harbor advisory radar project initiated in 1969. Additional effort will be directed toward developing subsystems for an improved, short range audiovisual aids to navigation system.

Marine safety. This program includes activities directed toward developing safety requirements for nonmilitary submersibles. The submersible effort will include both search and rescue features and construction standards for nonmilitary submersibles. The various activities in developing commercial vessel safety standards for U.S.-flag vessels will continue. Investigations into the disaster potential of hazardous materials transported by vessels will continue, while a new effort will determine the hull forms for Great Lakes ore ships.

Marine law enforcement. The major emphasis in this program is on oil pollution control in the coastal and offshore environment. Containment systems developed in 1970 will be tested and development of oil recovery systems will be intensified. Development of oil slick surveillance and forecasting systems, and investigations of special control techniques will be continued, as will research leading to the development of a hazardous material information system. Recreation boating safety 1970 efforts directed toward the reduction of boating accidents will continue.

Oceanography, meteorology, and polar operations. This program includes oceanographic research and data collection in the Arctic area, with emphasis on ice research. The program includes evaluation of airborne detection systems for measuring ice coverage, thickness, strength, and movement.

In 1971, the advanced development phase of the national data buoy development project will continue, leading to the deployment of preprototype test buoys in 1972 and 1973.

Federal Aviation Administration

Operations—Research direction:

1969 actual	$10,669
1970 estimated	11,606
1971 estimated	11,649

This activity covers the planning and evaluation of the research and development program, the direct project costs of which are financed under the "Research and development" appropriation; and related administrative support for the operation of the National Aviation Facilities Experimental Center at Atlantic City, N.J.

RESEARCH AND DEVELOPMENT

	1969 actual	1970 estimated	1971 estimated
Air traffic control	$25,932	$29,366	$34,212
Navigation	4,282	5,600	5,142
Aviation weather	452	400	800
Aircraft safety	2,887	4,252	5,346
Aviation medicine	2,008	1,962	2,000
Total obligations	35,561	41,580	47,500

Research and development is conducted through contracts with qualified firms, universities, and individuals, or by agency staff or other government agencies.

Air traffic control. This provides for improving the airways system by the development of systems for automation of air traffic control to expedite aircraft operations and improve aviation safety. This also provides for a program aimed at solving the problem of inadequate capacity of the present and near future airports-airways systems to meet projected aviation requirements. The objective is to double the capacity of the airports-airways systems by 1980 and increase by five times over current capacity by 1995.

Navigation. This provides for modernization, expansion, and improvements of the common system navigation facilities in the United States and in overseas areas where international agreements require U.S. participation. Work in the fields of landing systems, short and long distance navigation, and flight inspection is included.

Aviation weather. This provides for a program, coordinated with the Departments of Defense and Commerce, to develop devices and improve techniques for the communication and display of weather information to aviation users. The effects of weather in air traffic management techniques and systems are also analyzed.

Aircraft safety. This activity provides for a program, coordinated with the Department of Defense and the National Aeronautics and Space Administration, to study, develop, and evaluate devices to enhance the safety of civil aircraft. Also included are the analysis and solution of noise and sonic boom problems.

Civil supersonic aircraft development

Civil supersonic aircraft research and development—obligations:

1969 actual	$93,762
1970 estimated	184,039
1971 estimated	289,965

The objective of this program is to develop a supersonic transport which will be safe, economically profitable in airline service, and more technically advanced than any other commercial aircraft. To the extent possible, the development is being carried out by private enterprise in a manner which will maintain the normal industry-customer relationship. Because of the magnitude of the funds required to develop the aircraft, the technical risk associated with this first U.S. supersonic transport, and the long period between investment and potential profit, Government financial support is essential. The program is a cost-sharing venture involving the Government, the aircraft manufacturers, and their customers—the airlines.

The program is now in the prototype construction phase which includes 100 hours of flight testing. The amount requested is a current estimate of funds needed in 1971 to continue work on the construction of two prototype aircraft.

Federal Highway Administration

Traffic and highway safety—Research and analysis:

1969 actual	$10,163
1970 estimated	19,682
1971 estimated	28,621

These funds are required for motor vehicle and highway safety research and development activities and for the collection of data from all sources for the purpose of determining the relationship between motor vehicle or motor vehicle equipment performance characteristics and crashes involving motor vehicles and the occurrence of death or personal injury as a result of such crashes.

Motor carrier safety

Research and development:

1969 estimated	
1970 estimated	
1971 estimated	$340

Bureau of Public Roads limitation on General expenses (trust fund)

Program development—Research and development:

1969 actual	$10,997
1970 estimated	14,346
1971 estimated	15,363

This is direct and contract research and development relating mainly to traffic operations, new construction techniques, and the social and economic aspects of highways.

FEDERAL-AID HIGHWAYS (TRUST FUND)—DIRECT PROGRAM

	1969 actual	1970 estimated	1971 estimated
Grants for planning and research	$70,781	$75,000	$75,000

FEDERAL RAILROAD ADMINISTRATION—HIGH-SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT

	1969 actual	1970 estimated	1971 estimated
Research and development	$9,228	$12,133	$16,020
Demonstrations	1,635	7,800	7,313
Administration	817	889	1,100
Total program costs, funded	11,680	20,822	24,433
Change in selected resources	1,033	1,899	−2,745
Total obligations	12,713	22,721	21,688

This appropriation finances research and development and demonstrations programs in high-speed ground transportation.

Research and development. This includes materials, aerodynamics, vehicle propulsion, vehicle control, communications, guideways, and research testing on new systems, components, and techniques.

Demonstrations. This provides for conducting demonstrations to determine the contributions that high-speed ground transportation can make to more efficient and economical intercity transportation systems. Demonstrations of improved services will be conducted to measure and evaluate public reaction and acceptance of such services. Travel needs and preferences will be analyzed and performance and costs compared.

RAILROAD RESEARCH

	1969 actual	1970 estimated	1971 estimated
Railroad research—program costs, funded	$97	$448	$950
Change in selected resources	121	100	550
Total obligations	218	548	1,500

This appropriation provides for research which deals exclusively with railroad matters. During 1970 and 1971, emphasis will be placed on conducting research studies relating to: Railroad safety, rail-highway grade crossing safety, and policy formulation involving a wide range of rail industry problems.

Urban Mass Transportation Administration—Urban mass transportation fund—Capital outlay

Research, development, and demonstration grants:	
1969 actual	$3,426
1970 estimated	21,300
1971 estimated	20,000
University research and training grants:	
1969 actual	41
1970 estimated	3,000
1971 estimated	3,000

The Urban Mass Transportation Act of 1964, as amended, authorizes grants and loans to public bodies for, among other things, demonstration and research projects designed to meet urban transportation needs and improve urban transportation service.

Research, development, and demonstration grants. Federal grants and contracts assist in the development, testing, and demonstration of new ideas, methods, and technologies for improving mass transportation systems and services. In 1971, the program is expected to further the changes in emphasis that were started in 1969 and 1970. Efforts will be directed toward: solutions of problems in user and community acceptance, stimulating private investments in promising areas of technological innovation, and influencing institutional constraints which inhibit the development and application of new systems.

University research and training grants. Grants under this activity provide: fellowships for training personnel of the transit industry and assistance to public and private institutions of higher learning in the conduct of programs in training and research of public transit problems.

FEDERAL AVIATION ADMINISTRATION—AIRWAYS AND AIRPORT DEVELOPMENT

	1969 actual	1970 estimated	1971 estimated
Expanded airways and airport development—Research and development		$20,500	$12,500

ATOMIC ENERGY COMMISSION—OPERATING EXPENSES

	1969 actual	1970 estimated	1971 estimated
High energy physics	$118,630	$120,530	$119,450
Medium energy physics	11,266	12,790	13,140
Low energy physics	29,620	29,480	27,860
Mathematics and computer research	5,686	5,800	5,410
Chemistry research	54,482	53,970	51,980
Metallurgy and materials research	27,719	27,930	26,980
Controlled thermonuclear research	26,541	27,680	29,610
Total physical research	273,944	278,180	274,430
Biology and medicine	88,779	89,450	88,300
Civilian applications of nuclear explosives	12,959	14,500	8,000

Physical research. This program comprises basic and applied research in the physical sciences.

The Commission serves as executive agent for the Nation's high energy physics program. An increase is required for preconstruction research and development support associated with design and experimental utilization of the 200 Bev accelerator. Small increases are required for the alternating gradient synchrotron and Stanford Linear Accelerator Center.

The increase in medium energy physics is primarily for the Los Alamos Meson physics facility to continue construction related research and development and to prepare for the experimental and theoretical research programs.

The objective of thermonuclear plasma research is to determine whether the energy released by thermonuclear reactions can be controlled and made useful. This research is expected to expand in 1971 to complete fabrication of large new experimental devices and initiate others needed to test recent concepts for improved plasma confinements and expand the research associated with these concepts.

Biology and medicine. Basic and applied research and development is conducted on the effects of radiation on living organisms and on the environment, protection against the injurious effects of radiation, and development of methods for using radioactive materials in the diagnosis, treatment, and understanding of human diseases such as cancer. The program includes measurement and study of the effects of radioactivity—including fallout—in the atmosphere, soils, fresh water, and oceans for establishment of standards to insure that AEC activities are conducted safely. The program is coordinated with other government agencies conducting programs in related aspects of biomedical research.

In 1971, emphasis will be given to studies of effects of plutonium and radon on the lung in order to minimize the hazards to uranium miners and others who might be exposed to these materials. There will also be an evaluation of effects of the discharge of heated effluents from nuclear powerplants. Important research on effects on radiation and other environtal mutagenic agents in the production of mutant organisms will be continued. The radiation preservation of foods program will also be continued.

Civilian applications of nuclear explosives. This program, also known as Plowshares, provides for the investigation, development, and demonstration of peaceful uses for nuclear explosives. The 1971 budget provides for continuation of research and development aimed at a fundamental understandinig of nuclear explosive design and explosion phenomenology and its application. The 1971 budget also provides for an expansion of the underground engineering phase of the program, including field testing of nuclear explosive designs suitable for such underground engineering applications as natural gas production stimulation, natural gas storage, and recovery of copper from low-grade ore bodies and continuation of efforts on several cooperative underground engineering projects.

PLANT AND CAPITAL EQUIPMENT

	1969 actual	1970 estimated	1971 estimated
Facilities and equipment for:			
Physical research	$109,905	$129,427	$119,540
Biology and medicine	12,151	5,785	6,500
Civilian applications of nuclear explosives	725	475	800

GENERAL SERVICES ADMINISTRATION—RECORDS ACTIVITIES, NATIONAL ARCHIVES GIFT FUND

	1969 actual	1970 estimated	1971 estimated
Historical research and publications	$401	$345	$320

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—RESEARCH AND DEVELOPMENT, DIRECT PROGRAM

	1969 actual	1970 estimated	1971 estimated
Manned space flight:			
Apollo	$2,263,331	$1,629,000	$1,100,000
Apollo applications program	167,144	341,000	470,000
Space shuttle and station		10,000	65,000
Advanced manned mission studies	5,086	5,400	3,000
Scientific investigations in space:			
Physics and astronomy	150,856	139,400	120,500
Lunar and planetary exploration	97,427	179,000	171,000
Bioscience	39,762	21,200	14,200
Launch vehicle development and support	73,186	64,300	77,800
Space applications	98,861	116,300	176,000
Space technology	211,537	198,400	176,900
Aviation technology	85,874	96,800	98,000
Supporting activities:			
Tracking and data acquisition	326,136	285,000	289,000
Sustaining university program	27,167	21,000	15,000
Technology utilization	3,939	4,000	4,000
Total direct program costs, funded	3,550,306	3,110,800	2,780,400

REIMBURSABLE PROGRAM

	1969 actual	1970 estimated	1971 estimated
Manned space flight:			
Apollo	$592	$1,500	$725
Apollo applications program		300	
Scientific investigations in space:			
Physics and astronomy	1,104	3,200	895
Bioscience	95		
Space applications	39,472	86,600	16,180
Space technology	26,902	33,100	48,650
Aviation technology	2,673	5,900	3,350
Supporting activities:			
Tracking and data acquisition	726	699	
Sustaining university program		27	
Technology utilization	2	142	
Total reimbursable program costs	71,566	131,468	69,800
Total program costs, funded	3,621,872	3,242,268	2,850,200
Change in selected resources	−209,134	124,813	−174,300
Total	3,412,738	3,367,081	2,675,900

The National Aeronautics and Space Administration was established for the conduct of the nonmilitary space programs of the United States, including the exploration of space and its utilization for peaceful purposes, and to conduct and support advanced research and development related to space and aeronautics in support of both civil and military requirements. This appropriation provides for research and development activities of the National Aeronautics and Space Administration as follows:

Manned space flight. These programs include completion of currently approved Saturn V launch vehicles, Apollo command and service modules, and lunar modules; the development of the Saturn V workshop; the development of lunar science and earth orbital science, applications, and technology experiments; the definition and design of a manned reusable earth to orbit space vehicle and a semipermanent earth orbit space station; launch and flight operations; and studies and research on future manned space systems.

Apollo. Various space flights have provided the initial basis for an understanding of the moon and its relationship to the earth and the solar system. The moon affords an unequaled opportunity to study the formative processes of the solar system, without the obliterating consequences of terrestrial erosion. Data from this source will provide a better understanding of the evolutionary history of earth and the dynamic processes that continue to transform it. Additional lunar missions are planned in a continuing effort to increase our knowledge of the moon through its exploration and the conduct of scientific experiments.

Apollo applications program. The Apollo applications effort commences manned earth orbital missions directed toward accomplishing life science, astronomy, application and technology objectives. It will begin with a launching of the Saturn V workshop in late 1972 with its experiment systems followed by manned missions to the workshop for nearly a year using Saturn IB's to launch Apollo command and service modules.

The space shuttle and space station are the key elements in future space operations. The space shuttle will provide a low-cost reusable space vehicle for transporting men, supplies, and satellites to and from earth orbit. Definition, design, and advanced technology studies in critical areas will continue in 1971, with emphasis on the airframes, avionics, and the liquid hydrogen/oxygen engine. The space station will be capable of long duration operations to conduct scientific, applications, and technology experiments. The 1971 effort will focus on the design of the basic module and experiments for the space station and the conclusion of initial definition studies started in 1970.

Advanced manned mission studies. This program examines advanced manned space flight program concepts and develops technical information and other data upon which future program decisions can be based.

Scientific investigations in space. The objective of this activity is to increase our knowledge of the earth, interplanetary space, the moon, the sun, the solar system, other stars and galaxies, and the effects of the space environment on living organisms. The flight systems used are sounding rocket probes, orbiting spacecraft, and spacecraft designed for planetary and interplanetary missions.

Physics and astronomy. This program is directed toward the increase of our knowledge of the space environment of the earth and the sun; the sun's relationship to the earth's environment and to interplanetary space, stars, and nebulae. It is a coordinated research program with national and international participation. A variety of tools are used in this research including automated observatories, interplanetary spacecraft, explorers, sounding rockets, balloons, aircraft, ground based observatories, and laboratory and theoretical research.

Lunar and planetary exploration. This program is directed toward increasing our knowledge of the moon, the planets, and other bodies in the solar system through ground based research and by direct observations from automated spacecraft. An orderly program of exploration of another celestial body includes fly-bys, orbiters, and landing missions. Orbiter missions will be flown using Mariner spacecraft in 1971. In 1975, combined orbiter-lander missions will be flown by the Viking project. These spacecraft will continue the photographic, spectrographic, and radiometric observations of the planet's surface and atmosphere from orbit, and will make the first direct measurements of the atmosphere and surface features from landing vehicles. Exploration of Jupiter will begin with Pioneer fly-by spacecraft to be launched in 1972 and 1973. In addition to making visual observations of the planet's features, the spacecraft will measure magnetic and radiation fields in the vicinity of Jupiter and in interplanetary space. The exploration of Venus will be continued and the exploration of Mercury begun by a single Mariner spacecraft to be launched in 1973 to fly by both planets. Lunar exploration effort will be devoted to continuing laboratory investigation, theoretical and planning studies to increase our scientific knowledge of the moon, and to improve experiments on future lunar missions.

Bioscience. This program will continue to investigate the origin, nature, and distribution of life in the universe. These investigations will be based on analysis of data from the biosatellite spacecraft, and from planetary missions and manned flights.

Launch vehicle development and support. This program includes those launch vehicle activities which are not specifically chargeable to spacecraft missions such as range support, launch operations, and maintenance engineering necessary to sustain and improve the performance of existing vehicles.

Space applications. The objective of this activity is to achieve and expand the beneficial applications of space flights in the fields of meteorology, earth resources, geodesy, communication, and navigation. Specific objectives are to improve satellite instrumentation and data-handling technology; to provide data for atmospheric, earth resources, and geodetic research; to participate in design and development of operational satellite systems as required; and to study advanced satellite systems.

The earth resources survey program will continue to develop the technology for surveying the earth's resources from space. The major areas of interest are: agriculture/forestry, geology/mineralogy, hydrology/oceanography, and geography/cartography. In 1971, work on an earth resources technology satellite for experimental application of the technology developed in the earth resources survey program will continue. Flight experiments and activities will also be carried out with the Tiros, Nimbus, applications technology, and geodetic satellites, on an experimental synchronous meteorological satellite, and on meteorological sounding rockets.

Space technology. This activity is composed of research and development effort relating to space vehicle systems and operations, and associated equipment and components for space missions. Emphasis is placed on space vehicle structures, auxiliary power systems, propulsion systems, and life support technology, with particular emphasis on their application to the development of a space shuttle and space station. The program includes continuation of development of a flight type Nerva I nuclear rocket engine having a thrust of about 75,000 pounds to provide basic propulsion capability for future high energy, high payload missions; including a reusable orbit-to-orbit transfer vehicle. The improvement of electronic systems for control, data acquisition, and communications will be continued. Much of the foregoing effort as well as other basic research is carried out in laboratories and special ground-based test facilities located at the various NASA centers.

Aviation technology. The objective of this activity is to extend the national capability in aeronautics in cooperation with other Government agencies having aeronautical interests and responsibilities such as the Department of Defense and Transportation. Aviation research will continue in V/STOL, subsonic, supersonic, and hypersonic technology in support of civil and military aircraft development. Continued emphasis will be placed on research in noise reduction and alleviation, and greater effort will be applied to V/STOL aircraft.

Supporting activities. Tracking and data acquisition. Operation and equipment of the stations of the NASA tracking and data acquisition networks are provided for here, as well as research and development to increase the capability of the specialized ground equipment.

RESEARCH AND PROGRAM MANAGEMENT—DIRECT PROGRAM

	1969 actual	1970 estimated	1971 estimated
Scientific investigations in space	$78,300	$87,400	$85,800
Space technology	119,100	125,400	122,700
Aviation technology	78,500	84,800	82,700
Reimbursable program:			
Space technology	460	569	569

VETERANS' ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH

	1969 actual	1970 estimated	1971 estimated
Operating costs, funded:			
Medical research	$42,391	$48,135	$49,227
Prosthetic research	1,281	1,609	1,898
Total operating costs, funded	43,672	49,744	51,125
Capital outlay, funded:			
Medical research	6,626	7,995	8,030
Prosthetic research	33	39	45
Total capital outlay	6,659	8,034	8,075
Total program costs, funded	50,331	57,778	59,200
Change in selected resources	−38		
Total obligations	50,293	57,778	59,200

Medical research projects are conducted in Veterans' Administration laboratories or in other institutions on a contract basis, whichever is more advantageous or economical.

In addition to amounts provided for the medical research program by direct appropriation, the Veterans' Administration receives advances, grants, and donations from the National Institutes of Health and from other organizations sponsoring medical research. Various affiliated medical schools also receive grants for research in which the Veterans' Administration participates.

Construction of hospital and domiciliary facilities

Research facilities:

1969 actual	$2,316
1970 estimated	5,413
1971 estimated	4,128

This activity provides for construction of medical research facilities.

Advances and reimbursements

Medical and prosthetic research:

1969 actual	$414
1970 estimated	500
1971 estimated	500

Arms Control and Disarmament Agency—Arms control and disarmament activities

External research and field testing:

1969 actual	$3,602
1970 estimated	2,900
1971 estimated	2,000

The external research and field testing activities are conducted through contracts or grants with nongovernmental research organizations and through reimbursement agreements with other U.S. Government departments and agencies. The proposed 1971 research and field test program will emphasize the control, limitation, and reduction of strategic offensive and defensive weapons systems in support of the bilateral negotiations on strategic arms limitations.

Advances and reimbursements

External research and field testing:

1969 actual	$65
1970 estimated	120
1971 estimated	120

Federal Communications Commission

Salaries and expenses—research and planning:

1969 actual	$1,927
1970 estimated	2,300
1971 estimated	1,833

The Commission undertakes broad studies designed to improve the utilization of the radio spectrum, approves certain equipment for public use, and licenses experimental radio stations.

Intergovernmental agencies—Appalachian Regional Commission, miscellaneous trust fund accounts

Appalachian Regional Commission technical support to local development districts and research programs:

1969 actual	$150
1970 estimated	200
1971 estimated	200

The Appalachian Regional Commission contracts with public and private organizations for research, investigations, studies, and demonstration projects which will further the purposes of the Appalachian Regional Development Act.

NATIONAL SCIENCE FOUNDATION—SALARIES AND EXPENSES

	1969 actual	1970 estimated	1971 estimated
Support of scientific research:			
Scientific research project support	$176,025	$175,000	$190,000
Specialized research facilities and equipment	7,216	6,000	6,200
National and special research programs	13,480	27,500	59,000
National research centers	28,564	27,200	37,100
Total obligations	225,285	235,700	292,300
Planning and policy studies	2,422	2,500	2,900

The programs of the National Science Foundation provide basic support for development of fundamental knowledge in all fields and disciplines and development of related manpower. Funds are included to continue support of the required discipline-oriented research but with a markedly increased emphasis in promoting research in areas where new scientific understanding is needed to aid in the solution of pressing problems affecting mankind.

Increased funds are planned for interdisciplinary research directed at problems of our society, and additional emphasis will be given to projects in the environmental area, including studies of atmospheric processes, oceanography, and ecological systems.

Increased funds are also included for three new programs in the national and special research programs category. These are the arctic research program, the earthquake engineering program, and the International Decade of Ocean Exploration. The arctic research program will focus on ecological studies along the north slopes of Alaska and environmental changes introduced by recently initiated development of this region. The International Decade of Ocean Exploration is planned to enhance and augment research in ocean sciences which will contribute to the more effective utilization of the ocean environment and ocean resources.

Increased funds are also included for continued U.S. participation in the international biological program to permit the Foundation to initiate major integrated research efforts on biological productivity and human adaptation to changing environments, as well as studies of complete ecosystems.

Support of scientific research. The budget provides for the award of grants and contracts in the various activities as follows:

Scientific research project support. Under this program, the Foundation provides support based on merit, for unsolicited research projects submitted by individual scientists or groups of scientists and for research in specific areas determined by the Foundation to require increased support to promote the national interests.

Specialized research facilities and equipment. The Foundation provides support for major specialized scientific facilities and items of equipment, primarily at colleges and universities, required for the conduct of advanced scientific studies.

National and special research programs. The Foundation develops and supports programs in this category in those instances where the magnitude of the effort requires planning and funding on a national basis and in situations where a special research effort is likely to have a beneficial impact on current problems.

National research centers. The Foundation supports the development and operation of national research centers to meet national needs for research in specific areas of science requiring facilities, equipment, and operational support beyond the finanical capabilities of academic institutions.

Planning and policy studies. This activity supports surveys and analytical studies of research and development within the various sectors of the economy and the current and projected status of scientific manpower and other resources required for the conduct of scientific activities. These studies are related to the formulation of national policies concerning science.

Scientific activities—Special foreign currency program

Research and other science activities:

1969 actual	-----
1970 estimated	-----
1971 estimated	$1,000

Under this program, the Foundation provides support for the translation, publication, and dissemination of foreign scientific literature considered to be of interest to the U.S. scientific community. In addition, support will be given to research, science education, and other science activities, authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended.

Small Business Administration

Salaries and expenses, research contracts:

1969 actual	$103
1970 estimated	50
1971 estimated	150

Research studies designed to reveal matters materially affecting the competitive strength of small business and the effect on small business of Federal laws, programs, and regulations are financed under this activity.

Smithsonian Institution

Salaries and expenses, research and scholarship:

1969 actual	$7,970
1970 estimated	8,909
1971 estimated	11,042

The Smithsonian Institution, among other things, conducts research in the natural and physical sciences and in the history of cultures, technology, and the arts.

MUSEUM PROGRAMS AND RELATED RESEARCH (SPECIAL FOREIGN CURRENCY PROGRAM)

	1969 actual	1970 estimated	1971 estimated
Grants for museum programs and related research in the natural sciences and cultural history	$3,924	$3,061	$5,000
Change in selected resources	−2,014		
Total obligations	1,901	3,061	5,000

Grants for programs in archeological research, excavation and restoration, systematic and environmental biology, astrophysics, and museum sciences. The Smithsonian Institution will continue the program of awarding grants to American universities, museums, or other institutions of higher learning interested in conducting research or excavations in archeology, research on systematic and environmental biology, and programs in museum sciences in the excess foreign currency countries.

TARIFF COMMISSION—SALARIES AND EXPENSES

	1969 actual	1970 estimated	1971 estimated
Direct program:			
Research, investigation, and reports	$3,355	$3,574	$3,292
Executive direction and administration	489	565	553
Total direct program costs, funded	3,844	4,139	3,845
Change in selected resources	−60		
Total direct program	3,784	4,139	3,845
Reimbursable program: Research, investigations, and reports	10	10	10
Total obligations	3,794	4,149	3,855

The major responsibility of the Commission is to assess the impact of foreign trade policies of the United States and of other countries on domestic industries, firms, and workers, and to provide the President, the Congress, and the public with reports on these and other tariff matters. The growing complexity of the Nation's foreign trade relations and the changing patterns of world trade emphasize the importance of research, investigations, and reports on tariff and trade matters.

TEMPORARY STUDY COMMISSIONS

	1969 actual	1970 estimated	1971 estimated
Commission on Obscenity and Pornography:			
Investigation and recommendations—obscenity and pornography	$270	$1,349	$124
Change in selected resources	88	−88	
Total obligations	358	1,261	124

Primarily the Commission has been concerned with its investigation of obscenity and pornography in the United States in an effort to determine whether more effective means should be devised to control such materials.

Commission on Population Growth and the American Future, salaries and expenses

Conduct and sponsor studies and research on problems of population growth and their implications for America's future:

1969 actual	------
1970 estimated	$378
1971 estimated	688

The purpose of the Commission will be to examine the ways in which the probable course of population growth between now and the year 2000 will affect the quality of life in the United States and the activities of Federal, State, and local governments.

U.S. Information Agency

Acquisition and construction of radio facilities, research and development:

1969 actual	$66
1970 estimated	320
1971 estimated	200

RECAPITULATION

[In thousands of dollars]

	Fiscal 1969	Fiscal 1970	Fiscal 1971
Legislative branch	3,266	3,815	4,559
Judicial branch	155	180	395
Office of Emergency Preparedness	494	1,091	880
Appalachian regional development programs	3,241	5,502	7,500
World Health Organization	150	150	150
Office of Economic Opportunity	56,638	56,950	78,800
Department of Agriculture	304,723	307,511	315,235
Department of Commerce	134,029	150,375	169,782
Department of Defense	8,735,442	9,261,394	9,117,192
Department of Health, Education, and Welfare	1,590,175	1,507,900	1,666,744
Department of Housing and Urban Development	8,658	9,460	12,100
Department of the Interior	215,752	227,247	243,078
Department of Justice	991	1,309	1,318
Department of Labor	24,752	23,793	25,151
Post Office Department	51,428	73,935	96,668
Department of Transportation	260,339	453,132	574,026
Atomic Energy Commission	498,463	517,817	497,570
General Services Administration	401	345	320
National Aeronautics and Space Administration	3,689,098	3,665,250	2,967,669
Veterans' Administration	53,023	63,691	63,828
Arms Control and Disarmament Agency	3,667	3,020	2,120
Federal Communications Commission	1,927	2,300	1,833
Appalachian Regional Commission	150	200	200
National Science Foundation	227,707	238,200	296,200
Small Business Administration	103	50	150
Smithsonian Institution	9,880	11,970	16,042
Tariff Commission	3,794	4,149	3,855
Commission on Obscenity and Pornography	358	1,261	124
Commission on Population Growth and the American Future		378	688
U.S. Information Agency	66	320	200
Total	15,819,384	16,542,432	16,127,148

Research will continue in engineering development, equipment design, and radio propagation techniques applicable to the Voice of America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WHITEHURST (at the request of Mr. GERALD R. FORD), for February 25 and 26, 1970, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Dent, for 30 minutes, today: to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Wiggins) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Price of Texas, for 10 minutes, today.

Mr. Steiger of Wisconsin, for 30 minutes, today.

Mr. Gonzalez (at the request of Mr. Alexander), for 10 minutes today; to revise and extend his remarks and include extraneous matter.

Mr. Matsunaga (at the request of Mr. Alexander), for 60 minutes today, on February 26; to revise and extend his remarks and include extraneous matter.

Mr. Nedzi, for 60 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Patman concerning the services of Hon. Richard C. White of the 16th District of Texas, and to include extraneous matter.

(The following Members (at the request of Mr. Wiggins) and to include extraneous material:)

Mr. Conte.
Mr. Wyatt.
Mr. Quillen in four instances.
Mr. Dennis.
Mr. Bell of California.
Mr. Crane.
Mr. Dellenback.
Mr. Horton.
Mr. Wiggins.
Mr. Ashbrook.
Mr. Duncan in two instances.
Mrs. May.
Mr. McDade in two instances.
Mr. Findley.
Mr. Foreman.
Mr. Price of Texas in two instances.
Mr. Hall.
Mr. Morton.
Mr. Bow.
Mr. Cunningham in five instances.
Mr. Wydler.
Mr. Scherle.
Mr. Martin.
Mr. Saylor.

(The following Members (at the request of Mr. Alexander) and to include extraneous matter:)

Mr. Rivers in three instances.
Mr. Thompson of New Jersey.
Mr. Fraser.
Mr. Baring.
Mr. Fountain.
Mr. Minish.
Mr. Ryan in five instances.
Mr. McMillan in four instances.
Mr. Diggs.
Mr. Gallagher.
Mr. Koch.
Mr. Johnson of California.
Mr. Gonzalez.
Mr. Jacobs.
Mr. Scheuer.
Mr. Corman.
Mr. Shipley.
Mr. Yatron in three instances.
Mr. Bingham.
Mr. Howard.
Mr. Friedel.
Mr. de la Garza in four instances.
Mr. Hamilton.
Mr. Hicks in two instances.
Mr. Mikva in six instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2. An act to amend the Federal Credit Union Act so as to provide for an independent Federal Agency for the supervision of federally chartered credit unions, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on February 24, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 12535. An act to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the city of El Paso North-South Freeway; and

H.R. 14464. An act to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped.

ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Thursday, February 26, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1684. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for "Forest protection and utilization," Forest Service, for the fiscal year 1970, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

1685. A letter from the Assistant Administrator for Program and Policy, Agency for International Development, Department of State, transmitting a report comparing the fiscal year 1969 economic assistance program as presented to Congress with the actual program implemented during the fiscal year, pursuant to the provisions of section 634(d) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1686. A letter from the Comptroller General of the United States, transmitting a report on incentive provisions of Saturn V stage contracts, National Aeronautics and Space Administration; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee on Post Office and Civil Service. Report on 1970 census logistics (Rept. No. 91–852). Referred to the Committee of the Whole House on the state of the Union.

Mr. STAGGERS: Committee of Conference. Conference report on H.R. 14733 (Rept. No. 91–853). Ordered to be printed.

Mr. STAGGERS: Committee of Conference. Conference report on H.R. 11702 (Rept. No. 91–854). Ordered to be printed.

Mr. STAGGERS: Committee of Conference. Conference report on S. 2809 (Rept. No. 91–855). Ordered to be printed.

Mr. STAGGERS: Committee of Conference. Conference report on S. 2523 (Rept. No. 91–856). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 16167. A bill to amend section 203(a)(2) of the Immigration and Nationality Act to provide that parents of lawful resident aliens shall be eligible for second preference immigrant visas; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 16168. A bill to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance; to the Committee on Interstate and Foreign Commerce.

By Mr. CASEY:

H.R. 16169. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 16170. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER:

H.R. 16171. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. LONG of Maryland:

H.R. 16172. A bill to provide for study and experiment concerning the establishment of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. McKNEALLY:

H.R. 16173. A bill to amend title 5, United States Code, to provide for deferred retirement in certain cases of involuntary separations subject to additional contributions by the separated employee to the civil service retirement and disability fund; to the Committee on Post Office and Civil Service.

By Mr. MIKVA:

H.R. 16174. A bill to amend title 5, United States Code, to provide for the establishment of a Public Counsel Corporation to insure full participation by and on behalf of unrepresented citizens in administrative rulemaking proceedings; to the Committee on the Judiciary.

H.R. 16175. A bill to limit recovery in State and Federal courts under judgments rendered by courts in certain foreign countries; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 16176. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. PRICE of Texas:

H.R. 16177. A bill to promote the general welfare, foreign policy, and national security of the United States; to the Committee on Ways and Means.

By Mr. RUPPE (for himself, Mr. Beall of Maryland, Mr. Cederberg, Mr. Flood, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Ichord, Mr. Lujan, Mr. McDade, Mr. Montgomery, Mr. Stuckey, Mr. Vander Jagt, and Mr. Yatron):

H.R. 16178. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 16179. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments; to the Committee on the Judiciary.

By Mr. BYRNE of Pennsylvania:

H.J. Res. 1102. Joint resolution proposing an amendment to the Constitution of the United States providing that prayer on a voluntary basis shall be permitted in public schools and educational institutions; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.J. Res. 1103. Joint resolution to repeal legislation relating to the use of the Armed Forces of the United States in Southeast Asia and to express the sense of the Congress on certain matters relating to the war in Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MINISH:

H. Con. Res. 516. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. DIGGS (for himself, Mr. Clay, Mr. Hawkins, Mrs. Chisholm, Mr. Stokes, Mr. Conyers, Mr. Powell, Mr. Dawson, and Mr. Nix)

H. Res. 853. Resolution restricting Governor Maddox as a guest in the House of Representatives dining room; to the Committee on House Administration.

By Mr. BROWN of California:

H. Res. 854. Resolution creating a select committee to conduct an investigation and study of Government policies pertaining to the American-Indian people and the economic and social development of American-Indian people and other native American groups; to the Committee on Rules.

By Mr. QUIE (for himself, Mr. Bell of California, Mr. Frey, Mrs. Heckler of Massachusetts, Mr. Mize, Mr. Nelsen, Mr. Saylor, Mr. Widnall, Mr. Wiggins, Mr. Wyatt, and Mr. Wylie):

H. Res. 855. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MORSE:

H.R. 16180. A bill for the relief of Luis Joaquim de Melo; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 16181. A bill for the relief of Pietro Bivona, Accursia Bivona, Giupseppina Bivona, and Enza Bivona; to the Committee on the Judiciary.

H.R. 16182. A bill for the relief of Francesco Catanzaro, Calogera Catanzaro, Gaspare Catanzaro, and Vita Catanzaro; to the Committee on the Judiciary.

H.R. 16183. A bill for the relief of Giuseppe, Paola, and Antonella Muce; to the Committee on the Judiciary.

By Mr. WATTS:

H.R. 16184. A bill for the relief of Maj. Willis R. Hodges, U.S. Air Force; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rules XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

406. By the SPEAKER: Petition of the Convention of the Protestant Episcopal Church of the Diocese of Washington, D.C., relative to providing a national holiday honoring the late Dr. Martin Luther King; to the Committee on the Judiciary.

407. Also, petition of C. S. Steele, Anderson, Ind., and others, relative to pensions for World War I veterans; to the Committee on Veterans' Affairs.

SENATE—*Wednesday, February 25, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore (Mr. Russell).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, by whose providence we were born into this land: Enable us to love our country not in word but in deed. Let us who have received most be ready to give most in service to others. Keep us close to the peoples and leaders of other lands, heirs with us of common liberties. Bind us to them in firm spiritual alliance for the making and keeping of the peace, that the world may know that Thine is the kingdom and the power and the glory forever. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, withdrawing the nomination of Charles D. Baker, of Maryland, to be an Assistant Secretary of Transportation, sent to the Senate on January 26, 1970, and submitting the nomination of Charles D. Baker, of Massachusetts, to be an Assistant Secretary of Transportation, were communicated to the Senate by Mr. Geisler, one of his secretaries, which nominating message was referred to the Committee on Commerce.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 24, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the transaction of routine morning business be conducted with statements by any Senator being limited to 3 minutes; and I further ask unanimous consent that it be in order to include in the morning business additional statements presented at the desk by each Senator, respectively.

The PRESIDENT pro tempore. Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE HONORABLE GEORGES POMPIDOU, PRESIDENT OF THE REPUBLIC OF FRANCE

Mr. MANSFIELD. Mr. President, for the information of the Senate, at 12:15 o'clock today the Senate will assemble to go in a body to the Hall of the House of Representatives for the joint meeting of the two Houses, to hear the address by the distinguished President of the Republic of France, Georges Pompidou, at 12:30 o'clock p.m.

ORDER FOR ADJOURNMENT UNTIL 10 O'CLOCK A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the Senator from Utah (Mr. Moss) is now recognized for 30 minutes.

THE SPACE PROGRAM IN THE 1970'S

Mr. MOSS. Mr. President, on July 16, 1969, Vice President Agnew said the United States should attempt to put a man on Mars "in this century." That expression may have been an attempt by the Nixon administration to float a trial rocket, and it must be noted that this timetable would allow some 30 years to reach that distant goal.

Nevertheless, the trial vehicle, whatever it was, fizzled. Cooler counsel prevailed. Before the end of the year, many persons—particularly in the scientific community—were scoffing at the idea of manned landings on other planets. Newspapers began predicting slowdowns in the space program. Reasons for restraint, it was said, were complaints at the Apollo moon program's $20 billion price tag and the fear that Congress—as well as the administration—would be reluctant to authorize huge new expenditures for manned spaceships and rockets in view of the need for funds to cure earth-bound ills.

The predictions of cutbacks and slowdowns in the NASA program were borne out when the President's budget requests for fiscal 1971 were received last week. The NASA reduction this year is about 12.5 percent, a decrease of almost half a billion dollars from the present rate of spending. If the Congress makes these cuts—and it is altogether possible that we may cut even deeper—and the reductions already announced seem inevitable—it will eliminate 50,000 jobs, advance to 1974 the completion of the Apollo program of landing men on the moon, halt the production of the Saturn 5 moon rockets, and postpone the Viking program to place a robot spacecraft on Mars. In addition, the size of the proposed reductions could mean the closing of one or two space centers, and the stretchout of programs not yet specified. It will also probably be at least a year before the start on the development of a permanent manned space station.

Along with President Nixon, I favor restraining our space travelers for the time being. Gone is our fear of Soviet space superiority which was engendered by Russia's placing in orbit the first sputnik. The great task which John F. Kennedy called for—placing a man on the moon in the decade of the 1960's—has been accomplished; the preeminence of the United States in space has been made evident.

The moon conquest was a magnificent achievement in which we all take pride. The drama, the daring and courage of our astronauts, have been publicized worldwide, and rightly so. The wonder of television was equal to the feat of the moon landing in those hours when a waiting world was privileged to witness man's first steps on earth's natural satellite.

With the brilliantly successful completion of that mission, the time has come to evaluate the space program, to define new goals, and to assess priorities. It is in the hope of making a contribution to that process that I offer this statement today.

Despite the intense interest in the moon landing, public understanding of some of our other space exploits, and some of the practical potential which flows from space technology, has been very small.

Therefore, before turning to the future, I would like to mention some of these exploits and discuss their significance to the Nation. Let me recount some of the things we have bought with our space money in addition to that walk on the moon.

One of the outstanding economic aspects of the space program is that it has developed methods, techniques, and procedures which can increase the efficiency of much of our Nation's industry.

The label of "productive" certainly belongs to the space business. Space activities have brought many improvements and developments in metals, alloys, ceramics, and other materials. These activities have accelerated the use of liquid oxygen in steelmaking, have resulted in the improvement of detergent filters, and prompted the creation of fire-resistant materials, as well as new coatings for temperature control of buildings. Space research and development has sponsored a wide range of new electronic devices applicable to our day-to-day living. In the field of propulsion, nuclear and chemical—and in the latter, both liquid and solid—there has been a swift and remarkable advance. The developments in liquid propellants in particular are due to space applications.

In the field of medicine, the benefits are already impressive. To a degree, the growing shortage of trained nurses and doctors is being offset by the employment of space-sponsored medical instrumentation. Equipment of clinics, hospitals, and doctors' offices is slowly being revolutionized through electronic applications from the space program. Preventive medicine has received a boost as we find ourselves, for the first time, studying thoroughly, under a variety of adverse and hostile conditions, those impressively healthy individuals, our astronauts. In addition to having sensors acting as "electronic nurses," we have other health spinoffs, such as pinpoint ball bearings for dental drills, space suits in the treatment of strokes and respiratory diseases, pacemakers for human hearts, and many others.

One of the major features of space development has been the progress in communications. There would be no purpose in sending a satellite into space if we could not communicate with it, and it takes the most advanced and most reliable communications techniques to maintain that contact. Some satellites are sent up with establishment of communications as their mission, and through this development we have created a worldwide television network. Its benefits are just beginning to be recognized. Surgeons in one part of the world can obtain advice immediately and directly from experts in other parts of the world even while operations are in progress. The entire content of libraries can be transferred to places less fortunate and in great need of the benefits of such facilities. The whole process of education, particularly in the underdeveloped countries, can be enhanced vastly through the use of communications satellites. These can be directed to area, countrywide, or worldwide service.

The international television capability made it possible for a breathless world to watch Neil Armstrong and Edwin Aldrin taking their historic walks. Two systems were used—the satellite Intelsat, which transmitted both pictures and voice, and ATS—application technology satellites—which transmitted voice as needed. This unprecedented spectacle was seen in every nation with television and by an estimated 375 million persons.

Navigation satellites are now in operation, giving precise location fixes for surface ships and aircraft. In this area there is great potential for increasing safety, both in travel and against possible enemies.

In the field of weather predicting and reporting, weather satellites have again and again proven their great value, both to this country and to other nations around the world. Advance warnings of severe storms have resulted in impressive savings of lives each year and dollar savings running into the billions. I will have more to say about this subject later, as I will about a related activity—earth observation for other purposes.

The contributions in many other fields are at least as great as those mentioned. Certainly there are major returns in the realm of science, with resultant greater knowledge about the earth and the solar system, in the mapping of earth, an international prestige with concomitant improvements in international relations, and in the area of national security. Many of these advantages are themselves sufficient to justify much of our space investment.

There is also potential for specialized industrial uses of space. The weightlessness and the vacuum conditions in space or on the lunar surface may some day make it attractive for certain types of production. For example, vacuum conditions not attainable here on earth are ideal for metals research, for thin filament technology, and for welding research. Moreover, the weightlessness which we cannot duplicate here on earth may be valuable for the manufacture of such items as optical lenses free of distortion, and shape-perfect ball bearings.

Let me now examine briefly the direction our space program might take which would contribute most to the practical interest of the Nation in the years immediately ahead.

In general we should seek to improve the efficiency of the program, and then to utilize it, to the greatest extent possible, to solve major problems facing American society.

By efficiency I do not mean curtailment of expenditures on the program, but rather obtaining a larger return from each dollar spent. To accomplish this, it is necessary that we look toward simplification of our equipment, develop a capability to transfer parts and elements from one spacecraft to another and give high priority to obtaining the reusability of our space hardware.

A major reason why space flight is so expensive relatively is that much of the equipment is used once and then thrown away. Suppose the same thing was done in the airline business. What would it cost to fly from Washington to Salt Lake City if each time the trip was made the aircraft was discarded? The entire cost of the aircraft would have to be borne by the passengers on this one trip.

During the experimental stages of space flight, such extravagance was unavoidable, and, even with reuse capability, space travel will always be in a different magnitude of cost than air travel.

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But it is essential that we seek to harmonize the characteristics of aircraft and those of spacecraft. We need the ability, not only to fly out into space, but also to have spacecraft return to earth at spaceports, refuel, exchange passengers and cargo, and then go out on another trip. The space revolution is at a state where our aim should be to make space travel an efficient, low-cost-per-mile transportation system. We can do it, and we must do it to achieve maximum return for our investments.

Perhaps most important of all, the orientation of the civilian space program in the 1970's should be toward the solution of the problems vital to the well being—and the very survival—of humanity.

All Senators will recall the magnificent colored photographs taken by the astronauts as they orbited the earth and as they traveled to the moon. I am sure many of you display on your office walls the earth-rise photos, as I do on mine. The deep significance of these photographs was evoked by Col. James A. Lovell who, during the flight of Apollo 8, said:

> The Earth from here is a grand oasis in the big vastness of space.

But we have thoughtlessly degraded this oasis. The space program has provided us with new tools to alleviate the destructive effects on this earth of the rapid increase in man's numbers and material possessions.

Through the use of satellites, both manned and unmanned, observations are being made of the earth and its environment. The secrets of nature can be detected by recording energy reflections from the earth. Hence, we can send up spacecraft to obtain a wide variety of information and send it back for use here on earth. For example, it has been estimated that in this country alone insects, disease, and fire destroy many billions worth of agricultural products every year. This loss would have to be multiplied many times to estimate such loss worldwide. We are now reaching a point in space technology where we can use spacecraft to monitor farm and forest resources and identify those that have diseases and those which are healthy. These sensors should also give us a more accurate picture of the ice crust in the North, plus the prospects of floods as the snow and ice melt.

Satellites can give us a new and very effective tool in the prospecting for petroleum and mineral deposits and can also reveal heretofore hidden sources of fresh water. Our fishing fleets can be informed as to where large schools of fish are feeding and, as a result, greatly increase the supply of protein food while decreasing the cost of obtaining it.

Newspaper reports of December 29, 1969, told of the impatience expressed at the annual meeting of the American Association for the Advancement of Science in Boston over the meager fund allocations of NASA to programs that could aid food production and advance environmental protection. Dr. Gordon M. MacDonald of the University of California at Santa Barbara, a noted space expert, was described as amazed that the space agency has moved so slowly to produce spaceships aimed at pollution abatement and other environmental protection tasks. I share Dr. MacDonald's concern.

A closer look at two programs—weather forecasting and control, and natural resources management—will give a deeper understanding of both present accomplishment and future promise.

The Environmental Science Services Administration—ESSA—was created within the Department of Commerce, to provide a single national focus to describe, understand, and predict the state of the oceans, the state of the upper and lower atmosphere, and the size and shape of the earth. Its goal is to describe the physical environment, predict its behavior, warn of environmental danger and seek means to modify adverse behavior of the environment, where this is feasible.

To achieve these goals, broad environmental satellite program objectives have been established in concert with other agencies and with NASA. Examples of these objectives are the production of cloud cover pictures of the whole earth daily, continuous observation of the earth and its atmosphere from synchronous orbit, and daily quantitative measurements, such as temperature and pressure, at various levels in the atmosphere.

The most significant progress has been made in the first objective—global cloud coverage—with the operation of the Tiros Operational Satellite—TOS—system.

The success of this system can be measured by the fact that satellite data is a daily required tool in hundreds of weather offices. Many users now consider the satellite essential to their environmental service missions, particularly in the west coast region of the United States where satellite pictures frequently provide the first information on developing weather off the coast where surface and upper air observations are sparse.

Other benefits include: Reduced use of aircraft for tropical storm reconnaissance, reduction of the time and cost to accomplish photo mapping of remote areas, and elimination of a costly weather-observing ship between New Zealand and Antarctica. No tropical storm—hurricane or typhoon—has gone undetected, or reached populated areas without warning for several years, due in large part to the availability of satellite data.

It is possible that this weather information may even enable us to control, or at least divert, storms and thus minimize their destructiveness.

Through the medium of the Earth Resources Program Review Committee, established by NASA during 1968, various departments of the Government assisted NASA in determining program objectives and evaluating potential applications of an earth resources program utilizing satellites.

Areas of investigation include hydrology and oceanography.

In the field of hydrology, the availability of ERTS data would permit evaluation for snowline mapping in potential flood areas such as the Upper Mississippi Valley, the Sierra Nevada, and the Northeast; observation of the extent of flooded areas; observation of the extent of river and lake ice; estimation of surface soil moisture; and estimation of maximum probable precipitation from storms.

In the field of oceanography, ERTS data would facilitate planning for the hydrographic survey of coastal waters; the location and extent of ice in inland waters and at sea; the study of estuarine mechanics; and surveillance of major ocean currents, among others.

The Department of the Interior utilizes ERTS data for its earth resources observation satellite program—EROS. Administered by the U.S. Geological Survey, EROS applies remote sensor information acquired from aircraft and spacecraft to land use and resources investigations.

The Department of the Interior is the principal resources agency of our Government. For the effective utilization and the conservation of our Nation's lands and natural resources, the space program can provide data for basic inventories of natural resources and planning for their management.

An example of the contribution of the spacecraft to the work of the Geological Survey is the small-scale photomap acquired through photographs from space. With the addition of interpreted data from the color photos taken in the Gemini and Apollo programs, the Survey can produce such items as a geologic terrain map, a map useful in minerals exploration, and a land-use planning map.

In like manner, space vehicles will aid the resource programs of the Department of Agriculture. Joint research between NASA and USDA is directed to space systems that will be of use in the field of agriculture, forestry, and range management.

Surveys would be aimed at—identifying and measuring land use; detecting calamitous events, such as disease, insect infestation, and drought; assessing crop and timber stand conditions; and determining surface soil characteristics.

One important capability resulting from the application of remote sensing to agriculture and forest lands would be mapping of surface water, including snowpack, and identifying and mapping silt production and other water pollution sources.

Mr. President, I have mentioned only a few of the current, or near at hand, benefits of the space program. Because of it we are incalculably wiser in many ways. Now and increasingly in the future these byproducts of the "man on the moon" program will immensely enrich our life here on earth.

I share with all America great pride in the achievements of our astronauts, and the vast legacy of those achievements—a legacy made possible only through the labor and devotion of the administrators of NASA, the leaders of the Space Council, and thousands of scientists, technicians, and skilled workers—those in the contracting firms as well as in Government.

But I feel that the time has come to redirect our space objectives. For the present we should set our space sights on building an orbiting space station, supplied and managed through the use

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of a space shuttle system in which craft would go back and forth from earth to the space station on regular schedules and on productive missions.

Concurrently we should give considerably more attention and a much larger share of space appropriations to research which will increase supplies of food and other necessities, to preserving our life-giving environment, to reducing disaster losses, and to other earthbound problems.

A decade ago, an heroic goal—such as the man on the moon—was needed to establish order and provide objectives for the development of the building blocks essential to space capability. We now have those building blocks—and we need to drain from them all the beneficial returns possible.

It is time to focus our energies on what someone has called "inner space." When we have more nearly solved the fearsome problems presented here, it will be time to move again toward distant horizons.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield before he begins?

Mr. MATHIAS. I yield.

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COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the Senator.

ALLEGED OBSOLESCENCE OF THE CONSTITUTIONAL WAR POWERS OF THE CONGRESS

Mr. MATHIAS. Mr. President, there are two principal theories advanced to explain the alleged obsolescence of the constitutional war powers of the Congress.

One theory is that in the nuclear age wars may be too large and cataclysmic to be channeled through congressional processes. This may be true. But it is irrelevant to the constitutional question, since no one has challenged the Executive's authority to repel attack on the United States or to act in accordance with treaty provisions ratified by the Senate.

The other theory, beyond the belief that wars are now too big and sudden for congressional deliberation, is that in the nuclear age wars are also too small and intricate to allow a congressional role.

The big war theory has never been tested and we all passionately hope it never will be. In any case, if nuclear holocaust occurs, the survivors will not be much concerned with constitutional proprieties. The small war theory, however, has been repeatedly asserted as policy by the Executive in relation to Vietnam. And now it is being repeated in relation to the expanding conflict in Laos. Laos has become an arena for the repetition of the mistakes of our Vietnamese involvement.

The intervention in Laos has been prosecuted without congressional deliberation or authority beyond the Tonkin Gulf resolution of 1964. In fact, U.S. military activities in that country clearly violate the spirit of both the national commitments resolution—requiring specific congressional approval for every new engagement of American troops abroad—and the amendment to the Defense Appropriations Act prohibiting use of funds for American ground combat troops in Laos or Thailand. News reports from usually reliable publications indicate the presence of hundreds of ex-Green Berets, described as having joined the CIA in Laos because "they were fed up with having their hands tied in Vietnam." And military advisers are reported to be swarming over the country in numbers proportionately larger than the Kennedy administration commitment of advisers to the Saigon regime. The bombing of North Vietnam, which exceeded in intensity the highest levels of World War II, has now evidently been shifted to Laos.

These developments raise important questions of constitutional law. Can the reservation of war powers to the Congress be circumvented by redesignating soldiers as agents of the Central Intelligence Agency or as military advisers? Can such military actions by the CIA be accorded the clandestine status of authentic intelligence operations? By concentrating so many thousands of American officials in a small, beleaguered country like Laos—and exposing them to military peril—can the Executive in effect create an American military commitment without congressional approval and without the explicit engagement of ground combat troops? All these dubious disguises for military engagement are reportedly being used in Laos. If this is the case, each one subverts the constitutional powers of the Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MATHIAS. Mr. President, I ask unanimous consent that I may continue for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I would further contend that Communist recapture of the Plaine des Jarres suggests that the intervention in Laos will not work. Every American escalation has been met by a North Vietnamese escalation. There are now said to be 50,000 North Vietnamese troops in the country. In recent weeks they were reportedly armed with antiaircraft missiles. They are evidently determined to keep open the Ho Chi Minh Trail and to counteract any substantial American gains in South Vietnam with further Communist entrenchment in Laos.

It would be a cruel disappointment of President Nixon's hopes for peace if success of Vietnamization in South Vietnam depended on escalation of the U.S. engagement in Laos. If that has become a new element of the conflict in Southeast Asia, then the American policy should be fully reappraised. For I believe that the American people—and the Congress—will not ultimately accept a withdrawal policy that entails merely a changing of uniforms and titles and a reengagement in Laos. It may well be that the weaknesses of our approach to disengagement in South Vietnam can be measured in part by the massiveness of our simultaneous military engagement in neighboring lands

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MATHIAS. I am very happy to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator may be allowed an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, may I say that I had the opportunity to read the short, to-the-point speech just made by the distinguished Senator from Maryland. I believe he is performing a service in trying to pinpoint a situation in Laos which is becoming increasingly more dangerous. The possibility of our further involvement has increased and there has been brought about a decided enlargement of the number of sorties flown over Laos, either across the Ho Chi Minh Trail or on the Plaine des Jarres. In the latter area, I understand on the basis of news reports, B-52's have for the first time been used in the past week or so.

What the Senator is endeavoring to do is bring the Congress into any decision which may be made in Laos. That is in accord with the national commitments resolution passed by the Senate by a large vote last year, and with the Cooper-Church amendment to the Defense appropriation bill, which was passed overwhelmingly, and which, as I recall, had the approval of the administration as well.

The Senator notes in his speech that—

> Laos has become an arena for the repetition of the mistakes of our Vietnamese involvement.

I would only amend that to express a wish and a hope, by saying that this is a possibility and not a probability at the moment.

May I say that I was surprised at the Senator's statement that there are "hundreds of ex-Green Berets" who have joined the CIA in Laos, because, as the Senator points out, if that is the case, then it is a horse of a different color, but still a horse as far as combat units are concerned.

The Senator indicates also that the bombing of North Vietnam, which has considerably exceeded the bombing in World War II in both the Pacific and the European areas, has now evidently been shifted to Laos, along the trail, the Plaine des Jarres, and elsewhere, with the cessation of the bombing in North Vietnam itself.

The Senator also brings out the fact

that the Communists, the North Vietnamese, have been reportedly armed with antiaircraft missiles—I do not think there is any doubt about that—and that "they are evidently determined to keep open the Ho Chi Minh Trail and to counteract any substantial American gains in South Vietnam with further Communist entrenchment in Laos."

I would add to that the Kingdom of Cambodia as well, because it has been estimated that while there are approximately 50,000 North Vietnamese in Laos, backing approximately 25,000 Pathet Lao, there may be something on the order of 45,000 to 50,000 North Vietnamese and Vietcong in Cambodia, along the remote northern frontier extending from where the kingdom abuts on Vietnam over into the province of Battambang, which abuts on Thailand.

I have been extremely worried about the situation in Laos in recent weeks, or I should say recent months, because it is part and parcel of what is developing in Vietnam, and there has been a decided shift into Cambodia and Laos from Vietnam itself.

I was perturbed, for example, when Mr. Colby, who appeared before the Symington subcommittee last week, indicated that we would be in South Vietnam for a period of at least 5 years, and that we could possibly get out in 10 years, provided that certain circumstances occurred.

It would be my hope that a speedup in the withdrawal policy could be brought about, and that such a speedup would not be dependent upon Hanoi's stalling or Saigon's wishes, but on what would be in the best interests of this Nation.

What will happen in Laos is anybody's guess. We can either continue at our present extensive and expensive pace—I mentioned that the sorties into Laos from outside areas come in the hundreds—we can escalate, which would create a very dangerous situation; or we can withdraw, which would place the Kingdom of Laos at the mercy of other and outside forces.

I would suggest, hopefully—and I emphasize the word hopefully—that one way out of the dilemma in which we find ourselves in Laos would be, once again, to call upon the co-chairman of the Geneva accords, which in 1962 brought about the neutralization of the Kingdom of Laos by means of which the neutralists, the rightists, and the Pathet Lao would each be accorded one-third of the representation in the Laotian Parliament.

It is my understanding that the neutralists and the rightists have filled their seats and that, while the seats allotted to the Pathet Lao are vacant, the seats are still there for Souvanouvong and his followers to sit in, if they only will.

If the situation develops further as it is proceeding at the present time, it may well be that we are in for a more difficult period. If that is the case, then I think all the plans for Vietnamization and all else will go down the drain, and we will find ourselves in a most difficult and dangerous situation. I hope that will not be the case, because, as the Senator has indicated, Congress in no uncertain terms and on two occasions, has declared that it would not favor further interventions unless we were consulted—and that was one of the points which the distinguished Senator from Maryland has tried to bring out. We did so in the national commitments resolution, and under the Cooper-Church amendment, and furthermore, that we would not favor U.S. combat troops—in whatever guise—for use in Thailand and Laos.

My concern is not mitigated by the fact that casualties are accumulating week by week. I do not know how anyone can get any satisfaction out of the fact that the deaths are running under 100 a week, even though that is a reduction from what it was a year ago, when casualties were running in the hundreds a day.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The latest figures I have—and I get the sheet every week; this one is dated February 19, 1970—indicate that the casualties in Southeast Asia—I do not believe this applies only to Vietnam alone, but let us say it does, and leave aside the casualties which have occurred from various causes in Laos and Thailand—the figures show that up to this date, in Vietnam, 267,174 Americans had been wounded, 40,562 Americans had been killed in combat, and 7,458 Americans had died from other causes in Vietnam.

If we add those figures, we get a total of 315,194 dead and wounded, in an area in which we have no business, in a war in which we should not have been engaged, and in a conflict which is a continuing tragedy for this country and for its people, and from which, as far as I can see, no gain can be achieved.

So I am delighted that the distinguished Senator has raised the flag of warning on the situation in Laos. I would hope it would be possible, as a result of what the distinguished Senator has said, that there would be forthcoming shortly a Laotian report, sanitized and laundered, which would include the results of the hearings conducted by the Symington committee. If that report is not released shortly, it can only raise additional questions as to what we are doing in Laos. The people, if they are not told, are going to say, "Where there is smoke there must be fire."

Therefore, I think it would be in the best interests of all concerned if the report of the Symington committee were agreed to by both the State Department and the committee, released, and made available to the American public as well as to the Members of the Senate as a whole. As one who sat in those hearings, it is my opinion that there is very little in the record of those hearings which involves the security of this country. Anyone who reads the press assiduously and follows the information available therein will have a pretty good idea of just what has been happening in Laos, and will realize that this so-called secret war really has not been so very secret.

I commend the distinguished Senator for raising the question. I hope it will have an effect downtown, and I hope it will also serve as a warning, so that those who are in charge in the executive branch will be very careful as to what they do, and will not get this country involved in another Vietnam.

Mr. MATHIAS. I thank the distinguished majority leader for his very valuable contribution to this colloquy. He has not only added to our knowledge of the facts but, as is his custom, he has also made some very valuable suggestions as to practical steps that can be taken to deal with the situation in Laos. I am very grateful to him.

I am also grateful for the fact that I think he has correctly discerned my purpose in raising the question of Laos today, which is to engage the attention and the action, if need be, of the Senate on this developing situation. As the majority leader has stated, the reports which are appearing in the press, and which, when put together, cumulatively form quite a bit of information, should be brought to the attention of the Senate. If they are wrong, or if they are inaccurate, we should know that. If they are accurate, we need to weigh them with all the seriousness that they demand.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MATHIAS. I ask unanimous consent to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator from Maryland is recognized for 3 additional minutes.

Mr. MATHIAS. I thought it was impossible not to bring these reports to the attention of the Senate, because I thought it would be worse for us to ignore such reports now, after we have agreed to the national commitments resolution and to the Cooper-Church amendment, than it would have been had we sat silent in the first place. It would be totally quixotic to have made those gestures, and then, having charged at the windmills, to retreat into some imaginary LaMancha of our own creation. I think the Senate cannot ignore the storm signals flying this morning.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. MATHIAS. I am happy to yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I commend the distinguished Senator from Maryland for bringing up this question.

We can say that the country has applauded the very clear-cut decision by the Nixon administration to draw down our forces in Vietnam. Further, the country has supported, and both parties have supported, the statement of the Nixon Guam doctrine which says that we will help others, but we will not so deeply involve ourselves in the future as we have done in Vietnam. Still I think there is a grave concern in the country as to where we are going in Laos.

I think the experience I have had is the same as that of the distinguished majority leader. When I have gone to Illinois on my last three trips, the first question put to me by almost any group was, "What is going on in Laos? We like the idea that we are withdrawing our forces in Vietnam. We like the idea that the

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Guam doctrine says we are not going to become involved this way again. We will help, but not take over. But what is going on in Laos?"

I found myself in the painful position, having been briefed in Vientiane, in confidential briefings, and having participated in a secret session in this body, of not being able to be absolutely candid with these groups.

I would hope that we would have as much revelation as possible in the reports forthcoming from the Symington hearings and others, to see that we inform the American people to the greatest extent possible, so that we will not have a credibility gap once again. At a time when we are drawing down our involvement in Vietnam, the same kind of condition should not be allowed to develop in Laos. Before we get deeply involved, the American people and Congress have a right to speak their minds.

I commend the distinguished Senator from Maryland for raising his voice this morning.

Mr. MANSFIELD. Mr. President, I have indicated my fears, my worries, my concern, and my uneasiness about the situation which is developing in Laos. I have made the suggestion, hopefully and wishfully, but the suggestion nevertheless, that the cochairmen of the Geneva accords of 1962, to which the United States was a signatory, call a meeting of the signatories for the purpose of seeing if some way could not be found to maintain the agreement reached in 1962 which guaranteed the control of Laos and which called for a tripartite government made up of rightists, neutralists, and the Pathet Lao.

XUM

As I indicated, the neutralists and the rightists, so called—the names really do not really mean much so far as they are concerned—now have their proper one-third each of the seats in the Laotian Parliament. I also indicated, I believe, that the other third is vacant but the seats are waiting for the Pathet Lao to fill them, if they only would.

Under Prince Souphanouvong, the half-brother of Souvanna Phouma, they have declined to do so, although they maintain a company of approximately 100 men, under a colonel, in Vientiane, all the time, there is no governmental participation.

It may be that the reason why there is no participation is that the Pathet Lao, which number 15,000 to 20,000, are under the thumb of the North Vietnamese, who number somewhere between 50,000 and 60,000 in Laos at the present time. Thus, it is a serious situation and cause for concern, something which should be publicized.

I repeat, the hearings held before the subcommittee should be released, after proper sanitization, because there really is not too much that is new, if one has followed the public prints.

Mr. President, yesterday I noted an item on the news ticker, referring to the arrest of three newsmen by Laotian army officers.

According to the report, those detained were John Saar of Life magazine and Timothy Allman, a part-time employee of the New York Times. The third was connected with a foreign news agency, I believe the Bangkok Times. The ticker report indicates that the men were trying to get to a scene of military action. I find this morning that before they tried they were being conducted on a guided tour by the U.S. Embassy in Laos.

This morning's press carries a story on where they were headed. They were going to Long Chang, an airbase which has become very much a part of the war in Laos. As newsmen have been doing for as long as there have been newsmen, they were taking their chances.

Without knowing the full circumstances, I am not going to jump to conclusions about whether or not these men should have been where they were when arrested. In any event, they have been released. Nevertheless, I am deeply disturbed by a statement which is contained in the news item and which is attributed to the U.S. Ambassador to Laos, G. McMurtrie Godley. The Ambassador is quoted as saying that "the American mission has lost any interest in helping out the press whatsoever because of what has happened this afternoon."

I would suggest most respectfully that regardless of what happened that afternoon, the American Embassy in Vientiane should regain its interest in the press without delay. The Embassy in Laos has a responsibility to go on helping U.S. newsmen. It has a responsibility to assist them whenever and wherever they are in difficulties, whether or not the Embassy is pleased or displeased with what they may be doing. The American Ambassador does not have a choice in this situation. I repeat, he has a responsibility. He has an obligation.

The Ambassador to Laos might well be called upon, without delay, to explain his apparent washing of his hands of this responsibility. He owes that explanation to the President who appointed him and to the Senate which confirmed him. I would hope, therefore, that unless there is some clarification of Ambassador Godley's statement, committee inquiry would be initiated to determine the circumstances of its issuance.

May I say that the U.S. press almost alone, for a long time, has provided the American public with some clear light on the bizarre situation in Laos—this nonwar which, nevertheless, goes on destroying lives and property with increasing ferocity, this nonwar which has already cost the Nation many American lives in combat and billions of dollars.

Laos is not yet a second Vietnam. That it is not, may well be due to the persistent effort of the American press. It has put the spotlight on this obscure and remote tragedy. It has penetrated the veil of vague policy in which this involvement has been wrapped for too many years. It has flagged the dangerous drift for the President's attention, for the attention of the Senate, and for the people of the Nation—one would hope in time to prevent it from going completely out of control.

Mr. COOPER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. I am glad to have been in the Chamber and to have heard the comments of the distinguished majority leader on the situation in Laos.

This subject has been a matter of concern to me for many months.

Last August, when the defense authorization bill was before the Senate, I found in the bill a section which I believed could be used to finance our forces to be used in the civil war in Laos.

I introduced an amendment to deny funds for the use of our forces in Laos in support of the local war there. It aroused a storm on the floor that day, which indicated to me that some Members of the Senate—although I was not one—knew we were engaged in a local war in Laos. The matter then went over until after the recess.

I introduced a similar amendment later. The Senator from Mississippi (Mr. STENNIS), the manager of the bill, and others said they understood and supported my objective—an objective which was supported by the majority leader. However, Senator STENNIS and others argued the amendment would not meet the end which I sought—the prevention of U.S. combat involvement in local or civil wars in Laos and Thailand.

They agreed with my objective to keep our country out of war in Laos.

The amendment was passed by a unanimous vote. But it had no effect, and our involvement in Laos has increased. I did not know the extent of our involvement in Laos when I introduced the first amendment.

When the defense appropriation bill came before the Senate in December last year, I could not be present because of illness in my family. The majority leader very kindly introduced the amendment for me and joined as a cosponsor.

The Senate went into closed session to discuss the situation and my amendment was modified to say in effect that "no American ground troops, should be used in Laos." And, of course, that amendment of Senator CHURCH and others had some effect. However, I insist that its prohibitions on the use of ground troops did not have enough effect to keep the United States out of an increasing military involvement in Laos. The facts which have become public since that time prove that what I had to say was correct. We are engaged in a war in Laos which is an internal war.

The question arises, upon what authority? There has been no declaration by the Congress of the United States that we should become involved in a war in Laos. There has been no statement by any executive of this or past administrations that there is some necessity for us to be involved in the war in Laos. There has been a declaration by the Senate, expressing its sense, through a national commitments resolution, that we should not become involved in another war and send troops to another country, without the consent of Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I ask unanimous consent that I be permitted to continue for 2 additional minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Kentucky may have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I can

only think of two sources of authority for our military involvement in Laos—and we are so involved in Laos.

One is the use of the Tonkin Gulf joint resolution. The Tonkin Gulf joint resolution provides authority to the President of the United States to take such steps as he might think necessary to protect the protocol states under the SEATO Treaty—one of the states being Laos. But surely with all of the trouble we have had with the Tonkin Gulf joint resolution and the opposition that has been expressed by so many, even though we voted for it, surely we would not use that resolution for a second military involvement—in Laos—without coming to the Congress.

The only constitutional grounds upon which I believe we might be involved is under the doctrine of military necessity. And that means, of course, that when a country is involved in war, as we are in South Vietnam, and situations arise which require the Commander in Chief in his judgment to take action which he believes to be necessary for the prosecution of the war and the security of our force, the laws of war hold that is permissible.

In the introduction of my amendment last August, I did not intend that it should forbid bombing of the Ho Chi Minh trail, which is a necessary element in the South Vietnamese war and so stated. But the amendment did not intend that we should be engaged in bombing in an internal war in Laos.

The only reason I can suggest for our involvement is that we are either acting under the Tonkin Gulf joint resolution or from military necessity. Whatever the reason may be, I think the issue must be answered by the administration. The American people and Congress should be given the facts.

I understand the very difficult situation we are in in South Vietnam. I know that the President is trying to find a means to get out of the situation, to end the war to achieve a true peace, and I support him. But I do not see how we can get out of that situation by becoming involved in another war in Laos and increasingly so.

I shall continue to insist by amendment as bills come before the Senate that we deny any funds for involvement in war in Laos—which is an internal war—not simply the use of ground troops, but also by the use of Air Force, naval, and civilian forces acting under authority of the United States. However occasioned it is an involvement in war which has not been authorized by Congress. It is an involvement whose extent we do not know.

This is a question which we must discuss and we must know. If there are strong reasons for our being involved there, such as its effect upon the war in South Vietnam, I think it would be of value to the administration and the country for the reasons to be known.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. PERCY. Mr. President, I should like to evidence my great admiration and deep regard for the Senator from Kentucky who has done so much to bring this vitally important matter before the Senate.

This is a bipartisan approach to reassert the responsibilities of the U.S. Senate. I was very pleased indeed that the administration, following the overwhelming adoption of the distinguished Senator's amendment concerning our involvement in Laos and Cambodia, indicated that it supported and favored such an amendment. It was a clear indication to the American people of the intention of this administration not to become as deeply involved overseas.

I think the real importance of this matter is the question as to where the priorities of the United States should be. We know that we must remain militarily strong. We cannot tempt any outside power to attack us. That would endanger our own national interest and the interest of our allies. But we have to weigh that outside threat against internal threats.

I was very struck by the distinguished Commission on the Causes and Prevention of Violence, headed by Milton Eisenhower, when it concluded that through the ages, civilization generally has faced a greater threat from internal decay than from external assault.

I spent yesterday afternoon in Washington with Mr. Andrew Heiskell, Chairman of the National Urban Coalition. And I have spent hours with him, as I have with John Gardner. We have talked about the great threat we face from inside urban America. I think it is a question of priorities. Where do we put our resources?

I say further that I was very pleased that the administration thought through this whole concept of whether we should have a capability to wage one minor and two major wars simultaneously. This had been through a directive of the National Security Council.

In thinking through this particular premise, the administration concluded that we do not need such a capability to maintain the defense of this country. It was a wise decision.

I hope it will enable us to draw down our military expenditures so that we can alleviate the bitterness and despair that have caused riots in the streets once before and can again, if we do not measure up to our responsibility. The only way we can do it is to look carefully at our continued involvement in foreign situations which once again, like quicksand, could draw us in before we know what we are doing as a people and as a Congress.

Mr. President, I think the distinguished Senator from Kentucky has rendered a great service to Congress and to the people of this country in bringing this matter to our attention and urging full disclosure of what is being done in this area.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks what the Eisenhower Commission on the Causes and Prevention of Violence had to say about nation building at home.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> When in man's long history other great civilizations fell, it was less often from external assault than from internal decay. Our own civilization has shown a remarkable capacity for responding to crises and for emerging to higher pinnacles of power and achievement. But our most serious challenges to date have been external—the kind this strong and resourceful country could unite against. While serious external dangers remain, the graver threats today are internal: haphazard urbanization, racial discrimination, disfiguring of the environment, unprecedented interdependence, the dislocation of human identity and motivation created by an affluent society—all resulting in a rising tide of individual and group violence.
>
> The greatness and durability of most civilizations has been finally determined by how they have responded to these challenges from within. Ours will be no exception.

Mr. GORE. Mr. President, any student of Southeast Asia knows that for not only generations, but for decades and perhaps centuries, there have been rivalries, animosities, and tribal divisions frequently resulting in local hostilities. The intervention of the great powers into such a volatile and explosive situation, with the ideological contest making the primitive people of this area the pitiless victims, and the furnishing of arms to both sides resulting in the slaughter of untold millions of natives, is not a pretty chapter in the history of the great powers.

What is happening in Laos now is tragic; another country being split in two. Will it be another Korea? Will it be another Vietnam?

Mr. President, last evening I reread President Johnson's Johns Hopkins speech. I reread it in light of his recent television appearance in which he said he never sought victory in the normal sense. I am not sure I am using his exact words. So I looked back at the objective when he first offered negotiations. His objective was an independent South Vietnam. There never had been such a national identity before.

Shall we now seek an independent South Laos, a dependency?

Recently President Nixon made some cogent remarks about the divisiveness of the Vietnam war and he indicated the people could not be expected to support a war they did not understand. What understanding is there about the Laotian war in which the distinguished Senator from Kentucky says we are engaged? Not only is there official silence, but there is the use of terms to mislead the public to divert its attention from the real facts. Moreover, the record of the committee hearings are withheld from the public. Why? There may be several reasons but one of them may be that our activity in Laos is in violation of the Geneva agreement, to which we were a party.

Indeed, the fact of our involvement has been concealed from the people by the use of terms, words of military art, and phraseology designed to conceal instead of to reveal.

There should be greater caution exercised, Mr. President, before the involvement of this great Nation into a conflict; and particularly is there a moral issue involved when the pitiless victims are made such pawns of the ideological rivalry of the major powers.

THE POLITICS OF THE EPITHET

Mr. PERCY. Mr. President, 3 years ago, and also in 1968, this Nation was wracked by racial strife. It became known as an era of the politics of confrontation.

But, Mr. President, this politics of confrontation was preceded by what can best be described as the politics of the epithet. Too many people substituted name calling for rationality. The dialog between committed people of all races and faiths was drowned out by the clamor that welled up in this country.

Many black Americans were frustrated by what they felt was inaction in meeting their very real and very pressing problems. The politics of the epithet fanned this frustration into ferment.

Many black Americans were bitter because of what they deemed a lack of concern for their problems. The politics of the epithet fanned this bitterness into rage.

Ferment and rage were fanned even hotter by the continued politics of the epithet. And parts of many of our cities burned. Some of our people died. Many more were ruined.

Then, a little over a year ago, the President of the United States, standing on the steps of this Capitol, called on Americans to lower their voices so they could hear each other speak. And the vast majority of Americans responded. It was our hope—and the hope, I am sure of responsible men in both major political parties—that we had seen the last of politics of the epithet. We began to get about the business of solving the problems that had become obscured by the noise and the rancor of name calling.

Now, however, I am shocked by the return to this politics of the epithet which was demonstrated yesterday by a few who appeared before the Democratic policy council to raise their voices to a high pitch.

I do not feel it serves any good or useful purpose for a man who once held a responsible post with the Government to call a high-ranking elected official of this administration, the Vice President of the United States, a racist. It serves no useful purpose to use a distinguished council of this type and a distinguished platform for this purpose. It serves instead to refuel the fires of hatred.

A racist is termed to be a man who believes that race is the primary determinant of human traits and capabilities and that racial differences produce an inherent superiority of a particular race.

There is not one iota of evidence that can be produced that the Vice President, who has spent a lifetime in public service, has ever held this belief.

Let it be noted here and now that all Americans—almost all Americans—are weary of raised and raucous voices and of irresponsible and ill-founded charges. We know that we cannot reweave the fabric of our society if there are those standing by who would do nothing but unravel it.

I am sure that the responsible men and women of the Democratic Party are as distressed as I am by this isolated incident of character assassination. It is my sincere hope that men of good will of all political colorations and all faiths will eschew the course suggested by yesterday's event and rather will bind themselves together in a rededicated effort to go about our important affairs of state, face up to our problems, and go about solving them.

In the dialog that should be carried on there is nothing wrong with expressing discontent about our institutions and pointing out ways in which they can be strengthened and made more responsible and responsive. There is nothing wrong with a person being criticized for his judgment or for the way in which he might solve a problem, or what he might say on a particular occasion. But it is irresponsible to brand as a racist a person holding high office who is devoting himself to the welfare of his Nation in the best way he knows how.

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MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

PROPOSED U.S. CONTRIBUTION TO THE SPECIAL FUNDS OF THE ASIAN DEVELOPMENT BANK—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–260)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying paper, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In 1966, the United States—with strong bipartisan approval of the Congress—joined with other nations in the establishment of the Asian Development Bank. Since then this Bank has shown its ability to marshal funds from Asia, Europe and this continent for the purpose of economic development. In the short span of three years, it has effectively put these resources to work. It has demonstrated an ability to make a major contribution to Asian economic development. It gives evidence of a unique capability for acting as a catalyst for regional cooperation. And it can assist individual Asian countries find solutions to their problems on a multilateral basis.

Now it is time for the United States to reaffirm its support of the Asian Development Bank.

Experience has shown that effective Bank support of certain projects and programs essential to economic growth and development in Asia must involve some financing on easier repayment terms. The economic capabilities of some of the countries of Asia have not yet reached a level of development adequate to service needed loans on conventional terms. The Bank cannot furnish this needed financing out of its ordinary resources and the limited amount of special funds now available to it.

To measure up to its potential for assisting in the economic growth of Asia, the Bank must have adequate facilities and resources to provide concessional as well as conventional financing. I believe that the United States should now join with other donors in providing the Special Funds that will enable the Bank to meet a wider range of Asia's development needs.

The proposal I am submitting to the Congress would authorize the United States to pledge a contribution of $100 million to the Bank's Special Funds over a three-year period. It would authorize the appropriation of $25 million in the present fiscal year, and $35 million and $40 million, respectively, in the next two fiscal years.

This proposal is designed to assure that the United States contribution will have maximum impact on Asian development problems, that the Bank's Special Funds will constitute a truly multilateral financing facility, and that the United States contribution will take account of our own balance of payments position. To assure that other advanced countries provide their fair share of these funds, the United States contribution would not exceed that contributed by other donors as a group, nor would it constitute the largest single contribution to the Bank's Special Funds. The terms governing the use of the United States contribution are clearly set forth in the bill I am transmitting to the Congress.

This support by our country will enable the Asian Development Bank to more effectively perform its critical role in promoting Asian economic progress. The Bank is in a unique position to do this because:

—It is first and foremost *a bank*, applying sound economic and financial principles to the job of development.

—It is *Asia's own creation*, largely conceived, established, financed and operated by Asians to meet Asian problems.

—It embodies equitable arrangements for *sharing the burden* of providing development finance.

—It brings to bear on Asia's challenging development problems *the cooperative efforts of 33 nations*, with balanced representation among Asian and non-Asian members, and among developed and developing countries.

—Its progress to date gives promise that it will become the important focal point for Asian development efforts envisaged by its founders.

Other developed country members already have responded to the Bank's need for Special Funds resources.

Japan has earmarked $100 million of which $40 million has already been paid. Canada is contributing $25 million in five equal annual installments, while Denmark and The Netherlands have also contributed a total of $3.1 million.

The Governors of the Bank have supplemented these contributions by setting aside for Special Funds purposes $14.5 million of the Bank's own paid-in convertible currency capital resources, as permitted by the Bank's charter.

A United States contribution at this time will give additional needed strength to this essential supplement to the Bank's Ordinary Capital resources, and will encourage other developed countries to contribute to the Special Funds facility.

This proposal has been developed after careful study of the pressing development needs of Asia, of the ability of the Asian Development Bank to use Special Funds resources to help meet those needs, and of our own fiscal and balance of payments problems. I believe that it represents a sound and realistic balancing of those factors, and that it will serve the national interests of the United States in a number of ways.

—It will further demonstrate the strong United States interest in the economic development of Asia.

—It is responsive to the developmental needs of Asia and to Asian initiatives already taken to meet them.

—It will strengthen the Bank as a multilateral regional institution capable of dealing with current and future development problems in Asia.

—It will encourage other advanced nations to provide their fair share of concessional aid to Asia—a region heretofore predominantly dependent on United States aid.

—It takes account of our fiscal and financial problems and contains the necessary balance of payments safeguards.

—It constitutes another example of effective utilization of the multilateral approach to economic development.

I urge the Congress to give this proposal its wholehearted and prompt approval.

RICHARD NIXON.

THE WHITE HOUSE, *February 25, 1970.*

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Appropriations for the Arms Control and Disarmament Agency

A communication from the President of the United States, transmitting a draft of proposed legislation to authorize appropriations for the Arms Control and Disarmament Agency (with accompanying papers); to the Committee on Foreign Relations.

Proposed Legislation To Grant a Special 30-Day Leave for Members of the Uniformed Services Who Voluntarily Extend Their Tours of Duty in Hostile Fire Areas

A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas (with an accompanying paper); to the Committee on Armed Services.

Report of the Secretary of the Senate

A letter from the Secretary of the Senate, transmitting, pursuant to law, a report of the receipts and expenditures of the Senate for the period July 1, 1969, through December 31, 1969 (with an accompanying report); which was ordered to be printed and to lie on the table.

Report of the Export-Import Bank of the United States

A letter from the Secretary, Export-Import Bank of the United States, reporting, pursuant to law, the amount of Export-Import Bank loans, insurance, and guarantees, issued in connection with United States exports to Yugoslavia; to the Committee on Banking and Currency.

Report on Proposed Highway Construction in the District of Columbia

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on proposed freeway systems in the District of Columbia, dated January 1970 (with accompanying papers and report); to the Committee on Public Works.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 3427. A bill to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior (Rept. No. 91–709).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Arthur F. Van Court, of California, to be U.S. marshal for the eastern district of California; and

Carl H. Slayback, of Illinois, to be U.S. marshal for the Southern District of Illinois.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PROXMIRE (for himself, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hollings, Mr. Hughes, Mr. Kennedy, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Nelson, Mr. Pell, Mr. Randolph, and Mr. Williams of New Jersey):

S. 3503. A bill to reduce mortgage interest rates charged middle-income families, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. Proxmire when he introduced the bill appear later in the Record under the appropriate hearing.)

By Mr. DODD:

S. 3504. A bill to increase the maximum mortgage amount insurable under section 242 of the National Housing Act; to the Committee on Banking and Currency.

(The remarks of Mr. Dodd when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. JACKSON (for himself and Mr. Allott):

S. 3505. A bill to amend the Land and Water Conservation Fund Act, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jackson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. RIBICOFF:

S. 3506. A bill to require all passenger-type motor vehicles now used by the Federal Government to be furnished with air pollution control devices; to the Committee on Government Operations.

(The remarks of Mr. Ribicoff when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. NELSON:

S. 3507. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. SPARKMAN:

S. 3508. A bill to create a Federal Mortgage Marketing Corporation, and for other purposes; to the Committee on Banking and Currency.

By Mr. MONDALE:

S. 3509. A bill for the relief of Gholam-Ali Michel Mostajir; to the Committee on the Judiciary.

S. 3503—INTRODUCTION OF THE MIDDLE-INCOME MORTGAGE CREDIT ACT

Mr. PROXMIRE. Mr. President, on behalf of myself and Senators Harris, Hart, Hartke, Hollings, Hughes, Kennedy, Magnuson, McGee, McGovern, McIntyre, Mondale, Moss, Nelson, Pell, Randolph, and Williams of New Jersey, I introduce, for appropriate reference, a Middle-Income Mortgage Credit Act.

The purpose of the bill is to channel low-cost mortgage credit to middle-income families during periods of tight money and high interest rates. The burden of fighting inflation has fallen almost exclusively on middle-income homebuyers, and it is time the Government did something about it.

Why should a young family just starting out pay through the nose for a mortgage loan while the large corporation gets all the credit it wants and passes the extra cost along to its customers?

The homebuyers of this country have not caused inflation. Yet they are expected to pay the cost of fighting inflation, and it seems to me that this is not fair.

ECONOMIC POLICIES NOT WORKING

I am not suggesting that we forget about curbing inflationary pressures. However, by now it should be painfully obvious that our current economic policies have not worked. Prices are rising faster than ever—by the end of 1969, consumer prices were increasing at an annual rate of over 7 percent, more than double the rate a year ago. At the same time, the housing industry has been dealt a crippling blow. Housing starts skidded from 1.8 million units in January of 1969 to a dismal 1.2 million in December, a drop of 33 percent.

This slowdown in housing has come at a time when housing vacancy rates are at their lowest levels since the end of World War II. We face a colossal housing shortage and instead of increasing production, we have cut it back by one-third.

Mr. President, how ridiculous can we get? Here we have a desperate housing shortage, unemployment in the construction trades, a situation that is rediculous, because we are not allocating resources that are idle. At the same time, large corporations increased their spending on plant and equipment by over $10 billion in 1969, an increase of 10 percent over 1968. This unsustainable corporate investment boom has occured despite the fact industrial firms are utilizing only 82 percent of their capacity.

Clearly, any reasonable concept of national priority would call for an increase in housing expenditures and a decrease in corporate spending for plant and equipment. However, we have done just the opposite. We need to reorder our national priorities—not only in the public sector—but in the private sector as well. We need to use all the tools of economic leadership available to the President and the Federal Reserve Board to restructure the flow of credit to where it is needed the most. We need an end to the "no can do" policies of the present administration.

MIDDLE-INCOME FAMILIES IGNORED

The Government's housing programs have ignored middle income families.

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During the first three quarters of 1969, the sale of new homes priced under $25,000 dropped 18 percent while the sale of homes priced over $35,000 increased 23 percent. Also, during fiscal year 1969, federally subsidized housing for low-income families nearly doubled.

The main beneficiaries of Federal economic policies have been the rich and the poor. The middle-income family, who pays most of the taxes, has been forgotten.

My bill would permit middle-income families with incomes under $10,000 a year to obtain mortgage credit at 6½ percent interest instead of the 8½ or 9 percent they are paying today. A reduction to 6½ percent would lower a family's monthly payments by $30 and make it possible for many more hard-working Americans to own their own homes.

The money would be provided from the Federal Reserve banks and be channeled through existing banks and savings and loan associations. The Federal Reserve is right now making loans to commercial banks at 6 percent a year. I see nothing wrong, therefore, with making these same funds available to the American homebuyer. If a banker can borrow from the Fed at 6 percent, why should not a homebuyer be given the same opportunity?

I am happy to say that the new Chairman of the Federal Reserve Board, Dr. Arthur Burns, recently appointed by President Nixon, agrees with this and says that in principle he agrees that mortgage borrowers should be able to go to the discount window of the Federal Reserve and borrow at 6 percent.

Under my bill, the Federal Reserve would be directed to channel up to $3 billion per year of 6½-percent mortgage credit into the mortgage market. These funds would be diverted from other areas of the money market, hence there would be no net inflationary impact. Nor would these funds be treated as a Federal budget expenditure, since the operations of the Federal Reserve are outside the Federal budget.

My bill represents a practical method of enabling 150,000 middle-income families a year to buy their own homes at interest rates they can afford to pay.

HOW THE BILL WORKS

Mr. President, here is how the bill would work. The bill permits the Federal Home Loan Bank System to issue up to $3 billion a year in special housing certificates at a maximum interest rate of 6 percent. The bill also directs the Federal Reserve to purchase these certificates at the discount windows of the Federal Reserve banks. The Federal Reserve is already extending credit at 6 percent to commercial banks through the discount window, hence the purchase of housing certificates at 6 percent would not be a substantial departure from existing practice.

The Federal Home Loan Bank Board would deposit the proceeds of its housing certificates into a special middle-income housing fund. The fund would be used to make advances at a rate between 6 and 6¼ percent to savings and loan associations and other regulated mortgage lenders subject to the following conditions:

First, all of the funds so advanced be used for making mortgage loans for housing units costing less than $25,000;

Second, the income of the homebuyer be less than $10,000;

Third, the maximum rate of interest, including all points, not exceed 6½ percent a year; and

Fourth, adequate security for the advance be provided comparable to existing regulations.

Since the $3 billion would be provided by the Federal Reserve System, it would not be treated as a budget outlay. Nor would the purchase of $3 billion of housing certificates interfere with the Federal Reserve Board's monetary functions or its control over aggregate bank reserves. The purchase of housing certificates can easily be offset by reduced purchases of Treasury securities. For example, even during the record tight year of 1969, the Federal Reserve increased its Treasury security holdings by $5 billion. Hence it would have had ample flexibility to have included the purchase of $3 billion in housing certificates within its overall operations without changing the aggregate level of bank reserves.

The provision of $3 billion through this method can finance the construction of 150,000 homes at interest rates which middle-income families can afford to pay. A 6½-percent mortgage instead of an 8½-percent mortgage can save the average homebuyer $30 a month or more in interest payments.

By providing credit through existing financial institutions, the bill makes use of available expertise without setting up a new Federal bureaucracy. Also, the bill would establish the Federal Home Loan Bank System as an intermediary between the Federal Reserve discount window and the mortgage lending institution. This has been done because the Home Loan Bank Board is in a better position to judge the needs of the mortgage market and to vary the flow of credit to meet those needs.

I am sure that those who counsel inaction will find fault with this proposal. Anticipating some of the arguments, one may expect to hear the familiar cry that it is "inflationary"; that it "destroys the independence of the Federal Reserve System"; and that it involves "hidden subsidies" and "back-door spending." All of these charges are false. Let us examine them one by one.

THE INFLATIONARY BUGABOO

The bill in no way increases the aggregate level of demand nor does it add to inflation. If the Federal Reserve were to purchase $3 billion in housing certificates through the discount window, it has ample opportunity to offset this action by reducing its purchases of Government securities by an equivalent amount over the same period. Thus the aggregate level of Federal Reserve Bank credit, commercial bank reserves, and the money supply would remain the same.

Credit would merely be diverted from other areas to middle-income mortgages. The funds the Fed would have used to purchase Government securities would be used to purchase housing certificates. The extra supply of Government securities would thus have to be sold on the private market and would sop up funds which would have gone for other purposes.

FED POLICY FAVORS BIG BANKS

While the aggregate economic effect remains the same, the way the Fed injects credit into the economy does make a difference to large commercial banks. The purchase of Government securities on the open market gives big banks a chance to earn interest on the transaction. For example, most of the new Treasury issues are initially sold to commercial banks. Instead of paying for the issue with cold cash, the bank is permitted to credit the Treasury with a special demand deposit called a tax and loan account. Sooner or later the Treasury will draw upon its account and the funds will leave the bank. However, if the bank is nimble enough, it can earn the interest on the bond for a few days and then dispose of the issue to the Federal Reserve. As long as the Fed is a constant buyer in the Government securities market, commercial banks can take bonds from the Treasury, shuffle them to the Fed, and earn a healthy rate of interest in so doing. The procedure is not too dissimilar to a check kiting scheme.

This profitable game would be much more difficult if the Federal Reserve Board increased credit through the discount window rather than through open market security purchases. If the Fed reduced its Government security purchases, the big banks would have to scramble much harder to sell the bonds before the Treasury demanded payment. Thus, a profitable source of easy revenue would be foreclosed.

Moreover, if the Fed shifted its activity from the Government securities market to the discount window, the market for Government securities would tend to fluctuate more than it does. Large commercial banks who frequently trade in Government securities would incur a greater risk. As a result they would have to maintain larger reserves to guard against this risk with a resulting reduction in earnings.

Finally, a shift toward the discount window would tend to inject reserves more evenly throughout the banking system, whereas open market operations tends to supply reserves to the larger banks who deal more actively in Government securities. Thus, a shift to the discount window tends to benefit small banks at the expense of big banks.

Because of these factors, one may expect that large commercial banks will strongly oppose the bill I have introduced. Carrying the argument one step further, one may also anticipate Treasury opposition since so many top Treasury officials have a commercial banking background. Without for the moment implying a conspiracy theory of policymaking, one must conclude that it is only natural for Treasury officials to view this proposal from the viewpoints of their past training as commercial bankers.

THE MYTH OF FED INDEPENDENCE

A second argument might be made that the proposal destroys the independence of the Federal Reserve System. The bill does nothing of the sort. The Fed would be entirely free to determine the aggregate money supply and bank credit which it deemed proper for the economy.

There is nothing in the bill which prevents the Fed from slamming on the aggregate monetary brake or accelerator.

Moreover, there is ample precedent within the Federal Reserve Act itself for the type of selective credit intervention implied by my bill. Section 13 of the Federal Reserve Act authorizes the Federal Reserve banks to discount commercial paper "arising out of actual commercial transactions" for "agricultural, industrial, or commercial purposes." The entire legislative history of the Federal Reserve Act shows a clear intent to reallocate bank credit away from long-term, speculative, stock market purposes in favor of short-term commercial, industrial, and agricultural purposes.

Under section 13a of the Federal Reserve Act, the Fed is authorized to discount paper issued by the Federal intermediate credit banks and to exceed the maturity limits required of commercial paper. This is an obvious attempt to facilitate agricultural credit flows. Thus, we have a well established precedent within the Federal Reserve Act itself for discounting the obligations of a specialized Federal Credit Agency in furtherance of other policy objectives. My bill would merely extend this approach to the housing sector and establish some meaningful quantitative goals on the use of the authority.

THE PHONY SUBSIDY ARGUMENT

Finally, we may expect to hear that the bill involves "hidden subsidies" to homebuyers and constitutes a "back-door spending approach" for increasing mortgage credit. The cry of subsidy sounds a little hollow when commercial banks themselves have enjoyed access to 6-percent credit from the Federal Reserve. Why is there not a campaign to end these hidden subsidies to commercial banks? Why is credit at the discount window not a subsidy if it goes to a bank and why does it suddenly become a subsidy when it goes to a homebuyer?

As a matter of fact, there is no subsidy at all. Middle-income home buyers have not caused inflation, yet they are being asked to pay for it through superhigh interest rates. The proposal for extending this group low-cost mortgage credit is merely an attempt to alleviate part of the burden which the Federal Government itself has created.

Likewise, the proposal does not involve back-door spending. We are not using Government appropriated funds to extend credit directly to middle-income home buyers. Instead, we are using the facilities of the Federal Reserve System to redirect the flow of private credit. The loans to homebuyers would continue to come from savings and loan associations, commercial banks, and other private financial institutions.

Mr. President, last year Congress increased the Federal Home Loan Bank Board's Treasury borrowing authority by $3 billion. Unfortunately, when the President signed the act, he said he did so "reluctantly" and that he had no intention of using this new authority. Given the present disposition of the administration, I believe there is no alternative but to require that the Federal Reserve take effective action.

Mr. President, I send the bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3503) to reduce mortgage interest rates charged middle-income families, and for other purposes, was received, read twice by its title, and referred to the Committee on Banking and Currency.

THE MIDDLE-INCOME MORTGAGE CREDIT ACT

Mr. HARTKE. Mr. President, I am delighted to join with the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) in sponsoring the Middle-Income Mortgage Credit Act.

The economic policies of the present administration are as sophisticated as a meat ax and just as brutal. Economic thought has apparently reached a state of knowledge and enlightenment comparable to the medieval practice of bleeding the sick. Perhaps if we recognized the primitive condition of contemporary economic thought, we might more readily acknowledge its limited accomplishments and its manifest failures. The economic policy of the present administration is simply killing the economy by excessive bleeding. Nowhere is this "witch doctor" form of economic therapy more apparent, nowhere is the bloodletting greater, than in the housing industry.

Housing construction is particularly sensitive to rising interest rates and the availability of funds in the credit markets. Housing, therefore, is bearing an unfair burden of the present high interest rate policy. The homebuilder and the homeowner bear this unfair burden, not because they in any way caused or contributed meaningfully to the present inflation, but because, like the innocent victims of a raging murderer, they were there.

The homebuilder is no stranger to hard times. In fact, the housing industry has suffered five recessions in 15 years. Most recently, during the severe restriction of the money supply in 1966, housing absorbed 70 percent of the inevitable cutback in lending. Reeling from this first blow in 1966, builders were hit again in 1969. On February 19, the Bureau of Labor statistics reported that housing starts for January stood at 1,166,000. This is a 6.5-percent decline from December, which was hardly a good month. Since January of 1969, housing starts have plummeted by 40 percent. Mr. President, that figure is accurate—a 40-percent decline. Our present level of housing construction has now declined to the level of 1946, when our population was approximately 140 million. Today, with a population of over 200 million and with many more young people, the present administration is building not homes, but a housing shortage of unprecedented severity.

In 1970 the situation will worsen, not improve. New building permits in January declined 23 percent from the previous month—the largest drop in recorded history. The 950,000 permits issued in January 1970 compare with 1,400,000 permits issued in January 1969. All housing analysts agree that a decline in permits foreshadows a further worsening of housing construction in the months ahead. The housing industry, having suffered recession in the past, faces disaster in the future.

THE FORGOTTEN AMERICAN MUST FORGET HIS DREAM HOME

The assumption of the present high-interest rates policy is that increased prices will decrease all demand; but this assumption overlooks those sections of the economy where demand is inelastic. The demand for housing is particularly inelastic because housing is not a luxury. Due to the high-interest policy, the prices of houses has risen almost twice as fast as the overall cost of living. The average new house in the United States now costs about $26,000 compared to $20,000 in 1966. And this is only an average figure—in many parts of the country prices are much higher. The end result of this policy is that the forgotten American must forget his dream house. If a man cannot purchase a home, then he must rent, and the policy that drives the prices of new homes up also pushes up rent. High-interest rates may force the young married couples not to purchase a home—but they will continue to live in an apartment at ever-increasing rent. By further following the Neanderthal policy of high-interest rates, we can force this young couple to live in a cave. Surely this is not our goal?

SUPPLY AND DEMAND—THE FUNDAMENTAL PROBLEM WITH THE HOUSING INDUSTRY

The present monetary policy not only misinterprets the character of housing demand but also bases itself on the assumption that excessive demand exists. This is clearly not true in the housing industry. In the past, prices for housing have risen because of inadequate supply, not because of excessive demand. The United States, the richest country in the world, is behind almost every big country in the level of construction per capita. Even Russia puts up more housing than we do. Secretary of Housing and Urban Development George Romney, estimated that new housing in the past 4 years has fallen more than 1,000,000 dwelling units behind the amount just needed to keep up with population growth and losses from fires, storms, and bulldozers. We will fall even further behind in coming years. From 1969 to 1999, the Census Bureau projects that our population could grow from 200 million to over 360 million. For this population growth, we will need to build on the average, 2.5 million units per year and yet we are limping along with only about 1.5 million units being built each year.

Mr. President, the United States must change a monetary policy which is so destructive to a basic industry and so costly for the American homeowner and homebuilder.

The Middle-Income Mortgage Credit Act which we introduce today offers some hope of breaking the juggernaut of the present economic policy. The purpose of the bill is to channel low-cost mortgage credit to middle-income families during periods of tight money. The act declares that the Federal Government has a responsibility to distribute the impact of tight money more equitably and to provide middle-income home buyers with

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access to lower cost mortgage credit whenever interest rates are abnormally high because of monetary policy. The bill permits the Federal Loan Bank System to issue up to $3 billion a year in special housing certificates at a maximum interest rate of 6 percent. It further directs the Federal Reserve to purchase these certificates at the discount windows of the Federal banks. Since the $3 billion would be provided by the Federal Reserve System, it would not be treated as a budget outlay. Nor would the purchase of $3 billion of housing certificates interfere with the Federal Reserve Board's monetary function or its control over aggregate bank reserves. The purchase of housing certificates can easily be offset by reducing purchases of Treasury securities. In short, this bill channels the limited available credit to where it is needed, fights inflation, but does not destroy the basic fabric of our economic system.

S. 3504—INTRODUCTION OF A BILL TO INCREASE THE MAXIMUM MORTGAGE AMOUNT INSURABLE UNDER SECTION 242 OF THE NATIONAL HOUSING ACT

Mr. DODD. Mr. President, I introduce for appropriate reference a bill to amend section 242 of the Housing Act of 1968 to increase to $50 million the $25 million ceiling on guaranteed loans to nonprofit hospitals.

Public demand for hospital service continues to accelerate. Medicare and medicaid programs are bringing hospital services to persons who at one time could not afford proper treatment, and medical treatment becomes more technical and advanced each day, requiring equipment and techniques that can only be furnished by a hospital. Thus, many cases that were once treated at home or in a doctor's office now must look to hospitals for health care.

The resultant pressure on existing hospital facilities has constricted the operations of some of our finest institutions, and this situation can be alleviated only by the construction of new facilities or the expansion of existing plants.

The adoption in the Housing Act of 1968 of a guaranteed hospital loan program was a landmark provision.

There are a few cases, however, especially in our larger metropolitan areas, where hospitals which plan major rebuilding programs or construction of new facilities require more than a $25 million loan.

Improved hospital facilities in many communities across the Nation are being delayed, therefore, because of the difficulty in obtaining adequate financing. The $50 million ceiling proposed in the bill I submit today will enable these institutions to obtain the financing they need in order to proceed with their construction plans.

It should be pointed out that there would be very few of these instances, and there would be virtually no risk of default, because these larger hospitals are firmly established and responsibly administered.

Up-to-date hospitals are necessary to bring to Americans the health benefits that our medical technology makes possible. The public service performed by our hospitals is important to us all, and I hope the Senate will act on this bill at an early date so that hospitals can continue to meet our vital health needs effectively and efficiently.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3504) to increase the maximum mortgage amount insurable under section 242 of the National Housing Act, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3505—INTRODUCTION OF A BILL TO AMEND THE LAND AND WATER CONSERVATION FUND

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Colorado (Mr. ALLOTT) and myself, I introduce, for appropriate reference, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide a minimum annual appropriation authorization of $300 million for the purposes of the fund.

It is my belief that we must take action to insure that present and future generations of Americans are able to enjoy quality recreation in a quality environment. Providing for our Nation's outdoor recreation needs is an important responsibility which must be met.

It was with this in mind that I introduced, along with several cosponsors, the original Land and Water Conservation Fund Act—a measure designed to provide the funds to State and Federal agencies charged with the responsibility of meeting our growing recreational needs. Also, in 1968 it was my privilege to sponsor an amendment to the basic law which guaranteed an annual income of $200 million for 5 years into the land and water conservation fund. The availability of the fund in both acts was, of course, subject to appropriation action by the Congress.

Income to the land and water conservation fund is derived from admission and user fees from certain designated Federal recreation areas, income from the sale of surplus Federal real property, taxes paid on special motor fuels and gasoline used in motor boats. Under the 1968 amendment, to the extent the above income sources do not yield $200 million per year, the balance going into the fund to reach that amount is to be made up from appropriations from the general fund of the Treasury or from Outer Continental Shelf mineral receipts.

Moneys from the fund when appropriated have been available for the acquisition of certain Federal outdoor recreation lands, and for the planning, acquisition, and development of State, county, and municipal outdoor recreation properties on a 50–50 matching basis.

When the 1968 amendment was before the Congress, the Bureau of Outdoor Recreation had information available showing that a $400 million annual level for 5 years rather than $200 million was necessary to finance recently authorized new Federal acquisitions, needed Federal inholding acquisitions, a few prospective new Federal authorizations, and a fair share of the fund to the States and local governments. Even the $400 million level developed by the Bureau of Outdoor Recreation would not have made allowance for the inflationary escalation in real estate prices of recreation lands and waters that we all know is occurring.

At that time the Bureau of Outdoor Recreation had recently completed a recreation land price study showing a 10-percent average price increase per year in recreation properties as contrasted to 6 percent for most rural lands.

Despite these indicators, due to severe budgetary demands, the administration at that time recommended, and the Congress enacted, language to guarantee into the land and water conservation fund only $200 million annually for 5 years instead of the needed $400 million. This was an insufficient amount, but we recognized it as a stopgap, emergency funding measure.

Since that time the deficiency has been further aggravated by continuous recommendations by the administration of less than the $200 million per year. Congress also has appropriated each year substantially less than the total amount available in the fund.

I am highly pleased that it now appears we are prepared to move ahead with proper funding of this program. I was encouraged that the President's recent message on environment proposed full funding in fiscal year 1971 of the $327 million that has accumulated in the fund due to past underfinancing.

In the same message to Congress on the problems of our environment, the President proposed new legislation to possibly increase the fund. Secretary Hickel's letter of February 10 to the President of the Senate submitted the legislation recommended by the President. Its intent is to increase the fund above the $200 million level currently authorized by accelerating the sale of surplus property, the receipts from which now go into the fund. Although I applaud the goal of increasing the fund, I believe the method unnecessarily proposes a complicated and uncertain formula that may increase the fund by a small amount or might result in no increase at all depending on the sale of surplus Federal real estate in any given year.

Before the 1968 amendments neither the States nor the Federal agencies could predict with any real degree of certainty just how much would be available to them in each fiscal year. This, of course, complicated budgeting and planning for their recreation program. The guaranteed amount of $200 million remedied this fault, even though this is the first year we have been promised that the full amount will be requested. Under the formula proposed in the administration's bill introduced by the distinguished minority leader, once again we will be back where we were before without a certain set amount the States and Federal recreation agencies can depend on. That is why the Senator from Colorado and I believe it is better to tell the agencies and the States that "There will be an increase

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in the fund, and you can depend upon at least a definite amount." We are proposing $300 million a year for the remaining life of the land and water conservation fund which expires in fiscal year 1989, only 19 years from now.

One other important defect in the bill proposed by the administration is that the section of the present law intended to be amended expires at the end of fiscal year 1973, only 3 years from now. This has to be modified or we will not begin to make a dent in the backlog of areas which are to be acquired, and, in the case of the States, developed to meet the requirements of the Nation.

Mr. President, I submit that the park and recreation needs of the American people are not anywhere near completed. In fact, I believe we are just now getting underway effectively if we are to responsibly prepare for the Nation's growth in the decades ahead. We have all seen the predictions for population expansion in this country. More of the burden for meeting these outdoor recreation needs will undoubtedly fall on the State and local governments. There may very well be fewer national areas set aside as such, but the demand will grow for urban or near urban parks and open spaces. This demand will have to be met locally. The States and local governments are now geared up to meet these needs, thanks largely to the machinery they have established to take advantage of the land and water conservation fund. Now is the time to move ahead. Both the Congress and the executive branch favor more revenue for the fund. The question is how best to proceed. The bill I am now introducing, in my judgment, is the most direct and positive way of meeting this shortage of funds. By providing a guarantee of at least $300 million annually for the life of the fund, we will remove any uncertainty as to the annual income to the fund and permit its continuance long enough to enable the Federal, State, and local governments to put their recreation house in order.

I sincerely hope that the Congress, the administration, and the advocates of an adequate conservation-recreation program for this country will support this effort to strengthen the land and water conservation fund. It will be an important contribution in our overall battle to protect and enhance our environment.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3505) to amend the Land and Water Conservation Fund Act, and for other purposes, introduced by Mr. JACKSON (for himsef and Mr. ALLOTT), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3506—INTRODUCTION OF THE FEDERAL MOTOR VEHICLE POLLUTION CONTROL ACT OF 1970

Mr. RIBICOFF. Mr. President, in his recent address to Congress, President Nixon proposed a broad program to improve the quality of our enviroment. To reduce air pollution he called for strengthened motor vehicle emission standards in 1973 and 1975. And earlier he ordered all Federal facilities to comply by the end of 1972 with the air and water quality standards established for the States and regions in which they are located.

The President has set some laudable goals for the future. But his message failed to recognize the primary cause of air pollution: the pre-1968 vehicle, which is not covered by existing emission standards.

The Government owns or operates more than 50,000 of these cars. Daily they pour tons of noxious substances into the air.

The Federal Government has a special obligation to curb pollution. It must do more than merely obey the law. It must provide leadership by setting an example for the Nation.

Accordingly, I introduce for appropriate reference the Federal Motor Vehicle Pollution Control Act of 1970. The bill authorizes the Administrator of the General Services Administration to establish pollution control standards for pre-1968 cars owned or operated by the Federal Government. It requires that within 1 year after the date of enactment all such Federal motor vehicles must be equipped with pollution control devices. Six months thereafter the Administrator of GSA will report to Congress on the cost and effectiveness of this program. The results will help Congress determine whether all pre-1968 cars should be equipped with such devices.

There are approximately 70 million cars on the highway which were manufactured before 1968. Few realize that the average car is nearly 6 years old.

The typical car unfitted for pollution control spills 405 pounds of hydrocarbons and 1,575 pounds of carbon monoxide—the total is 90 million tons—into the air each year.

The automobile is responsible for approximately 60 percent of all air pollution, up to 85 percent in some urban communities—including 90 percent of all carbon monoxide, 60 percent of hydrocarbons, 50 percent of nitrogen oxides, and 8 percent of particulate matter—includes most of the lead—in the atmosphere.

National emission controls were established for carbon monoxide and hydrocarbons in 1968. The controls have been tightened and broadened for 1970 and 1971; they will be expanded by the Secretary of Health, Education, and Welfare to cover nitrogen oxides in 1973 and particulate matter in 1975.

These initial regulations, limited in scope by considerations of cost and technology, reduced susbtantially carbon monoxide and hydrocarbon emissions for 1968 and 1969 automobiles.

Yet, air pollution continues to increase. Not until 1971 will there be a return to 1966 levels, and this relief will be temporary, as vehicle numbers and unit passenger miles move relentlessly upward. Air pollution will double in 30 years under existing circumstances.

Mr. President, the General Services Administration has been an important innovator and laboratory for auto safety in the past. Many of the 17 safety features mandatory in 1966 Government vehicles were later incorporated in the national safety standards set by the Highway Safety Bureau. The General Services Administration is already field-testing a pollution control device on a small number of its older cars. This effort should be expanded to cover all Government cars.

The President has allocated over $350 million to the Federal facilities effort. Air pollution from pre-1968 automobiles is a problem of magnitude sufficient to warrant the expenditure of the funds necessary to equip all Federal cars with emission control devices.

The Federal Government is the largest consumer of our resources and one of the worst polluters of the environment. President Nixon has recognized that the Federal Government must take the lead in the battle against pollution. His order regarding Federal facilities is a step in the right direction. This should now be extended to included Federal automobiles as well.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD, and that following that a table showing the number of pre-1968 automobiles owned or operated by 13 departments and agencies of the Federal Government be printed in the RECORD. I also ask that the recent article concerning the General Services Administration experiment be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, table, and article will be printed in the RECORD.

The bill (S. 3506) to require all passenger-type motor vehicles now used by the Federal Government to be furnished with air pollution control devices, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 3506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after consultation with the Secretary of Health, Education, and Welfare with respect to standards promulgated by the Secretary under the Motor Vehicle Air Pollution Control Act, and the Secretary of the Department of Transportation, the Administrator of General Services shall establish standards for air pollution control devices for all motor vehicles which were acquired, by lease or purchase, prior to the enactment of this Act for use by the Federal Government and which are not furnished with air pollution control devices. The Administrator of General Services shall acquire air pollution control devices which conform to the standards established by him and within one year after the date of enactment of this Act install such devices on motor vehicles for use within the continental United States.

SEC. 2. As used in this Act—

(1) "motor vehicle" means any vehicle, self-propelled or drawn by mechanical power, designed for use on the highways principally for the transportation of passengers except any vehicle designed or used for military field training, combat, or tactical purposes; and

(2) "Federal Government" includes the

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legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

SEC. 3. Not later than eighteen months after the date of enactment of this Act the Administrator of General Services shall furnish to the Congress a full report on the cost and the effectiveness of equipping motor vehicles with air pollution control devices as required by this Act. This Act may be cited as, "The Federal Motor Vehicle Pollution Control Act of 1970".

The material presented by Mr. RIBICOFF is as follows:

PRE-1968 CARS OWNED BY THE FEDERAL GOVERNMENT

Department or agency	1967	1966	1965	1964	1963	1962	1961	1960 and prior years
GSA	557	4,037	4,323	3,190	1,072	377	65	27
Interior	204	289	252	190	170	62	25	27
Commerce		1					2	
Treasury	428	441	192	125	126	57		
Post Office	3,597	471						
Agriculture	380	560	462	336	237	81	5	5
Justice:								
Bureau of Prisons	11	16	16	13	6	6	2	2
Bureau of Naturalization and Immigration	281	2	134	54	5	3		
Bureau of Narcotics and Dangerous Drugs	96	90	88	21	4	1		1
FBI	924	558	333	151	1	2	2	6
Transportation	2	3	12	4	1			1
HEW	5	9	10	14	1	1		
Defense [1]	7,065	5,719	7,036	7,801	9,492	945	622	
Total [2]	13,550	12,196	12,858	11,899	11,115	1,535	723	69

[1] Approximately 13,000 of DOD cars are overseas.

[2] Total pre-1968 cars: 63,945.

[From the Washington Post, Feb. 22, 1970]

U.S. PLANS TO TEST SMOG KITS FOR AUTOS

(By Robert W. Irvin)

DETROIT.—Cape Kennedy, the launching area for the nation's mooon and space flights, may play an important role in the down-to-earth fight against automobile air pollution.

It is going to serve as a testing ground to see if it is practical to begin installing antismog kits on older cars that have no air pollution control devices.

New cars have antismog systems. But a major obstacle to quickly reducing total automobile emissions is the fact that about 60 million used cars now on the roads do not have any kind of controls.

Ford Motor Co. has developed a used-car air pollution control kit and is going to field test it on government vehicles used at Cape Kennedy. The U.S. General Services Administration (GSA) has 1,234 vehicles in service there. The cars, trucks and ambulances are used for various purposes at the space center and air base, which runs for about 20 miles along Florida's east coast and extends inland a good five miles.

Ford has developed a mobile emissions test laboratory—housed in a 40-foot customized semi-trailer—for use in the testing at Cape Kennedy.

The trailer's front section is an instrumentation lab, containing electronic emission measuring devices. The center section is expandable to a width of 30 feet, and the rear section contains service facilities, including two generators to supply auxiliary power for the mobile lab.

Ford engineering vice president Herbert L. Misch, in testimony recently in a Senate hearing, said the used-car antismog kit had already been tested on cars in the Ford fleet at the research and engineering center in Dearborn.

Misch said "installations and maintenance (of the kit) would be performed by GSA mechanics as they would be done in a garage, rather than by highly skilled engineers. This would permit realistic field evaluation of our attempts to reduce used car emissions."

Cape Kennedy was chosen as the testing area because the GSA fleet there is one of the largest anywhere and because weather conditions are considered good for emission control testing.

Henry Ford II has said "preliminary indications are that we could sell this kit at a price that might permit installation at a cost to the car owner as low as $50." He said it would reduce hydrocarbon and carbon monoxide emissions from pre-1968 Ford-built cars by as much as 50 percent.

But Ford admitted that "even if field tests should confirm our preliminary findings, it is doubtful that many owners of old cars would voluntarily pay to have emission controls installed.

"The primary purpose," he said, ". . . is to develop sound information that can be used by legislatures and government agencies in deciding whether or not to require installation of emission controls on older cars."

ADDITIONAL COSPONSORS OF BILLS

S. 1007

Mr. SMITH of Illinois. Mr. President, I ask unanimous consent that, at the next printing, my name be listed as a cosponsor of S. 1077, the late Senator Dirksen's antiobscenity bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3466 THROUGH S. 3472

Mr. MATHIAS. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of S. 3466 through S. 3472. These are the seven environmental bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH HAZARDS OF POLLUTION ACT

S. 3316

Mr. SMITH of Illinois. Mr. President, I ask unanimous consent that at the next printing of S. 3316, the Health Hazards of Pollution Act, the names of the Senator from Massachusetts (Mr. BROOKE), the Senator from Utah (Mr. BENNETT), the Senator from Alaska (Mr. STEVENS), the Senator from Vermont (Mr. PROUTY), the Senator from South Carolina (Mr. THURMOND), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. PERCY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Oregon (Mr. PACKWOOD), the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS), the Senator from Texas (Mr. TOWER), the Senator from California (Mr. MURPHY) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Illinois. Mr. President, I also ask unanimous consent that certain material relating to the act be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SMITH of Illinois. Mr. President, I would briefly like to bring my colleagues up to date on the Health Hazards Pollution Act. I introduced this measure on January 21. That was before the President's state of the Union address and before his historical antipollution program was submitted to the Congress. I am proud to be a cosponsor of the Presidents program. The Health Hazards Pollution Act is in no way inconsistent with the President's program; it is, in fact, a complementary proposal. Addressed as they are to problems of pollution abatement, the Presidents proposals focus upon Federal support for local, State, and regional pollution control efforts. S. 3316 specifically excepts pollution abatement from the studies and recommendations required of the Secretary of Health, Education, and Welfare not because we are unconcerned about abatement—quite the contrary—but because the President's proposals certainly cover that field. S. 3316 focuses on the health hazards of the pollution that exists and will continue to exist until our abatement proposals take hold. It is meant to generate a report on what we know about the health hazards of pollution, what we can do to help those affected, what we can do to cut down on death and disease caused by pollution—while we are fighting to eradicate it.

S. 3316 has been referred to the Committee on Labor and Public Welfare. At this date, no hearings on the bill have been announced. On that score, I think it would be appropriate to reiterate something I said when I introduced the bill: I am certain that we need the study and report required by the bill; but I am not certain that we need the bill to get the study and report. I made that point rather clear in writing to Health, Education, and Welfare Secretary Robert Finch the day I introduced the bill, urging him to begin the three parallel studies required by the bill—immediately—without waiting for legislation. I ask unanimous consent that my letter to him and his recent reply be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

January 21, 1970.

Hon. Robert H. Finch,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: Although I have been in Washington a relatively short time, I have quickly come to admire your forthright approach to public health and safety problems, particularly as reflected in the anti-rubella campaign, the FDA reorganization, and the Pesticides and the Environment Report. I am writing to request that you once again take the lead in identifying and helping to resolve a vital public health problem.

This afternoon I will introduce "The Health Hazards of Pollution Act," a bill that would require the Secretary of Health, Education and Welfare to begin immediately three parallel inquiries: (1) a study of the nature and gravity of the health hazards created by air, water, and other common pollution; (2) a survey of the medical and other assistance available to persons affected by pollution, especially pollution at what might be called "emergency levels," and (3) a survey of the measures, outside of pollution abatement, that may be taken to avoid or reduce the health hazards that lurk in the polluted environment. At the completion of his inquiries and within nine months of the bill's enactment, the Secretary would report his findings, evaluations and recommendations to the Congress.

Mr. Secretary, you and I know that this Congress will surely see environment-related activity. I am introducing this bill because, while we in the Congress debate alternative methods of pollution control, while we haggle about how much money the Government ought to be making available to abate the fouling of our air and water, while we shuffle to the hopper with bills and resolutions of every variety, hoping to gain a consensus on a course of action, Americans will be suffering and perhaps dying for lack of information about the health perils of pollution. Someone ought to be informing them, warning them, planning to prevent or diminish the threat to their lives and health, while the pollution—and our debate—continues.

The Pesticides and the Environment Report, which I understand was produced without legislation, and in what must be record time for a Government study of such scope and authority, gives me every confidence in your good judgment and sense of responsibility on environmental matters. I will be referring to it in my remarks on the Floor, noting my conviction that we need the study and report contemplated in the bill, but that we may not need legislative action on the bill to get the study and report. I urge you to consider the appointment of a commission, similar to the Mrak panel, to begin work on a pollution and health report as soon as possible.

Sincerely yours,

Ralph Tyler Smith.

The Secretary of Health, Education, and Welfare,
Washington, D.C., February 13, 1970.

Hon. Ralph T. Smith,
U.S. Senate,
Washington, D.C.

Dear Senator Smith: Please pardon this belated response to your very timely letter of January 23.

I certainly share your concern for ensuring that health hazards caused by environmental pollution are adequately identified and prevented. As you know, several components of the Department of Health, Education, and Welfare are working to achieve this objective. These include the Environmental Health Service and the National Institute of Environmental Health Sciences.

I have asked my Assistant Secretary for Health and Scientific Affairs, Dr. Roger Egeberg, to fully explore your suggestion of a commission on pollution and health and to report his recommendations to me as soon as possible. I will be in touch with you as soon as his report is in.

I am very proud of the excellent work of the Commission on Pesticides and their Relation to Environmental Health. If our experience with that Commission can profitably be applied in other areas, I will not hesitate to do so.

Your interest in the environmenal health problems which are of great concern to this Department is most appreciated.

Sincerely,

Robert H. Finch,
Secretary.

Mr. SMITH of Illinois. Mr. President, Secretary Finch's reply is cordial and encouraging. I am confident that he will welcome the knowledge that 15 distinguished Senators, including Senators of both parties, of diverse geographic representation, and various political philosophies—but all very much concerned about pollution and health—are prepared to support prompt action on his part to do the job without legislation. We certainly hope he will take that action.

Mr. President, a great many of the people of Illinois are working hard in war against pollution, housewives, scholars, union members, young people, professionals, "just average" citizens. We are very proud of them all. From time to time I will be sharing their views on the environment with my colleagues. Today, I thought that other Senators might be interested in a sampling of the fine responses I have received to a circulation of S. 3316 to the men who man the "front line" in the fight against the health hazards of pollution in Illinois, our dedicated public health officers.

Exhibit 1

American Medical Association,
Chicago, Ill., February 12, 1970.

Hon. Ralph Tyler Smith,
U.S. Senate,
Washington, D.C.

Dear Senator Smith: This is in response to your letter of January 30, 1970, to John S. Chapman, M.D., Chairman of the Council on Environmental and Public Health, American Medical Association, regarding S. 3316 which was introduced by you on January 21, 1970. Since your inquiry relates to a legislative matter, both Doctor Chapman and the Secretary to the Council, Mr. Frank W. Barton, have asked me to respond.

As we understand it, S. 3316 would, among other things, require the Secretary of Health, Education, and Welfare to study and report annually to the Congress on the health hazards of environmental pollution and the availability of medical and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels.

The American Medical Association has long been concerned with the health hazards and implications from the pollution of our environment. Among principal activities in this area is our ongoing program of providing information and educational material to physicians and medical societies, encouraging them to take an active leadership role. In addition, the Association has sponsored each year beginning in 1964 an Annual Congress on Environmental Health, and, since 1966, a biennial Air Pollution Medical Research Conference. Striving for greater effectivenesss as called for by the AMA House of Delegates at the Association's Clinical Meeting in December, 1969, we plan an even more intensified program aimed at having the medical profession take a more active and vigorous role for the solution and prevention of environmental pollution probelms.

The American Medical Association shares with you concern for environmental pollution as a threat to man's health and well being. Accordingly, we can agree with the purposes and intent as expressed in your bill, S. 3316. However, in order to formally develop a policy posiiton on any specific bill, it is necessary that the measure be reviewed by our Council on Legislation. This will be done when the Council next meets in March.

Thank you for your interest in health matters and for your letter and expression of appreciation for the roles played by medical societies in the interest of the public's health. I will be happy to keep you informed of any policy we develop on S. 3316.

Sincerely,

Bernard P. Harrison.

Fulton County Health Department,
Canton, Ill., February 11, 1970.

Senator Ralph Tyler Smith,
U.S. Senate,
Washington, D.C.

Dear Senator Smith: "The Health Hazards of Pollution Act" is a step in the right direction. It is my belief that the Secretary of Health, Education, and Welfare should be moving in a similar direction without congressional action; however, if this bill will expedite the study, I applaud your action. Undoubtedly, this Act will also tend to lend credence to the results of the Secretary's study.

The results are what I am most concerned with. The parallel inquiries provide a means for gathering all existing knowledge regarding this subject into one study report. This input should allow for some major changes in both attitudes and policies of top-level individuals.

Without policy change and the willingness to expand the necessary resources of man, material, and money, the pollution problem will not be solved. This is a serious problem now and cannot be attacked in gradual steps. A massive effort is necessary now.

The environmental problem has not yet reached a crisis but this point is not far off. The United States is a crisis-oriented society, reacting with the necessary resources only at the time of crisis. We cannot afford to wait that long to solve the pollution problem.

Crash programs result in excessive, unnecessary spending. Control of this problem will cost enough without waste. Initiate a massive effort now to correct these problems. Establish criteria, develop priorities, and rectify the problems. The technology exists to solve these problems so, what are we waiting for?

The answer to this rhetorical question is that the States are awaiting Federal assistance. Right or wrong, I'm convinced this is correct. Federal, State, and local monies are needed to solve the problem—tremendous amounts. This money must be made available to both large and small communities. Small communities seem to be placed on bottom of assistance lists.

For example, Fairview, Illinois, passed a bond issue several years ago which, with federal aid, would have allowed them to construct a sewage-treatment plant. Fairview has not received this aid. Here are people ready to correct their problem but are unable to do so because of lack of funds. This is a small community which, I am sure, is not unique in this country.

The results of the parallel study must be made known to ALL. The study should not be shelved when completed but acted upon and implemented. The correction of the pollution problem should not be allowed to become a part of partisan politics as it has recently.

I would hope that it does not go the route of President Nixon's Welfare proposal—defeat because of an election year. Environmental control, in all facets, is an absolute necessity. No man has the right to deny a pollution-free environment to any citizen. Any partisan political move to divert or withhold this action is absurd, and should be viewed as such.

We, the people, which includes presidents, representatives, and senators, defiled the environment. Now, we, the people, must provide restitution.

Sincerely,
GORDON POQUETTE, M.P.H.,
Public Health Administrator.

MORGAN COUNTY HEALTH DEPARTMENT,
Jacksonville, Ill., February 5, 1970.
Hon. RALPH TYLER SMITH,
Senator, U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: Thank you for your letter of January 28th requesting comment and advice from local health departments in Illinois regarding air pollution and your proposal to congress. Having served the Illinois House so capably for many years, you are probably as much aware as we are of the Illinois Air Pollution Programs. We think it is tops. Unfortunately, you probably also know that air pollution knows no boundaries. No matter what we do in Illinois we will be subject to air pollution from our neighbors. It is also a fairly well known fact here in Illinois that if we are able to effectively control all our industrial pollution, automobile exhausts which now account for about 62% of our pollution, will account for more.

For these reasons alone, I am pleased to see your proposed act. It is only by recognizing that the problem involves all of us that any of us can work to solve it. This is why it must be done on a federal level. My only concern with your proposal is the time of nine months for the secretary's report. I believe that most states could assist the secretary and that it could be done in less time.

The other facets of your proposal, namely the survey of help available to persons and measures that may be taken are very fine. Morgan County is more of a rural type county and is not what I would call a polluter of air although even our county has its problems on fall days when leaves are being burned in combination with a stagnating high pressure front.

Very truly yours,
WILLIAM D. MEYER,
Acting Administrator.

SHELBY COUNTY HEALTH DEPARTMENT,
Shelbyville, Ill., February 6, 1970.
Hon. RALPH TYLER SMITH,
Senator from Illinois,
U.S. Senate,
Washington, D.C.

HONORABLE SMITH: The copy of your bill, S. 3316, was reviewed and carefully read. I congratulate you on the submission of this bill and hope action will be taken by proper authorities on passage of this bill.

Respectfully,
P. C. SUPAN, M.D.
Shelby and Effingham County Health Departments.

THE MADISON COUNTY MEDICAL SOCIETY,
Alton, Ill., February 5, 1970.
Senator RALPH TYLER SMITH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SMITH: I commend you on Senate Bill 3316—"The Health Hazards of Pollution Act." I wish you success.

Respectfully,
LEO R. GREEN, M.D.

STICKNEY TOWNSHIP PUBLIC HEALTH DISTRICT,
Oak Lawn, Ill., February 6, 1970.
RALPH TYLER SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: I have reviewed your Bill S. 3316 and find it most timely and interesting. I wish to congratulate you on your forward thinking and I hope that this bill passes through Congress because the immediate danger to the health of the public is the Pollution of Air and Water and the environment in general.

Again I thank you for introducing such a bill that will have such broad benefits not only for the people of Illinois but throughout this great land of ours.

Very truly yours,
GENE J. FRANCHI, D.D.S., M.P.H.,
Health Director.

WINNEBAGO COUNTY DEPARTMENT OF PUBLIC HEALTH,
Rockford, Ill., February 10, 1970.
Re S. 3316.
Hon. RALPH TYLER SMITH,
U.S. Senate,
Washington, D.C.

DEAR SIR: We have examined with interest your S 252 "Congressional Record" proceedings and debates of the 91st Congress, 2nd session, S. 3316—*Health Hazards of Pollution Act.*

Any legislation which will aim towards the abatement or lessening of the air pollution problem, or decrease the complications that arise to the citizenry from the inhalation and/or ingestion of air pollutants will meet with our highest approval.

The medical profession is qualified to deal with the respiratory complications resulting from air pollutants, but could be aided by alerts from the qualified governmental agencies when stagnation, high pressure or air inversion conditions exist,—such as the alerts issued here in Illinois by the Executive Secretary of the Illinois Air Pollution Control Board when adverse conditions exists.

The study and survey of the situation by the Secretary of Health, Education and Welfare and the transmittal of the reports to congress would of course keep key governmental official and resultantly the medical professions constantly aware of the latest steps taken towards air pollution control and the necessary medical aids needed to persons adversely affected by the various incidences.

Any suggestions which you may have that will aid our department in the cooperation with both State and Federal Programs will be gratefully received.

Thank you for your letter of January 28, 1970, and your great concern in regard to one of the greatest Public Health threats with which our Nation has ever been confronted.

Very truly yours,
WINNEBAGO COUNTY HEALTH, DEPARTMENT,
ROBERT H. ANDERSON,
Acting Health Officer.

DEERE & CO.,
Moline, Ill., January 30, 1970.
Hon. RALPH TYLER SMITH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SMITH: I have read S. 3316, "Health Hazards of Pollution Act", and have the following comments.

I believe that completed research, and research in progress is giving us most of the information we need for Medical Control. The Department of Health, Education, and Welfare would, as I see it, have to collect the data from divergent sources, subject it to critical analysis, and publish their findings. They have already done much of this and have published some fine reports.

I believe the principal value would be the marked publicity that a high level report of this nature always receives.

Physicians should be informed when atmospheric testing and/or meteorological data indicate that a health hazard is imminent.

Thank you.

Cordially yours,
B. H. SHEVICK, M.D.

DU PAGE COUNTY HEALTH DEPARTMENT,
Wheaton, Ill., February 6, 1970.
RALPH TYLER SMITH,
Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR SMITH: I have received your letter of January 28th in which you asked for my "comments and advice on this and related matters", i.e., SB 3316. Please know that I was rather pleasantly surprised to be asked! For the past thirteen years problems of environmental pollution and their solutions have been one of the chief tasks of my staff and myself, therefore, I welcome this chance to write to you.

In my opinion, much is already known about the health hazards of pollution and about the assistance which can be given persons affected. No such further studies are needed! *What is needed* is the *abatement of pollution,* which your Bill excludes! It is exceedingly difficult to provide measures to avoid or reduce health hazards in a polluted environment, "outside of pollution abatement".

"Abatement of pollution" is the only certain way to avoid the health hazards. It is a costly and resisted way which I have had to enforce in the past—often through legal action—or its threat!! But in the long run, it is less costly than the damage done to people and human values.

In the interest of the public health.

Sincerely yours,
CHARLES A. LANG, M.D.,
Director.

MACON COUNTY HEALTH DEPARTMENT,
Hon. RALPH TYLER SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: Thank you for calling my attention to your "Health Hazards of Pollution" Act. We do not, of course, have anything like the air pollution problems faced in the Chicago and East St. Louis areas. We do, however, have a water problem which is only now being brought to the attention of the public. I refer to that pollution occasioned by the very greatly increased use of nitrogenous fertilizers.

When you and I were growing up, farmers use to plant legumes, as an integral part of their rotation program. Then, because of the activity of "friendly" soil bacteria in the root nodules of these plants, atmospheric nitrogen, in the form of nitrates, was "fixed" and became an available nutrient for future crops. World War II changed all this by producing cheap nitrates for explosives and, later, fertilizers. The bacteria we used to praise are still there and now, no matter what form we put nitrogen on the soil, they immediately begin turning it into soluble nitrates, then if, before it becomes fixed in the roots of crops, a heavy rain occurs (this is not an unusual situation) all this soluble fertilizer runs off or soaks down below the root zone and is lost to the farmer. In the one case it enters water supply reservoirs and, in the other, ground water supplies. Lake Decatur, our water supply, drains some 960 square miles of highly cultivated, well drained crop land. It very commonly, in late spring and early summer, exceeds the standard of 45 mg/1 of nitrate nitrogen allowed for potable water.

I believe you will be aware of the fact that nitrates are changed to nitrites in the intestinal tract of infants and calves. These nitrites react much as carbon monoxide does with hemoglobin, producing "Blue Babies." It can kill. I enclose a copy of a letter from our Chamber of Commerce to the Governor requesting studies somewhat along the lines your bill proposes. I might add the recommendations which are objectionable to farmers were lifted out of recommendations of the Illinois Water Survey report. A copy of their summary is enclosed. I also enclose a copy of a letter from the President of the local Farm Bureau protesting the Chambers request while professing an interest in environmental control.

This week there will be a two day meeting, at the University of Illinois, devoted to the problem of nitrates and water supply. I not only invited the President of the Farm Bureau to accompany us to this meeting but also offered to meet with him or his group to discuss the problem. Unfortunately he was unable to avail himself of either offer. I tell you this to give you some idea of the obstacles we have faced in a ten year program designed to protect our water supply.

It seems clear, Senator, that we have the "know how" to handle most problems with water (and perhaps air) pollution. We just have to make up our minds to pay for it. No such knowledge is currently available for the problems posed by farm operations. I solicit your aid in implementing studies, at either the State or Federal level, which will give us the answers.

Thanking you, I am
Very truly yours,

LEO MICHL,
Acting Director of Health.

HENRY COUNTY HEALTH DEPARTMENT,
Cambridge, Ill., February 19, 1970.

Mr. RALPH TYLER SMITH,
U.S. Senate, Committee on Aeronautical and Space Sciences, Washington, D.C.

DEAR MR. SMITH: Please continue with your efforts and the bill you introduced, "The Health Hazards of Pollution Act."

Many of us are aware of the serious problem of the various types of "Pollution" and what it can do to the health and welfare of our citizens. It is necessary to act before we destroy ourselves.

Thank you.
Sincerely,

GRACE VAN VOOREN, R.N.,
Acting Administrator.

MCHENRY COUNTY DEPARTMENT OF HEALTH,
Woodstock, Ill., February 17, 1970.

Hon. RALPH T. SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: I am in receipt of your letter of January 28th and its attachment, Volume 116, No. 3 of the Congressional Record and concur in your introductory statements and the material which you have presented in S. 3316. It is a logical first step. I would however, point out to you that both Air and Water Pollution are summations of individual problems and cannot be attacked on a gross overall basis. Each individual problem must be resolved and then there will be a summation effect of the elimination of pollution. Therefore, I am somewhat concerned about the implications of Item C in your Section 3 of Senate Bill S. 3316.

I want to encourage your activity and not detract from it, however I believe the central thrust should be the elimination of pollution, not trying to determine how to live with it.

Thank you.
Sincerely,

WARD DUEL, M.P.H.,
Administrator.

Mr. PERCY. Mr. President, will my colleague from Illinois yield?

Mr. SMITH of Illinois. I am happy to yield to my colleague.

Mr. PERCY. I should like to commend the junior Senator from Illinois for the leadership he is providing in the area of environmental control. I was as impressed as he was at the meeting in which we participated in Chicago, presided over by the President and a Cabinet-level group. We worked 3½ hours with four Governors of Midwestern States on the problem of environmental control in the Great Lakes area.

We realize there is a distinct responsibility that exists within each State, but one State by itself cannot stop pollution that comes across State lines from another State, for example, air pollution coming into Illinois from Gary, Ind., or the pollution that comes from Wisconsin or Michigan. Likewise pollution from Illinois affects other States as Illinois pollutes Lake Michigan.

I believe that the leadership provided by the junior Senator from Illinois in this area of Federal responsibility is exceedingly important, and I commend him on his actions.

Mr. SMITH of Illinois. I thank my colleague from Illinois.

Mr. SCOTT. Mr. President, I have today joined as a cosponsor of Senate bill 3316, the Health Hazards of Pollution Act. This proposal would require the Secretary of Health, Education, and Welfare to begin immediately an in-depth study of the hazards posed by pollution to the Nation's health. It would also require study of what can be done, in the period before pollution can be abated, to reduce those hazards. I support this measure as one more positive way in which to focus the country's attention and resources on the serious problems engendered by the pollution of our air and water.

Pollution of all kinds not only threatens the environment around us, but also erodes our health as individuals. Our concern should be heightened by the realization that those who are affected the most, predominantly the aging and already ill, now often do not even perceive the threat that surrounds them. Even more tragically, we have persistently ignored the means within our grasp to help abate, not just the pollution itself, but also many of its terrible consequences to health.

It is well documented that both the ongoing presence of impurities, and serious and sudden pollution emergencies, can cause widespread disease and even death. Lengthy temperature inversions, trapping air with a high toxic content, typify one such emergency which could be better monitored and its effects better controlled. Furthermore, a study such as the one proposed in this bill may very well discover many other areas where the health dangers posed by pollution can be better understood and confronted.

Let me add a word of caution. Under no circumstance should any possible allevation of the immediate health hazards of pollution be allowed to dull or dampen the broad national effort to abate pollution itself. We must save as many lives, and cure as much pollution-induced disease, as possible while the broader effort moves forward. But our lives and health, indeed the continuation of life on this planet, fundamentally depend upon winning the wider war to protect those natural processes and balances which sustain us all.

Mr. President, I understand that other Senators intend to join as cosponsors.

SENATE RESOLUTION 361—RESOLUTION SUBMITTED AND AGREED TO ELECTING THE MAJORITY PARTY'S MEMBERSHIP ON THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY FOR THE 91ST CONGRESS

Mr. KENNEDY submitted a resolution (S. Res. 361) electing the majority party's membership on the Select Committee on Equal Educational Opportunity for the 91st Congress, which was considered and agreed to.

(The remarks of Mr. KENNEDY when he submitted the resolution appear later in the RECORD under the appropriate heading.)

AMENDMENT OF SECTION 8 OF THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED—AMENDMENTS

AMENDMENT NO. 518

Mr. MATHIAS submitted an amendment, intended to be proposed by him, to the bill (S. 3472) to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes, which was referred to the Committee on Public Works and ordered to be printed.

EXTENSION OF VOTING RIGHTS ACT OF 1965 WITH RESPECT TO THE DISCRIMINATORY USE OF TESTS AND DEVICES—AMENDMENTS

AMENDMENT NO. 519

Mr. SCOTT (for himself, Mr. HART, Mr. BAYH, Mr. BURDICK, Mr. COOK, Mr. FONG, Mr. KENNEDY, Mr. MATHIAS, and Mr. TYDINGS) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, which were referred to the Committee on the Judiciary and ordered to be printed.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 520 THROUGH 523

Mr. DOMINICK submitted four amendments, intended to be proposed by him, to the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system for the imposition of airport and airway user charges, and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. DOMINICK when he submitted the amendments appear later in the RECORD under the appropriate heading.)

AMENDMENTS NOS. 524 AND 525

Mr. SMITH of Illinois submitted two amendments, intended to be proposed by him, to House bill 14465, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 526

Mr. JAVITS submitted an amendment, intended to be proposed by him, to House bill 14465, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. JAVITS when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 527

Mr. JAVITS (for himself and Mr. GOODELL) submitted an amendment, intended to be proposed by them, jointly, to House bill 14465, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. JAVITS when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENTS NOS. 528 AND 529

Mr. COTTON submitted two amendments, intended to be proposed by him, to House bill 14465, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 530

Mr. COOK submitted amendments, intended to be proposed by him, to House bill 14465, supra, which were ordered to lie on the table and be printed.

ADDITIONAL COSPONSOR OF AN AMENDMENT

NO. 503

Mr. PERCY. Mr. President, on behalf of the Senator from Arizona (Mr. GOLDWATER) I ask unanimous consent that, at the next printing of amendment No. 503 to H.R. 4249, the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

INTIMIDATION OF PUBLIC OFFICIALS

Mr. CASE. Mr. President, Frederick B. Lacey, the U.S. attorney for New Jersey, has been attacked through a member of his family.

Mr. Lacey, who was named to the U.S. attorney post by the President on my recommendation, will, I know, neither be intimidated nor deterred from cleaning up conditions that should have been attended to long ago.

The meanness of spirit of those who try to intimidate public officials or deter them from performing their duty by attacking the activities of members of their family is exceeded only by their stupidity.

Their meanness of spirit needs no elaboration.

Their stupidity lies in their failure to appreciate that the American public is neither stupid nor mean spirited. Such attempts will invariably boomerang against those who make them.

I am confident that the people of New Jersey will continue to support Fred Lacey. And I am sure he will not disappoint them.

Mr. President, an article about Fred Lacey, written by Fred J. Cook, was published in the magazine section of the New York Times of February 1, 1970. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine, Feb. 1, 1970]

THE PEOPLE VERSUS THE MOB; WHO RULES NEW JERSEY

(By Fred J. Cook)

NEWARK.—The headline-making trial begins. U.S. Attorney Frederick B. Lacey—a commanding 6 feet 4 and 225 pounds, a man who walks at a trot—rises and asks Judge Robert Shaw: "Your honor, may I use the lectern? I have so many notes." The judge nods and Lacey wheels the lectern to a spot front and center, before the jury box.

The jurors are brought in. They settle themselves with the usual self-conscious bustle and look up at Lacey and the judge, the sober citizens composing themselves with an air of appropriate seriousness as they prepare to listen to a fantastic story of gangland intrigue and brutality.

The Federal prosecutor goes into his opening address, and it quickly becomes apparent that the business with the lectern was just a bit of expert stage-managing. Frederick Lacey does not need such a prop for his notes; his case is in his head. He speaks in a deep, resonant voice, clearly and distinctly, leaning casually across the lectern toward the jury. When he reaches an especially dramatic point, he rests his right elbow on a corner of the lectern, his lower arm and pointed finger stabbing at the jury. He captures and holds all eyes.

The tale that he unfolds is one that, varying only in details, is to be repeated again and again in the Federal Courthouse in Newark during the next two years. In a series of trials just beginning, jury after jury will be asked to decide cases which, in their cumulative effect, are expected to provide the most graphic study in American criminal annals of the complete subversion of a city—and, indeed, of much of a state—by the money and muscle of the underworld.

The case Lacey outlines to the Newark jury on this particular day deals with the international financial machinations of a shady Newark insurance broker, Louis Saperstein, who departed this world in late November, 1968, mysteriously loaded with "enough arsenic to kill a mule." It is a tale that involves literaly hundreds of thousands of dollars in an international stock scheme. The money for this gambit in high finance—all cash—had been obtained, Lacey says, from Angelo DeCarlo, variously known as "Ray" and "the Gyp," who is identified as a capo in the Jersey Mafia family formerly headed by the late Vito Genovese. DeCarlo's favorite racket over the years has been loansharking, and he and three associates are on trial for having tried to collect thousands of dollars a week in "vigorish" (the loan shark's term for usurious interest) from Saperstein allegedly beating him in the process "until his face turned purple and his tongue bulged out."

As Lacey speaks, there reposes in the courtroom behind the prosecution table what can only be described as a time bomb. It is an aluminum file cart, much like the kind used in supermarkets, and it is piled high with some 1,200 pages of white printed transcripts, the product of four years of industrious Federal Bureau of Investigation wiretapping and bugging of the phone and premises of Angelo DeCarlo. The transcripts are records of conversations in which DeCarlo and his associates brag about having a stranglehold on the city of Newark and much of New Jersey. Before the day is out, Judge Shaw will make the transcript public.

Throughout the drama of Lacey's speech, Angelo DeCarlo sits impassively, to all appearances the most unflappable man in the courtroom. He resembles nothing so much as a simple Italian *paisano*—67 years old, silver-haired, short and stocky, with an impressive paunch. He is wearing a shapeless gray suit with a light brown sweater under the coat to guard against the winter's chill. He has a heavy face, a long, sharp nose and a shelving chin; and when he waddles out into the corridor among his waiting henchmen, his lips curve around a big cigar in an almost cherubic smile. But there is nothing cherubic about him now. He swivels around in his chair at the defense table, turning his back on Lacey with a kind of bored indifference, his tight lips twisted in a hard travesty of a smile while the cold remote eyes, devoid of any trace of humor, stare out at the courtroom spectators with never a blink.

Such is the scenario. It is one that will be repeated almost endlessly in the coming months as U.S. Attorney Lacey and his young assistants wade through a mushrooming pile of indictments that, on their face, outline the most complete network of crime and official corruption that has yet to be brought to trial in an American courtroom. There has been nothing remotely comparable to this since the Murder, Inc., trials of 1940; and by comparison even Murder, Inc., was pallid stuff.

The late William O'Dwyer, who rode to glory on that exposé, contented himself with sending to the electric chair the expendable strong arms of gangdom; he never touched their bosses, Joe Adonis and the late Albert Anastasia. Nor did he disturb the political superstructure without whose complaisance the organized underworld could not exist. In this perspective, the current Jersey investigation harbors a far more explosive potential.

The potential began building almost half a century ago—from that time to this, to put it bluntly, Newark has been dominated by the mob—and it is a remarkable and notable fact of life in Newark that no underworld mogul of the first rank has ever suffered much more than a gentle slap on the wrist from the forces of the law. When a big-time mobster gets in deep trouble, something almost invariably happens.

The story goes back to Prohibition days, to the nineteen-twenties. Newark, New Jersey's largest city and only a short truck haul from the thirsting fleshpots of Manhattan, became virtually the bootleg capital of the Eastern seaboard. In the gangland wars of the era, a czar of czars emerged. He was Abner (Longie) Zwillman, a Newark Jew who came to rule one of the toughest mobs in gangland history. Zwillman's underworld rivals seemed to meet their Maker in the most gory fashion, but the mob ruler himself was always leagues removed from the awful deed.

His free use of muscle and a native organizational genius made Zwillman the most important bootlegger on the East Coast. In Port Newark, then far more isolated from the central city than it is today, his rum-running fleets operated on almost a regular ferry schedule; and all up and down the inlet-dented New Jersey shoreline, especially in Monmouth and Ocean Counties, Longie's men ran a gauntlet of unseeing Coast Guardsmen until they could reach haven in the arms of local policemen and sheriffs. The magnitude of the Zwillman operation may be gleaned from official estimates that his mob reaped a $50-million bonanza from bootlegging between 1926 and 1931, and that at the peak of its operation it was importing

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about 40 per cent of the bootleg liquor flowing across the nation's borders.

Such rapidly accumulated millions catapulted Zwillman into a position of enormous (and not too secret) political power. He became known as the Democratic boss of Newark's old Third Ward and his money helped to finance many a state gubernatorial campaign. The scuttlebutt of the times was that Longie Zwillman requested just one little favor from gubernatorial candidates who benefited from his largesse—the right to name, or at least to approve, the new Attorney General. There was never any proof of such a deal, but events frequently lent credence to the rumors. Mobsters were rarely inconvenienced in New Jersey, and the state became increasingly a haven for gangsters.

The path of an underworld chieftain is never smooth, however, and so it was with Longie. As he rose in power, so did a rival, Ruggiero (Richie the Boot) Boiardo. Just as Zwillman became the political power of the Third Ward, Bioardo achieved dominance in the First. And there was no love lost between them.

They were oddly contrasting types. Boiardo was the flashy Prohibition mobster, complete with a $5,000 diamond-studded belt buckle. Zwillman was the suave businessman of crime, a strangely dual personality. He had married into society; he knew how to conduct himself like a gentleman, and his heart bled all over his public sleeve for the poor. In the blackest pit of the Depression, he reached into his bootleg millions and paid the cost of running a soup kitchen for the impoverished in Newark's Military Park. He later established a similar soup kitchen at a Catholic church. There was, however, nothing benevolent about him when the issue was a test of underworld power; and this fact Richie the Boot Boiardo was to learn at great expense.

The bloodletting was preceded, as is so often the case in the treacherous quicksands of the underworld, by a great show of fraternity. Longie and Richie the Boot announced in 1930 that they had composed their differences, and just to show how much they loved each other, they threw a bash that was to become the talk of Newark. The party roared into its second sunset and terminated then only because The Newark News had begun to show some interest in the merriment. It spoke much about the political climate in Newark that gangsters and politicians mingled indiscriminately; among the politicians present were a former U.S. Commissioner, a candidate for the State Assembly and—most unfortunately—Paul Moore, a Democrat who was running for Congress. Moore committed the indiscretion of having his picture taken with the Boot and his belt buckle. Moore's rival, the late Representative Fred Hartley, had thousands of copies of the picture distributed in the Eighth Congressional District, and Moore later lamented that the photograph had played a large role in his defeat.

If Richie the Boot thought that the two-day wassail had made Longie Zwillman his bosom pal, he was soon to be disabused of the notion. Shortly after the party the Boot stepped out into the daylight at 242 Broad Street and encountered a hail of bullets sprayed from a sniper's nest across the street. Sixteen slugs perforated Boiardo's anatomy, and his life was probably saved by his $5,000 diamond belt buckle. "The shot that almost certainly would have killed him, ripping through his intestines, hit that belt buckle and ricocheted away," says a man who remembers the incident.

When Richie recovered, he was sent to prison for 2½ years because he had been carrying a gun himself when he was put upon on Broad Street. But prison was not the tough ordeal for the Boot that it is for most. He was packed off to Trenton State Prison in March, 1931. However—though regulations provided that prisoners must serve at least one-third of their sentences before they could be considered for less rigorous confinement—Richie the Boot was whisked away to the minimum-security Bordentown Prison Farm after only four months. And rumors soon began circulating that witnesses had seen the Boot, as big as life, circulating in his old Newark haunts, especially at night and on weekends. The police investigated—but, of course, found no proof.

Freed after 16 months at Bordentown, the Boot returned to his old racket leadership in the First Ward, and he and Longie evidently agreed to divide Newark between them; the law remained a bystander.

Just how ineffectual the law was during this period was illustrated in 1939, when Richie got into difficulties with the State Alcoholic Beverage Control office. The A.B.C seemed to have the irrational notion that the Boot, as a convicted gangster, had no business operating a tavern called the Vittoria Castle. In the subsequent hearings, some high police officials testified to Boiardo's estimable character. Acting Capt. Joseph Cocozza of the Essex County Prosecutor's staff testified that he and his wife often dined with the Boot and the latter's wife, and he added: "We have never connected him with any gang in our work." The deputy police chief in Newark and the sergeant in charge of the morals squad added their voices to the chorus, testifying that Richie was simply "trying to earn an honest living."

Reality, of course, bore no resemblance to these official pronouncements. Last summer the Government released transcripts produced in four years of surveillance of Simone Rizzo (Sam the Plumber) DeCavalcante, who says the F.B.I. is a Mafioso of the first water. In the DeCavalcante tapes, the real story of Richie the Boot, still active at 80, began to emerge. The revelation came when some of the boys got together in Sam's office to talk over the finer points of murder. Participants in the conversation, according to the F.B.I., were Sam the Plumber, Ray the Gyp DeCarlo and Anthony (Tony Boy) Boiardo, Richie's son and heir. It went like this:

Tony Boy: How about the time we hit the little Jew . . .

Ray: As little as they are they struggle.

Tony Boy: The Boot hit him with a hammer. The guy goes down and comes up. So I got a crowbar this big, Ray. Eight shots in the head. What do you think he finally did to me? He spit at me and said, "You———."

The tapes released at DeCarlo's trial Jan. 6 add another startling dimension to the picture. Richie the Boot's private citadel is a great stone mansion (built in part with slabs his wrecking company crews had torn from the old Newark Post Office when it was demolished) that sits upon a wooded plot of several acres in Livingston, N.J. The mansion is approached by a drive at least two city blocks long, and at one turn the startled visitor comes upon a monument to megalomania. There, life-size and in full color on a lifesize white horse, sits a stone Richie in all his splendor, while around and below him, mounted on stone pedestals, are some nine busts—also in full, glorious color—of members of his family. The Boiardo castle, isolated behind a thick screen of trees at the end of the drive, is an erie place; and, according to the F.B.I.'s transcript, some shudderlingly sinister things have happened there.

On Jan. 7, 1963, according to the F.B.I. tapes, DeCarlo and Anthony (Little Pussy) Russo—a mobster who once bragged that he had Long Branch in his hip pocket—discussed some of the macabre events that had taken place on the Boiardo estate. Russo warned DeCarlo never to go near the place alone if Boiardo tried to lure him there. According to Russo and DeCarlo, there was an incinerator for human bodies at the rear of the estate, up behind the Boiardo greenhouse. ". . . Ray, I seen too many," said Little Pussy. "You know how many guys we hit that way up there?"

DeCarlo: What about the big furnace he's got back there?

Russo: That's what I'm trying to tell you! Before you go up there . . .

DeCarlo: The big iron grate.

Russo: He used to put them on there and burn them.

Little Pussy and Ray the Gyp agreed that Richie the Boot was "a nut" because he disposed of not only the bodies that resulted from his own business endeavors, but also those that any other mob chief chose to pass on. According to Russo, the late Thomas (Three-Finger Brown) Luchese, for years the ruler of one of New York's five Mafia families, used to turn over the bodies of his victims to Boiardo for burning. ". . . He'd give them to me and we'd take them up," Russo told DeCarlo.

The picture that emerges from the transcripts contradicts the bland contentions of Newark policemen that Richie the Boot was an estimable character trying to earn an honest living. Of course, back in 1939 the police did not have F.B.I. tapes to apprise them of the facts of life, but still there were events that seemed to speak for themselves. In the election of November, 1932, for example, the 11th District of Longie Zwillman's Third Ward gave all the Republican candidates except Herbert Hoover just eight votes; Hoover got nine. And the Democrats, almost to a man, registered 587.

The suspiciously stuffed ballot boxes were impounded but somehow managed to flit past bemused guards and out of the City Hall basement as if they had been carried on a witch's broomstick. Few people in Newark had any doubt that the witch who had performed this magical deed was Longie Zwillman, and there was a terrific hullabaloo that included a number of indictments. Then, of course, nothing happened. Nobody was convicted.

This "no conviction" refrain became familiar in Newark as scandal after scandal whimpered to a silent and forgotten end. More than 20 indictments have been returned against public officials over the years; officials have been criticized and censured; business firms and contractors doing business with the city have been indicted. But seldom has anyone had the misfortune to be convicted.

Perhaps it is just a coincidence, but during these decades when the law and the courts seemed unable to fight their way out of a paper bag, the buddy-buddy relationship of the underworld with Newark's politicians remained one of the world's worst-kept secrets. The love affair probably never received greater public exposure than at the wedding of Tony Boy Boiardo in 1950. More than 2,000 guests turned out, and among them were Mayor Ralph Villani, now president of the City Council; Hugh J. Addonizio, then a Congressman, now the indicted Mayor of Newark, and Rep. Peter W. Rodino, still a Democratic Congressman from the 10th District.

Such is the background of Newark. After decades of scandals, after the sputtering of innumerable exposés that have fizzled like pieces of punk in a cloudburst, Newark has once more been propelled into the spotlight as a graphic study in mob rule and political corruption.

The reasons go back to the Newark riot of 1967. On July 12 of that year the predominantly Negro Central Ward exploded in one of the worst race riots in the nation's history. The outburst lasted four days, left 26 persons dead and inflicted property damage estimated at $10.4-million. Even today, large sections of the Central Ward stand in blackened, boarded-up ruins, resembling nothing so much as the gaping chasm left in a city destroyed by war.

In an effort to determine the causes of the Newark outbreak, Gov. Richard J. Hughes appointed a commission headed by Robert D. Lilley, executive vice president of American Telephone and Telegraph. The Lilley commission's report in February, 1968, was a shocker. It found that an important underlying cause of the 1967 riot was "a pervasive feeling of corruption" in Newark, and declared: "A former state official, a former city official and an incumbent city official all used the same phrase: 'There is a price on everything at City Hall.' "

Though the commission did not go into specifics, its blast at Newark touched off widespread reaction. Essex County Prosecutor Joseph P. Lordi began an 18-month grand jury investigation, and state legislative hearings were held. Prof. Henry S. Ruth, who had been deputy staff director of the President's Commission on Law Enforcement and the Administration of Justice, touched sensitive political nerves when he declared that, in his opinion, "Official corruption in New Jersey is so bad that organized crime can get almost anything it desires." Another expert witness assured flabbergasted officials that Professor Ruth was absolutely right. And, capping all, William J. Brennan 3d (the son of the Supreme Court Justice) remarked in a speech in December, 1968, that a number of legislators were entirely "too comfortable" with organized crime.

Brennan's remark almost prostrated the New Jersey Legislature, but events were to vindicate the young prosecutor. The Nixon Administration came to office on the cry of law and order and a pledge to fight crime. A new U.S. Attorney for New Jersey was to be appointed, and Senator Clifford Case, for years the best Republican vote-getter in the state, recommended Frederick Lacey.

At 48, Lacey was a partner in the law firm of Shanley and Fisher. His roots go deep in Newark. His grandfather was at one time a Republican Freeholder in Essex County; his father was Newark police chief for eight years; his mother still lives in the Vailsburg section of Newark, where he was born and went to school. A Phi Beta Kappa graduate of Rutgers University and a graduate of the Cornell Law School (where he was editor of the Law Review), a lieutenant commander in the Navy, a former city councilman in Glen Ridge, Lacey had moved at a furious pace to the top of his profession and was considered an expert on cases involving aerial and medical law. He specialized in trial work, was generally considered brilliant at it and represented some of the largest corporations in the nation in especially difficult cases.

When the bid came from Washington, he went down to the capital to discuss the proposition with Attorney General John N. Mitchell. "I was making big money, really big money at the time," he says, and he didn't see how he could take the $29,000-a-year U.S. Attorney's post. He was about to reject the offer when he received a call from William Sutherland, a 73-year-old lawyer.

"When you're my age," Lacey says Sutherland told him, "and you look back on your life, your pride will not be the size of the estate you are going to leave, but what you have accomplished. I know that you have an extremely lucrative law practice, but when you get to this point the money you didn't make won't seem to matter so much. What you might have accomplished in a few years as U.S. Attorney could well be the one thing in your life you would be proud of."

This conversation with Sutherland, Lacey says, "pried my thinking and had a lot to do with changing my mind."

There was another consideration. Lacey, as a young lawyer, had had one direct and shocking confrontation with big-league New Jersey crime. Throughout the nineteen-forties and into the fifties—until the Kefauver investigation threw a wrench into the machinery—the Mafia families of New York and New Jersey had run a veritable capital of crime in Duke's Restaurant, opposite the Palisade Amusement Park. Here a working crime council held daily conclave. It consisted of Joe Adonis, Frank Costello's partner, as chairman of the board; Albert Anastasia, the enforcer; the Moretti brothers, Willie and Solly, and Anthony (Tony Bender) Strollo, the right arm of Vito Genovese. On Tuesdays, the council met with some of the top czars of the national syndicate. Longie Zwillman might come up from Newark; Frank Costello from New York; Meyer Lansky from Florida. When Zwillman wasn't present, his proxy was voted by Gerardo (Jerry) Catena. After Zwillman committed suicide in 1959, Catena rose in power and is now reputed to be the ruler of the Jersey wing of the Genovese family. New York detectives, Internal Revenue agents and Federal Bureau of Narcotics agents were aware of the pivotal importance of Duke's Restaurant, but when they tried to go over to New Jersey for a little sleuthing, they were often chased out of town by local policemen.

When the lid finally blew off, under the threat of a Federal investigation, it caused a scandal that rocked the New Jersey State House. The charge was that the Adonis-Moretti combine had paid Harold John Adonis, a clerk in Gov. Alfred E. Driscoll's office and no relation to gangdom's Joe, $228,000 over a period of 19 months for protection at the state level. Frederick Lacey, a young assistant U.S. Attorney, inherited the chore of prosecuting both Harold Adonis and Albert Anastasia, and he got convictions against both.

"In that case," Lacey says now, "I found conditions shocking—and I hadn't considered myself at all naive. But I had never encountered the broad evidence of corruption of public bodies, business and labor unions. It became my fixed and firm conviction that organized crime was taking us over. And everything that I have seen so far in this office reinforces that conviction."

When he decided to accept the U.S. Attorney's post, Lacey says, he had a firm understanding with Attorney General Mitchell. First, he explains, there is one theory that a U.S. Attorney should simply prosecute the cases handed to him by Federal investigative agencies; Lacey thinks a U.S. Attorney should be aggressive and actively develop cases if the situation seems to warrant it. The Attorney General agreed. "Next," Lacey continues, "I was assured I would have a free hand in selecting my staff and in the direction we would go. Wherever our leads take us, that's where we will go."

Lacey believes that the public, so long apathetic about syndicated crime, must be shocked and aroused, must be made to understand that when it places a $2 bet with a bookie or plays the numbers it is feeding the treasury of the underworld—and paying for the corruption of its own officials. In a speech to a bar association gathering at Seton Hall University in South Orange on Nov. 29, some three weeks before his investigation exploded in a rash of indictments, Lacey told his audience: "I want to challenge you—indeed, to goad you—to accept obligations, to assume responsibilities . . . unless you, as leaders, arouse an apathetic public to stem the tide of crime in this nation, our society as we know it is doomed."

He added: "Organized Crime is, in the vernacular, taking us over. First, it corrupts law enforcement and office holders. Second, it corrupts unions an makes a mockery of the collective-bargaining concept. Third, it corrupts the businessman. Organized crime . . . cannot operate without corrupting law-enforcement personnel. I flatly state that it will not even go into a municipality unless and until it has bought its protection against raids and arrests."

This was the reasoning that led Lacey to commit his most controversial act so far, his advocacy of the release of the DeCarlo tapes. Though he stood mute in open court as the DeCarlo defense fought public disclosure, he is known to have strongly favored full publicity. Governor Hughes, who left office Jan. 20, and many legal experts and concerned citizens have been aroused by this action, appalled at the damage that may be done to innocent persons through the publication of the chitchat of gangsters. Lacey, however, feels that the public good outweighs any possibility of individual harm. He takes the attitude that the only way the public can be made acutely aware of the reality of the criminal menace is by publication of the recorded words of the mobsters themselves.

The man who takes these attitudes remains something of a conundrum to many. "I don't think they know what they're letting themselves in for, he's a dynamo," said one of his law partners when Lacey was appointed. The prosecutor is the kind of man who does his push-ups every morning to keep in shape. He has worked for years on a 60-hour-a-week schedule. He likes to drop remote classical allusions into routine press conferences, perhaps quoting Alexander Pope or some other favorite authority. One day baffled newsmen had difficulty getting the point, and one of them said: "Oh, don't mind him. He's a Phi Beta Kappa and he has to show off his learning." This leads some people to think Lacey a bit pompous, but he tells the anecdote himself, chuckling about it in high good humor.

As for the future, he says flatly: "I do not entertain any political ambitions. When I took this job, I gave a commitment to Senator Case and Attorney General Mitchell that I would stay as long as I could afford to do so financially, or until I felt I had the office organized and matters well in hand. Then all I want to do is to return to my private trial practice in New York and New Jersey."

Law enforcement, Lacey feels, is primarily the responsibility of the localities and the states; it is not a job for Federal authority alone. Federal prosecutors, he believes, can set standards, can goad and stimulate, but in the final analysis the bulk of the burden must be borne by local and state agencies. And so he has proposed a series of remedial laws for New Jersey.

One proposal that goes to the roots of the gangland structure would impose a stiff jail sentence upon anyone convicted in connection with organized gambling—the bookie or the numbers runner, for instance. In the past, all too many judges have considered such offenders to be small fry of little consequence and have imposed only minor fines; but Lacey argues that their activities are basic to the system that pours an estimated $50-billion into the coffers of the crime syndicate each year.

Lacey's other proposals include the adoption of a state antitrust law modeled after the Federal Sherman Antitrust Act; it would give the state the power to act in cases in which gangland money has infiltrated legitimate business and then, by extortion and threat, driven out all competition. Another cardinal Lacey proposal calls for the creation of an organized crime unit in the State Attorney General's office. The unit would be under the direction of a Deputy Attorney General and would have the authority to investigate anywhere in the state—a provision that should make it more difficult for the underworld to establish its customary fixes on the local and county levels.

All of this, however, will represent no final solution, Lacey feels, unless the public can be aroused from apathy. In a recent interview, he explained his philosophy.

"In our schools and colleges," he said, "we teach political science in terms of defining

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the powers of various offices and officeholders, the requirements to vote and so forth—and all of this is largely irrelevant. Relevant instruction in political science today is going to have to be aimed at getting at the roots, at showing and explaining the decaying moral fiber of those who are elected to office, those who are in law enforcement.

"If the younger generation and the university groups finally come to the terminal point in their thinking—that any government that is so corrupted isn't worthy of survival—then we who have done nothing to stop this, we who have consented to the existence of such a system by our inaction, will have only ourselves to blame. This is the evil of organized crime. It corrupts and it destroys. It destroys the officeholder, and therefore destroys the confidence of the public in its government and representatives.

"This is what I think is happening in our society today."

So the vital question raised by the current Newark probe is this: Will the public be stirred from its decades-long apathy by the flood of indictments and the inside-the-mob revelations?

The answer is mixed. There is indignation in Newark, and there is also indifference. A two-month public-opinion poll in which a group known as Focus on Newark questioned 4,000 persons indicated that if Mayor Addonizio had been running for re-election in November or December he would have been favored, 2 to 1, over his nearest rival. Newsmen interviewing Newark residents came up with some who expressed shock and indignation, but others were like the man who shrugged his shoulders and said: "This has been going on for a long time. Frankly, I don't care. I don't really care."

If the impact of the more damaging DeCario tapes or the upcoming trial of Mayor Addonizio (who's been indicted in an alleged kickback scheme involving mob-dominated businesses) should change this attitude, the Newark municipal election this year will probably revolve itself along racial lines. In that event, City Councilman Anthony Imperiale, the karate instructor and white militant in the heavily Italian North Ward, is seen as the probable white candidate against Kenneth A. Gibson, the Negro former city engineer. Though this shabby industrial city of some 407,000 is estimated to be more than 60 per cent Negro and Spanish-speaking, there are many who feel that Imperiale just might win in such a contest—a result that would certainly intensify the racial polarization of Newark.

Even Lacey concedes that the reaction to his probe falls short of the universal cry of outrage he might have wished. On the one hand, he has been highly praised by responsible citizens, and an encouraging number of tips have come from the public. "We have received many letters and telephone calls offering information," he says. "Most of these are anonymous, but in cases where people are willing to identify themselves we keep their identity absolutely confidential, of course. Some of the tips obviously come from crackpots, but there have been nevertheless, what I would regard as a starting number of good leads."

This is encouraging. For less so is the old bromide that Lacey hears time and again: "You are always going to have crime and corruption." The implicit corrollary to that is, of course, "So why are you getting so excited about it?"

The prosecutor shakes his head in vexation and retorts:

"To that, I say, 'Yes, but you are always going to have to have people who are willing to fight it. It is true that there always have been and always will be people who have frailties and who yield to temptation, but that is only part of the story. If our system is to survive, there must also be people who are willing to fight, willing to oppose, this kind of corruption.'"

TRIBUTE TO SENATOR RANDOLPH ON PASSAGE OF H.R. 14944

Mr. MANSFIELD. Mr. President, yesterday, the Senate passed H.R. 14944, the measure that is designed to protect the Executive Mansion and the embassies. Upon the adoption of that proposal—the sixth District of Columbia anticrime measure to pass the Senate—I made some brief comments on the bill. In those comments I had wished to pay a well-earned tribute to the distinguished Senator from West Virginia (Mr. RANDOLPH) for his outstanding contribution to the passage of the measure. As the chairman of the Committee on Public Works his magnificent cooperation and assistance were vital to its swift and efficient disposition. In reviewing the RECORD of yesterday's proceedings, I noted again Senator RANDOLPH's articulate explanation. In doing so, I was reminded of the commendation he deserves, along with the many other Senators who joined the discussion. The Senate is deeply grateful.

TOWARD A BETTER ENVIRONMENT

Mr. MATHIAS. Mr. President, at times of historic congressional decision in the past, our former minority leader, the late Senator Everett McKinley Dirksen, was wont to invoke "an idea whose time has come."

This year the time of conservation has arrived. As we enter a new decade, Americans are taking a hard look at their environment. There is a new public appreciation of the natural assets and amenities of our crowded continent. There is a new general interest in the complex processes of life and death embraced by the science of ecology. There is a new sensitivity to the environmental consequences of technological progress, human carelessness and governmental myopia.

There is a new nationwide commitment to protecting our resources, reversing the trend toward ugliness and decay, and combating the massive pollution of our waters, air, and land.

Through the important legislation enacted in the sixties, Congress has built a strong foundation for the seventies. President Nixon, in his landmark message to Congress on environmental quality, has pledged his administration to the cause of saving our surroundings. He has proposed a very impressive 37-point action program which includes both legislative recommendations and new initiatives by the executive branch.

Major themes of the President's program include the strict enforcement of present Federal antipollution laws; expansion of Federal and State air and water quality standards, and improvements in the means of enforcing these standards; better methods of financing the construction of effective waste treatment facilities; new controls over pollution from vehicles; and intensive research into water pollution and the problems of disposing of solid wastes, including junked automobiles.

I ask unanimous consent that I be listed as a cosponsor of the seven bills, S. 3466 through S. 3472, submitted by the administration and introduced by the Senator from Pennsylvania (Mr. SCOTT) and other Senators. I feel that these bills, which implement the President's recommendations, are extremely constructive and deserve prompt congressional consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. I also submit today an amendment to S. 3472, the bill to extend Federal support for the construction of waste treatment facilities. My amendment would guarantee that the States will be fully reimbursed for funds they have advanced since 1966 to prefinance the Federal share of waste treatment projects where Federal funds have been inadequate. The amendment would further insure that this reimbursement can be accomplished without reducing or stretching out State and local programs for constructing additional high-quality treatment plants.

The principle behind this amendment is a simple one: that Federal commitments should be kept. In enacting the Clean Waters Restoration Act of 1966, Congress provided special incentives, in the form of additional Federal aid, to States which participated substantially in the financing of needed waste treatment facilities. Maryland has been a leader among those States which have not only accepted this invitation, but have gone beyond it by advancing additional State funds to cover the full Federal contributions where Federal appropriations have been inadequate. Given the failure of Congress to appropriate the full authorized amounts for this program, prefinancing has been the only way for States such as Maryland to keep their own pollution control programs on schedule.

The assumption behind prefinancing was, of course, that the States would be repaid by the Federal Government. Over the past 4 years that bill has grown, so that the Government is now some $814 million behind in reimbursement payments to a total of 18 States. Maryland alone is owed $54.5 million for projects prefinanced to date, while the total to be prefinanced under current State plans will reach about $91 million.

There has been some question about the ability and intention of the Federal Government to make these reimbursements during the course of the new construction assistance program proposed by the administration. In response to my inquiry, Mr. Brian F. LaPlante, Associate Commissioner of the Federal Water Pollution Control Administration, wrote me on February 20 that "reimbursement should present no problems" under this plan. Mr. LaPlante further stated:

> Projections of anticipated construction rates indicate that all Federal anticipated reimbursement liabilities should be paid by the end of FY 1973.

I ask unanimous consent to include the text of this letter at the end of my remarks.

The PRESIDING OFFICER. Without any objection, it is now ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, I am very glad to have these assurances that the administration recognizes the need for full reimbursement and has taken

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this debt into account in calculating our overall construction needs. I do feel, however, that new legislation should include a stronger legislative commitment to reimbursement. Accordingly, my amendment to S. 3472 would give greater priority to reimbursement payments in the allocation of funds among the States. It would also authorize the appropriation of additional funds, above the $4 billion requested by the administration, to the extent necessary to complete full reimbursement payments.

Let me emphasize that what is at stake here is more than $814 million or the financial integrity of a single Federal grant-in-aid program. The basic issue is the creditability of Federal commitments.

In case after case during the 1960's, the American people saw the Federal executive propose and the Congress enact impressive domestic programs, intended to meet urgent national needs through Federal-State-local partnerships. Commitments were made, ambitious goals were set, and substantial Federal aid was authorized not only for water pollution control, but also for education, housing, model cities, antipoverty programs, health care and law enforcement.

In virtually every case enthusiasm has been eroded and local and State planning undermined by Federal funding which has been too little or too late. It is true that some of the expectations of the sixties were unrealistic, that problems have proved to be more complex or stubborn than anticipated, and that some attempts to revitalize the bureaucracy have only succeeded in resnarling it. But the fact remains that in all of these policy areas there has been a serious gap between Federal promises and Federal performance.

As a result I sense among State and local officials and the general public a certain skepticism about Federal intentions and a certain fatalism about Federal followthrough. President Nixon is aware of this problem, and has tried to counteract it by tempering this administration's rhetoric and emphasizing, for example, the inability of the Federal Government to increase domestic spending greatly until inflation has been curbed.

In the field of environmental quality, the administration has moved promptly to implement the President's important messages to Congress. In addition to submitting the legislation I am cosponsoring today, the administration has, for example, filed suits to halt pollution by industries in several major metropolitan areas. Prompt and full reimbursement of the States for their pollution control initiatives would be another major step in this same vein.

Mr. President, Congress must also recognize its role and responsibility in enacting new programs and providing the funds. In this instance, the basic source of the reimbursement problem has been congressional failure to appropriate the full sums authorized by the Clean Waters Restoration Act of 1966. For fiscal years 1968 through 1970, for example, authorizations totaled $2,150 million, but appropriations have totaled only $1,217 million. Clearly the Congress has a "credibility gap" of its own to bridge.

The lesson of the past is that we must be realistic about the problems which we face and the programs which we debate. The challenge of cleansing and protecting our environment is a massive one. We have a tremendous backlog of unmet needs for public investment. We are paying now for our persistent failure to anticipate the environmental implications of change, including such changes as intensive oil drilling and transport, fast-spreading metropolitan growth, the invention of new types of packaging, and the expansion of air travel and transport.

Even if the legislation I recommend today is promptly enacted, fully funded, and vigorously enforced, it will not do the job by itself. Additional programs will be required, involving all levels of government, to master the specific problems of such great resources as the Chesapeake Bay and the Potomac Basin. Continuing citizen support and initiatives will be crucial.

In the coming weeks, I will be making additional recommendations on specific environmental problems. I trust that the appropriate committees will pursue their work expeditiously. We cannot afford to let the time for conservation pass us by.

EXHIBIT 1

U.S. FEDERAL WATER
POLLUTION CONTROL ADMINISTRATION,
Washington, D.C., February 20, 1970.

Hon. CHARLES McC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: This will confirm Miss Johnson's conversation with members of our staff on the question of eventual reimbursement of funds which the States and communities have expended for prefinancing anticipated Federal aid for construction of waste treatment plants.

Reimbursement should present no problems under the presently proposed construction assistance program which will provide a $4 billion Federal commitment over Fiscal Years 1971 to 1974, inclusive, in addition to the $800 million of Federal funds already available for the current fiscal year. The Federal Water Pollution Control Administration estimates of needs for this period amount to $10 billion, of which $4 billion will be the Federal contribution. To this need must be added the outstanding reimbursement balances, amounting to about $800 million. Thus, Federal funding intentions, combined with this year's appropriations, will provide funds over the five years to satisfy the present level of reimbursement liabilities.

Whether funds allotted to a State are used for funding reimbursement projects or for new projects is entirely up to the individual State. Under the proposed legislation, therefore, the States will be able to liquidate their reimbursable expenditures out of allotted funds. Projections of anticipated construction rates indicate that all Federal reimbursement liabilities should be paid by the end of FY 1973.

We hope this information answers your question. If not, or if we can be of further assistance at any time, please do not hesitate to contact us.

Sincerely yours,
BRYAN F. LAPLANTE,
Associate Commissioner.

CONSUMER SACRIFICED TO OIL

Mr. PROXMIRE. Mr. President, today's New York Times carries an editorial that succinctly sums up President Nixon's failure to take immediate steps to curb inflation when such steps might lower the Government subsidies of the largest campaign contributors—the oil barons.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE POLITICS OF OIL

President Nixon has bowed to the oil industry in shelving the recommendations of the majority of his Cabinet-level task force on Oil Import Control.

The oil industry has hailed Mr. Nixon's decision as a triumph, which it certainly is for them. As the task force report shows, one-third of the $6 billion in profits the oil industry got from domestic operations in 1968 resulted from the protection afforded by oil import quotas.

The cost of oil quotas to American consumers is much greater and will go on growing. The task force report, which is a model of clear and competent economic analysis, concludes that the oil quota system is presently costing United States consumers $5 billion a year and will reach $8.4 billion a year in 1980.

Thus, an Administration that prides itself on being a great inflation fighter when it comes to trimming outlays for health, education and welfare does not mind letting consumers pay out more than $60 billion in extra oil bills over the coming decade.

The panel, headed by Secretary of Labor Shultz, would not have wiped out those extra costs overnight. On the contrary, the report recommended a gradual switch to a tariff system in order to avoid too disruptive an effect on the oil industry or any danger to national security which, it stressed, is the only legitimate justification for oil quotas.

Far from ignoring the danger of a prolonged Middle Eastern oil boycott as a result of the present turmoil there, the report proposes means of increasing the security of United States oil supplies over the coming decade by promoting closer ties between this country and Western Hemisphere oil exporters.

The five-man majority of the seven-member panel included not only Secretary Shultz but also the Secretaries of Defense, State and Treasury and the director of the Office of Emergency Planning. Their joint conclusion was that national security would be adequately protected by control system based on tariffs.

As a first step the report favored a tariff of $1.45 per barrel to be imposed next Jan. 1. If further "objective and independent professional analysis" showed that reserves in North American frontier areas, especially the north slope of Alaska, would be sufficient to meet or exceed 1980 production estimates, the report recommended further liberalization of tariffs in January of 1972. If no tariff liberalization were undertaken then, the report urged the same tests be applied in succeeding Januaries, with full review no later than 1975.

However this very cautious approach was not good enough to quiet the concerns of the United States oil industry that some significant share of its profits resulting from oil quotas would be lost eventually if the existing system were changed.

Secretary of the Interior Hickel and Secretary of Commerce Stans, together with an official observer, John N. Nassikas, chairman of the Federal Power Commission, filed a separate report disagreeing with virtually everything in the majority report. President Nixon in effect has adopted the views of the task force's two minority members and of his Federal Power Commissioner.

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The President seems determined to file and forget the majority report. Those concerned about the public interest will be well advised not to let that happen for, aside from its policy recommendations, the report should become a classic in exposing the costs to the nation of a system of extreme protectionism in the guise of defending national security.

Commendable as it is that the report could be made at all, the summary rejection by the President of its basic recommendation that the oil quota system be ended tells much about the politics of oil and the real sources of influence in this Administration.

MILITARY-INDUSTRIAL COMPLEX

Mr. PEARSON. Mr. President, on August 11 of last year I spoke in some detail on the Senate floor about the so-called military-industrial complex—what it is, the problems it presents for American society, and some of the steps that could be taken to overcome these problems and potential dangers.

Two areas were given particular emphasis: The first had to do with the fact that the Congress was really rather poorly equipped to decide upon many of the great defense policy questions which are often so extremely complex and difficult.

The second had to do with the impact of defense spending upon our economy and, in particular, the relationship between defense spending and the economic welfare of local communities.

At that time, I recommended action on a number of policy proposals, and the statements yesterday by Defense Secretary Melvin Laird served to remind me again of the pressing necessity of taking action in these areas, therefore, I want to review those proposals again today.

First, the Defense Secretary's request for an expansion of the Safeguard antiballistic-missile system serves to remind us that there will again this year be an extended debate within Congress and between Congress and the Defense Department over what is the proper course to pursue in this exceedingly complex area.

It seems to me that Congress and, therefore, the Nation would be much better off if it were more properly equipped to deal with complex issues of this type. Therefore, today I again urge the passage of Senate Joint Resolution 50, introduced by the distinguished Senator from Texas (Mr. TOWER), to create a Joint Committee on Security Affairs. This committee would not have legislative authority, but would be concerned with the broad, long-range questions of national security policy and through a program of contract research and investigative hearings could significantly improve the ability of Congress to pass judgment on complex weapons systems. The creation of such a committee would not eliminate debate and differences of opinion, but it would help to elevate the quality of debate and more sharply delineate the real policy issues.

Second, Secretary Laird's statement that "within the next 30 days we are going forward with massive base reductions and force reductions of over 100 bases in the United States" dramatizes the critical relationship between the defense activity and the economic welfare of local communities. In my statement last fall I argued that the natural concern and fear on the part of local communities over the loss or reduction in defense spending in their areas was one of the factors which tended to generate pressure to maintain unnecessary and inefficient defense activities. But on the other hand, I stressed that we were poorly equipped to ease the concern of these local communities and to assist them in making the economic adjustment necessitated by the reduction in defense activity.

The force reductions of last October and November at a number of military bases around the country served to illustrate this very point and certainly I anticipate now the same situation will occur in the wake of the Secretary's announcement of yesterday.

Therefore, it is all the more urgent that we move forward with the adoption of policies aimed at dealing with this type of situation.

First, I would again emphasize the need for adoption of legislation along the line of S. 1285 which would create a National Economic Conversion Commission. However, again as I stated in my August 11 speech, I would suggest that the sponsors of this bill consider modifying the proposal to the extent that the Commission would deal not only with the type of economic adjustment which would occur in an overall reduction of defense spending, but also with the types of readjustments of changing defense needs; changes which are made regardless of the overall level of defense spending.

The desirability of such a modification is, I think, clearly pointed out by this announcement of reduction in forces and closing military bases on the one hand, while we expand other types of defense activities.

Also, at that time I expressed the hope that the Secretary of Defense would act to significantly expand functions and activities of the Office of Economic Adjustment. This small office was originally established to provide assistance to communities during the difficult readjustment period following the curtailment or closing of a defense activity. This is an extremely valuable function within the Defense Department. However, it has never been given sufficient authority and capacity to operate with full effectiveness.

Therefore, I am today writing to Secretary of Defense Laird, asking him to provide me with a report of his plans for expanding or modifying this office so that it may more effectively serve to assist the affected local communities.

I have indicated in this letter that should he feel that he needs additional legislative authority to properly develop this function, I will be happy to introduce whatever legislative proposals he might suggest. The creation of a national commission along the lines proposed in S. 1285 would also generate several legislative proposals.

Mr. President, the Federal Government has the obligation to assist local communities and all the individuals affected to make the adjustment necessitated by a reduction or curtailment in a particular defense activity. It also has the resources to provide that assistance. Unfortunately, it is not properly organized to marshal those resources so as to best assist the affected communities.

DIFFICULTIES OF SAVINGS AND LOAN ASSOCIATIONS

Mr. HOLLINGS. Mr. President, the savings and loan institutions of our Nation are facing major difficulties in properly serving the needs of our economy due to certain monetary policies invoked by the Federal Government. Traditionally, savings and loans have served the promotion of thrift and homeownership. All of us are aware of the grave problems facing our Nation concerning adequate housing, and the impact of these monetary policies on the savings and loans and, in turn, our housing needs is being felt throughout the Nation. If savings and loans cannot attract savings and, consequently, are not able to provide funds for the financing needed by home buyers, we are impeding construction progress that is desperately needed.

I believe it is our duty to review this situation most carefully. I ask unanimous consent to have printed in the RECORD a letter from William N. Bowen, executive vice president of the South Carolina Savings and Loan League, addressed to special counsel to the president Harry S. Dent. The letter succinctly states the problem and offers some excellent suggestions to alleviate the situation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 6, 1970.

Hon. HARRY S. DENT,
Special Counsel to the President,
The White House,
Washington, D.C.

DEAR HARRY: Thank you for receiving our delegation on Monday and for the opportunity of filing this summation. As we told you, our business is in a desperate situation and urgently needs consideration. Any help you can give us in directing this to the proper levels will have our deepest appreciation.

The viewpoints expressed here are those of the South Carolina Savings and Loan League as we do not have the authority to speak otherwise. However, we are finding it difficult to meet the demands for mortgage money to provide housing for the citizens of our State and we know that the difficulties that face us are being experienced by Savings and Loan Associations all over the country.

Our business was formed to serve in the promotion of thrift and home ownership. Because we were specialized institutions, the Federal Government saw fit to grant us certain tax advantages and the authority to pay higher rates to our customers than do other financial institutions so that we could attract money to the housing market of this country. Now those tax advantages have diminished and the rate advantages are questionable.

The FED recently gave commercial banks an increase in the rate they are permitted to pay savings customers and the FHLB responded with a compensating jump. Because of inflation and an earnings squeeze, however, we find ourselves somewhat at a loss as to where we can earn enough income to pay these higher rates. The average interest rate on the entire loan portfolio of all South

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Carolina Savings and Loan Associations is 6.18 per cent.

Before the announced increase in permissible dividend rates by the FHLB, we were paying up to 5¼ per cent on savings invested with us, and 7¼ per cent on money borrowed from the Federal Home Loan Bank System. You can see then that we were operating on a thin margin of profit before the increase was announced by the FHLB. I would venture to guess that the commercial banks, on the other hand, have average earnings on their portfolios of well in excess of 10 per cent making them better able to afford higher rates of return to savers.

In any event, it is imperative that we have a rate advantage over other types of financial institutions as imposed by Regulation Q or we cannot survive. And the FED, holding the very existence of our business in its hands, must set competitive rates low enough for us to pay a higher but reasonable return to our savers commensurate with our ability to make sufficient profits to pay our savers and to provide sound reserves for our business.

We estimate that we have lost $30 million from the housing market of this state in one month—January of 1970.

We have met with the Home Builders and Realtors of our state and they are as concerned as is our industry over the fact that we are not able to attract savings and consequently are not able to provide funds for the construction of housing and the financing needed by home buyers.

It has been our experience that most of the money we are losing is flowing to the Treasury where a person can invest large or small sums of money and earn 8½ per cent or more on their investment. This outflow of funds from Savings and Loans will continue to increase in intensity unless the Treasury places a $25,000 minimum on the purchases of these government obligations. This will take the small investor, the one upon whom we have built our business, out of that market and will undoubtedly result in a slow down in this drain of funds from the housing market.

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I cannot emphasize too emphatically the urgency of getting money into the housing market of this country. The Treasury has been authorized by the Congress to put $4 billion into this market but there seems to be some question as to the proper manner. It has been the position of our business that the FHLB, through its network of Savings and Loans throughout the country, can best accomplish this end through a secondary mortgage market.

From an ideal point of view these funds could be apportioned throughout the Savings and Loan Business and the old, low yield loans purchased on the understanding that all funds would go into new loans. This would have an immediate impact on housing both from the construction of new homes and the marketability of existing ones.

This would also help the earnings of the Savings and Loans and help them out of the predicament to which they have been pushed with these new higher depositor rates and the profit squeeze.

The suggestions made thus far in this communication relate to actions which the Administration can take immediately to relieve the situation which the housing market faces today. Congress, on the other hand, can offer a tremendous boost to the entire economy of our country by acting favorably on a Bill which is presently before the House to exempt from taxation the first $750.00 of earnings in savings placed in institutions catering to the financing of housing. In the face of the forecast of terrific housing needs, such a Bill would do much towards making the necessary funds available.

There are many things we would like to say, but this has already lengthened beyond expectation.

These are the main items. They actually are problems extremely critical to the life of our business and those we serve.

Thank you again for your kindness and your offer to place these facts on the proper doorsteps.

Very truly yours,

William N. Bowen,
Executive Vice-President.

HYPOCRISY OF SCHOOL DESEGREGATION ISSUE

Mr. TALMADGE. Mr. President, the Atlanta Constitution of February 23 contains an excellent editorial column written by the distinguished writer William S. White on the hypocrisy of the school desegregation issue. Mr. White particularly calls attention to the important roles played by the Senator from Mississippi (Mr. Stennis) and the Senator from Connecticut (Mr. Ribicoff) in attempting to bring about more uniform application of the law, throughout all the 50 States, North and South. As he points out in his column:

> Under existing law, the south is singled out for special—and punitive—treatment.

I believe the Senate has made a significant breakthrough in calling this hypocrisy to the attention of the entire country and in pointing out that the education of the Nation's children is far too important to be made the political football that it has.

I bring Mr. White's column to the attention of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Atlanta (Ga.) Constitution, Feb. 23, 1970]

Two Senators Stand Tall

Washington.—Not for a long time now has the Senate, the historic breeding place for the big men of American politics, been hospitable to that tradition. Indeed, for some years it has tended rather to reward the small and to punish the large; to promote the headline-grabber and to forget the fellow who simply does his work responsibly and well.

All this has now changed, and two authentically large-minded senators—one of them from that dreadful conservative deep Southern "establishment" and the other a liberal "minority-group" type from New England—are emerging high above the ruck.

Between Sen. John Stennis of Mississippi and Sen. Abraham Ribicoff of Connecticut there lie many points of disagreement—but between them also lies a profoundly responsible common determination to do a very strange thing, indeed. This is to introduce a quality called fairness into the school integration program in this country.

Ribicoff, in short, has taken the incredible step across the wide ocean, for a man from the Northern liberal side of this issue, in joining Stennis' efforts to require that federal desegregation sanctions hereafter apply equally to North and South. Under existing law, the South is singled out for special—and punitive—treatment.

This has been justified by the Senate on two grounds. The first is that the South has been both more resistant and more openly resistant to integration—and this is true enough. The second ground is that anyhow the South practices what is called de jure segregation, meaning as a matter of deliberate public policy, whereas the North practices only de facto segregation. De facto segregation comes to this: They just do it that way in the North, and especially in white suburbia, without admitting it and certainly without candidly defending it.

Now, this law was passed in the first place not in any wide spirit of Northern vindictiveness—though in unpleasant fact there was a small element of just that—but rather because it was felt that only a special toughness could handle what was seen as a special Southern problem. But it was also approved, in a predominantly Northern Congress, in an atmosphere of total hypocrisy that every man open to reason knew was there but every sensible politician from outside the South chose sedulously to ignore.

The poor old Southerners, of course, cried out in anger and anguish—but few would listen. It was all too easy anyhow to wave them all off as more diehard "segregationists"—as some indeed were, though others were not and are not now. The simple fact is that Ribicoff finally got enough of this double-dealing and double-talking. He had always been a politician of special candor; now he became as well a politician of special conscience.

The inevitable consequence is that the professional civil rights liberals are even now intoning the solemn opening rites leading to his expulsion from their church, even though he has done more for civil rights than any half dozen of his critics. His central heresy is in his rejection of the high dogma that de jure and de facto segregation must be seen as two vastly different things.

It would be interesting to hear his detractors explain this immense distinction to two black school children, one of whom had only been defactoed, so to speak, out of the right to attend a white school whereas the other was being villainously dejured from the same school.

The little black chap who had only been defactoed would surely feel comforted no end that at any rate he had not really been dejured.

GOVERNOR McKELDIN HAILS NIXON ADMINISTRATION SUPPORT FOR ISRAEL

Mr. MATHIAS. Mr. President, on February 13 the first annual awards luncheon of the America-Israel Society was held in Baltimore. At that luncheon Hon. Theodore R. McKeldin, the disguished former Governor of Maryland and former mayor of Baltimore, spoke briefly and presented the society's award to Mr. William Randolph Hearst, Jr.

Governor McKeldin has long displayed an active interest in the State of Israel and the maintenance of sound American policies toward the Middle East. During his first term as Governor, he invited a group of outstanding Americans, all vitally concerned with the then young State of Israel, to Government House in Annapolis for the purpose of organizing what became the America-Israel Society, a nationwide organization. Governor McKeldin served as the society's first president.

In his recent speech, Governor McKeldin reviewed the Nixon administration's Middle East policies and concluded that Israel "has an understanding, committed ally in our President." I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

REMARKS OF THEODORE R. MCKELDIN, AMERICA-ISRAEL SOCIETY ANNUAL AWARDS LUNCHEON HONORING WILLIAM RANDOLPH HEARST, JR.

Ibn Ezra, the great Jewish poet, said it most aptly when he wrote, "My deeds shall both my witnesses and judges be."

Ibn Ezra's statement has great import today when we assess the Nixon Administration's relationship with Israel. For the deeds of the Nixon administration are a testament to a government working in behalf of the true interests of Israel. There have of course been times when a diplomatic statement has sent rumbles through Israel, but we must remember that Richard Nixon is a President who upon assuming the Presidency asked that he be judged not by words, but by deeds. In the murky world of diplomacy, a choice of words can shake kingdoms, but it is still actions that speak louder than words. Richard Nixon is showing that with his administration actions speak loudest of all.

Just some of the actions of the Nixon administration in support of Israel that can be cited are: The sale and continued supply of 50 phantoms, the defense of Israel in the halls of the U.N., the gracious and warm welcome by the President of Prime Minister Meir, the official distaste over France's cynical actions with the Arabs, the rebuke to the Soviet Union over violations to the cease fire, the present earnest consideration of substantial economic and arms aid, and the President's recent strong statement that "Israel is one of the United States' friends."

But why, we might ask, is the Nixon administration such a strong supporter of Israel? After all, in blunt political terms, President Nixon received only 20% of the Jewish vote. Contributions to his campaign from Jewish people undoubtedly represented only a small percentage. I think the answer to this lies in the nature of Richard Nixon, the man. He is first of all a great fighter of communism. He has no love for or delusions about the Communists. He has no sense of innocence concerning what the Communists are about—in the Mideast or elsewhere in the world. I believe, also, that Mr. Nixon is a great lover of the oppressed minority, of the battling under-dog.

Israel has a staunch friend in the United States and she has an understanding, committed ally in our President. I see this in the record so far of this administration, and I see it in the future course upon which this country is being guided. I recently was briefed by our State Department on the Mideast policy of our government, and I can tell you I found an over-riding sense of interest in, concern for and commitment to the State of Israel.

Thus, in judging the Nixon administration we must judge it upon deeds, not talk. What must stand as a final judge is the Nixon actions on the now pending question of the favorable trade terms being asked by Israel, the economic loan assistance, and the sale of more defensive weapons to Israel.

These decisions are the tell-tale signs of this administration's posture—not speeches, not diplomatic fencing in the nether world of striped-suits.

As Spinoza said, "We can judge a man faithful or unfaithful only by his works." So far, the record is clear about Richard Nixon's faithfulness to his campaign pledge to support Israel. And his deeds since becoming President stand as both "witnesses and judges" to his continued devotion to the cause of peace in the Middle East and the safety and security of Israel.

This is why I believe—by viewing the man himself—that the future may well prove Richard Nixon to be one of Israel's greatest friends.

THE DISPOSITION OF OKINAWA

Mr. HOLLINGS. Mr. President, during the last session of Congress I expressed my concern over the question of the commitment of the United States to Japan regarding the disposition of Okinawa. Since we obtained Okinawa under article 3 of the Peace Treaty of 1954, it was my judgment that any disposition of Okinawa required the advice and consent of the U.S. Senate. Although such Senate action would seem to be required, the issue was somewhat clouded in June of 1968 when President Johnson returned the Bonin Islands which were secured under the same article to Japan without benefit of congressional approval. Due to the importance of Okinawa under our present treaty commitments and considering the problems of seeking and maintaining peace in the Far East, it is my feeling that Okinawa, bound by a treaty with the advice and consent of the Senate, can only be disposed of with the advice and consent of the Senate.

Senators may recall, on November 5, 1969, the Senator from Virginia (Mr. BYRD) offered an amendment to the State Department appropriation bill which stated:

> It is the sense of the Senate that any agreement or understanding entered into by the President to change the status of any territory referred to in Article 3 of the Treaty of Peace with Japan, shall not take effect without the advice and consent of the Senate.

This amendment was agreed to by a vote of 63–14.

Subsequently, President Nixon met with Premier Eisaku Sato of Japan on November 19, 20, and 21, 1969, "to exchange views on the present international situation and on other matters of mutual interest to the United States and Japan." On November 21, 1969, they issued a joint communique which stated in relation to Okinawa that they agreed "to expedite the consultations with the view to accomplishing the reversion during 1972 subject to the conclusion of these specific agreements with the necessary legislative support."

In view of the Senate resolution agreed to earlier that month, I was extremely concerned that the word "support" did not necessarily mean "advice and consent" and so stated on the floor of the Senate on November 25, 1969. On that same day I addressed a letter to the President of the United States requesting a clarification. At this point in the RECORD, I ask unanimous consent that this letter be printed in its entirety.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 25, 1969.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I would appreciate your understanding as to the responsibility of the Legislative Branch of government in the disposition of Okinawa.

It appears that Okinawa, bound by a treaty with the advice and consent of the Senate, could only be disposed of with the advice and consent of the Senate. Accordingly, to reaffirm this requirement, the United States Senate recently enacted the Byrd Resolution expressing the sense of the Senate to this effect. Feeling still that you have adherred to this requirement in your talks with Prime Minister Sato, Senator Harry Byrd of Virginia has just commended the language of the Communique between the Prime Minister and yourself. And Senator Byrd commended you for recognizing this role of the Legislative Branch. However, I have just returned from Japan and a conference with Prime Minister Sato. It is my impression that Prime Minister Sato's view is best expressed in the *Japan Times* of November 11 in the article entitled "Sato Tells Opposition U.S. Will Okay Reversion Under 1972 Formula" in which the Prime Minister discounts the necessity for ratification of any agreement affecting Okinawa. Senator Byrd interprets the language under Section 6 of the Communique ". . . with necessary legislative support" as recognizing the necessity under the Constitution for ratification by the United States Senate. On the contrary, the use of the word "support" rather than "advice and consent" leads me to the conclusion that as long as substantial support is obtained you do not believe that a ratification by a two-thirds vote of the United States Senate is necessary. Specifically, I am sure you would receive substantial support for the return of Okinawa without the uninhibited right of launching combat operations from members of the Democratic leadership and the Foreign Relations Committee. But this does not constitute "advice and consent."

As a result of my discussion with our commanders in the Far East, I do not believe that we can fulfill our commitments with the restrictions of the 1972 formula. I believe our commitments in the Far East and to world peace transcend the domestic and political problems of Japan, the textile problems here at home and other considerations that have been confused into the "Okinawa question." I believe in the ultimate return of Okinawa, but not now.

Accordingly, I would like an opportunity to vote on any agreement or treaty made affecting Okinawa. Please tell me whether or not Senator Byrd is correct in his understanding. Please tell me whether or not you believe that I, as a Senator, have this right on the Okinawa question.

Most respectfully, I am

ERNEST F. HOLLINGS.

Mr. HOLLINGS. Mr. President, on January 9, 1970, the President answered my letter and stated in part:

> Let me assure you that the Executive Branch will continue to maintain close contact with the Legislative Branch in order to work out mutually satisfactory arrangements for handling the problems of Okinawa reversion, including the appropriate form of Congressional participation in this matter.

I am reassured by this statement. Obviously, we do not seek to control the land or the people of Okinawa and we are certainly interested in maintaining friendly relations with Japan. However, I do believe in view of our commitments in the Far East the role of Okinawa is vital and I believe the Senate's role in this foreign policy issue is important. Consequently, I am pleased that the President has erased any doubt as to the Senate's participation which should eliminate any confusion on this point on the part of the people of the United States or Japan.

Mr. President, I ask unanimous consent that the letter from the President be printed in the RECORD in its entirety.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, January 9, 1970.

Hon. ERNEST F. HOLLINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLINGS: Your thoughtful letter of November 25 has been given careful consideration.

With regard to Congressional action on any agreement negotiated with Japan on Okinawa, I want to say that I am fully cognizant—as is Secretary Rogers—of the implications of the Senate vote on Senator Byrd's resolution of November 5. We intend to stay in close touch with the Congressional leadership and appropriate committees as our negotiations with Japan go along. As you know, we have already discussed Okinawa reversion with many members of the Congress and have benefited from your views.

It was because of the importance of Congressional judgment that we inserted into the Joint Communique of November 21 the statement that consultations with Japan would be expedited with a view to accomplishing the reversion during 1972 subject to the conclusion of specific arrangements with the necessary legislative support.

Let me assure you that the Executive Branch will continue to maintain close contact with the Legislative Branch in order to work out mutually satisfactory arrangements for handling the problem of Okinawa reversion, including the appropriate form of Congressional participation in this matter.

You also expressed concern, as a result of your discussion with our commanders in the Far East, that we could not fulfill our commitments in the Far East with the restrictions of the 1972 formula. I want to assure you that I gave the fullest consideration to this most important aspect of my talks with the Prime Minister. He and I agreed, as the communique stated, that it was important for the peace and security of the Far East that the United States should be in a position to carry out fully its defense treaty obligations in the area and that reversion should not hinder the effective discharge of these obligations.

As a result of my talks with the Prime Minister, I am convinced that the arrangements we will make for reversion will not impair our ability to meet our security commitments in Asia. This belief is shared by my senior military advisers. I also feel strongly that resolution of the Okinawa question is essential to healthy relations over the long term with a most important Asian ally, the Government and people of Japan.

I appreciate your writing to me about this important matter.

Sincerely,

RICHARD NIXON.

AMERICAN BAR TO COSPONSOR LAW CONFERENCE WITH ISRAEL BAR IN TEL-AVIV

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD a news release from the American Bar Association concerning a forthcoming 3-day conference—March 30–31, April 1, 1970—on the "Legal Aspects of Doing Business in the United States and Israel" which is jointly sponsored by the American Bar Association and the Israel Bar.

The conference is designed to provide meaningful and practical legal information to American and Israel lawyers, business executives, and managers on how to export to, sell in, or manufacture within the United States and Israel.

The American Bar Association is asserting a new leadership in a positive allied program of economic cooperation with Israel. I wish to express my admiration for the American Bar Association and my high esteem for its officers and members for their great contribution to the expansion of American-Israel trade relations.

I think it appropriate to speak out at this time also concerning the mindless and indiscriminate murderous acts directed against civil aviation by Arab terrorists in recent days. The Soviet agitators in the Middle East and their Arab puppets are apparently insensitive to world public opinion. They should know, however, that civilized people deplore these acts of premeditated murder and that they are revolted by them. These insane tactics cannot be allowed to continue. In this connection, I ask unanimous consent to have printed in the RECORD an editorial from the New York Times, Sunday, February 22, 1970. The Times' suggestion contained in the editorial, seems most appropriate:

> The appropriate response lies in a worldwide cut-off of air traffic to and from the Arab states by all carriers of all nations until such time as there is assurance that a way has been found to end the Palestinian threat to unoffending planes, passengers, and crews.

There being no objection, the news release and editorial were ordered to be printed in the RECORD, as follows:

AMERICAN BAR TO COSPONSOR LAW CONFERENCE WITH ISRAEL BAR IN TEL AVIV

CHICAGO.—An international conference on the legal aspects of doing business in the United States and Israel will be held in Tel-Aviv March 30, 31 and April 1 under the joint sponsorship of the American Bar Association and the Israel Bar.

In announcing ABA participation in the conference, President Bernard G. Segal said it was part of a continuing effort to foster closer cooperation between the U.S. legal profession and lawyers of other nations.

The conference will be open to any interested U.S. lawyer. It will bring together recognized legal authorities of both countries as speakers, panelists and workshop leaders exploring legal problems and solutions affecting trade and investment between the two nations. Topics will include taxation, import-export regulations, and foreign investments. The sessions will be held at the Hilton hotel in Tel-Aviv, Israel.

The American Bar Associations Section of International and Comparative Law is arranging U.S. participation through a committee under the chairmanship of Charles R. Norberg of Washington, D.C. The ABA Section is headed by David M. Gooder of Oakbrook, Ill.

Program, registration and travel information may be obtained by writing to Foreign Tours, Inc., 500 Fifth Avenue, New York, New York 10036.

ARAB AIR OUTRAGES

The death of 47 persons as the result of a bomb explosion aboard a Swiss airliner bound for Israel is the ultimate outrage in the murderous campaign Palestinian terrorists have been conducting against innocent air travelers. The response must come from the world, not from Israel alone.

The boundless nature of the peril as well as its recklessness is made plain by the fact that only a miracle kept 38 other persons from going to their death when another bomb went off in a mail sack aboard an Austrian airliner over Germany. Even though no official determination has been made, there is no reason to question the boast of a fanatical guerrilla organization in Beirut that it was responsible for the fatal explosion.

A competition in murder has apparently developed among these groups of ultramilitants, each trying to outdo all the others in the monstrosity of its excesses. They are an abomination to whatever is legitimate in the cause of the Palestinian refugees, profaning their aspirations to national recognition.

The destruction of a planeload of people, among them one of Israel's most distinguished chest specialists, is an unspeakable horror. Now come warnings of more "incidents" and a special concern over the safety of Israeli Foreign Minister Abba Eban, scheduled to arrive in Munich today for a visit to the memorial to the Jewish dead at Dachau. There is a kinship in bestiality between the indiscriminate killing practiced by the Palestinian extremists and that of Hitler's Nazis.

The answer lies in effective action by responsible Arabs to punish and restrain these fanatics, but it is clear that no will to act will develop in the absence of the most severe external sanctions. These must not take the form of punitive bombings directed against Arab civilian centers by the Israelis, great as is the provocation. The appropriate response lies in a worldwide cut-off of air traffic to and from the Arab states by all carriers of all nations until such time as there is assurance that a way has been found to end the Palestinian threat to unoffending planes, passengers and crews.

CARSWELL: OPINION OF HIS FELLOW JUDGES

Mr. ALLOTT. Mr. President, I have decided to vote in favor of the confirmation of the nomination of Judge Carswell. In doing so, I have been particularly impressed by the high opinion in which he is held by his fellow judges of the U.S. Court of Appeals for the Fifth Circuit. I think it is just a matter of commonsense to say that it is much easier to fool people at a distance than it is at close range. If you are an athlete, you may be able to fool the spectators in the stands as to how good a player you are, but you cannot fool your teammates. By the same token, the best and most critical evaluation of a judge ought to come from his fellow judges, with whom he works year in and year out. Here is what three of his fellow judges from the Fifth Circuit have said about him to the chairman of the Senate Judiciary Committee:

> Judge Carswell is a man of impeccable character. He is dedicated in his work and vigorous in its application. As a member of our court, his volume and quality of opinions is extremely high . . . Judge Carswell has the compassion which is so important in a judge.

Those are the words of Circuit Judge Homer Thornberry. Here is what Circuit Judge Warren Jones said about Judge Carswell:

> I regard Harrold Carswell as eminently qualified in every way—personality, integrity, legal learning and judicial temperament—for the Supreme Court of the United States.

Judge Elbert P. Tuttle, for many years Chief Judge of the Fifth Circuit, also advised the Judiciary Committee of his opinion of Judge Carswell:

> I have been intimately acquainted with Judge Carswell during the entire time of his service on the federal bench, and am particularly aware of his valuable service as an appellate judge, during the many weeks he has sat on the Court of Appeals both before and after his appointment to our court last summer. I would like to express my great confidence in him as a person and as a judge.

The opinion of distinguished judges such as these fortifies my conclusion that Judge Carswell will serve his country well as an Associate Justice of the Supreme Court.

A NEW LOOK AT THE FIFTH AMENDMENT

Mr. DODD. Mr. President, I invite the attention of Senators to an article captioned "Let's Restore the Fifth Amendment," which appears in the current issue of the weekly newspaper Human Events. The article was written by Eugene Methvin, one of our ablest young analytical writers, who serves on the Washington staff of the Reader's Digest.

The article recounts the history of the fifth amendment, and traces the successive interpretations which have extended the meaning of this amendment far beyond anything the Founding Fathers had in mind.

The fifth amendment is simple, brief, and direct. It says that "No person shall be compelled in any criminal case to be a witness against himself."

Mr. Methvin points out that for more than a hundred years the Supreme Court made no ruling on the fifth amendment which extended its protection to anyone who was not himself a defendant in a criminal case. The first blow came in 1892, in the so-called Counselman case, when the Court for the first time ruled that the privilege also extended to witnesses.

Said Mr. Methvin:

> Since 1950, the justices added destructive new privileges that were never even remotely a part of the very limited rule the framers elevated to constitutional status.

Mr. Methvin also points out that although congressional witnesses now regularly invoke the fifth amendment, "the Constitution itself so clearly exempts legislative hearings from the fifth amendment's application that no case of a congressional witness invoking it reached the Court in its first 159 years."

Recently the Supreme Court upheld a witness who refused to tell a Philadelphia grand jury what his occupation was. The Court ruled that the interrogators "should have considered that the chief occupation of some person involves evasion of Federal criminal laws."

The Supreme Court has been anything but united in these decisions. For example, when the Court ruled that a witness must be permitted to refuse information unless "it is perfectly clear" that his answer "cannot possibly tend to incriminate him," a strong dissent was written by Justices Harlan and Clark. They said that this interpretation converted the fifth amendment into a general privilege "against answering distasteful questions."

The most recent and dramatic expansion of the interpretation of the fifth amendment was incorporated in the Miranda ruling of 1966. In this ruling, the majority of the Court found that policemen cannot even ask an unwilling suspect in custody questions in a criminal investigation. In the words of Chief Justice Warren, police custody must be considered "so inherently compulsive" that any answer given in such custody would automatically fall within the fifth amendment's prohibition against compelled testimony.

Mr. Methvin quoted a recent statement made by one of our most distinguished Federal judges, Judge Henry Friendly of the U.S. Court of Appeals for the Second Circuit. Judge Friendly, in this statement, said that the Supreme Court has expanded the fifth amendment far beyond anything that went before so that it "seriously impedes the state in the most basic of all tasks: to provide for the security of the individual and his property. It is necessary to vindicate the rights of society against what has become an obsession with the privilege."

Mr. Methvin argues that we do not need to amend the fifth amendment; we simply have to restore it to its original meaning.

I agree with Mr. Methvin that the 1970 Organized Crime Control Act, which has already been passed by the Senate, would, if enacted, make a serious contribution in this direction.

Under this act, the privilege of invoking the fifth amendment, in keeping with the clear intent of the language, would be limited to criminal suspects at their own trials. A witness who was not himself on trial for a crime would be compelled to testify but he would be granted immunity from having his testimony, or other proof it revealed, used as evidence against him in a later prosecution.

Mr. President, I consider the article by Mr. Methvin to be an exceptionally significant contribution to the current discussion of the fifth amendment. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LET'S RESTORE THE FIFTH AMENDMENT

(By Eugene H. Methvin)

President Nixon, in a special message to Congress, has declared unconditional war on organized crime, the 5,000 members of 24 gangs who suck an estimated $50 billion a year from the bloodstream of America and leave behind a wake of corruption, violence, dope addiction and street crime.

To wage this war, the President asked for a new and vital weapon for law enforcement: a new statute redefining and carefully limiting the constitutional 5th Amendment privilege against self-incrimination.

His proposal is included in the omnibus "Organized Crime Control Act" already approved by the Senate, 73 to 1. House prospects, however, are cloudier. There, the Judiciary Committee has not yet considered the proposal.

Regardless of what the House does, President Nixon's approach to limiting the 5th Amendment has already been approved by the California, New York and New Jersey supreme courts, so the issue is headed directly for an early U.S. Supreme Court test.

In tackling head-on the problem of restoring the dangerously tilted balance in our criminal procedures, the President will have the help of a new chief justice, Warren E. Burger, who has warned: "Our system of criminal justice was based on striking a fair balance between the needs of society and the rights of the individual. To maintain this ordered liberty requires a periodic examination of the balancing process, as an engineer checks the pressure gauges of his boilers."

And the gauges read trouble. Crime in America is growing six times as fast as population, and public surveys reveal that nearly half the people living in our cities are afraid to venture outside their homes at night. From the halls of Congress to state legislatures and corner drugstores across the nation, Americans are protesting that expanded rights for persons accused of crime are destroying everyone's right to security and public safety.

The Nixon Administration proposal goes to the heart of one of the most bitter and far-reaching constitutional controversies in the nation's history: the scope and nature of the 5th Amendment privilege against self-incrimination, 15 words that have been used, abused and misunderstood more than any other single provision the Founding Fathers wrote. It says simply: "No person shall be compelled in any criminal case to be a witness against himself."

Here is how it is being interpreted:

Item: In Chicago Mafia boss "Teetz" Bataglia, free on bond, goes home every night during his extortion trial. His blackmail victims go to jail—for their own safety, since they have been threatened with baseball bats because they refuse to "take the 5th" to avoid testifying about Mafia operations.

Item: In Washington the secretary of the U.S. Senate, Bobby Baker, dodges behind the 5th scores of times when his Senate superiors ask questions about pay-offs for political favors, hidden ties with underworld figures, even prostitution and abortion procurement under the very Capitol dome.

Such cases would have been unthinkable to framers of our Constitution. They arise because in recent years Supreme Court justices by narrow majorities have allowed these few words in our Bill of Rights to become a fetish.

Says Prof. Robert G. Dixon of the George Washington University Law School: "In charting wise legislative reforms that preserve the essence of the privilege for its truly vital purposes, we must understand how judicial elaboration has stretched the 5th Amendment and created new hurdles in criminal investigations."

As adopted, the 5th Amendment privilege represented a practical compromise between an accused individual's need for protection against overzealous interrogators and the public's equally vital need for effective law enforcement. But through the years U.S. Supreme Court interpretations have destroyed this balance and bloated the 5th far beyond its intended constitutional limits. Indeed, in 1966 as five justices extended to it still new extremes. Justices Byron White and John Harlan declared that the new rulings have "no significant support in the history or language of the 5th Amendment."

The privilege against self-incrimination arose in English common law in the 1640s from Puritan protests against King Charles I's Star Chamber inquisitorial prosecution for political and religious crimes. The landmark cases establishing the privilege had nothing to do with common crime. They concerned the religious heretic, the noncomformist or the critics who irritated royal ministers, not the murderer, rapist or bagman.

Even in Puritan Massachusetts, whose citizens fled England to escape the hated interrogations, a magistrate investigating ordinary crime was expected to "sifte ye accused and by force of argument to draw him to an acknowledgemente of ye truth." The interrogator might be provoking and forcing to wrath," but he might not so much as tweak the suspect's nose—that was all the privilege meant.

This was precisely the commonsense, balanced compromise Congress adopted when in 1789 it wrote the Bill of Rights—the first 10 amendments—for our Constitution.

To its framers the 5th Amendment's 15 words meant only what they clearly say: that a man on trial for a crime could not be called to the stand and compelled—that is, by threat of punishment—to testify to his own guilt. They clearly did not mean an accused should escape all pressure and inducement to tell the truth. Magistrates were expected to question promptly to take ad-

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vantage of the impulse to confess that frequently fades after an accused wrongdoer has opportunity to invent false defenses. If he refused to answer questions, the jurors at his trial could be told so and draw their own conclusions.

The framers went to extraordinary lengths to so limit the self-incrimination privilege. Rep. James Madison proposed in his Bill of Rights an unlimited version extending not only to defendants on trial but witnesses in any proceeding. Rep. Lawrence of New York objected that was too broad. Thereupon Congress on August 17, 1789, inserted the words "in any criminal case," making this crucial limitation to an accused at his trial an integral part of the 5th Amendment privilege.

Lawrence's restriction of the scope of the absolute constitutional privilege had these crucial consequences: A man accused of receiving stolen goods, for example, had a clear constitutional right to refuse to testify at his own trial. He could not be jailed for his silence. But neither could he prevent the prosecutor from arguing and the jury from concluding that his refusal to answer questions, plus other evidence, adds up to "guilty." Nor, if called as a witness at the thief's trial, could he claim a constitutional privilege. He shared the centuries-old duty, accepted without question by the 5th Amendment's framers, of all citizens to give evidence. Congress and state legislators were free to decide—by simple statute in the light of experience—how much privilege he should have in grand jury proceedings, legislative investigations or other proceedings beyond his own trial.

Legislators in the 19th Century generally exercised this authority wisely to maintain a balance. They extended limited testimonial immunity to persons not actually on trial, permitting compelled testimony of witnesses but restricting the use to which that testimony could be put. Under such a rule any criminal who seeks to increase his effectiveness in any criminal enterprise by taking in a confederate also increases his risk of exposure and conviction before the bar of justice because he risks that his accomplice may be compelled to testify against him.

Organized criminal conspiracies become risky, indeed. A government purchasing agent accused of taking kickbacks might be hailed before a grand jury or legislative body and compelled to answer all questions. But if he incriminated himself, his testimony could not be introduced against him in any later prosecution. However, if his testimony led to a secret bank account or witness who had conspired with him, prosecutors could present such independent evidence against him.

"That," said one senator, "is all that a rascal ought to have at the hands of justice—even more than he ought to have."

This compromise worked fairly for decades. Grand juries and prosecutors were able to call implicated persons as witnesses and pry open conspiracies involving corrupt public officials, racketeers or corporate robber barons scheming to cheat the public.

For over a hundred years the Supreme Court made no rulings on the taut line the Founding Fathers drew on the 5th Amendment. Then in 1892 the justices struck the first blow. A federal grand jury investigating Interstate Commerce Act violations asked a Chicago grain dealer named Counselman what he knew about secret monopolistic railroad offers of freight rates below their published tariffs. He refused to answer, citing the 5th.

The court thereupon created the "Counselman rule" extending the 5th to witnesses in the face of overwhelming legal authority to the contrary. It was, says Lewis Mayers, a foremost historian of the privilege, a classic case of judicial law-making in clear defiance of the Constitution and legislative prerogative: The justices simply repealed the clause limiting the 5th to "any criminal case." Today's "constitutional" privilege for witnesses thus comes not from those who wrote the Bill of Rights.

It is the legacy of corporate lawyers who sat on the high bench in the gas-light era and waged war against the common citizen's right to curb industrial robber barons cheating the public. And it vastly aided the mammoth 20th Century growth of "The Syndicate," whose bosses are beyond reach of criminal prosecution, thanks largely to the extension of the privilege to witnesses.

Ironically, that very year Canada's parliament adopted the discarded American rule of limiting the witnesses' immunity to preventing his compelled testimony from being used against him later. Today, after 78 years of experience, the Canadian bar and bench accept this rule as operating with complete fairness. Canadians may thus compel testimony from implicated witnesses to convict racketeers, conspirators and corrupt officials who in the United States are untouchable.

Meanwhile, Supreme Court interpretations not only continued but sharply accelerated their expansion of the 5th. Since 1950 the justices added destructive new privileges that were never even remotely a part of the very limited rule the framers elevated to constitutional status.

Moreover, not until a scant five years ago did the court apply its new and expanded federal rules to the states, which have the vastly more difficult task of enforcing fundamental criminal laws such as robbery, murder and rape that have never concerned federal enforcers because they are not federal crimes. By this extension the justices in Washington smashed with a stroke the delicate balances worked out over generations by state legislatures, trial judges and supreme courts. Among the new privileges smuggled in on the coattails of the old:

Witnesses may falsely claim fear of self-incrimination. When a Philadelphia grand jury asked a witness, "What is your occupation?" the man took the 5th. Ordered to answer, he refused—and the U.S. Supreme Court upheld him: The interrogators "should have considered that the chief occupation of some persons involves evasion of federal criminal laws," said the justices.

Originally witnesses could stay silent only if their answer would establish some element of a crime that the prosecution would have to prove to convict. They also had to show, in addition, that the danger of self-incrimination was "real and substantial."

In recent years a majority of justices developed a new rule that a witness must be permitted to refuse information unless it is "perfectly clear" he is mistaken and his answer "cannot possibly" tend to incriminate him. This, Justices Harlan and Clark protested, converts the privilege into "a general one against answering distasteful questions," really a privilege of alleging fear of self-incrimination to dodge a duty of citizenship.

Adds Judge Edward Lumbard of the U.S. Court of Appeals for the Second Circuit, "Court decisions have made it virtually impossible to secure testimony before grand juries and government bodies where there is any claim of 5th Amendment privilege, no matter how far-fetched."

Moreover, such rulings effectively destroy another vital constitutional protection: an accused person's 6th Amendment right to have compulsory process for obtaining favorable witnesses.

An Illinois man was convicted of a rape-murder even though his landlady knew he was in his room alseep at the time of the crime. The prosecutor told her she had "a constitutional right to silence," and so she refused to testify. Convicted, the defendant came within six hours of being electrocuted before a crusading radio station discovered the truth.

A judge or prosecutor cannot comment on a defendant's silence, and a jury cannot consider it as an indication of guilt. In a California murder case witnesses testified they saw the defendant and his date go into an alley, and later the woman's battered body was found there. "She can't tell you her side of the story," the prosecutor told the jury. "The defendant won't." That, the Supreme Court decided in 1965, amounted to "compulsion" to testify forbidden by the 5th Amendment!

Philosopher and social critic Sidney Hook brilliantly illustrates the folly of such a rule in his book, *Common Sense and the Fifth Amendment*. Innocent men are usually very quick to proclaim their innocence, while silence creates a legitimate presumption of guilt, he declares: "If a child left alone with the cat refuses to reply to the question whether he locked it in the refrigerator, the refusal certainly has some evidential weight that he did. In any case, it is not likely that in the future we would leave him alone with a cat and a refrigerator."

That giant of the federal bench, Judge Learned Hand, growled, "The law rises to a supreme height of foolishness when it compels a judge in all solemnity to instruct a jury it should indulge in no unfavorable inferences" against a silent defendant.

Six states adopted a more logical rule. California's constitution was typical: the judge and prosecutor could comment on the defendant's "failure to explain or deny by his testimony any evidence or facts in the case against him." The American Bar Association endorsed such comment, and the respected American Law Institute's proposed Model Code of Evidence authorized it.

But the court's 1965 edict forbade all such commonsense compromise. Justices Stewart and White protested that the ruling "stretches the concept of compulsion beyond all reasonable bounds. No constitution can prevent the operation of the human mind." The sad spectacle moved Justice Harlan to despair: "I hope the court will eventually return to constitutional paths which, until recently, it has followed throughout its history."

Witnesses may claim the 5th Amendment privilege in legislative hearings. Americans were shocked in the late 1950s at the long parade of union officials, empowered by Congress with monopoly bargaining powers over thousands of workers, defiantly dodging behind the 5th to avoid accounting to Senate investigators. Of one, Chairman John L. McClellan asked: "Are you married?" Answer: "I decline to answer under the 5th Amendment." "Do you have any children—legitimate children, I mean?" Same answer. "Do you know anything that you can tell us about that might not tend to incriminate you?" Same answer.

Sen. McClellans's efforts to gather sufficient evidence to convince Congress to pass tough legislation protecting rank-and-file union members against exploitation by labor racketeers largely hit this 5th Amendment curtain. "Had we been able to present the whole lurid story, we could have marshaled the votes to pass our safeguards undiluted," Sen. McClellan told me. "Instead, the opposition by a narrow vote knocked the teeth right out."

Ironically, the Constitution itself so clearly exempts legislative hearings from the 5th Amendment's application that no case of a congressional witness invoking it reached the courts in its first 159 years. Then in 1955 Chief Justice Earl Warren upheld such a claim with glittering words that the privilege was so much a "part of our legal heritage" that it "soon made its way into various state constitutions."

The most extensive expansion of those 15 words in the Bill of Rights occurred in 1966. Five justices in the court's *Miranda* ruling read them to mean: Policemen cannot even ask an unwilling suspect in custody questions

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in a criminal investigation. If they do so, announced Chief Justice Warren, the justices will consider police custody "so inherently compulsive" that any answer falls automatically within the 5th Amendment prohibition against "compelled" testimony.

Police must tell the suspect he can remain silent, warn him anything he says can be used against him, offer to get him a lawyer if he cannot afford one himself, and let the lawyer sit in on any interrogation. If the suspect "indicates in any manner" that he does not want to answer questions, "interrogation must cease."

Prophetically, Justice Harlan warned: "This court is forever adding new stories to the temples of constitutional law, and temples have a way of collapsing when one story too many is added." And indeed, today this and other Supreme Court "interpretations" are collapsing justice and crippling law enforcement all across America.

One despairing lawman asked me: "Chief Justice Warren said if the suspect 'indicates in any manner' he doesn't want us to question him, we must stop. But if he 'indicates in any manner' he wants to confess, shouldn't our system of justice let him? Does the Constitution require us to provide a lawyer to clamp a hand over a suspect's mouth at the moment he's most willing and talkative?"

All across America police are so powerless criminals are thumbing their noses at the law. In Philadelphia, two-thirds of the suspects read the *Miranda* rule and refuse to answer questions. Amid growing homicides, Chicago's police have experienced a 50 per cent drop in the number of confessions and statements they obtain from arrested suspects. New York's police, unable to question suspects, have seen unsolved murders climb to a record high.

Two University of Pittsburgh law professors found that the proportion of robberies the Pittsburgh detective bureau was able to solve fell by almost a third in the first 13 months after *Miranda*. The proportion of suspects making statements in homicides, robberies, burglaries and rapes dropped by almost half; the two researchers estimated that confessions would be necessary for conviction in about a fifth of such cases.

Nationally, the FBI reports that in 1968 the police rate of solving the seven most serious felonies fell a shocking 15.8 per cent below the 1964–5 (pre-*Miranda*) clearance rate, while their rate of solving robberies plunged 26.8 per cent.

Worse, *Miranda* has thrown a catastrophic burden on our already clogged courts, as judges must spend days listening to lawyers wrangle and "trying the police" over proffered confessions.

The Massachusetts Supreme Court protested in March 1969 that a single 10-day trial spent half the time, occupying 500 of the 1,004 transcript pages, taking evidence on the *Miranda* warnings. Such cases amply demonstrate "why there is heavy and constantly increasing congestion in the jury trials of criminal cases," the Massachusetts judges complained.

With trials growing longer and rates of appeal climbing toward 100 per cent, orderly administration of criminal justice is becoming impossible because memories fade, witnesses die or move away, and criminals roam free on appeal bonds.

Congress already has moved timidly and ineptly to dilute the Supreme Court's absolutist interpretation in the *Miranda* case. As part of the 1968 Omnibus Crime Bill, Congress ordered that no federal judge shall exclude a confession deemed otherwise voluntary solely because police interrogators fail to give the full warning commanded by the Supreme Court. Atty. Gen. John Mitchell has announced that federal policy will continue to be to give the full *Miranda* warning, but if officers inadvertently fail to do so and confessions are otherwise "voluntary," federal prosecutors will attempt to introduce them in evidence.

Declares the Justice Department policy memorandum: "Congress has reasonably directed that an inflexible exclusionary rule be applied only where the constitutional privilege itself has been violated, but not where a protective safeguard system suggested by the court has been violated in a particular case without affecting the privilege itself."

But the 1968 congressional act applied only to federal courts. Congress did nothing to relieve state courts of the worst effects of the Supreme Court's inflexible exclusionary rule. And yet it is the states that must deal with violent street crimes where police interrogations are frequently essential, a type seldom seen in federal courts.

It is also in the area of state criminal proceedings that the Congress has the clearest constitutional mandate to prescribe procedural rules and require the Supreme Court to respect them. The 14th Amendment, from whose due process clause the court claimed power to apply its *Miranda* rule to the states, clearly declares: "The Congress shall have power to enforce by appropriate legislation the provisions of this article."

Responsible voices across the nation have called for amending the 5th Amendment to undo the damage done by the absolutist Supreme Court interpretations.

In November 1968, Judge Henry Friendly of the U.S. Court of Appeals for the Second Circuit, one of the nation's most scholarly jurists, declared that the court under Chief Justice Warren "has pressed the amendment far beyond anything that went before" so that it "seriously impedes the state in the most basic of all tasks; to provide for the security of the individual and his property. It is necessary to vindicate the rights of society against what has become an obsession with the privilege."

Attorney Percy Foreman, renowned defender of 750 murder defendants, startled a Senate Constitutional Amendments subcommittee by proposing such a change. Too many criminals would go free unless judges or magistrates could question them under non-coercive circumstances, says Foreman: "Justice does not mean that every defendant should be acquitted. It means nobody should be coerced to testify against himself by the muscle or boot of the constabulary."

Says Chairman Birch Bayh of the Senate Subcommittee on Constitutional Amendments: "It's inconvenient to sit in the police station and answer questions. It's also inconvenient to sit on a jury, to register and vote, to pay taxes or serve in the Army. If you are a suspect in a police case, interrogation is an inconvenience that is the price of citizenship and civilization."

Seven members of President Johnson's National Crime Commission, including three past presidents of the American Bar Association, declaring that Supreme Court decisions have drastically tilted the scales of justice "in favor of the accused and against law enforcement and the public," have recommended amending the 5th if necessary to restore the balance. So have House Minority Leader Gerald Ford and former Republican presidential nominee Thomas E. Dewey, who launched his career as an outstanding pioneer prosecutor of organized crime.

But we do not need to amend the 5th Amendment. We need only restore it—to the balanced, very limited commonsense rule the framers actually elevated into our Constitution.

President Nixon's recommendation that Congress pass a new general testimonial immunity statute, incorporated in the Senate-Organized Crime Control Act, is a fair-minded and courageous begininng, and our elected representatives have ample constitutional authority to act without resort to the cumbersome amending process.

Article I emphatically empowers Congress "to make all laws which shall be necessary and proper for carrying into execution all powers vested by this Constitution in the government of the United States." Article III further empowers Congress to make "exceptions and regulations" to the Supreme Court's appellate jurisdiction. And finally the 14th Amendment specifically names Congress the guardian of the constitutional rights it creates.

The pending Organized Crime Control Act would limit the privilege of silence to criminal suspects at their own trial, as was clearly the purpose of the 5th Amendment's authors. As proposed originally in March 1969 by the National Commission on Reform of Federal Criminal Laws, appointed during the Johnson Administration and chaired by former California Gov. Pat Brown, the new statute would apply to congressional hearings and to all cases involving violations of federal law.

A witness not on trial himself for a crime would be compelled to testify even after claiming his testimony might incriminate him, but he would be granted immunity from having his compelled testimony or other proof it revealed used as evidence of his offense in any later prosecution. But he would not, as under present laws, receive an "immunity bath" against prosecution on the basis of other independent evidence.

Once investigators identified individuals involved in any criminal conspiracy, prosecutors could hail them before a grand jury or judge, grant testimonial immunity, and force them to choose between going to jail for criminal contempt of court and identifying and testifying against other partners-in-crime. Thus prosecutors could pry apart conspiracies and use the small fry to convict the big fish.

As Atty. Gen. Nicholas Katzenbach in 1966 told Congress in pleading for a broader immunity statute, "we cannot make progress in fighting organized crime other than by getting the testimony of people involved." By protecting the silence of subordinates as investigators try to trace organized crime to the men who direct it, "we are authorizing protection of the people within the organization."

One thing is clear: Congress must act, and soon. "It is one of the misfortunes of the law," said Justice Oliver Wendell Holmes, "that ideas become encysted in phrases and thereby for a long time cease to provoke further analysis." But today evidence is inescapably mounting that we have indeed added too many stories to the temple of justice and that millions of innocent citizens are suffering as respect for law crumbles under the weight.

The beauty and simplicity of those 15 words of the 5th Amendment is that they said what they meant. President Nixon's proposal gives Congress an unprecedented opportunity to move toward restoring that meaning.

CRIME IN WASHINGTON

Mr. MATHIAS. Mr. President, we have once again been made aware of the severe crime problems of the District of Columbia. Yesterday's newspapers carried the report of a Senate employee—a 20-year-old secretary to one of our colleagues—being raped in her apartment.

This is just one of the scores of serious crimes reported daily in the Nation's Capital. The scope of this problem is illustrated each day in the pages of the Washington Post in its detailed listing of serious crimes reported to police.

In just the past 2 days, according to the Post, more than 50 thefts, robberies, assaults, and other incidents of serious crime have been reported. These reports dramatize the importance of making every possible effort to build up the metropolitan police force, both in numbers and in quality, and at the same time making every effort to cope with the serious social problems of the district which are in themselves a major contributing factor to the conditions which breed crime.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the Washington Post's report of the rape of a Senate secretary and its listings of other serious crimes in the past 2 days.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Senator's Secretary Raped

A 20-year-old secretary for a U.S. Senator was raped in her apartment last night, police said.

The victim told police she went to sleep about 10:30 p.m., and was awakened shortly thereafter when the lights, which she had left on, were turned out. A man had entered her room, she told police, and demanded money.

When she said she had none, she was forced to disrobe and was raped. As the unarmed man was leaving, the secretary's roommate and an escort entered the apartment and were ordered to stand to one side of the room while the man made his escape, police said.

The victim was treated at D.C. General Hospital and released.

Suspected Intruder Slain

XUM

An off-duty reserve metropolitan policeman told police he shot one of three men attempting to break into his home early yesterday. The shooting victim died later at the Washington Hospital Center.

Police identified the dead man as Claude J. Wilbanks Jr., 48, of 1801 Calvert St. NW., who died 11 hours after the reported 2 a.m. break-in attempt.

Police gave this account:

Joseph S. Brooks, of 1842 Ontario Pl. NW, was awakened by his son, who told him someone was trying to break into the house. Brooks got his pistol and went out on a second-floor balcony in the rear of the house.

Once there, Brooks saw two men running out of the yard and heard another man at the kitchen door. Brooks leaned over the balcony and yelled at the man to leave.

The man turned toward Brooks and raised his arm. Brooks fired several shots.

Police said a hearing with the U.S. attorney has been scheduled for today.

Reserve policemen, who have no official authority, frequently serve as volunteers during such occasions as parades, demonstrations, etc. No weapons are issued to reserve policemen.

In other serious crimes reported to area police by 6 p.m. yesterday:

STOLEN

Four American Standard commodes, a Remington stud rivet gun, two vanity cabinets and two local tool boxes valued at $500 were stolen from the English Village Co., 5010 Wisconsin Ave. NW., between 5 p.m. Sunday and 7 a.m. yesterday.

Two sterling silver wine pitchers, one sterling silver water pitcher, two sterling silver chalices, and a sterling silver dish valued at $925 were stolen from St. Thomas Church, 1772 Church St. NW., between 5 p.m. Saturday and 7:05 a.m. Sunday.

Edward Rooney, of Annandale, was robbed at 1:35 a.m. by two men who beat him about the head and body while he was inside 1424 W St. NW.

Larry Chin, of Washington, was robbed at 8:30 p.m. Sunday by two men who approached him in the 800 block of 12th Street NW and took his wallet at gunpoint.

Robert Goodwin, of Washington, was robbed at 8:20 p.m. Sunday by two men, one armed with a pistol, who took his combination record player and radio while he was standing at 1st and H Streets NE.

Donald Day, of Washington, was robbed at 6:30 p.m. Sunday by two men who grabbed him while he was standing at 15th and Savannah Streets SE. The men also cut Day with a razor when he struggled with them. Day was treated at Cafritz Hospital and released.

Jerry Ann Little, of Washington, was robbed at 10:35 p.m. Sunday by four juveniles who beat her and took her purse in the 2900 block of Sheridan Road SE.

ROBBED

High's Dairy Products Store, 5911 Central Ave., Capital Heights, was robbed by a man armed with a pistol about 8:30 p.m. Sunday.

Jo Ann Murata, of Washington, was robbed at 5:15 a.m. Sunday by two men, one armed with a pistol, who took her purse while she was standing in front of 1514 Newton Sts. NW.

Juan Gilberto, of Washington, was robbed at 10:55 p.m. Sunday by three men who grabbed him, cut him on the right hand and took his wallet while he was standing at Mt. Pleasant and Irving Streets, NW.

Jean Shepler, of Forrestville, Md. was robbed at 9:50 p.m. Sunday by three men who took her purse while she was walking in the 100 block of 18th Street SE.

Rands Restaurant, 1712 Connecticut Ave. NW., was robbed at 8:15 p.m. Sunday by a man who pulled a gun on the cashier, Joe Harris, and forced him to empty the cash register.

Gulf service station, 5120 Georgia Ave. NW., was robbed at 9:05 p.m. Sunday by two men, one armed with a pistol, who forced the owner, William Brooks, to hand over the contents of the cash register.

Cherie P. Blumenthal, of Bethesda, was robbed of her purse and car keys by an unarmed man while she was sitting in her car in an alley near the 100 block of 11th Street N.E. at 9:55 a.m. yesterday.

Catherine Spriggs, of Washington, was robbed at 7 p.m. Sunday at 14th and Rittenhouse Streets by two men, one armed with a pistol, who warned her not to scream and then took her purse.

ARRESTED

Eugene Robert Tillman, 27, of 1843 Lamont St. NW., and Jimmie Nickelson, 20, of 1364 Columbia Rd. NW., were arrested and charged with robbery in connection with the holdup of two Northwest Washington women in their apartment on Feb. 12.

Northwest Washington Man Shot Resisting Holdup Attempt

A Northwest Washington man was shot in the leg Monday night when he resisted an attempted holdup at North Capitol and O Streets NW, police reported.

Oscar J. Seegers, of 14 O St. NW, told police he and a friend, Eric Singletary, were approached about 10:30 p.m. by a youth who drew an automatic and demanded, "I want all the money you have got."

When Seegers refused to hand over his money, the gunman fired one shot at him and fled east on O Street.

Seegers was treated at Washington Hospital Center.

In other serious crimes reported by area police by 6 p.m. yesterday.

ROBBED

James Walters, of Washington, a driver for the Taylor Biscuit Co., was held up about 4:05 p.m. Monday while he was unloading his truck in the 1800 block of 7th Street NW, by a man brandishing a gun who held the weapon at Walters' back and demanded money.

Jean L. Thomas, of Washington was held up about 7:30 p.m. Monday while she was standing by her car at Pennsylvania Avenue and 33d Place SE. Two youths ran up to Miss Thomas and said, "This is a holdup." When she began to scream, one of the youths warned her, "If you scream, I will blow your head off." Grabbing her pocketbook, the pair fled on foot.

George R. Ross, of Washington, was beaten and robbed about 12:10 a.m. yesterday in the 1400 block of Harvard Street NW, near his home. Three men attacked Ross, hitting and kicking him in the head and body, then escaped with his wallet containing $2 and papers.

Lenora M. Luciano, of 2918 8th St. NW, was held up about 6:30 p.m. Monday by a young man wielding a knife who ransacked her house and fled with 70 cents and an electric stove.

Grocery store, 1136 Florida Ave. NE, was held up about 10:15 p.m. Monday by a young man who asked the clerk for a beer. As she was getting the beer for him, the man yoked her from behind and carried her to the cash register. Removing the money from the register, the man released the clerk and ran out the front door.

Gino's Carryout, 3645 Benning Rd. NE, was held up about 9:40 a.m. yesterday by a man who forced his way into the shop when an employee answered his knock on the rear door, assuming an employee wanted the door opened. Holding a brown paper bag over his hand as if he had a gun, the man forced the clerk to open the safe saying, "This is a holdup." Taking $2,500 in bills and change, the man escaped in a light colored car.

Lonnie McNair, of Capital Heights, a driver for Capitol Cab, was held up about 7 a.m. yesterday by a young man who hailed his taxi at 14th and Harvard Streets NW. At 12th and O Streets NW, the passenger drew a knife from under his coat and forced the driver to hand over his cash.

Leroy C. Conrad, of 3228 Hiatt Pl. NW, was robbed about 9:30 p.m. Monday by three men who forced their way into his apartment, cut him on the side of the face and escaped with his money, watch and television set.

Julio Rodriguez, of Washington, was held up about 11:15 p.m. Monday in the 3400 block of 16th Street NW, by two men, one armed with a gun, who said to him, "Give me your money." At the same time, Susan Erena, also of Washington, was robbed of a billfold.

John Allison Kindred, of Washington, was robbed and briefly abducted by a man who hailed his taxicab in the 4400 block of G Street SE about 10:35 p.m. Sunday. He directed Kindred to drive to 9th and L streets NE, where he pulled out a gun and ordered, "Turn left." "Which way?" the driver asked. "Left," the gunman repeated and told Kindred to stop in an alley between 7th and 8th Streets. After forcing the driver to climb into the trunk and taking his money and keys, the gunman drove the taxi to where two or three other men joined him. The gunman warned them not to address him by name because the driver was in the trunk, then fled in the rear of the unit block of Benning Road NE. Kindred was able to free himself from the car trunk.

New Hampshire Pharmacy, 5001 1st St. NW., was held up about 3:40 p.m. Monday by a youth who asked the clerk for change for a dime. As the clerk opened the register, the youth drew a gun from his coat pocket and said, "This is a holdup." The clerk grabbed the gun and after a struggle, the gunman broke away, grabbed the money and fled.

Kenneth Washington, a driver for Bergmann's Laundry, was held up aobut 8:25 a.m. Monday as he was walking to his truck. Two young men with guns in their pockets ordered Washington to enter the truck. "Lie on the floor for five minutes or we will shoot," they warned. Washington complied and, after five minutes, discovered the man had escaped and the money from his cash box was missing.

Karl L. Schlegal, of Arlington, an employee of Bergmann's Laundry, was held up about 9:30 a.m. Monday by three youths, one armed with a revolver, who approached him while he was parked in his truck in the 5100 block of Fitch Place SE. "Don't turn around. This is a stickup," the gunman warned. "Help yourself," Schlegel replied and the trio fled on foot with the money bag.

Richard A. Ensor, of Washington, was held up about 9:25 p.m. Monday by three youths who approached him at 1st and E Streets SE, and ordered, "Stop, you. . . ."They then removed Ensor's wallet, took the bills and returned it, saying, "Thank you, sir," then fled south on 1st Street toward M Street SE.

Vernon Helvey, of Falls Church, and Ahmad Ardroudi, of Washington, were held up as they were taking money from the Safeway food store at 2060 L St. NW. to deposit in a bank at 21st and M Streets NW. about 2 pm.. Two armed men approached them at the bank deposit window and ordered, "Get against the window." Pointing his pistol at the men, one of the gunmen threatened, "Give me the green canvas bag or I will kill you." Taking the canvas money bag, the gunmen fled east on M Street and drove off in a dark car.

David Riley, of 1483 Newton St., NW., was held up about 6 p.m. Monday by four young men who approached him in the lobby of his apartment building and warned, "Stand by or I'll blow your head off." While the gunman held Riley at bay, his companions removed the money from him and ran into an alley.

Arthur T. Downey, of Washington, was held up about 9:40 p.m. Monday when he stopped for a traffic light at 19th Street and Biltmore Avenue NW. A youth opened the door of his car, climbed in and pulled out a revolver, "Keep driving and don't look back," the gunman ordered and told Downey to stop in the 1500 block of Marion Street NW. Taking his watch and money, the gunman jumped from the car and ran into an alley in the middle of the block.

Mary Lee Reid, of Washington, was held up just after midnight by three men who surrounded her in the 3300 block of 4th Street SE. One of them drew a shotgun from under his coat and forced Miss Reid to give them her pocketbook. Taking the bag containing $4, the trio escaped east on 4th Street in a white car.

ASSAULTED

Lloyd Junior Hudley, of Washington, was treated at Cafritz Hospital for head wounds he suffered when seven men attacked him about 6:45 a.m. Monday in the rear of the 500 block of Lebaum Street SE. The men beat him in the head and body, then made their escape.

Fanny Lou Brand, of 1334 Ridge Pl. SE., was admitted to D.C. General Hospital for burns she suffered when a man entered her home about 4:10 a.m., poured a green substance on her abdomen and fled.

James Preston, of no known address, was treated for nose and head injuries he suffered when he was beaten with a pipe. Preston was discovered in semi-conscious condition by a clerk in a store in the 900 block of 10th Street NW.

Harrison Godfrey Jackson, 22, of Washington, was treated at Cafritz Hospital for eye injuries he suffered following a verbal exchange with a man armed with a pistol. Jackson told police he stopped for a traffic light about 8 p.m. Sunday while he was at Stanton Road and Suitland Parkway SE., and called to a man who pulled up beside him in a red car, "Hey, dummy." "Who is a dummy?" the man replied, and struck Jackson in the face with his weapon.

James Matthews, of 606 12th St. NE., was beaten about 12:40 p.m. Monday by three men who attacked him as he was leaving his house with his wife, Pushing Mrs. Matthews aside, the trio struck Matthews over the head with a lead pipe and with their fists.

William Raymond, of 1024 10th St. NW., was beaten with an iron rod by two young women who entered his apartment about 5:05 p.m. Monday and attacked him while he was in bed, then fled out the front door.

Wesley Fuller, of Takoma Park, was admitted to D.C. General Hospital with three gunshot wounds. Fuller was shot in both legs and his left arm during a fight about 11:10 p.m. Monday with a woman armed with a gun inside an apartment at * * *

STABBED

Clarence Briscoe, of 1217 Alabama Ave. SE., was admitted to D.C. General Hospital for stab wounds. He was injured in the abdomen and arm by a man carrying a knife who also lived in his apartment building.

Stanley R. Johnson, of Washington, was wounded about 11:30 a.m. Monday by a youth who attempted to rob him while he was standing at 6th Street and Southern Avenue SE. "Loan me five cents," the youth said to Johnson. When he replied that he had only a $5 bill, the youth drew a knife from his coat pocket and ordered, "Give me that." As Johnson jumped away from the armed youth, he was stabbed in the face.

STOLEN

A hi-fi set and a tape recorder with amplifiers and speakers, with a total value of $600, were stolen on Thursday from the home of Martha Morgan, 37 Adams St. NW., when her house was broken into.

An overhead projector was stolen between 12:30 a.m. and 1 p.m. Monday from the closet in the principal's office at St. Teresa School, 1409 V St. SE.

A box of television tubes, a cash box, 14 watches, three wedding rings, a walkie-talkie, a radio, a clock radio and a razor, with a total value of approximately $500, were stolen from the Parkview Pharmacy, 3501 Georgia Ave. NW., sometime between 9 p.m. Sunday and 8 a.m. Monday when the store was broken into through a storage chute.

Three cameras, four camera lenses, six camera filters, a man's suit, a man's coat and other personal items, with a total value of $1,600, were stolen between 9:30 a.m. and 3:30 p.m. Monday from Ray Rizos, of Montreal, Canada, and Radzimir Kiselew, of Washington. The equipment and clothing was taken from Rizos' car, which was parked in the 1200 block of Massachusetts Avenue NW.

Assorted merchandise including cigarettes and candy was stolen about 10:30 a.m. Monday from Federal City College, 425 2d St. NW.

FIRES SET

A fire classified as arson by fire inspectors was reported about 8:25 a.m. Monday. The blaze caused major damage to a vacant house at 1046 44th St. NE.

A fire was set about 11:30 p.m. Monday inside a furniture store at 2325 18th St. NW., when a flammable liquid was ignited.

VANDALIZED

The recreation department building at Trinidad and Childress Streets NE., was ransacked sometime between 3:30 p.m. Sunday and 7:30 a.m. yesterday after the lock on the front door was forced.

Several classrooms inside Garnet-Patterson Junior High School, 10th and U Streets NW., were ransacked when the school was entered through a side window about 6 p.m. Monday.

Mr. MATHIAS. Mr. President, Congress not only is the supreme governmental authority in the District of Columbia by the terms of the Constitution, but it has stubbornly retained power and responsibility for day-to-day operation of the municipal government. Congress cannot, therefore, avoid the correlative obligation to remove fear from Washington streets. So that we shall neither forget nor neglect this primary duty of Government I shall place in the Record on a regular basis the daily reports of Washington crime.

RETURN CONTROL OF EDUCATION TO THE STATES

Mr. HOLLINGS. Mr. President, recently the senate and house of the General Assembly of South Carolina adopted a concurrent resolution calling for a constitutional convention for the purpose of returning the control of public education to the States. The resolution points out the fact that there has been a gradual erosion of State control and direction of the public educational system and institutions by a usurpation of power by the Federal Government. Clearly, this resolution evidences a concern of the people of my State and, I am sure, people throughout the Nation.

I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

A concurrent resolution memorializing Congress to call a Constitutional Convention for the purpose of returning the control of public education to the States

Whereas, the heretofore gradual erosion of State control and direction of the public educational system and institutions has now accelerated into a wholesale usurpation of power by a federal oligarchy; and

Whereas, under the aegis of the federal courts banning prayers and abrogating freedom of choice, federal administrative agencies have been obsessed with creating an omniscient and ubiquitous Federal Board of Education capable of deciding in the smallest and most remote school districts of our land problems peculiar to that district; and

Whereas, these Federal innovators have placed in grave jeopardy the public educational system of every school district in every state in the Nation, and have wrought havoc, confusion and frustration; demoralized school officials and made a travesty of the education of our children. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the Congress call a constitutional convention for the purpose of returning the control of education to the states.

Be it further resolved that copies of this resolution be forwarded to Senator James P. Mozingo, each United States Senator from South Carolina and each member of the House of Representatives of Congress from South Carolina.

THE ALL VOLUNTEER ARMY

Mr. SCHWEIKER. Mr. President, on Saturday the Gates Commission report on the all-volunteer Army was presented to the President.

As a supporter of the all-volunteer Army concept, I was pleased to see this excellent presentation which will be beneficial to all persons interested in studying our armed services. In addition, I am sure the report will help to spark intelligent debate, not only on the subject of the all-volunteer Army, but also on the question of reform of the Selective Service System.

Early this year, the New York Times published an editorial critical of advance reports of the Gates Commission's conclusions, to which I responded with a letter to the editor, which was printed last week. I ask unanimous consent that the editorial and my letter be printed in the RECORD.

There being no objection, the editorial and letter were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 15, 1970]

A VOLUNTEER ARMY

The conclusion of a Presidential commission that an all-volunteer military force can and should replace the draft raises questions that go beyond the proposal's feasibility in terms of the manpower supply. The impact of the military establishment on a democratic nation's way of life is too serious to allow fundamental policies to be guided primarily by technical concerns. The potential effect on the relationships of civilian and military sectors requires careful assessment.

Even on the matter of manpower itself there appears to be room for considerable disagreement. President Nixon's commission, headed by former Defense Secretary Thomas S. Gates Jr., is reportedly confident that—given $2 billion to $4 billion in added defense funding—the required numbers could readily be recruited, without creating a heavy overdependence on Negroes. But earlier studies have disputed this conclusion. Former Defense Secretary McNamara, Gen. Mark Clark and Burke Marshall, as spokesmen for a variety of panels on the practicality of total-reliance on volunteers, have warned that such an approach is not only costly but lacks flexibility to meet emergencies.

These earlier appraisals, moreover, underscored the risk of creating an unhealthy gap between the military and civilians in American society. The true meaning of a departure from the tradition of an essentially citizen-staffed defense force must not be obscured by the use of the term "volunteer army"; in reality the issue is creation not of a volunteer force but of a large professional army with its own interests and outlook.

This is quite different from the maintenance of a relatively small nucleus of professional officers and noncommissioned officers. It inevitably entails the creation of a massive lobby. To the already existing power of the military industrial complex would be added the continuing pressure of a large body of men whose loyalties would naturally be linked to the aims and fortunes of that complex.

The concept of large professional armies is not readily reconciled with the life style of democracy. The momentary hostility toward the draft, sparked by revulsion against the war in Vietnam, must not be allowed to obscure the long-term effects of a move that will subject the nation to more, rather than less, military influence.

[From the New York Times, Feb. 20, 1970]

ALL-VOLUNTEER ARMY

WASHINGTON, D.C.,
February 11, 1970.

TO THE EDITOR:

In thinking about your Jan. 15 editorial critical of the all-voluntary army, I have arrived at different conclusions, and would like to take exception to a number of your points.

First, my understanding of the Gates Commission, whose report will be released soon, is that the social implications of an all-volunteer force have been thoroughly investigated, as President Nixon instructed, and thus your implication that this report is based solely on "technical concerns" is not correct.

There is no doubt that initial costs will be higher. But we have imposed a hidden tax on servicemen for years by requiring them to serve at considerably less than they could earn as civilians. Increasing first-term pay scales, to encourage volunteer enlistments, is long overdue even without an all-volunteer force. Reduction of the present high costs of training new recruits and manpower turnover will help balance the costs of an all-volunteer force.

As for "flexibility to meet emergencies," our first line of defense has always been our reserve forces. Maintenance of a strong reserve and a stand-by draft system can insure prompt mobilization if that is ever necessary.

INCENTIVES FOR VOLUNTEERS

I would not favor an all-volunteer force if I felt it would create a "professional army," in the worst connotation of that phrase. But so long as we provide the proper incentives for volunteers. I feel an all-volunteer army will represent the same balance of society as our mixed army of volunteers and draftees currently has.

I do not feel the "massive lobby" you envision will result, so long as we retain civilian control of the military establishment, maintain the same officer corps we now have, and provide the proper incentives for enlistments.

Conscription as a normal fact of life for Americans is not part of our democratic tradition. To the contrary, it has only been used prior to World War II during emergencies.

Therefore, in evaluating our military system in connection "with the life style of democracy," elimination of the draft, while still maintaining forces necessary for our defense, should be a prime concern.

I look forward to studying the full report of the Gates Commission, and will give its evaluation and recommendations serious attention. Indeed, the President's desires, in creating the commission, are entirely in concert with your primary concern, that there be less, not more, military influence. I feel this report will prove to be a valuable source for all who share this goal.

RICHARD S. SCHWEIKER,
U.S. Senator from Pennsylvania.

PROF. PHILIP B. KURLAND AND "THE NEW AMERICAN UNIVERSITY"

Mr. ERVIN. Mr. President, I commend to the Senate an address by Philip B. Kurland, professor of law at the University of Chicago and editor of the Supreme Court Review. His remarks, given at the quarterly meeting of the Chicago Bar Association on January 22, 1970, are entitled "The New American University."

For those of us who care about the quality of scholarship in our universities today, Professor Kurland's address should be profoundly disturbing. Those of us who know Professor Kurland, and have the pleasure of working with him, realize that he does not arrive at his observations casually.

Professor Kurland has surveyed the condition of higher education today and has concluded that it is moving in the wrong direction: toward politicization, egalitarianism, and the rejection of reason. And, without assuming the position that our traditional university systems are above fault, he has concluded that these three movements are at the expense of the central purpose of education; to communicate ideas so that society may progress.

Mr. President, Professor Kurland does not ascribe the malignancy in many of our universities today wholly to the students; he understands that faculty members and administrators as well are involved. And he believes—in this one instance, I sincerely hope that he is wrong—that the destructive elements in our universities may well prevail.

Professor Kurland is a man with a consuming dedication and respect for learning, and I think every Member of Congress should pay heed to the wisdom of his remarks. I urge that all Senators take the time to read this address—it is not long—and to consider the points which Professor Kurland has raised. We should ask ourselves whether we are prepared to allow irrationality in our universities to overthrow scholarship.

Mr. President, I ask unanimous consent that the complete text of Professor Kurland's remarks be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE NEW AMERICAN UNIVERSITY

(By Prof. Philip B. Kurland)

Those who invited me to speak tonight were unkind enough to leave the choice of topic to me. When I accepted the invitation, I thought I would talk about the "new" Supreme Court of the United States. That exalted body, however, has proved uncooperative. The Burger Court has been most reluctant to render any decisions worthy of comment, I have chosen instead, therefore, what is for me an equally distressing subject: the "new" American university. The similarities of the two problems of the two American institutions that I most revere should become patent to you as I proceed. For my essential concerns about both are with the effects of three recognizable trends. These are the tendencies toward politicization, toward egalitarianism, and toward the rejection of reason. And I should emphasize that what I shall have to say tonight about the new university is offered more in sorrow than in anger.

For a snapshot—not a full-blown portrait—of the new American University, I offer an item from the *New York Times* of about a week or so ago. With your indulgence, I shall read the entire news story. The dateline is West Berlin, Germany:

"Twenty-eight professors of the Free University of West Berlin went on strike today in protest against what they described as 'student terror.' They called a one-week halt to all lectures and other university work.

"The strike closed the entire department of economic and social sciences. It followed a series of disruptions at the lectures of Professor Bernard Bellinger, an economist whom radical student groups have charged with spreading the doctrine of capitalism.

"When the groups disrupted Professor Bellinger's classes again this morning, he walked out and 27 colleagues followed. Last night they had threatened to do so in the case of new harassment.

"Caught between the students and the faculty, was Rolf Kreibich, the University's new 31-year-old president, who has pledged to seek reforms. Both sides charged the president, in office since November, with having failed to take action to avert the confrontation.

"In an emergency session this afternoon, Mr. Kreibich declared that he was opposed to the practices of the students, but he urged

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the faculty to meet some student demands, such as appointing as 'tutor' a left-wing representative chosen by the students. Professor Bellinger and the other faculty members said that they would resist such a move."

These events in Germany do not reveal a new phenomenon there. For it was probably the parents of these very students who so effectively engaged in these very same tactics toward similar goals in the 1930's. But for American universities, this is a relatively new practice. You must not be deluded by the silence or apathy of the press into a belief that this can't happen here. Similar student behavior, similarly motivated, has recently occurred at Columbia, at Yale, at Harvard, even at the University of Chicago. (It was just the other day that a so-called "moderate" student leader congratulated faculty representatives at one of these universities because the students hadn't brought guns with them to assist their otherwise limited persuasive capacities.)

A certain mythology has developed about the new student movement that is the catalyst in the transformation of American universities, a mythology that derives essentially from the sap that so readily pours forth at commencement exercises. Some of it is classic and can be traced back through commencement speeches for generations past. And, as with most myths, there is an element of truth in it.

We are told that this, i.e., the current student generation, is the best informed group of students that we have ever known. It's a generation with lots of new scientific data and almost no knowledge of history. It is an amnesic generation. And to the extent that they are better informed, it is through information provided them by their predecessors. As has been noted before, even a pygmy can see further than a giant, if he is standing on the giant's shoulders.

It is said that this is the student generation whose morality is somehow higher than those who preceded it, because it is a sincere group. Indeed, sincerity is suggested to be adequate excuse for any misconduct they may indulge. But there are precedents here, too. Theirs is the morality and sincerity that have typified all the zealots that have come before them. Theirs is the morality, for example, of the Spanish Inquisition that sincerely sought to save the souls of men, even if it had to send them to hell by fire in the course of making the effort toward reform. It is a morality that justifies its admittedly miserable means by its allegedly enlightened ends. The fact is that this student generation is not a righteous group, only a self-righteous one.

Finally, the myth has it, that the recalcitrants among the students are only a small number of the student population. And this, too, is true, if the only ones to be counted are those active in using force to impose their wills. But if one looks to the numbers who are either sympathetic to or apathetic about such behavior, the proportion is very high indeed. One looks in vain for student opposition to the destructive activities of their colleagues. For the fact is that a very large number of students are in sympathy with the goals of the so-called student movement.

It is, perhaps, also necessary to say that there are many legitimate complaints to be made about the workings of American universities, legitimate in the sense that they reveal the failure of universities to seek their announced objectives. It is true that many professors—frequently those most vocal on behalf of the student movement—don't have time for teaching students. It is true that foundation and government grants have skewed faculty research so that, in many instances, they represent choices not by individual professors but by those who control the purse strings. It is true that much university education is irrelevant, not only to the students' aims, but even to the classically professed goals of a university. It is true that universities either require or permit an inordinate amount of time to be spent by students at school in order to earn a license to practice a trade or profession. It is true that universities have been unduly tolerant of faculty and student mediocrity. But these defects are not the ones at which student reform is directed. And, indeed, to the extent that universities are moving to correct these deficiencies, the student movement affords a barrier and not an aid.

Nor should the blame for the students' excesses be placed solely at the feet of the students. For university faculties are, like the students, either sympathetic to, acquiescent in, or apathetic about such student behavior and its consequences.

The first objective of the new university movement, as I read it, is the politicization of the university. This has both internal and external aspects. At the highest—most abtruse—level this means the attempt to capture the university as a pressure group to affect national policies. At this level, the objective is ludicrous, for it is grounded on two absurd premises First, that the university is a monolith, indeed that all universities combined are monolithic. Second, that universities are capable of being a strong pressure group for bringing about change in national policy about anything. The effect of university pressure on national policy is indeed immeasurable if not nonexistent. This is not to deny that some inhabitants of the groves of academe have individually played important political roles. It is to deny the equation between individual faculty members and their universities.

At a more mundane level, the new university objective is to force the universities to utilize their resources for social improvement in the communities in which they are located: to house the ill-housed, to feed the hungry, to provide medical, legal, and recreational facilities to those who need them, to provide elementary education for illiterates, and so on. These are certainly worthy goals. But even the total resources of the universities are inadequate to these ends. Any partial commitment of university resources to these goals means that they have to be taken from the other functions that a university performs, essentially the gathering and communication of knowledge by those best able to make the discoveries and those best able to utilize them. Indeed, if the universities do not die by the sword of the new university movement, they may well disappear for lack of financial sustenance.

The problem of internal politicization is equally taxing on the primary functions of the university as we have known it. The objective here is to treat a university as if it were a governmental body which must be democratized to be legitimized. But the function of university governance is not the exercise of power. The function of university governance is the provision of services that make it possible for scholars to research, for teachers to teach, and for students to learn.

It used to be asserted that the trouble with the new student generation was its belief that no decisions of a university or any other institution were made on principle; that all decisions were made in response to pressure. To disprove the contention academics would cite the exemplary behavior of many universities in their successful efforts against the pressures of the late, unlamented Senator McCarthy and his epigone to dictate who shall be employed at what tasks in a university. At the same time, the fact is that the universities are now beginning to demonstrate that the student attitude is correct, by their response to the pressures of these students. Politicization has already occurred.

Let us take a couple of current examples. For years, the Department of Defense has supported medical research into the cause and cure of specified diseases. And university medical schools were eager and willing to use the money supplied for these purposes. Under new law, sponsored by Senator Fulbright among others, the Department of Defense must certify that any research moneys that it spends are spent for projects directly connected with defense goals. It is suggested now, because the Department of Defense is prepared to certify certain medical research in this manner, that the universities must reject the funds because the research is suddenly tainted. This taint means only that many on campus would object—without knowledge of or interest in the substance of the research effort—because of the Defense Department label that it bears. One would think that the merits of the research or its proper place in a university would remain the same whatever the certification of the Department of Defense. When university administrators decide that the kinds of research it can undertake shall be determined by consensus on campus—or even worse by consensus among those who might otherwise make trouble, it has abdicated to the new McCarthyism even as it refused to surrender to the old McCarthyism. Again, if, as has been suggested, a university must reject research into genetic differences between Blacks and whites, because the product of such research might contradict some of the dearest values asserted by some members of the university community, the university is proving not disproving that political values are determinative of the university's behavior. When the hypotheticals become facts, the university is no longer engaged in the search for knowledge. It is then seeking proof only of the dogma of the disciples of modernity, and dogma, of course, needs no proof. You know in your hearts when it is right. As this pattern of pandering to loudly voiced opinions emerges, it seems clear that the university has already succumbed to politicization. And those university presidents who are enjoying—according to the New York Times—the peace that has descended on campuses during this academic year might recognize that it has been bought at the price of surrender.

One part of the dogma of the new university is its concept of egalitarianism. An "egalitarianism [which] denies that there are inequalities in capacity, eliminates the situations in which such inequalities can exhibit themselves and insures that if such differences do emerge, they will not result in differences in status." [John Gardner.] Thus, students must be admitted without regard to their demonstrated intellectual capacities. Students must not be graded because this results in invidious comparisons between those who have performed well and those who have not. Faculty members must be hired or retained not because they have shown capacities for research and teaching in a given area, but because we must assign appropriate egalitarian quotas by sex, by race, by political persuasions, and—in remembrance of things past—by religion. Moreover, the judgment about faculty capacity is not to be made by those knowledgeable in the field, but by students, in terms of how they "relate" to the faculty member—him or her or it, as the case may be.

It is this egalitarianism that bottoms the claim of students to participate in the governance of the university. The fact that they indicate no knowledge of the function of university governance is irrelevant. It is argued that when they are admitted to the university community as students, they have been judged competent to share in university administration. They are, indeed, right, if their concept of a university as an egalitarian political institution is accurate. Only if the old-fashioned notion were to prevail that a university is a place exclusively for the discovery and communication of knowl-

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edge by those best qualified to perform those tasks should the student claim for a share in university government be rejected.

The proponents of the new university are riding a tide of egalitarianism that is sweeping before it not only the university but many other institutions. We are beyond Gertrude Stein's "a rose is a rose is a rose." We are arrived at the point where a dandelion is also a rose, however different it looks or smells. But universities have been particularly vulnerable to the equalitarianism that is being proffered because of the use to which the universities' pseudo-sciences have long been putting the science of statistics. We have come to see the truth of Thomas Reed Powell's description of the new knowledge as a science in which counters don't think and thinkers don't count. By reducing humans and human activities to statistics, we provide fodder for computers. By reducing humans and human activities to numbers, the new men make them fungible. They are no longer individuals; they are no longer human.

In his recent book, *The Decline of Radicalism*, Professor Boorstin suggested the sway that the statistical age has imposed on us. "It is no wonder that statistics, which first secured prestige here by a supposedly impartial utterance of stark fact," he said, "have enlarged their dominion over the American consciousness by becoming the most powerful statements of the 'ought'—displacers of moral imperatives, personal ideal, and unfulfilled objectives." For all the ridicule heaped by them on President Johnson, the new university men would reduce the university community to governance by consensus.

The most obvious victims of this egalitarianism in the university community are its notions of individuality and excellence. Individuality and the consequent freedoms of the individual are anathema to the egalitarianism of the new university which requires, in Learned Hand's words, that "relations become standardized; to standardize is to generalize, and to generalize is to ignore all those authentic features which mark, and which indeed alone create, an individual . . . The herd is regaining its ancient and evil primacy; civilization is being reversed, for it has consisted of exactly the opposite process of individualization."

Excellence, too, is a quality totally inconsistent with the egalitarian ethos as expounded by the new university men. The dirtiest words in their lexicon are "elite" and "professional." Any suggestion of special capacities derived from intellect and training is inconsistent with the new dogma. And, under such circumstances, there surely is no place for the old kind of university which put a premium on high intellectual attainment and sought to make it a goal.

Perhaps the clearest conflict between the new and the old is to be found in the new university men's rejection of the life of the mind, of the uses of reason. As part punishment for my sins as an elected member of a university faculty's consultative body, I had the dubious privilege of visiting a building just evacuated after a sit-in by some of the new university men. The descriptions that you have read elsewhere—only the other day about the building seized at M.I.T.—should suffice for any man's taste. What I found most horrifying was not the evidences of defecation in the offices and halls, not the wanton destruction of equipment and furniture, not the stench and the mess, but the slogans painted everywhere which called—in language somewhat more picturesque than mine—for the destruction of "the life of the mind." For it is here that the new university makes clear its incompatibility with the old university.

The life of the mind is the focus of the old university. It is only engagement in the rational testing of ideas new and old that justifies the old university's existence. In President Levi's words: "Universities . . . have kept alive the tradition of the life of the mind. . . . It is an approach to education which emphasizes the magic of a disciplined process, self-generating, self-directing, and free from external constraints. An approach which requires an independence of spirit, a voluntary commitment. It forces the asking of questions. It is not content with closed systems. It is not committed to the point of view of any society. It does not conform to the ancient and now modern notion that education is here to carry out the ideas and wishes of the state, the establishment, or the community. Thus, it is opposed to the view that education is good if properly controlled."

One of Goya's etchings bears the inscription: "The sleep of reason brings forth monsters." In the new university, cause and effect are reversed. Monsters threaten to bring forth the sleep of reason. And, as C. P. Snow said in his recent novel with the title borrowed from Goya: "Put reason to sleep, and all the stronger forces were let loose. We had seen that happen in our own lifetimes. In the world: and close to us. We knew, we couldn't get out of knowing, that it meant a chance of hell." And here lies the essence of the generation gap. For the young have not seen reason put to sleep and more primitive forces unleashed except on an individual basis.

Whether the new university with its preference for instinctual forces over reason, with its preference for egalitarianism over individuality, excellence, and professionalism, with its preference for political rather than intellectual objectives—whether the new university will prevail over the old is not yet fully determined. But the odds are in its favor. For there are too few to stand up and fight against the perversions that are promised. Too few students; too few faculty; too few university administrators. Those among them who do not endorse the new university prefer to compromise with it. Once again the price of peace in our time may prove exorbitant.

A PRAYER FOR SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD, a prayer by the Very Reverend Francis B. Sayre, Jr., of the Washington Cathedral, which was delivered Sunday, February 15, 1970, in behalf of the great State of South Carolina, which this year is celebrating the 300th anniversary of its founding.

There being no objection, the prayer was ordered to be printed in the RECORD, as follows:

A PRAYER FOR SOUTH CAROLINA

Grant, great Creator, that we too may love what Thou has blessed so well: The Southland soil of Carolina. Praise Thee, Lord, for the blue of up-country hills, and their grassy apron falling toward the sea; praise Thee for islands and salt marshes and birds which nest in the sand; praise and thanksgiving for the fruitful earth that cherishes a magnolia or laurel upon the mountain, or cotton useful for raiment. Soft is the wind, soft the speech of men, gentle Thy Grace where the roots of Thy childern are hid. May they in Thy goodness grow, reaching up their spirits toward heaven, until they shall have fulfilled Thy purpose for them, through Jesus Christ our Lord. Amen.

REMEMBER ESTONIA

Mr. PERCY. Mr. President, this week, the 52d anniversary of the Declaration of Independence of the Republic of Estonia, all peoples who are dedicated to the principles of freedom and national self-determination should remember the brave Estonian people who have been denied their freedom and national self-determination for 30 years.

The independence so hopefully declared in 1918 was taken from Estonia in 1940. Yet, even today, under the most difficult circumstances, the Estonian people cling to their heritage, preserve their traditions, and pray that one day their independence will again be proclaimed.

On this anniversary, let us pray with and for the people of Estonia. Let us express, for all the world to hear, that we remember Estonia and the Estonians. Let us renew our determination that all oppressed peoples will regain their freedom.

POLES AND JEWS

Mr. DODD. Mr. President, the Polish Communist government has made life so unbearable for its Jewish minority that virtually all of them are now seeking to leave the country. If present trends continue, the Communists a few years hence will have succeeded in doing something that Hitler only partially succeeded in doing: they will have made Poland completely Judenrein.

"Judenrein" is a word coined by the Nazis which means "clean of Jews".

I have been disturbed to note that there have been some people who blame the current wave of anti-Semitism in Poland on the Polish people rather than on the Communist government of Poland.

Part of the answer to this misconception was given by the hundreds of thousands of Polish students who demonstrated against the Communist regime in early 1968. One of the things they protested against was the anti-Semitic policy of their government.

Now another part of the answer has been given to us by Mr. Stefan Korbonski in a carefully documented article on Polish-Jewish collaboration in the resistance against the Nazis during World War II. Entitled "Poles and Jews: A Common Bond," the article appeared in the November-December, 1969, issue of ACEN News, a publication of the Assembly of Captive European Nations.

Mr. Korbonski is exceptionally qualified to write on this subject. A member of the Polish Parliament, both before and after World War II, Mr. Korbonski during the Nazi occupation was director of all civilian resistance in Poland and the last chief of the Polish underground state. He is also the author of a number of books on wartime Poland.

In his article, Mr. Korbonski documents the various efforts made by the Polish resistance and the Polish Government in London to present the facts about the Nazi persecution of the Jews to world opinion and to protest in its own name against the Nazi genocide of the Jews.

I learned from this article for the first time, for example, that the Polish National Council as early as November 27, 1942, adopted a resolution urging the Allies to undertake joint action aimed at stopping the extermination of the Jewish population in Poland.

Both Mr. Korbonski, as head of the Polish underground state, and the Polish

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government in London strongly urged that German cities be bombed as a retaliatory measure, and that it be made known that this was in reprisal for the extermination of the Jews.

Unfortunately, the Allied governments did nothing about this recommendation.

Mr. Korbonski's article describes dramatically and in great detail the collaboration between the Polish underground and the Jewish underground during the heroic Warsaw ghetto uprising.

On this entire subject, I think it worth-whlie quoting the words of Dr. Adolf Berman, a leader in the Polish-Jewish community during the war, who now resides in Tel Aviv.

This is what he said:

> In descriptions of the martyrdom of the Jews in Poland, the sufferings that the Jews endured at the hands of Polish blackmailers and informers, "blue" policemen, Fascist hoodlums and other social dregs, are often stressed. But less is written about the fact that thousands of Poles risked their lives to help the Jews. The foam and dirt floating on the surface of a turbulent river are often easier to see than the deep, clear underwater stream. But this stream existed.
>
> The time will come for a great Golden Book of Poles who in those terrible "times of contempt" extended a brotherly hand to the Jews, saved them from death, and to the Jewish underground movement became a spirit-lifting symbol of humanitarianism and the brotherhood of man.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire text of the article "Poles and Jews: A Common Bond," written by Mr. Stefan Korbonski.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLES AND JEWS: A COMMON BOND

(By Stefan Korbonski)

(NOTE—The writer was head of the Underground Directorate of Civil Resistance and the last chief of the Polish Underground State during the momentous years of the Nazi occupation of Poland. A former member of Parliament, Mr. Korbonski has authored a number of well-received books, including a trilogy of memoirs—"Fighting Warsaw," "Warsaw in Chains," and "Warsaw in Exile." He also heads the Polish Delegation to ACEN.)

This is a first-hand, meticulously documented account of Polish-Jewish cooperation during World War II. Today, the Communist regime in Poland may try to raise the spectre of anti-Semitism, but the close collaboration between the Poles and the Jews during critical times in the past speaks volumes for the real sentiment of the Poles toward their Jewish compatriots. This article is culled from a longer, yet unpublished piece by Mr. Korbonski, entitled appropriately "For Your Freedom and Ours."

POLISH UNDERGROUND NETWORK

The Polish Underground State was established shortly after the cessation of hostilities in Poland and the beginning of the Nazi occupation. It was headed by a delegate of the Polish Government in exile. It had a parliament, called the Council of National Unity, and the Underground Home Army. The latter included officers of Jewish descent.

Soon after the Underground State had come into existence it began to report each day in its underground press on the ever-increasing persecution of the Jews, condemning this persecution and calling on the Polish people to help the Jews. The Underground bulletin of the Home Army *Biuletyn Informacyjny* had a correspondent in the Jewish ghetto of Warsaw, Jerzy Grasberg. Moreover, Polish political parties active in the underground organized contacts and cooperation with their counterparts or members in the ghetto. Thus, the members of the Jewish "Bund" were in constant contact with the Polish Socialist Party "Freedom, Equality, Independence" (PPS-WRN), while the underground command of the Polish Boy Scouts was in touch with members of "Haszomer Hacair"—their Jewish counterpart. Similar ties were maintained with their prewar members into the ghetto by the Democratic Party (*Stronnictwo Demokratyozyne*—SD). Among the smaller Polish underground organizations maintaining contact with the ghetto or having branches in the ghetto were: Military Union of Armed Resistance (*Wojskowy Zwiazek Walki Zbrojnej*), also known as Security Corps (*Korpus Bezpieczenstwa*), which alone saved about 5,000 Jews during the war; the leftist underground organization "Spartakus;" the youth organization, Union of the Struggle for Liberation (*Zwiazek Walki Wyzwolenczej*); and the Organization of Polish Socialists (*Organizacja Polskich Socjalistow*—OPS), which formed an important unit in the ghetto called "The District" (*Dzielnica*). After the formation in January 1942 of the communist Polish Workers' Party (*Polska Partia Robotnicza*—PPR), the PPR also formed "The District" in the Warsaw ghetto.

As early as 1940, the Government Delegate, who was in clandestine radio and courier contact with the Polish Government in exile in London, began to inform that Government of the persecution of the Jews in Poland. The Polish Government brought this problem to the attention of allied governments in its notes of May 3, 1941. During the same year the Polish Ministry of Information in London published a brochure about persecution of the Jews, entitled "Bestiality Unknown in Any Previous Record of History," and based on materials received from occupied Poland. In January 1942, another brochure was published, "The New German Order in Poland." Both of these publications became well known among the Allies, who in 1941, thus were in possession of all the information on the persecution of Jews in Poland.

THE JEWISH UNDERGROUND

In the meantime, preparations had begun in the ghettos for armed resistance. In October 1942, the authorities of the emerging Jewish underground took on the name of Jewish National Committee (*Zydowski Komitet Narodowy-ZKN*). It was composed of representatives of all Jewish organizations with the exception of the "Bund." At the end of November 1942 a joint Coordinating Commission of "Bund" and ZKN was established, and it became the chief political body of the Jewish underground. However, the ZKN and "Bund" had their separate representatives on the so-called Aryan side, who maintained regular contact with the Government Delegate. They were: for the ZKN, Dr. Adolf Berman (alias Boroski); and for "Bund," Dr. Leon Feiner (alias Berezowski).

On July 28, 1942, the Fighting Organization (*Organizacja Bojowa*) was created in the Warsaw ghetto. Its representative on the so-called Aryan side was Arie Wilner (alias Jurek), a leader of "Haszomer Hacair." On December 2, 1942, after the membership of the Fighting Organization had been expanded, it took on the name of Jewish Fighting Organization (*Zydowska Organizacja Bojowa*–ZOB). It was headed by Mordechai Anielewicz. At the time the ghetto uprising broke out, the ZOB numbered 22 fighting units of about 30 persons each—altogether over 700 fighters.) Arie Wilner became the liaison with the underground Home Army—establishing contact with the head of the Office of Jewish Affairs at the Supreme Command of the Polish Home Army (*Komenda Glowna Armiii Krajowej*–KGAK), Henryk Wolinski (alias Waclaw).

The ZKN, through its representative, Dr. Adolf Berman, as well as "Bund" through its deputy, Dr. Leon Feiner presented—along with Arie Wilner—declarations subordinating the activities of their organizations to the Government Delegate and the KGAK; at the same time they asked for financial assistance, arms and ammunition, as well as help in professional military training. The Government Delegate accepted these declarations and promised assistance, while the Commander of the Home Army, in his order of November 11, 1942, recognized the Jewish Fighting Organization (ZOB) as a subordinate military organization and directed it to follow Home Army instructions regarding organization and methods of combat. It was at that time that the Delegate established the Office for Jewish Affairs of the Polish Underground State, headed by Witold Bienkowski (alias Kalski), and later Wladyslaw Bartoszewski (alias Ludwik).

The historical act of the union of the Jewish and Polish underground movements, as well as the way in which it was accomplished, was an expression of the loyalty of Jews, who were Polish citizens, toward the Polish State.

The Jewish Military Union (*Zydowski Zwiazek Wojskowy*—ZZW), composed of three fighting units made up mostly of former officers and non-commissioned officers of the Polish army and members of the Zionist organization *Betar*, also established contact with the Government Delegate and the KGAK. Not a part of the ZOB, the ZZW was commanded by Pawel Frenkel.

Within the framework of Polish-Jewish cooperation the KGAK, at the request of Dr. Feiner, sent a telegram alerting Jewish organizations in London. As a result, "Bund" received its first $5,000 through the underground channels of the Home Army. This started more frequent and larger transfers of funds from abroad for Jewish underground organizations through the channels of the Government Delegate and the KGAK. Moreover, through the radiotelegraphic network of the Delegate and the KGAK, the Jewish organizations in Poland established contact with American Jewish organizations.

COUNCIL OF ASSISTANCE "ZEGOTA"

As a result of recommendations by many Polish underground organizations that help to the Jews be better organized, the Council of Assistance to the Jews (*Rada Pomocy Zydom*), popularly called "Zegota," was formed on December 4, 1962—with the approval of the Government Delegate. It was headed by Socialist Julian Grobelny. Its headquarters was in Warsaw.

In addition to representatives of political parties active in the underground, the Council was joined by Dr. Leon Feiner, who became its vice-president, and Dr. Adolf Berman, who became its secretary. Divisions of the Council were formed in Cracow (where the district leader of Civil Resistance, Dr. Seweryn Socha, became a member), in Lwow, Zamosc and Lublin, with branches in Radom, Kielce, and Piotrkow. The Council, which had been providing apartments, documents, food, medical care, money, and organizing communication with relatives in other localities, expanded and improved these activities. In Warsaw alone it watched over the fate of 4,000 persons, among them 600 children. Financial means were provided by the Government Delegate. Altogether "Zegota" and Jewish organizations received over one million dollars, 200,000 Swiss francs and 37,400,000 Polish zlotys. In no other occupied country was there an organization such as "Zegota," although the terror in these countries vis-a-vis the so-called Aryan populations could not even be compared to that which reigned in Poland.

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THE ROLE OF CIVIL RESISTANCE

The Directorate of Civil Resistance (*Kierownictwo Walki Cywilnej*—KWC), in face of the intensified extermination of the Jews, issued a proclamation on September 17, 1942 in which it condemned the Germans for murdering more than a half million Jews, and solemnly protested against this crime in the name of the Polish nation. This proclamation was published in all the underground press, and communicated to London. It was subsequently broadcast by the BBC and other allied radio stations.

Also, to put a stop to blackmail, the KWC, which was in charge of underground courts, made a declaration on March 18, 1943, in which it threatened with severe punishment anyone blackmailing the Jews or Poles hiding Jews. Following this declaration, the underground courts, in accordance with the instructions of the KWC, condemned a number of Poles to death. Communiques about the carrying out of these death sentences by shooting were published in the underground press and aired over allied radio. The following persons were among those executed for persecuting the Jews: Boguslaw vel Borys Pilnik in Warsaw, Jan Grabiec in Cracow, Tadeusz Karcz in Warsaw, Franciszek Sokolowski in Podkowa Lesna, Antoni Pajor in Dobranowice, Janusz Krystek in Grebkow, Jan Lakinski in Warsaw, Boleslaw Szostak in Warsaw, and Antoni Pietrzak in Warsaw.

In urgent cases, where a delay would threaten the safety of the fugitives and of those who harbored them, the Government Delegate, in his decision of February 7, 1944, permitted the shooting of blackmailers and denunciators without a court sentence—by order of the appropriate local underground authorities. On that basis, the local Home Army leader, Witold Rudnicki, ordered the execution without court sentences of four "szmalcowniks" (grafters) who had threatened to denounce Jews hiding in Pustelnik, near Warsaw.

The Directorate of Civil Resistance (KWC), beginning July 1942, began to inform the Polish Government in London regularly via radiotelegraph of the intensification of the persecution of the Jews. The KWC received current news on the subject mainly from Henryk Wolinski.

Here are samples of some of the telegrams:

"March 18, 1943. The remainder of Jews in Radomsk, Ujazd Sobolewo, Radzymin and Szczerc near Lwow have been shot. . . ."

"March 23, 1943. Attempts at sterilization of women at Auschwitz. A new crematory for three thousand persons daily—mostly Jews."

"August 31, 1943. Liquidation of Jews in Bedzin began early in August of this year. About 7,000 persons were deported to Auschwitz. The young are the first to be liquidated. As of July 1 of this year, the approximate total number of Jews in Poland, including those in camps, ghettos and those in hiding, ranges from 250 to 300 thousand, including 15,000 in Warsaw, Lodz: 80,000, Bedzin: 30,000, Wilno; 12,000, Bialystok; 20,000, Cracow; 8,000, Lublin: 4,000, and Lwow: 5,000."

"September 23, 1943. In Bedzin the Germans murdered the 30,000 inhabitants of the ghetto."

"November 19, 1943. The murder of Jews in the camp at Trawniki continues; massacre in Poniatow and Lwow."

"June 20, 1944. On May 15, mass murder began at Auschwitz. The Jews go first, then Soviet prisoners and the so-called 'sick.' Hungarian Jews are brought there in great numbers. Thirteen trains, 40–50 cars long, arrive every day. The victims are convinced that they are going for an exchange of prisoners or to be resettled. The gas chambers work incessantly. Bodies are burned in the crematoria and outdoors. More than 100,000 have been gassed already."

"July 19, 1944. The slaughter of Jews at Auschwitz is directed by its commander, Hoess—pronounced Hess—and his adjutant Grabner."

EMISSARY JAN KARSKI

The Government Delegate continually kept the Polish Government in London informed by telegram of the extermination of the Jews. He also transmitted via London the cables of Dr. Feiner and Dr. Berman to Rabbi Stephen Wise and Nachum Goldman in the United States, as well as to two Jewish members of the Polish National Council in London—Zionist Dr. Ignacy Szwarcbard and "Bund" member Szmul Zygelbojm. But what is even more important, an underground emissary, Dr. Jan Karski, was sent to London. Dr. Karski, now a professor at Georgetown University in Washington, got inside of the Estonian guard, and saw everything with his own eyes.

Before leaving Poland, he had an exhaustive conversation with Drs. Feiner and Berman, who gave him the following instructions:

"We want you to tell the Polish and Allied governments and the great leaders of the Allies that we are helpless in the face of the German criminals. We cannot defend ourselves and no one in Poland can defend us. The Polish underground authorities can save some of us but they can not save masses. The Germans are not trying to enslave us as they have other people; we are being systematically murdered. . . . Our entire people will be destroyed. A few may be saved, perhaps, but three million Polish Jews are doomed. This cannot be prevented by any force in Poland, neither the Polish nor the Jewish Underground. Place this responsibility on the shoulders of the Allies. Let not a single leader . . . be able to say that they did not know that we were being murdered in Poland and could not be helped except from the outside."

After overcoming great difficulties, emissary Karski reached London in November 1942 and informed Premier Wladyslaw Sikorski and the Polish Government of the genocide of the Polish Jews. He also briefed the following British leaders in personal conversations: Foreign Secretary Anthony Eden; Labor Party leader Arthur Greenwood; Lord Selbourne; Lord Cranborne; Director of the Board of Trade, Dr. Dalton; member of the House of Commons, Miss Ellen Wilkinson; British Ambassador to the Polish Government O'Malley; American Ambassador to the Polish Government, Anthony Drexel Biddle; and parliamentary Under-Secretary for Foreign Affairs, Richard Law. In addition, Karski testified about the extermination of the Jews before the Allied War Crimes Commission, headed by Sir Cecil Hurst. He held interviews with the British press, briefed other members of parliament and an organization of British writers and intellectuals. Later Karski went to the United States, where he personally described the situation of the Jews to Under-Secretary of State Adolph Berle, Attorney General Biddle, Supreme Court Justice Felix Frankfurter, Archbishops Mooney and Stritch, and to American Jewish leaders Stephen Wise, Nachum Goldman, Waldman and others. He was even received by President Franklin Delano Roosevelt, who extended the audience in order to question Karski more closely about details of the extermination of the Jews. Thus, the Polish underground emissary conveyed the news of the fate of Jews in Poland to the leaders of the Allied nations, but this did not produce any practical results.

CALL FOR RETALIATION

As for the Polish sector, at least one consequence of Karski's mission was the resolution of the Polish National Council in London dated November 27, 1942, appealing to the Allies to undertake joint action aimed at stopping the extermination of the Jewish population in Poland. The Polish Minister of Foreign Affairs—in his notes of December 10, 1942 to the Allied governments—after presenting chronologically the various stages of extermination of the Jews in Poland, called on these governments to "find effective means likely to stop Germany from continuing to apply the methods of mass extermination." Seven days later, on December 17, 1942, twelve Allied governments issued a joint declaration announcing that persons responsible for the extermination of Jews would be punished. Besides this declaration, no action was taken—in spite of the fact that the Government Delegate, as well as the KGAK, demanded that German cities be bombed in retaliation and that it be made known that this was in reprisal for the extermination of the Jews. The underground authorities felt that German cities were being partially bombed anyway, in accordance with Prime Minister Churchill's promise of 1940—in retaliation for the bombing of British cities. The only difference would have been that leaflets would have been dropped over the cities bombed, or radio announcements would have been made, without specifically mentioning which cities were to be bombed. The underground authorities also called for constant bombardment and attendant destruction of rail lines leading to extermination camps, which would make the transportation of the ghetto population to these camps impossible. Dr. Feiner and Dr. Berman demanded the same action in their cables to London. Furthermore, a secretly anti-Hitler SS officer, Kurt Gerstein, urged the same thing during his conversation with Swedish diplomat von Otter in a compartment of the Berlin express.

The author of this article recapitulated the demands concerning reprisals in a telegram to the Polish Government of June 17, 1943 in the following words:

"Public opinion in the country calls for the attention of the Anglo-Saxon world and requests reprisals against the Reich, in accordance with postulates made during the past year to itemize a list of the crimes for which the Reich is being bombed . . . I ask most urgently for the pertinent proclamations to be dropped with the bombs, stating that they are in reprisal for the most recent bestialities of Germany."

But no action was taken allegedly because of technical impossibility to fly such long distances. Sir Arthur Harris, Chief of the British Bomber Command considered, however, the bombing of Auschwitz from Italian bases as technically possible. Group Captain Leonard Cheshire, V.C., was of the same opinion. Moreover, factories surrounding Auschwitz were bombed, so that obviously there was nothing to prevent the bombing of rail lines leading to this largest death camp.

COMRADES IN ARMS

As for the military sector, the KGAK named Major Stanislaw Weber (alias Chirurg) and Captain Zbigniew Lewandowski (alias Szyna) to organize help for the Jewish Fighting Organization (ZOB). Within the framework of this action, in December 1942, ten revolvers with ammunition were delivered to the ZOB, and in January 1943 another ten revolvers with ammunition. It must be stressed that at that time a revolver was more valuable than a human life. The normal method of capturing such arms, outside of the rare cases when they were bought from German soldiers, was by attacking these soldiers at night on city streets and relieving them of their weapons. Often the ambushes were unsuccessful and many members of the Home Army paid with their lives for such attempts.

Support by parachute drops was negligible, and the Commander of the Home Army, General Stefan Rowecki, complained in his telegram of February 19, 1943 to the Commander-in-Chief in London, General Wla-

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dyslaw Sikorski, that instead of the promised one hundred weapon drops only seventeen had been made. (When on August 1, 1944 the Warsaw Uprising broke out, only every fourth Home Army soldier was equipped with a rifle, revolver or grenade. The rest were provided with weapons captured in battle by their armed comrades.)

In January 1943, joint consultations began between Home Army officers and ZOB representatives on plans of concerted action on both sides of the walls of the ghetto after uprisings broke out there. Three Polish units, under the command of Captain Jozef Pszenny (alias Chwacki), were detached to make a breach in the ghetto walls, attack the Germans from the so-called Aryan side, and blast the walls with explosives. Since it was assumed in advance that the ghetto uprising must end in defeat, their task was to open a path for the retreat of the Jewish fighters.

This concept was completely different from that of the Warsaw Uprising, which erupted on August 1, 1944—more than a year after the ghetto uprising. This second concept anticipated the outbreak of an uprising in Warsaw and throughout Poland as the Soviet troops approached; in Warsaw, when the Soviets had reached its outskirts. Final victory was to be achieved with the help of these troops. The Soviets approached the suburb of Praga in the last days of July 1944. Unfortunately, on the orders of Stalin, who considered the uprising contrary to his political plans, the Soviet forces stopped their offensive and, after 63 days of fighting, the Warsaw Uprising capitulated. In spite of this defeat, however, its concept was a sound one and should have led to victory. On the day that the ghetto uprising erupted in Warsaw, April 19, 1943, the Soviet army was hundreds of kilometers from Warsaw.

In addition to twenty revolvers, the Home Army supplied the ZOB with two machine-guns, 50 revolvers, all with magazines and ammunition, 10 rifles, 600 hand grenades with detonators, 66 pounds of explosives (plastic) from parachute drops, 264 pounds of home-produced explosives, 400 detonators for bombs and grenades, 66 pounds of potassium for Molotov cocktails, and large quantities of nitric acid necessary for the production of gun powder. Finally, the ZOB received instructors concerning the production of bombs, hand grenades and incendiary bottles, directives on erecting bunkers, and information on sources for the purchase of rails and cement for such construction.

When the uprising broke out in the Warsaw ghetto, armed Polish help materialized in the following way:

During the first day of the uprising, April 19, 1943, three groups of Home Army soldiers, led by Captain Josef Pszenny, took positions by the ghetto walls on Bonifraterska Street, to carry out demolition of the walls with mines. Discovered prematurely, they launched an attack against the Germans, while four demolition experts attempted to reach the wall. Unfortunately, two of them, Eugeniusz Morawski and Jozef Wilk, were killed on the spot, and a third, Jerzy Postek, was wounded in both legs. Captain Pszenny ordered a retreat and ignited the mines on the street, where they exploded—tearing the bodies of Morawski and Wilk to bits. A dozen or more Germans died in the battle, but the mining of the walls was unsuccsesful.

On the next day, a unit of the Peoples' Guard—the armed branch of the communist Polish Workers' Party which had its separate contacts with the ZOB—stormed, under the leadership of Franciszek Bartoszek, a German machine-gun post at the ghetto wall, near Nowiniarska Street, killing two SS men.

On April 22, a Home Army unit led by Wieckowski routed a unit of auxiliary Lithuanian police, the so-called "Szaulisy," near the ghetto walls.

On Good Friday, April 23, a Home Army unit led by Lieutenant Jerzy Skupienski attacked a gate leading to the ghetto near Pawia Street, with the object of blowing it up. Two German sentries at the wall were killed, but under the fire from Germans who had arrived from all directions, the unit had to withdraw—killing four SS and Police officers in a car encountered during their retreat.

Within the framework of harassing actions ordered by the Home Army commander for the city of Warsaw, Colonel Antoni Chrusciel (alias Monter), German sentries on Leszno and Orla Streets were killed by Home Army soldiers led by Cadet Officer Zbigniew Stalkowski, while SS entries at Zakroczymska Street were killed by a unit under the leadership of Tadeusz Kern-Jedrychowski.

In addition, battle actions were carried out under the command of Wladyslaw Andrzejczak in the region of the Powazki district of Warsaw, and in the vicinity of the Jewish cemetery under the leadership of a close friend of the author, Leszek Raabe (alias Marek), commander of the Socialist Fighting Organization (*Socjalistyczna Organizacja Bojowa*—SOB). This organization, with the participation of Raabe's deputy, Wlodzimierz Kackanowski, organized the escape from the ghetto of the Jewish members of the Polish Socialist Party (*Polska Partia Socjalistyczna*—PPS).

On the same day, April 23, the ZOB issued a proclamation to the Polish people, confirming that the struggle in the ghetto was going on in accordance with the Polish slogan, "For Your Freedom and Ours." Thus, it stressed the Jewish-Polish brotherhood-in arms.

The action of a unit of the Security Corps deserves special attention. The head of this unit, Polish reserve captain Henryk Iwanski, his brother Waclaw and sons Zbigniew and Roman, had maintained regular contact since the creation of the Warsaw ghetto with the Jewish Military Union (*Zydowski Zwiazek Wojskowy*—ZZW). They supplied the organization with arms, ammunition and instruction material, via city sewers or carts transporting lime and cement.

As soon as the ghetto uprising broke out, a ZZW unit took up positions on Muranowski Square, which became the scene of the fiercest battles. Already on the first day of the uprising, Jewish and Polish flags, visible from the so-called Aryan side, flew over this sector. This made a tremendous impression on the Polish population. On April 26, the head of the Jewish unit, David Moryc Apfelbaum, sent a courier to Captain Iwanski informing him that he was wounded, and asking for arms and ammunition. The following day Iwanski, together with eighteen of his soldiers, among whom were his two sons and brother, got through a tunnel dug from a basement at 6 Muranowska Street under the ghetto wall, which ran down the middle of the street to the basement on the opposite side, at 7 Muranowska Street. They not only supplied Apfelbaum's unit with arms, ammunition and food that they carried, but in view of the total exhaustion of the Jewish fighters, the unit took up positions in the ruins of Muranowski Square and Zalewki Street repulsed the German attacks. The same tunnel was used to remove the wounded Jewish fighters to the so-called Aryan side.

During the battles that followed, both of Iwanski's sons and his brother were killed, and he was seriously wounded. After the collapse of the uprising, 34 fully armed ZZW soldiers left the ghetto together with the unit of Iwanski; Iwanski was carried back through the tunnel to safety. After the war, Henryk Iwanski and his wife Wiktoria—who hid Jews throughout the war—together with ten other persons, were decorated with medals bestowed on them on behalf of Yad Washem by Israeli Ambassador in Warsaw, Dov Satoath.

This was not the only case of joint armed struggle of the Poles and the Jews, in keeping with the traditional slogan "For Your Freedom and Ours." According to information in the underground publication *Glos Warszawy* of April 23, 1943, when the uprising broke out, "Poles appeared at the ghetto, and are now fighting against the Germans shoulder-to-shoulder with the Jews on the streets of the ghetto."

The fact that there was Polish diversionary action and Polish participation in battles within and outside of the ghetto was confirmed in a report of over 100 pages by the head of the German forces fighting in the ghetto, SS and Police General Jurgen Stroop. He stated that his units were "constantly strafed from outside the ghetto, i.e., from the Aryan side." He referred specifically to Iwanski's action: "The main Jewish fighting force, mixed with Polish bandits, retreated during the first or second day to the so-called Muranowski Square. There it was reinforced by a large number of Polish bandits."

More than a year later, during the 1944 Warsaw Uprising, a ZOB unit fought against the Germans in the ranks of the Home Army. It was headed by Yitzchak Cukierman, the deputy of Mordechai Anielewicz on the so-called Aryan side.

When, after the outbreak of the Warsaw Uprising, units composed of Boy Scouts (*Szare Szeregi*—Grey Ranks), led by Colonel Jan Mazurkiewicz (alias Radoslaw) captured—in the territory of the former ghetto a camp known as Gesiowka—they freed 358 Jews kept alive by the Germans to work on the demolition of houses in the burned-out ghetto. These Jews had been doomed to die when their work was finished. With great enthusiasm, they joined the soldiers of Radoslaw, and most of them later perished. When Radoslaw was wounded in the legs and commanded his unit from a stretcher, he was carried from place to place, often through the sewers, by the Jews he had saved.

The question arises whether the Home Army should have given more assistance to the ghetto than supplying arms, taking diversionary actions and attempting to open a retreat route for the ZOB fighters. This question must be answered in the negative, since even an attack in full strength by the Home Army in Warsaw could neither have saved the ghetto nor brought victory. The Germans had considerable armed forces in and near Warsaw—both SS and gendarmes—who would have entered the battle immediately and, after a longer or shorter period of resistance, would have annihilated the Home Army along with the ZOB. The only concept of a ghetto uprising which would have had meaning other than a heroic and dramatic protest and attempt at self-defense would have been one based on the assumption that the Soviet army would come to the aid of the ghetto in time to ensure victory. Another alternative could have been the complete disintegration of the German army. However, in April 1943, the Soviet Army was hundreds of kilometers from Warsaw, and the German army did not show any signs of collapse but continued to fight fiercely on all fronts.

During the uprising at the Warsaw ghetto, the author of this article sent daily telegrams on the course of the fighting to the secret radio station SWIT (DAWN), located near London, which pretended to be an underground station inside Poland. The telegrams were used for broadcasts which were heard in the ghetto. Here is an example of such a telegram: "April 20, 1943. Yesterday the Germans began the liquidation of 35,000 Jews here. The Jews are defending themselves. Small arms fire and grenade explosions can be heard. The Germans have been using tanks and armored cars. They are suffering losses. There are fires burning in several places. Speak to the ghetto today."

Anielewicz writes of this to Cukierman in

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a letter of April 23: "The news that reached us already yesterday that . . . the radio station SWIT broadcast a beautiful program about our self-defense, fills me with feelings of appreciation and satisfaction."

Moreover, starting April 21, the Government Delegate, Jan Stanislaw Jankowski, repeatedly telegraphed the Polish Government in London to alert it to the events. As a sign of protest against the indifference of the Allies, a member of the Polish National Council in London, Szmul Zygelbojm, committed suicide on May 13, 1943—giving his reasons for killing himself in letters to Polish President Wladyslaw Raczkiewicz and Premier Wladyslaw Sikorski.

SURVIVORS

Toward the end of the ghetto uprising, organized action was begun to evacuate the Jewish fighters. A tragic error, however, led to the suicide of Mordechai Anielewicz and his staff in a bunker at 18 Mila Street, although there was an escape route discovered later by others. Escaping fighters moved from cellar to cellar and through sewers to the so-called Aryan side, where members of friendly Polish organizations, such as the Socialist Fighting Organization, were waiting with trucks which transported the ZOB fighters to forests near Warsaw. For instance, on April 29, a group of members of the Peoples' Guard, led by Lieutenant Wladyslaw Gaik, organized the escape of 40 fully armed ZOB fighters to the forest near Wyszkow. On May 10, this operation was repeated, and 30 ZOB fighters were taken there. They formed a partisan unit named after Mordechai Anielewicz. Other Jewish partisan units were formed, choosing Polish national heroes as patrons. For example, in the Lublin region there were Jewish units named after Emilia Plater, heroine of the 1831 Uprising, and Jan Kozietulski, hero of the Napoleonic wars. The latter unit was led by Samuel Jegier. Another unit, headed by Chil Grynszpan, was named after Berek Joselewicz, a colonel of Jewish descent in the Polish army in the 1794 uprising. A Polish unit composed of peasants from the village of Polichno was commanded by a Jew known as "Szymek." When he was killed, the peasants buried him in a Catholic cemetery as a sign of respect. There was also a Jewish unit led by Mieczyslaw Gruber, and a mixed Polish-Jewish unit led by a Jewish veterinarian, Dr. Mieczyslaw Skotnicki, which operated in the forests near Parczew. Finally, in the Radom region, there was a unit led by Julian Ajzenman-Kaniewski (alias Chytry). Smaller Jewish groups joined partisan units at the first opportunity. Many of these groups later fought against the Germans together with the Home Army guerrillas.

The fate of the remaining people who survived the ghetto uprising and escaped to the so-called Ayran side by sewers and tunnels was much worse. The luckiest were those who got to the forests and there joined the guerrillas, or formed camps defended by partisan units. As for the rest, the Germans caught some of them in special raids, and others dissolved into the Polish population, which did what it could to save these tragic survivors. The Polish population was asked to save them in three successive proclamations of the Council of Assistance to the Jews, "Zegota," a radio speech by General Sikorski of May 5, 1943, and an appeal by the Government Delegate of May 6, 1943. "Zegota" requested that the Polish Government in London initiate negotiations aiming at an international agreement to save the remainder of Jews from extermination by exchange or other means. Such an agreement was never reached.

Three publication put out by underground presses reached London at that time. They were: a book by a Jewess, Maria Kann, entitled *Na oczach swiata* ("Before the Eyes of the World"), devoted to the history of the Warsaw ghetto and the ghetto uprising; a brochure called *Rok w Treblince* ("A Year at Treblinka"), whose author, Jankiel Wiernik, was an escapee from that camp; and a volume of poems entitled *Z otchlani* ("From the Depths") by eleven different Jewish authors. These publications made a great impression on the West, but that was the end of it.

This state of affairs continued until the retreat of the German army defeated by the Soviets. In parts of Poland from which the Germans had withdrawn, those Jews who had managed to survive the German occupation regained their personal safety, dignity and human rights, but only to the extent that this was possible under Communist rule which was forcibly imposed on Poland by the USSR.

POLISH VICTIMS

As for the number of Poles murdered by the Germans for hiding Jews or helping them in other ways, complete statistics are unavailable. But there is much fragmentary data concerning individual cases, such as the proclamation of the chief of the SS and Police for the district of Galicia on January 28, 1944, listing the names of five Poles condemned to death for helping Jews. The case of the execution of gardener Ludomir Marczak and his family at the Pawiak prison in Warsaw on March 7, 1944 is well known. They were killed for hiding some thirty Jews in a dugout in their garden. Among those hidden was Dr. Emanuel Ringelbaum, chronicler of the Warsaw ghetto and author of "Notes from the Warsaw Ghetto," who perished with the Marczak family. In the period from September 13, 1942 to May 25, 1944, twelve peasants in the Kielce Province were shot or burned alive for helping Jews. The largest number of examples is provided by the greatest expert in this field, Wladyslaw Bartoszewski, in a book written together with Zofia Lewin, *Ten jest z ojczyzny mojej* ("This One Is From My Homeland"). According to the data they gathered, the Germans murdered, i.e., shot or burned alive, Poles for helping Jews, as follows: 17 persons were killed in Cracow Province; 300 to 500 Poles and Jews were executed by shooting in the cemetery in the town of Nowy Sacz (the Poles were shot for hiding Jews); in the Lublin Province about 40 persons were shot; in Rzeszow Province 47 persons; and in Warsaw Province 19 persons; while in Lwow Province about 1,000 Poles from the city of Lwow alone were exterminated at the camp at Belzec for helping the Jewish population.

But most Poles who hid Jews survived the day and Hitlerite persecutions. Today they visit the rescued families in Israel, in the United States and other countries. Some of them have settled in Israel at the request of the families they had saved. On the Avenue of Righteous Gentiles in Jerusalem—on plaques commemorating those who had saved Jews—most of the names are Polish.

Unfortunately, among the masses of Poles—most of whom tried to save as many Jews as possible—there were also exceptions other than the "szmalcowniks" and "sztorkarzs" (grafters) who were dealt with by means of death sentences passed by the Polish underground courts and authorities. The guerrilla units of the Fascist faction of the Polish underground organization called National Armed Forces (*Narodowe Sily Zbrojne*—NSZ) murdered Jews hiding in the forests. But they also murdered Poles, if they disliked their ideological or political convictions. A unit of the People's Guard composed of 26 Polish partisans and four peasants who had come to visit them, was murdered by the NSZ in Borow, Krasnik County, on August 9, 1943. This murder was condemned by the Commander of the Home Army, General Tadeusz Bor-Komorowski (successor to General Stefan Rowecki, who had been captured and murdered by the Germans) in a declaration published in the Home Army bulletin, *Biuletyn Informacyjny*, of November 18, 1943. In Warsaw, this NSZ faction also murdered two officers of the Supreme Command of the Home Army, who were of Jewish descent—Jerzy Makowiecki, an engineer, and Ludwik Widerszal, an Assistant Professor.

On the other hand, such leading Polish prewar anti-Semites as the head of the Fascist National-Radical Organization (*Organizacja Narodowo-Radykalna*—ONR), Jan Mosdorf, the editor of the prewar periodical *Prosto z mostu* ("Straight From The Shoulder"), Stanislaw Piasecki, and the well-known publicist Adolf Nowaczynski, all underwent a complete metamorphosis. The first did all he could to help the Jews at the camp of Auschwitz, where he also perished, and the two others helped many persecuted Jews.

A Jewish leader, Dr. Adolf Berman, presently at Tel Aviv, appraised the role of the Poles in the following words:

"In descriptions of the martyrdom of the Jews in Poland, the sufferings that the Jews endured at the hands of Polish blackmailers and informers, "blue" policemen, Fascist hoodlums and other social dregs, are often stressed. But less is written about the fact that thousands of Poles risked their lives to help the Jews. The foam and dirt floating on the surface of a turbulent river are often easier to see than the deep, clear underwater stream. But this stream existed.

"The time will come for a great Golden Book of Poles who in those terrible 'times of contempt' extended a brotherly hand to the Jews, saved them from death, and to the Jewish underground movement became a spirit-lifting symbol of humanitarianism and the brotherhood of man."

WHY POLAND?

Why did the Hitlerite leaders, at their conference in Wannsee on January 20, 1942 choose primarily Poland as the territory where the extermination of the Jews was to be perpetrated, although Jews were also murdered in Germany at Dachau, Sachsenhausen, Belsen-Bergen, Oranienburg and other camps?

Certainly the reason was not the anti-Semitism of the local population, which had existed in certain classes of Polish society, but which disappeared when the people saw with their own eyes the extermination of the Jewish population and they themselves became the victims of deportations, mass arrests, removal to concentration camps and mass executions. All historians depicting the extermination of the Jews agree that, next to the Jews, the Poles were the most persecuted people, condemned to gradual extermination in accordance with the General Eastern Plan. Point 9 of the accusation drawn up by Prosecuting Attorney Gideon Hausner against Adolf Eichman demanded that he also be brought to justice for the deportation of half a million Poles. The verdict found him guilty of this charge, too, and charged that he had intended to exterminate the Polish intelligentsia: "This was plain and simple expulsion accompanied by degradation of the people and with malicious intent, especially against the educated class."

The reason the Germans chose Poland was simple. Of all the European Jews marked for extermination, three and a half million lived in Poland. German rail transportation was overloaded because of the war. Therefore, it was easier to build extermination camps in Poland and transport the three and a half million Polish Jews over short distances than to transport them by rail to, say, Hungary or France. The largest of these camps, Auschwitz, was built right on the border of the Reich for exactly these reasons. After war had broken out between Germany and Russia, the congestion of the railroads became even more acute. One and a half million Russian Jews were murdered on the spot, in mass graves dug by themselves. Special units, so-called Einsatz-truppen, were used for this job.

The transportation problem played a role not only in the extermination of the Jews,

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but also in discussion on how they could be saved. The British Foreign Minister, Anthony Eden, wrote on this subject in 1942 to President Roosevelt as follows: ". . . The whole problem of the Jews in Europe is most difficult and we (the British) should move very cautiously about offering to take all Jews out of a country. If we do so, then the Jews of the world will be wanting us to make similar offers in Poland and Germany. Hitler might take us up on any such offer and there simply are not enough ships and means of transportation in the world to handle them. . . ."

Moreover, the Germans undoubtedly supposed that the greatest crime in the history of the world could be concealed better in Eastern Europe—cut off from the world by the occupation—than in the West, which, although occupied, could not be isolated to the same extent from neutral countries such as Switzerland and Spain.

In looking back on the tumultuous days during World War II, the cooperation between the Poles and the Jews comes into sharper focus when one considers the situation of acute danger that obtained at that time. Indeed, as for the role of the Polish people in saving the Jews, the Poles can calmly await the Golden Book spoken of by Adolf Berman, and the final verdict of history.

AMERICAN BAR ASSOCIATION POSITION ON GENOCIDE TREATY

Mr. THURMOND. Mr. President, this week the house of delegates of the American Bar Association voted to reject the recommendation of the section of individual rights and responsibilities that the American Bar Association go on record as favoring the so-called Genocide Convention.

I was very much pleased to see that the ABA rejected this proposal to approve U.S. participation in the convention. For 20 years, the United States has refused to act upon this ill-advised treaty, and the reasons which stopped the treaty 20 years ago are even more relevant with the passage of time. The treaty would raise havoc with the American system of jurisprudence and the unique rights which an American enjoys under the Constitution and under our inherited system of English common law. No motives, no matter from what humanitarian consideration, should cause us to jeopardize these rights. I am, therefore, pleased that the American Bar Association, of which I am proud to be a member, has in its house of delegates refused the proposal to give ABA sanction to this proposal. It is entirely fitting that a body of lawyers should have a great awareness of the danger this treaty would do to our legal system.

Mr. President, this awareness was clearly brought out in an independent appraisal submitted by certain members of the ABA. I ask unanimous consent that this independent appraisal be printed in the RECORD.

There being no objection, the appraisal was ordered to be printed in the RECORD, as follows:

THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

An Independent Appraisal by the Undersigned Members of the American Bar Association, of the Genocide Convention, and a Brief Statement of the Grounds of their Opposition to a Reversal of the Position Taken by the Association in 1949, That "The Convention on Genocide now before the United States Senate be not approved as submitted."

Under date June 16, 1949, President Harry S. Truman transmitted to the Senate, for its advice and consent to ratification, the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations and signed in behalf of the United States, in December of the preceding year.

In September, 1949, the House of Delegates of the American Bar Association had before it a recommendation by its Committee on Peace and Law Through United Nations that the Convention be rejected, and a recommendation by the Section of International and Comparative Law that the Convention be approved with seven reservations.

The House also had before it a proposed resolution by a special committee which recited "that the conscience of America, like that of the (entire) civilized world, revolts against mass genocide" as "contrary to the moral law and * * * abhorrent to all who have a proper and decent regard for the dignity of human beings, regardless of the national, ethnical, racial, religious or political groups to which they belong", and "that genocide as thus understood should have the constant opposition of the government of the United States and of all its people".

The resolution recited further that, nevertheless, "the suppression and punishment of genocide under an international convention to which it is proposed the United States shall be a party involves important constitutional questions" which it does not resolve "in a manner consistent with our form of government"; and that therefore "the Convention on Genocide now before the United States Senate" should not be "approved as submitted".

The House of Delegates overwhelmingly passed this resolution proposed by its Special Committee, and the Senate adopted this position of the American Bar Association; and the Genocide Convention has never been ratified by the United States.

At its mid-winter session in Atlanta in February 1970, the House of Delegates of the Association will have before it recommendations by the Standing Committee on World Order Under Law, and the Section of Individual Rights and Responsibilities, recommending that the House reverse the position taken by it in 1949, and now adopt a resolution recommending that the Senate give its advice and consent to ratification of the Genocide Convention.

The undersigned are opposed, for the reasons which motivated the original position of the American Bar Association, as well as for other reasons outlined briefly hereunder, to any change in the position taken by the House in 1949 in behalf of the Association.

Actually, two years prior to adoption of the Genocide Convention in the United Nations, the General Assembly had adopted a declaration to the effect that genocide "is contrary to moral law and to the spirit and aims of the United Nations"; that many "instances * * * of genocide have occurred when racial, religious, *political* and other groups have been destroyed, entirely or in part"; that genocide is a crime, whether it "is committed on religious, racial, *political* or any other grounds"; and inviting "the Member States to enact the necessary legislation for the prevention and punishment of this crime" (emphasis supplied).

It may be appropriate, at this point, to note that when the foregoing declaration was being converted into the Genocide Convention, on the insistence of the representatives of the Communist block nations, the word "political", emphasized above was omitted from the Convention, which now purports to demand prohibition only of steps looking toward total or partial elimination of any "national, ethnical, racial or religious group."

Further, while the Convention was being formulated, the representatives of the United States sought, as a *sine qua non,* to have genocide defined as having been committed "with the complicity of government", because its "delegation felt in fact that genocide could not be an international crime unless a government participates in its perpetration" (a position in which the undersigned concur). This demand was rejected, and under the Convention, genocide may be committed only by individuals.

Thus, the Convention requires enactment of legislation under which "persons committing genocide * * * shall be punished", and persons charged with genocide * * * shall be tried", whether they are "public officials or private individuals".

Representatives of the Soviet Union had frequently charged the United States with hypocrisy because of its failure to become a party to the Genocide and other human-rights conventions, while giving, as they put it, mere lip service to the protection of such rights within our borders. The Soviet Union made itself a party to the Genocide Convention only because genocide as to "political" groups was excluded from the Convention as shown above.

Similarly, the Soviet Union has never ratified the Convention of 1957 on the Abolition of Forced Labor, because of its prohibition of the use of such labor as a means of political coercion or as punishment for the expression of views opposed to those of the established government.

By way of further illustration of the position of the Soviet Union and its satellites as to human-rights treaties, attention is called to the fact that they abstained from voting on the Universal Declaration of Human Rights, because that contained a guarantee of property rights. When that declaration was converted into treaty obligations in the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights, the provisions for the protection of property were omitted on the insistence of the Communist nations, and the United States and the other Western nations were unsuccessful in having those rights retained within the compass of those treaties.

Under Article IX of the Genocide Convention, disputes between the parties thereto, "relating to the interpretation, application or fulfillment" thereof, are to "be submitted to the International Court of Justice at the request of any of the parties to the dispute". This provision would, if the United States became a party to the Genocide Convention, override, as to the "interpretation, application or fulfillment" of that Convention, the Connally Amendment to the United States reservation in the declaration of its adherence to the ICJ. The Solicitor General at the Hearings when questioned by Senator Thomas of Utah conceded that ratification of the Genocide Convention would take precedence over the Connally reservation. (Hearings p. 28)

Even more significantly, under Article VI of the Genocide Convention, "persons charged with genocide * * * shall be tried by a competent tribunal of the State in the territory in which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction".

Proponents for ratification seem to overlook the phrase *"in the territory in which the act was committed"*, and erroneously presume that the accused would be tried by a U.S. Court though the act was committed in some other country. (See Article 56 ABA Journal, page 57, January 1970.)

The State Department's submission of the

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Convention to the U.S. Senate contained this description of Article VI:

"Article VI makes it clear that any person charged with the commission of any of the five genocidal acts enumerated in Article III shall be tried by a court of the state in whose territory the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those states accepting such jurisdiction." (Hearings pp. 4–5.)

"*Hearings*" refer to transcript of hearings before a Subcommitte of the Senate Committee on Foreign Relations on the Genocide Convention held in January and February 1950.

The first part of Article VI, means quite simply, for instance, that if a member of the American Armed Forces stationed abroad should be charged—rightly or wrongly—with having committed an act of genocide, he would be subject to trial in a court "of the State in the territory in which the act was committed".

This is not a mere imaginative hypothesis. By way of concrete example, The New York Times on Wednesday, November 29, 1969, reported that the government of North Vietnam had charged the United States with the commission of genocide in "the alleged massacre of civilians in a South Vietnamese village", etc., etc.

Had the United States been a party to the Genocide Convention, the soldiers involved in the massacre charged to have taken place, would under Article VI of the Convention, have been subject to trial in a Vietnamese court, as "a competent tribunal of the State in the territory of which the act was committed"—and that, even though they may already have been acquitted by a tribunal of the United States. And, though the soldiers were back in the U.S., the Genocide Convention provides for extradition to the state where the act was committed.

As to possible trial by an "international penal tribunal" whose jurisdiction might have been accepted by parties to the Convention, is asserted that the United States would never accept the jurisdiction of such a court; and that, in any event, it will be time enough to raise that objection when a proposal is made for acceptance of the jurisdiction of such tribunal.

Actually, strong movements are already under way, *within the United States,* toward creation of such a tribunal.

In a recent book, Professor W. Paul Gormley of the University of Tulsa School of Law, asserts unequivocally that a "private individual must be able to prosecute an action before an international tribunal—in his own name—against an offending government, particularly his own".

In that connection, it is interesting to note that very recently, as reported by the news media (see Time Magazine for December 12, 1969—page 20), a "San Francisco lawyer who represents the (Black) Panthers, * * * revealed plans to go before the United Nations and charge the United States with 'genocide' against the Panthers".

Dean Rooney of the School of Law of Seton Hall University, supports a recommendation for writs of habeas corpus out of "some international court" in connection with the pending human-rights "Declarations and Conventions", including, presumably, the Genocide Convention, "the proper party of petition" for such a writ to be a special United Nations official (who) could have service "of the Writ upon a state, now that sovereign immunity is obsolescent".

It has been suggested by those who favor ratification of the Genocide Convention, that matters of internal concern to the United States *ipso facto* become matters of international concern by the very fact that treaties are concluded with regard thereto—in effect that under *Missouri* vs *Holland,* 252 US 416 (1920), there can really no longer be any distinction, in United States treaty law, between domestic and international affairs.

The undersigned do not agree with this thesis, but if it is a correct statement, then they are opposed, on that additional strong ground, to entry by the United States into treaties which purport to convert matters of domestic into matters of international concern.

As stated, the undersigned are in complete accord with the statement made in the 1949 ABA resolution that "it is the sense of the American Bar Association that the conscience of America", like that of all the world, "revolts against genocide", and "that such acts are contrary to the moral law and are abhorent to all who have a proper and decent regard for the dignity of human beings, regardless of the national, ethnical, racial, religious or political groups to which they belong"; and "that genocide as thus understood should have the constant opposition of the government of the United States and of all of its people".

But if entry into a treaty on matters of internal concern will automatically convert them into matters of international concern, then the question becomes one of broad constitutional policy rather than a strict constitutional law, and the undersigned submit that whole-hearted concurrence in the lofty ideals that engineer promotion of moral issues should not be permitted to substitute the ephemeral tissue of those ideals for the enduring fiber of constitutional limitations.

Some supporters of the Genocide Convention admit that many treaties on human rights such as that Convention, may constitute interference in domestic affairs. Thus, Professor Louis Sohn and the late Grenville Clark, in their work on *World Peace Through Law,* conceded that under the domestic-jurisdiction provision of Article 2(7) of the Charter of the United Nations, "it would probably be a valid objection" that, for example, "the problem of racial repression in South Africa * * * is of no concern to the United Nations"; and they accordingly propose that this provision of the UN Charter be amended and broadened to reserve to individual nations "all powers inherent in their sovereignty except such as are delegated to the United Nations by this revised Charter, either by express language *or (by) clear implication*" (emphasis added).

The undersigned are opposed to any suggestion for such amendment of the Charter, obviously tailored to give support otherwise looking, to such treaties as the Genocide Convention.

In the last analysis, prohibition of genocide by treaty must inevitably be an exercise in futility in any event. Would anyone suggest seriously that Adolph Hitler would have been deterred from the revolting acts of genocide committed under his régime, even if Germany had been a party to such a convention during the Nazi reign of terror? Were the Communist nations deferred from their invasion of Czechoslovakia by the provisions of the Charter of the United Nations expressly prohibiting such maneuvers though the Soviet Union is a party to the Genocide Convention.

The merits and demerits of the Genocide Convention were debated at length in 1949 by eminent advocates and opponents of that treaty who had made careful studies of the implications—pro and con—of adherence by the United States to such an international compact.

The significant areas of concern in relation to this Convention are apparent in the seven reservations to this Convention which were proposed by The Section of International and Comparative Law to the House of Delegates in 1949. A reading of these reservations emphasizes the many problems this Convention would create in the United States and these reservations are set out in Appendix A hereto.

The Senate of the United States has stood, for more than twenty years now, behind the position taken by the American Bar Association.

Despite submissions to the contrary, nothing has happened since 1949 which would point to a need for change in the Association's position. In fact, repeated charges of genocide against the United States, as with regard to the conduct of her forces in Vietnam, and as to such organizations as the Black Panthers, should serve as strong deterrents to any change by the House of Delegates in the position which it took in behalf of the American Bar Association as to this Convention more than twenty years ago.

Respectfully submitted.

JANUARY, 1970.

APPENDIX A

The following resolution was recommended by the International and Comparative Law Section to the House of Delegates in 1949.

Resolved, That the American Bar Association approves ratification of the Convention on the Prevention and Punishment of the Crime of Genocide now pending before the U.S. Senate subject to effective reservations as follows:

1. That the words "with intent to destroy in whole or in part a national, ethnical, racial, or religious group as such" in Article II refer to all the inhabitants of a country who are identifiable as of the same national, ethnical or racial origin or of the same religious belief and that none of the acts enumerated in the subparagraphs of the said Article II shall be deemed to have been committed with the requisite intent to destroy such a group in whole or in part unless such acts directly affect thousands of persons.

2. That the phrase "mental harm" in Article II(b) means permanent physical injury to mental faculties of members of a group, such as that caused by the excessive use or administration of narcotics.

3. That the provision "direct and public incitement to commit genocide" in subparagraph (c) of Article III shall not have any application to the U.S. because to render such incitement unlawful in the U.S. it is sufficient to outlaw conspiracy to commit genocide as is done in sub-paragraph (b) of Article III and the attempt to commit genocide as is done in sub-paragraph (d) of Article III without specifically enumerating the act of direct and public incitement as contained in sub-paragraph (c) of Article III.

4. That the phrase "complicity in genocide" in Article III(e) means "aiding, abetting, counselling, commanding, inducing, or procuring the commission of genocide."

5. That the phrase "responsibility of a state for genocide" in Article IX does not mean responsibility of a National Government to pay damages for injuries to its own nationals and that this phrase does not mean that a National Government may be prosecuted as a defendant in any case arising under the Convention.

6. That Articles I through VII of the Convention are not self-executing in the U.S.; that Federal legislation will be necessary to carry out the provisions of these articles, and such legislation will be limited to matters appropriate under the constitutional system of the U.S. for Federal legislation.

7. That a person charged with having committed an act in the U.S. in violation of the statutes enacted to implement the Convention shall be tried only by the Federal Court of the district wherein the act is alleged to have been committed.

ABA EXPERTS FAVOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, though the American Bar Association's

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house of delegates failed by four votes to endorse the ratification of the Genocide Convention, those of us who support ratification have little cause for despair.

The very closeness of the vote itself is heartening. Many prominent members of the bar association whose field of specialization is criminal, constitutional, and international law will urge the Committee on Foreign Relations to report out the Genocide Convention recommending ratification. Thus, while some lawyers may speak against ratification, many of the ABA's foremost members will strongly urge support of ratification.

Of equal, if not greater, importance, though, is the fact that the ABA's Standing Committee on World Order Under Law, and its sections on individual rights and responsibilities, criminal law, and international and comparative law—those very divisions of the ABA that are most directly and intimately concerned with the Genocide Convention—all strongly favor ratification. The distinguished men and women in the ABA who know most about the subject, who were charged by the association with the responsibility of delving into every relevant issue of international, criminal, and constitutional law even remotely connected with the Genocide Convention urge support for ratification. When a patient is examined by a team of physicians, the views of the cardiologist concerning the condition of the heart and its effect on the rest of the body are more significant and are more apt to be followed than are the view of the general practitioner or local family doctor.

So it must be with the Genocide Convention. The views of the specialists charged with the responsibility of examining the Genocide Convention must prevail.

The opposition to the Genocide Convention within ABA came mainly from the more conservative, locally oriented members; from those who have little daily contact with international or constitutional matters. Someone was worried about a foreign power demanding to try American citizens in their own courts on charges of genocide. Possibly he overlooked extradition treaties and guarantees of the process. Possibly he did not realize that there is no existing international tribunal which could claim jurisdiction over American citizens. The fear was expressed that some ethnic, religious, or racial groups in this country might claim genocide was being committed against them. There would of course, be no competent international tribunal to hear the case. Moreover, any crime such as murder can be properly tried and investigated in the local jurisdiction in which it is alleged to have occurred. And those accused of a crime will be tried under local laws.

In a real sense, the arguments strewn in the path of ratification of the Genocide Convention are somewhat more bogus than factual; somewhat more emotional than rational. For me, the ABA's failure to adopt a positive stance toward the convention is as puzzling as it is disappointing.

I am confident that when the Committee on Foreign Relations conducts hearings on the Genocide Convention, the reasoned voices of authority and expertise, such as those of Mrs. Rital Hauser, Nicholas Katzenbach, Bruno Bitker, and Irwin Griswold, will prevail over the weaker cries of emotion and prejudice.

FIFTY-SECOND ANNIVERSARY OF ESTONIAN INDEPENDENCE

Mr. DODD. Mr. President, yesterday, February 24, marked the 52d anniversary of the establishment of the independent republic of Estonia.

Unfortunately, Estonian freedom was short-lived. In the wake of the Hitler-Stalin pact, the Soviet Red army occupied the three Baltic republics of Estonia, Latvia, and Lithuania and imposed quisling governments in these countries.

For the past 30 years Estonia, like its sister Baltic republics, has been a land of tragedy and darkness, marked by wholesale executions, mass deportations, pauperization, universal terror, and the suppression of all human rights.

On the occasion of this anniversary, I think it proper to recall the resolution on the subject of Baltic freedom which was unanimously adopted by the House and Senate in the 89th Congress. Pointing out that the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of the right of self-determination by the Soviet Union, the resolution urged the President of the United States:

> (a) to direct the attention of world opinion at the United Nations forums and other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the people of Estonia, Latvia, and Lithuania, and
>
> ((b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. President, for the purpose of once again reminding ourselves of certain facts that we are prone to forget, I ask unanimous consent to have printed in the RECORD an article captioned "Focus on Estonia," written by Leonhard Vahter, a former member of the Estonian Parliament who is now chairman of the Committee for a Free Estonia and editor of the Baltic Review. The article appears in the current issue of ACEN News, an organ of the Assembly of Captive European Nations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOCUS ON ESTONIA

(By Leonhard Vahter)

BACKGROUND INFORMATION

Population

According to the official Soviet statistics, on January 1, 1967 Estonia had a population of 1,294,000. The data shows that 68 per cent of the population is located in urban areas, while 32 per cent reside in rural areas. Ethnically, the Estonians constitute 74.6 per cent of the population. The Russians account for 22.3 per cent (in 1940 the Russians numbered only 8 per cent). The other nationalities are Germans, Swedes, Latvians and Jews. It should be noted that the number of Estonians decreased by nearly 120,000 people between 1940 and 1952. Soviet purges, deportations, executions and the fleeing to the West of many people in 1944, account for the decrease. At the same time, over 240,000 people from the Soviet Union were brought into Estonia.

The majority of the people speak Estonian, which is a Finno-Ugric tongue, closely related to Finnish.

For the most part, the ethnic Estonians are Evangelical Lutheran (78 per cent). The autochthonous Russians adhere to the Orthodox faith. The situation of the Estonian Evangelical Lutheran Church is extremely difficult. A number of pastors had been deported to the Soviet Union, among them the Communist-appointed Archbishop Pahn. A number of restrictive measures are in effect to thwart the religious activities of the Church. The teaching of religion to children by the clergy is punishable under the Criminal Code. The clergy are prohibited to preach in churches not assigned to them. The pastors are not elected by their congregations as before, but appointed by a special office under Party guidance. The Estonian Orthodox Church is directly subordinated to the Russian Church.

Present area

The present area of Estonia amounts to 18,300 square miles. In territory, the country is larger than either Switzerland, the Netherlands, Belgium or Denmark. Estonia is part of the Baltic coastal plain with no high elevations. The highest point, Mount Suur Munamagi in southern Estonia, is 1056 feet above sea level. Estonia is bordered on the north by the Gulf of Finland, on the west by the Baltic Sea and the Gulf of Riga, in the south by Latvia and in the east by Lake Peipus and the Soviet Union. Climatically, Estonia lies in the temperate zone; average temperatures in Estonia are considerably higher than those farther to the east. The flora and fauna in Estonia resemble those of the temperate zone of Europe.

Major cities

The Estonian capital, *Tallinn*, is the largest city with a population of 345,000. It was founded in 1219 by the Danish conqueror Valdemar II. Tallinn is the seat of government and an important educational, cultural and industrial center.

The second largest city is *Tartu* with a population of 87,000. Tartu boasts the oldest university in Estonia, founded by the Swedish king Gustavus Adolphus in 1632. Tartu is also a machine building center. *Kohtla-Jarve,* with over 80,000 inhabitants, is a relatively new city that grew with the oil-shale industry, especially during the period of independence. *Narva,* an ancient city near the Russian border, is the center of the textile industry. Narva has a population of 50,000.

HISTORY

Early times through World War I

The present-day Estonian people, as well as the Finns, Lapps and Hungarians, stem from Finno-Ugric tribes that once lived along the Volga and Kama Rivers. (It must be noted, however, that some experts have advanced other theories). The ancestors of the Estonian, nomadic hunters, populated the territory between the Narva and Daugava Rivers shortly after the last Ice Age. During the first millennium B.C. they were pushed to the north by the ancient Latvians. Around 1000 A.D., the Estonians formed territorial units called *maakond* (county), governed by elected elders. These politico-social units were independent of one another and only banded together for common defense.

The Estonian people entered European history in 1200 A.D. when a Papal Bull called for a crusade in the Baltic region against the pagan Baltic tribes. In 1202 the German knights of the newly established Order of the Sword launched campaigns against the pagan Estonians from bases in Livonia. King Valdemar II of Denmark also invaded the country from the north. The Swedish campaign against the island of Saaremaa in 1220

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was repulsed by the Estonians. Despite a heroic resistance, by 1227 the Order of the Sword had captured most of Estonia. Estonia was partitioned by the aggressors. The northern area was taken over by Denmark; the southern by the Order of the Sword (which eventually merged with the Teutonic Knights). The remaining area already belonged to various warrior bishops, notably those of Tartu and Saaremaa-Laanemaa. The Estonians rose against their oppressors on numerous occasions. The most famous Estonian undisputed master of Estonia. After the Great Northern War (1770–1721), Swedish power was destroyed in the Baltic.

In 1346 Denmark transferred its Estonian holdings to the Teutonic Order. With this move, all of Old Livonia, as the Baltic area encompassing Estonia came to be called, legally became part of the Holy Roman Empire. Thereafter, for almost 200 years, this area was controlled by the bishops and the Order. During the rule of the Order, many towns sprang up in Estonia. Except for Narva, all of the major towns belonged to the Hanseatic League and carried on vigorous trade with the Russian commercial center of Novgorod.

As the power of the Order of the Sword declined in the 16th century, Estonia became the battleground for destructive wars involving the Order, Sweden, Denmark, the Polish-Lithuanian Commonwealth, and Muscovy. At the end of the 25-year Livonian War, Estonia was divided between Sweden, the Polish-Lithuanian State and Denmark. Sweden next engaged the Polish-Lithuanian Commonwealth and by 1629 had wrested control of southern Estonia. By ousting the Danes from the islands of Saaremaa and Muhu in 1645, Sweden became the undisputed master of Estonia. After the Great Northern War (1770–1721), Swedish power was destroyed in the Baltic.

The Treaty of Nystad ended the conflict, making Estonia a province of the Russian Empire. Russia, at last, won her "window to the west." However, Estonia was devastated. Russian rule brought few changes to the social order in Estonia. The German nobility in Estonia was permitted to retain most of its feudal privileges. The nobility was allowed, for example, to retain its government and its rights over the peasants.

As far as the peasants were concerned, their lot became worse. The few remaining free peasants were evicted from their land and were made the property of the large estates of the German barons. It was not until the 19th century that these restrictions were lifted. Through a series of laws enacted by the Russian Government, the Estonian peasants were freed from serfdom in 1816–1819.

The latter part of the 19th century saw the emergence of a "national awakening" in Estonia—marked by cultural ferment and a growing sense of national identity. The beginning of this movement is seen in the publication of *Kalevipoeg* (Kalev's Son), a rich collection of Estonian folklore compiled by F. R. Kreutzwald. In 1871 the Estonian Literary Society was formed. It gave impetus to the development of national literature and journalism. During this period the song festivals were started, which became an Estonian tradition. Many choirs from all parts of the country would gather, usually at five-year intervals, to give performances and sing together. Often these festivals became exuberant manifestations of Estonian patriotism and self-confidence. Stimulated by the arts, this rising spirit of nationalism soon spread to other areas. Estonians began to press the Russian Tsar for greater political freedom and autonomy and won a more active role in local government.

The height of this national ferment was reached during the Russian Revolution of 1905. As in Russia, a revolution erupted in Estonia. It was brutally crushed by tsarist forces. Despite its failure, the revolt in Estonia intensified the feeling of nationalism and the desire for freedom. As a result, a cultural movement called "Young Estonia" was formed. Within it, many dedicated young Estonians worked to free their country.

Under the impact of the First World War, the tsarist regime was overthrown in Russia in February 1917. The Estonian patriots immediately took the initiative in obtaining autonomy by electing, in July 1917, an Estonian National Diet.

In November 1917, the Russian Bolsheviks staged a successful revolution. Russia fell into chaos and civil war. The Council of Elders of the Estonian Diet appointed an Estonian Rescue Committee, vesting the Committee with political powers during the impending occupation by the Germans, who were still at war with Russia. On February 24, 1918, the eve of the German occupation of Tallinn, a manifesto was made public proclaiming Estonia an independent state. The Rescue Committee appointed the first Cabinet of Ministers, with Konstantin Pats as prime minister, and the Free Estonian Government went underground.

After World War I to Soviet takeover

As a result of the allied victory over Germany on the Western front in the fall of 1918, the German army in the East was withdrawn. The Red Army marched into Estonia on the heels of the retreating Germans on November 28, 1918—crossing the frontier in several places. The Estonian government, having been underground during the German occupation and possessing no army, was confronted with a serious situation. Red Army units reached a point 17 miles from Tallinn on January 7, 1919, when a newly created Estonian army launched a counter-offensive. By February 24, 1919, the first anniversary of independence, Estonian territory had been cleared of Russian Bolsheviks. In the following months, the Soviet army made a great effort to regain the initiative, but without success.

While Estonia was engaged in war with the Soviets, she was confronted with a new danger in the south. In June 1919, the German Iron Division and other German forces attacked the Estonian army. After several weeks of fighting, these German units were defeated. An armistice terminated this conflict on July 3, 1919. The fourteen-month war with the Soviets came to an end on February 2, 1920 when a peace treaty was concluded. In the treaty, the Soviet government renounced its sovereignty over Estonia "for all time."

In April 1919, a Constituent Assembly was elected democratically. After adopting a preliminary working constitution, the Constituent Assembly tackled the agrarian problem. On October 10, 1919 a land reform bill was passed. On June 15, 1920 the Assembly adopted a constitution establishing a parliamentary democracy, Estonia was soon recognized *de jure* by a number of countries and, in September 1921, was admitted to the League of Nations. A number of progressive reforms were introduced in the fields of education, culture, social affairs and minority rights.

Under Soviet rule

According to the secret protocol added to the Nazi-Soviet Pact of August 23, 1939, Estonia was to be placed in the Soviet "sphere of interest." Under the threat of invasion, the Soviet Union foisted on September 28, 1939 a mutual assistance pact on Estonia, whereby Soviet garrisons were stationed in the country. This was done to paralyze any resistance against subsequent aggression. When Paris fell to Hitler in June 1940 and the attention of the world was directed to the West, the Soviet Union acted against the Baltic States. On June 16, 1940, the Soviet Union submitted to Estonia an ultimatum, and on the following morning large units of the Red Army invaded and occupied the country.

Moscow dispatched a special emissary, A. Zhdanov, to engineer the sovietization of Estonia. On June 21, 1940, a puppet Communist government was set up. This was followed by manipulated elections to the so-called People's Diet. On July 21, 1940, the newly elected People's Diet convened to adopt four "resolutions." The session was guarded by NKVD and Red Army personnel. During its three-day session, the People's Diet proclaimed Estonia a soviet socialist republic, petitioned the USSR to admit Estonia into the Soviet Union as a constituent republic, and proclaimed the nationalization of all land, resources and industries. The Supreme Soviet of the USSR did not hesitate to comply with the resolution of the Estonian People's Diet. Estonia was admitted into the Soviet Union on August 6, 1940. The forced annexation was thus completed.

After Estonia was established as a Union Republic, a long series of measures followed to complete the sovietization of the country. Soviet "experts" were brought in to assume advisory positions. In reality, the Estonian Communist officials were mere figureheads, while the Russians directed the socio-economic transformation of the country.

From the very onset of the Soviet occupation, the NKVD initiated mass arrests and executions of "unwanted" elements. On June 13, 1941 the NKVD carried out the first mass deportation of Estonians to Siberia. During the years 1940–41, an estimated 60,000 Estonians were either executed or deported to the Soviet Union.

In June 1941 Estonia was occupied by the Germans. Many Estonians at first welcomed the German army, but they quickly became disillusioned when the Nazi regime opposed the restoration of independence and failed to eliminate completely the system created by the Soviets. With the German collapse in the east, the Soviet Army returned to Estonia in the fall of 1944.

The interrupted sovietization was taken up again, accompanied by new terror. In order to break the resistance of the peasants to forced collectivization, mass deportations of peasants to Siberia took place in March 1949. Industrial workers were forced to produce more. The Estonian Communist Party, as an integral part of the Communist Party of the Soviet Union, was completely subservient to Moscow. The real power in the country rested in the hands of Russian administrators sent to Estonia to complete the sovietization of the country.

After Stalin's death in 1953 there was a general loosening of restrictions in the cultural field. The brutal police methods of the Stalin period were replaced by more subtle coercion. This "thaw" was followed by new restrictions after the Hungarian Revolution of 1956. The most recent cultural repressions came in March 1963, when Nikita Khrushchev attacked all schools of art and letters not conforming to "social realism."

The Estonian Communist regime has continued to maintain its totalitarian character and remains subordinate to the dictates of Moscow.

NATIONAL HERITAGE

Literature

During the latter half of the 19th century, despite the tsarist policy of Russification, an awakening of Estonian national consciousness took place. This national renaissance manifested itself through the emergence of many national writers, poets and artists. The establishment of an independent republic gave impetus to creative work in all fields of Estonian life. For example, the publication of books in Estonian proliferated; for every 10,000 inhabitants there were 17.25 titles published annually.

Estonia has produced a number of outstanding writers in all literary forms and styles. One of the most important neo-realist writers was Anton H. Tammsaare (1878–1940), whose *Truth and Justice,* in five volumes, gave a broad picture of Estonian life in the countryside and cities. This work has been translated into German and French. August Gailit (1891–1960) depicted in his main work, *Nipernaadi*, the life of a vagabond adventurer. It too has been translated into German. August Malk (1900–), in a number of novels, depicts the life of the coastal people in Estonia.

GEORGE ROBINSON SWIFT, SR., OF ALABAMA

Mr. ALLEN. Mr. President, each generation produces exceptional men who through intelligence, wisdom, foresight, initiative, industry, integrity, and leadership keep the wheels of progress turning and otherwise make the world a better place in which to live. George Robinson "Robin" Swift, Sr., is such a man. At 83 years of age "Robin" Swift can point to an enviable record of public service, including service in the Alabama House, State Senate, Alabama highway director, and U.S. Senator from Alabama. My own father, G. C. Allen was a colleague of his in the Alabama House of Representatives. He remains a much admired political, church and civic leader in Escambia County, Ala.

Mr. President, I have known "Robin" Swift for many years and am proud to claim him as a close personal friend. Recently the Montgomery Advertiser, Montgomery, Ala., published a feature article highlighting his distinguished career. I know that Senators and the public generally will enjoy reading about the life of service of this patriot and proud son of Alabama. For this reason, I request unanimous consent that the article from the Montgomery Advertiser be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"MR. ROBIN" HAD BIG INFLUENCE ON SOUTH

(By Colin "Buster" MacGuire)

ATMORE.—George Robinson (Robin) Swift, Sr. was born at Swift's Post Office in Baldwin County on the 19th of December in 1887.

And that event signalled the arrival of a personality which was to have a decided influence on the history of South Alabama.

Because Mr. Robin, as he is affectionately termed by the folks hereabouts, performed political and economic acts that have furnished volumes of material for the archives of his era.

He not only served his people as an industrialist whose efforts provided a livelihood for many, but he also served as a political power and philanthropist with a vital interest in the betterment of conditions for the peoples of South Alabama.

The elderly Swift, now in his 83rd year, retired from active participation in business in 1955, but his concern for the future of his progeny keeps him active, ready to participate in any forward-looking program that will help the South.

Swift's Post Office, no longer in existence, was located at what is now called Miflin, a small community serviced by the Elberta Post Office.

At the age of 12, Swift moved with his parents to Bon Secour, where his father was engaged in the lumber industry. He joined his father in business in 1907 and worked with him until 1912.

Swift then moved to Knoxo, Miss., and started his own lumber business. He remained there for 10 years, until he has been here since that time.

Together with the Hunters of Mobile, Swift formed the Swift-Hunter Lumber Co., Inc. The business flourished for 33 years, until it was voluntarily liquidated in 1955.

Swift's son, Robin Swift, Jr., and nephew, J. Byard Swift, purchased the lumber company site, revamped the operation and continue in business today in a partnership known as Swift Lumber Co.

Mr. Robin was the son of Charles Augustus and Susie (Roberts) Swift. He was educated in the public schools of Baldwin County, at University Military School of Mobile and at the University of Alabama.

He recalled last week that he spent most of his boyhood at Bon Secour, that there was no way then to communicate with the outside world except by boat. The telephone and the radio were unheard of in that area during that period.

Swift said that contact could be made by driving a horse and buggy to Battle's Wharf (Point Clear, where the Grand Hotel now stands) and crossing Mobile Bay to Mobile by boat.

"It was quite an expedition to Mobile back in those days," every day—or every week.

He recollected also the Yellow Fever epidemic of 1899 which started in New Orleans. He said a few cases spread to Mobile, and that people were quarantining against each other. He said that the post office people would even perforate letters and subject them to sulphur fumes, "to kill the Yellow Fever germs."

He said that during the scare, water traffic was halted, until everyone at Bon Secour was running out of food. Finally, he said, the Health Department permitted one boat weekly to bring food into Bon Secour. But this was allowed only during daylight hours, "to avoid the miasma of night air."

He also remembered the first political speech he ever heard. It was in about 1895, when Grover Cleveland was president. Congressman Jesse M. Stallings was running for reelection on a platform promising to have a canal dug from Perdido Bay to Bon Secour Bay.

Swift said that it took just about 40 years to get the canal after Stallings first started talking about it.

Atmore had its own relief program during the Depression of the '30s, before the federal government, came up with one. It was spearheaded by Mr. Robin and the Rev. Carlton of the Atmore Methodist Church.

They came up with the idea of "light money," 25 and 50 cent pieces minted of aluminum and allotted to the needy people of Escambia as needed to prevent starvation. The light money was traded for groceries at the local stores and later redeemed by the Atmore committee with real money.

Much of the currency later was redeemed by the federal government.

A huge, gold loving cup attesting Mr. Robin's part in averting abject poverty and starvation stands today in a corner of his library.

From 1931 to 1935 Mr. Robin served as a member of the Alabama House of Representatives under Gov. B. M. Miller's administration. He was a member of the Alabama Senate from 1935 to 1939 under Gov. Bibb Graves' second administration, and again served the Alabama Senate from 1947 until 1951 during Gov. James E. Folsom's first administration.

During Gov. Chauncey Sparks' administration, from 1943 until 1946, Mr. Robin was Alabama highway director. During the last year of that term, Gov. Sparks appointed him to serve in the U.S. Senate when the late Sen. John Bankhead died.

The oldest of 11 children, Mr. Robin married the former Margharita Ligon of Mobile. They are the proud grandparents of nine grandchildren and the great-grandparents of three.

Mr. Robin is a life member of the Masons, a member of the Atmore Lions Club, the Atmore Country Club and the Atmore Episcopal Church.

He says that one of his claims to fame is his relationship to Mrs. Amelia (Meme) Wakeford, a sister who served as postmaster at Bon Secour for 31 years. Now retired, the widely-known Meme runs a seafood restaurant at Bon Secour.

Mr. Robin says, "I have seen more things take place that affect the human race during my 82 to 83 years than took place in the previous 8,000 years."

He says he was old enough to read the newspapers when the Maine was blown up in Havana Harbor, "and I've lived to see my country get into five wars (including Korea) and in all of them the other fellow hit the first lick . . . and, if my grandsons are called on to get into a sixth war, I hope our country will hit first."

The philosophical Swift likes fishing, and he and his family spend many leisure hours at their Gulfside resort enjoying that sport.

At the close of the interview, Mr. Robin enumerated the ways he accounts for his time.

"I spend 10 per cent of my time frolicking with the grandchildren and great-grandchildren, another 10 per cent in writing letters and attending to personal matters, and the remaining 80 per cent of my time is devoted to looking for the ways a man of my age can misbehave . . . kind of like Diogenes with his lantern."

KALAMAZOO, MICH., ALL-AMERICAN CITY, 1969

Mr. HART. Mr. President, it gives me great pleasure to report that the National Municipal League has selected Kalamazoo, Mich., as one of the all-American cities for 1969.

The award was announced in the edition of Look magazine on the newsstands this week.

In a prepublication release about the award, a Look reporter described Kalamazoo as "a city that has had the guts to face up to some tough questions and the honesty to admit that they have not yet been answered."

That attitude is, of course, this Nation's best hope for solving its problems.

This award then does not mark an ending for Kalamazoo, but rather national recognition for moving toward some solutions. For those who feel the problems have been solved, this award should be a stimulus to get on with the job.

For those who feel the pace of progress has been too slow, this award should offer encouragement to persevere, for some progress has been made.

Mr. President, I ask unanimous consent that the portion of Look's story about the Kalamazoo award and the prepublication release be printed in the RECORD at the conclusion of my remarks.

At this point, however, I would also like to compliment a second Michigan city—Highland Park—which received an honorable mention in this year's contest.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOOK AND THE NATIONAL MUNICIPAL LEAGUE SALUTE ALL AMERICA CITIES, 1969

On the twentieth birthday of this annual competition, it might be good to remind the

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reader—especially the young reader—that an All America City award recognizes citizen participation in the practice of democracy. Ideally, the winning towns, suburbs and cities selected each year by a distinguished National Municipal League jury and later featured in LOOK will caucus on Judgment Day with Thomas Jefferson. Most can tell him how they went beyond the duties of voting and tax-paying to improve their communities and keep local government honest, how they organized, volunteered, protested.

The All America award was established before integration was the law of the land, before Federal programs in health, housing, education, job-training and pollution control. Local citizen action became somewhat suspect as New Problems cried out for New Solutions—with some justification. A recent Municipal League study of past All America winners notes that the most frequently cited projects, by far, were bond issues, government reorganization and industrial or business expansion. The report also says that 43 percent of the most active leaders were businessmen of the Chamber of Commerce stripe. It concludes that, while such activity and leadership were essential, more stress ought to be placed upon leadership by the poor, and more attention given to innovation in such fields as mental health, job training and birth control.

Actually, recent All America selections do reflect a change from boosterism to constructive breast-beating. The 1969 batch is no exception. Whether you prefer President Nixon's "new federalism" or the New Left's "democratic society," the following civic Baedeker suggests where the real action has always been—out with the people.

KALAMAZOO, MICH.

This industrial city in western Michigan kept itself out of debt for years, sound household policy that sometimes backfires on the municipal level. Kalamazoo was called "Window City of America" in the 1950's. During the next decade, a culture kick helped distract from unpleasant realities—alcoholism, rundown housing, a growing black population that felt shortchanged by the city, and too many young people with nothing to do during the summer. The problems remain, but four imaginative programs have been started by reformers who are so modest they almost withdrew their All America application for fear of premature back-patting. Two plans offer rehabilitation to alcoholics and juvenile delinquents, a third has found 700 jobs for teen-agers during the past two summers, and the fourth financed 244 units of low-income housing with private investment. Kalamazoo also hosts an experiment in early education for youngsters under four years old.

Modest Reformers in an Old Dutch Town, Kalamazoo, Mich.

Kalamazoo is a city that has had the guts to face up to some tough questions and the honesty to admit they have not yet been answered. This fact may not be pleasing to some members of the old "Park Club" establishment, who kept the town debt-free through World War II and promoted the slogan "Life Is Good in Kalamazoo." They remember that Kalamazoo was once designated "Window City of America." In 1969, the programs that earned an All America award attack less pleasant realities—alcoholism, wayward youth, rundown housing, unrest among the city's 9,000 Negroes.

Paradoxically, the youthful and modest sponsors of Kalamazoo's All America application—among them City Manager Jim Caplinger, 31, and District Judge Richard Enslen, 38—were leery of winning. In fact, they almost decided to withdraw when selected as one of 32 national finalists. A pat on the back seemed wrong when progress on tough problems was so slow.

Item: Operation LIFT (Living Improvement For Today) has been a promising answer to Kalamazoo's housing blight in recent years. Voters had twice refused to set up a public-housing commission, so a black organization, a home-improvement association, a private foundation and other groups joined LIFT. Seventy rundown homes were purchased, rehabilitated and rented to needy families. LIFT also financed 244 new housing units, now nearing completion, that qualify for Federal rent subsidies. But the organization is bogged down over where and how to build next. Tenants of rehabilitated houses complain about rising rents and poor upkeep. LIFT's action-minded executive director Mel Holmes wants to keep moving: "We've got $4 million and can't get together on what to do." (Another housing group recently got Federal approval for a 322-unit Planned Urban Development.)

Item: Young Bernie McKay ran the Kalamazoo Service Corps last summer, lining up 311 part-time jobs for teen-agers, many of them black. Try as he will, impatient Bernie finds it hard to view the attitude of Kalamazoo's white majority as much more than tokenism: "It's hard to feel something's really being done when only 11 out of 150 companies in this town respond with jobs." His friend Charles Sutton, director of a Teen Center in the black community, agrees. The Center received $30,000 over two years from the Kalamazoo Foundation, but Sutton says, "The agencies that could really do something about our problems are understaffed and underfinanced." One program McKay likes is the Downtown Learning Village, an experiment in educating preschool youngsters directed by Dr. Roger Ulrich of Western Michigan University.

Two projects originated by Judge Enslen—a former Peace Corpsman—offer hope in the form of rehabilitation for juvenile delinquents and alcoholics. Opportunity Kalamazoo (OK) involves 135 citizens who work as "friends" with young probationers. Enslen enlisted the aid of psychologists and social workers in setting up a pre-sentence program of interviews and tests. "We're succeeding here," says Enslen, "by confronting average citizens with the opportunity to help." He also works with Red Jones, a former steelworker and ex-alcoholic, in trying to offer an alternative to jail for alcoholics. They have obtained 27 beds at a local hospital for detoxification and are finding transitional jobs for men and women trying to regain skills and self-respect.

ARAB TERRORISM AGAINST AIRLINES

Mr. HARTKE. Mr. President, the brave people of Israel have been subjected to yet another series of terroristic outrages on the part of thugs and murderers masquerading as Arab patriots. I refer to last week's sabotage of a Swiss airliner bound for Israel and a similar, though unsuccessful, attempt on an Austrian plane. Forty-seven passengers including six Americans died in the Swissair tragedy. And the military dictator of Libya hailed it as a triumph for Arab arms.

Fortunately, the response from other Arab leaders has been more circumspect. On Monday a Beirut, Lebanon, newspaper correctly termed the attack "the most irresponsible, unforgiveable and outrageous act that has ever been committed in the name of Palestine." And terrorist organization leaders, after first claiming "credit" for the atrocity, did an about-face and repudiated the act. That is the only hopeful sign in an otherwise horribly dismal picture. It indicates that there is some dawning recognition on the part of Arab leaders that such acts of barbarism can only injure the Arab cause politically—not to mention the military disaster that will overwhelm them if Israel decides to crush terrorism at the source.

But there is no encouragement to be drawn from the response of the half dozen European airline companies which ordered a halt to freight and mail shipments to Israel. That sort of capitulation to blackmail can only encourage an escalation of international terrorism, injuring not only Israel but all international carriers as well. And if it is pragmatically stupid it is morally disastrous, for it is tantamount to running over and kicking not the perpetrator but the victim of a street attack.

Certainly the airlines must take action to deter future outrages of this kind. But to be effective, the action must be directed against those who aid and encourage the terrorists, or at least, those in whose power it is to stop that particularly murderous form of terrorist activity.

It is perfectly clear, Mr. President, that such power lies solely in the hands of the leaders of the Arab States. They alone can communicate to the terrorists the absolute urgency of the need to end attacks on international carriers. They alone can make the point that the Arab cause is gravely jeopardized by this sort of outlawry.

Accordingly, all possible pressure must be exerted upon responsible Arab spokesmen to encourage them to make the case forcefully to the terrorist leaders. Our own State Department should express itself loudly and clearly in this regard. But the most direct, dramatic, and effective pressure at this point can be brought to bear by the airlines themselves.

All airlines serving the Middle East should, without delay, make known to Arab governments their intention of stopping service to every state that harbors terrorists if there is ever again a terrorist attack on a commercial aircraft. The airlines should make it entirely clear to Arab officials that an attack on any one airline will be regarded as an attack upon all, and that a boycott of 100-percent effectiveness will follow at once.

Mr. President, international terrorism simply cannot be tolerated. It will not be tolerated by Israel and it must not be tolerated by any nation that has a political or economic interest in Middle East reconciliation. This is especially true for the United States, whose interests are greater than those of any nation external to the region. If we turn away from this latest bloody outrage with another shrug and sigh, we inevitably give encouragement—no matter how unintended—to those dark forces which threaten once again to unloose holocaust on all the peoples of the Middle East.

FEDERAL ADMINISTRATION OF LOCAL SCHOOLS

Mr. ALLEN. Mr. President, I know that Senators want to know about it when the executive or the Federal judiciary step

out of line in taking actions which are without authority of law or which are so unreasonable as to offend commonsense judgments. One of my constituents, an Alabama mother, has brought to my attention such a situation relating to Federal administration of local schools.

The Department of Health, Education and Welfare, with blessings of the Federal courts, is resorting with increased frequency to school pairings to achieve racial balance. The pairing plan can be put into effect only by cross busing of hundreds of pupils from one neighborhood to another. Yet, school pairing is one of the most common plans used by the Department of Health, Education and Welfare to achieve racial balance in schools. The result is that children living across the street from a school are forbidden, under a penalty of fine and imprisonment of their parents, from attending a public school across the street from their homes.

How long can the Supreme Court and the Federal executive continue to get away with telling the people that the Constitution requires school pairings and crosstown busing and that the Constitution authorizes confiscatory fines and imprisonment of parents for the crime of sending their children to neighborhood schools?

I ask unanimous consent that the letter from a concerned Alabama mother be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TUSCALOOSA, ALA.,
February 11, 1970.

Senator JIM ALLEN,
Washington, D.C.

DEAR SENATOR ALLEN: I would like to voice my feelings with respect to the contemplative pairing of grammar schools in the City of Tuscaloosa. It is my understanding that the school across the street from my home is to be paired with a colored school, which would mean that my child would not be able to walk across the street to attend school.

It is my further understanding that representatives in Congress like to know the feelings of their constituents. My feeling is that I will keep my child at home rather than allow her to be bussed to another school when there is one available across from my home. Of course, I realize nothing can be done about integration, but I cannot honestly believe that there is nothing to be done to stop bussing in a situation such as mine.

With kind regards, I am,
Yours truly,
MRS. FLORENE WOOLDRIDGE

ANNIVERSARY OF LITHUANIAN AND ESTONIAN INDEPENDENCE

Mr. CASE. Mr. President, we are reminded each year at this time of the glorious history of the peoples of the Baltic States. This year is the 52d anniversary of the proclamations of the independence of the Republics of Lithuania and Estonia. These once-free people are no longer independent. All Americans will understand the deep feelings of those among us whose memories of their national histories remain strong and whose ties to these lands remain close. Their thoughts are expressed in resolutions that they have sent me from my own State of New Jersey.

I ask unanimous consent that the resolutions of the Lithuanian Council of New Jersey and the Lithuanian American Council, also of New Jersey, be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION OF LITHUANIAN COUNCIL OF NEW JERSEY

On the occasion of the 52nd anniversary of the Restoration of Lithuania's Independence we, the members and friends of the Lithuanian ethnic community of New Jersey, assembled here on the 15th day of February, 1970, in Kearny, New Jersey:

Commemorate Lithuanian's Declaration of Independence proclaimed on February 16, 1918, in Vilnius, whereby a sovereign Lithuanian State was restored which had antecedents in the Lithuanian Kingdom established in 1251;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievement of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign function as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940;

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members and friends of the Lithuanian ethnic community of New Jersey, do hereby protest Soviet Russia's aggression and the following crimes perpetrated by the Soviets in occupied Lithuania:

(1) murder and deportation of more than 400,000 Lithuanian citizens to concentration camps in Siberia and other areas of Soviet Russia for slave labor;

(2) colonization of Lithuania by importation of Russians, most of whom are Communists or undesirables;

(3) persecution of the faithful, restriction of religious practices, closing of houses of worship;

(4) distortion of Lithuanian culture by efforts to transform into a Soviet-Russian culture and continuous denial of creative freedom.

We demand that Soviet Russia immediately withdraw from Lithuania and its sister states of Estonia and Latvia, its armed forces, administrative apparatus, and the imported Communist "colons", letting the Baltic States of Estonia, Latvia, and Lithuania freely exercise their sovereign rights to self-determination.

We request the Government of the United States to raise the issue of the Baltic States of Estonia, Latvia, and Lithuania in the United Nations and in international conferences as well as to support our just request for the condemnation of Soviet aggression against Estonia, Latvia, and Lithuania, and for the abolition of Soviet colonial rule in these countries.

VALENTINAS MELINIS,
President.
ALBIN S. TRECIOKAS,
Secretary.

RESOLUTIONS UNANIMOUSLY ADOPTED ON FEBRUARY 8, 1970, BY THE LITHUANIAN AMERICANS OF LINDEN, N.J., GATHERED UNDER THE AUSPICES OF LITHUANIAN AMERICAN COUNCIL, LINDEN BRANCH, FOR THE COMMEMORATION OF THE 52D ANNIVERSARY OF THE DECLARATION OF LITHUANIA'S INDEPENDENCE

Whereas, this year marks the 52d anniversary of the establishment of the Republic of Lithuania on February 16, 1918, commemorated by Americans of Lithuanian descent and their friends in all parts of our great nation; and

Whereas, the country of our ancestors, recognized and respected once by the world's major powers as an independent and flourishing republic, was occupied by the Soviet Union in 1940 and to this day its people are enslaved and subjugated; and

Whereas, freedom loving people everywhere are placing their hopes, their destinies and future in the steadfast adherence by the free democracies in the principles and justice of humanity; and

Whereas, the Government of the United States has consistently refused to recognize the seizure of Lithuania, Latvia and Estonia and their forced incorporation into the Soviet Union; Now, therefore, be it

Resolved that we, Americans of Lithuanian descent shall continue to support the efforts of the Lithuanian people to regain their liberation; and

Resolved that the Government of the United States be requested to take appropriate steps through the United Nations and other channels to reverse the policy of colonialism by Soviet Russia in the Baltic States and bring about re-examination of the Baltic situation with view of re-establishing freedom and independence to these three nations; and

Resolved that copies of these resolutions be forwarded to the President of the United States, His Excellency Richard M. Nixon; to the Secretary of State, the Honorable William F. Rogers; to the United States Ambassador to the United Nations, the Honorable Charles W. Yost; to the United States Senators of New Jersey, the Honorable Clifford P. Case and the Honorable Harrison A. Williams; to the Representatives of the Twelfth and Thirteenth Congressional Districts of New Jersey, the Honorable Florence P. Dwyer and the Honorable Cornelius E. Gallagher; and to the Governor of New Jersey, the Honorable William T. Cahill.

VLADAS TURSA,
President.
MARGARITA SAMATAS,
Chairman of Resolutions Committee.

INFLATION AND HOW TO FIGHT IT

Mr. HARTKE. Mr. President, some people create strawmen in order to have worthy adversaries. Unfortunately in discussing inflation, some have resorted to this easy rhetorical device, claiming that the debate on inflation is between those who believe inflation must be controlled and those who believe in reckless, almost unlimited spending. Let us try to be a little more precise in discussing this No. 1 domestic problem. No party, no political leader, no economist that I know of believes that this is the time for deficit spending. Congress recognized the need for a balanced budget and consequently we reduced President Nixon's budget request by $5.6 billion—a much unlaurelled achievement. Congress is working for a balanced budget, but I seriously question the wisdom of strangling the economy to combat inflation. In fact, while the economy has been stopped in its tracks inflation has prospered.

The policies of the administration are as sophisticated as a meat ax and just as brutal. President Nixon's assumption that increased prices will decrease all demand overlooks those sections of the economy where demand is inelastic. Demand is particularly inelastic in the service industries, which have suffered some of the greatest price inflation. A

man does not forgo an operation for his child because it costs a little more. To be sure, he will forgo the operation when he is impoverished, but is that our goal?

High interest rates will force the young married couples not to purchase a home, but they will continue to live in an apartment at an ever increasing rent.

Of course, by increasing the cost of rent, we can force this young couple to live under a bridge, but is this our goal?

Obviously the present policies, even if eventually successful, are too costly in human terms. Present monetary and fiscal policies—like communism in its relentless pursuit of supportly beneficial goals—ignore the individual. In the February 16 issue of the Nation Peter Bernstein discusses present monetary and fiscal policy an aptly titled article, "Inflation: The Wrong Medicine." He states what should be obvious to all, that we "need new policies that can overcome inflation without at the same time tearing apart the entire fabric of our prosperity."

Mr. President, I ask unanimous consent that Mr. Bernstein's most instructive article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INFLATION: THE WRONG MEDICINE

(By Peter L. Bernstein)

Hang out the flags and sound the klaxons—the Great White Fathers in Washington have brought economic growth in the United States down to zero. It took a lot of pulling and tugging to get us there, but they have finally won. They have administered the classic medicine of higher taxes and tight money and have cooled off the economy. The catalogue of their victories is impressive. Not only is real growth down to zero but unemployment is up, housing is way down, profits are tightly squeezed, the stock market is a shambles, interest rates are at record highs, appropriations for education are curtailed, and even the military is left begging for a few crumbs.

The only trouble is that prices are also up. The cost of living rose 4.6 per cent in 1968 and then, despite the tax surcharge and ever tighter monetary policy, it rose more than 5 per cent in 1969. And there are no meaningful signs of a letup in the inflationary spiral. In recent weeks, prices of steel, copper, aluminum and a variety of chemicals have been increased, to say nothing of transit fares, commuter fares, and state and local property and excise taxes. We were startled back in 1965 when wages started going up by 5 to 6 per cent a year, but now the prevailing rate is closer to 10 per cent.

In short, what doth it profit a man to smash the upward momentum of our great economy if he loseth the battle against inflation? Since we are possibly on the verge of an economic crisis, it is time to rethink policies and to ask whether there is still time for a change. It will not be enough just to reverse the old policies—those who are hesitant on that score have some valid arguments on their side: we also need new policies that can overcome inflation without at the same time tearing apart the entire fabric of our prosperity.

The theory behind the classic medicine for the treatment of inflationary diseases is simple and appealing. Prices go up because demand exceeds supply. Reduce demand, therefore, and prices will stop going up. Raise taxes, cut government spending, make business and consumer spending more difficult and expensive to finance. Businessmen will then find that with lower demand they are unable to sell everything they can produce; if they persist in raising prices, their competitors will steal their customers. Thus the overheating in the economy is reduced and the price level flattens out. The whole process is assisted by a slower pace of wage increases, as businessmen become a lot tougher about accepting higher costs when they are unable to pass them along so easily to their customers.

Of course, there are other ways to fight inflation, among them wage and price controls or voluntary guidelines (known as an "incomes policy" in European countries). But such policies, according to advocates of the classic medicine, interfere with the free play of market forces, produce artificial and unfavorable allocations of resources and, since they are difficult to administer, invite violation.

But the trouble with the classic medicine of squeezing down demand is that it too can fail to work as it should. Ultimately, if prices continue to rise in the face of shrinking demands for goods and services, it seems pointless to press so hard on the economy that a depression results. Indeed, the heavy hand of fiscal conservatism and tight money fails on three counts.

First, these policies seem to place little or no restraint on those important sectors of the economy where, as the economists put it, demand is inelastic—that is, where the customer is either determined or forced to keep buying, regardless of price increases. This is particularly the case in the service industries where, because of the high labor content, inflation keeps rolling merrily along no matter what the authorities do about taxes and interest rates. The prices of consumer services other than rent have gone up more than 50 per cent in the past ten years; they rose more than 7 per cent in 1969 alone, more than twice as fast as the cost of the goods that consumers buy (wholesale prices, incidentally, are up only 15 per cent in ten years). Subway and commuter fares, haircuts, domestic help, medical care and laundry and cleaning are just a few examples of this phenomenon.

Ironically, the government's cost of living goes up faster than anything else. The prices of goods and services purchased by government are rising about 10 per cent faster than the prices that consumers pay. Civil servants, police, firemen, teachers, garbarge collectors, councilmen and Congressmen, and privates and generals are all demanding, and getting, more. No wonder, then, that state and municipal taxes keep going up, or that the President's Spartan budget involves deep cuts in what many people would consider essential federal activities.

The second count on which the classic medicine fails to achieve its objective is in the allocation of resources. Those who believe that higher taxes and tight money leave the operation of free-market forces intact, and that they will therefore emerge from the period of rigor with a more desirable mix of output than they would have under price and wage controls, are looking at the world with blinders. It was not so serious in the mini-money crunch of 1959–60 that housing construction fell off, because housing was not then in short supply. But the supply was growing shorter in 1966 when the industry was felled by a body blow from which it was barely recovering when the haymaker of 1969 was delivered. The housing shortage is now desperate from high-income areas to low, a scandalous blot on a supposedly affluent society. Meanwhile, with inflation pushing wage rates in construction steadily upward—and pushing at the same time on land costs and interest rates—the price of housing is rising at an alarming rate; indeed, the rising cost of this essential item is simply feeding inflationary pressures throughout the rest of the economy.

But it is not only housing that suffers from the classic medicine. If you reduce demand, you ultimately reduce supply. Lower levels of production mean higher unit costs and greater pressure to keep prices up. A tight enough squeeze leads business management to cut back on plans to expand productive capacity so that, when the authorities finally do allow business activity to pick up again, shortages develop all over the place and new inflationary symptoms rapidly appear.

But these are not the only ways in which the administration of the classic medicine to the free market leads to an allocation of resources different from what we might want. Part of the prescription for this medicine calls for a reduction in government spending. Hence, between conscious budgetary decisions in Washington and virtually insoluble financing problems in state capitols, we are now cutting back on education, on scientific research, on manpower training, on housing, on medical aid to the poor, on aid to the cities, among other things. True, production is being cut back at the automobile factories, the television factories, the chemical factories and the steel factories—but are the resources released there moving into education or housing or urban renewal? Of course not. They are moving into the lines of the unemployed.

The third and most disturbing count against the classic medicine, in addition to its failure to curtail price increases in the service areas and its inflationary and irrational impact on resource allocation, is the giant risks it takes in dealing with the inflationary mentality. For inflation is more than an excess of demand over supply; it is also a state of mind. Americans have learned this the hard way in the present inflationary episode because it is unique in our recent history. After World War II, although prices rose very sharply from 1946 to 1948, rapid conversion to peacetime production and the absorption of millions of ex-GIs into the labor force enabled supply to grow at an extraordinary rate and to overwhelm demand within three years. The same pattern repeated itself after Korea. In 1957–58, before the inflationary virus could really get into our veins, the classic medicine contributed to the deepest of our postwar recessions and then kept us below maximum growth rates for at least three years.

This time, the story has been different. First, prices had been remarkably stable all during the period of impressive economic growth that preceded the 1965 escalation in Vietnam, so that inflationary expectations were slow to get started even though prices soon started climbing at a disturbing rate. But President Johnson, for a variety of reasons, postponed too long the unattractive recommendation of a tax increase. The Federal Reserve jammed on the monetary brakes in 1966. Then, although the brakes really took hold and prices did flatten out (again, except in the service area), fear of overkill soon led to a relaxation of monetary policy. Easier money also accompanied the early months after passage of the tax increase in mid-1968.

These vacillations of policy, combined with a genuine condition of demand in excess of supply, finally convinced the American people that nothing would stop inflation and that now it was every man for himself. With the prices of everything climbing so fast, no union leader could afford to ask for a smaller wage increase than his competitors were winning. No businessman could wait too long to raise prices, for fear that he would never be able to keep pace with his costs and maintain his profit margin. The most serious and distressing aberration of the inflationary mentality also appeared in earnest: buy today because tomorrow it will cost more. This attitude has taken hold to some extent with consumers, but it has become endemic in the business community where, despite much excess capacity, high financing costs and flat sales curves, spending for the expansion of plant and equip-

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ment has continued to climb. When the inflationary wave finally subsides, an incalculable amount of this expenditure will turn out to have been ill-timed and misplaced.

How can the authorities deal with this type of mentality, which keeps the inflationary spiral spinning and spinning? Only by putting on the screws, tightening them continuously, and stubbornly keeping them tight regardless of objective evidence that would otherwise justify a reversal of policy. In other words, the authorities must be firm, courageous, determined. Any suggestion of a weakening in their resolve would not only make possible a renewal of actual inflationary forces but would show that they do not mean business. Consequently, they have to keep the screws on beyond any measure of doubt, beyond the point where inflation *might* be tapering off, until, in God's good time, the price level is finally moving up at only a nominal rate, or, even better, moving sideways.

But that is precisely where the danger of overkill comes in. If, because of the dangers inherent in the persistence of inflationary expectations, the authorities dare not change policies too soon, they inevitably run the risks of changing them too late. Indeed, if any one policy, such as the tax surcharge, fails to act as expected, then other policies, such as tight money, must be laid on with extra vigor.

Hence, we now stand at a point where the overall level of business activity has ceased its normal upward movement. But it is also a point where private debts are at record highs and the liquidity that businessmen and individuals sorely need is at record lows. By keeping the lid on the money supply for most of 1969, the authorities made financing of expenditures increasingly difficult, so that every possible source of cash was tapped and liquid reserves in all areas were run down to virtually nothing. Consequently, as business activity tapers off, we have perilously little slack, too little margin for error. Only retrenchment down the line can rebuild the cash needed to pare these debts down. Under such circumstances, trouble in one spot can spread like a forest fire to another and another and another.

And yet, unless a really severe financial crisis erupts, the authorities will shift toward an easier stance only gradually, if at all. They are surely aware of the dilemma in which they have found themselves. But the grand strategy of the classic medicine has painted them into a corner; they simply don't know the way out.

The difficulties extend beyond this point. If all goes reasonably well, so that business activity does slow down a little and not too much, so that wage contract settlements are easier to make but without a heavy load of unemployment, so that price increases taper off but without a ruinous bout of price wars, so that people finally realize that inflation has been snuffed out but that economic growth is still "in"—if all of this happens, we might then begin to think once again in terms of a resumption of growth in production, of higher profits, or more employment, of more public spending for the educational facilities and hospitals and housing we need so urgently. *Or will we?*

If this reduction of the inflation fever occurs too soon, we shall have rebuilt too little liquidity to finance the increased spending that a resumption of growth implies. Money will be either too expensive to borrow or simply unavailable on any terms, but individuals and business firms will have insufficient cash to finance their expenditures without borrowing. If, as an offset, the Federal Reserve authorities allow the money supply to increase so that this financing bottleneck is broken, they run the very real risk that their policy will finance price increases as well as production increases—and that the public will read their decision as a belated but nonetheless significant capitulation to the insatiable monetary pressures of inflation.

Hence, even if we avoid recession or worse, the outlook for the resumption of economic growth in step with our potentialities is bleak. From 1957 to 1960, when similar attitudes prevailed and when the business recovery from the 1958 recession was aborted by super-tight money in 1959, our output of goods and services rose a total of only 7.7 per cent, compared with growth of 19.1 per cent from 1960 to 1964 when less Calvinist philosophies prevailed.

And slow growth is no fun. It can lead to excessively high unemployment rates at a time when the labor force is rising rapidly as the postwar babies born in the 1940s and 1950s reach working age. In addition, the 800,000 or so people added to the armed forces as a result of the Vietnamese adventure will be going through demobilization and many of them will also be looking for work.

But slow growth implies more than the painful and shocking phenomenon of people who want work and cannot find it. Each percentage point of annual growth means about $10 billion worth of production, which is, for example, the equivalent of about 500,000 dwelling units or almost half again as much as total federal annual budget outlays on education and manpower. If we have zero growth during 1970 (let us hope we avoid an actual decline in total output), we shall have failed to produce at least $40 billion of goods and services that we have the capability of producing, much of which we could put to good use to improve the quality of life in this nation. Are we going to have a replay of the 1957–60 experience, when production ran a total of nearly $100 billion, or around 20 per cent below potential output over a three-year period?

Seen from this view, at this moment in time, the classic medicine may kill the patient before it cures him; at best, it may result in lingering side effects that will long delay a resurgence of robust good health. Yet, two years ago or so, when the argument about the tax surcharge was raging, most economists, regardless of political stripe or theoretical preferences, would have agreed that the classic medicine was the right thing to prescribe in the circumstances. What we failed to understand, or to foresee, was the virulence with which the inflationary mentality was going to take hold. It had not happened before: despite all the talk about inflation ever since the war, very few instances of excessive forward buying or of charging every penny the market would bear could be found. Indeed, the remarkable price stability of the first five years of the decade in the face of rapid economic growth only fortified the impression that a little tight money and a little additional tax burden would relieve us of the problem in short order.

What we now know is that this approach cannot work in an atmosphere where people not only talk about inflation but act on it. Raise taxes, and consumers and businessmen will cut their savings or go into debt to maintain or increase their expenditures. Deny the commercial banks the resources to make loans or buy bonds, and they will dig deep and pay any price to find new ways to raise money to lend out. Their customers, meanwhile, will also tap new sources and pay any price for cash in order to spend today instead of tomorrow. Worse yet, a "gimme-gimme" mentality develops, in which everyone wants the highest possible price for his labor or goods or services, in order to be able to pay the gouging high price that he expects to be charged on the things that he must buy. This process is completely self-generating and can continue almost indefinitely.

Under these circumstances, the authorities have no choice but to remain steadfast, to overstay and to gamble with the risk of overkill. But then this means that the classic medicine is no longer appropriate for the illness from which we suffer. In short, anyone who takes the most superficial look at the business statistics can see that we are no longer in a condition where demand exceeds supply, but wages and prices are still going up at an alarming rate. Hence, instead of squeezing demand still further (and squeezing it some more later on when it begins to pick up again), we now have no choice but to go after the inflationary process itself and do something *directly* about the price and wage situation.

It is true, of course, that controls are devilishly hard to administer, particularly in the absence of a great national motivation, such as inspired the nation during World War II. In addition, any set of controls inevitably creates injustices and inequalities. This means that violations may be annoyingly frequent and that pressures to get out from under the controls may lead to their premature relaxation. Yet the risks here seem minor compared with the gigantic risks we run by continuing to administer the classic medicine. Furthermore, it is ironic that the moralistic Nixon Administration has so explicitly excluded any form of even informal and indirect influence on the wage and price decision-making process—no "jawboning," no guidelines, no criticism of the greed that has taken hold and is widespread. Just cut spending and throw people out of work.

The direct way to make people stop trying to beat the price increases and to charge as much (or even more than) the market will bear is to tell them that prices are going to stop going up or that, at least, stop going up so fast. Let us return to a set of guidelines as to what is admissible and proper in raising prices and to what extent we can raise wages without pressing on prices. Let us put business and labor on the defensive when it comes to these decisions, instead of leaving them aggressively on the offensive.

There may be howls and grumbles and violations. But the American people are not stupid and they are frightened about where the present process may be leading them. Tell John Jones that the cost of living will rise only 3 per cent instead of 6 per cent next year, and he will handle himself very differently. Tell him that his earnings will also go up more slowly—but that everyone's wage boosts are also going to slow down, and he will take it in stride. *When he stops expecting inflation, he will stop helping to create inflation.* And when we stop expecting inflation, the distortions and tensions in our financial markets will also begin to unwind, relieving the terrible and imminent dangers of a crisis there.

President Nixon has always seemed to be much more a pragmatist than a man who adheres rigidly to doctrine. Arthur Burns, new chairman of the Federal Reserve Board, is reputed to have a similar temperament. They have very little time left in which to prove that this is so.

THE CHICAGO CONSPIRACY TRIAL

Mr. McGOVERN. Mr. President, the recently concluded Chicago trial underscores the importance of making sure that all of the institutions of our democracy function in a responsible fashion. That trial was deplorable—a disgrace to the court and our judicial system. The concept of that trial, based on the doctrine of political conspiracy, and the conduct of the trial should be matters of grave concern to all citizens who value our judicial process. The judge played into the hands of the defendants. His unfair and injudicious conduct may have done more to alienate and radicalize

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many of our young people than all of the defendants have succeeded in doing over a period of years. There is no doubt that the defendants sought to provoke the judge. I object to such provocative tactics in the courtroom or elsewhere. But it is a fundamental responsibility of judges to resist provocation and to continue to preside in a judicious, dispassionate, firm, and even-handed fashion. That is the only way in which proper respect for our judicial system can be maintained. Yet, the judge was neither judicious nor even handed.

He refused to allow the jury to hear one single word of the testimony from Ramsey Clark, who was the Attorney General of the United States at the time of the convention. I regard that ruling as outrageous. He personally held the defendants and their attorneys in contempt, instead of disqualifying himself and referring the matter to another judge. When, as in this case, the trial judge was the object of the allegedly contemptuous conduct, then the matter should be turned over to another judge. No judge should decide matters where he is so personally involved in the controversy. In addition, it is a violation of fundamental fairness and good sense for the judge to conduct the sentencing session without giving the defendants or their attorneys any advance notice of what he intended to do.

The judge made what is to me an extraordinary and appalling ruling when he held that the Government had an automatic right to wiretap or bug the defendants without any prior authorization by a court and without disclosing any of the contents of the tap or bug to any of the defendants. This doctrine poses a threat to our system of criminal trials. It is repugnant to our basic system of equal justice to all under law.

Of like import is the denial of bail to the defendants pending appeal. The presumption that the accused is innocent until he has been convicted and has exhausted all avenues of appeal is firmly grounded in our system of criminal justice. Our fundamental liberties are denigrated when a judge, even though he may have been insulted and have an intense personal dislike for the defendants, is allowed to ignore this presumption on the basis of an apparently capricious conclusion that the men on trial are "dangerous."

The real test of a judge is not how he conducts himself when the defendants are well-behaved and respectful, but rather, how he presides when the defendants are neither well-behaved nor respectful. Judge Hoffman failed that test and failed it badly.

COURTING DISASTER

Mr. HARTKE. Mr. President, Cassandra's role has never been an enviable one. Those who, in placid times, warn of the coming storm usually get blamed for the storm rather than credit for the warning. But they do us a great service nevertheless—when we let them.

The distinguished journalist Marquis Childs recently performed that kind of potentially important service in a newspaper article entitled "Will Republican Smugness Lead to National Disaster?" That article, which appeared in the Washington Post of February 23, 1970, invited our attention to criticisms of the new administration budget offered jointly by John Gardner and Milton Eisenhower.

Childs reports:

> They addressed themselves to the failure of the Nixon budget to come up with anything like the funds required for housing, health, education, job training. The money is simply not there to get at the root causes of the profound troubles afflicting the nation.

More disturbing, however, than the shortcomings of any one Federal budget is the public mood to which this budget seems to be tailored. It is a mood that prefers to ignore problems rather than confront them—a mood, to paraphrase Thoreau, of quiet desperation.

In his column, Marquis Childs puts these points into exceptionally helpful perspective. For the benefit of Senators who did not have a chance to see it earlier this week, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 23, 1970]

WILL REPUBLICAN SMUGNESS LEAD TO NATIONAL DISASTER?

(By Marquis Childs)

The Republicans, when they come to power, have a way of creating an atmosphere that is persuasive, at least for their followers in the middle and upper brackets, of confidence and trust. All must be for the best in the best possible of worlds, since there they are in the control tower.

Even though the stock market is tumbling and the economic indicators point downward, something like that is happening today. Most people, the evidence says, want to believe that the Nixon administration can put things right. Crime, the war in Vietnam, the ghettos, inflation—all will respond to the skillful way in which the President has preempted the issues on which the Democrats once rode high. Stewart Alsop, has called him the Great Pre-emptor.

However happy the circumstance, particularly in contrast to the burning, churning Johnson era, the penalty is a certain blandness bordering on smugness. (The sour wisecrack in the Eisenhower years was: "The bland leading the bland.") To puncture this atmosphere of part-wish, part-reality and part-please-don't-bother-me is extremely difficult, as an eminent dissenter is discovering.

John Gardner's credentials for dissent are impeccable. For three years as Secretary of Health, Education and Welfare he had a close look at the nation's desperate needs. He resigned from that office when he finally realized those needs were being so shortchanged by the cost of the war and the ever-rising billions spent on weapons as to make the job a sham.

Today, as head of the Urban Coalition Action Council, Gardner is a present-day Paul Revere. He is going around the country trying to awaken community leaders to the urgent demands that simply will not go away no matter how much beneficent rhetoric is poured over them. And, though he could hardly be more unlike the angry new leftists in demeanor and background, he does not hestitate to suggest what the dire consequences will be if those demands are ignored.

Recently Gardner was joined by another Republican, Milton Eisenhower, brother of the late President and a distinguished educator, in a joint press conference. They addressed themselves to the failure of the Nixon budget to come up with anything like the funds required for housing, health, education, job training. The money is simply not there to get at the root causes of the profound troubles afflicting the nation. Coupled with the refusal even to consider additional taxes to make a realistic start at curing certain deep-seated sickness, the picture is a bleak one.

Eisenhower was the dedicated chairman of the Presidential Commission on Crime and Violence. After 18 months of hearings, following the assassination of Sen. Robert F. Kennedy, the commission concluded that anticrime laws, tightened police measures, can be at best a stopgap. Until the fundamental causes of degrading poverty and all its consequences are attacked crime will proliferate as cancer cells proliferate until the body is destroyed.

The Urban Coalition Action Council under Gardner's direction has had some conspicuous successes. Leaders of industry and labor were marshalled to save the Office of Economic Opportunity from destruction by the House of Representatives. The council helped to bring changes in legislation on the foundations, which otherwise would have made it all but impossible for foundation money to support voter-registration programs. Working with other interested organization the council pushed for full funding for the new housing act.

As he goes around the country Gardner finds the chief enemy is apathy. This goes with the wishful belief that things are being taken care of. Stiff anticrime law—cracking down on the criminals, the disrupters, the agitators—will take care of it. Anyone can look around and see that things are improving under the Republicans.

The present moment may be no more than a lull in the storm. The college campuses have in recent months been comparatively quiet. But authorities involved in school administration with whom this reporter talked believe that renewed large-scale protest is not only possible but probable in the months ahead. A great deal depends on the rate of withdrawal from Vietnam and on further contemplated changes in the draft law that would deny exemptions to college students.

It may be that in the Nixon era all is for the best in what is soon to become the best possible of worlds. But two men with extraordinary knowledge of what lies beneath the surface are entering their dissent. To ignore them is to risk the kind of rude awakening that can further divide a divided and troubled people.

IMPORTANCE OF FARM PROGRAMS TO THE ECONOMY

Mr. ELLENDER. Mr. President, 3 weeks ago I addressed the Senate on the importance of farm programs to the economy. At that time I said:

> I am fearful of what would happen to our economy if this Congress were to adjourn without reenacting the present farm program or putting another effective measure on the statute books. Legislative action this year is very, very important. No matter how much gold one owns, or diamonds, or what have you, the most important thing needed to maintain our national wealth and power is an abundance of food and fiber.

I would like to say a little more about the relation between farm prices, farm income, and retail food prices—and about the current farm program's great contribution to improved farm income and reasonable food prices.

We are hearing a great deal about ris-

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ing food prices. They were 5.2 percent higher in 1969 than in 1968. Farm prices in 1969 also were higher than at any time since 1952. They were 5.6 percent higher than in 1968.

But 1969 was one of only three times in the past 17 years when farm prices increased more than retail food prices as compared with the previous year. The other two times were in 1958 and 1966.

Retail food prices, on the other hand, except for 1959, have increased each year since 1955. Retail food prices are 34 percent higher today than in 1955 yet farm prices are up only 18 percent.

In the early postwar years, 1947–49, the annual farm value of the food bought by civilians was $18.9 billion. The annual marketing charges for these farm foods was $24.5 billion. Last year the farm value of all foods bought by civilians was up to $32.2 billion, but the marketing charges were a whopping $63.7 billion.

The farm value of an identical market basket of farm foods increased from $441 in 1947–49 to $477 in 1969. The cost of processing these products and getting them on the retail food counters increased from $449 to $696.

The prices of the food products at the farm gate increased 8 percent. The processing and marketing charges increased 55 percent.

Many shoppers in supermarkets today were not shopping in 1947–49. If they had been, however, they could have purchased the same pound loaf of bread for 13.5 cents which costs 23 cents today. And farmers who were selling wheat in 1947–49 will remember that they received $2.05 a bushel then as compared with $1.30 now not including the direct payment.

In order that all of us can refresh our memory as to how retail and farm prices for particular products have changed in the past 21 years I asked the Economic Research Service to compile this information for us:

TABLE 1.—RETAIL AND FARM PRICES FOR SELECTED PRODUCTS 1947–49 AND 1969

[In cents]

	1947–49	1969	Percent change
Retail price, 1-lb. loaf of bread	13.5	23.0	+70
Farm value of wheat in it	2.7	2.5	−7
Retail price, 12-oz. package cornflakes	17.1	31.3	+83
Farm value of corn in it	3.2	2.6	−19
Retail price, 1 lb. apples	11.9	23.9	+101
Farm price, 1 lb. apples	5.4	8.2	+52
Retail price, 1 head of lettuce	14.5	31.1	+114
Farm price, 1 head of lettuce	6.3	11.5	+83
Retail price, 10 lbs. potatoes	51.9	81.6	+57
Farm price, 10 lbs. potatoes	25.6	24.0	−6
Retail price, No. 303 can of corn	16.7	23.8	+43
Farm price of sweet corn in can	2.7	3.0	+11
Retail price, No. 303 can of tomatoes	14.2	19.7	+39
Farm price of tomatoes in can	2.6	3.6	+38
Retail store price, ½ gal. fluid milk	38.7	55.1	+42
Farm price, ½ gal. fluid milk	21.7	27.6	+27
Retail price, ½ lb. processed cheese	[1] 28.2	47.0	+67
Farm price, ½ lb. processed cheese	13.4	21.0	+57
Retail price, 1 doz. eggs	66.7	62.1	−7
Farm price, 1 doz. eggs	48.0	41.3	−14
Retail price, 1 lb. choice beef	[1] 67.8	96.3	+42
Farm price, 1 lb. choice beef	49.1	62.2	+27
Retail price, 1 lb. pork	[1] 54.5	74.3	+36
Farm price 1 lb. pork	34.8	42.3	+22

[1] 1949 only.

Farm prices, after sagging as much as 10 to 15 percent below 1947–49 levels from 1953 to the early 1960's, finally regained the 1947–49 levels in 1969. It is a surprising fact to many people that farm prices in 1969 were only 2 percent higher than in 1947–49 yet retail food prices were 50 percent higher. I find this frustrating and I am sure my farmer friends are even more frustrated at the failure of farm prices to rise at a rate comparable to the price increases they have had to pay for their purchased farm supplies.

Whereas farm prices in 1969 were only 2 percent higher than 21 years earlier the prices of goods purchased by farmers, interest, taxes, and farm wage rates increased by 50 percent. It is no wonder that farm numbers have been declining rapidly and the central cities are ever more crowded by displaced farmpeople looking for an opportunity to make a better living.

I want to repeat a statement I have made many times before. American farmers are amazingly efficient. In the past 20 years they have increased agricultural productivity much faster than efficiency has improved in nonfarm industries. They now have the capacity to produce about 10 percent more products than can be marketed at home and abroad at stable prices.

They produce such an abundance of high quality foods, priced so moderately, that only 5 percent of American consumers after-tax income goes to farmers for the domestically produced food they eat. Largely because of the great efficiency of farmers, American consumers spend a smaller proportion of their income for food than consumers in any other country in the world, only 16.5 percent last year. But imported foods and the marketing and processing charges for farm produced foods take 11.5 of the 16.5 percent, with only 5 percent going to farmers. This is indeed a fantastically small percentage of consumers income going to farmers. When one adds the annual cost of the farm program to farm value of the food the total equals only 6 percent of American consumers after-tax income.

These are some of the basic facts uppermost in my mind as I open hearings on a new farm bill.

FARM PROGRAM STABILIZES SUPPLIES AND PRICES

There is another line of thought which should be developed at the opening of farm hearings. It is that the voluntary programs authorized under the Food and Agriculture Act of 1965 have made a great contribution in stabilizing supplies and prices for American consumers as well as in protecting farmers' incomes. In fact they may have done a better job for consumers than for farmers.

As compared with earlier farm legislation market price support loan levels have been lowered, permitting consumers to obtain livestock products at substantially lower prices than if the higher loan levels and mandatory marketing quotas had been in effect.

Farmers marketed $47 billion of farm products in 1969 and received $3.7 billion in farm program payments. To have obtained the same level of income with mandatory marketing quota programs, production would have been restricted even further. Market prices some 7 to 9 percent higher would have been required to provide as much income as the $3.7 billion in farm program payments received by farmers in 1969.

Seven to 9 percent higher farm prices would soon be translated into 3 to 5 percent higher retail food prices with most livestock prices at least 5 percent higher. Under the current voluntary programs with loans at or near world price levels, Government program payments to feed grain producers equal 22 percent of the value of feed grains produced.

We are indeed fortunate to have ample stocks in storage and reserve productive capacity in agriculture. In recent years we have carried over 45 to 50 million tons of feed grains, a third or more of a crop of wheat, and a substantial quantity of soybeans, and rice. In addition we have distributed $1 to $2 billion of food and fibers to people at home and abroad who could not afford to pay full market prices for all their needs. And we have held some 50 to 60 million acres of productive cropland in reserve ready to be used if and when needed.

It is my hope that following our hearings, it will be possible to develop legislation which improves on this act which expires with the 1970 crop year. I hope we can provide improvement in terms of higher incomes for farmers, lower costs to the Government and continued assurance of abundant supplies of high quality foods to consumers at reasonable prices.

THE FUTURE OF THE GREAT LAKES

Mr. HARTKE. Mr. President, last Tuesday, February 17, the Special Subcommittee on the Great Lakes and St. Lawrence Seaway opened hearings to consider the various problems facing those important waterways.

The Great Lakes are the greatest reservoir of fresh water—or, used to be—on the surface of the earth. Lake Superior, with an area of 31,820 square miles—nearly half the area of New England—is the world's largest fresh water lake; Lake Huron ranks fourth in the world; Lake Michigan fifth, Lake Erie 11th, and Lake Ontario 13th. These Great Lakes are an invaluable highway to the heartlands of America; a source of water, hydroelectric power, fish; and a source of beauty and recreation to all Americans. The settlements and industries that have grown up around this attractive resource are already very substantial. Although less than 3.5 percent of the total U.S. land area lies in the Great Lakes Basin, it is the home of more than 13.5 percent of the Nation's population—and about a third of Canada's population.

The Great Lakes Basin's future could be even greater. A report published by the U.S. Interagency Committee for Oceanography concluded that "major investment now in the future of the Great Lakes" would be "a sound investment for economic growth in the Upper Midwest, which could stagger the imagination."

The future of the Great Lakes, which seemed so bright at the opening of the

St. Lawrence Seaway only 11 years ago, today may exist only in the minds of men. For the Great Lakes, although young, are dying. Every single lake faces extinction. Man, no longer content to maim and slaughter his own, has waged a relentless war against nature itself—perhaps in an unconscious desire to hasten his own end. It is a dismal fact that we now have contaminated almost every creek, river, lake, and bay in the entire United States. Fortunately, man is now trying to save or revive what he previously so carelessly destroyed. Local, State, and Federal authorities are uniting against the pollution of the Great Lakes.

It has been reported by the Interior Department there is now a reasonable expectation that the end of pollution of Lake Michigan can be achieved by 1972. If, however, all the Great Lakes are to be saved, a great deal more must be done, a great many more questions must be answered.

It is our intention in future hearings to try to answer some of these questions.

For example, is greater cooperation and coordination needed between Canada and the United States? Should new water quality objectives appropriate to the area be established? Should there be controls on the inputs of phosphate and should phosphates be eliminated from household detergents? Should the laws and regulations relating to the reporting and control of spills and disposal of oil and toxic or deleterious substances, including transportation of these materials, be strengthened? Should there be an international contingency plan to deal with pollution incidents? Should there be legislation for water quality management authorities to prevent or abate pollution where a number of waste sources in more than one jurisdiction collectively cause pollution or deteriorate water quality? These and other questions will be asked and hopefully answered in future hearings.

The year 1976 will be the bicentennial anniversary of the United States; a time of justifiable pride and celebration. I believe, however, that the anniversary should be more than an occasion for celebration. It should be a time not only of celebration, but of accomplishment. The successful landing of a man on the moon demonstrates once again the unsurpassed ability of America to achieve a definite goal within a definite time. Could we not use the same dedication and commitment of technology and resources to achieve a similar success here on earth? To save the Great Lakes, to restore this valuable treasure to our grandchildren as it was given to us by our forefathers, would be a goal worthy of our bicentennial.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER**. Is there further morning business? If not, morning business is closed.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The **PRESIDING OFFICER**. In accordance with the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The pending question is on agreeing to the first committee amendment, which the clerk will read.

The assistant legislative clerk proceeded to read the first committee amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, the airport/airways program in this bill is a 10-year program; providing authority to spend earmarked user revenues over a 10-year period. In addition, it will authorize a 10-year revenue allocation in order to provide for a reasonably stable level of airport/airways planning consistent with the knowledge that a certain minimum level of Federal financial assistance will be available over that period.

The major inadequacy of our Federal airport program in the past has been that grants-in-aid for airport development were made on a year-to-year basis in accord with congressional appropriation acts allowing very little continuity. That program did not provide a stable long-term base on which plans could be made.

The 10-year development program should provide a minimum of $3 billion in funds for airport development and construction grants and $2½ billion for capital expenditures on facilities and equipment for the Federal airway system.

Revenues from aviation user charges to support this program will be earmarked for deposit in an airport/airways trust fund held by the Secretary of the Treasury. In addition, the Secretary of the Treasury will have authority to invest short term or temporary surpluses in the fund in interest paying United States obligations. This investment authority will insure that temporary fund excesses will be allowed to earn additional revenue for airport/airways development. For example, the highway trust fund through investment of its temporary surpluses has earned $160 million in interest in the last 13 years.

The bill will provide a 10-year allocation of funds for airport development grants. I believe that the allocation formula provided by the current FAAP Act is not adequate to meet development needs. At the present time, all Federal airport grants are allocated to airports in the individual States based upon the so-called area/population formula. While such an allocation has some political appeal, it often fails to allocate funds to development programs of the highest priority.

Therefore, this legislation will earmark only one-third of the airport development funds for distribution under the area/population formula. In addition, one-third of the funds will be allocated to the small, medium, and large hub communities based upon the ratio of each hub's passenger enplanements to the total passenger enplanements at all hubs. Finally, one-third of the funds will be allocated to the Secretary's discretionary account to be allocated by him based on his judgment of national priorities as reflected in the national airport system plan.

Under such an allocation formula, about $90 million would be available under the area/population formula; $90 million would be earmarked for grants to the hubs, and $90 million would constitute the Secretary's discretionary fund.

Mr. RANDOLPH. Mr. President, will the Senator yield at this point?

Mr. CANNON. I yield.

Mr. RANDOLPH. Mr. President, I think it is very important for Senators to realize the points being made by the distinguished Senator from Nevada who is now addressing his colleagues. If we straitjacket the formula, we do a disservice to the strengthening of the airport and airways program of the United States. There must be flexibility not only in reference to the application of Federal funds to make these expansions, and in the allotments of the money.

If we were to concentrate the Federal funds in just one agency, a State, for example, we would find, as the Senator has so well said, that an area that understands the need, an area that is sensitive to the need for increased capacity per the movement of products and passengers, may not have its requirements fulfilled.

Otherwise, we might fail to heed the needs of a particular community or area within a State.

So I reemphasize what is being said so very factually by my colleague. And I add my feeling that we may do damage to a necessary program of improvement, expansion, and development if we attempt to have that program subjected to screening by the State rather than enable political subdivisions to have direct access to the Federal grant authority.

The proposed amendment to require, through Federal funds, that State aeronautical agencies control all airport funds and development is unwise. I oppose it as a potential roadblock to orderly airport development.

As the Senate Commerce Committee report notes, the existing State/local provision in the Federal Airport Act of 1946—which would be continued in the new law—has worked well. Under current law, which would be continued in section 206(b) of the committee recommenda-

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tion, local governments which own, finance, and operate the Nation's public airports can directly request Federal assistance from the FAA unless the State has passed legislation requiring that a State aeronautical agency channel all local governmental requests and Federal funds.

Over 95 percent of the passengers enplaned by the U.S. scheduled airlines take off and land at public airports which are owned, financed, and operated by local governments. Local governments have provided billions of dollars for airport development, almost 70 percent of the total investment, while State contributions have not exceeded 2 percent. To impose a new level of government between the local sponsor and the FAA, which must establish national priorities for limited funds, would endanger the sponsor's ability to finance new projects on the bond market and would delay approval for necessary new development.

I agree with those airport operators who believe that any decision for a State agency to take control of all funds for all airport development in a State should be made independently of the Federal financial grant.

Mr. CANNON. Mr. President, I thank the distinguished Senator from West Virginia for his kind remarks, and I certainly agree with him. The distinguished Senator from West Virginia, as one of the leaders in the field of aviation, has been one of its most active participants over the years, and one of its outstanding leaders, and certainly he is one of the most knowledgeable men in the Senate on these problems and this subject. I thank him for his contribution to the pending measure.

Mr. RANDOLPH. I thank the Senator.

Mr. CANNON. In addition, Mr. President, the program will earmark at least $30 million annually for grants-in-aid to airports whose only function is to serve general aviation.

In addition to the $300 million a year allocated for airport development grants, our program will include an additional $15 million per year to be made available to planning agencies for airport system planning and airport master planning at the local, State, and regional level.

Our development program includes provisions for a cost allocation study to be conducted by the DOT to determine if revenues collected from users are based on that users use of the system and whether the package of aviation user charges we will enact is as equitable as we can possibly make it. It is clear that there exists a general public benefit, to the United States, in having a safe and efficient airport/airways system and that the costs of providing that general public benefit should not be borne by the civil users of the system.

I might say, Mr. President, that the provisions of the bill as it is now outlined will still require appropriations from general revenue to provide for the operation and maintenance of the airport/airways system over a good deal of this 10-year period.

One of the issues on which we have had the most discussion and debate is whether Federal funds, from the trust fund, should be made available for grants to terminal area development projects. I believe that exclusion of terminal area development projects which relate directly to the movement of persons and their baggage to and from airplanes is unrealistic. The air passenger who is being asked to provide most of the revenue for this program is not interested in somewhat artificial distinctions between airfield development and terminal area development. Rather, he is concerned that his taxes be used to expedite his entire trip—not just that porton of it from the departure runway and taxiway to the arrival runway and taxiway.

Mr. President, in the bill as it now stands, we have a provision that limited Federal assistance—I emphasize the word "limited"—can be provided for the terminal area development, as I have previously outlined here, for projects which relate directly to the movement of persons and their baggage to and from the airplanes. I understand that there may be a move made here to eliminate that portion of the bill, but I hope, Mr. President, that the Senate will support the retention of it. If the airways and airport runways are expanded, modernized and made more efficient, it will mean little to the air passenger if he is still subjected to congestion, delay, and inadequate facilities in the terminal building itself.

Therefore, I strongly support the grant authority in the bill for terminal area projects, provided that such projects are directly related to the movement of people and their baggage into and through the terminal to the airplane itself.

The administration has asked for authority to make direct assistance grants from the airport/airway trust fund to State aeronautical agencies in the several States to assist them in meeting the costs of administration, airport planning, making assistance grants, and so forth. I am opposed to such a provision because it would divert badly-needed airport development money to support projects which, if they have merit, the States should support with their own sources of revenue. Furthermore, such direct grants risk the proliferation of further bureaucratic impediments to orderly and expeditious airport development by imposing certain obligations and requirements which would have to be met in order to be eligible for the Federal subsidy. Some States do not now have State aeronautical agencies and I am not convinced that those States should not be penalized because of that by ineligibility for such planning funds. The overwhelming bulk of airport development in the United States has been accomplished by local government bodies with some assistance from the Federal Government. This pattern of Federal-local cooperation has served the system well and I see no reason to change the fundamental concept of Federal assistance programs to subsidize with users' money what in many cases may be State government bureaucracies which do little or nothing to provide the airport development needs of the United States.

I might add, Mr. President, that in the bill we have $15 million available for planning grants, and in that connection, an aviation agency of a State, if it qualifies as the State-designated planning agency, would be eligible for a grant under that provision of the bill to accomplish planning. But our bill would not require that in order to receive funds the various local airport sponsors be required to go through the State's planning agency for channeling of the funds, and it would not allow further siphoning off of funds from the users' trust fund, for frivolous uses which State aviation officials might have in mind.

Finally, we come to the question of the appropriate nature and amount of user taxes, or charges, to support the development program about which I have been speaking. The distinguished Senator from Louisiana yesterday outlined the proposal that the Committee on Finance has proposed, and I support a good deal of that proposal. However, I am not entirely in accord with it. First, I think that there has been nearly unanimous agreement that the present passenger excise tax should be increased from 5 percent. In the recommendations of the Committee on Commerce, we suggested an increase of 5 to 8 percent on ticket tax. However, the Finance Committee, in its wisdom, changed that method and said that the tax would not be imposed as a tax on the passenger ticket but that the cost of the ticket would be increased by roughly 7.5 percent reflecting a new tax on air carriers which would, in effect, accomplish the same purpose.

All of the testimony that I have heard indicates that an increased ticket tax will not serve to dampen the growth of air transportation, nor will it significantly increase the price of the average airline trip. Therefore, I support the passenger excise tax, or some equivalent to that amount.

I would point out, Mr. President, that we already have the 5-percent ticket tax, and if the recommendation of the Finance Committee is adopted, we would be eliminating the 5-percent ticket tax and in lieu thereof imposing a 7.5-percent tax on the domestic revenues of air carriers.

Next, Mr. President, I believe we should enact a 5-percent tax on air cargo waybill charges. At present there is no tax whatsoever on this air transport service.

I may say that there has been a precedent for this, because a number of years ago there was such a tax imposed on air cargoes. That is not in effect at the present time, and air cargo pays no tax.

Third, I favor adoption of a $5 per passenger head tax on all international flights departing the United States and on certain overwater flights from the continental United States to the outlying States and United States possessions. While suggestions as to the amount of such an overwater head tax have varied considerably, I feel that a $5 charge would not be an appreciable burden on the traveler, and in most cases would not even approximate the ticket tax we are asking domestic travelers to pay. For example, on a flight from the west coast to Hawaii the passenger excise tax would cost the traveler about $8. On a trip from New York to Europe, the ticket tax, if

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applicable, would increase the cost of the trip by $12 or more, so $5 per ticket seems to me fair when use of the system by such travelers is considered, and when it is further considered that the percentage tax or ticket tax does not apply on these overwater flights.

Mr. President, the recommendation of the Finance Committee sets this tax at $3, but I intend to offer an amendment that would change that tax to $5, and I may say that that would provide, in additional revenue, $19 million in fiscal 1971 and $28.4 million in fiscal 1980, with revenues increasing proportionately over the intervening period of time.

Next, I support increasing the present tax on general aviation fuel from 2 cents per gallon to 6 cents per gallon, but not 7 cents, as the bill now reads, as recommended by the Finance Committee. I also favor levying this tax at 6 cents per gallon on all jet fuel used in noncommercial aviation. At the present time it is exempt from taxation.

The level of taxation for general aviation fuel has been a controversial topic both in Congress and in the aviation community. As Senators know, the Nixon administration has asked Congress to increase this tax to 9 cents per gallon—I think that amount is clearly too high—while the House Ways and Means Committee has recommended 7 cents per gallon, as has the Senate Finance Committee.

I believe that Congress must be very cautious in increasing the general aviation gasoline tax because of our concern not to burden this important and growing industry with a level of taxation which would threaten its health and growth. In addition, I believe that general aviation requirements for an airport/airways system are not nearly so burdensome nor costly as the requirements imposed to meet the needs of commercial carrier operations. Therefore, I believe that 6 cents a gallon tax on general aviation fuel is appropriate, and I will introduce an amendment at the proper time to reduce the rate of the tax from 7 cents to 6 cents per gallon.

Mr. President, general aviation is going to be up against increased costs, not only as a result of this bill, but because of other factors as well.

For example, FAA is planning to bar from our busiest tower-controlled airports all aircraft not equipped with a transponder, and this item costs several hundred dollars. Such action would simply mean that if general aviation aircraft are going to fly into these airports, they will have to provide that added cost item or they will not be eligible to use those facilities.

Further, the proposed legislation will, in addition to the fuel tax, place a registration fee of $25 per year on every aircraft, plus a poundage fee of either 2 cents, or 3½ cents per pound if the aircraft is turbine powered, based on takeoff weight. If the aircraft has four or less seats, there would be no poundage tax, but the $25 fee would still apply.

Today there is no tax on jet fuel, but there is a 4-cents per gallon tax on gasoline, 2 cents of which is refundable upon application.

So, general aviation pilots could be faced with a 5-cent increase in fuel tax, a $25 registration tax, and possibly a poundage tax, and then be forced to purchase a transponder which would cost several hundred dollars.

As I have said, I intend to offer an amendment to reduce the proposed 7 cents per gallon fuel tax to 6 cents per gallon.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. RANDOLPH. I have had many conferences with those who are active in the field of general aviation in West Virginia and throughout the country, particularly pilots and owners of aircraft, private in nature.

I recall very well my experience in working with the Aircraft Owners and Pilots Association during past years.

I also recall a pleasant visit to the Senator's State, just a few years ago, when the organization held its meeting there. Thousands of private owners and operators of aircraft were in that gathering.

And I further recall, as one flies into Anchorage, he notes the tremendous number of private aircraft, not commercial in nature, which contribute so much to the development of Alaska. Literally hundreds and hundreds of aircraft in this category were on the field there. And they fly into the bush and contribute to commerce and, yes, word of mouth understanding. Often the private operator is the pioneer, the skytrail blazer, the harbinger of hope, the pilot of progress.

It seems to me that the approach of the Senator from Nevada in suggesting a reduction of 1 cent for the general aviation consumer is a realistic and fair approach. If the Senator would permit me—not to detract from his leadership in the committee on which he serves nor in his offering of the amendment—I would welcome the opportunity to be a cosponsor of this amendment.

Mr. CANNON. I thank the distinguished Senator for his remarks. I would be very pleased to have the Senator as a cosponsor, and I shall present the amendment on behalf of both of us at the time it is presented for consideration.

The user charges I have discussed would raise revenues of approximately $603 million in the first year and would provide more than $9.3 billion in revenues during the 10-year program. This, it should be kept in mind, is separate and apart from the contributions that will be made by the local agencies in making the improvements they are undertaking on their own behalf. Many of the improvements they are undertaking, of course, would not be eligible for assistance under the act; and further, many communities simply cannot wait to get assistance under this program, if it is passed and funds are made available. So many are taking action now by bond issues, by using every revenue raising device they can find, to furnish the funds for their projects to accomplish the much needed upgrading in the airport/airways system that we are using so heavily at the present time.

Mr. President, I would simply say in closing that I hope Congress will pass this measure, with the amendments that I have indicated I will offer at the proper time.

I hope the measure will not be diluted by the adoption of amendments that as I have pointed out, probably will be offered and which will not be in the best interests of a good airport/airways bill.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be considered as original text for purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follow:

At the top of page 2, strike out:

TITLE I—AVIATION FACILITIES EXPANSION ACT OF 1969

PART I—SHORT TITLE, ETC.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Facilities Expansion Act of 1969".

SEC. 2. DECLARATION OF POLICY.

The Congress hereby finds and declares—

That the Nation's airport and airway system is inadequate to meet the current and projected growth in aviation.

That substantial expansion and improvement of the airport and airway system is required to meet the demands of civil aviation, the postal service, and the national defense.

That the annual obligational authority during the period January 1, 1970, through June 30, 1979, for the acquisition, establishment, and improvement of air navigational facilities under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 et seq.), should be less than $250,000,000.

That the obligational authority during the period January 1, 1970, through June 30, 1979, for airport assistance under this title should be $2,500,000,000.

SEC. 3. NATIONAL TRANSPORTATION POLICY.

(a) FORMULATION OF POLICY.—Within one year after the date of this title, the Secretary of Transportation shall formulate and recommend to the Congress by approval a national transportation policy. In the formulation of such policy, the Secretary shall take into consideration, among other things—

(1) the coordinated development and improvement of all modes of transportation, together with the priority which shall be assigned to the development and improvement of each mode of transportation; and

(2) the coordination of recommendations made under this Act relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

(b) ANNUAL REPORT.—The Secretary shall submit an annual report to the Congress on the implementation of the national transportation policy formulated under subsection (a) of this section. Such report shall include the specific actions taken by the Secretary with respect to (1) the coordination of the development and improvement of all modes of transportation, (2) the establishment of priorities with respect to the development and improvement of each mode of transportation, and (3) the coordination of recommendations under this Act relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

SEC. 4. COST ALLOCATION STUDY.

The Secretary of Transportation shall conduct a study respecting the appropriate method for allocating the cost of the airport and airway system among the various users and shall identify the cost to the Federal Government that should appropriately be charged to the system and the value to be assigned to any general public benefit, including military, which may be determined to exist. In conducting the study the Secretary shall consult fully with and give careful consideration to the views of the users of the system. The Secretary shall report the results of the study to Congress within two years from the date of enactment of this title.

Part II—Airport Development

Sec. 11. Definitions.

As used in this part—

(1) "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon.

(2) "Airport development" means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the removal, lowering, relocation, and marking and lighting of airport hazards, and including navigation aids used by aircraft landing at, or taking off from, a public airport, and including safety equipment required by rule or regulation for certification of the airport under section 612 of the Federal Aviation Act of 1958, and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of, airport hazards.

(3) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or taking off of aircraft.

(4) "Airport master planning" means the development for planning purposes of information and guidance to determine the extent, type, and nature of development needed at a specific airport. It may include the preparation of an airport layout plan and feasibility studies, and the conduct of such other studies, surveys, and planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular airport as a part of a system of airports.

(5) "Airport system planning" means the development for planning purposes of information and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports. It includes identification of the specific aeronautical role of each airport within the system, development of estimates of system-wide development costs, and the conduct of such studies, surveys, and other planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular system of airports.

(6) "Landing area" means that area used or intended to be used for the landing, takeoff, or surface maneuvering of aircraft.

(7) "Military aircraft" means aircraft owned and operated by the United States Army, the United States Navy, the United States Air Force, the United States Coast Guard, or the United States Marine Corps.

(8) "Planning agency" means any planning agency designated by the Secretary which is authorized by the laws of the State or States (including the Commonwealth of Puerto Rico, the Virgin Islands, and Guam) or political subdivisions concerned to engage in areawide planning for the areas in which assistance under this part is to be used.

(9) "Project" means a project for the accomplishment of airport development, airport master planning, or airport system planning.

(10) "Project costs" means any costs involved in accomplishing a project.

(11) "Public agency" means a State, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam, or any agency of any of them; a municipality or other political subdivision; or a tax-supported organization; or an Indian tribe or pueblo.

(12) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(13) "Secretary" means the Secretary of Transportation.

(14) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary, in accordance with this part, an application for financial assistance.

(15) "State" means a State of the United States, or the District of Columbia.

(16) "Terminal area" means that area used or intended to be used for such facilities as terminal and cargo buildings, gates, hangars, shops, and other service buildings; automobile parking, airport motels, and restaurants, and garages and automobile service facilities used in connection with the airport; and entrance and service roads used by the public within the boundaries of the airport.

(17) "United States share" means that portion of the project costs of projects for airport development approved pursuant to section 16 of this part which is to be paid from funds made available for the purposes of this part.

Sec. 12. National Airport System Plan.

(a) Formation of Plan.—The Secretary is directed to prepare and publish, within two years after the date of enactment of this part, and thereafter to review and revise as necessary, a national airport system plan for the development of public airports in the United States. The plan shall follow the national air system guidelines developed as provided in subsection (h) of this section and shall set forth, for at least a ten-year period, the type and estimated cost of airport development considered by the Secretary to be necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense as determined by the Secretary of Defense, and to meet the special needs of the postal service. The plan shall include all types of development eligible for Federal aid under section 14 of this part, and terminal area development considered necessary to provide for the efficient accommodation of persons and goods at public airports, and the conduct of functions in operational support of the airport. Airport development identified by the plan shall not be limited to the requirements of any classes or categories of public airports. In preparing the plan, the Secretary shall consider the needs of all segments of civil aviation.

(b) Consideration of Other Modes of Transportation.—In formulating and revising the plan, the Secretary shall take into consideration, among other things, the relationship of each airport to the rest of the transportation system in the particular area, to the forecasted technological developments in aeronautics, and to developments forecasted in other modes of intercity transportation.

(c) Federal, State, and Other Agencies.—In developing the national airport system plan, the Secretary shall to the extent feasible consult with the Civil Aeronautics Board, the Post Office Department, the Department of the Interior regarding conservation and natural resource values, and other Federal agencies, as appropriate; with agencies designated by the States pursuant to section 22 of this part; with planning agencies, and airport operators; and with air carriers, aircraft manufacturers, and others in the aviation industry. The Secretary shall provide technical guidance to agencies engaged in the conduct of airport system planning and airport master planning to ensure that the national airport system plan reflects the product of interstate, State, and local airport planning.

(d) Cooperation With Federal Communications Commission.—The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of any radio or television station. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(e) Consultation With Department of Defense.—The Department of Defense shall make military airports and airport facilities available for civil use to the extent feasible. In advising the Secretary of national defense requirements pursuant to subsection (a) of this section, the Secretary of Defense shall indicate the extent to which military airports and airport facilities will be available for civil use.

(f) Consultation Concerning Environmental Changes.—In carrying out this section, the Secretary shall consult with and consider the views and recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, and the Secretary of Agriculture. The recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare and the Secretary of Agriculture, with regard to the preservation of environmental quality, shall, to the extent that the Secretary of Transportation determines to be feasible, be incorporated in the national airport system plan.

(g) Cooperation With the Federal Power Commission.—The Secretary shall, to the extent possible, consult, and give consideration to the views, and recommendations of the Federal Power Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of power facilities. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(h) National Air System Guidelines Commission.—

(1) There is hereby established a National Air System Guidelines Commission (hereafter in this subsection referred to as the "Commission"). The Commission shall be composed of nine members appointed by the President from private life as follows:

(A) One person to serve as Chairman of the Commission who is specially qualified to serve as Chairman by virtue of his education, training, or experience.

(B) Eight persons who are specially qualified to serve on such Commission from among representatives of the commercial air carriers, general aviation, aircraft manufacturers, airport sponsors, State aeronautics agencies, and three major organizations concerned with conservation or regional planning. Not more than five members of the Commission shall be from the same political party. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations. Five members shall constitute a quorum. (2) It shall be the duty of the Commission—

(A) to formulate guidelines for the national airport system plan described in subsection (a) of this section and for surrounding land uses, ground access, airways, air service, and aircraft compatible with such plan;

(B) to facilitate consideration of other modes of transportation and cooperation with other agencies and community and industry groups as provided in subsections (b) through (g) of this section.

In carrying out its duties under this subsection, the Commission shall establish such task forces as are necessary to include technical representation from the organizations referred to in this subsection, from Federal agencies, and from such other organizations and agencies as the Commission considers appropriate.

(3) Each member of the Commission may receive compensation at the rate of $100 for each day such member is engaged in the work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(4)(A) The Commission is authorized, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of such title.

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(B) The Commission is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem.

(C) Administrative services shall be provided the Commission by the General Services Administration on a reimbursable basis.

(D) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this subsection; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman.

(5) The Commission shall submit to the President and to the Congress, on or before January 1, 1971, a final report containing the guidelines formulated by it under this subsection. The Commission shall cease to exist 60 days after the date of the submission of its final report.

(6) There are authorized to be appropriated from the Airport and Airway Trust Fund such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this subsection.

Sec. 13. Planning Grants.

(a) Authorization To Make Grants.—In order to promote the effective location and development of airports and the development of an adequate national airport system plan, the Secretary may make grants of funds to planning agencies for airport system planning, and to public agencies for airport master planning.

(b) Amount and Apportionment of Grants.—The award of grants under subsection (a) of this section is subject to the following limitations—

(1) The total funds obligated for grants under this section may not exceed $50,000,000 and the amount obligated in any one fiscal year may not exceed $10,000,000.

(2) No grant under this section may exceed two-thirds of the cost incurred in the accomplishment of the project.

(3) No more than 10 per centum of the funds made available under this section in any fiscal year may be allocated for projects within a single State, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam. Grants for projects encompassing an area located in two or more States shall be charged to each State in the proportion which the number of square miles the project encompasses in each State bears to the square miles encompassed by the entire project.

(c) Regulations, Coordination With Secretary of Housing and Urban Development.—The Secretary may prescribe such regulations as he deems necessary governing the award and administration of grants authorized by the section. The Secretary and the Secretary of Housing and Urban Development shall develop jointly procedures designed to preclude duplication of their respective planning assistance activities and to ensure that such activities are effectively coordinated.

Sec. 14. General Authority for Federal-Aid Airport Program.

In order to bring about, in conformity with the national airport system plan, the establishment of a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics, the Secretary is authorized, within the limits established in appropriation Acts, to make grants for airport development by grant agreements with sponsors in aggregate amounts not to exceed the following:

(1) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, airports served by air carriers certificated by the Civil Aeronautics Board, and airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having a high density of traffic serving other segments of aviation, $150,000,000 for fiscal year 1970, $180,000,000 for fiscal year 1971, and $240,000,000 for fiscal year 1972.

(2) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, airports serving segments of aviation other than air carriers certificated by the Civil Aeronautics Board, $25,000,000 for each of the fiscal years 1970, 1971, and 1972.

Sec. 15. Distribution of Funds, State Apportionment.

(a) Apportionment of Funds.—

(1) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (1) of section 14 of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) For fiscal year 1970, $48,500,000, for fiscal year 1971, $58,200,000, and for fiscal year 1972, $77,600,000 for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) For fiscal year 1970, $1,500,000, for fiscal year 1971, $1,800,000, and for fiscal year 1972, $2,400,000 for Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, to be distributed in shares of 35 per centum, 35 per centum, 15 per centum, and 15 per centum, respectively.

(C) For fiscal year 1970, $50,000,000, for fiscal year 1971, $60,000,000, and for fiscal year 1972, $80,000,000 to sponsors of airports served by air carriers certificated by the Civil Aeronautics Board in the same ratio as the number of passengers enplaned at each airport of the sponsor bears to the total number of passengers enplaned at all such airports.

(D) For fiscal year 1970, $50,000,000, for fiscal year 1971, $60,000,000, and for fiscal year 1972, $80,000,000 to be distributed at the discretion of the Secretary.

(2) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (2) of section 14 of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) $18,375,000 for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) $375,000 for Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, to be distributed in shares of 35 per centum, 35 per centum, 15 per centum, and 15 per centum, respectively.

(C) $6,250,000 to be distributed at the discretion of the Secretary.

(3) If, in any fiscal year, the amounts available for apportionment are less than the amounts stated in paragraphs (1) and (2) of this subsection, the amounts available shall be apportioned in accordance with the ratios indicated in paragraphs (1) and (2) for that fiscal year.

(4) Each amount apportioned to a State under paragraph (1)(A) or (2)(A) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the fiscal year immediately following, be available only for approved airport development projects located in that State, or sponsored by that State or some public agency thereof but located in an adjoining State. Each amount apportioned to an airport sponsor under paragraph (1)(C) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the two fiscal years immediately following, be available only for approved airport development projects located at airports sponsored by it. Thereafter, any portion of the amounts remaining unobligated shall be redistributed as provided in subsection (c) of this section.

(5) For the purposes of this section, the term "passengers enplaned" shall include United States domestic, territorial, and international revenue passenger enplanements in scheduled and nonscheduled service of air carriers and foreign air carriers in intrastate and interstate commerce as shall be annually compiled by the Civil Aeronautics Board.

(b) Discretionary Fund.—(1) The amounts authorized by subsection (a) of this section to be distributed at the discretion of the Secretary shall constitute a discretionary fund.

(2) The discretionary fund shall be available for such approved projects for airport development in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam as the Secretary considers most appropriate for carrying out the national airport system plan, regardless of the location of the projects. In determining the projects for which the fund is to be used, the Secretary shall consider the existing airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam, and the need for or lack of development of airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam. Amounts placed in the discretionary fund pursuant to subsection (a) or by redistribution pursuant to subsection (c) of this section, may be used only in accordance with the purposes for which originally appropriated.

(c) Redistribution of Funds.—Any amount apportioned for airport development projects in a State pursuant to paragraph (1)(A) or (2)(A) of subsection (a) of this section which has not been obligated by grant agreement at the expiration of the two fiscal years for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section. Any amount apportioned to an airport sponsor under paragraph (1)(C) of subsection (a) of this section which has not been obligated by grant agreement at the expiration of the three fiscal years for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section.

(d) Notice of Apportionment, Definition of Terms.—Upon making an apportionment as provided in subsection (a) of this section, the Secretary shall inform the executive head of each State, and any public agency which has requested such information, as to the amounts apportioned to each State. As used in this section, the term "population" means the population according to the latest decennial census of the United States and the term "area" includes both land and water.

Sec. 16. Submission and Approval of Projects for Airport Development.

(a) Submission.—Subject to the provisions of subsection (b) of this section, any public agency, or two or more public agencies acting jointly, may submit to the Secretary a project application, in a form and containing such information, as the Secretary may prescribe, setting forth the airport development proposed to be undertaken. No project application shall propose airport development other than that included in the then current revision of the national airport system plan formulated by the Secretary under this part, and all proposed development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.

(b) Public Agencies Whose Powers Are Limited by State Law. Nothing in this part shall authorize the submission of a project application by any municipality or other public agency which is subject to the law of any State if the submission of the project application by the municipality or other public agency is prohibited by the law of that State.

(c) Approval.—

(1) All airport development projects shall be subject to the approval of the Secretary, which approval may be given only if he is satisfied that—

(A) the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this part;

(B) sufficient funds are available for that portion of the project costs which are not to be paid by the United States under this part;

(C) the project will be completed without undue delay;

(D) the public agency or public agencies which submitted the project application have legal authority to engage in the airport development as proposed; and

(E) all project sponsorship requirements prescribed by or under the authority of this part have been or will be met. No airport development project may be approved by the Secretary with respect to any airport unless a public agency holds good title, satisfactory to the Secretary, to the landing area of the airport or the site therefor, or gives assurance satisfactory to the Secretary that good title will be acquired.

(2) No airport development project may be approved by the Secretary which does not include provision for installation of the landing aids specified in subsection (d) of section 17 of this part and determined by him to be required for the safe and efficient use of the airport by aircraft taking into account the category of the airport and the type and volume of traffic utilizing the airport.

(3) No airport development project may be approved by the Secretary unless he is satisfied that fair consideration has been given to the interest of communities in or near which the project may be located.

(4) It is hereby declared to be national policy that airport development projects authorized pursuant to this part shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy, the Secretary shall consult with the Secretaries of the Interior and Health, Education, and Welfare with regard to the effect that such project may have on natural resources including, but not limited to, fish and wildlife, natural, scenic, and recreation assets, water and air quality, and other factors affecting the environment, and shall authorize no project found to have adverse effect unless the Secretary shall render a finding, in writing, following a full and complete review, which shall be a matter of public record, that no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect.

(d) Hearings.

(1) No airport development project involving the location of an airport, an airport runway, or a runway extension may be approved by the Secretary unless the public agency sponsoring the project certifies to the Secretary that there has been afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport location and its consistency with the goals and objectives of such urban planning as has been carried out by the community.

(2) When hearings are held under paragraph (1) of this subsection, the project sponsor shall, when requested by the Secretary, submit a copy of the transcript to the Secretary.

(e) Airport Site Selection.

(1) Whenever the Secretary determines (A) that a metropolitan area comprised of more than one unit of State or local government is in need of an additional airport to adequately meet the air transportation needs of such area, and (B) that an additional airport for such area is consistent with the national airport system plan prepared by the Secretary, he shall notify, in writing, the governing authorities of the area concerned of the need for such additional airport and request such authorities to confer, agree upon a site for the location of such additional airport, and notify the Secretary of their selection. In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph. For the purposes of this subsection, the term "metropolitan area" means a standard metropolitan statistical area is established by the Bureau of the Budget, subject however to such modifications and extensions as the Secretary may determine to be appropriate for the purposes of this subsection.

(2) In the case of a proposed new airport serving any area, which does not include a metropolitan area, the Secretary shall not approve any airport development project with respect to any proposed airport site not approved by the community or communities in which the airport is proposed to be located.

Sec. 17. United States Share of Project Costs.

(a) General Provisions.—Except as provided in subsections (b), (c), and (d) of this section, the United States share payable on account of any approved airport development project submitted under section 16 of this part may not exceed 50 per centum of the allowable project costs.

(b) Projects in Public Land States.—In the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 per centum of the total area of all lands therein, the United States share under subsection (a) shall be increased by whichever is the smaller of the following percentages thereof: (1) 25 per centum, or (2) a percentage equal to one-half of the percentage that the area of all such lands in that State of its total area.

(c) Projects in the Virgin Islands.—The United States share payable on account of any approved project for airport development in the Virgin Islands shall be any portion of the allowable project costs of the project, not to exceed 75 per centum, as the Secretary considers appropriate for carrying out the provisions of this part.

(d) Landing Aids.—To the extent that the project costs of an approved project for airport development represent the cost of (1) land required for the installation of approach light systems, (2) touchdown zone and centerline runway lighting, or (3) high intensity runway lighting, the United States share shall be not to exceed 90 per centum of the allowable costs thereof.

Sec. 18. Project Sponsorship.

As a condition precedent to his approval of an airport development project under this part, the Secretary shall receive assurances in writing, satisfactory to him, that—

(1) the airport to which the project for airport development relates will be available for public use on fair and reasonable terms and without unjust discrimination;

(2) the airport and all facilities thereon or connected therewith will be suitably operated and maintained, with due regard to climatic and flood conditions;

(3) the aerial approaches to the airport will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards;

(4) appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft;

(5) all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft will be available to the United States for use by military aircraft in common with other aircraft at all times without charge, except, if the use by military aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities used;

(6) the airport operator or owner will furnish without cost to the Federal Government for use in connection with any air traffic control activities, or weather reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction at Federal expense of space or facilities for such purposes;

(7) all project accounts and records will be kept in accordance with a standard system of accounting prescribed by the Secretary after consultation with appropriate public agencies;

(8) the airport operator or owner will maintain a fee and rental structure for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport,

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taking into account such factors as the volume of traffic and economy of collection;

(9) the airport operator or owner will submit to the Secretary such annual or special airport financial and operations reports as the Secretary may reasonably request; and

(10) the airport and all airport records will be available for inspection by any duly authorized agent of the Secretary upon reasonable request.

To insure compliance with this section, the Secretary shall prescribe such project sponsorship requirements, consistent with the terms of this part, as he considers necessary. Among other steps to insure such compliance the Secretary is authorized to enter into contracts with public agencies, on behalf of the United States. Whenever the Secretary obtains from a sponsor any area of land or water, or estate therein, or rights in buildings of the sponsor and constructs space or facilities thereon at Federal expense, he is authorized to relieve the sponsor from any contractual obligation entered into under this part or the Federal Airport Act to provide free space in airport buildings to the Federal Government to the extent he finds that space no longer required for the purposes set forth in paragraph (6) of this section.

Sec. 19. Grant Agreements.

Upon approving a project application for airport development, the Secretary, on behalf of the United States shall transmit to the sponsor or sponsors of the project application an offer to make a grant for the United States share of allowable project costs. An offer shall be made upon such terms and conditions as the Secretary considers necessary to meet the requirements of this part and the regulations prescribed thereunder. Each offer shall state a definite amount as the maximum obligation of the United States payable from funds authorized by this part, and shall stipulate the obligations to be assumed by the sponsor or sponsors. If and when an offer is accepted in writing by the sponsor, the offer and acceptance shall comprise an agreement constituting an obligation of the United States and of the sponsor. Thereafter, the amount stated in the accepted offer as the maximum obligation of the United States may not be increased by more than 10 per centum. Unless and until an agreement has been executed, the United States may not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred.

Sec. 20. Project Costs.

(a) Allowable Project Costs.—Except as provided in section 21 of this part, the United States may not pay, or be obligated to pay, from amounts appropriated to carry out the provisions of this part, any portion of a project cost incurred in carrying out a project for airport development unless the Secretary has first determined that the cost is allowable. A project cost is allowable if—

(1) it was a necessary cost incurred in accomplishing airport development in conformity with approved plans and specifications for an approved airport development project and with the terms and conditions of the grant agreement entered into in connection with the project;

(2) it was incurred subsequent to the execution of the grant agreement with respect to the project, and in connection with airport development accomplished under the project after the execution of the agreement. However, the allowable costs of a project may include any necessary costs of formulating the project (including the costs of field surveys and the preparation of plans and specifications, the acquisition of land or interests therein or easements through or other interests in airspace, and any necessary administrative or other incidental costs incurred by the sponsor specifically in connection with the accomplishment of the project for airport development, which would not have been incurred otherwise) which were incurred subsequent to May 13, 1946;

(3) in the opinion of the Secretary it is reasonable in amounts, and if the Secretary determines that a project cost is unreasonable in amounts, he may allow as an allowable project cost only so much of such project cost as he determines to be reasonable; except that in no event may he allow project costs in excess of the definite amounts stated in the grant agreement; and

(4) it has not been included in any project authorized under section 13 of this part.

The Secretary is authorized to prescribe such regulations, including regulations with respect to the auditing of project costs, as he considers necessary to effectuate the purposes of this section.

(b) Costs Not Allowed.—The following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, or repair of a hangar or of any part of an airport building except such of those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport.

Sec. 21. Payments Under Grant Agreements.

The Secretary, after consultation with the sponsor with which a grant agreement has been entered into, may determine the times, and amounts in which payments shall be made under the terms of a grant agreement for airport development. Payments in an aggregate amount not to exceed 90 per centum of the United States share of the total estimated allowable project costs may be made from time to time in advance of accomplishment of the airport development to which the payments relate, if the sponsor certifies to the Secretary that the aggregate expenditures to be made from the advance payments will not at any time exceed the cost of the airport development work which has been performed up to that time. If the Secretary determines that the aggregate amount of payments made under a grant agreement at any time exceeds the United States share of the total allowable project costs, the United States shall be entitled to recover the excess. If the Secretary finds that the airport development to which the advance payments relate has not been accomplished within a reasonable time or the development is not completed, the United States may recover any part of the advance payment for which the United States received no benefit. Payments under a grant agreement shall be made to the official or depository authorized by law to receive public funds and designated by the sponsor.

Sec. 22. State Agencies.

(a) Authorization To Make Grants.—In accordance with such terms and conditions as he may prescribe, the Secretary may make grants to agencies designated by the States for the purpose of assisting those agencies in carrying out the functions contained in subsection (b) of this section and in paying necessary administrative expenses incidental thereto.

(b) Functions of Agencies.—A State agency shall not be eligible to receive a grant under subsection (a) of this section unless it is empowered to—

(1) act as the agent of sponsors located in the State;

(2) accept in behalf of the sponsors and disburse to them all payments made pursuant to agreements under section 19 of this part;

(3) acquire by purchase, gift, devise, lease, condemnation, or otherwise, any property, real or personal, or any interest therein, including easements, necessary to establish or develop airports;

(4) engage in airport systems planning on a statewide basis; and

(5) undertake airport development, or provide financial assistance to public agencies within the State for carrying it out.

(c) Amounts of Grants.—The total funds obligated for grants under this section may not exceed $25,000,000, and the amount obligated in any one fiscal year may not exceed $5,000,000.

(d) Apportionment of Funds.—The funds made available each fiscal year for the purposes of making grants under this section shall be apportioned among the States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States. No more than $80,000 of the funds made available to any one State in any fiscal year may be used for administrative expenses. Any amount apportioned to a State which is not obligated by grant agreement at the expiration of the fiscal year for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of section 15 of this part, and be available for use for the purposes stated in paragraph (1) of section 14 of this part.

(e) Definition of Terms.—As used in this section, "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam. For the purposes of this section, the terms "population" and "area" shall have the definitions given to such terms by section 15 of this part.

Sec. 23. Performance of Construction Work.

(a) Regulations.—The construction work on any project for airport development approved by the Secretary pursuant to section 16 of this part shall be subject to inspection and approval by the Secretary and in accordance with regulations prescribed by him. Such regulations shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary. No such regulation shall have the effect of altering any contract in connection with any project entered into without actual notice of the regulation.

(b) Minimum Rates of Wages.—All contracts in excess of $2,000 for work on projects for airport development approved under this part which involve labor shall contain provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a 276a–5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

(c) Other Provisions as to Labor.—All contracts for work on projects for airport development approved under this part which involve labor shall contain such provisions as are necessary to insure (1) that no convict labor shall be employed; and (2) that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given, where they are qualified, to individuals who have served as persons in the military service of the United States, as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C. App. 511(1)), and who have been honorably discharged from such service. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

Sec. 24.—Use of Government-Owned Lands.

(a) Requests for Use.—Subject to the provisions of subsection (c) of this section, whenever the Secretary determines that use

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of any lands owned or controlled by the United States is reasonably necessary for carrying out a project for airport development under this part, or for the operation of any public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan, he shall file with the head of the department or agency having control of the lands a request that the necessary property interests therein be conveyed to the public agency sponsoring the project in question or owning or controlling the airport. The property interest may consist of the title to, or any other interest in, land or any easement through or other interest in airspace.

(b) Making of Conveyances.—Upon receipt of a request from the Secretary under this section, the head of the department or agency having control of the lands in question shall determine whether the requested conveyance is inconsistent with the needs of the department or agency, and shall notify the Secretary of his determination within a period of four months after receipt of the Secretary's request. If the department or agency head determines that the requested needs of that department or agency, the deconveyance is not inconsistent with the partment or agency head is hereby authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested. A conveyance may be made only on the condition that at the option of the Secretary, the property interest conveyed shall revert to the United States in the event that the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. If only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyance, only that particular part shall, at the option of the Secretary, revert to the United States.

(c) Exemption of Certain Lands.—Unless otherwise specifically provided by law, the provisions of subsections (a) and (b) of this section shall not apply with respect to lands owned or controlled by the United States within any national park, national monument, national recreation area, or similar area under the administration of the National Park Service; within any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the Bureau of Sport Fisheries and Wildlife; or within any national forest or Indian reservation.

Sec. 25. Reports to Congress.

On or before the third day of January of each year the Secretary shall make a report to the Congress describing his operations under this part during the preceding fiscal year. The report shall include a detailed statement of the airport development accomplished, the status of each project undertaken, the allocation of appropriations, and an itemized statement of expenditures and receipts.

Sec. 26. False Statements.

Any officer, agent, or employee of the United States or any officer, agent, or employee of any public agency, or any person, association, firm, or corporation who, with intent to defraud the United States—

(1) knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof, in connection with the submission of plans, maps, specifications, contracts, or estimates of project costs for any project submitted to the Secretary for approval under this part;

(2) knowingly makes any false statement, false representation, or false report or claim for work or materials for any project approved by the Secretary under this part; or

(3) knowingly makes any false statement or false representation in any report required to be made under this part;

shall, upon conviction thereof, be punished by imprisonment for not to exceed five years or by a fine of not to exceed $10,000, or by both.

Sec. 27. Access to Records.

(a) Recordkeeping Requirements.—Each recipient of a grant under this part shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and the disposition by the recipient of the proceeds of the grant, the total cost of the plan or program in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, and such other records as will facilitate an effective audit.

(b) Audit and Examination.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers and records of the recipient that are pertinent to grants received under this part.

(c) Audit Reports.—In any case in which an independent audit is made of the accounts of a recipient of a grant under this Act relating to the disposition of the proceeds of such grant or relating to the plan or program in connection with which the grant was given or used, the recipient shall file a certified copy of such audit with the Comptroller General of the United States not later than six months following the close of the fiscal year for which the audit was made. On or before January 3 of each year the Comptroller General shall make a report to the Congress describing the results of each audit conducted or reviewed by him under this section during the preceding fiscal year. The Comptroller General shall prescribe such regulations as he may deem necessary to carry out the provisions of this subsection.

(d) Withholding Information.—Nothing in this section shall authorize the withholding of information by the Secretary or the Comptroller General of the United States, or any officer or employee under the control of either of them, from the duly authorized committees of the Congress.

Sec. 28. General Powers.

The Secretary is empowered to perform such acts, to conduct such investigations and public hearings, to issue and amend such orders, and to make and amend such regulations and procedures, pursuant to and consistent with the provisions of this part, as he considers necessary to carry out the provisions of, and to exercise and perform his powers and duties under this part.

PART III—MISCELLANEOUS

Sec. 51. Amendments to Federal Aviation Act of 1958.

(a) (1) Procurement Procedures.—Section 303 of the Federal Aviation Act of 1958 (49 U.S.C. 1344) is amended by adding at the end thereof the following new subsection:

"NEGOTIATION OF PURCHASES AND CONTRACTS

"(c) The Secretary of Transportation may negotiate without advertising purchases of and contracts for technical or special property related to, or in support of, air navigation that he determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property. The Secretary shall, at the beginning of each fiscal year, report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Commerce of the Senate all transactions negotiated under this subsection during the preceding fiscal year."

(2) Table of Contents.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Sec. 303. Administration of the Agency." is amended by adding at the end thereof "(c) Negotiation of purchases and contracts.".

(b) (1) Airport Certification.—Title VI of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1431), relating to safety regulation of civil aeronautics, is amended by adding at the end thereof the following new section:

"Airport Operating Certificates

"POWER TO ISSUE

"Sec. 612. (a) The Administrator is empowered to issue airport operating certificates to airports serving air carriers and to establish minimum safety standards for the operation of such airports.

"ISSUANCE

"(b) Any person desiring to operate an airport serving air carriers may file with the Administrator an application for an airport operating certificate. If the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations, and standards prescribed thereunder, he shall issue an airport operating certificate to such person. Each airport operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation, including but not limited to, terms, conditions, and limitations relating to—

"(1) the installation, operation, and maintenance of adequate air navigation facilities; and

"(2) the operation and maintenance of adequate safety equipment, including firefighting and rescue equipment capable of rapid access to any portion of the airport used for the landing, takeoff, or surface maneuvering of aircraft."

(2) Table of Contents.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Title VI—Safety Regulation of Civil Aeronautics" is amended by adding at the end thereof of the following:

(3) Prohibitions.—Section 610(a) of such Act (49 U.S.C. 4430(a)), relating to prohibitions, is amended—

"Sec. 612. Airport operating certificates.
"(a) Power to issue.
"(b) Issuance."

(A) by striking out "and" at the end of paragraph (6);

(B) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(8) For any person to operate an airport serving air carriers without an airport operating certificate, or in violation of the terms of any such certificate."

(4) Effective Date.—The amendments made by paragraph (3) of this subsection shall take effect upon the expiration of the two-year period beginning on the date of their enactment.

Sec. 52. Repeal; Saving Provisions; and Separability.

(a) Repeal.—The Federal Airport Act (49 U.S.C. 1101 et seq.) is repealed as of the close of June 30, 1970.

(b) Saving Provisions.—All orders, determinations, rules, regulations, permits, con-

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tracts, certificates, licenses, grants, rights, and privileges which have been issued, made, granted, or allowed to become effective by the President, the Secretary of Transportation, or any court of competent jurisdiction under any provision of the Federal Airport Act, as amended, which are in effect at the time this section takes effect, are continued in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Transportation or by any court of competent jurisdiction, or by operation of law.

(c) SEPARABILITY.—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons or circumstances is not affected thereby.

And, in lieu thereof, insert:

That this Act may be cited as the "Airport and Airways Development Act of 1969".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds that the Nation's airport and airway system is inadequate to meet current and projected growth in aviation and that substantial expansion and improvement of the system is required to meet the demands of interstate commerce, the postal service, and the national defense. The Congress finds that the civil users of air transportation are capable of making a greater financial contribution to the expansion and improvement of the system through increased user fees. The Congress finds, however, that the civil users should not be required to provide all of the funds necessary for future development of the system and that revenues obtained from the general taxpayer will continue to be required to pay for actual use of the system by the Government of the United States and for the value to the national defense and the general public benefit in having a safe, efficient airport and airway system in being and fully operational in the event of war or national emergency.

TITLE I—AIRPORT AND AIRWAYS FINANCING

ESTABLISHMENT AND ADMINISTRATION OF TRUST FUND

Establishment of Trust Fund

SEC. 101. (a) There is established in the Treasury of the United States a trust fund for airports and airways (hereafter in this Act referred to as the "trust fund"), consisting of such amounts as may be appropriated, credited, or transferred to the trust fund as provided in this section.

Transfer of Tax Receipts

(b) There is hereby appropriated to the trust fund (1) amounts equivalent to the taxes received in the Treasury after December 31, 1969, under subsection (c) of section 4041 (taxes on aviation fuel) and under sections 4261 and 4271 (taxes on transportation by air) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 4041(c), 4261, and 4271), and (2) amounts determined by the Secretary of the Treasury to be equivalent to the taxes received in the Treasury after December 31, 1969, under section 4081 of such Code (26 U.S.C. 4081), with respect to gasoline used in aircraft. The amounts appropriated pursuant to this subsection shall be transferred at least monthly from the general fund of the Treasury to the trust fund on the basis of estimates made by the Secretary of the Treasury of the amounts described in clauses (1) and (2) of this subsection. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

Transfer of Unexpended Funds

(c) At the close of June 30, 1970, all unallocated funds, which have been appropriated for the purpose of carrying out the provisions of law referred to in subsection (f) of this section shall be transferred to the trust fund.

Appropriation of Additional Sums

(d) There are hereby authorized to be appropriated to the trust fund such additional sums as may be required to make the expenditures referred to in subsection (f) of this section.

Administration of Account; Report to Congress

(e) It shall be the duty of the Secretary of the Treasury to hold the trust fund, and (after consultation with the Secretary of Transportation) to report to the Congress not later than the 1st of March of each year on the financial condition and the results of the operations of the trust fund during the preceding fiscal year and on its expected condition and operations during subsequent fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made. It shall be the duty of the Secretary of the Treasury to invest such portion of the trust fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The interest on, and proceeds from the sale of, any obligations held in the trust fund shall be credited to and form a part of the trust fund: *Provided, however,* That funds transferred to the trust fund pursuant to subsection (c) and funds appropriated to the trust fund pursuant to subsection (d) shall not be invested.

Appropriations

(f) Amounts in the trust fund shall be available as provided by appropriations Acts—

(1) to meet the obligations of the United States heretofore incurred under the Federal Airport Act, as amended (49 U.S.C. 1101 et seq.), and hereafter incurred under titles I, II, and III of this Act, including administrative expenses incidental thereto; and

(2) to meet the obligations of the United States heretofore and hereafter incurred under the Federal Aviation Act, as amended (49 U.S.C. 1301 et seq.), for the planning, research and development, construction, and operation and maintenance of the airway system.

As they relate to the Federal Airport Act and title II of this Act, administrative expenses include, but are not limited to, expenses of the character specified in subsection (a) of section 303 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1344 (a)), and expenses for planning and research.

Availability of Funds

(g) No moneys are available for expenditure from the trust fund before January 1, 1970. Sums appropriated under this section shall remain available until expended.

Transfers From Trust Fund on Account of Certain Refunds

(h) The Secretary of the Treasury shall pay from time to time from the trust fund into the general fund of the Treasury amounts equivalent to the amounts paid after December 31, 1969, in respect of fuel used in aircraft, under sections 6420 (relating to amounts paid in respect to gasoline used on farms) and 6421 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes) of the Internal Revenue Code of 1954.

HIGHWAY TRUST FUND

SEC. 102. Subsection (c) of section 209 of the Highway Revenue Act of 1956, as amended (23 U.S.C. 120, note), is amended by adding at the end thereof the following new paragraph:

"(5) The amounts described in paragraphs (1) (A) and (3) (A) with respect to any period shall (before the application of this subsection) be reduced by any amounts transferred to the airport and airways trust fund under section 101 of the Airport and Airways Development Act of 1969 with respect to such period, and subsection (f) (3) of this section shall not apply to those amounts."

COST ALLOCATION STUDY

SEC. 103. The Secretary of Transportation (hereinafter in this title referred to as the Secretary) shall conduct a study respecting the appropriate method for allocating the cost of the airport and airway system among the various users and shall identify the costs to the Federal Government that should appropriately be charged to the system and the value to be assigned to the general public benefit. In conducting the study the Secretary shall consult fully with and give careful consideration to the views of the users of the system. The Secretary shall report the results of the study to Congress within two years from the date of enactment of this Act.

REVENUE ALLOCATION AND APPORTIONMENT STUDY

SEC. 104. The Secretary shall conduct a study respecting the appropriateness of that method of allocating and apportioning revenue provided by section 204 and section 205 of this Act for meeting the needs of the airport and airways system for the five-year period beginning July 1, 1975. In conducting the study the Secretary shall consult fully with and give careful consideration to the views of the users of the system. The Secretary shall report the results of the study to Congress not later than February 1, 1975.

TITLE II—AIRPORT DEVELOPMENT

DEFINITIONS

SEC. 201. As used in this title—

(1) "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(2) "Airport development" means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, and repair of airport passenger or freight terminal buildings and other airport administrative buildings and the removal, lowering, relocation, and marking and lighting of airport hazards, and including navigation aids used by aircraft landing at, or taking off from, a public airport, and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of, airport hazards.

(3) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or taking off of aircraft.

(4) "Airport master planning" means the development for planning purposes of information and guidance to determine the extent, type, and nature of development needed at a specific airport. It may include the preparation of an airport layout plan and feasibility studies, and the conduct of such other studies, surveys, and planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular airport as a part of a system of airports.

(5) "Airport system planning" means the development for planning purposes of infor-

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mation and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports. It includes identification of the specific aeronautical role of each airport within the system, development of estimates of systemwide development costs, and the conduct of such studies, surveys, and other planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular system of airports.

(6) "Landing area" means that area used or intended to be used for the landing, take-off, or surface maneuvering of aircraft.

(7) "Government aircraft" means aircraft owned and operated by the United States.

(8) "Planning agency" means any State (including the Commonwealth of Puerto Rico, the Virgin Islands, and Guam) or political subdivisions of a State or any other agency authorized by law to engage in airport system planning.

(9) "Project" means a project for the accomplishment of airport development, airport master planning, or airport system planning.

(10) "Project costs" means any costs involved in accomplishing a project.

(11) "Public agency" means the United States Government or any agency thereof; a State, or Puerto Rico, the Virgin Islands, or Guam or any agency of any of them; a municipality or other political subdivision; or a tax-supported organization; or an Indian tribe or pueblo.

(12) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(13) "Secretary" means the Secretary of Transportation.

(14) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary, in accordance with this Act, an application for financial assistance.

(15) "State" means a State of the United States, or the District of Columbia.

(16) "Terminal area" means that area used or intended to be used for such facilities as terminal and cargo buildings, gates, hangars, shops, and other service buildings; automobile parking, airport motels, and restaurants, and garages and automobile service facilities used in connection with the airport; and entrance and service roads used by the public within the boundaries of the airport.

(17) "United States share" means that portion of the project costs of projects for airport development approved pursuant to section 206 of this Act which is to be paid from funds made available for the purposes of this Act.

NATIONAL AIRPORT SYSTEM PLAN

Formulation of Plan

SEC. 202. (a) The Secretary is directed to prepare and publish, within two years of the date of enactment of this Act, and thereafter to revise at least once every two years, a national airport system plan for the development of public airports in the United States. The plan shall set forth, for at least a ten-year period, the type and estimated cost of airport development considered by the Secretary to be necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense as determined by the Secretary of Defense, and to meet the special needs of the postal service. The plan shall include all types of development eligible for Federal aid under section 204 of this Act, and terminal area development considered necessary to provide for the efficient accommodation of persons and goods at public airports, and the conduct of functions in operational support of the airport. Airport development identified by the plan shall not be limited to the requirements of any classes of categories of public airports. In preparing the plan, the Secretary shall consider the needs of all segments of civil aviation.

Consideration of Other Modes of Transportation

(b) In formulating and revising the plan, the Secretary shall take into consideration, among other things, the relationship of each airport to the rest of the transportation system in the particular area, to the forecasted technological developments in aeronautics, and to developments forecasted in other modes of intercity transportation.

Federal, State, and Other Agencies

(c) In developing the national airport system plan, the Secretary shall to the extent feasible consult with the Civil Aeronautics Board, the Post Office Department, and other Federal agencies, as appropriate; with planning agencies, and airport operators; and with air carriers, aircraft manufacturers, and others in the aviation industry. The Secretary shall provide technical guidance to agencies engaged in the conduct of airport system planning and airport master planning to ensure that the national airport system plan reflects the product of interstate, State, and local airport planning.

Cooperation With Federal Communications Commission

(d) The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of any radio or television station. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

Consultation With Department of Defense

(e) The Department of Defense shall make military airports and airport facilities available for civil use to the extent feasible. In advising the Secretary of national defense requirements pursuant to subsection (a) of this section, the Secretary of Defense shall indicate the extent to which military airports and airport facilities will be available for civil use.

Consultation With Secretary of the Interior

(f) In carrying out this section, the Secretary shall consult with and consider the views and recommendations of the Secretary of the Interior with respect to the need for development of airports in, or in close proximity to, national parks, national monuments, Indian reservations, and national recreation areas.

Cooperation With Federal Power Commission

(g) The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Power Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of power facilities. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

PLANNING GRANTS

Authorization To Make Grants

SEC. 203. (a) In order to promote the effective location and development of airports and the development of an adequate national airport system plan, the Secretary may make grants of funds to planning agencies for airport system planning, and to public agencies for airport master planning.

Amount and Apportionment of Grants

(b) The award of grants under subsection (a) of this section is subject to the following limitations:

(1) The total funds obligated for grants under this section may not exceed $150,000,000 and the amount obligated in any one fiscal year may not exceed $15,000,000.

(2) No grant under this section may exceed two-thirds of the cost incurred in the accomplishment of the project.

(3) No more than 5 per centum of the funds made available under this section in any fiscal year may be allocated for projects within a single State, Puerto Rico, the Virgin Islands, or Guam. Grants for projects encompassing an area located in two or more States shall be charged to each State in the proportion which the number of square miles the project encompasses in each State bears to the square miles encompassed by the entire project.

Regulations, Coordination With Secretary of Housing and Urban Development

(c) The Secretary may prescribe such regulations as he deems necessary governing the award and administration of grants authorized by this section. The Secretary and the Secretary of Housing and Urban Development shall develop jointly procedures designed to preclude duplication of their respective planning assistance activities and to ensure that such activities are effectively coordinated.

AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

General Authority

SEC. 204. (a) In order to bring about, in conformity with the national airport system plan, the establishment of a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics, the Secretary is authorized, within the limits established in appropriation Acts, to make grants for airport development by grant agreements with sponsors in aggregate amounts not less than the following:

(1) For the purpose of developing in the several States, Puerto Rico, and the Virgin Islands, airports served by air carriers certificated by the Civil Aeronautics Board and airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having a high density of traffic serving other segments of aviation $270,000,000 for each of the fiscal years 1970 through 1979.

(2) For the purpose of developing in the several States, Puerto Rico, and the Virgin Islands, airports serving segments of aviation other than air carriers certificated by the Civil Aeronautics Board, $30,000,000 for each of the fiscal years 1970 through 1979.

(b) For the purpose of acquiring, establishing, and improving air navigation facilities under section 307(b) of the Federal Aviation Act of 1958, as amended, the Secretary is authorized within the limits established in appropriations Acts to obligate for expenditure not less than $250,000,000 for each of the fiscal years 1970 through 1979.

(c) The balance of the moneys available in the trust fund shall be allocated for the necessary administrative expenses incident to the administration of programs for which funds are to be allocated as set forth in subsections (a) and (b) of this section, and for the maintenance and operation of air navigation facilities and the conduct of other functions under section 37(b) of the Federal Aviation Act of 1958, not otherwise provided for in subsection (b) of this section, and for research and development activities under section 312(c) (as it relates to safety in air navigation) of the Federal Aviation Act of 1958, as amended: *Provided, however,* That the initial $50,000,000 of any sums appropriated to the trust fund pursuant to subsection (d) of section 101 of this Act shall be

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allocated to such research and development activities.

DISTRIBUTION OF FUNDS, STATE APPORTIONMENT

Apportionment of Funds for Air Carrier and Reliever Airports

SEC. 205. (a) (1) Subject to the study required pursuant to section 104 of this Act, as soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (1) of section 204 of this Act, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) One-third for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States: *Provided, however,* That prior to such apportionment 3 per centum of such funds shall be available to Hawaii, Puerto Rico, and the Virgin Islands, to be distributed in shares of 40 per centum, 40 per centum, and 20 per centum, respectively.

(B) One-third to be distributed to airport sponsors for airports located in areas designated by the Civil Aeronautics Board as large hubs, medium hubs, or small hubs to be distributed among the hub areas in the same ratio as the number of passengers enplaned in each hub bears to the total of passengers enplaned in all such hubs.

(C) One-third to be distributed at the discretion of the Secretary.

Apportionment of Funds for Nonair Carrier Airports

(2) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (2) of section 204 of this Act, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) Seventy-three and one-half per centum for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) One and one-half per centum for Hawaii, Puerto Rico, and the Virgin Islands, to be distributed in shares of 40 per centum, 40 per centum, and 20 per centum, respectively.

(C) Twenty-five per centum to be distributed at the descretion of the Secretary.

(3) The amounts apportioned to a State under paragraph (1) (A) and (2) (A) of this subsection shall, during the fiscal year for which they were first authorized to be obligated and the two fiscal years immediately following, be available only for approved airport development projects located in that State or sponsored by that State or some public agency thereof but located in an adjoining State. Therefore, any portion of the amounts remaining unobligated shall be redistributed as provided in subsection (c) of this section.

(4) Each hub area shall be credited each year with the apportioned amount of the preceding year's taxes as provided in paragraph (1) (B) of this subsection and to the extent such credit exceeds the amount of all payments to airport sponsors within such hub area in the current year under grant agreements entered into pursuant to this subsection (excluding payments under paragraph (1) (A) and (1) (C)), such excess shall remain to the credit of the hub area throughout the next following two years. If at any time during the current year or the next following two years, the Secretary shall approve a project for airport development within such hub area, such remaining credit, plus any remaining credit which may have been accumulated in the next succeeding two years, shall be available to the sponsor as a grant toward the payment of construction cost for such approved project. If the Secretary shall not have approved a project for airport development within such hub area prior to the end of the second fiscal year following the crediting of any sum to such sponsor, such sum shall be redistributed as provided in subsection (c) of this section.

For the purposes of this section, the term "passenger enplaned" shall include United States domestic, territorial, and international revenue passenger enplanements in scheduled and nonscheduled service of air carriers and foreign air carriers in intrastate and interstate commerce as shall be annually compiled by the Secretary pursuant to such regulations as he shall prescribe.

Discretionary Fund

(b) (1) The amounts authorized by subsection (a) of this section to be distributed at the discretion of the Secretary shall constitute a discretionary fund.

(2) The discretionary fund shall be available for such approved projects for airport development in the several States, Puerto Rico, the Virgin Islands, and Guam as the Secretary considers most appropriate for carrying out the National Airport System Plan, regardless of the location of the projects. In determining the projects for which the fund is to be used, the Secretary shall consider the existing airport facilities in the several States, Puerto Rico, the Virgin Islands, and Guam. Amounts placed in the discretionary fund pursuant to subsection (a) or by redistribution pursuant to subsection (c) of this section, may be used only in accordance with the purposes for which originally appropriated, except as provided in paragraph (3) of this subsection.

(3) Amounts placed in the discretionary fund pursuant to pargaraph (2) (C) of subsection (a) of this section to carry out paragraph (3) of section 204 of this Act shall also be available for approved projects for airport development sponsored by the United States or any agency thereof in national parks and national recreation areas, national monuments, national forests, and special reservations for Government purposes as the Secretary considers appropriate for carrying out the national airport system plan. No other funds authorized by this Act are available for these purposes. The sponsor's share of the project costs of any approved project shall be paid only out of funds contributed to the sponsor for the purpose of paying those costs (receipt of which funds and their use for this purpose is hereby authorized) or appropriations specifically authorized therefor.

Redistribution of Funds

(c) Any amount apportioned for airport development projects in other than Hawaii, Puerto Rico, or the Virgin Islands pursuant to paragraph (1) (A), (1) (B), or (2) (A) of subsection (a) of this section which has not been obligated by grant agreement prior to the end of the second fiscal year following the crediting of any sum to an airport project sponsor for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section.

Notice of Apportionment, Definition of Terms

(d) Upon making an apportionment as provided in subsection (a) of this section, the Secretary shall inform the executive head of each State, and any public agency or airport sponsor which has requested such information as to the amounts apportioned to each State and hub area. As used in this section, the term "population" means the population according to the latest decennial census of the United States and the term "area" includes both land and water.

SUBMISSION AND APPROVAL OF PROJECTS FOR AIRPORT DEVELOPMENT

Submission

SEC. 206. (a) Subject to the provisions of subsections (b) and (c) of this section, any public agency, or two or more public agencies acting jointly, may submit to the Secretary a project application, in a form and containing such information, as the Secretary may prescribe, setting forth the airport development proposed to be undertaken. No project application shall propose airport development other than that included in the then current revision of the national airport system plan formulated by the Secretary under this Act, and all proposed developments shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.

Public Agencies Whose Powers Are Limited By State Law

(b) Nothing in this Act shall authorize the submission of a project application by any municipality or other public agency which is subject to the law of any State if the submission of the project application by the municipality or other public agency is prohibited by the law of that State.

Applications by Federal Agencies

(c) Nothing in this Act shall authorize the submission of a project application by the United States or any agency thereof, except in the case of a project in Puerto Rico, the Virgin Islands, Guam, or in, or in close proximity to, a national park, national recreation area, or national monument, or in a national forest, or a special reservation for Government purposes.

Approval

(d) (1) All airport development projects shall be subject to the approval of the Secretary, which approval may be given only if he is satisfied that—

(A) the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this Act;

(B) sufficient funds are available for that portion of the project which is not to be paid by the United States under this Act;

(C) the project will be completed without undue delay;

(D) the public agency or public agencies which submitted the project application have legal authority to engage in the airport development as proposed; and

(E) all project sponsorship requirements prescribed by or under the authority of this Act have been or will be met. No airport development project may be approved by the Secretary with respect to any airport unless a public agency holds good title, satisfactory to the Secretary, to the landing area of the airport or the site therefor, or gives assurance satisfactory to the Secretary that good title will be acquired.

(2) No airport development project may be approved by the Secretary which does not include provision for installation of the landing aids specified in subsection (d) of section 207 of this Act and determined by him to be required for the safe and efficient use of the airport by aircraft taking into account the category of the airport and the type and volume of traffic utilizing the airport.

(3) No airport development project may be approved by the Secretary unless he is satisfied that fair consideration has been given to the preservation and enhancement of the environment and to the interest of communities in or near which the project may be located.

Notice

(e) Upon submission of an application for a project for airport development the Secre-

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tary shall publish notice of the pendency of the application in the Federal Register.

Hearings

(f) Applications for projects for airport development shall be matters of public record in the office of the Secretary. Any public agency, person, association, firm, or corporation having a substantial interest in the disposition of any application by the Administrator may file with the Secretary a memorandum in support of or in opposition to such application; and any such agency, person, association, firm, or corporation shall be accorded, upon request, a public hearing with respect to the location of any airport the development of which is proposed. The Secretary is authorized to prescribe regulations governing such public hearings, and such regulations may prescribe a reasonable time within which requests for public hearings shall be made and such other reasonable requirements as may be necessary to avoid undue delay in disposing of project applications, and shall provide for reasonable notice of any such hearing to any agency, person, association, firm, or corporation having a substantial interest in the disposition of any application by the Secretary.

Airport Site Selection

(g) (1) Whenever the Secretary determines (A) that a metropolitan area comprised of more than one unit of State or local government is in need of an additional airport to adequately meet the air transportation needs of such area, and (B) that an additional airport for such area is consistent with the national airport system plan prepared by the Secretary, he shall notify, in writing, the governing authorities of the area concerned of the need for such additional airport and request such authorities to confer, agree upon a site for the location of such additional airport, and notify the Secretary of their selection. If, within three years after the written notification by the Secretary referred to in the preceding sentence, he has not received notification from the governing authorities concerned of the selection of a site for the additional airport, he shall, after notice and opportunity for a hearing, select a site for such additional airport with respect to which the Secretary will accept project applications under this title for the construction of such additional airport. Unless the Secretary, after notice and opportunity for hearing, shall modify any site selection made by him under this section, no other site in such area shall be eligible for assistance under this title for the construction of an additional airport in such area. For the purposes of this subsection, the term "metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject however to such modifications and extensions as the Secretary may determine to be appropriate for the purposes of this subsection.

(2) In the case of a proposed new airport serving any area which does not include a metropolitan area, the Secretary shall not approve any airport development project with respect to any proposed airport site not approved by the community or communities in which the airport is proposed to be located.

UNITED STATES SHARE OF PROJECT COSTS

General Provision

SEC. 207. (a) Except as provided in subsections (b), (c), and (d) of this section, the United States share payable on account of any approved project for airport development submitted under section 206 of this Act may not exceed 50 per centum of the allowable project costs.

Projects in Public Land States

(b) In the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 per centum of the total area of all lands therein, the United States share under subsection (a) shall be increased by whichever is the smaller of the following percentages thereof: (1) 25 per centum, or (2) a percentage equal to one-half of the percentage that the area of all such lands in that State is of its total area.

Projects in the Virgin Islands

(c) The United States share payable on account of any approved project for airport development in the Virgin Islands shall be any portion of the allowable project costs of the project, not to exceed 75 per centum, as the Secretary considers appropriate for carrying out the provisions of this Act.

Landing Aids

(d) To the extent that the project costs of an approved project for airport development represent the cost of (1) land required for the installation of approach light systems, (2) touchdown zone and centerline runway lighting, or (3) high intensity runway lighting, the United States share shall be not to exceed 75 per centum of the allowable costs thereof.

PROJECT SPONSORSHIP

SEC. 208. As a condition precedent to his approval of a project for airport development under this Act, the Secretary shall receive assurances in writing, satisfactory to him, that—

(1) the airport to which the project for airport development relates will be available for public use on fair and reasonable terms and without unjust discrimination;

(2) the airport and all facilities thereon or connected therewith will be suitably operated and maintained, with due regard to climatic and flood conditions;

(3) the aerial approaches to the airport will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards;

(4) appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft;

(5) all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft will be available to the United States for use by military aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities used;

(6) the airport operator or owner will furnish without cost to the Federal Government for use in connection with any air traffic control activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction at Federal expense of space or facilities for such purposes;

(7) all project accounts and records will be kept in accordance with a standard system of accounting prescribed by the Secretary after consultation with appropriate public agencies;

(8) the airport operator or owner will maintain a fee and rental structure for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport, taking into account such factors as the volume of traffic and economy of collection;

(9) the airport operator or owner will submit to the Secretary such annual or special airport financial and operations reports as the Secretary may reasonably request; and

(10) the airport and all airport records will be available for inspection by any duly authorized agent of the Secretary upon reasonable request.

To insure compliance with this section, the Secretary shall prescribe such project sponsorship requirements, consistent with the terms of this Act, as he considers necessary. Among other steps to insure such compliance the Secretary is authorized to enter into contracts with public agencies, on behalf of the United States. Whenever the Secretary obtains from a sponsor any area of land or water, or estate therein, or rights in buildings of the sponsor and constructs space or facilities thereon at Federal expense, he is authorized to relieve the sponsor from any contractual obligation entered into under this Act or the Federal Airport Act to provide free space in airport buildings to the Federal Government to the extent he finds that space no longer required for the purpose set forth in paragraph (6) of this section.

GRANT AGREEMENTS

SEC. 209. (a) Upon approving a project application for airport development, the Secretary, on behalf of the United States, shall transmit to the sponsor or sponsors of the project application an offer to make a grant for the United States share of allowable project costs. An offer shall be made upon such terms and conditions as the Secretary considers necessary to meet the requirements of this Act and the regulations prescribed thereunder. Each offer shall state a definite amount as the maximum obligation of the United States payable from funds authorized by this Act, and shall stipulate the obligations to be assumed by the sponsor or sponsors. If and when an offer is accepted in writing by the sponsor, the offer and acceptance shall comprise an agreement constituting an obligation of the United States and of the sponsor. Thereafter, the amount stated in the accepted offer as the maximum obligation of the United States may not be increased by more than 10 per centum. Unless and until an agreement has been executed, the United States may not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred.

(b) Any grant made pursuant to this section shall be deemed a contractual obligation of the United States subject to such funds being available as provided by appropriation Acts. Any such grant for payment in installments over a period in excess of one year shall not obligate the United States beyond June 30, 1975.

ALLOWABLE PROJECT COSTS

SEC. 210. (a) Except as provided in section 211 of this Act, the United States may not pay, or be obligated to pay, from amounts appropriated to carry out the provisions of this Act, any portion of a project cost incurred in carrying out a project for airport development unless the Secretary has first determined that the cost is allowable. A project cost is allowable if—

(1) it was a neccesary cost incurred in accomplishing airport development in conformity with approved plans and specifications for an approved airport development project and with the terms and conditions of the grant agreement entered into in connection with the project:

(2) it was incurred subsequent to the execution of the grant agreement with respect to the project, and in connection with airport development accomplished under the project after the execution of the agreement. However, the allowable costs of a project may include any necessary costs of formulating the project (including the costs of field surveys and the preparation of plans and specifications, the acquisition of land or

interests therein or easements through or other interests in airspace, and any necessary administrative or other incidental costs incurred by the sponsor specifically in connection with the accomplishment of the project for airport development, which would not have been incurred otherwise) which were incurred subsequent to May 13, 1946;

(3) in the opinion of the Secretary it is reasonable in amount. If the Secretary determines that a project cost is unreasonable in amount, he may allow as an allowable project cost only so much of such project cost as he determines to be reasonable. In no event may he allow project costs in excess of the definite amount stated in the grant agreement; and

(4) it has not been included in any project authorized under section 203 of this Act.

The Secretary is authorized to prescribe such regulations, including regulations with respect to the auditing of project costs, as he considers necessary to effectuate the purposes of this section.

Costs Not Allowed

(b) The following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, or repair of a hangar or of any part of an airport building except such as those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport or directly related to the handling of passengers or their baggage at the airport. The cost of construction, alteration, or repair of buildings or those parts of buildings directly related to the handling of passengers or their baggage shall not be an allowable project cost unless the Secretary finds that no reasonable financial alternative to inclusion as an allowable project cost exists. Such a finding must be based upon consideration of the feasibility and extent of other sources of financial participation, the financial condition of the airport sponsor as disclosed by uniform accounting procedures promulgated by the Secretary and any other factors relevant to such determination.

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PAYMENTS UNDER GRANT AGREEMENTS

SEC. 211. The Secretary, after consultation with the sponsor with which a grant agreement has been entered into, may determine the times, and amounts in which payments shall be made under the terms of a grant agreement for airport development. Payments in an aggregate amount not to exceed 90 per centum of the United States share of the total estimated allowable project costs may be made from time to time in advance of accomplishment of the airport development to which the payments relate, if the sponsor certifies to the Secretary that the aggregate expenditures to be made from the advance payments will not at any time exceed the cost of the airport development work which has been performed up to that time. If the Secretary determines that the aggregate amount of payments made under a grant agreement at any time exceeds the United States share of the total allowable project costs, the United States shall be entitled to recover the excess. If the Secretary finds that the airport development to which the advance payments relate has not been accomplished within a reasonable time or the development is not completed, the United States may recover any part of the advance payment for which the United States received no benefit. Payments under a grant agreement shall be made to the official or depository authorized by law to receive public funds and designated by the sponsor.

PERFORMANCE OF CONSTRUCTION WORK

Regulations

SEC. 212. (a) The construction work on any project for airport development approved by the Secretary pursuant to section 206 of this Act shall be subject to inspection and approval by the Secretary and in accordance with regulations prescribed by him. Such regulations shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary. No such regulation shall have the effect of altering any contract in connection with any project entered into without actual notice of regulation.

Minimum Rates of Wages

(b) All contracts in excess of $2,000 for work on projects for airport development approved under this Act which involve labor shall contain provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

Other Provisions as to Labor

(c) All contracts for work on projects for airport development approved under this Act which involve labor shall contain such provisions as are necessary to ensure (1) that no convict labor shall be employed; and (2) that in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given, where they are qualified, to individuals who have served as persons in the military service of the United States, as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C. App. 511(1)), and who have been honorably discharged from such service. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

USE OF GOVERNMENT-OWNED LANDS

Requests for Use

SEC. 213. (a) Whenever the Secretary determines that use of any lands owned or controlled by the United States is reasonably necessary for carrying out a project for airport development under this Act, or for the operation of any public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan, he shall file with the head of the department or agency having control of the lands a request that the necessary property interests therein be conveyed to the public agency sponsoring the project in question or owning or controlling the airport. The property interest may consist of the title to, or any other interest in, land or any easement through or other interest in airspace.

Making of Conveyances

(b) Upon receipt of a request from the Secretary under this section, the head of the department or agency having control of the lands in question shall determine whether the requested conveyance is inconsistent with the needs of the department or agency, and shall notify the Secretary of his determination within a period of four months after receipt of the Secretary's request. If the department or agency head determines that the requested conveyance is not inconsistent with the needs of that department or agency, the department or agency head is hereby authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested. A conveyance may be made only on the condition that, at the option of the Secretary, the property interest conveyed shall revert to the United States in the event that the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. If only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyance, only that particular part shall, at the option of the Secretary, revert to the United States.

REPORTS TO CONGRESS

SEC. 214. On or before the third day of January of each year the Secretary shall make a report to the Congress describing his operations under this title during the preceding fiscal year. The report shall include a detailed statement of the airport development accomplished, the status of each project undertaken, the allocation of appropriations, and an itemized statement of expenditures and receipts.

FALSE STATEMENTS

SEC. 215. Any officer, agent, or employee of the United States or any officer, agent, or employee of any public agency, or any person, association, firm or corporation who, with intent to defraud the United States—

(1) knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof, in connection with the submission of plans, maps, specifications, contracts, or estimates of project costs for any project submitted to the Secretary for approval under this Act;

(2) knowingly makes any false statement, false representation, or false report or claim for work or materials for any project approved by the Secretary under this Act;

(3) knowingly makes any false statement or false representation in any report required to be made under this Act;

shall, upon conviction thereof, be punished by imprisonment for not to exceed five years or by a fine of not to exceed $10,000, or by both.

ACCESS TO RECORDS

Recordkeeping Requirements

SEC. 216. (a) Each recipient of a grant under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and the disposition by the recipient of the proceeds of the grant, the total cost of the plan or program in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, and such other records as will facilitate an effective audit.

Audit and Examination

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to grants received under this Act.

GENERAL POWERS

SEC. 217. The Secretary is empowered to perform such acts, to conduct such investigations and public hearings, to issue and amend such orders, and to make and amend such regulations and procedures, pursuant to and consistent with the provisions of this title, as he considers necessary to carry out the provisions of, and to exercise and perform his powers and duties under, this title.

TITLE III—MISCELLANEOUS

AVIATION ADVISORY COMMITTEE

SEC. 301. (a) The Secretary shall establish an Aviation Advisory Committee (hereinafter in this section referred to as the "Committee") composed of fifteen members appointed by the Secretary. The Committee shall include individuals drawn from Federal and State governments, industry representatives, airport sponsors, and national organizations concerned with conservation or regional planning but no more than five such members shall be from the Federal Government. The Secretary shall be the Chairman and shall select the Vice Chairman from among the Committee members. The Vice Chairman shall act as Chairman in the latter's absence.

(b) The Committee shall be available to advise, consult with, and make recommendations to the Secretary concerning the long range needs of aviation including but not limited to future airport requirements.

(c) Members of such Committee who are not regular full-time employees of the United States, shall, while serving on the business of the Commission, be entitled to receive compensation at rates fixed by the Secretary of Transportation, but not exceeding $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(d) The Secretary shall engage such technical assistance as may be required to carry out the functions of such Committee, and the Secretary shall, in addition, make available to the Committee such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Transportation as the Committee may require to carry out its functions.

PROCUREMENT PROCEDURES

SEC. 302. Section 303 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1344), is amended by adding a new subsection (e) to read as follows:

"Negotiations of Purchases and Contracts

"(e) The Secretary of Transportation may negotiate without advertising purchases of and contracts for technical or special property related to, or in support of, air navigation that he determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property."

REPEAL, CONFORMING AMENDMENTS, AND SAVINGS PROVISIONS

Repeal

SEC. 303. The Act of May 13, 1946 (Federal Airport Act), as amended, is repealed as of the close of June 30, 1970.

CONFORMING AMENDMENTS

Department of Interior Airports Act

SEC. 304. (a) The Act of March 18, 1950 (64 Stat. 27; 16 U.S.C. 7a–7e), as amended, is further amended as follows:

(1) By striking out the words "national airport plan" in section 1 and by inserting the words, "national airport system plan" in place thereof;

(2) By striking out the words "Administrator of the Federal Aviation Agency" wherever they appear in section 1 and by inserting the words "Secretary of Transportation" in place thereof;

(3) By striking out the words "Federal Airport Act" in sections 1 and 5 and by inserting the words "Airport and Airways Development Act of 1969" in place thereof; and

(4) By striking out the words "Federal Airport Act" in section 3 and by inserting the words "Federal Airport Act or the Airport and Airways Development Act of 1969" in place thereof.

Public Works and Economic Development Act of 1965

(b) The Act of August 26, 1965 (79 Stat. 552; 42 U.S.C. 3121–3226), as amended, is further amended by inserting in the first sentence of section 509(c) thereof, immediately after the words "Federal Airport Act," the words "and the successor program under the Airport and Airways Development Act of 1969".

Demonstration Cities and Metropolitan Development Act of 1966

(c) The Act of November 3, 1966 (80 Stat. 1255; 42 U.S.C. 3301–3374), as amended, is further amended by inserting in section 208(2)) thereof, immediately after the words "Federal Airport Act;", the words "section 209 of the Airport and Airways Development Act of 1969;".

Federal Aviation Act of 1958

(d) The Act of August 23, 1958 (72 Stat. 737; 49 U.S.C. 1301–1542), as amended, is further amended as follows:

(1) By striking out the words "or by the Federal Airport Act" in the first sentence of section 313(c), and by inserting the words ", the Federal Airport Act, or the Airport and Airways Development Act of 1969" in place thereof; and

(2) By striking out the words "Federal Airport Act" in the first sentence of section 1109(e), and by inserting the words "Airport and Airways Development Act of 1969" in place thereof.

Applachian Regional Development Act of 1965

(e) The Appalachian Regional Development Act of 1965 (79 Stat. 5; 40 U.S.C. App. 1–405), as amended, is further amended by inserting in section 214(c) thereof, immediately after the words "Federal Airport Act;", the words "Airport and Airways Development Act of 1969;".

Surplus Property Act of 1944

(f) The Act of October 3, 1944 (58 Stat. 770; 50 U.S.C. App. 1622), as amended, is further amended by striking out the words "Federal Airport Act (60 Stat. 170)" in section 13(g)(1), and by inserting the words "Airport and Airways Development Act of 1969" in place thereof.

Reorganization Plan Numbered 14 of 1950

(g) Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267) is amended by inserting immediately after the words "the Act of May 13, 1946 (60 Stat. 170. ch. 251), as amended;" the following: "(h) the Airport and Airways Development Act of 1969; and (i) the Act of July 15, 1949, ch. 338, Public Law 171, Eighty-first Congress, first session."

SAVINGS AND SEPARABILITY PROVISIONS

Savings

SEC. 305. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, grants, rights, and privileges which have been issued, made, granted, or allowed to become effective by the President, the Secretary of Transportation, or any court of competent jurisdiction under any provision of the Federal Airport Act, as amended, which are in effect at the time this section takes effect, are continued in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Transportation or by any court of competent jurisdiction, or by operation of law.

Separability

(b) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons or circumstances is not affected thereby.

On page 92, line 1, after the word "Title", strike out "II" and insert "IV"; at the beginning of line 3, change the section number from "201" to "401"; in line 5, after the word "of"; strike out "1969" and insert "1970"; at the beginning of line 12, change the section number from "202" to "402"; on page 94, line 2, after the word "section" strike out "4282 or 4283" and insert "4281 or 4282"; after line 3, insert:

"(5) TERMINATION.—On and after July 1, 1980, the taxes imposed by paragraphs (1) and (2) shall not apply."

On page 95, after line 22, strike out:

"SEC. 203. TAX ON TRANSPORTATION OF PERSONS BY AIR.

"(a) 8 PERCENT TAX.—Section 4261 (relating to imposition of tax) is amended by striking out 'November 15, 1962' each place it appears and by substituting in lieu thereof 'November 15, 1962, and before January 1, 1970, and 8 percent of such amount for transportation which begins on or after January 1, 1970'.

"(b) HEAD TAX.—Section 4261 is amended by adding at the end thereof the following new subsection:

" '(c) $3 HEAD TAX.—There is hereby imposed upon any amount paid (whether within or without the United States) for any transportation which begins in the United States after December 31, 1969, of any person by air a tax equal to $3. This subsection shall not apply to any transportation all of which is taxable under subsection (a) or (b) (determined without regard to sections 4281, 4282, and 4283).'

"(c) DEFINITION OF TRANSPORTATION.—Section 4262 (relating to definition of taxable transportation) is amended by adding at the end thereof the following new subsection:

" '(d) TRANSPORTATION.—For purposes of this part, the term 'transportation' includes layover or waiting time and movement of the aircraft in deadhead service.' "

And, in lieu thereof, insert:

SEC. 403. TAX ON TRANSPORTATION OF PERSONS BY AIR.

"(a) IMPOSITION OF TAX.—Section 4261 (relating to imposition of tax on transportation of persons by air) is amended to read as follows:

"SEC. 4261. IMPOSITION OF TAX.

" '(a) IN GENERAL.—There is hereby imposed upon the taxable transportation (as defined in section 4262) of any person which begins after April 30, 1970, a tax equal to 7.5 percent of the amount paid by such person for such transportation. In the case of taxable transportation paid for outside the United States, the tax imposed by this subsection shall apply only if such transportation begins and ends in the United States.

" '(b) SEATS, BERTHS, ETC.—There is hereby imposed upon seating or sleeping accommodations furnished to any person in connection with transportation which begins after April 30, 1970, and with respect to which a tax is imposed by subsection (a), a tax equal to 7.5 percent of the amount paid by such person for the use of such accommodations.

" '(c) USE OF INTERNATIONAL TRAVEL FACILITIES.—There is hereby imposed a tax of $3 upon any amount paid (whether within or without the United States) for any transportation which begins in the United States after April 30, 1970, of any person by aid. This subsection shall not apply to any transportation all of which is taxable under subsection (a) (determined without regard to section 4281 and 4282).

" '(d) BY WHOM PAID.—The taxes imposed by subsections (a) and (b) shall be paid by the person receiving the payment for the transportation or accommodations subject to the tax. Except as provided in section 4263 (a), the tax imposed by subsection (c) shall be paid by the person making the payment subject to the tax.

" '(e) REDUCTION, ETC. OF RATES.—Effective with respect to transportation beginning after June 30, 1980—

" '(1) the rate of the taxes imposed by subsections (a) and (b) shall be 4.8 percent, and

" '(2) the tax imposed by subsection (c) shall not apply.'

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"(b) Definition of Taxable Transportation.—Section 4262 (relating to definition of taxable transportation) is amended—

"(1) by striking out 'subchapter' in subsections (a) and (b) and inserting in lieu thereof 'part';

"(2) by striking out 'transportation' in subsection (a)(1) and inserting in lieu thereof 'transportation by air';

"(3) by striking out 'in the case of transportation' in subsection (a)(2) and inserting in lieu thereof 'in the case of transportation by air';

"(4) by striking out 'any transportation which' in subsection (b) and inserting in lieu thereof 'any transportation by air which'; and

"(5) by adding at the end thereof the following new subsection:

" '(d) Transportation.—For purposes of this part, the term 'transportation' includes layover or waiting time and movement of the aircraft in deadhead service.' "

On page 99, after line 3, strike out:

"Sec. 204. Tax on Transportation of Property by Air.

"Subchapter C of chapter 33 (relating to transportation by air) is amended by adding at the end thereof the following new part:

" 'Part II—Property

" 'Sec. 4271. Imposition of tax.
" 'Sec. 4272. Shipment for export.

" 'Sec. 4271. Imposition of Tax.

" '(a) In General.—There is hereby imposed upon the amount paid within or without the United States for the transportation of property by air from one point in the United States to another, a tax equal to 5 percent of the amount so paid for transportation which begins after December 31, 1969. The tax imposed by this subsection shall apply only to amounts paid to a person engaged in the business of transporting property for hire by air.

" '(b) Transportation of Property Into the United States.—There is hereby imposed upon the amount paid within or without the United States for the transportation of property by air from a point without the United States to a point within the United States, a tax equal to 5 percent of that portion of the amount so paid for transportation (which begins after December 31, 1969) which takes place within the United States. The tax imposed by this subsection shall apply only to amounts paid to a person engaged in the business of transporting property for hire by air.

" '(c) Transportation.—For purposes of this part, the term 'transportation' includes layover or waiting time and movement of the aircraft in deadhead service.

" '(d) By Whom Paid.—The taxes imposed by this section shall be paid by the person making the payment subject to the tax. To the extent that the taxes imposed by this section upon any amount paid without the United States are not paid by the person making the payment subject to such taxes, such taxes shall be paid by the person to whom the property is consigned at its destination within the United States.

" 'Sec. 4272. Shipment for Export.

" 'Under regulation prescribed by the Secretary or his delegate, no tax shall be imposed under section 4271 upon amounts paid for the transportation of property in the course of exportation (including shipment to a possession of the United States) by continuous movement and in due course so exported or shipped.' "

And, in lieu thereof, insert:

"Sec. 404. Tax on Transportation of Property by Air.

"Subchapter C of chapter 33 (relating to transportation by air) is amended by adding at the end thereof the following new part:

" 'Part II—Property

" 'Sec. 4271. Imposition of tax.
" 'Sec. 4272. Definition of taxable transportation, etc.

" 'Sec. 4271. Imposition of Tax.

" '(a) In General.—There is hereby imposed upon the amount paid within or without the United States for the taxable transportation (as defined in section 4272) of property which begins after April 30, 1970, a tax equal to 5 percent of the amount so paid for such transportation. The tax imposed by this subsection shall apply only to amounts paid to a person engaged in the business of transporting property by air for hire.

" '(b) By Whom Paid.—The tax imposed by this section shall be paid by the person making the payment subject to the tax, except that, to the extent that such tax is imposed upon any amount paid outside the United States and is not paid by the person making the payment subject to such tax, such tax shall be paid by the person to whom the property is consigned at its destination within the United States.

" '(c) Determination of Amounts Paid in Certain Cases.—For purposes of this section, in any case in which a person engaged in the business of transporting property by air for hire and one or more other persons not so engaged jointly provide services which include taxable transportation of property, and the person so engaged receives, for the furnishing of such taxable transportation, a portion of the receipts from the joint providing of such services, the amount paid for the taxable transportation shall be treated as being the sum of (1) the portion of the receipts so received, and (2) any expenses incurred by any of the persons not so engaged which are properly attributable to such taxable transportation and which are taken into account in determining the portion of the receipts so received.

" '(d) Termination.—Effective with respect to transportation beginning after June 30, 1980, the tax imposed by subsection (a) shall not apply.

" 'Sec. 4272. Definition of Taxable Transportation, Etc.

" '(a) In General.—For purposes of this part, except as provided in subsection (b), the term 'taxable transportation' means—

" '(1) in the case of transportation by air from one point in the United States to another point in the United States, all of such transportation; and

" '(2) in the case of transportation by air from a point outside the United States to a point in the United States, that portion of such transportation which takes place within the United States.

" '(b) Exceptions.—For purposes of this part, the term "taxable transportation" does not include—

" '(1) that portion of any transportation which meets the requirements of paragraphs (1), (2), (3), and (4) of section 4262(b), or

" '(2) under regulations prescribed by the Secretary or his delegate, transportation of property in the course of exportation (including shipment to a possession of the United States) by continuous movement, and in due course so exported.

" '(c) Excess Baggage of Passengers.—For purposes of this part, the term "property" does not include excess baggage accompanying a passenger traveling on an aircraft operated on an established line.

" '(d) Transportation.—For purposes of this part, the term "transportation" includes layover or waiting time and movement of the aircraft in deadhead service.' "

On page 103, at the beginning of line 22, change the section number from "205" to "405"; on page 104, after line 4, strike out

" 'Sec. 4281. Certain Organizations"; at the beginning of the line following the amendment just above stated, change the section number from "4282" to "4281"; at the beginning of the line following the amendment just above stated, change the section number from "4283" to "4282"; after the material following line 4, strike out:

" 'Sec. 4281. Certain Organizations.

" 'The taxes imposed by sections 4261 and 4271 shall not apply to amounts paid for transportation or facilities furnished to an international organization (as defined in section 7701(a)(18)) or to any corporation created by act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864.' "

At the beginning of line 12, change the section number from "4282" to "4281"; at the beginning of line 19, change the section number from "4283" to "4283"; on page 105, at the beginning of line 5, strike out "no tax shall be imposed under section 4261 or 4271 upon any payment received by one member of the affiliated group from another member of such group for services furnished to such other member in connection with the use of such aircraft", and, in lieu thereof, insert, "the taxes imposed by sections 4261 and 4271 shall not apply to transportation furnished by such member to another member of the affiliated group by the use of such aircraft."; on page 106, line 8, after the word "used", insert "after March 31, 1970,"; in line 20, after the word "used", insert "after March 31, 1970,"; on page 107, line 1, after "4251," strike out "4261," and insert "4261(c),"; after line 8, strike out:

"(4) Paragraph (2) of section 6416(b) (relating to special cases in which tax payments considered overpayments) is amended—

"(A) by striking out '(or under section 4041(a)(1) or (b)(1))' and inserting in lieu thereof '(or under section 4044 on the sale of any liquid)';

"(B) by amending subparagraph (G) to read as follows:

" '(G) in the case of a liquid in respect of which tax was paid under section 4041 on the sale thereof (whether such sale occurred on, before, or after December 31, 1969), if (i) the vendee used such liquid other than for the use for which sold, or resold such liquid, or (ii) such liquid was (within the meaning of paragraphs (1), (2), and (3), of section 6420(c)) used on a farm for farming purposes; except that the amount of any overpayment by reason of this subparagraph shall be reduced by an amount equal to the amount of tax applicable on the use thereof under section 4041 on the date used;' ;

"(C) by striking out subparagraphs (I) and (J); and

"(D) by amending subparagraph (M) to read as follows:

" '(M) in the case of gasoline, used or sold for use in the production of special fuels referred to in section 4041;'."

And, in lieu thereof, insert:

"(4) Subparagraph (M) of section 6416(b)(2) (relating to special cases in which tax payments considered overpayments) is amended to read as follows:

" '(M) in the case of gasoline, used or sold for use in the production of special fuels referred to in section 4041;'.

"(5) Section 6416 (relating to certain taxes on sales and services) is amended by adding at the end thereof the following new subsection:

" '(j) Transportation of Persons by Air.—

" '(1) In general.—No credit or refund of any overpayment of the taxes imposed by sections 4261 (a) and (b) (taxable transportation of persons by air) shall be allowed or made unless the person who paid the tax establishes, under regulations prescribed by the Secretary or his delegate, that he—

" '(A) has not included the tax in the amount paid for the transportation and has not collected the amount of the tax from the person who paid for the transportation;

"'(B) has repaid the amount of the tax to the person who paid for the transportation; or

"'(C) has filed with the Secretary or his delegate written consent of the person who paid for the transportation to the allowance of the credit or the making of the refund.

"'(2) Credit on returns.—Any person entitled to a refund of tax imposed by section 4261 (a) or (b) paid to the Secretary or his delegate may, instead of filing claim for refund, take credit therefor against the taxes imposed by such sections due on any subsequent return.'"

On page 109, line 24, after "4263.", insert "Such section (as so redesignated) is amended by striking out '4261' each place it appears and inserting in lieu thereof '4261 (c)'."; on page 110, after line 2, strike out:

"(3) Section 4261(d) is amended by striking out 'section 4264' and inserting in lieu thereof 'section 4263'."

At the beginning of line 6, strike out "(4)" and insert "(3)"; at the beginning of line 9, strike out "(5)" and insert "(4)"; at the beginning of line 14, strike out "(6)" and insert "(5)"; at the beginning of line 17, strike out "(7)" and insert "(6)"; on page 111, at the beginning of line 3, strike out "(8)" and insert "(7)"; at the beginning of line 10, strike out "(9)" and insert "(8)"; strike out the second paragraph following line 12; at the beginning of the third paragraph following 12, change "(3)" to "(2)"; at the beginning of the fourth paragraph following line 12, change "(4)" to "(3)"; at the beginning of line 13, change the section number from "206" to "406"; after the amendment just above stated, strike out "Registration Tax" and insert "Tax On Use Of Aircraft"; on page 112, after the second line after line one, insert "Sec. 4493. Special rules."; after line one, at the beginning of the fourth line, change the section number from "4493" to "4494"; in line 7, after "(2)", insert "in the case of any aircraft capable of providing a seating capacity for more than 4 adult individuals (including the crew)"; in line 15, after the word "Paid.", strike out "The" and insert "Except as provided in section 4493(a), the"; on page 113, after the material following line 13, strike out:

"'(e) Special Rules for Period Beginning January 1, 1970, and Ending June 30, 1970.—For purposes of this section, in the case of the year ending June 30, 1970—

"'(1) there shall not be taken into account any use before January 1, 1970, and

"'(2) that portion of the tax which is determined under subsection (a)(1) shall be $12.50 in lieu of $25'"

And, in lieu thereof, insert:

"'(e) Special Rules for Period Beginning April 1, 1970, and Ending June 30, 1970.—For purposes of this section, in the case of the year ending June 30, 1970—

"'(1) there shall not be taken into account any use before April 1, 1970, and

"'(2) that portion of the tax which is determined under subsection (a)(1) shall—

"'(A) except as provided in subparagraph (B), be $6.25 in lieu of $25, and

"'(B) not apply in the case of taxable civil aircraft to which the portion of the tax which is determined under subsection (a)(2) does not apply.

"'(f) Termination.—On and after July 1, 1980, the tax imposed by subsection (a) shall not apply.'"

On page 115, after line 14, insert a new section, as follows:

"'Sec. 4493. Special Rules.

"'(a) Payment of Tax by Lessee.—

"'(1) In general.—Any person who is the lessee of any taxable civil aircraft on the day in any year on which occurs the first use which subjects such aircraft to the tax imposed by section 4491 for such year may, under regulations prescribed by the Secretary or his delegate, elect to be liable for payment of such tax. Notwithstanding any such election, if such lessee does not pay such tax, the lessor shall also be liable for payment of such tax.

"'(2) Exception.—No election may be made under paragraph (1) with respect to any taxable civil aircraft which is leased from a person engaged in the business of transporting persons or property for compensation or hire by air.

"'(b) Certain Persons Engaged in Foreign Air Commerce.—

"'(1) Election to pay tentative tax.—Any person who is a significant user of taxable civil aircraft in foreign air commerce may, with respect to that portion of the tax imposed by section 4941 which is determined under section 4491(a)(2) on any taxable civil aircraft for any year beginning on or after July 1, 1970, elect to pay the tentative tax determined under paragraph (2). The payment of such tentative tax shall not relieve such person from payment of the net liability for the tax imposed by section 4491 on such taxable civil aircraft (determined as of the close of such year).

"'(2) Tentative tax.—For purposes of paragraph (1), the tentative tax with respect to any taxable civil aircraft for any year is an amount equal to that portion of the tax imposed by section 4491 on such aircraft for such year which is determined under section 4491(a)(2), reduced by a percentage of such amount equal to the percentage which the aggregate of the payments to which such person was entitled under section 6426 (determined without regard to section 6426(c)) with respect to the preceding year is of the aggregate of the taxes imposed by section 4491 for which such person was liable for payment for the preceding year.

"'(3) Significant users of aircraft in foreign air commerce.—For purposes of paragraph (1), a person is a significant user of taxable civil aircraft in foreign air commerce for any year only if the aggregate of the payments to which such person was entitled under section 6426 (determined without regard to section 6426(c)) with respect to the preceding year was at least 10 percent of the aggregate of the taxes imposed by section 4491 for which such person was liable for payment for the preceding year.

"'(4) Net liability for tax.—For purposes of paragraph (1), the net liability for the tax imposed by section 4491 with respect to any taxable civil aircraft for any year is—

"'(A) the amount of the tax imposed by such section, reduced by

"'(B) the amount payable under section 6426 with respect to such aircraft for the year (determined without regard to section 6426(c)).'"

On page 118, at the beginning of line 1, change the section number from "4493" to "4494"; on page 119, after line 22, insert:

"'(c) Reduction in Case of Payers of Tentative Tax.—In the case of any person who paid a tentative tax determined under section 4493(b) with respect to any aircraft for any period, the amount payable under subsection (a) with respect to such aircraft for such period shall be reduced by an amount equal to—

"'(1) the amount by which that portion of the tax imposed under section 4491 for such period which is determined under section 4491 (a)(2), exceeds.

"'(2) the amount of the tentative tax determined under section 4493(b) paid for such period.'"

On page 120, at the beginning of line 9, strike out "(c)" and insert "(d)"; at the beginning of line 14, strike out "(d)" and insert "(e)"; on page 121, after the material following line 6, insert a new section, as follows:

"Sec. 407. Payments With Respect to Certain Uses of Gasoline and Special Fuels.

"(a) Payments With Respect to Certain Nontaxable Uses of Fuels.—Subchapter B of chapter 65 (relating to rules of special application) is amended by adding after section 6426 (as added by section 406(c) of this title) the following new section:

"'Sec. 6427. Fuels Not Used for Taxable Purposes.

"'(a) Nontaxable Uses.—Except as provided in subsection (f), if tax has been imposed under section 4041 (a), (b), or (c) on the sale of any fuel and, after March 31, 1970, the purchaser uses such fuel other than for the use for which sold, or resells such fuel, the Secretary or his delegate shall pay (without interest) to him an amount equal to—

"'(1) the amount of tax imposed on the sale of the fuel to him, reduced by

"'(2) if he uses the fuel, the amount of tax which would have been imposed under section 4041 on such use if no tax under section 4041 had been imposed on the sale of the fuel.

"'(b) Local Transit Systems.—

"'(1) Allowance.—Except as provided in subsection (f), if any fuel on the sale of which tax was imposed under section 4041 (a) or (b) is, after March 31, 1970, used by the purchaser during any calendar quarter in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes, the Secretary or his delegate shall, subject to the provisions of paragraph (2), pay (without interest) to the purchaser the amount determined by multiplying—

"'(A) 2 cents for each gallon of fuel so used on which tax was imposed at the rate of 4 cents a gallon, by

"'(B) the percentage which the purchaser's commuter fare revenue (as defined in section 6421(d)(2)) derived from such scheduled service during the quarter was of his total passenger fare revenue derived from such scheduled service during a quarter.

"'(2) Limitation.—Paragraph (1) shall apply in respect of fuel used during any calendar quarter only if at least 60 percent of the total passenger fare revenue derived during the quarter from scheduled service described in paragraph (1) by the purchaser was attributable to commuter fare revenue derived during the quarter by the purchaser from such scheduled service.

"'(c) Use for Farming Purposes.—Except as provided in subsection (f), if any fuel on the sale of which tax was imposed under section 4041 (a), (b), or (c) is, after March 31, 1970, used on a farm for farming purposes (within the meaning of section 6420(c)), the Secretary or his delegate shall pay (without interest) to the purchaser an amount equal to the amount of the tax imposed on the sale of the fuel. For purposes of this subsection, if fuel is used on a farm by any person other than the owner, tenant or operator shall be treated as the user and purchaser of such fuel.

"'(d) Time for Filing Claims; Period Covered.—

"'(1) General rule.—Except as provided in paragraph (2) not more than one claim may be filed under subsection (a), (b), or (c), by any person with respect to fuel used during his taxable year; and no claim shall be allowed under this paragraph with respect to fuel used during any taxable year unless filed by the purchaser not later than the time prescribed by law for filing a claim for credit or refund of overpayment of income tax for such taxable year. For purposes of this paragraph, a person's taxable year shall be his taxable year for purposes of subtitle A.

"'(2) Exception.—If $1,000 or more is payable under subsections (a) and (b) to any person with respect to fuel used during any of the first three quarters of his taxable year, a claim may be filed under this section by the purchaser with respect to fuel used during such quarter. No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the quarter for which the claim is filed.

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" '(e) Applicable Laws.—

" '(1) In general.—All provisions of law, including penalties, applicable in respect of the taxes imposed by section 4041 shall, insofar as applicable and not inconsistent with this section, apply in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of overpayments of the tax so imposed.

" '(2) Examination of books and witnesses.—For the purpose of ascertaining the correctness of any claim made under this section, or the correctness of any payment made in respect of any such claim, the Secretary or his delegate shall have the authority granted by paragraphs (1), (2), and (3) of section 7602 (relating to examination of books and witnesses) as if the claimant were the person liable for tax.

" '(f) Income Tax Credit in Lieu of Payment.—

" '(1) Persons not subject to income tax.—Payment shall be made under this section only to—

" '(A) the United States or an agency or instrumentality thereof, a State, a political subdivision of a State, or an agency or instrumentality of one or more States or political subdivisions, or

" '(B) an organization exempt from tax under section 501(a) (other than an organization required to make a return of the tax imposed under subtitle A for its taxable year).

" '(2) Exception.—Paragraph (1) shall not apply to a payment of a claim filed under subsection (d)(2).

" '(3) Allowance of credit against income tax.—For allowance of credit against the tax imposed by subtitle A for fuel used or resold by the purchaser, see section 39.

" '(g) Regulations.—The Secretary or his delegate may by regulations prescribe the conditions, not inconsistent with the provisions of this section, under which payments may be made under this section.

" '(h) Cross References.—

" '(1) For civil penalty for excessive claims under this section, see section 6675.

" '(2) For fraud penalties, etc., see chapter 75 (section 7201 and following, relating to crimes, other offenses, and forfeitures).

"(b) Time for Filing Claims.—Section 6420(b)(2)(B) (relating to gasoline used on farms), section 6421(c)(3)(A)(ii) (relating to gasoline used for certain nonhighway purposes or by local transit systems), and section 6424(b)(1) (relating to lubricating oil not used in highway vehicles) are each amended by striking out 'time prescribed by law for filing an income tax return for such taxable year' and inserting in lieu thereof 'time prescribed by law for filing a claim for credit or refund of overpayment of income tax for such taxable year'.

"(c) Credit Against Income Tax.—Section 39 (relating to certain uses of gasoline and lubrication oil) is amended—

"(1) by inserting ', SPECIAL FUELS,' after 'GASOLINE' in the heading of such section;

"(2) by striking out 'and' at the end of subsection (a)(2), by striking out the period at the end of subsection (a)(3) and inserting in lieu thereof ', and', and by adding at the end of subsection (a) the following new paragraph:

" '(4) under section 6427 with respect to fuels used for nontaxable purposes or resold during the taxable year (determined without regard to section 6427(f)).";

"(3) by striking out '6421 or 6424' in subsection (c) and inserting in lieu thereof '6421, 6424, or 6427'; and

"(4) by striking out '6421(i) or 6424(g)' in subsection (c) and inserting in lieu thereof '6421(i), 6424(g), or 6427(f)'.

(d) Technical and Conforming Amendments.—

"(1) Sections 874(a), 6201(a)(4), and 6401(b) are each amended by striking out 'uses of gasoline and lubricating oil' and inserting in lieu thereof 'uses of gasoline, special fuels, and lubricating oil'.

"(2) The heading of section 6201(a)(4) is amended by striking out 'FOR USE OF GASOLINE' and inserting in lieu thereof 'UNDER SECTION 39'.

"(3) Section 6206 is amended—

"(A) by striking out 'AND 6424' in the heading of such section and inserting in lieu thereof '6424, AND 6427';

"(B) by striking out 'or 6424' each place it appears in the text of such section and inserting in lieu thereof '6424, or 6427'; and

"(C) by striking out 'by section 4081 (or, in the case of lubricating oil, by section 4091)' and inserting in lieu thereof 'by section 4081 (with respect to payments under sections 6420 and 6421), 4091 (with respect to payments under section 6424), or 4041 (with respect to payments under section 6427)'.

"(4) Section 6416(b)(2)(G) is amended by inserting 'before April 1, 1970' after 'if'.

"(5) Section 6416(b)(2)(H) is amended by inserting 'beginning before April 1, 1970,' after 'during any calendar quarter'.

"(6) Section 6416(b)(2)(I) is amended by inserting 'before April 1, 1970' after 'used or resold for use'.

"(7) Section 6416(b)(2)(J) is amended by inserting 'before April 1, 1970,' after 'used or resold for use'.

"(8) Section 6675 is amended—

"(A) by striking out 'GASOLINE' in the heading of such section and inserting in lieu thereof 'FUELS';

"(B) by striking out 'or' before '6424' in subsection (a), and by inserting after 'motor vehicles)' in such subsection ', or 6427 (relating to fuels not used for taxable purposes)'; and

"(C) by striking out 'or 6424' in subsection (b)(1) and inserting in lieu thereof '6424, or 6427'.

"(9) Sections 7210, 7603, and 7604, and the first sentence of section 7605(a) are each amended by inserting '6427(e)(2),' after '6424(d)(2),'. The second sentence of section 7605(a) is amended by striking out 'or 6424(a)(2)' and inserting in lieu thereof '6424(d)(2), or 6427(e)(2)'.

"(10) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting ', special fuels,' after 'gasoline' in the item relating to section 39.

"(11) The table of sections for subchapter A of chapter 63 is amended by striking out 'and 6424' in the item relating to section 6206 and inserting in lieu thereof '6424, and 6427'.

"(12) The table of sections for subchapter B of chapter 65 is amended by adding at the end thereof the following new item:

" 'Sec. 6427. Fuels not used for taxable purposes.'

"(13) The table of sections for subchapter B of chapter 68 is amended by striking out 'gasoline' in the item relating to section 6675 and inserting in lieu thereof 'fuels'.

"(e) Highway Trust Fund Amendments.—Subsection (f) of section 209 of the Highway Revenue Act of 1956 (23 U.S.C., sec. 120 note) is amended—

"(1) by inserting at the end of paragraph (3) the following new sentence: 'This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under sections 6420 and 6421 of such Code with respect to gasoline used after March 31, 1970, in aircraft.';

"(2) by striking out 'GASOLINE AND LUBRICATING OIL' in the heading of paragraph (6) and inserting in lieu thereof 'GASOLINE, SPECIAL FUELS, AND LUBRICATING OIL';

"(3) by striking out '(relating to credit for certain uses of gasoline and lubricating oil) with respect to gasoline and lubricating oil' in the first sentence of paragraph (6) and inserting in lieu thereof '(relating to credit for certain uses of gasoline, special fuels, and lubricating oil) with respect to gasoline, special fuels, and lubricating oil';

"(4) by adding at the end of paragraph (6) the following new sentence: 'This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as attributable to the use after March 31, 1970, of gasoline and special fuels in aircraft.'; and

"(5) by adding after paragraph (6) the following new paragraph:

" '(7) Transfers from trust fund for nontaxable uses of fuels.—The Secretary of the Treasury shall pay from time to time from the Trust Fund into the general fund of the Treasury amounts equivalent to the amounts paid before July 1, 1973, under section 6427 of the Internal Revenue Code of 1954 (relating to fuels not used for taxable purposes) on the basis of claims filed for fuels used before October 1, 1972. This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under such section 6427 with respect to fuels used in aircraft.' "

On page 131, at the beginning of line 12, change the section number from "207" to "408"; in line 23, after the word "after", strike out "December 31, 1969" and insert "March 31, 1970, and before July 1, 1980,"; on page 132, line 6, after the word "after", strike out "December 31, 1969" and insert "March 31, 1970, and before July 1, 1980"; in line 11, after the word "after", strike out "December 31, 1969" and insert "March 31, 1970, and before July 1, 1980"; on page 135, line 24, after the word "after", strike out "December 31, 1969" and insert "March 31, 1970, and before July 1, 1980,"; on page 136, line 3, after the word "under", strike out "title I" and insert "titles I, II, and III"; on page 137, line 1, after the word "after", strike out "December 31, 1969" and insert "March 31, 1970, and before July 1, 1980,"; in line 5, after the word "farms)", strike out "and 6421," and insert "6421"; in line 7, after the word "purposes)," insert "and 6427 (relating to fuels not used for taxable purposes)"; in line 11, after the word "such", strike out "code" and insert "Code"; at the beginning of line 15, strike out "December 31, 1969" and insert "March 31, 1970."; in line 21, after the word "to" strike out "gasoline" and insert "fuel"; in line 22, after the word "years", strike out "beginning after December 31, 1969" and insert "ending March 31, 1970, and beginning before July 1, 1980, and attributable to use after March 31, 1970, and before July 1, 1980."; on page 138, line 15, after the word "section", strike out "207" and insert "408"; in line 16, after the word "of", strike out "1969" and insert "1970"; in line 17, after the word "such", strike out "period, and subsection (f)(3) of this section shall not apply to amounts so transferred"; and insert "period."; in line 23, after the word "section", strike out "207" and insert "408"; in line 24, after the word "of", strike out "1969" and insert "1970"; on page 139, at the beginning of line 1, change the section number from "208" to "409"; on page 140, at the beginning of line 3, change the section number from "209" to "410"; after line 22, insert a new section, as follows:

"Sec. 411. Inclusion of Tax in Air Fares.

"(a) Adjustment of Fares To Include Tax.—The Civil Aeronautics Board (hereafter in this section referred to as the 'Board') shall, as soon as possible after the date of the enactment of this Act, direct each air carrier which is subject to section 403(a) of the Federal Aviation Act of 1958 to file with the Board tariffs showing rates, fares, and charges for the transportation of persons by air which begins after April 30, 1970. Such tariffs shall show the rates, fares, and charges for such transportation as amounts which, after reduction by the amount (if any) of taxes imposed thereon by subsections (a) and (b) of section 4261 of the Internal Revenue Code of 1954, are equal to the rates, fares, and charges in effect for transportation of persons which begins on the date of the enactment of this Act, except that any rate, fare, or charge, shall be adjusted to the nearest multiple of 10 cents. Tariffs filed pursuant to this subsection shall be subject to the provisions of section 403 of the Federal Aviation Act of 1958, except that—

"(1) section 403(c) of such Act shall not apply, and

"(2) the Board shall reject tariffs filed by any air carrier pursuant to this subsection if, and only if, the Board determines that such tariffs are not in compliance with the provisions of section 403(a) of such Act or of this subsection.

"(b) Future Rate Changes, Etc.—Whenever after April 30, 1970, there is a change in the rate of the tax imposed by subsection (a) or (b) of section 4261 of the Internal Revenue Code of 1954, or in the transportation of persons by air which is subject to tax under either such subsection, the Board shall require each air carrier which furnishes transportation of persons affected by such change to file tariffs reflecting such change effective with respect to transportation beginning on or after the effective date of such change. Any such filing shall be subject to the same conditions as provided by subsection (a) in the case of transportation of persons by air which begins after April 30, 1970."

And on page 142, after line 10, strike out:

"Sec. 210 Effective Date.

"(a) General Rule.—Except as provided in subsection (b), the amendments made by this title shall take effect on January 1, 1970.

"(b) Exception.—The amendments made by sections 203 and 204 shall apply to transportation beginning after December 31, 1969."

And, in lieu thereof, insert:

"Sec. 412. Effective Dates.

"(a) General Rule.—Except as provided in subsection (b), the amendments made by this title shall take effect on April 1, 1970.

"(b) Exceptions.—The amendments made by sections 403 and 404 shall apply to transportation beginning after April 30, 1970. The amendments made by subsections (a), (b), and (c) of section 407 shall apply with respect to taxable years ending after March 31, 1970."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum; and may I suggest to the attachés that they call the Senators on their respective sides and ask them to come over for a walk to the House of Representatives.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate (at 12:11 p.m.) took a recess subject to the call of the Chair.

Thereupon, the Senate, preceded by its Secretary (Francis R. Valeo), its Deputy Sergeant at Arms (William H. Wannall), and the Vice President, proceeded to the Hall of the House of Representatives to hear an address delivered by the Honorable Georges Pompidou, President of the Republic of France.

(For the address delivered by the President of France, see today's proceedings in the House of Representatives.)

At 1 o'clock and 9 minutes p.m., the Senate, having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. Hollings in the chair).

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BOGGS. Mr. President, I send to the desk an amendment and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. BOGGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, reads as follows:

On page 55, line 22, strike out "The" and insert in lieu thereof "With the advice of the Aviation Advisory Commission established pursuant to section 301, the".

On page 86, beginning with line 5, strike out all through line 12 on page 87, and insert in lieu thereof the following:

"AVIATION ADVISORY COMMISSION

"Sec. 301. (a) The President, with the advice of the Secretary, shall appoint an Aviation Advisory Commission consisting of the representatives of six Federal agencies concerned in some manner with aviation and a total of ten individuals representing air carriers, general aviation, aircraft manufacturers, airport sponsors, ground access industry, local government, State government, regional planning, local planning and conservation organizations. The President shall appoint a highly-qualified private citizen who can effectively lead such Commission, as Chairman.

"(b) Such Commission shall—

"(1) advise the Secretary in the preparation and revision of the national airport system plan pursuant to section 202;

"(2) prepare a long-range national air system plan for at least the year 1980 or the foreseeable needs of the nation thereafter giving consideration to airport location and size, surrounding land use, terminal arrangements, ground access, airspace use, air traffic control, airline route structure and administrative arrangements, aircraft design, environmental effects, effect on urban areas, and the costs of carrying out the plan;

"(3) report an initial such plan to the Secretary and the President prior to March 1, 1971, or one year from date of enactment of this Act, and make any necessary revisions in such plan thereafter and report such revisions to the Secretary and the President; and

"(4) make such investigations and studies as are necessary to carry out its functions.

In carrying out its duties under this section, the Commission shall establish such task forces as are necessary to include technical representation from the organizations referred to in this section and from such other organizations and agencies as the Commission considers appropriate.

"(c) Members of such Commission who are not regular full-time employees of the United States, shall, while serving on the business of the Commission, be entitled to receive compensation at rates fixed by the Secretary but not exceeding $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

"(d) The Secretary, at the request of the Commission Chairman shall engage such technical assistance as may be required to carry out the functions of such Commission, and the Secretary shall, in addition, make available to the Commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Transportation as the Commission may require to carry out its functions.

"(e) In carrying out its functions pursuant to this section, such Commission may utilize the services and facilities of any agency of the Federal Government, in accordance with agreements between the Secretary and the head of such agency.

"(f) There are authorized to be appropriated from the trust fund such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this section."

Mr. BOGGS. Mr. President, I am happy to report that the distinguished Senator from Hawaii (Mr. Fong) and the distinguished Senator from North Dakota (Mr. Young) would like to be cosponsors of the amendment and I ask unanimous consent that their names may be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOGGS. Mr. President, I rise today to offer my support for this important legislation. The proposed Airport and Airways Development Act of 1969 will contribute greatly to the future of aviation and thus be one of the most essential pieces of legislation this body will consider during this session.

I would like to concentrate my remarks on what I regard as a key section of the bill, the portion that refers to planning and the planning process.

The American people are deeply concerned with the present course of aviation—our cluttered terminals and overworked personnel. Each day they demand more from a system that is already strained by the lack of supporting facilities that has come from a lack of funding and foresight. The people object to local guesswork in airport development. They want, and would welcome an overall air system.

The legislation before us directs in section 202 that the Secretary of Transportation prepare a national airport system plan. It concentrates on the next 10 years, specifying that there be revisions each 2 years.

To achieve this goal, the Senate committee has recommended adoption of section 301, establishing a 15-member Aviation Advisory Committee. The committee would include five representatives of Federal agencies. The committee would be appointed and chaired by the Secretary of Transportation, and it would be available to "advise, consult with, and make recommendations to the Secretary concerning the long-range needs of aviation."

The House of Representatives takes a different approach in its version. It, too, recognizes that many areas of aviation must be consulted for coherent and comprehensive development. The House bill directs the President to appoint a commission consisting of nine top-level representatives of the industry and nongovernmental community. A private citizen would serve as chairman. The commission's assignment would be to design system guidelines by the end of this year.

In comparing these two approaches, I would like to make the following points:

First, if a plan is going to be effectively designed and implemented, it must include the information and views that can be supplied not only by Government, but by the interested and involved parties of the private sector. The best plan can only be made with the best and the greatest amount of information possibly obtainable. An aviation crisis will result if insufficient facts are used in the formation of this plan. We must have a partnership with a common goal. Therefore, a commission properly should represent both the public and private sector.

Second, if the commission is to be effective, it must be given a mission and a deadline. Only with a firm assignment can it accomplish the hardest and most vital part of its work—balancing the basic economic, technological, and social factors while determining the future course of aviation to recommend to the Secretary.

Third, the chairman of any advisory group should be able to devote substantial time to the assignment, and to be able to reconcile the major and diverse interests represented by such a body, while always remaining independent and acting in the best interests of the Nation.

Mr. President, therefore, I offer an amendment that is drawn to achieve this threefold goal. The Commission, as conceived by my amendment, would have 16 members appointed by the President. Six would come from Federal agencies, and 10 from the private sector. The chairman of the Commission would be selected by the President from the private sector.

The Commission would be able to recommend, but not to dictate, specific points to the Secretary for inclusion in the national airport system plan. In addition, the panel would be requested to examine the long-range aspects of aviation in an effort to plan for the future beyond 1980, and would report its findings within 1 year. The Commission would also play an important role in determining the guidelines necessary to protect our environent while allowing aviation to flourish.

In conclusion, the Department of Transportation believes that it can develop a plan for the future on its own—consulting, as it considers necessary, with other Federal agencies, industry, and community representatives. The Department of Transportation must play a central role in the planning process. But as I have said, an effective, comprehensive plan is the mark of the most extensive and complete consultation plus accurate information from those who have a stake in the goal. Such a commission, as I propose, would prove invaluable in this regard, providing a needed consultation with all users. For the national airport system plan is designed for just one end—to serve the people. This can only be assured when all segments of society are assured a role in the planning process.

Mr. President, I mentioned this amendment previously to the distinguished manager of the bill, the Senator from Washington (Mr. MAGNUSON), and to the distinguished ranking minority member of the committee, the Senator from New Hampshire (Mr. COTTON). I sent to the office of each Senator a copy of the amendment with a brief cover letter explaining the amendment and the need for it.

As the matter stands at the present time this section providing a commission or a committee would go to conference. It seems to me that the provision in the bill of the other body would somewhat usurp the duties of the Secretary of Transportation, and actually the commission created in that proposal would dictate the guidelines. It seems to me it goes too far. The committee provision that came from our able Committee on Commerce, on the other hand, is built around the concept that there be an "in-house" committee, so to speak, appointed by the Secretary of Transportation and chaired by the Secretary of Transportation. Therefore, while it would bring in industry and private sector representatives, it would not have the prestige and the overall dignity, perspective, and objectivity that a commission would have if it were appointed by the President and included both Government representatives and private sector representatives.

The proposal I make would overcome both the objections to the House provision and the "in-house" weakness in the present bill. At the same time it would strengthen the goal and objective of this very important and essential legislation.

I would hope that it might be possible that the distinguished manager of the bill, the committee, and the minority representatives would be able to accept this provision. I have had wide support. I bring this matter to the attention of the Senate at this time because of the widespread support I have received on this measure from all over the Nation.

Mr. President, I have no further comments at this time. I reserve the remainder of my time.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. BOGGS. I yield.

Mr. CANNON. Mr. President, I wonder if the Senator would point out specifically, in what particulars, his proposal differs from, adds to, or improves upon the proposal in the present bill, because the proposal as written establishes an aviation advisory committee consisting of 15 members, and provides for broad representation of industry upon it.

Will the Senator point out some of the key methods he believes his proposal improves beyond the provisions of the bill.

Mr. BOGGS. Yes, I would be glad to respond to the Senator's question. As I indicated in a general way, the provision from the Committee on Commerce provides for the appointment of a committee. Therefore, it is considered as having committee status rather than commission status. It would be appointed by the Secretary of Transportation, as an arm of his, so to speak, which he could consult if and when he felt the need to consult with it.

It seems to me that that, in itself, is the weakness that my proposal would try to overcome. My proposal would seek to elevate the committee, to make it more objective, and to strengthen the provision. I do not say it would give more authority, although it would have more influence because it is still advisory to the Secretary of Transportation. There is a close distinction there.

Mr. CANNON. I must say I fail to see it. That is what I would be interested to know. I do not know that calling it a committee or a commission is a meaningful distinction. It seems to me they are set up to accomplish exactly the same thing. In one instance the Secretary is the chairman of the committee and its purpose is to develop long-range plans to study the long-range needs of aviation. It seems to me the Senator is saying that we will appoint a commission to do the same thing. The only distinction I can see is calling it a commission instead of a committee.

Mr. BOGGS. That is a distinction and I think it is an important distinction. There is a difference in the public eye between the connotation of committee and commission.

Mr. CANNON. What is the difference? I do not know myself.

Mr. BOGGS. I would say in this case the Commission is appointed by the President. As we all know, he is the highest duly elected officer of our Government. He is selected by the vote of all the people of the Nation. I would say we would be more likely to obtain persons of greater stature to serve on the commission appointed by the President than we would with an "in-house" committee named by an appointed Cabinet officer. I say that with all due respect to the able Secretary of Transportation. That is one of the big distinctions.

Mr. CANNON. The Senator in his

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amendment provides that the appointment of the commission should be by the President with the advice of the Secretary. We have found that the President sometimes has difficulty in this body where we have the right to advise and consent to appointments; and I would say that certainly if he is going to appoint a commission with the advice of the Secretary, that means the appointees will be people recommended by the Secretary.

Mr. BOGGS. I think the distinguished acting manager of the bill, the very able Senator from Nevada (Mr. CANNON), has put his finger on a very important point that argues in behalf of the proposal I am offering. It is one of the important and valuable purposes of the legislation that we are striving to get by this legislation—an overall national recognition and cooperation in the development of an airport systems plan, just as we have had throughout the Nation in the development of an interstate highway system. It would achieve greater understanding and it would obtain broader participation, I think, to have a commission appointed by the President, rather than having an in-house committee appointed by the Secretary. We will get much more support and strength than we otherwise would get by the committee approach.

I yield to the distinguished Senator from Kansas.

Mr. PEARSON. Mr. President, let me say that I am much in sympathy with what the distinguished Senator from Delaware seeks to do. I introduced similar legislation some time ago.

Mr. BOGGS. And I compliment the Senator on it.

Mr. PEARSON. He has in mind what is distinctly needed for a long-range plan. However, I thought the committee had answered the need by the particular provision we have in the bill. True, it is not appointed by the President, but by the Secretary, but only five members of that 15-member committee can be members of the Federal Government. The rest will have to come from airport and aviation organizations and from the States. To that extent, I do not think we have an in-house committee or commission, or whatever one wants to call it.

I also want to agree with the Senator that this body, whatever it may be, ought to be in an advisory capacity.

I would rather have the committee version than the Senator's proposal because within this bill we have imposed upon the Secretary very important and precise duties to execute within a very short period of time. I make reference first to the cost allocation study which he has to make within 2 years, to ascertain whether the user charges we have imposed are really fair user charges. It was one of the difficulties the committee had in drafting this bill. He has to provide recommendations for a national airport system, and then update it every 2 years. Within 5 years, he must provide a study with respect to the allocation of the trust funds. He also must make a report to the Congress, and so forth.

It is just my feeling that the Secretary, starting on a new endeavor here, with the trust fund and the user charge concept, is going to be pioneering in this field and making studies and recommendations that an advisory committee appointed by himself, whose members may serve from the Federal Government, with the broad representation we have proposed, might well be a better vehicle to do precisely what the Senator from Delaware has worked on so long, and with whose purposes I agree entirely.

Mr. BOGGS. Mr. President, I certainly appreciate the remarks of my distinguished friend, the Senator from Kansas. I know he has studied this question and has held views on it for some time. I respect him in everything he has said. It is just a different point of view. I believe that every point the Senator was kind enough to mention is an argument for the Commission, as I construe it. The Secretary, who has to act by the delegation of responsibility and authority of the bill itself, needs the assistance of the Commission rather than his own in-house committee.

Mr. PEARSON. Mr. President, will the Senator yield further?

Mr. BOGGS. I yield.

Mr. PEARSON. Would the Senator feel that he would have achieved his purpose if the committee were appointed by the President, but the Secretary would be chairman of such committee?

Mr. BOGGS. No, I would not. I think that is a strong point.

Mr. PEARSON. The Senator feels that the merit of the proposal is to completely divorce it from the Department of Transportation and keep it advisory, but set it up as an independent commission?

Mr. BOGGS. Yes, with a mission. An in-house committee appointed by the Secretary does not have any responsibility, unless the Secretary calls on it for recommendations and advice. But this Commission would have a mission and a responsibility to do a job and a deadline within which to do it. It would give the information and advice, and then report to the President and to the Secretary of Transportation. The Secretary could take what he saw fit to take under the law, because it would be his final responsibility.

It seems to me he would have a great bank of knowledge and support on which to stand, with respect to the decisions he would then make. He would be in a stronger position to move forward in the very important development of our airports systems plan, which is so essential to the development and growth of the country, not only in the next 10 years, but many years into the future.

Mr. CANNON. Mr. President, will the the Senator yield?

Mr. BOGGS. I am happy to yield.

Mr. CANNON. It seems to me the proposal of the Senator from Delaware would actually complicate the problem we are trying to resolve, rather than solve it. That is one of the things that concern me greatly. You propose to set up an independent commission, accountable to the President, with another civilian head, which amounts to another proliferation of authority. I notice the provision to appropriate not to exceed $2 million from the trust fund to finance the Commission which means we are going to siphon some of the trust fund moneys for the purpose of establishing another little bureaucracy.

If the Senator would feel better if we called what we have proposed a commission instead of a committee, I would have no objection to that, because I think that is the only meaningful distinction.

Certainly, the Secretary will use the advisory committee we have provided for in the bill to aid him in carrying out his responsibilities. The responsibilities the Senator seeks to give the Advisory Commission are responsibilities that are imposed by law on the Secretary now. I think we will have some confusion there if we are going to try to say, "This commission has the responsibility, but the law says the Secretary has." We are going to get into a problem of proliferation and scattering of responsibility with a sort of shotgun approach that I think is going to be disadvantageous.

Mr. BOGGS. I thank the distinguished acting manager for his views. I am glad to have them. I can understand his reaching that conclusion at first glance. But consider what we will be faced with when this legislation, assuming the proposed amendment I have offered is not adopted, goes to conference. That is one of the reasons why I was encouraged to offer the amendment. I think it will be a help to the conferees at the time of the conference. Certainly the provision in the bill passed by the other body is absolutely dictatorial. I think it usurps the power delegated in the bill to the Secretary, and I believe it would really hamper the Secretary in carrying out his duties. I do not see how he could really operate under it.

On the other hand, as I have said, the provision in the pending bill goes to the other extreme. It is an in-house—and, I think, weak—provision.

So I believe there is going to have to be some compromise. It was my hope and belief that the proposal I have suggested might be a happy solution to this problem. It would provide the flexibility for developing the airport systems plan, with the responsibility remaining, as it should be, with the Secretary of Transportation. But it would also have the assistance of the very highest level of consulting an advisory personnel representing every segment of our society involved. It would have in their counsel, information, knowledge, and experience, the know-how that would be necessary to develop the very best and finest airport systems plan, as we move on into the future.

There are many complicated problems involved in it, as the distinguished Senator knows.

Mr. CANNON. Will the Senator yield further?

Mr. BOGGS. I yield.

Mr. CANNON. I think the Senator's proposal is much more like the House provision. We are going to have more leeway in conference if we adopt the Senate provision than if we adopt the amendment of the distinguished Senator from Delaware, because the House bill does provide that:

> There is hereby established a National Air System Guidelines Commission (hereafter in this subsection referred to as the "Commis-

> sion"). The Commission shall be composed of nine members appointed by the President from private life as follows—

And so on.

Mr. BOGGS. That is right.

Mr. CANNON. The duties of the Commission, in your amendment it seems to me, are similar to those proposed in the House bill. The committee considered this and did not adopt that approach. We did not like that approach.

Mr. BOGGS. My comment would be, if the Senator will yield, that the bill before us, the House bill, would appoint nine members from the private sector, not tied into Government agencies at all. So it is just the private sector, and it simply says, reading on page 12:

> It shall be the duty of the Commission—
>
> (A) to formulate guidelines for the national airport system plan described in subsection (a) of this section and for surrounding land uses, ground access, airways, air service, and aircraft compatible with such plan;
>
> (B) to facilitate consideration of other modes of transportation and cooperation with other agencies and community and industry groups as provided in subsections (b) through (g) of this section.

It is not advisory, as I read that provision. It has a duty to perform, and it is in conflict, certainly, with the responsibilities of the Department of Transportation.

But the Senator is certainly correct; it would be in conference with the present Senate provision, as well as with the proposal I offer here.

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I would hope, at least, that the manager of the bill and the conferees on behalf of the Senate would be strengthened in their position in conference by the concept of the amendment I have been privileged to propose, together with other Senators.

Mr. CANNON. Mr. President, I would simply say that if the Senator would feel better about it, I would have no objection to calling it a Commission rather than a committee, and I would have no objection to modifying the committee's recommendation to allow that the members of the Commission "be appointed by the President, with the advice of the Secretary."

But from that point on, I do not think we should get into the problem here of trying to give this Commission the obligation and the authority to carry out duties that are imposed by law on the Secretary. He is the man who is responsible, and he is the man who ought to be the chairman of that Commission or committee, whatever we call it, because we are going to look to him to carry out this job.

Mr. BOGGS. That is right.

Mr. CANNON. And he has a tremendous job ahead of him.

Mr. BOGGS. That is correct.

Mr. CANNON. I do not want to see some independent agency or commission making his decisions. This is a job we have to get on with, and if those modifications would be satisfactory to the Senator, I would be happy, as I say, to call it a Commission, and to say that it should be appointed by the President with the advice of the Secretary.

Mr. BOGGS. I thank the Senator for his suggestion, and I would be inclined to agree, except for one other point which I have in mind. Would the Senator be willing to take an amendment that the chairman of the Commission be from the private sector, rather than the Secretary?

Mr. CANNON. I think that would only complicate the problem. It would complicate the problem if we make some outsider the chairman of a commission to do the same thing that the Secretary is charged by law with doing. I think that is the only major distinction, and the major problem is that we would then be giving someone else the responsibility to do the Secretary's job.

If we give the Secretary an advisory commission, and he is the chairman of it, and that commission is appointed from a broad segment of the industry and government concerned with this problem, then, in his position as chairman, I think he and they can formulate and come up with a meaningful plan and a program that would be helpful over the years.

I should like to hear the views of our distinguished colleague from Kansas (Mr. PEARSON), who has worked so hard on this bill. I know he has some strong feelings on this point.

Mr. PEARSON. Mr. President, as I stated before in colloquy with the distinguished Senator from Delaware, I am in agreement, and have introduced legislation similar to his. That was at a time that we did not have this proposal before us.

The distinction, as I see it, is in the name of the body, whether it be called a committee or commission, and the independence that the Senator attaches to it.

I do not feel that I can concur with him on the independence he attaches to it. This does not seem to be an in-house committee to me. It seems to me that as far as the Secretary is concerned, with regard to the cost allocation study, the national airport study, and the allotment or proportion study which have to come in, this necessarily would have to be an advisory committee.

Mr. BOGGS. I agree.

Mr. PEARSON. Or very close to it, to fulfill its responsibilities.

I simply think, with all deference to my colleague, who has been associated with this subject for a long time and has made a substantial contribution, that the committee's judgment is best here, considering the total provisions of the bill and the steps it makes toward planning for the next 10 years.

Mr. BOGGS. I thank the Senator. As to the suggestion of the distinguished manager of the bill (Mr. CANNON) to amend the committee proposal to call this a commission, and have it appointed by the President, I feel inclined to accept his suggestion and withdraw my amendment, if we can do that. I think that would strengthen the Senate position in conference.

Mr. PEARSON. Will the Senator yield?

Mr. BOGGS. I yield.

Mr. PEARSON. With the provision that the Secretary becomes a member of the commission or committee.

Mr. BOGGS. I understand that, yes.

Mr. CANNON. He is the chairman.

Mr. BOGGS. He would be the chairman, and I think that would strengthen the Senate's position in conference. I think the appointing of the Commission members as a commission rather than as a committee denotes greater prestige and authority. The appointment by the President, I think, also adds strength to it as well, in the attainment of the objective which we are all seeking here.

I will say to my friend from Nevada (Mr. CANNON) that if those changes can be made, I would ask unanimous consent to withdraw my amendment.

Mr. CANNON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOGGS. Mr. President, I ask unanimous consent that the amendment that I previously offered be withdrawn at this time.

The PRESIDING OFFICER. The amendment is withdrawn. Unanimous consent is not necessary.

Mr. CANNON. Mr. President, I have conferred with the distinguished Senator from Delaware and have agreed that we can modify the committee language as follows, and the Senator from Delaware proposes this as an amendment:

On line 5, page 86, strike the word "committee" and insert "commission".

After section 301(a), on line 6, strike the words "the Secretary" and insert in lieu thereof "the President with the advice of the Secretary".

On line 7, strike the word "committee" and insert the word "commission".

Throughout the remainder of section 301, wherever the word "committee" appears, strike "committee" and insert in lieu thereof "commission".

On line 20, page 86, change the period to a comma and insert "and the national airport system plan."

That is what we have worked out with the distinguished Senator from Delaware. It is my understanding that he is offering that as an amendment now.

The PRESIDING OFFICER. Does the Senator from Delaware submit that as an amendment?

Mr. BOGGS. I submit that as an amendment, Mr. President, and hope it will be accepted, as suggested by the manager of the bill. I express my appreciation to him and to the members of the committee who have participated in this discussion.

Mr. CANNON. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with, based on that explanation.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

> On page 86, line 5, after the word "Advisory", strike out the word "Committee" and insert "Commission"; in line 6, after the word "The", strike out the word "Secretary"

and insert "The President with the advice of the Secretary"; in line 7, after the word "Advisory," strike out "Committee" and insert "Commission"; in line 8, after the word "the", strike out "Committee" and insert "Commission"; in line 17, after the word "the", strike out the word "Committee" and insert "Commission"; in line 20, after the word "requirements", strike out the period, insert a comma and "and the National Airport system plan."; in line 21, after the word "such", strike out "Committee" and insert "Commission"; on page 87, line 7, after the word "such", strike out "Committee" and insert "Commission"; and in line 9, after the word "the", strike out the word "Committee" and insert "Commission".

The **PRESIDING OFFICER**. Without objection, the amendments will be considered en bloc.

Mr. **CANNON**. On behalf of the committee, I am willing to accept the amendment of the Senator from Delaware.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. **DOMINICK**. Mr. President, I send to the desk 2 amendments to the pending bill and ask that they be printed.

The **PRESIDING OFFICER**. The amendments will be received and printed, and will lie on the table.

Mr. **DOMINICK**. Mr. President, while I have the floor, I should like to ask a couple of questions of the manager of the bill or the distinguished Senator from Kansas.

Is there anything in this bill—if the manager of the bill does not mind commenting on this—which would reflect the need for environmental quality in the location of airports? I invite the Senator's attention to the bill I introduced earlier, which would have banned all jets from National Airport because of the noise factor and because of the 40 tons of pollution per day that they pour over Washington, D.C.

Unfortunately, we have not had time to have any hearings on that bill. A great number of people would like to be heard in favor of the bill, but obviously this is going to be a very complex and a very difficult bill to get passed.

I should like to know, however, in determining the location of new airports, whether we have built into this measure anything to do with the environmental quality of the country.

Mr. **CANNON**. I am happy to answer the Senator from Colorado.

This matter is covered in the report of the Committee on Commerce on page 36, under the heading "Environment Protection." I read:

> The Committee is concerned that airport development proceed with all due caution and concern for protection of the environment. Factors such as noise, air and water pollution, site selection consonant with the environmental surroundings and preservation of natural beauty should be taken into account.
>
> Section 206(d) (3) of this bill requires that the Secretary shall not approve any project application unless and until he is satisfied that fair consideration has been given to the preservation and enhancement of the environment and to the interest of communities in or near which the project may be located. In addition, the bill requires that legal notice be given, in the Federal Register, of the pendency of any project application in order that all project applications become a matter of public record.
>
> The Committee bill retains the provisions for public hearings provided in the Federal Airport Act of 1946.
>
> The Committee believes that should any project application for airport development assistance be objected to by any party with interest in the matter, the Secretary must have the primary responsibility to see to it that a fair and impartial hearing is afforded to ensure that the rights of all interested parties will be protected.

Mr. **DOMINICK**. I thank the Senator from Nevada.

I have an increasing concern over this. I might add that not only is it applicable to Washington, D.C., but also, as the Senator well knows, we have problems even with the supersonic airplane which is being developed, as to what it is going to do to our environment as a result of the contrails it may leave up there, which do not dissipate because there is no wind.

As I have said, I think the need for doing this is of the utmost importance in our overall battle for environmental quality.

Mr. **PERCY**. Mr. President, will the Senator yield?

Mr. **DOMINICK**. I yield to the Senator from Illinois.

Mr. **PERCY**. I should like to stress the importance of the remarks of the distinguished Senator from Colorado.

We have need in the Chicago area for a third airport. Serious consideration is being given to placing it right in Lake Michigan. In fact, the mayor of the city of Chicago has taken a position in favor of this. Despite a month of research, I cannot find whether one bit of technical consideration has been given to what it would do to the lake or what it would do to the environment.

Citizens in the whole Southside of Chicago are protesting the lake location, because it would put planes right over heavy concentrations of residential areas and cause noise pollution.

We do not know what such an airport would do to the ecology of the lake. We do not know what the construction of the airport in the center of the lake or in the offshore area would do.

I am delighted to hear from the Senator from Nevada that according to this bill such airport projects could not go ahead in the future with Federal funds unless full consideration had been given to its effect on the environment.

Mr. **CANNON**. I thank the Senator for his remarks. I may say that my understanding is, there is to be offered during the course of the hearings on the bill an amendment relating specifically to the environmental problem.

Mr. **MAGNUSON**. I was going to say that I think the Senator will be satisfied—although there are several different points of view on this—with it. We did not want any unconscionable delays in necessary airport development; however, we do want environmental safeguards and I think the Senator will be satisfied with the amendment. First, on major projects, under the new amendment, there have to be hearings before Federal grants are considered. If we had made grants first and then held hearings, of course, all parties would have their feet in concrete. I think that such an amendment like Senator HART will offer is absolutely necessary in the bill.

Mr. **DOMINICK**. My understanding is that airport development, as defined in section 201, means not only new airports but also new improvements in existing airports. Is that correct?

Mr. **CANNON**. If a project application is made under provisions of the bill, then the environmental provisions in section 206 would apply either to new or existing airports for which grants were requested.

Mr. **DOMINICK**. I understand that. Suppose money is appropriated under the Federal Airport Act, do the provisions in the bill apply to that, so that the money being used under the Federal Airport Act will come within the restrictions in the bill?

Mr. **CANNON**. The Senator is correct. The bill would require that the Secretary should not approve that project, when the application is made, unless and until he is satisfied that fair consideration has been given to the items we have been discussing, that is, the preservation of the environment. I think that is adequate provision for protection to those people close to airports.

Mr. **DOMINICK**. Could I ask one more question? I will try to get the record clear and make sure that my interpretation is correct.

Since this is a public airport, is a public airport something more than an airport where certificated carriers land? In other words, is a county airport or a municipal airport, or anything of that kind, considered to be a public airport, even though certificated carriers do not come in?

Mr. **CANNON**. Yes. There need be no certificated carriers coming in. Under the bill, we provide funds for reliever airports for general aviation aircraft—for airports serving certificated carriers and for general aviation airports. However, if an airport is not a public airport, it would not be eligible for assistance under this act, anyway.

Mr. **DOMINICK**. We have around Den-

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ver now a number of so-called reliever airports which have been put in under the Federal Airport Act, or put in by the county, or by a conglomeration of counties. As such, I wanted to be sure they would be eligible for whatever it is they need. Some of them, I know, badly need either towers or new landing approaches or both in order to be able to assist in taking the load off the Denver International Airport, Stapleton.

I thank the Senator from Nevada very much for his comments.

Mr. MATHIAS. Mr. President (Mr. CRANSTON in the chair). I should like to direct the attention of the Senator from Nevada, and perhaps the Senator from Louisiana (Mr. LONG), to page 97 of the bill, which provides for the imposition of an airport tax.

I think I thoroughly understand the basis for the tax and the need for it.

The question has been raised actively with me—and I am sure with other Senators—as to whether there should be any expression of comity among the Federal Government and State and local governments on the imposition of this tax for public officials at any level of government traveling on public and official business, and as to whether this type of tax should be imposed upon the State governments themselves.

I am wondering whether the Senator from Louisiana would care to comment on that.

Mr. LONG. Mr. President, it was the feeling of the Finance Committee that if we were going to raise a lot of money with a tax—and we plan to raise a lot of it in the bill—it would be better to levy a tax to apply across the board to everyone, to have no exceptions, and to keep it as simple as possible; and also to have a tax so that the public will know what the total price will be on their fare with the tax included.

The Senator is well aware of the fact that as it stands today, if we pick up a newspaper, we read an advertisement of an airline that, say, flying from Friendship Airport to New Orleans will cost $50. But, it is not $50. It is $50 plus the tax.

When someone goes to the airport and puts down the $50, the little girl behind the counter will multiply that by 5 percent to get the tax, and add it on to the ticket, and that will be the total price. Meanwhile, people are standing in line waiting for her to do the arithmetic.

The airlines are justified in advertising their rates without the tax. But we feel it would be better, if we are going to levy a tax, rather than having people standing in line while someone computes the fare plus the tax, merely to levy the tax and put it right on the airline. As a result, this bill's tax provisions would increase the passenger tax to an equivalent of about 8 percent, and the airline will include the tax in its price for the ticket, without any exceptions, from now on.

With all due deference to Governors and State employees, in most instances, when they come up here, the States will be paying for it, anyway.

In many instances, the present law's exemptions are being claimed where the State's employees have no right to claim them. So far as I am concerned, Government people have a certain number of trips coming to them and the rest of the trips are theirs. They should be paying the tax themselves.

Then there is the problem of professors. Here is a professor of a State University and he would claim a tax exemption as a State employee because he is a professor at a State university. There is a man standing behind him, who is traveling with him, but he is a professor at a private college. The private colleges come in and say they are being discriminated against, that the State university is a lot better able to pay than a private college; yet the professor at a State university has a tax exemption which does not apply to the professor of a private college.

We bypass all of that. The Finance Committee said, "Why not put the tax on the airlines and let them pass it on to the customers, so that the airlines will pay the tax. Then we will not argue about any passenger having a tax exemption, whether he be a member of the clergy, the Red Cross, a State employee, or a Governor or a Federal employee." If the State thinks it is worth sending a man up here, the State should pay for the entire fare, including the tax.

In addition, may I say to my good friend from Maryland, a great deal of the money we are raising will be given to the States to begin with, so that I do not see why the States should complain about paying their share, as users of the system, which is about all we are talking about here.

Mr. MATHIAS. Mr. President, I gather from the helpful statement of the Senator from Louisiana that he would oppose adoption of any amendment which would provide such exemptions.

Mr. LONG. I would certainly hope that the Senate would not vote for such an amendment. Once we start making exceptions, we set the stage again for what I regard as misleading advertising such as appears now in every major newspaper.

We see an advertisement to the effect that it would cost $50 to fly someplace. It is a misadvertised price, because the man will not get there for that amount of money. There is a tax that goes on top of that price. And when we add the tax, it is then more than $50.

I think that everyone would be satisfied if everyone is treated the same.

I know that I have stood in line and somebody would say: "Are you claiming a tax exemption"? I never do. I know that everyone thinks, "There is an American public official living on our money, and he is claiming a special exemption." Other people do not get it, and they resent it.

In this case, I do not see how a Governor can claim that he should be exempt when it is not a tax on him. It is a tax on the airline.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. PEARSON. Mr. President, the Senator from Louisiana has expressed the attitude of the Finance Committee.

I do not know whether this is terribly important, but from the trust fund about $300 million will be paid out for airports. This breaks down to $270 million for the certificated air carrier and reliever airports and $30 million for general aviation airports.

Out of the $270 million, $90 million is apportioned to the States for aviation. But the next $90 million has another basis for apportionment and that involves enplaning of passengers.

I do not know whether there are enough State government people or Federal Government people all over the United States to make up for that ratio. But that is part of the reason, perhaps, that all Government employees are not given the exemption, which they had in former years.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. HANSEN. Mr. President, the chairman of the committee has very effectively described the circumstances which prompted the Committee on Finance to remove all exemptions from the air travel tax. While I have been a member of the committee only a short while, I was struck by the broad agreement within the committee on deleting these exemptions.

I would like to add these thoughts to what the chairman has already said. The committee discussed this amendment at considerable length; and during our discussion instances were recalled where Government officials have been criticized publicly at airports and aboard airlines for the favored status they received by virtue of this exemption. Other instances were described where long lines of angry and disgruntled passengers backed up at ticket counters while the clerks were working desperately to verify the tax exemption being claimed by some minor Government official who may or may not have been actually traveling on official business.

There is no reason for that sort of favoritism in the transportation tax, nor is there any reason why we should continue a situation which disrupts the orderly flow of passengers through an airport. These incidents reek of unfairness and breed contempt for the entire tax system.

These are some of the reasons why the committee felt it appropriate to end all the exemptions, but there is another important reason. Unlike the present law which imposes the tax on the purchaser of the ticket, the committee bill imposes the tax on the airline receiving the payment for the ticket. The difference, I think, is rather important. The tax is not imposed on the State or local government. It is imposed on the airline.

Moreover, I am convinced that if we approve that exemption, we would be opening a Pandora's box. Once an exemption to a tax is permitted, there is no end to the request and adoption of exemptions to benefit others. And in many cases these exemptions can be justified on the basis of the original exemption.

My own State of Wyoming has experienced this situation. When my good friend and distinguished predecessor in

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this body, Milward Simpson, became Governor of Wyoming he insisted that all the exemptions to Wyoming's tax laws which benefited various groups be repealed. These exemptions had undermined the tax base, and he knew if the exemption remained for some, they could validly be requested by others. Governor Simpson prevailed. And it was the State of Wyoming which benefited. The same case is before us today, and all of the exemptions should be abolished.

The whole purpose of the airways user tax is to provide funds for the construction of new runways and air guidance systems in the States. The added tax revenues from the industry and new job opportunities this legislation will create will be far more rewarding to the States and will greatly exceed the small increase in air charges they may have to pay because of the loss of their exemption. Let us recognize that the committee bill is vastly more beneficial to the States than it is detrimental.

It seems to me that if we are going to have a user charge concept underlying this tax, then it should be a charge on all the users of the airlines; and I note for the record that the committee bill taxes travel by Federal officials just as it taxes travel by State officials. It even taxes the Federal mail. I see no reason why the State and local governments should be placed in a more favored status under a Federal tax than the Federal Government itself occupies.

I support the committee bill, and I urge that the amendment be rejected.

Mr. MATHIAS. Mr. President, I should like to ask the Senator from Louisiana to make the record crystal clear whether these funds end up in the trust fund.

Mr. LONG. The Senator is correct.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. PROUTY. Mr. President, over the years as a member of the Aviation Subcommittee of the Commerce Committee, I have watched with concern the increase of problems affecting our national airport and airway system. During the last few years my concern has increased as the amount of money available for expenditures under the Federal Airport Act of 1958 has dwindled to almost an insignificant amount.

Last year, for example, the Federal Government provided only $30 million in grants to airports throughout the country.

Naturally, Mr. President, local communities and State governments kept our airports operating by contributing significantly more. The State commitment particularly for this fiscal year is impressive—43 States had a total of nearly $179 million available for airport development during this current fiscal year.

I ask unanimous consent, Mr. President, to insert a chart which gives a State-by-State breakdown of the amount of money which is presently being spent by the States for the development of aviation.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

STATE OWNED AIRPORTS

State	Served by CAB certified carriers	Not served by CAB certified carriers	State funds available for airport development, fiscal year 1970
Alabama		4	$350,000
Alaska[1]	283	215	35,000,000
Arizona			200,000
Arkansas			125,000
California		1	[2] 1,900,000
Connecticut	2	3	7,000,000
Georgia		2	250,000
Hawaii[3]	12	2	71,952,000
Florida		3	
Idaho		30	268,000
Illinois	[4] 1		8,458,000
Iowa			200,000
Kentucky		3	1,225,000
Louisiana		1	500,000
Maine	1	2	[5] 3,447,500
Maryland	(6)		1,300,000
Massachusetts[7]	2		500,000
Michigan	1	4	4,100,000
Minnesota			4,000,000
Mississippi	1		87,500
Missouri	[8] 1		200,000
Montana	1	11	248,000
Nebraska		5	600,000
New Hampshire		1	750,000
New Jersey			(9)
New Mexico		5	127,000
New York			[10] 17,500,000
North Carolina			250,000
North Dakota		2	100,000
Ohio			4,000,000
Oklahoma			150,000
Oregon		43	675,000
Pennsylvania	3	2	1,000,000
Rhode Island[11]	1	4	2,800,000
South Carolina	2	19	906,985
South Dakota			778,000
Tennessee			1,350,000
Texas		3	650,000
Utah			1,700,000
Vermont	3	8	360,000
Virginia			2,500,000
Washington		13	125,000
West Virginia			500,000
Wisconsin			700,000
Wyoming			126,500
Total	314	377	178,959,485

[1] Alaska owns and operates all public-owned airports in State, except 2.

[2] California will also pay $200,000 in 1970 for Decca system—part of a 3-year, $600,000 test of system for low level navigation.

[3] Hawaii owns and operates all public-owned airports and heliports in State.

[4] Illinois constructing new airport, to be owned by that State but primarily to serve St. Louis, Mo. metropolitan area.

[5] Legislative action on airport development funds not yet completed.

[6] State presently contemplating purchase of Baltimore-Friendship airport.

[7] Two airports operated by Massachusetts Port Authority. Legislation stipulates that Authority is branch of State government.

[8] Airport to be opened in fall of 1969—air carrier service expected within a year.

[9] New Jersey will request $1.5 million for airport development when legislature convenes in 1970.

[10] Amount obligated from $50,000,000 available.

[11] Rhode Island owns and operates all public-owned airports in State. Legislative action on airport development funds not yet completed—part of a 10-year long-range program totaling $28 million. An additional $1.7 million will be available for operation, maintenance, and minor improvements.

Mr. PROUTY. Mr. President, while the financial contributions of States and local governments made our aviation system one of the best in the world, it has nevertheless become abundantly clear that many of the problems, such as congestion, safety, and lack of adequate landing strips, have grown to the point where the Federal Government must take on a much greater share of the burden and responsibility for preserving our national air transportation system.

Ironically, Mr. President, our national prosperity and affluence are probably responsible for many of the problems facing aviation today. For example, in the past 7 years the number of passengers carried by the scheduled airlines in the United States has increased from 62 million to 153 million. During this same period of time, the assets of scheduled airlines have increased from $3.8 billion in 1961 to $11 billion in 1968. This tremendous growth in passenger transportation by the airlines has created pressures on the durability of our entire airport and airways system.

Mr. President, I suspect that every Member of this body has personally experienced some of the problems which are facing our airport-airways system. Just last week, for example, I found myself in a major metropolitan city with the almost impossible task of getting a seat on an airline in order to return to the Nation's Capital. It has almost become fashionable, Mr. President, for the topic of conversation by those of us who use air transportation to be more frequently centered around the length of time we had to circle New York City or National Airport. This contrasts sharply with conversation of a few years ago which used to center around the wonders of fast, efficient air transportation between major cities of the United States.

During the hearings conducted by the Committeee on Commerce, both in this Congress and the last Congress, it became abundantly clear that if we were to advance in air transportation, we would have to provide some mechanism whereby the necessary funds could be assured for State development. The bill before us to day, Mr. President, faces up to the problem and creates a trust fund which will help solve problems facing aviation inasmuch as badly needed dollars will be earmarked for the development and improvement of airports and airways.

In my individual views in the committee report on S. 3108, I pointed out that overall I was pleased that the Senate Committee on Commerce had decided on a piece of legislation which faces up to the shortcomings of the National Government's participation in the maintenance of our national aviation system. In these same views, Mr. President, I also pointed out that this piece of legislation, while representing a major step toward determining the kind of airport/airway system we will have in the 21st century, does not offer a panacea to all the problems facing the development of airports/airways. States and localities will continue to be the major source of financing for this most important link in our national transportation system.

For that reason, Mr. President, I attempted to restore a provision of the bill which would have encouraged the 23 States which do not have channeling laws to enact them. The provision I fought for in the committee is substantially the same as the amendment which I understand will be offered by the distinguished Senator from Florida (Mr. GURNEY). I congratulate him on his amendment and will do all that I can to help obtain the support of the majority of the Senate for its adoption.

The States have long been active in the field of aviation development and regulation. It is believed that the first aeronautical law of regulation in the world was enacted by the State of Connecticut on June 8, 1911. This was entitled: "An

Act Concerning the Regulation, Number, and Use of Air Ships, and the Licensing of Operators Thereof." The first U.S. Air Commerce Act was adopted in 1926.

Forty-eight States currently have a department, commission, or similar agency to administer aviation and airport programs. A majority of these agencies were created under laws patterned after a "Model State Aeronautics Commission or Department Act" which was prepared jointly by the National Association of State Aviation Officials, the then Civil Aeronautics Administration—now Federal Aviation Administration—and the Council of State Governments.

The "State Channeling of Federal Aid Airport Funds Act," another model State act which was developed by the same three State and Federal organizations, supplements the aeronautics commission or department act, and is designed to facilitate full implementation of the Federal Airport Act of 1946, as amended.

This is not a new problem, Mr. President. Back in 1946 when the Federal Government for the first time began to accept a major responsibility in the development of air transportation, Col. Alvin B. Barber, testifying before the Committee on Commerce best articulated the need for channeling local grant applications and local planning through an effective State aviation agency. In May of 1945, he stated:

> We wish to emphasize the superior effectiveness of a system in which there will be such an airport organization in each State with close knowledge of the territory, its needs and resources, and with primary responsibility for the airport program within that State. Such a system will be characteristically American, with a free rein given to the airport agencies in different States to improve their techniques and to develop projects, subject to the approval and coordinating control of the Federal authority in the national interest, a control which will easily take care of any needs of interstate commerce requiring special attention. Actually airport development up to this time has been very largely devoted to meeting interstate air transport needs and while further improvements will be required we do not regard this as the primary objective of a Federal-aid airport program. This objective, we believe, should be a balanced program to meet all needs including those of fixed-based operations and personal flying.
>
> In considering ways of best securing progressive and balanced airport development we have in mind the fact that almost from the beginning one of the strongest influences in highway improvement has been through the technical studies and varied experimental work conducted by the different State highway departments, all their information being pooled and interchanged among them in an organized manner under the general supervision of the former Bureau of Public Roads, now the Public Roads Administration. Furthermore, the greatest recent advances in highway work have been the outgrowth of the cooperative State-Federal highway planning surveys conducted in the middle thirties and we believe there is a vital need for similar decentralized, yet coordinated, surveys and planning for airports. Experience shows that it is much easier to build up competent technical service in the State organizations than in a vast number of independent municipalities with only such coordination as can be supplied from a national organization.

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I agree, Mr. President, that it is somewhat odd, both in committee and on the Senate floor, that we should have to devote so much time to a part of this bill which represents but a $5 million annual expenditure as compared to the overall expenditure which approaches one-half million dollars. However, Mr. President, I am firmly convinced that the amount of money available is less important than the principle which is embodied in the encouragement of State channeling.

In my individual views, I pointed out that it was strange that many who recognize the need for close coordination and cooperation in the areas of transportation programs within the Federal Government seem unwilling to encourage closer cooperation and coordination between the Federal Government and the States. President Nixon in his administration has set about the very difficult task of reestablishing effective and meaningful State relationships. The bill that he sent to the Senate in June of 1969 contained a provision to encourage the channeling of funds through State agencies. The Department of Transportation in letters both to the Senate Commerce Committee and individual Senators, reaffirmed the President's desire to have in this very important piece of legislation a section devoted to better Federal-State relationships. That section, Mr. President, is the one embodied in the amendment to be offered by the Senator from Florida (Mr. GURNEY). I feel that it is essential in order to make this legislation really viable.

There are several other features of the legislation which I believe should be carefully examined and reevaluated by the Senate as we now debate this bill. First, section 204 of the bill proposes a 10-year program with both fixed authorizations for airport development and contract obligation authority to the Secretary of Transportation for airway development. The bill passed by the other body envisioned a program of but 3 years so that Congress would not become locked into features which in their application may prove to be ineffective.

I am hopeful that the Senate will amend section 204 so that a 5-year program can be envisioned and the role of our Senate Appropriations Committee may be preserved.

Finally, Mr. President, I am particularly concerned about the provision to permit the use of airport development funds for terminal areas. As you know, under the present Federal Airport Act money is available for runway improvement, landing areas and so forth. However, money is not made available for building fancy terminals which in most cases are self-sustaining. Money is not available for fancy administration buildings or parking lots which also more than pay for themselves.

Now, Mr. President, I gave this matter a great deal of thought before we decided that we should not extend Federal airport grants into terminal areas. I do think there is a basic problem here, particularly in smaller cities which perform a function of providing a vital link in our overall national transportation system.

During the hearings I expressed my concern about the unavailability of comprehensive and accurate financial statements from all of the commercial airports in this country. To me, the only basis for providing Federal assistance for airport terminal areas would be on the basis of financial need. Such a concept has not been a part of the grant formulas under either the Federal Airport Act or the Federal Aviation Act. As a matter of fact, there is no provision in S. 3108 which makes absolutely certain that only those airports which cannot possibly raise the money themselves will be recipients of the proposed terminal assistance.

It is my contention that many commercial airports may be making handsome profits which are often siphoned off for local projects unrelated to aviation.

Financial statements of several of the Nation's leading airports reveal that they are doing quite well in producing income which might easily be used for air terminal construction projects.

Selected at random, I cite the following figures from the financial statements of the airports themselves. Incidentally, these figures are for profits after deducting all costs for operations and for debt services:

	Profit	Fiscal year ending
Seattle-Tacoma International Airport	$1,326,409.00	Dec. 31, 1968
Lambert-St. Louis Municipal Airport	2,007,123.00	Mar. 31, 1969
City of Birmingham, Ala	337,685.00	Aug. 31, 1968
Indianapolis Airport Authority	141,667.00	Dec. 31, 1968
Port of Portland	1,961,027.00	June 30, 1968
Milwaukee County Airport Department General Mitchell Field	862,830.00	1968
City of Fort Wayne, Ind	110,723.10	Jan. 31, 1969
Friendship International Airport	769,295.00	June 30, 1967
New Orleans International Airport Moisant Field	1,069,586.60	Dec. 31, 1968
Massachusetts Port Authority	10,478,986.79	June 30, 1969
Miami International Airport	7,266,710.81	Sept. 30, 1968
Greater Cincinnati Airport	806,118.00	Dec. 31, 1968
San Diego Unified Port District	3,985,217.00	June 30, 1968
Minneapolis-St. Paul Metropolitan Airports Commission	389,802.49	Dec. 31, 1968
Los Angeles Department of Airports	8,673,714.00	1967-68
Kansas City Airports	1,060,256.39	Apr. 30, 1969
Memphis International Airport	1,017,406.38	June 30, 1969
City of Houston	377,308.32	June 30, 1968
Port of Oakland	578,290.00	June 30, 1968
San Francisco International Airport	5,670,995.00	June 30, 1968
Port of New York Authority Air Terminal	47,800,000.00	June 30, 1968

I am firmly convinced that before we commit the National Government to a policy of providing financial assistance to airport terminals, we need to have comprehensive financial data from each and every airport operator. That financial data should include receipts from rentals for business establishments, parking lot fees, land rentals, and all of the other money-making operations which comprise a significant part of the business activity at any large terminal.

Mr. President, this is a good bill and deserves prompt action by the Senate. I am hopeful that we can make it a better bill by action on the Senate floor.

Mr. JAVITS. Mr. President, I submit two amendments to H.R. 14465, the Airport and Airways Development Act of 1969. One, coauthored by Senator GOODELL, deals with airport site selection; the other concerns the scheduling of airline flight times.

The airport legislation now before us is the culmination of long, strenuous congressional effort to satisfactorily grapple with the enormous and increasing need for civil aviation, and I think, on balance, this legislation is meritorious and deserves the support of the Senate. Indeed, I am pleased that the combined effect of the bills are reported by the Senate Commerce Committee and the Senate Finance Committee is in large measure similar in concept to my own bill, S. 1265, which I had originally introduced in August 1968, as S. 2379. Although I had varied the levels and scheme of the taxes imposed, I, too, suggested collecting user charges and depositing them in a trust fund to help develop airports and airways.

Like the legislation now before us, the intentions of my bill were multiple. Central among its purposes, along with the improvement and expansion of our national aviation network, was the concentrated effort to relieve airport and air traffic congestion and delay which increasingly threaten not only the safety of aircraft passengers and crews, but the economic stability of the area in which the airports are located, and in the case of New York City, the stability of the whole country. A recent Rand Corp. study estimates delays to have cost aircraft operators and passengers $37 million at Kennedy Airport and $6 million each at La Guardia and Newark, and, as one witness a former FAA attorney wrote the Senate Commerce Committee, 80 percent of the Nation's air traffic delays was attributable in some way to air traffic congestion at New York City. The direct and indirect economic impact, I think, is obvious.

Facts, figures, testimony, and our own experiences attest to the conditions that do or will result in frustrating congestion and delay. For example, the reported passenger miles flown in 1968 was 106.5 billion, while the forecast for 1974 is 204 billion and for 1979, 342 billion; and Secretary of Transportation Volpe has testified that he "waited for 45 minutes on a ramp at La Guardia 2 weeks in a row; once for 50 minutes and once for 45 minutes" for a takeoff space for which he was 18th in line.

It is my belief that many steps must be taken to cushion the impact which the continuing congestion crisis has on so many lives. One step, which everyone agrees must be taken, is to provide funds adequate to improve, expand and add necessary aviation facilities. The bill before us expects to raise approximately $10 billion and spend over the next 10 years $5.5 billion for airport development and airway facilities. Mine would have allowed for approximately $1¼ billion per year, raised by a combination of user charges and subsidy of the interest on locally issued bonds. This spending step alone is not sufficient, however, to battle the congestion problems. Additional measures must be coordinated with that of spending money.

Another step I had taken in my bill which the legislation before us has not, was to impose a tax on all fuels used by both commercial and noncommercial aviation, not only to raise revenue, but also to provide an incentive to airlines to shift their arrival and departure schedules to avoid air traffic congestion at peak hours so they may reduce fuel costs.

Although I had made such provision in my bill, it is not my intention to seek to modify the revenue raising user taxes in the legislation before us, which has been so thoroughly considered by four congressional committees: the House Ways and Means Committee, the House Interstate and Foreign Commerce Committee, the Senate Commerce Committee and the Senate Finance Committee. In a letter to the Senate Finance Committee during the course of its consideration of the legislation, I had said, "I believe that it is most important that some form of legislation be acted upon by the Senate now to help alleviate the problems confronting aviation today, and if at all possible, a lengthy detailed deliberation over the taxing features should be avoided. So, it is with the thought in mind of expediting this bill that I recommend that the Finance Committee strongly emphasize the availability and importance of section 103 of S. 3108, "The Cost Allocation Study," which will allow Congress to fully review the taxing provisions and make equitable adjustment if necessary. That is still my belief, and I hope each Senator, recognizing the urgent need for this legislation, will consider section 103 and the present section 409 of H.R. 14465 before attempting to modify the financing provisions of this bill.

Further, I ask that a copy of my letter to the Finance Committee be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, my first amendment, coauthored by Senator GOODELL, concerning airport site selection is designed to give the Secretary of Transportation certain discretionary authority to help remedy impaired airport service resulting from fragmentation of decisionmaking concerning airport development. Nowhere has the indecision concerning airport development been more apparent than in the current controversy in the New York City metropolitan area over the fourth jetport. And, nowhere has the resulting damage been more acute.

For 13 years it has been considered necessary by the governing authority of New York and New Jersey and the Federal Government to alleviate the pressures on the three major airports in the New York City area. As early as 1957 a Port of New York Authority study determined there was a need, and over the years more than 30 alternative sites have been suggested. For the past 10 years, the FAA has approved the development of an additional airport in the New York City area in its annual national airport plan, just awaiting project applications.

Mr. President, to alleviate just this sort of condition, it is the intent of this amendment to authorize the Secretary of Transportation, after he has first met certain requirements, to establish a priority in the use of funds authorized by this act for aviation facilities within a metropolitan area, as he determines necessary in order to provide for the construction of an additional airport in that metropolitan area. To invoke this authority, the Secretary must first determine that the metropolitan area comprised of more than one unit of State or local government is in need of an additional airport to adequately meet the air transportation needs of such area, and that an additional airport for such area is consistent with the national airport system plan prepared by the Secretary. These requirements are consistent with the language in section 16(e)(1) of the House-passed bill and section 206(g)(1) of S. 3108 (now H.R. 14465). Upon such determination, the Secretary shall notify, in writing, the governing authorities of the area concerned of the need for such an airport and request such authorities to confer, agree upon a site for the location of such additional airport, and notify the Secretary of their intention. This, too, is consistent with the language in both bills.

Then, if the Secretary, after 2 years have elapsed, has not received notification from the governing authorities concerned of the selection of a site and the intention to submit a project application for the additional airport, and only after he has established an Airport Priority Review Panel and has considered its public report of the total effect of a tentative determined priority in the use of funds, shall he be authorized to actually establish the priority in the use of the funds.

Mr. President, we have reached the point where hardly anyone will disagree that the major airports in the New York City area are overburdened, and the unhappy facts associated with this problem have been used by people around the world to demonstrate what can happen when government, through indecision, fails to take significant remedial action.

Presently, there are those who believe a fourth jetport is not the answer—that the problem can be solved by some combination of new roadway arteries and access routes, the constructing of high-speed ground transportation and mass transportation facilities, improved railroad facilities, the expansion of the existing airports, or the developing of VTOL and STOL airports. I do not agree. This approach alone is unrealistic. As I see it, with the fantastic population growth expected for the region both the massive improvement and expansion of ground transportation and the fourth jetport will be needed. I do not wish to suggest a particular site for the airport, nor is it my intention, by this amendment, to allow the Secretary of Transportation to choose a particular site, which is the intent of present section 206(g)(1) of S. 3108.

It seems to me that discretionary authority is essential for the Secretary of Transportation in order to deal with that problem, without vesting in him absolute power over where such an airport should be located. We know that allowing the

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Secretary to choose a site will not work in the face of opposition in many States, but at the same time it is not sufficient to merely restate powers he already has in order to have some influence on airport site selection, as is contained in the amendment intended to be proposed by the Senators from New Jersey—the so-called Frelinghuysen amendment, which came from the other body.

I believe it is the responsibility of State and local government primarily to determine what best will solve their own present and future air transportation difficulties. It is up to them to choose an airport site. But when 13.1 million people enplane annually at O'Hare in Chicago, 17.2 million at three New York airports, 10 million at Los Angeles, and over 1 million annually in 19 other cities such as Seattle, Kansas City, and Denver we are certainly dealing with a national problem. By calling this a national problem, I do not mean to imply that it is exclusively a problem to be solved by the Federal Government, but one that all governments must help solve. My amendment preserves the choice of an airport site for the governing authorities of the area, but at the same time, after the need becomes apparent—and I happen to believe it has in this case—it allows the Secretary of Transportation greater authority to fulfill the Federal Government's obligation to the people to insure that all Federal funds spent on aviation facilities in a particular area will in fact be utilized in the best possible way to eliminate the hazards and inconvenience associated with aviation congestion and delay. Should it be determined that certain funds should be spent in one way over another in order to provide for the construction of an additional airport, this amendment could allow the Secretary to so provide in his priority schedule.

It seems to me that is a very fair proposal, and at the same time tries to bring about some progress, without giving the Secretary of Transportation the site selection authority which some persons would recommend. State and local governments should determine what is best to solve their own present and future air transportation difficulties. It is up to them to choose an airport site; but with respect to the measures which we will be taking under this bill the U.S. Congress also has a right to see to it that its money is not wasted by allowing at least a determination of what ought to be the priority in the expenditure of that kind of money, based, first, on a sufficient length of time for the local people to choose, and, second, the findings of some disinterested public body as to what is the fair thing to do in the situation.

I believe the point has already been reached when unchecked, uncoordinated spending in the New York City area merely to expand existing airports and their associated facilities will have diminishing returns. Introducing additional aircraft into already saturated airspace and into already congested terminals will not bring additional commerce to the area but instead will cause a decline—to wit, New York City, I am informed, lost more than $1 million a day from a decline in tourism last summer, and an estimated annual economic loss for New York City unless airport capacity increases are achieved at at least Kennedy and La Guardia airports is forecast to be in 1970, $54 million; $205 million in 1975; and $589 million by 1980.

Mr. President, a number of purposes will be served by requiring the Secretary to first establish an Airport Priority Review Panel and to consider its report concerning the total impact a schedule of priorities in the use of funds might have before implementing such a schedule. Such a panel, composed of the Secretary, the governing authorities of the area concerned—in the case of New York City metropolitan area, it might include the Governors of New York and New Jersey, the mayors of New York City and Newark, and a representative from the Port of New York Authority—and other experts the Secretary may designate, will be best able to identify what funds must continue to be spent to insure aviation safety, while at the same time it will be able to point out to the Secretary and to the people of the region just what the economic impact is likely to be as a result of a funding priority schedule.

Certainly, other measures which we in the New York City area would not like to see, could be taken to encourage a resolve of such inaction as is witnessed in the New York City area. To solve the New York City problem, the President by Executive order could designate another coastal airport as an international port of entry, thereby I am told reducing air traffic at John F. Kennedy International Airport by 20 percent; or Congress could pass legislation requiring the Civil Aeronautics Board to deny any new route authority application into the New York City region, thereby decreasing the total number of aircraft operations at the airports which are found by the Secretary to be congested.

The New York City metropolitan area airports need relief. I am confident that the governing authorities of the area together, acting in good faith with the Federal authorities, can solve the problems. Senator GOODELL and I have tried to present to the Senate a plan which we hope will have some real impact on solving the jetport problems of the New York area, one which is stronger than what we consider a very weak Frelinghuysen proposal, yet one which does not impinge upon the necessity of allowing the States and local governments to choose an airport site. I hope my amendment will be a sufficient impetus to those parties responsible for the resolution of these problems to come to some solution.

Mr. President, I ask that the amendment be printed under the rule, and also printed as a part of my remarks.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, will be printed in the RECORD.

The amendment is as follows:

On page 70, line 21, after the "(1)" insert "(a)".

On page 71, line 6, strike out "three" and insert in lieu thereof "two".

On page 71, line 9, after "site", add the following: "and the intention to submit a project application".

On page 71, strike lines 10 through 17, and insert in lieu thereof the following: "the Secretary may establish such priority in the use of funds granted pursuant to this Act for aviation facilities serving such metropolitan area as is necessary in order to provide for the construction of such additional airport as soon as practicable, provided, however, he shall first consider a public report of the total effect such an establishment of priorities would have on the metropolitan area, prepared by an Airport Priority Review Panel that he shall establish to advise him. The Airport Priority Review Panel shall consist of the Secretary, or his designate, the governing authorities concerned, or their representatives, and such additional members experienced in transportation, urban planning, or the problems of the environment as the Secretary may designate."

On page 71, after the period on line 22, insert the following:

"(b) Members of panels established pursuant to subsection (g) (1) (a) of section 206 who are not regular full-time employees of the United States, shall, while serving on the business of a panel, be entitled to receive compensation from the United States at rates fixed by the Secretary, but not exceeding $100 per day, including travel time; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5 of the United States Code for persons in the government service employed intermittently."

Mr. JAVITS. Mr. President, I have also submitted another amendment. I realize that the first amendment will be a matter of considerable struggle, but the second amendment I hope the committee will consider carefully. It, too, is designed to deal with the problem of airport congestion.

What it would do is ask the Department of Transportation and the Civil Aeronautics Board to conduct a joint study to determine the feasibility of requiring commercial air carriers to submit a schedule of service as a condition to any certificate issued to the air carrier by the CAB and the feasibility of authorizing the CAB to amend such a schedule when it determines that such a change would reduce or avoid undue congestion at the major airports.

Mind you, I am not asking that this power be given; I am asking only that the question be studied as to its feasibility, and that we have a report within a year. It may very well be that giving this kind of authority, if we decide to give it after receiving the results of that study, may be another way in which to help us in the very near term with the dreadful problems of airport congestion, bearing in mind, Mr. President, that at best, a new fourth jet port for New York or another jet port for Chicago or Los Angeles will require something in the area of an average of 6 to 7 years to build, and that therefore we have to have some interim way of reducing the congestion now. One way, of course, is through what we do about general aviation. Another way is in the scheduling of commercial airlines themselves.

In my bill, S. 1265, I had included provisions amending the Federal Aviation Act of 1958 that would have given the CAB the authority which is the subject of this study I am calling for, but unfortunately, the Senate Commerce Committee did not have the opportunity to thoroughly investigate such a proposal.

Recognizing that such authority should not be granted without first thor-

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oughly considering the impact of such authority, I am at this time calling for a study.

With regulations now in operation restricting aircraft from flying within 10 miles or 4 minutes of the 747's, I think it apparent that a concerted effort must be made to most effectively coordinate airline schedules. Certainly, a study of this nature would have to consider that general aviation and nonscheduled commercial aviation do not fly on fixed time.

A study such as this might best put in focus for the Congress the problem of scheduling and how a coordination of airline scheduling might reduce or avoid congestion, and I sincerely hope that all who have an interest, including the airline industry, would vigorously participate in such a study.

I ask unanimous consent that my second amendment be printed in the Record as a part of my remarks.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record in accordance with the Senator's request.

Mr. Javits' amendment is as follows:

On page 51, after line 23, insert the following:

"Submission of Schedules Study

"Sec. 105. The Department of Transportation in cooperation with the Civil Aeronautics Board shall conduct a study to determine the feasibility of (1) authorizing the Board to require the submission of a schedule of service as a condition of any certificate issued to a commercial air carrier by the Board and (2) authorizing the Board to require revision of such schedule of service where necessary in order to reduce or avoid undue congestion at major airports. The Department of Transportation shall complete such study within one year from the enactment of this Act and shall submit a report to the Congress for reference to the appropriate Committee."

Exhibit 1

January 29, 1970.

Hon. Russell B. Long,
Chairman, Senate Finance Committee,
Washington, D.C.

Dear Mr. Chairman: I am informed that the Finance Committee will shortly be holding an executive session to consider proposals to levy airport and airway user taxes and to establish an Airport and Airway Trust Fund.

The legislation before the Committee is in most respects meritorious and deserves the support of the Senate. Indeed, I am pleased that the bill reported by the Senate Commerce Committee and those now before the Senate Finance Committee are in large measure similar in concept to my own bill, S. 1265, which I had originally introduced in August, 1968 as S. 2379. There are a few thoughts with reference to the tax provisions, however, that I wish to ask the Committee to consider.

I believe that it is most important that some form of legislation be acted upon by the Senate now to help alleviate the problems confronting aviation today, which I think all agree are enormous, and if at all possible, a lengthy detailed deliberation over the taxing features should be avoided. So, it is with the thought in mind of expediting this bill that I recommend that the Finance Committee strongly emphasize the availability and importance of section 103 of S. 3108, "The Cost Allocation Study" and section 208 of H.R. 14465, "Investigation and Report to Congress", either of which will allow Congress to fully review the taxing provisions and make equitable adjustment if necessary.

I urge the basic concepts of collecting user charges and depositing them in a trust fund to help develop airports and airways and have incorporated a similar system into my bill, S. 1265, although I varied the levels and scheme of the taxes imposed. The user taxes I had proposed in my bill included a tax of 2 cents per gallon on all commercial airline aviation fuel—including jet fuel, a five cent per gallon tax on all fuels used by general aviation, and a 2 percent increase in the passenger ticket tax to 7 percent.

It was then and is now my belief that both commercial and non-commercial aviation should be required to pay some tax on the fuel used. Such a tax allows the airline to distribute the resulting increased "operating cost" among the users of the airlines in perhaps the most economic and efficient manner, with the Government still ensured of a relatively constant source of income. Further, a tax on fuel provides an incentive to airlines to shift their arrival and departure schedules to avoid air traffic congestion at peak hours so they may reduce fuel costs. It remains my belief that the tax on passenger tickets should be increased, but under the scheme of my bill, I would have allowed the revenues from the existing tax to continue to go into general revenues to pay FAA airway costs while depositing the additional revenue in the new trust fund.

Among the alternative revenue raising provisions presented in the bills before the Senate, I would subscribe to the inclusion in some coordinated fashion of a tax on air cargo waybills and a registration fee on airplanes used in commercial aviation.

But, I have serious reservations about the levying of a charge on enplaning passengers destined for international points. At a time when our balance of payments situation does not warrant so drastic a measure as a restriction on international travel, it seems inadvisable to levy such a tax when other revenue sources are available.

In addition to your consideration of the user taxes, I hope you will consider retention of present exemptions of the tax on passenger tickets for state and local governments and for non-profit schools and colleges. With municipalities and educational institutions hard pressed for funds, and the Federal Government making every effort to help them reduce their financial needs, it would seem incongruous to impose this additional burden upon them.

Let me assure you I will do my best to help expedite this bill.

With warm personal regards,
Sincerely,

Jacob K. Javits.

Mr. LONG. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 46, beginning with line 21, strike out all through "revenue" in line 17, page 51, and insert the following:

"TITLE I—STUDY OF ALLOCATION AND APPORTIONMENT OF FEDERAL FUNDS

"STUDY AND REPORT BY SECRETARY OF TRANSPORTATION

"Sec. 101. The Secretary of Transportation shall conduct a study respecting the appropriateness of that method of allocating and apportioning funds."

On page 61, line 18, strike out "101" and insert "408".

On page 61, line 24, strike out "104" and insert "101".

On page 139, line 5, strike out "President," and insert "President and through full consultation with and consideration of the views of the users of the system,"

On page 139, line 22, after "made." insert the following new sentence: "In addition, the Secretary of Transportation shall identify the costs to the Federal Government that should appropriately be charged to the system and the value to be assigned to the general public benefit."

Mr. LONG. Mr. President, under the bill as drafted, because it was drafted in both the Senate and the House of Representatives, and was acted upon by the Committee on Commerce as well as the Committee on Finance there is some duplication in the bill. For example, there are two trust funds created, when there should be only one trust fund. My amendment would eliminate one of the trust funds, which is necessary to avoid duplication.

There are other minor technical amendments involved as well, which the staff of the Committee on Finance advises the committee are necessary. I believe the amendment has been cleared with the staff of the Commerce Committee, and that they have agreed the amendment is necessary.

Mr. CANNON. Mr. President, we have no objection to the amendment of the Senator from Louisiana.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. DOMINICK. Mr. President, I send to the desk for printing two additional amendments. I might say to the distinguished Senator from Nevada and the distinguished Senator from Louisiana that my first two amendments dealt with the registration and taxes imposed upon general aviation aircraft. These two amendments, however, deal with different subjects. They deal with not the finance end, but the more substantative end, one dealing with the requirement providing for emergency locator beacons, which I have talked about on this floor about four times, and the other dealing with the question of jets at National Airport.

How many of my amendments I shall bring up for a vote I do not know, but I think we should have them before us, so that the managers of the bill can have a chance to look at them and decide what their position may be. I am hopeful that in at least a couple of these matters, the management will agree to accept my proposals.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. CANNON. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. The Senator from Nevada (Mr. Cannon) proposes an amendment as follows:

On page 92, line 19, strike out the figure "7" and insert in lieu thereof "6".

Mr. CANNON. Mr. President, I ask unanimous consent that the names of the distinguished Senator from Kansas (Mr. Pearson) and the distinguished Senator from Washington (Mr. Magnuson) be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

XUM

Mr. CANNON. Mr. President, if I may have the attention of the Senator from Louisiana, the amendment that I have just proposed would reduce the 7 cents per gallon fuel tax this legislation would place on general aviation fuel to 6 cents a gallon. That is the rate that the Committee on Commerce recommended when it first reported S. 3108 to the Senate.

As a matter of background on this particular tax, the administration requested a rate of 9 cents a gallon on general aviation fuel, the House of Representatives reduced that figure to 7 cents, we in the Commerce Committee recommended 6 cents, and the Committee on Finance has raised it back to 7 cents per gallon.

Mr. President, I believe we should reduce the tax to 6 cents, because I believe general aviation is sharing an undue portion of the expenditure increases that are provided for in this bill.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CANNON. General aviation operators are also up against a number of other new charges not included in the bill. The costs of the general aviation pilot are being increased. For example, the FAA is planning sometime in the future to bar from tower-controlled airports all aircraft not equipped with a transponder. That means that if general aviation pilots are going to fly, they are going to have to have a transponder to get into the larger airports equipped with control towers. This transponder is an item costing several hundred dollars; the cost may run as high as $800 for the types installed in some aircraft. So this is quite an additional burden imposed by FAA regulations, as a result of increased traffic.

In addition, the bill we have before us, as recommended by the Committee on Finance, imposes a flat aircraft annual registration fee of $25 on the general aviation pilot, and if he has more than four seats in his plane, he also pays a tax based on airplane weight. He will be required to pay a fee of 2 cents a pound. If it is a turbine powered plane, 2½ cents a pound, based on takeoff weight, will be charged.

Of course, as I have stated, if he has a four-seat plane or smaller he does not pay the tax on weight, but in any event he must pay the $25 registration fee.

So he will be faced with the cost of the transponder and the cost of the registration fee, plus the fact that he cannot fly without great difficulty into some airports, under FAA regulations, today.

If we increase his fuel tax to 7 cents a gallon, we are almost doubling the present rate. It is 4 cents per gallon now. However, he can get a 2-cent-per-gallon refund if he files for it. So in actuality we are doubling the actual amount of the tax he is having to pay.

My amendment—the 1-cent reduction from 7 to 6 cents a gallon—would reduce the revenues from this tax by $6.7 million for fiscal 1971, the first year it is effective. That is not a very significant loss of revenue using projections for fiscal 1980, that 1-cent-per-gallon decrease would represent only $12.2 million in lost revenue. That may seem large to some people, but compared with the overall income or revenue from this bill, I think that the amount is rather insignificant, and I would hope that the distinguished chairman of the Committee on Finance would be willing to accept the amendment. He certainly recognizes that we are placing an added burden on the general aviation pilots and small aircraft owners; and if we raise their fuel tax to 6 cents per gallon, we are still increasing their tax one-third over the present rate. In addition, under present law they now are entitled to a 50-percent refund so actually the real present tax rate is only 2 cents per gallon on aviation gasoline.

So I would hope that the distinguished chairman of the Committee on Finance would recognize that his proposal is an undue burden on general aviation and I hope he would go along with the amendment I have proposed, which is cosponsored by the distinguished Senator from West Virginia (Mr. RANDOLPH); the distinguished Senator from Washington (Mr. MAGNUSON), the chairman of our full committee; and the distinguished Senator from Kansas (Mr. PEARSON).

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. GOLDWATER. I might point out, in supporting what the distinguished Senator from Nevada has said, that he forgot to mention—or if he did, I did not hear it—the fact that an annual inspection has to be held on each aircraft; and this can run all the way from $100 to well over $1,000. I think his amendment would be well taken, particularly at this time.

Mr. CANNON. I thank the Senator for pointing that out. I had not commented on it.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. PEARSON. Mr. President, I concur in the comments of the distinguished Senator from Nevada, and express my own support, as exhibited by my cosponsorship of this amendment.

This may seem very small, as the Senator has said, but, to be very frank about it, the opposition to this bill, which is needed so desperately today, comes from the general aviation field. They feel that they have been denied and discriminated against, particularly in the use of some of the medium and large hubs in this country.

I make reference to the allocation of funds of the trust fund, where $270 million will be going to, in effect, the hubs—small, medium, and large—and $30 million allocated to general aviation airports. That will be the code—the formula, perhaps—for the next 5 years.

As indicated in the table on page 39, 6 cents will provide approximately $18 million next year, but $39 million in 1971. So 6 cents really equates to a large extent the amount of money that general aviation will be paying.

I think it manifests some sense of fairness on the part of our committee, and this was the judgment of the Aviation Subcommittee and the Commerce Committee at the time we reported this bill; and I would hope, in like manner, that the distinguished chairman would find this acceptable.

Mr. LONG. Mr. President, I really do not understand why anyone would think that general aviation is paying more than its share under this bill. The House sent us a bill under which general aviation would be paying 9.1 percent of the amount of money that is paid for the airports and airline safety. We on the Finance Committee voted to reduce this by approximately 5 percent. We cut it down to where they would be paying 8.6 percent of the revenues that would be used to pay for air safety and for airports.

As this is projected ahead—who will be paying and how much they will be paying under the tax here—it will be found that the burden shifts as years go by to where general aviation will be paying an even smaller percentage. By 1980, they will be paying only 5.6 percent, or about $1 of every $20 that goes for the airways.

While I acknowledge that none of us know precisely what is the appropriate division of the tax burden between commercial aviation and general aviation I thought that the Finance Committee bill leans over backward to give general aviation a fair shake in this respect. However, the amendment here offered reducing the fuel tax from 7 to 6 cents would reduce the percentage of the burden borne by general aviation down to 7.4 percent in 1971. This would be further reduced to 4.9 percent by 1980.

This change will result in a revenue loss of approximately $7 million in 1971 and is expected to grow to an annual revenue loss of slightly over $12 million in 1980.

Why should general aviation pay anything? Well, in 1970, this year, the estimates are that total aircraft operations on the Federal aviation traffic control services will amount to 55.7 million operations. Commercial air carriers are expected to account for only 11.1 million operations out of this total, while general aviation is expected to account for 41.4 million. Military use accounts for the remaining 3.2 million.

So we have 52.5 million aviation operations at these airports from general and commercial aviation. Only 11 million of these operations are conducted by the commercial operators. So the people who have one operation in five are paying 90 percent of the cost already, and it costs just as much for a tower to direct a small, private plane into the flight pattern and land it on the field and to direct it back into the air traffic as it does to bring in a major airplane which might have 80 or 100 passengers aboard.

This disparity of use of the facilities by general aviation will increase. For example, by 1980, the operations of commercial airlines are expected to increase by only 53 percent, but in the same 10-year period it is estimated that the general aviation usage will increase by 228 percent.

Let us look now at aircraft using instrument flight rules handled at FAA air route traffic control centers. In 1970, it is estimated there will be 14 million commercial aircraft handled at these centers. It is expected that general aviation aircraft handled at these centers will amount to 3.7 million. By 1980, it is expected, however, that there will be a much larger increase in general aviation aircraft handled at these centers than is true of the commercial airlines.

XUM

By that time it is expected that general aviation aircraft handled at these centers will have increased to 14.7 million operations while commercial aviation will have increased only to 22.5 million. In other words, general aviation aircraft handled at traffic control centers is expected from 1970 to 198[illegible] to increase by 297 percent while commercial aircraft so handled at these centers is expected to increase by 61 percent.

I give you this material not because it gives any specific or definite indication as to what the burden of general aviation should be relative to commercial aviation, but rather to show you that under any type of measurement you care to apply, the use of airports and the airway system by general aviation already is substantial and is expected to show a much larger increase in the use of this system in the years ahead.

Mr. President, we on the Finance Committee have certainly tried to consider the problems and needs of general aviation and to be considerate of them. For example, we provided that the poundage portion of the tax on aircraft, the so-called use tax, would not apply beyond a $25 registration fee on all airplanes that are four-place or less. If a person buys the kind of airplane we ordinarily see used by the small operator, which has a seat for the pilot and someone sitting beside the pilot and two seats behind, he would not pay any more than one would ordinarily pay for an automobile license tag.

While the administration asked for a 9-cent-per-gallon fuel tax, we provide for a 7-cent tax. It seems to me that general aviation should pay some reasonable amount; and if there is any disparity, it seems to me that the disparity is the heavy burden that is being placed upon the commercial carriers. They are willing to pay their part. They only insist that the other fellow, who is paying very little, should pay a more reasonable share. I would think that when you get it down to where general aviation is paying less than 9 percent of the total user taxes and more than 80 percent of the operations of the airports are for general aviation, the commercial operators are perhaps the ones who are paying the disproportionate share.

I know that we modified the bill to general aviation's advantage to compare with the House bill. It seems to me that we have gone as far as they ought to ask.

Mr. CANNON. Mr. President, the President initially requested a tax of 9 cents a gallon, and we recognize that my amendment provides for a reduced revenue and would cost general aviation less. But, for example, general aviation cannot even fly into some of the airports except on a reservation basis, which means that only the larger aircraft, the so-called executive type aircraft, can go into some of the larger airports of the country today.

As I mentioned earlier, the matter of the possible transponder requirement had not come along at that time. If the general aviation pilot is going to continue to fly into commercial airports—and this means the small, medium, and large hubs—he will have to have a transponder eventually, and this will cost from $600 to $800. So these are added costs that are placed on him. All we are trying to do is to not whack him with too much additional expense at one time. A registration fee would be imposed, his fuel tax would be more than double, and he would be restricted from many of the airports; and he does not need many of the big facilities that are at some of the airports. We would be doing all this to him at one time.

In the bill, as the Senator knows, we have a provision directing the Secretary to conduct a study and determine the appropriate cost allocation. When he does that, we may then find that perhaps general aviation is not charged enough; and, if not, we can change it. But until that is done, let us not hit general aviation with everything in the book.

As I pointed out earlier, the tax would increase under the proposal recommended by the Finance Committee, from 4 cents to 7 cents, with none of it refunded. At this time, they are paying 4 cents per gallon and can get 2 cents refunded. The cost to the general aviation pilot of the tax on the fuel would be more than trebled, plus the transponder problem, plus the restraint on use of some of the airports.

Certainly the commercial carriers are taxed heavily under the proposal but they cannot absorb the new tax so that it will be passed on to the passengers. They will pay it as a hidden tax as an increased fare. But the commercial carriers will not absorb one nickel of the new tax because they are all in financial trouble today. They will have to pass the tax on to the passenger and I think that they should.

Mr. RANDOLPH. Mr. President, I should like to have the attention of the distinguished chairman of the Finance Committee. As he studies the proposal, which I cosponsor, because I still think he is in the posture of considering the amendment, I would observe that men in the Senate, like the Senator from Arizona (Mr. GOLDWATER) and the Senator from Nevada (Mr. CANNON), who continue to fly aircraft, and others of us who have a knowledge in aircraft, airports, airways, and related problems, that we can agree that the wear and tear on the runways is not from the smaller private aircraft, general aviation categories in the United States. It is, of course, the large aircraft, that cause the necessity for huge sums of money to be spent on the development of the runways. Those aircraft are operated by the commercial airliners and the vital air transport industry understands equities. We must take into consideration the realities as we discuss the problem.

Mr. LONG. Permit me to say that, so far as I am concerned, the Finance Committee did what it thought was right about this matter. We tried to consider both sides of the argument. We took 75 percent of the private airplane users out from under the poundage portion of the use tax and said that they would pay only a $25 annual fee. We have been most kind and considerate to them, in my judgment. However, if the Senate wants to be more considerate, that is the privilege of the Senate. It will not wreck the bill one way or the other. I think they should pay the 7 cents, as the committee voted it, but I am not going to lose a lot of sleep about it one way or the other.

Mr. GOLDWATER. Mr. President, will the Senator from Louisiana yield?

The PRESIDING OFFICER (Mr. SCHWEIKER in the chair). Does the Senator from Louisiana yield to the Senator from Arizona?

Mr. LONG. I yield.

Mr. GOLDWATER. I agree with the distinguished Senator from West Virginia that the Senator from Louisiana seems to be in the process of making up his mind, so I would like to put another argument or two onto the amendment.

It would be a different thing if the general aviation user could use every airport in the United States today. But he cannot. He is restricted from flying into five of the major airports in the East, and 21 others are either in the process of being added to, or will be added. This means that, unless he applies for a slot, which means within a 3-minute time limit, to say he will take off and to say he will report to the control center from the aircraft he is flying, he cannot take off from Washington National, Kennedy, LaGuardia, or O'Hare. This is being extended to airports like the one in my hometown of Phoenix, Ariz., and some 21 others.

Thus, in effect, the general aviation pilot is not now entitled to all the benefits that the airlines are entitled to.

I am not arguing against this idea of controlling takeoffs and landings at the large hubs. I think it had to come. It is working out rather well. But, remember, the pilot who wants to fly, say, from the Washington area to, let us say, any of the airports in the East, like LaGuardia Airport, he cannot use Washington National because he cannot get the time, and there is not another controlled airport in the area that he can takeoff from under instrument conditions, or land under instrument conditions. There is only one instrument landing system for airline aviation—two, I believe, one at Dulles and one at National; and there is of course the one at Andrews and at other military facilities. So there is the problem of not being able to fly when one wants to fly because he cannot takeoff under control conditions. This has been imposed by the needs of the airlines for more use of the fields which I have mentioned. This is inconvenient to the men flying in general aviation. There is the additional cost. Say he has to drive to Dulles Airport, that is a 25- to 30-minute drive. Then he has to land at Westchester in New York, and that is another 30 to 35 minutes to drive back to the city; or he lands at Teterboro in New Jersey, which is about the same thing.

So there is the additional cost today that we have not even recognized here, which I think should compel the distinguished chairman to accept the amendment because we can always look at it next year when the transponders, as the Senator from Nevada has mentioned, will be general equipment, and when the equipment as suggested, I believe, by the Senator from Colorado (Mr. DOMINICK), will be installed on all aircraft.

I think that at that time, we should take another look at it. We are dumping quite a load on the back of general aviation.

XUM

I am not pleading the case for corporate aircraft. I am pleading the case for the private pilot whose insurance fees alone have gone up 300 percent in the past several years.

I think it would be wise to take this little decrease with the almost certainty that we will have to increase it in the years ahead.

Mr. LONG. Mr. President, my attitude about the facilities is that we can have all the airports, all the runways, all the air space we want, and we can have all the highways we want, but someone has got to pay for it. The fellow who benefits from it is the one who should be willing to pay for it.

The Finance Committee's position is that whatever the Senate wants is OK but someone will have to pay for it. So far as I am concerned, I would hope that the people pay for what we have suggested. But if the Senate feels that is too much, why then, let the Senate so express itself.

I personally would rather hope that we would stay by what was reported.

Mr. CANNON. Mr. President, I ask unanimous consent that the name of the Senator from North Dakota (Mr. BURDICK) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

XUM

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 8656. An act to authorize the use of certain real property in the District of Columbia for chancery purposes;

H.R. 10335. An act to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes;

H.R. 10336. An act to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests;

H.R. 13307. An act to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under twenty-one years of age;

H.R. 14982. An act to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto;

H.R. 15381. An act to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies; and

H.R. 15980. An act to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes, and it was signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 8656. An act to authorize the use of certain real property in the District of Columbia for chancery purposes;

H.R. 10335. An act to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes;

H.R. 10336. An act to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests;

H.R. 13307. An act to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under twenty-one years of age;

H.R. 14982. An act to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto;

H.R. 15381. An act to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies; and

H.R. 15980. An act to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. GOLDWATER. Mr. President, I wish to address myself to the present legislation.

There can be no question that we must enact legislation that will provide funding to finance the growth of our national airways and airport system. We were warned by a Presidential Commission study in 1958 that the rapid advancement in aircraft technology and tremendous growth of all facets of aviation would create a situation whereby our airport/airways system would be totally inadequate within 10 years if action was not taken to enlarge and modernize the entire system.

The past year has proven that prediction to be correct. Our airports can no longer meet the needs of those who choose to use aviation as their means of transportation. The users of our airport/airways system must be called upon to pay the cost necessary to maintain, enlarge and properly equip this system that provides them with such tremendous benefits.

Many here know of my profound interest and continued dedication to aviation. My aviation career started when I first felt the controls of an airplane and soon became a pilot in 1930. I have since logged over 10,000 hours of pilot time, acquired in more than 100 different types and classes of aircraft. Over the past 40 years I have either checked-out or have flown in most of the aircraft we have in all categories. I am proud to say that my interest is as keen today as it was when I first climbed into a cockpit so long ago.

I have witnessed aircraft performance advance from the undependable early airplanes of the 1920's flown by men dedicated to the advancement of aviation, to the high performing modern day luxury jet transports that cover our Nation from coast to coast faster than the sun. I am informed by the FAA that in 1969 there was in excess of 175 million aircraft boardings by those who chose to travel as passengers on our commercial airlines. Private aviation has grown by leaps and bounds and the latest figures show that our airway/airport system is serving 133,000 general aviation aircraft.

These figures clearly indicate that we are a nation that is receiving great advantages from aviation.

I would like to emphasize further the benefit general aviation is receiving from our airport/airway system.

Recent FAA figures show that last year there were 41.4 million takeoffs and landings by general aviation aircraft at the 330 airports with FAA control towers. Our airways enroute traffic control system will handle 3.7 million IFR operations in fiscal year 1970 for this segment of aviation as well as 8.5 million radio contacts by FAA flight service stations and over 10 million pilot weather briefings. Many other figures could be emphasized. However, I feel the fact is clear that our Federal airways system is providing a service that is indispensable to its users.

My feelings are that the users of the system must contribute most of the funds necessary for the modernization, expansion and revitalization of our airport/airways system. We must be extremely cautious to recognize that our airport system was developed under the jurisdiction of a large number of local governmental agencies and our airways system operates under the authority and at the expense of the Federal Government. It is mandatory that any legislation enacted assure that funds needed for one are not spent on the other.

In this general area, Mr. President, I believe that the Federal Government through the FAA should have some exercise—and I hate to use the word—of control over the construction of the airports themselves.

We find in traveling across this country such a great variety in the architecture of the airport buildings that it has become almost laughable and, in fact, it is archaic in my humble opinion. We have only one modern airport in the United States, and that is Dulles. Yet we see fields like O'Hare, John F. Kennedy, and the airport in Phoenix, Ariz., expanding their facilities. People have to walk 2 or 3 miles, and baggage handling must be taken into consideration.

I do not think I am wrong in saying that if I wanted to travel today from Washington to downtown New York, I could make better time on a train than on an airplane. This is not because airplanes are flying slower. They are flying faster.

We are not improving the airports if we leave it entirely up to local determination, although they should have a major say in it. If we leave it up to them entirely, we will continue to have this hodge-podge of poorly planned systems and poorly built airports.

Any legislation enacted must inform both the airport and airways system planners of what is expected from them and how much assistance they can depend on from the trust fund.

The level of funding must be adequate to meet forecast needs of the entire system, and the levels allocated for each purpose must be specific over the authorized life of the program to assure a stable base for financial planning. I am disturbed that there is a movement afoot to discourage long range planning. Contract authority must be authorized so as to provide assurance of a stable financial planning base. I strongly urge the desirability of multiyear contracting authority.

There has been a tendency in our country to think of an airport merely as somewhere for an airplane to land. This philosophy must be discarded and the need for intense, long range studies concerned with environmental problems and use begun immediately. Funds must be allocated for study of and to provide for uniform and functional processing of passengers, baggage, cargo, parking, and services. We must assure that our airports have an adequate balanced capability to accommodate the demands that exist within the airport for all they serve.

It is my feeling that a new expanded national plan for airport development must consider the adequacy of all elements of the airport and the airport systems as a whole. Such a plan has to include estimates of air transportation demands, an assessment of the existing ability to accommodate demand, and recommendations for system developments required to maintain adequate facilities.

Due to the fact that legislation must be enacted to modernize, expand and revitalize our airport/airways system, and a large portion of the cost will be derived by levies imposed on the users of the systems, fairness dictates the use of such funds be extended to all system facilities in a manner beneficial to the "paying public" interest and convenience.

In this regard, Mr. President, I would like to mention a fact that we have not talked about as yet. This is the continuing problem that our airway controllers face—not just the controllers who operate the control towers, but also the man who sits in the Washington center, the Albuquerque center, or wherever it may be, and is required to look at a very difficult radar screen most of the period of his 8-hour working day.

Mr. President, any of us who have been acquainted with radar knows that this is a very, very difficult assignment. It is difficult on their eyes. And it is difficult mentally. It is an extreme responsibility to place on one man, the responsibility for a dozen or more aircraft in a heavily congested part of the airway system. This would include both those controllers in centers and those controllers in the tower.

I am glad to see that in the pending legislation there is a recognition of this problem.

I do not go along with those who feel that the controllers should be allowed in effect to join a union so that they could threaten the system with strikes or even to strike. I think we should be ahead of them and provide all they are asking. We are long overdue on this. In that way, we could prevent another catastrophe from happening such as the sick-out we had before or a strike because the controllers justifiably think they should be getting something more than they get today.

I cannot think of a job today that is more exacting or demanding on a man's physical ability than the jobs I am talking about.

In this regard, some of the things this fund would cover are long overdue. In our airway system, it is hard to believe that we only have height-finding radar, I believe, at two of our centers. And 16 years ago, this was just around the corner.

We have a lot of research and development to do before we bring our aircraft up to the state of modernization that high-speed-jet travel will call for.

I know that in discussing some of the problems of the airways connected with supersonic jet flight, the normal clearance altitude is 2,000 feet with the subsonic jets and airplanes. These people are talking about separation altitudes of 10,000 feet. We do not know how much one degree nose-up or nose-down degree in altitude will mean in the loss or gain of altitude of a plane traveling around Mach 3, or 2,100 miles an hour.

The controllers will be taxed as they have never been taxed before. We are talking about speeds faster than a rifle bullet. We are going to ask a man to look in a semidark room at a bluish light and try to clock the route of those aircraft over congested areas.

I think the day will come when flight control will be automatic, when the man's job will be to see the computer is putting out the information that is needed.

I think some day there will be a system that I have discussed in the past. I think that some day we will have a system where if I wanted to fly my airplane from Washington to St. Louis, I would go to the airport and buy a flight plan for $5 that has weather briefing and the time for takeoff from Washington and the time for approach to St. Louis. This money would be spent to simplify my job of planning the flight.

That day is approaching, and the day is approaching when I will be able to buy a card for $5 or $10, depending on where I want to fly, and that card can be placed inside the cockpit. As soon as the airplane is turned loose by the control tower, I merely hit a button and that card will fly the airplane from Washington to St. Louis or to any other airport around here. These things are a long way off.

But these are some things that had we spent this $5 billion on them over the last 10 years we would have them today. We would have airways—I do not like to say much safer than today because I do not go along with those people in our country who are trying to scare the daylights out of passengers in airplanes by talking about near-misses. In 40 years of flying I have had one near-miss, and that was in flying over Mexico when I did not know another plane was around.

If we can improve the airways and fund them as is being suggested, in a few years we can have a system which is second in the world to none and which will serve as a model all over the world.

Taxation levels on any user must be consistent with the benefits which will accrue to that user with the ability of that user group to accept the taxation level with minimum impact on its growth. I must insist on a cost allocation study to determine the cost of the airport/airways system among the various users. This study must be completed and not just started within 2 years. This will guarantee that the system cost will, as it should, be borne on an equitable basis by its users. This study must also consider the benefit to the public as a whole including our national defense of a safe, efficient, reliable airport/airways system.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. CANNON. Mr. President, I wish to commend the distinguished Senator from Arizona on a very fine statement. He has pointed up a number of key issues involved in this problem. I share his views and concern about many of the items he discussed. The Senator discussed the very important and critical problem of air controllers. I would like to point out that last year Congress authorized hiring 2,000 new controllers to try to relieve this problem. The Senator from Washington (Mr. MAGNUSON), as the leader in the Committee on Appropriations year before last, added funds over and above those funds requested by the administration.

In the forthcoming period of time and with assistance from funds provided in this bill the number of controllers in fiscal 1971 will be increased by 4,141; in 1972 we add another 1,075 new controllers; and in 1973 add another 1,380; in 1974 we add another 1,406; and in 1975 we add another 1,679, so that between today and 1980 we will provide funds to hire 19,109 additional air controllers.

It is true that in many instances controllers are operating with outmoded equipment and that certainly is not consistent with present day technology and capability. But in the bill we have provided a very substantial portion of the total funds for the purpose of upgrading the entire airways system.

Under subsection 2(b) of section 204 we have provided a provision for improving air navigation facilities which states:

> The Secretary is authorized within the limits established in appropriations acts to

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obligate for expenditure not less than $250,000 for each of the fiscal years 1970 through 1979.

This will permit the Secretary to upgrade air navigation facilities and the facilities with which the controllers do their job. We also provide in subsection (c) for additional funds available to assist in providing research and development. We try to get up to date on the problems and find better ways to solve them as they relate to safety and air navigation, and things of that sort. This is the kind of attack this bill is going to make on a very serious problem. I share the views of the distinguished Senator from Arizona who has so much experience and expertise in this area.

The bill, if it is passed as we have proposed it, will go a long way toward solving some of these difficult problems.

Mr. GOLDWATER. I might say I am happy that the Senator has pointed out these points in the bill. I was fully aware that they are there; in fact, it was the major reason I long ago decided I would support this kind of legislation.

I have discussed this matter with the distinguished chairman, the Senator from Washington (Mr. MAGNUSON) and I think it is very well that all this material has been placed in the RECORD so people will know what we are talking about.

I compliment the Senator for these inclusions.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. MAGNUSON. Mr. President, it is not too soon to get started in this area, because too few people realize that we do not just go out and hire air controllers off the street. It takes 18 months or more to simply train them.

Second, the type of equipment the Senator so ably talked about we hope will be available in the future. That must be given a little time. It sometimes takes 12 to 18 months to get it delivered. The time is ripe to get going on this matter.

Mr. GOLDWATER. The Senator is so correct. I only hope that those Senators who are opposed to spending money in any area other than the big cities and for urban problems will recognize that we have made tremendous advances in aviation. We have led the world in aviation. Aviation is the reason we are the world leader today. We might also begin to look at France, which is beginning to become a competitor of ours, as well as Sweden, Japan, and England.

I would hope we never become derelict in our responsibilities to the rapidly growing aviation industry and the use of aviation in this country.

Again, I compliment the committee for the job they have done. It is a real pleasure for me to support them.

Mr. GURNEY obtained the floor.

Mr. PROXMIRE. Mr. President, will the Senator from Florida yield for 3 minutes?

Mr. GURNEY. I yield 3 minutes to the Senator from Wisconsin.

AIRWAY TRUST FUND

Mr. PROXMIRE. Mr. President, the Senate should be aware that once again, it is weakening congressional control over spending by establishing an airway trust fund under section 101 of the bill. Just last month, the Senate voted to bypass the normal appropriated procedure when it approved $3.1 billion in contract authority for the mass transit program. In addition, the administration has proposed similar contract authority financing in the amount of $4 billion for the Federal Water Pollution Control Administration. The highway trust fund, already on the books, shields over $4.5 billion in annual revenue from the normal appropriation review. And now this bill would add to the growing list of uncontrollable programs by setting up an airport trust fund. Over $600 million a year in tax revenue would be siphoned into the airport trust fund where it could only be spent for airports.

Mr. President, if this trend continues, Congress will soon surrender complete control over the budget. Congress has already lost substantial power to the executive branch. The power of the purse is one of the few meaningful constitutional powers which Congress has left. However if the trend to trust funds, contract authority financing and other backdoor spending methods continues, this power too will be surrendered to the executive branch. Congress will wake up some day to discover that it has practically no budget to control. By then, it will be too late.

Recently, the Joint Economic Committee, after exhaustive hearings, concluded with only one dissent, that the highway trust fund ought to be abolished. Highways are wonderful investments and in many areas of the country they have contributed to economic growth. However highway construction is just one of many programs competing for Federal funds.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PROXMIRE. I have only a brief period of time. As soon as I have completed my remarks I will be delighted to yield.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. PROXMIRE. I will yield when I have concluded my remarks.

Mr. LONG. Mr. President——

Mr. PROXMIRE. I will not yield until I complete my remarks and then I will yield if the Senator from Florida will permit.

Mr. President, when we shield a program behind a trust fund, we give it an inside track in the competition for money. More importantly, we deny to ourselves the ability to weigh all our programs and reorder national priorities consistent with our national needs. Trust fund financing ties up Federal revenue and makes it extremely difficult to shift funds to where they are needed the most.

Another serious problem with trust fund financing is that the program it finances tends to become immune from the requirements of fiscal policy. Because of overall conditions in our economy, it does become necessary from time to time to cut back on Federal spending. Programs financed through trust funds tend to become exempt from this process on the grounds that the revenues are earmarked for a specific purpose and that they cannot be reduced. This means that the burden of adjustment falls more heavily on those programs which do not enjoy trust fund financing such as housing. If we increase the number of programs with trust fund financing, we increase still more the burden which the nontrust fund programs must carry.

The bill before us would segregate $600 million in Federal tax revenue for airport construction and for airport facilities. I am sure that in many cases, airports are good investments and the money should be spent. But in a tight budget year, when we are trying to fight inflation, does it make sense to go full speed ahead with building airports and cut back on more socially urgent programs such as housing? Does it make sense to tie the hands of the executive branch and the Congress when we should be reassessing all our national needs? Does it make sense to continue to whittle away at the power of Congress to control spending, when Congress must ultimately answer to the American people on the level and distribution of Federal expenditures?

I think Congress needs to take notice that it is undermining its own authority when it bypasses the regular appropriations procedure. I realize that it is too late to completely restructure the financing methods contained in this bill. Nonetheless, as a member of the Appropriations Committee, I feel a duty to point out to the Congress that by approving trust fund financing for airport construction, it is starting down a dangerous road.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GURNEY. I yield to the Senator from Louisiana.

Mr. LONG. Permit me to say that I do not think Congress would vote for the tax if it were not to be paid by people using the airways for the benefit of themselves. Most people do not fly in an airplane the whole year, and there is no reason why those people should have to pay that tax. We just passed a revenue bill last year. On the whole it was a revenue reducer. It was a tax reform bill, but, on balance, it provided for a tax cut in the long run.

The people of this country feel there is a great deal of unnecessary spending in this Government. I applaud the Senator for most of his efforts to reduce Government spending.

On the other hand, this bill is based on the assumption that people are willing to pay an additional tax, provided they know what they are paying for and provided they get what they are paying for. In this instance, they know where the airways are and they know what they are paying for. On that basis, the House of Representatives was willing to vote for this additional tax.

I have heard the argument and agree that there is much to be said for appropriating money separately. However, there is also much to be said for the view that people should have as good airports and airways as they are willing to pay for and to have modern highways as they are willing to pay for. So while there is much to be said for overall budgetary control, there is also much to be said for

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having user taxes permitting people to have services or facilities if they are willing to pay for them.

Mr. PROXMIRE. Mr. President, if the Senator from Florida will yield me 1 more minute, I agree wholeheartedly that airport financing should be through user taxes. I know that is the principle behind this bill, and it is a good principle. What I object to is having a segregated trust fund that frees those funds and makes them immune from any reductions which may need to be made in Federal expenditures.

Mr. MAGNUSON. Mr. President, if the Senator will yield, the Government could impound and freeze those funds, as it often does with highway funds.

Mr. PROXMIRE. I understand.

Mr. MAGNUSON. I do not want to be critical of the Senator——

The PRESIDING OFFICER. The Chair will state that the Senator from Florida still has the floor.

Mr. MAGNUSON. Mr. President, will the Senator yield me half a minute?

Mr. GURNEY. I yield.

Mr. MAGNUSON. The Senator from Wisconsin used the words "airport bill." I am sure he wants to be accurate. A major thrust of the bill is to improve the airways, because relatively little of the money we are talking about is going to go into airports. More than two-thirds will be spent for airway facilities and operations.

Mr. PROXMIRE. I will change that.

Mr. MAGNUSON. It is called the airport and airways bill.

Mr. GURNEY. Mr. President, I yield to the Senator from Maine such time as she may need.

ALL-VOLUNTEER ARMED FORCE

Mrs. SMITH of Maine. Mr. President, I have refrained from commenting on the report and recommendations of the Presidential Commission on an All-Volunteer Armed Force until I could read and study the report and the recommendations.

I have repeatedly supported draft legislation. I recall so vividly that close vote in the House shortly before the outbreak of World War II when Japan attacked Pearl Harbor—the vote by which the draft passed by the margin of one vote. Of course, everyone of us who voted for the draft could claim that we provided the vote that saved the draft.

I recall the condemnation I received on that vote. But I shudder to think what would have happened to our country if the draft had not been retained.

If the military manpower required by our national security can be obtained both in quality and quantity by an all-volunteer armed force and at an increased cost that the American taxpayers are willing to pay, then I can see no reason for opposition to such an all-volunteer armed force.

I am impressed with the Commission's report and recommendations. I think they are sound and well supported by the marshaled facts and statistics. It is to be noted that the Commission proposes insurance against the possibility that an all-volunteer armed force might be a complete failure in providing the manpower in quality and quantity at an acceptable price to taxpayers by proposing an effective standby draft.

The Commission proposes the elimination of the draft when the present Selective Service Act expires on June 30, 1971, with replacement of it by an all-volunteer armed force made attractive by increased pay and other reforms.

There are those who say that this is too soon and that it will be several years before we can make such a transfer from the draft to an all-volunteer armed force. In view of our involvement in Vietnam, perhaps they are right and perhaps such a transfer should not take place until our disengagement from Vietnam.

Yet, the Commission finds that annually 77 percent of our pre-Vietnam force nearly 325,000 enlistment requirements came from "true" volunteers who would enlist even in the absence of the draft. Thus, when Vietnam is over only 75,000 additional volunteers would be needed annually and could be obtained through pay increases and other reforms.

As for the current level required by the Vietnam war, the Commission finds that the volunteer rate would have to be increased by 225,000 annually. In other words, the Commission says that at our current level requirement the rate of volunteer enlistments would have to double in order to make up for the loss from termination of the draft.

And the Commission says it can be done by the end of fiscal year 1971 only a little more than a year away.

There are those who are dubious and skeptical that it can be done so fast. I am not so sure myself. But a former Secretary of Defense says it can be done—and two former Supreme Allied Commanders, Europe, say it can be done. More than that, they have been at the top of the three armed services—one a former Secretary of the Navy, one a retired general of the Army and chief adviser to the late President, Dwight D. Eisenhower, and one a retired general of the Air Force.

They recommend terminating the draft by June 30, 1971, even though we are now in the midst of the Vietnam war. I am confident that they would not so recommend if they had the slightest thought that to do so under present conditions would undermine or jeopardize our national security.

With the President committed to end the draft as soon as possible—and with his Commission unanimously reporting that the draft can be ended as soon as June 30, 1971, regardless of Vietnam, as the ranking member of the President's party on the Senate Armed Services Committee I am willing to take their judgment and to assist the President in keeping his pledge.

I hold myself in readiness to introduce such legislation as the President desires toward effecting the replacement of the draft with an all-volunteer armed force system just as soon as he tells me he wants such legislation introduced.

And in view of the action taken by his Commission, I would expect that that would be very soon.

Let us find out as soon as possible whether the proposed all-volunteer armed force will be a success or a failure. Let us not delay in making this test. After all, even if it should prove to be the failure that some predict, we would still have the insurance of the Commission's recommended effective standby draft.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

EFFECT ON ALASKA OF PROPOSED AVIATION USER TAXES

Mr. STEVENS. Mr. President, the airport and airways bill, now before this body, proposes a number of new or increased user taxes to finance a long needed expansion and modernization of our Nation's airports and air navigation and control facilities. It has been repeatedly stated by the proponents of this bill that users should pay the costs of the facilities they use, and I can hardly disagree with that.

But the effect of these taxes on Alaska will be precisely the opposite of the desired goal. Alaskan flyers will be paying for new and improved facilities that they can never use. Many of Alaska's pilots live in the bush, flying from one gravel strip to another, never using air traffic controllers, equipment, and other facilities for which they will now be paying taxes.

The problem of this unfair distribution of the burden of the airport and airways tax provisions on Alaska has been pointed out in an editorial in the Anchorage Daily Times. I ask unanimous consent that the editorial, "Tax Bite on Wings," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Anchorage (Alaska) Daily Times, Feb. 5, 1970]

TAX BITE ON WINGS

Generally missed in the maze of budgetary charts and tables which followed President Nixon's appropriations proposals to Congress this week were some sharp increases in tariffs and fees applying to aviation.

The total monetary impact of these proposed increases is noted today in David Lawrence's dispatch from Washington, on the other side of this page. Nationwide, the proposals may make good sense. But the effect will be particularly felt in Alaska, if implemented.

As the nation's largest state—and the only one without an adequate highway system and the only one which depends so much upon air transportation—Alaskans will pay a disproportionate share of the proposed increases.

Sen. Ted Stevens already has asked the Senate Finance Committee to exempt Alaska from the proposed higher fuel levies which would be collected on gasoline sold for use within the 49th State.

He also asked for an exemption from a proposed registration fee on aircraft which spends 80 per cent of the time inside Alaska. His argument in this regard was based on the premise that small airplanes

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in Alaska, in so many instances serve the same purpose as the family automobile in other states, where highway routes are available.

The pending legislation particularly strikes at Alaska again in proposing the elimination of tax-free ticketing for state and local officials traveling on government business. In Alaska, there is hardly any other way to travel—whereas officials in other states can use different methods.

In seeking such exemptions, Sen. Stevens deserves the support of Alaskans—including, of course, our other senator, Democrat Mike Gravel.

We need not seek congressional approval of the exemptions in any hat-in-hand manner, either.

The proposed increases, which might well provide a fair and reasonable way to raise necessary government income when applied to the rest of the states, simply are not fair and not reasonable when applied to Alaska's vast and undeveloped distances.

Taxes which are not equally applied are unjust—and in Alaska's case, the new levies against aviation fall in that category.

The Senate Finance Committee very likely will recognize this and agree. But it wouldn't hurt for Alaska's aircraft owners and air travelers to let the members of the committee know their views.

AMENDMENTS NO. 516

Mr. GURNEY. Mr. President, at this time I call up my amendments No. 516, which I offer on behalf of myself and other Senators.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. GURNEY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 516) are as follows:

On page 80, between lines 20 and 21, insert the following:

"STATE AGENCIES

"Authorization To Make Grants

"SEC. 212. (a) In accordance with such terms and conditions as he may prescribe, the Secretary may make grants to agencies designated by the States for the purpose of assisting those agencies in carrying out the functions contained in subsection (b) of this section.

"Functions of Agencies

"(b) A State agency shall not be eligible to receive a grant under subsection (a) of this section unless it is empowered to—

"(1) act as the agent of sponsors located in the State;

"(2) accept in behalf of the sponsors and disburse to them all payments made pursuant to agreements under section 209;

"(3) acquire by purchase, gift, devise, lease, condemnation, or otherwise, any property, real or personal, or any interest therein, including easements, necessary to establish or develop airports;

"(4) engage in airport systems planning on a statewide basis; and

"(5) undertake airport development, or provide financial assistance to public agencies within the State for carrying it out.

"Amount of Grants

"(c) The total funds obligated for grants under this section may not exceed $25,000,000, and the amount obligated in any one fiscal year may not exceed $5,000,000.

"Apportionment of Funds

"(d) The funds made available each fiscal year for the purposes of making grants under this section shall be apportioned among the States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States, except that (1) not more than 10 per centum of the funds made available under this section in any fiscal year may be apportioned to any State, and (2) the total of the amount of any reductions in State apportionments for any fiscal year pursuant to clause (1) shall be available to the Secretary for the purpose of increasing, subject to the limitation in such clause (1), apportionments for such year to such other States under this section as he determines will best carry out the purpose of this section. Any amount apportioned to a State which is not obligated by grant agreement at the expiration of the fiscal year for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of section 205, and be available for use for the purposes stated in paragraph (1) of section 204(a).

"Definition of Terms

"(e) As used in this section, 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam. For the purposes of this section, the terms 'population' and 'area' shall have the definitions given to such terms by section 205."

On pages 80 through 86, redesignate sections 212 through 217 as sections 213 through 218, respectively.

Mr. GURNEY. Mr. President, I ask unanimous consent that the names of the distinguished Senator from California (Mr. MURPHY) and the distinguished Senator from Hawaii (Mr. FONG) may be added as cosponsors of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, I am offering today an amendment to S. 3108, an act to expand airport and airways, which inserts into that act language similar to that contained in section 22 of H.R. 14465. That language was not included in the Senate version of this bill.

Briefly stated, my amendment would permit the Secretary of Transportation to make grants to agencies designated by the several States for the purpose of assisting those agencies in carrying out airport systems planning on a statewide basis and to undertake airport development in a systematic fashion within the State. The total funds to be obligated for such grants would not exceed $25 million over a 5-year period, or $5 million per year.

We have inserted a limitation on the amount any one State may receive under this program: the ceiling is 10 percent. That means that no State may receive more than 10 percent of the entire fund during any one year, thus not more than $500,000. This was done to insure that the smaller States would have an opportunity to receive a fair share. Since the allocation is based on a combination of physical size and population size, only four States—Texas, New York, California, and Alaska—stand to receive in excess of 5 percent of the total available in any given fiscal year. The 10 percent figure is intended, then, as an outside ceiling: We do not anticipate that any one State's share will ever reach that level in practice.

I can report that this amendment has the support of the Department of Transportation and the administration. The National Governors' Conference and the National Association of State Aviation Officials have unanimously endorsed the idea and very many individual Governors have communicated with me and encouraged me to press for its inclusion in the bill. And, I am honored that so many of my distinguished colleagues have indicated their approval and their intention to cosponsor this amendment.

Some general observations:

We are dealing here with not a great deal of money when we compare the figure of $25 million with the total amount involved in the bill, over $600 million in expected revenues for fiscal year 1971. But this sum, to be expended over a 5-year period, is an important one, giving, as it does, recognition to the role to be played by the States in planning for our national airways system.

I think it is axiomatic that the States should play a major role in airport planning, and the coordinated national system, which this act envisions, must necessarily enlist the States and give them an opportunity to be heard, offer them "a piece of the action" and a voice in the decisions touching on their well-being. This is a modest recognition of that need and that role. This amendment will not take funds away from any other existing program and the discretion resides with the States to take part or refrain as they choose.

I want to emphasize that as much as I can, because I know there is some objection on the part of some Senators who live in States that do not have State coordinating agencies where the airports deal directly with the national government. This amendment will not interfere with that relationship at all.

Mr. CASE. Mr. President, will the Senator from Florida yield, with the understanding, of course, that he will not lose the floor?

Mr. GURNEY. I yield briefly to the Senator from New Jersey.

DECLARATION IN SUPPORT OF PEACE IN THE MIDDLE EAST

Mr. CASE. Mr. President, I thank the Senator from Florida, and I am very happy indeed, jointly with the Senator from Maryland (Mr. TYDINGS), to have cosponsored a declaration in support of peace in the Middle East. Sixty-four other Senators have joined us in placing their names on this bipartisan declaration.

I joined in sponsoring this declaration because the situation in the Middle East is a major concern for all of us. For the well-being of the peoples of that area and for the peace of the world, the Middle East must be at peace. This peace, I believe, should be arrived at by negotiations between the parties and should be binding on all concerned. Neither side should believe itself threatened by the other; neither side should threaten the other.

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In this latter regard, we have expressed the view, in our declaration, that Israel must not be left defenseless. This, we have said, would not be in the interests of the United States or in the interests of world peace.

Peace in the Middle East must be our aim as well as our desire. Only when war is ended can the peoples of the Middle East pursue their social and economic betterment.

Before I ask that the declaration be printed in the RECORD, perhaps the Senator from Maryland would like to make a brief statement.

Mr. TYDINGS. Mr. President, I thank the Senator from New Jersey, and commend him for his leadership in this matter. I think the fact that 64 of our fellow Senators have seen fit to sign this Declaration of Principles is in and of itself a testimonial to the merit of its content. I think it is quite obvious that since the declaration has been signed, the Department of State and the President of the United States have seen fit to adopt the principles stated therein insofar as their public pronouncements on Middle East policy are concerned, and I am delighted, at this time, to join the Senator from New Jersey in formally presenting to the Senate of the United States this declaration, which has been signed by 64 of our fellow Senators.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. TYDINGS. I think the Senator from New Jersey has the floor.

Mr. CASE. I am happy to yield to the Senator from West Virginia. As a matter of fact, if I may, I would like, on his behalf, to add his name to this declaration, making it 65 Senators in addition to the Senator from Maryland and myself.

Mr. BYRD of West Virginia. I thank the Senator. That was the purpose of my request.

The PRESIDING OFFICER. Without obection, it is so ordered.

Mr. CASE. I join with Senator TYDINGS in asking unanimous consent that the Declaration in Support of Peace in the Middle East be printed in the RECORD.

There being no objection, the declaration was ordered to be printed in the RECORD, as follows:

We, the undersigned Members of the United States Congress, declare:

A just and lasting peace in the Middle East is essential to world peace.

The parties to the conflict must be parties to the peace achieved by means of direct, unhampered negotiations. We emphasize these significant points of policy to reaffirm our support for the democratic State of Israel which has unremittingly appealed for peace for the past 21 years. Our declaration of friendship for the State of Israel is consistent with the uninterrupted support given by every American President and the Congress of the United States since the establishment of the State of Israel.

It would not be in the interest of the United States or in the service of world peace if Israel were left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations. We adhere to the principle that the deterrent strength of Israel must not be impaired. This is essential to prevent full-scale war in the Middle East.

All the people of the Middle East should have a common goal in striving to wipe out the scourge of disease, poverty and illiteracy, to meet together in good faith to achieve peace and turn their swords into plowshares.

James B. Allen.
Birch Bayh.
Alan Bible.
J. Caleb Boggs.
Edward W. Brooke.
Quentin N. Burdick.
Robert C. Byrd.
Harry F. Byrd, Jr.
Howard W. Cannon.
Clifford P. Case.
Frank Church.
Marlow W. Cook.
Norris Cotton.
Alan Cranston.
Carl T. Curtis.
Thomas J. Dodd.
Bob Dole.
Thomas F. Eagleton.
Sam J. Ervin, Jr.
Paul J. Fannin.
Hiram L. Fong.
Barry M. Goldwater.
Charles E. Goodell.
Mike Gravel.
Robert P. Griffin.
Edward J. Gurney.
Fred R. Harris.
Philip A. Hart.
Vance Hartke.
Ernest S. Hollings.
Roman L. Hruska.
Harold E. Hughes.
Henry M. Jackson.
Jacob K. Javits.
B. Everett Jordan.
Edward M. Kennedy.
Russell B. Long.
Eugene J. McCarthy.
Gale W. McGee.
George McGovern.
Thomas J. McIntyre.
Warren G. Magnuson.
Charles McC. Mathias, Jr.
Jack Miller.
Walter F. Mondale.
Joseph M. Montoya.
Frank E. Moss.
George Murphy.
Edmund S. Muskie.
Gaylord Nelson.
John O. Pastore.
Claiborne Pell.
Charles H. Percy.
Winston L. Prouty.
William Proxmire.
Abraham A. Ribicoff.
William B. Saxbe.
Richard S. Schweiker.
Hugh Scott.
Margaret Chase Smith.
Ralph Smith.
John J. Sparkman.
William B. Spong, Jr.
Ted Stevens.
Stuart Symington.
John G. Tower.
Joseph D. Tydings.
Harrison A. Williams, Jr.
Ralph W. Yarborough.
Stephen M. Young.

Mr. CASE. I thank the Senator from Florida for his generosity.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. GURNEY. Mr. President, reserving my right to the floor, I yield briefly to the Senator from Missouri.

SITUATION IN LAOS

Mr. SYMINGTON. Mr. President, the American public has watched for the past several weeks as, by bits and pieces, the stories on the secret war in Laos have been disclosed. That there is an American involvement there is no doubt. But what it is in terms of the extent of U.S. activities and expenditures has never been disclosed to the American people.

As Senator MANSFIELD today has already pointed out, events of the past 24 hours, including a public statement attributed to the American Ambassador in Vientiane that "the American mission has lost any interest in helping out the press whatsoever because of what happened this afternoon," indicates that even the trickle of information from Laos by American newsmen is now to be impeded by the U.S. Government.

The Subcommittee on U.S. Security Agreements and Commitments Abroad has for 4 months tried to get release of its transcripts on Laos so that the American public could know about this activity.

We believe it now more urgent than ever that this transcript be released; and in order to complete this record on U.S. activities since October, we have today asked Secretary Rogers to direct Ambassador Godley to return to Washington as soon as possible to appear before the subcommittee.

I ask unanimous consent that an article published in the New York Times of February 25, 1969, labeled "3 Newsmen Arrested," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 25, 1970]

THREE NEWSMEN ARRESTED

VIENTIANE, February 24.—Laotian Army troops today arrested three Western newsmen who had made their way unannounced to the Government base at Long Cheng. They were later released to a United States Embassy official.

G. McMurtrie Godley, the United States Ambassador to Vientiane, said in a statement that "the American mission has lost any interest in helping out the press whatsoever because of what happened this afternoon." He did not elaborate.

The newsmen arrested were John Saar of Life magazine, Max Coiffait, of Agence France-Presse, and T. D. Allman, a part-time employe of The New York Times and The Bangkok Post.

Mr. SYMINGTON. I also ask unanimous consent that an article by one of these three newsmen in the London Times of February 23, "What Really Happened in the Plain of Jars?" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the London Times, Feb. 23, 1970]

WHAT REALLY HAPPENED IN THE PLAIN OF JARS?

VIENTIANE, February 22.—It is a hard life for the 30 correspondents in Vientiane. Yesterday we were told that the Plain of Jars had been "swamped" by the communists. Today we were told that the attackers numbered no more than 400 and that the losses of the 1,500 defenders had been "extremely light" for the excellent reason that the positions had almost all been abandoned before the offensive.

The most embarrassing part is that the source of information was identical in both cases. The source is not Laotian but is certainly better placed than anyone else here to know what is happening, and it only supplies "news" on a "don't quote me" basis.

The sole fount of knowledge about the battlefield is the United States Embassy in Laos, thanks to its military attachés, who work out the tactics applied by government forces and supervise their application. Journalists and most Government leaders know from one day to the next only what the Embassy lets them know.

Knowledge after the event and the development of the unofficial statements coming directly or not from the Embassy confirmed today that the North Vietnamese offensive against the Plain of Jars was only a middling one, certainly less powerful than the offensives launched by the North Vietnamese this time last year against other objectives.

It was, however, preceded and accompanied by an American propaganda barrage on all levels which seemed to have been aimed in particular at getting public opinion to accept B52 bombing of the communications routes linking the North Vietnamese frontier with the Plain of Jars.

It seems that the North Vietnamese troops deployed in this sector never exceeded 3,000 or 4,000 men; that no attack involved more than 400 North Vietnamese at a time; and that the Government positions east of the plain and in the plain itself were deliberately evacuated, like the civilian population, with a minimum of losses for the Government side.

Tactics of this kind, accompanied by a propaganda campaign inflating the importance of the present North Vietnamese offensive, have many advantages and some inconveniences for the Americans and their allies.

The evacuation of civilians deprived the North Vietnamese of logistic support, food and labour that they would have received from that population after the withdrawal of Government troops.

The troop withdrawal to mountain positions west of the plain, which will be defended, eliminated the danger of posts relatively close to the North Vietnamese frontier being captured by surprise attack.

The withdrawal, presented as a series of defeats resulting from a powerful North Vietnamese offensive, rendered "acceptable" to public opinion the use of B52s, which would have been hard to use against a zone where the positions were extremely interlocked.

The American strategists were apparently banking on the proverbial headstrong nature of the North Vietnamese, reasoning that they would not fail to thrust forward on progressively surrendered terrain even if it meant undergoing non-stop bombing. This result was partially achieved and one may expect "blanket bombing" of the North Vietnamese to continue.

Communist propaganda will not fail to exploit the withdrawal of the royal forces as a victory for the Pathet Lao. In the Government camp itself, the inflation of the North Vietnamese offensive by the only available information sources caused a ripple of anxiety that today's announcement of the small number of North Vietnamese troops in the offensive was perhaps intended to quell.

It looks in any case as if the United States does not intend to let up in Laos. This time last year the Plain of Jars and bordering areas are still forbidden territory for United States aircraft. Now B52s are being used against them.—Agence France Presse.

Mr. SYMINGTON. I thank the Senator from Florida for his courtesy in yielding to me.

Mr. GOLDWATER. Mr. President, will the Senator yield, so that I may ask the Senator from Missouri a question?

Mr. GURNEY. I yield.

Mr. GOLDWATER. Does the Senator mean by his statement that the United States has troops in combat in Laos?

Mr. SYMINGTON. It depends on a definition.

Mr. GOLDWATER. I mean Americans engaged in fighting on the ground.

Mr. SYMINGTON. I am not in a position to answer any questions on the floor of the Senate in open session at this time asked by the able Senator from Arizona, because the transcript has not been released as yet on any meaningful basis, and we are not going to release said transcript unless it is meaningful.

Mr. GOLDWATER. The reason I ask is that it has not been any secret that we have been flying fighter support missions in support of the Laotian Army up on the Plaines des Jarres. The Senator, I know, has known about that for a long time. If the information is classified, I shall not press the point, but I wonder if there is information that there are actually ground troops engaged.

Mr. SYMINGTON. There are a lot of other ways of fighting besides the use of acknowledged and obvious ground troops.

Mr. GOLDWATER. I am sure the Senator knows what he is talking about. He just got back from over there. I was interested to hear whether there had been additional developments during the last month.

Mr. SYMINGTON. Especially because of my respect for the Senator from Arizona, I want to be as free as possible under the normal restrictions of disclosing classified information. But there has been a heavy escalation in the air war.

Mr. GOLDWATER. That is correct.

Mr. SYMINGTON. And it has not been only with respect to operations incident to the Ho Chi Minh trails.

Mr. GOLDWATER. That is true, to some extent.

Mr. SYMINGTON. It is not true just to some extent. It is true, period.

Mr. GOLDWATER. I look forward with a great deal of interest to what the Senator can develop on that.

Mr. SYMINGTON. I too, look forward to getting this transcript released on some meaningful basis. When the American people go to war, whether by land, or sea, or air, they should know something about it. The President of the United States, in his talk on the third of November, stated the American people would not support a war unless they did know something about it. We have had in the press reiterating what is still classified in our hearings.

Today the majority leader and, I believe also the distinguished junior Senator from Maryland had a colloquy. I did not hear it, but understand they thought that, inasmuch as the American Ambassador in Laos said from here on in, he would have no interest in helping the newsmen do their job, we had better find out what is going on.

Mr. GOLDWATER. I agree with the Senator, but I reiterate that the air support of the Laotian army certainly has not been a secret, nor has the expansion of it been any secret. It has been reported rather accurately in print.

Mr. SYMINGTON. What has not been officially acknowledged is the nature and degree of our military operations in Laos. We had witnesses day after day last October. For 4 months now we have been trying to get declassified what the State Department still says should be classified. I disagree, especially as it has nothing whatever to do with security. If we agreed with State as to what should be released, the record would be meaningless and misleading.

Mr. GOLDWATER. I will look forward to seeing it.

Mr. SYMINGTON. I thank the Senator.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. GURNEY. Mr. President, if we can get out of Southeast Asia and back to this airport bill, perhaps we had better do that.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. GURNEY. As I was stating, my amendment seeks to encourage State initiative in airport planning.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. GURNEY. It has been suggested by its opponents that this amendment would make State channeling agencies mandatory. That was not my intention in drafting it or even offering it. To my knowledge at least 33 States have adopted legislation which requires some degree of State responsibility in airport planning and in the administration of funds coming to them under the Federal airport aid programs. My amendment, as far as I can see, would in no way interfere with the freedom of choice of the remaining 17 States. I think that there would be created an incentive—a very modest incentive considering the total dollars here involved—but an incentive none the less for the 17 States currently without such State coordinating agencies or instrumentalities to bring such agencies into existence. The funds under my amendment would be available to those States which have channeling agencies in existence and which have accepted responsibility in connection with the Federal airport program. I stress that the amendment is in no way coercive: funds are available elsewhere for individual airport assistance. Candidly, I must say that I think it would be very salutary if all States were to have State agencies through which the Federal Government could channel funds. Uniformity of this sort would ease administrative problems, probably make the program run more efficiently, and perhaps save some money. But I recognize that the choice to act or refrain properly resides with the individual States. I would point out that our experience under the Federal Highway Act shows the utility of a single State agency coordinating the entire program. As it stands now, the Department of Transportation is very frequently forced to deal with a multiplicity of applicants: individual cities, counties, towns, airport authorities, and the like. I am not by disposition or philosophy an advocate of rigidly structured Federal programs. But I do have a great deal of respect for the States as States and as members of the Federal union. I think statewide planning in this area makes a good deal of sense.

Our experience with the highway program should be recalled: We should recognize here, as we did with highways, the need to plan and develop airports as component and integrated parts of a national system—in this case, a national air transportation system. To do that we have to forgo the luxury of purely local—by that I mean city or county—priorities, be they priorities of financing or whathave-you. We need a broader perspective, the kind we can expect to get from the States themselves. Cities and counties, of course, can and should continue to own airports, to run them and to profit by their operation. In all probability, city and county-owned airports could profit from this amendment since States would supply additional revenue and technical assistance to them. My experience has been that jealousy and rivalry between State and county governments are more frequently found in theory than in fact. In reality, States and their counties and cities cooperate on a host of common problems and on a variety of levels; in housing, in law enforcement, in education, highway and street building, in transportation problems generally and, of course, on the new problems of pollution control. They can, I think, be expected to cooperate fully on the problems of airport planning and development.

In his individual views in the report on this bill on page 77, the distinguished Senator from Vermont (Mr. PROUTY) spoke of the need to deal with our national airport problems by enlisting Federal, State, and local cooperation. His statement, I think, underscores the need for a provision in the bill which hopefully my amendment will supply. Senator PROUTY said:

> I think all of us realize that the nation's transportation problems can be solved only by the cooperation of the Federal, State and local governments. More and more we see states recognizing the need for a more coordinated attack on transportation problems by instituting state departments of transportation.
>
> The Senate Commerce Committee three years ago followed the leadership of its distinguished Chairman in urging the formation of the Department of Transportation at the Federal level.
>
> It is strange to me that those who see need for close cooperation between agencies concerned with problems of transportation somehow fail to carry this concept to its logical conclusion by fostering cooperation by the Federal, State and local governments. I, for one, believe that vertical cooperation and coordination are as important as horizontal cooperation and coordination.
>
> I continue to believe that S. 3108 would be a better bill if it recognized the need for involving the states in the great task we have ahead of insuring a safe and adequate aviation system for the 21st Century. Unfortunately, in its present form, S. 3108 offers absolutely no recognition of the great contributions state aviation agencies have made. By lumping state aviation agencies into the same category as every local airport operator under section 203 of the bill, the Committee has simply added 50 competitors for the meager planning funds provided for planning assistance.

That certainly makes sense to me.

Let me speak briefly about the historical development in this burgeoning field:

In my own State of Florida, before World War II, State officials developed, and the legislature enacted, the Florida 10-year plan for aviation development 1935–45. With that comprehensive plan for airport and aviation development, Florida State officials were able to increase State funds for airport and aviation development from $20,000 to over $2 million a year. The entire 10-year plan and program was completed in just about 4 years. During that time 87 new airports, and extensive improvements to 33 existing airports, were completed in Florida.

And this was done, Mr. President, in the years preceding World War II—when aviation had little to sell in comparison to the booming industry we have today.

This systematic planning was accomplished before the Federal Government ever got involved in airport construction—a task that was really forced upon it by our military needs during the war.

The Federal Airport Act of 1946 was largely developed by the Truman administration as a way to dispose of surplus military airports. They were given to local governments for commercial use. Up to that time the Federal Government never had been involved in civilian aviation development. But the States had been—and for a long time. So, actually, the Federal Government is a Johnny-come-lately in this business.

Only a few of the major commercial airports are actually owned by local governments themselves. Chicago, and Los Angeles are two outstanding examples. Most airports are owned by special authorities created under State enabling legislation and funded by special bond issues rather than out of city government budgets. The Port of New York is a bi-State agency, created by an interstate compact between New York and New Jersey. The States of Hawaii, Alaska, Rhode Island, and the Commonwealth of Puerto Rico own and operate all airports in their jurisdictions. States own and operate 700 airports, 315 of which are commercially served by certified carriers. So States are indeed in this business in a big way, certainly in numbers.

The Federal Government owns only two commercial airports. Yet we readily accept its role in airport development. Of the nearly 10,000 airports in America, only 535 are commercially served. The FAA does nothing about these other airports. How do they mesh into the national system? How are they maintained? Who is going to plan their future development into commercial airports? What role can these airports play in new economic development; the creation of new towns; the redistribution of population? The States are the most logical level of government to do this planning and to coordinate this development.

Transportation, like any field, has its share of special interest groups. There is intense competition between the various modes. But every leader in transportation, from the Secretary of Transportation, to major industry and labor leaders, recognizes that we must look at this situation as one comprehensive system of transportation. We must realize that there must be integration of the various modes of transportation.

We are all familiar with accounts of carelessly constructed facilities that produced disjointed transportation.

The States are now in the midst of the most progressive development in this area—one of the complete integration of transportation planning and development.

The first comprehensive department of transportation was not in the Federal Government, but in Hawaii, California, New Jersey, and New York. The 10 States that now have these departments have broader control than does the Federal department. They also coordinate maritime and harbor development. The Federal Department of Transportation does not do this.

To allow airports special interests to go off on their own, apart from coordinated cooperation, under State guidance, would be to frustrate the entire system. Part of the mess we are in now can be directly traced to the fact that airports have been built in some areas without regard for total transportation needs or for community concerns.

The States, to a very great extent, have taken a leadership role in this area. As I pointed out previously, 33 States already have agencies in existence to coordinate State airport planning. The State of Connecticut, incidentally, began its program in 1911, fully 15 years before U.S. Government entered the field or enacted any law dealing with airports or airport development. The States have shown much initiative.

Through the National Association of State Aviation Officials, the States, in 1967, called upon the Federal Aviation Administration to join in the preparation of a guide for State aviation planning. After 17 months of intensive work, the FAA published in March of 1969 the guide for "Planning the State Airport System." Nearly half the States have already begun this effort. The guide establishes time period for short, medium, and long range airport system plans, as well as policies, standards, and criteria that can be applied at both the State and Federal levels in order that State plans can be used in the preparation of a realistic national plan.

Thus, the States were the first to push the FAA into the planning task. The States saw the need for a national airport plan, even before the Federal Government did. The States saw the logic of developing State airport plans that would be the building blocks for a national plan.

Now, we should note that while State aid to airports is 14 times higher than a decade ago, Federal aid for airport development is less than half the amount appropriated 10 years ago. In fiscal year 1970, States are spending approximately $180 million for airport development. This is six times greater than the $30 million fiscal year 1970 Federal aid to airports appropriation.

The outstanding measure now before

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the Senate is an attempt to get the Federal Government to catch up. But in that effort, let us not shut the States out. Let us recognize what States have done, and give them a continuing role in the unfolding national airport program.

I think the bill is a splendid bill and certainly deserves the support of all the Senate. The chairman of the committee, the distinguished Senator from Washington, and his committee have done a fine job. My effort here is to make it just a little better.

What I suppose I am urging is that a truly national airport system demands coordination and cooperation among and between local, State, and Federal governments. I do not think we can achieve the very worthy objective of that national system by ignoring or slighting the States.

I do not feel doctrinaire or dogmatic about this amendment in any way. I hope it can achieve what it sets out to do. If it can be improved in any way, I invite correction or improvement. I do think it would serve a useful purpose and fill a real need. I earnestly urge its adoption.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. GURNEY. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I rise today in support of the amendment of the distinguished junior Senator from Florida. I agree with Senator GURNEY that this amendment will add more flexibility to the bill, a goal which the chairman seeks.

The Senator from Florida's amendment provides for the Secretary to make grants to agencies designated by the States for the purpose of assisting those agencies in carrying out the functions of the act. This proposal was included in the administration's bill and was part of the bill as it passed the House of Representatives.

Adoption of the amendment does not mean that all moneys must be channeled through State agencies. As the chairman knows, section 203 of the bill authorizes the Secretary to make grants to planning agencies for airport system planning and to public agencies for airport master planning. It would not be necessary for the money to be channeled through State agencies under this section.

In addition to the authority given to the Secretary to make grants under section 203, the amendment before the Senate would provide, as the administration and the House-passed bills also provided, for grants to be made to agencies designated by the States. This amendment does take into account that 48 States do have aviation agencies.

This amendment does take into account the fact that 25 States own and operate more than 700 airports, nearly half of which are served by commercial air carriers. This amendment does take into account that 43 States have budgeted more than $180 million for fiscal year 1970 for airport development, a sum exceeding the present Federal effort. The amendment does take into account that 33 States have laws requiring varying degrees of State approval for Federal aided local airport development projects. These States might be forced to change their laws unless the amendment before us is adopted.

Yesterday, the distinguished chairman referred to my own State of Wyoming. He said that Wyoming and other Western States had left the responsibility for developing airports up to the city or the county. He stated that he wanted the bill before us to provide flexibility in the program so that communities in these States can expand their airports with Federal matching funds. I wish to point out to the distinguished chairman that the State of Wyoming strongly supports the amendment of the junior Senator from Florida. The State of Wyoming recognizes that local communities can receive grants from the Federal Government under the provisions of section 203 of the bill. In addition, the State of Wyoming recognizes the need for State planning. The State of Wyoming is one of the 27 States which have enacted laws to implement the Model States Channeling of Federal Airport Funds Act, and I ask unanimous consent that a copy of these Wyoming laws be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HANSEN. Mr. President, I ask the Members of this body to recognize that not all communities are financially equipped to come running to Washington to make their needs known. While the major cities of our Nation maintain offices in Washington to lobby for funds, most of our cities and towns cannot afford this type of communication. However, these cities and towns can effectively make their needs known at the State level. Funds should be made available at the State level.

Airport and airway systems must be balanced. Air transportation is very important in the West. One of the reasons is that the region is not as heavily populated. Cities and towns are farther apart than they are in the East and on the west coast. However, the lack of population means that it is more difficult to finance and present plans at the Federal level. A town of 5,000 people in Wyoming may be located several hundred miles from any large population center. Air transportation is important to this town. This town finds it much easier to make its problems known and understood at the State level.

Therefore, I urge my colleagues to support the Gurney amendment which will make $5 million a year available to those States which are actively involved in assisting their own localities with planning and with State financial aid. These funds are in addition to Federal funds going directly to local airport sponsors under section 203.

This proposal has the support of the administration. It has the support of the House of Representatives. I believe it should have the support of the Senate.

EXHIBIT 1

EXCERPTS FROM WYOMING LAWS GOVERNING AERONAUTICS

10–16. This commission shall cooperate to the fullest extent with the Bureau of Aeronautics of the United States government, with any existing Federal aviation commission, with the cities and counties in Wyoming, with the chambers of commerce, commercial clubs and all aviation and business concerns interested in the development of aeronautics within the State. The commission is authorized to designate the airports to be built and maintained with the assistance of State or Federal funds, and no county, city, town or other political subdivision of the State shall apply for, or directly accept, receive, receipt for or disburse any funds granted by the United States government, but it shall designate the Wyoming aeronautics commission as its agent in its behalf to apply for, accept, receive, receipt for and disburse such funds. Such county, city, town or other political subdivision shall enter into an agreement with the Wyoming aeronautics commission describing the terms and conditions of such agency in accordance with Federal laws, rules and regulations and applicable laws of this State. The commission shall have the power to enforce the proper maintenance of such airports by the counties, cities and towns as agreed in the contracts existing between the sponsors of such airports and the Federal Government. All work of construction and maintenance of such airports shall be under the direction of the aeronautics commission. The commission is hereby authorized to obtain the aid of the State highway department, its personnel, facilities and equipment for construction and maintenance of said airports. The commission shall also encourage the development of private aviation schools, encourage interest in private flying and privately owned planes, encourage the study of aeronautical engineering and allied subjects in the various schools of Wyoming and assist in forming classes in aviation, encourage the establishment of feasible airline routes throughout the State and assist as far as possible in such development, and encourage the greater use of air mail. (Laws 1945, ch. 64, amended)

AIRPORT CONSTRUCTION

10–21. For the purpose of aiding in the construction and improvement of airports designated by the Wyoming aeronautics commission as those to be constructed with State funds, said commission is hereby authorized to make grants in aid of such construction and development to counties, cities and towns within the State of Wyoming. No such grant in aid of the construction or improvement of any airport shall be made unless such airport shall be owned exclusively or jointly by the county, city or town to which such grant is made, and such grants shall be limited in amount to a sum of twenty-five thousand dollars ($25,000.00).

10–22. No expenditures of State funds shall be made as authorized by this act, unless the county, city or town which is or are the owner or owners of such airport shall appropriate and expend on the project for which such grant in aid is made such an amount of its or their own funds, in addition to any funds received by it from the Federal Government or any agency thereof, as shall equal or exceed the amount of such grant in aid.

Mr. GURNEY. I thank the distinguished Senator from Wyoming for his support of the bill. I certainly value his well reasoned and strong arguments. They supplement and augment the reasons for which I offered the amendment.

Mr. PEARSON. Mr. President, will the Senator from Florida yield?

Mr. GURNEY. I am happy to yield to the Senator from Kansas.

Mr. PEARSON. Mr. President, I do not speak, of course, for the committee, but I know some of the considerations which were involved in making the decision on aid to the States under the program, and that it took into account the enormous demand not only upon the funds of the Federal Government in the former act—the present act which will

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expire—but also the enormous demand upon the local authorities.

I do not believe that we have appropriated or spent more than $75 million in any given year. The squeeze is not only upon the Federal Government but also upon the local cities, the States, and others, in coming up with matching funds, at a time when we appropriated, and in the form of matching funds, provided about $70 million. The total requests that came in to the Federal Government were in the amount of $344 million, which is some indication and some measurement of the great need for airport development today.

Thus, the great demand here, even in a program that has got to earmark $300 million for airport development and $250 million for appropriations, together with all the great research and development that we have got to have, and so essential that we earmark the first $50 million of general revenue funds going into the trust fund for research and development. All of this, added up, amounts to some sort of sense of priority as to what we would do with the moneys—the general revenues and user charges.

So that was one of the considerations that led the committee, I think—and others will speak on it with greater authority—to reach this decision.

Another consideration, and the Senator will correct me if I am wrong, as he is a student of this particular subject—certainly we found that only 26 or 29—I forget which—States had aviation departments——

Mr. GURNEY. Twenty-seven.

Mr. PEARSON. I know that in my State of Kansas, where we build 75 percent of all the private airplanes flown in the world today, there is no State aviation department. I am quite sure—I have this on State authority because I have been approached by members of the State senate interested in this subject—that if this amendment is acceptable, then Kansas will have one quickly.

The absence of State agencies is a matter which raises some question and some doubt.

A third point is, What does the State do? The Senator, in his statement, in a very persuasive way, has indicated the great work done in his own State of Florida, but as one looks at the operations of State aviation agencies from State to State, we find a varied and checkered pattern as to what the contribution has been. The cooperation, the partnership, which the Senator speaks of, does exist. It exists to a high degree between the planning agency and the municipality, and so forth.

Thus, these are some of the reasons why I find myself in the discomforting position of disagreeing with my very able friend from Florida.

In spite of his most persuasive arguments, and the great support he has from the administration and from governors, I believe that it would be unwise to adopt the Senator's amendment at this time.

Mr. GURNEY. Mr. President, I certainly respect the opinion of the able senior Senator from Kansas. Obviously, we have differing viewpoints. For example, on the point made concerning priorities, I suppose the point is that we have to open this up to the States and that by encouraging the formation of a State agency which is not there now, perhaps the funds will be thereby diluted.

However, I look at it in an entirely different direction. I say that the States are making an input right now of $180 million, this last fiscal year, into the business of airport construction and help within the States themselves.

I do not see how one could argue against the fact that if other States which do not now have departments of aviation, as the Senator has so ably put it—I might say a planning agency—I do not see how one can come up with any other conclusion that if they are interested enough to go ahead in that direction, then, indeed, they will make a greater input into the field of aviation, particularly the field of airport planning, coordination, and money for airports.

Mr. President, there is another point that I think, too, along the idea of money and priorities, occurs to me, that if we encourage planning agencies—and that is exactly what the amendment intends to do in the various States—then, again, the direction will be in the interest of economy.

I can think of one example in my own State. I might say to the Senator that we do not have a central planning agency in Florida now. We did a great deal in airport planning, statewide, before World War II. We do not have it yet, but the present administration has indicated a keen interest in it and strongly supports the amendment. But there is one area in the State of Florida, in the past 4 years, in which three major jetports have been built within a few miles of each other. One is in a large central city, where it probably should be; and two are in smaller cities within less than 50 miles of where the first jetport was built for the biggest cities.

I do not say that the other two were wrong, because I have not made a study of it from the viewpoint of an aviation expert. But I am saying that had we had a State planning agency, I think this is a subject they would have looked into very keenly to see that we were not wasting money by constructing three jet airports within a circumference of 30 miles.

So, I would say here that if this does nothing else than to encourage this sort of planning, it seems to me we would save a lot of money for the priorities that the Senator from Kansas is interested in.

Mr. PEARSON. Mr. President, the bill provides $15 million annually, together with the airway and airport construction, for planning—of which the Federal Government will pay two-thirds of the planning charge.

Here is an indication of a recognition of needs planning. And I know of no reason why under this particular provision, this particular earmarking of funds, that the planning which the Senator makes reference to could not be carried out.

Here is $15 million earmarked as distinguished from the $5 million the Senator makes refernce to in his amendment.

I do not know whether that would fill the void that the Senator has in mind. But it is a recognition of some help in this direction.

Mr. GURNEY. Mr. President, it is indeed. I certainly think that is a good provision in the bill. There, the Senator's ideas and mine coincide, except that I think this amendment would encourage the idea of State planning through a State agency, which I think is a better way to do it.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. MAGNUSON. Mr. President, the Senator used the figure that the States currently contribute $180 million for airports development. That figure is correct. As a matter of fact, it is a figure that we heard in the committee for many, many days. But that figure is insignificant compared to the contribution of the ports and the counties and the cities that have built airports. Their contribution amounts to more than 95 percent of total development costs.

They are the ones who build and operate airports in most cases, not the States.

How many State owned and operated airports are there? I have never landed in one. There may be a few.

Mr. GURNEY. The States own and operate 700 airports. And 350 of these airports are commercially served by commercial carriers.

That comes from the committee report. So, I assume the figure is correct.

Mr. MAGNUSON. Perhaps most of those are smaller airports serving generally small towns and rural communities.

Does the Senator consider his amendment to be directed only toward providing planning funds for State aviation agencies?

Mr. GURNEY. No.

Mr. MAGNUSON. That is what I wanted to know. It is really directed toward the channeling of Federal funds through State agencies in all 50 States.

Mr. GURNEY. So long as the States have a planning agency. However, in the Senator's own situation in the State of Washington, where there is not a planning agency, of course, it would not have any effect at all.

The point I want to bring home and make clear as possible, because the opponents of the amendment and the provision contained in the House made the point that we have to have a planning agency to grant money, is that this is not true. If a State does not have a planning agency, it can get the money under the bill.

Mr. MAGNUSON. Mr. President, I understand that. Each time a State exercises channeling authority it must approve the bonds of the local communities.

Mr. GURNEY. The Senator is correct.

Mr. MAGNUSON. Mr. President, if Senator GURNEY's amendment was directed at planning funds, I would be for the amendment 100 percent.

Mr. GURNEY. Mr. President, the Senator points out that this is a bogeyman. I point out that here are 27 States in which they have exactly this situation. They have State planning agencies, and

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the money goes directly to them. And they think it is a good idea. And they are working under the plan today.

Mr. MAGNUSON. I did not question that, and the committee did not question that. We merely said that for those States that now have channeling authority, we should let well enough alone. They can do it, and the Secretary is directed under the bill to funnel money through the States where State law requires it. Some of those State agencies work very well.

We say also that in those States which do not now channel Federal airport funds; where cities and counties have bonded themselves and where they acquire Federal funds without channeling; Federal law should not seek to disturb this relationship. But under the pending amendment States would be forced to adopt channeling laws in order to become eligible to receive grants to State aeronautical agencies.

Mr. GURNEY. The Senator is correct.

Mr. MAGNUSON. Mr. President, all local governments would have to ask permission from the States to sell their bonds if channeling was required.

Mr. GURNEY. Well, they have to do that now, as I recall it.

Mr. MAGNUSON. No. Many local governments go about this independently.

Mr. GURNEY. Mr. President, one interesting thing here, and I think again——

Mr. MAGNUSON. Mr. President, may I ask the Senator another question?

Mr. GURNEY. Let me answer this first and then the Senator can ask another one.

There seems to be some fear existing on the part of the Senator from Washington concerning States. I would point out that I believe not a single airport authority in any State can exist without permission from the State legislature.

Mr. MAGNUSON. Oh, of course, they have blanket permission to issue bonds.

Mr. GURNEY. That is what I mean. We are talking about the same thing. In order for a State or airport authority to get into business in the first place, it has to go to the State legislature to secure agreement.

Why is the Senator so fearful of State legislatures? Or perhaps it is the Governor.

Mr. MAGNUSON. No. I will have dinner with him tonight. He is a friend of mine.

Mr. GURNEY. Is this going to be the subject of the conversation at dinner?

Mr. MAGNUSON. Mr. President, the legislature has to provide authority to sell bonds. The legislature in my State gave local governments permission in 1912. But they do not have to go to the legislature there every time they build an airport or a dock.

I was going to ask the Senator, inasmuch as this was brought up—and this is the Governor's amendment, and all the Governors are here and we are going to see them all tonight—it is now a quarter after 4, how long does the Senator think it will be before we could find out whether we may vote on this amendment tonight.

Mr. GURNEY. Mr. President, I am nearly finished.

Mr. MAGNUSON. Mr. President, I will not interrupt the Senator any further.

Mr. GURNEY. Mr. President, I yield the floor.

Mr. CANNON. Mr. President, I am opposed to the amendment of the distinguished Senator from Florida. We are trying, in this airport and airways legislation, to provide some meaningful provisions through the use of user taxes to see that the job that needs to be done is done.

I see no useful purpose to be served by subsidizing a proliferation of agencies that may well siphon off and use a portion of those funds for purposes other than developing facilities.

Mr. President, we have seen examples of the sort of bureaucracies that are created in the States in the form of aeronautic agencies.

I can recall in the course of the hearings that it was pointed out that one State already owned and operated 19 airplanes of its own. And the aviation agency of that State is spending $500,000 a year to operate.

We do not want to force or encourage a similar situation in every State of the Union. As I see it, this is what we would do if the amendment were agreed to.

I point out two very bad features of the amendment.

On page 2, the amendment reads:

> Functions of Agencies
>
> (b) A State agency shall not be eligible to receive a grant under subsection (a) of this section unless it is empowered to—
>
> (1) act as the agent of sponsors located in the State;

That provision means that every local airport agency and every airport operator who wants to improve his airport is going to see the legislature designate the State as the agency he has to go through as his agent and, second, the amendment reads further that the agency must have State authority provided by the legislature to "(2) accept in behalf of the sponsors and disperse to them all payments made pursuant to agreements under section 209."

What does this mean? It simply means the little community that wants to improve its airport and which wants help under the airport program is going to have to apply to the State agency in every State in the Nation as its sponsor to go ahead from that point on when the application is made to the Federal Government, the Federal Government goes back and says, "Yes, you can have this. Here is your money." Then, the State takes out its administrative cost and handling money and finally the funds—somewhat depleted—gets down to the little airport.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. CANNON. I shall yield in a moment but I wish to finish my thought.

This is the type situation we are going to get into if this amendment is agreed to.

What did we do? The committee wanted to help the States. If the State is the planning agency we wanted to provide funds for it as the planning agency. In the committee report we said, at page 36:

> The Committee finds that orderly and well-coordinated airport facilities planning is essential if the development program provided for in this bill is to be successful.
>
> To aid the Department of Transportation in establishing and updating its National Airport System plan and to allow local communities and the States to fully participate in planning for airport facilities, the bill authorizes the Secretary to make grants, from trust fund revenues, to planning agencies for airport system planning and to public agencies for airport master planning. The total amount of these grants may not exceed $15 million in any one year and total funds obligated for this purpose may not exceed $150 million.

This is the action we took as a result of the testimony in the hearings:

> The Committee has amended the definition of "planning agency" to specifically provide that a State which is authorized by law to engage in airport system planning may be eligible to receive planning grants for airport system planning. The Committee finds that the States, and/or their individual aeronautical agencies can make a substantial contribution to national aviation planning and should be offered an incentive by the Federal Government to engage in such planning.

Mr. President, we provided in changing the law, that the States, if they are the planning agency, can apply for a planning grant and get that planning assistance. That is what the committee proposal is directed to: planning grants; not altering the procedure of going to the Federal Government, getting the money back, and having the States take out administrative costs simply because they are engaged in overall airport planning program.

We do not require States like my State, or the States of the Senator from Kansas and the Senator from Washington and many others to establish State agencies and channeling authority to be eligible to get these planning funds.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. DOMINICK. That is the question I wanted to raise. As I read the Senator's amendment, it only provides they can do this where they have an agency which can act as an agent, and so forth. But if they do not have a State agency, they would be perfectly entitled to get planning grants under the bill.

This language provides that where there is a State agency, the local people will start it through the State agency; if they do not have one, they do not have to do that. Is that correct?

Mr. CANNON. The language provides:

> A State agency shall not be eligible to receive a grant under section (a) of this section unless it is empowered to—

That is an invitation to every State that does not have a State agency to set up a State agency so it can be the agent of the sponsors in making the application.

Mr. DOMINICK. If they do not have an agency, I do not see why they could not get a grant through the provision the Senator read.

Mr. CANNON. The amendment goes beyond grants for planning. We restricted our provision to planning grants. We have a provision to cover planning grants. That is in the bill.

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We provide that "a State which is authorized by law to engage in airport system planning may be eligible to receive planning grants."

Senator GURNEY's amendment would open the bill wide to let all the States come in and get their hands in this trust fund and administer all the funds in their own States. States can qualify for planning funds under the committee proposal, but nothing more.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. GURNEY. I would like to answer the question of the Senator from Colorado directly. If you do not have a State planning agency now, no, this has no effect on the money whatsoever. It is true it will encourage State planning agencies, and that is what this is designed to do. Hopefully, States that do not have them will get on the job and qualify under this amendment; also the Federal grants would go through them. This is what it intends to encourage; so we can get statewide planning in the 23 States that do not have it today.

Mr. CANNON. I know that is the intention and that is what the Senator proposes.

We propose that, if the State is the planning agency designated by law to engage in planning and to coordinate overall planning, it is eligible for planing funds.

Mr. GURNEY. Mr. President, I would reply that this is probably just about the only area we can imagine where we make the argument States cannot have a part in the role and must go to the Federal Government. I do not buy that argument at all. We have had all kinds of success in the field of transportation and in many other endeavors and we have had all kinds of success in the field of transportation and in many other endeavors and we have had cooperation on the local, State, and Federal level. That worked out and there is no reason this would not work out in the 27 States——

Mr. CANNON. It is not 27 States because this situation does not apply and has not applied there and has not had an opportunity to do so up until now. The fact that the 27 States have State channeling laws does not mean this plan will work out well.

This provision was fought out in the old Federal Aid to Airports Act in 1946. The proposition of the Senator was rejected by Congress at that time. It was laid to rest at that time as not being the proper approach and it has not been the proper approach in Federal air to airport amendments that have existed up to the present time.

Mr. GURNEY. Mr. President, if the Senator will yield further, I would say simply because an idea was rejected some years ago in Congress is not proof it is not going to succeed today. The very proliferation of airports and the expansion in the field of aviation is the reason some of us think it is time for statewide planning.

Mr. COOK. Mr. President, will the Senator yield?

Mr. CANNON. I shall yield to the Senator from Kentucky, but first I wish to say further that under your amendment these are the only funds in the bill not required to be matched at the local or State level. All other funds must be granted only on a matching basis.

I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, many of the things the Senator said I totally disagree with. First of all, the Senator stated that he did not want to get the overall airport system throughout the United States all fouled up with State agencies. This, in essence, says to the American aviation industry that it is the Federal Government that is going to see to it that you get an airport somewhere.

Where I disagree with the Senator is that through the creation of the State aviation agency in my State we were able to build small airports all over the State.

Apparently in this bill we are going to set up airports all over the United States, in such places as Los Angeles, Cincinnati, and Miami, but nothing is done for the little airports all over the country.

It was through the creation of our State agency that we got the 3,500- and 3,800-foot strips through the mountains and the flat country. It was through the State agency that this was accomplished, rather than, as the Senator said, put in an application, hold part of the money and not have any of it left for overall airport facilities throughout the entire State.

I agree with the Senator, but the language was put into the bill because we had a big argument over the various States that had agencies. The Senator is aware of all the telegrams received from Governors all over the United States, in which they said they wanted to keep this authority in here.

I would hope the impression would not be left in the RECORD that, somehow or other, the State agencies are going to lord it over and buy all these airplanes and have fleets of 15 or 18 airplanes, as the Senator said, because the airport system is run by the managers of the airports in Kentucky. They do not own airplanes. They utilize the planes to the best of their ability. It is one of the finest agencies in the State.

I am on this measure for the benefit of the Senator from Florida, because this measure does not apply to my State at all. We already have the things that this amendment would give to the rest of the States.

We already have them, and it works fine. It is unfortunate there are States in the Union which do not have that benefit, because I am sure the very reason these State agencies were started years ago—they went to the legislatures and asked for enabling legislation—was that the Federal Aviation Agency and the rest of the agencies asked them to come up with a program for airports on a statewide basis. I do not know this as a matter of fact, but I have a notion that if the history were brought out, it would be seen that this was the reason why it was enacted into law in many States.

So the amendment does not really apply to my State, but I think that what is being proposed is to build a series of tremendous airports all across the country. They are not going to pay attention to building small strips. We are going to get 7 cents tax on the gallon that the private plane owner puts in his tank, and he is not going to get into these big airports. As a matter of fact, he is not even allowed to go into some of them.

Looking at the matter on all fours, I want to say that my State has had an extremely fine experience with its agency. We are going to keep it in existence, because we can within the framework of this act. What the Senator from Florida is after is good. I do not think it is going to interfere.

Mr. CANNON. Mr. President, the Senator from Kentucky is to be complimented. His State has a very fine agency and has some very fine airports, and they have done an excellent job. I think the distinction here is that if the Senator's amendment is adopted, it is going to force the other 23 States——

Mr. COOK. I do not think it is going to force them.

Mr. CANNON. Well, it is our judgment and the judgment of our staff and the judgment of the committee that it will force the other 23 States to adopt channeling. That is what we do not want. We have provided in the bill that if the State is the planning agency, it may apply for and receive the planning funds. It is obvious they are trying to get more than that. Otherwise they would not be in here with this amendment. Planning grants are already provided for in the bill.

We included that as a result of the hearings, in which the Senator participated. He recalls what was said. If the States are designated by law as the planning agencies, they can come in and get planning funds. It is obvious that the amendment provides for more than that; otherwise it would not be here.

Mr. COOK. I give credit to the Senator from Tennessee for helping us pound this out.

Mr. MAGNUSON. Mr. President, if the Senator will yield to me, I compliment the Senator from Tennessee, the Senator from Kentucky, the Senator from Vermont, the Senator from New Hampshire, and Senators from the rest of the States that have State agencies.

Mr. GOODELL. And New York.

Mr. MAGNUSON. Well, the Port of New York Authority runs those airports. What we are trying to say is, "Well and good, you people go ahead with your channeling system, but do not force that on us. Let the States decide this on its merits but do not have the Federal Government, in effect, compel its airports."

Obviously the Senator is right. The States want more.

Naturally, tonight the Governors will all be asking him about this: "Did you pass that amendment? Let us get home as fast as we can to set up an agency, because then we can control the funds." The cities and counties that have worked for years and bonded themselves for hundreds of millions of dollars, and even billions of dollars, throughout the United States are going to have to go to their State capitals and say, "Please, can we have part of that Federal money that the passengers who came into the airports paid in order to extend our runways?"

What is the use of camouflaging it? The purpose of the amendment of the

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Senator from Florida is to give all 50 Governors, whether they be Democrats or Republicans, control over the distribution of this Federal money.

It is as simple as that.

Mr. COOK. If the Senator will yield——

Mr. MAGNUSON. Wait a minute until I get through. I would rather recommit the bill to the committee, and go through this matter all over again, than have this amendment passed, because I think it is going to impair the entire program, not just in the State of Florida or the State of Kentucky. Tennessee, Vermont, and other States have established good systems, but many States have not and why pour Federal dollars into these many times useless bureaucracies.

Let us take California, for example. California has some fine airports. I have the list here. But the State of California does not run a single airport; they are all run by local governments, the city, county, or airport district. They have bonded themselves. Those people have worked for years to build their airports. Now this amendment would suggest that before they could sell another bond, as someone said to the Senator from Florida, they have to go through the legislature. Local governments now have basic authority in all States to sell bonds. This would compel them to, in effect, again submit their plans to State legislatures.

What we say in this bill is that each State can do what it wishes. If that is not fair, I do not know what is.

But the Senator wants to put something else in here. This is an old amendment which the Senator from Florida offers. It has been around a long time, and it has suddenly come to life, at this time after the committee discussed it and rejected it.

Every Governor, I suppose, has wired every Senator about this amendment, has he not? Some Governor is lax if he has not.

Several Senators addressed the Chair.

Mr. MAGNUSON. Just a minute, and I will be through. This is my bill; I have a right to speak on it.

Mr. GOLDWATER. Will the Senator yield for a question?

Mr. MAGNUSON. I do not think this amendment is fair. I really do not. The State of Kentucky, and I guess the State of Michigan, have fine State systems. But I can show you how extensively the States have been in the airport business, or how much they have contributed by way of State-owned airports.

Yes, there are 691 State airports, 512 of them are in two States, Hawaii and Alaska, and 314 State-owned airports receiving certificated airline service, hubs, 283 are in Alaska. Then there are 43 little strips in Oregon.

Well, I have the figures for Kentucky here. That State has three State-owned airports and they are smaller ones; they are not the big ones the airlines use and the passengers who are paying for this program use. All we are saying is, let us develop airports the way the people in each State want to. Let us have a national system. Under the bill, Florida can continue to have it any way they want, Kentucky can go on and develop its system, Vermont might get another airport, and I am sure Tennessee will, with these fellows on the committee. [Laughter.]

That is all we want. But this amendment is not fair, really, because the Governors—and I do not speak for mine or anyone else's, Republicans or Democrats—want to get their hands on the distribution of this fund. That is all it amounts to; what is the use of talking any more about it?

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I yield to the Senator from Arizona.

Mr. GOLDWATER. Is it not true that the bulk of this money is to be applied to——

Mr. MAGNUSON. I want to put this table in the RECORD, the list of 691 State-owned airports.

Mr. GOLDWATER. I thought the Senator was through.

Mr. MAGNUSON. I ask unanimous consent that the table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PREPARED BY NATIONAL ASSOCIATION OF STATE AVIATION OFFICIALS: STATE-OWNED AIRPORTS—STATE FUNDS AVAILABLE FOR AIRPORT DEVELOPMENT

Summary

25 States owned and operate 691 airports, 314 of which are served by air carriers certificated by the Civil Aeronautics Board. (Note: This does not include several State-owned Heliports.)

43 States have a total of $178,959,485 available for airport development during fiscal year 1970. (Note: Funds appropriated or otherwise made available for airport development in some States is unusually low, in comparison to previous amounts available for this purpose. This is due in part to a reduction of the Federal Aid Airport Program to $30 million for FY 1970.) The amounts shown below do not include funds for State airport system planning.

STATE-OWNED AIRPORTS

State	Served by CAB certified carriers	Not served by CAB certified carriers	State funds available for airport development, fiscal year 1970
Alabama		4	$350,000
Alaska [1]	283	215	35,000,000
Arizona			200,000
Arkansas			125,000
California		1	[2] 1,900,000
Connecticut	2	3	7,000,000
Georgia			250,000
Hawaii [3]	12	2	71,952,000
Florida		3	
Idaho		30	268,000
Illinois	[4] 1		8,458,000
Iowa			200,000
Kentucky		3	1,225,000
Louisiana		1	500,000
Maine	1	2	[5] 3,447,500
Maryland	(6)		1,300,000
Massachusetts [7]	2		500,000
Michigan	1	4	4,100,000
Minnesota			4,000,000
Mississippi	1		87,500
Missouri	[8] 1		200,000
Montana	1	11	248,000
Nebraska		5	600,000
New Hampshire		1	750,000
New Jersey			(9)
New Mexico			127,000
New York			[10] 17,500,000
North Carolina			250,000
North Dakota			100,000
Ohio			4,000,000
Oklahoma			150,000
Oregon		43	675,000
Pennsylvania	3	2	1,000,000
Rhode Island [11]	1	4	2,800,000
South Carolina	2	19	906,985
South Dakota			778,000
Tennessee			1,350,000
Texas		3	650,000
Utah			1,700,000
Vermont	3	8	360,000
Virginia			2,500,000
Washington		13	125,000
West Virginia			500,000
Wisconsin			700,000
Wyoming			126,500
Total	314	377	178,959,485

[1] Alaska owns and operates all public-owned airports in State, except 2.

[2] California will also pay $200,000 in 1970 for Decca System—part of a 3-year, $600,000 test of system for low-level navigation.

[3] Hawaii owns and operates all public-owned airports and heliports in State.

[4] Illinois constructing new airport, to be owned by that State but primarily to serve St. Louis (Mo.,) metropolitan area.

[5] Legislative action on airport development funds not yet completed.

[6] State presently contemplating purchase of Baltimore-Friendship Airport.

[7] 2 airports operated by Massachusetts Port Authority. Legislation stipulates that authority is branch of State government.

[8] Airport to be opened in fall of 1969—air carrier service expected within a year.

[9] New Jersey will request $1,500,000 for airport development when legislature convenes in 1970.

[10] Amount obligated from $50,000,000 available.

[11] Rhode Island owns and operates all public-owned airports in State. Legislative action on airport development funds not yet completed—part of a 10-year long-range program totaling $28,000,000. An additional $1,700,000 will be available for operation, maintenance, and minor improvements.

Mr. GOLDWATER. Is it not true that the bulk of this money we are talking about, particularly in the trust fund, is to go to the improvement of the airways system?

Mr. MAGNUSON. I did not hear the Senator.

Mr. GOLDWATER. Can the Senator from Nevada answer that?

Mr. CANNON. A very substantial amount of it. More than $6 billion over the 10-year period.

Mr. GOLDWATER. But the important part of this bill, it seems to me, if we are interested in air safety, is the money we are going to spend to improve the airways system.

I do not think anyone in this Chamber is a greater advocate than I am of State control. We have a very fine aviation authority in my State, but, as the Senator from Washington pointed out, they have nothing to do with the two largest airports, which have been built by cities with bonded funds.

I would hate to see us get into the position of trying to allow States to get into the business of improving airways, which is not their prerogative at all; it comes under interstate commerce. I know exactly what the Senator from Florida is getting at. I would say normally I would support such a move.

I said earlier, before the Senator came on the floor, that much as I dislike the word "control," I think if we are going to have an adequate airport system in this country, we have to have more standardization, and more say over what we are going to find being built in this country. Are we going to continue with monstrosities such as O'Hare, Los Angeles, Kennedy, and other around this country, or are we going to eventually come to our senses and start building airports like Dulles?

My concern is that we will not do that, if we allow too much of it to get away.

Mr. CANNON. Mr. President, as I said

earlier, total expenditures for airways over 10 years will amount to $6.3 billion out of the $9.3 billion total revenues, so there is a little over twice for airways as there is for airports.

Mr. GOLDWATER. And there is no way in the world that a State can have any control over the airways system?

Mr. CANNON. Absolutely not.

Mr. GURNEY. Mr. President, will the Senator yield briefly?

Mr. CANNON. I think the Senator from Florida was next in the order of requests.

Mr. GURNEY. I just want to answer the point made by the Senator from Arizona——

Mr. CANNON. I will yield for that purpose, without losing my right to the floor.

Let me say to Senators who may be wondering what the schedule is likely to be that when the colloquy on this amendment is concluded, I intend to move to lay it on the table.

Mr. GURNEY. I thank the Senator for yielding.

I would like to point out to the Senator from Arizona that I am as interested in airport planning and coordination as any Member of this body, and that is one reason for offering my amendment. I pointed out earlier an example of what goes on in my own State. We built, within an area of 50 miles—diameter, not radius—three jetports, one in a major central city and two in small cities.

That area could be well served, and probably should be served, by one jetport. But that is what is going on today, with control only by the Federal Government. Had we had a State planning agency in Florida—we are one of the States that do not. The State wants to set up one, and I am eager to help them out. Had we had such an organization, I think we would not have had those three airports in the same area, with a great waste of money, not only of the local communities in bonding themselves right up to the neck for things they could not afford to pay for—I know those communities well, and am familiar with their situation—but also in spending Federal funds on three separate airports to serve this very small area.

My amendment is designed to encourage statewide planning, to avoid that sort of thing. So I say it would encourage the very thing the State of Arizona wants, and I think we will get on with this business of planning and coordination and better use of money if we take this step.

I also think that instead of the Federal Government dealing, as now, with scores and hundreds, if not thousands of airports individually across the country, if all the States went this route—although they do not have to if they do not want to—with only 50 planning agencies to coordinate the airport business of the Nation, it would be, to me, a step in the right direction in planning for airport coordination, airway safety, the spending of money, and in a whole lot of other ways.

Mr. GOLDWATER. Does not this bill recognize the State as the agency with which the Government will work?

Mr. CANNON. We wrote into the bill that each State will designate its agency, and it may receive the planning funds, and can plan accordingly. Every State has the legislative right to give whatever authority it wants to its airport authorities. If the States want to restrict them, as the Senator from Washington pointed out, they can do it. They can do it at the level of the State legislature. They could have done it before the problem arose down at one of the Florida airports, where you have a hotel being built to such a height that the airline pilots are objecting to flying into the main instrument runway at Miami. There they had no State authority to control the height of that building. The State is likely to find that the pilots will not fly into that airport, using that runway.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. BAKER. I thank my colleague for the opportunity to remark briefly on this point.

I think we can have our cake and eat it too. I agree with the distinguished Senator from Florida that there ought to be—indeed, I think there must be—an element of central planning, whether at the State level, Federal level, or both, and that we cannot go helter-skelter into the next decade with an airport wherever the city council of Podunk Junction decides there ought to be one. There must be an element of planning.

By the same token, I recognize the concern of the distinguished chairman of the Committee on Commerce and the distinguished manager of the bill that we may in fact throw the baby out with the bath and that we may disrupt a very effective working situation that has produced airports of a major consequence, such as Seattle, New York, and others.

I do not intend to offer an amendment at this point on the floor, but I did make a suggestion in committee. I think that there should be a positive statutory rapport between the Federal Aviation Administration on the one hand and State aviation authorities on the other. I believe that those States that do not have an effective working State aviation agency ought to have one, and that this rapport should lead to overall comprehensive planning.

By the same token, I think that in terms of implementing those plans, in terms of timing, expansion, and the creation and construction of new airports, that local authority should have autonomy in dealing directly with DOT.

I think it is important to realize that part of our problem with respect to airports and airways, and an increasingly large part of our problem, is how to get to airports. Why do we pay $14 to travel to Dulles Airport from Washington in a taxicab when we only pay $20 to fly from New York to Dulles in the first place. I think it is eminently practical that State authorities should be involved in the planning of high speed surface transportation systems to serve an intelligent network of airports, possibly in several States.

But, once again, and with especial reference to the remarks of the distinguished chairman of the committee, I do think that this body and our committee ought to devote its attention to this matter further. I believe we should do whatever we are going to do tonight with the tabling motion that is upcoming, and then devote our attention to trying to have our cake and eat it too.

I want two things: Planning authority and planning money invested primarily in State authority. I also want maximum implementing autonomy in the local agencies that have operated efficiently, and I want to put a carrot on the stick so that those States that do not have aviation agencies will create them and make them work.

Mr. MAGNUSON. There is no argument about planning at all. We are for the planning money. But the amendment is talking about going further than that. I agree 100 percent with the Senator from Tennessee, who has contributed a great deal to the bill in this period.

I want to be a gracious host to the Governors tonight while they are here, but I do not want to turn over hundreds of millions of dollars to them to distribute around the country when they had nothing to do with the development of airports. That carries hospitality a little too far.

Mr. BAKER. I should like to point out, in reference to that subject, that I really do not think we have a confrontation here between States on the one hand and cities on the other. I think clearly there is room for both. But I believe we have to get out of our heads the idea that you have to either give it to the State or the city.

We have dealt with the problem in conjunction with community action committees, with OEO, with HUD. We are going to deal with it in Federal revenue sharing on the pass through question, and obviously we are also dealing with it here. We might as well condition ourselves to the fact that we have both, that it was set up that way, and that one should not be strangled for the benefit of the other. I think there ought to be planning authority on the part of the State and maximum implementing authority on the part of the local government.

I think the proposal of the Senator from Florida has great merit, and I intend to vote against the motion to table.

Mr. COOK. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. COOK. I should like to put some statistics into the RECORD from the commissioner of aeronautics in the State of Kentucky, and I am sure the distinguished chairman is going to disagree with them; and I will have to go back to the office and tell the commissioner he had better substantiate the figures.

Forty-eight States now have aviation departments or agencies.

Thirty-three States now have laws requiring varying degrees of State approval for federally aided State airport development projects.

Twenty-five States own and operate more than 700 airports, nearly half of which are served by commercial air carriers.

I am sure I will have to substantiate this: 43 States have budgeted more than $180 million for fiscal year 1970 for airport development, and the current Federal budget for airport development is $30 million.

Mr. President, it sounds good to say

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that we do not want to give hundreds of millions of dollars to the Governors. But I might suggest——

Mr. MAGNUSON. We do, if the States want it that way.

Mr. COOK. Let me just finish.

The Senator from Washington said that was carrying hospitality a little too far. I am of the opinion that if we turn this money over to the 50 Governors and all the employees in their aeronautics departments, it will amount to half the employees we have in the aviation departments of the Federal Government bureaucracy who would handle the money, and we probably would not worry about where that money is going to go, either.

The only reason I say this to the chairman of the committee, for whom I have a tremendous amount of admiration, is to get over, once and for all, the theory that my Governor does not want to run this thing. He has not ever said he wants to run it. Our legislature has created a very fine airport organization which has a plan and which works very closely with the major airports. The major airport operators are on that committee, and that is why it works so well.

I would not want the impression left, for those who are arguing in favor of this type of language, that somehow or other we are being pressured by Governors to see that they get more money to distribute. That is not the case in my State.

Mr. MAGNUSON. It is not the case in the State of the Senator from Kentucky. It is the case with those who do not have it.

Mr. COOK. I just wanted to make that clear.

Mr. CANNON. With respect to the figures the Senator from Kentucky has mentioned, I should like to point this out:

Twenty-seven States have State channeling laws for Federal aid program funds. This was furnished to us by the National Association of State Aviation Officials.

Thirty-three States have laws requiring varying degrees of approval of FAA projects.

Mr. COOK. That is correct.

Mr. CANNON. I think that is where the misunderstanding may have occurred.

Mr. COOK. As I have said, these figures were given to me by my Commissioner of Aeronautics.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. COTTON. Mr. President, I send to the desk two amendments and ask unanimous consent that they lay on the desk and be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. CANNON. Does the Senator wish to speak on the amendment?

Mr. PROUTY. Yes, I do.

Mr. CANNON. I yield.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Vermont yield for a unanimous-consent request?

Mr. PROUTY. I yield.

ORDER FOR RECOGNITION OF SENATOR JAVITS AND SENATOR BROOKE TOMORROW—TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the prayer is concluded in the morning and we have disposed of the reading of the Journal, the able senior Senator from New York (Mr. Javits) be recognized for not to exceed 15 minutes; that at the conclusion of the statement by the Senator from New York tomorrow morning, the able junior Senator from Massachusetts (Mr. Brooke) be recognized for not to exceed 20 minutes; that at the conclusion of his speech there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes; and that at the conclusion of the routine morning business, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. PROUTY. Mr. President, the amendment offered by the distinguished junior Senator from Florida is substantially the same as one I offered in committee, and obviously I am very happy to support it.

While I realize that some States do not have laws which require the channeling of all airport/airway funds from the Federal Government through the State government, I also recognize that 27 States have adopted such laws which have been met with great success. Included among those States are all the New England States, New York, and New Jersey.

As a matter of fact, both New York and New Jersey adopted the Model State Channeling of Airport Funds Act in 1947. Since that time, both States have channeled all Federal funds for airports through their State aviation agencies. This, of course, includes funds to one of the greatest airport complexes in the world; namely, those airports run by the New York Port Authority. I could enumerate State after State where the channeling law has created close cooperation between State aviation agencies and local airport operators. However, in the interest of brevity, I would suggest that anyone could check the results obtained in Michigan or Minnesota to see how State aviation agencies can effectively encourage dynamic airport development within a State and at the same time maintain close coordination between local airports and the National Government.

There is nothing novel about this argument against the State participation in developing our national aviation policy. In 1946 when the Federal Airport Act was being debated by the Congress, there were those who argued that only the national Government had the wisdom needed to create a national airport system. At that time, the Senate version of the bill established mandatory channeling through State aviation agencies. The Senate, convinced that such a pattern had worked well in developing highway systems, felt that it should also be followed with respect to airports and airways. Unfortunately, the House did not adopt that idea and, after prolonged battle, the Senate conferees accepted a compromise which permitted those States desiring such to pass State channeling laws.

As of this date, Mr. President, as I pointed out earlier, and others have mentioned it at frequent intervals—there are 27 States which have adopted channeling laws which require all Federal funds going to local airports within their State to pass through the State aviation agency.

Section 212, which is in the administration bill and I think is similar to the amendment of the Senator from Florida, not only had the full support of the National Governor's Conference, but also the strong support of the administration. In a letter sent to Chairman Magnuson on November 12 by Secretary of Transportation Volpe, he states the following:

> S. 3108 omits the provision in the Administration's bill establishing a grant-in-aid program for agencies designated by the States to conduct programs for airport planning and development. The Department recommends that the State grant program be retained (see section 212 of the Administration's bill). More than one-half of the States now provide for the channeling of airport grants-in-aid through the State. A State's participation in the program also would depend on its designated agency having the power to condemn property necessary for the development of airports. We believe this provision would be a helpful tool in cases where airport development is lagging in multi-jurisdictional metropolitan areas due to disputes at the local level respecting appropriate airport locations.

I think all of us realize that the Nation's transportation problems can be solved only by the cooperation of the Federal, State, and local governments. More and more we see States recognizing the need for a more coordinated attack on transportation problems by instituting State departments of transportation.

The Senate Commerce Committee 3 years ago followed the leadership of its distinguished chairman in urging the formation of the Department of Transportation at the Federal level.

It is strange to me that those who see need for close cooperation between agencies concerned with problems of transportation somehow fail to carry this concept to its logical conclusion by fostering cooperation by the Federal, State, and local governments. I, for one, believe that vertical cooperation and coordination are as important as horizontal cooperation and coordination.

Mr. President, all of us have absolutely the same goal in this body. We want actively and insoluble national airport/airway system. We want to insure safety. We want to insure that people can get from place to place with a mini-

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mum of inconvenience. We want to insure that the great planes of the future have some place to land. We want to insure that the goods produced in our affluent Nation are able to quickly and efficiently get from place to place.

Now Mr. President, I, for one, am unwilling to say that the Federal Government can do this alone. I am convinced that it will take resources of all our people at every level of government, and in simplest terms, we are now given an opportunity to demonstrate whether the Federal Government wants to be truly Federal, truly a pragmatic problem solver, and truly a partner with other levels of government.

Mr. President, we have a simple choice. In this piece of legislation we, by our actions, can make clear that State partnership is unneeded and unwanted. If we take that course, Mr. President, we will have simply once again created expectations of problem solving which will go unfulfilled.

I hope that in this roll call vote each member will fully realize that the question is not a highly technical one; it is not one that is insufficient; and it is not one that is unimportant. It is really the heart of a very basic question: Can the problems of this Government be solved by the Federal Government alone, or do we need close cooperation and a true partnership between the national Government and the governments of our 50 States?

Mr. President, as has been pointed out, many Senators are going to see their Governors tonight, and I would hope—although I will not insist on taking any delaying action—that a vote on this amendment could be put over until tomorrow so that the Governors would have an opportunity to stress, once again, upon each one of us as individual Senators, that this is an important amendment.

I think that this is a most important amendment, and I hope very much that the motion to table it will be defeated.

Mr. CANNON. Mr. President, in closing, I would point out that we have really covered everything that the strong proponents of the amendments want. We have in the bill the authorization to make grants by the Secretary in order to promote the effective location and development of airports and the development of an adequate national airport system plan, as the Senator from Florida was arguing in favor of. We defined the airport system planning as meaning development for planning purposes of information and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports. That was the main thrust of the Senator from Florida's argument. In addition, we provided, as I explained earlier, in the definition of a planning agency, that it means any State or political subdivision of a State or any other agency authorized by law to engage in airport systems planning.

So we have covered it so that every State authorized by law to engage in planning is eligible for grants under this section.

In addition, it has to be consistent with the national airport plan or the system for development of the national airport plan of this country.

So, Mr. President, I submit that if that is all the States want, they have it in the bill. If they are trying to get something else, as it is obviously clear they are, to get to the purse strings in the distribution of the grants, then that is another subject.

Mr. JAVITS. Mr. President, as a practical matter, if a State has an agency now, as in my State, does that agency, ipso facto, without any further intercession by the Department of Transportation, become the State planning agency, or does it have to be recognized by the Department of Transportation?

Mr. CANNON. If they are the authorized agency of the State for the planning of an airport system, they are the agency. On the other hand, if the State has authorized a number of local airport authorities to do their own planning, then there might be a question as to whether there are several planning agencies.

Mr. JAVITS. But they could change that, could they not by action of the State legislature, if they enacted a State law making for a State planning agency? Would the Federal Government then be bound by that State action?

Mr. CANNON. Absolutely.

Mr. STENNIS. Mr. President, I came in late in debate, but I have enjoyed the very fine discussion of this subject. It seems to me that the committee and those opposing its position are thoroughly familiar with the subject matter. As I understand it, any State that wishes to have a planning agency will also have control of the money under present law. Is that correct?

Mr. CANNON. Any State can have channeling authority if the legislature provides it—which is the case now in 27 States. The State agencies are the distributive agency.

We have to channel the grants under the Federal aid to airports program because those States have so designated that by law. Twenty-three States have not followed that approach. In those States, the local airport authority is the agency which conducts its planning and can apply directly for assistance under the Federal aid to airports program. All we are trying to do is to be sure that this channeling is not shoved down the throats of the 23 States that do not see fit to adopt it.

Mr. STENNIS. The 23 States that do not have it, all they have to do is to move to authorize it on their own and then they convert over to the other system. Is that right?

Mr. CANNON. If the 23 States desire to set up a bureaucracy, or anything else along that line on this subject, they can move to do that, if their State legislatures do it.

Mr. STENNIS. Most recently, I have been suggesting, as chairman of the Subcommittee on Transportation on Appropriations, that we find, through all these years, that much of the money has gone to the larger airports. There is good reason for that. The demand was more. The traffic was more. The danger was more, as a general proposition. They were subsidized not only for runways but also for all of the high-priced equipment. Now the demand is still great there for more and more and more.

If the little airports are ever going to get in on anything, this is a way they have. And it is the only way they will have to come in here and contact this Federal agency—whatever State it is, wherever located—and make out a strong case. And if they do, then, under the Federal law, which permits a State to do this, they will get a shot at this money. Otherwise, their chance would be gone.

Mr. CANNON. The Senator is correct.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. PROUTY. Mr. President, the Senator has discussed the difficulty of getting aid for smaller airports.

Mr. BYRD of West Virginia. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. STENNIS. Mr. President, I am sorry. I have finished.

Mr. PROUTY. Mr. President, I wanted to answer the Senator's question. Will the Senator yield to me?

Mr. CANNON. Very briefly.

Mr. PROUTY. Mr. President, one of the great problems with the small airports is obtaining funds. The major airport centers have more efficient machinery for arguing for their program.

The small airports in smaller States like Mississippi and Vermont are seriously handicapped, and unless they can have some assistance from State planning agencies with broad powers they will be left out in the cold.

Mr. McGEE. Mr. President, I want to voice my support for the amendment offered by the Senator from Florida. It is important to the development of a national system of airports and airways that the States be closely involved in the planning and financing of airport improvements. My own State has an active and effective aeronautics commission and I would hate to see the Senate pass legislation bypassing such agencies and thus giving to the States the impression that the Federal Government is unconcerned about their participation.

The amendment would go far to continue State efforts by providing grants, if minimal ones, for States providing adequate services for the development of aviation. But it would do more by encouraging the States without such programs to undertake them and thus help to broaden the base of cooperation in the development of a national airport system.

My own State of Wyoming stands behind this approach, Mr. President.

Mr. PERCY. Mr. President, I am pleased to cosponsor the amendment offered by the distinguished Senator from Florida (Mr. GURNEY).

This amendment would strengthen existing State programs for airport development. Most States now provide some airport planning services. The amendment would further encourage those States without airport planning programs to establish such programs.

It would further encourage State and local efforts to coordinate airport development with other forms of transportation.

This amendment is of particular in-

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terest to Illinois as Governor Richard Ogilvie plans to create a State department of transportation. His administration wants to have a systematic approach to the development of transportation in the State of Illinois. At the moment there is little coordination among the various State and local agencies concerned with transportation needs.

The adoption of the Gurney amendment would help Illinois in transportation planning by channeling funds to the State for airport planning and development.

For the help this amendment would give States for coordinated transportation planning I heartily urge its adoption.

Mr. CANNON. Mr. President, I move to table the amendment.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Cook in the chair). The question is on agreeing to the motion of the Senator from Nevada to lay on the table the amendment of the Senator from Florida. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from North Dakota (Mr. Burdick), the Senator from Tennessee (Mr. Gore), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. McCarthy), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), and the Senator from Wisconsin (Mr. Nelson) are necessarily absent.

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I further announce that the Senator from Idaho (Mr. Church) and the Senator from Arkansas (Mr. Fulbright) are absent on official business.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Fannin) and the Senator from Nebraska (Mr. Hruska) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Kentucky (Mr. Cooper) is on official business.

If present and voting, the Senator from Kentucky (Mr. Cooper), the Senator from Arizona (Mr. Fannin), and the Senator from South Dakota (Mr. Mundt) would each vote "nay."

The result was announced—yeas 48, nays 38, as follows:

[No. 60 Leg.]

YEAS—48

Anderson
Bayh
Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cotton
Cranston
Dodd
Eagleton
Eastland
Ellender
Goldwater
Goodell
Gravel
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
Miller
Mondale
Montoya
Moss
Muskie
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Russell
Sparkman
Spong
Stennis
Symington
Talmadge
Tydings
Williams, N.J.
Young, Ohio

NAYS—38

Aiken
Allen
Allott
Baker
Bellmon
Boggs
Brooke
Cook
Curtis
Dole
Dominick
Ervin
Fong
Griffin
Gurney
Hansen
Hart
Holland
Hollings
Jordan, N.C.
Jordan, Idaho
McClellan
McGee
McGovern
Murphy
Packwood
Percy
Prouty
Schweiker
Scott
Smith, Maine
Smith, Ill.
Stevens
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—14

Burdick
Church
Cooper
Fannin
Fulbright
Gore
Harris
Hruska
McCarthy
McIntyre
Metcalf
Mundt
Nelson
Saxbe

So Mr. Cannon's motion to lay Mr. Gurney's amendment on the table was agreed to.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the amendment was laid on the table.

Mr. CANNON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, when this legislation was referred by the Commerce Committee to the Finance Committee, I submitted separate views indicating that I favored the establishment of an equitable users charge for both commercial and general aviation to require that those who benefit from the system bear the burden of the cost and that this could best be accomplished by the enactment of an across-the-board fuel tax applicable to both commercial and general aviation alike.

I favored this course of action rather than the Commerce Committee recommendation of a combination of income-producing measures consisting of a fuel tax for general aviation, a ticket tax for air carrier passengers, a tax on air cargo way bills, and a registration fee for commercial aviation. It was my view that the enactment of a uniform fuel tax, apart from its obvious simplicity and ease of administration and collection, would have the merit of placing a premium on efficiency of operation.

The Senate Finance Committee failed to adopt either of the two proposals and submitted to the full Senate for consideration a third alternative. While I still prefer a uniform across-the-board fuel tax, I believe that the Finance Committee recommendation is superior to that originally offered by the Commerce Committee, and for this reason I do not intend to submit a uniform fuel tax amendment.

I would like to make one additional point with regard to the use of the air-port-airway system and the determination of a fair apportionment of the cost for the use of the system. In my judgment, too little consideration has been given to use by the military and the resulting cost that should be allotted to the military for this use. I am hopeful that we can make this determination in the not-too-distant future and that moneys can be provided from the general revenues of the Treasury to pay for the cost of the use of the system by the military.

ELECTRONIC SURVEILLANCE KEY TO NARCOTICS RAIDS

Mr. McCLELLAN. Mr. President, this morning's Washington Post reported another example of the effectiveness of electronic surveillance in apprehending law violators curtailing the activities of organized crime, especially in the area of narcotics traffic. Yesterday 21 persons were arrested and two kilos of heroin were seized, along with some $10,000 in cash. The police estimated the value of the heroin at $500,000. The Post reported that this may have been a conservative estimate and that the heroin might well be worth as much as $750,000. Attorney General John Mitchell, U.S. Attorney Thomas A. Flannery, and the other parties named and unnamed in the article who assisted in striking this major blow against organized crime are to be congratulated for their fine efforts and the marked success they achieved.

Mr. President, I ask unanimous consent that the entire text of the Washington Post article by Mr. Philip D. Carter, to which I have referred, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, less than 2 years ago the use of electronic surveillance was in very low esteem at the Department of Justice. A former Attorney General appeared before the House Judiciary Committee and made the following statements:

> We have looked at hundreds and hundreds of bug and wiretap logs and I think we have an experience on which to base a judgment now that we did not have as clearly earlier. (Hearings, p. 318)
>
> Question. As the head of the Law Enforcement Agency of the Federal Government, are you individually opposed to authorizing or permitting statutory authorization of wiretapping under court control with regard to, say, the activities of organized crime, in limiting it to organized crime activities?
>
> Answer. Yes, I am opposed to that. All of my experience indicates that it is not necessary for the public safety. (Hearings, p. 319)

That same Attorney General had also added that, in his view, electronic surveillance was neither "effective nor highly productive." New York Times, May 19, 1967, page 23, column 1.

Mr. President, I would like to have the members of this body compare these statements with the following statement, concerning yesterday's arrests, by U.S. Attorney Thomas A. Flannery:

> Today's success simply would not have been possible without the information we learned from the wiretaps and the carefully coordinated investigation of an extremely dedicated group of law enforcement officers.

Apparently, the "public safety" referred to by the former Attorney General did not include the interests of the unfortunate parents and children of those for whom this $500,000 of heroin was destined. Apparently, his "public safety" would not have included the interests of the victims of the countless robberies and perhaps murders that would have been involved in the gathering of the money needed by the addicts to purchase these narcotics, since we all know that the $500,000, or more, would have been raised primarily through forceful exaction of money from our law abiding citizens.

Mr. President, I am of the opinion that electronic surveillance is both effective and necessary for the public safety. It must have been highly discouraging for those directly or indirectly victimized by the narcotics traffic to have known that some of the leaders of his country were willing to sacrifice his well-being and safety to a principle not founded in reality. The citizenry of this country are now learning, however, that electronic surveillance is, in fact, a useful and necessary weapon in our fight against organized crime. It is quite clear from Mr. Flannery's statements that we must not support an absolute and false principle of civil liberties, thus turning our backs on our citizens, especially the ghetto residents victimized by the narcotics trade and the youth of this country victimized by those same criminals. We must, instead, support a judicially regulated, limited law enforcement tool that is necessary for the health and well-being of those people who elect us to make their laws.

Mr. President, similar specious arguments—supposedly in support of civil liberties—have been made against the provisions of S. 30, the Organized Crime Control Act of 1969, which we considered earlier this year and passed by a vote of 73 to 1. They are as invalid today as they were against electronic surveillance in 1968. We were elected to provide for the health, safety, and welfare of the inhabitants of our country. The Senate has fulfilled that responsibility with regard to S. 30. I am hopeful now that the House will also respond not just to the wishes of the majority of the Senate, but also to the needs of all of our citizens by promptly passing S. 30 so that the additional tools that it provides may quickly become available to our law enforcement agencies.

Exhibit 1

$500,000 in Heroin Seized, 21 Arrested in Police Sweep

(By Philip D. Carter)

Coordinated raids on an alleged organized ring of Washington narcotics wholesalers with interstate connections yesterday produced 21 arrests and seizure of a record $500,000 worth of heroin, officials said.

"Today's raids," announced U.S. Attorney Thomas A. Flannery, "have disrupted an entire network of narcotics distribution in Washington."

The raids have also resulted in the seizure of five automobiles, two motorcycles and 12 firearms, including handguns and sawed-off shotguns and rifles, said Police Chief Jerry V. Wilson.

The announcement of the combined sweep by city and federal police came at a special press conference at police headquarters. Late arrests delayed the conference, originally scheduled for 7:30 p.m., by 1½ hours.

Apparently none of those arrested had been booked at the time of the press conference, and none was immediately identified by police.

Both Wilson and Flannery emphasized what Flannery called the "great usefulness" of court-authorized wiretaps "in smashing such interstate narcotics wholesale operations which cannot otherwise be detected."

Inspector Walter R. Bishop, head of the morals division, said three telephones, two at 5195 Linnean Ter. NW and one at 1425 N St. NW, were tapped.

Yesterday's arrests, officials said, provided additional proof that heroin traffic here is part of organized interstate crime. More than 40 other persons had previously been arrested in similar raids dating back to August.

The investigation had been spearheaded by the narcotics section of the metropolitan police and coordinated by the major crimes unit of the U.S. attorney's office. Agents of the Justice Department's Bureau of Narcotics and Dangerous Drugs assisted in the investigation, Flannery said, "especially in connection with the interstate aspects of the narcotics traffic uncovered by the police."

The raids were mounted at 15 locations scattered around the city. Police declined to specify locations immediately.

Besides city police and narcotics officers, federal marshals and agents of the new firearms task force of the alcohol, firearms and tobacco section of the Internal Revenue Service aided in the sweep.

About 100 officers in all took part, police said.

In addition to the motor vehicles, firearms and heroin, officers also seized "smaller amounts" of suspected cocaine and marijuana, plus some $10,000 in cash, Wilson said. Searches continued at the raided premises late last night.

Another police spokesman declared that the two kilos—more than four pounds—of heroin seized represented the largest quantity ever uncovered by police here, and the "third or fourth largest" anywhere in the nation.

Assuming that the heroin has not been heavily adulterated, the half-million dollar police estimate of its value was conservative. At current "street" prices, other sources said, that quantity of the highly addictive opiate would have a retail value of some $750,000.

Court-authorized wiretaps, Flannery said, "produced evidence of daily wholesale narcotics transactions by dozens of Washington area distributors." Application to use the taps was granted by U.S. Attorney General John Mitchell in January and February, Flannery said.

"Thereafter, upon affidavit of the Bureau of Narcotics and Dangerous Drugs, applications were made by me and by Harold J. Sullivan, chief of our major crimes operation, for permission to intercept phone conversations at three Washington numbers," Flannery said.

"The purpose of the intercepts," he continued, "was to identify the principals in this narcotics conspiracy and their roles in the interstate distribution of wholesale quantities of heroin."

Permission to tap, Flannery revealed, was first granted by U.S. District Court Judge John Lewis Smith on Jan. 24. Use of the first tap, on the phone at 1425 N St NW, was first authorized for 20 days and then extended by Judge Smith for another 11 days.

Smith also authorized a 20-day tap on the two telephones at 5195 Linnean Ter. NW, beginning Feb. 4.

"Today's successes simply would not have been possible without the information we learned from the wiretaps and the carefully coordinated investigation of an extremely dedicated group of law enforcement officers," Flannery said.

Flannery particularly commended Inspector Walter Bishop, head of the police morals squad, of which the narcotics section is a part, and Sullivan.

Late in the evening, police released the locations of the raided premises and the names and addresses of those arrested. Police said they acted on arrest warrants naming six persons and authorizing the search of 15 dwellings.

STATEMENT OF POSITION ON YEA-AND-NAY VOTE (NO. 36)

Mr. MILLER. Mr. President, on February 6 I was necessarily absent during the vote on Senator Dominick's amendment to delete from the Elementary and Secondary Education Amendments of 1969 the provision including children residing in low-rent public housing in the impacted aid program. On this vote—No. 36 legislative—if I had been present I would have voted "yea."

I ask unanimous consent that the permanent Record reflect this position.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

AMENDMENT NO. 513

Mr. WILLIAMS of New Jersey. Mr. President, I call up my amendment No. 513, which I offer on behalf of myself and my colleague from New Jersey (Mr. Case).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment (No. 513) as follows:

> On page 71, beginning in line 6, strike out "If, within three years" and all that follows down through the period in line 17 and insert in lieu thereof the following: "In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph."

Mr. MAGNUSON. Mr. President, I understand the Senator from New Jersey wishes to lay down his amendment this evening and that there will be no more votes tonight.

What time will we begin tomorrow?

Mr. BYRD of West Virginia. Mr. President, there will be no more rollcall votes tonight. Under the previous unanimous-consent agreement, the Senate will convene at 10 o'clock tomorrow morning.

Mr. MAGNUSON. I thank the Senator.

Mr. WILLIAMS of New Jersey. Mr. President, I have offered the pending amendment for myself and my colleague from New Jersey (Mr. Case).

Mr. President, I wish to call attention to a provision in this bill which many of us find highly objectionable.

The provision is found on page 71, beginning on line 6 and ending on line 17, at the period. Briefly, it provides that if no decision has been made with respect to the natural site for a major airport within a metropolitan area within 3 years after the Secretary has sent notice of a need to the governing authorities, the Secretary shall "after notice and opportunity for a hearing, select a site for such additional airport."

In addition, the section states:

> Unless the Secretary, after notice and opportunity for a hearing, shall modify any site selection made by him under this section, no other site in such areas shall be eligible for assistance under this part for

> the construction of an additional airport in such area.

I believe strongly that this approach is wholly unrealistic and impractical. My view is shared by all the members of the House delegation from the State of New Jersey, as well as by my cosponsor of this amendment, the senior Senator from New Jersey. It is certainly shared by the Governor of the State of New Jersey. Thus, true bipartisan support within my State is evident advocating that this language be dropped in its entirety, or that it be substantially modified, so as to reduce the role of the Secretary of Transportation.

As you know, this particular provision was decisively defeated in the House last November 6.

Mr. President, I wish to read the language that I offer as a substitute to prevent the arbitrary assumption of authority by one individual in the Federal Government, as follows:

> In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph.

This language provides a reasonable rule for the Federal Government. The Secretary is directed to help facilitate a decision, which is no more than we could logically expect him to do. Certainly he could not possibly ram a site location down the throats of unwilling communities.

In contrast, the committee provision would allow the Secretary of Transportation to select an airport site without regard for the wishes of the Governor, State legislature, local authorities, or residents of the general area.

The Secretary of Transportation should be encouraged to help facilitate by all means at his command the selection of a suitable airport site—but he should not be given the absolute authority to locate that facility on his own.

Under the present provision, if any State belatedly decided on a site that was not the same as that picked by the Secretary, the Secretary could refuse to provide Federal funds to support the site chosen by the State. In other words, if a State did not choose a site within a certain time period, then only the Secretary's judgment would prevail.

The committee language reads that if there is a deadlock for a 3-year period, the Secretary shall give notice and opportunity for a hearing to select an airport site.

I recognize the advisability of a decision as to whether or not another airport in the New Jersey-New York metropolitan area should be constructed, and I realize that the decision should be made with reasonable promptness. However, if there should be delay, the responsibility should not be given to a single individual in Washington who could summarily reach a decision which might be in direct opposition to the views of the States and communities affected.

The importance of getting some degree of understanding and support from those affected is recognized in the bill itself. I refer to the language on page 71, beginning on line 23, which states that any new airport in a nonmetropolitan area cannot be approved by the Secretary unless there is approval by the communities to be affected. I maintain that in a metropolitan area, with thousands or millions of people affected, we should not—and could not as a practical matter—get the Federal Government to impose a decision upon a State that does not want it.

I do not dispute the argument that there is a role which the Secretary of Transportation should play in this matter, and further, I hope he will play a definite role from the onset. The proper part for him is to use the full power and prestige of his office to persuade and influence the parties involved in order to expedite a decision.

The proposal we offer in this amendment provides that the Secretary will facilitate the selection of a site. He should do whatever he can, but he should not interfere with the basic responsibility—or transfer that basic responsibility—away from the governing local authorities.

While general in its language, the Committee provision obviously is aimed at the New York metropolitan area, but it would ultimately affect all other airport areas in the United States.

Whatever the relative merits are for the controversial jet airport in the New Jersey-New York area, or in other parts of the country, we cannot dictate that it will no longer be the responsibility of a locality where an airport is to be located, but instead that it is to be the responsibility, after a 3-year period, of the Federal Government alone.

There is no possible way a satisfactory or just conclusion could be reached if we should pursue that route.

It is my understanding that the debate will be concluded and a decision on the amendment made tomorrow.

I yield the floor.

Mr. CASE. I oppose the Tydings amendment in H.R. 14465 giving the Secretary of Transportation authority to force a jetport upon a metropolitan area whether the area wants one or not.

I urge instead that the amendment to section 206(g)(1) of the bill, sponsored by Senator WILLIAMS of New Jersey and myself, be accepted in place of the Tydings amendment.

Section 206 is opposed by the Secretary of Transportation who does not want the authority it would confer upon him. The provision was defeated in the House by a vote of 90 to 54. In my judgment it should be defeated in the Senate by an equally wide margin.

As reported by the Senate Commerce Committee, section 206 empowers the Secretary of Transportation to decide that a metropolitan area requires an additional jetport and actually to pick the site if State and local officials cannot agree on a site within a 3-year period.

Proponents argue that they only want to induce the governing bodies of a metropolitan area to come to a decision of their own regarding a suitable location for a jet terminal. But the fact is that section 206 gives the Secretary naked power to make the selection himself if they cannot agree.

Those favoring 206 are wrong, I believe, if they think forcing a decision on local officials will bring the result they desire. As Secretary of Transportation Volpe recognized in a letter he wrote to me last December 12,

> This failure to agree and lack of local consensus may well continue into the developmental phase and effectively prevent action by any local public agency to sponsor the project to develop an airport on the site the Secretary selects.

The proposed assumption of Federal control over site selection in metropolitan areas contrasts sharply with another provision of section 206 giving nonmetropolitan areas a veto over airports they do not want, regardless of the Secretary's position in the matter.

In other words, in nonmetropolitan areas, section 206 makes the voice of the public decisive. In heavily populated regions, where major developments cannot be undertaken lightly, the public's views could be disregarded.

How outrageous it would be to compel the people of New Jersey or of any other State to pay even a part of the cost of a jetport they do not want.

Under our amendment the Secretary could use his good offices to facilitate selection of a jet port site in a metropolitan area. This approach recognizes that the Federal Government's role in the orderly expansion of our national airport system is that of partner with the States, not of dominating figure.

Since it is the public which must live with the profound environmental changes wrought by construction of jet airports, site selection should be left to decisionmaking by the public through the appropriate State and local governmental bodies.

This is essential insofar as New Jersey is concerned, for New Jersey, like other overcrowded areas of the country, must conserve its precious open space, little of which remains.

In New Jersey we are constantly fighting to maintain even a semblance of a livable environment. I believe we cannot expect the head of any outside agency, especially the Secretary of Transportation—whose job it is to develop and expand transportation facilities, and whose whole point of view understandably is directed toward expanding transportation at whatever the cost to other values—to protect our vital open space against invasion.

I believe it will serve the public interest, and certainly the cause of a more livable environment, to follow the House's approach on airport site selection. I urge the adoption of the amendment.

Mr. President, I ask unanimous consent that the letter from Secretary Volpe, referred to in my remarks, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C. December 12, 1969.

Hon. CLIFFORD P. CASE,
Washington, D.C.

DEAR CLIFF: This is in response to your request for the views of the Department of Transportation on section 16(e) of H.R. 14465, a bill "To provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes", and on section 206(g) of S. 3108, a bill "To provide additional Federal assistance in connection with the construction, alteration, or improvement of the airway system, air carrier and general airports, airport terminals, and related facilities, and for other purposes."

H.R. 14465 was referred to the Senate on November 7, 1969, and reported out of Committee without amendment and without written report on December 5, 1969. S. 3108 was introduced on November 4, 1969, and reported out of Committee with amendments on December 5, 1969 (Senate Report No. 91–565).

Both section 16(e) of H.R. 14465 and section 206(g) of S. 3108 deal with airport site selection, but differ in their approach. Section 16(e) of H.R. 14465 provides:

"(1) Whenever the Secretary determines (A) that a metropolitan area comprised of more than one unit of State or local government is in need of an additional airport to adequately meet the air transportation needs of such area, and (B) that an additional airport for such area is consistent with the national airport system plan prepared by the Secretary, he shall notify, in writing, the governing authorities of the area concerned of the need for such additional airport and request such authorities to confer, agree upon a site for the location of such additional airport, and notify the Secretary of their selection. *In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph.* For the purposes of this subsection, the term 'metropolitan area' means a standard metropolitan statistical area as established by the Bureau of the Budget, subject however to such modifications and extensions as the Secretary may determine to be appropriate for the purposes of this subsection.

"(2) In the case of a proposed new airport serving any area, which does not include a metropolitan area, the Secretary shall not approve any airport development project with respect to any proposed airport site not approved by the community or communities in which the airport is proposed to be located." (Emphasis added)

In place of the italic sentence in section 16(e), section 206(g) provides:

"If, within three years after the written notification by the Secretary referred to in the preceding sentence, he has not received notification from the governing authorities concerned of the selection of a site for the additional airport, he shall, after notice and opportunity for a hearing, select a site for such additional airport with respect to which the Secretary will accept project applications under this title for the construction of such additional airport. Unless the Secretary, after notice and opportunity for hearing, shall modify any site selection made by him under this section, no other site in such area shall be eligible for assistance under this title for the construction of an additional airport in such area."

As introduced in the House, H.R. 14465 contained language identical to section 206 (g) of S. 3108, but that language was amended in Committee. Section 16(e) is discussed in the House Committee Report (H.R. Rep. 91–601) on page 23, Section 206(g) is discussed in the Senate Committee Report (Sen. Rep. 91–565) on pages 4 and 72. The Department of Transportation recommends against the enactment of either section 206 (g) or section 16(e).

Section 206(g)(1) would authorize the Secretary of Transportation to select the site for a new airport in a "metropolitan area" (as defined) when local authorities have been unable to agree on a site after three years. We recognize the often serious problems that may arise during the planning and development of an airport in a metropolitan area, particularly when the site for a new airport is being considered. But, we do not believe that State and local decision-making should be diluted through increasing the involvement of the Federal Government. On the contrary, State and local decision-making should be both enhanced and emphasized. The need for better air service and the compatibility of a new airport and its site with a community's plans and goals are factors which should be weighed and decided at the local level. Section 206(g)(1) would run contrary to these policies.

In addition to this basic question of policy, we question whether section 206(g)(1) would, in fact, expedite the development of airports in metropolitan areas. If the Secretary were to select an airport site under this authority, the section does not require a sponsor to actually proceed with the development of the new airport. Basically, the Secretary would be selecting the site because local communities fail to agree on a site. This failure to agree and lack of local consensus may well continue into the developmental phase and effectively prevent action by any local public agency to sponsor the project to develop an airport on the site the Secretary selects. While the dispute continues, and if no sponsor comes forward, section 206(g)(1) would block *any* new airport development in the metropolitan area on another site. In many metropolitan areas, the need for general aviation and reliever airports is great so that pressure and congestion around existing airports may be relieved. Section 206(g)(1), in our view, is unlikely to improve a bad situation and appears to be more likely to make that situation worse.

Sections 206(g)(2) and 16(e)(2) are identical provisions that could prohibit approval of an airport development project outside a metropolitan area on "any airport site not approved by the community or communities in which the airport" would be located. These sections are vague and would create serious problems in administering the airport program. For example, what is a "community . . . in which the airport is proposed to be located"? Airport sites are proposed by various local entities falling within the definition of "public agency". The interest of the "community" presumably is reflected in the decision of the local public agency sponsoring the airport. Sections 206(g) and 16(e)(2) would tend to defeat a basic purpose of this legislation which is to provide more airports as expeditiously as possible.

Finally, section 16(e)(1) would authorize the Secretary to use his authority to facilitate the selection of sites for new airports in metropolitan areas. In the Senate Report, there is reprinted a letter which I sent to the Chariman of the Committee on Commerce expressing the views of the Department on this significant legislation. In that letter, I discussed section 16(e)(1):

"As you know, airport site selection traditionally has been the responsibility of state and local government. Section 16(e)(1) suggests a change in this historic role, but, in fact, confers no authority on the Secretary which he could not and would not exercise in any event. He has in the past and would continue to use his existing powers to facilitate the establishment of needed airports."

I believe that I need only add that the Secretary has used, and will continue to use, his authority to facilitate these local decisions. But, we believe they must remain primarily local decisions.

We hope that this information will be of assistance to you. We believe that the provisions that we have discussed above are not in keeping with the purposes of the airport/airways development legislation now before the Senate. Please do not hesitate to contact us if we can assist you in this matter.

Sincerely,

JOHN.

Mr. YARBOROUGH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICAL LIBRARY ASSISTANCE EXTENSION ACT OF 1970—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. NO. 854)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Medical Library Assistance Extension Act of 1970".

THREE-YEAR EXTENSION OF EXISTING PROGRAMS

SEC. 2. (a) Subsection (i) of section 393 of the Public Health Service Act (42 U.S.C. 280b–3(i)) (relating to assistance for construction of medical library facilities) is amended to read as follows:

"(i) For the purposes of carrying out the provisions of this section, there are authorized to be appropriated $11,000,000 for the fiscal year ending June 30, 1971, $12,000,000 for the fiscal year ending June 30, 1972, and $13,000,000 for the fiscal year ending June 30, 1973."

(b) The first sentence of subsection (a) of section 394 of such Act (42 U.S.C. 280b–4(a)) (relating to grants for training in medical library sciences) is amended to read as follows: "In order to enable the Secretary to carry out the purposes of section 390(b)(2), there are authorized to be appropriated $1,500,000 for the fiscal year ending June 30, 1971, $1,750,000 for the fiscal year ending June 30, 1972, and $2,000,000 for the fiscal year ending June 30, 1973."

(c) Section 395 of such Act (42 U.S.C. 280b–5) (relating to assistance for compilations or writings concerning advances in sciences related to health) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

(d) Subsection (a) of section 396 of such Act (42 U.S.C. 280b–6(a)) (relating to research and development in medical library science and related fields) is amended by striking out "June 30, 1970" and inserting in lieu thereof) "June 30, 1973".

(e) Subsection (a) of section 397 of such Act (42 U.S.C. 280b–7(a)) (relating to assistance to improve or expand basic medical library resources) is amended to read as follows:

"(a) In order to enable the Secretary to carry out the purposes of section 390(b)(5), there are authorized to be appropriated $3,500,000 for the fiscal year ending June 30, 1971, $4,000,000 for the fiscal year ending June 30, 1972, and $4,500,000 for the fiscal year ending June 30, 1973."

(f) The first sentence of subsection (a) of section 398 of such Act (42 U.S.C. 280b–8(a)) (relating to grants for establishment of regional medical libraries) is amended to read as follows: "In order to enable the Secretary to carry out the purposes of section 390(b)(6), there are authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1971, $3,250,000 for the fiscal year ending June 30, 1972, and $3,500,000 for the fiscal year ending June 30, 1973."

(g) Subsection (a) of section 399 of such Act (42 U.S.C. 280b–9(a)) relating to assistance for biomedical scientific publications) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

GRANTS FOR CONSTRUCTION OF MEDICAL LIBRARY FACILITIES

SEC. 3. Section 393 of the Public Health Service Act (42 U.S.C. 280b–3) is amended—

(1) by amending clause (B) of subsection (b)(1) to read as follows: "(B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and";

(2) by striking out subsection (c) and redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g) and (h), respectively; and

(3) by striking out in subsection (c) (as so redesignated by this section) ", and shall give priority to applications for construction of facilities for which the need is greatest".

GRANTS FOR SPECIAL SCIENTIFIC PROJECTS

SEC. 4. (a) Section 395 of the Public Health Service Act (42 U.S.C. 280b–5) is amended—

(1) by striking out in the second sentence "for the establishment of special fellowships to be awarded to physicians and other practitioners in the sciences related to health and scientists" and inserting in lieu thereof the following: "to make grants to physicians and other practitioners in the sciences related to health, to scientists, and to public or nonprofit private institutions on behalf of such physicians, other practitioners, and scientists"; and

(2) by striking out in the third sentence "In establishing such fellowships" and inserting in lieu thereof "In making such grants", and by striking out in such sentence "fellowships are established" and inserting in lieu thereof "grants are made".

(b) Subsection (b)(3) of section 390 of such Act (42 U.S.C. 280b) is amended by striking out "the awarding of special fellowships to physicians and other practitioners in the sciences related to health and scientists" and inserting in lieu thereof "grants to physicians and other practitioners in the sciences related to health, to scientists, and to public or nonprofit private institutions on behalf of such physicians, other practitioners, and scientists".

RESEARCH AND DEVELOPMENT IN MEDICAL LIBRARY SCIENCE AND RELATED FIELDS

SEC. 5. (a) The second sentence of subsection (a) of section 396 of the Public Health Service Act (42 U.S.C. 280b-6) is amended by striking out "research and investigations" and inserting in lieu thereof "research, investigations, and demonstrations".

(b) Subsection (b)(4) of section 390 of such Act is amended by striking out "research and investigations" and inserting in lieu thereof "research, investigations, and demonstrations".

GRANTS FOR BASIC RESOURCES OF MEDICAL LIBRARIES

SEC. 6. (a) Section 397 of the Public Health Service Act (42 U.S.C. 280b–7) is amended—

(1) by striking out in the first sentence of subsection (b) "for the purpose of expanding and improving" and inserting in lieu thereof "for the purpose of establishing, expanding, and improving";

(2) by amending paragraph (2) of subsection (c) to read as follows:

"(2) In no case shall any grant under this section to a medical library or related instrumentality for any fiscal year exceed $200,000; and grants to such medical libraries or related instrumentalities shall be in such amounts as the Secretary may by regulation prescribe with a view to assuring adequate continuing financial support for such libraries or instrumentalities from other sources during and after the period for which Federal assistance is provided."; and

(3) by striking out in the heading of such section "IMPROVING AND EXPANDING" and inserting in lieu thereof "ESTABLISHING, EXPANDING, AND IMPROVING".

(b) Subsection (b)(5) of section 390 of such Act is amended by striking out "improving and expanding" and inserting in lieu thereof "establishing, expanding, and improving".

GRANTS FOR ESTABLISHMENT OF REGIONAL MEDICAL LIBRARIES

SEC. 7. Section 398 of the Public Health Service Act (42 U.S.C. 280b–8) is amended as follows:

(1) Subsection (b) is amended (A) by striking out "and" at the end of clause (4), (B) by redesignating clause (5) as clause (6), and (C) by inserting after clause (4) the following new clause:

"(5) planning for services and activities under this section; and".

(2) Subsection (c)(1) is amended by striking out "(A) to modify and increase their library resources so as to be able to provide supportive services to other libraries in the region as well as individual users of library services" and inserting in lieu thereof "(A) to modify and increase their library resources, and to supplement the resources of cooperating libraries in the region, so as to be able to provide adequate supportive services to all libraries in the region as well as to individual users of library services".

(3) Subsection (c)(2) is amended by striking out clause (A) and by redesignating clauses (B) and (C) as clauses (A) and (B), respectively.

(4) The following new subsection is added at the end thereof:

"(f) The Secretary may also carry out the purpose of this section through contracts, and such contracts shall be subject to the same limitations as are provided in this section for grants."

FINANCIAL SUPPORT OF BIOMEDICAL SCIENTIFIC PUBLICATIONS

SEC. 8. Section 399 of the Public Health Service Act (42 U.S.C. 380b–9) is amended by inserting before the period at the end of subsection (b) the following: ", except in those cases in which the Secretary determines that further support is necessary to carry out the purposes of this section".

TRANSFERABILITY OF FUNDS

SEC. 9. The part of title III of the Public Health Service Act redesignated as part J by section 10 is amended by adding at the end thereof the following new section:

"TRANSFERABILITY OF FUNDS

"SEC. 399b. (a) Notwithstanding any other provision of this part, whenever there is appropriated any amount for any fiscal year (beginning with the fiscal year ending June 30, 1971) to carry out any particular program or activity authorized by this part, the Secretary shall have the authority to transfer sums from such amount, for the purpose of carrying out one or more of the other programs or activities authorized by this part; except that—

"(1) the aggregate of the sums so transferred from any such amount shall not exceed 10 per centum thereof,

"(2) the aggregate of the sums so transferred to carry out any such program or activity for any fiscal year shall not exceed 20 per centum of the amount appropriated to carry out such program, or activity for such year, and

"(3) sums may not be transferred for any fiscal year to carry out any such program or activity if such transfer would result in there being available (from appropriated funds plus the sums so transferred) to carry out such program or activity for such year amounts in excess of the amounts authorized to be appropriated for such year to carry out such program or activity.

"(b) Any sums transferred under subsection (a) for any fiscal year for the purpose of carrying out any program or activity shall remain available for such purpose to the same extent as are funds which are specifically appropriated for such purpose for such year."

REDESIGNATIONS

SEC. 10. (a) Title III of the Public Health Service Act is amended—

(1) by redesignating part I as part J:

(2) by redesignating the part H entitled "PART H—NATIONAL LIBRARY OF MEDICINE" as part I; and

(3) by redesignating sections 371, 372, 373, 374, 375, 376, 377, and 378 as sections 381, 382, 383, 384, 385, 386, 387, and 388, respectively.

(b)(1) Subsection (c) of the section of such Act redesignated as section 382 is amended by striking out "section 373" and inserting in lieu thereof "section 383".

(2) The section of such Act redesignated as section 385 is amended by striking out "section 373" and inserting in lieu thereof "section 383".

(3) Section 391(2) of such Act is amended by striking out "section 373(a)" and inserting in lieu thereof "section 383(a)".

(4) Section 392 of such Act is amended—

(A) by striking out in subsection (a) "section 373(a)" and inserting in lieu thereof "section 383(a)",

(B) by striking out in such subsection, "section 373" and inserting in lieu thereof "section 383",

(C) by striking out in subsection (d) "section 373(d)" and inserting in lieu thereof "section 383(d)", and

(D) by striking out in such subsection "part H which deals with the National Library of Medicine" and inserting in lieu thereof "part I".

(c)(1) Section 395 of such Act is amended—

(A) by inserting "(a)" immediately after "SEC. 395.",

(B) by striking out in the second sentence "under this section" and inserting in lieu thereof "under this subsection", and

(C) by amending the section heading to read as follows: "ASSISTANCE FOR SPECIAL SCIENTIFIC PROJECTS, AND FOR RESEARCH AND DEVELOPMENT IN MEDICAL LIBRARY SCIENCE AND RELATED FIELDS".

(2) Section 396 of such Act is amended—

(A) by striking out "Sec. 396. (a)" and inserting in lieu thereof "(b)",

(B) by striking out in the second sentence of subsection (a) "under this section" and inserting in lieu thereof "under this subsection",

(C) by redesignating subsection (b) as subsection (c), and

(D) by striking out the section heading.

(3) Sections 397, 398, 399, 399a, and 399b of such Act are redesignated as sections 396, 397, 398, 399, and 399a, respectively.

(d)(1) The part of title III of such Act redesignated as part I is amended by striking out "Surgeon General" each place it occurs in the sections of such part redesignated as sections 382, 383, 386, and 388. The section of such part redesignated as section 384 is amended by striking out "Surgeon General" and inserting in lieu thereof "Board".

(2)(A) The part of title III of such Act redesignated as part J is amended by striking out "Surgeon General" each place it occurs and inserting in lieu thereof "Secretary".

(B) The subsection of section 393 of such part redesignated as subsection (e) is amended by striking out "Surgeon General's" and inserting in lieu thereof "Secretary's".

MEANING OF SECRETARY

Sec. 11. Subsection (c) of section 2 of title I of the Public Health Service Act (42 U.S.C. 20) is amended to read as follows:

"(c) Unless the context otherwise requires the term 'Secretary' means the Secretary of Health, Education, and Welfare."

EFFECTIVE DATE

Sec. 12. (a) Except as provided in subsection (b) the amendments made by this Act shall apply with respect to appropriations for fiscal years ending after June 30, 1970.

(b) The amendments made by sections 10 (d) and 11 shall take effect on the date of the enactment of this Act.

And the Senate agree to the same.

Ralph W. Yarborough,
Harrison Williams,
Edward Kennedy,
Gaylord Nelson,
Thomas F. Eagleton,
Alan Cranston,
Harold E. Hughes,
Peter H. Dominick,
Jacob K. Javits,
George L. Murphy,
Winston Prouty,
Wm. B. Saxbe,
Managers on the Part of the Senate.

Harley O. Staggers,
John Jarman,
Paul G. Rogers,
William L. Springer,
Tim Lee Carter,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. YARBOROUGH. Mr. President, the conferees have agreed to an extension of the Medical Library Assistance Act.

The bill, as agreed to in conference, would extend for 3 years the current program to provide financial assistance for the construction of health library facilities; to support training of health librarians and other information specialists; to expand and improve health library services through the provision of grants for library resources; to support projects of research and development in the field of health communications, and related special scientific projects; to support the development of a national system of regional medical libraries; and to support selected biomedical scientific publications projects.

An important amendment would permit the Secretary to transfer funds under specified limitations within the authorization permitted by this act. This will assure that the congressional responsibility for program administration is retained, while permitting a more flexible administration of the program.

For the construction assistance program, the bill would increase the authorization ceiling from $10 to $11 million in fiscal year 1971, $12 million in fiscal year 1972, and $13 million in fiscal year 1973 for new health library construction and for projects to renovate and expand existing health library space.

The conferees agreed to include the provision of the House bill eliminating language in section 393(d)—redesignated as (c) by this bill—providing priority to applications for construction of facilities for which the need is greatest. This provision can operate to deprive projects which have matching funds available of their share of Federal matching funds because other projects have greater priority, although the other projects may not be in a position to be initiated. It is the intent of the conferees, however, that where projects have available funding to match Federal grants, priority shall be given to those projects for which the need is greatest, notwithstanding the deletion of this language.

For the program to train health librarians and other information specialists for administrative, service, and research positions, the bill would increase the authorization for the support of training grants and fellowships from $1 million to $1.5 million in fiscal year 1971, $1.75 million in fiscal year 1972, and $2 million in fiscal year 1973.

The conferees agreed to increase the authorization for funding for the library resource grants program from $3 million to $3.5 million for fiscal year 1971, $4 million for fiscal year 1972, and $4.5 million for fiscal year 1973. These funds will be used to improve the basic resources of health libraries.

For the program of grant assistance for the development of regional medical libraries, the conferees agreed to increase the authorization for funding from $2.5 million in fiscal year 1970 to $3 million in fiscal year 1971, $3.25 million in fiscal year 1972, and $3.5 million in fiscal year 1973.

Section 399 of the Public Health Service Act which authorizes financial support for biomedical scientific publications is amended to broaden the eligibility for assistance under that section. Currently, assistance may be provided only to institutions of higher education and scientists. The conferees agreed that assistance may be provided to scientists and any nonprofit private institution.

The conferees also agreed to permit the Secretary to make exceptions to the 3-year limit on assistance for any single publication if he determines extension of support would advance the purposes of the program.

The Medical Library Assistance Amendments will not resolve all the needs and problems in health communications. They will, however, provide assistance where needed and stimulate the formulation and adaptation of new ideas and concepts for making health information available.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AMENDMENT OF PUBLIC HEALTH SERVICE ACT TO EXTEND THE PROGRAM TO CERTAIN MIGRANT AGRICULTURAL WORKERS—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report, as follows:

Conference Report (H. Rept. No. 91–853)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from it disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That section 310 of the Public Health Service Act (42 U.S.C. 242h) is amended—

(1) by striking out "and" after "next fiscal year,", and by inserting after "June 30, 1970," the following: "$20,000,000 for the fiscal year ending June 30, 1971, $25,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973,".

(2) by adding at the end thereof the following new sentence: "The Secretary may also use funds appropriated under this section to provide health services to persons (and their families) who perform seasonal agricultural services similar to the services performed by domestic agricultural migratory workers if the Secretary finds that the provision of health services under this sentence will contribute to the improvement of the health conditions of such migratory workers and their families."

(3) by adding immediately after the sentence added by paragraph (2) the following new sentence: "For the purposes of assessing and meeting domestic migratory agricultural workers' health needs, developing necessary resources, and involving local citizens in the development and implementation of health care programs authorized by this section, the Secretary must be satisfied, upon the basis of evidence supplied by each applicant, that persons broadly representative of all elements of the population to be served and others in the community knowledgeable about such needs have been given an opportunity to participate in the development of such programs, and will be given an opportunity to participate in the implementaion of such programs."

(4) by striking out "to improve health services for and the health conditions of" in clause (1)(ii) and inserting in lieu thereof "to improve and provide a continuity in health services for and to improve the health conditions of".

(5) by inserting "(including allied health

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professions personnel)" after "training persons" each place it appears in clause (1).

(6)(A) by striking out "Surgeon General" and inserting in lieu thereof "Secretary", and (B) by inserting at the beginning of such section the following heading: "Health Services for Domestic Agricultural Migrants".

And the Senate agree to the same.

That the Senate recede from its amendment to the title.

Ralph W. Yarborough,
Harrison Williams,
Edward Kennedy,
Gaylord Nelson,
Thomas F. Eagleton,
Alan Cranston,
Harold E. Hughes,
Peter H. Dominick,
Jacob K. Javits,
George L. Murphy,
Winston Prouty,
Wm. B. Saxbe,
Managers on the Part of the Senate.
Harley O. Staggers,
John Jarman,
Paul G. Rogers,
David Satterfield,
William L. Springer,
Ancher Nelsen,
Tim Lee Carter,
Managers on the Part of the House.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. **YARBOROUGH**. Mr. President, the conferees have agreed to an extension of the Migrant Health Act, H.R. 14733. For the Nation as a whole, 900 counties furnish seasonal homes, or work areas—or both—for an estimated 1,000,000 migrant farmworkers and their dependents. About one-fifth of the Nation's total migrants live seasonally in 117 counties of Texas, and go out from Texas, their homeland, to work the fields in other States.

For a variety of reasons, migrant farmworkers and their families are the group most likely to be bypassed by national health gains. They are poor, live in inadequate housing, are often geographically isolated, belong to various minority groups—chiefly Mexican-American and Negro—and frequently lack knowledge of good health practices and of community health resources.

The "channels" to gain access to health care frighten and confuse them, for they fear the sterile atmosphere of the typical clinic or hospital. Moreover, their constant movement hinders continuity of the scanty services they do receive. Many of their temporary communities look upon them as transients for whom the community feels no responsibility. These communities often lack enough physicians, dentists, and nurses to meet the needs of local residents, let alone the needs of people "just passing through."

The result is a heavy burden of illness and disability. Tuberculosis is 17 times more frequent and infestation with worms 35 times more frequent among migrants than among ordinary patients. Mortality from tuberculosis and other infectious diseases is 2½ times the national average. Mortality from accidents is nearly 3 times the national average. Infant mortality is at the national rate of 20 years ago. As late as 1966, in two Texas border counties—Cameron and Hidalgo—which are home for many thousands of Mexican-American migrants—29 percent of the births occurred outside of hospitals, compared with 2 percent for the Nation as a whole.

At the fiscal 1969 appropriation level of $8 million, the amount available nationally per migrant is $8. Even when contributions from other than migrant health sources are added, the total average health expenditure per migrant is little more than $12. This can be compared with the national average per capita health expenditure of over $250.

Because of these great needs, the conferees have agreed to legislation which would extend the Migrant Health Act for 3 years and increase the appropriation authorization from $15 million in 1970 to $30 million in 1973.

The House bill provided that the Secretary may use funds under the Migrant Health Act to provide health services to nonmigrants the same as to migrants if the Secretary of Health, Education, and Welfare determines that the expenditure would improve the health of migrants. The managers on the part of the Senate have agreed to this amendment recognizing that, in some circumstances, it is difficult to achieve the purpose of the act without improving health conditions for all persons when living and working together. Sanitation programs, water supply improvement, and rat control efforts are examples of this fact. We agreed that in using funds appropriated to carry out the purposes of this provision, the Secretary shall be reasonably assured that this will not result in a reduction of effort or unduly discourage an expansion of the effort by any State, county, or municipal body to provide health care services to migrants. We wish to emphasize that in providing services under the Migrant Health Act, under all circumstances, all other resources should be exhausted and responsibilities assumed for nonmigrants should be transferred to appropriate local bodies whenever possible.

The Senate amendment provided that the Secretary must be satisfied that persons representative of the population served and others in the community knowledgeable of migrant health needs have been given an opportunity to participate in the development and implementation of each program. The House bill contained no provision on this subject. The managers on the part of the House have agreed to this amendment.

Two years ago, when this act was last extended, the conferees agreed that it "should also be considered as a permanent and separately identifiable program." Because residency requirements still exclude migrants from many State health programs and because there continues to be a lack of willingness or financial ability to include migrants in State and local programs for the general population, we wish to restate this position and express concern that the 1968 Public Health Service reorganization may have seriously compromised the separately identifiable status of the program, contrary to the intent expressed in last extending the act.

The extension, the increases in funds, and the improvements in the act agreed to by both Houses are absolutely necessary if we are ever to meet such great needs.

The **PRESIDING OFFICER**. The question is on agreeing to the conference report.

The report was agreed to.

THE CARSWELL AFFAIR

Mr. **BROOKE**. Mr. President, the Senate will soon be called to act upon the nomination of Judge G. Harrold Carswell to be Associate Justice of the Supreme Court. The Senate bears no less responsibility than the President in the process of selecting members of the Supreme Court; for both the Senate and the President are charged by the Constitution to insure the integrity and high quality of the third branch of Government. Thus, the question of confirmation in such cases is of unique importance. I have withheld comment on the nomination until the completion of my study of the hearing record and other relevant materials, including a number of Judge Carswell's written opinions as a district judge. I have given the pending nomination as careful and deliberate an evaluation as I could.

I will vote against confirmation of Judge Carswell.

Mr. President, I had earnestly hoped for a nominee who would unite this body and this Nation in approval of his qualifications. I would have been pleased to conclude that the criticism of this nomination was unfounded and that Judge Carswell's performance as a lawyer and jurist should be rewarded by appointment to the highest court. In some areas of the law I believe that Judge Carswell shows competence, though not the clear distinction which the country rightly demands in a Justice of the Supreme Court. But competent service on a lower court may well be a prelude to growth on the highest tribunal. If that standard alone governed, Judge Carswell might easily be entitled to the benefit of the doubt.

Particularly in this instance, however, that is not the only relevant test. It could not be sufficient for a man who began his public career with a profound and far-reaching commitment to an anticonstitutional doctrine, a denial of the very pillar of our legal system, that all citizens are equal before the law. G. Harrold Carswell's 1948 pledge of external allegiance to white supremacy, even when read in the context of a heated political campaign, is irreconcilable with the American system of justice. It is important to recognize that his professions in that year are not only alien to the law as it stands today; they were clearly hostile to the constitutional standard which had prevailed at least since Plessy against Ferguson before the turn of the century.

I doubt seriously that, had the nominee's expressed views of 1948 been known to the President, Judge Carswell's name would have been sent to the Senate. Had they emerged prior to the nomination, a more careful analysis of the prospective nominee's overall record would have been required, and analyzed in that context; it would probably have been found lacking. While such remarks by a young, but mature political candidate may not by themselves be disqualifying, they do pose in stark relief a central question: What

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subsequent evidence indicates that the individual has abandoned a doctrine clearly offensive to the law and the ideals of this Nation.

I confess that I was eager to discover such evidence. I searched the record for convincing proof that Judge Carswell's later actions revealed a true dedication to the principles of equal rights under law. I searched in vain.

It is, of course, true that the judge has publicly repudiated the 1948 statement and has denied that he is not a racist. His declaration deserves to be considered fairly, out it cannot be allowed to weigh more heavily than his deeds. In examining his private and public record, I find it barren of the kind of affirmative statements and efforts which would suggest that Judge Carswell had in fact rejected his earlier views. On the other hand, that same record includes a number of actions which either confirm or invite suspicion that his anticonstitutional inclinations continued to hold sway. Given such an extreme initial pronouncement, substantial and positive evidence would be required to demonstrate that the individual had adopted a position compatible with the Constitution. If such evidence exists, the nominee has not offered it.

Five years after the now-famous speech, Mr. Carswell became a principal subscriber and charter member of the Seminole Boosters, Inc. It appears that notarized documents bearing his signature, dated April 14, 1953, and carrying the letterhead of his law firm, explicitly excluded nonwhites from membership. Even though the university supported by this club has subsequently integrated, there has reportedly been no amendment of the original "whites only" provision of the booster club's charter.

Three years later, in 1956, after the Supreme Court had begun desegregation of municipal golf courses, U.S. Attorney Carswell joined others in arranging to convert the Tallahassee public golf course into a private country club. The judge denies any intent or knowledge that this was a device to exclude black citizens from use of the facilities.

I consider Judge Carswell's testimony on this episode disingenuous. I cannot believe that he was unaware that the scheme had a discriminatory purpose transparently at odds with then-current ruling of the Supreme Court. Indeed, affidavits from black and white citizens of Tallahassee attest to the fact that the private country club arrangements were commonly known to be a ruse to evade compliance with the Court's standards. Least of all is it likely that a U.S. attorney, familiar with developing Federal law in this field, could have been oblivious to the implications of this maneuver. Most serious is the indication that Mr. Carswell, who had sworn to uphold the Constitution and the laws of the land, would have lent his support to such an effort. What might be discounted, though not condoned, on the part of some private citizens, is a grave breach of responsibility on the part of a Federal official responsible for enforcing the guarantees of equal protection of the law to all citizens. It does nothing to remove the lingering suspicion that he continued to adhere to his 1948 views.

Judge Carswell's later service on the Federal district court, and more recently on the appellate court, presents a complicated picture. The law is ever complex, and a judge's decisions must necessarily include some contradictions and ambiguities. Nevertheless, the judge's decisions afford no sufficient reassurance that he has come to recognize his responsibilities to protect the equal rights of all those appearing before him. This disturbing observation is reinforced by the judge's failure to rebut or even to address in detail reports by a number of attorneys that he was on occasion personally hostile to them and to their efforts to seek relief on civil rights complaints.

It is not possible to discuss all the relevant cases in depth, but several highlights stand out in the record. In the field of school desegregation, Judge Carswell appears to have consistently moved at the slowest possible pace, repeatedly stretching out judicial action and effectively delaying relief for those seeking reasonable compliance with the historic requirements of the 1954 Brown decision.

Is it really suggestive of a commitment to equal opportunity that Judge Carswell consistently approved desegregation plans that would have postponed compliance until the mid-seventies, two decades after the Court decreed that school boards should act with all deliberate speed?

Is it really suggestive of such commitment that, as late as 1966, Judge Carswell denied the right of Negro children to sue for desegregation of the State reform school, holding that the children were no longer inmates and hence had no standing? The Supreme Court had already held repeatedly that a plaintiff could sue as a former or potential user of a facility.

Is it really suggestive of such commitment that Judge Carswell dismissed a 1968 civil rights case merely on the basis of a defendant's affidavit, when higher courts had already made clear that such affidavits had no probative value?

Is it really suggestive of such commitment that Judge Carswell so frequently chooses to dismiss habeas corpus actions without even granting hearings to the petitioners?

Or do these and other cases in which Judge Carswell was so often reversed by higher courts suggest a pattern of dilatory, minimal action which tended to frustrate rather than promote the cause of justice?

Especially in light of Judge Carswell's previous history, I cannot dismiss this pattern as simply the product of a strict constructionist. I share the willingness of other Senators to confirm a strict constructionist, from the South or any other region of the country. But I have concluded that Judge Carswell's self-proclaimed conservatism cannot excuse the behavior and decisions which tend more to confirm than to contradict the thrust of his initial views on racial supremacy.

A true conservative, a true strict constructionist would fully respect and uphold the individual rights which are this Nation's greatest legacy.

Judge Carswell has many fine attributes: He has served his country in war and peace, he has acquired a good education, he has raised a family of which he can be proud, he has avoided dubious financial arrangements or apparent conflicts of interest. But in his public acts and pronouncements, the manner in which he apparently conducted his court, treated litigants, and regarded counsel, he has shown that he lacks an essential sensitivity to the preeminent issue of our time.

I cannot in good conscience support confirmation of a man who has created such fundamental doubts about his dedication to human rights.

President Nixon, in his inaugural address, proclaimed his commitment to bring us together. I share that commitment, for I profoundly believe in the goal of an integrated society in which all men can live in dignity and mutual respect. All my efforts—in Massachusetts, in the Senate, as a member of the Kerner Commission and in other capacities—have been directed toward that goal. I do not believe this nomination serves that vital goal.

We have problems in our country and in our world which must be overcome—problems of economic underdevelopment, of environmental pollution, of the antagonism of one nation or one ideology against another. We cannot succeed—indeed, we cannot even survive—if we do not learn, and learn soon, to overcome the superficial barriers of race, ethnicity, or religion which presently pose the most difficult and the most irrational hedges to human achievement.

It is in the nature of extended legislative review that the Senate has an opportunity to review Judge Carswell's nomination more thoroughly than did the President. If it concludes, as I have, that the President's laudable quest for greater harmony in our society will be undermined by this appointment, I trust that the Senate will deny confirmation of this regrettable nomination.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. BROOKE. I yield to the Senator from New York.

Mr. GOODELL. Mr. President, I commend the Senator from Massachusetts for his very eloquent statement. I know full well that the Senator from Massachusetts did not prejudge this nomination on any superficial grounds. I know full well the intense examination of conscience which the Senator from Massachusetts has undergone since this nomination was sent to the Senate. I think this eloquent statement is a significant development in the consideration of this nomination by the Senate, and I commend the Senator for it.

I know that the Senator, as a former attorney general and a distinguished lawyer, took an objective view of this nomination and found in conscience that he could do nothing but oppose it.

Mr. BROOKE. I thank the distinguished Senator from New York. I am very grateful to him for his understand-

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ing of the deliberation and the consideration that I had to give to this nomination.

I assure the Senator from New York that, as he has said, I considered the nomination with the benefit of my legal training and with the strong convictions that I hold concerning this Nation and the problem of race relations in this Nation.

I think it is regrettable that there has been sent to the Senate for confirmation to the highest court in the land the nomination of a man who, by his own public pronouncements, demonstrated that he harbored racist views. I think it is even more regrettable that at no time during his relatively long public career has he showed any indication of having changed. I looked, as I have said, to find this change in his mind and in his heart, but I found no evidence of change which would enable me in good conscience to vote for confirmation of his nomination.

I know that this particular nomination is one which all our colleagues will have to consider with great thought. It comes behind another nomination which the Senate felt it had to reject. I know that each one of the 100 Senators had hoped that the President would submit a name for confirmation that, frankly, all of us could in good conscience support.

The statement of the junior Senator from New York, given much earlier after his careful review, and the additional statements which have been made by some of our other colleagues, certainly now indicate that there will be far from a unanimous vote on this nominee.

I expect that the debate will be somewhat lengthy. I am sure that it will be one in which both sides will be given equal opportunity to discuss the cases, the deeds, as well as the words of Judge Carswell. I hope that that will be true. I believe that no man in the Senate, regardless of where he comes from, objects to voting for a southerner, or a westerner, or a northerner, or an easterner, or for strict constructionist. I am certain that those of us who are lawyers have great respect for a strict constructionist. But, again, let me say that it is an unfortunate circumstance that the President has seen fit, in his attempt to find a southerner and a strict constructionist, to nominate G. Harrold Carswell, whose statement, in my opinion, went far beyond the bounds of political rhetoric.

We are all politicians in this body. We make speeches and sometimes we say things that, perhaps, in quieter or saner moments we might not have said. But I read that 1948 statement closely, as did the Senator from New York, I tried to put myself in the position of this man as best I could, under the circumstances prevailing at that time, to see if these were just political words or whether they went deeper.

I found that they were deeply felt words.

Then I examined the age of the nominee at the time the statement was made. He was 28 years old. I know we are considered to be men at 28 years of age.

At that age, I had spent 5 years in war. In many respects, Judge Carswell and I were passing through a similar period, since we were both coming out of military service and had both gone to law school at the same time.

I think that I was pretty much a man at 28 years of age. Today the question of lowering the voting age to 18 is being considered in this country, so that the young people can anticipate decisions, and vote in Federal, State, and municipal elections at the age of 18. We now believe that young people are mature and responsible. Certainly they are intelligent and aware of their surroundings. And I do not believe the times were so different 20 years ago. Thus, I do not believe a man is or was immature at 28. There may be some exceptions, but Harrold Carswell was a man who had been trained in the law.

Then I said, "Well, a man can change." Men do change.

Great social changes have taken place in this country. The spirit of the time of Pope John XXIII and the Ecumenical Council changed the minds of many people in this country as well as in the world. I said, "Let us look for that change." As I am sure the Senator from New York did, I searched the record looking for that change. But I must confess, regrettably, that I did not find any. In fact, I found considerable evidence to the contrary. I found that in periods along the way in Judge Carswell's public career, he had made statements and had acted and conducted his court in a manner which indicated to me that there was no change, that he still harbored racist views.

Then I thought about our country. Where is our country going today? Many things that have been happening in this country recently, including the statements of some of our highest political leaders made me think, Are we really moving, as the Kerner Commission report suggested, toward two societies, one black and one white?

Do we really want war between the races of this Nation?

Did President Nixon really mean it when he said he would bring us together?

I had taken great hope from the President, who is a member of my political party, because if there is anything more important in this Nation than bringing people together, I do not know what it is.

Mr. BAYH. Mr. President, will the Senator from Massachusetts yield to me?

Mr. BROOKE. I am happy to yield to the distinguished junior Senator from Indiana.

Mr. BAYH. Mr. President, I sat on the other side of the aisle listening with a great deal of interest to the statement of the Senator from Massachusetts, which has been so well described by the distinguished Senator from New York (Mr. GOODELL).

As a result of being chairman of the committee engaged in relation to the last nomination for the Supreme Court, and being in a similar situation now relative to having to decide in my own mind whether I would vote to report out this nominee, I admit to some deep, soul searching myself.

Perhaps, at the bottom of my conscience, I am not proud of it, but perhaps there was a scintilla of hope that there would be some way for me to ignore some of the facts that have been laid out on the record, so that while I opposed one man, I could favor the other.

In the final analysis—and I have not made any statement on the floor—the thing that concerns me about this whole matter is the point just made by the distinguished Senator from Massachusetts; namely, the drifting apart of our people, rather than tending to solidify as one Nation indivisible.

I hope I do not have the reputation of being an alarmist. I do not consider myself to be one. But, I have not had the practical experience that many other Senators have in analyzing the relationships among groups, income levels, and so forth, in the various sections of the country. But I am becoming alarmed at some of the emotions rampant in the country today, directed in such a manner that it almost plays upon the worst in us rather than inspiring us to get up on our toes and do our best.

To the large numbers of people I have been talking to and have been appealing to—as other Members of this body have been appealing to—I have urged them to stay in the system, that it has its faults, but it is better than any other system of government there is in the world; to have faith; to stay out of the streets; to build instead of burn; and to avoid the cliches we tend to throw around.

The thing that concerns me is, how are the people going to look at the system if they know that a man who unfortunately has this background, is sitting at the very top of it?

This matter is of deep concern to me. I appreciate that it is probably much easier for me to express this from the other side of the aisle than it is for the distinguished Senator from Massachusetts. I, therefore, wish to salute him for the extra effort he is making, which is so characteristic of him.

Mr. BROOKE. I appreciate very much the statement of the distinguished junior Senator from Indiana. I certainly would like to support my President, as I am sure he is well aware and has so intimated. I voted for President Nixon. I campaigned for him. I certainly would like to support his nominee for the Supreme Court of the United States.

But I have been very much concerned and deeply burdened in recent months by many things. This nomination is one of them.

The Senator from Indiana mentioned the divisions in the country. They are not all racial divisions. The conflict of the young versus the old seems to be getting deeper and deeper.

Sectionalism is beginning to reappear again.

Religious bias seems to be coming back a little bit more, although we enjoyed a beautiful period, as I said, at the time of Pope John XXIII, and the Ecumenical Council.

Thus, it seems to me the most inappropriate time in our history for a man to be presented to the Senate for confirmation of his nomination for the Supreme Court who has at one time in his life admittedly spoken out publicly for white supremacy.

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I have fought separatists, black separatists, at every step along the way. I am in great disfavor with those in the black community who favor separatism and militance and violence. I do not believe there is any master race, black or white. We went to war once about a master race. Thank God we won that one.

Here we are called upon to confirm a man to sit on the highest court in this land, who will be sitting in judgment and giving supposedly equal justice to all, who has the record that G. Harrold Carswell does.

I do not know the man. I have never met him. I have no personal animosity toward him. But I do not think this Nation can afford G. Harrold Carswell on the Supreme Court of the United States. My colleagues may think differently. I do not know. But I think it would be a great mistake.

I certainly understand that sometimes a man changes in a job. I think the President, in a press conference in response to a question from one of the reporters, likened this nomination to Ralph McGill of Georgia. In my opinion, that is not a valid comparison. McGill changed under very different conditions, if we recall the facts. He did change. He harbored these views I am sure at one time in his life. But he outgrew them. Social change took place in the country, and he became more knowledgeable. He used to have the kind of prejudice and bias that comes from ignorance. But as he grew older he changed, and he gave clear evidence of that change.

G. Harrold Carswell was not an ignorant man in 1948. He was not an ignorant man when he sat on the district court. He certainly was not an ignorant man when he sat on the court of appeals. Nor was he an ignorant man when he served as U.S. district attorney and took an oath to uphold and defend and enforce the Federal laws in this land.

That fact—his behavior while he was U.S. attorney in Florida—gave me the greatest difficulty. I understand the situation. I am not naive. I remember that period during the 1950's after the Supreme Court decision came down that there would be integration of public facilities such as golf courses, and so forth.

Not only in the South, but also across the Nation, there cropped up these private clubs which were created for the sole purpose of circumventing the law of the land. And I understand that some politicians joined in this endeavor, and some private citizens did. Though I cannot condone it, I understand it.

But here is a Federal law-enforcement officer sworn to enforce the law of the land who joins in a devious move to circumvent the law that he is sworn to enforce. If he had been a mayor or some other officeholder, perhaps it would have been somewhat different. But he was a Federal officer.

If he goes now to the Supreme Court of the United States and he writes a decision which, in effect, becomes the law of the land, would he then expect and would he then understand U.S. attorneys, Federal law-enforcement officers, circumventing that law?

This matter is very difficult for me to understand, perhaps as difficult as any of the decisions I had to read concerning his handling of litigation or his alleged hostility toward counsel or various litigants who appeared before him.

Then, I take very seriously a writ of habeas corpus. His handling of the habeas corpus cases, in my opinion, was reprehensible.

And so, my colleagues, it is because of all of this that I have formed my opinion. And let me point out very clearly that in judging Judge Carswell, I tried as best a human being can to divorce the matter from the other things that were happening in the country at the time.

I did not judge Judge Carswell on the basis of the statement made by my Vice President in Chicago. I did not judge him on the basis of the Voting Rights Act or any of these other things which I have mentioned this evening.

I judged him solely on the record which the Senator from Indiana, the Senator from Maryland, and the other very distinguished members of the Judiciary Committee brought out in the hearings.

I must presume that Judge Carswell made his strongest case before the Judiciary Committee. I did not read all 4,000 cases. But I cannot conceive that his best opinions were not presented to the committee for its consideration. I have to presume that. I think it is a fair presumption.

The best cases were certainly considered by the committee, together with the worst cases, and perhaps the not so good, or not so bad cases. That consideration also enabled me to arrive at my findings. I thank the distinguished members of the Judiciary Committee that carried on the investigation. And I understand the sacrifice which the Senator from Indiana personally makes.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. MATHIAS. Mr. President, I would observe that some men are gifted with eloquence. Some men are able to speak dispassionately. It is a very rare thing that a man can be both eloquent and dispassionate at the same time. I think it is a tribute to the distinguished Senator from Massachusetts as a Member of the Senate, as a distinguished lawyer, and as a former attorney general, that he has been able to deal with the matter as clearly and dispassionately and eloquently as he has today.

Whatever decision I make myself with respect to this nomination, I feel that a discussion carried on at the level that the distinguished Senator from Massachusetts has employed today would certainly justify me in my feeling that this was a case that should be brought before the Senate.

There could be judgment on the basis of the broad discussion the Senator has engaged in this afternoon. Definitely, all of the implications and all of the elements of our time are inextricably intertwined and involved.

I want to personally thank the Senator from Massachusetts for the light he has shed on the matter here today.

Mr. BROOKE. Mr. President, I thank the distinguished Senator, and particularly for referring to my remarks as dispassionate. I assure the Senator I am not an angry man. I have tried my best to be an objective man since I have been a Member of this very distinguished body, and since I have been in public life.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. PERCY. Mr. President, I address my comments to my fellow Senator who came to the Senate at the same time I did. He has contributed immensely to the Senate and to this particular Senator in the past 3 years. I am proud he is a Member of the Senate and I am proud he is my friend. I know I look forward through the years to the great contribution he is going to make in improving the quality of life in America for all Americans.

I mentioned in this Chamber this morning, in connection with another debate, the deep concern that the Committee on Violence and Civil Disorders, under the chairmanship of Dr. Milton Eisenhower, had for the internal threat, the threat inside the country, which it seemed to conclude is greater than the external threat.

I think we are all deeply concerned about equality and justice in American life, and want to be certain that the promise of American life and the promise as contained in the founding documents that enabled us to become a Nation and a people, are fulfilled and fulfilled in our time.

Certainly when we consider the Supreme Court we are considering a third branch of Government, coequal with the other two branches. One member of that Court has a vote equivalent to 60 Senators and Representatives when we take into account the divisibility of nine into 535. So this is an exceedingly important matter.

I have not come to a conclusion myself, but certainly, as long as I have been in the Senate, I have not heard a more eloquent or more dispassionate or heartfelt argument; and I detect a sense of sadness which I have shared that we have not been able to face up to our problems in the past as we should. I know it is the deep hope of the distinguished Senator from Massachusetts, who is a member of the bar and who has contributed greatly to the legal profession, that we can achieve a degree of excellence in every branch of Government that would be beyond question. This, of course, is the hope of all of us. We have all benefited from the comments of the distinguished Senator from Massachusetts and I am grateful that I was in the Chamber at the time he delivered his address.

Mr. BROOKE. Mr. President, I am very grateful to my cherished colleague from Illinois and my classmate. I certainly appreciate his very kind and generous words. I know he will give the utmost consideration to this nomination, as he gives to everything he does in the Senate.

I am certainly glad that he strengthened the statement relative to the Senate's responsibility to advise and consent, particularly as it applies to the Supreme Court.

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As has been said before, and as has been said by the Senator himself, a nomination for the Supreme Court is not like the confirmation of an Ambassador or an agency head or a Cabinet member because they pretty much serve at the pleasure of, and are an extending arm of, the Executive in our three-party system. But when one gets to the Supreme Court, or the Federal courts for that matter, we are talking about a third coequal branch of Government. So it is not just a matter of supporting or confirming the nominee of the President of your own party. I think it certainly shows no loyalty or disrespect to the President to reject the nominee if in your mind and heart you think he should not serve in that particular position at all.

I think it is a matter of a man's own conscience. I have exercised mine; I trust Senators will exercise theirs.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. KENNEDY. Mr. President, I, too, wish to join Senators in commending my good friend and colleague from Massachusetts for his statement and comment before the Senate this afternoon.

I think all of us are very much aware that we will reach in the next few weeks an extensive and important discussion and debate on this nomination.

I think the Senator has provided for the membership a very clear, precise, and studious presentation of his views, and a presentation which will be given great weight by Members on both sides of the aisle.

I think the Senator is to be commended, because as pointed out by my colleagues, this is a difficult decision for the Senator both as a member of a party that is in power and as one who recognizes full well the very heavy presumption that goes with any nomination a President makes.

I think you have shown great courage in giving this nomination the kind of thoughtful consideration you have in reaching this decision. I think all of us realize the very significant impact your voice had in the rather crucial times during the discussion of the nomination of Judge Haynsworth. I think your statement here is of significance and importance. I wish to congratulate the Senator for the statement and for the timeliness of the statement. I wish to urge Senators on this side of the aisle to take the time to give it the kind of very careful consideration the statement deserves.

I commend my colleague.

Mr. BROOKE. I thank my distinguished senior Senator from Massachusetts. I also wish to thank him for the fairness of his interrogation during the hearings before the Committee on the Judiciary, of which he is a member. Certainly his incisive questions and the answers thereto were most helpful to me in my consideration of this nominee's qualifications for the Supreme Court.

I wish to add that I am happy to see that the Senator has recovered from his illness and is back in the Senate Chamber again.

I yield the floor.

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MAJORITY PARTY'S ASSIGNMENTS TO SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. KENNEDY. Mr. President, on behalf of the majority leader, I send to the desk a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The bill clerk read the resolution (S. Res. 361), as follows:

S. RES. 361

Resolved, That the following shall constitute the majority party's membership on the Select Committee on Equal Educational Opportunity, pursuant to S. Res. 359 of the 91st Congress: Walter F. Mondale (chairman), John McClellan, Warren G. Magnuson, Jennings Randolph, Thomas Dodd, Daniel Inouye, Birch Bayh, William Spong, Jr., Harold Hughes.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, one of the most important decisions which the Senate reached during the consideration of the elementary and secondary education amendments last week was to establish a select committee of the Senate, whose purpose, in the wording of the resolution itself, is to study the effectiveness of existing laws and policies in assuring equality of education opportunity, including policies of the United States, with regard to segregation on the ground of race, color, or national origin, whatever the form of such segregation and whatever the origin or cause of such segregation, and to examine the extent to which policies are applied uniformly in all regions of the United States.

I am happy to report to the Senate that the Democratic steering committee met today and selected nine outstanding members of the majority to serve on the select committee, including, as chairman, the Senator from Minnesota (Mr. MONDALE), and as members, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Virginia (Mr. SPONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Connecticut (Mr. DODD), and the Senator from Iowa (Mr. HUGHES).

In my opinion, Mr. President, this is an excellent choice of Senators who will, I am confident, be sensitive to the heavy responsibilities placed upon them by membership upon the select committee.

Mr. BYRD of West Virginia. Mr. President, as an ex officio member of the steering committee, I wish to take occasion at this time to say that the choice of the Democratic Members who will serve on this select committee is a very excellent one throughout. Geographically, they have been selected with due consideration being given to all parts of the Nation. They come from the West, the East, the North, the South, a border State, the Midwest.

I think also that, from the standpoint of seniority, those Democrats who will make up the select committee represent Members who have served long in this body while at the same time there are Members who are among the more junior Senators with respect to service in this body.

Finally, from the standpoint of philosophy, Mr. President, it seems to me that the selection which has been presented to the Senate represents a very careful choice of Democratic Senators who will reflect a feeling ranging from the conservative to the liberal and with no Member representing an extreme in either direction.

So, Mr. President, I compliment the Senator from Minnesota (Mr. MONDALE) on the idea of having a select committee created. I think that his selection as chairman is a good one. As the author of the resolution which created the select committee, he, of course, is deserving of the honor that has been accorded to him by the select committee.

I believe that this select committee can and will perform a great service to the Senate and to the Nation.

I have confidence in its Democratic members because I think they are all even minded, even tempered, reasonable, knowledgeable, capable, fair individuals. I think that first and most of all they will want to serve the cause of public education in the Nation.

I trust that out of their diligent efforts there will come a very clear, well-reasoned, well-balanced opinion which can guide this body in its future deliberations dealing with the thorny problems that concern public education. Quality education has suffered in recent years because it has too often been made secondary to the cause of forced integration. Integration will never work unless it be purely voluntary, and it should never become the primary purpose for the existence of a public school system. Unfortunately, integration has lately been accorded such inflated importance on the part of some of our government leaders—politicians, judges, and bureaucrats—that public education, as a consequence, has been impaired and the schoolchildren, black and white, have suffered. Moreover, as a result, a better understanding and good will between the races have not been promoted, but, quite to the contrary, racial frictions have increased.

I hope that the minority members of the select committee, when they are announced, will reflect the same good geographical and philosophical balance as has been reflected in the Democratic makeup of the committee. If this proves to be the case, I think we all can have proper cause to expect that the committee's work eventually will culminate in the kind of report that will insure a saner course than that which has been pursued in recent years and which, if continued, will destroy quality education and the public school system in many parts of this country.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE OIL IMPORT PROGRAM

Mr. KENNEDY. Mr. President, President Nixon's refusal, despite the recommendations of a Cabinet task force, to modify the oil import program and thereby reduce the prices which Americans pay for gasoline and home heating oil is a great disappointment to all who are truly concerned with the fight against inflation.

The President's action—or inaction—has been criticized in a New York Times editorial and analyzed in a Wall Street Journal article. I think both these pieces should be read by my colleagues and the overburdened American consumers, and I ask unanimous consent to include them in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 24, 1970]

The Politics of Oil

President Nixon has bowed to the oil industry in shelving the recommendations of the majority of his Cabinet-level task force on oil import control.

The oil industry has hailed Mr. Nixon's decision as a triumph, which it certainly is for it. As the task force report shows, one-third of the $6 billion in profits the oil industry got from domestic operations in 1968 resulted from the protection afforded by oil import quotas.

The cost of oil quotas to American consumers is much greater and will go on growing. The task force report, which is a model of clear and competent economic analysis, concludes that the oil quota system is presently costing United States consumers $5 billion a year and will cost $8.4 billion a year in 1980.

Thus, an Administration that prides itself on being a great inflation fighter when it comes to trimming outlays for health, education and welfare does not mind letting consumers pay out more than $60 billion in extra oil bills over the coming decade.

The panel, headed by Secretary of Labor Shultz, would not have wiped out those extra costs overnight. On the contrary, the report recommended a gradual switch to a tariff system in order to avoid too disruptive an effect on the oil industry or any danger to national security which, it stressed, is the only legitimate justification for oil quotas.

Far from ignoring the danger of a prolonged Middle Eastern oil boycott as a result of the present turmoil there, the report proposes means of increasing the security of United States oil supplies over the coming decade by promoting closer ties between this country and Western Hemisphere oil exporters.

The five-man majority of the seven-member panel included not only Secretary Shultz but also the Secretaries of Defense, State and Treasury and the director of the Office of Emergency Planning. Their joint conclusion was that national security would be adequately protected by a control system based on tariffs.

As a first step the report favored a tariff of $1.45 per barrel to be imposed next Jan. 1. If further "objective and independent professional analysis" showed that reserves in North American frontier areas, especially the north slope of Alaska, would be sufficient to meet or exceed 1980 production estimates, the report recommended further liberalization of tariffs in January of 1972. If no tariff liberalization were undertaken then, the report urged the same tests be applied in succeeding Januarys, with full review no later than 1975.

However, this very cautious approach was not good enough to quiet the concerns of the United States oil industry that some significant share of its profits resulting from oil quotas would be lost eventually if the existing system were changed.

Secretary of the Interior Hickel and Secretary of Commerce Stans, together with an official observer, John N. Nassikas, chairman of the Federal Power Commission, filed a separate report disagreeing with virtually everything in the majority report. President Nixon in effect has adopted the views of the task force's two minority members and of his Federal Power Commissioner.

The President seems determined to file and forget the majority report. Those concerned about the public interest will be well advised not to let that happen for, aside from its policy recommendations, the report should become a classic in exposing the costs to the nation of a system of extreme protectionism in the guise of defending national security.

Commendable as it is that the report could be made at all, the summary rejection by the President of its basic recommendation that the oil quota system be ended tells much about the politics of oil and the real sources of influence in this Administration.

[From the Wall Street Journal, Feb. 24, 1970]

Concern Over Congressional Races Seen Delaying Oil Quota Decision—Panel Urged Tariff System

WASHINGTON.—A Cabinet task force's recommendation that the controversial oil-import quotas be replaced by a tariff system presents the Nixon Administration with a troublesome political problem:

How to assure that any oil-import reforms President Nixon eventually adopts don't hurt Republican candidates in November's Congressional elections.

To a number of observers in the Administration and on Capitol Hill, at least, that's one reason behind Mr. Nixon's decision to do nothing for the moment about the task force majority's chief recommendations. The President must cope with the fact that when it comes to oil, Republican politicians in the Northeast are pledged to lower consumer prices for gasoline and heating oil, while those from the West and Southwest are pulling the opposite way for crude producers.

As previously reported, the task force majority—the panel's chairman, Labor Secretary Shultz, together with Defense Secretary Laird, Secretary of State Rogers, Treasury Secretary Kennedy and George A. Lincoln, director of the Office of Emergency Preparedness—basically held that the amount of foreign oil used by U.S. refiners ought to be limited only by the importer's willingness to pay proposed tariffs. Interior Secretary Hickel and Commerce Secretary Stans issued a minority report defending quotas.

For crude oil from outside the Western Hemisphere, the proposed tariff initially would be set at $1.45 a barrel, up from the nominal 10 cents currently. The proposed level is calculated to lower the price of sweet Louisiana crude of 30-degree gravity, a standard domestic grade, about 30 cents a barrel from the present $3.30.

ECONOMIC DISLOCATIONS

This price drop would cause economic dislocations in the domestic oil industry, the report warns, forcing producers to abandon older, higher-cost wells and to expand flows for abundant fields. On the other hand, with crude priced at $3 a barrel, consumers could expect to save about $1.2 billion a year on purchases of oil products.

At the same time, the task force majority proposes that Canadian and Mexican oil be freed of any restriction and enter the country tariff-free. The tariff for other Western Hemisphere countries, notably Venezuela, would be negotiated at a preferential level somewhere below $1.45.

From all the task force recommendations, however, the President chose to adopt only the blandest one—that he create a new oil policy committee within the Administration. Mr. Nixon named OEP Director Lincoln as chairman of the new committee. Its initial membership will include the Secretaries of State, Defense, Interior and Commerce as well as Attorney General Mitchell and the chairman of the Council of Economic Advisers, Paul W. McCracken. White House officials said Mr. Shultz was left off the new group at his own request.

The President said the other task force recommendations will be discussed with oil-supplying nations and with North Atlantic Treaty Organization allies and Japan. In any case, Mr. Nixon made it clear that nothing will be done until Congressional committees complete their own oil-import review. Sen. Long (D., La.), an outspoken defender of the present quota system, immediately promised that his Senate Finance Committee would soon begin oil-policy hearings with task force members scheduled to testify.

MOVE IS WELCOME

Within the oil industry the President's move and the delays it implies were welcomed as an indication that the task force recommendations won't be going into effect soon and that eventually what does go into effect may be considerably softened. Said N. G. Dumbros, vice president, industry and public affairs for Marathon Oil Co.:

"The President's decision to take no immediate action to change the existing oil-import program demonstrates that the Administration recognizes the many ramifications of any drastic modification of the present system." And he added, "Excessive oil imports would have an adverse impact not only on the domestic oil industry but on the entire economy of this nation."

Thornton F. Bradshaw, president of Atlantic Richfield Co., hailed the decision as a sign that the Government is moving "toward reasonable solutions in this extremely important matter." Charles S. Mitchell, chairman of Cities Service Co., who had branded the task force's proposal as "regrettably short sighted," found the Nixon move for more studies "noteworthy."

Smaller oil companies, which have been even more apprehensive than the financially more secure giants about the possibility of scrapping the quota system, were even more delighted.

"I think additional study will prove that a tariff system in place of the import quotas would put oil reserves in the hands of people in the Middle East who could be hostile to us," observed James T. Bolan, executive vice president of Kewanee Oil Co., Bryn Mawr, Pa.

L. R. Forker, president of Quaker State Oil Refining Corp., Oil City, Pa., commented: "It sure is good news. My guess is she (the task force recommendation) is sure dead for a year."

CAPITOL HILL REACTION

The President's political difficulties were evident in the Capitol Hill reaction. Republican Sens. Tower of Texas and Hansen of Wyoming, both from oil-producing states, praised Mr. Nixon's go-slow decision. But Republicans from New England states, where oil import restrictions have become a leading political issue as a cause of high home heating-oil costs, were considerably less enthusiastic.

Sen. Brooke of Massachusetts, for one, criticized the failure to permit additional supplies of foreign crude into the Northeast as a way of augmenting stocks of No. 2 heating oil stocks. He said Mr. Nixon's statement was "disappointing" to consumers. Sen. Prouty of Vermont, who faces a November election fight, expressed similar sentiments.

The dean of the New England delegation, Sen. Aiken of Vermont, did find some hope for his region, though, in the President's comments on the new oil-policy committee. Mr. Nixon said he wants the committee "to consider both interim and long-term adjustments" in the oil-import program. Mr. Aiken said the mention of "interim" actions could well mean the existing program could be

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liberalized soon to provide increases in Northeast heating-oil supplies and presumably lower consumer prices.

A White House official wouldn't predict when the President might move on imports. Although the Interior Department has issued import licenses under the quota system only through the first half of this year, the official said it would be a simple matter to license additional imports for subsequent months if an alternative to quotas wasn't ready in time. Replying to a question, the spokesman acknowledged that final action could be delayed until after election day.

However, Mr. Nixon's statement did hint at his support of the majority opinion that Canadian and Mexican supplies should be considered as safe, from a national security standpoint, as domestic ones.

"All members" of the panel agree "that a unique degree of security can be afforded by moving toward an integrated North American energy market," he noted. And, he said, the State Department will "continue to examine with Canada measures looking toward a freer exchange of petroleum, natural gas and other energy resources between the two countries."

The present 10-year-old quota system, developed by the Eisenhower Administration, exempts Canadian oil from formal restraints. Instead, it relies on voluntary import limits negotiated with the Canadian government. Heavy demand from Midwestern U.S. refineries in recent years, however, consistently has pushed imports higher than the agreed amount—a major irritation to the independent U.S. producers who are the chief beneficiaries of the quota protection.

For the first half of this year, imports of Canadian crude oil and refined products into states east of the Rockies officially are set at about 360,000 barrels daily. But the imports already are running at a daily rate of more than 500,000 barrels.

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SIGNIFICANT LEVEL

The level of Canadian imports is significant because total imports east of the Rockies currently are limited to 12.2% of domestic production in the same region, a figure that works out to around 1.2 million barrels daily this year. Nearly 500,000 barrels daily also are brought in under the program to the West where imports are figured as the difference between demand and available domestic supplies. Another one million barrels daily of heavy residual oil imported for use as industrial fuel, in effect is exempt from Government limitations.

Thus, bigger amounts of Canadian oil mean less oil for importers from the Middle East and elsewhere. With oil import "tickets" valued at about $1.50 a barrel because foreign crude is cheaper to produce than domestic oil, independent producers have been concerned for some time that Canadian imports, unless checked, could wreck the quota arrangement.

Oil industry executives, who favor the present system in varying degrees, can take some comfort from the defense of quotas offered by the task force's two minority members, Interior Secretary Hickel and Commerce Secretary Stans.

Joined by Federal Power Commission chairman John N. Nassikas, a panel observer, they argued that tariffs "would lead to domestic and international problems of great significance," discourage domestic oil exploration and lead to price fixing. Major changes in the program should be postponed for "three or four years" until the extent of new Alaskan discoveries is better known, they said. Meantime, the existing program could be relaxed gradually to admit an additional 600,000 barrels daily by 1974, they suggested.

Nevertheless, the majority was equally vigorous in its condemnation of the present arrangement. It concluded that quotas and regulations governing them "bear no reasonable relation to current requirements of protection either of the national economy or of essential oil consumption."

Quota defenders frequently argue that without such protection from cheaper foreign production, U.S. producers wouldn't have been able to supply European oil needs arising from the 1967 closing of the Suez Canal. The task force majority, however, found it unfair that "U.S. consumers should bear the heavy costs of trying to guarantee our allies benefits which they could provide for themselves—through increased storage—with greater effectiveness and at lower cost."

RECOMMENDATIONS OF GOVERNMENT OF DISTRICT OF COLUMBIA ON PROPOSED INTERSTATE HIGHWAYS—STATEMENT BY SENATOR COOPER

Mr. PERCY. Mr. President, at the request of the distinguished Senator from Kentucky (Mr. Cooper), I ask unanimous consent that a statement by the Senator from Kentucky on recommendations of the government of the District of Columbia on proposed interstate highways be printed in the Record at this point.

There being no objection, the statement and insertions were ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR COOPER

Mr. Cooper. Mr. President, near the close of the day yesterday, I inserted in the Record the Secretary of Transportation's report to Congress respecting the Interstate System of highways in the District of Columbia and recommended alternative routes or plans, as required by Section 23(c) of the Federal-Aid Highway Act of 1968. I also reminded my colleagues of some of the major events leading to the presentation of this report, and the legislative history of Section 23. I indicated that I believed that the Secretary's recommendations were thoughtful and reflected a responsible assessment of the complex human and environmental problems associated with urban highway construction.

Section 23(c) required a study and report of the Secretary of Transportation and the Government of the District of Columbia on projects set forth in the 1968 Interstate System Cost Estimate, including recommended alternative routes and plans. Today I wish to submit for the Record the report and recommendations of the District of Columbia Government.

The Mayor's letter of transmittal indicates his concurrence in the recommendations of the City Council—recommendations made after exhaustive hearings before the Council on the proposals of the City Department of Highways. The Mayor says in his letter:

"The report of the City Council was adopted after extensive public hearings on the recommendations prepared by the Department of Highways and Traffic. The City Council rejected the Department's proposals relating to the North Central Freeway and in lieu thereof, has recommended a freeway generally paralleling New York Avenue and connecting with the Washington-Baltimore Parkway and the East Leg by means of tunneling under the National Arboretum. The Council's recommendation in this respect was made in light of its assessment of the disruptive effects of the North Central location in terms of environmental socioeconomic and housing considerations as well as the uncertainties of necessary connections in Maryland.

"After full and careful consideration of the Council's report and recommendations, I concur therein.

"In reaching this conclusion, I have been particularly mindful of the reasoning underlying the Highway Department's recommendation as reflected in its report and testimony before the Council. However, in my view, environmental, socioeconomic and housing considerations must be heavily weighed in determining freeway locations. I am persuaded that the New York Avenue routing, as unanimously recommended by the Council, will be attended with less disruption to the community and, on balance, is to be favored."

Mr. President, I ask that the full text of Mayor Washington's letter be included at the conclusion of my statement. The Mayor, like the Secretary of Transportation, reflects concern and sensitivity for the human dimension of this highway expansion program.

These concerns and sensitivities are not new to Mayor Washington and certainly not new to his approach to dealing with the controversy over highway construction in his city. The Mayor wrote to the chairman of the Public Works Committee of the Senate, Senator Jennings Randolph, in July of 1968 with respect to the Section which the House of Representatives had included in their version of the Federal-Aid Highway Act of 1968. At that time Mayor Washington expressed his opinion—a concern shared by those of us who opposed the section in conference and on the floor of the Senate, and by the President upon signing the measure—that the action of the House was contrary to the principles of self-government and local decision. He said, "The action of the House of Representatives would remove self-determination from our city government's authority. It is also regrettable that Congress would direct that a specific freeway system be built in *any* of the urban areas of our country."

Mr. President, I would ask that the full text of the Mayor's letter of July 6, 1968, be included in the Record at the conclusion of my remarks.

I would also request that the following documents be included: (1) the letter of transmittal from the City Council Chairman, Mr. Gilbert Hahn, to Mayor Washington of the City Council's Report and Recommendations; (2) the Report of the District of Columbia Council on the Interstate Highway System in the District of Columbia; and (3) a letter from the Chairman of the National Capital Planning Commission for inclusion in the record of the hearings held by the City Council in late January and early February which describes the Major Thoroughfare Plan recommended by the National Capital Planning Commission and approved by the City Council in December of 1968.

Mr. President, as I did yesterday, I would call to the attention of my colleagues on the Public Works Committee and the District of Columbia Committee in particular, but all my colleagues in the Senate, these documents because of the increasing attention which this issue of freeway construction in urban areas is receiving from the whole spectrum of society across the nation. There is growing awareness of the environmental and social consequences of highway transportation systems, and more interest and energy are now being directed to the quality of life throughout the nation. It is apparent that the elements involved in the controversy over highway construction in the District of Columbia are not unique, and therefore the manner in which the public works program proceeds in this city could establish precedent and has importance for the future development of other areas of the nation.

Government of the
District of Columbia,
Washington, D.C.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: In conformance with the Federal-Aid Highway Act of 1968, I am reporting to the Congress the recommendations of the District of Columbia Government as required by Section 23(c).

I am transmitting herewith the report of the District of Columbia Council together with the hearing record and the study and recommendations of the Department of Highways and Traffic.

The report of the City Council was adopted after extensive public hearings on the recommendations prepared by the Department of Highways and Traffic. The City Council rejected the Department's proposals relating to the North Central Freeway and in lieu thereof, has recommended a freeway generally paralleling New York Avenue and connecting with the Washington-Baltimore Parkway and the East Leg by means of tunneling under the National Arboretum. The Council's recommendation in this respect was made in light of its assessment of the disruptive effects of the North Central location in terms of environmental, socioeconomic and housing considerations as well as the uncertainties of necessary connections in Maryland.

After full and careful consideration of the Council's report and recommendations, I concur therein.

In reaching this conclusion, I have been particularly mindful of the reasoning underlying the Highway Department's recommendation as reflected in its report and testimony before the Council. However, in my view, environmental, socioeconomic and housing considerations must be heavily weighed in determining freeway locations. I am persuaded that the New York Avenue routing, as unanimously recommended by the Council, will be attended with less disruption to the community and, on balance, is to be favored.

In conclusion, we must all recognize the need for a comprehensive system thoughtfully conceived for the essential movement of people and goods. Freeways, rapid transit and major surface traffic arteries are the principal components of such a system. The freeway projects already built and those under present consideration and METRO are progressing. The local street system must be our next area of major concern in order that the seemingly inevitable growing traffic loads on surface streets not be permitted to effect adversely the adjoining neighborhoods and their essential values. In this effort, we shall seek the continued interest and support of the Congress and the DOT.

Sincerely yours,
WALTER E. WASHINGTON,
Commissioner.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, EXECUTIVE OFFICE,
Washington, D.C., July 6, 1968.
Hon. JENNINGS RANDOLPH,
Chairman, Senate Public Works Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: It was a great disappointment to the Mayor-Commissioner and the members of the City Council to learn that the House of Representatives, on July 3, passed H.R. 17134, including a section which requires the District of Columbia to build a freeway system in accordance with a predetermined master plan. It is our feeling that the transportation system within an urban community, especially the Nation's Capital, should be decided by the local government after an expression by the citizens of the community.

The Mayor-Commissioner and City Council submitted, as the official position of the District Government, a provision which would have permitted the City Council, with the approval of the Mayor-Commissioner, to determine the highway pattern within our city. The language in the submittal of April 18 to the Honorable George H. Fallon, Chairman of the House Committee on Public Works, in part, provided:

The Government of the District of Columbia believes that any legislation designed to overcome the effects of the court decision referred to above should include provisions to assure more meaningful citizen participation in the planning of Federal aid highways. Such citizen participation can best be assured if the final authority to determine the highway system to be built within the city rests with the District of Columbia Council as the body most responsive to the wishes and needs of the community. The deliberations and actions of the Council must, of course, adequately consider the views of the people who live in the city, as well as the professional expertise of the highway planners, and the recommendations of the National Capital Planning Commission. Accordingly, the Government of the District of Columbia believes that the final responsibility for the plan and general design of the city's highways should rest with the Council.

In order to be free to exercise such responsibility the District Government must recommend against the enactment of H.R. 1600. Rather, we believe, the Council should be able to adopt a plan for the location, character, and extent of the District's highway system as well as approve individual highway project plans concerning alignment and design. Since much work has already been completed concerning alternative designs for various highway projects, the Council should be able, if it chooses, to consider various individual project designs at the same time it adopts an overall plan. Such simultaneous consideration on portions of the system could, in fact, facilitate more meaningful citizen participation and provide an effective solution to the city's transportation problems.

The action of the House of Representatives would remove self-determination from our city government's authority. It is also regrettable that Congress would direct that a specific freeway system be built in *any* of the urban centers of our country.

We respectfully urge that the House of Representatives and the Senate review this provision in conference and *remove* the mandate for a specific system in the District of Columbia.

An identical letter has been sent to The Honorable George H. Fallon, Chairman, House Public Works Committee.

Sincerely yours,
WALTER E. WASHINGTON,
Mayor-Commissioner.
JOHN W. HECHINGER,
Chairman, D.C. City Council.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
Washington, D.C., February 19, 1970.
Hon. WALTER E. WASHINGTON,
Mayor-Commissioner,
Washington, D.C.

DEAR MAYOR WASHINGTON: I have the honor to transmit to you the Report concerning the Interstate Highway System in the District of Columbia which was adopted unanimously by the City Council on February 17, 1970, as a report to the Congress pursuant to Section 23(c) of the Federal Aid Highway Act of 1968:

The transmittal includes the following documents:

(1) Resolution Number 70-13 adopted by the District of Columbia Council

(2) The Report of the District of Columbia Council on the Interstate Highway System in the District of Columbia

(3) The 1970 D.C. Highway Department Study

(4) The National Capital Planning Commission document entitled, "Elements of the Comprehensive Plan for the National Capital" which includes the 1968 Major Thoroughfare Plan as adopted by the Planning Commission and approved by the City Council

(5) A letter from Mr. G. Franklin Edwards, Acting Chairman of the Planning Commission, dated January 30, 1970, which was submitted as a part of the record of the City Council hearings

(6) Resolution Number 70-14 adopted by the District of Columbia Council amending Resolution Number 70-13.

I would like, in transmitting the Report of the District of Columbia Council, to comment on several important considerations which I believe prompted the Council to render the Report in the way it did.

First, I believe the Council felt that it has discharged its obligation to the traffic problem in the Metropolitan Area, especially to Maryland by recommending the building of almost 25 miles of freeways, parkways, and highways in the District of Columbia (including what is already required to be built).

A listing of these freeways, parkways and highways includes:

(1) The Palisades Parkway
(2) The Potomac River Freeway
(3) The South Leg of the Inner Loop
(4) The Center Leg of the Inner Loop
(5) The East Leg of the Inner Loop
(6) The Industrial Freeway along New York Avenue as a route for I-95 into the City
(7) The North Leg of the Inner Loop
(8) The Three Sisters Bridge

This is in addition to improving traffic flow on major arterial streets.

I call particular attention to the fact that the New York Avenue route is the alternative to the North Central Freeway set out in the 1970 Study of the District of Columbia Department of Highways and Traffic.

Second, I believe the Council was substantially impressed by President Nixon's statements on pollution and the quality of environment and considered this factor strenuously in rendering our Report.

Third, I believe that there is sufficient doubt about the certainty of the 70-S and I-95 routes in Maryland between the Beltway and the District line that the Council is convinced that by far the most prudent course is to complete the interstate system in the metropolitan area, using rights of way which are readily obtainable and which minimize community dislocation and disruption. The State of Maryland has yet to complete required public hearings on either the 70-S or I-95 connections to freeways in the District of Columbia so that action to begin construction in the District of Columbia of the road appears to be premature. In recent weeks, the proposal for a Northern Parkway which would serve as an extension of the North Central Freeway between the Beltway and the proposed outer Beltway has been dropped indefinitely by Maryland. The prospect of delays being encountered in constructing controversial connecting routes within the Beltway suggest strongly that construction of the Industrial Freeway route along New York Avenue to the Baltimore-Washington Parkway is the most certain way to get I-95 operational and to provide the capacity which is needed now in the city.

Sincerely,
GILBERT HAHN, Jr.,
Chairman, City Council.

REPORT OF THE DISTRICT OF COLUMBIA COUNCIL ON THE INTERSTATE HIGHWAY SYSTEM IN THE DISTRICT OF COLUMBIA

The District of Columbia Council is pleased to make the following report pursuant to the requirements of Section 23(c) of the Federal Aid Highway Act of 1968.

This report was adopted by the District of Columbia Council by a vote of 9-0 on February 17, 1970. The Council took this action after extensive public hearings which extended from January 29 through February 6, 1970. The council analyzed the three studies prepared by the District of Columbia Highway Department—"Recommended Action on North Leg Freeway"; "Recommendations for a Freeway in the Northern Sector and Related Policy"; and "Recommendations for the South Leg Freeway Alignment"—released on January 12, 1970 (hereinafter sometimes referred to collectively as the "1970 D.C. Highway Department Study"), together with Major Thoroughfare Plan of the Planning Commission approved previously by the District of Columbia Council in December of 1968 (hereinafter sometimes referred to as the "1968 NCPC Major Thoroughfare Plan").[1] These documents and a complete record of the hearings, which includes testimony of officials and citizens from the entire metropolitan area, accompany this report.

Section 23(c) of the Federal Aid Highway Act of 1968 specifies that:

"(c) The Government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in 'The 1968 Interstate System Cost Estimate', House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b), and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the Government of the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section."

The 18-month period specified in section 23(c) of the Federal Aid Highway Act of 1968 terminates on February 23, 1970. For its part of the report of the District of Columbia, the District of Columbia Council reports pursuant to the said section 23(c), as follows:

I. *The primary recommendations contained in the 1970 D.C. Highway Department Study are not accepted.*

II. *In their place, the relevant portions of the 1968 National Capital Planning Commission Major Thoroughfare Plan are recommended, with certain modifications which are noted below.*

Except to the extent that the 1968 NCPC Major Thoroughfare Plan has been modified to include the 4 projects called for in Section 23(b) of the Federal Aid Highway Act of 1968, the 1968 NCPC Major Thoroughfare Plan remains intact and is still the most viable and best solution for the District of Columbia for the period 1970–1975. The District of Columbia Council reports to the Congress that all of the segments specified in Section 23(b) are either under construction or being designed.

The paragraphs which follow describe the report on a segment by segment basis:

1. *The District of Columbia Council reports a South Leg of the Inner Loop (or Trans-Mall Connector) should be built, as recommended by the 1968 NCPC Major Thoroughfare Plan,* but *rejects both* the "tunnel and trench" recommended by the 1970 D.C. Highway Department Study (the so-called Alternate A of its South Leg Recommendation) *and* the "mile long tunnel" recommended by the N.C.P.C. itself (the so-called Alternate B of the NCPC South Leg Recommendation).

In the interests of building the Trans-Mall Connector (or South Leg) as soon as possible to take care of present needs and in the interests of reducing the cost and extensive disruption of the monumental area of the City, *the District of Columbia Council reports to the Congress and recommends that a smaller tunnel be built* behind the Lincoln Memorial connecting the Potomac River Expressway with Independence Avenue, S.W. This is identified as Alternate C in the January, 1970 Highway Department Study, entitled "Recommendation for the South Leg Freeway Alignment." It is recommended that any future traffic capacity needs on Independence Avenue be taken care of by extension of tunnel.

2. *The District of Columbia Council reports a North Leg of the Inner Loop (or Downtown Distributor) should be built* between the Potomac River Expressway and the Center Leg *as recommended by the 1968 NCPC Major Thoroughfare Plan* in the following words:

". . . Alternatives (for a feasible route for major east-west traffic movement in the Central area) include a tunnel connecting the E Street Expressway with Downtown, a tunnel under K Street or along such parallel arteries as L and M Streets in the heart of the central office area. One or more of these improvements is regarded as essential for the efficient operation of the central business district . . ."[2]

The District of Columbia Council reports that the alignment of a North Leg should be either K Street, L Street or M Street, or a combination of the three. The route should be a tunnel, no more than 4 lanes on K Street and no more than 2 lanes on L and M Streets. *No route north of M Street is acceptable.* (A tunnel connecting the E Street Expressway with Downtown is the only acceptable alternative to K, L, and M Streets).

The District of Columbia Council rejects the 1970 D.C. Highway Department recommendation that "the report to Congress on Interstate routes not designated for construction include a request for an 18-month time extension to conduct a study for the North Leg of the Inner Loop." We consider that this request for an extension does not comply with Section 23(c) of the Federal Aid Highway Act of 1968 either in the letter or the spirit of the Act.

We call attention to the fact that the specific alignment of the E Street or K, L, and M Street routes will not be built until after *public hearings required by Title 23 of the U.S. Code.* (See e.g., the transmittal letter of T. F. Airis to Mayor Washington, dated January 12, 1970, included in the Highway Department Study, "Recommended Action on North Leg Freeway", giving the same opinion).

3. *The District of Columbia Council reports on East Leg of the Inner Loop (or Anacostia Parkway) should be built.*

The District of Columbia Government is already required by Section 23(b) (4) of the 1968 Federal Aid Highway Act to build part of the East Leg of the Inner Loop from Barney Circle to Bladensburg Road. (That section is identified as Section C1 to C4 in the 1968 Interstate System Cost Estimate, page 33, figure 11). The District of Columbia Council reports the rest of the East Leg of the Inner Loop to be built from an appropriate point on Section C4 (as identified above) through the National Arboretum by tunnel, connecting with the Washington-Baltimore Parkway in the vicinity of South Dakota Avenue.

The need for an East Leg (or Anacostia Parkway) appears in the 1968 NCPC Major Thoroughfare Plan in the following words:

"Anacostia Parkway. A parkway connection between the Baltimore-Washington Parkway and the Southeast Freeway at Barney Circle should be constructed to serve as an alternate access for automobile traffic into the Central area and to provide additional capacity to the recreational facilities in Anacostia Park. It would divert traffic from the residential neighborhoods in the Capitol East area and provide additional facilities for serving D.C. Stadium and other new recreational facilities proposed as a part of the Anacostia Park."[3]

4. *The District of Columbia Council reports,* in place of the North Central Freeway and in place of the North-East Freeway, as recommended in the 1970 D.C. Highway Department Study, that the *New York Avenue Industrial Freeway should be built as recommended by the 1968 NCPC Major Thoroughfare Plan,* in the following words:

"Industrial Freeway. The construction of an industrial freeway over the railroad yards north of New York Avenue would provide access to a major industrial park and a bypass for trucks with destinations within the District of Columbia. This industrial freeway should be designed under the joint development concept, in connection with a major industrial park, including a center for truck operations, capable of creating new employment and tax base for the District. Such a facility would substantially relieve the traffic load on New York Avenue."[4]

GENERAL COMMENTS

Because of its special concern for the adequacy of transportation links between the District of Columbia and Maryland, the District of Columbia Council reports the following General Comments from the 1968 NCPC Major Thoroughfare Plan and the document entitled, "Policies and Principles for a Transportation System for the Nation's Capital":

A. Freeways

"There are no freeways to the north out of the District, but neither are there the limited number of gateways. In contrast to the five gateway arterials crossing the Potomac from the west and the five crossing the Anacostia to the south and east, there are 15 major surface arteries crossing the line between the District and the Maryland suburbs to the north. These are major peak-hour traffic carriers that connect with the street network of the central area at many points. The Commission's studies show that adding the projected rapid transit capacities to the automobile lanes provided by these arteries can adequately provide for future traffic needs to the north—without new freeways."[5]

B. Arterial streets

"Management measures should be continued to improve operation of the arterial streets through refinement of signalization and electronic control, channelization of intersections, construction of grade separations at complex intersections, and additional limitations on on-street parking."[6]

An example of the above comment would be to improve the flow of traffic coming into the City from I–70S by improving lights, restricting access and overbalancing lanes in rush hours, or removing parking.

C. Interstate traffic from the north

"With respect to interstate traffic moving into the metropolitan area from the north on I–70S and I–95, vehicles with destinations beyond the District clearly should be diverted around the beltway. Interstate traffic with destinations within the District has options that are obviously as satisfactory as such traffic finds in any metropolitan region. The interstate system itself—as a city-to-city system—gives no assurance of freeway access to the heart of the central city. Both I–70S and

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[1] Published by the National Capital Planning Commission in the Document entitled, "Elements of the Comprehensive Plan for the National Capital." All footnote references to the Major Thoroughfare Plan or to statements of the National Capital Planning Commission are from this document.

[2] Ibid, p. 19.

[3] Ibid, p. 19.

[4] Ibid, p. 19.

[5] Ibid, p. 31.

[6] Ibid, p. 19.

I–95 traffic can move down the same arterial street network used by the commuters, and presumably a large part of this interstate traffic will be at non-peak hours. I–70S interstate traffic would have the additional option of moving into the District via the George Washington Memorial Parkway and Palisades Parkway off the beltway to the west.

"I–95 interstate traffic can be channeled over a short jog on the beltway to the Baltimore-Washington Parkway for a penetration into the District over that route. Three options would be provided for this interstate traffic with downtown destinations—via Kenilworth, via the proposed new Anacostia Parkway, and via New York Avenue (which is being improved as a major entrance into the Nation's Capital from the east). Additional capacities to handle this I–95 traffic, of course, will be needed on the beltway and the Baltimore-Washington Parkway. (An alternative would be a new highway in Maryland that would bring I–95 directly into the Baltimore-Washington Parkway at or near the Kenilworth interchange.)

"The Commission believes that these facilities can adequately provide for interstate traffic from the north with central area destinations. The construction of a freeway to the north (in addition to the string of major surface streets) in order to accommodate interstate traffic would simply open up another arterial gateway for the suburban commuter. This the Commission rejects as both unnecessary and undesirable." [7]

(Report presented by the Transportation Committee of the District of Columbia Council on February 17, 1970. Reverend Jerry A. Moore, Chairman; Mrs. Polly Shackleton, Mr. Joseph P. Yeldell, Gilbert Hahn, Jr., Ex Officio.)

NATIONAL CAPITAL PLANNING COMMISSION,
Washington, D.C., January 30, 1970.
Hon. GILBERT HAHN,
Chairman, District of Columbia Council,
Washington, D.C.

DEAR MR. HAHN: This letter is submitted for inclusion in the record of the public hearing commencing January 29 before the Transportation Committee of the District of Columbia Council with respect to the segments of the interstate system in the District of Columbia upon which the District of Columbia Government and the Secretary of Transportation are directed to study and report their recommendations to the Congress by February 23 pursuant to Section 23(c) of the Federal-Aid Highway Act of 1968. These segments are the South Leg of the Inner Loop, the North Leg of the Inner Loop, the North Central Freeway, and the portion of the East Leg of the Inner Loop between Bladensburg Road and the North Leg of the Inner Loop, as set forth in House Document No. 199, 90th Congress, entitled "The 1968 Interstate System Cost Estimate".

In accordance with Sections 4 and 6 of the National Capital Planning Act of 1952, as amended, the National Capital Planning Commission adopted on December 11, 1968, and the District of Columbia Council approved on December 12, 1968, a Major Thoroughfare Plan element of the Comprehensive Plan for the National Capital. The Major Thoroughfare Plan, a copy of which is transmitted herewith for inclusion in the record, consists of text and a map bearing National Capital Planning Commission Map File No. 44.00/1000.00/25416. There is also submitted for the record a copy of a statement entitled "Policies and Principles for a Transportation System for the Nation's Capital" approved by the Commission on December 11, 1968.

The Major Thoroughfare Plan refers to the South Leg of the Inner Loop as the "Trans-Mall Connector" and provides with respect thereto:

"3. *Trans-Mall Connector.* The construction of a tunnel would connect the Potomac Freeway and Theodore Roosevelt Bridge with the southwest section of the city. This facility is essential for the movement of major traffic flow under the west end of the Mall in the vicinity of two of the greatest monuments in the Nation's Capital, the Lincoln and Jefferson Memorials."

The Major Thoroughfare Plan map depicts the South Leg in tunnel from a point north of the Lincoln Memorial to 15th Street and Maine Avenue, S.W. It should be noted that the tunnel and alignment are in accordance with the project as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", a part of House Document No. 199, 90th Congress.

With respect to the North Leg of the Inner Loop, the Major Thoroughfare Plan provides:

"7. *Downtown Distributors.* Comprehensive studies should be undertaken as soon as possible, in connection with planning for Downtown Washington now under way, to determine the most feasible routes for major east-west traffic improvements in the central area. Alternatives include a tunnel connecting the E Street Expressway with Downtown, a tunnel under K Street or along such parallel arteries as L and M Streets in the heart of the central office area. One or more of these improvements is regarded as essential for the efficient operation of the central business district, one of the fastest growing and most viable central areas in the country."

The Major Thoroughfare Plan refers to the East Leg of the Inner Loop as the "Anacostia Parkway," and provides:

"5. *Anacostia Parkway.* A parkway connection between the Baltimore-Washington Parkway and the Southeast Freeway at Barney Circle should be constructed to serve as an alternate access for automobile traffic into the Central area and to provide additional capacity to the recreational facilities in Anacostia Park. It would divert traffic from the residential neighborhoods in the Capitol East area and provide additional capacities for serving D.C. Stadium and other new recreational facilities proposed as a part of the Anacostia Park."

The projects described in House Document No. 199 as I–95 and I–70 through the northern section of the District of Columbia (the North Central Freeway and the Northeast Freeway) are not part of the system of parkways and freeways recommended in the Major Thoroughfare Plan. The Commission's statement on "Policies and Principles for a Transportation System for the Nation's Capital" provides as follows:

"*Interstate Traffic from the North.* With respect to interstate traffic moving into the Metropolitan area from the north on I–70S and I–95, vehicles with destinations beyond the District clearly should be diverted around the beltway. Interstate traffic with destinations within the District has options that are obviously as satisfactory as such traffic finds in any metropolitan region. The interstate system itself—as a city-to-city system—gives no assurance of freeway access to the heart of the central city. Both I–70S and I–95 traffic can move down the same arterial street network used by the commuters, and presumably a large part of this interstate traffic will be at non-peak hours. I–70S interstate traffic would have the additional option of moving into the District via the George Washington Memorial Parkway and Palisades Parkway off the beltway to the west.

"I–95 interstate traffic can be channeled over a short jog on the beltway to the Baltimore-Washington Parkway for a penetration into the District over that route. Three options would be provided for this interstate traffic with downtown destinations—via Kenilworth, via the proposed new Anacostia Parkway, and via New York Avenue (which is being improved as a major entrance into the Nation's Capital from the east). Additional capacities to handle this I–95 traffic, of course, will be needed on the beltway and the Baltimore-Washington Parkway. (An alternative would be a new highway in Maryland that would bring I–95 directly into the Baltimore-Washington Parkway at or near the Kenilworth interchange.

"The Commission believes that these facilities can adequately provide for interstate traffic from the north with central area destinations. The construction of a freeway to the north (in addition to the string of major surface streets) in order to accommodate interstate traffic would simply open up another arterial gateway for the suburban commuter. This the Commission rejects as both unnecessary and undesirable."

No modifications to the Major Thoroughfare Plan relating to these segments have been adopted by the Commission and approved by the Council since the adoption and approval of the Plan on December 11 and 12, 1968.

Sincerely yours,
G. FRANKLIN EDWARDS,
Acting Chairman.

RESCISSION OF ORDER FOR RECOGNITION OF SENATOR BROOKE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order under which the distinguished Senator from Massachusetts (Mr. BROOKE) was to be recognized tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 34 minutes p.m.) the Senate adjourned until tomorrow, Thursday, February 26, 1970, at 10 o'clock a.m.

NOMINATION

Executive nomination received by the Senate February 25, 1970:

DEPARTMENT OF TRANSPORTATION

Charles D. Baker, of Massachusetts, to be an Assistant Secretary of Transportation, vice Paul W. Cherington, resigned.

WITHDRAWAL

Executive nomination withdrawn from the Senate February 25, 1970:

Charles D. Baker, of Maryland, to be an Assistant Secretary of Transportation, vice Paul W. Cherington, resigned, which was sent to the Senate on January 26, 1970.

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[7] Ibid, p. 30, 31.

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EXTENSIONS OF REMARKS

CHANGES IN THE DEMOCRATIC NATIONAL COMMITTEE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. DERWINSKI. Mr. Speaker, Columnist John D. Lofton, Jr., is a very penetrating observer of the Washington scene and it is proper with all the second guessing that is involved in the changes at the Democratic National Committee that his views carried in the Monday, February 16 edition of the Boston Herald Traveler be thoughtfully analyzed.

The column follows:

HARRIS DEEP IN HOT WATER

(By John D. Lofton, Jr.)

Ostensibly, Sen. Fred Harris of Oklahoma called it quits as Democratic national chairman the other day because the "constraints" involved in presiding over his divided party cramped his style.

He said he wanted to be able to speak more freely on the issue of Vietnam, race and poverty. An odd desire, indeed, since it seems to be precisely because of his public utterances of these very subjects that he is now about as popular in his home state as hoof-and-mouth disease.

But it is only after discussing Sen. Harris with some of the folks back home that one realizes how much hot water the senator is in.

Ted Ralston, managing editor of Sen. Harris' hometown paper, the Lawton Constitution, says Harris is in "big trouble."

"In a state that is fairly conservative, Fred has forgotten the people on just about everything," said Ralston, who has known Harris for 15 years and on occasion socialized with him and his wife. "People here didn't like it when he wrote that book of his, 'Alarms and Hopes,' which said we are all racists. They didn't like his participation in the Kerner Commission, either, which said the same thing. His association with the radicals in last year's moratorium has also riled people up."

As an example of how Harris has gotten out of touch with his constituents, Ralston cited a recent business trip he made to Washington which was to include an interview with Sen. Harris. As it turned out, the senator had to be called from a committee meeting to be interviewed and Ralston was forced to stand in a crowded, noisy hall and even then was allowed only 15 minutes of the senator's time.

Does Ralston think Harris will be re-elected in 1972?

"I don't think so," he replied, more sadness than bitterness in his voice. "I don't know what happened to Fred. We had high hopes for him. But now . . . ," his voice trailed off.

Tony Solow, a political reporter for the Tulsa Tribune, says Harris is in trouble "even with the liberal Democrats."

"People feel that on such things as the war in Vietnam he sounds too much like Gene McCarthy to suit them. They also feel that he's an opportunist who's shifted with the political winds," he said.

George Gurley, editor of the Ada News, says Harris has got "definite resistance" to his policies on the war, civil rights and minorities. "He's too liberal," says Gurley. "A good conservative candidate, of either party, could give him fits."

Ditto, says Kent Halsell, news editor of the Northeastern Oklahoma Muskogee Phoenix.

"Just about anybody could beat Harris," said Halsell.

Specific gripes? Again the Vietnam thing: "People didn't like it when he took part in last year's Oct. 15 Moratorium activities at the University of Oklahoma. This raised a lot of controversy. People here don't go for those weirdo groups. If Harris wants to be re-elected, he's really going to have to go some."

"It's his association with this hippie movement on the war and the Kennedy people that's hurting him here," said Ralph Smith, political writer for the Bartlesville Examiner, which editorially supported Harris' election to the Senate in 1966.

"If the election were today, he woudn't stand a chance. I think he'd have a tough time running against anybody."

Ed Montgomery, city editor of the Oklahoma City Oklahoman, feels the same way: the average person in Oklahoma is at odds with Harris on the two most important subjects, Vietnam and integration.

The only person contacted who felt Harris to be in no particular trouble was Phil Brown, city editor of the Enid Eagle. And he admitted that Harris had incurred a great many enemies with his stance on the war in Vietnam.

All in all, a gloomy outlook for Sen. Harris to be sure. But two years is a long time and people have notoriously short memories.

Ultimately it looks as if Sen. Harris will be hoisted with his own petard because he shows no signs at all of moderating. Several democrats, including Sen. Harris, are promoting an alternative proposal to President Nixon's welfare program which advocates, among other things, a $3,600 a year guaranteed annual income—more than twice the Nixon figure—that ought to go over in Oklahoma like a lead balloon.

ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 17, 1970

Mr. MIKVA. Mr. Speaker, I am happy to join other Members in saluting Americans of Lithuanian descent on the occasion of the 52d anniversary of the Declaration of Independence of Lithuania. On February 16, 1918, independence was declared in the capital city of Vilnius. Lithuanians around the world proudly remember that day in their current celebrations.

All Americans recognize that our country has developed and prospered through the efforts of peoples from all lands and races. Among them, the Lithuanians have made an outstanding contribution to our life and culture.

Chicagoans are particularly aware of American Lithuanians, of whom over 100,000 live in Metropolitan Chicago. Their contribution to the growth and life of Chicago is known to all citizens of the city.

Whatever the present political status of Lithuania, the Lithuanian spirit continues to inspire its sons and daughters around the world. The enduring importance of the Lithuanian culture is marked by the celebration of the country's declaration of independence. It is an honor to join with other Members and with the Lithuanian American community in remembering that historic event.

LSD DRUG KILLS ANOTHER MAN

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. COLLINS. Mr. Speaker, many committee sessions in this Congress have been devoted to a discussion of drugs. The question is often raised as to whether drugs really have any harmful effects. It has been said that LSD provides an interesting diversion. I just read an Associated Press story from Salt Lake City. From this we hear the words of the dead young man whose life was ruined at age 19 by LSD.

With the 300-percent increase in drug use last year we all consider this a major national problem. How can we tell this same story to the parents and young people of America? Read the words from this dead man's voice and let us work together and take his dying words as a challenge for a stronger future in America:

SALT LAKE CITY.—A week ago Craig Gardner, a handsome 19-year-old postal worker, got up early. He went to work for a few hours, visited his mother briefly, then went to his apartment and made a tape recording.

Then he drove from Salt Lake City to a remote area of Wyoming and, the county coroner ruled, shot himself.

The tape recording was found by a roommate and played at Craig's funeral. It was a rambling, touching account of a young man's struggle with LSD.

His parents released a portion of the tape Saturday, saying it might alert others who use drugs.

"We hope to God it will help somebody else," said his mother, Mrs. William Blain of Salt Lake City.

Here is what her son said in his last hours:

"I can't think, can't think, can't think.

"Well, about all I have to say is—actually, the real reason is that I really don't know—(pause) I'll tell you one thing, Dave, (his roommate) and anyone else who's listening, you can really get messed up on that stuff.

"You might hear about it sooner or later. Mom—I'm sorry, Mom, Dad and Bill—I'm sorry that your little boy has turned into an LSD addict.

"It's bad news, it really is. I didn't think it was when I was first taking it, but I've been getting pretty stoned lately, and you just don't know what's real and what isn't real. You really don't."

"All I can say is, I had to find out myself—kind of a poor excuse, you know—but I really shouldn't have taken any dope at all—any acid (LSD) and I shouldn't really have started off with any grass.

Marijuana, either. Of course, grass isn't bad—it's the acid that got to me.

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"Tell you one thing—after you take so much of that stuff, you just really don't know where you're at sometimes . . .

"I mean, I don't think I am, but what I've heard is that a person who thinks he's insane or something would never admit it to himself.

"I had enough problems of my own without even taking LSD to keep my mind bent. Well, actually what acid does is it intensifies everything to a great extent. This probably is what it did to me.

"All I know is I'm going to be in one hell of a fix when I have to face the Big Man up in Heaven. I'm not saying that with disrespect for the Big Man. I'm just saying it because I felt like saying it. And it says in the Bible that he who kills himself will not be resurrected. Well, this is the great punishment that I'm bestowing upon myself, not only physically, but, for what I've read, I'm going to be suffering eternally for this.

"I have thought it over many times and there really isn't anything to live for. I don't think there is. And I really don't think anyone could convince me that there is—not me, anyway . . ."

Then he drove to Wyoming and killed himself.

A VOICE CRYING IN THE WILDERNESS?

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. UTT. Mr. Speaker, I wish to include an article which appeared in the Washington Sunday Star of February 8, 1970. Frances Knight has streamlined the U.S. Passport Office so that it takes only 3 days to obtain a passport. At the same time, her operation of this Office made a $10 million profit for the Government. I believe the story of the difficulties she has encountered, and the dedicated service she has performed deserves wide attention.

The article follows:

A VOICE CRYING IN THE WILDERNESS?

(By Vera Glaser and Malvina Stephenson)

Secretary of State William P. Rogers is boiling mad at Frances G. Knight.

The controversial, gutsy strawberry blonde has been director of the U.S. Passport Office for the past 15 years. She is noted for "telling it like it is," a characteristic which drives her superiors wild.

In an un-merry Christmas greeting (sent to 1,000 special friends, mostly congressmen and reporters) she cited facts on an approaching crisis in the Passport Office.

When the story hit page one, it left State Department brass red-faced and hurting for an explanation as to why they had slashed her budget and staff, crippling the U.S. Passport operation on the threshold of the jumbo jet age.

Miss Knight doubts her money troubles are related to President Nixon's economy program. In her view they should be blamed on high-level bureaucrats entrenched around the secretary of state, but lukewarm about making a good showing for the Nixon administration.

"It looks to me as though my office was singled out to fall flat on its face," she said. "Why? Because we offer a real public service. This is where the Nixon administration would get the worst lumps."

STICKY SITUATION

With the situation getting stickier by the moment, a solution now presents itself: the White House is thinking of borrowing Miss Knight, perhaps naming her a presidential assistant.

The idea would be to capitalize on her famed executive ability while making a gesture toward the nation's women, where the Nixon administration's political fences need mending.

Miss Knight could be expected to get on well with Nixon's conservative cohorts. They applaud her security-consciousness. Over the years she has tangled with upper-echelon "liberals" in the State, usually coming out on top.

Under Miss Knight's direction the U.S. Passport Office has become a model agency. She trimmed the time it takes to get a passport to three days and last year turned in a ten-million-dollar profit, something almost unheard of in government.

Her no-nonsense efficiency, coupled with a flair for publicity, riles the stodgy set at State. For three years running they have nixed her requests for more staff, field offices and research money to cope with the rising tide of passport applications.

SCORCHED SUPERIORS

Her Christmas letter didn't name names but scorched her superiors for "total indifference" to the passport needs of U.S. citizens.

It drew warm replies from Capitol Hill, including one from Sen. J. William Fulbright, Foreign Relations Committee chairman, who wrote, "I think you know most of the Senate supports you."

The Senate promptly tucked $310,000 more for Miss Knight into a then pending money bill. The funds were later knocked out, but the message was not lost on State's top brass.

They are aware that any attempt to oust Miss Knight could trigger a bipartisan tornado on Capitol Hill.

Now, for the first time, Miss Knight's fighting spirit appears to be dwindling. She believes her enemies are willing to let the public suffer in order to "get" her.

She mourns over the wreckage of her "model" operation.

New York City's understaffed passport office, for example, was mobbed last summer. Telephones went unanswered. A fist fight erupted. Women fainted. An avalanche of complaints deluged her.

By spring of this year, when the big travel rush hits, Miss Knight predicts a situation of near-chaos, spreading to Chicago, Los Angeles, and perhaps Philadelphia.

Passports, she says, are "a very measurable product. We know exactly how many we need to issue so many passports. We are rarely off more than 1 percent."

Applications are up almost 30 percent over a year ago, and she predicts a demand for two million passports by 1971.

Her pleas for three additional field offices in Detroit, Houston, and New Haven, Conn., have been repeatedly vetoed.

To stay streamlined and cope with upcoming demands, she wants to develop a single-card, dual-language passport and electronic reading devices at ports of entry. Research funds have been denied.

"I am a voice crying in the wilderness," Miss Knight said. "I'm telling them what will happen in May and June. I hate to stay here and watch it. It is so unnecessary."

Her 435 permanent and 140 seasonal employes have been working Saturdays, Sundays and holidays. Illness, absenteeism and errors are beginning to mar their splendid record.

Miss Knight holds a Civil Service grade 17 position with salary of $32,840, from which she can be dismissed only by proving malfeasance. Now 63 and physically fit, she has seven years to go before mandatory retirement age.

NO PROMOTION

Although 42 nations have sent experts to study her operation, State has never given her a promotion nor commendation. Several recommendations that she be nominated for the Federal Women's Award have been killed inside the department.

Cities, airlines, steamship lines and domestic and international organizations, however, have heaped her with awards.

Miss Knight presides over a showplace residence with her husband, Wayne W. Parrish, a wealthy aviation writer. They have traveled more than a million miles together, collecting priceless Oriental antiques, icons, paintings and china, most recently for stained glass windows from Iran.

Her efficiency is even noticeable at home, where the fine upholstered pieces are encased in clear plastic.

A report last year that Parrish might be named an ambassador was dismissed by his wife as "another attempt to get rid of me."

Parrish, as forthright as his spouse, tagged an ambassadorial job "dullsville," and added, "it would seem rather strange for a Republican to join a State Department still operated one hundred percent by Democrats."

GENOCIDE CONVENTION REJECTED BY AMERICAN BAR ASSOCIATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. RARICK. Mr. Speaker, the action of the American Bar Association, meeting in Atlanta, in defeating a proposal to endorse ratification of the UNO Genocide Convention is indeed gratifying to Americans who are not prepared to surrender their sovereignty or their safety to either the Soviet imperialists or the puppets acting the charades of "nationhood" in the so-called third world.

At best, were this convention ratified by the United States, it would create a maze of vague and hazy restrictions impossible to identify—a travesty of our fundamental principle that a criminal law must be so worded that the average man can understand when his actions contravene its provisions.

At worst, due to the supremacy clause of the Constitution, the jumble might become criminal law in the these United States, although it is patently disregarded by other nations who are signatory to the convention.

And finally, there is the ever-present danger that in a day to come, following the nauseating precedent of Nuremburg, Americans would stand a phony "trial" before foreign judges—on charges of genocide. Such charges could derive from our opposition to Red revolution in Vietnam—or Korea, since there is no statute of limitations. They could arise because we do not teach enough Swahili—or "soul"—or recently manufactured black history in our schools. Or because we bus children—forcibly transferring the children of one group to another.

Mr. Speaker, in the course of the debate on the measure in the Bar Association meeting, Mr. Ben R. Miller, a distinguished attorney of my district, delivered an excellent and succinct summary of the mischief to be wrought if we were to ratify this monstrosity. For the information of our colleagues, I include Mr. Miller's speech in my remarks:

Remarks of Mr. Ben R. Miller

During his eight years as President, Mr. Eisenhower never once urged ratification of the genocide treaty. His experience as a military man enabled him to better see the potential danger it would pose to the essential premise of all successful armies—obedience to orders in the heat of battle. This treaty which eliminates as a defense obedience to military orders would force each American soldier in the heat of battle to decide should he risk court-martial by violating an order or risk genocide trial at some future time, possibly back at the scene of battle or even before some future court.

Nor do I see much comfort in the statement of the Attorney General that he sees no constitutional objection to ratification of the treaty. I would assume it must be conceded that under past rulings of the United States Supreme Court a treaty becomes the supreme law of the land.

Nor do I see much comfort in the statement that no implementing legislation is now being proposed to the Congress. Many question whether implementing legislation would be needed, even for trials under the treaty of *our* citizens in *our* own courts. But if the trials of our citizens for violations of the treaty were to be in the courts of other nations it would be *their* implementing legislation, not *ours*, which would control—certainly if it is one of our military or civilian people already in that territory who is brought to trial in their courts.

Moreover, once the treaty is ratified by a two-thirds vote, the implementing legislation would require but a bare majority of the Congress.

If some United States Congressman introduced an act to create as a new crime not only some action which resulted in death but also made it a crime to either:

(1) cause or conspire to cause serious mental harm to a part of a national, ethnic racial, or religious group, or

(2) help or conspire to help bring about conditions calculated to bring about physical destruction of even a part of such a group, or

(3) impose or conspire to impose injuries intended to prevent births within such a group, or

(4) forcibly transfer or conspire to forcibly transfer children of such a group to another group—what would the American Bar Association say about so vaguely defining new crimes?

Particularly if such a bill prescribed no period of limitation within which an accused could be brought to trial and where jurisdiction to try such an accused not only in our federal courts but in the courts where the alleged actions took place or an international penal court pledged to see established.

Whose laws and procedures would control in such a trial in such a foreign country on such matters as double jeopardy, search and seizure, and self-incrimination?

These and other disturbing possibilities from a Congressional bill could of course be rectified easily by simple repeal of the act. But the announcement of a treaty is something else again and if the United States after having ratified such a treaty sought to recede from it it would certainly be accused of fraud and bad faith.

For these and many other reasons, I urge that the House of Delegates of the American Bar Association do not reverse a position it took years ago after much more discussion and debate than is now being held and after obtaining the views of lawyers throughout the United States. Instead, I hope this House will again express its stern opposition to ratification by the United States of the genocide treaty.

PRESIDENTIAL STATEMENTS ON RACIAL EQUALITY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the noted columnist, David Lawrence of U.S. News & World Report, recently wrote a column containing quotations from past Presidents of the United States on racial equality.

Because of the interest of my colleagues and the American people in this most important matter I insert the column in the Record at this point:

What Presidents Once Said About Racial Equality

(By David Lawrence)

The controversy recently about Judge G. Harrold Carswell's speech which he made in 1948 in favor of segregation—six years before the Supreme Court ordered desegregation in the public schools—prompts a reexamination of just what was said in public speeches and in utterances of Presidents of the United States on the general subject of racial equality prior to the Court's ruling in 1954. Here are some extracts:

Thomas Jefferson, in, a letter to François Jean de Chastelleux on June 7, 1785:

"I have supposed the black man, in his present state, might not be in body and mind equal to the white man; but it would be hazardous to affirm that, equally cultivated for a few generations, he would not become so."

Jefferson's Autobiography, published in 1821:

"Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races equally free, cannot live in the same government. Nature, habit, opinion have drawn indelible lines of distinction between them."

Abraham Lincoln, in a speech at Ottawa, Ill., on Aug. 21, 1858:

"I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two, which in my judgment will probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position.

"I have never said anything to the contrary, but I hold that notwithstanding all this, there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas, he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man."

Abraham Lincoln, in a speech at Charleston, Ill., on Sept. 18, 1858:

"I will say then that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races—that I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race. . . .

"I will add to this that I have never seen to my knowledge a man, woman or child who was in favor of producing a perfect equality, social and political, between Negroes and white men."

Theodore Roosevelt, in his Seventh Annual Message to Congress on Dec. 3, 1907:

"Our aim is to recognize what Lincoln pointed out: The fact that there are some respects in which men are obviously not equal: but also to insist that there should be an equality of self-respect and of mutual respect, an equality of rights before the law, and at least an approximate equality in the conditions under which each man obtains the chance to show the stuff that is in him when compared to his fellows."

William Howard Taft, in his Inaugural Address on March 4, 1909:

"The colored men must base their hope on the results of their own industry, self-restraint, thrift and business success, as well as upon the aid, comfort and sympathy which they may receive from their white neighbors."

Franklin Delano Roosevelt, in a letter to Cleveland G. Allen on Dec. 26, 1935:

"It is truly remarkable, the things which the Negro people have accomplished within living memory—their progress in agriculture and industry, their achievements in the field of education, their contributions to the arts and sciences, and, in general, to good citizenship."

Harry S. Truman, to the Democratic National Convention in 1940:

"I wish to make it clear that I am not appealing for social equality of the Negro. The Negro himself knows better than that, and the highest type of Negro leaders say quite frankly they prefer the society of their own people. Negroes want justice, not social relations."

How many of the foregoing statesmen could be confirmed as Justices of the Supreme Court today if their statements of earlier years such as the above were cited against them by the members of the Senate?

MEDICAL CARE III: SURGICAL MANPOWER

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. ROSENTHAL. Mr. Speaker, in other recent articles I have entered in the Record on medical care, I have tried to illustrate the principal concerns about how we today deliver medical care and how our health manpower resources have reached a crisis.

I include below a recent article from the New England Journal of Medicine which compares surgical manpower in England and the United States and relates that manpower to the medical operations performed in the two countries. The article, by Dr. John P. Bunker raises many important questions about the

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medical services in two countries and how they approach their responsibilities.

The article follows:

SURGICAL MANPOWER—A COMPARISON OF OPERATIONS AND SURGEONS IN THE UNITED STATES AND IN ENGLAND AND WALES

(John P. Bunker, M.D.)

ABSTRACT—"There are twice as many surgeons in proportion to population in the United States as in England and Wales, and they perform twice as many operations." Fee-for-service, solo practice and a more aggressive therapeutic approach appear to contribute to the greater number of operations in the United States. More frequent use of consultation, closely regulated and standardized surgical practices and restrictions in facilities and numbers of surgeons appear to contribute to the lower rates of operations in England and Wales. Indications for surgery are not sufficiently precise to allow determination of whether American surgeons operate too often or the British too infrequently. Determination of surgical manpower needs requires better information on how much operative treatment the public health requires and must also take into account the total medical manpower needs of the country.

The shortage of physicians' services in the United States has many causes, of which the inefficient use of the physicians' time and inequities in their distribution may have a greater role than any alleged deficiency in their actual numbers.[1] The disproportionate geographic concentration of physicians in wealthy sections of the country is common knowledge. Harder to identify, and therefore less well appreciated, is the possibility of the maldistribution of physicians among the medical specialties. Evidence is presented herein that serious maldistribution does exist in that area of medicine with which I am most familiar—the operating room and its proprietors, anesthesiologists and surgeons.

It has long been the goal of anesthesiologists in the United States to provide all anesthetic care required for surgery, obstetrics and dentistry. In its efforts to achieve this goal, the growth of anesthesiology as a medical specialty has been dramatic: in 1940 there were 1000 physicians specializing in anesthesia; and in 1969 there are over 9000. But despite such rapid growth, it is estimated that anesthesiologists can personally provide anesthesia for less than half the patients undergoing surgery, and they can hardly begin to offer anesthetic care for obstetrics and for dental surgery. There is no evidence that further rapid expansion is apt to occur, and therefore there is little prospect that the shortage in anethesiology manpower will diminish with time.

Although it is widely acknowledged that there is an acute manpower shortage in anesthesia, not much attention is given to manpower problems in surgery. It is assumed that there are probably enough general surgeons,[2] although there may be a shortage in some of the surgical specialties. But no serious thought seems to have been given to the possibility of an overall excess. Certainly, there is a marked imbalance in the ratio of anesthesiologists to surgeons, but is it possible that the imbalance is due more to an excess of surgeons than to a shortage of anesthetists? Evidence in support of this hypothesis will be developed by a comparison of anesthetic and surgical manpower and practice in the United States and in England and Wales.

There were 9024 physicians engaged full-time in the practice and teaching of anesthesia in the United States in 1967[3] for a civilian population of 197,430,000, and in England and Wales, also in 1967, there were 2298 physicians specializing in anesthia[4] for population of 48,391,000. 4.6 and 4.7 per 100,000 population respectively. At that time there were 74,746 physicians devoted to the fulltime practice of surgery or its specialties in the United States[3] as opposed to 8,924 in Great Britain[4]—39 and 18 per 100,000 population respectively (Table 1). There were, in addition, 10,850 physicians in general practice in the United States engaged in part-time surgical practice.[5] Thus, whereas the ratio of physicians engaged full time in the practice of anesthesia to population is almost exactly the same, there are proportionately more than twice as many surgeons in the United States as in England and Wales.

TABLE 1. *Physicians Engaged in Full-Time Patient Care and Clinical Training, General Surgery and Surgical Specialties, 1967*

SURGEONS IN UNITED STATES*	
Private or group practice	56, 636
Hospital full-time staff	2, 349
Medical-school faculty	2, 000
Residents & fellows	12, 840
Interns	921
	74, 746
SURGEONS IN ENGLAND & WALES†	
Consultants	2, 841
Other post-training hospital full-time staff	352
Senior registrars	478
Registrars & senior house officers	3, 906
House officers	1, 305
Other	42
	8, 924

*Adapted from Table 6, page 50, Distribution of Physicians, Hospitals, and Hospital beds in the United States, 1967[3] (surgeons in federal employ [6003] & in administration & research [540] not included).

†Adapted from Table 63, Part 2, page 166, Annual Report of the Ministry of Health for yr 1967.[4]

There are also proportionately more operations perforced in acute, short-stay hospitals in the United States than in England and Wales. From sample statistics, collected by the National Center for Health Statistics for the Hospital Survey,[6] it is estimated that 14,000,000 operations were performed in the United States in 1965, a rate of 7400 per 100,000 population, and from sample statistics collected by the Ministry of Health for the British Hospital In-Patient Enquiry,[7] it is estimated that approximately 1,700,000 operations were performed in England and Wales in 1966, an operation rate of 3770 per 100,000 population. Comparison of these overall operation data must be made with caution, since there were many differences in how they were collected. Comparisons of individual procedures, however, can be made with considerably greater confidence and indicate rates for many operations that are two or more times as great for the United States as for England and Wales (Table 2).

All anesthesia in Britain is administered by physicians, over 90 per cent of whom are specialists or in specialty training, whereas in this country less than 50 per cent of all anesthetics are administered by an anesthesiologist, or by a physician in specialty training. Eckenhoff[8] attributes this discrepancy to the greater operating-room efficiency and speed of surgery in Britain. Although marked differences in organization and efficiency of operating-room care do exist, the principal reason why the American anesthesiologist cannot keep up with his British colleague is that he has twice as much work to do.

Why are there proportionately more than twice as many surgeons in the United States, and why are twice as many operations performed? Socio-economic, organizational, philosophical, geographical and population differences between the two countries all appear likely to be involved.

TABLE 2.—COMPARATIVE RATES FOR SELECTED OPERATIONS[1]

Operation	Rate per 100,000 population			
	United States of America (1965)		England and Wales (1966)	
	Male	Female	Male	Female
Thyroidectomy	9.8	68.5	8.7	42.3
Inguinal herniorrhaphy	508.0	51.1	294.0	29.2
Appendectomy	217.0	180.0	220.7	223.5
Cholecystectomy	94.5	273.0	32.2	89.9
All operations on eye	220.0	223.0	180.6	193.0
Extraction of lens	65.3	82.5	47.2	69.1
Tonsillectomy with or without adenoidectomy	637.0	641.0	322.7	321.9
Adenoidectomy without tonsillectomy	20.7	15.2	49.9	35.6
Hemorrhoidectomy	162.0	137.0	60.5	31.4
Circumcision	96.7	....	110.0	....
Hysterectomy (including subtotal, total and vaginal)		516.0	....	213.2
All operations on breast	10.9	278.0	5.8	171.7
Partial mastectomy	6.5	196.0	3.0	100.6
Complete (simple) mastectomy		15.0	1.8	27.2
Radical mastectomy		51.0	0.5	25.1
Other operations on breast	4.4	16.0	0.5	18.8

[1] Calculated from sample statistics from U.S. Public Health Service and from Registrar General's Office, Hospital In-Patient Enquiry. U.S. figures based on up to 3 operations per patient (with exception of appendectomy, for which appendectomy is included only if "first listed"), whereas data for England and Wales based on 1 operation/patient, which is either "most serious operation," "first mentioned" or operation "related to principal diagnosis."

SOCIOECONOMIC DIFFERENCES

The key to an understanding of differences in medical manpower appears to lie in the British National Health Service (NHS). Surely, a socioeconomic system as different in organization and philosophy as the NHS should present differing demands for medical and surgical services, and on their utilization and quality. These possibilities have been considered in the past by many others, but it has been difficult to sort out the effects of this vast "experiment" in delivery of medical care from the effects of the many other dramatic changes in the practice of medicine that have occurred.

Social reorganization of medicine occurred with dramatic suddenness in Great Britain and was nationwide. So many changes took place simultaneously that it has been difficult to assess the effect of individual factors. In the United States, by contrast, social reorganization of medicine has occurred slowly, regionally and piecemeal. Specialized regional programs have been introduced, some as controlled experiments in delivery of patient care, and many of these programs can provide the basis for meaningful comparisons of the effects of some of the relevant factors. What are the effects, of insurance in comparison with no insurance, of prepaid in comparison with indemnity insurance and of group practice versus solo practice? These are perhaps the principal issues to consider, and a good many data can be brought to bear on them.

Insurance, by itself, appears to increase the utilization of physicians' services, presumably in response to previously unmet medical need. In a study of medical services conducted in 1954, Odin Anderson[9] reported operation rates for insured persons that were double those for the uninsured, with an even greater differential among low-income families. In attempting to explain these differences, Anderson considered it "very likely there is a higher proportion of so-called 'elective' surgery among the insured persons, and a higher proportion of 'emergency' or 'must' surgery among the uninsured persons."

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The effect of insurance in increasing rates of operations vanishes when one goes from indemnity to prepaid insurance, and it is now well established that rates of operations for prepaid group-health plans such as the Health Insurance (HIP) in New York City, the group-practice option of the Federal Employees Health Benefits Program and the Kaiser Foundation Health Plans are approximately half those of the usual Blue Shield fee-for-service insurance plan. [10-12] Such prepayment plans, however, are by their nature group-practice plans, and it is not clear how much of the effect is related to the method of payment and how much to the organization of physicians' services.

The effect of method of payment on the volume of medical and surgical services provided has acquired considerable notoriety. Fee-for-service invariably results in the provision of more services than provided by capitation or salaried plans [13, 14] and has led to claims that fee-for-service encourages unnecessary operations.[13, 15]

That the method of delivery of services may be of great importance is suggested in two recent reports of experimental programs in which comprehensive ambulatory health-care facilities were established and an examination made of their effects on utilization of health facilities. In one, the Tufts Neighborhood Health Center at Columbia Point in Boston, surgical admissions fell over the first two years of study to 24 per cent of the prestudy level.[16] In the other, a randomized, controlled clinical comparison was made between comprehensive, family-oriented pediatric care (experimental group) and conventional, hospital-based care (control group). Operation rates were three times greater for the experimental than for the control group during the first six-month period, but were consistently lower (50 to 70 per cent) than control during the subsequent four six-month periods covered by the report.[17] Method of payment was apparently not a subject of special consideration in either of these studies. However, by offering ambulatory, group-practice care without charge, prepayment was, in effect, also provided, and we are still left without clear evidence on the effect of group practice separate from that of prepayment.

TABLE 3. CERTIFIED AMERICAN BOARD OF SURGERY OR OTHER SURGICAL SPECIALTIES, EXCLUDING THE AMERICAN COLLEGE OF SURGEONS [1]

Specialty	Surgeons in private practice		Surgeons not in private practice						Surgeons in Government service			Total
	Full-time specialty	Part-time specialty [2]	Intern	Resident	Other full time	Full-time medical school	Administrative medicine	Research	Air Force	USPH	Veterans' Administration	
Colon and rectal surgery	128	1		3	4	1	1					138
General surgery	2,848	57	1	67	222	134	6	15	272	41	112	3,775
Neurosurgery	465	1		5	15	52	1	8	18	1	10	576
Orthopedic surgery	2,967	7		9	59	77	4	6	170	10	32	3,341
Plastic surgery	338	1		43	12	11		1	33	1	2	442
Thoracic surgery	353			60	42	27			49	3	34	568
Obstetrics and gynecology	5,914	3		4	105	279	14	16	256	11	3	6,605
Ophthalmology	3,920	3		14	67	95	3	20	102	39	22	4,285
Otolaryngology	2,051	10		7	28	46	6	4	65	9	30	2,256
Urology	1,347			1	21	44	4	2	41	4	23	1,487
Total	20,331	83	1	213	575	766	39	72	1,006	119	268	23,473

[1] One of the difficulties encountered in the attempt to assess surgical manpower is that there is no authoritative, published listing of surgical specialists. The AMA distribution of physicians, hospitals, and hospital beds in the United States lists all physicians on the basis of their principal area of activity—general practice, or individual specialty—but does not include information about specialty certification, nor does it include information on part-time specialization. The specialty boards can provide exact information on the total number of diplomas issued, but many do not keep records of how many surgeons are alive or practicing. Furthermore, there is no record of how many diplomates in 1 specialty may be certified in a 2d specialty. The surgical specialties present a special additional problem, since fellowship in the American College of Surgeons is considered equivalent to board certification as a criterion of training. The data presented in tables 3 to 6 were prepared for this article from the magnetic tape files of the Medical Mailing Service, Inc., Chicago. They are based on physician data obtained by the AMA through July 16, 1969. Tables 3 to 6 are mutually exclusive and, added together, comprise all practicing surgeons in the United States.

[2] General practice with some specialty practice.

Total hospital admissions rise with indemnity insurance and fall again with prepaid group-practice insurance plans. That is, they vary in parallel with operation rates. It has been assumed that the increases in hospitalization and operation rates with indemnity insurance reflect a response to previously unmet needs, although a second interpretation offered is that insurance is an invitation to unnecessary hospitalization and unnecessary operations. There are also at least two explanations for the decrease in admissions and operations with prepaid group plans. It is reasonable to consider that intensive ambulatory care may lead to improvement in general health, and hence to a decrease in the need for hospitalization. But, of course, it can be argued that in the absence of a fee, there is less incentive to perform procedures that are desirable, if not absolutely necessary. Other suggestions are that patients may accept group practice for routine care but go elsewhere for their operations, or that a younger and healthier group of patients participate in prepaid programs. The careful studies of Shapiro [18] have effectively ruled out these proposed alternate explanations, at least for the Health Insurance Plan in New York City, and the recently reported experience in the Neighborhood Health Centers for low-income families,[16 17] where the populations could be closely controlled, provides additional contrary evidence.

The group-practice effect is also reflected in a smaller proportion of surgeons needed in group practice, as well as a smaller number of operations performed. Roemer and DuBois [19] write that "It is significant that the ratio to population of surgeons, anesthesiologists and ophthalmologists in the United States as a whole is much higher than the ratio of these specialists found for the population of prepaid group-practice plans. (Solo surgeons seem to be either not working at full capacity or doing more surgery than is necessary—both of which points are probably true in some degree.)"

TABLE 4.—FELLOWS OF THE AMERICAN COLLEGE OF SURGEONS, EXCLUDING ALL DIPLOMATES OF ANY SURGICAL BOARD

Specialty	Surgeons in private practice		Surgeons not in private practice						Surgeons in Government service			Totals
	Full-time specialty	Part-time specialty [1]	Intern	Resident	Other full time	Full-time medical school	Administrative medicine	Research	Air Force	USPH	Veterans' Administration	
Colon and rectum	32	2										34
General surgery	2,732	624		2	34	18	21	1	13	5	29	3,479
Neurosurgery	36				1	3		1	3	1		45
Orthopedic surgery	197	2			2	2	1			2	1	207
Plastic surgery	18	1		1		1	1					22
Thoracic surgery	45				2	1	2				2	52
Obstetrics and gynecology	268	43			2	3	3		2		1	322
Ophthalmology	65	1									2	68
Otolaryngology	48	3				2	1					54
Urology	121	8		2	1	1		1	1		1	136
Total	3,562	684		5	42	31	29	3	19	8	36	4,419

[1] General practice with some specialty practice.

ORGANIZATION OF CARE

Whatever the relative contribution of insurance, prepayment and group practice, it is clear that the British National Health Service embodies all three, and all probably contribute to the observed differences between the two countries. That the NHS is a form of group practice might bear brief additional comment. The essence of group practice I take to be the ready availability and routine, or nearly routine, use of medical consultation. And, of course, the consultant system is the very essence of the NHS. The British surgeon is a true consultant. He sees patients only as they are referred to him by the general practitioner or

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internist, and he is entirely hospital based. The American surgeon, by contrast, may function as consultant exactly as his British counterpart, he may accept patients without referral, or he may be the primary physician-general practitioner, referring the patient to himself for surgery and thus creating his own demand.

The question of referred is an important one, for surgeons and nonsurgeons are apt to have very different ideas of indications for surgery. That the internist and surgeon have different points of view is inherent in their specialty training, and this difference is reflected at its worst when surgeon and internist isolate themselves from each other, the internist often seeing himself as the patient's protector against surgery. But when two differing points of view are brought to bear on the problems of a single patient, it is very much to the patient's advantage. The essence of medical referral, or consultation, then, is the solicitation of more than one physician's opinion, and the advantage of the experience of more than one specialty.

Consultation is the way of life under the British National Health Service and is reflected in the specific designation of all specialists as "consultants." The registrar in specialty training is instructed from the outset to make frequent use of other specialists, and of course it is the assumed duty of the general practitioner to refer the sick to the hospital consultant for the treatment of all but simple illnesses. The system, if anything, works too well, and the problem of too early and too frequent referral by the general practitioner is a troublesome one. In the United States, by contrast, the physician is apt to err in the other direction. The physician or surgeon in residency training, allowed greater responsibility and independence than his British counterpart, may be reluctant to seek help lest he lose that responsibility for the patient's management. The surgeon in private practice may be reluctant to seek consultation, again for fear of losing his patient, perhaps now also for economic reasons.

TABLE 5.—CERTIFIED AMERICAN BOARD OF SURGERY OR OTHER SPECIALTY BOARDS AND FELLOWS OF THE AMERICAN COLLEGE OF SURGEONS

	Surgeons in private practice		Surgeons not in private practice						Surgeons in Government service			
Specialty	Full-time specialty	Part-time specialty [1]	Intern	Resident	Other full time	Full-time medical school	Administrative medicine	Research	Air Force	USPH	Veterans' Administration	Total
Colon and rectum	172				1		1		3			177
General surgery	7,670	42		6	177	430	40	24	127	26	221	8,763
Neurosurgery	543	2			12	70	3	1	5	1	8	645
Orthopedic surgery	1,790	3		2	19	61	6	1	30	3	18	1,933
Plastic surgery	404	1			6	18	1	1	15		1	447
Thoracic surgery	633	2		4	38	80	8	3	31	3	39	841
Obstetrics and gynecology	2,535	1			31	92	10	6	11	1	2	2,689
Ophthalmology	1,173	1			4	31	2	2	5	1	11	1,230
Otolaryngology	935	1			3	40	3		4	1	13	1,000
Urology	1,451	4		1	13	50	1	2	15	2	36	1,575
Total	17,306	57		13	304	872	75	40	246	38	349	19,300

[1] General practice with some specialty practice.

An example of the quantitative effect of consultation is provided by experience of the United Mine Workers Medical Care Program. When a plan for reimbursement of surgical fees was offered to the United Mine Workers some years ago, there seemed to be an excessively large number of surgical procedures performed—that is, an excessive number of surgical bills were submitted. The Mine Workers Fund was concerned with the large amount of what appeared to be unnecessary surgery, particularly gynecologic operations and appendectomies. When a requirement was added that all operations be endorsed by preoperative specialist consultation, the number of operations fell by as much as 75 per cent for hysterectomies, 60 per cent for appendectomies and 35 per cent for hemorrhoidectomies.[20]

Quality control or peer review has long been of concern to the medical profession. Efforts to standardize the quality of medical care date back to Codman,[21] who in 1914 implored the medical profession and its hospitals to make public all clinical "end-results"—a goal that, unfortunately, has not yet been achieved. "Tissue committees" to review specimens removed at operation and internal and external medical audits are more recent efforts at standardization in the United States. Lembcke's papers on the methodology of the Medical Audit are of special interest and in particular his demonstration of the effect of such an audit in markedly reducing the volume of gynecologic surgery performed.[22] But despite considerable improvement achieved by the Joint Commission on Hospital Accreditation, nationwide quality control of hospital practice remains an unattained goal in the United States.

By contrast, a large measure of quality control is apparently inherent in the British National Health Service hospital and consultant system, and peer review by tissue committees and medical audits has not been considered necessary. Curran believes that the high level of quality control in British hospitals can be attributed to the central role of the consultant:

> The hospitals are organized in a hierarchical system that provides close supervision of all types of practice within the walls of these facilities. It is much tighter and more controlled than before the National Health Service was established. All patients are assigned to a consultant, the highest grade of the specialists. He supervises all care by lower-level doctors, from fully qualified staff physicians to residents and interns in training.[23]

Another byproduct of the NHS that should be mentioned is the more efficient use of the surgeon's time, which is achieved in such a planned and regulated medical service and which has recently been discussed by Eckenhoff.[6] Perhaps the main element in this efficiency is the organization of operating-room activities around a single surgical team working together for a specific period: one team (surgeon, assistant [or assistants], anesthetist, nurse); one operating room; and one "session" (that is, morning or afternoon). How different from the erratic utilization in American operating rooms described by Eckenhoff! A second contributing factor to operating-room efficiency is the centralization of special surgery, such as neurologic and thoracic surgery, in the large specialty hospitals for special diseases and procedures, such as the specialty institutes in the University of London. Whether or not one agrees that such disease-oriented centers are medically advantageous, there can be little doubt they facilitate a more efficient use of medical manpower.

DIFFERENCES IN SURGICAL PHILOSOPHY

Quite apart from socioeconomic considerations, there may be a genuine philosophical difference in attitudes of the two countries. In keeping with his national character, the American surgeon is more aggressive. He appears to hold higher expectations of what surgery can offer in the treatment of disease, whereas the British surgeon is more modest in his expectations, possibly more realistic, but also possibly missing opportunities for surgical cure.

Philosophical differences probably have their greatest quantitative effects in the large numbers of elective procedures for which indications may be equivocal, such as tonsillectomy, hemorrhoidectomy, cholecystectomy, hysterectomy, thyroidectomy and radial mastectomy (Table 2). Given the choice of administering or withholding therapy, whether the therapy is prescribing drugs or performing an operation, the American physician appears likely to choose active therapy. The British surgeon, faced with the same choice and carrying a heavier work load, is apt to avoid surgery if the indication is in question.

Cope recently suggested that surgical attitudes that are conservative and often out of date, and emphasize technic, may encourage unnecessary surgery in the United States; he cites the treatment of goiter and carcinoma of the breast as examples of the reluctance to relinquish conventional surgical approaches.[24] The rate for radical mastectomy for the United States, which is twice that reported in England and Wales (Table 2), presumably reflects the difference in enthusiasm for this procedure evident in the current surgical literature of the respective countries. Fundamental differences in attitude or philosophy do undoubtedly exist, but probably have less quantitative effect on volume of surgery than method of payment and organization of services.

GEOGRAPHIC AND POPULATION DIFFERENCES

The relative concentration of a large population in the small geographic area of England and Wales should lend itself to a more efficient use of medical manpower, and, conversely, proportionately more physicians and surgeons might be needed to provide service over the length and breadth of a large country such as the United States. However, surgeons in the United States are not distributed in such a way as to meet geographic needs. To the contrary, they are concentrated in the heavily populated industrial areas to such an extent that trained surgeons in many of our prosperous communities have hardly enough work to keep busy, whereas there are acute needs for surgeons' services in other less populated areas. Furthermore, although it is true that Great Britain lends itself to a more efficient geographic organization of medical-care services, the British themselves have by no means escaped the problems of too many

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physicians in more attractive and wealthy areas, and too few in parts of the country that are less favorably situated. The NHS has done much to redistribute medical care by limiting the number of positions in the more desirable areas (a system of "negative inducements"), but acute shortages persist in some communities and continue to be a cause of concern. Differences in geographic needs may make a contribution to the differences in surgical manpower observed between the two countries, but it appears to be a small one.

Finally, in attempting to assess the observed differences in operation rates and surgical manpower between the United States and Great Britain, one must consider the possibility of differences in patient populations. A well advertised example of such a difference is the incidence of highway accidents, which is twice as great in the United States as in Britain, and more surgeons are certainly needed to care for the victims. Overall national accident rates, including those for industry, are only slightly greater for this country, however, and can account for only a small part of the manpower differences observed. Specific surgical diseases may, and certainly do, occur with greater frequency in one country than in another. Pearson and his associates,[25] comparing hospital populations in New England, Liverpool and Uppsala, have reported cholecystectomy to be performed four times more often in Uppsala than in Liverpool, and twice as often as in New England, the excess being attributed to prevalence of biliary-tract disease in Sweden. But regional differences in disease cannot reasonably be invoked to explain the consistently higher rates for the wide variety of other procedures reported by them for New England and in the present report for the United States as a whole.

DISCUSSION

The fact that we operate nearly twice as often as the English and Welsh, or twice as often as we might under other political-economic circumstances, does not necessarily force the conclusion that we operate twice as often as the public health might justify. An alternate explanation might be that as a wealthier country, the United States may simply be affording the luxury of surgical procedures that are desirable but not essential and that the British public would be better served by more operations than are now performed in that country. For example, many British physicians believe that there are a large number of patients in need of surgery for cataract, and the long waiting lists for herniorrhaphy and prostatectomy are common gossip. Any decisions about how many surgeons we need in America must, of course, be based primarily on how much operative treatment the public health requires. But this decision must also take into account the fact that with a limited total medical manpower pool, more physicians engaged in the practice of surgery means fewer for other possibly needier medical disciplines. Thus, we have the paradox of a country that provides "luxury" surgery for the well-to-do but cannot provide basic medical care for the indigent.

TABLE 6. SURGEONS NEITHER CERTIFIED BY SPECIALTY BOARD NOR FELLOWS OF THE AMERICAN COLLEGE OF SURGEONS

	Surgeons in private practice		Surgeons not in private practice						Surgeons in Government service			
Specialty	Full-time specialty	Part-time specialty [1]	Intern	Resident	Other full time	Full-time medical school	Administrative medicine	Research	Air Force	USPH	Veterans' Administration	Total
Colon and rectum	270	178	----------	12	1	1	2	----------	1	----------	3	468
General surgery	5,442	5,514	827	5,473	938	59	49	82	1,221	214	376	20,195
Neurosurgery	444	7	----------	463	79	14	----------	12	79	24	25	1,147
Orthopedic surgery	1,244	212	----------	1,403	164	23	7	9	296	42	110	3,510
Plastic surgery	246	23	----------	168	25	6	----------	----------	19	4	11	502
Thoracic surgery	135	5	----------	126	45	4	3	6	11	1	17	353
Obstetrics and gynecology	4,834	2,898	59	2,381	543	118	20	64	623	35	20	11,595
Ophthalmology	2,125	168	----------	1,095	135	34	2	36	200	62	46	3,903
Otolaryngology	1,244	251	----------	687	75	30	3	19	178	19	65	2,571
Urology	1,157	172	----------	772	103	27	3	9	213	23	101	2,580
Total	17,141	9,428	886	12,580	2,108	316	89	237	2,841	424	774	46,824

[1] General practice with some specialty practice.

That marked variability in surgical practices and presumably in surgical judgment and philosophy exists must be considered to reflect absent or inadequate data by which to evaluate surgical treatment, and specifically by which to compare operative with nonoperative treatment. Stated in other words, *the indications for surgery are sufficiently imprecise to allow a 100 per cent variation in rates of operation.* The risk of operating can be documented with mortality data, but comparable controlled data on the risk of *not* operating are, for most surgical diseases, not available. This, of course, is one of the big problems of surgery: that nobody has ever bothered to work out the natural history of any disease until what is regarded as an effective treatment for it has been found. Consequently, assessments of the natural history of disease must be made retrospectively and are grossly unreliable.

Although currently available data may not be adequate to define precisely the indications and contraindications for many operative procedures, it can be assumed that such wide variations in surgical practices must have marked effects on the public health. For example, a hospital that reserves operative treatment for the very ill can be expected to report very different postoperative death rates from those in another hospital specializing in minimally indicated operations in good-risk patients. It is well known that marked differences in postoperative death rates do occur from one hospital to another,[27, 28] and in the past it has been assumed that these differences reflect differences in patient populations or in the quality of care. I believe that the decision whether or not to operate may turn out to be an even more important determinant in explaining such differences in outcome.

Lembcke,[29] in a classic paper, attempted to access the indications for appendectomy by correlating appendectomy rates with mortality rates for appendicitis. He was able to demonstrate that higher appendectomy rates were associated with higher, rather than lower, overall mortality from appendicitis and concluded that "considerably more operations of this type are done than necessary. . . ." Comparable data for other surgical diseases are urgently needed. Mortality data alone, however, cannot provide an adequate basis on which to judge surgical success or failure, or on which to define surgical indications and contraindications. Quantitative data on other important surgical end-result indexes, such as complications, rehabilitation and relief of discomfort, are not available, but a substantial body of theory on the evaluation of the quality of medical care has appeared in recent years[18, 30] and its application to the practice of surgery should receive a very high priority.

The direct measurement of the quality of medical care, by death rates or by other criteria, is, of course, exceedingly difficult; consequently, studies of the quality of medical care have relied heavily on other kinds of information such as internal and external audits and the qualifications of the physician rendering care. Thus, in the Columbia University Study of Medical Care under three different insurance plans in New York State, prepaid group practice (HIP) was found to be associated with fewer "unjusted" operations, and fewer operations were performed by "unqualified" surgeons than for indemnity, Blue Shield insurance plans.[10] On this basis, the quality of surgical care offered by HIP was judged to be superior.

If the qualifications of the surgeon are considered on a valid index of quality of care, the quality of surgery in England and Wales must be considered superior to that in the United States. Virtually all surgery in England and Wales is performed by consultant specialists and senior registrars, or by house officers under their direct supervision. Furthermore, there are at least twice as many candidates as there are positions, thus providing an additional degree of quality selection. In comparison to the strict state control in England and Wales, regulation of surgery in the United States occurs at the local level or not at all. Individual hospitals may require board certification, or equivalent training, but many do not. Of the 68,000 physicians listed in full-time or part-time private practice of surgery, less than two thirds are certified by a surgical board or are fellows of the American College of Surgeons (Tables 3–6). There are no reliable national data specifying who does the surgery in this country, but it has been estimated that more than 50 per cent is performed by general practitioners or osteopaths. Whether fairly or not, it is to the "unqualified" surgeon that most "unnecessary operations" are attributed.[10, 13]

CONCLUSIONS

At the outset I asked why the ratios of surgeons and of operations to population are half as large in England and Wales as in the United States. The observation that prepaid group practice halves the numbers of operations and surgeons strongly suggests that the organization of medical care is a major factor. From this assumption a tentative hypothesis is proposed. Group practice (whether privately organized in the United States or as a single large service in Great

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Britain) is a system that incorporates the wide use of consultation, and encourages a greater emphasis on ambulatory office care. There is evidence that these elements lead to improved public health, which in turn leads to a decreased need for hospitalization, including a decreased need for surgery. Increased use of consultation also appears to sharpen the criteria for surgery, resulting in a smaller number of operations where indications may be equivocal. Group practice also provides the opportunity for the more efficient use of medical (and surgical) manpower. Finally, the method of payment appears to play an important, if unmeasured, part. Surgical fees in the United States, although perhaps not as large as a generation ago, are still much greater than those in other areas in medicine, and the opportunity for large incomes may attract a disproportionate number of physicians into the practice of surgery. In addition, the "incentive" of a fee for service may tend to increase the number of operations in cases in which indications are borderline. The converse must, of course, be considered: that in the absence of such economic incentive, many procedures that are desirable but not essential may not be performed.

Until new evidence is available, it is reasonable to assume that there is a disproportionate number of surgeons in the United States, at least in relation to the total medical manpower pool, and it seems likely that some unnecessary surgery is being performed. Should anything be done? Many corrective forces are, in fact, already operative. The slow but steady growth of group practice and of prepaid medical plans has already had some effect on surgical practice, at least for the populations served. The growing power of large consumer groups, such as the Teamster's Union and the United Mine Workers, has been particularly effective in forcing standardization of medical care, including indications for surgery and qualifications of physicians undertaking surgery.[32] The development of federally supported regional medical programs may also have an effect by encouraging the centralization and more efficient use of major therapeutic facilities and procedures.

A final, important corrective force is the growth and maturation of surgery itself as a specialty, and the influence of the surgical specialty boards, with the parallel decline of the general practitioner as part-time surgeon. But, although the boards have provided exemplary leadership in the establishment of standards of practice, neither they[3] nor any other organization has accepted responsibility for determining or controlling specialty manpower needs.

I am indebted to my many colleagues in this country and abroad who have helped in the gathering of material for this review and who have offered invaluable criticism of the presentation, particularly to Drs. Dean A. Clark, Stanley A. Feldman and Lawrence M. Klainer for their continuing interest and assistance. Inclusion of data on rates of operation in Table 2 was made possible through the courtesy of Mr. Siegfried A. Hoermann, National Center for Health Statistics, Washington, D.C. and Drs. A. M. Adelstein and W. A. Wilson, General Register Office, London.

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HEARING FROM THE PUBLIC

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. ASHBROOK. Mr. Speaker, on several occasions I have inserted in the CONGRESSIONAL RECORD material on the President's Commission on Obscenity and Pornography, a body which was established by Congress in 1967 to investigate various aspects of the smut explosion in the United States. As the Commission has been mandated to issue its final report and expire this year, its operation over the past several years is of special interest to those interested in this vital issue. A progress report of the Commission last year was accompanied by separate remarks of one of its commissioners, Rev. Morton A. Hill, S.J., who criticized the efforts of the Commission and predicted that it might well "wind up merely applying a bandaid to the festering, cancerous sore of obscenity in this country."

One of the recommendations made by Commissioner Hill in his remarks states:

> That the Commission plans public hearings to assist in ascertaining methods employed in the distribution of obscene materials and exploring the nature and value of traffic; and, in ascertaining from the American public themselves, what community standards are.

Under Public Law 90–100 which established the Commission authorization was given to hold public hearings "and sit and act at such times and such places within the United States as the Commission or such committee may deem advisable." With the expiration of the Commission but a matter of months away, to date no hearings have been held and, at this late date, it would seem that none are intended. Consequently, Commissioner Hill announced that he would invite the public to testify at hearings in various cities throughout the country to try to ascertain how the public feels about the question of control of obscene and pornographic materials.

On February 18, the first of the hearings was held in New York City with Commissioner Hill and Rev. W. S. Link, also a member of the Commission, in attendance. According to the press, 27 witnesses testified and included clergymen, politicians, judges, clubwomen, law-enforcement officials along with others concerned about the issue.

Of special significance was the testimony of Former State Supreme Court Justice Samuel H. Hofstadter who recommended that all pornography cases should be tried by juries and that the U.S. Supreme Court should "desist from acting as a national censor."

Another witness, District Attorney Carl A. Vergari of Westchester County, also took the Federal courts to task:

> It is my strong and considered recommendation that Congress pass legislation divesting the Federal courts of jurisdiction to interfere in any way with a pending obscenity prosecution.

These references were prompted by the dangerous decisions of the Federal courts, and especially the U.S. Supreme Court, in their treatment of obscenity cases in the last 10 years or so. To correct this impasse into which the courts have submerged the American public on this issue, I introduced in February 1969 legislation which would take from the Federal courts appellate jurisdiction in cases regarding determinations of what is obscene.

The public hearings being conducted by Commissioner Hill provide an excellent vehicle to gage the wishes of the American public on this volatile issue. The results of future hearings in other sections of the country should prove interesting and helpful.

I insert at this point that the two accounts of the New York City hearing as they appeared in the New York Daily News and New York Times for the Members' information:

[From the New York Daily News, Feb. 19, 1970]

A HEARING ON 44TH ST.: WHAT TO DO ABOUT SMUT

(By Joseph Modzelewski)

One block west on 44th St. the movie marquee promised a sexploitation triple feature: "Obscene Plot/Fistful of Leather/Frisco Girls."

Two blocks south, the 42d St. peep shows and sleazy book joints, despite the early hour, were filled with businessmen who paid for the short-order sex, stuffed it in briefcases, leaving with their heads bowed, hoping they might not run into someone they knew on the way out.

In a stuffy first-floor meeting room of the Bar Association at 42 W. 44th St., two members of the Presidential Commission on Obscenity and Pornography, a Jesuit priest and a Tennessee minister, sat down and called the first of 28 witnesses in a public hearing on how to check the growth of pornography and obscenity in this country.

WANT TO FIND WHERE PUBLIC STANDS

The Rev. Morton A. Hill, the Jesuit, and Rev. W. C. Link, the Methodist minister, held the daylong hearings because, according to Hill, the President's commission has not determined how the public stands on the question of control of pornography.

The witnesses ranged from prim presidents of ladies' clubs to politicians, writers, attorneys and a former state Supreme Court judge.

All were agreed that the rampant spread of smut poses a threat to society, but there was hardly a consensus on what to do about it.

Former Supreme Court Justice Samuel H. Hofstadter proposed that local juries "manifesting the community view" should replace judges in trials involving obscenity and pornography.

Hofstadter argued that the "Supreme Court should cease and desist from acting as a 'national censor' " because it is hopelessly divided and unable to define obscenity to the satisfaction of everyone.

Magazine writer Morris Ernst told the panel: "I saw sodomy on the stage in New York City. It's $9 a ticket. No critic brought his wife; they brought their girl friends and boy friends. We are becoming a standardless, tawdry society, when sodomy is allowed on the New York stage."

Long Island attorney Charles Mattingly Jr. told of the efforts of a civic group in Old Bethpage, L.I., to pressure a theater owner to stop showing "skin flicks" in the movie house located in a shopping center there.

TROUBLE FINDING PARKING SPACE

Mattingly said that residents of the neighborhood were unable to park their cars in the center's lot because of the throngs who jammed the theater every evening. The civic association polled the community and found that 94% of the people opposed the showing of sexploitation films.

Mattingly did not say where the large crowds that attended the films came from. The group is still picketing the theater.

Many, like Lt. John J. Sullivan, chief of the Police Department's legal division, equated poronography with narcotics as a social problem. Other witnesses testified that smut was a form of "mind pollution—more subtle and insidious than air pollution."

While the two clergymen and their witnesses groped for the true meaning of obscenity, police yesterday took a direct approach to the problem. They arrested two Lexington Ave. book dealers on charges of promoting and possession with intent to sell obscene materials.

The arrests of two employes of Harry's Book Shop, 469 Lexington Ave., marked according to District Attorney Frank Hogan, the first time anyone has been charged with violation of the state's obscenity law because of the fashion in which the material was displayed.

The arrested men were: Rory Brown, 28, of 84–12 262d St., Floral Park, Queens, vice president of the bookshop, and an employe, Francisco Lopez, 23, of 68 W. 10th St. The police said that if they can secure convictions of the two defendants, it would enable them to arrest hundreds of other such dealers who prominently display smutty materials in their shop windows.

[From the New York Times, Feb. 19, 1970]

HEARING ASSAILS THE SMUT "FLOOD"—SUPREME COURT IS CRITICIZED AS 27 TESTIFY HERE

(By Arnold H. Lubasch)

Witnesses at a pornography hearing yesterday denounced the extensive distribution of immoral movies, the public display of obscene publications and the unsolicited mailing of offensive material.

Two members of the Presidential Commission on Obscenity and Pornography, the Rev. Morton Hill and the Rev. W. C. Link, said they had acted as individuals in inviting the witnesses to testify, because the 18-member commission had held no public hearings.

The 27 witnesses at the all-day hearing included clergymen, politicians, judges, club women, law-enforcement officials and others opposed to obscenity. They testified in the hearing room of the Association of the Bar of the City of New York, 42 West 44th Street.

Several called for new legislation, harsher penalties and community action against "the pollution of the mind" by the purveyors of pornography.

CALLED NO. 2 PROBLEM

District Attorney Carl A. Vergari of Westchester County testified that the "filth racket," which he estimated grossed $500-million a year in the United States, was second only to narcotics as a law-enforcement problem.

"There is confusion, lack of confidence and the rising conviction that our criminal justice system, particularly the Federal judiciary, is responsible for the flood of pornographic magazines, books, newspapers and films, which is seemingly inundating us on every side," Mr. Vergari said.

"It is my strong and considered recommendation that the Congress pass legislation divesting the Federal courts of jurisdiction to interfere in any way with a pending obscenity prosecution."

Mr. Vergari joined others in criticizing the Supreme Court definition that material could not be banned as obscene unless it met three tests: "appeal to prurient interests, offensiveness to contemporary community standards and complete absence of redeeming social value."

JURY TRIALS URGED

Former State Supreme Court Justice Samuel H. Hofstadter said that all pornography cases should be tried by juries, to reflect the community view, and that the United States Supreme Court should "desist from acting as a national censor."

Mrs. Aileen B. Ryan of the Bronx, a member of the City Council, noted that she and Councilman Bertram R. Gelfand had introduced a bill that would close a theater for 30 days if it showed a film that the courts judged obscene.

"There is a campaign of terror," Mr. Gelfand said, "against those who seek to improve the moral atmosphere in our community by stemming the public exploitation of filth for profit."

In a statement read by an aide, Representative Mario Biaggi of the Bronx said he had proposed legislation to combat the increase in unsolicited pornographic mail.

Mrs. David McInnes, a women's club president in Forest Hills, Queens, suggested that a Communist conspiracy must be at work when prayers were prohibited in schools and pornography was permitted in theaters.

The two commission members, who called for community pressure to obtain legislation against pornography, said that yesterday's hearing was the first of a series they would conduct in major cities. The next is scheduled for Friday in Philadelphia.

President Nixon is due to receive the full commission's report next summer.

Father Hill heads Morality in Media, an interfaith group in New York opposed to pornography, and Mr. Link administers a Methodist retirement home in Nashville.

COMMUNIST FRONT MEETS IN WASHINGTON—HEARS INCITEMENT TO MURDER, TREASON, REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. RARICK. Mr. Speaker, the insanity of our times has become so commonplace that incitement to revolution—to treason—and to simple premeditated murder, in the Washington, D.C., convention of an identified Communist front, following which the participants adjourned to participate in the riotous disturbance of last Saturday, found itself relegated to section E, page 20, of the Sunday Star.

Nevertheless, it is time that we, representing the people of these United States, open our eyes to the grim facts and exercise our responsibility to do something about it.

Twice in the past few days I have pointed out the standard operating procedure of the conspiracy—the technique of agitation employed without fail when its members are brought to justice. This is another example of a script which every Member of this House should know by heart—it has been performed often enough. See my remarks February 16, 1970, page 3340 and February 20, 1970, page 4334.

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William Kunstler, sentenced to jail for direct criminal contempt of a court in which he was appearing as an attorney, stated publicly that he had "violated the court's orders on many occasions knowingly and willfully." Yet the bleeding hearts are crying that he is a victim of some kind of oppression.

The convention was that of the Communist front National Lawyers Guild, cited as a Communist front and referred to in its official report by a committee of this House as "the foremost legal bulkwark of the Communist Party, its front organizations, and controlled union" and which "since its inception has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents."

See my remarks on the National Lawyers Guild on March 5, 1969, page 5414.

The new Red shock troops, the Black Panthers, were well represented at the convention by a puppet who obediently and loudly harangued the crowd on racism, fascism, and revolution, with occasional admonitions to kill judges, or to kill guards, or just to go out and shoot some "pigs."

Predictably, the convention voted to oppose the nomination of Judge Carswell to the Supreme Court before recessing to take up its "demonstrating" and local law breaking.

Mr. Speaker, I urge that our colleagues all take the care to read thoughtfully the story of this disgrace as published in the Sunday Star, and for this purpose, I include it in my remarks at this point:

"RACIST COURTS" STILL NEEDED BY REVOLUTION," LAWYERS TOLD

(By William Delaney)

America's "racist" courtrooms must continue to be used in fomenting a black-led "people's revolution," a top Black Panther party official told a cheering convention of radical lawyers here yesterday.

Chief of Staff David Hilliard, the highest-ranking Panther not now in jail or exile, said the nation's "masses" are not yet persuaded of the necessity for revolution, and "would side with the fascists now" if a violent revolt were attempted.

The courts, the 27-year-old party leader told the National Lawyers Guild, will have to serve the black revolutionary cause as "a vast podium to wage education and expose the overt racism manifested in the judges and jurors."

"Until you're ready to pick up a gun and go to the courthouse and kill the judge, the guards who stand in the way, and let out the political prisoners, then the court system is still relevant," he said.

"We have to set some more examples," Hilliard said, "Revolution is not something that takes place overnight."

CHEERS AND LAUGHTER

His several hundred listeners assembled for luncheon beneath the chandeliers of the Hotel Sonesta (formerly Hotel America) ballroom, broke up in glee as Hilliard concluded:

"I want to take this opportunity to tell Richard Nixon (silence, laughter, applause) that everybody in the country—including his daughter—is looking to the Black Panther party for regaining their humanity. "We'll give it to them. We'll give it to them because they deserve it."

The ensuing cheers, upraised clenched fists and cries of "Right on!" also characterized an earlier standing-room-only convention session yesterday on the women's liberation movement—held, ironically, adjacent to an International Playtex Corp. meeting.

During the lawyer's guild's lively discussion, a bra-less young Weatherman woman wearing a low-cut knit blouse exhorted her "sisters" to become "a living walking example of the total struggle" against imperialism, "to become Communists, if you will."

Her viewpoint—that women's liberation should be considered within the context of the "total struggle"—appeared to dominate the three-hour debate, and there was heavy applause when a middle-aged woman said male radical lawyers exploit women "worse than any of the lawyers in any of the organizations I am involved in."

William Kunstler, one of two lawyers who face a contempt sentence for his role in the defense of the "Chicago 7," told the guild last night there is an attempt by law enforcement officials to harass defense lawyers who defend New Left clients.

Kunstler said there will be more "political trials" in the next few years.

He gave the militant clinched fist salute several times during a long standing-ovation by an audience of about 300.

He said several other attorneys have been sentenced for contempt or disbarred after defending ultra-left defendants, but he said that lawyers must continue to give the "most vigorous type of defense possible."

Kunstler said that in the Chicago 7 trial he "violated the court's orders on many occasions knowingly and willfully.

"It was an honest defense with no holds barred," he said.

The guild approved resolutions opposing the Supreme Court nomination of Judge G. Harrold Carswell—stating that he is biased against women and Negroes—and favoring the right of legal secretaries and other non-lawyer law office employes to unionize.

But left for today's business session was the hot debate over whether persons other than lawyers and law students should be admitted to the 32-year-old guild.

Though a legal secretary drew cheers when she angrily condemned the "legal mystique," veteran New York lawyer Mary M. Kaufman defended the need for a radical group of lawyers, not simply revolutionary activists, "to place roadblocks to the speed with which repression takes people off the streets."

"We are already in a period of intense repression," she said, a point mentioned by several speakers at the four-day convention.

Panther attorney Charles R. Garry, introducing Hilliard, charged that America is "hell-bent on bringing about a police state."

And Hilliard said, "black people are more than certain that fascism is here," claiming a "plot implemented and authorized by the U.S. government and headed by Nixon and his phalanx of Atty. Gen. (John N.) Mitchell and all the other bootlickers who have a vested interest in the system."

Hilliard, who was charged with verbally threatening to kill the President at a San Francisco anti-war rally last fall, told the predominantly white audience yesterday:

"Ain't none of you long-haired hippies or Yippies capable of defending a black man. If you want some experience, go out there and shoot some 'pigs.'"

The Panther leader also praised the Constitution ("a revolutionary force if it were applied to black people") and dismissed protest demonstrations as a political tactic "A whole lot of demonstrating ain't worth a ——— because we're experts at that").

Nevertheless, the convention adjourned at mid-afternoon to enable the more than 500 registered participants to join "Chicago 7" demonstration march in the Federal Triangle area.

BORROWINGS FROM GOVERNMENT TRUST FUNDS MASK $7 BILLION DEFICIT IN NATIONAL BUDGET

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. EVINS of Tennessee. Mr. Speaker, in a recent newsletter to my constituents, I pointed out that rather than a $1.3 billion "surplus," as reported in the President's budget, actually a deficit exists because of projected borrowings from trust funds and the necessity for enacting much legislation designed to raise taxes in service areas and increase revenues to accomplish the projected budget surplus which does not in fact exist.

Because of the interest of my colleagues and the American people in this important matter, I insert my newsletter—Capitol Comments—in the RECORD:

BORROWINGS FROM GOVERNMENT TRUST FUNDS MASK $7 BILLION DEFICIT IN NATIONAL BUDGET

A number of pertinent and enlightening points were brought out last week during the initial hearings by the Committee on Appropriations with Secretary of the Treasury Kennedy, Director of the Budget Mayo and the President's economic adviser, Dr. McCracken, concerning the new national budget recently submitted to the Congress.

One of the major facts to emerge from these hearings is that although the budget figures as announced indicate a small surplus of $1 billion 300 million, in reality there exists an actual overall deficit of more than $7 billion in the President's 1971 budget.

The hearings disclosed that the so-called "surplus" was achieved by the use of projected borrowings from Federal trust funds which are collected and earmarked for such programs as Social Security, the Highway Trust Fund, disability insurance and railroad retirement accounts, among others. The budget proposes to borrow the money from these funds for the next year to finance the budget "deficit" and Federal spending.

Under the new budget submitted to the Congress, trust funds are now included to reflect a better budget picture. Without the separate trust funds being included expenditures over income is estimated to be $7 billion 800 million or nearly an $8 billion deficit.

The Treasury intends to borrow this amount of money in the new year to project and present a balanced budget. So it was predicted at the hearings that the Treasury Department will ask for an increase in the public debt ceiling of some $8 billion reflecting this increased indebtedness of the Federal Government.

Several members of the Committee on Appropriations expressed the view that the claim of a $1.3 billion surplus is misleading and will encourage additional pressures for expenditures when, as a matter of fact, the general budget position is declining and slipping each year.

Other factors which emerged are sharp cutbacks in several long-standing programs and the assumption by the budget of passage of a number of new taxes, including user fees and charges to provide revenue to finance a substantial part of the budget.

There is no assurance that these proposals will be approved by the Congress. These include such recommendations as a new round of postal rate increases, new user charges for airport and highway improvements, extensions of the excise tax on automobiles

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and telephone services—and elimination of the school milk program, cutbacks on appropriations for Soil Conservation Service, and sale of the Government-owned Alaska Railroad, among others.

The adoption of these several proposals plus the borrowings from the trust funds indicated is required if the razor-thin "paper" surplus is to be achieved.

Several Appropriations Committee members emphasized that there is no room for complacency with respect to the Federal budget if inflation is to be stopped. The question of setting priorities on spending will be a major task of the Committee on Appropriations in this Congress.

MARITIME VANDALS

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, February 25, 1970

Mr. BOGGS. Mr. President, with the tremendous explosion of public concern over the environment, there is a tendency to lose sight of the hard work and difficulty in actually molding legislative responses. For several years, now, the Committee on Public Works, on which I serve, has been engaged in writing legislation dealing with, among other things, oil pollution and, specifically, with the responsibility for removal of oil discharged into the waters of the United States. This matter is now in conference between the two Houses.

The frequency and size of oil discharges is growing; today, for instance, three large oil incidents: one in Florida, one in Nova Scotia, and another off the coast of Louisiana are being cleaned up or from which discharges are anticipated. The public interest requires a satisfactory legislative response.

On Saturday, February 21, an editorial published in the New York Times called attention to the pending legislation and the need to provide adequate public protection against the risk of oil spills. If, in its euphoria, the public forgets the hard work that must accompany action, as distinguished from rhetoric, the governmental response to environmental degradation will be less than adequate. For this reason, I ask unanimous consent that the text of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MARITIME VANDALS

For four years a small group in the House of Representatives has been making it impossible to deal effectively with oil pollution originating from ships at sea. Since the wreck of the Torrey Canyon first focused public attention on the menace, a series of such incidents has afflicted the coastal areas of the world.

Within the past few weeks oil has contaminated the shores of Grand Isle in Louisiana, Martha's Vineyard in Massachusetts, Tampa Bay in Florida and Chedabucto Bay in Nova Scotia—bringing death to sea birds and severe damage to beaches, oyster beds, boats, seawalls and waterfront property.

Following all too exactly the pattern of the 90th Congress, the 91st has so far sacrificed legislation to control water pollution because the two houses disagree on the liability of shippers for damage done by these spills. The Senate bill, largely the work of Senator Muskie, includes a provision that would have the owner of an offending vessel clean up and restore the damaged shore. If it failed to do so, it would have to reimburse the Federal Government for doing the job. Liability would be limited to $14 million, with the shipper eligible for reimbursement if he could show that the spill was caused by an act of God, an act of war, negligence on the part of the Federal Government or the act of a third party.

The House would limit liability to $10 million but, what is crucial, it would hold the shipper responsible only if the Government proved him negligent. In such cases negligence is extremely hard to prove. Under present law, which calls for a showing of *gross* negligence, it is practically impossible to recover any money at all from an offending shipping line unless it chooses to make restitution.

The result is that far more damage is being done by casual and deliberate violations than by dramatic spills from wrecked vessels. Ships routinely but unobserved discharge their oil wastes at sea, and tankers, cleaning out their cargo space after a haul, dump the oil wash into the ocean.

Only the Senate version of the bill, which has been locked up in a conference committee of the two chambers since October, would deal firmly and effectively with this maritime vandalism. If the House conferees, bemused by shipping and oil interests, remain unyielding, the oil pollution section should be removed entirely and, with maximum public support, pursued as a separate piece of legislation.

Fixing liability and forcing an offending shipowner to clean up after a spill will not undo the destruction of bird and marine life, but it can deter shippers from allowing such "accidents" in the first place. It would do so even more effectively if Congress were also to intensify surveillance by the Coast Guard's airborne oil pollution patrols, as required in a bill introduced by Senator Case of New Jersey.

Not the least of the Muskie bill's virtues is that it would drive the shipping industry to improve its scientific equipment, if for no other reason than to prevent accidents capable of causing spills so costly to the owners. Acts of God will still be unavoidable, but willful abuse of the oceans can be curbed by acts of Congress.

MILITARY UNDERSPENDING, INVITATION TO WAR?

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. HALL. Mr. Speaker, in the January 9, issue of the British Publication Aviation Studies, there is a brief and penetrating study of recent history with particular emphasis on what is described as, "Americans inviting war by underspending on military preparedness."

I cannot recall when I have seen as many provocative thoughts encompassed in so few words although I do not agree in some of the premises or conclusions.

Mr. Speaker, I most strongly recommend to all Members of the House that they spend the few minutes necessary to read this article:

MILITARY UNDERSPENDING INVITATION TO WAR?

The rightly-selected source for the F–15A promulgated this week is another step in the long road to realisation of this weapon and follows the current U.S. trend toward a rearguard wordy flight for every major weapon system and perpetuates the pattern all this century of Americans inviting war by underspending on military preparedness. WWII was not so much won by the allies as lost by the axis powers through Germany's mad mistakes, notably attacking White Russia when there was no special need to, and the monumental folly of declaring war on America instead of letting Americans turn from Europe to face Japan. The Japanese only attacked because they saw Americans weak and preoccupied with domestic affairs. Right up to the eve of the Hawaii attack there was no Roosevelt disposition to buy military aircraft as clearly shown from the production list in last week's report. Again that list shows that after the war was over military aircraft production dropped drastically. With American weakness once again restored, Communist powers were soon tempted into the Korean venture. But after the sobering U.S. defeat in Korea there was at last a better aircraft production stance.

Anyone would imagine that all American resources were critically dependent on the money required for say the Safeguard or the B–1A and if funds for these systems were wasted the U.S. economy would be ruined. In fact Safeguard at say $5 billion spread over 5 years can have no measurable effect on the economy. The military budget of $85 billion including $27 billion in SEA is less than the civilian component of the budget of $106 billion.

The way to look at the Safeguard and B–1A surely is that if these weapons were available and either deterred a war or helped to, or kept a COIN war local, it would be at a paltry price. If the Safeguard system failed technically and the money was wasted it would make no difference whatsoever to U.S. finances, and if it did fail technically the chances are that the Soviet ABM would also fail too when it came to the point.

The waging of two World Wars saw the demise of Europeans as a force to be seriously reckoned with. And with the end of Europe came the end of various Empires, notably the British, Dutch, German, Italian and so on. The conflicts of this Century gradually left the two super powers alone. Concern over this situation arose from the fact that the ideologies were absolutely at variance and collision-sensitive, and almost every aspect of method in the two countries has proved different, and antagonistic.

American policy has seen some amazing swerves. In the rapid evolution of the thermonuclear weapon can anyone imagine a nation able to develop such a weapon pause in this task and begin a heated debate as to whether they should? This hiatus, needless to say, allowed the Soviets to get ahead, as is not well realised. Their fusion test when it came was a little later than the American, but was technically superior. Same with the Safeguard, America has the capacity to build it, but stopped to debate whether they should, and the Soviets used the time to field hardware that flies. Again with the event of this week—the F–15—Americans could have started this 5 years ago but there was a vast debate, inside the military. This time, on what to do and whether they should have a new fighter. The Soviets used this time to evolve a whole string of new aircraft. While the B–1A debate remains in progress the Soviets have gone ahead with their big swingwing aircraft. It took longer to decide the Atlas commitment than it took GD to build it. While Americans argue whether or not to have a quiet/fast submarine fleet the Soviets launch one. While Americans decide for, and then against a military space workshop, the Soviets go ahead.

Another example of American, or rather Western erroneous thinking was that border and ideological controversies between Peking and Moscow can in some way be of benefit. These two highly disciplined and dedicated countries are united by the resolve to defeat a world systems dependent on American influence and technology, which primarily includes Europe. American strength requires a spacious area of freedom to expand and develop. Thus although Europe is of no importance in its own right, it is a vital adjunct to both the super powers. The Communists will never be able to put a date to their ambition until Europe is working for them, and Americans can say goodbye to their position without Europe. The Communists are determined to get Europe somehow and reasonably soon—and without fighting for it, as the organised ant heap is as important as the 190 million ants.

The leaderlessness in Europe invites confusion over aims, divisiveness in the principles of external security and chronic waste of national assets. The failure of Americans to force leadership in Europe puts the whole area at risk. American explanation for failure to lead Europe is that they do not wish to impose their will on free people, but unless they do the peoples will not be free much longer and Americans themselves will be rapidly boxed in, economically, without Europe.

The Communists have greatly extended the Clausewitz doctrine: they not only consider that war is the carrying on of diplomacy by other means but negotiation is the carrying on of war by other means.

Thus exhortation, morality, argument and compromise which form the basis of Western negotiation tend to leave Communists unmoved and they judge measures solely by whether they advance their position.

PROBLEMS OF DEFENSE OF FREEDOM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 25, 1970

Mr. THURMOND. Mr. President, David Lawrence, in a recent column, points out the problems facing the United States in its policy of defending freedom.

Mr. Lawrence correctly places the question of nuclear disarmament in the context of a withdrawal from Europe. He says:

> For many years now, the countries of Western Europe have assumed that nuclear weapons possessed by the United States would act as a deterrent against any threat by the Soviet Union.

However, if we achieve a disarmament agreement on strategic nuclear weapons, then the Western European nations depending upon our nuclear umbrella would not have that protection. If the Kremlin decides to faithfully fulfill a treaty of nuclear disarmament, then it could still rely upon conventional forces.

Mr. Lawrence says:

> The opportunity for conquest would probably present itself to the Communists in the next decade if the United States has already retreated from Europe and Asia.

While the United States has been concentrating on the nuclear and other exotic weapons systems, the Soviet Union has not ceased to build up its Navy and its ordinary air power. Mr. Lawrence asks:

> What will be the consequences to the people (in Europe and Asia) when they find themselves at the mercy of a Communist empire which need not use nuclear weapons but can send a large land army to almost any country to achieve a military objective?

Mr. Lawrence raises some important questions, and I recommend this particular column to all Senators.

Mr. President, I ask unanimous consent that the article entitled "Isolationism May Be Danger Again" be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ISOLATIONISM MAY BE DANGER AGAIN

(By David Lawrence)

What should the policy of the United States be toward defending the peoples of Asia and Europe against aggression?

President Nixon would naturally not wish to discuss such delicate subjects in detail and deal in advance with the numerous contingencies that might arise. For U.S. policy will be made not by presidential speeches or by pronouncements by a committee of Congress. Everything will depend upon the nature of the emergency and the extent to which the defense of this country is actually involved.

Most people—even many in government here—don't like to look at the realistic picture in either Europe or Asia today. The truth is there now is no standing army which can match that of the Soviet Union. Reliance on the nuclear bomb has become a fact of international life.

For this reason the European countries have practically given up the idea of spending large sums for defense. They have been assuming that the United States would take care of the principal obligations of the North Atlantic Treaty Organization in the future and that it would immediately come to the aid of the smaller countries of Asia.

The American people, on the other hand, as a result of their experience in Vietnam, are not enthusiastic about sending an army of 500,000 or more troops into a foreign land to defend a country which is the victim of aggression. Inevitably the question then is asked: "What about collective defense under the U.N. Charter?"

There is at present no sign that the European or Asian peoples are willing to get together themselves to set up defense forces that would lighten the load for the United States.

So utterances by U.S. officials indicating a lack of interest in further missions like the one in Vietnam are bound to have an impact on the world situation. European governments are already aware that the United States will not maintain a large force to support NATO, and the Asians know that a big U.S. military establishment can hardly be stationed in their lands to guard their area.

For many years now the countries of Western Europe have assumed that nuclear weapons possessed by the United States would act as a deterrent against any threat by the Soviet Union. In recent months, the Communists in Moscow have indicated a readiness to talk about the limitation of strategic arms. Thus far, this seems to mean only a desire to prevent other nations from obtaining nuclear armaments. There is no evidence of a desire to prohibit the use of nuclear weapons.

But suppose the Kremlin decides to avoid the nuclear problem and depend solely on conventional forces? The opportunity for conquest would probably present itself to the Communists in the next decade if the United States has really retreated from Europe and Asia.

The Russians have been steadily increasing their naval strength in the Mediterranean, and have shown themselves ready to support Egypt and the Arab countries in their fight against Israel. There are as yet no signs that the Russians wish to let the Middle East conflict grow into a world crisis, but the situation could change at any time.

The big question for the 1970s is what the effect is going to be of a U.S. withdrawal of its military power from both Europe and Asia. What will be the consequences to the peoples then when they find themselves at the mercy of a Communist empire which need not use nuclear weapons but can send a large land army to almost any country to achieve a military objective?

The time may come when the "isolationism"—which is so popular today—and which was espoused prior to World War I and prior to World War II——will turn out to be dangerous again. For the Communists are not likely to be content to confine their imperialism to Europe and Asia, but will extend it intensively to Mexico and other countries in Latin America.

Ever since the Monroe Doctrine was proclaimed, it has been recognized that the United States had a duty to protect the nations of this hemisphere, and since World War II the principle of collective defense of Europe and Asia has been widely accepted. Now these concepts have deteriorated, and this constitutes the real danger in international relations in the 1970s.

IN SUPPORT OF THE NATIONAL FOREST TIMBER CONSERVATION AND MANAGEMENT ACT

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DELLENBACK. Mr. Speaker, there is a great deal of misunderstanding about the National Forest Timber Conservation and Management Act which is scheduled for consideration by the House on Thursday.

I recently received a letter from an Oregonian who supports the bill as a forester, conservationist, and "as an individual who probably has a deeper, more balanced regard for trees than do many self-styled preservationists."

I commend the following letter to the attention of my colleagues:

DEAR CONGRESSMAN DELLENBACK: There will be considerable discussion, pro and con, during the Lincoln's Birthday recess, on the timber supply legislation now identified as H.R. 12025, the National Forest Timber Conservation and Management Act.

I would be belittling you and your colleagues in the Oregon delegation to imply, by writing this letter about the Act, that you are not fully aware of all facets of the legislation, including its intent and its goals.

But, because of the kinds of opposition which have been launched recently against the Act, I feel the letter is warranted. I doubt that anyone in the forest industry ever believed that the legislation, as earlier written or as worded today, would not generate opposition. But some of the kinds of opposition are geared to emotion alone or to lack of truth.

As the editor of a business magazine serving the forest industries, my asking your support of the Act is understandable. Let,

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even under those circumstances, I would not ask that support if I did not feel benefits from passage of the Act would accrue to the nation overall.

But putting aside my position as editor of Forest Industries, I, as a graduate forester, urge you to exert all the effort you can in support of H.R. 12025. I urge this as a forester who recognizes the renewable aspects of commercial forest lands and I urge it as one who, probably more so than many among the opposition, understands and appreciates the esthetic and spiritual values so closely related to trees.

Perhaps the single most important point in the whole Act is production of more forest fiber from existing commercial forest lands, thus lessening pressure on other forest lands. Despite the "reinvest-in-forest-management" aspect of the Act, most detractors tend to suggest that the forest industry simply is seeking to harvest one area and move on to harvest another. Most detractors choose to ignore the basic truth that timber is a crop . . . and successive, managed crops can be better than preceding ones . . . all the while affording other uses of the land at the same time.

I earnestly urge your support of H.R. 12025. I do so as:

A graduate forester.

One familiar with proven forest management in commercial forests of the South and the West.

A citizen who recognizes values of commercial forest lands and, as well, lands for nonharvest use.

A long-time journalist in the forest products field.

A member of the Sierra Club.

A member of the American Forestry Association.

A member of the Society of American Foresters.

And as an individual who probably has a deeper, more balanced regard for trees than do many self-styled preservationists.

Thank you for your consideration of these thoughts.

Cordially,

FOREST INDUSTRIES,
HERBERT G. LAMBERT,
Editor.

XUM

TO SAVE THE ENVIRONMENT

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, February 25, 1970

Mr. MOSS. Mr. President, for the information of the editorial writer for the Washington Star, the number of the bill is S. 1446, and its title is "Department of Natural Resources and Environment."

In the editorial entitled "Interior Makeover," published in today's Star, the writer covered my bill rather well, except for the name and the number. He said my proposal is not new, and, indeed, it is not. In the 89th and 90th Congresses, as well as in the 91st, I have had such bills in the Senate. In the 90th Congress, the Senator from Connecticut (Mr. RIBICOFF), chairman of the Government Reorganization Subcommittee, held hearings on my bill. He said that he favored the bill—and does so now. But apparently others on the Government Operations Committee do not.

It is my hope that Senators will read and heed the editorial.

Secretary Hickel said last year that he expected the President to endorse, or propose, a Department of Natural Resources and Environment. I expected him to do in his state of the Union message.

It is my hope that the President and Secretary Hickel will read and heed the editorial. S. 1446 is ready to go.

> The need is for one department to serve as overseer of the entire antipollution drive—

Says the Star—

> It may, in fact, be vital—in the literal sense of that word—

It concludes.

I ask unanimous consent that the editorial be printed in the extensions of remarks, and I plead for action from the President, the Secretary, the Government Operations Committee of the Senate, and from the House and Senate.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INTERIOR MAKEOVER

A while back, the President proclaimed to Congress and the country his administration's dedication to saving the environment. He outlined a highly commendable program to halt the poisoning of the planet. He made the initial moves required to get the legislative machinery moving on the long, expensive road to reclamation.

There is one more basic step to be taken before the process of making the planet once again reasonably safe for living things can really get started.

At present, the task of keeping an eye on the environment is spread around through an abundance of departments and agencies. Meanwhile other departments and agencies—equal in authority to the ecological watchdogs—are busily polluting everything within reach, while they fulfill their assigned tasks of killing unwanted plant and animal life, providing cheap sewerage facilities for military establishments, or whatever.

The need is for one department to serve as overseer for the entire antipolution drive, with authority to halt any detrimental activities being carried on by any other branch of government. And the obvious candidate for the job is the present Interior Department.

Such a move would end the patent absurdity of having one department—Interior—responsible for ending water pollution, while the Department of Health, Education and Welfare guards against the poisoning of the air. It would prevent such bureaucratic monstrosities as the continued use by the Agriculture Department of mercury-treated seeds that have been labeled poisonous to men and livestock by the Food and Drug Administration. It would, in short, bring the beginnings of order out of present administrative chaos.

The proposal is not new. It has been suggested by—among others—Interior Secretary Hickel. His suggestion is that the present function of Interior as overseer of the natural resources should be continued, so that decisions concerning the advisibility of tapping these resources and the methods to be used will be based on the total effect the completed operation will have on the environment.

The suggestion has also been made that the Interior Department should rid itself of many miscellaneous duties that it inherited as it evolved as the government's administrative catch-all, spreading such responsibilities as Micronesia, the Alaskan Railroad and American Indians among the other existing agencies. A further suggestion is that Interior should be renamed to become the Department of Environment and Resources.

Whatever the mechanics and whatever the name, the concept of a single department with the responsibility of coordinating the war on pollution is sound. It may, in fact, be vital—in the literal sense of that word.

FREEDOM'S CHALLENGE

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. BARING. Mr. Speaker, today I am inserting in the RECORD the speech written by Lew Church, a sophomore in the Las Vegas High School system. Mr. Church is the 1970 Nevada winner of the Veterans of Foreign Wars and its auxiliaries "Voice of Democracy" contest.

It has been my practice each year since becoming a Member of Congress to insert the speeches of the winning students from my State.

The speech follows:

FREEDOM'S CHALLENGE

The United States of America is freedom's torchbearer in the world today, but as a nation, the United States is sick. Liberty is a simple and beautiful ideal, but it is also a most complicated reality, for the liberty of the world is now in a nuclear standoff with the forces of Communism.

Externally, we are currently enmeshed in Vietnam supposedly to assure the political self-determination of the South Vietnamese people, but after nine years of the same mud and the same blood, and after forty thousand young American men have been killed, we still persist in the muck of indecision, and follow the policies of travesty and debacle while the so-called peace talks smoothly drag along in Paris. Neither unilateral withdrawal or nuclear warfare are sound policies. And regardless of the amount of American economic exploitation, it is however obvious by now, that it is the United States, rather than the South Vietnamese people, who is primarily concerned with prolonging the war, resulting in the furthered suffering of not only soldiers, but civilians and their children.

However, disregarding the individual arguments over Vietnam, we must realize the deep and dangerous division within our country on the whole.

Today in America, many dissatisfied people want change: the poor, the black, and the young. Members of the Black Power movement cry revolution and vaguely demand the creation of a new black country inside the United States. Right wing radicals stain our national heritage in their false claims of patriotism. Those belonging to Students for a Democratic Society ignorantly yell for violence and anarchy for the sake of it. The screaming must be stopped.

The point here is that violence can only be answered by counter-violence. Those who caress the doctrines of Gandhi, Dr. Martin Luther King, and the Kennedys must inevitably succeed if mankind is to overcome his ultimate, self-created fear: nuclear war.

If we want peace, both domestically and foreignally, we must love and trust and respect one another and we must adhere to what Bobby said at the University of Georgia Law School on May 6, 1961, when he quoted his brother, and our beloved, Jack: "Law is the strongest link between man and freedom."

We must remember that if the thinking youth of America want to change the establishment, the government, the law to fit our ideals, beliefs, and goals then we must protest calmly, deliberately under the silent, proud flag of non-violence. Secondly, we must realize that for change to occur and for there to be peace after, then we must go peacefully, non-violently up through the establishment, reach the top, then express our discontent, and propose new ideals. By doing this, our voices will be heard, and respected, and our plans will most likely be adopted. We must change the law lawfully.

Internally, the United States is divided over Vietnam, confused over racial prejudice, disgruntled with over-population, distressed over abominable poverty and injustice, outraged with both right and left-wing militants, concerned with rising crime and the use of drugs among our young, and in terror at the thoughts of current violence and possible civil war or racial revolution. And we mourn our assassinated loved ones; Jack, Martin, and Bobby; and marvel at the Siege of Chicago.

We, as a people, must realize these problems are also world-wide, and that while Man may put a human being on the moon, two-thirds of the world's population goes to bed hungry each night. We must implement the necessary political motivation to shorten the gap between the research laboratory and the disease-afflicted peoples of Latin America, Africa, and Asia.

The United States of America must not become another Roman Empire and fall because of overtaxation and lax moralities! There have been but twenty-five years in our planet's history in which not a war has been waged; there must be peace in the world.

It is for the thinking youth of America—because of its fresh intelligence and boundless energy—to decide the fate of mankind. We must tame the savageness of man to save him from his own self-destruction. We must be the hope of humanity and democracy, or every individual shall perish. Let us go forth, to meet freedom's challenge, black and white together, in non-violence, and bring home as our spoils the human truths of liberty, justice, love, and peace.

OPPOSITION TO INCREASED GUN CONTROL

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 25, 1970

Mr. THURMOND. Mr. President, radio station WBT, in Charlotte, N.C., recently broadcast an editorial favoring increased gun control. As a part of their responsibility under the Fairness Doctrine, this station recently broadcast the contrary view from Mr. R. J. Allen of Catawba, N.C.

Mr. Allen takes the position that the deterioration of law enforcement in this country has not come through law-abiding citizens owning guns but through the difficulties caused law enforcement officials by rulings of the Supreme Court.

Mr. President, I ask unanimous consent that the editorial, entitled "Response To: 'With Gun in Hand,'" which was broadcast by WTB AM–FM radio station in Charlotte, N.C., be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RESPONSE TO: "WITH GUN IN HAND"

This response is from R. J. Allen of Catawba, North Carolina. Mr. Allen writes:

"Your station favored more control of guns and took the air time for its advocation; this is an infringement of my rights as a free citizen of the United States. As a U.S. Marine I used guns for 4½ years in the Pacific in defense of this country during World War II. The U.S. Government turns its head while looters burn and ransack American cities; Washington, D.C. included. T.V. cameras recorded scenes of cars being turned over and burned in Watts, California, and many other cities throughout the country." Mr. Allen continues, "the deterioration of law enforcement during the last six years has been caused by Federal interpretation of laws through a Warren controlled Supreme Court. In my estimation, 95 percent of the protection that a law abiding citizen has is his self protection of person, property, and family. I am deeply concerned that any individual can sit before a T.V. camera and say to me that I am not fit to own a handgun or have one nearby and if I don't comply to this I may be convicted of a felony and given five years in prison. Yet the subversive elements in this nation are able to go their way with no convictions or prison sentence. Captured documents as far back as World War I state the idea, that the first step to overthrow a country is to disarm the citizens."

Mr. Allen concludes: "Tell me this: How many of your city crimes of late were committed by citizens who bought and registered his firearm? You have gun laws! Armed citizens will have their own protection against all aggressive forces, internally and externally. Our government should recognize this and encourage private gun ownership rather than discourage it. It will never be the citizens of the U.S. at fault over guns. A government that does not trust its citizens does not warrant the trust of the citizens.

"Today your station claims this: 'It is our duty to present news, good and bad.' Let's keep it that way. Stop trying to make news by advocating something you seem to know so little about!"

This response was from R. J. Allen of Catawba, North Carolina.

DEFEAT THE NATIONAL FOREST TIMBER CONSERVATION AND MANAGEMENT ACT, H.R. 12025

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DENNIS. Mr. Speaker, there are a number of valid reasons for opposing and defeating H.R. 12025.

The primary purpose of the measure, as stated in the bill, is "to increase substantially the timber yield from the commercial forest land of the Nation including that in the national forests;" and "commercial forest land," it is stated, "means forest land which is producing or is capable of producing crops of industrial wood and not withdrawn from timber utilization by statute or administrative regulation." The Secretary of Agriculture is specifically directed to "develop into optimum timber productivity as soon as possible the national forest commercial timberlands."

In other words the purpose and intent of the bill is to increase, as rapidly as it can be done, timber cutting in the remaining and presently unprotected virgin forests of America, which are principally located in the great American West.

Such a program, obviously, has many serious ecological, economic, and social implications, and leads to much technical discussion as to sound forestry practices, lumber economics, home construction data, pollution factors, multiple-use concepts, watershed protection, and other important considerations.

I am not a technician, however, and I should like to speak briefly to just one facet of this matter—and to do so as one who has found true happiness, upon occasion, in hiking, camping, and climbing in some of the unspoiled areas of the kind now threatened by this bill.

Let me remind the House of a little history, which is better known to some Members here than it is to me. Back in the 1930's the Forest Service began to set aside primitive areas within the national forests. But in the 1950's, following the Second World War, there was much pressure from the lumber industry because timber from the primitive areas was withheld from sale, and the preservation of these areas became a continuous and sometimes a losing struggle. Some of these primitive areas during these years were reclassified and renamed as wilderness areas. Finally in 1964 an aroused Congress passed the Wilderness Act which blanketed in the wilderness areas so established as permanent wilderness areas by means of statutory enactment, and which provided for a 10-year schedule for continuing and similar reclassification of the remaining primitive areas after study and public hearing—a program which is still in progress.

There are, in addition, other wild and beautiful areas—some adjacent to these primitive areas and some located elsewhere—which have never yet been classified as primitive but which, from their nature, ought nevertheless, in due course, to be included in the permanent wilderness areas.

These programs necessarily take time. Many of these fine and truly wilderness areas I have mentioned contain virgin timber, and are certainly, in the language of this bill, "capable of producing crops of industrial wood." If we expand, accelerate, and increase commercial timber cutting in these areas, as is specifically intended and contemplated by H.R. 12025, many of them may well be forever destroyed as wilderness before there is ever an opportunity to consider and evaluate them for reclassification and possible permanent protection under the Wilderness Act. This, I submit, is wrong; this, I strongly suggest, is a thing which we ought not to do.

Mr. Speaker, when I was a boy I knew a country lawyer from Wisconsin—a man who was for many years, now some years ago, a Member of this House—the Honorable Edward E. Browne of Waupaca, Wis. He was a woodsman, an outdoorsman, and an early conservationist. I once visited his law office up in the State of Wisconsin, and I noticed a short verse he had upon the wall, and, because I liked it, I remembered it. It went like this:

> Forests were made for weary men
> That they might find their souls again,
> And little leaves were hung on trees
> To whisper of old memories;
> And trails, with cedar shadows black,
> Were placed there, just to lead men back
> Beyond the pitfalls of success
> To boyhood peace and happiness.

XUM

Mr. Speaker, it is the heritage referred to in that bit of verse which I value, and which I wish to hand on unspoiled to my children and to their children.

I do not propose to open this new legislative year, in which we have already heard so much rhetoric about the preservation and the improvement of our environment, by supporting the passage of a measure which appears to me to be designed and intended, in some degree, to damage and despoil that heritage.

I cannot think that it should be a preoccupation of the Congress of the United States to seek out ways and means to increase and accelerate access road building, commercial logging, and the clear cutting of virgin timber in the wilderness areas of our national forests.

This seems to me unthinkable as a national policy.

I did not come here in order to participate in such a program; and I urge my colleagues to defeat this bill.

AN ANALYSIS OF THE PROBLEMS WE CONFRONT

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 25, 1970

Mr. **HARTKE**. Mr. President, one of the finest public officials in Indiana, Judge Richard S. Kaplan, of the Gary City Court, has recently addressed himself to an analysis of some of our most vexing national problems—welfare reform, student unrest, racial violence, and others. The judge's views appear in two editorials which he wrote for the American Legion's Gary Memorial Post No. 17 News. Though I do not agree with every facet of his analysis, I recognize the depth of concern that causes him to speak out so eloquently. I ask unanimous consent that the two editorials by Judge Kaplan be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

I WEEP FOR THE COUNTRY I LOVE

(By Judge Richard S. Kaplan)

The year 1970 has arrived—a new Year—a new page yet to be written. But in the meantime, I weep for my country and the agony it has suffered during the year 1969.

I dare not turn back the pages of last year for fear that my tears may turn to utter despair. Yet I do dare to ask, "Why? What has my country done to deserve the horrors and pains inflicted upon it by the brutal, senseless, violent so-called Americans?"

Men gave up their lives, their fortunes and their sacred honor to fight a revolutionary war to create a nation where all men are equal under the law. They created a Bill of Rights granting to all citizens the right of peaceful petitioning and lawful dissent and built a nation "of the people, by the people and for the people."

They gave their lives in a civil war for the principle of equal citizenship and the destruction of slavery. Men and women suffered while pioneering expansion of our nation. Doors were opened to immigrants from foreign lands who came here with nothing but high hopes, strong backs and willing hands. They asked for nothing but the opportunity to work. Schools were opened for all people, and those immigrants, by dint of hard work and diligent study, became the leaders of our unions, our churches and temples, our political organizations and great business establishments, while their children, born and raised here, became our lawyers, doctors, scientists, teachers and heads of great industries.

There was no welfare, no social security, no aid to dependent children, very few scholarships but there was opportunity for all to get an education and work at any job they could find to earn the costs of such education, and to climb the ladder to success using their strength, ambition, inspiration and desire to succeed—and many did succeed. Those poor, hungry boys and girls, of every race, color or ethnic group did not ask for any special courses, special food, special professors and they all created an identity for themselves out of their own efforts.

World War II came and our men once again died bravely to preserve the basic principles of Democracy and destroyed those wild men in Nazi Germany who were out to destroy our way of life. In my mind's eye I see the similarity between the Nazi wild men and the present militant, wild, unthinking youths in our modern society who have, during the past year, done everything to destroy our educational institutions and ultimately to destroy America, just as they tried, during World War II to destroy Europe and the entire world.

Certainly there have been inequities in this nation, but our country has tried during the past thirty years, to eliminate those inequities through Social Security, the minimum wage law, greater pensions, welfare for the poor unfortunates, aid to dependent children, whose fathers, in many cases, gutless and unwilling to assume their responsibilities deserted the family home and left the wife and his children to shift for themselves, Medicare and, more important, clarified the rights of all citizens through the Civil Rights Law.

We have been generous to a fault with the tax-payers money, loaning and giving away billions of dollars to France and England, thus saving them from utter destruction—South America, Central America—Africa and so many other nations in an unselfish effort to help them, and our reward has been a kick in our "gut" by France, Peru, many other South and Central American nations, and Russia, all of whom still owe us billions of dollars which will, probably never be repaid. All we have been paid is hate—sheer undiluted hate.

And all the while, we have been a naive and trusting nation, blindly refusing to see the truth in the communist boast that the U.S. "will fall like a ripe plumb into our hands"—refusing to see or believe the truth—that our enemies overseas have never stopped helping our enemies within our country who have been gnawing at our vitals and doing everything within their power to bring this country to its knees.

Looking back to the year which is now but a miserable, shocking memory I am shocked at the phantasmagoric display of violence on the campus, the destructive efforts of the black militants who insist upon separatism, forgetting that the Blacks have fought for years to achieve integration and obtain the dignity due to free Americans, the destruction created on campuses throughout the nation by the members of Students for a Democratic (sic) Society, better known as SDS, whose members have publicly admitted they are communists, the efforts at assassination of public officials attempted by the Black members of the Revolutionary Action Movement (RAM) and similar groups, while white rightists armed themselves asserting their right to protect the nation OUTSIDE THE LAW.

Here and there a ray of hope and light appeared when such black leaders as A. PHILLIP RANDOLPH, a long time leader in the nation's civil rights movement and an outstanding labor union leader, cried out in protest against the violence and militancy. He was joined by Roy Wilkins, Executive director of the NAACP, Bayard Rustin, who organized the 1963 rights march on Washington, and Thurgood Marshall, Associate Justice of the United States Supreme Court.

There is hope in the fact that here and there the voices of the vast majority of students have been raised in protest against the denial to them of receiving the education they seek without hindrance. There is hope in the fact President Nixon is selecting men, to fill the vacancies which have occurred and will occur in the U.S. Supreme Court during his term of office, who will reverse the decisions rendered by the Warren Court which, in effect, has given the "go" signs to criminals while allowing society at large to wallow in the sea of despair.

But—where are the voices of the great majority of American citizens who have watched this nation beaten, villified, cursed and reviled and actually threatened with absolute destruction and yet have remained apathetic and silent, content with their affluency and home comforts?

I say to the Black citizens of this nation, "You have cause to be saddened by the abuse you have suffered in the past, but this nation, a nation of laws, has, slowly but surely tried to correct those abuses and today many, many large industries are moving heaven and earth to give to every Black the opportunity denied to him for so many years, provided he will accept that opportunity. I point to the Jew, who for more than 2,000 years suffered the indignities and degradation of a minority people, yes, even the slaughter of six million of their kin in the furnaces in Germany, yet they did not revolt, they did not threaten to destroy this country, they did not ask for relief. They worked and studied, worked and studied and, by their own efforts, achieved the respect of a great majority of Americans—because they understood the meaning of accepting responsibility—and they assumed that responsibility.

I weep for my country—and pray that the year 1970 may bring to this nation the peace and the unity it so richly deserves.

But that peace will come—that unity will come, only when all citizens will recognize the great love, devotion and appreciation we owe to this country by those sacrifices made by those who preceded us—when we look at our Flag with reverence and thank God every day of our life for the blessings bestowed upon us in this land of the free populated by a mass of people of every color, every race, every creed, living together and ruled by law and not by men.

WILL WE EVER RESTORE SANITY IN OUR SPENDING?

(By Judge Richard S. Kaplan)

Never in the history of this country have we seen such prosperity as exists here. Never have people been earning the wages they are now getting. We have stunned the world with our successes in our scientific endeavours. More people hold jobs than ever before and more industries are opening daily than ever before.

We produce more food, more goods, than any other nation in the world. Yet—there are more people on relief than ever before. Why? More boys and girls are being graduated from high schools and colleges; more jobs are available than ever before. Yet in the City of Gary hundreds of jobs, which are available in the mills, are not being filled because people refuse to work.

Standards for employment have been lowered. Boys do not have to have a high school diploma to get a job in the steel mills and the mills are even offering to train the unskilled to fit them for the jobs, yet those offers for training are not being accepted. More Federal agencies for helping others exist today than ever before and billions of dollars are being poured out in grants of one kind or another, and yet jobs are unfilled, there are more drop-outs from schools than ever before and more welfare is being offered than ever before. Why?

Warner and Swasey, the manufacturing concern in Cleveland, Ohio, put it well when they put forth a challenge to Americans in a recent ad they published in the News and World Report:

"No decent person wants any American to go hungry nor any American Child to be without a good public education. But when we have so many Federal welfare agencies that they overlap; when many men can get more money (tax-free!) from relief than they could earn in self-respecting jobs; when there are more people on relief in this all-time-high prosperity than during the worst depression in history; when these and similar projects burden us with a bureaucracy of 2½ million Federal employees and more all the time, then it seems to us we have a Welfare State rather than an earnest desire to help unfortunate people become self-reliant and self-supporting. Which, except for the disabled, is the best reason for the spending of Federal relief funds."

What are the aims of a true Democracy? Those aims certainly should consist of providing everyone with a good education, prepare everyone for good jobs at decent salaries, see that the sick and disabled receive the best available medical and hospital care at nominal costs and if funds are not available to the sick and disabled for such care, then provide those funds for them; see that every child is provided with proper food and clothes and people are free to obtain adequate living quarters regardless of race, color, or creed; furnish police protection to every community so that lives and property are safe and guarantee to every citizen the right to pursue and obtain happiness. No Democracy can guarantee happiness to any one and the Constitution merely guarantees the right to everyone to pursue happiness. Obtaining happiness, peace of mind and financial security depends upon the individual.

What has happened, however, is a break down in the aims and purposes of our Democracy and we have become fanatics in an effort to furnish the drop-outs, the lazy, the poor, who will not help themselves, with money—money and more money, thus helping to perpetuate laziness and poverty.

If the government will eliminate the multi-faceted agencies, create one agency to bring the drop-outs back to school, compel the lazy father or mother (without a husband) to seek and obtain training for work and then see that that person obtains a job with a salary adequate for his or her needs, then we will see the welfare rolls drop and the perpetuation of generation after generation of welfare recipients will cease to exist.

When will politicians realize that we are creating a monster which will, eventually, destroy the goose that lays the golden egg? Spend money for real needs, give to the really indigent, the helpless, the sick and disabled all the help they need; spend money on special classes to help the slow learner; create jobs, if necessary, build low-cost homes for the low income groups, tax those industries which are not paying their fair share of taxes, hold the line on the cost of necessaries of life, even if we have to do what we've done in time of war, namely, forbid by law the increase in wages and the cost of commodities, and this nation will soon get back on its feet.

What this nation has done during the past twenty years is to eliminate pride and the joy of working from the lives of many, many of our citizens. The pioneer spirit, which created this nation, seemingly has disappeared. Pride in workmanship, pride in holding a job, pride in raising a good family, pride in your country and what it stands for seems to have vanished into thin air. The gimme spirit is prevalent all over the land. What we have done is to tell certain segments of the population. "Yell loud enough—demonstrate—demand and keep on demanding and we'll give you everything you want—and you don't have to work for it."

That's one way of destroying pride and the will to work—and, ultimately, the one way to destroy this nation.

When will we learn that no one has the right to demand something for nothing? We get what we deserve and what we earn. We have no right to expect more. Mothers being rewarded for producing illegitimate children in ever increasing numbers. Lazy fathers receiving welfare payments because, and only because, they will not work, because they can get more from welfare than they can earn by hard work. This is absolute nonsense, illogical and a dangerous cancer on the body of this country.

How long can this last? How much can the diligent, the hard-working man and woman, the boy and girl who attends school and works hard to get an education, stand for this nonsense and the drain on the earnings of the good people? I dread to think what this country will face if this nation keeps up this folly for the next ten years. Stop the drain on our wealth or we shall live to regret it. Our children and our grandchildren will curse us for the unbearable load we will have placed on their shoulders.

A RESOLUTION STATING THAT GOVERNOR MADDOX OF GEORGIA IS NO LONGER WELCOME AS A GUEST OF THE HOUSE RESTAURANT

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DIGGS. Mr. Speaker, today I have introduced a House resolution cosponsored by several of my colleagues resolving that it is the sense of this body that Governor Maddox, of Georgia, is no longer welcomed as a guest of the House restaurant. This resolution was prompted by the despicable conduct of the Governor yesterday during the luncheon period when in one of the Member's private dining rooms he began to pass out, presumably as souvenirs, his infamous ax handles. These were the same kind of ax handles that he used to bar or discourage the patronage of black citizens in Atlanta who sought service in his public restaurant before he became Governor and which has been identified with his internationally known racism.

This action of Governor Maddox was not only a violation of the rules of the House, but because of its symbolism morally reprehensible. I trust that all Members of the House who share this view will contact my office and join in sponsorship of this resolution to express their revulsion. A "silent majority" on this issue would leave grave implications sorely effecting the stature of this House in the eyes of the Nation and elsewhere and would lend credence to the charge that we live in a racist society.

THE NATIONAL FOREST TIMBER CONSERVATION AND MANAGEMENT ACT

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. HICKS. Mr. Speaker, a great many words have been spoken and written about the National Forest Timber Conservation and Management Act, H.R. 12025. And no doubt more words will be heard in this Chamber, when the House takes up this act for consideration.

There are some words concerning the bill that bear repeating. I would like to take this opportunity to repeat them for the information of my colleagues. Here is what some supporters of the legislation have to say:

Secretary of Agriculture Clifford Harden.—"H.R. 12025 as reported has the complete approval of this Department and we recommend that it be enacted."

Secretary of Housing and Urban Development George Romney.—"Without the substantial increase in timber production which the enactment of this legislation will encourage, it will be difficult, if not impossible, to build the homes America needs."

National Association of Home Builders, Louis R. Barba, President.—"H.R. 12025 is of critical importance to meeting our national housing goals . . . NAHB strongly supports bills now pending . . . to improve the conservation and management of the national forests and, in so doing, to expand the future supply of timber necessary for housing production in the years ahead."

Associated General Contractors of America, Carl M. Halvorson, President.—"We believe that the Federal Government should embark upon an accelerated forest management program which is properly funded and which would increase the annual yield substantially."

United Brotherhood of Carpenters and Joiners of America, Peter E. Terzick, General Treasurer.—"In addition to conserving parklands and National Forests, this bill will help to insure an adequate supply of timber for the domestic needs of the country, especially for housing."

Chamber of Commerce of the United States, Hilton Davis, General Manager, Legislative Action.—"It (H.R. 12025) recognizes the other uses and benefits derived from these lands—grazing, fish and wildlife enhancement and recreation."

Washington, D.C., Mayor Walter E. Washington (Before the House Forests Subcommittee).—"Is it possible that many of our poor and needy families that may never be able to get to the scenic beauty of our great trees would be able, rather, to get the exposure by looking at cabinets and walls of wood in a decent home in a decent environment in the cities of America?"

Ronald Reagan, Governor, State of California.—"Increasing the level of timber management on the national forests will assist in meeting the steadily growing national demand for wood products. This increase can be accomplished in conjunction with fulfilling the need for improved public recreation and scenic opportunities, including wilderness additions."

American Institute of Architects, Rex Allen, FAIA, President.—"We are indeed quite concerned about the removal of another obstacle in the search for improved housing and a decent environment for all Americans."

Forest Service Chief Edward P. Cliff, USDA.—"It is clearly the intent that nothing in the bill should be construed as threatening the multiple use-sustained yield concept in the management of the National Forests or that the bill would in any way displace or supersede the Multiple Use-Sustained Yield Act of June 12, 1960."

American Forestry Association, Kenneth B. Pomeroy, Chief Forester.—"The American Forestry Association recommends that the Senate Subcommittee on Soil Conservation and Forestry accept H.R. 12025 instead of S. 1832."

Industrial Forestry Association, W. D. Hagenstein, Executive Vice President.—"It is imperative . . . that the National Forests be provided with the means to play the part the Congress intended them to do . . . in meeting their rightful share of the wood needs of the American people."

American Farm Bureau Federation, Marvin L. McLain, Legislative Director.—"First, we endorse the general objectives of the National Timber Supply Act. Efficient use and management of public lands is obviously desirable and in the public interest."

The Union Register, published by the AFL-CIO Western Council of Lumber and Sawmill Workers.—"Tight money has depressed the lumber industry . . . when credit eases and there will be a resurgence of housing."

Oregon Journal, Editorial, Feb. 11, 1970.—"Efficient timber harvest aimed at attacking the housing crisis can live side by side with the protection of the other multiple values of the forests."

Forest Industries Magazine, Herbert G. Lambert, Editor.—"The most single important point in the whole Act is production of more forest fiber from existing commercial forest lands, thus lessening pressure on other forest lands."

Appalachian Hardwood Manufacturers, Inc., H. D. Bennett, Executive Vice President.—"We will see better timber, better water management and better game management for this is the natural result of good timber management."

National Plant Food Institute, Edwin M. Wheeler, President.—"It is essential for the U.S. that this versatile, natural product remain a vigorous contributor to our national wealth and well-being . . . the Act represents essential steps to this end."

Society of American Foresters, Hardin R. Glascock, Jr., Executive Vice President.—"We are confident this legislation will accomplish its purpose without conflicting with the Multiple Use Act directives under which national forests are administered."

National Urban League, Inc., Whitney M. Young, Jr., Executive Director.—"We heartily support H.R. 12025 and feel strongly it provides an approach for the type of proper management needed to protect conservationists' interests and at the same time provide the timber so sorely needed to provide decent housing for all American citizens."

Joint Resolution of the Senate and House of the State of Idaho.—"We most respectfully urge the passage of H.R. 12025, the National Forest Timber Conservation and Management Act."

National Association of Housing and Redevelopment Officials, Eneas J. Kane, Executive Vice President.—"Adequate housing for low and moderate income families can no longer be delayed. We urge approval of H.R. 12025."

Texas Forestry Association, O. R. Crawford, President.—"Request support H.R. 12025 approved by House Agriculture Committee without crippling amendments from floor."

American Wood Council, Boyce Price, Executive Vice President.—"H.R. 12025 vital to assure wood products needed to meet housing goals and to preserve health of forests for all public uses through enlightened forestry."

Forest Industry Affairs Letter, Dean Sherman, Editor.—"The bill is designed to provide funds to assure Growing More Trees under scientific management . . . will help provide for our critical housing needs . . . will improve habitat for wildlife . . . expand opportunities for recreation . . . contribute substanitally to our environmental needs."

Indiana State Council of Carpenters, George Tichas, Secretary-Treasurer.—"This bill can assure an adequate supply of lumber for domestic construction and will be a tremendous step in the right direction for our people and country."

California State Council of Carpenters, Anthony L. Remos, Executive Director.—"We regard enactment of this bill as urgent and important to our members . . . because it will assure an adequate supply of lumber for domestic construction . . ."

Western Wood Moulding & Millwork Producers, Warren C. Jimerson, Executive Vice President.—"The forest products industry vitally needs what this bill provides."

Red Cedar Shingle & Handsplit Shake Bureau, Virgil C. Peterson, Executive Vice President.—"This legislation most vital to future of our industry."

Minnesota Forest Industries Information Committee, M. J. Latimer.—"This legislation is needed for better management of U.S. forests and to provide needed products for public housing."

California State Chamber of Commerce, John T. Hay, General Manager.—"H.R. 12025, timber conservation program, vital to California housing and forest management."

Wood Products Association of Hawaii, Ross E. Haffner, Executive Director.—"Urgently request your favorable vote on H.R. 12025, National Forest Timber Conservation and Management Act."

Minnesota Timber Producers Association, M. R. Allen, Executive Secretary.—"This legislation is important to forestry."

Southwest Pine Association, James J. Cox, Jr., Secretary.—"Act vital to lumber industry, to national housing goals and to the state.

Southern Idaho Forestry Association, Dale V. Anderson, President.—"Will not affect wilderness—primitive, other special areas, is for much needed management of commercial timberland."

Pacific Logging Congress, Carwin A. Woolley, Executive Vice President.—"H.R. 12025 will provide Forest Service with the funds and directives it needs to apply proven long-range management techniques to the betterment of both the forests and society as a whole."

Hardwood Plywood Manufacturers Association, Clark McDonald, Managing Director.—"Urge support of H.R. 12025 as approved by the House Agriculture Committee."

Hardwood Research Council, Howard J. Doyle, Council Forester.—"National Forests have operated within budgets too limited . . . bill will make inaccessible timber available to supply the present critical housing shortage."

Alabama Forest Products Association, J. Hilton Watson, Executive Vice President.—"Aim of legislation is to grow more trees to meet present and projected home construction needs."

Sierra-Cascade Logging Conference, Inc., Roy Berridge, President.—"H.R. 12025 is the best way to guarantee the future of the National Forests . . . without proper forest management and careful harvest and replanting there will be no lumber and plywood to build American homes."

Western Wood Products Association, Wendell B. Barnes, Executive Vice President.—". . . Act is vitally needed to assure that the national forests provide a fair share of the nation's timber supply for the nation's builders seeking to meet the demand of a growing number of families."

Western Lumber Manufacturers, Inc., Sam K. Arness, President.—"Enactment of H.R. 12025 will mean more homes, more jobs, more trees, more income on a continuous basis from the commercial areas of the National Forests."

HORTON ATTACKS IRS SALE OF LISTS OF GUN LICENSEES AS "NATIONAL GUIDE FOR GUN THIEVES"

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. HORTON. Mr. Speaker, the Internal Revenue Service is publishing and selling what amounts to a "National Guide for Gun Thieves."

Over 140,000 names and addresses of gun dealers and collectors, required to be licensed under the States Firearms Control Assistance Act of 1968, are willingly sold by the IRS for about one-tenth of a cent per name. The IRS has informed me that it sells rolls of mailing labels to interested buyers for about $140 for all 140,000 licensees. I understand the lists are available at an even cheaper price on a regional basis.

To me, this flies in the face of the whole intent of the State Firearms Control Assistance Act. The idea behind this law was to exercise some control over the whereabouts of firearms in an attempt to keep them from falling into criminal hands. The purpose of the licensing provisions is to help States to enforce their own gun laws. Instead, the Treasury Department's Alcohol, Tobacco, and Firearms Division is subjecting these licensees to both harassment and potential danger by proliferating these mailing lists.

So far, the IRS has told me it has sold about 60 sets of these mailing lists. Most of the buyers have been gun manufacturers and wholesalers who want to use the lists for direct mail advertising purposes. Potentially, these 60 sales will result in 8.6 million pieces of bulk mail flowing through our postal system—60 into the mail box of each licensed collector and dealer.

Besides this uninvited deluge of third-class mail, which if anything will result in more gun sales, the public availability of these lists is an open invitation to potential criminals who would welcome knowing which private homes are likely to contain numerous firearms or valuable gun collections. This policy is particularly onerous for the collectors of firearms. Most gun dealers advertise their location with signs and take normal security precautions to protect their firearm merchandise. But the collector who keeps valuable firearms in his home is far easier prey for the gun thief.

I learned of the IRS policy of selling mailing lists of gun licensees through a constituent letter from a physician who, as a licensed gun collector, has received a firearms industry circular from IRS and a sales solicitation from a firearms supply firm bearing identical mailing labels.

Section 101 of the State Firearms Control Assistance Act states:

> The Congress hereby declares that the purpose of this title is to provide support to Federal, State and local law enforcement officials in their fight against crime and violence, and it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms . . . or provide for the imposition by

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Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

I do not see how proliferating lists of licensees helps States and localities to control crime and violence. In fact, this irresponsible policy could have the effect of facilitating gun thefts. Further, the disturbance of the privacy of the licensee both by potential danger of theft and by virtually limitless use of his mailing address would seem an "imposition by Federal regulations" under this act that is not "reasonably necessary to implement" its provisions.

I have written to the Commissioner of IRS, asking that the practice of selling or making available these mailing lists be stopped immediately. I have written the President, the Attorney General, and to the heads of other Federal agencies requesting information on their policies with respect to the use of names of private citizens who deal with them. I am also preparing legislation to halt this practice.

As a member of the House Government Operations Subcommittee on Government Information, I will, if necessary, ask the chairman of that subcommittee to call IRS officials to a hearing to explain this senseless practice. I do not think the Freedom of Information Act goes so far as to require the endangering or harassment of persons licensed by the Government for any purpose, least of all by the open sale of mailing lists.

Mr. Speaker, the following is the text of my constituent's letter describing his concern about being subjected to this practice:

HONEOYE FALLS, N.Y.,
February 11, 1970.

Hon. FRANK J. HORTON,
107 Federal Building,
Rochester, N.Y.

DEAR FRANK: If you will examine the enclosures, I think you will come to the same conclusion that I did. That conclusion is that the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service is selling or permitting the sale of mailing lists of firearms licensees. I would like to object vigorously. In the first place, I don't think that any government agency has the right to sell mailing lists for commercial purposes. In the second place, I am not a firearms dealer. If I were a dealer, I might expect to have my name and place of location of a number of firearms available to the public. Obviously, this includes assumption of responsibility for the possibility of theft, but I did not think that I was exposed to that risk.

I did apply for a dealer's license when the new Firearms Control Law went into effect, but I was advised that I could not secure one, so I applied anyhow and ended up with a collector's license which is essentially useless to me. Obviously, the Alcohol, Tobacco and Firearms Division has sold mailing lists of collectors to commercial agencies. In my book, this a beautiful way of advertising locations from which firearms can be stolen. It seems to me a pretty poor way to administer what is thought to be a firearms control law.

As I said earlier, if I had a dealer's license I might be prepared to take some of this risk. As a result of this sale of this mailing list, I now would seem to have the risk without the privileges. Mr. Harold Serr, Director of the Alcohol, Tobacco and Firearms Division, will get a copy of this letter. Frankly, I think it is ridiculous for an agency that is supposed to prevent firearms, or at least help prevent them from falling into criminal hands, to make it easier by selling mailing lists not only of dealers, but of collectors of firearms.

I don't very often write a critical letter like this. What I usually do is dictate them and then put them away and throw them away. However, in this instance I feel very strongly that what has been done is contrary to the public interest.

Very truly yours,
WENDELL R. AMES, M.D.,
Director.

CALIFORNIA LOCAL GOVERNMENT IN SUPPORT OF H.R. 12025

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. JOHNSON of California. Mr. Speaker, there has been considerable discussion in recent days about the National Forest Timber Conservation and Management Act, H.R. 12025, and its impact upon local communities. I would like to point out to my colleagues that as far as California is concerned, local government is solidly in support of this legislation.

During the hearings before the House Agriculture Committee, witnesses testified on behalf of the Northern California Supervisors Association which is an organization having broad representation in local government. Many of the counties of California have adopted formal resolutions in support of this legislation. Typical is that adopted by the Amador County Board of Supervisors on February 17, 1970.

Mr. Speaker, I insert the following resolution in the RECORD so that I may share these comments with my colleagues:

RESOLUTION No. 1914

Whereas, there is an urgent need for increased timber production to meet our Nation's housing goals; and

Whereas, the National Forest Timber Conservation and Management Act (H.R. 12025) will make funds available to assure continuous intensive forest management on our National Forests and will provide for increased salvage, thinning and pre-commercial harvest to help meet these housing requirements; and

Whereas, increased timber yields will benefit our County by strengthening local employment in the Forest Products Industry, and provide additional county revenue for use on roads and schools, which will have beneficial effects on all counties of our State; and

Whereas, these improvements can be accomplished in accord with the Multiple Use—Sustained Yield Act of 1960, which gives proper recognition to all uses of our National Forests; and

Whereas, Agricultural Secretary Clifford Hardin, H.U.D. Secretary George Romney, the U.S. Forest Service and the Bureau of Budget have recommended approval of H.R. 12025;

Now, therefore, be it resolved that the Board of Supervisors of the County of Amador do hereby urge the Congress of the United States to enact H.R. 12025.

Be it further resolved that the Clerk of the Board of Supervisors of the County of Amador is directed to transmit this Resolution immediately to Congressman Harold T. "Bizz" Johnson, with the request that he bring it to the attention of the entire California Delegation.

The foregoing Resolution was duly passed by the Board of Supervisors of the County of Amador on the 17th day of February 1970, by the following vote:

Ayes: Supervisors Thomas E. Powelson, Marie C. Aiken, Edward T. Bamert, Elgin R. Bowers and Norman S. Waters.
Noes: None.
Absent: None.

THOMAS E. POWELSON,
Chairman, Board of Supervisors.
AMADOR COUNTY, CALIF.
Attest:

MARY RIMMER,
County Clerk and Ex-Officio Clerk of the Board of Supervisors, Amador County, Calif.

SALLY ONETO,
Deputy.

I, Mary Rimmer, County Clerk and Ex-Officio Clerk of the Board of Supervisors of the County of Amador, a political subdivision of the State of California, hereby certify the foregoing to be a full, true and correct copy of a Resolution passed by the Board of Supervisors of Amador County, on the 17th day of February, 1970.

SALLY ONETO,
County Clerk and Ex-Officio Clerk of the Board of Supervisors, Amador County, Calif.

HUD SUPPORTS USING NATIONAL FORESTS FOR TIMBER RESOURCES

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. WIDNALL. Mr. Speaker, the Secretary of Housing and Urban Development, George Romney, has stated that the national forest timber must be used if we are to reach the national housing goal. Secretary Romney, appearing before the House Banking and Currency Committee on Tuesday, February 24, 1970, in response to a question concerning the National Forest Timber Conservation and Management Act, said:

There isn't any question about that the Forest Service controls tremendous timber resources in this country. And they are only using a small portion in an effective way, an effective way from the standpoint of not having the timber go to waste. After all, timber is like any other crop; it matures, it needs to be harvested or it dies and it is gone. And they have pointed out that a great deal more softwood can be made available through a proper management of these timber resources, and the management that contemplates the multiple use, the use for recreational and basic resource retention purposes as well as constructive use of the growth that is occurring.

And basically that is what is contemplated and that is what is proposed, and if the Congress doesn't feel that there is adequate protection in the bill for the continued use indefinitely for recreational as well as productive purposes then they ought to strengthen the conservation aspects of the bill.

But we will not be able to reach the housing goals that Congress has set unless we can get additional supplies of lumber, or go far beyond the use of substitute as compared to where we are now. So if Congress decides not to pass this bill, then the members of this Committee ought to know that they have just said, well, we are not going to reach the housing goal because you can't build houses if you don't have the materials to build them with.

QUESTIONNAIRE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. BOW. Mr. Speaker, as has been my custom for many years, I have prepared and will mail in a few days a questionnaire concerning some of the vital issues to be considered in this session of Congress. The accompanying message and the questionnaire will read as follows:

MARCH 1, 1970.

DEAR FRIENDS: What promises to be a productive session of Congress is now preparing for votes on issues that will reshape the structure of our federal government in its relations with the states, cities and individual citizens. I seek your opinions and evaluation of some of these issues.

In some other years there has been criticism of Congressional questionnaires, not only my own but those of other Members of Congress, based on the presentation of the issues. Some citizens have complained that more background and explanation should be included with the question so that an individual who is not up-to-date on various proposals will have a basis of fact upon which to make a decision. Space does not permit detailed discussions of each of the issues, but I have endeavored to introduce a new format with this questionnaire giving at least the outline of the issue at stake and some of the alternatives.

You will note that this form does not require an envelope for its return. Simply fold it so that my address is on the outside, affix a six cent stamp and put in the mail.

In other years a great many people have stapled, glued or scotch-taped the questionnaire closed, apparently with the intent of keeping its contents confidential. This has meant hundreds of extra hours of labor to open and count the polls. I think it is quite reasonable to assume that no one in the mail service has time to open and read your comments. Confidentiality is assured without stapling or sealing. My small staff has its hands full keeping up with our daily work and when questionnaires come back by the mail-sackfull, time in opening them must be held down.

Please feel free to call or write me whenever I can be of assistance with any federal government problem. Our new offices in the Citizens Savings Bulding on Central Plaza in Canton is open daily and the phone number there is 456-2869. The Washington phone number is 202-225-3876. The daily work of the Appropriations Committee and House debate may make it difficult to reach me personally by phone, so please feel free to state the nature of your problem or inquiry and you will be referred to the staff member who is expert in that field.

The largest possible return of these questionnaires will help me to represent your point of view on the issues of the day. I appreciate your willingness to take time to answer the questions and return the form to me.

Sincerely yours,

FRANK T. BOW,
Member of Congress.

FRANK T. BOW'S 1970 QUESTIONNAIRE

	His	Hers
1. Reform of the welfare sytem is being considered in Congress where most people agree that the present system after 30 years is a failure. It has not encouraged people to find work, it has contributed to the breakdown of family life, and it has created a growing group of persons who have no other way of life. Please check which of the following alternatives you favor: (Check only one)—		
(a) President Nixon has proposed a "basic minimum Federal payment" of $500 for each adult and $300 for each child in a family per year, a total of $1,600 for a family of 4, with the provision that the able-bodied head of the family accept either training for a job or a job if available. The plan would encourage families to improve themselves by working, continuing a portion of the Federal payment until total work and "workfare" payments totalled $3,920 for the family of 4. This would be done by permitting the family to retain $60 weekly in earnings and reducing the "workfare" payment by 50 cents for each $1 earned above that amount	☐	☐
(b) Substantially the same proposal put forth by the Democratic Policy Council which would provide the family of 4 a basic $3,600 (instead of $1,600) with $6,100 as the cutoff	☐	☐
(c) Other changes in the present system (specify)	☐	☐
2. On August 15, 1969, President Nixon began the withdrawal of American combat forces from Vietnam. Since that date Vietnamese forces have been trained to take over many areas of the fighting and several large bases and naval forces have been turned over to Vietnam. By April 15, 1970, 115,000 American combat troops will have returned to the United States and total troop strength will be 434,000 compared with 550,000 last August. Future rate of withdrawal is dependent upon success of Vietnamization of the war effort, enemy response, progress of peace negotiations, safety of American forces that remain. Please indicate the alternative you prefer:		
(a) Continuation of the Nixon program described above, assuming withdrawal will continue as planned	☐	☐
(b) Withdrawal of all U.S. forces by September, 1971, as proposed recently by the Democratic Policy Council	☐	☐
(c) Similar withdrawal by January 1, 1971, as proposed by Senator Goodell and others	☐	☐
(d) Other (specify)	☐	☐
3. Congress has for consideration the report of the Presidential Commission recommending establishment of a volunteer Army and abolition of the draft. Please indicate your preference among the following alternatives (check one):		
(a) An all-volunteer Army with increased pay and other incentives for career service, placing the draft on a standby basis for allout war only	☐	☐
(b) A new system of national military service under which every able-bodied man would be required to serve a minimum tour of duty for training with incentives for career service	☐	☐
(c) A new system of national service under which both young men and young women would be required to serve the Nation for a period of time, either military or nonmilitary	☐	☐
(d) Continuation of the present system	☐	☐
(e) Other (specify)	☐	☐
4. Inflation and the rising cost of living continue to be major issue. To control inflation please indicate which of the following will be helpful. (Check more than one if you wish):		
(a) Continued efforts to reduce Federal spending and balance the Federal budget without additional taxes	☐	☐
(b) Federal control of wages and prices	☐	☐
(c) Continued Federal Reserve Board restrictions on the money supply	☐	☐
(d) Other (specify)	☐	☐
5. There is increasing evidence of need for new labor-management relations law to help prevent or settle nationwide strikes that injure the economy. President Johnson promised such a proposal in 1967 but was not able to produce one. Among alternatives suggested are:		
(a) Referral of best offer of both sides to impartial panel which would set terms	☐	☐
(b) An "economic strike" during which labor would work for statutory minimum wage, management would be fined amount equal to total loss of earnings of labor, sums lost by workers and paid by management would go into trust fund and would be returnable to each on a decreasing scale as strike continued (90 percent 1st week, 80 percent 2d, etc.). Meanwhile, there could be neither a walkout nor a lockout	☐	☐
(c) Referral to a new National Labor Court empowered to consider the merits and impose settlements	☐	☐
(d) Other (specify)	☐	☐

THE FOLLOWING QUESTIONS ASK WHETHER YOU FAVOR OR OPPOSE EACH OF SEVERAL PROVISIONS IN PENDING LEGISLATION

	His		Hers	
	Favor	Oppose	Favor	Oppose
6. President Nixon has sent Congress a 37-point environmental quality program which includes the following major provisions:				
(a) Federal matching funds at the rate of $1,000,000,000 yearly to assist communities (or regional areas) in construction of sewage treatment facilities—total cost $10,000,000,000 in 5 years	☐	☐	☐	☐
(b) A Federal Environmental Financing Authority to assure purchase of local bond issues for this work at a reasonable rate if private markets cannot absorb bonds	☐	☐	☐	☐
(c) Full appropriation of $371,000,000 in 1971 and similar amounts in succeeding years for acquisition and development of Federal, State, local parks and recreation areas	☐	☐	☐	☐
(d) Utilization, including donation to local governments, of surplus Federal lands for park and recreational purposes	☐	☐	☐	☐
(e) Federal rather than State quality standards for air and water	☐	☐	☐	☐
(f) Penalties up to $10,000 per day for violation of air and water quality standards	☐	☐	☐	☐
(g) Increasingly strict control of auto exhaust emission and development of Federal standards and control of fuel and fuel additives	☐	☐	☐	☐
7. The House of Representatives will soon consider amendments to the social security program including the following:				
(a) Placing all future social security benefit increases on an automatic basis so that an increase in benefits will follow closely upon increase in cost of living	☐	☐	☐	☐
(b) Increasing the maximum wage base on which social security tax is withheld from $7,800 to $9,000	☐	☐	☐	☐
(c) Eliminate earnings as part of the retirement test (remove earnings limitation)	☐	☐	☐	☐
(d) Retain earnings limit but raise it automatically as general wage levels rise	☐	☐	☐	☐
8. The President has recommended and the Senate has passed a drug control program including the following provisions:				
(a) Increasing penalties for the manufacture or sale of narcotics, including marihuana and hallucinatory drugs, by professional criminals (the "pushers"). Present penalty for first offense is 5 to 20 years and fine up to $20,000. New penalty would be 5 years to life imprisonment and fine up to $50,000	☐	☐	☐	☐
(b) Reducing penalties for casual use or possession of same. Present penalties are the same as for hardened criminals, 5 to 20 years and $20,000. New penalty for a first offense would be imprisonment up to 1 year and fine up to $5,000	☐	☐	☐	☐
(c) A "no-knock" warrant which could be issued by a court to police in a drug case. The warrant would permit the officers to enter a premises without warning. It could be issued only after the court had evidence that the incriminating evidence would be destroyed if the police gave warning of their visit	☐	☐	☐	☐
(d) Establishment of a Committee on Marihuana to make the first indepth study on this subject	☐	☐	☐	☐

THE LOVE OF FREEDOM IS GREAT

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. YATRON. Mr. Speaker, on February 16, 1970, the Lithuanian American community of the United States commemorated Lithuanian Independence Day. I salute the Lithuanian people for their continuous perseverance and self-determination in their battle for freedom.

The following editorial appeared in the February 13, 1970, issue of the Evening Herald, a newspaper serving Shenandoah-Ashland and Mahanoy City, Pa.

The article follows:

THE LOVE OF FREEDOM IS GREAT

On Monday, Feb. 16, Lithuania will mark the 52nd anniversary of the reestablishment of its independence.

To the many Americans of Lithuanian descent, the celebration has a false ring. They think of independence consisting of the many freedoms we enjoy here in America, truly the land of the free.

Lithuania and other Baltic states under Soviet domination enjoy anything but economic and intellectual freedom. Here we witness a regime of occupation. These freedom-loving people continue to be subjected to the annihilating domination of the Russian majority in the Soviet Union.

The Communist rulers are well aware of the uneasy feeling prevalent among the Baltic peoples. Their program of 1961 called for the amalgamation and in effect, Russianization of all the non-Russian nations in the Soviet Union. This has not set well in the Baltics as these people face the critical problem of national survival.

Back as early as July, of 1940, the then Secretary of State Sumner Welles, condemned the Soviet aggression against the Baltic states and expressed bitter opposition to the Communist predatory activities, no matter whether they are carried out by the use of force or by the threat of force.

Every administration since then has reaffirmed this policy of not recognizing Soviet aggression in the Baltic states.

A policy of non-recognition of a hostile act, however, could cease to have practical significance through its negative application by erosion of its meaning through bi-lateral agreements, lack of moral, legal or public actions that are corollaries of such policy. The special situation of the Baltic States calls for a positive implementation of the non-recognition policy, which the United States has pledged to maintain, and on which the hope of the Baltic nations rests. Only through constant pressure on the Soviet Union can the Baltic States be encouraged to maintain a potential for secession from the Soviet Union and hope for independence. There is no need to belabor this point, that the maintenance of such a potential in the Soviet Union is of great strategic value and interest to the United States.

Certain positive steps can be taken without risk of another serious confrontation. There are a number of things that the Government of the United States could do, and we, as citizens, should ask our Government to move in that direction.

First, the United States can intensify public and international reminders of the forced incorporation of the Baltic States into the Soviet Union and to maintain carefully the non-recognition of this act. The United States Government should utilize the United Nations and all other appropriate international forums to unmask the violation of human rights in the Baltic nations.

Second, the United States should expand the campaign of truth to the Baltic peoples, to make them aware of the concern for their interests by the United States and to nurture the hope of independence. All available means of communication, from expanded broadcasts by the Voice of America, to programs to the Baltic people by Radio Free Europe, should be encouraged and utilized.

Thirdly, the Government of the United States should strengthen the Captive Nations Week law by supporting the establishment of a special Captive Nations Committee in the U.S. House of Representatives. The function of this special committee would be to sustain the cause of freedom in the Baltic States and other parts of the world under Soviet regimes and to keep the American public and the world continuously informed of the situation in these countries.

FORESTRY AMENDMENT BILL

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. McMILLAN. Mr. Speaker, I include in the RECORD these two telegrams in connection with the forestry amendment bill which is being considered on the floor of the House tomorrow, H.R. 12025.

One of these telegrams is from Mr. Louis H. Pollak, dean of Yale University Law School, and the other wire is from members of the faculty of Yale University School of Forestry.

These wires are in contradiction to an item inserted in the CONGRESSIONAL RECORD by Congressman ROSENTHAL on February 4.

I think every Member of Congress should read these telegrams:

NEW HAVEN, CONN.

Congressman JOHN MCMILLAN,
House of Representatives,
Washington, D.C.:

On February 4 Congressman Rosenthal inserted in the CONGRESSIONAL RECORD page 2500 an item under the title "Yale and Trees" concerning H.R. 12025. The source was a statement prepared by some law school students using the "Yale Legislative Services" which does not represent Yale nor any school in it. Furthermore Yale University does not take any official position on this bill or any legislation which does not affect universities directly.

Anyone who claims to speak for Yale or the Yale Forestry School on this bill sails under false colors.

KENNETH P. DAVIS,
DAVID M. SMITH,
GARTH K. VOIGG,
Faculty Members, Yale School of Forestry.

NEW HAVEN, CONN.,
February 24, 1970.

Hon. JOHN MCMILLAN,
House of Representatives,
Washington, D.C.:

The purpose of this telegram is to correct an apparent misunderstanding. Yale Legislative Services does not speak for Yale Law School or Yale University with respect to H.R. 12025—the National Forest Timber Conservation and Management Act of 1969 or any other pending legislation.

Yale Legislative Services is a law student research group and its reports simply represent individual views of those law students who prepare and sign its reports.

Neither Yale Law School students nor Yale University has a view one way or another on H.R. 12025.

LOUIS H. POLLAK,
Dean, Yale Law School.

MILITARY AIRLIFT

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. RIVERS. Mr. Speaker, 10 years ago a special subcommittee of the Armed Services Committee conducted a full-scale review of our national airlift posture. I had the great privilege to be chairman of that subcommittee.

For the past few weeks, under the chairmanship of our distinguished colleague, the Honorable MELVIN PRICE, the Military Airlift Subcommittee has been conducting another full-scale review of our airlift posture. This is the third such review by the Armed Services Committee since 1960. MEL PRICE served with me on the Airlift Subcommittee in 1960 and has actively participated in every review of our airlift posture since that time. He is one of the most knowledgeable men on the subject of airlift in the U.S. Congress.

Therefore, Mr. Speaker, I insert in the RECORD Congressman PRICE's pertinent remarks on the subject of military airlift before the Aero Club of Washington on February 24, 1970, and commend its reading to every Member:

MILITARY AIRLIFT

I am honored to have the privilege of speaking to this dedicated group of representatives of the aviation community.

I have enjoyed my association with your industry over the past thirty-seven years that I have been associated with The Congress.

Today I have been asked to speak on the subject of military airlift. For more than ten years I have been a Member of the Subcommittee on Military Airlift of the House Armed Services Committee—and now am privileged to be Chairman of that Subcommittee, succeeding the Honorable L. Mendel Rivers after he was elevated to Chairman of the full Committee.

During the past ten years, the Subcommittee reviewed this vital subject three times and is now in its fourth examination.

At the close of the last session of Congress, I addressed a letter to Chairman Rivers suggesting that it was time for this review due to:

(1) Adjustments made by the Department of Defense in the strategic airlift force, namely, the cutback from six to four squadrons of C–5's;

(2) The continued phaseout of active Reserve and National Air Guard units;

(3) The congressional deferral of the Light Intratheater Transport requested by the Air Force last year;

(4) The impact of the wide-bodied jets such as the Boeing 747, the Douglas DC–10, and the Lockheed L–1011 on the Civil Reserve Air Fleet program; and

(5) The Civil Aeronautics Board's proposed regulation revising the rules applicable to military dependent charter flights.

Chairman Rivers approved my proposed review of the subjects I have mentioned and directed the Subcommittee to begin as soon as possible. Also, he urged the Secretary of Defense to favorably consider delaying the deactivation or mission reassignment of the Reserve and Guard airlift units that were scheduled for the latter part of this Fiscal Year.

At the same time, I addressed a letter to the Chairman of the Civil Aeronautics Board requesting that final action on the proposed military dependent charter regulation be withheld pending completion of the Subcommittee's hearings and the findings and recommendations which would follow. It was most gratifying to me to receive the full cooperation of the Board and the Department of Defense. The Board announced a sixty-day deferral on the closing date by which comments were to be received. And the Secretary of the Air Force agreed to reexamine the adjustments proposed for Reserve airlift units.

During our hearings we were advised by Air Force officials that the Reserve airlift units at O'Hare International Airport, Chicago, and the Tactical Airlift Unit at Willow Grove Naval Air Station, Philadelphia, would be retained for an indefinite period and would be upgraded with the C–130 Hercules.

Now that we have been successful in saving at least two Tactical Airlift units that were scheduled for deactivation, I would urge that the equipment for the balance of the Reserve airlift force be modernized as soon as possible to increase their capabilities to support the requirements of the Tactical Air Command.

I have been asked why the Armed Services Committee is interested in the military dependent charter regulations issued by the Civil Aeronautics Board. My answer is very simple. The Committee is responsible for and greatly interested in the morale and welfare of our military personnel. The revised charter regulation would, in the opinion of the thousands of people that have written letters to the Board and to the Committee, have an adverse affect on that morale and welfare.

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In addition, the proposed regulation would impose an increased burden and cost for the Department of Defense and would, according to testimony received, result in less efficient service to the military personnel and their dependents.

Some of you will recall that several years ago, a Special Subcommittee of the House Armed Services Committee was established to review the air transportation problems experienced by military personnel traveling on leave.

The response from the Civil Aeronautics Board and the airline industry at that time was most cooperative and the results rewarding. The program produced the 50 per cent discount standby fare and the 33⅓ percent discount on a confirmed reservation basis for all military personnel traveling on authorized leave at their own expense. While all of the airlines did not choose to participate in this program, the vast majority did. The program is greatly appreciated by the servicemen in uniform.

With the same spirit of cooperation on the military dependent charters, I am confident that this program will be able to continue to benefit thousands of military personnel that are making their contributions to the defense of this counrty.

I would suggest that if the several large airlines opposing the program devoted as much effort in negotiating lower fares through their international trade association, IATA, they might increase their load factors so that it wouldn't be necessary to clutch at straws by using military charters as an excuse for declining revenues in the overseas market.

Turning to the area of Tactical Airlift—for several years the Committee has expressed its concern over the slow pace or lack of modernization of our Tactical Airlift force. In addition, the sizable attritions experienced in Southeast Asia have made considerable dents in our capabilities.

For instance, since 1966, over 100 airlift aircraft have been lost in Southeast Asia alone—and only 54 of those aircraft have been replaced through new procurement.

Last year the Congress refused to authorize and appropriate the funds requested for further research on the Light Intratheater Transport. This aircraft was intended to replace the slow C–7 Caribou and the aging C–123 Provider. In the minds of some, the LIT would also have replaced the C–130 Hercules which has been the workhorse in Southeast Asia. The Tactical Air Command, in its reviews of requirements during the past year, has concluded that their requirements include two aircraft to perform these missions rather than one.

It has been proposed that the Air Force procure an off-the-shelf STOL type transport as the interim replacement for the C–123 and the C–7. This would be an aircraft of the C–8 Buffalo or McDonnell-Douglas 188 type. To eventually replace the C–130, TAC would prefer a STOL aircraft slightly larger than the C–130 that would provide better interface with the C–5A—and would have a capability to handle certain pieces of equipment and cargo that are now outsize for the C–130.

The question of a V/STOL Tactical Airlift airplane would be deferred for another decade, according to TAC's plans.

I strongly support their desire for an interim replacement for the C–7 and the C–123 and would prefer to see such a program supported in the coming year's budget, in view of the present condition of this portion of our Tactical Airlift fleet.

As to the replacement for the C–130, I will defer to the judgment of the user, TAC; however, I would urge that research and development on V/STOL aircraft be continued at the rate necessary to bring this capability into existence during this decade. The V/STOL aircraft would offer an improved capability for the military and for civil aviation it could aid in solving the congested airport problem.

I have saved the strategic airlift question until last because it has received more attention over the past decade.

The modernization accomplished in both the military and civil fleet during that time period has been tremendous. The 1973 military airlift force will represent less than three-fourths the number of aircraft possessed in 1961, whereas capability will have increased more than seven times. The total investment in military aircraft, ground equipment and facilities of this all-jet airlift force amounts to nearly $6 billion.

The civil airlines contribution to our total strategic airlift capability is managed through the Civil Reserve Air Fleet program, commonly known as CRAF. During the past decade the total number of aircraft allocated to this program has remained about the same. However, in terms of capability, the contribution made by the civil carriers has increased at a pace comparable to that of the military. The international portion of CRAF is now a pure jet fleet possessing the advantages of greater reliability and productivity. The total current investment by civil carriers in this program exceeds $3 billion. This is commendable.

Under earlier emergency planning, the military was scheduled to haul sensitive cargo, heavy equipment, and outsize cargo. The palletized and bulk cargo was to be handled by the civil carriers along with most of the troops. The size of the military fleet was based on this premise. It was determined that at least six squadrons of C–5A aircraft would be needed to handle the heavy and outsize cargo along with certain support personnel.

About 15 months ago, the C–5A came under fire because of alleged cost overruns. The criticism has since turned to alleged deficiencies in design structure and performance. Explanation have been given by the Air Force and the manufacturer to the satisfaction of all but the most hard-nosed skeptics.

I have no heroic traits or tendencies; however, I have faith in the C–5 to the point that I visited Marietta, Georgia and flew in the airplane along with several other Members of the Armed Services Committee shortly after several Members of Congress leveled their recent blast at the program. I am confident that the airplane will meet its military performance requirements and will long be a vital asset to our defense force. It is because of this confidence in the C–5 and my knowledge of the total military airlift requirements to meet our most critical contingency requirements that I question the decision made and the action taken by the Department of Defense in cancelling the fifth and sixth squadrons of C–5's.

The Whittaker report of last July stated that all studies supported the need for at least six squadrons. It is alleged that a later study has been made which concludes that only four and a half squadrons will be needed to meet our commitment to NATO. The Subcommittee has been waiting for over two months to receive such a study to examine the assumptions used in arriving at the conclusion. One can support almost any position or conclusion merely by changing the assumptions used to validate the desired position.

Three key assumptions used in deployment studies are: (1) "militarily required time to close the force;" (2) "the amount of surface lift readily available;" and (3) "advance or strategic warning time."

The experience in Czechoslovakia should have taught us a lesson on the last assumption.

All three of these assumptions must be realistic from a military operations standpoint for any study to be valid, in my opinion. In view of the Defense Department's failure to deliver any material justification to the Subcommittee for the action taken in reducing our strategic airlift capability, I can only conclude that one or more of the basic assumptions used in the study are subject to question.

Critics of the military say, "Who needs the C–5A? Let the commercial carriers handle the military cargo." This position might be justified to a limited degree and the commercial carriers could do more in this area, provided they possessed the proper aircraft. However, testimony before the Subcommittee indicates that none of the aircraft presently allocated to CRAF have any outsize cargo capability. Both military and civilian departmental witnesses testified that a deficit exists today in this area and that deficit will continue through this decade unless something is done.

Members of my Subcommittee visited the facilities of the manufacturers of the wide-bodied jets—Lockheed, Boeing and McDonnell-Douglas. As presently designed, only the L–500 will have the capability of handling anything larger than a 2½ ton truck or taller than eight feet and outsize to the C–141. No decision has been made by the Lockheed Corporation to proceed with this airplane. Therefore, the outlook for greater participation by the CRAF in meeting military requirements during this decade is very doubtful.

The contribution of the CRAF will continue to be in the passenger area, where we currently have a surplus capability, and palletized cargo. The cargo deficit will continue and will probably increase if past experience is a valid yardstick.

To eliminate this deficit, I would urge the Department of Defense to take one, or perhaps both, of the following actions:

(1) Procure additional C–5A aircraft;

(2) Offer the incentive necessary for the commercial carriers to invest in the type of modern airplane that will meet military requirements to airlift outsize cargo that is beyond the programed capability of the Military Aircraft Command.

I am sure there will be additional valuable recommendations contained in the Subcommittee's report after we conclude the hearings.

Thank you for inviting me to be with you, today.

EXPANDED ROLE URGED FOR SOIL CONSERVATION SERVICE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. HAMMERSCHMIDT. Mr. Speaker, why is the Soil Conservation Service not accorded a larger role in the attack on pollution? For decades, the Soil Conservation Service, staffed by a small corps of professionals and given broad-base support by dedicated citizen conservationists across the land, has carried out programs to preserve, protect, and properly develop our natural resources. Care for water and soil has long been their preoccupation.

In a recent meeting with agricultural leaders in Arkansas, I raised this question: Why not more involvement for the Soil Conservation Service? I am now most gratified to find the question being echoed by the distinguished agricultural columnist of the Arkansas Gazette, Mr. Leland DuVall. As a writer-reporter, Mr. DuVall has gained many citations, honors, and awards: From the National Association of Soil and Water Conservation Districts as "Communicator of the Year"; from the Federal land bank for his "Contributions to the Understanding of Farm Problems"; from the University of Missouri, School of Journalism for his "Excellence in Reporting Economic and Financial News." Leland DuVall's credentials as an agricultural economist-reporter are impressive, indeed.

Writing in the Arkansas Gazette, February 20, 1970, he makes a most cogent case for expanding the role of the Soil Conservation Service among the forces being mobilized to improve our environment.

I commend to the attention of my colleagues the article by Leland DuVall which follows:

IT'S TIME TO USE "KNOW-HOW" OF SCS

(By Leland DuVall)

In keeping with a well-established American tradition, the organization that has made the greatest single contribution to the protection of the environment often finds itself relagated to a seat in the back row while vociferous adolescent groups—the term should not be interpreted to mean groups of adolescents—monopolize the spotlight. The established performer of course, is the Soil Conservation Service and its associated nationwide organization of conservation districts.

The conservation districts, whose boundaries usually follow county lines, are composed of the cooperating landowners who use the technical services of the SCS—and any other facilities that may be available—to restore and protect soil and water resources and to improve the total environment.

SCS and the cooperators had been in the business as effective, practicing conservationists for 30 years before the current wave of enthusiasm for "restoring the environment" captured the attention of the public. The contributions of the established conservationists may have escaped public attention, particularly in the urban areas, but the accomplishments are impressive.

On the basis of sheer volume, the greatest source of water pollution in this country is silt. Even though it is not "poison" in the sense that industrial waste may be deadly to fish and wildlife, silt can thicken streams so that the fish habitat is destroyed, contribute to flooding by forcing rivers and creeks to seek new beds and fill the reservoirs that provide municipal and industrial water. Silt results from erosion and, significantly, the first task of the SCS and its cooperators was erosion control.

When the agency was created, in the days of the New Deal, this Nation's environment was under a greater threat from erosion than it now faces from other forms of pollution. The comparison should not be interpreted as an attempt to write off the ominous nature of the present problem. Instead, it emphasizes the hazard of uncontrolled erosion. Perhaps the difference in our nation's attitude toward the related problems—gullied fields, muddy streams and dust storms in the 1930 decade and air and stream pollution today—can be understood in the light of altered conditions. In the days of the dust storms, the nation was concerned primarily with the fact that 15,000,000 to 20,000,000 people were unemployed and commerce was all but paralyzed; now we have time to become disturbed by other matters because unemployment is low and business is booming.

Over the years, the SCS and its co-operators expanded the scope of their operations to include water conservation and concern for urban practices that damaged the total environment. The application of conservation practices on a watershed scope gained acceptance and river basin surveys became an established practice. The latest demonstration of a willingness to expand operations to cover more territory came a few days ago when the "National Association of Soil and Water Conservation Districts" changed its name to the "National Association of Conservation Districts."

John S. Wilder of Somerville, Tenn., the new president of the NACD, explained the new concept this way: "We are beginning a new era of conservation and resource management. America is waking up to its environment. All of our people are calling for clean water and an end to smog, urban sprawl and ugliness. They want more parks, better recreational facilities and more open space. Over the years, the soil and water conservation districts have enlarged their horizons in resource work. While they continued to preserve and protect our vast food-producing lands, they also help guide suburban growth, control pollution and provide water supplies, flood protection and jobs for town and country alike.

"The 'environmental decade' ahead will be a test of leadership for us all. This is why the convention at San Francisco renamed this organization the National Association of Conservation Districts. Our task goes far beyond soil erosion control and water management. It is time to involve more people in our program—students, townspeople, sportsmen and businessmen. The public wants our services and our job is to let them know what we have to offer and to help district residents do their part in restoring and improving natural resources."

A certain amount of evangelistic work is necessary to generate general public concern. Human nature dictates that all movements seem to start from "the voice of one crying in the wilderness."

The SCS-NACD movement was preceded by the voices of Gifford Pinchot, Hugh Bennett and Theodore Roosevelt while the grandfathers of our current crop of conservationists were rejecting the then-new gospel as a thinly-disguised form of socialism.

Our established national program of conservation has been largely relegated to the boondocks and has been written off by some as just another gimmick for subsidizing the farmer. The truth, of course, is that rural conservation has caught up with past needs and is keeping pace with rapidly changing conditions. Its weakness is that its accomplishments have been limited to rural areas.

While rural conservation was halting soil erosion, cleaning up the streams and preserving the topsoil to assure an abundance of food, the urban centers were dumping their waste into the rivers, stripping the sod cover from large areas for residential and industrial development (and thus inviting erosion) and pouring contaminants into the atmosphere.

The situation must (and will) be corrected but the nation could save itself quite a bit of trouble and money if it would make full use of the conservation knowledge and resources collected over the years by the SCS and the district to cooperators.

For one thing, we might dig out and rerun the sermons of Pinchot and Bennett, thus relieving the current crop of evangelists of the obligation to awaken the public. After all, everything has been said before and their energies would be more useful in doing the job at hand than in warning of the wrath to come.

NEED TO AMEND BAIL REFORM ACT OF 1966

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. WIGGINS. Mr. Speaker, there is widespread recognition in this House of the need to amend the Bail Reform Act of 1966 to meet the problem of the dangerous defendant. Through congressional hearings, crime commission reports, and media commentary, more and more people are becoming aware of the serious deficiencies in the present statute and of the related incidence of violent crime committed by persons who have been released under the act prior to trial.

On July 14, 1969, I joined with 24 of my colleagues in introducing H.R. 12806, a bill intended to correct the major shortcomings in the present law. My bill would authorize Federal courts to consider danger to the community in setting conditions of pretrial release. It also provided for the limited pretrial detention of dangerous defendants, after an adversary hearing affording due process protections, when the court determines that no condition or combination of conditions of release will reasonably assure the safety of the community.

Although the increase in street crime last year, particularly in the District of Columbia, has intensified the need for bail reform, the constitutionality of pretrial detention has occasionally been

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challenged. Recently, the gentleman from Virginia (Mr. Poff) performed a distinct public service by calling to the attention of the House a recent article in the Virginia Law Review by Attorney General John N. Mitchell. The article discusses in depth the constitutional issues involved in pretrial detention.

One of the questions which the Attorney General resolved is whether the eighth amendment is a barrier to pretrial detention. Some critics have made the argument that the eighth amendment, which provides that "Excessive bail shall not be required" establishes an absolute right to bail, at least in noncapital cases. They argue correlatively that the amendment has stripped Congress of its authority to define the classes of cases in which bail shall of right be granted.

This "absolute right" thesis was tested last year in New York and found wanting. The case was United States ex rel. Covington against Coparo, and the decision is new and important authority on this question.

Briefly, the petitioner in a Federal habeas corpus proceeding asserted that the eighth amendment, which is binding upon the States, requires that bail be granted as a matter of right to New York defendants accused of murder because murder in New York is no longer a capital crime. In a well-reasoned opinion, District Judge Edward Weinfeld rejected the petitioner's argument, declaring that inasmuch as Congress is free, within constitutional limits, to define which classes of crimes are bailable as a matter of right and which classes are not, so, too, are the State legislatures.

A careful reading of Judge Weinfeld's opinion should leave no doubt that Congress enjoys the power, within reasonable limits, to define which categories of offenses shall be bailable as a matter of right. As the court properly observed:

> Congress could, without running afoul of the Eighth Amendment, . . . provide . . . that persons accused of kidnapping, bank robbery with force and violence, or *other serious non-capital crimes* are not entitled to bail as a matter of right. (Emphasis added.)

Special note should be made of the fact that Judge Weinfeld made no attempt to distinguish first degree murder from other offenses for which bail might be denied. He did not say that bail could be denied to men accused of murder but not to men accused of other felonies. According to Judge Weinfeld, congressional power to define the offenses which shall be bailable as a matter of right is limited in the Federal Constitution only by the substantive due process of the fifth amendment. This requires no more than that the exercise of congressional power be rational, reasonable, and without discrimination.

The Covington case, decided by a highly regarded liberal judge, is a solid response to those who question the constitutionality of pretrial detention. Judge Weinfeld's opinion follows:

UNITED STATES EX REL. COVINGTON VERSUS COPARO

Edward Weinfeld, District Judge.

(1) The petitioner, held without bail upon an indictment returned by a New York County grand jury charging him with a triple murder in the first degree, seeks his release by way of a federal writ of habeas corpus unless reasonable bail pending trial is fixed either by the State Court or this Court. Petitioner contends he has an absolute right to bail under the Eighth Amendment to the Federal Constitution, since murder in the first degree is no longer a capital crime in New York State (with exceptions not here relevant).[1] The prosecution, in resisting petitioner's application in the State Court for bail,[2] denied such a constitutional right and also opposed the application on the ground that the three decedents named in the indictment were murdered in a dispute over narcotics; that petitioner had a criminal record; that he is a "professional hired killer"; and that if released on bail was unlikely to appear for trial. The denial of bail was affirmed by the Appellate Division without opinion and the Court of Appeals denied leave to appeal. Petitioner having exhausted the state process on this issue, federal habeas corpus is available to test the legality of his detention.[3]

Petitioner assumes that the Eighth Amendment, binding upon the State of New York under the Fourteenth Amendment,[4] requires that bail be granted as a matter of right in all except capital crimes. The Eighth Amendment, however, does not mention, much less distinguish between, capital and other felonies. It provides only that "excessive bail shall not be required * * *." It is true, as petitioner contends, that some courts have construed the Eighth Amendment to guarantee the right to bail in all but capital cases,[5] but such statements must be considered in the context of the Congressional statute governing bail, rather than as a command under the Eighth Amendment.

The Supreme Court has not spoken directly on the precise issue here presented. However, in considering a statutory provision authorizing the Attorney General to hold without bail alien communists under deportation charges, the Court observed that the Eighth Amendment did not confer a right to bail in every criminal prosecution. The Court also noted that it was within Congressional competence to define those classes of cases in which bail shall be allowed.[6] And from the Judiciary Act of 1789 to the present, Congress has always provided that an accused is entitled to bail as a matter of right in a non-capital case, whereas in capital cases bail is a discretionary matter.[7]

(2) Congressional policy thus far has provided that only capital offenses are not bailable as a matter of right. However, Congress could, without running afoul of the Eighth Amendment, also provide, for example, that persons accused of kidnapping, bank robbery with force and violence, or other serious non-capital crimes are not entitled to bail as a matter of right.[8] This Congressional power, of course, is confined by the due process clause of the Fifth Amendment. Thus, I am of the view that Mr. Justice Burton, in his dissent in Carlson v. Landon, correctly defined the scope of the Eighth Amendment to "prohibit * * * federal bail that is excessive in amount when seen in the light of all traditionally relevant circumstances. Likewise, it must prohibit unreasonable denial of bail."[9]

(3, 4) And as Congress is free, within constitutional limits, to define the classes of crimes which are bailable as a matter of right and those that are not, so, too, may the state legislatures. While the Supreme Court has not passed upon the direct issue, those federal courts which have are in accord with the Eighth and Fourteenth Amendments do not require the state to grant bail in all cases as a matter of right; all have recognized that a state may constitutionally provide that bail be granted in some cases as a matter of right and denied in others, provided that the power is exercised rationally, reasonably and without discrimination.[10] Thus, it is left to the courts to fix the amount of bail in all cases where it is a matter of right and also in those instances where the court exercises its discretion favorably; but, under the Eighth Amendment, where bail is fixed in either instance, it must not be excessive, and further, where bail is not a matter of right, the court may not arbitrarily or unreasonably deny bail.

(5, 6) New York State provides that admission to bail before conviction is a matter of right in misdemeanor cases and a matter of discretion in all other cases—including a non-capital murder charge, the charge against this petitioner.[11] New York's recent elimination of the death penalty upon conviction of murder in the first degree,[12] following a course adopted in other states,[13] manifests an enlightened policy which should not be deterred by a legislative concern that reduction of the penalty must automatically result in the granting of bail as a matter of constitutional right.[14] The penalty that may be imposed in the event of a conviction should not be the sole determinant on the issue whether bail is a matter of right; other factors, such as the nature of the offense, to mention but one, are also of substantial significance. No matter what the penalty, a murder charge remains a murder charge; a kidnapping charge remains a kidnapping charge, a rape charge remains a rape charge. Essentially, the basic purpose of bail remains whether, in the light of the nature of the charge and other significant factors, an accused will appear for trial and submit to sentence upon conviction.[15]

(7–9) The state legislature may define types of crimes so that bail is not mandatory in all cases, leaving the determination of whether an accused is a good bail risk for the courts to decide in the exercise of their sound discretion.[16] And if the totality of circumstances is such that a court is of the view that no amount of bail will ensure the defendant's presence for trial, bail may be refused. A court's refusal of bail in an appropriate case does not trespass upon a defendant's federal constitutional rights under the Eighth and Fourteenth Amendments. In those instances where the court, in the exercise of discretion denies bail, the defendant's right to a speedy trial, a guarantee that prevents "undue and oppressive incarceration prior to trial,"[17] assumes greater significance.[18]

Petitioner here is charged with a triple murder; the state contends that he is a hired killer. The state could have found a real danger that petitioner, if released on bail, would take flight from the jurisdiction; that no amount of bail would assure his appearance for trial; also that his release might constitute danger to the community. The granting of bail under such circumstances might well amount to "irresponsible judicial action * * *."[19]

The petition is dismissed.

FOOTNOTES

[1] N.Y. Penal Law, McKinney's Consol. Laws, c. 40, § 125.30, subd. 1(a).

[2] Petitioner moved by a habeas corpus proceeding, as required under New York law. United States ex rel. Hyde v. McMann, 263 F. 2d 940, 942 (2d Cir.), cert. denied, United States ex rel. Hyde v. La Vallee, 360 U.S. 937, 70 S. Ct. 1462, 3 L. Ed. 2d 1549 (1959); People ex rel. Shapiro v. Keeper of City Prison, 290 N.Y. 393, 399, 40 N.E. 2d 498 (1943).

[3] Brown v. Fogel, 387 F. 2d 692, 604 & n. 1 (4th Cir. 1967), cert. denied, 300 U.S. 1045, 88 S. Ct. 19647, 20 L. Ed. 2d 307 (1968); Wilkerson, 263 F. Supp. 54, 56 (W.D. Va. 1967).

[4] Pilkinton v. Circuit Court of Howell County, Missouri, 324 F. 2d 45, 46 (8th Cir. 1963); United States ex rel. Fink v. Heyd, 287 F. Supp. 716, 717 (E.D. La. 1968); Wansley v. Wilkerson, 263 F. Supp. 54, 56 (W.D. Va. 1967).

[5] E. g., Trimble v. Stone, 187 F. Supp. 483, 484 (D.D.C. 1960).

[6] Carlson v. Landon, 342 U.S. 524, 525, 72 S. Ct. 525, 96 L. Ed. 547 (1952).

[7] Rule 46(a), Fed. R. Crim. P.: "(1) *Before Conviction*. A person arrested for an offense not punishable by death shall be admitted to bail. A person arrested for an offense punishable by death may be admitted to bail by any court or judge authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense." See Stack v. Boyle, 342 U.S. 1, 4, 72 S. Ct. 1, 96 L. Ed. 3 (1951).

[8] Thus, it would be singular if, after the Supreme Court's invalidation of the death penalty in the Federal Kidnapping Act, 18 U.S.C. § 1201(a)(1), on grounds unrelated to bail considerations, United States v. Jackson, 390 U.S. 570, 88 S.Ct. 1209, 20 L.Ed.2d 138 (1968), the Eighth Amendment were to compel the release on bail of all defendants charged under the statute on the ground that their offense was no longer capital.

[9] 342 U.S. 524, 569, 72 S.Ct. 525, 548, 96 L.Ed. 547 (1952); cf. United States v. Motlow, 7 Cir., 10 F.2d 657, 659 (1926) (Butler, Cir. J.).

[10] Mastrian v. Hedman, 326 F.2d 708, 710–711 (8th Cir.), cert. denied, 376 U.S. 965, 84 S.Ct. 1128, 11 L.Ed.2d 982 (1964); United States ex rel. Hyde v. McMann, 263 F.2d 940, 943 (2d Cir.), cert. denied, United States ex rel. Hyde v. LaVallee, 360 U.S. 937, 70 S.Ct. 1462, 3 L.Ed.2d 1549 (1959); United States ex rel. Fink v. Heyd, 287 F.Supp. 716, 717–718 (E.D.La.1968); Wansley v. Wilkerson, 263 F.Supp. 54, 57 (W.D.Va.1967). Cf. People ex rel. Shapiro v. Keeper of City Prison, 290 N.Y. 393, 398, 49 N.E.2d 498 (1943). See also Bitter v. United States, 389 U.S. 15, 16, 88 S.Ct. 6, 19 L.Ed.2d 15 (1967); Rehman v. California, 85 S.Ct. 8, 13 L.Ed.2d 17, 18–19 (1964) (Douglas, Cir. J.); Carbo v. United States, 82 S.Ct. 662, 7 L.Ed.2d 769, 774 (1962) (Douglas, Cir. J.); Fernandez v. United States, 81 S.Ct. 642, 5 L.Ed.2d 683, 686 (1961) (Harlan, Cir J.).

[11] N.Y. Code Crim.Proc. §§ 552, 553.

[12] N.Y.Sess.L.1965, ch. 321, § 1.

[13] See, e.g., Alaska Sess.L.1957, ch. 132, § 1; Me.Rev.Stat.Ann., tit. 17, § 2651 (1964); Mich.Comp.Laws, § 750.316 (1948); Minn. Stat., § 619.07 (1961); R.I.Gen.Laws, § 11-23-2 (1956); Vt.Stat.Ann., tit. 13, § 2303 (1968 Supp.); W.Va.Code § 61-2-2 (1966); Wis. Stat., § 940.01(1) (1961).

[14] See also legislation, pending in the 90th Congress, that would have abolished the death penalty for all federal offenses, S. 1760, H. Rep. 754, 934, 2305, 9865, 10784, 10874, 12547, and amended the Constitution to prohibit imposition of the death penalty by the states, H.J. Res. 633.

[15] Stack v. Boyle, 342 U.S. 1, 4, 72 S. Ct. 1, 96 L. Ed. 3 (1951).

[16] People ex rel. Shapiro v. Keeper of City Prison, 290 N.Y. 393, 49 N.E. 2d 498 (1943).

[17] United States v. Ewell, 383 U.S. 116, 120, 86 S. Ct. 773, 776, 15 L. Ed. 2d 627 (1966).

[18] This right, of course, applies to the states and "is as fundamental as any of the rights secured by the Sixth Amendment," Klopfer v. North Carolina, 386 U.S. 213, 223, 87 S. Ct. 988, 993, 18 L. Ed. 2d 1 (1967).

[19] Rehman v. California, 85 S. Ct. 8, 13 L. Ed. 2d 17, 19 (1964) (Douglas, Cir. J.); Carbo v. United States, 82 S. Ct. 662, 7 L. Ed. 2d 769, 774 (1962) (Douglas, Cir. J.). Cf. Painten v. Massachusetts, 254 F. Supp. 246, 249 (D. Mass. 1966).

MEMBER'S DINING ROOM

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. JACOBS. Mr. Speaker, there is no truth to rumors that the more-or-less Architect of the Capitol will discontinue live entertainment in the Member's dining room or that he had any ax to grind in passing over other acts of similar genre to handle arrangements or arrange handles for yesterday's show.

In keeping with the mood of yesterday's show, "The Beat Generation," starring the White Supremes, the Member's dining room is expected soon to schedule such programs as "A Molotov Cocktail Hour," featuring the Black Cats.

Veteran dining room observers did not consider introduction of "The Lively Arts" surprising. They pointed to the fact that the Architect is something of an actor himself who only last month produced the never to be forgotten epicurean epic, "T.B. or not T.B."

THIS IS LAW DAY—IT IS ALSO LOYALTY DAY

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. WYATT. Mr. Speaker, Mr. John Salisbury, who is news director of radio station KXL in Portland, Oreg., is a strong voice in my State for the precious rights and freedoms guaranteed by our Constitution. Last year, Mr. Salisbury in a news commentary broadcast a plea for loyalty to this Nation and respect for the law. I am pleased to announce the editorial, entitled "Law Day," won the principal award in the editorial category sponsored by the Freedoms Foundation of Valley Forge.

I believe the editorial provides food for thought and I am happy to include it in the RECORD:

THIS IS LAW DAY—IT IS ALSO LOYALTY DAY

(By John Salisbury)

Tune me out and turn me off, if you so desire, because I'm going to talk about law—and about loyalty.

It won't hurt much, because I've already been tuned out and turned off by the bullies, brigands and braggarts who have decided law is no longer necessary in America, and who scoff at the very concept of loyalty.

I'm tuned out and turned off by young people in their smart pants and dirty beards who believe somehow, they've been gifted by a God they claim is dead with some kind of omniscience which gives them sole mandate to cure the world's ills and to rule it by their own laws.

I'm tuned out and turned off by the black militants who believe guns leveled at the wrongs of bigotry will win the rights of equality.

I'm tuned out and turned off by the burners of draft cards and the tramplers of flags who denounce in cowardice the names of the brave who fall in battle—the young men who didn't choose to be there but went anyway, and fought their hearts out and sometimes died believing that if their country was wrong, it went wrong trying to do right.

I'm tuned out and turned off by the far right which suspects everyone else of being disloyal—and by the new left which believes in overthrowing our government, preferring anarchy even above communism.

I'm tuned out and turned off by boys who look like girls and girls who look like ladies of the night—and by members of my generation who think long hair, sideburns and beards really open the lines of communication to their kids.

I'm tuned out and turned off by men who've lost respect for women, and women who've lost respect for themselves—and by the new sophistication which makes it permissable to tell dirty jokes in mixed company.

And I'm absolutely turned off by Polish jokes—or any others which poke unwarranted fun at race, nationality or faith.

I'm tuned out and turned off by educators who can find no way to defend their institutions except by allowing the rabble to take them over—and by professors who prefer the rabble to self-respect.

I'm tuned out and turned off by men of God doing the Devil's work because they're no longer certain where, why or how God works.

I'm tuned out and turned off by the pornographers who use liberty as a cloak for license, proclaiming their right to peddle filth as freedom of the press.

I'm tuned out and turned off by dope pushers destroying a generation of youth while proclaiming marijuana should be legalized and a trip on LSD the only way to fly.

These are some of the things which turn me off.

And what turns me on?

Whites and blacks working together to make things better for everybody.

Kids who organize decency rallies.

Students who go to school to get an education, and educators who educate.

Preachers who identify with God, and are humbled by Him.

Authors who write good books.

Clean-cut boys and pretty girls.

And people to whom law, loyalty, justice and patriotism are not dirty words—people like the great majority of Americans, young, old and middle-aged, who care and will do something about it, like tuning in and turning on to what's right with America, using it as the inspiration for overcoming what's wrong with America.

People who pledge not anarchy—but allegiance!

SERVICES OF THE HONORABLE RICHARD C. WHITE OF THE 16TH DISTRICT OF TEXAS

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. PATMAN. Mr. Speaker, as dean of the Texas delegation, I have received from Congressman RICHARD C. WHITE of the 16th District of Texas, a copy of his report to the people of his district. This report demonstrates the dedicated and aggressive leadership and representation exemplicative of the hard-working members of the Texas delegation. For this reason I introduce this report into the RECORD:

REPORT TO THE PEOPLE OF THE 16TH CONGRESSIONAL DISTRICT ON THE ACTIVITIES OF CONGRESSMAN RICHARD C. WHITE, 1965–70

The following are some of the projects and activities in which your Congressman has had a part. Some of the achievements are laws, authored or coauthored by Congressman White, and passed by Congress. Others are projects of various Government agencies, on which your Congressman has served as a representative of his constituents to secure approval and implementation.

LEGISLATION

Congressman White is author of much successful legislation, including the following:

XUM

1. Guadalupe Mountain National Park.

2. Permit transfer of El Paso and Hudspeth Counties to Mountain Time Zone (pending in Senate).

3. Remove restrictions to permit transfer of land to El Paso for North-South Freeway.

4. Designating TIWAS as an Indian Tribe.

5. Variable contract for Rio Grande water users.

6. Chamizal National Memorial.

7. Proclaiming National LULAC Week.

8. Removing restrictions on former airport land to permit sale by City of El Paso.

9. Indemnity for dairy-farmers for milk contaminated by pesticides.

10. Amendment to provide opportunities for regional medical facilities.

11. Amendment authorizing community facilities to rehabilitate drug addicts.

12. Chamizal Memorial Highway.

13. Putting long-staple cotton on more marketable basis.

Congressman White is co-author of much successful legislation, including the following:

1. National Flood Insurance.

2. Scenic Rivers System. (Rio Grande to be studied for inclusion).

3. Prohibiting imports of Egyptian cotton. (vetoed)

4. Establishing Cabinet Committee on Opportunities for Spanish Speaking People.

5. Assuring confidentiality of Census information.

6. Restricting use of National Parks, preventing camping in unauthorized areas.

7. Great Plains Conservation Program. (Six Counties of District now included, six others may be)

8. Resolution supporting efforts for honorable, just, and lasting peace in Vietnam.

9. Resolution urging adherence to Geneva Convention by North Vietnam and Vietcong in treatment of war prisoners.

10. Liberalizing Civil Service Retirement benefits.

11. Provide Mexican-American representation on Equal Employment Commission.

XUM

FOOD STAMP PROGRAM

In use in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos and Terrell Counties. According to Department of Agriculture information, only ten Counties in Texas have the food stamp program and seven of these are in the 16th Congressional District.

For fiscal year 1970, $610 million has been appropriated for the food stamp program calling for an increased number of food stamps for each recipient on a need basis. A nutritionally adequate diet has been established for first time and attempts are being made to see that each food stamp recipient receives adequate nutrition.

FLOOD CONTROL PROGRAMS

In El Paso County $1,100,000 has been funded for flood control planning to date, mostly in Northeast El Paso. $3,000,000 in actual construction is scheduled for 1970. A study has been completed for Alpine Creek, with report to be issued this summer. Planning is now underway for projects in the Dell Valley Area, Van Horn Area, and Sanderson Canyon. Study is continuing in Cibolo Creek, Presidio County.

LOW RENT HOUSING

El Paso: 1,650 new units of low rent housing were authorized in 1969 alone—equalizing exactly the amount constructed in the last 20 years. The 1,650 existing units are all to be remodeled and renovated. Non-profit organizations have also been assisted in developing private low-rent housing, and in helping the City of El Paso to secure a rehabilitation program for existing sub-standard housing.

Projects also are authorized or constructed for Alpine, Balmorhea, Grandfalls, Marfa, Pecos, and Wink.

Federal assistance for the purchase of low and medium priced homes has been increased.

FEDERAL CROP INSURANCE

Now secured for Culberson, Hudspeth, El Paso, and Pecos, Presidio, and Reeves Counties.

POST OFFICES

Since 1965, new Post Offices have been built in Sierra Blanca, Canutillo, Balmorhea, Presidio, Marfa, Ranchland (El Paso), Northgate (El Paso), Coronardo Hills (El Paso), and Summit Station (El Paso), and authorized for Van Horn. Installation program is authorized for Pecos.

Delivery service is authorized for residents more than ¼ mile from the Post Office in 29 rural communities of 16th District. Downtown collection box is authorized for Presidio.

HOSPITALS

Federal construction grants for Hotel Dieu, Providence, St. Josephs, and R. E. Thomason hospitals in El Paso, and Culberson County Hospital in Van Horn. Federal grants for six city-county health units in El Paso, and for migrant medical program in Hudspeth County. Grants for El Paso Center for Mental Health and Retardation, nurses training funds for Hotel Dieu, Cancer Detection Center at Thomason General Hospital. William Beaumont Hospital—(see military).

COLLEGES

Sul Ross State University, Alpine:

New Library, new dormitory, loans and grants for student scholarship and work-study programs, grants for library materials.

University of Texas at El Paso:

Designated as official Federal Depository, construction funds for new buildings, grants for library materials, National Science Foundation grants, Project Upward Bound, closed circuit television, High School Equivalency program, aid in government contracts for Schellenger Laboratories.

ELEMENTARY AND SECONDARY EDUCATION

Impacted area funds secured for eleven school districts: El Paso, Ysletta, Canutillo, Anthony, Socorro, San Elizario, Fabens, Fort Hancock, Marfa, Marathon, and San Vicente in Big Bend National Park. Seven of these are in El Paso County. Assistance to low income school districts under Title I, Elementary and Secondary Education Act; assistance to public, private, and parochial schools through Region XIX, Education Service Center; Neighborhood Youth Corps grants to prevent high school drop outs.

WATER AND SEWER GRANTS

Alpine Water and Sewer Systems; Dell City Water and Sewer; Barstow Water System; Tornillo Water System; Madera Valley Water System; Presidio Water System; Sheffield Water and Sewer System; Ward County Rural Water System; planning underway for water systems for Marathon and Sierra Blanca.

WATER SUPPLY PRODUCTS

Bureau of Reclamation is continuing massive study of importing water to West Texas and Eastern New Mexico from the Lower Mississippi Valley, a study initiated through the efforts of Chairman George Mahon of the House Appropriations Committee and Congressman White. Work underway on clearing salt cedars and other water consuming vegetation and otherwise salvaging waste-water in the Pecos River Basin.

PARKS AND RECREATION

Guadalupe National Park and Chamizal National Memorial in process of development. Federal grants for Lomaland Park and Armijo Park and Neighborhood Center in El Paso; extensive construction and renovation at Big Bend National Park and Fort Davis National Historic Site; matching funds to state or Davis Mountains, Balmorhea, and Monahans State Parks and Alpine Municipal Swimming Pool. Hueco Tanks State Park (authorized by Congressman White's bill while in the Texas Legislature), and Fort Leaton State Park, Presidio County, are eligible for future grants. Urban beautification grants for El Paso City and El Paso County.

AVIATION

Major improvements to El Paso International Airport; Congressman White steered through Armed Services Committee Resolution which permitted Army to transfer 2,000 acres of land to City of El Paso for expanding airport; Marfa Airport improvements; planning underway for Big Bend Airport; assisted in planning for Marfa International Soaring Contest and arranged for special Postal Sub-Station for the event.

ECONOMIC OPPORTUNITY AND WELFARE

Social Security increased 15 percent. El Paso designated as site of new Job Corps Center. Numerous Manpower Development and Training Programs, including Project SER and JOBS (Job Opportunities in the Business Sector); emergency food and medical service grants; Project Head Start programs in Brewster, El Paso, Jeff Davis, Hudspeth, Pecos, Reeves, and Presidio Counties; Community Action programs in Brewster, Jeff Davis, Pecos, Presidio and El Paso Counties; Summer employment programs for low income youth. New training facilities for El Paso Association for the Blind.

MILITARY FACILITIES

Congressman White worked with both Armed Services Committee and Appropriations Committee to secure authorization and appropriations for William Beaumont General Hospital in 1969. Construction now underway on $17.5 million structure, one of the nation's finest.

Fort Bliss more than 90% utilized, and more than $4 million in new construction underway in Fiscal 1970. Former Biggs Air Force Base is now the training center for the Safeguard Missile System and site of the Vietnamese Language School of the Defense Language Institute. It also houses overflow Fort Bliss units. Personnel and payroll at Fort Bliss now greater than for Bliss and Biggs Air Force Base combined when Biggs was operation. Fort Bliss' net increase since January 1965, when Congressman White first entered Congress, is 66.1%.

INFORMATION CONFERENCES

Congressman White co-sponsored four Business Development and Federal Procurement Conferences—three in El Paso, one in Kermit, Oil and Gas Seminar (Monahans); Community Development Conference in Washington for 16th District communities; Foreign Affairs Conference (El Paso, 1968); Conference on Problems of the Aging (El Paso); Narcotics and Dangerous Drugs Seminar and Public Forum (El Paso).

MISCELLANEOUS

City Planning Grants to El Paso and Fort Stockton; State grants of Federal funds for upgrading law enforcement programs; Special Law Enforcement training grants to University of Texas at El Paso; Helicopter Rescue Service investigated, and helicopters available from military bases on request of county officials; Bridge hours extended at Fort Hancock; assisted Pyote to obtain fire engine from Defense Department; new interchange for Canutillo area on Interstate 10; obtained speakers for various civic events in 16th District; secured manpower study of Federal agencies in El Paso area. New courtroom and new electrical system for Federal Court House in El Paso. Veterinary service at Presidio; meat inspector at Fort Stockton; multiple assistance on Marfa National and International Soaring Contest.

The Congressman handles thousands of individual cases regarding problems from our District dealing with virtually every agency and department of the government; matters dealing with the military, Veterans Administration, Social Security, railroad retirement, health and welfare benefits, government contracts, government regulations of jobs, Internal Revenue Service, FAA, FCC, FPC, FHA, HUD, HEW, Department of Agriculture, industrial and labor needs, etc. Efforts are successful in most instances.

FUTURE PROJECTS

These are some of the bills on which Congressman White is now concentrating his attention.

AUTHOR OF BILLS

To authorize American Canal in El Paso.

For the construction, maintenance and operation of toll bridge at Presidio.

To prevent sending of obscene material through the mails.

To correct inequities and provide overtime pay for employees of Agriculture and HEW.

To authorize Interstate Commerce Commission to set minimum standards of railway passenger service.

To rehabilitate Red Bluff Irrigation Project on Pecos River.

To prevent withholding of State income tax from residents who live in another State and receive no proportionate benefits from taxing State.

To facilitated certification of foreign participants in Marfa Soaring meet.

To increase by 2½ percent retirement multiplication factor in computing annuities of hazardous duty employees.

To establish U.S. Section of U.S.-Mexico Commission for Border Development and Friendship.

To allow 18 year olds in armed forces to vote.

To provide for free admission to the national parks for all active duty servicemen.

To eliminate the waiting period for entitlement to illness benefits at beginning of new fiscal year for railroad employees when illness extends from previous fiscal year.

To place El Paso and Hudspeth Counties in Mountain Standard Time Zone.

To etsablish an historic park on Guam (Pacific War Memorial).

COAUTHOR OF BILLS

To equalize military pay according to rank and years of service.

To authorize more research into drug abuse.

Authorize elderly to exchange food stamps for prepared meals.

To stimulate development and use of low-emission motor vehicles.

Agricultural Stabilization Act of 1969, to extend and liberalize farm commodity program.

To permit Social Security payments to couples on basis of combined earnings, where this will result in higher payments.

To extend the Great Plains Conservation Program to December 31, 1981.

To exempt Federal employees' group life insurance programs from taxation by States and political subdivisions.

To provide for a commission to study organization, operation and management of executive branch of government and recommend changes.

To provide for award of "Supreme Sacrifice Medal" to relatives of armed forces killed in Vietnam.

To establish Interagency Committee on Mexican-American Affairs to make sure all Federal programs are reaching Spanish Americans and providing needed assistance.

To liberalize and increase Civil Service Retirement provisions.

To assure confidentiality of information provided to Bureau of Census.

To provide benefits for survivors of law enforcement officers and firemen not employed by the U.S. who are killed or totally disabled in line of duty.

To double the $600 basic personal income tax exemption allowed a taxpayer per person.

In addition to these bills and projects, Congressman White is working on many other projects, numbering over 120, including these:

Attempting to have six more Counties of 16th District placed in Great Plains Conservation Program.

Working to secure transfer of permanent units to Fort Bliss from overseas bases and elsewhere, and build-up of existing units.

Working with Farmers Home Administration on more rural water and sewer systems for 16th District, and importation of water projects.

Working with Soil Conservation Service and Corps of Army Engineers to hurry implementation of flood control and watershed projects, and removal of salt cedars in the Pecos River and Rio Grande River.

Working with HEW to have drug rehabilitation center established in El Paso, as authorized by White amendment.

Working with House and Senate Conferees on H.R. 13000 to retain remote work site provisions for El Paso workers who commute to White Sands.

Working for lower interest rates and more available funds to finance home building.

Working with State, Federal, and local officials to increase West Texas industrial base.

Working with Federal and State officials for scenic highway on Rio Grande and designation of Rio Grande as Scenic River.

Working on a number of grants and programs for Sul Ross and the University of Texas at El Paso.

Working on a number of low cost and low rent housing projects throughout the District.

Working on a number of road programs, law enforcement programs, medical service on a regional and local basis, educational and retraining programs.

Working for bilingual educational funds.

Working for better working conditions and minimum wage standards.

Working for improved housing, parks and recreational facilities, health facilities, and training programs for low income areas.

Nominated to the service academies several hundred young men of all economic and national origin backgrounds representative of the District, on a competitive basis to provide equal opportunity for all.

In 1965, the B-52-Bs were phased out, and Secretary of Defense McNamara had Biggs Air Force Base transferred to the Army Command at the time he ordered closed or reduced 149 bases. At that time the combined military and civilian employee personnel at Biggs, William Beaumont General Hospital, and Fort Bliss was 21,733. True to the word of the Department of Defense, more units including the Defense Language Institute, three components of the Sentinel System and various others were moved in until Biggs was more full than ever, and the combined military and civilian employee personnel at all military installations in El Paso County in 1969 was 34,198. There have been some reductions at Fort Bliss and in the nationwide cutback there will be proportionately more, but, even with all reductions, as of February 19, 1970, Fort Bliss has grown since 1965 66.1%, as compared to Fort Benning, Fort Bragg, Fort Gordon and Fort Sill which at the same time have grown an average of 25.3%. My office is now active in placement of any civilians who may have been RIFed.

In accordance with Congressman White's request, as of this time, the Defense Department has replaced troop units with the following, as a beginning: a unit of the 2nd Battalion, 52nd Artillery, 329 personnel; 2nd Battalion, 60th Artillery (Chapparal Vulcan), 600 personnel; Second Army Security Agency Company, 200 personnel.

In the near future, 600 additional trainees will arrive at Fort Bliss for the Safeguard Missile Defense program with more to come as the program expands. Also, the complement of trainees at the Defense Language Institute will increase from 1100 annually to 1400.

Percentage attendance voting on the issues: 1965, 100%; 1966, 100%; 1967, 93%; 1968, 96%; 1969, 98%—one of the highest in the House.

A SENSE OF HUMANITY

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. RIVERS. Mr. Speaker, I wish to call to the attention of the Members of the House a beautifully written editorial by Mr. James Hessman, senior editor of the Armed Forces Journal, concerning my concurrent resolution to express the sense of Congress that the matter of prisoners should be given first priority on the agenda of the peace talks in Paris.

I believe that Mr. Hessman's editorial characterizes the issue perfectly when it says it is "the moral Achilles' heel of the enemy."

I am very sincere when I say that I think all Members of the House will find this is a very moving editorial that makes them ask themselves if they have done all they can in this area.

I urge all Members to read the editorial, and urge the Foreign Affairs Committee to schedule action on my resolution.

The editorial follows:

A SENSE OF HUMANITY

"Resolved by the House of Representatives (the Senate concurring),

"Whereas the treatment of American prisoners in North Vietnam has been one of the most shameful chapters in the anguished history of the Vietnam war; and,

"Whereas the government of North Vietnam has not only violated the articles of the Geneva Convention concerning prisoners of war, but has shown itself in the past to be indifferent to even the most elemental standards of humane consideration by refusing to reveal the names of those held prisoner, refusing to allow communication with their families, and refusing to allow even the simplest ministrations to the prisoners by the International Red Cross; and,

"Whereas the solution of the prisoner issue would be an important step toward engendering the kind of trust which must be exchanged before any meaningful progress can be made in negotiating a settlement to the war;

"Now, therefore, be it

"Resolved, that it is the sense of the Congress that the American negotiators at the Peace Conference in Paris should be instructed to insist that the matters of prisoners be given first priority on the Peace Talks agenda; and,

"That negotiations should seek improved treatment of prisoners, release of names of prisoners, inspections of prison conditions by the International Red Cross or other international bodies, and the issuance of continuing discussions looking toward the eventual exchange or release of prisoners; and,

"That no other negotiations should proceed until there is substantive progress on the Prisoner of War issue."

So reads House Concurrent Resolution 499, introduced into the Congress last week by House Armed Services Committee Chairman L. Mendel Rivers (D-SC).

We support the Rivers resolution. We think the American people, no matter what their personal feelings on the Vietnam war itself, also will support it.

For too long a time the 1,500 U.S. military men listed as prisoners of war or missing in action were the truly forgotten Americans. Now they are no longer forgotten, thanks to the efforts of such men as Chairman Rivers, Representative William Dickinson (R.-Ala.), and Dallas billionaire H. Ross Perot, and to the continuing spotlight focused on the

POW situation by the *Reader's Digest* and such outstanding military-oriented publications as *Air Force and Space Digest* and *Army Magazine*.

Think of these men. Americans like yourself, living in the most primitive of conditions, suffering extreme physical privations and personal humiliations, the victims of a war fought by an enemy without honor.

Think also of their families. Wives who live in a limbo of uncertainty, not knowing if they are wives or widows. Children who do not know if their fathers are alive or dead. Children many of whom have never seen or can no longer remember their fathers.

These families, these wives and children, they also are prisoners of war, and they are being punished cruelly and needlessly by an enemy who claims the moral high ground but who ignores the most basic elements of common decency.

Here in the terrible grayness of our gray Cold War world is an issue that is clearly black and white.

Here is an issue which transcends partisan political and philosophical differences and behind which all Americans can and should unite.

Here is an issue which is the moral Achilles' heel of the enemy, an issue which exposes, for all the world to see, the true character of Hanoi's leaders, an issue which gives the lie to those who profess to see the North Vietnamese as liberators rather than as aggressors.

We urge the House Foreign Affairs Committee chaired by Representative Thomas Morgan (D-Pa.) to speedily ratify and report to the Congress the Rivers "sense of the Congress" resolution.

It is more than the sense of the Congress.

It is the sense of the American people.

And it is the sense of humanity itself.

XUM

A CONCURRENT RESOLUTION PASSED BY THE SOUTH CAROLINA STATE SENATE

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. McMILLAN. Mr. Speaker, I insert in the CONGRESSIONAL RECORD a copy of the concurrent resolution which recently passed the South Carolina State Senate. This resolution was sponsored by Senator James P. Mozingo of Darlington, S.C., who is one of our ablest and most highly respected senators in the State of South Carolina. I hope every Member of the House will take a few minutes of their valuable time to read the enclosed resolution.

The resolution follows:

A CONCURRENT RESOLUTION PASSED BY THE SOUTH CAROLINA STATE SENATE

Memorializing Congress to Call a Constitutional Convention for the Purpose of Returning the Control of Public Education to the States.

Whereas, the heretofore gradual erosion of state control and direction of the public educational system and institutions has now accelerated into a wholesale usurpation of power by a federal oligarchy; and

Whereas, under the aegis of the federal courts banning prayers and abrogating freedom of choice, federal administrative agencies have been obsessed with creating an omniscient and ubiquitous Federal Board of Education capable of deciding in the smallest and most remote school district of our land problems peculiar to that district; and

Whereas, these Federal innovators have placed in grave jeopardy the public educational system of every school district in every state in the nation, and have wrought havoc, confusion and frustration; demoralized school officials and made a travesty of the education of our children. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the Congress call a constitutional convention for the purpose of returning the control of education to the states.

Be it further resolved that copies of this resolution be forwarded to Senator James P. Mozingo, each United States Senator from South Carolina and each member of the House of Representatives of Congress from South Carolina.

POLLUTION OF THE SEA

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. McDADE. Mr. Speaker, a recent article, which I commend to my colleagues, offers an appalling glimpse into the full extent of man's harmful impact on his environment. Even the vast oceans of the world are not so large that we cannot render them utterly devoid of life.

Each year a minimum of 1 million tons of oil finds its way into the sea. In a revealing and thought-provoking essay, the January 31, 1970, New Yorker magazine outlined some of the known effects of this oil pollution. Oil spilled from seagoing vessels and leaking from offshore drilling operations not only depopulates and contaminates vast areas of the ocean but disrupts the ecological balance of the sea in a number of unexpected ways. Although pollution from this source is already far advanced, there is no presently known way to reverse the damage which has already been done. Mr. Speaker, I include this article in the CONGRESSIONAL RECORD at this point:

OCEAN POLLUTION

The ocean is so large that few people even among conservationists, have worried much about its becoming polluted, except along the shore. Nonetheless, oil pollution, for one, is already widespread in mid-ocean, and some scientists have concluded that the size of the ocean makes it more, rather than less, vulnerable to pollution, especially by persistent substances like oil and DDT. Recently, we put in a call to one of these scientists—Dr. Max Blumer, an organic chemist and a Senior Scientist at the Woods Hole Oceanographic Institution. "The amount of tar—the residue of an oil spill—on the surface of the sea already equals the amount of its surface plant life," Dr. Blumer said. "My colleague Dr. Richard Backus, who has supervised several of our ocean-going expeditions, can tell you more about this. Come up and see us." A few days later, we did just that.

Woods Hole is a very small community, with a grocery store, a drugstore, a large restaurant, several small restaurants, a small boatyard, a small yacht club, a small bookstore (some of these were closed for the season), and three large laboratories—the Oceanographic Institution, which is the largest and newest; the Marine Biological Laboratory; and the U.S. Fish and Wildlife Service laboratory. There was an unpolluted coat of snow over the town, and between and above various buildings could be seen the masts of large research vessels and small fishing boats. We found Dr. Backus on the ground floor of the Marine Sciences Building, where he studies the habits of fish. Blue-eyed, brown-haired, dolphin-nosed, and weathered by voyages, he snatched a seaman's blue knitted cap off his head, handed a voluminous computer print-out to an associate, and led us into a tiny, book-lined inner office.

"These are beauties," Dr. Backus said, handing us two bottles containing gooey, golf-ball-size black globs floating in a liquid and trailing sticky-looking streamers. "That's what we get. These are comparatively firm. I wish they all were. We picked them up in our neuston nets. Neuston are minute organisms that inhabit the upper few centimetres of the water at night and live as deep as two thousand feet by day. We started towing neuston nets in 1964. Right away, we began noticing the tar fouling the nets. These tar balls are picked up by the nets, but most of the more liquid stuff goes right through them—thank God. We made them to get fish. Unquestionably, a principal source of the oil is ships pumping their bilge or tankers flushing their tanks. The amount varies, but I can't think of anywhere I've been in the Atlantic or the Mediterranean or the Caribbean where we haven't found it. I think the highest concentration we found was off Libya. We estimate that in heavy concentrations there is as much as half a cubic centimetre—a lump as big as a pencil eraser—on every square yard of sea surface. We've found tar in the stomachs of fish—sauries—that are fed on by all larger fish. The toxic chemicals must get spread around very widely; they get absorbed by both plants and animals. God knows what the effects are. Blumer will tell you something about that."

We went up some stairs and found Dr. Blumer and several associates in a large laboratory; he led us into a small office with a large window overlooking an inner harbor where sailboats covered with snow still swung at moorings. Dr. Blumer is a neat, good-looking, dark-haired man in his forties. He is Swiss-born, he told us, and has been studying hydrocarbons at Woods Hole for ten years. "Hydrocarbons are extremely persistent," Dr. Blumer said. "Once incorporated in the flesh, they remain forever, and are passed on through the whole chain of predators. For instance, in certain animals we may find hydrocarbons characteristic of algae found in a particular area, so we know that, directly or indirectly, the algae of that area are part of their diet. All living organisms manufacture hydrocarbons themselves, but the hydrocarbons in the petroleum spilled in the ocean each year already exceed the natural production. It is quite a serious problem."

We asked what the oil dumped in the ocean did to the fish and other forms of life.

"In mid-ocean, it's very hard to assess the effects of anything," Blumer said. "The currents move the stuff around. The animals move. However, the effects cannot be doubted. People have said that if you have an oil spill, the toxic volatile fractions of the oil evaporate very quickly, and that the rest—tar—is inert, though messy. This is not so. Backus has given us tar samples that have been in the ocean from two to six months, and they still contain the toxic fractions—paraffins, benzenes, toluenes. A substantial part of any oil spill goes into solution in the water, and it is toxic—indeed, the most toxic fractions are the most soluble. This affects all organisms—from phytoplankton to basking sharks. Most of the world's oil is transported by sea in established shipping lanes. A tenth of one per cent, at least—a minimum of a million tons a year—is spilled or flushed or leaked just in transport and port operations. Half the seafood of the world comes from one-tenth of one per cent of the area of the sea—chiefly the coastal areas, which are most subject to pollution. For instance, one-quarter of the oil transported by sea passes through the English Channel. Large parts of the ocean are deserts, and always will be, so we can't hope to harvest food from other parts of the sea while we go on polluting the most fruitful areas.

There are two kinds of instant damage from any oil spill: first, the immediate kill by the toxic fractions; second, the pollution of the animals that are not killed, rendering them unfit for human nutrition. And there are two other matters of concern. Because hydrocarbons are stable in the food chain and are concentrated as they are passed on, one wonders if carcinogens, for instance, may eventually become concentrated to the point of danger. The final aspect may be the most difficult of all to deal with. Organic chemical compounds, which appear in the ocean in a few parts per billion, play many roles, and certain elements of petroleum mimic them very closely. Many fish find food or mates or their spawning grounds through smell. The salmon has a very acute sense of smell. A starfish almost instantly senses the presence of an extract of oyster in a concentration of one part to a billion parts of water.

The addition of a million tons of oil a year, stirred by ocean curents, may relatively quickly produce—could have already produced, for all we know—wholesale pollution sufficient to block the finding of mates, food, or habitats, or to provide false stimuli for these. Kerosene was long ago used to attract lobsters, and was declared illegal. Once oil is spilled, most remedies make things worse. It was the tragedy of the Torrey Canyon affair that the dispersant used was particularly toxic itself. Many of the newer dispersants are touted as 'non-toxic.' But a detergent—even a truly non-toxic one—breaks up the oil from a large slick into small droplets, which simply go into solution faster and in greater quantity.

Many little animals will eat any particle of a certain size, and will consequently eat these droplets where they would not eat from a large slick. In the long run, after much of the damage is done, bacteria probably get rid of oil. Detergents kill bacteria. Some people are working on seeding spills with bacteria, but no single strain of bacteria works on all components of the oil, and the part that is neutralized first is the least toxic. Various substances have been used to sink an oil slick, and the oil does disappear from the surface, but then it destroys the bottom fauna—shellfish and bottom feeders, like cod. On the whole, short of prevention, I believe the most satisfactory way now of dealing with oil in the ocean is to burn it—which, of course, pollutes the air. Theoretically, cleaning up is the responsibility of the polluter, but today, unless a ship is wrecked, the polluter is rarely brought to account. It is quite easy, however, to identify chemically the source of even a small spill, though I'm not aware that the technique is in use anywhere. Oils from different sources are themselves different; petroleum companies have devoted a great deal of research to this, because it is helpful in exploration. The oil from any source has a characteristic composition and can be distinguished from that from any other source; refined products are even more identifiable. The technique is not difficult. It's entirely possible to compare the oil carried by a particular ship with that in a spill and know whether they are the same. I think the certainty of apprehension is the best hope for prevention. My colleague Howard Sanders, who is a marine ecologist, has been studying an oil spill right in our back yard and can tell you what it does to living creatures."

Dr. Blumer suggested that we accompany him down a corridor to Sanders' office. "In mid-September, a fuel barge went aground near here—it was miles out of the marked channel—and spilled a hundred and seventy-five thousand gallons of No. 2 fuel oil," he said. "The initial kill here was enormous; the population went from two hundred thousand animals per square metre of marsh area to maybe two animals. And they say oil is not toxic!" He snorted, and a moment later was introducing us to Dr. Sanders, a tall, cheerful-looking man with thinning sandy hair and a small mustache.

"Because of the wind at the time of the wreck, most of the oil that went ashore was confined to a bight called Wild Harbor and the stream running into it," Dr. Sanders said, pulling up three chairs and lighting a Bunsen burner under a coffeepot. "The kill was immediate and total"—Dr. Blumer nodded vigorously—"and was well in progress before any detergents or dispersants were used on the slick.

The kill continued after floating barriers were put out across the harbor mouth. It even extended to a pond separated from the stream by a road. There were windrows of dead and dying animals on the beach for days. We were lucky to be so nearby, because within a few days the carcasses had rotted—no more evidence. The oil company had teams down on the beach raking them up every day, but each tide would bring in more. We counted dozens of species of fish washed up dead, plus shellfish, marsh grasses, and bottom-living eels and worms. Those last were a surprise, because everyone had said that oil doesn't affect the bottom—that it just floats on the surface. But these bottom dwellers were apparently coming out of their burrows in hordes and being washed ashore dying or dead. They were a major part of the kill.

When we sampled the sediment, we found it saturated with oil to a depth of at least a foot, and our subsequent samplings have shown no perceptible reduction. That was against accepted ideas, too. The oil is supposed to break down rather quickly, leaving a residue of tar, which most animals couldn't eat."

"The amount and the composition of the oil in the sediment today are almost exactly what they were in September," Dr. Blumer said.

"Since September," Dr. Sanders said, "every time we have a storm, enough oil appears to get stirred back into the water to produce a new kill of fish. The river, the beaches, the bottom out to a depth of about forty feet are completely dead. None of the animals that lived there remain, and the area is only now beginning to be repopulated, by one species—a worm that thrives only in polluted waters and has never been found here before. But perhaps most disturbing of all were the animals that were affected but not killed. Their behavior became cockeyed. We found bottom fish on the surface—you could put your hand down and pull up cod and eels. It was grotesque. Their escape reactions weren't working at all. Fiddler crabs normally put up a claw and scoot away if you approach. They got the claw up, but they just stayed there. And they were in mating coloration at a time of year when they shouldn't have been. It's questionable whether they could reproduce, or whether any offspring could survive at that time of year. The contaminated shellfish have not—as they are said to be able to do—purified themselves, and probably never will."

"Some of my friends tell me that if you cook contaminated shellfish, the bad taste disappears," Dr. Blumer said. "This may be so—I haven't tried it—but taste accounts for only a very small part of oil, and the part that remains is toxic."

"We don't know how long it will take for the area to return to normal," Dr. Sanders said, "or if or how it will."

"Some people believe that, with proper measures, even Lake Erie can be cleaned up in a matter of decades," Dr. Blumer said. "But the ocean is so big, and its circulation so broad, that it's very likely that any pollution, of whatever degree, is irreversible. Four or five hundred years would be required to balance its effects."

WHY THE UNITED STATES HAS SUCH A GREAT INTEREST IN THE OCEANS

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. SHIPLEY. Mr. Speaker, at the February meeting of the American Oceanic Organization, we were privileged to have as our guest speaker Mr. George B. Anderson, head of the Ocean Sciences Department of the Naval Undersea Research and Development Center in San Diego, Calif. His topic was why the United States has such a great interest in the oceans, and I would like to share this speech with my colleagues.

Mr. Anderson's address follows:

ADDRESS BY MR. GEORGE B. ANDERSON

I appreciate very much the opportunity to appear before the American Oceanic Organization and share with you some of my personal views on the state of our oceanography.

But first, and with most respectful apologies to you Mr. Kulek (for your kind introduction) you have a right to know who I really am. Let me tell you how this oceanographer became an "Official" Oceanographer.

A few years ago, while in the Arctic on board a Navy survey vessel, I was laid low with a standard case of appendicitis. Fortunately I was already an "Arctic Bluenose" of goodstanding and King Neptune saw fit to have a young doctor on board who wanted very much to be a surgeon when he grew up. "Doc" approached me as though I was somehow his final exam. I am pleased to report that he passed that exam; however, as in all examinations, there are marking scales and the best we could award this effort was B+ or A−. At any rate it became necessary for me to be rotated to shore assignment following a medical make up exam and this brings me closer to the thrust of my story.

I called Washington, The Bureau of Navy Personnel—Did they know where my next tour would be?—Yes, as a matter of fact they did. I was to be sent to the U. S. Navy Underwater Sound Laboratory as their Oceanographic Program Officer. Well now—I personally love New England, the Sound Laboratory has an excellent reputation and I became very excited about the prospects of this new assignment. However, a small wisp of conscience required of me that I tell the Bureau detailer that in all honesty I was not an oceanographer but a hydrographer—Silence—Well, to be a little more precise I was really a gravimetric geodesist—again silence—O.K., How about geophysicist?

After a third period of prolonged silence he said "well, whatever you do, you do it at sea don't you?" Yes Sir. "Very well then, you're an oceanographer and you're going to the Sound Laboratory." And so I've been an oceanographer ever since.

I wish, however, we could qualify oceanography and oceanographer in more precise terms than we seem able to do. Certainly, the public seems mystified by it all. Mr. and Mrs. Layman know what an astronaut is, but have only a vague idea of what an aquanaut is and even less of an understanding of what it takes to be an oceanographer. How much more confused the public must be then about the entire intriguing but confusing world of ocean science.

There I go—following in the footsteps of every oceanographer-luncheon speaker that has gone before me. You want to hear about ocean science and we always start talking about the space program. All right, let's talk about spaceography versus oceanography for a moment and get it over with.

XUM

My first comment would be this—Thank heavens for the Space Program! I can't imagine where oceanography would be today if we could not get instruments from the astronautics industry. It is an industry born of space program demands, and has responded to such requirements as quality control, miniaturization, micro-miniaturization, environmental testing and calibration. The National space program has created an extremely sophisticated vehicle and instrument, design and manufacturing industry that the oceanographer can utilize—for a price.

Secondly, the space program has led the way in time series analysis and in the effective, proper utilization of high-speed computers. Very recently, while returning to San Diego from a visit to our Hawaiian Laboratory, I was discussing the distinguished Journal of Geophysical Research with one of our senior oceanographers. His remarks startled me. He claimed that he was reading fewer and fewer of their published oceanography papers and more of the space papers. The reason: space scientists' analytic treatment of large complex problems represents some of the most advanced thinking being done. To be sure the specific problem may not be of great concern to my oceanographer friend—but the statistical treatment and data-analysis approach of large multi-variable problems means a great deal.

Thirdly, in seeking solutions to the large, complicated scientific quests facing this Nation, the necessity of setting goals and marshalling forces to attain those goals is of extreme importance. Our space program is less than 10 years old. Yet Americans have walked on the moon, not once but twice! An incredible feat. Yet this would not have happened had we not had amongst us one with the courage and conviction to set for us just such an impossible goal. Oceanography needs some national goal setting—without it our efforts will remain parochial and fractured.

So let's not waste time by feeling sorry for ourselves because space has all the money—in my view the state of oceanography probably would be considerably worse than it is right now had we not had a vibrant active goal-oriented space program.

We are, as a people, becoming increasingly aware and concerned about our world's oceans. There are a host of popular organizations in all our major cities whose total-focus is ocean oriented. Among them can be found such diverse groups as GOO, or Get Oil Out, from Santa Barbara, The American Cetacean Society of Los Angeles, and, of course, the fast growing Sidney Kulek Ocean Engineering Fan Club of Brooklyn, New York.

Naturally we have our professional societies, The Marine Technology Society, The American Geophysical Union, The American Society of Limnology and Oceanography. The American Oceanic Organization, and so on. There are so many professional oceanographic societies that we might just ask if so many can serve us as well as might a few. At any rate, let it be well established that we have many groups reflecting interest and concern in Our Nation and the Sea. What of this concern and interest? I strongly suspect that many of our ladies and gentlemen are frustrated by the feeling that we are not moving purposefully enough into the ocean. Let me assure you that I share in some of that feeling of frustration. In the time remaining, then, I would like to discuss three topics—

First, my personal conviction that those of us in Navy oceanography must spend this decade developing the scientific knowledge and engineering technology that will permit the U.S. Navy to operate within the total ocean volume.

Second, the majority "first string" oceanographic research being done in the country today is either done directly by Navy in-house laboratories or is sponsored by Navy requirements and funding in industry and in the Universities. The Mansfield Amendment (so called Article 203) could jeopardize portions of this unique program.

Third, a requirement exists for establishing National oceanic goals—clearly the report Our Nation and the Sea attempts to do this. Oceanic goals will always be more diverse than space goals such as "putting a man on the moon by 1970." Our goals will require considerable public awareness and empathy and this then must be developed by our oceanographic community leaders.

Let me now discuss item one—Navy operations in the total ocean volume. Nuclear propulsion has given us a new dimension in seafaring—"staying power". Nuclear power has freed the submariner from dependence on the oxygen-rich atmosphere and allowed him to run deep for long periods. The circumnavigation of the globe in 1960 by the *Triton*, totally submerged for 61 days while logging 30,752 mi., gave a spectacular demonstration of American ocean technology.

Such exploits represent imaginative examples of man's ingenuity at seafaring. But they are temporary and limited approaches to occupation of the ocean.

It is important to realize, in spite of impressions to the contrary, that we and other nations employ surface operating maritime and naval forces. That is, all of our merchant and naval ocean-operating activity is on or very near the air-sea interface. Think for a moment of the oceans in cross section. Let a vertical 36'' yardstick represent the oceans from the surface down to the Marianas Trench—the deepest known ocean trench—nearly 36,000 ft. down. The top 1½ inches of our ruler then represents the nominal operating regions of the world's surface and submarine navies.

Ten years ago last month the U.S. Navy visited the Marianas Trench with the historic bathyscaph Trieste I dive, yet for all practical purposes we have no operational ability to do sustained and varied work within the total ocean volume. Yet, were we to avail ourselves of this tremendous volume, we would increase our operating theater by an order of magnitude. We must learn to work the sea in three dimensions rather than two.

Let me now digress slightly and express the motives which when taken collectively help explain the drive into the oceans.

First, National defense. Our Navy must be provided the capability to exercise dominant control over the total ocean volume of strategic interest to this country. The 1966 President's Scientific Advisory Committee Report, "Effective Use of the Sea", states: "The most useful aspect of Federal involvement in ocean science and technology for the next five to 10 years relates to National Security in the narrow, strictly military sense."

Second, expanding need for national services. That is a national capability for such things as search, salvage and rescue in the deep ocean. Today, this is essentially a Navy Department task and represents a service to itself, but I think we will eventually see a national deep-ocean technology service for such events as offshore rig disasters, civilian-submersible sinkings, sunken-cargo retrieval, and enforcement of offshore petroleum and mineral claims.

Third, political considerations. To claim or work territory, tradition dictates occupying it physically. The United Nations' promulgated "Law of the Sea" with its included convention on the continental shelf clearly foreshadows economic and military claims of national sovereignty being extended over large promising areas of the sea floor by maritime nations.

Fourth, resources. The desire for new supplies of food, minerals, petroleum and territory has not ended with the continents. Nations are turning to the continental shelf and the continental slope for resources.

These motives help explain the rush to acquire deep-ocean technology; but I think we do ourselves an injustice if we don't admit to other compelling motives as well. We are going into the deep ocean and occupying its various domains because our intellectual and scientific curiosity demands it of us. A national program can greatly accelerate our progress, but the lack of such a program will not prevent this new adventure. It will only delay and slow it such that significant advances might be made first by other nations.

For a decade the U.S. has enjoyed a nuclear-submarine force superior to any other. We have had this superiority because, rather than wait for an adversary to establish a capability and then try to react to it, we boldly chose to develop a new submarine capability and to do it so well that any adversary would lag up in that capability for many years.

In our use of the deep ocean we must be as imaginative and as bold as we were in building the Polaris fleet.

In July, 1967, the Naval Undersea Research and Development Center, formerly entitled the Naval Undersea Warfare Center, was established under the technical leadership of Dr. William B. McLean. The new Center with Captain Charles B. Bishop as Commander is directly missioned to undersea warfare and ocean technology. Development of programs which respond to the Navy's Deep Ocean Technology programs are of primary concern to NUC and toward this end NUC has established many new programs that will allow us to try our wings—or if you will—allow us to try our fins in the deep sea.

For example: Dr. Thomas Lang, a hydrodynamist with the Center has completed tank model studies with a Twin Hulled Semi-Submerged Ship. Imagine, if you will, a catamaran hull except that the twin hull sections which are water borne are submerged well below the waterline of conventional craft. Dr. Lang's model and design studies indicate that such a vessel gives greatly improved seaworthiness, renders full control in pitch, heave and roll and is capable of 40–60 knot speeds in tonnages ranging from 100 to 100,000 tons. One nice advantage is that such a craft is possible with today's existing technology.

A second example of Naval Undersea Center new ocean programs is a design and model study for large floating ocean platforms. Many of you are aware, I am sure, of the conceptual plans for offshore floating airports. We would like to consider the idea of deployable modular sections that can be hinged together to form floating support islands for planes, helicopters or riverine and coastal patrol craft. Center designs indicate that concrete construction of square modules, perhaps 50' x 50' at the deck level supported by 300' long circular hull would be very stable and cost about one tenth the cost of comparable steel construction. Concrete for floating vessels is certainly not new. We still have WWI constructed concrete hulls around and now yacht hulls are being fabricated of this material.

A third example of NUC ocean technology will be demonstrated this fall by Will Forman when his glass and steel submersible Deepview, is lowered gently into the Pacific to begin a long series of test trials. Deepview is unique in that her entire forebody or bow is composed of a 44 inch glass hemisphere mated to a steel main hull cylinder. The little submarine will carry two personnel, a pilot and a scientific observer. Operation depth is expected to reach 1,500 ft.

May we speak for a moment about the shifting climate surrounding the subject of scientific research.

Section 203 of the recently enacted Military Procurement Authorization Act (Senator Mansfield Amendment) states:

"None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function."

XUM

The intent is most certainly appropriate, but the amendment has created considerable concern among members of Navy's research community. For example, it surely must be clear to all that it is impossible to apply knowledge that does not yet exist. Further, it is now well appreciated that there is much information missing from our oceanographic text books of the ocean world. If the total ocean domain is to become the true operating theater of the U.S. Navy then we need that missing knowledge of ocean phenomena and we need it in increasing detail. The Navy must, therefore, continue its pioneering oceanographic research effort in order that torpedoes may run deeper, that divers may stay saturated longer, that submarines may visit greater depths, that surveillance systems may enjoy greater and greater detection ranges. Once again I refer to the 1966 PSAR report "The most useful aspect of Federal involvement in ocean science and technology for the next five to 10 years relates to National Security in the narrow, strictly military sense."

It is not my place to question the Mansfield Amendment, but I do plead for a calm, most deliberate review of research programs and a considered appreciation for the very unique ocean science program established by the U.S. Navy. The line between basic and applied research is not always a clear one. But we can look back on some 10 to 15 years of Navy ocean research at just one Navy laboratory and gain an appreciation for whether or not such research, which when it started was probably ill defined, became strongly applied with an "apparent relationship to a specific military function".

Example No. 1: Discovery and definition of the deep scattering layer—a migratory layer of marine organisms and particles that is responsible for acoustic scattering of sonar transmisions.

Example No. 2: Acoustic definition of the convergence zone path and demonstration that this deep water oceanographically defined acoustic path may be used from surface ships for detection of submarines at great distances.

Example No. 3: From sea floor geology research, the creation of geo-acoustic models of the sea floor that help explain and predict behavior of U.S. Navy bottom bounce sonar systems.

Example No. 4: From the study of sea ice physics development of Arctic under sea submarine operations, including ice penetration through the polar cap.

Example No. 5: Trieste I dive to the Marianas Trench sea floor at 35,800 ft. in 1960.

We in the Navy, and we as Americans, can be immensely proud of these accomplishments; let us therefore be very concerned about jeopardizing some of these efforts for the sake of fiscal tidiness.

Finally, let me speak a moment of goal setting. The report Our Nation and the Sea is the first large national and formal statement on oceanography we've had since TENOC. Just the fact that the study was done and published is important. What now becomes important is for the most accomplished and the most articulate of our community to verbalize the goals that truly make sense for us as a Maritime nation.

For example, a large groundswell of public opinion is driving us toward a decade of pollution research which, hopefully, will lead toward environmental balance. World wide ecological problems require scientists of broad and mature insights. We should recognize that our oceanographers have, from hard necessity, learned to deal with environmental phenomena on a world-wide scale. We should also recognize that our ocean basins are the world's terrestrial run-off and atmospheric fall-out sinks. Our ocean basins are large, deep and rather evenly distributed catch basins. It may be fair, therefore, to consider that ocean pollution, once it reaches a certain level, represents "final global pollution".

A further reflection on this might be to mention in passing that the oceans are already contaminated with dissolved salts to an average level of about 35 parts per thousand. The oceans are also a primary producer of carbon monoxide which is vented into the air—yet our understanding of these phenomena is only now broadening and deepening.

Enough. I hope I've made the point that goals and priorities for ocean research must be established and accepted for the National domestic oceanographic research effort. The National domestic program should compliment and take cognizance of the Navy military oceanography program as already established.

The ocean volume awaits the nation of men bold enough to dedicate themselves to the great new adventure. That men—some men—will respond to this challenge of the deep ocean is irrefutable—but will it be us? The decision to commit great amounts of our budget resources and to commit our manpower, technology and prestige as a nation are very burdensome decisions indeed. Upon reflection, however, we find that there is only one way to insure the dominance of our fleets, the protection of our ocean industry and the environment of the nation and that is to move forward boldly with our plan to introduce man into the total ocean volume.

PUBLIC NEEDS TO LEARN MORE ABOUT CLEAR-CUTTING

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mrs. MAY. Mr. Speaker, during recent weeks and at various hearings over the past year, the Sierra Club has distributed a picture purporting to show devastation brought about by timber harvesting practices on the national forests.

The photo shows terracing operations in a stand of mixed conifers where the Forest Service was purposely experimenting with the application of the centuries-old practice in an attempt to improve timber species and growth.

In view of the alarm expressed by the Sierra Club at this isolated instance and the misunderstandings which might arise from the photos it seems essential to acquaint Congress with the facts as they have been presented by the professional forester who initiated such cutting experiments.

Mr. Axel G. Lindh, Forest Service, retired, now living in Vancouver, Wash., wrote a long and scholarly letter on the subject to the Missoulian, daily newspaper in Missoula, Mont., and it was published in its entirety on February 10, 1970. It is a revealing justification of the operation so offensive to the Sierra Club and I insert it in the RECORD at this point:

PUBLIC NEEDS TO LEARN MORE ABOUT CLEAR-CUTTING

I have just read The Missoulian's recent series of articles attacking the Forest Service timber cutting practices on the Bitter Root National Forest.

From 1944 to 1959 it was my responsibility in the Forest Service to direct the timber management activities for the region with headquarters in Missoula. Prior to that time, intermittently between 1922 and 1944, much of my forestry education and experience was acquired in the same area.

After my retirement I was a resident in the Bitter Root for five years. It has long been a favorite place for camping, hunting, and fishing. While I am temporarily residing in the state of Washington, I hope for an early return to Montana.

This writing is to express concern over the bias and prejudice which apparently directed the thrust and organization of the articles by Dale Burk. Forestry to meet the needs of the future requires increased study, research, and application of the best scientific knowledge to the infinitely varied conditions found in forest lands. Professional people so dedicated and so directed ought not be mauled by word manipulators without protest by people who know better.

The principal architect of the attack appears to be Brock Evans, a lawyer by profession but speaking for the Sierra Club. His skill in using words to arouse emotions, I am sure, makes him useful to his client.

He is not, however, trained either professionally or by experience to make the decisions by which he would apparently like to manage the national forests.

Friends of former Forest Supervisor G. M. Brandborg, of which I have counted myself one, are dismayed at the use being made of the bitterness of a disgruntled associate. He was a devoted and energetic member of the Forest Service during the years when principal demands were in the fields of fire protection, engineering, and range management. In his latter years he devoted much of his time to educating the people of the valley in his concept of conservation.

During the early years national forest timber cutting was directed to various kinds of "selective" or "partial" cutting. As early as 1908 on the Bitter Root much of the Lick Creek area was cut selectively. However, there was little cutting of national forest timber and during the depression of the 1930s national forest timber was withdrawn from the market to permit cutting from distressed private properties.

As a result, little timber was cut on the national forests until well along in World War II. Little experience and knowledge accumulated. Thus there was an inadequate basis for improving logging and cutting practices. A several-fold increase in national forest timber use was accomplished under adverse conditions during the war. Immediately after the war even greater need for timber for housing pushed timber cutting on the national forests into higher elevation Douglas fir and mixed pine and fir stands where we continued for some years to harvest by the same general selection methods of cutting some trees and leaving some. This was done even though the diseased and decrepit mixed species stands were even less capable of good reproduction than the pine stands cut earlier.

Forest Service employes both trained professionally and in the field practice of forest management were learning, by observation and research through evaluation of past practices and the response of the tree species to various practices, how to do a better job. Forest schools and various fields of natural science study moved ahead in knowledge much more rapidly after about 1950.

By the 1950s it had become evident that a number of changes were essential if we wanted better and healthy forests for the future. One important change was to do more patch clear-cutting in pine, fir and spruce stands. The young trees required more sunlight than the older cutting methods provided. Some patch clear-cutting had been underway for more than 10 years in lodgepole pine on the Gallatin and Lewis and Clark National Forests in Montana, and in the white pine forests of northern Idaho.

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Much of the ponderosa pine in the national forests of western Montana occurs where Douglas fir will also grow. The partial cutting in the pine was slowly converting the stands to fir. And it was not very good fir, either. Douglas fir in the Bitter Root country has more widespread damage from dwarf mistletoe than in other parts of the state. The disease in the old, defective parent trees remaining after partial cutting severely infects any young trees nearby. The disease is especially damaging if it is started in the tree when it is very young.

As a result of these conditions it became desirable and urgent to adopt a clear-cutting method in more areas of the Bitter Root than might be essential elsewhere. Furthermore, the areas to be clear-cut needed to be larger where mistletoe was an important factor. However, the decision as to whether or not to clear-cut has to be made on a stand-by-stand basis.

The Forest Service is quoted as saying that just over 11,000 acres were clear-cut in the past five years. This is just a bit over one per cent of the area of the Bitter Root National Forest in Montana and is probably less than two per cent of the forest land likely to be used for commercial purposes.

If all the timber harvest was from clear-cuttings, the area to be cut each five years would be around 25,000 acres. It follows that a majority of the timber cutting must be by methods other than clear-cutting. Whether the present forest management methods will maintain a healthy forest may be open to question; but I am convinced the present foresters are doing a better and better balanced job than when Brandy (Supervisor Brandborg) and I were still active in the Forest Service.

. It is noted that some terracing has been done, particularly on south facing slopes, and that Brock Evans views this with alarm. Likely more than any other forester I am responsible for the application of this centuries-old practice in the few places in western Montana where it has been tried. I do not know how well these terraces are performing, but I am anxious to see the results and I hope you will be, too.

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First of all, the terrace changes the angle of the soil to the mid-day sun for the purpose of reducing surface soil temperatures to a level not lethal to baby trees. If you are curious you can quite easily learn the astonishing difference in the temperatures in the uppermost level of soil or litter on a south-facing slope and the same level of soil or litter on a north-facing slope.

Second, the catching and retention of moisture is helped by making level, or back-tilting, the terrace. This is true of both snow and rain water. On dry slopes facing the mid-day sun this is a very great help to young trees which surely need help.

Third, I thought these terraces might provide a safer place for deer or elk to bed than the open slopes. Perhaps hunters, as they grow older, might appreciate the chance to carry meat to the road along a level terrace. I will be interested to see how game animals will like the terraces as trees and browse grow there.

Over the years we had very great difficulty in reestablishing forest growth on many severe south-facing slopes. I was one who urged that terracing be tried. Consequently, I cheer today's foresters for these trials. True, the treatment appears rough, at least rougher than the plowing of a clear-cut wheatfield. For that reason the results ought to be closely watched to evaluate and determine the best course for the future. These are worthy experiments.

There are many fine young forests in Montana that were reproduced following clear-cutting. Look at the young ponderosa pine forests along the lower slopes of the west side of the Bitter Root Valley. Many of the cuttings occurred 40 to 70 years ago. Look at the similar pine stands in the Clark's Fork Valley westward from Frenchtown, and look also at the young stands north of the Potomac Valley of the Blackfoot. All were clear-cut.

There is, strangely enough, a beautiful, thrifty stand of primarily Douglas fir that was established following clear-cutting within what is now the Bob Marshall Wilderness area. It is the area of healthy 80 to 85 year old timber centered about the mouth of Moose Creek in the Sun River basin of what was later to become the Lewis and Clark National Forest. When I first rode that country during the 1930s, the stumps of the extensive clear-cutting for railroad ties remained in evidence. The ties were driven down the Sun and then down the Missouri River to be used in the westward extension of the Northern Pacific Railway.

Even though the longer term results of clear-cutting is a series of ages of healthy forest stands, I will agree the newly cut-over areas are ugly. To the average person they may be uglier than a freshly disced wheat field on which a large quantity of manure has been spread. Yet by long conditioning he who sees the fresh discing and manure sees in his mind the lovely green of next year's growing crop and the ripe golden grain ready for clear-cutting.

It is obvious that your reporter and his adverse witnesses have a different understanding of the meaning of "sustained yield" than that of the foresters responsible for applying the law to the forests. I suppose a rancher planting and harvesting by clear-cutting an equal number of acres of wheat each year could say he was practicing sustained yield. He might also practice sustained yield by cutting part of the wheat stems per acre and hope that the stems left would reproduce without plowing or discing and that he could then harvest some more next year.

Both could produce as much grain each year as each of the two methods of farming would grow. Both could produce a "sustained yield" even if one method produced twice as much annually as the other.

The amount of timber to be cut each year is subject to periodic review. I understand the review on the Bitter Root will be soon. This review will no doubt be explained and presented to the pople of the local communities. This was done in the past, but too often those disposed to criticize do not listen and many of the rest do not come.

I am sure the present critics, in comparing the present cut with the past, are talking about widely different areas, growth rates, and degrees of utilization. The estimate of usable timber volume has increased with changes in logging methods, utilization of smaller logs, and especially in road building. The Bitter Root has had several of the most skilled road system planners to be found anywhere in the Northern Rockies. Most of their roads do an outstanding job of opening high slopes to timber use with a minimum of damage to the soil.

Recently I read a passage from the writing of one who has been a long-time supporter of wilderness areas. She has had much experience as a camper in both wilderness and non-wilderness forests, parks, and other wildlands. I quote:

"I might add just one more thought before I leave the subject of clear-cuts. Personally, I have always taken a dim view of any kind of clear-cut, but I must say that this summer in the Cascades of Oregon and Washington we saw millions of acres of beautiful timber with many 'patches.' Where did we camp by preference; where did we pick berries; where did we see the most birds and game; where did we enjoy the flaming leaves of fall; where did we go to see the snow peaks by day and the stars by night? The clear-cuts! And I am talking about aesthetics not timber production. My only criticism of methods (aesthetics again) is that more care should be given to streamside and roadside greenstrips, and more inspection and insistence in the quality of cleanup."

As experience grows I am sure the shape and size of areas to be clear-cut will be more expertly blended into the forest terrain and scenery. There is a very important case to be made for clear-cutting. There is also a case to be made for silvicultural concessions to the aesthetics of particular areas. I am somewhat critical of foresters in managements, research, and the schools for having done so little public education about how trees reproduce, grow, and get along together.

Perhaps your newspaper deserves even more criticism. You have the only daily paper in the area. I suggest you have an obligation to try harder to be fair. After the degree of controversy you have already created the essential truths will be difficult to establish. It will require field demonstrations, pictures, studies, and patience over a long period of time. The newspaper can help or hurt to present the facts so the people's choice will be for the best.

If there were not so many of us, productivity of the forest would not be as important as it is. If we were fewer, each of us could have a larger share. But many of the humans already born need better food and shelter, and their numbers increase. Surely we need the best management of renewable forest resources we can get. It will not be accomplished by shouting, "Thou shalt preserve!"

The forest is a living thing. It is important that people learn more precisely about the ways of its life.—Axel G. Lindh, Forest Service (retired), Vancouver, Wash.

TIMBER SUPPLY ACT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. CONTE. Mr. Speaker, there has been a great deal of debate within this body over the Timber Supply Act. That act, H.R. 12025, will be before us on February 26, 1970.

In an editorial entitled "Speaking of the Environment" on February 25, 1970, the New York Times has set forth some very important questions that I think my colleagues should consider before voting on the timber bill. For this reason, I include the editorial in the RECORD at this point:

SPEAKING OF THE ENVIRONMENT

The Sierra Club and Senator Edmund S. Muskie have raised a question that directly tests the determination of the Nixon Administration to protect and restore the environment against the pressures of vested interests. The question is: where are the detailed statements of the Secretary of Agriculture and the Secretary of Housing and Urban Development on the environmental impact of pending legislation to get "optimum timber productivity" out of the national forests?

The freshly signed Environment Policy Act calls for just such an analysis to be made to the President and the Council on Environmental Quality by agencies recommending just such legislation. The House is scheduled to take up the bill—the so-called "National Timber Supply Act"—tomorrow, and both Cabinet heads have endorsed it. But from neither of the departments has come the evaluation required under law.

Their reluctance, though hardly commendable, is all too understandable. The bill threatens to upset the "multiple use," long established as policy for the national forest: a balance among the various demands of water supply, wildlife protection, recreation and timber production. It would do so emphatically in favor of timber as the priority use, to the profit of the logging industry and the despoliation of much of the 19 per cent of the country's forest land that is still owned by the people of the United States. In fifteen years, old growth would be cut that the Forest Service has been planning to ration out over a century. Logging would be king—and forget about scenery, environment and everything else.

The pretext for this raid is the need for more housing. But it would be hard for Secretary Romney or anyone else to make a convincing case. If the country is short of lumber, why did it export four-billion board feet last year? Why has the rate of export been doubling in the past few years? And why are huge quantities of logs still being shipped to Japan? It is pertinent to ask why some thirty out of thirty-three members of the Agriculture Committee used the need for housing to justify this bill, while only nine of those 33 voted for the Housing and Urban Development Act.

The House should turn back this attempted misuse of a great national asset. And the Administration ought to be fighting this timber grab, not endorsing it.

EIGHTEENTH ANNUAL AMERICANISM AWARD IS PRESENTED TO MILTON ARONSOHN

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. McDADE. Mr. Speaker, on Sunday, February 22, of this year, the B'nai B'rith award for Americanism, given by the Amos Lodge 136 in the city of Scranton, was bestowed on Mr. Milton Aronsohn. He thus became the 18th man to receive this distinguished award, adding a new name to a roster of accomplishment without parallel in our community.

Milton Aronsohn is the very personification of all which we hold to be precious in America. He is a man of immense personal integrity. In the highest sense of the word, he is a great philanthropist, because he truly loves his fellow men. He has poured his life into the service of the young and the old, the sick and the healthy. Wherever men sat together to plan for the betterment of our community, Milton Aronsohn sat among them.

Seated with me on the dais of that award dinner were some of the leaders of our area: Dr. Melvin Ufberg, president of Amos Lodge 136; Mayor Eugene Peters of the city of Scranton; Attorney Norman Harris, who made the presentation; Rabbi Milton Richman of the Madison Avenue Temple; Charles Luger, chairman of the award dinner; Judge Richard Conaboy, toastmaster; and, of course, Mr. Aronsohn and his lovely daughter, Joanne.

All of these and the hundreds gathered at the dinner paid tribute to this fine man who has so richly distinguished himself.

I insert here two articles covering that award dinner:

[From the Scranton (Pa.) Tribune, Feb. 23, 1970]

18TH ANNUAL AMERICANISM AWARD IS PRESENTED TO MILTON ARONSOHN

(By Frank X. Froncek)

The 18th annual Americanism Award of Amos Lodge 136, B'nai B'rith, was presented Sunday night to Milton Aronsohn on the grounds that "no worthwhile cause in our community nor elsewhere has failed to receive his earnest consideration and helpful response."

Those in attendance at the affair, which was held in the Jewish Community Center, heard Cong. Joseph McDade recite the achievements of Aronsohn as they related to the ideal of Americanism.

"In the life of this one man," McDade declared, "there is summed up the triumph of an Americanism that transcends the boundaries of this nation, that makes him a true son of every covenant between man and God, or between God and man.

"When the community stood together to help the weak, the sick, the needy, the elderly, he became the chairman of our Community Chest.

"Because it is imperative that the young people be given a home for their own activities, he became the founder of a great community center here in Scranton.

"Because he wanted to enrich our lives with great music, he serves on the philharmonic board of the community concert board.

"And because he understands well that we are brothers only if God is our father, he serves also on the board of his own temple.

"The recitation of the life and some of the works of Milton Aronsohn have been placed before all of us."

The Americanism Award is presented annually by Amos Lodge to an outstanding local citizen who must meet a rigid set of standards to qualify. The standards require that he must be a man who sets his fellow man, his community, his state, and his country far above his own considerations and comforts and is willing to become involved in the problems that beset all men and to work tirelessly to improve existing conditions.

According to a statement on Aronsohn's achievements issued by Dr. Melvin Ufberg, Amos Lodge, president, and Attys. Irwin Schneider and Donald Fendrick, selection committee members, Aronsohn has long been a zealous campaigner and active in prominent local civic drives.

Aronsohn came to Scranton as a young man, graduated Philadelphia Textile College and attended Officers Training School during World War I.

He served the Scout movement for more than 40 years, as leader, committee man, council member and executive committee member. He holds the Silver Beaver Award for Service.

In the world of education, Aronsohn served on the President's Board of the University of Scranton and was awarded the 50th Year Alumni Medal by his own school in 1969.

He became an early leader in the local Chamber of Commerce, serving as an officer, first vice president and chairman of its Industrial Committee during a sustaining drive. He is a president of the Community Chest and a charter member of the Scranton-Lackawanna Jewish Council, having served on its board of trustees for 25 years.

Aronsohn also is a trustee of Amos Lodge, the Jewish Home of Northeastern Pennsylvania, the Jewish Community Center and United Fund. He was a member of the board of Madison Avenue Temple Reformed Congregation and the Jewish Federation, among others.

In 1947, he spearheaded the drive to raise $350,000 in the greater YMHA Community Center expansion drive. In 1951, Aronsohn headed the special gifts division for the United Jewish Appeal and the trustees of the Community Chest of Scranton and Dunmore elected him president.

In 1953, he received the red feather award as president of the Greater Scranton-Dunmore Community Chest.

In 1959, he served as chairman of the Lackawanna United Fund and in 1962 was elected chairman of the board of the JCC.

With that in mind, McDade said in beginning his speech:

"When I learned that the award was to be given to Milton Aronsohn, my feeling of elation increased ten-fold. Here indeed was a worthy successor to the long line of men who have been honored by B'nai B'rith in the past."

On the other hand, however, McDade admitted that Americanism is a topic not very much in vogue today.

"I came to realize," he said, "that the one thing that to talk about is the very thing we are honoring tonight—Americanism."

Except for events such as the B'nai B'rith affair, McDade said that "Americanism is not a word we say too often among ourselves."

McDade ended with:

"As long as there are men who will achieve high merit by great sacrifice, as long as we recognize their lives as reflecting the highest meaning of Americanism, that prayer (for God to keep the U.S. under his protection) will not go unheard."

Also honored at the affair were Barry Kaplan and Marcia Troy. They are the 1970 winners of the George Unger Memorial Essay Contest. Both received U.S. Savings Bonds.

In receiving the award, Aronsohn succeeded in order: Worthington Scranton, I. E. Oppenheim, A. B. Cohen, Roy Stauffer, Ted Rodgers Sr., Morris Goodman, Judge T. Linus Hoban, William W. Scranton, Lawrence T. Tice, John O'Connell, Ellis M. Oppenheim, John S. Davidson, Bertram Norman Linder, O. E. McGregor, Frank E. Hemelright, Henry Nogi and Judge Michael J. Eagen.

Members of the selection committee are Roy Stauffer, John Davidson, Henry Nogi, William O'Hara, Atty. Donald Fendrick, Atty. Irwin Schneider, Gerald Raymond, and Mort Rosenthal.

Charles Luger served as general chairman of the affair and gave the welcome: Rabbi Milton Richman, Madison Avenue Temple, said the invocation and benediction; Judge Richard P. Conaboy acted as toastmaster, Mr. Melvin Ufberg, Amos Lodge president, delivered remarks, and Atty. Norman Harris, made the award presentation.

[From the Scranton (Pa.) Times, Feb. 23, 1970]

MILTON ARONSOHN RECEIVES AMERICANISM AWARD

Milton Aronsohn, 711 N. Webster Ave., was presented with the 18th annual Americanism Award of Amos Lodge 136, B'nai B'rith, Sunday night at the Jewish Community Center.

Congressman Joseph McDade, principal speaker at the Americanism dinner, referred to the background of the Hill Section man that played a part in his selection for the award.

A graduate of Philadelphia Textile College, Aronsohn has been a community leader in the Boy Scout movement for over 40 years, and holds the Silver Beaver Award for Service.

He has been known as a zealous campaigner and has been active in prominent local civic drives, including a 1947 campaign to raise $350,000 in the greater YMHA Community Center expansion drive.

Mr. Aronsohn is a past president of the

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Greater Scranton-Dunmore Community Chest, trustee of Amos Lodge, the Jewish Home of Northeastern Pennsylvania, the Jewish Community Center and United Fund. He was a member of the board of Madison Avenue Temple Reformed Congregation and the Jewish Federation, among others.

Former State Representative Charles Luger served as general chairman. Rabbi Milton Richman, Madison Avenue Temple, gave the invocation and benediction. Toastmaster was Judge Richard P. Conaboy and Dr. Melvin Ufberg, lodge president, delivered remarks.

The award was presented by Atty. Norman Harris.

Also honored by the lodge were Barry Kaplan and Marcia Troy, 1970 winners of the George Unger Memorial Essay Contest.

Previous winners of the Americanism Award are:

Worthington Scranton, I. E. Oppenheim, A. B. Cohen, Roy Stauffer, Ted Rodgers Sr., Morris Goodman, Judge T. Linus Hoban, William W. Scranton, Lawrence T. Tice, John O'Connell and Ellis M. Oppenheim.

And John S. Davidson, Bertram N. Linder, O. E. McGregor, Frank E. Hemelright, Henry Nogi and Judge Michael J. Eagen.

AMERICAN BAR ASSOCIATION MISREPRESENTED

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. MARTIN. Mr. Speaker, yesterday I called attention to the Members of a phony and completely unauthorized letter written by Mr. Nicholas J. Healy, Jr., who signed himself as chairman of the Environmental Quality Committee of the Young Lawyers Section of the American Bar Association.

As I pointed out, in checking with the American Bar Association there is no such committee and the gentleman whose name is on the letter had no authority from the American Bar Association to write such a letter. My statement of yesterday and today is fully substantiated by the following letter from Mr. Bernard G. Segal, who is president of the American Bar Association:

AMERICAN BAR ASSOCIATION,
February 25, 1970.

Re National Timber Supply Act—H.R. 12025

DEAR CONGRESSMAN: My attention has been called to a letter dated February 20, 1970, sent to you on stationery of the Young Lawyers Section of the American Bar Association and signed by Nicholas J. Healy, Jr. as chairman of the Environmental Quality Committee. The letter opposed enactment of the National Timber Supply Act (H.R. 12025) purportedly in behalf of such a committee.

The facts are that the House of Delegates, the policymaking body of the Association, has not considered this proposed Act, that neither has the Young Lawyers Section which, if it had, would have been required to submit its recommendation to the ABA House of Delegates, and that the Young Lawyers Section has no Environmental Quality Committee. Accordingly, please regard Mr. Healy's letter as nullity insofar as the ABA and its Young Lawyers Section are concerned.

I should like you to know however ill-considered Mr. Healy's action was, according to the information I have received, he performed it in good faith. The events which have been reported to me are that the Vice Chairman of the Section, who will not be taking office as Chairman until the close of the Annual Meeting in August, advised Mr. Healy that he intends to form such a committee upon taking office and to appoint Mr. Healy as chairman. The Vice Chairman then named a few—but not all—of the individuals whom he intends to have serve on the committee commencing in 1970. Under misunderstandings, as to the non-existence of the committee and ABA procedures even if there were such a committee, Mr. Healy advised you of the action of the few individuals who will be on the committee if and when formed.

Thomas D. Cochran, Chairman of the ABA Young Lawyers Section, wishes to say that this letter is also written in his behalf, and I am very glad to do so. Both he and I regret that you have been exposed to the obligation of reading two letters owing to the inadvertent error of one of our young lawyers.

Sincerely yours,

BERNARD G. SEGAL.

In addition, a telegram was sent to Members of Congress by three Yale University law students opposing H.R. 12025, the Timber Supply Act. I list below a telegram from Lewis H. Pollak, dean, Yale Law School, which is self-explanatory:

The purpose of this telegram is to correct an apparent misunderstanding. Yale Legislative Services does not speak for Yale Law School or Yale University with respect to H.R. 12025, the National Forest Timber Conservation and Management Act of 1969, or any other pending legislation. Yale Legislative Services is a Yale student research group and its reports simply represent the individual views of those law students who prepare and sign its reports. Neither Yale Law School or Yale University has a view one way or another on H.R. 12025.

LEWIS H. POLLAK,
Dean, Yale Law School.

TO ESTABLISH A PUBLIC COUNSEL CORPORATION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. MIKVA. Mr. Speaker, recently I have had the pleasure of writing for the George Washington Law Review an article entitled "Interest Representation in Washington; the Social Responsibilities of the Washington Lawyer." This article, to appear in a special symposium issue on the Washington lawyer, takes as its theme the idea that although the system of interest representation in Washington has many problems, there is one great weakness which overshadows all the rest: the lack of representation of certain important societal interests. My conclusion in the article was that the Washington lawyer would have to take some responsibility—personal and professional—to see that interests which heretofore have been inadequately represented before administrative agencies and Congress begin to receive the kind of representation they deserve. These interests are, for example, those of debtors, consumers, taxpayers, tenants, and the poor.

One of the factors which has led to the underrepresentation, or lack of representation, of certain important interests, however, makes it almost certain that for the immediate future, at least, adequate representation will not be achieved by voluntary action of the bar. The most important reason, perhaps, is that consumers, taxpayers, debtors, and other unrepresented groups simply do not have the money and are not sufficiently organized to procure the services of Washington lawyers who represent so ably the opposing interests of producers, recipients of tax benefits, creditors, and so forth. The question of money aside, there is some question whether the conflict involved in representing simultaneously the interests of debtors and creditors, producers and consumers, the wealthy and the poor, would work to the benefit of either group. For this reason, I believe that some form of independent, Government-supported agency is required to assure adequate representation before the administrative agencies of the Federal Government here in Washington.

Today, I am introducing an amendment to the Administrative Procedure Act which will establish a Public Counsel Corporation. It is identical to a bill introduced by Senator EDWARD KENNEDY in the Senate on February 10. In general, the purpose of the Corporation will be to represent otherwise unrepresented segments of the public in rulemaking proceedings before Federal regulatory agencies. The Corporation will be independent of any existing Federal agency, and will have its own board of directors appointed from members of the general public by the President. In addition to appearing in behalf of the unrepresented public before Federal regulatory agencies, the Corporation could initiate rulemaking proceedings where the board felt such an initiative would be in the public interest. It will also collect and disseminate information on impending Federal rulemaking proceedings for the benefit of organizations or individuals who might otherwise remain uninformed of these activities. Finally, after the administrative action has been completed, the Corporation will be empowered to represent individuals or organizations which seek judicial review of the administrative action in the Federal courts.

The Corporation will have an executive director and a permanent staff. The executive director is authorized to employ outside experts in support of the Corporation's operations and to accept volunteered money, property or services of private attorneys. The director will also appoint special advisory committees to keep the Corporation informed of interests of special public significance which may be arising before Federal regulatory agencies and which may require representation by the Corporation.

That some mechanism for representation of the unrepresented public in Washington is now so clear that it can hardly be disputed. The Annual Report of the Administrative Conference of the United States contained an express recommendation that some form of people's counsel be instituted to insure full presentation of all sides of controversial issues considered by Federal regulatory agencies. Indeed, as great as the need is for representation before regulatory agencies, it is often at least as great be-

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fore committees of the Congress. The bill I introduce today is limited, however, to administrative agencies for several reasons. First, representation before Congress is usually easier for consumer, debtor and other groups because the issues involved are less technical and more political. In addition, because the issues are less technical, less is required in the way of professional legal expertise—and the cost of testifying or presenting views is consequently much less. Finally, Congress may be reluctant to establish an agency whose responsibility includes the presentation of political views before Congress itself—at least until such an agency has proved its value on the administrative front. For all of these reasons, I am limiting the bill I introduce today to representation before Federal regulatory and administrative agencies.

Mr. Speaker, our legal and political system is on trial today. We who are in positions of responsibility within that system have a burden of proof. Many of our citizens, young and old, are affected with a deep cynicism about the effectiveness and viability of our present institutions. I believe that the Public Counsel Corporation can make a real contribution to making our legal and political system more responsive. In our democratic Nation, nothing should receive higher priority than guaranteeing representation to the unrepresented public.

GOD'S SECRET WEAPON?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. ASHBROOK. Mr. Speaker, when this Nation's foremost militant atheist, Mrs. Madalyn Murray O'Hair, is not trying to get the astronauts to keep their mouths shut about God when broadcasting from the moon, she apparently finds time to share her wisdom with possible student converts on campus. As in the case of the astronauts, Mrs. O'Hair is planets apart from most citizens, who still reserve her the right to her beliefs and are disposed to treat her cordially and charitably. Evidently, Mrs. O'Hair does not always reciprocate in full.

A recent column by Jeanie Strand which appeared in the Wittenberg alumni monthly of Wittenberg University reports on an appearance lately of Mrs. O'Hair at this Springfield, Ohio, institution. The account struck a reminiscent chord with me, for a number of years ago I had been the object of Mrs. O'Hair's abuse in correspondence she addressed personally to me.

Columnist Strand indicated in her column that Mrs. O'Hair lost points with the student audience because of her crude and insensitive treatment of questioners. Perhaps Mrs. O'Hair should forget about the moon and concentrate on her neighbor on this planet; she could well become atheism's greatest liability.

The above-mentioned column by Jeanie Strand follows:

MADALYN O'HAIR—RUDE PRESENTATION!

(By Jeanie Strand)

All you folks out there who worried and wrote letters about Mrs. Madalyn Murray O'Hair coming to speak at Wittenberg: relax. You've nothing to worry about.

In the first place, Mrs. O'Hair is not persuasive. She harangues. She is tiresome. Aside from a few stage tricks which she uses for a laugh here and there, she is not even interesting.

Secondly, the nice young people at Wittenberg who came to hear her speak were not in the least swayed by Mrs. O'Hair's opinions. I was proud of the way they behaved. As the meeting opened they sat quietly and gave her their attention. And she even had them on her side with her first remark, "I'm delighted to be here, because I'm always glad for an opportunity to corrupt the youth!"

Everyone laughed. It was funny and it broke the ice. But from this point, the evening went downhill. Mrs. O'Hair nags. Her tone of voice is repetitious, and she rather beats a dead horse on the separation of church and state issue.

The question period was where Mrs. O'Hair lost everyone who might have been sympathetic to her cause. The lady has a perfect right not to believe in God if she chooses, but this is no excuse for rudeness, especially since she was a paid speaker and should have exercised common courtesy—which she did not.

One earnest woman tried to say that she believed God had saved her from alcoholism, but Mrs. O'Hair kept interrupting until it was almost impossible to hear her story.

"I'm an alcoholic . . ."

"You look like it. I believe you," Mrs. O'Hair boomed into the microphone.

"I wouldn't be here if it wasn't for God . . ."

"You gotta be kidding, lady," the speaker interrupted.

When the questioner finally started to leave the hall, in tears, Mrs. O'Hair called out, "Give the little lady a hand." There was scattered applause, but most of the audience was appalled at the cruel treatment.

Other questioners fared poorly also. Each was interrupted many times by sarcastic comments from the platform. One tried to say that archeologists had dug up evidence that many of the incidents described in the Bible were true. "They dug up a bunch of lies, probably," said Mrs. O'Hair.

She also quoted a place in the Bible where it says, "There is no God." She must use this as bait, because a lady in the back of the room challenged her and recited the entire verse, which reads, "Only a fool hath said in his heart, 'There is no God.' "

"If you Christians knew half of what you think you do, you wouldn't be quoting that verse to me," Mrs. O'Hair said. "Read Matthew 5:22, where it says 'and whoever says "thou fool" shall be in danger of Hell fire.' If you believed in obeying what Jesus taught, you wouldn't be calling me a fool."

"I didn't call you a fool. . . ."

"Yes, you did."

"I just read you what the Scripture says."

"You read me the verse so you could call me a fool. But that other verse says if you call someone a fool you are in danger of Hell fire. What do you say to that?"

"Even the Devil uses Scripture."

"Amen, lady. Halleluja," Mrs. O'Hair shouted, and turned to another questioner.

As sophisticated as our young people are today, they do not admire the use, by a woman, of four-letter words. Mrs. O'Hair had several particularly nasty ones with which she sprinkled her comments. It wasn't even amusing—it was merely in poor taste.

And it was obvious to most that Mrs. O'Hair is fond of making sweeping indictments which do not hold up under close scrutiny. At one point she asked, "Can a Jewish person go to the Methodist and get help? Do the Lutherans help anyone besides a Lutheran?" A coed seated near me murmured, "yes, yes." As I glanced at her she explained, "I worked in that area last summer, and we helped everyone who came without asking his religion."

And so, the students were not corrupted after all by the visit of America's best-known atheist. The young people of today have been taught to think for themselves, and they are not often taken in by propositions which do not hold together. One sharp student did, in fact, trip Mrs. O'Hair on some of her own statistics.

Freedom of speech is still the best policy, and Wittenberg's rule that anyone may visit the campus who is sponsored by a campus group is a good one. We need not worry about our young people hearing various sides of an issue. Mrs. O'Hair made some logical points concerning the separation of church and state, and with these we can find no fault. But, somehow, this woman manages to offend even those who might have been friendly to her, because of her sardonic and unlovely approach.

If the school authorities had forbidden the appearance of Mrs. O'Hair, there would be some students who would always wonder if she had something worthwhile to say.

This way, they know for sure—she doesn't.

IMAGINATIVE COMMUNITY STIRS PROGRESS WITH GOVERNMENT AND PRIVATE ENTERPRISE WORKING TOGETHER

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. BELL of California. Mr. Speaker, when I was elected to Congress in 1960 the marina channel, now known as Marina del Rey, was one of the least popular harbors for private craft in the Los Angeles area. Boats were severely damaged and owners sought moorings in other areas.

Today, the marina is booming with over 5,000 small craft moorings, apartment complexes, and recreation areas. Much of the credit for this outstanding land development must go to Arthur G. Will, director of the Department of Small Craft Harbors and the Department of Real Estate Management of Los Angeles County. Federal, county, and private funds provided the necessary capital for the project which has since attracted greater industry to the area.

I share the view of the marina's developers that this project provides a fine example of the benefits that can be attained by both government and private enterprise when they work together. In sharing the marina's story with my colleagues, I would like to bring to their attention the following article which appeared in the Los Angeles Times on Sunday, January 11, 1970:

MARINA DEL REY—QUIET SEA, BOOMING HARBOR—BIG BREAKWATER TAMES WAVES, STIRS PROGRESS

(By Richard West)

Waves up to 15 feet high were battering the coast from Long Beach to Malibu but

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inside the county's Marina del Rey the water was still as a mill pond.

Nearly 5,000 sailboats and cruisers lay motionless in their marina slips, not even tugging at their moorings. A man in a delicate racing shell stroked across the placid surface of the world's largest small boat harbor.

But it was not always like this.

In the early 1960s 8-foot waves generated by storms far out in the Pacific swept right up the 1,000-foot-wide marina channel with mathematical regularity, sending the moored craft crashing against the slips and one another.

"We knew we were in trouble," recalls Jerry B. Epstein, one of the marina's original lessees, "when kids starting using the channel for surfing."

DAMAGE CLAIMS FILED

Many boat owners could not get their craft out of the marina fast enough to seek moorings in other harbors. Damage claims were filed against the county.

Banks and insurance companies began to have second thoughts about the millions of dollars they had earmarked for construction of marina apartment houses, hotels, restaurants and shops. Loans were canceled.

Then a huge breakwater—2,340 feet long and 50 feet high—was built with thousands of tons of rocks beyond the channel mouth. The swells were tamed.

Now there is a long waiting list for slip space and, despite a tight money market, the millions needed for expansion of the marina are pouring in from the financial houses.

There are no surfers in the channel anymore. They have been replaced by children sailing tiny sabots and the UCLA and Loyola crews conducting rowing practice on the mirror-like water.

A $29 MILLION GROSS LAST YEAR

When the Marina del Ray solved its ocean surge problem, all its other troubles began to wane. The marina and its lessees went from operating in the red to grossing $29 million in the last fiscal year and providing a good profit.

The project, its developers believe, provides a unique example of the economic benefits that can be attained by both government and private enterprise when they work closely together.

Marina lessees are now paying the county $2 million a year, Epstein, president of the Marina del Rey Lessees Assn., points out. The county gets a guaranteed rent plus a percentage of the profits from each lessee.

The marina also has repaid the county $500,000 borrowed two years ago to keep the project from foundering, and it has begun to redeem the $13 million in bonds the county issued in 1957 for construction of the harbor.

ATTRACTS BUSINESS

In addition, lessees have paid $1,850,000 in property, sales and hotel bed taxes from 1965 to 1969. Taxes for the current fiscal year are estimated at $850,000, and in the future at $1 million annually.

The county is expected to receive a total of $15 million in taxes from the marina through the 1979–80 fiscal year.

The marina has served as an attraction to light industry and businesses, which are putting up plants and office buildings in the adjacent areas. This is bringing in more tax dollars.

The assessed valuation of areas surrounding Marina del Rey has risen from $46.25 million in 1955–56 to $120 million in 1967–68. Land that once could be bought for 20 cents a square foot now commands a price of $10 a square foot, Epstein says.

Before the marina was built, all the county was doing with the swampy 780-acre site was spending $50,000 annually for mosquito abatement there.

The county invested $36.25 million in the marina. Private enterprise put up an additional $70 million and plans to spend $128 million more.

A 60-YEAR LEASE

Lessees operate under a 60-year lease. At the end of that time, everything they have constructed—hotels, apartment houses, restaurants, anchorages, shops—goes to the county.

They are unanimous in attributing success of the marina to Arthur G. Will, director of both the Department of Small Craft Harbors and the Department of Real Estate Management for the county.

Will "really stuck his neck out" in persuading the Board of Supervisors to loan the marina $500,000 from the general fund to tide it over the period of trouble, Epstein says.

But Will was aware, Epstein says, that a defaulting of the bond issue would have affected the rating of school bonds and other bonds issued by the county for years to come and could have cost the taxpayers millions in added interest.

PUT JOB ON LINE

That is why Will put his job and his reputation as a public administrator on the block in going after the loan, Epstein says. And Will proved himself right.

Lessees like to compare Will with his father, the late Arthur J. Will, who as county chief administrative officer was responsible more than any other men for the building of the present Los Angeles Civic Center.

They believe the son is responsible for a project of equal utility and beauty in Marina del Rey.

Actually, the idea for developing the Marina del Rey estuary and inlet into a major commercial harbor was first advanced by a man named M. L. Wicks in 1887.

DUCK HUNTERS

Wicks spent $300,000 on construction work there, but he went bankrupt before any kind of harbor could be built. Duck hunters took over the site.

There were other proposals for a harbor there in 1916 and 1936, but neither got anywhere.

Then in 1949 the U.S. Army Corps of Engineers submitted a report indicating the feasibility of building a harbor for 8,000 boats at a cost of $23.6 million.

The Board of Supervisors obtained state help for the project in 1953 and federal aid in 1954. Construction began in 1957.

Voters approved the $13 million bond issue to finance the remainder of the project in 1957 and the bonds were sold in 1959.

THE 1962–63 STORMS

The most damaging big waves came in the winter of 1962–63 after the marina was opened.

Storms far out at sea brought 8-foot waves surging into the 2-mile-long channel every 8 seconds. The sudden rise and fall of the water caused extensive damage to marina facilities and small craft.

The Army Corps of Engineers solved the problem.

Studies made with a scale model of the marina at the corps' Waterways Experiment Station at Vicksburg, Miss., showed that a breakwater before the channel entrance would keep the waves out.

Meanwhile, as a temporary remedy, steel piers were constructed out into the channel from each bank. They served as baffles to block the surge.

PIERS REMOVED

Work on the breakwater started in October, 1963, and was completed in January, 1965. The steel piers were no longer needed and were removed.

The breakwater cost $4.2 million, half of which was put up by the county and half by the federal government.

It was still tough going financially for a while, though, and the marina had to get a $500,000 loan from the county in 1967.

But the marina is booming now.

Five thousand small craft—from skiffs to 150-foot yachts—are moored there at charges ranging from $1.45 to $2.50 per foot. An additional 1,000 slips will be available next year.

MANY APARTMENTS

Four thousand persons rent Marina apartments for from $150 to $800 a month. More apartment houses are going up, including three 15-story towers, to give the marina a permanent population of 10,000 eventually.

Marina apartment houses have one of the highest occupancy levels in Southern California—97.4%.

People move in as fast as an apartment building is completed, says Epstein, a partner in the South Bay Club, which has 380 units open now and will eventually expand to 1,105 units.

Seventy per cent of those who live in the marina apartments do not have boats, Epstein says. They just like to live by the water.

Marina del Rey has 15 restaurants operating, three more under construction and two in the planning stage.

RESTAURANTS GAIN

The restaurants have proved highly profitable, grossing $3,100 per seat annually. This compares to a $2,400 national average and $2,600 for the La Cienega Blvd. "restaurant row," Epstein says.

Many of the 5,000 persons employed in the area around the marina have lunch there. The eating places are also packed at dinner time, especially on weekends when some 30,000 persons visit the marina.

Marina lessees see another big economic spurt for the area when the adjacent Venice canal restoration project begins soon.

They believe the ocean beach in front of the marina will soon become one of the most popular in the county. Because of the gentle surf there, it is crowded with mothers and children in the summertime.

The five-man Small Craft Harbor Advisory Commission, of which Aubrey E. Austin is chairman, advises both the Board of Supervisors and the lessees on marine matters.

HIGH REGARD

Indicative of the regard in which it is held by the marina community was the black-tie testimonial dinner given recently to chairman Austin by lessees' association.

Every building put up at the marina must have the approval of a design control board, which is made up of two architects, a landscape architect and two businessmen.

"You can't build an outhouse here without getting their OK," Epstein says.

The Marina Freeway, which now ends at Centinela Ave., will be extended to the marina in the spring of 1971, making access to the facility easily available to everyone in Southern California.

Epstein says that millions of people living in the Southland have yet to visit Marina del Rey. The freeway link, he believes, would encourage them to make the trip.

ESTONIAN INDEPENDENCE DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. CRANE. Mr. Speaker, yesterday was the 52d anniversary of Estonian independence from the subjugation of Tsarist Russia—and this is the 13th year since the reenslavement of that nation

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by the Soviet Union. We should pause to commemorate the struggle of a brave people against heavy odds for freedom, a struggle so very similar in purpose to that waged by our own forefathers. But we should further take this occasion to rededicate ourselves to the cause of genuine freedom for all the peoples of the world. Today, that freedom is being denied to many, among them the people of Estonia, by the brutal and unrelenting oppression of the Communist government of the Soviet Union. As Americans, aware and proud of our heritage, we cannot fail to recognize the sad irony of the policy that condones by official silence the denial of freedom to the people of Estonia and the other nations of Eastern Europe.

THE ROLE OF GOVERNMENT IN ACHIEVING A QUALITY ENVIRONMENT: A REGIONAL APPROACH

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. SCHEUER. Mr. Speaker, in the past few years the need for regional environmental planning has become all the more manifest. Unfortunately, our government structure, with its division of jurisdiction among many government bodies at numerous levels, has made effective planning very difficult, if not impossible, in countless areas.

Hawaii, however, offers an excellent example of a single State's attempt at regional planning to preserve the beauty of the environment. In a recently delivered paper, Tnomas P. Gill, Lieutenant Governor of Hawaii, has presented an interesting account of his State's efforts to maintain a quality environment. I think that it will prove helpful for colleagues interested in regional approaches to the problems of the environment.

The material follows:

THE ROLE OF GOVERNMENT IN ACHIEVING A QUALITY ENVIRONMENT: A REGIONAL APPROACH

I assume the reason I was assigned this topic is that Hawaii is the only state in the union which is a region by itself. This may excuse using our state as an example of how environmental systems can be changed or protected on a regional basis. Hopefully, this will be applicable to other areas.

With this object in mind, let me tell you a little of Hawaii's uniqueness, of our history, of our use and abuse of land. Then I hope I can leave a few thoughts with you on how we—all of us—might achieve salvation through careful and planned use of our land, air, and sea.

Hawaii is both new and old politically. We have moved from an aboriginal polynesian society, to a Kingdom, to a Republic, to an Incorporated Territory, and then 10 years ago, to a state of the United States. We still have the flexibility of newness, yet we carry history, traditions, and a legacy of past practices and attitudes.

We are also new geologically. Our big island of Hawaii is still being built; we have no real assurance that the others are forever finished with volcanic activity. Pele, the volcano goddess, still walks among us; we are close to the awe of creation. This leads to the uncomfortable thought that if we make a bad mess of things Pele may wipe the slate clean!

Because of our isolation by thousands of miles of ocean our original ecology was determined by chance of wind, wave, or bird. A thousand or so years ago the ecology was modified by the venturesome Polynesian, who followed the stars, winds, and currents across the trackless ocean and brought pigs and dogs and food plants with him. These mingled with what grew already. This became the ecology which the white man found in the late eighteenth century.

Many of the native plants and animals are, or were, unique and fragile. We have many examples of evolutionary modifications on different islands and even on different parts of the same island. It was this fragile ecology which was so drastically damaged by the arrival of the white man with his foreign animals, grasses, and trees. One dramatic example of the defeat of native species by Alien intrusion and forest destruction has been Hawaiian bird life. According to one zoologist more birds have become extinct in Hawaii during the past 100 years than in any area of the world in the last 2000 years. This may be a difficult statement to prove but we do know that the federal government in 1966 listed 50 birds as rare and endangered species; 22 of them were Hawaiian birds.

The goats and cattle brought in by the early western contacts raised havoc with the native forests. Some trees are hurt when cattle trample the ground around their roots; others like the Koa die, unreplaced when young seedlings are eaten. Vast areas, such as the southwestern shore of Molokai, suffered sheet erosion, filling the ancient fishponds along the shore, because of overgrazing the hillsides.

Of course some of the plant imports went crazy in the lush tropical climate. One example, among many, was the Fire Tree (Myrica Faya), an ornamental shrub with pretty red berries reportedly much favored by early Portuguese immigrants and by early foresters for erosion control. Once planted, it broke loose, transformed itself into vast numbers of useless trees forty feet tall which march in legions across the pastures and forest land choking other growth.

As our ecology is different, our government structure is also varied from the traditional American pattern. The state government is highly centralized, a character inherited indirectly from the Kingdom. Our four counties are creatures of the State and do not have all of the powers often found in local governments on the mainland. Traditionally local functions such as education, health, and welfare are centralized, statewide departments. Real Property assessment is a state function. We also have a statewide planning office, and a land use commission which controls the basic land use boundaries across the State. The counties have zoning bodies which operate primarily within the urban zones. This overall planning and land use control mechanism was unique in the nation when adopted a decade ago. It may still be the key to a workable future.

Our islands also have a history of deliberate exploitation of the land. Some has been constructive and useful; some very damaging. This history is part of our culture pattern, as it is on the mainland.

Early in the 1800's the Hawaiian Kings discovered that the native Sandlewood was greatly in demand in China so the native forests were stripped of the fragrant wood and today the trees are rare and remote.

In this early period the newly introduced goats and cattle ran wild. At first they were protected by Tabu so that they could multiply, and multiply they did, destroying the native flora.

An ironic, but instructive historic accident was the death of the great naturalist, David Douglas, for whom the Douglas fir is named, he was killed by wild cattle in 1834 while on a botanical expedition on the Island of Hawaii.

In the mid-1800's Hawaii was a center of another exploitive industry, whaling. This flourished for a decade or so until destroyed by a combination of Arctic ice, the Civil War and the development of petroleum.

Then came sugar in the last half of the last century, and it is still with us today. Sugar quickly preempted most of the good agricultural land and created irrigation works and need for pest control. By and large, sugar has been a constructive ecological force because it depends on maintaining favorable growing conditions. It was largely the influence of the sugar economy which, around the turn of the century, pushed the Territory into replanting and preservation of the forest reserves and conservation of water resources. In recent years mechanical harvesting, some inefficient mills, dumping of bagasse or cane trash, and the heavy use of weed and insect killers, have raised some serious pollution problems. However, the continuance of sugar, particularly near Honolulu, is now important to the preservation of open space and a decent environment. Some times the owners of the sugar industry are our greatest opponents—they would rather subdivide!

World War II was, in a sense, another exploitive industry. It led to the occupation and use of large areas of the various islands by military forces. One entire island—Kahoolawe—was turned into a bombing and gunnery target. At present, the federal government—primarily the military—owns or controls something over 10% of the total area of the State, and more than 50% of the total land area of Oahu, the heavily populated capital island where over 80% of the state's people live.

The latest major industry, with an impact on the ecology, is tourism. One would think that the tourist industry, dependent as it is on selling scenery and pleasant living conditions, would be highly conscious of the need to preserve the environment. This has not been too evident. The main drive has been toward high rise hotel construction and land speculation. There seems to be some hope that the industry—now faced with an overbuilt situation in Waikiki, and some county pressure for standards—will modify its thinking toward environmental preservation and control.

Part of the tourist picture has been the rapid growth of population in the islands which is now in the range of 6% per year, or about twice the national average. Many of these are newcomers. This adds fuel to an already overheated island economy and greater pressure for more housing, roads, cars, and all of the other items by which modern civilization contributes to pollution and general environmental destruction. Honolulu is now developing a serious smog problem caused primarily by a heavy concentration of automobiles and faces monumental expenses for the proper disposal of sewage and waste.

With this background it is easy to see that our salvation lies in the carefully planned use of our land, air, and water so that we do not completely destroy the delicate ecological balances peculiar to our islands.

It is also easy to see that the force of economics and those whose interest is basically exploitive, will make this salvation extremely difficult.

But we do have tools. They include a statewide zoning or land use law and the concept of a statewide general plan. We do have a growing level of public concern with environment. Here are some of the things to be done to improve both our tools and our use of them.

First, our control of urban sprawl and destructive development can be strengthened. Our land use law, the first in the nation, passed in the early 1960's, is meant to give a statewide pattern to land use, but it needs both administrative and legal revamping. Its intention was to put all land in the state into four categories: Conservation, Agriculture, Rural, and Urban, and to review the boundaries of these use areas every five years and to readjust them only where there was a demonstrated need. This purpose had been largely lost by the practice of continually readjusting boundaries between review periods and by the granting of special use permits. This reduces the agency, which was to set major land use patterns, to the status of a minor zoning board spending the bulk of its time considering and granting variances.

Among the additional legal tools needed is the power to allow rezoning on a conditional or incremental basis. Both the Land Use Commission and county zoning boards need power to hold developers to the plans which they originally submit to gain the rezoning. This should include the power to refuse further rezoning of subsequent increments, and even to revoke zoning, where there is a bad faith change of original plans or a gross failure to perform as promised.

The amendments should also include the requirement that rezoning of agricultural or conservation land, which results in substantial increases in land value, should only be granted if the recipient of the rezoning donates some measure of this unearned increment to the public in the form of land or money. The requirement of such donation would partially solve the government problem of having to acquire high priced land for open space, recreation, or other public uses after that same land has been increased in value by the act of rezoning.

A third tool would be to coordinate the real property system more closely with land use zoning. The current tendency is to jump over or disregard land use boundaries and to tax the abutting agricultural land at discounted urban rates. This helps destroy the effectiveness of the zoning process for the owner has a good argument for rezoning on the basis of the taxes he pays. If we allow the recovery, on rezoning, of some major part of the unearned increment of value, much of the argument for tax pressure on the potential urban land is eliminated. Also you reduce the speculative drive for rezoning.

A major step which must be taken soon in the urban center of Honolulu—as in most urban centers—is the development of efficient mass transit. Until we can remove the bulk of the commuter traffic—from cars to electrically powered trains, we will never be able to control our air pollution, nor will we be able to channel our housing and commercial development and lessen the evils of urban sprawl. Under our system of diffused governmental power it is necessary to find economic tools to help direct and shape urban growth. The traditional legal tools of zoning and taxation are too easily blunted or turned aside. The existence of a mass transit corridor gives meaning to higher density zoning along it and makes possible "New City" type urban concentrations surrounded by adequate green belts.

Of course, the automobile is central to the pollution problem of this nation. It is the "devil" in our modern day morality play. It is also the implement which encourages sprawl and flight to the suburbs. It is difficult or impossible for isolated areas to handle this beast alone. There must be national effort. A few hundred million dollars put into R&D for alternatives to the internal combustion engine would be well spent. The matching formula on mass transit should be comparable to the highway act, and the federal money should be gathered in a trust fund. The federal housing effort, which for years has been concentrated through FHA on detached houses in the suburbs, thus emphasizing sprawl over improvement of the inner city, needs redirection. These are some of the federal tools which will make regional and state environmental planning feasible.

Through all of this runs the need for better urban design. In Hawaii we need not only to keep our air and skies clear, but we should also build to make maximum use of these assets. Further, with large numbers of people in a small area, the living and working places need to be as pleasant as possible. This means readily available open space, mini-parks which are well maintained, and constant efforts to suppress waste, litter, pollution, and noise. These are city problems basically, but they require the support of federal and state law and technical personnel.

Since our shores, our close ocean, and most of our mountain and forest areas are under the control of state agencies, we in Hawaii have a great opportunity to undo past mistakes and avoid new ones.

In recent years we have done a reasonable amount of reforestation using exotic or non-Hawaiian trees. We need also to study and develop techniques for regenerating native species. On the sea shores we have begun to reinstate in modern form the ancient tabu system to protect fish and coral. We have "blue belted" two of our bays; one which was quite depleted has recovered remarkably, to the delight of swimmers who want to see reef fish in their natural setting.

The prime tool in all of this effort to save and build a regional environment is public understanding and active support. It requires an effective constituency. The first need is to bring together those with common concerns and weld them into a viable political force that "talks turkey" on election day, and is vigilant the year around.

We are pleased with some of the legislation on air and water pollution which has come from recent congresses. This is indicative of a high level of concern across the country. In our own state there is a growing element of our people—often new residents—who raise the need for firm action on environmental control. There is considerable support in the University community. I even note the right questions being asked by students in the elementary and high schools. There is good reason to believe that in coming elections the voice of the environmentalist will be heard in our land.

It is on this rock our temple will be built.

COMMUNIST RULES FOR REVOLUTION

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DUNCAN. Mr. Speaker, someone called my attention to the "Communist Rules for Revolution," and I became alarmed as I reviewed these and realized how effective they are right now in this great country of ours.

I think every Member of Congress would benefit by reading this document. These rules are so simple, so easy to carry out. We see the results taking place in our society and it is our duty to warn our constituency and to protect our country.

Here follows the Communist rules:

In May 1919, at Dusseldorf, Germany, the Allied Forces obtained a copy of some of the "Communist Rules for Revolution." Nearly 51 years later, the Reds are still following the rules.

A. Corrupt the young; get them away from religion. Get them interested in sex. Make them superficial; destroy their ruggedness.

B. Get control of all means of publicity, thereby:

1. Get people's minds off their government by focusing their attention on sexy books, and plays and other trivialities.
2. Divide the people into hostile groups by constantly harping on controversial matters of no importance.
3. Destroy the people's faith in their natural leaders by holding the latter up to contempt, ridicule and obloquy.
4. Always preach true democracy, but seize power as fast and as ruthlessly as possible.
5. By encouraging government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent.
6. Foment unnecessary strikes in vital industries, encourage civil disorders and foster a lenient and soft attitude on the part of government toward such disorders.
7. By specious argument cause the breakdown of the old moral virtues, honesty, sobriety, continence, faith in the pledged.

C. Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless.

ESTONIAN INDEPENDENCE DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. HOWARD. Mr. Speaker, yesterday, February 24, marked an occasion of celebration and sadness among Estonians around the world. It was the 52d anniversary of Estonian independence. On that day, in 1918, the end of the First World War and the Russian Revolution combined to present the opportunity to the people of Estonia to declare their independence and begin the road to becoming a modern nation of the highest order.

Unfortunately, that dream and the efforts to accomplish it were to last for only two decades. Thus the sadness of this celebration. For two decades Estonians saw great progress in their nation—industry, the arts, education, and prosperity flourished. The Estonians had become a free and independent nation, able to direct their own course through history.

Twenty-two years later, however, that hopeful picture was to be changed by the ravages of the Second World War, and subsequent domination, once again, by German and Russian armies. In 1939, the Estonians were politically annexed to Russia, to become a captive satellite of that nation.

I think it is appropriate today to recognize that the people of Estonia, despite their captive status have not lost that dream. They have not lost the spirit and determination which made those brief 22 years so successful. On this 52d anniversary of their independence, therefore, we reaffirm to them our support in the way of a continued hope, prayer, and confidence that one day they may once again become the free and independent nation they so desire to be, as is the right of all nations, and the privilege of our own Nation to share.

ATOMIC ENERGY AND THE ENVIRONMENT CONTINUED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. WOLFF. Mr. Speaker, I am continuing to include in the RECORD statements received by my distinguished colleague from New York (Mr. REID) and I at a hearing on atomic energy and the environment.

Today I include in the RECORD the statements of Richard Curtis, coauthor of the book "Perils of the Peaceful Atom," and Irving Like, Esq.:

THE HAZARD IS NEW

(NOTE.—The statement made by Richard Curtis on insurance problems in the nuclear power industry is based on this chapter from Perils of the Peaceful Atom by Richard Curtis and Elizabeth Hogan. Published by Doubleday & Co., Inc., reprinted by Ballantine Books, Inc.)

Go to your strong box. Open it and take out your homeowner's policy. Run your finger down the column headed Perils Insured Against. Do you find anything covering your property for radioactive contamination resulting from accidental discharge of radioactivity from an atomic facility?

No? Perhaps it's elsewhere. Keep going. Ah, *there's* something: "Nuclear Clause." But wait. It says: "This policy does not cover loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination, all whether directly or indirectly resulting from an insured peril under this policy."

You may want to call your broker to ask whether this clause means that if the reactor going up outside your city has an accident and the fallout contaminates your property, you cannot recover. He will tell you that that's precisely what it means. He may even be aware that Lloyd's of London itself will not write such a policy. He may tell you not to worry, that such an event is highly improbable, but you will wonder why, if it is highly improbable, no one will insure against it. Couldn't an insurer make a fortune insuring against the highly improbable?

Your broker will inform you that although nobody will insure your property against radiation damage, reactor operators are "heavily" insured against claims. A $74 million indemnification put up by insurance pools is backed up with $486 million guaranteed by the U.S. Government. Altogether, over half a billion dollars could be funded to compensate victims, an unprecedented sum.

Impressive though this figure will sound at first, it will be recalled that the Federal Government estimated—in 1957, when much smaller reactors were being built much farther from our cities than today—that a major atomic plant accident could cause property damage *alone* in the billions—as high as seven billion dollars. Even at this figure, supposing the worst, where would the other six billion plus come from? And what about life and health insurance? Your policies probably cover you for radiation injury or death, but if property claims alone can reach seven billion dollars, life and health claims would be equally staggering, would they not? Possibly large enough to wipe out even the biggest insurance companies.

These vexing questions might lead a curious insurance broker to wonder whether the public is being told *everything* about atomic power plants. And if he decided to follow up his curiosity about the anomalies in nuclear insurance, he would learn some very interesting things.

He would learn, first of all, that the atomic power program was in big trouble in the mid-1950s because neither the utilities nor the reactor manufacturers were able to calculate the astronomical damages that would result from a major accident at an atomic facility. Even if they *had* been able to do so, the insurance companies weren't prepared to put up indemnification even approaching the amounts necessary. In 1955 an advisory committee of representatives of the insurance company had been appointed by the AEC to study this problem, and two significant findings were made: The first was that in order to cope with the nuclear risks, a property and liability pool would have to be formed by the country's stock and mutual insurance companies. The second was that even with such a pool, the industry would not be able to offer satisfactory public liabilitay insurance on atomic power installations.

The feelings of the insurance industry were well expressed in 1956 by Hubert W. Yount, vice-president of Liberty Mutual Insurance Company. After considering possible consequences of a major nuclear plant accident, Yount was forced to declare to the Joint Congressional Committee on Atomic Energy:

> The hazard is new. It differs from anything which our industry has previously been called upon to insure. Its potential is still unknown and must therefore be calculated currently in terms of a body of knowledge which is expanding from day to day. . . .
>
> Very few insurance companies have had any opportunity to develop first-hand knowledge of the problems involved because of the present limited scope of operation. By the same token, very few insurance companies have developed trained technical personnel to assist their underwriting personnel in insurance evaluation of the hazards involved. . . .
>
> The catastrophe hazard is apparently many times as great as anything previously known in industry and therefore poses a major challenge to insurance companies. . . . We have heard estimates of catastrophe potential under the worst possible circumstances running not merely into millions or tens of millions but into hundreds of millions and billions of dollars. *It is a reasonable question of public policy as to whether a hazard of this magnitude should be permitted, if it actually exists.* Obviously there is no principle of insurance that can be applied to a single location where the potential loss approaches such astronomical proportions. Even if insurance could be found, *there is a serious question whether the amount of damage to persons and property would be worth the possible benefit accruing from atomic development.* [Emphasis ours.]

That Yount was not content to confine his remarks to the dubious insurability of atomic power plants but took it upon himself to question the wisdom of the entire program is an extraordinary indication of the depth of the insurance industry's reservations.

Their own anxieties now strongly reinforced by those of insurers, private developers of atomic power had to tell their Government that unless *someone* was prepared to indemnify them, they could not proceed with an enterprise so fraught with unknowns and risks.

It was thus to head off a major rebellion of private industry that the Federal Government proposed legislation aimed at removing this chief obstacle to forward progress. That legislation, passed in 1957, was known as the Price-Anderson Act, named after its sponsors, Senator Clinton Anderson of New Mexico and Congressman Melvin Price of Illinois, members of the Joint Committee on Atomic Energy.

The Price-Anderson Act provided for Federal funds of $500 million to be made available for the settlement of damage claims resulting from a nuclear power plant accident if the insurance purchased by the plant operators proved insufficient. Since at that time the insurance pools were willing to put up $60 million altogether, the total amounted to $560 million. Beyond that ceiling, however, all obligation, both of the plant operator and the Government, ceased. A recent change in the Act has raised the insurance pool fund from $60 million to $74 million, and lowered the Government fund from $500 million to $486 million, but the important thing is that under present law no more than $560 million is provided to compensate victims of a nuclear plant disaster.

We have it on the testimony of Representative Price himself that his Act was pretty much responsible for averting economic disaster in the atomic power field at that time. In an interview over ABC Radio in August 1966, Price was asked if it had originally been impossible for private industry to get insurance against atomic power plant accidents. He answered: "That's correct. The power development program was bogged down; there was nothing but studies back in the early fifties, and it wasn't until passage of the Indemnification Act, known as the Price-Anderson Act, incidentally, that the program got off the ground and they started to build plants. The utilities, or the manufacturers of these vessels and reactors, wouldn't risk going into this uncharted area without some type of indemnification protection."

But if the atomic power industry received its biggest boost from the Price-Anderson Act, it was almost entirely at the expense of the American public, for it meant that We the People were assuming liability for someone else's risks.

Furthermore, we weren't even getting a very good policy. In the event of the maximum credible accident, which the Government had asserted could cause as much as $7 billion in property damage *alone,* the insurers would not be able to make good on more than $560 million, or 8 per cent of the total damage claims. The other 92 per cent would come out of our pockets to pay for uninsured damages. As for those of us who recovered less than the losses sustained, or recovered nothing whatsoever—well, that's life. Since you, through your billions of dollars of subsidy-supporting taxes, are responsible for the existence of the atomic power industry, it is only fair and proper that you should pick up the lion's share of the bill for damages, is it not? That would appear to be the implicit philosophy behind this insurance plan.

It is worth reminding the reader that seven billion dollars in property damages was an early estimate, and that developments since 1957, as we have demonstrated, could conceivably cause a catastrophe with a far higher price tag. Yet no matter how substantially all other industries and the public are exposed to potential bankruptcy, the nuclear industry is protected by virtue of the "no recourse" provision of the Price-Anderson Act.

In the commercial market place the imposition of liability has always served, among other purposes, to discourage management from proceeding with potentially hazardous enterprises by making it intensely aware of its financial obligation should that enterprise prove harmful to the public. As a result of the Price-Anderson Act, however, the nuclear industry was released to proceed with its hazardous entepris secure in the knowledge that its annual insurance premium on sixty million dollars worth of indemnity per nuclear power plant constituted the limit of liability against damages that could amount to fifty or a hundred times sixty million dollars, or more. Accordingly, one of the traditional and fundamental balances to caution was removed from the scales. *Temptation to cut cost,* in an industry in which engineering safety is expensive, *was no longer counteracted by fiscal responsibility.* And

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since Price-Anderson coverage was extended to liability of third parties such as reactor manufacturers, they too were relieved of a good deal of legal compulsion to honor the yellow light of caution.

If the reader feels anything less than despair at the prospect of being compensated, it is undoubtedly because he clings to the hope of being awarded *some* of the $560 million that is supposed to be made available for that purpose. Unfortunately, survivors of an atomic plant calamity might discover their woes compounded by a Congress uncertain about its obligations—so that even that $560 million might not be totally freed, or freed at once, to aid the ailing and the destitute. Speaking before the House early in August 1965, Representative Robert T. Secrest voiced the opinion that serious questions of liability and constitutionality were inherent in the Price-Anderson Act, and that unless time-consuming litigation was avoided, it seemed "logical to assume that several years will pass after an atomic power plant accident before any funds can actually be paid to persons injured."

It is most significant, Secrest pointed out, that even the Atomic Energy Commission expressed serious reservations about the constitutionality of the Price-Anderson approach to indemnification. On page 43 of the 1956 Governmental Indemnity Hearings transcript can be found this statement made by the AEC before the Joint Committee on Atomic Energy: "We have carefully considered the approach of limitation of liability and do not recommend this method primarily on account of doubts as to constitutionality of this approach. Also limitation of liability does not offer the degree of protection to the public that is offered by the indemnity or reinsurance approach."

Despite the AEC's own misgivings, the Price-Anderson Act was carried. Supporters of the plan assembled a number of arguments for the Act's constitutionality should the matter come to a court test. But Congressman Secrest, reviewing those justifications in his House statement in 1965, cast doubts about their validity. For instance, it was assumed when the Act was passed that plutonium produced in power plants might be needed for military purposes. That need, Secrest pointed out, has been filled. Secondly, in 1957 the law provided that all atomic fuel must be the property of the U.S. Government, but under "private ownership" legislation enacted since Price-Anderson, that is no longer true. Thirdly, Secrest thought the bankruptcy power of Congress would not justify the constitutionality of the Price-Anderson Act's no-recourse provision. Bankruptcy power presumably applies only in the event of actual or threatened insolvency. "It hardly seems proper to assume that the bankruptcy power gives Congress the authority to completely eliminate financial responsibility for damages without even touching the assets of the utility involved."

Secrest's last point was telling:

"It does appear that Congress has jurisdiction over the construction and operation of atomic power plants because of the commerce clause. Even so, the delegation of jurisdiction under the clause does not give us complete constitutional authority to act as we wish, without limitation. Whatever laws we pass under the commerce clause will not be constitutional unless they are reasonable and appropriate means to a lawful end. There is very serious question as to whether or not an act of Congress giving complete immunity from responsibility for negligency constitutes a reasonable and appropriate means to a lawful end."

Intimately connected with questions of constitutionality are those surrounding the matter of liability. A substantial body of law maintains that the owner-operator of a dangerous enterprise must assume full financial responsibility for the destructive effects of that enterprise, and that, as one court decision puts it, "the person who for his own purposes brings on his land and collects and keeps there anything likely to do mischief if it escapes, must keep it at his peril and if he does not do so, is prima facie answerable for all of the damage which is the natural consequence of its escape." It might therefore be maintained that the absolute cutoff of liability now guaranteed private industry by the Price-Anderson Act was unlawfully granted, and liability should be pinned back on the concerns that shed it when the Act was passed. The *Insurance Counsel Journal*, in January 1963 predicted that as a result of this issue of "strict liability," there would be "plenty of lawsuits."

Although members of the two houses of our Federal legislature would be horror-stricken if an atomic plant catastrophe occurred, they would still wish to be on certain ground before releasing damage awards, and opponents in those houses might resort to a number of legal defenses against full assumption of liability. For instance, suppose the reactor accident had resulted from an earthquake; might not Congress try to claim that damages resulting from such an Act of God were not insurable? Or suppose foreign sabotage could be proved; might not Congress try to claim that an Act of War invalidated damage claims? Consider another view: Acts performed in pursuance of a public duty or for national defense or security may exempt those performing those acts from liability for resulting damages. Since the atomic energy program is founded on the principles, as stated in the Atomic Energy Act of 1946, of "improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace," might not our Government try to claim that the reactor accident occurred in pursuance of public duties?

Many other questions would be raised should tragedy strike, and even a brief outline of some of the issues that might be brought to court will make it readily apparent that much new legal ground may have to be broken before damages can be properly assessed and compensation disbursed.

Formulas would have to be established to determine priorities. Would an individual who suffered immediate illness from a high dose of radiation be entitled to compensation ahead of one whose exposure to a smaller dose might not produce harmful effects for years? How would it be determined that cancer and leukemia were directly attributable to radiation exposure experienced at the time of the accident? Since there does not seem to be a threshold below which radiation is harmless, would the courts be obliged to hear claims from people who believed their lives had been shortened appreciably by minute doses of radiation? Will the cost of evacuation and decontamination of an area be recoverable? If radiation causes damages to a parent's genes, might a deformed child be entitled to bring action? If the disaster carried damage claims beyond the $560 million limit, how would further claims be handled? Which would take precedence, and how would funds be apportioned?

The machinery for dealing with some of these questions exists in the original Price-Anderson Act and in subsequent amendments, but just how fast that machinery would move is open to debate. Our court system is already staggering from an unprecedented volume of claims; auto accident litigation alone is, in many areas of the country, years behind reasonable schedule Recent revision of the Act has set up ways and means of expediting payment, but even if Federal aid were put on an emergency relief basis, would that aid be speedy? After the Alaskan earthquake of 1964, for instance, it was complained that Congress was slow to appropriate even fifty million dollars for damages estimated at some five hundred million dollars, and *that* tragedy was a fairly cut-and-dried instance of an Act of God, where no complex questions of human liability or constitutionality were involved.

So important has the Price-Anderson Act become to the nuclear industry that, at hearings held in June 1965 on the extension of this law, which was due to expire in 1967, representatives of several utilities testified that unless it was extended they would "probably not" build additional nuclear plants at present. Mr. Mel Frankel, on behalf of the Department of Water and Power, City of Los Angeles, stated for example that: "Without the protection which presently is provided by the Price-Anderson Act, it is doubtful that any utility would consider it prudent to build nuclear plants." Several utility representatives confirmed this, and the following year Philip Sporn, one of the most highly regarded authorities on electric power, declared in a review of nuclear power economics that "Price-Anderson insurance is absolutely essential to the continued development of nuclear power. Its elimination would choke off the construction of nuclear power plants."

The Act was extended until 1977, but a basic question has never been answered. For if utilities are sufficiently convinced of the safety of nuclear plants to be willing to gamble with the lives, health, and property of the public, why are they not equally willing to assume financial responsibility for accidents at such plants? It was this line of reasoning that produced a move by Congressman Leonard Farbstein of New York to make utilities and manufacturers responsible for an additional hundred-million-dollar indemnification beyond the amount guaranteed by the insurance pools. It was never passed.

Harold Green, the attorney whose views have shed considerable light in this book on other legal aspects of atomic energy, illuminates the matter of insurance, too, noting that "although the licensing of nuclear reactors proceeds on the assumption that there are no undue risks to the public, the Price-Anderson Act is bottomed on the premise that operation of a nuclear reactor involves undue risk to industry. The public assumes the very same risk of a serious accident that the utilities and equipment manufacturers are unwilling to assume and against which they are indemnified by the Government. The only sop thrown to the public is some assurance that funds will be available to provide compensation for damages incurred if liability can be established." The paradox Green has formulated has been stated with eloquent simplicity by another critic, who phrased it: "If a thing isn't insurable, it isn't safe." And an even less temperate characteristization of the Act was given by Rolla D. Campbell, a lawyer of Huntington, West Virginia, in a letter inserted into the Congressional Record for July 16, 1965:

"The license which AEC is authorized to grant to the operators and manufacturers of an atomic plant can fairly be characterized as a license to them, for their own financial benefit, to create huge risks to others, involving death, sickness, and property damage, without any liability whatsoever for the harmful consequences, and to throw all such risks (over and above private insurance available) upon the U.S. Treasury and upon the persons suffering death, personal injury, or property damage. . . ."

These are some of the things your broker would learn when he decided to explore the prospects of compensation for radiation damage due to an atomic power plant accident. There would be other avenues he might care to explore if he were industrious enough: the largely unformulated policy on insurance coverage for transportation accidents involving nuclear materials, for instance. An amendment to the Price-Anderson Act embraces such accidents, but the insurance pools have yet to establish codes in that area, and many forms of transportation are uninsurable when atomic material is involved. Or there is the matter of accidental releases of small doses of radiation which merely add to the harmful "radiation budget" growing each year in our environment. The Price-Anderson Act gives the AEC the exclusive right to declare what is a nuclear accident and what is not; yet the gradual seeping of radiation into our air and water represents a long-term health threat which even the grossly inadequate insurance we have does not recognize.

"The hazard is new," said the insurance man, and it is dubious that this nation will be in any better a position to deal with the economic hardships than it will be to handle the appalling suffering and dislocation produced by a major accident.

Take another look at your homeowner's policy. Reread the Nuclear Clause.

Now what?

The Right To Be Free of Unnecessary Atomic Radiation—The Environmental Right of the People of the Long Island Sound Area

(By Irving Like[1])

My name is Irving Like. I am a partner of the law firm of Reilly, Like & Schneider, Babylon, New York, and am concerned about the impact of atomic energy projects on man and his environment, with particular concern for Long Island and its natural resources.

The basic theme of my statement is that the people of the Long Island Sound area have a right to a quality environment, free of pollution, nuclear or otherwise, and that the Congress should enact legislation which would incorporate the provisions of Mr. Wolff's bill H.R. 12389 but with additional amendments establishing a mechanism and procedure for the ultimate adoption of a comprehensive plan, binding upon federal, state and local government. The plan would have the force of law and (1) would be designed to protect the environmental quality of the Long Island Sound area; and (2) secure to the people of this area certain environmental rights.

Among these would be the right of the people to determine whether the Long Island Sound region should be an area off limits to nuclear power plants and free of any unnecessary additional atomic radiation. A Long Island Sound Council on Environmental Quality should be established with authority to review all projects, such as nuclear power plants, which have a major impact upon the quality of the environment. The council should hold public hearings on any proposed nuclear project and inquire into its relative benefits, risks and alternatives, and then make its findings known to the public. The people should then have the right, through a referendum to vote whether to approve or reject the particular project.

It should be the privilege of the people to decide that they are willing to wait until science and technology can produce a nuclear reactor perfected to the point where it will discharge zero radioactivity. The final choice of whether to generate electricity by conventional fossil fuel plants or nuclear facilities should belong to the people who are going to have to pay the cost for such power.

The Long Island Sound is not simply an arm of the sea.

It is a way of life with an almost mystic attraction to those who live near or visit its shores.

Name any variety of marine recreation and you will find it in its waters or along its beaches and estuaries.

Very few, if any, scenic shorelines can be found near major cities along the Atlantic coast, which match the beauty of the North Shore of Long Island.

Long Island Sound supports a multi-million dollar fish and wildlife resource, and its ecology is a vast nature laboratory for government and scientific research.

Its unbridged vastness guarantees the island flavor and serenity of Long Island. The national importance of Long Island's natural heritage is evidenced by the Fire Island National Seashore and several federal wildlife refuges.

Why is Long Island unique? Why is it special?

Because it is that rare combination—an island thing of beauty vulnerable to the technological advances and growth pressures of the greater New York metropolitan area, and yet miraculously protected by the seas which encircle it.

Ironically, it is these very bodies of water, the ramparts of Long Island's natural heritage, which the project builders wish to conquer or exploit.

Bridges to Westchester and New England are proposed which would destroy the refreshment of Long Island's isolation, and substitute a fast buck industrial progress for Long Island's vintage industry of tourism, recreation and scientific research.

Oil hunters reportedly have designs to drill for Long Island's offshore mineral deposits, raising again the specter of another Santa Barbara oil spillage blackening the Fire Island National Seashore and other incomparable beaches which run the island.

And now deadliest of all—is the prospect of several nuclear power plants locating on Long Island's shoreline in order to be able to suck in the fantastic quantities of water needed to cool their power reactors and return them as heated water bearing radioactive effluents.

The first plant proposed is to be at Shoreham, in the Town of Brookhaven, one of Long Island's fastest growing towns, with a population of 214,000 as of January 1, 1969 and expected to increase to 515,000 by 1985.

What is the citizen of the Long Island Sound area confronted with when he attempts to cope with the combined power of AEC and the utility seeking a license to construct and operate a nuclear power plant?

What can you, the Congress, do to help protect the citizen against inappropriate nuclear power plant development?

These are the two questions I wish to comment on in my statement.

First I would like to point out the substantive and procedural obstacles that confront the public and any prospective intervenor in AEC nuclear power plant licensing proceedings.

I. By law, the AEC is required to promote development of atomic energy and simultaneously regulate the licensing of nuclear power plants. It is biased in favor of development, and it places its resources on the side of the utility applicant.

A. The issue in each AEC licensing proceeding is whether the proposed facility can be constructed and operated at the proposed location without undue risk to health and safety of the public.

B. AEC is the one who decides what is undue risk. "Undue risk" does not mean that there is no risk; it means simply that in the AEC's opinion, the benefit to the public from nuclear power outweighs whatever risk the public may suffer. In deciding what is "undue risk", the AEC claims that it need be concerned only with the danger of radioactive discharge.

C. It refuses to take thermal pollution or any other environmental or economic impact into consideration.

D. It claims that it is not bound by the opinions or rulings of any other federal, state or local agency.

E. Although nuclear power plants have not produced the expected benefits, the AEC continues to issue permits on the assumption that the benefits outweigh the risks. Although the permissible limits of radioactive discharge set forth in the AEC regulations are under scientific challenge, the AEC continues to stick to these questionable limits and to issue nuclear power plant permits whose radioactive discharge may exceed the safe dosages.

F. Although the applicant (utility) has the burden of proving that the nuclear reactor will not cause undue risk to the health and safety of the public, even if applicant does not prove its case during the lengthy period of technical review and at the public hearing which follows, the AEC usually resolves any doubts on the issue of undue risk in favor of the applicant by allowing the applicant:

(1) to supply, in the future, any omitted technical information;

(2) to conduct a research and development program design to resolve any open safety questions;

(3) to submit, in the future, further or supplemental evidence on any of the issues presented by the applicant.

G. On virtually every risk issue, the AEC assumes that the applicant can overcome the problem, either through additional research and development or through the presentation of additional evidence. The AEC even allows the applicant to present a design for a larger and different reactor untested by previous experience, so long as the AEC finds that such novel plant is feasible within the range of established technical and engineering practice.

H. During the period of technical review and processing of the application, the staff of the AEC and the advisory committee on reactor safeguards (ACRS) confer privately with the applicant and help him complete and perfect his application so that a public hearing can then be scheduled.

II. The procedures relating to public hearings and intervention by opponents of the project are a sham and contrary to the public interest.

A. The whole technical review procedure involving the utility applicant, the AEC staff and the ACRS takes place behind closed doors, and the basis for the reports and recommendations of the staff and the ACRS are not exposed to public view until the public hearing. During the entire period of technical review, the public is excluded from participation and there is no opportunity given for any outside independent expert or environmental agency to participate with the staff and the ACRS and utility in the process of technical review of the application.

B. Ostensibly, the purpose of the public hearing is as a forum to test and validate the safety findings of the staff and the ACRS. However, it really does not serve such purpose because by the time such public hearing is scheduled, the staff and the ACRS have already formed their opinions and have lined up on the side of the utility. It is hardly conceivable that the staff and the ACRS would suffer the embarrassment of reversing themselves at the public hearing after they had previously given the green light for such hearing.

C. It is difficult for a representative of the public interest to gain status as an intervenor in the proceeding. The prospective intervenor must state his specific interest in the proceeding and how it would be affected by the issuance of a permit. The AEC rules on intervention are very technical, and the AEC will refuse to allow intervention by any person unless the prospective intervenor limits himself to the presentation of evidence on the issue of radiological effect. Many attempts by citizen groups to gain intervenor status have been rejected by the AEC. As a result, there was no opportunity to present evidence in opposition to the utility, the reports of the staff and ACRS, and to cross-examine the proponents of the permit.

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[1] Testimony presented before the Hon. Lester L. Wolff, Ogden R. Reid and Joseph P. Addabbo at a hearing on February 6, 1970 at the United States Customs Courthouse, at Federal Plaza, New York City, on the subject of atomic energy plants and their effects on the environment. (Biographic profile appended.)

D. Even if granted status as an intervenor, a party then suffers the disadvantage of having a very limited time in which to prepare for the public hearing. In contrast to the long period of time devoted to the technical review of the application, the tremendous resources of the utility, and the availability to the utility of the technical talents of the AEC staff and ACRS, the intervenor is usually a person or group of modest means unable to comprehend the technical complexity of the application, and unable to afford the independent experts whose services are necessary to investigate and testify with regard to the adequacy of the application and the findings of the staff and ACRS.

E. No opportunity is given to the prospective intervenor and his experts to confer with the staff and ACRS in their technical review of the utility's application, prior to the public hearing. Although the AEC gives the utility an opportunity to establish, through its future research, that the facility will not cause undue risk to the health and safety of the public, the AEC rejects any claim by the intervenor that further scientific research is needed to determine the safe dosages of radioactive discharge, and rejects the claim that future research may, on the contrary, reveal that the permissible safe dosages of radioactivity are too high and that the proposed nuclear plant will cause risk of radiological hazard. In short, the AEC assumes that future research will vindicate the position of the utility and not the intervenor.

F. Whereas the AEC gives the utility an almost unlimited opportunity to prove its case, and customarily issues provisional construction permits where there are still open questions to be resolved, and allows the utility to reopen the hearing from time to time to present additional evidence in support of its application, when it comes to dealing with the intervenor, the AEC does not keep the record open indefinitely and does not permit the reconvening of the public hearing for the purpose of receiving additional evidence from the intervenor, but instead summarily dismisses the intervenor's claim if not proven within a reasonable period after the commencement of the public hearings.

To summarize, the prospective intervenor must deal with a stacked deck. He not only must confront the formidable lineup of the utility, the AEC staff and the ACRS, but he is handicapped by the lack of legal favorable precedents and prejudiced by a grossly unfair set of procedures.

PROCEDURAL REFORM

To make the AEC procedures in nuclear plant licensing proceedings more fair to the citizen, who seeks to intervene, I recommend the following:

1. Require that the Rules of Practice of the AEC be amended to provide that the proceeding is deemed to commence, and the citizen may intervene, as soon as the utility files its application;

2. Allow the citizen and his independent experts to confer with the AEC staff and ACRS at the same time that the utility does. In this way, the participation of the citizen during the period of technical review of the application can be made meaningful, and if the proceeding ultimately reaches the stage of a public hearing, the issues can be more effectively litigated.

REQUIREMENT THAT AEC CONSIDER THERMAL POLLUTION AND OTHER ENVIRONMENTAL EFFECTS

Congress recently passed the National Environmental Policy Act of 1969 (Public Law 91-190, 91st Congress S. 1075, January 1, 1970, 83 Stat. 852) in which it directed all federal agencies to take into consideration, in their decision making, the following factors, among others:

1. The environmental impact of the proposed action;

2. Any adverse environmental effects which cannot be avoided should the proposal be implemented.

It is my opinion that because of this law, the AEC can no longer limit its responsibility to issues of radiological safety, but is now obliged to take thermal pollution and other environmental effects into consideration.

On January 29, 1970,[2] JCAE Chairman Holifield stated that he was writing a letter to the AEC urging them to take thermal effects into account in their nuclear plant licensing proceedings.

It may be that the AEC will resist my interpretation of the National Environmental Policy Act and the matter may ultimately have to be decided by the Courts.

I recommend, therefore, that if feasible, the Congress pass a resolution declaring that it is the intent and sense of Congress in the National Environmental Policy Act that the AEC be required to take thermal and other environmental effects into consideration.

I do not believe the AEC would ignore such a resolution.

ENVIRONMENTAL QUALITY LEGAL DEFENDERS

The citizen intervenor is no match for the utility AEC Staff combined legal, technical and financial resources.

To redress this power imbalance, I suggest any or all of the following measures:

1. An eminent environmental lawyer, David Sive, Esq., recently observed:

"In the environmental litigation in which the legality of a large public works project is at issue, financial, time and physical factors prevent the plaintiffs from getting the materials or data for their experts to study. Should they not therefore be permitted to examine experts employed by the adverse party, the government agency, both on deposition before trial and on trial, on direct examination and under subpoena."

Mr. Sive explained that the right to conduct such examination would be useful because in many environmental litigations, experts who are employees of the very government agencies being sued, may have opinions at variance with positions taken by the agency heads.

To secure this right of examination, I suggest that Congress pass legislation requiring modification of the present rule of discovery and evidence which prohibits such examination.

2. A special Environmental Quality defense unit should be established in the Department of Justice and in each of the district U.S. Attorney's offices with responsibility to intervene in AEC proceedings where a major environmental issue is at stake, and where the provisions of the National Environmental Policy Act and other U.S. environmental laws need to be enforced. This would be analogous to the Civil Rights Division or Anti-Trust Division now operating in the Attorney General's office. The Environmental Quality unit would be authorized to summon whatever technical experts and federal resources it needed to effectively present its case.

3. Similar responsibility could be assigned to the Consumer Protection Affairs Division, which is a part of the Executive Department.

4. Congress may, as an alternative to the use of existing arms of government, establish an independent Office of Environmental Defender or Ombudsman with its own staff and budget, to intervene and litigate on the side of environmental quality, wherever necessary.

5. Or, why not have the sub-committees of Congress, such as yours, act as environmental investigators, bringing vital information to the public's attention and even intervening in AEC proceedings as the legislative representatives of the affected public interest.

I have thus far touched on procedural reforms needed to give the cause of environmental quality a fairer day in Court.

These are of limited effectiveness unless basic substantive changes are made in the field of environmental law.

ENVIRONMENTAL LAW CHANGES NEEDED

In view of the serious scientific concern which has been raised as to the possible damaging effects of the radiation dose levels currently permitted under AEC regulations (10 CFR 20) (See testimony of John W. Gofman—Jan. 28, 1970, before the JCAE), Congress should enact legislation providing for an independent research study, reexamination and review by a broadly based scientific panel of the current radiation protection standards, with the objective of reducing such levels to the lowest possible level which is technically feasible—thereby obligating the nuclear power industry to improve its technology to the point where radiation discharge is eliminated.

Congress should also enact legislation reorganizing the structure of the Federal Radiation Council to include scientific representatives, and reforming its procedures and the rule and regulation making procedures of the AEC regarding the establishment of radiation protection standards, so that the total scientific community is given a meaningful opporunity to participate, and the interested public and the Congress is adequately informed of the risks and benefits of radiation.

Congress should consider legislation which establishes a two-step hearing procedure in Atomic Energy Licensing Proceedings.

Step 1 would be the consideration of sitting problems and all environmental effects of the proposed project.

Step 2 would follow a green light on Step 1, and would deal with the highly technical safety and engineering factors.

This sequence is analogous to the two-step hearing procedure now applicable to federally aided state highway projects. (Step 1—highway corridor selection; Step 2—design and construction features)

AEC Commissioner Ramey appeared to support the two-step approach in his testimony October 28, 1969 before the JCAE. (See p. 109—Transcript of Hearings before JCAE—91st Congress, 1st Session on "Environmental Effects of Producing Electric Power."

Another needed substantive law reform is the legislation (H.R. 4148)[3] which has passed in the House and Senate versions[4] and is awaiting action by Joint Committee, which includes provisions which would require certification by state water quality agencies that the construction and operation of new power facilities would not cause any violation of applicable water quality standards.

Most importantly, we need recognition on the federal level, preferably in the form of a constitutional amendment, of a National Conservation Bill of Rights which would guarantee each citizen's right to a healthful quality environment, free of pollution.

It would be most fitting if such a constitutional amendment could be adopted in time for the 1976 commemoration of 200 years of our independence.

In the meantime, I believe the people of the Long Island Sound area would support legislation recognizing their right to the protection of their unique natural resources, and their right of self determination in regard to the type of projects which may be imposed upon them.

The time has finally come when decisions on projects which will have a major impact upon the quality of the environment, or which involve irreversible and irretrievable commitments of resources, can no longer be left solely with the market oriented profit motivated producer, or his government regulator. The citizen, consumer or public who must live with the mistakes or consequences of such producer initiated actions, should have the right to participate and choose among the various alternatives—project or no project—nuclear or fossil fuel—with full knowledge of the relative risks, benefits and costs.

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[2] Joint Committee on Atomic Energy.

[3] Water Quality Improvement Act of 1969 (91st Congress, 1st Session).

[4] S. 7.

The legislation which I urged at the opening of my statement will give the people of the Long Island Sound area the opportunity to participate meaningfully in determining, as to any major project, what they believe represents the maximum social benefit, at the least social cost.

BIOGRAPHICAL PROFILE OF IRVING LIKE

Graduate Columbia University Law School.

Partner of Reilly, Like & Schneider, 200 West Main Street, Babylon, New York.

Resume of conservation activities and affiliations

1. New York State Conservation Bill of Rights:

(a) Originated concept conservation bill of rights and helped draft same which was adopted by New York State Constitutional Convention in 1967 and re-enacted by New York State Legislature in 1968, and approved by voters' referendum in November 1969.

(b) Received American Motors Award for contribution of conservation bill of rights.

(c) Composed articles concerning conservation bill of rights and environment, published by Horticultural Society of New York and the Long Island Daily Review.

2. Fire Island National Seashore: Counsel Citizens Committee for a Fire Island National Seashore

3. Helped draft the following legislation:

(a) Fire Island National Seashore.

(b) Hudson River Compact Legislation.

(c) Town of Oyster Bay Conservation Plan adopted 1968 by Town Board.

(d) Proposed Long Island Sound Shoreline Act (introduced in Congress by Congressmen Wolff and Grover).

(e) Proposed Route 25A Scenic and Historical Commission legislation (introduced in the New York State Legislature by Senator Bernard Smith).

(f) Proposed Great South Bay Conservation Commission Act (introduced by Assemblyman Costigan and State Senator Giuffreda).

(g) Proposed federal conservation bill of rights introduced by Congressman Bennett of Florida.

4. Town of Oyster Bay Wetlands: Negotiated agreement between Interior Department and Town of Oyster Bay for a transfer of title by Town of approximately 5000 acres of wetlands and under water lands for dedication as migratory bird refuge.

5. Chairman—Town of Babylon Conservation Commission.

6. Member of Suffolk County Charter Revision Commission.

Memberships

Atlantic Advisory Committee—Sierra Club.

National Audubon Society.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

PRO ARTE SYMPOSIUM

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. WYDLER. Mr. Speaker, support for the arts has received new and important encouragement from President Nixon in his announcement of a request for increased appropriations in a period when most items are suffering a reduction in the Federal budget. This type of support is important but would be meaningless without a strong private response.

The Pro Arte Symphony Orchestra is an outstanding addition to culture and to the arts. I have the honor of serving on the men's committee for this worthwhile organization.

On February 3, 4, and 5, the Pro Arte Symphony Orchestra, sponsored by Hofstra University, Hempstead, N.Y., conducted a symposium on contemporary music. This is the first time that a cultural undertaking of this kind and magnitude has been attempted on Long Island; it was accomplished without government support.

Musicians, teachers, and students and others attending the seminar at Garden City, Long Island had an opportunity to study new scores and their unusual system of notation, to be present at workshop rehearsals of the Pro Arte Symphony from the first reading of new works to their actual premiere performance, and to hear and participate in discussions about contemporary music with 15 nationally recognized composers, conductors, performing artists, and educators. Some of the more advanced student instrumentalists rehearsed side by side with Pro Arte's regular orchestra members as they prepared for a performance.

Among those participating in the discussions were: Dr. Eleazar de Carvalho, conductor and music director of the Pro Arte Symphony and lifetime conductor of the National Orchestra of Brazil; Lukas Foss, conductor and music director of the Buffalo Philharmonic Orchestra; Dr. Arthur Custer, director of the Metropolitan Educational Center in the Arts in St. Louis; British Composer Richard Arnell, visiting professor of Humanities at Hofstra University, Gabriel Fontrier, professor of music at Queens College and music critic of the Long Island Press; Albert Tepper, chairman of the Hofstra University Music Department; and Composer Raoul Pleskow, chairman of the music department of C. W. Post College. Elie Siegmeister, composer-in-residence at Hofstra University, was the moderator for the symposium discussions, "Contemporary Music: New Sounds for a New Decade"—during which each panelist made a statement on music of the seventies, what he felt it might be, what it should be, and the direction he would like to see it take. This was followed by a lively exchange between the panelists and the audience. Another symposium discussion involved new systems of notation and interpreting the intentions of the composers which included a strong suggestion by Dr. de Carvalho that there be a codification of musical notation for the new works.

Each of the symposium sessions were attended by about 100 people and the orchestra's dress rehearsal had an audience of about 250. The symposium culminated with two performances by the Pro Arte Symphony: a free one in the predominantly black area of Wyandanch in Suffolk County; and the regularly scheduled concert at the Hofstra Playhouse. These performances featured the world premiere of a work commissioned by Pro Arte, Richard Arnell's "The Town Crier," with a poem by Hofstra professor of drama, Stanley Young, and the U.S. premiere of "ST/48" by Greek composer, Iannis Xenakis who came to this country to attend the performance of his work.

The Pro Arte Symphony, Long Island's only fully professional symphony orchestra, was founded in 1965 by Hofstra University in order to bring the best of the traditional and new music to the people of Long Island. How well Pro Arte fills that role and, indeed, adds to the cultural well-being of our country can best be indicated by the following telegram recently sent to the orchestra at the behest of the President of the United States:

J. BURCHENAL AULT,
President Pro Arte Symphony Orchestra,
Hofstra University, Hempstead, N.Y.:

On behalf of the President and National Endowment for the Arts, I offer congratulations to Pro Arte Symphony as it hosts a symposium on Contemporary music. The performing of the great orchestral works of the past, as well as the compositions by recognized composers of the present time is an important responsibility that symphony orchestras should assume unhesitatingly. In providing opportunities for audiences to hear the finest music of all periods, the Pro Arte Symphony and Hofstra University are to be commended for the sponsorship of a Symposium which will make a significant contribution to music patrons of Long Island and at the same time permit a group of the country's leading living composers to be heard.

Sincerely,

NANCY HANKS,
Chairman of National Endowment for the Arts and Humanities.

GOVERNOR MADDOX AND HIS AX HANDLES

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. FINDLEY. Mr. Speaker, yesterday the gentleman from Michigan (Mr. CONYERS) voiced very appropriate comments about the bad manners of Governor Maddox in bringing ax handles—the ugly symbol of racial segregation in restaurants—into the House of Representatives restaurant.

I was momentarily off the House floor

XUM

when the gentleman from Michigan made his comments and was joined by other Members. Had I been here at that moment I would have joined in supporting his observations.

I have heard many of my colleagues on this side of the political aisle speak clearly their own resentment over Governor Maddox's activities in the House restaurant, and I welcome this opportunity to say that the party of Lincoln is outraged by this affair.

What shocks me the most is the realization that a man of such poor taste, crude manners, and warped judgment could have been elevated to the position of Governor of the great State of Georgia.

He and his ax handles are grim reminders of the past and the sooner they are both consigned completely to an unpleasant page in history the better.

AMERICA'S CHALLENGE

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. FOREMAN. Mr. Speaker, America has, from its beginning, been a land of challenge, of opportunity, and freedom. Even with all our technical successes and advancements, today America faces her greatest challenge since the Civil War, a challenge from within—the growing anarchistic civil disobedience and disrespect for law—the decreasing respect for individual initiative and for moral and economic responsibility.

XUM

America's opportunities are her most attractive challenges. There are a great deal of things that are right and good about America, and, yes there are some problems and wrongs that challenge our country today. Justice is not the child of ethics, but of law. Until laws are legally amended, it is the duty of those in government—particularly the courts—not to ignore or reinterpret them, but to enforce them as written. It is the duty of the people, whether they agree with them or not, to obey and abide by them. The failure to do so is a major symptom of what ails American society today.

Other symptoms are the continuation of both organized and "spontaneous" crime; the current epidemic of drug addiction; the public's permissive attitude toward obscenity, exhibitionism and vulgarity; draft-card burning and military desertion; and, most disturbing of all, the widespread fear of confrontation with the self-proclaimed Communist enemy.

Millions of concerned and bewildered Americans are asking: Why? How come? Where does the responsibility lie? Obviously, it lies not only with the mass communication media, professional pornographers and our spiritual, political and educational leaders, but with all of us. Through our careless complacency, we have accepted, in fact, we have encouraged this moral void.

When a Harvard student says "I don't want to hear any more about the Constitution"; when Berkeley students give blood contributions for the Vietcong enemies; when a Columbia student burns the American flag, then we should recognize that these unruly dissidents were never taught the facts of life in their home, school, or university and they become pushovers for the Red fascism, because they want to be positive and because they want to undo wrongs and equalize the people.

There is not and cannot be any such thing as equality. Free men are not equal, and equal men are not free. We should be equal before the law and nowhere else.

Looking at the other side—toward those great things that are right about America—the picture is bright and encouraging, indeed. This has been the greatest Nation in history because of four things: The constitutional American system of free enterprise, the profit motive; the land and climate; the kind of spirited individualists who settled and developed this country; and a deeply religious and spiritual faith in God. Now, the collectivists are deliberately destroying the system and the free Republic which produces, on 7 percent of the world's land, more than half of the world's goods.

With 6 percent of the world's people, we Americans own 71 percent of its cars, 56 percent of its telephones, 83 percent of its TV sets, and 90 percent of its bathtubs. American business—free enterprise initiative—did this, not the Government. The hard-working, God-fearing, self-respecting squares and their parents did it.

We do not have to sell the advantages of individual initiative and constitutional American principles, all we need to do is live these principles and they will sell themselves. We can be better than our reputation, but we cannot be better than our principles.

We do not need more government, we need less government. To bring things into proper balance, economically, we do not need more taxes, we need fewer taxes. We need to become more honest with ourselves. Financially, we must stop depending on the Federal Government to do those things that we could and should do for ourselves.

The elimination of poverty is a noble, but certainly not new, idea. Our forefathers struggled with it from the beginning and many of us have carried on the battle.

The theory that underlies most Federal programs is that poverty is a deficiency which is bound to perpetuate itself through generations unless eradicated by governmental action. If that hypothesis were true, most of America's 200 million residents would still be poor, ignorant, and unemployed, as their ancestors were when they landed on these shores. The American record suggests that the condition of poverty is not so much a cause, but a result, and that it can be remedied—in cases where it can be remedied—by the individual.

You cannot help people by teaching them to depend on a welfare handout as a way of life. You only help them when you teach them to work to provide for themselves. The best way to uplift poor families is to help the head of the family get a job. Spending more tax dollars, initiating new welfare programs and bureaucratic agencies is not the answer. The way to provide new jobs is to ease the tax burdens on business and industry. Allow more business incentives to expand, develop, and invest more in new plants and services.

Yes, Americans do want to eliminate poverty everywhere possible, but the solution is primarily that of individual effort, not governmental handouts. Some folks do not seem to understand that if they want to make ends meet, they need to get off theirs.

It is the theory of many of the society planners: That the cure for crime is more public housing, more equitable racial mix to be achieved by integrating neighborhoods and crosshauling children, giant infusions of Federal money into so-called depressed areas, and hiring only those policemen who promise to behave like benevolent big brothers and more relief programs and more social workers.

Oh, yes, and because a number of dope addicts have robbed in order to find money to support their habit, it has been seriously suggested that the Government supply the drugs free, so its users may float around the streets in narcotic euphoria, paid for by the squares who work.

Now if poverty is the root of crime, how does it happen that crime has increased most rapidly in a period in which the general per capita income has increased more rapidly?

I suggest that crime, and especially juvenile delinquency, seems to flourish more in our so-called affluent society where so many of our youngsters are not permitted to work, than it did in days of so-called poverty where they, as most of us, had to work.

There are deeper reasons for this national problem than can be cured by the simple outpouring of more public funds. It is time that people of good will and intelligence recognized that, unless the rewards for gross irresponsibility can be diminished, and unless the wages of sin can be cut, the overwhelming majority of law-abiding Americans of all races are going to be increasingly victimized by an unprincipled and vicious minority.

In attempting to improve society by substituting the false god of Government for the supreme power of individual effort, we have substituted the welfare state for our individual responsibility and God-given freedom. This is the path that has meant the end of about 20 civilizations in past history.

If Americans do not arise to this challenge confronting us, our Nation can go down, but if we ever do, it will not be because the world developed the hydrogen bomb. It would be because we have developed a false philosophy that says the individual is no longer economically responsible for his own welfare, or morally responsible for his own conduct.

Thomas Jefferson gave us the great political concept that a nation governs best which governs least. Oh—how far we have abandoned that philosophy today. The party which he founded ridicules his faith and makes a mockery of his name by having Jefferson Day Dinners.

The great Frenchman, Alexis de Tocqueville, who came to America in the 1830's to study what was then described as a "noble experiment" in government, summarized his findings as to the existing, and the future status, of America in the following words:

> I sought for the greatness and genius of America in her commodious harbors and her ample rivers, and it was not there; in her fertile fields and boundless prairies, and it was not there; in her rich mines and her vast world commerce, and it was not there. Not until I went to the churches of America and heard her pulpits aflame with righteousness did I understand the secret of her genius and power. America is great because she is good, and if America ever ceases to be good, America will cease to be great.

My prayer at this time for you, and all of America, is that through a return to faith in God, restored confidence in the supreme worth of individual effort, and a greater devotion to our Constitution, America may continue to offer the same blessings of liberty and opportunity to our posterity as it gave to our immigrant forefathers, and to ourselves. Democracy will have availed us little, if in rescuing us from the despotism of kings, it hands us over to the tyranny of a majority who are willing to accept the shackles of a welfare state.

AX HANDLES AS SOUVENIRS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. CORMAN. Mr. Speaker, it is alleged, and I have every reason to believe that an unconscionable act against decency and dignity was performed yesterday in the Members' dining room by the Governor of Georgia, Lester Maddox, as he passed out full-size, full-length ax handles as souvenirs—replicas of the instrument with which he denied Negroes the right to come into his public restaurant a few years ago.

Lester Maddox must understand now, what he apparently did not have the grace to comprehend before, that he does not have the right to perpetrate his particular brand of racial hatred in the facilities reserved for Members of Congress and their guests.

The Governor of Georgia has exhibited an appalling disrespect for the Congress of the United States, for its citizens, both black and white, and for the rule of law by which we govern ourselves.

Perhaps we can expect no less from a man whose private and public career has been dedicated to lawlessness and to persistent attacks on both the morality and constitutional precepts which undergird this great democracy. I would hope, however, that those responsible for decorum in the Nation's Capitol building would act much more promptly in preventing obscenities such as those visited upon us yesterday by Lester Maddox. They were obviously derelict in the performance of their duty.

ALOYSIUS A. MAZEWSKI'S SPEECH AT DIAMOND JUBILEE COMMEMORATIVE DINNER OF ST. HYACINTH CHURCH, CHICAGO, ILL., ON OCTOBER 11, 1969

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. PUCINSKI. Mr. Speaker, Mr. Aloysius A. Mazewski, president of the Polish National Alliance and Polish American Congress, delivered a most moving and eloquent speech commemorating the 75th anniversary of the founding of St. Hyacinth's Parish in Chicago.

He places into historical perspective the development of St. Hyacinth's Parish and its contribution as a center of Polish religious and cultural traditions, and as the hub of patriotic and civic activities.

Polish Americans can rightly be proud that through their efforts there have been built many high schools, hospitals, seminaries, and colleges. They have greatly enhanced the cultural and religious values of our Nation and are among the most patriotic citizens participating in civic affairs.

The good works of the Resurrectionist Fathers and St. Hyacinth's Parish have served to enrich our heritage immensely, and I insert in the RECORD today Mr. Mazewski's excellent speech. He inspires us all.

The speech follows:

ALOYSIUS A. MAZEWSKI'S SPEECH AT DIAMOND JUBILEE COMMEMORATIVE DINNER OF SAINT HYACINTH CHURCH, CHICAGO, ILL., OCTOBER 11, 1969

On this day of festive thanksgiving and remembrances, we reach the culmination of a series of solemn celebrations that marked the 75th anniversary of the founding of St. Hyacinth's parish.

And it is, indeed, a privilege and a signal honor to address this distinguished assemblage of church dignitaries, civic, fraternal and cultural leaders, and representatives from the professional, business and social areas of activity.

We are gathered here this evening primarily to pay tribute to the founders and pioneers of this renowned parish and to extend the words of warmest felicitations and encouragement to the spiritual and lay leaders as well as to all families and individual members of this parish.

Dedicated to the veneration of one of the noblest and most idealistic saints not only of the Polish nation but of the entire Catholic Church,—swiety Jacek,—St. Hyacinth's parish has earned the mark of distinction in the history of the Archdiocese, of Chicago and of our Polonia.

As a rapidly expanding unit of the Archdiocese, as a center of Polish religious and cultural traditions, as the hub of patriotic and civic activities, St. Hyacinth's parish grew in significance and exemplary influence.

Thoroughly researched and beautifully written histories of the parish in both Polish and English languages speak more eloquently of the great and enduring service and leadership of the Resurrectionist Fathers than any words that may add in tribute and grateful acknowledgment to them. The Resurrectionists Fathers under the wise, bold and imaginative leadership of the Reverend Vincent Barzynski were among the pioneer Polish priests in Chicago and the Middle West, and St. Hyacinth's parish is an impressive and lasting monument to their dedication and attainment in the service of the Church, to the Polish immigrants, and now, to our Polonia.

In the larger sweep of History, St. Hyacinth's parish emerges as a vital and highly significant part of the community.

It came into the existence only 57 years after the city's incorporation, 23 years after the great and devastating Chicago fire, 51 years after the establishment of the Chicago Diocese and 14 years after this See became the Archdiocese.

Thus St. Hyacinth's spans larger part of the City and Archdiocese history.

What is more important to us, however, is the fact that the highly respected Jackowo contributed much to the growth and development of Chicago's Polonia. Its parishioners stood in forefront of many and diversified activities of our fraternal organizations and of civic and patriotic endeavors. During World War One and in the years preceding it as well as during its aftermath, St Hyacinth's parish played an important, vital and vibrant part in Polonia's participation in both the American war efforts and in historic efforts aimed at the restoration of a free and independent Poland.

In World War Two, this parish not only sent its sons and daughters to serve in the American Armed Forces, not only participated in the faithful implementation of war-time economic programs, but also devoted much time, energy and money in helping the land of our ancestry Poland during the devastating war-years and in organizing Americans of Polish origin into the Polish American Congress for the purpose of continued struggle in behalf of Poland's freedom and independence and in steadfast opposition to communism.

Thus the seventy five years of the parish history are filled with deeply ingrained patriotism, whose wellspring of inspiration, strength and endurance comes from the abiding of our forefathers, from the deep and meaningful awareness of our priceless religious heritage, and from our historic fidelity to the Mother Church.

These seventy five years of service to God and Country, as exemplified by St. Hyacinth's parishioners witnessed vast changes—sociological, political, economic and technological and even cultural, which brought us to the present tormented era of dissent, and, at times—aimless search for new definitions of old and tested values.

This age of dissatisfaction and turmoil, however, should not distract us from the eternal verities which give meaning and sustenance to our existence. The aimlessness of purpose and the destructive radicalism that afflict so many of young Americans today, provide us with a better, contrasting frame of reference, in which the values of our religion, our moral principles, and our culture nourished by spiritual teaching of the church, stand in bold relief.

These constitute the basis of strength for our land, for the Church and for our Polonia. And Polonia, as a whole, keeps steadfast faith with these verities of life which are not, and never will be subject to whimsical change, dissenting depreciation or innovatory declarations that are heard in our times.

Our tower of strength is built by our religious and cultural heritage which we received from our fathers and which we will leave to our children as a noble legacy.

There is, however, one aspect of the changeless values of our faith and social fabric, which must be appraised with all sincerity and reverence. This aspect is inherent in the living history of man. It finds its fullest expression in the renewal of the heart, mind and soul of man.

The good and great Pope John XXIII called it "agiornamento" in his memorable address to the opening session of the Second Vatical Council.

Agiornamento, or the opening of windows to the fresh breeze of advancing times, is responsible for the vast renovating approaches that are being taken within the Universal Church. New dialogs in vital areas of Church activities are truly promising.

In this atmosphere of open discussion, we of mature generations of Polonia, are faced with many questions which do not lend themselves to easy answers or simple explanations. And I believe these questions to be sufficiently vital and relevant to present them in a brief outline today.

Our young people of Polish heritage point out with pride, that a conservative estimate indicates that every fifth Catholic in the United States is of Polish heritage.

They also point out that their forebears built approximately twelve hundred parishes and schools in the various Catholic Dioceses in the land. They know, that due to changing demographic and social patterns, urban renewals and superhighways dislocations, many of these originally Polish parishes have changed from the ethnic to geographical character. They heartily agree with these changes and state with pride, that those parishes although no longer identified as Polish, are, in fact monuments to Polonia's contribution to the growth and development of the Catholic Church in the United States.

Today, according to statistics prepared by the Orchard Lake Schools of Orchard Lake, Mich., we still have approximately 800 Parishes designated as ethnically Polish. Practically all these parishes have their elementary schools wherein the Polish religious tradition is cultivated.

Thus Polonia's participation in the Catholic Church in the United States is vital, meaningful and relevant.

Our young people of Polish heritage are aware of these facts and are glad of them.

However, some doubts and disappointments assail them at times. They want to know, in view of the fact that every fifth Catholic in the land is of Polish ancestry, that their forebears built so many churches, parochial schools, high schools and institutions of higher learning, Polonia has relatively small representation in the hierarchy of the Church?

The Polish American Congress, in its petition addressed to His Holiness Paul VI, states that Polonia has built 83 High Schools, 20 hospitals and 11 Seminaries and Colleges. It further states that in Chicago alone, Polish Americans built 16 High Schools out of the 30 Catholic High Schools existing in the city.

We also know that the American clergy includes many Catholic priests of Polish origin, who are eminently successful in both pastoral and administrative areas and are singularly suited for high positions of leadership, trust and confidence.

Being aware of these facts, however, makes it even more difficult for Polonia's mature leaders to answer these questions asked by our young Americans of Polish ancestry with increasing frequency:—why, in view of these contributions of Polonia, do we not have a justified share of participation in the Hierarchy?

We believe and we want our young people to believe that this inequity in the hierarchical representation will be rectified in the ecumenical spirit of the Second Council of Vatican.

We take heart and inspiration from the history of St. Hyacinth's parish, which began with 25 families and grew in the span of 75 years to four thousand families. Growth is one of the vital aspects of the Catholic Church. And with growth, through our sincere and devoted contribution—the just recognition will eventually come or we will ask for it in a deeply considered and dignified manner.

At the conclusion I wish to quote the New World, which states in its edition of last week, that

"St. Hyacinth's is a monument to the work of the Resurrectionist Fathers, who direct six parishes, two mission churches and two high schools in the Archdiocese."

The Polish American community in Chicago is proud of this fact and values with reverence and thankfulness the spiritual and cultural leadership of the Resurrectionist Fathers.

UNITED NATIONS CUT

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. SIKES. Mr. Speaker, much has been and is being said about cutbacks in Government spending. The February 16 edition of the Pensacola Journal, which is one of Florida's outstanding newspapers, carried an editorial supporting a proposal that the United States reduce its annual contribution to the United Nations. I believe my colleagues might find this editorial of interest, and I submit it herewith for reprinting in the CONGRESSIONAL RECORD:

UNITED NATIONS CUT

Government spending cutbacks always are painful. Political toes get stepped on and somebody always gets hurt.

Yet, when economies are ordered you can bet they are so necessary to the general welfare that political risks from failing to apply the axe are greater even than those who are certain to accrue if cuts are made.

The nation's leaders are in such a dilemma now. The people demand economies to accompany high taxation. They demand a rendering of the considerable fat encumbering the corporeal fiscal body. They want evidence of good administrative faith.

One such cut, and it could be considerable, has been proposed by Congressman Bob Sikes. Indeed, if undertaken a thunder of applause might even drown out any whisper of opposition that could be generated from the Left and from certain intellectuals of the Far Right.

Congressman Sikes suggests that the United States at least reduce its contribution to the United Nations of nearly $110 million a year—substantially more than twice what any other nation pays.

What would the United States lose?

Scarcely anything, really.

The United Nations long has been exposed as a completely ineffectual debating society too timid to act according to its charter, completely intimidated by the Communist bloc led by Russia, which freely exercises the veto, and a fancy club where a considerable handful of members repose comfortably without paying their souls in dues.

Even Russia has been guilty of refusing to pay assessments, although Moscow has the means. Many small and developing countries pay not one small token into the UN treasury to demonstrate their good faith. But all appeal loudly to the United States when money is needed in whatever emergency.

Meanwhile in high glee, and with Communist blessing, these same countries which now comprise an Assembly majority, never hesitate to hold up the United States to scorn and ridicule, to brand it an aggressor and an imperialist.

U Thant, the controversial general secretary, never misses an opportunity to rise and criticize America. On U.S. policies concerning Vietnam, Laos and Thailand he is vocal in opposition.

He parrots the Russian line and that toed by his own Burma which is the most completely socialistic nation outside of the Iron and Bamboo Curtains. Thant is not an asset for peace, although he heads an organization supposedly dedicated to it.

Truthfully there is little reason why American taxpayers should continue to finance this anti-American sounding board because not to do so might offend some countries.

To us it would seem the $110 million could be spent more wisely and that Congress should attend closely to the suggestion of Representative Sikes.

RUNAWAY PLANTS SOUTH OF BORDER UNDERMINE AMERICAN WAGE LEVELS AND LIVING STANDARDS

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, last July I called the attention of the House to the serious problem of the "green-card" immigrant alien problem along our southwestern borders and its depressing effect on American wage levels and living standards. I also pointed out the related problem of "runaway plants" south of the border through the so-called border industrialization program that has lured increasing numbers of American companies to locate in a zone along the Mexican side of the border to take advantage of the low-wage labor supply.

Last summer, the Special Subcommittee on Labor held 4 days of hearings on legislation that would make it an unfair labor practice to hire as replacements for employees during a labor dispute these so-called green-carders or Mexican commuter aliens. Such commuter-aliens have been recruited as strikebreakers by unscrupulous employers for many years.

During the course of our hearings, we discovered flagrant cases of industrial development promoters, local chambers of commerce, and others who are working day and night to entice American industry to locate in border cities through the so-called twin plant concept. They brag about the "inexhaustible 30-cent-an-hour labor supply" across the Mexican border, where much of the product work can be performed. Semifinished products are then shipped back to the United States because of special tariff gimmicks for final assembly and marketing under the "Made in U.S.A." label.

Think of it, Mr. Speaker, wages as low as 30 cents per hour are paid to Mexican workers only a few miles from American communities where the Federal mini-

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mum wage law applies and where our workers must be paid $1.60 an hour—a figure that itself is far too low to provide a decent standard of living.

Mr. Speaker, I can now report that the Mexican minimum wage has been increased. The exact figures vary, city by city; for example, in the capital city of Mexico City, the new legal minimum wage is 32 pesos, or $2.56 a day. The popular "twin-plant" border cities have slightly higher minimums. In Matamoros, Mexico, across the border from Brownsville, Tex., the new minimum is $2.70 per day, or about 34 cents an hour for an 8-hour day. In Ciudad Juarez, across the border from El Paso, Tex., the new minimum is $2.84 a day, or about 36 cents an hour. In Nogales, Mexico, near Tucson, Ariz., the new minimum is also $2.70 a day, or 34 cents an hour. In the relatively prosperous Baja California border area, the new legal minimum is $3.68 per day, or 46 cents an hour.

Mr. Speaker, our hearings produced evidence of a widespread economic hardship on American industry and American workers resulting from such medieval, sweatshop competition from runaway plants moving into Mexican border cities. For example, the unemployment rates of American border cities are several times that of other cities of comparable size and labor markets that are located in other parts of the State. If the Nixon administration's high-interest rate, inflationary economic policies continue, the severe economic recession that is bound to follow will cause untold additional human misery and suffering among workers in American border areas whose wage standards are being constantly eroded by this "sweatshop" competition.

Mr. Speaker, I include at this point the text of an article about the new Mexican minimum wage from the January 14, 1970, issue of the Times of the Americas. Also, I include an advertisement from the January 1970 issue of Forbes magazine that seeks to lure other industries to the Tucson-Nogales area with the promise of "30 cents per hour labor." It is sponsored by the Development Authority for Tucson's Expansion (DATE) under the directorship of a Mr. J. Karl Meyer. It was correspondence involving this same Mr. Meyer that was featured during our subcommittee hearings, as he was warned by one of his border industrial development colleagues against being too blatant in advertising low-wage labor, suggesting instead the use of "code words."

The articles follow:

[From the Times of the Americas, Jan. 14, 1970]

NEW MINIMUM WAGES IN MEXICO HELD INSUFFICIENT

MEXICO CITY.—Mexico is raising its legal minimum wage by a national average of over 15 per cent, but labor leaders say the increase is insufficient.

New legal minimums, effective Jan. 1, range from a low of the equivalent of $1.10 a day in some rural areas in southeastern Mexico to a high of $3.68 a day in the relatively prosperous Baja California border area.

Top rates go to urban workers in border cities like Tijuana, Tecate and Mexicali, where the U.S. dollar is as widely accepted as the Mexican peso. The bottom figures are those paid peasants in undeveloped areas in interiors of states like Chiapas, Oaxaca and Guerrero.

In between, come the workers in the rest of the country.

Here in metropolitan Mexico City, a capital of around eight million inhabitants, the legal minimum is 32 pesos, $2.56 a day. In Guadalajara, Mexico's second largest city, with a population of some 1.2 million, the figure is $2.36. The new minimum in Monterrey, the bustling industrial city of almost a million population, is $2.52.

Generally speaking, the legal minimums are calculated on the basis of the ability to pay of the economies of each of the 109 zones into which the Mexican republic is divided for the purpose.

And the figures are higher in the states along the U.S.-Mexican border.

Two notable exceptions are Acapulco, Mexico's most popular resort city, where the urban workers is supposed to be paid two cents a day more than his counterpart in the capital, or a total of $2.58; and the busy gulf coast port of Coatzacoalcos, where the minimum is $2.82.

Border cities, like Matamoros, across from Brownsville, Tex., Ciudad Juarez, in front of El Paso, and Nogales, in Sonora state, have new minimums of $2.70, $2.84 and $2.70, respectively. All are tourist meccas, as well as commercial and trade centers.

Labor leaders were virtually unanimous in complaining that the new legal minimum wage rates were too low.

Former Economy Minister Gilberto Loyo, who is president of the National Minimum Wage Commission, which prepared the recommendations, conceded that prices have increased somewhat in the last two years.

But, he said, the cost of living has risen only eight per cent here in Mexico City. Because the legal minimum for this metropolitan area was increased 13.3 per cent, slightly less than the national average, the urban worker is actually getting a real increase of around five per cent.

Justino Sanchez Madariaga, leader of the big Mexican Workers Confederation, insisted, though, that the 32 peso minimum here "does not satisfy the necessities of the workers, what with the explosive rise in prices."

[From Forbes, January 1970]

THE MOVE TO TUCSON

Mr. President: Don't be embarrassed at your next board meeting when the question-asker on the board asks: What's going on in Tucson, Ariz., that caused Motorola, Control Data, Kimberly-Clark, Lear Jet Stereo and Philco-Ford to establish plants there? And why did IBM and Monsanto stake out sites too?

Executive reading time/58 seconds.

Tucson, Arizona has come alive! It's a young, dynamic city . . . median age 26.4 years—younger than the national average.

$806,937,000 market of 335,000 people. Excellent labor pool . . . expandable industrial building available on city land . . . no inventory tax . . . low industrial water rates.

Expanding University—26,000 students with an exceptional faculty, especially in the space sciences, electronics and optics . . . astronomy center of the world.

Wonderful climate . . . a great place to visit, a better place to live . . . so easy to recruit executives here, too.

Twin plant in Nogales, Mexico, only one hour away . . . 30c per hour labor . . . more profitable than Japan, Hongkong or Taiwan.

International airport and seven airlines . . . Come see us or pick up a phone and call J. Karl Meyer, Executive Director of DATE, Development Authority for Tucson's Expansion 602/623-3673 or write: DATE—P.O. Box 5895, Tucson, Arizona 85703.

Because Tucson is on the move:

Plenty of Industrial Sites Left . . . But They're Going Fast!

DISABLED AMERICAN VETERANS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. MILLER of California. Mr. Speaker, it was my high privilege to introduce National Commander Raymond P. Neal of the Disabled American Veterans to the Committee on Veterans' Affairs on the occasion of his appearance to outline the 1970 legislative program of the Disabled American Veterans.

Commander Neal is a Californian and comes from my section of the State and I was extremely honored to have this privilege. I would like to include with these remarks my introductory speech and his statement:

REMARKS OF THE HONORABLE GEORGE P. MILLER BEFORE VETERANS' AFFAIRS COMMITTEE, HOUSE OF REPRESENTATIVES

It is indeed a pleasure to appear here today to introduce a fellow Californian to the Veterans' Affairs Committee of the House.

I don't think I can be accused of parochial enthusiasm when I say that he has a notable career of dedication to not only the people of California as an attorney-at-law, but also to veterans of our Armed Services who now bear the honorable and permanent scars of war.

Commander Raymond P. Neal of the Disabled American Veterans has had a long and distinguished experience in advancing the causes of the many men of our country who have made personal sacrifices in body and in mind to carry out the ideals this nation treasures most dearly.

It is easy in this day of cynical and pseudo realism to depreciate such important concepts as patriotism, the flag, love of country, to cast off the debt we owe to many men and women who fought and suffered in the defense of the United States.

Nothing changes, however, the fact that this nation is what it is, and is as strong as it is now, because of the personal sacrifices that have been made by millions of Americans.

I have intimate knowledge during my career in public office of those sacrifices because as a veteran of World War I, I was a training officer with the Veterans' Administration and an assistant director of the Department of Cooperation for the 12th district in California which was concerned with the lives and prospects of veterans who served from the state of California.

That concern continues to be represented nationally in the person of Commander Neal who through sacrifice and a great amount of energy has devoted a large portion of his life to the welfare of the disabled veterans, many of whom continue to be outstanding contributors to the material and spiritual progress of America.

STATEMENT OF RAYMOND P. NEAL, NATIONAL COMMANDER OF THE DISABLED AMERICAN VETERANS BEFORE THE COMMITTEE ON VETERN'S AFFAIRS, HOUSE OF REPRESENTATIVES, FEBRUARY 25, 1970

Mr. Chairman and members of the committee: It is, indeed, a great honor and privilege for me to come before this distinguished panel to discuss the 1970 Legislative Program of the Disabled American Veterans.

My appearance here is most certainly the high point of our annual Mid-Winter Conference which officially opened Monday morning, February 23rd. The Conferees, all of whom are in the room with me, have come to our Nation's Capitol for formal discussions and an interchange of views on matters of serious importance to our organization.

The tone and temper of the Conference has been guided by the purpose for which the Disabled American Veterans was formed. That purpose commands us, "To uphold and maintain the Constitution and the laws of the United States; to realize the true American ideals and aims for which those eligible to membership fought; to advance the interests and work for the betterment of all wounded, gassed, injured and disabled veterans; to cooperate with the United States Veterans Administration and all other public and private agencies devoted to the cause of improving and advancing the condition, health and interest of all service disabled veterans; to stimulate a feeling of mutual devotion, helpfulness and comradeship among disabled veterans; to serve our comrades, our communities and our country; and to encourage in all people that spirit of understanding which will guard against future wars."

Mr. Chairman, this simple declaration will have for all of us gathered here this morning a very special significance in 1970, for this is the year that marks the 50th Anniversary of the founding of the Disabled American Veterans.

From an organizational meeting in 1920 in the aftermath of World War I, DAV membership rolls have expanded to comprise the names of 280,000 disabled war veterans, including United States Presidents, Senators, Congressmen and Governors. Our members come from the ranks of veterans of four wars—World War I, World War II, the Korean War, and now the war in Vietnam. The organization was set up for the sole purpose of providing service and assistance to the wartime disabled, his widow, orphans, and dependents. Because of its meaningful and historic role, we believe that no organization in the world is so aware, is so attuned to the disabled veterans' sacrifices and current needs as the DAV.

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Mr. Chairman, this Golden Anniversary of the Disabled American Veterans comes at a particularly vital time. We are engaged in a costly war in Vietnam, and we are calling on a small minority of our citizens to bear for us the heavy burdens of securing the freedom of another nation.

As I speak at this moment, servicemen are giving their lives for our country in jungles half-way around the globe. As I speak, another casualty is being added to the cost of America's aspiration for freedom and universal self-respect. We must not forget the sacrifices that are being made for us daily.

In this 50th Anniversary year of the Disabled American Veterans, I think it is well to remember that 116,000 American men made the Supreme Sacrifice and a further 205,000 suffered wounds during World War I. An additional 461,000 lost their lives and 773,000 were wounded during World War II and the Korean Conflict. In the war now underway in Vietnam, 47,000 deaths and 265,000 wounded have been recorded thus far, and new casualties continue to arise.

Why did they die or suffer such severe and permanent disablement? One of the reasons was simply to allow the freedoms which we now all enjoy to continue, for it is certain that our way of life would have been very different, indeed, if we had failed in previous wars and if we fail now in Southeast Asia.

The work of the DAV and its Auxiliary—a good part of whose membership are young people—are in sharp distinction to that of many of the young radical "Americans" who today are seeking to destroy, with no plans for the subsequent rebuilding of our society. These young DAV members, in common with their elders in the organization, do not shout for freedom; they work for justice. They do not destroy; they try to repair. They devote no time to demonstrations; rather they demonstrate by their words and actions a desire to rebuild and rehabilitate. Indeed, their efforts on behalf of this Nation demonstrate that the good things in our society are worth defending and worth remembering; and in so doing, we all fervently pray that future new generations will be spared the experiences of total war.

Mr. Chairman, I think it most appropriate on this occasion of our 50th Anniversary to pay a special tribute to the House Veterans' Affairs Committee for doing so much over the years to ease the burdens of seriously disabled war veterans, their dependents, and survivors. We appreciate the sympathetic support you have always given to the proposed objectives of the Disabled American Veterans.

We are deeply grateful for all the expert help, advice, and practical assistance given us by the Staff Members of the Committee. They have at all times performed their work with a deep sense of dedication to the Committee and to the cause of America's veterans.

In this presentation I want to address myself to some of the general subjects which will—during the year 1970—have a special urgency for the Disabled American Veterans. They relate to matters seeking improved and meaningful benefits to helpfully satisfy the needs of the veteran disabled as a result of service to his country.

DISABILITY COMPENSATION

Throughout the years, Mr. Chairman, successive Congresses of the United States have maintained that disabilities incurred as a result of service in our Armed Forces entitled the sufferer to very special recognition and gratitude from the Nation; and it has been accepted that compensation payments should be adequate to meet the particular needs of those who are disabled—and meet those needs by providing payments based on ingredients of compassion and understanding.

It is basic and fundamental that VA compensation represents payment borne as a direct charge upon the Treasury for disability, which in turn represents the average impairment in earning capacity resulting from the disability. The basic rates of compensation payable in wartime cases currently range from $23 for a 10 percent disability to $400 per month for total disability.

Of the more than 2 million veterans on the compensation rolls, there are approximately 118,000 whose income is limited to monthly compensation payments. During 1967–68, these deserving veterans, whose disabilities result directly from their service in our Armed Forces, saw their ability to live by reasonable standards being eroded more rapidly than ever before.

Recognizing that this group has a special right to expect that their standard of living should be maintained at a reasonable level, the respected Chairman of the Subcommittee on Compensation and Pension, Mr. Dorn, introduced legislation which, when approved as Public Law 90–493 on August 19, 1968, inaugurated a new concept regarding compensation payments for the totally disabled veteran.

Effective January 1, 1969, the new law increased the 100 percent basic rate by $100 a month, and was warmly welcomed by the DAV. The law, for the first time, brought the totally disabled veterans' annual income up to a level roughly equivalent to the after-tax earnings of the Nation's 46 million production workers employed in private industry.

According to the latest available figures from the Department of Labor, the wages of the average production worker were increased approximately 11 percent in 1969, and his monthly after-tax earnings are now approaching $450. Moreover, wages are expected to keep on rising at a high rate through the current year. In view of this, we respectfully urge that your Committee continue the precedent established in 1968 by approving legislation authorizing for the totally disabled veteran compensation comparable to the wages received by his able-bodied contemporaries. Further, we ask that the same principle of tying increased earnings to compensation payments also be applied for those veterans whose disabilities are rated less than total.

We are certain that serious study and thoughtful consideration of the facts set forth above will lead your Committee to give high priority, this session, to recommendations for well-deserved increases in the rates of service connected disability compensation.

VA MEDICAL PROGRAM

Another item of equal significance to that of disability compensation relates to the program of hospital and medical care for disabled war veterans.

We believe that the welfare of the disabled war veteran and the debt his Nation owes him dictate aggressive action to make certain he receives a high standard of medical service as a matter of right. I want to say at once, Mr. Chairman, that the DAV is deeply indebted to you and to the members of your Committee for all the work you have put in and for all your earnest and reasoned efforts to help resolve the many problems infesting the VA medical care program.

The surveys carried out by your Committee are serving the good purpose of bringing to light the signs and symptoms of a general breakdown in the VA hospital system.

In an appearance last year before the Subcommittee on Hospitals of the House Committee on Veterans' Affairs, we expressed great pleasure in the announced VA plans to continue improvements in the delivery of health services to all eligible beneficiaries through progressive up-grading of facilities, continued emphasis upon restoration of patients to community living, and the expansion of many other services including the introduction of intensive care and coronary care capabilities into each VA hospital.

We saw the planned new and enlarged research units playing an important part not only in improving the medical and prosthetic services but also adding to the sum of knowledge on how to solve the health problems facing disabled veterans, and all other disabled people, young and old, in the United States and, indeed, the world.

We expressed the hope that funds for equipment, space, and personnel would be made available to enable the VA to carry out these indispensable functions.

Meanwhile, the Bureau of the Budget was slashing appropriations for the VA medical care program, and the Administration was reimposing the restrictive personnel ceilings of the 1968 Revenue and Expenditures Control Act which the Congress had previously repealed.

Reports received from our National Service Officers across the country revealed that applications for hospitalization and out-patient treatment were increasing; that demands for all hospital and medical services had reached an all-time high; that the number of veterans seeking nursing home care was rising. Our reports, in fact, reflected an increased need for across-the-board services to psychiatric, medical, and surgical patients.

It was most disturbing to learn that, because of a lack of funds and personnel, the promised and promising new programs, facilities, and medical units were being delayed or dropped and that some existing facilities had been "shut down entirely."

We are reminded constantly of the need for restraint in matters costing money; and while we of the DAV are concerned about the economy of the country, we are nevertheless equally concerned about the health services of our disabled war veterans.

The recently promulgated VA medical budget for fiscal year 1971 indicates a request of $1.7 billion for medical care, which represents an increase of $69 million over fiscal year 1970.

Upon reviewing the immedate and massive needs of the program, it becomes evident that this increase is unrealistically low. The proposed medical care budget may preserve the status quo, but will cause further deterioration of the VA medical system as time goes on.

The personnel of the VA Department of Medicine and Surgery give their best efforts to provide high quality care to veteran patients.

The VA hospital system can be restored to a vital, progressive, growing program if adequate funds are made available. The VA can go forward with positive programs that provide greater health services to more veterans with incerased effectiveness. But, again, this can only be done with a higher level of funds.

We welcome the Committee's plans to hold early hearings on the VA hospital and medical program. We will be pleased to appear and discuss in greater detail all facets of this vital subject.

INTEREST RATES

One of the most perplexing problems, and one which seems to defy solution, concerns interest rates charged for mortgages guaranteed under the VA Home Loan Program.

Each year, it becomes increasingly difficult for veterans of middle income to purchase homes because of the size of monthly payments on the mortgages underwritten by the government. Those veterans in the lower income group have been eliminated altogether from the housing market.

As you know, the going interest rate for VA mortgage loans today is 8.5 percent, plus additional points paid by the home buyer and by the seller of the house.

Veterans are being deprived of houses they desperately need and are pleading for Federal action. The government has said that the remedy lies in checking inflation. Veterans, understandably are not happy about waiting for the government to curb inflation, since the process at best seems certain to take a period of years.

The DAV on previous occasions has expressed real concern about preserving the original intent of the GI Home Loan Program. I do not propose to reiterate here all the supporting arguments except to say that in our view speculative rates of interest have undermined the very principle upon which the whole Home Loan Program is based, that GI interest rates should be set at a reasonable level; and that the Direct Home Loan Program should be enlarged if private lenders are unwilling to invest in these well-secured government guaranteed loans.

We think it fair to say that the highest priority should be given to meeting the housing needs of those who have served our country in times of national emergencies; and, in the carrying out of this effort, the vast resources of public or private sectors of the economy should be fully utilized.

We believe, in short, that the interest of returning veterans can best be served by greatly expanding the VA Direct Loan Program with a fixed, reasonable interest rate. We believe, above all, that the service connected totally disabled veteran should especially be given a chance to purchase a home on a direct loan basis.

We realize that the Chairman and members of this distinguished Committee have shown a deep and unchanging concern about the issue of high interest rates. We are certain that the Committee will persevere and persist in its effort to find a reasonable legislative solution to this most difficult problem.

EDUCATION AND TRAINING

Mr. Chairman, legislation presently pending before the Congress will, if enacted, expand the benefits accorded veterans and their dependents under the education and training program administered by the Veterans Administration.

The benefits are set out in the House and Senate passed bill H.R. 11959, which bears two titles and contains a wide variety of features, including a well-deserved increase in the monthly subsistence allowances paid to severely disabled veterans receiving training under the VA vocational rehabilitation program. Also included in the bill is a provision to increase the monthly rates of educational assistance payable to wives widows, and children of service connected totally disabled veterans and deceased veterans under the War Orphans' and Widows' Educaticnal Assistance Act.

Mr. Chairman, during the preparation of my statement, word was received that the House-Senate Conference Committee had scheduled another meeting in an effort to bring about a resolution of the differences in the Senate and House versions of the bill.

It is our hope that the Conferees will find early agreement on the issues involved and that a fair and reasonable measure will be approved for early passage by both houses of the Congress.

Mr. Chairman, the subjects which I have been discussing thus far have, as mentioned earlier, a special urgency for the Disabled American Veterans.

There are other matters of high importance affecting benefits for disabled war veterans and their dependents which will draw our attention during the course of the current year. In this connection, I would like to put forward here a few legislative proposals which are set out in resolutions approved by our National Convention. The proposals call for:

Increases in the monthly compensation allowances for dependents;

Increases in the monthly compensation rates for single statutory awards;

Clothing allowances for veterans who, because of service connected disability, wear prosthetic appliances which tear or wear out their clothing;

Reopening National Service Life Insurance for service connected disabled veterans, increasing veterans' government life insurance policies to $30,000, and providing for double indemnity coverage;

Creation of an independent Court of Veterans' Appeals;

Concurrent payments of compensation and pension under a specified formula;

Additional compensation for dependents of veterans rated 10 through 100 percent;

Placing the National Cemeteries under jurisdiction of the Veterans Administration, increasing the present burial allowance, and/or providing an allowance toward purchase of a burial plot;

Dependency and indemnity compensation to widows of deceased veterans who were rated 100 percent service connected for twenty or more years;

A standing Committee on Veterans' Affairs in the United States Senate;

Extension of War Orphans Educational Benefits on a proportionate basis to children of veterans rated not less than 50 percent;

Cabinet level status for the Administrator of Veterans' Affairs.

Mr. Chairman, time does not permit a discussion of our entire legislative program, and thus I have attempted this morning to bring to notice some of the highlights of our objectives. I believe that you and the Committee Members will find them reasonable and supportable, and that they will require no excessive expenditure of public funds. When your Committee holds hearings on specific bills, I hope you will allow us to present more detailed reasons why we believe these, and other DAV bills in which we are equally interested, should be given early and favorable consideration.

At this particular point, Mr. Chairman, I think it appropriate to recall for the record that this Committee has always given recognition to the principle that the Nation owes a special responsibility to the wars' disabled and their dependents.

The December 1, 1969, increases in Dependency and Indemnity Compensation payments to 168,200 widows and 35,200 minor children of veterans whose deaths were service related give practical effect to this recognition. We are most deeply grateful for the provisions of law which authorize additional payments of $20 a month for each minor child of deceased veterans and the supplemental payment of $50 monthly for widows who require regular aid and attendance.

We are grateful, also, for the Committee's actions last year which brought to passage legislation authorizing the Veterans Administration to furnish complete medical service to the service connected totally disabled war veteran and to eliminate the six-month limitation on the furnishing of nursing home care for veterans hospitalized for service connected disability, and for the legislation prohibiting the reduction of a veteran's statutory disability award which had been continuously in effect for twenty or more years.

We are always encouraged by the expression of continued support for our proposals which come to us from individual members of this Committee, all of whom accept the fact that the service connected disabled war veteran and his dependents, by tradition, look to the Committee and the Congress to deal with their problems on a non-partisan basis.

At the beginning of this statement, Mr. Chairman, I mentioned that the people gathered here this morning represent DAV leaders from fifty states.

I can say with no danger of being contradicted that all of us—particularly during this "Golden Jubilee Year" of the DAV—are seeking in our shared exprience a common bond through which we can offer help, encouragement, and advice to the disabled of past wars and to the new generation of disabled as they arise from the war in Vietnam.

We hope that we have, during the first half century, performed our functions responsibly and well.

Fifty is the age at which men and institutions sometimes suffer from hardening of the arteries. We like to think that the DAV in its maturity has lost none of its enthusiasm or its vigor, and that all of us have learned some of the lessons of our own history.

In bringing this statement to a close, Mr. Chairman, I would like to turn for a moment to my recent trip to South Vietnam.

Without striving for dramatic effect, I want to say that I saw at firsthand the profound need for the support, both military and domestic, that America is giving the people of this struggling nation.

To belie the charges made by rabble-rousers on the home front, may I point out that the great dedication of our military people in South Vietnam speaks for itself—for the period November 1966 to September 1969, 138,000 members of the Armed Forces volunteered to extend, by at least six months, their tour of duty in Vietnam.

Despite the fact that the street critics of our Foreign Policy purport to represent the thinking of our fighting men on the battle fronts in Vietnam, it should be noted that at the present time more than 12,000 of these patriotic young Americans are voluntarily extending their tours in the combat zone each quarter.

Many of those who seek additional tours of duty have been wounded but still insist on staying on the front lines despite the high risk and the discomforts of the battlefield.

Perhaps one wonders why these young men are so deeply dedicated—so willing to serve the cause of freedom. The answer seems clear—they share the hope that is felt by many Americans that this war may be concluded in the near future. They believe, how-

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ever, that the only way to end the conflict is to continue to defeat the enemy.

I must say that I developed a new and fuller appreciation of the Resolution adopted by our National Convention in Miami Beach last summer which calls upon all Americans to support the national effort—to bring about a just and honorable peace with which the people in this war-torn land can live.

Finally, I am convinced, after personally visiting with our fighting men in Vietnam, that these brave Americans are the best men that this country—or any other country—could ever produce.

And I believe, Mr. Chairman, that it is the duty of this great nation to provide nothing less than excellent service to these excellent young Americans.

May I again express our grateful appreciation for giving us this opportunity to appear before you. I shall look forward to meeting with you socially this evening at our reception honoring all Members of the Congress.

Thank you.

THE DAV NATIONAL SERVICE PROGRAM (ADDENDUM TO STATEMENT OF RAYMOND P. NEAL)

The Disabled American Veterans maintains the largest staff of full-time nationally paid service representatives of any veterans organization. These representatives, DAV National Service Officers, are specialists in laws pertaining to veterans benefits and assist veterans and their dependents in the preparation of claims for compensation, hospitalization, training, insurance, and other benefits. As attorneys-in-fact they appear before rating boards of the Veterans Administration and other government agencies on behalf of their claimants. These services are provided free of charge, without obligation, to those desiring and needing this valuable assistance.

For 50 years now, as the DAV celebrates its golden anniversary, service has been the keynote of the organization. It was the basis for origin, the reason for continuance and growth, and it is the challenge for the future. What are the DAV commitments and responsibilities for the future?

Even if the Vietnam Conflict were fortuitously to end tomorrow, the need for the DAV service program would continue for many years. Statistics of the past graphically demonstrate this! Consider, for example that there are approximately 450 widows still receiving benefits as dependents of Civil War veterans. Similar projection of statistics relating to the Spanish-American War, World War I, World War II, the Korean Conflict, as well as to the Vietnam Conflict would conclude most significantly an increasing need for a service program over the next 50 years. The DAV continues to enlarge its activities to be as effective a service organization in the future as it has been in the first 50 years of its existence.

In addition to the 68 National Service Officers, each with more than 20 years experience following their graduation from the initial academic training program at American University in the 1940's, 78 National Service Officers have been assigned over the years through on-the-job training and academic programs. Of this number, almost one-half, including 19 presently in training, have been added within the past three years. As a group, the National Service Officers have an average age of 46 and include veterans from every branch of service. Some were officers, others enlisted men, but they all have one thing in common. From the bilateral leg amputee from World War II, now 56 years old, to the 23 year old bilateral leg amputee from Vietnam service, they all have service connected disabilities. They know and understand the problems of the disabled.

At present this staff of 146 National Service Officers are assigned at VA Regional Offices and Centers throughout the country. Every effort is made to assign sufficient personnel at even the large metropolitan offices to assure personal service. Further, the DAV continues in its coverage of 20 military hospitals having Physical Evaluation Board activity, offering competent and experienced counsel to returning Vietnam disabled servicemen in connection with their disability retirement procedures.

Adding secretarial expense and office supplies it is easy to visualize that the annual DAV National Service budget is now almost 2 million dollars, an amount more than twice that necessary as recently as 1962. The financing of this program is successfully carried out each year without federal funds by means of the generous contributions of the public in response to the Idento-tag program and other official fund-raising projects of the DAV.

The far-reaching scope of the DAV service program is incapable of complete comprehension without recourse to some statistics. In the fiscal year ending June 30, 1969, 115,393 favorable awards were obtained for veterans and their dependents. The monetary value of these awards represented $186,434,276. As we enter the second half of a century of service, the annual efforts of the expanded service program of the DAV should realize even greater accomplishments.

The following National Service Officers head DAV offices at each of the Veterans Administration facilities, and all are available to furnish experienced assistance in connection with all veteran's benefits. They await your call.

J. Paul Pitts, 474 S. Court Street, Montgomery, Alabama 36104.

John Richling, Jr., 230 N. First Ave., Room 2028, Phoenix, Arizona 85025.

George N. Richardson, 700 W. Capitol, Room 4331, Little Rock, Arkansas 72201.

William E. Bullock, Federal Bldg., Room 1224, 11000 Wilshire Boulevard, W. Los Angeles, Calif. 90024.

Donald E. Downard, 2131 Third Avenue, San Diego, Calif. 92100.

Stuart J. Cody, 49 Fourth Street, San Francisco, Calif. 94103.

Alfred Luberski, Denver Fed. Center, Bldg. 20, Denver, Colorado 80225.

Rosario J. Aloisio, 450 Main Street, Hartford, Conn. 06103.

Meyer Kronberg, 1601 Kirkwood Highway, Wilmington, Delaware 19805.

William E. Gearhart, 2033 M Street, NW., Room 209, Washington, D.C. 20421.

Charles N. Girard, P.O. Box 1437, 144 First Avenue, S., St. Petersburg, Florida 33731.

Charles S. Rouse, 730 Peachtree Street, NE., Atlanta, Georgia 30308.

Rose L. Sturdyvin, P.O. Box 3198, Honolulu, Hawaii 96801.

Cecil L. Detwiler, 5th & Fort Streets, Boise, Idaho 83707.

Frank L. Calderala, 2030 W. Taylor Street, Chicago, Illinois 60612.

John H. Weiss, 36 S. Pennsylvania Street, Indianapolis, Indiana 46204.

Buford L. Phillips, 921 B. Federal Building, 2nd & Walnut Streets, Des Moines, Iowa 50309.

Wayne H. Kemp, 5500 East Kellogg, Wichita, Kansas 67218.

James M. Howard, 300 Federal Place, Room 122, Louisville, Kentucky 40202.

Arthur H. Wilson, 701 Loyola Ave., Room 5040A, New Orleans, Louisiana 70113.

John F. McPherson, P.O. Box 151, Togus, Maine 04333.

Glen D. Wallace, Federal Building, Room G–07, 31 Hopkins Plaza, Baltimore, Maryland 21201.

Eugene F. Reilly, Room E318, JFK Federal Bldg., Government Center, Boston, Massachusetts 02203.

Harold J. Revord, 801 W. Baltimore at 3rd, Detroit, Michigan 48202.

Hiram J. Fuller, Ft. Snelling Fed. Bldg. 185A, St. Paul, Minnesota 55111.

Michael P. Fedorak, 1500 E. Woodrow Wilson Ave., Jackson, Mississippi 39216.

William J. Burgh, New Federal Bldg., Room 4615, 1520 Market Street, St. Louis, Missouri 63103.

Fred H. Theurer, 601 East 12th Street, Rm. 259B, Kansas City, Missouri 64106.

John E. Sloan, Ft. Harrison, Montana 59636.

Henry E. Smith, Jr., 220 South 17th Street, Lincoln, Nebraska 68508.

Melvin Jacobsen, 1000 Locust Street, Reno, Nevada 89502.

Gerald D. Spencer, 497 Silver Street, Manchester, New Hampshire 03103.

Alexander M. Zbylut, 20 Washington Place, Newark, New Jersey 07102.

Henry J. Dudoich, Federal Bldg., Room 3508, 500 Gold Avenue, S.W., Albuquerque, New Mexico 87101.

John J. Regan, 252 Seventh Avenue, New York, New York 10001.

Robert P. Cromer, Executive Park North, Stuyvesant Plaza, Albany, New York 12201.

John P. Battle, 1021 Main Street, Buffalo, New York 14203.

Maurice C. Lavine, 809 S. Salina St., Gateway Bldg., Syracuse, New York 13202.

John L. Gates, 301 N. Main St., Room 1606, Winston-Salem, N.C. 27102.

William J. Disher, Fargo, North Dakota 58102.

Pasquale B. Gervace, 550 Main St., Room 1020, Cincinnati, Ohio 45202.

Verne M. Nygaard, Federal Office Bldg., Room 1017B, 1240 East 9th Street, Cleveland, Ohio 44199.

Joe V. Adair, 2nd & Court Streets, Muskogee, Oklahoma 74401.

Kenneth Frazier, 921 Northeast 13th Street, Oklahoma City, Oklahoma 73104.

David W. Lloyd, 426 S. W. Stark Street, Portland, Oregon 97204.

Edward J. Norris, Wissahickon & Manheim St., P. O. Box 8079, Philadelphia, Pa. 19101.

Peter Dudish, 19–27 N. Main Street, Wilkes-Barre, Pa. 18701.

Clifford B. Stricker, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

Maurice H. Pion, Kennedy Plaza, Providence, R.I. 02903.

Philip H. Muller, 1801 Assembly Street, Columbia, S.C. 29201.

Donald C. Halligan, Sioux Falls, S.D. 57101.

Donald L. Samuels, 801 Broadway, U.S. Court House, Nashville, Tenn. 37203.

Robert O. Pugh, 515 Rusk Ave., P. O. Box 61168, Houston, Texas 77061.

Harmon A. Bardwell, 305 Dwyer Avenue, San Antonio, Texas 78204.

W. G. Lawrence, 1400 N. Valley Mills Drive, Waco, Texas 76710.

Weldon D. O'Dell, 4500 S. Lancaster, Dallas, Texas 75216.

George L. Carey, 125 S. State Street, Salt Lake City, Utah 84111.

John J. Andrisko, White River Junction, Vt. 05001.

Richard H. Frazee, 211 W. Campbell Avenue, Roanoke, Virginia 24011.

David H. Kays, 6th & Lenora Bldg., Room 1001, Seattle, Washington 98121.

Bobby T. Hinkley, 502–8th Street, Huntington, W. Va. 25701.

Robert F. Petzold, 342 N. Water Street, Milwaukee, Wisconsin 53202.

Lowell M. McGowan, Cheyenne, Wyoming 82001.

Donald H. Dunn (Appeal Cases), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

John J. Keller, National Service Director, Disabled American Veterans, 1221 Massachusetts Avenue, N.W., Washington, D.C. 20005.

THE THREAT TO BASIC RESEARCH

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. FRASER. Mr. Speaker, cutbacks in Federal spending for urgent domestic programs, at the direction of the present administration, are already having serious effect on this country's basic scientific research effort. Continued cutbacks in funds for this basic research could do enormous damage to the advancement of our medical, educational, and technological sophistication.

Numerous articles decrying this impending setback have been published rerecently. I include in the RECORD at this point a news account of one report from the February 20 New York Times, and the texts of articles from the February 16 issue of Time magazine and from the February 13 issue of Science:

[From the New York Times, Feb. 20, 1970]

SCIENTISTS URGE RESEARCH FUNDS: NATIONAL BOARD REPORT SAYS CUTS COULD HURT NATION

(By Richard D. Lyons)

WASHINGTON, February 19.—A report that criticizes cuts in Federal research funds and warns that they are hampering the productivity of American scientists was released without comment today by the White House.

The report was prepared by the National Science Board, which oversees the National Science Foundation. It listed 16 specific recommendations for the improvement of this country's research efforts.

One recommendation stated:

"The United States scientific effort is currently threatened with possible mediocrity."

"Funding limitations currently imposed by the Federal Government on scientific research should be lifted before the present vitality of the physical sciences is lost."

The budget for the fiscal year 1970 that was made public by the Nixon Administration earlier this month allotted $5.57 billion for research, an increase of 2 per cent over the current amount, or less than the rise in inflation.

"This country's research productivity in the physical sciences," the report said, "will certainly be condemned to mediocrity if a number of factors continue to converge:

"The inability to gamble on young investigators emasculating existing productive programs.

"The inability to make modern research instrumentation available to Ph. D. granting institutions.

"Rising research costs, which leave almost every single effort underfunded."

CHALLENGE IS CITED

The over-all effect of the budget restrictions, the report said, is that American leadership in science and technology "is being challenged not only by the Soviet Union but also by Western Europe and Japan."

The report, which is a distillation of the observations of 20 of the nation's leading scientists and engineers in industry, universities and the Government, said that unless more Federal funds were invested in research, "there will be a day of reckoning for United States science and for the national well being."

"In Western Europe and Japan investments in basic physical science and related education are growing at rates comparable to those in the United States during the late 1950's and early 1960's, and that growth is occuring in the newest most promising or exciting fields," the report said.

In citing examples of flaws in the American research effort, the report noted that "the highest energy accelerator is in the Soviet Union, not the United States; a nuclear accelerator specifically devoted to studies of astrophysical reactions exists in France, not the United States; pulsars were discovered in Great Britain, not the United States, and major United States manufacturers of modern chemical research instrumentation now find that approximately 50 per cent of their market lies abroad."

TREND REVERSAL ASKED

The report stated that the trend to decrease funding for space science should be reversed. "The United States now enjoys generally recognized leadership in space science [but] this situation can change easily if we lose our best people from the space program," it said.

It was noted in the report that some branches of the Federal Government, such as the Defense Department, were decreasing their investment in basic research. If this trend continued, the report said, the National Science Foundation should be given the money to underwrite the cost of the "worthwhile projects that were dropped for lack of funds."

The report said some of the smaller research programs were "underfunded to the point approaching stultification" and urged that special attention be given to such fields as chemistry, solid-state science, atomic and molecular physics, and astronomy. These areas, it was pointed out, "often establish the essential groundwork for larger and more complex efforts."

RESEARCH CRISIS: CUTTING OFF THE PLANT AT THE ROOTS

It was a campaign statement, delivered in a speech on Oct. 5, 1968, and made a point that is no less true today. Yet now, in the near-unanimous opinion of U.S. scientists, President Nixon is ignoring what Candidate Nixon said. At a time when drastic, all-around budget trimming is obviously necessary—confronting the Administration with some painful choices—sensible scientists do not expect research appropriations to keep growing at the beanstalk rate of the early 1960s, but they have hoped to maintain reasonable, normal growth. Instead, they have suffered cutbacks and hold-downs for two years, and now the Administration has submitted a budget that, despite rising costs, will keep the level of federal spending for research virtually unchanged through June 1971. As a result, some important programs will be cut down severely or actually eliminated. The net effect, says Physicist Philip H. Abelson, editor of *Science*, has been harshly called a "mindless dismantling of American Science."

According to Dr. Lee A. DuBridge, the President's science adviser, the overall effect of the new budget, after allowing for inflation, will be to reduce net buying power for research by about 3%. Others think the reduction will be much greater—in some cases as much as 20% in areas of fundamental scientific research that offer no immediate, practical payoffs. This is generally called "basic research," a favorite target of administrators and legislators with little patience and less vision. Out of apparently aimless inquiries have come antibiotics and transistors, vaccines and computers, transplants and spaceships. Government budget makers who try to judge a program's worth by the crude criterion "How soon will it pay off?" are bound to be wrong much of the time.

So-called basic research in the U.S. mushroomed after the Soviets' first Sputnik in 1957. From 1958 through 1965, federal expenditures for basic research increased at an annual rate of 19%, climbing from $1 billion to $3 billion. For the next five years, however, the average increase was only 5.5%—boosting the annual sum to its present $4 billion—and that has been barely enough to keep up with inflation. For the coming fiscal year the percentage increase is near zero—hence the net loss after inflation. Some institutions hope to keep their key programs coasting on tighter budgets. Others will simply be shut down.

Breeder Reactor. One casualty is the Princeton-Pennsylvania proton synchrotron on the Princeton campus, which is used for basic particle research by 14 universities. From a recent budget of $5,000,000 annually, the synchrotron funds have now been cut to $3.5 million, and will be down to $2,000,000 next year. Beyond that the Atomic Energy Commission is cutting off funds completely—after a total investment of $30 million on a project that, according to Director Milton White, has not yet had a chance to reach its peak efficiency. Another important tool for probing the secrets of the atom, the Cambridge Electron Accelerator at Harvard University, is in jeopardy; its budget has been cut 25%. "This," says M.I.T. Professor Victor Weisskopf, "essentially means that it will go out of business." Budget cuts have already paralyzed a less costly but still formidable piece of hardware: a $35,000 electron microscope given by New York City to New York University's department of medicine. It is lying idle because operating funds expected from the National Institutes of Health will not, after all, be supplied.

At the Naval Research Laboratory in Washington, Dr. Herbert Friedman, one of the world's foremost X-ray astronomers, estimates that budget cuts combined with inflation have reduced the effective level of his support by 40% in three years. Able to afford only half as many trainees as he had expected and with no new equipment, Friedman has drastically curtailed his studies of X-ray galaxies. He has also reduced his work on quasars and pulsars, those mysterious sources of energy in outer space that promise not only a clearer understanding of the nature of the universe and of basic physical laws but also might provide clues for developing new energy sources on earth.

Although scientists complain that the Atomic Energy Commission, along with the Department of Defense and NASA, gets a disproportionate share of federal research funds, the AEC itself has had to shut down its molten-salt breeder reactor at Oak Ridge. The Bureau of the Budget simply did not release $3,000,000 authorized for it by Congress. This was especially dismaying to environmentalists, because the breeder reactor promises, eventually, to be the cleanest and most efficient fuel source for electric power.

Barnacles and Teeth. Until recently the Department of Defense generously funded research projects that had no foreseeable military applications. That will no longer be possible. An amendment attached to a military procurement bill by Senate Majority Leader Mike Mansfield requires that research must be "mission-oriented" if it is to win DOD support. Mansfield learned 1) that reseachers were trying to ferret out the magically strong adhesive produced by barnacles, in the hope of using it to secure fillings in teeth, and 2) that the Navy was backing barnacle research. Actually, barnacle-tooth research at the University of Akron has been funded, at a mere $40,000 a year, not by DOD but by the National Institutes of Health. The Navy has spent probably twice as much on its own barnacle research, and with good reason: scraping the adhesive crustaceans from hulls and buoys costs the Navy, Coast Guard and private shipping interests $700 million a year.

Mansfield's action points up the interlocking of many facets of research. Advances in the design of nuclear reactors and of particle accelerators have brought progress in the treatment of cancer. Vitallium alloy, developed in the 1930s for dentures, later proved valuable for its heat resistance in jet engines. Immunology depends ultimately upon the

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study of reactions among protein molecules. Its applications extend from the obvious field of infectious diseases and vaccination to allergies, auto-immune disorders like some forms of arthritis, to cancer, heart and kidney disease, and most dramatically, to organ transplants.

CUTS AND NIBBLES

Within medicine, research cannot be separated from teaching and treatment. Cuts in federal grants to medical institutions mean not only that research will be slowed down but also that fewer doctors will receive the specialized training that will enable them to give better care in the future. No fewer than 19 clinical research centers affiliated with major universities are due to be shut down. Among them: a small and always overtaxed unit at Children's Memorial Hospital in Chicago, for children with severe digestive and metabolic problems; a twelve-bed center for acutely ill patients (including many suffering from burns) at Albert Einstein Medical Center in New York; a research institute at Indiana University, studying and treating patients (including children) with brain tumors and disorders of bone metabolism such as osteoporosis.

Prestige is no protection against the budgeteers' knives. Recent Nobel laureates in medicine, chemistry and physics have had their funds cut. So have most of the nation's great medical centers. Programs at Massachusetts General Hospital are "only being nibbled at" now, admits its tart-tongued director, Dr. John Knowles. "But," he adds, "we'll really feel it in a year if the cutbacks continue, and if they go on too long you are going to wing the country for ten years." One of the affected M.G.H. programs turned out technicians trained to read electroencephalograms (brain-wave recordings). These specialists are in short supply at many hospitals. "When there's a shortage," says Dr. Robert Schwab, who runs M.G.H.'s program, "it doesn't mean that the EEGs are not read. It simply means that they are read by somebody who's no good. This is scandalous and dangerous." Another nibble victim, down the corridor, is Dr. Paul S. Russell, a top surgeon at M.G.H., whose research on antilymphocyte globulin (used to suppress the rejection reaction after heart, kidney and liver transplants) has been curtailed. Under current limitations, his staff can produce only 20% of the ALG it needs.

A lower budget forced Children's Hospital in Los Angeles to reduce the number of research beds from six to three in its genetic-disease unit, setting off a howl of community protests, including a petition to President Nixon with 20,000 signatures. (The cut has not yet been rescinded.) In many cases the drying-up of funds means not only that progress will be slowed but that money already spent will be wasted. M.D. Anderson Hospital and Tumor Institute in Houston, which lost $1.5 million of its $8 million in federal funds, cannot add a needed and long-planned 350-bed unit. After spending years and $1,752,000 of N.I.H. money raising monkeys in an almost germ-free environment and injecting them with cancer material and viruses, Bionetics Research Labs at Bethesda, Md., expected some to start developing tumors. Then the budget ax fell. At first it was thought that the 320 monkeys would have to be destroyed, because each costs $3 a day in upkeep. Then the monkeys were reprieved and shipped out in batches to other primate centers. Whether the experiment has been ruined because of changes in their environment is not yet known.

Heart-artery diseases are America's No. 1 killer, and the No. 1 research project on their cause has been the Framingham Study. Since 1947, more than 5,000 residents of the Massachusetts town have been given regular examinations. The results, almost but not yet quite conclusive, indicate that smoking and high blood pressure and cholesterol are the most important factors in increasing the risk of early death from heart disease. The study is to be terminated June 30—to the despair of heart researchers all over the U.S.

RADICAL SURGERY

Manhattan's Sloan-Kettering Institute for Cancer Research proclaims in its very name that it meets the Government jargon specification of being "mission-oriented." That has not saved it from radical budget surgery. Five years ago, says Director Frank L. Horsfall Jr., the Government supplied 51% of S.K.I.'s income. In 1968, wtih a federal cut and inflation, S.K.I. went $1.2 million in the red. Next year the deficit was $1.8 million, and was met by dipping into capital. Faced with still deeper federal cuts and a probable deficit of $2.6 million for 1970, the trustees have set a deficit ceiling of $1.6 million and required expenditures to be cut by $1,000,000. As a result, seven out of 69 laboratories have had to be closed, while nine others have taken cuts of 20% to 30%. Both professional and technical staffs have been reduced and further curtailment next year is inevitable.

In Buffalo, Roswell Park Memorial Institute's director, Dr. James T. Grace, has had to abandon a five-year study designed to show whether adenoviruses are a cause of cancer in man as they can be in animals.

Cancer may eventually be conquered only by a crash program along the lines of the Manhattan Project. It is equally possible that vital cancer clues will come from some seemingly unrelated "basic" research in biology. Yet the likelihood of this discovery is reduced by the decrease in the number of investigators in all the life sciences. That is where the budget cuts are hurting, and inflicting wounds that will not heal for years. The National Institutes of Health are losing valuable experienced investigators, as are the complexes of hospitals, medical schools and research institutes.

By the later 1970s, the effect on medical research could be disastrous. It is the younger men who are being dropped in the economy wave and there are no funds for replacing them next year or the year after. Says Dr. Russel V. Lee, founder of the Palo Alto Clinic: "The principal loss, to my mind, will be the great discouragement in recruitment of young men for medical research. We are cutting off the plant at the roots." Virtually all the men responsible for directing research in both the life sciences and the physical sciences share that view.

Thus there is a crisis in research that today imparts even more urgency to words spoken only 16 months ago: "In the name of economy, the current Administration cut into muscle. The U.S. must end this depreciation of research and development in its order of national priorities." That demand was made by Richard Nixon.

THE NEED FOR BASIC RESEARCH

Basic science is attacked today from two major fronts. One attack stems from a mounting opinion, widely held and shared by some members of Congress and government, that the search for deeper insight into natural phenomena is an expensive luxury which should be supported only if it promises immediate payoff in terms of practical applications for industry, for medicine, or for national defense. The other attack comes from a significant part of the younger generation; they distrust science as being the source of industrial innovations leading to further deterioration of our environment, to further destructive applications in weaponry, and to further developments in our society toward Orwell's world of 1984. At best, they say, pure science is a waste of resources which would be better devoted to some immediate, socially useful purpose.

Caught between these two wedges, basic science is threatened, and its activities may be reduced further. Lack of material support and public disinterest and distrust not only endanger basic science now, they also jeopardize its future by increasing demoralization among working scientists and sharply reducing the influx of young people into science. The character of our higher education in science is to be blamed, too, because it too strongly emphasizes narrow specialization instead of broader training for more general scientific approaches. In consequence of these trends, the number of scientists adept at pure research is already small, and basic science is in process of shrinking toward insignificance in this country. This trend must be combated.

We live in critical times. The growing speed of technological change, and the growing expansion of technology over the globe, have created vast social and technical problems which must be attacked if we are to avoid major catastrophes. This attack must take the form of painstaking investigation of the effects of industrialization and thorough study of interrelation of many factors which determine our environment. To proceed effectively will involve more basic science, not less. To quote Polanyi:

> The scientific method was devised precisely for the purpose of elucidating the nature of things under more carefully controlled conditions and by more rigorous criteria than are pesent in situations ceated by practical problems. These conditions and criteria can be discovered only by taking a purely scientific interest in the matter, which again can exist only in minds educated in the appreciation of scientific value.

The careful analysis of the problems and the necessary measures for solving them will require more, not less, of the spirit engendered in pure research. We will need more, not fewer, people trained in pure research, in the unbiased search of causes and effects. The scientists who are involved in fundamental research have always proved to be the best reservoir of manpower for tasks requiring objectivity, innovative ideas, and imaginative approaches. We must not let the source of this reservoir dry up. We cannot afford to do what we did during World War II—to stop basic research for the duration, which for us was only 4 years. The present environmental trouble could well extend over many decades, during which time we must continue to train new generations of devoted young scientists. We need a continuous vigorous pursuit of basic research in this time of crisis, for its intrinsic values as well as for its role as a souce of brainpower for the tasks which we will face in the future.—Victor F. Weisskopf, *Department of Physics, Massachusetts Institute of Technology.*

THE 175TH ANNIVERSARY OF UNION COLLEGE IN SCHENECTADY, N.Y.

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. BUTTON. Mr. Speaker, may I take this occasion to note the 175th anniversary of the chartering of Union College in Schenectady, N.Y. The first college chartered by the University of the State of New York, Union is junior in New York State only to Columbia. Legally constituted on February 25, 1795, the college has been in continuous operation since that time.

Among its many other "firsts," Union occupies the first architecturally planned campus in the United States. The plan was created by the distinguished French architect Joseph Jacques Ramee in 1813, a full 5 years before Thomas Jefferson's

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plan for the University of Virginia—a plan which some scholars believe may have been influenced by Ramee's work at Union. Two of the building groups designed by Ramee still stand on the Union College grounds, the oldest sections dating from 1814.

The nature of Union College's contribution to education and to national life can best be illustrated, perhaps, by recalling some of those who have taught and studied there. In industry, they would include George Westinghouse, the electrical inventor, and Edward Allis, founder of the Allis-Chalmers Co.; in education, the first presidents of the Universities of Michigan, Illinois, and Iowa. In public service, Union has graduated the father of civil service, the 21st President of the United States, Chester A. Arthur; a dozen Governors of States from Maine to Mississippi; a paramount chief of the Choctaw nation; a Secretary of State of the United States, William H. Seward; and a Secretary of State of the Confederate States of America, Robert A. Toombs; more than a dozen U.S. Senators; and a hundred Members of this House, including in the 91st Congress, the Honorable JOHN S. WOLD of Wyoming, a Union College graduate of the class of 1938.

The Ramee-designed campus in Schenectady, overlooking the Mohawk River Valley, is a graceful, classical backdrop to a vital, modern institution of learning.

The 19th in seniority among the Nation's colleges, venerable Union continues to move forward. Having contributed the first presidents to Elmira, Smith, and Vassar Colleges, Union has watched with interest the radical experiment of higher education for women. Now persuaded that the trial was a successful one. Union will enroll its first full-time women students in September of 1970.

To Union College men, and to the Union women of the future, I offer congratulations on this anniversary. I know the Members of this House join me in expressing confidence that Union College will continue its distinguished service in the centuries ahead.

HARRY HODGES GIVES LIFE TO SAVE HIS BUDDY

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. QUILLEN. Mr. Speaker, without fear for his own safety, Harry G. Hodges, the son of Mr. and Mrs. Edward B. Hodges, lost his own life while shielding his buddy from a hand grenade in the battlefields of Vietnam.

Harry G. Hodges did not fear death. This is made clear in a letter he wrote his parents, who live in Sevierville, Tenn., on May 4, 1967. He was killed on January 14, 1968, near Da Nang, South Vietnam.

Young Hodges, it seems, had a premonition of death.

You can easily see in the first paragraph of his letter, which is made a part of these remarks in the RECORD, that he expressed the sentiment of many of our young men who are serving our country as he said:

> I, Harry G. Hodges, being of sound mind, this Fourth of May, realizing my position in all respects and proudly accept this my task, realizing that I may not come back from this War alive, . . . I don't have much to leave my loved ones, but I wish to leave everyone something to remember me by. But, most of all I leave my love and most sincere appreciation to the best family a person could ever have. I am just thankful that the good Lord has allowed me to be a part of that family. No matter how long a time it has been, but I can assure you it was too short.

I feel that Harry Hodges' attitude concerning the war, and the fact that he felt a sense of purpose by participating in the conflict, is the attitude of many of our young fighting men.

His parents, very good friends of mine, have told me that they resent very much the use of his name, in any way, in connection with any anti-American activities or demonstrations. I believe, and I am sure you will agree after reading his letter, that this would also be his desire, as he felt that this was his duty and calling.

The Hodges' oldest son, 1st Lt. John E. Hodges, is now serving with the Army at Camp Carroll in South Korea.

For the readers of the RECORD, I would like to submit Harry Hodges' letter which he left with his brother before leaving for Vietnam. The letter was sealed and marked "not to be opened unless necessary."

The letter follows:

MAY 4, 1967.

I, Harry G. Hodges, being of sound mind, this the Fourth of May, realizing my position in all respects and proudly accept this my task, realizing that I may not come back from this War alive, have set aside this time to draw up my Last Will and Testament. I don't have much to leave my loved ones, but I wish to leave everyone something to remember me by. But, most of all I leave my love and most sincere appreciation to the best family a person could ever have. I am just thankful that the good Lord has allowed me to be a part of that family. No matter how long a time it has been, but I can assure you it was too short.

I know I haven't been the best son you have. But, I love you both very, very much. No matter where I am. Mother, I haven't shown my appreciation or my gratitude as much as I should, but I just wish everyone could have as fine a family as I have had. I just want everyone to know that I love them very much, and am just sorry that I couldn't have stayed around to show it a little more.

At my funeral, please don't cry! I feel so bad to see my family cry over my account. Don't cry because I am dead. Because, you are wrong. I have just gone to another land, far away, but yet, so close. No, I will never die and you know that. Don't cry at my funeral. Please! Funerals should be like saying good-bye. I will see you soon, and I will. Life here on earth is such a short period of time compared to the eternity we will have to spend together over there. So, please don't cry at my funeral, because we shall meet again.

Now, I wish to leave something to everyone in my family. If I overlook anything I want you to decide among yourselves. I don't have much, but this is how I want to distribute it.

To my younger brother, a request that he study harder and a small sum of $5,000.00 to be used to further your education. Alvin, you are just like me, in some respects. You have the ability, but have other things that you would rather do. Just apply yourself, and you can be anything you want to be. Just study those books, they hold the future between their covers. I am also leaving you my Browning 12 Ga. 3'' magnum. Treat her right and she will do the job for you. But she is just like a woman, it will take a real man to handle her.

To my older brother, John, who has already proven himself as a man in more ways than one. But, just never could learn how to out-shoot me. I leave him my Winchester Model 76 and my Marlin 35 cal. Use them as I would, just clean it a little more often than I did. Since you have already practically completed your schooling, I will leave you $5,000.00 to help you in any way you see fit, because you know more about what you need than I do. Good luck.

Mom and Dad, I don't know what to leave you except memories and my sincerest love. I am giving to you all the rest of my stuff. Without you-all, I wouldn't even have had anything. Thank you for letting me be your son. Take care of John and Alvin, and my sister-in-law, Nancy. Dad, I want you to slow down some. Dad, don't work quite as hard as you have been. Take more time to relax. I want you and mother to take a trip for a couple of weeks, and fly, don't drive. Just relax.

I also have a bowie knife with my name on it. Would you please buy a stand for it and hang it under my picture for me. My scuba equipment I would like for John and Alvin to both have a set, but I will let Mother and Dad decide about that.

To all of my other relatives I love you all and wish you-all the best in the future. Please don't think too badly of me because I didn't get around to visit as much as I should have. I must close now, even though I have much more to say. But, I just don't have the time.

P.S.—God bless you all, and may He see you through in all walks of life. I'll be seeing you. Take care now.

Love,

HARRY G. HODGES.

Please pardon my spelling and my slopping writing.

CZECHOSLOVAKIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DERWINSKI. Mr. Speaker, lest we forget, 22 years ago on February 25, 1948, the Communists staged a military coup and forced Czechoslovakia into the status of a Russian satellite. On the 20th of August 1968, the Soviets and other Warsaw pact troops invaded Czechoslovakia to cement Communist tyranny from which the people of Czechoslovakia continued to suffer.

While the events of 1968 are fresh in the minds of the public and subject to interest in the communications media, the Communist coup of 1948 has been forgotten.

I raise the point today to emphasize the consistent history of treachery perpetrated by the Soviet Union and note

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that the post-World War II Czechoslovakian Government included Communists in a coalition which the Reds used to impose a dictatorship.

The arguments that communism would mellow and that people behind the Iron Curtain would be allowed to influence their government in such a way as to move toward democracy, free enterprise, and freedom rather than Communist enslavement were dashed by the invasion of August 1968. History also shows us that this Communist act was directly related to the original coup of February 25, 1948.

BIRMINGHAM NEWS OPPOSES THE TIMBER BILL

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. UDALL. Mr. Speaker, we are all aware of the growing national concern about our environment and the urgency of proper measures to protect it against further deterioration. This is being called the "environmental decade." Tomorrow this body will debate a measure, H.R. 12025, the timber bill, which many of us believe would be a tragic beginning for this environmental decade. I have here an excellent editorial about this bill published on February 9 by the Birmingham News in Alabama. The editorial warns against the threat that H.R. 12025 constitutes for our national forests. I include this editorial at this point in the RECORD:

SAVE THE FORESTS

According to *Birmingham News* Washington correspondent James Free, action might be postponed indefinitely on a bill which many people fear could lead to ruinous commercial exploitation of America's national forests.

It's been tucked into a pigeonhole by the House committee which has been considering it. And until a whole lot more is known about its probable effect on our diminishing natural timberlands, that's a good place for it.

The motivation of the bill—to provide more timber for the hardpressed housing industry—may be good. And it may be that the authority granted by the bill would be wisely used, with full consideration given to the preservation of protected forests.

But the risk that it might not be wisely used—that somebody, sometime in the future, with more of an eye for a profit than for preservation of our resources, might succeed in stripping forests which we could not begin to restore in our lifetimes—is too great.

If anything, we probably need amendments to make laws protecting wilderness areas even more effective.

This is not to say that such areas ought to be "off limits." On the contrary, more should be done to encourage and make it possible for Americans to enjoy them, while at the same time preserving their natural beauty and their ecological balance.

The great out-of-doors which once seemed limitless in a vast land which sprawls from sea to shining sea is shrinking before the relentless onslaught of a growing population. We have to save what we can, and tomorrow is too late to begin.

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YALE AND TREES—II

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. ROSENTHAL. Mr. Speaker, we have observed with great interest and pleasure the involvement of many university students in the great public policy issues of our country.

Those who despair of today's youth need only look to the causes which motivate the activities of young people today, whether those activities are political meetings, demonstrations, research projects or even the more outlandish sit-ins and protests.

Young people are worried about the war in Vietnam, about conservation and pollution, about corporate behavior and many other problems which their elders have not yet or not properly faced.

Yale Legislative Services is a group of Yale students who work on research projects in some of these important areas. Its work and its views do not represent official positions by Yale University, which takes no positions as an institution. In an earlier insertion in this RECORD, on February 4, which expressed the views of the Yale Legislative Service on the National Forest Timber Conservation and Management Act, H.R. 12025, I failed to make clear the separate identity of the YLS from the university.

I also include below a statement from the Society of American Foresters supporting this legislation. It should be noted that the statement bears the name, as president of the society, of Kenneth P. Davis, of the School of Forestry, Yale University. Again, the views of the society and its president are not those of Yale University but rather another manifestation of concern for important public issues by a man associated with this great center of learning.

The statement follows:

STATEMENT OF THE SOCIETY OF AMERICAN FORESTERS ON H.R. 12025, THE "NATIONAL FOREST TIMBER CONSERVATION AND MANAGEMENT ACT OF 1969"

SOCIETY OF AMERICAN FORESTERS,
Washington, D.C., February 13, 1970.

DEAR CONGRESSMAN: As the organization representing the forestry profession in America, the Society of American Foresters is directly concerned with and intensely interested in legislation affecting the scientific management of our nation's forestlands. H.R. 12025, the "National Forest Timber Conservation and Management Act of 1969" is especially significant.

In April 1969 the Society wrote you pledging our best professional efforts to help Congress attain its goal of providing 26,000,000 homes during this decade. We pointed out that this would require increased production from the nation's forests and intensified forest management. We assured you that this can be done without jeopardizing the nation's forests or future timber supply, or the other important public benefits—water, recreation, forage, wildlife and inspiration.

Among the requirements for scientific management of commercial timberlands is assurance of ample and long-range funding to permit prompt reforestation, protection against insects, diseases and fire, salvage of dead trees, and improved growth of trees through thinning, planting, fertilization and genetics.

Since land devoted to timber production is steadily decreasing, that which remains must produce more efficiently if the nation is to meet its staggering requirements for wood. The Society of American Foresters endorses legislation which provides funds to increase this production by intensified, scientific management of national forest commercial timberlands which have not been reserved for wilderness or other uses.

We are confident that this legislation will accomplish its purpose without conflicting with the Multiple Use Act directives under which the national forests are administered. At the same time the Society is actively engaged in the efforts of the Trees for People Task Force to develop effective programs for increasing the productivity of privately owned forestlands.

Sincerely,

H. R. GLASCOCK, Jr.,
Executive Vice President.

TO LIMIT RECOGNITION OF CERTAIN FOREIGN COUNTRY JUDGMENTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. MIKVA. Mr. Speaker, I am introducing today a bill which is designed to meet a special and unusual situation which has arisen in the field of foreign country judgments.

Courts in the United States will not normally enforce a money judgment rendered abroad by a court which had no proper jurisdiction over the person against whom the judgment was rendered. In this refusal, our courts use our common law conception of proper in personam jurisdiction, a conception which has been recognized by many other countries. Thus, a judgment based merely on the nationality of the plaintiff, or the domicile of the plaintiff, or the presence of assets in a given country has no proper jurisdictional basis and will not be enforced in our courts. The propriety of this procedure has been recognized internationally by a protocol adopted by the Hague Conference on Private International Law.

A number of foreign countries, however, do use bases of jurisdiction which we consider improper, including members of the European Economic Community—Belgium, France, West Germany, Italy, Luxembourg, and the Netherlands. Moreover, a Convention on Recognition of Judgments signed by member states of the EEC in Brussels on September 27, 1968, provides that judgments rendered against nonresidents of the Community in one member country must be enforced in the other countries, even if they were rendered on a jurisdictionally improper basis. As a result, once the convention has been ratified, domiciliaries of the United States with assets in the Common Market area can become the victims of forum shopping leading to enforcement in the market area of a judgment rendered on a jurisdictionally improper basis.

Because of protests from non-EEC countries, the Common Market Convention of September 17, 1968, now includes a provision allowing member states individually to promise to third countries—like the United States—that against domiciliaries in that state, judgments from other EEC countries rendered on a jurisdictionally improper basis will not be enforced. Such a promise must be part of a treaty on recognition of judgments concluded with the third country. Whether any of the EEC countries cares to conclude with the United States a treaty of the sort we could accept is not known. What is certain, however, is that we have a real interest in making such treaties worthwhile for EEC countries. The bill I am introducing today would help to create a healthy incentive to the conclusion of such treaties.

The bill, the Nonrecognition of Foreign Country Judgments Act, would give our Government power to insure that there could be no recovery in a State or Federal court of the United States on a judgment of any foreign country, first, which had obligated itself by treaty to enforce jurisdictionally improper foreign judgments, and, second, which the President had by Executive order placed on a nonrecognition list. The list would presumably contain those countries with whom we had not concluded treaties which would adequately protect American interests.

The Common Market Convention has endangered legitimate interests of the U.S. domiciliaries. For the protection of these interests, the U.S. Government should have power, if it deems it proper, to forbid the recognition in our courts of judgments rendered in a foreign country which has committed itself to the enforcement of jurisdictionally improper judgments. This bill would give our Government such power.

I commend this legislation to the attention of my colleagues in the House and my fellow members of the Judiciary Committee.

I insert the text of the bill at this point in the Record along with an article by Kurt H. Nadelmann, reprinted from the April 1969 issue of the Harvard Law Review, which provides further background on this problem:

H.R. 16175

A bill to limit recovery in State and Federal courts under judgments rendered on improper jurisdictional bases by courts in certain foreign countries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Non-recognition of Foreign Country Judgments Act.

Sec. 2. No proceedings may be brought in any State or Federal court for the recovery of any sum alleged to be payable under a judgment rendered in any foreign country if—

(1) such foreign country is committed by treaty to enforce judgments rendered in any other country on the jurisdictional basis of—

(A) the nationality of the plaintiff,

(B) the domicile, habitual residence, or residence of the plaintiff within the territory of the country rendering judgment, or

(C) the presence, attachment, or garnishment in the country rendering judgment of property belonging to the defendant, and

(2) the President has by Executive Order provided that judgments from such country shall not be recognized in the United States.

Sec. 3. Nothing in this Act shall be construed as depriving a holder of a judgment rendered in a foreign country of the right to sue in a State or Federal court on the original cause of action.

Sec. 4. This Act shall take effect with respect to the judgments of a particular foreign country immediately following the expiration of the two-month period beginning on the date of publication in the Federal Register of an Executive order relating to such foreign country referred to in paragraph (2) of section 2 of this Act.

The Common Market Judgments Convention and a Hague Conference Recommendation: What Steps Next?

(Kurt H. Nadelmann[*])

(A convention recently signed by the foreign ministers of the Common Market countries threatens to extend over a wide area the enforceability of judgments rendered at jurisdictionally improper fora. The history of this convention is intertwined with the efforts of the Hague Conference on Private International Law to restrict the effect of such judgments to assets in the country of rendition. Dr. Nadelmann examines the history of the Common Market Convention and of the Hague Conference Recommendation which attempts to deal with it. He concludes that the protection of Americans with assets abroad requires that the traditionally liberal recognition policies of the individual states be replaced by a more restrictive and particularized approach administered by the federal government.)

The Eleventh Session of the Hague Conference on Private International Law, held in October 1968, adopted a "Recommendation Relating to the Connection Between the Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters and the Supplementary Protocol."[1] The reader of the Recommendation will find its contents as mysterious as its title. The central issue is a still unresolved clash between the six members of the European Economic Community and the "outside world" over the enforcement of foreign judgments—a question which may seriously affect the interests of Americans with assets abroad. This comment will provide the background of the present situation and suggest the course which the United States should now follow.

In late 1964, experts from the EEC published a draft Convention on Jurisdiction and Recognition of Judgments which they had prepared for the needs of the Community.[2] By the provisions of this draft, certain jurisdictional bases were not to be used in suits against domiciliaries of any of the member states. The forbidden bases were: the nationality of the plaintiff, available under the laws of France and Luxembourg; [3] the domicile of the plaintiff, available against nonresidents in Dutch law; [4] and the presence of assets when used to obtain a judgment not limited to the value of the assets in the forum state, available against nonresidents in German law.[5] The draft allowed use of these bases of jurisdiction in suits against nondomiciliaries of the EEC. All judgments rendered in one state had to be enforced in the other states unless the jurisdictional basis asserted violated the provisions of the draft.[6] If adopted, the draft would have extended over a wide area the enforceability of judgments rendered against nondomiciliaries at jurisdictionally improper fora.

The Extraordinary Session of the Hague Conference convened in April 1966 to complete work on a Convention on Recognition and Enforcement of Foreign Judgments. A multilateral treaty of a special type was contemplated. All the basic provisions would be in the resulting Convention, but the Convention would become effective between two ratifying states only if they concluded a supplementary bilateral agreement to that effect. Such supplementary agreements, however, could not depart from the provisions of the Convention except in certain specified particulars.[7] The idea was to preserve freedom of choice of treaty partners and still to unify the law of recognition.[8]

At the Extraordinary Session the Common Market states demanded that the Convention allow regional groups to conclude their own agreements without being bound by the provisions of the Convention. The other states desired safeguards from abuse of this freedom. In "Working Paper No. 30"[9] the delegations from the United Kingdom and the United States proposed that the Convention include a provision on jurisdictionally improper fora. Judgments rendered without an adequate jurisdictional base were to be limited to the value of the assets in the country of rendition, and were not to be enforceable outside the forum state. Over this proposal a crisis developed. In a dramatic night session, it was finally agreed to refer the problem of jurisdictionally improper fora to a Special Commission. Meanwhile the Convention drafted at the Session[10] would not be open for signature.[11]

Before the Special Commission met in October 1966, the experts who had drafted the Common Market Convention had their own meeting. They did not change the basic scheme of their draft, but they added a new provision: article 59. This article allowed each of the six states individually to agree with nonmember states not to enforce against domiciliaries of such states judgments rendered at jurisdictionally improper fora. The new provision was brought to the attention of the Hague Conference Special Commission. At the meeting of the Special Commission the delegates drafted a Supplementary Protocol.[12] The Protocol lists jurisdictionally improper fora and provides that judgments rendered at such fora shall be denied extraterritorial recognition. Disagreement existed on whether the Supplementary Protocol should be mandatory for signers of the Hague Convention, but the Common Market group was able to obtain a majority in support of its view that the Protocol should not be binding. The delegate from the United States, joined by those from the United Kingdom and Sweden, formally reserved the right to reopen the question.[13]

Somewhat later, the Common Market experts made a change in new article 59 of their draft. Signatories could still promise other states that foreign judgments obtained at jurisdictionally improper fora would not be enforced, but the promise had to be part of a convention on recognition and enforcement of judgments.[14] As amended, the Convention on Jurisdiction and Enforcement of Foreign Judgments in Civil and Commercial Matters was signed in Brussels by the foreign ministers of the states forming the EEC on September 27, 1968,[15] just ten days before the opening of the Eleventh Session of the Hague Conference. Through this signing the Common Market Convention took precedence over the Supplementary Protocol where the two conflicted.[16]

At the Eleventh Session, the question of the relation between the Supplementary Protocol and the Hague Conference Convention, which had been placed on the agenda at the request of the United States, was assigned to the Fourth Committee, presided over by Judge André Panchaud of

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Switzerland, who has also chaired the meeting of the Special Commission. When the subject came up, the discussion quickly became bogged down in debate over a procedural point and the meeting was finally adjourned to give the delegations time for informal contacts.

Politically, the situation was confused and confusing. Under article 63 of the Common Market Convention new members of the EEC are obliged to accept the Convention as the basis for their own duty under the Treaty of Rome to facilitate enforcement of judgments rendered by other member states. When the Convention was signed in Brussels, the foreign ministers of every state except France proposed that negotiations be suggested to states which had sought membership in the Community so that their accession to the Convention might be prepared.[17] The states involved—the United Kingdom, Denmark, Norway, and Ireland—thus were placed in a special dilemma over the Protocol issue. If the Protocol were binding, then they would not be able to use the Hague Convention if they subsequently became members of the Common Market. On the other hand, the Common Market scheme would require them to enforce judgments obtained in other EEC states even though the forum was jurisdictionally improper and enforcement would violate natural justice under their domestic law. Furthermore, the Protocol would protect them if they remained outside the Common Market.

An examination of the individual positions of the six Common Market states, moreover, furnishes an all but uniform picture. The case of Italy is particularly striking. Jurisdictionally improper fora are not used in Italy except on a retaliatory basis.[18] Italy thus has an established policy, yet under the Convention now signed Italian courts must enforce judgments rendered at an improper forum. A question of constitutionality may arise. As for Belgium, in a celebrated case the highest court of the land denied recognition to a French judgment rendered against a non-resident Englishman on the jurisdictional basis of the plaintiff's French nationality.[19] And at the Extraordinary Session in 1966, the Belgian delegate sided with the "outside world" in the confrontation over "Working Paper No. 30."[20] French courts do not recognize foreign judgments rendered on the jurisdictional basis of presence of assets,[21] and in the recently concluded treaty between France and Austria the defendant is given the right to appear in the Austrian court to limit the court's jurisdiction to assets in Austria when presence of assets is the basis for assumption of jurisdiction.[22] Even the position of Germany, seeming promoter of the Common Market scheme,[23] is equivocal. By the German treaties with Belgium and the Netherlands extraterritorial effect is given to German judgments rendered on the basis of mere presence of assets, but the condition is imposed that the defendant not have been domiciled in the other country; and German domiciliaries have the same protection from possible extraterritorial use of judgments obtained in Belgium or the Netherlands on a *forum arresti* basis.[24] Nothing in the attitude of Luxembourg suggests that it could have favored the scheme. But even assuming a perfect accord among the experts, the appearance in the Common Market Convention of article 59 is proof of second thoughts by at least some of the governments involved. The fact remains, however, that the pressure coming from the Convention's scheme has been maintained for the benefit of the individual states prepared to negotiate agreements under article 59.

Some of the Common Market states, it appears, are quite ready to proceed with negotiations under article 59. At the Hague Conference it became known that Germany and Norway have negotiated a convention and that the contents of the Supplementary Protocol are incorporated in the draft.[25] Britain and the Common Market countries would both profit from an article 59 agreement, and that procedure is facilitated by the existence of British treaties on recognition of judgments with France, Belgium, West Germany, Italy, and the Netherlands.[26] The special situations have been pointed out to show that the problems faced by states outside the EEC are not necessarily the same. Indeed, the Common Market Convention itself does not treat all other countries alike. A clause in the Convention maintains for Swiss nationals the protection which they have under the Franco-Swiss treaty of 1869.[27] Even if political considerations were not involved, a basis for concerted action by the outsiders thus would be difficult to find.

The situation at the session was such that, for one reason or another, many of the delegations did not look forward to a confrontation requiring them to vote for or against the binding character of the Supplementary Protocol. And for their own reasons the Common Market delegations let it be known that they were willing to vote for a strong recommendation in favor of use of the Supplementary Protocol by the member governments. The lines for a compromise were thus pretty well drawn. With the help of the President of the Conference Session and of the Committee Chairman, the text of a recommendation was prepared and submitted to the Conference as a joint proposal by the delegations of all six Common Market states, of the United States and the United Kingdom, and of Sweden and Switzerland. The Conference approved the Recommendation by a unanimous vote.

The Recommendation states that the Eleventh Session is "[c]onvinced that certain grounds of jurisdiction can only exceptionally justify the international recognition and enforcement of judgments and that this is particularly so where treaty relations exist regarding such recognition and enforcement," and makes three suggestions. The member states should sign and ratify the Convention and the Supplementary Protocol simultaneously. States coming to the conclusion that they cannot sign and ratify the Supplementary Protocol should take its provisions into account in any supplementary agreements that they conclude to bring the Convention into force. Any member state which is already bound by an existing convention not in accord with the principles of the Protocol should take all possible steps permitted within the existing treaty obligations to comply with those principles. For the Hague Conference the issue has been closed with the vote on the Recommendation. The Hague Conference Convention and the Supplementary Protocol, two separate documents, are open for signature. The fate of the instruments is in the hands of the members of the Conference.

However encouraging the unanimous vote on the Recommendation, the problem created by the Common Market Convention has not been removed. Once the Convention takes effect, United States domiciliaries and others with assets in the Common Market area, run the risk that forum shopping will be used and that a judgment obtained against them in one state on a jurisdictionally improper basis will be enforced automatically in the other states. Legitimate interests can be seriously damaged. This threat cannot be ignored.

Traditionally, American courts have had a liberal policy on recognition of foreign judgments. This fact is well known around the Hague Conference. The Uniform Foreign Money-Judgments Recognition Act,[28] an expression of this policy, was among the materials used by the Hague Conference in preparing its own Convention. In some quarters abroad, the belief is held that the policy is not subject to change and is beyond the control of the national authorities. Unclear ideas about the distribution of powers between the states and the federal government are at the bottom of the assumption. Like any other country, the United States can protect the interests of its domiciliaries abroad. In a large number of foreign countries, the recognition of foreign judgments is made dependent upon existence of a treaty. Should this kind of a step be desirable, under the Constitution of the United States the Congress would have ample power to pass such a statute in aid of the President's treaty-making power. The same Act could, as in other nations, authorize the Executive to grant exceptions from the treaty requirement in stated situations. Judgments from countries which have a liberal recognition policy and do not apply a scheme like that of the Common Market Convention would not have to be affected. A better balance of interests would be achieved; pressures coming from the Common Market Convention scheme would be countered.

Solid practical reasons can be advanced in support of a change in policy. Non-recognition of American judgments abroad is the rule rather than the exception. To begin a short survey with the law in the Common Market states, American judgments are not enforceable in the Netherlands because its law requires existence of a treaty;[29] they are reexamined as to their merits in Belgium, where the law makes the grant of conclusive effect dependent upon existence of a treaty;[30] they are subject to a statutory reciprocity requirement in Germany—a test often difficult to satisfy in foreign courts not operating on the basis of *stare decisis;*[31] and they are by statute subject to reexamination in Italy if rendered by default.[32] In the Scandinavian countries, a treaty is needed for enforcement.[33] In the rest of Western Europe, as well as in Latin America, the situation does not differ substantially.[34] As for Canada, under the Code of Quebec, any defense which might have been set up to the original action may be pleaded against judgments rendered outside Canada;[35] and, in some other provinces, conclusive effect is withheld as well.[36]

Redress cannot be obtained effectively by action of individual states of the union. Assuming the unproductive reciprocity requirement, unfair to the individual litigant,[37] were introduced by all or most states[38]—it can, it would seem, be done without raising constitutional problems unless *Hilton v. Guyot*[39] is overruled—the scheme of the Common Market Convention would not be reached by such a step. More radical, individualized steps would have to be taken, which would be out of bounds for the states because they would interfere with the conduct of foreign relations by the national government.[40] Furthermore, concerted action by the states is not easy to achieve. Only a response coming from the entire nation has a good chance of being effective.

As a result of complaints from its businessmen, after a full study of the situation[41] the United Kingdom in 1933 passed legislation authorizing treaty negotiations and giving the executive power to bar recognition proceedings for judgments from countries denying substantial reciprocity to judgments from the domestic courts.[42] Except for the new complications, the scheme has worked extremely well.[43] The United States has been slower in a realistic appraisal of the situation. The Uniform Act of 1962 was prepared by the Commissioners on Uniform State Laws because codification of the domestic law on recognition can facilitate enforcement of domestic judgments in foreign countries having the reciprocity requirement,[44] and benefits were expected from the example set.[45] In light of the most recent events, a more dynamic approach has become necessary. Action in the form of federal legislation on recognition of foreign judgments seems to be called for.

The way for international developments, of

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course, remains open. Whether the Hague Convention and the Supplementary Protocol will be used and, in particular, whether Common Market states will use them, is one of the many unknown factors.

Moreover, a Common Market state ready to avail itself of article 59 of the Common Market Convention need not act through the Hague Conference Convention. Any bilateral treaty concluded with a third state may include the promise that foreign judgments rendered at a jurisdictionally improper forum will not be recognized. The question of interest to the United States is whether the United States is considered a potential treaty partner and by which of the states. Without inquiries this cannot be known. As far as the United States' own view is concerned, if an anti-treaty policy was followed in the past,[46] the participation of American delegations in the preparation of the Hague Convention and the Protocol would seem to suggest a change of mind.[47]

The unanimous vote on the Recommendation at the recent session of the Hague Conference facilitates exploratory talks among the member governments. It is hoped that full advantage will be taken of the climate created. In the case of the Common Market states, mutual interest seems to suggest early contacts. If no arrangements have been made before the Common Market Convention takes effect, negotiations are likely to become more difficult. But the problem created by the Common Market scheme is not the only one requiring attention. Agreements with other nations are no less desirable. Their negotiation may establish a general pattern.

A major new activity on the part of the United States Government is called for. The work is likely to go on for some time. The type of project involved cannot be carried out effectively by services charged with the daily operation of government business. Proper arrangements must be made, and this is no minor aspect of the problem. But a number of approaches can be thought of, and a discussion at this place would serve no good purpose.

The recent events on the international level suggest all manner of comment. A "philosophical" approach may be the most constructive. Ever since, for still unclear reasons,[48] the jurisdictional basis of the nationality of the plaintiff was put into the Code Napoleon, the field of recognition of foreign judgments has been one of extraordinary events. Countermeasures were taken but some of these measures added to the difficulties and the whole field became frozen. The most recent episode, apparently the escalation of an idea not fully considered at the outset,[49] should perhaps not be overdramatized. A Protocol of obvious scholarly and practical value has been produced and the Recommendation stating that "certain grounds of jurisdiction can only exceptionally justify the international recognition and enforcement of judgments" is useful, too. If a common effort is made, conditions in a field long ready for a cleaning-up operation may well improve.

FOOTNOTES

*Research Scholar Emeritus, Harvard Law School.

The views here expressed are the author's and do not necessarily represent those of the United States Government or of other members of the United States Delegation to the Eleventh Session of the Hague Conference.

[1] The Recommendation appears under B II in the Final Act of the Eleventh Session, reprinted in 16 AM. J. COMP. L. 602 (1968).

[2] Directorate on Harmonization of Laws, General Directorate on Competition, EEC Commission, Draft Convention Relating to the Jurisdiction of Courts, the Recognition and Enforcement of Decisions in Civil and Commercial Matters and the Enforcement of Public Documents, Documents No. 1437/IV/64, 1965 RABELS Z 594, I RIVISTA DI DIRITTO INTERNAZIONALE PRIVATO E PROCESSUALE 790 (1965), translated in 2 CCH COMM. MKT. REP. ¶ 6003 (1965); *see* Hay, *The Common Market Preliminary Draft Convention on the Recognition and Enforcement of Judgments—Some Considerations of Policy and Interpretation*, 16 AM. J. COMP. L. 149 (1968).

[3] C. CIV. art. 14 (1804) (France); C. CIV. art. 14 (1807) (LUX.). Dates of foreign codes herein are those of the earliest codes in which the provisions referred to appeared. Provisions have not been amended unless indicated.

[4] C. CIV. PRO. art. 126(3) (1838).

[5] ZPO § 23 (1877, as republished in 1950).

[6] *See* Nadelmann, *Jurisdictionally Improper Fora in Treaties on Recognition of Judgments: The Common Market Draft*, 67 COLUM. L. REV. 995, 1000 (1967).

[7] *See* Nadelmann & von Mehren, *The Extraordinary Session of the Hague Conference on Private International Law*, 60 AM. J. INT'L L. 803, 804 (1966).

[8] Some countries prefer the old-type bilateral convention, with the Hague Convention used as a model. *See, e.g.*, Letter from the Department of Justice of Switzerland to the Permanent Bureau of the Hague Conference, May 3, 1968.

[9] The text of "Working Paper No. 30" appears in Nadelmann, *The Outer World and the Common Market Experts' Draft Convention on Recognition of Judgments*, 5 COMM. MKT. L. REV. 409, 419–20 (1968).

[10] Draft Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters, reprinted in 15 AM. J. COMP. L., 362 (1967).

[11] *See* Nadelmann & von Mehren, *supra* note 7, at 805. Publication of the Proceedings of the Session is in preparation.

[12] The text of the Protocol appears in 15 AM. J. COMP. 369 (1967).

[13] The delegates from France and Germany abstained from the vote. *See* de Winter, *Excessive Jurisdiction in Private International Law*, 17 INT'L & COMP. L.Q. 706, 714 (1968); Kearney, *Progress Report—International Unification of Private Law*, 23 RECORD OF N.Y.C.B.A. 220, 230–32 (1968). The minutes will be in the Proceedings of the Extraordinary Session, which is in preparation.

[14] Article 59 reads:

This Convention sets no obstacle to a commitment by a Contracting State toward a third State *under the terms of a convention on recognition and enforcement of judgments* not to recognize a decision, especially one rendered in another Contracting State, against a defendant domiciled or habitually resident in the territory of a third State if, in the case contemplated in Article 4, the decision could be based only on a jurisdictional basis listed in the second paragraph of Article 3 [the bases not allowed against domiciliaries of the Common Market].

Convention Concernant la Compétence Judiciaire et l' Exécution des Décisions en Matière Civile et Commerciale (ed. Conseil des Communautés Européennes, Bruxelles, undated) (official print) (unofficial translation) (emphasis added). An unofficial translation is given in 2 CCH COMM. MKT. REP. ¶ 6003 (1968).

[15] *See* BULL. EUR. COMMUNITIES, Nov. 1968, at 22–23.

[16] The Protocol applies "subject to the provisions of existing Conventions relating to the recognition and enforcement of judgments."

[17] Information supplied to author by the Services of the EEC.

[18] C. PRO. CIV. art 4(4) (1942); M. CAPPELLETTI & J. PERILLO, CIVIL PROCEDURE IN ITALY § 4.05(1) (H. Smit ed. 1965).

[19] Marychurch et Cie v Compagnie Maritime Française, [1904] Pasicrisie Belge I 293, 319, [1904] Belgique Judiciaire 1329, 1346, I REVUE DE DROIT INTERNATIONAL PRIVÉ 166 (1905) (Cass. 2e ch.).

[20] *See* de Winter, *supra* note 13, at 711, 714.

[21] *See* P. HERZOG, CIVIL PROCEDURE IN FRANCE 580–90 (1967). *See also* von Mehren & Trautman, *Recognition of Foreign Adjudications: A Survey and a Suggested Approach*, 81 HARV. L. REV, 1601, 1613, 1968).

[22] Convention of July 15, 1966, on Recognition and Enforcement of Judgments art. 11 (2), [1967] Bundesgesetzblatt No. 288 (Aust.), French text in 56 REVUE CRITIQUE DE DROIT INTERNATIONAL PRIVÉ 818 (1967).

[23] *See* Nadelmann, *supra* note 6, at 1000 n.37.

[24] *Id.* at 1015.

[25] Like other Scandinavian countries, Norway uses the presence of assets jurisdiction of the German type. C. CIV. PRO. § 32 (1915); P. AUGDAHL, NORSK CIVILPROSESS 161 (3d ed. 1961); *cf.* R. GINSBURG & A. BRUZELIUS, CIVIL PROCEDURE IN SWEDEN 159 (1964); A. PHILIP, AMERICAN-DANISH PRIVATE INTERNATIONAL LAW 25 (1957). Norway also does not allow recognition of foreign judgments in the absence of a treaty. C. CIV. PRO. § 167; P. AUGDAHL, *supra*, at 151. Both facts strengthen Norway's bargaining position.

[26] A. DICEY & J. MORRIS, THE CONFLICT OF LAWS 970 (8th ed. 1967). These treaties contain nothing to protect United Kingdom domiciliaries from the consequences of the scheme of the Common Market Convention, nor are Common Market residents protected from possible extraterritorial use of judgments obtained in the United Kingdom which should have local restriction. Scottish law allows attachment *ad fundandam jurisdictionem*, which can lead to an in personam judgment. *See* A. ANTON, PRIVATE INTERNATIONAL LAW 106–07 (1967). Moreover, in England, as in the United States, in personam jurisdiction may be obtained by personal service on a transient—a basis of jurisdiction unknown in the civil law and today considered undesirable in the common law countries. *See* G. CHESHIRE, PRIVATE INTERNATIONAL LAW 548 (7th ed. 1965); von Mehren & Trautman, *supra* note 21, at 1616; *cf.* UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT § 4(b) (6). Both means of obtaining jurisdiction are included in the list of "improper jurisdictional bases" in the Supplementary Protocol.

[27] Common Market Convention, *supra* notes 14 and 15, art. 58; *see* Treaty on Jurisdiction and Enforcement of Judgments in Civil Matters Between France and Switzerland, June 15, 1869, art. I, in JOURNAL DU DROIT INTERNATIONAL PRIVÉ, 2 Tables Générales 1874–1904, at 388 (1905).

[28] This act has been enacted in California, Illinois, Maryland, Massachusetts (with reciprocity requirement), Michigan, and Oklahoma.

[29] C. CIV. PRO. art. 431(1) (1838); *see* R. KOLLEWIJN, AMERICAN-DUTCH PRIVATE INTERNATIONAL LAW 34 (2d ed. 1961). *See generally* Smit, *International Res Judicata in the Netherlands: A Comparative Analysis*, 16 BUFFALO LAW REV. 165 (1966).

[30] CODE JUDICIAIRE art. 570 (1967) (formerly Law on Jurisdiction of 1876, art. 10); *see* G. VAN HECKE, AMERICÁN-BELGIAN PRIVATE INTERNATIONAL LAW 39–40 (1968). The case law in Luxembourg is similar. *See* Pellus v. Detilloux, 19 Pasi-crisie Luxembourgeoise 371 (Cour Supérieure (C.A.) Apr. 20, 1964). This is no longer the case in France. Nadelmann, *French Courts Recognize Foreign Money-Judgments: One Down and More To Go*, 13 AM. J. COMP. L. 72, 73 (1964).

[31] ZPO § 328(1)(5) (1877, as republished in 1950); *see* Nadelmann, *Non-Recognition of American Money Judgments Abroad and What To Do About It*, 42 IOWA L. REV. 236, 252 (1957).

[32] C. PRO. CIV. art. 780 (1942); *see* M. CAPPELLETTI & J. PERILLO, *supra* note 18, § 14.12.

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[33] *See* P. AUGDAHL, *supra* note 25, at 161; H. EEK, THE SWEDISH CONFLICT OF LAW 86 (1965): A. PHILIP, *supra* note 25, at 28.

[34] *See generally* Nadelmann, *supra* note 30.

[35] C. CIV. PRO. art. 178 (1966); *see* J. CASTEL, PRIVATE INTERNATIONAL LAW 271 (1960); W. JOHNSON, CONFLICT OF LAWS 765 (2d ed. 1962).

[36] *See* J. CASTEL, *supra* note 35, at 284; Nadelmann, *Enforcement of Foreign Judgments in Canada,* 38 CAN. B. REV. 68 (1960).

[37] The requirement is criticized in RESTATEMENT (SECOND) OF CONFLICT OF LAWS § 98, comment *e* (Proposed Official Draft 1967); H. GOODRICH, CONFLICT OF LAWS 392 (4th ed. 1964); von Mehren & Trautman, *supra* note 21, at 1660–62.

[38] Reciprocity has been required by statute in Massachusetts since 1966, MASS. GEN. LAWS ANN. ch. 235, § 23A (Supp. 1969), and in New Hampshire since 1957, N.H. REV. STAT. ANN. § 524:11 (Supp. 1967) (limited to Canadian judgments).

[39] 159 U.S. 113 (1895).

[40] *See* Zschering v. Miller, 389 U.S. 429 (1968), *noted in The Supreme Court, 1967 Term,* 82 HARV. L. REV. 63, 238–45 (1968), *and* 21 VAND L. REV. 502 (1968); *cf.* Hill, *The Law-Making Power of the Federal Courts: Constitutional Preemption,* 67 COLUM. L. REV. 1024, 1056–57 (1967).

[41] *See* FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) COMMITTEE REPORT, CMD. NO. 4213 (1932).

[42] Foreign Judgments (Reciprocal Enforcement) Act, 23 & 24 GEO. 5, C. 13, § 9, at 151–52 (1933); *see* A. DICEY & J. MORRIS, *supra* note 26, at 970.

[43] *See* A. DICEY & J. MORRIS, *supra* note 26, at 970.

[44] *See* 9B UNIF. L. ANN. 64 (1966) (Commissioners' Prefatory Note).

[45] The Canadian Commissioners produced a similar act in 1964. *See* 1964 PROCEEDINGS OF THE COMMISSIONERS ON UNIFORMITY OF LEGISLATION IN CANADA 107. The Swedish government has ordered an investigation of its law. *See* L. WELAMSON, VERKSTALLIGHET AV UTLÄNDSKA DOMAR 40 (1968) (Report to Department of Justice of Sweden).

[46] When the Secretary of State was first approached in 1874, he made a vague reference to problems created by the federal system. *See* Nadelmann, *Ignored State Interests: The Federal Government and International Efforts To Unify Rules of Private Law,* 102, U. PA. L. REV. 323 (1954).

[47] The change in approach has also become evident in the "neighboring" field of judicial assistance to foreign courts. *See* Amram, *United States Ratification of the Hague Convention on Service of Documents Abroad,* 61 AM. J. INT'L L. 1019 (1967).

[48] *See* H. GAUDEMET-TALLON, RECHERCHES SUR LES ORIGINES DE L'ARTICLE 14 DU CODE CIVIL (1964); Nadelmann, Book Review, 14 AM. J. COMP. L. 348 (1965).

[49] This view already expressed in Nadelmann, *supra* note 9, at 418, is supported by the fact that, at the Eleventh Session of the Hague Conference, nothing was said in support of the scheme.

SPECIAL SERVICES FOR THE WAR DEAD AT BETH EL SYNAGOGUE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. KOCH. Mr. Speaker, I am proud to advise this House that Temple Beth El of Spring Valley, N.Y., will hold memorial services consisting of special prayers and a reading of the names of our war dead in Vietnam. To my knowledge this will be the first synagogue to do so.

My sister, Mrs. Pat Thaler, advises me that the congregation, led by its distinguished rabbi, Louis Frischman, after extended discussion decided that one way to help bring the war to a conclusion is to make every death in Vietnam a personal loss to every family in our country. They will do that through the reading of those names in regularly scheduled services. In New York City at least two churches now have such prayer services and I hope Mr. Speaker that this movement will spread throughout the land.

WEIZMAN AND PERES—SIGNS OF A QUIET REVOLUTION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. PUCINSKI. Mr. Speaker, Mr. M. Z. Frank has written a vignette about a most unusual man.

Maj. Gen. Ezer Weizman, the father of the Israeli air force, was recently named as Minister of Transport in Israel. Mr. Frank gives us interesting insight into the fascinating background of Ezer Weizman, a man who is held in high esteem in many quarters, and I should like to place Mr. Frank's article in today's RECORD.

The article follows:

WEIZMAN AND PERES SIGNS OF A QUIET REVOLUTION

(By M. Z. Frank)

When the Seventh Knesset opened, two new members of the Cabinet walked in arm-in-arm: Ezer Weizman and Shimon Peres.

The two are not members of the same political party: Weizman is of the Herut half of Gahal, Peres is of the Rafi section of Labor. Before the split in Mapai four years ago, Peres was an active member of that party. Weizman was never politically active: he was always known as a military man, the man who built up Israel's air force. Few people knew that he had Herut sympathies and voted Herut in the elections. As a military man, he kept out of active politics, but exercised his franchise as he saw fit.

What the two men have in common are a few things more important than political affiliations: age, mentality, methods of working. It is part of the quiet revolution going on in Israeli internal affairs that the official political lines are being blurred. Both men are in their middle forties. Both men believe in getting things done. Both men have a way of expressing themselves in lucid succinct language. Both men have been exposed to western influences and are free from the Russian-inherited habit of making long speeches always invoking ideology and being devotees of the cult of the party. Both men have strong popular support and need not depend on party machines to keep them in power when the people do not support them.

If people in Israel begin referring to Ezer Weizman as "Mr. Weizman," it will be something new. Until now he has been known either as "Ezer Weizman" or just plain "Ezer." When they say just "Weizman," they mean Ezer's late uncle, the first president. It is said that Ezer was his uncle's favorite.

Once, in 1948, after a successful military operation, Ezer, as was his custom, paid a hurried visit to his uncle in Rehovot. "How are things coming along?" uncle President asked. "Pretty good," the nephew answered, "we are making good progress." "Why don't you go on to Cairo?" Chaim Weizmann asked.

Ezer told this story first in an interview with Raphael Bashan in "Ma'ariv," next in the Knesset, to prove what Meyer Weisgal has made it his life's work to prove, that Chaim Weizmann was not the appeaser he is supposed to have been. Personally I am inclined to think that the matter is not that simple. Weizmann was a man of moods. One thing is certain: the old professor was very fond of his nephew.

Ezer's father, Yehiel, or Khilik Weizmann, was the late President's youngest brother. He was the first Weizmann to settle in Palestine. In 1912, he was studying agriculture in Germany. One day he decided that talking Zionism is not enough and just went over to Palestine. One of his older brothers, Mayshke (Moses), later a professor of chemistry in Jerusalem, was in Berlin at the time.

"Khilik," he said to his brother while they walked, "are you sure you know what you are doing? I think you're a little bit crazy." But Khilik's mind was made up.

Ezer's mother, a woman of unusual refinement and grace, was born in one of the old colonies—I am not sure whether Gadera, Rishon-le-Zion or another colony. Thus, on his mother's side, Ezer Weizmann is a second-generation Israeli. Ezer is named after his paternal grandfather, who was also the father of Israel's first President. Eyzer, or Oyzer, or Ozer Weizmann, in Motele and in Pinsk, in Western White Russia, was one of the early Zionists and one of the founders of the modern Hebrew school in Pinsk, where the pupils were taught to speak Hebrew (founded in 1900).

The new minister of transport had nothing to do, of course, with choosing his first name and how to spell it. His father had and it was he who told me the story:

"Ozer" in Hebrew means "an assistant" and it is not an uncommon name among East European Jews. But the Litvaks pronounce it "Eyzer," the Polish, Ukranian and Rumanian Jews pronounce it "Oyzer" and the Sephardim pronounce it "Ozer" (in Sephardi accent on second syllable). Since in Israel, ever since Ben-Yehuda's time in the 1880's, the Sephardi pronunciation has been the standard, a son born to Yehiel Weizmann and named after his father would be "Ozer" with the accent on the last syllable. "But I wanted him to have a name like my father's," Khilik Weizmann explained to me, "and my father's name was Eyzer." So he gave his son a name which means "Assistance" and is spelled only slightly differently from the original name and is, furthermore, accented on the first syllable. I see that the accepted transliteration in English is "Ezer."

Ezer Weizmann's father-in-law (who is also Moshe Dayan's father-in-law) is Zvi Schwartz, a lawyer in Jerusalem. When I first met him in 1949 he was the law partner of Bernard (Dov) Joseph. Schwartz is a member of the first graduating class of the Herzliah College in Tel-Aviv, the first full-fledged Hebrew secondary school in the world. If not sabra, Zvi Schwartz is certainly an early arrival in the country. Judging by Mrs. Schwartz's accent and intonation in speaking Hebrew, I would guess she is a native of one of the old colonies. But I am not sure—I only met her once.

Thus, if Moshe Dayan is the first native leader in Israel with a charismatic appeal, his brother-in-law Ezer Weizmann is even more native (Dayan's parents were both born in the Ukraine). As to his charisma, according to the Israeli press, he is quite a competition to his brother-in-law.

Ezer Weizmann is taking over a rather prosaic post, as Minister of Transport. He will have to deal with wildcat strikes in the ports of Haifa and Ashdod, with the problems of dirty busses and dirty railway trains and with an unusually high rate of motor accidents on Israel's roads—twice the number of casualties caused by Arab attacks.

"Problems are there to be solved," he says. His immediate targets are to reduce the rate of accidents on the roads and to make the roads cleaner.

JUDGE G. HARROLD CARSWELL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DINGELL. Mr. Speaker, the nomination of Judge G. Harrold Carswell to be an Associate Justice of the Supreme Court is an action without redeeming features, social or otherwise.

The February 18, 1970, issue of the Georgetown Law Weekly, published by Georgetown University Law Center, Washington, D.C., carried an article in which Clarence Mitchell, director of the Washington Bureau of the NAACP, convincingly argues that Judge Carswell's nomination should be rejected. So that my colleagues may have an opportunity to read Mr. Mitchell's remarks, I include the text of the article at this point in the CONGRESSIONAL RECORD:

CARSWELL—CON

(By Clarence Mitchell)

It is not an easy task for one to oppose a Presidential appointment to a high office. Because he has been elected by the people of the United States, there is a proper and wholly understandable inclination of citizens to accept the President's recommendations on those who will carry out his policies and programs in the Executive Branch of Government. To some extent, the same attitude applies when a President makes appointments to the Judicial Branch of Government. However, there is a major difference. The Executive Branch appointees are usually for the duration of the President's term or terms in office. The Judicial appointments are for the lifetime of the nominees and through such nominees, Presidential policies may stretch far beyond the term or even natural life of a Chief Executive.

In these times the people have a right to demand that appointees to all of the courts and most especially the United States Supreme Court, be scrutinized with great care. The people have a right and a duty to insist that the nominees be free from racial bias and also free from a record of advocacy and practice of racial bias. The record of Judge Carswell is not free from the taint of racial bias. It is tragic that he is already a member of the Judiciary in the Fifth Circuit. This tragedy will be compounded if he is approved for a place on the Supreme Court.

THREE CASES IN POINT

At three points in Judge Carswell's adult life he has elected to cast his lot with those who seek to deprive negroes of first class citizenship. On each of these occasions he has chosen to take on the protective coloration on the wrongdoers because that was the accepted practice in the area where he lived at the time. We do not challenge his right as an individual, whether as a technique of survival or because of personal beliefs, to consort with racists and advocates of segregation. We do challenge his right to sit in judgment in our Federal Courts at any level when he joins those who seek to maintain a society in which some citizens are consigned to a second class status simply because they are not white.

Judge Carswell's first opportunity to take a stand came in 1948 when he was a candidate for a State office in Georgia. In order to understand the seriousness of what candidates were saying in that time it is necessary to look at the events which were occurring. On December 5, 1946, President Harry S. Truman issued Executive Order No. 9808 establishing the President's Committee on Civil Rights. In issuing that Executive Order the President said:

"Freedom from fear is more fully realized in our Country than in any other on the face of the earth. Yet, all parts of our population are not equally free from fear. And from time to time, and in some places, this freedom has been gravely threatened. It was so after the last war, when organized groups fanned hatred and intolerance, until, at times, mob action struck fear into the hearts of men and women because of their racial origin or religious beliefs.

"Today, freedom from fear, and the democratic institutions which sustain it, are again under attack. In some places from time to time, the local enforcement of law and order has broken down, and individuals—sometimes ex-servicemen, even women—have been killed, maimed, or intimidated."

The State of Georgia was riven by strife created by those who were determined to keep the negro "in his place" with force, violence and murder. There was but a short step from the inflammatory phrase spoken on the political hustings to the physical attack on individuals solely because of their race. The committee appointed by President Truman carried out its assignment. In 1948, it published a report setting forth four basic rights which "influenced its labors." These rights were safety and security of the person, citizenship and its privileges, freedom of conscience and expression and equality of opportunity.

One gruesome example of the committee's findings occurred on July 20, 1946, when four negroes were lynched in Monroe, Georgia. This is the direct quotation from the committee's report:

"On July 20, 1946, a white farmer, Loy Harrison, posted bond for the release of Roger Malcolm from the jail at Monroe, Georgia. Malcolm, a young negro, had been involved in a fight with his white employer during the course of which the latter had been stabbed. It is reported that there was talk of lynching Malcolm at the time of the incident and while he was in jail. Upon Malcolm's release, Harrison started to drive Malcolm, Malcolm's wife, and a negro overseas veteran, George Dorsey, and his wife out of Monroe. At a bridge along the way a large group of unmasked white men, armed with pistols and shotguns, was waiting. They stopped Harrison's car and removed Malcolm and Dorsey. As they were leading the two men away, Harrison later stated, one of the women called out the name of a member of the mob. Thereupon the lyncher's returned and removed the two women from the car. Three volleys of shots were fired as if by a squad of professional executioners. The coroner's report said that at least 60 bullets were found in the scarcely recognizable bodies. Harrison consistently denied that he could identify any of the unmasked murderers. State and Federal Grand Juries reviewed the evidence in the case, but no person has yet been indicted for the crime."

The reaction of the Country to the report was varied. Some viewed it with great acclaim and others denounced it. Most of those who denounced it were in the areas of the most acute racial discrimination, particularly in the State of Georgia. This report and other efforts to liberalize the racial policies of the Democratic Party became a major campaign issue. Some individuals who sought office or were public officials in the South attempted to defend the principle of equal treatment under law. Some left the party to form or participate in other political organizations. Some remained in the Democratic Party but adopted an outright racist stance during their campaigns.

CARSWELL IN LAST GROUP

Judge Carswell was in this last group. His statement while campaigning said:

"I am a Southerner by ancestry, birth, training, inclination, belief and practice. I believe that segregation of the races is proper and the only and correct way of life in our State. I have always so believed and I shall always so act. I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people. If my own brother were to advocate such a program, I would be compelled to take issue with and to oppose him to the limit of my ability. I yield to no man as a fellow candidate or as a fellow citizen in the firm vigorous belief in the principles of white supremacy and I shall always be so governed."

It is interesting to note, this statement did not come to general public attention until twenty-two years after he made it. The question arises, how can a man be investigated for the Office of United States Attorney, United States District Judge, United States Judge on the Circuit Court of Appeals and as a nominee for the United States Supreme Court without this significant part of his life being weighed in the consideration of his fitness for office? It emphasizes the callous approach to racial matters in our Country. There are a great many people who just do not take such statements seriously. We do take them seriously. We do not think they are excused by the youth of those who make them. But, even if youth is a defense, Judge Carswell was a mature adult at the time he made this statement and cannot claim that his tender years provide immunity from the censures that attach to such statements. In addition, there is nothing to show, in the long period of his public life between 1948 and the present that the Judge has rejected, retracted or reformed with respect to his 1948 views. Only now, when the prize is a place on the United States Supreme Court does he come forth to acknowledge that such a statement was in error. Because this statement was brought to light by a private citizen, it is reasonable to assume that a more careful investigation by the duly authorized government representatives may well reveal other expressions of this kind made at a later date. However, this statement standing alone is itself enough to deny approval of this nomination.

"POLITICAL EXPEDIENCY" UNACCEPTABLE

No amount of political expediency, no amount of personal criticism expressed against those who oppose this appointment and no attempts to dismiss the statement as one made in the "heat of the campaign" will ever be accepted by most negroes of the United States and most civilized people in the world as legitimate excuses for approving this nomination. The stark fact now is this. An advocate of racial segregation has been named by the Nixon Administration to serve on the United States Supreme Court. Now that this fact is known, those who vote for the approval of this nomination will be voting to place a segregationist on the United States Court.

There is a second chapter in Judge Carswell's life which must also be reviewed in the context of the times. In the 1940's the negroes of the United States expanded their legal attacks on segregation to include swimming pools, golf courses, playgrounds, parks and other recreational facilities owned and operated by state, municipal or other government units. In St. Louis, Missouri, a court granted an injunction against the city for its refusal to allow negroes to use a municipal swimming pool. (*Draper v. City of St. Louis, 1950*). Similar decisions had been given in California (*Lopez v. Seecombe, 1944*) and in municipally owned golf courses (*Law*

v. *Mayor and City Council of Baltimore, 1948*).

In 1950 a Florida Court upheld regulations providing for the use of a municipal golf course by negroes on Monday only, the claim being that the allocation of time to one day was in proportion to the negro use. (*Rice* v. *Arnold*, 1950). The Florida Supreme Court upheld this decision on the basis of the "separate but equal" doctrine. Subsequently, the United States Supreme Court held that racial segregation on publicly owned golf courses was unconstitutional. (*Holmes* v. *City of Atlanta*, 1955).

To avoid complying with the clear intention of the Supreme Court decision, many public officials either closed the facilities that were available for recreation or transferred them to private ownership.

For example, in 1956, the Georgia State Parks Director leased nine of the parks to private citizens at an average price of $2,000 per month to preserve segregation. In 1957 the residents of Marshall, Texas, voted to sell their municipal swimming pool after a suit was filed against segregation. The New York Times for July 10, 1957, reported that Fort Lauderdale, Florida, sold its $1 million dollar golf course for $526,400 to evade a Federal Court ruling permitting negroes to use the course.

SEGREGATED GOLF COURSE

On April 24, 1956, citizens of Tallahassee, Florida, where Judge Carswell was then residing, changed their golf course from a municipally owned facility where negroes played on a very restricted basis to a privately owned facility where negroes could not play at all. They were banned because of race. It is well known that Judge Carswell is listed as one of the incorporators of this private club. If Judge Carswell had been an ordinary citizen unaware of the full implication of signing articles of incorporation or if he had been a lawyer in private practice who wished to be of assistance to his fellow citizens this action would not be important. Judge Carswell was not an ordinary citizen. He was the United States District Attorney sworn to uphold the Constitution and Laws of the United States. As such, he had an obligation, not only to avoid participation in efforts to defy the law, but also to avoid the appearance of participation in such efforts. He did not fulfill this obligation. He signed a document which, whatever may have been its original objective, accomplished the result of banning negroes from a recreational facility solely because of their race. It is interesting to note that those who defend Judge Carswell first excuse him for his 1948 racist utterances on the grounds of youth, but his 1956 action is somewhat more difficult. Nevertheless, they are inclined to excuse this also because it was a routine signature and he paid a small sum of money to accomplish this noble purpose of repairing a damaged club house located on the golf course property.

UNACCEPTABLE EXPLANATION

It may be that the members of this Committee can accept this explanation given by Judge Carswell and still be at peace with their own consciences, but it is unlikely that reasonable men and women outside of the Senate will accept it. Those who favor racial segregation undoubtedly will rejoice if the explanation is accepted because it will be proved that sophisticated methods of evading the law have triumphed, but they most likely will know that it is ridiculous on its face. Those who do not favor racial segregation will feel the cold iron pressure of the chains of frustration once again restrain their efforts to achieve a society in which those who deny equal treatment to their fellow citizens are not rewarded with high office and new opportunities to poison the wells of justice as judges on the bench.

The third opportunity for Judge Carswell to demonstrate by his action that he had repudiated the 1948 speech came after the great decision of the United States Supreme Court outlawing segregation in the public schools. By that time he was a Judge on the Bench in the Northern District of the State of Florida. Others will deal more in detail with his record as a Judge. I offer one example which indicates how he again became a part of the pattern which is exemplified by the words of his 1948 speech. It is well known that the unthinking and unskillful advocates of segregation resisted the 1954 decision with force, intimidation, violence, economic pressure and even murder. It is also well known that the wiser and more sophisticated forces of resistance resorted to changes in the laws of states, delays through extended litigation and other obstructionist tactics under the color of law. Judge Carswell was a part of this latter strategy. Even if we assume that he was unknowingly a part of it, the end result is the same. He was a force which contributed to the pattern associated with the delay in implementation of the school desegregation decision. The example I offer is *Steele v. The Board of Public Instruction of Leon County, Florida*. This was a suit instituted in 1963 to require desegregation of public schools. Because of delays this case dragged on until 1967.

In closing this presentation, it should be remembered that in a convention of wolves it is always easy to pass a resolution justifying raids on the sheepfold because the occupants thereof willfully and knowingly stimulate the flow of gastric juices in the digestive system of the predators. This lupine type of reasoning is widely used in our society today—especially in the area of civil rights. We urge our citizens to rely upon the law, but we appoint prejudiced law officers as enforcers. We breathe a sigh of relief when negroes go into the courts instead of into the streets, but we then confront them with judges who have decided to deny them relief even before they enter the court house door. The one great exception to all of this has been the United States Supreme Court. This Court is under attack and condemnation because it has handed down decisions that destroy long standing unjust practices. The state legislatures pass unconstitutional restrictions on freedom and the Supreme Court is condemned because it strikes down such monstrous attacks on liberty. Those who vilify the Supreme Court have learned to make use of vague words and phrases that arouse base passions and protests against the most noble tribunal in the civilized world.

STRICT CONSTRUCTIONIST DEFINED

One of the phrases current today is "strict constructionist." One may very well ask what does that mean? The simple answer is it means everything and it means nothing. Therefore, it is better to speak in plain words when one describes the qualifications that are being sought in a judge who is to be elevated to this high court. When one makes a plain word substitute for this term it is necessary to look at the policies and practices of this administration. These policies and practices are clearly designed to create further and inexcusable delays in the desegregation of public schools. This is the policy now employed by the United States Department of Justice. It was the policy of Judge Haynsworth and it is a clearly discernible thread in the decisions given by Judge Carswell. We believe that if the administration's desire to have a so-called "strict constructionist" on the Supreme Court has any meaning in the case of the nominee now before this committee, it means that the President wants a Judge who will use his office to delay school desegregation in particular and all other civil rights progress in general.

But, let us see what Judge Carswell thought about that term "strict constructionist." He did not give a clear definition in a reply to a question on that point. Instead he offered the committee a new phrase by saying that, "I do not think the Supreme Court should be a continuing constitutional convention." The hearer is entitled to ask what does that mean? Does it mean that the Court was sitting as a convention when it upheld the right of negroes to play on a publicly owned golf course? Does it mean that the Nation's highest tribunal is no longer acting as a court when it orders implementation of a fifteen year old decree against segregation in the public schools? In the light of his past record, it is fair to conclude in these instances that Judge Carswell would believe that such decisions are the products of a "continuing constitutional convention rather than the constitutionally sanctioned decisions of a court of law.

RATIFICATION OF RACISM

We have seen and heard many of the supporters of his nomination. Some of them are reasonable men who have appeared from time to time as champions of civil rights. Their advocacy of approval for this nomination is another indication of the wide gulf that separates the reality faced by the oppressed and the insulated world in which their sympathizers live. As one travels about the country, it is clear that victims of racial discrimination are not convinced that Judge Carswell has really abandoned his belief in the wisdom of racial segregation and the verity of white supremacy. Perhaps it would be possible for the men of good will, who support Judge Carswell, to understand the feelings of the victims of racial discrimination if those gentlemen would suppose for a moment that they are considering a nominee who in his early adult career had blatantly expounded the doctrines of Adolf Hitler or Josef Stalin. We might accept his profession of a change of ways twenty years after the speech was made, but we would not put him on the Supreme Court or any other Federal Court. Most of the black citizens of the United States do not believe there is any difference between European demagoguery and the home grown variety which, for want of a more odious term, we call racism. The negroes of America are waiting to see whether the Senate of the United States will ratify racism by confirming this nominee in spite of his speech and in disregard of his record. We hope that the grave error which was committed when Judge Carswell was nominated will not be riveted into the history of our Country by the Senate of the United States. Therefore, we ask that the nomination be rejected.

WELCOME TO PRESIDENT POMPIDOU

HON. ROGERS C. B. MORTON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. MORTON. Mr. Speaker, on behalf of myself and the Republican National Committee, I would indeed extend greetings and best wishes to President Pompidou. His visit to the United States is another forward step in the warm relations that our country has had with France since our very beginning. In the course of events, there will inevitably be an occasional difference between the policies of two great countries and there will be times when the leadership of strong nations will look at the issues of the time from divergent points of view. But, I would remind all of my colleagues in the Congress that the warm and

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friendly relationship between the people of France and of the United States has been significant to the progress of the world and will continue to be in the future.

There is every overriding reason that we continue to work closely with the French people and their leaders and particularly with their distinguished President, Monsieur Pompidou. It is in the warmest spirit of friendship and hospitality that I extend to this great leader a rousing welcome to America.

THE REMARKABLE MORMONS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. BURTON of Utah. Mr. Speaker, with all the discussions that have been taking place concerning the bold new welfare proposals of the President, and the imminent reporting of a new national welfare bill by the Ways and Means Committee, I thought it might be of interest to my colleagues in the Congress who may have missed it to read an article about the highly successful welfare program of the Church of Jesus Christ of Latter-day Saints that appeared in the February 24, 1970, issue of the Washington Daily News.

The article follows:

WELFARE PROGRAMS INCLUDE STORES, FARMS, RUN BY VOLUNTEERS

(By Richard Starnes)

SALT LAKE CITY, Feb. 24.—At welfare square a spry oldster named Charlie celebrates his 84th birthday by filling grocery orders. In the creamery a blind man sure-handedly attends a giant whirling churn. Elsewhere a sometime mental patient helps cheerfully when his mind is clear. Once in a while a paroled convict gets his new start here.

Welfare Square, one of a hundred "bishops store-houses" around which the Mormon church welfare program works, is a supermarket with no cash registers, a department store that never sends bills, a cannery where the governor's wife may peel potatoes beside the wife of a disabled indigent. It is a grain elevator built wholly by volunteer work that holds 191 carloads of wheat and is kept eternally filled. It is a grade A dairy. It is an outlet for a huge complex of some 600 church-owned farms, ranches and factories that produce food, clothing, soap, detergents, even shoe polish and toothpaste.

Nowhere are the Mormon virtues of industry, frugality and cooperation better exemplified than in the welfare program. The Church of Jesus Christ of Latter-day Saints takes care of its own, and it is a rare Mormon who needs help and who turns to the county dole rather than to the church self-help program.

WELFARE STATE

The Mormon church's private welfare state had its modern beginnings in 1936, when the travail of the Arrest Depression demanded an up-to-date system for meeting the needs of impoverished church members. The first presidency, which is the supreme authority in the LDS church, established the welfare program with typical Mormon attention to shrewd business practice and to the conviction that idleness is a curse.

"From the beginning," a tract giving the history of the welfare program says, "the long-range objective of the plan has been to build character in the members of the church, both givers and receivers alike—thus rescuing all that is finest down deep inside of them and bringing to flower and fruitage the latent richness of the spirit . . ."

Church members, the tract continues, "are taught to avoid debt as they would a plague; to live within their income; and to store a year's supply of food, clothing, and where possible, fuel."

The latter injunction, possibly an anachronism in modern times, is a hangover from Mormon pioneer beginnings that is still observed by many faithful members of the church. Even some apartment-dwelling families in modern Salt Lake City keep a year's supply of canned goods squirreled away in a closet.

VOLUNTEER LABOR

Almost without exception the goods available in the bishops storehouses are products of church-owned enterprises that are run—with rare exceptions—by volunteer labor. Glen L. Rudd, a canny Mormon businessman who operates Welfare Square, points half apologetically to a shelf filled with commercial electric light bulbs and ruefully concedes that so far the Mormons do not have a factory capable of producing them.

As with much of the social and spiritual life of the church, the welfare program revolves around the hardworking unpaid bishops who run the "wards" (congregations) that are the basic building blocks in the church's awesomely complicated organization. Upon the ward bishop falls the responsibility for making the welfare program work. He (or one of two assistants) must personally investigate cases of need, must decide what remedial steps to take, and (the keystone of Mormon philosophy) must start the family back on the road to self-sufficiency by finding jobs (often at Welfare Square).

SEVENTEEN HOSPITALS

It is the bishop who grants indigents admission to one of 17 Mormon hospitals and he is the one who signs the checks when cash relief is needed. The bishop also signs the food orders that are the only acceptable currency in Welfare Square's huge supermarket.

. The "tithing" (giving of 10 per cent of one's income to the church) and the enormous amounts of volunteer labor that faithful members must produce are not the sum of the good Mormon's expected contribution to the needy. Every Mormon family is expected in addition to fast for one day each month, contributing cash to the relief fund equal to the amount saved by missing two meals.

An idea of the magnitude of Mormon welfarism can be obtained from statistics for 1967 (the latest year for which complete figures are available). In that year 16 million pounds of food were distributed, along with 5,795 tons of coal and more than one million items of household supplies and clothing. Hospitalization, medical, burial and other cash assistance amounted to more than $3 million. In all, help was provided for 81,964 persons. More than 4,000 paying jobs were found, and some 684 handicapped persons were given employment within the program.

LETS ME WORK

Welfare Square manager Rudd likes to tell the story of a British welfare state bureaucrat who visited Welfare Square. The Briton, in a captious mood because he did not agree with the Mormon philosophy of linking work with assistance, cornered two old boys who were happily choring in Welfare Square's huge root cellar.

"Tell me," the visitor asked, "don't you think at your age you should be able to sit in a rocker and enjoy yourself, instead of your bishop making you work this way?"

"Ha," snorted one old boy (who turned out to be somewhat beyond age 90), "my bishop doesn't make me work, he lets me work."

Proudly Mr. Rudd shows a caller the fleet of trucks that deliver Welfare Square groceries to families unable to come after them. "These trucks are kept unmarked deliberately," he notes, "No one in a ward except the bishop and his assistants needs to now that a family is being helped. Self-respect is the most important thing we supply here."

LUIS ORTIZ MONASTERIO

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. DE LA GARZA. Mr. Speaker, the people who live on the Texas-Mexico border are subject to two cultures and have the privilege of participating in the best from each. The border people have a particular sensitivity for the artwork of Mexico where historically and through the centuries of change, sculpture has always depicted the Republic's spirit.

It was my pleasure last night to visit the Pan American Union where the sculpture of one of Mexico's greats is on display. He is Luis Ortiz Monasterio of Mexico City. Mr. Ortiz was selected as the outstanding sculptor of Mexico in 1967 and given an award by the President of Mexico. Some of his works stand in the garden of the residence of the late President Lopez Mateos. He also has works in the new Seguro Social Building in Mexico City, Chapultepec Park, as well as other locations in Mexico.

For the benefit of all, I would like to include herein what the Pan American Union's Division of Visual Arts said in its display pamphlet about Mr. Ortiz and respectfully invite my colleagues to visit his exhibit:

Throughout all periods of Mexican history, the spirit of the Mexican people has been expressed most explicitly through the art of sculpture. In present-day art the work of Luis Ortiz Monasterio, who might he considered the father of modern sculpture in Mexico, is perhaps the most representative example of this tradition. Blending past and present, combining preColumbian elements with the simplifications of contemporary sculpture, he converts his art into an international language. Although only his small-scale works are presented in this exhibition, they are sufficient to provide us with the essence of his ideas.

Born in Mexico City in 1906, Ortiz Monasterio studied at the Academy of San Carlos from 1920 to 1924. From 1924 to 1930 he resided in California, where he presented his first one-man exhibition. In Mexico City he has had one-man shows at the Palace of Fine Arts (1931), the Gallery of Mexican Art (1935, 1959), and the National University of Mexico. In the United States he has exhibited at the Book Shop Art Gallery in Los Angeles (1929), Gump's Art Gallery in San Francisco (1930), and the Betty Parsons Gallery in New York City (1950). In 1949 he participated in the International Exhibition of Sculpture at the Philadelphia Museum of Art.

More than ten public monuments executed by the artist are to be found in Mexico City, including the monument of Nezahualcoytl in Chapultepec Park, sculptures, fountains, and the portico for the Civic Plaza Theater, and a fountain for the National Medical Center. In 1967 he created a bust of the Mexican educator Justo Sierra, which now stands in the

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Plaza of the Americas in Paris, and in 1969 a bust of the Mexican poet Amado Nervo, which is in Montevideo, Uruguay.

Smaller works by the artist are included in the collections of the Philadelphia Museum of Art, the National School of Mexico, and the Museum of Modern Art in Mexico City as well as in numerous private collections in his native country and the United States.

This is the first presentation of his work in the Washington area.

SPEAKING OF THE ENVIRONMENT

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. SAYLOR. Mr. Speaker, a number of our Nations major conservation organizations are deeply concerned about H.R. 12025, the timber bill, which is to come before this body tomorrow. For the benefit of my colleagues I would like to list some of these organizations because they are a very impressive group. They include the Citizens Committee on Natural Resources, the Federation of Western Outdoor Clubs, the Izaak Walton League of America, the National Audubon Society, the National Rifle Association, the National Wildlife Federation, the Sierra Club, Trout Unlimited, the Wilderness Society, and the Wildlife Management Institute. The organizations all are opposed to the passage of H.R. 12025.

I have an editorial that was printed in today's New York Times, Mr. Speaker, which calls this timber bill an attempt to raid our national forests. The editorial also calls the bill a test of the determination of the present administration to protect our environment. I include this very cogent editorial in the RECORD at this point:

SPEAKING OF THE ENVIRONMENT

The Sierra Club and Senator Edmund S. Muskie have raised a question that directly tests the determination of the Nixon Administration to protect and restore the environment against the pressures of vested interests. The question is: where are the detailed statements of the Secretary of Agriculture and the Secretary of Housing and Urban Development on the environmental impact of pending legislation to get "optimum timber productivity" out of the national forests?

The freshly signed Environmental Policy Act calls for just such an analysis to be made to the President and the Council on Environmental Quality by agencies recommending just such legislation. The House is scheduled to take up the bill—the so-called "National Timber Supply Act"—tomorrow, and both Cabinet heads have endorsed it. But from neither of the departments has come the evaluation required under law.

There reluctance, though hardly commendable, is all too understandable. The bill threatens to upset the "multiple use," long established as policy for the national forests: a balance among the various demands of water supply, wildlife protection, recreation and timber production. It would do so emphatically in favor of timber as the priority use, to the profit of the logging industry and the despoliation of much of the 19 percent of the country's forest land that is still owned by the people of the United States. In fifteen years, old growth would be cut that the Forest Service has been planning to ration out over a century. Logging would be king—and forget about scenery, environment and everything else.

The pretext for this raid is the need for more housing. But it would be hard for Secretary Romney or anyone else to make a convincing case. If the country is short of lumber, why did it export four-billion board feet last year? Why has the rate of export been doubling in the past few years? And why are huge quantities of logs still being shipped to Japan? It is pertinent to ask why some thirty out of thirty-three members of the Agriculture Committee used the need for housing to justify this bill, while only nine of those 33 voted for the Housing and Urban Development Act.

The House should turn back this attempted misuse of a great national asset. And the Administration ought to be fighting this timber grab, not endorsing it.

GOV. WILLIAM T. CAHILL'S INAUGURAL ADDRESS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. CONTE. Mr. Speaker, we hear a lot of talk about the problems of our urban society and about how we should solve them. However, when you get right down to it, it becomes clear that strong and courageous leadership is an absolute prerequisite to any kind of solution.

Gov. William T. Cahill of New Jersey, our former colleague, has undertaken a most difficult job, but he has done so with the dedication and principle that he exercised so often in this body. I have recently had the pleasure of reading his inaugural address. It eloquently reflects his acute awareness of the problems he faces, from crime to education to pollution and beyond. It also reflects his sincere determination to attack these problems with all the resources that he can command.

I applaud Governor Cahill for the strong and courageous leadership he has shown in moving to overcome these seemingly insoluble problems. I think his remarks are relevant not only to the people of New Jersey, but also to all the Members of this body and to all the people of this Nation. Therefore I would like to include them in the RECORD at this point:

INAUGURAL ADDRESS OF WILLIAM T. CAHILL, GOVERNOR OF NEW JERSEY, JANUARY 20, 1970

Reverend Clergy, Mr. Chief Justice, My Distingished Predecessors, Members of the Legislature, my family, friends and fellow citizens:

We meet in this historic city in the first month of a new decade to finalize the will of the citizens of New Jersey emphatically declared this past November.

We meet on the banks of the Delaware on this cold January day to inaugurate a new Administration with much the same ceremony that characterized more than 50 such occasions since the establishment of the free and independent State of New Jersey.

The record of the intervening years, now almost two centuries, is one at which only the superficially informed might scoff, permitting today's headlines to crowd out the underlying story of achievement in every field by generations of sons and daughters of New Jersey . . . in science and the arts . . . in government and law . . . in war and in peace. To mention the names of Edison and Stevens, Whitman and Williams, Pitney, Griggs and Wilson, Lawrence and Halsey, Aldrin, Schirra and Schweickart . . . at this place and moment is no chauvinist rhetoric. It's an affirmation required of one assuming this high office.

No man takes his oath, no man assumes the Office of Governor without experiencing an almost tangible union with the rich history and tradition that is New Jersey. I think I speak for many of us here in public life when I add that history and tradition to us is more than yellowed parchment, stylized ritual or self-correcting remembrances of another time.

We prefer to think of history and tradition in human terms, and to identify with men not unlike ourselves attempting to solve the problems of their day. Each new Governor in his own way and in his own time saw, in his inaugural address, an opportunity to set the tone of his Administration.

Many of my predecessors, honestly alarmed at the number and complexity of problems pressing in from all sides, used this occasion to articulate a seemingly endless litany of crisis. Yet, I do not think it would be exaggeration for me to say that never before in the history of New Jersey has an incoming Governor been confronted with the number of problems, both in variety and degree, which now face this new Administration.

While this address must essentially be a declaration of principle rather than a specification of policies, the citizens have the right to know my thoughts on the most pressing of these problems.

We are all painfully aware of the image attached to our proud State's name in press and periodicals throughout the Nation. While we know New Jersey is a law-abiding and basically religious community of seven million souls, candor compels the admission that we do have serious law enforcement problems. I am personally convinced that the people of this State . . . those in North Jersey and South Jersey . . . the old and young . . . the rich and poor . . . the vocal minorities and the silent majority . . . black and white . . . all the good people . . . seven million of them . . . are shocked at the charges leveled against officials in almost every branch of the government.

They expect—they demand—that every countering resource of their government be used to insure impartial investigation, fair prosecution, and just punishment of the faithless few who have betrayed their public trust and those who have corrupted them.

I, therefore, want to assure you, my fellow citizens, that in this crisis, where the very life of self-government is at issue, there will be no executive compromise, neither of principle nor policy, not with the Legislature, the Judiciary, or with the administrative departments; for where criminals go unpunished for breaking the law, good citizens are penalized in their obedience to it.

No other single factor, in my judgment, handicaps the efforts of men of good will to compose social differences that the cynical conviction of so large a number of the law abiding themselves that a combination of great wealth and purchased influence placed a favorite few beyond the law that binds all others. The resulting malaise in the body politic has caused some, you've read or heard them, to question the further viability of the democratic system, and excited others, surely you've seen them on the television screen, to demand its overthrow.

Unconvinced by the tortured rationalization of the theorists and unfrightened by the violence of the activists, we propose another prescription, not very new to be sure, but effective in earlier times of trial. We, the representatives of this generation of good Jerseymen, reclaim for our fellow citizens the full power to do all acts and things that this State has the sovereign right, and we the moral obligation, if not the sacred duty, to do.

This is not an opportune occasion to detail the steps that have already been taken and that will be taken in the war against crime in New Jersey. Suffice it to say that there is a total commitment on the part of this Administration to search out and destroy the corrupters and the corrupted wherever they exist in the 21 counties of New Jersey. No area will be sacrosanct, and no party will be immune. So that the message is clear to all, I would remind you that this Administration has no commitment except to the people of the State of New Jersey, and that, therefore, in the words of the soldier poet, I begin my service with a complete freedom of action, 'able to walk in my own way and with an eye to see things as they are'. War on crime in this State provides an unparalleled opportunity for this Administration to demonstrate quickly, clearly and dramatically that more than a new Administration and a new decade is under way in Trenton. This will not be a new chapter in an old book. We will start by redefinining public service, and we will hopefully write guidelines and standards that will once again bring citizens from other states to New Jersey in search of imaginative new answers to old problems.

But, my fellow citizens, let me emphasize that we must rekindle respect for New Jersey not only by what we uproot and discard, but also by what we grow and nuture.

Let the quality and progress of this State be measured by its compassion and care for its sick and elderly. Let it be measured by its ability to overcome the evils of poverty, neglect, and prejudice that tear at the hearts of our cities. And, above all, let quality and progress in New Jersey be measured by our achievements in the education of our young.

All my adult life I have held with Aristole that the fate of empires depends on the education of youth.

I know from my own personal experience that we in New Jersey are blessed with thousands of dedicated teachers at all levels. But, I also know that they are burdened with a system that did not grow quantitatively and qualtatively to meet the population boom of the 50's and 60's. We have too often settled for less than the best in education in New Jersey and we have become wed to techniques, standards and establishments whose rigidity has retarded incentive, imagination and creativity in our professional teaching corps. The Romans expressed it well, 'Talis Magister, qualis discipulus.' Not literally but accurately translated, 'To understand the pupil, look to the teacher.'

I suggest that it is the inspired teacher, freed from time-consuming demands of less productive assignments, encouraged and motivated, who can dramatically and quickly uplift the quality of educational climate that permits the fullest intellectual, physical and moral growth of our youth. In my judgment, however, the present system often forces an exceptional teacher out of the classroom and into administrative positions and too often out of the field of education altogether.

I have discussed these and other thoughts with those officially charged with the responsibility for the quality of secondary and higher education in this State. I have strongly urged that our education departments proceed with all speed to project a master blueprint for the upgrading of our system with emphasis on correcting the quality gap in the urban centers. I have asked that the views of organized teaching groups be sought and the opinions and recommendations of outstanding individual educators be solicited. I have called for a master plan that talks not only of new money, but of new ideas . . . not only of new buildings, but of new teaching techniques . . . not only of new research grants, but of new leadership dedicated to new levels of excellence.

We cannot afford to fail our young and our future.

The congestion of our highways, the plight of the commuter, the cost of highways in dollars and lives are too well known to all New Jersey citizens to require a further description by me.

Because the elements creating these problems, in most instances, are interstate and regional in character as a result of our geographic location, they can, in most instances, only be solved by federal-state or multi-state efforts.

I have every confidence that our relations, both with the Federal Government and our neighboring states, will be friendly and productive in the years ahead.

Our State has in the past utilized to a great extent the concept and mechanism of 'authorities' to develop needed highways and transportation facilities, including bridges, tunnels and turnpikes, and they have served their purposes well. There has, however, been a growing belief on the part of some that these authorities are not in any way subject to the policy of the State Government. In many instances, dialogue and communication between the State Government and the authority acting through its appointed commissioners and executive directors has been inadequate and, therefore, some extracurricular activities of some authorities have raised serious questions as to their real mission and purpose.

It is my conviction that all authorities are creatures of the State and that they must, therefore, be completely responsive to the needs of the State as defined by the elected officials of the people.

To that end, therefore, I shall look for greater participation in the field of mass transportation and highway construction by many public authorities of this State. I am confident that in this effort to implement the policy of our State in this important endeavor we will have enthusiastic cooperation from the governors of our sister states. I am convinced that a proper, balanced program of mass transportation and highway development is indispensable to the economic growth of New Jersey and the redevelopment and revitalization of our principal cities.

My emphasis on law enforcement, education and transportation should not be interpreted as indicating any less concern for all the areas of State Government that cry out with equal volume for the attention of new minds.

I am deeply concerned with the inadequate and antiquated penal system, with the need for new, modern and enlightened facilities.

I grieve at the shortage of beds for the retarded child, the sick and the elderly. I am troubled by the soaring costs of hospital care and the almost unbearable burden of providing adequate protection for ourselves and our fellow citizens in the field of insurance.

I share the alarm of all thinking citizens at the awesome increase in the use of narcotics by our youth in all areas of the State . . . in city and suburb . . . by rich and poor . . . black and white. I am impatient with our inability to prevent the erosion and pollution of our most prized natural resource, the seashore and beaches of New Jersey. I am apprehensive and deeply troubled by the danger to health from the continued and increased pollution of air, streams, rivers and even our ocean.

The Federal priorities which exclude adequate assistance to local and state governments, as well as private entrepreneurs in the field of housing, are completely illogical and must be changed immediately. Our housing shortage, particularly in the low income and middle fields, is incredible, and no peace will ever come to our cities unless dramatic improvement is made in the field of housing in the immediate future.

Having participated in the development of the legislative process in the field of civil rights for the past decade as a member of the Judicial Committee of the House of Representatives, I am satisfied with our progress in the field of civil rights as a matter of law, but I am not satisfied with our progress in civil rights as a matter of fact. It does little good to legislate the right of open housing when there are no houses . . . the right to work regardless of color when there are no job opportunities . . . the right to equal education when the schools are not comparable.

In other words, we need the implementation of the legislation, and we need it today. No field in this competitive and profit-oriented society is more important that the protection of unwary buyers who are daily defrauded of hard-earned dollars by deceivers and those who misrepresent and oppress. It is not enough to caution, "buyer beware," especially when the buyer knows not of whom and of what to beware. Our State must and will take a strong position at the side of the citizen in this all-important field of consumer relations.

The litany of problems could continue ad infinitum, but the one which will most determine our effectiveness in coping with future needs is our willingness and our ability to pay the cost.

In recent days I have spoken out about the fiscal crisis New Jersey is in today, the causes of that crisis, and my decision to avoid a State income tax through an increase in the existing sales tax. It is not my intention today to replay the events that confront me now, in the first few minutes of my Administration, with a projected budget deficit of almost three hundred million dollars.

It does bear repeating, however, that I intend to set our fiscal house in order and that I will not flinch . . . I will not hesitate . . . I will not turn away from hard decisions dealing with the abilility of this State to meet the legitimate needs of its people.

The credibility of our avowal to root out corruption cannot be separated from our obligation to deal affirmatively with the less newsworthy but equally important everyday demands on a wide-range of necessary State services. Putting this in plainest language, it means that those programs necessary to a supportable life for our citizenry—the poor and the hungry—must be paid for as we go, with the State providing its proper share of the costs.

Local communities, and this applies to many suburban towns almost as surely as it does to all the cities in this State, have reached the point in their real estate levies where further increases might endanger their whole tax structure. The concept of state aid, though late in acceptance, is now fixed New Jersey policy.

In Washington, under a new Administration, we have at last adopted as national policy the principle of federal aid through tax sharing. This policy, whose full impact on our problems is inevitable if not imminent, reflects an understanding that most of the problems facing New Jersey today are problems that are national in scope.

Many of these problems, I suggest, were aggravated and enlarged during the decade of conflicts and contradictions we have just concluded.

In the past decade we walked on the moon, but barred black children in some states from walking into classrooms.

As a Nation we spread our wealth across the world and into space, yet we ignored the powder keg of frustrations that produced the burning of some of our major cities.

We stood in awe as one rare man breathed the winds of change in Rome, while elsewhere crowds of disillusioned youth shouted "God is dead."

We produced thousands of rebels without causes, and a black man from Atlanta who shook the conscience of a Nation and two

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white men from Massachusetts who literally gave their lives for their fellowmen.

This, indeed has been a decade of differences, divisiveness and disunity. It has generated dissension, dismay and despair. As a result, we need in New Jersey and in this Nation a reappraisal of our basic political, social and personal values.

In the furor and the sound and the violence of the past decade, we have submerged and forgotten much of what made America unique in the family of governments. Since the days of the Revolution, the greatest export of the United States has not been its grain, nor its meat, nor its money, but the living proof that government of, by and for the people can and does work.

Nationally, we must end a cruel and senseless war. Our Nation must turn its energies and resources to the serious problems at home. The new proposed Federalism must be made to work. The states can no longer supply on their own the needs of their people. The Federal Government must accept the burdens or share the dollars.

In the final analysis, however, neither money nor rhetoric will solve the problems of New Jersey or the United States. We require dedicated, tough-minded men and women willing to give of themselves. The true test of this Administration will be its ability to rally to its standard men and women of all ages, colors and creeds who believe, as I do, that it is the responsibility of leaders in government to provide the Renaissance of the 70's.

We must set the example—overcome the dissension and the hates—bind the wounds of the 60's. We must restore confidence in public service and in public servants, and we must lead the fight against hypocrisy, deceit and apathy.

We must, in a word, be DOERS—men of ideals, but also men of action. We must be men who will "follow the white cockade," "seek the Grail" and "reach for the unreachable star." We must be men who, in the words of Teddy Roosevelt, will dare to do—will strive to do the deeds—will know the great enthusiasms, the great devotions—who will spend ourselves in a worthy cause—who will know the thrill of high achievement—and, even if we fail, will fail while daring greatly so that our place will never be with those cold and timid souls who know neither victory nor defeat!

"Come my friends,
'Tis not too late
To seek a newer world . . . .
To strive to seek to find
And not to yield!"

This Administration will "dare to do." We will fight mediocrity. We will seek excellence. To this cause I have given my oath before God and you, my fellow citizens.

TIMBER EXPORT

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. ULLMAN. Mr. Speaker, it is too bad that the New York Times in an editorial today has added a note of confusion to the debate over the proposed National Forest Timber and Conservation Act, due for a vote in the House this week.

The Times asserts that the multiple-use concept of forest management would be abandoned if the bill is passed. Its arguments are highly emotional, but have little relevance to fact. The bill clearly provides safeguards for multiple use—for the scenic, recreational, wildlife, and watershed values as well as commercial values.

Even more surprising is the Times' position when it justifies its opposition by demanding to know why the United States continues to export logs and finished products to Japan if timber supply is short.

It is significant to note that on three occasions in September 1968 the New York Times editorially opposed any restrictions on exports of logs to Japan. The National Forest Products Association brought this change of position to the attention of the publisher of the Times in a wire today.

Without objection I include that wire and the three 1968 editorials in the Record at this point:

February 25, 1970.

Mr. Arthur Ochs Sulzberger,
President and Publisher,
The New York Times:

In his unrelenting attacks against the forest products industry of the United States, John Oakes has permitted his antagonism to becloud his recollection of previous editorial positions. This morning's editorial "Speaking of the Environment" not only misrepresents the purpose and provisions of H.R. 12025, but raises serious questions about the "Times" editorial integrity. The editorial includes these questions: "If the country is short of lumber, why did it export four-billion board feet last year? Why has the rate of export been doubling in the past few years? And why are huge quantities of logs still being shipped to Japan?"

The answers to these questions are: Last year the United States exported two billion board feet of logs and one billion feet of finished products, not four billion feet as stated in the question. The rate of export has not been doubling since passage of the Morse amendment to the Foreign Assistance Appropriations Act of 1968 which limited export of logs from Federal lands. Log shipments have been declining. Huge quantities of logs are still being shipped to Japan because the Japanese bought them prior to the imposition of the export limitation which the "Times" opposed editorially.

It should be pointed out as well that the United States, while exporting three billion feet of logs and finished products in 1969, imported six billion feet of lumber, mostly from Canada, in the same year. The U.S. is a net importer of wood. If we were to bar any exports from the United States it would not only hurt our balance of trade position, which the "Times" holds dear, but would simply oblige the Japanese to invade our Canadian suppliers with the result that the U.S. would be unable to obtain the construction lumber needed from that source.

Mr. Oake's editorial ambivalance is astonishing, it deserves careful examination by the publisher of the Times.

On September 4, 1968, a "Times" editorial "Senator Morse's Log Jam," said: "Senator Wayne Morse of Oregon is giving an object lesson in how mischievous interferences with international trade can really be." The "Times" went on to rail against Morse's attempt to restrain log exports, saying: "the objection to the ban on log exports is that it discriminates against the Japanese—who are being told to buy finished United States lumber or nothing—and it perpetuates inefficiency by providing domestic saw mills with blanket protection against higher supply prices."

Again on September 5, 1968, in an editorial "Congress Returns," the "Times" referred to Senator Morse's amendment as "Senator Morse's pernicious amendment to restrict the export of raw logs from federally owned forest. They would perform a public service by throwing this gimmick out of the bill."

On September 18, 1968, the Times editorial "banning export of logs" charged Senator Morse and Hatfield and their supporters exercised political power to shield the lumber industry from market forces. But what would happen if other legislators applied the same reasoning and had the same good fortune in restricting exports of automobiles, coal and rice, the domestic prices of which are all subject to rising foreign demand? If that logic were universally applied, United States exports, now running at an annual rate of about $33 billion, would cease, with devastating effects on income and employment. The damage caused by restricting log exports is small, but the precedent is dangerous."

I have no alternative but to ask, Mr. Sulzberger, whether Mr. Oakes is not as guilty of "mischievous interference" as he accused Senator Morse of being, whether his editorials may not be as "pernicious" as he suggested the Morse amendment to be, and while editorial whimsy may be a prerogative, whether wild swings from positions depending on whether Mr. Oakes sees a situation as advantageous or disadvantageous to the forest products industry, might not warrant your personal inquiry.

Today's "Times" editorial will be widely read in the Congress. If it helps to defeat the worthy timber management bill which will serve all the people I think the "Times" has an obligation to examine its conscience.

James R. Turnbull,
Executive Vice President, National Forest Products Association.

[From the New York Times, Sept. 4, 1968]

Senater Morse's Log Jam

Senator Wayne Morse of Oregon is given an object lession in how mischievous interferences with international trade can really be. He attached an amendment to the foreign aid bill severly restricting the export of raw logs cut from Federal forest lands. Now he threatens to block an agreement on foreign aid in the House-Senate conference unless the Morse amendment is retained. His object is to protect Oregon's less efficient saw mill operators. They would have to pay higher prices for logs if sales to Japan were not restricted. But it is already clear that this impediment to trade is working to the detriment of Mr. Morse's constituents.

The objection to the ban on log exports is that it discriminates against the Japanese—who are being told to buy finished United States lumber or nothing—and it perpetuates inefficiency by providing the domestic saw mills with blanket protection against higher supply prices. At first the Federal prohibition—state governments have similar restrictions—applied only to logs from Government forests in the west sections of Washington and Oregon. Mr. Morse's amendment would extend the ban to Federal land in California, Idaho and Montana as well.

Japan might have to yield to this attempted squeeze, if the United States were the only lumber supplier, but it is not. The Japanese recently concluded a five-year trade agreement under which Soviet Russia is to provide them with an additional 1.6 billion board feet of lumber, the bulk of it in the form of logs. Canada also stands ready to meet Japan's needs. Common sense—to say nothing of the fate of the foreign-aid bill—demands that the Morse log jam be broken.

[From the New York Times, Sept. 5, 1968]

Congress Returns

Congress is back at work to complete action on a sizable list of bills. If the Senate would face up to its responsibilities and act upon President Johnson's two nominees for the Supreme Court, both houses could readily dispose of their unfinished business by Oct. 1. Most members wish to get away from

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Washington to conduct their campaigns for re-election, but their desires may not prevail over the obstinacy of the Senate minority planning to filibuster against the Court appointments.

Several appropriations bills have yet to clear Congress. The bill for the Department of Housing and Urban Development is in conference, where the rent supplement program is again an item of controversy. The House provided only $25 million for this program, while the Senate, properly in our view, granted the full $6 million requested by the Administration.

The conferees on the foreign-aid appropriation bill have reached agreement on a gravely inadequate sum for this vital program, but they still are deadlocked on Senator Morse's pernicious amendment to restrict the export of raw logs from Federally owned forests. They would perform a public service by throwing this gimmick out of the bill.

A measure to extend the existing program of Federal aid to colleges and universities is the subject of another conference in which members not only have to reconcile the considerable disparity between the House and Senate levels of spending but also have an obligation to eliminate the unworkable ban on aid for student demonstrators which the House added in a fit of pique. A bill providing far-reaching reforms in the antiquated vocational education program is also up for final action.

Several major conservation proposals are now nearing their definitive legislative form. Only if the Senate conferees from the Interior Committee are patient and persistent in negotiating with their counterparts from the House is there any chance for a worthwhile Redwoods National Park. The Senate also has the better version of the much less controversial bill to establish a system of national trails. If, as now expected, the House Rules Committee grants a rule next week, the House will have a second opportunity to vote on the scenic rivers bill. Bills to establish a national water commission, to proceed with the long-disputed Colorado River project and to create a national park in the North Cascades are close to final passage.

The admirable House bill to expand and make permanent the food-stamp plan has unfortunately become entangled in conference with the fate of the rather unpopular farm bill. The mild bill to reform the sale, and administration of mutual funds deserves passage but it seems to be sinking into the quagmire known as the House Commerce Committee. Reform of Congress' own procedures, passed eighteen months ago in the Senate, appears to be dying in the House.

In view of the miserably deficient American foreign aid program, it is all the more imperative for Congress to approve the international agreement to enlarge the scope of the International Development Association, which provides multilateral aid to developing countries under the aegis of the World Bank. The Administration is attempting, as yet without success, to move this measure out of the House Rules Committee.

Finally, there is the problem of guns. The House banned the mail-order sale of shotguns and rifles, but refused to provide for registering the guns or licensing the owners. An effort must be made to correct these weaknesses in the Senate. Guns haunt the nation's conscience. They will not cease to do so until politicians find the courage to bring these death-dealing weapons under rational control.

[From the New York Times, Sept. 18, 1968]

Banning Export of Logs

If shipping raw logs out of the country reduces the domestic lumber supply and raises prices, shouldn't the Government protect the consumers by restricting such exports? That proposition, advanced in a letter on this page by Senators Morse and Hatfield of Oregon, has a simplistic appeal. But carried to its logical conclusion, it would result in the cessation of all trade between nations.

Unless there is idle productive capacity, a sharp increase in the demand for any product will raise its price. It is through higher prices that the market allocates existing stocks among eager buyers, whether residents of this or other countries.

Senators Morse and Hatfield and their supporters exercised political power to shield the lumber industry from market forces. But what would happen if other legislators applied the same reasoning and had the same good fortune in restricting exports of automobiles, coal and rice, the domestic prices of which are all subject to rising foreign demand? If that logic were universally applied, United States exports, now running at an annual rate of about $33 billion, would cease, with devastating effects on income and employment. The damage caused by restricting log exports is small, but the precedent is dangerous.

Senators Morse and Hatfield deplore the growing imports of Canadian lumber into the Midwestern and Eastern sections of this country. But they make no mention of the principal cause, the Jones Act which decrees that all cargoes between Pacific and Atlantic ports must be carried in United States flagships, whose rates are so far above the world level that the Canadians have a decisive advantage in the competition for Eastern lumber markets.

If Oregon's Senators were willing to fight the maritime lobby, they would be doing far more for the domestic consumer than they have done by promoting their shortsighted restriction on the export of logs.

LITHUANIA SEES FREEDOM DIE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. PUCINSKI. Mr. Speaker, when the Soviet hordes swallow up an independent nation, one of their professed aims is to establish a Marxist Utopia. Make no mistake—there does not exist a Marxist Utopia in Russia or anywhere else.

What Russia actually has today is military socialism. The main real purpose of socialism is to support war. Russian internal policy is ideal for supporting powerful armed forces on a continuous basis, and using such forces in conjunction with skilled diplomacy to serve expansionist aims.

When the Soviet Government takes over the job of providing, the question arises regarding where the provisions will come from. The two sides of this situation were brilliantly portrayed by Aristophanes in one of his plays written 2,300 years ago. In the play a lady Communist said:

"I want all to have a share in everything and all property to be in common; there will no longer be either rich or poor; no longer shall we see one man harvesting vast tracts of land, while another has not enough ground to be buried in . . . I intend that there shall be only one and the same condition of life for all . . . I shall begin by making land, money, everything that is private property, common to all."

"But who," asked Blepyrus, another character in the play, "shall do all the work?"

"Oh," said Praxagora, "we shall have slaves for that."

Today, Mr. Speaker, the proud Nation of Lithuania—along with her sister nations, Estonia and Latvia, and the other captive nations of the Soviet empire—is a slave colony that helps feed the Soviet war machine.

Lithuania recently marked the 52d anniversary of her declaration of independence. How sad it is that Lithuanians are not at the helm of their ship of state, as free and independent people guiding their own destiny.

The Soviet slave masters have tried to subjugate the Lithuanians by murdering thousands and scattering thousands more throughout the Soviet empire, but their spirit of freedom and their quest for human dignity lives on and will never die.

We can indeed take pride in the fact that our Government has continued to adhere to its policy of nonrecognition of the Soviet Union's forcible incorporation of Lithuania.

I should like to place in the Record today an article by Walter Trohan which appeared in the Chicago Tribune. Mr. Trohan places in proper perspective the sad plight of the Lithuanian people, which serves to remind us that none of us are truly free until all of us are free from tyranny.

Mr. Trohan's excellent article follows:

Lithuania Sees Freedom Die

(By Walter Trohan)

Washington, Feb. 15.—Few remember—and fewer care, unhappily—that tomorrow marks the 62d anniversary of the declaration of independence of Lithuania.

Almost half of those years have been spent in slavery, not captivity, to the Kremlin. In slavery with Lithuania are Estonia and Latvia.

Freedom shrieked when nazi boots trampled Czechoslovakia in 1938 and 1939, but there was scarcely an outcry when Russia gobbled up its three tiny neighbors in 1939 and 1940.

By now the world has so supped on horrors that the plight of one proud and free people arouses no concern or even twinges of conscience. It was not alway so.

In 1939 when Italy invaded and annexed Albania, the late President Franklin D. Roosevelt declared: "The continued political, economic, and social independence of every small nation in the world does have an effect on our national safety and prosperity. Each one that disappears weakens our national safety and prosperity."

He did not apply such words to Lithuania, Estonia, and Latvia, which Russia occupied in 1939 and absorbed in 1940. Nor did he apply them to Poland, Czechoslovakia, Hungary, Romania, and Bulgaria but helped to deliver them into captivity at Yalta, a fate sealed by his successor, Harry S. Truman, at Potsdam. East Germany also was put into Red captivity.

Almost one in every 10 Americans comes from the enslaved or captive nations, including those who fled Russia under communism or those who left Russia under the czars. Yet for years thousands of displaced Lithuanians have denounced Russia as a perpetrator of genocide and have appealed to American Presidents, beginning with Truman, to press for a United Nations investigation of conditions in the Baltic states. The appeals have been in vain.

When Russia swallowed Lithuania, its population was just under 3 million. The Lithuanians did not accept slavery easily. They resisted.

By 1948 Russia claimed to have liquidated 12,000 or more underground fighters. Lithuanian exile sources set the number liquidated at 8,500. An estimated 35,000 remained active against the Soviet oppressors.

Similar situations existed in Latvia and Estonia.

In combating the resistance movement, the Russians undertook a program of wholesale deportation. It has been estimated that perhaps as many as 150,000 people were deported during the war. Something like another 150,000 moved to Poland. There are more than 50,000 Lithuanians in Austria and Germany. A considerable number have made their way to the United States.

Russia has attempted to govern the three Baltic states with native officials, much as it governs the captive nations with puppets. However, in the Baltic states the local officials are paired off with imported Russian assistants, who have the iron fist and generally don't bother to conceal it. Meanwhile, life in Lithuania has deteriorated.

Industrial production reportedly has dropped to about half of what it was in 1939 or less. River traffic on the once busy Memel is reported to be all but dead. Passenger trains are down to one a day.

Russia forced its language on the country's universities and has attempted to court the students, yet only about 10 per cent are said to have joined the Young Communist league.

GEORGIA VA HOSPITAL DIRECTOR SAYS PRIVATE MEDICAL CARE FACILITIES "OUTRUN" VA "IN MOST FIELDS OF MEDICINE"

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. TEAGUE of Texas. Mr. Speaker, Dr. William J. Erdman, the director of physical medicine and rehabilitation at the University of Pennsylvania, told the House Veterans' Affairs Subcommittee on Hospitals recently that "if the Veterans' Administration hospitals are going to even stand still, great progress must be made to keep up with the competitive situation which is occurring in other medical circles." In commending VA for the "excellent work" it has done in prosthetic research for veterans who have lost limbs, eyes, hearing, and other sensory abilities, Dr. Erdman said "it is not enough to stand still and be content to rest on our laurels. Veterans' Administration facilities must continue to stay in the forefront of what is now going on as a result of the explosion of medical knowledge."

Mr. Speaker, the importance of Dr. Erdman's statement of a few months ago is underscored by recent comments made by Dr. J. A. Jarman, Director of the Atlanta VA hospital to the House Veterans' Affairs Committee. He said "increasing numbers of amputees requiring prothesis, the aid and attendance programs, and others, such as home—kidney—dialysis generate the need for costly equipment, the acquisition of which places great strains upon limited resources." Dr. Jarman continued, "Our private sector counterparts have found new sources of revenue from medicare, medicaid, and other Federal and public agencies which are permitting them to outrun us in most every field of medicine—and employment levels in our hospital are very low when compared with university and modern community hospitals."

Mr. Speaker, the House Veterans' Affairs Committee's survey of the 166 VA hospitals is revealing similar problems throughout the system. For many years the VA medical program has received only token funding increases in its annual budget compared to what it has needed to keep up with advancing medical technology. Hospitals have been made to "absorb" substantial portions of pay increases. Along with rising workloads and increased costs, they have been forced to defer the purchase of new medical equipment, delay maintenance and modernization of hospital facilities, and delay employing much needed available medical personnel. Dr. Jarman stated that staffing is very low in his hospital. The national staffing average in nongovernmental general medical and surgical hospitals is about 2.7 staff for each patient but it is just a little over 1.5 in the VA system. I believe that VA general medical and surgical hospitals should have at least two employees for each patient, and at least a 1 for 1 ratio in VA psychiatric hospitals so that our hospitalized veterans will receive "first-class" medical care.

Mr. Speaker, in Georgia, VA hospitals are located in Atlanta, Augusta, and Dublin. The Dublin hospital also operates a 460-bed domiciliary for homeless and chronically ill veterans and a 56-bed nursing care facility.

The investigation conducted by the House Veterans' Affairs Committee in December 1969 revealed that under hospital staffing formulas which I advocate Georgia VA hospitals are approximately 825 positions short of needed staff. These extra positions would cost approximately $6.2 million. A few of the needed positions would be difficult to fill at present VA salary scales, but the hospital directors said that most of the positions would be recruitable. The Georgia hospital directors also reported last December that the community nursing care programs under the jurisdiction of their hospitals were underfunded in fiscal year 1970 by almost $200,000. In addition, more funds were needed approximating $235,000 for fee dental care due mostly to the increased workloads created by returning Vietnam veterans.

As of February 10, 1970, directors of the Georgia Veterans' Adiminstration hospitals advised the House Veterans' Affairs Committee that supplemental funds in the amount of $608,000 had been received. While these additional amounts were welcome and provided some relief in the fee basis dental program and the community nursing care program, serious problems remained in the areas of providing adequate staff and to alleviate shortages in other recurring operating expenses of the hospitals.

Dr. J. A. Jarman, director of the Atlanta VA hospital, reported a fund shortage of about $1.1 million last December for the operation of his 488-bed hospital. The Atlanta hospital is also responsible for providing outpatient services to Georgia veterans and about $235,000 of this shortage was due to increased Vietnam veteran workloads for fee basis dental care. Over $550,000 was needed to provide for staffing deficiencies; approximately $285,000 was needed to cover shortages for linen replacement beneficiary travel, prosthetic appliances, fee prescription services, and other recurring operating supplies and materials.

Director Jarman also reported that he is planning to reduce personnel or services to stay within his assigned personnel ceiling and funding allotments for fiscal year 1970 including curtailment of employment replacement when an employee leaves, a cutback in drug and medical supply inventories, delay in maintenance and repair projects and deferral of filling position vacancies which he considered to be essential. These included one cardiac catheterization technician, one physician for the laboratory, one physical therapist, one physician for radiology, one social worker, one personnel management specialist, and one equipment repairman. Other actions proposed to meet the funding deficiencies for salaries and recurring operating expenses included the diversion of approximately $150,000 of special funds allotted for replacement and new equipment including the purchase of equipment for new intensive care units, and funds for maintenance and repair projects.

Other programs at the Atlanta hospital which had been funded for specialized medical services and which are inadequate in scope include the pulmonary emphysema unit, which needed five more positions at a cost of $60,000; open heart surgery, eight more positions required at an annual cost of $91,000; the clinical laboratory, three positions at a cost of $24,000 annually; and two employees for the cardiac catheterization laboratory at an annual cost of $18,000.

Dr. Jarman reported that the Atlanta VA hospital's staffing ratio to patients as of September 30, 1969, was 1 to 58. To achieve the minimal staffing ratio for general hospitals which I advocate, 236 more positions at an annual cost in excess of $2 million would be required.

Dr. Jarman later advised the Veterans' Affairs Committee that supplemental funding support in the amount of $432,500 had been received from VA Central Office. He stated $52,500 of this amount was limited to alleviating the reported $235,000 funding deficiency in the outpatient fee dental program. The other $380,000 would be applied toward the deficiencies in salaries and other operating expenses of the hospital.

In December 1969, Director John R. Parrish of the huge 1,350-bed hospital complex at Augusta, Ga., reported funding deficiencies at his installation of over $600,000. Approximately $200,000 was needed to provide for staffing and another $130,000 was needed for general operating supplies and services. The remainder was needed for replacement and new equipment, or maintenance projects.

To meet the funding deficiencies at the Augusta hospital, Parrish said that he had deferred filling some positions including three registered nurses, one dental assistant, one dietitian, five housekeeping aides, and 11 other paramedical and administrative positions. In addition, he had taken action to divert approximately $291,00 which had been allotted for new and replacement equipment and maintenance and repair projects to cover shortages in recurring operations. Director Parrish also reported that at the beginning of fiscal year 1970, July 1, 1969, his station assumed responsibility for 102 patients in the community nursing home program. However, funding support received would provide for an average of only 50 of these patients during the fiscal year. He stated this program was underfunded by approximately $100,000.

President Nixon included in the 1971 budget $300,000 for site acquisition to construct a new 600-bed hospital to replace the present 1,000-bed psychiatric facility located in Augusta and the Lenwood Division consisting of 389 general medical and surgical beds.

Last December, Charles A. Tosch, Director of the VA's hospital and domiciliary center at Dublin, Ga., reported funding deficiencies at his installation of almost $375,000 for fiscal year 1970. About $205,000 of this was for staffing deficiencies, $72,000 for recurring medical supplies and materials, and about $98,000 could be utilized in the community nursing home care program.

To meet the fund shortages for staffing and other operating costs Tosch said that he would divert approximately $53,000 which had been allotted for replacement of equipment, new equipment, and nonrecurring maintenance and repaid projects. In addition he would reduce staffing through attrition to meet VA central office imposed personnel ceilings, provide for a general 2 to 4 weeks delay in filling personnel vacancies, reduce overtime costs below the level of actual need, and reduce the requested ration allowance. Tosch said "funds were not available to support the requested ration cost." Actual ration cost for fiscal year 1969 was $1.08, and the dietitians had projected a cost for fiscal year 1970 at $1.20. An average cost of $1.15 was approved by Director Tosch based on his initial fiscal year 1970 target allowance.

At the beginning of the fiscal year, July 1, 1969, the Dublin hospital was responsible for the care of 19 patients in community nursing care facilities, but funding support received provided for an average of only 12 during the year. The Dublin hospital could have provided for an average of 31 patients in community care facilities if funds were made available for this purpose.

In a subsequent report to the committee, Director Tosch advised that his hospital had received supplemental funds during January 1970 in the amount of $22,689. Of this amount $20,000 was for use to support staffing and other operating deficiencies and the remaining $2,689 was to be applied toward the funding shortage in the community nursing care program.

Mr. Speaker, you only have to be behind a year today in medical care to be the equivalent of a generation behind a generation ago. Our Government—the Congress and the Executive—must move swiftly to close the gap which has begun to erode the VA hospital system.

HARD-CORE POVERTY IS CRITICAL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. HAMILTON. Mr. Speaker, this excellent article, which appeared in the February 8 edition of the Sunday Herald-Times, on the problems of rural poverty, as found in Lawrence, Orange, and Washington Counties in southeastern Indiana.

HARD-CORE POVERTY PROBLEM IS CRITICAL

(By Wanda G. Williams)

The highest unemployment rate in years and the severe winter weather have resulted in many families becoming hard core poverty cases in Lawrence, Orange and Washington counties, according to information from the L.O.W. Office of Economic Opportunity in Mitchell.

The Emergency Food and Medical Services unit serving the tri-county area assisted 147 families or a total of 824 individuals during the month of January.

Mrs. Oweetah Scott, project director, said that $6,840 in emergency food and medical services went to poverty stricken families last month, with the average help per family amounting to $46.55. This breaks down to $8.30 per person on a 30-day basis. Although families range in number from one to 13 people, the average is made up of five and one-half people, she stated.

"One of our three outreach workers serving the three counties found a mother and six children huddled together trying to keep warm under a couple of thin covers on a bed in an unheated lean-to shack during that zero weather. There was not a speck of food in the place and the family's drinking water, carried a half-mile up the hill in a lard can, was frozen solid as it sat in the middle of the room.

"We actually believe they would have frozen to death or starved if we hadn't found them. You could see daylight through the cracks in the walls of the lean-to that had been thrown up against the side of a dilapidated trailer whose floor had fallen through. The one room in which the family lived was so small that not all the children and their parents could stand up at one time," Mrs. Scott exclaimed.

The husband and father, like many others in the area served by the emergency unit, is an uneducated man who earns what he can, when he can, as a timber cutter.

"There are literally dozens of these men who have been out of work because they couldn't get into the woods and get the timber out due to the deep snow. The timber that is already cut and on the ground is frozen all the way through the logs and couldn't be sawed," she stated.

In many families, there is no husband to provide even a meager income. Some have deserted their families, and some are in jails or prisons, the director stated.

An outreach worker found one mother and seven children living in a shack in Orange County without food or fuel. The husband had deserted, leaving the wife expecting another child next month.

"The only furnishings in the dwelling were a wooden chair, half a table, a wood stove and three mattresses on the floor. There were no covers for the beds, let alone sheets or pillows. The only morsel of food in the house was half an onion!

"That was right before Christmas, and the staff here at the office did all they could to see that the family had food, clothing and other necessities, as well as wrapping their children's used toys as gifts for those kids," she revealed.

"A trailer sales came through with a used living room suit, end tables and a breakfast set, the Senior Citizens of Mitchell donated a cook stove, bedsteads, sheets and blankets, a local union bought coats and shoes for the children, and a shoe manufacturer in the area donated heavy winter-weight tennis shoes for each of the children. We managed to get some scrap lumber donated for firewood," she stated.

"The lady just cried and cried when we delivered the food, clothing and toys," said Mrs. Scott, blinking back tears.

Families helped by the Emergency Food and Medical Services unit of the L.O.W. must be those who are in the economic level which also allows them to get government surplus food commodities through the trustees. Only those families in which real emergencies exist, nutritionally or medically, receive help from the unit.

Most recipients are referred to the L.O.W. by trustees, welfare departments, churches, ministers, or school officials.

"We make a thorough investigation before any aid is given. We don't just take someone's word that a family needs help. Our outreach workers contact the family and we do a follow-up research to determine the need and eligibility.

We can't help people who are getting welfare payments or Social Security, unless they can prove that their medical or fuel bills for the month have taken more than half their monthly check. We have in a few cases helped elderly people whose spouses have died, until they begin receiving Social Security.

"It takes 30 to 60 days to get on the rolls of most social service agencies, and as an emergency service unit we can help out in the interim period," the director pointed out.

Recipients are never given cash. Instead, they receive a monetary voucher from the L.O.W. which they may use at the store of their choice. The vouchers are good only for consumable foodstuffs, no tobacco, paper articles, soap or pet food. The store owner must furnish an itemized list of the food purchased when he sends the monetary voucher to the L.O.W. for re-imbursement at the end of the month. The largest voucher issued has been $50, Mrs. Scott revealed.

Free school lunches can also be certified by the emergency unit. For many children, this is their only hot nourishing meal of the day.

"We can't buy fuel for these people. We have to turn to organizations and individuals for that. I call on civic clubs, churches, the Salvation Army and every source we can think of.

When there isn't time and the family is suffering from the cold, the office staff reach down in their pockets and buy firewood. There have been nights that I've stayed out until midnight trying to get wood for families before getting home to my own family," she smiled. "We get stuck in the snow and the mud on these back country roads and have to have someone pull us out quite often," she added.

Most of the hard core poverty can be found in the rural areas, with Orange County appearing to be the hardest hit at the present time. The age group most affected, according to Mrs. Scott's records, are couples ranging in age from 19 to 30 years of age.

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SENATOR MUSKIE OFFERS SOME VIEWS ON OUR POLLUTED AMERICA—WHAT WOMEN CAN DO

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. PUCINSKI. Mr. Speaker, long before pollution became a matter of national priority and long before it became a prime concern for everyone, Senator EDMUND S. MUSKIE was leading the fight against environmental hazards that threaten to upset the balance of nature.

He, more than any other person, has for many years been lecturing, writing, and legislating in an effort to call attention to the urgent need to clean up our environment.

In the February issue of Ladies' Home Journal, Senator MUSKIE discusses very eloquently the problems that pollution in America has caused, and the vital role that women can play in helping to solve these problems.

Senator MUSKIE proposes a plan to guide women so that they can organize themselves into an effective force at all levels of government to prevent further destruction of our environment. The ladies, indeed, have been leading the fight against pollution for sometime now and are destined to play an even greater role in the years ahead.

Because Senator MUSKIE can rightly be praised as the father of war on pollution, I highly commend his timely and well-written article to my colleagues.

Mr. Speaker, the article follows:

OUR POLLUTED AMERICA—WHAT WOMEN CAN DO

(By Senator EDMUND S. MUSKIE)

We take great pride in the human ingenuity that made it possible for us to soar to the moon, transplant human organs, conquer polio, isolate the building blocks of life, develop atomic-power plants and design satellites that bounce television rays from one continent to the other.

But now we are beginning to realize that we are using our good earth thoughtlessly, like nomads at an oasis, drawing greedily from its resources as if we could pick up and move to another planet when those resources are fouled and depleted.

Our "longer, fuller, better life" has begun to mock us. We are disgusted by the dirty air, rotten odors and vile water, by the noise and ugliness that has become the backwash of modern goods and services. We are alarmed by the warning that we are upsetting the balance of nature, causing the most pressing environmental crisis in history.

We can demand change. We can decry the destruction of our country. But we will not renovate and rejuvenate our environment until we start moving our criticism from the kitchen to the hearing room, from the living room to the legislature, from the back fence to the ballot box, and from in front of the TV set to in front of the TV camera.

I think women can make a major contribution to a reversal of our trend toward self-destruction.

Some women are already at work cleaning up our dirty world. With zeal and persuasiveness they have succeeded in galvanizing their communities by asking what may be the most relevant question of our times: Is the modern technology we appreciate so much enhancing or damaging the quality of our lives?

In 1963, in New York City, when nearly 400 deaths were triggered in a few days by a dense, noxious smog, Mrs. Hazel Henderson and a half-dozen concerned friends formed the Citizens for Clean Air. Today, this is perhaps one of the most effective public watchdog groups in the nation; it has enlisted thousands of volunteers, including an advertising agency, a public relations firm and executives in the communications industry. They estimate that they have educated New Yorkers to the realities of bad air with at least $350,000 worth of free radio and TV spots and ads in the press.

Women such as Mrs. Henderson, who are indignant over the increase in childhood emphysema, bronchitis, asthma and eczema caused by the smoke, fumes and pollutants in our atmosphere, can literally sweep our skies clean if they wish. The Federal Air Quality Act of 1967, which I sponsored, specifically calls for public hearings to establish air-purity standards. It is designed to provide citizens with the facts on air pollution and to give them the opportunity to determine the quality of the air they breathe.

The system is working. In Pittsburgh, for example, a meeting to discuss proposed air-quality standards had to be transferred from the office room to a large auditorium because 500 members of a "breather's lobby—representing women's clubs, colleges, unions, conservation groups and health societies—showed up to press for stringent standards.

We were careful to write into the Air Quality Act that public sentiment should be a deciding factor in the decision-making process affecting air-pollution abatement. This means that Americans can, by concerted action, restore our pure air and save the taxpayer nearly $13 billion every year in medical expenses, cleaning bills and building maintenance.

In Front Royal, Virginia, Mrs. Gladys Harris, a Tuberculosis Association staff worker, in her spare time informs citizens about the pollution in Virginia's rivers and streams. She belongs to an all-female Izaak Walton League chapter. (The National Izaak Walton League is a conservation group that, until modern technology began to backfire, was largely a brotherhood of outdoor fishermen.)

Mrs. Harris, and others like her, are not satisfied with saying that filthy water is unacceptable. She studies the technical language of specialists concerned with such problems as the oxygen level of water, which she then interprets to her neighbors and other Virginians. They, in turn, speak up at water-control hearing boards and ask local editors, outdoor writers and businessmen to take the public stand in opposition to pollution hazards.

Woman power can make a big difference in cleaning up the waters of this nation, which are choked with waste, reeking with sewage, teeming with such organisms as the plague bacillus and so thick with oil that they are fire hazards. Many housewives and professional women already belong to the Citizens Crusade for Clean Water, an *ad hoc* coalition of dozens of organizations, including 157,000 members of the League of Women Voters, whose 1,275 local leagues have called upon women to testify, write letters, distribute fact sheets, attend public meetings and spark community dialogue about pollution.

In my own state of Maine, where vacationers from every state in the union renew body and spirit in the natural sanctuary of our forests, on the edges of our streams and by our rocky shore, women are applying pressure to clean up our man-made central cities. A Maine housewife, Mrs. Caroline Glassman, designed the health, safety and beauty factors in the Portland Model Cities area, where there are now organized litter patrols, well-designed, strategically placed trash baskets and realistic plans for the collection of garbage and also for diverting the city traffic away from neighborhood streets.

It seems to me that women can play a unique role in planning ahead to prevent the unsightly, unsafe, deteriorating effects of highways that are being designed to slash through our yards, school zones, parks, historic sites and wildlife preserves. In fact, women in such cities as San Francisco, New Orleans, San Antonio and Memphis have single-handedly and successfully led battles to maintain the integrity of communities which have been threatened by proposed highway construction.

Governments can make highway laws. But citizens must implement them. Consider what might happen if women started passing the news to each other that today's laws require public hearings both before and after highway corridors are selected, that there are state highway department lists on which they can enroll to receive public notification of impending highway plans.

Wherever we look we are faced with blight, rats, dumps, slums, agricultural refuse, mining wastes, sewage, scrapped cars, rubbish. There are ways to deal constructively with these problems. For example, the crisis in our cities and on our beleaguered earth has prompted 175,000 members of the American Association of University Women to undertake a two-year study project to develop, with school teachers, new curricula and study guides for our children about the problems of environmental control they will inherit.

I would like to suggest a plan for all women who are not yet involved in programs to stop environmental pollution. In a broad sense, its aims would be to inspire and educate every American community to potential hazards in modern life, to urge every citizen to exert pressure for change at all levels of government, and to force U.S. industry to redirect technology toward the improvement of the quality of life.

A pragmatic scheme, it calls for each woman to isolate those problems in her neighborhood or community that cause discomfort and disease, and that might ultimately jeopardize our existence. It asks her to determine if local or national organizations are working toward elimination of these ills or whether she should try to create a new mechanism with which change might be brought about faster.

Any woman who wants to change things must survey, pinpoint, document, threaten, cajole, publish, petition, telephone, write and vote. She must be hard-headed, stubborn and charming in discussing her goals with neighbors, educational institutions, industrial managers, city councils, mayors, governors and Congressmen.

From time to time she may be frustrated or angered by resistance to change, but the experience will be exciting and rewarding. She will find deep satisfaction in conserving our environment and in making the experience of living healthier and more valuable for her generation and for those who follow. I believe she will soon find herself head over heels in a new, life-long romance—with all of the elements of life on earth. And that, it seems to me, is what the power of a woman should be all about.

RAMSDEN HONORED BY MECHANICAL ENGINEERS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. MILLER of California. Mr. Speaker, Mr. C. D. Ramsden, president and general manager of Paceco, a division of Fruehauf Corp., located in the city of Alameda, was recently elected a

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fellow of the American Society of Mechanical Engineers.

I want to congratulate Dean Ramsden upon his election. He is richly deserving of this honor. Dean Ramsden has served the city of Alameda well. For many years he was on the school board and has been active in community endeavors, furthering the interests of the people of Alameda County and the city.

It was Paceco, under the direction of Dean Ramsden, that developed the first cranes to load and unload containers from ships. This was the first breakthrough in merchant marine activities in many years, and is one of the great advancements in that field during this century.

I am happy to insert as part of these remarks an article from the Alameda Times-Star outlining Mr. Ramsden's election as a fellow and detailing his outstanding career:

RAMSDEN HONORED BY MECHANICAL ENGINEERS

C. D. Ramsden, president and general manager of PACECO, a division of Fruehauf Corporation, has been elected Fellow of the American Society of Mechanical Engineers. The presentation was made by Henry F. Sirgo, Jr., chief estimator, Todd Shipbuilding Corporation, during the January San Francisco section ASME meeting at the Engineers Club.

Elected by action of the national council after having been nominated by five ASME members, Ramsden was elevated because of his outstanding contributions to engineering in his creative approach to heavy machinery design. His most prominent contributions have been specialized container handling cranes, the design and construction of which he pioneered. These container handling cranes, namely Portainers, Transtainers, and Shipstainers, are known throughout the world and have helped the rapid growth in the containerization field.

Other contributions by Ramsden include economical designs for hydroelectric cranes, gates hoists, and gates; development of the world's deepest digging suction dredges; and the production of the world's first privately owned atomic reactor vessel.

Ramsden has served as consultant to various ports and shipping companies in the overall design, installation, and economics of container handling systems in the United States and abroad. In this connection he has made addresses on containerization and bulk handling systems to the American Association of Ports Authorities Convention in Canada, 1960; International Cargo Handling Association, Sweden, February, 1965; Europort, 1966 in Amsterdam, Holland; and AAPA in San Francisco, October, 1969.

Joining PACECO (then known as Pacific Coast Engineering Company) in 1946 as chief Engineer, Ramsden has been president and general manager since 1958. PACECO became a division of Fruehauf Corporation in April, 1968. Under Ramsden's leadership the firm's sales volume increased from $3,000,000 to $28,000,000.

Ramsden is a native of California and was graduated from the University of California with a B.S. degree in Engineering in 1937. He is a registered professional engineer in California, Oregon, Washington, Texas, Pennsylvania, New Jersey, Georgia and Mississippi. He has been active in business and community activities having been President of the California Metal Trade Association, is presently Director of the Steel Plate Fabricators Association, a member of ASCE, ASME, AIME. He is ex-president of the Board of Education, Alameda Unified School District, and is on the BSA regional executive committee. He has also been an active member of the Alameda Chamber of Commerce.

1970 FREEDOMS FOUNDATION AWARDS

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. FLOWERS. Mr. Speaker, each year the Freedoms Foundation of Valley Forge, Pa., makes a series of awards based on individual and group accomplishments in preserving patriotism and defending the American way of life. I join with my colleagues in saluting those recognized in 1970, which include eight distinguished indivduals and organzations of the Fifth Congressional District of Alabama. Those honored include:

The Distinguished Service Award was presented to McNeil School, Bessemer;

A community programs category award was presented to Midfield Elementary School PTA;

The city of Fairfield received the George Washington Honor Medal Award in governmental unit activities category;

The Hueytown North Highland School was presented the Principal School Award;

The Northport Elementary School received the George Washington Honor Medal in school category;

The Valley Forge Teachers Medal Award was presented to Mrs. Bessie Blackmon of Northport;

Sp4c. John G. Lankford, of Montevallo, received the George Washington Honor Medal in the Armed Forces letter category;

Mr. Robert E. Lee, of Tuscaloosa, received the Honor Certificate Award in the letters to the editor division for his letter to the editor of the Tuscaloosa News, entitled "Patriotism Beyond Words," which was published November 6, 1968.

Because of the deep feeling expressed in this letter and its particular importance to the times that we live in, I am including its text at this point in the RECORD in order to share Mr. Lee's thoughts with my colleagues and others:

PATRIOTISM BEYOND WORDS

The dictionary defines a patriot as one who loves and loyally supports his country. But patriotism goes far beyond these few words.

Patriotism is actually an intangible thing. It cannot be felt, seen nor heard in the sense of using hands, eyes and ears. It cannot be readily understood by anyone who does not possess it. It cannot be bought or stolen.

No one is born with it. It is bred into a person only by an intense love of his country. Without it, a country cannot for long remain a free nation.

Patriotism is the very flame of liberty, and must be constantly fed. Else it will die out, leaving only the bitter ashes of enslavement.

Patriotism is the constant vigilance of, and the firm resolution against, any encroachment of an alien ideology. It is the willingness to make sacrifices for one's country when and if the occasion demands it.

Sometimes it seems that patriotism is becoming extinct in America. Yet, this country cannot survive as a free nation unless patriotism is prevalent in these United States.

The United States is the greatest haven of liberty on Earth today. It is the last hope of freedom loving peoples everywhere. And everyone who is privileged to call himself an American has as a solemn duty the preservation of this same freedom; that our children might also call themselves a free people under God.

If patriotism is old fashioned, then I am sadly out of date. For I believe that to truly be an American, one must first be a patriot.

Like millions of others, I dearly love this country in which I was born. And I had rather die today, knowing I had lived in a free nation under God, than to live forever under the whip of an atheist master.

A PLAUDIT TO HOFFMANN-LA ROCHE

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. MINISH. Mr. Speaker, knowing how important it is to focus public attention upon the critical national problem of continued pollution of our environment, I am inserting into the CONGRESSIONAL RECORD a message that Hoffmann-La Roche, Inc., of Nutley, N.J., has placed in several newspapers this month. Some of the papers in which this article appeared are the Newark News, the Newark Star-Ledger, the Clifton Herald-News, the Washington Star, the Nutley Sun, the Belvidere, the Blairstown Press, and the Easton Express.

Hoffmann-La Roche is a major manufacturer of pharmaceuticals, fine chemicals, and health-care products. This is one manufacturer who deserves our commendation for having taking a position of responsible leadership to discover a solution to the awesome problem of air and water pollution.

The article follows:

PREVENTION OF POLLUTION—SAFEGUARDING OUR ENVIRONMENT

Deeply aware of our responsibilities to our neighbors and our community, we at Hoffmann-La Roche have long had a firm commitment to prevent air and water pollution. This is not only a civic duty but an inescapable obligation to our children and grandchildren.

A four million dollar program: In a major program, stressing utilization of the most up-to-date technology to prevent the formation and escape of harmful substances, Roche has invested over four million dollars, backed by competent, ever-watchful personnel specializing in pollution control.

Doing more than required: Because of the paramount importance of assuring the quality of our air and water, Roche does more—substantially more—than is required by Government regulations. For example, in its 500-acre complex in Belvidere, N.J., Roche has designed a waste treatment plant in which over 98% of DOD (biological oxygen demand—a yardstick of water pollution) is removed from waste. This is far in excess of the 85% requirement of the Delaware River Basin Commission.

Live fish on guard: To make sure beyond doubt that the water discharged by its new, two million dollar waste treatment plant

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in Belvidere is consistently harmless to aquatic life, Roche has designed a large aquarium where fish will live and breed in water receiving a continuous sample of treated waste, thus serving as an exceedingly sensitive biological monitoring system.

Round-the-clock vigilance: Day and night, seven days a week, sensitive, sophisticated electronic equipment monitors the quality of fumes, steam, water, and other effluents at Roche. Should any malfunction threaten, an alarm immediately alerts one of the operators who are in constant attendance; thus prompt action is taken before any problem arises. Automatic detection systems and recording apparatus also produce continuous permanent records which indicate that Roche operates well below State limits.

Planned prevention: In designing new processes and equipment, Roche engineers pay special attention to the prevention of the escape of fumes, dust, solid particles, acids, and other potentially harmful substances. By switching from fuel oil to gas and to expensive low sulfur fuel oil, Roche took a major step in minimizing the formation of sulfur dioxide—a serious threat to air purity. By modernizing both of its incinators, switching from oil to gas firing, and compacting waste, the emission of smoke and fly ash has also been effectively controlled.

Looking ahead: As Roche continues to grow and to produce new and better weapons in the fight against pain and disease, all its planning and designing of new buildings and processes will continue to provide for ever higher standards of air and water purity—both in the Nutley-Clifton area and in Belvidere.

V. D. MATTIA, M.D.,
President and Chief Executive Officer.

ABNER MIKVA LEADS THE FIGHT AGAINST "NO-KNOCK"

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. KOCH. Mr. Speaker, our colleague from Illinois (Mr. MIKVA) has been leading the fight against the "no-knock" provision of the administration's drug control bill. His major arguments showing how pernicious that proposal is are set forth in an editorial appearing in Chicago Today. I would urge our colleagues to read it because it so clearly presents Mr. MIKVA's sensible objections to the provision which would pose a mounting threat to our citizens' right of privacy in their homes. The editorial follows:

SHOOTOUT ON THE "NO-KNOCK" LAW

In all the testimony for and against the administration's drug control bill with it famous "no-knock" provision for police raids, the most persuasive we've seen came from Rep. Abner J. Mikva (D., Ill.), who testified Wednesday before the House subcommittee considering the bill.

Mikva is against the no-knock provisions, as we are, and for the same reason: A law allowing police to burst into a private dwelling unannounced, no matter how helpful it would be in catching suspects with the evidence, would knock a frighteningly big chip out of the citizen's presumed right to privacy. And the erosion certainly would not stop there.

As Mikva observed, if this provision is "necessary" to catch drug violators—as its proponents claim—it can be shown to be equally necessary in raiding, say, gamblers or suspected conspirators. They too might get rid of some incriminating evidence if alerted by a police knock. Where does it stop?

Mikva pointed out, however, an odd contradiction in the claim of "necessity." He said:

"When pressed to justify the no-knock procedure, its advocates inevitably fall back on a curious argument of nonnecessity. After arguing that the provision is essential, [they] turn around and indicate that the measure will not be used very often. They point to the experience in New York state, where authorities used no-knock warrants only 12 times in a single year. . .

"If no-knock is 'necessary,' then why wasn't it used more often? If it isn't really necessary, as the New York experience seems to indicate, then why should Congress authorize it anyway? Is the apprehension of 12 pieces of evidence worth this kind of inroad on our liberty?"

Aside from constitutional and policy objections, Mikva brought up this very practical one. "The reaction of the average citizen to an unexpected attempt to break into his home is to fight like hell. There are now some 90 million firearms in 60 million households thruout this country. In this situation, a no-knock provision is an invitation to a shootout with police. It will result in more dead policemen, more dead citizens, and more firearms violence in America."

We hope these sensible objections will help sober up Congress from its current stampede, in which anything goes if it can be labeled "law and order."

SOUTH AFRICA AND VIETNAM: PARALLELS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. BINGHAM. Mr. Speaker, I recommend that my colleagues in the House, and other readers of the RECORD, examine carefully the following two items from today's Washington Post and New York Times, and ponder the parallels:

[From the Washington Post, Feb. 25, 1970]

TWO LEGISLATORS WITHOUT COUNSEL ARE CONVICTED QUICKLY IN SAIGON

(By Robert G. Kaiser)

SAIGON, February 25.—Tran Ngoc Chau, the House deputy who President Thieu accused of helping the Communists, was sentenced to 20 years at hard labor this morning by a military court. Another deputy, Hoang Ho, was sentenced to death on a charge of treason.

Neither defendant attended the trial, which lasted about half an hour. Attorneys representing the accused deputies came to the courtroom expecting the session to begin at 9 a.m., only to find it had begun at 8. Journalists had the same experience. Vietnamese observers said the court had always met at 9 in the past.

After announcing its verdict, the court issued an order for the arrest of Chau and Hoang Ho.

An hour and a half later, however, Chau was giving interviews to the press in the National Assembly building, and no officials had appeared to arrest him, Hoang Ho's whereabouts are unknown. Reuters quoted his wife as saying he had left the country.

Chau said the fact that he was not hiding from the police proved he was not a Communist, He also said that his conviction was unconstitutional, and that anyone who wanted to arrest him "will have to use a weapon—a rifle, a bayonet—to get me out of here."

Under the terms of this morning's verdict, handed down by a court of five army officers, Ho and Chau will also lose all their private property. Both are married and Chau has seven children.

However, today's verdict is not likely to be the final legal word in the case. Under Vietnamese law, Chau is entitled to another trial after he is arrested, since he was absent for this one. Even if the sentence against him stands, it may be less harsh in practice than it sounds. Other politicians sentenced to hard labor in the past have ended up in relatively comfortable circumstances.

The military court accepted the prosecution's suggestions for punishment, and accepted the prosecution's case without question.

The action is certain to set off a legal set-to here. The trial was pressed ahead despite appeals to the Supreme Court protesting that Chau was deprived illegally of his congressional immunity.

Progovernment deputies claim they removed Chau's and Ho's immunity by getting three-fourths of the members of the House of Representatives to sign a petition authorizing their prosecution. The accused say this petition is an unacceptable substitute for formal floor action. Even the government's supporters admit they could not have got a three-fourths floor vote against the deputies, if only because attendance at the House is so spotty.

The Supreme Court has already begun deliberating the constitutionality of the petition. There have been some signs that the court might take this opportunity to make its first significant break with President Thieu. Many prominent lawyers have attacked the petition as illegal, and no recognized attorneys outside Thieu's immediate circle have defended it.

It was unclear this morning what would happen if the court found that the petition was illegal. Vietnamese observers doubt the government would respect such a decision after Chau and Ho had been convicted, but the situation would be unprecedented.

Throughout the Chau case the government has tended to ignore legal niceties. The episode began after Chau's brother, Tran Ngoc Hien, was arrested last year as a spy for North Vietnam. In a confession, Hien said he had met often with his brother Chau during the last five years.

Chau and Hien both claimed these meetings were argumentative, fraternal sessions, and that Chau did nothing to help his brother's espionage work, Chau contends he was trying to arrange direct negotiations with North Vietnam and the National Liberation Front through his brother.

Chau has claimed in several interviews in recent weeks that the U.S. government was fully informed of his contacts with his brother since 1965. Chau said he told many high U.S. officials of his meetings, and U.S. officials encouraged him to maintain his contacts. The U.S. Embassy here has refused to comment on this claim.

Chau was waiting for reporters in the House this morning. He has been living there all week as a kind of sit-in protest against his prosecution. He said: "I consider my actions so far in the past 25 years as a service I render to my country." He also charged that the government condemns unity, reconciliation with the Buddhists, and a just peace settlement in Vietnam." Chau has long advocated a dovish policy of "national reconciliation" to settle the war.

Last fall, President Thieu began speaking out publicly against Chau and two other deputies—including Ho—who he accused of helping the Communists. Thieu was soon campaigning openly and vehemently for the House to take action against these three. The petition, which theoretically allowed prosecution of two of them, was the culmination of the campaign.

As soon as the government had the petition in hand it moved against Chau and Ho, authorizing the defense minister to prosecute them in a military field court set up to handle cases involving national security. The court wasted no time reaching its verdict.

The case against Hoang Ho was based on his implication in a Communist spy ring, several of whose members were convicted in the same court last year. Confessed members of the ring said Ho was a principal member of it. Ho has denied any connection with the spies.

[From the New York Times, Feb. 25, 1970]

Again, South African "Justice"

In its treatment of 22 blacks charged with working for the banned African National Congress, South Africa seems determined to outdo even its own appalling record for "legal" cruelty and hypocrisy. The prosecution in Pretoria was having deep trouble making a case against the defendants under the Suppression of Communism Act, so it abruptly dropped the charges.

The judge told the accused they had been found not guilty, but even while they were rejoicing in the Supreme Court at this unexpected turn they were rearrested under the Terrorism Act, then hauled back to prison. Now they can be held indefinitely without charge—incommunicado, with no right to counsel, no *habeas corpus*, no bail—as they were before being charged last October.

The prosecution was obviously embarrassed by two things: One was the triviality of its own "evidence" against the defendants. The other was the persistence of Justice Simon Bekker, rare in South African courtrooms nowadays, in inquiring into the pretrial treatment of state witnesses, some of whom had also been detained for months under the provisions of the Terrorism Act.

Nomyamise Madikizela, twenty, held in solitary for six months, told the court how police had threatened her with ten years in prison if she refused to testify against her sister, Mrs. Nelson Mendela, wife of the leader of the African National Congress, now serving a life term. A young Indian woman refused to give evidence against Mrs. Mendela and another defendant, even though she was kept in solitary for six months and interrogated constantly for five days while forced to remain on her feet.

The prosecution's strategy seems clear: It will simply hold the defendants under the Terrorism Act until more "evidence" can be obtained or concocted by the bestial methods that have become a hallmark of South African "justice."

In addition to being charged with furthering Communism, the defendants were accused of having "encouraged feelings of hostility between the races." It would be hard to conjure up a more effective weapon than South Africa's warped concept of "justice" for advancing Communism and racial hostility in that country and beyond.

PARAPSYCHOLOGY, ENERGY, AND YOUR LIFE—PARTS V AND VI

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. BROWN of California. Mr. Speaker, over the past week, I have been inserting in the Record a fascinating series of lectures dealing with philosophy for our times by Mr. Irving Laucks of Santa Barbara, Calif.

I was enthused by the deep thought Mr. Laucks reaches in his analyses and recommendations and I am now putting into the Record the final two segments of this six-part series:

Parapsychology, Energy, and Your Life—V

(By Irving Laucks)

PSYCHIC ENERGY AT WORK

At various times in this series of talks I have spoken of the superior power of psychic energy, of its control of other forms of energy, and of its operation in a third realm or dimension quite different than space and time with which we are so familiar.

Let me clarify how I use this word dimension. I call space one dimension, time a second, and energy a third. We often hear that there are three dimensions of space, but that is only near earth or some other body of matter. Out in space all of these are *one*. It is the third dimension or realm of energy that The Cooperators believe is so important for the future of mankind.

After the serious study and experimentation of psychic phenomena began not quite a century ago it was soon realized that a previously unrecognized form of energy was acting. This was called psychic energy. That was still in the horse and buggy age. I have been told before the story of the great Gladstone wondering what Faraday was going to do do with his electric energy. Chemists had barely begun to show what chemical energies could do, and had no idea that they would later be called upon to supplement the farmer as producers of human food. And, of course, there was no realization whatever that solid matter itself was merely another form of energy.

The knowledge of all the various kinds of energy (except that of motion and of gravity) was begun by people with sufficient curiosity to follow up queer phenomena which they were unable to explain. Electrical, chemical, magnetic, nuclear all started this way, and have been developed by hard work. Psychic energy is following the same course, although its mystery is even more baffling at present, and needs much more work done on it.

Psychic energy seemed to be connected in some way with human beings. Not long before this, various unfortunate persons who possessed an unusual amount of it and hence had unusual powers had been persecuted as witches. In fact, they still are—maybe not quite as horribly. The Church connected them with the Devil. So psychic energy's early manifestations were under quite a cloud.

Then also, certain manifestations of it could easily be imitated fraudulently, by tricks, and this of course increased the suspicion under which all honest experimenters labored. Such doubts have lingered to the present day, and have greatly hindered progress in learning of this subject.

I spent fifty years of my life as a chemist—with some success. The science of chemistry was fathered by alchemy, not long prior to the start of psychic research. There was much skulduggery and crookedness mixed up in alchemy but that has not deterred the modern chemists who, in general, I believe, have a pretty fair reputation for accomplishment. So I am not discouraged in psychic research by a shady parentage.

The best known display of psychic energy is so common that we think nothing of it. The process of using our intellects to *think* is available to every human being in varying degree. Actually this ability spreads downward in the animal kingdom quite a ways. Maybe it even determines what we call life. We are finding it displayed remarkably in the dolphins. I say remarkably because man generally thinks of himself as having a monopoly of the ability to think. Some matter-minded scientists still cling to the idea that thinking is a phenomenon of the matter of the brain—but then I believe that there are still people who insist that the world is flat—even after the pictures taken from the moon. I never could figure out how these materialistic scientists accounted for the fact that Einstein's brain was not much different in *size* and *weight* than many other of the higher animals while he had infinitely more power to think.

I suppose there is no need to remind this audience that the psychic energy of man has been able to control all other kinds of energy that he has discovered so far. He is having considerable trouble with the last one found—nuclear energy, but give him a little more time. Do I hear some one object that he exercises this control simply by means of material or mechanical devices? Such objections do not go back far enough. First comes the thinking—maybe assisted by a pencil and paper—or maybe even by a computer. The final machine or apparatus desired is only the last step.

But if the doubter still doubts, there is plenty of evidence of direct control of other energies. Let him consider the following:

At the end of the last century there was a man, D. D. Home in England who was observed by a number of reputable witnesses to rise off the floor at will. Once he was observed to float out of an open third story window and float back in another. These feats were duplicated by an English clergyman, Stainton Moses, and others. An Italian peasant woman, Eusapia Paladino, was able to raise heavy objects by no physical means, and occasionally to raise herself, among other apparently impossible feats.

These are all examples connected with people of European descent, among whom it is noteworthy that psychic energy is possessed to a much smaller degree in modern times. A number of mystics and saints of the Catholic Church also have been reported to have had such powers. Some as late as the 17th century. All ancient history is replete with examples.

Reliable reports are plentiful, however, of the present ability of Indian Yogis and other Orientals to perform such "miracles". The Yogi retires to the solitude of the Himalayas to meditate, that is, to study the workings of the human mind or its psychic energy. He is reported much annoyed when involuntarily he levitates as a by-product of his meditation. The same is true of the Sufis of the Moslems. Besides levitating, these psychics have a number of other "miraculous" abilities—miraculous to the Western comprehension, nevertheless entirely natural according to the powers of psychic energy—a universal force which the materialistic West has temporarily lost touch with due to the growth of materialism in the last few centuries. For example, Yogis have amazing control of their own bodily functions, which has also been demonstrated by various other psychics, from Edgar Cayce down to practitioners of psychosomatic medicine.

There is a reciprocal effect operating in some of these phenomena of psychic energy. This has been well demonstrated in E.S.P. (extra-sensory perception). Communication depends for success on both sender and receiver being attuned. Something of the sort happens with other psychic phenomena, a psychic has difficulty in demonstrating to a hostile audience. Some psychics have attempted to demonstrate before audiences who had paid admission. Psychic energy cannot be turned on by throwing a switch or pressing a button. Some performers, when their powers failed them before doubting audiences, have resorted to trickery, which generally is easily detected. This also has tended to cast suspicion on all psychic phenomena.

One phenomenon of ESP has been turned to very practical use, after having been derided for a century after its re-discovery by Mesmer. Hypnotism, "mesmerism," a variety of ESP, has been put to much practical use today by the medical profession.

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Some of the most mysterious manifestations of psychic energy are those known collectively as poltergeist. These generally occur in connection with children passing through the puberty stage. Objects fly through the air or fall off shelves, furniture is upset, strange noises are heard, and other grotesque happenings. Of course, the easiest explanation is to blame trickery of the child of the house. But this explanation has been positively eliminated by much careful observation of psychic researchers. It remains a phenomenon of psychic energy which material science does not even attempt to explain.

The commend of light energy by psychic energy has been shown for years by so-called spirit-photographs, but in the old photography requiring dark-room development tampering could always be suspected. It remained for the new photography, e.g., by Polaroid camera, never leaving the hands of the observer, to demonstrate the reality of such 'spirits'. Dr. Jule Eisenbud of Denver has had remarkable success with Ted Serios, a psychic, who makes pictures to order with your own Polaroid held in your hands with your own film and at once developed by you. Dr. Eisenbud has described these phenomena in a book, *The World of Ted Serios*.

Again, as before mentioned, it does not always work. Conditions have to be right, and no one knows as yet what the right conditions are. Dr. Eisenbud tells me he has now discovered several other persons who have even better ability than Ted Serios.

Well, I could go on for hours just barely mentioning other equally mysterious phenomena, which have puzzled psychic observers. Because they are not readily explainable many scientists refuse to admit that they are due to the operation of an energy. There is no rule for recognizing energies previously discussed other than by their ability to do work. They have no apparent family resemblance. The energy of a moving body was not like magnetism, nor did electricity resemble sunshine. Chemical energy again was quite different. So there seemed to be no rule by which energy could be identified except that it could accomplish work. But for some mysterious reason materialistic scientists refused to apply their own definition to this new psychic energy. Physical scientists complain that these psychic phenomena are not related. However, they are perfectly willing to grant a relationship between a sea weed and an oak tree, or between an elephant and a star-fish, or a tuberculosis bacterium. Why do they balk at the diversity of psychic phenomena?

I have left until last the manifestation of psychic energy most important to man. All of these crazy phenomena—seemingly crazy because unlike anything in man's ordinary experience—all these happenings suggest a realm of existence quite different to either life or matter.

At the same time our consciousness and unconscious can not be explained by anything science knows about matter or life. Just ordinary 'common sense' might suggest that mind, intellect, soul might belong in another realm of existence.

In addition our intellect as well as many of these queer phenomena are certainly related to doing work—which is science's definition of energy and, in fact, they have qualities that common sense also attributes to energy, e.g., psychic performers become exhausted—even ordinary people become tired' after engaging in deep thought as though having expended energy. It would be quite logical therefore to think that both these strange phenomena and the even stranger organizations we call intellect might be related—might even both be phenomena of this new different realm which I have heretofore been calling energetic—a realm of energy. All energies, you will remember, are also quite consistent in being complete mysteries in their essence.

XUM

But really we don't have to speculate too much about the existence of such a realm. Ever since history began there are records of communications from intellects or souls who reside therein, having passed into it by the process we call death.

These communications are of several kinds. Most common are those we call dreams, intuitions, hunches, *any knowledge* that comes to us by non-sensory means, for example, by telepathy. Some of these are also due to the operation of the psychic energy of living persons.

Next, there have been all through history famous examples of apparitions, ghosts, etc. In late years a number of these have been studied by psychic research, and there is no doubt about their reality. When seen simultaneously by more than one person they can hardly be dismissed as phantasies. When the observer is asleep the apparition is called a dream.

All through history there have been persons who have been able to communicate with intellects existing in a different realm than they inhabited in life. These persons are called 'mediums', more often women than men. Sometimes they go into a trance, but often not. The knowledge they communicate is often unknown to any living being. When in trance their communicating voice is often recognized by friends of the departed. Much of the communications is often idle conversation such as occurs commonly among living people, but there are frequent examples of real knowledge imparted as well. A great number of such mediums have been studied by psychic researchers in the last century.

Such communications are evidence, of course, of the continued existence of the organization or "structure" of psychic energy that is formed in the life of everyone—which we call the personality. Further proof of the ability of this personality to endure after leaving the material body is found in reincarnation—which is accepted as "gospel truth" by over half of the people of the world. In late years it has been studied by psychic research and very well evidenced cases have been found.

Along with the evidence from mediums' communication, reincarnation suggests that there may be several avenues or exits for a deceased personality. It may elect to return to life for another whirl. It may also be required to return for further development. A society of Hottentots and Einsteins would hardly be compatible. But most likely there are also grades of future existence, in which further education passes a soul from lower to higher. There are doubtless many difficulties in communication, as evidenced by the rarity of genuine mediums. It is not as well developed as the long distance telephone.

I have previously mentioned that material science insists that before they can be accepted, there must be some general theory of explanation for psychic phenomena. I submit that the Third Evolution of a society of beings composed of pure energy can account for all of such mysteries. Such beings might have the power to investigate and interfere in the affairs of all the planets and habitations of material beings. They could account for interferences in the laws of probability—as occur in Rhine's ESP and Carl Jung's "synchronicity". Grant them the retention of a sense of humor and they might enjoy perpetrating poltergeist and other unexplainable happenings, such as apparitions. Such a society would doubtless have rules for admission, so that ancient ideas of hell-fire might still be approximated by sending unworthy applicants back to earth life to repent.

In my next and final talk I will try to show the practical importance to every living human of the mass of evidence already collected about this form of energy called psychic.

Parapsychology, Energy, and Your Life—VI

(By Irving Laucks)

AN EVOLUTIONARY RELIGION TO CHANGE HUMAN NATURE

In our first talk we said that "human nature" must be changed—if civilization and culture were to endure, were to survive the dangers of extermination now besetting from all sides. In subsequent talks we have discussed various causes of these dangers—such as natural scarcity of needs on this planet originating deadly competition and slavery, culminating in nuclear war and intolerable race relations, besides numerous other lesser evils, such as the defilement of Nature, due to competition for profit.

Then the attempt to relieve scarcity by work on its causes which only lately warranted the name *"science"* gave man a false idea of his relation to the Universe, and permitted the discoveries of science to be diverted so that they now threaten the most basic instinct of all animal life—the will to live.

Western religion, a much earlier search for knowledge of the Universe, taught that man had a further existence beyond this Earth life. This hope of the future had a profound effect on human nature, which effect lately has been seriously weakened by the perversion of science by technology.

Coupled with this hope of a future was the idea that the Earth and man were the chief concern of a loving Creator. Now that science has located Earth as attached to an insignificant sun or star off in one corner, man is at a loss to know what the Universe is and what his own significance in it may be. Religion's picture of the loving Creator gave man the further idea that things were made right at the start, that man had nothing to do with change or improvement, in this 'best of all possible worlds'! Many people in this last century have come to realize that there is something wrong in this idea. But the ideas of several thousand years are slow to change; there is some justification for the saying: 'you can't change human nature'.

Let us now look at some possible 'forces of change'. It will be a complex business—there is no *one* force. First let us take a further look at this most basic instinct—the will to live. In it lie both the salvation and the great danger to man. This ambivalence of instinct may be seen all through the animal kingdom if an animal is projected into a new environment.

With man the will to live enabled him to conquer most other species, and to exist despite the environment of natural scarcity by eating them—after they had done the scrabbling for the *natural* food. Nevertheless, after man had thus obtained his greatest need he had the habit of competition so firmly imbedded in his nature he kept right on fighting his fellows.

But now the environment has changed although science has discovered energy so plentiful that there is no need of competing for man's needs. Unfortunately, this plentiful energy was first turned toward competition, to threat of war, and now, if used it will destroy the whole race of man. So far man's appointed leaders have only dared to use it on a small scale, but they show little indication of a realization of the danger, so imbued are they with ancient ideas of national sovereignty and their own private ambitions. A Hitler facing defeat would not hesitate to press the button.

There are two ways of turning the will-to-live instinct to eliminate competition. One is to control the number of consumers, to conform to the area of tillable land on the Earth's surface. Control of birth rate is necessary and is making some progress. The other is to make energy so plentiful that there is sufficient cheap food for everyone with never a threat of famine. The basic constituents of food: carbon, nitrogen, oxygen and hydrogen are inexhaustible. With cheap energy the synthetic chemist can replace the farmer and at the same time provide more 'standing room' for the crowding population.

There are at least two sources of such cheap energy. One is the plentiful supply from the sun, now mostly wasted. The other is nuclear energy, turning the matter of the Earth into energy as needed, after careful control. Before this can be widely used for anything but war, the problem of the dangerous by-products must be solved. So far this has had little attention. As with many other discoveries the urge to turn them to profit takes precedence over prudent caution.

In the United States another deterrent has intervened, preventing many constructive efforts for the future. We have spent so much of our substance in preparing to destroy our neighbors that we cannot afford many *constructive* projects. It is awful to think of the trillion dollars spent since World War II in getting ready for World War III and *Finis*. And then still to maintain that man is a thinking creature.

The other day I told the President by letter that if he had the courage to stand before the world and say that war was a great mistake, and that we were henceforth renouncing it, he would go down in history as second only to Jesus Christ. It was encouraging that I received considerable approval on this idea (not from him, however).

But the concept of Energy has far more significance to Earthman than simply providing his needs and wants. Since this 20th century began it has been found to be the very essence of all creation, of all that man's senses can tell him about this vast and perhaps infinite Universe of space. All the mass of the Earth, of the Sun, of the infinite stars consists of energy. The heavenly bodies are merely concentrations of energy, that man has been calling matter for centuries. Energy is the One, else is the Many. Religion calls Energy God the Creator. Either is a mystery that neither religion nor science will unravel for a long time to come.

It is, of course, some property of Primeval Energy that causes the association which has formed the concentrations of energy we call inert matter in the First Evolution, that also form the matter of living cells and bodies, that form the flocks and herds of animals, and the tribes and societies of mankind in the Second Evolution.

Likewise it is some property of Energy that causes the changes of evolution, that are continually acting on this great Universe about us, that have produced the many forms of life on this planet, and presumably a host of others; and lastly, that develops the intellect of an individual from the cradle onward.

It is ridiculous to say that such a process will come to an abrupt halt because some small change takes place in the individual body, composed of a substance that has very little relation to the evolving intellect. There would be every expectation that it might continue in a new phase, especially since two quite distinct phases of change are quite evident already in the great process of evolution.

When therefore, as we have heretofore noted, there has been much evidence of a Third phase of existence, collected since the dawn of history; plus a deep-seated instinct in humans of the reality of such a phase, it would seem almost 'self evident' that we must accept such a further phase of existence.

We must also reckon with this very basic characteristic of all higher life—*the will to live*. This may even be related to the property of non-life, of inert matter, of the tendency to preserve its form—the counter effect to the change previously noted. Undoubtedly, such a property is due to some characteristic of primeval energy. Effects and counter-effects, positive and negative, yin and yang we see all through nature. The will to live which is so strong in life alone may be sufficient to insure a continued existence of some portion of the intellectual structure of all animals. In view of all the evidence of reincarnation it would be logical to think that below a certain level of development of the intellect it might be used over and over in the life phase before passing on to the next Third phase of pure energy. This might apply to the lower animals and to some grades of humans.

Such a view of the workings of this basic essence of Energy gives man quite a different idea of his relation to the Universe. For the individual intellect it offers a prospect of unlimited opportunity to gratify ambition, desire for "happiness", and not least his curiosity—to find out eventually what this life is all about.

I believe that once man got such ideas firmly embedded in his conscious, he would alter his conduct in this Second phase of Evolution, to make a great improvement in life on this Earth. If for no other reason, the effort spent in the search for further evidence would be of inestimable value at this stage of desperation. All this would require a great change both in the character and amount of education. I believe this would answer the question that some people still have—the fear that man would lose interest in life if he wasn't required to fight for it.

Such are the changes in human nature that a group, called The Cooperators believe must be made—by man's *own efforts*—if he is to continue on this Earth. They believe that if such changes began to be effected the difficulties and dangers of the present would correspondingly begin to be eliminated. Such a one, for example, as our political leaders continue to promulgate, that we are the chosen people, that we must have undisputed sovereignty, that others must adopt our ideas and methods, that collectively we can do no wrong, and so on and on. Such a change in outlook on the Universe would give hope to youth, would stimulate his curiosity which is a far superior urge to ambition than either power or profit. Such a change would cure much suffering and the increase of human happiness thereby caused would go a long ways toward creating a heaven on earth.

Psychic energy so far has been used but only to the extent of satisfying some of the *physical* needs of part of Earth's population. Now it must be used both to care for the other part and to provide moral and spiritual stimulus for all in the Third Evolution.

At a previous crisis in world affairs, in the 1930's, an energetic philosophy called Technocracy made considerable headway. It insisted on the importance of energy, but only in earthly processes of, and for purposes of production.

In the much more serious crisis of today The Cooperators carry the philosophy of Energy wider and deeper; applying it to the Universe and to the depth of human nature, to enable man the better to adapt to the total progress that he faces. They aim to educate the leaders of man to prepare and guide him to his real existence.

The crisis of the Thirties was ended by developing competition to a stage never before reached on Earth, and finally to the application of nuclear energy for the destruction of great areas of civilization. Now some men recognize that competition has reached its limit, but do not know what to substitute for it. The Cooperators offer cooperation, not as a substitute but as the real driving force of the Universe, hitherto only used to a small extent by man. They say it can solve the present crisis, both by the application of cheap energy to constructive purposes, and by the realization that another form of energy—psychic—has most interesting possibilities for man's future.

PISTOL-PACKING WIFE DEMANDS END TO WASHINGTON ANARCHY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. RARICK. Mr. Speaker, the unbelievable depth to which the city of Washington, our Nation's Capital, has been permitted to sink is dramatized by a letter to the editor last Monday.

This beautiful city has become the foremost urban jungle in the Nation. Crime is rampant, riotous disorders are common, immorality is openly encouraged, the welfare rolls continue to grow, the schools are impossible, businesses fail, and the only solution offered by the leftists who have accomplished this terrible disintegration is the demand for more and more public money to apply to their programs which are responsible for the original mess.

It is important for us to recognize that what we see here in Washington is the inevitable result of the bankrupt policies of a generation of socialism. The pseudointellectual planners and the theoreticians who manipulate people like pawns are trying to force the same failures on the rest of our Nation. The schools are only the beginning.

The people of the rest of the country realize this, and they want no part of it. The American people are awakening. They do not like what they see, and they are saying so loudly. We who represent them had better listen to their voices.

I include a pertinent clipping in my remarks:

[From the Washington Daily News, Feb. 23, 1970]

GIVE US THE LEGISLATION

I am a policeman's wife. My husband's job is not an easy one. He has only been on the force for five months. After 16 weeks of careful instruction in law, city codes and police procedures he was sent out to uphold the law the best way any police officer can in this city. Every night he has some sort of story to tell me. Some are funny, but more often they are not.

We have three rules in our household that I must abide by:

(1) Not to leave our apartment under any circumstance unless he is with me. This means I have to wait to empty my trash, do my washing and other household things in the hours when he is home. There has been one rape in our building.

(2) Under no circumstance answer my front door.

(3) If I do go out of the house, even to go to work, I must carry my gun!!!

I must add here that we know that I am risking arrest by carrying this weapon. My husband has instructed me carefully on the use and the psychology behind carrying a gun. If my life was endangered I wouldn't hesitate to use it and I am a crack shot.

This isn't the answer to the city's crime problem. Congress must give us the legislation we need to help our police fight crime.

MRS. JOYCE TREMPE.

CONGRESSMAN DAVID A. PRYOR LEARNS ABOUT NURSING HOME CONDITIONS FROM FIRSTHAND EXPERIENCE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. RYAN. Mr. Speaker, many of our elderly citizens have become forgotten Americans—they have been forgotten by their families, their friends, and society itself.

They cannot care for themselves, and therefore, are forced to live in nursing homes. For those who can afford the best homes, care may be adequate. But for those who cannot pay high costs, care is sometimes nonexistent.

Congressman DAVID PRYOR, our colleague from Arkansas, decided that the time had come to look into the institutions which he feels are commercializing our elderly citizens.

For more than a year, Congressman PRYOR has been investigating nursing homes. Included in his investigations were personal visits as a nurse's aide to learn what type of care our elderly are really receiving.

As a result of his research, he has called for a greatly needed investigation of these institutions and has proposed a House Select Committee on Nursing Homes and Homes for the Aged which would make recommendations to the House.

Yesterday our colleague presented his findings to us when he addressed the House for 60 minutes. His presentation was well documented, and he is entitled to great credit for the initiative he has taken.

I am inserting in the RECORD, a copy of an article which appeared in the February 24 edition of the New York Times entitled "Lawmaker Asks Study of Nursing Homes After Working in Some."

I urge my colleagues to read this article. I know that they will join me in praising Congressman PRYOR's work and dedication in this field, and his attempts to make old age a time of dignity rather than a time of despair.

The article referred to follows:

LAWMAKER ASKS STUDY OF NURSING HOMES AFTER WORKING IN SOME

WASHINGTON, February 23.—Representative David A. Pryor is only 35 years old, but has spent much time in nursing homes for the aged—as a nurse's aide helping patients and learning about their lives. What he learned sickened him and now he wants Congress to find out more about such places. After months of shaving shaky old men and writing letters for distressed old women, he is asking Congress to undertake a nationwide inquiry into the nursing home industry, which now has more than 20,000 units. He expects his move to provoke a strong counterattack from the industry but says he is ready for a fight.

The Arkansas Democrat has been collecting information for more than a year on what he calls "the commercialization of our aged."

When he decided his research would not be complete without a personal look from the inside, he first sought a regular job as an orderly. But, he says, the forms and questions would have involved him in more deceit than he was willing to practice.

BANG DOORBELLS

So, armed with a shaving kit, writing materials and a list of institutions rated by Health, Education, and Welfare Department officials as good, acceptable and poor, he began ringing the doorbells of nurshing homes in Washington and nearby Maryland and Virginia.

"I simply said my name is David Pryor and I like to spend my spare time helping out with old folks," he said in an interview.

Nobody turned him away. Nobody recognized him as a member of Congress. Few of those upon whom he waited even knew his name. He checked out 12 nursing homes. Among his conclusions:

"I found two where I would be willing to put my mother if she needed this kind of care. But I don't think I could afford either one on my $42,500 Congressional salary."

The cost at the best homes, he said—including the so-called extras few residents can do without—ranged up to $800 a month. At the other end of the scale was a home charging $150 that Mr. Pryor described tersely as deplorable.

"It had one attendant for 80 people," he said.

TASK OF SHAVING

"Have you ever tried to shave anybody?" Mr. Pryor asked. "I kept being afraid I was hurting them. But then I asked at one place who shaved the old men regularly. They said the maintenance crew did. So I suppose I did about as well as somebody whose regular job is pushing a lawn mower.

But there were times, he went on, when he had trouble controlling his emotions. He wrote, from dictation, a long wistful letter from a mother to her son in California.

"She told him she wasn't asking to live with him. But could she be out of that place, somewhere closer to him?"

And there was the time when an attendant said, in full hearing of a patient, "We think she's had a little heart attack. But we hate to disturb the doctor on Sunday."

There was the old man who asked if he could sing for Mr. Pryor.

"They used to call me the boy with a thousand songs," he told the Congressional visitor. "That was a long time ago."

SPECIAL PANEL SOUGHT

Mr. Pryor has reserved an hour's time in the House tomorrow when he and others will speak in support of his resolution to create a special committee to "look into the entire spectrum of the contemporary nursing home situation."

Mr. Pryor said there were more than 20,000 nursing homes in the country and that 92 per cent of these were profit-making institutions.

"I have nothing against profit-making," he said, "but I am against exploitation. Profits are booming, prices are rising and service is not improving.

"Through the various programs some $2-billion of tax funds is going into nursing homes every year. Chains of nursing homes are being established. The organizers are people like contractors, automobile dealers, farmers, bankers, real estate men as well as doctors. Certainly some of them are in it for a quick profit. Stock in these establishments is doing very well on the securities market."

Mr. Pryor said the responsibility for nursing homes was divided among half a dozen Government agencies and as many Congressional committees, to say nothing of the health and welfare departments of the 50 states.

"Everybody seems to look only at his little piece of the picture," Mr. Pryor said. "That's why I think there is a pressing need for one committee to go into the whole matter."

JESSE M. MARKEL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. WOLFF. Mr. Speaker, how much can one man contribute toward the improvement of other people's lives?

A great deal, if one is to answer this question after knowing Jesse Markel from Great Neck, of New York's Third Congressional District. A longtime friend of mine, he has given an incredible amount of time, energy and understanding in projects which range from government activities to raising money for medical research.

For the past 50 years, Jesse Markel, a man of modesty and talent has helped his community, his State, and the Nation.

Among the worthwhile activities in which he has been active is the Steppingstone Lodge, No. 1141 of the F. & A. Masons. This month, in fact, Jesse Markel was honored for 50 years of service as a Mason.

Since he is a most remarkable man, I would like to join with my neighbors in congratulaing him for his outstanding achievements. Moreover, I would like to extend my remarks to include an article on Jesse Markel which appeared in the Masonic Journal, and also include a list of the activities in which he has given so much. For I feel it represents just how much one man can contribute toward the improvement of other people's lives.

The article referred to follows:

AN UPRIGHT MAN AND MASON: BROTHER JESSE M. MARKEL

(Mr. Great Neck; Mr. Republican)

Member, New York Republican County Committee.

Republican District Captain, 15th A.D. N.Y. County.

Grand Marshall, Annual Republican Ball, 15th A.D. N.Y. Co. (on 5 occasions).

Relief Commissioner (for Veterans) 15th A.D. N.Y. representing the Adjutant General, State of New York (non-salaried position).

Former Director, Neighborhood Association, Village of Great Neck Estates.

One of the organizers, Federation of Civic Associations of Great Neck and a Director.

Organized Great Neck Chamber of Commerce. Was its first President and held the office for 7 years. Director and Chairman of the Traffic and Transportation Committee.

Associate Director, Great Neck Civil Defense and one of the organizers of the Great Neck Ground Observer Corps. Was its first Chief Observer; then promoted to Supervisor. Awarded a 1000-Hour Certificate by the U.S. Air Force for duty on the Observation Post.

Veteran of World War I.

Over 20 years of service, New York National Guard.

Was recalled from the Officers Reserve List to assist in reorganizing the 14th Infantry, New York Guard, to replace troops entering the field in World War II.

Life Member, 69th Regiment Veterans Corps.

Member, Former Officers Association, 14th Regiment, New York National Guard.

Member, 14th New York Infantry, World War Veterans Association.

Member and one of the original organizers of the New York Society Military & Naval Officers World Wars, and past Historian.

Member, American Legion (Fowler Post); member of Executive Committee.

Member, Fifth Division, Officers Association, New York Guard.

Member, Association of U.S. Army (Long Island Chapter).

Member, American Ordnance Association.

Honorary Member, Officers Club, United States Merchant Marine Academy.

Member, Masons, B'nai B'rith, Temple Beth-El Men's Club, Charter Member and Past Director of Great Neck Square Club.

Charter Member, Steppingstone Masonic Lodge.

Organized and Director, United Community Fund of Great Neck.

Organizer and Trustee, Great Neck Senior Citizens Center, Inc.

Member, Long Island Association.

Member of the original committee of three to survey the Manhasset Valley and have established a State Housing Authority.

Member, Recreation Advisory Committee to the Board of Education of Great Neck.

Member, Teachers Salary Commission of the Great Neck Educational Association.

Member of committee to establish a memorial to the memory of Jack Hazzard (through a community ambulance) for the Vigilant Fire Co.

Worker continually for over 12 years for the elimination of the old Cutter Mill Bridge erected in 1911, and replaced by the new bridge.

Was one of the original group to assist in the organization of the Great Neck Memorial Hospital (now the North Shore Hospital).

Worked to organize a United Community Fund and is a past director.

Republican Committeeman in the 15th E.D. and assisted his wife, a former Committeeman. Has worked in the District for over 35 years.

Past Park Commissioner of the Village of Great Neck Estates having served for over 20 years.

Was one of the organizers of the Rotary Club of Great Neck and served as its Charter President. Presently he is a Director.

Past President and at present a Director of the New York Tobacco Table.

Director, National Conference of Christians and Jews, Great Neck Chapter.

Past President, Merchants and Salesmen's Club.

Past President and at present a Director, Great Neck Republican Club.

Co-Chairman, Sister Kenny Drive.

Co-Chairman, American Cancer Drive.

Fund Raiser for Boy Scouts of America. Organizer of Cub Scouts in Great Neck.

Master of Ceremonies on numerous occasions, Great Neck Memorial Day Services.

Member, Nassau County Sponsoring Committee for N.Y. State Crippled Children.

Active participant in original group sponsoring Great Neck Community concerts.

Frequently requested the Federal Government to maintain U.S. Merchant Marine Academy at Kings Point as a permanent Federal institution.

COMMERCIAL AFFILIATIONS

Was one of the organizers of the Lion Match Co. of New York and served as Vice President, Treasurer and Director for 12 years.

Associated with Universal Match Corporation of St. Louis, Mo. New York representative 35 years this October. At present its Eastern Sales Promotion Manager.

FROM THE EAST

The presentation of the Fifty Year Pin and Certificate to Brother Jesse M. Markel emphasizes outstanding Masonic service. To extol the merits of Brother Markel must be left to the speakers of the evening. I will state that Brother Markel is a living example of the vows that we all took when we entered the craft.

It is for me to stress the general importance of our fraternity in as much that this is the eve of Washington's Birthday, an event which is a custom to honor in our lodge.

Just as George Washington is called the Father of our Country, one can say that he personifies American Freemasonry, its institutions and ideals. Washington was an exemplary mason who attended meetings regularly during war time in military lodges. He was Master of his lodge (Alexandria Lodge No. 22), but resisted becoming Grand Master of the United States because he wanted to avoid creating institutions with possible dictatorial potential. Many of the memorable things Washington has said about Masonry have not lost their beauty and meaning, as when he pointed out that ours is "a society whose liberal principles must be founded in the immutable laws of truth and justice."

However, some of the things he said appear to us dated. Necessarily so: while Washington was, for his time, a progressive thinker and so were his masonic teachings and practices, his world was different from ours. When he talked about tyranny he meant the King of England, but we talk instead about dictatorships and economic oppression. His "nation" was a small part of America's East Coast with the rest of the United States wide and not yet discovered. Our world has expanded further than Washington could ever have dreamed, and so has our means of communications. His contemporaries saw slavery in its early development whereas we have to consider the civil rights movement. Today our operative masons in the building trades have a minor role in the voice of how a building is to be constructed.

Therefore, we cannot extol Masonry only in terms of Washington's era. We must explain them in meanings that can be applied to our every day situations. We must honor tradition and history but in order to attract young men in this decade, Masonry must have a meaning. We Masons, with the direction from Grand Lodge, must give them the true meaning of Masonry.

ACLU DEMANDS ABORTIONS AT TAXPAYERS' EXPENSE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. RARICK. Mr. Speaker, after the unhappy experiences of two of its loudmouthed and disorderly attorneys at the hands of judges in Chicago and Washington who insisted that they abide by the same rules as ordinary lawyers, it is not surprising to see the notorious ACLU shifting its attack from the courts to the unborn. Such victims are much less likely to fight back.

The demand for socialized abortion—murder of the unborn at taxpayers' expense—is not surprising. It is typical of the causes which this dismal outfit has championed throughout its history.

The avenue of attack is not even new. The ACLU demands that a court legislate—that a judge make the law which no American legislature, much less the Congress, would touch.

The ACLU demands abortions at taxpayers' expense, if, as, and when desired by the pregnant woman.

It is easy to be sorry for the unmarried but pregnant "resident of the District" who is the vehicle for this attack. It is also easy to be sorry for her unborn offspring, which may be one of the fourth generation on welfare which we are breeding. It is even easy to be sorry for the moral and working Americans who will be asked to support and raise this unwanted child.

But murder is not the answer.

If elimination of the unwanted and the unfit by abortion is to become the public policy of the leftists, how long before their elimination by murder—euthenasia—will follow?

I include pertinent clippings in my remarks:

[From the Washington Post, Feb. 25, 1970]

ABORTION POLICY CHALLENGED

(By Myra MacPherson)

Challenging D.C. General Hospital's "unwarranted prohibition against abortions for the poor," The American Civil Liberties Union Fund announced it will file suit today in U.S. District Court against the municipal hospital.

One of the plaintiffs in the class-action suit is an indigent, 21-year-old, pregnant and unmarried resident of the District. According to ACLU fund representatives, she was refused an abortion at D.C. General last week.

D.C. General Hospital which provides the bulk of medical care for the city's poor, has long had a restrictive policy on abortions—unlike several private Washington hospitals that have for the past few years allowed many abortions to be performed under a broad "mental health" rule, after psychiatric referral.

D.C. General's abortion policy is currently unclear, following U.S. District Judge Gerhard A. Gesell's November ruling that a clause in the District's abortion law barring operations other than those necessary to save a "mother's life or health" was unconstitutionally vague.

Allison W. Brown Jr., president of ACLU Fund, said yesterday at a press conference: "Now that the law has been declared unconstitutional, instead of facing up to its community responsibilities, D.C. General has retrogressed even further by refusing to permit abortions even on psychological grounds.

"By so doing, D.C. General is perpetuating an old injustice: The rich can secure abortions; the poor, dependent upon the facilities of D.C. General, and subject to the prejudices of its administrators, cannot."

A spokesman for D.C. General Hospital said he could not comment on the suit because the hospital had not been informed of it and did not know the details.

In January, there were 22 abortion referrals, most of them psychiatric, to D.C. General. The hospital accepted seven. Three private hospitals—George Washington, Columbia Hospital for Women and Washington Hospital Center—average 100 abortions a month.

Hospital administrators say they are waiting for clear-cut guidelines from the Public Health Department before following a more permissive policy. Such guidelines are now being drafted. They will permit abortions for psychiatric reasons but not simply "by request."

Defendants named in the suit include D.C. General Hospital, Dr. Raymond Standard, acting director of the Department of Public Health; Dr. John Nasou, director of D.C. General Hospital; Dr. Ernst Lowe, director of obstetrics and gynecology at D.C. General Hospital; and Mayor Walter Washington.

Plaintiffs include the Women's Liberation Front, the National Association for Repeal of Abortion Laws; Dr. James Lieberman, an area psychiatrist, and Dr. Michael Jackson, a District of Columbia physician.

Ralph J. Temple, legal director of ACLU fund, said he hopes the court will set an immediate date for a hearing, at which time ACLU fund lawyers would ask for an injunction ordering D.C. General to perform the

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plaintiff's abortion. She is now seven to nine weeks pregnant and abortion is considered a safe hospital operation in the first 12 weeks.

The long-range goal of the suit is some kind of declaration of law from the court stating D.C. General has to make abortions available to the poor.

Dr. Lieberman said, "As a psychiatrist, I've had reason to refer women to D.C. General whose mental health would be clearly impaired by unwanted pregnancies." These abortions requests have been refused, he said.

Bettie Randall, chairman of the District's chapter of the Medical Committee on Human Rights—a group composed of doctors, nurses and psychiatric social workers—said "good health care should be the birthright of all persons—not a luxury." "There is a great lack of leadership in the Health Department" in developing a city abortion policy, she said. "I don't see the acting health director providing leadership at this point."

In addition to lack of clear legal guidelines, D.C. General officials previously have cited a shortage of money and facilities as reasons for their restrictive policy. They also cite religious opposition by some doctors, and resistance by others—in training—who feel such operations add little to their medical knowledge.

Temple argued, "It's clear to us these are subterfuges and we hope to persuade the court of this. This (a more permissive abortion policy) is an enormous public need. You cannot have a staff full of self-directed dilettantes saying they didn't come here to perform abortions."

DECEPTIVE TV ADVERTISING—II

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. ROSENTHAL. Mr. Speaker, in yesterday's RECORD I included the first part of a petition by Prof. John F. Banzhaf III and some of his George Washington University Law School students before the Federal Communications Commission on deceptive television advertising.

I include below the appendixes of that petition which lists specific examples of such advertising:

Appendix B.—Toys

SWINGEY DOLL

Setting: A number of children of various heights all wearing party clothes are in a decorated party room. Rock music is playing, and all of the children are dancing. One little girl is dancing with the toy doll (holding the doll's hand as the doll is standing on a table). The doll is dancing, making various rock-type movements. The camera shoots quickly around the room back-and-forth to the doll and to various children dancing.

Lyrics: Come on see the swingingest dolly; she can sing while she's walking.

LITTLE GIRL. Come on Swingey; do your thing.

Lyrics: Come on Swingey; do your beat; shake your arms and shuffle your feet. Swing your head: Swingey do. Dance with Swingey and she dances with you.

NARRATOR. Swingey is the only doll that dances with you. Comes with her own record too. From Mattell.

Comment

The deception here is created by showing the doll in the context of human dancers. With the camera shots going rapidly back from the doll to the people and then back to the doll again, the viewer gets the false illusion that the doll has many human-like dance motions. The doll in reality has few motions which, when seen alone, are not nearly as attractive as when they are seen in the context and motion of the party shown in the commercial.

DANCERINA DOLL

Setting: Several small children about five years old are sitting in a living room watching the ballerina doll perform. The doll, held by a small girl, makes various ballet-like motions. Throughout the commercial the camera shoots to different angles of the doll. Tchaikovsky's "Nutcracker Suite" is being played in the background.

FIRST LITTLE GIRL. It's a beautiful doll; it's like a real ballerina.

SECOND LITTLE GIRL. I want a Dancerina.

SUPERIMPOSED VOICE. There never was a doll like Dancerina. Only you know the secret of the magic crown.

CHILDREN. Polite applause in response to the performance.

NARRATOR. Dancerina, the ballerina doll, from Mattell.

Comment

The deception here is created by the camera rapidly showing many different angles of the doll as it is dancing. This process gives the false illusion that the doll has many more realistic dancing motions than it actually has.

JOHNNY LIGHTNING

Setting: Several small boys surround a race track. Dynamic music is playing in the background. The camera follows the cars and utilizes techniques that make the cars appear to slow down and speed up.

NARRATOR. Wow! Its long! Johnny Lightning, a ricochet raceway in five separate sets!—with bank turns—with giant loop-d-loop—(slow motion and stop action technique employed here)—with the incredible double jump through space—with straight ahead super speed tracks—with triple loop-d-loop! Two arches in every set which fit together—accessory packs too. It's for the wildest ride! New Johnny Lightning Ricochet Set!

JOHNNY LIGHTNING

Setting: Several small boys surround a race track. Dynamic music is being played in the background. The camera follows the cars and utilizes techniques that make the cars appear to slow down and speed up.

NARRATOR. Here come the 1970 Johnny Lightning Challengers! New triple threat three engine dragster—the speed hungry spoiler . . . the bug bomb . . . the powerful smuggler . . . the sand stormer . . . the explosive TNT . . . and many more new models! They are beautiful, and they are fast. Race any other cars against the new Johnny Lightning Challengers, and see for yourself—exciting new cars! Alone or in sets. From Johnny Lightning.

Comment

The deception in both these ads is caused by the impression, the speed of the sound track and the camera technique used. The cars seem to speed up while going around the arches and down the straightaways. The double jump (the car jumping over a break in the track) is shown in slow motion and stop action. Furthermore, the camera is focused upon the car itself. These techniques give the impression of greater size, speed, and ability of the toy. The total impression derived by the viewer is inconsistent with the actual performance of the toy.

Appendix C.—Analgesics

ANACIN

NARRATOR. When you have a headache, remember: Two Anacin tablets have more of the one pain reliever doctors recommend most than four of the other leading extra strength tablets. The others contain additional pain relievers and two is the recommended dosage, but two Anacin contain more of the specific pain reliever than four of the others. Today's Anacin.

Comment

Although not specifically stated, the "specific pain reliever" referred to in the ad is aspirin. Aspirin is the pharmaceutical agent the average consumer associates with the curing of headaches and tension and thus aspirin is what is naturally implied by the ad. All such tablets contain the same amount of "aspirin" and, thus the ad's comparison of two Anacin to four of the others is a misrepresentation of fact which the average consumer implies from the ad.

NARRATOR. Anacin relieves headache pain and so relaxes its tension. Anacin.

NARRATOR. Headache pain, stress, nerves, pain, its tension builds. There can be more to a headache than pain. Two Anacin tablets have more of the one pain reliever doctors recommend most than four of the other leading extra-strength tablets. The others contain additional pain relievers and two is the recommended dose—but two Anacin contain more of this specific pain reliever than four of the others. Anacin.

Comment

The deception in these two ads is the result of a material misrepresentation of fact. These ads give the impression that Anacin will relieve tension. Doctor's studies reveal that it will not.

Appendix D.—Household Goods

VEG-O-MATIC

Setting: The Veg-O-Matic utensil is sitting on a counter top. Throughout the course of the commercial, all of the different functions of the machine are demonstrated with complete ease.

FIRST VOICE. Here is what we meant about Veg-O-Matic: It slices a whole potato in one stroke; turns whole onions into zesty thin slices for hamburgers; now turn the dial and slices are automatically diced; the dial goes slice to dice and sliced onions become diced by the panful; dice carrots the same way; prepare celery for use this easily. Over five million Veg-O-Matics now in use; they must be good. And it's yours for just $7.77—Veg-O-Matic. Veg-O-Matics can slice a whole firm tomato like this in a stroke or make everybody's favorite, golden french fries—hundreds—in one minute. Veg-O-Matic; just $7.77. The perfect Christmas gift. Another great product from P.B.I.

SECOND VOICE. Order Veg-O-Matic while they last at Woodward and Lothrop. Free delivery, charge it.

Comment

This ad creates the false impression that this product cuts and slices with ease. However, it can be used only with a great deal of difficulty. The Veg-O-Matic does not cut smoothly at all—food usually gets caught in the blades. In addition, the blades rarely make a complete cut, sometimes break, and are very difficult to clean.

LIQUID DRANO

Setting: Housewife is standing before a clogged drain. Her sink is full of water and scum. The plumber enters.

PLUMBER. Look at that clogged drain.

HOUSEWIFE. Willy, angel, I've tried. Yesterday one whole bottle of liquid drain cleaner. Today another.

PLUMBER. Tell you a secret. This one won't cut grease, but Liquid Drano sure does.

HOUSEWIFE. Just one capful?

PLUMBER. It's concentrated, works right through standing water. (Plumber pours into sink and scene immediately shifts to a perfectly clean and unclogged sink.)

HOUSEWIFE. Wow! It's unclogged! I'm spreading the word. If people used Liquid Drano in all their drains, they would never need plumbers.

Comment

The deception lies in the pouring of Liquid Drano into a sink full of water and the immediate switch of the picture to a clear sink—implying that Liquid Drano is powerful that: (1) it can work to clear a drain through any obstacle (2) it will work first time, (3) it will work immediately.

MIRACLE BRUSH

NARRATOR. Miracle brush with its new patented nylon head removes every particle of dirt and lint instantly. Always brush in direction of arrow. Rotating the head enables you to brush both ways. Removes knots from sweaters in only seconds. Miracle Brush removes all types of pet hair easily. Removes all foreign material. Starts working when other brushes give up. To clean—simply brush backwards. Never needs a refill and sells for only $2.99.

Comment

The implication derived from the totality of the advertisement's claims is inconsistent with the products true performance.

APPENDIX E.—ENZYME DETERGENTS

AJAX

Setting: A mother and her son are by her washing machine. The son's shirt is filthy. An Ajax salesman arrives and goes through a dialogue with the mother. During the dialogue, the detergent is put in the washing machine, along with the boy's dirty shirt; after a short passage of time, the shirt is taken out, very clean.

MOTHER. For once, one of you guys is going to prove your product works. Look (pointing to boy's shirt): mud, grass stains, egg yoke, beef gravy.

SALESMAN. Here, new Ajax.

MOTHER. Ajax? Oh, it's stronger than dirt.

SALESMAN. Now, with Enjax, it gets out harder to clean stains, too.

MOTHER. A good thing for both of us.

Comment

The deception in this ad is the omission of various facts. First, enzyme detergents require that the clothes be pre-soaked, often overnight, before washing. Second, the enzymes only act on certain types of stains (protein base stains). Third, once the enzyme action starts, it often doesn't stop, leaving acid-like burns in the clothes.

DRIVE

Setting: Delivery man enters kitchen of housewife just as she spills food all over the tablecloth.

HOUSEWIFE. Good morning! (spilling of food). Oh, look at those stains! These stains are so bad. It'll have to go to the professional laundry (enters the animated blue dot, representing enzymes in Drive).

DOT. Wrong! Take it to this professional, Drive. Drive has me. I'm the professional stain remover professionals use. Drive is loaded with professional stain eaters (picture of enzymes eating stains). Drive eats strawberry jam from flowered percale; egg stains, even off orlons. Drive eats orange juice, even from acrylics; not to mention yellowing from pillowcases or blood stains. Drive eats stains, but not fabrics or colors.

HOUSEWIFE. Why it looks like new (removes tablecloth from washing machine). You said it, Drive is the professional.

DOT. Thank you, my lady. Because Drive has me, a professional stain remover laundrys use. From now on there's only one kind of cleaning for you and that's Drive professional clean. Buy Drive professional detergent, the professional.

Comment

For explanation of deception, see comment on Ajax.

FAB

Setting: The scene takes place in or near a home: The scene shifts as each person speaks. The women are housewives; the men are laborers.

FIRST WOMAN. I'm glad because now my wash is as clean and as fresh as all outdoors.

FIRST MAN. I'm glad because now Mary doesn't care how dirty I get.

SECOND WOMAN. I'm glad because now these stains wash out.

SECOND MAN. Glad! My wash cleans brightest.

NARRATOR. It's new Fab—the only detergent with lemon-freshened Borax and active enzymes to remove stains.

SINGING VOICE. They're always doing something good to Fab, it's true. Oh Fab we're glad they put active enzyme, lemon-freshened, Borax in you.

Comment

For explanation of deception, see comment on Ajax.

AXION

NARRATOR. If you should get a bloodstain on top of the usual dirt on a collar, should you throw the shirt away? No! You soak it in Colgate's new Axion. The enzyme active presoak that soaks out dirt and stains that detergents can't wash out and bleaches can't bleach out. Now this shirt had a bloodstain pre-soaked in Axion before detergent washing. No more stain. That's why you should try Colgate's new Axion.

Comment

For explanation of deception, see comment on Ajax.

OXYDOL

NARRATOR. How would you get these stains out. You'd need new Oxydol Plus—now a bleach detergent with an enzyme pre-soaker in it. For a better clean—better because what the enzyme pre-soaker can't get out the bleach can, and what the bleach can't get out, the enzyme pre-soaker can. Now Oxydol Plus: For a better clean.

Comment

For explanation of deception, see comment on Ajax.

GAIN

NARRATOR. John, would you come over here please?

FISH MERCHANT. Yes.

NARRATOR. We're here at the San Pedro Wharf where the fish bloodstains put on John's apron are a day old. Look! Set in, locked in bloodstains.

BYSTANDER. And they're dried in too.

NARRATOR. Virtually impossible for the conventional detergents, but not for the unbelievable detergent. New Gain with micro-enzyme action from Procter and Gamble. Gain does a better job on stains. Actually unlocks them.

BYSTANDER. By itself? How's it work?

NARRATOR. You see, stains are locked into fabric fibers. But Gain's enzymes act like little keys to unlock those stains biologically. Gain gets clothes unbelievably clean.

BYSTANDER. It does!

NARRATOR. Look, set in, dried in bloodstains virtually gone, gone, gone.

BYSTANDER. Unbelievable.

NARRATOR. Yes everything is unbelievably clean wtih the unbelievable detergent—Gain. Gain treats stains like dirt.

Comment

For explanation of deception, see comment on Ajax.

LA FRANCE

NARRATOR. Have you noticed what's been going on between pre-soaks and bleach. It's called competition. Enters new enzyme La France—the one that works without presoaking. It whitens and brightens better than bleach, and it removes stains faster than pre-soaks—all in the wash cycle. New enzyme La France for whitening, it's better than bleach and for removing stains, it's faster than presoaks. New enzyme La France:

Comment

For explanation of deception, see comment on Ajax.

APPENDIX F.—MISCELLANEOUS

GOODYEAR TIRES

Setting: A parking lot scene. It's snowing and the wind is blowing. A car is shown in the snow, the wheels are spinning and two men are trying to push the car. Another person walks past the car to his car in the parking lot. He gets in and drives off through the snow without the slightest problem.

NARRATOR. If you can get to your car, we can get you home, on Goodyear Suburbanite Polyglas Tire—wider than our conventional winter tire. Hundreds of deep cleats pull you. Polyglas tires wear *longer*. If you can get to your car: Goodyear can get you home.

Comment

In addition to a dangling comparative (Polyglas tires wear longer), this ad is deceptive in the impression derived from the totality of the setting: A car in the snow will slip, slide.

LISTERINE

Setting: Children are shown coming in the front door wet and cold. Mother greets them, and sends them upstairs.

MOTHER. O.K. upstairs and gargle with Listerine—you're soaking wet.

CHILD. Does Listerine keep me dry?

MOTHER. No silly. It's colds I'm worried about. We can't really stop 'em, but this year we're going to fight back with lots of sleep, good food, and gargle twice a day with Listerine. I bet that'll help keep you in school.

CHILD. Do grown-ups do this too?

MOTHER. Of course we do.

NARRATOR. This cold season, fight back, with Listerine Antiseptic.

Comment

This is deceptive because the implication derived from the totality of the ad is that Listerine will aid in preventing colds. This it cannot do.

ULTRA-BRITE TOOTHPASTE

Song: "Ultra-Brite Toothpaste, the one with sex appeal."

NARRATOR. An Ultra-Brite smile is a healthy smile because regular brushing with Ultra-Brite means the freshest breath, the brightest teeth. Helps prevent cavities, too!!

Song: Ultra-Brite gives your mouth sex appeal.

NARRATOR. For a healthy smile, get Ultra-Brite, the sex appeal toothpaste.

Comment

Ultra-Brite is harmful because it contains abrasives which remove enamel from teeth. Therefore, the ad deletes a material health factor, thus concealing a harmful side effect of the product.

GERITOL

WOMAN. Would you believe, I found out I have iron poor blood?

ANIMATED BLOOD. I know I'm your iron poor blood—I'm pale and out of shape.

WOMAN. What can I do?

BLOOD. Take Geritol. Geritol changes iron-poor blood into iron rich blood.

NARRATOR. Geritol iron enters your blood stream fast—carrying its blood building iron throughout your body. Just two Geritol tablets contain twice the iron in a pound of calf's liver—plus seven vitamins for nutrition.

BLOOD. Look at me now! Geritol changed me from iron-poor blood to iron-rich blood.

NARRATOR. If iron-poor blood is your problem, take Geritol. It carries blood building iron throughout your body.

WOMAN. Why don't you try Geritol too?

Comment

This ad implies that Geritol is a panacea for iron-poor blood. This is not true. There are several causes of iron-poor blood that are not remedied by this product.

CHUX DIAPERS

Setting: A Chux diaper and a "similar disposable" diaper are placed next to each other. The narrator pours some water on each. The diapers are then picked up to show that the water soaked through the "similar disposable diaper."

NARRATOR. We have a most absorbing story for you about new softer disposable diapers. Take a similar disposable and new Chux. Pour the same amount of water on each. What happens? The other disposable absorbs some water. Chux absorbs it all because Chux concentrates thickness in the center where it's needed most. And of course Chux has a deep dry lining and water proof backing. New Chux—a most absorbing story.

Comment

The deception is that the implication derived from the comparison is fallacious. The comparison implies that similar disposable diapers do not have the keep-dry lining or water proof backing when in fact some of them do. It is this backing that prevents the diaper from allowing the water to pass through it.

A RESOLUTION ADOPTED BY THE AMERICAN LEGION POST NO. 73, LAKE CITY, S.C.

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. McMILLAN. Mr. Speaker and Members of the House. I insert in the CONGRESSIONAL RECORD a copy of a resolution adopted by the American Legion Post No. 73, Lake City, S.C.

I would like to state that the American Legion in my congressional district is very active and they give a great deal of time in studying the war in Vietnam, our Armed Forces, and our veterans in general.

The resolution follows:

RESOLUTION

Whereas, The Vietnam War has confronted the American Fighting Forces with a guerrilla type warfare which does not have clearly defined fronts or territories, and civilians and soldiers make up the enemy forces, and said enemy follow no traditional rules of war; and

Whereas, Our fighting men in Vietnam and elsewhere have been subjected to criticism, inquiries, trials, allegations and accusations because of their conduct in battle and under the stress of combat conditions and, in several cases, long after the alleged deeds have occurred and in many instances the accused are former members of the armed forces who are no longer subject to military laws; and

Whereas, Such attitudes toward our fighting men tends to create disunity and bring confusion for those who are serving in the armed forces and a lowering of the morale not only of our fighting men but the citizens of the United States including and especially Veterans Organizations such as the American Legion who know the horrors and mistakes that occur in wars; and

Whereas, When battle conditions exist, fighting men realize there is only the quick and dead and so many times they are called upon to act quickly under emergency conditions. Mistakes are always made in the horrors of war but we believe that our fighting men and armed forces who risk their lives should receive the backing of our leaders and nation. The courage of our brave fighting men is still the main guarantee and assurance of our continued freedom and liberty.

Now be it resolved, By the Wilbur Jones Post No. 73 of The American Legion, Department of South Carolina, Lake City, South Carolina at its regular meeting assembled on December 16, 1969, that our leaders cease the prosecution, trial and belittling of our fighting men who are our first line of defense and as an organization, we call upon our leaders to realize that our military morale and unity are being threatened and our military effectiveness is being weakened by certain acts against military men who were carrying out orders or facing the enemy in battle engagements or under the stress of war conditions.

And it be further resolved, That every benefit of doubt in all situations should be resolved in favor of our American Fighting Men and those charged with alleged violations should under all circumstances be assigned both military and civilian counsel to guarantee full protection of all their rights.

Further resolved, that our leaders weigh carefully any actions that threaten to demoralize and confuse the actions of our armed forces against a ruthless, cunning enemy of our way of life.

By ROBERT M. JOHNSTON,
Commander.
RENNIE W. BAIRD,
Adjutant.

SENATE—*Thursday, February 26, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Sovereign Lord, before whose divine majesty we know that we are weak and needy. Thou art holy and we are unholy. Thou art perfect and we are imperfect. Thou art strong and we are weak. Yet there are no other hands but human hands, no other minds but men's minds to do Thy work in the world. As Thy servant of old wrote, "If any man lacks wisdom, he should pray to God, who will give it to him; for God gives generously and graciously to all," so we pray that Thou wilt flood our minds with Thy light and truth, that our work may be Thy work, and that we may know and do Thy will.

In the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 25, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, after the distinguished Senator from New York (Mr. JAVITS) has finished his remarks this morning, I ask unanimous consent that the transaction of routine morning business be conducted with statements by any Senator being limited to 3 minutes; and I further ask unanimous consent that it be in order to include in the morning business additional statements presented at the desk by each Senator personally and respectively.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE SITUATION IN LAOS

Mr. MANSFIELD. Mr. President, on yesterday, the distinguished Senator from Maryland (Mr. MATHIAS) raised some very pertinent questions about the situation in Laos, in which he made a reference to the use of Green Berets in various forms in the Laotian situation.

I expressed some surprise at the statement, even though the Senator from Maryland said his information was not definite. However, last night, in reading an article entitled "We Seek No Wider War in Laos," written by Mr. Arnold Abrams and published in the magazine Atlas, I note a reference to the use of Green Berets in Laos.

I ask unanimous consent that the article published in the magazine Atlas be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE SEEK NO WIDER WAR IN LAOS—DOES THAT SOUND FAMILIAR?

(NOTE.—The continuing conflict in Laos sporadically produces a rash of headlines in the U.S. press which are quickly forgotten. Some time ago, for instance, Senator J. W. Fulbright questioned America's ten-year involvement in Laos, but after some fulmination the issue faded. Arnold Abrams, a seasoned correspondent now writing for Hong Kong's highly respected Far Eastern Economic Review, raises the question anew with a sweeping and ominous examination of the unpublicized battles now taking place in the Laotian underbrush. No, U.S. officials assured Abrams, America seeks no wider war in Laos . . . and the writer was reminded of other words in other places.)

Despite blithe denials and bland interpretations by Vientiane officials, the war in Laos may be entering a decisive phase. U.S. Embassy officials insist—in private—that the decade-long struggle here is still an American "holding operation," a lowkey effort with limited objectives. But intensified fighting in the last six months may have triggered an escalatory cycle leading to another face-off between Washington and Hanoi. Government forces now wait anxiously to learn what post-dated price tag will be put on their late-summer offensive which pushed the enemy off the Plain of Jars for the first time in five years. However, thrusts by communist forces in other areas have to some extent dampened the government's success.

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The expected enemy thrust could force a crucial decision on Washington: whether or not to increase American involvement in Laos when standing fast might be tantamount to backing off. An American plunge into another Asian quagmire is almost unthinkable at present, but Richard Nixon's willingness to concede control of a contested country to communist forces is equally hard to envision. U.S. policymakers had been hoping to avoid such a decision by keeping this conflict stalemated until a Vietnam settlement, involving Laos, could be reached. They managed that until last June, when a turnabout in enemy tactics drastically changed the course of this war. Now, with no Vietnam settlement in sight, time may be running out on American hopes in Laos.

Last June's enemy assault involved an estimated seven North Vietnamese battalions in a successful four-day siege against the government outpost of Muong Soui, straddling the Plain of Jars' western edge.

Moreover, the North Vietnamese didn't stop at Muong Soui. They pushed south and west, severing road links to the royal capital and probing at Long Cheng, northern nerve center of the CIA and operations base for General Vang Pao's so-called secret army.

The enemy's steamrolling drive shattered the morale of government forces and brought U.S. and Laotian officials to the verge of despair. In late summer the shaken officials decided to hit back hard. A secrecy-shrouded counter-offensive was launched, marked by fierce American aerial pounding and increased American logistical support. The government won back Muong Soui, regained the Plain of Jars.

Vientiane officials now try to play down the late-summer action, particularly the Americans' role. They talk of government troops "waltzing in" to the Plain of Jars, finding that the North Vietnamese had abandoned it, leaving behind large amounts of supplies.

These officials have no evidence to support that theory. Moreover, when pressed in a private interview, a top-ranking American official conceded that the September events "weren't exactly quite so simple." He admitted that "some pressure" had been applied to enemy encampments before government forces advanced. Some pressure? Could it be, he then was asked, that the pressure consisted of unusually intensive American air attacks? "Look," he said, "let's just say there was considerable pressure and leave it at that. I can't discuss this any further."

So now American officials and government forces await retribution. In the event of a strong enemy strike Vientiane undoubtedly is ready to accuse the other side of escalating the conflict.

U.S. officials deny the conflict is escalating and discount the possibility of Laos evolving into another Vietnam. They say the fighting will remain limited, largely because Washington and Hanoi both want it that way. Some of these officials resent the recent furor about Laos and the Senate subcommittee hearings that developed from it.

At the hearings' end, Senator J. W. Fulbright, chairman of the influential Senate Foreign Relations Committee, said that U.S. operations in Laos had been conducted without the knowledge or consent of Congress. He concluded that Washington's involvement in Laos was "most unusual and irregular—if not unconstitutional."

The American people have yet to be told by their government that their nation is militarily involved in Laos. American officials still seek to officially conceal U.S. violations of the 1962 Geneva Accord, which bars all forms of foreign military intervention in Laos. They contend that Hanoi's refusal to concede the presence of North Vietnamese troops here makes it diplomatically unfeasible for the U.S. to act otherwise.

Consequently, everyone in Vientiane, from the Russian ambassador to the mamasan of the legendary White Rose, knows what the Americans are doing here. But the American public remains ignorant of the fact that their government is arming, training, supplying, transporting and directing approximately 70,000 Laotian troops in a war which threatens to get out of hand.

Instead of setting the record at least partially straight, U.S. officials here do things like allowing Vang Pao to declare recently, before a sizable contingent of visiting journalists that his Meo forces fight with antiquated weapons, inadequate communications and inconsequential American support. As he was speaking, American F–4 Phantom jets roared overhead, several American observation planes were parked nearby and three cargo-laden American transport planes landed in quick succession at his official Sam Thong base. After denying he even received indirect U.S. military support, Vang Pao calmly climbed into an unmarked American helicopter, guarded by Laotian troops carrying American-made M–16 automatic rifles, and was flown back to his secret Long Cheng headquarters by a three-man American crew.

Vang Pao and official verbiage notwithstanding, American involvement in the Laotian conflict takes the following principal forms: in addition to 75 military advisers listed as embassy "attachés," about 300 men are employed in a variety of clandestine military activities supervised by the CIA. Although technically civilians, many CIA agents in Laos are former Special Forces soldiers recruited because of military expertise and Vietnam experience.

These ex-Green Berets train government troops, assist wide-ranging reconnaissance teams and plan guerrilla and psychological warfare operations. They wear combat fatigues and work out of three main camps, where they administer rigorous training in jungle warfare, guerrilla tactics, communications handling and weaponry. The CIA also maintains and largely controls Vang Pao's army of approximately 15,000 full-time troops. Official instructions to the contrary, CIA personnel occasionally accompany these forces on combat forays. More than 20 agents have been killed in Laos.

"These guys are tigers," says an American personally acquainted with many CIA agents in Laos. "They're tough, intelligent guys who know how to handle themselves. They're not afraid to mix it up out in the jungle." The American is a civilian engineer who befriended many agents while helping to build airstrips on several of their remote outposts. "They came to Laos because they were fed up with having their hands tied in Vietnam," he says. "Here they're doing things the way they want to and getting better pay for it as well."

Learning about these activities prompted Senator Fulbright to raise a key question about the CIA's role here: since its function ostensibly is to gather information, why is this agency running a war in Laos? "I don't approve of this kind of activity at all," Fulbright said, "but if it is in the national interest to do this, it seems to me it ought to be done by regular U.S. Army forces and not by an intelligence-gathering agency." He added that the National Security Act, which created the CIA, "never contemplated this function" for the agency.

The CIA mission chief in Laos is Lawrence Devlin, listed as a "political officer" in the U.S. Embassy. Unlike most political officers, however, Devlin flatly refuses to see reporters.

Cargo and military supplies—as well as personnel—are ferried throughout Laos by Air America and Continental Air Services, private charter firms under contract to the U.S. government. They are better known as the "CIA Airlines," and most of their pilots are ex-Air Force officers.

Another form of American air service in Laos constitutes the most direct U.S. involvement in the fighting. Under the euphemism of "armed reconnaissance flights." Thailand-based American jets and bombers have mounted aerial bombardments equal to the pounding taken by North Vietnam prior to the bombing halt in 1968. The Ho Chi Minh trail in southeast Laos has been the prime target of American air attacks, but enemy encampments and troops on the Plain of Jars came under heavy fire during the recent government offensive.

The sum total of American assistance here is reliably estimated at between $250 million and $300 million per year. Of that, only the technical aid budget—about $60 million—is made public. The rest, undisclosed, goes almost entirely for military purposes.

U.S. officials here stress that American money and manpower expenditures in Laos are minuscule compared to those in Vietnam. Washington is spending about $30 billion in Vietnam and has lost almost 40,000 servicemen there. Less than 200 U.S. personnel—mostly airmen—have been killed in Laos. A small conflict fought by volunteers may not be laudable, they say, but it beats a big bloody one by draftees.

Perhaps, but what happens when a little war threatens to escalate into a huge ugly one like Vietnam? As the *N.Y. Times'* Tom Wicker pointed out: ". . . In an ironic twist on the domino theory, anything that puts an end to those pressures in the South, including defeat for Hanoi as well as victory or a negotiated settlement, could cause North Vietnam to try either to recoup or keep up its momentum in Laos."

A top embassy official in Vientiane argues: "There is no chance of turning this into another Vietnam. We know the mistakes made in Vietnam and we have no intention of repeating them. Hanoi understands our position here. We seek no wider war."

Does it sound familiar?

Mr. MANSFIELD subsequently said: Mr. President, so that my previous reference in the RECORD to Green Berets possibly being in Laos may be clear, I was referring to former Green Berets or ex-Green Berets. That should be made clear; otherwise, what I said previously might be misconstrued. So far as I know no active members of the Special Services, sometimes known as Green Berets, are in Laos, although according to the article in Atlas magazine former Green Berets or ex-Green Berets are there. I hope the RECORD will be clear in this respect.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order heretofore entered, the distinguished Senator from New York (Mr. JAVITS) is now recognized for 15 minutes.

"NO" ON JUDGE CARSWELL'S CONFIRMATION

Mr. JAVITS. Mr. President, I have sought this time and appreciate its being made available to me by the leadership, to announce my position in respect to the confirmation of Judge Carswell to be a Justice of the Supreme Court of the United States.

I have approached the Carswell nomination as I did the Haynsworth nomination with a presumption in favor of the President's nominee. I considered this my duty both as a Senator and as a Republican. But I find that I cannot

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vote to confirm Judge Carswell for essentially the same reasons that I could not vote to confirm Judge Haynsworth.

As with the Haynsworth nomination and with all nominations to the Supreme Court, I view the Senate's role of advise and consent as to require me to judge the nominee's fitness on the basis of character, philosophy, and professional attainment, and not on the basis solely of "name, rank, and serial number," as some would argue. The President is entitled to choose a conservative or strict constructionist for the Supreme Court. But this does not preclude me from making a substantive finding on the question of Judge Carswell's qualifications to sit on the High Court.

Many Senators voted against Judge Haynsworth's confirmation for reasons of conflict of interest, or because they strongly opposed his record in labor cases. My opposition, however, was based primarily on his insensitivity to the real meaning of equal protection when it comes to racial segregation. In announcing my decision on Judge Haynsworth, I stated that I had reached this conclusion because "his views on the application of the Constitution to the most critical constitutional question of our time—racial segregation—are so consistently insensitive to the centuries-old injustice which we as a Nation have caused our black citizens to bear, that I could not support the introduction of his judicial philosophy into the Nation's highest court." And that is the reason that I announce my opposition to Judge Carswell's confirmation today.

Indeed, the record in the case of Judge Carswell also contains statements and actions of the nominee as a private citizen which reinforce my impression that he will not as a Justice be diligent in extending equal protection of the law to all our citizens in civil rights cases.

G. HARROLD CARSWELL AS CITIZEN

At least three incidents involving Judge Carswell as a private citizen have been brought to light since this nomination was sent to the Senate. All three indicate an attitude toward black Americans which I find unacceptable. I believe the insensitivity which produced them is also reflected in Judge Carswell's decisions.

First, in chronological order, there is the 1948 speech strongly reaffirming the nominee's dedication to the doctrine of white supremacy. Granted that the speech was made in the heat of a political campaign, but the words themselves were particularly strong and repugnant to Americans concerned with equal justice:

> I believe that segregation of the races is proper and the only practical and correct way of life in our states. I have always so believed, and I shall always so act. I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people.
>
> If my own brother were to advocate such a program, I would be compelled to take issue with and to oppose him to the limits of my ability.
>
> I yield to no man as a fellow candidate, or as a fellow citizen in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed.

Granted that this speech was made 22 years ago, and was repudiated last month by Judge Carswell after it was revealed for the first time. And without any further support, this could have ended the matter. But when read in the light of subsequent events and in conjunction with some of Judge Carswell's most recent decisions, it cannot be rejected and must be held to shed some light on the philosophy of the judge. We should also remember that these sentiments were expressed by a man who in this very speech—delivered to an American Legion meeting—emphasizes his war record and his personal efforts to overcome the fascist doctrine of racial superiority; and that it was made at a time—1948—when the armed services were already being desegregated and the Nation was just embarking on the long and difficult road to ending racial discrimination.

Judge Carswell had been outside the South, had met and served with black Americans in the Navy, and had at least been exposed to life outside rural Georgia. The 1948 speech indicates to me that he had rejected these influences at that time; and I seriously question whether he has basically rejected them now, even though I do not challenge his sincerity in saying he rejects them.

Second, we come to the question of the Tallahassee Country Club. The facts are now well known: municipal golf course owned and operated by the city of Tallahassee, was turned over to a group of white citizens for a nominal sum—rent of $1 a year on a 99-year lease—at the very time that suits were pending all over the State of Florida demanding that such public recreational facilities be desegregated. Whatever the motives of the incorporators—and Judge Carswell is particularly vague on this point—the fact is that because the property was transferred to private ownership, the club was able to maintain a white-only policy and the black citizens of Tallahassee were denied access to the course.

Judge Carswell is listed in the corporate documents as an incorporator and a stockholder of the club. He held the position of U.S. attorney for the northern district of Florida at that time, 1956, and it is difficult for me to accept the proposition that he was not aware of the state of the law on this subject. Less than a year before, the Supreme Court had decided *Holmes* v. *City of Atlanta*, 350 U.S. 879, requiring that city to desegregate its municipal golf course, and a similar order was entered against the city of Pensacola by a judge in the very court in which Judge Carswell served as U.S. attorney exactly 2 weeks after the city of Tallahassee approved the transfer.

The circumstantial evidence that this transaction was a calculated attempt to avoid integration is simply overwhelming—and Judge Carswell's active participation, combined with his certainly imputed knowledge of the law is very damaging indeed. And so this incident, coming 8 years after his Georgia speech, appears to me to show continuance, rather than the opposite, of a private inclination to keep the races separate notwithstanding the law.

Finally, and most recently, we have learned since the hearings have been completed, that Judge Carswell, and his wife, transferred real property in 1966 with a restrictive racial covenant. It seems almost incredible to me that any lawyer, let alone a U.S. district judge would sign such a deed since a covenant contained in it was declared legally unenforceable almost 20 years before. *Shelly* v. *Kraemer*, 334 U.S. 1, which was decided in 1948 clearly established the nonenforceability of such a covenant and is a landmark case which should be familiar to all lawyers. It may be true that many old deeds contain the clauses, but it is most unusual that they should have been inserted after 1948.

The clause in question originated in 1963 when Judge Carswell's brother-in-law transferred the lot to him, and was incorporated in the instrument by which Judge Carswell sold the lot 3 years later. Why would a lawyer or a judge countenance such a clause, even with the knowledge that it is legally unenforceable?

G. HARROLD CARSWELL AS JUDGE

Now a few comments upon Judge Carswell's opinions as a judge. Again, I believe that as a Senator it is my duty to examine the philosophy and approach which a nominee brings to the High Bench, not with respect to the record of his being liberal or conservative, but merely from the point of view of enforcing the Constitution and the laws.

All of the foregoing details might be coincidental to the question of confirmation if they had not entered into the nominee's decisions as a judge. But on the contrary, I have found on reviewing Judge Carswell's reported cases, about the same pattern of delay and failure to come to grips with the racial crisis which I found in Judge Haynsworth's civil rights opinions.

For more than 10 years, during a critical period in the history of this Nation, Judge Carswell had the responsibility for overseeing the desegregation of schools in three Florida districts.

In Augustus against Board of Public Instruction of Escambia County, Judge Carswell first dismissed for lack of standing, that part of a suit filed by Negro pupils aimed at desegregating faculties. He was unanimously reversed by the fifth circuit which held that whether or not the pupils could be hurt by being taught by a segregated faculty was a question of such importance as should not be settled on a motion to strike without a hearing. Although this suit was originally filed in the spring of 1960, it was not until January of the following year that the first factual hearing was held.

Two months later, an order was issued requiring the school board to formulate a desegregation plan—a task for which they were given 3 months' time. Hearings on this plan were not held until August 1961, and it was not accepted until the following month—too late to be implemented during the new school year. The following July, the court of appeals again reversed Judge Carswell, finding the plan he had accepted to be ineffective and

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remanding to the district court with instructions to devise and implement a new plan before September, if possible. Apparently ignoring the concern expressed by the circuit, Judge Carswell did not even set a hearing on the new plan until November, thus postponing the possibility of its taking effect until the 1963–64 school year.

When suit was filed in Leon County, which contains Judge Carswell's home city, Tallahassee, he accepted a plan almost identical to one on which he had been reversed by the fifth circuit in Escambia. In Steele against Board of Public Instruction of Leon County, he approved a weak plan allowing the automatic reassignment of all pupils to previously segregated schools and putting the burden on black students to apply for transfers. Affirmative desegregation was to be accomplished on a grade-a-year basis, in spite of the circuit's directive in Escambia, that unless complete desegregation could be accomplished by 1963, plans should provide for at least two-grades-per-year desegregation. Once again, he was reversed by the fifth circuit.

It is difficult to understand how Judge Carswell could ignore two reversals on these grounds and accept an essentially identical plan from a third district a year later, but that is exactly what Judge Carswell did. Youngblood against Board of Public Instruction of Bay County. In this 1964 case he accepted a plan which would not have brought about complete desegregation of the district until the fall of 1976. It was not until an exasperated fifth circuit court set a deadline of 1967 for complete desegregation throughout the circuit in Stout against Jefferson County Board of Education that Judge Carswell amended this and other weak plans which he had accepted.

It is exactly this kind of persistence in error which characterized Judge Haynsworth's decisions and which I also find unacceptable in this nominee. It seems to me that the Judge would have read the fifth circuit's remand in the Escambia case as requiring more than a token freedom-of-choice plan which would take a full 12 years to implement. But Judge Carswell seemingly chose to ignore that aspect of the decision and continued to accept plans in violation of the remand.

There are other indications of Judge Carswell's insensitivity to race problems scattered throughout his decisions. In 1961, for example, in correctly holding that a restaurant in a municipal airport could not maintain segregated facilities, he added a final paragraph subtly suggesting an evasive course of action.

> Nothing contained in this order shall be construed as requiring the City of Tallahassee to operate under lease or otherwise, restaurant facilities at the Tallahassee Municipal Airport (*Brooks* v. *City of Tallahassee*, 202 F. Supp. 56.)

This sentence which appears in the opinion reprinted in 6 Race Relations Reporter 1099, was deleted from the opinion later published in the Federal Supplement.

The nominee was also quick to dismiss without a hearing, charges raising constitutional questions. He dismissed for failure to state a cause of action, a suit filed by black citizens alleging a conspiracy on the part of private business and public officials to maintain segregated facilities. Due against Tallahassee Theatres, Inc., 1963. Five months before, the Supreme Court had decided the identical question of law in reversing convictions of black citizens seeking desegregated services. *Lombard* v. *Louisiana*, 373 U.S. 267. The fifth circuit, of course, found Judge Carswell's dismissal "clearly erroneous."

And in 1964, he dismissed for lack of standing, a suit to desegregate Florida State reform schools which had been filed by former inmates who were, at the time of filing, on probation. Singleton against Board of Commissioners of State Institutions. He was reversed again by the fifth circuit.

In 1968, he was again reversed for granting summary judgment in favor of defendants in a similar suit alleging bad faith in initiating prosecutions of civil rights workers. *Dawkins* v. *Green*, FD Supp. 772.

The hearing record on this nominee is replete with charges and countercharges involving Judge Carswell's attitudes toward civil rights litigants and their attorneys; and it even has been charged that he collaborated with local law-enforcement officials to rearrest demonstrators freed by his own court orders. I do not base my conclusion on these charges for I believe that the rest of the record is sufficient of itself to justify my own decision.

Clearly, Judge Carswell—on his personal record and his public record, at the very least—shows a desire to slow the movement toward equal opportunity for all Americans insofar as it can be established by law. My respect for the Supreme Court and my strong desire to see the cause of equal opportunity and civil rights advanced, make my consent to this nomination impossible.

Mr. President, I close, as I began, by saying that this is not a reflection—and I intend none—on Judge Carswell as a man. So far as I am concerned, there is no reason to go into that question at all. The fact is that I cannot cast my vote to confirm his nomination as a Justice of the Supreme Court of the United States. It is for the reasons I have stated: his insensitivity to the equal protection of the laws, and because I believe it is my duty in respect to our advice and consent responsibility, to be convinced that whatever may a judge's personal philosophy—liberal, conservative, strict construction, or liberal construction—he must be a man equal to the task of being a Supreme Court Justice, and I do not find that to be the case here.

Mr. President, I ask unanimous consent to have printed in the Record a statement signed by four very distinguished members of the New York bar—Bruce Bromley, a former judge of the New York Court of Appeals; Francis T. P. Plimpton, president of the Association of the Bar of the City of New York; Samuel I. Rosenman, former president of the Association of the Bar of the City of New York; and Bethuel M. Webster, former president of the Association of the Bar of the City of New York—giving in fine reasoning their feeling why the vote should be "no" on the Carswell nomination.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement on the Confirmation of Judge G. Harrold Carswell as an Associate Justice of the Supreme Court of the United States

The undersigned members of the Bar, in various sections of the United States, and of differing political affiliations, are deeply concerned about the evidence in the hearings of the United States Senate Judiciary Committee on the confirmation of Judge G. Harrold Carswell as an Associate Justice of the Supreme Court of the United States.

The testimony indicates quite clearly that the nominee possesses a mental attitude which would deny to the black citizens of the United States—and to their lawyers, black or white—the privileges and immunities which the Constitution guarantees. It has shown, also, that quite apart from any ideas of white supremacy and ugly racism, he does not have the legal or mental qualifications essential for service on the Supreme Court or on any high court in the land, including the one where he now sits.

The testimony has shown no express or implied repudiation of his 1948 campaign declarations in favor of "white supremacy" and of his expressed belief that "segregation of the races is proper and the only correct way of life in our State"—until his confirmation for the United States Supreme Court was put in jeopardy by their disclosure. On the contrary, it shows a continuing pattern of reassertion of his early prejudices.

That pattern is most clearly indicated by his activities in 1956 in connection with the leasing of a public golf course in his city to a private club, for the purpose of evading the Constitution of the United States and excluding blacks from its golf course.

We are most deeply concerned about this part of the testimony. He was then no longer the youthful, enthusiastic campaign orator of 1948 running on a platform of "white supremacy" and "segregation as a way of life." He was then a mature man, holding high Federal office.

Unfortunately, insufficient public attention has been paid by the media of public information and by the public in general to this episode.

The testimony as to the golf club is particularly devastating, not only because of the nominee's lack of candor and frankness before the Senate Committee in attempting to explain it, but because his explanation, if true, shows him to be lacking the intelligence of a reasonable man and to be utterly callous to the implications of the scheme to which he was lending himself.

The circumstances surrounding this golf club incident are extremely important, and should be made clear. By 1955, the Supreme Court of the United States had declared that it was unconstitutional for a city or state to segregate any of its public recreational facilities, such as golf courses. As a result of this decision, a common and well-publicized practice had grown up in the South, in order to keep blacks off municipal golf courses, by which the cities would transfer or lease the public facilities to a private corporation, which would then establish rules for exclusive use by whites. This was, of course, a palpable evasion—and universally understood so to be.

By 1956, many cases had already been filed in various cities of the South to invalidate these obvious subterfuges. Several lower United States Courts had already struck them down as unconstitutional. These cases were well publicized at the time when United

States Attorney Carswell, who had been, of course, sworn as a United States Attorney to uphold the Constitution and laws of the United States, became involved in the matter of the municipal golf club in Tallahassee, Florida, where he lived.

By the date the Tallahassee incident occurred, five lawsuits had already been started in different cities in the State of Florida to desegregate municipal recreation facilities, including, among others, golf clubs; and it was clearly evident that Tallahassee and its municipal golf club would soon be the target of such a suit.

Therefore, to circumvent the results of such a suit, some white citizens of Tallahassee incorporated a private club, to which the municipal golf course was thereupon leased for a nominal consideration. Affidavits, dated in February 1970, were submitted and read to the Senate Committee, signed by both blacks and whites who were residents of Tallahassee at the time, showing that it was generally understood that this transfer was being made solely for the purpose of keeping black citizens off the course.

One of these affidavits (TR 610)[1] was by a Negro lady, a public high school teacher for ten years, the business manager of Tallahassee's A & M Hospital for one-half year, and presently an Educational Specialist at the Federal Correctional Institution in Tallahassee. It said in part:

"Tallahassee was in a racial uproar over the bus boycott and other protests—bringing a reaction of fear to the white community. The word 'private' had increasingly become a code name for segregation.

"The Capital City Country Club incorporation proceedings were well-publicized and the racial overtones were necessarily clear to every knowledgeable citizen in the areas, and it would have been surprising to me if an intelligent man, particularly an incorporator was not aware of the repeatedly emphasized racial aspects of this case.

"We did not discuss this corporation widely at the time; had we not been so preoccupied with other protests, we would have undoubtedly moved against the Corporation in civil suit."

Another affidavit (TR 611) was signed by a white lady, "a life-long resident of Tallahassee whose family has been domiciled in the city for several generations," "the wife of the chairman of Florida's oldest bank, the Lewis State Bank of Tallahassee." It stated that: (1) the golf course had been developed and improved by a grant of $35,000 of WPA funds; (2) she refused to join in the new club "because we wanted no part in converting public property to private use without just compensation to the public, and because of the obvious racial subterfuge which was evident to the general public"; (3) that she had discussions at the time of the lease "with a variety of parties during that period on the subject of a golf course, the issue being of wide civic concern." She stated:

"I would have been surprised if there was any knowledgeable member of the community who was unaware of the racial aspect of the golf course transaction. The controversy appeared in the local newspaper of the time and a city commissioner was known to have raised questions about racial implications involved."

There was then received in evidence (TR 613) a clipping from page 1 of the local newspaper referred to, the Tallahassee Democrat, for February 15, 1956. This contemporaneous clipping corroborated the affidavits in showing the community discussion of the racial purpose of the lease. Reporting the fact that the lease had been entered into by the City Commission with the private club, it stated:

"The action came after a two-month cooling off period following the proposal's first introduction. At that time former City Commissioner H. G. Easterwood, now a county commissioner, blasted the lease agreement.

"He said racial factors were hinted as the reason for the move.

"Under the arrangement, the country club group would take over the operation of the course September 1. The lease is for 99 years, running through 2055, and calls for a $1.00 a year payment."

The then United States Attorney, now seeking to become an Associate Justice of the Supreme Court of the United States, became an incorporator and director of that private club to which the golf club was to be leased. Here was a high Federal public official, thoroughly cognizant of the decisions of the Federal courts, participating in a scheme to evade the Constitution.

The answer of Judge Carswell to the disclosure of this was that: (1) he thought that the papers he signed (with a subscription of $100) were for the purpose of fixing up the old golf club house; (2) that he at no time discussed the matter with anyone; and (3) that he never believed that the purpose of this transaction had anything to do with racial discrimination or keeping blacks off the course.

Some of the Senators at the hearings were as incredulous as we are. We think that a few short extracts of the Judge's testimony on this matter will give a clearer picture of the man who now seeks a seat on the Supreme Court of the United States—the final guardian of the individual rights of all of us:

Judge Carswell (in answer to a question by Senator Kennedy as to whether the Judge was testifying that the transaction was principally an effort to build a club house): "That is my sole connection with that. I have never had any discussion or never heard anyone discuss anything that this might be an effort to take public lands and turn them into private lands for a discriminatory purpose. I have not been privy to it in any manner whatsoever." (TR 65)

Senator Kennedy (TR 149): "Mr. Nominee, I think the document speaks for itself in terms of the incorporation of a club, a private club . . . I think, given the set of circumstances, the fact that they were closing down all recreational facilities in that community at that time because of various integration orders, I suppose the point that Senator Bayh is getting to and some of us asked you about yesterday is whether the formation of this club had it in its own purpose to be a private club which would, in fact, exclude blacks. The point that I think he was mentioning and driving at, and Senator Hart talked to, and I did in terms of questions, is whether, in fact, you were just contributing some $100 to repair of a wooden house, club house, or whether, in fact, this was an incorporation of a private club, the purpose of which was to avoid the various court orders which had required integration of municipal facilities.

"Now, I think this is really what, I suppose is one of the basic questions which is of some interest to some of the members and that we are looking for some response on."

Judge Carswell: "Yes sir, and I hope I have responded, Senator Kennedy. I state again unequivocally and as flatly as I can, that I have never had any discussions with anyone, I never heard any discussions about this."

Senator Bayh: "You had no personal knowledge that some of the incorporators might have had an intention to use this for that purpose?" (TR 500)

Judge Carswell: "I certainly could not speak for what anybody might have thought, Senator. I know that I positively didn't have any discussions about it at all. It was never mentioned to me. I didn't have it in my mind, that is for sure. I can speak for that." (TR 150)

Senator Bayh then asked whether there were then any problems in Florida relating to the use of public facilities and having them moved into private corporations. Judge Carswell answered:

"As far as I know, there were none there and then in this particular property.

Senator Bayh then asked whether Judge Carswell was not aware of other cases in Florida?

Judge Carswell: "Oh, certainly, certainly. There were cases all over the country at that time, everywhere. Certainly I was aware of the problems, yes. But I am telling you that I had no discussions about it, it was never mentioned to me in this context and the $100 I put in for that was not for any purposes of taking property for racial purposes or discriminatory purposes." (TR 151)

Senator Kennedy: "Did you have any idea that that private club was going to be opened or closed?"

Judge Carswell: "The matter was never discussed."

Senator Kennedy: "What did you assume?"

Judge Carswell: "I didn't assume anything. I assumed that they wanted the $100 to build a club house and related facilities if we could do it. . . ." (TR 153)

Senator Kennedy: "When you sent this and you put up the money, and you became a subscriber, did you think it was possible for blacks to use that club or become a member?"

Judge Carswell: "Sir, the matter was never discussed at all."

Senator Kennedy: "What did you assume, not what was discussed?"

Judge Carswell: "I didn't assume anything. I didn't assume anything at all. It was never mentioned."

Senator Kennedy: "Did you in fact sign the letter of incorporation?"

Judge Carswell: "Yes sir. I recall that." . . .

Senator Kennedy: "Did you generally read the nature of your business or incorporation before you signed the notes of incorporation?"

Judge Carswell: "Certainly I read it, Senator. I'm sure I must have. I would read anything before I put my signature on it, I think [sic]."

We cannot escape the conclusion that a man, in the context of what was publicly happening in Florida and in many parts of the South—which the nominee says he knew—and what was being discussed locally about this very golf club, would have to be rather dull not to recognize this evasion at once; and also fundamentally callous not to appreciate and reject the implications of becoming a moving factor in it. Certainly it shows more clearly than anything else the pattern of the Judge's thinking from his early avowal of "white supremacy" down to the present.

Particularly telling—as showing the continuing pattern of his mind which by the time of the golf club incident, if not before, had become clearly frozen—are the testimony and discussion of fifteen specific decisions in civil and individual rights cases by the nominee as a United States District Judge (TR 629, et seq.). These fifteen were, of course, only a few of the decisions by the nominee. A study of a much fuller record of his opinions led two eminent legal scholars and law professors to testify before the Senate Committee that they could find therein no indication that the nominee was qualified—by standards of pure legal capacity and scholarship, as distinguished from any consideration of racial prejudices—to be a Supreme Court Justice.

These specific fifteen cases are all of similar pattern: they involved eight strictly civil rights cases on behalf of blacks which were *all* decided by him against the blacks and all

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[1] References are to the transcript of the hearings on the nomination before the Senate Committee on the Judiciary.

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unanimously reversed by the appellate courts; and seven proceedings based on alleged violations of other legal rights of defendants which were all decided by him against the defendants and all *unanimously* reversed by the appellate court. Eight of these fifteen occurred in one year—1968.

These fifteen cases indicate to us a closed mind on the subject—a mind impervious to repeated appellate rebuke. In some of the fifteen he was reversed more than once. In many of them he was reversed because he decided the cases without even granting a hearing, although judicial precedents clearly required a hearing.

We do not dispute the Constitutional power or right of any President to nominate, if he chooses, a racist or segregationist to the Supreme Court—or anyone else who fills the bare legal requirements. All that we urge is that the nominee reveal himself, or be revealed by others, for what he actually is. Only in this way can the Senate fulfill its own Constitutional power to confirm or reject; only in this way can the people of the United States—the ultimate authority—exercise an informed judgment. That is the basic reason for our signing this statement, as lawyers, who have a somewhat special duty to inform the community of the facts.

We agree with Judge Carswell that a nominee for the Court should not ordinarily be compelled to impair his judicial independence by explaining his decisions to a Senate Committee. But this was no ordinary situation. It involved a consistent and persistent course of judicial conduct in the face of continual reversals, showing a well-defined and deeply ingrained pattern of thought.

We believe that—at the very least—the hearings should be reopened so that an official investigation can be made by independent counsel for the Committee, empowered as it is to subpoena all pertinent records, including the files of the Department of Justice and the records of Judge Carswell's court. So far, the evidence in opposition—compelling as it is—has been dug up solely by the energy and efforts of private citizens or groups, without power of subpoena. For example, the episodes of the 1948 pledge to "white supremacy" and the country club lease were both dug up by independent reporters.

Are there any other incidents like the golf club, or other public or private statements about "white supremacy"? Are there additional, but unreported, decisions in the files of Judge Carswell's court, not readily available to lawyers who can search only through the law books for cases which have been formally reported and printed? What information can be found in the files of the Department of Justice, unavailable, of course, to the opposition but readily subject to a Committee subpoena?

One vote out of nine on the Supreme Court is too important to rely on a volunteer investigation, on the efforts of private, public-spirited lawyers and reporters, although they have already uncovered evidence clearly indicating, in the absence of a more credible explanation, rejection of the nomination.

The future decisions of the Supreme Court will affect the lives, welfare and happiness of every man, woman and child in the United States, the effectiveness of every institution of education or health or research, the prosperity of every trade, profession and industry. Those decisions will continue to be a decisive factor in determining whether or not ours will, in the days to come, truly be "a more perfect Union," where we can "establish Justice, insure domestic Transquility, . . . promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity."

We urge that the present record clearly calls for a refusal to confirm by the Senate of the United States.

Signed: [2]

Bruce Bromley,
Former Judge, Court of Appeals, State of New York.
Francis T. P. Plimpton,
President, the Association of the Bar of the City of New York.
Samuel I. Rosenman,
Former President, the Association of the Bar of the City of New York.
Bethuel M. Webster,
Former President, the Association of the City of New York.

ORDER FOR ADJOURNMENT UNTIL 10 O'CLOCK A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, this order was modified to provide for a recess until 9:30 a.m. tomorrow.)

NEW POLICIES ESTABLISHED BY NIXON ADMINISTRATION

Mr. ALLOTT. Mr. President, there are two indisputable and highly significant new policies established by the Nixon administration.

One is the change with respect to the Vietnam war. The clear fact is that American troop levels are being steadily reduced, after 8 years of being steadily increased under the Democrats. Casualty rates are declining, after 8 years of steady increase under the Democrats. More and more of the defenses against the North Vietnam invaders are being taken over by the South Vietnamese, after 8 years of steadily increasing American responsibility for the defense of that country.

Yet, the Democrat policy council criticizes the Nixon administration on Vietnam, charging that we are not getting out fast enough, and that we should furnish the enemy with an exact timetable on our leaving.

Thus, we have the unique display of the party under whom our involvement mushroomed, who later tried—but failed—to turn its back on its own actions, now saying "you're not doing fast enough what we were unable and unwilling to do ourselves."

The Democrat policy council is faithfully following the pattern set by former Secretary of Defense Clark Clifford. Mr. Clifford was barely out of office before he began to berate the Nixon administration for not moving fast enough in dismantling the discredited Vietnam policies which he, as a long-time adviser to President Johnson, had helped to formulate and administer.

Now the Democratic policy council is behaving similarly. The council complains that the Nixon administration is not acting swiftly enough in its steady reversal of the policies inherited from the Democrat administration. This is worse than a bad case of 20/20 hindsight. This is a bald case of retrospective conversion. They now like the Nixon administration's policy of prudent Vietnamization. They just want more of it.

The second indisputable and highly significant policy established by the Nixon administration is an actual, and firm, reduction in the military budget.

The defense budget for fiscal year 1970 was the first part of the Johnson administration budget to be cut by the Nixon administration. In fact it was cut twice. The fiscal year 1971 defense budget request by the Nixon administration is more than $5 billion less than that for fiscal year 1970.

Compare this with 8 years of steadily increasing military spending under the Democrats, rising from $47 billion in 1961, to $81 billion in 1969.

In fact, the first Nixon year and the first Kennedy year afford a nice contrast. Kennedy almost immediately began to increase military spending. Nixon almost immediately began to cut it.

Second, in another sense this budget represents a restoration of proper balance in American spending. It represents a decisive shift in the relationship between military and nonmilitary spending, a shift in favor of nonmilitary programs. It has been 20 years—two full decades—since the Defense Department has been promised such a small share of Federal expenditures. It is now at 34 percent of the national budget, an all-time low of those 20 years. This is the reality not the mere rhetoric, of reordering national priorities.

Again the Democratic policy council is attacking the Republicans for not accomplishing well enough, or quickly enough, something the Democrats were unable or unwilling to do during those 8 long years when they were in control of both administrative and legislative branches of the Federal Government.

Yet, we are now bitterly attacked because "we aren't doing it fast enough."

And, Mr. President, statements such as those made before the Democratic policy council comparing Federal expenditures on national defense, with expenditures on specific items of welfare, education, health, and so forth, are misleading in the extreme. There seems to be a tendency among these people to miss one important fact, and that is that the taxpayer has only one pocketbook. Everybody who dips into that pocketbook goes to the same source of funds.

National defense is the sole responsibility of the Federal Government. Therefore, the sole funding for national defense must come from Federal moneys. But the general welfare of our people is not solely the responsibility of the Federal Establishment; it is shared by both State and local governments. And both State and local governing bodies go to the same taxpayers the Federal Government taps to get the wherewithal to finance health, education, and welfare programs.

The HEW budget submitted by Presi-

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[2] Mention of an organization is purely for descriptive purposes, and not to indicate an expression of the views of the organization.

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dent Nixon comprises only a fraction of the total spent in this area by American taxpayers. The real welfare budget for America as a whole—and this includes spending from partially prepaid or wholly prepaid Government insurance programs—is in excess of $72 billion. Add to this the $48.9 billion that State, local, and Federal Governments spend on education, and we begin to approximate the true comparison of defense spending vis-a-vis spending for the general welfare.

Were it possible for this Nation to exist as a free people on this planet in its present stage of social development without an armed force I would be among the first to vote for no armed forces at all. But we are not a nation of angels living on a planet inhabited by men of angelic intentions. Until this earth of ours more nearly approaches that status, realities must be faced and we must prepare our defenses in the best way we know how, at the least cost commensurate with national safety.

I think the present budget approaches the problems of national defense and our national life in that kind of realistic spirit.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Democrats Rap Nixon on Rights," published in the Washington Post yesterday, in which the action of the Democratic policy council was reported.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 25, 1970]

DEMOCRATS RAP NIXON ON RIGHTS

(By William Greider)

The Nixon administration's performance on civil rights issues drew unusually caustic criticism yesterday from prominent Democrats, including labels of "racist" and "political expediency."

The platform for the attack was the first in a series of public hearings held by the Democratic Policy Council's committee on national priorities. The 15-member committee also heard Sens. Edward M. Kennedy (Mass.) and Edmund S. Muskie (Maine) deliver pleas for sharp reductions in defense spending in order to expand programs for human resources.

Kennedy cited nine areas where Pentagon spending could be cut by a total of as much as $17 billion, including withdrawal of a majority of the 320,000 U.S. troops in Europe. Muskie said the Nixon administration's balanced budget represents "unbalanced priorities."

Former Vice President Hubert H. Humphrey, who is chairman of the policy council, led the attack on President Nixon's leadership on civil rights, specifically the administration's shifting positions on the Stennis "equal enforcement" amendment adopted by the Senate last week.

"When the crucial battles were fought, the Commander-in-Chief abandoned the field," Humphrey charged.

Another member of the Democratic panel, Clifford Alexander, former chairman of the U.S. Equal Employment Opportunity Commission, put it more strongly. "We should describe this administration for what it is," Alexander said. "We should describe Spiro Agnew as a racist because that is what he is."

Alexander said the Vice President's recent attack on "open enrollment" programs at colleges was racist in suggesting that black graduates of these schools will not be competent to perform their professions.

Sen. Walter F. Mondale (D-Minn.), who led the liberals in their unsuccessful fight against the Stennis amendment, raised the civil rights issue by outlining what he described as a general failure of the Nixon administration to defend human rights.

"This administration," Mondale said, "is far more afraid of George Wallace than it is committed to human rights."

Alexander amended that: "This administration is not afraid of George Wallace—they're in alliance with George Wallace."

Mondale said that, given the temper of the nation and the lack of presidential leadership on integration, Democrats will "have to go back and re-argue this issue with the American people. We thought we settled it five years ago, but that's not true. Can we realize the American dream with a color line separating us? I don't think so."

At the same time, Mondale acknowledged, "Part of the problem is within our own party, we have to be candid about that."

On military spending, Sen. Kennedy recited some striking comparisons from the federal budget:

The Pentagon's military housing program, he said, gets $809 million compared to $575 million for the model cities program. The cost of operating one aircraft carrier task force is more than what is spent by the entire legislative branch of government.

The Department of Defense spends $39 million on public relations, compared to the $5 million spent by the Justice Department on civil rights enforcement.

Kennedy noted another indicator of special status which defense enjoys in Washington. Each department gets a limousine for its cabinet-level secretary—but the Pentagon gets ten of them. Justice, Agriculture, Labor and Health, Education and Welfare are each assigned four chauffeur-driven cars for their top officials. Defense, said Kennedy, gets 76.

Muskie also offered some comparisons of federal spending as examples of "unbalanced priorities." One is $275 million earmarked for developing a supersonic transport compared to $106 million for air pollution control. The nation, Muskie said, cannot afford to shift its spending at the "snail's pace" set by the Nixon administration.

A SAD DAY FOR AMERICA

Mr. GRIFFIN. Mr. President, I was sickened yesterday when I read press reports that former Vice President Hubert Humphrey was literally hounded off the platform Tuesday evening before he could deliver a speech at the University of Massachusetts.

This distinguished American who is the titular head of one of America's two great political parties was prevented from expressing his ideas at a university, of all places, where the right of free speech should be most fiercely defended. Surely, an institution of higher learning should be a citadel of open discussion, free exchange of ideas, and toleration of opposing viewpoints.

One newspaper account of what happened stated that a group of students wearing long black robes chanted "guilty, guilty," and shouted obscenities at the former Vice President—apparently to express their displeasure with the verdict in the so-called Chicago seven trial.

Others in the audience booed, stamped, and threw paper on the stage.

The disruptions of an estimated 250 ultimately prevented nearly 5,000 others in the auditorium from hearing Mr. Humphrey present his views on foreign policy.

Mr. President, I suggest that those 250 persons fail to understand what America is all about.

Their behavior is all too typical of many youthful revolutionaries and radicals in our midst today who run around calling people in authority "fascists" while they themselves behave exactly like fascists.

Mr. President, the incident which occurred at the University of Massachusetts, recalls to mind a passage in William L. Shirer's book "The Rise and Fall of the Third Reich," wherein the author discussed Hitler's storm troopers:

> These uniformed rowdies, not content to keep order at Nazi meetings, soon took to breaking up those of the other parties. Once in 1921 Hitler personally led his storm troopers in an attack on a meeting which was to be addressed by a Bavarian federalist by the name of Ballerstedt, who received a beating. For this Hitler was sentenced to three months in jail, one of which he served. This was his first experience in jail and he emerged from it somewhat of a martyr and more popular than ever. "It's all right," Hitler boasted to police. "We got what we wanted. Ballerstedt did not speak." As Hitler had told an audience some months before, "The National Socialist Movement will in the future ruthlessly prevent—if necessary by force—all meetings or lectures that are likely to distract the minds of our fellow countrymen.

Mr. President, the behavior of some in the audience at the University of Massachusetts which finally forced Mr. Humphrey off the platform, marked a sad day for America. And I suggest that each American who believes in the principles of freedom upon which our Nation was founded should be shocked and outraged.

Mr. President, I ask unanimous consent that a newspaper article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Feb. 25, 1970]

STUDENT HECKLERS FORCE HUMPHREY OFF STAGE

AMHERST, MASS.—Former Vice President Hubert Humphrey, jeered off a stage before he could give a speech, says the country is in trouble when small groups can force their will upon the majority.

The outburst began as Humphrey appeared on stage at the University of Massachusetts last night to deliver a lecture on foreign policy.

One group of students in long black robes chanted "guilty, guilty, guilty," and an obscenity, apparently to express their displeasure with the conviction of five persons in the Chicago riot trial.

Other demonstrators booed, stamped and tossed paper on the stage.

The former vice president offered to take questions about Chicago before giving his prepared speech, but was drowned out by the demonstrators, who appeared to number about 250 in the crowd of some 5,000.

Unruffled, Humphrey wagged his finger at one youth who criticized his civil rights stance and said, "I have been active in the field of civil rights for many years and I take no back seat to any Johnny-come-lately."

Finally, after trying for about 15 minutes, Humphrey said, "Well, that's it," and left the rostrum.

"If we can't discuss an issue at a university, the citadel of ideas, there is little hope for freedom," he said.

PRESS BRIEFINGS HELD IN CONNECTION WITH THE VICE PRESIDENT'S TRIP TO ASIA

Mr. FULBRIGHT. Mr. President, last month Vice President AGNEW made a "get acquainted" trip to Asia. His visit created some confusion about U.S. policy in Asia, as Mr. Merlo J. Pusey pointed out in a column in the February 15 Washington Post, which I ask to have printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, in order to satisfy my curiosity about what the Vice President and other official U.S. spokesmen actually said, I asked the Department of State to send me copies of the transcripts of all press conferences and briefings held during the course of the Vice President's trip. Mr. H. G. Torbert, Jr., Acting Assistant Secretary of State for Congressional Relations, in reply sent me two folders, one containing the texts of the Vice President's public statements, the other the texts of his press conferences. In going over the 55 pages of transcripts I noted that there were two places where a section of the transcript was "not received," according to the text furnished me by the Department. It is ironic that one of those missing sections was a series of exchanges between the press and the Vice President that dealt with "criticisms from Senators" and of activities of the Committee on Foreign Relations. Fortunately, I was able to get the text of this deletion from a person who received it from the Vice President's office.

In order to help fill the gap in the Department of State's records, I am sending the Department the portion of the transcript which it was apparently unable to obtain from the Vice President's office. In return, I hope the Department will send me the transcripts of the briefings by our Ambassadors in Manila and Bangkok. That should be a fair trade.

I also ask unanimous consent to include in the RECORD as a part of my remarks a copy of my letter to the Assistant Secretary of State, together with a copy of the missing transcript.

There being no objection, the letter and enclosure were ordered to be printed in the RECORD, as follows:

FEBRUARY 23, 1970.

Hon. H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR MR. TORBERT: I have your letter of January 30 in reply to mine of January 15 concerning the Vice President's trip to Asia.

I noted that there were two sections missing from the transcripts of press briefings by the Vice President and that transcripts of press briefings by other United States officials, which I had also requested, were not included.

I have obtained a copy of the portion missing from the January 6 briefing from a source who received it from the Vice President's office. In order to help complete the Department's records, I am enclosing a copy of it. I am still interested in obtaining the transcripts of press briefings by other U.S. officials in connection with the Vice President's trip and I hope the Department will make further efforts to comply with my request.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

TRANSCRIPT

Q. When do they expect the road to be finished? This year some time?

A. I don't know the answer to that.

Q. Do they think they can move many more Communist troops through that road more quickly?

A. That's right. The very fact that the road's being constructed concerns them.

Q. Are we conducting any operations against that road?

A. No, not to my knowledge. We're not conducting any operations against that road. The answer is no.

Q. Did Prime Minister Thanom bring up the question of the intent to relax relations with Red China.

A. No, the Foreign Minister did not bring that up specifically. We did talk about it. I explained the desire of the United States to lessen tensions in the East and they understand that. I also re-emphasized our commitment and our obligations to our friends in the East and explained the purpose of the Doctrine. That seemed to satisfy them. We had no real problem with that. They seemed to approve of the purposes of the United States.

Q. In the transcript of a press interview we saw in Thailand there was a passage that was a bit confusing about this question of criticism from senators and interpretations in the American press, that he seemed to be particularly concerned about.

A. They raised that several times. Of course, that's significant because, as I understand it, the Thai personality, as explained to me by people who have lived among them a long time, they generally don't press. It's not considered courteous to press. But they wanted me to understand how offended they were, particularly with the statement that Thanom repeated to me something about the United States sending "the best Thai troops that money could buy" or something of that sort. What he had read or heard somewhere and that he repeated. They were offended at the tone of the criticisms from the Senate and they mentioned the Senate particularly, the spokesmen in the Senate.

Q. How sophisticated did you find his understanding of such Senate statements by individual Senators as well as by intrepretative in the Press. . . .

A. Well, I don't think that anyone outside the United States really understands—and I spent quite a bit of time trying to explain that in our Senate Senators make speeches all the time, and they're not exactly gentle with what they say to each other—they say they understand this, but I don't think they really understand that it's easy for a Senator to say something a little more inflammatory than it would sound if it were picked up and later related to another diplomat. But I would say this: in my judgment, not with any rancor or disrespect to those few senators who have made statements like the one Thant repeated—they should realize that these statements are not just for domestic consumption but they do affect the foreign policy of the United States and our credibility and our posture with our friends and our allies around the world. I think they should be more reserved in those things, I really do.

Q. In that respect, the Senate has become very vital in foreign relations, and speeches on the Senate floor, and Senate Foreign Relations Committee activities, are you getting it from American Embassy people that the whole diplomacy is being set back?

A. I don't think it's setting back the whole diplomacy but I think it puts our State Department people in a position where they're thrown on the defense because tactically very sharp, talented diplomats of other countries can open a conference with this kind of thing, which immediately is throwing us in a position of having to explain a statement. I think it represents a tactical advantage that makes it very difficult for us to handle some sensitive negotiations.

EXHIBIT 1

[From the Washington Post, Feb. 15, 1970]

AGNEW TRIP FOGS U.S. POLICY ON ASIA

(By Merlo J. Pusey)

When Vice President Agnew was in Asia in January, the reports of his speeches and comments to the press raised serious questions as to whether he had enunciated a new policy. Some of his statements seemed to clothe vague treaties with far more flesh (or hard military commitments) than can be found in their texts or the history behind them. Now that the official texts of the Vice President's speeches and press conferences are at last available, even larger questions need to be answered.

At the New Zealand state dinner Mr. Agnew said:

"We are attempting to make it totally clear to our friends in the Pacific that we intend to stand unremittingly by our treaty commitments and our obligations of a bilateral nature which may exist. We also intend to provide assurances that we will not, as a free nation, whose integrity depends on the integrity of other free nations, stand by idly while some other power uses its superior force to intimidate and invade a smaller nation. We intend to provide a shield of our nuclear ability to prevent this."

The Vice President had made a similar statement in Canberra. In his talk with reporters as he flew from Taipei to Bangkok, the idea of an American nuclear shield for all the small nations of Asia came into even more direct focus. When asked if he had anything to elaborate on, the Vice President said:

"Nothing, except to say very firmly that we intend to stand by our treaty commitments and that we will protect the smaller nations of Asia against any massive aggressive act by a super power."

From later comments it seems apparent that Mr. Agnew had in mind possible attacks by Communist China on her Asian neighbors. But where did he get authority to say that the United States would risk nuclear war to protect, say, Burma or Malaysia? His protective shield was not even limited to the countries covered by the SEATO Treaty.

Even when the Vice President spoke of the United States treaty obligations there was a positive sweep about his comments that is scarcely in keeping with the lower U.S. profile abroad that Secretary Rogers talks about. In reporting to the press on his conversations with Chiang Kai-shek about the security of Taiwan, Mr. Agnew said:

"I told him, for the President, that we fully intended to stand by our treaty commitment to protect Taiwan and the Pescadores and that any action against the outer isles immediately off the coast . . . if such threat were found to exist would be acted against."

Presumably Mr. Agnew was referring to the Taiwan treaty, but it contains no hard and fast American pledge to "protect" the islands controlled by the Nationalist Chinese. Rather, it recognizes that an attack against the territory of either party in the West Pacific would be dangerous to peace and safety and declares that each would act "to meet the common danger in accordance with its constitutional processes." This means that the President would inform Congress of any such threat and seek authority for the measures he might deem necessary, as President Eisenhower did in the Formosa resolution of 1955.

What, then, was the Vice President really saying to the friends of the United States in Asia? The sweeping nature of the statements quoted was modified somewhat when he indicated a belief "that the President wouldn't move unilaterally to engage us in any further conflict in Asia beyond the Vietnam situation without returning to the Congress for approval of such action." And he thought the President would not go to Congress with such a request "unless some very extreme and provocative and substantial action took place."

Near the end of his tour he commented:

"You cannot ever get specific about acts which you can't even foresee that may occur in the future. The nature of our treaty commitments itself varies and the construction of the execution of the treaties has to wait for an analysis of the existing situation at that time which may call the treaty into function."

Well, if this has been the main burden of his message it might have helped to clarify relationships which have been fogged by the war in Vietnam and the operations in Laos in addition to the confused verbiage from official Washington in recent years. But his caveat about looking before leaping seems to be utterly at variance with his previous flat statement that the United States will protect the small nations of Asia against any massive aggression.

There was no intimation that he was talking about the vague "security guarantees" given to nations adhering to the nuclear nonproliferation treaty by the United States, Britain and the Soviet Union through the United Nations. In no event would this U.N. resolution support the Vice President's statement of policy. Before the Senate consented to ratification of the nonproliferation treaty, moreover, the Foreign Relations Committee noted that "the administration has no intention of making any commitment to any potential non-nuclear weapon signatory to that country to sign the treaty."

It is difficult also to ignore the confusion that Mr. Agnew has sown abroad on the ground that, as a neophyte in foreign policy, he did not understand the full implications of what he was saying. On many occasions he claimed to speak for the President and acknowledged that his statements in the various capitals visited had been prepared by the State Department. As now disclosed, his texts leave a major problem of clarification for Secretary Rogers or the White House.

THE SITUATION IN LAOS

Mr. FULBRIGHT. Mr. President, I am very sorry that I did not have notice yesterday on the comments to be made by the distinguished majority leader, the Senator from Maryland (Mr. MATHIAS), and other Senators about the situation in Laos. Those remarks were extremely timely. I would like to have joined in that discussion.

I say today that I approve very much of these Senators bringing the matter up. The press is beginning to enlighten us again as to the seriousness of the situation in Laos. It only makes more urgent than ever the publication of hearings which the Symington subcommittee of the Committee on Foreign Relations recently held. The majority leader has already expressed his views about that, and I want to join in urging the State Department to change its policy as to giving us information about our activities in Laos. They are no longer a secret. In fact, what we are doing there has been published in various sources by foreign and American correspondents, and it is rather ridiculous to pretend we are not engaged there.

The only way, in my opinion, that this Government can arrive at a sensible policy is for us to know what we are doing——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator may have 5 additional minutes.

Mr. FULBRIGHT. And then to subject those facts to a sensible discussion by the Members of the Congress and also to a dialog between the executive and the Congress itself.

I thought the comments of the Senator from Maryland (Mr. MATHIAS) about the intent of the resolution by the Senate last year in regard to commitments and also the amendment on the appropriation bill with regard to the commitment of forces in Laos were extremely well taken.

I think it is absolutely essential, if we are not to follow a disastrous course, that we have a better understanding between the legislative body—particularly the Senate—and the executive.

I cannot understand why the administration declines to clear the publication of the testimony, which I think is completely based, or almost completely based, upon testimony of the administration's own witnesses—it is not testimony taken from unauthorized persons at all. I have no doubt that is true. Yet while the administration keeps this testimony secret we are confronted with the kind of news we received yesterday, and again today, with respect to events that are developing in Laos.

This is a most serious matter, and it is especially serious when taken together with the President's Vietnamization policy. If we are simply going to deescalate in Vietnam and have another Vietnam in Laos, we have made no progress. In fact, we get deeper and deeper into a situation from which we can find no exit.

So I hope all my colleagues in the Senate will give serious attention to this matter, and that, within the next several days, perhaps we can have a discussion about it.

It would be most helpful if the State Department would change its view about publication of the official transcript, so that that would be the basis, together with information from the press, for an enlightened debate here on the floor and a discussion with the executive departments.

It looks as if the situation in Laos may be building up to a situation which is extremely dangerous for us. That together with what is developing in the Middle East should be enough to give any country pause and to cause us to take a much more serious look at both of these areas, where our country's security, and I think the peace of the world, may well be involved.

KALAMAZOO, MICH., CHOSEN AS "ALL AMERICA CITY"

Mr. GRIFFIN. Mr. President, a national magazine in its current issue singles out Kalamazoo, Mich., as one of the "All America Cities."

The awards are cosponsored each year by the National Municipal League and by Look magazine.

In addition, Highland Park, Mich., a suburb of Detroit, was given a citation of honorable mention in this year's competition.

I ask unanimous consent to have printed in the RECORD the article entitled, "Look and the National Municipal League Salute All America Cities, 1969," written by Thomas Barry, and published in the March 10, 1970, issue of Look magazine.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOOK AND THE NATIONAL MUNICIPAL LEAGUE SALUTE ALL AMERICA CITIES, 1969

On the twentieth birthday of this annual competition, it might be good to remind the reader—especially the young reader—that an All America City award recognizes citizen participation in the practice of democracy. Ideally, the winning towns, suburbs and cities selected each year by a distinguished National Muncipial League jury and later featured in Look will caucus on Judgment Day with Thomas Jefferson. Most can tell him how they went beyond the duties of voting and tax-paying to improve their communities and keep local government honest, how they organized, volunteered, protested.

The All America award was established before integration was the law of the land, before Federal programs in health, housing, education, job-training and pollution control. Local citizen action became somewhat suspect as New Problems cried out for New Solutions—with some justification. A recent Municipal League study of past All America winners notes that the most frequently cited projects, by far, were bond issues, government reorganization and industrial or business expansion. The report also says that 43 percent of the most active leaders were businessmen of the Chamber of Commerce stripe. It concludes that, while such activity and leadership were essential, more stress ought to be placed upon leadership by the poor, and more attention given to innovation in such fields as mental health, job training and birth control.

Actually, recent All America selections do reflect a change from boosterism to constructive breast-beating. The 1969 batch is no exception. Whether you prefer President Nixon's "new federalism" or the New Left's "democratic society," the following civic Baedeker suggests where the real action has always been—out with the people.

KALAMAZOO, MICH.

This industrial city in western Michigan kept itself out of debt for years, sound household policy that sometimes backfires on the municipal level. Kalamazoo was called "Window City of America" in the 1950's. During the next decade, a culture kick helped distract from unpleasant realities—alcoholism, rundown housing, a growing black population that felt shortchanged by the city, and too many young people with nothing to do during the summer. The problems remain, but four imaginative programs have

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been started by reformers who are so modest they almost withdrew their All-America application for fear of premature back-patting. Two plans offer rehabilitation to alcoholics and juvenile delinquents, a third has found 700 jobs for teen-agers during the past two summers, and the fourth financed 244 units of low-income housing with private investment. Kalamazoo also hosts an experiment in early education for youngsters under four years old.

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MODEST REFORMERS IN AN OLD DUTCH TOWN

Kalamazoo is a city that has had the guts to face up to some tough questions and the honesty to admit they have not yet been answered. This fact may not be pleasing to some members of the old "Park Club" establishment, who kept the town debt-free through World War II and promoted the slogan "Life Is Good in Kalamazoo." They remember that Kalamazoo was once designated "Window City of America." In 1969, the programs that earned an All America award attack less pleasant realities—alcoholism, wayward youth, rundown housing, unrest among the city's 9,000 Negroes.

Paradoxically, the youthful and modest sponsors of Kalamazoo's All America application—among them City Manager Jim Caplinger, 31, and District Judge Richard Enslen, 38—were leery of winning. In fact, they almost decided to withdraw when selected as one of 22 national finalists. A pat on the back seemed wrong when progress on tough problems was so slow.

Item: Operation LIFT (Living Improvement For Today) has been a promising answer to Kalamazoo's housing blight in recent years. Voters had twice refused to set up a public-housing commission, so a black organization, a home-improvement association, a private foundation and other groups joined LIFT. Seventy rundown homes were purchased, rehabilitated and rented to needy families. LIFT also financed 244 new housing units, now nearing completion, that qualify for Federal rent subsidies. But the organization is bogged down over where and how to build next. Tenants of rehabilitated houses complain about rising rents and poor upkeep. LIFT's action-minded executive director Mel Holmes wants to keep moving: "We've got $4 million and can't get together on what to do." (Another housing group recently got Federal approval for a 322-unit Planned Urban Development.)

Item: Young Bernie McKay ran the Kalamazoo Service Corps last summer, lining up 311 part-time jobs for teen-agers, many of them black. Try as he will, impatient Bernie finds it hard to view the attitude of Kalamazoo's white majority as much more than tokenism: "It's hard to feel something's really being done when only 11 out of 150 companies in this town respond with jobs." His friend Charles Sutton, director of a Teen Center in the black community, agrees. The Center received $30,000 over two years from the Kalamazoo Foundation, but Sutton says, "The agencies that could really do something about our problems are understaffed and underfinanced." One program McKay likes is the Downtown Learning Village, an experiment in educating preschool youngsters directed by Dr. Roger Ulrich of Western Michigan University.

Two projects originated by Judge Enslen—a former Peace Corpsman—offer hope in the form of rehabilitation for juvenile delinquents and alcoholics. Opportunity Kalamazoo (OK) involves 135 citizens who work as "friends" with young probationers. Enslen enlisted the aid of psychologists and social workers in setting up a pre-sentence program of interviews and tests. "We're succeeding here," says Enslen, "by confronting average citizens with the opportunity to help." He also works with Red Jones, a former steelworker and ex-alcoholic, in trying to offer an alternative to jail for alcoholics. They have obtained 27 beds at a local hospital for detoxification and are finding transitional jobs for men and women trying to regain skills and self-respect.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of the Federal Crop Insurance Coporation

A letter from the Assistant Secretary, Department of Agriculture, transmitting, pursuant to law, a report of the Federal Crop Insurance Corporation for the 1969 crop year (with an accompanying report); to the Committee on Agriculture and Forestry.

Report on Reapportionment of an Appropriation

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Agriculture for "Forest protection and utilization," Forest Service, for the fiscal year 1969, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Report on Progress of ROTC Flight Instruction Program

A letter from the Under Secretary of the Navy, transmitting, pursuant to law, a report on the progress of the ROTC flight instruction program for fiscal year 1969 (with an accompanying report); to the Committee on Armed Services.

Report of Export-Import Bank of the United States

A letter from the Secretary, Export-Import Bank of the United States, transmitting, pursuant to law, a report of the actions taken by the Bank during the quarter ended December 31, 1969 (with an accompanying report); to the Committee on Banking and Currency.

Report Covering Real and Personal Property Disposed of in Accordance With the Federal Property and Administrative Services Act of 1949, as Amended

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report covering personal property donated to public health and educational institutions and civil defense organizations and real property disposed of to public health and educational institutions for the period July 1, through December 31, 1969 (with an accompanying report); to the Committee on Government Operations.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in the operation of Government-owned vessels in support of military activities in Southeast Asia, Maritime Administration, Department of Commerce, dated February 24, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to revise work schedules of employees assigned to railway and highway post offices, Post Office Department, dated February 26, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on incentive provisions of Saturn V stage contracts, National Aeronautics and Space Administration, dated February 25, 1970 (with an accompanying report); to the Committee on Government Operations.

Report on Proposed U.S. Contribution to the Consolidated Special Funds of the Asian Development Bank

A letter from the Secretary of the Treasury, Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting, pursuant to law, the Council's special report on the proposed U.S. contribution to the Consolidated Special Funds of the Asian Development Bank, dated January 1970 (with an accompanying report); to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

Petitions and memorials were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A memorial of the House of Representatives of the State of Colorado; to the Committee on Commerce:

House Memorial 1003

Memorializing the Congress of the United States to enact legislation to require motor vehicle manufacturers to apportion certain funds to the development of pollution-free propulsion systems for motor vehicles

Whereas, Vast amounts of money are spent annually by the motor vehicle manufacturers of this country in making style changes with no other purpose than to induce purchases of such new models which, in ever greater numbers, continue to increase the country's air pollution problems; and

Whereas, The said manufacturers have failed to take adequate steps to deal with the air pollution problems so created; and

Whereas, The hour is now late and the development of pollution-free motor vehicles is becoming imperative to the future of the people of this country; now, therefore,

Be it Resolved by the House of Representatives of the Forty-seventh General Assembly of the State of Colorado:

That this House of Representatives petition the Congress of the United States to propose and enact legislation in the Congress to achieve the following results:

1. That each manufacturer of motor vehicles sold, distributed, leased, or otherwise used in the United States be required by law to apportion and set aside sums for the development of pollution-free propulsion systems for motor vehicles manufactured by said manufacturer according to the following schedule:

(a) For expenses of such development in the year 1971, a sum equal to ten percent of all amounts spent in 1970 by such manufacturer for the purpose of making style changes; for such expenses in the year 1972, a sum equal to thirty-three and one-third percent of the amount spent for style changes in the year 1970; and for such expenses in the year 1973, and thereafter in each year, until a pollution-free propulsion system is developed, a sum equal to seventy-five percent of the amount spent for such style changes in the year 1970;

(b) That no manufacturer be permitted to make styling changes in its motor vehicles after the year 1973, until such manufacturer has developed or acquired, ready for use in the next model year, a pollution-free propulsion system for use in all motor vehicles to be manufactured by such manufacturer.

2. That, as to such sums and their use in the development of such system, the dollar amount required by the formula set forth herein be subject to audit and agreement between each such manufacturer and the federal government.

3. The standards to be achieved in the development of a pollution-free propulsion system be set by the federal government, to include requirements of reasonable maintenance needs and reasonable mileage results from the use of any such device.

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4. No manufacturer shall have an exclusive right to any such device developed or acquired by such manufacturer, but such device must be made available to all other manufacturers on reasonable terms involving no royalty.

Be It Further Resolved, That copies of this Memorial be sent to the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and the members of the Congress of the United States from the State of Colorado.

JOHN D. VANDERHOOF,
Speaker of the House of Representatives.
LORRAINE F. LOMBARDI,
Chief Clerk of the House of Representatives.

Resolutions of the Commonwealth of Massachusetts; to the Committee on Finance:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION EXPANDING THE MEDICARE PROGRAM TO INCLUDE DRUG COSTS

Whereas, Millions of recipients of Medicare incur great and heavy financial expenses due to the high cost of drugs; now, therefore, be it

Resolved, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation expanding the Medicare program to include drug costs; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, February 4, 1970.

NORMAN L. PIDGEON,
Clerk.

House of Representatives, adopted in concurrence, February 9, 1970.

WALLACE C. MILLS,
Clerk.

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Resolutions of the Commonwealth of Massachusetts; to the Committee on Public Works:

RESOLUTIONS REQUESTING THE FEDERAL GOVERNMENT TO TAKE ACTION TO PREVENT DAMAGE TO THE ATLANTIC COASTLINE BY OIL LEAKAGE

Whereas, During World War II and at other times many tankers carrying large amounts of oil products have been sunk off the Atlantic Coast of the United States; and

Whereas, It now appears that due to the effects of rust and corrosion some of these tankers may be leaking or about to leak substantial quantities of oil; and

Whereas, The recreational use of beaches of the Atlantic Coast, especially those in Massachusetts, may be endangered by this oil; and

Whereas, The ecology of our coastline sea birds, shellfish beds, fish life and marshes may be seriously endangered or even wiped out; now, therefore, be it

Resolved, That the Senate of Massachusetts expresses its grave concern over the dangers presented by these large quantities of oil in such sunken vessels and respectfully requests the President and the Congress of the United States to direct the appropriate department of the federal government to take such action as may be necessary to prevent further damage to our beaches and the ecology of our coast by said oil; and be it further

Resolved, That the Secretary of the Commonwealth be requested to send a copy of these resolutions to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Senate, adopted, February 9, 1970.

NORMAN L. PIDGEON,
Clerk.

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Resolutions adopted by the St. Louis Park Sportsman Association, and the Rainbow Sportsmen's Club, of Anoka, Minn., remonstrating against proposed plans to create a major jetport for commercial aviation in a site on the Dade and Collier County lines, in Florida; to the Committee on Commerce.

A resolution adopted by the Lithuanian Council of Miami, of Miami, Fla., praying for the establishment of a Baltic Countries Freedom Administration; to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MAGNUSON, from the Committee on Appropriations, with an amendment:

H.R. 15931. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–710).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Theodore C. Marrs, of Alabama, to be Deputy Assistant Secretary of Defense for Reserve Affairs.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GRAVEL:

S. 3510. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies; to the Committee on Government Operations.

(The remarks of Mr. GRAVEL when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. GRAVEL (for himself and Mr. INOUYE):

S. 3511. A bill to amend section 27 of the Merchant Marine Act, 1920, in order to exempt from the provisions of such section the transportation of merchandise between points in the State of Alaska and points in the State of Hawaii; to the Committee on Commerce.

(The remarks of Mr. GRAVEL when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JORDAN of North Carolina:

S. 3512. A bill to amend the Federal Meat Inspection Act in order to exempt from the inspection requirements of such act the slaughter of animals of a person's own raising and the preparation of the carcasses, parts thereof, and meat and meat food products of such animals, if the total annual sales of such articles by such person do not exceed $2,000; to the Committee on Agriculture and Forestry.

By Mr. DODD:

S. 3513. A bill for the relief of Maria Sbuttoni; and

S. 3514. A bill to authorize emergency loan assistance by the Attorney General for the repair or restoration of local law enforcement facilities damaged or destroyed by criminal activities or natural disaster; to the Committee on the Judiciary.

(The remarks of Mr. DODD when he introduced S. 3514 appear later in the RECORD under the appropriate heading.)

By Mr. MUSKIE:

S. 3515. A bill to amend the act of August 3, 1956, relating to the payment of annuities to the widows of judges; to the Committee on the Judiciary.

By Mr. MUSKIE (for himself, Mr. BAYH, Mr. EAGLETON, Mr. MONTOYA, and Mr. RANDOLPH):

S. 3516. A bill to provide for the control and prevention of further pollution by oil discharges from Federal lands off the State of California; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. MUSKIE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HARTKE:

S. 3517. A bill to establish a self-supporting Federal reinsurance program to protect employees in the enjoyment of certain rights under private pension plans; to the Committee on Finance.

(The remarks of Mr. HARTKE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JACKSON (for himself and Mr. MAGNUSON) (by request):

S. 3518. A bill to provide for the partition of the assets of the Confederated Tribes of Coville Indians located in the State of Washington between the withdrawing and remaining members, for the termination of Federal supervision over the property of the withdrawing members thereof, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY (for himself and Mr. HATFIELD):

S.J. Res. 176. Joint resolution to authorize the President to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week"; to the Committee on the Judiciary.

(The remarks of Mr. MURPHY when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3510—INTRODUCTION OF A BILL RELATING TO PROPOSED AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. GRAVEL. Mr. President, the Federal Property and Administrative Services Act of 1949 as amended permits donations of certain kinds of Federal surplus property to State education agencies, health, library, and civil defense agencies. The bill I now introduce would extend this opportunity to State fish and game agencies.

I am convinced that substantial benefits could be realized in the important field of fish and wildlife management from the utilization of surplus equipment and materials that could be made available to States under this amendment.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3510) to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies, introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the Committee on Government Operations.

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S. 3511—INTRODUCTION OF A BILL TO AMEND THE MERCHANT MARINE ACT

Mr. GRAVEL. Mr. President, for a good many years Alaska and Hawaii have suffered under certain restrictions imposed by the Merchant Marine Act of 1920. As all will recall, the Jones Act prohibits the transportation of merchandise in foreign bottoms between two points in the United States. The bill I introduce on behalf of myself and the Senator from Hawaii (Mr. INOUYE) would exempt traffic between the noncontiguous States, Alaska and Hawaii, from this provision of the act.

This bill is offered in anticipation of marine cargo traffic that might move between these two States in the future. Increasingly Alaska is an exporting State—particularly in the energy fuels area—and this movement could be accelerated by relaxing the restriction of section 27 in this particular instance.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3511) to amend section 27 of the Merchant Marine Act, 1920, in order to exempt from the provisions of such section the transportation of merchandise between points in the State of Alaska and points in the State of Hawaii, introduced by Mr. GRAVEL (for himself and Mr. INOUYE), was received, read twice by its title, and referred to the Committee on Commerce.

S. 3514—INTRODUCTION OF A BILL TO AUTHORIZE EMERGENCY LOAN ASSISTANCE BY THE ATTORNEY GENERAL FOR THE REPAIR OR RESTORATION OF LOCAL LAW ENFORCEMENT FACILITIES DAMAGED OR DESTROYED BY CRIMINAL ACTIVITIES OR NATURAL DISASTER

Mr. DODD. Mr. President, I introduce for appropriate reference a bill to authorize emergency loan assistance by the Attorney General for the repair or restoration of local law enforcement facilities damaged or destroyed by criminal activities or natural disaster.

As most Members of the Senate are aware, on Friday the 13th of this month, a bank robbery occurred in the city of Danbury, Conn.

This was not an ordinary bank robbery, for in the course of their getaway, as diversionary tactics, the felons bombed the bank, a section of a shopping mall, and the local police station.

Twenty-six innocent bystanders were injured, and the total damage approximated some $900,000.

One of the more far-reaching ramifications of this tragedy is the fact that the damage done to the police station has seriously handicapped law enforcement in Danbury.

The police station alone suffered $660,000 worth of damage, which includes crucial electronic communications equipment. While private insurance will cover half of the damage done to the police station, the city desperately needs an additional $300,000 to $350,000 to rebuild the facility.

In an effort to assist Danbury, my staff and I, working with Mayor Gino Arconti, immediately began to investigate sources of Federal aid which might be available to Danbury to rebuild the police station in short order.

The results of our investigation, however, provide considerable cause for alarm, for we have learned that there are no Federal funds readily available to cover such an emergency.

In these times when local law enforcement agencies must be able to operate at maximum efficiency and effectiveness, it is appalling that there are no established programs to provide assistance to municipalities in situations of this kind.

While I have called on the President and the Attorney General to provide special contingency funds to assist Danbury, it is apparent that we must not allow situations like this to occur ever again. We must never again be unprepared to handle such an emergency.

Unfortunately, it could happen again, for modern media bring the methods and details of such criminal acts dramatically to the attention of other would-be felons, who are encouraged to attempt similar disastrous methods.

The proposal I submit today, will, I hope, provide a remedy to meet the problem.

The bill will operate quite simply:

The Attorney General, acting through the Law Enforcement Assistance Administration, is authorized to make emergency loans to assist the Nation's localities to repair or restore law enforcement facilities damaged or destroyed as the result of criminal activities or natural disasters.

Any such loan shall be made subject to the following conditions or limitations:

First. No such loan shall be made except upon the application of a public agency in accordance with rules and regulations to be prescribed by the Attorney General.

Second. The amount of any such loan shall not exceed the difference, as determined by the Attorney General, between the funds which can be practicably obtained by the applicant from other sources and the amount which is necessary to insure the prompt repair or restoration of the damaged facility to substantially the same condition as existed prior to the occurrence of the criminal acts or disasters.

Third. Any such loan shall be repaid without interest within such period and on such terms as the Attorney General shall prescribe.

Fourth. All such loans shall be of such sound value or so secured as reasonably to assure repayment.

While I shall not belabor the urgent need for this legislation, I take this opportunity to request that the bill be considered as quickly as possible in committee so that it can be acted on by the full Senate in short order.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3514) to authorize emergency loan assistance by the Attorney General for the repair or restoration of local law enforcement facilities damaged or destroyed by criminal activities or natural disaster, introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 3516—INTRODUCTION OF THE SANTA BARBARA CHANNEL PRESERVATION ACT OF 1970

Mr. MUSKIE. Mr. President, on January 27, 1969, a well blew out on the Union Oil Co.'s platform A in the Santa Barbara Channel. In the days that followed oil covered most of the waters and beaches of the channel, resulting in untold damages to property and economic loss to the coastal communities of the area. We will probably never know the extent of environmental damage.

The leak has ebbed, but it continues to threaten the California coast. It has not been stopped.

A special Presidential study panel concluded that "it is less hazardous to proceed with development of the lease than to attempt to seal the structure with its oil content intact." Based on that panel's findings, drilling and pumping of oil resumed on the Federal leases in the channel. The panel balanced the hazards and concluded that continued oil development was appropriate. Yet the threat to the environment continues.

The balance the panel thought it had achieved is precarious, and its conclusions are not so clear as unstable geologic conditions of the area continue to cause serious concern. The relief of pressure in this area may take years. In such a dangerous situation, further pumping of oil in the channel for whatever purpose should not be left to oil companies concerned primarily with profits justified by the need to "relieve pressure" and "halt seeps." The people of Santa Barbara do not believe that we should take this chance, and I agree with them.

I, therefore, introduce for myself and Senators BAYH, EAGLETON, MONTOYA, and RANDOLPH, legislation to provide for the orderly termination of mineral development of the Outer Continental Shelf lands in the Santa Barbara Channel. The bill would:

Require the Secretary of the Interior to assume the control and management of platform A and to take whatever action is necessary to prevent further blowouts and to stop further oil seepage;

Provide for the use of safe and esthetically acceptable devices to reduce oil pressure if necessary and to collect the oil obtained through the use of such devices;

Prohibit any new exploration or drilling of oil from these lands;

Terminate permanently in an orderly and safe manner all mineral operations in this area; and

Provide for the orderly removal of platforms from this area.

The bill would authorize the Secretary to enter into negotiations to pay damages to existing mineral lessees in the area, less costs and damages incurred by the United States. These lessees could sue for such damages in the Court of Claims, and the court would decide

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whether such termination to protect other resources of the shelf was an inherent part of the lease and therefore not compensable.

In a letter of May 29, 1969, to the chairman of the Senate Committee on Interior and Insular Affairs regarding similar legislation, the Deputy Attorney General of the United States stated that:

> It could be argued that the termination of drilling on Federal leases in the Santa Barbara channel would be noncompensable exercise of the police powers of the sovereign or that the possibility of termination was inherent in the issuance of the lease, at least when necessary to protect other resource and environmental values threatened by operations of the Federal leases.

My bill recognizes this argument and, without attempting to decide it, directs the court to consider it in any suit for damages.

Finally, the bill would make permanent the ecological preserve established in March 1969, by public land order, and set aside the remainder of the Federal lands in the channel.

I ask that the bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3516) to provide for the control and prevention of further pollution by oil discharges from Federal lands off the State of California, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Santa Barbara Channel Preservation Act of 1970".

SEC. 2. The Congress finds and declares that:

(a) discharges or potential discharges of oil resulting from, or caused by, exploration, drilling, pumping, or other mineral operations conducted on Federal lands constitute a threat to the total environment;

(b) the urgency for exploration and development of oil and gas and other minerals of the submerged lands of the outer continental shelf always must be weighed against the need to protect and enhance our environment;

(c) inadequate consideration is too often given to the physical and natural conditions of the lands and resources of the outer continental shelf and the impact on the environment if mineral operations are permitted in the rush to explore and develop the mineral resources of the shelf;

(d) the leasing of the minerals of the outer continental shelf lands within the Santa Barbara Channel off the State of California is an example of such inadequate consideration and of the disastrous consequences to our environment that result when man strives to develop more, and conserve less;

(e) oil discharges resulting from mineral operations conducted on these lands have occurred and are continuing to occur with resulting adverse environmental effects;

(f) a special scientific panel formed to study the future of one mineral lease operation in the Santa Barbara channel found this operation hazardous, but also concluded that it was less hazardous to proceed with rapid development of this lease to stop the seepage and reduce the formation pressures and recommended certain remedial measures;

(g) the continued or intermitten discharge of oil in this area, despite these measures, constitutes a continuing hazard to the environment and is a source of deep national concern;

(h) in view of this hazard and concern it is not in the national interest to permit further mineral development in the Santa Barbara Channel area to supplement our national mineral supply and to provide temporary added revenues to the United States Treasury when such long-lasting and often irrevocable adverse effects to the environment may result at any time; and

(i) it is therefore the purpose of this Act to prevent any further adverse environmental effects from these mineral operations and, in particular, to protect other resources of the lands and waters of the outer continental shelf in the Santa Barbara Channel.

SEC. 3. In furtherance of the purpose of this Act, the Secretary of the Interior shall:

(a) assumes the operations immediately of all mineral exploration, drilling, or pumping operations being conducted on the effective date of this Act on Federal lands within the Santa Barbara Channel from which oil has been or is being discharged into the waters of said Channel for the purpose of preventing further blowouts and to stop further oil discharge and seepage with a maximum of safety;

(b) construct, install, and operate, where necessary, ocean floor pumps or other no less safe devices to reduce formation pressure as a further means of reducing and stopping further oil discharge and seepage, and to dispose of any oil recovered by this process competitively or as part of any settlement reached under section 5 of this Act;

(c) prohibit immediately the initiation of any further mineral exploration of, or the drilling of wells in, such lands under existing or future leases;

(d) terminate permanently in an orderly and safe manner all mineral operations conducted under any Federal lease on lands of the outer continental shelf within the Santa Barbara Channel off the coast of California; and

(e) provide for the orderly removal of all platforms, fixed structures, artificial islands, and pipelines by the owners thereof from such lands when the Secretary finds that such removal can be safely accomplished.

SEC. 4. In carrying out the provisions of section 3 of this Act, the Secretary of the Interior is authorized:

(a) to utilize with or without reimbursement the services, personnel, and facilities of any Federal agency;

(b) to enter into contracts with public and private agencies and organizations and individuals; and

(c) to take such other actions as he deems appropriate to carry out the purpose of this Act.

SEC. 5. The Secretary of the Interior is authorized to negotiate and settle all claims for damages filed by any lessee of such lands for actions taken by the Secretary under section 3 of this Act, after taking into consideration all costs heretofore or hereinafter incurred by, and all claims filed against, the United States as a result of the discharge of oil during the operation of any lease of such lands, the value of any minerals produced by such lessees from such lands, and the speculative nature of the lease operations conducted on such lands. The entering into such negotiations shall not be construed as affecting any finding required to be made under section 6 of this Act.

SEC. 6. Any action against the United States to recover damages for the termination of mineral operations under lease on Federal lands in the Santa Barbara Channel by the United States under this Act shall be brought in the Court of Claims as provided in title 28, United States Code, section 1491. In any such action, the Court shall first consider and decide whether, in accordance with the purposes of the Outer Continental Shelf Lands Act, the termination of mineral operations, under any lease issued for the exploration and development of oil from these Federal lands, to protect other resources and other environmental values threatened by such operations was inherent in the issuance of the lease and the termination is therefore not compensable.

SEC. 7. There is authorized to be appropriated to the Secretary of the Interior from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 *et seq.*), in excess of those receipts credited to the land and water conservation fund under section 2(c)(2) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460 1–6), for the purpose of paying damages, either negotiated and settled upon by the Secretary of the Interior or determined by the Court of Claims under this Act. In the negotiation and settlement of damages under section 5 of this Act, the Secretary of the Interior is authorized to issue one or more oil leases for the exploration and development of oil in other Federal lands under his jurisdiction, which are open for mineral leasing, and which in his judgment do not exceed the value of such terminated leases to the lessees whose operations are terminated under this Act in full and complete settlement of such damages, whenever he finds and publishes his finding that such a settlement would be in the best interests of the United States.

SEC. 8. (a) The Ecological Preserve shown on Official Outer Continental Shelf Leasing Map, Channel Islands Area Map No. 6B, approved August 8, 1966, and revised July 24, 1967, and established by public land order on March 3, 1969, is hereby permanently withdrawn from all forms of disposition, including mineral leasing, and reserved for use for scientific, recreational, fish and wildlife conservation, and other similar uses as an ecological preserve.

(b) All lands of the outer continental shelf in the Santa Barbara Channel off the Coast of California not included in the Ecological Preserve reserved under this section are hereby withdrawn from all forms of disposition, including mineral leasing, until authorized by a subsequent Act of Congress or by the President pursuant to an Executive Order declaring a national emergency and requiring the exploration and development of the mineral deposits of such lands or to prevent drainage.

S. 3517—INTRODUCTION OF FEDERAL REINSURANCE OF PRIVATE PENSION PLANS ACT

Mr. HARTKE. Mr. President, I am today introducing for appropriate reference, a bill to protect the private pension rights of employees through Federal reinsurance of their pension plans.

My own active sponsorship of this legislation dates from 1964, when the sudden closing of the Studebaker Corp. plant in South Bend, Ind., left behind a retirement fund with assets insufficient to make good on promised pension benefits. At that time many workers in their fifties with more than 30 years of pension credits were denied pension benefits, even though they had met the requirements for vesting which had been established in the Studebaker plan.

This tragic experience prompted me to introduce legislation in the 88th, 89th, and 90th Congresses to safeguard employees from sudden termination of un-

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derfunded plans. The legislation which I introduce today is similar in its structure to the bills introduced previously with some technical modifications. Basically, the measure provides a program of insurance similar to the protection afforded bank deposits by the Federal Deposit Insurance Corporation, or the insurance of mortgage obligations through the Federal Housing Administration.

The bill establishes a nine-member Federal Advisory Council for Insurance of Employees' Pension Funds, subject to Presidential appointment and Senate confirmation. Those employers having private pension funds would be required to participate in order to retain their eligibility for special tax treatment under the Internal Revenue Code. Premiums paid by each participating fund would then provide a pension fund upon which claims could be made in case of a pension plan's failure.

It is estimated that there are now about $100 billion held by private pension funds in the form of reserve assets. These assets are held to pay pensions to some 25 to 30 million active employees currently covered by private pension plans. By 1980, it is estimated that these reserve assets will grow to more than $250 billion with some 45 million workers under these plans. Some 2½ million retired men and women are currently drawing benefits under these plans, and estimates place the number at 7 million by 1980.

Figures such as these give indication of the degree to which the public interest is involved in these private pension plans and of their impact, both present and prospective, on the economy.

Between 1954 and 1969, more than 10,000 private pension plans have failed, with the result that almost 400,000 employees have been left with drastically reduced pensions, or even worse, no pension at all. Certainly we cannot allow this deplorable situation to continue into the 1970's and 1980's when, as I have indicated, the number of employees covered by private pensions and the assets therein will increase tremendously.

The necessity for prompt action is further underlined by the fact that these plans are today subsidized to a significant degree by Federal taxpayers through the favored tax treatment afforded them under the Internal Revenue Code as part of encouraging their growth as a significant supplement to our social security system.

Mr. President, rather than explicate this bill at great length here, I ask unanimous consent that a full explanation of this bill be printed at the close of my remarks, together with the text of the proposal.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred; and, without objection, the bill and explanation will be printed in the RECORD.

The bill (S. 3517) to establish a self-supporting Federal reinsurance program to protect employees in the enjoyment of certain rights under private pension plans, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3517

Be it enacted by the Senate and House of Representatives of the United Strtes of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Reinsurance of Private Pension Plans Act".

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "pension fund" means a trust, pension plan, or other program under which an employer undertakes to provide, or assist in providing, retirement benefits for the exclusive benefit of his employees or their beneficiaries. Such term does not include any plan or program established by a self-employed individual for his own benefit or for the benefit of his survivors or established by one or more owner-employees exclusively for his or their benefit or for the benefit of his or their survivors.

(b) The term "eligible pension fund" means a pension fund which meets the requirements set forth in section 401 of the Internal Revenue Code of 1954 with respect to qualified pension plans.

(c) (1) The term "insured pension fund" means an eligible pension fund which has been in operation for not less than three years and, for each of such years, has met the requirements set forth in subsection (b) and has been insured under the program established under this Act.

(2) Any addition to, or amendment of, an insured pension fund shall, if such addition or amendment involves a significant increase (as determined by the Secretary) in the unfunded liability of such pension fund, be regarded as a new and distinct pension fund which can become an "insured pension fund" only upon compliance with the provisions of paragraph (1) of this subsection.

ESTABLISHMENT OF INSURANCE PROGRAM

SEC. 3. There is hereby established in the Department of Health, Education, and Welfare a program to be known as the Federal insurance program for private pension plans (hereinafter referred to as the "program"). The program shall be administered by, or under the direction and control of the Secretary.

CONTINGENCIES INSURED AGAINST UNDER PROGRAM

SEC. 4. (a) The program shall insure (to the extent provided in subsection (b)) beneficiaries of an insured pension fund against loss of benefits to which they are entitled under such pension fund arising from—

(1) failure of the amounts contributed to such fund to provide benefits anticipated at the time such fund was established, if such failure is attributable to cessation of one or more of the operations carried on by him in one or more facilities of such employer; or

(b) The rights of beneficiaries of an insured pension fund shall only be insured under the program to the extent that such rights do not exceed—

(1) in the case of a right to a monthly retirement or disability benefit for the employee himself, the lesser of 50 per centum of his average monthly wage in the five-year period for which his earnings were the greatest, or $500 per month;

(2) in the case of a right on the part of one or more dependents, or members of the family, of the employee, or in the case of a right to a lump-sum survivor benefit on account of the death of an employee, an amount found by the Secretary to be reasonably related to the amount determined under subparagraph (1).

In the case of a periodic benefit which is paid on other than a monthly basis, the monthly equivalent of such benefit shall be regarded as the amount of the monthly benefit for purposes of clauses (1) and (2) of the preceding sentence.

(c) If an eligible pension fund has not been insured under the program for each of at least the three years preceding the time when there occurs the contingency insured against, the rights of beneficiaries shall not be insured and in lieu thereof the contributions made on behalf of such pension fund during such period shall be returned to the pension fund.

PREMIUM FOR PARTICIPATION IN PROGRAM

SEC. 5. (a) Each eligible pension fund may, upon application therefor, obtain insurance under the program upon payment of such annual premium as may be established by the Secretary. The Secretary shall establish separate premium rates for insurance against each of the contingencies described in section 4(a)(1) and section 4(a)(2). In establishing such premium rates for insurance against the contingency described in section 4(a)(2), the Secretary shall provide that the rate shall vary, to whatever extent is appropriate, for different classes of investments. Premium rates established under this section shall be uniform for all pension funds insured by the program and shall be applied to the amount of the unfunded obligations and assets or class of assets, respectively, of each insured pension fund. The premium rates may be changed from year to year by the Secretary, when the Secretary determines changes to be necessary or desirable to give effect to the purposes of this Act; but in no event shall the premium rate established for the contingency described in section 4(a)(1) exceed 1 per centum for each dollar of unfunded obligations, nor shall the aggregate premium payable by any insured pension fund for the contingency described in section 4(a)(2) exceed one-quarter of 1 per centum of the assets of such fund.

(b) The Secretary, in determining premium rates, and in establishing formulas for determining unfunded obligations and assets of pension funds, shall consult with, and be guided by the advice of, the Advisory Council (established by section 8).

(c) If the Secretary (after consulting with the Advisory Council) determines that, because of the limitation on rate of premium established under subsection (a) or for other reasons, it is not feasible to insure against loss of rights of all beneficiaries of insured pension funds, then the Secretary shall insure the rights of beneficiaries in accordance with the following order of priorities—

First: individuals who, at the time when there occurs the contingency insured against, are receiving benefits under the pension fund, and individuals who have attained normal retirement age or if no normal retirement age is fixed have reached the age when an unreduced old-age benefit is payable under title II of the Social Security Act, as amended, and who are eligible, upon retirement, for retirement benefits under the pension fund;

Second: individuals who, at such time, have attained the age for early retirement and who are entitled, upon early retirement, to early retirement benefits under the pension fund; or, if the pension fund plan does not provide for early retirement, individuals who, at such time, have attained age sixty and who, under such pension fund, are eligible for benefits upon retirement;

Third: individuals who, at such time, have attained age forty-five;

Fourth: individuals who, at such time, have attained age forty; and

Fifth: in addition to individuals described in the above priorities, such other individuals as the Secretary, after consulting with the Advisory Council, shall prescribe.

(d) Participation in the program by a pension fund shall be terminated by the Secretary upon failure, after such reasonable

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period as the Secretary shall prescribe, of such pension fund to make payment of premiums due for participation in the program.

REVOLVING FUND

Sec. 6. (a) In carrying out his duties under this Act, the Secretary shall establish a revolving fund into which all amounts paid into the program as premiums shall be deposited and from which all liabilities incurred under the program shall be paid.

(b) The Secretary is authorized to borrow from the Treasury such amounts as may be necessary, for deposit into the revolving fund, to meet the liabilities of the program. Moneys borrowed from the Treasury shall bear a rate of interest determined by the Secretary of the Treasury to be equal to the average rate on outstanding marketable obligations of the United States as of the period such moneys are borrowed. Such moneys shall be repaid by the Secretary from premiums paid into the revolving fund.

(c) Moneys in the revolving fund not required for current operations shall be invested in obligations of, or guaranteed as to principal and interest by, the United States.

AMENDMENT TO INTERNAL REVENUE CODE

Sec. 7. (a) Section 401(a) of the Internal Revenue Code of 1954 (relating to definition of qualified pension and other similar plans) is amended by adding at the end thereof the following new paragraph:

"(11) Notwithstanding the preceding provisions of this subsection, no pension fund which, for any taxable year is insurable under the Federal Reinsurance of Private Pension Plans Act, shall be a qualified pension plan under this section if such fund is not insured for such year under the program established under such Act."

(b) Section 404(a)(2) of such Code (relating to deductibility of contributions to employees' annuities) is amended by striking out "section 401(a) (9) and (10)" and inserting in lieu thereof "section 401(a) (9), (10), and (11)".

(c) The amendments made by this section shall be effective with respect to taxable years which begin not less than six months after the date of enactment of this Act.

ADVISORY COUNCIL

Sec. 8. (a) There is hereby created a Federal Advisory Council for Insurance of Employees' Pension Funds (hereinatfer referred to as the "Advisory Council"), which shall consist of nine members, to be appointed by the President, by and with the advice and consent of the Senate. The President shall select, for appointment to the Council, individuals who are, by reason of training or experience, or both, familiar with and competent to deal with, problems involving employees' pension funds and problems relating to the insurance of such funds. Members of the Council shall be appointed for a term of two years.

(b) Members shall be compensated at the rate of $100 per day for each day they are engaged in the duties of the Advisory Council and shall be entitled to reimbursement for traveling expenses incurred in attendance at meetings of the Council. The Advisory Council shall meet at Washington, District of Columbia, upon call of the Secretary who shall serve as Chairman of the Council. Meetings shall be called by such Chairman not less often than twice each year.

(c) It shall be the duty of the Advisory Council to consult with and advise the Secretary with respect to the administration of this Act.

The explanation presented by Mr. Hartke is as follows:

Public Reinsurance for Private Pension Plans

A. PURPOSE OF THE PROGRAM

To establish a Federal system of reinsurance for private pension plans. The program would be financed by premiums to be paid by pension funds as a condition of qualification for favorable tax treatment under the Internal Revenue Code. Such a program would be similar to the program of insurance of deposits in savings banks and savings and loan associations through the Federal Deposit Insurance and the Federal Savings and Loan Insurance Corporations and the insurance of the mortgage obligation to make future payments under the Federal Housing Act.

B. NEED FOR THE PROGRAM

Congress has provided through legislation strong incentives for the establishment of private pension plans. Although the response has been gratifying in terms of the numbers of such plans which have been instituted, the very fact that most pension programs have been in existence for so few years, has created a serious problem. Since most pension plans are newly created they are still far from being fully funded even where a program of funding has been undertaken. In fact, present tax regulations preclude the funding of past service liabilities in less than about 12 years; they do not require that they be funded at all.

As a result termination of a pension plan may mean that the funds accumulated are inadequate to even pay full pensions to those nearing retirement age, let alone to protect the benefit expectations of other workers who may find that the security they thought they had established for their older years, through the accumulation of pension credits, has disappeared overnight.

The proposal embodied herein would insure to the worker at least some measure of the security which he has rightly come to expect; and because of its self-financing feature would not result in the expenditure of 1 cent of public funds. It would protect a worker's investment in a pension fund just as his savings are insured if deposited in a savings bank or a savings and loan association which are protected by insurance through a Government corporation. It would also insure the obligations of the fund to make future payments to him just as a mortgagee's right to receive future mortgage payments is insured by FHA.

C. PENSION RIGHTS PROTECTED

It is hoped that within the maximum premimum rate set by the bill that all credits earned under all private pension plans will be able to be protected against the risk of termination. If, however, the premium should prove to be insufficient, the bill establishes a series of priorities for protection.

The highest priority would go to those who have already retired and who are receiving a pension and to those who are eligible to retire under the terms of their plan and who have attained normal retirement age. Next in line for consideration would be those who are eligible to retire by virtue of having attained the age specified in the plan for early retirement. If early retirement is not provided, age 60, the usual age for early retirement, should be used.

Third in line for possible coverage would be those workers whether or not eligible to retire who are over the age of 45 and who therefore presumably will find it impossible to accumulate sufficient new credits to provide adequately for their old age.

Fourth in the line of priorities would be those workers who have reached the age of 40. And last, reinsurance would be provided for all pension credits regardless of the age of the individual at the time of termination. This last classification would of course provide the complete coverage of every earned pension credit referred to earlier as the ultimate goal of this proposal. The desirability of such extensive coverage, if at all feasible, need not be restated.

It should be understood that insurance of credits in the third, fourth, and last priorities would not mean immediate payments from the pension reinsurance system. Payments would only be made when the individual reaches the normal retirement age.

D. PENSION PLANS ELIGIBLE FOR INSURANCE

The proposal contemplates insurance for all private pension plans which qualify under the Internal Revenue Code and which have been in operation and have paid premiums for a specified number of years before the insurance became effective would seem necessary. Such a suicide clause would seem necessary to prevent the establishment of a program with the knowledge that the plan will be terminated for one of several reasons. This would exclude "pay as you go" plans but would include all funded plans whether insured or trusteed. This would include plans which provide for terminal funding, which provide only for the funding of future service liabilities, and which provide for the funding of both past and future service liabilities. It is recognized, of course, that since these different types of plans have significantly different levels of funding, that the unfunded liabilities will vary from plan to plan. Since it is this unfunded liability that will be insured, the amount of the individual plan's premium will be computed on the basis of the amount of unfunded liability.

While the bill proposes to insure all qualified pension plans, further study may prove it necessary to require a reasonable amortization program (30 or 40 years) for past service liabilities. Such a requirement may be necessary if it is determined that the reinsurance scheme would progressively become more expensive because of the large unfunded liabilities of aging firms.

The only limitation which I believe should be placed on this all-inclusive aspect of the insurance is one related to the amount of benefit which any particular plan promises to its members. This would be similar to the limitation of $10,000 of savings which are eligible for insurance under existing programs. Such limitations are set forth in the bill.

E. RISKS AGAINST WHICH THE SYSTEM SHOULD INSURE

The reinsurance system would insure against all risks to earned pension credits if it is to provide a meaningful sense of security to the employee. These risks fall into two categories: (1) risks to the plan which depend on the degree to which it is funded, and (2) risks to the plan which depend on forces outside of it and which operate irrespective of the extent to which it is funded.

A clear example of a risk in the first category would be the termination of a plan because of the business failure of the employer. In such a case the risk insured against would be its unfunded liability which is attributable to the rights which are insured. As previously pointed out, the premium for insurance of this risk would be determined by the amount of unfunded liabilities.

Since the reinsurance plan is basically underwriting the benefit levels set forth in the plan, the amount of the unfunded liability, both for the purpose of determining the liability insured and the premium charged, would be determined on the basis of a set of standard actuarial assumptions. These actuarial assumptions could be determined by the Secretary on the basis of consultation with the Advisory Council established specifically for the purpose of consultation on the proposed program.

When the employer has not gone out of business, but has closed a plant or reduced the work force, continued funding of the past service liability may become such a burden as to jeopardize the existence of the remaining operation. To protect the rights of both terminating and continuing employees, the bill provides that where there is a partial termination, determined in accordance with recent Internal Revenue Service Regulations (code sec. 401(a)(7)), an appropriate portion of the assets would be allocated to the terminating employees. The reinsurance would then pick up any additional liability on behalf of those employees. The employer would continue operation of his plan, with the remaining assets, on behalf of the continuing employees.

Where there is no termination, the program would not be applicable but the per capita past service amortization payment on a plan exceeds some specified percentage (e.g., 200 percent) of the initial per capita past service amortization payment, usually as a result of a severe reduction in the work force, the reinsurance would assume any past service liability financing required which is in excess of the specified percentage.

The second type of risk different from those which we have been discussing and which should be insured against, is the risk of depreciation of the funded assets. The risk involved, in the situation is probably very slight and is not dependent on the size of the unfunded liability. The premium for this risk is, therefore, computed separately than the premium for insuring the unfunded liabilities. While the risk here would depend upon the types of assets, it would probably be administratively unfeasible, as well as undesirable to set reinsurance premiums for individual investments at the same time consideration might be given to vary the premium by class of assets; i.e., Government bonds, stocks, mortgages, etc.

Since the premiums established, particularly with respect to the second risk outlined above, may eventually prove to be excessive, the legislation includes a provision authorizing the administrator to provide for the suspension or reduction of either type of premium for a period of time.

F. ESTABLISHMENT AND ADMINISTRATION OF REINSURANCE SYSTEM

The most logical existing agency to administer the system of reinsurance for private pension plans would be the Social Security Administration in the Department of Health, Education and Welfare. In addition to having the actuarial and technical personnel who are engaged in a similar operation, the administration by the social security offices would provide an opportunity for automatic notification to a prospective pensioner under a private plan at the time he files an application for social security benefits.

The legislation authorizes the Secretary to borrow moneys from the Treasury for the establishment of a reinsurance fund. This money would be repaid by the premiums which the fund would receive and the legislation would thereby achieve a self-financing status at no cost to the public.

SENATE JOINT RESOLUTION 176—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING "D FOR DECENCY WEEK"

Mr. MURPHY. Mr. President, President Nixon, in his May 2, 1969, message to Congress dealing with obscenity and pornography stated:

> The ultimate answer lies not with the government but with the people. What is required is a citizens' crusade against the obscene. When indecent books no longer find a market, when pornographic films can no longer draw an audience, when obscene plays open to empty houses, then the tide will turn. Government can maintain the dikes against obscenity, but only people can turn back the tide.

I introduce, on behalf of myself and the distinguished Senator from Oregon (Mr. HATFIELD), a joint resolution that can start the "citizens' crusade against the obscene" suggested by the President. I ask unanimous consent that the full text of the resolution be printed in the RECORD at the end of my remarks.

This resolution will ask the President to declare the week of May 17 through May 23, 1970, as "D for Decency Week" and will call upon all Americans to observe this week with appropriate ceremonies and activities.

I am introducing this resolution because of my grave concern over the increase in obscene materials found throughout the Nation. During the past several years, a veritable flood of pornographic material, obscene books, and repulsive pictures have appropriated most of the space on the sidewalk newsstands in many of our communities, as well as being displayed for sale in drugstores and other retail outlets, often in residential areas, near homes, churches, and schools.

I believe the declaration by the President of "D for Decency Week" will alert local citizens and organizations to the threat of this material to our youth and will encourage them to organize an educational campaign as to how each citizen can be effective in the fight against the purveyors' traffic in dirty books, dirty pictures, and dirty films.

I wish to thank Mr. Warren M. Dorn, the distinguished supervisor for the Fifth District of the county of Los Angeles for initiating this program. Upon Supervisor Dorn's motion, the Los Angeles County Board of Supervisors has, for the past 2 years, declared a week as "D for Decency Week" in Los Angeles County and urged the citizens of the county to engage in a concerted campaign against obscene material. For this action I want to commend the distinguished members of the Los Angeles Board of Supervisors.

Mr. President, I urge each of my colleagues to join with me in support of this resolution.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 176) to authorize the President to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week," introduced by Mr. MURPHY (for himself and Mr. HATFIELD), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 176

Whereas the amount of obscene and pornographic material being sold and otherwise distributed throughout the United States continues to increase at an alarming rate; and

Whereas such material has no redeeming social value to the Nation or the American people; and

Whereas too much of such material is finding its way into the hands of the youth of the country: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to focus national attention on the need to reduce and control the vast quantities of obscene and pornographic material being distributed throughout the United States, the President is authorized and requested to issue a proclamation designating the week of May 17, 1970, through May 23, 1970, as "D for Decency Week", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS

S. 3307

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, the names of the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of S. 3307, to prevent further increases in premiums for part B of medicare.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3355

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that at its next printing, the names of the Senator from Idaho (Mr. CHURCH), the Senator from Ohio (Mr. YOUNG), and the Senator from Indiana (Mr. BAYH) be added as cosponsors of S. 3355, the Heart Disease, Cancer, Stroke and Kidney Disease Amendments of 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3385

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Georgia (Mr. TALMADGE), I ask unanimous consent that, at the next printing, the name of the Senator from Iowa (Mr. MILLER) be added as a cosponsor of S. 3385, a bill to amend title 38, United States Code, to increase the income limitations applicable to non-service-connected pensions for veterans and widows, to increase the income limitations applicable to dependency and indemnity compensation for dependent parents, and to liberalize the rates of such pensions and such dependency and indemnity compensation.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3418

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that at its next printing the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of S. 3418, to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A RESOLUTION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at

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its next printing, the name of the Senator from Utah (Mr. Moss) be added as a cosponsor of Senate Resolution 351, calling for mutual cease-fire and political settlement in Vietnam.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE ATTORNEY GENERAL TO PROVIDE A GROUP LIFE INSURANCE PROGRAM FOR STATE AND LOCAL GOVERNMENT LAW ENFORCEMENT OFFICERS—AMENDMENT

AMENDMENT NO. 531

Mr. KENNEDY. Mr. President, on behalf of myself, the Senator from Indiana (Mr. BAYH), and the Senator from Maryland (Mr. TYDINGS), I am today submitting an amendment, intended to be proposed by us, jointly, to the bill (S. 3) to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers.

We cannot call ourselves free men if we cannot walk our streets in safety, if we cannot sleep in peace in our homes, if we cannot conduct our business without fear. The threat of the criminal is one that all of us feel directly and daily. It is a threat that we all sense is growing. It is one that we all as individuals feel powerless to deal with, a disease beyond our control, an infection which we cannot really protect ourselves against.

We are so fearful that we fall prey to those who purvey panaceas. We look for scapegoats to vent our fear and frustration on. We let ourselves be fooled into thinking there are easy answers.

There are answers. They are not complete answers. And they are certainly not easy answers. They take hard work, and time and resources, and confidence in the strength of our system of government. They take effort by each of us as individuals, in our local communities, in our State governments, and at the Federal level.

I believe that effort has begun over the last decade. During the Kennedy and Johnson administrations, new Federal laws were passed to strike at organized crime; a massive new program of Federal assistance to State and local governments was developed, tested and adopted; the States and localities were spurred on to establish their own anticrime planning programs; and the National Crime Commission provided us with a blueprint for a comprehensive and rational attack on the scourge of crime. All of those activities laid a solid foundation for that attack, and now our job is to carry it out.

Of course, we must stop crime at its roots, by eliminating the poverty, illiteracy, deprivation, and unemployment that sow and nurture the seeds of crime. But we cannot wait for that. In the meanwhile, we must deal with crime where we find it. We must certainly do something about our corrections system. It is in our prisons and in our parole and probation systems that we have the people who we know are most likely to commit future crimes. We have the opportunity to rehabilitate them if we wish, but our record is not good. On a national basis, one-third of those who are released from prison will be reimprisoned within 5 years. And they will continue to do so unless we make our corrections process one which really corrects and rehabilitates through educational and vocational training and guidance and meaningful supervision.

Our court system is sadly in need of modernization. We have to apply modern methods of administration, including computers, to the scheduling and processing of court business. We need more judges and prosecutors and defense attorneys and administrators, and more training for them, so that they can provide justice swiftly, fairly, efficiently and consistently.

Finally, and most immediately, we must enhance the effectiveness of our police forces. We must provide them with 20th century equipment and techniques. In the age of lasers and live TV from the moon, there is no reason why the officer on the street should be confined to a nightstick, a revolver, and a dime for the pay phone. We must provide our police officers with the training to do the best possible job. And we must give them opportunities for advanced education so that those who wish may broaden their horizons and more fully understand the society which they protect.

But we want our law enforcement officers not only to act professional, we want them to feel professional. And that requires giving them the kind of public respect, personal dignity, incomes, working conditions, and fringe benefits that we give other kinds of professionals in the community. It is hard to expect people to look up to men who must begin and end their day in dark and dingy station houses. It is hard for policemen's families to feel proper pride if they are not adequately protected by health and life and accidental death and disability insurance, and by a proper retirement program.

The National Crime Commission saw the importance of police professionalism and dignity, and placed its prestige behind efforts in that direction in 1967. In response to their recommendation and to other discussions I had with law enforcement experts and community leaders, I proposed in that year a plan to give all police officers in the United States access to low cost and broad coverage life insurance. I felt that this plan would not only provide a vitally needed addition to police benefits, but would also be symbolic of the Nation's determination to support law enforcement not only in word but in deed. In its original form, my proposal was an amendment to a bill, now law, which provided for Federal payments to State and local officers who were killed while pursuing Federal criminals. I felt that the bill was meritorious, but too narrow, and that the Federal Government should see to it that officers' families had life insurance protection whatever the cause of death. My research showed that for some policemen, such as traffic patrolmen, motorcycle officers, vice squads, and pilots, life insurance was extremely expensive, and double indemnity protection was unavailable. As a result, because of their jobs, they were not protected with life insurance even when not working. For many other officers, given their salary rates, adequate life insurance was a luxury which they just could not afford, and thus their families were left unprotected as well. Since that time, I have revised and improved my original bill and introduced a second version early in this Congress. The present design is patterned after the Servicemen's Group Life Insurance program, which is available to very member of our Armed Forces.

The amendment which I am proposing today contains final revisions which will provide for the retention of existing group life insurance plans with a Federal contribution where the police officers prefer that to the Federal group plan. This bill will provide an opportunity for the officers themselves to decide whether the existing plan or the LEGLI plan offers them a better combination of costs and benefits. It will allow any department to present to its officers the full facts on each plan, and if a majority votes to retain the existing plan, the agency will be eligible to receive a Federal contribution to the premiums for the existing plan, in an amount up to one-fourth of the equivalent premiums under the Federal plan.

The new law enforcement group life insurance—LEGLI—program, will be administered by the Federal Government, but the insurance itself will be carried and paid by private life insurance companies. Each participating officer will be entitled to coverage in the amount of his annual salary plus $2,000 rounded to the next highest thousand. Thus, an officer earning $6,500 a year would have a $9,000 policy. He would be covered on or off the job and would receive double indemnity for accidental death. There would also be coverage for loss of limb or eyesight. There would be a premium for all officers everywhere, which we presently estimate to be 50 cents per month per thousand dollars worth of coverage. Thus, for the $9,000 policy, the total monthly premium cost would be $4.50. However, the bill allows for a Federal contribution of up to one-third, so that the officer himself would be left with a charge of only $3 per month, or $36 per year on that $9,000 policy. Of course, the premium rates and Federal contributions might vary depending on experience with the plan. Also, in some places there may be a State or local contribution to the premium which would lower the cost to the officer even further.

Early this month I held two informal hearings in Massachusetts on this bill to determine how such a program might be received on the local level. I wanted to talk with the patrolmen and their chiefs, with local government officials and insurance company representatives, and with the widows of policemen, about the needs of the local law enforcement officer and what could be done for him and his family.

Those of us from Massachusetts can be very proud on two counts.

First, we have been fortunate enough to have one of the first Hundred Clubs in the Nation. As a director of this group of public-spirited citizens, I have watched over the years as it has moved in to provide immediate assistance to the families of policemen and firemen killed in the line of duty so that they can get through those terrible first days after tragedy strikes and can be secure in their living arrangements.

Second, in many of our towns and cities a start has already been made toward providing adequate life insurance coverage. On the whole, our record is probably better than in most States, and working together our law enforcement agencies and insurance industry have developed insurance programs which can cover many of our officers. However I learned at these hearings that the record could be greatly improved by the passage of a Federal program of group life insurance.

While many communities do extend life insurance benefits to all local employees, a great many more can offer only very limited coverage—barely sufficient to meet funeral expenses. This bill is designed to benefit policemen from all communities—those with existing programs and those without. It will enable smaller communities to offer recruits roughly the same life insurance benefits they could obtain elsewhere. It will reward communities who have taken the step of establishing group programs with a Federal subsidy pegged to their contribution to the existing program. In short, this legislation would enable any policeman from any locality to protect his wife and children at a cost he can afford.

The witnesses at our hearings in Massachusetts convinced me all the more that this step must be taken. The patrolmen and police chiefs indicated their support for this program. The widows of policemen spoke eloquently as to the need for such insurance.

In its present form this bill does not extend the life insurance program to cover the Nation's firefighters. As I have indicated, my bill grew out of the work of the Crime Commission and out of another bill relating to police officers. The cost figures have also been based on experience with police work. However, I look forward to receiving at hearings the information which would provide a legal and practical basis for expanding the program to firemen.

The first duty of Government is to protect its citizens, and the first line of protection is the policemen. I hope that we in Congress can act soon to assist the policemen and their families in this and others ways, so that "support your local police" can become a plan for action, not just a bumper sticker.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD at this point.

The **PRESIDING OFFICER**. The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 531) was referred to the Committee on the Judiciary, as follows:

AMENDMENT NO. 531

Strike all after the enacting clause and insert in lieu thereof the following:

"That this Act may be cited as the 'Law Enforcement Officers' Group Life Insurance Act of 1970.'

"DEFINITIONS

"SEC. 2. For the purposes of the Act—

"(1) The term 'month' means a month which runs from a given day in one month to a day of the corresponding number in the next or specified succeeding month, except where the last month has not so many days, in which event it expires on the last day of the month.

"(2) The term 'full-time' means such period or type of employment or duty as may be prescribed by regulation promulgated by the Attorney General.

"(3) The term 'law enforcement officer' means, pursuant to regulations promulgated by the Attorney General, an individual who is employed full-time by a State or a unit of local government primarily to patrol the highways or otherwise preserve order and enforce the laws.

"(4) The term 'State' means any State of the United States, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(5) The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose subdivision of a State, or any Indian tribe which the Secretary of Interior determines performs law enforcement functions.

"ELIGIBLE INSURANCE COMPANIES

"SEC. 3. (a) The Attorney General is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits provided under this Act. Each such life insurance company must (1) be licensed to issue life insurance in each of the fifty States of the United States and in the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Attorney General, have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

"(b) Any life insurance company issuing such a policy shall establish an administrative office at a place and under a name designated by the Attorney General.

"(c) The Attorney General shall arrange with each life insurance company issuing any policy under this Act to reinsure, under conditions approved by him, portions of the total amount of insurance under such policy with such other life insurance companies (which meet qualifying criteria set forth by the Attorney General) as may elect to participate in such reinsurance.

"(d) The Attorney General may at any time discontinue any policy which he has purchased from any insurance company under this Act.

"PERSONS INSURED; AMOUNT

"SEC. 4. (a) Any policy of insurance purchased by the Attorney General under this Act shall automatically insure any law enforcement officer employed on a full-time basis by a State or unit of local government which has (1) applied to the Attorney General for participation in the insurance program provided under this Act, and (2) agreed to deduct from such officer's pay the amount of the premium and forward such amount to the Department of Justice or such other agency as is designated by the Attorney General as the collection agency for such premiums. The insurance provided under this Act shall take effect from the first day agreed upon by the Attorney General and the responsible official of the State or unit of local government making application for participation in the program as to law enforcement officers then on the payroll, and as to law enforcement officers thereafter entering on full-time duty from the first day of such duty. The insurance provided by this Act shall so insure all such law enforcement officers unless any such officer elects in writing not to be insured under this Act. If any such officer elects not to be insured under this Act he may thereafter, if eligible, be insured under this Act upon written application, proof of good health and compliance with such other terms and conditions as may be prescribed by the Attorney General.

"(b) A law enforcement officer eligible for insurance under this Act is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

"If annual pay is—		The amount of group insurance is—	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
0	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
$9,000	10,000	12,000	12,000
$10,000	11,000	13,000	13,000
$11,000	12,000	14,000	14,000
$12,000	13,000	15,000	15,000
$13,000	14,000	16,000	16,000
$14,000	15,000	17,000	17,000
$15,000	16,000	18,000	18,000
$16,000	17,000	19,000	19,000
$17,000	18,000	20,000	20,000
$18,000	19,000	21,000	21,000
$19,000	20,000	22,000	22,000
$20,000	21,000	23,000	23,000
$21,000	22,000	24,000	24,000
$22,000	23,000	25,000	25,000
$23,000	24,000	26,000	26,000
$24,000	25,000	27,000	27,000
$25,000	26,000	28,000	28,000
$26,000	27,000	29,000	29,000
$27,000	28,000	30,000	30,000
$28,000	29,000	31,000	31,000
$29,000		32,000	32,000

The amount of such insurance shall automatically increase at any time the amount of increases in the annual basic rate of pay places any such officer in a new pay bracket of the schedule.

"(c) Subject to the conditions and limitations approved by the Attorney General and which shall be included in the policy purchased by him, the group accidental death and dismemberment insurance shall provide for the following payments:

"Loss	"Amount payable
For loss of life.	Full amount shown in the schedule in subsection (b) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One half of the amount shown in the schedule in subsection (b) of this section.
Loss of two or more members or loss of sight in both eyes.	Full amount shown in the schedule in subsection (b) of this section.

The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one accident may not exceed the amount shown in the schedule in subsection (b) of this section.

"(d) The Attorney General shall prescribe regulations providing for the conversion of other than annual rates of pay to annual rates of pay and shall specify the types of pay included in annual pay.

"TERMINATION OF COVERAGE

"SEC. 5. Each policy purchased by the Attorney General under this Act shall contain a provision, in terms approved by the Attorney General, to the effect that any insurance thereunder on any law enforcement officer shall cease thirty-one days after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier.

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"CONVERSION

"SEC. 6. Each policy purchased by the Attorney General under this Act shall contain a provision for the conversion of such insurance effective the day following the date such insurance would cease as provided in section 5 of this Act. During the period such insurance is in force the insured, upon request to the office established under section 3(b) of this Act, shall be furnished a list of life insurance companies participating in the program established under this Act and upon written application (within such period) to the participating company selected by the insured and payment of the required premiums be granted insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount of premiums if the insured engages in law enforcement activities. In addition to the life insurance companies participating in the program established under this Act, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Attorney General and agree to sell insurance to any eligible insured in accordance with the provisions of this section.

"WITHHOLDING OF PREMIUMS FROM PAY

"SEC. 7. During any period in which a law enforcement officer is insured under a policy of insurance purchased by the Attorney General under this Act, his employer shall withhold each month from his basic or other pay until separation or release from full-time duty as a law enforcement officer an amount determined by the Attorney General to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this Act while on fulltime duty as a law enforcement officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount determined by the Attorney General to be charged any law enforcement officer for each unit of insurance under this Act may be continued from year to year, except that the Attorney General may redetermine such monthly amount from time to time in accordance with experience.

"SHARING OF COST INSURANCE

"SEC. 8. For each month any law enforcement officer is insured under this Act the United States shall bear not to exceed one-third of the cost of such insurance or such lesser amount as may from time to time be determined by the President to be a practicable and equitable obligation of the United States in assisting the States and units of local government in recruiting and retaining personnel for their law enforcement forces.

"INVESTMENT; EXPENSES

"SEC. 9. (a) The sums withheld from the basic or other pay of law enforcement officers as premiums for insurance under section 7 of this Act and any portion of the cost of such insurance borne by the United States under section 8 of this Act, together with the income derived from any dividends or premium rate readjustment received from insurers shall be deposited to the credit of a revolving fund established in the Treasury of the United States. All premium payments on any insurance policy or policies purchased under this Act and the administrative cost of the insurance program established by this Act to the department or agency vested with the responsibility for its supervision shall be paid from the revolving fund.

"(b) The Attorney General is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative cost of the program to the department or agency designated by him, and all current premium payments on any policy purchased under this Act. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest market yield.

"BENEFICIARIES; PAYMENT OF INSURANCE

"SEC. 10. (a) Any amount of insurance in force under this Act on any law enforcement officer or former law enforcement officer on the date of his death shall be paid, upon establishment of a valid claim therefor to the person or persons surviving at the date of his death, in the following order of precedence:

"First, to the beneficiary or beneficiaries as the law enforcement officer or former law enforcement officer may have designated by a writing received in his employer's office prior to his death;

"Second, if there be no such beneficiary, to the widow or widower of such officer or former officer;

"Third, if none of the above, to the child or children of such officer or former officer and descendants of deceased children by representation;

"Fourth, if none of the above, to the parents of such officer or former officer or the survivor of them;

"Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such officer or former officer;

"Sixth, if none of the above, to other next of kin of such officer or former officer entitled under the laws of domicile of such officer or former officer at the time of his death.

"(b) If any person otherwise entitled to payment under this section does not make claim therefor within one year after the death of the law enforcement officer or former law enforcement officer, or if payment to such person within that period is prohibited by Federal statute or regulation, payment may be made in the order of precedence as if such person had predeceased such officer or former officer, and any such payment shall be a bar to recovery by any other person.

"(c) If, within two years after the death of a law enforcement officer or former law enforcement officer, no claim for payment has been filed by any person entitled under the order of precedence set forth in this section, and neither the Attorney General nor the administrative office established by any insurance company pursuant to this Act has received any notice that any small claim will be made, payment may be made to a claimant as may in the judgment of the Attorney General be equitably entitled thereto, and such payment shall be a bar to recovery by any other person. If, within four years after the death of the law enforcement officer or former law enforcement officer, payment has not been made pursuant to this Act and no claim for payment by any person entitled under this Act is pending, the amount payable shall escheat to the credit of the revolving fund referred to in section 8 of this Act.

"(d) The law enforcement officer may elect settlement of insurance under this Act either in a lump sum or in thirty-six equal monthly installments. If no such election is made by such officer the beneficiary may elect settlement either in a lump sum or in thirty-six equal monthly installments. If any such officer has elected settlement in a lump sum, the beneficiary may elect settlement in thirty-six equal monthly installments.

"BASIC TABLES OF PREMIUMS; READJUSTMENT OF RATES

"SEC. 11 (a) Each policy or policies purchased under this Act shall include for the first policy year a schedule of basic premium rates by age which the Attorney General shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, this schedule of basic premium rates by age to be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy at its date of issue to determine an average basic premium per $1,000 of insurance. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company issuing the policy on a basis determined by the Attorney General in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance issued to large employers.

"(b) Each policy so purchased shall include a provision that, in the event the Attorney General determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Attorney General may approve the determination of a tentative average group life premium, for the first or any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate shall be redetermined by the Attorney General during any policy year upon request by the insurance company issuing the policy, if experience indicates that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

"(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Attorney General on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance issued to large employers. Such maximum charges shall be continued from year to year, except that the Attorney General may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Attorney General to such companies at least one year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

"(d) Each such policy shall provide for an accounting to the Attorney General not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Attorney General, (1) the amounts of premium actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim

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charges incurred for that period, and (3) the amounts of the insurer's expense and risk charge for that period. Any excess of the total of item (1) over the sum of items (2) and (3) shall be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Attorney General as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Attorney General determines that such special contingency reserve has attained an amount estimated by the Attorney General to make satisfactory provision for adverse fluctuations in future charges under the policy, and further excess shall be deposited to the credit of the revolving fund established under this Act. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

"BENEFIT CERTIFICATES

"SEC. 12. The Attorney General shall arrange to have each member insured under a policy purchased under this Act receive a certificate setting forth the benefits to which the member is entitled thereunder, to whom such benefit shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the member. Such certification shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

"FEDERAL ASSISTANCE TO STATES AND LOCALITIES FOR EXISTING GROUP LIFE INSURANCE PROGRAMS

"SEC. 13. (a) Any State or unit of local government having an existing program of group life insurance for law enforcement officers which desires to receive federal assistance under the provisions of this section shall—

"(1) inform the law enforcement officers of the benefits and premium costs of both the federal program and the State or unit of local government program, and of the intention of the State or unit of local government to apply for the federal assistance under this section; and

"(2) hold a referendum of law enforcement officers of the State or unit of local government to determine whether such officers want to continue in the existing group life insurance program or apply for the federal program under the provisions of this Act.

The results of the referendum shall be binding on the State or unit of local government.

"(b) If there is an affirmative vote of a majority of such officers to continue in such State or local program and the other requirements set forth in subsection (a) are met, a State or unit of local government may apply for federal assistance for such program for group life insurance under such rules and regulations as the Attorney General may establish. Assistance under this section shall not exceed one-fourth of the cost to the Federal Government of directly providing such insurance under this Act, and shall be reduced to the extent that the Attorney General determines that the existing program of any such State or unit of local government does not give as complete coverage as the federal program. Assistance under this section shall be used to reduce proportionately the premiums paid by the State or the unit of local government and by the appropriate law enforcement officers under such existing program.

"ADMINISTRATION

"SEC. 14. (a) The Attorney General may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Department of Justice.

"(b) In administering the provisions of this Act, the Attorney General is authorized to utilize the services and facilities of any agency of the Federal Government or a State government in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

"ADVISORY COUNCIL ON LAW ENFORCEMENT OFFICERS' GROUP LIFE INSURANCE

"SEC. 15. There is hereby established an Advisory Council on Law Enforcement Officers' Group Life Insurance consisting of the Attorney General as Chairman, the Secretary of the Treasury, the Secretary of Health, Education and Welfare, and the Director of the Bureau of the Budget, each of whom shall serve without additional compensation. The Council shall meet once a year, or oftener, at the call of the Attorney General, and shall review the administration of this Act and advise the Attorney General on matters of policy relating to his activities thereunder. In addition, the Attorney General may solicit advice and recommendations from any State or unit of local government participating in the law enforcement officers' group life insurance program.

"JURISDICTION OF COURTS

" SEC. 16. The district courts of the United States shall have original jurisdiction of any civil action or claim aaginst the United States founded upon the Act.

"PREMIUM PAYMENTS ON BEHALF OF LAW ENFORCEMENT OFFICERS

"SEC. 17. Nothing in this Act shall be construed to preclude any State or unit of local government from making payments on behalf of law enforcement officers of the premiums required to be paid by them for any group life insurance program authorized by this Act or any such program carried out by a State or unit of local government.

"EFFECTIVE DATE

"SEC. 18. The insurance provided for under this Act shall be placed in effect for the law enforcement officers of any State or unit of local government participating in the law enforcement officers' group life insurance program on a date mutually agreeable to the Attorney General, the insurer or insurers, and the participating State or unit of local government."

NOTICE OF HEARING ON NOMINATION OF ADOLPHUS NICHOLS SPENCE II, OF VIRGINIA, TO BE PUBLIC PRINTER

Mr. JORDAN of North Carolina. Mr. President, for the information of the Senate and all interested parties, the Committee on Rules and Administration has scheduled a public hearing on the nomination of Adolphus Nichols Spence II, of Virginia, to be Public Printer, vice James L. Harrison.

This hearing will take place on Thursday, March 5, 1970, at 10 a.m. in room 301 of the Old Senate Office Building.

Any Members of Congress or private citizens interested in appearing in connection with this nomination are invited to attend. It is requested that all persons who desire to testify notify the committee of their intention.

SCHEDULE OF ACTIVITIES OF THE SUBCOMMITTEE ON AIR AND WATER POLLUTION, COMMITTEE ON PUBLIC WORKS

Mr. MUSKIE. Mr. President, most of the legislative proposals contained in the President's environmental quality message have been referred to the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works. There are also other bills pending before the subcommittee, and I intend to introduce additional air and water pollution control legislation in the next 2 weeks.

In order to meet authorization expirations and provide adequate opportunity for a full review of the pending legislation, hearings have already been scheduled. Last week the subcommittee began a new series of hearings on the Resource Recovery Act of 1969 (S. 2005); the National Materials Policy Act, an amendment to S. 2005 proposed by Senator BOGGS; and the administration proposal for a study of recovery, reuse, and recycling of solid wastes.

From March 16 through March 26, the subcommittee will hold hearings on air pollution legislation, including the administration bill (S. 3466) S. 3220, and additional legislation which I will introduce shortly. I hope that Members of the Senate who wish to testify on this legislation will be able to appear on March 16. Secretary Finch and other representatives of the Department of Health, Education, and Welfare have been asked to testify on March 17 and 18 on the pending legislation and the activities on the National Air Pollution Control Administration.

The comprehensive nature of the proposed amendments to the Clean Air Act will necessitate hearing many witnesses. Therefore, I request that the subcommittee be permitted to sit throughout each day if necessary.

Interested individuals and organizations who wish to be heard or to file a statement on this legislation should inform the subcommittee as soon as possible. Although an effort will be made to hear all witnesses who desire to appear, it may be necessary to require submissions of some testimony for the RECORD.

The second week of hearings on air pollution will include joint hearings on the Air Quality Improvement Act (S. 3229) with the Subcommittee on Energy, Natural Resources, and the Environment of the Senate Commerce Committee. Two days of hearings will be held on the provisions of that legislation concerning aircraft, vessels, and other moving sources of air pollution and on those provisions concerning noise pollution. The subcommittee has requested testimony on March 24 and 25 from the Secretary of Transportation, other agencies in that Department, and other interested Federal agencies and individuals.

The Senator from Michigan (Mr. HART), chairman of the Commerce subcommittee, has been asked to be cochairman of those hearings.

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Following the testimony from witnesses on S. 3229, the subcommittee will spend the balance of the second week considering the general air pollution legislation.

Following completion of the Washington hearings on air pollution, the subcommittee will hold hearings in San Francisco on March 30 on the Resource Recovery Act (S. 2005) and on March 31 in Los Angeles on the air pollution legislation.

The subcommittee will then begin hearings on April 20 on pending water pollution control legislation. Those hearings are scheduled to extend for at least 2 weeks. Members of the Senate again will be invited to appear on the first day. Administration representatives will be asked to testify on April 20 and 21 on the pending legislation and activities of the Federal Water Pollution Control Administration. Public witnesses will be heard during the weeks of April 27 and May 4.

Following the water pollution hearings, I hope that the subcommittee will begin consideration of the legislation introduced by Senator BAKER and myself to establish a national environmental laboratories system. This legislation is vital and should have full and complete hearings. A number of similar proposals which have been ordered in addition to the measure which Senator BAKER and I have introduced will be discussed. Those hearings should begin in June and continue through much of the summer. During the consideration of the National Environmental Laboratories legislation, the subcommittee will consider several specific technological problems which underwrite the need for this legislation.

The subcommittee also will continue hearings on S. 3042 relating to the underground use of nuclear energy and will hold hearings on other environmental control legislation as announced.

Additional field hearings will be scheduled and will be announced at a later date.

Mr. President, unless otherwise noted in the weekly announcements of the hearings, the subcommittee will commence its hearings each day at 9:30 in room 4200 of the New Senate Office Building.

NOTICE OF HEARINGS

Mr. SPARKMAN. Mr. President, on February 16 I announced that the Subcommittee on Housing and Urban Affairs would hold hearings on the subject of the secondary mortgage market and mortgage credit from March 2 through March 6 covering S. 2958 and S. 3442. I want to amend the announcement to include bills introduced yesterday, S. 3503 and S. 3508. I introduced S. 3508 for the purpose of having before the committee a broader choice for establishing secondary mortgage market facilities for conventional mortgages. In addition, Senator PROXMIRE introduced a bill, S. 3503, by which he would propose to increase the credit for mortgages.

Next week's hearings will be limited to the subject of the secondary mortgage market and mortgage credit and will not cover a broad spectrum of housing and urban affairs proposals which will be the subject of hearings to be held later on in the session.

ADDITIONAL STATEMENTS OF SENATORS

THE FOREST SERVICE'S POLICY OF CLEARCUTTING

Mr. McGEE. Mr. President, we all know that there has been considerable dispute over the misnamed National Timber Supply Act of 1969. Certainly the argument which continues about this matter should be disputed, particularly by those of us from the West who see the National Timber Supply Act of 1969 as a raid on our forests.

The descriptive word "raid" is entirely appropriate because the effect of this legislation would be to open up by stealth our national forests to the ever voracious appetites of the timber industry. Even now, this appetite is barely held in check by the multiple-use concept.

Indeed, I have witnessed firsthand the results of the craving to cut down trees in Wyoming's own national forests. Last August, I toured the Bridger National Forest in Wyoming and saw devastation almost beyond belief, which came as a result of the Forest Service's current policies of clearcutting. What I saw was a far cry from the rhetoric of the Forest Service and the timber industry about the virtues of clearcutting.

Instead of the happy regrowth promised by the Forest Service and the timber industry of our trees in the cut-over areas, it looked like the aftermath of a B–52 bombing raid. Slash piles were in abundance, erosion had set in, and hardly a stick was growing in the patches where reforestation was supposed to occur. The high arid and shallow soils of the Rocky Mountain West simply cannot support the kind of timbering we are now doing let alone opening them up to the further forays proposed in the National Timber Supply Act of 1969.

We have been deluged not only by talk of environmental quality, but with this proposed legislation we are drenched further with obfuscations about the housing shortage, not to mention the so-called difficulties the lumber industries claim they are experiencing. Opening the door to further plundering is no answer to the imperative of environmental quality let alone the straw man of a housing shortage. Environmental quality does not come in the disguise of a national timber supply act nor is the housing shortage relieved a jot by ravishing our national forests. Relief from tight credit comes closer to resolving our housing shortage than does the unholy urge to denude our mountainsides.

At any rate, Mr. President, it would be well if the Senate were to take heed of the careful analysis of the National Timber Supply Act of 1969 done by the Denver Post in an editorial of February 20, 1970. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

> #### TIMBER BILL NEEDS A REWRITE
>
> The Nixon administration has chosen unwisely to support a House bill which would seriously damage the concept of multiple use in U.S. national forests. It is, moreover, a special interest bill.
>
> Under the banner of "more housing" the timber industry has sold Agriculture Secretary Clifford Hardin on a bill to upgrade the priorities of timber-production in the U.S. forests.
>
> We hope the fabric of multiple use is strong enough to withstand the assault. The next week or so may be crucial: the bill has been withdrawn once because of opposition but it may be offered to the House again next week.
>
> Multiple use is a strong and wise principle. It says that public land resources exist for all the people. It balances the interests of many. It does not permit the livestock man to kill off all the wildlife in the interests of raising more cattle. It does not permit recreationists to interfere with the rancher. And it does not allow timbermen to ruin watersheds and grazing in the interests of timber alone.
>
> Yet after a brief lumber "shortage" a year ago the timbering industry raised such an outcry that Congress was put under pressure to readjust management of the national forests to give timbering a big new priority.
>
> Many people are worried about this proposal, as embodied in H.R. 12025. It not only hurts the interests of other forest users but, in the case of prospective wilderness areas, actually provides for timbering on them.
>
> We can't believe the American people, who showed such tremendous support for wilderness in the 1960s, are now ready to wash out the potential values of those prospective areas still to be added to the system.
>
> The basic problem with the timber lobby's bill is that it is self-centered. The industry has said, in effect: "We've got a problem so we want you (the public) to solve it."
>
> The nation does need to produce more timber. But putting the bite on the national forests is reminiscent of the child who wants to sleep in the guest room because he's made a mess of his own.
>
> A large proportion of the nation's commercial forests are in private control—off the U.S. forests. And despite the fact that they are superior growing lands, the timber operators still want to solve the problem by cutting faster on U.S. forests.
>
> Bear in mind, these private lands in many cases can produce a sawlog in 35 to 60 years as compared to 250 years, which is the age of similar trees in the White River Forest near Glenwood Springs.
>
> More reforestation certainly is needed in the U.S. forests. The Forest Service says it has a 60-year backlog of reforestation that needs to be done. It needs money. In this the timber operators are correct in urging more resources from Congress.
>
> But a greater effort is nedeed to get private lands reforested; the bill's efforts in this direction are slight.
>
> A greater effort is needed to protect wildlife, grazing and watershed values as part of the multiple use concept. Rewriting is needed.
>
> It would be little satisfaction to the American homeowner of the future to be told that the lumber in his house was a little cheaper—at the cost of silt in his water supply and the absence of recreational opportunities on his denuded mountain slopes.

STATEMENT BY SENATOR MANSFIELD AT CONGRESSIONAL LEADERSHIP LUNCHEON WITH NATIONAL GOVERNORS' CONFERENCE EXECUTIVE COMMITTEE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in

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the Record a statement I made today at the congressional leadership luncheon with the National Governors' Conference Executive Committee.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Mike Mansfield

You are welcome to the last stand of Democratic majorities. I say that not in a partisan spirit. It is just that the House and Senate Democrats are beginning to get that hemmed-in feeling. We are pressed between a Republican President who charms the TV audiences and a Republican Vice President who bombs the TV commentators. Furthermore, the political ratio of your conference does nothing to alleviate our uneasiness.

Nevertheless, we are glad to see you here—Republicans and Democrats alike. Just as the great issues which confront the Nation, more and more, transcend State boundaries, so do they lend themselves less and less to partisan solution. To meet these issues, demands the best that is in both parties and in every State.

Viet Nam, for example, is not a partisan matter, anymore than it is a State matter. Its casualties are young men of every State, and its immense costs—tens upon tens of billions of dollars—are borne by taxes paid by all. The conflict began in a Democratic administration; it continues in a Republican administration. But both parties are united now in the conviction that this bloodbath must end as soon as possible. Republicans and Democrats alike, I am confident, will support any efforts of the President to negotiate an end to this tragedy. Still, a solution eludes the best efforts of the President. And so the country as a whole—not one party or the other—suffers the consequences, in the continuing casualties and in the accumulating costs.

I believe we are united, too, Democrats and Republicans, in our awareness of the domestic problems which confront the Nation. There are differences between us, to be sure, but they are largely differences of approach to a solution. At least, neither party needs any longer to be pursuaded of the national dimensions of these problems. We have only to look around us to sense the devastating impact on the entire nation of the disgraceful neglect of our environment over many decades, of rampant crime—organized and unorganized—of the continuing schism between races and between wealthy and poor. Nor can either party any longer slough off the questions of inadequate education and health care, and similar neglected social needs as of no interest to the federal government. To come to grips with these problems will take not partisanship but the combined resources of leadership in the parties, the combined energies of the states and the united determination of the nation.

As I see it, the urgent need is to shed what has long since become an obsessive and excessive foreign involvement. In the name of national security, this excess threatens to jeopardize our national security. It has led us into Viet Nam. It could lead us to reenact that tragedy elsewhere. It has prompted a defense budget of over $75 billion this year.

There are, to be sure, essential expenditures which must be made to meet the situation beyond our borders—for our own benefit and for the building of a durable peace. There are essential expenditures for defense which must be made at home. By all means, let us continue to make these outlays, but let us, at least, stress the word "essential" in the consideration of these matters because somehow, we must bring about a better balance in the use of our resources. It will avail us little to pursue our national security zealously all over Southeast Asia and all over the world and multiply our missiles if, at the same time, we permit neglect of domestic needs to bring down our national house from within.

I would suggest, most respectfully, that this conference—you who are Governors—can do much to help rectify the balance. You know the urgent needs of the people in your states. You know them—whether you are Republicans or Democrats. You know them close-up, day-in and day-out. You can bring an intensified awareness of these needs into federal policy and in so doing, you can help greatly to adjust our national perspective.

Yours, in short, is indeed a great responsibility.

JUDGE HENRY WHITE EDGERTON

Mr. MUSKIE. Mr. President, on Monday of this week one of the great jurists of this century died at his home in Washington. Judge Henry White Edgerton, late of the U.S. Court of Appeals for the District of Columbia Circuit, was my teacher and friend for more than 30 years. I take this occasion now to pay him honor.

There are on the American bench, Mr. President, scholars of the law whose analytical abilities permit them to deal with the most subtle and intricate questions of law and fact. Others, men of deep human sympathies, make of their moral passion a torch to light the path of justice for their fellow men. In Henry Edgerton, as in Brandeis, Holmes, and Cardozo, the two qualities were combined.

Many of us who were his students at Cornell Law School, and who observed his opinions on the appellate bench, wished that he might be appointed one day to the U.S. Supreme Court. He would have added instantly and measurably to the intellectual and moral power of that Court.

But, as in the case of Learned Hand, it was not necessary for his opinions to issue from the Supreme Court in order to effect the course of American jurisprudence.

To understand why that was so, one needed only to read a few of his leading opinions, speaking for a majority of his court or in dissent. One that will certainly be regarded a century from now as a landmark in the history of race relations in America was his dissent in Carr against Corning, written in 1950. Four years before the Supreme Court's ruling in the Brown case, it called for an end to officially sponsored segregation in the District of Columbia schools.

What is so compelling about that dissent was its reliance upon established fact, in showing that Negro students were being offered an inferior education in the public schools. Thereafter it marched with vigorous logic to its conclusion:

> I submit that [racial segregation in schooling] fosters prejudice and obstructs the education of whites and Negroes by endorsing prejudice and preventing mutual acquaintance . . .
>
> By preventing a dominant majority and a depressed minority from learning each other's ways, school segregation . . . aggravates the disadvantages of Negroes and helps to preserve their subordinate status . . . It is humiliating to Negroes. Courts have sometimes denied that segregation implies inferiority. This amounts to saying, in the face of the obvious fact of racial prejudice, that the whites who impose segregation do not consider Negroes inferior. One might as well say that the whites who apply insulting epithets to Negroes do not consider them inferior. Not only words but acts mean what they are intended and understood to mean.
>
> It is sometimes suggested that due process of law cannot require what law cannot enforce. No such suggestion is relevant here. When United States courts order integration of District of Columbia schools they will be integrated. It has been too long forgotten that the District of Columbia is not a provincial community but the cosmopolitan capital of a nation that professes democracy.

I have quoted this at length, Mr. President, because it exemplifies a clarity of thought and expression that the Senate and the country might envy as it considers related questions today. Much has changed in the District of Columbia as in the Nation, since 1950. Many have grown weary and some have despaired of the effort to achieve what the Constitution requires. Judge Edgerton's words are a tonic for those who have temporarily forgotten what the struggle is all about.

Henry Edgerton was a magnificent human being who contributed to the advancement of his fellow citizens. He lived a full life and left a rich legacy in the law. I shall treasure my association with him for as long as I live, and I salute his memory.

I ask unanimous consent that Judge Edgerton's obituary and an editorial from the Washington Post of February 25 be printed in the Record.

There being no objection, the items were printed in the Record, as follows:

[From the Washington Post, Feb. 25, 1970]

Judge H. W. Edgerton Dies

Retired U.S. Court of Appeals Judge Henry W. Edgerton, long a champion of civil liberties and civil rights who often saw his dissenting opinions become the law of the land, died Monday at his home, 2925 Glover Driveway NW. He was 81.

Considered a great craftsman of legal writing, Judge Edgerton, although retired since 1962, had continued to sit on cases before the Appellate Court here as late as last summer. He had been in ill health for some time.

He had served as chief judge of the Court of Appeals for three years before resigning from that position on his 70th birthday in October, 1958.

Just last Saturday, Judge Edgerton had received an honorary degree of doctor of laws from George Washington University at the school's winter convocation. It was accepted for him by his son, John, of Washington.

The citation accompanying the degree summed him up as a judge, teacher and citizen in this way:

"He combines the penetrating insight of a scholar with the jurist's sure knowledge of human affairs in a career extending over more than 50 years of public service. A superb professor of law, he became an equally distinguished judge. During his many years on the bench . . . his incisive, analytical ability, coupled with a warm and sympathetic understanding of the human problems of modern times, made him one of the outstanding judges of this century. He had the courage to stake out new positions on the frontier of an advancing legal system, particularly in civil rights and civil liberties. His landmark decisions in these areas led the way to later action by the Congress, the President, and the Supreme Court of the United States."

One of Judge Edgerton's memorable dis-

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sents came in 1950 and was a forerunner to the Supreme Court's 1954 school desegregation decisions. At that time, Judge Edgerton had this to say about the utility of court orders in the social sphere:

"It is sometimes suggested that due process of law cannot require what law cannot enforce. No such suggestion is relevant here. When United States courts order integration of District of Columbia public schools, they will be integrated."

In a 1948 dissent, Judge Edgerton raised one of his many protests against the excesses of some congressional investigating committees. He said that he would hold that the House Un-American Activities Committee's questions in one case were aimed at exposure rather than legislation and that they abridged freedom of speech.

Judge Edgerton consistently supported appeals at government expense by paupers convicted of crimes but unable to pay attorneys fees and once wrote in an opinion:

"The United States can afford to let poor defendants take criminal appeals that the rich could take. It cannot afford to do otherwise."

Born in Rush Center, Kan., Judge Edgerton spent part of his childhood in Washington. He attended the University of Wisconsin and graduated from Cornell University in 1910. He was elected to Phi Beta Kappa while a junior at Cornell and had been class orator.

He entered Harvard Law School after spending a year in Europe and received his law degree in 1914. He joined a law firm in St. Paul, Minn., but soon came to Washington to join the staff of the Library of Congress.

Judge Edgerton taught law at Cornell, was a professor of law at George Washington University here and was a professor in the Cornell Law School in 1937 when he was appointed to the U.S. Court of Appeals for the District of Columbia (now the District of Columbia Circuit).

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The author of numerous articles on legal subjects, he also held an honorary doctor of laws degree from Yale University.

His kindness, his courtesy, his integrity and his devotion to justice and human freedom brought him the warm respect of the students he taught, his law clerks and colleagues.

When Judge Edgerton left Cornell Law School, almost every student in the school appeared at a farewell dinner they had arranged for him. His law clerks paid a similar tribute 20 years later when he was honored at a dinner attended by Supreme Court Justices, judges and lawyers.

His opinions relating to civil liberties were put into book form, entitled "Freedom in the Balance," which was edited by Eleanor Bontecou and published by the Cornell University Press.

In addition to his son, Judge Edgerton is survived by his wife, Alice Durand Edgerton, and a brother, William F., of Chicago. A daughter, Ann, died in 1950.

The family requests that expressions of sympathy be in the form of contributions to the Henry White Edgerton Prize Fund at Howard University.

HENRY WHITE EDGERTON

Judge Henry Edgerton was one of those rare men whose careers afford a perfect fulfillment of great native talents. The law was for him an art no less than a profession. Through almost the whole of a long, full life, until his death on Monday at the age of 81, he pursued it creatively, employing it always as an instrument of justice and as a means toward the end of a free society.

Henry Edgerton's judicial philosophy was rooted in a faith, first, in the idea of human equality and, second, in the utility and social value of individual liberty. There was nothing sentimental in this faith. It was profoundly empirical—as, indeed, it was in the minds of those who wrote the United States Constitution. Judge Edgerton believed not only that order is indispensable to justice but that justice is indispensable to the maintenance of any orderly social system. Within any true meaning of the term, he was what is sometimes loosely called a "strict constructionist." This is to say that he regarded as unexceptionable the ideas expressed in the Declaration of Independence that "all men are created equal" and that they "are endowed by their Creator with certain unalienable rights." He construed strictly the constitutional commands that conscience, expression and association may not be limited by law and that no person may be deprived of life, or property except in accordance with due process and with the procedural rules fixed by the Bill of Rights.

As a professor of law in his earlier years and during his 30 years as a judge of the Circuit Court of Appeals here, Henry Edgerton was as much an artist as a philosopher of the law. The extraordinary sparseness and precision with which he used words gave his opinions great power; and no doubt this is why his dissents, breaking with tradition, so often proved seminal and found subsequent support in the Supreme Court. His dissenting opinion in a District of Columbia case in 1950, asserting that racial segregation in tax-supported schools is unconstitutional was followed in almost every particular by the Supreme Court's historic and unanimous decision of 1954. So was another dissenting view contending that racial restrictive covenants on real estate enforced a "ghetto system" incompatible with principles of equity or with the Constitution.

At its winter convocation only last Saturday, the George Washington University conferred as honorary degree on Judge Edgerton through his son, a distinguished lawyer. "His incisive, analytical ability coupled with a warm and sympathetic understanding of the human problems of modern times made him one of the outstanding judges of this century," the citation said. "He had the courage to stake out new positions on the frontier of an advancing legal system, particularly in civil rights and civil liberties." The tribute aptly summarizes and commemorates a superb record of public service.

SECRETARY STANS ENDORSES TAX INCENTIVES FOR RURAL DEVELOPMENT

Mr. PEARSON. Mr. President, over the past 3 years I have argued the desirability and the feasibility of using tax incentives as a means of encouraging new job-creating industries to locate in rural areas.

We must significantly increase the quantity and quality of jobs in rural communities, not simply because this would be good for rural America but for urban America as well. Too many urban areas have become overcrowded and overburdened. Too many of our rural areas are underpopulated, and too many of the declining few who remain there are underemployed.

Within the past 2 or 3 years there has been a growing consensus on the need for a major rural development program. New jobs must, of necessity, be at the heart of this rural development effort. I believe that tax incentives, including investment and manpower training tax credit and accelerated depreciation allowances as provided for in the Rural Job Development Act—S. 15—are an effective and efficient means of encouraging new industries to locate in rural communities.

Therefore, Mr. President, I was especially pleased to hear that Secretary of Commerce, Maurice H. Stans, has endorsed the use of tax incentives to industries locating in rural areas. It is significant and encouraging that the Secretary of Commerce not only acknowledges the need for rural development but also that he endorses the use of tax incentives to help carry this out. Mr. President, I ask unanimous consent that an article reporting on Secretary Stans' speech at American University, published in the Evening Star of February 25, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Feb. 25, 1970]

STANS URGES U.S. HELP FOR RURAL PLANT SHIFTS

Secretary of Commerce Maurice H. Stans says the government should encourage industry to build plants outside crowded cities by providing tax incentives such as the investment credit struck down by last year's tax reform act.

"Realistically, if we are to expect business to help achieve population dispersal, government should help assure it an opportunity to make a fair profit" in less heavily populated areas, he said.

Stans made his suggestion in remarks last night for an American University series of lectures of business-government relations.

MIGRATION NOTED

Stans gave close attention to the growing tendency of Americans to move to the cities, especially the migration of Negroes of little education and few skills from farms to cities where "instead of opportunity, they found the bitterness and frustration of the slums that finally erupted in rage and riots."

"It's as though we owned a vast mansion, with hundreds of rooms, but most of us have decided to live in the closet," Stans said. Government figures show, he noted, that 73 percent of the people live on just over 1 percent of the land while 27 percent "are rattling around over the remaining 99 percent of the land."

"To preserve the advantages of the city without incurring the liabilities of megalopolis, we will not only build new cities from the ground up but also undertake to expand our present small cities into much larger entities," he said.

INCENTIVES PROPOSED

Business should help in this, he said, and the government should help business.

As for methods, he said that "possible new incentives include investment tax credits, liberalized depreciation allowances and manpower training supplements. . . . If such incentives could channel an increasing portion of future investment into areas that would help achieve a better balance in urban growth, the whole nation would benefit."

PROGRESS BY PRINCE GEORGES COUNTY, MD., AGAINST NARCOTICS PLAGUE

Mr. TYDINGS. Mr. President, drug abuse hearings the District of Columbia Committee has conducted during the past year have clearly underscored the previously unthought of extent of the narcotics problem and its relationship to the crime wave our country is experiencing. They have also demonstrated that without comprehensive local antinarcotics law enforcement efforts, our ability as a nation to deal with this crisis is severely limited.

Every State and local government in the country must address itself on an emergency basis to the extent of the narcotics problem it faces and the steps it can take to remedy it.

I am pleased that some of the most significant local progress against the narcotics plague has been made in my own State of Maryland.

In fact, Prince Georges County, Md., has recently received a County Achievement Award from the National Association of Counties for its outstanding response to the problem of drug abuse.

That award was announced in this month's issue of the American County.

In my own committee's investigation of the narcotics problem in the National Capital region, I have been impressed by the Prince Georges County effort.

Most recently, on February 3, I heard testimony about the programs Prince Georges has created to meet the drug-abuse crisis. Certainly no county in this region has advanced as far as Prince Georges in the development of narcotics programs.

The article in the American County describing the Prince Georges drug effort was written by Dr. Thomas Kelly, the administrative officer of the county.

I ask unanimous consent that Dr. Kelly's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American County, February 1970]

PRINCE GEORGES COUNTY, MD., RESPONDS TO DRUG PROBLEM

(By Dr. Thomas C. Kelly)

"Throughout the course of history, civilization has, from time to time, been plagued with serious problems of drug abuse and its resulting social and economic waste. Spurred by an unprecedented pace of social and technological change, an atmosphere of uncertainty and permissiveness, and a search among people for self-identity and new experience, drug abuse has emerged into sharp focus as a difficult problem of growing concern in the United States."—American Medical Association.

Using public and private resources, Prince Georges County, Md. has marshalled a multiple attack on the plague of drug abuse. Educational, health, and legal tools have been brought into the battle under the direction of the Prince Georges County Task Force Against Drug Abuse.

Appointed in the fall of 1968 by the Board of County Commissioners, the task force brought together over 18 private, county, and state agencies. Each of these groups contributed its own special expertise to the task force. Shortly after its creation the operation was in full gear, coordinating a multifaceted attack on drug abuse. The group, which meets monthly with the full membership, is divided into three subcommittees—education, legal, and health. The action programs which resulted have followed this structure.

EDUCATION

Since prevention implies education, the task force turned to the board of education, which operates the public school system of 158,000 students. Not only were the schools the most vulnerable institution for the spread of drug abuse but also the most accessible means of reaching the largest number of young people.

In the fall of 1968, the board of education sponsored a two-day seminar on drug use and abuse to prepare teachers and other staff to deal with the problem. Teachers and vice-principals from each secondary school were selected to attend on the basis of their interest and background.

A second workshop was presented the following week for members of the pupil-services division, which includes guidance counselors, pupil personnel workers, psychologists, home visitors, and school nurses.

Two teachers from each secondary school were sent to the University of Maryland during the spring semester, 1969 to attend a three-credit course on drugs, developed especially for board of education personnel. Experts from the fields of sociology, pharmacology, medicine, law, chemistry, and theology presented an inter-disciplinary approach to the problem. The major purpose of the course was to present a broad base of knowledge in order to help teachers develop meaningful curricula.

A structured component on drugs was introduced into the health education curriculum. It was designed to present the subject of drug abuse in a framework dealing with the total health of the individual human being.

INNOVATIVE PROGRAM

The most innovative program instituted by the board of education was a package curriculum purchased from the Lockheed Company. Previewed before the drug task force members, the curriculum opened to "mixed reviews." However, it was implemented as a pilot project to be formally evaluated at conclusion.

The program combined visual aids and movies with a workbook designed to induce student involvement; 5,000 junior and senior high school students participated in the 15-hour course. The youngsters were tested on content before and after, and the program was evaluated by teachers and principals, based on student reaction.

The content tests indicated that little new knowledge has been gained by the older students and it was determined that the program was too unsophisticated for pupils at ninth grade level and above. On this basis, considering the cost ($4 per student), the board decided not to offer the curriculum to the entire student population.

Therefore, the board expanded the curriculum component in the health education courses and is now training more teachers and offering adult education content courses to parents in the community.

Since community education and service are an essential part of the effort, a speakers bureau was formed through the county's community relations department to serve groups requesting information. The speakers who naturally already had some expertise in the subject, were supplied with a kit of basic data prepared by the task force. The objective was to make a unified theme of presentation.

The county police department developed a narcotic and dangerous drug program which included a lecture, film, and display kit showing how to recognize the drugs, their effects, and the implements used in administering them. In a three-month period they made presentations to 125 different groups for a total audience of 7,627 people. This program was completely handled by six men on the vice squad who donated their off-duty hours.

"MINDBENDERS"

Extensive educational efforts are being carried on by the library system. "Mindbenders," a list of publications and films dealing with drug abuse, was sent to county organizations working with young people, such as boys clubs, church groups, and 4H clubs, as well as the schools and PTA groups. Major distribution of the lists was through the 15 branches and five bookmobiles of the library system. Following an announcement of the publication, 450 copies of the bibliography were bought by libraries throughout the country, Korea, Quebec, and British Columbia.

All library branches provided special displays on drug information. Special effort was made to make available heavy duplication of materials, including books and pamphlets for young adults.

1,081 copies of 20 selected titles on the "Mindbenders" list were purchased for circulation to the public. 5,000 reprints of "Safeguarding Your Teenager Against Drugs" were made as a public service by the *Prince George's Sentinel*, a local weekly newspaper, for free distribution in the library branches.

STILL POPULAR

The library displays are still popular in all the branches. Several librarians regularly attend their local PTA meetings and present materials on drug information. Programs on drug abuse are being presented in several branches and usually are attended by capacity audiences.

The library films division circulated films on drug abuse. The films were used by community groups, correctional institutions, and special programs for disadvantaged children. By July 1969, these films had been shown to 14,000 people.

The library also serves the task force members, providing a current circulation of reading material, especially clippings from periodicals and reports of up-to-date research and innovative programs throughout the nation.

The local JC's have been enthusiastic about the task force from the beginning. They have donated their time and money to institute the "Smart Set" plan as a pilot project in two junior and senior high schools which began in the fall of 1969. This organization, using youth leadership to develop drug programs, has been operated most successfully in other parts of the country.

HEALTH

The task force contacted the National Institute of Mental Health and requested that they make a presentation of their materials and plans for a saturation publicity campaign. A representative attended one of the meetings, displayed posters, brochures, and exhibited the television and radio "spots" which had been worked up by a professional public relations agency for nationwide use.

Local radio and television stations are using this material interspersed with their commercial programming. Local theatre owners also accepted the "spots" and use them as between-feature fillers.

At the recent county fair, the task force built and staffed a booth utilizing strobe lights, psychedelic posters, and hard rock music as background to distribution of drug-fact brochures and referral information. It is estimated that in the course of the five-day fair, over 75,000 people visited the booth.

Upon recommendation of the health and rehabilitation sub-committee, the task force sent letters to student leaders and to young drug offenders alike and invited them to participate in the meetings. Since then, they have been involved in all the planning and have provided the group with fresh insights, helping the professionals to bridge the "generation gap" which often slows communication.

Naturally, an important component in any program to fight drug abuse is a referral route for those who may be experimenting or involved on the "drug scene." The health department was the logical place to develop this type of program.

This agency announced that any adolescent or parent may request professional information and counseling by calling and asking for "Drug Help." The caller is referred to the mental health bureau's adolescent division, and given an appointment. If therapy is indicated, he is either assigned to a group or given individual treatment. Through the Prince Georges General Hospital—a 24-hour answering and referral

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service is available to assist persons with drug-related problems and to direct them to resources.

The health department also made consultation services available to members of the medical profession, other county agencies, and civic and community groups. The office of health education compiles reference material on health and medical aspects of drug use and abuse and works with professional and civic groups to design and implement projects using the health education approach.

The parole and probation department assumed the responsibility for providing a rehabilitation and treatment program for the drug offenders referred to them. Weekly, a parole agent trained in techniques of group therapy meets with an open ended case load. The men see movies, hear speakers, and "rap" about mutual problems. The health department provides consultation and professional assistance to this group.

One of the most exciting and successful programs is run by the juvenile court, utilizing volunteer physicians and psychologists, supplemented by a small grant from the county. Youngsters arrested for drug offenses are screened and referred to treatment in lieu of sentencing. The young people meet in group and individual therapy sessions once a week for a period of six months. The parents are also involved and meet with the physicians on a regular basis.

As of September 1969, 108 youngsters had been referred to this program with only one rearrested for drug abuse. These groups proved so successful with the court referred young people, the program has been expanded to include any youngster—or his parents with a drug problem.

In October 1969, the bi-county region, Prince Georges and neighboring Montgomery Counties, received a small grant under the Omnibus Crime and Safe Streets Act to plan a juvenile narcotics prevention program. Because Prince Georges drug abuse task force had already laid the groundwork for the study, the bi-county program is being conducted by its staff under the supervision of the county's administrative officer.

The grant provided the first actual operating funds that have been received specifically for narcotics prevention. After the completion of the six months study and program-drafting, the two counties will apply for implementing funds for a large scale plan.

ORGANIZATION

The commissioners' county task force against drug abuse is an interagency group, loosely constructed to encourage participation from community and non-public organizations as well as governmental agencies. The county/state agencies represented are the board of education, the health department, the library, the extension service, the parole and probation department, juvenile services, juvenile court, police department, sheriff's department, community development, the state attorney's office, the county's community relations department, and the youth action committee, with the county's administrative officer serving as the chairman.

The mental health study center of the National Institute of Mental Health, which is located in the county, also participates and has sent a psychologist to every meeting. The Family Service Agency of Prince Georges County, a United Fund agency which has deep roots in the community, offers unique counseling services to both youth and adults in the area.

The subcommittees are the "think" tanks for the task force. They meet in small groups to supply ideas and recommendations that will be discussed by the entire body. This approach was found most effective in keeping all viewpoints represented.

Although discussion is free floating and wide ranging at the full task force meetings, the small groups which have refined the recommendations can effectively pinpoint discussion and lead the translation process from ideas into action.

Especially noteworthy is the spirit of cooperation that has prevailed in the task force meetings. Policemen and social workers naturally have a different view of the problem and each member brought the special bias of his discipline to the meetings. Nevertheless, "hidden agenda" and interagency feuds have been conspicuously absent.

Some of this cooperation can be attributed to the fact that each agency or organization is committed to the urgency for action. They have felt community pressure and encountered the distress of parents and youngsters who have been involved with drugs.

Another reason for cooperation is that each agency responded by sending top-level representatives to the meetings—members who have, to a large extent, the power to commit their agencies to certain programs. This type of cooperation and flexibility has prevented the task force's efforts from bogging down in bureaucracy, as could easily have happened.

The meetings are structured with agenda, notices, and minutes. However, great informality prevails so that all pertinent discussion can be heard and no member need feel throttled by a strict agenda.

The first move of the task force was to request each agency to come up with its viewpoint of the problem and its recommendations for the problem's solution. These were submitted in written form and served as a springboard for the initial agenda.

The charge of the task force, as understood by the members, was primarily preventative—that is, educational—and aimed at the youthful offender rather than the hard-core addict.

Although it was recognized that the problems of the addict were certainly deserving of attention, it was felt that the task force's resources were simply not adequate to go into large-scale treatment and rehabilitation programs. Recommendations may be developed but it was decided that they would be implemented under other auspices.

The impact of the task force's efforts is very difficult to determine. The rapid urbanization of the jurisdiction, an exploding and very mobile population, and the resulting strain on schools and other public services militate against viewing the narcotics problem as a stable condition which can be assessed statistically.

However, the energetic and innovative response of the various agencies and citizens has provided a blueprint for cooperation that can be applicable to many crisis situations. As a serendipity effect, strong interagency relationships have developed; department heads have gained a broadened perspective of county problems; and interdisciplinary viewpoints have been exchanged. It is reasonable to expect that the continued and expanded efforts of the task force will produce significant future results.

DETERIORATION OF SALTON SEA

Mr. MURPHY. Mr. President, recently the State of California and the Department of the Interior released the results of a Federal-State reconnaissance study of possible solutions to the problem of the deterioration of the Salton Sea.

This reconnaissance report indicated that time is an important factor in this matter and consequently I immediately requested the Secretary of the Interior to take the next step by making an advanced investigation of the Salton Sea situation which would be in the form of a feasibility study.

I then announced that I will introduce legislation to authorize the necessary feasibility study. Such a study could be conducted by any one of several agencies within the Department of the Interior but it is possible that if a decision is made to proceed with such a study under the auspices of certain of these agencies. Congressional authorization would be necessary. It was for this reason, and to try to head off possible delays, that I decided to introduce the legislation which might be needed to obtain congressional approval for the feasibility study.

The plight of the Salton Sea was discussed in today's Wall Street Journal in an article written by P. F. Kluge, and I ask unanimous consent that this article be included in the Congressional Record with my remarks so that my colleagues and the appropriate members of the administration will be able to understand more clearly why prompt action to save the Salton Sea is so urgent.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Feb. 26, 1970]

EXCESS OF SALINITY THREATENS TO DESTROY LIFE IN THE SALTON SEA—CALIFORNIA'S "ACCIDENTAL LAKE" ALREADY SALTIER THAN PACIFIC; $130 MILLION TO SAVE THE FISH

(By P. F. Kluge)

Desert Shores, Calif.—"How many places can you catch a fish like that in inland waters?" asks Duke Dorsey, gesturing at the stuffed and mounted 21-pound corvina that adorns one wall of his beer, bait and tackle emporium.

Where else, indeed, but in Southern California's 375-square-mile Salton Sea? The Salton Sea is the largest inland body of salt water in the U.S. capable of supporting extensive marine life. Lying 40 miles north of the Mexican border and 100 miles northeast of San Diego, the sea has become a choice angling spot and a promising recreation area. It is also an ironic footnote to the story of man's losing struggle to improve his environment.

The sea was made by man, albeit accidentally, and the chain of life that now thrives there was established by him painstakingly over the past 20 years. Now man is killing what he made. Runoff irrigation waters pouring into the sea are carrying with them millions of tons of salt leached out of the soil, and the sea is gradually becoming too saline to support life,

If the marine biologists are right, within the next decade man may turn the Salton Sea into a vast sump, and the only game fish left around will be found above the pretzel rack in Duke Dorsey's bar. Others warn that if the slow poisoning of the sea isn't halted, land developers and other businessmen will be turning belly up along with 10 million fish.

CROAKERS AND SARGO AND CORVINA

The sea began to form in 1905 when the Colorado River flooded, bursting through an irrigation channel and pouring into an arid, sub-sea-level depression known as the Salton Sink. When the river was finally controlled and the breaks sealed, the Colorado had left behind an inland salt sea second only in size to Utah's 2,300-square-mile Great Salt Lake. (The Great Salt Lake is too saline to support much marine life.)

The Salton Sea, which has no substantial fresh-water source and no outlet to the ocean, would have evaporated in time, leaving behind the same arid, salty sink that was

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there in the first place. But the huge irrigation projects of the Imperial Valley to the south and the Coachella Valley to the north replenished it with run-offs from fields and orchards—salt laden waters that helped give the sea a more oceanic composition.

In the early 1950s, the California Department of Fish and Game succeeded in establishing a life cycle in the sea. It stocked it with croakers and sargo, small fish that live off plants, and with corvina, ocean-going game fish that eat croaker and sargo.

In time, signs of higher life forms appeared on the lake's edges—marinas and bars, mobile homes and model homes, motels and planned communities. Billboards sprouted everywhere, urging visitors to camp, to boat, to vacation, to dine and, most of all, to buy land by the shores of this sportsman's paradise.

THE FISH AND THE BUSINESSMEN

But now the sea is threatened at its source; more than 10,000 tons of salt a day are being dumped into it by farmers, and the salinity level has risen to an ominous 3.7%, higher than that of the Pacific. Bioligists say that at 4% salinity, a point that may be reached within five years, the sea will begin to die—slowly but inexorably. Spawning will become irregular, then cease.

The Salton's underwater population is still biting gamely now, but the businessmen on the beach are beginning to fret. Some boosters still insist that "the salt problem" has been blown out of proportion; others try to convince themselves that fishing doesn't matter. "Even without it, we'd have everything Palm Springs does," says one defensive businessman.

Marcus Hickerson, president of Holly Corp., which has about $20 million invested in the development of Salton City on the sea's western shore, stresses the joys of desert living, the cleanness of the air, the building of a new golf course. "My only fear," says Mr. Hickerson, "is that the psychological impact of the salinity problem will get out of hand and the conservationists and sportsmen will create an inaccurate picture of the area."

The area currently has an unfinished look. In Salton City as in other developments, there are miles of roads with jaunty names stretching asphalt fingers into the desert—but few houses line them. Tight money has stifled many housing starts, here as elsewhere, but developers concede that "bad publicity" about the salinity problem hasn't helped either. Some discouraged land speculators are selling out, struggling to recoup even half their cost of purchase.

Down at water's edge, charter boat operators can't believe that Federal and state authorities will let the sea perish. "There's just too much at stake here," says Obbie Moses, who takes fishermen out on the Seagull III.

Robert Hulquist, a biologist with the Department of Fish and Game who helped stock the sea with corvina 20 years ago, says sadly: "I'd lose my faith in everything if the Salton died. Recreation in Southern California is reaching a crisis point; you can't find a parking place at the beach, the freshwater lakes are incredibly crowded, you have to spend two days of a week's vacation waiting to get into a national park. And the rivers are gone; the Colorado's not much more than a millrace now. But there is so much room at the Salton. It's a tremendous asset. I'd be brokenhearted if we lost it."

But right now no solution seems in sight, despite voluminous studies involving Federal, state and local agencies. The problem is money. The farmers don't want to foot the bill, and their logic is hard to question. Says Leon Kennedy, president of the Coachella Valley Irrigation District, "If we didn't put our water into the sea, the sea wouldn't be there." Land developers don't want to pay, arguing they didn't create the problem.

That leaves it up to the Government, which hasn't rushed in with bags of money. Sixteen units of Federal, state and local government recently recommended that the sea be saved through construction of a "lake within a lake," a diked-off salinity basin within the sea itself; enough salt could be removed in the basin to offset the amount pouring in yearly from irrigation waters, thus stabilizing the sea. But the process of getting the money via Congressional appropriation, and the job of building the system, could take years. And the price is put at about $130 million, which might well be hard for an economy-minded Congress to swallow.

Sportsmen are pessimistic. "Everyone who uses the Salton is willing to preserve it," says Bob Vile, president of the Ocean Fish Protective Association, a sportsman's group that is pressing for Federal-state action. "The land owners want to preserve it. The farmers want to preserve it, the state wants to preserve it. The cause of saving the Salton is almost next to motherhood—but you can't get the money to do it."

THE NATIONAL TRANSPORTATION GOALS—A PERCEPTIVE ANALYSIS BY SENATOR VANCE HARTKE

Mr. PELL. Mr. President, one of the most serious problems facing the country today involves the balancing of our Nation's transportation goals against the impacts which various transportation modes have on our social problems and the environment. The Senator from Indiana (Mr. HARTKE) has made, this week, a perceptive analysis of this problem in a statement before the Democratic policy committee, I ask unanimous consent that Senator HARTKE's excellent statement be printed in the RECORD in order that the Senate may be appraised of the fine thinking of the chairman of the Surface Transportation Subcommittee.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

NATIONAL TRANSPORTATION GOALS

(By Senator VANCE HARTKE)

Tom Wicker of the *New York Times* recently wrote that the three major domestic issues on which President Nixon had evinced the least understanding were pollution, transportation, and hunger. The pollution of our air and water, and the hunger of our urban and rural poor, are problems that have received wide attention, if little action. But transportation as a major issue has received neither attention nor action. We have ignored transportation, not because it inherently lacks significance, but because we have failed to comprehend and communicate the relationship between transportation and other social problems—poverty, urban decay, and environmental degradation.

The tendency of most Americans to think of transportation as the "ho-hum" movement of cars, trucks, trains and airplanes. In reality, however, transportation is the most vital and pervasive activity of society, a circulatory system by which people and goods are moved about and the nation continues to function. From the earliest days of human civilization, access to transportation facilities has structured the location of communities and the centers of economic activity, and has determined the physical shape of urban areas. Nowhere has society been built around transportation more thoroughly than in the United States, where towns were born along the tracks of our railroads, and where great ports were built inland from the navigable waterways that crisscross the continent.

Although transportation has shaped our society, given rise to our cities, and linked our several states together, we have in the past allowed our transportation network to grow in an unplanned and uncoordinated fashion. The various modes of transportation—railroads, automobiles, airplanes and ships—have developed independently of one another, and the government agencies that promote and regulate transportation have been fragmented along modal lines. Little effort has been made to integrate the modes, and little thought has been given to how transportation might be planned to structure regional or national development in a desirable fashion.

In the past, the costs of non-integrated transport have been largely obscured by economic progress, just as the costs of pollution have been largely ignored in the pursuit of economic growth. Today, however, we face a transportation crisis that demands a reassessment of our transportation policies and a fresh look at transportation's relationship to other human activities and values.

The most obvious feature of our present society is that it has come to be dominated by the automobile. The benefits of automotive transport have primarily been those of unmatched personal mobility for our people. Yet the symptoms of our transportation ailments today are congestion and pollution. Congestion surrounds our airports, engulfs our city streets, and blocks our major highways. Air pollution comes pouring out of the exhaust pipes of cars at a rate of over 75 million tons per year. "Land pollution" in the form of more highways slicing through cities and open spaces continues at prodigious rates. Noise pollution mounts in our cities and around our major airports. These environmental and social costs of the automobile have become painfully apparent in recent years. All pollution from automobiles constitutes a major environmental problem, not only because such pollution threatens our health, but because air pollution has also made our cities virtually unlivable. Even if we succeed, as indeed we must, in overcoming the pollution problem of automobiles, still must deal with a more intractable automotive problem: the voracious consumption of land.

Our highways have proliferated with frightening speed, destroying much of our cities and defacing much of our open spaces. Already we have more than 3 million miles of paved roads—one mile for each square mile of land—and still we are told we must build more freeways in order to escape today's constant traffic jams. To the obvious environmental costs of such proliferation are added a host of less well-recognized social costs—widespread dislocation of people and businesses, wholesale destruction of valuable parkland and wilderness, ever-increasing volumes of noise, and a mounting death toll that makes our most common mode of travel also our most deadly.

I need not elaborate on the social and environmental impact of more cars and more highways. Studies abound showing the heavy price we pay every year in order to maintain our precious mobility. If we could continue to find such mobility in the construction of more highways, in the paving over of more cities and open spaces, I am afraid that we would continue to ignore the social and environmental costs that such construction entails.

But the crisis in transportation is not simply one of achieving mobility at the expense of other human goals. The crisis is also one of our ability to remain mobile regardless of the price we are willing to pay. Each new highway built becomes jammed with traffic almost as soon as it is opened. And the number of new highways has clearly reached the societal saturation point. A continuation of our present policies would lead us, for example, to the point where

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one day New Jersey will cease to be the name of a state and become the name of a mammoth super-highway between Washington and New York. And even then, automotive traffic will move at a snail's pace.

The crisis, while frightening in light of our present policies, actually may be a blessing in disguise, for it forces us to plan now for an alternative system of transportation in which the automobile will assume a more proper role. Planning transportation systems, in turn, will force us to consider questions of social policy we have ignored in the past: How do we want our population to be distributed? What pattern of urban growth is most desirable? How can transportation be made less destructive of our natural and social environment?

In the past, we have not attempted to fuse our various modes of transportation into a single coordinated system. Nor have we stopped to calculate the social consequences that lack of planning was entailed. Yet we have long had evidence that population growth and economic activity are structured by transportation—even in the distant past when trading posts were established on the banks of mighty rivers, or when towns began to spring up alongside the new railroads. Our whole society, in fact, has been shaped by transportation—but we have never stopped to consider how we could plan transportation facilities in order to shape a society better than the one we have today.

We can no longer ignore the social implications of transportation. Our present system is so congested, so expensive in terms of pollution, land, noise and human life, that an alternative will have to be created. The form and extent of our transportation planning will have a dramatic impact on how we live ten and twenty and one hundred years from now. Whether or not we take action, for example, will determine whether our cities continue to grow in a sickly sprawl, or whether designers will be able to plan more healthy new communities with access to work and recreational areas. The price of inaction, by the same token, will be a continuing aggravation of those social and environmental ills with which we are grappling today.

Once we understand the social implications of transportation planning, however, we cannot simply begin to create new transportation systems. The technology is not lacking, but the political framework is. We simply do not have governmental structures with the requisite authority and scope for planning the types of integrated, balanced transportation system that we will need in order to channel future growth.

The reason we lack such structures is that transportation problems—and logical transportation units—do not conform to state or local boundaries. Instead, transportation needs follow the pattern of population, and our people live increasingly in densely-populated "corridors" that connect many cities and cross several state lines. Within each corridor are several cities and dozens of major suburbs—which, by themselves, cannot create a transportation system that meets the needs of the entire region. And because of the number and diversity of transportation regions within the United States, the federal government cannot undertake the detailed planning and testing of transportation systems that each region needs to insure a better future environment.

The consensus on the need for regional transportation planning is emerging much more rapidly than the governmental framework within which such planning can take place. New transportation policy and new transportation systems are not, as some would have us believe, dependent upon unrealistic advances in technology. The technological problems can be overcome if political institutions can merge for the making of coherent and coordinated policy. At the present time, no political unit—city, county, state or federal—is equipped to formulate transportation policy that is consistent with national needs. The transportation unit that is most relevant to policy—the region—has no governmental body or formal planning board.

The National Transportation Act, of which I am a co-sponsor, is an attempt to establish the type of regional control over transportation planning that is needed for rational systems to be built. By establishing regional transportation commissions charged with the planning and construction of integrated transportation systems, the act takes a monumental step toward granting Americans the ability to control their own social destiny. The regional commissions would take into consideration such factors as environmental quality, land-use planning, and even the locations of pipelines and power transmission facilities. By developing systems within which each mode of transportation complements all others in an overall design to meet the needs of the region, the regional commission will ensure the continued availability of federal assistance funds in demonstrations projects and construction. But failure to develop such plans would lead to a halt in federal funding—justifiably so, for lack of planning in the future will hasten the already swift degradation of our cities and countryside.

The National Transportation Act, which Senator Warren G. Magnuson and I introduced last June, will be the subject of extensive hearings before the Senate Commerce Committee this Spring. We do not pretend that we have answered all the important questions in the field of transportation policy by offering this bill. We do feel that it is important for America—and important, I might add, for the Democratic Party—to begin studying transportation problems and to begin studying them now. The vast changes we hope to effect in American society, the hopes we have for the rehabilitation of our cities and the economic enfranchisement of our poor, will all depend upon the type of transportation systems we develop in the future.

In conclusion, let me restate my thesis simply. The transportation, though often overlooked, is a key aspect of America's social and environmental situation. Our present transportation system is unplanned, costly in human terms, and on the verge of breakdown. Planning for integrated, balanced transportation systems now is necessary, not only to diminish the costs of our present system, but to aid in the restructuring of American society. Although such integrated systems can be planned and technologically initiated, at present we lack the institutional framework within which to undertake such planning and initiation. Upon developing that framework—a framework that takes into account the regional nature of transportation problems—may very well hinge not only our future mobility, but our future way of life.

DR. LUTHER HOLCOMB—A RESPECTED MEMBER OF EEOC

Mr. HRUSKA. Mr. President, when the Equal Employment Opportunity Commission was created in 1965, Mr. Luther Holcomb was appointed by President Johnson to the post of vice chairman.

In 1969, when Dr. Holcomb's term expired, President Nixon renominated Dr. Holcomb. The President announced that he was doing so because Dr. Holcomb had served with distinction for the previous 4 years.

Before joining the EEOC, Mr. Holcomb was a civic and religious leader in Dallas, Tex. For more than 20 years, he served on numerous State and national boards concerned with health, education, religion, and welfare.

As a member of the EEOC, Mr. Holcomb has been involved in the development of techniques and progress to achieve full and equal opportunity for citizens from all minority groups. To attain this goal, he has worked with industry, government, schools, churches, civil rights, and civic groups.

While engaged in these efforts to keep communication and cooperation open between the many groups involved in the accomplishment of equal employment opportunities, Mr. Holcomb has displayed tact and common sense.

The Omaha World-Herald praised these qualities of Mr. Holcomb in a recent editorial, and strongly approved of his reappointment.

Mr. President, I ask unanimous consent that the editorial be printed in the Record, in recognition of Mr. Holcomb's untiring efforts and good judgment.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Omaha World-Herald, Jan. 29, 1970]

Dr. Holcomb's Helping Hand

When Dr. Luther Holcomb spoke at Creighton University in January 1966, he said it was more than possible that he and his four colleagues on the Equal Employment Opportunity Commission would work themselves out of a job in 10 or 12 years. Job discrimination was lessening, he said, and eventually there might be no need for a nationally directed office in Washington to keep watch on it.

Racial upheavals have occurred in the meantime, but the EEOC has worked quietly and effectively to keep open the lines of communication with minority groups, religious groups, businessmen and others. The tact and common sense of Dr. Holcomb, who is the one member of the original commission who remains after 4½ years, have been unfailing. He is a realist and a compassionate man whose good judgment has helped greatly in a most sensitive area of our national life.

Last year President Nixon saw fit to reappoint this Texas Democrat and former Baptist minister as vice chairman. It was a good appointment. Dr. Holcomb and his associates may not work themselves out of jobs as soon as he had hoped, but there is continued progress toward the goal of true equal job opportunity.

GRAVE ECONOMIC CONDITIONS IN DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, a news report and an editorial published in the Washington Post recently underscored the grave economic conditions existing in the National Capital and the discouraging prospects for their improvement without significant changes in the traditional approach to the economic development of the National Capital.

The decline in economic vitality in the District of Columbia affects the entire Washington metropolitan area. As Mr. Joseph Danzansky, president of Giant Foods and author of the news article in question points out therein:

> This is one integrated metropolitan economy, and that a cancer at its heart will eventually spread and envelop the rest of the economic body. Suburban jurisdictions

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sharing common borders with the District are already confronted with a spill-over of District problems, and as the decade progresses, that spill-over will penetrate most suburban jurisdictions.

Mr. Danzansky, together with a distingiushed former Chairman of the Council of Economic Advisers, Dr. Leon H. Keyserling, have headed the effort known as the Mayor's Economic Development Committee to point new approaches to revitalization of the National Capital. Its initial report, published last year, documents the need for a massive infusion of Federal assistance to compensate for the years of neglect the National Capital economy has suffered.

I commend that report to all Members of Congress. I likewise commend its capsule summary as spelled out by Mr. Danzansky in his article and the accompanying Post editorial, both of which I ask unanimous consent to have printed at the conclusion of my remarks.

I also want to recognize the enormous service Mr. Danzansky has continued to render in helping to meet the social and economic problems of the Washington metropolitan area. His selfless and infectiously enthusiastic devotion to the improvement of the life of the citizens of this community is an example to every person in public and private life.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 11, 1970]

AREA'S ECONOMY IN TROUBLE

(By Joseph B. Danzansky)

It has been an article of faith over the years that this is the nation's most rapidly growing major metropolitan market, that personal income is higher than any where in the country, and that unemployment, computed on an area-wide basis, is about as low or lower than anywhere else. This is substantially true today, and we can probably expect it to be true during the coming year and for some time to come. The retail industry in general, and the retail food industry in particular can expect burgeoning sales, and despite national economic trends, continuing profitability.

I have serious concerns about the long-term outlook, however. Our economic health in the Washington Metropolitan Area does not hold up well under close examination. The health is regional, limited to the more affluent suburban areas. The economy of the District of Columbia is in advanced stages of a serious illness, and this illness does not show any indications of expected improvement for the foreseeable future.

All too often, those of us who live, work, and pay taxes in the suburbs are content to point with disdain or alarm at the plight of the District of Columbia, and give silent thanks to our good judgment in choosing to live and/or do business in the prosperous suburbs. We fail to recognize that this is one integrated metropolitan economy, and that a cancer at its heart will eventually spread and envelop the rest of the economic body. Suburban jurisdictions sharing common borders with the District are already confronted with a spill-over of District problems, and as the decade progresses, that spill-over will penetrate most suburban jurisdictions.

There is a long tradition in this area of local pride and in competition with neighboring jurisdictions. If we are to continue to enjoy the economic health of this area, we must begin to concentrate on those problems which unite us, instead of seeing mostly the issues that divide us. We must begin now to do serious economic planning on a Metropolitan basis. Through the Council of Governments, we have achieved a solid measure of regional cooperation in matters of physical planning. The Metro is another example of our ability to work together to achieve a mutually beneficent goal. We must now move beyond these safe and relatively non-controversial programs to find Metropolitan solutions to the real problems that threaten the health of the region in the coming decade—crime—and the related problems of jobs and training for the unskilled and the unemployed—of decent and adequate housing that falls within the price range of every citizen—of rehabilitation of those caught up in the vicious cycle of crime—of reconciliation between the races.

I am convinced that the great majority of the citizens of the Metropolitan Area want to see these problems tackled and solved, and are willing to support any intelligent program to achieve that end. I sense this willingness in the business community, and if this willingness is properly mobilized, the job can and will be done.

[From the Washington Post, Jan. 20, 1970]

NEEDED: A METROPOLITAN SOLUTION

Without doubt, the Washington area is growing rapidly—as fast as any area in the nation. The traditional year-end forecasts from businessmen in this newspaper's Business Outlook Section were generally optimistic and the neat business indicator chart accompanying the forecasts showed plus signs far outnumbering minuses. Some of the forecasters saw short-range problems with inflation and tight money, particularly in the housing field, but not enough to choke off the area growth. The history of the area has been one of almost steady expansion since the beginning of the Republic and the general feeling was that the future undoubtedly would mirror the past.

But the forecasts contained some warning notes which are worth pondering as we look ahead. Perhaps the most sobering was voiced by Joseph B. Danzansky, chairman of the Mayor's Economic Development Committee and president of Giant Food Stores. He points out that the economy of the District of Columbia proper as distinct from the overall area economy "is in advanced stages of a serious illness and this illness does not show any indications of expected improvement for the foreseeable future." Because this is an "integrated metropolitan economy," he expects the cancer in the city proper to spread into the affluent suburbs and threaten the over-all health of the entire area. Therefore, he suggests the entire area has a stake in solving the problems of the District on a metropolitan basis. The area must, he suggests:

"Find metropolitan solutions to the real problems that threaten the health of the region in the coming decade—crime—and the related problems of jobs and training for the unskilled and the unemployed—of decent and adequate housing that falls within the price range of every citizen—of rehabilitation of those caught up in the vicious cycle of crime—of reconciliation between the races."

Other commentators point to the continued boom in downtown office building construction as a sign of economic health, but Thomas M. Walsh suggests that some of them may be hard to rent. He is concerned about enterprises moving to the suburbs because of rising land costs, changing shopping patterns and crime, and, like Mr. Danzansky, urges that something be done to "stabilize this unfavorable condition." Worth pondering is a suggestion from Theodore Hagans, president of the D.C. Chamber of Commerce, a predominantly black business organization, that ways should be found of "including those who are now excluded" by buying services and goods offered by black businessmen and professional men.

Many forecasters appear to be looking to the Metro to make downtown more accessible to suburbanites and make suburban jobs more accessible to residents of the inner city. And construction of the subway, itself, will provide jobs for inner-city blacks. Many of them are jobless or underemployed in spite of the fact that the area labor market is extraordinarily tight and the whole area is extraordinarily prosperous with average family income now at $14,299, highest in the land.

Mr. Danzansky warns that the affluent suburbs cannot escape the problems of the inner city. The spill-over of Washington problems already has reached communities adjacent to the city line "and, as the decade progresses, that spill-over will penetrate most suburban jurisdictions." The solution he suggests—and it makes sense—is for all of us to "unite" on the problems that are shared instead of the issues that "divide," and "begin now to do serious economic planning on a metropolitan basis." It is hard to see how any other approach can work.

EVENTS IN LAOS

Mr. ALLOTT. Mr. President, some Senators have expressed concern and alarm about the train of events in Laos.

Certainly it is right to be alarmed about North Vietnam's brazen attacks on the Plaine des Jarres.

It is not clear what U.S. policy should be regarding this latest evidence of North Vietnam's expansionist policies. But at the very least, we should learn five lessons from North Vietnam's aggression.

First, we should notice how fragile the so-called neutralization of Laos has proven to be. Senators recall that the United States took part in setting up the "neutralized" Laos almost 9 years ago. And Laos has barely known a day of peace since. In fact, Laos is only relatively peaceful when the North Vietnamese are fully preoccupied with their attempt to conquer South Vietnam.

The second lesson we should learn from the troubles in Laos is that North Vietnam has not lost its appetite for aggression simply because American forces have stymied its attempt to conquer South Vietnam. North Vietnam's aggressive impulses are just finding a new outlet in another war against a neighboring state.

The third lesson we should learn is that the so-called domino theory looks more valid with every passing hour.

This theory holds that the fates of the various non-Communist nations of Southeast Asia are closely linked. The theory holds that if one of these nations is allowed to fall under Communist aggression, others are apt to fall like a row of dominos.

Mr. President, the conclusion is inescapable that conditions in the battered Laotian nation indicate that North Vietnam may soon turn the domino theory into the domino reality.

This brings us to a fourth lesson we should learn from Laos. We should learn something about the nature of our enemy in the Vietnam war.

During the last decade there has been much speculation about the nature of the conflict in South Vietnam and about North Vietnam's motive for fighting there.

According to one theory, the conflict in South Vietnam is an "indigenous peasant revolt" and the North Vietnamese are only motivated by a nationalistic desire to unify the two Vietnams.

It has been tempting to accept this soothing interpretation. If this interpretation were true then we could consider the conflict in Vietnam as a purely local disturbance without larger significance, and without the potential for doing widespread and lasting damage.

Unfortunately this theory about the nature of the Vietnam war, and about the nature of North Vietnam's involvement, is a casualty of the developing war in Asia.

The theory that North Vietnamese aggression is only misguided nationalism is another theory killed by a fact. It has been killed by the fact of aggression in Laos, an aggression that cannot be rationalized as a simple expression of a desire for national unity. It has always been false—but at least plausible—to argue that the two Vietnams "naturally" form a single nation. But it would be preposterous to argue that North Vietnam has a legitimate interest in annexing Laos.

This brings us to a fifth lesson we should learn from the events in Laos.

If and when the North Vietnamese actually consent to talk at the so-called Paris peace talks, we should remember that their claims to legitimate interests in the internal affairs of other nations have a way of multiplying.

Further the wars they are involved in tend to multiply even while they pretend to be engaged in ending a war.

None of this is surprising. It has always been true that Communists treat negotiations as war carried on by other means. The negotiating table is just another theater of conflict. When the North Vietnamese are involved, the negotiating table is one of an increasing number of war theaters.

Mr. President, I join those Senators who have expressed concern and alarm about the war in Laos. I only urge them to consider all the possible implications of that war, and to learn all the lessons which it can teach us.

THE U.S. POSITION IN LAOS

Mr. RIBICOFF. Mr. President, the American people and Congress have largely been kept ignorant by our Government as to the nature and extent of our expenditures of men and money in Laos.

We have no official commitment to defend Laos, yet it has been reported 400 sorties have been flown by American aircraft in a single day over Laos. We have lost 100 of our pilots during raids over Laos but this has not been confirmed—even to the families of the dead.

Hundreds, and possibly more, fully armed Americans, albeit in civilian clothing, are "advising" the Laotian Army and Meo tribesmen, but officially their existence is denied. Is it not time for our President to let the American people know more about the war?

One of the most revealing glimpses of the nature of the war in Laos, and of our own actual involvement has been provided by three correspondents who slipped into one of our secret, CIA-run bases in Laos. Those Americans who are aware of the history of our gradual, and almost secretive entanglement in Vietnam will read their reports and weep. Two accounts of this visit have been published, one in the Washington Post, and one in the Washington Star.

I must applaud these three correspondents for their journalistic initiative. I only hope this latest revelation will provide the stimulus for a change in the administration's secretive attitude.

Are we facing a military debacle in Laos? If so, hard choices must be made as to our future role there. It is essential, therefore, that the Congress and the people not be shielded from the truth. Otherwise, we risk making our decisions on inadequate information and emotion.

As a first step, the transcript of the Foreign Relations Subcommittee hearings on American military activities in Laos should be made public. Thus far the executive branch has refused to declassify these hearings to any meaningful extent.

Also, instead of restricting the freedom of newsmen covering this conflict, we should encourage them to describe what they see to the American people.

We must end the serious information gap that surrounds our involvement in Laos.

I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

(From the Washington (D.C.) Post, Feb. 25, 1970)

Plane Traffic Heavy at Secret Base in Laos

(By Jack Foisie)

Sam Thong, Laos, February 24—The long-secret base of Long Cheng in Laos was observed by outside correspondents for the first time today, and they saw American-made planes taking off at the rate of one a minute in presumed support of the battle around the Plain of Jars.

According to one of the correspondents, Tim Allman of The Bangkok Post, there also were many armed Americans in civilian clothes supporting Vang Pao, the Lao general in command of the fight in northeast Laos.

The only armed planes the correspondents saw at Long Cheng, however, were converted American prop-trainers used as bombers and flown only by Oriental pilots.

This would keep the American diplomatic position within the framework of the 1962 Geneva agreement, which forbids an outside power to base military forces within Laos.

The correspondents reached Long Cheng from Sam Thong, about 18 miles away, the logistical supply base for northeastern Laos.

They observed the area and the airfields for two hours before being challenged by a Lao colonel. They told him they thought the base was open to correspondents.

The officer reportedly at first believed the newsmen might be Russian military attachés from Vientiane.

An American in civilian clothes, believed to be a CIA agent, interrogated them and got them out as quickly as possible, putting them on an aircraft bound for Vientiane, about 100 miles south, saying he would charge them $450 for the fare.

[G. McMurtie Godley, the American ambassador to Laos, issued a statement later, the AP reported, which said that "the American mission has lost any interest in helping out the press whatsoever because of what happened this afternoon."]

In Sam Thong, the war is 15 miles over the hills, a few minutes by helicopter or half a day's walk for Meo tribesmen. Sam Thong is certainly a most active rear area. The activity mirrors the frantic efforts of Americans to prop up the sagging anti-Communist army of Gen. Pao.

There are more than 300 aircraft landings and takeoffs here daily. The planes must brush an escarpment to land and climb steeply on takeoff to snake out of another gap in the hills.

The dust from the dirt landing strip keeps a constant haze over the town during the daylight hours.

A bullet-nosed, high-winged monoplane lands and discharges a government soldier, 14 years old, his arm shattered by an enemy bullet. A helicopter arrives and out steps Pao, surrounded by U.S. Army and CIA advisers. A twin-engined Caribou transport plane discharges fuel in barrels.

A twin-engined Beechcraft takes off with three U.S. officers in civilian garb, headed for the battle at Muong Soui. Other light aircraft take Buddhist monks and refugees to new homes.

(American tactical air support for Laotian forces, never officially acknowledged but widely known, is believed to be mounted from bases in Thailand and South Vietnam.)

In the tin-roofed hospital, now being enlarged, Dr. James Borden of Klamath Falls, Ore., works steadily. He is the chief surgeon, assisted by two Lao doctors and by Jack Thiel of Chicago, a nurse.

There are about 150 patients, many on cots in hallways. Dr. Borden said he had treated 100 wounded from the Plain of Jars fighting but only a dozen were involved in the battle at Lima Lima, the key airstrip on the southeastern edge of the Plain that fell Saturday.

The wounded who came from Lima Lima walked, Dr. Borden said. He added that if there were many others wounded at the airstrip, they did not get out.

However, the general impression remains that the battle at Lima Lima saw Royal Lao troops retreat almost at first contact.

The man who runs Sam Thong is Edgar (Pop) Buell, who came to Laos 10 years ago and has been working in or around the Plain of Jars ever since.

Now 56, he is the U.S. aid coordinator for northeast Laos and ministers to 350,000 people, most of whom have been driven from their homes by the enemy over the years and by the rapid Communist advance of the past two weeks.

Was this refugee program the work of the United States rather than Laos?

"We are six Americans in this area and six men cannot do for 350,000 Lao. It's got to be the Lao government," Buell said.

[From the Washington (D.C.) Evening Star, Feb. 25, 1970]

Small U.S. "Army" Seen on Laos Base

By Tammy Arbuckle

Vientiane.—The United States has a small "army" of armed Americans on the ground in Laos at Long Chien, 15 miles south of the Communist-held Plain of Jars.

This was revealed after three correspondents, Timothy Allman of the Bangkok Post, Max Coiffait of Agence France Presse and Peter Sears of Life walked 12 miles from the U.S. AID base at Sam Thong to Long Chien yesterday.

Long Chien is an L-shaped canyon tucked away in the brush. One leg of the L holds an airstrip. The other leg hides a U.S. military headquarters.

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The correspondents said they say American military barracks; all air conditioned, and counted more than 50 Americans, some in groups riding in jeeps.

All were armed with M16 rifles and pistols, but dressed in civilian clothes.

HELICOPTER SPOTTED

On the 5,000-foot-long tarmac airstrip, they saw aircraft bearing U.S. Air Force markings. There also were three U.S. Air Force Jolly Green Giants, the large helicopters used for rescuing U.S. pilots downed over Laos.

The correspondents estimate they wandered around the base for two hours before being apprehended.

They said they were interrogated by an American, who appeared to be in over-all charge of the area. Even a Lao colonel took orders from him, they said.

The American took Coiffait's notebook, promising to return it to him by mail. Correspondents believe the American, like others they spotted, was employed by the Central Intelligence Agency.

ESTIMATE OF AMERICANS

The three correspondents were detained overnight at San Thong, a base north of Vientiane, by American authorities. The three had left a field tour being conducted by the U.S. Embassy after reporters protested U.S. and Lao refusal to let them see what was going on.

Besides the Americans spotted at Long Chien, informed sources say other armed Americans are at various places scattered throughout Laos.

Well-informed sources say the number of armed Americans on the ground totals between 200 and 300 men.

Besides these Americans, there are groups, up to company size, of Thais as well as a large number of Royal Thai air force pilots. One a Lt. Col. Kru from the 1st Royal Thai air force wing, a unit presently based at Don Muong Airfield in Bangkok, was killed at Long Chien when his C47 transport belonging to a private U.S. air company, continental Airlines, crashed there.

This American-Thai ground presence supporting Laotians under Gen. Vang Pao, although combined with heavy U.S. Air Force strikes, has failed to stop North Vietnam's latest offensive.

REPORT ON AIR STRIP

Reliable sources today say revealed Muong Soui, a U.S. built airstrip 12 miles northwest of the Plain of Jars, fell last night to Communist forces without a fight.

According to these sources, Vang Pao's Meo troops withdrew about 5:30 p.m. local time yesterday, failing to destroy large U.S. supplies of fuel.

Vang Pao's force of about 100 men withdrew from Muong Soui because the airstrip was under North Vietnamese shellfire and fixed-wing aircraft were unable to land and bring reinforcements. A light aircraft carrying three U.S. military attachés also was unable to land.

U.S. and Lao aircraft later attempted to destroy the fuel dump, but apparently failed.

A North Vietnamese battalion entered Muong Soui on the heels of the retreating government force, sources reported, although Meo military officials said most of the Muong Soui attackers were pro-Communist Pathet Lao.

The fall of Muong Soui puts the Lao government back to its low fortunes of last July.

POSITION WEAKENED

The Laotians have now lost the Plain of Jars and Muong Soul. The only recognized neutralist area still in their hands in North Laos is Vang Vieng, 100 miles north of here.

This puts Premier Souvanna Phouma's neutralists in a poor bargaining position for Laos neutralist cabinet seats vis-a-vis Communist-supported leftwing dissident neutralists.

There apparently has been a complete military failure on the part of the Laotians since the Plain of Jars airstrip fell last Saturday.

For example, they failed to hold Phou Kout, a high mountain ridge 10 miles east of Muong Soui essential to Muong Soui's defense.

The Communists call Phou Kout "steel mountain" because of the large amounts of metal left there as a result of U.S. bombing and rockets attacks, government shelling and infantry attacks launched against it since 1964.

The Communists succeeded in holding it despite these strong attacks, fighting from 15-foot deep trenches until their logistics failed them last year.

Yet government forces gave up the position Monday after a few light probes.

LAOTIANS ANGRY

Some Laotians are incensed. Lao reporters, speaking today to Chao Sopsaisana, vice president of the Lao National Assembly, for the first time bitterly questioned why their generals were seen around Vientiane bars in tennis shorts and Lao dignitaries were going to a wedding in Nepal while Laos was facing one of its worst crises.

Chao Sopsaisana said "we are not indifferent to the situation. We are seriously worried by it."

Well-informed military sources said that Lao generals had nothing to do because all reports from the northern battle area were sent direct to Souvanna Phouma and the American command. The government's military failure despite generous U.S. military aid in equipment and air support seems to indicate some "Laotianisat on of the war is necessary."

While Gen. Vang Pao and his Meo group pours out blood and U.S. treasure against the North Vietnamese in the mountainous areas, the Lao army remains basically in the Mekong Valley and sends Vang Pao few reinforcements.

Military officials and diplomats now are waiting to see just how far the North Vietnamese will push.

"Hanoi is in an excellent position," one force asserted "by taking Muong Soui, they threaten the left flank of Vang Pao's forces at Long Chien or can stab across the mountains to Route 13" linking Vientiane with the Royal capital of Luang Prabang.

THE GUARANTEED STUDENT LOAN PROGRAM THRIVES

Mr. JAVITS. Mr. President, sufficient time has elapsed since the enactment in October of last year of the Emergency Insured Student Loan Act to measure its effectiveness. It will be recalled that this legislation was necessary to meet the needs of thousands of young people who were experiencing great difficulties in obtaining guaranteed student loans to pursue their study careers in colleges and in postsecondary vocational institutions because of the money market crisis induced by high interest rates.

I ask unanimous consent to have printed in the RECORD two reports on the record of what has occurred. The first is an article written by the distinguished economist Sylvia Porter with respect to the national scene. The second is a letter to me from Elwood D. Hollister, Jr., the able executive director of the New York Higher Education Assistance Corporation, on the success of efforts in New York.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, Feb. 2, 1970]

STUDENT LOAN PROGRAM LIVES!

(By Sylvia Porter)

To the surprise of many, the federal-state guaranteed student loan program is still alive. Actually it is expanding in the face of the tight credit situation.

This is the major program, launched by the Higher Education Act of 1965, to help middle-grade students from middle-income families finance their way through college, business, trade, technical and vocational schools. Below are some guides to getting one of these low-interest, deferred payment, educational loans—but first, are some up-to-date facts and observations.

Last summer this program was drying—because the maximum lenders could get on the loans was 7 percent and they had to give exceedingly generous repayment terms as well. As interest rates rose far above 7 percent on much safer loans, there seemed no hope for the program unless it was sweetened considerably.

Finally the White House got behind and pushed through a law which permits the Secretary of Health, Education & Welfare to make a "special allowance" to lenders of up to 3 percent above the 7 percent charged to students. In short, students still get 7 percent insured loans—but lenders can earn up to 10. The incentive payments were made retroactive to Aug. 1 and President Nixon urged lenders to make loans for the 1970 school year.

This has been the record to now:

In the first six months of fiscal 1970, $570 million was loaned and the target for all of '70 is $794 million, highest since the program began. Since fiscal '66, 2,500,000 loans have been made totaling $2 billion. Lenders got an incentive payment of 2 percent in the August-September period and 2¼ percent in the September-December quarter, making their returns 9 and 9¼ percent.

Of the total of loans, 87 percent have been made by commercial banks; 98.3 percent have gone to students from family with adjusted incomes of under $15,000; 79 percent to students from families with incomes under $9,000.

Now, pressure is mounting for a law to create a new government corporation which would have access to Treasury funds with which to buy student loans from private lenders in order to free the lenders to make more loans. The corporation would be called Student Loan Marketing Association.

The program has survived despite overwhelming odds. It is filling a great need, is gaining recognition, is likely to play a much broader role. Now to details for students.

You are eligible for a loan regardless of your family's financial status if you are in good academic standing at an approved institution. The loan is made to you, not your parents.

You can borrow up to a maximum of $1,500 per academic year, but your total may not exceed $7,500 at any time. Your maximum rate is 7 percent plus an insurance premium of ¼ percent prepaid on each loan. If your family's adjusted income is under $15,000, the government will pay the total interest while you're in school. All of you will pay the full interest during the repayment period.

Your repayment begins between nine and 12 months after you leave school and is normally scheduled for five to 10 years.

You may apply at any one of 20,000 participating institutions across the country—banks, savings & loan associations, credit unions, pension funds, insurance companies, eligible schools. The loan is made at the discretion of the lender, though. Before you even begin, it would be wise to ask your college or school financial aid officer for guidance.

You also may get vital information from the "Director, Higher Education" in regions I to IX in these headquarter cities: Boston, New York, Charlottesville, Atlanta, Chicago, Kansas City, Mo., Dallas, Denver, San Francisco.

This program is the best financial source for the non-scholarship student of the middle-income family. If you are eligible, start tracking down a lender now.

NEW YORK HIGHER EDUCATION ASSISTANCE CORPORATION,
Delmar, N.Y., January 19, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: Based on the reports of this Corporation and the information we have received from the U.S. Office of Education, the Emergency Student Loan Act of 1969 was effective in providing more funds for students this year than during the preceding fiscal year.

For this State, for which the fiscal year begins on April 1, as of December 31, 1968 this Corporation had guaranteed 120,325 loans for a total of $119,018,827. For the period ending December 31, 1969 we had guaranteed 131,338 loans for $133,504,688. During the early part of the summer there were some places in this State where it was not possible for a student to obtain a student loan. Based on statements from Congress and a plea from the Governor of this State lenders did make funds available so that we were able to show an increase through December 31 of more than 9% over the preceding year and to the best of our knowledge funds continue to be available to students.

For the period of July 1 to December 31, 1968 the Office of Education reports for the nation indicate that 496,012 loans for $464,323,537 were guaranteed. For the period July 1 to December 31, 1969 the Office of Education reports indicate that 597,396 loans were guaranteed in the nation in the total amount of $575,866,568. The statistics would certainly indicate that lenders had cooperated despite the tightest money conditions in history and at a time when interest rates on all types of loans were constantly increasing.

At the time your committee considered the problems that students had in obtaining guaranteed loans it was pointed out that there were not only immediate but also long range problems. The first problem was to provide an adequate return to the lender and at the same time not unduly burden the student with a high interest rate. This was the reason for the Emergency Student Loan Act.

In addition the long range problem of providing some method whereby lenders could be assured that they could have liquidity by the development of a secondary market was also mentioned. It is our hope that during the current session Congress will be able to consider this problem as many lenders now find that due to the percentage of their assets which are invested in student loans they are not able to meet their other commitments to their communities.

Sincerely yours,

E. D. HOLLISTER, Jr.

HOW TO STOP AIRPLANE HIJACKING

Mr. PROXMIRE. Mr. President, at one time, the major threat to the safety of passengers and crew in an airplane came from mechanical failure. In years prior to World War II, the possibility of an unforeseen malfunction leading to disaster was high enough to keep all but a tiny fraction of the population from even considering airplanes as a conventional mode of travel. Only the most venturesome dared to fly.

After World War II, and particularly with the advent of the jets, flying became much more reliable—and consequently far more acceptable. This increased reliability of airplane travel was responsible for the fantastic increase in passenger-miles enjoyed by the airlines over the past two decades. Today, of course, it is hard to conceive of modern business or government functioning without reliable and regular airline service.

But now the reliability of air travel is being threatened. The haphazard incidence of mechanical failure as the main threat to safe air travel is being superceded by wanton and deliberate attacks on airliners to achieve political purposes. I refer to the numerous instances of air piracy and hijackings to Cuba perpetrated over the past 9 years. I also refer to the acts of barbarism inflicted on Israel airliners and on airliners bound for Israel, culminating in Saturday's tragic crash of the Swiss airliner that killed 47 innocent civilians.

To my knowledge, this past weekend was the first time that a politically motivated act of terrorism in the air has resulted in an airline crash. It is a miracle that this has not happened before, particularly with more than 57 U.S. planes and 39 foreign aircraft hijacked to Cuba since 1961. If it takes a tragedy of this magnitude to goad us to action, so be it. But we must not allow this to go unheeded.

Both the wild-eyed revolutionary seeking free passage to Cuba and the Arab terrorist seeking to choke off air travel to Israel aim to achieve political ends. To allow them to achieve those ends is to goad them to further action. We can put a stop to this activity only by frustrating these goals.

Can this be done? We have been wringing our hands over the Cuban hijackings for nearly a decade, now; more recently we have been deploring the attacks on airliners bound for Tel Aviv. But, aside from decrying these acts and stepping up security, we have done nothing. I say we must act. We have the power to do so; we need only the will to take corrective measures.

The solution I propose is an economic one. We must make the consequences of these hijackings and acts of terrorism unprofitable, to encourage the countries involved to take swift and effective action against the perpetrators. In the case of the Cuban hijackings, the hijacker's goal is to reach Cuba, and receive asylum there; it is of little consequence to him that the plane and crew are returned safely to the United States. He would be frustrated in his attempted hijacking only if Cuba were to refuse to receive him, and were to return the hijacker, along with the plane and crew, back to the United States for criminal prosecution.

We cannot hope to put an end to hijacking to Cuba unless and until Cuba can be encouraged—indeed, pressured—into returning the hijackers for prosecution. The essence of criminal law is deterrence. The antihijacking law, even with its death penalty, has not been effective to discourage hijackers because the crucial element of deterrence is lacking. Hijacking will undoubtedly continue to run rampant until the element of deterrence can be reinstated by encouraging Cuba to return the hijackers.

Similarly, we cannot hope to halt the acts of Arab terrorists ourselves in any direct way. We have to rely on the Arab countries themselves to do this. Of course we can increase surveillance on planes bound for Israel, and we should. But the only meaningful pressure upon Arab terrorists to cease and desist from their wanton attacks against airliners can come from their Arab governments. As with Cuba, these governments must be pressured—economically pressured—to take effective action to halt terrorism in the air.

We now possess the requisite power to put pressure on Cuba and the Arab States to act responsibly. That power exists in the Federal Aviation Act of 1958, which empowers the Civil Aeronautics Board to issue certificates of public convenience and necessity for the use of airspace. The act also empowers the CAB to grant permits to foreign airlines to land in the United States, subject to Presidential approval.

According to section 402 of the act—49 U.S.C. 1372f—any permit issued, to a foreign carrier may be "altered, modified, amended, suspended, canceled, or evoked by the Board whenever it finds such action to be in the public interest." Section 102 clarifies just what is meant by "public interest":

> In the exercise and performance of its powers and duties under this chapter, the Board shall consider the following, among other things, as being in the public interest, and in accordance with the public convenience and necessity.
>
> * * * * *
>
> (e) The promotion of safety in air commerce.

The act goes on to list other matters considered to be in the public interest—for example, development of an air transportation system adapted to future needs of foreign and domestic commerce, fostering sound economic conditions in air transportation, and the promotion of economical and efficient air service.

It is difficult to imagine anything which is more antithetical to these ideals than the Cuban hijackings or the acts of the Arab terrorists. What could be more destructive of the promotion of safety in air commerce than Saturday's Swissair crash? Confidence, sanity, and safety must be restored to civilian aviation. The terrorism, death, destruction, and hijackings which endangers civilian passengers and crews must be drastically and dramatically discouraged.

To this end, I have written to the Civil Aeronautics Board and to the President of the United States urging that the provisions of section 402 of the Federal Aviation Act be invoked. Specifically, I urge that the Civil Aeronautics Board move to revoke the permit of any foreign air carrier to land in the United States that continues to serve any coun-

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try which accepts a hijacker, or which harbors, finances, or in any way sanctions terrorists and saboteurs who murder and destroy civilian passengers, crews, and planes. In addition, the two U.S. airlines which now serve several cities in Arab-belligerent countries should be required by the CAB to suspend such flights pending action by the Arab governments to restrain terrorist activity in the air. In effect, I am calling for a civilian air quarantine.

Ironically, the initial reaction by several European airlines to the Swissair disaster was just the opposite. Shortly after Saturday's crash, these airlines announced suspension of mail and freight flights, and some passenger flights, to Tel Aviv. This is like jumping from the frying pan into the fire—it can only invite further disaster. By providing the terrorists with just what they wanted—a suspension of flights to Israel—the terrorists are bound to be encouraged to continue their brazen acts against civilian aircraft bound for Israel.

Clearly, the airlines have their priorities inverted. What should be suspended are flights to those countries that harbor, finance, and encourage these acts of terrorism. Flights to Israel must continue, and continue uninterrupted, with appropriate security precautions.

If the CAB believes that it cannot impose the Civilian Air Quarantine which I am proposing, and if the airlines and/or crew and pilot associations cannot undertake such a quarantine voluntarily, the Congress should then give serious consideration to legislation requiring the revocation of certificates of those airlines which continue to service countries which harbor hijackers and saboteurs.

Countries which continue in any way to sanction such wanton acts of insanity and destruction must be made to realize that such acts will merely bring about their own isolation and will hurt rather than help them. The Cuban and Arab governments themselves must bear full and direct responsibility for all death and destruction resulting from hijackings or other terrorism if they give hijackers a haven or permit terrorist groups to operate from their soil.

To preserve commercial air travel, we cannot permit wanton acts in the air to flourish.

IN SUPPORT OF MIGRANT HEALTH SERVICES

Mr. MURPHY. Mr. President, I was gratified by Senate passage of S. 2660, a bill that will enable us to further meet the great health needs of our migrant workers. As a coauthor, I strongly support Senate adoption of this measure which authorizes appropriations of $20 million for 1971, $25 million for 1972, and $30 million for 1973, to upgrade and expand the health services, facilities, and resources available to migrant workers and their families under the Migrant Health Act of 1962.

The need for this greater commitment is manifest. Despite the great health needs of the migrant population, the hearings disclosed that the per capita Federal expenditure for those served by migrant health project facilities totaled $12 in 1968, compared with a national health expenditure of about $250 per capita. Dr. Roger Egeberg, Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, testifying in expression of President Nixon's support for the bill, described the special health problems of the migrant population. In the counties these people call "home," the infant mortality rate is estimated at one-fourth higher than the national average. Those diseases associated with poor nutrition and environment and poverty—parasitic infections and tuberculosis—are common. Nutritionally based diseases such as beriberi, pellagra, scurvy, and rickets are found and iron deficiency anemia is common. Dental decay is nearly universal.

These diseases, which to most of us are nothing more than scarcely remembered words from 17th century literature are reality to the migrant workers. These diseases arise from the absence of preventive health care associated with those who are not regularly under the supervision of trained medical personnel. The life style of the migrants has traditionally made such care difficult if not impossible.

In those instances when States and localities have attempted to respond to the unique problems of the migrants they have often encountered insurmountable difficulties—the migrants are "here today and gone tomorrow." Some do not speak English. They fear community hostility and are not familiar with modern health facilities.

These frightful circumstances, which Dr. Egeberg characterized as conspiring to make migrants "forgotten citizens," coupled with the unequal dispersion of migrant groups across the country, combine to require a dynamic and long term national commitment.

Faustina Solis, project director of the Farm Workers Health Service, California State Department of Public Health, testifying in support of this measure, called for a long term extension of the Migratory Health Act as the only way of assuring that the migrant population receives the priority care that the need in that group requires.

States and local communities have developed programs utilizing Migrant Health Act funds, but, as is the case in my State, there is much yet to be done. The State of California initiated programs for migratory laborers in 1961. With the cooperation of State and local medical societies and other voluntary and public agencies strides have been made. The enactment of Federal legislation enabled the State to increase its efforts to 22 seasonal and year-round projects. Still, five counties are not served by these projects and in terms of personal and environmental health care, we have only begun to make progress.

The enactment of this legislation represents a necessary response to what is clearly a national problem. The increased expenditure authorizations will enable us to assure continuity, expand present efforts, and avoid what Miss Solis called the piecemeal grant periods that have characterized the migrant health services and which have made State and local participation and planning difficult.

Again, I am pleased by the action the Senate has taken in passing this important bill. I am convinced that the expanded program will help us respond to the health needs of the migrant workers whose contribution to our national economy is so great.

THOUGHTLESS DESECRATION OF THE ENVIRONMENT DESCRIBED BY THE NEW YORK TIMES IN ARTICLE "WE LAY WASTE THE WORLD"

Mr. YARBOROUGH. Mr. President, the destruction of an environment which will sustain life here on earth is obviously a matter which should concern everyone. Unfortunately, we have only recently awakened to this threat to our continued existence and we have even more recently begun to try to do something about it.

Environmental pollution comes from many sources, some obvious, some not so obvious. We all know about pollution resulting from untreated smoke escaping from factories, untreated sewage being poured into lakes and streams, inadequately treated automobile exhaust, and other such things. What we may not realize is that thoughtless use of chemicals on the rail, excessive use of radioactive substances, and careless use of pesticides may be just as dangerous to use. We should realize that the system which sustains life in an extremely delicate, highly complex one, and one which can easily be rendered inoperable. Therefore, when we do try to play with nature, we should do so carefully and with full understanding of what may result from our activity.

Mr. President, I ask unanimous consent that an article entitled "We Lay Waste the World," from the New York Times of February 15, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 15, 1970]

WE LAY WASTE THE WORLD

(By Walter Sullivan)

"The world is too much with us," wrote William Wordsworth a century and a half ago, "late and soon, getting and spending, we lay waste our lives." Today he could well have written: "we lay waste the world."

There are those who believe that, in our increasingly intense pollution of the air we may have hold of an Achilles heel of the world's climate. Irreversible changes could occur, leading either to a new ice age or, through a different change in wind patterns, to a melting of polar ice and flooding of coastal cities.

There are those who believe careless use of new chemicals to preserve foods, squeeze larger crops from the land or soothe the spirit could lead to epidemic birth defects. One scientist even argues that nuclear explosions releasing radiation to the environment could terminate the ability of the human race to bear viable children.

While there is little support in the scientific community for this last prediction, there is widespread belief that man's rapid alteration of his own biological environment threatens his long-term survival unless it is monitored far more closely than now.

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There appears, however, to be one positive aspect to this ominous situation. In a world where international hostility and entrenched nationalism threaten mankind with swift destruction, the great powers are beginning to see, in threats to the environment, a common enemy. Many have argued that only under the menace of such a common danger would the established patterns of thought be broken.

NEW SCHEME

Last week it became known that Soviet and American scientists, as well as others, are working on a scheme for global monitoring of the environment. Stations and substations, earth satellites and ships at sea would watch for changes in earth, air and water, as well as in the populations of plants and animals living in those realms, that might indicate threats to the balance of nature.

For two days last week American scientists met at the National Academy of Sciences in Washington to begin drafting plans for one of the 20-odd stations envisioned for the main monitoring network. The scheme is an outgrowth of the International Biological Program, a global effort by many nations now under way.

Also last week the Soviet Union and the United States agreed on scientific and cultural exchanges for this year and 1971 that place special emphasis on the exchange of specialists in such subjects as air pollution and waste water treatment.

These developments call to mind the "convergence" theory espoused by a number of scientists and others in both East and West, namely that the problems common to highly technological societies are forcing nations of diverse ideologies to evolve along converging economic and social lines.

At the organizational meeting of the task force that will plan a prototype monitoring station Dr. Dale Jenkins, director of the ecology program of the Smithsonian Institution, pointed out that there are now some 2.5 million known chemical compounds and that each year 500 new ones go into widespread use. Yet, he said, "little attention" is paid to their long-term biological effects.

The adverse effects known to have occurred are picayune compared to what can happen (or may already be happening) in the view of ecologists—those concerned with the interdependence of all life forms in a particular environment and their interactions with that environment.

The episodes in the news last week are therefore but a taste of what may happen:

(1) A tanker broke apart on Cerberus Shoal between Nova Scotia and Cape Breton Island, pouring oil into the Atlantic Ocean, already so polluted that there is more oil than drifting life on portions of the mid-Atlantic.

(2) A group of Colorado scientists charged that a plant operated for the Atomic Energy Commission by the Dow Chemical Company had released enough radioactive plutonium to present "a serious threat to the health and safety of the people of Denver."

(3) Eleven companies, including such giants as International Harvester, Penn Central, Olin, Procter and Gamble and Pure Oil, were charged by the Justice Department with seriously polluting waterways in the Chicago area. Similar charges have been made in New York and elsewhere.

At the meeting at the National Academy of Sciences, it was reported that DDT is being detected in winds blowing across the Atlantic from Africa to Barbados. While industrialized nations have begun to curtail the use of this persistent pesticide, which is fatal to many forms of life, it was reported that India is planning to use it on a massive scale to kill malarial mosquitos. Not to do so, the Indians argue, would be a form of genocide.

The greatest concern is for effects too subtle to be immediately apparent. A report recently submitted to the National Institute of Environmental Health Sciences says: "Virtually every person in the United States is exposed daily to food additives, drugs and pollutants of water and aid that were unknown prior to the present era."

"In most cases," it continues, "the biological effects of these substances are poorly understood." While it is comparatively easy to test additives and drugs for toxicity—their potency as poisons—it is difficult to assess their hereditary effects. "A particular drug," said the report, "is never tested in all the situations (such as pregnancy) and in all the combinations with other environmental agents that would occur, should it come into general use."

THALIDOMIDE EXAMPLE

The thalidomide disaster, in which thousands of deformed children were born to mothers taking that tranquilizer, is the classic example. In recent weeks attention has focused on 2,4,5-T, a defoliant widely used in Vietnam and, in this country, along power lines. There are indications that it, too, may cause birth defects.

This report, drafted by a committee of leading geneticists and other specialists, recommended that the blood of mothers and newborn infants, taken from the umbilical cord and placenta, be monitored on a spot-check basis to watch for any signs of increased mutation rates.

It is know that radiation and some chemicals can cause mutations, or changes in the coded genetic information of the cell. A certain number occur naturally. Some lead to congenital abnormality and mental retardation. A widespread increase in mutations could be disastrous for the human race.

Geneticists in the Soviet Union have been developing a similar monitoring project. The inclusion of such a program is being considered for the projected global monitoring, but the latter would be concerned with all life forms—not only human beings. The ecologists believe that preservation of the diversity of life on this planet is essential for the long-term preservation of life itself.

NOMINATION OF JUDGE CARSWELL TO THE SUPREME COURT

Mr. BELLMON. Mr. President, I have carefully considered the charges and responses which have been made in connection with Judge Carswell's nomination, and would like to make an observation that seems to me to bear heavily in favor of its confirmation. My point, stated, is this: the case against Judge Carswell is largely based upon statements and testimony of persons who have had little, if any, personal contact with him, while those who appeared in support of the nomination did so on the basis of a long and continuous relationship during which there were numerous opportunities for them to observe the nominee as a man and a judge. This being the case, it seems clear to me that any "conflicts in the testimony" should be resolved in favor of Judge Carswell.

Let me give an illustration. During the committee hearings, a number of individuals who had represented civil rights plaintiffs on isolated occasions in Judge Carswell's court testified that he had been discourteous to them and had exhibited hostility to their cause. In direct conflict with this testimony were communications received from Judge Carswell's fellow trial and appellate judges, who worked with him year in and year out, and lawyers and court attendants who were in frequent or regular contact with Judge Carswell while he sat as a district judge. The lawyers who submitted these telegrams or letters in support of confirmation had appeared before Judge Carswell, not sporadically like those attorneys opposing the nomination, but numerous times over an extended period of time. I find most compelling the fact that each of these attorneys stated that he had never seen an act of discourtesy or hostility toward a civil rights attorney or his client on the part of Judge Carswell. I ask unanimous consent that copies of these communications be printed in the Record at the conclusion of my remarks.

I find that the charges against Judge Carswell have not been proven. Much has been said on the Senate floor about Judge Carswell's qualifications—his wide-ranging experience as U.S. attorney, district judge, and circuit judge, his superior intelligence, impeccable integrity, and high judicial temperament. I agree with those urging confirmation that all of these necessary qualities are present in Judge Carswell. For that reason, and because I believe the philosophical objections which have been raised are baseless, I shall be pleased to vote for confirmation.

There being no objection, the communications were ordered to be printed in the Record, as follows:

Senator James O. Eastland,
Chairman, Senate Judiciary Committee,
New Senate Office Building,
Washington, D.C.

Dear Senator Eastland: I was Judge Harrold Carswell's law clerk from February 1960 to June 1962, a period of approximately two and a half years. I believe I was his law clerk longer than any other law clerk he had before or since. I am a member of the Florida Bar practicing law in Melbourne, Florida.

As a member of the Jewish faith and consequently a member of a minority, I sincerely believe that the day to day association which I had with Judge Carswell, both in and out of the courtroom, would have revealed any racist tendencies or inclinations, had there been any. Without the slightest hesitation, I can assure you and the members of your committee that the litigants in the United States Federal District Court in Tallahassee were not judged by their race, creed or color. Judge Carswell's integrity and honesty is beyond question in this regard. He dealt fairly, honestly and respectfully with all those who came before him. His judicial manner was not altered by the race or color of those who appeared before him. I believe that I am more qualified to judge this man than are his accusers. I would be willing, at my own expense, to testify under oath, that none of the decisions rendered by him during my tenure of office were tainted in any manner with a so-called racist philosophy, nor were civil rights lawyers or litigants treated in any manner other than the respectful manner accorded to all litigants and attorneys appearing before him.

The people of this country have a right to know the truth about his beliefs, unsullied by false accusations and innuendo.

I deeply resent the attempt of some to tarnish the reputation of a man of Judge Carswell's caliber. He would be a great asset to the Supreme Court.

Should a further statement regarding my association with him be desired, I would welcome the opportunity to further elaborate.

More sincerely yours,

Mike Krasny.

Melbourne, Fla.

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FEBRUARY 3, 1970.

Re confirmation of G. Harrold Carswell.
Senator JAMES EASTLAND,
Chairman,, Senate Judiciary Committee, U.S. Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: Judge Carswell should be confirmed as an Associate Justice of the Supreme Court. I have been a law professor at Southern Methodist University since 1959 and have been a visiting professor at Florida State University since 1968. With deference to Lowenthal, Von Alystyne and Orfield, their statements as reported in the news media, do not present a rational basis for opposing or delaying Judge Carswell's confirmation.

An examination of Judge Carswell's decisions in civil rights cases demonstrate a fair and reasoned approach in keeping with the highest standards of judicial integrity. This is a significant accomplishment particularly because, as the committee is well aware, emotionalism and fervor so pervade the sensitive area of civil rights that many well meaning persons become totally intolerant of any view other than their own.

For example, on jurisdictional grounds Judge Carswell should be praised not condemned for his ruling in *Wescher* v. *Gadsden County*. The only issue therein properly before the court involved the construction of a removal statute. The 5th circuit remanded the case for further consideration because after the district court had ruled, the 5th circuit in two cases, *Rachel* v. *State of Georgia*, 347 F2 679, gave a broad interpretation of removal jurisdiction. Subsequently in line with Judge Carswell's earlier decision the Supreme Court reversed the 5th circuit in *Greenwood*, 384 U.S. 808, and on narrower grounds affirmed *Rachel*, 384 U.S. 780.

For the Supreme Court's decision in Greenwood, it would be absurd to say the Supreme Court justices are racial bigots and it would be equally absurd to apply the same type of fallacious reasoning to any other jurist.

It is my firm belief that Judge Carswell's rulings are not based or influenced by race, creed or color in any way. Judge Carswell merely rules upon the facts and issues of the cases before him.

His record unequivocally shows that he rules fairly and without regard to the fervor and emotion of those on either side. Judge Carswell's records of over 4,500 civil and criminal cases clearly demonstrates an unusual skill of addressing his ruling to the issues at hand. He emphasizes the total picture. It seems that those who criticize his rulings are merely disappointed litigants who cannot evaluate Judge Carswell fairly in the light of their zeal for their cause.

The civil rights of all men must be protected and I respectfully submit that Judge Carswell's record when properly viewed is highly commendable. I say this not only as a legal educator but as an attorney who has appeared in cases before the 5th Circuit and the Supreme Court. (For example see habeas corpus appeal in *Brooks* v. *Beto* 336 F.2d, involving the issue of whether purposeful inclusion as distinguished from purposeful exclusion of blacks on a grand jury violated many clients constitutional rights.)

Judge Carswell would bring humility and skill, which coupled with his outstanding judicial experience will provide a basis for his making a significant contribution to our highest court.

I would be pleased to testify under oath in support of Judge Carswell if the committee would be so inclined.

Respectfully,

WILLIAM VANDERCREEK.

TALLAHASSEE, FLA.

FEBRUARY 4, 1970.

Senator JAMES O. EASTLAND,
New Senate Office Building,
Washington, D.C.:

From early 1960 and for sometimes thereafter I served as school board attorney in the suit brought against it by Augustus, et al. At no time in the various hearings in this case at which I was present did Judge G. Harrold Carswell, either in Chambers or in open court, treat any counsel or any party or any witness with other than courtesy and respect. There was no indication or any intimation that any counsel was treated discourteously or any counsel for either side received any treatment other than that received by all, and there was definitely no actual, implied or suggested discourtesy or unpleasant treatment extended any one involved in the case in my presence, or within my knowledege.

RICHARD H. MERRITT,
Attorney.

PENSACOLA, FLA.

FEBRUARY 4, 1970.

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.:

As Bailiff in Judge Carswell's court for eleven years, I was daily within hearing distance of his chambers at practically all times when hearings were held. In August, 1964, when counsel in the Wechler case appeared before Judge Carswell in Chambers, I was present in the room throughout the whole proceeding. At no time then, or any other time, did Judge Carswell speak in a shrill or rude voice to these attorneys or any other attorneys or anyone, or treat anyone in a hostile manner. He did not express any statement at all about lawyers from other parts of the country or express opposition to what they were doing. They were treated courteously in every way. I don't know about the legal orders entered, but at the conclusion of the hearing I thought the attorneys there were pleased with the results because they had gotten the writ they had come for. Neither Judge Carswell nor anyone else on his staff showed any hostility or discourtesy whatsoever to these attorneys.

WILLIAM T. CORROUTH.

TALLAHASSEE, FLA.

FEBRUARY 3, 1970.

Senator JAMES O. EASTLAND,
New Senate Office Building,
Washington, D.C.:

I was attorney representing Alachua County School Board in the case of *Wright* v. *Board of Public Instruction of Alachua County* from the time the suit was filed until I resigned as attorney for the Alachua County School Board just prior to my appointment as United States District Judge of the Northern District of Florida in January of 1968. Having attended all of the hearings before the court as counselor for the school board, I can state un-equivocably that Judge Carswell never once displayed hostility or discourtesy to any attorney, party or witness in this case. His demeanor in chambers and on the bench was at all times fair and courteous to all. This was true in all other litigation in which I appeared before him.

WINSTON E. ARNOW,
U.S. District Judge, Pensacola, Fla.

FEBRUARY 3, 1970.

Re Newsweek article February 9 issue concerning Judge Carswell's speech to Georgia State Bar Association, Atlanta.
Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, Senate Office Building, Washington, D.C.:

I was present as a guest at the speakers table on that occasion. The anecdote which Judge Carswell told in his speech relative to General Stillwell carried no racial overtone, indignity or implication of any kind. To hold otherwise would be an unfair attribution.

ROBERT A. AINSWORTH, Jr.,
Judge, U.S. Court of Appeals, Fifth Circuit, New Orleans, La.

JANUARY 29, 1970.

Hon. JAMES EASTLAND,
Senate Building,
Washington, D.C.

It is with extreme pleasure for my family the Isenbergs originally of Gordon, Ga., Wilkinson County, to endorse Hon. G. Harrold Carswell for the high honor of Justice of the Supreme Court. The family of Judge Carswell are of the finest stock and there never has been nor never will be any racist feelings in any of this fine Georgia family. Judge Carswell's father was a personal friend of my family who are a member of the minority group and we feel sure that he will serve with distinction and honor if confirmed to this high office. I am a former member of the General Assembly of Georgia representing Glynn County and past president of the Chamber of Commerce and past chairman of the Brunswick, Georgia Port Authority. If I can be of any further assistance in your investigation of this upright Christian gentleman please do not hesitate to call me and I will gladly appear at my own expense before your honorable committee.

JOE ISENBERG.

ST. SIMONS ISLAND, GA.

Re "Newsweek, Feb. 9 concerning Judge Carswell's Atlanta speech for Georgia Bar.
Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee,
New Senate Office Building,
Washington, D.C.

I, along with a number of Federal judges, sat on the platform and heard the full talk. The facts are these: Judge Carswell was responding to an introduction by Judge Bell, who noted that Judge Carswell had lived in many parts of Georgia as a young man. To this, Judge Carswell, referring to himself, responded in substance: Yes I like Judge Bell, have lived in many Georgia towns, I am somewhat like the man Georgia's distinguished Senator Russell is said to have referred to in an anecdote concerning General Vinegar Joe Stillwell of Southeast Asia. The general prided himself in his ability to identify by nationality any person at a glance. He said, see that man over there, he is from France, he is from Canada, and that deeply tanned soldier there is from Indo-China, to which the soldier replied, no sir General, I am from outdoor, Georgia. Carswell then confessed, I am that man, I am from many parts of Georgia.

There were no suggestions of racial overtones whatsoever in his speech.

LEWIS R. MORGAN,
Circuit Judge, U.S. Court of Appeals for the Fifth Circuit, Newnan, Ga.

FEBRUARY 3, 1970.

Re Judge G. Harrold Carswell,
Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.:

I have been actively representing school board of Alachua County, Florida and integration litigation since October 1968 as well as Florida High School Activities Association in which black lawyers were involved on the other side. All of this litigation in the lower court was before Judge Carswell. I have never seen Judge Carswell discourteous to any lawyer. He disagreed on occasions with their contentions as he did mine but did so in both cases in the same manner.

HARRY C. DUNCAN,
Attorney for School Board, Alachua County, Fla.

FEBRUARY 4, 1970.

Senator JAMES O. EASTLAND,
New Senate Office Buildin,
Washington, D.C.

DEAR SENATOR: This will advise you that I have known Judge Harrold Carswell for approximately fifteen years. My acquaintance with him stems from my appointment by President Eisenhower as United States Attorney for Northern Indiana, and later as Special Assistant to Attorney General Herbert Brownell and then William P. Rogers as Executive Officer in charge of all U.S. Attorneys. Shortly following the controversial Brown decision on segregation I held a conference in Washington of all the Southern United States Attorneys to help the Department of Justice to implement the decision. Harrold Carswell was the only United States Attorney who was helpful to me and the department in this respect. I will be glad to substantiate this by personal testimony or affidavit. Please feel free to call upon me to assist your honorable committee in any way that I can.

Sincerely and respectfully yours,

Joseph H. Lesh.

Huntington, Ind.

February 3, 1970.

Senator James O. Eastland,
Washington, D.C.:

I have at all times been an attorney for the defendant Board of Public Instruction of Escambia County, Florida in the school integration case instituted against it by Dr. Charles A. Augustus, et al., as plaintiffs, and attended every conference and hearing in the case before Judge Carswell. Judge Carswell was never rude or discourteous in any way to any of the attorneys in the case and he was always equally courteous and respectful to the attorneys for the plaintiffs.

J. Edwin Holsberry,
Holsberry, Emmanuel, Sheppard, & Mitchell.

Pensacola, Fla.

February 3, 1970.

Senator James O. Eastland,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

My law firm has represented the board of public instruction of Leon County, Florida, in the school desegregation case styled Clifford N. Steele, et al. vs. board of public instruction of Leon County, Florida, since the filing of that suit in the United States District Court for the Northern District of Florida in March 1962. Judge Harrold Carswell presided over that case from its inception until he was elevated to the court of appeals for the Fifth Circuit.

I personally appeared as attorney for the Leon County school board in the Steele case in March 1967, and have been actively engaged in the representation of the board since that time to the present date. I have appeared in that capacity innumerable times in open court. Judge Carswell has always conducted himself with dignity and courtesy to all attorneys of record in the Steele case.

There have been not less than 12 different lawyers sent to Tallahassee from New York and elsewhere to represent the plaintiffs in this case against the school board. On many occasions these attorneys were unfamiliar with prior proceedings and attempted to reargue points which had long since been ruled upon by Judge Carswell, and in many instances unreasonably demanded the right to do so. Judge Carswell on several occasions did understandably show impatience with these attempts to relitigate points previously adjudicated, but in no sense was this a reflection of personal animosity toward the lawyers or the cause they repesented, but an effort to handle the case expeditiously.

I do hereby unequivocably state that Judge Carswell has not exhibited disrespect or hostility toward the plaintiffs' attorneys in the Steele case and his attitude and demeanor toward north attorneys has always been considerate and well-mannered. I have read about the testimony of some of these out-of-State attorneys before your committee, and I cannot stand idly by and not reply to what I consider ridiculous and unwarranted charges.

C. Graham Carothers.

Tallahassee, Fla.

February 3, 1970.

Senator James O. Eastland,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

Dear Sir: I have been lead counsel for the Bay County school board in the case of Youngblood and USA vs Board of Public Instruction of Bay County, Florida. Marianna Florida civil action number 572 since 1964 when this case was originally filed, Judge G. Harrold Carswell was the United States trial judge in this case from the beginning until his elevation to the Fifth Circuit Court of Appeals. In five years of litigation, there were by actual count fourteen attorneys in his court representing the plaintiff in this desegregation case. Often there were different attorneys at each of the several consecutive hearings. His patience and courtesy to all counsel was remarkable to behold, particularly in view of the fact that counsel for the plaintiffs changed on several occasions. All counsel in our case were treated with respect and fairness by the court regardless of his cause or residence. If Judge Carswell indicated any impatience at all it was at my clients for failing to get on at the job of desegregating the public schools of Bay County, Florida.

Julian Bennett,
Attorney for Bay County School Board.

Panama City, Fla.

February 5, 1970.

Hon. James O. Eastland,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I am writing to the Committee at this time because for a period of five years, from 1958 to 1963, I represented plaintiffs in civil rights cases in the Federal Court for the Northern District of Florida, which was then presided over by Judge G. Harrold Carswell. I also represented criminal defendants and other civil clients in his court during this period of time. Previous to his taking the bench in 1958, I had opposed him as defense counsel in criminal prosecutions brought by the United States when he was United States Attorney. I am certain that during the five-year period from 1958 to 1963, I appeared before Judge Carswell on a minimum of not less than thirty separate days in connection with litigation which I had pending in his court.

As a black lawyer frequently involved with representation of plaintiffs in civil rights cases in his court, there was not a single instance in which he was ever rude or discourteous to me, and I received fair and courteous treatment from him on all such occasions. I represented the plaintiffs in three of the major school desegregation cases filed in his district. He invariably granted the plaintiffs favorable judgments in these cases, and the only disagreement I had with him in any of them was over the extent of the relief to be granted. In the case *Augustus* v. *Escambia County Board of Public Instruction,* Judge Carswell entered an order granting the school board ninety days in which to submit a desegregation plan for the entire school system. On the next to the last day permitted by the court order, the board submitted a plan similar to ones which were adopted in the Florida metropolitan areas of Tampa and Miami. Judge Carswell's ruling in this case was reversed by the Fifth Circuit only on the question of faculty desegregation.

I attach to this letter a clipping from the *Pensacola News* of Friday, March 17, 1961, which gives a contemporary account of Judge Carswell's school desegregation order in that case. I also attach a clipping from the *Baltimore Afro-American,* which fairly describes my activities in the field of civil rights litigation.

I am presently employed as Deputy Chief Conciliator for the United States Equal Employment Opportunity Commission, and reside here in Washington.

Yours very truly,

Charles F. Wilson.

ENVIRONMENTAL QUALITY: ECOLOGISTS AND POPULATION

Mr. TYDINGS. Mr. President, ecologists have a great responsibility to help solve the environmental crisis, particularly since their basic ecological attitude is itself a partial solution to the problem.

An article entitled "All About Ecology," written by William Murdoch and Joseph Connell, and appearing in the January issue of the Center magazine, published by the Center for the Study of Democratic Institutions, in Santa Barbara, Calif., discusses an important element of ecology: the limited capacity of the environment to collect, absorb, and recycle our wastes so that they do not accumulate as pollution. We can now observe the gross effects which occur when those limits are exceeded.

The basic task of the newly discovered science, the authors argue, is not to tinker with technology but to create a determination among policymakers to slow down the rush toward disaster. It is interesting to note that this point is exactly the one made by Lord Ritchie-Calder in his brilliant article entitled "Mortgaging the Old Homestead," originally published in Foreign Affairs.

In a questionnaire sent to about 500 University of California freshmen regarding topics to be included in a general biology course for nonmajors, "Human Population Problems" was selected by 85 percent of the students.

Ecologists believe that they must convince us that the only solution to the problem of population growth is not to grow; that the standard of living is beginning to have an inverse relationship to the quality of life; and that a careless increase in the gross national product is disastrous. It is even possible that changes which man has imposed on the ecosystem may prevent a recurrence of the events which produce and sustain the human and natural community.

I ask unanimous consent that this excellent article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

All About Ecology

(By William Murdoch and Joseph Connell)

The public's awakening to the environmental crisis over the past few years has been remarkable. A recent Gallup Poll showed that every other American was concerned about the population problem. A questionnaire sent to about five hundred University of California freshmen asked which of twenty-five topics should be included in a general biology course for nonmajors. The top four positions were: Human Population Problems (85%), Pollution (79%), Genetics (71.3%), and Ecology (66%).

The average citizen is at least getting to know the word ecology, even though his basic understanding of it may not be significantly increased. Not more than five years ago, we had to explain at length what

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an ecologist was. Recently when we have described ourselves as ecologists, we have been met with respectful nods of recognition.

A change has also occurred among ecologists themselves. Until recently the meetings of ecologists we attended were concerned with the esoterica of a "pure science," but now ecologists are haranguing each other on the necessity for ecologists to become involved in the "real world." We can expect that peripatetic "ecological experts" will soon join the ranks of governmental consultants jetting back and forth to the Capitol—thereby adding their quota to the pollution of the atmosphere. However, that will be a small price to pay if they succeed in clearing the air of the political verbiage that still passes for an environmental policy in Washington.

Concern about environment, of course, is not limited to the United States. The ecological crisis, by its nature, is basically an international problem, so it seems likely that the ecologist as "expert" is here to stay. To some extent the present commotion about ecology arises from people climbing on the newest bandwagon. When the limits of ecological expertise become apparent, we must expect to lose a few passengers. But, if only because there is no alternative, the ecologist and the policymakers appear to be stuck with each other for some time to come.

While a growing awareness of the relevance of ecology must be welcomed, there are already misconceptions about it. Further, the traditional role of the expert in Washington predisposes the nation to a misuse of its ecologists. Take an example. A common lament of the socially conscious citizen is that though we have enough science and technology to put a man on the moon we cannot maintain a decent environment in the United States. The implicit premise here seems clear: the solution to our ecological crisis is technological. A logical extension of this argument is that, in this particular case, the ecologist is the appropriate "engineer" to resolve the crisis. This reflects the dominant American philosophy (which is sure to come up after every lecture on the environment) that the answer to most of our problems is technology and, in particular, that the answer to the problems raised by technology is more technology. Perhaps the most astounding example of this blind faith is the recent assurance issued by the government that the SST will not fly over the United States until the sonic boom problem is solved. The sonic boom "problem," of course, cannot be "solved." One job of the ecologist is to dispel this faith in technology.

To illustrate the environmental crisis, let us take two examples of how the growth of population, combined with the increasing sophistication of technology, has caused serious problems which planning and foresight could have prevented. Unfortunately, the fact is that no technological solutions applied to problems caused by increased population have ever taken into consideration the consequences to the environment.

The first example is the building of the Aswan High Dam on the upper Nile. Its purposes were laudable—to provide a regular supply of water for irrigation, to prevent disastrous floods, and to provide electrical power for a primitive society. Other effects, however, were simply not taken into account. The annual flood of the Nile had brought a supply of rich nutrients to the eastern Mediterranean Sea, renewing its fertility; fishermen had long depended upon this annual cycle. Since the Aswan Dam put an end to the annual flood with its load of nutrients, the annual bloom of phytoplankton in the eastern Mediterranean no longer occurs. Thus the food chain from phytoplankton to zoöplankton to fish has been broken; and the sardine fishery, once producing eighteen thousand tons per year (about half of the total fish catch), has dropped to about five hundred tons per year.

Another ecological effect of the dam has been the replacement of an intermittent flowing stream with a permanent stable lake. This has allowed aquatic snails to maintain large populations, whereas before the dam was built they had been reduced each year during the dry season. Because irrigation supports larger human populations, there are now many more people living close to these stable bodies of water. The problem here is that the snails serve as intermediate hosts of the larvae of a blood fluke. The larvae leave the snail and bore into humans, infecting the liver and other organs. This causes the disease called schistosomiasis. The species of snail which lives in stable water harbors a more virulent species of fluke than that found in another species of snail in running water. Thus the lake behind the Aswan Dam has increased both the incidence and virulence of schistosomiasis among the people of the upper Nile.

A second example we might cite is the effect of DDT on the environment. DDT is only slightly soluble in water, so is carried mainly on particles in the water for short distances until these settle out. But on tiny particles in the atmosphere it is carried great distances; it may even fall out more heavily in distant places than close to where it was sprayed. DDT is not readily broken down by microörganisms; it therefore persists in the environment for many years. It is very soluble in fats so that it is quickly taken up by organisms. Herbivores eat many times their own weight of plants; the DDT is not broken down but is accumulated in their bodies and becomes further concentrated when the herbivores are eaten by the carnivores. The result is that the species at the top of the food chain end up with high doses of it in their tissues. Evidence is beginning to show that certain species of predators, such as ospreys, are being wiped out as a result of physiological debilities which lead to reproductive failure, all caused by accumulations of DDT.

The reproduction of top carnivores such as ospreys and pelicans is being reduced to negligible amounts, which will cause their extinction. No amount of technological ingenuity can reconstruct a species of osprey once it is extinct.

The tendency of DDT to kill both the herbivorous pest as well as its predators has produced some unpredicted consequences. In natural circumstances, herbivores are often kept at rather low numbers by their predators, with occasional "outbreaks" when there is a decrease in these enemies. Once spraying is started, and both the pests and their natural enemies are killed, the surviving pests, which have higher rates of increase than their predators, can then increase explosively between applications.

Before pesticides were applied to North American spruce and balsam forests, pest populations exploded once every thirty years or so, ate all the leaves, and then their numbers plummeted. Since spraying began, the pests, in the absence of a balancing force of predators, are continually able to increase between sprayings. In two instances, in cotton fields in Peru and in cocoa plantations in Malaysia, the situation became so bad that spraying was stopped. The predators returned and the damage by pests was diminished to the former tolerable levels. Another consequence of spraying has been that any member of the pest population which happens to be physiologically resistant to an insecticide survives and leaves offspring; thus resistant strains are evolved. Several hundred of these resistant strains have evolved in the last twenty years.

Because DDT is not present in concentrated form in the environment, it does not represent an energy resource common enough to support microorganisms. None has yet evolved the ability to break it down, even though it has been used as a pesticide for twenty-five years. Chlorinated hydrocarbons may even reduce drastically the plant productivity of the oceans. These plants are not only the base of the ocean food chain but also help maintain the oxygen supply of the atmosphere.

In sum, the indiscriminate use of DDT throughout the world, its dispersal by the atmosphere, its property of killing both pets and their enemies, and the evolution of resistant strains, have combined to create a crisis in the environment. The reaction has been to stop spraying some crops and to ban the use of DDT in some countries. Probably the correct solution, though, is to use pesticides carefully, applying them very locally (by hand if possible) to places where pest outbreaks are threatening, and to introduce or encourage enemies of the pests. This is called "integrated control." It is the hope of the future.

Since this article concerns pure ecology, it is probably worth distinguishing between pure and applied ecology. Applied ecologists are concerned with such problems as controlling pests and maximizing the yield from populations. Pure ecologists study interactions among individuals in a population of organisms, among populations, and between populations and their environments. (A population is a more or less defined group of organisms that belong to the same species.)

A brief indication of how some ecologists spend their time may be in order here. One of us (Connell) became interested in discovering what determines the distribution on the rocky seashore of a species of barnacle. He made frequent visits to the shore, photographed the positions of barnacles, counted their numbers at different levels on the shore at different life stages, noted the density and positions of predators, other barnacle species, and so forth. He developed hypotheses (in one area, that the limit to distribution is set by the presence of another barnacle species; in another, that belong a certain height on the seashore a snail species eats them all) and tested the ideas by various experiments such as placing cages on the shore to exclude predators or removing the competing species. This work went on for several years and has now firmly established the two hypotheses.

Murdoch spent the past three years in the laboratory examining an idea about predators. The idea was that predators keep the numbers of their various prey species stable by attacking very heavily whichever species is most abundant. (The idea is a bit more complicated than that, but that is approximately it.) This entailed setting up experiments where different predators were offered different mixtures of two prey species at a variety of densities, and then counting the number eaten of each species. These experiments led to others, in order to test different sub-hypotheses. The conclusion was that predators would "switch" only under very particular conditions.

Other ecologists spend long periods in the field trying to measure what happens to the vegetable material in a field. How much is produced and what percentage goes to rabbits, mice, insects? What percentage of the total weight of mice produced (biomass) is eaten by weasels and how efficient are weasels at converting mouse biomass to weasel biomass? Such work takes a great deal of time, estimates are rough, shaky assumptions have to be made, and in the end we have only approximate answers.

Other ecologists try to build mathematical models which might suggest how a community or some sub-set of a community comes to have the structure which our rough measurements tell us it may have. In pursuing all these activities they hope to build models of how nature works. The models, while not being copies of nature, should catch the es-

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sence of some process in nature and serve as a basis for explaining the phenomena that have been observed. They hope these models will be generally, though not necessarily universally, applicable. They study particular systems in the hope that these systems are not in all respects, or even in their major aspects, unique. Thus the aspirations of ecologists are not different from those of any other scientists.

Ecologists face problems which make their task difficult and at times apparently insurmountable. It is a young science, probably not older than forty years; consequently, much of it is still descriptive. It deals with systems which are depressingly complex, affected by dozens of variables which may all interact in a very large number of ways. Rather than taking a census of them, these systems must be sampled. Ecology is one of the few disciplines in biology in which it is not clear that removing portions of the problem to the laboratory for experimentation is an appropriate technique. It may be that the necessary simplification this involves removes exactly the elements from the system which determine how it functions. Yet field experiments are difficult to do and usually hard to interpret. Ecology, moreover, is the only field of biology which is not simply a matter of applied physics and chemistry. The great advances in molecular biology resulted from physicists looking at biological systems (such as DNA), whose basic configuration is explicable in terms of the positions of atoms. But the individual or the population is the basic unit in ecology. It seems certain, then, that a direct extension of physics and chemistry will not help ecologists.

Finally, there is the problem that each ecological situation is different from every other one, with a history all its own; ecological systems, to use a mathematical analogy, are non-Markovian, which is to say that a knowledge of both the past and the present is necessary in order to predict the future. Unlike a great deal of physics, ecology is not independent of time or place. As a consequence, the discipline does not cast broad generalizatons. All this is not a complete list of the general problems ecologists face, but it may be enough to provide a feeling for the difficulty of the subject.

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Ecologists, though, do have something to show for forty years' work. These are some of the general conclusions they have reached. (Not all ecologists, by any means, would agree that they are generally applicable—and those who do agree would admit that exceptions occur—but they are the kind of basic conclusions that many ecologists would hope to be able to establish.)

Populations of most species have negative feed-back processes which keep their numbers within relatively narrow limits. If the species itself does not possess such features, or even if it does, the community in which it exists acts to regulate numbers, for example, through the action of predators. (Such a statement obviously is not precise, e.g. how narrow are "relatively narrow limits"? A measure of ecology's success, or lack of it, is that, in forty years, there are no more than a half-dozen populations in which regulation has been adequately demonstrated; and the basis for belief in regulation is either faith or very general observations, such as the fact that most species are not so abundant that they are considered pests.)

The laws of physics lead to derivative statements in ecology. For example, the law that matter cycles through the ecosystem, to be used again and again. Or the law that energy from the sun is trapped by plants through photosynthesis, moves up the food chain to herbivores and then to carnivores as matter, losing energy at each successive conversion so that there is generally less energy and biomass in higher food levels than in lower ones. Ecologists have tried to take such truths from physics and construct more truly ecological generalities from them. Thus, to stay with the same example, it appears likely that there are never more than five links in any one chain of conversions from plant to top predator.

It is probably true, on a given piece of the earth and provided that the climate doesn't change, that a "climax" ecosystem will develop which is characteristic of the area's particular features and that places with similar features will develop similar ecosystems if left undisturbed. Characteristically, a "succession" from rather simple and short-lived communities to more complex and more persistent communities will occur, though there may be a reduction in the complexity of the final community. We use "final" to mean that a characteristic community will be found there for many generations. We might go further and say that during the period of development disturbances of the community will result in its complexity being reduced. (Again, such statements will certainly arouse the dissent of some ecologists.)

Finally, most ecologists would agree that complex communities are more stable than simple communities. This statement illustrates the difficulties faced by theoretical ecologists. Take some of its implications: What is complexity and what is stability in an ecological setting? Charles Elton embodied the idea in a simple, practical, and easily understood way. He argued that England should maintain the hedgerows between its fields because these were complex islands in a simple agricultural sea and contained a reservoir of insect and other predators which helped to keep down pest populations. The idea here seems quite clear. Ecologists, though, want a more precise exposition of the implications of the statement. What kind of complexity? What is stability?

Physical complexity, by providing hiding places for prey, may increase stability. Certainly biological complexity in general is thought to lead to stability—more species or more interspecific interactions, more stability. But we may ask, more species of what sort? Here a variety of answers is available. It has been suggested that complex communities are stable, i.e. able to resist invasion by species new to the area, by having all the "niches" filled. Thus sheer numbers of kinds of organisms in all food levels were considered the appropriate sort of complexity. To keep the numbers of prey stable, the most likely candidates are predators. Now other questions arise: Do we just want more species of predators? Do we want more species of predators which are very specific in the prey they eat, implying that prey are stabilized by having many species feed on them? Do we want predators which are very general and attack many prey species, so that we still have a large number of interspecific interactions which are made up in a different way? The answer is not obvious, and indeed there is disagreement on it. Furthermore, if one studies the way some predators react to changes in the numbers of their prey, their short-term responses are such as to cause *instability*. Thus only some types of biological complexity may produce stability.

What do we mean by stability? In the examples cited, we have meant numerical constancy through time, but this is by no means the only meaning. It has even been suggested that numerical *in*constancy is a criterion for stability. Stability might also mean that the same species persist in the same area over long periods, showing the same sort of interspecific interactions (community stability). A community or population might be considered stable because it does not change in response to a great deal of environmental pressure, or because it changes but quickly returns to its original state when the disturbing force is removed. It is worth noting that if a population or community is observed merely not to change, we cannot tell whether this is owing to its ability to resist perturbing factors or merely to the absence of such factors. If we want to know about the *mechanisms* which might lead to the truth of our original statement, "complexity leads to stability," all the above points are important.

This general statement about complexity and stability rests upon the kind of observation readily apparent to most intelligent laymen. Thus simple agricultural systems seem to be much more subject to outbreaks of herbivores than the surrounding countryside. Ecosystems in the tropics appear to be more stable than in the simpler temperate zone. In turn the temperate zone seems to be more stable than the Arctic. This seems to be mainly an article of faith. However, even this classic sort of evidence is questioned—for example, small mammals may actually be more unstable numerically in the United States than in the much simpler Arctic environment. Other evidence comes from the laboratory. If one takes small species of prey and predator—for example, two single-celled anamals or two small mites—and begins culturing them together, the numbers of prey and predators fluctuate wildly and then both become extinct quickly, for the predators exhaust their food source. "Simple" predator-prey systems tend to be unstable. There is some evidence that if physical complexity is added the system may become more stable.

From these examples of the generalizations ecologists have arrived at, an important question emerges. Even if we dispense with the idea that ecologists are some sort of environmental engineers and compare them to the pure physicists who provide scientific rules for engineers, do the tentative understandings we have outlined provide a sound basis for action by those who would manage the environment? It is self-evident that they do not.

This conclusion seems to be implied in a quotation from an article published in *Time* on the environment, which underlines the point that application of the ecologist's work is not the solution to the environmental crisis. According to *Time:* "Crawford S. Holling was once immersed in rather abstract research at the University of British Columbia—mathematical models of the relationship between predators and their prey. 'Three years ago, I got stark terrified at what was going on in the world and gave it up.' Now he heads the university's interdepartmental studies of land and water use, which involve agriculture, economics, forestry, geography, and regional planning. 'What got me started on this,' says Holling, 'were the profound and striking similarities between ecological systems and the activities of man: between predators and land speculators; between animal-population growth and economic growth; between plant dispersal and the diffusion of people, ideas, and money.' "

The "rather abstract research" was ecology. Holling's testimony is that it would not provide a solution. Yet, by and large, ecologists are concerned and probably have the best understanding of the problem.

We submit that ecology as such probably cannot do what many people expect it to do; it cannot provide a set of "rules" of the kind needed to manage the environment. Nevertheless, ecologists have a great responsibility to help solve the crisis; the solution they offer should be founded on a basic "ecological attitude." Ecologists are likely to be aware of the consequences of environmental manipulation; possibly most important, they are ready to deal with the environmental problem since their basic ecological attitude is itself the solution to the problem. Interestingly enough, the supporting data do not generally come from our "abstract research" but from massive uncontrolled "experiments" done in the name of development.

These attitudes and data, plus obvious manifestations of physical laws, determine what the ecologist has to say on the problem and constitute what might be called environmental knowledge. Some examples of this knowledge follow, though this is not to be taken as an encapsulation of the ecologist's wisdom.

Whatever is done to the environment is likely to have repercussions in other places and at other times. Because of the characteristic problems of ecology some of the effects are bound to be unpredictable in practice, if not in principle. Furthermore, because of the characteristic time-dependence problem, the effects may not be measurable for years—possibly not for decades.

If man's actions are massive enough, drastic enough, or of the right sort, they will cause changes which are irreversible since the genetic material of extinct species cannot be reconstituted. Even if species are not driven to extinction, changes may occur in the ecosystem which prevent a recurrence of the events which produced the community. Such irreversible changes will almost always produce a simplification of the environment.

The environment is finite and our nonrenewable resources are finite. When the stocks run out we will have to recycle what we have used.

The capacity of the environment to act as a sink for our total waste, to absorb it and recycle it so that it does not accumulate as pollution, is limited. In many instances, that limit has already been passed. It seems clear that when limits are passed, fairly gross effects occur, some of which are predictable, some of which are not. These effects result in significant alterations in environmental conditions (global weather, ocean productivity). Such changes are almost always bad since organisms have evolved and ecosystems have developed for existing conditions. We impose rates of change on the environment which are too great for biological systems to cope with.

In such a finite world and under present conditions, an increasing population can only worsen matters. For a stationary population, an increase in standard of living can only mean an increase in the use of limited resources, the destruction of the environment, and the choking of the environmetnal sinks.

There are two ways of attacking the environmental crisis. The first approach is technology; the second is to reverse the trends which got us into the crisis in the first place and to alter the structure of our society so that an equilibrium between human population and the capacities of the environment can be established.

There are three main dangers in a technological approach to the environmental crisis. The first threatens the environment in the short term, the second concerns ecologists themselves, and the third, which concerns the general public attitude, is a threat to the environment in the long term.

Our basic premise is that, by its nature, technology is a system for manufacturing the need for more technology. When this is combined with an economic system whose major goal is growth, the result is a society in which conspicuous production of garbage is the highest social virtue. If our premise is correct, it is unlikely we can solve our present problems by using technology. As an example, we might consider nuclear power plants as a "clean" alternative to which we can increasingly turn. But nuclear power plants inevitably produce radioactive waste; this problem will grow at an enormous rate, and we are not competent to handle it safely. In addition, a whole new set of problems arises when all these plants produce thermal pollution. Technology merely substitutes one sort of pollution for another.

There is a more subtle danger inherent in the technological approach. The automobile is a blight on Southern California's landscape. It might be thought that ecologists should concern themselves with encouraging the development of technology to cut down the emission of pollutants from the internal combustion engine, yet that might only serve to give the public the impression that something is being done about the problem and that it can therefore confidently await its solution. Nothing significant could be accomplished in any case because the increasing number of cars ensures an undiminishing smog problem.

Tinkering with technology is essentially equivalent to oiling its wheels. The very act of making minor alterations, in order to placate the public, actually allows the general development of technology to proceed unhindered, only increasing the environmental problems it causes. This is what sociologists have called a "pseudo-event." That is, activities go on which give the appearance of tackling the problem; they will not, of course, solve it but only remove public pressure for a solution.

Tinkering also distracts the ecologist from his real job. It is the ecologist's job, as a general rule, to oppose growth and "progress." He cannot set about convincing the public of the correctness of this position if in the meantime he is putting his shoulder behind the wheel of technology. The political power system has a long tradition of buying off its critics, and the ecologist is liable to wind up perennially compromising his position, thereby merely slowing down slightly or redirecting the onslaught of technology.

The pressures on the ecologist to provide "tinkering" solutions will continue to be quite strong. Pleas for a change of values, for a change to a non-growth, equilibrium economy seem naive. The government, expecting sophistication from its "experts," will probably receive such advice coolly. Furthermore, ecologists themselves are painfully aware of how immature their science is and generally take every opportunity to cover up this fact with a cloud of obfuscating pseudo-sophistication. They delight in turning prosaic facts and ideas into esoteric jargon. Where possible, they embroider the structure with mathematics and the language of cybernetics and systems analysis, which is sometimes useful but frequently is merely confusing. Such sophistication is easily come by in suggesting technological solutions.

Finally, there is always the danger that in becoming a governmental consultant, the ecologist will aim his sights at the wrong target. The history of the Washington "expert" is that he is called in to make alterations in the model already decided upon by the policymakers. It would be interesting to know what proportion of scientific advice has ever produced a change in ends rather than in means. We suspect it is minute. But the ecologist ought not to concern himself with less than such a change; he must change the model itself.

We should point out that we are not, for example, against substituting a steam-driven car for a gas-driven car. Our contention is that by changing public attitudes the ecologist can do something much more fundamental. In addition, by changing these attitudes he may even make it easier to force the introduction of "cleaner" technology, since this also is largely a *political* decision. This certainly seems to be so in the example of the steam-driven car.

We do not believe that the ecologist has anything really new to say. His task, rather, is to inculcate in the government and the people basic ecological attitudes. The population must come, and very soon, to appreciate certain basic notions. For example: a finite world cannot support or withstand a continually expanding population and technology; there are limits to the capacity of environmental sinks; ecosystems are sets of interacting entities and there is no "treatment" which does not have "side effects" (e.g. the Aswan Dam); we cannot continually simplify systems and expect them to remain stable, and once they do become unstable there is a tendency for instability to increase with time. Each child should grow up knowing and understanding his place in the environment and the possible consequences of his interaction with it.

In short, the ecologist must convince the population that the only solution to the problem of growth is not to grow. This applies to population and, unless the population is declining, to its standard of living. It should be clear by now that "standard of living" is probably beginning to have an inverse relationship to the quality of life. An increase in the gross national product must be construed, from the ecological point of view, as disastrous. (The case of underdeveloped countries, of course, is different.)

We do not minimize the difficulties in changing the main driving force in life. The point of view of the ecologist, however, should be subversive; it has to be subversive or the ecologist will become merely subservient. Such a change in values and structure will have profound consequences. For example, economists, with a few notable exceptions, do not seem to have given any thought to the possibility or desirability of a stationary economy. Businessmen, and most economists, think that growth is good, stagnation or regression is bad. Can an equilibrium be set up with the environment in a system having this philosophy? The problem of converting to non-growth is present in socialist countries too, of course, but we must ask if corporate capitalism, by its nature, can accommodate such a change and still retain its major features. By contrast, if there are any ecological laws at all, we believe the ecologists' notion of the inevitability of an equilibrium between man and the environment is such a law.

We would like to modify some details of this general stand. Especially after the necessary basic changes are put in motion, there *are* things ecologists as "experts" can do: some of them are sophisticated and others, in a very broad sense, may even be technological. Certainly, determining the "optimum" U.S. population will require sophisticated techniques. Ecologists, willy-nilly, will have to take a central role in advising on the management of the environment. They already are beginning to do this. The characteristics of ecology here determine that this advice, to be good, will be to some extent sophisticated to fit particular cases. Thus, good management will depend on long-term studies of *particular* areas, since ecological situations are both time-dependent and locale-dependent. These two features also ensure that there will be a sizable time-lag between posing the question and receiving the ecological advice, and a major job of the ecologists will be to make the existence of such lags known to policymakers.

Ecologists sometimes will have to apply technology. As one instance, integrated pest control (that is, basically biological control with occasional small-scale use of pesticides) will surely replace chemical control, and integrated pest control can be considered biological technology. In this area there is some promise that sophisticated computer modeling techniques applied to strategies of pest control may help us design better techniques. The banning of DDT, for example, could no doubt be a laudable victory in the war to save the environment, but it would be disastrous to mistake a symbolic victory like this for winning the war itself.

LAPP ARTICLE ON SPACE SHUTTLE DESERVES SENATE'S ATTENTION

Mr. PROXMIRE. Mr. President, this year Congress will be asked to appropriate funds for research and technological studies on a reusable space shuttle. Consequently an article by Dr. Ralph E. Lapp, published in the February 21 issue of the New Republic on this very program, is particularly timely.

Dr. Lapp points out in the article that the National Aeronautics and Space Administration is involving itself in a project which basically has a military purpose. The space shuttle is NASA's attempt to invigorate its manned flight program by jumping on board the military-industrial express. I sincerely hope that the Congress will derail this space-flight special, which could waste billions of the taxpayer's money.

I ask unanimous consent that the thoughtful article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Space Shuttle System in Search of a Mission: $10 Billion More for Space?

(By Ralph E. Lapp)

A new space project is being unveiled that could rival the Safeguard ABM as a waste of money. Known as STS for Space Transportation System, it is a nonmilitary program of the National Aeronautics and Space Administration for ferrying heavy payloads into Earth orbits. In its initial installments, it will cost about the same as Safeguard or about $10 billion. Although a NASA budget item, STS is an Air Force finesse to pave the way for a space-bomber or interceptor.

On February 4–6 representatives of NASA, industry and the military met in a classified conference at Patrick Air Force Base, Florida to discuss plans for STS. Why all the secrecy? The space agency is supposed to be out-in-the-open; in fact, this has been a distinctive feature of the NASA space flights. Are we now keeping secrets from the Soviets—or from Americans who might question the basic mission of this new space project?

It's clear that powerful forces are acting in concert to promote the new venture. NASA, suffering post-Apollo blues, seeks a new lease on life and a means to keep its budget from sliding to obscurity in this decade. Industry, especially the aerospace giants, is desperately hunting for new contracts. The Air Force seeks a place in space and sees in the NASA project the development of an orbital bomber.

Aerospace industries represent the hard core of the military-industrial complex since they account for more than half of the prime military contract awards and are generally very large corporations with plenty of political clout. In the last decade aerospace sales totaled $200 billion, with about $40 billion representing spacecraft contracts. NASA alone has given the top ten aerospace firms over $20 billion in contracts in the sixties, or roughly two-thirds of its entire procurement. Its number 1 contractor, North American Rockwell, received over $7 billion in NASA awards.

Over half of all NASA contract dollars have gone to four contractors—McDonnell Douglas, Grumman and Boeing, in addition to North American. This represents a much higher concentration of contracts than in the top echelons of the Pentagon's procurement. Thus a relatively small number of aerospace firms are lining up to win NASA's space shuttle award. Lockheed, General Electric, Martin Marietta, General Dynamics and United Aircraft must be added to the line-up. Their corporate fortunes, as represented by record lows on the stock market, make it clear that the military-industrial complex is ill and in need of federal transfusions.

The sickness of the military-industrial complex has afflicted the Air Force, producing trauma in the strategic forces of the latter. Though the Air Force has deployed 1000 Minuteman missiles and is refurbishing them with MIRV (multiple, independently targeted reentry vehicles), it has been forced to genuflect to the Army. The Army's Safeguard program has been justified on the basis of having to defend the Minuteman land-based missiles against the threat of even more powerful Soviet missiles. The Air Force's missile future is bleak.

Understandably, the Air Force seeks some way out of its continental dilemma. It looks to space systems, specifically to an orbital device. Twice before it has tried to jump into space; twice it has seen its projects cancelled before they reached the half-way point.

Its Dyna-Soar project aimed at orbiting men in a glider, but Defense Secretary McNamara abruptly cancelled this in 1963. Some $400 million had been spent on the Dyna-Soar, but NASA's two-man orbital Gemini spacecraft beat it to the post.

The Manned Orbiting Laboratory (MOL), which replaced Dyna-Soar, was a $3.2 billion program designed to put two men in an orbital vehicle by 1972. Last June MOL, with not quite half of its funds expended, was killed by a White House economy ax. The apparent serenity with which the Air Force accepted its second strike-out in space made some observers wonder whether a deal had been made to give it some part of a future space program.

Last October Lt. Gen. Samuel C. Phillips tipped the Air Force's hand. He told the *Washington Post's* alert military reporter George C. Wilson that it was "damn important" for the Air Force to assign a high priority to "this space shuttle to allow us to exploit the space medium." The Air Force sees in NASA's space shuttle a Phoenix rising from the now cold ashes of Dyna-Soar and MOL.

Before examining the feathers of this new bird, it is necessary to describe NASA's STS program. Multipurpose in nature, the space shuttle is aimed at transporting space crews and orbital cargo from Earth to low orbits. The cargo may include construction material, fuel and equipment for satellites, for lunar missions or even for a Martian journey.

To date NASA has used Saturn boosters to inject heavy payloads into orbit, as much as 140 tons at a time. But a rocket flight like Saturn V costs over a quarter billion dollars per mission. STS aims at reducing these high costs of space-trucking. "It's costing this country one thousand dollars a pound to put a payload into earth orbit and return it to earth," North American Rockwell vice-president Robert Anderson observed. He indicated that industry aims at bringing this cost down to $50 a pound, explaining: "The key to economy will be reusable space shuttles, spacecraft that journey out to orbit and then return intact on their own power and land just like an airplane."

Basically, there are three ways to accomplish this space trick. All three techniques focus on a combination booster-orbiter system in which the orbiting vehicle is about the size of a Boeing 727. They differ most markedly in the booster component which we may classify as nonusable, partially reusable and fully reusable.

The first class resembles Saturn rockets in that the booster is expendable. However, industry designs contemplate a simpler solid-fuel first stage that cuts rocket costs. One design weighs seven million pounds (even more than the Apollo moon rocket) and stands 377 feet high. Its second stage is an expendable liquid oxy-hydrogen rocket.

The partially reusable shuttle features first-stage fuel tanks that drop off when empty. A gang of four to eight oxy-hydrogen engines generate up to four million pounds of thrust. The orbiter plane boosted up from Earth weighs a quarter million pounds.

Finally the fully reusable system employs a design that allows the booster section of the spacecraft to be recovered and used again. Five different designs have been proposed. One is called the Triamese concept and features a side-by-side arrangement of three identical rockets. After being launched vertically, the two outer rockets exhaust their rocket thrust and separate from the "sandwiched" orbiter, returning some 200 miles to the launch site by deploying stubby wings and jet engines.

Once it attains the necessary velocity, the orbiter coasts up to its desired altitude 100 to 300 miles above the Earth's surface. It uses on-board electronics to rendezvous with an orbital station and to dock. After its orbital sojourn, the shuttle craft de-orbits and, unlike Gemini or Apollo capsules that fireball their way on a ballistic arc through the Earth's atmosphere, it proceeds at hypersonic speed to maneuver below an altitude of 400,000 feet. This is an almost unknown zone for lifting vehicles to operate in, and much research needs to be done to perfect a reliable flight pattern. The object is to pilot the craft to any one of a number of spaceports rather than splashing down in the ocean or returning to a single rocket base. The terminal phase of the flight is accomplished at subsonic speeds and the craft is designed to emulate a commercial airliner.

The space agency has already awarded two $2.9 million contracts to North American Rockwell and McDonnell Douglas for preliminary studies of the STS. Later this month NASA will put out requests for industry proposals to firm up specifications for the shuttle. President Nixon's budget for the next fiscal year will spend only $65 million for the shuttle development, whereas NASA is understood to have asked for $175 million.

The space shuttle, STS, is a vastly more difficult undertaking than the Supersonic Transport (SST), but it would be strictly a federally financed project with no corporate funds chipped in. Whether or not the design objective of cutting orbital injection costs down to $50 a pound can be achieved depends not only on the total program cost, estimated at a minimum of $10 billion, but much more critically on the number of missions each craft could and *would* fly. Setting a goal of $50 a pound for lifting cargo into orbit tends to bypass a more fundamental issue, namely, what objectives in space are worth the price? Inevitably, this question transforms itself into another—what is the value of putting men in space?

Make no mistake about it, the space shuttle is NASA's attempt, with an assist from the Air Force, to perpetuate the dominance of a manned space program. In this connection the distinguished space scientist, Dr. James A. Van Allen, gave the House Committee on Science and Astronautics some down-to-earth advice. "If, on a purely pragmatic basis, one or more men in the spacecraft is the cost effective technique for conducting any one of these missions, let it be done in that mode," the Iowa physicist counseled, having detailed missions dealing with meteorology, communications and scientific surveys. "But if, as I anticipate, this is not the case, let us not grieve nor devote ourselves to the invention of specious and inane reasons."

In the past decade the US government spent over $50 billion on space activities, with NASA accounting for $36 billion of the sum. Manned spaceflight has taken the lion's share of NASA's money. The development and construction of huge rockets and "man-rated" spacecraft [reliable enough to be used for manned missions] have been the principal items of expense. NASA has, for example, accumulated $4.5 billion in space facilities largely in a "golden arc" across the Gulf states. We have created a space monster on Earth and it demands to be fed. It is sim-

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ply an appendage of the military-industrial complex.

The space agency and the Air Force already have a stable of space workhorses capable of carting formidable payloads into orbit. NASA's document "Launch Vehicle Estimating Factors: January, 1970" itemizes existing and planned rockets (1970–74) as including heavyweights like Saturn IB, Saturn V, Titan IIIB, C, D, Titan IIID and a whole series of solid-fuel boosters using clusters of 156-inch diameter motors as well as a 260-inch booster. There's plenty of space horsepower in NASA's barn to launch almost any size vehicle to prove man's worth in space.

Space enthusiasts like Wernher von Braun and NASA bureaucrats are assuming that an orbital population of men will be of practical value, whereas, as Dr. Van Allen asserts, this is not probable. Dr. Van Allen is not a NASA employee, although he does receive NASA support, but the writer has talked with officials in the space agency who believe that the space shuttle is utter folly. One space scientist-administrator told me: "The astronauts and engineers are still in charge of the space program. Space science is an after-thought." In a sense the inner NASA struggle is an opposition of the Von Braun "conquer space" forces and the Van Allen "let's explore the solar system" science advocates.

The writer has studied a NASA analysis of space shuttle economics that makes it appear feasible to reach the goal of $50 per pound for thrusting things into orbit. However, the analysis writes off the huge research and development effort and simply amortizes the production costs of the shuttle. A more realistic approach is to add up program costs and amortize these over the production run. But even if, by some kink of accounting, shuttle costs could reach the $50 per pound level, this achievement would mean little unless the payload was worth the mission.

Putting a man into orbit at $50 per pound would seem quite cheap, but one can't multiply $50 by 150 pounds for this exercise. More to the point, one uses a round figure of one ton per person to take into account life-support and man-rating for the vehicle. This means $200,000 per person. But if one uses program costs rather than production costs, it appears that the figure would be closer to $1 million. The latter would be realized only if the shuttle carried a full cabin of 20 passengers, making each mission $20 million.

No one counted costs in the heroic days of Mercury, Gemini and Apollo, but times have changed and public accounting of spacemanship seems indicated. The balance on which to weigh man's value in orbit has tilted heavily to one side, favoring the use of unmanned instruments. Professor Van Allen recently illustrated the virtuosity of instruments when he described "an heroic little fellow, Explorer 35, which has been orbiting the moon since 22 July 1967." Devised and built by Van Allen and several Iowa students, the instrument package weighs 2.2 pounds and uses 7/10 of one watt of electrical power. "It does not sleep," comments Van Allen, "it requires no oxygen, no food, no toothpaste *and no sanitary facilities*."

Given severe competition by unmanned devices, it appears understandable that NASA is not about to kick the Air Force out of its bed. Military justifications for space programs can always be used—or, at least, have been—to ram dubious projects through any congressional barricade. The Air Force justification for MOL seemed almost mystical, but it was good enough to see the expenditure of $1.4 billion prior to contract termination. We must therefore look more closely at what the Air Force may have in mind for NASA's space shuttle.

The tried-and-true formula for funding a space program is to disclose, hint or otherwise make it plausible that the Soviets have a similar project already under way. Thus, members of the Joint Committee on Atomic Energy "revealed" year after year that the Soviets were about to unveil a nuclear-powered aircraft. (The US spent $1.3 billion on its own A-bomber before closing down the project. The Soviets have yet to roll their mythical plane onto a runway.) The very fact that the Russians *might* be developing an orbital bomber is sufficient to win support on Capitol Hill for a parallel project. On February 5 *The New York Times* ran a page 1 story, "Soviet Satellite Destroyer Is Believed to Be in Orbit." The *Times* did not say that the story was based on an October–November 1968 orbital event.

Congress is sympathetic to a military orbital project because the Soviets were reported to have tested a Fractional Orbital Bombardment System (FOBS). Secretary McNamara resisted pressure to develop and deploy a FOBS on the basis that it was of very little military value, primarily an inaccurate system for knocking out strategic bomber bases.

Now that MIRV has entered the strategic picture, a FOBS or MOBS (multiple orbital bombardment system, i.e., one that makes more than one circuit around the earth) may be promoted as a platform for dispatching weapons from orbit. This would be a technical possibility, although it has a number of military drawbacks. Dropping "nuclear eggs" from an orbiter is feasible when the aim points line up along the shadow path of the vehicle. A FOBS can be aimed to sight on a string of aim points. But a MOBS is only lined up once in many orbits since the earth rotates on its axis while the satellite-bomber moves in a fixed plane. Since it is most unlikely that a MOBS would find more than one target directly underneath its orbit, this means that each MIRV would have to be de-orbited *and* de-planed. That is to say, each MIRV would have to be displaced from the direction of the MOBS; such a maneuver from orbit is very expensive in terms of propellant weight, much more so than in the case of MIRV's dispatched from a ballistic ICBM. Furthermore, the accuracy of such an orbitally dispatched weapon is inferior to ICBM accuracy. In addition, a MOBS moving about the earth in a fixed orbit is highly vulnerable to offensive action by a satellite-killer. (And this assumes that MOBS are actually in orbit at the time war begins; prior to that time a MOBS launch site may be highly vulnerable.)

The Air Force probably has in sight a hypersonic plane capable of operating in the 100,000 to 400,000 foot range of altitude, although it might operate initially as an orbiter. The latter qualification is highly important since Article IV of the Outer Space Treaty of 1967, which the US signed, says "States Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner."

The treaty does not define "outer space" so as to exclude zones of rerefied atmosphere from weapon entries. Would a hypersonic bomber carrying nuclear weapons be a violation of the agreement? On May 2, 1968, Secretary of State Dean Rusk stressed the importance of the treaty, commenting that ". . . it prohibits a potential arms race in space, with all the added tension and fear that could cause." Apart from the moot point of the hypersonic bomber, the fact is that the treaty does not sever the umbilical cord connecting weapons systems to their womb. Nothing is prohibited by way of weapon system development, merely its deployment. Obviously, the United States would be guilty of an act of bad faith if it built such a strike force. But it is disquieting that the Air Force should be taking such an active role in NASA's shuttle; it encourages the suspicion that it is seeking a civilian "cover" for a piece of military hardware.

NASA had a small but bitter taste of Air Force "cover" operations in the instance of the U-2 affair, but since then its skies have been clear of such dark clouds. It's constantly harassed by Air Force security classification of orbital pictures and certain satellite applications, but these troubles have not been aired. They will crop up, however, if NASA mans a large orbital space device equipped with telescopic photography. Then we would see a secret room in a NASA space station reserved for military intelligence.

However one views the proposed space shuttle system, it, like the Safeguard ABM, is in search of a mission. It's one more example of technology leading man by the nose to do things just because they are possible. In a space shuttle, we also have a powerful military, industrial and bureaucratic forces at work. Given this space imbroglio, the matter deserves to be yanked out of the parochial stewardship of the congressional space committees and examined more fully, as in the case of the Safeguard program. As Senator William Proxmire expressed it to me: "Spending billions to build the space shuttle-space station system isn't going to cure a sick child, provide a college education, build a house, feed a hungry family, or produce any tangible benefits here on Earth. Aside from potential military uses, which NASA expressly disclaims, I can see no justification at all for giving NASA the green light to build such a system."

THE EQUAL RIGHTS AMENDMENT

Mr. McCARTHY. Mr. President, the increasing interest in and support for the equal rights amendment to the Constitution was indicated recently by the action of the President's Citizens' Advisory Council on the Status of Women in endorsing the amendment. I ask unanimous consent that the statement issued by the Council on February 13 be printed in the RECORD.

At present more than 70 Senators have joined as sponsors of Senate Joint Resolution 61, the joint resolution I introduced in the 91st Congress proposing this amendment relative to equal rights for men and women. I hope that the committee will give consideration to the joint resolution as soon as possible.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CITIZENS' ADVISORY COUNCIL ENDORSES EQUAL RIGHTS AMENDMENT

"President Nixon certainly appointed an action-oriented Council," said Mrs. Jacqueline Gutwillig, Chairman, when announcing that the Council had endorsed the equal rights amendment at its meeting on February 7, 1970.

The Council concluded that ratification of the equal rights amendment is the most effective and expeditious method of securing equal protection of the laws for women, who lag 40 years behind minority groups in achieving Constitutional protections. Passage by the Congress of the joint resolution in 1970, would be a most appropriate commemoration of the fiftieth anniversary of the suffrage amendment.

Adoption of the equal rights amendment would mean that women could no longer be required to meet higher standards than men in admission to State educational institutions. State laws could not require longer prison sentences for women than for men for the same offense or otherwise discriminate against women in the criminal law. Women could not be denied by so-called State protective labor laws the same rights to choose jobs that men have always had.

Mrs. Guttwillig emphasized that the

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amendment is really an equal rights and responsibilities amendment. Often overlooked is the fact that it would result in greater equity for men in alimony and custody of children disputes in many States. She also emphasized that the amendment would equalize the responsibilities for military service and jury service.

Joint resolutions proposing that the equal rights amendment be submitted to the States for ratification have been introduced in each house of the Congress for almost half a century. Seventy-two Senators and 220 Members of the House of Representatives are currently sponsoring the joint resolutions. Ratification would require a ⅔ vote of both houses of Congress and approval of ¾ of the State legislatures.

A project group established at the Council's first meeting in November and chaired by Miss Sarah Jane Cunningham of McCook, Nebraska, proposed the resolution adopted by the Council:

"The Citizens' Advisory Council on the Status of Women endorses the proposed Equal Rights Amendment to the United States Constitution and recommends that the Interdepartmental Committee on the Status of Women urge the President to immediately request the passage of the proposed Equal Rights Amendment by the Congress of the United States."

Other members of the Council working on the project are: Miss Virginia R. Allan, Michigan; Mrs. Lorraine L. Blair, Illinois; Miss Rachel E. Scott, Maryland; Mrs. Irene Wischer, Texas. The project group is preparing a comprehensive paper on the equal rights amendment which will be available in about two weeks.

The Council also voted to send a letter to the President including the following paragraphs concerning the Council on Environmental Quality:

"The members of the Citizens' Advisory Council on the Status of Women are pleased with your emphasis on environmental improvement. The need to solve problems of pollution are of high priority and the need for a national population policy is a pressing one, and one in which this Council has particular interest.

"We are concerned, however, that no woman was named to the Council on Environmental Quality. We feel a qualified woman could make substantial contributions on such a Council."

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SENATOR MURPHY LAUDS GSA'S ANTIPOLLUTION EFFORT

Mr. MURPHY. Mr. President, I invite the attention of Senators to an item from the annual report from 1969 of the General Services Administration. I am speaking of GSA's efforts in the air pollution battle.

I am very much impressed with GSA's effort and what they are achieving in the fight against pollution under the leadership of their Administrator, Mr. Robert L. Kunzig. GSA has had some very successful experiments with the antismog dual-fuel system. I had the pleasure of inspecting a vehicle with Mr. Kunzig in Los Angeles. Because of the importance of the pollution problem to the public and to the country, I ask unanimous consent that this section of the GSA annual report be printed in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

The air we breathe is receiving the full share of GSA's attention in plans developed to eliminate the choking pollution that engulfs major cities.

A dozen vehicles operated by the agency's interagency motor pool system in smog-plagued Los Angeles have been equipped with devices which permit the use of natural gas as well as gasoline. When the vehicles operate on natural gas, virtually no pollutants are expelled into the already thick atmosphere.

If the experiment is successful, the anti-smog dual-fuel system could be expanded to many of the 51,000-plus vehicles in GSA's fleets and possibly to all of the approximately 325,000 vehicles operated by the Federal Government that are mainly purchased by GSA and are currently on the roads and streets of the United States.

So, again, GSA's Transportation and Communications Service, which has pioneered a wide range of safety devices in the past, is setting the pace in motoring improvements that eventually will result in wide public benefit.

Besides operating centralized motor pools that include sedans, buses, trucks, and special-purpose vehicles, GSA transportation experts provide other Government agencies with counseling in the management of their individual vehicle fleets, helping to reduce Government-wide transportation costs.

Additional economy is gained by sharing motor vehicle fuel and oil dispensing facilities with other Government agencies operating motor vehicle fleets.

TCS also offers driver training, including courses in defensive driving techniques, which have helped trim collision costs and provided increased safety for operators and passengers in Government vehicles.

GSA studies of motor pool equipment managerial and operational policies have resulted in reduced equipment investment by almost $4 million and diminished operating costs by more than $5 million annually. Parts inventories have been reduced and manpower and materials required are in favorable balance with industry practices.

BRAVE LITHUANIA

Mr. PASTORE. Mr. President, February—the month of Washington and Lincoln—is symbolic of the freedoms with which we believe man has been endowed by his Creator.

It is particularly a month of patriotism in this America composed of the cultures of so many peoples who have come to share our destiny and our dangers.

It is a month in which America commemorates especially its affection for the sons and daughters of the ancient land of Lithuania.

We celebrate with them, this month, some 719 years since the formation of the mighty Lithuanian state—and the 52d anniversary of the establishment of the Republic of Lithuania in February 1918.

However, it is a celebration in the shadow of sadness and sorrow—the subjugation of a brave people in an era when there has been much talk but not the triumph of a great principle—the right of self-determination of every nation—no matter how small.

The liberties of Lithuania have vanished behind the Iron Curtain.

The communities of America all testify to the fine citizenship of our neighbors of Lithuanian descent. We know how they have fought in our ranks for freedom for others. We know how they live and labor as adopted sons and daughters of Washington and Lincoln.

We know their anguish for friends and relatives still in the "old land"—or dispersed in the length and breadth of Russia with its habit of Siberian exile. These unfortunate Lithuanians pray in desperation for liberty—redemption—or death.

This Congress of the United States—in Senate and in House—has made formal resolution that the President of the United States—through the United Nations and in the court of world opinion—urge the restoration of their freedoms to the people of Lithuania.

We commend to the Secretary of State, Mr. Rogers, that, in his global explorations of America's sympathy and support, he survey this situation at firsthand and to implement the desires of Congress.

The people of Lithuania are a proud people whose history goes back thousands of years.

The Lithuanians are a brave people. We can profit by a study of their history in withstanding the pressures of Slavic nations who in turn were terrified by the pressures of the Asiatics at their back.

The people of Lithuania are a persevering people.

They have endured national agony under great odds, slavery for a century at the very time that Washington had earned America's freedom.

Lithuania basked in the warmth of liberty for only 20 years, because on June 15, 1940, without any cause but in conspiracy with Hitler, Russia attacked and enslaved the entire country.

Today the Soviets hold Lithuania in the most cruel oppression. Russia is often called "the prison of nations." It has subjugated some 150 small nations and calls them "peoples of Russia." The Soviet purpose is genocide. The language and culture, the religious faith, the human dreams of a people are systematically destroyed. Many of these nations have disappeared.

So the present is a time of prayers that the world of free men will not forget Lithuania.

It is a time of promise, it is a pledge that the people of Lithuanian blood, wherever they may dwell inside or outside the Iron Curtain, will persevere.

They will continue the struggle by all human and spiritual means until the sun of liberty shines again on their treasured land and Lithuania will take its rightful place among the nations of the world.

May God speed that day.

TRUTH IN BUDGETING

Mr. MONDALE. Mr. President, the best indication of the policies and priorities of any administration is its budget. One must look, of course, not at the rhetoric and publicity which surround its release, but rather at the actual figures, often buried deep in the budget reports.

Many of us have looked deeply into these reports, and what we have found substantiates neither the rhetoric on "new priorities" nor the proclamation of "fiscal restraint."

Recently, Dr. Merton J. Peck, professor of economics at Yale University; Paul Warnke, former Assistant Secretary of Defense; and I served as a subcommittee to produce a "truth in budgeting" report for the Committee on National Priorities of the Democratic Policy Council.

I ask unanimous consent that the text of our report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE TRUTH-IN-BUDGETING TASK FORCE TO THE DEMOCRATIC POLICY COUNCIL'S COMMITTEE ON NATIONAL PRIORITIES

Your Co-chairmen, Mr. Joseph A. Califano, Jr., and Dr. Morris A. Abram, asked us to serve as a committee to review President Nixon's Fiscal 1971 Budget and to comment on the broad national priorities reflected in that budget.

The Budget message speaks of priorities and hard choices. Yet, in a budget, numbers speak louder than words. And, looking at the numbers, we find that:

The budget *surplus*, as measured on the National Economic Accounts Basis that reflects its true economic impact, *is declining sharply*.

Defense spending is somewhat reduced—and with much fanfare—but not nearly as much as other and urgent national needs require. Further there are *expensive new weapons programs* of only marginal value which will escalate the arms race and lay the basis for far higher defense spending in future years.

Programs to improve the quality of the environment *are timid*; the expenditures match neither the bold statements nor actual needs.

The *crises* in education and our urban centers are largely *ignored*. The proposed spending here reflects a stand-pat stance in the face of increasingly critical needs. Expenditures for crime and drug control are woefully inadequate.

(These findings derive from our examination of the four following areas.)

THE BUDGET IS NOT ANTI-INFLATIONARY

The Administration has tried to pin the onus of the current accelerating inflation upon past Democratic fiscal policy and to present its budgets as more and more "fiscally responsible." It has talked proudly of the surplus which is claimed for the new budget.

However, experts agree that the best measure of the net economic impact of the Federal Budget is the surplus or deficit on the National Income Account. This figure reflects the difference between what the Federal Government takes out of the current income stream through taxes and what it puts back through spending.

But rather than increasing, the National Income Accounts *surplus continues to get smaller*, going from $6.0 billion in 1969, to $3.6 in 1970, and down to a razor thin $1.6 billion in 1971,[1] which President Nixon proudly claims as the first budget under his Administration. Such a numerical trend hardly matches the anti-inflationary rhetoric or the injunction of the Budget Message that "we must maintain a policy of fiscal restraints in the current fiscal year and continue it in 1971."[2]

Furthermore, the shrinking surplus becomes particularly critical when its tenuous basis is examined. Here are some illustrations:

The Federal civilian and military pay increase is slipped back six months from July 1970 to January 1971 to save about $1.4 billion.[3] Contrary to statutory policy, it is proposed that not until *January 1971* will Federal pay become comparable *to 1969* private enterprise rates.[4]

Thus, even the small surplus programmed by the Administration rests almost wholly on the requirement that Federal workers, including our servicemen overseas, wait for a pay increase which is already overdue. We doubt that Congress will accept this token gesture toward fighting inflation.

The scheduled surplus also assumes about an additional $1.2 billion in revenues from the Post Office. This would be attained through a "proposed rate increase and other actions,"[5] with $700 million coming from higher rates, including seven cents for first class mail beginning on April 1 of this year.[6]

The date is clearly unrealistic and the need for improved service will claim much of any revenue increase. To rest three quarters of the total surplus on the money-making potential of the Post Office is at best a risky matter.

The surplus also depends on the enactment of user charges that will add $653 million to budget receipts—yet these same proposals were not accepted last year and it is clear that Congress will, at the very least, reduce them sharply.[7]

The surplus depends on $2.1 billion in savings from program "reforms" and terminations.[8] Many of these proposals have been repeatedly rejected by the Congress.

Since the surplus in the National Income Account declines sharply under the proposed budget and since small proposed surplus will likely vanish as one or more speculative assumptions is unrealized, we believe this is not, in fact, an anti-inflationary budget.

For the fight against inflation, three principal weapons are available:

(1) An active policy of encouraging *voluntary wage and price restraint*. This weapon was discarded in the opening days of the new Administration with the result that the Industrial Wholesale Price Index for the concentrated industries, which had been kept under control by policies of the Democratic Administration rose 6% last year.

(2) A more *restrictive fiscal policy* which significantly increases the National Income Accounts surplus. This weapon has been discarded by the Administration's budget.

(3) A policy of *tight money* and high interest rates.

Having discarded the first two weapons, the Administration is resting all its hopes on tight money. And we already can see its effects—record *high interest* rates, declines in home building, and *cutbacks* in vitally needed State and local *construction* programs.

Tight money alone is a potentially dangerous anti-inflationary weapon—the lags in its operation can result in *both* rising unemployment and rising prices, to produce the economic paradox of an *inflationary recession*. Ominous clouds on the economic horizon suggest that this outcome is a real and present danger. Indeed, the Administration is projecting an *increased unemployment* rate and its budget contemplates further inflation.

Given the inflationary situation which the Administration is dealing with so tentatively, it is understoood that the budget assumes a mere $2.9 billion growth in outlays. This would be *one of the smallest* in recent years.

There are two clear choices which would make possible substantial increases in urgent domestic programs *and a genuine* anti-inflationary budget:

Decrease defense outlays by as much as $4 to $5 billion more;

Increase revenues by $3 to $4 billion through *further tax reform*.

Possibilities for defense cuts are discussed below. As to tax reform, the Congress has promised to complete a review *this year* of additional tax reform measures. One of these alone—taxation of appreciated assets at death—would yield $2.5 billion in additional revenues. We would have been gratified if the Administration had lent its support to this and other needed tax reforms, such as increased revenues from the oil and gas industry.

SIGNIFICANT SAVINGS CAN BE REALIZED IN DEFENSE EXPENDITURES

The Administration's budget proposes a reduction in defense spending of $5.8 billion.[9] We commend any effort to free further funds for the urgent domestic needs of our society. We are dismayed, however, that estimated defense outlays would continue at the high level of $73.6 billion. Further, the $5.8 billion figure does not reflect the cost of pay increases which will almost certainly be adopted by the Congress.

A reduction of *an additional $5 billion* in this huge defense budget would produce a fund which could substantially contribute to meeting our existing commitments in education, housing, crime control and environmental improvements.

Moreover, all of the estimated reduction, and more, *can be attributed to the announced cutback* in our troop strength and military actions in Vietnam. (The deliberate omission of the traditional analysis of Vietnam costs precludes our discovering the projected savings in our Vietnam costs.) And, under President Nixon's criteria for withdrawal—the level of North Vietnamese military activity and the performance of the South Vietnamese forces—realization of these anticipated savings is *left within the control of Hanoi and Saigon*. We prefer that complete control over the defense budget, as well as over our foreign policy, be lodged in Washington.

The Administration asserts that much of the reduction in defense spending will come about from the phasing-out of certain expensive-to-maintain older systems. Such retirement of obsolete systems largely accords with plans made in prior years. We propose that *much more significant savings* could be realized if the Administration would cease approving the endlessly multiplying series of major new, *overlapping* and *unproven* weapons systems. Among those new programs for which funds are allocated in the Administration's budget and which we believe deserve particularly careful scrutiny by Congress are a sea-based anti-submarine aircraft, a third nuclear powered Nimitz-class attack carrier, a strategic manned bomber, a costly new fighter for the Air Force and a fleet defense aircraft for the Navy, as well as an array of new missiles for land and air forces.[10].

Some of these new systems are already *functionally obsolete*. Beyond that, our major concern is that the Administration budget bears the seeds of continued vast and ever-increasing military spending. As of June 30, 1969, the General Accounting Office has revealed that a total of 131 major programs were in the process of acquisition, with the total costs of completing these programs aggregating over $140 billion. The decisions embodied in the proposed defense budget will substantially increase this staggering figure, even without the inevitable cost over-runs. This, of course, will severely *limit our choice* of priorities in the years ahead.

Moreover, the Administration's plans for expanded development and deployment of antiballistic missile defenses (ABM) and multiple warhead missiles (MIRV) involve heavy expenditures which ultimately may seriously *handicap* the successful fruition of *SALT discussions* with the Soviet Union.[11] Precipitous approval of such new weapons systems signifies an uncritical response to pressures from the military services and an unwillingness to take even the minimal risks which are necessary to enhance the chances of *halting the arms race*. It reflects also a continued over-reliance on sheer military might to achieve national objectives.

Further, we propose basic procedural changes in the military procurement system to avoid the cost over-runs and performance shortfalls that for the past two decades have

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Footnotes at end of article.

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plagued us. We believe that the costs of the perhaps unnecessary new weapons systems have been significantly underestimated and their performance significantly exaggerated. The General Accounting Office has noted that "one of the most important causes for cost growth is starting the acquisition of a weapons system before it has been adequately demonstrated that there is reasonable expectation of reasonable development."

Another major cause cited by the GAO is inadequacy in the initial definition of system mission requirements and technical performance specifications.[11a] These underlying flaws, with their serious budgetary consequences, should not be allowed to continue. We need leadership to eliminate these now; we do not need merely another "Blue Ribbon" study panel.

THE RHETORIC OF IMPROVING THE ENVIRONMENT MUST BE MATCHED WITH FUNDS

We agree with the President's rhetoric concerning the urgent need for improving the quality of our environment. These words must be met with the funds to do the job; and this simply is not done in the proposed budget.

For example, in the area of water pollution control, the President proposes *to spend in 1971 only half as much as Congress appropriated* for this problem *in 1970*. For 1970, Congress appropriated $800 million while the President requested only $214 million. In 1971, the President proposes to spend only about $360 million. Under the President's so-called "10-billion" dollar program, he would not reach an $800 million annual spending figure *until 1975*, although Congress already appropriated that sum for 1970.

Further, this "5-year-10 billion" water pollution program would, in fact, be spread over nine years, and more than half of the cost must be borne by the hard-pressed States and localities.[12] State and local governments would be allowed to borrow their share through a new Federal environmental financing authority. According to the budget, "the purpose of this authority is to encourage State and local participation in projects of this type without placing additional burdens on congested municipal bond markets."[13] But such markets have become "congested" largely through the Administration's tight money policy. Instead of a "new initiative" this step thus might be more accurately labeled as an *effort to moderate the impact* of other Administration policies.

In air and water pollution control combined, there is a modest increase of 230 million over outlays made last year. Weighed against the need, the increase is grossly and patently inadequate. Authorization in legislation passed in the preceding Administration envisioned the expenditure of about *$500 million more annually* than was spent in 1969;[14] the proposed increases thus do no more than half-way fill the gap between actual and authorized spending.

It should also be noted that a further cut in the Defense Budget of only $300 million—less than *one-half of one percent*—would make it possible to raise the proposed increase by *one hundred percent* and at least meet commitments already made by Congress. We regard it as questionable to call these increases "new initiatives" when they are really just halfway steps—however desirable—towards meeting old obligations. We believe that conditions require and the American people desire that really significant budgetary initiatives be taken promptly in this area.

THE URBAN AND EDUCATIONAL CRISIS MUST NOT BE IGNORED

The Budget Message reflects *too little concern* with the urban and educational crises. We are pleased that it contains the beginnings of a promising family assistance program and a small start on revenue sharing. (Both programs are borrowed, in part, from Democratic proposals.) But for next year the critical problems of the city and education are allocated *few additional resources*.

Revenue sharing appears to be the Administration's only "solution" to the two crises. For this year, however, only $275 million would be provided. Applying the formula in the Administration's bill, this would yield *less than one dollar per person* for a city like New York. States would fare little better. For hard-pressed Mayors and Governors, this can hardly be regarded as much help.

At the same time, the budget's *sacrifice of further support* for education can be illustrated by considering two levels of education. The program for education of children from low income families (Title I of the Elementary and Secondary Education Act) is allocated $1.3 billion—a $74 million increase over 1970. This will probably not even offset the effects of inflation and needed increases in teachers' salaries. The number of children served would be level at 7.9 million.[15] And for *higher education* there are *drastic cuts*. The programs to aid construction of facilities would fall from $580 million to $100 million, despite increasing enrollments and rising costs.[16]

The Administration proposes badly-needed increases in manpower programs. It would provide for enrolling 200,000 additional persons in these programs. At the same time, it is projecting *unemployment increases of as much as 700,000*, or more. But, there are practically no new jobs to be created under the budget.

The *stand-pat posture* towards the cities is illustrated by the fate of the urban renewal program. According to the Budget, this program "remains the primary tool for helping cities and towns convert slums into attractive productive areas."[17] So vital a task ought to be given a high priority—and deserving *substantially greater resources*. Yet the Budget announces that "the 1971 request for $1 billion of budget authority will continue the program at the 1970 level."[18] The majority of Americans, silent and otherwise, live in urban areas. They know only too well how critical the heed has become to do more and to do it more urgently.

The budget proposes a mere $33 million for programs of the Bureau of Narcotics and Dangerous Drugs.[19] The much-heralded increase of $480 million for the Law Enforcement Assistance Administration brings appropriation to *less than half the level authorized* for 1971 by the previous Administration. Expenditures would lag even further behind—at $368 million.[20]

We believe the time has come to do more than talk about re-ordering our priorities. The Congress made a good start last year. Let us now *really bring America's priorities into line with her needs*. To achieve this end we urge:

A careful pruning of the defense budget to find where spending should be *substantially reduced*. This will free money now for compelling domestic problems; reduce inflationary pressure; make sure we do not escalate the arms race; and avoid laying the basis for ever-greater and more wasteful defense budgets.

Significant, *new reform measures*.

The use of part of these savings to generate a more *realistic and responsible budget surplus*.

The use of the balance of such savings to: attack air and water pollution; meet the crises in education and in the cities; create more jobs; fight crime and drugs.

We know that Congress will examine this budget in great detail. But we ask that our fellow Democrats, and indeed all Americans, also look at it with care and with concern for the priorities it reflects. It charts the course for our country for the years to come. Passive acceptance of the Administration course can lead only to a *dead-end and national decay*. Instead, we must work together to chart a different course to a different vision where people—their pocketbooks, their schools, their cities, their air and water, their hopes and aspirations for a better life—take priority over an obsessive concern about unlikely military threats.

Respectfully submitted.

MERTON J. PECK.
WALTER F. MONDALE.
PAUL C. WARNKE.

FOOTNOTES

[1] *The Budget of United States Government*, p. 592. Henceforth cited as *Budget*.

[2] *Budget*, p. 11.

[3] *Special Analyses of the Budget of the United States*, Fiscal Year 1971, p. 103. Henceforth cited as *Special Analyses*.

[4] *Ibid*.

[5] *Budget*, p. 122

[6] *Budget*, p. 121

[7] *Budget*, p. 70

[8] *Budget*, p. 50

[9] *Budget*, p. 17

[10] *Budget*, p. 86

[11] *Budget*, p. 85

[11a] Report to the Congress by the Comptroller General of the United States on "Status of the Acquisition of Selected Major Weapons Systems." February 6, 1970.

[12] *Budget*, p. 108

[13] *Ibid*

[14] CEA, *Annual Report*, 1969, p. 202

[15] *Budget*, p. 141

[16] *Budget*, p. 138

[17] *Budget*, p. 133

[18] *Ibid*

[19] *Budget*, p. 379

[20] *Ibid*

THE CONSUMER LOSES AGAIN TO THE OIL LOBBY

Mr. McINTYRE. Mr. President, the failure of the President to act on the recommendations of his Cabinet Task Force on Oil Imports is yet another in a long series of defeats for the consumers of this country and for their representatives who felt that relief was finally in sight.

The New York Times, in an editorial entitled "The Politics of Oil," recognized that the President has virtually ignored the recommendations of the majority of his task force and instead has adopted the position espoused by a small minority which sees nothing inequitable with the current arrangement.

The Times correctly states that while the administration is fighting inflation in the press and on television, it is failing to support a plan which would significantly relieve fuel costs in the Northeastern States and dampen the present inflationary trend.

It is obvious that the Times is correct in stating that the administration has abdicated its responsibilities and has left the resolution of an important issue in the hands of the "Secret Government of Oil."

I ask unanimous consent to have printed in the RECORD the editorial of February 24, 1970, from the New York Times and a statement I made following the President's regrettable announcement of February 20.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, Feb. 24, 1970]

The Politics of Oil

President Nixon has bowed to the oil industry in shelving the recommendations of the majority of his Cabinet-level task force on Oil Import Control.

The oil industry has hailed Mr. Nixon's decision, as a triumph, which it certainly is for them. As the task force report shows, one-third of the $6 billion in profits the oil industry got from domestic operations in 1968 resulted from the protection afforded by oil import quotas.

The cost of oil quotas to American consumers is much greater and will go on growing. The task force report, which is a model of clear and competent economic analysis, concludes that the oil quota system is presently costing United States consumers $5 billion a year and will reach $8.4 billion a year in 1980.

Thus, an Administration that prides itself on being a great inflation fighter when it comes to trimming outlays for health, education and welfare does not mind letting consumers pay out more than $60 billion in extra oil bills over the coming decade.

The panel, headed by Secretary of Labor Shultz, would not have wiped out those extra costs overnight. On the contrary, the report recommended a gradual switch to a tariff system in order to avoid too disruptive an effect on the oil industry or any danger to national security which, it stressed, is the only legitimate justification for oil quotas.

Far from ignoring the danger of a prolonged Middle Eastern oil boycot as a result of the present turmoil there, the report proposes means of increasing the security of United States oil supplies over the coming decade by promoting closer ties between this country and Western Hemisphere oil exporters.

The five-man majority of the seven-member panel included not only Secretary Schultz but also the Secretaries of Defense, State and Treasury and the director of the Office of Emergency Planning. Their joint conclusion was that national security would be adequately protected by control system based on tariffs.

As a first step the report favored a tariff of $1.45 per barrel to be imposed next Jan. 1. If further "objective and independent professional analysis" showed that reserves in North American frontier areas, especially the north slope of Alaska, would be sufficient to meet or exceed 1980 production estimates, the report recommended further liberalization of tariffs in January of 1972. If no tariff liberalization were undertaken then, the report urged the same tests be applied in succeeding Januaries, with full review no later than 1975.

However, this very cautious approach was not good enough to quiet the concerns of the United States oil industry that some significant share of its profits resulting from oil quotas would be lost eventually if the existing system were changed.

Secretary of the Interior Hickel and Secretary of Commerce Stans, together with an official observer, John N. Nassikas, chairman of the Federal Power Commission, filed a separate report disagreeing with virtually everything in the majority report. President Nixon in effect has adopted the views of the task force's two minority members and of his Federal Power Commission.

The President seems determined to file and forget the majority report. Those concerned about the public interest will be well advised not to let that happen for, aside from its policy recommendations, the report should become a classic in exposing the costs to the nation of a system of extreme protectionism in the guise of defending national security.

Commendable as it is that the report could be made at all, the summary rejection by the President of its basic recommendation that the oil quota system be ended tells much about the politics of oil and the real sources of influence in this Administration.

Statement by Senator Thomas J. McIntyre

The President's announcement this morning that he has ordered additional study of the need for change in our oil import policy is a crushing blow to those of us who hoped that relief was near at hand.

A year ago the President assured members of the New England Senatorial delegation that a decision on this matter would be made "before the first snow" of the present winter.

In the days since the problem has been studied into the ground—by the Senate Antitrust and Monopoly Subcommittee and by both the expert professional staff and the Cabinet level members of the Task Force appointed by the President specifically for this purpose.

While they differed in their precise recommendations, all of these groups concluded that changes in our present oil import policy could be instituted immediately, and that this could be done consistent with our national security, the protection of which is the sole justification of oil import controls.

There can be no mistaking the real purpose behind the President's announcement. Such an announcement, in an election year, can only be construed as an open invitation to the major oil companies to rally to the support of Republican candidates in the upcoming fall elections. It is a clear portent of another major victory for the Secret Government of Oil.

I have sought in the past to support the President whenever possible. These are times of crises which call for more from men in public life than continued partisan bickerings.

But when the President himself chooses to make a political football out of an issue so vital to the people of New England, I have no alternative but to openly deplore his actions.

WE WILL PRESS ON

Mr. PROXMIRE. Mr. President, "we will press on with our efforts to obtain Senate ratification of the U.N. convention against genocide."

These words of Rita Hauser, U.S. Representative to the U.N. Human Rights Commission, clearly and forcefully express the sentiments of those of us who are determined to guide the Genocide Convention through the Senate Committee on Foreign Relations to ultimate Senate ratification.

The self-deprecating fear that the United States of America will not stand up to world scrutiny should a Communist country, for example, accuse us of genocide in Vietnam or at home is clearly unfounded. As a Nation we clearly reject and outlaw genocide and we can meet the severest tests of world scrutiny. We have little to fear or hide. Any blemishes we may have are openly recognized and we have made and continue to make every effort to correct them. Our very open willingness to recognize problems and take corrective steps in full public view testifies to our fundamental moral abhorrence of genocide.

Let us now recognize this American posture by formally ratifying the Genocide Convention.

To this end, I ask unanimous consent to have printed in the Record a forthright and well reasoned editorial published in the New York Times which calls for the prompt ratification of the Genocide Convention, dispells objections raised by some members of the ABA, and argues that America must ratify the convention to maintain its leadership in championing the rule of law throughout the world.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The ABA on Genocide

The American Bar Association displayed faint faith in American principles of law and morality the other day when it refused to revoke its 20-year-old opposition to the United Nations Convention on Genocide.

The Convention, which was drafted and promoted by Americans, attempts to extend to the international arena norms of human conduct that are deeply rooted in the American legal tradition. It now has the endorsement of 75 nations, including all the other major powers. Its ratification has been urged by the President, the Secretary of State, the Attorney General, the Solicitor General, the President of the ABA and three ABA committees, among others.

But a narrow ABA majority chose to follow a Southern-led opposition which argued that the Convention would enable Communist countries to hale American citizens before an alien court on charges arising out of racial practices at home and military actions in Vietnam.

The United States does not violate the Genocide Convention. It is demeaning to suggest that this country could not stand comparison with any Communist state on its record in human rights before any international tribunal which may be established—and none has been established so far for this purpose.

If American civilians or soldiers at any time fall short of this nation's own high standards, it is the duty of the bar to stand up for the rule of law. In opposing the Genocide Convention, the ABA casts doubt on the commitment of the American legal profession to principles it is bound to uphold, and usually does.

Prompt Congressional ratification of the Convention, as requested by President Nixon, is essential to make clear to others the commitment of the American Government and people to those principles and to restore American leadership in extending the rule of law throughout the world.

SENATOR KENNEDY URGES NEW REALISM IN DEFENSE BUDGETS

Mr. MONDALE. Mr. President, on Tuesday and Wednesday of this week, the Committee on National Priorities of the Democratic Policy Council heard statements from many of us in the Congress on how we should reorder our national priorities.

The senior Senator from Massachusetts (Mr. Kennedy) made a perceptive and detailed statement on the need for cutting our defense budget, and suggested just how we might go about the task. He pointed out that the defense budget submitted by the administration, which has been hailed by administration spokesmen as representing major cuts, is lower than last year's by the amount of our reduction in the scale of the Vietnam war, and thus represents no real cut at all.

Because of the wide interest in his statement, I ask unanimous consent that it and three newspaper articles on the testimony be printed in the Record.

There being no objection, the items

were ordered to be printed in the **Record**, as follows:

National Priorities and the Defense Budget: The Need for New Realities

(By Senator Edward Kennedy)

It is a great pleasure for me to address the Committee on National Priorities of the Democratic Policy Council. Your work takes place, I think, at an important time in our history. The testimony you hear, and the recommendation you will make, will have a powerful influence this year over the decisions of the Congress in responding to President Nixon's request for authority to commit federal tax dollars. And this year, for the first time in our history, the request has exceeded $200 billion.

This nation is finally beginning to realize that we need to allocate our resources in a systematic way. We must set our national goals and then decide upon strategies to reach them. We must determine what roles are to be played by the different levels of government and what roles are to be left entirely to the private sector.

From the standpoint of the federal government, national priorities are set by the decision to allocate federal tax dollars among competing national needs. The President's budget requests, sent to the Congress this month, reflect in detail the priorities of his Administration. The appropriation bills, when they receive final approval by the Congress, will reflect the judgments of the Congress on the President's priorities.

This requirement for Presidential request and Congressional approval of the commitment of federal tax is an important aspect of the checks and balances in our federal system of government. At its optimum, the system should come into balance only after the resolution of a variety of tensions between the two branches. For if there is no tension, but only passivity, public debate will be stilled, and these vital decisions made without close scrutiny and public accountability. The sound operation of government requires critical analysis, not complacent consensus.

We are in the middle of a dramatic example of the benefits of this healthy tension. The Congress in December passed an appropriation bill for health and education containing $1 billion more than the President requested. At the same time, the Congress reduced by more than $5 billion the President's total budget request of some $189 billion, out of its concern for the dangerous inflation in the economy. The President vetoed this bill, calling it inflationary. The Congress failed to override the veto, and now has a substitute bill in the final stages of approval. This substitute bill also has more money in it for health and education than President Nixon requested, and the Secretary of Health, Education and Welfare has indicated the likelihood of another veto.

There is, of course, a lot of politics on both sides in all this back-and-forth between Congress and the President on the funds for health and education. But through it all, there runs one simple thread, a thread readily apparent to those taxpayers and voters who watch this public debate. This is the question of priorities, of priorities among competing needs. The Congress put a priority on reducing the President's total $193 billion budget request by $5 billion; it also put a priority on allocating the funds it did approve differently than did the President, adding $1 billion to health and education and subtracting it from other functions.

By insisting upon this allocation, in the face of a threatened second veto, the Democrats in the Congress are doing what Democrats have always done—putting their priorities on people, and on the day-to-day problems people face in their lives. Inflation ran at a dangerous rate all through 1969; the Congress thus reduced the President's budget by $5 billion. Health and education costs are rising; the Congress thus shifted $1 billion from other functions to support for health and education. These two actions by the Congress reflect the traditional concerns of the Democrats, and I look forward to other opportunities for comparable actions this year.

Your work on the Committee on National Priorities can be of large assistance to us in the Congress. You can gather the facts. You can analyze their meaning. You can synthesize the different lines of argument. You can clarify the issues. But most important of all, you can stimulate that healthy tension between the Legislative and Executive Branches which is so vital if government decisions are to be subjected to close scrutiny and informed public debate.

In the past decade we have, as a nation, grown increasingly aware that our priorities must be changed, as the times change. Changing these priorites is not an easy task, however, because powerful and entrenched vested interests often have an enormous stake in resisting change. One clear example of the difficulty of dislodging vested interests lies in the Federal Highway Trust Fund, which each year channels some 5 billion tax dollars into highways, but virtually nothing into subways and other public transportation. For years, sociologists, planners and other experts have produced devastating criticisms of this imbalance. But the highway interests are powerful, and mass transit has thus suffered. Now, after 15 years, the highway interests are discovering that they cannot simply construct super highways, to bring suburbanites into center cities, without regard to mass transit. It is public outcry and public pressure which is finally bringing this change and slowly dislodging the vested interest.

Only the same quickening of interests and sharpening of pressures can break the hold of other vested interests on federal funds which should be spent on people—on their schools, their health, their parks, their air, their water—in short, on the quality of their lives.

We saw, last year, a dramatic example of the impact of this quickening interest and sharpening pressure when the nation turned its attention to the budget for the Department of Defense. The January, 1969 request to the Congress for Defense totalled $77.7 billion, nearly double the request for 1960. The sheer size of this figure shocked the nation, and spawned an intense examination of what these billions would purchase. President Nixon revised President Johnson's request $2.5 billion downward, to $75.2 billion. The Congress cut $5.6 billion more off the request, and we ended up with a Defense appropriation of $69.6 billion.

Along the way last year, while these cuts were being made, Americans learned of a $1.5 billion cost overrun for a single new $3.5 billion aircraft project; of cancellation of a $3.2 billion military manned space station project after $1.5 billion was already spent on it; of inadequate audit and accounting procedures; of duplication and overlap; and in general, of a lack of hard-eyed supervision of Defense costs. Senate Majority Leader Mansfield said in January of 1969 that he hoped we could trim $10 billion from the Defense budget. The difference between the requests in 1969 and in 1970 are at just about that amount. *Fortune* magazine's careful analysis in August 1969 concluded that even further and major cuts could be made without in any way jeopardizing our national security.

This year, President Nixon has asked for a defense budget of $69.3 billion. Senator Mansfield said on February 2 that he hoped we could make "a similarly large cut" in this request. Consequently, despite Secretary of Defense Laird's statement last Friday that this year's request is a "rock bottom budget," I would expect that careful analysis will show members of Congress a number of places where major savings in the Defense budget can be made. We can then consider whether to apply these savings to other critical areas of need—such as health and education—without generating new inflationary pressures.

Any realistic public figure is aware that when he challenges the defense budget, he will be the object of many easy charges of "selling out America's security," or of "seeking unilateral disarmament," or "misunderstanding the gravity of the Communist threat," I say these are easy charges because they are only slogans—slogans reflecting our years of living on the edge of terror in the cold war. As slogans, they may have represented valid concepts in the 1940's, or 1950's, or even the 1960's. But times change, and if we do not adapt our thinking to the realities of the changing times, then we calcify. What we need in our treatment of national defense, and the defense budget, is a new realism.

This new realism does not require us to abandon all our old concepts. But it does require us to look closely at them, and all the decisions and actions they have generated. President Nixon recognized this in his foreign policy posture statement of last week. Concepts, words, slogans, postures, all valid in recent times, must not automatically be considered valid today. And the men and women who have both the interest and the courage to ask the tough questions should be applauded, not villified. So what we need, and what I hope would be forthcoming from the Administration, is a candid discussion of our national defense posture, and the budget we need to support it—not in terms of old slogans, but in terms of new realities.

In assessing our defense budget, we must begin of course with the war in Southeast Asia. I need not recount here the mistakes we have made in Vietnam, the costs we have borne, the suffering we have inflicted. The critical point now is what the future holds. Some analysts have suggested that we may have to keep 100,000 or 200,000 troops in Vietnam indefinitely, at a cost not only of continuing American casualties, but also of billions of dollars each year. Just to keep one U.S. soldier in Vietnam for one year costs $13,000. I do not believe we would have to pay such prices, if our emphasis were on political negotiation and an end to the violence rather than total reliance on Vietnamization. We have given greatly to the present South Vietnamese regime. Indeed, perhaps never in history has so undeserving a government received such generous assistance from another nation. We must now insist that South Vietnam make its own peace through negotiations.

Aside from Vietnam, the military and political developments of the last two decades make possible other reductions in defense spending—if we are willing to be realistic. The United States has already constructed at enormous expense, a powerful second-strike capability. For the foreseeable future our Polaris submarines, supplemented by our land-based missiles, will remain an effective deterrent against nuclear attack. Thus, there is no clear need at this time to spend vast sums of money to deploy new strategic weapons systems.

We should not repeat the mistakes of the fifties and sixties, when we overreacted to cold war fears and helped to stimulate the spiraling arms race. In my view, the Administration's Safeguard system is just such an overreaction.

This year, as last, the request for funds for Safeguard will more than likely be the linchpin of the investigation and debate surrounding the defense budget. This morning, Secretary of Defense Laird presents to the Senate Committee on Armed Services the Administration's case for these funds. He has

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already indicated that it will be a request for *an expansion* of the ABM beyond that narrowly approved 6 months ago by Congress.

Last year, I believed that Safeguard was a waste of money. Nothing I have heard or learned since then has changed my views.

It may well be true that what Defense planners call the "threat" is greater this year than last. This greater threat might encompass the continued Soviet deployment of large, multiple warhead ICBMs of increasing accuracy. In fact, if the Soviets keep up the deployment rate of the last few years, they may even, some years from now, have as much offensive nuclear power as we do. Another aspect of the threat may be an increased tempo of Communist Chinese ICBM activity. But since they have yet to test launch an ICBM, a serious Chinese threat is clearly a long way off. Furthermore, Secretary Laird's argument that the credibility of our Asian commitments will be reduced as soon as China has any capacity to inflict nuclear damage on this country is unpersuasive. The Soviet Union has had such capability for years, but, since we have retained our powerful second-strike capabilities, no one seriously doubts the credibility of our vital commitments in Europe, Latin America and elsewhere.

Most of us are well familiar with the arguments advanced last year against the Safeguard; that it signals another escalation of the arms race; that it will not work as designed; that Soviet evasive techniques will neutralize it; that it can be overwhelmed; that its enormous cost is not justified; that it will prejudice the SALT talks; that it defends an obsolete system; and that it is itself obsolete since it will not be even 20 percent operational for *6 more years*. It is inconceivable that in those 6 years, the Soviets cannot design and develop techniques to render the Safeguard meaningless. These arguments will again receive full treatment, I am sure.

But last year we did not fully explore the suitability of the other responses to an increased threat. These would include more Polaris submarines; mobile ICBMs; a system designed for point defense; camouflaged ICBM silos; lasers; and many others. It should be plain that I am not suggesting that we adopt one or another of these alternate steps. What I am suggesting, though, is that this year we have new, stronger and more basic arguments to oppose Safeguard that we did last year.

There are other aspects of our strategic defense policies which require re-examination. For example, there seems little reason, in this age of the missile, to spend some 10 billion dollars on yet another manned bomber fleet—one which costs $30 million per plane. Nor do large expenditures on a bomber defense system seem warranted.

Let me cite a few other examples:

We have about 7,000 tactical nuclear warheads stored at various locations in Europe. Other than the grave questions of first use, accidents, and control, the question which deserves public discussion is: would our security be any less with 6,000 such warheads in Europe? With 3,500? With 1,000?

We have nuclear weapons of all types stored in various nations around the world, as Senator Symington has pointed out. Presumably, we do so with the continuing consent of the host nations. But the President has formally refused to tell the Senate Foreign Relations Committee both which are the host countries, and under what conditions the weapons are stored there. Just what is it that the Administration is trying to hide? In his November 3, 1969, speech on Vietnam, President Nixon said:

"The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy."

President Nixon intended that statement for the public and for Vietnam policy. But it is just as true for Senators and for strategic nuclear policy—and for our alarming involvement in Laos.

The political developments of the last two decades are as significant as the strategic developments. No longer can it be said that there is a monolithic Communist power stretching from Europe to the Far East, and poised to strike at the United States or its allies. The Soviet Union and Communist China are heavily preoccupied with their own ideological and border disputes. They show little inclination to engage in an armed confrontation with other nations. Furthermore, many of the non-communist nations of Europe and Asia, which were destitute at the end of World War II, are now prosperous and vigorous enough to contribute even more to their own defense, and to the defense of their regions. The U.S. spends about 9 percent of its Gross National Product on defense, as an illustration; the NATO nations spend 5 percent.

The Administration has recognized these changes. But it has not yet made any substantial changes in our own military posture. We continue, for example, to deploy 320,000 troops in Europe and 250,000 of their dependents, at a yearly cost estimated to run between $12 and $15 billion. I do not suggest that all these troops be withdrawn. Some must remain to demonstrate to both NATO and the Warsaw Pact that any conflict in Western Europe will inevitably involve the military might of the United States. But certainly we do not need 320,000 troops to serve this "tripwire" function. We should withdraw the majority of these troops, and let the increasingly prosperous nations of Western Europe contribute more to their own defense.

Similarly, I doubt that the danger of Soviet invasion of Western Europe is sufficient to warrant production of the main battle tank. I think we should re-examine whether it is worth paying over a billion dollars for these new tanks.

In Korea, as in Europe, we have troops—two full divisions totalling 56,000 men in point of fact. This seems a much larger force than necessary to our national security. For almost twenty years we have armed and trained the Army of the Republic of Korea, at a cost of nearly $3 billion in grant military assistance funds to pay for the bulk of their army's operating costs. That army should now be capable of meeting any threat from the North. We need only deploy a small number of troops—if any at all—to demonstrate our commitment to South Korea's independence.

Also in Asia, the Defense Department has paid nearly $40 million in the past three years to the Government of the Philippine Civic Action Group, or PHILCAG. PHILCAG was a force of some 2,000 non-combat Philippine military personnel stationed in Vietnam, who were supposed to give credence to the belief that the non-communist nations in the Pacific Theater stand with us in Vietnam. If we did not use this $40 million to pay the salaries of non-combat Philippine soldiers in Vietnam, but instead used it for salaries of policemen, we could put about 6,500 additional policemen on the streets of Washington, D.C.

Indeed, the whole question of U.S. support for foreign armed forces requires re-examination. The budget request includes over $1 billion for the support of non-U.S. military forces—$450 million for personnel, $660 million for equipment. Some of these expenditures are associated with Vietnamization, some are not. Unfortunately, it is not considerd in the national interest for the American public to know how much we pay to which countries to keep their armed forces going. But I would like to suggest that it may well be worth examining—in public—which countries get how much, and then balancing the merits of that use against, say, spending the money on new schools here at home and letting the taxpayers in other countries pay for their own armies.

Substantial savings can also be obtained by a closer examination of our naval needs. At present we maintain a fleet of fifteen attack carrier task forces, even though the Soviet Union does not have a single attack carrier, and also has far fewer overseas bases than we do. Charles Schultze, the former Director of the Bureau of the Budget, indicated in testimony before the Joint Economic Committee that the size of our carrier fleet was the most questionable item in the military budget. The cost of each task force, which includes the aircraft carrier plus supporting ships is about $400 million per year. This is more than the budget request for the entire legislative branch of the government, including the Senate, the House, the Capitol, the Library of Congress, the Government Printing Office, the General Accounting Office—all the salaries and other costs. Yet, as Mr. Schultze suggested, the reason we have 15 attack carrier task forces may be purely historical. "In the Washington Naval Disarmament Treaty of 1921, the U.S. Navy alloted 15 capitol ships. All during the nineteen twenties and thirties the navy had 15 battleships. Since 1961 (with temporary exception of a few years during the Korean War) it has had 15 attack carriers, the 'modern' capitol ship. Missions and 'contingencies' have changed sharply over the last 45 years. But this particular force level has not." Clearly, when an attack carrier task force costs $400 million each year, it needs more than an historical justification. If, as Secretary Laird recently announced, we are not policemen of the world, do we really need 15 attack carriers?

Another questionable item in the Navy's budget is the anti-submarine warfare carriers. Former Secretary of Defense McNamara conceded that this is "a relatively high cost system in relation to its effectiveness." It can only be made more effective at great expense, and therefore its deployment should be promptly re-examined.

We should also examine whether both the Navy and the Air Force are presently planning to procure tactical aircraft which use far more sophisticated and expensive equipment than is really necessary. There is a danger that both services are paying exhorbitant amounts for "gold-plated" new planes which perform only marignally better than their predecessors. At a time when austerity is the watchword, this seems a good place to start being austere.

Since the federal budget is being sharply cut in so many areas, no aspect of military expenditures should be free from scrutiny. For example, the budget request includes $809 million for military family housing. Unquestionably such a program is necessary. But we are expending only $575 million for the Model Cities program. Is this the right allocation of the 1.4 billion dollars which the two programs together total?

Each B-52 flight from Guam to South Vietnam costs $50,000, including munitions and fuel. The budget request for the Bureau of Water Hygiene in HEW, which is responsible for setting standards for all the nation's drinking water, was cut by $400,000 from last year. Thus, it would take only eight fewer flights to make up the difference. Has anyone, anywhere in the government, made a decision that eight flights are more important than the quality of the nation's water?

Department of Defense officials have a number of special prerequisites, all of which bear close scrutiny. For example, the Secretary of each Cabinet department is assigned a limousine as befits his status. One exception is the State Department—the senior agency—which gets two. *But Defense gets ten*. Cabinet departments are also assigned additional chauffeur-driven cars for the use

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of sub-cabinet officials. Agriculture, Justice, Labor and HEW each get four such cars. *Defense gets seventy-six*. The Chief Justice of the Supreme Court has a car; the Associate Justices do not. The top three officials in the Senate and in the House have cars; the other Senators and Congressmen do not. The startling aspect of these figures is, of course, the special treatment accorded the Department of Defense.

I would like to cite a few more examples which help to illuminate how we have set our priorities in past years.

The public relations budget for the Department of Defense is $39 million this year, as the Department itself admitted. These funds are not for public information, or for recruitment—but for promotion around the country of the Defense Department's programs. The *total* request this year for civil rights enforcement activities in the Department of Justice is only $5 million, or one-eighth of the amount for public relations in the Department of Defense.

Last year's budget sought a sum in ammunition which breaks down to $22 for each Vietcong or North Vietnamese in and around North Vietnam; but sought only $44 for each school child in America.

This year's budget is about $1,000 for each American. Four-hundred of this goes for defense, only $4 goes for fighting crime.

The foreign aid request totals about $2 billion, about a third of which will be spent in Southeast Asia. More than a third of all overseas AID personnel work in Vietnam. Department of Defense spends about $45 billion to maintain our overseas commitments. It is hard to dispute the arguments of many critics that we appear more interested in making war abroad than supporting peace.

I think I have demonstrated that the President's budget request for the Department of Defense is not rock bottom. Further major cuts can and will be made perfectly consistently with an enhanced national security. The question is quite properly posed: how do we know where to begin? And how do we know when we have cut far enough?

One particular suggestion has always had considerable merit, in my judgment. The budgets for all cabinet departments—except Defense—are subjected to an intense adversary process in the Bureau of the Budget. In this process, each subdivision of each department must justify its program budget requests not only on the merits, but in comparison to other similar programs in any other departments. The Defense budget does not face this type of adversary process at any point in its long path to final approval. Instead, it is scrutinized within the Department of Defense, and then reviewed by a joint Budget Bureau-Defense team. It is almost as if the whole process were established to *prevent* an independent, tough-minded scrutiny. The suggestions for remedying this clearly inadequate situation usually embrace enlarging the extent of adversary examination of Defense budgets. It is hard to understand why the Defense budgets should be exempt from the same scrutiny applied to other budgets.

But beyond this technical change in the manner Defense budgets are prepared within the Administration, there are certain other steps we should take when this budget is presented to Congress. What I now want to suggest is a methodology for approaching the Defense budget context of a discussion of national priorities. This methodology rejects any special treatment for the Defense budget; instead, it seeks to stimulate adoption of a new realism toward what our national security requires, and a new realism toward balancing the priorities accorded all the different national needs.

We must first set goals. Surprisingly, there is general agreement on most national goals of broad scope. For example, it is national policy that each American should have a decent home and a suitable living environment. It is national policy that the paradox of poverty in the midst of plenty be eliminated. It is national policy that each American have equal employment and educational opportunities. It is national policy that our shores shall be protected from invasion. It is national policy that each American should have high-quality health care and be able to pursue a retirement life of dignity and security. It was national policy to land a man on the moon in the 1960's. An inventory of Congressional and Executive declarations of national policies or national goals will show that virtually every aspect of our lives is covered by one or another of these goals.

After we set these goals, *we must decide upon strategies* to reach them. This is a most difficult task, not only because it requires a decision as to the roles to be played by the different levels of government, but also because of the need for a decision on the division between government and the private sector. To illustrate, national defense is a responsibility of the Federal government; education is the responsibility of a mix of individuals and of governments of all levels; automobile manufacturing a responsibility of the private sector; and child-raising a responsibility of individual families. Strategies of course change from time to time, to reflect new conditions, We are witnessing just such a change as the Congress debates proposals for shifting both the nature and the burden of our welfare system.

Once we do have the strategies, then on the Federal level *we must decide how many Federal dollars each Federal function gets*. This is the meaning of the term "national priorities" as I have used it today, and the one most appropriate to those involved in the federal budget-making process.

Secretary of Defense Laird pointed out in his posture statement that:

"The federal government has not, in the past, been very well organized across the board to analyze basic problems of resource allocation."

All of us know this to be true. And all of us know, too, that we must change it if we are to restore some better balance to this country's approach to its future.

Despite all the rhetoric about the reductions in the size of the Defense budget, there has still been no fundamental re-examination of the concepts lying behind the Defense budget. Most of the reductions in defense spending over the past year are due to reductions in the scale of the Vietnamese war and cancellation of certain military projects of marginal value. Yet a fundamental re-examination is the key to reducing the budget's size without endangering our security.

All the issues I have raised—the future course in Vietnam, the deployment of Safeguard, the need for 15 air carrier task forces, the troop levels in Europe and Korea—should be part of this re-examination. I am confident that the result of the analysis will be substantial reductions in defense spending.

Because it may be helpful to the members of this Committee to have a concrete example of how specific cuts in the defense budget can save many billions without prejudice to our national security, I have abstracted a table from Fortune magazine of last August. This table shows specifically how the defense budget could be reduced by over $15 billion. I have attached this table to the end of my statement.

This brings me to an important point. Unless countervailing measures are taken, insistence on cuts in military spending will have a substantial adverse impact on many companies and employees. As a Senator from Massachusetts, I am acutely aware of the financial and intellectual resources which have been invested in defense and defense-related industries. When we reduce our military expenditures, these resources must be protected and must be converted to the most socially useful purposes.

This economic conversion cannot be accomplished automatically. That is why I intend, in the near future, to introduce legislation which will help prepare the way for conversion of defense research and development activities to socially-oriented civilian R&D. This legislation will require gradual reallocation of federal R&D spending 80 percent of which today goes to Defense, AEC, or NASA, from military to civilian uses. It will provide educational programs for scientists, technicians and management personnel who must re-direct their activities and for the Federal, state and local officials who will define the new market for socially oriented research and development. Finally, the legislation will provide special financial and educational assistance to the small defense firms which are faced with the necessity of conversion.

I recognize that there are some who will oppose the large-scale conversion of our resources. They will argue that any substantial reduction in our military spending will constitute a risk to our national security. But I do not believe this is so. On the contrary I believe that if we examine our national situation with a new realism we will see that we are truly taking risks only if we *fail* to reduce and reallocate military spending.

First, we are taking the risk that millions of Americans will die unnecessarily because of inadequate health care. The nation's chief advisor on health affairs, Dr. Roger Egeberg, has stated that we are at best a second-rate nation in the health field. This is no overstatement. For example, it is now widely known that the United States ranks only 14th in infant mortality rates. What is perhaps not so widely known is that if our mortality rate was as low as that of Sweden, 50,000 fewer American children would die each year.

In every other statistical category the United States lags far behind: 12th in maternal mortality; 11th in life expectancy for females and 19th in life expectancy for males. There is simply no reason to believe that we could not be doing far better—that we could not be saving hundreds of thousands of lives each year—if we allocated more resources to health care.

Another risk we take if we fail to reduce and reallocate military spending is that air, water and noise pollution will make our environment uninhabitable. The President's much publicized 37 point program is, as many have pointed out, not nearly good enough. In some areas, it actually reduced the federal effort against pollution. If we want to continue to enjoy the benefits of industrial technology, but without unacceptable adverse side effects, massive expenditures will be required.

And if we do not reduce and reallocate military spending, we take the risk that the plight of our cities—poor housing, poor schools, inadequate transportation and high crime rates—will grow even worse. We have already seen new housing fall victim to the fight against inflation, a fight in part made necessary by high military expenditures. We have seen the reading levels of our school children drop. We have seen the lack of mass transit clog our highways and prevent inner city residents from finding employment. We have seen general poverty, as well as understaffed courts, prisons and police departments, result in a staggering increase in crime. We need new expenditures in all of these areas, and we need the benefits of technical and managerial skills currently employed by the military.

Finally, if we do not reduce and reallocate military spending, we take the risk that millions of our citizens and particularly our young people will lose faith in their country and the values for which it stands. We must remember that we are bound together as a people not by brute force, or ethnic homogeniety or geographic compactness. We are bound together by a common faith that ours is a nation which is trying to assure to all its citizens the rights of life, liberty and the pursuit of happiness. If that faith is shattered, we will have lost what no weapons and no armies can ever secure us.

Mr. Chairman, I believe this nation is ready to reorder its priorities. I hope that this Committee, this Party and this Congress will help to lead the way.

DEFENSE BUDGET CUTS

[In millions]

	Savings
Reduce general-purpose tactical nuclear force (there are now 7,000 tactical nuclear warheads in West Europe alone)	$1,000
Eliminate one and a half NATO-oriented divisions (there will be 20⅓ active Army and Marine divisions at year-end. The United States-NATO forces cost $14½ billion a year and are in and of themselves more powerful than any force except the Soviet Union's)	1,125
Eliminate two Asia-oriented divisions (there are 56,000 troops in Korea; 45,000 in Okinawa; 40,000 in Japan; 30,000 in the Philippines; 49,000 in Thailand; 10,000 in Taiwan; and half a million in Vietnam)	1,500
Eliminate three tactical air wings, two in NATO, one in United States (we have now 8,500 active tactical aircraft, 800 more than in 1965)	1,360
Reduce attack aircraft carriers from 15 to 10	2,440
Reduce antisubmarine (ASW) carriers from 8 to 4 (incudes annual operating costs of $440 million and investment of $500 million)	
Reduce the strategic bomber force from 550 to 275 planes	750
Reduce amphibious ships	365
Savings in procurement and more efficient use of manpower (includes elimination of AMSA, cuts in shipbuilding, hold-down in officer rotation, and use of less expensive avioncs)	7,520
Total	17,000

(NOTE.—This table includes the $1.5 billion sought this year for Safeguard.)

[1] Adapted from Tables in Fortune magazine, August 1, 1969.

[From the Washington Post, Feb. 25, 1970]

DEMOCRATS RAP NIXON ON RIGHTS

(By William Greider)

The Nixon administration's performance on civil rights issues drew unusually caustic criticism yesterday from prominent Democrats, including labels of "racist" and "political expediency."

The platform for the attack was the first in a series of public hearings held by the Democratic Policy Council's committee on national priorities. The 15-member committee also heard Sens. Edward M. Kennedy (Mass.) and Edmund S. Muskie (Maine) deliver pleas for sharp reductions in defense spending in order to expand programs for human resources.

Kennedy cited nine areas where Pentagon spending could be cut by a total of as much as $17 billion, including withdrawal of a majority of the 320,000 U.S. troops in Europe. Muskie said the Nixon administration's balanced budget represents "unbalanced priorities."

Former Vice President Hubert H. Humphrey, who is chairman of the policy council, led the attack on President Nixon's leadership on civil rights, specifically the administration's shifting positions on the Stennis "equal enforcement" amendment adopted by the Senate last week.

"When the crucial battles were fought, the Commander-in-Chief abandoned the field," Humphrey charged.

Another member of the Democratic panel, Clifford Alexander, former chairman of the U.S. Equal Employment Opportunity Commission, put it more strongly. "We should describe this administration for what it is," Alexander said. "We should describe Spiro Agnew as a racist because that is what he is."

Alexander said the Vice President's recent attack on "open enrollment" programs at colleges were racist in suggesting that black graduates of these schools will not be competent to perform their professions.

Sen. Walter F. Mondale (D-Minn.), who led the liberals in their unsuccessful fight against the Stennis amendment, raised the civil rights issue by outlining what he described as a general failure of the Nixon administration to defend human rights.

"This administration," Mondale said, "is far more afraid of George Wallace than it is committed to human rights."

Alexander amended that: "This administration is not afraid of George Wallace—they're in alliance with George Wallace."

Mondale said that, given the temper of the nation and the lack of presidential leadership on integration, Democrats will "have to go back and re-argue this issue with the American people. We thought we settled it five years ago, but that's not true. Can we realize the American dream with a color line separating us? I don't think so."

At the same time, Mondale acknowledged, "Part of the problem is within our own party, we have to be candid about that."

On military spending, Sen. Kennedy recited some striking comparisons from the federal budget:

The Pentagon's military housing program, he said, gets $809 million compared to $575 million for the model cities program. The cost of operating one aircraft carrier task force is more than what is spent by the entire legislative branch of government.

The Department of Defense spends $39 million on public relations, compared to the $5 million spent by the Justice Department on civil rights enforcement.

Kennedy noted another indicator of special status which defense enjoys in Washington. Each department gets a limousine for its cabinet-level secretary—but the Pentagon gets ten of them. Justice, Agriculture, Labor and Health, Education and Welfare are each assigned four chauffeur-driven cars for their top officials. Defense, said Kennedy, gets 76.

Muskie also offered some comparisons of federal spending as examples of "unbalanced priorities." One is $275 million earmarked for developing a supersonic transport compared to $106 million for air pollution control. The nation, Muskie said, cannot afford to shift its spending at the "snail's pace" set by the Nixon administration.

[From the New York Times, Feb. 24, 1970]

DEMOCRATS SAY NIXON'S BUDGET SCRIMPS ON NEEDS OF THE PEOPLE

(By Warren Weaver Jr.)

WASHINGTON, February 24.—Democratic leaders opened a new assault on the Nixon Administration's spending priorities today as they prepared to welcome Lawrence F. O'Brien as their new national chairman.

Hubert H. Humphrey and a group of Democratic Senators accused the President of devoting billions of dollars of national resources to military and space purposes at the expense of the health and education needs of the people.

They were speakers at the first meeting of the Democratic Policy Council's Committee on National Priorities, held in a hearing room of the New Senate Office Building. Mr. Humphrey heads the council.

Word circulated among the Democratic leaders there that Mr. O'Brien, who served as national chairman during the last four month of 1968, had agreed to accept the post again at the invitation of Mr. Humphrey and was severing the last of his business connections.

ACTION DUE MARCH 5

The national committee meets here on March 5 to elect a successor to Senator Fred R. Harris of Oklahoma, who resigned the chairmanship two weeks ago. It is expected to follow Mr. Humphrey's recommendation.

While the Democratic speakers were laying down the rhetoric of their campaign against the Republican administration, a Senate subcommittee was carrying out the policy in the Capitol, moving toward another confrontation with President Nixon on spending priorities.

An Appropriations Subcommittee approved without change the $19.4-billion bill—providing funds for the Departments of Labor and of Health, Education, and Welfare for 1969-70—that passed the House last week. It is expected to reach the Senate floor later this week.

The bill is a substitute for the $19.7-billion measure President Nixon vetoed last month and is $447-million higher than Mr. Nixon has said he would accept. The Democrats insist this spending level cannot be considered inflationary because they had cut more than $5-billion from other areas of the President's budget.

Senator Harris accused the Administration of promoting "a wretched and heartless" economic policy that, he said, deliberately increases unemployment and "drives interest rates up out of sight."

Senator Edmund S. Muskie of Maine, the 1968 Vice-Presidential candidate, accused the Nixon budget of "balancing" $275-million for the supersonic transport against $106-million for air pollution control, $3.4-billion for space against $1.4-billion for housing.

"These 'balances' are not sacrifices we are forced to make in the battle against inflation," Senator Muskie declared. "They are examples of the wrong money at the wrong place at the wrong time."

"SO MUCH RHETORIC"

Senator Walter F. Mondale of Minnesota said the Republican budget shortchanged programs aimed at the health and education of children from birth to five.

"You hear so much rhetoric," he said, "but when it came to the budget, they've fought us every step of the way."

Shifting to the school desegregation debate in the Senate last week, Mr. Mondale declared that the President was "clearly equivocating" on the issue and "the Administration is far more afraid of George Wallace than it is committed to the principle of human rights."

Clifford L. Alexander, former chairman of the Equal Employment Opportunity Commission and a member of the priorities committee, advised his fellow Democrats that "we should describe Spiro Agnew as a racist because that is what he is."

Mr. Alexander was specifically objecting to a speech by the Vice President in Chicago on Feb. 12 in which he asked "When you are sick, do you wish to be attended by a physician who entered medical school to fill a quota or because his medical aptitude was high?"

[From the New York Times, Feb. 25, 1970]

KENNEDY ASSERTS THAT SUBSTANTIAL CUTS CAN BE MADE IN "ROCK BOTTOM" MILITARY BUDGET

(By Robert M. Smith)

WASHINGTON, February 24.—Senator Edward M. Kennedy said today that the military budget described by the Administration as "rock-bottom" could be substantially cut without any danger to the nation.

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In a wide-ranging speech to a Democratic policy group, the Senator pointed to a number of "aspects of our strategic defense policies which require re-examination."

The Massachusetts Democrat also said that most of the cuts in defense spending over the last year were due only to a reduction in the scale of the war in Vietnam. In making this argument, Senator Kennedy joined a number of Congressional critics of the Pentagon's budget who believe that the country has been misled by Administration statements that money is being shifted from defense to domestic needs.

The critics argue that the military budget reflects a cut in just one area: Vietnam. They say that the missiles, aircraft, ships, tanks and other items that made them unhappy last year are being funded at the same levels—if not higher ones—than last year.

"NEW REALISM" URGED

"What we need in our treatment of national defense and the defense budget," Mr. Kennedy told the committee on national priorities of the Democratic Policy Council, "is a new realism. What I hope would be forthcoming from the administration is a candid discussion of our national defense posture."

The Democratic Policy Council is a body set up by the Democratic National Committee to examine and make statements on the major issues of the day.

Discussing the nation's economic priorities, Mr. Kennedy said each B–52 flight from Guam to South Vietnam costs $50,000.

"The budget request for the Bureau of Water Hygiene, which is responsible for setting standards for all the nation's drinking water, was cut by $400,000 from last year," he said. "Has anyone, anywhere in the Government, made a decision that eight flights are more important than the quality of the nation's water?"

Mr. Kennedy said he expected that "careful analysis will show members of Congress a number of places where major savings in the defense budget can be made." He suggested as candidates for Congressional examination:

The Safeguard antiballistic missile system.

The proposed manned bomber fleet.

The 7,000 tactical nuclear warheads stored at various locations in Europe.

Production of the proposed Main battle tank.

The 320,000 troops the United States has stationed in Europe.

The extent of support for foreign military forces.

The Navy's fleet of 15 attack carriers.

CUTS CALLED FEASIBLE

Mr. Kennedy said that the Pentagon's budget request "is not rock bottom."

"Further cuts can and will be made perfectly consistently with an enhanced national security," he said.

Secretary of Defense Melvin R. Laird has described the new Pentagon budget as "rock bottom" and "bare-boned." He has also posted a warning to those on Capitol Hill who might be inclined to tamper with it: "It does not give room for Congressional cutting."

Critics in Congress are hardly taking Mr. Laird at his word. They have been plodding through the budget in the last few weeks, at least one of them with slide rule in hand, selecting this item, then that for scrutiny. They have been joined in their studies by a small but growing number of researchers at universities and private institutions and a few former Pentagon officials.

The Pentagon appears to be getting uneasy about the number of eyes looking over its shoulder. Barry J. Shillito, an assistant secretary of defense, recently warned in Cocoa Beach, Fla., that increasing concern by Congress and the public about the "military-industrial complex" may hamper the Pentagon's efforts to reduce spending. He said the "number and variety" of those inquiring into the military budget could stifle "efficient management."

PROXMIRE CRITICAL

When the Pentagon announced its budget for the fiscal year 1971, it pointed out that—at $71.8-billion—the budget was $5.2-billion below the amount for fiscal 1970.

The critics immediately said they had been cheated. Senator William Proxmire gave a speech on the Senate floor titled "Who Stole the Peace Dividend?" In the speech, the Wisconsin Democrat maintained that known cuts in military spending for things like the Vietnam war, military personnel and overseas bases should have given the Pentagon an extra $25-billion.

Yet, he said, the budget went down only $5.2-billion. "Somewhere along the line," he said, "even after generous allowances are made for inflation and pay raises, double counting and uncontrollable items, we lost about $10-billion. Someone stole the peace dividend."

Other Congressional critics point out that Mr. Laird said last fall that by the end of this June, the United States would be spending at an annual rate of $17-billion in Vietnam.

Since the United States spent $23.2-billion in Vietnam in the fiscal year 1970, this saving alone would be $6.3-billion.

What this means, their argument runs, is that the Pentagon has not cut back in anything but Vietnam, and that it is going full steam ahead with research and the procurement of new weapons.

Pentagon requests for research funds show a drop from $7.4-billion this year to $7.3-billion for fiscal 1971. The critics point out, however, that the decrease includes a $200-million cut in the "military astronautics" category and that some of the other categories—including "ships"—have increased.

Pentagon procurement requests have dropped from $20.3-billion to $18.6-billion. Again, however, the critics point out that a large part of the cut—$1.2-billion—comes in the "ordnance, vehicles and related equipment" category. They argue that this category—which includes munitions—is closely tied to the decreasing American involvement in Vietnam.

ADMINISTRATOR OF GENERAL SERVICES ROBERT L. KUNZIG DOING SOMETHING TO CURB GOVERNMENT PROPERTY THEFTS

Mr. WILLIAMS of Delaware. Mr. President, a problem of great concern to the Federal Government and the taxpayer is thefts of Government property by employees, freelancers off the street, and organized crime.

I am pleased to note that Administrator of General Services Robert L. Kunzig has instituted several programs to cut thefts and is doing something about it.

I ask unanimous consent that a column on this subject, written by Mike Causey, and published in the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 14, 1970]

GOVERNMENT PROPERTY THEFTS ON RISE

(By Mike Causey)

If you know the right person, you can pick up an expensive, slightly used electric typewriter for a couple of hundred dollars under the going retail price. The man you place the order with will probably steal it from a federal office here.

Office equipment—typewriters, adding machines, dictating devices, etc.—is a prime target of local thieves, free lance and organized. One of their best suppliers is Uncle Sam.

Last year they managed to walk away with or haul off $200,000 worth of government equipment here. Nationwide, the take is much higher. The thieves are hoping to improve on that record this year, and so far are well on the way to their goal.

Big, expensive items aren't the only things that are disappearing from government (and private industry) offices. The theft of personal property in government here is three times as large, although the financial rewards aren't as great from a pocketbook or radio carelessly left in an office at lunch or coffee break time.

Federal officials contacted by this column say the theft problem is bigger than ever—and getting worse.

They attribute the crimes to three types of bad guys. Employees, free-lancers (who often have narcotics habits to take care of) and organized gangs.

The problem with employees, officials say, is minimal. Most "thefts" involve nothing more than a box of paper clips, typewriter ribbons or ball-point pens. The free-lancers are "target of opportunity" types. They generally roam through federal buildings that are open to the public, and pick up whatever is handy.

The most sophisticated group—or groups—work like a regular discount business, although their overhead is lower. They, in some cases, will actually contact a potential client and take his order for a particular piece of expensive equipment.

If the buyer doesn't mind a used model and doesn't ask too many questions, he can get a typewriter that cost the taxpayers $460 wholesale for about $200. After that, all he has to do is worry about the FBI.

People who steal or possess stolen government property can look forward to—if they are caught—a maximum 10-year jail sentence, $10,000 fine, or both.

The General Services Administration, which buys and replaces most government equipment, is worried about the rising trend in office thefts, which is keeping pace with the national rise in crime.

Administrator Robert L. Kunzig has instituted several programs to cut thefts—most of them aimed at making employees more aware of the problem. GSA has printed and passed out 400,000 copies of a book telling government workers the do's and don'ts of office security.

Although the result would seem obvious, many employees leave valuables or money unattended in offices, something GSA cautions against doing. It also asks offices to assign a last-man-out type who will make sure that things that are supposed to be locked are locked, and so forth.

Agencies, at GSA's insistence, are also starting "visitor control programs." This means that a person coming into a federal building must inform guards of his business, have a pass, or have an appointment. Although many people resent this, the control program at the State Department has reduced the theft of federal property.

GSA is also installing, or has installed alarm systems in buildings so employees can alert guards if they see or suspect a theft. Offices are supposed to have a list of serial numbers for each piece of equipment. Guards are supposed to stop people walking out with typewriters.

Uncle Sam has a couple of other cards up his sleeve, aimed at making life harder for the thieves. Federal officials aren't eager for them to be made public, under the theory that even criminals read newspapers.

Meanwhile, administrators say their best line of defense is an alert and suspicious work force. Also, the average citizen, looking for a bargain in used office equipment, should make sure he isn't also buying a visit from the FBI.

CRIME IN WASHINGTON

Mr. MATHIAS. Mr. President, pursuant to my desire to remind Congress of its responsibilities in regard to the District of Columbia, I ask unanimous consent to have printed in the RECORD the Washington Post's listing of serious crimes committed in the city yesterday.

The list, containing at least 25 separate cases of crime within the District, must necessarily reflect the degree to which Congress has failed in providing adequate law enforcement within the city under its jurisdiction.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SOUTHEAST WOMAN SHOT AT ST. ELIZABETHS

A Southeast woman was shot to death on the grounds of St. Elizabeths Hospital yesterday. Police later arrested her estranged husband and charged him with homicide.

Police said Donnella Cook, 27, of the 4400 block of G Street SE, an employee at the hospital, was shot about 6:30 a.m. near the Nichols Building on the hospital grounds.

Her husband, Ellsworth Cook, 37, was arrested by an officer he had telephoned, police said.

In other serious crimes reported by area police by 6 p.m. yesterday:

ROBBED

High's dairy store, 1400 Pennsylvania Avenue SE, was robbed by two men, one of whom had a gun.

Catherine Bradleys, owner of a tourist home at 3611 14th St. NW answered the door and a man grabbed her and put a gun to her head. Two other men entered the home, tied up the woman and three other persons and escaped with cash and a mink stole.

Mary Lee Reid, while walking with Margaret Ann Gaines at 4th Street and Mississippi Avenue SE, was approached by three men. One carried a sawed-off shotgun and another had a pistol. They escaped with $5.

David Everett, an employee of the American Gas Station at 22 Florida Ave. NW, reported that two men, one armed with a shotgun and the other with a revolver, entered the station, threatened him and fled with money taken from the cash register and a desk drawer.

Cecil E. Saunders reported that three men, all with handguns, entered the B&B News Stand at 110 U St. NW Tuesday, and robbed him.

Samar Freemon, of Washington, reported a woman, armed with a gun, and four men robbed him while he was walking with a companion at 17th and Q Streets NW.

Mr. M. Smith, of Washington, was approached in the hallway of a building at 3511 19th St. SE at 7:30 p.m. by two men, one with a gun, who grabbed her pocketbook and fled.

Ophelia Williams, of Washington, was approached at 14th and Randolph Streets NW at 7:45 p.m. by a man with a gun who demanded her money. When she said she had none, the man grabbed her red leather purse containing personal papers and fled.

Howard Johnson, driver for Dupont Dry Cleaners, was robbed at 40 Girard St. NE at 9 a.m. by a man brandishing a .22-caliber automatic pistol.

Quentin Allen, of Oxon Hill, was approached by four men asking directions in the 2500 block of Savannah Terrace SE at 7:30 p.m. When he said he could not help, one man pulled a gun and demanded his money. The group then fled.

High's dairy store, 6301 New Hampshire Ave., Hyattsville, was held up about 8:55 p.m. Tuesday by two youths who entered the store when several customers were inside and carried some ice cream from the freezer to the checkout counter. Then one of the youths pulled out a revolver and warned, "This is a stickup." The pair fled on foot.

Jewel Box Wig Shop, 4705 Marlboro Pike, Coral Hills, was robbed at 1:10 p.m. yesterday by two youths, one of whom was armed. Prince Georges County police said the pair took money and fled on foot.

Harry E. Clemmons, of Washington, was held up at about 5:30 a.m. Wednesday while getting into his Bergmann's Laundry truck, parked in front of 436 Longfellow St. NW. A man carrying a sawed-off shotgun approached Clemmons and demanded money. He struck Clemmons in the face and escaped.

High's dairy store, 3308 11th St. NW, was robbed about 10 p.m. Tuesday by a man who asked for a pack of cigarettes, then produced a gun and forced clerk Donald Thomas to fill a sack with money.

High's dairy store, 2928 Georgia Ave. NW., was robbed at about 6:30 p.m. Tuesday by a man carry a long-barreled revolver. The man told clerk Gordon McLennc not to look at him, and forced McLennon to fill a sack the man was carrying with money.

Rosa Shaw, of Washington, was robbed of her purse containing $3 and personal papers at about 9 p.m. Tuesday. Miss Shaw was walking in the 900 block of Randolph Street NW when two men approached her from behind. One held a gun at her back and demanded money. The other grabbed her purse.

ASSAULTED

James Mock was cut on the left arm by an unknown man with whom he was arguing in his apartment building at 2821 28th St. SE. He was treated at Cafritz Memorial Hospital and released.

John B. Skinker, of Washington, reports that at 9:10 p.m. Tuesday, as he was driving in the 1700 block of Massachusetts Avenue NW, a car cut him off. When he yelled at the driver, the driver got out, struck Skinker in the arm and back, then broke two windows and the headlights of Skinker's car. The man then got back into his car and left.

Sharon White, of Washington, was beaten in the head at 10:30 p.m. Tuesday by a man who grabbed her from behind as she was walking at 44th Street and Sheriff Road NE. When Miss White screamed, the man fled.

STOLEN

A Navy dress uniform and other clothing valued at about $400 were stolen from a car parked at Idylwood Village Apartments, 2206 Pimmit Dr., Falls Church, sometime Monday night. Fairfax County police said the owner of the clothing was Allen D. Cox, of Lexington Park, Md.

An AM-FM radio, a camera, a quart of whiskey, a pint of brandy and a suitcase containing women's clothing, with a total value of $150, were stolen between 9 and 10 p.m. Tuesday from a car parked in front of 529 8th St. SE. The car belonged to Lois Fink, of 1028 S. Edison St., Arlington.

A set of white metal rings, a portable television set, two tape recorders, 28 pairs of pants, three sport coats and two raincoats, with a total value of $320, were stolen from the apartment of Micole Gorden Smith, 4660 Nichols Ave. SW, between 7 a.m. and 9 p.m. Tuesday.

FIRES SET

A fire was set at the home of Beulah Conners, 802 Rittenhouse Street NW, causing extensive damage to the basement. There were no injuries.

THE DETERGENT POLLUTION CONTROL ACT OF 1970

Mr. NELSON. Mr. President, I have introduced proposed legislation to ban polyphosphates in detergents in the United States by June 30, 1972, and to set and implement national pollution control standards on all detergent ingredients by the same date. The bill is entitled "The Detergent Pollution Control Act of 1970."

Such legislation is essential to put a halt once and for all to the massive pollution of our rivers and lakes by detergents, which are now being used in this country at the incredible rate of 5.5 billion pounds per year, 27.5 pounds for every man, woman, and child.

The continuing pollution of our environment from detergents is a classic example of industry's reluctance to accept environmental responsibilities for its products beyond the end of the production line. And it is evident that the detergent industry has no intention of moving expeditiously on its own to meet the problem. This is a situation that America can no longer tolerate, if it is really to make an effective national commitment to halting the tide of environmental destruction.

Seven years ago, I introduced a bill which would have brought Federal action on the detergent pollution problem. The bill, which passed the Senate, would have created a commission to study and make recommendations that would lead to effective controls.

Today, we still delay, while the detergent pollution accelerates, just as we have delayed action on toxic-persistent pesticides until they have brought on an environmental disaster of worldwide proportions.

There is no doubt we will soon reach the same sorry state with detergents, unless Congress acts now to eliminate the pollution from this source once and for all.

With its provisions requiring the elimination of the polyphosphates in detergents, and requiring the establishment of national environmental standards on all detergent ingredients, the Detergent Pollution Control Act would be a major step forward in accomplishing this.

For at least 18 years, scientists and the detergent industries have known that the polyphosphate ingredients—which comprise up to 50 percent of almost every pound of laundry detergent and up to 90 percent of mechanical dishwashing compounds—were concentrating to ever higher levels in the Nation's waters, contributing to an environmental disaster of staggering proportions.

Research published in 1966 by scientists of the U.S. Public Health Service; the report of the Lake Erie Enforcement Conference Technical Committee, March 1967 and the report of the Technical and Advisory Boards to the U.S.-Canada International Joint Commission of September 1969, as well as other scientific studies in the United States and abroad demonstrate that polyphosphates in detergents are an undeniable major cause of the algae water pollution.

The detergent polyphosphates pass through all but the most advanced sewage treatment systems into our waterways, where they feed tiny, green plants—algae—which then multiply until they become a large green mass called an algae mat. When the algae mats die off, their decay depletes the water of its life-giving oxygen, choking other forms of more desirable aquatic life, including

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fish, and algae masses drift up on miles of beaches, destroying all recreation values with their stench and slime. This whole process also can give drinking water both a bad taste and an unpleasant odor.

The algae growth also contributes to "eutrophication," the process by which our lakes fill and die. Normally, eutrophication is a centuries-long process, but algae and other pollution can cut it to a few decades.

Algae pollution has already taken a tragic toll on our Great Lakes and on other major U.S. lakes such as Douglas Lake in Michigan, Green Lake in Washington, Upper Klamath Lake in Oregon, Lake Mendota in Wisconsin and Lake Zoar in Connecticut, in addition to affecting hundreds of smaller lakes and rivers across the country. During the summer time, the western part of Lake Erie, a dying lake, contains algae mats that sometimes cover 800 square miles and are two feet thick.

Although there are other sources, detergents are the major contributor of polluting polyphosphates into our environment. According to the U.S.-Canadian International Joint Commission, 50 to 70 percent of the total input of phosphorus from all municipal and industrial wastes into Lake Erie and other lower Great Lakes stems from detergents. If the polyphosphates in detergents are not controlled, the commission predicted that in 16 years the input would top 70 percent.

On Lake Erie alone, two thirds of the huge phosphate input from municipal sewage comes ultimately from synthetic detergents. Altogether, 26 million pounds of phosphates from detergents are going in to already polluted Lake Erie every year.

On a national scale, 2.6 billion pounds of phosphates used in detergents ultimately end in our waterways.

Unless we are to continue the difficult, if not impossible, effort to deal with these and other persistent, polluting compounds after they get into the environment, the only real solution will be requiring a substitute in detergents for the polyphosphates. Otherwise, these compounds will continue to accumulate and persist in our waters, catalyzing massive algae growths, further degrading the quality of our waters, and depriving our citizens of priceless recreation assets.

Fortunately, there are non-polluting substitutes within reach now for this polluting ingredient, substitutes which are capable of doing the polyphosphates job of softening water and preventing soil from redepositing on clothes in the washing machine.

The most recent dramatic instance of this was testimony before House Subcommittee on Conservation and Natural Resources last December in a hearing on detergent pollution chaired by Congressman Reuss of Wisconsin.

Dr. I. A. Eldib, president of Eldib Engineering and Research, Inc., said that one substitute that he has developed for the polyphosphates are organic polyelectrolytes, chemicals containing only carbon, hydrogen, and oxygen. Dr. Eldib said practical washing tests have shown that the polyelectrolytes are feasible as substitutes for the polyphosphates in both household and industrial detergents, and added that the polyelectrolytes can be derived from natural resources such as starch as well as from petroleum chemicals.

Dr. John J. Singer, Jr., president of Hamshire Chemical Division, W. R. Grace and Company, testified before the same subcommittee that NTA—a nitrogen-based compound known as nitrilotriacetic acid—could also be effective in alleviating the polyphosphate pollution. Dr. Singer said that NTA could act as an effective partial substitute for the polyphosphates, in combination with the phosphate ingredient.

Polyphosphate substitutes made from corn and potato starch have also been reported by Eldib Engineering.

And in Sweden, AB Helios, which makes detergents sold in consumer cooperative supermarket outlets, has removed most of the phosphate builder from its products and has substituted an organic nitrogen compound.

Yet at the December hearing, the Soap and Detergent Association, representing the major U.S. detergent manufacturers, continued to deny that the polyphosphates are a major contributor to pollution. Further, even in the face of the rapidly growing evidence of feasible substitutes, the association in its testimony continued to deny even the need for a polyphosphate replacement, or even for a reduction in the polyphosphates, which as noted earlier, comprise up to 50 percent of each pound of detergents.

Though industry continues to drag its heels, the public recognition of the detergent pollution is increasing at a dramatic rate. Just recently, the Canadian Government announced that it plans to make detergent phosphate pollution a criminal offense under the water pollution control legislation now before Parliament, and further, that it would outlaw the phosphates in detergents in 2 years. I ask unanimous consent that the article reporting this highly significant move be printed in the Congressional Record at the end of these remarks.

Grave concern over the future of the Great Lakes brought similar recommendations recently from technical advisory boards to the U.S.-Canadian International Joint Commission. The boards urged immediate reduction in the phosphorus content of detergents to minimum practical levels, and by 1972, complete replacement with substitutes less harmful to the environment.

And while the U.S. Department of the Interior showed reluctance at the House hearing in December to support phosphorus elimination or reduction now, more recent statements indicate a firmer position urging elimination of the compound.

The history is clear. The detergent industry has not, and apparently does not intend to act on the phosphates unless it is evident there is no other choice. This was also the case in the early 1960's with another detergent pollution problem. Then, only when it became obvious that Congress was deeply concerned about the massive mountains of suds that were building up on our rivers and lakes because of another detergent ingredient, did the industry move to modify its products and cut the foaming problem.

The important first section of the bill I have introduced this week would bring the necessary first step in ending current detergent pollution by declaring that phosphorus would be banned in detergents by June 30, 1972, under the enforcement of the Secretary of the Interior.

The second part of the legislation is designed to eliminate other current and potential detergent pollution by establishing national environmental standards on all detergent ingredients, which industry must meet by June 30, 1972.

Although the attention is now focused on the phosphates, other detergent ingredients also are posing environmental dangers. Although the detergent industry several years ago replaced the branch chain of poorly biodegradable wetting agents by a new compound called LAS—linear alkylbenzene sulphonate—there is evidence that even the LAS does not decompose adequately, especially in septic tanks. Further, reports from Europe in 1966 gave evidence that LAS byproducts of decomposition after entering the waters are toxic to fish and lower forms of aquatic life.

Enzymes are another present detergent ingredient over which there is cause for environmental and health concern. Enzymes are now being put into practically every type of household detergent, even though we have not even begun to understand their possible environmental effects. For instance, reports from England indicate that some workers manufacturing enzymes may have suffered severe asthmatic attacks, possibly as a result of exposure to the enzymes. Even now, the Federal Trade Commission is investigating these possible enzyme dangers. Also, if enzymes are not completely free from live spores, which can be a byproduct of their production, scientists point out that they have a potential as carriers of disease.

As I pointed out January 19 in a speech on the Senate floor, a fundamental step in achieving an effective national policy to protect our environment must be the establishment of national performance standards, so that products will be tested and environmental and health protections built in before, not after, they reach the marketplace.

It is on this concept that the portion of my bill establishing national standards for all ingredients in detergents, including whatever substitute is made for the phosphates, is based. This approach to the detergent problem was first proposed in the legislation I introduced in 1963. I believe it is increasingly evident that action is needed now to establish and implement such standards.

A section-by-section analysis of the Detergent Pollution Control Act of 1970 follows:

Section 1 is the short title of the act—the Detergent Pollution Control Act of 1970.

Section 2 is the declaration of policy and purpose.

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Section 3 amends the Federal Water Pollution Control Act to add four sections as follows:

A new section 19 which adds definitions essential for the purposes of this act;

A new section 20 which will make it unlawful after June 30, 1972, for any person to import into the United States or manufacture in the United States any detergent containing phosphorus. The remainder of this section establishes the procedures by which the ban will be implemented and enforced;

A new section 21 which directs the Secretary of the Interior to establish standards of ability, biodegradability, toxicity, and of effects on the public health and welfare which must be met by all synthetic detergents.

Under this section, the Secretary will prescribe and publish the standards in the Federal Register on or before June 30, 1971. Detergents will be required to be in compliance with the standards a year later, after June 30, 1972. Violators will be guilty of a misdemeanor and upon conviction of such will be subject to a first offense fine of up to $5,000 and a fine of up to $20,000 for subsequent violations.

The standards shall be designed to insure that synthetic detergents will not encourage the growth of algae, will decompose in sewage treatment processes, will not pollute surface or ground waters receiving effluent from these processes, will not be toxic to fish and wildlife, and will not pose hazards to human health.

A new section 22 which authorizes a $10 million a year Federal assistance program for the next 5 years to accelerate the development and manufacture of near-pollution-free detergents. Under this section, the Secretary of the Interior would inventory and report existing technology and assist in the research and development of ingredient formulations which would eliminate pollution from detergents.

In carrying out the purposes of sections 21 and 22, the Secretary is authorized to make grants and contracts.

Mr. President, I ask unanimous consent that the Detergent Pollution Control Act, which was numbered S. 3507 and referred to the Committee on Public Works, be printed in the Record at the end of these remarks.

Also, I ask unanimous consent that a column written by Art Buchwald and published in today's Washington Post be printed in the Record, along with the New York Times story reporting Canada's recent moves against detergent pollution. Mr. Buchwald's column makes the point about pollution from detergents with devastating effectiveness.

There being no objection, the items were ordered to be printed in the Record, as follows:

S. 3507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Detergent Pollution Control Act of 1970".

DECLARATION OF POLICY AND PURPOSE

Sec. 2. The Congress finds and declares that:

(a) The surface and groundwaters in the United States are being seriously polluted and degraded by the continuing discharge into such waters of synthetic detergents whose ingredients feed polluting green algae, deprive lakes and rivers of life-giving oxygen, decompose slowly or not at all, and can be toxic to fish and wildlife and pose human health hazards;

(b) To abate and control the pollution and degradation of surface and groundwaters in the public interest, it is necessary to insure that the components of synthetic detergents which are offered for introduction or delivery into interstate commerce in the United States, or imported into the United States, and which may eventually be discharged into such waters, not cause or contribute to the pollution or degradation of such waters;

(c) Research published in 1966 by scientists of the U.S. Public Health Service; the report of the Lake Erie Enforcement Conference Technical Committee, March, 1967 and the report of the Technical and Advisory Boards to the U.S.-Canada International Joint Commission of September, 1969, as well as other scientific studies in the United States and abroad demonstrate that polyphosphates in detergents are an undeniable major cause of water pollution, accelerating beyond control the growth of algae which interfere with fishing, navigation, recreational use of water, and degrade the water to the detriment of our water resources and the environment generally;

(d) Published findings in the patent and scientific literature and recent public scientific testimony before Congress confirm that non-phosphorus based ingredients have been found which perform at least as well as the present polyphosphate ingredients in synthetic detergents and soaps;

(e) Congress must require the use of nonpolluting substitutes for deterrent polyphosphates in order to protect our lakes and rivers from further degradation from this pollution source;

(f) There are strong indications that the wetting agents in detergents such as the linear alkylbenzene sulfonates (LAS) and alkylphenone derivatives are not adequately degradable in septic tanks and continuously operated biological treatment units and that they are toxic to a degree which affects lower forms of aquatic life; and that the recently added enzyme ingredients in pre-soak compounds and laundry detergents have been found to pose health hazards to humans on direct exposure, and may also act as disease carriers if they are not free from live spores;

(g) In order to eliminate wherever possible massive damage to the environment from unforeseen or ignored consequences of the products and byproducts of our society, and to minimize public expenditures frequently required to restore the damaged environment, it is necessary that national standards be established that require all ingredients, present and proposed, in detergents be tested for environment and health protection before they enter the environment;

(h) Congress must direct the establishment of standards of detergents biodegradability, water eutrophication ability, toxicity, and effects on the public health and welfare, to achieve pollution free detergents;

(i) To accelerate the development of manufacture of detergents that are free of phosphorus and whose other ingredients, including the phosphorus substitutes, are pollution-free, there is a need for the Federal government to inventory and report on the presently available technology on the substitutes for polyphosphates in detergents and other technology relating to the development of pollution-free detergents, and to provide assistance for research and development of new technology where needed.

Sec. 3. The Federal Water Pollution Control Act is amended by redesignating section 19 as Section 23 and by inserting after section 18 new sections as follows:

DEFINITIONS

"Sec. 19. For the purposes of this section and sections 20, 21, and 22,

"(a) The term 'synthetic detergent' or 'detergent' means a cleaning compound composed of inorganic and organic components, including surface active agents, soaps, water softening agents, builders, dispersing agents, corrosion inhibitors, foaming agents, buffering agents, brighteners, fabric softeners, dyes, perfumes, enzymes, and fillers, which is available for household, personal, laundry, industrial and other uses in liquid, bar, spray, tablet, flake, powder, or other form.

"(b) The term 'polyphosphate builder' or 'phosphorus' means a detergent ingredient used principally as a water softening and soil spending agent made from condensed phosphates, including the pyrophosphates, the triphosphates (frequently called tripolyphosphates) and the glossy phosphates or metaphosphates.

"(c) The term 'Secretary' means the Secretary of the Interior.

"BAN OF PHOSPHORUS IN DETERGENTS

"Sec. 20. (a) It shall be unlawful after June 30, 1972, for any person to import into the United States or manufacture in the United States any detergent containing phosphorus.

"(b)(1) Any detergent containing phosphorus imported or manufactured in violation of this section shall be liable to be proceeded against on libel of information and condemned in any district court in the United States within the jurisdiction of which such detergent is found.

"(2) Such detergent shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this subsection shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury. When libel for condemnation proceedings under this subsection, involving the same claimant and the same issues, are pending in two or more jurisdictions, such pending proceedings, upon application of the United States or the claimant seasonably made to the court of one such jurisdicton, shall be consolidated for trial by order of such court, and tried in (A) any district selected by the applicant where one of such proceedings is pending; or (B) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the United States or the claimant may apply to the court of one such jurisdiction, and such court (after giving the other party, the claimant, or the United States attorney for such district, reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

"(3) Any detergent condemned under this subsection shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this subsection, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such detergent shall not be sold under such decree for a use which would result in the pollution of the navigable waters of the United States; except that after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond con-

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ditioned that such detergent shall not be sold or disposed of contrary to the provisions of this section, the court may by order direct that such detergent be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this section under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the person obtaining release of the detergent under bond.

"(4) When a decree of condemnation is entered against the detergent, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the detergent.

"(5) In the case of removal for trial of any case as provided by paragraph (2) of this subsection—

"(A) the clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction; and

"(B) the court to which such case is removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

"(c)(1) The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this section.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this section, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(d) All libel or injunction proceedings for the enforcement, or to restrain violations, of this section shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

"(e) The Secretary of the Treasury and the Secretary shall jointly prescribe regulations for the efficient enforcement of the provisions of subsection (g) of this section, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary shall determine.

"(f)(1) The Secretary is authorized to conduct examinations, inspections, and investigations for the purposes of this section.

"(2) For purposes of enforcement of this section, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (A) to enter, at reasonable times, any factory, warehouse, or establishment in which detergents are manufactured, processed, packed, or held, or to enter any vehicle being used to transport or hold such detergents; (B) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinshed materials; and (C) to obtain samples of such materials. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any sample, prior to leaving the premises, he shall give it to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge. If the owner, operator or agent in charge of the factory, warehouse, establishment or vehicle refuses to permit the Secretary's designee to enter, inspect or obtain samples as authorized by this subsection, the Secretary's designee may seek a warrant from any court or magistrate to enter, request or obtain samples as authorized by the subsection, and such warrant shall be granted if the court or magistrate finds probable cause to believe that detergents containing phosphorus which were imported or manufactured in violation of this section are in the factory, warehouse, establishment or vehicle.

"(g)(1) The Secretary of the Treasury shall deliver to the Secretary, upon his request, samples of detergents which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Secretary and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that such detergent contains phosphorus, such detergent shall be refused admission, except as provided in paragraph (2) of this subsection. The Secretary of the Treasury shall cause the destruction of any such detergent refused admission unless such detergent is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.

"(2) Pending decision as to the admission of a detergent being imported or offered for import, the Secretary of the Treasury may authorize delivery of such detergent to the owner or consignee upon the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury.

"DETERGENT STANDARDS

"SEC. 21 (a) The Secretary shall establish standards of water eutrophication ability, biodegradability, toxicity, and of effects on the public health and welfare which must be met by all synthetic detergents, according to the procedures prescribed herein.

"(b) The standards shall be designed to insure that synthetic detergents will not encourage the growth of algae and other undesirable aquatic plants, will substantially decompose or degrade in municipal, industrial, and other sewage treatment processes without impairing the efficiency of such processes, will not pollute surface or ground waters receiving effluent from such processes, will not be toxic to, or threaten or interfere with the conditions of the reproduction or the survival of fish and other forms of aquatic life, and will not pose hazards to human health.

"(c) The standards shall be based on studies which shall include a water eutrophication ability test in algae growth basal media containing each of the individual components of synthetic detergents, and a biodegradability test which shall truly simulate the operation of municipal and industrial sewage treatment processes employing biological treatment with practical and typical retention times in order to predict the concentration of undegraded or undecomposed components of synthetic detergents which would enter the waters receiving the effluent from such processes, and other tests which the Secretary determines may be appropriate.

"(d) The Secretary shall, on or before June 30, 1971, prescribe and publish in the Federal Register, pursuant to section 553 of title 5, United States Code, such standards and rules and regulations as are necessary to carry out the policy of this section.

"(e) Any detergent which after June 30, 1972, does not conform with standards, rules and regulations prescribed pursuant to subsection (d) of this section shall be liable to be proceeded against on libel of information and condemned in any district in the United States within the jurisdiction of which such detergent is found.

"(f) The Secretary and the Secretary of the Treasury shall jointly promulgate rules and regulations that prohibit the importation of any synthetic detergent which fails to meet the standards as established herein.

"(g) Any person who willfully violates any provision of rules and regulations established pursuant to this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject for the first offense to a fine of not more than $5,000 and for any subsequent offense to a fine of not more than $20,000.

"(h) In carrying out the purposes of this section, the Secretary is authorized to make grants and contracts.

"(i) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"FEDERAL ASSISTANCE

"SEC. 22. (a) To accelerate the development and manufacture of detergents that are free of phosphorus and whose other ingredients, including the phosphorus substitute, are pollution free, the Secretary shall inventory and report existing technology on substitutes for polyphosphates in detergents, and other technology relating to the development of pollution free detergents, and shall also assist in the research and development of formulations which will eliminate pollution from detergents. In carrying out the purposes of this subsection, the Secretary is authorized to make grants and contracts.

"(b) For the purposes of this section, there is authorized to be appropriated to the Secretary for the fiscal year beginning July 1, 1970, and for each of five subsequent fiscal years, $10 million.".

CANADA TO BAN ALL PHOSPHATES IN DETERGENTS OVER 2-YEAR SPAN

(By Jay Walz)

OTTAWA.—The government, confident that it has the full backing of the 10 provinces, plans to ban phosphates in detergents in two years.

J. J. Greene, Minister of Energy, Mines and Resources, said today that phosphate pollution of water would be made a criminal offense under the Canada water control legislation now before Parliament.

Mr. Greene announced a few days ago that the Canadian Government would join the United States in a cooperative drive against phosphates as a factor in contaminating boundary waters such as the St. Lawrence River and the Great Lakes. This week Mr. Greene discussed the problem with provincial premiers here for a conference with Federal authorities.

"There was a clear agreement—everyone said they would go for it," Mr. Greene said afterward.

Pollution control in Canada is mostly within the jurisdiction of the provinces, because they own most of the waters. Mr. Greene's pending bill would implement a Federal clean-up policy in waters that are outside provincial boundaries or are regarded as national waterways.

WOULD OFFER INCENTIVES

Under the bill, the Federal Government would offer aid and incentives to provinces udertaking antipollution projects in their own waters. It would also seek agreements with the provinces to establish specific areas of joint control where penalties under the Canada Criminal Code would be applied to violators of pollution controls.

Phosphates, used to give detergents their whitening powers, speed the growth of algae when washed into lakes or rivers. The increased algae upset the ecology and other marine life dies.

Mr. Greene said he would propose amending the pending bill to have phosphates eliminated progressively from detergents until they are completely outlawed by the end of 1972. The minister said he would notify the detergent-manufacturers that he expected the first cutbacks to begin Aug. 1.

A new concern among Canadians over the widespread use of laundry detergents resulted from a recent survey by Pollution Probe, a study group at the University of Toronto. It showed some leading brands of detergents containing more than 40 per cent phosphate. The laboratory analysis of 24 brands indicated also that some products had four times as much phosphate as others.

In Toronto, Brian Kelly, spokesman for the study, said the survey was aimed at informing consumers of the different phosphate levels in various products and to persuade them to switch to soap or low-phosphate detergents.

PRODUCTS ARE ANALYZED

The analysis showed that Whisk, a Lever Brothers product, had a phosphate content of only 10.5 per cent, compared with 41.5 per cent for the same company's Drive. Colgate-Palmolive's Bio-Ad was 49 per cent phosphate compared with the same company's Ajax 2, which had 36 per cent phosphate. Procter & Gamble's Cheer showed 44.5 per cent phosphate in the analysis, while the same company's Bold had only 32.5 per cent.

Spokesman for Procter & Gamble and Colgate-Palmolive have declined comment on the findings. However, Alan Rae, president of Lever Detergents, Ltd. (Toronto), said the company had introduced Whisk, the low-phosphate detergent, about 15 years ago without great success.

Housewives, he said, had not been attracted to it, "although it is quite usable" in washing machines and "is effective as a pre-soaker." As a result, he said, the company has spent little money promoting Whisk. It might now consider spending more, he indicated.

Pollution Probe said in a brief release that copies of the analysis results might be obtained by sending stamped, self-addressed envelopes to Pollution Probe, University of Toronto, Toronto 181, Ontario.

Laundry Fanatic Started It All

(By Art Buchwald)

Everyone talks about water pollution, but no one seems to know who started it. The history of modern water pollution in the United States dates back to Feb. 28, 1931, when Mrs. Frieda Murphy leaned over her backyard fence and said to Mrs. Sophie Holbrook, "You call those shirts white?"

Mrs. Holbrook blushed and said, "They're as white as I can get them with this ordinary laundry soap."

"What you should use is this Formula Cake soap which guarantees against the dull washtub gray look that the family wash has always had."

Skeptical, but adventurous, Mrs. Holbrook tried the Formula Cake Soap, which happily did take the gray out of her husband's shirts. But what Mrs. Holbrook didn't know was that after the water was drained from the tub, it emptied into the sewer, which emptied into the Blue Sky River, killing two fish.

Three years later Mrs. Murphy leaned over the fence and said to Mrs. Holbrook. "It's none of my business, but are you still using that Formula Cake soap?"

"Yes, I am."

"No wonder your husband's shirts always look dirty around the collar."

"I can never get the dirt off the collar," Mrs. Holbrook cried.

"You can if you use Klonk Soap Chips. They were designed especially for collar dirt. Here, you can have my box."

Mrs. Holbrook used the Klonk and the next time her husband put on his shirt he remarked, "How on earth did you get the collar clean?"

"That's my secret," said Mrs. Holbrook, and then she whispered to no one in particular, "and Mrs. Murphy's."

But unbeknownst to Mrs. Holbrook, the water from Klonk Soap Chips prevented any fish downstream from hatching eggs.

Four years later, Mrs. Murphy was hanging up her shirts and Mrs. Holbrook said, "How did you ever get your cuffs so white, surely not with Klonk?"

"Not ordinary Klonk," Mrs. Murphy said. "But I did with Super Fortified Klonk with the XLP additive. You see, Super Fortified Klonk attacks dirt and destroys it. Here, try it on your shirts."

Mrs. Holbrook did and discovered that her husband's shirt cuffs turned pure white. What she couldn't possibly know was that it turned the river water pure white as well.

The years went by, and poor Mrs. Murphy died. Her daughter-in-law took over the house. Mrs. Holbrook noticed how the daughter-in-law always used to sing as she hung up her wash.

"Why do you always sing?" asked Mrs. Holbrook.

"Because of this New Dynamite detergent. It literally dynamites my clothes clean. Here try it, and then let's go to a movie, since Dynamite detergent takes the drudgery out of washing."

Six months later the Blue Sky River was declared a health hazard.

Finally, last year Mrs. Murphy's daughter-in-law called over to Mrs. Holbrook, "Have you heard about Zap, the enzyme giant killer?"

A few days later, as Mr. Holbrook was walking home from work, he accidentally fell into the Blue Sky River, swallowed a mouthful of water and died immediately.

At the funeral services the minister said, "You can say anything you want about Holbrook, but no one can deny he had the cleanest shirts in town."

HILARY SANDOVAL, SMALL BUSINESS ADMINISTRATOR

Mr. MURPHY. Mr. President, the Los Angeles Times of Tuesday, February 24, contains an open letter to the President signed by leaders of the Mexican-American community in California commending President Nixon for his appointment of Hilary Sandoval as Administrator of the Small Business Administration. Mr. Sandoval holds the highest appointive office a person of Mexican descent has ever held in the history of our country, and I am very pleased that the President has recognized the potential contributions to our Government which can be made by our Mexican-American citizens. The letter praises Mr. Sandoval for making available greater economic opportunity for the disadvantaged and praises President Nixon for his wisdom in selecting Hilary Sandoval for this highly important Government position.

I ask unanimous consent that the letter and the accompanying list of signatories be printed in the RECORD.

There being no objection, the letter and list were ordered to be printed in the RECORD, as follows:

AN OPEN LETTER TO THE PRESIDENT

PRESIDENT OF THE UNITED STATES OF AMERICA,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: We commend you for the appointment of Hilary Sandoval to the highest appointive office a person of Mexican descent has ever held in the history of our Country.

We are proud of what he has accomplished for our community, for all Americans!

As Administrator of the Small Business Administration, Mr. Sandoval has implemented your programs to provide economic opportunity for the disadvantaged. He has actively promoted private enterprise in our communities.

Administrator Sandoval has met with us frequently. Through his efforts, private enterprise has acted to cooperate with the Small Business Administration for the economic development of our community. Your support of him and of his agency's programs is concrete evidence of your deep commitment to provide an opportunity for all Americans, to build a bridge to human dignity across the chasm that has often separated one group of Americans from another.

We realize that goals are achieved over a period of time, but we can now look forward with hope and confidence to seeing that more of the ten million Spanish speaking Americans have a "piece of the action", and with it, the dignity and self respect that comes only from participation in the economic mainstream.

America, our Country, is a great nation not because of what government does for the people; but because of what the people do for themselves, and their neighbors. Your Administration has begun to adjust to the people's needs. It has encouraged, in a positive way, the voluntary means of providing an opportunity for all Americans.

The economic iron curtain surrounding our community is disappearing. The bridge you designed to bring us together is becoming a human reality.

Our thanks to Mr. Sandoval.

And thank you, Mr. President.

SIGNERS

Aguirre, Machine Salesman.
Alba, Alba Office Equipment.
Richard Amador, Agency Director.
Bob Apodaca, ABC–TV.
Gil Apodaca, Contract Compliance Officer.
Manuel Aragon, The Fluor Corporation.
Manuel Aranda, Attorney-at-Law.
Joe Arellano, La Colonial Tortilla Products.
Hon. John A. Arguelles, Judge of the Superior Court.
Sergio Arrendondo, Businessman.
Henry Ayala, Tu-Vets Printing Co.
Manuel Bagues, Bagues Mortuaries.
Jim Baiz, Olympic Blue Printing Co.
Ramona Banuelos, Ramona's Food Products Inc.
Frank Biamontes, Businessman.
Francisco Bravo, M.D.
John Calderas, San Diego Service Center.
Julio Campos, Campos Auto Body Shop.
Art Cano, Community Redevelopment Agency.
Oscar Carabello, Carabello Furniture Store.
Carlos Carbojal, Imperial Ink Company.
Ramon Cardenas, Bilingual Systems Company.
Frank Casado, Businessman.
J. B. Casos, Sr., Jobs for Progress, Inc.
Felix Castro, Youth Opportunities Foundation.
Rudolph Castro, Special Assistant to Governor Reagan.
Bay M. Ceniseroz, Del Manufacturing Company.
Rudy Ceniseroz, R. & R. Sheetmetal.
Rudy Cervantes, Cervantes Neckwear Inc.
Anthony Chavez, Prudential Insurance Company.
Carlos Chavez, Repro-Chrom Company.
Mike Chavez, Pacific Telephone Company.
Art Chayra, General Contractor.
Ruben Chayra, M.D., Physician-Surgeon.
Elias Chico, Mexican American Nurses Recruitment Program.

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Robert Collins, Hi-Pro Food Company.

V. Cornejo, Mission English Language Center.

Charles M. Cruz, Certified Public Accountant.

Ralph Cruz, Atkins Supper Club.

Hector Cruz, D.D.S.

Joe Delgado, Landscaper.

Manuel M. Delgado, Del Manufacturing Company.

Peter Diaz, State Program Administrator.

Richard Diaz, Businessman.

Gil Enriquez, Enriquez Bail Bond Agency.

Richard P. Esporza, The Management Council of L.A.

John Espinozo, Sr., Real Estate Broker.

Ramon A. Estrada, Interracial Council for Business Opportunity.

Ben Fernandez, Research, Inc.

Armando Figueroa, Pharmacist.

Frank Fouce, Spanish Speaking International Television.

Peter Galindo, Businessman.

Oscar Gallegos, Director, Industrial Center.

Rudy Gallegos, General Contractor.

August Garcia, Eastland Savings & Loan.

Gilbert Garcia, D & H Industries, Inc.

Joe Garcia, El Rey Food Products.

Leon Garcia, Manager, Pan American Bank.

Gil Gerakos, Public Works Administrator.

Hector Godinez, Postmaster of Santa Ana.

Blanch M. Gomez, Housing Authority Commissioner.

Don Gomez, P.H.D., Professor Cal. State College.

Sal Gomez, Businessman.

Dario Gonzales, M.D.,

David Gonzales, Jr., Property Investment Consultant.

Eugene Gonzales, P.H.D., Assoc. State Superintendent of Public Instruction.

Henrietta Granado, Cervantes Neckwear, Inc.

Mario P. Gonzales, Attorney-at-Law.

Joe Hermosillo, Banker.

Richard Hernandez, Attorney-at-Law.

Sal Hernandez, Businessman.

Frank Herrera, Cosa Herrera Tortilla Machine Mfg. Company.

Gilbert Herrera, Jet Propulsion Laboratory-Cal Tech.

Manuel Hidalgo, Attorney-at-Law.

Hector Holquin, Olympia Liquors.

Alfonso, Luis & Sal Hurtado, Steel Rule Die Cutting Company.

John K. Inadomi, JonSons Markets.

Yosh Inadomi, JonSons Markets.

Max Infante, KCET, Channel 28.

Bob Jimenez, Standard Oil Company of Calif.

David Jimenez, Governor's Representative.

Jose Jimenez, Jr., Union Mortgage Company.

Ray Jones, Jones Enterprises.

Mark Landeros, Mark's Printing.

Edward Lozo, Chiropodist.

Carlos Leybo, P.H.D., Administrator, Cal. State, LA.

A. J. Lopez, A. P. Lopez Realty.

Albert Lopez, Parks & Recreation Commissioner.

Claudion Fenner-Lopez, KCET, Channel 28.

Daniel Lopez, Man Power Executive.

Gilbert Lopez, Attorney-at-Law.

Sal Lopez, Camelia Nursery.

Henry Lozano, Artist.

John Lozano, Cement Masons Union President.

Al Lucero, Insurance Agent.

Robert Lopez, E.L.A. Service Center.

Joe Luna, Glendale Federal Savings.

Jim Madrid, Western Auto Parts.

Henry C. Marin, Pico-Union Neighborhood Council.

Fr. Victor Marquez, Salesian Boys' Club.

Anthony Maxwell, Pres. Pan American Bank.

Gil Mejia, Signet Paper Company.

Al Mendoza, Computax Company.

Marcelo Mendoza, Barber.

Alex Miramon, Businessman.

Lionel Miranda, Operation SER.

Rudy Mireles, Businessman.

F. Albert Molina, Achievement Associates.

Arturo Monroy, ACA Auto Salvage.

Gilbert Montero, World Wide Dictation Service.

Dionicio Morales, Mexican American Opportunity Foundation.

Victor Morales, Morales Insurance Agency.

Greg Moran, Photographer.

Charles Moreno, Squire Men's Shop.

Louis Moreno, Moreno Plumbing Company.

Teodoro Moreno, Aztec Insurance Co.

Gilbert Moret, Attorney-at-Law.

Antonio Munoz, United Furniture Workers Union.

Alfonso Najera, Najera Bros. Furniture Company.

Edward Negrete, Congressional Assistant.

Larry Neri, Medallion Printers & Lithographers.

Hector Olivas, Ford Agency General Manager.

Fernando Oroczo, Ferns' Meats.

Richard Oroczo, Pres. E.L.A. Jay Cees.

Adrian Ortega, M.D.

Alfred Otero, D.D.S.

Jose R. Pacheco, LULAC.

Joab Pacillas, Venice Service Center.

Milo Padilla, Laborers, Local 200.

George Paldi, Vice President Guardian Life Insurance Company.

Cristino D. Perez, Camara de Commercio Mexicana de Los Angeles.

Manuel Perez, Businessman.

Robert Perez, KWKW Radio.

Albert Pienado, Peinado Photograph Co.

Robert Portillo, Los Angeles Police Dept.

Edward Ramirez, Pharmacist.

Vic Ramirez, Equal Opportunity Officer.

Lou Ramos, Governor's Representative.

Robert Ramos, Bonanza Furniture Company.

S. M. Ramos, California Services Company.

Arthur V. Rendon, Daniel, Mann, Johnson, & Mendenhall Attorney.

Manuel Renterio, Laborer's Local 300.

Mauro Robles, La Reina Tortilleria.

Roberto Rachal, Rachal Printing Company.

Ben Rodriguez, Cost Brokers Inc.

Carlos Rodriguez, Attorney-at-Law.

Gilbert Rodriguez, Real Estate Broker.

Jay Rodriguez, TV Administrator.

Andrew Roque, M.D.

Jose Ruiz, La Espiga de Oro Baker.

Robert Salazar, Southern California Gas Co.

Russell Salazar, Cal State Products Inc.

Arturo Salcido, Salcido Markets.

Jess Salinas, Salinas Self-Service Laundries.

Jess Samaniego, Samaniego Meat Co.

Charles Samario, Sunset Realty Co.

Chris Sanchez, Flash Steak Co.

Hon. Leopoldo Sanchez, Judge of the Superior Court.

Philip Sanchez, Fresno County Chief Administrator.

William Sandoval, Eastway Market.

Sanford Weiss, The Guardian Life Insurance Co. of America.

Don A. Serna, Angelus Rental Company.

August Serrato, La Ideal Restaurant.

Mike Serrato, Best Meats Company.

Eddie Sloan, Sr., Sloans Dry Cleaners Co.

Eddie Sloan, Jr., California Financial Investment Co.

Estella Sotello, La Imperial Tortilleria.

Richard Tafoya, Agency Administrator.

Jesus Tarrango, Tarrango Sheetmetal Co.

Antonio Tejada, Real Estate Broker.

Hon. Carlos M. Teran, Judge of the Superior Court.

Arturo Tirado, Teatro Azteca.

Armando Torres, Mexican Chamber of Commerce.

Esteban Torres, The E.L.A. Community Union.

Edward Turbey, Don Giovanni California Inc.

Gil Vargas, Business.

Rudy Vargas, Electro-Opticals Company.

Joseph A. Vargas, Vargas Nut Company.

Dan Vasquez, Certified Public Accountant.

Ruben Jourequi, Businessman.

Hon. Benjamin V. Vega, Judge of the Municipal Court.

Peter Vega, Krikis Investment Company.

Rafael Vega, Jr., Casa Vega Restaurant.

Manuel Veiga, Veiga-Robison Mortuaries.

Frank D. Veiga, Del Manufacturing Company.

Al Villa, Attorney-at-Law.

Luis Carlos Villa, Optometrist.

Sy Villa, Health Facilities Development.

Alfred R. Villalobos, Villalobos Laundromat Company.

Pedro Villalobos, Villalobos Markets.

Danny Villanueva, Manager, Station KMEX-TV.

Robert Weber, Miramar Plastics Company.

UTILITY CONSUMERS' COUNSEL ACT, S. 607—SUMMARY OF THE HEARINGS

Mr. MUSKIE. Mr. President, under the very able direction of the Senator from Montana (Mr. Metcalf), the Subcommittee on Intergovernmental Relations held some 21 days of hearings last session on S. 607, the Intergovernmental Utility Consumers' Counsel Act of 1969.

This proposed legislation is designed to provide a greater opportunity for consumers of electricity, gas, and telephone services to be presented before Federal, State, and local regulatory agencies, and to be informed as to financial and operating policies of the companies providing such services.

Because of the broad range of facts and statistics developed by the hearings on S. 607, and the importance of the issues raised by the legislation, I asked Senator Metcalf to have prepared a summary of the testimony for the benefit of subcommittee members in their consideration of S. 607.

I feel that this summary will be of special interest to other Members of Congress who may have a special concern for the interests of utility consumers; accordingly, I ask unanimous consent that it be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

S. 607: Utility Consumers' Council Act of 1969—Background of Legislation and Summary of Hearings, December 1969

BACKGROUND OF THE LEGISLATION

In 1966 the Subcommittee on Intergovernmental Relations sent questionnaires to each of the State utility commissions. A summary and tabulation of the information submitted by the commissions was published in 1967. (90th Congress, 1st Session, Senate Document 56, "State Utility Commissions.")

In the introduction to Senate Document 56, Subcommittee Chairman, Edmund S. Muskie stated:

"An area of governmental activities in which responsibility is divided among the several States and between the States and the Federal Government is the regulation of utility companies. Here, as in other areas of public responsibility, facts are vital to the development of sound public policy. There has, however, been lacking any comprehensive and organized body of knowledge regarding the State commissions charged with regulation of utilities, the authorities under which they operate, their organizational resources, and the range of their responsibilities and functions . . .

"This compilation is intended to assist

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Federal and State legislators and members of regulatory agencies, as well as others associated with the regulated industries. It is hoped also that it will be of assistance to students of government and public administration."

The information in Senate Document 56 is categorized as follows:

I. The Commission
II. The Commission Staff
III. Commission Organization
IV. Annual Budget of the Commission
V. Commission Jurisdiction
VI. Appeal from Commission Decisions
VII. Policies of State Utility Commissions on Inclusion of Various Items in Rate Base
VIII. Questionnaire to State Regulatory Commission
IX. Footnotes

Fifty-seven commissions were queried. Some states have two or three commissions, and the District of Columbia and Puerto Rico were included in the survey. Two commissions did not respond.

Annual expenditures for fifty-two commissions totaled approximately $50 million. One state spent $9 million, another $5.7 million, 11 other states more than $1 million. Twenty-seven states spent less than $500,000, including three below $100,000.

The survey showed that most state commissions were charged with regulation of dozens, and in many cases hundreds,of electric, gas, telephone, telegraph and water companies, in addition to hundreds, and in some cases thousands, of transportation utilities or carriers.

The survey also showed that from twenty to thirty of the commissions had two or fewer employees in the following key categories: attorneys, rate analyst, engineer, accountant. More than half of the commissions had no security analyst. Five of the States had one or more economists on their staff. Relatively few professional staff members received salaries above $11,000 annually.

On February 6, 1968, Senator Metcalf, joined by Senators Aiken, Gruening, Kennedy of Massachusetts, Kennedy of New York and Nelsen introduced S. 2933, the Intergovernmental Utility Consumers' Counsel Act of 1968. The bill would "modernize regulation of the major electric, gas, telephone and telegraph utilities," said Senator Metcalf in his introductory remarks, and had four principal objectives:

"1. To require the utilities to report to regulatory bodies certain additional information which is pertinent to regulation and to public understanding of utility rates and procedures;

"2. To require the Federal Power Commission and Federal Communications Commission to report this and other information to Congress and the public in a timely and convenient manner, using automatic data processing to the fullest possible extent;

"3. To establish, at the Federal, State and local levels, offices of Utility Consumers' Council, to represent the interests of utility consumers before regulatory commissions; and

"4. To establish a grant program to finance study of regulatory matters."

"The bill will not work hardship on any utility," he said. "It is designed to provide utility consumers the tools to obtain fair rates."

Senator Metcalf reintroduced the bill, as S. 607, on January 24, 1969. Cosponsors are Senators Aiken, Dodd, Hart, Gravel, Kennedy, McGovern, Mansfield, Nelson, Pell, Tydings, Yarborough and Young of Ohio.

TITLE I—UTILITY CONSUMERS' COUNSEL

Federal Agency Support

The Federal regulatory commissions supported S. 607.* As Federal Power Commission Chairman Lee White testified:

"The adversary process, as I understand it, is right at the heart of your proposal. The proposal says in effect that the consumers shall be represented by effective, able counsel, whose sole purpose it is to represent the customers in a proceeding in which there are conflicting interests . . . A Utility Consumer's Counsel, such as that proposed by S. 607, could, in our view, contribute significantly to the resolution of regulatory issues in the broad context of the public interest through vigorous and effective advocacy of utility consumers generally. The Federal Power Commission would welcome such presentations which could materially assist the Commission in the performance of its quasi-judicial function of determining and protecting the overall public interest, of which the consumer interest is a notable part . . .

"I know how helpful the adversary process is to me as an individual who must make some tough decisions. I just believe it is unfair to the State regulators not to have before them the full range of views and arguments as they make their decisions." (Part II, pp. 290, 296, 304).

Federal Communications Commissioner Kenneth A. Cox, speaking for the Commission, testified that:

"In short, it is important that consumers of utility services be made aware of their right and be represented fully and in the most effective way before regulatory agencies in these complicated proceedings. We believe that S. 607 will further these objectives, and we would therefore welcome the participation in our proceedings of a counsel particularly representing consumer interests . . . The function is so complicated, the proceedings are so intricate, our staff is so small, that any assistance we can get in this area through the uncovering of additional information would be of advantage to us and the public." (Part II, pp. 272, 277).

Chairman Hamer H. Budge of the Securities and Exchange Commission advised the subcommittee that "we welcome representatives of the public interest in such proceedings (as the Public Utility Holding Company Act)." (Part II, p. 456.)

Curtis L. Wagner, Jr., special assistant to the Army Judge Advocate General and Defense Department spokesman on S. 607, testified that he is "blessed with a client who has the facilities of economists, statisticians, most anything that your heart desired to present a case." His testimony materially assisted the staff in its recommendation to delete Section 104, under which representation of the Federal Government's interest in utility matters would be transferred from General Services Administration and the Defense Department to the Office of Utility Consumers Counsel. Mr. Wagner noted that:

"The Federal agencies as large consumers of utilities services are entitled to bulk rates the same as large industrial consumers. These rates are quite often lower than those of the small business and residential customers whose interests are the primary concern of the Counsel, since they are the ones who currently have no voice in these proceedings, and the main issue in such a rate proceeding often concerns which class of customers should bear the burden of an increase." (Part V, p. 1177).

Mr. Wagner also noted that S. 607 could be of definite and timely value to other groups, such as servicemen and churches. (Part V, pp. 1184, 1190.)

The General Services Administration did not take a definite position on S. 607, except in opposition to Section 104, which the Subcommittee may delete. GSA stated that with respect generally to provisions of the bill other than Section 104 it would defer to the views of the FPC, FCC and other agencies more directly and immediately concerned. (Part II, p. 454).

The FCC and FPC have a relatively minor role in rate-setting. Chairman White testified that total electric revenues annually total roughly $20 billion, of which $16 billion goes to investor-owned utilities, of which approximately $1 billion—about 5 per cent—is subject to Federal regulation. (Part II, p. 311.) The FPC subsequently advised the Subcommittee that, in regard to natural gas, it had jurisdiction over pipeline sales for resale amounting to approximately $4.5 billion annually. The FPC does not regulate sales to customers. Total sales to ultimate customers by investor-owned gas utilities approximates $8.25 billion annually. Commissioner Cox testified that annual telephone and telegram services total $16 billion, and that FCC has jurisdiction over about 25 per cent of that amount. In a few states there is neither Federal nor State rate regulation. The major responsibility for ratemaking rests with State utility commissions.

Industry and NARUC opposition

In contrast with the generally favorable, and in some cases enthusiastic support for S. 607 from Federal regulators, the trade association of the State utility commissions—the National Association of Regulatory Utility Commissioners, opposed the bill as did the trade association of the investor-owned electric, gas and telephone utilities, all citing similar reasons.

William R. Connole, representing the American Gas Association, said the bill would create "a regulatory czar to second-guess the Commissions' actions (and) concentrates the enormous prestige, money and capabilities of the Federal Government in the wrong place, at the wrong time for the wrong reasons. By creating a new layer of bureaucracy, not responsible to any identifiable person or group, the existing staffs of the Federal and State regulatory agencies will find their morale shattered, the ranks raided, their motives and ability questioned, and their places taken." (Part IV, p. 809)

William J. Crowley, executive vice president of AGA, said "the gas consumer is already fully protected," that existence of a Counsel "might be disadvantageous to consumers because of a possible overemphasis on residential rate reductions whether justified or not." (Part IV, p. 806).

American Telephone and Telegraph Company found "no useful or beneficial purpose to be accomplished through enactment of S. 607. If there are weaknesses to be found in the existing regulatory structure, it does not follow that the structure should be further weakened or destroyed, as the establishment of a Federal Office of Utility Consumers' Counsel would do." (Part IV, p. 1114.)

A spokesman for the U.S. Independent Telephone Association, President Clarence H. Ross of Central Telephone and Utilities Corporation, Chicago, differentiated between present representation of the Federal Government's interests in utility matters, through General Services Administration, and the proposed representation of consumers generally by the proposed Utility Consumers' Counsel, as indicated by the following colloquy:

"Mr. Ross: But somehow I don't trust the Consumers' Counsel.

"Senator Metcalf: You trust the GSA but you don't trust the Consumers' Counsel?

"Mr. Ross: Yes." (Part IV, p. 1029.)

Edwin Vennard, managing director of Edison Electric Institute, trade association of the electric utilities, testified that "the personnel, procedures and requirements of this bill would duplicate functions already being performed by Federal, State and local government agencies." (Part IV, p. 896.)

Similarly, the spokesman for the National Association of Regulatory Utility Commissioners (NARUC), chairman of the Pennsylvania Public Utility Commission, said "the State commissions in general, without any prodding by anyone, and through the use of their own counsel and technical staff, are regulatory performing the very duty which S. 607 would place upon the separate offices of consumers' counsel to perform." (Part II, p. 219.)

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*FPC Commission Carl E. Bagge opposed Title I.

Opponents of the bill relied heavily on a message by **Franklin D. Roosevelt**, who, when Governor of New York, 39 years ago, vetoed a bill establishing a People's Counsel to represent the public before the New York Public Service Commission. Roosevelt said the bill would transfer from the commission "what is really the function of the Commission itself." continuing:

"It would in effect reduce the Public Service Commission to the role of a mere utility court in which the people would have to fight their unequal battle against the huge resources of public corporations. The functions of the 'People's Counsel' provided for in this bill should be exercised by the Commission through its own counsel, assistant counsel, or any other employees . . ."

Substantially testimony before the subcommittee showed that the Rooseveltian concept of a State utility commission, as both judge and prosecutor, did not develop. Dr. James W. Fesler, Cowles Professor of Government at Yale University and author of *The Independence of State Regulatory Agencies* published in 1942, advised the subcommittee as follows:

"The central problem to which my 1942 chapters on state utility commissions were addressed was the growing judicialization of the commissions, whether because of inadequate funds and staff, the rationalization of inertia or utilities' political power, or the embarrassment of appearing to be both prosecutor and judge. The trend toward judicialization automatically posed the problem of who can be counted on to represent the consumer's interest. That problem had not then found a solution in most states, though Maryland had established the Office of People's Counsel and some other states considered creating similar offices. Governor Franklin D. Roosevelt vetoed a People's Counsel bill that passed the New York Legislature, on the ground that existence of such an office would encourage the commission to neglect its own role as an agent of the public.

"Regrettably, in the period since my study appeared, utility commissions in many, if not all, states have continued to settle into a passive, judicial role. Governor Roosevelt's veto has not had the result he hoped for, if what I read in the New York press accurately indicates the orientation of the New York State Public Service Commission. Despite the passage of time since they were formulated, my study's conclusions appear surprisingly applicable to the regulatory scene in 1969. I cite two that relate to the concerns of S. 607:

"1. Independence for a policy-determining, regulatory agency often throws the agency into the hands of the special interests it is supposed to regulate (p. 65).

"2. The experience of the utility commissions seems to indicate . . . that independence for them has characteristically meant a cultivation of a judicial attitude that left little room for vigorous protection of the consumer who, without such protection, cannot readily pit his resources against those of a utility company . . . (p. 69).

"So I warmly support the effort, through S. 607, to establish a United States Office of Utility Consumers' Counsel . . ." (Part II, p. 233–4.)

Chairman John Dingell of the House Small Business Subcommittee on Regulatory Agencies testified that his subcommittee had found that some State utility commissions "are established not to protect the consumer, but actually to call balls and strikes between competing economic interests and simply to be umpires.

"In fact, some of them have the general understanding that they are established to protect not the consumer at all, but to regulate fights and to decide fights between so-called regulated interests."

Consumers' handicaps

A witness for an unregulated competitor of utilities, Vice President Robert D. Lynch of the National Oil Fuel Institute, pointed up the consumers' handicap under such circumstances:

"The expense of carrying a case to the State commission, the requirement to have expert witnesses, rate experts, the length of time, all of this makes it practically impossible for individual ratepayers to follow through to satisfactory conclusions . . . S. 607, by creating a separate and alternate channel for protection of the consumer, will actually strengthen the hands of present commissioners by forcing utilities to provide information and cooperation to State commissions or risk exposure to a consumers' counsel which can intervene when and if necessary." (Part V, p. 1280–1282.)

Nevertheless, the consumers do finance expensive rate presentations—for the utilities. Joe Tally, counsel for ElectriCities of North Carolina, an association of municipally owned utilities, said:

"But in an electric rate proceeding the giant private electric company has paved the way before the proceeding with persuasive media advertising and careful political conditioning, and proceeds with its case before commissions and courts, and, at the end of it all, presents its bills to its customers, and the law requires them to pay it.

"All large private power companies are, fully and well, informed, organized, staffed, consulted, advised and prepared. The public is not informed, not organized, not staffed, has no regular counsel, is ill advised, rarely prepared." (Part III, p. 547.)

Specifically, the hearings revealed that in State after State utility hearings are one-sided affairs. The customers pay, through its inclusion in utilities' operating expenses, for any array of legal, financial, public relations and technical talent for the utility. But nowhere, through either the rate or tax structure, does the public adequately provide for its own protection. Commission staffs are inadequate for the jobs imposed upon them by the legislatures, and in few states does the commission attempt to provide the utility with an adversary. Sometimes the hand of the regulator is so light that neither the utility nor the governor is aware that regulatory law exists. For example, a former chairman of Anchorage Natural Gas Corporation, who subsequently became governor, then Secretary of the Interior, testified before another Senate Committee early in 1969 that the utility was not subject to State regulation. However, it was and is regulated by the State commission, according to reports filed by its parent company, Alaska Pipeline, with the Securities and Exchange Commission. The gas company and holding company earned 29 per cent on its equity in 1965 and more than 64% during the first half of 1966. (Part IV, p. 838; Senate Interior Committee, Interior Nomination, Jan. 15218, 1969, p. 220–4.)

Present inequities before State and Federal commissions

Arizona

Commissioner Dick Herbert of the Arizona Corporation Commission testified that "we are to some small extent able to watch the activities of the utilities under our regulation by an analysis of the information prepared by those utilities generally for their stockholders." He testified that a utility in Arizona is represented by "the best, well-known firm, with all the brilliant lawyers in Phoenix . . . well stacked with briefs and law and facilities" while the consumer is represented by "a deputy attorney general assigned to our commission along with a number of other assignments that he may have, such as the narcotics board and the tax commission and a few other assignments."

"Our commission is very large in its jurisdictional boundaries. We take securities and insurance and incorporating and a few other things, but in the utilities division I think there are 14 people in that department, a portion of which are secretarial help. We have no attorneys. We have to rely on the attorney general's office to supply us with our legal assistance. We have no economists. We have no full-time CPA on our staff. We have one registered civil engineer, and the rest is technical help (for) collecting the assessment."

Commissioner Herbert testified that Arizona Public Service Company has employees "that serve in key positions in that legislature and that the legislature failed to provide funds for an outside accountant requested by the commission, or an engineering study. In a recent rate case the commission issued an order written by Arizona Public Service Commission, including material not put before the commission during the rate case and not subject to adversary review. (Part I, pp. 60–90.)

Ed Berlin, counsel for Consumers Federation of America, testified that in the ongoing Potomac Electric Power rate case, "the only representation thus far of the consumers of this city in this proceeding will be undertaken by a staff attorney associated with the Neighborhood Legal Service Program. The particular staff attorney who is assigned to this case is a very dedicated and, I know, a competent attorney.

"However, she graduated from law school less than a year ago and has absolutely no experience in the utility area.

"I am also aware of the fact that the company in this particular proceeding has acquired the services of no less than four law firms." (Part VI, p. 1468.)

Illinois

The Illinois Commerce Commission staff, according to an American Gas Association witness, consists of "20 enginers, 17 accountants, 11 rate analysts, 65 inspector-investigators, all engaged in programs of continuous surveillance of the rates, facilities, services and financing of investor-owned utilities in the State." Illinois Commerce Department reported to the subcommittee that it was responsible for regulation of 24 gas utilities, 14 power companies, 88 telephone companies, 136 water companies, 7 steam companies, 67 railroads, 58 motor carriers, 4 airlines, 876 contract carrier trucking companies and 9,516 common carrier trucks. The Illinois commission further reported to the subcommittee that the average salaries of its employees was $9,400 for the engineers, $7,700 for the accountants, $7,345 for the rate analysts and $3,920 for the inspector-investigators. The Illinois commission, according to a report filed with the subcommittee by AGA, approved more than $3 billion in utility securities during the past 6 years. Yet the commission does not have a single security analyst on its staff. As in Arizona, the commission is dependent on the Attorney General's office for legal assistance. (Part IV, p. 839, 842, 1038.)

Maryland

Maryland is one of the few states which has a People's Counsel to represent utility consumers. William O. Doub, formerly People's Counsel, is now chairman of the Maryland Public Service Commission. He supported S. 607, stating:

"The function of the people's counsel, as the advocate of the people, is a totally different one from the function of our general counsel, as the adviser and advocate of the commission. The relations of the people's counsel to the general counsel and the commission are as independent as those the district attorney sustains to the judge and the

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attorneys for defendants. To operate most effectively the office should be completely independent and not treated as a commission staff position. . . .

Unquestionably Federal funds would be a tremendous benefit in upgrading the People's Counsel office, and giving him more staff. A good argument can be made that he should have his own staff, that he should not have to rely on the commission's staff . . . during the 15 months that I was People's Counsel, I initiated one complaint for a reduction of utility rates, and then had to wait 3 or 4 months to get the funds from my request through the board of public works. I got them, and I got exactly what I asked for, but through a budgetary allocation of $25,000 a year, which is just a drop in the bucket. At least, it would give him a start toward retaining these experts, and this is where the benefits of your bill would be so helpful to the operation of his office. With Federal funds available, unquestionably the degree of participation would be enlarged, and the number of quality of outside consultants could be increased in a variety of different cases. (Part I, pp. 55–59.)

Massachusetts

The Massachusetts legislature created a Consumers' Council in 1963. Its chairman is Dr. Edward R. Willett, chairman of the Department of Finance and Insurance at Northeastern University in Boston.

"It is to me simply astounding," he testified, "that the private utilities' side of a rate case is financed from consumer-paid operating expenses but no provision is made through the rate structure for any similar financing of the consumers' side in the rate case . . . It is quite clear to me that the consumer often does not obtain adequate rate reductions because the successful political and propaganda activities of all the utilities have created a situation in which the regulatory commissions are unable to reduce rates because of a lack of staff and/or disinterest in rate reduction."

Dr. Willett testified that he and another member of the Consumers' Council were not permitted to appear at a hearing on the blackout, nor were representatives of complaining towns and cities, although utility representatives were. The commission, he said, "does not have sufficient staff to gather information," and has "adopted the philosophy that it exists as a quasi-judicial body, which meets simply to hold hearings and render judgments." (Part I, pp. 20–33.)

Montana

Mayor William Hunt of Chester, Montana, president of the Montana Consumers' Council, testified that Montana Power, which served his town, had the highest net profit of any utility in the country in 1967 "25.37 cents profit on the dollar after payment of taxes, expenses and other costs." Nevertheless, last year the power company "directed its district offices to inform the county, city, town and school district officials to increase their 1968–69 budgets to allow for an additional 15 per cent increase in the company's rates." Actually, the power company asked for more than a 25 per cent increase in its application . . .

"Senator Metcalf: You mean that they had an application in to the Public Service Commission for a 25 per cent increase, and they came to you before there was any hearing and suggested that you increase your budget 15 per cent?

"Mr. Hunt: That is precisely right, Senator, and they did not ask me to, you know. They told me to."

Mayor Hunt testified that he and nine other Montana mayors and county commissioners formed the Montana Consumers' Council, and asked 125 cities and towns to join them in fighting the rate increase. About 20 contributed.

"Much of the opposition that we ran into in asking cities to join with us came from council members in cities such as Missoula and other cities where employees of the Montana Power Company served on the council, and effectively blocked any action. The only time any State official showed any interest was when the State examiner asked me by what authority cities could use money to investigate rate increases."

The Council raised about $15,000, less than one twentieth of the reported utility expenditure on the case. The Council hired an expert consultant who, Mayor Hunt said, "had not yet been paid in full, and I am sure the difficulty he has encountered regarding his fee will make it more difficult in the future to get highly qualified rate experts to represent the consumer."

"We did not have the time or the means to effectively raise the money that we so desperately needed. As public officials, we had our regular jobs to perform and worry about, including citizens' complaints about dogs, streets, water, law enforcement, budgets, taxes, lack of service, too much service and all the other endless matters that city and county officials must contend with. These men who serve on the council also have full-time jobs.

"While we had only weeks to prepare a case, the Montana Power Company had been on the job for years. We had to beg for money while they collected theirs from the consumer who had no choice. To us in Montana interested in consumer affairs, this bill represents the only effective and meaningful law to help the consumer educate and protect himself."

Mayor Hunt testified that he and other local officials were at least able to delay the increase for 6 or 7 months and "this amounted to savings just for the State alone around $15,000 a month." The commission granted the 15 per cent increase—the same percentage increase which the utility had told local officials to budget for, prior to the hearing. (Part I, pp. 145–151, 186.)

New Jersey

Rear Admiral Arthur H. Padula (USN, ret.), president of the Arthur H. Padula construction Corporation in New Jersey, testified regarding his attempts to obtain the benefit of master meters rather than individual retail meters (and consequent lower rates for large amounts of electricity) for his three Federally-assisted, low and moderate income rental units, which house approximately 1,000 families. This saving would amount to approximately $30,000 a year or $2.50 per month per family.

"After prolonged discussions," testified Admiral Padula, "I filed a suit before the New Jersey Public Utility Commission that ran for 13 hearing dates in which the Public Service Electric & Gas Company had a battery of 10 to 15 high paid executives, staff and legal personnel at all times, at the expense of the public, while I was forced to pay for all of the necessary documentation, exhibits, expert witnesses, legal counsel, at my expense." (Part V, pp. 1162, 1170–1.)

New York

Last December the New York Legislature's Joint Legislative Committee on Consumer Protection released its unanimous interim report following a year long study of New York utilities and the New York Public Service Commission. The report said the commission neither represented nor informed consumers. The committee recommended establishment of a State office of consumer affairs designed to represent consumer interests:

"It should have within it a division dealing solely with the affairs of public utilities and the Public Service Commission. This division should receive or have access to copies of all materials filed by the utilities with the Public Service Commission or material prepared by the Commission itself. The division should represent the public at all hearings held before the Public Service Commission and should make its expertise and staff available to work with interested consumer groups and governmental units."

Northwest States

Attorney Frank J. Jestrab, testifying on behalf of the North Dakota Association of Rural Electric Cooperatives, testified that "on these rate procedings, in these states that I am talking about, out in North Dakota, South Dakota, Montana, Idaho—even Minnesota actually—the commissions have perhaps one lawyer . . . And the utility comes in with an enormous case. They have rate experts, all sorts of executives, company officers who come in. But over on the other side, there are 600,000 consumers with no representation, no effective representation. And it is to deny reality to say the State commission can do it." (Part V, pp. 1314–7.)

Pennsylvania

The Honorable Norman S. Berson, a Philadelphia lawyer and member of the Pennsylvania legislature, told how he attempted to contest the $31 million a year rate increase—with an especially hard impact on small residential users—filed last December by Philadelphia Electric, which "has engaged the services of the largest law firm in Philadelphia." The consumer protection bill approved by the Pennsylvania legislature recently explicitly excluded representation of consumer interests:

"The State utility commission was so concerned about what might happen if we got real legislation in this area, that as a condition of that bill passing, they were able to insist that a provision be put in that would in no way effect the operations of the utility commission, nor would the consumers' counsel be authorized to appear in ratemaking proceedings. They got that provision in the law solely in order to protect themselves from the kind of adversary proceeding that we desperately need in these rate regulation cases."

Representative Berson went to the commission for information:

"The staff (of the commission) had made an analysis of the requested rate increase for the commission, and I both wanted to see that and I wanted to be present at the commission's hearing when they would decide whether to suspend the increase or not, because since the suspension involved 6 months it would involve a saving to the consumer of over $15 million. I was told I could not be present at the hearing or the meeting of the commission or whatever it was where they decided to suspend, and that I could not see the staff study that had been made presumably for the guidance of the commission.

"Now, where does that leave me? I have nobody to turn to. I do not have any assets to invest in all this sort of technical assistance. The electric company will come in. The filing alone is over 100 and some odd pages, for which the commission is asking 75 cents a page just to Xerox, so you have got to be prepared to lay out $75 just to get a copy of the tariff filing. From there the costs pyramid endlessly if you are going to be able to meet what they undoubtedly will present. With S. 607, I do not think the consumer is going to find himself in that position." (Part I, pp. 139–144.)

Richard A. Hesse, staff attorney for Community Legal Services in Philadelphia and co-counsel for a consumers action group whose members live in Philadelphia ghettoes, likewise testified that the Pennsylvania commission's staff study was not available to his clients, who were without funds to obtain competent counsel.

"Hearings have been held during which the PUC staff cross-examined the company's witnesses; but copies of the transcript are not available for use by my clients except for a single copy which may be inspected at the office of the PUC . . . The first round of hearings referred to above was conducted in Philadelphia. The second round, during which the complainants are scheduled to cross-examine the company's witnesses, is scheduled for, Harrisburg, despite the fact that nearly all the complainants are from the immediate vicinity of Philadelphia. Our protests have been met with the response that the convenience of the Commonwealth is paramount, and, therefore, the hearings will be held in Harrisburg."

Mr. Hesse testified that, except in rate cases, the complainant has the burden of proof before the Pennsylvania commission and that counsel was sometimes required:

"I know of cases in which the PUC did nothing to aid complainants appearing without counsel. In fact, in at least one case, the PUC hearing examiner created a hostile atmosphere and denied the complainant the opportunity to cross-examine the utility company's witnesses because the complainant was not an attorney . . . From my own experience the only aid the PUC staff will give relates to procedure and not to substance of the complaint." (Part V, pp. 1261–2.)

Milton J. Shapp, Philadelphia businessman and chairman of the Pennsylvania Democratic Study Committee, told the subcommittee:

"The issue has been well summed up for my statement in a wry understatement of Professor Joseph Rose, chairman of the Transportation and Utilities Department at the University of Pennsylvania's Wharton School. According to Professor Rose, the Pennsylvania PUC has traditionally been very generous with those companies it regulates . . . In the present rate hearings in both Suburban Water Company and Philadelphia Electric, the consumers who are protesting this are really up against it. They do not have money to hire good accountants and good attorneys. Unless somebody comes forward and volunteers services, somebody who has had experience in ratemaking proceedings, who has had experience in reading the records as they are kept by utility companies—and they are entirely different, as you know, from records of the average businessman—it is virtually impossible in a ratemaking proceeding to ask the questions regarding the figures that are put forward by the utility companies in expert fashion. They know how the books are kept, they know how to ask the questions, and unless the person testifying on behalf of the consumer also has this knowledge, the protest of rate making at these proceedings becomes a joke." (The Pennsylvania PUC subsequently granted Philadelphia Electric the $30 million increase it requested, before the consumer groups had completed their case before the commission.)

XUM

Rhode Island

Congressman Robert O. Tiernan of Rhode Island's Second District testified that "in many instances the power companies have ignored the rate ceilings and compiled record profits in the absence of State controls. In our State, they just haven't been able to have these rate hearings, because they can't hire the experts, because of the expense involved and the States find themselves at a great disadvantage when they have a rate hearing by any of these utility companies . . . S. 607 would give the States a needed boost in assisting them to effectively represent their citizens."

The State utility commission, he said, had two executive secretaries, each paid $4,100 a year, one engineer, paid $9,200, no rate analyst, two inspector investigators, paid $4,700 a year, two accountants each paid $8,200 and three or four secretaries and typists. (Part II, pp. 325–9.)

Executive Director Edwin P. Palumbo of the Rhode Island Consumers' Council, created by the State legislature, said S. 607 "goes straight to the heart of the problem by providing the people with their own advocate . . .

"We are not concerned here with duplicating facilities, but with creating a much needed new role. At present, the regulatory body has only the applicant's presentation to evaluate. This is not an ideal situation."

Mr. Palumbo said the Rhode Island Director of Business Regulation (which functions as the state utility commission) also supported S. 607.

Texas

Congressman Bob Eckhardt, who testified in support of S. 607, told the subcommittee he was especially interested in the help it would provide local governments. He explained the Texas situation in words Sam Rayburn used in the well of the House 34 years ago "because this is exactly the case today." Congressman Rayburn, speaking for the Public Utility Holding Company Act of 1935, told the House:

"Do you know the only regulation of utilities we have in Texas, the holding companies, big operating companies, go to the town commission, for instance, in a town, and those great experts argue rates with the mayor and two commissioners . . . Some of the same gentlemen who do me the honor to listen from the gallery today have been the instrumentalities throughout the year of defeating in the Texas legislature the passage of any effective utility legislation. They confess to be for utility regulation in Texas but always make proposals that no considerable number of legislators are for. And the final outcome, no law. Yet, they have their friends in Texas today wiring Members of Congress from Texas that they are, by the passage of this bill, arranging to take away from Texas some of its power and some of its prerogatives."

Congressman Eckhardt said that "over a period of at least the 8 years in which I served in the Texas House of Representatives there were introduced sporadically utility control bills of various types." He testified that legislation providing for utility regulation was again before the Texas legislature this year, and that passage of S. 607 would be helpful in getting it enacted. (Part II, pp. 340–1, 344, 356.)

(According to the August 11 NARUC Bulletin, the legislation died upon adjournment of the Texas legislature, which adopted a resolution providing for a committee to study the feasibility of creating such an agency and to report back to the legislature in 1971.)

Virginia

State Senator Henry Howell testified that legislative attempts to provide for a State consumer counsel, or a study of the subject, had been unsuccessful over a period of years. Virginia's largest city, Norfolk, considered attempting to obtain reductions in both electric and telephone rates but decided not to because, according to its city manager, "We cannot afford to represent the people of Virginia; it is too expensive, too complicated a subject for one big city to take on . . ."

Local governments in northern Virginia as well as the Norfolk area had commissioned expert studies which indicated that utility rates were excessive. Senator Howell emphasized the value of S. 607's provision for grants to such local governments, which might be more interested in initiating a rate case than State government would:

"Senator Gurney: Let me ask you this. Since these big boys are so powerful, what makes you think they won't kill legislation in the State legislature which would provide matching funds for this bill?

"Mr. Howell: Well, what the great thing is about this bill, they cannot kill the Norfolk City Council. . . . We are not worried about the big boys in Norfolk. People can get through to that city council. (Part I, pp. 96–7, 136.)

Federal Power Commission

The testimony revealed a similar lack of adequate consumer representation before Federal regulatory commissions. According to Ed Berlin, counsel for the Consumers Federation of America:

"A recent pipeline rate case before the Federal Power Commission illustrates the disparity between representation of industry and consumer interests. In the Natural Gas Pipeline of America case, the Company called upon an impressive array of outside professionals, as well as making liberal use of its own executives and employees.

"On the issue of rate of return alone the company presented eight witnesses, including two distinguished economic consultants, a prominent New York investment banker, the vice president of a large insurance company, a partner in Arthur Andersen, a bank president, and top vice presidents of Natural and its corporate parent, the Peoples Gas Light and Coke Company. The case was assembled and coordinated by five lawyers, all of whom are utility specialists from a prestigious Chicago law firm.

"Although the public record does not show the exact company expenditures allocated to this case, its annual outlays for regulatory expenses and outside professional services are matters of public information. In 1967, the company reported that it spent $304,504 for regulatory commission expenses, almost all relating to Federal Power Commission rate proceedings. And this does not include any allocation of executive salaries, many of whom worked on the rate case and several of whom testified on the rate of return issue.

"Aside from the Commission's staff, the only active consumer representation was undertaken by the city of Chicago. The city retained the services of a small Washington consulting firm and presented one witness on rate of return. It was represented by lawyers from its corporation counsel's office, none of whom was a specialist in the complex and technical ratemaking area. (Part VIA, P 1468.)

Federal Communications Commission

American Telephone and Telegraph Company told the subcommittee that "the FCC staff has consistently played an adversary role in proceedings involving the Bell system. In continuing surveillance reviews and in the formal docket proceedings, the staff takes a position adversary to that of the carrier and ably represents the public as a group of consumers. The staff is an effective consumer advocate for rates and other measures which it deems proper." (Part IV, p. 1111.)

AT & T declined the subcommittee's invitation to testify, choosing instead to deliver a statement through Washington counsel. Direct testimony and exhibits provided the subcommittee are in direct conflict with AT & T's statement on the fundamental issue of adversary proceedings. Robert J. Leigh, counsel and director of industry relations for the National Telephone Cooperative Association and formerly an attorney for both Bell and the FCC, testified as follows:

"Let's look now at some Federal regulatory consumer protection. To use some readily available facts, let's choose the biggest utility rate case in the history of our Nation. We mean the Federal Communications Commission's investigation of the interstate and foreign services of AT & T where the all-time record was set for dollars and consumers involved. This great rate case was instituted on October 27, 1965. It continues on today still in its first phase after more than 22,000 page of formal record transcript, and it is destined to last into the 1970's. The issues are complex and the outcome will be the pattern of the future for telephone ratepayers.

"More than 70 groups intervened through attorneys to protect their varying interests. The key question is: Who was the advocate for the small consumer unable to present his own case?

"The fantastic and shocking answer to that question is that in this greatest of all rate proceedings, the small consumer of the Nation was and is unrepresented.

"In other words, there was no voice for the millions of small telephone users who provide Bell with about 90 percent of its total revenues.

"Why no advocate? Well, immediately after instituting the rate case, the FCC emasculated small consumer protection by issuing a procedural order crippling its staff's advocacy in behalf of the unrepresented consumer.

"And we quote now from the Commission's order of December 22, 1965.

"Senator Metcalf: Will you put the entire order in the record? (The order referred to may be found in the appendix of Part II, p. 475.)

"Mr. Leigh: Yes, Mr. Chairman, we will. I have a copy of it right here.

"We quote from this order the salient parts.

" 'The function of the Common Carrier Bureau (FCC) staff is *not* (and that underlining is the Commission's emphasis) to be an advocate of a preconceived position or to take a conventional adversary position. Rather it is to insure the development of a full and complete record which presents the facts and other ratemaking considerations relative to a fair and meaningful legislative determination of the Commission of the complex issues involved.'

"This is amazing. When the Commission tells its staff not to be an advocate for a preconceived position and not to take a conventional adversary position, it is cutting off the best and only way to provide effective advocacy for the main consumer interest. The purpose of all legislation providing for administrative regulation of public utilities is to assign to the regulatory agency the task of protecting the interest of the typical consumer who is in no position to litigate in his own behalf. Forbidding the staff to engage in advocacy for small consumer interests kills any meaningful consumer protection.

"Utility rate cases are trial-type hearings where effective advocacy will maximize the strength and minimize the weakness of each position so that the regulatory authority will be helped to understand all sides fully. Any procedural arrangement that destroys or weakens the advocacy for one major interest partially defeats the fundamental purpose of a rate case. The Commission's procedural order seriously impaired the advocacy for the main consumer interest. The staff is forbidden to serve as advocate for the interest. Bell is permitted to be an advocate for a preconceived position and to take a conventional adversary position but the staff is not. All-out advocacy on one side is not matched by all-out advocacy on the other side. Instead, the staff—the consumer protector—is something in the nature of a middle position, a hybrid position, a referee.

"What an astonishing spectacle with Bell's battery of lawyers and experts on one side fully committed to fighting for that side but no one to engage in frank advocacy for the interests of millions of consumers on the other side." (Part II, pp. 402–3.)

Bess Myerson Grant, Commissioner of Consumer Affairs for the City of New York, testified that "indeed, at this very moment (July 9), the Federal Communications Commission is meeting with AT&T officials to hear Bell's plea that it be given another huge jump in its allowable interstate earnings. There is no one else in the room. The proceeding is closed to the public.

Two years ago, AT&T was granted an increase in its interstate of return to a range of 7 per cent to 7½ per cent. The new rates to consumers set at that time have, however, brought in profits at a rate of well over 8 per cent. So Bell wants to keep all this new money. (Part VIA, pp. 1653.)

The impact in dollar terms, of minimal changes in Bell's rate of return was pointed up by David C. Fullerton, executive manager of the National Telephone Cooperative Association:

"As an example of the magnitude of Bell operations, if Bell's overall rate of return could be lowered by one tenth of one per cent, that is from 7.6 per cent to 7.5 per cent, we would be talking of an annual reduction of $70 million per year in consumer telephone bills."

Analysis of Bell's rate of return shows great disparity, bearing out Mr. Fullerton's point that "when utility revenue requirements need to be met, they can, it seems, most easily be garnered by spreading them over vast multitudes of unorganized, unrepresented, usually unsuspecting small ratepayers." The summary of Bell's interstate earnings for a study period just prior to institution of the FCC's rate investigation shows that, although the overall rate of return was 7.5 per cent, the rate of return on various types of service ranged from 0.3 percent to 10.1 per cent, the latter for wide area telephone service (WATS). Bell earned a rate of return of 10 per cent on message toll telephone service—typical residential long distance calls. In contrast, the rate of return was only 2.9 per cent on teletype writer exchange service (TWX), which is subject to competition from Western Union's Telex service, 1.4% for Bell's telegraph grade private line (such as a stock ticker—Western Union competes with Bell for this business) and only 0.3 per cent for TELPAK (bulk communications circuitry rented by Bell to subscribers), a service which, unlike residential service, is subject to competition from private microwave systems. (Part II, pp. 397, 401, 415.)

Power of the Counsel

The hearing brought out the inherent weakness in present regulatory procedure as the following colloquy indicates:

"Senator Metcalf: Let me ask you. You were on the Federal Power Commission. Suppose your staff came in and made a recommendation, and you didn't follow that recommendation, as is quite appropriate. Who decides whether or not that decision shall be appealed to the appellate court? Can the staff appeal it?

"Mr. Connole: The staff of the Federal Power Commission cannot appeal; no sir.

"Senator Metcalf: Of course not. Who makes that decision?

"Mr. Connole: It is the Natural Gas Act. The Natural Gas Act doesn't contemplate it.

"Senator Metcalf: So there isn't any counsel in there to decide that that matter should be appealed to the court, is there?

"Mr. Connole: That is correct." (Part IV, p. 821.)

Another former member of the FPC, Charles Ross, emphasized the same point:

"Mr Ross: You see, Senator, one of the critical factors in this whole game is the staff's position if there are no intervenors. If the staff all by itself opposes the Commission, and the Commission overrules staff, staff is completely helpless to do anything about the Commission's decision if there are no other intervenors because the staff cannot appeal a case." (Part III, p. 636.)

The New York Legislature's Committee on Consumer Protection noted another procedural shortcoming in its interim report:

"There are numerous difficulties confronting opponents of a rate increase because of other procedural regulations. Testimony revealed that in contrast with other administrative hearings, interested parties have no subpoena power." (Part VIB, p. 1722.)

Bess Myerson Grant, Consumer Counselor for the City of New York urged that "in order to facilitate this vital information retrieval function, the Counsel should be vested with subpoena power—so that it need not be dependent on possibly hostile regulatory agencies or, worse, for representations by industry officials." The Counsel, testified Mrs. Grant, "must have the power to initiate proceedings, as well as the power to intervene in proceedings which are already pending before some court or regulatory commission." (Part VI, p. 1655). Similarly, Attorney Berlin of Consumers Federation of America testified that, "Owing to the grossly understaffed status of most regulatory commissions it is essential that the Consumer Counsel be given the ability to initiate action." (Part VIA, p. 1473.) FPC Chairman White also recommended, on behalf of the FPC, that the Counsel "be given the authority to initiate complaints." (Part II, p. 299.)

FCC Commissioner Cox testified that the Counsel "should not be dependent upon the availability of personnel from other agencies," that it would be "highly desirable for the Office of Consumers' Counsel to be independently and adequately staffed." (Part II, p. 272.) Dr. Arthur A. Brown of Arthur D. Little, Inc., noting that the field of electronic data processing "is one in which snow is easily blown about" suggested that the Counsel staff include personnel "fully qualified in data processing," lest the Counsel "find his efforts to get information and use it frustrated by what looks like technological difficulties, but which may in fact be noncooperative." (Part VIA, page 1484.)

Attorney Berlin of the Consumers Federation of America emphasized that the legal independence of the Consumers' Counsel should be clearly established:

"The legal independence of the Consumer Counsel should also clearly be established. As you probably know, unless there is a provision to the contrary, the Justice Department is the official legal representative of Government agencies. Moreover, appeals may not be taken either to the court of appeals or the Supreme Court. The Solicitor General's responsibility applies not only to appeals in Federal courts but in State courts as well.

"We suggest that it is most appropriate, if not essential, that the Consumer Counsel be relieved of these restrictions. In view of the fact that he often will be desirous of challenging the actions of Government agencies, it is imperative that he be his own master insofar as the form and extent of litigation is concerned." (Part VIA, p. 1472.)

General Manager Radin of the American Public Power Association (Part VIA, p. 1453.) and the Honorable Andrew Biemiller, Director, Department of Legislation, of AFL–CIO (Part VIA, p. 1634.) noted the need for representation of the broad public interest in environmental protection, an area which, according to the interpretation of Chairman Seaborg of the Atomic Energy Commission, the Counsel would not—as S. 607 was originally drafted—be authorized to enter. (Part II, p. 447.)

Attorney Berlin of Consumers Federation of America pointed up the importance of Counsel authority to appear in proceedings before municipalities, noting that in Texas, for example, "all of the rate regulation that now exists with respect to the private utilities is, in fact, discharged by commissions operating on the municipal level, by municipal executives.

"We think it particularly important that when private utility rates are established by local commissions or local municipal executives, that the Consumer Counsel have the opportunity to participate in those proceedings. It would seem particularly critical on that level, because of the real paucity of any expertise available to local executive." (Part

VIA, p. 1471–1472.) Ohio is another State where "each municipality has the legislative power to fix the rates for electric service rendered to consumers within its corporate limits." With the Public Utilities Commission having appellate jurisdiction, as well as original jurisdiction in unincorporated areas, according to the testimony of D. Bruce Mansfield, president of Ohio Edison.

Grants to State and local government

NARUC Witness Bloom proposed as an alternative to S. 607 that "if the Congress determines to spend money in this area, we believe the consumers will receive the maximum benefit per dollar by the establishment of a grant-in-aid program direct to those State regulatory commissions requiring financial assistance to strengthen their staffs."

"In other words, we believe that consumer interests can best be protected by using available Federal funds to strengthen existing commission, rather than by creating another layer of government bureaucracy through the establishment of Consumers' Counsel on the Federal, State and local levels as proposed in Title I of the bill."

The preponderant testimony before the commission shows that this approach would not likely lead to the needed creation of an adversary role within the State commissions. The action of Mr. Bloom's own Pennsylvania commission is a case in point.

The Pennsylvania Commission successfully opposed legislation which would authorize a consumer's counsel to appear in ratemaking proceedings. It denied an attorney for protestants and a member of the legislature access to staff studies on Philadelphia Electric's proposed rate increase. The commission subsequently approved the proposed increase in full, without hearing the opponents' presentation. Such procedures do not warrant Federal assistance.

XUM

The flexibility of S. 607 was underscored by Michael F. Collins, secretary-treasurer of the Municipal Electric Association of Massachusetts;

"Mr. Collins: Although we think it preferable that the States set up their own Office of Utility Consumers' Counsel, we like the provisions of section 103 of the bill which authorizes the United States Office of Utility Consumers' Counsel to intervene in State and local proceedings affecting consumers Until a State sets up its own Office, such intervention is the only effective help consumers will have and can serve to stimulate the lagging States to do something themselves." (Part III, p. 683.)

A Republican State legislator from Ohio, Hon. George E. Mastics, thought help from a Utility Consumers' Counsel would be welcome at the State level:

"Why do we need the Metcalf bill, or S. 607? Well, first we need it in those areas where States will not act, either because the utility lobby is so powerful they cut you down before you start, or because the States, for other reasons, have not gone forward. As I understand it, in 607, it does provide that the Utility Consumers' Counsel can come in and I am sure he would be a welcome addition in a State rate matter. There should be no concern about him intruding himself into State affairs." (Part V, p. 1307.)

James L. Oakes, former attorney general of Vermont, saw long-range advantage to the grant provisions:

"Mr. Oakes: I also like section 106 of the act, permitting grants to State and local government for establishing and carrying out the functions of an office of utility consumers' counsel. This has been on a case-to-case basis. It is only for individual rate hearings, and the like. Our Vermont law has provided for representative of the public for many years and has provided for the funds to pay for such representation, and this has been one of the very reasons that we have been able to do so well in terms of Electric rates as previously mentioned. The proposal of section 106 would, it seems to me, make it even easier, and make it possible to establish not just on a case-by-case basis but have an established office with long-range thinking that is necessarily involved." (Part III, p. 677.)

Danville (Va.) Councilman Carter testified to interference from New York, rather than Washington, in discussing American Electric Power's attempts to defeat Danville's bond issue for expansion of the municipal light plant:

"I think there is something morally reprehensible when such a juggernaut of a cartel goes into a municipality and undertakes to confuse and disseminate information that is not true or which is half true for the purpose of gaining from the people who own as asset in common this asset for their stockholders." (Part III, page 545.)

A number of witnesses, including Chairman Doub of the Maryland Public Service Commission, testified that the bill would not encroach upon the powers of the regulatory commission. (Part I, p. 59.)

"The thing that I see in this bill relating to the State regulatory agencies," testified Dr. Willett of the Massachusetts Consumers' Council, "is that it gives them a tremendous amount of assistance in doing the job that really they are supposed to be doing. I think it would be very helpful to them."

Grants to nonprofit organizations and universities

The provisions of S. 607 for study grants in the regulatory field drew support from numerous witnesses, including spokesmen for the telephone and natural gas industries. Executive Vice President Douglas Gleason of United Utilities, a witness for the U.S. Independent Telephone Association, said:

"The fourth objective of S. 607 deserves support. Regulators and manager of utility companies alike should welcome supported studies of regulatory matters. It would be helpful to all concerned if a broader understanding of the objectives of utility regulation could be achieved. It is and will continue to be useful to explore ways to achieve these objectives more efficiently and more effectively." (Part IV, p. 1035.)

William Crowley, executive vice president of the American Gas Association, testified that:

"It would be wonderful if we could do something to stimulate public utility departments or teaching public utility courses in our major universities, because we need a backlog of people both in our utility companies and in our regulatory staffs . . ."

"Unfortunately, there is an extreme paucity of utility economic expertise in universities. Virtually no universities possess public utility departments devoted to the education of students in public utility economics and related concepts." (Part IV, pp. 874, 793.)

Mr. Crowley noted the difficulty which the gas industry and regulatory agencies have in finding people with training and interest in public utility matters. So did Defense Department spokesman Wagner:

"One of the most difficult areas to fill is a job in the utility area, primarily because the people who are experienced in the field are making far more than the Government could offer them. There is no question about it. And No. 2, the opportunities to gain experience in this field are extremely limited." (Part V, p. 1187.)

Charles Ross, with experience as both a Federal and State regulator, now teaching, had this observation:

"Furthermore, so far, for all intents and purposes, I have managed to avoid becoming too involved—with too many utility clients. This is a fact that I desire. I have turned down some and I have done this because it allows me to teach a little more objectively, I think. But this is why this particular section of this bill, by providing some assistance to the universities, to lecturers, to people who want to specialize in the study of regulation, people who want to make constructive criticisms of regulation, would enable them to continue to do so without the necessity of seeking clients, either public or private power clients. The public might thereby gain something in objectivity from these people." (Part III, p. 626.)

"Second, I want to strongly endorse Title I, Section 107 and Section 108. For many years, both the quality and quantity of research coming out of our universities on the economics of public utilities has been woefully lacking. As you know, rightfully or wrongfully, research effort is directed where there is financial support. The private sector of the utility industry has given virtually no support to research efforts in universities on the economic aspect of the industry. One can only wonder why. Have they been afraid to let the cold unbiased eye of the academic researcher take a good look at their operations, rates, structure, and other areas? As far as I am aware, the money that the private sector—IOU's—has spent at the university level, has largely been of a public relations type. (Part VIA, p. 1490.)

The executive director of the Missouri Basin Systems Group, Robert O. Marritz, questioned the scholarship of some of the university research and writing financed by utilities:

"At sections 107 and 109–11 provision is made for grants to be furnished to college, universities and nonprofit corporations for the purpose of making studies and reports relating to regulation and decisions regarding consumers in fields of energy and communication. This seems appropriate, in that there appears to be very little research and study presently being conducted on the electric industry. Normally the System Group would not be concerned about the scholarly research in the utility field, but for the recent publication of a book entitled "Mid-Continent Area Power Planners," by W. Stewart Nelson, and published by the Institute of Public Utilities, Division of Research, Graduate School of Business Administration at Michigan State Univeristy.

"Very briefly, the book seems to us to be an unscholarly, superficial and often inaccurate source of information on the history and present development of power supply in the Missouri Basin, as I hope to demonstrate below . . ." (Part II, p. 418.)

"Mr. Turner: May I interrupt your testimony to ask you a little bit about this Institute of Public Utilities?

"Mr. Marrits: Yes.

"Mr. Turner: Do I understand you to say that all of the industry members, members of the institute's advisory committee are officers of investor-owned gas, electric and telephone utilities?

"Mr. Marritz: That is my understanding; yes." (Part II, p. 431.)

FCC Commissioner Cox testified that the bill's study grant provisions would create new interest in the utility area:

"There would be the stimulation to young people, and to others, to develop a specialization in this field, which could supplement the work that has to be done." (Part II, p. 279.)

Model laws

FPC Chairman White warmly endorsed a companion role of the Counsel, that of preparing model laws:

"The responsibilities of the Consumers' Counsel for the preparation of legislative recommendations and model State and Federal laws are of vital importance in protecting the economic interests of utility consumers. In its role as proponent of legislation, the Counsel has a significant opportunity to focus legislative attention on unmet consumers needs and to point out statutory changes which would create a more sensitive regulatory framework." (Part II, p. 202.)

Vermont's former Attorney General Oakes told how the model law section of S. 607 would have been helpful to Vermont officials:

"Mr. Oakes: Certainly the proposition of model laws for utility regulations contained in section 112 is highly desirable. I think it is particularly so, having assisted Commissioner Ross when he designed our long-range legislative program back in 1959 and 1960. But we have no model laws on which to base our legislative proposals. This is, after all, an esoteric field, the specialized knowledge of which is largely confined to a few private and a few public lawyers, economists, and engineers. (Part III, p. 677).

Appropriations authorized

The authorized appropriation ceiling for S. 607 would amount to one tenth of 1 per cent of the aggregate annual gross operating revenues for all utilities, as defined in the Act. Those revenues, in 1967, totalled approximately $40 billion dollars. At that level the annual appropriation authorizations for S. 607 would be $40 billion. Because of the growth of the regulated industries, the authorization would increase by approximately eight per cent ($3.2 million) annually.

Because of the inadequacy of utility reports, it is not possible to estimate how much utilities spend on preparing and presenting their cases. One witness, Mayor William Hunt, president of the Montana Consumers Council, reported that Montana Power spent an estimated $300,000 in its 1968 rate case (Part I, p. 151). Several witnesses testified that utility advertising and public relations expenditures rose during rate cases and municipal bond election.

The appropriation authorization—one tenth of one per cent of gross revenue—is comparable to utility contributions, which many commissions permit to be included in operating expenses. (Detailed description of this practice in Florida appears in Part 6A (p. 1495–6) and in a March 1969 series of articles in the St. Petersburg Times, Part 6A, (beginning on page 1511). In a 30 September letter to Senator Metcalf which arrived too late for inclusion in the printed record, Chairman John Nassikas reported that total donation of major electric companies in 1968 totalled $20,139,000. Revenues were $19,539,000,000. Thus donations amounted to slightly more than one tenth of one per cent of revenue.

Senator Gurney said (Part VI, p. 1496.) that utility contributions are "so negligible," as to be undeserving of consideration, unless principle is involved, and too small to be significant to customers. By that reasoning, the comparable authorization for S. 607 is too modest to dispute.

TITLE II—PUBLIC INFORMATION

Adequate and timely information is essential to the regulatory function. A regulator, before he can determine whether an expenditure is allowable as an operating expense or as part of the rate base first has to know what the expenditure is, and how it is carried in the accounts. A party in a rate case, such as a representative of the consumers, needs the same information.

As with Title I, NARUC and the trade associations of the investor-owned utilities opposed Title II, which was supported by Federal and other witnesses. Mr Bloom, NARUC, spokesman and Pennsylvania commission chairman, testified that Title II "would impose an enormous and unnecessary burden on the FPC and the FCC . . ." and that "substantially all of the information called for by Title II of the bill is available to the public today." (Part II, pp. 224, 226.)

Mr. Vennard of Edison Electric Institute said that "regulatory commissions should, of course, have available to them all information necessary for them to do their job. Much of these data are of a highly technical nature which the general public may not be able to interpret properly." (Part IV, p. 902.)

Informing commissions not the same as informing public

NARUC and the industry trade associations stressed the importance of providing *the commissions* with information held necessary for regulation. Other witnesses emphasized the necessity for providing *the public* with information, in understandable form, on a comparative basis and in a timely manner. As Chairman White of the FPC testified:

"The commission agrees with the basic premise of Title II of S. 607 that adequate and readily available information is essential for effective utility regulation and is keenly aware of the importance of providing the public with understandable and readily comparable data concerning the finances and operations of electric utilities, licensees and natural gas companies." (Part II, p. 293.)

Defense Department witness Wagner emphasized the difficulty of obtaining needed information about utilities, despite the considerable resources of his client:

"We are very much in favor of those sections of the bill dealing with the information to be supplied by the utility. The most difficult job we have in defending a utility case or prosecuting a complaint case against any utility is obtaining information from a utility.

"In those instances where we have been able to get cost information, we have been much more successful. This has come about often by hook or crook methods, even using trickery to get the information, but we have been much more successful in those instances, and we heartily endorse those sections of the bill dealing with information requirements." (Part V, p. 1181.)

AT&T wrote the subcommittee that the information specified in S. 607 "could be utilized by utility consumers if made available to them."

"The question of whether legislation is necessary arises again, however, for with few exception the information specified in the bill is already reported to regulators in the telecommunications industry." (Part IV, p. 1112.)

AT&T like other industry witnesses and NARUC, thus regarded as sufficient the provision of information to *commissions*, rather than the *public*. The record before the subcommittee shows the insufficiency of informing only commissions.

For example, AT&T stated that "in addition to its annual report, all duly filed, preserved and available under FCC rules and the Administrative Procedures Act, "a monthly statement of the earnings of each Bell system associated company is furnished by the FCC to and at the request of NARUC for distribution to the State commission". (Part IV, p. 1113.) State Senator Howell told how he was unable to obtain these monthly reports from either the Chesapeake and Potomac Telephone Company or the Virginia State Corporation Commission:

"I wrote and asked the State Corporation Commission to get me one year's monthly reports so I could attempt to get a CPA to tell me what was in this report, because I saw some interesting figures that I did not understand, like 8 something per cent.

"I was called up to the SCC and met with representatives of C.&P. and they spent two hours explaining to me why I did not want this form. It was not really relevant. Well, I told them I did. The SCC wrote me back saying that they were not going to require the C & P to furnish it. It was an internal report on their finances, and the C & P general counsel wrote me and told me that they were not going to furnish it. I am a State Senator and I am interested in these things. And so I have no way at the present time of getting the financial picture not only of who owns the stock, but what the earnings are." (Part I, pp. 110–1.)

Senator Howell further testified that he had called public attention to rate disparities under which it was cheaper to call Toronto, Canada than another part of Virginia. The information showing this rate disparity had been printed on the telephone book's inside cover. After he publicized the rate disparity the telephone company abandoned the practice of putting information on long-distance rates in the phone book. (Part I, pp. 99, 106, 110, 111.)

Dr. Willett of the Massachusetts Consumers' Council testified that information filed by utilities with the Massachusetts commission "is not disseminated to the public, and the public does not realize it is there." Attorney Hesse of the Philadelphia Community Legal Services testified that "my clients are unable to acquire the necessary experts and the PUC will not share the work product of its staff with us. (Part V, p. 1262.) The New York Legislature's Committee on Consumer Protection found it "difficult, if not impossible, for interested parties to examine the basic reports, figures and memoranda of both the utility and the Public Service Commission." (Part VIB, p. 1722.)

Miami City Commissioner Maurice Ferre testified that Florida Power & Light refused to open its books to the City of Miami, and that the Florida Public Service Commission denied the City of Miami's petition to look at the company's books and records. (Part VIA, p. 1551.) The Attorney General of the State of Florida has brought action to attempt to get direct access to utility records, so that they may be studied and evaluated. (Part VIA, p. 1491.)

Ohio State Representative George E. Mastics testified that the bill's provision for "a central information center where this utility information can be reached by anyone" is "one of its finest points, because this is where I have had so much difficulty and our commission has had difficulty in trying to find out what is the corporate and rate structure of these utilities." (Part V, p. 1307.) Arizona Corporation Commissioner Herbert testified that "the provisions of Title II with respect to the acquisition and distribution of information relating to utilities will substantially help the commission keep abreast of trends in the public utility industry . . . (and) compare the operations of its utilities against nationwide performance." (Part I, p. 60.)

James Richardson, associate professor of Finance at the University of Florida and former mayor of Gainesville, testified that the value of Title II to public officials, researchers, security analysts and many others would be tremendous. "While some may argue that the records and data are in the hands of the various commissions and the Federal Power Commission, the cold hard fact is that frequently important data, such as that provided for in this section, are simply not available or if available, only after long and expensive search and complex accounting and financial adjustment." (Part VI, p. 1491.)

The large utility companies, testified Mr. Shapp of Pennsylvania:

"Have dozens, in some cases hundreds of persons working on their books and they keep one set of books in one department and another set in another, and there are few people who know the key of putting all of these records together.

"So they keep the two sets of books, but if you try to pry into these, either set of books, you have to go back really to the source of the data that is buried in some department and that source is very seldom revealed at the hearings, or even in their records." (Part V, p. 1244.) Another Pennsylvania witness, Attorney Hesse of Philadelphia Community Legal Services, noted that "the Philadelphia Electric Company's books have not been examined by the PUC staff for at least 4 years and no detailed audit of the company's books has ever been conducted by the PUC. In the present case, we find our-

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selves dealing with books which have been certified by an accounting firm which has been convicted of fraud in connection with its certification for another corporation." (Part V, p. 1262.)

NARUC Witness Bloom's statement that "substantially all of the information called for by Title II of the bill is available to the public today" was subverted by a statement of the Nevada Public Service Commission which he himself put in the hearing record. That statement, according to Mr. Bloom, "is very much in accordance with the views of the National Association of Regulatory Utility Commissioners."

The Nevada statement held requests for information in three of the categories "both unreasonable and presumptuous" for anyone "less well informed than State regulatory commissions, whose daily business it is to know and understand the circumstances of every utility they regulate . . ." Information in nine of the categories admittedly had to be obtained from utility annual reports or Congressional request to Federal regulatory agencies. The Nevada Commission said that most of the remaining information requested was unimportant, or strictly a State affair. The commission warned especially against publication of information about rate base, a matter "beyond the comprehension of most consumers." The all-important matter or rate base is one "for determination at the regulatory level by commissions who are the sole experts in a position to be adequately informed and to pass intelligent judgment. (Part II, pp. 226–230.) Apparently in the view of NARUC and the Nevada commission the public is on its own in obtaining information about regulated utilities and, anyway, possesses neither sufficient information or intelligence to make proper judgments.

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Present availability of information called for in Title II regarding electric power and natural gas pipeline companies appears in Part II, pp. 492–496. Chairman White testified that of the 24 specific information items in S. 607 as introduced, 10 or so are already published periodically, a half dozen or so are on forms that are already available, without any change in reporting by the companies, and another half dozen or so "would require some change in commission and company procedures." (Part II, p. 319.) The FPC does not publish or collect statistics on gas distribution companies, as Congressman Eckhardt learned from Chairman White of the FPC when Congressman Eckhardt was attempting to obtain basic data about gas companies in his district. (Part II, p. 347.) Indeed, even the American Gas Association could not provide the Subcommittee with basic financial statistic, the return on common stock equity, of individual gas distribution companies. (Part IV, p. 816.) In the landmark *Hope Natural Gas* case, in which the U.S. Supreme Court laid down the doctrine of "end result" in 1944, the Court stated that "the return to the equity owner should be commensurate with return in other enterprises having corresponding risks." One must wonder how both commissions and courts have been able to make meaningful determinations absent basic data based on uniform reporting standards.

The need to know specific information provided in title II

Beneficial Ownership

NARUC Witness Bloom foresaw benefit in knowing who beneficial stockholders of utilities are:

". . . We could take a much better look at some of the service contracts to determine whether those beneficial owners have service contracts with a utility. We could take a mighty hard look at the service contract to see if they are in any way being favored as a result of the fact that they have a large interest in the utility which was not disclosed." (Part II, p. 267.)

Similarly, Frank H. King, manager of the Holyoke (Mass.) Municipal, said this reporting requirement would have helped his city in its effort to find out who was behind a private utility's attempts to lease and subsequently take over the municipal light plant.

"Such constructive legislation (as S. 607) would have been of great interest and value to us as public officials at the time." (Part III, p. 658.)

Certainly the FPC's present reporting requirements on security holders provide scant, even misleading, information as may be seen from excerpts of such reports filed last year by Pennsylvania and Montana electric utilities and appearing in Part I, pp. 154–185. For example, Philadelphia Electric reported a a number of investment firms and insurance companies as principal stockholders. Nowhere in the Form 1 report to the FPC is there indication of the substantial financial and directorate ties between utilities, banks, insurance companies, and railroads as developed by the Patman Committee (summarized, as regards Philadelphia, in staff memorandum, Part I, pp. 152–3). "Cede & Co."—which the Interstate Commerce Commission ruled last year can no longer be used as a cover for hiding the names of real owners of railroad stock, appears as one of the 10 top security holders of Philadelphia Electric. On the other hand, Montana Power states that it does not know who the top security holders are, and then lists street names of investment houses which are nominees for beneficial owners. Figures under the final column of the FPC report form, cryptically headed "other," list unexercised stock option held by insiders. It is impossible to verify the nature of these "other" holdings by reading the report, and it is likewise impossible to determine the extent to which individual insiders benefit from these holdings by reading the entire Form 1 reports, reports to stockholders and Form 4 reports on insider transactions filed with the Securities and Exchange Commission.

Fees for Professional Services

A number of witnesses questioned whether certain types of utility expenditures should be included in the operating expenses which are paid by customers. S. 607 would, of course, in no way impinge on the prereogatives of commissions which determine inclusion or exclusion of items from operating expenses and rate base. S. 607 would enable commissions to identify such expenditures and thus make their judgment based on complete information.

Several witnesses discussed utility advertising, lobbying and the retaining of public officials, in relation to changes in rates and law. Among them was Ohio State Representative George Mastics:

"Why should they advertise or spend this kind of money? I think the reason is very obvious, at least in our area, with respect to the utilities that tend to come in with their rate increases.

"No. 1, they want to soften up the customer, subdue the customer, and convince him that they have kept the rates down. You see these television commercials with a hand over a telephone indicating how low those rates have been. That is our money paying for these advertisements, and it is unnecessary. They have no competition.

"Then even at the State level, when they go around and wine and dine the legislators and lobby them, whose money are they really spending? They are spending the ratepayers' money.

"The point I would like to make is: Unless someone comes in and complains, you really do not get much action insofar as the structuring of rates in our State." (Part V, p. 1305.)

Mitchell D. Moore, Osceola, Arkansas, city attorney, described Arkansas Power & Light's effort to cancel the city's contract for wholesale power with the Southwestern Power Administration:

"Throughout most of the history of this matter, Arkansas Power & Light intensified its newspaper and radio advertising to influence the news media. It was in some measure successful in doing so. It is my firm belief and conviction that no public utility should be able to write off advertising expense to the degree and to the extent permitted . . . The power companies are permitted to advertise in the paper that they are taxpaying public utilities. This is the grossest sort of misleading advertising . . . It is the consumer who pays the taxes." (Part V, pp. 1224–5.)

Another Osceola witness, Mayor Charles H. Wiygul, testified that "it would be conservative to say that at least 75 lawyers are employed in Arkansas to represent Arkansas Power & Light Co. In addition to this number, a majority of the members of the Arkansas Legislature who are attorneys have represented Arkansas Power & Light Co."

"Senator Metcalf: How many members does the Arkansas Legislature have?

"Mr. Moore: They have 100 members of the House.

"Senator Metcalf: Of the House of Representatives. How many in the Senate?

"Mr. Moore: It would be 35.

"Senator Metcalf: And you say a majority of the members who are attorneys, the majority of attorneys who are members of the legislature represent the Arkansas Power & Light?

"Mayor Wiygul: They have at one time or another.

"Senator Metcalf: Do you know how many members of the Arkansas Legislature are attorneys?

"Mr. Moore: No, sir; I do not.

"Senator Metcalf: Would you say it was a substantial number?

"Mayor Wiygul: It is a substantial majority; I would say a majority of them" (Part V, pp. 1231–2.)

W. C. McCubbins, Mayor and Council President in Danville, Virginia, described the tactics of American Electric Power, whose subsidiary Appalachian Power attempted to defeat the Danville bond issue for expansion of its municipal power plant:

"The attitude, objectives and methods of American Electric Power, though somewhat more sophisticated than those of Samuel Insull, are largely the same. There is an utterly ruthless, completely cynical attitude on the part of this company to use unlimited amounts of money taken from the ratepayers to monopolize, to restrain trade, and generally to confuse and cheat the public. The statements in the advertising campaign waged by American Electric Power in Danville deliberately falsifying a comparison of power costs if purchased from the company to the costs if produced by Danville, are a shocking and inescapable example." (Part III, p. 507.)

Another Danville witness, one who sided with American Electric Power and its subsidiary, Appalachian Power, in the bond issue dispute, indicated the utility's commanding role in the community:

"Mr. Turner: Because of the fact that H. K. Porter was one of Appalachian's largest suppliers, Appalachian went to H. K. Porter and said why do you not help out those people in Danville.

"Mr. Stinson: That is right, and we were selfish enough to want to take it. They had to go some place.

"Mr. Turner: They had to go where Appalachian suggested they go.

"Mr. Stinson: That is right. That is what we need in Danville and that justifies the statement I made here that Danville needs Appalachian a whole lot more than Appalachian needs us." (Part III, p. 604.)

Pennsylvania witness Shapp testified that at the Pennsylvania constitutional convention last year "there were 135 registered lobbyists for that convention, and almost 40 per cent of them represented utility companies. This did not include those who did not register as lobbyists. (Part V. p. 1242.)

Colloquy during Congressman Eckhardt's testimony dealt with reports that there were four utility lobbyists per state Senator during this year's session of the State legislature—at which proposed legislation providing for utility regulation in Texas was killed.

Franchises

Testimony showed that utility franchise arrangements range from operation without franchise to perpetual rights:

"Senator Erwin: Don't the telephone companies, and the gas companies and the electric power companies according to Texas law operate under the public franchises granted by some governmental body?

"Mr. Eckhardt: They sometimes do and sometimes don't. For instance, the telephone company in San Marcus operated for some 20 years without a franchise. And as long as no one sued to stop it, and perhaps even if they did, the company may continue to operate." (Part II, p. 350.)

On the other hand, according to Osceola City Attorney Moore:

"In Arkansas, we have a situation which makes an electric franchise from a municipality to the power company perpetual whether or not the municipality intended it to be so." (Part V, p. 1226.)

Fuel Costs

The original language of Section 201(b) (23) provided for reporting information with respect to coal purchase contracts in the manner now prescribed by Pennsylvania and West Virginia. The need for broadening this requirement to cover all fuels was emphasized by George Spiegel, counsel of the Municipal Electric Association of Massachusetts:

"I would recommend that (paragraph 23) be broadened beyond the question of coal, to cover all fuels. I would also recommend that the provision be worded so that the information produced and disseminated by the Commission is done on a uniform, a unit basis—per million B.t.u., for example. We had great difficulty when we started to try to analyze the fuel costs of the New England Electric System, what those costs were and why, of this one system, which appeared to be paying considerably higher for its fuel than other systems. It was a most enormous expenditure of time and effort to dig up this information to find out what the coal was being bought for, to convert cost per ton into cost per million B.t.u.—because different types of coal have different amounts of heat values—trying to compare oil with coal and gas on a standard basis. . . We finally came, after literally months of research and deposition, to the point where we think we understand just what the coal procurement practice of this company is and how it, in our view, may be deficient." (Part III, p. 695.)

Pooling Agreements

Testimony indicated that, despite the importance of power pooling to electric reliability, pooling arrangements are sometimes extremely casual. Gary Tabak, assistant staff counsel-engineer for the National Rural Electric Cooperative Association, testified that "in the Northeast many people have tried to learn what the plans of certain pools were and they were really never able to get this information. The utilities said they do it by phone and this is the way these agreements are put together." (Part III, p. 175.)

John R. Kelly, director of public utilities in Gainesville, Florida, testified as to the difficulty his city had in discovering the terms of a pooling agreement important to it:

". . . We made an effort to obtain a copy of an interconnection agreement between Florida Power Corporation and Florida Power and Light Company. Florida Power Corporation said it was on file with the Florida Public Service Commission, but, on inquiry, the Commission would not release a copy. When Florida Power Corporation finally produced the paper, under threat of Federal Power Commission subpoena, it turned out to be a 1½ page unsigned memorandum prepared by Florida Power Corporation and never reviewed by Florida Power & Light Company, and in this shape was accepted for filing by the Florida commission. The memorandum itself was incomplete, and referred to so-called left overs of an old contract and verbal agreements. Nobody, from the president of Florida Power Corporation on down, could tell us what these left overs and verbal agreements were, nor could they tell us the names of anyone who would know. Finally, the company's trial counsel laid it on the line:

"I don't know and I don't know anybody in the company who does know. As I understand it, the only man who did know is Mr. McKean, who is dead." (Part IVA, p. 1508.)

Robert Marritz, executive director of the Missouri Basin Systems Group, pointed out the particular advantage of reports on pooling agreements to small utility systems:

"Investor-owned utilities in the Missouri Basin and around the country have been generally unwilling to make available to the smaller systems the type of information which would be provided under paragraph (24). Particularly this portion of S. 607 would be helpful to fill the information gap which exists today—not only between utilities and their retail consumers, but also between larger and smaller utilities, with which the larger ones are too often unwilling to share economic benefits." (Part II, p. 418.)

Contributions and Donations

The FPC requires utilities subject to its reporting requirements to itemize donations and contributions, and to enter political expenditures in non-operating accounts. Thus State regulatory commissions can readily identify and exclude expenditures which it believes would not be passed on to the consumers. Some utilities disregard these reporting regulations. Arizona Corporation Commissioner Herbert testified that contributions are lumped, that political expenditures are included among donation, in operating expense accounts (Part I, p. 73.) The witness for the New Day for Danville Committee testified that Appalachian Power and American Electric Power made no contributions to it. (Part III, p. 592–3.) The FPC audit showed that Appalachian Power made substantial contributions, directly and indirectly, to the New Day for Danville Committee. (Part VIB, p. 1665.)

Promotional practices

Congressman Dingell, testifying to the subcommittee regarding the findings of his House Small Business Subcommittee on Regulatory Agencies, reported that utilities are decreasing their competition by offering "payola" under a variety of methods:

"We found, for example, that the payola situation in these industries has reached a point now where payola is required from installers in order to do the payola business that the utilities themselves are engaged in something which to me is quite frankly shocking. We found that the utilities are moving over into the area of real estate operations. They are buying tracts of land, subdividing it, putting restrictive covenants on these tracts of land so that their kind of power has to be used, something which I regard as entirely wrong. They are literally impoverishing and making subject to destitution, the jobbers, the petroleum jobbers, and are well on the way to making them an extinct kind of animal.

"They will engage in such unwholesome practice as giving a contract—that they will give you a certain guaranteed rate exclusively, at the conclusion of which the consumer who has signed one of these contracts, all of a sudden finds his rate is adjusted to reflect what I must assume is the cost of service to him, at a much higher level. We find this doesn't always afflict the original buyer of the house. We found that the original buyer has ofttimes sold to what you might want to call a patsy, or sucker, or paleface, who would all of a sudden find his rates going up.

"We found some very interesting things with regard to the question of the gold medallion. And we found the gold medallion is not a gold medallion at all. It says "Live better electrically," but Mr. Potvin here, my good friend and counsel of the subcommittee at that time, had put 'caveat emptor' on it, because the insulation and other things, other desirable features of supposedly all-electrical homes weren't all there." (Part II, p. 389.)

Congressman Dingell suggested a specific remedy:

"Senator Metcalf: As I understand it, you suggest that we amend S. 607, so that we can at least find out what promotional practices are being used so that the regulatory agencies will know.

"Mr. Dingell: I think this would be a very desirable and helpful amendment, Mr. Chairman. We found this to be most distressing. One of the recommendations of the subcommittee was that this kind of practice be made a matter of rate filings. It should be made a matter of public information. It should be a required portion of the tariff structure, so that the agency concerned would know how much of the money that flows through the hands of these utilities from the consumers—it is the consumers' money really—is being used to buy customers, and is being used to inflate the rate base.

"Senator Metcalf: Or drive out competition."

Automatic Data Processing

FPC Chairman White emphasized the importance of applying modern methods of information storage and retrieval to the regulatory process, as proposed in S. 607:

"Title II of S. 607 emphasizes, as I think it properly should, the importance of having a great deal of information. That information is only as valuable as it is available and to the extent that it can be put into computer banks, and made accessible to the State agencies that have need for it and to the Federal agencies, and to the public at large, we think a useful purpose will have been served . . . The Commission concurs in the objective of Section 202 of S. 607 to promote expanded use of automatic data processing techniques. In today's increasingly complex society, expanded reliance on automatic data processing technology offers the only hopeful means of collecting and rendering useful the volume and detail of information needed to support sound regulatory decisions in the public interest . . ." (Part II, pp. 300, 294.)

Also, Chairman White said:

". . . The data revolution has led corporate managements throughout the country to automate their information processing. This is not simply a matter of saving on labor costs since, as the current experience of stockbrokers dramatizes, the quantities of business data coming into company offices has multiplied so fast that no manual system seems able to keep up with the flood. Moreover, corporate managements apparently insist on knowing more about the performance of their companies from day to day and month to month as a guide to decision making. It is a thesis of S. 607, and a thesis which we share, that in the sphere of utility corporations the regulatory agencies and the corporate managements both need sophisticated ADP techniques to keep abreast of developments and to perform their respective functions properly.

"The solution to the ever increasing de-

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mand for information and the regulatory need for reliable utility data lies, we are convinced, in reliance on ADP over the long run rather than on manual processing or more shelf space." (Part II, p. 295.)

Peter James, president and board chairman of Photo Magnetic Systems, told the subcommittee that "full use of electronic data processing could save the public many millions of dollars if properly applied to the utility industries."

"However, it must be borne in mind that the computer can only be effective where proper data is fed into it on a daily basis. It would necessarily follow that the various public utilities investigatory agencies must be willing or required to implement the supply of data and information when and where applicable."

The NARUC witness, Mr. Bloom, limited his endorsement of ADP use to development of a system "so that regulatory *commissions* will have direct access to utility data needed for effective regulation." In contrast, Chairman White emphasized throughout the *public's* need to know the information collected from the regulated companies. This view by Chairman White accords with that of other witnesses. That publication of information by itself performs a useful regulatory function. The following colloquy among the acting chairman, minority counsel and AFL–CIO Economist George Taylor is to the point:

"Senator Metcalf. Mr. Taylor, many of these things are cured just by public exposure.

"Mr. Taylor. Mr. Biemiller made this point, that the fact that this informtion is going to be reported publicly to the President, to the Congress, has a regulatory effect in itself without the passage of a single bill.

"Mr. Berry. A good deal of it is now reported, is that not right?

"Mr. Taylor. Yes, but I think many of us who—I am not a born-Washingtonian; thank heavens, but I have been here for about 15 years, and it has taken me about ten years to know how to find this material, and this has been part of my job." (Part VI, p. 1638.)

Charles R. Ross, formerly a member of the Federal Power Commission and chairman of the Vermont Public Service Board, summed up the case for Title II in these words:

"As you have already pointed out, Senator, adequate disclosure of public information most of the time serves as a very effective regulator in and of itself. As a result of my experience in regulation, I would say that the assistance Title II would provide, whether to a State or Federal regulator, should be welcomed by every regulator. In some areas it seeks to provide answers to questions that some of us have sought unsuccessfully for years. I mention, for example, the names and addresses of the 100 principal stockholders and the terms of restricted stock option. When I was first on the Vermont Public Utilities Commission I heard rumors to the effect that two of the larger utilities were going to merge. I was not taking a position whether they should or should not but I wanted to know who controlled each corporation and I came down to Washington and asked the Federal Power Commission if they could find out for me. I was a naive young State regulator and I thought by coming down here I could get all the answers and, Mr. Chairman, to my surprise, I never did find out and I have not found out yet.

"Senator Metcalf: And the Federal Power Commission cannot find out.

"Mr. Ross: That is right. So, in this particular respect, I think it would be very helpful, at least in my personal opinion.

"In other areas, Title II seeks to force the FPC to make meaningful comparison so that independent observers could try to develop meaningful criteria in seeking to measure effectiveness of regulation. Certainly the public should not have to rely upon their public representatives, Members of Congress, and Representatives in the State legislatures, to devote their time and their staff's time in requesting such warranted information. Actually, the Federal agencies could make many of the studies presently called for but there seems to be a reluctance to do so. It is really a sad commentary that this has to be spelled out. Yet, in a way, it is understandable since one regulator does not like to show up another or to be shown up himself and in many cases, in dealing with industry, regulators are sensitive about kissing and telling.

"Frankly, regulation more than any other institution, should be responsive to the public." (Part III, pp. 630–1.)

INTERRELATIONSHIP OF TITLE I AND TITLE II

S. 607 deals with two basic consumer rights as set forth in the Presidential consumer messages of 1962, 1964 and 1968. They are the right to be heard (Title I) and the right to be informed (Title II).

The witness for the American Trial Lawyers Association, Stanley E. Preiser, emphasized the interrelationship of these two rights in both commission and court proceedings:

"The basis for any successful adversary system is the counsel's ability to discover all the facts in any case and be able to disclose these facts as a skilled advocate. Any lawyer who has ever tried a lawsuit or presented a matter, whether it be before a utility commission or elsewhere—and again I am digressing from the text, if I am permitted—knows that the matter is not won or decided in the courtrooms, or in the utility hearing room. It is won long before you walk into that room by full and complete acquisition of all the facts, acquisition of all the necessary expert witnesses and knowledge, and acquiring a full and complete knowledge of the breadth of the law applicable to that proceeding." (Part VIA, p. 1403).

WITNESS LIST

Hearings on S. 607

On January 24, 1969, Senator Metcalf reintroduced his proposal for a Utility Consumers' Counsel. Entitled S. 607, it differed from S. 2933 of the 89th Congress only insofar as it added three additional information requirements to Title II.

Cosponsors of S. 607 are Senators Aiken, Dodd, Gravel, Hart, Kennedy, McGovern, Mansfield, Nelson, Pell, Tydings, Yarborough, and Young of Ohio.

Hearings on S. 607 were held on February 17 and 18, March 10, 11, 12, 13, 17, 19, 20 and 21, April 21, 22 and 25, May 12, 13, 14 and 15, June 26, 27 and 30 and July 9, 1969. Witnesses at these hearings included a broad spectrum of representatives from the regulatory, legislative and business communities. Those who testified were:

I. Members of Congress

Honorable Robert O. Tiernan, U.S. Representative in Congress from the 2nd District of Rhode Island;

Honorable Bob Eckhardt, U.S. Representative in Congress from the 8th District of Texas; and

Honorable John Dingell, U.S. Representative in Congress from the 16th District of Michigan.

II. Federal Officials

Honorable Lee C. White, Chairman of the Federal Power Commission;

Honorable Robert Kunzig, Administrator, General Services Administration;

Honorable Kenneth A. Cox, Member of the Federal Communications Commission;

Curtis L. Wagner, Jr., Special Assistant to the Judge Advocate General of the Army for Communications, Transportation, and Utilities, also, Chief of Regulatory Law Division of the Army; and

Honorable Charles R. Ross, former member of the Federal Power Commission, now visiting lecturer at the University of Vermont and a member of the International Joint Commission.

III. State officials

Honorable William O. Doub, Chairman, Maryland Public Service Commission;

Commissioner Dick Herbert, Arizona Corporation Commission;

Dr. Edward R. Willett, Chairman, Massachusetts Consumers Council and Chairman of the Department of Finance and Insurance at Northeastern University, Boston, Massachusetts, accompanied by Dermot Shea, Executive Director, Massachusetts Consumers Council;

Edwin P. Palumbo, Executive Director, Rhode Island Consumers Council; and

Honorable James L. Oakes, former Attorney General of the State of Vermont.

IV. State legislators

Honorable Henry Howell, Jr., State Senator from Norfolk, Virginia;

Honorable Norman S. Berson, Member, House of Representatives, State of Pennsylvania; and

Honorable George E. Mastics, Member, House of Representatives, State of Ohio.

V. Municipal Officials

Honorable Maurice A. Ferre, Commissioner, City of Miami, Florida;

Honorable Bess Myerson Grant, Commissioner of Consumer Affairs, City of New York;

Honorable Charles H. Wiygul, Mayor, Osceola, Arkansas;

Mitchell D. Moore, City Attorney, Osceola, Arkansas;

Honorable William Hunt, Mayor, Chester, Montana and President of the Montana Consumers Council;

Honorable W. C. McCubbins, Mayor, Danville, Virginia and President of the City Council, accompanied by Philip P. Ardery, Special Counsel;

John W. Carter, Councilman, City of Danville, Va. and Chairman of Finance Committee, City of Danville;

Berkley G. Adkins, Superintendent of the City of Danville (Va.) Electric Department;

John R. Kelly, Director of Public Utilities, Gainesville, Florida;

Michael Collins, Secretary-Treasurer, Municipal Electric Association of Massachusetts and Manager, Municipal Electric System, Wakefield, Massachusetts, accompanied by George Spiegel, Counsel to Municipal Electric Association of Massachusetts; and

Frank H. King, Manager, Municipal Gas and Electric Department, Holyoke, Massachusetts.

VI. Representatives of Trade Associations

Honorable George I. Bloom, Second Vice President, National Association of Regulatory Utility Commissioners and also, Chairman of the Pennsylvania Public Utility Commission, accompanied by Honorable Harry T. Westcott, President of NARUC and Chairman of the North Carolina Utilties Commission; Paul Rodgers, General Counsel, NARUC; Commissioner Francis Pearson, First Vice President, NARUC and Member of the Washington Utilities and Transportation Commission; Ralph Wickberg, Chairman, Western Conference of Utility Commissioners and President of the Idaho Public Utilities Commission; Norman A. Johnson, Jr., Chairman, Mississippi Public Service Commission; William R. Clark, Chairman, Public Service Commission of Missouri; Carl Johnson, Chairman, Ohio Public Utilities Commission; Bernard T. Helhowski, director, Bureau of Rates and Research, Pennsylvania Public Utility Commission; Harry C. Cordier, Financial Analyst, Pa. Public Utility Commission; and David M. Bramson, Director of Public Relations and Information, Pa. Public Utility Commission;

William J. Crowley, Executive Vice President, Finance and Corporate Services, the American Gas Association; accompanied by

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Richard L. Rosan, General Counsel, Columbia Gas System;

William R. Connole, representing the American Gas Association;

Edwin Vennard, Vice President and Managing Director, Edison Electric Institute; accompanied by John Thornborrow, Assistant Managing Director, EEI;

D. Bruce Mansfield, Chairman, Edison Electric Institute, Committee on Regulation, President, Ohio Edison Company and Chairman of the Board and President of the Pennsylvania Power Company;

Dr. Leon H. Keyserling, consulting economist, representing the Edison Electric Institute;

Alfred E. Borneman, Vice President, Kidder, Peabody and Co., New York, appearing on behalf of the Edison Electric Institute;

Hugh R. Wilbourn, Jr., Chairman, Committee on Legislation, United States Independent Telephone Association and President, Allied Telephone Co., Little Rock, Arkansas;

William C. Mott, Vice President, U.S. Independent Telephone Association;

Clarence H. Ross, President, Central Telephone and Utilities Corp., Chicago, Ill.; appearing on behalf of the U.S. Independent Telephone Association;

Douglas Gleason, Executive Vice President, Finance of United Utilities, Inc., Westwood, Kansas, appearing on behalf of the U.S. Independent Telephone Association;

Honorable Andrew J. Biemiller, Director, Department of Legislation, AFL-CIO;

Joseph Brennan, Director of Research and Marketing, United Mine Workers of America;

Alex Radin, General Manager, American Public Power Association;

Stanley E. Preisir, Chairman, Special Ad Hoc Committee for Products Liability Services, American Trial Lawyers Association;

Mrs. Erma Angevine, Executive Director, Consumer Federation of America;

Ed Berlin, Counsel representing Consumer Federation of America;

David C. Fullarton, Executive Manager, National Telephone Cooperative Association;

Robert J. Leigh, Counsel and Director of Industry Relations, National Telephone Cooperative Association;

Thomas F. Policastro, President, New England AFL-CIO Labor Council;

Joseph O. Tally, Jr., General Counsel, ElectriCities of North Carolina;

Gary Tabak, Assistant Staff Counsel-Engineer, National Rural Electric Cooperative Association;

Robert O. Marritz, Executive Director, Missouri Basin Systems Group;

Frank H. Sahlman, Sr., Executive Vice President, Northeast Public Power Association;

Robert D. Lynch, Vice President, National Oil Fuel Institute, New York; and

Frank F. Jestrab, representing North Dakota Association of Rural Electric Cooperatives.

VII. Business Executives

Arthur H. Padula, President of Arthur H. Padula Construction Corporation, Newark, New Jersey; and

Peter James, President and Chairman of the Board, Photo Magnetic Systems, Inc., Beltsville, Maryland, and investor of the Comput-A-Phone.

VIII. Other

Milton J. Shapp, Chairman of the Pennsylvania Democratic Study Committee, Philadelphia, Pennsylvania;

James G. Richardson, Professor of Finance, University of Florida, Gainesville, Fla., and former Mayor of Gainesville;

Dr. Arthur A. Brown, A.D. Little, Inc., Cambridge, Mass.; and

Richard A. Hesse, Attorney, Office of Consumers' Advocate, Community Legal Services, Inc., Philadelphia, Pennsylvania.

BACKGROUND ON LAOS

Mr. GOLDWATER. Mr. President, lately I have listened to some of my colleagues berate the United States for supposed activities in Laos and have read similar incomplete stories in the New York Times and Washington Post, I have kept wondering when some one of that group would come out with the whole truth. Not having seen it so far, I am going to offer it on the floor of the Senate today in the hope that the Foreign Relations Committee, its members, and those not on the committee who have been critical of our country might see the real culprit.

The 1962 Conference on Laos supersedes the agreements reached at the 1954 Geneva Conference with regard to that country.

Russia is given a responsibility to maintain peace in Laos both as a signer of the 1962 Declaration on the Neutrality of Laos and as a cochairman of the 1962 conference.

This may come as a surprise to some Senators and even to the press that I have mentioned, but the Russians, and let us add to them the People's Republic of China and the Democratic Republic of Vietnam, all pledged themselves to respect the neutrality of Laos and they did this when they said in the declaration:

> They will not introduce into the Kingdom of Laos foreign troops or military personnel in any form whatsoever, nor will they in any way facilitate or connive at the introduction of any foreign troops or military personnel.

Now, who is causing the trouble in Laos and, as long as we are at it, the trouble in South Vietnam and Northwest Thailand? The Communists, whether they be Russian, North Vietnamese, or Red Chinese. The United States is not the culprit. The United States has been trying to live up to its responsibilities under the declaration and has been giving the Laotian army air support on the Plain of Jars. I have a feeling that this is the least we can do for that country which is allowing us to bombard unmercifully at the Ho Chi Minh trails and the three major passes by which access is gained from North Vietnam and into Laos and then into Cambodia and South Vietnam.

Again, who are the troublemakers? The Communists. So I would hope that in the future that when Senators or members of the press decide to ascribe all of the trouble in Laos to the United States, that they point their finger at Russia, Red China, and North Vietnam and ask the question, What are you doing upsetting the neutrality of Laos?

Mr. President, I ask unanimous consent that the entire Declaration on the Neutrality of Laos, which appears in a document printed by the Committee on Foreign Relations in the 90th Congress, 1st session, 1967, "Background Information Relating to Southeast Asia and Vietnam," from pages 104 through article 20 on page 112 be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECLARATION ON THE NEUTRALITY OF LAOS, JULY 23, 1962[1]

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, whose representatives took part in the International Conference on the Settlement of the Laotian Question, 1961-62;

Welcoming the presentation of the statement of neutrality by the Royal Government of Laos of July 9, 1962, and taking note of this statement, which is, with the concurrence of the Royal Government of Laos, incorporated in the present Declaration as an integral part thereof, and the text of which is as follows:

"THE ROYAL GOVERNMENT OF LAOS,

"Being resolved to follow the path of peace and neutrality in conformity with the interests and aspirations of the Laotian people, as well as the principles of the Joint Communiqué of Zurich dated June 22, 1961, and of the Geneva Agreements of 1954 in order to build a peaceful, neutral, independent, democratic, unified and prosperous Laos,

"Solemnly declares that:

"(1) It will resolutely apply to five principles of peaceful co-existence in foreign relations, and will develop friendly relations and establish diplomatic relations with all countries, the neighboring countries first and foremost, on the basis of equality and of respect for the independence and sovereignty of Laos;

"(2) It is the will of the Laotian people to protect and ensure respect for the sovereignty, independence, neutrality, unity, and territorial integrity of Laos;

"(3) It will not resort to the use or threat of force in any way which might impair the peace of other countries, and will not interfere in the internal affairs of other countries;

"(4) It will not enter into any military alliance or into any agreement, whether military or otherwise, which is inconsistent with the neutrality of the Kingdom of Laos; it will not allow the establishment of any foreign military base on Loatian territory, nor allow any country to use Laotian territory for military purposes or for the purposes of interference in the internal affairs of other countries, nor recognise the protection of any alliance or military coalition, including SEATO.

"(5) It will not allow any foreign interference in the internal affairs of the Kingdom of Laos in any form whatsoever;

"(6) Subject to the provisions of Article 5 of the Protocol, it will require the withdrawal from Laos of all foreign troops and military personnel, and will not allow any foreign troops or military personnel to be introduced into Laos;

"(7) It will accept direct and unconditional aid from all countries that wish to help the Kingdom of Laos build up an independent and autonomous national economy on the basis of respect for the sovereignty of Laos;

"(8) It will respect the treaties and agreements signed in conformity with the interest of the Laotian people and of the policy of peace and neutrality of the Kingdom, in particular the Geneva Agreements of 1962, and will abrogate all treaties and agreements which are contrary to those principles.

"This statement of neutrality by the Royal Government of Laos shall be promulgated

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[1] Treaties and Other International Acts Series 5410.

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constitutionally and shall have the force of law.

"The Kingdom of Laos appeals to all the States participating in the International Conference on the Settlement of the Laotian Question, and to all other States, to recognise the sovereignty, independence, neutrality, unity and territorial integrity of Laos, to conform to these priciples in all respects, and to refrain from any action inconsistent therewith."

Confirming the principles of respect for the sovereignty, independence, unity and territorial integrity of the Kingdom of Laos and non-interference in its internal affairs which are embodied in the Geneva Agreements of 1954;

Emphasising the principle of respect for the neutrality of the Kingdom of Laos;

Agreeing that the above-mentioned principles constitute a basis for the peaceful settlement of the Laotian question:

Profoundly convinced that the independence and neutrality of the Kingdom of Laos will assist the peaceful democratic development of the Kingdom of Laos and the achievement of national accord and unity in that country, as well as the strengthening of peace and security in South-East Asia;

1. Solemnly declare, in accordance with the will of the Government and people of the Kingdom of Laos, as expressed in the statement of neutrality by the Royal Government of Laos of July 9, 1962, that they recognise and will respect and observe in every way the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos.

2. Undertake, in particular, that—

(*a*) they will not commit or participate in any way in any act which might directly or indirectly impair the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos;

(*b*) they will not resort to the use or threat of force or any other measure which might impair the peace of the Kingdom of Laos;

(*c*) they will refrain from all direct or indirect interference in the internal affairs of the Kingdom of Laos;

(*d*) they will not attach conditions of a political nature to any assistance which they may offer or which the Kingdom of Laos may seek;

(*e*) they will not bring the Kingdom of Laos in any way into any military alliance or any other agreement, whether military or otherwise, which is inconsistent with her neutrality, nor invite or encourage her to enter into any such alliance or to conclude any such agreement;

(*f*) they will respect the wish of the Kingdom of Laos not to recognise the protection of any alliance or military coalition, including SEATO;

(*g*) they will not introduce into the Kingdom of Laos foreign troops or military personnel in any form whatsoever, nor will they in any way facilitate or connive at the introduction of any foreign troops or military personnel;

(*h*) they will not establish nor will they in any way facilitate or connive at the establishment in the Kingdom of Laos of any foreign military base, foreign strong point or other foreign military installation of any kind;

(*i*) they will not use the territory of the Kingdom of Laos for interference in the internal affairs of other countries;

(*j*) they will not use the territory of any country, including their own for interference in the internal affairs of the Kingdom of Laos.

3. Appeal to all other States to recognise, respect and observe in every way the sovereignty, independence and neutrality, and also the unity and territorial integrity, of the Kingdom of Laos and to refrain from any action inconsistent with these principles or with other provisions of the present Declaration.

4. Undertake, in the event of a violation or threat of violation of the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos, to consult jointly with the Royal Government of Laos and among themselves in order to consider measures which might prove to be necessary to ensure the observance of these principles and the other provisions of the present Declaration.

5. The present Declaration shall enter into force on signature and together with the statement of neutrality by the Royal Government of Laos of July 9, 1962, shall be regarded as constituting an international agreement. The present Declaration shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all the other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed the present Declaration.

Done in two copies in Geneva this twenty-third day of July one thousand nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

PROTOCOL TO THE DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Kingdom of Laos, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Having regard to the Declaration on the Neutrality of Laos of July 23, 1962;

Have agreed as follows:

Article 1

For the purposes of this Protocol—

(*a*) the term "foreign military personnel" shall include members of foreign military missions, foreign military advisers, experts, instructors, consultants, technicians, observers and any other foreign military persons, including those serving in any armed forces in Laos, and foreign civilians connected with the supply, maintenance, storing and utilization of war materials;

(*b*) the term "the Commission" shall mean the International Commission for Supervision and Control in Laos set up by virtue of the Geneva Agreements of 1954 and composed of the representatives of Canada, India and Poland, with the representative of India as Chairman;

(*c*) the term "the Co-Chairmen" shall mean the Co-Chairmen of the International Conference for the Settlement of the Laotian Question, 1961–1962, and their successors in the offices of Her Britannic Majesty's Principal Secretary of State for Foreign Affairs and Minister for Foreign Affairs of the Union of Soviet Socialist Republics respectfully;

(*d*) the term "the members of the Conference" shall mean the Governments of countries which took part in the International Conference for the Settlement of the Laotian Question, 1961–1962.

Article 2

All foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall be withdrawn from Laos in the shortest time possible and in any case the withdrawal shall be completed not later than thirty days after the Commission has notified the Royal Government of Laos that in accordance with Articles 3 and 10 of this Protocol its inspection teams are present at all points of withdrawal from Laos. These points shall be determined by the Royal Government of Laos in accordance with Article 3 within thirty days after the entry into force of this Protocol. The inspection teams shall be present at these points and the Commission shall notify the Royal Government of Laos thereof within fifteen days after the points have been determined.

Article 3

The withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall take place only along such routes and through such points as shall be determined by the Royal Government of Laos in consultation with the Commission. The Commission shall be notified in advance of the point and time of all such withdrawals.

Article 4

The introduction of foreign regular and irregular troops, foreign para-military formations and foreign military personnel into Laos is prohibited.

Article 5

Note is taken that the French and Laotian Governments will conclude as soon as possible an arrangement to transfer the French military installations in Laos to the Royal Government of Laos.

If the Laotian Government considers it necessary, the French Government may as an exception leave in Laos for a limited period of time a precisely limited number of French military instructors for the purpose of training the armed forces of Laos.

The French and Laotian Governments shall inform the members of the Conference, through the Co-Chairmen, of their agreement on the question of the transfer of the French military installations in Laos and of the employment of French military instructors by the Laotian Government.

Article 6

The introduction into Laos of armaments, munitions and war material generally, except such quantities of conventional armaments as the Royal Government of Laos may consider necessary for the national defence of Laos, is prohibited.

Article 7

All foreign military persons and civilians captured or interned during the course of hostilities in Laos shall be released within thirty days after the entry into force of this Protocol and handed over by the Royal Government of Laos to the representatives of the Governments of the countries of which they are nationals in order that they may proceed to the destination of their choice.

Article 8

The Co-Chairmen shall periodically receive reports from the Commission. In addition the Commission shall immediately report to the Co-Chairmen any violations or threats of violations of this Protocol, all significant steps which it takes in pursuance of this Protocol, and also any other important information which may assist the Co-Chairmen in carrying out their functions. The Commission may at any time seek help from the Co-Chairmen in the performance of its duties, and the Co-Chairmen may at any time make recommendations to the Commission exercising general guidance.

The Co-Chairmen shall circulate the reports and any other important information from the Commission to the members of the Conference.

The Co-Chairmen shall exercise supervision over the observance of this Protocol and the Declaration on the Neutrality of Laos.

The Co-Chairmen will keep the members of the Conference constantly informed and when appropriate will consult with them.

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Article 9

The Commission shall, with the concurrence of the Royal Government of Laos, supervise and control the cease fire in Laos.

The Commission shall exercise these functions in full co-operation with the Royal Government of Laos and within the framework of the Cease-Fire Agreement or cease fire arrangements made by the three political forces in Laos, or the Royal Government of Laos. It is understood that responsibility for the execution of the cease-fire shall rest with the three parties concerned and with the Royal Government of Laos after its formation.

Article 10

The Commission shall supervise and control the withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel. Inspection teams sent by the Commission for these purposes shall be present for the period of the withdrawal at all points of withdrawal from Laos determined by the Royal Government of Laos in consultation with the Commission in accordance with Article 3 of this protocol.

Article 11

The Commission shall investigate cases where there are reasonable grounds for considering that a violation of the provisions of Article 4 of this Protocol has occurred.

It is understood that in the exercise of this function the Commission is acting with the concurrence of the Royal Government of Laos, and shall carry out its investigations in full co-operation with the Royal Government of Laos and shall immediately inform the Co-Chairmen of any violations or threats of violations of Article 4, and also of all significant steps which it takes in pursuance of this Article in accordance with Article 8.

Article 12

The Commission shall assist the Royal Government of Laos in cases where the Royal Government of Laos considers that a violation of Article 6 of this Protocol may have taken place. This assistance will be rendered at the request of the Royal Government of Laos and in full co-operation with it.

Article 13

The Commission shall exercise its functions under this Protocol in close co-operation with the Royal Government of Laos. It is understood that the Royal Government of Laos at all levels will render the Commission all possible assistance in the performance by the Commission of these functions and also will take all necessary measures to ensure the security of the Commission and its inspection teams during their activities in Laos.

Article 14

The Commission functions as a single organ of the International Conference for the Settlement of the Laotian Question, 1961–1962. The members of the Commission will work harmoniously and in cooperation with each other with the aim of solving all questions within the terms of reference of the Commission.

Decisions of the Commission on questions relating to violations of Articles 2, 3, 4 and 6 of this Protocol or of the cease-fire referred to in Article 9, conclusions on major questions sent to the Co-Chairmen and all recommendations by the Commission shall be adopted unanimously. On other questions, including procedural questions, and also questions relating to the initiation and carrying out of investigations (Article 15), decisions of the Commission shall be adopted by majority vote.

Article 15

In the exercise of its specific functions which are laid down in the relevant articles of this Protocol the Commission shall conduct investigations (directly or by sending inspection teams), when there are reasonable grounds for considering that a violation has occurred. These investigations shall be carried out at the request of the Royal Government of Laos or on the initiative of the Commission, which is acting with the concurrence of the Royal Government of Laos.

In the latter case decisions on initiating and carrying out such investigations shall be taken in the Commission by majority vote.

The Commission shall submit agreed reports on investigations in which differences which may emerge between members of the Commission on particular questions may be expressed.

The conclusions and recommendations of the Commission resulting from investigations shall be adopted unanimously.

Article 16

For the exercise of its functions the Commission shall, as necessary, set up inspection teams, on which the three member-States of the Commission shall be equally represented. Each member-State of the Commission shall ensure the presence of its own representatives both on the Commission and on the inspection teams, and shall promptly replace them in the event of their being unable to perform their duties.

It is understood that the dispatch of inspection teams to carry out various specific tasks takes place with the concurrence of the Royal Government of Laos. The points to which the Commission and its inspection teams go for the purposes of investigation and their length of stay at those points shall be determined in relation to the requirements of the particular investigation.

Article 17

The Commission shall have at its disposal the means of communication and transport required for the performance of its duties. These as a rule will be provided to the Commission by the Royal Government of Laos for payment on mutually acceptable terms, and those which the Royal Government of Laos cannot provide will be acquired by the Commission from other sources. It is understood that the means of communication and transport will be under the administrative control of the Commission.

Article 18

The costs of the operations of the Commission shall be borne by the members of the Conference in accordance with the provisions of this Article.

(*a*) The Governments of Canada, India and Poland shall pay the personal salaries and allowances of their nationals who are members of their delegations to the Commission and its subsidiary organs.

(*b*) The primary responsibility for the provision of accommodation for the Commission and its subsidiary organs shall rest with the Royal Government of Laos, which shall also provide such other local services as may be appropriate. The Commission shall charge to the Fund referred to in sub-paragraph (*c*) below any local expenses not borne by the Royal Government of Laos.

(*c*) All other capital or running expenses incurred by the Commission in the exercise of its functions shall be met from a Fund to which all the members of the Conference shall contribute in the following proportions:

The Government of the People's Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America shall contribute 17.6 per cent each.

The Government of Burma, Cambodia, and the Democratic Republic of Viet Nam, Laos, the Republic of Viet Nam and Thailand shall contribute 1.5 per cent each.

The Governments of Canada, India and Poland as members of the Commission shall contribute 1 per cent each.

Article 19

The Co-Chairman shall at any time, if the Royal Government of Laos so requests, and in any case not later than three years after the entry into force of this Protocol, present a report with appropriate recommendations on the question of the termination of the Commission to the members of the Conference for their consideration. Before making such a report the Co-Chairman shall hold consultations with the Royal Government of Laos and the Commission.

Article 20

This Protocol shall enter into force on signature.

It shall be deposited in the archives of the Governments of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed this Protocol.

Done in two copies in Geneva this twenty-third day of July one thousand and nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

THE PRESIDENT'S OEO BUDGET REQUESTS

Mr. KENNEDY. Mr. President, 2 weeks ago the President submitted his budget for fiscal year 1971 requesting $73.6 billion for defense and $2.08 billion for the Office of Economic Opportunity. That figure for OEO is only $32 million more than the budget request for fiscal year 1970, which itself was grossly inadequate. With over 26 million citizens presently below the poverty line, the new budget will not meet even the most immediate needs.

The budget also proposes to divorce from OEO the bulk of its manpower programs and a large portion of its successful neighborhood health centers. In the past year, Job Corps and Headstart have disappeared from the OEO masthead and the report on the progress of those programs within the Departments of Labor and Health, Education, and Welfare has been less than auspicious. I hope that OEO will meet its pledge to consult with appropriate committees of Congress before acting unilaterally to delegate any more programs to other agencies.

Many of us remained unconvinced when administration officials argued last year there would be only minor reductions in the number of unemployed and disadvantaged youths served by the Job Corps when its control shifted to the Labor Department. The administration carried out its decision, closing down 59 Job Corps centers, and the consequences of that act are only now becoming apparent.

A recent news report disclosed that of the 10 new centers scheduled for opening last September, only four are in fact now operating and with greatly reduced enrollments. The Department's year-end statistical breakdown on the number of Job Corpsmen also shows a dropoff of 11,600 enrollees last year with another 4,800 less enrollees anticipated this year.

Although the increase in the budget item for comprehensive health services is substantial, it still falls some $50 million short of the $160 million authorized by Congress. As a result, despite the tre-

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mendous gaps in rural health services discovered by the Select Committee on Nutrition and Human Needs, OEO apparently does not plan to extend additional health delivery services in rural areas. Nor are these funds intended to expand the total number of neighborhood health centers, according to OEO officials, despite applications from 200 communities. While I commend pilot projects and Hill-Burton programs designed to revamp hospital outpatient services to more adequately meet the health requirements of the poor, it is distressing to see the administration ordering its priorities so that no money is set aside for new OEO neighborhood health centers.

The same questionable value judgments are reflected in the 1971 appropriation requested for emergency food and medical services. The sum of $33 million is less than one-fifth of the $175 million authorized by the Congress for 1971. Through its efforts, EFMS has managed to increase participation in food programs by as much as 15 percent in many of the 1,000 counties where it was operating. The minimal increase requested by the administration means that the specialized delivery services necessary to obtain food supplements will be denied to many of the 20 million poor Americans who presently do not receive any form of Federal family food aid and the 5 million poor children who still are excluded from school lunch programs. Bulging food sacks will continue to sit in warehouses while qualified families will not receive desperately needed food because they lack transportation.

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The limited increase also means that little new money will be available for EFMS to focus its energies on environmental health and sanitation. Without that assistance, intestinal parasites will continue to plague the poor—and 10 years hence, another select committee will find another generation of infants and young children whose stomachs are distended from malnutrition and parasitic infections and whose lives are warped by diseases that should not exist in a modern society.

The OEO budget falls short in other areas as well. The special impact program seeks to develop a partnership between the poverty community and the business community through the creation of multipurpose community development corporations. The Bedford-Stuyvesant experiment is a rich example of this program's potential. The community corporation has involved local residents in their own economic development, reducing economic dependency and lessening community tensions.

A year ago, President Nixon asked for $46 million and the Congress authorized that amount for special impact programs. Now the President has slashed his request to only $32.1 million for 1971. Moreover, since June 30, 1969, OEO has funded only one planning grant of the more than 200 proposals it has received. While I applauded the recent grant of program money to Bedford-Stuyvesant I cannot understand the foot-dragging by the OEO in its evaluation and approval of special impact planning grants. The sense of urgency that prompted the special impact program appears to be sadly lacking from current planning.

The budget also exhibits a disturbing lack of concern for the 7.6 million persons over 65 who are living at or near the poverty line. For 1971, the Congress authorized $12 million for senior opportunities and services. But the 1971 budget documents contain a request of only $7.8 million. At best, this may permit the continuation of the present 200 centers. No new money is being asked for the 300 proposals that have been gathering dust since last June because of the lack of funds.

And the young are shortchanged by this budget. The Headstart program served an estimated 150,000 less children last year because the shift to HEW and to a full-year program with its increased cost was not matched by any increase of funds. Now the budget provides that another 50,000 children will be dropped from the program as more summer programs are shut down without a corresponding increase in all-year programs. This action comes on the heels of the Labor and Public Welfare Committee report that:

> A cutback in the number of children served by this program—which currently serves only about 10 percent of the preschool children in need—cannot be justified. Just when we are learning more about effective ways to help disadvantaged young children, the committee feels it would be unfair and unwise to propose serving fewer children.

Apparently, the administration does not share that belief.

The OEO apparently has decided to proceed extremely slowly in two areas of concern that will not brook delay. Congress has authorized $15 million for 1971 for a community-based drug rehabilitation program aimed not only at drug addiction but also at drug abuse. The program emphasizes the reentry of the addict into society rather than his confinement in an institution. The Congress also has authorized $15 million for a new alcoholic counseling and recovery program to focus research and treatment on a disease that afflicts some 5 million adults. For both programs, the OEO has asked a combined total of $7 million.

Mr. President, I have touched on only a few of the programs where the budget seems to fall short of the needs of the poor. But they are only the most stunning examples of the disregard for congressional desires expressed in Public Law 91–177. I myself introduced the amendments to bring the authorization to $60 million for special impact programs, $160 million for comprehensive health services and $12 million for senior opportunities and services programs for fiscal year 1971. I hope the Congress will revise the budget as it has been presented to us to more accurately mirror the needs of the poor in this country. At the same time, I hope we will be particularly careful in our evaluation of the process by which the OEO intends to delegate programs to other agencies and to insure that the elements vital for those programs' success are not shuttled aside and lost during their transfer.

CLIFFORD HOPE

Mr. DOLE. Mr. President, many present Members of Congress were here during the time the Honorable Clifford R. Hope served in the House. He will be best remembered for his yeoman service to agriculture and for chairmanship of the House Committee on Agriculture during the 83d Congress.

This outstanding gentleman has continued to serve his State and community in various ways, but he has remained especially devoted to the advancement of agriculture, particularly in Kansas. One of his activities has been devoted to writing articles on agriculture and agriculture legislation carried in two Kansas dailies, the Hutchinson News and the Salina Journal.

Mr. President, I ask unanimous consent that his most recent article, "Farmers Have Been Working To Help Themselves," appearing in the February 8, 1970 issue of the Hutchinson News be printed in the RECORD.

I am grieved, Mr. President, to inform Members of Congress that this great American has recently suffered a severe stroke and is in the hospital near his home in Garden City, Kans. I know that his family and friends will welcome your prayers for his early and complete recovery.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FARMERS HAVE BEEN WORKING TO HELP THEMSELVES

(By Cliff Hope)

For many years we have heard the cry, why don't farmers do more to help themselves. The complaint I may say comes mostly from the uninformed because as a matter of fact, farmers have been and are doing a great deal to help themselves.

In view of this complaint it was rather startling to note the recent introduction in Kansas House of Representatives of a bill to repeal the tax provision of the Kansas Wheat Act, which was passed in 1957 and has been operating successfully ever since. It is definitely a self help program.

Under this legislation a small excise tax, one fifth of a cent, or two dollars per thousand bushels, has been levied upon wheat marketed in commercial channels in the state. The purpose of this tax is to increase the sale and consumption of Kansas wheat in this country and abroad—certainly a worthy objective.

Of the fund thus created twenty percent goes to the general fund of the state and eighty percent is deposited in a special fund known as the Kansas Wheat Commission Fund. This fund is administrated by a commission of seven members appointed by the Governor. No more than four members shall be from the same political party. Members are required to be residents of the state, at least twenty five years of age and must have been actually engaged in growing wheat in the state for at least five years immediately preceding their appointment.

The Commission is authorized and directed to conduct a campaign of development, education and publicity and to find new markets for wheat and wheat products. It is also authorized to cooperate with any local, state or national organization having the same purposes and objectives. It is specifically authorized to cooperate with, and advance funds to the Great Plains Wheat Market Development Association, and to appoint an administrator and an assistant administrator.

LARGEST WHEAT PRODUCER

There is nothing strange or unusual about the creation of such a commission. Kansas by far the largest producer of wheat in the nation was the third state to establish such a program. Oregon was the first. This was in 1947. Nebraska followed in 1955 and Kansas in 1957. Colorado and Washington established their commissions in 1958. Idaho and North Dakota in 1959 and South Dakota in 1961. The last two were Montana and Oklahoma. Thus all of the Pacific Northwest states have commissions and all but one of the great plains states. The missing one is Texas, which is prevented from establishing a commission by a provision of its constitution.

Rates of taxation vary from state to state, Kansas and North Dakota have the lowest, one-fifth of a cent per bushel. Nebraska and Washington have one-fourth of a cent, South Dakota, three-tenths, Colorado has two-fifths and Idaho and Oregon one-half of a cent.

In Kansas, North Dakota and South Dakota any grower can receive a refund of the tax simply by making an application. In Kansas general satisfaction with the law on the part of growers is indicated by the fact that over the years less than one percent of those who have paid the tax have asked for a refund. I understand that substantially the same situation exists with reference to the Dakota's.

Wheat growers are not alone among agricultural producers in their efforts to expand and develop markets for their products, at their own expense.

Among the first were the citrus producers of Florida. The list is far too long to include here, but it covers producers of beef, dairy products, poultry, soybeans, feed grains, rice, dry beans, potatoes and many others. In all, something like forty groups are involved.

WHEAT STATE

Kansas is the premier wheat state. Wheat is by far its most important crop. In 1969 it produced 305 million bushels, only two million less than the record breaking crop of 1952, which was produced on four million acres. Substantially half or more of our total crop acreage of the state was planted to wheat during the decade of the sixties. It brought in more money during that period than any other agricultural product except beef cattle.

With wheat in trouble all over the world this is no time to destroy a program which costs Kansas Wheat growers practically nothing. It has worked in the past and will continue to benefit wheat producers. Next week I will point out some of the achievements under this law up to date.

SENATOR MONDALE URGES REORDERING OF NATIONAL PRIORITIES

Mr. KENNEDY. Mr. President, there is no greater task facing the country today than the establishment of a responsible set of national priorities.

Earlier this week the Committee on National Priorities of the Democratic Council heard testimony from Members of Congress on the question of priorities. The junior Senator from Minnesota (Mr. MONDALE) presented a particularly eloquent statement at that hearing.

Expressing his concern about the "set of national priorities that places hardware above humans," Senator MONDALE called for a shift of resources from marginal military projects to vital human programs, such as early childhood development programs for deprived children.

I commend Senator MONDALE's thoughtful statement to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WALTER F. MONDALE

Let me begin by saying how much I support the review of national priorities your Committee is conducting, and how grateful I am to be able to participate in it.

This review is long overdue. America can no longer afford to let the Pentagon have a hammerlock on federal revenues, while programs such as education, and health that seek to meet our nation's pressing human needs are forced to fight for the leftovers. This approach, which has characterized the budget making process no matter which political party has controlled the Executive Branch, must be changed.

The Senate began a serious review of national priorities last summer when it analyzed and debated for two months a military authorization bill containing such far reaching and expensive commitments as the anti-ballistic missile system, the new manned bomber, and additional nuclear-powered aircraft carriers. While this exercise did not produce any immediate modifications in the Pentagon's plans, it raised a number of fundamental and yet-unanswered questions about military requests. I, for one, was hopeful that the President's pronouncements and budget requests would reflect this emerging dissatisfaction with past priorities.

Obviously, this has not occurred. Since that historic Senate debate took place, the President has vetoed an HEW-Labor appropriations bill containing an additional $1¼ billion for desperately needed education and health programs and submitted a Budget that includes no important reductions in military procurement goals, and proposes—of all things—to escalate spending for the ABM by reportedly adding $600 million or more for phase II of the system.

While the President has reduced the cost of Vietnam both in terms of funds, and more importantly, lives, and has reduced his budget requests for the Department of Defense from last year's level, he has *not* acted to control Pentagon spending for non-Vietnam purposes. Thus, new weapons systems with limitless capacities to absorb funds are receiving high priority and under the Administration's budget would steal the "peace dividend" our human programs so desperately need.

I am deeply concerned about this set of national priorities that places hardware above humans. The Budget's heavy emphasis on start-up costs for ABM's, MIRV's, and SST's will cripple needed nutrition, health, education and environment efforts this year, and threatens to continue stunting human programs throughout the foreseeable future. History warns us that a renewed arms race and its predictable cost overruns will both shake the delicate balance of terror in our nuclear world, and starve other government programs of needed funds.

America must not ignore either of these warnings. We must begin at once to shift our resources from a fascination with military gadgetry to high priority investments in human beings.

Let us begin with young children. Of all areas of unmet human needs, our unwillingness to provide help to deprived children is perhaps our most tragic and costly mistake.

There are at present about 6 million disadvantaged children under age six. Most of them are growing up without adequate nutrition and health care, and without the active mental and intellectual stimulation that is necessary during these early years.

As a result, many of these children are very depressed, withdrawn, and listless. Child development specialists who have worked with some of the children report that it is difficult in the beginning to get them to smile or show interest in anything around them. Young children in many of these homes are considered well-behaved if they sit quietly in a corner during the day, instead of talking, playing, and exploring.

Yet the critical effect of the first years of life has been well documented. We know, for example, that about 50 percent of an individual's intellectual development takes place between conception and age 4. These early years are the formative years; they are the years in which permanent foundations are laid for a child's feelings of self-worth, his sense of self-respect, his motivation, his initiative, and his ability to learn and achieve.

We know, moreover, that a child's intelligence is not fixed once and for all at birth, and that children are most eager and often most able to learn during their early childhood years. As Dr. Benjamin Bloom, an authority in early childhood learning, concluded:

> As time goes on . . . more and more powerful changes are required to produce a given amount of change in a child's intelligence . . . and the emotional cost it exacts is increasingly severe.

I would like to underscore the role that inadequate nutrition plays in perpetuating this cycle of poverty. As a member of the Select Senate Committee on Nutrition and Human Needs, I have had an opportunity to hear expert testimony about the tragic and permanent effects of nutritional deficiency during pregnancy and the first few years of life. Presently, there is no Government program that deals adequately with the critical nutrition needs of infants from the period before birth until they reach school age. Pediatricians have pleaded eloquently before the committee for national recognition of disaster—mental as well as physical—which befalls undernourished infants.

For example, Dr. Charles Lowe, chairman of the Committee on Nutrition of the American Academy of Pediatrics, testified before the Nutrition Committee that:

> Severe malnutrition suffered during childhood affects learning ability, body growth, rate of maturation, ultimate size, and if prolonged, productivity throughout life.

Dr. Lowe stated further that:

> In effect, the quality and quantity of nutrition given during the first formative years of life may have the effect of programming the individual for all the years of his life. Malnutrition during the last trimester of pregnancy and certainly during the first months of life may seriously compromise ultimate intellectual achievement.

Fortunately, most American children have the benefit of a stimulating, secure environment in their early years. Most of them receive the physical and mental nourishment that is necessary for full development.

But poor children under age six arrive at school without these same advantages. Many of them may have suffered irreparable damage in their early years. Many have not received sufficient nutrition, health care, and intellectual stimulation.

Research reveals quite clearly the costly and lasting effects of deprivation in these early years. It reveals, for example, that as early as 18 months of age, disadvantaged children start falling behind middle-class children in tests of language development, and general intelligence. It reveals, furthermore, that this intellectual gap between poor and non-poor children that appears so early in life tends to grow larger over time.

I want to emphasize the point at which differences begin to occur between the abilities of poor and non-poor children. This point is not birth. Testimony which I have heard—particularly examples from projects in Mississippi and the District of Columbia—

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suggest that nature distributes intelligence fairly equally among infants, poor and nonpoor alike. It is only later—typically between the ages of one and three—after hunger and deprivation have made their impact—that differences in abilities begin to develop.

Records show, for example, that poor, black infants in the Mississippi Delta who scored an average of 115 on a Developmental Quotient test at age one had fallen to an average DQ of 35 by age 4. This decline can be prevented. The Infant Research Project in Washington, D.C., by providing tutors for children in the early years, was able to maintain the IQ's of impoverished children at an average of 105 from age 1½ to age 3, while the average IQ of a control group of poor children who did not receive tutoring fell 17 points in this period. This is not just another "interesting statistic". It represents the difference between a person's ability to do satisfactory college work or only marginal high school work.

We know how to prevent a great deal of this deterioration from occurring. Hundreds of projects such as the one I mentioned in Washington, D.C., and the Parent and Child Centers that are providing Head Start experiences to poor children below age 3 are producing very promising results. Even the study by Westinghouse Learning Corporation which found that an eight week summer Head Start program for 5 year old poor children does not save a child for the rest of his life—and has been cited by critics of child development efforts as proof that "nothing works"—recommended "offering intervention programs of longer duration, perhaps extending downwards toward infancy."

I believe the evidence is indisputable that comprehensive early childhood programs must be made available, on a voluntary basis, to all impoverished families with young children—beginning with medical and nutritional assistance to pregnant women and infants. Our present failure to do so is causing human misery, and wasting human ability.

The alternatives are very clear—more generations of school dropouts, functional illiterates, unemployables, welfare dependents, and more expensive yet necessary programs like the Job Corps that seek to remedy these problems later in life.

The most humane, economical and efficient way to give every citizen a fair opportunity to exercise his rights is by *preventing* poverty from causing this near irreparable damage during early childhood.

Substantive child development programs could have a tremendous impact on the quality of American life. They could give poor children the tools to gain a better life. They could insure that opportunities can be seized, and rights can be exercised by all.

Just last week the Senate concluded a long debate on the problems surrounding de facto segregation arising from adventitious events such as residential patterns. One can try to dismiss these problems summarily by citing Fair Housing laws, and saying that the poor can escape the problems of ghetto life by moving elsewhere. I fought hard to get this legislation passed preventing racial discrimination in the sale and rental of housing, and I think it is important. But I realize that other factors, such as poverty, unemployability, and the lack of low income housing outside the ghetto can make these laws irrelevant to the poor.

Equal opportunity requires more than open housing, integrated schools, or fair employment practices. Equal opportunity requires an equal start—*from the very start*. Making substantive child development programs available to poor families is one very important way to insure their equal start.

I was encouraged last year when the President declared a "national commitment to the crucial early years of life." I thought this commitment might mean that a greater urgency and higher national priority would be attached to early childhood efforts.

A year has now passed since this declaration was made. Unfortunately, the rhetoric rings hollow. Despite some bureaucratic window-dressing, and modest funds for research, the Budget recommends a mere one per cent increase in Head Start funds. As a result, this promising program, including its Parent and Child component, will continue reaching only about five percent of the poverty stricken children who need it.

It haunts me to think of the millions of children whose potential is being severely compromised simply because we are unwilling to make the necessary investments. Our indifference to the needs of poor children, whether measured in humane or financial terms, cannot be justified.

We absolutely must change national priorities which allot only one-half the funds to Head Start as are allotted for the hurried deployment of phase two of an untested and potentially dangerous ABM system.

FORCED INTEGRATION

Mr. HANSEN. Mr. President, underlying the swing in sentiment which resulted in the passage of the Stennis amendment last week was the growing conviction that it was unfair to force integration resulting from de jure segregation and to ignore de facto segregation.

But a deeper question arises in the minds of more and more Americans: Is it moral for society to apply to children the force which, if it were applied to adults, men would know immoral?

Vermont Royster writing in the February 26, 1970, issue of the Wall Street Journal discusses the moral implications of forced school integration dispassionately and with considerable good common sense.

I ask unanimous consent that his observations be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FORCED INTEGRATION: SUFFER THE CHILDREN

(By Vermont Royster)

"Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure."

The words of Stewart Alsop in Newsweek will serve as well as any. They are startling, honest and deeply true. Whatever anyone else says otherwise, however shocked we may be, we know he is right.

The proof lies in the fact that Congress, in a confused sort of way, has made it clear that it no longer thinks forced integration is the way to El Dorado. Since Congress is a political body, that in itself might be evidence enough. But Mr. Alsop has also put the statement up for challenge to a wide range of civil rights leaders, black and white, ranging from Education Commissioner James Allen to black militant Julius Hobson, and found none to deny it. Beyond that, we have only to look around ourselves, at both our white and our black neighbors, to know that the failure is there.

But that only plunges us into deeper questions. Why is it a failure? And why is it tragic? Why is it that something on which so many men of good will put their faith has at last come to this? Where did we go wrong?

And those questions plunge us yet deeper. For to answer them we must go back to the beginning. It is the moment for one of those agonizing reappraisals of all our hopes, emotions, thoughts, about what is surely the most wretched of all the problems before our society.

A SIMPLE PROPOSITION

We begin, I think, with a simple proposition. It is that it was, and is *morally* wrong for a society to say to one group of people that because of their color they are pariahs—that the majesty of law can be used to segregate them in their homes, in their schools, in their livelihoods, in their social contacts with their fellows. The wrong is in no wise mitigated by any plea that society may provide well for them within their segregated state. That has nothing to do with the moral question.

In 1954, for the first time, the Supreme Court stated that moral imperative. Beginning with the school decision the judges in a series of decisions struck down the legal underpinnings of segregation.

Since emotions and prejudices are not swept away by court decisions there were some white people in all parts of the country who resisted the change. But they were, for all their noise, in the minority. The great body of our people, even in the South where prejudice had congealed into custom, began the task of stripping away the battens of segregation. Slowly, perhaps, but relentlessly.

Then some people—men of good will, mostly—said this was not enough. They noticed that the mere ending of segregation did not mix whites and blacks in social intercourse. Neighborhoods remained either predominantly white or black. So did schools, because our schools are related to our neighborhoods. So did many other things. Not because of the law, but because of habit, economics, preferences—or prejudices, if you prefer.

From this came the concept of "de facto" segregation. This Latin phrase, borrowed from the law, describes any separation of whites and blacks that exists in fact and equates it with the segregation proscribed by law. The cause matters not. These men of good will concluded that if segregation in law is bad then any separation that exists in fact is equally bad.

From this view we were led to attack any separation as de facto segregation. Since the first attack on segregation came in the schools, the schools became the first place for the attack on separation from whatever cause. And since the law had served us well in the first instance, we chose—our lawmakers chose—to use the law for the second purpose also. The law, that is, was applied to compel not merely an end to segregation but an end to separation by forced integration.

It was at this point that we fell into the abyss. The error was not merely that we created a legal monstrosity, or something unacceptable politically to both whites and blacks. The tragedy is that we embraced an idea *morally* wrong.

That must be recognized if we are to understand all else. For what is wrong about forced integration in the schools is not its impracticality, which we all now see, but its immorality, which is not yet fully grasped.

Let us consider.

Imagine, now, a neighborhood in which 95% of the people are white, 5% of them black. It is self-evident that we have here a de facto imbalance. We do not have legal segregation, but we do not have integration either, at least not anything more than "tokenism."

Let us suppose also that for some reason—any reason, economics, white hostilities, or perhaps black prejudice against living next door to whites—the proportion does not change. The only way then to change it is for some of the whites to move away and, concurrently, for some blacks who live elsewhere to move into this neighborhood. One is not enough. Both things must happen.

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CREATING AN IMBALANCE

Or let us suppose the proportion does change. Let us suppose that for some reason—any reason, including prejudice—large numbers of white families move out of the neighborhood, making room for black people to move in, so that after a few years we have entirely reversed the proportions. The neighborhood becomes 95% black, 5% white.

Again we have an imbalance. Again we do not truly have segregation but call it that, if you wish; de facto segregation. In any event we do not have integration in the sense that there is a general mixing together of the blacks and whites.

Now suppose that we act from the assumption that this is wrong. That it is wrong to have the neighborhood either 95% white or 95% black. That the mix, to be "right," must be some particular proportion.

What action is to be taken? In the first instance, do we by law forcefully remove some of the white families from the neighborhood so that we can force in the "proper" number of black families? Or, in the second instance, do we by law prohibit some of the white families from moving out of the neighborhood? If we do either, who decides who moves, who stays?

The example, of course, is fanciful. We do none of this. No one has had the political temerity to propose a law that would send soldiers to pick people up and move them, or to block the way and prevent them from moving. No one stands up and says this is the moral thing to do.

Stated thus baldly, the immorality of doing such things is perfectly clear. No one thinks it moral to send policemen, or the National Guard bayonets in hand, to corral people and force them into a swimming pool, or a public park or a cocktail party when they do not wish to go.

No one pretends this is moral—for all that anyone may deplore people's prejudice—because everyone can see that to do this is to make of our society a police state. The methods, whatever the differences in intent, would be no different from the tramping boots of the Communist, Nazi or Fascistic police states.

All this being fanciful, no one proposing such things, it may seem we have strayed far from the school integration program. But have we?

The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.

There are many things wrong with the forcible transfer of children from school to school to obtain the "proper" racial mix. It is, for one thing, wasteful of time, energy and money that could better be applied to making all schools better.

To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.

Both are insolent assertions of white superiority. Both spring from the same bitter seed.

Still, the practical difficulties might be surmounted. The implied arrogance might be overlooked, on the grounds that the alleged superiority is not racial but cultural; or that, further, both whites and blacks will gain from mutual association. That still leaves the moral question.

Perhaps it should be restated. Is it moral for society to apply to children the force which, if it were applied to adults, men would know immoral? What charity, what compassion, what morality is there in forcing a child as we would not force his father?

It is a terrible thing to see, as we have seen, soldiers standing guard so that a black child may enter a white school. You cannot help but cringe in shame that only this way is it done. But at least then the soldiers are standing for a moral principle—that no one, child or adult, shall be barred by the color of his skin from access to what belongs to us all, white or black.

But it would have been terrifying if those same soldiers had been going about the town rounding up the black children and marching them from their accustomed school to another, while they went fearfully and their parents wept. On that, I verily believe, morality will brook no challenge.

Thus, then, the abyss. It opened because in fleeing from one moral wrong of the past for which we felt guilty, we fled all unaware to another immorality. The failure is tragic because in so doing we heaped the burdens upon our children, who are helpless.

MUST WE TURN BACK?

Does this mean, as many men of good will fear, that to recognize as much, to acknowledge the failure of forced integration in the schools, is to surrender, to turn backwards to what we have fled from?

Surely not. There remains, and we as a people must insist upon it, the moral imperative that no one should be denied his place in society, his dignity as a human being, because of his color. Not in the schools only, but in his livelihood and his life. No custom, no tradition, no trickery should be allowed to evade that imperative.

That we can insist upon without violating the other moral imperative. So long as he does not encroach upon others, no man should be compelled to walk where he would not walk, live where he would not live, share what company he would shun, think what he would not think, believe what he believes not.

If we grasp the distinction, we will follow a tragic failure with a giant step. And, God willing, not just in the schools.

THE NOMINATION OF JUDGE CARSWELL

Mr. KENNEDY. Mr. President, the Senator from South Dakota (Mr. McGovern) today released a statement concerning his views on the nomination of Judge Carswell. In his absence, I ask unanimous consent that Senator McGovern's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator George McGovern

I am opposed to the confirmation of Judge Carswell as a Justice of the U.S. Supreme Court. More than that, I am appalled that our President would regard this nominee as a worthy appointment to the nation's highest Court.

Mr. Carswell is not qualified either by his record or his view of civil justice to serve on the Court. Indeed, having studied his record, I wonder why he has served as a federal judge at all.

The President has plainly manifested poor judgment in submitting this nomination for the Supreme Court. For Mr. Carswell is not only a mediocre and undistinguished jurist; he has a long and consistent record of racial bias, lacking in appreciation for the most elementary principles of civil rights.

He began his public career with a declaration of his undying belief in white supremacy. "I yield to no man in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed," he said on August 2, 1948.

It is questionable if any candidate for the Supreme Court has ever made a more clearly disqualifying statement than that. But what is worse, that philosophy has seemed to guide Mr. Carswell's decisions and conduct as a public official. He never once repudiated or modified his public declaration of 1948 until it was challenged in relationship to his pending confirmation.

Two of the nation's most consistent civil rights advocates, Mr. Clarence Mitchell and Mr. Joseph Rauh, provided the Senate Judiciary Committee with so convincing a critique of Mr. Carswell's public record that no Senator who believes either in civil justice or a high quality Supreme Court can read that critique without being deeply troubled by the Carswell nomination.

In fifteen decisions involving civil rights issues, Judge Carswell was overruled fifteen times by unanimous decisions of the appellate court. In other words, the three-member appellate court composed of Judge Carswell's fellow southern judges compiled a solid record of 45 to 0 in reversing these fifteen decisions.

In addition, while he was a U.S. District Attorney in 1956, Mr. Carswell participated as an incorporator in the transfer of a municipal golf course to private owners in his home city of Tallahassee for the express purpose of preventing Negroes from using the golf course.

Beyond this, several distinguished witnesses have testified that he manifested a hostile bias against civil rights attorneys and other civil rights advocates during the 1960's.

I am not a lawyer, but I have avoided making a hasty judgment on Judge Carswell until I could study his record as a jurist. I find that record to be distinguished largely by two qualities—racism and mediocrity.

His judicial rewards as a Democrat converted to Republicanism in the 1950's and his recent elevation to the Fifth Circuit Court of Appeals last year provided Judge Carswell with an ascendancy as a jurist which is more puzzling than reassuring.

I realize that some Senators who voted as I did against the confirmation of Judge Haynsworth are reluctant to reject a second nomination by the President. Some Senators may feel that each time we reject a nominee, the President will retaliate with an even weaker and more objectionable nominee as he apparently has done in passing from Judge Haynsworth to Judge Carswell.

But the poor judgment of the Chief Executive does not entitle the Senate to confirm that poor judgment. Indeed, we will have betrayed one of the most vital constitutional roles of the Senate if we confirm a Supreme Court nominee who is not qualified for that high responsibility. Long after the President and members of the Senate may have been retired from office, the men we confirm to the Court will be molding the nation in their lifetime appointments. Unlike Congressmen, Senators and Presidents, a Supreme Court Justice is not subject to removal by the voting public. Furthermore, the Supreme Court has the power to overrule both the President and Congress.

For these reasons, it seems to me that we should demand the highest standards from those nominated as justices. We should insist that the nominee be free from taint or bias or prejudice. We should look for a record of judicial excellence, hopefully distinguished by outstanding opinions and writings that have stood the test of the appellate process. In these areas Judge Carswell is unknown except for the pedestrian caliber of his decisions and the paucity of writings bearing his name.

At a time when our nation is already divided by racial tensions and by the skepticism of many citizens, especially the young and the minorities, about the reliability of our political and judicial process, it is regrettable that so unfortunate a nominee should be offered. In a profound sense, this nomination is an affront to the Senate, to the Supreme Court, and to the American people.

The time has passed when an Administration should be allowed to use the Supreme Court for narrow political purpose, whether it be the implementation of a so-called Southern Strategy or a larger design to delay the nation's fulfillment of civil justice. We must insist that the best judicial mentality of the nation, coupled with the highest standards of personal conduct, be the major qualifications we look to for the Supreme Court. Plainly, Judge Carswell falls short of these standards.

As Michael Harrington has stated: "Richard Nixon acts toward the Supreme Court like a radical activist who wants to politicize that body much more than Franklin Roosevelt, the man who was supposed to have invented court-packing."

Let the Senate avoid repeating the bad judgment of the President. Let us deny confirmation to Judge Carswell.

COUNTRY'S NO. 1 HEALTH PROBLEM; DR. EGEBERG NARRATES NEEDS IN U.S. NEWS & WORLD REPORT

Mr. YARBOROUGH. Mr. President, over the last few months the news media has touched on many facets of what I consider a national tragedy—the chaotic conditions of our medical delivery system. The consensus is that something must be done soon if we are to avert a complete breakdown. The enormity of the problem was discussed by Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs in the Department of Health, Education, and Welfare, in an interview appearing in the February 23, 1970, issue of U.S. News & World Report.

In this article Dr. Egeberg points out that the Nation needs 50,000 more physicians, almost a couple of hundred thousand more nurses and almost 150,000 more technicians. He states that there are 800 million cavities in Americans' teeth right now, that one-quarter of the people in this country have no teeth and another quarter have only half their teeth.

Dr. Egeberg points out that the cost of training a physician is extremely high but not as high as the cost of training a pilot to fly one of our modern military planes. Certainly, Mr. President, if we can afford the expense of training military pilots we should be able to afford increased sums of money to train our young people to save human lives through a career in the medical professions.

I was very impressed by Dr. Egeberg's candor. I commend him for it. Because I think that what he said will be of interest to my Senate colleagues, Mr. President, I ask unanimous consent that the interview in question be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

COUNTRY'S NO. 1 HEALTH PROBLEM—INTERVIEW WITH TOP PRESIDENTIAL ADVISER

How to make medical care available to all, when and where needed, is the big health mystery now. Medicare and medicaid have added 30 million patients to an overburdened system.

On top of that are rising problems of alcoholism, drugs, "the pill," more aged people, a shortage of doctors and nurses. Dr. Roger Egeberg, head of federal medical agencies, described the outlook in this interview in the conference room of "U.S. News & World Report."

Q. Dr. Egeberg, what is the No. 1 health problem in the country now?

A. The No. 1 health problem is the distribution of health care—making it possible for all people to have adequate care. That includes preventive health care, education in how to live healthfully, and treatment when you need it—including hospitalization.

Q. How can you provide that for everybody?

A. It has to be solved in a number of different ways:

In the first place, we need just sheer numbers of people—50,000 more physicians than we have now, almost a couple of hundred thousand more nurses than we have now, almost 150,000 more technicians.

Then we must have the institutions from which this care can come. It's hard to draw a doctor to a place where he might rent a little office, perhaps, but have no other doctor's company in trying to make an impact on local health problems.

We must also find new ways of delivering health care.

There are many things that doctors now do that nurses—or doctors' assistants, or other technical help requiring a lot less education—could do.

Q. For example—

A. For example, we must educate people about how to live, eat and what to do to keep themselves healthy. That is in the province of the health educator. A doctor probably couldn't do it as well as somebody who was trained just to educate people on various aspects of remaining healthy—or, if they have a chronic illness, on how to live with the illness and best take care of it.

Then there's testing and diagnosis. We now have enough methods of blood testing, using computers and so forth, that we can do a whole series of tests—let's say 10 or 15—as readily as we used to do one or two.

Q. That's automation—

A. Yes, and all of these tests are done by people other than the doctors.

Also, we have worked out types of patient histories that can be taken by someone not a physician, so he can screen a large number of patients without taking the doctor's time.

There's a tremendous potential in other areas we haven't done much about yet. If you want a gruesome example, the Veterans Administration has been looking into the question of autopsy rooms.

It's very hard to find pathologists—they're at a great premium. Yet the pathologist used to do the complete autopsy. And there are many, many autopsies each year.

Now they are developing a system where, let's say, a man with a master's degree will be in charge of the autopsy room. Under him will be people—college graduates, high-school graduates—who open the body, expose the organs and, possibly, remove them. The pathologist, who used to take an hour and a half to do the whole job, can now come in and take a look at what he thinks is important and say, "I'd like a section [for microscopic examination] on that, and I'd like to study that later," and maybe in five minutes do what used to take him an hour and a half. In a large hospital, that approach can extend the pathologist's hands many, many fold.

Q. Is the basic medical problem the lack of doctors?

A. The basic one—the one that's going to be most difficult to correct—is the lack of health professionals.

Doctors are very important. But no matter what you do right now, you're not going to increase your number of doctors very much in the next six or eight years.

Q. Does that mean there's going to be no real improvement in medical care until after 1975?

A. No, I think that the allied health professions—those who can extend the doctor's arms—are going to make a big difference in the picture.

But this brings up the question of education. I don't know how many medical schools have begun to expose the medical students to education with nurses, technicians and others, to instill the pattern of later association.

When you have a doctor who is in his 50s or 60s, he has set a pattern of work and it's pretty hard to change him—he just can't quite bring himself to trust somebody else to do something that he has done for 10 or 20 or 30 years. I don't suppose one can expect much change there.

But one can begin to influence the younger doctors in practice. I see no reason why 100 doctors couldn't take care of half again as many patients as they used to take care of five or 10 years ago—or as they take care of right now. We have to create many more physicians and we have to create many times as many of these other health professionals.

Q. Are there other basic problems, besides the shortage of qualified people?

A. Yes, the matter of distribution. In a large city, you almost have to have an institution of some kind—nice offices or a good clinic—to draw health professionals into the slums. They may not want to live there, but in a big city that isn't a large problem. They can have offices in one place and live elsewhere.

Out in the country, one has to face the fact: Do you need to have a physician in every town no matter how small it may be? After all, if a physician is available within 50 miles in the country, you can make that distance probably in an hour or less, and in a big city it's rare that you get to your doctor's area and get parked and into his office in much less than an hour. So we have to get people realizing that they may have to go farther to their physician.

In some of our Southern States, there's enough poverty so that the State is at a loss to know what to do about doctors for rural areas. The counties are virtually bankrupt. Many consist mostly of utterly poor people. You're going to have a job getting doctors to go there unless you give them some kind of base to work from—and get more than one or two to go there, so they can give each other moral support and rapport and build up something.

Q. Are you suggesting a small health center, in effect?

A. A small health center that's related to a nearby hospital which could be 50 or 60 miles away and still be a very good back-up support.

Q. What about the quality of medical care? Can the average person get good care, even when he can afford the price?

A. I think all medical care—almost all—could be improved. So much has been discovered, and it's so hard to keep up with it, that there's always going to be a lag between what we could have and what we have.

Now, the place where new discoveries occur is a medical center where there is a school or research unit. It will be the first to have the advantages of such care, which is likely to be important only in 1 per cent of the instances. That's something to remember. Let's put it another way:

Ninety-nine per cent of the people who go to a physician have problems that that physician, or the specialists he refers them to, can take of. But for the care of the other 1 per cent, you may need to go to a center. And it is the chance to get that extra-special care which makes the difference between medicine in this country and elsewhere.

Our regional medical programs were

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started with the idea of trying to spread that degree of competency outward. I hate to say "that degree of competency," because that implies that there is a lack of competency in many places. It isn't. It's a different kind of competency.

Q. Doctor, the chief medical problem for many people is paying the hospital bill. Is there any hope of holding down the constant rise in hospital costs?

A. I think it might begin to level off. The big reason for the rise in hospital costs is that, in general—with the exception of physicians and dentists—people in the health professions were not as well paid as people with an equal education who were working equally hard in other professions.

They were way behind. They began to wake up to it about the time the laws came along making medical care a right for everyone in this country. So there has been increased demand for care at the same time these health people were getting fairer treatment.

Now they're getting pretty close to what they probably should get. The gap has narrowed very, very much, so one won't see the disproportionate rise in the pay of health professions in the future that one has seen in the last five years. That should help level things off.

Certainly everybody is looking at hospital efficiency. I'm sure that gradually hospitals will become more efficient, both in the way they do their work and in their financial affairs.

Q. After availability and costs, what other health problems are most important?

A. Perhaps the most important is control of population. If we don't tackle this one, everything we do in the way of health care, housing and food is built on a very unstable foundation—a sort of morass.

Then there is the continuation of medical research. We have a tremendous research setup in this country which is the best in the world. I would hate to see it hurt.

The research budget at the National Institutes of Health has been steady for four years—which, in effect, cuts it by about 30 per cent, because research costs have gone up about 8 per cent a year.

We have probably benefited in some ways by this. There has been research that was unimaginative—very pedestrian, that one could hardly give much of a priority to—which has been cut out in this period.

Still, I think that if we are going to solve the problems of cancer, of aging, of our circulation, of respiratory disease, our great dental problems, and so forth, we have to keep our research going at least at the rate we're continuing now. I would fight extremely hard to see that that isn't jeopardized.

Next comes the question of our environment—

Q. Is pollution a medical problem?

A. I don't know how much time we have left to try to reverse what we are doing to the air, the ground and our waters, including rivers, lakes and oceans. We have been grossly negligent.

After environment, I personally would list the health of children, from minus nine months to plus five years of age, as a primary national health problem. President Nixon has emphasized that improving care for infants and preschool children is one of the things he would like like to see us push.

If you could start children healthy, physiologically and emotionally, in those first five years—and I think it's possible—there might be an awful lot less crime, a lot less hatred.

We're full of hatred at the present time. I'm sure that the hatred isn't really inborn. A lot of it is distrust and resentment created in the early years of life. That is a terribly important time, too, because it's during the nine months of pregnancy and the first five years of life that the level of nutrition can affect total intelligence.

Q. Is alcoholism a national problem?

A. Alcoholism is a disease that demands a broad approach, and I would like to get something started on it. Along with alcoholism, I list drug use—addiction and abuse. They also have become national problems, so often indicative of immaturity on the part of people.

Alcoholism has been so great that we've tended to accept and ignore it in this country. I don't mean alcohol in itself. Alcohol is a very good medicine and has—look, if you stopped all drinking and drugs, your murder rate would go up awfully. You have to give people some release, some opportunity to, let's say, evade reality for a while. And yet alcoholism is our biggest illness, because it affects not only 6 or 7 million alcoholics but all their families.

MARIHUANA'S DANGER TO THE YOUNG

Q. Do you regard marijuana as a danger?

A. I think the use of marijuana by the young is as bad as if they all went out and got drunk habitually. By the young, I mean those under 21 years old. The widespread use of marijuana has helped keep some young people from growing up.

A lot of others use marijuana in a different way—occasionally—and get some pleasure out of it. Physiologically, or pharmacologically, it's not too different in its effect from alcohol.

On the other hand, you wouldn't want to have all the young boys and girls start the social pattern of drinking at age 14 or 15. I think marijuana, in a sense, belongs with alcoholism as a problem.

I once answered a question rather quickly to the effect that I thought the punishment for marijuana was utterly out of proportion to the "crime" of having it in one's possession; that this was a punitive and vindictive type of punishment. I still feel very strongly the same way on that score. Therefore, people assume that I think marijuana is great.

Well, I don't know whether or not we're going to go into a marijuana culture. Probably a million people are using marijuana regularly. Ten million have used it at least once.

Regardless of what we feel about marijuana, its use—along with alcohol or any other drug that helps to take people away from reality—is something we have to approach as one of our very serious problems. And I think it has got to be approached by a combination of law and medicine.

Q. Can anything be done to check the flow of amphetamines and barbiturates from the drug industry into the illegal market?

A. Much has been done to try. But there are three or four steps between the manufacturer and the user, so it's pretty easy for these products to ooze out through hijacking and other means. We're going to have to have a much more careful check eventually on the production of all of these drugs, so that we know where almost every 100 pills are.

EIGHT HUNDRED MILLION CAVITIES

Q. Earlier, you mentioned "our great dental problems"—

A. There are 800 million cavities in Americans' teeth right now. One quarter of the people of this country have no teeth. Another quarter have only half their teeth.

Because tooth decay doesn't seem life-threatening, we have sort of let it go by the board. But it does become life-threatening. They are finding that a great deal of malnutrition among people who could afford to buy good food is due to the fact that they can't chew, or they can't chew well. So they pick the foods that suit their mouths, and they don't get enough protein or minerals. And they do get infections from bad teeth.

Now, 800 million cavities is too many. You can't fill them all, even if you multiplied the number of dentists and dental technicians and associates that you have by 10 or 20. So you've got to begin doing something to prevent cavities.

A number of things can be done. Certainly fluoridation of water supply, which is available to only about 40 per cent of our population at the present time, is an important step.

Fluoridation has been attacked as a political issue by some of our ultraconservative people who claim that it softens the brain and makes you susceptible to Communist ideology. Fluoridation, as a result, has been thwarted in many places.

I fail to understand that, let alone agree with it. Fluoridation can cut down tooth decay by about 75 per cent. It seems to me we've got to have fluoridation, as well as early prophylactic care, which can be provided in schools if it can't be done at home.

Q. Are the medical problems of aging more urgent now, with a larger percentage of older people in the country?

A. This is a very important area, and I include it, really, in my thinking, as part of the problem of delivering health care.

Medicare was set up for the aged. So there is momentum, an interest, that we must support and push.

I don't know how much of the aging problem is health and how much of it is social—finding a way of living. You've seen plenty of people who, when they didn't have to work, went "flop" and died in one, two or five years, whereas if they had things that kept them interested and made them feel necessary, they would go on living and be very happy. I don't think we've begun to solve the psychological problems associated with aging.

PROS AND CONS OF "THE PILL"

Q. You were talking about population. The birth-control pill is under some question now as possibly contributing to some types of cancer and to blood-clotting. What is your opinion of the pill and the current uproar over it?

A. The pill is certainly the best thing that has come along to solve a problem that could be disastrous if we don't solve it.

Statistically, it would look as if the chances of thromboembolic phenomenon—that's the blood-clotting—are greater if you take the pill than if you don't. Forty-seven women per 100,000 between the ages of 20 and 44 enter the hospital because of clotting if they are on the pill, whereas it's down around five to eight if they are not on the pill.

Now, what does that mean? It's a hard one to figure out. If those women go on having intercourse and become pregnant without the pill, then the amount of thromboembolism would be five times as high among them as it is with the pill.

You can get somebody to come to Washington and say, "The pill is dangerous." But I can go up and say, "Aspirin will hurt more people than the pill."

We are in a phase of looking for new approaches in educating people about medicines. Nearly everything has some risk inherent in it.

It seems to me that one has to come back again to the question of the doctor's evaluating a number of factors and saying finally, "Well, I think you should take the pill. You want to have intercourse; I recommend the pill. I feel that the risk to you is less with the pill than without it." And this is aside from the over-all question of what will happen if we have far too many children.

The British came out with a statement recently saying that if you had more than a certain number of milligrams—50—of estrogen in the pill, it caused more embolic phenomena than in doses of less than 50 milligrams. We've called them up four or five times—on the phone with London—trying to get the facts rather than just accepting a committee decision. We haven't received them so far. We're looking forward to learning more about the pill when we do get the British statistics.

Members of Congress are looking at this earnestly and honestly, with a view of trying to put before the people potential risks. They are trying to protect the people. Sometimes that gets done with enough enthusiasm to hide the good.

Q. Do you favor less restrictive abortion laws now?

A. Increasingly, yes. I've been rather conservative about that. But, increasingly, I feel we've got to face abortion as the backup of many methods of contraception which aren't perfect. I don't like to see abortion become a terribly important part of the picture, but I do think that facing a continually growing population is the most horrible thing we can face.

Q. Would you favor a federal law on abortions?

A. Yes. There have been several efforts at getting State laws carried to the U.S. Supreme Court, in order to get a decision with broad effects that might have nationwide application. Backers of more liberal abortion laws hoped they might accomplish that in California, but the opposition to the California measure crumbled before the issue could be carried to the Supreme Court. I think the opponents decided they wanted to keep it away from the Court.

Any State or group of States that sets up broader laws on abortion is helping other States to accomplish the same. If the Federal Government had a stance on it, that would help, too.

Q. Coming back to the shortage of doctors and other health professionals: Do you think the Federal Government is doing enough to increase the supply of physicians?

A. We're doing a great deal more than you think, and we're looking at the possibility of doing more. We feel that it is a crisis. But you hate to jump into a crisis and run off in a lot of directions until you see how the things that you are doing actually work.

We are supporting students in all the different health professions. You say, "Enough?" I say, Well, never enough—but enough against the background of a stringent budget.

We are helping medical schools build additions to their facilities, since that's the fastest way to get more students. We have helped in the establishment, in the last six years or so, of 17 new medical schools, 14 of which are open.

We are encouraging and helping to support many different programs where they are trying innovative measures of taking care of patients—the neighborhood health center is one.

Local medical societies are becoming interested in trying to solve these problems. We're supporting or helping to support a number of medical societies that are trying to take care of people, in both rural areas and city slums. We are helping to build hospitals and clinics in some places where this can be done.

We're going forward on many fronts, trying to find out what might be the best approach. When we do, I think we will find the money to support the best in a much cheaper way.

Q. Some medical schools claim they are so badly off financially that they are in danger of closing. Is that true?

A. Yes. Seventeen medical schools are threatened with closing. Private universities wonder why they should be assuming the burden of keeping up a medical school that is having difficulties.

The cost of medical education is surprisingly much. On the other hand, the cost of training a pilot to fly one of our modern military planes is many, many times more than the cost of educating a physician. The average cost of educating a physician is about $10,000 a year. That sounds awful. That does not include what it costs him to live during that period. The cost runs from as low as $7,000 at some schools to as high as $21,000 a year.

Don't ask me where the money goes, because I was on a committee once that had to try to find out. We couldn't.

Q. Have you considered opening federal medical schools?

A. I can tell you I played with that idea. The Veterans Administration has enabled a group of new medical schools to train an additional 1,200 to 1,500 physicians.

In Louisiana, Dr. William H. Stewart, formerly Surgeon General of the United States Public Health Service and now chancellor of Louisiana State University Medical Center, has joined with a Veterans Administration hospital at Shreveport to create in that hospital a medical school. He has done it with relatively little money, and I think it could be something that would show the way.

The University of Illinois is establishing a number of medical schools around the State based on clusters of hospitals. Minnesota is looking into the possibility of a medical school at Duluth, with the idea of using hospitals up there. These would all be cheaper approaches—some federal, some by States.

IF EVERYONE IS TO GET MEDICAL CARE

Q. Dr. Egeberg, do you envision an extension of medicare to cover the entire population? Would you call it a national health service?

A. Those who don't like it call it "compulsory health insurance" or "socialization." Those who like it call it "a universal health service."

Q. What do you call it?

A. I'm not calling it at the moment.

We have to find a way of seeing that health care is provided for all people—not only for humanitarian reasons that go along with our ethics, but also because the laws have caught up on it, too, and indicate that this should be done.

Medicare [for the aged] and medicaid [for the needy] started off with the idea that both programs could purchase care from an unlimited supply of health services. Where the shortsightedness—as to supply—came from, I'm not sure. But the idea of taking care of these people is one with which I heartily agree, though there are some who still disagree with it.

These new programs added 30 million people to the rolls of those who will get health care. They are 30 million people in this country who have been poor and haven't known what health care was. One can cite many examples of such people, including the fellow down in Appalachia who, shot through the belly by friends or people with whom he had a slight disagreement, would curl up in bed and say, "Well, my uncle got shot in the belly and he just took a lot of hot coffee and he got over it."

And then there are people such as I have run into in Watts [the Los Angeles area hit by riots in 1965]. When we had a meeting with a group we were going to ask to run a clinic there, we said: "What do you think you need most here?"

As they looked at each other, finally a woman stood up and said: "Well, I think we need a slab on every corner."

We asked: "Why?"

She answered: "Oh, to lay them out on while they're waiting for the ambulance or the hearse."

This is a picture of the attitude of poor people about health care. It's not only that they don't have any care—it doesn't even exist in their thinking. So they don't go to a physician, they don't know what foods are most important, or how to live more healthily. And, of course, there is so much they can't afford. I don't want to underplay that. The point is that we now have 30 million people who have been told they can be taken care of as far as their health is concerned, and they don't know what that means. Some of them think it means a doctor will come and hold their hand. Others think it means they should be getting shots or pills.

We have to educate them to what it means. Of these 30 million people, 10 or 12 million are now being taken care of, with the others not having reached the medical "production line" as yet. But even those 10 to 12 million have put a tremendous strain on a system which was just able to take care of the load it already had—the patients who were coming to doctors and hospitals before medicare and medicaid.

Q. How many people were getting care then?

A. I would say probably 160 million—something like that. So we are adding an appreciable percentage to the patient load.

I figured it out one time, and if you take out of the picture the doctors who are working at 40-hour-a-week jobs and those doing research or in government service, it would add 18 hours a week to the average physician's work load if we tried to give adequate care to 30 million additional patients.

The average physician is already working 65 hours a week, so this would get him up to 83 hours a week. Well, I worked 84 hours a week as a physician before World War II, and I didn't like it. I don't know how long I could have kept it up.

There are doctors who work that hard, not to earn money, but because they see the patients who need to be taken care of. In fact, for every five hours a week that is added to a physician's working time, his average pay goes up somewhere around $1,000 a year after taxes. There have been some studies on that. It's just amazing.

The facts indicate that the physician is working as hard as he is in order to take care of the people who are in front of him. That also gives you some idea why he has been slow to worry about the people he can't see, who do not get into his office.

I think the typical physician of this country has been maligned by society. He works extremely hard and, on the whole, extremely conscientiously. While some have gotten more money than one thinks they should have, if those people had gone into business I'm sure they would have gotten still more.

You should be amazed at the number who don't have so much. The average net income among general practitioners is apparently $31,000 a year. When you think that's before income taxes, and when you think how long they had to study to get to that point, and how little time they have left to earn, that isn't an outrageous figure, in my estimation.

FINDING WAYS TO PAY THE BILLS

Q. Is part of the problem that many people can't afford to pay doctor bills, no matter how justified?

A. Yes. Well, the private health-insurance industry and the Government programs of medicare and medicaid have all looked at various ways of providing health insurance. A system of insurance is one answer to the cost problem for the individual family.

As one of those who, as a dean, was responsible for producing the product that all these private and Government plans are buying, I get furious when I think of the fact that they haven't shown enough interest either in experiments in new ways of delivering health care, or in helping to create some of the institutions and train some of the people who are going to deliver the health care.

You have these three big purchasing agents who have felt responsible only as actuaries. I don't think this has been a healthy approach to our very great problem.

In my purview, I have a direct responsibility for about 3 billion dollars of health expenditures—in the National Institutes of Health, the Environmental Health Service, the Health Services and Mental Health Ad-

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ministration, and the Food and Drug Administration.

Medicare and medicaid involve 12 billion dollars a year of Government money, by comparison.

I can't see the money coming out of these other programs that will be needed to develop all the people required to deliver the medical services that medicaid and medicare and the private health-insurance industry want to purchase. I personally think we have got to find a way to see to it that these programs which finance health care show a greater concern with and make a direct contribution to improving the delivery of health care. Otherwise, they're just going to be paying more and more for less and less service.

AHEAD: UNIVERSAL HEALTH INSURANCE

Q. Would you favor universal health insurance?

A. I think that very likely one of these days we will find a broad means of seeing to it that everybody is covered in more or less the same way for health insurance. But it won't do very much good until we have the people who can furnish the care.

Therefore, our first job is to try to make good on medicare and medicaid.

Medicaid has done a lot of good in some areas, but it has bought services that weren't particularly useful in others. There haven't been enough rules, and there aren't enough trained doctors and nurses to supply the needs of medicaid.

Q. Will this broadened health insurance be a federal program—such as medicare, for example?

A. There are people who would like to see this whole thing run by the Government. There are others who would like to see the private health-insurance industry play a part in it, maybe a major part.

I feel that one gets more ideas and perhaps more efficiency if there is more than one way of accomplishing a task. My own philosophy is that I would like to see it be a broadly joint effort between the private health-insurance industry and the Government.

Q. How soon would you expect a universal health-insurance system?

A. I think something like that will come, but if it comes next year, or even the year after, there will be a lot of people who will say: "Well, I can go to the doctor. I've had an ache in my left knee for three years. Now I'll go see him."

And it will not take, percentagewise, many people like that before the doctors will be completely swamped and you'd have chaos.

If you approached this universal system too quickly, you could end up with two levels of health care. You could have the middle class buying the care away from those who had it paid for by the Government, either through favored treatment from doctors, or—as was done in some places in Europe—by extra payments under the table. This would demoralize many people with respect to health care.

I want everybody to be taken care of, but to reach that point as fast as we can in an orderly procedure rather than creating laws that would raise expectations way ahead of anybody's ability to meet them.

Q. What time schedule do you have in mind for a universal insurance system?

A. I would say it probably would be six or seven years before you could feel that you were anywhere near ready to tackle this, without having a degree of chaos.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 14465.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I would like the attention of the Senator from New Jersey.

The PRESIDING OFFICER. The Chair would like to interrupt the Senator from New York to state that the question is on agreeing to the amendment of the Senator from New Jersey (Mr. Williams), amendment No. 513.

Mr. JAVITS. Mr. President, it is my intention to submit to the Senate a substitute on behalf of Senator Goodell and myself to the amendment submitted by Senators Williams and Case.

The amendment obviously deals with the grave problem of a fourth jetport in New York, in the New York metropolitan area, including northern New Jersey, which is served by one of the three great jet airports in the area—to wit, Newark. The substitute will endeavor to give to the Secretary of Transportation somewhat more authority than does the Williams-Case amendment, but not all the authority which is contained in the committee bill.

The reason why I should like to make a brief preliminary statement is this: I hope that the Senate, in deciding what to do among these three alternatives—I wish to emphasize that there are three alternatives—will not write it down as the classic struggle between States—New York and New Jersey—because it is not. I wish to declare to the Senators from New Jersey our utmost sympathy and understanding of their situation and of the deep concern of their citizens for what a fourth jetport may mean to New Jersey. Their concern is the same as that of the citizens of New York.

Perhaps it is best epitomized, in explaining the situation, by pointing out that it is not a family fight, but that we really are doing our utmost to find some way out of a grave situation for all of us; for example, together, we have been exploring some very serious suggestions that a fourth jetport be placed out in the Atlantic Ocean. If this could be done within any proximate period of time and the terms of financing were sensible—that is, the cost-benefit ratio compared with a conventional jetport—I think this would have great sympathy from the people of New York, regardless of whether it was located off the coast of New York or off the coast of New Jersey.

Also, the airports in the whole area are run by a bi-State agency, the Port of New York Authority, one of the most successful of multi-State agencies that exists; and the Governors of New York and New Jersey enjoy excellent relations with each other, as do our respective constituents. We share many other problems, in many of which the highest form of cooperation and accommodation has been shown.

I wish to emphasize that cooperation, because I would not wish the Senate to think that some life and death struggle between New York and New Jersey is involved. But we feel it our duty, because the need is so urgent, to lay before the Senate the varying alternatives which are available, and then the Senate will choose. I shall do my utmost—and I believe Senator Goodell feels the same way—to argue the issue as objectively as I humanly can, without in any way leading to some conclusion that a fourth jetport must necessarily be located in New Jersey. We do not believe that, and it would not be fair for the Senate in any way to pass on that question. But we do believe that, with a lively, new, exciting initiative in the airport field—as the bill before us is—and we have had that experience with the Senator from Washington (Mr. Magnuson) and the Senator from Nevada (Mr. Cannon) before—one which is so gratifying to me, because I authored a bill very similar in concept to this one, we should use this opportunity to help solve what has become a very pressing national problem.

If we could only find a better way to deal with the airport selection problem than we have so far. The committee felt the same way, obviously, because it wrote a provision in itself, but it was a much stronger one than the one my colleague Mr. Goodell and I submitted, and certainly stronger than the one the Senators from New Jersey (Mr. Williams and Mr. Case) are submitting.

So, Mr. President, I wish it clearly to be understood that in submitting the substitute we do so only in the desire to give the Senate the three alternatives which we think are available. Someone else may have another alternative but as we are the people whose ox is being gored, I would suppose it logical to assume that the alternatives will come from us.

In that spirit, Mr. President, on behalf of my colleague, Mr. Goodell, and myself, I send to the desk a substitute for the Williams-Case amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. Young of Ohio in the chair). The amendment will be stated.

The Assistant Legislative Clerk. On page 71, line 6, strike out through the period on line 17 and insert in lieu thereof the following:

> If, within two years after the written notification by the Secretary referred to in the preceding sentence, he has not received notification from the governing authorities con-

cerned of the selection of a site and the intention to submit a project application for the additional airport, the Secretary may establish such priority in the use of funds granted pursuant to this Act for aviation facilities serving such metropolitan area as is necessary in order to provide for the construction of such additional airport as soon as practicable: *Provided, however*, he shall first consider a public report of the total effect such an establishment of priorities would have on the metropolitan area, prepared by an Airport Priority Review Panel that he shall establish to advise him. The Airport Priority Review Panel shall consist of the Secretary, or his designate, the governing authorities concerned, or their representatives, and such additional members experienced in transportation, urban planning, or the problems of the environment as the Secretary may designate.

Mr. JAVITS. Mr. President, for the information of the Senate, I have tried to write an exact substitute for the precise part of the language in the bill which is contained on page 71, line 6, the part which is sought to be amended by the Williams-Case substitute.

Because I did it yesterday in dealing with the whole bill and in view of the fact that the committee has already dealt with the matter, I do not believe it is necessary to lay before the Senate the reasons why we have this problem in the great metropolitan area of New York.

It seems to me there is factual proof that some way must be found to deal with any airport question which arises in what the committee defines as metropolitan areas. It will be noted that the committee amendment relates metropolitan areas, "comprised cf more than one unit of State and local government." That is the definition on page 70, lines 22 and 23.

We can take it, therefore, that the whole question we are trying to solve is, what are we going to do about giving the Secretary of Transportation the necessary authority to bring about the selection of an airport site, bearing in mind that it has been 13 years, for example, in the New York area, since it has been determined that a fourth jetport is essential. For at least 10 years a site has been sought.

It seems to me this is a pertinent consideration before the Senate when determining whether to arm the Secretary of Transportation with the necessary authority. Obviously, I do not think there is any question about the desire and the need for a fourth jetport being established. The only question is where to put it and who will make the choice of the site. So far, the two Governors of the two States themselves have been unable to agree.

One after another of the sites have been knocked down. At least 30 sites—as I mentioned in my discussion of yesterday—have been considered and, for one reason or another, by one or another of the parties, they have all been rejected.

This does not mean that they still cannot agree but it does mean that this is a tough situation and that time is running out.

Mr. President, this situation will affect the whole national picture for this reason: there are about 16 million to 17 million people in the metropolitan area affected, in New York, New Jersey, and Connecticut—indeed, it reaches over, to some extent, even into Pennsylvania and Delaware, and it is a fact—and I am sure that that was one of the reasons why the committee acted as it did—that the congestion, the great delays, and the danger to safe flying which exists in the New York-New Jersey metropolitan area communicate themselves throughout the country; that advised by authorities who deal with safety in traffic the congestion and delay in New York extends in ripples—both to arriving and departing aircraft—throughout the United States.

Thus, it seems to me that the real question at issue before the Senate is, which of the three ways now before will it choose in order to help—and I emphasize that word "help"—bring about a resolution of the serious situation in the New York-New Jersey metropolitan area, and probably in other metropolitan areas similarly affected?

The first proposition—and I should like to start with that because it is only fair—comes from the Williams-Case amendment, which is the same as the amendment adopted in the House of Representatives. For all practical purposes, all that that would do would be to require there be the finding of a site within 3 years.

The only power that is given to the Secretary of Transportation, beyond any he would otherwise have, which did not relate directly to the airport site situation, is that "the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph."

In short, he is given no additional authority to try to bring about a resolution of the problem. The only thing that the Williams-Case amendment would do, should it be adopted in the bill, is that the governing authorities would be required to confer and agree upon a site for the location of such additional airport and notify the Secretary of their selection.

Well, Mr. President, they have been conferring and endeavoring to agree for a long time now, without success. As I said, many sites have been considered and rejected. So that looks like a very promising suggestion. Beyond that, there is no authority except the moral suasion of the Secretary, and perhaps the fact that he might stretch his power in respect to safety by withholding funds on the ground that safety is endangered. But these are extreme measures. We certainly do not want him to get to the point where he would be put in the position of having no alternative but to shut down one or more airports, because he is withholding funds on the ground that the present three are unsafe.

Therefore, we believe, my colleague from New York and I, that it is desirable to give some additional authority to the Secretary which would enable him to bring about a resolution of the question.

In my judgment, and I am sure that the two Senators from New Jersey will argue the case for themselves very eloquently, to the Williams-Case amendment gives the Secretary no power beyond what he already has in various other parts of the bill.

Our amendment—Senator GOODELL's and mine—would give the Secretary somewhat less authority than does the committee bill. The committee bill gives the Secretary plenary authority, because he would be entitled to select the site. Naturally, the States concerned—the State of New York and, I assume, the State of New Jersey—are very unhappy about letting the Secretary of Transportation make a decision that they themselves ought to make. So I think it is fair to say that our amendment and, probably, the amendment of the Senators from New Jersey, are dictated by an effort to deny authority to the Secretary at this time to make the choice, in lieu of letting the States do so. That is the negative part. Our amendment, just as the amendment of the Senators from New Jersey, would deny the Secretary such authority.

The next question is, Can we do anything else? That is where I think we propose a compromise. Instead of giving authority to the Secretary to pick a site, we give him authority to withhold money from that metropolitan area, money that possibly could and should be used, in the judgment of the Secretary, for an additional airport, provided that he first consider the report of a public panel, which we call an Airport Priority Review Panel, which would also publicize its recommendations, so that the public would be assured that it is not an arbitrary selection by the Secretary, perhaps based on the authority which he already has to withhold money, but that it really represents a matter on which he has had an appraisal by reasonably disinterested and interested people. That is the essence of our compromise. We do give the Secretary authority to withhold money on grounds related to airport selection. That authority, however, he may exercise only insofar as the priority in the use of the money is concerned; such a priority in the use of funds is to be exercised only after there has been a public finding by a public panel as to the propriety of the particular need for the funds that he is insisting on.

But the Secretary cannot choose a site and mandate it upon the States concerned, not even under the limited authority he possesses to withhold some funds—mind you, not funds of the whole State or even of the whole metropolitan area; it is just that he may establish a higher priority for that needed airport and may withhold funds because that priority is not being met, because of the failure of the parties to agree.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CANNON. I have not found in the Senator's amendment the provision to which he refers, relating to the withholding of funds.

I am concerned as to whether the Secretary, if he is authorized to withhold funds, would be authorized, for example, to withhold funds from other airports besides the one project which had No. 1 priority. Would he be permitted

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under this amendment, to authorize the withholding of funds for the purpose of creating a new airport?

Mr. JAVITS. I think he would be authorized to make the finding that there should be a priority for a new airport; but that priority would require, say x dollars. Let us be arbitrary; let us say that $50 million in resources is available for that particular area, and that the priority which he would provide for an airport would represent $20 million of the $50 million. That would be the sum he would be authorized to withhold until the priority was met. He might say, "I have set a priority of $20 million for a major airport. I will not disburse that $20 million until my priority of agreement upon a major airport has been met. I have $30 million for other airports other than the first priority I have established. That amount I will disburse." That would be our intention. But it would also be our intention that the Secretary not just withhold funds but also spend them, but spend them in such a way that would in fact provide for reduced congestion and greater safety; for example, by stressing a spending on air traffic control facilities.

Mr. CANNON. So it would be clear that other airports in the affected area would be eligible for assistance under the airport program?

Mr. JAVITS. Exactly.

Mr. CANNON. Notwithstanding the fact that the No. 1 priority was a new airport in the area?

Mr. JAVITS. Except that the Secretary could carve out a sum of money which would be allocable to the first priority, and which he could withhold.

Mr. CANNON. The Senator's amendment reads, in part:

> The Secretary may establish such priority in the use of funds granted pursuant to this Act for aviation facilities serving such metropolitan area as is necessary in order to provide for the construction of such additional airport as soon as practicable.

Is that the provision the Senator says would authorize the Secretary to withhold funds?

Mr. JAVITS. That is our purpose. We will, naturally, accept whatever language the committee may think appropriate. It is our idea that, having established a priority, and having allocated a given amount of resources to be devoted to that priority, the Secretary could not disburse it until the priority had been achieved.

Mr. CANNON. Would the Secretary be the chairman of the panel?

Mr. JAVITS. Yes; of a panel made up of other people representative of the area in addition.

Mr. CANNON. Suppose the panel could not agree or could not come to a decision. Would that tie the Secretary's hands?

Mr. JAVITS. Not at all. That is why we ask that its findings be made public. If it cannot agree, it cannot agree. The Secretary still retains the authority. The panel is strictly advisory.

Mr. CANNON. The Secretary presently has authority to establish priorities in the use of funds, he would still have that authority. If he appoints an airport priority review panel, and the panel has held hearings and has been able to arrive at a decision, it would publish the decision?

Mr. JAVITS. The Secretary would not be bound by that.

Mr. CANNON. But he should take it into consideration, obviously, since he is the chairman of the panel?

Mr. JAVITS. That is correct. We say that as a condition precedent to his determination he should have the advice of the panel. If he cannot get the advice, he cannot get it.

Mr. CANNON. I thank the Senator from New York.

Mr. JAVITS. That is our thought. I wish to emphasize that to my very dear friends—and in this case it happens to be literally true—the Senators from New Jersey (Mr. CASE and Mr. WILLIAMS). We are not trying to get the Secretary to decide or to have a war between the States. We believe that this is a technique which could perhaps facilitate agreement. Let the Senate choose. If there is any other alternatives that my colleagues have to suggest, I hope they will be as openminded as we will be under these circumstances.

Mr. CASE. Mr. President, first of all, on behalf of my colleague from New Jersey (Mr. WILLIAMS) and myself, I reciprocate most warmly the pleasant remarks about our personal relations. They are and will remain warm and close. That does not, of course, blunt the fact that we have separate interests. Our interests, I think, are the interests of the country, and the Senator's interest, and that of his colleague, the junior Senator from New York (Mr. GOODELL), are the interests of New York as they conceive them.

In the larger view, of course, we believe that New York's interest and New Jersey's, and the country's, are best served by leaving decisions of the kind that are involved here in the hands of the representatives of the areas concerned. This has been the historic, traditional method of dealing with such problems in this land of ours.

I think one of the strongest, one of the most important reasons why, in a nation so large, with interests so diverse, we have managed to avoid flying apart on account of sectional rivalries and differences in interests—shortrun interests, which is all they are—is that we do not force a decision like this upon any of our States or areas.

Especially you do not do it by action of the Federal Government. I can see that the Senators from New York have moved away considerably from the language which their colleague in the House had added in the House committee.

Mr. JAVITS. Representative MURPHY.

Mr. CASE. And which was added in the Committee on Commerce in the Senate at the instance of the Senator from Maryland (Mr. TYDINGS) acting for a representative of the State or city of New York. The Senators from New York have moved away considerably from language vesting in the Federal Government the stark power of site selection to almost an amorphous situation in which they, I think, would likely retain the substance although not the form of the power that the committee provision represents.

The amount of pressure that could be put upon communities by the secretary's authority and its exercise under sanctions of the Senators' language, would, I think, and for all practical purposes, be the same as if he had the power in specific terms to make the selection of the site himself. This is precisely what we do not want.

The Senator can argue that there is no absolute grant of power; that the Secretary has the right now to establish priorities because he has the right of granting or refusing applications for use of funds. So be it. To that extent my colleague from New Jersey and I are quite content to leave the matter where it stands under the law in the absence of any such provision here. But to give to the Federal Government, although not in specific terms, in general approving language, the authority to make these decisions and impose them on the localities, is something I think we should resist in this body and I have from the time the Republic has been in existence.

Mr. JAVITS. Mr. President, I am so pleased the Senator understands we are dealing with this matter without heat and in the greatest friendship. That statement is true not only with respect to us but also our States which have enjoyed fine relations and will continue to do so.

I cannot accept the Senator's contention that we are acting in the interest of New York and that he and his colleague are seeking the interest of the Nation. I believe where there is a pattern of such disagreement on something that will seek to undo so dangerous a situation as we face in Metropolitan New York and New Jersey, that we have a right to feel it is the interest of the whole Nation if dangerous and inordinate delays in New York can be effectively dealt with. Therefore, I believe we have a common purpose in the interest of the Nation as well as our States. The Senator would not wish us to suppose he and his colleague are proceeding without regard to the State or States, or that we are proceeding only in the interest of New York and not the Nation.

Mr. CASE. Before the Senator proceeds to leave that point, I was talking entirely about the subjective attitude each of us has for his own proposition.

Mr. JAVITS. That is correct. I think that is an objective attitude, if Senators want to do everything they can for their States, as they do.

Mr. CASE. That is the Senator's statement about our position. Our feeling is that we represent not only the proper interest of our State, but recognize the general interest of the entire area in adequate transportation and safety, and can see that the traditional approach of a solution of these problems by agreement among all the jurisdictions, and particularly among States of an area, in the long run is likely to produce the best results in the interest of safety and convenience.

Mr. JAVITS. The senior Senator from New York affirms the fact that it is

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strange that the motives of the Senator from New Jersey are purer than the motives of the Senator from New York; nothing else.

Mr. CASE. May I concur in that.

Mr. JAVITS. But the main point is that without the history of the fourth jetport dilemma the Senator would be right; but in view of the history the question is not whether or not any authority should be given to the United States, because the committee already decided that that very plenary authority, much greater than the Senators from New York or New Jersey would give, should be given the United States. That decision has been made by them, an objective body representing the pattern of the country in our committee.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CANNON. I have grave doubts myself about the authority we have proposed to give the Secretary in the bill. I recognize this is a very difficult problem and certainly it would be better, in the first instance, if all authorities involved could agree on a location. But in this dispute we have a knotty problem where obviously no one can agree, and this creates the difficulty.

One aspect of the amendment bothers me. Suppose the advisory authority meets and either publishes its report, or does not publish its report. They conclude, "We cannot agree on anything." The Secretary can set his priorities and he says, "Our first priority for this area is going to be a new jetport, and we are going to set aside so much money." Nothing happens. He then goes into the next year and says, "We are going to set aside *x* dollars." Nothing happens again. This goes on for 3 or 4 years. If they cannot agree on a location of the new jetport, those moneys might have served a better purpose for the airport problem if they had gone into improving some of the developments in existing airports.

Mr. JAVITS. I agree thoroughly with the Senator. My answer is that it is the difference between pressure and summary decision. Certainly, it is pressure, and it has a double-edged effect. It is difficult and it deprives us of something—to pressure versus summary decision; and none of us would rather have summary decision. The Senator from New Jersey would rather leave it as it is. We come in with some kind of modern approach—pressure; there is no denying that—but it is better than summary decision.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GOODELL. Mr. President, the amendment which I have coauthored with my colleague from New York (Mr. JAVITS), which we are offering as a substitute to the Williams-Case amendment, will serve as an important catalyst in alleviating air traffic congestion crisis affecting the metropolitan area of New York and thereby the entire pattern of national and international travel and commerce. Its acceptance by the Senate will facilitate the construction of a fourth jetport in the New York metropolitan area, an accomplishment which seems as far from reality today as it was 13 years ago when it was first proposed.

Before discussing the specific provisions of this amendment, I would like to make some general comments about the bill itself, and the growth of our Nation's aviation facilities. In providing a major program for the expansion and improvement of our airport and airway system, we are enacting legislation that is of vital national importance. As a member of the Commerce Committee, which has presented this bill to the Senate, I am confident that H.R. 14465 will more than help make possible the promise of our jet age.

Aviation development in the United States has surely been astounding, and there is every indication that this will continue to be the case. As the committee report pointed out, in the past 7 years the number of passengers carried by U.S. scheduled airlines increased from 62 million to 153 million; it is expected to increase within the next 10 years to approximately 400 million passengers a year, an average of a million a day boarding scheduled airlines. The fleet of general aviation aircraft has grown from 77,000 to 124,000; it is expected to total 205,000 by 1978.

The scheduled airline industry provided directly over 300,000 jobs at the end of 1968, an increase over the employment level of 1963 by two-thirds. Seventy-two and a half percent of intercity common carrier passenger miles in 1968 were traveled by air, as contrasted to 39.3 percent some 10 years earlier.

The indirect benefits of this growth in terms of related employment and the provision of services is greater still.

The anticipated development of the role of aviation in our everyday lives has been clearly recognized in this legislation through its funding mechanism of a trust fund patterned after the highway trust fund established by Congress in 1956. In this manner, predictable and increasing funds obtained from the users and beneficiaries of the system will be available for airport and airways development to handle expected needs. The provisions in the bill for cost allocation and revenue allocation and apportionment studies will insure that the funds provided under the bill will be expended in the light of these rapidly growing needs.

H.R. 14465 does contain certain provisions to insure that this growth is not accomplished in an atmosphere detrimental to our Nation's environmental resources, and these may be further strengthened.

Obviously, aviation growth and development are meaningless unless they are accomplished with safety as the paramount consideration. This clearly requires a reduction in the congestion of our airports and the development of an overall framework for a national airport system. This is, as it should be, the thrust of this bill. It is also the basic rationale for the amendment which Senator JAVITS and I are offering today.

The air congestion crisis in the New York metropolitan area has a multiplier effect which reaches beyond the harassed traveler who circles La Guardia Airport for an hour waiting to land. The congestion in New York airspace and airports is beginning to have an economic effect upon the region.

Against the backdrop of the fantastic growth in aviation use across the country which I cited, I am informed that fewer domestic passengers used Kennedy International Airport last year than the year before. A study completed in 1968 estimated that unless airport capacity increases were achieved in New York City at Kennedy and La Guardia Airports, 16,400 annual flights—carrying 980,000 passengers—would not come into the area annually. The estimates for 1975 show a still greater loss to the area of 47,000 flights and a corresponding number of 3,800,000 passengers; by 1980 it could total 109,500 flights and 11,000,000 passengers.

The passenger loss means an economic loss. When the potential employee earnings lost annually—comprised of airport employees, other airline employees and air transport related employees—are added to the potential spending of air travelers who annually would not fly into the area, the forecasts grow from $54 million in 1970 to $205 million in 1975 and $589 million by 1980. In a jet era, we should be forecasting increases in economic impact on a region as a result of airline growth, not decreases.

The subject of an additional airport for the New York region is usually discussed in frustration and resignation. Thirteen years—and over 32 possible site selections—later, we have moved no further off the ground than the weighty bookshelf containing study reports and recommendations. Experts differ on where the site should be; some do not think that an additional airport is necessary now if existing facilities could be adequately expanded.

Nonetheless, the stark facts remain: the airspace is too crowded, the safety of the air passengers and New York region residents is a real concern, and the New York area is beginning to feel the economic impact. New York is the major center for commerce and industry in this country; it is a center for international business and travel. In 1968, 37 million passengers utilized the three New York airports and the New York Port Authority estimates that 90 million passengers will do so in 1980. Its air congestion problems are, therefore, not merely regional in nature; they are national. If we pass a bill for the improvement of our national airport system, we must, at the same time, do everything possible to improve the situation in the New York region, or else we are abdicating our responsibilities as legislators.

Under the provisions of this bill, the Secretary of Transportation is directed to prepare and publish every 2 years a national airport system plan for the development of public airports in the United States over a 10-year time period. This provision will enable the Secretary to expand funds for airport development in a rational and planned fashion, consistent with the needs of the country as a whole and the role of aviation development throughout the United States.

Both the Senate and House versions of

the bill presently provide that if the Secretary determines that a metropolitan area is in need of an additional airport to adequately meet the air transportation needs of that area and that this is consistent with the national airport system plan which he has prepared, the Secretary shall notify in writing the governing authorities or that area of this need and request that they confer, agree upon a site for the location of this additional airport, and notify him of their selection. The bill defines a "metropolitan area" as a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Secretary may determine to be appropriate. It covers metropolitan areas comprised of more than one unit of State or local government. An example of this would be the New York-New Jersey metropolitan area presently served by three major airports.

This amendment provides a 2-year time period for the governing authorities to notify the Secretary of their selection of a site and their intention to submit a project application for the additional airport. If he does not receive such notification after 2 years, the Secretary then may establish such priority in the use of the funds granted pursuant to this act for aviation facilities serving the metropolitan area as is necessary in order to provide for the construction of the additional airport as soon as practicable.

The purpose of this provision is to assist the Secretary in providing for the safety of the use of the airspace and airports in the area. It is our intention that he should utilize the funds granted under this act to the extent of not spending for aviation facilities which would increase the air traffic capacity of the airports in such a way as to result in further congestion and delay.

This amendment requires the Secretary to appoint an Airport Priority Review Panel to advise him, in a public report, of the total effect of establishing these priorities before—and only before—actually putting them into effect. The Airport Priority Review Panel thus provided for shall consist of the Secretary or his designate, the governing authorities concerned—in the case of the Metropolitan New York City metropolitan areas it might include the Governors of New York and New Jersey, the mayors of New York City and Newark, and a representative from the Port of New York Authority—and such additional members experienced in transportation, urban planning, and the problems of the environment as the Secretary may designate.

Any such determination of priorities should clearly be established for the purpose of sound coordinated growth of the region within a national transportation framework. The setting of proper priorities will insure that any severe economic repercussions on the region will be avoided. The Airport Priority Review Panel will evaluate this to the fullest extent. It is our clear intention that the Secretary's fundamental responsibility is to plan for the maintenance of the safety of the passengers and aircraft owners, the airline and airport personnel and the residents of the region when he establishes any priorities for continued airport development. Through this Panel, all those directly concerned with stimulating the proper utilization of aviation facilities will have a direct participation in the Secretary's decision, and the public dissemination of the Panel's report will be an important contributing factor in this regard.

In summary, therefore, this amendment offers the Secretary a means whereby he may, if he so chooses, facilitate the building of an additional airport as an integral part of an improved national transportation plan. The State and local authorities still retain their traditional responsibilities for selecting the site for an additonal airport, in contrast to the present section 206(g)(1) now in the bill which allows the Secretary to do so. The governing authorities of the region will have a means through which they can continue to stimulate proper growth of the region's airport and airway system through coordinated transportation planning.

In the New York metropolitan region, throughout the long controversy over where an additional airport might be located, arguments have been advanced as to which State will be the winner or the loser in this contest of wills. I do not view this amendment as advancing one site over another. It has been designed to facilitate the decisionmaking process, and its benefits will be enjoyed by all of the people in the metropolitan region. Certainly, the facts are clear enough that benefits do not accrue from a decrease in air traffic brought on by congestion and delays.

New York's air crisis is, in fact, the Nation's, and a Federal interest in and encouragement of its solution is not only desirable but essential.

With reference to this colloquy, when we talk about the discretion of the Secretary, this is done in terms of what is in the best interest of the transportation needs of the area. Presumably the Secretary is not going to withhold funds that would jeopardize the safety of people. There is no doubt it will be a difficult decision for him, if the local governing authorities are unable to agree. He may have a very difficult choice in withholding funds on a temporary basis that would relieve an acute situation in order to put pressure on local governing authorities. The Senator from New Jersey made the point that he wants local governing authorities to make a decision, but the fact remains that for 13 years the aviation experts have indicated the need for a fourth jetport in the New York-New Jersey area, and nothing has happened. We also know that the local governing authorities find it easy to agree, "Yes, we ought to have a jetport," but they find it difficult to accept that jetport in their own area. In this process, we believe some kind of pressure has to be brought to bear on the local governing authorities to make a decision—a hard decision, but a decision in the best interests of the area.

The committee bill provides that in a situation of exasperation and frustration which exists, particularly in New York, the Federal Government will say, "You have not made a decision now after 13 years. We will give you 3 more years. If you cannot decide, the Secretary will decide." I am afraid that will be unworkable. If the Secretary decides the jetport should be put on Long Island, or in New Jersey, or in Westchester, or somewhere else, how is he going to implement his decision without acceptance on the part of the local governing authorities?

Mr. CANNON. He cannot implement it. All he can do is withhold funds and say, "We are not going to give you funds until such time as you take action."

Mr. GOODELL. Which brings the committee provisions very close to the Javits-Goodell amendment; only our amendment is directed toward putting pressure on the local governing authorities in the beginning and saying, "Here is the situation, we cannot bring more pressure on the part of the Federal Government unless you make a decision."

Mr. CANNON. I would like to ask the Senator if his intention is to affect in any way sections 204 and 205, which relate to the authority of the Secretary in making his allocations, and distribution of funds, and so on.

Mr. JAVITS. Not at all.

Mr. CANNON. In other words, would this amendment supersede any of the authority that the Secretary is given under sections 204 and 205?

Mr. JAVITS. Not at all. That is not our intention.

Mr. GOODELL. No. That is not our thought.

Mr. CASE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, the junior Senator from New York has pointed up the issue, I think, in his reference to a decision by the Secretary—that is what is involved—a decision by the Federal Government, regardless of the wishes of a State. We are not talking about a village; we are not talking about local residents, a handful of them; we are talking about a sovereign State of the United States and its duly elected representatives; the Secretary may decide that that State shall have a major jetport.

I think the Senator was right also when he suggested that the proposed substitute is very close to the provisions of the committee bill in substance. In effect, I would suggest that it is identical. I think that is pointed up by the other section of the airport site selection provision which says that in nonmetropolitan areas, there shall be no such power as this. That is the difference.

The suggestion that my colleague from New Jersey and I make to this body is that the way to leave the matter is to leave it as it has always been left—that if the appropriate group in any State decides that it does not want a major jetport, it does not have to have one crammed down its throat. We are not talking about just a location; we are talking about a decision as to whether there shall be an airport or not.

I suggest to you that this kind of decision is not one we want, contrary to all tradition and custom in this country, now placed in the hands of the Federal Government.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GOODELL. I would like to ask the Senator from New Jersey what he would do in this kind of situation: Assume that all aviation authorities agree—and there is a very large agreement on this point, although I will not say that all agree—that there shall be a fourth jetport in the New York-New Jersey-Connecticut area. The people in New Jersey agree to that. The people in New York agree to it. The people in Connecticut agree to it. The people in New Jersey say, "Yes, we need a jetport here, but it is not going to be in New Jersey." The people in New York say, "Yes, we need a fourth jetport, but it is not going to be in New York." And likewise the people in Connecticut.

This is where the problem is. We can all agree that there ought to be a fourth jetport, but we do not want to have it in our own backyard. So there has to be some pressure brought to bear to decide on a location.

Our amendment does not say, "We will tell you to put a new airport in New York or in New Jersey." It says that the Federal Government will have additional power to put pressure on the local governing authorities to decide where it shall be.

Mr. CASE. The Senator is making my point for me—to put pressure on them——

Mr. GOODELL. Certainly.

Mr. CASE. To put the enormous prestige of the Federal Government behind it.

Mr. GOODELL. How much longer do we have? Fifteen or 18 years? We have to have a dicision here.

Mr. CASE. If the Senator will permit me to engage further in colloquy with my delightful friend at this time, the Senator assumes something we are not assuming. There has been no conclusive determination that we need a fourth jetport in the metropolitan area or that that is the only solution of our problem. There are many alternatives. I think, for the benefit of the whole area, some of them ought to be considered more fully.

The argument goes to the point of assuming that all authorities and experts agree on this. Let us assume that all the experts in road transportation agree that there should be four highways crossing New York City to carry traffic between New Jersey, the South, and the West, to New England. The citizens of New York City do not like that. They say, "Yes, there ought to be more highways, but they ought to be put around through Westchester or somewhere else."

The location with regard to our major interstate roads is left to the sovereign States to decide, and so it should be here. All these horrendous suggestions of disaster mean that eyes and ears have been shut to other possible solutions. That is so here. It is said that only such a solution, a fourth jetport, is acceptable. That is a short-range solution, and I believe it ought not to be accepted and forced down the throat of the people who live there, because living conditions, far more than any temporary solution in what probably is a transitory form of transportation, ought to count here.

That is why it is so utterly basic and sound that we leave the decision in the hands of the people of the area and not in any central government, impelled by any temporary sense of importance and need, to decide these questions against the wishes of the people whose lives are affected.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GOODELL. I respect very much what my beloved colleague from New Jersey has said. These is no desire in our offering this amendment to jam anything down the throats of the local officials.

I believe the Javits-Goodell amendment accomplishes the best compromise here. The local communities will have full opportunity, in the next 2 or 3 years—and the Secretary has not at this point developed and presented the national airport system plan called for in this bill—to make the arguments that the Senator from New Jersey does. But if, after all these discussions, we come to the point where it is very clear that a fourth jetport is necessary, the Javits-Goodell amendment would simply permit the Federal Government to put a little increased pressure on the local communities to make the decision, on where the fourth jetport ought to go. They could go on negotiating, but the Secretary does not say, "It goes right here in New Jersey" or "right here in Long Island." The amendment also provides for a panel for that must meet before the Secretary makes his final determination on what funding priorities could be established because a site was not chosen. This panel must make a public report.

Then, in this process, there will be a dynamic situation of negotiation, with just a little increased pressure from the Federal level which points up that we have got to serve the interests of aviation in the New York metropolitan area, and local communities must not be entirely provincial about the matter.

I say to the Senator, we share this difficulty. If the Secretary is determined that a fourth jet airport is to go in the New York area, none of us are going to be happy about having to have it in our particular neighborhood. I have yet to find a community that has voted in favor of having a jetport intrude into its local area. This is not a desirable thing for a single neighborhood community, but it is very obvious that it is an extremely necessary thing for the metropolitan area.

I concede to the Senator that the debate about the necessity of a fourth jetport must be carried forward from this point, and there may be resolution that there is not a need for a fourth jetport. I will agree with my colleague that we have open minds about the matter, but we do have quite a bit of expert opinion thus far from aviation experts that a fourth jetport will be needed in the next 5 years in the New York area.

Mr. CASE. Mr. President, will the Senator yield?

Mr. GOODELL. My colleague has the floor.

Mr. JAVITS. I yield to the Senator from New Jersey, so that he may respond.

Mr. CASE. The Senator is moving in the right direction. From the assumption, for example, that a fourth jetport is essential to whatever interests may be relevant here, he has now come to the position that that question is not necessarily decided. I encourage him to keep talking, and as he does, and as his senior colleagues does, I have great hope that they may, as they often have in the past, come to see the matter in the true light in which we hope they will come to see it.

Mr. GOODELL. Let me say to my friend that if there is movement in my position, and I do not think there is, it is more a result of the eloquence and persuasiveness of the Senator from New Jersey than of my persuading myself.

Mr. CASE. That kind of persiflage will get the Senator almost anything except a change in my position on this amendment.

I just asked the senior Senator from New York to yield so that I may respond to this suggestion of his junior colleague that we in New Jersey are provincial.

Mr. GOODELL. If I may so state to the Senator, I was making reference to all places when it comes to having a jetport go into a neighborhood community.

Mr. CASE. It is perfectly true that my friends from New York have always thought that the world stopped at the Hudson River, and that beyond its boundaries on the west there was nothing but Indians, and a certain touch of that has crept into this debate.

We call to their attention that in the Constitutional Convention it was New Jersey that stood out for the interests of small States, and that that is the only reason why my colleagues from New York are here representing their State, and the junior Senator from New Jersey and I are here representing our State, with any kind of equal position. The New Jersey position is the only reason why the States have survived, and I think it ought to be respected here, in all seriousness. I call for support from all the representatives of States in this Nation who believe that our federal system, embodying decentralized decision and actual agreement, not pressure, is important.

I commend the junior Senator from New York for reducing the force of his suggestion about pressure to describe it as slight pressure. But, Mr. President, there should be no pressure at all here, except the pressure of the rightness, the self-evident rightness, the inherent rightness of a situation, and certainly no pressure based upon granting or withholding of funds by any centralized Federal authority.

Several Senators addressed the Chair.

Mr. BYRD of West Virginia. Mr. President, will the Senator from New York yield me one-half minute?

Mr. JAVITS. I am not ready for a unanimous-consent request.

Mr. BYRD of West Virginia. No; only for a brief comment.

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. Mr. President, Plato thanked the gods for having permitted him to live in the age of Socrates. I thank the benign hand of destiny for permitting me to live in an age when

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the senior Senator from New Jersey (Mr. Case) has at last come around to embracing the doctrine of States rights.

Mr. CASE. The Senator from New Jersey has always felt very strongly about that, and his only concern has been that the abuse of this principle by some of our States on some difficult issues has rendered its perpetuation doubtful.

Mr. JAVITS. Mr. President, I yield to my colleague from New York.

Mr. GOODELL. Mr. President, may I clarify the record with reference to my use of the word "provincial"? I certainly did not mean to demean the people of New Jersey.

Mr. CASE. Not just New Jersey.

Mr. GOODELL. I believe that we all tend to be concerned, and rightly so, with our own neighborhoods' property values, when a large decision in the interests of the entire metropolitan community is to be made. It is very difficult to get any local community to look beyond the problem of having jets come into its own area. They will always say, "We need a jetport, but it should go elsewhere."

Somewhere, there has to be a resolution of this matter. But I would say to the Senator from New Jersey that we in New York certainly do not think that New Jersey is an underdeveloped area. All we have to do is go down to Staten Island and breathe deeply, and we know there is more than Indians in New Jersey.

Mr. CASE. Mr. President, I call the Senator to order under the rule. [Laughter.]

The PRESIDING OFFICER. The Senate will be in order. Persons in the gallery are reminded that they are the guests of the Senate.

Mr. CASE. Mr. President, I call the Senator to order under the rule. He has defamed a State, and must take his seat. The rule is clear.

Mr. GOODELL. Mr. President, the Senator did not let me finish my sentence.

The PRESIDING OFFICER. Under rule XIX, if a Senator is called to order, it is within the discretion of the Chair to direct a Senator to take his seat and whatever ruling the Chair makes is subject to appeal.

Mr. CASE. Will the Chair order the Senator to take his seat?

The PRESIDING OFFICER. That is within the discretion of the Chair; likewise a motion that the Senator may proceed in order is in order and that question is determined without debate.

Mr. GOODELL. Mr. President, may I be permitted to conclude my sentence?

Mr. CASE. Mr. President, I move that the Senator from New York be permitted to proceed in order.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The Senator may proceed in order.

Mr. GOODELL. Mr. President, the completion of my sentence was that all the people of New Jersey have to do, to know that there is more than Indians in New York, is, when the wind changes, stand outdoors and breathe what comes from our city.

Mr. JAVITS. Now, Mr. President, I move——

[Laughter.]

I will not make the motion, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, this sort of thing is bound to happen in a debate of this character, and I would warn my fellow Senators that New York has been whipped around the head for being the metropolitan center that it is to the point where I think now it is becoming counterproductive, and New York will begin to exact the sympathy of the Senate, since, whenever anyone fails in any other argument, they always talk about the sophisticates in New York who do not believe that anything west of the Hudson is composed of anything other than Indians.

I might say, Mr. President, that such a statement is really in derogation of New York, because most of our elite citizens have come from west of the Hudson.

I think one important point in the debate has been missed so far, and that is that most of us—not just one State, but the United States, is proposing to spend $10 billion under this bill, $5.5 billion of it for airport and airways development, and that that is considered to be in the interest of all the people of the United States.

I do not think we need to rest on the fact that any one State can put a bone in the throat of the United States any more in respect of airports than of military camps. Mr. President, suppose it was in the interest of our country, the best and most desirable, that a large military encampment should be located in northern New Jersey, and suppose northern New York rebelled against it and said it will not do it? Fortunately for us, we have had ways of resolving those controversies. But in extremus—and the extremus has happened—in many States the United States can act. You cannot frustrate our country. The reason we have the doctrine of interstate commerce is precisely that. New York cannot throw up a barrier, nor can New Jersey, to the Interstate Commerce of the United States, whether it be in the air, in the water, or on land.

So we must come to some accommodation if we want to retain State's rights, or they will break down, and they must yield to the national interest. That is the paramount thrust of the Constitution. We are trying to find a technique; we are trying to find a way. I do not believe and my colleague does not believe, and I think the people of our State do not believe, that, absent any opportunity to put some pressure for agreement upon these States, there is going to be an agreement. The Federal Government's national airport plan which I have in my hand and which is a plan for the fiscal years 1960 to 1973, calls in terms for a new airport for the New York area. There is no question about that.

So, Mr. President, we have to find some way of accommodating the federal system. I respectfully submit—and that is the issue before us, and I shall yield to the Senator from West Virginia on that—that we have tried to propose a way of reconciling the interests of the whole country in its expenditure of important resources, in the interests of safety and facility of air travel everywhere, including the New York-New Jersey metropolitan area, and the doctrine that States should not have imposed on them what they do not want. We have tried to come to a fair compromise. That is the way the Senate has always worked, and we hope it will work in that way in this instance.

I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I am about to propound a unanimous-consent request.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a time limitation on the pending substitute offered by the able Senator from New York (Mr. Javits) of 20 minutes, the time to be equally divided between the Senator from New York (Mr. Javits) and the Senator from New Jersey (Mr. Williams), with the understanding that either of the principals may ask for a quorum call within the time, without the time on the quorum being charged against either side.

The PRESIDING OFFICER. Is there objection?

Mr. BROOKE. I reserve the right to object.

Mr. CASE. I reserve the right to object.

Mr. BYRD of West Virginia. Mr. President, I also ask unanimous consent that following the vote on the substitute, if the substitute is rejected, the time on the amendment offered by the two able Senators from New Jersey (Mr. Case and Mr. Williams) be limited to 10 minutes, the time to be equally divided between the Senator from New Jersey (Mr. Case) and the able manager of the bill, the Senator from Nevada (Mr. Cannon), and with the same understanding that a quorum call may be called by either of the principals without the time for the quorum being charged against either side.

Mr. JAVITS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Is there objection?

Mr. BROOKE. I object, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The Senate will be in order, and persons not authorized to be on the floor of the Senate will leave the floor.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on the substitute.

The yeas and nays were ordered.

Mr. JAVITS. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President-

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ident, I ask unanimous consent that the time on the pending substitute offered by the able Senator from New York (Mr. Javits) be limited to one hour, the time to be equally divided and controlled by the Senator from New York (Mr. Javits) and the Senator from New Jersey (Mr. Williams); that in the event the substitute is rejected, the time on the amendment offered by the two Senators from New Jersey (Mr. Williams and Mr. Case) be limited to 30 minutes, the time to be equally divided between the Senator from New Jersey (Mr. Williams) and the Senator from Nevada (Mr. Cannon); that the time on any amendment thereto, substitute, appeal, or motion, with the exception of a motion to lie on the table, be limited to 20 minutes, the time to be equally divided between the mover of the amendment and the minority leader or whomever he may designate.

Mr. CASE. Reserving the right to object, is there provision also for a quorum call?

Mr. GRIFFIN. Mr. President, reserving the right to object——

Mr. BYRD of West Virginia. Mr. President, I also ask unanimous consent that the call of a quorum may be requested by the principals identified without the time being charged against either side.

Mr. GRIFFIN. Mr. President, reserving the right to object—may I inquire—I just came in the door—whether the agreement applies only to the amendment of the Senators from New Jersey and to the substitute but will not apply to other amendments?

Mr. BYRD of West Virginia. The Senator from Michigan is correct.

Mr. GRIFFIN. Just to amendments to these amendments but does not apply to any other amendment.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. JAVITS. Mr. President, reserving the right to object, is that satisfactory to the assistant minority leader?

Mr. GRIFFIN. Yes.

Mr. JAVITS. And to the Senator from Massachusetts?

Mr. BROOKE. Yes.

Mr. JAVITS. Does it protect the rights of the Senator from Vermont (Mr. Prouty)?

Mr. BROOKE. Yes; and also the Senator from New Hampshire (Mr. Cotton).

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. The Chair is uncertain about the last part of the Senator's request. Will he please restate it?

Mr. BYRD of West Virginia. With regard to quorums?

The PRESIDING OFFICER. No; on the other.

Mr. BYRD of West Virginia. That the time on any amendment to the amendment, substitute, appeal or motion with the exception of a motion to table, may be limited to 20 minutes, the time to be equally divided between the mover of the amendment and the minority leader, or whomever he may designate.

The PRESIDING OFFICER. Is that on the rest of the bill?

Mr. BYRD of West Virginia. No; not on the rest of the bill. I am sorry, I thought I made that clear.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I yield 10 minutes to the distinguished Senator from Maryland (Mr. Tydings), from our time on the substitute, and would appreciate it if the Chair would restore order in the Chamber.

The PRESIDING OFFICER (Mr. Cranston in the chair). The Senate will please be in order.

The Senator from Maryland may proceed.

Mr. TYDINGS. Mr. President, I apprecite the opportunity to speak in support of the Javits-Goodell amendment offered as a substitute for the ending Williams-Case amendment which was offered in this Chamber.

A little background on the issue might be of interest to Senators.

In the markup of the pending Airport and Airways Development Act of 1969 within the Commerce Committee itself, I was the Senator who pressed the language of the present section, 206(g)(1) in H.R. 14465, which basically gives the Secretary the right, when all else fails, to determine where a major regional airport should be developed. I took this position because I felt that in any modern transportation system, adequate major regional airport terminals are a fundamental necessity in the era in which we live.

These regional airports, of necessity, take up a great deal of land. They are not popular in the heavily populated areas; indeed, they are not popular in many of the sparsely populated areas of our country.

I was concerned because of the obvious problems in locating a major air terminal in the overcrowded traffic corridors of the eastern part of the United States.

I—as all my colleagues are—am a frequent air traveler. We have all witnessed the major air traffic jams which have taken place in recent years because of tremendously increased air traffic, particularly in the major urban airports of this country.

Many Members of this body perhaps do not even realize that they probably were in one or two "close call" situations, because of the tremendous increase in air traffic going into the major airport terminals. This is especially true if they were flying into one of the airports between Washington and New York. The fact that no Senator has been killed in an air traffic crash over the period of the past 5 or 6 years is a happy circumstance. But every time an additional plane flies into an overcrowded airport in the eastern corridor, the danger increases.

It is also obvious to me, as an objective bystander, that where the politics of States and communities enter into an airport location decision it is frequently impossible, despite the merits of the case, for local political leaders to accept a desirable site because of the political pressures from their constituents in that area.

It is for that reason that I persuaded the Commerce Committee to agree to an amendment which in the case of regional airports, when all else fails, provides a mechanism for the Secretary of Transportation to make an objective decision.

Mr. President, a major additional air terminal is desperately needed in the New York-New Jersey complex which we know as Greater New York. There are going to be other situations where other regions of the United States will need another major air terminal. There are going to be future disputes, just as there are now, as to where an individual airport should go. But we cannot afford continued airport location delays because of the subjective pressures arising out of political opposition in the various location possibilities.

My amendment would have offered an alternative or a way to break the logjam. That amendment was in the Senate version of H.R. 14465 which is now before us. The Williams-Case amendment, in effect, would have stricken that language and left no machinery within the Department of Transportation to make the hard decisions, when all else fails.

I am willing to accept and support the Javits-Goodell amendment because although it does not give the Secretary of Transportation the power I would give him in my amendment as incorporated in the bill reported to the floor, nevertheless, it does give him some tools, some powers of persuasion to make an objective decision.

I like my version better but I am happy to support the Javits-Goodell amendment.

We are foolish if we wish and hope to get a comprehensive national air traffic plan if we do not have any machinery, when all else fails, to overcome the political objections of the site location. We have to accept some machinery to bring about some kind of decision, and I believe that the Javits-Goodell amendment is a step in the right direction.

For that reason, I am delighted to support it.

I might say that I have great sympathy for the mayors of the great cities with all their problems, and if this will be of some assistance to them in the future, I believe it will be little enough that we can do, since we—particularly this body—should realize the importance of an effective air transportation system.

I thank the Senator from New York, a sponsor of the amendment, for permitting me to speak in its support.

Mr. JAVITS. Mr. President, how much time was just taken?

The PRESIDING OFFICER. Eight minutes.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. I want to thank the Senator from Maryland (Mr. Tydings) for his support of our amendment and for understanding the purpose for which it was prepared. I agree with him that it is not as strong in its terms of Federal power as the provision in the bill, but considering the practicalities of the feel-

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ings of the States about their own prerogatives, the urgent national interest in air safety, and the effort to dispel air congestion in the most crowded corridors in the United States, perhaps in the world.

I appreciate very much his acceptance of our effort to find a compromise that will breach both situations. I support him. I think it is very generous, very understanding, and extremely valuable to us. I hope very much that the Senate will pay strict attention to the words of the Senator from Maryland on this matter.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator is recognized for 4 minutes.

Mr. WILLIAMS of New Jersey. Mr. President, I rise to oppose the substitute that has been offered by the Senators from New York.

The debate, with the exception of the discussion of the Senator from Maryland, has focused basically on the airport situation as it relates to the Greater New York metropolitan area. And the issue there is whether the Greater New York metropolitan area will be best served by a new jet airport located in New Jersey. This problem is of great concern to myself and Senator Case.

But I think we must understand that what is done here today in laying out the guidelines and the authority for the determination of major airport facilities will have a profound effect not only on the New York metropolitan area but also upon many parts of the country in the years and decades ahead.

Our Nation, in its selection of priorities, has put air transportation high indeed, as exemplified in the development of the 747 and the SST. We have decided it is more important, for some reason, to get from New York City to London in a shorter time than it takes to travel from Scarsdale or Morristown into New York City or from the city to the airport.

Some of us feel that in this selection of priorities we have been way off the mark. But the fact is that this is where we are headed, while we fail to confront basic questions. If we have the SST tomorrow, where will it be permitted to fly and land? Where will the SST terminals be located?

They say the plane will fly at highest speeds only over water. But that does not mean that it will be used only over water. Up and down the coast, we will have the same question. We will have the noise and the congestion and all the critical problems that come with a major airport. What we are deciding here today is who will have the authority or the right to decide these questions.

The amendment which my senior colleague and I have offered states that the decision on airport locations will not be arbitrarily made by the Secretary of Transportation. The Secretary has already commented that he does not want or need this authority. He concurs with our view that State and local decisionmaking should not be diluted through increasing the involvement of the Federal Government. As the bill comes to us from the committee, no commentary is provided on the decisionmaking mechanism proposed in Senator Javits' substitute amendment. But I do not believe the Secretary of Transportation could accept this extensive authority—the establishment of priorities for metropolitan area airport development funds—any more than that of arbitrary site selection.

What we are beginning to recognize is a developing "monomania" on airports: The airports and airlines must be served in disregard of the people that have to carry the burdens of noise, congestion, and other hazards day in and day out, every minute of every day. Our responsibility today is to counter this monomania by recognizing that these airports have a massive impact on the lives of local populations.

We were sounding almost like a site selection committee here on the floor. I do not think we are. But I will say that I think with respect to an airport for the New York-New Jersey area, my senior colleague and I have shown our full degree of responsibility in the discussions We have gone into every aspect of the question on a jet airport for New Jersey, if that is where the site will be.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 4 additional minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for an additional 4 minutes.

Mr. WILLIAMS of New Jersey. We have suggested sites that would not have a crushing, adverse effect on living in our State, in areas that could well handle this facility.

We have gone very far, frankly. This leads me to one further observation; namely, that we have not had a great deal of help, that I know of, from the Federal authorities in intelligently looking at the whole question of airport development as it relates to the impact on the life of people in the decision of where a jetport should be to serve New York and New Jersey.

While the amendment my senior colleague and I have offered deletes the authority for the Secretary to select the site, it does call upon the Secretary, with all of his present powers and resources, to render every possible assistance to State and local authorities in reaching an intelligent decision. The amendment states:

> In order to facilitate the selection of a site for an additional airport . . . the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph.

That assistance has been lacking. I know that the day the jetport was suggested for New Jersey some 10 years ago, it came as a blockbusting surprise when the Port of New York Authority announced the site. It was a surprise even to the commissioners of the Port Authority. We do not want that to happen again. All State and local governing authorities, directly responsible to the people, should be involved in the decision.

Mr. CASE. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. Mr. President, I yield one minute.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, I supplement what my colleague has so well said in regard to the position of the Department of Transportation. And I am sure he would not have spoken without administration authority. The Secretary of Transportation specifically says he does not believe the power to select jetport sites should be given to him. He does not want it. And I think it is very clear that this is something that he would be unwilling to have thrust into his hands.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

Mr. CASE. Mr. President, I have the floor. If I may proceed, I had not quite finished.

I am sure that I anticipate what the Senator from New York will say. The Senator from Maryland was talking about the provision in the bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield an additional 2 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for an additional 2 minutes.

Mr. CASE. Mr. President, it is based upon a decision of the executive branch of the Government, expressed here by the Secretary of Transportation, Mr. Volpe, talking about any kind of operation and verifying the basic law as it would be set out in the bill, without any of this language. He said:

> We believe that the provisions that we have discussed above are not in keeping with the purposes of the airport-airways development legislation.

The Secretary has used and will continue to use his authority to facilitate these local decisions. But we believe that they must remain primarily local decisions.

Mr. JAVITS. Mr. President, I wish to make one observation on this matter. I gather that neither of the Senators is contending that the Secretary of Transportation has expressed his opinion to the committee or the Senate that he does not favor the substitute. I am informed by the committee staff that he has not given any communication on this particular subject.

Mr. CASE. This was quoted by me just now in a letter to me from Secretary Volpe, which appears in yesterday's Record—I see the Senator from New York now has the page—dealing, as I indicated, and as the Senator from New York corroborated, with the so-called Tydings amendment and not the language of the substitute.

But my point was, as I understood the Secretary, expressing the view of the administration, that they do not want anything in the bill beyond what there was when it was proposed by the administration and on the ground this decision should be a local decision.

Mr. JAVITS. I shall read this letter. I see no point in commenting on it until I have done so.

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Mr. President, I yield 5 minutes to the junior Senator from New York.

Mr. GOODELL. Mr. President, before the Senator from New Jersey leaves the Chamber, I would like to say, and I will state this as carefully and as accurately as I can, I have been informed, through my staff, that either the Javits-Goodell amendment or the Williams-Case amendment is acceptable to the Department of Transportation in lieu of the present provision in the bill. I am also informed they would not want to choose between the two. I think it can be stated that they are not expressing a preference for the Javits-Goodell amendment, but I believe the reason the Javits-Goodell amendment is acceptable is that it does essentially leave the final choice to the local governing authorities and only gives the Secretary authority to promote that choice.

Mr. CASE. The Senator makes clear that is his belief; they have not expressed it.

Mr. GOODELL. That is correct; that the Javits-Goodell or Williams-Case amendment is acceptable to them.

Mr. CASE. On the ground this should be left as it is traditionally left, as a matter of local decision.

Mr. GOODELL. That is the Senator's view.

Mr. CASE. Did not the Secretary say that?

Mr. GOODELL. No; he did not.

Mr. CASE. I do not think the Secretary adverted to the Goodell-Javits amendment.

Mr. GOODELL. They just adverted to it in conversation. They informed me that either is acceptable.

The letter that the Senator from New Jersey referred to was asking the administration only to choose between his amendment——

Mr. CASE. On the Tydings amendment.

Mr. GOODELL. And the provisions in the bill. They preferred the Williams-Case approach to the Tydings approach.

Mr. CASE. On the grounds——

Mr. GOODELL. As stated in the letter the Senator referred to.

Mr. CASE. That is correct.

Mr. GOODELL. I think this emphasizes that the administration said they think the choice of a site should be left to the local authorities. They do not like to have a matter of such urgency, in the opinion of their experts, to be deferred interminably. So they find our amendment acceptable also.

Mr. CASE. Mr. President, will the Senator yield on that point?

Mr. GOODELL. I am glad to yield.

Mr. CASE. In a sense, the question should be, first, shall there be a jetport or not? If there is not a decision to build it, then there is a decision not to build it.

Mr. GOODELL. As the Senator from New Jersey indicated earlier, and I agreed, I think the larger question of whether a jetport is necessary should always be under continuing consideration. It would appear there is a rather overwhelming view among aviation experts that a fourth jetport is going to be desperately needed in the New York metropolitan area in the next 5 years, and certainly in the next decade. However, I keep an open mind that they could come up with a plan to increase the efficiency of airports in the handling of air traffic in the New York metropolitan area at the same time maintaining the highest standards of safety, which would make it unnecessary. Obviously, no one wants a fourth jetport there if it is unecessary.

I have suggested along with others that consideration should be given to the possibility of placing a major jetport out some distance into the ocean. I think this may well be feasible, particularly at a later date. Neither the Senator from New Jersey, nor I, nor other Senators, are experts in the technicalities of aviation. We must leave that to the experts. We can assess their views. Of course, as is usually the case when we are trying to make policy decisions, we always find experts who disagree, but we have the responsibility to assess their views in trying to come up with a sound answer which is in the public interest.

I do not think a decision on a fourth jetport in the New York metropolitan area, and whether or not it is necessary at this time, can be made by local officials in the community. The Senator from New Jersey is aware, as I am aware, of the natural phenomena. Whether it is in Queens, Nassau, Suffolk, Westchester, or New Jersey, when a jetport is proposed in a local community, the people understandably resist. They want to be convinced, because it is not exactly a desirable neighbor. So they come up with evidence that rather than having it in New Jersey, it should be in Westchester, or instead of having it in Westchester, it should be in New Jersey or on Long Island. I think that in this process what it really involved is the benefit to be enjoyed by all the people in the metropolitan area, and there has to be a decision made.

The Javits-Goodell amendment is based on the premise that the decision will be made by the local governing authorities. Nothing in our amendment gives the power to the Secretary to say, "The airport goes right here; you accept it and nothing else."

We do give him the power to push and prod the local authorities to negotiate and to sit down and say, "We accept the fact that the fourth jetport is necessary. Where does it go?"

Mr. CASE. Then, the word is "pressure."

Mr. GOODELL. The word "pressure" has been used. I accept it. I did not say "pressure" in my last observation. I said "push and prod," or to stimulate.

Mr. CASE. The Senator is moving.

Mr. GOODELL. I think movement should be made in this respect in the interest of all people in the metropolitan area.

Mr. CASE. Mr. President, will the Senator yield further?

Mr. GOODELL. I am happy to yield.

Mr. CASE. I think we once and for all should understand—not that anyone's decision should affect or control, but so that there can be no more argument on this point; namely, the view of the administration—the administration does not want any language. That is the first preference. The administration, as it expressed in the letter from Secretary Volpe to me, does not want any. That is its first choice on the ground this should be a matter for local decision.

But as among the three alternatives we are now talking about—the amendment of the other Senator from New Jersey and me, the substitute proposed by the two Senators from New York, or the so-called Tydings amendment which was incorporated in the bill reported by the committee—the Secretary, speaking for the administration, prefers the New Jersey position. This has been stated just now by Mr. John Baker, officially on behalf of the Secretary of Transportation.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. CASE. I yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield to me 10 seconds?

Mr. CASE. If I have the time, I yield the Senator 1 minute.

Mr. WILLIAMS of New Jersey. I am glad our position is the position of the administration.

Mr. CASE. I take comfort from that, too.

Mr. GOODELL. Mr. President, will my colleague from New York yield to me?

Mr. JAVITS. I yield.

Mr. GOODELL. Mr. President, I think now we have reached the point of no particular value in quoting the administration.

Mr. CASE. I would understand how the Senator would feel that way.

Mr. GOODELL. We are quoting different officials in the administration——

Mr. CASE. No. No. No.

Mr. GOODELL. The words that were given to me were that "the Javits-Goodell amendment is acceptable to us. We would not like to choose between the Javits-Goodell and Williams-Case amendments."

Mr. CASE. The administration has since that time made its choice and announced it. The Senator would not in any sense state anything he had any doubt about on the floor, and neither would I. We just got this.

Mr. GOODELL. I got it from officials at the Department of Transportation through my staff, as the Senator from New Jersey got it from Mr. BAKER through his staff. But we are not going to resolve this question on whether the administration prefers one or the other.

Mr. CASE. But he——

Mr. JAVITS. Mr. President, may we have order in the Senate? Senators should yield time or not yield it. I ask that the procedures of the Senate be followed.

The PRESIDING OFFICER. Senators will proceed in order.

Mr. GOODELL. Mr. President, I think it is clear that the administration does feel that the decision of the location of a jetport should be made by the local governing authorities. I think on that we can agree. It is my view that the Javits-Goodell amendment provides for this. It guarantees it.

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The PRESIDING OFFICER. The Senator's time has again expired.

Mr. JAVITS. Mr. President, I yield 2 additional minutes to my colleague.

Mr. GOODELL. It provides that, after 2 years, if the local governing authorities have not made a decision, the Secretary will have some powers to begin to push and prod the local governing authorities to make what may be a painful and difficult decision to resolve their differences, so we will have a jetport.

The amendment does not provide that the Secretary shall determine where the location of the jetport shall be. It does not provide that the Secretary shall choose the location, as does the provision in the committee bill. The Javits-Goodell amendment leaves this question open for the local governing authorities. After two years, if they have not resolved the question of site selection, then the Secretary can use this authority to prod them along by establishing a priority in the use of funds granted to him under this bill.

The amendment also provides that a review panel must be appointed in order to advise the Secretary before he makes his final decision. That panel will make its report public in order to assess the possible effect upon the metropolitan area of any decision regarding the establishment of these priorities.

I think this is a highly respectable compromise which will see to it that we get movement and a resolution of the problem.

Mr. JAVITS. Mr. President, I yield myself 1 minute. For the information of attaches, if Senators are willing to yield back their time, we can have a quorum call and then have a vote.

Mr. CASE. Mr. President, if the Senator will yield, I think that would be well. I think we have said everything we can say to each other. We should have a quorum call, with perhaps a minute or two, not committing ourselves, after the quorum call.

Mr. JAVITS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Jersey has 20 minutes remaining, the Senator from New York has 13 minutes remaining.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. JAVITS. I ask unanimous consent that the time not be taken out of either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 2 minutes, then the Senator from New Jersey (Mr. Williams) will take 2 minutes, and then I hope we can yield back the remainder of our time and vote.

Mr. President, it seems to me that the issue has been very clearly drawn. The issue is not between New York and New Jersey and it is not between the Senate and the Secretary of Transportation. Cabinet officers have to do what they have to do. They have lots of authority. I do not suppose anyone ever wants to exercise some knotty authority, but occasionally he is called upon to do it. We have to and they have to.

So I just do not think that is what must count here. I think we have two competing problems. We have a national airport problem, for which we are putting up $10 billion, and we have local option problems.

I must say I smile a bit to hear the passion with which the Senator from New Jersey (Mr. Case) addresses himself to the issue of the life of residents of New Jersey. We have two airports, not one, in New York City, LaGuardia and Kennedy, and they make lots of noise and cause lots of problems. They have one in New Jersey, and I am sure it makes lots of noise and causes lots of problems. But the point is, this is not a matter exclusive to either of us. The jetport may well be located somewhere in the Hudson River Valley, just as easily as in New Jersey, if that is finally decided upon. We should get just as passionate, but what can we do about it?

That is the issue, as I see it. Somehow we have got to reconcile the march of time and progress and the national interest with the local interest. What we have tried to do is find some way of serving both objectives, and this is the only way I could find, without allowing the Secretary to make the site selection—and I agree with all my colleagues on that I do not want site selection, Secretary Volpe does not want it, nor Senator Case, nor Senator Williams, nor Senator Goodell. None of us want site selection.

So the only way I could find was for the United States to use the power to which the Secretary was entitled—the power to disburse the money. That is the stick, and the carrot is that they get the money.

That is the best we can do. I do not agree that we should do nothing, because if you do nothing, you simply continue the present situation, and that idea can extend to everything, whether it is army camps or airports.

I think the compromise we offer the Senate is a fair one, and a way out for these two conflicting forces, and I hope the Senate will accept it.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield to my colleague from New Jersey.

Mr. CASE. Mr. President, first, I just wish to state that I have just had reconfirmed the administration position. Really, they do not want any of these positions. They do not want to have to say that the position of the Senators from New York is utterly unacceptable, but they prefer the Williams-Case amendment to the other two alternatives.

I think that is a fair and conservative statement of the administration position, for such weight as the Members of this body feel it should be given.

Second, just one point in response to the statement of the Senator from New York: We are not dealing with this as a novel proposition. We are dealing with it against a history in which, for years, the Port of New York Authority tried to have this jetport placed in the most desirable part of New Jersey, one of the few remaining areas where there is still a bit of natural beauty and green space. So we are very sensitive about the issue, and we are dealing with it, not as a general proposition, but against this background, which gives the matter and the issue particular meaning to our State.

Mr. JAVITS. Mr. President, I yield myself 30 seconds to state a fact. The authority which is trying to force the jetport on New Jersey, according to Senator Case, is a bistate authority of New York and New Jersey.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 1 minute.

The Senator from New York (Mr. Javits) has correctly asserted that the United States has the right to see that its money is not wasted. However, the people of these States have the right to give or withhold their consent to governmental spending, having a major impact on their lives and property, but dictated solely by the interest of accommodating airport passengers and traffic. That right—the consent of the governed—must be defended.

Mr. President, we have here an incredible situation of an unwilling authority that could exercise an unsought power against the wishes of an unwilling people. I oppose the substitute amendment offered by my very good friend, the distinguished Senator from New York (Mr. Javits).

Mr. JAVITS. Mr. President, I think we have thoroughly elucidated the subject. I do not expect that I am going to win over the Senators from New Jersey, and I do not expect they are going to win us. I think we had just as well leave it to the Senate.

The PRESIDING OFFICER. Is the remaining time yielded back?

Mr. JAVITS. I yield back the remainder of my time.

Mr. WILLIAMS of New Jersey. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the substitute amendment of the Senator from New York. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. McCarthy), the Senator from New Hampshire (Mr. McIntyre), the Senator from Minnesota (Mr. Mondale), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from Idaho (Mr. Church) is absent on official business.

I further announce that, if present and

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voting, the Senator from Connecticut (Mr. Dodd) and the Senator from Iowa (Mr. Hughes) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Fannin), and the Senator from Illinois (Mr. Smith) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Nebraska (Mr. Hruska) is detained on official business.

If present and voting, the Senator from Arizona (Mr. Fannin) the Senator from South Dakota (Mr. Mundt), and the Senator from Illinois (Mr. Smith) would each vote "nay."

The result was announced—yeas 15, nays 72, as follows:

[No. 61 Leg.]

YEAS—15

Bellmon
Dole
Dominick
Eastland
Fong
Goodell
Griffin
Hansen
Hatfield
Javits
Moss
Percy
Sparkman
Stevens
Tydings

NAYS—72

Aiken
Allen
Allott
Anderson
Bayh
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Cooper
Cotton
Cranston
Curtis
Eagleton
Ellender
Ervin
Fulbright
Goldwater
Gore
Gravel
Gurney
Harris
Hart
Hartke
Holland
Hollings
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
Metcalf
Miller
Montoya
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Russell
Schweiker
Scott
Smith, Maine
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—13

Baker
Church
Dodd
Fannin
Hruska
Hughes
McCarthy
McIntyre
Mondale
Mundt
Ribicoff
Saxbe
Smith, Ill.

So the Javits-Goodell amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senators from New Jersey.

Mr. CANNON. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, the Senate has fought this thing out. It was fought squarely and fairly. We lost it fairly. That is the choice of the Senate.

Speaking for myself, it is my judgment as a Senator who represents in part a State with enormous problems in our area that something must be done, that it cannot be left at nothing.

That is what the Williams-Case amendment contends for, that we do nothing, that we leave it as it is.

This is shocking and intolerable in relation to the safety, congestion, and danger to the air transport system of this country.

If we are going to spend $5½ billion for airports, it seems to me that the United States should have something to say about how that money will be used.

For that reason, Mr. President, I intend to support the committee and vote nay on the Williams-Case amendment.

Mr. WILLIAMS of New Jersey. Mr. President, I yield to the Senator from New Hampshire (Mr. Cotton).

Mr. COTTON. Mr. President, in filing individual views on this problem, I stated as follows:

> 3. *Airport Site Selection.*—A new subsection 206(g) has been added by the Committee which would require the Secretary of Transportation to facilitate the selection of new airport sites in metropolitan areas. It also would prohibit the Secretary from approving an airport development project outside metropolitan areas when the communities where the airport is located have not approved. This provision makes a drastic change in the historic role of airport site selection which traditionally has been the responsibility of State and local governments. Aside from the fact that this particular provision suffers the infirmity of vagueness, it also delegates a responsibility to the Secretary but confers no authority which he, as Secretary, probably could and would exercise in any event. It, therefore, represents, in my opinion, a disabling provision in the bill and one which probably should not be accepted by the Senate.

Mr. President, I merely want to say that I agree with what has just been said by the distinguished Senator from New York (Mr. Javits), that the United States should have something to do with airports if we are to have a national system. It is inevitable that it would have something to do with the selection of airports. It is my feeling, in the first place, that the Secretary of Transportation does not want this authority. He has made it known in unmistakable terms to me, as the ranking minority member of the committee, that he does not want the authority which is in the bill.

Thus, I feel constrained, for the reasons stated in my individual views, and because I have discussed the subject thoroughly with the Department of Transportation, that I shall support the amendment of the Senator from New Jersey.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 30 seconds to say that I was encouraged, in drafting the amendment and offering it, by the individual views of the ranking minority member of the Commerce Committee, the distinguished Senator from New Hampshire (Mr. Cotton).

His views very clearly state that historically this has been a decision for the people in the States, and that is where the power is and should remain, rather than in the authority of the Secretary of Transportation, who wants no part of that power.

Mr. CANNON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 minute.

Mr. CANNON. Mr. President, we are confronted here with a situation where we have directed the Secretary of Transportation to prepare a national airport system plan. If we are going to have a national airport system plan that carries out the air transportation needs, or serves the air transportation needs of the country, then there has got to be a national plan to serve the needs of all the country.

All we have provided here is that when the Secretary determines that a metropolitan area cannot settle on a site selection and this type of condition goes on for a period of 3 years and it still cannot settle on a site, then the Secretary is directed to determine where in that metropolitan area he would approve a site for which funds were being made available. They do not have to go ahead and locate on the site. That should be made clear. But he does select an area where he would apportion funds under this act to carry out the purpose and intent of the national transportation bill.

That is all we are attempting to do. I urge the Senate to reject the amendment.

Mr. WILLIAMS of New Jersey. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of New Jersey. Mr. President, I yield back the remainder of my time.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from New Jersey. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. McCarthy), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Utah (Mr. Moss) are necessarily absent.

I further announce that the Senator from Idaho (Mr. Church) is absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. Hughes) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Fannin), and the Senator from Illinois (Mr. Smith) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Nebraska (Mr. Hruska) is detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett) and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

On this vote, the Senator from Illinois (Mr. Smith) is paired with the Senator from Arizona (Mr. Fannin). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Arizona would vote "nay."

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The result was announced—yeas 56, nays 31, as follows:

[No. 62 Leg.]

YEAS—56

Aiken
Allen
Allott
Bayh
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Cook
Cooper
Cotton
Cranston
Dodd
Dole
Eastland
Fong
Fulbright
Gore
Gravel
Gurney
Hansen
Harris
Hatfield
Inouye
Jackson
Kennedy
Mansfield
Mathias
McClellan
McGee
McGovern
Metcalf
Miller
Mondale
Montoya
Murphy
Nelson
Packwood
Pastore
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Thurmond
Tower
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—31

Bellmon
Bible
Cannon
Curtis
Dominick
Eagleton
Ellender
Ervin
Goldwater
Goodell
Griffin
Hart
Hartke
Holland
Hollings
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Muskie
Pearson
Russell
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Tydings
Williams, Del.

NOT VOTING—13

Anderson
Baker
Bennett
Church
Fannin
Hruska
Hughes
McCarthy
McIntyre
Moss
Mundt
Saxbe
Smith, Ill.

So the amendment of Mr. WILLIAMS of New Jersey was agreed to.

Mr. CASE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WILLIAMS of New Jersey. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON ACTIVITIES AND ACCOMPLISHMENTS UNDER THE COMMUNICATIONS SATELLITE ACT OF 1962—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

On July 20, 1969, from the Oval Office in the White House, I spoke by telephone with Neil Armstrong and Edwin Aldrin on the surface of the Moon. This historic event was simultaneously televised to the world through the medium of communication satellites. Under Section 404(a) of the Communications Satellite Act of 1962, I am sending to the Congress this seventh report on the program that helped bring this historic event to millions of people throughout the world.

Communications between Earth and the Moon, while certainly the most dramatic use, is only one of many ways in which satellite communications can now be employed. The Intelsat Consortium of more than 70 nations has been highly successful in bringing the benefits of communications satellite technology to the people of many nations. This report reflects the steady progress being made toward an improved global communications network. Already we see major improvements in international telecommunications capabilities—improvements that will ultimately benefit all of the world's people.

The Communications Satellite Act speaks of the contribution to be made to "world peace and understanding" by a commercial communications satellite system. Just as this technology has enabled men to speak to each other across the boundary of outer space, so, I am convinced, satellite communications will in future years help men to understand one another better across boundaries of a political, linguistic and social nature. World peace and understanding are goals worthy of this new and exciting means of communication.

RICHARD NIXON.

THE WHITE HOUSE, *February 26, 1970.*

REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

It is with a sense of gratification that I transmit to the Congress the Ninth Annual Report of the U.S. Arms Control and Disarmament Agency.

The events of the past year have shown that through negotiation we can move toward the control of armaments in a manner that will bring a greater measure of security than we can obtain from arms alone.

There is reason to be hopeful of the possibility that an understanding can be reached with the Soviet Union which will permit both nations to reduce the burdens and danger of competitive development of strategic arms.

The process has begun. The preliminary, exploratory phase of the Strategic Arms Limitations Talks was held in Helsinki in November and December. Ambassador Gerard Smith, the Director of the Arms Control and Disarmament Agency, whom I named to head our delegation to the Talks, reported to me that the exchange of views was serious and augured well for the next phase to begin in Vienna in April.

We have undertaken these negotiations because it is in our interest to do so. We believe the Soviet Union recognizes a similar interest. In addition, continuing technological advances in weapons systems give warning that delay will only complicate the arduous task of achieving agreements.

The other nations of the world are looking to the United States and the Soviet Union to limit and reduce our strategic arsenals. I believe that a verifiable agreement which will limit arms on both sides will in fact enhance mutual security.

The report which I now send to you describes the contribution of the Arms Control and Disarmament Agency to the preparation for, and the conduct of negotiations on strategic arms limitation. The report also describes efforts in pursuit of other arms control measures directed to controlling chemical warfare and bacteriological research, to bringing the non-proliferation treaty into effect and to banning nuclear weapons and other weapons of mass destruction from the seabed.

In transmitting this report, I reaffirm my Administration's concern with the substance rather than the rhetoric of arms control. Wherever possible, consistent with our national security, I want our talents, our energies and our wealth to be dedicated, not to destruction, but to improving the quality of life for all our people.

RICHARD NIXON.

THE WHITE HOUSE, *February 26, 1970.*

FEDERAL ECONOMY ACT OF 1970—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 263)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

I propose reduction, termination or restructuring of 57 programs which are obsolete, low priority or in need of basic reform. These program changes would save a total of $2.5 billion in the fiscal year 1971. Of this amount, $1.1 billion savings require Congressional action—roughly the equivalent of the amount by which the 1971 budget is in surplus.

No government program should be permitted to have a life of its own, immune from periodic review of its effectiveness and its place in our list of national priorities.

Too often in the past, "sacred cows" that have outlived their usefulness or need drastic revamping have been perpetuated because of the influence of special interest groups. Others have hung on because they were "too small" to be worthy of attention.

At a time when every dollar of government spending must be scrutinized, we cannot afford to let mere inertia drain away our resources.

Some of these programs are the objects of great affection by the groups they benefit. But when they no longer serve the general public interest, they must be repealed or reformed.

No program should be too small to escape scrutiny; a small item may be termed a "drop in the bucket" of a $200.8 billion budget, but these drops have a way of adding up. Every dollar was sent to the Treasury by some taxpayer who has a right to demand that it be well spent.

As an extreme example, the government since 1897 has had a special board of tea-tasters. At one time in the dim past, there may have been good reason to single out tea for such special taste tests; but that reason no longer exists. Nevertheless, a separate tea-tasting board has gone right along, at the taxpayer's expense, because nobody up to now took the trouble to take a hard look at why it was in existence. The general attitude was: It did not cost much, it provided a few jobs, so why upset the teacart?

That attitude should have no place in this government. The taxpayer's dollar deserves to be treated with more respect.

Most of these programs have the strong support of some special interest group, and in many cases the changes I am proposing will be resisted. Overcoming this resistance will not be easy. I urge, therefore, that the Congress examine the possibilities of establishing special arrangements for consideration of this legislation. The Joint Committee on Reduction of Federal Expenditures may be able to provide the focus needed to secure the savings I have included in this Federal Economy Act; or, perhaps, a joint select committee empowered to propose legislation to both Houses should be established.

This Administration is making extraordinary efforts to hold down spending; it would be fitting for the Congress to approach the need for economies in the same spirit.

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Of the 57 savings actions I have proposed to prune the 1971 fiscal year budget and slow down the momentum of Federal spending, forty-three are within the authority of the President to effect; four are already before the Congress and awaiting action; ten more are submitted with the Federal Economy Act.

Of the total savings effort, these are the most significant items:

1. *I propose that we reform assistance to schools in Federally-impacted areas to meet more equitably the actual burden of Federal installations.*

In origin this program made good sense: Where a Federal installation such as an Army base existed in an area, and the children of the families living on that installation went to a local school; and when the parents made no contribution to the tax base of the local school district, the Federal government agreed to reimburse the local district for the cost of educating the extra children.

But this impacted aid program, in its 20 years of existence, has been twisted out of shape. No longer is it limited to payments to schools serving children of parents who live on Federal property; 70 percent of the Federal payments to schools are now for children of Federal employees who live off base and pay local property taxes. In addition, the presence of a Federal installation (much sought-after by many communities) lifts the entire economy of a district. As a result, additional school aid is poured into relatively wealthy communities, when much poorer communities have far greater need for assistance.

One stark fact underscores this inequity: Nearly twice as much Federal money goes into the nation's wealthiest county through this program as goes into the one hundred poorest counties combined.

The new Impact Aid legislation will tighten eligibility requirements, eliminating payments to districts where Federal impact is small. As it reduces payments to the wealthier districts, it will re-allocate funds to accord more with the financial needs of eligible districts. Children whose parents *live* on Federal property would be given greater weight than children whose parents only *work* on Federal property.

While saving money for the nation's taxpayers, the new plan would direct Federal funds to the school districts in greatest need—considering both their income level and the Federal impact upon their schools.

Reform of this program—which would make it fair once again to all the American people—would save $392 million in fiscal year 1971 appropriations.

2. *Medicaid.* The original purpose of this program was to provide medical treatment to all persons, regardless of age, who could not afford such care. As many States have discovered, an additional item—long-term residential care in nursing homes and mental hospitals that often involves little medical treatment—has been an unexpected cause of great expense. I propose that we direct Federal matching funds toward medical treatment rather than custodial care and provide new incentives to the States to emphasize more efficient forms of extended care.

Estimated savings to the Federal government in fiscal 1971 appropriations would be $235 million.

3. *Space research.* After the recent successful Apollo missions, scientific needs for more manned lunar explorations were reassessed. We concluded that fewer manned expeditions to the moon were needed, and production of additional Saturn V launch vehicles and spacecraft has been suspended. Eight Saturn Vs remain in our inventory for manned flights during the early 70s. Savings as a result of these and related space research decisions total $417 million in fiscal year 1971 appropriations.

4. *Duplicated veterans benefits.* During the past twenty years, Social Security and other legislation has been enacted which often duplicates benefits due to veterans with wartime service to defray burial expenses. I have proposed to limit Veterans Administration payments to the difference between $250 and the total of non-VA benefits due the veteran's survivors, saving $54 million in fiscal year 1971.

In addition, I propose to require insurance companies to reimburse the Veterans Administration for the general hospital care of veterans with non-service connected medical problems who have purchased private health insurance but who elected to receive that care in VA hospitals. At present, most insurance contracts preclude payment to VA facilities, which is unfair; insurers should not be relieved of payments because their policyholders choose to be treated in VA hospitals. This will save the government $40 million in fiscal year 1971.

Modern medical treatment makes possible permanent recovery from tuberculosis, and over a year ago the Congress ended future payments of $67 per month to veterans whose disease is completely arrested. However, about 40,000 veterans, whose disease has been cured, are still on the compensation rolls; since their cure makes further compensation unnecessary, I propose that they be removed from the rolls at a saving of about $46 million.

5. *Lower-priority agricultural programs.* The Federal government currently cost-shares with farmers certain conservation practices, a substantial part of which are in fact profitable farming techniques; as the number of large farms using these techniques has increased, there is less need for this program that now would require $211 million in fiscal year 1971 appropriations. In addition, $84 million per year is appropriated to subsidize the purchase of milk in schools for children, a great many of whose families are not poor; these resources should be reallocated to more effective nutritional programs to benefit children of poor families which will include milk as a part of the total program.

Federal crop insurance, a useful program, has developed to the point where Federal assistance can be gradually reduced. This insurance is now subsidized by the Federal government, and it should be made self-supporting over a period of time. I propose legislation adjusting premiums to cover administrative costs, which will produce a first full-year saving of $12 million.

6. *The government-owned Alaska Railroad.* It is time for the Federal government to get out of the operation and ownership of the Alaska Railroad. With the discovery of oil and other potential economic development in Alaska, the need for Federal ownership has passed and the Alaska Railroad has become an attractive investment. It should be sold either to the State of Alaska or to private enterprise for a substantial sum.

7. *Replacement of hospital grants with loan guarantees.* At one time, hospitals were not generating enough income to pay off capital construction loans; today, *through reimbursements by Medicare, Medicaid and private insurance plans,* the financial status of hospitals has been markedly improved. Accordingly, using the same principle that has been so successful in the Federal Housing Administration program, the 1971 budget terminates direct grants to hospitals in favor of a new program of mortgage guarantees to hospitals for construction capital with a liberal subsidization of the interest rates they will be charged. The new program, which will be more effective in stimulating hospital construction, will save the taxpayer $65 million in fiscal year 1971.

8. *Miscellaneous items requiring Con-*

gressional action. These include charging the industries involved to recover the costs of Federal grading, classing, and inspecting of tobacco, cotton and grain, saving $4 million; charging to recover the costs of administering marketing agreements and orders, $2 million; ending Federal formula grants to schools of veterinary medicine, a low priority item, $3 million; turning over Federal maintenance of recreational marinas to the users of such facilities, $1 million the first full year.

9. *Terminating the Coast Guard Selected Reserve Program*. The elimination of the Coast Guard Selected Reserve program would not significantly reduce the overall effectiveness of the Coast Guard.

The proposed legislation eliminates the statutory requirement for a Selected Reserve within the Coast Guard Ready Reserve after fiscal year 1971.

It provides that personnel who are fulfilling their Selective Service obligation through the Coast Guard Reserve may be transferred, with their consent, to other Reserve components, with the assurance that their Coast Guard service will be credited toward fulfillment of that obligation. It is also anticipated that some personnel in the Selected Reserve would be retained in the Ready Reserve in a no-training status. All will be offered the opportunity of accepting a discharge from the Coast Guard Reserve or volunteering for extended active duty for the purpose of fulfilling their military service obligation. First full year savings are approximately $25 million.

10. *Sale of stockpile commodities*. The greatest bulk of the stockpile materials to be disposed of in fiscal year 1971 would be sold in accordance with standing authorizations. With respect to those stockpile surpluses for which there is presently no disposal authority, we have already sent to the Congress twenty bills requesting the necessary authority. In addition, we have endorsed three other pending bills. The proposed sales program, including disposals which would be authorized under new legislation, would produce about $750 million in fiscal 1971.

I am transmitting with this message a proposed Federal Economy Act of 1970.

Never has the need to curtail unnecessary spending been as vital as it is now. The rising cost of living, which causes so much hardship to so many of our people, must be arrested; a balanced budget is needed to hold the line on rising prices and interest rates.

In this fight, no time-honored program is sacrosanct if it cannot be justified on the grounds of high priority; there is too much that needs to be done for all the people to permit special benefits to be conferred unfairly upon some of the people.

Of course animal-lovers want more veterinarians, but Federal funds should be spent on providing more doctors for people; of course harbors should be kept clear for pleasure craft, but Federal funds should be directed to help clean water for people to drink; of course all the elderly should be cared for, but Federal funds should be directed to medical rather than custodial care of the elderly who are poor and ill.

That is why we have looked at Federal spending with new eyes—not on the basis of government as it is, but on the basis of what comes first for now and tomorrow. The time is past for "more of the same."

Federal spending must be in response to present needs, not a reflex caused by old habits. The savings we make now are dollars enlisted in the fight against inflation, and there is no need more urgent to all the people than the need to hold down the rising cost of living.

I have already made a great many of the hard decisions that are mine to make to hold down nonessential domestic spending, above and beyond the substantial cuts already made in our defense budget, and I urge the Congress to make the hard, responsible decisions that the Congress is charged to make. This is no time for business as usual, spending as usual, politics as usual. This is the time for cutting out waste and cutting down costs with new vigor and new determination.

RICHARD NIXON.

THE WHITE HOUSE, *February 26, 1970*.

Mr. CANNON subsequently said: Mr. President, at the desk is a message from the President of the United States with respect to the Federal Economy Act of 1970. I ask unanimous consent that the message be jointly referred to the Committee on Commerce, the Committee on Agriculture and Forestry, the Committee on Labor and Public Welfare, and the Committee on Finance.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airports and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. CANNON. Mr. President, I send to the desk a technical amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 93, line 15, strike out "3" and insert "2".

On page 93, line 17, strike out "5½" and insert "4½".

Mr. CANNON. Mr. President, yesterday the Senate agreed to an amendment by a voice vote reducing the fuel tax on general aviation from 7 cents to 6 cents. This is a perfecting amendment with relation to other corrections in the bill and it has no other effect.

The PRESIDING OFFICER. The question is on agreeing to the amendment (putting the question).

AMENDMENT NO. 529

Mr. COTTON. Mr. President, I call up my amendment, No. 529.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT NO. 529

On page 52, line 12, beginning with "construction" strike out all through the end of line 14.

On page 79, line 9, beginning with "or directly" strike all to the period in line 20.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. CANNON. Mr. President, I would like to propose a unanimous consent request.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend. Attachés are not in order.

The Senator may proceed.

UNANIMOUS-CONSENT AGREEMENT

Mr. CANNON. Mr. President, I would like to propose a unanimous-consent request that each side be limited to 1 hour on this amendment, with the time on the amendment to be controlled by the Senator from New Hampshire (Mr. COTTON) and the time in opposition to be controlled by the Senator from Nevada; 1 hour on each side.

Mr. COTTON. Mr. President, reserving the right to object, will the Senator withhold his request for about 3 minutes so that I may suggest the absence of a quorum, and then very shortly thereafter withdraw it? Then, I would be prepared to agree.

Mr. CANNON. Mr. President, I ask unanimous consent that the request take

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effect after the conclusion of a quorum call to be commenced at this time.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, will the Senator include verbiage in his unanimous-consent request to provide for any amendments, motions, or appeals thereto, with the exception of motions to lay on the table.

Mr. CANNON. Mr. President, I request that amendments, and motions, except a motion to table, be included in the time limitation.

The PRESIDING OFFICER. One hour to each side. Without objection, it is so ordered.

Under the unanimous-consent agreement, there will be 2 hours on the amendment and any amendments thereto.

Is there objection? The Chairs hears no objection, and it is so ordered.

Mr. COTTON. Mr. President, it is my understanding that the unanimous-consent agreement is to take effect after the completion of the quorum call.

The PRESIDING OFFICER. The Senator is correct.

Mr. COTTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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Mr. COTTON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. COTTON. Mr. President, this amendment strikes out on page 52 of the bill the following language: "construction, alteration, and repair of airport passenger or freight terminal buildings and other airport administrative buildings and the", and it strikes out on page 79 the following language: "or directly related to the handling of passengers or their baggage at the airport. The cost of construction, alteration, or repair of buildings or those parts of buildings directly related to the handling of passengers or their baggage shall not be an allowable project cost unless the Secretary finds that no reasonable financial alternative to inclusion as an allowable project cost exists. Such a finding must be based upon consideration of the feasibility and extent of other sources of financial participation, the financial condition of the airport sponsor as disclosed by uniform accounting procedures promulgated by the Secretary and any other factors relevant to such determination."

Mr. President, this amendment is a rather simple one. It involves, however, a major policy question with respect to the extent of Federal assistance in airport development.

Until today with the provisions provided for in H.R. 14465 by our Committee on Commerce, it consistently has been the policy to limit allowable airport project costs to those which are directly related to the welfare and to the safety of the traveling public. However, by virtue of certain language contained in paragraph (2) of section 201, defining "airport development" and, more particularly, in new language to be found in subsection (b) of section 201 of the bill, this limitation would be removed.

In the first instance, airport development would be so defined as to include "the construction, alteration, and repair of airport passenger or freight terminal buildings and other airport administrative buildings." In the second instance allowable project costs, subject to certain findings, would be extended to those buildings or parts of buildings intended to house facilities or activities "directly related to the handling of passengers or their baggage at the airport."

Mr. President, my amendment would seek to strike the language providing for this extension of allowable project costs into areas heretofore excluded. In so doing, I might add, the Senate could eliminate an annual expenditure of some $50 million which I understand was added to the administration's proposal by our Committee on Commerce to finance this extension of allowable project costs.

Mr. President, this issue of allowable terminal costs is not new. I recall having to do battle over this same issue on several earlier occasions and, most recently, in the last Congress, considered it at length with our former distinguished colleague, Senator MONRONEY of Oklahoma. Then, as it consistently has over the last 10 years or more, our Committee on Commerce acted in an affirmative fashion to limit allowable airport project costs to those which are directly related to the welfare and to the safety of the traveling public.

Additionally, Mr. President, the administration is opposed to any such extension with respect to Federal assistance for terminals. In his message the President stated:

> Airport terminal buildings are a responsibility of local airport authorities.

The Secretary of Transportation in a letter of November 12, 1969, stated:

> We recognize that a very substantial requirement exists for new and improved terminals and passenger requirement handling facilities. However, we do not believe it appropriate for the Federal Government to provide grants-in-aid for their construction. * * * Terminal facilities are usually good revenue producers and capable of being financed by revenue bonds.

In support of this position by the Secretary, I shall later submit for inclusion in the RECORD materials on representative airports evidencing their revenue producing capability.

Also, when on June 19, 1969, the former Chairman of the Civil Aeronautics Board, the Honorable John H. Crooker, Jr., appeared before our committee, I specifically questioned him concerning Federal assistance to terminals. At that time, Mr. Crooker responded as follows:

> Senator, I would be hopeful that the Federal funds would *not* be used for terminal facilities unless in some discretionary area where, under whatever Act is adopted, the Department of Transportation has some funds for discretionary use. * * * I am on the side of trying to preserve most, if not all, of the Federal funds for airfield development rather than terminal development.

Mr. President, it has long been my view that Federal assistance should be limited to the area of paramount importance—safety. It should not be dissipated in any way, shape, or form by possibly financing areas not related to safety but rather to personal comfort. In this connection, I shall also later submit for inclusion in the RECORD materials furnished to me by the Library of Congress documenting attempts over the last several years to divert funds from the highway trust fund for nonhighway purposes. To the best of my knowledge, none of these attempts has been successful and I would hope that my amendment will be adopted so as to stop the attempt now being made to encroach upon future funds inuring to the airport/airways trust fund.

Mr. President, I am somewhat concerned also with respect to the ambiguity raised concerning the extension of allowable project costs to activities "directly related to the handling of passengers or their baggage at the airport." It has come to my attention, for example, that in recent months one local authority has undertaken a multimillion-dollar expansion project which would include the Nation's first airport autobag check system allowing motorists to drive into a garage, check baggage automatically, and then park. There would seem to be little doubt that under the language now provided in subsection 210(b) of H.R. 14465, this project could be construed as being "directly related to the handling of passengers or their baggage at the airport" so as to be eligible for Federal assistance.

Mr. President, the purpose of this legislation is to develop a safe and efficient national airport and airways system. It is not, to my mind, intended to provide a vehicle for Federal funds to finance baggage handling facilities or automobile parking facilities.

Mr. President, this is a $5 billion program, which I predict, before we get through, will exceed that amount. It is a program to establish a national airport and airways system. It is a program that fundamentally must have, as its first object, the safety of our air traffic.

For example, anyone who reads the daily paper or listens to the news over television at night certainly is aware of our growing air traffic control problem. It has been the cause of several delays during peak traffic periods. We simply are straining our resources to control air traffic to their very utmost.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. I yield myself 5 more minutes.

The more traffic is held up in patterns circling above airports, the greater the danger of collisions and the greater the danger of the loss of life.

I was quite confident, when the committee started considering this measure, that we would continue the policy of safety first, and of devoting every cent of every dollar to the safety of traffic before we diverted funds to anything else. But when the bill finally came out of committee, it contained this provision on page 79 dealing with the matter of handling the baggage of the passengers.

It was argued that that was very essential from the standpoint of speeding up traffic and the convenience of the passengers. I submit again that the convenience of the passengers is not the fundamental issue here at stake. But, if this one exception is made to divert Federal funds to baggage handling facilities within the airport, what will that mean?

As I noted earlier, some airports are undertaking construction of large multistory buildings for parking. Passengers will drive into parking places in such buildings, and check their baggage.

It will be a great convenience. I would like to be able to do it myself, but the cost is considerable for such facilities.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. I yield myself 4 additional minutes.

I say, Mr. President, with all the emphasis at my command, that we are going to need every last dollar in this program we are inaugurating with this bill—every last dollar—to organize, control, rearrange, and refurbish the methods of transporting people by air with safety.

Mr. President, how much of my time have I used?

The PRESIDING OFFICER. The Senator has used 17 minutes.

Mr. COTTON. At this point, I ask unanimous consent to have printed in the RECORD a report from an economic analyst in the Library of Congress, showing the number of bills containing legislative proposals to divert funds from the highway trust fund for purposes other than highway construction.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS,
Washington, D.C., February 11, 1970.

To: The Honorable NORRIS COTTON.
From: Economics Division.
Subject: Legislative proposals to divert funds from the Highway Trust Fund for purposes other than highway construction.

Attached is a list of legislative proposals to divert funds from the Highway Trust Fund for purposes other than highway construction.

In our attempt to make the list as comprehensive as possible we have contacted: The Treasury Department, the Bureau of Internal Revenue, the National Highway Users Conference, the Federal Highway Administration, Bureau of Public Roads, the House Ways and Means Committee, the House Public Works Committee and the Senate Public Works Committee.

Bills which provide for the coordination of Federal assistance for highways and mass transportation facilities, but do not specify that funds are diverted from the Highway Trust Fund, are not included in this list.

We are also including several articles which pertain to this subject.

Also excluded are (1) bills which appropriate new revenues to establish a Highway Beautification Trust Fund, an Auto Burial Fund or a highway safety research and development program and (2) bills which deprive States of 10 percent of the trust fund unless they undertake specific functions, usually highway beautification.

WILLIAM E. HALSEY,
Economic Analyst.

BILLS INTRODUCED IN THE 85TH TO 91ST CONGRESS TO UTILIZE THE HIGHWAY TRUST FUND FOR NONHIGHWAY PURPOSES

91ST CONGRESS, 1ST SESSION 1969

S. 3293. Mr. Randolph; December 22, 1969 (Public Works): The bill would use Federal-aid highway money for the construction of mass transit facilities.

H.R. 8772. Mr. Farbstein; March 12, 1969 (Public Works): State Air Quality Financing Act—Authorizes the appropriation of funds from the highway trust fund to be used as grants for air pollution control programs by a State. Provides that the amount to be used for such grants shall be determined by the Governor of such State. Requires the Governor to specify the amount to be deducted from one or more of the States. Federal-aid highway system apportionments in order to make available to the Secretary of HEW amounts elected to be used for air pollution control programs.

Provides that such amount shall not be reduced as a result of an interstate apportionment adjustment, unless the downward adjustment exceeds the remainder available for interstate construction.

Provides that the election of such sums by the Governor shall not be considered in making adjustments under the Highway Revenue Act.

H.R. 48. Mr. Ryan; January 3, 1969 (Public Works): Mass Transportation Financing Act—Provides that the Governor of a State may elect to have all or part of such State Federal-aid highway system apportionments for a fiscal year made available to be used for urban mass transportation under the Urban Mass Transportation Act.

90TH CONGRESS, 1ST SESSION 1967

H.R. 262. Mr. Bingham; January 10, 1967 (Public Works): Mass Transportation Financing Act—Provides that the Governor of a State may elect to have all or part of such State's Federal-aid highway system apportionments for a fiscal year made available to be used for urban mass transportation under the Urban Mass Transportation Act.

H.R. 34. Mr. Ryan; January 10, 1967 (Public Works): Mass Transportation Financing Act (Same as H.R. 262 above).

89TH CONGRESS, 2ND SESSION 1966

H.R. 14844. Mr. Kupferman; May 3, 1966 (Public Works): Mass Transportation Financing Act—(Same as above).

H.R. 12934. Mr. Rees; February 21, 1966 (Public Works): Mass Transportation Financing Act (same as above).

H.R. 12852. Mr. Ryan; February 16, 1966 (Public Works): Mass Transportation Financing Act (same as above).

89TH CONGRESS, 1ST SESSION 1965

H.R. 10765. Mr. Helstoski; August 31, 1965 (Public Works): Mass Transportation Financing Act (same as above).

H.R. 10170. Mr. Ashley; July 29, 1965 (Public Works): Mass Transportation Financing Act (same as above).

H.R. 10126. Mr. Bingham; July 27, 1965 (Public Works): Mass Transportation Financing Act (same as above).

S. 2339. Mr. Tydings and others; July 28, 1965 (Public Works): Mass Transportation Financing Act (same as above).

86TH CONGRESS, 1ST SESSION

S. 2149. Mr. Humphrey; June 10, 1959 (Public Works): Includes relocation and demolition costs within the definition of the term "construction" for the purpose of the Federal-aid highway laws. [amending U.S.C. 23: 101(a)].

85TH CONGRESS, 1ST SESSION

H.R. 11085. Mr. Gary; February 27, 1958 (Appropriations): Treasury-Post Office Appriation Act, 1959—Makes appropriations for the Treasury and Post Office Departments, and the Tax Court of the United States for the fiscal year ending June 30, 1959.

Note: This bill attempted to pay for the administrative costs of the Treasury Department with $3.5 million from the Highway Trust Fund.

In July of 1956 the Department of Labor attempted to have $1 million be appropriated from the Highway Fund for administrative expenses.

Mr. COTTON. On this point, Mr. President, I would like to say that as a freshman Senator, I was a member of the Committee on Public Works of this body when we laid out the Interstate Highway System, and when we created the trust fund for the building of interstate highways.

Ever since then, Mr. President, time after time, there have been attempts to dig into the interstate highway trust fund, to use the money for other purposes, to use it for beautification or for any of many purposes. This report which I obtained from the economic analyst of the Library of Congress lists more than a dozen separate bills that have been introduced since the 85th Congress to this, the 91st Congress seeking to divert funds from the highway trust fund for various other purposes, in spite of the fact that we have fought to keep the highway trust fund inviolate. Such bills have been introduced to dig into the fund for mass transportation, for facilities for commuting, and for various other reasons.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. I yield myself 2 additional minutes.

I ask also unanimous consent to have printed in the RECORD a summary report on the airports at Atlanta, Ga., at Chicago, Ill., at Denver, Colo., and at Los Angeles, Calif. As I noted earlier, I offer reports on these airports because they are tangible proof of the income derived from concessions at these huge airports.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

ATLANTA

About half of total revenues were derived directly from aviation, principally the commercial airlines, through lease charges for terminal and cargo facilities and landing and flight fees. The remaining revenues were generated by leases to airport vendors (newsstand, bank; pharmacy, etc.), the parking lot concessionaire, and franchise and related revenues from concessions.

The largest single category of revenues ($1.5 million or 29% of the total) was derived from non-aviation, concession revenues. This was followed closely by landing fees (28%) and aviation rentals (26%). The remainder was accounted for by parking lot rental (11%), rentals to vendors (4%), and utility and other fees (2%).

The major sources of revenue growth over the 1962–1966 period at Atlanta Airport were landing and flight fees which tripled over 1962 and accounted for 44% of the gain in total revenues; all types of rentals, up 45% over 1962 and contributing 30% of the overall increase; and concession revenues which rose by 64% and accounted for 26% of the gain in total revenues. In keeping with the principle of direct airline support for the airport's operations and expansion, flight and landing fees were raised twice within the 1962–1966 period in connection with new airport revenue bond issues, in order to meet statutory requirements for revenue coverage of debt service.

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TABLE III—ATLANTA AIRPORT, COMPARATIVE INCOME STATEMENTS 1962-66 YEAR ENDED DECEMBER 31

[Dollars in thousands]

	1966	1965	1964	1963	1962
Revenues:					
Rentals	$2,104	$1,867	$1,730	$1,592	$1,452
Concessions	1,455	1,210	1,066	942	888
Landing fees	1,402	927	514	497	466
Utility fees	123	112	107	104	117
Other	7	55	46	42	27
Total revenues	5,092	4,172	3,463	3,178	2,950
Expenditures:					
Wages and salaries	$646	$627	$541	$542	$483
Contractual-services, utilities, etc	397	445	429	435	389
Material and supplies	34	36	22	24	50
Fixed insurance, rentals, etc	87	26	24	24	24
Total expenditures	1,165	1,134	1,017	1,025	945
Income before bond interest	3,928	3,038	2,447	2,152	2,005

Source: City of Atlanta, Department of Aviation.

CHICAGO

Operating revenues

Operating revenues generated by O'Hare International Airport have declined slightly, while expenditures have gradually increased. As detailed in Table IV, from 1963 to 1966, gross revenues declined 2.2%, from $21.3 million to $20.8 million. Net income reached $2.1 million in 1963, and as a result, flight fees in subsequent years were reduced sharply, producing deficits of $1.3 million in 1964, $0.5 million in 1965, and $0.2 million in 1966. Excluding flight fees, however, O'Hare airport revenues rose 21% from 1963 to 1966.

Although the available financial statements reveal no explicit allocation of revenues between aviation and non-aviation sources, detailed analysis of the income accounts indicates that more than three quarters of total revenues were generated directly from aviation, principally from the commercial airlines through landing fees, ramp rentals, and lease charges for hangars, terminals, and cargo facilities. This is a considerably larger proportion than at other major airports such as Los Angeles and Miami, which derive approximately half their revenue support directly from the airlines. The remainder of O'Hare's revenues stemmed from spending of airline passengers and airport visitors for automobile parking, ground transportation, terminal services, and at terminal shops, plus sales of utilities and miscellaneous activities.

The largest single category of revenues in 1966 ($6.5 million or 31% of the total) was derived from concessions. This was followed by building rentals (30%), ramp rentals (21%), flight fees (18%), and miscellaneous revenues (less than 1%).

Over the 1963–1966 period, concession revenues showed the largest increase, over 62%, and accounted for 83% of the growth of revenues excluding flight fees. Building rentals rose 8% and accounted for another 15% of this growth, with miscellaneous revenues making up the rest. These increases, however, were more than offset by a 49% drop in flight fees, and which caused total revenues to decline by 2% from 1963, as previously noted.

Airport expenses

Expenses of operating and maintaining O'Hare International Airport rose 13% to $22.1 million during 1966 compared with $19.5 million in 1963. About 40% of these outlays were for actual operations, maintenance and repair, and general and administrative expenses. The rest consisted of non-operating or non-cash charges for bond interest and depreciation.

Serial maturities on long term debt totalled $5 million in 1966 including final retirement of general obligation bonds issued prior to 1959. Such retirements were somewhat less than the cash thrown off through depreciation, as shown in Table IV.

DENVER

Allocation between aviation and non-aviation derived revenues, the distribution of revenues by source indicates that in 1966 approximately 60% of the total was derived directly from aviation, principally the commercial airlines, through landing fees, rental charges for terminals, hangars, ramps, and ground areas, and by gasoline sales. The remaining revenue was generated by concessions, management services, and utility sales.

The largest single category of revenues ($1.7 million or 35% of the total) was derived from non-aviation, concession revenues. This was followed closely by landing fees (21%) and terminal rentals (20%). The remainder was accounted for by other rentals (hangar, ramp, ground and other, totaling 15%), management and other services (5%), and gasoline sales (4%).

TABLE IV—CHICAGO—O'HARE INTERNATIONAL AIRPORT, COMPARATIVE INCOME STATEMENTS

[Dollars in thousands]

	1966	1965	1964	1963
Revenues:				
Building rentals	$6,193	$6,273	$6,159	$5,722
Concessions	6,473	5,569	4,762	3,992
Ramp rentals	4,302	4,302	4,302	4,302
Flight fees	3,635	4,296	3,473	7,121
Other	173	171	145	115
Total revenues	20,776	20,511	18,852	21,254
Expenditures:				
Bond interest	6,881	7,057	7,057	7,057
Depreciation	6,607	6,410	6,372	6,098
Operations	6,010	5,802	5,218	4,526
General and administration	1,276	1,166	1,069	1,260
Maintenance and repair	1,132	1,425	1,023	521
Other	228	145	49	49
Total expenditures	22,134	22,005	20,788	19,511
Operating deficit	(1,358)	(1,494)	(1,936)	1,743
Investment income	1,203	1,027	685	399
Net profit (loss)	(155)	(467)	(1,251)	2,142
Accumulated profit	269	424	891	2,142

Source: Chicago—O'Hare International Airport, Financial Statements 1964, 1965, 1966.

The principal sources of revenue growth over the 1963–1966 period at Stapleton International were concession revenues which rose 75% over 1963 and accounted for 30% of the gain in total revenues; terminal rentals which tripled over 1963 and accounted for 28% of the over-all increase; and landing fees which rose 150% and contributed 25% of the gain in total revenues.

TABLE III.—DENVER–STAPLETON INTERNATIONAL AIRPORT, COMPARATIVE INCOME STATEMENTS 1963–66, YEARS ENDED DECEMBER 31

[Dollars in thousands]

	1966	1965	1964	1963
Revenues:				
Concessions	$1,688	$1,262	$1,063	$965
Landing fees	1,039	868	478	415
Terminal rentals	1,007	769	335	328
Hangar rentals	450	384	366	367
Ramp, ground, and other rentals	261	114	102	83
Management services	248	193	182	164
Gasoline sales, net	186	135	132	119
Total revenues	4,879	3,726	2,657	2,441
Expenditures:				
Operations	1,054	744	603	496
Maintenance	305	331	184	149
Administrative	205	167	140	140
Bond interest	779	793	660	343
Total expenditures	2,343	2,035	1,587	1,128
Net operating income	2,536	1,691	1,070	1,313
Interest on investments	115	122	103	123
Net income	2,651	1,814	1,173	1,436

Source: Stapleton International Airport, financial statements.

LOS ANGELES

The biggest single category of revenues ($5.7 million or 38% of the total) was derived from the non-aviation function of terminal concessions. This was followed by building rentals (19%), landing and flight fees (17%), lease of ground areas (11%), and ground transport fees (10%).

The major sources of the fiscal 1966 revenue growth at Los Angeles International Airport were landing and flight fees, which rose 57% over fiscal 1965 and accounted for 41% of the gain in total revenues; terminal concessions up 11% over 1965 and contributing 31% of the overall rise; and ground transport fees which increased by 28% and accounted for 15% of the gain in total revenues.

Airport expenses

Expenses of operating and maintaining Los Angeles International Airport rose 16.4% to $10.2 million during fiscal 1966 compared with $8.7 million in fiscal 1965. About half of these outlays related to actual operations, including maintenance and repair, staff salaries, advertising and publicity, and general administration. The rest consisted of non-operating or non-cash charges for bond interest and depreciation.

TABLE IV—LOS ANGELES INTERNATIONAL AIRPORT, COMPARATIVE INCOME STATEMENT, 1964-65—1965-66

[Dollars in thousands]

	Year Ended June 30		
	1966	1965	Percent change
Revenues:			
Aviation:			
Terminal, cargo, building rentals	$2,863	$2,799	2.3
Landing and flight fees	2,603	1,661	56.7
Lease of ground areas	1,607	1,435	12.0
Other	333	348	(4.3)
Subtotal	7,407	6,243	18.7
Nonaviation			
Concessions	5,731	5,026	11.4
Ground transport fees	1,508	1,176	28.2
Other	344	272	26.4
Subtotal	7,583	6,474	17.1
Total Revenues	14,990	12,717	17.8

TABLE IV—LOS ANGELES INTERNATIONAL AIRPORT, COMPARATIVE INCOME STATEMENT, 1964–65—1965–66—Con.

[Dollars in thousands]

	Year Ended June 30		
	1966	1965	Percent change
Expenditures:			
Maintenance and repairs	3,649	3,447	5.9
Bond interest	2,624	1,614	62.5
Depreciation	2,208	2,101	5.1
Administration, salaries, etc. and publicity	1,372	1,264	8.5
Other	318	305	4.3
Total expenditures	10,171	8,741	16.4
Operating Income	4,819	3,976	18.7

Source: Los Angeles Department of Airports, 1966 and 1965 Annual Reports.

Mr. CANNON. I yield 5 minutes to the distinguished Senator from Kentucky.

Mr. COOK. Mr. President, I think that what the distinguished Senator has said about the history of this matter is correct. This was a ruling that prevailed for many years and was in fact correct. But that was because during that period of time the only amount of money that the airports throughout the United States and the air traffic systems got came as a direct contribution in an appropriation bill from the general fund revenues of this Nation.

One of the finest things about this bill—and I give a great deal of credit to my senior Republican member on the Committee on Commerce—is the fact that, for the first time in history, an airport bill is being presented that creates and sets up a trust fund.

The industry itself puts the money into this fund; the passengers put it in; the owners of private aircraft put it in as a result of the tremendous increase in gasoline taxes. The reason why I oppose this amendment is that it is not a matter of "This is the first foot in the tent"; it is not a matter of, "This is the first foot in the door." It is a matter that we are creating, for the establishment of a system, a trust fund; and we are closing the door on many communities throughout the country that will not be able to create the increased services and will not be able to establish the facilities when a 747 lands and 350 people get off and wonder where their luggage is.

If we think that the problem in the immediate future is going to be that they have to circle around and cannot land because other traffic is on the runway down there, it will not be very long when they are going to be circling around with 350 people on a plane because the airport cannot handle the 350 people and the airport cannot handle the baggage of 350 people. So they are going to hang them in the air until they can be brought down and taken care of.

Mr. President, I should like to make one thing clear: one of the main reasons why I object to this amendment is that in essence we have usurped practically all of the income that is going to be available from the industry. I will soon offer an amendment—it has already been printed—to increase the 50–50 figure to 75–25. In the highway program, we made it 90–10. I am going to ask to make it 75–25 because we have almost excluded the States and the local agencies from a source of revenue by reason of this very bill.

The Senator may say that he would like to have all the money that is collected in the Los Angeles Airport for 1 day, but let us look at the ledger sheet of the Los Angeles Airport and see what it cost to build that facility, see what their bonding authority had to be, and see what they had to borrow.

We are creating a bill with such low percentage, 50–50, and we are creating a bill that excludes so many things that are absolutely necessary for the benefit of the traveling public that we are in essence saying to the communities, "We are going to create these big airplanes, and we are going to give Federal money for SST's, and we are going to get Federal money, as we did, for a 747, and then you worry about where you are going to put it and where you are going to land, and what you are going to do with the passengers."

This, in essence, is why I object to this amendment. I say that for once in our lifetime we are creating a trust fund which the industry and the passengers are going to pay; and we are saying to the passengers, "We are absorbing all the income for a Federal program, but whatever inconvenience you may fall into when you get off or get on that airplane, or can or cannot get your luggage, that is your problem, and you take it up with the local airport manager."

I suggest to everybody within hearing that, when they go into a terminal that some airline has just built and it is beautiful and wonderful, there are not very many airline stocks on the New York Stock Exchange that I am going to put my money into, because not one is very lucrative, and I do not know of many that have paid dividends recently.

So, Mr. President, I would honestly say, with all due respect, that it is not a foot in the door or a foot in the tent. It is an opportunity to establish, once and for all, that the airlines, the private pilots, and the airport managers no longer will have to come to Congress, year after year after year, and say, "Please increase the budgets for airport facilities." We have eliminated that, once and for all, with the trust fund. We are going to take advantage of that trust fund in the future and say, "We are not going to give you any more, because we have now established a fund for yourselves."

Mr. COTTON. Mr. President, will the Senator yield on my time?

Mr. COOK. I yield.

Mr. COTTON. I ask for 2 minutes.

First, I am afraid that I must differ with the Senator. I think he would be wise to check this. Under the present planned program, the trust fund will not cover what is contemplated even in the next 5 years. It still will require additional appropriations from Congress. It will not pay for itself.

Mr. COOK. I agree with that.

Mr. COTTON. So that it is not taken care of once and for all time.

There is much logic in what the distinguished Senator has said, and I am always impressed by his unerring logic. I would be very much inclined to support his amendment for 75–25 instead of 50–50 if I were convinced that the Federal contribution at 75 would all be pointed at what I so thoroughly believe is the most necessary object—safety of persons.

I do not claim that all airports are making money. I come from a locality where we have small airports, and they do not have any luxuries. But, these smaller airports need navigational instruments. They need to be equipped with ILS and other navigation facilities. If I could be certain that the Federal money in this program would be devoted to safety and it would not be drained into these other sources, the Senator's amendment would appeal to me greatly. I cannot, however, vote for it when we have the seeds in this bill of diverting the money somewhere else.

I doubt that any of us really have any conception of the vast projects that will be necessary to try to improve the safety of the air—longer runways, more terminals, the separation of traffic, the tremendous demand for trained controllers, and all the rest. I want to see that done first. I think I could go the full way and vote with the Senator—I think his idea of a 75–25 ratio is good—but only if we are going to make sure that the money would go straight to the target for which it should be aimed—air safety.

Mr. COOK. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. I yield myself 10 minutes.

Mr. President, I thank the distinguished Senator from Kentucky for his remarks. I must say that I agree with him in the things he has said. He certainly has pointed up the issue before the Senate in this amendment.

This is one of the most important questions that came before the committee in connection with this measure—whether the trust fund revenues were to be made available to airport sponsors for financing all or any part of the terminal area construction program.

Now a major portion of the testimony received by the committee in the extensive public hearings we had has been directed to this particular issue. The committee decision to make limited funds available to selected parts of the terminal area will, I hope, deserve the support of the Senate. When the Federal Airport Act was passed in 1946, Congress did provide grant-in-aid assistance for air field development, runways, taxiways, lighting, and for terminal area projects. As the distinguished Senator from New Hampshire said, in 1961, Congress changed that policy. Why did we change it? Because funds were scarce and because Congress felt that a program funded from general tax revenues should concentrate on the safety problems of airports—that is airfields, rather than terminal area facilities.

Now that is the policy that was enunciated at that time. As stated by the distinguished Senator from Kentucky, that is the policy we are following now. We are not going to use general revenues for the support of this particular part of the program. We are, it is true, going to have to have some general revenues to carry on the operations and the maintenance of the system until the revenues in the trust fund are increased substantially; but we are going to have, as provided in the bill, not less than $3 billion over a period of 10 years for airport development. We are going to have not less than $2½ billion for airways facilities development. And, of course, the remainder of the revenues will be used to pay for the operation and maintenance of the systems.

But testimony before the committee showed conclusively that a major problem in existing airport systems is that of congestion of passengers and their baggage in today's terminal buildings.

Surveys of small, medium, and large hub airports indicate that some 60 to 75 percent of all their development requirements in the next 10 years will be for terminal area projects.

I should like to point out that the $3 billion that will be spent for airport development will have to be spent on a matching basis. It is to be a 50-50 matching basis with the sponsor putting up half the money.

The Senator from Kentucky says that he will offer an amendment to change that. Parking lots are not eligible under the terms of this bill.

Bars and restaurants and other concessions in terminal facilities would not be eligible, under the bill, as it is now written.

Mr. COTTON. Mr. President, the high-rise parking facility would be eligible, and the Federal Government could end up paying part of the cost for conveyors and baggage facilities in it.

Mr. CANNON. I would have to differ with the distinguished Senator from New Hampshire. I do not believe that any kind of parking facility would be eligible, because we specifically stated in the report that it would not be eligible.

Mr. COTTON. Mr. President, I yield myself 1 minute on my own time.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The Senator from New Hampshire is recognized for 1 minute.

Mr. COTTON. Here is a report which shows that a commission in one of our largest cities, which happens to be the residence of a member of our Committee on Commerce so I am not going to name the city, has let a $19.5 million contract for the construction of the first phase of a multilevel parking facility and 5 miles of access freeway and terminal area drives. It is part of a $115 million expansion program. The article then goes on to state that it will have the Nation's first auto baggage checking system allowing a motorist to drive in the garage, have his baggage checked automatically, and then park his car.

Then it says it is designed to connect with an interstate freeway. The baggage there goes clear through from the approaches to the terminal and on to the gate.

Mr. CANNON. The parking facility would not, I say categorically, be eligible for support under this provision in the bill. I refer the Senator to the committee report, on page 35, as follows:

> The Committee is of the view that most, if not all, of the nation's giant jet ports have a complete capability to finance, from local revenue, the necessary terminal area requirements. At these airports, revenues derived from concessions and from landing fees paid by the airlines are ordinarily sufficient to guarantee the payments on local revenue bonds issued to finance terminal area development programs.
>
> The Committee believes that terminal area assistance grants should be strictly limited to that portion of the terminal facility which the passenger requires for his journey. Such airport terminal areas utilized for restaurants, cocktail lounges, entertainment centers, shops, ticket counters and other airport space utilized by concessionaires should not be eligible for federal assistance. Furthermore, such airport facilities as parking lots, hangars, maintenance and service areas, administrative offices, etc., could not be included as allowable project costs in a terminal area development project.

Mr. COTTON. Mr. President, will the Senator from Nevada yield there?

Mr. CANNON. I may say further, Mr. President, before yielding to the Senator from New Hampshire, that the Secretary is required to approve a project before it is eligible. The Secretary must find that no reasonable financial alternative to inclusion as an allowable project cost exists before Federal funds may be granted.

That certainly offers a number of safeguards, I believe.

I am happy now to yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I yield myself one-half minute of my own time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 30 seconds.

Mr. COTTON. Mr. President, that is in the report, but the bill states—the bill that we will be voting on:

> SEC. 210(b) The following are not allowable project costs:
>
> (1) cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles—

And so forth. Fine. But, then it goes on to say—

> except such as those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport or directly related to the handling of passengers or their baggage at the airport.

So that after making a flat prohibition in the bill, it proceeds to change it. That is what I meant when I said "a foot in the door."

Mr. COOK. Mr. President, the only point I want to raise is, what is wrong with that, if the passenger is going to pay for it? The passenger wants his luggage.

Last Sunday night I flew down from New York. I guess everyone else flew down to Washington from New York because it took me longer to get my luggage than to fly from New York to Washington.

The point I am trying to make is that this facility, at whatever airport it is, will cost $19.5 million. But suppose the amount of the facility that deals with luggage will cost $1 million. The passenger is paying the tab, as he will be under this bill. The passenger wants to get his luggage, and he is entitled to get it. That is what we are failing to see.

Mr. COTTON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. COTTON. I want to say in response to the Senator from Kentucky that there is nothing wrong with it. I am just as anxious to get my baggage, which sometimes also take me an hour or two to collect. I am just as anxious to have convenience and comfort in our airports as anyone else. That is fine. There is nothing wrong with it.

The point I am making is that the first thing we have to do with Federal money is meet safety needs such as air traffic controllers.

But I will say to the Senator that I am much more interested in feeling that when I get on the airplane, sit down in my seat and the wheels begin to turn and the plane leaves the ground, that I shall have a little more assurance of safety in my travel through the air.

I can wait a half hour or I can wait an hour for my baggage. If we are dependent on Federal money in the bill, I would rather wait an hour than run the risk of not having any more hours in which to wait. It is just a matter of priorities. I am all for this development. I think it is fine.

The first thing we have to do, and I do not want to see a dollar diverted from it, is to guarantee the air safety.

The second thing that is wrong is that if we let the baggage facilities in, then pretty quickly they will let something else in and then let something else in. The whole purpose of the program would be distorted.

I would not feel so strongly if it had not been for the fact that while in the Public Works Committee and later during the consideration of the whole story of the Interstate Highway System, we saw them chipping away and chipping away to take the money from the trust fund.

These are the only things that are wrong.

Mr. CANNON. Mr. President, the Senator is sort of mixing apples and oranges, if he argues that he does not want to spend money on terminal facilities because he wants to be safe in the air. Funds for safety-related facilities are contained in a completely different section of the bill.

The terminal facilities are unrelated to the safety features and financing is provided for both.

We have provided $300 million a year for airport development. If it is not used for baggage handling and gate space among other items it is not going to go into the airways. We have provided $250 million separate and apart for those facilities.

The Senator is, it seems to me at least, trying to make it appear that these are moneys that are being diverted from the airways, moneys that were intended to provide safety for the passengers. And that is just simply not the fact. We have provided in the bill not less than $250 million a year for airway facilities.

Speaking of air controllers, we will provide sufficient revenues to hire 19,909 controllers over this 10-year period.

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And we have made an investment in addition, in this air safety area, in the airway development and in the improvement and training of controllers. This is what the testimony supported, Mr. President.

Had they indicated any need for $1 more for safety-related facilities, I would have been for it, because I think we cannot do too much in this area. But it seems to me that it is not fair to indicate or to raise an inference or an implication that we are neglecting the safety of passengers by spending a portion of the airport facilities money for some terminal improvements that are going to help take care of the passengers.

I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I am as much concerned about safety as is the Senator from New Hampshire or anyone else.

I might suggest to the Senator that there is nothing in the bill that attempts to reorient the FAA. There is nothing to say that FAA cannot give the safety now.

In Louisville, every time they get a new service from TWA to go from Louisville to Los Angeles, within the next 30 days we have other airlines running at the same time to the same place. The FAA is not doing anything about that.

We had a service running at 8:30 in the morning for the benefit of the businessmen. Within 30 days, every airline going to the same city had a flight leaving between 8 and 8:30 in the morning.

There is nothing in the bill that says anything about that.

That is something the FAA can do now. And I do not know why they do not do it. However, I still insist that when we establish this and say to the passengers, and not to the Government, that the passengers will pay for the program, the passengers are vitally interested in the services they will get. And they are not looking for anything fancy.

A passenger goes to the airport with a piece of luggage. He wants to get the right airplane. And he does not want to wait forever for baggage. And I think it is an integral part of the program.

Mr. CANNON. Mr. President, I would say further than when a passenger lands in an airplane at an airfield, he wants to be able to be provided a gate for the airplane to taxi up to, so he may deplane. He wants to be sure that he will get his baggage quickly and get out of the airport. It is that simple.

A lot of our airports do not have adequate facilities. They do not have adequate funds or resources to obtain these facilities.

The administration's estimate of airport needs of $3.5 billion in terminal areas in the next decade was thought by many witnesses who discussed this matter to be a conservative figure.

The committee looked into separate parts of the terminal question: Why have the needs for terminal area development grown so large in recent years? Should Congress reverse its 1961 decision and offer assistance for terminal area projects? How could we be assured that terminal area assistance from the trust fund would be properly controlled?

As every Member of the Senate knows from his travels through airports around the Nation, terminal area congestion abounds and is getting worse. Passenger traffic has grown at a fantastic growth rate in recent years and will continue to do so in the future. New generations of aircraft like the 747 jumbo jet will deposit larger numbers of passengers on facilities which have not been designed to handle them.

Our aviation system has a huge "people problem" and this affects the terminal area problem directly. In the 1970's jumbo jets will hold up to 490 passengers each and thousands of pieces of baggage.

The committee concluded that to help solve only the airfield problems of the system through this legislation would be folly. It makes no sense to fly from Washington to New York in 1 hour and then sit for a half hour or more on the airfield because there is no gate space available. Faster and faster travel in the air makes little sense if there are endless delays in claiming baggage and continuing on to a final destination.

The 1961 decision of Congress not to assist terminal area development was reasonable at that time and because the airport program was financed by general tax funds. But when the users are paying for the system, as they will be under this legislation, it seems reasonable to let them pay to solve all parts of the congestion problem, including terminal areas. The passenger would want his increased travel costs to reduce his delays in all parts of the system. Because of this reasoning, the committee has recommended that trust fund revenues be made available for helping airport sponsors with terminal areas requirements.

But the assistance provided under the committee recommendation would be limited, would be strictly controlled and would, as in the past, put safety requirements first. Under this legislation, no funds would be available for those parts of the terminal building which are capable of generating their own income. Not a single dollar would be provided for cocktail lounges, shops, restaurants, parking lots, ticket counters, and the like. Only those buildings or parts of buildings housing facilities directly related to the handling of passengers and their baggage would be eligible for assistance. Aircraft gates, passenger waiting areas, baggage claim areas, and mechanical systems for moving passengers and their baggage through the terminal complex would be eligible.

Additional controls would be imposed to assure that all eligible development would be accomplished on a moderate and economical scale. No terminal area aid could be provided unless the Secretary found that there is no other reasonable alternative by which these projects could be financed.

Mr. President, this legislation recognizes that we are beginning a new era in aviation. The solutions of the past are no longer valid. We must consider new concepts and meet new challenges. And facing up to the terminal area requirements of the system for the 1970's is a major factor. Unless we make assistance available for solving these "people problems" of congestion and delay in our Nation's terminals, we will have to admit that we will be sacrificing millions of hours of passenger travel time over the life of this legislation. And, as President Nixon himself said in his message to Congress on this legislation:

> The purpose of air transportation is to save time.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. MAGNUSON. Mr. President, we have discussed this matter in the committee at some length. I appreciate the dedication the Senator from New Hampshire has to this question of air safety. All of us feel the same way.

What has been bothering me about air safety is that when we have congestion in the terminal and lack of gates to unload passengers, it causes more congestion in the air around the city. It has happened many times.

I have such experiences. Many aviation people, operators and pilots, consider the most serious safety problem to be the congestion in the terminal area air space. This is a real safety problem. We are trying to relieve this problem somewhat through provisions in the bill which will provide for some terminal area needs. I know of cases where the planes arrive at the airport on time and wait as long as an hour and a half to get a gate.

Mr. CANNON. The Senator is correct, and this has a pyramiding effect. They frequently get notice to hold long before they are going in.

Mr. MAGNUSON. I want to call this to the attention of the Senator from Kentucky. An amendment is pending, and this has been the subject of much discussion in the Committee on Commerce over the years, in connection with the scheduling practices of the airlines, which the Senator mentioned.

As of now the FAA could control schedules if the piling up causes a safety hazard. An amendment has been made to provide for the DOT to take a look at scheduling problems.

Mr. CANNON. Yes.

Mr. MAGNUSON. That suggestion has been made to see if we can get a report to see what might be done because we have here a tremendous potential safety problem.

Mr. COOK. The Senator is correct.

Mr. MAGNUSON. There is a tremendous safety problem created when too many planes are trying to come in at the same time. Maybe the CAB should have authority to approve some of these schedules in order to take care of the problem.

Mr. COOK. The traveling public has not had to worry about it because the airlines always did it for the convenience of the traveling public.

Mr. MAGNUSON. It is not unusual for a person to leave at 8:30 in the morning and return home at 6 o'clock, but he arrives at a crowded airport and does not get to his destination until after 8 o'clock usually. I think he would rather have a bigger spread in schedules and be able to arrive at an airport that is less congested.

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Mr. CANNON. I would like to make one further comment in response to the comment by the Senator from New Hampshire about our safety. The problem of our safety is not being given second place in this bill. In the committee report we pointed out:

> Finally, in re-emphasizing the priority of safety over all other considerations, the Secretary should not make grants for terminal area assistance projects until he is reasonably satisfied that the airport for which the terminal area grant has been requested has completed, or has funded and is completing, all necessary airfield development and improvements which he considered to be essential to the safety of the passengers and users of the airport.

So the airport safety issue was uppermost in our minds and we wanted to be sure this takes priority over every other consideration. We wanted to be sure there would be funds and we have funds in the bill, over the life of the bill, to take care of airport development and the airways development we consider necessary.

The remaining terminal facilities—the Taj Mahals, as they are referred to on occasion, that airport authorities like to build—would have to be built with local money and such facilities would not be eligible under this measure.

Mr. GOODELL. Mr. President, will the Senator yield to me for a clarification?

Mr. CANNON. I yield.

Mr. GOODELL. Mr. President, I wish to clarify for the RECORD that on page 31 of the committee report, listing the authorization of funds that would go to airport sponsors in large, medium, and small hub areas based on the number of passenger enplanements, under New York the cities of Buffalo and Niagara Falls are listed as $81,000. It is my understanding that the figure should be $720,000. Can the manager of the bill clarify that for me?

Mr. CANNON. The Senator is correct. The correct figure for Buffalo and Niagara Falls on page 31 of the committee report should be $720,000; that is, under the $90 million allocation of the total authorization allocated to airport sponsors based on annual numbers of enplaned passengers.

Mr. GOODELL. I thank the Senator. As the Senator can understand that is very important to the Buffalo-Niagara Falls area and it caused distress when they read that in the report.

I am prepared to yield back the remainder of my time.

Mr. COTTON. Mr. President, I do not yield back the remainder of my time yet. I yield myself 5 minutes at this point because I sought to respond to the distinguished Senator from Nevada when he was interpreting my remarks a few moments ago. I want to clear up that point.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, according to the distinguished Senator from Nevada, he claimed I was asserting that all air safety was a matter after the airplane left the ground. He said he was interested in having a place to land and a gate to get to. As a matter of fact, it seems to me that the statements of the Senator from New Hampshire have made it absolutely clear that a significant part of air safety is on the ground, and that in contributing Federal funds to air safety, we are contributing and will be contributing vast sums for the airports of this country because we do have to have gates and longer runways. We also do have to have in these airports, and small airports especially, control towers. That is part of the building, but it is a part the Federal Government should be contributing to because it is a matter of landing safety and a matter of congestion at the airport.

So to suggest I was talking about the wrong section of the bill because the matter of air safety is surely as much involved in improvement in the airport, I would say by far the larger part of money spent in this program will be in expanding airport facilities to handle traffic and prevent endangering life. It will go right up to the gate. It will go beyond the gate and to the control tower within the building. So it was not a matter of mixing apples and oranges because it is all a part of safety.

I note the distinguished Senator keeps referring to the principle that was laid down in 1961 as if that were outmoded now with the requirements we have today. I would like the RECORD to show that in 1968, the committee, in connection with S. 3641, filed a report. There again this principle was laid down. I wish to quote one line from that report:

> Continue to limit Federal grants to items directly related to safety.

That is just as clear language as one can expect to have.

I also wish to remind the Senate that the President in his message is quoted as saying:

> Airport terminal buildings are a responsibility of local airport authorities.

Again in his letter of November 12, the Secretary of Transportation stated the following:

> We recognize that a very substantial requirement exists for new and improved terminals and passenger requiring handling facilities. However, we do not believe it appropriate for the Federal Government to provide grants-in-aid for their construction.

Mr. President, I shortly want to yield to my colleague on the committee (Mr. PROUTY) for a moment, but I just wanted to make sure that this is understood. It is not that the Senator from New Hampshire objects so vehemently to this one matter of baggage facilities. The trouble is that once you breach the policy and start using this money for other purposes, then there is a little more and a little more and a little more, such as has taken place in the matter of the Interstate Highway System. At least for the first part of this program, I feel we should maintain the principle without exception and without breaching the wall; that the money should be devoted to safety and to nothing that does not have a direct connection with safety.

I yield 5 minutes to the distinguished Senator from Vermont (Mr. PROUTY).

Mr. PROUTY. Mr. President, I think we should recognize that under existing law all terminal assistance must be related to safety—that is, control towers, aprons, and facilities of that nature.

Last year, in appearing before the committee, Mr. John H. Crooker, Jr., who was at that time chairman of the Civil Aeronautics Board, answered a question relating to the use of funds for terminal assistance by the distinguished senior Senator from New Hampshire, in the following manner:

> Senator, I would be hopeful that the Federal funds would not be used for terminal facilities unless in some discretionary area where, under whatever act is adopted, the Department of Transportation has some funds for discretionary use. I would hope that no major part of the funds would be used for terminals, and that most would be available for land, paving, and safety buildings.

I think that the logic of this position has been made most effectively by the distinguished Senator from New Hampshire. Most of us recognize that there is a critical need to expand terminal facilities at some of our major airports. On the other hand, I should like to point out that many of these terminals are extremely profitable. Many are earning a great deal of money for the cities and municipalities where they are located. Often money has not been used for the development of airport facilities. Instead it is being used for programs completely unrelated to airports or even transportation. I understand that in at least one major city airport profits support major segments of the poverty program. While that may be worthwhile and needed I could not justify granting terminal funds to an airport that would simply siphon them off for programs unrelated to airports and airways. Therefore, until we have some means of accurately determining how much profit these major airports realize, we are not going to be in a position to intelligently determine real needs for airport terminal assistance.

I included in my individual views a list of 15 major airports in the country that showed profits after deducting all costs for operations and for debt services. These profits ranged from $337,500 to $10,478,000. That money could well be used for the expansion of terminal facilities.

If there are instances where a municipality is unable to provide the necessary facilities, perhaps we can justify funds for that purpose. However, until we have made an exhaustive study to determine the income from these terminal facilities and how it is being spent, I think it would be most unwise to go along as the committee has recommended.

I certainly support the amendment proposed by the Senator from New Hampshire. I hope very much it will be approved.

In conclusion, let me point out that O'Hare Airport, in Chicago, in fiscal year 1969 realized something in excess of $114,000 income from pay toilets alone. Multiply that by all the other income-producing facilities, and Senators will understand and appreciate that a tremendous income is being derived from terminal facilities. Some of the income

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from profitable terminal facilities should be spent by the municipalities for the improvement of those facilities.

Mr. CANNON. I yield 2 minutes to the Senator from Kentucky (Mr. COOK).

Mr. COOK. Mr. President, I would like to sum up the remarks that have been made by saying that I am delighted that there are some airports in the country that make a profit, because the expansion program they are looking at right now will take every bit of that, and it will all be utilized. I wish O'Hare Airport could solve all its problems with the $114,000 it gets from pay toilets, but it cannot, and it is not doing it. So much money is needed to solve the problems of the immediate future that the amounts are rather phenomenal.

We stand here and we say that we should not use Federal funds for this purpose; we should not use Federal funds to help somebody get his luggage after he gets off an airplane. I would like to say to the Senator for the first time that when this trust fund gets into operation, it is not going to be Federal funds; it is going to be the passengers' funds, and it is going to be the money of the man who owns the private airplane and the man who pays for a license on that airplane. That money is going into this fund specifically for that purpose. I think rather than continue to say that we are going to spend Federal funds, we should put the matter in perspective and say we are really going to spend the passengers' money, and it is the passengers who will be convenienced when they get off the airplanes and go into the terminals. The answer is that he pays, and he wants to be able to know that when he gets into the terminal he will not have to wait 30 or 35 minutes or an hour to get his luggage. I think that is what we are looking at.

If the airports are making a profit, I say they are going to need every bit of it, because this body just got through appropriating sums of money to build an SST. They will build it. All of a sudden they are going to be ready to go across the country and land at an airport on the east coast or the west coast. They are going to say, "Here it is. You have helped build it and helped pay for it. Now you worry what you will do with all the people who get off it."

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. PROUTY. Does the Senator not agree that all profits realized by an airport should be spent to improve airport facilities?

Mr. COOK. They are doing it.

Mr. PROUTY. No. I understand that in many instances they are not doing it.

Mr. COOK. What are they doing with the money?

Mr. PROUTY. They are spending it for numerous purposes wholly unrelated to airport facilities. I gave a good example a moment ago of airport profits being devoted to poverty programs.

Mr. President, I previously placed in the RECORD figures showing that the major airports are making profits ranging from $337,500 to $10,478,000. Actually, those figures should have been from $337,685 to $47.8 million. That last figure represents the profits of the air terminal of the Port of New York Authority.

It seems to me that, unless and until we can be assured that the profits realized by air terminal facilities are going to be devoted to terminal or airport facilities, we would be extremely unwise in having the Federal Government move in and build the facilities while the municipalities themselves spend the profits from terminal operations for purposes completely unrelated to airport facilities.

Mr. COOK. I can only reply by saying that the bill sets up a trust fund. This bill almost usurps what they are going to derive from the facilities. The bill comes very close to saying to the airports and the communities that run them, "We have taken all the sources of revenue. If you want something done, you have to match it with 50 percent." I completely disagree with that, because, when somebody takes all the sources of revenue, then they should take the responsibility of doing something about it.

I cannot quibble about the Senator's figures on the Port of New York Authority, but I would suggest that that profit probably comes from a multitude of sources, which may not be just from the airports themselves. Frankly, if they are making that much money, they should not get any help out of this bill.

But there are many airports throughout the country that should. They do need it; they are bonded to the hilt, and cannot borrow any more money. We are setting up a program that we are going to continue in existence forever more, and saying to the local authorities, "You have got to come up with 50 percent of the costs."

Mr. CANNON. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. CANNON. They not only should not receive any of these funds, they cannot, because before they can get any funds, the Secretary has to find that there is no other way they could reasonably finance the program. So they could not get any money from this source if they wanted to, if that situation exists.

I seriously doubt that the Port of New York Authority is making $47 million a year on its airports, or that any other airport in the United States is doing that. Most airports, I know, are losing money.

Mr. COOK. I might say that if they are making that kind of profit, that is the only governmental authority in New York City that is making that kind of a profit.

Mr. COTTON. Mr. President, I yield myself 3 minutes.

Ten years ago, I was helping pioneer the first program for aid to airports. One would think, to hear this debate, that the Senator from New Hampshire did not want to help the airports, and was trying to deprive them of assistance.

I agree with my friend from Kentucky that we do want to help these airports. I agree that many of the airports in this country may need help, and I want to see them get help.

I disagree that all of the money that is going into this program is coming from the pockets of the passengers on the airlines and from general aviation and other air traffic. I would be willing to guarantee that our friends will be back here, because it is going to be necessary to supplement these funds with appropriations from the general treasury. Those of us who sit on the Appropriations Committee are going to be expected to supplement them. And, as fast as we can overcome these problems, starting with safety, no one will be more enthusiastic than the Senator from New Hampshire to see that adequate aid is given to the airports.

Now, the building of access highways, the providing of parking, the providing of space, the providing of baggage facilities, will be stupendous problems for the municipalities of this country, and we all recognize it. I think that the Senator from Kentucky has a very appealing amendment and a very just one. I do not wish to vote, however, simply to increase the present 50 percent. While I think that the matching at 50 to 50 is a pretty stiff requirement in this bill, I do not want to increase it as long as we have left a hole. For example, this matter of saying we are going to confine these expenditures to safety except in the matter of the handling of baggage, to me, simply means that next year we will have another exception, and the year after another.

So, with all sympathy for the problems of the airports, I think it is essential that we proceed with caution. This money is going to come in rather slowly at first, because of the time that has elapsed in the first planned year of the program. I therefore, want to see that money go only to the absolutely pressing problems.

Mr. COTTON. Mr. President, I am willing to yield back the remainder of my time, if the Senator is.

Mr. CANNON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. COTTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 529) of the Senator from New Hampshire. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Iowa (Mr. HUGHES), are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

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The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Texas (Mr. TOWER) is detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT) and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 20, nays 69, as follows:

[No. 63 Leg.]

YEAS—20

Aiken
Allott
Bellmon
Brooke
Byrd, Va.
Case
Cotton
Curtis
Dole
Dominick
Griffin
Gurney
Hansen
Hruska
Mathias
Murphy
Prouty
Proxmire
Smith, Maine
Stevens

NAYS—69

Allen
Anderson
Bible
Boggs
Burdick
Byrd, W. Va.
Cannon
Cook
Cooper
Cranston
Dodd
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Hart
Hartke
Hatfield
Holland
Hollings
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Russell
Schweiker
Scott
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—11

Baker
Bayh
Bennett
Church
Fannin
Harris
Hughes
Mundt
Saxbe
Smith, Ill.
Tower

So Mr. COTTON's amendment was rejected.

Mr. YARBOROUGH. Mr. President, Texas has had commercial airline service for over 40 years. On May 26, 1926, commercial air mail service was initiated between Dallas-Fort Worth and Chicago. A year later on September 1, 1927, air passenger service began in a small monoplane between Dallas Love Field to Kansas City and Chicago. In the years since that time, air travel has become a common thing for many Texans. Because of the distances between major cities in Texas, over 600 miles between Dallas and El Paso and over 200 miles between Dallas and Houston, for example, the development of air transportation has become a boon to my fellow Texans whose livelihood requires them to travel.

In the current era, Texas has one of the Nation's 10 busiest airports in Dallas, one of the Nation's newest airports in Houston, and is now constructing the world's largest and most modern airport between Dallas and Fort Worth. Texas is served by 10 domestic airlines, three foreign airlines, and numerous intrastate and air-taxi service airlines. According to the Texas Aeronautics Commission, Texas has more airports than any other State. In 1968, the most recent year that I have statistics for, there were approximately 215 public airports and 650 private air strips in Texas. This type of endeavor assures that Texas cities will maintain Texas' leadership in the field of air transportation.

The bill now pending before us, H.R. 14465, will help to do two very important things. First, it will provide for nationwide comprehensive airport and airways development planning. Second, it sets up a trust fund similar to the highway trust fund for airport development grants. Presently, airport development financing is done almost completely by local authorities. In the case of the new Dallas-Fort Worth Regional Airport, the tremendous revenue required, estimated to be over a billion dollars before construction had begun, has had to be raised from the sale of municipal bonds. Obviously, this method of funding is expensive and undependable and cannot be counted upon to provide the amounts of money which would be required in cities and towns throughout the United States if we are to develop a truly modern and safe airport and airways system.

In addition, this bill also adopts a philosophy similar to the one adopted by the highway financing system. Part of the moneys in this trust fund will come from taxes levied on users of airport and airways facilities. Although this will mean an increased burden from some people, I think that it is only fair that those who benefit most from a modern and safe airport and airways system pay a part of the construction and maintenance of this system.

The chairmen of the Committees on Commerce and Finance have done a splendid job in reporting this complex and comprehensive piece of legislation to the Senate. I support their work and I urge passage of this bill.

Mr. DODD. Mr. President, we have been playing a kind of Russian roulette in attempting to handle the burgeoning air traffic at airports across the country with inadequate facilities and insufficient personnel.

This is a most dangerous game, because if it is lost, not just one person dies, but hundreds.

Legislation such as H.R. 14465, the Airport and Airways Development Act, is overdue, and I shall support it.

Air passenger miles flown in this country tripled from 1960 to 1970, but our failure to furnish adequate facilities to handle this traffic has caused a near collapse of the system in some areas.

We cannot wait until we have a catastrophic airport accident to make needed improvements in our airports and airways systems.

Congested airport traffic is frustrating for the passenger, for airport personnel, and for flight crews, and this alone would be ample reason for improving our air systems. However, the growth rate of air transportation, both passenger and freight, is expected to remain high, and the safety of the millions of lives involved must now be considered. It is essential that we bring our facilities up to date immediately and that we look forward to the needs of the future.

To those who say we cannot afford such a system, I say we cannot afford to be without it. We need it not only for our large airports and huge passenger planes, but we also need to modernize our smaller airports.

This need for expanded and improved facilities at both large and small installations was dramatically illustrated by a tragic accident in Connecticut last week.

A small local airline which shuttled passengers between New London, Conn., and New York City, a distance of about 120 miles, took off on a misty morning for New York. It carried three passengers and two crewmen. When the plane arrived, Kennedy Airport was, as usual, crowded, and the plane was forced to circle the airport for about one-half hour.

The pilot requested instructions to land several times, but was told each time he could not be accommodated. Finally, his fuel running low, he decided to fly back to Connecticut to try to land his plane there. The plane flew back to New Haven and requested permission to land. But, by this time, the fog, which had been only a slight mist 2 hours before, had rolled in off Long Island Sound and it had thickened to such a degree that it blanketed the entire Connecticut coast. Because the New Haven airport possesses no facilities for instrument landing, the plane could not land there. The pilot was forced to fly back out over Long Island Sound in an attempt to make it back to New London. It is a short journey of about 40 miles. But the plane never reached its destination. It crashed somewhere in the waters of the sound. While the wreckage has been found, to date no sign of the five people aboard the plane has been discovered.

This tragedy might have been prevented.

If small airports such as New Haven's had been eligible for grants to install adequate air navigational devices, this plane which was shuttled up and down the Connecticut coast, could have landed safely.

For years, I have felt a little like Cassandra as I have sought to secure instrument landing systems and air traffic control towers for Trumbull Airport at Groton and other airports throughout the State. In September of 1965, I remember asking on the floor of the Senate:

> Must we wait for an airplane to crash into one of Groton's apartment complexes, or must we lose a contingent of Navy men en route to or from the United States Submarine Base before the Federal Aviation Agency will act?

We cannot wait any longer, for indeed a tragedy has occurred.

Let us get on with the business of improving and expanding our airports, let us make our air systems adequate to handle the planes of the 1970's, and let us look forward to providing facilities for the even larger planes and the even larger passenger and freight loads of the coming years.

We have the technical know-how to handle our air traffic safely and efficiently. It is time we began to do so.

VISIT TO THE SENATE BY THE RIGHT HONORABLE LORD BARNBY, MEMBER OF THE BRITISH PARLIAMENT

Mr. FULBRIGHT. Mr. President, if I may have the attention of the Senate for a moment, we have with us a distinguished visitor from Great Britain, a Member of the House of Lords and formerly a Member of the House of Commons. He has served in both Houses for more than 40 years.

He is one of the senior Members of the British Parliament.

I refer to the Right Honorable Lord Barnby who is standing in the rear of the Chamber at this moment.

I merely want Senators to know who he is, and to introduce him to the Members of this Chamber.

Because of his long service in Parliament, I am not sure whether he is the senior Member of Parliament or not; but he is, just about.

May I ask Lord Barnby to rise and be recognized.

[Applause, Senators rising.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2523) to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2809) to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 11651) to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of one-half hour on all amendments to the bill and all amendments thereto.

Mr. DOMINICK. Mr. President, I object.

Mr. MANSFIELD. Mr. President, I withdraw my unanimous-consent request.

The PRESIDING OFFICER. The unanimous-consent request is withdrawn.

WIRETAPS ARE PAYING OFF

Mr. McCLELLAN. Mr. President, on yesterday, I inserted in the CONGRESSIONAL RECORD an article from the Washington Post entitled "$500,000 in Heroin Seized, 21 Arrested in Police Sweep."

According to the newspaper report, the detection of the narcotics and those apprehended as a result of the discovery all occurred by reason of the tapping of telephone wires of some of those who were later arrested. In other words, as a result of the law we passed in 1968, title III of the Omnibus Crime Control Act, by using the tool provided by that title, another sweeping raid and a blow against the narcotics peddler was struck.

In today's Washington Daily News, there is published an editorial relating to this wholesale arrest. It is entitled "Wiretap Payoff." It is an interesting editorial supporting the law, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WIRETAP PAYOFF

Local police and federal agents simultaneously raided 15 addresses here Tuesday, arrested 26 alleged dope peddlers and confiscated heroin said to be worth $1 million, not to mention some cocaine, marijuana and a dozen guns.

The district attorney said the police haul was a "major blow" to the narcotics rackets in the nation's capital, and led to information about dope traffic along the East Coast. These arrests won't dry up the racket, but they will help.

The wiretap provision in the 1968 Omnibus Crime Control Act has been sparingly used, as it should be. But its use in this case turned out to be invaluable, according to police.

When Congress passed this law, it was decried by many who claimed it was an unconstitutional "invasion of privacy."

But we think "invading" the privacy of a dope peddler is incomparably trifling when we contemplate the frightful afflictions which result from narcotics addiction.

The "major blow" struck against the dope racket here also is a major blow against the robberies committed by addicts desperate for funds with which to buy more dope. It is a blow to save the health and lives of those who are suckered into this vicious habit.

We can only hope that what has happened here will happen again and again and again, wherever the dope racket flourishes. And where wiretapping will assist in this cleanup, more power to it.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, I take this time to inquire of the majority leader if he can give us some idea of what he has in mind in terms of business for the Senate for the rest of today, and the rest of the week.

Mr. MANSFIELD. I am delighted to respond to the question raised by the distinguished Senator from Michigan and acting minority leader.

It was the leadership's intention, following disposal of the pending legislation, to take up the extension of the Hill-Burton Act amendment and provisions of the Public Health Service Act. Following that, to take up a bill to amend the Rural Electrification Act of 1936.

However, I have been informed in no uncertain terms that it will not be possible to take up these measures immediately following the disposal of the pending legislation. Thus, it is the joint leadership's intention to take up, immediately following the disposal of the pending legislation, the HEW appropriation bill.

May I point out that the Senate has given its pledge that the Voting Rights Extension Act will be reported to the calendar on March 1 and that at that time it will become the pending business.

Mr. GRIFFIN. I thank the distinguished majority leader.

Mr. MAGNUSON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. I think that the report on HEW will be ready in a few minutes, but I do not believe that all members of the Appropriations Committee involved would be quite ready for any in-depth discussion of the amendments today. But, if we could lay it before the Senate today and let the membership know that it will be considered tomorrow, we could then start work on all the amendments and all of its aspects. I think that would be helpful.

Mr. MANSFIELD. The joint leadership has discussed this matter. That is what we intend to do.

Mr. GOODELL. Mr. President, is it the intention of the majority leader to have us come in early tomorrow?

Mr. MANSFIELD. That has already been ordered. We come in tomorrow morning at 10 o'clock.

Mr. GOODELL. If the bill is not completed tomorrow, then we will have to vote on Saturday?

Mr. MANSFIELD. Quite possibly.

Mr. GOODELL. I thank the Senator.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improve-

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ment of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Mathias in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Colorado yield for a unanimous-consent request?

Mr. DOMINICK. I yield.

Mr. BYRD of West Virginia. Mr. President, I am about to propound a unanimous-consent request. May I have the attention of all Senators?

I ask unanimous consent that all time on the first amendment offered by the distinguished Senator from Colorado (Mr. Dominick) be limited to one hour and a half, the time to be equally divided between the Senator from Colorado and the Senator from Nevada (Mr. Cannon); and that all time on each subsequent amendment be limited to 1 hour, the time to be equally divided between the mover of the amendment and the Senator in charge of the bill, or whomever he may designate in opposition thereto.

Mr. DOMINICK. On amendments to the amendment we will need 1 hour, too.

Mr. BYRD of West Virginia. Can we not make it one-half hour?

Mr. DOMINICK. We cannot do that.

Mr. BYRD of West Virginia. There may not be any.

Mr. DOMINICK. Perhaps.

Mr. BYRD of West Virginia. And that all time on each motion, substitute or amendment thereto, except a motion to table, be limited to 1 hour, the time to be equally divided between the mover of the amendment and the manager of the bill, or whomever he may designate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMINICK. Mr. President, without losing my right to the floor, I yield to the Senator from Vermont.

Mr. PROUTY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. PROUTY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, reads as follows:

On page 46, line 2, strike out "1969" and insert in lieu thereof "1970".

On page 60, line 20, strike out "1970 through 1979" and insert in lieu thereof "1971 through 1980".

On page 60, line 25, strike out "1970 through 1979" and insert in lieu thereof "1971 through 1980".

On page 61, line 5, strike out "1970 through 1979" and insert in lieu thereof "1971 through 1980".

On page 88, line 22, strike "1969" and insert in lieu thereof "1970".

On page 89, line 2, strike out "1969" and insert in lieu thereof "1970".

On page 89, line 9, strike out "1969" and insert in lieu thereof "1970".

On page 89, line 16, strike out "1969" and insert in lieu thereof "1970".

On page 89, line 24, strike out "1969" and insert in lieu thereof "1970".

On page 90, line 4, strike out "1969" and insert in lieu thereof "1970".

On page 90, line 10, strike out "1969" and insert in lieu thereof "1970".

On page 90, line 16, strike out "1969" and insert in lieu thereof "1970".

On page 91, line 1, strike out "1969" and insert in lieu thereof "1970".

Mr. PROUTY. Mr. President, the amendment I offer is simply one of a technical nature only.

This amendment would simply make appropriate date changes throughout the first three titles of the bill, H.R. 14465, so as to conform with title IV, and take into account the fact that the next fiscal year is but 4 short months away.

For example the first date change from 1969 to 1970 on page 46 simply changes the title of the act from the "Airport and Airways Development Act of 1969" to the "Airport and Airways Development Act of 1970."

I understand the amendment is acceptable.

Mr. CANNON. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

AMENDMENT NO. 521

Mr. DOMINICK. Mr. President, I call up amendment No. 521.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment ordered to be printed in the Record, reads as follows:

After line 3, page 143, add the following new section:

"That section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:

" 'Downed Aircraft Rescue Transmitters

" '(d) Minimum standards pursuant to this section shall include a requirement that downed aircraft rescue transmitters shall be installed—

" '(1) on any aircraft for use in air commerce, the manufacture of which is completed, or which is imported into the United States, after six months following the date of enactment of this subsection;

" '(2) on any aircraft used in air transportation after two years following such date; and

" '(3) on any aircraft used in air commerce after five years following such date.' "

Mr. DOMINICK. Mr. President, the printed amendment is on every Senator's desk.

I yield myself 10 mintues to explain the amendment. It may take a little more time. I do not intend to take very long. I hope that the manager of the bill will accept the amendment. If he is not going to accept it and can so indicate now, we might as well get the yeas and nays.

Mr. CANNON. Mr. President, I do not know whether I will accept the amendment. I want to hear what the Senator has to say.

Mr. DOMINICK. Mr. President, the language has been put into amendment form. It was an original bill introduced by the Senator from Washington (Mr. Magnuson) and me several years ago and again in the beginning of this Congress. It has not had any hearings. However, despite the fact that it has not had any hearings, I think that the evidence of the need for this is perfectly clear.

For years now, we have had general aviation aircraft go down either for mechanical reasons or because of weather or pilot error or whatever other reason it might have been.

Immediately upon that happening, and when it is discovered that they have not arrived where they intended to go, search and rescue efforts are then started. Then someone has to find out where they are. And they have continued these efforts and have spent many flying hours in doing so. They have lost people in the process of air rescue efforts. It has happened all over the country.

The cost in terms of money to the taxpayers for the Air Force and the Civil Air Patrol and the cost in terms of how many lives of people who have not been found has been absolutely extraordinary.

I think in order to put the matter in perspective, I ought to give some figures.

Starting in 1961, when inadequate records were being kept, two airplanes were reported down. Both of them were in California, or one might have been in California or Oregon. Four persons were on board. They have never been found, neither the airplanes nor the people.

In 1962, when further effort was made along this line in the way of keeping records, 11 aircraft were reported down. They have never been found. There were 16 persons on board.

In 1963, five aircraft were reported down. There were 10 people missing.

In 1964, four airplanes and five people were involved.

In 1965, 13 airplanes and 22 people were involved.

In 1966, 13 airplanes and 20 people were involved.

In 1967, 12 airplanes and 23 people were involved.

The most information I have got for 1968 is that 18 aircraft and 38 people were involved.

We do not have the figures for 1969.

I think we can see the problem this creates not only in terms of rescue efforts involved in going in to try to find these airplanes, but also the cost in human misery. Every family of each person who has been reported down simply finds that it is in a position, legally speaking, where it has a missing relative of one form or another.

In many States, the estate is tied up for over 7 years because there is no presumption of death until the 7-year period has gone by. They cannot do anything about the estate or about the property situation.

In the meanwhile, they do not know where the missing persons are, whether they are injured or dead, or whether they have simply disappeared for reasons of their own.

From 1961 to 1968, there have been a total of 78 aircraft which have totally disappeared with 139 people on board, despite all the rescue efforts that have been made.

What expense is involved? What does this mean in terms of people? I do not have the figures here immediately. However, I have put them in the RECORD before. Reciting from memory only, from 1961 to 1965 the cost to the general taxpayer in terms of the cost of operating the Aerospace Rescue and Recovery Service was $59 million.

These are just the search and rescue efforts that have been made that we know of. And in many cases the Civil Air Patrol has voluntarily carried the whole load and not even turned in the cost of their gasoline to the Federal Government.

I have some news items here which I think are pretty interesting.

Here is one of November 14, 1969. It is entitled, "It Was Terrible; Horror of 5 Crash-Stranded Days Told." The article was from Nevada City, Calif. It describes the people who were talking from hospital beds where this woman and her husband were 5 days in the aircraft waiting for someone to come and rescue them.

Here is another article entitled, "Colorado CAP Wing Halts Search for Light Plane." It tells of a missing light plane reported down between Denver and Grand Junction. It does not say how long this search went on.

I have another article entitled, "CAP's Search for Airplane is Continuing." This refers to the airplane being down between Denver and Grand Junction.

I have another article entitled, "Two Weeks in Plane Wreckage; Error in Search Saves Two." The people had been stranded for 2 weeks.

These are all 1969 clippings that I have kept. I have here an editorial from one of the papers entitled, "Protect Pilots From Themselves."

I have another clipping entitled, "Area Men Object of CAP Hunt."

Mr. President, I ask unanimous consent that the articles and editorial to which I have referred be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Nov. 14, 1969]

HORROR OF 5 CRASH-STRANDED DAYS TOLD

NEVADA CITY, CALIF., November 14.—"Marvin was very strong, he handled the controls and pulled us out, but we went down again . . . lower and lower. I prayed to God to save us."

Anita Miler, 23, spoke softly from a hospital bed. A few feet away her husband Marvin, 25, mumbled thru the wires binding his broken jaw: "It wasn't the plane's fault."

The Vancouver, Wash., couple, en route from Reno, Nev., to Disneyland near Anaheim, Calif., crashed last Friday on a mountainside and survived five days on melted snow and dried soup.

They were rescued after Mr. Miler struggled eight miles thru foot-deep snow with a broken ankle, jaw and wrist to a mountain resort.

"We crashed and I looked up and here I was and I was all right, and I turned to Marvin and I said, 'Honey, let's get out of here,' she said.

But her husband was unconscious.

"I looked around and there a few feet away was a cabin. It took me a long time to get out of the plane; I was all pinned in," Mrs. Miler said.

"I came back for Marvin. He was out, he couldn't hear what I said. I helped him into the cabin.

"He scared me so because the blood was just running out of his ear. It was terrible. He just kept saying, 'What happened?'

BUILT FIRE

"I helped him into the cabin. When we got in, there was a stove. I pulled paper from the wall. I had some matches. I pulled out the cupboard and shelves and burned every piece of wood I could."

Mr. Miler was delirious for a day, while his wife melted snow in a soft drink can and prepared dried soup. On the second day, he recovered.

For three days the couple stayed close to the cabin. They burned an abandoned building at one point to attract rescuers but nobody noticed, despite the fact one plane came so close to the crash site "we could have hit it with a rock."

On Wednesday, Mr. Miler set out to seek help and was found wandering along the roadside about two miles from Sierra City, a mountain village.

A sheriff's rescue vehicle then went in to bring out Mrs. Miler.

COLORADO CAP WING HALTS SEARCH FOR LIGHT PLANE

The Colorado Wing of the Civil Air Patrol (CAP) Sunday night called off its search for a missing light plane piloted by a Grand Junction, Colo., man because of a lack of leads.

The plane, a Cessna 150 flown by Glenn Scott, 69, vanished Oct. 31 on a flight from Denver to Grand Junction. Capt. Harlan Cook, CAP information officer, said Scott had 100 hours of flying experience.

Cook said the search will be reopened if new leads are found.

During the first weekend of the hunt, planes were kept on the ground by bad weather. But fair weather made the search a full-scale effort every day last week, with as many as 15 planes and 25 ground parties participating each day.

The planes systematically covered a wide area along the entire probable flight path of the missing plane. Cook said the CAP's effort was hampered by new snow, which totaled 19 inches in much of the search area.

CAP'S SEARCH FOR AIRPLANE IS CONTINUING

The Colorado Civil Air Patrol continued Saturday its search for a small aircraft believed down between Denver and Grand Junction.

The green Cessna 150, piloted by Glen Scott of Grand Junction and bearing the number 50938, left Denver for Grand Junction at 10:15 a.m. Friday. The aircraft carried 3½ hours of fuel for the 2½-hour flight, the CAP said.

The air search, headed by mission coordinator Maj. Gene Wirth, will resume when weather permits. Meanwhile, ground parties are continuing their search in the Winter Park area.

TWO WEEKS IN PLANE WRECKAGE; ERROR IN SEARCH SAVES TWO

JACKSON, CALIF.—Two men who spent two weeks in the wreckage of a light plane with the body of the pilot are safe today because of an erroneous smoke report and the determination of friends.

Neither Eugene Ebell, 33, nor Robert Staar, 17, suffered major injury from the Jan. 11 crash or their 15 days without food. Pilot Donald Shaver was killed in the crash in the Sierra Nevada mountains.

Ebell had chartered the plane in Fresno, the hometown of all three men, to fly to Elko, Nev., to pick up the body of an uncle who was to be buried in Fresno. Staar, a friend of the pilot, went along for the ride.

Ebell said the pilot tried to turn back over the Sierra Nevada because the plane's wings were icing but, in turning, the plane lost too much altitude and crashed.

Ebell and Staar were rescued by helicopter yesterday from a rugged canyon 35 miles east of Jackson after Staar was spotted from the air.

They said they had heard and seen search planes regularly, but none came far enough up the mountains to see them. The crash site was near the 7,000-foot level of the Sierra about 180 miles east of San Francisco.

Staar set out Sunday to get help.

At the same time, searchers shifted their aerial hunt to the east because of an apparently erroneous report of smoke. On their way to the area yesterday, Doyle Hawkins and helicopter pilot George Wurzburg spotted Staar beside a log where he had slept overnight after walking 3½ miles.

As many as 20 planes a day had searched the Sierra for the wreckage the first week, then gave up. Friends and relatives of the missing men collected $1,400 and hired the helicopter last Friday to continue the aerial hunt.

Doctors at Amador Hospital said the survivors were treated for exposure and minor frostbite. Ebell also had some crushed ribs.

PROTECT PILOTS FROM THEMSELVES

The white vastness of Corona Pass stretched onward for miles beneath search planes Sunday that pored over its bleakness in search of a small private plane that ended its last flight Friday with a deathly plunge into a mountainside.

Finally, after hours of looking, a plane spotted a clump of darkness in the snow.

A few hours later, ground crews pulled the bodies of a California couple from the wreckage.

The plane apparently crashed shortly after takeoff from Stapleton Field in Denver at 10:16 a.m. Friday.

Yet searchers were faced with the tremendous task of combing hundreds of square miles encompassing the flight pattern filed by the plane's pilot.

This time, there were no survivors. But there have been other times when there were. And there will be others.

Current legislation proposed by U.S. Sen. Peter Dominick and State Rep. Ted Bryant can eliminate the ever present danger of persons surviving a crash only to die of exposure or lack of medical aid.

Mandatory installation of crash locater beacons, small battery powered pieces of equipment that shoot out a life saving beam, would end the hours, days and months of waiting for help that have cost many their lives.

The pilot of the plane that crashed Friday had at least filed a flight pattern that led searchers to the crash site in a relatively short time. Others have never been found.

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But, had a functioning crash locater beacon been aboard, the crash could have been found in a matter of short hours. And any survivors could have been rescued.

Despite the apparent need for required rescue equipment, there looms a bigger, more complex issue that could be combined with material equipment not only to save lives after crashes, but to prevent crashes.

Colorado's mountains have for years claimed the lives of pilots who have had too little, or no experience, in traversing them.

The intricacies of mountain flying, particularly in single engine planes, is too apparent to the state residents who read almost weekly of another pilot who "thought he could make it."

One does not receive a second chance when attempting to climb over 12,000 foot peaks while being pulled from below by unpredictable down drafts.

So the essence of air safety points in more than one direction. It is time meaningful legislation began to probe effectively all the possibilities.

And a pertinent direction should be that of specialized training for persons who attempt to navigate the Rocky Mountains from the air. Without this special training, death from the skies will continue.

Area Men Object of CAP Hunt

Members of the Colorado Wing of the Civil Air Patrol (CAP) Friday joined a three-state search for a missing plane carrying three Denver-area men on a flight from Denver to El Paso, Tex.

The men, all Martin Co. engineers, were identified as Ted R. Jones, 35, of 6591 S. Marion St., Arapahoe County, the pilot; Eugene W. Harker, 38, of 5065 Juniper St., Bow Mar, and William DeVos, 43, of 3453 W. Bowles Ave., Littleton.

Capt. Harlan Cook, Colorado CAP information officer, said they took off from Stapleton International Airport at 11:15 p.m. Wednesday and were to arrive in El Paso at 2:15 a.m. Thursday.

He said no report of the plane, a two-engine Cessna 310, had been received since takeoff. Cook said it was reported that they were going on a fishing trip in the vicinity of Navarro, N.M.

Cook said 12 CAP aircraft and three ground parties began the Colorado phase of the hunt early Friday on a full-scale basis. Colorado units did their first searching Thursday afternoon, along with CAP personnel in New Mexico and Texas.

Cook said the Colorado searchers Friday were concentrating on the probable flight course between Stapleton and Pueblo, Colo. The missing plane was to have passed over or near Pueblo, and Las Vegas and Corona, N.M.

Federal Aviation Administration officials in Denver said severe icing conditions existed on the missing plane's flight course at the time it was in the air.

Mr. DOMINICK. What am I trying to do by this amendment? I am trying to say that original general aviation aircraft when they are manufactured must have on them a locator beacon. When they go down, it automatically emits a signal. And anyone tuned in on this signal, which is either 121.5 or 243.0, can home in on the transmitter and find it within a matter of minutes. To give an example of whether or not it works, we had a test outside of Aspen, Colo., at a time when I happened to be flying my own airplane. I was notified a test was going to be made. I did not have a homing beacon of that frequency I could use. I had a general idea where I was going to be, somewhere near this Aspen, Colo., mountainous terrain. I tuned in and by simply using the volume control on my receiver, using this signal, within 15 minutes I was within a quarter of a mile from where it was and I did not have a homing beacon. The method simply is that when the search plane goes away from it, it disappears and when the search plane comes toward it, it increases in volume and so you can locate where the particular instrument is.

The objections we have had to this particular proposal largely have been from those people who say this type requirement should not be mandatory, that it should be voluntary. The difficulty with that is that all pilots, including myself, are basically optimistic. One has to be optimistic if he is in politics, if he is a flyer, or if he is in the mining game; otherwise no one would go into them. One has to figure he is going to win. This is especially true in being a pilot. So they have not put in this equipment.

There have been proposals by the FAA that they be required over areas such as the desert or large bodies of water. If that method is going to be followed the difficulty is there would have to be an army of inspectors to enforce it. In addition, there would be great difficulty in trying to find out where they could be picked up and returned again; whether it is going to be possible to orient the rental instrument—in other words, whether they are in proper working condition when they are rented.

The estimated cost at the present time of installing these instruments as new equipment in aircraft is between $250 and $300 per airplane. If someone is buying a new airplane, and they are sold every day, the cost of $250 to $350 could be relatively easily absorbed, in my judgment, by the manufacturer so it would not be very much of a cost increase; and if it is not absorbed, in terms of lifesaving devices it is not going to be the difference in whether a pilot buys the airplane or not. All one would have to do is go down once and have this signal work and he will know how important this signal is to anyone in the airplane or to the families they have left at home.

Mr. President, I have just a couple of other points that I wish to make and then I shall reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself 4 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 4 additional minutes.

Mr. MAGNUSON. Mr. President, will the Senator yield at that point?

Mr. DOMINICK. I am happy to yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, as the Senator knows, I have been interested in this matter. The amount the Senator mentioned is the present going price. However, we had some testimony to the effect that if this was going to be more widely used then they would be able to bring the cost down and as they have more orders of this type, the manufacturers, whoever they may be, would be able to produce these much, much cheaper.

Mr. DOMINICK. That is correct.

Mr. MAGNUSON. They would be installed as standard equipment.

Mr. DOMINICK. Yes. As a matter of fact, I have had information from some people who have been in to see me on this matter because I have been very active on it, and they hope to get it down to $50.

Mr. MAGNUSON. The testimony we had was to the same effect.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. GOLDWATER. Mr. President, to sharpen up the focus on this point, I recall that when transponders first became available for private aircraft, the price was $3,500. Now that they are becoming mandatory and can be more or less mass produced, they are being offered for under $1,000.

Knowing something about the electronics involved in a locator beacon such as this, I feel certain that when they are required to be placed on aircraft, they could be procured for between $50 and $100.

Mr. President, I commend the Senator for introducing this amendment. I know there is opposition to it, but living in the Rocky Mountain region and having participated in many searches for aircraft and having lost good friends in lost aircraft, I think it is an important measure.

I might ask the Senator if it is true that considering just the great many hours that the Civil Air Patrol has spent on searches and if we assume the ridiculously low price—I would say almost impossible price—of $10 an hour, we are talking about something close to $2 million in just the cost of gas that has been spent on these searches. Am I correct?

Mr. DOMINICK. The Senator is correct. That does not cover the cost of the Air Force when they go out and also participate in search efforts.

Mr. GOLDWATER. They do. We have a group at the Air Force base near Phoenix that goes out on all searches. The Civil Air Patrol is not the only group that goes out. We have sheriffs' air posses that participate. I do not think there is an aircraft owner in Arizona that does not have his aircraft available immediately for searches.

Probably in the Senator's State and in Wyoming, Alaska, Nevada, and the Rocky Mountain States, we lose more airplanes every week than are lost in the rest of the country in a year. This comes close to home to all of us.

Mr. DOMINICK. I appreciate the Senator's comments.

Mr. President, I might say it is very interesting. We have the number of hours for Aerospace Rescue and Recovery Service in 1968. The table is broken down among Eastern, Central, Western, and Alaskan areas. In the Eastern area there were 28 aircraft missing more than 24 hours before they were found. The Eastern area includes the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, West Virginia, Ohio, Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama and Mississippi.

There were only 25 aircraft missing

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more than 24 hours in the Central Region. In the Western Region there were 33 aircraft missing more than 24 hours. The Western Region includes the States of New Mexico, Arizona, Utah, Nevada, California, Oregon, Idaho and Washington.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **DOMINICK**. I yield myself 5 additional minutes.

Colorado is included in the Central area. In 1969 we had quite a number of planes that went down there. We plotted a map and put it up before the Radio Technical Commission for Aeronautics meeting about 2 years ago when I made a talk before them in Washington. The map showed airplanes down more than 3 days. There were more of them in the area of South Carolina, Florida, and Georgia than anywhere else in the country, which I could not believe. I thought there would be more in our area or in the area of Oregon and Washington. However, I assume that is because of the lakes and marshes in the Southeast.

There may have been some of those planes that decided to take off and not tell anybody. That is always a possibility. If they had these locator beacons, we could find them.

Mr. President, I ask unanimous consent to have printed at this point in my remarks the table showing the Aerospace Rescue and Recovery Service statistics to which I have referred.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AEROSPACE RESCUE AND RECOVERY SERVICE, 1968

Eastern A.R.R.C.: (includes states of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, West Virginia, Ohio, Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama and Mississippi.)

Aircraft missing more than 24 hours	28
Of which were missing more than 3 days	20
Of that total how many never been found?	5
Total search hours:	
U.S. Air Force	54
CAP	6,830
Total	6,884

Central A.R.R.C: (includes states of Michigan, Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Montana, Iowa, Nebraska, Wyoming, Colorado, Kansas, Missouri, Arkansas, Oklahoma, Louisiana and Texas.)

Aircraft missing more than 24 hours	25
How many were missing more than 3 days?	15
How many never found?	4
Total search hours:	
U.S. Air Force	891
CAP	8,109
Total	9,000

Western A.R.R.C.: (includes states of New Mexico, Arizona, Utah, Nevada, California, Oregon, Idaho and Washington.)

Aircraft missing more than 24 hours	33
How many missing more than 3 days?	18
How many never found?	6
Total search hours:	
U.S. Air Force	1,071
CAP	7,368
Total	8,439

Alaska:

Aircraft missing more than 24 hours	40
How many were missing more than 3 days?	6
How many never found?	3
Total search hours:	
U.S. Air Force	806
CAP	2,316
Total	3,122

RECAP

Search hours flown by Air Force	2,822
Search hours flown by Civil Air Patrol	24,623
Total search hours	27,445
Crashed aircraft located	260
Downed aircraft never found	18

Mr. **ALLOTT**. Mr. President, will the Senator yield?

Mr. **DOMINICK**. I yield.

Mr. **ALLOTT**. Mr. President, I thank my distinguished colleague for yielding, because I have followed his interest in this amendment for a long time, and I wholeheartedly support it. I think the editorial to the effect that pilots must be protected from themselves brings up the main issue that is involved.

I would like to ask the Senator one question with respect to the cost of this proposal. The Senator from Arizona has mentioned the rescue efforts of the Air Force and the National Guard. We have spoken of the CAP. In addition to these efforts, I recall from my experience with flying that almost every private airplane that was on any small airport anywhere near a downed aircraft would join in the search for the airplane.

Mr. **DOMINICK**. The Senator is totally correct.

Mr. **ALLOTT**. So there is really no way of adding up the total amount that is spent for the search and rescue efforts. We have special problems in the Rocky Mountain region with those who have not had any experience with the unique flying conditions which exist there. Some experienced flyers have gone down in these mountains, because they were unfamiliar with the updrafts and downdrafts peculiar to Rocky Mountain flying.

When there is such a locator facility available within the cost parameters talked about here, it seems outrageous to spend all this money in search-and-rescue operations, when the lost plane could have been found if a marker beacon had been used on the plane.

Mr. **DOMINICK**. I certainly want to thank my colleague for bringing these points up, because they dramatize the problems we have. We have not even talked about the ground searches that go on in a great many areas. Someone says he heard a low-flying airplane in bad weather, and the airplane does not show up. As a result, there are ground searches made.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **DOMINICK**. I yield myself 5 additional minutes.

In order to be totally fair, one of the problems we have had to date with this particular system is the question of who will be listening. It is all right to put up a signal, but the question is, who is going to be listening? The interesting thing is that the FAA is in the process of completely equipping its own aircraft so they can home in.

The other procedure that can be followed is to include it as a part of the NASA satellite concept. This has not been done yet because of the budget problems we have, but with a satellite overhead which could pick these programs up, within an hour the signals of the aircraft that was down could be pinpointed. It is really a quite extraordinary development.

I hold in my hand an article written by Dan Partner, a very able reporter for the Denver Post, written on October 19, 1969, in which he mentioned the possibility of using the satellite system for air traffic control. It can also be used for the air rescue effort.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRAFFIC CONTROL SATELLITES URGED

(By Dan Partner)

A satellite system for use in air traffic control is emerging as a practical application of space technology that has produced the communications and weather satellite programs.

Given a high priority, a system of satellites could be orbiting the earth by 1976 that could pinpoint the positions of thousands of aircraft expected to be clogging the domestic and international airlanes. The system would be similar, but considerably more advanced, than the four-satellite system now in use for surface ships.

TRW Inc. engineers are working on a plan that would permit Federal Aviation Administration air traffic control centers to determine positions of aircraft to an accuracy of 50 feet through data flashed from space at one-second intervals. Technology for the system is available, says David D. Otten, advanced systems manager for control and navigation satellites for TRW's Systems Group.

A small antenna and transmitter for use aboard aircraft would cost $400 and weigh three pounds. In addition, the satellite system would provide precise radio navigation to planes at a cost of about $5,000 each, Otten estimates.

The system would require six satellites to cover the United States and from 12 to 15 to service worldwide air traffic routes. Otten estimates the cost at from $54 million and $66 million, including development, hardware, launch and operational expenditures. Each satellite would have a lifetime of about five years.

Meanwhile, the FAA and the Department of Transportation are beating the drums for passage of the aviation facilities expansion act, now before Congress. In an article, "Logjams in the Sky," in the September issue of FAA Aviation News, Transportation Secretary John Volpe wrote:

> Passengers carried in 1968 by U.S. airlines amounted to 75 per cent of the nation's population. At the rate passenger traffic is increasing, the number of passengers carried will surpass the population within a short time.
>
> In the general aviation category, private fleets are doubling every decade. This segment of aviation will represent 10 per cent of the gross national product by 1980.
>
> Air freight hauled by commercial airlines jumped an unprecedented 21 per cent last year over the previous 12 months.

The proposed legislation, Volpe contends, maintains that if present growth in aviation is to continue, then both commercial and general aviation interests must share in the development costs to improve and update U.S. airport and airways facilities.

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Says FAA Administrator John Shaffer: "The expansion of our air traffic control system has fallen far short of matching the growth in air traffic. More than two-thirds of the nation's 3,200 airports are in need of landing area improvements, and 900 more airports are going to be needed before 1980."

The administration's airport-airways program has a user tax base which would set up a designated account to protect the funds for use on the airports and airways. The bill establishes a federal commitment to a 10-year $2.5 billion grant-in-aid program. It authorizes $1.25 billion over the next five years, starting with $180 million in fiscal year 1970 and $220 million in 1971.

Mr. DOMINICK. In addition, as I pointed out before, if it is known that a flier is going from one point to another, either by his family or through a flight plan, and we get a report that the plane is down, it is not only possible, but it will inevitably happen that any private aircraft going through that area will start monitoring those signals. By the volume control one can, generally speaking, pick it up and determine where it is.

Second, it is totally feasible, and I think it is highly possible, to get the commercial airliners which are criss-crossing the country to install a little receiver—this is not required in the bill; I am just pointing out what can be done—with a pinpoint light on the dashboard. When a signal is picked up it will flicker. All the pilot has to do is report it to the nearest FAA flight service station. They in turn can start the air rescue effort. I have talked with some of the officials with respect to this matter. They do not want to go ahead with it until other concepts can be explored, because of the cost involved. I do not blame them for it. But if we can go ahead, we will be that far ahead of the game.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. CANNON. I wanted to raise a few points in colloquy with the Senator.

I am sure the Senator is aware of the fact that the FAA proposed that very thing, under its rulemaking authority, in 1968, and it heard such an uproar from the users and pilots that they did not do anything further with it. So, in effect, that has been abandoned.

It seems to me there are two or three weaknesses in that proposal, and I would like to have the Senator respond to those, if he would not mind.

Mr. DOMINICK. May I respond to the first one first?

Mr. CANNON. Yes.

Mr. DOMINICK. They proposed at that time to preposition some of these locator beacons at base operations throughout the country, where they could be picked up on a rental basis and put in the aircraft and could be used when going over a deserted area, or desert land, or a body of water. That system is not going to work. Many of the objections did not go to putting that device in; they went to the question that the system would not work and the money would be put up for nothing. I myself objected to it.

Mr. CANNON. Two points disturb me. One of them is that there are a number of small airplanes, two-seater airplanes, around the country that people plan on using no more than 50 miles away from their home. They like to fly for a little pleasure and sport. To that type of airplane you would add something that will add substantially to the cost of the airplane, without reducing any appreciable risk.

Mr. DOMINICK. May I answer that question first?

Mr. CANNON. Yes.

Mr. DOMINICK. I am not sure of the exact percentage, but I think it is right. Approximately 60 percent of the accidents that happen in general aviation occur within 20 miles of the airport. In my part of the country, and I am sure in the Senator's part of the country, I know we have cases in which a person has gone off the airport, has disappeared in a cloud, has crashed, and has not been found for a week. So it is just as important in training planes as in planes which can be used for cross-country flying, so they can be found if they go down.

Mr. CANNON. To go to the figure used by the Senator, I would go further and say that 60 percent of mishaps happen within 1 mile of the airport. A good many of them happen right at the airport. What the Senator is trying to do is to have some kind of device that would help in locating a lost airplane.

Mr. DOMINICK. That is correct.

Mr. CANNON. The Senator does not make any distinction with respect to the larger jets. Take the commercial jets. I would say that the system for tracking them and knowing where they are at any given time is much more accurate than any locator beacon system such as would be installed in the small airplanes as you suggest. It seems to me it would be a waste of corporate money of the commercial airline industry to have to put this kind of equipment in the commercial jet airplanes.

Mr. DOMINICK. Let me say that I am not anchored in on phase 3. It gives them 5 years to put it in. I am perfectly willing to take that provision out. The only reason it was put in there originally is that many aircraft used in air commerce were not jets. Particularly was this true 2 years ago, when we started developing this device.

If the Senator will feel happier about it, I am perfectly willing to modify the amendment to take out paragraph 3.

As to the propeller airplane problem, the commercial airliner going out over water, extensive water hazards, and things of that kind, I can see how perhaps we need something to deal with those matters, but since almost all of them are flying almost totally under instrument flight conditions, where they are monitored all the way, I think this may be asking a little more than we should, and I am perfectly willing to modify the amendment to that extent.

The PRESIDING OFFICER. The Senator's time has again expired.

Mr. DOMINICK. I yield myself 2 additional minutes.

Mr. President, I ask unanimous consent to eliminate from my amendment subparagraph (3) on page 2.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. DOMINICK. I so modify my amendment, and I strike the semicolon and the word "and" in line 5, and insert a period after the word "date".

The PRESIDING OFFICER. The amendment will be modified as the Senator has specified.

Mr. DOMINICK. I think the suggestion of the Senator from Nevada is reasonable, and I am happy to accept it, and have so modified my mendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a table that I have showing aircraft which have been missing from 1961 through 1967, together with the number of people on board and the States from which they were declared missing.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MISSING AIRCRAFT

Area	Date	Persons on board
California, Oregon	Dec. 1, 1961	2
California	Mar. 14, 1967	2
Total		4
Louisiana, Texas	Jan. 4, 1962	3
South Carolina	Mar. 1, 1962	1
Oregon	Mar. 17, 1962	1
Alaska	June 5, 1962	1
Michigan	June 28, 1962	1
North Carolina	July 22, 1962	4
Michigan	Aug. 18, 1962	1
Do	Sept. 1, 1962	1
Alaska	Oct. 16, 1962	1
Do	Oct. 18, 1962	1
Washington	Nov. 10, 1962	1
Total		16
Utah, Colorado	Jan. 9, 1963	4
Utah, Nevada, California	Mar. 28, 1963	2
Oregon	July 20, 1963	1
Washington	Aug. 28, 1963	1
Michigan, New York	Nov. 3, 1963	2
Total		10
Washington	Jan. 27, 1964	1
North Illinois	Feb. 15, 1964	1
South Carolina	May 3, 1964	1
Oregon, Washington	June 15, 1964	2
Total		5
Florida, Alabama	Jan. 3, 1965	4
Washington	Jan. 29, 1965	1
Do	May 17, 1965	4
Alaska	June 6, 1965	1
South Florida	July 7, 1965	1
Louisiana	July 12, 1965	1
South Carolina	Sept. 5, 1965	1
Kentucky, North Carolina	Sept. 7, 1965	1
Alaska	Sept. 13, 1965	1
West Massachusetts	Sept. 14, 1965	2
South Florida	Nov. 1, 1965	2
Do	Dec. 7, 1965	1
California	Dec. 10, 1965	2
Total		22
Maine, Vermont, New Hampshire	Mar. 20, 1966	1
Maine	Apr. 2, 1966	2
South Carolina	do	1
New York, Massachusetts	Apr. 27, 1966	2
South Carolina	May 10, 1966	1
Arizona	June 21, 1966	1
North Carolina	June 28, 1966	2
Do	July 14, 1966	1
Florida, Mississippi, Louisiana	Sept. 20, 1966	2
Alaska	Sept. 23, 1966	1
Do	Oct. 9, 1966	1
Alabama, Georgia	Nov. 8, 1966	1
Ohio	Dec. 20, 1966	4
Total		20
Florida	Jan. 15, 1967	4
Michigan	do	3
North Carolina	Apr. 24, 1967	2
South Texas, Mexico	Apr. 27, 1967	1
Utah, Nevada, California	June 3, 1967	3
Alaska	June 14, 1967	1
Florida	July 8, 1967	1
Missouri	Aug. 26, 1967	2
Florida	Oct. 8, 1967	1
South Florida	Oct. 11, 1967	2
Arkansas, Texas	Oct. 14, 1967	1
Ohio, Kentucky, Tennessee, Georgia	Dec. 23, 1967	2
Total		23

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Mr. DOMINICK. I reserve the remainder of my time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. CANNON. Mr. President, the time may be taken from my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I further modify my amendment, and send the modified amendment to the desk. I shall read it now, so that we can be sure Senators know what it is:

> After line 3, page 143, add the following new section: That section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:
>
> "Downed Aircraft Rescue Transmitters
>
> "(d) Minimum standards pursuant to this section shall include a requirement that downed aircraft rescue transmitters shall be installed—
>
> "(1) on any aircraft for use in air commerce, except jet aircraft used in commercial transport, the manufacture of which is completed, or which is imported into the United States, after six months following the date of enactment of this subsection;"

I think, if the Senator from Nevada does not mind, we will change that to "one year" instead of "six months".

Mr. CANNON. Very well.

The PRESIDING OFFICER. The amendment will be modified as specified.

Mr. DOMINICK. So it would read:

> After one year following the date of enactment of this subsection;

And then continuing:

> (2) on any aircraft used in air transportation after three years following such date.

Subsection (3) would be stricken.

As such, it is my understanding that the Senator from Nevada will accept the amendment.

Mr. CANNON. Mr. President, I am willing to accept the amendment as now modified by the distinguished Senator from Colorado.

I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Colorado yield back the remainder of his time?

Mr. DOMINICK. I yield back the remainder of my time.

The PRESIDING OFFICER. The remaining time having been yielded back, the question is on agreeing to the amendment (No. 521) of the Senator from Colorado (Mr. Dominick), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 526

Mr. JAVITS. Mr. President, I call up my amendment No. 526 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and I shall explain the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Javits' amendment (No. 526) is as follows:

> On page 51, after line 23, insert the following:
>
> "SUBMISSION OF SCHEDULES STUDY
>
> "Sec. 105. The Department of Transportation in cooperation with the Civil Aeronautics Board shall conduct a study to determine the feasibility of (1) authorizing the Board to require the submission of a schedule of service as a condition of any certificate issued to a commercial air carrier by the Board and (2) authorizing the Board to require revision of such schedule of service where necessary in order to reduce or avoid undue congestion at major airports. The Department of Transportation shall complete such study within one year from the enactment of this Act and shall submit a report to the Congress for reference to the appropriate committee."

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The purpose of this amendment is simply to get from the Department of Transportation, in cooperation with the CAB, a study on the feasibility of authorizing submission of schedules by commercial air carriers to the board, and the feasibility of authorizing the board to require revisions of such schedules where necessary to relieve congestion or to avoid undue congestion at major airports.

Mr. President, questions concerning scheduling have arisen at LaGuardia and Kennedy Airports and other places, and it is not always possible, by specific agreement, to resolve these competitive questions, which are inherent in scheduling.

If there are more than x number of aircraft arriving or departing within a given time bracket, it enormously complicates the problems involved; and voluntary agreements, while they should always be resorted to as a preference, are often difficult to obtain.

Much as I favor it, it will take years for this next airport plan to be implemented. So I have consulted with the manager of the bill, the Senator from Washington (Mr. Magnuson), and the Senator from New Hampshire (Mr. Cotton), and I am hopeful they will agree to the proposal.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MAGNUSON. I think the amendment is a very good one. I noticed, as I read the amendment earlier, they are also requested to recommend whatever legislation, if any, is necessary in the matter.

As of now, CAB has no control over schedules. Perhaps that is wise, and they should not. FAA has a sort of indirect control, to the extent that schedules are so heavy that they represent a threat to safety. But that is nothing you can point your finger at; and I believe the proposal is a good one.

I do not know how many times this matter has been brought up in all our aviation hearings about these schedulings. Every time, we find ourselves frustrated because of lack of authority or guidance from FAA or CAB, or both, as to what might be needed to be able to deal with this problem.

Mr. CANNON. Mr. President, I agree with the Senator from Washington and the Senator from New York that this is a good amendment. I think the Board should prescribe this type of rule or regulation for the carriers about requiring approval of changes, at least to make them aware that we are looking at this particular problem, and that something may have to be done.

The PRESIDING OFFICER. Do Senators yield back their remaining time?

Mr. JAVITS. I yield back the remainder of my time.

Mr. CANNON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 523

Mr. DOMINICK. Mr. President, I call up my amendment No. 523.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

> Page 112, strike out lines 5 and 6 and strike out "(2)" in line 7, and insert "the rate of,".
>
> Page 112, line 13, strike out "under paragraph (2)".
>
> Page 113, lines 3 and 4, strike out "that portion of the tax which is determined under subsection (a)(2)" and insert "the tax imposed by this section".
>
> Page 114, strike out lines 2 through 11 and insert "this section, in the case of the year ending June 30, 1970, there shall not be taken into account any use before April 1, 1970.".
>
> Page 116, beginning with "that portion" in line 10, strike out all through "on" in line 12.
>
> Page 116, lines 21 and 22, strike out "that portion of".
>
> Page 116, lines 23 and 24, strike out "which is determined under section 4491(a)(2)".
>
> Page 118, line 25, strike out "that portion of".
>
> Page 119, lines 1 and 2, strike out "which is determined under section 4491(a)(2)".
>
> Page 120, line 4, strike out "that portion of".
>
> Page 120, lines 5 and 6, strike out "which is determined under section 4491(a)(2)".

Mr. DOMINICK. Mr. President, I yield myself 10 minutes.

Mr. President, we have on page 112 a registration fee of $25 per general aviation aircraft. This was put in by the Committee on Finance. It is my recollection that it was not recommended by the Committee on Commerce, and it is my recollection that it was not one of the things that was wanted in the House bill. I may be wrong on the latter point. I am not sure.

The point I am trying to make is that

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a $25 fee for an annual registration for general aviation attempts to have a revenue measure put into a form of a need for policing or something of this kind. It is sort of a license fee for the cost of doing all the work.

The fact is that every airplane that is built is given an NC number when it is built and when it is put on the market and when it is bought and when it is sold; and every year that aircraft, in order to stay operable, has to have a periodic inspection, sometimes more often than that, depending upon how often it is flown. It is gone over with a fine-tooth comb by the FAA inspectors as well as by the group of people who actually do the work on it.

To put in an annual registration is something totally new. It means that every private pilot, every student pilot, and every person who is running a training school, no matter what it may be, will have to fill out forms on every aircraft they have and then send in the forms every year in order to fulfill the terms of the bill.

From this $25 so-called tax, $3.6 million will be raised from general aviation; $100,000 will be raised from the air carriers. If I am any judge of bureaucracy, having been here 10 years now, the total amount of money that will be raised by this bill will be used up in the process of taking care of producing the forms, making sure it is followed through, in additional inspectors, in additional clerks and secretaries and personnel of the FAA; and no money, in fact, will actually accrue to the fund we are trying to use for airplane safety.

It seems to me to be nonsense for us to impose this additional requirement on all the general aviation people and on the commercial people when you are not really going to get any money and then, in addition, you are putting in a requirement which inevitably will build up another bureaucracy.

I recall being in committee a couple of times and being in the Chamber and listening to someone say that at the present rate of progression, the Bureau of Indian Affairs budget would outdo the Defense Department within about 4 years. If we keep on going with the FAA the way it is going, it will outdo the Defense Department in about 2 years. It is zooming out of sight.

I see no point in putting in a tax which is going to be a burden in terms of paperwork, in terms of expense, and in terms of not producing the money we need for the improvement of the aviation facilities of the country. It simply will not do it. We are talking about a total of $3.7 million a year, the total which would be raised from this, all of which, in my opinion, would be used up by personnel increases and personnel expenses. I do not see that it would do any good at all, and I am sure that it would be resisted strenuously by almost everybody if they know it was in here. Frankly, this bill is so long and so detailed that members of the general aviation group, generally speaking, have not had time to funnel in on it and get their word in.

Speaking as one who owns an airplane and who is now trying to sell it—not for this reason but for other reasons—I can say that this is just a nuisance from beginning to end. It is going to mean much more bureaucracy, paperwork, and difficulty for base operators, for trainers, for people who run flying schools, and for the populace in general.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. I yield such time to the Senator from Nevada as he may desire.

Mr. CANNON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BELLMON in the chair). Without objection, it is so ordered.

ORDER PERTAINING TO TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, have we passed the time limitation on the Pastore rule of germaneness?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order for the remainder of the second session of the 91st Congress to include in the morning business of each daily session of the Senate any statement presented at the desk by each Senator personally and respectively.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I know that the distinguished majority leader has talked with the minority leader, the Senator from Pennsylvania (Mr. SCOTT), about this.

Mr. MANSFIELD. Yes.

Mr. GRIFFIN. This is an agreement of the joint leadership?

Mr. MANSFIELD. Yes. In fact, by a respective conference of each party, it will preclude the necessity for making this statement every day.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

The Chair hears none, and it is so ordered.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I yield to the Senator from Louisiana (Mr. LONG) such time as he may require.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, I hope the amendment is rejected. General aviation is involved in 80 percent of the operations on the FAA controlled airports. As a result of yesterday's amendment, general aviation would pay only 7½ percent of the cost of air safety and the cost of the airports, and there will be another amendment seeking to make it even less.

Ten years from now, it is projected that general aviation will have 90 percent of all operations and will be paying a smaller percent of the cost.

I understand that there will be another amendment offered so that general aviation would have 80 percent of the airport operations and be paying 6.8 percent of the cost.

I presume that amendment would be followed by another amendment so that 10 years from now, general aviation would have 90 percent of the airport operations and pay only 1 or 2 percent of the cost of operations.

It would be an outrage to think that a plane with 120 passengers, or a jumbo plane with 300 passengers, would have to circle around waiting for an opportunity to land while a man with a two, three, or four place airplane and no one but himself in it is up there just practicing landings. He would be making all of these people wait for their airplane to land. They would be waiting for this fellow to practice another landing.

General aviation has 80 percent of the landings and take offs, but are paying less than 7.6 percent of the tax without this amendment.

Some Senator says that is too much, that we should cut it down and let them pay less. If this amendment is agreed to, the Senator has another amendment that would make them pay still less.

It seems to me it would be right for us to say we should not charge them anything—just tell them that they cannot use these airports. Why should they be permitted to have 80 or 90 percent of the activity of the airport and pay only 7.1 percent, as it would be with this amendment? As the bill stands now, it is 7.6 percent.

It is not fair or just. I do not see how Senators can go back home and report to their constituents that even though the other fellow has 80 percent of the operations, their constituents must pay for 93 percent of the cost, although the other fellow is conducting 80 percent or more of the operations and is only paying 7.5 percent. I do not see how the Senators can tell their constituents "That was too much, so we cut it down to 7.1 percent and then to 6 percent, and then to 3 percent and then to 1 percent, and then perhaps to zero." These people ought to be paying the most.

This $25 annual charge on an airplane that is holding up another airplane that has 100 passengers and is trying to land on the air field is less than an automobile license in many States.

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With all of the air safety which is to be provided and the airport and the air facilities that these people are permitted to enjoy, it would seem they ought to pay something. The airlines do not object to paying 93 percent of the tax. They are willing to pay. The commercial users pay it. The airlines add it as part of the price of the ticket to the people who fly. All they ask is that general aviation, which has 80 percent of all airport operations—and is projected ahead 10 years to have 90 percent—make some reasonable contribution in terms of justice, simple equity, and safety.

The people who fly on the commercial airlines are paying for this. And the flyboys, the fellows with the private airplanes, who get the benefit of 80 percent of the operations—and a prospective 90 percent—are the fellows who are paying just 7.6 percent of the cost. They still say that is too much. If amendments are adopted by the Senate reducing the cost to general aviation, at some point many people will say that general aviation users ought to be told to quit using the facilities, that general aviation ought to be roped off from the fields and told to land in the pastures where there is very little expense in using their own airplanes.

I have flown in some of these airplanes. It is nice to be invited on a trip by someone who can afford to have his own airplane. Then he can make an airplane carrying 130 people wait while he lands in front of it, and he enjoys all the facilities those people are paying for.

But simple justice and fairness would suggest that the people who have 80 percent of all operations ought to pay at least 7.5 percent of the cost of the program.

I hope the amendment is rejected. I think that the commercial aircraft industry that is paying 93 percent of the cost under the pending bill, as it now stands, should not be further imposed upon for the benefit of those who pay little and obtain the greatest use of these airports.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. DOMINICK. I am not going to use my time on the quorum call.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 24 minutes remaining.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I have listened to the Senator from Louisiana, for whom I have great affection. I do not agree with him at all.

In the first place, I do not think the bill does what he says. I think we can see that by the fact that $270 million is going to go into certificated airline airports and $30 million is going to go into general aviation relievers. That disposes of his argument that 80 percent of the operations are being devoted to general aviation.

If he is trying to get money into the fund, this is not the way to do it. The $25 annual registration fee is for nothing but paperwork. We will have to have more personnel enforcing it than we could get money out of it. Before we got through with the clerks and the paperwork and the filing and the whole schmerz, as they say, there will be nothing left in the way of revenue, and we would have to take it out of commercial aviation and the general population.

I cannot for the life of me see why we put this type proposal in except on the basis that it is somewhat similar to an automobile license fee. Here we have a limited number of aircraft. Each has a permanent number when it is built. We have an inspection system already. It is not needed for safety or identification. All that would be done would be to levy a tax.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. GOLDWATER. Mr. President, I would like to make the point that the $25 does not diminish after the first year, so it is not like an automobile license tag. It would be $25 even though the aircraft depreciates faster than an automobile. You would pay $25 a year on a 20-year-old plane; whereas, on a 5-year-old automobile, you would pay a couple of dollars. So the argument that it is like an automobile license fee is not true at all.

Mr. DOMINICK. The Senator is correct. Both of us have flown Twin Bonanzas. We know the last time they were made was in 1956.

The second point I would make is that if the analogy is drawn with an automobile, there would not be the depreciation level that there is in connection with automobiles. In addition, in highway construction we do not say that buses will have first priority. We provide that the general population using highways have just as much right to the highways as anyone else. So why should it be said that commercial airplanes should have a priority? If you are a pilot, in my opinion, or in commonsense, you should give them the priority because they might run over top of you.

The legal question does not make sense at all. I have just a few more comments. What we are trying to do is build up a fund so we can improve safety, airway communication channels and put in lighted approach systems on more airports around the country for the benefit of everyone.

If we are trying to build a fund for that purpose it does not make sense to put in a registration fee, the total of which is going to be used for inspectors, clerical help, and so forth, and none of which will go into this work we want to do under the bill, in my opinion.

As I have said, I hope Senators will support this measure. I think this matter is a headache and something that is going to create deep bitterness around the country. It is something that any person who owns an airplane can probably pay, so it is not a question of that. It is a question of just sheer annoyance at having one more thing happen where no benefit comes out of it in terms of safety fund money or accomplishing the objectives of the bill.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I yield myself 2 minutes.

Mr. President, I cannot leave unchallenged the statement made by the able Senator from Colorado about the very heavy administrative cost of collecting the mere $25 registration fee. The Federal Aviation Administration advises us that they can put all of this information on electronic tape and provide it to the Treasury at a minimal cost; and the administrative cost of collecting the $25 annual charge on these private planes would be very small. I do not know the precise amount, but they say it would be minimal. So the idea of great administrative cost is not correct.

These planes have to have numbers for identification purposes anyway, and all one would have to do would be to run it through a computer and take in the $25 a year. The cost to the taxpayer is less, relatively speaking, than the cost of an automobile license in a great number of States of this Union.

What is being provided to these people fantastically exceeds what is provided to the automobile user in terms of the automobile license tag. It is a fair tax and it is just.

These are very, very favored taxpayers conducting 80 percent of the airport operations, and a projected 90 percent, and paying only about 7½ percent of the cost. It is not fair and just. The airlines, operating for the multitude of 200 million Americans who fly on airplanes, say, "We are willing to pay the lion's share but we want the other fellow to pay some reasonable charge if he is going to share these facilities and enjoy 90 percent of the operations."

Mr. President, I hope the Senate will not agree to the amendment.

Mr. DOMINICK. Mr. President, on page 11 of the report of the Committee on Commerce in the recommendations they make concerning aviation user charges, No. 5 states:

> Levy an annual airplane registration fee on airplanes used in commercial aviation of $25 plus 3 cents per pound of gross certificated takeoff weight.

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It does not say anything about general aviation; it refer to commercial aviation. That refers to certificated carriers and charter flights used to transport people in order to make a profit. It does not say general aviation.

Mr. President, I hope the Senate will support my amendment.

Mr. LONG. Mr. President, if I may comment on that, I yield myself 2 minutes.

That is one of the problems we faced on the Committee on Finance. We do not have the privilege of spending all that money. We are trying to pay for all of this. It is not a burden on the Committee on Commerce or the Committee on Appropriations, or any of the authorizing committees to try to find revenues to pay for these things. I am happy to serve on the Committee on Commerce. They appropriately did not try to dictate to the Committee on Finance how this should be financed. They acted on the bill and handled the authorizing part as they should and in good grace suggested to the Committee on Finance that it should look over the financing sections to see how this matter could be paid for. We have done the best we could.

We favored general aviation and in some respects reduced their tax burden.

However, any amendment of this sort further reduces the trust fund for air safety. These people in private airplanes should be just as interested in this as commercial airplanes and they should be willing to make a contribution to it. They can have 80 percent of the operation, and in the future 90 percent of the operation, but it costs just as much to bring a single private airplane into the landing pattern with only the pilot in it and bring him down on the runway in safety as it does to bring in a plane with 300 passengers, put it into a flight pattern, and bring that plane down in safety.

These are really favored taxpayers. I do not believe anybody in good conscience could object to paying this charge. I like them; they are good people; but they should be willing to pay something. Many of them are flying planes for large corporations and making huge profits. They are every bit as able to pay a tax as the little fellow who goes out and buys a ticket to ride on an airplane, who is bearing the burden in many instances. There are corporation executives in airplanes who are better able to pay this tax than these individuals.

In many instances these corporations, having a large number of planes so that their supervisors and their foremen can fly back and forth to work, as they do in Louisiana, pay the expense anyway. The corporation pays it and the employee uses the airplane. So in many instances the people in general aviation are far better able to pay the tax than the little fellow flying on the airline, who will be picking up much more than 90 percent of the taxes, under the bill as it stands.

I think when the average citizen, the little fellow who is not privileged to fly free of charge in these private airplanes, the man who buys a ticket to fly, finds out that these fellows with private airplanes—who can go any time they want, who have airplanes standing by, who have pilots standing by, who can use the airline if they want to or discard use of the airline and fly their own plane if they want to—finds out that when he is buying a ticket he is paying 90 percent of the cost, and the executive pays nothing, or virtually nothing, he is going to resent it.

It is surprising the extent to which these matters become ridiculous when we consider that here is an airport paid for by the taxpayers when 90 percent of the use of it is by private flyers who are paying virtually nothing, while the little passenger who buys a $16 or $20 or $50 ticket to make his one or two trips a year must pay 90 percent of the cost and enjoy only 10 percent of the benefit. It can become tiresome, and indeed, I should think, a source of anger, when people realize that those who pay the most get the least, those who are the most in number and bear the most cost get the least, and those who are the smallest in number and pay the least get the most. It does not make any sense.

Much as we may like those people as we contemplate their pioneering instincts, when it comes to thinking of air safety for the masses, we must remember that those enjoying only 10 percent of the benefits are paying 90 percent of the cost.

Mr. DOMINICK. Mr. President, in view of the statements made by the Senator from Louisiana, I yield myself another 3 minutes. Then I shall yield back the remainder of my time and be ready for a vote.

I have listened carefully to the Senator from Louisiana. I could not disagree with him more. What he is saying is that general aviation should not be allowed to use airports where certificated airliners come in. They are taxpayers, just like everybody else. As a matter of fact, if they are flying those planes, they are probably paying high taxes, as the Senator knows. In addition to that, they are traveling all over the country and using other airports than the big hub airports the Senator is talking about. But they are, in terms of numbers, carrying more people than the airlines are, which is an interesting phenomenon. I am not sure the Senator from Louisiana recognizes that fact, but it is true. They fly from one spot to another in the country. Wherever they go, they are doing a tremendous job. These are business aircraft and corporate aircraft.

When the Senator says we have to wait while all these people are clogging up the airways, I point out that the real fact is that anywhere we have the problem, such as we have in New York, O'Hare, and sometimes in Miami, the great bulk of that is caused by the scheduling of the airlines. It is not crowded in the middle of the day; it is between 5 and 8 o'clock at night, and certain times in the morning. We can see it right here at National Airport. The great bulk comes at certain hours from the air carriers, all at once, and we simply do not have the equipment to handle all that traffic.

If we can build up this system to the point where we can have the equipment and have the relief airports the Senator referred to, then we will be able to solve the problems of the airlines and also have a place where those who are paying the most in terms of general revenues can go when they are flying their own airplanes.

The air carrier does not pay any of the $40.5 million in fuel taxes. It is an interesting facet which has not yet been brought out. I think we ought to look at it in terms of whether we are going to accomplish what we want to do when we put that kind of burden on general aviation. That is the issue.

Mr. LONG. Mr. President, I yield myself 2 minutes.

The Senator just got through making the statement that general aviation carries more passengers than commercial aviation does. Under that concept, general aviation will pay only 7.5 percent of the cost and commercial aviation will pay 92½ percent of the cost. When general aviation carries more passengers than commercial aviation, and will conduct 80 percent of the airport operations, and 10 years from now it will be 90 percent, it is not reasonable to insist that 7.5 percent is too much for general aviation to pay, while commercial aviation users pay 92½ percent?

I have gone aboard many private airplanes. I hate to admit it, but confession is good for the soul. When I went aboard those private airplanes, I paid nothing. Usually somebody else paid for it. It was usually the corporation that owned the airplane.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PASTORE. And how much of that is deductible as a business expense? Practically all of it, is it not?

Mr. LONG. Yes. So if general aviation is carrying more than commercial aviation and is paying only 7.5 percent and conducting 90 percent of the operations at the airports, what kind of argument is it to say that 7.5 percent is too much for general aviation to pay?

I had a friend who was trying to work his way through school. We made a downpayment on an airplane, and I had a lot of fun with it. I would be the first to say from that experience that we could have paid $25 to enjoy the facilities of the airport, especially when somebody else was paying most of the cost and we were getting most of the benefits. We could have very readily paid $25 a year. It costs too much to get license tags for automobiles in most States, and the safety problems involved in flying are many times as great as the problems involved in safety on the highway.

Mr. PERCY. Mr. President, my able and distinguished colleague, Senator RALPH SMITH, has long had an interest in general aviation. As speaker of the House for the Illinois General Assembly, he worked to improve aviation in Illinois. He saw the tremendous benefit it brought to smaller communities with adequate airports that could thereby attract needed industry. He saw the extensive use of aircraft by educational interests such as the University of Illinois to further their work. He has always felt that

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the ownership of aircraft by private individuals helped the Nation to maintain a reserve of experienced pilots.

It was his intention to call up today two amendments of his own but, regretfully, prior commitments in the State of Illinois required that he leave Washington this morning. However, I understand that he conferred with the distinguished Senator from Colorado (Mr. Dominick), and it is my further understanding that the amendment that Senator Dominick now offers would accomplish much the same purpose as the amendments of Senator Smith; namely, to lessen the financial burden on smaller noncommercial aircraft by removing the 2-cent per pound tax. It brings in relatively little revenue and constitutes a major burden. I know that there were a number of Senators who wanted to support my colleague were he here in person to call up his amendments. I, therefore, urge that they support the amendment of the Senator from Colorado (Mr. Dominick) which would in effect accomplish much the same purpose.

I ask unanimous consent to have printed in the Record the amendments of Senator Smith, together with his sound reasoning to support them.

There being no objection, the material was ordered to be printed in the Record, as follows:

Smith Amendment No. 1

AMENDMENT NO. 524

On page 112, line 7, after the words "aircraft", add "except an aircraft in noncommercial aviation (as defined in section 4041 (c) (4),".

EXPLANATION

This amendment would exempt all *noncommercial* aircraft from the 2¢ per pound poundage tax to be imposed under H.R. 14465 on all aircraft, commercial and non-commercial, with a seating capacity for more than 4 adult individuals (including crew).

All other taxation on non-commercial aircraft to be imposed under terms of H.R. 14465 as reported would remain intact. Owners or lessees of such aircraft would remain liable for: (1) the 7¢ per gallon tax on both gasoline and jet aviation fuel to be imposed under H.R. 14465; (2) the $25 tax on use of civil aircraft to be imposed under H.R. 14465; any other tax presently levied or to be imposed by H.R. 14465 (see list at Table 6, Finance Committee Report, page 10).

According to the Commerce Committee Report (pages 51–53) this measure will authorize the expenditure of $270 million per year for ten years for commercial or commercial-service related airport facilities, but only $30 million per year for general aviation-related facilities. But far more significant is the spending plan for airways systems, navigation aids, etc. According to the report, in-route automation, radar, and center buildings will get $707 million; navigation, ILS, categories 2 & 3, VSTOL, and navigation refining will get $249 million; terminal tower construction, automation, and radar will get $523 million. All of these are services rarely, if ever used by the small, non-commercial aircraft; but are the very life blood of the airlines and other commercial air users. Fairness and equity tell us that we must not charge the small non-commercial plane owner and user for services they do not use.

Smith Amendment No. 2

AMENDMENT

On page 112, line 9, before "2 cents" add "except an aircraft in noncommercial aviation (as defined in section 4041(c)(4)) capable of providing a seating capacity for 6 adult individuals (including the crew) or fewer,".

EXPLANATION

This amendment would, in effect, *exempt all non-commercial* aircraft having a seating capacity of *6 or fewer* adult individuals (including crew) from the 2¢ per pound poundage tax to be imposed under H.R. 14465 on all aircraft, commercial and non-commercial. As presently written, H.R. 14465 would, in effect, exempt all aircraft, commercial or non-commercial, with four or fewer seats (Finance Report, page 112, lines 7–8). That is a small concession to the very small plane owner, whether commercial or non-commercial. But it may also be a very big concession to the big cargo plane owner, if he has only 4 or fewer seats on board. Reading the poundage tax section as presently written, the owner of that big, commercial, cargo aircraft is going to escape poundage taxation. I don't think he should.

Our interest ought to be to spare the small plane owner who uses his plane for pleasure or in his small business, as we use our autos; but not to spare the commercial aircraft owner, who, in effect, is using his plane as a taxi or delivery truck—for profit. A statement issued by the Finance Committee indicates that the present language would exempt 55% of general aviation aircraft from the poundage tax. It would certainly appear to exempt a large percentage—or all—of commercial cargo aircraft as well.

In speaking on my first amendment I have already discussed the inequity inherent in taxing small non-commercial aircraft to pay for facilities and services they rarely use.

The Finance Committee recognized this inequity but apparently was not prepared "to go all the way" to eradicate it. They exempted all planes with four seats or less. According to the Committee's press release on the day H.R. 14465 was reported, this exemption covers 55% of general aviation aircraft. According to the Committee Report, page 20, the exemption covers 75% of general aviation aircraft. Neither document indicates the sources of those figures. According to informal estimates I have received from the Aircraft Owners and Pilots Association, the 55% figure would be more accurate than 75%. Whichever figure the Committee prefers, it is still not high enough, not selective enough, to be fair and equitable to the small, non-commercial aircraft owner who never use the systems and facilities the tax is being levied to build and maintain.

Well, the question then becomes, where do you draw the line? If you're not going to exempt all non-commercial aircraft, why not as many as are likely to be owned and operated for personal or family pleasure, or for small business use? I am informed that there are approximately 97,600 such aircraft, out of a total of approximately 124,000 aircraft in general aviation. These are planes whose power plants limit their seating capacity to 6 or fewer places, including pilot. Most Senators who have flown in small non-commercial planes will, I believe, recognize that drawing the line at 4 or fewer seats (including pilot) isn't going to relieve all of the small plane owners that fairness requires be exempted. The father with a wife and three children who flies for family pleasure is going to pay the poundage tax, but the air cargo operator who wisely puts only three seats on board his big payloader is not! I doubt that my colleagues are prepared to support such a result.

Mr. DOMINICK. Mr. President, I am willing to yield back the remainder of my time.

Mr. LONG. Mr. President, I am willing to yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, may I suggest most respectfully that all Senators be directed to take their seats before the vote is resumed? All Senators.

The PRESIDING OFFICER. The Senate will be in order. All Senators will take their seats before the rollcall continues. Senators will please take their seats, so that the clerk can call the roll.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished senior Senator from Georgia (Mr. Russell). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. McCarthy), the Senator from Georgia (Mr. Russell), the Senator from Maine (Mr. Muskie), and the Senator from South Dakota (Mr. McGovern) are necessarily absent.

I further announce that the Senator from Idaho (Mr. Church), and the Senator from Arkansas (Mr. Fulbright) are absent because of official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Fannin), the Senator from Oregon (Mr. Packwood), and the Senator from Illinois (Mr. Smith) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

If present and voting, the Senator from Arizona (Mr. Fannin), and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

On this vote, the Senator from Illinois (Mr. Smith) is paired with the Senator from Utah (Mr. Bennett). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Utah would vote "nay."

The result was announced—yeas 45, nays 40, as follows:

[No. 64 Leg.]

YEAS—45

Aiken
Allen
Allott
Bayh
Bellmon
Bible
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Cook
Cooper
Cotton
Dole
Dominick
Fong
Goldwater
Goodell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hruska
Inouye
Jackson
Javits
Mathias
McGee
Mondale
Montoya
Murphy
Pearson
Prouty
Schweiker
Smith, Maine
Stevens
Thurmond
Tower
Tydings
Young, N. Dak.

NAYS—40

Anderson
Boggs
Byrd, Va.
Cranston
Curtis
Dodd
Eagleton
Eastland
Ellender
Ervin
Gore
Holland
Hollings
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
McClellan
McIntyre
Metcalf

XUM

Miller
Moss
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Scott
Sparkman
Spong
Stennis
Symington
Talmadge
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—14

Baker
Bennett
Church
Fannin
Fulbright
Hughes
McCarthy
McGovern
Mundt
Muskie
Packwood
Russell
Saxbe
Smith, Ill.

So Mr. DOMINICK's amendment (No. 523) was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HANSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HART. Mr. President, I send to the desk an amendment for myself and Senator SPONG, Senator MAGNUSON, Senator BYRD of Virginia, Senator CRANSTON, Senator DOLE, Senator Moss, Senator MUSKIE, Senator NELSON, Senator PELL, Senator PERCY, Senator WILLIAMS of New Jersey, and Senator YOUNG of Ohio.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

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The amendment is as follows:

On page 54, line 3, insert the following:

"(6) 'Application for site approval' means a preliminary request by a sponsor for approval of a site selection made prior to any request for aid, as defined in section 201(14)."

On page 54, lines 4, 7, 9, 10, 11, and 12, strike out "(6)", "(7)", "(8)", "(9)", "(10)", "(11)", and "(12)", respectively and insert in lieu thereof "(7)", "(8)", "(9)", "(10)", "(11)", "(12)" and "(13)" respectively.

On page 54, after line 24, insert the following:

"(14) 'Request for aid', as used in section 206(d)(4), means the first submission to the Secretary of a written request for assistance in which the proposed project is outlined in some detail in compliance with standardized procedures."

On page 55, lines 1, 3, 7, 9, and 16, strike out "(13)", "(14)", "(15)", "(16)", and "(17)", respectively, and insert in lieu thereof "(15)", "(16)", "(17)", "(18)", and "(19)", respectively.

On page 58, beginning with line 5, strike out all through line 11, and insert in lieu thereof the following:

"Consultation Concerning Environmental Changes

"(f) In carrying out this section, the Secretary shall consult with and consider the views and recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, and the National Council on Environmental Quality. The recommendations of the Secretary of the Interior, and Secretary of Health, Education, and Welfare, and the National Council on Environmental Quality with regard to the preservation of environmental quality, shall, to the maximum degree feasible, be incorporated in the national airport system plan."

On page 69, beginning with line 16, strike out all through line 19 on page 70 and insert in lieu thereof the following:

"(3) It is hereby declared to be national policy that airport development projects authorized pursuant to this title shall provide for the protection of the natural resources and the quality of the environment of the Nation. In implementing this policy, the Secretary shall consider the effect that each such project may have on factors of environmental significance, including but not limited to, water and air quality, noise levels, fish and wildlife, natural, scenic and recreational assets, and other factors affecting the environment. The Secretary shall not approve any project, either conditionally or unconditionally, unless he is satisfied that adequate consideration has been given to the preservation of the environment and to the interest of the communities in or near which the project may be located.

"Substantial Extensions to Existing Airports

"(e)(1) No airport development project involving the location of an airport runway or a substantial runway extension may be approved, either conditionally or unconditionally, by the Secretary unless the public agency sponsoring the project certifies to the Secretary that prior to submitting its request for aid, as defined in section 201 (14), it has held public hearings for the purpose of considering the social, economic and environmental effects of the project, and has afforded adequate notice of such hearings to all persons with a significant social, economic or environmental interest in the matter. The notice required by this paragraph shall include a concise statement of the proposed project and may be published in a newspaper of general circulation in the communities in or near which the project may be located, and shall be published in the Federal Register. Hearings provided for by this paragraph need not be held if opportunity for such hearings is provided through adequate notice, and no one with a significant social, economic or environmental interest in the matter requests a hearing. In the event that hearings are held, the project sponsor shall submit a copy of the transcript with its request for aid to the Secretary.

"(2) The Secretary shall review each transcript of hearing submitted pursuant to paragraph (1) of this subsection to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant social, economic or environmental interest. The Secretary shall not approve, either conditionally or unconditionally, any project involving the location of an airport runway or a major runway extension without first consulting with the Governor of the State in which the project may be located, the Secretary of the Interior, the Secretary of Health, Education, and Welfare, and the Council of Environmental Quality with respect to the environmental consequences of the project.

"(3) If opposition to a proposed project is raised in the hearing prescribed by paragraph (1), or by any official consulted pursuant to paragraph (2), on the grounds that the environment would be adversely affected by the project, the Secretary shall not approve the project, either conditionally or unconditionally, unless he finds in writing after a full and complete review of the record of such hearing that (A) no significant adverse environmental effect is likely to result from such project, or (B) there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. In any case in which the Secretary determines that the record of the hearing before the sponsor is inadequate to permit him to make the findings required under the preceding sentence, he may conduct a hearing, including adequate notice to interested persons, on the environmental issues raised. Findings of the Secretary under this paragraph, and his reasons therefor, shall be made a matter of public record. If the Secretary disapproves the project pursuant to the provisions of this paragraph the reasons therefor shall also be made a matter of public record.

"New Airports

"(f) The procedures of subsection (e) shall apply with respect to the approval of projects for new airports, except that the public hearings prescribed by paragraph (1) of that subsection shall be held prior to any application for site approval, as defined in section 201(6), and the duties imposed on the Secretary by paragraphs (2) and (3) of that subsection shall be performed prior to approval of any new airport site.

"Air and Water Quality

"(g)(1) The Secretary shall not approve any project application unless the Governor of the State in which the project may be located certified in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved or where such standards have been promulgated by the Secretary of the Interior or the Secretary of Health, Education, and Welfare, certification shall be obtained from the appropriate Secretary. Notice of certification or of refusal to certify shall be provided within 60 days after the project application is received by the Secretary.

"(2) The Secretary shall condition approval of any project application on compliance during construction and operation with applicable air and water quality standards."

On page 70, line 21, strike out "(g)" and insert in lieu thereof "(h)".

Mr. HART. Mr. President, it is my hope that this amendment will be adopted. Before getting into the substance of this amendment, let me first explain how I became involved with it. Shortly after the Commerce Committee reported the language of this bill for referral to the Finance Committee—nearly 3 months ago—the junior Senator from Virginia (Mr. SPONG) and I became concerned that the bill did not provide sufficient environmental protection. We expressed this concern in a letter to Chairman MAGNUSON together with the hope that the three of us would be able to support an amendment to the bill which would more adequately deal with environmental problems. I am happy to report that language which is acceptable to each of us has been worked out in the amendment offered today. It is an effort to improve the protection against environmental damage occurring by a grant of approval for a new airport or substantial extension of an existing airport.

We have discussed this for many hours, among those on the committee and those who, not on the committee are offering the amendment. All of us who propose it believe it is a prudent response to a very substantial problem.

Mr. President, although H.R. 14465 includes some provisions for environmental protection, these are not nearly strong enough to satisfy our current needs. In light of the dimensions of our environmental crisis, we cannot settle for anything less than the most effective safeguards. The recent Everglades controversy should serve as a reminder of the serious dangers which may be posed to our environment by ill-considered airport construction. It is the desire to avoid future entanglements of this sort that in large part has prompted this amendment.

Some background information on airport development procedures would probably be helpful in explaining how this amendment is designed to function. Under the Federal-aid airport program, the sponsor of a new airport is required to seek FAA approval of his proposed airport site prior to initiating any application for assistance. If he is successful in obtaining such approval, he must then submit a preliminary application known as a request for aid. That document, according to the FAA procedures guide, should designate the approved site for the project, should include a sketch of the airport plan, identifying each land feature that will affect the project, and should list cost estimates for each item of work for which funds are requested.

On the basis of the various requests for aid it receives and the amount of funds available, FAA will make its decision on which requests should be approved. Approval of a request, the FAA procedures guide notes, is equivalent to "a firm reservation of Federal funds conditional only on the sponsor's promptness in proceeding with development of the project."

Project development, as opposed to project construction, takes place for the most part after the approval of the request but prior to submission of the formal project application. During this period of time, the sponsor quite often will acquire his land for the project and will usually finance the sponsor share of project funds and hire an engineer to prepare detailed plans and specifications.

After he submits his project application but prior to approval of it, the sponsor, for most projects, will receive bids for construction contracts, will select his contractor, and will seek FAA concurrence in award of the contract. Although FAA may actually concur, at that time, most sponsors do not actually execute construction contracts until assured of their own contract with the Government, which is concluded at the time of approval of the application.

One cannot but notice, in reviewing this summary of airport development application procedures, how far along the road toward project construction a sponsor may be before his application is approved. It is for this reason that the proposed amendment prescribes that the first determination by the Secretary as to the environmental soundness of a project must be made at the time of approval of the site, in the case of new airport projects, and at the time of the request for aid, in the case of extensions to existing airports.

In order to provide the data which will allow him to make rational determinations, the amendment requires, with respect to all projects involving the location of a new airport, an airport runway, or a substantial runway extension, a hearing to be conducted by the sponsor on the environmental, social, and economic effects of the project. The Secretary is required to examine the hearing record before approving any site or request for aid, and to consult with the Governor of the State in which the project may be located, the Secretaries of Interior and HEW, and the National Council on Environmental Quality on the possible environmental effects of the project. If any of these officials raises environmental objections, or if any are raised in the hearing conducted by the sponsor, the Secretary may not give his approval unless he first finds in writing that, first, no adverse environmental effect is likely to result from the project; or, second, there is no feasible alternative to any such effect and all reasonable steps are being taken to minimize it.

The amendment raises some questions which I would like to attempt to anticipate. It may be asked, first of all, whether the amendment requires a hearing in the case of every project. The answer is a decided "no." The amendment states that hearings must be held only with respect to projects involving the location of an airport, on airport runway or a substantial runway extension. The language is meant to include only a relatively small percentage of the projects for which applications are submitted. The majority of projects each year, I am told, are for minor improvements to existing airports—the repaving of runways, the addition of airport lighting, minor runway extensions. These are all meant to be exempted from the hearing requirement.

Also exempted are projects for which hearings have been held in previous years. The amendment requires only that hearings be held prior to submitting applications for site approval or requests for aid not necessarily immediately prior to such applications. Thus if assistance for a new airport is requested in a given year and the layout plan for that airport is approved, requests the following year for additional runways within the same plan would not need to be preceded by hearings.

A second question which may arise is, "How can the Secretary make his environmental determinations on the basis of anything less than a full detailed project application?" In answer to this, it should be noted that the Secretary must pass not only on the application for site approval or request for aid, but also on the final project application, for possible adverse environmental effects. This is the significance of the requirement relating to "conditional or unconditional" approval. If subsequent to the approval of any request or site selection, therefore, major changes of environmental significance are noted in the project, the Secretary will be required to review his environmental findings before giving final approval to the project application. He will thus have access to the full detailed application before his capacity to withdraw his earlier findings terminates.

The amendment differs with H.R. 14465 in many respects, the most important of which should be summarized at this point. First of all, the amendment requires a stiffer standard to be used by the Secretary in evaluating the environmental effects of projects. S. 3108 requires only that the Secretary must be "satisfied that fair consideration has been given to the preservation and enhancement of the environment" before he approves a project. The amendment requires that he must find that the project is better from an environmental standpoint than any other reasonable alternative. In these times, I believe that the amendment's standard is much preferable if not essential. Both the Everglades crisis of last year and the Nation's general environmental problems strongly support the view that the Secretary of Transportation's satisfaction is not a suitable measuring rod for the effectiveness of environmentally significant decisions.

A second major break from H.R. 14465 arises from the amendment's emphasis on consultation among Federal departments. Whereas the amendment prescribes that the Secretary of Transportation must consult with other agencies on the environmental effects of projects, H.R. 14465 incorporates no such requirement.

There appear to be strong arguments for requiring some measure of consultation. In the Everglades crisis, we witnessed a tug of war between the Departments of Transportation and the Interior which might have been prevented by consultation early in the game. It is a major purpose of the amendment to insure that in the future, Federal departments will work together in protecting the environment. In addition, it seems plain that in making decisions which may have major environmental consequences, the Secretary of Transportation ought to be required to seek the advice of those who deal more frequently with environmental questions.

Another difference between the amendment and the bill relates to the requirement for public hearings. Although both proposals call for hearings, H.R. 14465 requires them to be held at the Federal level, while the amendment calls upon the sponsor to conduct them. The rationale for local hearings is actually stronger with regard to social and economic questions, where the matters considered are essentially local, than in the case of environmental problems, where a strong Federal interest is at stake. Clearly, social and economic questions such as whether to build an airport or a playground, or whether to pay the price of either, can be better considered before a locally elected body then before an FAA representative whose sole interest may well be the construction of an additional airport.

Since these questions are most appropriately handled locally, and since it seems pointless to require two sets of hearings where one will do, it follows that environmental matters are also most readily considered locally. The Federal interest in the environment can be accommodated, it would seem, through Federal examination of the hearing transcript.

Another difference concerns the enforcement of applicable air and water quality standards. The amendment adds to the bill effective procedures to insure that such standards will be complied

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with by federally-funded airports. Since many of our most significant environmental problems involve the pollution of our water and air, all reasonable measures for minimizing such pollution ought to be encouraged. The measures included in the amendment require certification by State governments of airport compliance with existing standards and contractual obligations on the part of project sponsors to continue such compliance after receipt of Federal funds. Adoption of these provisions would provide a welcome addition, I believe, to existing air and water quality legislation.

The final major difference between H.R. 14465 and the amendment is perhaps the most important of all. It concerns the timing of the hearing and of the determination by the Secretary of the environmental suitability of the project. Whereas the bill prescribes hearings to be conducted after submissions of the application, the amendment calls for them to be held prior to site selection approval, in case of new airport projects, and prior to the request for aid in the case of extensions of old ones. The environmental determinations are required by the bill to be made prior to approval of the application; the amendment requires these either at the site approval or request for aid stages.

The need for a change in timing stems basically from the nature of the FAA procedures for project development which were noted earlier. Since under these procedures, so many major steps will have been undertaken with respect to a project by the time an application for that project is approved, the time of approval does not appear to be a feasible one for a fair determination of environmental questions. Can the Secretary really make an unbiased determination as to whether plot A or plot B is the better airport location, when plot A has already been purchased by the sponsor and when the sponsor has already issued bonds to finance construction on that plot, hired engineers, drafted detailed plans and specifications, solicited and received bids for construction contracts and perhaps even negotiated and signed contracts on which he is liable? Moreover, in the event the Secretary is able to conclude that plot B is more suitable, the resulting waste of time and money on the part of the sponsor, as well as the tieup of Federal funds pending this determination, seems difficult to justify if it can be avoided.

The amendment is designed to avoid such consequences by insisting on an environmental determination at the earliest practicable stage of Federal involvement. The determination that is called for is therefore prospective rather than retrospective and, for this reason alone, it is considerably more likely to be correct.

Just how far down the line things can go before a project application is approved is illustrated by the example of the development of the Everglades jet training facility. That facility is now in operation, although fortunately under extensive restrictions.

FAA's file on the project reveals the very difficulties that this amendment is designed to deal with and the very difficulties which the language of S. 3108 leaves completely unremedied. According to the file and supporting information, Dade County submitted its request for aid for the project on December 8, 1967. That request was approved on April 25 of the following year. As is so often the case with project sponsors, Dade County then purchased its land for the facility on June 17, months before submitting its project application on September 9. The next significant event in this sequence occurred on September 19, 1968. On this date, a full 2 months before approval of the project application—the time, it should be remembered, which H.R. 14465 selects as the appropriate time for environmental determinations by the Secretary—a ground-breaking ceremony was held on the construction site. Thus at the time the project application was approved, construction on the site had been underway for some time.

Mr. President, under the terms of H.R. 14465, a similar situation could well arise again. If we are truly committed to avoidance of unnecessary environmental damage, we thus have no choice but to reject those terms.

Three weeks ago today the Senate took an important step in the area of environmental control when it voted to increase the safeguards in S. 3154, the urban mass transportation assistance bill. Today we have an opportunity to extend that effort to the sphere of airport construction. It is to be hoped that similar action can then be taken with respect to other major transportation systems.

It seems clear that in light of the pressing nature of our environmental crisis, what is needed is decisive action on all fronts. The proposed amendment, through its early hearing and environmental determination procedures, its consultation requirements, its air and water quality enforcement procedures, and its stiff standards for general environmental control would close the door to further construction of environmentally deficient airports. We have been too careless too long in permitting such airports to puncture our rapidly deteriorating landscape. It is time we began to stem the tide.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. SPONG. Mr. President, it was a privilege to participate with the Senator from Michigan (Mr. HART) early last December in urging the chairman of the Commerce Committee (Mr. MAGNUSON) to consider an amendment to the airport/airways bill which would give additional weight to environmental factors in airport development projects.

Airport development obviously would be given great impetus through the creation of a multimillion-dollar trust fund, and it seemed imperative to me that the Nation's air transportation needs be balanced by an expression of congressional intent to protect natural resources.

I am gratified that Senator MAGNUSON has agreed to our proposal. The amendment contains a declaration of policy and specific procedures intended to assure consideration during airport planning of such factors as air and water pollution; noise levels; fish and wildlife; and natural, scenic, and recreational assets.

It is of particular significance and importance that the public would be afforded an opportunity for a hearing on development projects, and that machinery would be established for a review of environmental questions by the Governor of the State in which the project is to be located; the Secretary of the Interior; the Secretary of Health, Education, and Welfare; and the Council of Environmental Quality.

In view of the problems that were encountered in the development of the commercial jetport near the Everglades National Park—a project which fortunately has been stopped—it is necessary that additional protection be provided on a nationwide basis for community and environmental values involved in airport projects.

The pending amendment would serve that purpose. It is comparable to environmental provisions recently approved by the Senate in the Urban Mass Transportation Act. Adoption of the amendment would demonstrate in a tangible way the Senate's concern over the environmental stress that can be created by large airport development projects.

Mr. MUSKIE. Mr. President, I am pleased to sponsor this amendment with the senior Senator from Michigan. This amendment to the Airport Construction Act—H.R. 14465—will insure that environmental quality considerations will be paramount in the development of our national and airway system.

Senator HART's amendment is another example of his continuing effort to insure that our environmental needs are met as we deal with the Nation's transportation crisis.

I wish to draw particular attention to subsection (g) of the amendment. This subsection provides that no project authorized by this title shall be approved unless the Governor of the State in which the project may be located certifies that there is reasonable assurance that the project will be located, designed, constructed, and operated so as to comply with air and water quality standards. Although other sections of the amendment authorize the Secretary of Transportation to consider environmental effects before approving any project, subsection (g) requires that public officials with the responsibility to protect the environment have an opportunity to veto any project application.

This procedure is similar to the certification procedures developed in section 16 of the Water Quality Improvement Act of 1969—S. 7—as passed by the Senate. Subsection (g) also carries forward the concepts embodied in section 102(C) of the Environmental Quality Act of 1969. Public officials responsible for the protection of the environment should have the primary responsibility for determining whether major projects and facilities in question will adversely affect the environment.

Our environmental protection problem involves competition in the use of resources—a competition which exists to-

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day in the Department of Transportation and exists in any department which must develop resources for public use.

The Department of Transportation is not the agency to determine air pollution control requirements for the transportation industry. Neither is it the agency to make the basic determination regarding the effect of major airport projects on air and water quality.

The agency which determines environmental quality effects must have only one goal: the protection of this and future generations against changes in the natural environment which adversely affect the quality of life.

The problems of environmental pollution will not be solved by picking up the rhetoric of antipollution concern and then assigning the control of pollution to those responsible for the support or promotion of pollution activities.

This amendment requires the Secretary of Transportation to take environmental considerations into account before approving any project application. This amendment requires the Secretary of Transportation to consult with the Secretary of Interior, the Secretary of Health, Education, and Welfare, National Council of Environmental Quality, and the Governor of the State in which the project may be located before approving any project application. Nevertheless, it is important that those responsible for environmental protection make the basic determination regarding environmental effects.

I hope that the Senate will approve this important amendment. It requires the kind of environmental conscience which we have not exercised in the past.

Mr. CANNON. Mr. President, the committee was very concerned about the environmental problems associated with the improvement of existing airports or with the location and development of new airports, and we wrote provisions into the bill that we thought were adequate to give protection. However, our staff has worked with the staff of the distinguished Senator from Michigan and the distinguished Senator from Maine and others to try to work out what they believe will be an improvement. We see no objection to the change in language. It does the same thing we were trying to do in the original bill. We will accept the amendment.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. MAGNUSON. Just to make a little legislative history.

We all agree, of course, with the thrust of the amendment and the general objectives. But we also want to be as practical as possible about these things.

Although some procedures with hearings are involved in this amendment, I am hopeful that the Secretary will take notice that we are not insisting that there be unconscionable delays in these matters, or that people, for the sake of doing something, hold up decent and reasonable progress in the aviation field.

I am sure the Senator agrees with that?

Mr. HART. I completely agree.

Mr. MAGNUSON. Second, there was some fear that in the existing airports which are necessary to this country, any little improvement, small extension of anything, a new ramp, or some of those things that might be involved, might have to go through a long hearing if someone objected. I think we all agreed that the intent of the amendment would be that it would have to be major and substantial.

Mr. HART. That is clearly the purpose of the amendment.

Mr. MAGNUSON. So that there would be no question about it. We realize that people can still, regardless of the amendment, come into court if they think they have been injured in some way. They do that every day. That right is not touched at all by the amendment, is that correct?

Mr. HART. It is not our intention to. It is our belief that cannot be touched.

Mr. TALMADGE. What does the word "environmental" mean? Does it include "noisy"?

Mr. HART. It is intended by the authors of the amendment that "environmental" refers to noise, air, water, and other matters of environmental significance. It is not limited merely to esthetics but relates to the practical environmental problems of airports as well.

I should add that it is our belief that by adoption of the amendment we will not handcuff development of airports, the needs of which are so well recognized, but will insure adequate opportunity for a record to be made to establish that environmental damage of a substantial character is not involved in the establishment of a federally funded airport.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

Mr. HART. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. CANNON. Mr. President, I send to the desk an amendment and ask that it be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the Record at this point.

The amendment of the Senator from Nevada is as follows:

> On page 97, line 17, strike out "$3" and insert in lieu thereof "$5".

Mr. CANNON. Mr. President, I will explain the amendment in about 3 minutes. I do not intend to ask for a rollcall vote on it, but I should like to have the attention of the Senator from Louisiana (Mr. Long).

The amendment would raise, rather than reduce, taxes. The amendments we have been talking about all day today have been with reference to reducing user taxes. This would raise the overseas passenger tax from $3 to $5 per trip. This is the amount the Commerce Committee originally recommended to the Finance Committee. However, that committee did not approve it.

This is really a passenger tax on overwater flights.

I should like to give just a brief example of how it will work.

The San Francisco to Honolulu base one-way fare is $100. An 8-percent ticket tax would make that $108. We would apply an over-water tax of $5. Yet, under the Finance Committee proposal, that total amount would be only $103 rather than $105. In other words, they provide an over-water tax of $3. So people traveling over water will not pay as much in proportion to people traveling within the country to finance the airways program.

This change would bring in approximately $19 million in additional revenue in fiscal 1971, and about $28.4 million in additional revenue in fiscal 1980, so that it would much more than make up for the reductions we made in general aviation taxes we have approved by amendment.

I would hope that the distinguished chairman of the Finance Committee would be willing to accept the amendment. I think it is a good one and would provide for some of the loss in the revenue adjustments already made in the bill.

Mr. LONG. Mr. President, as zealous as I, as chairman of the Finance Committee, have been in trying to raise revenue for the Government to pay its way, I cannot support, nor can the Committee on Finance support this amendment.

It is our best understanding that if we go beyond the $3 tax and impose a $5 tax, then foreign countries will retaliate and impose a $5 tax on international travel coming in its direction.

It is my understanding that many of their airports are not as good as ours and they do not need the $5 charge to finance those facilities. But, on the other hand, if we have the $3 charge which is posed here by the Finance Committee, there is little basis for the foreign people to engage in the kind of retaliation that would occur, to charge more than the cost to provide for the facilities they have in their countries.

The flights back and forth from Alaska and Hawaii are regarded as international air flights, so that we would be getting $2 additional per ticket on Alaska and Hawaii flights, which we do not believe to be justified under the circumstances, and therefore we feel that that tax would be too high.

The committee has looked into this and thought it would be best that the tax should be no more than $3, as recommended here.

Mr. CANNON. Mr. President, on the argument about Alaska and Hawaii, we have already given them an advantage. Under the bill they do not have to pay the 7½-percent charge on the ticket value, such as a passenger from New York to California or a passenger from New York to Nevada does. Therefore, such travelers would be subject only to the head tax. The overwater tax would be less for them than would the 7.5-percent tax on fare if it were to apply.

Mr. LONG. Mr. President, the reason that Alaska and Hawaii are not paying the tax on air safety between those points and the mainland is that there are no physical facilities out there. They fly over the ocean where they do not have facilities which have to be provided over

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the mainland of the United States. So, if they do not use the facilities, why should they have to pay the tax? They do pay the same international tax.

Increasing this tax will lead to retaliation—that is what we are advised by those who have studied the problem. We do not want to invite that. We want a tax that will keep the cost down.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

Mr. LONG. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Nevada.

Mr. HOLLAND. Mr. President, I ask for a division.

The PRESIDING OFFICER. A division is called for.

On a division, the amendment was rejected.

Mr. STEVENS. Mr. President, I call up the amendment submitted earlier today by myself and the Senator from Washington.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 91, line 21, insert the following new section:

"SEC. 306. MAXIMUM OVERTIME CHARGES FOR CUSTOMS INSPECTION, FOREIGN QUARANTINE INSPECTION AND IMMIGRATION AND NATURALIZATION SERVICES.—Section 451 of the Tariff Act of 1930, as amended (19 U.S.C. 1451), is further amended by inserting following the word *'Provided'* the following new material:

" 'That, notwithstanding any other provisions of law, the owner, operator, or agent of any private aircraft or private vessel shall pay to the United States a fee to be prescribed by the Secretary of the Treasury by regulation, but in no event shall such fee exceed $25 and in any case in which the amounts which would otherwise be payable under applicable provisions of law, be less than $25 such lesser amounts shall be charged and collected for services performed upon the request of such owner, operator, or agent by an officer or employee of the Customs Service, by an officer or employee of the Immigration and Naturalization Service, by an officer or employee (including an independent contractor performing inspectional services) of the Foreign Quarantine Division of the Public Health Service or by an officer or employee designated by the Secretary of Agriculture, on a Sunday or holiday, or at any time after 5 o'clock postmeridian or before 8 o'clock antemeridian on a week day, in connection with the arrival in, or departure from, the United States of such private aircraft or vessel, unless, in the case of weekday services, an officer or employee stationed on his regular tour of duty at the place of such arrival or departure is available to perform the services. No fee or other payment shall be collected for such services merely because they are performed on a day which is considered, under title 5 of the United States Code or under an Executive order, as in lieu of an actual holiday, but such fee shall be collected for such services performed on a Monday following a holiday falling on Sunday. In determining the fee to be prescribed in regulations, the Secretary of the Treasury shall consult with other Government agencies named in this provision, and such fee shall be charged by each such agency that provides services in connection with such arrival or departure of a private aircraft or private vessel. The amounts payable on the basis of the fee prescribed by the Secretary of the Treasury and paid to the Government under this provision shall be in lieu of any other compensation, fees, or expenses required by any other law or regulation to be paid to the Government for the services involved. The term "private aircraft" means any civilian aircraft not used to carry passengers for hire or merchandise for hire, and the term "private vessel" means any civilian vessel not used to carry passengers for hire or merchandise for hire or to engage in the fisheries; *Provided further,'*.

"The foregoing amendment shall take effect with respect to private aircraft or private vessels arriving in or departing from the United States on or after July 1, 1970."

Mr. STEVENS. Mr. President, under present law, if a person wishes to enter the country at night or on Sunday or a holiday and have his person and his luggage inspected by customs officials, he must pay the cost incurred by the Treasury Department in bringing a customs official down to perform this service. These charges will vary widely in amount and have often been as much as $90. I feel that, since these services are required for the protection of all our citizens and inure no benefit directly to the person paying the charges, they should be borne equally by all taxpayers. I thus introduced an amendment to eliminate these overtime charges.

The Treasury Department has indicated that they are opposed to the elimination of these overtime charges for two reasons. First, the cost to the Treasury would be substantial; and second, there would be no deterrent to persons scheduling their arrival any time that suited them. In lieu of my amendment, the Department has endorsed a compromise proposal, and the Senator from Washington (Mr. MAGNUSON) and I are submitting that proposal as an amendment to H.R. 14465 at this time.

The amendment would grant to the Secretary of Treasury the power to set a fee to be assessed to anyone requiring Customs Service, Immigration and Naturalization Service, or Foreign Quarantine Service after consultation with the services involved. This would assure that no one would be charged an excessively large fee. The fee to be charged in a particular instance, however, could not exceed the fee required under present law. Thus, the new fee would be a maximum charge that any person requiring these services could be required to pay. The proposal thus has the advantage of the flat fee system, but at the same time will not cause those who are paying a smaller fee to pay more than they had in the past.

The Treasury Department describes the advantages of this approach as follows:

First, it would eliminate the higher user charges which most readily provoke complaints;

Second, it would permit careful operators still to benefit from shared charges and thus pay smaller amounts;

Third, it would maintain an incentive for private aircraft and vessels to make entry during hours of normal service; and

Fourth, the unrecouped costs to the U.S. Government would be minimal and manageable within the budget of the Department of the Treasury.

This amendment has the support of the Treasury Department and will solve one of their longstanding sources of complaint while retaining the advantages of the present program and minimizing the cost to the U.S. Government. The Bureau of the Budget has indicated informally that it has no objection to the Treasury's amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I yield to the Senator from Louisiana such time as he requires.

Mr. LONG. Mr. President, I have studied the amendment. The Senator has a letter supporting the amendment from the Treasury Department.

Mr. STEVENS. The Senator is correct.

Mr. LONG. Mr. President, I hope the Senator will discuss the matter briefly with the Senator from Delaware (Mr. WILLIAMS). I believe that we can accept the amendment. The Treasury supports the objective of the amendment. I believe it is meritorious.

Mr. STEVENS. Mr. President, we have discussed the matter with the Senator from Delaware. He has no objection.

Mr. LONG. Mr. President, under the present law, private aircraft must pay fully the cost of customs services provided at irregular hours when these aircraft arrive from overseas destinations, including Canada. At times, these costs can become quite steep—running to over $90 for a landing. Nearly 60 percent of the charges to private aircraft for overtime service, however, amount to less than $15 for aircraft.

Many private aircraft owners have complained about these extra costs for overtime work by customs officials. At one point, the Treasury Department was suggesting a flat fee which would make all private aircraft pay the same amount when landing at unusual hours. This would have, in effect, raised the user charges on the majority of private aircraft who now pay less than $15 for a landing in extra customs charges, while reducing it for the small minority who may pay as much as $90. Treasury now properly opposes the flat fee approach.

This amendment meets all the objections we have heard. It would establish a $25 maximum fee for overtime customs services. This will substantially reduce the cost to those few aircraft owners who would have had to pay as much as $90, while, at the same time, preserving the situation with respect to those owners of aircraft who now pay less than $25. In other words, the majority would continue to pay only a nominal fee, as they have in the past, while the minority will pay a maximum of $25. Treasury has given us a letter in which they approve this approach, although they prefer language which would give them discretion to fix a larger limit in the future. I think we should study a higher limit in the future.

The total cost to the Treasury of this amendment is estimated to be $65,000

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per year, which Treasury says can be absorbed within its existing budget.

I ask unanimous consent that the letter from the Treasury be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The General Counsel
of the Treasury,
Washington, D.C., February 25, 1970.

Hon. Russell B. Long,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: Reference is made to the request of Mr. Thomas Vail for the views of the Department on an amendment to the Aviation Facilities Expansion Act of 1969, H.R. 14465, proposed on the floor of the Senate by Senator Theodore Stevens, which would provide for the charging of a flat fee for overtime services rendered by Customs and other inspectional personnel for private aircraft arriving at airports of entry in the U.S. from foreign departure points.

The establishment of such a flat fee could be expected to eliminate complaints which the Bureau of Customs, the Department of the Treasury, and members of Congress have heretofore received from private aircraft operators who have sometimes had to bear the entire cost of overtime services by a Customs or other inspector, which can, depending on the pay level of the inspector and the period for which the overtime charge is incurred, amount to $90 or more. However, a flat fee set by the Secretary of the Treasury at such a level as to recoup the aggregate cost to the U.S. government of all such overtime charges would amount to approximately $19 or $20 per aircraft. At present, nearly 60% of the charges to private aircraft for overtime service amount to less than $15 per aircraft; and 45% amount to less than $10. Thus, we would anticipate that a majority of aircraft operators would be charged more under this amendment than they are presently being charged. This will lead to an even larger number of complaints from private aircraft users, especially from those foresighted persons who have previously planned their arrivals to occur during periods in which overtime costs are shared. Therefore, the Department is opposed to the enactment of this amendment.

In lieu of this amendment, the Department of the Treasury proposes the attached legislation, which would authorize the Secretary of the Treasury to establish a maximum charge for overtime services to private aircraft and vessels, but would retain the present system of pro-rating overtime charges over several using aircraft or vessels whenever this would result in a charge to such aircraft or vessel of less than the maximum charge. If the amendment is enacted, it is the intention of the Secretary of the Treasury initially to establish a maximum charge of about $25 per aircraft or vessel. It is estimated that this would result in unreimbursed costs to the Bureau of Customs of about $65,000.

The Department of the Treasury visualizes the following special advantages to this proposal:

1. It would eliminate the higher user charges which most readily provoke complaints;

2. It would permit careful operators still to benefit from share charges and thus pay smaller amounts;

3. It would maintain an incentive for private aircraft and vessels to make entry during hours of normal service; and

4. The unrecouped costs to the U.S. government would be minimal, and manageable within the budget of the Department of the Treasury.

The Department has been advised informally by the Bureau of the Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

Paul W. Eggers,
General Counsel.

Proposed Amendment

Section 451 of the Tariff Act of 1930, as amended (19 U.S.C. 1451, is further amended by inserting following the word *"Provided"* the following new material:

"That, notwithstanding any other provisions of law, the owner, operator, or agent of any private aircraft or private vessel shall pay to the United States a fee to be prescribed by the Secretary of the Treasury by regulation, but in no event shall such fee exceed the amounts which would otherwise be payable under applicable provisions of law, for services performed upon the request of such owner, operator, or agent by an officer or employee of the Customs Service, by an officer or employee of the Immigration and Naturalization Service, by an officer or employee (including an independent contractor performing inspectional services) of the Foreign Quarantine Division of the Public Health Service, or by an officer or employee designated by the Secretary of Agriculture, on a Sunday or holiday, or at any time after 5 o'clock postmeridian or before 8 o'clock antemeridian on a weekday, in connection with the arrival in, or departure from, the United States of such private aircraft or vessel, unless, in the case of week day services, an officer or employee stationed on his regular tour of duty at the place of such arrival or departure is available to perform the services. No fee or other payment shall be collected for such services merely because they are performed on a day which is considered, under title 5 of the United States Code or under an Executive order, as in lieu of an actual holiday, but such fee shall be collected for such services performed on a Monday following a holiday falling on Sunday. In determining the fee to be prescribed in regulations, the Secretary of the Treasury shall consult with other Government agencies named in this provision, and such fee shall be charged by each such agency that provides services in connection with such arrival or departure of a private aircraft or private vessel. The amounts payable on the bais of the fee prescribed by the Secretary of the Treasury and paid to the Government under this provision shall be in lieu of any other compensation, fees, or expenses required by any other law or regulation to be paid to the Government for the services involved. The term "private aircraft" means any civilian aircraft not used to carry passengers for hire or merchandise for hire, and the term "private vessel" means any civilian vessel not used to carry passengers for hire or merchandise for hire or to engage in the fisheries; *Provided, further,*".

The following amendment shall take effect with respect to private aircraft or private vessels arriving in or departing from the United States on or after July 1, 1970.

Mr. LONG. Mr. President, I think it is a good amendment. The amendment should be agreed to.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. LONG. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. LONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, reads as follows:

Page 101, strike out lines 16 through 22 and insert the following:

"(b) By Whom Paid.—

"(1) In general.—Except as provided by paragraph (2), the tax imposed by subsection (a) shall be paid by the person making the payment subject to tax.

"(2) Payments made outside the United States.—If a payment subject to tax under subsection (a) is made outside the United States and the person making such payment does not pay such tax, such tax—

"(A) shall be paid by the person to whom the property is delivered in the United States by the person furnishing the last segment of the taxable transportation in respect of which such tax is imposed, and

"(B) shall be collected by the person furnishing the last segment of such taxable transportation."

Page 102, beginning with line 20, strike out all through line 4, page 103, and insert the following:

"(a) In General.—For purposes of this part, except as provided in subsection (b), the term 'taxable transportation' means transportation by air which begins and ends in the United States.

Mr. LONG. Mr. President, this amendment would strike from the bill the tax on incoming international airfreight over the territory of the United States.

Our staff has studied the House language. We have attempted to improve on it. It simply presents some substantial administration problems in determining the amount of the tax and in collecting it. We are advised by the carriers that the cost of handling this might exceed the tax that would be collected.

We would hope we could work this matter out in conference. If not, it appears that the tax is inefficient and too costly to collect. It involves perhaps $2 million. We feel that the nuisance would exceed the revenue. If we cannot solve the matter before the bill is enacted, I think the provision should be stricken from the bill.

I urge that this provision be stricken now from this bill and I hope that we can work the matter out in conference.

Mr. President, I yield back the remainder of my time.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. DOMINICK. Mr. President, I call up amendment No. 522.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, reads as follows:

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Page 112, lines 7, 8, and 9, strike out "capable of providing a seating capacity for more than four adult individuals (including the crew)" and insert "having a maximum certificated takeoff weight (as defined in section 4492(b)) of more than eight thousand pounds".

Page 112, line 11, strike out the period and insert: "in excess of eight thousand pounds."

Mr. DOMINICK. Mr. President, I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 8 minutes.

Mr. DOMINICK. Mr. President, I will be short on this matter. I do not think I need that much time.

In addition to the $25 registration fee on which we voted, page 112 provides also for a tax on any civil aircraft. And then it says in subsection (2):

> In the case of any aircraft capable of providing a seating capacity for more than four individuals (including the crew) . . .

That means in effect the four-passenger airplanes are excluded and everything else is included.

The purpose of this, from the Finance Committee standpoint, was to try to get away from the trainers, the ones being used on flights around the field, and private and other small engine airplanes. But the fact of the matter is that this exception leaves in, as far as I can see, the DC–8 cargo airplanes which are only configured for three seats, perhaps four. Most private and other cargo planes are configured that way. It leaves in, in fact, the taxing of planes like a Cessna 310, or whatever else of that kind it may be, the twin-engine planes which are largely a pleasure type aircraft.

My provision, instead of including the seating capacity, strikes out the seating capacity and provides that we will tax all aircraft on their poundage above 8,000 pounds.

If an aircraft weighs 12,000 pounds, the first 8,000 pounds would be eliminated from the tax. The plane would only be taxed on 4,000 pounds.

If it is a DC–8, the poundage is very heavy. They would get the benefit of having 8,000 eliminated from the tax and would have to pay on the balance of the poundage.

The purpose of my measure is not only to give some relief against poundage for the smaller aircraft, but also to reflect the fact that the heavier aircraft—the ones which cause more wear and tear on the runways than anything else—should be required to pay a tax, whether it be Lear jet or a Sabreliner, or whatever else it may be.

That is part of the problem of including the seating capacity. We can take one of the French jets which weighs considerably more than 8,000 pounds. Yet, it has only four seats. And it would be exempted from the tax.

It does not seem to me to be right.

My amendment would do no more than set a limit. The first 8,000 pounds of any aircraft would be exempted from the tax and they would have to pay the tax on the remaining poundage.

Mr. President, I reserve the balance of my time.

Mr. LONG. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 3 minutes.

Mr. LONG. Mr. President, what the Senator is seeking to do is to further reduce the tax on general aviation. Most Senators were not present when I explained the distribution of the tax burden between general and commercial aviation. General aviation will be conducting 90 percent of all operations on these airports, before too long.

The Senator made the statement that general aviation flies more passengers than does commercial aviation. Not only will they be flying more passengers, but general aviation will be conducting 90 percent of the airport operations and still pay only 7 percent of the tax.

The Senate has already voted twice to reduce the tax on general aviation.

If the Senate agrees to this amendment, then perhaps we should go ahead and take all the tax off general aviation.

The people who buy tickets on the airlines only get 10 percent of the airport operations benefit, but pay 93 percent of the cost. If those people did not have to pay the cost for the airport and airway system either, we would then wind up without any trust fund.

The amendment would eliminate the poundage tax on 97 percent of general aviation airplanes. We started in the committee by saying that if a person had a small plane with place for no more than four adults, he would not have to pay any tax based on the weight of the airplane. He would only pay the $25 a year tax.

The Senate has now voted to take that out. Seventy-five percent of all the private planes would not pay anything, since they are already excepted from the poundage tax.

The Senator now proposes that we reduce that to 97 percent. In fairness, we ought to strike it all out.

I would hope Senators muster the courage which the Committee on Finance did. We have the responsibility to try to find money to keep the Government solvent. I hope the Senate will muster the same fortitude which was exercised by the Committee on Finance so that the people who are getting the most benefit from this will pay a fair share of the cost.

I hope the amendment is not agreed to.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). Do Senators yield back their time?

Mr. DOMINICK. Mr. President, I yield myself 5 minutes. I think I should reply to what the distinguished Senator has said.

I want to point out once again, as I said originally, that the difficulty with the language in the bill now is that the cargo aircraft, configured for a crew of four, will not be covered so they will not get a tax out of that. My guess is that with my amendment we will get more money than if we do not have it.

The other argument, which is legitimate, is that we are putting most of this money in the area where most airliners are covered and yet we are paying a 6-cent fuel tax, and paying on all executive and business aircraft. They are all more than 8,000 pounds.

All I am saying is that the smaller aircraft should be treated alike and that the bigger aircraft—executive and cargo planes—should pay the tax and this will not happen the way the bill is now.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. DOMINICK. Mr. President, I ask for the yeas and nays. The yeas and nays were ordered.

The PRESIDING OFFICER. Do Senators yield back the remainder of the time?

Mr. DOMINICK. I yield back my time.

Mr. LONG. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (No. 522) of the Senator from Colorado. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from Arizona (Mr. FANNIN). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Arizona would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Utah (Mr. BENNETT). If present and voting, the Senator from Texas would vote "yea" and the Senator from Utah would vote "nay."

The result was announced—yeas 28, nays 54, as follows:

[No. 65 Leg.]

YEAS—28

Allen
Allott
Burdick
Case
Cook
Cotton
Curtis
Dole
Dominick
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Mathias
McGee
Mondale
Murphy
Pearson
Percy
Schweiker
Smith, Maine
Stevens
Thurmond
Young, N. Dak.

NAYS—54

Aiken
Anderson
Bayh
Bellmon
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Cranston
Dodd
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Goodell
Gore
Griffin
Holland
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McClellan
McIntyre
Miller
Moss
Nelson
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Scott
Sparkman
Spong
Stennis
Symington
Talmadge
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NOT VOTING—18

Baker
Bennett
Church
Fannin
Goldwater
Gravel
Hughes
McCarthy
McGovern
Metcalf
Montoya
Mundt
Muskie
Packwood
Russell
Saxbe
Smith, Ill.
Tower

So Mr. DOMINICK's amendment No. 522 was rejected.

AMENDMENTS NO. 530

Mr. COOK. Mr. President, I call up my amendments No. 530.

The PRESIDING OFFICER. The clerk will state the amendments.

The assistant legislative clerk read the amendments (No. 530), as follows:

On page 72, line 10, strike "50" and insert in lieu thereof "75".

On page 72, line 18, strike "25" and insert in lieu thereof "10".

Mr. COOK. Mr. President, let me very simply state what the amendment does. It proposes to increase the program from a 50–50 basis to a 75–25 basis. As we all know, the Federal highway program operates on a basis of 9–1 or 90–10.

The reason I feel this way is that the bill itself almost usurps all the sources of revenue. So we will find local airports and local agencies really without the wherewithal to participate on a 50–50 basis. We will have the revenue within the agency, but we will not be able to share it on that basis, because of a lack of local funds.

For a few minutes I will read the position this would put my State in. Then I want my colleagues to consider the position their States may be in.

On an area-population ratio, Kentucky's share would be $1.213 million per year.

Under the hub-enplanement ratio, Kentucky's share will be $.648 million, of this Lexington-Frankfort will receive $.072 million and Louisville will receive $.576 million. No prediction for the discretionary fund share but using the foregoing figures as a yardstick Kentucky might receive an additional $600,000 according to the department of aeronautics.

What that means is that as a total for the year, we would receive $2.461 million. These figures are derived from pages 29 and 30 of the Senate committee report on S. 3108.

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until order is restored.

Mr. COOK. The Greater Cincinnati Airport is apparently not listed under the Kentucky figures, although it is in the commonwealth. On page 31 of the committee report, Cincinnati, Ohio, is given $846,000 under the hub-enplanement ratio. The figures are not broken down as to what the Greater Cincinnati will receive on the area-population formula. Roughly speaking, Kentucky's total may be increased by the Greater Cincinnati Airport's share by approximately $1.5 million—this is a rough guess—according to the department of aeronautics.

As to the needs of our State, according to the Kentucky Department of Aeronautics, estimates for the total funds needed for the next decade total $462,816,250. Of that amount, $233 million is eligible under the present Senate bill for matching funds. The remainder, $239 million, is for terminal facilities and other items such as access roads, parking lots which are ineligible for Federal matching funds under this Senate bill.

However, the local airports are going to have to raise and spend this money, besides having to raise about $117 million so that they can be on a matching basis.

I asked the respective airports in our area just exactly what the impact on them would be, and received the following replies.

Mr. Dicky says the Greater Cincinnati Airport, which is located in Boone County, Ky., will require, for land acquisition, new taxiways, runway extension, ramps, and terminal facilities. Cincinnati has a $11.5 million bond indebtedness, and, as we all know, the bond market right now is so tight that they probably could not sell any more.

This is another point I wish to stress, because these funds will have to be raised, and if the funds are not raised through local efforts or as a result of activities at the State level, any bond issues in the near future will find it difficult to find a buyer.

For the Lexington airport, Mr. Gray says the need is for overlaying and improving runways and ramps. The terminal handles one-quarter million people a year, whereas it was built to handle 75,000 a year. They will need approximately $1.5 million for a new terminal, and will have no way to get any money from the bill.

Louisville, in the near future, will need $8 million for expansion and repair and overlaying of existing runways to bring it up to Boeing 747 standards, and for the C–5A, which the department tells us will have to come into Louisville because of the situation at Fort Knox.

By 1975 Standiford Field will reach a saturation point and new jetport will be needed. The department of aeronautics estimates that another $120 million will be needed by 1990 in addition to the $316 million already estimated.

At the moment Louisville has no bonded indebtedness, but has outstanding notes of over a half million dollars.

As to the Owensboro-Davies County airport, although not listed under major projects, Mr. Adams informs me that they will need approximately $2.2 million over the next 10 years. Of that amount, $1.3 million—for land acquisition, runway extension, ramp extension, and navigational aids—will be eligible. A balance of $900,000 for terminal facilities will not be eligible.

At Paducah-Barkley Field they say that they can use $3 million in 10 years for land acquisition, runway extension, ramps, and navigational aids. All of this eligible for Federal matching funds.

I am proud to say that our State legislature, in its budget just passed, appropriated for airport and airway development, for fiscal year 1970–71, $875,000, and for fiscal year 1971–72, $1.575 million. This amount is to be matched on the local level, with 25 percent State and 50 percent Federal participation.

So in conclusion, Mr. President, over the next 10 years the State of Kentucky will be eligible to receive approximately $2.4 to $3.9 million—depending on whether the Cincinnati figures in the Senate report are correct—per year for the next 10 years. Total 10-year Federal aid will be approximately $24 to $39 million. Kentucky needs a total of $462 million, of which $239 million is eligible for Federal matching funds.

So, Mr. President, if we talk about this and make up our minds that we should be on a 50–50 basis, I am only saying that when you create an agency and set up a trust fund, and usurp all the basic sources of revenue, you are not likely to find very much participation on a 50–50 basis. For Senators who think they can sell this bill as a panacea for the total airport facilities situation throughout the country, I am afraid it is not going to be that way at all.

I ask unanimous consent to have printed in the RECORD at this point a table showing the estimated financial needs for airport and airways development in the Commonwealth of Kentucky during the next decade.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FINANCIAL NEEDS OF AIRPORT/AIRWAYS DEVELOPMENT IN KENTUCKY DURING THE NEXT DECADE

KENTUCKY DEPARTMENT OF AERONAUTICS

	Eligible for Federal aid under H.R. 14465	Ineligible for Federal aid	Total
I. Major projects:			
1. Greater Cincinnati	$32,000,000	$55,000,000	$87,000,000
2. Lexington, Blue Grass Field	9,025,000	2,310,000	11,335,000
3. Louisville:			
(a) Standiford Field	3,000,000	12,000,000	15,000,000
(b) Bowman Field	None	500,000	5,000
(c) Proposed jetport	168,824,916	147,390,000	316,214,916
4. Pikeville	7,743,000	580,500	8,323,500
Subtotal	220,592,960	217,780,500	438,373,460
II. All other projects	18,850,190	5,592,600	24,442,790
III. Total Kentucky project needs	239,443,150	223,373,100	462,816,250
IV. ([1])			

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[1] Of the total financial needs which are ineligible ($223,373,100), approximately 90 percent are for terminal facilities and 10 percent for access roads and miscellaneous.

Mr. COOK. Mr. President, this is the reason for my amendment. Perhaps many Senators feel that something may be accomplished in their States on a 50–50 ratio. But I think Senators need to understand that the major airports are in a position, right now, where they are bonded up to the hilt, or have borrowed every dime they can borrow, and they are not in any position to participate on a 50–50 basis.

The end result will be that they will not be able to raise the funds, because, while they are raising 50 percent of the matching funds, they also have to raise 100 percent of all funds for terminal facilities, parking facilities, and all other facilities necessary to go along with the airport, where no Federal aid will be available in any way, shape, or form.

Mr. President, I yield the floor.

Mr. CANNON. Mr. President, I yield myself 3 minutes.

The distinguished Senator from Kentucky does make a very persuasive case, and certainly well states the plight of many airport authorities around the country today.

As he stated, this bill is not a panacea. It will not solve everyone's problems. But it will get us started along the road at taking some long overdue action, and that will hopefully help us catch up by the end of this 10-year period. It certainly will not catch us up in 1, 2, or 3 years.

The Senator points up the very serious problem among the local authorities. They have to go to their various concessionaires to try to raise revenues from their concessions, or go to bonding to try to raise the funds to carry out their part of the improvements.

But I think it would be very ill advised for us, at this time, on the floor of the Senate tonight, to try to change a formula we have had in effect for a long period of time. We have had no hearings on your amendment or the impact of it, and I think we would be much better advised to pass the bill in its present form, and get the wheels in motion, and then come along with a hearing to determine whether or not the sponsors are getting a fair share of the pie, let us say, under this 50-percent Federal matching formula.

I, for one, would be perfectly willing, as a member, and in fact vice chairman, of the Aviation Subcommittee, to say that we could schedule hearings to go into the problem, explore it with the various airport authorities, States, and communities around the Nation, study the findings, and then come up with a considered judgment on the matter.

Mr. COOK. Mr. President, will the Senator yield?

Mr. CANNON. I am happy to yield.

Mr. COOK. Is the Senator saying he would be willing to have hearings during this fiscal year on the matter, before his subcommittee?

Mr. CANNON. I think this fiscal year is just about over. That means between now and July 1.

Mr. COOK. What I am really talking about is between now and adjournment.

Mr. CANNON. I would be willing to assure the Senator we would make every effort to try to get a hearing in this calendar year on the subject he is so concerned about, that is, the proper Federal share of the matching formula. This is something that will require study. We are going to have to get some reports, and give some of these States and communities the opportunity to prepare and come up with some kind of a recommendation.

Mr. COOK. I might say to the distinguished Senator that I know that probably, under normal circumstances, and the hour being what it is, a vote on this amendment would probably not be successful. I believe in it firmly, because I believe we are starting off on something we will find will be far less attractive to the aviation industry as a whole, the airports, and the airport authorities, than we really think.

But under the circumstances, if the Senator will agree to do everything in his power to have hearings in this calendar year, I think I would be willing to withdraw the amendment, purely and simply because the hour is late, and I would hate to have such a thing considered and voted on with no more than a 12-minute debate, because I think it is far more serious than that. If that is the agreement of the distinguished Senator——

Mr. CANNON. Mr. President, as I have said, I am willing to give that assurance. The chairman of our committee is in the Chamber, and I am sure he can speak for himself, but I am sure that he would agree that we will try to make every effort possible to give the Senator a hearing sometime during this calendar year on this matter.

Mr. COOK. Mr. President, under the circumstances, I withdraw my amendment.

The **PRESIDING OFFICER.** The amendment is withdrawn.

The bill is open to further amendment.

AMENDMENT NO. 517

Mr. STEVENS. Mr. President, I call up my amendment No. 517.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

AMENDMENT NO. 517

On page 105, line 16, strike out the closing quotation marks, and after line 16, insert the following:

"STATE AND LOCAL GOVERNMENTS

"SEC. 4283. Under regulations prescribed by the Secretary or his delegate, the taxes imposed by sections 4261 and 4271 shall not apply to transportation furnished to the government of any State, any political subdivision of a State, or the District of Columbia."

Page 97, lines 22 and 23, strike out "sections 4281 and 4282" and insert "sections 4281, 4282, and 4283."

Page 114, line 22, strike out the period and insert a comma, and after line 22, insert the following: "except that such term does not include any aircraft which is owned by the government of a State, any political subdivision of a State, or the District of Columbia and which is normally used exclusively in the exercise of governmental functions."

Mr. STEVENS. I yield myself 5 minutes.

First, let me say, to make sure the RECORD is clear, that the amendment is cosponsored by the Senator from California (Mr. CRANSTON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. MOSS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Ohio (Mr. YOUNG). I ask unanimous consent to add the names of the Senator from Hawaii (Mr. FONG), the Senator from Oklahoma (Mr. BELLMON), and the Senator from Illinois (Mr. SMITH) as cosponsors of the amendment.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. STEVENS. This amendment would eliminate from the application of this bill the taxation which would be applied for the first time to transportation furnished to a State or political subdivision or the District of Columbia, and it also would exempt from the application of this bill State-owned aircraft.

In my State, in the State of Hawaii, and in many of the other Western States—I think it applies to all States now—the State officials are traveling by air. This amounts at this time to an imposition of a 7.5-percent additional charge for transportation on State and local officials, at a time when their budgets are already building up. It will just reduce the transportation of State and local officials by 7.5 percent, as a practical matter, because they cannot afford to take on this kind of burden.

I would echo what the Senator from Kentucky has said: We are really taking away from the State and local governments a source of revenue by this bill. At the same time, we are telling them that they are going to have to pay more for their transportation. We have not imposed this type of tax before on State and local governments. We have been informed that the National Organization of State Governments, the National League of Municipalities, the National Association of Counties, the National Governors Conference, the Organization of Airport Operators—and I have been contacted by Governor Mandel, Governor Reagan, and the Governor of Alaska—that they view this bill as something that is going to seriously limit the effectiveness of their local political subdivisions and State governments.

I feel that the amendment is worthwhile and that we should not at this time impose this transportation tax on State and local governments.

Mr. CANNON. Mr. President, I yield myself 3 minutes.

I am not the manager of this part of this bill and I see the manager in the Chamber. I am opposed to the proposal advanced by the Senator from Alaska.

We are trying to write a bill that will provide some of the funds to get the job done, and I do not like to see user tax exemptions put in for States, municipalities, or whatever it may be. We are refunding to them so much more money under this bill than the amount they

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are going to contribute in taxes, that this seems to me to be somewhat of an unreasonable request.

I yield to the chairman of the Committee on Finance.

Mr. LONG. Mr. President, the way the law stands today, every time somebody buys an airline ticket, if the ticket costs $100, somebody adds $5 for the present 5-percent ticket tax. They add $100 plus $5 to get the total fare of $105. So, on 160 million tickets sold each year, the little ticket girl sits there and adds it up and calculates. Everybody has to stand in line while she adds up the figures.

When people advertise that it costs, let us say, $50 to fly from Washington to the Queen City—New Orleans—you find out it does not cost $50 but $52.50, because they add tax to it.

This holds up the proceeding; it slows everything down. I am sure Senators are familiar with the procedure where they go to the ticket office to buy their ticket, and a great number of people are standing in line, and someone says, "Are you claiming a tax exemption?"

I do not think Congressmen ought to be claiming a tax exemption. Either the Government should pay for the transportation or they should pay for it themselves. Some Congressmen do claim it. Everybody standing in line becomes outraged about it. Here is a fellow paying taxes to pay our salaries; we are making more money than he is. The clerk has to bring out a form, and we claim the special tax advantage of being a Member of Congress. A Governor does the same thing. All State employees who are paying their own way proceed to claim it, when the State can pay it for them.

In addition, here come the college professors. A man is a professor at a State college, and that makes him a State employee, so he claims the tax exemption. A professor from a private college is outraged. The private colleges are harder up for funds than State colleges. State colleges sometimes are much better supported. The two professors travel side by side. The man from the State college gets the tax exemption and the other one does not. It makes everybody angry, and they say, "Why should he have an advantage I do not get?"

Then come the international organizations. If anybody ought to pay a tax, it is the international organizations. They fly around the world, enjoying the finest facilities and they claim the tax exemption. Everybody else is angry about it because they have to pay a tax that the international organizations do not have to pay.

How does the Finance Committee say we should handle this? This is what the Finance Committee said we should do: "Let us not exempt anybody; everybody who flies, pays." So we put the tax on the airlines. Then the tax is not on the Governor, not on the ticket, not on the passenger.

Instead of an 8-percent tax on the ticket, it works out the same to put a 7½-percent tax on the airlines for the amount the airlines charge for passenger transportation—7½ percent of the whole thing; add it up; give it to Uncle Sam. It amounts to the same thing.

So 160 million times a year it will avoid the calculation, with people standing 50 deep in line, while some poor little ticket girl calculates it. She will have to say, "Let me see, the ticket is $53. Multiply that by 7.5 and add it up. Wait a minute. I made a mistake. I will rub it out and start all over again." People are frantic to get on the airplane.

Everybody pays, and it is in the ticket—one price. Everybody pays the same. Treat them all exactly the same. When somebody needs a subsidy, let them bring in a bill, and we will try to find a way to subsidize them.

Today, the Governors' conference committee and the Committee on Finance met, and we spoke with them for a solid hour; and not a Governor—not Governor Rockefeller or any other Governor from any of these States—mentioned this subject. They did not even bring it up. If the Governors are willing to pay the tax, why should we make everybody in America angry because they have to pay a tax somebody else does not have to pay? It would be vastly easier and much more just to make the tax apply across the board.

Mr. CANNON. As the proposal now stands, is it not a fact that there will not be a passenger excise tax? The equivalent of that tax will be added at 7.5 percent onto the fare, and the person will pay one fare which will include the tax on the air carriers as well as the fare.

Mr. LONG. Yes. And when the airlines advertise that it will cost you $52 to fly there, that is what it will cost, no matter who you are, and that is the way it ought to be.

SEVERAL SENATORS. Vote! Vote!

Mr. STEVENS. Mr. President, I am just a country lawyer, but it says there is a tax imposed upon transportation of the person, and it will be collected from the airline. Today, officials of Bethel, when they want to travel to Anchorage, all have to go and get their airline tickets. They do not pay any tax. They do not pay any tax because they have an arrangement where they file their declaration and are tax exempt.

I do not know how it is done in Louisiana, the State of my good friend (Mr. LONG), but I am sure that the local officials travel mostly by car. But in Hawaii, in Alaska, and in the West, we travel by air. One cannot drive from Bethel to Anchorage. One cannot drive from Juneau to Ketchikan. We have to fly. Every time they want to go out into the political subdivision, they have to buy an airline ticket. The Senator wants to add 7.5 percent to their bill, he does not care whether you are the Senator from Alaska or any other individual. I appreciate the Senator's comments about international travel. This amendment does not cover it. It does not cover Federal officials, either. If you want to collect a tax from a Federal official, that is fine, but our budget is already prepared. We are in the fiscal year. It started last July 1. Now, suddenly, we are to tell them that they need 7½ percent more for travel in Alaska, or between Alaska and Washington. It is a great embarrassment to people to use 7½ percent additional of the local taxpayers' money. What you do is, you take it from the local political subdivisions and put it in the Federal Treasury. In theory, we are adding it to the local political subdivision, which does not need one single bit of help from this. But you have federally supported facilities which will get an advantage in this bill. This is a change in policy.

I have not mentioned one other thing and that is retaliation. One day, the local governments will wake up and they will start to tax the Federal Government, as they should have done a long time ago. You raise an old constitutional slogan as to whether this is constitutional. I think it is an interesting device to tax airlines instead of taxing the individual who is traveling for a State or a local political subdivision, but you are still taxing his transportation and he has got to pay the 7.5-percent Federal tax to travel.

I do not know about the Governors, but I can assure you, that if the chairman of a local borough—we have them up there instead of counties—or the mayors of the cities came in to see you today, they would have surely raised this question, because they live in the areas that cannot afford this increase. The local governments cannot afford the increase at this time. I do not see any justification for it whatsoever, so we can have the traditional pattern of taxation between the State and Federal Government.

Mr. President, I yield back the remainder of my time, and ask for the yeas and nays.

The yeas and nays were observed.

Mr. CANNON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 minute.

Mr. CANNON. I want to point out how badly abused the State of Alaska is, having to pay this 7- or 8-percent tax in flying back and forth.

Under the formula in this bill Alaska will get at least $6.9 million a year in airport aid funds by provision of the $90 million allocation for airports in the several States under the area population formula. But they do not want their public official to pay a tax from Nome to Fairbanks, or wherever it is.

Mr. COOK. Mr. President, I believe there is a little bit more to it than that. I should like to get this in the RECORD, that although I favor the amendment which was brought up, there is a formula in the bill, on page 2, section (b) that allows 25 percent over and above the 50 percent to States whose land is owned by unreserved public lands and nontaxable Indian lands. They would receive another 25 percent. The following States would also receive an additional 25 percent, conceivably, under that formula: Wyoming, Washington, Alaska, Nevada, Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, South Dakota, and Utah.

So we are talking about those States, including Alaska, receiving 50 percent, if they are going to receive, conceivably, 75 percent, while the rest receive 50 percent.

Mr. LONG. Mr. President, most of the money will go back to the States anyway. We are raising the money for the States to build the airports, to pave the runways, and to help with their expenses. We are glad to do that. But if they are going to get the benefit of the money, why should not a governor or State and local government employees pay something?

I cannot speak for other States, but we are proud of our Governor in Louisiana. We have provided the money to buy him a prop-jet airplane to fly around the State, and the State picks up the tab for it. The Governor does not have to pay for that. No one is complaining about that in Louisiana. The State picks up the tab. If the Governor is sad about that he is not complaining.

But here they are asking for a Federal handout with no strings. We are going to vote on a revenue-sharing amendment one of these days. President Nixon talks to them about coming up here to lobby for it. Alaska should not complain. They picked up $900 million from the oil leases on the north slope, so why cannot they use some of that $900 million to pay this tax, to fly their Governor back and forth?

We should impose this tax across the board, with no exceptions, no exemptions—everyone pays.

When we make the first exception, then we have to advertise that the cost of the ticket will be $50, but when you get to the ticket counter, it will be $54. I just do not think that is a good way to do it.

When the distinguished Senator from Georgia (Mr. Talmadge) was Governor, he raised the sales tax and he was reelected to office after he had raised the sales tax. But that sales tax made no exemptions for anyone. Everyone paid.

The PRESIDING OFFICER. All time has now been yielded back.

The question is on agreeing to the amendment of the Senator from Alaska (Mr. Stevens).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Georgia (Mr. Russell), the Senator from Virginia (Mr. Spong), the Senator from Ohio (Mr. Young), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Idaho (Mr. Church) is absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. Church) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Fannin), the Senator from Oregon (Mr. Packwood), and the Senator from Illinois (Mr. Smith) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Kentucky (Mr. Cooper), the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Goodell), and the Senator from Texas (Mr. Tower) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. Baker), the Senator from South Dakota (Mr. Mundt), and the Senator from Texas (Mr. Tower) would each vote "yea."

On this vote, the Senator from Illinois (Mr. Smith) is paired with the Senator from Utah (Mr. Bennett). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Utah would vote "nay."

On this vote, the Senator from New York (Mr. Goodell) is paired with the Senator from Arizona (Mr. Fannin). If present and voting, the Senator from New York would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas, 26, nays 52, as follows:

[No. 66 Leg.]

YEAS—26

Allen
Allott
Bellmon
Cook
Cranston
Curtis
Dole
Eagleton
Fong
Griffin
Harris
Hatfield
Hollings
Hruska
Inouye
Javits
Mathias
McGee
Moss
Murphy
Ribicoff
Scott
Stevens
Symington
Tydings
Yarborough

NAYS—52

Aiken
Anderson
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cotton
Dodd
Dominick
Eastland
Ellender
Ervin
Fulbright
Gore
Gravel
Gurney
Hansen
Hart
Hartke
Holland
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McIntyre
Miller
Mondale
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Schweiker
Smith, Maine
Sparkman
Stennis
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—22

Baker
Bennett
Church
Cooper
Fannin
Goldwater
Goodell
Hughes
McCarthy
McClellan
McGovern
Metcalf
Montoya
Mundt
Muskie
Packwood
Russell
Saxbe
Smith, Ill.
Spong
Tower
Young, Ohio

So Mr. Stevens' amendment was rejected.

AMENDMENT NO. 520

Mr. DOMINICK. Mr. President, I call up amendment No. 520.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

Amendment No. 520

At the end of line 3, page 143, add the following new section: That within eighteen months following the date of enactment of this Act, the Secretary of Transportation shall prepare and begin implementation of a program to terminate the use of Washington National Airport by jet (not including prop-jet) aircraft, except in the case of an emergency; and shall prepare and submit to the Congress a program to provide high-speed surface transportation connecting the city of Washington, District of Columbia, with Dulles International Airport and Friendship International Airport.

Mr. DOMINICK. Mr. President, this is the amendment I offered a while ago. I wanted to bring it up so that I would have an opportunity to ask the Senator from Nevada whether we could have a hearing on this matter. A good many people are interested in this. This asks the FAA within 18 months to develop a mass transit plan for Dulles and Friendship. It would seek to get all of the jets out of National and put them at Dulles and Friendship where they belong.

The amendment is based on safety and on pollution. I do not want to press it tonight. It is too late.

I wanted to find out from the Senator from Nevada what we could do about it.

Mr. CANNON. Mr. President, the amendment would completely disrupt travel in the Washington area. The Washington National Airport provides for 60 percent of the total passengers passing through the Washington area. Dulles and Friendship could not handle the additional load if this ban on jet operations was imposed at National Airport.

The amendment should be considered when we have hearings on the bill introduced by the Senator from Virginia (Mr. Spong), which would create an interstate compact combining the three Washington area airports into a single authority. This amendment could be considered in depth at that time.

We intend to have hearings later this year on the Spong proposal, and we will include this study as a part of those hearings.

Mr. DOMINICK. I thank the Senator. With that assurance, I withdraw the amendment.

The amendment was withdrawn.

Mr. CANNON. Mr. President, I have two technical amendments. I send the first technical amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The amendment is as follows:

On page 63, lines 23 and 24, strike out "the apportioned amount of the preceding year's taxes" and insert in lieu thereof "its apportionment".

Mr. CANNON. Mr. President, this is a technical amendment, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment (putting the question).

The amendment was agreed to.

Mr. CANNON. Mr. President, I send to the desk another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the Record.

XUM

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD is as follows:

On page 60, line 10, beginning with the comma following "authorized" strike out all through "Acts," in line 11.

On page 60, between lines 25 and 26, insert the following:

"(b)(1) To facilitate orderly long-term planning by sponsors, the Secretary is authorized, effective on the date of enactment of this Act, to incur obligations to make grants pursuant to this subsection for the fiscal year ending June 30, 1971, and the succeeding four fiscal years in a total amount not to exceed $1,500,000,000. Such amount shall remain available until obligated. There are authorized to be appropriated for the liquidation of obligations incurred pursuant to this paragraph not to exceed $300,000,000 prior to June 30, 1971, not to exceed an aggregate of $600,000,000 prior to June 30, 1972, not to exceed an aggregate of $900,000,000 prior to June 30, 1973, not to exceed an aggregate of $1,200,000,000 prior to June 30, 1974, and not to exceed an aggregate of $1,500,000 prior to June 30, 1975.

"(2) For the fiscal year ending June 30, 1976, and the succeeding four fiscal years, the Secretary shall make grants for the purposes of the subsection within the limits established in appropriation Acts."

On page 60, line 26, strike out "(b)" and insert in lieu thereof "(c)".

On page 61, line 6, strike out "(c)" and insert in lieu thereof "(d)".

On page 61, lines 24 and 25, strike out "as soon as possible after July 1 of" and insert in lieu thereof "for".

On page 62, line 23, strike out "As soon as possible after July 1 of" and insert in lieu thereof "For".

On page 64, line 24, strike out "annually compiled" and insert in lieu thereof "determined".

On page 76, line 9, strike out "(a)".

On page 77, beginning with line 4, strike out all through line 9.

Mr. CANNON. Mr. President, I shall explain the amendment.

This amendment is of a perfecting nature. As the Senate Report No. 91–565 notes at page 32, the committee agreed to provide language in the bill to assist airport sponsors in their attempts to do better long-range financial and construction planning. The committee's intent was to authorize the Secretary of Transportation to enter into contracts with airport sponsors for payments to them for eligible airport development for up to 5 years, based on anticipated revenues to be available from the trust fund. Although the Secretary would be authorized to obligate funds for up to 5 years immediately upon enactment of this legislation, expenditures to fulfill the contracts would be authorized by annual appropriation acts. In no event could the Secretary obligate trust fund revenues which would accrue after June 30, 1975.

Subsequent to the committee's action on this matter, the Senate approved S. 3154, the mass transit bill, to accomplish the same purpose for public transit systems. This perfecting amendment adopts the language approved by the Senate for mass transit and applies it to the airport program for the next 5 years.

Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.]

The amendment was agreed to.

Mr. CANNON. Mr. President, on behalf of the distinguished chairman of the Committee on Finance I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

Page 140, beginning with line 24, strike out all through line 10, page 142, and insert the following:

"(a) ADJUSTMENT OF FARES TO INCLUDE TAX.—The Civil Aeronautics Board (hereafter in this section referred to as the 'Board') shall, as soon as possible after the date of the enactment of this Act, direct each air carrier which is subject to section 403(a) of the Federal Aviation Act of 1958 to file with the Board such changes in the rates, fares, and charges for the transportation of persons by air which begins after April 30, 1970, as may be necessary to cause such rates, fares, and charges to be amounts which, after reduction by the amount (if any) of taxes imposed thereon by subsections (a) and (b) of section 4261 of the Internal Revenue Code of 1954, are equal to the rates, fares, and charges in effect for transportation of persons by air which begins on April 30, 1970. Changes filed pursuant to this subsection shall be subject to the provisions of section 403 of the Federal Aviation Act of 1958, except that section 408(c) of such Act shall not apply. Nothing in this section shall limit the right of the Board to accept or reject all (or any part) of the change in rates, fares and charges filed with the Board as a result of the application of this section.

"(b) FUTURE CHANGES IN TAX RATES, ETC.—Whenever after April 30, 1970, there is a change in the rate of the tax imposed by subsection (a) or (b) of section 4261 of the Internal Revenue Code of 1954, or in the transportation of persons by air which is subject to tax under either such subsection, the Board shall require each air carrier which furnishes transportation of persons affected by such tax change to file changes in the rates, fares, and charges for such transportation reflecting such tax change effective with respect to transportation beginning on or after the effective date of such tax change. Any such filing shall be subject to the same conditions as provided by subsection (a) in the case of transportation of persons by air which begins after April 30, 1970."

Mr. CANNON. Mr. President, this amendment would provide that in the adjustment of air fares that will be necessary as a result of this bill, the CAB will continue to have its existing ratemaking authority in taking into account whether to accept or reject such filings, such new rates, tariffs, or charges which reflect the additional costs to the carriers imposed by the taxation provided for in this bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SYMINGTON. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. I yield.

Mr. SYMINGTON. I wish to ask the Senator from Nevada if this matter has been discussed with the carriers.

Mr. CANNON. It is my understanding some carriers may choose to absorb a portion of this new tax and not pass it on to their passengers.

Mr. SYMINGTON. Some carriers are doing this and are willing to accept it. This would automatically put them in a better position than carriers that could not accept it.

Mr. LONG. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. LONG. This would require the air fares to reflect the tax increase on the ticket; but it leaves the discretion with the Civil Aeronautics Board. The chairman of the Committee on Commerce feels we should go along with the Civil Aeronautics Board in their discretion with respect to this matter. This leaves it up to the Civil Aeronautics Board.

The Senator from Washington has pointed out to me that he is inclined to feel some carriers may want to absorb some part of this.

Mr. SYMINGTON. That is not exactly as I first understood it. A relatively small airline, Ozark, is headquartered in my State. It is having great difficulty making money. I wonder how they would feel if the competition against them were, in effect, increased because they could not absorb this. That is my question.

Mr. LONG. It is our thought, assuming the rates are what they should be to begin with, that they should be all passed along; but if there is a case of a carrier that feels it can absorb some part of the tax increase, then it is up to the Civil Aeronautics Board to determine what should be done. We in the Committee on Finance do not want to tell the CAB what it can do about fixing rates, but we want to suggest that this should be passed along to the public.

Mr. SYMINGTON. The final authority would be in the CAB?

Mr. LONG. Yes.

Mr. SYMINGTON. I thank the Senator.

The PRESIDING OFFICER. Is further time desired to discuss the amendment? The question is on agreeing to the amendment (putting the question).

The ayes appear to have it. The amendment is agreed to.

AIRPORT AND AIRWAYS DEVELOPMENT

Mr. ALLOTT. Mr. President, the matter I have will take just a couple of minutes and it will not call for any vote.

Mr. President, as the distinguished chairman will recall, on Wednesday, June 30, 1969, I had the pleasure of introducing two fellow Coloradans to the Aviation Subcommittee during the time hearings were being held on the pending legislation. These two gentlemen, Mr. H. R. McCune and Mr. Robert V. Lord, presented some very significant testimony to the members of the subcommittee with regard to the need for early development of regional jet interchange facilities as part and parcel of our national airport systems.

These two gentlemen represented the relatively small but very progressive community of La Junta, Colo., located in the southeast part of the State of Colorado about 65 miles east of Pueblo and 60 miles west of my hometown of Lamar. Basically, their statement dramatized the need to look ahead to the problems which this Nation faces in air transportation in the next decade.

I was most impressed with the statement which Mr. McCune and Mr. Lord presented to the subcommittee during the hearings. The presentation of their statement and the supporting documents can be found on pages 896 to 927 of the subcommittee hearings.

Mr. President, with the indulgence of the chairman, I will read what I consider to be significant portions of the prepared testimony received by the subcommittee on this issue:

> We propose that a system of regions be established throughout the nation. Each region will be served by a Jet Interchange Facility which will: Enhance present air traffic in the areas of safety, economy, convenience and environmental problems.
>
> * * * * *
>
> The Jet Interchange Facility, as a key segment of the nation study, has the potential of relieving a majority of the aviation industries problems.
>
> * * * * *
>
> The total purpose in causing the creation of a Jet Interchange Facility system and that of the Regional airports and airways system is to supplement and improve the use of the existing facilities.
>
> It is a well known fact that a majority of the passengers deplaning at most major hub terminals of today are transferring to continue their trips to their true destination.
>
> This is the main function of the Jet Interchange Facility; the transferring of airline passengers from the large "Jumbo" jets to the shuttle aircraft which will take them to their true destination.
>
> * * * * *
>
> The true magnitude of the transfer passenger picture at major terminals can best be brought out by citing the percentage of transferring passengers at a few major terminals: Chicago O'Hare 49.1 percent, Atlanta 70.5 percent, Denver 42.8 percent, Washington 29.1 percent, etc.
>
> There is however one more statistic that must be included at this point to give the true significance to the value of the Interchange Facility. This statistic deals with the number of passengers who deplane at a major terminal and do not transfer, and are not actually going to the metropolitan area represented by the terminal. At Philadelphia International, for example, 8 out of 10 airline passengers go to other points in the Delaware Valley, at Denver's Stapleton International 7 out of 10 airline passengers are destined for other points along the eastern slope of the Rockies.
>
> It is the elimination of this type of passenger from the major hub terminal that will relieve the congestion on the access routes, parking lots, and in the terminal building itself.

Now, Mr. President, it is my understanding that one of the basic differences between the House-passed version of the pending legislation and S. 3108 is the type of commission which will advise the Department of Transportation regarding implementation of certain provisions of this legislation.

My question of the chairman is simply this: In light of the testimony to which I have referred, would it be the intention of the chairman and other members of the committee that the regional jet interchange facility concept should be explored at the earliest practicable date?

I am most interested in the Senator's views on the need to expedite exploring the feasibility of this concept in light of the distinguished Senator's comments found on page 927 of the hearings wherein he observed:

> I think maybe we should make a start on this program by establishing some kind of a commission, or get DOT, or FAA, to then start off on this long-range planning relating to the regional problem.
>
> Surely, time goes by so fast, there is no harm in going ahead and making the plans.

Mr. COOK. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. COOK. Mr. President, I would like to move to reconsider the vote by which the previous amendment was agreed to.

The PRESIDING OFFICER. Does the Senator from Colorado yield for that purpose?

Mr. ALLOTT. Could the Senator wait until I complete my remarks?

Mr. COOK. Yes.

Mr. ALLOTT. Mr. President, I would like to ask the distinguished manager of the bill if he feels a committee or commission should be appointed by DOT or FAA to look forward to this regional jet interchange facility concept. We surely will have to face up to this problem in the near future.

Mr. CANNON. I am happy to respond to the distinguished Senator's question.

In section 301 of the bill we have provided for an advisory committee, and thanks to the very-well-thought-out amendment of the distinguished Senator from Delaware yesterday we modified that. We have now provided for an advisory commission and it is our intention that studying such concepts is exactly the sort of problem this commission should consider in assisting the Secretary in making a determination.

I think that they should certainly study the very fine ideas that were advanced by two of the distinguished Senator's constituents. I am sure they will take those proposals into consideration in carrying out their duties in advising the Secretary.

Mr. ALLOTT. I thank the Senator. I thought the ideas advanced by those two gentlemen were far reaching and forward-looking toward meeting the problems of the future. I am very happy to hear the reply of the manager of the bill.

Mr. COOK. Mr. President, I move to reconsider the vote by which the previous amendment was adopted.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider.

Mr. MANSFIELD. Mr. President, I ask for a standing vote.

The PRESIDING OFFICER. All those in favor of the motion please stand——

Mr. JAVITS. Mr. President, let us find out what this is about. The Senator from Kentucky says it is not a formal amendment. He says it will prejudice certain airlines coming into his area. I do not know that Senators know how to vote on this, but we do not have to do it blindly. The motion is debatable at least within the time limitation. Let us get an idea what this is all about.

Would the Senator enlighten us as to why he moves to reconsider?

Mr. COOK. Mr. President, I am concerned about the very situation the Senator from Missouri discussed here. Ozark comes into Louisville with a competing airline, Eastern. If Eastern feels it can absorb this cost, then conceivably Ozark would have to increase its fares and Eastern would not have to increase its fares. Conceivably Ozark would not be competitive between Louisville and St. Louis. I am giving this as an example. I want to know if that is the case.

Mr. LONG. Mr. President, if the Senator will yield, we in the Finance Committee started out by saying that the CAB would have no discretion, that it would have to insist that all of this tax be passed on to the traveling public. The chairman of the Committee on Commerce, who is not present in the Chamber at this moment, heard from the Civil Aeronautics Board. The members of the Board became concerned over the fact that it would have no discretion over the matter. The Board felt this provision went too far in interfering with its authority and that the Board should have the last say with regard to rates.

In a spirit of compromise, we added a provision that, in the last analysis, would maintain the discretion with the Civil Aeronautics Board.

The Civil Aeronautics Board has considered the very problem the Senator is talking about and insists that the two airlines would have to charge the same rate, for the obvious reason that they are competitive.

As far as the Senator from Louisiana is concerned, it does not make any difference one way or the other, but in most instances the higher fare is going to have to be passed through to the ticket purchaser.

We prepared a table to show the kind of conversion table that ought to be published. It would show in two columns what the present fare is and what the fare would be if the whole tax were passed through. That is all that would be called for.

We hope the CAB would find it desirable to adopt it, inasmuch as it disturbed the Civil Aeronautics Board and the chairman of the Committee on Commerce that the Board would have no discretion under the Finance Committee amendment. They should be permitted to do it. We thought that decision should be in the discretion of the CAB.

Obviously, if there were a competing airline that could not absorb the increase in fare, of course the competitor should not be allowed to do so, because it would favor that competitor.

It is up to the Senate to decide whether the CAB should have that discretion. I do not care. The chairman of the Commerce Committee (Mr. MAGNUSON) is not present in the Chamber——

Mr. MAGNUSON. I am here.

Mr. LONG. I am happy to see the Senator from Washington here. He did not want the CAB to be completely denied discretion with regard to the passing through of the tax. Some of the airlines would like to absorb the tax. If they did and it did not interfere with their competitors, that would be satisfactory.

Mr. COOK. Does the Senator know what section 403(c) of the Federal Aviation Act provides. This amendment states, "except that section 403(c) of such Act shall not apply."

Mr. LONG. That deals with the 60-day time limit for fare increases to be publicized. It should not apply in this case since we want the higher tax rates to go into effect on May 1.

Mr. CANNON. Mr. President, the Civil Aeronautics Board felt that the language in the bill was, in effect, removing the flexibility and discretion the board has by law in approving or rejecting airline's fares under section 411 of the bill. This amendment was an attempt to compromise with the Finance Committee in seeking not to take away from the Board its authority to regulate the fares.

There is certainly no intention on the part of either of the committees involved, to dictate in any way how the Board should decide the issue of new rate filings which may result from this bill. The CAB has always considered the competitive impact among carriers in fare matters and has sought to protect them from unfair competition. I am confident that the Board will continue to exercise its wisdom and discretion in considering any new rates which may result from this bill.

Mr. COOK. But it is possible?

Mr. CANNON. I do not think the Civil Aeronautics Board will permit to exist any air fare structures which are unfairly competitive. On the other hand, there may be some routes throughout the country on which the air carriers feel they are charging the maximum fare economically possible. Perhaps some might rather absorb that increase in tax than to pass on the increase to the passengers. Because of the law of diminishing returns, this amendment provision would give the Board flexibility in considering such tariff changes which may result.

Mr. MAGNUSON. Mr. President, I am sorry I was not present in the Chamber when this issue arose, but may I briefly state the purpose of this provision. We have discussed it thoroughly. We did not want to put Congress into the business of telling carriers what rates they should charge or what action the CAB should take on such matters. We felt it should be up to the CAB, the ICC, the Maritime Board and the other independent agencies and not Congress to set rates. If we broke the line and said to the CAB, "You must make this rate," we might as well abolish all of the independent agencies. As a matter of fact we would have to have swinging doors in the Commerce Committee, because the railroads would be in, the shiplines would be in, the buslines would be in to try to get us to have bills passed increasing their rates.

So we turned the ratemaking authority over to the independent agencies. We long ago decided to let the CAB act under delegated authority to approve or reject rates. This amendment will continue this long-time congressional policy.

Mr. COOK. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. COOK. Mr. President, with that understanding, and having established a legislative history on the amendment under discussion, not only by the discussion of the Senator from Missouri but by the explanations that have been made, and with the assurance of the chairman of the committee and the manager of the bill that this inequity will not exist, I withdraw the motion.

Mr. CANNON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, in the engrossment of the Senate amendments, to correct any errors, including changes in section numbers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I ask for the third reading.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. CANNON. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. LONG. Mr. President, I have certain technical amendments that I ask to be considered.

The PRESIDING OFFICER. The bill has already been read the third time.

Mr. LONG. Mr. President, I ask unanimous consent that the vote by which the bill was read the third time be reconsidered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LONG. Mr. President, I send technical amendments to the desk, and I ask unanimous consent to dispense with the reading of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments offered by Mr. LONG are as follows:

Page 97, line 22, strike out "section" and insert "sections".

Page 117, lines 2, 12, and 24, strike out "6426(c)" and insert "6426(c)(2)".

Page 119, beginning with line 23, strike out all through line 8, page 120, and insert:

"(c) PAYMENTS TO PERSONS PAYING TENTATIVE TAX.—In the case of any person who paid a tentative tax determined under section 4493(b) with respect to any aircraft for any period, the amount payable under subsection (a) with respect to such aircraft for such period—

"(1) shall be computed with reference to that portion of the tax imposed under section 4491 for such period which is determined under section 4491(a)(2), and

"(2) as so computed, shall be reduced by an amount equal to—

"(A) the amount by which that portion of the tax imposed under section 4491 for such period which is determined under section 4491(a)(2), exceeds

"(B) the amount of the tentative tax determined under section 4493(b) paid for such period."

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Louisiana.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there are no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to a third reading.

The bill (H.R. 14465) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Virginia (Mr. SPONG), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. METCALF), and the Senator from Virginia (Mr. SPONG) would each vote "yea."

On this vote, the Senator from Georgia (Mr. RUSSELL) is paired with the Senator from Idaho (Mr. CHURCH). If present and voting, the Senator from Georgia would vote "yea" and the Senator from Idaho would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOPER), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

XUM

[No. 67 Leg.]

YEAS—77

Aiken
Allen
Allott
Anderson
Bellmon
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Ellender
Ervin
Fong
Fulbright
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Miller
Mondale
Moss
Murphy
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Sparkman
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—0

NOT VOTING—23

Baker
Bayh
Bennett
Church
Cooper
Eastland
Fannin
Goldwater
Hughes
McCarthy
McClellan
McGovern
Metcalf
Montoya
Mundt
Muskie
Packwood
Russell
Saxbe
Smith, Ill.
Spong
Tower
Young, Ohio

So the bill (H.R. 14465) was passed.

Mr. CANNON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. HARTKE, Mr. HART, Mr. CANNON, Mr. COTTON, Mr. PROUTY, Mr. PEARSON, Mr. LONG, Mr. ANDERSON, Mr. GORE, Mr. WILLIAMS of Delaware, and Mr. BENNETT the conferees on the part of the Senate.

Mr. MAGNUSON. Mr. President, I want the RECORD to show that the conferees from the Finance Committee are the conferees on title IV of the act, and will meet separately.

The PRESIDING OFFICER. The conferees will, of course, work that out in conference.

Mr. MANSFIELD. Mr. President, I move that companion bill, S. 3108, be indefinitely postponed.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Nevada (Mr. CANNON) deserves the highest commendation of the Senate. As the vice chairman of the Aviation Subcommittee of the Committee on Commerce he managed this measure designed to develop our Nation's airports and airways with the same outstanding skill and ability that has marked his many years of public service. His clear and articulate presentation and his persuasive advocacy assured the overwhelming success of the measure. Senator CANNON has added another splendid achievement to his already abundant record.

Equal praise must go to the distinguished chairman of the committee and comanager of the bill, the able and distinguished Senator from Washington (Mr. MAGNUSON). Certainly the swift, efficient, and highly successful disposition of this proposal was due in large measure to his work, his assistance, and his outstanding support. As always, Senator MAGNUSON exhibited the same fine qualities that have made him a legislator with effectiveness that is unsurpassed. The Senate is grateful.

The Senate is grateful as well to the distinguished senior Senator from New Hampshire (Mr. COTTON) and to the distinguished senior Senator from Kansas (Mr. PEARSON). From the minority side, they joined with their leadership to assure the swift and efficient disposition of the measure. Their cooperation and assistance were indispensable.

Other Senators joined the discussion. Noteworthy was the contribution of the senior Senator from Louisiana (Mr. LONG) whose work on the financing features of this proposal was absolutely essential. He is to be commended deeply.

The Senator from Colorado (Mr. DOMINICK), the Senator from Vermont (Mr. PROUTY), the Senator from Michigan (Mr. HART), and many others deserve our praise. Their views are always most thoughtful, always most welcome. The same may be said for the distinguished Senators from New York (Mr. JAVITS and Mr. GOODELL) and the Senators from New Jersey (Mr. CASE and Mr. WILLIAMS).

Beyond that, I should say that the cooperation of the entire Senate on this measure was outstanding and I am most grateful.

DEPARTMENTS OF LABOR AND HEW APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 15931. I do this so that it will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 9:30 tomorrow morning, rather than the time of 10 a.m., previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS AND SENATOR CRANSTON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer tomorrow morning, the distinguished Senator from New York (Mr. JAVITS) be recognized for 15 minutes, to be followed by the distinguished Senator from California (Mr. CRANSTON), to be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, there will be no morning hour tomorrow for the conduct of morning business, unless it occurs late in the afternoon. It is the intention of the manager of the pending bill, immediately upon the conclusion of the remarks of the distinguished Senators from New York and California, to go into debate on the Labor-HEW appropriation bill.

COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS OF 1970—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2523) to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of February 25, 1970, pages 4726–4729, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. YARBOROUGH. The House has already agreed to this conference report. The conferees have agreed on the provisions of the Community Mental Health Center Amendments of 1970.

The funding authorizations for construction are $80 million, $90 million, and $100 million for fiscal years 1971, 1972, and 1973, respectively. The bill changes the ceiling on the portion of a State's allotment for construction grants that can be used for State plan administration. The ceiling was changed from the lesser of 2 percent of the State's allotment or $50,000 to the lesser of 5 percent of such allotment or $50,000. In addition, it was also provided that the amount available for State plan administration will be available for 2 years rather than 1 year.

For grants for initial operation of community mental health centers, the authorizations are $45 million for fiscal year 1971, $50 million for fiscal year 1972, and $60 million for fiscal year 1973. Support for professional and technical personnel will be available for 8 years. The definition of the term "technical personnel" has been widened to include accountants, financial counselors, allied health professions personnel, dietary and culinary personnel, and any other personnel whose background and education would indicate that they are to perform technical functions.

The ceilings on grants to centers serving urban or rural poverty areas are 90 percent of costs for the first 2 years, 80 percent of costs for the third year, 75 percent of costs for the fourth and fifth years, and 70 percent of costs for the remaining 3 years. For the grants to other centers, the ceilings are 75 percent of costs for the first 2 years, 60 percent of costs during the third year, 45 percent of costs during the fourth year, and 30 percent of costs during each of the next 4 years.

The bill provides that a grant can be made to a center only if the Secretary determines that the services to be provided will be in addition to, or a significant improvement in, the services that would otherwise be provided.

It was provided in the Senate bill that a limited waiver would be allowed of the requirement that an applicant for a grant for a community mental health center provide the essential elements of comprehensive mental health centers for applicants from urban and rural poverty areas. The conferees agreed that if the center does not meet such requirement by the end of an 18-month period, payment to such center will be suspended until the Secretary determines that the center has met such requirement.

The bill authorizes grants for initiation and development of community mental health services in urban and rural poverty areas. It is the intention of the conferees that such grants, as well as grants for initiation and development of programs of services for alcoholics and narcotic addicts, will be made to persons who are qualified, and who are knowledgeable of the health needs of the population to be served by the project.

For grant programs for facilities and services for alcoholics and narcotics addicts, the funding authorizations are $30 million, $35 million, and $40 million for fiscal years 1971, 1972, and 1973, respectively. The duration of such grants is for 8 years.

The ceilings on these grants will be 80 percent of costs during each of the first 2 years, 75 percent of costs during the third year, 60 percent of costs during the fourth year, 45 percent of costs during the fifth year, and 30 percent of costs during the next 3 years; except that if the facility serves an urban or rural poverty area the ceilings will be 90 percent of costs during each of the first 2 years, 80 percent of costs during the third year, 75 percent of costs during the fourth and fifth years, and 70 percent of costs during each of the next 3 years. The bill authorizes grants for initiation and development of programs of services for alcoholics and narcotics addicts. Such a grant can be made for 1 year only and cannot exceed the lesser of 100 percent of cost or $50,000.

For a new grant program for mental health of children, the conferees agreed on funding authorizations of $12 million for fiscal year 1971, $20 million for fiscal year 1972, and $30 million for fiscal year 1973. The bill requires that a grant can be made only to a facility that is part of or affiliated with a community mental health center or, if there were no such center, to a facility with respect to which provision had been made for appropriate utilization of existing community resources.

The conferees agreed that any grants for construction and for the cost of compensation of professional and technical personnel under the Community Mental Health Centers Act can be made only upon the recommendation of the National Advisory Mental Health Council.

Few measures can be of higher priority than that which seeks to strengthen the mental health of all our citizens. I believe this bill deserves enactment by the Congress because it is directed to this need.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

PUBLIC HEALTH TRAINING—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2809) to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of February 25, 1970, page 4725, CONGRESSIONAL RECORD).

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. YARBOROUGH. Mr. President, the House agreed to this conference report today. The conferees have agreed on amendments to the Public Health Service Act that deal with public health training, S. 2809. During the debate in 1958 on Public Law 85-544, which originally provided formula grants to schools of public health, it was pointed out that the schools of public health were, in effect, the public health equivalent of West Point, Annapolis, and the Air Force Academy in providing professional health training and leadership for the Nation. Most graduates of these schools go into the public health service in staffing essential public health positions in municipal, county, State, and Federal Government levels.

The serious financial crisis facing schools of public health during the next several years poses a growing threat for the 1970's in their ability to supply the increasing demands by health agencies for trained professional health manpower. Vacancies already exist in key health positions at all levels of government despite the tremendous increase in the numbers of skilled health personnel being trained each year by the schools of public health.

The conferees agreed that authorization for funding of the traineeship for professional public health personnel program should be increased to $16 million in fiscal year 1972 and $18 million in fiscal year 1973. These funds will be used to cover the cost of traineeships for graduate or specialized training in public health for physicians, engineers, nurses, sanitarians, and other professional health personnel.

The conferees agreed that authorization for funding of the project grants for training in public health programs should be increased to $14 million from $12 million for fiscal year 1971, to $15 million in fiscal year 1972, and to $16 million for fiscal year 1973. These funds will be used for project grants to schools of public health and other public or nonprofit private institutions providing graduate or specialized training in public health to expand or strengthen such training in such schools and other institutions.

In the case of the program of formula grants for schools of public health, the conferees agreed to the Senate authorization figures. This will provide an authorization of $9 million for fiscal year 1971, $12 million for fiscal year 1972, and $15 million for fiscal year 1973. These funds will be used for grants to provide, in accredited public or nonprofit private schools of public health, comprehensive professional training, specialized consultive services, and technical assistance in the public health field and in administration of State or local public health programs.

It is clear that, since the schools of public health are the only source to train these vitally needed health professionals, our national needs can only be met by increasing the appropriations level. Only then can our Nation be assured of meeting our National, State, and local health manpower requirements.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

AUTHORIZATION FOR COMMITTEE ON THE JUDICIARY TO MEET TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet tomorrow, if there is a call for a meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9:30 a.m. tomorrow.

XUM

The motion was agreed to; and (at 6 o'clock and 55 minutes p.m.) the Senate took a recess until tomorrow, Friday, February 27, 1970, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 26, 1970:

IN THE AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of chapters 35 and 837, title 10 of the United States Code:

To be major general

Brig. Gen. I. G. Brown, 430-10-2487FG, Arkansas Air National Guard.

To be brigadier general

Col. John J. Pesch, 065-16-6597FG, Maine Air National Guard.

IN THE NAVAL RESERVE

The following named officers of the Naval Reserve for temporary promotion to the grade of rear admiral subject to qualification therefor as provided by law:

LINE

Paul C. Huelsenbeck
Chester C. Hosmer
Ira D. Putnam
Samuel W. Van Court

MEDICAL CORPS

Scott Whitehouse

SUPPLY CORPS

Owen C. Pearce

CIVIL ENGINEER CORPS

John H. McAuliffe

HOUSE OF REPRESENTATIVES—*Thursday, February 26, 1970*

The House met at 12 o'clock noon.

Rabbi Karl Applbaum, Avenue "M" Jewish Center, Brooklyn, N.Y., offered the following prayer:

Almighty God, ruler of the universe and creator of mankind, I deem it a great honor and privilege to invoke Thy name in this august body, the Members of the House of Representatives of these United States of America. As these men and women are assembled here to legislate for our country and provide for its welfare, bless them I pray Thee, for they have been selected by their peers to enact the laws by which we live and by which our great democracy functions.

Bless them with strength of character and perseverance of purpose to work on behalf of peace, justice, and prosperity. May they ever be guided by altruistic motives and sincerity. Bless further, I pray Thee, O God, the President of these United States upon whom rests a heavy burden to satisfy all diverse elements in his constituency. The task which he has undertaken is most demanding. He needs Thy help, O God, so that he might steer our ship of state through the turbulent waters of conflict, misunderstanding, war, and inflation, and bring it to the shores of love, understanding, and happiness. And lastly, O God, bless and guide the inhabitants of this land, unite them all, on the right and the left, the young and old, the rich and poor, the sick and well, into a brotherhood of man, to appreciate the beauty of freedom, the greatness of our American heritage nurtured in the Judeo-Christian tradition. May we reject conflict and strife and dwell together in peace and harmony for the betterment of all. May we in our own day see the fulfillment of that ancient Hebrew dream "Hinei mah tov uma noim shevet achim gum yachad"—"How good and sweet it is for brethren to dwell together in harmony." May this decade see the fulfillment of all our dreams—the maturity that is capable of receiving the light and fully assuming the responsibility that Thou dost entrust to us. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on February 24, 1970, the President approved and signed a bill of the House of the following title:

H.R. 9564. An act to remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11702) entitled "An act to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14733) entitled "An act to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes."

RABBI KARL APPLBAUM DELIVERS OPENING PRAYER

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, the House of Representatives was honored today by the presence of Dr. Karl Applbaum, rabbi of the Avenue M Jewish Center in Brooklyn, N.Y., who delivered the opening prayer. Rabbi Applbaum is a resident of Flushing, N.Y. where he is a highly respected leader of the Queens community.

Our distinguished colleague from New York (Mr. HALPERN) had the privilege of inviting Dr. Applbaum to be with us today and I would like to take this opportunity to express the appreciation of the Queens delegation and of my other colleagues in the House for his appearance.

Rabbi Applbaum was born 60 years ago in a small town in Hungary. The Applbaum family—then Apfebaum—boasted a long line of distinguished rabbis, scholars, authors, and philosophers, and Karl began his study of the Bible at the age of 5. In 1930 the family moved to Brooklyn and today three Applbaum brothers are practicing rabbis while the senior Rabbi Emanuel Applbaum, age 84, continues his work as rabbi of the Avenue M Jewish Center, an outstanding orthodox pulpit in Flatbush.

Dr. Applbaum is an attorney admitted to practice in the State of New York and since 1938 he has served as a supervisor to the Department of Social Services of the City of New York on a number of assignments. Rabbi Applbaum has been quite active in a number of veterans organizations. He has served the Jewish War Veterans as Queens County chaplain since 1962 and has served in a similar capacity to the American Legion, Queens County chapter.

Rabbi Applbaum has been national chaplain to the Reserve Officers Association of the United States after serving the Queens chapter for 20 years. In addition Dr. Applbaum is now serving as president, Long Island chapter of the Association of the U.S. Army.

The list of Rabbi Applbaum's other activities on behalf of Judaism and on behalf of the Queens community is too long to enumerate. I deemed it a privilege and pleasure to have worked with Rabbi Applbaum on a number of community projects during these past 12 years. I have the greatest respect for him and I congratulate him on the completion of 35 years in the rabbinate.

TRIBUTE TO RABBI KARL APPLBAUM

(Mr. HALPERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALPERN. Mr. Speaker, the House has just been privileged to have its opening prayer delivered by Rabbi Dr. Karl Applbaum, an outstanding spiritual leader, a noted constituent, a vigorous and effective community leader in Queens, N.Y., and my beloved friend.

Dr. Applbaum is celebrating his 35th anniversary in the rabbinate this month, and has been honored to deliver the invocation on three previous occasions in the House of Representatives, each time marking an anniversary of Israel.

He is the spiritual leader of the Avenue M Jewish Center in Brooklyn, whose pulpit he has shared for many years with his father, Rabbi Emanuel Applbaum, the senior rabbi of the congregation, who this month is celebrating his 60th anniversary in the rabbinate. This learned spiritual leader, who is honoring us this morning, is also marking his retirement as chaplain in the U.S. Army Reserve this month, after devoting 25 years to this valuable public service.

It is significant to note that this learned rabbi comes from a family of dedicated rabbis. Indeed his brother Sidney has also had the honor of delivering an invocation in the other body. I should add a meaningful note that this event was simultaneous with the delivery of the opening prayer in this House by our guest today. This unique event of two brothers opening both Houses of Congress with prayers on the same day occurred most significantly on the 18th anniversary of the State of Israel. A third brother, Rabbi Martin L. Applbaum, is the highly respected spiritual leader of the Garden Jewish Center in Flushing.

Under special order later today further tribute will be paid to Dr. Applbaum by me and other colleagues. I will ask unanimous consent that all Members be granted 5 legislative days to include their remarks.

CONDUCT CONTRARY TO MANNERS OF THE HOUSE OF REPRESENTATIVES

(Mr. McCARTHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCARTHY. Mr. Speaker, an incident occurred in the Congress of the United States on Tuesday last which deserves some comment. The Governor of Georgia in the restaurant of the House of Representatives passed out ax handles. The ax handles presumably hark back to the time when the Governor of Georgia, then a restaurant owner, defied the Congress of the United States by barring from his restaurant American citizens who happen to have black skins. The ax handles presumably are symbols of white supremacy.

Mr. Speaker, this is an abhorrent and offensive concept. And the distinguished gentleman from Michigan (Mr. DIGGS) reminded the Governor that the manners of the House of Representatives do not condone such behavior. When the distinguished gentleman from Michigan (Mr. DIGGS), and another distinguished gentleman from Michigan (Mr. CONYERS), reported this to the House, it was greeted with some derision.

I think Frederick Douglass put it well once when he said:

> A gentleman will not insult me, and no man not a gentleman can insult me.

To laugh at the pain and humiliation of a person, after being subjected to something like this, is hardly gentlemanly behavior. We call each other "gentlemen" and I think we should live up to it.

GUNS ON CAPITOL HILL

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, I want to join with our colleague, Mr. McCARTHY, with respect to what occurred the other day. The conduct of Gov. Lester Maddox of Georgia as directed toward one of our distinguished Members of this House, CHARLES C. DIGGS, Jr., is surely to be deplored by all of us. As a result of the Governor's outrageous remarks, a resolution has been introduced by our colleague to announce that the Governor is no longer welcome as a guest in the House dining room. Because I believe that the citizens of our country, irrespective of whether I like them or not, should never be barred from using the facilities of this Capitol, I will not support the resolution.

But, I do not believe that we can ever tolerate an even graver situation where an armed man, not a member of the Capitol Police force or of the District of Columbia Police force, but in this case a Georgia State Trooper, enters our Capitol with a pistol strapped to his hip. If Governor Maddox believed that his personal security required special police protection, then a Capitol Police officer should have been assigned to him. Just imagine the situation if the 50 Governors of our various States and other visiting dignitaries entered our Capitol Grounds each with a pistol-packing State trooper, sheriff, or guard. It would be intolerable.

I examined the United States Code to determine the extent of the law controlling this subject. Title 40, section 193 of the code proscribes the carriage of weapons on Capitol Grounds by persons other than the Capitol Police. But, I ascertained that the restrictions contained in the United States Code can be relaxed by other regulations and indeed they have been. In 1967 the Architect of the Capitol and the Sergeants at Arms authorized State officers to carry guns on Capitol Grounds. I believe this is a mistake. We ought not have a situation where one can walk through these buildings and suddenly be confronted by someone carrying a gun who is not a member of the Capitol Police Force.

I ask you, Mr. Speaker, to direct the Architect and the Sergeants at Arms to rescind the regulation so that henceforth no one other than the Capitol Police will be allowed to carry weapons on the Capitol Grounds.

EQUALITY OF RIGHTS UNDER THE LAW

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, this morning several hundred Members of the Congress enjoyed breakfast in the Rayburn Building with the lovely ladies who are the State leaders of the National Federation of Business and Professional Women's Clubs.

I know that every Member of the House of Representatives who has visited with these ladies and discussed with them the proposals that they sponsor is very proud of the manner in which they study the national issues and very proud of the way in which they present their points of views on important legislation.

Many of us are cosponsors of the amendment to the Constitution which they have been sponsoring for some time, to provide that equality of rights under the law shall not be denied or abridged any man or any woman on account of sex.

We are also familiar with the important and very constructive work that they have done in advancing reforms in our tax laws. They were one of the major sponsors of the change affected in the 1969 act which provides for a broadened head-of-household benefit, which was long overdue.

Mr. Speaker, I know I speak for all of my colleagues in welcoming these lovely representatives of the federation to the Capitol and in wishing them well as they advance their programs in the Nation's Capital.

CONGRESSMAN DON EDWARDS REMARKS ON THE RESOLUTION CONCERNING GOVERNOR MADDOX

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, I was shocked to learn of the recent display of racism in the House restaurant by Gov. Lester Maddox of Georgia. While I am not surprised by the actions of Governor Maddox, I am surprised that such an incident was allowed here in the Capitol.

Governor Maddox in his action of passing out ax handles made clear his contempt for the Constitution of the United States, his contempt for the laws of this land, his contempt for those who pass the laws, and his contempt for those who rule on the laws of this Nation. In fact Governor Maddox made clear his contempt for law and order, not to mention peace and justice in the United States. Then, surprised that some should object to his contempt, Governor Maddox made clear his hate and prejudice in his comments to the press.

Governor Maddox's actions are a symptom of a growing sickness. It is a sickness which brought laughter to this House, laughter at an insult to this House, and to its Members.

Somehow, within the last 2 years, the dream of American equality and the commitment to that equality has been dying. We are returning to the racisms, the blatant racism of the past.

More than a year ago, we started a new administration with a theme of "bring us together," but today we are living in a world of "divide and conquer."

We, here, are Representatives of all the people. We, here, cannot stand by when this House and the laws of the land are insulted. I support the resolution of the gentleman from Michigan, the Honorable CHARLES C. DIGGS. I submit that this House has a responsibility to respond not only to this insult to its honor, but to the problem it represents.

MINIMUM PURCHASE REQUIREMENT FOR TREASURY BILLS LIFTED

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, today's ac-

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tion by the Treasury lifting the minimum purchase requirement for Treasury bills from $1,000 to $10,000 is an arbitrary exercise of discretion to protect the high-interest Treasury bill market for the bankers. It is an action blatantly subservient to the banking industry.

A congressional investigation and study of Federal borrowing is long overdue. The American people have been financially "done in" by public borrowing procedures which have forced the Federal Government to pay the highest interest rates since 1859.

It is shameful to force the average citizen to take a 5-percent interest rate on series E bonds while the banker interest rate on Federal borrowing runs almost 8½ percent. The banker interest rate on Federal securities is almost 70 percent higher than the rate available to average citizens.

The effect of Treasury action on housing interest rates is a myth. The movement of small investors into Federal securities would have the effect of broadening the market for Treasury securities and ultimately reducing the interest rates of Government borrowing which must be at the vanguard of more attractive interest rates for housing.

LET US ACCEPT HANOI'S OFFER TO TRADE "PRISONERS"

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute.)

Mr. WAGGONNER. Mr. Speaker, I understand that Hanoi has issued a demand that we release the Chicago 7, calling them our prisoners. I urge President Nixon to make Hanoi a counteroffer to trade these seven pro-Communist, revolutionary derelicts for any seven American prisoners they hold. The Chicago 7 would obviously feel more at home in a Communist nation and we would be well rid of them. In exchange, we could get back seven Americans, so everybody would benefit by the exchange.

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THE DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I would like to remind the House that the clock is running out again this Saturday on the continuing resolution under which the Departments of Labor and Health, Education, and Welfare are operating. All of you know the problems that have been created by the veto message. So far as I know the conference report will not be ready before Saturday night, which is the last day of the month. So, when we return here to work on Monday, those two Departments are going to be operating some $19 billion worth of programs with no appropriation. I do not know what the final outcome is going to be. However, I would like the House to know that we are in a very serious crisis.

More important, there are some 35,000 school districts all over this country whose school administrators have no idea how they are going to complete the last 4 months of this fiscal year.

So, Mr. Speaker, this is a serious problem, and I think the Members of the House ought to be apprised of it.

BIRTHDAY OF THE LATE JOSEPH A. YABLONSKI

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, Joseph A. Yablonski was born on March 3, 1910. His 60th birthday would have been next Tuesday. On Sunday afternoon at 2 p.m. at the Park Junior High School in Beckley, W. Va., south of Charleston, we will hold a memorial tribute to the late Joseph A. Yablonski. I invite my colleagues to attend what will be, not a mournful meeting, but a meeting to express our determination to carry on the work which Joseph A. Yablonski so courageously started in the mines of this Nation.

Mr. Speaker, you can kill a man, but you cannot kill an ideal.

Next Tuesday, on what would have been the 60th birthday of this great American who did so much for the miners, I am going to ask for a special order to pay tribute to Mr. Yablonski, and point out his goals and accomplishments, and the challenge he left in his unfinished work which we must carry on.

IRS LISTING NAMES OF GUN COLLECTORS

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. HUNT. Mr. Speaker, it has come to my attention that the Internal Revenue Service of the United States is currently selling a listing comprised of 140,000 names and addresses of the licensed gun dealers and collectors of the United States of America. I can think of no greater transgression on an honorable profession, of those people who seek to legally collect guns or legally sell guns to people who desire them, and know how to use them, than this current practice.

Mr. Speaker, I intend to suggest to the Internal Revenue Department that in lieu of publishing these names they buy several billboards on the main highways where they cannot only display the names of an honest gun collector, but carry a picture of his home, and a picture of the gun collector, so that every thief—and I repeat—every thief in this Nation will know where to look, not only by name and address, but by description of the house and a picture of the man who honestly bought the guns and collects them.

From time to time, Mr. Speaker, we wonder why we pass laws trying to protect the private citizen in a legitimate occupation. In my estimation the occupation of a gun collector is a hobby, and I do not see any reason why the Internal Revenue Service should be permitted to sell the names of 140,000 of honest people to indiscriminate purchasers.

The best way for Communist organs or agents to obtain the listing is with the sum of $140, to write to the Internal Revenue Service to obtain the list.

This, to me, is deplorable and I intend to introduce legislation prohibiting the Internal Revenue Service or any other governmental agency from carrying out this despicable listing and sale of names and addresses of people that can be used against them. I shall also demand the names and addresses of the 60 persons who have already purchased the listing.

CRAMER CALLS FOR KUNSTLER PROBE UNDER CRAMER ANTIRIOT ACT

(Mr. CRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAMER. Mr. Speaker, I have called upon the Justice Department today to investigate possible antiriot law violations by the "Chicago 7" defense attorney, William Kunstler.

Kunstler urged Chicago 7 protestors in Santa Barbara, Calif., yesterday to take to the streets—and they did. More than 800 protestors surged through the streets near the University of California, throwing rocks and bottles, overturning a police car, and burning a bank until only a gutted skeleton remained.

As author of the Federal law making it a criminal offense to cross State lines or use interstate facilities to incite a violent civil disturbance, I am deeply concerned by Mr. Kunstler's activities. Mr. Kunstler's actions seem to be a clear violation of the Antiriot Act. Although already sentenced to 4 years in jail for contempt of court in Chicago, Mr. Kunstler has been allowed to remain free for the sole purpose of preparing his clients' appeals.

Instead, he has used this time to make speeches around the country protesting the jury's verdict. He has urged people to take to the streets—and he said that if this does not get action, they should exercise their "right to revolution."

I have already urged Judge Julius J. Hoffman to jail Mr. Kunstler for continuing to violate his contempt citation by inciting demonstrations and preaching the "right of revolution," which does not exist.

Mr. Kunstler is the carrier of the deadly disease of anarchy and disorder, and he is spreading it around our Nation with disastrous results. Clearly, Mr. Kunstler cannot be allowed to remain free.

In Washington, on February 21, Mr. Kunstler told a group at a protest rally:

> There isn't anything that's going to change anything in this country unless the people are in the streets.

In the resulting demonstration, 112 were arrested as they and many others took to the streets.

SECOND SEIZURE OF U.S. FISHING VESSEL OFF LATIN AMERICA THIS WEEK

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, Ecuador today seized the American fishing vessel *Day Island*, and has taken her, illegally, into the Port of Guayquil. Only last Monday, Peru seized the tuna vessel *Western King* and forced a payment of $15,072 before permitting its release from port.

To add to this growing and tragic story, on February 14, Ecuador seized the tuna vessel *City of Panama* about 17 miles off the Ecuadorean coast. Before being released, the vessel had to pay a total of $49,650.

Mr. Speaker, these incidents are evidence to me that these Latin American countries are not serious in reaching a settlement at the bargaining table over our differences. Accordingly, I have no course but to continue to seek Navy or Coast Guard protection for our fleet.

Second, I shall request through legislation new and stronger measures with regard to trade sanctions and other means to show that Americans will not stand for these acts of piracy against her citizens on the high seas.

These are Americans citizens, Mr. Speaker, and they are working under the U.S. flag in international waters. The time for talking has been offered and spurned. It is time now for more positive action to halt these crimes against Americans.

QUESTION OF THE PRIVILEGES OF THE HOUSE—BYFORD AGAINST MEISEL, McNARY, AND ICHORD

Mr. ICHORD. Mr. Speaker, I rise to a question of the privileges of the House.

Mr. Speaker, I have been served with a summons to appear before the U.S. District Court for the Eastern District of Missouri, Eastern Division, as a defendant in the case of Byford against Meisel, McNary, and Ichord—Civil Action No. 70C 58(1). Under the precedents of the House, I am unable to comply with the summons without the permission of the House, the privileges of the House being involved.

I therefore send the summons to the desk for the consideration of this body.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

[U.S. District Court for the Eastern District of Missouri, Eastern Division]

SUMMONS

Charles Byford, Plaintiff v. *Lawrence Meisel, Gene McNary, Richard Ichord (as an individual), Defendants.*)

To the above named Defendants:

You are hereby summoned and required to serve upon Charles H. Byford, whose address is 4521 Belle-Wood Drive, St. Louis County, Mo., 63125, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Harold G. Pryce,
Clerk of Court.
Annice W. Kinder,
Deputy Clerk.

Date: February 6, 1970.

AMENDING NATIONAL SCHOOL LUNCH ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11651) to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That the National School Lunch Act (42 U.S.C. 1752) is amended by inserting after section 13 the following new section:

" 'TEMPORARY EMERGENCY ASSISTANCE TO PROVIDE NUTRITIOUS MEALS TO NEEDY CHILDREN IN SCHOOLS

" 'SEC. 13A. Notwithstanding any other provision of law, under such terms and conditions as he deems in the public interest, the Secretary of Agriculture is authorized to use an additional amount, not to exceed $30,000,000, of funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to supplement funds heretofore made available to carry out programs during the fiscal year 1970 to improve the nutrition of needy children in public and nonprofit private schools participating in the national school lunch program under this Act or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).' "

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. QUIE. Mr. Speaker, reserving the right to object—and I shall not object—I want my colleagues to know that this bill reduces the amount of money from $100 million down to $30 million, to be appropriated from section 32 funds in order that we might finance school lunch programs to provide lunches for needy children in States where they will run short of funds before the end of this school year.

Mr. Speaker, I have a chart compiled by the Department of Agriculture which illustrates the amount of money—$23,594,205—that is needed at this time:

U.S. Department of Agriculture Food and Nutrition Service—State agencies' requests for additional funds for free or reduced price lunches as of February 6, 1970, over amounts allocated for fiscal year 1970

Alabama	$1, 200, 000
California	569, 236
Colorado	37, 607
Connecticut	25, 352
Delaware	11, 060
Florida	1, 889, 998
Georgia	2, 685, 829
Illinois	3, 995, 763
Indiana	112, 067
Iowa	176, 308
Kentucky	234, 665
Maine	336, 495
Maryland	1, 030, 864
Massachusetts	$26, 853
Michigan	24, 366
Minnesota	80, 132
Missouri	121, 225
Montana	15, 166
New Hampshire	11, 492
New Jersey	301, 872
New Mexico	78, 800
New York	5, 313, 112
North Carolina	13, 738
Oklahoma	1, 100, 538
Oregon	60, 671
Pennsylvania	145, 800
Rhode Island	34, 433
South Carolina	612, 228
Tennessee	263, 180
Utah	59, 251
Vermont	19, 935
Virginia	948, 408
Washington	292, 780
West Virginia	1, 764, 981
Total	23, 594, 205

I believe we ought to accept the amended bill as it is late in the year and the funds are desperately needed. This legislation will take care of the needs at this time and I think it is in line with the idea the gentleman from Kentucky and I had. I will be glad to yield to the gentleman from Kentucky for any comments he may wish to make.

Mr. PERKINS. Mr. Speaker, let me say to my colleague, the gentleman from Minnesota, that this is the bill he and I jointly sponsored to provide an additional amount of $100 million for needy children for free school lunches throughout America, because we thought at the time that the school lunch program was inadequately funded.

Mr. Speaker, we passed the bill earlier, and the Senate took action only a few days ago, after the Department made it known there was an emergency in several States of the Union.

I agree with the gentleman from Minnesota that at this late hour we should agree to the Senate amendment in order that some of the schoolchildren most in need throughout America will have the opportunity to receive free or reduced-price meals.

Mr. Speaker, I am not satisfied with the surveys that have been made by USDA; particularly for my home State of Kentucky.

I notice here that my home State will need only $234,665 out of the $23,594,000 that USDA states is needed for emergency situations.

I really believe that the survey from Kentucky is an inaccurate survey and that at a later date it will be found that more money may be necessary. If that be the case in Kentucky and other States I am sure the distinguished gentleman from Minnesota, who has contributed so much toward feeding the needy children throughout America by cosponsoring this bill will join me, in sponsoring a new bill to make sure that there are enough funds to feed the children most in need throughout America.

I include a number of documents from USDA and other sources which indicate a need for more than this bill can meet:

Department of Agriculture,
Office of the Secretary,
Washington, D.C., February 25, 1970.

Hon. Carl D. Perkins,
Chairman, Committee on Education and Labor, House of Representatives.

Dear Mr. Perkins: Enclosed are some tables reflecting the accomplishments resulting from the use of special assistance funds for the child feeding programs, provided from Section 32, for the fiscal years 1969 and 1970.

We are also enclosing a description of program gains in a number of individual city programs resulting from the use of the special assistance funds.

While the 1970 fiscal year is not yet over it has become increasingly apparent in recent weeks that a number of States are experiencing a shortage of Federal funds for the support of free and reduced price lunches. We have contacted each of the States and obtained estimates of their needs. These requests total $23,594,205. In addition, the States have requested nearly $7 million in additional breakfast and equipment funds.

Thank you for your continued support of our food and nutrition programs.

Sincerely,

RICHARD LYNG,
Assistant Secretary

NSLP

	Free or reduced price lunches	
	3-month period	Monthly average
September, October, November 1968 (fiscal year 1969)	127,041,224	42,347,074
March, April, May 1969 (fiscal year 1969)	196,580,954	65,526,984
September, October, November 1969 (fiscal year 1970)	201,103,860	67,034,620
March to May 1969 increase over September to November 1968	69,539,730	23,179,910
September to November increase over September to November 1968	74,062,636	24,687,545

Free or reduced price lunches averaged over 42.3 million monthly prior to the availability of Section 32 funds in FY 1969. The number of free or reduced-price lunches increased nearly 55% to a monthly average of 65.5 million during the first half year in which Section 32 funds were available.

The rate of increase slowed in the first half of FY 1970 to an average increase of 1.5 million children over the close of the prior fiscal and school year. The predominant reason given by States for this slowdown was the uncertainty of how much Federal money would be available caused by the late passage of appropriations by Congress. States report they are increasing activity toward reaching poor children with free or reduced-price lunches during the second half of FY 1970.

SCHOOL BREAKFAST

Fiscal year 1969	Child Nutrition Act	Section 32	Tota
Total breakfasts served	24,152,257	14,917,783	39,070,040
Free breakfasts served	16,593,163	11,323,104	27,916,267
Federal reimbursement	$3,337,165	$1,932,766	$5,450,000

Over 60% more breakfasts—or 14.9 million—were served as a result of Section 32 funds during FY 1969. These could not have been Federally reimbursed had it not been for Section 32 funds since nearly all Child Nutrition Act money for breakfasts was used.

However, Ohio, Kentucky and Puerto Rico account for over 75% of the Section 32 funds used for the breakfasts reimbursed from this fund.

NONFOOD ASSISTANCE

Fiscal year 1969	Child Nutrition Act	Section 32	Total
Number of schools	833	4,700	5,533
Federal funds used	$750,000	$9,577,722	$10,338,722

Most schools which furnished or improved kitchen facilities during FY 1969 did so with Section 32 funds. Nearly $9.6 million of Section 32 were used above the $750,000 apportioned under the Child Nutrition Act.

Benefits from these expenditures should be reaped in FY 1970 and later through expanded facilities or addition of a lunch program in a previously non-lunch program school.

EXAMPLES OF PROGRAM EXPANSION USING SECTION 32 FUNDS

City of Chicago

It is estimated that more than 116,000 children in Chicago are now receiving free lunches—a ten-fold increase over the previous year. It is estimated $3.3 million dollars in Federal funds will be needed to provide free lunches for an additional 35,000 participants. The State of Illinois made $5.4 million available to supplement Federal funds.

City of Philadelphia

During fiscal year 1969 lunch programs were extended to 35 additional needy schools from central commissary facilities. The number increased to 72 schools this year. About one-third are served from a central kitchen or from other schools and approximately 11,100 free lunches are served daily in the City of Philadelphia.

The City provided $750,000 to supplement Federal funds. The State Agency allocated $185,000 of Federal funds for additional equipment.

City of Baltimore

During fiscal year 1970 every Baltimore school, for the first time, has some food service available. During the week of October 6, free lunches were served daily to 29,251 children—a sixfold increase over the previous year.

Bag lunches are being prepared in 18 centers to serve 11,000 children in 66 satellite schools. State funds have been made available in the amount of $1.2 million. The City made $500,000 available to supplement the State contribution.

Indianapolis, Indiana

This month Indianapolis has 13 schools in its satellite feeding program. Lunches are being served to 4,000 children daily. It is expected by March 17 that 27 schools will be serving 9,000 to 10,000 children per day.

Last year there was no program in Indianapolis.

City of Camden, New Jersey

In Camden, plans are going forward to expand the lunch program to 24 city elementary schools. An old building had to be renovated to prepare the 11,000 lunches they expect to serve daily.

The City of Camden furnished approximately $300,000 and the State Agency reserved $32,000 of equipment funds to assist in getting the program started.

U.S. DEPARTMENT OF AGRICULTURE—FOOD ASSISTANCE PROGRAM, FISCAL YEARS 1969-71

Program	1969 actual	1970 estimated	1971 budget estimated	1971 budget, compared with 1970
A. Child nutrition programs:				
1. Cash grants to States:				
(a) School lunch (section), direct appropriation	$162,034	$168,041	$169,721	+$1,680
(b) Free and reduced price lunches:				
Child nutrition program	10,000	44,800	48,347	+3,547
Special feeding program (sec. 32)	32,039	61,000	151,653	+90,653
Subtotal	42,039	105,800	200,000	+94,200
(c) School breakfast:				
Child nutrition programs	3,500	10,000	12,000	+2,000
Special feeding program (sec. 32)	2,057	1,000	3,000	+2,000
Subtotal	5,557	11,000	15,000	+4,000
(d) Nonfood assistance:				
Child nutrition programs	748	10,000	12,500	+ ,500
Special feeding programs (sec. 32)	9,513	5,000		−5,000
Subtotal	10,261	15,000	12,500	−2,500
(e) State administrative expenses:				
Child nutrition programs	153	750	750	
Special feeding programs (sec. 32)	391	2,000	2,000	
Subtotal	391	2,750	2,750	
(f) Nonschool food programs	3,244	13,572	15,000	+1,428
Total, cash grants to States	223,679	316,163	414,971	+98,808
A. Child nutrition program—Continued				
2. Commodities to States:				
(a) School lunch (sec. 6)	63,899	64,325	64,325	
(b) Sec. 32	121,202	129,004	75,267	−53,787
(c) Sec. 416 (CCC stocks)	107,006	35,826	124,873	+88,047
Total, commodities	292,107	230,205	264,465	+34,260
3. Federal operating expenses:				
(a) Child nutrition programs	2,510	3,850	4,110	+260
(b) Sec. 32 (expenses for commodity donations)	1,485	1,432	1,432	
Total, operating expenses	3,995	5,282	5,542	+260
Total, child nutrition programs	519,781	551,650	684,978	+133,328
B. Special milk program:				
1. Special milk program	$102,048	$83,314		−$83,314
2. Special feeding programs (sec. 32)		20,000		−20,000
3. Operating expenses	629	686		−686
Total, special milk	102,677	104,000		−104,000
C. Food stamp program:				
1. Food stamp	240,587	596,150	$1,232,000	+635,850
2. Operating expenses	10,395	13,850	18,000	+4,150
Total, food stamp program	250,982	610,000	1,250,000	+640,000
D. Direct distribution to families:				
1. Sec. 32 commodities	190,282	189,304	157,475	−31,829
2. Sec. 416 commodities (CCC stocks)	79,278	51,942	92,745	+40,803
3. Financial Assistance to States (sec. 32)	4,154	16,000	19,700	+3,700

See footnote at end of table.

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U.S. DEPARTMENT OF AGRICULTURE—FOOD ASSISTANCE PROGRAM, FISCAL YEARS 1969–71—Continued

Program	1969 actual	1970 estimated	1971 budget estimated	1971 budget, compared with 1970
D. Direct distribution families—Continued				
4. Nutrition supplement (special packages):				
(a) Special feeding program sec. 32)	1,000	11,000	29,405	+18,405
(b) Sec. 32 commodities	7,067	21,655	9,700	-11,955
(c) Sec. 416 commodities	(500)	(3,855)	(7,393)	(+3,538)
Total, nutrition supplement	8,067	32,655	39,105	+6,450
5. Operating expenses (sec. 32)	3,936	5,374	3,720	-1 654
Total, direct distribution to families	285,717	295,275	312,745	+17,470
E. Direct distribution to institutions:				
1. Sec. 32 commodities	11,747	3,760	1,466	-2,294
2. Sec. 416 commodities (CCC stocks)	20,358	9,089	24,916	+15,827
3. Operating expenses	122	40	34	-6
Total, direct distribution to institutions	32,227	12,889	26,416	+13,527
F. Nutrition education (extension service including administrative expenses)	9,948	30,000	50,000	+20,000
Total, food assistance	1,201,332	1,603,814	2,324,139	+720,325
Recapitulation:				
Direct appropriations (including transfers authorized in annual Appropriation Acts)	[1] 609,695	1,039,338	1,626,753	+543,323
Special feeding programs (sec. 32)	45,000	100,000	186,058	+86,058
Sec. 32 (commodities and related expenses)	339,995	366,619	268,794	-53,733
Sec. 416 commodities	206,642	97,857	242,534	+144,677
Total	1,101,332	1,603,814	2,324,139	+720,325

[1] Includes $9,948,000 allotted from sec. 32 to extension service for the nutrition education program.

SUMMARY NO. 1 (AMERICAN SCHOOL FOOD SERVICE ASSOCIATION)

State	Children qualifying for free or reduced price meals	Children receiving free or reduced price meals
Alabama	(1)	(1)
Alaska	15,000	11,400
Arizona	49,141	27,542
Arkansas	66,683	42,727
California	500,000	160,000
Colorado	37,000	25,741
Connecticut	(1)	(1)
Delaware	4,067	3,961
District of Columbia	28,300	28,000
Florida	246,275	198,441
Georgia	243,239	172,135
Hawaii	13,400	10,800
Idaho	15,814	4,800
Illinois	200,000	147,000
Indiana	98,421	26,060
Iowa	95,000	24,456
Kansas	54,271	25,000
Kentucky	(1)	104,096
Louisiana	128,303	128,303
Maine	55,000	17,000
Maryland	97,373	49,210
Massachusetts	171,138	66,325
Michigan	211,521	101,138
Minnesota	106,832	39,055
Mississippi	(1)	(1)
Missouri	71,696	62,251
Montana	18,000	7,000
Nebraska	44,327	17,337
Nevada	(1)	(1)
New Hampshire	9,300	3,720
New Jersey	200,000	54,000
New Mexico	64,500	41,458
New York	650,000	405,000
North Carolina	484,600	198,672
North Dakota	27,587	(1)
Ohio	155,599	96,608
Oklahoma	103,290	89,975
Oregon	40,361	14,000
Pennsylvania	178,000	60,000
Rhode Island	16,000	148,779
South Carolina	208,528	173,600
South Dakota	(1)	10,000
Tennessee	218,062	106,248
Texas	500,000	130,000
Utah	25,000	17,500
Vermont	11,773	7,838
Virginia	189,953	149,731
Washington	125,000	25,000
West Virginia	119,374	54,418
Wisconsin	84,301	19,500
Wyoming	71,225	71,225
Total	6,053,254	3,377,005

(1) Not available.

SUMMARY NO. 2.—ANTICIPATED MONEYS NEEDED BEYOND FISCAL YEAR 1970 APPROPRIATED FUNDS TO CARRY ON SCHOOL FEEDING PROGRAMS FOR THE REST OF FISCAL YEAR 1970 SCHOOL YEAR

State	Sec. 4	Sec. 11	Sec. 32	Breakfast	Nonfood assistance	Total
Alabama	0	0	$1,200,000	0	0	$1,200,000
Alaska	0	0	11,000	0	0	11,000
Arizona	0	$245,884	225,874	$50,346	$75,000	597,104
Arkansas	$280,500	0	150,000	0	0	430,500
California	12,000,000	0	1,200,000	0	0	13,200,000
Colorado	0	0	351,000	0	50,000	401,000
Connecticut	0	0	50,000	0	0	50,000
Delaware	0	0	11,000	0	0	11,000
District of Columbia	200,000	320,000	100,000	154,000	10,000	784,000
Florida	0	0	3,880,000	0	0	3,880,000
Georgia [1]	1,920,000	0	2,008,229	0	200,000	4,128,229
Hawaii [2]	250,000	0	30,000	0	0	280,000
Idaho	44,056	220,240	0	0	50,000	314,296
Illinois	557,676	0	4,559,377	0	0	5,117,053
Indiana	100,000	0	350,000	0	0	450,000
Iowa	500,000	60,000	500,000	0	250,000	1,310,000
Kansas	0	0	0	0	0	0
Kentucky [3]	215,000	114,000	0	2,200,000	0	2,529,000
Louisiana [4]	0	0	0	0	0	0
Maine [5]	0	0	336,500	0	30,000	366,500
Maryland	115,000	0	1,030,864	5,000	0	1,150,864
Massachusetts	42,000	125,000	60,000	0	0	227,000
Michigan	0	0	400,000	0	100,000	500,000
Minnesota	0	0	100,000	0	75,000	175,000
Mississippi [6]	0	0	0	0	0	0
Missouri [7]	175,000	205,000	0	100,000	0	480,000
Montana	30,000	60,000	0	0	0	90,000
Nebraska [8]	$20,000	0	$100,000	0	0	$120,000
Nevada	0	0	0	0	0	0
New Hampshire	0	12,000	42,000	0	0	54,000
New Jersey	0	516,326	353,736	$50,613	0	920,675
New Mexico	0	0	80,000	0	$45,000	125,000
New York	10,000,000	0	5,300,000	0	0	15,300,000
North Carolina	1,981,481	0	5,504,114	750,000	0	8,235,595
North Dakota	0	0	0	0	0	0
Ohio	0	0	215,250	0	150,000	365,250
Oklahoma	51,774	506,032	544,759	115,014	63,000	1,280,579
Oregon	174,401	60,000	100,000	0	0	334,401
Pennsylvania	0	0	453,800	0	0	453,800
Rhode Island	0	0	34,000	0	0	34,000
South Carolina	0	0	612,228	0	0	612,228
South Dakota	0	0	0	0	0	0
Tennessee	0	0	527,702	0	0	527,702
Texas [9]	0	0	1,500,000	0	0	1,500,000
Utah	424,000	54,563	27,335	0	43,257	549,155
Vermont	131,643	0	69,775	0	6,500	207,918
Virginia [10]	306,720	1,442,163	31,383	0	200,000	1,980,266
Washington	200,000	0	400,000	0	100,000	700,000
West Virginia	1,000,000	764,981	1,000,000	182,000	10,000	2,956,981
Wisconsin	0	0	0	0	0	0
Wyoming	0	0	0	0	0	0
Total	30,719,251	4,706,189	33,449,926	3,606,973	1,457,757	73,940,096

[1] Georgia: Sec. 4 schools need an additional 3 cents reimbursement.

[2] Hawaii: An additional $250,000 for sec. 4 would be required annually to improve the lunches for all children.

[3] Kentucky: Reported the growth of the school breakfast program. In August 1968, 22,000 children were served. In October 1969, 908,000 children were served breakfasts.

[4] Louisiana: It is believed that all needy children determined eligible are reached with the free and/or reduced price meals.

[5] Maine: Unless these funds are provided by Mar. 1, approximately 16,000 needy children will have to be dropped from the school lunch program.

[6] Mississippi: The school situation is constantly changing. Based on the situation on Feb. 13, 1970, present funding is adequate.

[7] Missouri: Each month shows a great increase in participation of needy children.

[8] Nebraska: If we were to pay 12 cents on each free lunch served in the sec. 4 program, an additional $20,000 would be needed. If additional funds were available for sec. 32, more schools and children could be qualified for free or reduced price meals.

[9] Texas: By no means will $1,500,000 be sufficient to furnish free lunches to 370,000 children not now being served. The sum will permit us to add 50,000 to 60,000 children the last 3 months.

[10] Virginia: The additional funds requested are minimum to carry our present program for the remainder of the school year and provides nothing for expansion. If additional funds are not provided in the immediate future, reimbursement rates will have to be lowered and there is a possibility that some schools will have to close operation and close their lunchroom doors.

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APPENDIX B.—*Tentative State Needs for Additional School Lunch Money To Feed Poor Children*

[In thousands]

Alabama	$1,200
Alaska	11
Arizona	(1)
Arkansas	150
California	1,200
Colorado	350
Connecticut	50
Delaware	11
District of Columbia	(1)
Florida	3,880
Georgia	2,000
Hawaii	25
Idaho	220
Illinois	4,560
Indiana	350
Iowa	500–750
Kansas	(2)
Kentucky	1,000
Louisiana	(2)
Maine	337
Maryland	1,031
Massachusetts	230
Michigan	400
Minnesota	100
Mississippi	400
Missouri	305
Montana	25
Nebraska	100
Nevada	(2)
New Hampshire	12
New Jersey	350
New Mexico	80
New York	5,300
North Carolina	918
North Dakota	(2)
Ohio	215.3
Oklahoma	1,279
Oregon	100
Pennsylvania	453.8
Rhode Island	34
South Carolina	612
South Dakota	(2)
Tennessee	528
Texas	1,000
Utah	505.9
Vermont	70
Virginia	2,000
Washington	400
West Virginia	1,700
Wisconsin	(2)
Wyoming	(1)
Total	34,243,000.0

[1] Unknown.

[2] Sufficient.

I believe the gentleman will agree with me that the record discloses since we tapped these funds a year ago and made $50 million available over a year ago the free and reduced-price school lunches have increased more than 25 percent throughout America. Is that correct?

Mr. QUIE. That is correct. I believe we can be proud of the work that has been done. We are certainly aware that young children can gain in their education and develop their physical needs as well as their mental needs if these diets are adequate.

I would also say that no Members should confuse this bill with another more publicized bill for school lunches just passed by the other body earlier this week. That bill H.R. 515 was passed by the House last year, and was reported out of the Senate committee as S. 2548. The Senate amended that bill and then substituted their language and passed it H.R. 515.

I ask the gentleman from Kentucky: Does he plan to go to conference on that legislation?

Mr. PERKINS. Let me say to my distinguished colleague, in reference to the legislation before the House now, the Senate has waived the formula in the present school lunch program and given the Department of Agriculture full flexibility. We have given them a free hand in expending the money where they say the emergencies exist throughout America.

The other bill, of course, will come at a later date. I am sure we on the House side will have a discussion to see how we can best work it out.

Mr. QUIE. I thank the gentleman from Kentucky for those comments.

I am glad to see we have the Department of Agriculture agreement with us on this particular bill.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I should like to congratulate the chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS) for his expeditious handling of this bill.

I want to thank the gentleman from Minnesota for assisting on this legislation.

I should like to thank the House, for the 116,000 children in the city of Chicago who will be able to get hot lunches from this legislation. This is forward looking legislation. We can all be proud of it.

Mr. QUIE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. ICHORD). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. DEVINE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 32]

Ashley
Baring
Berry
Brock
Brooks
Brown, Calif.
Buchanan
Camp
Celler
Chisholm
Clark
Clay
Culver
Dawson
Dellenback
Dickinson
Diggs
Edwards, La.
Esch
Ford, William D.
Fuqua
Green, Oreg.
Green, Pa.
Hagan
Hanna
Hays
Jarman
Kirwan
Langen
Leggett
Lennon
McEwen
Meskill
Mikva
Morton
Moss
O'Hara
Ottinger
Pepper
Pettis
Pike
Powell
Rarick
Rees
Reifel
Riegle
Rosenthal
St Germain
Scherle
Scheuer
Schneebeli
Stafford
Steed
Stratton
Stuckey
Symington
Taft
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tunney
Watson
Whitehurst

The SPEAKER. On this rollcall 368 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SEVENTH REPORT ON COMMUNICATIONS SATELLITE ACT OF 1962—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-264)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed with illustrations:

To the Congress of the United States:

On July 20, 1969, from the Oval Office in the White House, I spoke by telephone with Neil Armstrong and Edwin Aldrin on the surface of the Moon. This historic event was simultaneously televised to the world through the medium of communication satellites. Under Section 404(a) of the Communications Satellite Act of 1962, I am sending to the Congress this seventh report on the program that helped bring this historic event to millions of people throughout the world.

Communications between Earth and the Moon, while certainly the most dramatic use, is only one of many ways in which satellite communications can now be employed. The Intelsat Consortium of more than 70 nations has been highly successful in bringing the benefits of communications satellite technology to the people of many nations. This report reflects the steady progress being made toward an improved global communications network. Already we see major improvements in international telecommunications capabilities—improvements that will ultimately benefit all of the world's people.

The Communications Satellite Act speaks of the contribution to be made to "world peace and understanding" by a commercial communications satellite system. Just as this technology has enabled men to speak to each other across the boundary of outer space, so, I am convinced, satellite communications will in future years help men to understand one another better across boundaries of a political, linguistic and social nature. World peace and understanding are goals worthy of this new and exciting means of communication.

RICHARD NIXON.

THE WHITE HOUSE, *February 26, 1970.*

NINTH ANNUAL REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-262)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

It is with a sense of gratification that I transmit to the Congress the Ninth Annual Report of the U.S. Arms Control and Disarmament Agency.

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The events of the past year have shown that through negotiation we can move toward the control of armaments in a manner that will bring a greater measure of security than we can obtain from arms alone.

There is reason to be hopeful of the possibility that an understanding can be reached with the Soviet Union which will permit both nations to reduce the burden and danger of competitive development of strategic arms.

The process has begun. The preliminary, exploratory phase of the Strategic Arms Limitations Talks was held in Helsinki in November and December. Ambassador Gerard Smith, the Director of the Arms Control and Disarmament Agency, whom I named to head our delegation to the Talks, reported to me that the exchange of views was serious and augured well for the next phase to begin in Vienna in April.

We have undertaken these negotiations because it is in our interest to do so. We believe the Soviet Union recognizes a similar interest. In addition, continuing technological advances in weapons systems give warning that delay will only complicate the arduous task of achieving agreements.

The other nations of the world are looking to the United States and the Soviet Union to limit and reduce our strategic arsenals. I believe that a verifiable agreement which will limit arms on both sides will in fact enhance mutual security.

The report which I now send to you describes the contribution of the Arms Control and Disarmament Agency to the preparation for, and the conduct of negotiations on strategic arms limitation. The report also describes efforts in pursuit of other arms control measures directed to controlling chemical warfare and bacteriological research, to bringing the nonproliferation treaty into effect and to banning nuclear weapons and other weapons of mass destruction from the seabed.

In transmitting this report, I reaffirm my Administration's concern with the substance rather than the rhetoric of arms control. Wherever possible, consistent with our national security, I want our talents, our energies and our wealth to be dedicated, not to destruction, but to improving the quality of life for all our people.

RICHARD NIXON.

THE WHITE HOUSE, *February 26, 1970.*

PROPOSED FEDERAL ECONOMY ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-263)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

I propose reduction, termination or restructuring of 57 programs which are obsolete, low priority or in need of basic reform. These program changes would save a total of $2.5 billion in the fiscal year 1971. Of this amount, $1.1 billion savings require Congressional action—roughly the equivalent of the amount by which the 1971 budget is in surplus.

No government program should be permitted to have a life of its own, immune from periodic review of its effectiveness and its place in our list of national priorities.

Too often in the past, "sacred cows" that have outlived their usefulness or need drastic revamping have been perpetuated because of the influence of special interest groups. Others have hung on because they were "too small" to be worthy of attention.

At a time when every dollar of government spending must be scrutinized, we cannot afford to let mere inertia drain away our resources.

Some of these programs are the objects of great affection by the groups they benefit. But when they no longer serve the general public interest, they must be repealed or reformed.

No program should be too small to escape scrutiny; a small item may be termed a "drop in the bucket" of a $200.8 billion budget, but these drops have a way of adding up. Every dollar was sent to the Treasury by some taxpayer who has a right to demand that it be well spent.

As an extreme example, the government since 1897 has had a special board of teatasters. At one time in the dim past, there may have been good reason to single out tea for such special taste tests; but that reason no longer exists. Nevertheless, a separate teatasting board has gone right along, at the taxpayer's expense, because nobody up to now took the trouble to take a hard look at why it was in existence. The general attitude was: It did not cost much, it provided a few jobs, so why upset the teacart?

That attitude should have no place in this government. The taxpayer's dollar deserves to be treated with more respect.

Most of these programs have the strong support of some special interest group, and in many cases the changes I am proposing will be resisted. Overcoming this resistance will not be easy. I urge, therefore, that the Congress examine the possibilities of establishing special arrangements for consideration of this legislation. The Joint Committee on Reduction of Federal Expenditures may be able to provide the focus needed to secure the savings I have included in this Federal Economy Act; or, perhaps, a joint select committee empowered to propose legislation to both Houses should be established.

This Administration is making extraordinary efforts to hold down spending; it would be fitting for the Congress to approach the need for economies in the same spirit.

Of the 57 savings actions I have proposed to prune the 1971 fiscal year budget and slow down the momentum of Federal spending, forty-three are within the authority of the President to effect; four are already before the Congress and awaiting action; ten more are submitted with the Federal Economy Act.

Of the total savings effort, these are the most significant items:

1. *I propose that we reform assistance to schools in Federally-impacted areas to meet more equitably the actual burden of Federal installations.*

In origin this program made good sense: Where a Federal installation such as an Army base existed in an area, and the children of the families living on that installation went to a local school; and when the parents made no contribution to the tax base of the local school district, the Federal government agreed to reimburse the local district for the cost of educating the extra children.

But this impacted aid program, in its twenty years of existence, has been twisted out of shape. No longer is it limited to payments to schools serving children of parents who live on Federal property; 70% of the Federal payments to schools are now for children of Federal employees who live off base and pay local property taxes. In addition, the presence of a Federal installation (much sought-after by many communities) lifts the entire economy of a district. As a result, additional school aid is poured into relatively wealthy communities, when much poorer communities have far greater need for assistance.

One stark fact underscores this inequity: Nearly twice as much Federal money goes into the nation's wealthiest county through this program as goes into the one hundred poorest counties combined.

The new Impact Aid legislation will tighten eligibility requirments, eliminating payments to districts where Federal impact is small. As it reduces payments to the wealthier districts, it will reallocate funds to accord more with the financial needs of eligible districts. Children whose parents *live* on Federal property would be given greater weight than children whose parents only *work* on Federal property.

While saving money for the nation's taxpayers, the new plan would direct Federal funds to the school districts in greatest need—considering both their income level and the Federal impact upon their schools.

Reform of this program—which would make it fair once again to all the American people—would save $392 million in fiscal year 1971 appropriations.

2. *Medicaid.* The original purpose of this program was to provide medical treatment to all persons, regardless of age, who could not afford such care. As many States have discovered, an additional item—long-term residential care in nursing homes and mental hospitals that often involves little medical treatment—has been an unexpected cause of great expense. I propose that we direct Federal matching funds toward medical treatment rather than custodial care and provide new incentives to the States to emphasize more efficient forms of extended care.

Estimated savings to the Federal government in fiscal 1971 appropriations would be $235 million.

3. *Space research.* After the recent successful Apollo missions, scientific needs for more manned lunar explorations were reassessed. We concluded that fewer manned expeditions to the moon were needed, and production of addi-

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tional Saturn V launch vehicles and spacecraft has been suspended. Eight Saturn Vs remain in our inventory for manned flights during the early 70s. Savings as a result of these and related space research decisions total $417 million in fiscal year 1971 appropriations.

4. *Duplicated veterans benefits.* During the past twenty years, Social Security and other legislation has been enacted which often duplicates benefits due to veterans with wartime service to defray burial expenses. I have proposed to limit Veterans Administration payments to the difference between $250 and the total of non-VA benefits due the veteran's survivors, saving $54 million in fiscal year 1971.

In addition, I propose to require insurance companies to reimburse the Veterans Administration for the general hospital care of veterans with non-service connected medical problems who have purchased private health insurance but who elected to receive that care in VA hospitals. At present, most insurance contracts preclude payment to VA facilities, which is unfair; insurers should not be relieved of payments because their policyholders choose to be treated in VA hospitals. This will save the government $40 million in fiscal year 1971.

Modern medical treatment makes possible permanent recovery from tuberculosis, and over a year ago the Congress ended future payments of $67 per month to veterans whose disease is completely arrested. However, about 40,000 veterans, whose disease has been cured, are still on the compensation rolls; since their cure makes further compensation unnecessary, I propose that they be removed from the rolls at a saving of about $46 million.

5. *Lower-priority agricultural programs.* The Federal government currently cost-shares with farmers certain conservation practices, a substantial part of which are in fact profitable farming techniques; as the number of large farms using these techniques has increased, there is less need for this program that now would require $211 million in fiscal year 1971 appropriations. In addition, $84 million per year is appropriated to subsidize the purchase of milk in schools for children, a great many of whose families are not poor; these resources should be reallocated to more effective nutritional programs to benefit children of poor families which will include milk as a part of the total program.

Federal crop insurance, a useful program, has developed to the point where Federal assistance can be gradually reduced. This insurance is now subsidized by the Federal government, and it should be made self-supporting over a period of time. I propose legislation adjusting premiums to cover administrative costs, which will produce a first full-year saving of $12 million.

6. *The government-owned Alaska Railroad.* It is time for the Federal government to get out of the operation and ownership of the Alaska Railroad. With the discovery of oil and other potential economic development in Alaska, the need for Federal ownership has passed and the Alaska Railroad has become an attractive investment. It should be sold either to the State of Alaska or to private enterprise for a substantial sum.

7. *Replacement of hospital grants with loan guarantees.* At one time, hospitals were not generating enough income to pay off capital construction loans; today, *through reimbursements by Medicare, Medicaid and private insurance plans,* the financial status of hospitals has been markedly improved. Accordingly, using the same principle that has been so successful in the Federal Housing Administration program, the 1971 budget terminates direct grants to hospitals in favor of a new program of mortgage guarantees to hospitals for construction capital with a liberal subsidization of the interest rates they will be charged. The new program, which will be more effective in stimulating hospital construction, will save the taxpayer $65 million in fiscal year 1971.

8. *Miscellaneous items requiring Congressional action.* These include charging the industries involved to recover the costs of Federal grading, classing, and inspecting of tobacco, cotton and grain, saving $4 million; charging to recover the costs of administering marketing agreements and orders, $2 million; ending Federal formula grants to schools of veterinary medicine, a low priority item, $3 million; turning over Federal maintenance of recreational marinas to the users of such facilities, $1 million the first full year.

9. *Terminating the Coast Guard Selected Reserve Program.* The elimination of the Coast Guard Selected Reserve program would not significantly reduce the overall effectiveness of the Coast Guard.

The proposed legislation eliminates the statutory requirement for a Selected Reserve within the Coast Guard Ready Reserve after fiscal year 1971.

It provides that personnel who are fulfilling their Selective Service obligation through the Coast Guard Reserve may be transferred, with their consent, to other Reserve components, with the assurance that their Coast Guard service will be credited toward fulfillment of that obligation. It is also anticipated that some personnel in the Selected Reserve would be retained in the Ready Reserve in a no-training status. All will be offered the opportunity of accepting a discharge from the Coast Guard Reserve or volunteering for extended active duty for the purpose of fulfilling their military service obligation. First full year savings are approximately $25 million.

10. *Sale of stockpile commodities.* The greatest bulk of the stockpile materials to be disposed of in fiscal year 1971 would be sold in accordance with standing authorizations. With respect to those stockpile surpluses for which there is presently no disposal authority, we have already sent to the Congress twenty bills requesting the necessary authority. In addition, we have endorsed three other pending bills. The proposed sales program, including disposals which would be authorized under new legislation, would produce about $750 million in fiscal 1971.

I am transmitting with this message a proposed Federal Economy Act of 1970.

Never has the need to curtail unnecessary spending been as vital as it is now. The rising cost of living, which causes so much hardship to so many of our people, must be arrested; a balanced budget is needed to hold the line on rising prices and interest rates.

In this fight, no time-honored program is sacrosanct if it cannot be justified on the grounds of high priority; there is too much that needs to be done for all the people to permit special benefits to be conferred unfairly upon some of the people.

Of course animal-lovers want more veterinarians, but Federal funds should be spent on providing more doctors for people; of course harbors should be kept clear for pleasure craft, but Federal funds should be directed to help clean water for people to drink; of course all the elderly should be cared for, but Federal funds should be directed to medical rather than custodial care of the elderly who are poor and ill.

That is why we have looked at Federal spending with new eyes—not on the basis of government as it is, but on the basis of what comes first for now and tomorrow. The time is past for "more of the same."

Federal spending must be in response to present needs, not a reflex caused by old habits. The savings we make now are dollars enlisted in the fight against inflation, and there is no need more urgent to all the people than the need to hold down the rising cost of living.

I have already made a great many of the hard decisions that are mine to make to hold down nonessential domestic spending, above and beyond the substantial cuts already made in our defense budget, and I urge the Congress to make the hard, responsible decisions that the Congress is charged to make. This is no time for business as usual, spending as usual, politics as usual. This is the time for cutting out waste and cutting down costs with new vigor and new determination.

RICHARD NIXON.

THE WHITE HOUSE, *February 26, 1970.*

FEDERAL ECONOMY ACT OF 1970

Mr. GERALD R. FORD. Mr. Speaker, it is time Congress was thinking about economy. For too long Congress has been too prone to think of possibilities and projects for the spending of the taxpayer's dollar.

The demands on the Treasury dollar are great, and much of the time those demands are not only legitimate but most pressing.

Today, however, President Nixon has presented us with an opportunity to save—to save in the interest of making what spending we do sanction the more meaningful and the more worthy.

The President has presented us with an opportunity and a challenge.

He has said to us, in effect: "The time has come for you and me to eliminate every dollar of unnecessary Federal spending and to prune away all of those spending items which are of low priority. Come, join with me in proving to the American people that it is possible for the Federal Government to function sensibly—that it is possible to cut out programs that have outworn their usefulness, programs that cannot be justified."

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The President's message accompanying the Economy Act of 1970 should be carefully studied and pondered by every Member of the Congress. None should dismiss the President's proposals out of hand with the observation that these proposed cuts simply will not happen.

As the President has so aptly put it, this is no time for business as usual, no time for politics as usual.

This is a time for every Member of this House to become a statesman in the name of Government economy, a protector of the people's purse, a warrior in the fight against inflation, a stalwart in the fight for a balanced budget.

The recommendations in the President's economy message must be implemented.

CONFERENCE REPORT ON H.R. 11702, MEDICAL LIBRARY ASSISTANCE EXTENSION ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of February 25, 1970.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, this conference report deals with the program of grants for assistance to medical libraries. The bill is long and complex, since it deals with a number of programs of assistance to medical libraries. As passed by the House the bill authorized a total of $49½ million; as passed by the Senate the bill authorized a total of $76½ million. The conferees split the difference between the two bills and the conference report provides for a total of $62½ million for the programs of assistance to libraries.

In all other respects, the bill is essentially the same as the House version, except that a provision in the House bill permitting financial support for certain biomedical scientific projects was deleted, and the House conferees agreed to a Senate amendment permitting limited transfers of appropriated funds between categories.

Mr. Speaker, I think this is a good conference report, and we recommend its adoption by the House.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I am especially glad the gentleman sees fit to yield and particularly that he addressed himself to the question of transferability of funds.

Do I correctly understand from the conference report that the transferability of funds also allows the Secretary of Health, Education, and Welfare to call upon funds from future appropriations for a program of assistance for medical libraries and/or for use in another program of assistance?

Mr. STAGGERS. Yes; but only after funds are appropriated, of course.

We have a limitation on the transfer of funds. It would have to be on any new authorizations from each year to year.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I think this is a very important legislative record we are making.

Mr. STAGGERS. Yes, sir.

Mr. HALL. And it is important, I believe, that they cannot call upon future appropriations unless they have first been authorized—not only authorized but appropriated for in that year.

Mr. STAGGERS. That is correct.

Mr. HALL. So that we cannot make an advance call on funds that have neither been authorized nor appropriated. I ask the gentleman: Is that not correct?

Mr. STAGGERS. I assure the gentleman from Missouri that that is absolutely correct.

Mr. HALL. I appreciate the gentleman yielding.

I am strongly in favor of the conference report and I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman.

Mr. GROSS. May we be assured that the amendments, as a result of the conference the Senate, on this and the other conference reports that are to come before us today from the Interstate and Foreign Commerce Committee are germane?

Mr. STAGGERS. That is our opinion, yes, sir. They are germane to the bills.

Mr. GROSS. I thank the gentleman.

Mr. STAGGERS. Mr. Speaker, I now yield such time as he may consume to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, the creation and support of medical libraries has been recognized by this House as a vital link in the chain of health service delivery for some years now. The programs we have passed assist in construction, training of personnel, creation of and distribution of medical information in proper form for library use, and finally the founding of regional libraries. Although this is not one of the glamorous and thankfully not one of the expensive programs in the health field it is one of the foundation stones upon which the streamlining of health services and their ready availability to the American public must rest.

Differences even in proposed authorizations were not great in the House and Senate versions and these were compromised easily. As passed by the House the four programs would have been authorized at $16.5 million per year for 3 years. The Senate version started at $20.5 million for the first year and went up to $30 million in the third year. The overall totals of these two bills were split and spread through the 3-year period. This resulted in an addition of $12 million altogether.

Other differences had to do with availability of funds and transferability. The House conferees held to making funds appropriated available for 1 extra year instead of indefinitely as proposed by the Senate version. Limited transferability of funds from one of the specific programs to another one was agreed to.

We recommend that the House adopt the conference report.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2809, PUBLIC HEALTH TRAINING

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 2809) to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of February 25, 1970.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, the conference report before the House today provides for a 3-year extension of the existing program under which formula grants are made to schools of public health to reimburse them for a portion of the costs which they incur in training federally sponsored students at these schools.

The Senate proposed to extend this program for 5 years, at a higher level of funding, but in conference this extension was limited to 3 years, but at the level of funding recommended by the Senate. We felt this added money was necessary because of the development of a number of new schools of public health in recent years.

The Senate bill also provided for a 4-year extension of the existing program under which traineeships are provided for professional public health personnel, and the program of project grants to schools of public health for the costs of new programs, or improvement in existing programs at those schools.

The conference agreement limits the extension of these two programs to 2

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years, at authorizations reduced below the level contained in the Senate bill.

As a result of this legislation, all programs of grants specifically oriented to schools of public health will terminate simultaneously hereafter, so that these programs can be considered together in the future.

The managers on the part of the House are unanimous in recommending that the House adopt this conference report.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, the conference report before us at this time concerns grant assistance to the few schools organized to prepare professionals for the field of public health which is becoming increasingly important as we expand the services offered to our citizens. It is not a new program, and the House version merely extended the formula grants which run to the schools to support general expenses. We had provided authorizations of $7, $9 and $12 million for the next 3 fiscal years. As the bill came to conference it had an additional year added and somewhat larger funds for each year. We report back to you a conference version which limits the program to 3 years and splits the funding differences, resulting in authorizations of $9, $12 and $18 million for the next 3 fiscal years.

There are two other programs which affect schools of public health and which will be expiring next year. They provide traineeships for public health training of people already committed to the health professions, and project grants to encourage and assist schools of public health to create new and better graduate courses in this field. The House did not include an extension of these programs at this time, but the other body did.

Since there is no quarrel with either program the conference accepted the inclusion of these additional programs in this bill limiting, however, both of them to 3 years and reducing somewhat the authorizations included in the version which passed the other body. As a result we are recommending authorizations for the traineeships at $14, $16, and $18 million for the next 3 years, and $14, $15, and $16 million for project grants. Since authorizations were already available for the last two programs for fiscal 1971, the extensions are for a total of 3 years but only two of these are new. This makes all three programs terminate simultaneously which should expedite and make their consideration more logical in the future.

I recommend that the House adopt the conference report.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 14733, HEALTH SERVICES FOR DOMESTIC AGRICULTURAL MIGRANTS

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ROONEY of New York). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of February 25, 1970.)

Mr. STAGGERS. Mr. Speaker, the conference report presently before the House provides a 3-year extension of the existing program under which health services are provided for domestic agricultural migrant workers. Both the House and Senate versions of the legislation contain the same level of funding, so that the report is identical to the bill as it passed the House in this regard. The House bill also provided coverage under project grants for a limited number of seasonal agricultural workers, where providing health services to these persons would improve health conditions of migrants themselves. The conference agreement is identical to the House bill in this regard.

The Senate bill also contains an amendment providing for community participation in the development of programs. The House conferees accepted this Senate amendment, with the understanding that community participation in the development and implementation of these programs would be limited to the development of new, or modification of existing programs, but do not extend to the actual administration of the programs. It is our feeling that the modification should apply to new grants made hereafter, and to renewals of existing grants at the time they are considered for renewal.

The managers on the part of the House were unanimous in their agreement to the report, and we recommend the adoption by the House.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am glad to yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of this conference report.

Since this legislation was passed into law in 1962, hundreds of thousands of migrant workers in almost all parts of this Nation have received medical help. Each year of the program has seen additional migrant workers helped.

This year's extension of that legislation, however, is to date the broadest and most effective since its original passage.

For the first time we are enlarging the target area to those persons who work with and whose health conditions also affect the migrants in the fields. We estimate that there are approximately 1 million migrants, but there are at least a million additional seasonal workers and maybe as many as 2 million who do not leave their home base.

Yet these people who work side by side with the migrants have not had the benefit of the program, but they should. The health problems of the farmworkers are not limited to traveling workers. Domestic and migrant workers are together in the fields, and we cannot continue to overlook the fact that disease and illness can spread without regard to classification of the worker.

This bill calls for appropriation of $20 million in fiscal 1971, $25 million in fiscal 1972, and $30 million for fiscal 1973. This represents an encouraging increase over this year's $15 million. But based on a million migrant population figure, it allows for an average of only $20 per person for medical care compared to the national average of more than $300 for each man, woman, and child in the nonmigrant population. So it is evident that we can do still more in this area.

For my colleagues who are not completely familiar with the migrant health program, I would like to point out that migrant use of medical care is about one-seventh the national average. Their dental care is about one-twentieth, and their use of hospital care is about one-fourth that of the general population.

The mortality of migrants from TB, influenza, pneumonia, and other infectious diseases is more than twice the national average. These also exist and are similar in the seasonal agricultural workers and their families.

Although there are three main migrant streams, the area covered by these wandering workers is national in scope and indeed is a national problem.

So far, we have estimated that only one-third of the migrant population has been reached by the program. We must do better.

I am encouraged at the work being done in Florida. In the Palm Beach County area there is a peak migrant population of approximately 38,000. The county health officer there has reported that all 38,000 have received some benefits from the Migrant Health Act. In addition, more than 11,000 have received medical assistance, either through aid in clinics or hospitals.

To give an idea of the scope of the program on the national level, it is estimated that 120,000 received medical care last year; 21,000 received dental care and there were 210,000 medical visits and 28,000 dental visits.

In Broward County, approximately 3,000 have received direct medical treatment. Almost 1,000 have received dental treatment, 1,000 have been helped in nursing clinics and 1,400 have participated in the immunization program. During the past year, migrants have registered almost 3,900 visits to clinics and have been treated in hospitals for 1,161 days.

Mr. Speaker, presently there are 116 single or multicounty projects operating with Migrant Health Act assistance in 36 States and Puerto Rico. Yet, there are 900 of the Nation's 3,000 counties that are annually temporary homes to migrants ranging in number from 100 to 40,000.

These 116 projects reach 300 counties, but in the other 600 counties health care is sporadic and often crisis oriented. We have made progress. But we still must do more. We must reach those remaining two-thirds of the target areas.

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I think that H.R. 14733 will help us in assuring that the migrant and seasonal farmworkers in this Nation are assured of decent health service. I urge passage of this legislation and commend those who have worked on this very important program.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I shall be happy to yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I, too, want to rise in support of this commendable legislation and would like to know if the gentleman from West Virginia will yield for a question?

Mr. STAGGERS. I would be happy to do so.

Mr. GONZALEZ. With respect to the certain types of migratory workers, what exactly does this mean?

Mr. STAGGERS. All migratory workers that come from outside the State or move in interstate commerce.

Mr. GONZALEZ. All migratory workers?

Mr. STAGGERS. Yes, sir.

Mr. GONZALEZ. In the statement accompanying this conference report you refer to the fact—and this can be found on page 3—that this is to be limited to projects which will improve the health conditions of migratory workers themselves?

Mr. STAGGERS. I might explain this—that certain workers in the United States who are employed in a group of migratory workers from outside, if there is a disease of any kind or epidemic of any kind or certain conditions that necessitate the migratory workers receive health care, then the others could receive help.

Mr. GONZALEZ. One further question: This is not intended to be limited to the permanent residence of the migratory workers?

Mr. STAGGERS. No, it is not.

Mr. GONZALEZ. I thank the gentleman very much and I commend the gentleman for this very worthy legislation.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, the Congress is to be congratulated for its action today in passing four bills that are keystones in our public health service. These bills bear the imprint of the House Interstate and Foreign Commerce Committee and I am honored to have shared in working on these vital programs.

Perhaps we did not go quite far enough with this legislation, but at least we kept the programs alive and moving. Although I would have preferred a higher level of funding, these are not the times to cling doggedly to spending programs.

These four bills extend, and in some cases, improve our Federal programs in the areas of mental health, migrant worker health, public health training and medical library assistance.

S. 2523, the mental health bill, not only extends existing programs, but takes steps toward dealing with the mental problems that are magnified by the excessive use of alcohol and drug addiction. It is only humane that we increase our efforts to deal with these problems that are hidden within the fibers of our society—yet real and increasing in scope. I am especially proud that this bill increases the Federal participation in dealing with mental problems dealing with children. In this way, perhaps we can reclaim some young lives before they are lost forever. I had hoped we might increase the Federal participation in the grant ratio to at least a matching status. However, I much prefer this much of the cake to none at all.

Providing health services for migratory agricultural workers and their burgeoning families is both good and necessary action. H.R. 14733 will focus new light and bring new hope for the migrant workers. Also, we have extended and enlarged the coverage of the act that Congress initially passed 2 years ago. This program is vital to my district, especially. I am pleased to report that we have one of the finest migrant health centers in the Nation in San Marcos, Tex. This small band of dedicated workers is one of the more active groups in the United States.

In a time when the Nation is suffering from a shortage of trained technicians and professional people in the medical field, Congress accepted the responsibility of amending the Public Health Service Act to extend the authority making formula grants to schools of public health. Also, we added significantly to the trainee programs for professional public health personnel. Texas is blessed with many good medical schools and this bill, S. 2809, should only strengthen an already strong State program. Here again, we took a long overdue step when we amended the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries.

True, these bills are not perfect nor do they provide all the money that is needed. The significant thing, the meaningful thing is that these bills are at least a reassurance that Congress is taking notice of our Nation's health problems, physical and mental. We are aware of our neighbor's problems and we will not forget them.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, some years ago the House recognized the plight of migrant agricultural workers in regard to health services. Seldom citizens of the places where they worked, they found no local health facilities open to them and no programs for any preventive medicine. This situation endangered both the migrants and the communities.

With the leadership and grant assistance provided by the program under consideration now the situation has been materially bettered. Literally hundreds of communities where migrants work have programs to provide health care and, since our last renewal of the law, emergency hospital services.

The bill we passed some time ago recognized another situation. The health of nonmigrant workers who labor alongside the migrant can cause some of the very problems we had hoped to avoid. So where the health of the nonmigrant is so closely connected we allowed the use of funds for both on the same basis.

The Senate version varied but little from the House version of this program. Community and citizen participation in the formulation of these vital programs is a good thing. Certainly they cannot be administered by a committee system, and all knowledgeable elements of the community should have an interest in them and a chance to contribute to their success. The Senate version contained language to effect this and the conferees accepted. Otherwise the bill was taken as passed by the House.

We recommend that the conference report be adopted by the House.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2523, COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 2523) to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of February 25, 1970.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 1 hour.

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report we bring before the House today is on one of the most important health bills to be considered during this session of the Congress. Twenty-five years ago there were 462,000 resident patients in State and local government mental hospitals in the United States. By 1955 this number had grown to 559,000 patients, and if those trends had continued, we would today have over 800,000 patients in mental institutions. Instead, we have 306,000. This drastic drop is due to two reasons. The principal reason is the use of psychoactive drugs in the treatment of mental illness, but an important part has also been played by the substantial increase in trained medical manpower in the field of mental health.

Notwithstanding this progress, it still is a melancholy fact of life that one American in each 10, at present rates of admission to mental institutions, will spend some portion of his life confined to a mental institution. We have to do something about this, and this bill is intended to do just that.

The existing program of grants for construction and staffing of community mental health centers was established in 1963. Under this program, matching grants are made to the States following the Hill-Burton formula for meeting a portion of the costs of construction of community mental health centers. In addition, grants are made to meet a declining portion of the costs of professional and technical personnel staffing these facilities with the Federal assistance limited to 4 years and 3 months.

Based on our experience to date with this program, the bill as passed by the House provided a 3-year extension of the authorizations for construction and staffing these centers, and provided an additional period of Federal assistance for staffing costs. In addition, the bill provided extra matching for the costs of construction and staffing of facilities in rural or urban poverty areas. We provided also special incentives for construction and staffing of facilities to treat narcotic addicts, and facilities for treatment of alcoholics. In addition, we added a new program of special incentives for facilities serving the mental health needs of children, and also adopted an amendment sponsored by the gentleman from Minnesota (Mr. NELSEN) providing special incentives for consultation services.

The Senate amended their bill in general to increase the amounts of the authorizations. In general, the conference agreement splits the difference between the two Houses, except with respect to the program for alcoholics and narcotic addiction, where larger amounts were agreed to.

In addition, the Senate had provided a higher portion of Federal matching for operating costs of these facilities, and would have extended the period of Federal assistance to 10 years. We compromised with them and provided that Federal assistance would run for 8 years, and provided in general a liberalized definition of technical personnel, so as to cover some additional costs.

Mr. Speaker, the managers on the part of the House are unanimous in recommending that the House agree to this conference report.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. Mr. Speaker, I will be happy to yield whatever time the gentleman might require.

Mr. SPRINGER. Mr. Speaker, aside from the basic program for hospital construction which has been with us now for many years, the most important and progressive health program created by the Congress has been the community mental health centers construction and staffing legislation. It has struck at the heart of the most difficult and most tragic health problems faced by all communities, large and small.

Originally created to get going on facilities for mental health care, it has been recognized that these same local institutions are the proper place to add the other equally vital services for drug addicts and alcoholics. Now we are making a new and maybe the most important addition—mental health service designated especially for children.

All of this was in our bill as it went to conference. It is a big, complicated and expensive program but one to which we are fully committed and one which is paying off.

I will not try to outline again the details of the program. For our purpose here I think it is sufficient to remind the Members that it provides for construction and initial staffing of community mental health centers including the services mentioned before. Our bill had also recognized the need for somewhat liberalized provisions in both grants and staffing for poverty areas.

The differences to be ironed out were not concerned with the philosophy of the legislation. On that there was agreement between the Houses. The differences were concerned rather with level of effort, and they were significant. This body had tried very hard to be realistic in its authorizations and all other provisions. Probably because it is an area where the need is so apparent and progress too urgent, the Senate version provided greater authorizations in every category and expanded staffing support much more than the House version.

Because of these differences, greater compromises were necessary. Authorizations had not been made casually in either instance, and, therefore, conferees for both Houses found it difficult to recede and accept those offered by the other. Without trying to outline each figure, I wish to report that we did hammer out compromises which generally fell about halfway between the original figures. I do not think either set of conferees is entirely happy with this, but I am satisfied that if this program is to proceed, it is the necessary action, and we can take some comfort in knowing that appropriations justifications must still be made in each of the areas.

Staffing support has been provided for 4 years and 3 months up to this time. The House bill extended this to 6 years and 3 months, while the Senate version extended it to 10 years. Agreement was reached on an 8-year program. Actually we will be looking at the entire program again long before this period has run, and we can, therefore, evaluate the propriety of the longer staffing support after it has been in force for a few years.

The bill allows the use of staffing funds for new categories of personnel. Originally we limited it to doctors and similar professionals and some technicians. Such people are in short supply, and assistance with staffing costs for them is justified.

It is my opinion that the compromises made and the agreements reached by the conference are fair and supportable. The integrity of the programs as passed by the House have been held intact, and the authorizations finally agreed to, while larger than the committee and the House originally contemplated, are not unduly enlarged by the conference report. We urge its adoption.

Mr. ROGERS of Florida. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I will be happy to yield whatever time the gentleman might require.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of the conference report of S. 2523, the Community Mental Health Centers Amendments of 1970.

This legislation would extend for 3 fiscal years, through fiscal 1973, the program of grants for construction of Community Mental Health Centers. A total of $270 million is authorized for this very worthwhile program which has been extremely successful.

The programs of grants for the initial operation of these community mental health centers and the staffing grants, have likewise been extended for 3 fiscal years, through 1973, and a total of $155 million has been authorized for this period. The duration of these grants has been extended from the present 4 years and 3 months to 8 years.

With regard to the grant programs for facilities and services for alcoholics and narcotic addicts, the conference report authorizes a total of $105 million for the three fiscal years, ending July 1, 1973. We intend that real emphasis be given to the treatment of alcoholics and narcotic addicts.

Insofar as services are concerned, the duration of the staffing grants have been extended from the present 4 years, 3 months to 8 years.

The House and Senate versions of this legislation both included a new provision to establish a program for the mental health of children, and provides for grants for the construction of facilities for the mental health of children, the cost of professional and technical personnel in new facilities for the mental health of children or in new services in existing facilities, and for training and program evaluation. The conference report authorizes a total of $62 million for the 3 fiscal years, ending July 1, 1973.

Staffing grants made under this new section would be for a duration of 8 years.

Mr. Speaker, as author of the House bill I am encouraged that this legislation can soon be sent to the President for the extension of these most important programs. Since 1963, when these programs were first begun, the number of resident patients in State and local government mental hospitals in the United States has dropped from 504,000 to about 350,000, a decrease of about one-third, and we should keep in mind that this program really did not begin to function until 1966 and 1967.

As a conferee on this measure, I believe passage of this legislation will enable us to more fully carry forward our efforts to treat the mentally ill, the alcoholic, the narcotic addict, and particularly the children who are stricken with mental illness.

Moreover, it should be noted that every community mental health center, even if it does not have specific grants for alcoholism or narcotic addiction, can

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provide assistance to persons suffering from any mental or emotional disability, particularly adolescent narcotic addicts or drug abusers.

When the Subcommittee on Public Health and Welfare held hearings last year on this legislation, testimony was received urging that the present staffing grants be expanded to cover the cost of all operations of the community mental health centers.

The committee did not feel that we should, at this time, adopt such a broad approach to the staffing of these centers, principally because to do so would offer less encouragement to the States and local areas to support these facilities.

However, the committee did recognize the need for an expansion of the definition of staffing personnel in order to assist the centers in becoming effective quickly.

To that end the conference report represents, I believe, a realistic approach to the problem of staffing assistance. The term "technical personnel" is defined to include: "accountants, financial counselors, allied health professional personnel, dietary and culinary personnel, and any other personnel whose background and education would indicate that they are to perform technical functions in the operation of the centers or facilities for which assistance is provided." It would not include minor clerical personnel and maintenance or housekeeping personnel.

I urge my colleagues to adopt this conference report which I believe represents a very realistic and encouraging extension of our present efforts to combat mental illness at the local level.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman.

Mr. NELSEN. Mr. Speaker, I wish to add my comments relative to this very worthwhile bill, which reminds us of the things that have been accomplished in this field, nationwide, and which have been most rewarding to those of us who have given attention to the problem of mental health.

In my own State, mental health centers were set up years ago and we are proud of the results. In our State-owned hospitals which certainly were very necessary, we find that the population has dwindled.

Congressman Brock came to my office with a witness from his State pointing out the needed personnel in our community health centers, and the scarcity of that personnel. Therefore, we should spread out and fully utilize the expertise available to assist other community institutions such as the schools.

In this bill there are funds which will permit this. Mental health center personnel can go out for others and help them in this process of formulating and carrying out mental health programs.

Mr. Speaker, I think this amendment is a good addition to the bill, and I hope it produces great results.

Mr. Speaker, I thank the gentleman for yielding.

Mr. STAGGERS. I thank the gentleman from Minnesota.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I want to join those who are complimenting the committee on bringing this conference report to the floor, and especially on the attainments that have been made, basically, by this legislation in cutting down mental health facility occupancy, and otherwise.

Mr. Speaker, I have one question about the conference report. I think it is just a technical question. Do I understand that the conference report strikes down the provision of the House bill that would have required a State health department or its mental health authority or a State comprehensive health planning agency approval before grants or other help could be tendered—to the end result that on recommendation of some national advisory council, grants may be made directly to any not-for-profit corporation in the municipalities or areas?

Mr. STAGGERS. I might reply to the gentleman in response in this way.

The House bill did carry provisions that local and other comprehensive planning groups must take a look at this program before it is approved. But that made it go through three groups.

The original bill, the Senate bill, said that the application must go through the State mental health department for approval as being consistent with the State mental health plan there before they can get a center.

It was argued that this required unnecessary redtape. That is the only thing we deleted along this line, and it still goes through the State mental health department. This goes directly from your locality to your State and then to the Federal Government.

Mr. HALL. In other words, in coming up through channels for Federal grant approval, it comes through the echelon or layers of the State health department or mental health council; is that correct?

Mr. STAGGERS. Yes—one—just one—that is all. So we eliminated review by two others.

So the application only goes through the mental health department of the State.

Mr. HALL. The gentleman's distinguished committee has previously "suffered," and I use that word advisedly, under legislation passed by this body wherein an outside agency was granted authority to determine whether a grant for schools of nursing, for example, might be authorized and appropriated or not regardless of State authorities' approval.

We are not getting ourselves in the same position in the case of this conference report; are we? This is what I want to know.

Mr. STAGGERS. In answer to the gentleman from Missouri, I can say emphatically "No." I know what the gentleman is talking about. He is talking about the accreditation of nursing schools. No, this has nothing to do with that whatsoever.

Mr. HALL. I am aware it has naught to do with nursing schools and I was simply citing an example of administrative error. From time to time in other committees of Congress we have been placed in the position where the approval of an outside agency of Government, other than Cabinet, was required for certain grants. I am thinking of urban mass transit, for example. I want to be sure that in this ongoing program, for which the gentleman is to be so highly commended, we are not getting locked into that kind of thing. The gentleman's assurance is very reassuring. I appreciate his statement.

Mr. STAGGERS. I appreciate the gentleman's remarks and thank him very much.

Mr. Speaker, I should like to pay tribute to those Members who have worked so hard on a bill which means so much to America, the impact of which will be felt for many, many years to come. They have made a great start in providing for treatment of these diseases and ills that have been afflicting this country for so long, such as alcoholism. We have been throwing those so afflicted into jails. We have not been giving them proper treatment. We have been trying to hide people afflicted with mental disease, and now we are bringing those things out into the open. The mind as well as the body can be sick. For many years we have been treating the body, and now we have come to the point where we have decided to treat the ills of the mind and do away with those diseases.

I feel that this committee and the subcommittee, reporting to the full committee, have taken one of the great forward steps in knocking down one of the great ills that have afflicted this country. If we are successful in wiping out mental disorders and abnormalities, we will find that, in one fell blow, we have struck down most of the evils that afflict America today, such as crimes in the street, many diseases and abnormalities, lack of competence.

Specifically I wish to congratulate every member of the committee. I am sorry that the chairman of the subcommittee, John Jarman, is not present. He is in the hospital. Next to him was Paul Rogers of Florida, who is here today; David Satterfield, Peter Kyros, and Richardson Preyer; and on the minority side, the ranking member, William Springer, Ancher Nelsen, Tim Lee Carter, Joe Skubitz of Kansas, and James Hastings of New York.

These gentlemen have done what I consider to be a yeoman's job. The measures that subcommittee has handled, and will be handling during this Congress are among the most important measures for America that this body will consider.

One further thing I believe is noteworthy—every bill that subcommittee has recommended to our full committee has been recommended unanimously by the subcommittee. That shows how well these men work together, and I believe they do an excellent job.

I also believe that if there is anything that this Congress ought to be remembered for it is the health legislation that is coming out of that subcommittee, which is being approved by the full committee, and which the House is passing.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

XUM

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 369, nays 0, not voting 62, as follows:

[Roll No. 33]

YEAS—369

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Griffin
Gross
Grover
Gubser
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
Sandman
Satterfield
Saylor
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Thompson, Ga.
Thomson, Wis.
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watts
Weicker
Whalen
Whalley
White
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion

NAYS—0

NOT VOTING—62

Alexander
Anderson, Tenn.
Baring
Berry
Brock
Brooks
Brotzman
Brown, Calif.
Broyhill, Va.
Camp
Carey
Chisholm
Collins
Davis, Ga.
Dawson
Dennis
Dickinson
Edwards, La.
Esch
Green, Oreg.
Green, Pa.
Griffiths
Gude
Hagan
Hays
Jones, N.C.
Kee
Kirwan
Landgrebe
Langen
Leggett
Lennon
McClure
McEwen
Mikva
Minshall
Morton
Moss
Ottinger
Pepper
Pettis
Powell
Rarick
Riegle
Rosenthal
St Germain
St. Onge
Scherle
Smith, Calif.
Stafford
Stratton
Symington
Taft
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tiernan
Tunney
Watson
Whitehurst
Young
Zwach

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hays with Mr. Morton.

Mr. Thompson of New Jersey with Mr. Teague of California.

Mr. Brooks with Mr. Berry.

Mr. Moss with Mr. Smith of California.

Mr. Pepper with Mr. Gude.

Mr. Green of Pennsylvania with Mr. Stafford.

Mr. St. Onge with Mr. Minshall.

Mr. Lennon with Mr. Brock.

Mr. Teague of Texas with Mr. Landgrebe.

Mr. Jones of North Carolina with Mr. Scherle.

Mr. Anderson of Tennessee with Mr. Brotzman.

Mr. Carey with Mr. McEwen.

Mr. Brown of California with Mr. Taft.

Mr. Ottinger with Mr. Esch.

Mr. Rosenthal with Mr. Riegle.

Mr. St Germain with Mr. Pettis.

Mr. Mikva with Mr. Zwach.

Mr. Davis of Georgia with Mr. Collins.

Mr. Edwards of Louisiana with Mr. Broyhill of Virginia.

Mr. Stratton with Mr. Dennis.

Mrs. Griffiths with Mr. Watson.

Mr. McKee with Mr. Dickinson.

Mr. Kirwan with Mr. McClure.

Mr. Tiernan with Mr. Whitehurst.

Mr. Tunney with Mr. Langen.

Mr. Alexander with Mr. Camp.

Mr. Baring with Mr. Rarick.

Mrs. Green of Oregon with Mr. Leggett.

Mr. Hagan with Mr. Young.

Mrs. Chisholm with Mr. Dawson.

Mr. Symington with Mr. Powell.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the four conference reports just agreed to.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 12025, NATIONAL FOREST TIMBER SUPPLY ACT OF 1969

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 799 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 799

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12025) to provide for the more efficient development and improved management of national forest commercial forest land, to establish a high timber yield fund, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against sections 4 and 5 of said amendment in the nature of a substitute are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. ROONEY of New York). The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself 5 minutes.

Mr. Speaker, House Resolution 799 provides an open rule with two hours of general debate for consideration of H.R. 12025, the National Forest Timber Conservation and Management Act of 1969. The resolution also makes it in order to consider the committee substitute as an original bill for the purpose of amendment. Points of order are waived against section 4 of the substitute because it includes a revolving fund and against section 5 which provides for transfer of funds.

The purpose of H.R. 12025 is to help meet increasing national demands for lumber and other wood products, including that needed for home construction, by substantially increasing the timber yield from the commercial forest land of the national forests. Intensified development and management of national forest commercial timberlands will enable these lands to produce a substantially increased yield. The bill is intended to provide a reliable and adequate source of funds to accomplish increased annual harvest from the national forests under sound conservation principles in such a way that short-range accomplishments will assure that long-range goals are realized.

A high timber yield fund in the U.S. Treasury would be established. All unallocated receipts from sale of timber and other forest products from the national forests would be credited to the fund. The bill would not affect the provisions for payment to States for the benefit of counties of 25 percent of national forest receipts under the acts of 1908 and 1911, or deposits required to cover costs of brush disposal under the Act of 1916.

The bill ties the use of moneys from the high timber yield fund to the regular appropriations process; allows moneys appropriated to be available until expended; and provides that if funds credited to the fund are not appropriated by Congress, within 2 fiscal years following the fiscal year in which they are credited, they shall be transferred to miscellaneous receipts of the Treasury.

Moneys appropriated from the fund are to be allocated as determined by the Secretary of Agriculture or by the appropriation act making them available. Such moneys are specifically required to be used in conformity with the Multiple Use-Sustained Yield Act. Moneys could be used only for increasing timber yield through a number of specified management practices, which are set out in section 6 of the bill.

The Secretary of Agriculture is directed to establish programs to carry out the act, but subject to the Multiple Use-Sustained Yield Act.

The Secretary would be directed to submit to Congress within 1 year from date of enactment a program for development and management of all national forest resources.

Also, within 1 year from the date of enactment, the Secretary shall submit to Congress a program for the development of all the Nation's commercial forest lands for high sustained timber yield, including reference to farm and other small woodlands.

The Secretary would be required to report annually on the operation and effectiveness of the act. This would include a report yearly on the annual harvest; potential yield; actually accomplished and projected timber stand improvement, including costs; and projected harvest for the ensuing year.

The Secretary would be directed to establish policies for the sale of national forest timber that will, to the extent possible, assure that small business concerns obtain a fair proportion of the total timber sold in each year from each national forest.

Mr. Speaker, I recognize that this bill has assumed considerable proportions of controversy, and in large measure it seems to me that the controversy which has come about has been caused by a misunderstanding of what the bill actually contains as it is brought before the House today. The original bill, as proposed, was highly controversial because of a number of provisions. The facts are that the bill has been completely rewritten and there have been a substantial number of amendments adopted and, in fact, a substitute is before the Members today which is much different from the original legislation proposed.

In order to try to set the record straight very briefly, many people from the conservation groups across the country had grave reservations about the original language. I had a great deal of mail from my own district, where I have a very large population of Sierra Club members. Most of the Members of the House know the Sierra Club is concerned with matters of conservation. After having discussed this matter with them and after the committee had completed its work and submitted the substitute which is before us today, I submitted that to a number of members of the Sierra Club and others in my district, and after having discussed it with them and reviewed the bill as now written, some have withdrawn their opposition.

I must say that not all have withdrawn their opposition and I want to make that clear, because I am sure many Members may still be receiving mail on the issue; but in large measure, if I may say, I firmly believe there has been a great deal of misinformation developed, and as a result much of the opposition today has hinged on the interpretation of what the original legislation contained.

I see my friend, the gentleman from Michigan (Mr. DINGELL), and my friend, the gentleman from Pennsylvania, here, and I recognize they will be opposing the bill even as it is now written. I recognize their concern and I understand there still can be differences, but I believe even they will agree with me—I would hope—that the bill as now written and as it is now before the Members is certainly far preferable to the original piece of legislation that was introduced.

Mr. Speaker, I urge the adoption of House Resolution 799 in order that H.R. 12025 may be considered.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, the current bill does not do many things. It offers the possibility of mismanagement. I suspect it will not help the sponsors, and I doubt if the sponsors know very much about what is in the bill, but I would like to point out to my good friend, the gentleman from California, for whom I have a high regard, that when he points out there have been changing views on the part of the Sierra Club, I am here to say that every single national conservation organization, including the National Rifle Association—of which I happen to be a director—is still opposed to this bill as of this moment.

Mr. SISK. But I am sure my friend, the gentleman from Michigan, would concede that much of the original information was totally misleading, but there have been many changes in this bill. I think in fairness to all Members of the Congress, and as far as I am concerned, I am in support of this legislation, I recognize it is controversial, but I would say those of us who have made some study, I think, are generally familiar with what is in the bill.

I think generally the timber interests know what is in the bill. Certainly it does not go nearly as far as they would have preferred to have it go. I make no bones about that. That is the reason why we have brought to you a bill today which I believe really has removed most of the real argument against the legislation.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield further, I should like to say I am sure the gentleman represents a most enlightened constituency, or else he probably would not be here, because he is a most valuable Member of this body.

Mr. SISK. I appreciate that statement.

Mr. DINGELL. And the gentleman, reflecting the viewpoint of that enlightened constituency, should certainly give credit to the opposition to the bill and listen to the opposition to the bill in his district, and vote against it.

Mr. SISK. I appreciate the comments of my good friend.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. SISK. I am glad to yield to my good friend from Pennsylvania.

Mr. SAYLOR. I want to say to my good friend from California that I know of no conservation organization and I know of nobody who knows what is in this bill who is for it, outside of a few people who have a special interest or who will gain a special benefit.

The SPEAKER pro tempore. The time of the gentleman from California has again expired.

Mr. SISK. Mr. Speaker, I yield myself an additional 2 minutes.

Mr. Speaker, let me say to my good friend—and as he well knows, he is my friend, as I have said before—I respect his opinion. But, let me set the record straight. I think I know what is in this bill and I am positive that the members of the Agriculture Committee supporting this legislation know what is in the bill and I can assure the gentleman that I have no special interest, monetary or otherwise, in connection with the timber industry and, further, I am sure this is true of many Members of this House who will be supporting this legislation.

I have not intimated and I do not make the statement that any conservation organization per se has changed its mind. I have talked to individual members of the Sierra Club, and those are the only ones to whom I refer, who have changed their minds after reading the bill. I am not saying they reflect a majority.

I simply say that the bill as it is presently written has removed a great deal of the opposition I had originally experienced in my own area. This may

XUM

not be true of the gentleman's area; I do not know.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield further?

Mr. SISK. I am glad to yield.

Mr. SAYLOR. I wish to say that the changes which have been made in the bill remind me very, very much of an old story told up in Pennsylvania, about a man who was arrested by the public health authorities when he was selling rabbit sausage. He said, when he was taken before the justice of the peace, that he admitted it was not all rabbit, that it was about a 50-50 deal, he had one horse and one rabbit.

That is about the same deal we have in this bill; there is about one rabbit for the people and a horse end of it for the timber industry.

Mr. SISK. I appreciate the story of my good friend, and I appreciate his comments. I know he will agree I have a perfect right to disagree with that, because I believe the bill actually is a good bill.

I do not take a back seat to any man as a conservationist. I believe I am just as good a conservationist as the gentleman from Pennsylvania. We may disagree a little bit on methods to be used to improve conservation.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I rise in opposition to H.R. 12025.

The new title of this bill is a misnomer. It was originally introduced as the National Timber Supply Act, which more accurately describes it than the present title, the National Forest Conservation and Management Act.

"What's in a name?" Shakespeare asked. "A rose by any other name would smell as sweet."

Frankly, Mr. Speaker, whatever you call it, this bill smells bad.

I cannot avoid the conclusion that this measure, masquerading as a housing bill and a conservation bill, actually should be labeled as a bill for the relief of the lumber cutting industry. Ninety percent of our national forests would be vulnerable to greatly intensified lumber cutting under this bill. We should be concerned about what this would do to the natural values we want to preserve. I have great respect for the integrity and wisdom of my many friends in both parties on our great Committee on Agriculture. I must take issue, however, with the committee's statements on the need for this legislation.

According to the committee report—

> The basic pupose of this bill is to help meet increasing national demands for lumber and other wood products, including that needed for home construction, by substantially increasing the timber yield from the commercial forest land of the national forests.

If that is the case, why have we not heard from the housing authorities downtown on the need for this legislation? I know that the Secretary of Housing and Urban Development, George Romney, is a dedicated man. I know that he is striving with all his might to overcome this country's housing deficiencies—and they are serious. I cannot imagine Secretary Romney remaining silent on this bill if it really would help ease the housing crisis. I am sure he would—long before this—have spoken up in favor of it if lumber supplies in this country really are so short, or threaten to be so short, as to threaten our capacity to meet the housing goals of the Nixon administration, and if this legislation were needed to solve such a problem. But there is not one word in this report from Secretary Romney or any other housing authority on the need of the bill.

We may need increased lumber production to meet future requirements. I have no doubt that we do. In working out a policy to achieve the level of production needed, however, we should make sure that we adhere fully, in spirit as well as letter, to the basic principle of the Multiple Use Act of 1960. That principle is that all of the five uses of our national forests—water, wildlife, wood, forage, and recreation—are equally important and equal in priority for funding.

This bill would unbalance the multiple-use principle in favor of a single function—the commercial production of lumber. With all the unallocated receipts earmarked for increasing the timber yield, as called for under this bill, the delicate balance achieved under the Multiple Use Act could be restored only by more appropriations for the other four functions.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SISK. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding and the statement he made about the waivers of points of order on the committee substitute printed in the bill as an amendment. I wonder if we could develop that a little further.

As I understand it, section 4 of the committee amendment to the bill——

The SPEAKER pro tempore. The time yielded by the gentleman from California has again expired.

Mr. SISK. Mr. Speaker, I yield myself 2 additional minutes.

I shall be glad to comment on that section. The reading of section 4, of course, where it sets up a revolving fund, shows what is involved. According to the Parliamentarian, it would be subject to a point of order except for such a waiver as is provided.

Of course, section 5 does provide for transfer of funds in connection with the carrying out of this act.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, is it not true that under the high timber yield fund under section 4 there are certain restrictions for which it can be used and otherwise it reverts to the Treasury out of that fund and, finally, under section 5 they all revert if not used within 2 fiscal years for these specific purposes?

Mr. SISK. The gentleman is correct.

Mr. HALL. In the opinion of the gentleman from the Committee on Rules, could a separate vote be demanded on any amendment to the committee amendment as printed in the bill?

Mr. SISK. Yes. It is my understanding that the rule so provides.

Mr. HALL. I thank the gentleman. This could be a subject of parliamentary inquiry.

Mr. SISK. Yes. I was going to say so. It is my understanding that it definitely would, I would say to my good friend from Missouri.

Mr. MARTIN. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, House Resolution 799 provides for 2 hours of general debate on H.R. 12025, a bill to provide for the more efficient development and improved management of national forest commercial forest land, to establish a high timber yield fund, and for other purposes.

All points of order against sections 4 and 5 are waived because section 4 creates a revolving fund, and section 5 has language of appropriations included.

The genesis of this legislation began approximately 1 year ago when I introduced a resolution calling for an investigation by the House Banking and Currency Committee of the high prices of lumber and plywood. Prices had risen on both lumber and plywood to an astronomical point climaxed by a 90-day upsurge which almost doubled the prices of these two items.

As the author of this resolution, I was the leadoff witness before the House Banking and Currency Committee at these hearings, and my testimony called attention to some of the factors which I thought had brought about the increase in prices of lumber and plywood; offered short-range solutions, some of which were adopted, and then made recommendations for long-range proposals to alleviate this situation. One of these was an increase in timber sales from the national forests, based on good conservation practices.

Private owners of timber are doing a far better job of maintaining a sustained yield by adopting modern methods of forestry to replace cutover areas. The land is cultivated, seedlings are planted, fertilizer is used, and thinning is carried out. The normal procedure which has been in effect for many years in cutting over an area is to leave a few trees here and there for reseeding purposes. These trees will, by the process of nature, reseed the area which has been logged. Private efforts in the field of sustained yield, however, are much more efficient and can produce a new crop of trees in a much shorter period of time. I am told by experts in this field that the growth rate can be almost doubled by the planting of seedlings, cultivating the land, and applying fertilizer.

The logical question then, Mr. Speaker, is why the U.S. Forest Service does not follow these methods. The answer is that they have not been supplied sufficient funds to do the job. The legislation which we have before us today provides that the funds from the sale of Government-owned timber would go into a fund to be used for reforestation.

I want to call your attention to the fact, however, that these funds, under the bill, must be appropriated by the Congress, and if not appropriated within 2 years, would revert to the General Treasury of the United States.

I want to emphasize, also, that the bill specifically provides in three different sections that the Multiple Use-Sustained Yield Act of 1960 is to remain in force. It is not amended in any manner.

This legislation epitomizes good conservation practices notwithstanding the criticism of the Sierra Club. Contrary to statements which have been made, this bill does not in any way amend the Organic Administration Act of 1897, the Multiple Use-Sustained Yield Act of 1960, the Wilderness Act of 1964, or the National Scenic Trail and Wild and Scenic Rivers Act of 1968.

The Agriculture Committee reported, "indeed, the bill is intended to sustain all of these laws while strengthening the Organic Administration Act of 1897 which established the National Forests."

Again, contrary to some erroneous information which has been put out, this legislation would not allow timber in National Parks or wilderness areas to be logged.

Under the Multiple Use-Sustained Yield Act, the national forests must be managed not only for the sustained production of timber, but also for outdoor recreation, protection of stream flow, livestock grazing, maintenance of fish and wildlife resources, and production of minerals. These basic conservation requirements preclude rapid liquidation of old-growth timber in disregard of other national forest purposes which include the maintenance of future timber harvests.

The Multiple Use-Sustained Yield Act states, and I quote:

> The purposes of this Act are declared to be supplemental to, but not in derogation of, the purposes for which the National Forests were established as set forth in the Organic Administration Act of June 4, 1897.

Now, let us take a look at some wording in the 1897 act. It states:

> No forest shall be established except to improve and protect the forest within the boundaries, or for the purposes of securing favorable water conditions, and to furnish a continuous supply of timber for the use and necessities of the citizens of the United States.

We need additional lumber production to fill the urgently needed housing goals in this country. The Housing and Urban Development Act of 1968 sets a goal of 26 million homes to be built in 10 years. This is 2.6 million homes per year, or double the rate actually achieved in 1969. Housing permits for January 1970 were at a rate of less than 1 million units per year. If we are to meet these goals, the growth rate of trees and the consequent replacement of trees must be increased. This legislation is the vehicle whereby this can be accomplished.

In order to meet the goals of the seventies to provide adequate housing for American citizens, lumber production will have to be greatly increased. Secretary Romney, testifying last year before the House Banking and Currency Committee stated that housing demands will require a doubling of the amount of softwood lumber available for housing by 1978.

The national forests are not furnishing their fair share of lumber in relationship to the number of their acres of forests. The Forest Service administers 186 million acres in the national forests. Of this, 97 million acres are classified as commercial forest land. A recent Forest Service inventory reveals that 53 percent of the softwood saw timber in the country is in national forest lands, but yet, the yield from the national forests since 1957 was only 30 percent of the Nation's softwood saw timber.

Now, this gets, Mr. Speaker, to the nub of this entire piece of legislation. The sustained-yield methods that are practiced by private industries such as Weyerhaeuser, International Paper, St. Regis Paper, U.S. Plywood, and many, many others who own millions of acres of timberland in the Northwest and in other portions of the country, have resorted to the sustained-yield method in order to make these trees grow faster and to replace that which is cut. This cuts back on the length of time required, for instance, to produce a Douglas fir tree to marketable size from 100 years of growth by natural methods by about 40 percent.

In other words, have it ready for the market in about 60 years' time by utilizing the sustained yield. That is all we are doing in this legislation. We are going to properly cultivate and utilize our forest lands to make sure that we can replenish the cutover timber and supply future needs for lumber in this country and that is what the entire bill is about.

Let us take a look now at the need for this legislation.

Trees become ripe the same as does fruit. At the present rate of sale of timber from the national forests, we are not even harvesting all of the trees that have reached this stage. After a tree reaches the stage of ripeness, its value for commercial production decreases rapidly and materially.

One argument against this bill which will be made today will state that lumber production has not increased in the last 40 or 50 years. Therefore, there is no need for this legislation.

Total consumption of lumber in 1905 in the United States was 42.5 billion feet. In 1968, it was 43 billion feet—about the same. This was lumber production. In addition, however, and due to changing practices in construction, plywood has now come into the picture, and plywood production jumped from 2⅔ billion feet in 1950, to 14⅔ billion feet in 1968—and this is over and above lumber production.

It will be charged, also, that we are exporting logs and lumber from the United States. A great deal of erroneous figures have been put out in this respect, and therefore there will not be any shortage in this country. In 1968, we exported slightly under 2.5 billion feet of softwood logs, most of which went to Japan. In 1969, this figure dropped approximately 100 million feet.

Mr. Speaker, you will recall that the Foreign Aid Act of 1968 limited the amount of logs which could be exported from Federal lands and Federal forests to 350 million feet per year. This had some effect in reducing exports last year, and will undoubtedly have a further effect in 1970.

This restriction on exports, however, will expire at the close of calendar year 1971, and should be renewed.

Exports of softwood lumber in 1969 totaled approximately 1 billion feet, but imports of softwood lumber during the same year totaled 5.8 billion feet, most of which came from Canada.

The Department of Agriculture is in complete support of this bill, and there are no objections from the Bureau of the Budget, as indicated in the letter of February 11 to Chairman POAGE of the House Agriculture Committee from Secretary of Agriculture Clifford Hardin. I ask unanimous consent, Mr. Speaker, to include this letter in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The letter referred to follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, February 11, 1970.

Hon. W. R. POAGE,
Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. CHAIRMAN: We have carefully reviewed H.R. 12025, a bill "To provide for the more efficient development and improved management of national forest commercial forest land, to establish a high timber yield fund, and for other purposes," as favorably reported by your Committee with amendment.

H.R. 12025 was itself a revision of an earlier bill for similar purposes. The changes that it made with the changes made in the bill as reported out by your Committee include the substance of all of the recommendations made by this Department. Among improvements in the bill are specific references to the Multiple Use-Sustained Yield Act of June 12, 1960, to assure the continued application of the principles of multiple use and sustained yield in the development and administration of the National Forests.

We are strongly of the opinion that this legislation will promote greatly improved forest management practices and is essential to improving the timber producing capacity of the National Forests within multiple use and sustained yield principles.

H.R. 12025 as reported has the complete approval of this Department and we recommend that it be enacted.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

Mr. MARTIN. In closing, Mr. Speaker, I would like to quote from remarks made by the first great conservationist in this country, Theodore Roosevelt, in speaking of the historical objectives of our national forests, and I quote:

> First and foremost, you can never afford to forget for one moment what is the object of our forest policy. That object is not to preserve the forests because they are refuges for the wild creatures of the world, though that is important. But, the primary object of our forest policies as the land policy of the United States is the making of prosperous homes. It is part of the traditional policy of homemaking of our country. Every other consideration comes as secondary. The whole effort of the government in dealing with the forests must be directed to this end, keeping in view the fact that it is not only necessary to start the homes as prosperous, but to keep them so. That is why the forests have got to be kept. You can start a prosperous home by destroying the forest, but you cannot keep it prosperous that way.

Sixty-seven years later, just last October, Dr. Melville Bell Grosvenor, a dedicated conservationist and chairman of the board of the National Geographic Society, reemphasized President Roosevelt's thesis that wise use is a basic element of true conservation. He told the American Forestry Association:

> Important as it is, pure preservation is but a minor aspect of good conservation. *The big thing in conservation is wise use of the things we possess.* Merely to survive, we must *use* our natural resources. We must eat, we must clothe and house ourselves. If in so doing we ruin our soil, pollute our waters, defile our air, lay waste our forests, we are bad conservationists, and the ultimate penalty of bad conservation will be first, lives scarcely worth living, and finally extinction. The nondestructive use of natural resources—the major part of good conservation—is beautifully defined in a term that originated in forestry: "sustained yield."

If we practice "sustained yield," then we are good conservationists, and humankind can look forward to unlimited existence in an environment that will assure contentment and happiness.

Last month President Nixon publicly pledged that housing "is and must be a top national priority." He added that, "A major national resource—the productive capability of our private home building industry to meet our national housing needs—is being greatly threatened." I agree with the President's view.

The big thing in conservation is wise use of the things we possess. Merely to survive and to take care of our basic needs, one of which is housing, we must use our natural resources.

Mr. Speaker, I support the rule and the legislation.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Speaker, I want to congratulate the gentleman in the well for taking the leadership that he has in furthering this legislation.

I serve on the Committee on Banking and Currency and it was my privilege to sit through the hearings in which we discussed the overall aspects of the timber reserves of our country and the need for those reserves and how best to preserve them.

This legislation is the basic result of that series of hearings and I congratulate the gentleman on instituting those hearings and wish to associate myself with his remarks. I urge Members of the House to vote for the rule.

Mr. MARTIN. I thank the gentleman.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MARTIN. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Speaker, I do not normally oppose a rule on any bill. But this is a unique situation—I do oppose this rule and I shall ask for a rollcall vote on the rule.

I have argument with the motivation behind this piece of legislation. But this is not a good bill. It is so superficial and it is so lacking in comprehensiveness that it is impossible to make a good case for it.

This bill is not going to pass. If we debate this bill and fail to pass it, we will have a prejudice against a subsequent complete effort to legislate properly in this particular area.

This bill cannot achieve its purpose. If you heed nothing else that I present to you in these 5 minutes, I would have you hear this.

The biggest reason that this bill cannot work is simply the fact that its administration will be predicated on the Multiple Use-Sustained Yield Act. That act failed miserably.

As a matter of fact, if it had worked at all, we would have no need for the debate on this bill. That act has failed not because it did not have any money—not because it had insufficient funds—it failed rather because neither the Bureau of Land Management nor the Forest Service under that act, set any priorities on the use of the lands which are specified under Multiple-Use Sustained Yield Act.

There are a lot of things wrong with this bill. Obviously, some public lands in the national forests are under the Bureau of Land Management, which incidentally is eliminated completely from this bill in spite of the fact that some of the best forests are on Bureau of Land Management lands.

Some of the lands are more productive in timber production than others, and yet if you check the records you will find that we have been spending, almost to the penny, the same amount of money for bad forest lands that we have been spending on good lands, and we have been spending an equal amount in all sections of the country, in spite of the fact that the best timber production occurs in specific areas, particularly some in the South and some in the extreme Northwest of the country.

This bill changes nothing in that respect.

The committee abandoned the principle of selecting specific sustained-yield acres for dominant timber production, obviously in an effort to placate some environmentalists, reservationists, conservationists—call them what you will—but they did not remove the objections, and in acceding to those demands they really killed the only chance they had of making this bill an effective means for sustained-yield harvest.

There are a lot of other things wrong with this bill. At the present time we build roads at the time the timber is harvested, because the money to build the roads comes from the harvest of the timber. If we would harvest mature timber—and, as the gentleman from Nebraska has said, we waste about 18 billion board feet of it a year—there would have to be a road in the forest to harvest that mature timber before it starts to rot or become diseased, or present a fire hazard.

The bill fails to take care of that problem. In fact, if you check to find how much money we spend in trying to keep an inventory of old growth timber, you will find that we lose more by several times than we actually receive through sale. I certainly agree with the gentleman on this point.

An earmarked fund is proposed, and I will tell you the danger that is involved in that. We established a land and water conservation fund, which was designed to beef up the purchase and acquisition of land for outdoor recreation. What happened? As soon as we set up the earmarked fund for expenditures, we found that appropriations by the Congress are limited to that fund. They say, in effect, "You are going to get all your money out of that fund." Then the Budget Bureau comes along and says, "You are going to get only half the money you are supposed to have in that fund."

Setting up this fund creates an illusory benefit. It just will not occur.

This bill ignores fundamental economic matters, such as bidding, pricing, selling methods, and things such as the participation by counties, States, and localities, royalties and rents on the one hand and payment in lieu of taxes or revenue sharing on the other.

We have no facets in this bill which tell us whether or not the land should be purchased and, if so, under what conditions, how it should be disposed of and, if so, under what conditions. There are so many questions which are unanswered by this bill. Should we strive for a regional relocation of the timber industry with this device? Should we use Government lands through proprietary powers and enforce pollution standards on timber companies, even if the degradation comes over outside on public lands? Are we going to create a timber industry consisting of small operators, as has been suggested by someone this afternoon? Should we use the control over the markets to extract monopoly profits?

If the receipts under this bill are to be wholly or partly placed into a fund for expenditure on timber programs, then we have to have some economic guidelines which are not provided by this bill, such as maximization of net return to the Treasury, so we can first assure that the funds are expended for the best opportunities for growing timber; and even more importantly, some ways to make sure that these funds which become available are not considered to be properly spent only if they are expended on timber production.

We need a good, thorough legislative package for maximum public benefit in management of our forest values. This bill does not meet the criteria.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. KYL. I am happy to yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, I wish to join with my colleague from Iowa in his remarks on the rule that is now before this body. The gentleman from Iowa is one of the able and one of the effective members of the Public Land Law Review Commission, and when he referred to the Public Land Law Review Commission as it pertains to this subject he referred to one of its studies and that is timber study which has been made. However, the report of the commission is not yet ready and will not be released to the President of the United States and to the Congress until June 30 of this year, at which time we will have the benefits of that study.

My colleague made a statement that this legislation was likely to be defeated. Would my colleague go a little further and state that if the bill does come to debate and it is defeated, such action may make it a little more difficult for the recommendations of the Public Land

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Law Review Commission in this matter to be brought successfully before the Congress?

Mr. KYL. I agree completely with the gentleman from Colorado. At the beginning of my comments I pointed out the failure of this bill would prejudice consideration of appropriate and proper legislation when it should come before us.

Mr. ASPINALL. I thank the gentleman.

Mr. SISK. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, the motives behind the introduction and the furtherance of this bill are in my opinion correct. What is wrong is to be found within the provisions of the legislation itself. This does not mean that I am critical of the committee handling the legislation. I believe that the consideration of this legislation is untimely as of this time.

What we have at the present time is an unnecessary controversy between the so-called preservationists and those who believe in the wise use of our natural resource values, including timber. This should not be a major part of the discussion on liquidation such as this if it can possibly be avoided. In my opinion, if this bill is not considered at this time, and it has to wait its turn for recommendation by the Public Land Law Review Commission, we will have a much better chance of reviewing this controversy, which is always a difficult one for the Members of the House.

Mr. Speaker, I am one who seldom opposes a rule, but in this particular instance I shall have to do so.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, I oppose the rule on this bill, with all due deference to the bona fides and the sincerity of those who are proponents of the bill.

I think on its face it is a bad conservation measure, an ill-conceived conservation measure. I am concerned that we have not heard from the President's Environmental Quality Council on this bill, which has obvious environmental considerations, and I am concerned we have not heard from the Secretary of Housing and Urban Development and the Secretary of Interior on this bill, as I understand the law mandates.

I am especially wondrous as to why the Secretary of Housing and Urban Development, Mr. Romney, has not given us his point of view on this bill, because the justification for this has been, to a considerable measure, its housing implications, the fact that more lumber must be made available to fill our growing needs for housing for an expanding population with more disposable net income available for shelter than we have ever had in the past, and more urgent desire to improve the quality of our homes than we have ever known in the past.

I would like to speak specifically on the housing implications of this bill, since there are many others in this Chamber who know far more than I do about conservation. I can say from experience that this proposed law is not only a poor conservation measure, but it is also a poor housing measure.

In the half century since 1920, we have doubled our population and quintupled our gross national product, and we have built more than 50 million homes to meet the great expanding needs for shelter in this country, greater than anything this globe has ever known. Yet in that period of time the annual production of forest products—lumber and other forest products—has remained substantially stable and level.

Why?

The reason is obvious. It is that we have developed alternatives to lumber, many of them more durable and many of them less expensive, and many of them more amenable to the mass production, automated processes about which we have heard so very much from the Secretary of Housing and Urban Development.

Mr. Speaker, we have a new housing program called Project Breakthrough that is designed to apply mass production, factory, industrial methods to the production of housing. If we are really serious about making more housing available faster and more cheaply, then we will do something about encouraging the production of lumber substitutes. We will do something about the development of better means to produce plastic and aluminum sidings which are already in use.

We will try to develop better means of producing metal roofing, metal studs, and metal joists, which are already in use experimentally.

We will do something to encourage development of synthetic lumber from resins and acrylic foams, and do something to encourage the use of precast concrete forms of all kinds.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Nebraska.

Mr. MARTIN. The gentleman speaks about substitutes for floor joists, riprap, steel joists, and so forth, and steel and aluminum to replace lumber. I should like to call the gentleman's attention to the fact, from personal knowledge in this field, that the substitutes he speaks about are considerably higher in price than lumber. The cost of construction today is so high, with money and so forth—and many other factors—that house construction is going down.

I would negate the gentleman's argument in this area.

Mr. SCHEUER. My colleague is correct that some of these elements are more expensive than the lumber, but, for one thing, they make possible far swifter construction. The savings in taxes during construction, the savings in interest during construction, the savings in security protection and weather damage during construction are far more than the magnitude of the somewhat extra cost of the lumber substitute.

Second, may I suggest to my colleague that when the time comes when we are really in mass production of these lumber substitutes and have developed them to the point where they are applicable to producing moderate income housing by the millions annually—and we need production of 2 million units annually—then at that time it is quite obvious to me the application of mass production techniques to these lumber substitutes will bring down the price below the price of lumber.

Mr. MARTIN. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, we are here facing a bill of major importance to this Congress and to this Nation. It is the sort of bill which has so very much at stake that to attempt to determine its fate in the few minutes which are available to this House in debating the rule would be to shortchange the Nation.

We have here heard several people rise and raise what I am sure each of them personally believes to be an objection to this measure. But what we are facing is a series of statements, alleging things about this measure which the makers feel earnestly but which, if we have an opportunity to deal with item by item, I am certain can be answered and will be answered.

The suggestion has been made that before there is an opportunity to deal with these charges, to deal with these allegations item by item, the bill be killed by virtue of killing the rule. I would urge this body today not to take that sort of shortsighted action.

We are here facing a situation that does not deal with one section of the country. I come from an area that is deeply involved in the production of the raw material of the forest. If it were just those of us who come from the areas where the timber is grown, which is involved so deeply in this bill, who care about its passage or who should care about its passage, then any count of noses or count of those who are from other areas as contrasted with those of us who are from the producing areas would inexorably say we would lose.

But anybody who will look at this bill and look at its history and what it truly proposes to do must come to the conclusion that there is much more involved here than the interests of timber-producing areas. We are here not only concerned about the timber-producing areas and what is important to those areas, but we are also concerned about the areas which have in the past had vast stands of timber, areas like so many parts of the Middle West where we are dealing with great forests which are no longer great forests because of past cutting practices, but which badly need help to return once again to their position of producing areas. Some of the southlands are in the same condition and some of the forests of the Rocky Mountains bid fair to be in this condition, to say nothing of some of the forests of California. There are a host of acres in this country which have the potential to be once again great producing lands and which need this bill.

But there is a third group, and here is where so many people in this House were deeply concerned about this a year ago and now suddenly, with the crisis past, they forget that a year ago they were concerned about it. At that time prices for the raw materials of the for-

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ests were suddenly beginning to climb because of supply and demand. With a steady fixed supply of lumber and plywood so necessary to meet construction needs we were finding the demand was suddenly cutting across the supply curve, and in the free economy with which we deal prices were taking off, rising rapidly. Then suddenly the Members of this body who come from the urban areas and who live in areas which see a great need for housing in this country and see that the housing production in this country today is at but a fraction—less than 50 percent—of the goal that was set in the Housing Act of 1968, became aware of the fact that unless something like what this bill proposes was to be done, we would find ourselves unable to meet the housing goals established in the Housing Act of 1968.

Mr. Speaker, I do not have time to talk about all of the individual charges in these few minutes that are made available under the debate on the rule.

There has been a reference to what the Secretary of Housing and Urban Development, Mr. Romney, has said on this particular matter. He favors it.

There have been five committees of this Congress who have held hearings on this particular measure. This began almost 2 years ago. We need to bring out in debate what those hearings demonstrated about the need for this bill.

Let me close by saying this: It is important that this rule pass.

Mr. SISK. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Speaker, because the impact of the timber bill (H.R. 12025) would tend to be heaviest in the Pacific Northwest, where the timber industry plays a major role in the local economy, I find it significant that the news media in the Northwest are asking some basic questions about the bill.

"Timber Act Not OK Yet" is how the Oregonian, a newspaper long noted for its sympathetic coverage of timber industry news, headlined its lead editorial on February 15, 1970. The editors observe that H.R. 12025 would create a basic discrimination among forest uses to favor logging, in direct contradiction of the multiple-use principle. The editors see through the industry's specious claim that the bill is compatible with multiple use. The Oregonian says:

> Certainly, intensified management of the national forests is a national need. But so are the other varied uses of the national forests. The least that could be done would be to give the Forest Service authority to use earmarked funds for multiple purposes, not solely for timber cutting.

Not only this newspaper, but many newspapers throughout the country, such as the St. Louis Post-Dispatch, have expressed similar opposition to this bill.

Frankly, I see more basic fallacies in the legislation than the Oregonian does; I nonetheless agree with the editors that the bill's intent is good, but its basic approach is all wrong. H.R. 12025 should be returned to committee for a thorough revision.

I include the editorial in the RECORD at this point:

TIMBER ACT NOT OK YET

> The Nixon Administration missed the boat in failing to make its weight felt from the beginning in the drafting or rewriting in committee of what started out as the industry-promoted National Forest Timber Supply Act of 1969 and has been renamed the National Forest Timber Conservation and Management Act of 1969.
>
> The Forest Service did take exception to provisions in the original bill and conservation groups have fought that and the amended bill. The Bureau of the Budget, for one, did not and probably does not now like the dedication of 65 per cent of national forest earnings from timber sales to a special fund for intensified timber management, a fund which would continue to be subject, however, to congressional appropriation with the unexpended surpluses being returned to the Treasury.
>
> There remains a feeling in the Forest Service that the amended bill is "timber oriented" and that it may not help in getting money, outside the dedicated fund for timber management, for recreation projects in the national forests. But the Forest Service and Secretary of Agriculture Clifford M Hardin have announced their support of the amended bill. So has Secretary of Housing George Romney. The Budget Bureau may have been overruled.
>
> Obviously, President Nixon has decided that conservation and other opposition is outweighed by the opportunity provided in the bill to increase annual timber production in the national forests from 13.4 billion board feet to around 20 billion board feet. This kind of management will be necessary if the President's goal of 26 million new and rehabilitated dwellings by 1978 is to be achieved.
>
> The national forests contain 53 per cent of the nation's standing softwood timber but now are marketing only 30 per cent of the nation's softwood production.
>
> Regional Forester Charles Connaughton is authority for the statement that Oregon and Washington national forests could increase production by one-third by intensifying management. Nationally, the Forest Service gets only enough money from Congress to reforest 40 per cent of the land logged. It could increase production immediately by thinning and salvage if it had the money. Of course, the Forest Service will continue to be dependent upon congressional appropriations if the management bill is adopted.
>
> Increases in timber sales, of course, will augment the 25 percent share in revenues which go to Oregon and other counties.
>
> The bill, H.R. 12025, by reference in three places, purports not to interfere with the Multiple Use Act of 1960, nor does it amend the Wilderness Act or the National Scenic Trails and Wild and Scenic Rivers acts. But neither does it propose any new revenues for such purposes. Earmarked funds could not, for example, be used for campgrounds or other recreational purposes.
>
> The legislation, if it survives in the House without amendment, may be altered in the Senate or in conference committee. Certainly, intensified management of the national forests is a national need. But so are the other varied uses of the national forests. The least that could be done would be to give the Forest Service authority to use earmarked funds for multiple purposes, not solely for timber cutting.

I urge defeat of this bill.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Speaker, one of the fundamental axioms that the ecologists are trying to drive home to us has to do with that old saw about haste making waste. Many of the environmental problems we face have been created because we have ignored that maxim. We have acted hastily and wastefully, and the consequences are all around us. The ecologists are trying to make us understand that we must break the habit of simply barging ahead, heedless of the long-term consequences, where the earth and its resources are concerned.

I have tried to keep an open mind about this bill, studying it with deep concern both for the protection of our natural resources and for the meeting of our human needs. It seems clear to me that the balance of the argument at this time is against enacting it into law, at least pending the report of the President's Task Force on Housing, which was appointed specifically to gather information about this problem. I am, therefore, opposed to granting the rule because to consider this proposed legislation now would be at best premature and precipitate and at worst irresponsible and dangerous. Haste in this case could make for irreparable waste.

The President's task force will report its findings soon, and then we will have additional facts to help us determine the future timber needs of the country for housing and other valid purposes. The presumptions in this kind of situation must be against anything that might endanger the multiple purposes and uses of our forests and other resources; but fair-minded men will be willing to study the task force report as part of the evidence on which to base their final judgment on this legislation. But why we should be asked to vote for this bill today is a mystery to me.

The bill should not have been brought up today, and if the rule is granted, I for one, as a member of the Agriculture Committee, will do everything I can to see that it is defeated.

Mr. MARTIN. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WYATT).

Mr. SISK. Mr. Speaker, if the gentleman desires, I will yield the gentleman 2 additional minutes.

The SPEAKER. The gentleman from Oregon (Mr. WYATT) is recognized for 3 minutes.

Mr. WYATT. Mr. Speaker, I would point out to you that what my beloved former chairman, WAYNE ASPINALL, and my very much respected colleague, JOHN KYL, have said here, particularly the points that JOHN KYL raised, point up the absolute necessity of granting this rule so that we can get into the consideration of this legislation and discuss the various points in order to see after some meaningful debate just exactly what is contained in the bill and come to our own conclusions as to whether the bill accomplishes its stated purposes or not.

Mr. Speaker, I would also refer to the remarks of the gentleman from New York (Mr. SCHEUER) who said he wanted the opinion of the Secretary of Housing and Urban Development. The gentleman from Oregon (Mr. DELLENBACK) has given that, another reason for adopting the rule so we can discuss the matter on its merits and find out exactly what Mr. Romney has said about the desperate need for this bill. He also indicated that there has been no increase in softwood for home construction during the past several years. The facts, actually, are otherwise and will be brought out during the debate.

In fact, we have had a 23-percent increase in the use of softwood in construction in just the past 18 years. The gentleman from New York also says we need time to develop substitutes. I would like to inquire how much time we need during which to develop substitutes. Do we wait until we stop home construction before we commence planning?

Mr. Speaker, in 1968 we pledged to build 2.6 million units of housing per year for a period of 10 years. We are now building houses in this country at the rate of approximately 1.1 million per year. If we are to meet the commitments, if we are to meet our housing pledges, we will very shortly be faced with the necessity of building houses at a rate in excess of 3 million, perhaps as high as 3.5 million per year. When you add the enormous demands on the supply of wood that will be created in this housing market, we certainly need a bill of this type and we certainly should have the rule so we can discuss the matter on its merits.

Mr. Speaker, I have in my hand an editorial from the Times Standard of California entitled "No Lesson From Tillamook?" As you will recall there was the incredibly vast Tillamook burn in northwestern Oregon in 1933. That area is located in my congressional district.

Mr. Speaker, I shall read into the RECORD at this point very pertinent excerpts from that editorial:

> The bill also designated that it would apply only to those areas of national forests already designated as commercial timber lands, and would not alter those designated for wilderness areas, parks or other restricted-use areas.
>
> The conservationists countered with assertions that increased timber production would mean the building of more access roads. True. This is a vital part of the intent, in order to speed lumber production to ease the critical housing shortage throughout the United States . . . and for another good reason.
>
> What the conservationists did not mention is that the incredibly vast Tillamook Burn in northwestern Oregon in 1933 was the greatest natural disaster through fire in American history. Damage caused in this blaze which destroyed billions of feet of prime virgin timber, made the dollar cost of the Chicago fire look like peanuts. The reason why it burned over so many miles and so many days is that—there were no forest roads to enable fire-fighting equipment to get in.
>
> The bill came as no surprise to anyone. It was the result of extensive Congressional hearings last year in which it was determined that restriction of federal timber production was a direct cause of the serious lumber and plywood shortages and the subsequent inflationary rise in prices.
>
> The national forests contain more than half of the country's saw timber; in California they hold nearly 60 per cent, yet they produce less than 40 per cent of the annual yield. Commercial operators on private lands would go dead broke at that rate.
>
> So the conservationists fear roads. We remind them of Tillamook.

Mr. Speaker, I am concerned about the emotional character of the opposition to this bill. Wild and wholly false charges have been made about the purposes and effects of this proposed bill. These have served to inflame opinion among many dedicated and responsible conservationists.

On a matter this important to the present and to future generations, we must let reason, not emotion, rule. The loud and shrill voices must not be allowed to prevail over facts and carefully reasoned logic.

APPROPRIATIONS PROCESS

My time will only permit me to cover two points which I consider very important, and others among my colleagues will cover the balance of the spectrum.

As a new member of the Appropriations Committee last year, I was privileged to serve on the Subcommittee on Interior Affairs. The Forest Service and the Bureau of Land Management are both under the jurisdiction of this subcommittee. Although I had understood the appropriations process in a general way, I was simply appalled to observe in detail how the dollars we in Congress allocated to the management of our renewable natural resources had to compete with dollars we appropriated for all other purposes of the Federal Government, so many of them being totally unproductive.

There has been no real differentiation between programs like our forest programs which return to the Government several times the amount we allocate to them, and programs on which there is absolutely no return to the Federal Government.

Private timber corporations have awakened to the renewable nature of their great timber assets. They are growing timber as a crop. They are fully reforesting their high growth lands. The days of the private operator who in days long past, cut and run, are gone. Private corporations are managed for a profit, and the way to insure a profit is to guarantee sustained yield on their high growth land perpetually. The Federal Government should come into the 20th century in its forest management practices, and this act will make this possible. Under our present system, the very most conservative forest management practices must be followed because of the fact that future funding is wholly dependent upon the ups and downs of the present appropriations process. Growing timber is a business, and it should be handled as a business.

NEW FOREST MANAGEMENT PURPOSE

My second point: As we enter the decade of the 1970's, it is evident that a new purpose for the management of our Federal forests must be given consideration. To those of you who were aware of the lumber and plywood price crisis less than 1 year ago, I suggest that you not be lulled into complacency by the fact that prices have since eased considerably. You no doubt have noticed another parallel occurrence. Housing starts have dropped dramatically.

Although we have not yet come close to meeting our housing commitments made in 1968 of 2.6 million units per year for 10 years, the day is lurking around the corner when the push for housing will even exceed 2.6 million units to make up for our failures in the past 2 years. Then the boom will really be on. The demand for timber and timber products will make last spring's price upheaval look like a gradual market adjustment. Those who argue that the return to normalcy of lumber and plywood prices, those who argue that wood substitutes will do the job, had better be prepared to explain what happened when this housing boom starts.

The black teenager in the ghettos owns just as big a share of our Federal timber as the wealthiest backpacker. The availability of vast wilderness areas to this teenager will mean little if he continues to live in a dirty hovel, and we fail in our national commitment to provide decent shelter for him. With the guarantees in this bill, he, and all other Americans can have both decent housing and millions of acres of wilderness and recreation land.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Speaker, I rise in support of the rule to bring this bill before this body for full discussion. I represent an area in California, that has 10 full national forests and parts of four others and an area where the Federal Forest Service has under its jurisdiction about 16 million acres of land.

These lands are very high producing lands in the timbered areas of the United States. At the present time we cut about 4 billion board feet of timber from these lands.

When the new administration came into office and the matter of the housing shortage and the high cost of building materials was before us, many of the Members went to the new administration, met with the Bureau of the Budget people, the Director and his staff, met with the Secretary of Agriculture, Mr. Hardin, and his staff, the Chief of the Forest Service, and with a White House task force that was set up by President Nixon. We discussed this matter very thoroughly. When we came back and asked in the appropriations for fiscal 1970 for additionl funds for the Forest Service to do a proper job in the management of the timberlands of the United States.

The Congress and the Bureau of the Budget recognized this need and granted some additional funds. Those funds were well spent, and the results will speak for themselves.

Now, certainly, Mr. Speaker, I would do nothing to denude the forests on our timbered areas. Primarily nearly all of the forests in my district are second-growth or third-growth timber, but at the same time we have a great recreational development and participation in the forested lands.

At the present time there are Federal lands that are given additional consideration that are held by the military in this very area that we are speaking about—or would speak about if the rule were to be granted, and we had opportunity to discuss this bill, and they are showing outstanding results. We have the same practices being carried on in the Bureau of Land Management with

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some of the best land in the Nation, as far as timber production is concerned.

There is nothing in this bill that would allow for the cutting of timber in wilderness areas. There is nothing in this bill that would allow for any timber to be harvested in our national parks. A lot of this is misinformation, and I think a full discussion of the bill before this body would be very beneficial for all of us.

I realize that the Public Land Law Review Commission has made a very thorough study, and so has the President of the United States, in setting up a task force, but since that time the administration, the Bureau of the Budget, the Secretary of Agriculture, the Chief of the Forest Service, are supporting the bill that is proposed to be taken up if the rule is granted. I do hope that this body will adopt this rule and allow us to have a full discussion on this matter.

I do believe that there is more being taken out of the forests today than ever in the history of the forests for many reasons. Much of the material that is taken used to be left in the forests, but today we take it in. So I think that all of the things that will be provided for in the bill in the way of intensified management will be under the control and jurisdiction of the Forest Service, and certainly they are experienced hands.

We have some of the best professional foresters working in the Federal Service that I know of. I know of no supervisor in my area, nor the Regional Forester, nor the Chief of the Forest Service, who have any objection to this bill being brought to this body, and if passed by this body they could administer it in a very fine manner for the betterment of all of our people.

Mr. BELCHER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Oklahoma.

Mr. BELCHER. Mr. Speaker, I thank the gentleman for yielding.

You know, Mr. Speaker, I sat here and listened to all the arguments about this being a terrible bill—a horrible bill—and that it is not a good bill, and there are a lot of things wrong with it, but I have not heard one single thing pointed out about this bill that would hold water except the gentleman a while ago who said he did not want wood for competition for synthetics. That is the only argument I have heard that would hold any water.

Now I have been curious enough and I would like to see the rule granted so that some of these people who are opposed to this bill would give some solid reason why.

Mr. JOHNSON of California. I thank the gentleman for his contribution.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. MARTIN. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, I would like to call attention to an error made a few moments ago by the gentleman from New York in his remarks in which he stated that Secretary of Housing and Urban Development, Romney, was not in favor of this legislation.

If the gentleman will consult the testimony given by Secretary Romney before the Committee on Banking and Currency this week, the Secretary stated that he wholeheartedly and completely and unreservedly supported this legislation and that it was vitally needed if we were to take care of the housing demands in future years.

I suggest that the gentleman consult and look up Mr. Romney's testimony before the Committee on Banking and Currency, which is completely opposite to the statement he made in the well of the House a few moments ago.

Mr. SISK. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to say a couple of words in conclusion and then I expect to move the previous question.

Without getting into the merits, let me simply say to my friends, I think in all fairness this bill should be permitted to be discussed by the committee having jurisdiction. I think the thoughts and the expressions by the gentleman from Oklahoma (Mr. BELCHER) could be well taken. The facts are known, and the opposition so far today has not presented one single argument against the bill other than to say that it is a bad bill.

Now maybe they have some good and justifiable arguments to make. So it would seem to me they would like to have the right to make them, if they have such arguments.

Certainly I think the Committee on Agriculture, which will be handling the bill, should have the right at least to present the bill on its merits, and then let us vote it up or down.

My only plea, Mr. Speaker, to my colleagues is at least let us vote for the rule and permit the committee to make its case and then judge the bill on the merits of that case.

Mr. OLSEN. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. OLSEN. Mr. Speaker, I would like to express my great concern over the controversy surrounding the intent and purpose of this bill. As one of the original cosponsors of this legislation, I have studied and restudied the language of the bill and I conclude that there are areas which remain open to doubt or which could possibly be misinterpreted. I believe that the bill should be clarified to remove these doubts before consideration by the House.

The bill was originally, and remains, timber oriented, assigning timber yield a preferred, privileged position over other uses. Conservation interests were to be protected by directing that the act would be administered in conformity with the Multiple Use Act of 1960. But this is in itself an ambiquity for the Multiple Use Act clearly states that no special emphasis shall be given to any single use whether it be timber, recreation, wildlife, et cetera.

I believe that if we are to pass a National Forest Timber and Conservation Act then we are going to have to include equal emphasis on the conservation end—or are we going to have to draft in the future a National Watershed Supply Act, a National Wildlife Supply Act, a National Forage Supply Act, and a National Recreation Act?

It was my intention to offer specific amendments to this bill which I believed would prescribe that no increase in timber cutting would be allowed beyond sustained yield limitations. Another amendment would have directed that 25 percent of the gross returns from timber sales rather than the net, be assigned to local county roads and schools. However, it has come to my attention that these amendments would have been unacceptable to the committee.

Mr. Speaker, I want a bill which will provide reforestation of denuded areas in our national forests. But even here this bill falls short. Reforestation is limited to only "better-site" lands which are commercially profitable. It does not provide for reforestation of devastated areas where tree planting might be necessary to improve watershed, wildlife protection or recreational values.

Another failure of this particular bill is that there is no specific guarantee to exclude roads and logging operations from de facto wilderness areas presently unprotected.

For these reasons then, the present bill should be recommitted to the Agriculture Committee, at least until the Public Land Law Review Commission report is presented to the Congress in June of this year, and a consensus of opinion can be reached to resolve the broader issues surrounding this bill.

Mr. McMILLAN. Mr. Speaker, this is an agriculture bill because it is concerned with growing a crop to meet the needs of the people of the United States. It is the function of the Agriculture Committee to consider and act upon such legislation. But this bill is not only concerned with an essential crop, but with an even more critical matter, adequate housing for our citizens whether they reside in big cities, little towns, or in isolated rural farmhouses.

The National Forest Timber Conservation and Management Act had its origins not in the Agriculture Committee—although trees are a crop which can be planted, cultivated, harvested, and replanted like any other crop—but in the Housing Subcommittees of both the House and the Senate Banking and Currency Committees. This is a measure which may well determine whether our great country will be able to fulfill the aspirations of our citizens for a decent place to live. It is a bill, which I had the privilege to introduce—with cosponsors—which may well determine whether you and I, our neighbors here in Washington, or our friends and constituents back home, may ever realize the ultimate ambition of every husband and wife—decent housing, in which they can rear their children with pride and in comfort. This enlightened legislation will enable all of the people to realize the benefits of the forest bounty which they have paid for, which they own, and which they need to have converted to their use and enjoyment—the timber standing and to be grown forever on the commercial timber lands of our national forests.

The concept of this bill was first enunciated nearly 15 months ago in the other body when the Senate Small Business Committee interested itself in the capability of our Nation to meet its riding demand for timber products. It emerged again, 4 months later in both the Senate and the House Banking and Currency Committees when anxieties about soaring prices for lumber and plywood—sorely needed for home construction—demanded congressional investigation. Both bodies were properly concerned that high prices for these basic building materials—lumber and plywood—were denying our people the opportunity for shelter.

Investigations by these congressional committees were intensively conducted into the practices of the manufacturers and distributors. Charges were leveled by the Nation's homebuilders and other wood product users. All of the charges were forthrightly answered by those who convert timber to useful products. It became clear that the Federal Government itself—owner of more than 50 percent of the entire Nation's existing softwood sawtimber inventory—was a principal factor in restraining timber supplies and thus forcing price rises which were blunting housing efforts. The Congress, on both sides, determined to do something about it. This bill is the fruit of those earnest labors. It pleads for immediate passage in the interest of adequate housing for every man, woman, and child in America.

This bill, when introduced in the House of Representatives, won 67 cosponsors; members of both parties, men and women from rural and urban communities, members from timber-producing and end-product consuming States. Thus it is truly a bill in the total public interest. I am proud to be its sponsor and to have the privilege of managing it here on the floor.

Let me quickly review the attention this measure has won. It is not a 24-hour sensation. It is the result of more than 15 months of painstaking examination of its merits. It has been the subject of five separate congressional hearings, covering 13 full days. The testimony from more than 200 expert witnesses has been expressed in more than 2,600 pages of testimony. Its broad intent has been the subject of a special White House task force headed by the Director of the Bureau of the Budget. It has been thoroughly examined in the press, radio, and television of the Nation. The time has clearly come for action if we are not only to build the houses the country needs but to guarantee that future generations will know the pleasures not only of adequate housing but the multiple benefits of regenerated timber resources.

There may be those who will say, "We must wait until the White House task force has rendered a judgment." That judgment was to have been forthcoming 6 months ago. Insofar as I know, none of us has seen it.

I have seen, however, this statement by the chairman of that task force, The Honorable Robert Mayo, Director of the Bureau of the Budget, a man whose prudence we all respect. He said last November:

> Since April, attention has been devoted more to the longer range problem, with the major objective of insuring that the available supply of softwood timber and its products would not impose a serious constraint on the achievement of the Nation's housing needs. We also have been concerned with avoiding a repetition of the sharp swing in prices that occurred during 1968 and 1969. Price gyrations have a disturbingly disruptive effect not only on the housing industry, but also on employment and earnings in the timber industry. . . .
>
> During the years immediately ahead—what economists call the short run—the demand/supply imbalance in softwood timber is likely to be the most acute. In this period, say, from 1971 to 1975, short supplies of softwood timber and substitutes could retard housing construction and increase the cost of satisfying the Nation's housing needs unless effective programs are developed to expand timber availability. That is to say with housing construction expected to expand rapidly as soon as financial conditions ease, it is necessary that we substantially increase the available supply of softwood timber. Current estimates indicate that softwood requirements may increase by as much as 6 to 8-billion board feet by 1973. Against the current level of output of 50-million board feet, this is clearly a major challenge to all of us—to government and to business.

And, at this juncture, Mr. Mayo came to the heart of the current proposed legislation. He said:

> Of the sources of supply directly controlled by the Federal government, the national forests offer the principal possibility for expansion of softwood timber.

He subsequently said:

> National policy must be concerned with improving both growth and utilization of our timber resources.

And added:

> We should encourage the Forest Service to push ahead with the development of programs to increase timber yields from the national forests and achieve a truly significant increase in timber harvest over the next decade.

I submit to this body that the purpose and intent of H.R. 12025 is to achieve this noble purpose. I would remind this body, as well, that national policy with respect to national resources is not only a prerogative of the Congress of the United States, but an obligation. It is our duty to pass this bill to meet the present needs of all of our people and to guarantee that the future needs of our people will be met.

This bill, carefully conceived, fully debated in committee, and subjected to long examination and alteration to overcome any flaws, meets all the criteria for passage.

It meets a current public need—housing.

It guarantees fulfillment of a future public need—timber resources.

It adheres to the mandate that public dollars should be subject to the appropriations process.

It is limited in its scope to only the national forest that grows commercial timber and does not restrict the right of either the Forest Service or the Congress to withdraw lands from timber-growing wilderness on other nontimber uses.

It specifically establishes that national forest timber management will be subject to the Multiple Use-Sustained Yield Act of 1960 which directs that all uses of the national forests—recreation, watershed, timber, grazing, and fish and wildlife—shall be considered in their management.

I might add that it was the Agriculture Committee, the advocate of the present bill, which brought the Multiple Use-Sustained Yield Act to the floor of the House 10 years ago and successfully sought its adoption as a fundamental of national resource policy.

This present act, the National Forest Timber Conservation and Management Act, provides for the reinvestment of timber sales receipts for the application of certain specified timber management and production practices on the National Forest commercial timberlands. At the same time, it rigorously protects the options of the administration, the Appropriations Committees, and the Congress as to the worth of such practices in the public interest.

H.R. 12025 is a worthy bill. It deserves prompt adoption by this distinguished House.

Mr. PELLY. Mr. Speaker, recently I applauded a postponement of House consideration of H.R. 12025, the National Forest Timber Conservation and Management Act. In principal, I certainly do not oppose legislation of this kind, because our national forests are going to have to contribute more to the needs of the national forest products industry. We have been operating on the basis of a 100-year growth cycle and this is not realistic.

But there is not any immediate urgency such as existed when the bill was first introduced and which caused me to cosponsor it.

In other words, in 1968 and early 1969, there was a real squeeze in the availability of logs for production of softwood and plywood due to log exports and heavy snows in logging areas. Also, there was a shortage of railroad boxcars and all in all a sharp increase in prices resulted. But, of course, subsequently these prices collapsed when the expected housing boom did not materialize due to high interest rates and the decline in demand for homebuilding.

I am not suggesting that the day will not come—and soon, I hope—when money will ease and the demand for timber for housing will increase. But, what we will need is good legislation that is vital to the economy and good legislation with respect to the ecology.

My grave fear is that this legislation as it now reads may not be in the public interest in the long run since it would go a long way toward setting a policy that Federal forests lands shall be managed solely for commercial timber production. I say this as a conscientious supporter of the multiple-use concept of forest management, Mr. Speaker.

It is interesting to note, too, reaction to this bill from some of the newspapers of wood-producing areas, such as Eugene and Medford in Oregon, and Lewiston, Idaho. The theme of their articles has been "What this country needs is a good timber supply and conservation law," and they agree that H.R. 12025 as reported is not that kind of a law.

Meanwhile, it should be remembered that the Public Land Law Review Commission will submit its recommendations to Congress and to President Nixon before June 30, which will cover laws and rules and regulations on national forests and wildlife refuges and ranges. Again, I say, I support the concept of this bill, but it seems to me wise to delay any leg-

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islation such as this until after we have that report, so I favor recommittal temporarily of this legislation to the Committee on Agriculture.

Mr. Speaker, I think any legislation should assign a substantial percentage of funds from proceeds of sale of timber for recreation and wildlife conservation and in addition it should require that before this act could be implemented in any national forest, the Secretary of Agriculture would have to consult with the Secretary of Interior and the head of the agencies exercising administration over wildlife resources of the particular State involved. This consultation would at least give conservation interests an avenue through which to present their views to the Secretary of Agriculture before any action is begun.

Mr. PHILBIN. Mr. Speaker, many of our fellow conservationists throughout the country are deeply disturbed by the National Forest Timber Conservation and Management Act of 1969, now before the House.

I have received many communications and visits from dedicated individuals and groups expressing strong opposition. Some of them, recognized as experts in the field, consider the bill to be just the opposite of good conservation practices, and have pointed out their fear that the bill could work great damage to our forests and public domains and set back the cause of constructive conservation and protection of our natural resources for many years to come.

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It is unquestionable that certain business and industrial interests are pressing their case on the basis of what is good for them in the first instance, and not necessarily what is good for our national forests and the implementation of enlightened conservation policies.

In some conceivable instances, if the green light is given to private, economic interests to move into our great national forests and indiscriminately cut off massive acreage without proper regard for the present and the future of our national forests, great harm can be done. Thus, we will be setting back sound conservation programs stemming from years and years of sustained effort to insure that the principles of sound conservation shall come before the type of inadequately regulated commercial exploitation that in the opinion of experts in this field might well do irreparable damage to basic conservation plans and practices.

For example, to increase the allowable cut by commercial interests for profit with little or no regard for other multiple use values would be, so the experts tell us, to negate and deemphasize our total conservation programs in this vital area.

Many of us are disturbed no end by the increase in the annual cutting in national forests at the rate of over 5 billion feet per year until it will reach 12 billion board feet per year in the next 10 years. This is very disturbing.

Moreover, the evidence shows that high quality timber is being grossly overcut, and that practice is being justified by growth estimates of marginal timber areas in high elevation on unsuitable soils, and by curtailing established rotation periods.

It should also be noted that this bill definitely moves toward unprecedented overcutting of our most valuable forests. If Congress permits these practices to go forward unchecked at accelerated rates, the results, from a national standpoint, would be a serious depletion of our forest preserves, and would cause us to turn our backs in these days of crises, inflation, and upset upon fundamental conservation policies that should and must be continued, if we are going to have any hope of holding the line against those in our exploitative society casting greedy eyes at our most precious, national resource and then raiding them.

Some of the greatest conservationists in the country are opposing this bill, and as one long dedicated to conservation principles, I do not propose to support any bill which moves in the direction of converting the Forest Service into an agency for promoting private exploitation, ignoring proper rehabilitation of forest lands, and unwisely depleting our timber supply.

I do not believe that any opposition could reasonably be urged to forestry practices that may entail cutting out old growth, decaying timber, or thinning, or weeding, and cutting back growth overage that is impeding the overall growth of good trees in the forests.

Reforestation is another practice that is part of our conservation program and must be encouraged, and these practices are very important. But first we must make sure that the forests themselves are not being stripped needlessly by massive, nonselective cutting of all growth for commercial purposes.

No one objects to measures that are designed to cut out and remove dead and dying trees and generally clean up the forests, and hence promote more favorable conditions for better growth. That is an essential part of our conservation program, as is reforestation, and I do not believe these measures have been pressed in recent years to the extent that they should be, and more attention must be given to these techniques.

There are also, of course, the problems of protecting wildlife, developing and controlling additional supplies of water, and where possible, building access passage of waterways for public recreation and enjoyment, and other urgently needed forest conservation and management problems.

I am in complete agreement with the need for continuing all these good programs and implementing them, but I cannot tolerate or support the wholesale nonselective cutting down and ravaging of our wonderful national forest growths with disregard of basic conservation principles in order to promote commercial exploitation of forest lands without due regard to the public interest and sound conservation.

For these and other reasons, I am unable to support this bill under the current circumstances and urge that it be taken off the House calendar and returned to the committee. Unless drastic amendment of this bill is made, it should be retained in the committee indefinitely.

Mr. McCARTHY. Mr. Speaker, I join many of my colleagues in opposing H.R. 12025, the National Forest Timber Conservation and Management Act of 1969. I urge those of you who have not made up your minds on this legislation to vote against it. Contrary to the impression given by the title of this bill, it will not lead to better conservation of our valuable national forests. It will not lead to better management of our national forests. Rather, this bill will pressure the U.S. Forest Service to give in to the immediate desires of the lumber industry. It will make it harder to uphold the longer range goals stated in the Multiple Use-Sustained Yield Act of 1960 governing the use of our national forests, outdoor recreation, range land, timber use, watershed protection, and protection of fish and wildlife.

The basic complaint of the lumber industry in pressing this legislation is that they do not have enough lumber. Even if this were true today, I do not believe that the answer to this complaint would be to raid our national forests.

We have learned this year that our environment faces a challenge from the activities of man that it may well be unable to withstand. Public and private leaders have shown us the costs of the neglect of our fragile interconnected world. The abuse of our atmosphere with the internal combustion engine, the spoiling of our lakes and rivers with the wastes of our communities, the indiscriminate use of chemicals in industry and agriculture all threaten our existence. If these warnings mean anything, they mean that we can no longer take for granted the natural world that we inhabit. We must carefully consider the effects of our actions on our world if we are to survive.

In the year 1970 I believe that we ought to be looking at our national forests to determine whether we should reduce rather than increase the amount of commercial activity that we allow within them. We have already learned of the ominous threat to some of our national forests from air pollution. The Angeles National Forest on the edge of the Los Angeles basin has thousands of fir trees that are dying as a result of the air pollution found in the basin. In other forests, such as the Tonto National Forest, we find the managers spraying plant-killing chemicals on brush and trees with resulting danger to both humans and animal life. If anything, I believe that we ought to be asking whether we need national green belts close to our metropolitan areas as a part of a national growth plan.

In those countries where forests do not grow in sufficient quantity we find both the governments and private industry taking steps to plant new forests. The Dutch have recently planted a large forest in part of their reclaimed land for use as pulpwood. Many other countries in the Middle East have extensive reforestation projects which they recognize as necessary for a balanced environment. If we did not have our national forests, we would be spending money to create them. This is also another reason for not allowing the indiscriminate cutting of our forests in light of immediate pressures.

The shortsightedness of the lumber industry can best be seen in the arguments that they have advanced for this bill. They argue that national housing needs will not be met if we do not increase the production of lumber. Yet the trend in housing is not toward increased use of lumber but rather the reverse. Increasingly, the low-cost home is a mobile home or a modular unit constructed with cement. As a recent study pointed out, the total annual consumption of timber has remained stable for the past 70 years. In fact, we actually used less lumber in 1967 than we did at the turn of the century.

The lumber industry also claimed that their product was being priced out of the market because of a sharp increase that had occurred at the time this bill was introduced. The weakness of this argument was revealed when lumber prices plummeted during the last 18 months. Today, lumber prices are considerably lower than when the bill was introduced. This is partially due to the lag in housing that is now troubling our Nation. But this change does show that increased cutting of timber in national forests may have only a marginal effect on timber prices.

It is my belief that our needs for national forests and the ways in which we use them must be reevaluated in light of the overall needs of our society. Our national forest, as opposed to those held privately, have value that transcends their use as sources of timber or grazing land. It may well be that their value in replenishing and balancing our atmosphere, in sorting and purifying our water, and in separating our metropolitan areas is irreplacable. Until we know what the ecological balance should be between forest land and a population of 300 million, anticipated at the end of this century, I do not believe that we should approve heavier cutting of our national forests.

I urge all those who share my concerns to vote against H.R. 12025.

Mr. MONTGOMERY. Mr. Speaker, I am happy to rise in support of the National Forest Timber Conservation and Management Act of 1969, which will provide for more intensive management, accelerated growth, and increased timber production from the Nation's national forest system. Along with several of my colleagues, I am a cosponsor of this measure and worked on this legislation in the Agriculture Committee.

I feel very strongly that this legislation is needed for the long-range supply of timber in America. The bill will also help to prevent possible drastic increases in timber prices in the future such as happened in 1968 and the first part of 1969. In this respect, this bill is highly important in our fight against inflation.

The achievement of a sustained yield requires the orderly conversion of timber into a balanced structure of timber age classes so that in each year or period a new crop of timber matures and is ready for harvesting. According to some wildlife experts, this sustained-yield concept is also helpful to animal life in their efforts to forage for food in the forests. I feel H.R. 12025 has the necessary built-in provisions for protection of our national forests from the standpoint of realistic reforestation and management policies. These provisions were added in order to protect our national forests in the areas of recreation, wildlife, and watershed development.

Another important point of this legislation is the provision for the establishment of a fund for financing timber growing practices which, for the most part, are not now being conducted on national forest lands. The fund would be supplied from 65 percent of the cash receipts from the sale of national forest timber. The remaining 35 percent would continue to be designated for distribution to counties or parishes in which the national forests are located for schools and roads and to the national forest roads and trails fund. The act would lead to substantial increases in the amount going to the counties.

One other important point of this measure is the section assuring small business concerns of being able to obtain that proportion of the total timber sold annually which represents their collective average percentage of timber from each national forest over the preceding 3 calendar years. This provision will make certain that a fair amount of national forest timber sales will go to the small business concerns as has been the case in the past.

I respect the view of those Members who are opposed to this bill, but I would urge them to take a long, hard look at the long-range timber needs in America and evaluate the provisions of this legislation to fulfill these needs while protecting our national forests under the concepts of the Multiple-Use-Sustained Yield Act of 1960.

Mr. REUSS. Mr. Speaker, it is suggested that this bill provides for no derogation of the time-honored principle of multiple use of our national forests. This claim is made apparently because there are several references to the Multiple Use Act of 1960 in the bill.

There are five basic multiple uses of our national forests: water, recreation, wildlife, forage, and wood. This bill provides an earmarked fund for the sole benefit of only one of these uses; it provides a plain mandate to cut more trees, faster—that is its whole purpose. None of the other public values get this sort of preferential treatment. That is why it is meaningless to state that multiple use principles will really be observed if this bill passes.

This legislation is indeed a land classification measure, and because of this, it seriously affects the jurisdiction of other committees of Congress, especially that of the Interior Committee. It is a land classification measure because it allocates the earmarked funds for timber cutting and management uses on all the lands of our national forests which they now grow or are capable of growing crops of industrial wood.

If these areas happen to provide other public values too, such as water, scenic beauty, wilderness, grazing, or wildlife, that is just too bad. None of these values get the funding that timber does. None of these uses have the mandate from Congress to the Forest Service to apply the earmarked funds to specific acreages as provided for in the bill.

Indeed, proponents of the bill have attempted to deny that it is a land classification bill by stating that, at most, it could apply only to 97 million acres of forest land. That is a lot of land. But not only is it a lot of land—it is also all of the forest land with trees on it. This act gives first priority and first use to the tree-covered lands of our national forests to logging and timber production. That is why it is a land classification land.

Proponents of the legislation have stated that the bill would not hinder the process of reclassification of suitable lands for wilderness and scenic values. But then, at least in some statements I have read, they make the statement that intensified logging in what they call the "more productive lands" will release what they call "marginal lands" for other uses. Mr. Speaker, I do not believe that only "marginal lands" which are not good for anything else should be left for wildlife, wilderness, parks, or recreation. But this bill will do just that.

Regardless of what the Forest Service says, this bill harms the multiple use concept. It classifies the tree-covered lands for wood use first; it provides the earmarked funds for this use only; it provides a clear mandate to get in there and increase logging. Many of those so-called "dead and dying" trees that the timber industry wishes to log are in highly scenic areas.

The bill should be returned to committee for further study. The rule should be voted down.

Mr. FARBSTEIN. Mr. Speaker, we are told that these are the "environmental 1970's." Our President, our scientists, and our major media are telling us that we simply have to give consideration to preserving our environment or else face the prospect of suffering for generations.

Today we are faced with a test of our commitment as we consider the rule for H.R. 12025, the National Timber Conservation and Management Act of 1969; for if this bill is passed, our national forests, currently managed by the principle of balanced multiple use, would be converted into sterile tree farms. Wilderness areas would be indiscriminately eliminated; watershed management would become impossible along many vital streams; and recreational values would be completely forgotten.

This bill would bring about these harmful results through the establishment of a trust fund from timber revenue to be used exclusively for the promoting of timber cutting. The establishment of this fund would unbalance the multiple use—outdoor recreation, range, timber, watershed, and wildlife and fish—mix of values which have governed administration of our national forests since the enactment in 1960 of the Multiple Use-Sustained Yield Act of 1960—16 U.S.C. 528–531.

The establishment of a special fund for timber cutting would in effect give timber sales a large actual priority over the other principles.

It would establish such a priority by segregating 61 percent of the Forest Service's estimated budget for the exclusive use of only one of the five values. The Secretary of Agriculture in a letter to the House Agriculture Committee

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said that if funds were earmarked in this manner there could be difficulty in financing the other programs for outdoor recreation, wildlife forage, and water production. He recommended that action on this bill be held in abeyance pending a full review of the national forests.

This bill would also bring about a de facto priority for timber sales by enacting a special financing mechanism which, in effect, is a statement by Congress that as a matter of policy timber production is a favored value.

Finally, this bill would bring about a timber cutting priority by putting enormous pressures on the Forest Service to increase timber production and make it difficult to rationally and impartially consider the claims of increased timber production versus other multiple use values. This is achieved by providing funds to the Forest Service based on the amount cut so that the more that is cut the more money the Forest Service would receive.

The trust fund is not the only harmful feature of the bill. Another is the provision providing that money from the fund could be used for the cutting of timber on all forest land not officially set aside for another purpose. By so doing, this bill would serve to destroy a great deal of virgin wilderness land.

There are areas like those formally designated as wilderness areas which the Sierra Club terms "de facto wilderness areas." These are virgin timber land that has remainded roadless. However, since the bill defines all lands not already receiving some official protection as commercial timberlands, these would now be exploited for timber purposes and in fact the Forest Service would be required to do so.

Although theoretically such areas could still be brought under official wilderness designation such a procedure is time-consuming and may well be accomplished too late, if at all, given the pressures to cut which this bill creates.

This provision would thus lead to the destruction of certain areas, whose recreational and other values are more important than the timber which could be harvested from them.

The original impetus for this bill was the sudden rise in the price of lumber in early 1969. The bill rests on the presumption that a principal cause of the price rise was a shortage of timber available for cutting. This presumption is subject to major qualifications which the supporters of the bill conceded.

It was admitted at the hearings on the bill and elsewhere that a number of factors coincided to contribute to the price increases: extended bad weather which impeded logging; a boxcard shortage which prevented supplies from reaching markets; a temporarily low capacity of producers to process timber—attributable to an earlier industrial recession which forced out many smaller producers, increased exports, and other factors.

However, in the past 9 months lumber prices have fallen nearly as far and as fast as they rose. At the end of 1969 the prices were at or near their 1968 levels. As the representative of a central city district, I have been extremely concerned with the housing crisis faced by this Nation. That crisis is particularly acute among the lower income residents of my district.

But I do not believe this bill will in any way alleviate that crisis. It is not a housing bill. It is simply a legislative windfall for the timber industry.

The housing crisis is a consequence of tragically high-interest rates, antiquated zoning laws and out-of-date construction technology. We should squarely face the causes of the crisis, and not be diverted by red herrings.

I intend to vote against consideration of this bill.

Mr. SAYLOR. Mr. Speaker, at one time or another, every one of my colleagues must have seen a cow going after the greener grass on the other side of the fence. Having eaten all the best grass in her own pasture, she goes over to the fence and puts her head through the wire as far as she can reach, yearning with might and main for a bite of that grass in the next pasture.

The timber industry must be feeling very much like that cow, to judge from the contents of a scurrilous tract recently issued by the American Forest Institute. Although it bears the title "Setting the Record Straight," a casual perusal of this tract suggests that a more accurate title would be "Twisting the Record." I have seldom seen a more valiant attempt to foist on the Nation a bill for the benefit of a single industry, at the expense of public resources. In the brief space of 20 paragraphs, this leaflet contains a rich harvest of strawmen, answers that fail to respond to the charges, deliberate misrepresentations, misleading slogans, half truths, and lipservice, all devoted to convincing Members that H.R. 12025, the so-called National Forest Timber Conservation and Management Act, is somehow a conservation bill.

My colleagues are not going to be misled by this leaflet, because they know far more about conservation and environmental affairs than the American Forest Institute does. This institute, of course, is nothing more than window dressing for the logging lobby. It was boldly known as "American Forest Products Industries" until the loggers realized they needed a new image. AFI now maintains a staff of public relations men to give the industry a good front, while the timber barons behind the scenes hack away at the foundations of American forestry.

Members who have been in the House of Representatives as long as I have also have seen something of how the timber industry operates when it wants to get through the fence and go after the green grass on the other side. In the Interior and Insular Affairs Committee we have seen the timber industry fight every major conservation bill that came before us, from the Wilderness Act to the Redwood National Park Act. The industry also cherishes the fond hope of logging in the national parks; as recently as 1966 they were asking Congress to let them into Olympic National Park. No doubt the industry leaders are frustrated by the growing role of the citizen in public land decisions, and by the way Members of Congress are exercising their responsibilities in these matters. To bypass these annoying obstacles, the industry has concocted its masterpiece, H.R. 12025, a bill designed to increase the annual cut on the national forests, camouflaged behind blue-sky promises that intensified "high-yield" management can make up the difference.

Mr. Speaker, it is time to expose the industry's line for what it is: a smoke-screen for a vast, cut-out-and-get-out scheme for the national forests. As my colleagues know, I have had some experience with national forests, as a member of the Committee on Interior and Insular Affairs, the National Forest Reservation Commission, and the Public Land Law Review Commission. At this time I intend to take the AFI leaflet apart paragraph by paragraph, and show how its authors have twisted the facts to suit their own, self-seeking purposes.

The leaflet begins:

> H.R. 12025, the National Forest Timber Conservation and Management Act, was withdrawn from scheduled debate in the House of Representatives February 5.

This is the only completely factual paragraph in the leaflet.

> Among the reasons offered for deferral of debate was that the Congress was confused by the charges leveled against the bill by "conservationist" opponents and by conflicting statements as to the position of the Administration.

The only confusion was that of the bill's supporters when they found that Members were seeing through the industry's specious claims.

> Best evidence is that organizations opposed to forest management inflamed their members against earlier versions of the bill and news of the impending vote unleashed a flood of wires and letters based on those versions rather than the thoroughly amended bill voted out by the House Agriculture Committee.

The committee amendments are nothing but lipservice devices, apparently intended to make the measure look like a conservation bill, without altering the basic provisions that make it a despoliation bill. Every citizen who cares about the national forests is rightly inflamed by this audacious assault on a great conservation institution.

> The Administration's "low-profile" endorsement failed to surface prior to the scheduled debate and some members received conflicting statements of position from the Department of Agriculture and the Bureau of the Budget.

Indeed, the administration had expressed no position on the committee bill. It had urged delay pending the report of the President's ad hoc task force on lumber, which is still unavailable.

> February 11 both Secretary of Agriculture Clifford M. Hardin and Secretary of Housing and Urban Development George Romney issued strong statements urging enactment of H.R. 12025. The Hardin statement, addressed to Congressional sponsors, specifically noted that the Bureau of the Budget had cleared the Administration's position.

The administration hastily reversed itself, working hand-in-glove with the timber lobby. Secretary Hardin's announcement was released by the American Forest Institute even before it was available from the Secretary's office, and one of the Secretary's spokesmen was a former AFI

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publicist. Furthermore, the administration position was in violation of the Environmental Policy Act, which requires specific data on the environmental impact of proposed legislation.

This pamphlet contains specific misconceptions against the measure as stated by opponents and the facts as they are revealed in the language of the bill itself, in hearing records and official reports.

The industry's so-called facts are largely misrepresentation and deceit, as I will proceed to demonstrate.

MISCONCEPTION

H.R. 12025 is a "raid on the National Forests".

FACT

The National Forests were created by the Organic Act of 1897 to "furnish a continuous supply of timber for the use and necessities of citizens of the United States". H.R. 12025 will provide the funding necessary on an assured basis to conduct the scientific planting, cultivation and harvesting practices necessary to better achieve that purpose.

The industry's only defense against the "raid" charge is to take a quotation out of context, completely distorting the import of the Organic Act of 1897. The pertinent language reads, in full:

> No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flow, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States.

As anyone can see, improving and protecting the forest and providing water are uses coequal with timber. H.R. 12025 is in essence a cut-now-and-grow-later plan, involving accelerated logging on the flimsy assumption that new management techniques would replace the trees later. The bill provides no new funds; Congress already can make needed appropriations for the purpose, and would follow the same procedure under this bill.

MISCONCEPTION

H.R. 12025 ignores the principle of multiple use of the National Forests.

FACT

H.R. 12025 includes specific citation of the Multiple Use-Sustained Yield Act of 1960 in three different places, and charges the Secretary of Agriculture with conducting the programs of the new Act subject to that earlier Act. The House Agriculture Committee report on the bill devotes one full page to Congressional intent with respect to multiple use and states "there is no intent or purpose in this legislation to repeal any of the several statutes affecting national forest resource management."

The authors have demolished a strawman. The industry has not ignored multiple use, but purposely abrogated it. The references to multiple use in the bill are nothing but paper promises, impossible to carry out in the face of the bill's central thrust, which enthrones timber production as the dominant use. I frankly cannot understand why the authors limited themselves to only three citations of the Multiple Use Act of 1960; 10 or 20 might have been more convincing, but equally ineffectual in maintaining multiple use as a viable policy on the national forests.

MISCONCEPTION

H.R. 12025 will classify some 97 million acres of National Forest land as "commercial forest land."

FACT

The bill is not a land classification measure. At the most it could enable intensive forest management on 97 million acres, or about half of the 186 million acres administered by the Forest Service under multiple use. About one-quarter of this 97 million acres is already used for scenic strips, recreation, and other reserved purposes and would be exempt from intensive timber growing treatment.

AFI is purposely evading one of the major impacts of the bill. In every survey of the Nation's timber resources, the Forest Service has responded to pressure from industry by reclassifying more watershed forest as commercial forest land. The area so classified has risen from 73 million acres in 1945 to 92 million in 1963 in the contiguous 48 States, and 97 million including Alaska. The 20 million acres reclassified as commercial are chiefly high-elevation timber lands, on unstable soils, forest that is primarily important for watershed, land stocked with marginal species, and lands with very low growth capacity. These were formerly managed for watershed and recreation values. Most land suitable for addition to the wilderness areas is in this 20 million acres. H.R. 12025, however, requires intensive management on the entire 97 million acres, starting with accelerated logging.

MISCONCEPTION

H.R. 12025 would "foreclose possibility of additions to the National Wilderness Preservation System wherever the qualified area has even the potential for growing marketable wood."

FACT

Present statutory policy and procedures regarding potential wilderness areas remain wholly unaffected by the new Act. The House Agriculture Committee Report on the bill says "Some have expressed concern that H.R. 12025 would endanger those portions of the national forests suitable for wilderness designation. The Multiple Use-Sustained Yield Act, to which H.R. 12025 would be subject, provides that establishment and maintenance of areas of wilderness are consistent with its purpose. It is the understanding and expectation of the committee that H.R. 12025 shall not interfere with existing procedures for the designation of wilderness prescribed by the Wilderness Act, or with the present practices for multiple-use management of the national forests under the Multiple Use-Sustained Yield Act."

Both the AFI leaflet and the language of the committee report reflect none of the Interior Committee's experience with wilderness designation. Many of the best potential wilderness lands involve "commercial forest" land that would be affected by H.R. 12025 and that lacks any protective status whatever to save it from the saw. Once logged, these last virgin lands cannot be added to the wilderness system. Such tracts are found in many national forests, from Alaska and the Pacific Northwest all the way to the Appalachians. The Interior Committee will consider these in due time for addition to the national wilderness preservation system. However, H.R. 12025 would foreclose the Congress's opportunity to protect these last precious wildlands even before we can learn where to look for them. The loggers know where they are, and are ready to move in, as soon as the annual cut is increased.

MISCONCEPTION

The Forest Service already has authority to practice good forestry, and this bill produces no new revenue.

FACT

Inadequate funding has limited Forest Service application of silviculture, H.R. 12025 would provide such funding for long-term forest management improvement. At present, 65 percent of the funds earned annually from National Forest timber sales go directly to the Miscellaneous Receipts of the National Treasury; the remainder are allocated by statute. Thus, the Forest Service, a revenue producing agency of government, derives little benefit from its earnings and is unable to reinvest any substantial return from its earnings in growing new timber. Realization of the potential increase in timber growing on National Forests as stimulated by H.R. 12025 would return substantial additional benefits to the United States not only in dollars earned through sound forest management but in fulfillment of national housing, environmental, and recreational goals.

The industry's interest in funding silviculture arose only with the concoction of H.R. 12025. Where were the timber lobbyists when the Appropriations Committee took up the Forest Service budget last year? I will tell my colleagues where they were not: they did not appear before the Appropriations Committee. The people who were at those hearings asking for silviculture money for the Forest Service are the same people who are opposing H.R. 12025—the conservationists. The money is in the Treasury. All we have to do is appropriate it. None of the elaborate verbiage of H.R. 12025 is going to produce a dime that we do not already have.

Actually, it is not financing the industry wants; that is simply a transparent excuse. What they really want are the provisions in section 7, to shorten rotations and increase the cut now in old-growth timber, in amounts rationalized to the maximum by application of high-yield measures. That would make a mockery of multiple use and turn the national forests into cheap tree farms, at the expense of every conceivable national goal.

MISCONCEPTION

Old growth timber will be sawed down as fast as modern machinery can do the job.

FACT

The Act charges the Secretary of Agriculture, subject to the provisions of the Multiple Use-Sustained Yield Act of 1960, to "revise the allowable annual harvesting rates in national forests to take into account (a) rotation ages estimated to be appropriate for markets and technology at the expected time of harvest, (b) the need for and benefits from use of high level current harvest rate options available *within sustained yield limitations*, and (c) increase timber yields which will result from application of the measures authorized by section 6 of this Act, as rapidly as possible after such measures have been undertaken: *Provided, that appropriate reduction in allowable harvesting rates will be made if planned measures are not satisfactorily accomplished;*" (emphasis furnished). Harvesting cycles would be adjusted as growth rates are determined. Faster growing trees can be harvested at an earlier age. The Forest Service will continue to determine harvesting cycles.

AFI's so-called fact completely fails to refute the charge. H.R. 12025's provisions to increase the annual cut mean simply that the old growth will be logged off faster than is now projected. That, of course, is where the industry's interest lies, since the big trees, hundreds of years old, mean more profit. The provision to reduce the cutting rate is mere lipservice, since the trees will already have been cut and taken off to market. The only result would be a shortage during the ensuing years.

MISCONCEPTION

The current export of timber, over 4 billion board feet a year to Japan alone, makes absurd the claim that the United States faces a massive timber shortage.

FACT

The U.S. is a net importer of lumber. Over six billion board feet of finished lumber products were imported last year, primarily from Canada. In 1969, the U.S. exported about two billion board feet of logs, mostly to Japan, and about one billion board feet of lumber. Export curtailment would simply impose new foreign demands on Canada, thus limiting our own supplies derived through imports.

AFI is making a deliberate misrepresentation of the facts. Our Canadian imports would not be curtailed by Japanese bidding, because our imports are in the form of lumber. Canada prohibits exports of logs, which is all the Japanese are buying.

MISCONCEPTION

Substitute materials will meet our national housing needs.

FACT

Substitute materials may achieve certain traditional wood markets in home construction, but may not achieve either the volumes or economies of wood. Most wood substitutes—steel, aluminum, plastics—involve depletable raw materials. Wood does not.

Much as the loggers would like to forget it, substitutes for wood are increasingly being used in housing. Substitute materials are not only economically competitive and long lasting, but many of them will be capable of being recycled by new materials technology in the years ahead. So, although lumbermen may cling to the antiquated jargon of "renewable versus nonrenewable resources," the reality already is very different than the words imply. Some timber companies, recognizing this, even now are entering the substitute materials market. The Weyerhaeuser Co., for example, recently reported to its shareholders:

> The company's new Shelter Group will not operate as a primary sales outlet for the firm's wood building materials. As a development and construction business, it will serve the shelter market and will use competitive materials when they provide the best market or economic answer.

The Boise-Cascade Corp., likewise is branching out into substitute materials.

MISCONCEPTION

The intent of H.R. 12025 is to construct roads through now roadless forest areas.

FACT

The provision in H.R. 12025 authorizing use of these funds for road construction in advance of planned harvest was deleted by the Agriculture Committee before the bill was reported. The high timber yield fund will be used for increasing timber yield on national forest commercial timber areas.

AFI is indulging in more lipservice. Deleting the language about roads is one thing; eliminating the roads themselves is another. AFI does not explain how all the logging and pruning and thinning are going to be done without roads, and in any case, section 6(8) provides ample authority for roadbuilding by authorizing "such other timber production improvement practices as the Secretary of Agriculture deems appropriate." There is no doubt that roads are going to be built under this bill. As my colleagues will note, even the AFI leaflet avoids any clear statement that would disprove the charge cited above.

MISCONCEPTION

The Multiple Use program will be thrown out of balance by overfunding timber management and ignoring the rest of the National Forest program.

FACT

"The rest of the National Forest Program" has been funded at a higher proportionate level than timber growing. H.R. 12025 will allow forest resource productivity to respond to the nation's housing needs.

The level of funding will continue to be controlled by the Appropriations Committee and the Congress. Activities under the bill such as thinning, pruning and prompt regeneration will enhance outdoor recreation activties, wildlife habitat and water management.

The bill strikes at the heart of the multiple use policy, not only by biasing the appropriations process in favor of timber, but by allowing an immediate overcut of standing timber, regardless of conflicts with other resource uses, and regardless of the unproven nature of the proposed forestry techniques.

AFI's claim that thinning and pruning will enhance other values of the forest is typical of an industry which sees a clearcut forest, stripped of its trees, as a thing of beauty—a viewpoint not shared either by the public or by the recreation users of the national forests, who are unanimously opposed to this bill.

MISCONCEPTION

Our National Forests will be sacrificed in the name of short-term economic benefits.

FACT

Short-term economic benefits are irrelevant to the purpose of this timber-growing bill. There are no such things as "instant trees". The U.S. will require sufficient wood fiber for many needs forever. Growing those supplies requires action now—not continued neglect. The many industrial forest owners are conducting aggressive high yield programs on their own lands to increase timber growing. Forestry groups are seeking ways to apply these proven techniques to other private lands, in cooperation with the Forest Service. H.R. 12025 will accelerate forestry on all forest lands, public and private.

This is simply a bluff, but it cannot mislead Members familiar with the industry's tactics. If this is really a timber-growing bill, why does it include an increase in the annual cut? Inevitably, when the timber industry has claimed to be acting in the long-range public interest, whether it is asking us to let them log the rain forests of Olympic Park or urging us to forget about putting any trees into the wilderness system, the end result would be more logging, now. H.R. 12025 continues this pattern of consistent misrepresentation, attempting to conceal the bill's immediate impact behind the glib depiction of a rosy future. In fact, however, the future is far from certain, because from the short period of time the so-called high-yield forestry has been in use, it is impossible to predict the results 60 to 100 years hence, when the trees will be mature. The industry is asking us to count the chickens before they are hatched.

The leaflet makes the absurd claim that H.R. 12025 would accelerate forestry on private lands, when its actual effect would be just the opposite. If my colleagues seek the basis for AFI's claim in the bill itself, they will find one single reference to private lands in section 7(3) (B), which calls for "a program for the development of all the Nation's commercial forest lands for high sustained timber yield." No such program is embodied in H.R. 12025, for the simple reason that the industry wants no Federal intervention in its cut-out-and-get-out logging operations. Just such a Federal program was proposed by the Secretary of Agriculture in 1933, entitled the "National Plan for American Forestry," but it was defeated by pressure from the same industry that now purports to be a bulwark of good forestry.

It would take no time at all to add provisions to H.R. 12025 calling for regulation of private forestry. But if we ask the industry spokesmen to support such an amendment we find that they want no Forest Service men looking into their logging. For some reason, the timber industry seems to fear public scrutiny of the same "high-yield forestry" its spokesmen are so vigorous in advocating for the national forests.

In reality, H.R. 12025 would discourage private forestry by flooding the market with western timber, thereby removing the economic incentives for efficient, long-range forestry on private lands.

MISCONCEPTION

The Nixon Administration agrees with conservationists that action on H.R. 12025 would be premature.

FACT

The Secretary of Agriculture stated February 11: "We are strongly of the opinion that this legislation will promote greatly improved forest management practices and is essential to improving the timber producing capacity of the National Forests within multiple use and sustained yield principles.

"H.R. 12025 as reported has the complete approval of this Department and we recomment that it be enacted.

"The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program."

The Secretary of Housing and Urban Development told the press that same day: "In the next five years, domestic timber requirements for use in residential construction alone will almost double.

"Without the substantial increase in timber production which the enactment of this legislation will encourage, it will be difficult, if not impossible, to build the homes America needs."

The administration did indeed recommend delay until the President's ad hoc task force on lumber had submitted its report. However, since February 5, when H.R. 12025 was withdrawn from the floor program, we have witnessed the disgraceful performance of two Cabinet Secretaries dancing to the industry's tune, in flagrant disregard of the Environmental Policy Act signed into law only 7 weeks

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ago. In their haste to bail the industry out of a leaky ship, the Secretaries had to resort to glib, unsupported generalities that completely evade the real issues at stake in this debate. They failed to report on the specific environmental effects of the bill—which are hardly escapable—and they did not deign to submit themselves to questioning in any hearing on the bill. It may be easy for the gentlemen downtown to evade the blame for a raid on the national forests, as contemplated by this bill. But in this body, we take our environmental responsibilities more seriously.

The leaflet then concludes with a summation of the foregoing misrepresentations.

Mr. Speaker, I have found no pleasure in making this lengthy exposition of the deceptions being perpetrated by the industry that is behind this legislation. Yet I felt it necessary to do so in detail, going to the roots of the issue, so it would be crystal clear what this bill implies: a well-camouflaged attack on the national forests. When this is clear, we can join to reject H.R. 12025 and, with the slate clean, we can proceed to develop legislation that will promote good forestry throughout our forest lands, protecting our public and private forests instead of promoting their demise.

I pledge myself to this effort, and I invite my colleagues to join me. The first step is to reject H.R. 12025.

Mr. RHODES. Mr. Speaker, the conservation challenge of the seventies requires that we seek a reasonable balance between the demands of our technology and the preservation of our environment. Just as we cannot sacrifice our resources to an unbridled economic growth, neither can we ignore the demands of over 200 million Americans for food, housing, and recreation.

The public lands policy of this country, as expressed in the Multiple Use-Sustained Yield Act of 1960 recognizes the necessity of preserving this balance. The bill before us today, the National Forest Timber Conservation and Management Act, is an extension of that principle.

Briefly, this bill would establish a fund for the financing of sound timber growing practices in the management of our national forests subject to the terms of the Multiple Use-Sustained Yield Act. I submit that those who charge that the bill sacrifices our national forests to maximum timber cutting without regard for protection of watershed, fish and wildlife, grazing, scenic and recreation values are misled with regard to the content of this measure.

This bill does not compromise the multiple use and sustained yield principles under which the national forests are managed. Nor does it give priority to timber development over water, wildlife, or recreation. It does provide for the application of improved management practices under sound conservation practices to increase the timber yield from our national forests.

As a purely practical matter, some may have overlooked the fact that the application of sound sustained-yield management practices in our forests will have an effect similar to that which modern agricultural practices had upon our farmlands; namely, that we will be able to produce more timber than we do today on much less land.

Equally as important—and as practical—is the fact that this bill will help to ease the critical shortage and cost of housing confronting Americans of middle and low incomes.

Mr. Speaker, there are over 11.5 million acres in national forests and other lands being administered by the Forest Service in the State of Arizona. I would not want to take any action that would jeopardize these forests for future generations of Americans and feel that this bill would certainly do nothing of the kind.

Our President has properly indicated that one of the most important issues confronting Americans in this decade is the quality of our environment. I share that sentiment and trust that this fine ideal will not be the basis upon which a sound and balanced piece of legislation is discarded.

I urge the enactment of H.R. 12025.

Mr. OTTINGER. Mr. Speaker, I rise to express my opposition to H.R. 12025, the National Forest Timber Conservation and Management Act.

This bill would establish a new high timber yield fund, into which would be funneled all Federal timber sales revenues not already obligated or earmarked, for a program of intensified logging of our national forests. It purports to meet the need for increased housing to rehabilitate our cities by alleviating an alleged timber shortage.

Mr. Speaker, I have yet to be shown any persuasive evidence of such a shortage. An industry which boasts export totals of 4 billion board feet, the most recent annual figure available, as compared to the yearly 12 billion board feet cut in our national forests, does not appear to be in great difficulty.

In fact, the committee report on H.R. 12025 speaks to the national need for 2.6 million housing units per year for the next decade, a goal with which I am in complete accord, and while I am appreciative of the committee's concern, it seems obvious that our problem is more closely related to the prevailing high interest rates which as always have caused housing starts to fall off because of the unavailability of mortgage money. The President has requested funds for only 600,000 federally assisted low- and moderate-income housing units in his fiscal 1971 budget, and without a stronger commitment from the executive branch, I fail to see how we can even approach the goal of 2.6 million units in the coming year.

In point of fact, Mr. Speaker, this legislation has been urged upon us by the timber industry because of sharp increases in lumber and plywood prices in 1968 and early 1969, prices which have since receded to earlier levels. With the annual cut on national forests accelerating from 5 billion board feet in 1950 to 12 billion currently, serious questions arise about the advisability of sanctioning further increases of cutting in forests where the sustained yield principle has served our needs well for many decades. Evidence of overcutting in disregard of sound forestry principles is pointed out in the Forest Service's own admission that it has a 4.8 million acre backlog of reforestation and a 13 million acre backlog in thinning and other improvement work in young timber stands. Such figures do not lend credence to a program designed to sharply accelerate the harvesting of timber in the national forests.

In addition, Mr. Speaker, a massive diversion of timber revenues into a new high yield fund at a time of severe budgetary and inflation problems will almost certainly create pressures for cutbacks in U.S. Forest Service outlays in other important activities—watershed protection, wildlife habitat, range, and recreation.

The multiple-use concept as approved by the Congress explicitly requires the Forest Service to avoid putting disproportionate emphasis on any one of its many necessary functions, yet here we have legislation proposing to channel all unobligated receipts, probably in the neighborhood of 60 percent of the budget, into timber harvesting alone.

And while the bill purports not to affect wilderness areas, its provisions for increased logging extend to any "forest land which is producing or is capable of producing crops of industrial wood and not withdrawn from timber utilization by statute or administrative regulation." That phrase clearly exempts presently designated wilderness areas, but no reassurances are contained therein for conservation of virgin forests which are under consideration now or may be nominated in the future for inclusion in the wilderness system. A forest does not regenerate itself in a year's time nor in a decade, but is a product of centuries. In allowing intensive harvesting on any unprotected area we run the risk of losing forever a precious natural resource which, once lost, can never be regained. There will be no second chance for any of our great wilderness areas of the future if they are violated today.

Mr. Speaker, we are not here dealing with the depletion of natural resources that can be rehabilitated quickly, if ever at all. At the same time that I would be among the first to urge a deeper commitment to the critical housing needs facing the Nation today, I am not convinced that this proposed timber supply act will have any salutary effect whatsoever. Until we have such evidence, as well as coordinated national commitment to move ahead on the housing front, I urge that we withhold our approval from this measure which threatens established conservation principles without demonstrable benefit to the public in compensation.

Mr. MINISH. Mr. Speaker, supporters of the National Forest Timber Conservation and Management Act, which we are today considering, have said that this bill will provide more timber for commercial use while at the same time applying sound conservation principles to our public forests. These same groups further claim that this measure will assist in remedying the present shortage of new housing.

I disagree. Let us examine these statements more closely.

This bill would apply high yield for-

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estry techniques on a large scale to national forest timberlands. Included in these techniques are fertilization, thinning, pruning, monoculture of a single species and reforestation; extensive access-road building is also included in this concept. It provides that more wood, in the form of smaller trees, will be available for cutting. But smaller trees have a vastly impairing effect upon surrounding areas. Stunted growth, yellow needles, increasing disease, soil erosion and deterioration, and failure of reproduction ensue. We are learning slowly, and belatedly, the ecological imbalances that result when we tamper with natures techniques. A depletion in natural resources should not be a national goal.

Further, this legislation will make it almost impossible to afford protection to outstanding scenic and wilderness areas of the national forests if they have trees. It undercuts the avowed purpose of Congress to provide acreage for future public use untrammeled by society's technological advances.

With respect to the question of housing needs, the Agriculture Committee has not shown that the United States consumed any more volume of wood than it did 50 years ago, despite of the doubling in the Nation's population and a fivefold increase in the GNP. The decrease in new housing is not due to the shortage of wood, but the soaring costs of all related materials, coupled with high interest rates and tight money.

It takes several lifetimes to grow a tree. The destruction to forest lands that might ensue as a result of this legislation far exceeds any possible short-range benefits.

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Mr. MEEDS. Mr. Speaker, the timber supply and conservation bill, H.R. 12025, is before us today, and many are asking what effect the bill will have on national forest management if and when it is passed.

I may be able to furnish some guidelines. In my own district can be found three national forests, two national parks, two wilderness areas, one national recreation area, and one national historical park. This gives me a pretty good idea of how Federal lands are managed.

The U.S. Forest Service will have jurisdiction over H.R. 12025. They support the bill. So does the National Urban League and other groups.

Pressured by conservationists and by the timber industry, the Forest Service sometimes appears to be the object of that old childhood game, "King of the Mountain." My intentions are superior to yours, the antagonists seems to be saying.

The Forest Service thus becomes something of a judge. It is also a master planner. All national forest policies result largely from the Mutiple Use Sustained Yield Act of 1960. To carry out its obligations under the law, the Forest Service has devised a series of highly complicated management plans. It is like zoning.

For example, in the early 1960's, the Service reclassified about a dozen areas in the North Cascades, and the effect was to ban or restrict severely any timber-cutting programs. The wood products industry was not happy.

On the other hand, the Forest Service has allowed timber sales and has permitted roadbuilding in areas that displeased conservationists.

The point of all this is that the men of the U.S. Forest Service cannot satisfy all land users all the time. We have a limited resource base which must, by law, be used in several fashions. As a result, neither the timber industry nor the conservationists can get the Forest Service to do exactly what they would like.

I, too, have had disputes with Forest Service policy, particularly over the matter of log exports. Yet, the Service attempts to do the best job of managing resources as they see it. Most of the employees are skilled professionals, many of them graduates of the great forestry schools such as the University of Washington.

The Forest Service is sensitive to the issue of de facto wilderness areas. They created the 458,000 acre Glacier Peak Wilderness Area in my district in 1960 and have recommended several new areas in the Snoqualmie and Gifford Pinchot National Forests.

They have not allowed the annual timber cuts to go beyond what they felt was necessary and proper. During the fall 1969 meeting of the Western Wood Products Association in Portland, Oreg., Chief Ed Cliff was criticized by certain industry leaders who felt that his Service was top-heavy with "preservationists."

H.R. 12025 AND MULTIPLE USE

H.R. 12025 conforms directly with the Multiple Use Act of 1960. The original version of the bill did not, and perhaps this has caused some confusion.

At that same meeting of the Western Wood Products Association, Chief Cliff was asked to estimate future timber harvesting schedules.

By 1978, responded Chief Cliff, we might be able to increase the annual allowable cut on national forest lands from the current 13.4 billion board feet to 19.1 billion board feet. This estimate assumes that the Forest Service will have all the funds it needs and that no further land withdrawals will be taken.

The total inventory of softwood timber on the 52 percent of national forest lands classified as "commercial" is 1,064 billion board feet.

H.R. 12025 is a funding measure. Multiple use requirements will still govern forestry management.

Why this legislation is needed can be demonstrated by the Mount Baker National Forest. Flying over it, you can look down and observe thousands of acres cut over but not reforested because funds are lacking. In fact, Chief Cliff estimates that there is a total U.S. backlog of 4.8 million acres needing replanting.

In summation, the public lands must respond to the public needs, be they for hiking, fishing, or housing. They are public property belonging to the conservationist and to the ghetto child now trapped in the squalor and shame of wretched housing.

Environment, Mr. Speaker, is more than undisturbed landscapes. Environment is that which surrounds our lives. A life that enjoys solitude among nature is no more superior than a life that wants a better place to live.

No, H.R. 12025 will not sanction a "mow 'em down" logging policy. We locked that concept away long ago.

This is a reasonable bill. It furnishes industry-supplied receipts so that the U.S. Forest Service can embark on a necessary program of higher timber yields consistent with sound principles of multiple use.

Mr. FLYNT. Mr. Speaker, I had originally expected to support H.R. 12025, a bill to provide for the more efficient development and improved management of national forest commercial forest land, to establish a high timber yield fund, and for other purposes.

I support this concept because I believe that the National Forest Service should and must apply to the management of national forests the same principles of good forestry practices which nearly every private timber company now uses or is beginning to use. I hope that in the very near future that the National Forest Service will take a few lessons from, and a few pages out of the book, from the sound forest conservation, growth and harvesting of timber which companies like International Paper, Union-Camp Paper, Weyerhaeuser, the Langdale Co., and other timber companies are now using in their own timber holdings.

On page 6 of H.R. 12025, as amended, there appears the following language: "that increased annual harvests from national forest commercial forest land may be permitted under sound conservation principles on the basis of short-range accomplishments so long as long-range goals are assured."

Mr. Speaker, this language empowers the Secretary of Agriculture, and grants to the Secretary of Agriculture, the power to make an administrative determination that he can cut every single tree in every national forest in the United States in 1 year, if he wants to. From which administrative determination there is no appeal.

I have such confidence in the present Secretary of Agriculture that I know that he would never make such a determination but I do not want him or any future Secretary of Agriculture to have that much authority. No good man would want such authority and no bad man should have it.

Mr. Speaker, the primary rule which must be applied to any legislation is: "Do not vote for any bill based on what a good man could do with the authority such bill grants; base your decision to vote for or against it based on what a bad man with evil motives could do with unlimited grants of power and unrestricted authority."

All too often bad legislation comes to the House wrapped in a pretty package and bearing an attractive label. Frequently such legislation is enacted and we are today witnessing the tragic results of several pieces of such legislation and several such Supreme Court decisions.

Mr. Speaker, in the coarse vernacular, bad legislation bearing an attractive label can be compared to a beautifully wrapped Christmas package containing ashes, or even worse the remains of a dead rat.

Mr. Speaker, this morning I received a number of telegrams identically worded and purportedly bearing the signatures of residents of Georgia some of whom reside in the Sixth District of Georgia and are well known to me. Ordinarily I would have accepted these telegrams and would have acknowledged them giving full faith and credit to each, but a similar set of circumstances occurred earlier this month. When the early series of telegrams were delivered, I read and promptly acknowledged each. Much to my surprise, three of the persons to whom I acknowledged such telegrams wrote or telephoned me conveying the same message. I quote from one of these letters:

> DEAR JACK: Thank you for your acknowledgement of a telegram urging you to vote to override the President's veto of the HEW appropriation bill.
>
> You are correct in assuming that I would have voted exactly as you did on the issue. The reason I am writing is to find out how my name got on a telegram which I *did not send, sign, authorize or approve of!*
>
> Tell me how I can find out who might have used my name without my permission.
>
> Thank you for your continued interest in seeing that your constituents are informed of your feelings on these important issues.
>
> Very truly yours,
>
> (Name deleted).

Note that I have deleted the name of the gentleman who signed this letter because, while he is a friend and cherished constituent, I have not had time to obtain his prior consent before including his name in my remarks.

When I received his letter quoted I inquired and learned the name of the person who actually sent such telegrams and paid the charges for the same. It taught me a lesson: From now on, whenever I receive a telegram, the text of which is contrary to what I have reason to believe is the thinking and philosophy of the purported sender, I am going to ask such purported sender whether he actually sent such a telegram.

Today I received a number of telegrams identically worded asking me to support H.R. 12025. Immediate inquiry revealed that these telegrams did not even originate in the Sixth District of Georgia, although they bore the name and address of residents of the Sixth District of Georgia. Each originated more than 100 miles outside of the Sixth District of Georgia, and the contents and the fact that such telegrams had been sent were unknown to some of the persons whose purported signatures appeared thereon.

I welcome, encourage and invite comments from all constituents and from personal friends who may not be constituents. Expressions of all views on legislation is welcomed by me through every method of communication my constituents and friends may choose to use. It matters not whether such expressions come in the form of personal conferences, telephone calls, telegrams, or typed or hand-written letters. I welcome them all.

However, Mr. Speaker, I do not welcome any message sent by any person without the prior knowledge and consent of the person whose purported signature appears.

Mr. Speaker, although my mind was open on merits of H.R. 12025, I had planned to vote for the rule, House Resolution 799 which upon the adoption of such resolution would have made in order the consideration of the bill H.R. 12025.

The receipt of unauthorized telegrams caused me to read the bill and the report, section by section and word by word to see what it contained that would cause anybody to send out unauthorized telegrams to influence my decision. Upon careful study and my analysis of what the bill actually contains, I have concluded that this is bad legislation which I shall vote against in its present form and pending that will vote against the rule. If the rule is defeated it will enable the Committee on Agriculture to revise the language of the bill to accomplish the objectives which I know many of the sponsors and supporters of this legislation have in mind. It could be a good bill, but H.R. 12025 in its present form is not. I hope the rule will be defeated.

Mr. RANDALL. Mr. Speaker, I shall depart from my ordinary course and vote against the rule on H.R. 12025 which has been described as the national timber supply bill.

To oppose a rule is a course I have followed very infrequently because I believe that ordinarily a Member should listen to debate on a bill before reaching a conclusion. The only exceptions should be in those cases in which a bill is so very bad the time of the House should not be taken to debate it or in those rare instances in which it becomes apparent in advance that the only vote a Member will have to express his position on the measure will be a vote on the rule. The latter situation would seem to obtain today as to H.R. 12025.

While there are salient points which would have been considered in Committee of the Whole—I was impressed from the mail I received from the conservationists who are sincerely concerned that much of our timber shortage is not due to lack of production but to the heavy exports to other countries. I was also impressed that little or nothing has been done to seek timber substitutes in the building trades.

If my mail is accurate there prevails a belief that timber prices have subsided to the level before their increase in 1968. I also had reason to believe the contention was accurate that forestry ecology would be adversely affected by the intensive forestry practices of the bill.

Finally, Mr. Speaker, I was persuaded to oppose this rule because the chairman of the Insular and Interior Affairs Committee assures me that committee does not at this time have a bill which will overcome the objections conservationists.

The Public Land Law Review Commission, chaired by Congressman ASPINALL, an 18-member Commission, consists of six Representatives, six Senators and six public members appointed by the President. They have been studying all the aspects of public land management including lumber production, grazing, and mining rights. The Commission will report to the President on June 30 and one of its major recommendations will be in the area of timber management on public land including national forests.

All of the arguments of those who favor this bill should be presented to the Commission. We should not consider H.R. 12025 today, but wait until after June 30 for further consideration of our timber supply problems.

Mr. PRICE of Illinois. Mr. Speaker, the Congress and the President have recently declared themselves advocates of environmental quality, and this phrase, "environmental quality," is tossed around freely and widely praised by people from the whole political spectrum.

But talking about it, and doing something about it are two different matters. Today we have an opportunity to act positively by defeating a bill that would be detrimental to the quality of our environment by mandating a raid on our national forests.

And, do not be mistaken—our national forests do contribute to a decent life not only by providing timber, but just as important by providing recreational facilities, habitat for wildlife, vital watershed, and a place where our harried fellow citizens can still get away from it all.

In 1968, Forest Service recreation areas had 157 million visitor-days use by our citizens, and with careful development of facilities, the forests have the capacity to accommodate many more visitors. If you have ever visited Yellowstone National Park in the summer, you know that we do need more recreation areas for our people. Some of our parks are turning into slums because so many people are flocking to them, and at the rate our population is growing it is obvious that we will need to provide more areas where families can escape the cities and see tall trees, a sparkling clear stream, and native wildlife. We already have a legacy of such potential recreation land within our national forests, but it is obvious that if we require intensive timber cutting in these areas their value for recreation will be diminished or destroyed for many years. I cannot imagine anyone enjoying a visit to a mountainside that has been clear cut and looks like a tornado had been through it.

More intensive logging will mean more extensive erosion of soil which will degrade the future productivity of the land. It will also increase siltation in streams. We are all aware of the clean water crisis, and it behooves us to protect what few pure streams and rivers we have left. Intensive forestry will also mean an increase in pesticides and insecticides, which will degrade the watershed.

For 200 years we have plundered our natural resources. Have we learned nothing from experience? Or are we going to continue to consume them without thought of the future. Forests are a renewable resource, but nature does not operate like an assembly line. We can not expect forests that are intensively cut to replenish themselves overnight.

Proponents of the bill proclaim it is necessary because of a housing shortage. The country is still growing timber at a rate faster than it is being cut. The pending legislation would, in effect, authorize a heavier cutting at a time when our national forests need substantial rehabilitation. In order to achieve a balanced policy I feel that the Congress should await the release of the President's task force on housing and timber needs before rushing headlong into passing this bill.

The national forests are part of our national heritage, and this treasure should be protected and nurtured. I urge you to vote against this piece of legislation.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced the noes appeared to have it.

Mr. SISK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 150, nays 229, not voting 52, as follows:

[Roll No. 34]

YEAS—150

Abbitt
Abernethy
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Annunzio
Arends
Ashley
Barrett
Beall, Md.
Belcher
Betts
Blackburn
Blanton
Bow
Brinkley
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Carter
Casey
Chamberlain
Clausen, Don H.
Collins
Colmer
Corman
Cowger
Cunningham
Davis, Ga.
Davis, Wis.
Dellenback
Dorn
Dowdy
Edmondson
Edwards, Ala.
Erlenborn
Flowers
Foley
Ford, Gerald R.
Foreman
Fountain
Fulton, Tenn.
Fuqua
Garmatz
Gettys
Gibbons
Goodling
Green, Oreg.
Griffin
Gubser
Gude
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harvey
Hathaway
Hébert
Henderson
Hicks
Holifield
Hosmer
Hull
Hutchinson
Ichord
Jarman
Johnson, Calif.
Jonas
Jones, Tenn.
Kuykendall
Landgrebe
Landrum
Lloyd
Long, La.
McClure
McCulloch
McFall
McKneally
McMillan
MacGregor
Mahon
Mann
Martin
Mathias
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Mize
Mizell
Montgomery
Myers
Natcher
Nix
O'Konski
O'Neal, Ga.
Passman
Patman
Pickle
Pirnie
Pollock
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Reifel
Rhodes
Rivers
Rostenkowski
Ruppe
Scott
Sebelius
Shriver
Sikes
Sisk
Smith, Iowa
Smith, N.Y.
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Talcott
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Ullman
Utt
Vander Jagt
Waggonner
Wampler
Whalen
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wyatt
Young

NAYS—229

Adair
Adams
Addabbo
Anderson, Calif.
Andrews, N. Dak.
Ashbrook
Aspinall
Ayres
Bell, Calif.
Bennett
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Broomfield
Brotzman
Burke, Fla.
Burke, Mass.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carey
Celler
Chappell
Clancy
Clark
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Coughlin
Cramer
Crane
Culver
Daddario
Daniel, Va.
Daniels, N.J.
de la Garza
Delaney
Dent
Derwinski
Devine
Dingell
Donohue
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flynt
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Galifianakis
Gallagher
Gaydos
Giaimo
Gilbert
Goldwater
Gonzalez
Gray
Griffiths
Gross
Grover
Haley
Hall
Halpern
Hamilton
Hanley
Hanna
Harrington
Harsha
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Horton
Howard
Hungate
Hunt
Jacobs
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kyl
Kyros
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McDade
Macdonald, Mass.
Madden
Mailliard
Marsh
Matsunaga
Melcher
Minish
Mink
Minshall
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nichols
Obey
O'Hara
Olsen
O'Neill, Mass.
Patten
Pelly
Perkins
Philbin
Pike
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roth
Roudebush
Roybal
Ryan
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Schneebeli
Scheuer
Schwengel
Shipley
Skubitz
Slack
Smith, Calif.
Snyder
Springer
Staggers
Stanton
Steed
Stokes
Sullivan
Taylor
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Watkins
Watts
Weicker
Whalley
White
Wilson, Charles H.
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NOT VOTING—52

Anderson, Tenn.
Baring
Berry
Brock
Brooks
Brown, Calif.
Camp
Cederberg
Chisholm
Dawson
Denney
Dennis
Dickinson
Diggs
Edwards, La.
Esch
Frey
Green, Pa.
Hagan
Hastings
Hays
Jones, N.C.
Kirwan
Langen
Latta
Leggett
Lennon
Lukens
McDonald, Mich.
McEwen
Mikva
Morton
Moss
Ottinger
Pepper
Pettis
Powell
Rarick
Riegle
Rosenthal
Ruth
St Germain
Scherle
Stafford
Stratton
Symington
Taft
Teague, Calif.
Thompson, N.J.
Tunney
Watson
Whitehurst

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Watson for, with Mr. Hays against.

Mr. Morton for, with Mr. Thompson of New Jersey against.

Mr. Berry for, with Mr. Dennis against.

Mr. Langen for, with Mr. Stafford against.

Mr. Denney for, with Mr. Camp against.

Mr. Brock for, with Mr. Latta against.

Mr. Rarick for, with Mr. Mikva against.

Until further notice:

Mr. Brown of California with Mr. Cederberg.

Mr. Moss with Mr. Pettis.

Mr. Pepper with Mr. Dickinson.

Mr. Green of Pennsylvania with Mr. Teague of California.

Mr. Anderson of Tennessee with Mr. Esch.

Mr. Stratton with Mr. McEwen.

Mr. Brooks with Mr. Hastings.

Mr. Jones of North Carolina with Mr. Lukens.

Mr. Kirwan with Mr. McDonald of Michigan.

Mr. Lennon with Mr. Whitehurst.

Mr. Hagan with Mr. Scherle.

Mr. Edwards of Louisiana with Mr. Frey.

Mr. Rosenthal with Mr. Riegle.

Mr. Leggett with Mr. Taft.

Mr. Baring with Mr. Ruth.

Mr. Tunney with Mr. Diggs.

Mr. Ottinger with Mr. Powell.

Mr Symington with Mrs. Chisholm.

Mr. St Germain with Mr. Dawson.

Mr. BRASCO, Mr. WHITE of Texas, Mr. BELL of California, Mr. MINSHALL, and Mr. TAYLOR changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the vote by which the rule was rejected by the House be reconsidered and that request laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. SISK. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM FOR THE BALANCE OF THIS WEEK AND FOR THE WEEK COMMENCING MARCH 2, 1970

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have finished the business for the week and we

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will ask to go over until Monday upon the announcement of next week's program.

Monday is Consent Calendar day. There are three suspensions:

S. 2593, to exclude certain persons from the numerical limitation of Western Hemisphere immigration;

H.R. 4574, to provide for the admission to the United States of certain inhabitants of the Bonin Islands; and

H.R. 914, for the relief of Hood River County, Oreg.

Tuesday is Private Calendar day.

For Tuesday and the balance of the week we have three bills, subject to rules being granted for each of them:

H.R. 11832, to provide for the establishment of an international quarantine station;

H.R. 14169, expansion of agricultural exports; and

S. 2910, to authorize additional funds for the Library of Congress James Madison Memorial Building.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and that any further program will be announced later.

ADJOURNMENT OVER UNTIL MONDAY, MARCH 2, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no obection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that any business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING GENERAL DEBATE ON MONDAY, MARCH 2, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit during general debate on Monday, March 2.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REQUEST MADE TO AMERICAN BAR ASSOCIATION FOR INVESTIGATION OF DEFENSE OF CHICAGO 7

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, I have in prior remarks to the House adverted to the trial of "the Chicago 7." The reprehensible attempt of the defendants, with the connivance of their attorneys, to make a mockery of our judicial system was a shocking occurrence, the effect of which will remain with us for some time. Equally disturbing has been the fact that such self-styled "revolutionaries" should receive significant support from the communications media which permitted itself to be fully exploited in the demeaning of the court and the prosecution.

The magnitude of this misconduct poses a serious challenge to the good repute and effective functioning of our legal system. The important issue is whether the bench and bar are capable of adjusting to the diversions of would-be revolutionaries and their counsel who would advance what appears to be a concept of class struggle in the courtroom and thus make a shambles of our legal system in what they regard as a step forward in their effort, fanciful as it may appear, to accomplish the ultimate overthrow of the system. My concern has prompted me to call upon the American Bar Association for a thorough review of this subject.

For the information of the House, I submit herewith a copy of a letter which I have forwarded to Bernard G. Segal, president of the American Bar Association. The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNAL SECURITY,
Washington, D.C., February 25, 1970.

BERNARD G. SEGAL, Esquire,
President, American Bar Association,
1155 East 60th Street
Chicago, Ill.

DEAR MR. SEGAL: Many members of Congress have become increasingly concerned that repeated assaults upon our judicial system by self-styled revolutionaries may work irreparable harm unless appropriate action is taken to curb them. The trial of the so-called Chicago 7 is the case in point. According to these self-styled revolutionaries on trial, as it is with others in "the Movement", the law is a "class" tool which must be "exposed". A trial is to them a confrontation with "the system" which they ultimately seek to destroy or transform.

It is clear that the Chicago defendants, with the connivance of their counsel, attempted deliberately to make a mockery of our judicial system. I am also particularly disturbed that the communications media in many instances permitted itself to be fully exploited to this end by obscuring the reprehensible nature of their conduct and demeaning the court and the prosecution without pointing out that judicial procedures provide the means of correcting errors by the court, if any.

The important question at issue is whether our legal system is capable of meeting the challange thus posed. This challenge, inherent in the deepening conflict between what President Nixon has recently described as two irreconcilable philosophies, that of the "world revolutionary movement" and the system of freedom, is the major problem of our generation, now finding expression in steadily mounting attacks upon our legal system as in other areas of our society. If we do not meet this challenge promptly, at the threshold, we shall be fated to witness the steady deterioration and degradation of our legal system, and with it the institutions of our free society.

Hence, it seems to me that our procedures and the circumstances must be thoroughly reviewed to determine what protective measures are necessary and what is the proper course for the disciplining of such defendants and their counsel consistently with the ends of justice and the dignified functioning of our trial system. These issues demand the attention of our best minds and our most informed experts. It is my thought that this subject should be thoroughly examined by the American Bar Association with a view toward remedial action on the part of the bar and bench, or by legislation, State and Federal, as may appear necessary.

I would very much appreciate your advice.

Sincerely yours,

RICHARD H. ICHORD,
Chairman.

AMERICAN FOREIGN POLICY AND THE COMMUNIST ONSLAUGHT IN LAOS

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, I am both astounded and dismayed at the cavalier attitude which is being expressed toward Laos. Laos is a friendly nation which is fighting for its very existence and fighting with all its resources. The Communists, acting with complete disdain for their commitments on the neutrality of Laos, have for years occupied a very considerable portion of that country and used it as a broad avenue for carrying on their war of aggression in South Vietnam. Now they appear to be moving to overrun the remaining portions of that country. The frenzied outbursts which have been provoked in this country by the disclosure that a few Americans, not members of the Armed Forces, are trying to help stay the Communist onslaught will give aid and comfort to the enemy and serve to spur their drive for the subjugation of Laos. Undoubtedly, the world hears these statements with disbelief. How is it possible that reponsible people in the United States respond in such manner to efforts to save a friendly nation from communism?

This gallant little country has fought Communist subjugation for 20 years. The number of Laotians in uniform represents a very high percentage of the population. An equivalent number in the armed services in the United States would be 10 million. Their losses in battle have been extremely high—much higher than any we have suffered in conflict. To abandon this country—and this is what some of the critics apparently are prepared to do—would be to turn our backs on the very principles we have been fighting for in South Vietnam. The march of communism is going on everywhere. We cannot be against it in one country and indifferent to it in another. Remember, the Communists get their greatest encouragement from American headlines, whether or not those headlines reflect the thinking of the American people.

Some of the criticism has been directed at G. McMurtrie Godley, U.S. Ambassador to Laos. I know Mr. Godley. He is a dedicated representative of the United States who has given outstanding service in one of the most difficult assignments in the world. The criticism toward the Ambassador is based upon an apparent slight to some newsmen who were looking for headlines. This is small reason to question the motives of the services of an able man who is working day and night to help prevent another small nation from being engulfed by the wave of communism. It is well to remind ourselves that the same newsmen would have received short shrift after a similar adventure in a Communist country.

The American people, and indeed the world, undoubtedly wonder how our foreign policy can hope to succeed in the face of criticism like this.

SETTLING AN OLD FEUD

(Mr. UDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. UDALL. Mr. Speaker, I rise today to warn my colleagues that on Tuesday next there will be a major eruption in one of the oldest, most bitter feuds in Washington. I refer of course to the athletic rivalry between the congressional Democrats and Republican foes and specifically to the congressional basketball game to be played at Washington Coliseum on Tuesday next. Each Democrat Member is furnishing his own uniform and cardiologist. Ax handles will not be distributed at the game.

Athletic events featuring Members of Congress are not unprecedented. We have had the yearly baseball games—the scores of which recent ones I decline to discuss; and occasionally we have had unscheduled, impromptu boxing matches in the corridors. But at long last we Democrats have discovered our thing.

The Democratic basketball club recruited by the gentleman from Indiana (Mr. HAMILTON) and myself is truly awesome. Further, we have been practicing regularly in preparation, taking buses to our various practice fields. I must report in all candor, however, that the gentleman from Mississippi (Mr. MONTGOMERY) refuses to be bused in either direction and that Senator RIBICOFF claims there is hypocrisy involved in our using this mode of transport.

However, neither talent nor practice is the key to the victory we shall achieve. It is strategy and I am so confident that in order to avoid a total rout I take the unusual step today of disclosing much of our game plan. This is a plan based in large part on our observations of political strategy by the administration now in power and application of these principles to the hardwood court.

One of our major offensive weapons is the Agnew hook which I have perfected just this week. It involves intimidating scowls and feigned throws at the press table followed by a wild charge to the south end of the court shouting slogans, epithets and five syllable words. While the ball occasionally ends up in my mouth, 65 percent of the fans who have watched this maneuver approve of it.

Another key offensive play in addition to the Reagan dunk shot is the Haynsworth-Carswell shuffle. In this maneuver we keep ending in a series of second and third stringers, one after the other, until one of them scores. We are also working on the Goodell shift, in which the entire team lines up on the right side of the court. When the captain shouts the key word "Senate" one player sprints to the far left and then heads in for an easy basket.

On defense we have a new shifting zone, though we prefer to label it the "bring us together" defense.

Regarding opponents, I seem to hear some loud and boastful noises coming out of their regional camps. There is a southern practice field in Aiken, S.C.; a western practice field near San Clemente, and a third somewhere in the Florida Keys. I am advised that the Republicans have been working out with Coach "Double-Dribble" Mitchell on a "do-not-watch-what-I-say-but-watch-what-I-do" offense. We do not intend to be taken in by this shabby kind of maneuver. Nor do we fear the tricks conjured by Assistant Coach Wally Hickel, formerly of the Santa Barbara Oilers.

Mr. Speaker, I wish to leave two final words of warning. First, if our team does not have a clear lead by halftime, as coach of this team I shall not hesitate to Nixonize our offense. This clever move simply means that if our five-man team cannot win, we will just take out our two forwards with confidence that the remaining members will achieve victory. Finally, this game is billed as the first annual congressional basketball game. It will be that, but should we lose it will also be the last annual game, because, gentlemen, you will not have us Democrats to kick around any more.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I would like to ask the gentleman from Arizona, is this the team coached by the two fighting Democrats, DIGGS and Maddox?

Mr. UDALL. No; it is not.

REPUBLICAN ECONOMIC POLICIES ARE FAILING THE PEOPLE OF THIS COUNTRY

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, the problem of accelerated inflation and higher cost of living, coupled with the recessionary trends of increased unemployment and smaller paychecks in the 14 months of this administration, poses one of the most serious problems facing this country. Millions of Americans continue to feel the pinch of failing Republican economic policies which have brought excessive interest rates that favor the big moneyed interests at the expense of the wage earner, the housewife, the retired, and their families.

In the first 14 months of this administration we have seen almost unprecedented acceleration in inflation—6.1 percent in 1969 with the rate going up even faster in the last quarter. And, the wholesale price index of January, increasing at an annual rate of 8.4 percent, indicates the growing severity of the problems.

It is with some surprise that I read the statement of the distinguished minority leader of yesterday, in which he said the administration is making a "constructive effort to solve the inherited problem of inflation."

If the actions of the President in publicly giving a green light to big industry to raise prices to the maximum is constructive, then Webster's definition of the word is wrong. The administration's stubborn refusal to use the credit control powers legislated by a concerned Congress last year is certainly not a constructive step. The excessive tight-money policies which are strangling the housing industry, demoralizing small business, frightening stockowners and spreading inflation can, by no logic known to me, be construed as constructive.

The effort by the gentleman from Michigan to blame the Democrats is not so surprising, for it seems to be the continuing effort of the Republicans to reject the responsibility that goes with the control of the executive branch. As for this Congress, it provided a surplus in the 1970 budget, and trimmed over $5½ billion from the President's own requests to balance the budget. Further, I remind my colleague from Michigan that administration spokesmen said repeatedly during last year that it was getting the situation under control. They failed then and they are failing now.

The minority leader can continue to seek political gain from seeking to blame Democrats. I would remind him however that it is a Republican administration and Republican economic policies which are failing the people of this country.

ENVIRONMENTAL CONTROL AT THE CABINET LEVEL

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, I am delighted to see the faint glimmer of hope in this Nation's efforts to curb pollution. For some time, I have urged a coordinated movement within the Government to bring together all the various agencies, committees, special study groups, departments, and deadwood under one big umbrella.

Bureaucracy is taking its toll in the Federal efforts to improve our environment. I found at least 20 major areas of Federal jurisdiction in pollution, and I was amazed. Upon closer look, I found 31 empires with little or no coordination. Surely, I have missed some.

How can this Government scatter its authority and still do an effective job?

We have seen tender suggestions that the Department of the Interior has asked to be renamed the Department of Environment and Natural Resources. Rather than just create new letterheads for that Department, I urge that we give them the power and the authority to coordinate all Federal efforts by the many, many agencies involved.

Last night, the Washington Evening Star editorially spoke to this point:

Interior Makeover

A while back, the President proclaimed to Congress and the country his administration's dedication to saving the environment. He outlined a highly commendable program to halt the poisoning of the planet. He made the initial moves required to get the legislative machinery moving on the long, expensive road to reclamation.

There is one more basic step to be taken before the process of making the planet once again reasonably safe for living things can really get started.

At present, the task of keeping an eye on the environment is spread around through an abundance of departments and agencies. Meanwhile other departments and agencies—equal in authority to the ecological watchdogs—are busily polluting everything within reach, while they fulfill their assigned tasks of killing unwanted plant and animal life, providing cheap sewage facilities for military establishments, or whatever.

The need is for one department to serve as overseer for the entire antipollution drive, with authority to halt any detrimental activities being carried on by any other branch of government. And the obvious candidate for the job is the present Interior Department.

Such a move would end the patent absurdity of having one department—Interior—responsible for ending water pollution, while the Department of Health, Education and Welfare guards against the poisoning of the air. It would prevent such bureaucratic monstrosities as the continued use by the Agriculture Department of mercury-treated seeds that have been labeled poisonous to men and livestock by the Food and Drug Administration. It would, in short, bring the beginnings of order out of present administrative chaos.

The proposal is not new. It has been suggested by—among others—Interior Secretary Hickel. His suggestion is that the present function of Interior as overseer of the natural resources should be continued, so that decisions concerning the advisibility of tapping these resources and the methods to be used will be based on the total effect the completed operation will have on the environment.

The suggestion has also been made that the Interior Department should rid itself of many miscellaneous duties that it inherited as it evolved as the government's administrative catch-all, spreading such responsibilities as Micronesia, the Alaskan Railroad and American Indians among the other existing agencies. A further suggestion is that Interior should be renamed to become the Department of Environment and Resources.

Whatever the mechanics and whatever the name, the concept of a single department with the responsibility of coordinating the war on pollution is sound. It may, in fact, be vital—in the literal sense of that word.

Now, let me illustrate my point that we have too many watchdogs and not one single keeper of the hounds. In the January 31 edition, the National Journal did a creditable job of enumerating the ecological seers. Before reading through this list, bear in mind that this—although it appears to be lengthy—only scratches the surface.

Government's Environment Offices Proliterate

"Environment," the latest trigger word in Washington, threatens to establish more new offices in the federal government than anything since "poverty." Throughout the departments and agencies, as well as within the White House, environmental divisions and management positions are being created—some for hard work ahead, some perhaps for fashion's sake.

So rapid is the proliferation of environmental offices that the government itself has been unable to keep count.

Amory H. Bradford, chairman of the Environment and Natural Resources Study Group of the President's Advisory Council on Executive Organization, says his group is just beginning to compile a list. So is the Library of Congress. The office of Executive Branch Communications Director Herbert G. Klein is waiting for the new Council on Environmental Quality to begin counting.

The idea of extensive environmental planning may be relatively recent in Washington, but phenomenon of shifting and stretching offices is not. "It's almost a hang-up," said David Walker, an assistant director of the Advisory Commission on Intergovernmental Relations. "We've gone through this game before with the Johnson Administration."

"Creating federal bureaus and reorganizing them never cleaned up anything," grumbled Thomas L. Kimball, executive director of the National Wildlife Federation.

So far, the emphasis on environment has not brought an enormous expansion of the bureaucracy—only movement. For the most part, existing offices have been restructured and renamed, and many of the new directors of environmental affairs have come from other positions within their departments or agencies. Staffs are small and often have other duties.

Listed below are some of the major environment offices and committees, by whatever name, which are now in business. A few have been around for over a year, but most are much newer.

WHITE HOUSE

Council on Environmental Quality: Almost certain to be the most important of the new offices, the council will consist of three full-time advisers to the President, with a large staff and an authorized budget of $1 million to develop national environmental policies.

The council was created by Congress at the end of 1969 (P.L. 91–190) in bills sponsored by Sen. Henry M. Jackson, D-Wash., and Rep. John D. Dingell, D-Mich. The Administration originally opposed the legislation.

Council members, appointed by President Nixon Jan. 29, are Chairman Russell E. Train, Under Secretary of the Interior; Robert Cahn, Pulitzer Prize-winning reporter on the environment for the *Christian Science Monitor*; and Gordon J. F. MacDonald, geologist, geophysicist and administrator of the University of California at Santa Barbara.

(MacDonald was a member of last year's special White House panel that unanimously recommended the resumption of drilling in the Santa Barbara Channel to relieve pressure on an offshore field that produced a major oil leak. The panel's report was criticized by Sen. Edmund S. Muskie, D-Maine, and Sen. Alan Cranston, D-Calif., and MacDonald's participation might produce a controversy at his confirmation hearings.)

Another White House office, which President Nixon said Jan. 1 he would rather do without, would be established in a pending bill (HR 4148) that passed both houses last year and still is in conference. This office, suggested by Muskie, would provide a full-time staff to review federal agencies' programs and to assist the council established by the Jackson bill.

Environmental Quality Council: This Cabinet-level committee was created by President Nixon May 29 (Executive Order 11472) to foster cooperation among the departments directly involved—Agriculture, Commerce, Housing and Urban Development, Interior, Transportation, Health, Education and Welfare—and to anticipate environmental problems.

The Council's staff of three or four is led by Presidential Science Adviser Lee A. DuBridge, former president of the California Institute of Technology, and Director of the Office of Science and Technology. The President Jan. 29 renamed the Council the Cabinet Committee on the Environment.

Citizens' Advisory Committee on Environmental Quality: In May, President Nixon renamed the 15-member Citizens' Advisory Committee on Recreation and Natural Beauty formed during the Johnson Administration. The committee, which serves without pay, advises the President and the Cabinet. Chairman Laurance S. Rockefeller also attends meetings of the Cabinet-level Environmental Quality Council.

President's Task Force on Air Pollution: Created Nov. 18, 1969, this is one of several task forces under Presidential Special Assistant Charles L. Clapp. The 11 members, all from outside government, are headed by Arie Haagen-Smit, bio-organic chemist and chairman of California's Air Pollution Control Board. The task force has no permanent staff and has met several times.

THE DEPARTMENTS

Interior: Secretary Walter J. Hickel has expressed his hope of transforming Interior into a Department of Environment and Natural Resources. For the time being, due primarily to the transfer of Under Secretary Train to the President's Council on Environmental Quality, the department's new staff effort for environment is leaderless.

Last spring an Environmental Planning Staff was created in the Under Secretary's office with department-wide responsibility for policy review. The planning staff's half-dozen professionals were headed then by Boston Attorney John R. Quarles, but he has since become Secretary Hickel's assistant. They have been working in the Under Secretary's Office. A Johnson Administration Office of Ecology within Interior was abolished a year ago.

Several divisions and bureaus of Interior are re-emphasizing environment. For example, the Federal Water Pollution Control Administration in January moved Allan Hirsch to the new office of Assistant Commissioner for Environmental and Program Planning.

Transportation: Shortly after he took office, Transportation Secretary John A. Volpe established a new assistant secretaryship for urban systems and environment. Since the department is limited by law to five assistant secretaryships, Volpe combined two of the old posts into one to make room for the new job. During the summer, the new title was reversed: J. D. Braman, the former Seattle mayor who holds the post, now is known as Assistant Secretary for Environment and Urban Affairs. Braman's staff numbers 25 now, and will soon reach 40. Its job is to examine the environmental impact of transportation plans, programs and technology.

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Health, Education, and Welfare: The National Air Pollution Control Administration and the Environmental Control Administration (including the Bureaus of Solid Waste Management, Water Hygiene and Radiological Health) have been grouped under the Public Health Service's Consumer Portection and Environmental Health Service. As of Feb. 1, 1970, the words "Consumer Protection" are dropped from the latter title; other organizational changes are expected. The department lost its water pollution control program to Interior in 1966, and now is wary of Interior's intentions toward its air pollution office. Spokesmen for both the HEW and Interior Departments have indicated that Hickel would like to gain control over air pollution.

U.S. Commissioner of Education James E. Allen announced Jan. 23 that his office will stress "environmental education" through the 1970s. A special staff will be given the task of coordinating and designing such studies. In June the Office of Education will convene a major conference on environmental and ecological education.

Agriculture: Secretary Clifford M. Hardin created an Environmental Quality Executive Committee in October to coordinate environmental aspects of the department's many natural resources programs. The 11 committee members are authorized to speak for their agencies in policy discussions. The chairman is Theodore C. Byerly, Assistant Director of Science and Education for the Secretary, and a biologist with 38 years in the Agriculture Department. There is only one staff worker.

State: To the surprise of many, the State Department created an Office of Environmental Affairs in December. Evidently, it will lead the federal government's battles against the international effects of pollution and will represent the United States at world conferences in 1971 and 1972. Christian A. Herter Jr., 51, son of the former Republican Secretary of State, directs a professional staff of about seven, plus an office force.

Commerce: Generally, the department's main activities in the field—such as the Weather Bureau—come under the Environmental Science Services Administration (ESSA), created in July 1965. ESSA's main mission is to perform research.

Defense: Two advisory groups, the Defense Environmental Control Committee and the Natural Resources Directorate, have been in existence for some time and will continue. The Army Corps of Engineers, long a target of conservation groups, in recent years has established environmental branches in its major divisions, according to its public affairs office.

OTHER AGENCIES

Federal Power Commission: An Office of Adviser on Environmental Quality was created Dec. 29 to evaluate methods of producing, transmitting and delivering electricity and natural gas, and to advise the commission on environmental protection. The new adviser is Frederick H. Warren, 59, a civil engineer and former chairman of the board of the NUS Corp. in Rockville, Md. On Jan. 28, the commission named a 10-man government-industry task force on environment to assist in this year's updating of the National Power Survey.

Tennessee Valley Authority: In July a new Division of Environmental Research and Development was added to the Office of Health and Environmental Science. The division, headed by F. E. Gartrell, is testing new equipment and processes for the National Pollution Control Administration.

Smithsonian Institution: In September the Office of Environmental Sciences was formed from two other offices to assist the Smithsonian's scientists. The office has a professional staff of seven. Its director is I. E. Wallen.

Early in 1969 the Smithsonian established its Center for the Study of Short-Lived Phenomena to keep track of ecological oddities around the world.

Atomic Energy Commission: In September, Joseph J. DiNunno was appointed to a new post as special assistant for environmental affairs to the AEC General Manager; he has been examining the environmental impact of AEC policies and activities.

CONGRESS

House Government Operations Subcommittee on Conservation and Natural Resources: Reorganized a year ago from the Subcommittee on Natural Resources and Power, its jurisdiction now includes many environmental matters. Chairman is Rep. Henry Reuss, D-Wis.

Senate Commerce Subcommittee on Energy, Natural Resources and the Environment: An entirely new subcommittee formed a year ago, it is beginning to exercise oversight on government/environment issues. Chairman is Sen. Philip A. Hart, D-Mich.

Senate Public Works Subcommittee on Air and Water Pollution: Created as a special subcommittee in 1963 and given permanent status in 1965, this has been chaired from the beginning by Muskie. It is interested in all bills pertaining to pollution and has written many major laws, such as the 1966 Clean Waters Restoration Act.

Library of Congress, Legislative Reference Service (LRS), Environmental Policy Division: This division was created in September 1969 from the LRS natural resources section. It conducts research and prepares reports on the environment for Congress, and currently is one of the library's busiest divisions. Its professional staff of 15 plus an office force is led by Richard A. Carpenter, a chemist formerly in the library's Science Policy Research Division.

With all the headline hunting attendant to this Government's environmental control "magic" policies, we have created a spin-off pollution problem. In every congressional office, the mail on pollution is picking up in dramatic proportions. Consequentially, the Library of Congress is being flooded with requests for data, information, any shred of information that can be used to answer a concerned constituent.

Because the demand on the staff is so great, the Library of Congress on February 18 held a briefing session to explain where congressional offices might go for this much-needed information. I do not mean to slight the efforts of the Library staff, they did an excellent job in providing source material. But, this only highlights the problem.

For example, I direct your attention to this score sheet prepared by the Library—it tells a stark, simple story of just how thin the Government is spread in this, one of the most vital issues of our generation:

CONGRESSIONAL COMMITTEES WITH JURISDICTION IN AIR AND WATER POLLUTON AND SOLID WASTES MANAGEMENT

SENATE COMMITTEES

Agriculture and Forestry.

Commerce: Subcommittees on Energy, Natural Resources and the Environment.

Government Operations: Subcommittee on Intergovernmental Operations.

Interior and Insular Affairs.

Labor and Public Welfare: Subcommittee on Health.

Public Works: Subcommittee on Air and Water Pollution.

HOUSE COMMITTEES

Agriculture.

Government Operations: Subcommittee on Conservation and Natural Resources.

Interior and Insular Affairs.

Interstate and Foreign Commerce.

Merchant Marine and Fisheries:

Subcommittee on Fisheries and Wildlife Conservation.

Subcommittee on Oceanography.

Public Works:

Subcommittee on Flood Control.

Subcommittee on Rivers and Harbors.

Science and Astronautics: Subcommittee on Science, Research, and Development.

JOINT COMMMITTEE

Atomic Energy.

FEDERAL POLLUTION CONTROL OFFICES

AIR POLLUTION

National Air Pollution Control Administration, Office of Public Information, 5600 Fishers Lane, Rockville, Md. 20852. Phone: 443-1677.

WATER POLLUTION

Federal Water Pollution Control Administration, Congressional and Correspondence Services, 1921 Jefferson Davis Highway, Arlington, Va. 22202. Phone: Code 167-7373.

SOLID WASTE MANAGEMENT

Bureau of Solid Waste Management, Office of Information, 12720 Twinbrook Parkway, Rockville, Md. 20852. Phone: 495 (or code 146)-7931.

Mr. Speaker, in this morning's Washington Post, a White House aide is quoted as saying that the administration will, indeed, coordinate the unwieldy machinery into one efficient operation.

I, for one, sincerely hope this is not just another press release. I trust the administration is serious and will implement their spoken words with action.

GOVERNOR MADDOX SHOULD NOT BE BARRED FROM HOUSE DINING ROOM

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of Georgia. Mr. Speaker, the easiest course for me in the incident involving the Georgia Governor would be to remain silent and allow the Governor of my State, who is incidentally a member of the same party as the authors of the resolution, to be verbally pilloried for the events in the House dining room. I could also take comfort in the fact that I worked against the election of the Governor, ardently supporting the Republican candidate who received several thousand more votes but who was denied the office by a Democrat-dominated State legislature utilizing an archaic provision in our State constitution. But, in good conscience, Mr. Speaker, I cannot remain silent, no matter how much I might disapprove of the Governor's actions.

Lester Garfield Maddox is the Governor of my State by virtue of the laws of my State and the actions of its duly elected State legislators. Therefore, he should be accorded all the rights and

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respect due him as Governor, even though I disagree with him on certain issues. He resides in my congressional district as a private citizen, and the Governor's mansion is also located in my district and I, therefore, represent him in Congress. I regret that the incident took place and I cannot condone it, yet I cannot sit idly by and allow him to be given the status of "persona non grata" in the House dining room, when they give the Governors of all States this right.

Mr. Speaker, I might remind the authors of the resolution that many of the individuals whom they have defended in the past have been guilty of conduct which has been just as deeply offensive to many Americans. For example, I recall that during the debate on the legislation during the 90th Congress to make it a Federal crime to burn and defile the American flag, one of the cosponsors of this resolution took the floor to proclaim such legislation would seriously limit the right of free expression under the first amendment. I most heartily disagree with that reasoning, and yet I must remind the cosponsors that Lester G. Maddox has just as much right to express his opinions as an American as do those who would do so by defacing or desecrating the American flag.

Also, Mr. Speaker, I am reminded of the fact that some of the cosponsors of this resolution heatedly opposed the antiriot statute when it was approved by Congress. This is the very statute which was the basis for the trial and conviction of defendants in the so-called Chicago seven trial recently. Many Americans were deeply offended by the actions of those defendants, yet some of the cosponsors of this resolution were opposed to legislation which would make it a crime to travel from one State to another for the purpose of inciting riots. Here again, it was contended that such a law would limit the right of free expression under the Constitution.

Granted, Mr. Speaker, the House dining room is an inappropriate place for such activity as the placing of souvenir ax handles, and if I had had any control over the Governor's actions, I would have done my utmost to prevent it, but I do not as he is not even of my party. Nevertheless, for this House to now take the official position that the Governor, representing 4½ million citizens of my State, shall henceforth be barred from the privileges of the House dining room because he placed in the lobby a box of souvenir ax handles which I considered an offensive souvenir and even though I differ with him, is far too extreme and unjustified by the circumstances. I, therefore, urge that the resolution be defeated.

OUR EVER-GROWING NATIONAL DEBT

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WILLIAMS. Mr. Speaker, a week ago today, I advised this distinguished body of my grave concern for the fact that, in fiscal year 1971, the American people will be compelled to spend more than $18 billion in interest, alone, on the ever-growing national debt which is now in excess of $360 billion.

I said then, and I repeat now, that in return for this payment which the American people can ill afford, "the American people will receive nothing. They will just be paying the bill for fiscal irresponsibility and deficit spending, of which, for almost four decades, this Government has been guilty virtually every year with only few exceptions."

Virtually every year throughout this period, the President of the United States has submitted an administrative budget higher than the year before. Frequently, it has been an unbalanced budget—the essence of deficit spending which, in turn, is the root cause of the fiscal crisis we suffer today.

These unbalanced administrative budgets have been shattered by a Congress which, virtually every year, has legislated programs and granted appropriations which have added multiple billions of dollars to that already out-of-balance budget. This has come through budgetary increases and supplementary appropriations.

Each year front-page headlines have been given to the amount of money which Presidents have sought in their budgetary message. All too generally, however, not so much as an inch of space has been given to these additional multiple billion dollar sums which, collectively, Congress has added to the Presidential requests.

In short, while it is true that the President of the United States must and does frame a budget with which he hopes the Government can live, it is also true that one of the most basic constitutional powers of the Congress is the power of the purse. It is the Congress which must levy the taxes. It is the Congress which must approve the national debt limit.

It is, therefore, not quite enough for Members of Congress to point the finger of blame at the Chief Executive or at his fiscal experts, advisers and planners. The Congress must also point the finger of blame at itself. It is not enough for Members of Congress to point the finger of blame across the political aisle. Both branches of Government, and both political parties, have been guilty of whistling past the fiscal graveyard.

It is, therefore, my purpose to help turn the tide back toward fiscal sanity and financial integrity. In that interest, I offer the suggestion that our Government must begin to practice what every American breadwinner knows he must practice if he is to survive financially; namely, that he cannot spend more money than he earns, and that when he borrows money, he must know how, and from what source, he is going to be able to repay it. He knows that from his weekly paycheck he must budget not only the necessary amount of money for life's essentials, but he must also budget a sufficient amount of money with which to repay what he has borrowed. It is in this spirit, therefore, that, today, I introduced the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, in order to establish and maintain a sound fiscal policy, each budget submitted to the Congress by the President should include specific provisions for bringing about a net reduction in the national debt of at least $10,000,000,000 during the fiscal year for which such budget is submitted.

Mr. Speaker, given self-discipline on the part of the executive and legislative branches of Government and on the part of capital, industry, and labor, we can, in this way, begin to reduce our national debt. In my opinion, no task is more necessary. Therefore, I ask the most serious and conscientious consideration of the Congress of this simple proposal for solution of this most complex problem.

AGRICULTURE'S CREDIT NEEDS

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, since enactment of the Consumer Credit Protection Act in the 90th Congress, farmers seeking loans for their normal business operations have been subjected to what apparently has become an unreasonable amount of unwarranted, inconvenient and time-consuming detail incidental to borrowing funds.

The advancement of agricultural technology within relatively recent years has caused an ever-increasing need for capital with which to make possible efficient and effective utilization of this technology.

In today's modern agriculture, credit has become a working tool which farmers and ranchers use as readily as they use any other facility when it is advantageous to do so. As a result, the vast majority of farm and ranch operators have become as skilled as other businessmen in obtaining and applying borrowed funds when such funds can increase efficiency and reduce per-unit costs. They understand as well as operators of other types of businesses the responsibilities—and the charges—which go with borrowing from established credit institutions.

Mr. Speaker, I do not believe the Truth-in-Lending Act and the regulations essential to its administration ever were intended to hamper farmers and ranchers in their customary credit transactions; however, the communications I have received from constituents leave no doubt that administration of the Truth-in-Lending Act is hampering these operations. I am sure other Members of this body have received similar communications.

To remedy this situation, I am today offering a bill to eliminate from the act inclusion of loans for agricultural purposes. This action would put farmers and ranchers on the same basis as other businessmen, since loans for business or commercial purposes were exempted from provisions of the act when it was enacted.

Removal of loans for agricultural purposes by enactment of this bill would necessitate revision by the Federal Reserve Board of regulations implementing the act. The revised regulations should make

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abundantly clear that the loans which are removed from the act by my amendment are those loans for carrying on the business of farming or ranching. These would be loans obtained to finance purchase of goods, including equipment, or services to be used in production of agricultural commodities for market.

There is no intention to remove from the act any loan obtained for personal, household or family purposes simply because the borrower happens to be engaged in farming or ranching. No change would be made with respect to a credit extension for purchase of an automobile, for example, or a washing machine, dryer, television receiver or other item or service not used in agricultural production.

Credit is an essential ingredient in an agricultural industry. Enactment of this amendment will go far toward facilitating continued use of this indispensable resource.

FOREIGN BLACKMAIL

(Mr. **GROSS** asked and was given permission to address the House for 1 minute.)

Mr. **GROSS**. Mr. Speaker, there has never been a more classic example of the unmitigated folly of this Government's foreign aid program than was provided last week in Manila when an uncontrolled mob of hundreds of Filipino students and workers repeatedly attacked and tried to sack and burn the U.S. Embassy.

Only the courage of the U.S. Marine guard and the liberal use of gas grenades and other weapons prevented destruction of the Embassy although it sustained severe damage.

Officials of the Philippine Government, who could have broken up the mob and kept it away from the Embassy, did not raise a finger until the rioters had been beaten back.

Then, to add insufferable insult to the mob's injury, Philippine Foreign Minister Carlos Romulo arrogantly maintained that "there must be a cause for the public indignation thus expressed."

He said:

> It may be well for the American Embassy to ponder such legitimate grievances.

He referred to the mob's angry denunciation, alleging "U.S. imperialism and fascism."

Romulo, as many Americans will recall, is a former President of the Philippines who was subsequently elevated to tin-god status in this country and the United Nations, and who is responsible, in a large part, for the taxpayers of this country being bled to the tune of nearly $2 billion in economic handouts. Only an adding machine could provide the additional millions in military aid since American GI's bailed out his homeland in World War II.

And now, after living off our largesse for the last quarter of a century, this little pipsqueak Romulo has the gall to support criticism of Americans as "fascists" and "imperialists."

Our State Department handout artists asked last year for still another $6.7 million for President Marcos, Romulo, and their friends, and got most of it. This year, having fully demonstrated their ingratitude, they will undoubtedly try to blackmail us for far more and demand that our Subic Bay naval base be turned over, lock, stock, and barrel, for good measure.

The time has come for Uncle Sucker to cut them off without another dime.

THE PHILIPPINES, A LAND OF INGRATITUDE

(Mr. RIVERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERS. Mr. Speaker, I agree with what the gentleman from Iowa has said. Former President Romulo must have a very short memory. I was here during the war when this country was his only haven of refuge, and I remember the money which was paid to him out of our Treasury. I remember the countless other honorariums he has received from lecturing in America.

Mr. Speaker, this is not the first time these ingrates in the Philippines have turned a deaf ear to our people. I was over there shortly after $50,000 was taken from one of our officers clubs on a base; the people involved disappeared, and the Philippine Government not only did not raise a hand to do something about it, but that was the last we heard of it.

Mr. Speaker, we may have to reappraise our position in the Philippines in relation to the things we are doing as well as the position of our bases in this land of ingratitude.

SCOUR THE PLOWSHARE AND GO DEEPER FOR REAL AGRICULTURE FACTS

(Mr. **MELCHER** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **MELCHER**. Mr. Speaker, sometimes newspaper columnists a long way from the soil get into a strange field and only scratch the surface rather than plow deeply to get the full facts. Dan Oberdorfer in this morning's Washington Post falls victim to the weedy type of Department of Agriculture statistical reporting, causing him to say that 6 percent of 3 million American farmers and ranchers produce 50 percent of our agricultural products.

I am not critical of Mr. Oberdorfer, who was misled by the report he reads. I am critical of the sort of statistical reports which caused him to say that 6 percent of the 3,000,000 farmers in the United States produce 50 percent of farm commodities.

They do no such thing.

Scour the plowshare and try for a straight furrow; let us get the facts.

People like Mr. Oberdorfer are confused by USDA statistics, which say that so many operators had cash receipts of $23.2 billion dollars out of $47.8 billion for all farmers. This in 1968 totals 194,000, or 6.4 percent, of all farmers in the United States.

This 194,000 may have had gross receipts of nearly 50 percent of total farm receipts, but they produced a much smaller fraction of the total "agricultural output' referred to by Mr. Oberdorfer.

Let me give you an example: In 1968, 2,000 of the largest feedlots in the United States marketed more than half of the fed cattle, but these lots actually produced little of what they marketed. They were, in a sense, processors of what others produced.

Most of these feedlot owners bought "feeder" cattle from farmers and ranchers who actually produced the animals. And they bought feed grains from farmers who actually produced them. Then they fed the grains to the feeder cattle, sold them as fed cattle, and the USDA's records show that the big feeders got the lion's share of receipts from beef cattle sales in the United States—the figures that Mr. Oberdorfer used. The thousands and thousands of farmers and ranchers who provided the feeders and the feed were the real basic producers. The feedlot operators combined their product, providing the blending and finishing.

This Congress, and the American people, are entitled to a better understanding of the real nature of the farm situation than the sort of generalizations provided newspaper reporters and columnists like Mr. Oberdorfer.

The impression that such columns and reports are leaving with the public is that 180,000 farmers produce half or more of the 40 million cattle and calves which were slaughtered last year, more than half of the 10.7 million sheep and lambs slaughtered, more than half of the 84 million hogs which were butchered; that they produced more than 50 percent of 4.6 billion bushels of corn, more than half of 1.5 billion bushels of wheat, a billion bushels of soybeans, nearly a billion bushels of oats, a half billion bushels of barley, three-fourths billion bushels of grain sorghum, 307 million bushels of potatoes and 28½ million tons of sugarbeets.

In their spare time, presumably the same 180,000 farmers, produced more than half of all our peas, carrots, lettuce, avocados, peanuts, cabbages, oranges, apples, plums, cauliflower, plantago ovata, pulses, sugarcane, hay, rye, barley, cherries, clover, alfalfa, lespedeza, timothy, lawngrass and other seeds, tobacco, popcorn, maple sirup, honey, chickens, eggs, broomcorn, hops, pears, prunes, apricots, figs, nectarines, dates, California olives, pomegranates, tung nuts, almonds, filberts, pecans, walnuts, tangelos, tangerines, and that odd new citrus product known as "Uglies."

Of course, that is only a partial list. Then there are chicken, eggs, and turkeys. Less than 180,000 farmers could have been involved in the production of the items I have mentioned so far, because I haven't bothered to name watermelons, canteloupe, onions, radishes, pineapples, ducks, goats, geese, cucumbers, squash, pumpkin, and a little item they grow across the southern part of this country called cotton.

When these farmers had all this done, they would still have a little twice-daily chore of milking about 15 million cows—50 apiece—to keep us in milk, cheese, and butter.

I doubt that even the fabled ranch of television fame—the Ponderosa Ranch which is the setting for "Bonanza"—would get into the elite 6 percent, for the evidence indicates that they only have feeder cattle—and have shirked producing all of these other agricultural products.

It is preposterous to indicate to the American people that about 300,000 farmers are all we need.

If we attain the objective of 300,000 farms, you and I are going to have some mighty restricted menus, and the quality is going to be considerably poorer than it is today. We will be living on bread, hominy, and hamburgers, for we will not be able to spare any of the basic producers to the "value-added" operations like feeding our cattle, or to frills like fruits, nuts, lettuce, and any mass-produced vegetables—potatoes, maybe. When we reduce the number of farmers we will also reduce the variety and quality of our diet.

Yes, Mr. Columnist, what serves best in this computerized, supersonic age, is one or two simple figures—capsulized data that is supposed to lead to quick solutions of all the problems. But the data being used to indicate that 88 percent of all farmers are unnecessary, and the remaining 12 percent would be too well-fixed to need a farm program, mispresents the realities.

Here are some of those realities:

The average age of the 3 million farmers and ranchers in America is 53 years—which does not indicate prosperous and thriving business that young people enter.

Only 16 percent of the Nation's disposable income goes for food—the lowest in our history and the lowest of any major nation in all the history of the world, and yet this buys the most wholesome, the most varied, and nutritious food available in any nation on earth.

Only 5 percent of the disposal income of the Nation actually gets back to the farm producers, including both the big and the small—the rest of the 16 percent is for foreign products or markups in the distribution system.

And how are the farmers faring?

Mr. and Mrs. Wheat Farmer sell wheat at $1.25—the 1948 price, or 5 percent of a fair price, or parity.

Mr. and Mrs. Corn Farmer sell corn at $1.12; they are getting 64 percent of a fair price, or parity. Feed grains were nearly all selling down in the low sixties.

Wool is bringing 41 cents of parity.

Oranges and tangerines are at 30 and 32 percent of parity.

Beef cattle on the hoof, supposedly high priced, are actually at only 82 percent of parity.

On the cost side, Mr. and Mrs. Farmer and Mr. and Mrs. Rancher are paying for everything they buy at prices which compare, unfortunately with current high interest rates—9 and 10 percent per year—the highest in all of their 53 years. Tractors and gasoline and other farm supplies—including interest and taxes and excluding only fertilizer—are the highest in all history. All in all the agricultural producers sell their products at low prices, have high costs, and are in tough times.

Now let me divert back a moment to products we might miss.

I forgot about beeswax.

I wonder if those 180,000 farmers referred to in Don Oberdorfer's column would produce 50 percent of our beeswax requirements.

Maybe it is none of our beeswax, as the hip kids of an earlier generation used to say.

But 50 percent of farm production on 6 percent of our farms?

It is simply a preposterous oversimplification of the agricultural situation that the public is entitled to understand at least a little better than that.

If they do not; if national policy is going to be made on the basis of the Oberdorfer generalities and we wipe out 90 percent of farmers, get ready for beef, ground into hamburger patties, bread, and hominy. Variety and quality will have to go, along with the real food bargain the American people enjoy today.

OUR MILITARY ROLE IN LAOS

(Mr. BOLAND asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. BOLAND. Mr. Speaker, this country's military role in Laos grows more alarming every day. Scores of reports—reports from highly reliable sources, I should point out—indicate that U.S. military advisers veritably teem over Laotian bases. Indeed, some reports maintain that the number of military advisers guiding Laotian troops surpasses the number of advisers working in South Vietnam under the Kennedy administration. Still further reports, cited yesterday by Senators MATHIAS and MANSFIELD, contend that hundreds of former Green Berets have been recruited by the CIA for military operations in Laos. Chafing under the political restrictions that limit their activities in Vietnam—restrictions they term "handcuffs—these Green Berets reportedly joned the CIA so they could exercise their combat skills with what is tantamount to a kind of military carte blanche in Laos. Our military activities there are reminiscent—chillingly reminiscent—of our activities in South Vietnam a decade ago. Step by step, inch by inch, the United States is being drawn into a war that threatens to engulf Laos within a few years.

U.S. military advisers are increasing in number virtually day by day. Combat forays into the countryside and its hamlets are increasing. Bombing sorties launched from carriers or land bases are increasing. And North Vietnam's response—a quite predictable response, if we have learned anything at all from 10 years of war in Vietnam—has been a proportionate increase in its own military thrust there.

Without the knowledge of the American people—indeed, without the full knowledge of the Congress—the United States is steadily approaching the brink of another full-scale war in Southeast Asia.

Have we learned nothing from our harrowing decade in Vietnam? Have we learned nothing from scores of pledges from our military leaders—pledges that just one more escalatory step, just one more combat division or just one more fleet of warplanes, would bring the Communists to their knees? Have we learned nothing from the slow process that eventually left Vietnam's cities in rubble, its hamlets in flames, hundreds of thousands dead and billions of dollars wasted?

We in the Congress must not countenance the kind of military intervention that kindled a disastrous war in Vietnam and threatens to kindle an equally disastrous war in Laos. We should—indeed, we must—exercise our responsibilities in shaping this Nation's foreign policy. The administration's activities in Laos are being carried out without even the most cursory attempt to inform the Congress and solicit its guidance. The Congress—and the Congress alone—has the constitutional right to declare war.

I am filing, today, with the Clerk of the House a resolution demanding that the administration reveal precisely and explicitly the extent of our military operations in Laos, and calling on him not to increase these operations without the clear consent of the Congress.

One Vietnam is enough.

The American people—and its representatives in the Congress—will not tolerate another one.

FUTURE FARMERS OF AMERICA

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and to include extraneous matter.)

Mr. BEVILL. Mr. Speaker, between February 21 and 28, this country observes FFA Week. During this week the Future Farmers of America will conduct special events expressly designed to emphasize agriculture and the role it will play in our future.

I am proud to join in paying tribute to these outstanding young people.

I include for the RECORD an editorial which appeared in the Sand Mountain Reporter, of Albertville, Ala. This article appropriately gives a well-deserved pat-on-the-back to our Future Farmers. The editorial follows:

FUTURE FARMERS

Agriculture, while still basic to survival, has become far removed from the knowledge of most of us. The nation depends upon today's agri-businessmen, who have made a science of farming. Like any science, farming requires an early start in life for those who wish to become successful agriculturists.

Between February 21 and 28, the country will be observing FFA Week. During this week the Future Farmers of America, a national organization with 450,000 students studying vocational agriculture in 9,000 public schools, will conduct special events expressly designed to emphasize agriculture and the role it will play in our future.

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FFA Week is nationally celebrated beginning the Saturday before George Washington's Birthday and ending the following Saturday. George Washington made significant contributions to American agriculture, in addition to his military and patriotic contribution. The FFA recognizes him in their ceremonies, and especially during FFA Week.

One farmer now feeds scores of people. Thus, the responsibility of those who turn to agriculture as a business is heavy, and the young people of the FFA and other farm organizations who have elected to devote their lives to the production of food and fiber need every bit of support we can give them.

THOMAS F. PATTON OFFERS GREAT MESSAGE TO YOUTH

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, I have known Thomas F. Patton since high school days. He has achieved a distinguished record as a leader in business and in civic and community affairs.

In our native Cleveland he serves as board chairman and chief executive officer of Republic Steel Corp., and as a member of the executive board of the Greater Cleveland Council and region IV executive committee of Boy Scouts of America.

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Although this might be enough for many men, Thomas F. Patton manages to engage, with great distinction, in myriad other activities through which the people of Greater Cleveland richly benefit. The many honors which he has received are too numerous to recite here except to note that Ohio State law school graduate Tom Patton has honorary doctorates of law, not just from his alma mater, but from Case-Western Reserve University, Akron, John Carroll, and Dayton Universities.

Most recently, his address before an Eagle Scout recognition ceremony was so magnificent as to merit description, in the vernacular of today's young, as a "now" message.

Though, indeed, the commentary of the "now" generation is of great importance, it is my belief that the commentary of the proud, old Cleveland Plain Dealer, in its editorial of February 12, 1970, well describes Tom Patton's message: "Challenge to Eagle Class of 1969":

PATTON: BUILD, DON'T DESPAIR

"Despite the turbulent times in which we live, there has never been a time when opportunities were as great as they are today."

"This America of ours is not the decadent and outmoded country that radicals and militants picture it to be."

"Changing times present new problems that must be dealt with and solved satisfactorily . . . They are not going to be solved by people who condemn society, who run away from it to escape into the realms of drug culture, who ridicule the values of hard work, dedication, sacrifice and teamwork."

"I urge you not to despair . . . Be of good cheer as you live and work in the knowledge that men of good will with faith in their hearts have . . . resolved problems. Build and expand on what they have done."

These are excerpts from a brief address made by Thomas F. Patton at an Eagle Scout recognition ceremony at Severance Hall. If they are not precisely "words to live by" they serve admirably to remind young people of the real value of straight out virtues.

Without flag-waving, without preaching, Patton—board chairman of Republic Steel Corp.—finished off the current picture of the United States as it is, presenting a side of the nation that often is obscured by news of social ferment.

Patton told the scouts that the "opportunities for ambitious people who want to assume responsibility and get ahead" are virtually limitless. American business thirsts for bright young men with initiative, ability, and integrity. He regretted that some young people use the imperfections of the world about them as an excuse to turn their backs on society.

Patton was no voice of doom. Nor was he Pollyanna. Simply he stated facts, admitted society's shortcomings but pointed out each new generation in years past has faced and overcome problems that seemed to be insurmountable.

The message was brief but clear, temperate but compelling. The best is yet to be—if young people are wise enough to grasp opportunity. And this is something that can—and should—be said again and again.

Now, Thomas F. Patton's "Challenge to Eagle Class of 1969" follows:

MESSAGE

Eagle Scouts, Parents, Fellow Scouters, and Guests: I appreciate deeply the honor and privilege of addressing you on this very important and happy occasion. And I want to tell you how grateful I am to have been the sponsor of this latest class of Eagle Scouts.

You young men who have just attained the rank of Eagle have reached a milestone in the course of your personal development. For your dedication and your exceptional accomplishments as a Scout, you are to be congratulated. At the same time, congratulations are due your parents, your Scout leaders, and the Boy Scout organization for the encouragement and the opportunities they have provided you. Just as we are all proud of you, I'm sure you have reason to be very proud of them.

We in the adult world find inspiration in your successful achievement of this highest rank in Scouting. It indicates that despite the distractions of today's growing emphasis on leisure, on entertainment, and even on self-indulgence, there are still many young people directing their energies toward wholesome, constructive, and character-building activities. I doubt that there has ever been an age when our adult society has felt a greater need for the development of young people with two feet on the ground, with conviction in their hearts and good sense in their heads. These qualities you must possess in healthy measure, else you could not have become an Eagle. Believe me, they will be of immense value to you in whatever career you choose, whether you eventually become a doctor, a lawyer, a teacher, or an employee of a corporation or of government.

Despite the turbulent times in which we live, and about which I will have more to say later, there has never been a time when opportunities were as great as they are today. And from all indications, they're going to be even greater tomorrow when you Eagle Scouts will have finished school and will be embarking upon your careers. In the larger enterprises such as my own company, Republic Steel, the opportunities for ambitious people who want to assume responsibility and get ahead are virtually limitless. All large companies are literally thirsting today for bright young men with initiative, ability, integrity, and a determination to advance to positions of leadership.

Scouting, however, has done something more for you than simply develop qualities that will help launch you on a successful career. It has cultivated an attitude of service to your country and to your fellow man in society. And that is fortunate because as we enter the Seventies, ferment pervades our society. We can see it, hear it, feel it. Dissent, crime, urban crises, drugs, poverty, campus revolt, the protection of our environment—all contribute to a feeling of frustration and disillusionment.

We are struggling in our country to maintain a healthy economy and a reasonable degree of social harmony in the face of racial unrest, tension in our cities, and considerable soul searching over the quality of modern life and our physical environment.

It is regrettable that today there are some young people—just a few years older than you—who are using the imperfections in the world about them as an excuse to turn their backs on society. They ridicule our concepts of morality and utterly flaunt our pleas for self-control.

Now, it is not wrong for people of any age to analyze and criticize society's norms and ways of doing things. Indeed, we would likely become a static nation if this were not constantly taking place. But what I find discouraging about the behavior and attitudes of some young people today is their complete disavowal of institutions and patterns of living that we have developed in America through centuries of struggle, work, debate, and thought.

This America of ours is not the decadent and outmoded country that radicals and militants picture it to be. It has given too much to man's progress and well-being to be judged decadent and outmoded. Those who advocate its overthrow are themselves immature and unwilling to accept the realities of life. But, of course, it has its imperfections and problems as, indeed, all men and institutions do. Changing times present new problems that must be dealt with and solved satisfactorily.

For example, what is going to happen to our cities if more and more people with adequate or better-than-average incomes move to suburbs and leave behind in the central cities the poorer, less resourceful, and less educated people?

How are we going to protect peaceful, law-abiding citizens against ever-increasing crimes?

What are we really going to be able to do about providing equality of educational opportunities in a society that continues to be racially segregated?

How are we going to solve the problem of air and stream pollution on a basis that will provide a pleasant environment and yet not destroy industries which provide employment, taxes, and much-needed goods for our economy?

Of course, I don't have the answers to these questions today, or to the serious problems they raise. But I do know they must be faced and must be solved.

Now what does all this have to do with Eagle Scouts? Well, if I know anything about human nature, I know that problems of this dimension are not going to be solved by people who condemn society, who run away from it to escape into the realms of drug culture and who ridicule the values of hard work, dedication, sacrifice, and teamwork. It's going to require the efforts of people with faith, keen minds, strong hearts, and healthy bodies—in other words, with the qualities that you young men have exhibited and have shown a willingness to develop through your efforts in the world of Scouting.

The task seems immense, I know, but I urge you not to despair. Each new generation of Americans in years past has faced problems that seemed to it to be insurmountable. Yet each such new generation produced men of character—men who became a part of a tradition of meeting problems head on and solving them in a manner that has kept our nation on the pathway to progress. Your generation too will produce such leaders, and you and your fellow Eagle Scouts from all parts of the land will be among them. You will have almost limitless opportunity to apply your knowledge, your energies, and your dedication to the further improvement of our society and our country. Be worthy of the tradition of enterprise and adventure that has characterized the American people throughout their history. And be of good cheer as you live and work in the knowledge that men of good will with faith in their hearts have overcome obstacles, have resolved problems, and have made ours the greatest country the world has ever known. Build and expand upon what they have begun.

Congratulations on becoming an Eagle Scout. Bless you for your efforts. Good health and good luck in your journey through life.

DR. KARL APPLBAUM: GUEST CHAPLAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 60 minutes.

Mr. HALPERN. Mr. Speaker, earlier today, it was my pleasure to have welcomed one of my constituents, and a beloved friend, Rabbi Karl Applbaum of Flushing, Queens, to the Chamber of the House of Representatives. Dr. Applbaum delivered the beautiful and inspiring opening prayer at the outset of today's session.

At this time may I indicate that this month of February, known in the Hebrew calendar as the month of Adar, is a very important date in the life of the Applbaums, and it is for this reason that the rabbi delivered the invocation today.

It was in the month of Adar 60 years ago that Rabbi Applbaum's father, the Senior Rabbi Emanuel Applbaum, obtained his supreme ordination; 25 years later Karl was ordained; then 25 years ago his brother Rabbi Sidney Applbaum was ordained; 18 years ago a brother Rabbi Martin L. Applbaum was ordained. All of the Applbaums are practicing rabbis and hold distinguished pulpits.

Indeed, Dr. Applbaum comes from a praiseworthy family of sons who have followed in their father's footsteps. Dr. Applbaum's brother, Sidney, is rabbi of Congregation Beth Judah; and his brother Martin Louis, is rabbi of Mitchell Gardens, both also in New York.

The rabbi also has a son, Capt. Joseph Applbaum, serving in the Army in Italy who also has devoted himself to God. Joseph, the third generation of Applbaums serving in the rabbinate, is Jewish chaplain of the Southern European Task Force.

Which brings me to another unique family honor. Karl and Joseph Applbaum are the only father and son rabbis serving the Armed Forces, and only one of two such father-son combinations presently serving as military chaplains.

But after devoting 25 years as a chaplain in the U.S. Army Reserve, this month the learned spiritual leader will mark his retirement from this valuable public service.

Over the years, Rabbi Applbaum has also served in many patriotic organizations promoting the values and goals of the Armed Forces. For instance he has been national chaplain of the Reserve Officers Association of the United States in addition to holding many local positions in that group; has served with distinction in many capacities in the Association of the U.S. Army; and he has been a leader of the U.S. Jewish War Veterans.

Dr. Applbaum has the unusual distinction of also being a practicing lawyer, having argued cases before the U.S. Supreme Court as well as the Federal district court for the southern and eastern districts.

From these twin vantage points—the pulpit and the court—he has lent his talents to varied endeavors in his quest to better life in our community.

For instance, he is chairman of the Queens Civic Improvement Council, served many years as special New York State deputy attorney general for policing election frauds, has advised New York's social workers, and has been active in such community groups as the B'nai B'rith, Knights of Pythias, and the Zionist organization of the United States.

Somehow, Dr. Applbaum finds time for other activities too. For instance he is active in the American Legion, a member of the board of governors of the National Information Bureau of Jewish Life, and a member of the board of governors of the J. F. K. Library for Minorities.

Dr. Applbaum has also been honored to be received by Pope John XXIII in 1959, and more recently, Pope Paul VI in 1968.

The latter visit followed a tour of Israel, after which Dr. Applbaum commented:

> A great change has taken place in the last year. The holy places in Jerusalem have all been rehabilitated under the Israeli government. And the land of the Bible is blooming again with milk and honey.

Rabbi Applbaum was born 60 years ago in a small town in Hungary, now Rumania, to Rabbi Emanuel and Goldie Eckstein, a descendant on both sides of the family from a long line of distinguished rabbis.

In 1920 when the Rumanians took over the town where the Appelbaums lived, at that time, the family emigrated to the United States. Then began a long struggle for the Applbaums. The senior Rabbi Applbaum served in the towns of Glassport, McKeesport, Bentleyville—all in Pennsylvania, before the family moved to New York City in 1930.

Rabbi Applbaum is married to the former Helen Siegel, a graduate of Brooklyn College who is presently on the staff of the district attorney's office in Queens County. In addition to their son Joseph, the Applbaums have two daughters, Elaine Claire and Florence Rene, both married.

To cap Dr. Applbaum's life-long service to God and his community, earlier this month the U.S. Army Reserve honored him with the Legion of Merit. With such a distinguished background to his credit, it certainly was a pleasure to have welcomed Dr. Applbaum as guest chaplain in the House of Representatives today.

Mr. BRASCO. Mr. Speaker, it gives me great pleasure to welcome as our guest chaplain in the House of Representatives today the distinguished associate of the Avenue M Jewish Center in Brooklyn, N.Y., Dr. Karl Applbaum.

Dr. Applbaum has made extensive contributions in the rabbinate for the past 35 years, and he has served as a chaplain in the Army Reserves for 25 of those years. Beyond his valuable efforts in the spiritual field, he occupies a most prominent position in the intellectual community, holding doctorates in philosophy and juridical science.

Few communities can boast of a more erudite citizen who participates so freely, and so effectively, in the area of human interests.

We are proud to have this distinguished American in our Chamber today to offer our invocation.

Mr. MURPHY of New York. Mr. Speaker, we are honored today by the presence of a most distinguished gentleman, Rabbi Dr. Karl Applbaum, who is celebrating his 35th anniversary in the rabbinate this month. His invocation today was truly inspirational to the Members of Congress and we thank him for honoring us with his thoughtful prayers.

Rabbi Applbaum is the spiritual leader of the Avenue M Jewish Center in Brooklyn and his work is widely known in the community. He shares the pulpit with his father, the senior rabbi of the congregation who this month is celebrating his 65th anniversary in the rabbinate.

Rabbi Applbaum served with distinction for 25 years as a chaplain in the Army Reserve and only recently retired. As a reserve officer I frequently heard and saw firsthand the important work of this remarkable man.

Rabbi Applbaum is further distinguished by also being a practicing lawyer who has argued cases before the U.S. Supreme Court.

It will occur to many that the Congress has honored Dr. Applbaum by inviting his invocation today. It is Rabbi Applbaum who honors us by his presence here today, and by his lifetime of selfless dedication to God and to man.

Mr. FARBSTEIN. Mr. Speaker, I wish to welcome wholeheartedly a most distinguished member of the Jewish clergy, Dr. Karl Applbaum, who has today delivered a most inspiring invocation to this body.

Dr. Applbaum, associated with the Avenue M Jewish Center in Brooklyn, N.Y., possesses a reputation and stature known and respected throughout our Nation. He has served both God and country, as a rabbi, as a chaplain in the U.S. Army during World War II, and as a member of the Reserve since his separation from active duty.

It is not too often that one learns of a member of the clergy who is active outside the confines of his religious affiliations. But Dr. Applbaum is most active in several veterans organizations including the American Legion and the Jewish War Veterans of the United States, several professional organizations and fraternal organizations. Dr. Applbaum delivered the invocations in this body on the occasion of the fourth and 15th an-

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niversaries of the establishment of the State of Israel. On those occasions those of us who had the pleasure of listening to him were most favorably impressed. We are again today gratified by his remarks and are appreciative of the efforts of our colleague, the Honorable SEYMOUR HALPERN in making possible his appearance.

Mr. PODELL. Mr. Speaker, it was with great pride and feeling that I listened to Dr. Karl Applbaum deliver the invocation at the opening of today's session.

Dr. Karl Applbaum has had a long and distinguished career as a religious and community leader in Brooklyn. He founded the Avenue M Jewish Center with his father in 1938, and has served as its rabbi since that time.

Rabbi Applbaum is both the father and the son of rabbis. Clearly, the community involvement of the Applbaum family has spanned the generations. This distinguished family has garnered the admiration and respect of the communities it has served.

Rabbi Applbaum was educated in New York. He has been awarded a bachelor of science, a master of science, a master of arts, a bachelor of laws, and a doctorate in judicial science. In addition, he is a certified New York State social worker and licensed teacher.

In World War II, the rabbi served as a chaplain in the U.S. Army, and he is presently chaplain of the 307th General Hospital with the rank of lieutenant colonel in the Reserves.

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I hope that Dr. Applbaum will address this Congress in future sessions and will continue in his dedicated service to the citizens of Brooklyn.

Mr. RYAN. Mr. Speaker, I know all the Members of the House join our colleague, Congressman HALPERN, in welcoming Rabbi Karl Applbaum, who is celebrating his 35th anniversary in the rabbinate this month, and who delivered this morning's invocation.

Dr. Applbaum is the spiritual leader of the Avenue M Jewish Center in Brooklyn, where he has shared the pulpit for many years with his father—the senior rabbi of the congregation, who is celebrating his 65th year in the rabbinate.

In addition to his rabbinical duties, Rabbi Applbaum has the unique distinction of also having a legal career. He has argued cases, as a practicing lawyer, before the U.S. Supreme Court and the Federal district court for the southern and eastern districts of New York.

Another aspect of his commitment to his fellow men is reflected in his many community activities. He is chairman of the Queens Civic Improvement Council. He served for many years as a special New York State deputy attorney general for overseeing elections.

His additional activities include advising and counseling New York social workers, the B'nai B'rith, the American Legion, and Jewish War Veterans.

Rabbi Applbaum recently retired as chaplain in the U.S. Army Reserve, in which he served for 25 years. As a reward for his service, the Army Reserve honored Rabbi Applbaum with its Legion of Merit.

I congratulate Rabbi Applbaum upon his career of service to his religion and to his community.

It was an honor having him here today, and I am sure he will continue to distinguish himself as a man concerned with serving his country and his faith.

Mr. ST. ONGE. Mr. Speaker, I am very pleased to note that today's invocation was given by Rabbi Dr. Karl Applbaum, a prominent member of the American rabbinate. Dr. Applbaum has devoted his boundless energy and unique gifts in achieving distinction as a rabbi, attorney, military chaplain, social worker, and teacher. This year marks his 35th year as a rabbi, while his father Rabbi Emanuel Applbaum is observing his 60th year in the rabbinate, and his son Joseph is completing 4 years as an Army chaplain.

In addition to his exceptional professional accomplishments, Rabbi Applbaum is a leader in a host of veterans organizations where the selfless devotion of his time and talents have made significant contributions to the success and development of these organizations. It is an honor to welcome Rabbi Applbaum to the House of Representatives, and to personally extend my gratitude and recognition of his many contributions to the welfare of our Nation and his dedication to the ideals which have made this Nation great.

Rabbi Applbaum is a vice president of the National Information Bureau for Jewish Life, of which our distinguished colleague from New York, the Honorable LEONARD FARBSTEIN, is the honorary national president. I wish to extend my greetings to Rabbi Applbaum and to welcome him to our Nation's Capital.

GENERAL LEAVE

Mr. HALPERN. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the life, character, and public service of Dr. Rabbi Applbaum.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

WHO NEEDS THE NEWSPAPER PRESERVATION ACT? HAWAII DOES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 60 minutes.

Mr. MATSUNAGA. Mr. Speaker, on February 18, 1970, in a lengthy floor speech, entitled "The Newspaper Preservation Act: Who Needs It?" the distinguished gentleman from Minnesota (Mr. MACGREGOR) attacked the proposed Newspaper Preservation Act. Regrettably, he had not advised any of the sponsors of this legislation—of which there are over 100 in the House, myself included—that he was going to make this statement. I say this is regrettable, because I would have availed myself of the opportunity to question him directly on certain statements he made, in order to keep the issue from being clouded. I have informed the gentleman about this special order today, but he regretted his inability to be present.

The attack was made on S. 1520, a bill which passed the Senate by a vote of 64 to 13. Reference was also made to the companion bills in the House, presumably including H.R. 279, the Newspaper Preservation Act, which I have introduced.

I rise now to reply to the gentleman's arguments, by offering facts rather than hypotheses, and in the hope that I might convince my colleagues that the Newspaper Preservation Act is essential not only to the people of Hawaii, but also to the Nation as a whole.

Let me state at the outset that we in Honolulu have two excellent newspapers, the Honolulu Star-Bulletin and the Honolulu Advertiser. Each has its own rather independent point of view—the Star-Bulletin is basically conservative, and Republican oriented, while the Advertiser is inclined to be liberal, with Democratic leanings. The important point is that each has its own editorial voice, and these two papers are continuing a long-standing competition in news and editorial views.

About 10 years ago, however, it looked as though one voice, that of the Advertiser, was about to be stilled. The Advertiser had had several consecutive years of serious financial losses, and it was becoming clear that the community was unable to support two commercially competing daily newspapers. There was competition for advertising revenue from radio, television, magazines, and weekly shopper papers. The Star-Bulletin could have bought out the Advertiser, but that solution was unsatisfactory to both publishers. Instead, with the knowledge of the Department of Justice, which investigated the situation, the two papers entered into a joint business operating arrangement, tantamount to a commercial merger, while maintaining separate and competing news and editorial voices. Since 1933, newspapers in some 20 cities have entered into like arrangements, without any complaint from the Justice Department or the Federal Trade Commission.

For the people of Hawaii, the joint operating arrangement was a wonderful solution to the economic problem which faced the two newspapers, for as a consequence: there was first, continued and increased employment at both papers, second, advertising rates were lowered, and third, a real competition in ideas and views, which is so important to the public, followed.

In direct answer to the gentleman's question, "The Newspaper Preservation Act, Who Needs It?" Let me assure him that Hawaii needs it.

The gentleman suggests that because of the court's decision in the Tucson case, which imposed a plan on the newspapers in that city, the newspapers in 21 other cities with joint operating arrangements, including Honolulu, have nothing more to worry about, and there is no longer a need for legislation.

Mr. Speaker, the Tucson plan is truly remarkable. While allowing some of the cost-saving programs which have been carried on for 30 years, the court now insists that there be three advertising departments, in place of the one that had sufficed in the past, and three circulation departments, instead of one. Obviously the court's plan increases costs. A remarkable feature of the imposed plan is that the two papers are allowed a joint operating arrangement on Sundays but not on weekdays—the apparent rationale being that it is all right to sin on the Sabbath but not on weekdays.

Mr. Speaker, it is just possible that the Tucson papers will be able to survive under the court's plan—not prosper, but survive—because the two papers happened to be about equal in circulation figures. They could just about divide costs and profits right down the middle. However, if the Tucson plan were imposed in Honolulu, where one paper has a much larger circulation than the other, the paper with the lesser circulation would immediately begin operating in the red and not be able to survive. The city would consequently be reduced to just one editorial voice.

Mr. Speaker, the people of Hawaii and of this Nation deserve something better than the Tucson plan. Knowing what it is to have divergent editorial voices, my people at least will reject the Tucson plan. Who needs the Newspaper Preservation Act? Honolulu needs it. And so do 21 other cities in the United States.

Mr. Speaker, it should be noted that the gentleman from Minnesota has no joint newspaper operating arrangements in his own State. In fact, there is no city in all of Minnesota with two different newspaper editorial voices. Three cities in Minnesota have morning and evening papers—but in each, both morning and evening papers are owned by one company. In Minneapolis, the Cowles family owns the morning and evening papers. In St. Paul, the Ridder family owns both papers, just as it owns both papers in Duluth. These are all excellent papers, parts of powerful chains, and I find no fault in them. In fact, the Newspaper Preservation Act which I propose seeks only to give to the two little publishers in Honolulu the same legal recognition as the one owner has in Minneapolis, St. Paul, and Duluth.

That is the crux of the issue—to extend to the owners of two separate papers the same operating arrangements, a commercial merger, now enjoyed by a single owner of two papers. And, by so doing, preserving two separate voices.

Mr. Speaker, I would like briefly to refute a couple of other arguments made by the gentleman. He notes that the Department of Commerce supports the bill, but that the Justice Department opposes it. What the gentleman failed to note is that the administration favors the bill.

The suggestion that this bill might abridge the freedom of the press is a specious argument. To the contrary, the very intent of the bill is to preserve newspapers which would otherwise fail and to keep alive free editorial voices which would otherwise be silenced. In refutation of the gentleman's argument that the proposed legislation would stifle the entry of any new newspaper, I would suggest that the gentleman inquire of the Cowles family in Minneapolis about their experience with the Suffolk Sun in Nassau County, N.Y. The records show that this most knowledgeable publishing group lost millions of dollars in attempting to start up a new paper, and recently gave up the effort. The unfortunate fact is that there has been no successful new entry of a newspaper in a major metropolitan area in over 40 years. It appears that it just cannot be done. The only hope of multinewspaper cities is to preserve existing newspapers, which my bill proposes to do.

Finally, the gentleman states that many papers oppose this bill. I am aware that the National Newspaper Association is against the bill—and the NNA does have thousands of members, including weeklies, dailies, and even joint operating newspapers. I question the position of the NNA as spokesman for all of its members, since its members have not voted or taken a position on S. 1520 or H.R. 279. The opposition has been voiced only by the board of directors of this group.

The Newspaper Preservation Act is endorsed by the American Newspaper Publishers Association, speaking for the vast majority of our dailies, and by a lot of prestigious papers across this Nation.

Besides, Mr. Speaker, the proposed legislation is supported in Hawaii by every labor union involved by the advertisers, the business and professional organizations, the State and county governments, and many civic clubs and organizations.

Who needs the Newspaper Preservation Act? We who believe in freedom of the press all do.

Mr. FULTON of Tennessee. Mr. Speaker, I congratulate the gentleman from Hawaii on his excellent statement. I endorse it fully. Let me add that the people of Nashville, Knoxville, and Bristol, all in Tennessee, need the Newspaper Preservation Act, because each of these cities has enjoyed the benefits of competitive news and editorial voices through joint newspaper operating arrangements for a good many years. The arrangement in Nashville dates back to 1936, Bristol to 1950, and Knoxville to 1957. In each city, the two papers entered into a joint operating arrangement because at least one was failing. It is abundantly clear that the rather strange plan ordered by the Tucson court would have no other result than again causing one of the papers in each joint arrangement to return posthaste to its failing status. What would this accomplish? It would reduce each city to just one editorial voice—and that includes my home of Nashville, the capital of the great State of Tennessee.

Mr. Speaker, it seems inconceivable to me to have a major seat of government without differing news and editorial opinions. This is really essential to good government. Nashville is blessed with real editorial competition between the Banner and the Tennessean. It would be a terrible thing if either of these fine newspaper voices were to die.

Mr. Speaker, this is why I say that Tennessee needs the Newspaper Preservation Act. Accounting studies show that these papers could not compete commercially, and the Tucson plan would be a travesty.

I just cannot understand how the gentleman from Minnesota can rationalize denying to Nashville, Knoxville, and Bristol the same rights as are now enjoyed in Minneapolis, St. Paul, and Duluth. All we seek is parity with the one-owner situations, and nothing more.

There is one further point I would like to make. In Chattanooga, Tenn., the two papers that were in a joint operating arrangement split apart. It is common knowledge that both began losing money. Believe me, the people of Chattanooga have not benefited from this. Moreover, in the last few days the Department of Justice has entered the Chattanooga situation, accusing the Times and Post of unlawful operations in ratemaking activities. The Justice Department stated that the Times and Post had been losing money for over 3 years—and this was not denied by the papers. The Times and Post accepted a consent decree, the direct results of which are the closing down of the Post, and an increase in advertising and circulation rates by the Times. If further proof is needed to demonstrate that enactment of the Newspaper Preservation Act is in the public interest—the situation in Chattanooga provides such proof.

The account of the Justice Department's action and the reaction by the Times and Post of Chattanooga is reported in the Wall Street Journal's February 24, 1970, edition and I include the Journal's story at this point in the RECORD:

[From the Wall Street Journal, Feb. 25, 1970]

CHATTANOOGA POST STOPS PRINTING AFTER U.S. SUIT—NEWSPAPER MONOPOLY SCHEME CHARGED; CONSENT DECREE PROVIDES FOR RATE RISES—BELOW-COST OPERATION CITED

The Chattanooga Post suspended publication, effective today, and its publisher agreed to a consent decree to settle an antitrust suit that charged it attempted to monopolize the daily newspaper business in Chattanooga.

The suit and the proposed consent decree were simultaneously filed in the U.S. district court at Chattanooga by the Justice Department.

The Chattanooga Post was published by the Times Printing Co. The majority stockholder in Times Printing is a trust established under the will of Adolph S. Ochs, the late publisher of the New York Times.

Mrs. Ruth S. Golden, president and publisher of Times Printing, said the Chattanooga Times and the New York Times are "mutually owned and wholly independent. There is no interchange of personnel and finances, but there is an overlapping membership on the board of directors." Both newspapers, she said, are "principally" owned by the Ochs Trust.

The consent decree provides substantial increases in advertising rates of the Chattanooga Times and an increase in the paper's subscription rates.

The suit charged that Times Printing began the Post and took various other actions, in an attempt to monopolize the Chattanooga newspaper business, after a decision in 1966 by its competitor, the Chattanooga News-Free Press, to sever certain joint operations.

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The suit said that between May 5, 1942, and Aug. 27, 1966, the Chattanooga Times and the News-Free Press were parties to a joint operating agreement under which their commercial operations were conducted jointly while their news and editorial departments remained separate. The agreement, according to the Justice Department, was similar to one between two Tucson, Ariz., newspapers that the Supreme Court last year held in violation of Federal antitrust laws.

While the agreement was in effect, the Times was published mornings and Sunday and the News-Free Press was published evenings, the suit said. Early in 1964, it continued, the News-Free Press notified the Times it intended to terminate the agreement and resume separate and competitive publication.

The two papers were separted on Aug. 27, 1966, and Times Printing then began to publish its evening paper, the Post. The News-Free Press also began publication of a Sunday edition, the suit said.

The suit charged that publication of the Post "was commenced and continued for the sole purpose of eliminating the Free Press as a competitor." It also alleged that Times Printing attempted to monopolize the newspaper business in Chattanooga by intentionally operating at below its costs; by adopting unreasonably low advertising and circulation rates and by requiring combination purchases of classified advertising space in the Times and Post.

The consent decree is to become final on court approval in 30 days.

Under it, the Times also agreed to raise advertising rates in the morning Times to no less than 80% of those charged by the News-Free press for six months and then to raise the rates to the equivalent of the News-Free Press for 30 months.

Subscription rates will be raised to at least 90% of the current News-Free Press rates and maintained there at least three years.

In consenting to the suit, the Times denied any wrongdoing. "The Times did not and does not agree with the department's conclusions or with this characterization of its competitive actions," a statement from Mrs. Golden said. "However, we could only prove the correctness of our position in lengthy and expensive litigation with the Government.

"Consequently, we have reluctantly decided, as have many businesses before us, to agree to a consent decree as the only alternative to such litigation."

A spokesman for the Times said the Government charged that it has had substantial losses over the last three years. "We don't deny that," he said. He added that differences in advertising rates between the papers result from the News-Free Press raising rates and the Times holding the line.

He said that the afternoon paper, which ceased publication after the Tuesday edition, shared the same building and printing facilities as the Times. No layoffs have been announced, he said.

The decree further provides that, should Times Printing resume publication of an evening paper, it will be subject to certain additional restrictions. These include a ban on selling combination advertising in the morning and evening papers at rates lower than each regular rate and a ban on any requirement that advertisers, to buy space in one paper, buy space in both.

Mr. Speaker, the Newspaper Preservation Act is bipartisan, introduced by many Members on both sides of the aisle. I am very pleased to see that this administration, which opposes media concentration, supports this bill in order to preserve separate editorial voices. I am sure the bill will receive full support from Members of both parties, and pass the House of Representatives.

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GENERAL LEAVE

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the subject of my special order.

The SPEAKER pro tempore (Mr. Rooney of New York). Is there objection to the request of the gentleman from Hawaii?

There was no objection.

VETERANS' MONTHLY EDUCATION AND TRAINING ALLOWANCE

The SPEAKER pro tempore (Mr. Rooney of New York). Under a previous order of the House the gentleman from Texas (Mr. Bush) is recognized for 5 minutes.

Mr. BUSH. Mr. Speaker, on August 4, 1969, the House passed H.R. 11959 calling for a 27-percent increase in the monthly education and training allowance to eligible veterans. October 23, 1969, the Senate passed similar legislation calling for a 46-percent increase in benefits. The House concurred with the Senate amendment, agreed to a 30.8-percent increase on December 18, 1969, and sent the bill to the Senate for further consideration.

Since that time we have all hoped that an acceptable bill would be agreed upon before the midsemester school term began. But the conference remained blocked. The House managers, Mr. Speaker, have been willing to cooperate. They have even produced a vote approving an increase in benefits over the original House-passed bill. These men have acted in good faith and have represented the views of this body well.

While these veterans are being denied an increase in benefits they need so badly because of the effect inflation has had on education, all we have heard from a majority of the managers of the other body is that "They will not compromise." Our legislative system, Mr. Speaker, was founded on compromise. The House and the Senate were designed to represent varying interests. Since our legislative branch was established the representatives of both Houses have sat down and ironed out their differences. Together they have worked for the best interests of the whole country.

But the kind of conference where one side is unwilling to cooperate with the other and attempts to impose its will on the other body is not in the best interests of the Nation nor in the best tradition of the Congress. I think Chairman Teague and the other House managers should be commended by this body for the fine work they have been doing in the conference and the spirit of cooperation and genuine concern for these veterans they have brought to it.

Sometimes one wonders whether some of the Senators want a fair bill or whether they want to make political hay. All I know is that the veterans are the losers in all of this.

NATIONAL ALLIANCE OF BUSINESSMEN—A GOOD LABOR PROGRAM

The SPEAKER. Under a previous order of the House the gentleman from Alabama (Mr. Edwards) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, in the Appropriations Committee we are now going over the largest budget in the history of these United States, and everywhere in that budget it seems to spell an increased reliance on the Federal Government to solve the problems of this country.

There is, however, one program undertaken by private industry as a cooperative venture with the Federal Government which is aimed at solving the unemployment problem in this country and, in turn, attempts to solve the problem of the many jobs that lie untaken because of the lack of skilled workers. That program is the National Alliance of Businessmen's Job Opportunities in the Business Sector—or as it is more commonly called, the jobs program.

Nationally, the program has been very successful. The original goals set by the program, calling for 100,000 jobs for the hard-core disadvantaged, were exceeded by 50 percent the first year, and are running ahead of expectations this year. Of the 378,000 persons hired since July 1968, when the program was initiated, some 200,000 are still on the job.

Now, Mr. Speaker, this is a conservative estimate. It does not include those who have left the firm with which they were originally employed to take a similar job with another firm. Nor does it include those who have gone on to other training positions to acquire even better skills. It is a remarkable figure considering the type employee involved in this program. At the same time it reveals the validity of a program that not only brings employer and employee together, but also continues to counsel with the hard-core employee until he is well trained and in reasonably stable employment.

Mr. Speaker, as I understand it, there are two ways an employer may become involved in the NAB-JOBS program. One is for the employer to provide all the jobs and counseling himself. But the other and more popular method is to contract with a reputable firm that is equipped to act as a personnel office in bringing the employee and employer together and as a counselor in working with the employee until he can really make it on his own.

In Mobile, which is in the First District of Alabama, some 25 companies have pledged jobs to the program, 409 jobs have been approved and funded via the second method, that is Department of Labor contracts, 15 jobs have been pledged without contracts, 306 trainees have been hired, and total dollar value of the program in the Mobile area is $971,000.

This program, if properly utilized, can and will do much to alleviate unemployment, reduce welfare expenditures, and have a significant impact through decreasing social unrest.

Mr. Speaker, it works because there

is someone who will take an interest in a worker after he is hired. Some employment programs help hard-core unemployed persons get a job, but there is no followthrough. This program stays with him, helps him over the rough spots and consequently the retention rate is something approaching 76 percent when operating under contract. The program works well even for those not using the contract approach, but the retention rate drops to about 53 percent.

Mr. Speaker, I am enthusiastic about this program and I hope more employers will begin to participate in it.

THE GATES COMMISSION ON AN ALL-VOLUNTEER ARMED FORCE—PART II, CHAPTER 3

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. STEIGER) is recognized for 30 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, part II of the Commission report presents the pertinent evidence gathered during its inquiry and the analysis underlying its recommendations which form the essential background of the Commission's findings.

Chapter 3 of the report deals with one of the more complicated arguments in support of the Volunteer Army concept—the tax of conscription. It is an issue few people have explored in depth, but the Commission spent a great deal of time developing this point because it is this cost to the individual soldier and to society in general which is very real but never gets into the accounting figures.

Chapter 3 which follows bears careful reading:

CHAPTER 3: CONSCRIPTION IS A TAX

Any government has essentially two ways of accomplishing an objective whether it be building an interstate highway system or raising an army. It can expropriate the required tools and compel construction men and others to work until the job is finished or it can purchase the goods and manpower necessary to complete the job. Under the first alternative, only the persons who own the property seized or who render compulsory or housing project. They pay a tax to finance the project, albeit a tax-in-kind. Under the second alternative, the cost of the necessary goods and services is borne by the general public through taxes raised to finance the project.

Conscription is like the first alternative—a tax-in-kind. A mixed force of volunteers and conscripts contains first-term servicemen of three types—(1) draftees (2) draft-induced volunteers and (3) true volunteers. Draftees and draft-induced volunteers in such a force are coerced into serving at levels of compensation below what would be required to induce them to volunteer. They are, in short, underpaid. This underpayment is a form of taxation. Over 200 years ago, Benjamin Franklin, in commenting on a judicial opinion concerning the legality of impressment of American merchant seamen, recognized the heart of the issue, and even estimated the hidden tax. He wrote:

"But if, as I suppose is often the case, the sailor who is pressed and obliged to serve for the defense of this trade at the rate of 25s. a month, could have £3.15s, in the merchant's service, you take from him 50s. a month; and if you have 100,000 in your service, you rob that honest part of society and their poor families of £250,000. per month, or three millions a year, and at the same time oblige them to hazard their lives in fighting for the defence of your trade; to the defence of which all ought indeed to contribute, (and sailors among the rest) in proportion to their profits by it; but this three millions is more than their share, if they did not pay with their persons; and when you force that, methinks you should excuse the other.

"But it may be said, to give the king's seamen merchant's wages would cost the nation too much, and call for more taxes. The question then will amount to this; whether it be just in a community, that the richer part should compel the poorer to fight for them and their properties for such wages as they think fit to allow, and punish them if they refuse? Our author tells us it is *legal*. I have not law enough to dispute his authority, but I cannot persuade myself it is *equitable*."

The levy of taxes-in-kind is not a modern innovation. Such taxes have existed throughout history. The impressment to which Benjamin Franklin objected is an example. Also, it was common practice in the Middle Ages to require specific service of citizens in farming, construction, defense and other activities. Traditionally, however, in the United States, taxes-in-kind have been rejected for three reasons. First, they deprive individuals of their freedom to pursue their careers where and how they choose—in essence their right to liberty and the pursuit of happiness. Second, they are often accompanied by serious inequities; i.e., a few people are forced to bear the burden of accomplishing a task for the general good of the government and its citizens. Third, they tend to conceal taxes and government expenditures so that both the general public and public officials are misinformed as to the costs of government services.

Under conscription, each inductee and reluctant volunteer is compelled to render services to the government. He is required to pay a tax—a tax paid (and collected) in kind rather than cash—but the form of the payment does not alter the substance of the relationship. The amount of the tax is the difference between the pay that the inductee or reluctant volunteer actually receives as a first-term serviceman and the pay that would be required to induce him to enlist. Even true volunteers who serve in a mixed force are paid less than they would receive in a volunteer force. In that sense, they too are taxed by conscription.

Prevailing government accounting practices do not recognize taxes paid in kind. Therefore, the tax on first-term servicemen never gets recorded in the budget either as revenue or as expenditure. In an all-volunteer force, the additional military compensation will be paid in cash or other benefits, and the taxes to make those payments will be collected in cash. Recorded budget expenditures will have to be increased to reflect these payments. This is the source of the budget "increase" we have estimated for an all-volunteer force. If current government accounting practices fully reflected revenues and expenditures, whether in money or in kind, there would be *not* a budget increase, but a budget decrease.

The real significance of the larger recorded budget for an all-volunteer force is the adjustment of the burden of defense costs. What appears on the surface to be an increase in expenditures is actually a shift in the tax burden from first-term servicemen to taxpayers at large. If government accounts reflected taxes-in-kind, tax revenues from first-term servicemen would go down with the inauguration of an all-volunteer armed force, and (assuming a balanced budget) tax revenues from the general public would go up.

This shift in tax burden lies at the heart of resistance on "cost" grounds to an all-volunteer armed force. Indeed, this shift in tax burden explains how conscription gets enacted in the first place. In a political democracy conscription offers the general public an opportunity to impose a disproportionate share of defense costs on a minority of the population.

We have made estimates of the amount of the tax-in-kind imposed on draftees and draft-induced enlistees for the period immediately prior to Vietnam, adjusted to reflect changes in civilian and military compensation through 1969. The tax can be separated into two components: first, the financial loss suffered by draftees and draft-induced enlistees because their total military compensation (including veterans benefits) falls short of the income they would have earned in civilian life; and second, the additional burden measured by the excess of military over civilian compensation that would be required to induce these same individuals to become true volunteers. We estimate that the financial loss due to the first of these, the difference between military compensation and potential civilian earnings, was $1.5 billion for draftees or draft-induced volunteers in the pre-Vietnam force. To induce these same individuals to become true volunteers we estimate would have required an additional $500 million. Thus the total implicit tax on draftees and draft-induced volunteers was $2.0 billion.

This implies an average tax rate of 48 percent of the income that draftees and draft-induced enlistees would have earned in civilian life. Taking into account the personal income tax they paid, their total tax rate was 51 percent. In 1967, the average personal income tax paid by all persons whose gross earnings were equal to the amount that would have been earned by draftees and draft-induced enlistees as civilians, was less than 10 percent of that gross income. Since draftees and draft-induced enlistees have fewer than the average number of dependents, it is estimated that they would have paid perhaps as much as 15 percent of their gross income in personal income tax. Hence, draftees and draft-induced enlistees are bearing a tax burden over three times that of comparable civilians.

This concept of the tax does not include the income loss suffered by true volunteers whose military compensation is held below the level which would be required to maintain an all-volunteer force, nor does it include the amount by which all-volunteer pay rates would exceed the pay levels at which some of the current draftees and draft-induced enlistees would enter on a voluntary basis. The sum of these two amounts has been estimated at $1.25 billion annually, again for the period immediately prior to Vietnam.

As is pointed out in detail later in this chapter, the concept of the implicit tax considered above does not fully encompass the costs of conscription. Prospective inductees also incur costs in their efforts to escape conscription—costs which manifest themselves in a variety of ways such as additional college attendance, movement into occupations which carry deferments, immigration, etc. Indirect evidence suggests that these costs may be 1.5 times the implicit tax, or about $3.0 billion. They can be viewed as the cost of collecting the implicit tax. Thus for each $1.00 of tax-in-kind collected, an average of $2.50 is foregone by the public. Quite apart from considerations of equity and freedom, this feature of conscription is enough to call it into question.

The fact that conscription imposes a tax is not in itself immoral and undesirable. Taxes are required to enable government to exist. What is of questionable morality is the discriminatory form that this implicit

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tax takes; and even more, the abridgement of individual freedom that is involved in collecting it.

The tax is discriminatory because the first-term servicemen who pay it constitute a small proportion of the total population. During the next decade the number of males reaching age 19 each year will average 2.2 million. To maintain a stable mixed force of 2.5 million men at present relative military/civilian pay levels, draft calls will average about 100,000 per year. We estimate that draft-induced enlistments might be 75,000 per year. Therefore the draftees and draft-induced-enlistees paying the tax-in-kind will represent only 8 percent of the male population reaching age 19 each year.

The extent of the discrimination resulting from conscription depends on the proportion of the population forced to serve, and on the level of compensation provided to those who serve. When a large fraction of the population is conscripted as it was, for example, in World War II, the tax is levied on a larger fraction of the population. Even then, however, the discrimination is by no means eliminated. Not everyone eligible to serve does so. Moreover, such wars do not occur every generation, hence some generations never pay though they benefit from the defense provided by others. Even in World War II, the 16.4 million men who served in the armed forces represented only 12 percent of the total population, 17 percent of the adult population and 56 percent of the adult male population between 18 and 45.

Defenders of conscription often argue that every young person has the duty to serve his country. The above discussion makes it clear that the real question is not whether young people have such a duty, but whether that duty does not extend to the entire populace. Is it right and proper that a large tax be confined to a small fraction of our young able-bodied males in order to relieve taxpayers in general from having to pay higher taxes?

In addition to being discriminatory, conscription as a tax is also generally regressive, falling on individuals whose income is low. The amount of benefits in the form of defense that individuals receive as a consequence of the tax is not related to the amount of tax they pay. Finally, and most importantly, the tax requires payment in kind, rather than money, and the payment in kind takes the form of involuntary service.

It is unlikely that any Congressman would ever propose enactment of a general tax of the kind now imposed by the draft. If one ever were proposed, it would have little chance of being approved by Congress. If approved by Congress, it is hard to imagine that it would be held constitutional by the courts. This is a hidden tax which persists only because it is obscure. No tax is perfect, of course, but it is hard to imagine a means of imposing the cost of defense, or any other Government activity for that matter, more in conflict wtih accepted standards of justice, equality and freedom in the United States.

THE COST OF AN ALL-VOLUNTEER FORCE

The larger budget required to sustain an all-volunteer armed force is frequently referred to as the "cost" of such a force. We have deliberately refrained from using that language. We have done so in order to stress the difference between "costs" on the one hand and "budget expenditures" on the other. Budget expenditures need not correctly reflect costs. Indeed, as we have indicated above, government accounting practices do not recognize the expenditure in kind implicit in conscription. To that extent the cost of a mixed voluntary/conscript force is consistently understated in the budget. But the cost of such a force is also understated in other ways.

When the hidden costs of conscription are fully recognized, the cost of an all-volunteer armed force is unquestionably less than the cost of a force of equal size and quality manned wholly or partly through conscription. The all-volunteer costs are lower for four reasons.

1. Conscription leads to low re-enlistment rates among first-term servicemen, thereby increasing turnover rates. Most inductees and draft-induced volunteers are not seriously interested in careers in the military. First-term re-enlistment rates for inductees pre-Vietnam were about one-fourth as high as for enlistees. In an all-volunteer force, first-term re-enlistment rates will be higher than those currently experienced because those who enlist will be more likely to choose the military as a career. Moreover, the term of service for inductees is only two years while regular army enlistments are three years and Air Force and Navy enlistments are four years. With an all-volunteer force these longer terms of enlistment will also reduce turnover and the need for accessions.

Both factors will generate real cost savings. For a mixed voluntary/conscript force of 2.5 million men we estimate that annual first-term accessions in fiscal year 1977 to 1979 would have to be 452,000. For an all-volunteer force with equal effectiveness, accessions would be only 342,000, or 110,000 less. Lower accessions will mean a smaller training establishment; that is, fewer trainers, trainees and support personnel and less training equipment and facilities. We estimate this will reduce the cost of a stable 2.5 million man peacetime force by $675 million per year.

In addition to the savings in training costs, there will also be savings in the number of personnel who are in a non-effective status because of transfers generated by high personnel turnover. An all-volunteer force will have fewer separations, hence fewer changes of status to accommodate separations. This also will result in cost savings. The number of servicemen in ineffective status will decline as will transportation and administrative costs. We estimate that the savings will be $68 million per year for a stable peacetime force of 2.5 million men.

In our study we have recognized these particular cost reductions by appropriately reducing the required size of the forces. Thus, a mixed voluntary/conscript force of 2.5 million men is equated to an all-volunteer force of 2.44 million. The latter represents the same effective force as the former taking account of the savings in training and transients which we estimate will accrue.

2. Conscription induces the military services to use manpower inefficiently. They make manpower decisions on the basis of the costs as they perceive them, namely, those that are reflected in their budget. Because budget expenses significantly understate the cost of first-term servicemen, the services are led to use more of them than they otherwise would. This is not because they are profligate or inept. By minimizing the costs as they see them of meeting specific security requirements, they are behaving as the nation would want them to behave. The problem arises because conscription greatly understates these costs.

When military compensation is raised to a level consistent with an all-volunteer armed force, the services will find it desirable to economize on manpower. In particular, they will discover ways to substitute non-human resources for manpower in a wide variety of activities. They will find it desirable to mechanize tasks now performed manually, and to emphasize, even more than at present, durability, reliability and ease of maintenance in the design of equipment and vehicles and in the construction of facilities. It would be a prodigious research effort to examine each activity for potential savings from such substitutions. Moreover, as a practical matter, there will be a long period of transition before the process of effecting such substitutions is completed. For these reasons we have not attempted to estimate the total savings that could result from labor-saving substitutions if the forces were all-volunteer.

We have, however, examined one area of potential substitutions; namely, that of using civilians instead of military personnel in particular positions. Conscription leads to the assignment of servicemen to some billets which could be filled by civilians at lower costs. If a civilian is hired, the Defense Department must pay the full cost thereof, but if a first-term serviceman is used the price is only his military compensation. An extensive study was conducted of specific billets where potential savings from such substitutions exist. These savings accrue because military training costs are reduced or because a civilian can be hired at a salary below the real cost of a serviceman performing the same task, that is, below the salary required to fill the position with a volunteer. We estimate that for a force of 2.5 million men, 117,000 civilians could be substituted for servicemen at a savings of perhaps $100 million per year.

3. Conscription, whether by lottery or by Selective Service, is relatively insensitive to the alternative value of the draftee in the civilian economy and to his tastes for military employment. Thus, suppose a draftee or draft-induced volunteer is compelled to enter the service who would do so voluntarily only if he were offered $8,000 per year. If there exists a true volunteer who would be equally productive in the military, prepared to enlist for $6,000 per year, the difference of $2,000 is an additional real cost imposed by the draft. The $2,000 can reflect either a difference in the productivity of the two persons in the civilian economy, or differences in taste for military life. Whichever it is, the loss is a real cost (and a waste) in precisely the same sense as is any other cost.

4. Finally, there are many subtle costs imposed by conscription that are no less real for their subtlety. Their effects ramify throughout society, impinging on a variety of individual and institutional decisions.

The costs imposed on potential draftees are perhaps the most obvious. The draft erodes ideals of patriotism and service by alienating many of the young who bear the burden. American youths are raised in an atmosphere where freedom and justice are held dear. It is difficult for them to cope with a situation which falls far short of these ideals just as they enter adulthood. The draft undermines identification with society just at the age when young men begin to assume social responsibilities. It thwarts the natural desire of youths to commit themselves to society.

Many of the implicit costs of the draft arise out of the system of deferments and exemptions currently in effect, and out of the qualification requirements for military service. Young men distort their career and personal plans to take advantage of opportunities to postpone or avoid being drafted. They enter college when they otherwise would not. They stay in school longer than they otherwise would. They accept employment in positions they otherwise would not take. They marry and have families before they otherwise would. There is no doubt that the costs of these distorted choices are real and often cruelly high. Popular support for making 19 the year of primary draft eligibility stems largely from the desire to reduce uncertainty and improve opportunity for personal planning. "Channeling" young men into colleges, occupations, marriage or fatherhood is not in their best interests nor those of society as a whole.

The procedures of the selective service system also impose hidden costs. In many ways the young registrant is denied due process of law. He is confronted with an intricate legal maze and denied the right of counsel and judicial review during its normal operation. To get his case before the courts, the potential draftee must risk jail sentences of up to five years. The operation of the draft abridges constitutional rights in many other ways. For example, a registrant must get permission to travel outside the country. In addition to the loss of rights, there is the problem of determining who is entitled to exemption as a conscientious objector. These decisions are inherently difficult to make, and are harmful both to the group deciding and the persons requesting conscientious objector status. The process weakens the political fabric of our society and threatens the delicate web of shared values that alone enables a free society to exist. These problems are completely avoided by an all-volunteer force.

Each problem faced by the individual registrant has a counterpart in the institutions with which he must deal. In addition to draft-induced volunteers for the military, selective service results in draft-induced college students, draft-induced ministerial students, draft-induced husbands and fathers, and draft-induced employees in exempt occupations.

The draft creates unnecessary problems for the military. Selection by lottery compels some to serve who have neither a talent nor a taste for military life, resulting in misfits and maladjustments to military service. Draftees who cannot adjust must nevertheless serve out a two-year tour. These men present morale and disciplinary problems which otherwise would not arise. Some spend much of their military service in confinement, because it is so difficult for them to adjust to military service. Dissent within the military presents particularly ticklish problems for the armed forces of a free nation. The problems raised by the forced military service of those who are unwilling or unable to adjust to military life will be largely overcome by voluntary recruiting.

Because of the influence of the draft, our schools and colleges must choose among more applicants than would normally apply. Inevitably they admit some young men more interested in exemptions than education. The presence of these individuals adds to the forces of disruption on the campus, imposing costs on all members of a university community.

Employers, too, must sort out true volunteers from draft-induced applicants for jobs which provide exemptions. For example, when school teachers are deferred, some young men will become teachers for a short time, even though they would rather follow another profession. They will stay in teaching only as long as they require an occupational deferment. This results in higher turnover and less experienced and less dedicated teachers for the young of the country.

It is difficult to add up these costs and measure their overall impact on society. Yet it is easy to cite examples of serious problems created by the draft, which voluntary recruiting would eliminate.

STATE HIGHWAY USER TAXES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, in 1934, Congress firmly established as Federal policy that State highway user taxes should not be diverted by State governments for nonhighway use.

The Hayden-Cartwright Act of June 18, 1934 (23 U.S.C. 126a) declared:

> Since it is unfair and unjust to tax motor vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those states that use at least the amounts provided by law on June 18, 1934, for such purposes in each state from state motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Commerce shall promulgate from time to time.

The constitutionality of this provision has been upheld.

No sooner was this act passed than it became outdated. With the passage of time the penalty provision has been increasingly less effective in its actual application, primarily because it does not apply to new or increased taxes enacted since the penalty was adopted.

Some States have effective constitutional provisions which prevent diversion of highway user revenues to nonhighway purposes. Other States through legislation or executive order have attempted to safeguard the highway trust fund.

For example, Gov. Richard B. Ogilvie of Illinois by executive order has prohibited further diversions of highway user taxes to nonhighway purposes. But almost one-half of the States have no such prohibition and significant diversions of revenues to nonhighway uses have occurred. A report dated October 17, 1969, from the Federal Highway Administration reveals that State highway user revenues amounting to $789 million were used for nonhighway purposes in 1968, the latest date upon which final figures are available. The chart shows the breakdown by States.

Diversion of highway user revenues was the product of the fiscal emergencies created by the great depression and was continued after that emergency had ended mainly because diversion proved to be an easy rather than a sound way for States to obtain funds. After the depression, diversion was not only continued but accelerated in many States because of pressing financial needs. In many cases, continuation of the diversion habit is carried on simply because it is the line of least resistance.

The practice of siphoning off for nonhighway purposes some portions of the taxes paid by highway users flaunts the intent of Congress in enacting the Hayden-Cartwright Act and runs counter to any equitable system of taxation. The diversion of highway user taxes for nonhighway purposes is also a substantial threat to an adequate and soundly financed highway system.

Because diversion of highway user taxes occurs on a significant scale, Congress should revise and update the provisions of the Hayden-Cartwright Act to reestablish a firm Federal policy against diversion and deny Federal highway aid to States which divert any portions of their State highway user taxes to nonhighway purposes.

When a State diverts highway tax revenue to nonhighway projects, it places an unfair burden on the motoring public. It means that highway users are required to contribute more than their fair share to the general costs of government.

The effect of diversion is easy to demonstrate. The use of highway money on nonroad projects means the loss to the Nation of many miles of badly needed highways. When the road mileage lost annually through diversion is considered on a nationwide basis, the total is staggering.

Diversion also deprives the motorist of a fair return on his tax dollar. Instead of more roads he gets fewer roads; rather than better roads, he gets poorer roads. At the same time, the motorist often finds his highway taxes still going higher, not to build more and better roads, but to defray the cost of other projects.

The use of highway funds on projects that have nothing whatsoever to do with roads greatly complicates the work of the State highway departments because it is impossible for them to determine accurately how much money will be available for road work over long periods of time.

Because the diversion practice has been continued and has increased, and because national needs for modern highway transportation systems have grown substantially, it is time to take effective action against the practice of diverting State highway user taxes for nonhighway purposes.

Therefore, I propose that the Hayden-Cartwright Act of 1934 be amended to attach a condition to the grant of Federal aid for highways to the States. The amendment I am introducing today states that Federal aid will be extended only to those States that use all revenues derived from State highway user taxes for the construction and maintenance of highways, the administration of highway construction and maintenance programs, highway safety programs and emergency care of highway accident victims, the retirement of highway construction bonds and the retirement of nonhighway bonds secured by highway user revenues before enactment of this act and for no other purposes under rules that the Secretary of Transportation shall promulgate from time to time.

In the next few days, I shall also propose that the Federal Government should also set its own house in order by similarly prohibiting the diversion of funds for nonhighway purposes from the highway trust fund, and by requiring that the automobile excise tax be placed in the trust fund and not in the general treasury. If Congress will take these two affirmative steps, the security of our national highway transportation system will be assured.

HOW STATE HIGHWAY-USER TAXES WERE ALLOCATED IN 1968

[Dollar amounts in thousands]

	For State highway purposes										For local roads and streets		For nonhighway purposes		Total
	For collection and administration of taxes		Administration, construction, and maintenance		Highway debt service		State highway police		Total						
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	
Alabama	$5,856	3.9	$27,358	18.6	$25,034	17.0	$3,732	2.6	$56,124	38.2	$83,290	56.7	$1,721	1.2	$46,991
Alaska	927	8.0	3,150	27.3	3,912	34.0	1,323	11.5	8,385	72.8			2,207	19.2	11,519
Arizona	4,942	6.2	45,513	57.7			7,693	9.8	53,211	67.5	20,720	26.3			78,873
Arkansas	1,995	1.9	59,773	59.5	7,175	7.1	4,801	4.9	71,749	71.5	25,730	25.6	956	1.0	100,430
California	62,867	5.9	436,745	41.1			94,081	8.9	530,826	50.0	300,765	28.3	167,043	15.8	1,061,501
Colorado	6,544	8.2	38,773	48.8	2,102	2.6	6,606	8.4	47,481	59.8	24,850	31.3	549	.7	79,424
Connecticut	8,368	7.3	21,735	19.0	56,286	49.2	10,726	9.4	88,747	77.6	16,551	14.4	692	.7	114,358
Delaware	1,634	5.9	6,268	22.9	15,099	55.3	2,314	8.5	23,681	86.7	2,000	7.4			27,315
District of Columbia	1,919	7.7									17,738	71.3	5,195	21.0	24,825
Florida	11,849	3.6	155,984	48.4	18,204	5.7	9,566	2.9	183,754	57.0	18,675	5.8	108,159	33.6	322,437
Georgia	5,679	3.3	41,014	24.1	10,457	6.1	7,244	4.3	58,715	34.5	67,180	39.6	38,418	22.6	169,992
Hawaii			5,540	25.2	4,765	21.6			10,305	46.8	9,356	42.6	2,315	10.6	21,976
Idaho	1,574	4.1	23,131	60.7			2,495	6.6	25,626	67.3	10,854	28.6			38,054
Illinois	28,289	6.8	154,106	37.3			27,688	6.7	181,794	44.0	170,020	41.2	32,989	8.0	413,092
Indiana	8,927	4.5	95,644	48.3			8,983	4.5	104,627	52.8	83,728	42.3	708	.4	197,990
Iowa	4,673	2.8	80,371	49.4			5,004	3.2	85,375	52.6	72,470	44.6			162,518
Kansas	5,796	6.4	62,310	69.0			5,312	5.9	67,622	74.9	15,888	17.6	971	1.1	90,277
Kentucky	3,819	2.6	96,385	66.1	28,719	19.7	862	.6	125,966	86.4	15,987	11.0			145,772
Louisiana	5,763	4.6	80,882	64.5	12,064	9.7	2,136	1.7	95,082	75.9	24,413	19.5			125,258
Maine	1,754	3.9	32,671	72.7	4,512	10.0	2,834	6.4	40,017	89.1	3,138	7.0			44,909
Maryland	8,076	4.7	59,357	35.1	28,260	16.7	17,847	10.6	105,464	62.4	55,359	32.7	192	.2	169,091
Massachusetts	11,657	7.0	85,763	51.5	45,491	27.3	8,031	4.8	139,285	83.6	15,540	9.4			166,482
Michigan	15,530	4.5	115,211	33.0	43,263	12.4	8,396	2.4	166,870	47.8	166,584	47.7			348,984
Minnesota	7,935	4.5	90,730	52.0	5,419	3.1	6,886	3.9	103,035	59.0	62,427	35.8	1,076	.7	174,473
Mississippi	3,657	4.0	39,061	42.9	9,364	10.3	5,799	6.4	54,224	59.6	33,124	36.4			91,005
Missouri	7,035	4.0	135,375	77.7			11,296	6.5	146,671	84.2	20,394	11.8			174,100
Montana	1,995	5.2	28,068	73.9			2,364	6.3	30,432	80.2	5,522	14.6			37,949
Nebraska	2,576	3.5	36,622	50.0			2,596	3.6	39,218	53.6	31,313	42.9			73,107
Nevada	2,812	10.1	18,021	65.0			1,220	4.4	19,241	69.4	5,667	20.4			27,720
New Hampshire	1,099	3.2	25,180	73.5	4,477	13.1	2,071	6.1	31,728	92.7	1,311	3.8	82	.3	34,220
New Jersey	12,454	4.3	74,989	26.2	413	.2	21,976	7.7	97,378	34.1	24,971	8.8	150,737	52.8	285,540
New Mexico	3,526	7.0	30,203	60.0	1,667	3.3	4,035	8.2	35,955	71.5	6,790	13.5	4,014	8.0	50,285
New York	25,330	4.6	261,445	47.4	42,899	7.8	39,716	7.2	344,060	62.4	181,151	33.0			550,541
North Carolina	9,769	4.4	157,224	71.6	22,736	10.4	19,247	8.8	199,207	90.8	10,416	4.8			219,392
North Dakota	1,003	3.6	15,473	56.4			1,665	6.1	17,138	62.5	8,417	30.7	874	3.2	27,432
Ohio	18,869	4.2	174,820	38.9	59,083	13.2	18,135	4.0	252,038	56.1	177,832	39.7			448,739
Oklahoma	5,108	3.5	56,534	39.6	3,029	2.1	6,538	4.7	66,101	46.4	46,645	32.7	24,799	17.4	142,653
Oregon	6,944	6.4	47,403	43.8	10,022	9.3	7,083	6.6	64,508	59.7	33,584	31.1	3,014	2.8	108,050
Pennsylvania	13,147	3.1	292,671	69.6	20,194	4.8	29,078	7.0	341,943	81.4	64,865	15.5			419,955
Rhode Island	1,352	3.6	13,339	36.5	6,327	17.3	1,787	4.9	21,453	58.7	586	1.6	13,189	36.1	36,580
South Carolina	3,829	3.9	68,816	71.6	719	.7	7,202	7.6	76,737	79.9	10,331	10.7	5,192	5.5	96,089
South Dakota	1,142	3.2	23,560	67.6			1,852	5.4	25,412	73.0	8,278	23.8			34,832
Tennessee	5,246	2.7	68,708	35.3	6,711	3.5	5,712	2.9	81,131	41.7	69,376	35.7	38,463	19.9	194,216
Texas	21,375	4.0	317,012	59.9	109	0	21,842	4.2	338,963	64.1	38,732	7.3	129,768	24.6	528,838
Utah	1,771	4.6	28,275	73.4			3,825	9.9	32,100	83.3	4,624	12.1			38,495
Vermont	615	2.0	13,988	47.3	4,849	16.4	2,889	9.9	21,726	73.6	7,201	24.4			29,542
Virginia	9,102	4.1	189,623	86.2			2,785	1.4	192,408	87.6	18,220	8.3			219,730
Washington	10,482	4.7	82,018	37.2	16,632	7.5	13,584	6.2	112,234	50.9	49,289	22.4	48,368	22.0	220,373
West Virginia	2,468	3.0	71,622	89.3	5,268	6.5	823	1.2	77,713	97.0					80,181
Wisconsin	9,044	4.8	97,253	52.2	83	.1	8,620	4.7	105,956	57.0	63,186	34.0	7,793	4.2	185,979
Wyoming	1,421	6.0	15,776	67.3			1,281	5.5	17,057	72.8	4,951	21.2			23,429
Total	399,544	4.6	4,201,493	48.7	525,344	6.1	489,636	5.7	5,216,473	60.5	2,210,039	25.7	789,484	9.2	8,615,540

Source: U.S. Bureau of Public Roads, table DF, November 1969.

Text of bill follows:

H.R. ——

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Act of June 18, 1934 (48 Stat. 995, 23 U.S.C. 126) is amended to read as follows:

"(a) Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use all revenues derived from State motor vehicle registration and license fees, motor fuel taxes for fuels used in over-the-highway vehicles of all kinds, taxes on lubricating oil, and all other special taxes imposed on owners and operators of motor vehicles used on highways of all kinds, for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, highway safety patrol, highway safety programs and emergency care of victims of highway accidents, including the retirement of highway construction and improvement bonds, and also the retirement of nonhighway purpose bonds secured by a legally valid pledge of highway user revenues made prior to the enactment of the Act, and for no other purposes, under rules and regulations as the Secretary of Transportation may issue from time to time.

"(b) In no case shall the provisions of this section operate to deprive any State of more than one-third of the entire apportionment authorized under this chapter to which that State would be entitled in any fiscal year, however the reduction in apportionment shall continue from year to year until the State shall discontinue such diversion. The amount of any reduction in a State's apportionment shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available in accordance with section 104(b) of this title."

ESTONIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New Jersey (Mr. MINISH) is recognized for 15 minutes.

Mr. MINISH. Mr. Speaker, there is one sentence expressed in the Manifesto of Independence of Estonia adopted on February 24, 1918, that sums up the hopes of her countrymen about self-determination:

> Estonia! Thou standest on the threshold of a hopeful future in which thou will be free and independent in determining and directing thy fate.

Estonia thus proclaimed her independence as a democratic Republic after two centuries of czarist Russian rule. England, France, and Italy in May 1918 recognized de facto the Estonian National Council as the supreme power in Estonia. Despite the occupation of the country for several months by the Germans, and the devastation by the requisitions and pillaging of the Russian armies, the Estonian Provisional Government organized Government institutions and established order and Estonian diplomatic relations with the more important Western European countries were regulated.

The defensive war of independence began on November 28, 1918. The 7th Army of Soviet Russia began the attack to conquer Estonia. The turning point in the war came between January 2 and January 7, 1919. The 6th Division of the Red army was repulsed, the 2d Novgorod Division was held up, and Estonia was able to launch a counteroffensive attack. The Soviet Russian Red army then began to launch a large-scale attack against Estonia. These failed, too, and the Red army was compelled once again to relinquish the initiative in battle to the Estonian forces. In May of 1919, the Estonians were able to repulse the enemy from Estonian territory. On May 18, the first Government of the Republic was formed. On May 19, the constituent assembly proceeded to work out a constitution for the country and establish a land reform program. The provisional constitution was passed on June 4, 1919.

Estonia could again take up commercial relations with foreign countries, while an Estonian delegation at the Paris Peace Conference carried on an intensive campaign for de jure recognition. A final peace treaty with Soviet Russia was signed on February 2, 1920, which stipulated that all former Russian government property on Estonian territory be handed over to the Estonian Government. The war of independence had succeeded.

Estonia, the northernmost of the Baltic countries, with a territory of 18,370 square miles was victorious. It was a brilliant victory. Moreover, it helped to put the Latvian Republic on her feet, it checked German expansion in the northeast, and stopped the advance of Bolshevik Soviet Russian forces westward, which was at that time a significant threat to Western European peace. The unwavering will of the entire Estonian population succeeded in securing and defending its independence.

Unfortunately, the Estonian people enjoyed their hard won freedom only two decades. The Soviet Union overran Estonia during World War II and still continues to occupy the country. The United States, however, has never recognized the forcible incorporation of Estonia by the Soviet Union, and continues to recognize Estonian diplomatic and consular representatives in this country.

When the 89th Congress adopted House Concurrent Resolution 416, it was obvious that the people of America vigorously deplored the denial of self-determination for this Baltic nation. It is our hope that ultimately this valiant country will regain her freedom and independence.

GREAT GALAXY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, recently the C–5 Galaxy cargo aircraft came to San Antonio.

This aircraft has been the subject of great controversy, but after inspecting and riding in it I feel assured that the investment our country has made in the C–5 Galaxy is well worth it.

Mr. Speaker, I would like to share with you and my colleagues the account of the giant C–5's visit to San Antonio as reported by Mr. Ed Castillo in the February 1, 1970, San Antonio Light newspaper:

GIANT C–5 HAS SAN ANTONIO SAYING "GREAT GALAXY!"

(By Ed Castillo)

It was love at first sight for airmen, air base employes and 65,000 other San Antonians as they watched the fantastic C–5 Galaxy cargo aircraft touch down at Kelly AFB Saturday.

It was the first visit by the air monster to San Antonio, and air-minded San Antonians turned out in droves to see what the latest super size flying machines looked like, and to bid it welcome.

The largest crowd, led by Rep Henry B. Gonzalez, Maj. Gen. W. H. Reddell, commander, San Antonio Air Materiel Area; William Ochse, president, San Antonio Chamber of Commerce, and Corky Sledge, head of the chamber's armed forces committee, cheered approval as the super colossal aircraft whooshed by for its first pass over the main Kelly runway.

On its second fly by, aircraft commander Col. Jesse P. Jacobs wanted to show off his proud bird's underpinnings, so he opened up the huge belly and let down what seemed like enough wheels and tires to open up a not-so-small aircraft parts store.

On a third pass, one of Kelly's information officers remarked, "on this one he'll really pour on the coal," which Jacobs proceeded to do. He finally brought Galaxy whining down the runway in what had to be about as smooth a landing as any Air Force veteran could wish for.

As the big bird turned and taxied toward its parking spot, the C141 Starlifter wheeled by, heading for the runway and its long flight to Vietnam. The veteran cargo plane looked small as it passed its big new Air Force brother. After Jacobs switched off his four TF 39 GE engines, each weighs 7,150 lbs.), a T29 twin engine aircraft (Convair 240) was parked next to it, and the big bird made it look like a Piper Cub.

Once the fore and aft sections of the plane had been opened, visitors poured through what seemed like the inside of a supersized quonset hut, or maybe one of Kelly's smaller hangars of years gone by. A police security vehicle which had been driven into the aircraft was driven back out by an awed Kelly cop.

In the meantime, Jacobs, a veteran of 27 years in the Air Force who originally hailed from Shelbyville, Tenn., led the group of dignitaries to the "second floor" of the spacious airplane. It was like a proud host taking some of his guests through a new home. "Let me show you the upstairs," said Jacobs, as the officials followed.

TOP DECK

At the back of the cargo compartment (which would make a lovely roller rink), Jacobs climbed a ladder to the top deck where he pointed out a spacious lounge containing some 70 comfortable seats. It could well have been a small theater.

Back down to the main deck then to the front of the imposing aircraft went Jacobs. He led the group up another ladder—this one to his "workshop" where the colonel conducts business. The cockpit of the plane could well be up on about the second floor of a building. The numerous instruments include a closed circuit TV to check instruments in other areas of the plane.

Back of the cockpit are crew quarters which Jacobs compares in comfort to those of a Polaris sub. "All we lack," says the colonel, "is a shower, and I guess we can go a day or two without that."

How does Jacobs, who has flown over 90 different type of aircraft, feel about the handling of the Galaxy?

"The controls are very crisp and very responsive. The Galaxy is more pleasant to fly than a lot of other heavy aircraft, and even some of the smaller ones," says the veteran aviator.

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HE LIKES IT

Jacobs, who seems to be as good a public relations man as he is a pilot, is genuinely enthusiastic as he goes through the routine of explaining the plane to newsmen several times.

He compares the Galaxy to football fields, high buildings, and the interior of large garages, but getting right down to basics concerning the new giant of the skies. Jacobs remarks, "It is one of the most important aerospace vehicles the U.S. Air Force has ever purchased."

As Jacobs headed for the officer's club with hopes of getting in a round of golf or two before departing at 3 p.m. Sunday, Kelly employes and their families continued to pour through and around the world's largest aircraft.

Across Kelly's vast network of runways, some visitors spotted the old six-engined XCX99, which only 15 years ago was the talk of the base. The prop driven cargo plane serves as a museum, and also of a reminder of how far the air age has come in a comparatively short period of time.

SAAMA personnel have been ready for changes before, and now they are ready for the Galaxy. For it is they who will furnish logistic support for the important new member of the Air Force family, since it is SAAMA and Kelly which have been designated system support manager for the aircraft and item manager for its TF39 engine.

CARDINAL KROL RECEIVES MAN OF THE YEAR AWARD FROM TEMPLE ADATH ISRAEL

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, I have often referred to the great city of Philadelphia, for I am truly proud of it and its people. Philadelphia is called the city of brotherly love and it merits that name for it is a city containing many religious, racial, and ethnic groups who work together.

An excellent example of the brotherly love which prevails in Philadelphia occurred several days ago. John Cardinal Krol, archbishop of the Philadelphia Archdiocese, received the Man of the Year Award for brotherhood from Temple Adath Israel. In presenting the award, Rabbi Martin Berkowitz, spiritual leader of the temple, said "because we recognize him as a human being who is genuinely interested in other human beings, whether he knows them or not."

Cardinal Krol said in accepting the award:

> As a citizen of Philadelphia, the City of Brotherly Love, I share with all my fellow citizens the commitment to make this a City of Brotherly Love in fact as well as in name.

The above speaks for itself. This demonstrates genuinely—brotherly love.

POMPIDOU AND THE MIDDLE EAST

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the President of the Republic of France yesterday addressed a joint session of the Congress. Today, our newspapers carry comments, editorials, commentary, news articles, and so forth, regarding the address. Conspicuously absent from the address was a clarification of his government's policy toward the Middle East.

The oldest daily newspaper in the United States, and one of the finest, the Philadelphia Inquirer, this morning contains an excellent editorial commenting on the address, which I believe should not only be read by every Member of the Congress, the President, and the Secretary of State, but also by Mr. Pompidou.

I include the editorial at this point in the RECORD.

POMPIDOU AND THE MIDEAST

In his address to Congress Wednesday, as in earlier public statements since his arrival in Washington Monday, President Pompidou of France has continued to be less than candid concerning his government's policy in the Middle East.

We are, quite frankly, disappointed.

It remains our hope that in the remaining days of his visit to the United States President Pompidou will be more precise and more enlightening in his discussion of Mideast problems than he has been thus far.

He has an excellent opportunity, during his American tour, to disassociate himself and his country from the objectives of Arab fanatics who seek to destroy Israel and to commit atrocities against the Israeli people that would be reminiscent of Hitler at his worst.

President Pompidou cannot do this with bland generalities about peace.

The fact is that France has embarked upon a highly dangerous and extremely explosive course of funneling massive military aid, including jet aircraft, to the Arabs through Libya.

And speaking of fanaticism, it would be hard to find any group more fanatic and irresponsible than the military junta in Libya.

Pompidou's contention that it is better for the Arabs to get their military hardware from France than from the Soviet Union is a flimsy argument indeed. The transparent superficiality of such a lame excuse will fool no one.

The Arabs are getting arms from both Russia and France. There is no indication that increased shipments by France will produce a reduction by the Soviets.

As for President Pompidou's persistence in advocating a four-power solution to the Middle East troubles, how can this be possible when two of the four powers—France and Russia—are openly and actively fueling the Arab war machine?

The way to peace in the Middle East is not to be found in competition with the Soviets for the favor of Arab fanatics, who are dedicated to eradication of the Israeli nation and annihilation of the Israeli people.

FURTHER REVELATIONS ON OUR BETRAYAL OF THE REPUBLIC OF CHINA

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, the infamous role this Nation played in sabotaging the government of President Chiang Kai-shek in the 1940's is still coming to light. The most recent and most damning evidence is contained in a publication of the Senate Internal Security Subcommittee detailing the espionage activity known as the Amerasia case.

Senator STROM THURMOND's newsletter of February 16 deals with this subject and, rather than try to paraphrase his excellent commentary, I would like to insert it here in the RECORD to make it a permanent part of the history of that period. I have addressed the House on a number of occasions over the years touching upon the infamy of this period in our history and it is encouraging to have this official admission that this espionage and this attack upon our loyal ally, the Chiang government, actually took place as I detailed. This is not a period in which the United States can take much pride, but in all fairness to the Republic of China, our record should be made public for the benefit of historians.

The newsletter follows:

STOLEN DOCUMENTS

The Senate Internal Security Subcommittee has just published a set of historic documents that tell how American policy in Asia was subverted. The documents in question—the famous Amerasia papers—were stolen from top-secret government files. They included diplomatic and intelligence reports and correspondence. They were recovered in 1945 by the FBI from illegal possession in the office of a Communist collaborator.

Yet the story they tell shows that subversion of policy can sometimes more effectively aid the enemy cause than actual espionage. After twenty-five years, the top-secret classification has been removed. One can read the actual text of the secret reports from China, for example, of U.S. career diplomat John Stewart Service, as he glorified Mao Tse-Tung and the whole Communist apparatus seeking to overthrow Free China. Service and his associates—such as Owen Lattimore, John Carter Vincent, John Paton Davies, Jr., John K. Emmerson—continually told their superiors that the Communists were men of integrity and vision, democratic and peace-loving. Chiang Kai-Shek and the leaders of Free China were painted as corrupt, inefficient, reactionary, and lacking the support of the people.

Apologists for Service and his group have claimed that they were merely making accurate assessments of the scene; they even argue that the collapse of Free China proved the collaborators were right.

This defense of subversion collapses now that the texts of the documents are published. The official U.S. policy was to support Chiang Kai-Shek; yet here we read the very reports by which Service and his associates did everything possible to undermine confidence in the anti-Communists. Service actually dictated policy from his post in China, and demanded that support be withdrawn from Chiang. He worked to get himself established as a U.S. representative to the Mao headquarters, thereby giving recognition to the Communists. At one critical point, he actually disregarded the orders of the U.S. Ambassador and boldly held a special conference with Mao at a crucial moment.

The cumulative effect of this skillful advocacy of the Chinese Communist cause within the ranks of the U.S. State Department was to weaken the resolve of the President and his top advisors. An embargo was placed upon aid to Chiang, and Chiang was forced to accept a truce with the Communists. We abandoned Free China at the decisive moment.

Meanwhile, the pro-Communist magazine Amerasia was spreading the same propaganda on the home front. The editor and publisher of the magazine, Philip Jacob Jaffe, was a wealthy businessman who gave large sums to the Communist Party, lectured and wrote for the Party, and participated in

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various Communist action programs. When the FBI raided the magazine's office, agents found hundreds of top-secret documents relating to U.S. China policy, ranging from the reports of Service to personal correspondence between President Roosevelt and Mao Tse-Tung.

For reasons never fully explained, Jaffe was not tried for espionage; he pleaded guilty to conspiracy to steal U.S. documents, and paid a fine of $2500. Service, who had a close relationship with Jaffe, was arrested, but not indicted. He returned to the Foreign Service, and retired in due course.

Twenty-five years after the fact, these documents appear at a propitious time. The Nixon Administration is reassessing U.S. policy towards Communist China. Talks are being held with the Red Chinese ambassador in Warsaw. Such talks can be very deceptive. We now have the benefit of hard experience. We know what Chiang Kai-Shek has done for his people on Taiwan; we know also what Mao has done on the mainland. We should not forget that a small band of dedicated careerists started us off on a path that has led to the enslavement of 700 million people, and to the fighting of two major wars, in Korea and Vietnam.

Sincerely,

STROM THURMOND.

COMPLAINTS NOTICEABLY ABSENT AS CONCORDE BOOMS OVER LAND

(**Mr. PELLY** asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PELLY. Mr. Speaker, it has been widely reported by opponents of the supersonic transport program that we should not proceed with an SST because of the sonic boom.

I have continually brought to the attention of my colleagues that we are in the era of the SST, whether opponents like it or not, with both the British-French Concorde and the Russian TU-144 undergoing test flights at this time.

But, aside from the economic arguments that favor the U.S. continuation of the SST program, the matter of the sonic boom has been more clearly defined and indicates strongly that the effect is nowhere near the disastrous proportions excitedly proclaimed by the opposition.

It is said the Presidential committee that studied the SST, stated:

> All available information indicates that the effects of sonic boom are such as to be considered intolerable by a very high percentage of the people affected.

The phrase "all available information" is important, Mr. Speaker, for I have said all along that one of the reasons for prototype development, such as we are now engaged, is to study these problems. But, again, ahead of us the British and French have been flying their SST at supersonic speeds over both water and land. The sonic boom effect has been of little significance.

For the information of my colleagues, I include an article on this subject, reported in the February 19, 1970, issue of the Machinist, at this point in the RECORD:

COMPLAINTS NOTICEABLY ABSENT AS CONCORDE BOOMS OVER LAND

The first results of supersonic flight tests of the British-French Concorde SST are exciting SST supporters the world over.

Concorde 001, the first prototype, has now logged more than 21 hours of flight time at speeds up to 1,070 miles an hour. The operating results, called "Perfect" by Sud Aviation's test pilot Jean Franchi, were overshadowed only by the effect or lack of it, of the sonic boom.

The French were daring enough to put their SST through its paces over land as well as over the ocean. Sud officials report there have been no damage claims filed because of the boom, and no significant increase in noise complaints since the supersonic tests began in five air corridors over Southern France.

Franchi reports that the first supersonic flight was flown "very cautiously," but the plane performed so well that he was soon arcing 180-degree turns with 50-degree bank angles, all at supersonic speeds. Franchi adds that the only real way he could tell when the Concorde broke the sound barrier was to watch the instruments.

MOOD CONTROL PUTTING THE DRUG PROBLEM INTO CONTEXT

(**Mr. HANNA** asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, in his new book "The Perfect Day," Ira Levin describes a future in which every person's mood is programed. Once every week all humanity lines up to receive a shot of mood control drugs. A computer is charged with the responsibility of administering the appropriate chemicals to each man. For 7-day cycles men and women live their programed routine, acting and reacting in the manner in which the drug given them dictates. Human emotion, intelligence, and freedom are replaced by a computer determined drug.

Of course, Mr. Levin's book is fiction. What is not fiction, however, is rising legal and illegal use of mood control substances. I purposefully chose to begin my remarks with a brief description of Mr. Levin's theme in order to more dramatically underline my concern over the lack of congressional understanding and sensitivity to the issue of mood control.

Before proceeding any further, let me define my terms. When I talk of mood control, I am referring to the process of artificially producing a state of mind, feeling, or emotion. The artificial process is usually in the form of some drug administered orally, inhaled, or by injection into the bloodstream.

I realize that when I use the term "mood control" I am discussing a concept not yet popularized nor adequately understood. In the context of today's thinking, we tend to discuss the issue of mood control in terms of illegal drug abuse.

Those whose frame of reference is "drug abuse" are intellectually conditioned to believe this is actually the problem. In fact, it is not the problem. Drug abuse and illegal use of drugs is one of the manifestations of the real problem. And the real problem is the desire, for whatever one's reason, to artificially induce a mood—whether that mood be euphoric, calm, aggressive, tranquil, or another of an increasing number of mood choices. Let me stress again that drugs are abused in order to effect a change in mood.

While it is important whether people use drugs legally or illegally, the most important questions to be answered are why are we using these drugs in the first place, and what are the implications for the future as mood drugs become more advanced, more accessible, and more tolerated. Unfortunately, no one today can adequately answer these two questions. And unless our emphasis changes, we may never be able to answer the questions.

When Congress understands that the substance of the matter before it is not the isolated question of illegal drug abuse, but in fact the entire matter of mood control, it will have come a long way toward putting this issue in the perspective required to effectively deal with it.

When we put the drug issue in the context of mood control, and then look at the problem, we realize how complicated and contradictory both our law and morals are on this question. We also realize how little we know.

Let me say before proceeding further with this statement that it is not my intention to issue a blanket indictment of mood drugs. When the administration of these drugs is carefully administered and monitored by a physician their medical usefulness cannot be questioned. Many of these drugs are being appropriately applied to emotional and physical disorders we were unable to competently deal with only a few short years ago.

My concern is directed primarily at the increasing legal and illegal use and abuse of these drugs without a physicians knowledge or supervision. I am concerned over the extent to which people are willing to, without professional direction, induce serious mood changes by using chemical substances they have obtained from either the drugstore, liquor store, or underground market.

Mood control substances are legally available and their use is increasing with society's approval. Mood control substances are illegally available and their use is increasing, but condemned by society. These two statements are contradictory, but both are true. As a matter of fact, in many instances the same drugs are involved.

Amphetamines are a good example. Americans seem to have few, if any, objections to the use of amphetamines as mood control agents. As a matter of fact, we legally produced 8 billion of these pep pills last year—enough for 40 legal doses for every man, woman, and child in the country. Yet we scream with indignation when young people obtain and use them illegally.

What this suggests, and this of course is only one example, is that we will not only tolerate, but indulge in mood control as long as it is sanctioned by law, and despite medical warnings on over using mood pills. We seem to be willing to accept mood control substances as part of our culture, as long as they are not obtained illegally, or used by our young.

Evidence of this can be gained in any drugstore. One does not even need a doctor's prescription to purchase such ex-

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otic sounding mood drugs as Alva Tranquil, Compoz, Vivarin, Devarex, Nervine, Somicaps, Sta Kalm, and a wide variety of other products. There are over 100 of these on the market. Americans spend tens of millions of dollars each year on these over the counter mood control drugs.

Almost 17 percent of all prescription drugs in 1968 were either tranquilizers or stimulants. Approximately 170 million prescriptions during 1968, the most recent year with available information, were for tranquilizers or stimulants. Add to this the $15 billion worth of alcohol, one of man's oldest mood inducing drugs, consumed in 1968, and you have a fair idea of the acceptable and legal amount of mood control drugs used in 1 year.

Mood control drugs, like alcohol, have always been with man. But recently, perhaps in the last 15 years, mood drugs of all sorts have become legal and overwhelmingly available. And Americans, by the millions, use these drugs in increasing dosages and varieties every year—many disregarding their physician's recommendations on the quantity or on how often the pills are to be taken.

A society this hooked on legally available and increasing numbers of mood drugs has quite a credibility gap when it attempts to focus the thrust of the drug problem upon the illegal use of many of these same, and other, chemical substances by the young.

We are rightfully charged with hypocrisy. It is absurd to condone rising mood drug use among adults, and condemn the practice among the young.

A good deal of the generation gap in regard to drugs can be explained by these frames of reference. Parents tend to look at drugs in the context of illegal abuse. Their children view drugs in terms of the mood produced when taken. I have found, however, that there is no generation gap in the actual use of drugs. Both parents and their children are taking mood drugs at increasing rates. The principle differences between the generations seems to be how they obtain the drugs, the choice of drugs used, and the reasons for mood drug use.

We hear more about the kids because their primary sources of drugs are from illegal markets. Their parents are capable of obtaining mood drugs by prescription or over the counter—particularly the liquor counter.

While apparently the young prefer marihuana, which is illegal, their parents depend on alcohol and tranquilizers, both legal and available.

Young people most often tell us they use mood substances in order to "break out" or for a "trip." Adult users consume their chemical mood inducers in order, their children are told, so they can cope with everyday life.

The point, of course, is not in the differences between the reasons, kind, or source of mood control substances. The point is that mood control has become acceptable to young and old, when it once was confined primarily to adults. Each accuses the other of being responsible for the drug problem, when in fact, all use mood drugs—and at increasing rates.

My concern is directed equally at the rising incidence of legal and illegal mood drug use. I am as concerned about rising mood drugs used by adults as I am by their children. I cannot agree with those who suggest we become more permissive in the use of mood drugs. We are already overwhelmed by the legal use of these drugs and no one understands what further intellectual and cultural tolerance means in terms of the future. It is entirely likely that adequate research would probably determine that many are legally, and even more are illegally, polluting their mental process in their abuses of mood drugs. This could turn out to be the most damaging pollution problem of our times. No one really knows if this is the case. Even the most permissive among us could not, I believe, support a world in which our humanity was replaced by drugs—the world described by Mr. Levin.

Nor can I agree with those who believe all our problems will be solved by simply passing laws providing for stricter law enforcement aimed at illegal drug use. While we may reduce illegal use of mood drugs, the legal use of these drugs will continue to rise. Americans will continue, increased numbers, to take advantage of an increasing variety of drugs.

The real danger of putting all our eggs in the law-enforcement basket, is that we can be lulled into believing that we are dealing with the problem, when we will only really be dealing with a symptom. Illegal drug abuse is only a manifestation of our society's willingness to use mood control substances.

The real problem will continue to grow, and may reach a point from which we will be unable to return. We may find that we have made for ourselves a culture in which, as the noted British scientific journalist, Gordon Rattray Taylor, suggested:

> No longer will people be happy or sad, amicable or aggressive, active or lazy, calm or anxious, merely because it was their nature or because circumstances evoked the mood; they will be so because they took the appropriate pill.

Earlier I raised two questions. I asked, Why are we taking these drugs? I am sure many will come forward with answers. And while I, and others, have opinions, they are not based on adequate facts. We do not have the facts, and little is being done to obtain the needed facts. Our scientific community has neither been given the resources nor direction.

The second question I asked was, What are the implications of present drug use on the future? No one can adequately answer this question. Hardly anyone is asking it. We have pitifully few hard facts on what mood drugs are doing to us today, let alone what their future implications might be.

And as we learn more about the human brain, new kinds of drugs will become available. Scientists have already reported developing a substance that can control aggression. Others have produced a chemical substance that induces fear. The next few decades will bring mood drugs that make LSD and speed look like aspirin. Our increasing medical technology in mood control demands that we revise our thinking and change our present one-dimensional direction on this issue.

Let me suggest a course of action that I believe will help answer the two questions I raised, and thereby help us meet the serious challenge that the mood drugs present.

First, Congress should declare as urgent our need to understand the ramifications of the present mood drug revolution. These ramifications are both in attitude, as evidenced by the increasing use of mood drugs; and, second, our scientific technology that continually discovers new substances that effect mood.

Next, adequate funds must be made available to the National Institute of Mental Health. These funds should be used to carry on an extensive research effort. The research should be aimed at every aspect of mood drug use—why they are used, and abused, what are their effects on the human mind and body, the implications of long-term use, and what we might anticipate in the future.

I have introduced legislation, cosponsored by 31 other Members, that would double NIMH funds in mood control drug research. At present, we spend about $12 million in this area. My bill would authorize $25 million. We need the facts. We presently do not have them. Without them we cannot make rational decisions. The information obtained from this research must be intensively dessimated as envisioned in the Drug Abuse Education Act which I cosponsored last year. Only through abundant and accurate information will the public and the Congress obtain a real appreciation of the issues we must decide upon.

The NIMH should be directed to develop a coherent policy on mood drugs. We should ask it to recommend our Nation's ground rules for the use of all these mood drugs. And we should require NIMH to suggest changes in the laws that will be consistent with these ground rules and sound medical evidence.

Finally, we should vigorously prosecute our fight against illegal drug use. However, this effort should be in perspective to our total concern over the mood control drugs. It should not be our primary preoccupation at the expense of the more fundamental components of our policy.

Today, the law-enforcement aspect of this issue is our primary concern. This is due primarily to the fact that the issue has never been adequately identified by public leaders. Hopefully, this statement will assist in more precisely defining the challenge.

Second, law enforcement, as a means for dealing with complicated problems, is easy to advocate because it is both popular and well understood. Politicians tend to exaggerate the popular solution out of all proportion to its ability to deal with the problem. As a result, the public often confuses both the problem and the solution. This is now our situation, and we are all responsible.

Before Congress is a wide range of bills, including two of my own, which have law enforcement as their principle theme for controlling drug use. There is very little legislation dealing with the more basic questions of policy concerning mood drugs. The danger of such overemphasis on only one part of the mood control drug

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issue is that law enforcement has become the principle solution being offered. And it is being offered at the expense of considering the other vital aspects of what should be our policy.

The main enforcement proposal, offered by the President, goes so far that it hands the whole question of policy over to the Attorney General. While I agree that he should be responsible for the enforcement end of the problem, he should not be making medical decisions, or carrying on the research function. Such an emphasis on enforcement and the Attorney General will leave untouched the larger questions which I explored earlier.

While I favor strong enforcement for the illegal drug use component of the mood drug problem, there are a number of very offensive and dangerous recommendations in the President's proposal. It is a prime example of what happens when the issue becomes confused, and the most simple and popular solutions pushed.

Among the offensive provisions are the Attorney General's ability to interfere with physician-patient relations, requiring physicians to keep absurdly detailed records, and transferring the essence of mood drug policymaking from a medical and scientific agency to a law-enforcement agency. Most offensive is the so-called no-knock provision of the bill, which in the hysteria for a law-enforcement solution to mood drug use, we may very well sacrifice some of our most fundamental and basic rights. At the end of this statement, I will append two editorials, one from the Santa Ana Register, and one from the Los Angeles Times. Both papers expose the no-knock feature of the President's bill for the dangerous precedent it establishes. These provisions must not be allowed to pass the House.

The misguided features of the bill amply demonstrate the type of legislation that can result when there is a lack of understanding about the nature of a problem. Mood control drugs are in the realm of those issues that inflame the passions, and as a result discussions about policy more often become abusive shouting matches, and are open to the basest type of demagogic appeal. Politicians have an extra obligation to be responsible on this issue. The climate of opinion we create must, in our form of government, influence our decisions—and decisions on mood control drugs affect the most important and valuable organ we possess—our mind. It would be the highest form of irony if we proved incapable of dealing rationally with an issue that physically affects our source of reason.

It is my hope that this statement offers a beginning to the discussion on the entire question of mood control. I firmly believe that we must deal with the issue in this context. We have devoted much too much time to talking about mood control in terms of the one dimensional, but most visible, manifestation of the issue—illegal drug use by the young. The use of mood control drugs permeates every age and group in the Nation. It is not confined to the college or high school campus. These drugs are found in the medicine chest, on drugstore counters, and in liquor stores. It is a problem that promises to increase as we learn more about the human brain and how to control its processes.

Once we understand all this we will be much better prepared to deal with the basic questions already raised—questions that cannot be answered today. The Federal Government must be required to take the lead. We will have to rely heavily on the advice of our medical and scientific communities. But we will also have to consult equally with religious leaders, and our Nation's recognized social philosophers. Mood control is more than just a scientific question, or a question that can be answered by a government. This issue goes to the very fabric of man, and it is only by gaining an acceptable definition of who we are will we be able to deal rationally with drugs that are capable of altering us.

The above-mentioned editorials follow:

[From the Santa Ana (Calif.) Register]

NO KNOCK ON THE DOOR

The Senate has passed the so-called "no-knock" authorization in connection with its efforts to catch drug suspects.

As passed by the Senate and sent to the House, the bill provides that if police have cause to believe there are drugs in a home or other building, they can go to a judge and get a search warrant. Then they don't have to knock, they can barge into the building and conduct the search—presumably they can even break down the door.

Sen. John McClellan of Arkansas is one of the defenders of the severe narcotics law, which includes the "no-knock" provision.

"We've got a war on our hands, a war against crime," he said, according to Don Oakley of Newspaper Enterprise Association.

That, of course, is the reason many well-meaning people in government—and some outside of government—give when they approve legislation which violates the rights of the individuals. The war against communism is given as the reason for using involuntary servitude (the draft) to send soldiers around the world, just as politicians used the war against Nazism in World War II.

But once the politicians invade individuals' rights in the name of a "war" or in the guise of some other "good" cause, the individual does not regain those rights.

This is not to defend those who prey on others in the sale of narcotics. But if officers have the authority to break down one's door because someone believes there are narcotics inside, they can use the authority for some other purpose.

There have been mistakes. If an officer makes a mistake and believes that a home is being used by a narcotics peddler, he can get a judge to sign a search warrant which authorizes the officers to break down the door. It would seem to us there should be a rather severe penalty against both officers and judge if the homes of innocent parties are entered in this manner.

There already are too many instances in which government agencies invade the privacy of individuals. The House of Representatives should quickly discard this no-knock authorization.

[From the Los Angeles (Calif.) Times, Feb. 2, 1970]

"NO-KNOCK" AND BASIC RIGHTS

(ISSUE.—What is wrong with the Senate-passed provision allowing unannounced entry into private homes by narcotics agents?)

In their understandable concern to give law enforcement authorities new weapons to fight the growing crime problem in the nation, the Administration and Congress may unwittingly be moving to erode certain rights which are fundamental to the preservation of a free society.

Preventive detention of certain suspects, who could be held without bail for up to 60 days in the belief that they might if released commit crimes, is one example. The latest move is contained in a bill passed by the Senate last week which could permit federal investigators in narcotics cases to break into homes without warning or identification.

The "no-knock" provision was part of an omnibus drug-control bill which contains many good features. The intent of the no-knock statute is to strengthen the evidence-gathering powers of law enforcement officers. But inescapably, the provision represents a threat to the privacy and security of all citizens.

The statute allows an officer, after obtaining a warrant from a judge, to enter a home or other building without notice (e.g., by kicking down a door) if the judge issuing the warrant can be convinced that illicit narcotics are on the site and "will be" destroyed or disposed of if advance notice of entry were given.

Under present law narcotics agents seeking entry must first identify themselves. This has sometimes resulted in suspects destroying evidence before permitting agents to enter. The sudden, unannounced entry which the new statute would permit is supposed to get around this.

But the statute is confusing.

It is not clear if it is permissive or mandatory, that is, whether a judge must issue a no-knock warrant after being told by agents illegal narcotics are at a certain site. Moreover it demands prescience which no man, judge or otherwise, possesses. How is anyone to know whether evidence "will be" destroyed?

Beyond this, the potential for abuse and error in implementing the new authority is vast.

To take out one example, what if federal agents make a mistake and kick down the door of the wrong house? And what if the inhabitants of that house, properly terrified by this invasion, try to flee, or respond by taking up one of the millions of guns in private hands to shoot at the intruders? What then?

The possibilities of practical error and tragedy resulting from this new statute could be multiplied. The overriding issue in any case is plain. The no-knock provision smacks too much of the authority given the Soviet secret police or the Gestapo. It is destructive of our basic rights, and the House should act with greater wisdom than the Senate and reject it.

AUTONOMY AND THE UNITED MINE WORKERS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, we have heard a great deal about the lack of autonomy in many of the district offices of the United Mine Workers of America. In my State of West Virginia, none of the district officials are elected by the members, but are handpicked by the top officials of the United Mine Workers of America in Washingtoon, D.C. This lack of autonomy at the district level persists despite the fact that West Virginia is the largest coal-mining State in the Union.

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For several years there has been pending a suit in the U.S. District Court for the District of Columbia, because the continued long existence of these "trusteeshps" constitutes a clear violation of the Labor-Management Reporting and Disclosure Act. The suit by the Secretary of Labor has been delayed for over 5 years, and a number of efforts are persistently made by the United Mine Workers of America to further delay the start of the trial. To clarify the issues involved, I have obtained copies of the pretrial statement filed by the Secretary of Labor with the court, as well as the UMWA pretrial statement in defense, which follow:

[In the United States District Court for the District of Columbia]

(*George P. Shultz, Secretary of Labor, U.S. Department of Labor, Plaintiff,* v. *United Mine Workers of America, et al., Defendants*—Civil action No. 3071-64.)

Plaintiff's Pretrial Statement

NATURE OF THE PROCEEDINGS

The Secretary of Labor has brought this action against the United Mine Workers of America and the officers of Districts 4, 6, 7, 17, 23, 30, and 31 of the Union pursuant to Title III of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519 *et. seq.*, 29 U.S.C. 461 *et seq.*) for a declaratory judgment declaring that the continuance of the trusteeships over the said districts constitutes a violation of the Act in that it is not necessary for any of the purposes allowable under 29 U.S.C. 462, and enjoining defendants from continuing such trusteeships.

The defendant International Union is divided into districts, sub-districts, and local unions. The districts are chartered by and subordinate to the International Union, and, under the International Constitution, districts are grated certain rights and responsibilities regarding the conduct of union affairs within their jurisdiction. All local unions are attached to the district organizations encompassing the geographical area within which they are located.

RELEVANT STATUTORY PROVISIONS

Section 402(h) of 29 U.S.C. provides that a "trusteeship" means any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws.

Section 402(i) of 29 U.S.C. defines a "labor organization" as an organization of any kind "in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged, which is subordinate to a national or international labor organization . . ."

Section 461 of 29 U.S.C. provides that every labor organization which assumes a trusteeship over any subordinate labor organization shall file with the Secretary of Labor within 30 days after September 14, 1959, or the imposition of such trusteeship, and semiannually thereafter, a report signed by its President and Treasurer or corresponding principal officers, as well as by the trustees of such subordinate labor organization, containing the following information:

1. The name and address of the subordinate organization.
2. The date of establishing the trusteeship.
3. A detailed statement of the reason or reasons for establishing or continuing the trusteeship.
4. The nature and extent of participation by the membership of the subordinate organization in the selection of delegates to represent such organization in regular or special conventions or other policy-determining bodies and in the election of officers of the labor organization which has assumed trusteeship over such subordinate organization.

During the continuance of the trusteeship, the labor organization which has assumed the trusteeship is also required to file on behalf of the subordinate labor organization the annual financial report required by Section 431(b) showing assets and liabilities, receipts, salaries, disbursements, and loans.

Section 462 of 29 U.S.C. provides that trusteeships shall be estabislhed and administered by a labor organization over a subordinate body in accordance with the constitution and by-laws of the organization and for the following purposes:

1. Correcting corruption or financial malpractice.
2. Assuring the performance of collective bargaining agreements or other duties of a bargaining representative.
3. Restoring democratic procedures or otherwise carrying out the legitimate objectives of such labor organizations.

Section 464 of 29 U.S.C. provides that upon complaint of any member of the subordinate body of a labor organization alleging that a violation of the sub-chapter entitled "Trusteeships" (except Section 461), the Secretary shall investigate and if he finds probable cause to believe that a violation has occurred, he may bring an action for such relief, including injunctions, as may be appropriate. In any such action a trusteeship shall be presumed to be valid for a period of eighteen months after its establishment, but after the expiration of eighteen months the trusteeship shall be presumed to be invalid and its discontinuance shall be decreed unless the labor organization shall show clear and convincing proof that the continuance of the trusteeship is necessary for a purpose allowable under Section 462.

RELEVANT FACTS AS TO WHICH THERE IS NO DISPUTE

1. The defendant, United Mine Workers of America (UMWA), an unincorporated association, is a labor organization engaged in an industry affecting commerce within the meaning of Sections 3(i) and 3(j) of the Act (29 U.S.C. 402(i) and (j)), and maintains its principal office in the District of Columbia within the jurisdiction of this Court (Def. Ans., par. III).

2. The UMWA represents workers in the United States and Canada who are employed in the coal industry, i.e., in and around coal mines, coal washeries, coal processing plants, coke ovens, and other related operations (Def. Resp. to Pl. Req. for Admissions No. 2).

3. The founding Convention of the United Mine Workers of America, held on January 25, 1890, assigned certain district numbers to certain geographical areas. The assignments made at that time were from number 1 through 21, as follows:

Districts: 1. Anthracite—Pennsylvania. 2. Central Pennsylvania. 3. Low Grade—Pennsylvania. 4. Coke Regions—Pennsylvania. 5. Pittsburgh District—Pennsylvania. 6 to 10. Ohio. 11. Indiana. 12. Illinois. 13. Iowa. 14. Missouri and Kansas. 15. Colorado, Washington and the Territories. 16. Maryland. 17. West Virginia. 18. Virginia. 19. Tennessee and Kentucky. 20. Alabama and Georgia. 21. Texas, Arkansas, and the Indian Territory.

From time to time thereafter district numbers were reassigned and new district numbers were assigned. The subsequent history of the districts numbered 4, 6, 7, 17, 23, and 31 is set forth below.

District 4. The affairs of the union within the geographical area designated as District 4 have been administered by a provisional organization since at least 1922.

District 6. Subsequent to the assignment of numbers 6 through 10 to Ohio in January, 1890, a district organization to administer the affairs of the Union within the entire State of Ohio, which was given the name "District 6," was established. The Panhandle section of northern West Virginia was included in the area covered by District 6 at some later date. It was autonomous until 1931. District 6 was given semi-autonomous status in 1939.

District 7. The number 7, which had orginally been assigned to Ohio, was assigned to territory in Pennsylvania which had previously been included within District 1 in 1898. A district organization was created in this territory at that time. The autonomy for District 7 was terminated on October 8, 1941. On or before April 1, 1969, Districts 1, 7, and 9 were merged to form Provisional District 25.

District 17. Since the assignment of the number 17 to the State of West Virginia in January 1890, three areas within that State have been assigned to other districts. The northern Panhandle of West Virginia is now within District 6, northern West Virginia now constitutes District 31, and southeastern West Virginia now constitutes District 29. A district organization was established within District 17 in April, 1890. The district organization was autonomous for some period of time thereafter. Autonomy was temporarily suspended for the period between February 21, 1916 and January 1, 1917. On June 16, 1924, following an extended strike, a provisional district organization was established which has continued to date.

District 23. The number 23 was assigned to southwestern Kentucky and Tennessee south of Chattanooga, which had previously been included within the area designated as District 19, at some time in 1892. An autonomous district organization (No. 23) was created within this area.

District 30. The number 30 was assigned to eastern Kentucky, which had previously been included within the area designated as parts of Districts 17 and 19, on January 8, 1920. The affairs of the union in eastern Kentucky have been administered by a provisional organization since the number 30 was assigned to that area on January 8, 1920.

District 31. The number 31 was assigned to northern West Virginia, which had previously been included within the area designated as District 17, in March 1926. In March, 1926, the International Executive Board assigned the number 31 to northern West Virginia, which had previously been included in the territory assigned to District 17. A charter was issued to a district organization on May 1, 1926. This district organization has remained provisional since its creation and has never been autonomous, (Def. Partial Ans. to Int. Nos. 1, 3, & 5).

4. Prior to 1930, Article III, Section 2 of the Constitution of the International Union, UMWA, read as follows:

SEC. 2. All Districts, Sub-Districts and Local Unions must be chartered by, and shall be under the jurisdiction of and subject to the laws of the International Union and rulings of the Internationl Executive Board. Charters can be revoked only by the International President, whose action shall be subject to approval by the International Executive Board." (Def. Resp. to Pl. Req. for Adm. No. 3).

5. In 1930, Article III, Section 2 of the Constitution of the International Union, UMWA, was amended to read as follows:

"SEC. 2. All Districts, Sub-Districts and Local Unions must be chartered by, and shall be under the jurisdiction of and subject to the laws of the International Union and rulings of the International Executive Board. Charters of Districts, Sub-Districts and Local Unions may be revoked by the International President, who shall have authority

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to create a provisional government for the subordinate branch whose charter has been revoked. This action of the International President shall be subject to review by the International Executive Board upon appeal by any officers deposed or any members affected thereby. Until such review is had and unless said order of revocation is set aside, all members, officers and branches within the territory affected by the order of revocation shall respect and conform to said order. An appeal may be had from the decision of the Executive Board upon such order of revocation, to the next International Convention." (Def. Resp. to Pl. Req. for Adm. No. 4.)

6. The district officers of the UMWA for Districts 5, 8, 11, and 22 are normally elected by members of the UMWA within those districts. Such officers may be otherwise selected under unusual circumstances, such as the occurrence of a vacancy during a district officer's term. (Def. Resp. to Pl. Req. for Adm. No. 6).

7. The representatives of Districts 5, 8, 11, and 22 who serve on the International Executive Board are normally elected by the members of the UMWA within those districts. Such representatives may be otherwise selected under unusual circumstances such as the occurrence of a vacancy during the terms of office of the district representative. (Def. Resp. to Pl. Req. for Adm. No. 7).

8. The district officers of the UMWA within District 6, other than the District President and Secretary-Treasurer, are normally elected by the members of the UMWA within District 6, although such officers may be otherwise selected under unusual circumstances such as the occurrence of a vacancy during a district officer's term (Def. Resp. to Pl. Req. for Adm. No. 8).

9. The representative of District 6 who serves on the International Executive Board is elected by the members of the UMWA within District 6, although such representative may be otherwise selected under unusual circumstances such as the occurrence of a vacancy during the term of office of the district representative. (Def. Resp. to Pl. Req. for Adm. No. 9).

10. The International President has appointed the District President and Secretary-Treasurer for District 6 since April 8, 1931. (Def. Resp. to Pl. Req. for Adm. No. 10).

11. The International President has appointed the district officers for the following districts:

District 4—since June 14, 1923. District 7—since October 8, 1941, District 17—since June 26, 1924. District 23—since in the early 30's. District 30—since January 8, 1920. District 31—since May 1, 1926. (Def. Resp. to Pl. Req. for Adm. No. 11).

12. The International President has also appointed the District officers for the following districts: Nos. 2, 3, 10, 12, 13, 14, 15, 19, 20, 21, 27, 28, and 29. (Def. Resp. to Pl. Req. for Adm. Nos. 10(a) and 11).

13. Prior to 1960, the International President appointed a representative from each of at least the following districts to serve on the International Executive Board: Nos. 4, 7, 17, 23, 30, and 31. (Def. Resp. to Pl. Req. for Adm. No. 12).

14. The appointments made by the International President in the previous paragraph were made subject to the approval of the International Executive Board. (Def. Resp. to Pl. Req. for Adm. No. 13).

15. In 1960 and in 1964, the International Convention designated the representative from each of the districts named in paragraph 11, *supra*, to serve on the International Executive Board. (Def. Resp. to Pl. Req. for Adm. No. 14).

16. Since 1960, vacancies which have occurred between International Conventions in the office of a representative to the International Executive Board from any of the districts named in paragraph 11, *supra*, have been filled by appointment made by the International President, subject to the approval of the International Executive Board. (Def. Resp. to Pl. Req. for Adm. No. 15).

17. The *United Mine Workers Journal* is the official publication of the UMWA. (Def. Resp. to Pl. Req. for Adm. No. 60).

18. The *United Mine Workers Journal* is published by the International Executive Board, UMWA. (Def. Resp. to Pl. Req. for Adm. No. 61).

ISSUES OF LAW AND FACT

1. UMWA Districts 4, 6, 7, 17, 23, 30, and 31 Are Labor Organizations Within the Meaning of Section 402(h) and (i) of 29 U.S.C.

The districts are separate and distinct labor organizations which are chartered by the International Union. They own property, have bank accounts, pay rent, taxes, and insurance on property, hire employees, adjust disputes between the local unions and the coal operators. Each district is entitled to a representative on the International Executive Board which is the chief policy-making body of the International Union.

2. UMWA Districts 4, 6, 7, 17, 23, 30, and 31 Were Placed in Trusteeship by the UMWA Which Placed Them in Provisional or Semi-Autonomous Status.

By maintaining these districts in provisional or semi-autonomous status, the defendant International Union has denied the districts the right guaranteed by the Constitution of the International and by 29 U.S.C. Sec. 481, *et seq.*, to elect their own officers and to elect members of the International Executive Board.

3. The International Union Has Not Continued the Trusteeships of Districts 3, 4, 6, 7, 17, 23, 30, and 31 for a Purpose Allowable Under Section 462 of 29 U.S.C.

The said trusteeships have been in existence for more than eighteen months. Under 29 U.S.C. Sec. 464(c), trusteeships are presumed to be invalid unless the International Union can prove by clear and convincing evidence that they have been continued in good faith for a purpose allowable under Section 462 of 29 U.S.C. It is plaintiff's contention that no such allowable purpose can be proved.

REQUESTS FOR STIPULATIONS

The defendant, United Mine Workers, will be asked to stipulate the following:

1. If by the date of trial the reporter has not filed the originals with the Court, copies of the following depositions may be used at the trial: John P. Cassidy, James W. Kelley, Joseph Yablonski, Michael Budzanoski, and James G. Marks, Jr.

2. The deposition of John Owens, George Titler, and W. A. Boyle may be used at the trial for any purpose.

3. Authenticity of copies of the forms LM-2 and LM-15, the originals of which were signed by the officers of the Union or of the districts, is admitted without waiving objections as to relevancy.

4. Authenticity of copies of official publications of United Mine Workers is admitted without waiving objections as to relevancy.

Estimate of Trial Time: 3 days.

Respectfully submitted.

William D. Ruckelshaus,
Assistant Attorney General.
Thomas A. Flannery,
U.S. Attorney.
Harland F. Leathers,
David Orlikoff,
Attorneys, Department of Justice, Attorneys for Plaintiff.

CERTIFICATE OF SERVICE

I hereby certify that service of the attached Plaintiff's Pretrial Statement was made on defendants by mailing a true copy thereof to their attorney, Edward L. Carey, Esquire, 900–15th Street, N.W., Washington, D.C. 20005 on this 12th day of January, 1970.

David Orlikoff,
Attorney, Department of Justice, Attorney for Plaintiff.

DEFENDANTS' PRETRIAL STATEMENT

Come now Defendants, United Mine Workers of America, et al., by their duly authorized attorneys, for their Pretrial Statement and state as follows:

FACTS

Defendant United Mine Workers of America (hereinafter referred to as "International Union") is admittedly a labor organization, representing workers in the United States and Canada who are employed in and around coal mines, coal washeries, coal processing plants, coke ovens, and other related industries. All other Defendants are presidents and secretary-treasurers, respectively, of Districts 4, 6, 7, 17, 23, 30 and 31.

The International Union is the sole collective bargaining representative of the workers it represents, and does so in the name of the International Union, United Mine Workers of America, on behalf of each member thereof.

Continuously since 1945, the International Union has negotiated national wage agreements. In order to uniformly administer these national agreements throughout the twenty-eight coal producing States and Canada, the International Union's Constitution authorizes (but does not require) its elected officers to establish "Districts" for the conduct of the International Union's affairs in various geographically designated areas of the country. These Districts are administrative offices for the conduct of the International Union's affairs and the efficient and uniform implementation of the national collective bargaining agreements. The Districts do not have "members"; nor do they engage in collective bargaining. They are established and exist for the purpose of exercising, in the International Union's name and on the International Union's behalf, such functions as are delegated to them by the International Union. It is essential that the responsibilities delegated to the Districts be carried out strictly in accordance with nationally determined policies. They are merely administrative arms of the International Union. Membership in the International Union exists solely by virtue of membership in a duly charatered local union and there is no "membership" in a District. The members of local unions do not participate in the Districts.

The International President, Vice-President, Secretary-Treasurer, Auditors and Tellers, and all Local Union Officers are elected by secret ballot. All International Executive Board members of the Districts here involved, with the exception of Districts 6 and 7, are chosen by a convention of delegates elected by secret ballot. The International Executive Board member representing District 6 is elected by secret ballot; District 7 is no longer in existence. The members of the National Policy and Scale Committee, which negotiate all collective bargaining agreements, are elected by secret ballot.

As to the power of the District president and secretary-treasurer and their being the administrative agents of the International Union, at each successive Constitutional Convention of the International Union since 1938, there has been adopted concurrently with the adoption of the Constitution a resolution expressly declaring that the Districts are subject to the complete control of the International Union.

As to the history of these Districts, we contend the following facts are undisputed:

District 4

A geographical territory of coke regions in Pennsylvania was originally designated as District 4 by the First Convention of the United Mine Workers of America on January 23–27, 1890. It "ceased to exist" as a District at some time prior to the 1900 Convention. Pursuant to constitutional authority a new provisional District known as District 4,

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without autonomy, was created *de novo* in June of 1923. The District was never chartered. It has continued as a provisional District to date and has never possessed autonomy.

District 6

District 6 was established as a provisional District on June 21, 1933. In 1939, District 6 was granted the privilege of election of representatives of the sub-areas of geographical area District 6. The International Executive Board member is also elected. Only the administrative agents of the International Union who are under the direct control of the International officers, to wit, the president and secretary-treasurer of District 6, are appointed.

District 7

District 7, while originally assigned the Ohio territory, became a chartered District of the United Mine Workers of America on April 27, 1903, designated to cover a certain area of the anthracite region of the Pennsylvania coal fields. Its charter was legally revoked by the International Union on October 8, 1941, and a provisional District, without autonomy, was established. On March 20, 1969 District 7 was dissolved and ceased to exist.

District 17

The geographical area of West Virginia was assigned the number of District 17 by the First Convention of the United Mine Workers of American on January 23–27, 1890. It was established on April 1, 1890 by the members in West Virginia. It has never been issued a charter by the International Union. The District possessed autonomy until it was revoked on February 2, 1916. Autonomy was restored to that District on January 1, 1917, only to again be revoked on January 16, 1924. It ceased to exist at that time.

A new provisional District, covering a different geographical area, known as District 17, was established, *de novo,* without autonomy, in June, 1933. It has continued as a provisional District, without autonomy, to date. It has never possessed autonomy.

District 23

District 23 was founded in October, 1892. Its geographical boundaries included all the coal fields of Kentucky, southwest of the Mountain District in Kentucky, and Tennessee, south of Chattanooga. This District has never been chartered by the International Union. It completely ceased to exist on October 21, 1926.

A new provisional District, known as District 23, was created, *de novo,* without autonomy, in 1933. It has continued as a provisional District, without automomy, to date. It has never possessed autonomy.

District 30

The statement contained in Plaintiff's Pretrial Statement (p. 6) as to the status of District 30 is admitted by the Defendants. In addition, District 30 has never possessed autonomy. It was created pursuant to the Constitution.

District 31

District 31 was chartered on the first day of May, 1926. It was created *de novo* as a provisional District, without autonomy, to tory covered by District 31 never possessed autonomy. It has continued to function as a provisional District, without autonomy, to date.

LEGAL DEFENSES

1. Districts 4, 6, 7, 17, 23, 30 and 31 are not now, nor have they ever been under a trusteeship pursuant to the Act (29 U.S.C. §§ 402(h), 461 and 462). A "trusteeship" is defined as "(h) 'Trusteeship' means any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws." Except for District 7, these Districts have never had their autonomy suspended.

2. Districts 4, 6, 7, 17, 23, 30 and 31 are not labor organizations within the meaning of the Act (29 U.S.C. § 402(i)); nor are they labor organizations engaged in an industry affecting commerce within the meaning of the Act (29 U.S.C. § 402(j)); nor are they subordinate labor organizations within the meaning of the Act (29 U.S.C. § 461).

3. The present structure of Districts 4, 6, 7, 17, 23, 30 and 31 has been maintained by the International Union for purposes authorized in the Act (29 U.S.C. § 462).

4. With respect to paragraph (c) of the prayers for relief contained in Plaintiff's Complaint, the Complaint fails to state a claim upon which relief may be granted in that Plaintiff has failed to allege that Defendants are concealing, selling, conveying, transferring, or otherwise disposing of property or assets belonging to pertinent Districts; nor the same will occur.

STIPULATIONS REQUESTED

The following exhibits may be admitted into evidence without proof as to their authenticity:

1. Proceedings of all Constitutional Conventions of the United Mine Workers of America.
2. Minutes of all Meetings of the International Executive Board of the United Mine Workers of America.
3. Constitutions of the International Union, United Mine Workers of America.
4. Charters of any Districts named in the Complaint.
5. All collective bargaining agreements in the coal industry from 1890 to date.
6. All pertinent correspondence of the Defendants and Plaintiff.
7. All financial and audit reports of the International Union.

REQUESTS OF PLAINTIFF

1. List of witnesses, including addresses, shall be furnished, in writing, by Plaintiff, within ten (10) days subsequent to the date of pretrial; and within seventeen (17) days subsequent to the date of pretrial by the Defendants.

2. If Plaintiff intends to offer into evidence, at trial, any depositions of a party or witnesses, Plaintiff shall advise Defendants, in writing, within ten (10) days subsequent to pretrial, of the pertinent portions of said depositions which Plaintiff intends to offer; and Defendants shall, within ten (10) days thereafter, advise Plaintiff, in writing, of what portion of said depositions should also be included.

3. Within fifteen (15) days subsequent to pretrial, Plaintiff shall advise Defendants, in writing, of any request for admissions and answer to interrogatories that Plaintiff intends to offer; and Defendants, within ten (10) days thereafter, will advise Plaintiff to the request for admissions and answers to interrogatories they intend to offer.

EDWARD L. CAREY,
HARRISON COMBS,
WILLARD P. OWENS,
CHARLES L. WIDMAN,
WALTER E. GILLCRIST,
Attorneys for Defendants.

CERTIFICATE OF SERVICE

I hereby certify that two copies of the foregoing Defendants' Pretrial Statement were issued, in person, by leaving copies of the same at the office of David Orlikoff, Esquire, United States Department of Justice, Room 3337, Washington, D. C. 20530, Attorney for Plaintiff, this 13th day of January, 1970.

WALTER E. GILLCRIST.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States in 1967 produced 1,942,600 metric tons of synthetic rubber. This was 69.1 percent of the world total. Japan was the next leading nation producing 280,600 metric tons.

THE JAPANESE STUDENT MOVEMENT AS SEEN FROM EUROPE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. BRADEMAS. Mr. Speaker, with several other colleagues of the House of Representatives and Senate, including Congressmen UDALL, of Arizona, and FOLEY, of Washington, I had the privilege last year of participating in the second Japanese-American Assembly in Shimoda.

While in Japan, we had the opportunity to meet and talk with several distinguished leaders in Japanese university life. Among these persons was the Reverend Joseph Roggendorf, S.J., of Sophia University in Tokyo, who has lived in Japan for many years and is widely regarded as one of the leading authorities on Japanese life.

Mr. Speaker, because of our interest in education and our concern about unrest on our own university campuses, we questioned Father Roggendorf about similar problems among Japanese university students. In addition to talking with us, Father Roggendorf presented us an essay he had recently published in the quarterly review, Sophia, entitled "The Japanese Student Movement as Seen From Europe."

Because I believe this article will be of considerable interest to many colleagues, I insert it at this point in the RECORD:

THE JAPANESE STUDENT MOVEMENT AS SEEN FROM EUROPE

(By Joseph Roggendorf)

I went to Europe this summer convinced that Japanese student unrest was part and parcel of one world-wide movement. Having talked to professors and students at numerous universities in England, France and Germany and having witnessed the escalating violence at Japanese campuses since the end of the summer vacations, I have had to change some of my foregone conclusions. I still believe that the rebellion of the young generation in highly industrialized countries is, basically, a rebellion precisely against the high degree of industrialization itself. I am equally convinced that this emotional revolt is directed against any authority whatsoever and that it is, therefore, intimately connected with the repudiation of religious dogmas, moral conventions, sexual patterns or even sartorial customs. In this sense, the Japanese student movement does appear substantially similar to that in Europe.

Nevertheless, the points of difference are conspicuous. I found it typical that most European youths no longer knew the expression "Zengakuren" which once was a household word, as much as "Zen" with which it was often confused. The helmets of Berlin students and the zig-zag demonstrations of Paris students are credited to Japanese in-

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fluence. But I found few traces of a spiritual solidarity, and whatever solidarity there may have been must have evaporated after the wide publicity given in Europe to the horrors of the "Battle of Yasuda Fortress." The events of January 18 and 19 were displayed in detail on television and in the press and occasioned background articles on other particularities of Japanese student terrorists. The resulting shock on public opinion seems to have been considerable, and it affected especially European students, if I am to conclude from letters I received. "I would never have thought that young Japanese can be so callous; my image of Japan has changed," writes a German medical student. "Why do they not call the police at once, when people are tortured or buildings smashed? Has this aversion to do with the Buddhist faith of the Japanese?" writes another. Or a left-leaning student from Paris: "I wish to retract what I told you this summer, viz., that we here sympathize with the young Japanese. I now detest these fake revolutionaries."

THE DIFFERING HISTORICAL BACKGROUND

This summer, the Japanese student movement was rarely mentioned in Europe. In the genealogy of their movement, as European students see it, it all began with the involvement of American students in the civil rights movement in the early 1960s. Feeling their strength, the American students opened resistance to the Vietnam war and to their own university authorities. The great Berkeley upheaval in 1964 produced the phrase "student power." The movement spread to other universities, notably Columbia in New York, and then crossed the Atlantic. The campus struggle in Berlin flamed up in 1965. It was at first concerned with academic issues, but by 1966 the student unions were claiming the right to call and plan political actions. Such actions flared into bloody riots when the Shah of Iran came to Germany as a state guest and was reviled and jeered by groups of students in several cities, principally in Berlin. Then, in March 1968, the leader of the extreme students' group was shot at by a young fanatic. This led to a full-scale explosion of student anger. It also led to an increasingly politically orientated series of actions: mass protests against the "emergency legislation" proposed by parliament (*Notstandsgesetze:* a series of laws to supersede the regulations issued by the occupying powers at the defeat), disturbances at film festivals, book fairs, writers' meetings etc.

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At the height of its power, the movement began to infect other European countries. Anarchists styling themselves "provos" (from "provocation") began to immobilize the streets of Amsterdam in 1966 and 1967. Italian students occupied the university buildings in Rome and created trouble in some seven other universities in 1967 and 1968. Italian students were also the first to advocate the thoughts of Chairman Mao and, as they did in Turin, effect some kind of alliance with workers. Only English students kept comparatively quiet although the "Radical Students Alliance" managed a classical uprising at the London School of Economics in March 1967 and has been rather restless ever since.

In France, things went faster and wider than anywhere else. Within a mere week last spring, trouble in the newly built annex of Paris University in Nanterre led to a revolutionary explosion and street fighting. Stages which took months to evolve in Berlin flashed past in days. While the authorities were still studying plans for the abolition or alteration of exams, the rebels and their working-class comrades were calling for the fall of the regime. While the French student rising was the most unexpected, it was also the most frightening for its short duration. But at the very moment when it seemed to topple the regime and upset the whole of society, de Gaulle staged a spectacular come-back and, at least outwardly, came to look stronger than before. Meanwhile a thorough revamping of the university system is being carried out by the new de Gaulle cabinet, and comparable profound reforms are carried out in Germany and Italy as well.

Even so brief a summary suggests at once one conspicuous difference in the student movements in Europe and in Japan. Unrest in Japan has been going on for more than a decade, flaring up here and there, then abating again, fitful, whimsical, but on the whole growing more dangerous. What is an acute disease in Europe has been a chronic malady in Japan. At the same time, all the unrest has effected little by way of university reform in Japan, whereas in Europe the brief and spectacular outbursts are leading to decisive changes in the university structure. The theories of European student ideologues are now being studied in Japan and accentuate its anarchic aspects. But the starting point itself was essentially different in Europe.

Student discontent in both Germany and France began from grievances with the university, although, no doubt, it did not stop there. When listening to the complaints of students on overcrowded classrooms, standoffish professors, shortage of books and equipment, indefinitely protracted years of study, one could not help wondering why an explosion had not set in earlier. The Germans resent the quasi-authoritarian powers of the "ordinarius" i.e., holder of the principal chair (kôza), the French the rigidly bureaucratic centralization. Both insist on more rapid expansion of the system. One cannot escape the impression that the Western European university, while rightly proud of immense achievements over the centuries, is encrusted in tradition and has remained, for too long a time, unwilling to adjust its outmoded concept of elite to the changing times of mass democracy. It is worth noting at this point that the tradition encrusting German and French universities is, at best, only one and a half centuries old. English universities, based on much older medieval patterns, reveal far more humaneness and resilience than the 19th century models which, at the time, looked so much more modern.

CONFUSED ISSUES IN JAPAN

When inquiring about Japan, Europeans are surprised that conditions are in many ways the opposite to their own. While in Europe the number of universities is woefully inadequate and increases only painfully at the rate of a new university or so a year, in Japan universities have sprung up by several hundred since the war. European students have to postpone their graduation, for lack of guidance and research facilities, while in many Japanese universities the way to graduation is as automatic as promotion in a corporation (nenko joretsu). Upon being asked about student unrest at Sophia University, I reported dissatisfaction with certain campus rules.

"Surely, as a religiously oriented school, you impose too many restrictions," I was asked by students in Munich.

I replied that we have no compulsory Bible classes or religious services, no regulations on the shortness of skirts or the length of hair and beards, but that we insist on certain restrictions concerning uninhibited political group activity. At that point in the conversation it became necessary to explain at length a phenomenon totally unknown to European students, viz., the fact that in Japan students carry out their extracurricular activities in club rooms furnished gratis by the university on its overcrowded campus. Even my rather left-leaning interlocutors failed to see why certain regulations in this case should incense their Japanese comrades.

"But what are the proper university matters they are complaining about," they would ask.

To this question I was not able to give a clearcut answer. The fact is, of course, that there are plenty of things at Japanese universities to complain about. But the most startling feature about Japanese student agitation is that the basic absurdities of the university system are rarely mentioned. For the last fifteen years they have demonstrated vigorously against issues about which they simply cannot be properly informed, mostly their country's foreign policy. At the same time the students' preoccupation with foreign affairs is narrow-minded and one-sided to the point of silliness. They are understandably excited about the Vietnam disaster, as are students all over the world, and in a parrot-like way keep denouncing the Security Treaty. But there is no student protest against Soviet encroachment on Japanese territory, Chinese nuclear experiments, the rape of Czechoslovakia, the genocide in Biafra.

PRIVATE UNIVERSITIES

At any rate, no meaningful criticism is directed by the ultras against abuses in the university. One does not see demonstrations bringing to the attention of the nation the glaring injustice of discrimination against private universities. Europeans who have no notion of properly private universities are scandalized when they hear that the taxpayers' money goes to a few well-equipped and well-staffed national schools which monopolize the avenues to the best employment, while 70% of the taxpayers' children attend tax-unsupported private universities. The Japanese "university examination hell" is proverbial even in Europe. That the feverish competition for entrance into the coveted school must lead to nervous disorders, from overwork in those who succeed, and from frustration in those who fail, does arouse compassion in Europe but no indignation among Japanese students.

Indeed, on visiting one European university after another—many of them, no doubt, old-fashioned, but all of them deeply embedded in a sound educational infrastructure (family and school) still widely intact—I myself came to have a new compassion for the Japanese student. Compared to the far more settled and far less basically disturbed moral climate of Europe, I often felt as if I understood why frustration in this country is so frequently articulated in a manner that, at first sight, seems irrelevant. There is so little talk about university reform because, while, no doubt, much is wrong with the university, yet the students feel an existential frustration that far surpasses the university problem as such.

Is not much of their precious adolescence wasted in intense cramming to enter into a university, while, after having entered, no new purpose in life appears since he passively passes from here on as seaweed jelly (*tokoroten*) squeezed through a tube? The mere need to recuperate a lost adolescence may lead to play the pranks suitable for a much younger age. I recall the unknown man at Shinjuku Station who tipsily tapped me on the shoulder as I stood watching a frantic fund-raising scene and said, "That's the students' recreation."

The noisy rampaging of students these days can, of course, not facilely be shrugged off as "recreation." The look in the hollow eyes of many a haranguing student agitator can be so desperate as to suggest that his feelings are not really related to the incongruous sounds he utters. Much as, according to Wordsworth, there are "thoughts too deep for tears," so there must be an anguish too profound for the microphone.

JAPANESE STUDENT GRIEVANCES

Certainly the grievances of Japanese students—as far as they have to do with the university—are out of all proportion to their

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actions. For months on end, school buildings are smashed or disfigured, teachers and classmates manhandled, neighborhoods intimidated. Firebombs, chemicals, stones and glass are thrown against each other, or against the police which (in contrast to Europe) is not armed, and the reason? Raise of tuition fee, refusal to hand over administration of buildings, disagreement on priority in campus expansion, opposition to removal, protest against financial mismanagement or—surely the silliest of all pretexts for rebellion ever invoked by students—police detectives investigating a case of theft reported by the students themselves as happened at Sophia University. Such issues one cannot mention abroad for fear of making Japanese students look silly. Indeed, they are not the issues at all. Behind them is a profound malaise with contemporary society as such. But exploiting both the silly concrete issues and the general malaise there is a dedicated and well-trained core of professional activists. These activists do not want removal of grievances. They demand something they know in advance that the university cannot yield, then scream bloody murder when it is not delivered. It is the confrontation, not the issues which they consider important.

STRATEGY OF AGITATION

The strategy of professional agitators to exploit innocuous grievances for their own revolutionary purposes is not a phenomenon confined to Japan. But it has been demasked as a treacherous trick much more thoroughly in Europe than in Japan. In Europe one does, of course, not consider invoking the help of police an efficient remedy in all disturbances, let alone a remedy ideally suited to solve a campus problem. Yet, European public opinion would simply not endorse the tabu elaborately erected in Japan that bans police from universities in all circumstances. A certain allergy against police on the campus is to some extent understandable when one thinks of the excesses of the thought police before the war. But why is precisely that generation which has no direct experience of the pre-war nightmare so morbidly opposed to the present police force which, in the opinion of many Europeans, behaves as reasonably as that of England? Is not the answer that the young generation derives most of their information on the history and social structure of modern Japan from writers and lecturers with a doctrinaire bias? Ideologists, not thinkers, have predominated in post-war Japan. Issues have thus been simplified, opinions polarized, slogans have been substituted for ideas. The morbid distrust of any kind of state authority is a result of ideological indoctrination of long standing.

Only slowly is public opinion waking up to the realization that the rioting students seriously intend to carry out what they have always avowed, namely subvert the existing order. This realization has come much later it did in Germany and France. And even now it is still widely believed in Japan that a little more friendliness or a little more dialogue will bring the rebels back to the fold. The university authorities, so it is believed, must only yield on a few points—revoking punishment, relaxing rules, surrendering property, suspending professors—and order will be restored. The universities are wrong, not the rioting students and their hidden manipulators—that is also the impression which part of the news media has fostered. To quote only two examples where I can check the facts since my own university is unjustly criticized. *Gendai no Me* quotes as proof against the university evidence in a law suit submitted by a disgruntled former staff member, but does not even mention that this evidence was rejected by the court. Or *Asahi Journal* trying to depict this University as manipulated from abroad vastly exaggerates the number of its foreign staff and falsely alleges that the chairman of the board of trustees is appointed by the Vatican.

THE POLITICITATION OF THE UNIVERSITY

That students engage in political action is a phenomenon usually associated with underdeveloped countries. Student riots have indeed led to the fall of governments in Korea, Turkey, Indonesia, Latin-America, indeed even, with the active connivance of one part of the state authorities against another, in Communist China. In the industrially advanced countries behind the Iron Curtain, students' protests were brutally suppressed, in the liberal societies of the Western world students' protests were for a long time canalized into existing political parties. Japan was historically the first example of a developed nation producing a politically vociferous student movement opposed to government and opposition alike. Meanwhile student groupings have become politically colored all over the Western world and they have, or so it would seem, become as pronouncedly anti-parliamentarian as the anti-Yoyogi Zengakuren has been for years.

It was, therefore, with particular interest that I attended a lecture and subsequent debate on the vision of a coming society arranged by a group of ultra-left students in Berlin this summer.

The speaker, a student of political science, spoke in the specialized jargon of modern sociology. But the audience of about 200 apparently did not mind the language which I found excessively abstract. They eagerly listened, applauding an occasional vehement denunciation of the authorities. When the lecture was over the audience exploded into a debate which went on for another two hours. They had given the speaker a fair chance to explain himself. But having listened, they tore his arguments to pieces. Not many in the audience had been convinced.

The gist of the speaker's lecture can be found in a book by J. Agnoli, like the speaker of that evening a graduate school student at the Otto-Suhr Institut of political science in Berlin; (*Die Transformation der Demokratie*) and in the publications of other scholars mostly of the universities of Berlin and Frankfurt such as Habermas, Brocher, Adorno. The principal thesis as expounded that evening can be summed up as the necessity of destroying representative democracy in favor of a direct democracy, a Rätedemokratie (*kyôgikai minshushugi*). The ruling bourgeois oligarchies seek to prevent the masses from effectively participating in the political process. They do this now no longer by applying the discredited methods of fascism, but rather by transforming the democratic institutions themselves. Much as the authoritarian structure of industrial enterprises in the U.S.A. has been made palatable to the wage earners by new techniques of "human relationship," so the whole of society is to be manipulated by flattering the prestige and inciting the consumption desires of the public. The real purpose behind the drives to rationalize production and increase consumption is exactly the same as that behind the fascist oppressions of old, viz., to benumb the perception of those wronged by the existing distribution of power. A climate of social peace is artificially cerated in which injustice and oppression are no longer felt, so that both social antagonism and political opposition fade away by themselves. The antagonism of classes is denied by the establishment. Admitted is only the necessary peaceful coexistence of diverse interests in the sphere of consumption, so that the actual monopoly in the sphere of production is effectively obfuscated.

DEMOCRACY

Parliamentary democracy thus reveals itself as a sham. Instead of defending freedom it betrays it. Alienation results from the hypocrisy of the system: the people are made to feel "represented" by their parliamentarian deputies, while in reality they are "manipulated." What is needed is to let the people speak for themselves without middleman.

Dissent with the speaker concentrated on two principal points: 1) direct democracy would lead to greater evils than the present system, as was pointed out with reference to modern French and German history (the Paris commune, the München Räterepublik), 2) class conflict was no longer a reality in industrial Germany, and the feeling of the young of being manipulated could not be overcome merely by changing political processes.

I sat around till late that night with a group of these students. I found it exhilarating to listen to a lively debate on the hottest issues of society and politics between upholders of the most differing opinions. I have had this experience repeatedly on European campuses. It is, at least at the moment, not easily obtainable in a Japanese university. Here students of the same sect either huddle together, or else they threateningly shout at their opponents. At the very moment when communication has become more needed than at any point in recent history, it has broken down most completely.

POINTS IN COMMON

Nevertheless, there are also many points in common between European and Japanese students as one sits around with them. Like the Japanese, they feel a disgust for which they have no name. Is it the horror of the gigantic machinery into which civilization is turning, with the individual an anonymous, powerless cog? Or the fear of two superpowers, glaring at each other from behind their nuclear and atomic armaments, yet both unable to give reasonable peace and freedom even to their own populations? There is also an unbridgeable gap between generations. Indeed, in few other countries is the experience of one generation as radically different from the other as in Germany and Japan. It is hard for an older German or Japanese to convey to his son what it was to have been enmeshed in the horrors of a totalitarian regime and in the misery and despair of its defeat. And it is equally hard for a young German or Japanese to visualize that the utopia he impetuously wants will bring about once more the tyranny which the fathers are accused of having tolerated in the past.

I am sure theoretical discussions on the nature of a better society to come are carried out in this country too, perhaps at the various headquarters of anti-Yoyogi factions, in Ikebukuro, Jimbôchô, Misakichô, Nakano or Asagaya. But certainly not at the universities. Japanese universities are turning into extraterritorial sanctuaries, where the walls are plastered with threatening slogans and where activists terrorize their professors and classmates, sporadically to sally forth and terrorize the nation. The utopian desire for direct democracy has degenerated into the demand for the lynch court of "mass confrontation" (*taishû dankô*).

THE DISILLUSION WITH MARXISM

On the surface, the Japanese student movement has retained its long-standing obsession with the alleged evils of monopoly capitalism, American imperialism, bourgeois fascism. Meanwhile the disintegration of Marxism as an international force has become an irrefutable fact. Not only has the once coherent movement broken down into feuding factions, it begins to exhibit signs of big-power-arrogance, exploitation, bureaucratism and, indeed, of imperialistic aggressiveness. Old Boys of the Zengakuren movement often remark with nostalgia that they cannot understand the present genera-

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tion of militants. They forget that they too meanwhile are supposed to belong to some hated establishment. But the most decisive thing that has happened meanwhile is that the old Marxist creed itself has totally changed. Helmets, staffs and towels are more than a new male fashion. They indicate a change of spirit. The revolution is, in the mind of the militants, about to happen. It is no longer carefully to be plotted under the strict guidance of an established Socialist or Communist Party or the international federation of such parties. Accordingly the ferocious slogans which to Old Boys of the movement have the same familiar ring, have assumed a different meaning. Communism has failed, but while their elders turn away in despair from Marxist-inspired parties, the young pretend to have discovered a new Marxism which at last assigns to the students the role of the revolutionary vanguard. Marxism has become Marcusianism.

Whether the thought of Prof. Marcuse has causally influenced the thinking of Japanese student militants to a decisive extent is an academic question of little import. The fact is that his ideas have by now penetrated into the activists' little guidance magazines and hence their wall papers and slogans. And the American professor's power of mischiefmaking should not be underestimated. Already when still a much younger man and while still a German national he was, in 1930 and 1931, admired among the angry young men of that time as one of the most categorical opponents of the Weimar Republic. His hatred of German democracy bore fruit if, by historical irony, not in the manner in which he predicated it. He wished for the victory of the extreme Left, but the extreme Right won out.

MARCUSE

Marcuse's analysis of present society begins where the anti-Yoyogi movement also begins, at the spectacle of international socialism gone bankrupt. He traces the collapse of organized Marxism first to an initial failure of Lenin. In Marx's view the increasing pauperization of the proletariat was bound to lead by historical necessity to the inevitable switch from a capitalist to a socialist organization of society. The communist party had only the role of a midwife in assisting the birth of the new order, but the inevitable change itself would, of course, only occur in a highly developed capitalist society. Lenin disregarded this basic point. It was the party itself which created a revolutionary situation in backward Russia and there arose of necessity an authoritarian state, characterized by rigid class differences, an almighty bureaucracy and an omnipresent police.

But while history proved Marx right in one point, it proved him wrong in another. The facts, as we know them by now, are that industrial progress has led not to the increased pauperization but to the increased well-being of the working-class. Where Marx thought that the workers had "nothing to lose but their chains," they now have everything to lose. They refuse to see things changed; they do not want a revolution.

A dilemma results: either the conditions of production are ripe for a revolution, but the revolutionary sentiment is missing; or else the objective conditions are missing but the revolutionary elan of a few is there and, if they take power, the stage is set for despotism, in other words for another long road towards Stalinism.

Marcuse advocates a way out of the dilemma. And the new way he advocates is as utopian as the future society he visualizes, a world without misery, ugliness, oppression, indeed without toil. Since in the existing establishments whether capitalist or socialist the revolutionary mood is lacking, it has to be created. This is to be carried through by "the residuum of the discriminated and outsiders; the exploited and persecuted of all races and all colors, the unemployed and unemployable." Three groups are alluded at: racial minorities; the elements usually termed "asocial" such as mentally unfit persons and criminals; and the students. The more racially homogeneous and economically affluent a society is, the less important are the first two groups and the more important will be student power, especially since students by number alone come to constitute an ever larger segment of prospering societies. It is, therefore, especially the students of Western Europe and Japan that feel themselves appealed to by the Marcusian doctrine. They create a revolutionary elan by defying authority on any issue whatever. For "law and order" are nothing but the arbitrarily set up rules of a game played by the establishment to perpetuate its oppression. When its own rules are flouted by violent protests or ironical contempt, the establishment reacts by way of brutal repression thus demasking itself as potentially despotic or "fascoid," and ever larger groups of the people will rally round the rebel leaders united in the will to smash the existing regime.

What happens after the destruction? Marcuse does not say, indeed cannot say, as he admits, since "no terms are available to express the society of tomorrow." He foresees as a first step to a new order an "educational dictatorship" which he recognizes as "a terrible risk," a risk, however, which "cannot be more terrible than the risk incurred by the existing liberal and authoritarian societies."

EUROPEAN DISILLUSIONMENT

The European students to whom I spoke this summer have widely lost their interest in Marcuse. He disappointed them in his doctrinaire and arrogant way when he came to Europe for lectures. Furthermore, the contradictions in his thought are too obvious and have become more barefaced as ultraleftwing factions such as SDS (German Socialist Students) have come to put Marcusian ideas into practice. After all, far from being a "class," the students turn out not to be a coherent group in any definable sense. They are neither capable of unified responsibility for their own university—since they have just joined it, or will soon leave it—nor for society at large, since they have not even entered it. This interior contradiction between loudly asserted aims and in practicable realization produces the neurosis characteristic of Marcuse-disciples in Europe. It leads to their increasingly senseless destructiveness, and thus to their increasing isolation. In Germany, at any rate, their actions, however haphazard and insignificant if compared to student action here, have become more and more desperate. And to crown their frustration: the "establishment," instead of collapsing, begins to rally round and reform itself.

Seen from Europe, the anti-Yoyogi factions look like model Marcuse-disciples. Their total disregard for right and truth in the name of subjecthood (*shutaisei*), their inflammatory and irrational language of "specialty slave" (*semmon dorei*), "alliance of learning and industry" (*sangaku kyôdô*) or "everlasting struggle" (*eikyûteki kyôtô*), all that sounds as if taken from Marcuse's textbook. And, like the sour old man himself, these militants in Japan are devoid of any kind of humor. At the same time, Marcusianism shows so far, no sign of abating in Japan.

NEOMARXISM IN JAPAN

One reason for the continued neo-Marxist fever in Japan may be connected with the presence of an orthodox Marxist movement among Japanese students, lavishly financed and cleverly organized by the Japanese Communist Party, the "Democratic Youth Federation of Japan" (Nihon Minshushugi Seinen Dômei or Minseidô). This is a phenomenon unique to Japan and without parallel anywhere in the world. Even the powerful and rich communist parties of France and Italy have long lost any influence on the students. It must be a thorn in the flesh of ultra-leftists in Japan to see the sacred names of Marx and Lenin abused by a party establishment that is more rigid and inhuman than any capitalist establishment now in existence. The Japanese Communist Party has lost the lustre of its heroic resistance against the fascist oppression during Taishô and early Shôwa. After many betrayals and opportunistic manoeuvres, it has turned into a well-lubricated, highly efficient bureaucratic machine. With gaudy propaganda trucks, neatly printed handbills, well-paid agents, lavishly provided food and weapons it tries to pose as a power for order and renovation on Japan's campuses. In reality it only aims at the deepening of hostilities to further its own subversive ends. Its hypocrisy naturally angers the mass of the student body.

One more reason for the unchanging appeal of Marx to so many Japanese students is, perhaps, that, ever since Taishô, Marxism has been to many Japanese intellectuals not a system of thought and action critically examined and apprehended, but a secular faith fervently embraced and fanatically defended against dissenters. Only the deep-seated indifference of many educated Japanese to traditional religion, be it native or alien, quite explains the mystical hold of old or new Marxism on the student mind. A spiritual vacuum is being filled which, one cannot help noticing, is bigger than it is in Europe. At the same time, there are antidotes ready in the European organism which Japan, with a different intellectual history, has not quite developed.

JAPANESE SOCIETY

Finally one cannot compare the student situation in Japan and in Europe without pointing to characteristics of the Japanese social structure. Society in Japan is held together by a framework of *giri* and *ninjô* (social convention and humane feeling), by considerations of decorum, human respect, face, by the desire to avoid open clashes and rather seek a modus vivendi by compromise. Abstract terms such as individuality, conscience, justice, law, notions on which Japan's modern institutions are based, are expressed in neologisms coined barely a hundred years ago. They are not quite as operative as they should be in an industrial and democratic society. The militant student who breaks away from such a conformist society begins by repudiating its whole frame work of behavior. He replaces the elaborate honorifics of the Japanese language by purposely offensive speech patterns of his own, using, to address a teacher, such vulgar forms as "temê" or "kisama", or constantly repeating such crude expressions as "nonsense" or *jikohihan* (self-criticism) which go against the first rule of Japanese behavior, viz., that "inconvenience" (*meiwaku*) must be avoided.

At the same time, radical leftists are liable to retire into a *giri-ninjô* web of their own. And here is perhaps the reason why the innumerable anti-Yoyogi factions resemble so startlingly the organizations of thugs in the feudal age and the present, the *ninja*, *sôshi*, *yakuza* and similar traditional outlaw groups. The power of coherence and of endurance, the ruthlessness of the *oyabun-kobun* (boss and henchmen) system, the need for perpetual infights to establish or preserve hegemony, the antics of heroism, the refusal or, indeed, the inability to discuss issues, the addiction to mannerisms, in speech and conduct, the fascination exerted on a certain type of woman—these features are neither new in Japanese society, nor are they confined to left-wing students. I am sure, many young people find in these sectarian groupings some of that warmth and dedication of which so little is left in the contemporary industrial society. They may believe in a type of new society which it is

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impossible to achieve, viz., a society refusing all the works of technology, a pre-scientific society. Yet firmness of their faith, the invincibility of their hope, their superhuman ascesis—how many of them do without three meals a day, or without a bath—are like the resurrection of long-forgotten virtues.

Yet the aspects of an anti-social criminality are equally undeniable. The ruthlessness with which they can beat up a comrade trying to leave their ranks, the cruelty with which they torture their enemies, their contemptuous disrespect for anyone else's property, or good will, or integrity—these remind one of the darker pages in recent history. One such reminder of the 2-2-6 *jiken* I saw clearly written the other day on the walls of Sophia University, after the barricades were taken down: Ichinin issatsu ("Everyone kill one"), the infamous catchword of pre-war ultrarightists

I do not want to convey the impression that the student situation is of necessity worse here than abroad. If the situation in Japan has, until now, been characterized by a systematic disregard for legality, both government and general opinion are also suddenly becoming aware of their laxity. Both the enforcement of law and the proposal of reforms long overdue are at last proceeding. On the other hand, there are a number of factors that aggravate the student problem in Europe in ways fortunately absent here—the tendency of Germans to theorize and produce disturbing philosophies far more destructive than emotional outbursts—the tendency of the French to dramatize and create extreme situations that leave no exit—the tendency of the English to opt out of a society they dislike, either into passive immorality or into quiet emigration to Australia, Canada, America.

LAW, FREEDOM, PARTICIPATION

In so far as student unrest in Japan signifies the wholesale rejection of the existing value system, it is difficult to think of any position except the resolute decision to defend the will of the majority by all means legally available. The mere will of a few to destroy can only be resisted, it cannot be overcome by compromise. And this proposition holds true about the student rioters in Western Europe as well as Japan. In fact, these would-be revolutionaries do not expect either compromise, or dialogue, or participation, and this again is true both of Europe and Japan. The following remarks by Alfred Rapp, a German critic, could be applied, as they stand, to Japan:

"There is no taboo they would not break. The only taboo not to be broken is the taboo-breaker himself. They may question everything, but they themselves must not be questioned. Whoever contradicts them, is a petty bourgeois, a reactionary, a lackey of monopoly capitalism. They love to play the role of the oppressed, while they themselves are the oppressors, maligning, damning, persecuting whoever does not share their dogmas on revolution. If you say "No" to everything you are one of them. If you say "Yes", e.g. to the question that not everything is wrong with the Federal Republic, you are excommunicated, as was Günther Grass."

It would be easy to substitute the name of Japanese progressive intellectuals for that of the progressive German novelist here alluded to.

It sounds little constructive not to have to offer any solution for the treatment of the revolutionary student cadres except isolating them. Yet the recent history especially of Germany and Japan offers sufficient proof that the temptation to pacify destructive radicals must be overcome, unless national suicide result. When I left Germany in Shôwa 10, two years after Hitler had taken over, many Germans were saying about the young Nazi movement what, upon arriving here, Japanese would say about the radical young officers (*seinen shôkô*) of the time: "One cannot approve of all their methods, still they mean well." And it is what one hears again in both countries, this time about anti-democratic rebels from the Left. Then as now this is said by critics, journalists, professors who are convinced they have understood the signs of the time. Is it, because democracy is still young in both our countries, or is it, because we both once succumbed to right-wing totalitarianism, that we are both blind to the totalitarianism of the Left? A peculiar instance of a certain intellectual blindness some young Germans have in common with young Japanese is the phenomenon of revolutionarily engaged Christians. The "fighting Christians" (Tatakau Christosha) or "Catholic Struggle Committees" (Catholic tôsôi) have their parallel in the "Political Night Prayer" of students in Cologne. The group was reprimanded by the Catholic Archbishop, and the Protestant Bishop compared them in a statement with the infamous group of "Deutsche Christen" who, under Hitler, tried to reconcile Nazi racialism with Christianity. As did the Hitler Christians then, the ultra-leftist Christians now mingle religion with politics, advocate the violent overthrow of society and openly preach hatred and violence—certainly not exactly the teaching of the Gospel.

To refuse to deal with ultra-left radicals however, need not mean an exclusively negative attitude. The radical leaders themselves are not in the slightest interested in university reform. However, their success—greater in Japan than in Europe—in mobilizing sympathizers proves that something must be wrong with the university as it now stands. Seen from Europe, what course for improvement may be suggested?

THE COURSE OF IMPROVEMENT

Generally speaking, certain lines of reform ought to be easier to carry through here than there. The reform movements in both France and Germany are suffering from immense organizational handicaps; in France, there is no longer a tradition of university autonomy because of an omnipotent central bureaucracy, in Germany, on the other hand, no nationally coherent plan can be carried out because of the federal structure of the country which excludes a national Ministry of Education. Organizational difficulties in Japan are of an entirely different nature. The term "daigaku" in this country has, since the end of the war, come to assume altogether too loose a meaning. A diversification in both substance and nomenclature will certainly have to be introduced and, as a consequence, there will have to be adjustments in the middle and high school structure so that finally the university entrance examination can at last rationally be overhauled. The glaring differences in treating public and private universities must also, for the sake of justice, be overcome. Cannot the tuition fees be made identical at all universities and a truly generous scholarship system be installed? If private universities were better supported, they could also more easily live up to their obligations. They would be forced to stick by the rules—such as strictly observing numerous clauses and enrollment conditions, as well as complete fairness in admission and graduation—and thus reduce the evil of mass education. This would not mean infringing on their autonomy. On the contrary, legal enforcement of a minimum of order is a precondition for the freedom of research and teaching which is academic autonomy.

THE REAL GRIEVANCES

As one walks around the campuses of Europe and Japan, one gains the impression that the real grievances of most students have little to do with either the battlecries of militant radicals or even some of the reform plans of the authorities. The average student may not be able to articulate his desires by way of an abstract blueprint. But he does have the vaguely uneasy feeling that society is changing far more rapidly than his school. He grieves that, at the very moment when he—himself a child of the newly emerging society—ought to have more of a say in his own education, he has really less, since the student population explosion turns him into a nameless member of a mass. It is thus that the problem of student participation has come to be placed into the center of reform proposals in France, Germany and Japan.

It goes without saying that the ultras refuse even to consider such proposals. French students cynically conjugate the verb "participer": Je participe, tu participes, il participe, nous participons, vous participez, ils exploitent." They, as well as their radical comrades elsewhere, want a university entirely run by themselves, a university commune. Nothing short of the destruction of the whole system will satisfy them. To talk to them is fruitless.

Nevertheless, there is a real problem. Without some kind of student participation the malaise of the university cannot be cured. It is not that the student body has suddenly become restless and its whims have to be placated. It is rather that, with the impact of the Second Industrial Revolution, the temper of an age has changed with a thoroughness and rapidity unprecedented in history. One can only think of the experience of our remote ancestors when they switched from the roaming life of hunters and gatherers to the sedentary occupation of farmers. To try to adapt to an entirely new rhythm of existence without the support of those most immediately aware of the Zeitgeist, i.e., the young, would be presumptuous in the extreme.

But precisely because the atmosphere of life in highly industrialized countries has become transformed overnight, the danger of over-hasty precipitation in granting participation cannot be denied. The position of violent revolutionaries and of panicking reformers can come to resemble each other. Both would bring about a state of permanent conflict, at the very time when calm and reason are needed most. Nothing was more widely debated on European campuses this summer than this issue. I remember especially a lengthy talk with Mr. Ulrich Lohmar, a Socialist Member of Parliament and Chairman of the University Reform Committee of the Bonn Bundestag.

STUDENTS IN DECISION-MAKING

Mr. Lohmar considered especially pernicious the widely debated proposal of having students represented on all levels of decision making, and in the ratio of 5:5, or, with instructors, assistants and employees, of 3:3:3. He considered it characteristic of present trends that, while students want to participate in universities even on levels hitherto reserved to professors, students themselves insist on excluding the rest of the university from all their activities. Excessive participation leads, according to Lohmar, to two kinds of abuse. On the one hand, the functional differentiation between the various constituents of the university comes to be denied. Functions are not interchangeable regardless of knowledge and experience. Lenin once boasted of building a State which "any charwoman could run." Neither he nor anybody else tried to put this dream into practice, and for the same reason students or employees, including technical assistants, cannot simply be equalled with professors in most university matters. A second inevitable consequence of ruthlessly applied participation would be, in Lohmar's mind, a new type of "ivory tower" university. Old-fashioned liberal professors would unite with radical students to demand absolute au-

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thority against the State. The university would end up by considering the process of decision making as a political process to be carried out outside parliament. Thus the will of the public which supports the university and depends on it, would come to be disregarded and the university would become a State within the State.

Many university men in Europe seem to fear that, if the ratio of professors either on the All-University Council or on the Department Council shrank to one-half or one-third, the whole university would become more rigid rather than more flexible. The professors would always endeavor to stick together against the other groups rather than siding occasionally with differing opinions. They would also try to employ assistants on the criterion of obedience and devotedness rather than adaptability and open-mindedness. In order to ensure all people concerned to be heard, yet to prevent interminable talking (*Dauerpalaver*), the ratio of professors 8, assistants 2, students 1 is widely advocated in Germany, but only for such councils where students have some semblance of competence.

Such views do not of necessity represent those of the younger generation. Yet, it is a remarkable fact that, as soon as student participation is introduced, the interest of the general students body visibly begins to wane. Less than half the students at those universities where there is a degree of participation cast their vote for students' representatives. Thus at West Berlin University in December 1968, after considerable concessions had been made on student participation, radicals conducted a triumphant campaign: result 41% vote (previously 65%), ultra 52, non-ultra 24 (formerly 26-50). The result is that the most radical students obtain a disproportionate share of the votes. It is for this reason that the new French reform plans specify 60% of the student vote as necessary for the validity of any election, while in certain Latin American republics it is being considered to make voting obligatory.

INACTION NO ANSWER

The planned lawlessness on European as well as Japanese campuses will not peter out on its own; it will not wreck the whole of society, but it may well paralyze the university itself unless it is stopped by means which the university itself does not possess. This principle is understood in Europe and, at last, is coming to be understood in Japan.

But the legitimate dissatisfaction of the majority of students can ultimately be solved through the readiness of both partners to talk to each other and devise new ways of coping with new emergencies. Student ineptitude, provocation and violence can strengthen the voice of the hawks and push the political center of gravity powerfully to the right. On the other hand, the rights and well-being of too many people are at stake to allow violence to pass unchecked. To avoid both extremes is the task of confronting the university in East and West. If they are avoided, it ought to be possible to pass beyond certain authoritarian and paternalistic assumptions still inhering in our society and work out ways to adapt the university to the demands of a new complicated age.

THE NATIONAL FOREST TIMBER CONSERVATION AND MANAGEMENT ACT OF 1969

(Mr. KASTENMEIER asked and was given permission to extend his remarks at this point in the Record.)

Mr. KASTENMEIER. Mr. Speaker, the National Forest Timber Conservation and Management Act, popularly called the National Timber Supply Act, which we are considering now, is one of the most clearly anticonservation bills ever to come before the House.

The basic purpose of this legislation is to substantially increase the timber yield from the forest lands on our national forests. The rationale given us for this measure is that the present housing shortage is caused by a short supply and the rising prices of lumber, both of which can be corrected by increasing the national forest cut. We do have a housing crisis. The annual rate of new housing starts has dropped from 2 million units to less than 1.2 million. However, the housing shortage is due more to high interest rates than a scarce supply of lumber and high timber prices. The supply of lumber appears adequate for the time being, so much so that 4 billion board feet were exported last year. Furthermore, lumber prices currently are depressed, having fallen as fast as they rose earlier.

In actuality, this legislation will result in an accelerated exploitative destruction of our remaining old growth forests and an abandonment of the principles of sustained yield. Under this bill, all timber land that is capable of commercial production will be allocated for that purpose, with the exception of those lands already reserved for other purposes.

Simply stated, this National Timber Supply Act will negate the multiple-use principle which governs the management of our national forests by assigning top priority to one specific interest, logging, thus ignoring the fact that these forests are important not only as a source of lumber but also, for other uses, such as watershed protection, flood prevention, soil and wildlife conservation, recreational purposes, and esthetic refuges. All these interests are adversely affected when sustained yield practices are cast aside for accelerated timber harvesting. This measure is just going to let the lumber companies, including some who have not been practicing the most intelligent utilization of their private holdings, loot our national forests.

Mr. Speaker, the American people rightfully are concerned about the future of our natural resources, and they are expressing this concern more vigorously than they ever have in the past. It would be ironic for Congress to begin the environmental decade with the passage of a measure so completely detrimental to good conservation principles and the public interest. We have the obligation to protect our national forests, not only for the present generation of Americans, but, also, for generations yet to come. This legislation is not needed, and I urge its rejection.

COUNTIES RANK HIGH IN FARM INCOME

(Mr. BEVILL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BEVILL. Mr. Speaker, four of the 12 counties which make up the Seventh Congressional District, the district which I am honored to serve, have placed among the 10 top Alabama counties in farm income. Three of these counties, Cullman, De Kalb, and Marshall, were recorded one, two, three in farm income during the past year. Blount County was seventh.

Mr. Speaker, I am extremely proud of the achievements these counties have made; and of the contributions they have made to their Nation.

In this era of declining farms, it is heartening to see what progress these counties have made. Agriculture prosperity is, in my judgment, essential to national prosperity.

I am placing in the Record a recent newspaper article which tells the story of Alabama's farm income and lists the leading counties.

Cullman Is No. 1 in Farm Income

For the sixth straight year Cullman County has placed number one among Alabama counties in farm income. De Kalb County was number two.

The gross was $42.1 million in Cullman and $37.6 million in De Kalb, according to estimates released at Auburn University today.

Marshall County's $27.8 million was enough to rank it third, the spot Madison held last year.

The other seven counties ranking highest and the income of each (in millions of dollars) were Madison $26.6; Mobile $23.1; Baldwin $22.4; Blount $22.2; Lawrence $20.5; Jackson $19.7; and Limestone $19.3.

The figures were compiled from estimates of county Extension chairmen, explained Allen Brown, Extension Service marketing specialist at Auburn University. The figures include income from the sale of all crops and livestock, income from farm, commercial, state and national forest sales, and income from government payments.

Overall, the state's 1969 gross farm income has been estimated at $896 million. That's $131 million better than in 1968 and $213 million above the 1967 total.

Brown's report also ranked counties according to gross income by commodities. The top five in each of the state's major commodities, with income listed in millions of dollars, were:

Beef Cattle—Sumter $5.9; Dallas $5.9; Madison $5.8; Marengo $5.8; Montgomery $5.6.

Broilers—Cullman $22.7; Winston $13.6; Walker $13.5; De Kalb $11.4; Marshall $11.1.

Cash Grain (including corn)—Jackson $4.4; De Kalb $3.2; Marshall $2.3; Crenshaw $1.8; Limestone $1.7.

Cotton—Madison $9.7; Limestone $8.4; Lawrence $6.8; Marshall $4.9; De Kalb $4.4.

Dairying—Montgomery $4.5; Baldwin $3.5; Shelby $3.2; Hale $3; Perry $2.5.

Eggs—Blount $9.5; De Kalb $9.3; Cullman $5.5; St. Clair $4.3; Shelby $4.2.

Fruits and vegetables—Chilton $3.6; Blount $2.9; Baldwin $2.8; De Kalb $2.6; Jackson $2.2.

Hogs—De Kalb $3.1; Jackson $2.8; Covington $2.8; Houston $2.8; Morgan $2.7.

Peanuts—Houston $6.5; Henry $5.9; Coffee $3.9; Geneva $3.3; Barbour $3.

Soybeans—Baldwin $5.5; Morgan $1.7; Marengo $1.6; Hale $1.6; Limestone $1.6.

Timber—Washington $9.5; Monroe $6; Clarke $5.5; Covington $5.3; Marengo $4.

LAOS INTERVENTION COMPELLING SUPPORT FOR CREATION OF JOINT CONGRESSIONAL COMMITTEE ON FOREIGN POLICY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, I have today introduced a bill to create a Joint Congressional Committee on Foreign Policy. I think that no greater object lesson demonstrating the necessity for this committee is offered than that revealed to us in the events of recent days concerning U.S. involvement in Laos.

The U.S. intervention in Laos has proceeded without congressional deliberation or authority. Yet, only today the Washington Post reports, in an article by Warren Unna, that:

> Bomber-crew losses have sharply increased in the past 2 months.

The article cited an American embassy report from Laos listing 184 American air crewmen flying over Laos now missing, an increase of almost 30 since last December. And as today's Washington Evening Star reports in an Associated Press article:

> So far, the administration has refused to disclose if Americans are serving in Laos, the rate of American air missions in that country or the United States casualty rate.

The increasing activity in Laos violates, at the least, the spirit of the amendment to the fiscal year 1970 Department of Defense Appropriations Act, Public Law 91–171, which the House agreed to on December 18, and which provides:

> In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

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There have been reports that there are ex-Green Berets operating in Laos under the aegis of the CIA. There are other reports of numerous U.S. "military advisers" in Laos. Furthermore, the B–52 sorties over Laos have become a regular occurrence.

The latest figures, as of February 19, 1970, show that 40,562 Americans have been killed in combat in Vietnam; 267,174 Americans have been wounded in Vietnam; and 7,458 Americans have died there from other causes. How many of these deaths and casualties are actually attributable to U.S. activities in Laos is unknown.

The Vietnam tragedy should be a lesson to this administration not to repeat the miscalculations and mistakes of the past. It should be a signal to Congress that it must exercise a forceful oversight function over foreign policy and not abdicate its necessary and proper role.

So that Congress can more effectively deal with foreign policy questions, I have proposed the creation of the Joint Congressional Committee on Foreign Policy. As section 3(a) of my bill provides:

> It shall be the purpose of the Joint Committee to insure that the Congressional role in creating and passing upon foreign policy is firmly and clearly effected; to expand the Congressional capacity to deal with foreign policy problems; to provide a clear focus on the difficult decisions to be made by the Congress and the Executive branch affecting foreign policy; and to provide the other committees of the Congress with the necessary background to insure effective action on foreign policy problems and needs.

The committee is empowered to report to the House and to the Senate, by bill or otherwise, its recommendations. The committee is authorized to make continuing studies and investigations of all foreign policy problems including, but not limited to, treaties with foreign governments, foreign economic and military assistance, and military expenditures.

The urgency of trenchant, penetrating, and informed congressional analysis and control of our foreign policy cannot be overemphasized. The statistics of death and destruction in Vietnam are stark testimony to this urgency.

I also commend to my colleagues an editorial published in the New York Times on February 12, 1970, which urges creation of the committee I am today proposing. My proposal implements the recommendations of the Citizens Panel of the United Nations Association headed by former Supreme Court Justice Arthur Goldberg.

The editorial follows:

Congress and Foreign Policy

> Many thoughtful Congressmen in both Houses have been protesting against Presidential prerogatives that, without real consultation, have taken the country into a large-scale war in Vietnam, ill-disclosed commitments elsewhere in Asia and an accelerating nuclear arms race with Russia.
>
> Frustration over Congressional impotence in foreign and defense policy has stirred a neo-isolationist trend. It also produced last year a series of legislative attempts to limit the powers of the executive branch. But the problem is far from resolved.
>
> Presidential predominance stems from the Constitution and from the very nature of foreign policy and defense decisions. These often require secrecy, a need for speed in crises and a clear chain of command for military forces and nuclear weapons. Parliamentary control, by contrast, is difficult to apply. Short of denying appropriations to implement Presidential decisions—a drastic remedy many lawmakers hesitate to use—Congressional influence is not easily asserted.
>
> An overriding need exists for a more effective way to involve Congress in the broad formulation of national objectives and the strategy for achieving them. A series of imaginative proposals in this field has now been put forward by a United Nations Association panel of prominent citizens, headed by former Justice Arthur J. Goldberg. The most important of these would establish a statutory requirement for an annual Presidential "State of the World" message to be considered by a new Joint Congressional Committee. Its personnel would be selected from the Senate and House committees on foreign relations, armed services and appropriations.
>
> The operation of the Joint Congressional Committee on Economic Policy, which reviews the annual Economic Report of the President, is an existing parallel. But the real aim would be to gain for a select number of Senators and Congressmen the prestige, knowledge of secret matters and influence that has been wielded in nuclear policy by the Joint Committee on Atomic Energy. That committee has not always been more enlightened than the executive branch, but its power has assured effective checks and balances in the governmental process. Similar influence in the hands of a joint committee on foreign and defense matters would fundamentally alter policymaking in these fields.
>
> Working out the relationships between such a new joint committee and the standing committees from which it would be drawn would not be simple. But unless the Congress itself can overcome its own inadequacies and upgrade its mechanisms, its hope of dealing with the executive branch on a footing of equality on national security policy will be condemned to failure.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Denney (at the request of Mr. Gerald R. Ford), from 1:30 p.m. today, on account of official business as a member of the House Select Committee on Crime.

Mr. Stafford (at the request of Mr. Gerald R. Ford), for today, on account of official business as a member of the House Committee on Armed Services.

Mr. Pepper (at the request of Mr. Sikes), for today, on account of official business.

Mr. Baring (at the request of Mr. Albert), for today, on account of official business.

Mr. Hagan (at the request of Mr. Boggs), for today, on account of official business.

Mr. Lennon (at the request of Mr. Boggs), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hechler of West Virginia, for 45 minutes on Tuesday, March 2, 1970.

(The following Members (at the request of Mr. Fish) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Bush, for 5 minutes, today.

Mr. Edwards of Alabama, for 5 minutes, today.

Mr. Steiger of Wisconsin, for 30 minutes, today.

Mr. Findley, for 5 minutes, today.

(The following Members (at the request of Mr. Daniel of Virginia) to revise and extend their remarks and include extraneous matter:)

Mr. Minish, for 15 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gerald R. Ford to extend his remarks in the Record immediately following the President's economic message today.

Mr. Quie to include extraneous matter in his remarks today on the school lunch bill.

Mr. Madden in two instances and to include extraneous matter.

Mr. Saylor to extend his remarks and include extraneous matter in regard to House Resolution 799.

Mr. Fraser and to include extraneous matter.

(The following Members (at the request of Mr. Fish) and to include extraneous matter:)

Mr. Bush in four instances.

Mr. Conte in two instances.

Mr. Fulton of Pennsylvania in five instances.

Mr. Meskill.

Mr. Schadeberg.

Mr. Clancy.

Mr. Lujan.

Mr. Zwach.

Mr. Quie.

Mr. Cunningham in five instances.

Mr. Davis of Wisconsin in two instances.

Mr. Burton of Utah in 10 instances.

Mr. Conable.

Mrs. Dwyer in two instances.

Mr. Price of Texas in two instances.

Mr. Edwards of Alabama.

Mr. Foreman.

Mr. Halpern.

Mr. Wold.

Mr. Gerald R. Ford.

Mr. Duncan.

Mr. Talcott in two instances.

Mr. Ashbrook.

Mr. Bob Wilson in three instances.

Mrs. Reid of Illinois.

Mr. Reid of New York.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. McMillan in four instances.

Mr. Minish in two instances.

Mr. de la Garza in three instances.

Mr. Ryan in five instances.

Mr. Rodino.

Mr. Montgomery.

Mr. Moorhead.

Mr. Tunney.

Mr. Kastenmeier.

Mr. Daniel of Virginia.

Mr. Fraser in four instances.

Mr. Wolff in four instances.

Mr. Gonzalez.

Mr. Preyer of North Carolina in two instances.

Mr. Gibbons in two instances.

Mr. Rees in three instances.

Mr. Long of Maryland in four instances.

Mr. Boland in two instances.

Mr. Podell.

Mr. Delaney in two instances.

Mr. Dorn in two instances.

Mr. Murphy of New York.

Mr. Nix in three instances.

Mr. Stokes.

Mr. Edmondson in two instances.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until Monday, March 2, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1687. A letter from the Secretary of the Treasury as Chairman of the National Advisory Council on International Monetary and Financial Policies, transmitting the Council's special report on the proposed U.S. contribution to the Consolidated Special Funds of the Asian Development Bank (H. Doc. No. 91–261); to the Committee on Banking and Currency and ordered to be printed.

1688. A letter from the Comptroller General of the United States, transmitting a compilation of findings and recommendations for improving Government operations relating to fiscal year 1969 (H. Doc. No. 91–270); to the Committee on Government Operations and ordered to be printed.

1689. A letter from the Deputy Secretary of Defense, transmitting the annual report of the Secretary of Defense on Reserve Forces for fiscal year 1969, pursuant to the provisions of 10 U.S.C. 279; to the Committee on Armed Services.

1690. A letter from the Comptroller General of the United States, transmitting a report on the need to revise work schedules of employees assigned to railway and highway post offices, Post Office Department; to the Committee on Government Operations.

1691. A letter from the Secretary of Commerce, transmitting the 57th annual report of the Secretary for the fiscal year ended June 30, 1969; to the Committee on Interstate and Foreign Commerce.

1692. A letter from the Secretary of the Interior, transmitting a report relative to prefinanced projects involving waste treatment facilities and listing reimbursable amounts by States and communities; to the Committee on Public Works.

1693. A letter from the Deputy Administrator, Veterans' Administration, transmitting a draft of proposed legislation to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines; to the Committee on Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLATNIK:

H.R. 16185. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BUSH:

H.R. 16186. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide financial assistance to States for the construction of correctional institutions and facilities; to the Committee on the Judiciary.

By Mr. BUTTON:

H.R. 16187. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WILLIAM D. FORD:

H.R. 16188. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 16189. A bill to amend the Tariff Act of 1930 to eliminate, in the case of shrimp vessels, the duty on repairs made to, and repair parts and equipments purchased for, such vessels in foreign countries, and for other purposes; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 16190. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, reliability, and effectiveness of medical devices; to the Committee on Interstate and Foreign Commerce.

By Mr. HANLEY:

H.R. 16191. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HENDERSON:

H.R. 16192. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. LONG of Maryland:

H.R. 16193. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. LUJAN:

H.R. 16194. A bill to amend section 35 of the Mineral Leasing Act of 1920 with respect to the disposition of the proceeds of sales, bonuses, royalties, and rentals under such act; to the Committee on Interior and Insular Affairs.

By Mr. McFALL:

H.R. 16195. A bill to amend section 4452 of title 39, United States Code, to extend the third-class bulk mail privilege granted to qualified nonprofit organizations to election materials required to be furnished by governmental authorities to registered voters under State law, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McMILLAN (for himself, Mr. Abernethy, Mr. Dowdy, Mr. Hagan, Mr. Fuqua, Mr. Kyros, Mr. Hungate, Mr. Cabell, Mr. Blanton, Mr. Nelsen, Mr. Springer, Mr. O'Konski, Mr. Harsha, Mr. Broyhill of Virginia, Mr. Winn, Mr. Hogan, Mr. Thomson of Wisconsin, Mr. Smith of New York, Mr. Landgrebe, and Mr. Scott):

H.R. 16196. A bill to reorganize the courts of the District of Columbia, to revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the District of Columbia Code, and for other purposes; to the Committee on the District of Columbia.

By Mr. MICHEL:

H.R. 16197. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. MILLS:

H.R. 16198. A bill to amend the Internal Revenue Code of 1954 to permit charges for certain services; to the Committee on Ways and Means.

H.R. 16199. A bill to establish a working capital fund for the Department of the Treasury; to the Committee on Ways and Means.

My Mr. MORGAN:

H.R. 16200. A bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors; to the Committee on Foreign Affairs.

By Mr. OLSEN:

H.R. 16201. A bill to supply the manpower needs of the Armed Forces of the United States through a voluntary system of enlistments, to further improve, upgrade, and strengthen the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. RODINO:

H.R. 16202. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. SISK:

H.R. 16203. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WAGGONNER:

H.R. 16204. A bill to designate as the John H. Overton lock and dam the lock and dam authorized to be constructed on the Red

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River near Alexandria, La.; to the Committee on Public Works.

By Mr. BIAGGI:

H.R. 16205. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from the offensive intrusion into their homes of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BUCHANAN:

H.R. 16206. A bill to restrict travel in violation of area restrictions; to the Committee on the Judiciary.

H.R. 16207. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

H.R. 16208. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. GRIFFIN:

H.R. 16209. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

Mr. HATHAWAY:

H.R. 16210. A bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 16211. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes; to the Committee on Education and Labor.

By Mr. MEEDS:

H.R. 16212. A bill to designate certain lands in the Three Arch Rocks, Oregon Islands, Copalis, Flattery Rocks, and Quillayute Needles National Wildlife Refuges as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 16213. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance for the aged; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 16214. A bill to establish a Joint Congressional Committee on Foreign Policy; to the Committee on Rules.

By Mr. STEIGER of Wisconsin.

H.R. 16215. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. SCHEUER (for himself, Mr. Cohelan, Mr. Dulski, Mr. Hays, Mr. Matsunaga, Mr. Morse, Mr. Ottinger, Mr. Pepper, Mr. Podell, Mr. Mr. Rees, Mr. St Germain, and Mr. Waldie):

H.R. 16216. A bill to provide for the elimination of the use of lead in motor vehicle fuel and the installation of adequate antipollution devices on motor vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. STUCKEY:

H.R. 16217. A bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. BROOMFIELD:

H.J. Res. 1104. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 1105. Joint resolution with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. MESKILL:

H.J. Res. 1106. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H. Con. Res. 517. Concurrent resolution expressing the sense of the Congress with respect to the annual reduction of the national debt in order to establish a sound fiscal policy; to the Committee on Ways and Means.

By Mr. QUIE (for himself, Mr. MacGregor, Mr. Whitehurst, Mr. Zwach, and Mr. Goldwater):

H. Res. 856. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

By Mr. WAGGONNER (for himself, Mr. Roudebush, Mr. Ashbrook, and Mr. Flood):

H. Res. 857. Resolution to reprint House Document 213, 83d Congress, first session, "Permit Communist-Conspirators To Be Teachers?"; to the Committee on House Administration.

By Mr. DIGGS (for himself, Mr. O'Hara, Mr. William D. Ford, Mr. Reuss, Mr. Bingham, Mr. Ashley, Mr. Brasco, Mr. Addabbo, Mr. Ottinger, Mr. Brown of California, Mr. Ruppe, Mr. Nedzi, Mr. Scheuer, Mr. Fraser, Mr. Burton of California, Mr. Boland, Mr. Cohelan, Mr. Rees, Mr. Dingell, Mr. Barrett, Mr. Edwards of California, Mr. Kastenmeier, Mr. Patten, and Mr. Wolff):

H. Res. 858. Resolution restricting Governor Maddox as a guest in the House of Representatives dining room; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 16218. A bill for the relief of Emanuel Stavrakis; to the Committee on the Judiciary.

By Mr. HICKS:

H.R. 16219. A bill for the relief of Edgar Harold Bradley; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

313. By the SPEAKER: A memorial of the Legislature of the State of Colorado, relative to prescribing more stringent emission standards for motor vehicles; to the Committee on Interstate and Foreign Commerce.

314. Also, a memorial of the House of Representatives of the State of Washington, relative to admission requirements at Veterans' Administration Hospitals; to the Committee on Veterans' Affairs.

315. Also, a memorial of the Legislature of Guam, relative to uniformity of the national standards for welfare assistance; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

THE BUSING ISSUE

HON. ALBERT GORE

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Thursday, February 26, 1970

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an article entitled "Busing Issue Looks Explosive," written by Theotis Robinson, Jr., and published in the Knoxville News-Sentinel of recent date.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUSING ISSUE LOOKS EXPLOSIVE

(By Theotis Robinson, Jr.)

The issue of busing students to achieve a racial balance is becoming explosive. In an effort to implement the Supreme Court's 1954 ruling on segregated schools, Federal courts have been ordering some Southern school districts to employ busing as a means of achieving racial balance.

This has brought a reaction from many parents and public officials alike against busing. The Tennessee State Senate last week passed a bill banning busing and the House is expected to follow suit. The objectors to busing contend that the system of neighborhood schools would be destroyed if students were bused and that busing works a hardship on students. They argue that a student should attend the school in his neighborhood and not one across town.

All of this probably would be acceptable if it were not for the hypocrisy involved. Where were these defenders of "neighborhood schools" when black children were being bused not just across town but from one county to another so they could attend segregated schools? Black students were bused from Anderson County and Sevier County to Austin High School for many years. There probably are families in both Anderson and Sevier Counties in which both parents and their children were bused to Austin High School. And every black student in Knox County also attended Austin. Those outside the city were bused in, but students inside the city had to get there the best way they could. It's too bad that the defenders of neighborhood schools did not see fit to protest back then. That they protest now only points up the hypocrisy involved.

BUSING TREATS SYMPTOMS

There is much to be said for and against the busing of students. One strong argument for busing is that this allows the white child and the black child to get to know each other and to learn to understand each other. The main problem in black-white relations is that there has not been enough communication between the races. If our children can learn to respect each other and communicate maybe they can solve many of the problems which we seem unable to solve.

The main drawback to busing, however, is that it is only getting at the symptoms of the more critical and complex problem of housing patterns. If our neighborhoods were not segregated then our schools would not be

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segregated. Neighborhood schools simply reflect housing patterns. If the neighborhood is all-white, the schools will be all-white. If the neighborhood is all-black then all-black schools develop. But if the neighborhood is integrated then integrated schools should result. Such is not always the result in the case of integrated neighborhoods however. The percentage of black families living in East Knoxville is not even near the percentage of black students attending Austin-East High School. Black students make up nearly one hundred per cent of the school's enrollment. There are fewer than a dozen white students in the entire student body.

This does not reflect the housing patterns in East Knoxville, and supposedly there should be a greater number of white students attending Austin-East. But while many oppose transfering students from the school in their neighborhood to some other school for the purpose of achieving racial integration, the Knoxville Board of Education and presumably boards in other areas, find nothing wrong with students transfering away from the school in their neighborhood to some other school for the purpose of perpetuating a segregated school system. If the principle of neighborhood schools were strictly enforced in Knoxville, not under the present gerrymandered zones which the Board of Education purposely drew to limit the present gerrymandered zones within the bonafide and logical zoning plan, school integration would be more complete.

QUALITY OF TEACHING IMPORTANT

The question of integration or de facto segregation probably is not as crucial as the problem of providing quality education. The question in the minds of parents, both black and white, should not be one of overwhelming significance on the question of integration or segregation. The number one concern should be the quality of education that one's child is receiving. For most black people, however, integrated schools and quality education have gone hand in hand. The reason for this has been that boards of education have provided for the needs of all-white schools first, and what was left over was then spent in black schools. All too often this was not enough to provide a quality education for the black student. There has been a shortage of equipment and supplies in all-black schools and this has handicapped the black student. (As a student at Austin High School, my history class used books discarded from West High School. Most had pages missing, and all had been written in by West High students. West High received new books and Austin received discards.)

What the final answer will be is unknown. The problem of busing is certainly not a regional problem. Segregated schools can be found in all sections of the country. Last week, the city of Los Angeles was ordered to desegregate schools. Because of housing patterns, officials there say that the only way to integrate the schools is to bus students. But they also say that to bus students would cost more than $20 million which the city does not have. They plan to go to court. There are no easy answers to our problems. It will take patience, hard work and understanding to find a solution. But hopefully, an answer will be found.

TRASH, WASTE, AND THE ENVIRONMENT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. RYAN. Mr. Speaker, the problem of pollution has become one of the most serious issues facing our Nation.

The problem of pollution—in the air, in the water, and on land—has been unchecked for too long. We suddenly are realizing that, if action is not taken soon to preserve the quality of our environment, it will be too late.

One of the aspects of this problem is that our cities are unable to dispose of solid waste quickly, efficiently, and adequately. Many of our major cities are virtually imprisoned by trash.

I have introduced H.R. 642 which would amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities.

Recently the Washington Post published a series of four articles on the problem of solid wastes entitled "Waste: Problem of the 1970's" and written by Jim Mann.

The articles, which appeared on February 22, 23, 24, and 25, 1970, deal with the problems of solid waste removal, new methods of disposal, the problems in the Washington area, and Washington regional efforts.

I commend Mr. Mann for writing these articles and bringing the problem of solid waste disposal to the attention of Post readers.

I urge my colleagues to read these articles. We must be willing to face the consequences of our present waste disposal methods.

We also must be willing to seriously face the task of learning how to get rid of our garbage without turning our Nation into a dump.

The articles referred to follow:

[From the Washington Post, Feb. 22, 1970]

WASTE: PROBLEM OF THE 1970'S—CITIES ARE ENGULFED BY OCEANS OF TRASH

(By Jim Mann)

Washington, like metropolitan areas across the nation, is in the midst of a crisis in garbage and trash disposal.

National attention has suddenly centered on the dramatic problems of air and water pollution. But with less fanfare, those in the field called "solid waste disposal" have been forecasting national disaster in the pile-up of America's garbage and trash. Its piles of discarded automobiles, refrigerators, washing machines and television sets seem to grow almost without end.

The reason for their alarm can be stated quite simply: the amount of throw-away material is increasing rapidly and the number of practical ways of getting rid of it is declining.

America now spends about $4.5 billion a year disposing of about 350 million tons of refuse. Federal officials expect the tonnage to double within 20 years.

The District of Columbia's sanitary landfill at Oxon Bay will run out by the end of February. With no land available within its borders, the District will begin to fill land across Oxon Bay in Prince George's County.

The sanitary landfill at Anacostia in Prince George's County was supposed to receive garbage and trash until 1976. A few years ago, the estimate was changed to 1974. Now, a Prince George's engineer believes that the landfill will be completed by 1972.

Throughout the Washington area and elsewhere, public works officials are trying to decide what to do about their incinerators, most of which fail to meet recently passed air pollution standards.

In their desperation, public works officials have been sponsoring or conducting an array of experiments, some of which might seem farcical to the average American whose garbage disposal problems seldom extend beyond the chore of carrying out the rubbish.

Some ideas:

Virginia Beach, Va., is disposing of its own refuse and the refuse from nearby Norfolk onto a so-called "mountain of trash" 60 feet high and between 900 and 1,000 feet in diameter located about six miles from the Atlantic Ocean. The refuse will be covered with dirt and eventually turned into a combination amphitheater and roller derby. The nearby land from which the dirt is scooped will become a lake.

The mountain, which the local townfolk call "Mount Trashmore," will be the highest spot in the area. Officials expect that the amphitheater will attract folk concerts for the Virginia Beach summer vacationers. Similar hills to be constructed in Chicago and elsewhere may be used as artificial ski slopes while other areas plan to use landfill sites as golf courses or tennis courts.

At Clemson University, researchers are trying to find a replacement for the disposable bottle by developing a "dissolvable bottle"—one made of water-soluble glass with a thin coating of plastic, so that a housewife could crack the plastic covering of a used bottle and wash it down the sink.

In HEW's Bureau of Solid Waste Management, federal officials admit they are contemplating the regulation of the packaging industries to cut down on solid waste in the same way that the government now regulates air pollution.

In Japan, experimenters have been trying to develop a press that would turn garbage and trash into a filler for use in building blocks. It hasn't worked yet.

Within the Atomic Energy Commission, physicists are discussing the most futuristic solution to the trash problem—a "fusion torch" that uses thermonuclear energy to convert all waste compounds back to their original atoms. The end products may then be used elsewhere. For example, in one experiment, cellulose was broken down to its elemental parts and then recombined to make paper.

According to Richard D. Vaughan, director of the Bureau of Solid Waste Management, the nation's expanding population accounts for part, but only part, of the increase in refuse. In the past few years, there has also been a dramatic increase in the amount of trash that each person produces.

Vaughan cites as an example of recent problems the transformation of American hospitals.

A few years ago, the U.S. Public Health Service urged hospitals to switch to single-use syringes instead of the older ones that had to be sterilized for re-use

Soon, Vaughan says, hospitals began to use single-use sheets, trays and other items. They now generate about 20 to 30 pounds of trash a day for each patient. Vaughan maintains that in retrospect "the hospitals should have considered the problems to the environment caused by the increased waste load."

In recent years, the two most popular methods in urban areas for waste disposal have been by incineration and by sanitary landfill. Each of the possibilities has now become troublesome.

Nearly all current incinerators pollute the air. With the recent passage of air pollution ordinances, these incinerators either will require expensive new equipment or will have to be replaced entirely.

According to Nicholas B. Stollaroff, Prince Georges urban engineer, the costs of building a new incinerator have risen from about $5,000 a ton capacity to about $11,000 a ton because of the more stringent air pollution codes.

Because of these costs, public works officials would prefer to dispose of their wastes by sanitary landfill—an engineering project in which garbage and trash are covered under layers of earth.

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A well-designed sanitary landfill project differs in several respects from a dump or junkyard. At the Brown Station Road landfill in Prince Georges County, for example, the refuse is crushed by compactors, costing more than $50,000 apiece, which reduce the volume of refuse by about 75 per cent.

The Brown Station Road landfill is carefully aimed at avoiding pollution problems by preventing contact with ground water. It is designed with firebreaks and firefighting equipment to control the usual town-dump trash fires. There are efforts to control dust and blowing paper. The refuse is covered with six inches of earth each day. Periodically, an additional cover of one or two feet is added.

The problem is that such landfill projects are already taking up an enormous amount of urban and suburban space. Once filled, the land can be reused for recreational facilities, but it cannot be used for building construction because engineers feel it is not sufficiently stable.

The long-term environmental effects of landfilling are not known. Most scientists think the refuse will eventually decompose, but the speed and results of decomposition are unclear. One local engineer said he suspects that "200 years from now, you will still be able to read the discarded newspapers and tin can labels."

Furthermore, public works officials are now facing a solid wall of civil opposition each time a new site is proposed for landfilling. As next-door neighbors, sanitary landfills seem to rank about equal in popularity with freeways, prisons and asylums.

Public officials admit they have been forced to become secretive about their choices for a landfill site. Three years ago, the Metropolitan Washington Council of Governments released an engineering study of refuse problems in the Washington area that listed about 35 potential landfill sites. None of the sites has been used, an official explains, because their disclosure in the report allowed neighborhoods to organize in opposition.

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With land becoming more scarce, some localities, like Virginia Beach, are building landfills upward, thereby cutting down on the number of acres of land they must occupy.

But as the incinerators become more expensive and urban land becomes scarce, most public works officials admit they are waiting for some kind of "technical breakthrough" to rescue them from the oceans of trash and garbage.

[From the Washington Post, Feb. 23, 1970]

Waste: Problem of the 1970's—Trash Crisis Continues as Cities Seek Relief

(By Jim Mann)

Throughout the country, public officials charged with disposing garbage and trash are waiting for a new method, a new law, a new gadget to prevent disaster in the pile-up of refuse.

Public incinerators are becoming more expensive and less practical because of stronger air pollution codes, and space for sanitary landfilling in urban areas is becoming harder and harder to obtain.

So local public works officials are listening to ideas and watching for the results of all kinds of experiments.

One official, whose job it is to figure out what Prince Georges County will be doing with its trash in the year 2000, says that planning is difficult because "in 20 years we hope that somebody develops a new method which isn't even a gleam in somebody's eye yet."

Some of the new ideas are actually little more than new transportation and the same old disposal methods. Others, however, would use new technology or new laws; they might create radical changes in the American economy and household practices. One of the most frequently discussed proposals is hauling by rail.

For several years, metropolitan areas such as Washington, San Francisco, Philadelphia and Milwaukee have been considering the use of railroads to ship refuse to rural areas.

Under most proposals, garbage and trash would be collected and processed into bales at a central transfer station in an urban area and would then be moved by rail to a sanitary landfill far from the city. Federal officials say that rural strip mines may also be filled with refuse transferred by rail.

The railroads like the talk about rail haul. In some areas, including Washington, they are actively competing to see who can get into the trash business the fastest. For them it promises a new source of income and a new use for old railroad cars. Some railroads are also planning to use their own land holdings in rural areas for the disposal.

But rail haul has some drawbacks, and one of these is economic. The prices now being quoted are about $7 per ton for rail haul. The most harried urban jurisdictions, such as the District of Columbia and New York City, may find it within their means to pay these prices. But counties like Fairfax and Prince George's, which operate landfills at costs in the neighborhood of $2 per ton, will probably continue to look for new land rather than pay the rail rates.

Furthermore, federal officials admit that rail haul is only a short-term solution, one that will not cut down on the masses of refuse and the amount of land being devoted to its disposal.

They say rural areas will probably organize against landfills within their boundaries, just as urban and suburban neighborhoods have. "Nobody wants anybody else's garbage," says one public works official.

Thus, if the metropolitan areas want to dump their refuse in rural areas, they will probably have to pay more and more to do so.

At one point, San Francisco persuaded Lassen County in Northwestern California to allow disposal there. The city's offer was so attractive that Lassen County began to talk of garbage as a "million-dollar-a-year industry." San Francisco later backed out because it found the costs too high, a federal official reports.

Other frequently discussed methods:

Disposing in the sea—As the supply of land or waste disposal diminishes, public works officials have been eyeing the ocean as a possible site for future disposal. It would be feasible, some officials argue, to press garbage and trash into solid bales or blocks and dump these from scows or barges onto the ocean floor.

The U.S. Bureau of Solid Waste Management says it does not endorse such dumping. "We just don't understand yet what it will do to the ocean," says the bureau's director, Richard D. Vaughan.

Vaughan concedes that his department does not know how many localities are already disposing of garbage and trash in the seas. It expects a major report on the problem in June.

New York City has been dropping its sewage sludge into what Vaughan calls "an approved area" in the Atlantic outside New York for most of this century. A recent study by government scientists found that the sewage has killed nearly all marine life in the area.

Vaughan's bureau has been sponsoring projects on special kinds of disposal that might benefit the ecology of the ocean. In one, old tires thrown into the sea off the New England coast have proved useful sites for fish breeding. In another, Delaware will dump waste clamshells into Delaware Bay to see whether they can be used as cultch, a spawning bed for oysters.

Resource recovery—In the five years in which the Bureau of Solid Waste Management has been functioning, it has come to realize that a solution to the nation's refuse problems must include more than new lands or oceans in which to dump the papers and bottles and beer cans.

More and more, federal officials talk of the necessity of new techniques. The most frequently used new phrases are "resource recovery" and "volume reduction."

In plain English, resource recovery means finding new ways in which refuse can be used again so that a smaller percentage of material is discarded.

Right now, resource recovery is much more a concept than a practice. Although several techniques have been suggested, none has been widely employed.

One frequently mentioned possibility is composting—processing garbage for use as a soil conditioner. It is a method that has been tried, with some success, in the Netherlands and West Germany.

An obstacle to composting, one that confounds many other plans for the reuse of wastes, is the necessity to separate the glass bottles and tin cans that cannot be used in composting from the garbage and paper that can; no machine performs this separation effectively, and it is not an enticing prospect for human labor.

Another problem is to ensure that the compost produced from the refuse will actually prove a valuable soil conditioner. Johnson City, Tenn., and the Tennessee Valley Authority are establishing a compost plant with federal funds as a demonstration project.

Other possibilities for resource recovery now being studied include:

The re-use of automobile bodies as scrap for steel production. President Nixon endorsed this idea in his pollution message Feb. 10.

The re-use of tin and metal cans, perhaps from compost plants, for use as scrap metals.

Use of broken glass to make paving compounds. If developed, this technique would ease one of the most serious of all trash problems, the seeming infinity of disposable bottles. Their re-use is now being studied by the Missouri School of Mines, federal officials say.

Re-use of waste paper by paper manufacturers—This process too would require that the paper be separated from other refuse. The "Now Generation," unlike previous ones, has not been encouraged to save its newspapers in the cellar to give to the Boy Scouts.

Volume reduction—This second concept in vogue means, in translation, finding ways to cut down on the masses of waste material that the country must handle each year.

No one is quite sure how. It might mean switching away from disposable bottles. It might mean putting some kind of tax on refuse material as an incentive for manufacturers to cut down on weight and volume.

Vaughan, the federal official most directly concerned with the problem, talks about "changing American production" in a fashion that would help solve the waste problems. He speaks of designing American consumer goods "with repair in mind," in order to move away from planned obsolescence. Perhaps, Vaughan suggests, certain products like plastics can be produced with additives that make them biodegradable, or able to decompose gradually by normal chemical processes.

Recently Vaughan has been speaking before a variety of trade associations with names like "the Society of the Plastic Industries, Inc.," and its counterparts in the packaging and automobile industries.

He says he is trying to persuade these industries to help find ways of taking care of the refuse problems that their products create. But Vaughan admits, "If we are not able to achieve satisfactory answers, the next logical step is regulation." The Bureau of

Solid Waste Management has no regulatory powers now, but Vaughan says it may some day seek that power.

Regulation of industry might mean requiring a manufacturer to stop using an especially troublesome plastic, Vaughan says. It might mean requiring the manufacture of automobiles with a greater salvage value.

Vaughan admits that the day his bureau seeks regulatory legislation may not be that far off.

[From the Washington Post, Feb. 24, 1970]

Waste: Problem of the 1970's—City Lags in Refuse Disposal

(By Jim Mann)

Washington has its own monumental garbage-and-trash problem. According to one federal official, the city ranks with New York, Philadelphia and San Francisco as the nation's worst in the field of refuse disposal.

The problem is becoming more acute. Consider the following:

Of the area's seven incinerators, at least six fail to meet the most recent clean air standards, report officials who operate them. Operators of the seventh, in Alexandria, are not sure whether it meets the standards. Only in Montgomery County are there plans to make changes.

By the end of February, the District, with its own supply of land for trash dumps exhausted, will start disposing of nearly half its daily trash across the Prince Georges County line at Oxon Bay.

By 1972 the District must develop completely new outlets for its 2,200-ton daily collection of refuse.

Montgomery and Fairfax counties are each trying to obtain new sites for sanitary landfills before the current sites run out.

Arlington and Alexandria are trying to find some new way to get rid of their trash so they can close their incinerators.

By far the most burdened jurisdiction is the District of Columbia. The inner city has a far smaller supply of land than its surrounding suburbs. It has a much greater concentration of people producing refuse. It has a much larger number of businesses and industries. And it has a much greater problem in obtaining the funds to do anything about the program.

According to the District's own figures, in 1960 it disposed of 425,000 tons of garbage and trash. In 1965, the total was 650,000 tons. Last year, it was up to 875,000 tons. By comparison, no other area jurisdiction disposed of more than 400,000 tons last year.

Not only is the District's total volume of trash increasing, its per capita volume is also increasing and at a faster rate than that of the outlying counties.

According to statistics released by Metropolitan Washington Council of Governments, in 1966 the District generated trash amounting to 1,337 pounds for each resident. By contrast in the same year Arlington, Alexandria and Montgomery together averaged 900 pounds per resident.

By 1969 the difference was even greater. The District averaged 2,010 pounds per person and the outlying counties averaged about 1,000 pounds. The reason, most officials say, is that the District must dispose of the largest supply of business, industrial and office trash. That's a considerable task in a city famous for its red tape.

Waste disposal in Washington jurisdictions, 1969—In tons

District of Columbia	875,000
Alexandria	67,000
Arlington	92,000
Montgomery	250,000
Prince Georges	400,000
Fairfax	214,000

The old Kenilworth site, which District officials refer to as a "sanitary landfill" and nearly everyone else calls a dump, was finally closed last fall after 27 infamous years. It is now being turned into a park.

In its heyday, Kenilworth handled hundreds of tons of refuse daily by open burning. Richard D. Vaughan, director of the Bureau of Solid Waste Management, says, "After Kenilworth, we don't know what to point to" as the worst refuse disposal site in the country.

If Kenilworth is history, the District has more than enough current problems. It now disposes of about 2,200 tons of refuse per day, about 1,200 tons by incineration and 1,000 by sanitary landfill. Neither of these two methods is satisfactory and both will be stopped within two years.

The city has four incinerators: in Georgetown, O Street SE, Fort Totten and Mt. Olivet. The first two are 38 years old and the latter two between 10 and 15 years old. All four were rated unsatisfactory in a 1967 federal evaluation and all four fall short of current air quality standards.

The age and reduced capacity of the incinerators make them more costly. According to the Council of Governments' statistics, the operating costs of the District's incinerators are now approximately $8 per ton of refuse. In other Washington area incinerators, the operating costs are about $6.70 per ton.

PARK SERVICE LAND USE

The additional 1,000 tons per day that the incinerators cannot handle has been disposed of by sanitary landfill on National Park Service land in the District near Oxon Bay.

According to Norman E. Jackson, sanitary engineering director for the District, this site will be filled by the end of February. The District will begin to place its refuse on National Park Service land across the bay in Prince George's County. The land it uses will eventually be converted to recreational purposes. Jackson concedes that the District has not satisfied the objections of Prince George's residents—but the District has no other place to go.

The city is hoping to have two new outlets by 1972. One is a long-awaited "Incinerator Number Five," to be located just south of Kenilworth near Pepco's Benning Road plant. The new incinerator, which will cost about $18 million, is designed to burn 1,500 tons per day while meeting pollution standards.

The other outlet is a planned sanitary landfill operation in Prince William County at Cockpin Point, a 175-acre site for which the District is still negotiating. According to Jackson, the District is offering Prince William the controversial Featherstone Marsh site, where earlier District efforts to obtain a landfill site were blocked by conservationists. If it obtains Cockpit Point, Jackson says, the District would float its refuse down the Potomac to the site on barges.

Once the new incinerator and the Prince William landfill are in operation, Jackson says, the District will either remodel its incinerators or will convert them to "transfer stations" where refuse may be pressed into bales for placement on barges or railroad cars.

Other Washington jurisdictions are having their own struggles with garbage.

Arlington and Alexandria each are trying to find other disposal methods so that they may close down their incinerators.

F. H. Doe Jr., Arlington's utilities director, says his incinerator definitely does not meet air quality standards. Its pollution has aroused the citizenry in Alexandria's nearby Lynhaven district.

Of the pollution standards, Doe says, "We haven't paid too much attention to them, because we're not set up to do anything. I hope that before the federal people crack down, we get out of the incinerator business . . . We think it's more desirable not to burn."

REPLACEMENT DELAY SEEN

Doe estimated that finding a replacement for the county incinerator will take from three to six years. He concedes that by this time his incinerator may be officially ruled illegal, but he adds, "Who's going to do anything about it? What's going to happen in practice is that we'll tell them we're working on this and they'll grant us an extension . . . Nobody's given me a deadline yet, and until they do I'm not going to worry."

Both Montgomery and Fairfax counties are looking for new landfill sites.

Montgomery, which disposes of most of its refuse in the large incinerator near Rockville, needs a new landfill site for the incinerator ash "right now," according to Robert S. Mangum of the Bureau of Refuse Collection.

The present site next to the incinerator has reached its capacity, and the county is extending its life only by dumping the wastes a bit higher than it intended. Last year a county plan to develop a landfill in the Potomac-Travilah area ran into civic opposition.

Montgomery is also about to upgrade its incinerator, adding new antipollution devices and raising the capacity from 1,050 tons a day to 1,400 tons. Since completion in 1965, the $4.5-million incinerator has broken down, overheated and worked below capacity. A multimillion dollar incinerator suit by the county against the incinerator designers is still pending, Mangum says.

YEAR TO GO IN FAIRFAX

Fairfax has less than a year to go before its current landfill site is exhausted. It expects to present plans soon for a new, 600-acre landfill at a location that Harry L. Hale, the county's public works director, will not disclose.

Fairfax and Prince Georges are the two counties least worried about their trash problems. Hale says he hopes Fairfax, with its abundant supply of land, can dispose of refuse by landfill "perhaps forever."

In Prince Georges, Nicholas B. Stoliaroff, the urban engineer, feels he has the refuse under control. Stoliaroff, displays proudly a national public works award that he won in 1968 for the establishment of a waste disposal program. As part of the program, he designed the Brown Station Road landfill operation, which most officials say is the best in the area. It is expected to last until the mid 80s.

Even so, with Prince Georges trash volume increasing rapidly, Stoliaroff will have to develop additional landfills that he says he will have to "sell" to the public.

[From the Washington Post, Feb. 25, 1970]

Waste: Problem of the 1970's—Trash Plan for Area Readied

(By Jim Mann)

Within the next few months, the Metropolitan Washington Council of Governments will make public the first regional plans for the disposal of Washington's trash and garbage.

According to John J. Lentz, the official who is organizing the plan, the regional organization hopes to start in January, 1972, with the daily disposal of 1,000 tons from the District of Columbia, 400 tons from Arlington and 400 tons from Alexandria.

These three jurisdictions most urgently need help in order to close down their incinerators, Lentz explains. Other jurisdictions will join the regional plan later as they choose, paying a sum in proportion to the refuse that they turn over to the regional group.

The waste will be transported by rail to an as yet undisclosed site outside the greater Washington area.

The Council of Governments itself has no legal authority to operate programs. The only project it runs directly at this time is a series of express buses between suburban areas and downtown Washington. The waste disposal will be handled through a separate agency, the Metropolitan Washington Waste Management Agency.

If the Council of Governments actually succeeds in establishing regional cooperation in waste disposal, it will have overcome a long history of petty warring among Washington jurisdictions on this issue.

During summers in the 1890's, Washington barged garbage to a point across the Potomac River south of Alexandria for disposal. The practice so infuriated Alexandrians that some of them boarded and sank several of the Washington scows.

Love and kindness between jurisdictions has not increased much since then, at least with respect to garbage.

Today, for example, Montgomery County still polices its county incinerator to make sure that the trucks bringing in refuse are not coming from Prince George's County.

Prince George's charges private garbage collectors $2.50 a ton for disposal at their Brown Station Road landfill. Some collectors—no one knows how many—decide that it is worth the extra time and gasoline to drive the trash to Montgomery, Howard, Charles or Anne Arundel counties, where the disposal is free.

In addition, many other garbage collectors in the Washington area go to the Montgomery incinerator because it stays open until 8 p.m. each night. Most other incinerators and landfills close before 5 p.m.

The counties become even more sensitive when one jurisdiction seeks to operate a sanitary landfill within another's borders. The District of Columbia has been defeated again and again in attempts to find landfill space outside the city limits.

DISTRICT OF COLUMBIA PLAN HALTED

In 1968, Prince George's County refused to grant the District permission to operate a landfill at a site near Muirkirk. Last year, the District's plans to operate a landfill in Prince William County's Featherstone Marsh were halted when they ran into the opposition of conservationists, the County Board of Supervisors, and Secretary of the Interior Walter J. Hickel.

In suburban counties, where land is more plentiful, public officials guard it carefully for use later on. Fairfax Public Works Director Harry L. Hale says he is not working actively with other jurisdictions on solid waste problems because, "I've got all the problems I can handle here in Fairfax. We're struggling to keep ahead."

The jurisdictional bickering has hurt the cities and counties that have the least available land—Arlington, Alexandria and the District of Columbia.

Norman E. Jackson, sanitary engineering director for the District, says he feels that boundary lines present a special problem for Washington that no other metropolitan area faces.

DOUBLE TROUBLE

"We cross jurisdictional lines almost immediately. The Baltimore inner city can look to the state of Maryland for help, for land or otherwise. We don't have the room, and when we go outside city lines, we have more jurisdictional problems than usual. We have to deal both with different counties and different states. It adds to and complicates the problem."

The relationship between a county and a state can also create problems for officials trying to establish a landfill. For example, Maryland requires the approval of the State Department of Health for the operation of a sanitary landfill.

According to Robert S. Mangum, director of garbage and trash disposal for Montgomery the necessity of obtaining state approval puts the county in a bind. "You don't want to buy land until you know you'll have state approval, and you can't get state approval until you at least own the land."

Many of these cross-jurisdictional problems may be eased with the advent of the new Council of Governments' program. But Lentz is very cautious about making predictions. He is afraid that the old mistrust of "metropolitan government" will crop up among local jurisdictions, and he is very careful to stress that in initiating the new waste disposal program, the Council of Governments will be solving a problem and not usurping power.

MAY SELL BONDS

Although the Metropolitan Washington Solid Waste Management Agency has actually been incorporated since 1967, it currently has no staff outside the Council of Governments' employees.

According to Lentz, the agency may sell public bonds in order to help finance the disposal system. The agency will be run by delegates from the participating jurisdictions.

While the regional system is being established, those who must deal daily with the garbage continue to wait for some kind of magical solution that will keep Washington's discards from piling up faster and faster.

Trying to imagine some sort of answer to his problem, one local engineer muses, "Maybe you could shoot the garbage up to the moon."

Then he pauses, recalling his science training, and says, "The increased weight would bring the moon closer and closer to earth. It won't work."

FORCED INTEGRATION

HON. GORDON ALLOTT

OF COLORADO

AND

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 26, 1970

Mr. ALLOTT. Mr. President, readers of the Wall Street Journal have learned to expect wisdom and humane concern in the writings of Vermont Royster. The February 26 Journal contains an article by Mr. Royster that is wise, humane, and very timely.

The article is entitled "Forced Integration: Suffer the Children," and it speaks to some of the most vexing problems of our time.

Mr. Royster is to be commended for what he says and for the way he says it. The substance of his remarks—that coercion can defeat the purposes for which it is designed—is sound. The tone of his remarks—moderate and low key—is worth emulating.

Mr. President, I ask unanimous consent that Mr. Royster's article be printed in the RECORD.

Mr. TALMADGE. Mr. President, I, too, have read Mr. Royster's excellent article and am pleased to join the distinguished Senator from Colorado in asking unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FORCED INTEGRATION: SUFFER THE CHILDREN

(By Vermont Royster)

"Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure."

The words of Stewart Alsop in Newsweek will serve as well as any. They are startling, honest and deeply true. Whatever anyone else says otherwise, however shocked we may be, we know he is right.

The proof lies in the fact that Congress, in a confused sort of way, has made it clear that it no longer thinks forced integration is the way to El Dorado. Since Congress is a political body, that in itself might be evidence enough. But Mr. Alsop has also put the statement up for challenge to a wide range of civil rights leaders, black and white, ranging from Education Commissioner James Allen to black militant Julius Hobson, and found none to deny it. Beyond that, we have only to look around ourselves, at both our white and our black neighbors, to know that the failure is there.

But that only plunges us into deeper questions. Why is it a failure? And why is it tragic? Why is it that something on which so many men of good will put their faith has at last come to this? Where did we go wrong?

And those questions plunge us yet deeper. For to answer them we must go back to the beginning. It is the moment for one of those agonizing reappraisals of all our hopes, emotions, thoughts, about what is surely the most wretched of all the problems before our society.

A SIMPLE PROPOSITION

We begin, I think, with a simple proposition. It is that it was, and is *morally* wrong for a society to say to one group of people that because of their color they are pariahs—that the majesty of law can be used to segregate them in their homes, in their schools, in their livelihoods, in their social contacts with their fellows. The wrong is in no wise mitigated by any plea that society may provide well for them within their segregated state. That has nothing to do with the moral question.

In 1954, for the first time, the Supreme Court stated that moral imperative. Beginning with the school decision the judges in a series of decisions struck down the legal underpinnings of segregation.

Since emotions and prejudices are not swept away by court decisions there were some white people in all parts of the country who resisted the change. But they were, for all their noise, in the minority. The great body of our people, even in the South where prejudice had congealed into custom, began the task of stripping away the battens of segregation. Slowly, perhaps, but relentlessly.

Then some people—men of good will, mostly—said this was not enough. They noticed that the mere ending of segregation did not mix whites and blacks in social intercourse. Neighborhoods remained either predominantly white or black. So did schools, because our schools are related to our neighborhoods. So did many other things. Not because of the law, but because of habit, economics, preferences—or prejudices, if you prefer.

From this came the concept of "de facto" segregation. This Latin phrase, borrowed from the law, describes any separation of whites and blacks that exists in fact and equates it with the segregation proscribed by law. The cause matters not. These men of good will concluded that if segregation in law is bad then any separation that exists in fact is equally bad.

From this view we were led to attack any separation as defactor segregation. Since the first attack on segregation came in the schools, the schools became the first place for the attack on separation from whatever cause. And since the law had served us well in the first instance, we chose—our lawmakers chose—to use the law for the second purpose also. The law, that is, was applied to compel not merely an end to segregation but an end to separation by forced integration.

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It was at this point that we fell into the abyss. The error was not merely that we created a legal monstrosity, or something unacceptable politically to both whites and blacks. The tragedy is that we embraced an idea *morally* wrong.

That must be recognized if we are to understand all else. For what is wrong about forced integration in the schools is not its impracticality, which we all now see, but its immorality, which is not yet fully grasped.

Let us consider.

Imagine, now, a neighborhood in which 95% of the people are white, 5% of them black. It is self-evident that we have here a de facto imbalance. We do not have legal segregation, but we do not have integration either, at least not anything more than "tokenism."

Let us suppose also that for some reason—any reason, economics, white hostilities, or perhaps black prejudice against living next door to whites—the proportion does not change. The only way then to change it is for some of the whites to move away and, concurrently, for some blacks who live elsewhere to move into this neighborhood. One is not enough. Both things must happen.

CREATING AN IMBALANCE

Or let us suppose the proportion does change. Let us suppose that for some reason—any reason, including prejudice—large numbers of white families move out of the neighborhood, making room for black people to move in, so that after a few years we have entirely reversed the proportions. The neighborhood becomes 95% black, 5% white.

Again we have an imbalance. Again we do not truly have segregation but call it that, if you wish: de facto segregation. In any event we do not have integration in the sense that there is a general mixing together of the blacks and whites.

Now suppose that we act from the assumption that this is wrong. That it is wrong to have the neighborhood either 95% white or 95% black. That the mix, to be "right," must be some particular proportion.

What action is to be taken? In the first instance, do we by law forcefully remove some of the white families from the neighborhood so that we can force in the "proper" number of black families? Or, in the second instance, do we by law prohibit some of the white families from moving out of the neighborhood? If we do either, who decides who moves, who stays?

The example, of course, is fanciful. We do none of this. No one has had the political temerity to propose a law that would send soldiers to pick people up and move them, or to block the way and prevent them from moving. No one stands up and says this is the moral thing to do.

Stated thus baldly, the immorality of doing such things is perfectly clear. No one thinks it moral to send policemen, or the National Guard bayonets in hand, to corral people and force them into a swimming pool, or a public park or a cocktail party when they do not wish to go.

No one pretends this is moral—for all that anyone may deplore people's prejudice—because everyone can see that to do this is to make of our society a police state. The methods, whatever the differences in intent, would be no different from the tramping boots of the Communist, Nazi or Fascist police states.

All this being fanciful, no one proposing such things, it may seem we have strayed far from the school integration program. But have we?

The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.

There are many things wrong with the forcible transfer of children from school to school to obtain the "proper" racial mix. It is, for one thing, wasteful of time, energy and money that could better be applied to making all schools better.

To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationists idea that somehow the white children will suffer from putting their white skins near to black skins.

Both are insolent assertions of white superiority. Both spring from the same bitter seed.

Still, the practical difficulties might be surmounted. The implied arrogance might be overlooked, on the grounds that the alleged superiority is not racial but cultural; or that, further, both whites and blacks will gain from mutual association. That still leaves the moral question.

Perhaps it should be restated. Is it moral for society to apply to children the force which, if it were applied to adults, men would know immoral? What charity, what compassion, what morality is there in forcing a child as we would not force his father?

It is a terrible thing to see, as we have seen, soldiers standing guard so that a black child may enter a white school. You cannot help but cringe in shame that only this way is it done. But at least then the soldiers are standing for a moral principle—that no one, child or adult, shall be barred by the color of his skin from access to what belongs to us all, white or black.

But it would have been terrifying if those same soldiers had been going about the town rounding up the black children and marching them from their accustomed school to another, while they went fearfully and their parents wept. On that, I verily believe, morality will brook no challenge.

Thus, then, the abyss. It opened because in fleeing from one moral wrong of the past, for which we felt guilty, we fled all unaware to another immorality. The failure is tragic because in so doing we heaped the burdens upon our children, who are helpless.

MUST WE TURN BACK?

Does this mean, as many men of good will fear, that to recognize as much, to acknowledge the failure of forced integration in the schools, is to surrender, to turn backward to what we have fled from?

Surely not. There remains, and we as a people must insist upon it, the moral imperative that no one should be denied his place in society, his dignity as a human being, because of his color. Not in the schools only, but in his livelihood and his life. No custom, no tradition, no trickery should be allowed to evade that imperative.

That we can insist upon without violating the other moral imperative. So long as he does not encroach upon others, no man should be compelled to walk where he would not walk, live where he would not live, share what company he would shun, think what he would not think, believe what he believes not.

If we grasp the distinction, we will follow a tragic failure with a giant step. And, God willing, not just in the schools.

BILINGUAL EDUCATION—PROFILE 70

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. PUCINSKI. Mr. Speaker, for too long we have neglected the needs of our Spanish-speaking Americans.

The history of the United States has been interwoven with the Spanish at least since the time Columbus discovered America under the patronage of the Spanish Queen Isabella, and their indelible mark throughout the centuries has enriched the heritage of our country.

As a matter of fact, Mr. Speaker, the Spanish influence has dominated this continent long before the discovery of America.

But today, while Spanish-speaking Americans comprise the second largest minority group in the United States, they feel alienated. They suffer from a language barrier; they are too often branded as stereotypes; they are not taught in our schools of the valuable contributions they have made to the culture, social, economic, and political histories of many countries, including the United States.

Recently, Mr. Armando M. Rodriguez, Director of the Office for Spanish-Speaking American Affairs of the Department of Health, Education, and Welfare, delivered an excellent speech in Chicago placing into proper perspective the problems and needs of the Spanish-speaking Americans.

I should like to place in the RECORD today Mr. Rodriguez's excellent presentation because it so eloquently spells out the inspiring contributions made by our Nation's "silent minority."

Mr. Speaker, the speech follows:

BILINGUAL EDUCATION—PROFILE 70

For nearly three years I have traveled back and forth across our country as a representative of our national government, spurring both governmental and private agencies to direct some of their resources to the Spanish-speaking population. In doing so I have found our people—Puerto Ricans, Cubans, and Mexican-Americans—to be regarded in some communities as non-existent, in others with fear, in others with respect, and in others with suspicion. I also found that this population is referred to as Spanish-Americans, Latinos, Hispanos, Spanish-Speaking Americans, Spanish-Surnamed Americans, Americans of Spanish or Mexican Descent, Los Batos Locos and a number of other names I choose not to repeat here tonight. But whatever we are called, we are La Raza, a name that unites us linguistically and culturally.

I have also found out that there are approximately 10 million of us, that more than 80% of us live in urban communities like Chicago, and that more than 70% of us are in the three states of New York, Texas and California. I also found that the states of Michigan, Illinois, Indiana, New Jersey, Ohio, Wisconsin and Iowa are the fastest area for settlement of Spanish speakers in the country outside of New York, Texas and California. I also found that the Spanish speaking American population is the youngest in the country with more than 50% under age 20. I found that our educational attainment—based on 1960 census figures—is the lowest in the country for any distinctive ethnic or racial group (in Texas it barely reaches the 5th year of school); that the dropout rate of the Spanish speakers is the highest in the country, exceeding 50% in some of the high schools in New York, Chicago, Los Angeles and San Antonio. That more than 80% of the youngsters from Mexican American families starting school in Texas do not finish. That in California less than 1% of the students enrolled in the seven campuses of the University of Californa are Spanish-Surname—how many of those are Puerto Rican or Mexican

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American, we do not know. This is the higher education situation in a state where 14% of the public school enrollment is Spanish-Surnamed. A shocking statistic is that the Mexican-American enrollment at California State College in Los Angeles, located in the heart of East Los Angeles, a barrio of more than 400,000 Mexican Americans, dropped almost 50% last year. These are some frightening statistics that tell a little about the second largest minority in our country.

Who is La Raza when you strip away the educational and economic chains that bind him? For the most part, he is still an alien, unknown in his own land. This is true even in the Southwest, where the cultural heritage is a living reminder of the part that Spain and Mexico played in forming the character of this nation. The Mexican is pictured on the one hand as the peon, who, hat in hand, holds the reins for John Wayne in the movies, or is the Frito Bandito on T.V. On the other hand, he is the glamorous *hidalgo*, the ambassador of good will for the city of San Diego and a participant in the Rose Bowl Parade. Between the fanciful extremes of the peon and the hidalgo is La Raza. Probably the most telling observation ever to be printed about us came from the pages of *Newsweek* (May 23, 1966): "We're the best kept secret in America".

I would like to say here today that the secret is now out. We are fast becoming America's most promising human catalyst for the creation of a democratic society where cultural heritage and language assets are prime instruments in the acceptance of human diversity as major national goal. I refute that television report in April of last year that identified La Raza as "The Invisible Minority". If the producers could sense what I feel and see in my travels, La Raza would be identified as the "dynamic and responsible minority". The old image that the Puerto Rican or the Mexican American is neither Puerto Rican, Mexican nor American: he is suspended between two cultures, neither of which claims him, is rapidly disappearing. Tomorrow's Puerto Rican and Mexican American—those forceful, creative, bold youngsters under 25 will be the American citizens who successfully retain and cherish their cultural heritage and simultaneously participate fully in the larger cultural environment of our society. And I suggest that the frontier of this movement will be found in the urban areas of our cities throughout this country. Who is the Puerto Rican or the Mexican American? He is that unique individual who has suffered from cultural isolation, language rejection, economic and educational inequalities, but who has now begun to take those instruments of oppression and turn them into instruments of change. Bilingual and bicultural education in our public schools will be a reality very shortly. The national moral and legal commitment of our federal government for educational programs that reflect the culture and language of the students will be a common part of curriculums throughout the country. And to a great extent this sweeping movement must be credited to the patience and perseverance of our youth—cultural qualities that for so many years was termed, "passivity".

It is this sweeping movement, vigorously enunciated by the Youth Movement, that will destroy an environment now existing that says to us and particularly the youngster in school, that the only Americanism is that which permeates the textbooks with little or no reference to positive historical accomplishments unless achieved by the Anglo. Mexican American and Puerto Rican children can and will do well scholastically, but only in schools, including colleges, that not only emphasize the Anglo way of life, but also fosters pride in the Mexican American and Puerto Rican for his origin, history, culture, and bilingual background.

A high school girl from the barrio in East Los Angeles said: "We look for others like ourselves in these history books, for something to be proud of for being a Mexican, and all we see in books, magazines, films, and TV shows are stereotypes of a dark, dirty, smelly man with a tequila bottle in one hand, a dripping taco in the other, a serape wrapped around him, and a big sombrero".

This, my friends, is not the hispano here or anywhere in the country. I ask that all of you here join me in a fight to eradicate such stereotypes from every aspect of our media. The negative images of La Raza in advertising on TV is one of the most destructive forces now existing for the creation of a society where cultural and human diversity is an imperative thread in the strength of the total fabric. This fight must be won before freedom for all of us can be realized. I would like to quote from three different sources which reveal the deep feeling of pride, dignity and concern so important for all of us, not because it is good or true but because these feelings exist especially among our youth who fight for self-identity and positive image recognition.

"Who am I?" asks a young Mexican American high school student. "I am a product of myself. I am a product of you and my ancestors. We came to California long before the Pilgrims landed at Plymouth Rock. We settled California the Southwestern part of the United States including the states of Arizona, New Mexico, Colorado and Texas. We built the missions, we cultivated the ranches. We were at the Alamo in Texas, both inside and outside. You know we owned California—that is, until gold was found here. Who am I? I'm a human being. I have the same hopes that you do, the same fears, the same drives, same desires, same concerns, same abilities; and I want the same chance that you have to be an individual. Who am I? In reality I am who you want me to be".

This same concern for dignity and respect is found in the poetry of Alberto Alurista:

"Mis ojos hinchados
flooded with lagrimas
de bronce
melting on the cheek bones
of my concern
razgos indigenos
the scars of history on my face
and the veins of my body
that aches
vomito sangre
y lloro libertad
I do not ask for freedom
I am freedom"

And this freedom means education. And this freedom means a bigger share in the economic and political pot.

Olivia de San Diego says in her poem:
"I've heard Black is beautiful
But, I want you to know
Brown is beautiful
To feel is to be, to live
My feelings are beautiful because they're *real*, because they're me
And I'm being brave enough, loving enough
To *allow* myself to feel, to be myself . . . to grow
But ——
Who can/will understand my frustration, my pain
Who can I turn to
Who will help me untwist my stomach
My body is screwed with this pain . . . mi grito es loud and long
Can't you hear it
That I feel ugly . . .
To discover after all these years . . .
That I don't love myself
That all these years I've been looking
At myself, through gavacho eyes
Judging, condemning
Damn! I was a racist against myself
I hated myself because of me????
No more, white man, no more
Gavacho, Gavacho . . . . . .
I'm brown, I'm beautiful
I'm a chicana
Y sabes que white man, pig, educator
No chinges, conmigo mas!"

Under the Bilingual Education Act of 1967 we are now operating 76 Bilingual Education Programs. More than 300 proposals were submitted for some part of the $7.5 million provided by Congress. Just before leaving Washington I checked on the program for the second round of funding and proposal submission. This administration requested $10 million and the House complied with their request despite the fact that the House on most education bills this session has approved appropriations equal to authorization. The Senate approved appropriations of $25 million. Authorization for the Title VII, ESEA, for this fiscal year is $40 million. Joint committee approved $17 million. Dr. Albar Pena, Director of the Bilingual Education Unit, tells me that only 189 proposals were submitted for development of bilingual programs using federal bilingual funds. Statistically, this means a drop of more than 40% over the first year's requests. Certainly, the failure of a substantial additional funds must be named as one major cause of this drop. Hopefully, the re-direction of existing federal, state and local funds may have enabled many districts to set up or expand bilingual programs. Whatever may be the cause, there is ample reason for alarm. And I want to talk about bilingual education and this coming decade.

The interest in bilingual education is now high. One major task is to insure that this momentum is sustained and increased. Our national commitment to exploration in space resulted in two landings on the moon, at the cost of over $20 billion. Our national commitment to reading was initiated in a major speech by the Assistant Secretary for Education, Dr. James Allen in Los Angeles last October. This national goal in education was firmly endorsed by President Nixon. I have been roaming this country stressing the legal and moral commitment our country has made to bilingual, bicultural education by the enactment of the Bilingual Education Act. I am extremely pleased that this meeting has focused on concern, commitment and involvement. This is the most appropriate time and place for a declaration of bilingual and bicultural goals.

I propose that by 1980 all our schools located where there is a plurality of language and cultural differences, be it ethnic or racial, be completely immersed in bilingual, bicultural programs that involve the development of all children to be culturally cognizant in two or more cultures; and have communication competency in their mother tongue and a second language.

This is the commitment I ask that you embrace and take with you from this meeting. The first shot from the starting gun for a movement for bilingual, bicultural education began in Tucson, Arizona with the NEA Conference in 1966. Let us carry on this goal tonight at this meeting that by 1980—bilingual, bicultural education will be the means by which all children realize their full potential in a linguistically and culturally pluralistic society

This means that we must immediately stress in our educational commitment that bilingual, bicultural education in English and Spanish-speaking communities means an equal emphasis on English as a Second Language and Spanish as a Second Language. It means that we must recognize that bilingual, bicultural education is a continuing process in our curriculum beginning with pre-school for all children, and continuing through secondary school for ALL children.

It means we must immediately reject the unilingual education of bilingual children and provide a bilingual education for uni-

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lingual children. It means that we must weave into every aspect of our curriculum a consciousness of the personal as well as the national importance of the creation of a society where monolingualism and monoculturalism is totally unacceptable. It means that, by 1980, the culturally deprived person in the society will be that person with a monolingual, monocultural makeup.

Our theme from now on should be that—commitment must be coupled with involvement. I suspect that our country has never before seen a period in which commitment and involvement have been so closely and visibly coupled. Certainly the issue of Vietnam has produced among Americans of all ages and ilks, a sense of making their commitment—for or against our situation in Vietnam—a commitment that must include involvement. I have proposed a major commitment for all of us tonight, a commitment with a time schedule and a realistic but difficult goal. How do we get involved in this commitment?

The fact that you are here today spells some commitment. For you it also indicates involvement. But what kind of involvement? Some definite directions are now available. Within the last few months, two publications have devoted themselves to bilingualism. The first is the September, 1969 issue of *The Center Forum*, a publication of the Center for Urban Education in New York who devoted the whole issue to Bilingualism. I urge that you secure a copy of that publication. The second is more significant for the determination of involvement for all of us. The Bureau of Research of the Office of Education sponsored in June of 1969 a conference on bilingual education. The report of that conference is called, "National Conference on Bilingual Education—Language Skills." The report contains some extremely valuable information and ideas for increasing the involvement of all of us which, in turn, will deepen our commitment. And the total result will be attainment of our goal of a truly bilingual, bicultural society for all children throughout this country where a pluralistic linguistic and cultural environment is present. The report recommends three areas of general priorities:

1. Basic research needs to be performed in the area of language acquisitions—both of first and second languages.

2. A national system for collection and dissemination of information on bilingualism and bilingual education should be established.

3. Studies need to be performed in the areas of attitude and motivation and their effect on language learning.

Specific recommendations covered five major points. They are:

1. Basic Research
2. Language Acquisition
3. Teacher Preparation
4. Assessment
5. Methods and Materials

I urge that all of you secure a copy of this report. It can be obtained from the Bureau of Research, U.S. Office of Education, Washington, D.C.

Note the points the report identifies as critical. Most of them are not new. There are a number of studies on teacher preparation, on methods and materials. A whole record of language acquisition is available in most university libraries. But how many of us—and I include myself—have become sufficiently involved to be able to help others in any of these areas. I suspect that most of us are still generalists. I want to see all of us get deeply involved and consequently skilled in at least one aspect of bilingual education. The profile of bilingual education in the next decade, culminating in a quiet but successful change from a monolingual to bilingual society, must begin by all of us getting up in skills that will bring about this change. I have been saying that we need 100,000 bilingual, bicultural teachers to effect a good bilingual program. I still stand by that statement. I want to add that these 100,000 bilingual, bicultural teachers must be well trained in the art of teaching subject matter bilingually. I want them to be so involved in their job that total commitment is just as intense as that of any astronaut. That there is no doubt at any time in their mind that the goal will be realized. There can be no feeling that the direction and the way to reach it is not right—and that the goal is as important as any undertaken by our country.

No one will be able to say that lack of involvement was the greatest obstacle to a successful landing on target in 1980 and a complete repudiation of the provocative question posed by the National Advisory Committee on Mexican American Education in their report, *The Mexican American: Quest for Equality*, a question that strikes at all of us when it says, "Educators, especially, must search their consciences for an answer to the question: is only a monolingual, monocultural society acceptable in America?" I challenge you tonight to take your commitment, join with involvement that is measured in competence and learning on the broad scope of bilingual, bicultural education and let's move—now! We have had enough time to put something together on the launching pad. All of us know enough to perform a vital role in the total takeoff. The important thing is that we make sure quality control is always present. I often see bilingual programs in classrooms with teacher and administrator commitment—my concern is that far too frequently there isn't sufficient involvement to guarantee a high level atmosphere of program operation. I guess what I am really saying is that involvement means becoming completely skilled in as many facets of bilingual education as you can—and then insisting on quality performance by all those involved. I don't want bilingual education to fall or flounder because we let our commitment become clouded with zeal without professional skills and responsibility to guide it. Commitment is not a cheap commodity—but the most precious ingredient in the attainment of our goal is involvement with competence. All of us must gear up to a greater level of skills than ever before. The Bureau of Research report is an invaluable guide in the determination for all of us as to what area we may want to become experts for competent involvement.

There are more than 10 million Spanish-Speaking citizens in our country. By 1980 there will be more than 15 million We want all those students who are Spanish-Speaking to be bilingual, bicultural agents for a closer western hemisphere of human cooperation. We want all students in those areas where languages and cultures are pluralistic to become bilingual, bicultural agents for the realization of the strength of a world society where human diversity is promoted not destroyed. Some of you here are involved in education—now is the time to increase your involvement in education by supporting and providing leadership in a movement that asks little from all of us, but promises a whole new world of human relations.

Muchas Gracias.

GRAZING FEES—PART IX

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, February 26, 1970

Mr. METCALF. Mr. President, when Secretary of the Interior Hickel decided not to put into effect in 1970 the scheduled increase in fees for grazing on public lands, he issued a press release saying the action "will allow the Department of the Interior to evaluate a study and report by the Public Land Law Review Commission on the subject." The press release in full appears with my remarks in the CONGRESSIONAL RECORD, volume 115, part 28, page 38238.

I share the Secretary's interest in the recommendations of the Commission. I have no way of knowing what those recommendations will be. But I have read with interest the materials submitted to and published by the Commission.

Among the volumes of material is one entitled "Organization, Administration, and Budgetary Policy, a Study Prepared for the Public Land Law Review Commission, Volume II Appendixes, December 1969." Appendix D, dated September 1969, is entitled "Federal Land Management Program and Policy Evaluation." I hereby call the attention of Senators who are sincerely interested in this important part of the public heritage to the words of Prof. Robert Marty of Michigan State University, East Lansing, Mich., who summed up the situation on the public range.

After calling attention to the deterioration of the land—31 percent in poor or bad condition, 14 percent declining—Mr. Marty observed that:

> Most of the increased expenditure is needed simply to make it possible to maintain current grazing levels on badly overused range allotments.
>
> It is unlikely that substantially larger appropriations for range management will soon become available. It is also unlikely that public land agencies will soon be able to reduce grazing pressures significantly. The result is likely to be an increasingly grave deterioration of the public ranges.

Mr. President, I ask unanimous consent that material from pages 25 through 29 of the study I have referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL LAND MANAGEMENT PROGRAM AND POLICY EVALUATION

(By Robert Marty)

Forage program memoranda.—Forage programs are carried forward both by Interior and Agriculture. Six bureaus are involved: the Bureau of Land Management and the Forest Service in a major way; and the Bureau of Indian Affairs, the Bureau of Reclamation, the Bureau of Sport Fisheries and Wildlife, and the National Park Service to a much lesser extent.

Interior's forage program comprises a subcategory of the "Land, Forage and Timber" program category. The sub-category has only two elements: "management and utilization" and "development". This structure is the same for both the fiscal year 1968 and 1969 program memoranda.

A good deal of effort has been expended on this program sub-category. A program description is provided, and the small relative importance of Interior's forage production as a part of the national total is developed. Program clientele are enumerated and identified with regard to the size of their grazing operations. It is pointed out that these persons have legal access to public land grazing, so control of range utilization by the Department is limited. Long-term objectives

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for this program are stated as follows in the fiscal year 1969 program memorandum:

"(1) Protect the lands from abuse and deterioration and thus preserve wildlife habitat, retard watershed deterioration, and protect future production potential.

"(2) Provide livestock forage from BLM administered lands to help sustain the existing dependent livestock operation, to the extent that benefits justify such utilization.

"(3) To the extent favorable cost benefit relationships for grazing equal or exceed alternative or competing uses of public land resources, increase forage production to help meet increasing livestock forage needs, and to contribute to local and regional economies."

These objectives are to be obtained by undertaking an accelerated program of range allotment examination and treatment. The alternative of reducing grazing is judged to be inappropriate because of the legal rights to grazing involved, and the hardship to users which would result from such a course. Issues recognized include the need for studies showing when range improvement warrants its cost, the equity of current grazing fees, the external effects of public range use, and the control of user-built range improvements. Also, it is recognized that this program cannot be separated from the watershed program for these same acres. Some economic evaluation of alternate program levels was presented in the fiscal year 1968 program memorandum, but was dropped from the 1969 document.

In Agriculture the forage program is treated as a program element of the Department's sub-category dealing with crop and livestock production. As in Interior, the program is further sub-divided between management and improvement activities. The forage program in Agriculture is viewed as a minor component of a large effort, primarily research and extension, directed toward maintaining an adequate capacity for various sorts of agricultural production. As such it gets relatively little attention in the Department's program memoranda.

Forage programs represent a very difficult technical and political problem for both departments. Subsidized use of public range has been a well established fact of life in the West for many decades. Much public range is in high country and is well suited to supply summer grazing for nearby valley ranches. A system has evolved of assigning range use rights to dependent ranch properties on a long-term and continuing basis. Use charges have been only about one-third of the value of the grazing at most. The net value of these grazing rights has added substantially to the value of the allotment holder's ranch property. Allotment holders and their political representatives traditionally have been adamantly opposed to any increase in grazing fees or reduction in grazing rights.

The result has been a continuous overgrazing of much of the public range, causing a cumulative deterioration in the resource both with regard to its range and watershed capabilities. The Bureau of Land Management, the principal public land manager, classified only 16 percent of its rangelands as in good or excellent condition; some 31 percent as in poor or bad condition. And 14 percent of its range even now is declining in condition. Interior's program proposal for fiscal year 1969 called for an increase in expenditures from 9.2 million dollars in fiscal 1966 to 24.4 million dollars in fiscal 1973. This program would raise the animal unit months of grazing available from 15.1 million in 1966 to 15.8 million in 1973. Most of the increased expenditure is needed simply to make it possible to maintain current grazing levels on badly overused range allotments, by uneconomically heavy investments in range reseeding, fertilization, fencing, and other treatments and improvements.

It is unlikely that substantially larger appropriations for range management will soon become available. It is also unlikely that public land agencies will soon be able to reduce grazing pressures significantly. The result is likely to be an increasingly grave deterioration of the public ranges. There is something in the PPB system which does not allow this kind of a dilemma from being put forward forcefully.

JUSTICE DOUGLAS' BOOK "POINTS OF REBELLION"

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. TALCOTT. Mr. Speaker, the Supreme Court has been catapulted into the spotlight recently for various reasons. Many of my constituents write to me about the Court urging various actions by me. These inquiries bring into focus the different functions and responsibilities of the various branches of the Government in relation to the Supreme Court.

Simply and generally, the President nominates persons to fill vacancies upon the Supreme Court. The Senate "advises and consents" to the nomination. It may, by majority vote, for any reason reject—as with Judge Hainsworth—or confirm the nominee of the President. A nominee may withdraw from consideration—as did Justice Fortas.

The responsibility of the House of Representatives in relation to the personnel of the Court is only to impeach a sitting Justice. Impeachment means only to bring charges—which is comparable to filing a complaint. The Senate thereafter sits as the judge of the specific impeachment proceedings. The House charges; the Senate tries.

The Constitution provides:

> The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment. The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Most of the importunings of me to exercise my prerogatives or duties of impeachment are directed toward Mr. Justice William O. Douglas. The fact that the present Senate would probably almost unanimously reject his nomination, if his nomination were being considered presently, is not a basis for his impeachment now. Different criteria would be applied. The pragmatic, real situations would differ from the theoretical, legalistic principles.

His controversial opinions must be separated from chargeable judicial misconduct.

The questions of his conflicts of interest, his extrajudicial conduct, and his untoward associations and business dealings are tenuous evidential matters. The allegations require proof to become fact. The Justice's conduct off the Court, his statements off and on the Court have greatly disappointed me and contribute to my assertion that the Senate would not confirm his nomination now if that were the issue.

His previous conduct, even cumulative, would probably be not sufficient to sustain impeachment charges by the Senate as presently constituted. Any impeachment proceedings now would be futile, exceedingly decisive, depreciative of the whole Court, wasteful of the time and energy of the Congress which is direly needed in other areas.

This does not mean that Justice Douglas should be immune to impeachment or removal from the Court for proper cause.

Justice Douglas' recent book, "Points of Rebellion," comes close to adding a last straw to a growing bill of particulars which every Member of the House should read as he contemplates his constitutional duties relating to the Supreme Court, and his constitutional functions within the tripartie system of our Federal Government.

I disapprove of anyone promoting rebellion. This line encourages violence. Change and reform are quite necessary, but it can and must be carried out without violent rebellion or the overthrow of government by force or intimidation.

I particularly deplore a Justice promoting rebellion from the sanctuary of the highest court of the land. A man of integrity and confidence would resign from the Court before becoming an advocate of a position which is certain to become an issue before his Court.

I also deplore a man using the prestige of the Supreme Court to promote a political position. Without his position on the Court, Mr. Douglas would have a negligible following and little attention from the media or the book publishing industry.

I am convinced that Mr. Justice Douglas is purposely extending his line of "rebellion against our system of government" as far as possible while still safeguarding his position on the Supreme Court. Impeachment now would martyr a person and a political philosophy not worth martyrizing.

FACTS NEEDED ON INVOLVEMENT IN LAOS

HON. ALBERT GORE

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Thursday, February 26, 1970

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "People Need the Facts on Laos Involvement," published in the Nashville Tennessean of February 17, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PEOPLE NEED THE FACTS ON LAOS INVOLVEMENT

Renewed fighting between Communist and loyalist forces in Laos revives the question of how deeply the United States is involved in the defense of the Laotian government.

As the fighting swirls around the disputed Plain of Jars it is reported from Saigon that U.S. fighter-bombers are flying combat support for the government forces in Laos. Sources say the planes are flying the combat missions from a half-dozen bases in Thailand. They also said some planes may be flying from Da Nang in northern South Vietnam and Seventh Fleet carriers in the Gulf of Tonkin.

These reports have not been verified by official U.S. sources, but if they are true the fighter-bomber support seems to represent a new level of American activity in Laos. From fighter-bomber support in combat, it is only a small step to active participation by U.S. ground forces.

It seems to be an impossible task for the people to get any reliable information out of the Nixon administration about what this nation's commitment to Laos consists of how many fighting men are stationed in Laos, and what their role is to be if the fighting in Laos is intensified.

President Nixon and other U.S. leaders have conceded only that U.S. air raids are being carried out on the Ho Chi Minh trail in eastern Laos—the main North Vietnamese infiltration route to South Vietnam. The purpose of these raids purportedly is to protect the U.S. position in South Vietnam rather than to take part in the war in Laos.

However, the evidence is becoming more convincing all the time that the U.S. is doing more in Laos than the people are being told about. It is unlikely that the persistent reports about the presence of American soldiers in Laos and the use of fighter-bombers to support government troops are being generated out of thin air.

Congress has been concerned for some time that the U.S. might be drawn into a situation in Laos like the debacle the nation is involved in in South Vietnam. That is why the Senate voted in December to bar American combat ground troops from Laos and Thailand and placed a $2.6 billion limit on military aid to the two countries. The restrictions were attached to a $69.3 billion defense appropriations bill.

At the time the White House was announced as being in favor of the restrictions. But now the Pentagon is pushing a move in Congress to have the restrictions removed. As the fighting in Laos intensifies, it seems to be getting harder and harder for the U.S. military to restrain itself.

The people need to be told more about what the nation's involvement in Laos really is and what the administration's plans are for the future. Latest reports from that front indicate that Congress is correct in expressing concern that another Vietnam may be developing in Laos.

LINCOLN NATIONAL BANK IN PHILADELPHIA DROPS PRIME INTEREST RATE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. GIBBONS. Mr. Speaker, I was gratified to hear on the news last night that Norman Denny, president of the Lincoln National Bank in Philadelphia had elected to drop the prime interest rate from 8½ to 8 percent effective March 1.

In this day of spiraling prices, constant increases in the cost of living, and growing deficits in the balance of payments, we are faced with the highest interest rate in history.

I have written Mr. Denny to commend him for taking this action, and I would encourage other Members of Congress to do the same. It is my strong hope that other bankers—large and small—throughout the country will follow this fine example.

"KEEP AMERICA CLEAN AS HOME" IS STREATOR CHILD'S MESSAGE IN PRIZE-WINNING LETTER

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mrs. REID of Illinois. Mr. Speaker, I am proud to say that a little girl in my congressional district has won a national contest—and, at the same time, sounded a challenge to America to clean up our country as her mother cleans up her home.

The little girl is Tina Marie Saxton, 8 years old, who lives with her mother, Mrs. Linda Saxton at 1824 South Barr Street in Streator, Ill., where she is a second grader at Wilson Elementary School.

Along with thousands of other schoolchildren all over the country, Tina entered a contest sponsored by member companies of the Glass Container Manufacturers Institute, who produce more than 90 percent of the bottles, jars, and other glass containers in America.

In Streator the contest was sponsored by two of the glass container industry's leading firms, who have large plants there: Owens-Illinois Inc., and Thatcher Glass Manufacturing Co., a division of Dart Industries.

The contest had the purpose of helping to stimulate an awareness of litter among youngsters from first grade through high school, and letters poured in by the tens of thousands to television comedian Henry Gibson, who agreed to judge the contest. Some were long, some short, I am told, but all expressed the thought that America would be a much nicer place in which to live if people would only take a more personal interest in stopping littering.

Tina Marie Saxton's letter said it better than children many years older; it was chosen the winner. In simple, childlike language she went right to the heart of the cleanup program America so desperately needs. She wrote Henry Gibson:

> When I think of litter in America I think of a dirty house. I think everybody should clean up America just like my mother cleans house. We don't throw litter on our floors at home, so we shouldn't throw it on the ground as that is America's floor.

As the contest winner, Tina and her mother enjoyed a long trip across country to southern California, where she received her award and achieved the dream of so many children—she toured Disneyland.

THE POST OFFICE DEPARTMENT AS A SCHOOL

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. NIX. Mr. Speaker, I believe that when a Member of Congress finds himself obliged to be a critic, it is only fair at the same time to praise positive efforts on the part of those he so often urges to do better.

Postmaster General Blount and Kenneth Housman, Assistant Postmaster General for Personnel, have come up with an idea I think deserves praise and may I add, a program that deserves to be expanded into many cities including my own city of Philadelphia.

The Post Office Department will establish a pilot program this summer which is based on the store front academy idea which the Urban League originated, in six of our largest cities, Detroit, Newark, Atlanta, Chicago, San Francisco, and Washington, D.C.

The Department will establish these academies which have as their purpose the remedial training of youngsters in their own neighborhoods and the granting of high school equivalency certificates at the end of training. The youngsters who participate in the program will work part time in the Post Office Department to support themselves. These young men will actually be trained in two store front establishments in each of the six cities, with additional training in formal schooling in transitional academies.

The key to success in the program will be the participation of postal employees. It was they who made a success of last summer's "drop out" employment program. Postal employees volunteered to work as partners with youngsters who were dropouts and at the end of the summer 93 percent returned to school.

Postal employees are closer to the American public than any representative of the Federal Government. Letter carriers are in the ghetto every day, talking with postal patrons, and stopping in at every neighborhood business in the ghetto to deliver the mail. Under this program, they will seek out neighborhood youngsters who have dropped out of school and urge them to participate in the program. When a youngster enrolls he will have the individual attention he never received in the huge city schools. The youngster will have a job to go to when he is finished. He can join the postal service, go back to school, or enter industry.

I think that sometimes we forget what a great asset to the United States the Post Office Department is. It is, after all, the one institution that has multiple facilities in our poorest neighborhoods. It can train and employ thousands of our people who would have no hope of employment otherwise because so much of industry and government is located far from the ghetto. In this program, postal installations will also be available for additional training. In the next 10 years, under present conditions, the Department will not only need all of its 700,000 employees, it will need 300,000 additional employees to move the mail. The Department will need young people as much as many of our young people need gainful employment.

The 30 postal employees who will be employed in the two street academies and transition school in each of the six pilot cities will be of great help to the 2,826 youngsters who will receive training each year. The cost for each student will be about $2,400. Regular postal employees who will also participate in the program will only cost the Federal Government $380 for each student. I think this is a small investment, when we consider the great good that can be accomplished.

I would add only one point of criticism. I think the program should be much bigger. But small as it is, I think that industry and other Government agencies should take note of this program. It will be a success and when it is, it will be a challenge to every company and Government agency in this country.

W. W. (BILL) SELLERS

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. PREYER of North Carolina. Mr. Speaker, my congressional district recently lost one of its most distinguished citizens in the death of W. W. Sellers. He was a man recognized as a leader in the textile business in our area and one who had given unstintingly of his support to many worthwhile educational and charitable activities. The following is a tribute from the Burlington, N.C., Daily Times-News:

W. W. (BILL) SELLERS

The deep involvement which W. W. (Bill) Sellers held in this area's business and industry was not widely known. He was active primarily through Sellers Hosiery Mills, Inc., but his many other offices and directorships showed the vast responsibilities he held and the confidence and respect which was placed in him.

He seldom talked business, however. In his conversations, he showed that his thoughts were directed more to such interests as Elon College, Community YMCA, his First Christian United Church of Christ, and to family and friends.

He also was one who remembered well the development of this area as he had observed it. He knew many people, and he could cite personal details about their place, as well as the close impressions he gained and held through the years.

With this personal interest, he also could show his sense of humor, for he enjoyed a good and real story that had a lighter touch to it. The less serious side of life was a part of each day, though he reflected the serious side, also, as he gave himself to duty, to helping others, and in meeting what he felt was responsibility beyond what was expected. The deeds he performed in the interest of others were known by a few people, though not many, for that was his preference.

He was a part of a pioneer family in this area, and he was loyal to it and to the heritage which had come to him. When the family had a reunion at his home last year, there probably was no one who felt a deeper pride and who received more joy through it than he did.

Mr. Sellers was, in basic terms, a kind gentleman, one who was wise in business, warm in his association with associates and friends, and conscious of doing his part for the area which was his home and which had given him his opportunity.

His illness, as it became known, saddened those who felt this closeness to him and those who held this respect and admiration for him. His death, in turn, rekindles the recognition of what he meant to his city and county as an individual and leader. Though modest in his own way for his many deeds to be known generally, his life was strong and effective. It is this tribute which remains.

DOES HANOI HAVE A HEART?

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. TALCOTT. Mr. Speaker, the dilemma of what to do for our POW's and MIA's in Communist control still confronts us in ever increasing agony.

An editorial from U.S. News & World Report, February 23, 1970, by David Lawrence presents another facet of the problem.

Other countries, international agencies such as the United Nations and the World Council of Churches, and international churches, have mostly remained conspicuously and incomprehensively silent regarding the most inhumane treatment ever accorded a human being and his family by any power.

Only the Catholic Church and the Red Cross have demonstrated any humanitarian concern.

Each of us should encourage our churches, and international organizations to use their good offices to end this uncivilized torment and agony being suffered by our POW's and MIA's and their families.

Appeals to many groups, who often proclaim to be humanitarian in other respects have fallen on unconcerned hearts

The Communist technique of imprisonment of aliens utilizes separation of the prisoners in many far-flung places of detention—which often results in mentally cruel and physically brutal treatment. This permits the central authority of the Communists to deny and avoid any responsibility for the care, treatment or safety of the prisoners. It also denies to the allies any opportunity to rescue the prisoners.

No nation, no military organization, no power has ever treated prisoners of war, or common criminals, more despicably.

Never has the humanitarian community of the world ever responded less enthusiastically for the welfare of other mistreated human beings.

I am chagrined that the humanitarian community of the free world has remained silent on this humanitarian issue. I am surprised that the Communist nations, and peoples, have not raised their voices against the outrageous treatment of POW's and MIA's in North Vietnam.

I insert the editorial of Mr. Lawrence:

DOES HANOI HAVE A HEART?

(By David Lawrence)

What has happened to the 1,354 American servicemen missing in action in Vietnam over the past five years? Information has been received from one source or another that 422 are being held in North Vietnam, but nothing whatsoever has been disclosed about the fate of the other 932.

Undoubtedly many of these men are scheduled in the prisons of North Vietnam. They are deprived of all contact with the outside world. They are not permitted to receive mail or packages. Their families are not allowed to know whether any are alive, and, if so, how they are faring.

This is a kind of torture that not only outrages all sense of humanitarianism but is banned by international agreements. The Hanoi Government itself gave formal adherence to the 1949 Geneva Convention on the humane treatment of prisoners, but now scorns these obligations. The pact specifically provides:

"Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write direct to his family. . . . The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

"Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number shall not be less than two letters and four cards monthly. . . . Such letters and cards must be conveyed by the most rapid method at the disposal of the Detaining Power; they may not be delayed or retained for disciplinary reasons."

The agreement also calls for prompt identification of prisoners, adequate diet and medical care, communication with other prisoners, quick repatriation of the seriously sick and wounded, protection against abuse or reprisals, and inspection of camp conditions by a neutral intermediary, generally the International Red Cross.

Besides North Vietnam, 125 countries are parties to the Convention, including the United States, the Soviet Union, France, Great Britain, Poland, Yugoslavia, Czechoslovakia, Egypt, Rumania and Hungary.

For the first time in modern history, the Red Cross has been denied all contact with prisoners of war. Similarly, the United States Government has unsuccessfully sought in every way through diplomatic channels for news about the missing men. Wives of the men have tried appeals to representatives of Hanoi in Paris and through other sources to learn whether their husbands are alive. The efforts have been in vain.

All this has cast a shadow over the "peace" negotiations at Paris. A question is raised now whether any regime in Hanoi can be relied on to adhere to future agreements it may sign.

Why does the Hanoi Government withhold information concerning the prisoners? Why will it not furnish at least a list of those who are still alive? What possible military purpose is served in keeping this information secret? There is no logic whatsoever in the position taken by the North Vietnamese Government, and surely it can win no friends by such a course.

What are the other nations of the world doing about it? What are the allies of North Vietnam—particularly Red China and the Soviet Union—saying to Hanoi? The people of the world have a right to know why military assistance continues to be given to a government that treats human beings with incredible cruelty.

Isn't it about time, too, that the countries of the free world spoke out? Isn't there a humanitarian instinct somewhere in the United Nations that can be expressed in a cause like this?

Surely the world hasn't been broken apart to the extent that an international organization such as the United Nations can stand aside and pay no attention to what is happening in North Vietnam with respect to the treatment of the captives and their families!

There can be no greater agony for the wives and parents of the prisoners than to be kept wondering whether a husband or son is being tormented and what suffering he might be undergoing.

What is even more incomprehensible is the silence on the subject by the free world. Acts of inhumanity in the past have usually been denounced unequivocally. Little has been said, however, about the American prisoners held by North Vietnam.

No international organization can afford to allow to go unchallenged such brutishness as the continued failure of North Vietnam to disclose the identity of prisoners and to permit them to communicate with their families. This example of inhumaneness should no longer be ignored by the United Nations collectively or by the governments of the world individually. North Vietnam must realize that belligerents are expected to give decent treatment to prisoners.

Most of the North Vietnamese leaders have a background of Buddhism—a faith that certainly calls for humaneness.

ON TAXES, THE BLIND LEAD THOSE WHO CAN SEE

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. CONABLE. Mr. Speaker, over the past weekend the newspaper carried stories about a new program conducted by the Internal Revenue Service for the training and hiring of blind persons as telephone taxpayer-service representatives. The program for training is being conducted with the aid of a grant from the Department of Health, Education, and Welfare, and I believe this is money well spent for a constructive program of benefit to all our citizens. I am impressed not only by the imaginative nature of the program, but also by its 100-percent record of success, and I want to call the newspaper story from last Saturday's Washington Star to the attention of my colleagues. The article follows:

ABACUSES AT IRS: ON TAXES, THE BLIND LEAD THOSE WHO SEE

Sometimes the blind can guide those who see, and it's happening during these days of worry over income taxes.

The Internal Revenue Service has 31 blind persons in major offices across the country answering telephones and fielding taxpayers' questions. They are among the some 1,300 taxpayer-service representatives who give advice free.

Although the taxpayer with a problem has no way of knowing whether the voice of the expert on the telephone is that of a blind person, it's possible he could hear the click of an abacus.

The Oriental calculating instrument with counters on rods or in grooves is used by most of the blind tax experts for arithmetic problems. They wear telephone headsets to keep their hands free.

The IRS started its program of training the blind to help taxpayers four years ago and hopes to have 75 or 100 at the telephone posts in the next few years.

"We've not had a single failure in this program," Nicholas Williams, IRS coordinator for the employment of the handicapped, said in an interview.

"We don't pamper them. These people stand or fall and so far they have all been successful."

Larry Greco, publications anaylist for IRS, said the blind are not coddled and "they want it that way; they want to accomplish something on their own."

Greco is involved because the tax instruction booklets and pamphlet aids are published in braille for the blind.

The braille publications for the blind taxpayer can be requested from the Library of Congress—free, just as the sighted taxpayer gets them in the mail with the form.

The IRS experts who are blind get additional help in braille, including a pamphlet called "The 50 Most Asked Questions."

The blind workers are trained in four-month courses at the Arkansas Enterprises for the Blind at Little Rock through a grant from the Department of Health, Education and Welfare.

FREEDOM'S CHALLENGE

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. FOREMAN. Mr. Speaker, each year the Veterans of Foreign Wars of the United States of America and the Ladies Auxiliary conducts a Voice of Democracy contest. This year over 400,000 students participated in the contest competing for five scholarships. The contest theme was "Freedom's Challenge."

Miss Rhonda Jo Matsler of Las Cruces, N. Mex., presented the winning speech from the State of New Mexico. She will be here in Washington, D.C., at the Veterans of Foreign Wars annual congressional dinner on March 10. Miss Matsler is an outstanding young lady of accomplishment and ability. I commend her speech for the reading of my colleagues:

FREEDOM'S CHALLENGE

These words separately mean nothing, it is the idea behind the words. This idea is the acceptance of responsibilities meeting the challenges put forth by a democratic nation. In accepting freedom's challenge I, a young American must make the transition from adolescent to a mature young adult. In doing so I will become a stable, well informed citizen.

Their are many organizations, YWCA, Girl Scouts, FHA, these organizations are to guide and that is all that they can do. It is up to the individual to accept freedom's challenge, to meet their responsibilities. In meeting these challenges, I will become a good citizen of these United States.

A democratic nation can be compared to a family, a family containing many members. Each member must shoulder his share of the responsibility in order to help that family survive. As in a family, the citizens of our nation must accept their responsibilities and fulfill their obligations to our nation. These challenges must be met if our country is to go forward.

One of freedom's basic challenges is the preservation of freedom itself. Our forefathers brought freedom to the people of this nation. The citizen must guard it by overcoming all obstacles and meeting the challenges put before it. This is a basic way in which everyone can meet freedom's challenge.

Young people have recently become more involved with the political aspects of our democratic system. This is as it should be. We are becoming aware of the need for all citizens to participate in affairs of government. In viewing this trend we find that our participation is making us more aware of the challenges involved. When we recognize these challenges we can then face up to them.

As a high school student I can accept freedoms challenge by finding and meeting my responsibilities. I will go to school and strive for the best. I can encourage others to accept freedom's challenge by facing their responsibilities. In doing this, I will become a working part of our democratic nation. Meeting freedom's challenge in every way I can.

We must accept our responsibilities. Become a working part of the nation in order to keep it strong. The young Americans must use their energy positively. They must meet freedom's challenge.

Freedom is like a door. Behind this door lies all the challenges of true freedom. Here in this great country we often call this door, the door of opportunity. When we open this door we find opportunity. When we open this door we find all the opportunities available in a free country. However, in order to take advantage of these opportunities, we must also accept the responsibilities inherent with all freedoms. It is up to us to open the door. Every young American must open this door and shake hands with freedom's challenge.

FREEDOM'S CHALLENGE

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. WOLD. Mr. Speaker, at the moment America seems to stand at a crossroad which has three branches. One branch leads to anarchy, chaos, and destruction; another leads to tyranny and order without freedom; the middle one leads to freedom in the American way of responsibility.

Over the past several years we seem to have been rushing headlong toward the two extremes. For a moment in time, the leadership of President Nixon has motivated us to take a good, hard look at which way we desire to go.

The signs are contradictory and difficult to read. Nonetheless, I am optimistic.

An 18-year-old girl from my district, the great State of Wyoming, is one of the reasons for my optimism.

Miss Kristin Ann Vivion, the daughter of Mr. and Mrs. Vern Vivion of Rawlins, is the 1970 Wyoming winner of the Veterans of Foreign Wars "Voice of Democracy" contest.

Miss Vivion typifies the best of American youth and the spirit, expressed in her essay for the Department of Wyoming's Veterans of Foreign Wars "Voice of Democracy" contest, brightens my hopes for America.

Miss Vivion is not willing to "cop out" on freedom; rather, she is eager to accept freedom's challenge. I believe she speaks for a majority of the young people of Wyoming and America.

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Mr. Speaker, I include the award-winning essay of Miss Kristin Ann Vivion in the RECORD at this point:

FREEDOM'S CHALLENGE

(By Kristin Ann Vivion)

"The rocket's red glare, bombs bursting in air, gave proof through the night that our flag was still there" . . . This was freedom's challenge nearly two hundred years ago, and since that night, countless Americans have fought, labored, sacrificed and died so this flag may wave on. Even today they die, for the American adventure is not over, and the challenge of America is not dead.

Freedom's challenge rings out today when my contemporaries defile our flag—now grown to 50 stars—at the very minute our soldiers defend it in Viet Nam. Freedom's challenge screams from the ghettos here at home. It beckons from the Peace Corps and Vista. But the challenge is never more heart-rending than when a black hand reaches out to say "Accept me" . . . Freedom isn't free. It wasn't that night 200 years ago and it isn't today. Freedom is purchased with dedication and sacrifice. And it means responsibility and taking a stand. Perhaps this is what this challenge is really all about.

So if today we would answer freedom's challenge in the same spirit our forefathers did, we cannot stay uninvolved and comfortable while the vocal minority tears our country apart. We must have the courage to follow where our hearts would lead us and be unashamed of some old-fashioned patriotism. It's time we stood up and defended the Constitution and the Bill of Rights as the greatest documents ever conceived by man. And it's time to remind people again of the American success story—that this is the only country on earth where every man can reach for a star!

Freedom's challenge has never been more demanding than to my generation because we stand in danger of losing our heritage. The concepts that built this nation are attacked on every side every day. Confusion abounds. Communal living, the new morality, an anti-establishment attitude, are all around. To be unpatriotic is popular; to say God is dead finds favor. To deny all standards seems to be the "in" thing.

Yet, somehow, the faction preaching these doctrines doesn't frighten me. I have faith in my fellowman and in America. For the great silent majority of us are not ashamed if "America The Beautiful" brings a tear to our eye. We fill with pride at our flag on parade, or a friend just home from Viet Nam. And there are countless numbers of us standing in the wings, working and preparing ourselves for tomorrow's citizenship privileges. We want to serve this great country; we want to build, not tear down. We want to help make our weak stronger, our poor more comfortable. And, yes, we want to help give opportunity to the oppressed and education to the uneducated.

This is the American dream; this is freedom's challenge. I saw an eternal flame at Arlington that reminds me. And I hear immoral words echoing from half-way around the world and down through the years to inspire me and my generation: "To you from failing hands we throw the torch. Be yours to hold it high" . . .

JUDGE THADDEUS M. MACHROWICZ

HON. JOHN W. McCORMACK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. McCORMACK. Mr. Speaker, in the death of Judge Thaddeus M. Machrowicz this Nation has experienced the loss of a distinguished jurist, public figure, and patriot. Personally, I have lost a dear and valued friend.

Prior to his appointment to the Federal bench by President Kennedy, in 1961, Judge Machrowicz had served as an outstanding Member of this body for over a decade following his election to the Congress in 1950. During his service in the House he served with distinction, first as a member of the Judiciary Committee, then the Public Works Committee, and finally on the prestigious Committee on Ways and Means. In all of his committee assignments he was a serious and diligent participant in those committees' deliberations. During his service on the Public Works Committee he played a role second to none in the successful enactment of the long stymied St. Lawrence Seaway legislation.

Prior to coming to the Congress Thaddeus Machrowicz had already compiled a record of notable public service. An immigrant born in Poland, he left the University of Chicago at the age of 17 when World War I erupted to serve as lieutenant with a volunteer division of the Polish army organized in Canada. After World War I he helped to repel the 1919–20 Communist invasion of Poland. Following his military service he was a member of the American Technical Advisory Commission, a group organized to put Poland back on its financial feet. Upon his return to the United States he resumed his education and received a law degree from the Detroit College of Law in 1924. From 1934 to 1936, he was Hamtramck city attorney and in 1938 joined the legal staff of the Michigan Public Service Commission. In 1942, he became a Hamtramck justice of the peace, a position he held until his election to the Congress.

Thaddeus M. Machrowicz held for his adopted country a patriotic fervor of great intensity. He was a firm and unyielding opponent of communism and all other insidious ideologies. His patriotism was matched with deep personal religious convictions. I join my colleagues in paying tribute to his memory and mourn his passing. He will be deeply missed. Mrs. McCormack and I extend our heartfelt condolences to Mrs. Machrowicz and her loved ones.

NEW MEXICO CITIZENS EXPRESS VIEWS ABOUT U.S. VIETNAM INVOLVEMENT

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. LUJAN. Mr. Speaker, I would like to share the results of a questionnaire concerning our country's involvement in the Vietnam conflict which was recently sent by my office to the citizens of the 14 counties in the First Congressional District of New Mexico.

The questionnaire read as follows:

Realizing everyone wants an end to the war, I am asking for your considered judgment on the best way to accomplish this. Your exact feeling may not be reflected by any of the choices listed, but please mark the one that comes closest to your idea of what course of action the United States should now follow in Vietnam:

1. Pursue any and all conventional means necessary to attain a military victory.
2. Increase military and diplomatic pressure, including resumed bombing and blockading of harbors, until North Vietnam agrees to a ceasefire and bilateral withdrawal of troops.
3. Continue the war at the present level, with no further withdrawals, and at the same time pursue settlement by current diplomatic means.
4. Train South Vietnamese troops to replace American troops as fast as possible, consistent with the safety of our soldiers and the South Vietnamese people.
5. Withdraw all American troops on a set timetable of two years or less, turning over complete responsibility for the conduct of the war to South Vietnam, and continue to provide training and war material.
6. Withdraw immediately all of our armed forces.

Some 23,810 returns have been received. The results follow:

[In percent]

Responses	Questions					
	No. 1	No. 2	No. 3	No. 4	No. 5	No. 6
Total First District:						
Him	12.9	15.8	1.3	31.5	20.3	18.3
Her	9.1	14.6	1.0	33.3	23.1	18.9
Bernalillo County:						
Him	13.3	15.9	1.4	32.3	19.7	17.4
Her	9.1	14.2	(1)	36.0	23.4	16.6
Colfax County:						
Him	(1)	13.6	(1)	18.2	40.9	27.3
Her	2.1	14.3	(1)	15.0	39.7	25.2
Guadalupe County:						
Him	28.6	14.3	(1)	22.4	21.5	13.2
Her	12.8	13.2	(1)	25.9	24.8	23.1
Harding County:						
Him	21.4	25.7	(1)	24.8	22.9	4.2
Her	20.7	17.6	(1)	20.3	33.4	7.8
Los Alamos County:						
Him	18.6	15.6	(1)	24.1	22.2	17.3
Her	16.6	10.4	(1)	33.3	20.1	19.2
Mora County:						
Him	14.3	35.7	(1)	24.4	12.3	13.2
Her	13.2	26.3	(1)	40.3	11.5	8.6
Quay County:						
Him	13.6	27 7	(1)	31.8	14.3	12.6
Her	13.2	26.3	(1)	40.3	11.5	8.6
Rio Arriba County:						
Him	18.2	11.3	2.2	26.5	15.9	22.7
Her	17.3	9.7	5.4	28.2	16.3	23.1
Sandoval County:						
Him	2.8	17.1	(1)	43.7	10.6	25.7
Her	3.3	16.6	(1)	43.3	13.3	23.3
San Miguel County:						
Him	5.6	17.2	2.8	30.2	27.8	16.3
Her	3.2	16.1	3.2	32.3	32.3	16.1
Santa Fe County:						
Him	9.4	13.8	1.1	33.3	18.3	23.8
Her	7.1	15.2	3.0	30.3	16.2	28.3
Taos County:						
Him	3.9	20.2	(1)	27.6	27.1	21.2
Her	3.2	23.8	(1)	20.9	29.0	23.0
Torrance County:						
Him	23.1	7.6	4.3	41.8	12.3	10.8
Her	18.9	5.6	3.2	44.4	11.2	16.6
Union County:						
Him	7.5	36.8	(1)	29.3	21.0	10.5
Her	5.8	23.5	(1)	35.3	23.5	11.8

[1] Less than 1 percent.

I believe that it is significant that over 70 percent of those answering indicated favor for various degrees of withdrawal, of which about one-half support, basically, the President's policy; while less than 30 percent favor increasing military activity, and only about 1 percent favor continuing involvement at the present level.

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ESTONIAN INDEPENDENCE MARKS 52D ANNIVERSARY

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. GERALD R. FORD. Mr. Speaker, this week marks the 52d anniversary of the Declaration of Independence of the Republic of Estonia.

It is also a reminder that 30 years have elapsed since Estonian freedom and self determination were crushed by the Soviet takeover of that nation during World War II. The incorporation of Estonia, Latvia, and Lithuania into the Soviet Union by force of arms has never been recognized by the United States.

The fate of the Baltic States should be warning to the United States to remain strong and vigilant. However, today many people in our Nation are preoccupied with the idea that we should unilaterally reduce or dismantle our defense establishment and somehow rely on good will to protect us from our adversaries.

Unfortunately, these critics are evidently individuals who have failed to heed the lessons of history or are too young to recall the brutal tactics employed by the Soviets to subdue the Baltic peoples. Common Soviet methods included such things as murder, mass deportations of individuals into slave labor, the expropriation of property, and the suppression of basic human rights and freedom.

During the decade of the 1960's it appeared that the Soviet Union was beginning to moderate its position and was attempting to be more civil and rational in its approach to the West. However, the construction of the Berlin Wall, the continued denial of elemental freedoms in the captive nations, and the Soviet misadventure in Czechoslovakia have provided a more sobering view of the real interests of Soviet policy.

Several weeks ago I heard a rather insignificant radio news item, which demonstrated a great deal about the authoritarian nature of the Communist system. The news item concerned several Czechoslovakian airport workers who lost their jobs simply because they gave flowers to Alexander Dubcek, former President of the Federal Assembly of Czechoslovakia, on his departure into virtual exile as the new Czech Ambassador to Turkey.

Evidently, this simple gesture was considered too much of a political affront to the current regime to go unpunished.

The 52d anniversary of Estonian independence should be an occasion for each of us to reflect on our own good fortune as American citizens.

While the American experience in democratic government teaches us that it is not without many faults, an examination of world history will also reveal that no other nation has ever been more responsive to its citizens than ours.

As Winston Churchill said:

> The inherent vice of capitalism is the unequal sharing of blessings; the inherent virtue of socialism is the equal sharing of miseries.

It is my hope that the decade of the 1970's will usher in a new era of negotiation with the Soviet Union which will hopefully succeed in establishing a freer and more open world community.

THE URGENT NEEDS OF AMERICA

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. PATTEN. Mr. Speaker, there is something seriously wrong with the order of our national priorities. I am convinced they must be changed and placed in the right order, so that urgent domestic needs are no longer ignored because of a tragic, unpopular and costly war—a war that has claimed the lives of over 40,000 of our best young men, costing the Nation over $100 billion.

I firmly believe that most of the American people want to see the waste of war end, so that the Nation can concentrate its main efforts on constructive programs to help our people enjoy the fruits of peace, instead of suffering the agonies of war. This does not mean that we should ignore our treaty obligations and military needs. America must always remain militarily strong, for weakness would only invite disaster.

Mr. Speaker, so much more needs to be done before the promise of America becomes a reality and the conscience of America can rest. Hope and rhetoric are no longer enough. Only the victory of man should be acceptable, victory over his ancient, but implacable enemies—war, disease, ignorance, hunger, and fear. They cannot be conquered overnight, but we can start to execute victory over them now.

And, if we are unwilling or unable to convert this great promise to reality, we will deserve the indignation of this generation as well as the condemnation of history.

Thomas Wolfe reminded us of the promise of America:

So, then, to every man his chance—
To every man, regardless of his birth,
His shining, golden opportunity—
To every man the right to live,
To work, to be himself,
And to become
Whatever thing his manhood and his vision
Can combine to make him—
This, seeker,
Is the promise of America.

Mr. Speaker, I believe this promise can be fulfilled if we have the will and the courage.

Some of the problems that demand vigorous action and solution include:

Education—the heart of any great nation—is the most critical problem we face today. Over 23 percent of our high school students are dropouts—a condition that often leads to economic suffering and even crime. About 50 percent of those who enter college fail to graduate, and our adult population contains over 3 million illiterates. I believe that Federal aid to education should be expanded until every American has the chance to reach the limit of their ability to learn.

Health. Ecologists warn that our environment is in actual danger of ultimate destruction, because of the growing pollution of our air, our water, and even our land. Several programs have been enacted in the fight against pollution, including two bills I cosponsored: the Air Quality Act of 1967, and creation of the Federal Water Pollution Control Administration. Notable progress has been made, but pollution control must be intensified until the air we breathe, the water we drink, and the land we use, are free of contamination.

Medical research should be increased until all of the chief killers of man are conquered—heart disease, cancer, stroke, mental illness, and others. Life must be prolonged not only in years, but enriched as well. It is shocking that America—the wealthiest nation in the world—ranks 26th in the United Nations longevity table. We should be first.

The cities. The once-great cities of America are slowly dying. No longer prosperous and secure, they are now only a shadow of what they were. One million persons a year are leaving the cities of America and have moved to the suburbs. In many cases, city housing is both inadequate and dilapidated, education is substandard, employment opportunities are limited, and crime is rampant.

Yet, when citizens reach the suburbs, they also face serious problems there—property taxes so high, they are virtually confiscatory, and even suburban dwellers feel the heavy impact of crime. The FBI's uniform crime reports for the first 9 months of 1969 disclosed that suburban crime increased at a higher rate over the previous 9 months than the rate suffered by cities.

Mr. Speaker, our cities can recapture their past greatness. Only the Federal Government can rescue the cities from their critical condition. With two-thirds of our people living in cities and most of our wealth concentrated there, the rejuvenation of urban areas is imperative, for it would not only strengthen the economy, but would help unify our people.

Equal opportunity. Encouraging progress has been made in equal opportunity, but not enough. Every American should be judged by one fair standard: their ability, performance, and character. America cannot be respected abroad if it fails to practice true freedom at home. It is easy to advocate equal rights, but the real test of sincerity is whether it is practiced. What we do, not what we say, is the real and only test.

Transportation. Travel by automobile, once a pleasure and comfort, is now almost a nightmare, often involving congestion, injury, and death. Incredibly, 475,000 Americans were killed in traffic

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accidents in the 1960's and 1,700,000 Americans were lost in auto accidents since 1900—a toll higher than all the fatalities in wars fought by our people.

Those who travel by rail are also in serious trouble. Passenger trains have been discontinued by the thousands in the postwar years and what was once a loud roar of activity, is now merely a whisper. Service has been reduced enormously, but fares continue to rise. If this policy of discontinuation keeps up, passenger trains will disappear and millions of persons who now depend on them will be forced to travel on highways already close to saturation and chaos.

The millions of Americans who rely on mass transportation deserve the superb service they once enjoyed. Above all, the highways of the Nation should be improved, cars should be more carefully designed and manufactured, and safety programs must be expanded. America's traffic toll is a national disgrace.

A source of important help is a bill sponsored in the Senate by HARRISON A. WILLIAMS, JR., Democrat of New Jersey, and supported by the Nixon administration. This measure would provide two-thirds of a community's cost for improving mass transit programs. If enacted, New Jersey, for instance, would receive substantial Federal grants.

The American people are looking to the Congress for leadership and help. I hope that we can provide that leadership and help, not only in transportation, but in all the other fields where problems exist.

Political reform: Mr. Speaker, since I entered the House of Representatives in 1963, I have often urged Congress to streamline and modernize its operations. I hope this will finally be done this year, because many Americans lack faith in congressional procedures.

But an urgent need also exists for political reform in the Nation, and it should be achieved soon, for never in our history has our youth been more interested and informed about civic and governmental affairs. And our young people are determined to keep on working and fighting for reform until it is accomplished.

I believe they should be allowed to vote at the age of 18 because they are qualified. There is nothing emotional about such a feeling. It is simply an incontrovertible fact that should be faced by both Government and voter.

A bill has also been introduced by me that would provide opportunities for American youth to serve in policymaking positions and to participate in National, State, and local programs of social and economic benefit to the country.

"The New Politics" has transformed our political life. Political democracy and independence have replaced political oligarchy. It is both right and wise to enlist now the participation and support of those who will help lead the Nation in the future. This would not only be good for political parties, but for the Nation as well, for whatever progress we have made as a people has resulted from freedom.

Mr. Speaker, like the late and inspirational Senator Robert F. Kennedy, I believe that "the future does not belong to those who are content with today, apathetic toward common problems. Rather, it will belong to those who can blend passion, reason, and courage, in a personal commitment to the ideals and great enterprises of American society."

That was the dream of Robert F. Kennedy, yet, it is the dream and faith of every American who yearns for a country that is just and compassionate, as well as wealthy and strong.

Mr. Speaker, I pledge myself to this commitment, and if we achieve it, our people and our Nation will become truly great.

THE POSTAL UNIONS STAND FIRM AGAINST THE POSTAL CZAR

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. NIX. Mr. Speaker, I was somewhat disturbed when I read recently that because of the desperate need for a salary increase, postal unions were considering supporting a postal czar in return for a promised pay raise. I understand the need for a pay raise for Government employees. Postal employees in the city of New York for instance, earn $2,000 a year less than a garbageman. I understand this need for a decent wage better than I do the statement of the Director of the Bureau of Budget; that Government employees should give up their justified pay increase on July 1 for a 6-month period in order to set an example for the Nation.

On February 20 I received a statement, dated February 19, and signed by Mr. Patrick Nilan, legislative director of the United Federation of Postal Clerks and subscribed to by all seven AFL-CIO unions to the effect that they were standing firm against a postal czar concept.

This takes a lot of courage. There have been rumors of the President's willingness to support a pay increase of something like $4 a week for postal employees, in return for their support of a postal corporation under another name. The unions of course know that this would not be a compromise at all. With the increase in inflation it would not even keep them standing still. In any case, a good portion of the $4 increase would be eaten up in an increased retirement contribution.

I think we have to get to work and pass H.R. 13000 which will provide a decent increase for all Federal employees. We also need labor relations by law in the Federal service and we need it now.

It is a shame that the Federal Government will not pay a living wage. If the Director of the Bureau of the Budget, Mr. Mayo, gets his way, Federal employees will finance a balanced budget out of their pay checks. The example set by the President and his administration is a suggestion to industry in coming wage negotiations with unions in the private sector to refuse to negotiate in a meaningful way.

I think if private industry asks its employees to offer up 6 months of a pay increase to hold up profit margins, we will have a wave of nationwide strikes. A strike is a disaster to the company involved and the individual workers who are employed by the struck company. It is nob by some magic concerted to a non-disaster when the losses from strikes are totaled up on a nationwide basis.

I think it is time for the Congress to pass a workable postal reform bill and a pay raise for all Federal workers. I do not think we should stand by and see postal workers blackmailed because of the need for decent wages into supporting bad legislation.

Mr. Patrick Nilan, the legislative director of the United Federation of Postal Clerks, is well known to every Member of Congress. He is a strong and courageous leader and I am more than happy at this time to insert his statement of February 19 into the CONGRESSIONAL RECORD at this point:

FEBRUARY 19, 1970.

We are writing to you as a Member of the Committee on Post Office and Civil Service to make certain there is no misunderstanding concerning the legislative position of the United Federation of Postal Clerks, in particular and also the other 6 exclusive postal employee organizations on postal reform—postal corporation—any combination of reform with postal pay and collective bargaining.

Contrary to what you may read in the newspapers or may hear from White House officials and Postmaster General Winton M. Blount, UFPC and the other 6 postal organizations have *not* "bought" any postal corporation concept and have *not* agreed to accept any postal employee pay—collective bargaining "package" short of the employees' benefits' position statements enclosed in the file accompanying this letter. The 7 exclusive postal organizations are urging your Committee to draft a postal reform bill which will include the postal employee benefits and guarantees referred to in this file.

I am today sending similar letters with our proposed postal employee benefits "package" statement to all Members of the Committee on Post Office and Civil Service for their information and hopefully, to avoid any possible misunderstanding concerning our collective and unified position on these matters. The statement contained in the enclosed file is our "must" legislative program concerned with any postal reform which your Committee may report. You will note this legislative statement is dated January 26, 1970—our position is the same today, as it was on January 26.

Also, our 7 exclusive postal organizations as recently as as one week ago on February 12 reaffirmed our absolute and total opposition to any reform legislation, such as the postal corporation proposed in H.R. 11750. While I am addressing this letter and enclosures to you, particularly, on behalf of the United Federation of Postal Clerks, the enclosed postal employees' benefits "package" *is* the legislative position of all 7 exclusive postal employee organizations representing 700,000 postal workers in collective bargaining with the Post Office Department.

It is our hope that you will have an opportunity to carefully review *Exhibit C*, which is our proposed "Chapter 8—Labor-Management and Personnel Relations." Basically, the provisions in Chapter 8 have been taken from established labor laws, in-

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cluding the following Acts: Norris-La-Guardia, National Labor Relations, Taft-Hartley, and Landrum-Griffin. In addition, there are provisions from Executive Order 11491 signed by President Richard M. Nixon on October 29, 1969. Most of Chapter 8 would finally provide recognition of postal labor organization, collective bargaining, and labor-management relations for postal employees similar to that established more than 30 years ago for management and labor in the private sector.

We are also enclosing for your information two editorials published in the February, 1970 issue of our UFPC *Union Postal Clerk and Postal Transport Journal*.

These editorials entitled, "Unfair Labor Practice" and "Who's Discriminating" effectively contradict and destroy the felonious arguments of the unaffiliated National Postal Union and National Alliance of Federal and Postal Employees, who are opposed to the *exclusive* recognition and bargaining rights which our 7 Exclusive postal employee organizations originally won under the Kennedy Executive Order 10988 and presently provided for in the Nixon Executive Order 11491. We propose to have these rights become a matter of law through enactment of either the enclosed "Chapter 8 of EXHIBIT C, Chapter 47 of Title VII of H.R. 4", or "H.R. 4803 and S. 309."

We will appreciate your support of the enclosed position statements concerned with postal employee benefits and guarantees under any postal reform legislation approved by your Committee and equally important, opposition to the postal corporation concept proposed in H.R. 11750.

Your continuing interest in the legislative program of the United Federation of Postal Clerks and the other 6 exclusive postal organizations referred to in this letter, and named below, is appreciated very much.

President Francis S. Filbey, United Federation of Postal Clerks (AFL-CIO).

President James H. Rademacher, National Association of Letter Carriers (AFL-CIO).

President Monroe Crable, National Association of Post Office & General Services Maintenance Employes (AFL-CIO).

President Michael J. Cullen, National Association of Special Delivery Messengers (AFL-CIO).

President Chester W. Parrish, National Federation of Post Office Motor Vehicle Employes (AFL-CIO).

President Lonnie L. Johnson, National Association of Post Office Mail Handlers, Watchmen, Messengers & Group Leaders (AFL-CIO).

President Herbert F. Alfrey, National Rural Letter Carriers' Association.

Sincerely,

PATRICK J. NILAN,
Legislative Director.

PROPOSED PRISONER EXCHANGE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. PRICE of Texas. Mr. Speaker, with his usual reckless disregard for truth, the North Vietnamese spokesman at the Paris peace talks has charged the Nixon administration with "fascist repression" in the handling of the Chicago conspiracy trial. He also demanded the full release of the five convicted defendants and their attorneys.

Prior to this particular announcement, the Communists have implied that the seven defendants in the Chicago trial were being treated as political prisoners of war because they oppose U.S. involvement in Vietnam. As usual, the Communists could not have been further from the truth. The indictments brought against the accused militants fairly reflected the complaints the Federal Government had concerning their disruptive and riotous behavior at the Democratic National Convention in Chicago last summer.

The Paris declaration, however, raises an intriguing possibility that is well worth pursuing. I think our negotiators in Paris should explore with the North Vietnamese, the possibility of exchanging the Chicago seven and their attorneys for a specified number of our American prisoners of war who are being inhumanely held captive by the Reds.

Despite the fact that the Chicago seven and their attorneys have been convicted of breaking the laws of the land, I think the exchange would be well worth it. I do not think the price to be too high for this great Nation to pay, if by paying the price the release and freedom of some of our imprisoned servicemen can be assured. Besides, since the Chicago radicals parade their hatred and contempt for the American system of government, perhaps everyone would be better off if the whole rat pack left this country and went to North Vietnam.

NEW LEGISLATION FOR DAY-CARE CENTERS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. BIAGGI. Mr. Speaker, in a dramatic appeal to New York City delegation Members in the House yesterday, a group of 50 representatives of the New York day-care coalition agencies pleaded their case for special planning grants which they said were necessary in order to set up day-care centers in New York City.

Frustrated by Federal and State laws requiring certain minimum standards for grant applications, the group came to Washington to see what could be done to help their cause.

Essentially the problem is this: Local groups wishing to set up day-care centers in their neighborhoods are thwarted from obtaining Federal-State funds allocated for this purpose because they are unable to muster the initial money to get the professional advice necessary to apply for the grant.

In New York City's case, when the coalition applied to the social services department, they were told to look for a site, get a board of directors, and incorporate. They simply had no funds to do these things. Establishing guidelines for operation and a program plan are two other prerequisites that local nonprofit organizations are unable to meet without professional help and advice.

Less stout-hearted groups would have stopped right there, but the New York City day-care coalition decided that if they could obtain a special planning grant they could meet the grant application requirements. However, they were politely told by the Director that no grants were available for planning purposes.

These energetic people then applied to local antipoverty agencies for planning grant funds and technical assistance. The same answer was repeated:

> We have no guidelines to help you establish day care centers, we can offer you no technical advice, and no funds are available for planning grants.

It did not seem to matter that the stated goals of the coalition were the creation of day-care centers in all the poverty areas of the city so that low-income mothers with preschool children who wanted to work could become wage earners and thus be freed from the welfare rolls. This is precisely one of the prime goals of antipoverty agencies.

What then are some solutions to this problem on the Federal level? The first answer is, of course, money—funds that get to the local community most in need of these services.

We have seen that in the case of New York City, local organizations do not have the expertise available to them to set out the initial plans for day-care centers. Planning grants are therefore a viable way to overcome this first hurdle.

I have included this concept in the bill I would like to outline for you today, Mr. Speaker. It deals with day-care centers, and the needs of senior citizens. It does this by approaching the primary need of the initial facility itself.

In terms of Federal participation, there is virtually none today for construction, and not nearly enough for renovation of day-care centers. Only two Federal programs which are administered by the Small Business Administration relate to day-care construction—and these are restricted to loans and the insuring of loans made to profitmaking institutions.

EXPANDING THE NEIGHBORHOOD FACILITIES GRANTS ACT

Primarily, my bill expands the scope of the Neighborhood Facilities Grant Act to include grants for single purpose as well as the multipurpose neighborhood centers. Day-care centers and senior centers are specified within this bill as eligible single purpose centers.

In addition, my bill expands the concept of this section of the act to include applications for renovation and expansion of existing facilities as well as for new construction. This is especially important in inner city areas where available sites are either nonexistent or too expensive for development.

Often these areas have suitable existing structures which could be renovated or expanded to meet the city codes and Federal agencies requirements for public day-care centers.

This bill also tries to stay within the bounds of the original concept of the Neighborhood Facilities Grants Act by encouraging the development of large multipurpose facilities. This is done by allotting a greater share of Federal participation to the establishment of such centers.

However, one important feature is also added which I feel has been neglected

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in the past. Any multipurpose neighborhood facility which is established must consider the day-care and senior citizen need of the community. When the need is apparent, separate space must be set aside in the large multipurpose center to accommodate both day-care and senior center services.

PLANNING GRANTS

Lastly, and most important, is the provision I have included in this measure to give communities planning-grant assistance when they need it. The Secretary of Housing and Urban Development is authorized to make planning grants to local nonprofit organizations for the purposes of hiring a staff and formulating guidelines for establishing day-care centers.

Altogether, $150 million has been allotted over a 3-year period for both grant programs, starting in fiscal year 1971.

DAY-CARE NEEDS EXPLORED

Mr. Speaker, today the entire Nation accommodates only 531,000 children in licensed day-care centers. This is a small figure when compared to the approximate 10.5 million workingwomen who have school-age children.

About 4 million women who are working have preschool children under 6. But what about all the mothers with preschool-age children who would like to work if day-care centers were available to them at little or no cost? Accurate statistics on these mothers are not available in low-income areas, where they are needed most.

Let us turn to the figures we do have—those on children, the neglected segment of our society. One has only to look at present statistics to see how little attention America has paid to the needs of its children.

It has been estimated that there are approximately 5.5 million children who are in need of preschool programs, a need which day-care centers could fill. Of these 5.5 million children, between 2 and 3 million are suffering from severe malnutrition.

Let me bring this problem down to manageable proportions. New York City has only 115 publicly funded day-care centers. Of well over 100,000 children in the city who need day care, only 8,500 children participate in the program.

Experts have long proclaimed that day-care centers could serve a very valuable function in the community, aside from simply providing a babysitting service for working mothers. In poverty areas, day-care centers could help compensate children for the cultural and educational deprivation they may experience as a result of living in poverty.

BENEFITS OF DAY-CARE CENTER EDUCATION PROGRAMS

Day-care centers of the future with promising and innovative educational programs could help overcome the initial hostility created in a child of poverty when he enters into a first-grade situation not ready for its demands. Many educational experts feel that inadequate preparation during the crucial preschool years is a major reason for the academic failure of many deprived children, and their subsequent early dropout from school in later years.

The failure pattern once experienced, usually results in a hostility toward the school environment and a feeling of inadequacy in performing successfully within it. This same pattern can be carried over to work situations.

Day-care centers with sound preschool educational programs could provide children from poverty backgrounds with the preparation they need during the crucial preschool years to successfully meet the demands of grade schools.

WHAT THE CONGRESS MUST DO

Mr. Speaker, the need and value of day-care centers is clearly evident. Moreover, the members of the New York City day-care coalition have brought to the doorstep of Congress problems that must be overcome so that money now available for day care can be utilized to the fullest.

The President has announced his intention to provide better programs and more money for day care. I invite you, Mr. Speaker, and my colleagues in the House to join me in sponsoring this measure I have introduced today so that we can lighten the welfare load and stimulate the development of day-care centers that are really an asset to the community.

IN SUPPORT OF NATIONAL BOY SCOUT WEEK

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. DANIEL of Virginia. Mr. Speaker, the week of February 7–13 was National Boy Scout Week. Sixty years ago, on February 8, the Scouting movement in America was formally organized in Washington, D.C. Today the Boy Scouts of America boasts of more than 6 million members.

It is fitting and proper that this outstanding youth organization be given due recognition. Many of today's local, State, and national leaders are former Boy Scouts; but, more important, tomorrow's leadership is being developed in Boy Scout troops all across our land today. The efforts of this association to inspire young boys to noble purposes is among the highest of objectives. The modeling of young minds to provide our country with a future responsible citizenry is a noteworthy public service.

As Americans living in turbulent times, we all realize the importance—indeed, the necessity—of well-qualified and properly motivated leaders. The young people of today will be heir to our problems and to our achievements. They will be called upon to shape the destiny of our Nation. The job will be a tough one, but I am confident that with proper training and development such as that provided by the Scout organization our youth will persevere and keep America American.

In the February 12 Franklin News-Post of Rocky Mount, Va., there appeared letters written by eight Cub Scouts as part of an achievement program. The subject was "Why I Love America." It is always gratifying and encouraging to learn of young people in our Nation who are proud to proclaim that they are Americans. In order that the contents of these inspiring letters may be shared with my colleagues, I insert them in the RECORD:

WHY I LOVE AMERICA

(By Tim Arrington)

America—the U.S.A. is the country where I live and am proud to say so. Many brave men have fought and died for the freedom which we now enjoy and we should all work trying to keep these freedoms. This is a country where we can work, play, worship, sing, speak, pray, go and come when we please. There are countries in which these things do not exist. I just love my country—The United States of America.

(By Barry B. Brugh)

I love America because we have a home to go to. And a school to go to and work. I love America because we are free to go anywhere we want to go. And we have food to eat. I love America because we have the freedom to say what we think.

(By Walter Hartman)

I like America because it is a free country and the people in America are free to do what they want to do. And you have a lot of good friends in America to. And you have your own homes to live. And because there are no kings to tell you what to do.

(By Jeff Hodges)

I like America because we have our freedom and America is beautiful. America has beautiful mountains and trees. And there are pretty homes in America, we have roads to travel on and good fields to work, and to live on. We have good stores to buy food, clothing and other things.

(By Greg Dillon)

I love America because we have freedom to establish justice. We have flowers and trees.

We have men fighting in Vietnam to protect us.

I think our country is the greatest in the world because we can worship God.

Three American men have already walked on the moon.

(By Clayton Leach)

I like America because we are able to work for any place we want to. We were the first on the moon. We have Thanksgiving and go to Church where we want to. We can write letters and say what we want to. I like my home here. That is why I like America.

(By Vernon McClure, Jr.)

I love America because we have freedom. We can have guns and we can hunt and fish. Our country was founded by Christians and we have freedom to speak of what we want. We have freedom of property. We can worship as we please. And we can have the press.

(By Thommie Hodges)

I like America because it is beautiful. It has good schools and good churches. Farmers can farm and raise vegetables and fruits. Also raise cows and pigs and chickens so you can have good things to eat.

America also has good people and places to work. And America also has Cub Scouts and Boy Scouts for our boys.

THE UNIVERSITY AND THE ENVIRONMENT

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. TUNNEY. Mr. Speaker, the problems facing the environment are receiving widespread attention from Congress, the mass media, and the public.

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The fact that the public, including students, are mobilizing against the increasing pollution of our environment is a healthy indication that concern for this issue is growing. The public are the victims of inaction, and their involvement is the most important ingredient in any plan for action.

The university, because of its unique position in society, can play a constructive role in helping Government to devise programs and policies to reverse environmental deterioration.

At the University of California at Riverside, a political scientist is making a study of air pollution and its impact on the public in California. The study will also attempt to analyze the effects of California's air pollution control measures on its citizens. Perhaps the most encouraging aspect of this study is the utilization of graduate students in observing the operations of various air pollution control districts. In addition, "The Politics of the Environment" is being proposed as a new course of study at the Riverside campus.

Mr. Speaker, I commend such creative initiatives by our universities in this field. I feel the Federal Government should encourage and assist our educational institutions in developing programs, curriculums and activities concerning the problems of environmental quality and ecological balance. The educational sector must begin teaching Americans about the complex elements that make up the balance of our ecology. Likewise, the universities can provide the means for studying environmental problems using the resources of its natural and social sciences disciplines.

Particularly, because of the positive contributions that universities will hopefully make in the fight to halt the desecration of our environment, I insert in the RECORD one outstanding example of what our academic communities are doing in this field:

THE UNIVERSITY AND THE ENVIRONMENT

RIVERSIDE, CALIF.—"Aerial garbage" will be the academic research concern of a young political scientist for the next three years at the University of California, Riverside.

But Dr. Ronald Loveridge, UCR assistant professor of political science, will take a different—maybe unique—look at what is one of the major issues of the day. He will look at air pollution from the viewpoints of the common citizen.

"Very, very little work has been done by political scientists in the area of the environment, and in the area of air pollution specifically," he said. "Any information in this area is close to impossible to find."

Dr. Loveridge will be primarily concerned with three aspects of the public's involvement in air pollution. These are:

The attitudes of the California public of air pollution and its effects psychologically, socially, politically and economically on society; and the public's willingness to support different kinds of solutions.

An examination of administrative effects of the California air pollution control districts (APCD); the effectiveness of one district compared to another, particularly in the two major districts, the Los Angeles APCD and the Bay Area APCD.

Lastly, a general study of air pollution politics in California in the 1960's.

The findings of the first study will serve Dr. Loveridge as a general information base telling him what the public actually thinks about smog.

In the second project he will be assisted by a number of graduate students in political science. These students will spend four to six weeks at the various air pollution control districts studying the operations first hand. This will not only aid Loveridge in his research, but it will also give the students an opportunity to apply classroom theories in practical situations.

For the third study—that of the politics of air pollution—Dr. Loveridge will spend considerable time in Sacramento interviewing lobbyists, politicians and other government officials.

As a result of this work, the 31-year-old professor hopes to teach a course titled "The Politics of the Environment." A course proposal is now being studied by the department of Political Science and will shortly be submitted to the Riverside Division of the Academic Senate for approval.

Loveridge has already completed some preliminary research in the area of pollution and has been invited to address professional meetings of pollution experts. Most recently his invitations have included addressing the annual Laymen's Air Pollution Conference held at UCR last fall and the first National Symposium on Habitability, to be held in March in Los Angeles.

In addition, Loveridge has been instrumental in assisting with the development of the Project 70 proposal which calls for a mobilizing of scientific efforts on the nine campuses of the University of California in an attempt to halt air pollution. The proposal is currently being considered by the University's Board of Regents.

Loveridge was educated at the University of the Pacific (bachelor's degree) and Stanford University (master's and doctoral degrees).

MASSACHUSETTS VA HOSPITALS FACE SERIOUS CRISIS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the survey of the Veterans' Administration hospital system which is being conducted by the Committee on Veterans' Affairs is continuing to reveal that serious problems do exist at most VA hospitals because they are underfunded and understaffed. In December 1969 the Veterans' Affairs Committee had received information from the five Massachusetts VA hospital directors and the outpatient clinic director that their facilities were underfunded by over $1.7 million. In January 1970, the Veterans' Administration Central Office released about $402,000 in additional funds which means that Massachusetts hospitals were underfunded by about $1.3 million for fiscal year 1970. Funds for dental care, mostly for Vietnam veterans, are short by at least $65,000 even with a recent supplementary allowance of $17,500; the community nursing home care program was shorted by about $275,000; and all the Massachusetts hospitals are short funds to hire additional personnel to properly operate their hospitals.

Mr. Speaker, the present average national ratio of about 1.5 staff for each patient in VA general medical hospitals is wholly inadequate. It should be at least two staff for each patient and psychiatric hospitals should have at least a 1-for-1 ratio. The national average for private sector general hospitals is 2.72 employees for each patient and some university hospitals operated in connection with medical schools are even higher.

Mr. Speaker, the investigation being conducted by the House Veterans' Affairs Committee revealed that under the hospital staffing formula which I advocate, Massachusetts VA hospitals are approximately 400 positions short of needed staff. These extra positions would cost about $3.6 million annually. A few of these positions would be difficult to fill at current VA salary scales, but most are recruitable. Massachusetts VA hospital directors also reported that community nursing care programs at their hospitals were underfunded in fiscal year 1970 by approximately $389,000. Projected workloads indicate that more funds are needed, approximately $81,000 for fee basis dental care, due to increased workloads created by returning Vietnam veterans.

In mid-February, 1970, Massachusetts VA hospital and clinic directors reported they had received some supplemental funding support for fiscal year 1970. Approximately $115,000 was allocated to reduce the reported $389,000 deficiency in the community nursing home care program. The Boston outpatient clinic was allotted $17,500 to apply against the estimated backlog of $81,000 in fee dental authorizations. The remainder, approximately $370,000 was provided to reduce fund deficiencies in personnel salary costs and other operating expenses.

The 936 bed Bedford psychiatric hospital reported the largest deficiency among Massachusetts hospitals—$589,000. Funds totaling more than $470,000 are needed to provide over 60 positions to better staff the hospital. The remainder is required to alleviate shortages in drugs and medicines, hospital linens, medical and dental supplies, maintenance and repairs supplies and services and other recurring operating expenses.

Hospital Director John J. Whalen said that in order to stay within his operating funds, "We will by necessity hold nursing and housekeeping staff at minimal levels; postpone expansion of direct care services." Whalen reported that some specialized medical programs for the care of veterans at the Bedford hospital were inadequate in scope or could not be implemented because of personnel and fund limitations for fiscal year 1970. These included the alcohol treatment unit, seven personnel needed at an annual cost of $94,000; day-care center, five personnel at an annual cost of $70,000, and an intensive care unit, 10 personnel at an annual cost of $120,000.

With regard to the community nursing home program, Director Whalen reported that "Funds allocated the hospital were insufficient to support the program at the level of the prior year." He advised that an average of 40 patients were maintained in community nursing homes during fiscal year 1969, but funding for fiscal year 1970 would provide for an average of only 25. Whalen said the program was underfunded by $51,768. The hospital later received a supplemental allocation of funds in January 1970, in the amount of $16,738 which has been applied to the deficiency reported for the community nursing home-care program.

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Dr. Francis B. Carroll, director of Boston's 800-bed hospital, reported fiscal year 1970 funding deficiencies of over $440,000. Approximately $192,000 is needed to better staff the hospital with about 21 additional positions. The hospital director told the congressional committee that:

> One of the most pressing problems which has given us great concern has been the inadequate staffing of our nursing service. With the opening of the coronary care and medical intensive care units there has been an increased demand placed upon the nursing service. This means that our desperately ill patients are not being provided with the amount of nursing care they need. Additionally there are insufficient nursing assistants to transport and remain with very ill patients who are waiting diagnostic or therapeutic procedures in various clinics.

Dr. Carroll added:

> There is inadequate nursing support for the checking of each medication card against the doctor's orders, and there are times when we only have one nurse to oversee two acute medical wards.

Dr. Carroll also indicated that because of noncompetitive salary rates the hospital would be losing two radiologists, including the chief radiologist, on July 1, 1970, and thus far they have been unable to recruit replacements for these two positions. Dr. Carroll told the committee that the hospital's social work service, "is hampered by a limited number of social workers whose time is taken up in handling crisis situations rather than in assuming an important role in translating the needs of the veteran to the family and the implications of his disease to the patient himself." The hospital director reported a shortage of over $145,000 for fiscal year 1970 to place veterans in community nursing homes at VA expense who no longer need expensive hospital care.

Dr. Carroll advised the committee that it had been necessary for him to divert over $153,000 from his maintenance and repair funds and new equipment acquisitions in order to keep from reducing personnel below the already substandard levels.

The Boston VA hospital received supplemental funds in January totaling $190,388. Carroll said the additional funds for community nursing home placements in the amount of $20,388, together with an additional $25,000 of recurring funds diverted from other operations, "will provide some relief, but we will be short approximately $100,000 for accomplishment of potential outplacements for the remainder of the fiscal year." The remainder of the supplemental allotment would be applied toward personnel salary shortages and approximately $53,500 would be restored for equipment procurement and maintenance and repair.

Dr. Carroll told the Veterans' Affairs Committee:

> In summary, the $190,388 has reduced our deficiency in essential requirements, but we will continue to operate this hospital with a less than desirable staffing ratio; a backlog of equipment and maintenance and repair; and, less than full implementation of several new programs.

Dr. James L. Benepe, Jr., director of the 1,000-bed Northampton psychiatric hospital, reported a 1970 funding deficiency of over $285,000. He stated $215,000 was needed for approximately 20 positions to better staff the hospital. Dr. Benepe also stated that the patient load at Northampton has been reduced by over 300 and that it appeared that his staffing ratio has improved because Veterans' Administration central office has continued to fund this hospital at the prior year level even though the load had been reduced. The hospital director expressed some concern that the 1971 funding for his hospital would be sharply reduced because of decreased workloads, and if this situation materialized the hospital may lose some staffing support to operate its blind clinic and its alcohol rehabilitation clinic. These two specialized programs are much needed but are inadequate in scope due to lack of personnel ceiling and funds.

Dr. Benepe also pointed out to the Veterans' Affairs Committee that there was a need to replace, "the fire protection system including the 28-year-old fire truck." He added that the fire alarm system does not meet local, State, and Federal regulations. Dr. Benepe also stated that the sometimes snow covered fire escapes are, "insufficient and antiquated."

The Northhampton hospital director also indicated that he was highly disturbed that the Veterans' Administration is failing to recruit new and competent psychiatrists primarily because the salary level is not competitive. He said that because of, "wage inequities currently I believe we are locked into a future of second-class care." The Northampton hospital director added:

> Compared to other hospital systems in the Country it may now still be the best, but compared to what is possible it's a sorry second.

Dr. Benepe later advised the committee that supplemental funds in the amount of $42,811 had been received in January 1970, to cover the cost of community nursing home care of 16 service-connected veterans. The hospital had previously reported to VA's central office that this program was underfunded by approximately $145,800.

Dr. W. Winick, director of Brockton's 988-bed psychiatric hospital reported a funding deficiency of $156,000 in fiscal year 1970 to cover approximately 30 positions. The hospital was $46,000 short in fiscal year 1970 funds which would be used to place veterans in community nursing homes at VA expense who no longer need expensive hospital care. Dr. Winick also reported that over $90,000 had been diverted from the hospital's maintenance and repair and new and replacement equipment funds in order to support salaries for the hospital staff. Part of these funds were needed to provide additional space for rehabilitation programs, to install handrails in corridors of the geriatric patient wards, replace laundry-chute doors with fireproof doors, and to replace radiological apparatus.

Dr. Winick later advised the committee, in January 1970, that supplemental funds in the amount of $9,960 had been received to apply toward the previously reported shortage of $46,000 for the community nursing home care program.

The director of the West Roxbury VA hospital, C. F. Heard, Jr., reported that he was short of funds for 1970 by about $260,000. About $98,000 was needed to better staff the hospital which the director claimed is about 23 positions short. The hospital director stated that in February 1969, it became imperative to integrate the medical and surgical intensive care units, "because of inadequate staff to safely operate them independently." He also reported shortages of nursing personnel for the operating room and that staffing for the spinal cord injury units was barely minimal to provide around-the-clock service. Staff morale on these particular units is reported to be, "low because of consistently impossible heavy workloads." The hospital director also stated that additional corrective therapists were needed to meet increased demands for quadriplegia teratment and the development of new programs in post-operative prosthetics, cardiac diagnosis and treatment and research activities. The hospital director also indicated that an additional educational therapist was needed to provide adequate educational evaluation, guidance and training for an increasing number of young Vietnam veterans requiring this phase of care.

In order to make up for some of the staffing deficiencies, approximately $72,000 is being diverted from the hospital's maintenance and repair and replacement equipment funds in order to support hospital staffing at its present ongoing rate. Over $10,000 was diverted from the operating room equipment budget and the balance of some $24,000 was needed for equipment such as tilt and turn beds in the spinal cord injury service, a blood flow system and blood gas meter in the meter service and X-ray equipment. The director also stated that he was over $11,000 short for drugs and medicines, $14,000 short in medical supplies, $18,000 short to have consultant and attending physicians to come to the hospital for special hospital cases.

Director Heard subsequently advised the congressional committee that he had received additional funds in the amount of $200,000 in January 1970. He said the receipt of the additional funds, "Will enable us to be funded for the major portion of our salary deficit." He reported the balance needed would come from funds diverted from equipment plus the director's contingency reserve.

Dr. Thomas J. Quigley, director of the VA Outpatient Clinic, located at 17 Court Street in Boston, reported funding deficiencies of about $29,000 for personnel salaries. Part of this funding deficiency will be made up by deferring the purchase of clinic equipment and in maintenance and repair funds. Clinic funding shortages of $3,000 were pinpointed in the Eye, Ear, Nose and Throat Clinic, $4,000 for physical medicine and rehabilitation purposes, $3,500 in the X-ray service, and the balance in day-care center and medical administrative services.

Projected increased workloads for dental care, primarily for returning Vietnam veterans, revealed a shortage of approximately $81,000. A later report to the committee indicated that the Boston Outpatient Clinic received $17,500 to ap-

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ply against this backlog; $25,000 was also allotted for the balance of fiscal year 1970 to maintain employment levels.

Mr. Speaker, I am most concerned about these serious deficiencies in the Massachusetts VA hospitals. The Veterans' Affairs Committee will soon hold hearings in an effort to determine what steps must be taken to keep the VA medical program from falling further behind and to insure that America's veterans receive prompt and proper medical care.

TRANSPORTATION AND OUR ENVIRONMENT, AND THE INTERACTION BETWEEN THEM

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. EDWARDS of Alabama. Mr. Speaker, we have just begun what will be a long discussion of the needs of our environment versus the needs of people to move freely in it. Too often we tend to see transportation needs as inconsistent with ecological needs. I, for one, feel that both can coexist freely in a society that uses all its resources properly.

I was recently privileged to speak to the Mississippi Valley Association, which has now changed its name to Water Resources Associated. The new title properly reflects its members' concern for our environmental and transportation needs.

During their annual meeting earlier this month, Senator Robert Dole of Kansas also addressed the group. His comments, which follow, clearly set forth some guidelines needed in balancing our demands for resource use with our demands for resource conservation.

In addition, Charles D. Baker, Assistant Secretary Designate for Policy and International Affairs of the Department of Transportation, also spoke to the group. In his remarks, he quite clearly sets forth his Department's views on the overall transportation picture.

Both of these speeches, I believe, contribute greatly to a much needed discussion of transportation and our environment, and the interaction between them. I strongly urge all my colleagues to give both articles a close perusal so that they may benefit from the enlightened remarks of both these gentlemen.

The speeches follow:

Remarks by Senator Robert Dole

I am delighted to be here today to share some of my thoughts on the development of America's great water resources. Recognition of the importance of taking affirmative action to protect our environment has long been a concern of your organization. Since 1919, you have continuously fought for a coordination of our total water uses with soil improvement, fish and wildlife development and the needs of the American people. Because of your established interest and expertise, the Nation must look you for guidance, as it awakens to what President Nixon described as the "major concern of the American people in the decade of the seventies."

Water projects, their design and construction as well as the procedures by which they are approved are an important part of this concern. Over the years an elaborate procedure for approval of these projects, which appears to have its own momentum, has evolved. Because of these procedures, it is difficult to identify the weak and unnecessary elements. It is safe to say, however, that Congress shares a great deal of the blame for most of the archaic authorities under which the civil works programs of the Corps of Engineers presently operates. Authorities enacted in the late 1800's and early 1900's may not be suitable for the 1970's.

Not only the authority, but the enormous body of rules, regulations, guidelines, and other materials have become extremely complex and at the very minimum extremely confusing to the public. This work places a burden on the Committee on Public Works as it carries out its role in the biennial approval of the Omnibus Rivers and Harbors Act. Several of my colleagues and I on the Public Works Committee are considering the best means by which the committee can exercise its other consitutionally charged function to conduct oversight hearings on the general program of the Corps. It is hoped that we may begin this review during this session of Congress and that your organization will play a meaningful role in identifying inefficiencies and recommending alternatives to the existing program. Specific questions involve such things as the benefit/cost ratio, relocation of individuals or communities and, of course, the considerable amount of time between the authorization of a project and its construction. This last factor often adds to the complexity and difficulty of the previous two. As you are well aware, it is not unusual for a project once authorized to not be initiated—much less completed—for several years following the studies and data upon which the project was authorized. This, of course, adds to the burden that the public must shoulder.

One of my own observations regarding the present system for the development of water resource projects is that the public does not participate in as meaningful a way as projects of this substance and magnitude dictate. Too often the public's role in the present administrative process occurs so late in the procedure as to put them at a distinct disadvantage. By that time, the corps has developed a tremendous documentation in support of or in opposition to a particular project. We must incorporate into this system public participation at an earlier stage.

The thrust of President Nixon's state of the Union message and an earlier address concerning the environment was that we must develop an integrated and comprehensive approach to environmental problems. This message, of course, applies to water resource projects. We must consider such projects in the total context of the environment and utilization of the environment. We must consider the effects of water resource projects on adjacent land use, population distribution, concentration of industry, and a whole myriad of factors that contribute to either environmental degradation or enenvironmental quality. It should be acknowledged at the outset, however, that the achievement of a comprehensive approach is extremely difficult and one which will take dedication and commitment from all levels of our society and, of course, all levels of government. We are now coming full cycle to realize that decision-making regarding the environment cannot be left solely to the Federal Government or even the Federal Government working with State governments. To achieve an environment of quality, we must have the participation and help of all citizens. Your role, therefore, is not one of waiting for decisions from government. I would hope Congress will exercise its responsibility to make such participation legally possible and that your organization and your members, as citizens, will endeavor to participate in a meaningful way.

Remarks by Charles D. Baker

A year and a half ago I had the pleasure of speaking here in St. Louis to the Annual Convention of the Propeller Club. I am indeed pleased to be here today and have the opportunity to make a few brief remarks on the Department of Transportation's view of the inland waterways and their tremendous significance to the nation.

Waterways have been a major key to the country's development from its earliest days. Without them, Pittsburgh might not exist. The mighty Mississippi is the lifeblood of this golden gateway—your beautiful St. Louis. Today, some 38 States, with almost 95% of the country's population, are served by commercial water transportation on rivers, canals, bays, and lakes. Over 80 of the nation's cities with a population over 100,000 are located on commercial navigation channels. Tie this in with the fact that 1700 companies are in commercial operation on the inland waterways, pushing more than 17,000 barges, and the picture takes on large proportions.

Now the Mississippi Valley Association, a major voice in this vital industry—or rather aggregation of vital industries—started off life some 50 years ago concerned with flood control and foreign trade. In the ensuing half-century, I note with interest that not only has the geographical significance spread to a point where it is nation-wide, but its areas of concern have likewise broadened. And so today, MVA, with offices in Louisiana and Nebraska, in Missouri and Washington, D.C., is concerned most broadly with water resources or perhaps more accurately with the broad scope of resources associated with our waterways. It is no accident that the 12 gentlemen on the board of MVA came from 12 different States, representing the heartland of the nation.

And as we go into the second half-century of MVA, what does the future hold? Before going into some of the particular issues and how we in the Department of Transportation view them and relate to them, some broad comments seem to me to be in order. First, I think we *all* recognize that the nation's priorities—its needs—are changing; are properly and necessarily being relooked at, reexamined, and being constantly redeveloped.

What in the past many have merely talked about have now become factors to be reckoned with. Consider the very world around us.

If we are to live to see the year 2000—and it is a mere 30 years away—we must fact the challenge to our ability to maintain life and mobility as we enjoy it. As I see it, this means the preservation of a decent environment in the face of rapidly advancing technology, including that of transportation.

Most of you know of our decision to revise support for the giant jetport on the edge of the Florida Everglades. You probably read about the decision to relocate an Interstate highway in New Orleans to protect the historic Franch Quarter. In San Antonio, another highway decision was made which geared Federal and local efforts more significantly toward people and their environment.

We will all be doing more to assist curbing the pollution of air whether caused by air or surface vehicle, and to abate the spoilage of our inland and coastal waters. (In this connection, I am very pleased to note that your organization will be considering many of these issues in the course of this convention).

However, I wish to note here that the priority we are placing on restoring and protecting the environment does ***not*** detract from or eliminate the need for developing

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and expanding the capabilities of our transportation system! In his statement issued in connection with the Florida jetport agreement, President Nixon made this clear in stating:

"The agreement affirms the need to conserve our natural heritage; it does *not* deny the need for new airport facilities in Florida. The Federal Government will cooperate in finding ways to create such facilities without new threats to the environment."

Thus, in my view, we are all faced with a new and broadened challenge; to continue to develop and expand our national transportation system—for without this we simply cannot continue to prosper as a nation—but to *also* do it in such a way that our environment is protected, nay enhanced. And I submit that this challenge is one which our transportation industry has recognized for many years and one to which it will respond with increasing efforts in the future.

And let me here inject just a word on what our national transportation system must do. By almost any estimate we must be prepared to nearly double our capability as the nation goes into the Eighties. (Some analyses suggest an even larger increase) and to put this in financial perspective, the private sector of our national transportation complex will invest some 30 *billion* dollars in the next decade!

Another general observation seems in order, having to do with the subject of regulation. Our regulatory system was originally set up to achieve a desirable economic goal. This meant the user would be protected and balance would be achieved between the supplier and the user and among the several modes. But transportation has changed radically during this past century.

Regulations that were originally designed for one purpose, may now no longer serve it, or might even work against it. Section 303(b) of the Interstate Commerce Act prescribes mixing rule provisos. Aside from the basic issue of mixing in a tow vs. mixing in a barge—and I personally favor relaxing the constraints—I think all would agree that a classification of commodities made up in 1939 is ready for up-dating.

Thus, I think the process of regulation will come under increasing scrutiny. I am not suggesting wholesale de-regulation which some discuss, but which few would support. I am suggesting that our transportation industry, including the vital shallow draft part of it, will be involved in some re-looks and updating of the regulatory process.

I have remarked on some of the challenges and opportunities our industry faces. Let me comment for a moment on how DOT fits into this. The Department opened for business on April Fool's Day—an auspicious beginning—1967, on the theory that the various Federal involvements in transportation would function better under one roof than several.

When the Department of Transportation was being created, no major interest opposed the legislation as such. Many groups did express some quite understandable, but nonetheless parochial concerns. It is no secret that some waterway interests were among that number. And Section 7 of the Department of Transportation Act, dealing with the development of investment criteria is with us today as proof of that concern and clout. Some two and one-half years have gone by now; waterways are still here, the Corps of Engineers is alive and well, no really major Section 7 issue has been fought out, and, for better or worse, life goes on.

Today, the Department of Transportation's roles and missions are many. As they affect those concerned with water, they include the numerous activities of the Coast Guard, the role of the Bureau of Public Roads in bridge construction and in solving the problems of soil erosion, the St. Lawrence Seaway Development Corporation, our role as a member of the Water Resources Council, improving the quality of the environment, and the problems of economic regulation. I have named but a few of our interests and before I proceed further, I want to say a word about our relationship to the outside world.

Times, I think, are changing and in my view for the better. One real change is the enlarging dialogue that has developed between the Department of Transportation and the many groups and interests affected by its actions. (Perhaps we have all followed the President's thought in his Inaugural Address and lowered our voices just a little). Hopefully, we are listening as well as hearing.

Where the Department was viewed with apprehension, we now have, I think, a close rapport with most, if not all, of those with whom we deal. Indeed, this fellowship is such that many would like to formalize it even further by joining with us on an organizational basis. Our trucking, shipper, and waterway friends would like to see the creation of new operating administrations to represent their interests. Our forwarder and pipeline friends have also made similar views known.

Whether we take this approach (which seems doubtful because in large measure we are not their administering programs) or whether we establish some (industrial) relations focal point in the Office of the Secretary, it is clear that all concerned have recognized the importance of transportation to our national life and want to work to improve it. For Secretary Volpe's part, the door is open. We want to hear from you on a frank and open basis, no holds barred. We are staffed to recognize your problems, place them in what we trust is the proper national context, and proceed from there. Undoubtedly, we will disagree at times but let us do so honestly and with a minimum of recriminations.

As to the waterways, I think we have made a good beginning. I think we have heard every possible waterway viewpoint on the pending Amendment to the Water Carrier Mixing Rule in Section 303(b) of the Interstate Commerce Act. If within our lifetime we can resolve this long pending controversy, perhaps we can further get to the business of making the regulatory process flexible enough to respond more promptly to economic, technological, and social change. (Somehow, I find it hard to accept the fact that in 1970 we need to be bound by a custom of the bulk trade established in 1939). Since I think you agree with this proposition, I am sure we can proceed to other areas in need of organizational, program, and substantive reform.

In other important matters affecting waterways and water carriers, we have worked closely with industry. I would cite our horizontal and vertical bridge clearance activities, the development of our recreational Boat Safety Act, the new rule of the road for navigation, and our legislative efforts to license tugboat operators and to develop bridge-to-bridge communications. Your interest and concern—expressed by many waterway interests—in the relationship of the Coast Guard and the Department of Transportation is appreciated, and is an example of industry concern with a joint problem.

Before leaving the subject of DOT and its concerns and missions, I would like to comment specifically on the nation's oldest Armed Service, the Coast Guard, which the Department can proudly point to as one of its largest and most important components. This Service's responsibilities that relate to you are many. Port security and safety—pollution prevention and control—certification of tank barges—navigation aids and regulations; these are just some of the things that Admiral Smith's splendid command pursues. And so, I cannot resist the observation that while your industry is critical to us and to anyone concerned with transportation, so also I think are we critical to you, not simply in legislation, regulation and the like, but also in the fundamental operations of the shallow draft industry.

I've discussed the industry and the government. We have looked at some of the emerging issues. And so what does this mean for the future and for all of us? The fact is that technology is continually changing, and not just on the river. The technology of your land transportation competition is changing also. Even the river is changing! The Corps of Engineers two years ago made this evident. They reported that, the Missouri, for example, is 100 miles shorter than it was in 1955. This means the current is swifter and the power needed to push barges upstream is greater. The Mississippi, too, has shortened itself more than 100 miles since 1942, and swifter currents have resulted. And as technology is changing so are the priorities and perspectives that I mentioned earlier. Concern with safety is properly increasing and our Coast Guard has its very significant Boat Safety Bill on the Hill now. We've already mentioned the mixing rule, but there is other legislation, some with wide support, some controversial, but nonetheless of consequence.

In the face of all this, I think several things are called for.

All of us must recognize the major issues of environment and safety.

We must concurrently accept the transportation challenge we face and gear up to build and invest.

I think we should all accept the proposition that regulation should not be principally an exercise to intrigue lawyers but should be a fairly straightforward movement toward desirable economic goals, and if revisions will better achieve those goals, let's explore them.

And finally I think we in Government need you in industry to work with us, to tell us what you think, to help avoid that worst of all possible worlds—an uninformed Washington.

We need new ideas in transportation, and in some instances change. Goals and thinking should not be limited to updating precedents of a bygone day. Rather, they should encompass all areas in transportation including environmental quality, pollution control, technology and safety, manpower and management, the need for new organizational apparatus, the status of transportation planning, investment and financing, and the special problems of international transportation. It is this type of development that I think the nation needs and which we—you and I—must deliver.

THE SENIORITY SYSTEM IN THE U.S. HOUSE OF REPRESENTATIVES

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. FRASER. Mr. Speaker, the Democratic Study Group yesterday made available to its members a special report on the seniority system in the House of Representatives, a subject of some interest to many of us and a matter of increasing

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public discussion. Public discussion of the seniority system is nothing new and as my friend and colleague from Texas noted 3 days ago such discussions usually provide more emotion and rhetoric than enlightenment. This DSG special report, however, does not fall in that category. It argues neither for nor against the seniority system. Instead, like other DSG research materials, it is a fair and balanced presentation of the facts regarding the history of the seniority rule, a thorough summary of arguments supporting and opposing the system, and presentation of some of the proposed changes which have been advanced from time to time. It is, I believe, a useful study and I recommend it to members and others interested in this issue:

THE SENIORITY SYSTEM IN THE U.S. HOUSE OF REPRESENTATIVES[1]

The seniority system in the House of Representatives has again become a subject of public debate and concern, primarily as a result of its importance to and involvement with the issue of Congressional reform but also as a result of efforts to make it an issue in this year's election campaign. Because it is the subject of many myths and much misinformation on the part of both defenders and critics, DSG has prepared this special "fact sheet" report to provide a general overview and factual perspective of the seniority system. Specifically this DSG Special Report is designed to set forth the facts regarding development of the seniority system, summarize the arguments for and against the present system, and outline the various alternatives and modifications which have been suggested.

BACKGROUND

Contrary to widespread belief, the seniority system in the House of Representatives is a relatively recent development which has no legal or constitutional basis. It is neither a law nor a rule of the House. It is a custom which has become rigid and absolute in recent years—primarily since World War II.

While the origins of the seniority system are usually attributed to the 1910 revolt against Speaker Cannon, seniority had for many years been one of the prime factors involved in appointments of committee chairmen. Prior to 1910, Speakers not only named the chairmen of each committee but committee members as well—both majority and minority. In making these appointments, Speakers generally followed seniority. For example, a recent study of seniority in the House indicates that from 1880 to 1910 Speakers appointed 750 chairmen, following the seniority in 429 instances and violating seniority 321 times.

Following the revolt of 1910, a Committee on Committees procedure, similar to that in effect today, was established to handle Democratic committee assignments and selection of committee chairmen. Over the next three decades, the rule of seniority gradually took hold. Nonetheless, it was still frequently ignored. The same study, for example, shows that of 900 appointments from 1910 to the end of World War II, seniority was followed 676 times and violated 224 times.

But unlike the decades prior to 1910, seniority violations after the revolt were more often compensated by naming the Member whose seniority had been violated to chair another committee or appointing him to some other position. Prior to 1910, 40% of seniority violations were uncompensated while only 12% were uncompensated in the period from 1910 to the end of World War II. Most of the post-1910 violations involved application of the norm that no Member should chair more than one committee, however, some also involved party policy decisions, especially in the period prior to 1919.

Since World War II, the rule of seniority has become virtually absolute, primarily because the Reorganization Act of 1946 reduced the number of committees from 48 to 19, thereby eliminating the array of minor committees used to compensate seniority violations. In fact, the only real seniority violation involving the appointment of committee chairmen in the past two decades was the removal of Adam Clayton Powell as Chairman of the Education and Labor Committee in 1967.

As mentioned, many of the seniority violations following the 1910 revolt involved party policy decisions. An insight into how the system worked following the revolt has been provided by former Secretary of State Cordell Hull who as Congressman from Tennessee during that period served as a member of the Democratic Committee on Committees which then as now handled Democratic Committee assignments and designation of committee chairmen.

Writing in his memoirs, Hull gave the following description of the work of Committee on Committees in making committee assignments for the 62nd Congress:

"We were determined to strip each committee of every possible vestige of special privilege and so to mold such committees as those on Agriculture, Labor and the Judiciary that they would join in securing maximum recognition by legislative actions for classes of American citizens who had been long neglected or discriminated against by numerous policies of the government . . .

"If we had the least doubt about a prospective member's attitude we sent for him beforehand, cross-examined him and pledged him unequivocally to do teamwork. We turned down William Sulzer as chairman of the Military Affairs Committee because he was extravagant. Edward Pou of North Carolina was removed from the Ways and Means Committee and Claude Kitchin, from the same state, substituted for the reason Pou had once voted for a tariff on lumber (Pou recovered to become Chairman of Rules in 1917 and 1931–34). All this was a tremendous job, but we accomplished it in good time, and thus made up the committees of the House. The result was an effectively working organization along progressive lines."

It is also noteworthy that there were more seniority violations in the appointment of committee chairmen in the 10 years following the 1910 revolt than in the preceding 10.

Following is a chart of seniority violations in the appointment of chairmen since 1881 based primarily on data in the study referred to earlier. (See Polsby et al., "The Growth of the Seniority System in the U.S. House of Representatives, "*American Political Science Review*, Vol. LXIII, No. 3, (September 1969), pp. 787–807.)

VIOLATIONS OF SENIORITY IN APPOINTMENT OF COMMITTEE CHAIRMEN, U.S. HOUSE OF REPRESENTATIVES—1881–1969[1]

Congress	Year	Speaker and party	Seniority followed	Seniority violated	Total committees
47	1881	Keifer (R)	2	37	39
48	1883	Carlisle (D)	8	30	38
49	1885	do	21	19	40
50	1887	do	20	21	41
51	1889	Reed (R)	20	27	47
52	1891	Crisp (D)	12	35	47
53	1893	do	25	24	49
54	1895	Reed (R)	13	39	52
55	1897	do	36	16	52
56	1899	Henderson (R)	42	15	57
57	1901	do	49	8	57
58	1903	Cannon (R)	43	11	54
59	1905	do	51	8	59
60	1907	do	45	13	58
61	1909	do	42	18	60
62	1911	Clark (D)	25	27	52
63	1913	do	33	20	53
64	1915	do	50	6	56
65	1917	do	45	10	55
66	1919	Gillett (R)	35	22	57
67	1921	do	44	15	59
68	1923	do	40	17	57
69	1925	Longworth (R)	37	22	59
70	1927	Longworth (R)	43	1	44
71	1929	do	38	7	45
72	1931	Garner (D)	27	18	45
73	1933	Rainey (D)	38	7	45
74	1935	Byrns[2] (D)	32	13	45
75	1937	Bankhead (D)	42	4	46
76	1939	Rayburn (D)	37	9	46
77	1941	do	39	7	46
78	1943	do	34	11	45
79	1945	do	37	9	46
80	1947	Martin (R)	9	4	13
81	1949	Rayburn (D)	19	0	19
82	1951	do	18	0	18
83	1953	Martin (R)	17	1	18
84	1955	Rayburn (D)	19	0	19
85	1957	do	19	0	19
86	1959	do	19	0	19
87	1961	Rayburn[2] (D)	20	0	20
88	1963	McCormack (D)	20	0	20
89	1965	do	20	0	20
90	1967	do	20	1	20
91	1969	do	21	0	21

[1] Data from 1881 to 1963 is from the previously cited article by Polsby, Gallagher and Rundquist. Data from 1963 on is from DSG.

[2] Byrns died in office and was succeeded by Bankhead; Rayburn died in office and was succeeded by McCormack.

Note: (R) Republican; (D) Democratic.

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[1] There are actually two seniority systems in the House, one dealing with committee assignments and selection of committee chairmen and the other pertaining to assignment of office space, patronage, parking, and other household items. This DSG Special Report deals only with the former.

THE PRESENT SYSTEM

Structurally, the present system of selecting committee chairmen is similar to that established following the revolt of 1910. All Democratic committee assignments, including designation of chairmen, are made by the Democratic Committee on Committees which consists of the Democratic members on the House Ways & Means Committee.[2] The Committee on Committees follows the custom of seniority without exception in designating committee chairmen.

The work of the Committee on Committees is subject to approval of the caucus. However, the caucus has altered a decision of the Committee on Committees on only one occasion in recent times, primarily because there has been no opportunity to do so. The lack of opportunity is a result of the fact that for many years the Committee on Committees was permitted to report its recommendations directly to the House, where they received *pro forma* approval, rather than returning to the Democratic Caucus for consideration and approval of its actions.

In 1965 DSG won re-instatement of the practice of having the caucus review the recommendations of the Committee on Committees, and in 1969 this review resulted in the stripping of seniority from Rep. Rarick of Louisiana for supporting an opposition presidential candidate in the 1968 election. The disciplining of Reps. Williams of Mississippi and Watson of South Carolina for the same offense during the 1964 elections was accomplished by the caucus instructing the Committee on Committees before it met rather than altering its recommendations afterwards during the review process.

Theoretically, then, the present system now does provide the caucus with an opportunity to consider the fitness, performance and acceptability of individual chairmen. In practice, however, there is no realistic opportunity for such consideration because Committee on Committees' recommendations designating committee chairmen are handled as part of one large resolution covering the committee assignments of all Democratic Members.

Thus even with caucus review, what exists, for all practical purposes is an automatic system where seniority is sovereign and inviolate in the selection of committee chairmen.

ARGUMENTS FOR AND AGAINST THE PRESENT SYSTEM

Following are the main arguments which are made in defense of and in opposition to the seniority system as it exists today:

Arguments for the seniority system

There are no workable alternatives for the seniority system.

The seniority system assures capable and experienced leadership. It guarantees that chairmanships go to the members who have had the greatest opportunity to master the complicated procedures of the House and the subject matters of their committees. This experience is particularly useful in giving a chairman the greatest perspective on programs and proposals. An experienced chairman can help the committee avoid the pitfalls of approaches which have been previously tried and found unsuccessful.

The present system avoids competition among committee members for the chairmanship. It thereby fosters cooperation since members are more likely to work together effectively when they are not campaigning against each other.

The seniority system eliminates pressure group influence in the selection of the committee chairman with jurisdiction over the area of their interests.

The seniority system works. It assures that when one chairman leaves office, he will be succeeded by the Number Two man on the committee who has been anticipating the day he would become chairman and has therefore been learning the job and its responsibilities. Thus, the system fosters stability and prevents the deleterious effects of selecting a chairman who is unprepared for the job.

The present system guarantees that the most expert politicians will become committee chairmen. Seniority in the House presupposes political acumen. The member with the greatest seniority has proven skill in getting reelected. This skill is extremely useful in evaluating proposals before the Congress to determine the sentiment of the voters and the effect of enactment upon the reelection prospects of party members.

The seniority system as it now operates permits great independence on the part of committee chairmen since they are not held to the test of party responsibility. This independence prevents the emergence of a strong and autocratic Speaker. Further, it allows a chairman to make decisions based on his own best judgment as a result of his familiarity with the circumstances. Because the present system grants a chairman wide discretion, he need not act on the basis of current political fashion but may take a long range view and better serve the needs of the country.

While the present system does produce an occasional bad chairman, other proposed systems would have the same result. In addition, the other proposed systems would curb the autonomy of the chairman and would prevent a chairman from acting his conscience without fear of reprisal from the Speaker or the caucus.

Seniority helps to insulate the Congress from encroachments by the White House and other quarters. At present, a President will not seek dismissal of a committee chairman who does not support his program since such an effort would be futile. However, non-automatic chairmanships would open the door to interference in Congressional affairs by the Chief Executive, especially where he is a member of the majority party.

The seniority system provides the best opportunity for a member of a minority group to become a committee chairman. If a member starts out young enough and continues to be reelected to Congress, he will eventually become a committee chairman automatically. If chairmen were chosen by another method, it would be more difficult for blacks, women and other minority representatives to assume the post of chairman.

The seniority system provides the best opportunity for flexibility and compromise in fashioning new legislation. Because, in effect, committee chairmen are not now bound to a party platform or accountable to the caucus, they are freer to compromise with the minority members of their committees. This increases the possibility of passing legislation.

There is no need for outside control over committee chairmen because committee members themselves can spur or veto an unresponsive or obstructionist chairman.

Automatic selection of committee chairmen promotes peace and harmony within ranks of the party. The seniority system thus avoids the politicking, logrolling and factionalism that would accompany any other system.

The seniority system stabilizes committee membership by discouraging members from switching committees. This enhances the effectiveness of the committee in handling legislation since not only the chairman, but also many committee members, are familiar with the subject matter.

A chairman's age is not a valid consideration since age alone does not cause diminution of mental vigor, alertness and leadership ability. Nor does it means that a man become more conservative or lose touch.

Arguments against the seniority system

The seniority system has fragmented and diffused power in the House, thereby crippling effective leadership and making it impossible to present and pursue a coherent legislative program. In 60 years time, the pendulum has swung from one extreme where virtually all power was lodged in one man, the Speaker, to the other extreme where power is scattered among dozens of powerful committee and subcommittee chairmen. Thus, as George Galloway notes in *Congress at the Crossroads*, "If the chairmen of committees owe their places not to their political parties but to the accident of tenure, then they can follow their own inclinations on legislative matters and disregard the platform pledges and legislative program of party leaders."

The seniority system not only allows chairmen to be unresponsive to their party and the leadership, it also has permitted certain chairmen to obstruct, distort and emasculate party programs and policies with impunity. Thus over the past two decades, a small handful of powerful chairmen have been allowed to prevent Congress from responding to the nation's needs until the problems became searing crises. The classic example of such obstructionism is former Rep. Howard W. Smith of Virginia who, as chairman of the Rules Committee from 1955 to 1967, personally killed or blocked civil rights, housing, education, health, welfare and other needed social legislation for years.

The seniority system gives the power of the Democratic Party in Congress to those most opposed to Democratic programs and policies. DSG voting studies show that one of three Democratic committee and subcommittee chairmen vote against Democratic programs and against the majority of their Democratic colleagues more frequently than does the average Republican. In fact, opposition by Democratic chairmen was responsible for half of the major defeats suffered by the Democratic majority during the 90th Congress. Similarly, rigid Democratic adherence to the seniority system has, in the past 15 years, resulted in giving committee and subcommittee chairmanships to 59 Members who in 1956 signed the "Southern Manifesto" pledging that they would employ "every available legal and parliamentary weapon" at their disposal to reverse the Supreme Court's school desegregation decision and defeat all civil rights legislation coming before Congress.

The seniority system undercuts moderate and progressive political candidates in the South. As long as national Democrats in Congress give committee chairmanships to die-hard opponents of Democratic programs and principles and permit them to defy and obstruct those programs and principles, Southern voters have no reason to elect moderate or progressive candidates. Thus Southerners loyal to the programs and principles of the Democratic Party have been defeated and run out of politics altogether.

The present system gives undue Democratic power to a region which votes overwhelmingly against Democratic Presidential candidates. In 1968 every Southern and border state except Texas voted against the Democratic Presidential candidate. In 1964, only six states in the nation voted against the Democratic candidate—all Southern except one, the home state of the GOP candidate.

The seniority system has resulted in a steady increase in the average age of committee chairmen. One-hundred years ago the average chairman was in his forties—today

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[2] The Republican system differs in that its Committee on Committees consists of one member from each state that has Republican representation in the House. Each member casts a weighted vote equal to the number of representatives from his state. Otherwise the GOP system is generally similar.

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he is 70 years old. There are only three chairmen under 60 years of age in the 91st Congress; of the remainder, eight are in their sixties, seven are in their seventies, and three are in their eighties. Thus, at a time when other American institutions—colleges, corporations, etc.—are turning over the reins of leadership to younger men, the leaders of Congress have been getting older. Thus the system aggravates the tensions and strains in the society at large, especially when it produces powerful chairmen who are hostile to change and dedicated to protecting and preserving the status quo.

The seniority system maintains the same individuals in power too long. For example, eight of the present chairmen have held their chairmanships for more than 12 years and three have been chairmen for 22 years. The remaining chairmen have held their posts for less than 10 years, however, their predecessors held their chairmanships for an average, of 15 years each. Thus the average chairman can expect to hold power for at least a full decade and frequently longer.

The rule of absolute seniority results, on occasion, in the selection of mediocre, senile or otherwise incompetent chairmen and preserves them in office. Ironically, Members of Congress become committee chairmen about the time in life when most other Americans are forced to retire. If the same retirement rules were applied in Congress, all but five of the present 21 chairmen would have been forced to retire long ago—some more than 10 and 15 years ago.

The system permits committees to become personal fiefdoms of strong chairmen and special interests.

The system denies competent younger men a chance to exercise their leadership talents at the time in life when they are most able to meet the rigors of the job. It is therefore wasteful and inefficient.

The seniority system produces chairmen who are generally unrepresentative of America at large and are therefore unresponsive to its needs. Only those who get re-elected time after time can reach the top of the seniority ladder and become chairmen. Thus the system favors members from static one-party Southern districts and safe machine-dominated big-city districts, and tends to deny power to members who represent other sections of the country, especially those sections which are changing and are more politically competitive.

ALTERNATIVES AND MODIFICATIONS

Numerous proposals have been made for changing the present absolute system of selecting committee chairmen solely on the basis of seniority.

These proposals fall into two general categories:

Alternatives, which would involve discarding the present system and selecting chairmen on some other basis; and

Modifications, which would retain the present system insofar as possible while making only those changes necessary to correct major shortcomings.

The alternatives would not necessarily eliminate seniority as a factor in selecting chairmen, but would leave the matter totally to the discretion of the nominating authority.

The principal modifications, on the other hand, are based specifically on continuation of seniority as the dominant—but not the *only*—factor in selecting chairmen. These modifications are designed to provide an opportunty for consideration of factors other than seniority and introduce an element of flexibility and choice into the persent rigid system while retaining the advantages and benefits the seniority system provides.

The main thrust of the major proposals, both alternatives and modifications, is not to eliminate the seniority system but to assure that committee chairmen will be responsive to their party caucus and the leadership regardless of how chairmen are selected—whether on the basis of seniority, drawing straws, or the color of their eyes.

Following are some of the major alternatives and modifications which have been proposed:

Use the seniority system to *nominate* chairmen subject to majority approval by the caucus. This proposal would entail a separate vote in the caucus on the chairman of each committee. If the senior member of a particular committee failed to receive majority approval, the caucus would consider the next most senior member, and so on until a chairman acceptable to the majority was elected. This modification would preserve seniority as the dominant factor in selecting committee chairmen, while providing for automatic and separate consideration of each potential chairman's fitness and acceptability without becoming involved in campaigns for various chairmanships.

Have the caucus elect committee chairmen from among the three most senior members of each committee. Like the first proposal, this modification would maintain seniority as the dominant factor in selecting committee chairmen while providing a mechanism for considering the fitness and acceptability of the most senior candidate and possibly by-passing him.

Authorize the Speaker to *nominate* chairmen subject to approval by a majority of the caucus. This would represent a compromise between today's system and pre-1910 days when the Speaker alone *appointed* all committee chairmen. Supporters of this proposal claim it would permit the most effective leadership while protecting against abuse and autocracy by subjecting the Speaker's decisions to caucus approval. Should the caucus reject one of the Speaker's nominations, he would continue making nominations until an acceptable chairman was found.

Authorize the majority members of each committee to nominate their chairman subject to caucus approval. This proposal is usually criticised on grounds that committee members would be under too much pressure to vote for the present chairman. Such a system would also be severely influenced by unbalanced committee make-up resulting from past decisions in making committee assignments.

Authorize the members of each committee—both majority and minority—to select their own chairmen subject only to approval of the whole House, which would probably be *pro forma*. This alternative is criticised on the same grounds as the preceding proposal, plus on grounds that it would introduce cross-party alliances into the selection process and totally eliminate any vestige of party responsibility by making chairmen primarily responsive to the alliance which elected them.

Establish a new special committee to *nominate* chairmen subject to majority approval by the caucus. This proposal would retain the present Committee on Committees for consideration of all committee assignments other than selection of committee chairmen. The new special committee could be elected by the caucus, or could consist of the majority Members of an existing committee, such as Rules, or could be made up automatically of the sixth, seventh or eighth ranking Member of each standing committee. The latter would result in a 21-man committee which would change somewhat every two years and which would consist of middle-rank Members who could bridge the gap between senior and junior Members, but who would still be senior enough to tend to follow seniority in their decisions.

There are also three other frequently-mentioned proposals for modifying the present system. These proposals, however, all merely limit the length of time a Member may serve as chairman without touching the problem of making chairmen more responsive to the caucus and the leadership. They are as follows:

Set an age limit and require chairmen to give up their chairmanships when they reach that age.

Set a limit on the number of years a member can serve as chairman and require that after serving as chairman the Member leave the committee entirely and begin service on some other committee.

Rotate the chairmanship among the top three members every two years. Thus the senior Member would be able to serve as chairman only two out of every six years.

THE CHALLENGE OF SHARING FREEDOM

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. SIKES. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy Contest. This year over 400,000 students participated in the contest, competing for five scholarships which are awarded as the top prizes. The contest theme was "Freedom's Challenge," and I am proud to announce that a young lady from my First District of Florida is the winning contestant. She is Karen Louise Hurston, currently enrolled in the Seoul Foreign School in Korea, and I am submitting for reprinting in the CONGRESSIONAL RECORD her excellent speech, "The Challenge of Sharing Freedom," which I know my colleagues will enjoy and appreciate.

The speech follows:

THE CHALLENGE OF SHARING FREEDOM

A pair of star-crossed lovers, full of impassioned and unadulterated love, discovered how rich and full love could really be. Shakespeare's legendary Juliet, talking to her Romeo, answered his question, "For what purpose, love?" She replied:

"But to be frank, and give it thee again.
And yet I wish for the think I have.
My bounty is as boundless as the sea,
My love as deep; the more I give to thee,
The more I have, for both are infinite."

Beautiful and innocent Juliet had discovered love is one thing that, when given, more is received.

Freedom is also this way. It is more than living the way one pleases, more than doing what one wants, more than just being free. Freedom is a thought that begins in the mind of an individual and roots itself in his heart. Democracy makes all free under law, but that is not the end of true liberation. Our forefathers had this idea of emancipation and were so full of it that they shared it with others, and the result of this sharing is our free America.

When an individual himself is liberated, he has no prejudice. There is not such a thing as a free bigot. However, with freedom comes responsibilities. To the genuinely free person these responsibilities are not a burden, but an understanding.

A totally free individual will recognize the fact that his expressions of freedom should not interfere with the expressions of others. Because there are people who do not understand this, there are laws.

The challenge of freedom enters the individual at two points. First, the individual has the challenge to uphold his personal independence. Then, when an individual is full of freedom to the point that he wishes to share it, a second challenge enters the individual to help others gain their freedom.

XUM

There is one thing about genuinely being free that many have come to respect. When a person is authentically free, a concern for all man's emancipation appears. This concern expresses itself in action, in thought, and in deed. A soldier at a lonely outpost on a demilitarized zone is not just defending the freedom of the country involved, but preventing the removal of freedom for all mankind. You can have a part in this action. All those eligible, exercise your right to vote. If you wish, exercise your right to protest, to petition, to assemble peaceably. All free individuals have the right to develop their personality the way they feel best, as long as this does not interfere with the freedom of others.

Freedom, a state of mind, cannot develop alone. A free individual will reach out to share his liberation with others. This means that true freedom is accompanied by a brotherly compassion for others. Many have been known to interpret personal freedom as taking advantage of others for their own benefit. These individuals are not free, for they are bound by their lust for gain. The free individual knows that only in giving freedom can he receive it, and only in dying to his selfish motives can he live a truly free life.

So, if anyone were to ask, "For what purpose freedom?" you could reply:

But to be frank, and give it thee again,
And yet I wish for the thing I have for you.
My bounty is as boundless as the sea,
My freedom as deep; the more I give to thee,
The more I have, for both are infinite to those who have the Challenge of Freedom.

JUDGE DAVID STAHL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MOORHEAD. Mr. Speaker, the people of Pittsburgh, and I, lost a dear friend last week when Judge David Stahl passed away.

The tragic accident that took Dave Stahl's life robbed us of his dedicated public service and his gentlemanly demeanor.

Dave Stahl was eulogized in a recent editorial in the Pittsburgh Post-Gazette.

I would like to insert this editorial into the RECORD so that my colleagues will fathom the nature of this man whose brilliant career was cut short by death:

JUDGE DAVID STAHL

Compassion, integrity, legal scholarship and calm were epitomized in the life of Judge David Stahl, whose death Saturday created a tragic and unexpected void on the United States Court of Appeals for the Third Circuit. Judge Stahl brought all of these noble qualities to bear in a career devoted to making the law truly an instrument for justice.

As a teacher of law, as Pittsburgh City Solicitor, as Attorney General of Pennsylvania and as a quiet leader in numerous voluntary causes before he ascended the bench, Judge Stahl combined thoroughness and objectivity with a passionate concern for the accomplishment of social goals. He gave unstintingly of his energies and his talents to every demanding assignment. His example and his imprint on the law, including the revised constitution of Pennsylvania, will survive him as a monument. The true measure of his passing is suggested by the challenge it will present to the President in finding a judge of equal stature.

AMERICA'S MARITIME CHALLENGE

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MAILLIARD. Mr. Speaker, the best hope for peace, security, and prosperity for our Nation lies in its oceanic strength. Yet, at the close of the last decade, our Nation had dropped to fifth place as a maritime power. As we enter the 1970's, U.S. ships carry only 5 percent of our trade, and as our fleet continues to shrink, the Soviet maritime capability continues to grow.

In light of the deterioration of our maritime capabilities, I insert in the RECORD the address given on this vital issue by Mrs. Helen Delich Bentley, Chairman of the Federal Maritime Commission.

Mrs. Bentley's remarks follow.

REMARKS OF MRS. HELEN DELICH BENTLEY, CHAIRMAN, FEDERAL MARITIME COMMISSION

With the dawn of the 1970's, the presence of the flag and the fleets of the United States upon the seas of the world is a rising symbol of world stability and global peace.

In every corner of our universe where men of goodwill plan for continued prosperity, free enterprise and mutual security, the existence of American sea power is the benchmark for all the perspectives that are being projected. Ships, and the men who man them, must carry our concepts of life, liberty and justice among free men into the dawning of the year 2000.

Ladies and gentlemen of the Navy League, I am honored to be among you on this occasion. I bring a message of toil, determination and persistence to carry the maritime conviction, which we share, to the men and women of America. For the time is now; no longer can we afford the luxury of talking to ourselves. We must band together in dedication to the public educational process which has been neglected for too long.

As your history records, "The League can do much, if it will!" I must say, I subscribe to this confidence as I urge you to general quarters. For the sea, we know, will yield its bounty only in proportion to our vision, our boldness, our determination and our knowledge.

Unfortunately, too few Americans and too few Free World global thinkers are forthrightly facing the problems that lie ahead in assuring the needed strength that we must have to keep our children from awakening one day under a yoke of foreign totalitarian rule.

Here with the Navy League, I deeply appreciate the opportunity you afford me to be associated with a group banded together throughout their lives, we share a common conviction that our nation must not forget that sea power—in its total sense—is the foundation upon which rests the American cause of "peace with honor," that in oceanic strength lies the best hope of survival and long-term prosperity of our nation.

Today, President Nixon stands before the world as a leader dedicated to peace in this world. As a statesman and sailor, understandably, he has turned seaward in quest of a better formula for stability and strength.

It is my firm conviction that in the years ahead American sea power must inextricably be the chosen path to peace, just as it has served as a discriminate instrument for keeping the peace down through the centuries.

The President of the Navy League, James M. Hannan, has—in my opinion—already dedicated the Navy League to the proposition that "sea power" is, in fact, "peace power." He promises to pursue this proposition with firm resolve by helping America remember this precept.

The Navy League's support of his leadership, to me, assures us that the Free World has no intention of either knuckling under to the challenges we face or of politely perishing, as our enemies would hope.

President Hannan cites the great Theodore Roosevelt to the effect that we seek to be strong upon the high seas, to spread our trade in peace, and to be able to defend the integrity of our homeland. Though our position on the high seas has deteriorated, unmistakably, now is the time to get on with building our maritime strength.

General Foch, a brilliant and beloved French leader in World War I, was once questioned by a newspaper man about one of the General's great advances against overwhelming enemy forces. Foch is reported to have replied that seeing the foe before him in powerful array, he noted that the left-flank of his own Allied forces was crumbling. He looked to the right and found his entire right flank crumbling before the enemy attack.

There was only one thing left to do, said Foch, and that was to attack. This audacity overwhelmed the foe and snatched victory from certain defeat.

As the New Year approaches and I look back over 1969, there is a great deal that reminds me of the situation I have just cited. Our mercantile fleet has dropped our nation to 5th place as a maritime power. United States ships carry only 5 percent of our own trade. Our U.S. Naval Fleet also is shrinking while the Soviet maritime threat is increasing.

We did nevertheless, in 1969, augment the oceanic interest in our nation. For the first time in years, that interest penetrated the White House and brought from President Nixon a presentation of both policy and program to the Congress of the United States, and a reaffirmation that we must maintain our strength upon the sea lanes of this globe. President Nixon's message to the Congress is perhaps the most significant maritime pronouncement that has come from the White House since the last great war.

Today the United States proclaims that it intends to pursue all prudent efforts to improve our relations with the Soviet Union. Strength at sea can serve to underwrite the transition.

We are preparing for discussions on limiting nuclear weapons. Here, as McGeorge Bundy, President of Ford Foundation, observed, the sea-bused Polaris-Poseidon Missile System provides a real basis for hope.

We are searching, with our European allies, for ways to reduce tensions in Europe and to ultimately resolve the fundamental issues there. Obviously, the freedom of our oceanic confederation rests upon maritime capability and strength.

We are pursuing important talks on the Middle East.

I can think of no more stabilizing influence on the course of world affairs—no better sign of a hopeful future—than assuring that this nation shall have strength at sea. Against such a background of strength I am certain we will find that all our negotiations—formal and informal—will contribute more to global security. Only a strong nation can assure those with whom it is negotiating that there exists capacity to honor treaty obligations and maintain security arrangements.

It is a paradox of past years, I hope, that this nation—once a major sea power—has turned from the sea, while Russia—traditionally a land power—has turned to the sea. Since the USSR is now our major competitor in the world—for both the minds of men and their adherence to our economics, and our divergent philosophies on freedom and the rights of the individuals—a final look at our divergent attitudes toward a merchant marine will be of value.

One thing is certain, the Russians and ourselves are 180 degrees out of phase in regard to the importance we attach to a merchant marine. There is no in-between. Either they have been and are 100 percent right, and we are 100 percent wrong, or we are right and they are wrong.

At the time of the Cuban confrontation, the Soviets paid "through the nose" for the lack of their own merchant ships, and were forced to charter the ships of other nations for their Cuban adventure. But, Cuba taught the Soviets a lesson, and from that day forward they have concentrated on building a Merchant Fleet "second to none." Since that date, from about 5 million tons, they have risen to 12 million, and they are continuing to build at a rate of about one million tons a year. Russian officials themselves boast that by 1975 they will have achieved 16.5 to 18 million tons of new merchant shipping. They speak of the profits made by their ships in trade with the world. They speak of the foreign ports they enter and boast of the fact that their seamen serve as ambassadors to other countries, cementing friendship for Russia and advancing the Communist view among people of foreign lands.

They speak of flying their flag in world ports and the prestige it brings to the USSR. They speak of the use of their swift, streamlined ships in developing trade ties with new and older nations alike.

What they do *not* speak of publicly—but what has become evident to maritime nations—is the extent to which modern, newly constructed Russian ships have now begun to undercut world shipping rates in competition with the ships of other nations.

Unfortunately for the Free World, too many persons in the upper echelon of the Government of the United States and in European countries pooh-poohed those who raised their eyebrows over the expansion and activities of the Soviet Union on the high seas. They discounted every reference that the Russians had ulterior motives.

Many Europeans changed their minds after last summer when the Soviet Union decided it wanted return cargoes for its ships transporting weapons of war to North Vietnam. These return cargoes should come from Australia which was practically on the trade route since the Suez Canal was closed. They were really very polite about it—seeking membership in the conference under the terms that the Soviet ships have 36 of the existing 72 sailings to Western Europe. The conference naturally turned them down and a rate war ensued.

Russian ships have entered third-flag trade—never touching Russian ports—between Japan and Canada, undercutting American flag and other national shipping between Japan and the West Coast of the United States. In doing so, they provide a perfect example of what I mentioned earlier—the use of ships as a key instrument of national policy. We should never forget what we are observing is a nation-to-nation confrontation in the maritime arena. What is required is knowledge and policy support on the part of our government and the competitive incentives to win.

As plain as the facts seem to all of us who have a weather eye fixed on the situation, it is most unfortunate that we have not convinced more Americans that it is a bona fide Soviet intention to "bury us at sea." All of us must resolve, as the 1970's dawn, to tell it to the American people and to tell it "like it is." Here, based on your impressive records, Navy League can make a major maritime contribution. The key consideration is oceanic education and public knowledge.

It has been one of my great privileges, as the Chairman of the Federal Maritime Commission, to have had the opportunity to consult with Admiral Thomas H. Moorer, The Chief of Naval Operations, United States Navy. Admiral Moorer is one of the impressive naval leaders of this century. More than that, he is a great American and another man of vision, dedicated to maintaining in this world the principles fathered with the birth of this nation. He is articulating the crucial need for our nation to adopt a maritime strategy. His world-wide oceanic intelligence network daily brings new proofs of growing and spreading Soviet oceanic power.

As the President's principal advisor on naval matters, he recognizes the need for oceanic doctrine. As an articulate leader, he is emphasizing to the American people that we must turn to the sea to insure the safety of our citizens and the security of the Republic.

Across his desk come continuing reports that the Red Fleet—so prevalent today in the Mediterranean—is now penetrating and plowing the waters of the Persian Gulf. There are ominous overtones to its visit to Cuba, in our very backyard, at the time of the launching of the first moon flight. The Soviet fleet pays more and more calls on the East Coast of Africa, and their men go ashore to fraternize and to propagandize.

Recently, the Soviet Chief of Naval Operations was the honored guest and speaker at the graduattion exercises of the Ethiopian Naval Academy.

High-level Kremlin delegations visit with India and Pakistan policy makers and planners, selling the proposition that the Soviet fleet would like to use India and Pakistani ports and explore the possibilities of a great and flourishing Russo-Pakistan trade, as they penetrate the vacuum of the strategically significant Indian Ocean.

In the Philippine seas, the Soviet fleet also is in evidence. The Russians talk trade and friendship and, somehow, the Communist Huks in the Philippine hills find their arms stores replenished.

Make no mistake about it, the oceans of this globe are in fact the maritime springboard for launching the world-wide aggression of Soviet imperialistic ambitions. While the Soviets flex their maritime muscles globally, concepts of coastal security world-wide must, of necessity be changed and are undergoing a metamorphosis from defense to offense.

Kremlin strategists, never satisfied with any status quo, are carefully making explorations in the fields of maritime propulsion and oceanic dynamics. The success of their nuclear submarines has encouraged spin-off projects, and naval intelligence definitely indicates in the days ahead a greater employment of nuclear power to enhance the mobility of their maritime prowess.

We know the Soviet Fleet ranges into Australia, has been reported in the waters of the Argentine, and regularly calls at Vancouver, Canada. Eight hundred foreign ports have played host to the Soviet Navy and Soviet Merchantmen in over 100 countries of this globe.

Ladies and gentlemen, through exploitation of the oceans, the land-locked power of the Czars is now a world-wide presence, spreading influence and control for the Soviet imperialism.

Now, we could follow the theory that what we are seeing here is the ordinary, normal growth of a great power. What is there about all this to get us excited? Well, ladies and gentlemen, even an amateur global strategist today must realize that, spread out as the United States is, with its global NATO and SEATO commitments and its far-flung foreign interest, unless we have the ability to communicate—by ship—our lifeline of world leadership is in peril.

There may be many who say, "Get out of Europe. Get out of Viet Nam. Abandon our foreign commitments. Let's retreat within our own continent and build an impregnable 'Fortress.'" Well, ladies and gentlemen, I know that I do not have to point out to you of the Navy League the fallacy that a "Fortress America," without sea power to protect it—without military might to keep the ocean lanes open for vital commodity exchange—is an empty shell that could topple to the first aggressor or fall into ruin from within.

There is but one answer. It is a simple answer. The United States, without adequate seapower—military and mercantile—will not rise to its 21st Century opportunities:

Whether the United States rises to its oceanic destiny may well depend on the educational activities of the Navy League and the few organizations which share its unique commitment to the ocean.

The work you are doing with Gil Slonim and Jim Hannan serves as a source of pride for your entire membership and augers well for our nation. But I must be frank to admit that our work is just starting. We have merely gained our maritime steerageway with the President's pronouncement. The hard work lies ahead. Never has the nation needed the Navy League more.

The brightest spot of 1969 is that fact that the President of the United States, Richard M. Nixon, has recognized this need and has sent to the Congress of the United States a maritime program of challenge and opportunity. This is not a partisan judgment. Senator Warren G. Magnuson, Chairman of the Senate Commerce Committee and Representative Edward A. Garmatz, Chairman of the House Merchant Marine and Fisheries Committee, both Democrats, share this conviction. This is the way the nation must go—unified and forward in a march to regain our proper position on the high seas, first in every category if we are to continue to lead the free world.

In his program, Mr. Nixon points out that past government policies and industry attitudes have not been conducive to cooperation between labor and management, and government for that matter.

Specifically, President Nixon stated:

"Past government policies and industry attitudes have not been conducive to cooperation between labor and management. Our program will help to improve this situation by ending the uncertainty that has characterized our past maritime policy. Labor and management must now use this opportunity to find ways of resolving their differences without halting operations. If the desired expansion of merchant shipping is to be achieved, the disruptive work stoppages of the past must not be repeated."

President Nixon has lived up to his campaign promise in providing the Nation with a program that will modernize and rehabilitate the American Merchant Marine. The message has already gone to Congress and the legislation is now being prepared to provide an expenditure by the government of $3.2 billion for the next 10 years to provide 300 highly productive American flag merchant ships to carry the Stars and Stripes over the high seas.

However, this program will not be a success unless private funds amounting to about the same $3.2 billion are matched by the steamship companies and the financial community.

What I am saying, is that for any new maritime program to be a success there are two primary requirements: The first is, government participation to make up the differential on the higher costs of operating American ships to maintain the American standard of living in competition with the foreign flag vessels which with the lower standard of living of other countries are much cheaper to build and more cheaper to operate. The second—and a very important one—is the proper economic atmosphere to attract private investments, money from the business and financial community which is necessary if the American Merchant Marine is to continue as a free enterprise business proposition.

With the money market as tight and expensive as it is today, no business is willing to risk any capital whatsoever where any uncertainty prevails and particularly where uncertainty in the labor picture prevails.

To back up the President's maritime proposal, I should like to present a *five*-point program I personally consider to be crucial in the revitalization of the American Mercantile Fleet and its protection:

First, with the provision of policy incentives, American national strategy must be oriented to the oceans.

Second, maritime research must be given the same high priority as the aerospace industry to build the modern, competitive clipper ships of the 21st Century.

Third, the American shipbuilding industry must be the world's best through every creative, competitive, innovative effort possible, backed by the fullest ingenuity and know-how of American technology.

Fourth, programs of oceanic education must be instituted and pursued at every intellectual level within our system to regain the knowledge and understanding of the truly seafaring nation that the United States must become to retain its world leadership and a competitive position on the world oceans.

Fifth, we must have labor stability.

Let us hope that with the implementation of the Nixon sea-oriented policies the time of the soft and simple theories of the land-oriented "whiz-kid" approach will be gone and that we will find a more enlightened audience in the Capitol, better ready and better geared to help us convince the nation that American sea power is Free World peace power and what it portends is prosperity.

I look forward to participation in your Oceanic-Maritime Symposium in Washington, D.C., on February 18 and 19 of next year—for 1970, I am confident, will launch us, as a nation, into the prosperous "Decade of the Seas". Let us resolve at this time to take a determined and deep look into the "Maritime wealth of world oceans."

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JANUARY PARITY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. ZWACH. Mr. Speaker, during his campaign for the Presidency, President Nixon stated with his agricultural policy, which I quote from "Nixon on the Issues":

> Dedicated efforts to improve market prices and strengthen our market economy; 74 percent of parity is intolerable in my book; farmers are *entitled* to better, and I pledge that in my Administration they will *have* better . . . ."

The parity average for January 1969 was 72 percent. Today, the January 1970 average is 75 percent. An increase of 3 percent. I do not agree with all the decisions the President and Secretary of Agriculture have made concerning the farm program. I feel if we are to use the guideline as stated above, more must and should be done to raise the income of our farmers. We should have a higher increase than 3 percent in 1 year's time.

As is my custom, I hereby insert the January 1970 parity figures along with the January 1969 figures for comparison:

Commodity	January 1969	January 1970
Wheat	47	47
Corn	65	64
Cotton	41	40
Milk	83	82
Butterfat	74	75
Wool	44	41
Barley	65	61
Flax	67	62
Oats	69	63
Sorghum	64	67
Soybeans	70	64
Beef	78	82
Hogs	74	96
Chicken	67	--------
Lamb	85	87
Turkeys	65	77
Eggs	83	96
Average	72	75

CHICAGO TRIBUNE READERS APPROVE OF "SEVEN" TRIAL RESULTS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago Tribune has conducted a public opinion poll to ascertain how the readers of this highly respected newspaper, which has a circulation throughout the country, reacted to the much discussed trial of the Chicago seven.

The results of the Tribune's public opinion poll follow:

TRIBUNE POLL SHOWS: READERS APPROVE OF "SEVEN" TRIAL RESULTS

Public opinion response to the Tribune poll on the results and conduct of the controversial conspiracy trial shows that 92 per cent approve the jury decision and 82 per cent indicate approval of Judge Julius Hoffman's conduct of the proceedings.

A breakdown of the total vote tabulated thus far is as follows:

I approve of the conduct of the trial (82%)	9,086
I disapprove of the conduct of the trial (18%)	2,027
I disapprove of the results of the trial (8%)	979
I approve of the results of the trial (92%)	11,707

Readers expressed a greater interest in the outcome of the trial than in the debate over the relative conduct of participants in the legal battle, which resulted from rioting during the 1968 Democratic national convention in Chicago.

"All of these individuals are well educated. While they propose to destroy our present setup, nevertheless I have not read of anything they have proposed to take its place," a reader stated.

A new citizen of Hungarian descent wrote: "I never in my life saw what is happening in this country. Any person who would desecrate the flag or carry Viet Cong flags is a traitor to his own country. This I believe strongly: It is all caused by Communists, as I lived under them for 20 years."

COMMENDS JUDGE HOFFMAN

A supporter of the trial results and its conduct wrote: "Do you folks [in Chicago] know that many, many people including myself have no desire to visit Chicago because of fear? Wake up if you wish to save your city."

An Iowa City housewife wrote: "I think Judge Hoffman should be highly commended. It was a most difficult procedure, made so by the conduct of the men on trial."

"These professional juvenile delinquents must be made to understand that they cannot come into a city and tear it apart to suit their childish whims. We establishment squares and we of the silent majority will not buy it—it's not our bag," another wrote.

CALLS TRIAL A "MOCKERY"

Dissenters included a 19-year-old Western Illinois university student who wrote, "I would like to add that I believe this trial is, has been, and will remain the biggest mockery of the United States judicial system in recent years."

A Harvey reader wrote: "Every once in awhile, a judge makes a fool of himself; so Judge Hoffman as of now takes first prize. When protesters are jailed and the stupid pigs are praised, the civil rights of Americans have fallen in a pigpen."

The next results of The Tribune poll will be in Friday's newspaper.

FREEDOM'S CHALLENGE

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. BURTON of Utah. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy Contest. A winning contestant from each State is brought to Washington, D.C., for the final judging as a guest of the Veterans of Foreign Wars. The winning speech from my State of Utah was written by Sharron Albrecht, who lives in Richfield, a city in my congressional district. The speech so well exemplifies the strength of purpose of our American youth that I wish to share it with my colleagues:

FREEDOMS CHALLENGE

A wild animal finds freedom in running through a dark forest, his home. A baby bird finds freedom in trying out its shakey wings. And I, I find freedom in having been born a citizen, of the United States of America. Freedom, a word that America knows more about than any other country in the world. Freedom, a noble word with a noble meaning that outshines any other. Freedom has been able to give its opportunities only to some people. I have been fortunate because freedom has given me a country of which to be proud.

Mountains with their blankets of tiny snowflakes that glitter like diamonds, rise majestically in front of my eyes and speak of the strength and power in freedom and democracy. The warmth of a cozy, crackling, fire tells the story of the joy and happiness found in living in a democratic country. The fields of golden wheat waving gently in a soft breeze under a sky kissed with pink from the setting sun symbolize the prosperity of freedom.

Freedom lies in each small flower as it blossoms into maturity. It stands forth from every towering pine tree and gaily laughing brook. It can be found in busy city streets with the constant noise and turmoil of people going places and doing things. It belongs to a mother and her daughter, to a father and his son, to each of us is given the joys of freedom. Everywhere I go my eyes behold sights of beauty and wonder that I can enjoy because I am a free person. How does this marvelous freedom challenge me? It challenges me to be my very best. I want to be someone, to have contributed to our democracy, to help keep our noble heritage shining brightly. Freedom is a never-ending challenge.

As winter melts into spring, as the streams enlarge into small rivers with their overload of melted snow, I want to be able to say, I have taken advantage of the freedom I have inherited. I have freely chosen the church I want to belong to and participated in that church to make myself a better person, better able to serve my country. As summer drifts into fall and her gaily colored leaves fall gently to the ground, I hope to be able to say, I have taken advantage of the schools I can freely go to. I have tried to gain as much knowledge as possible, and have tried to widen my horizons so I will be better equipped to support my country. As fall dreams into winter with her blanket of softly fallen snow, I hope to be able to say, I have worked and achieved as much as possible. I have used my time that is freely mine to do with as I please to my very best advantage. Freedom lies on my doorstep. It offers its challenge to me. A challenge which I alone must live up to. I must take the freedom given me and use it, use it to expand my knowledge, to make something of myself, to create a stronger person who will add to his country. I want to contribute to this country that has given me so very much.

COMMEMORATION OF 52D ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. DELANEY. Mr. Speaker, I am glad to have this opportunity once again to pay tribute to the gallant Lithuanian people on the occasion of the 52d anniversary of their national independence.

For nearly a century and a quarter, these brave and noble people were assailed with the full force of Russian tyranny. Their lands were confiscated; their schools were closed; they were subject to persecution because of their religious beliefs; Lithuanian language and literature were outlawed; and the press was used almost entirely as an organ for Russian propaganda.

Finally, in the peace that followed World War I, the courageous Lithuanian people succeeded in proclaiming their national independence. During the next 22 years they devoted their unbounded talents and energies to creating a modern and progressive state, which became a valued member of the family of nations. Unfortunately their freedom was short lived.

In 1941, hapless Lithuania fell to the Nazis. After 3 years of terror under Hitler's legions, this unfortunate nation was enslaved by the brutal warriors of Communist Russia. The United States has never recognized the forcible incorporation of Lithuania into the Soviet Union, and we properly set aside this time each year to announce to the world our strong objections to Soviet enslavement of these heroic people.

It is my fervent hope and prayer that the day will soon come when the freedom-loving people of Lithuania will once again live in liberty as an independent nation.

A TRIBUTE TO FATHER SERVODIDIO

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MURPHY of New York. Mr. Speaker, a testimonial dinner-dance in honor of the Reverend John T. Servodidio was held at New Dorp's Tavern on the Green on February 20. More than 350 friends attended the affair—a tribute to this young priest whose zest and dedication as director of the Staten Island Catholic Charities Family and Community Services has won the respect and appreciation of the entire community. I consider myself fortunate to have been one of the many sponsors of this most-fitting tribute which was aptly reported in the Staten Island Advance. I include a press report and a proclamation by the borough president of Staten Island declaring February 20, 1970, as Rev. John T. Servodidio Day.

COMMUNITY HONORS PRIEST FOR SERVICE

Music, laughter and good will filled the Tavern on the Green, New Dorp, last night as 350 friends of the Rev. John T. Servodidio, director of the Catholic Charities Family and Community Services on Staten Island, gathered for a testimonial dinner-dance in his honor.

The affair was organized by friends of the priest to honor him for his service to the community. Special guests at the event were his parents, Mr. and Mrs. Pasquale Servodidio, and his brother, sisters, nieces and nephews.

The main speaker, Bishop Edward D. Head, praised Mr. and Mrs. Servodidio as the "roots" from which the blessings of Father Servodidio flow, and praised the priest as a man who "challenges his friends to be bigger people."

Anthony Jacobi of Our Lady of Mount Carmel-St. Benedicta's R.C. Church, West Brighton, the parish in which Rev. Servodidio served 10 years as assistant pastor, then thanked the priest for his service to the young people of that community.

The Rev. Arthur D. Phillips, pastor of Fellowship Baptist Church, Mariners Harbor, spoke of the priest as a man who is "totally involved in all he does." Mrs. Mills Skinner, widow of the Rev. Skinner of Shiloh A.M.E. Zion Church, West Brighton, likened Father Servodidio to a cork in the ocean that can be knocked about but never drowned.

Andrew Barberi, football coach at Curtis High School, thanked the priest for his contributions to the youth of the West Brighton area both in and out of athletics.

The awards and gifts presented to Father Servodidio were introduced by Eugene Mosiello. An American Legion award was presented by Aldo Benedetto, past state commander; a Catholic Youth Organization award by Eugene Overmeyer, director, and a gift from the boys in the neighborhood was presented by Mosiello.

A poem was then read by Mrs. Edna Williams of the West Brighton Community Council, praising "Father John".

Father Servodidio then spoke, thanking everyone for their "overwhelming" tribute and tracing his interest in good works back to the example set by his father.

He said he was gratified to see "our black brothers and sisters here at this affair, because what can be done here can be done outside. We can create a real community like this 24 hours a day, seven days a week, and then we would have no problems."

Ralph J. Lamberti served as chairman for the dinner and was master of ceremonies.

PROCLAMATION

Whereas: Reverend John T. Servodidio, Director of Staten Island Catholic Charities Family Community Services, being conscientious and a diligent citizen of Staten Island and as such an asset to our community; and

Whereas: Reverend Servodidio has performed his duties with a hard won knowledge and a deep appreciation of the privilege of living in true democracy; and

Whereas: we express our gratitude to Reverend John Servodidio for his service and dedication to our community. He is a man among us, a man who has expressed a living sensitivity to the world around us; and

Whereas: a man who has the virtue of awareness that is expressed by his dynamic action for people, and has a continued concern that is selfless and sincere,

Now, therefore, I, Robert T. Connor, President of the Borough of Richmond, by virtue of the power and authority vested in me by the laws of the City and State of New York, do hereby proclaim Friday, February 20th, 1970 as

REVEREND JOHN T. SERVODIDIO DAY

In the Borough of Richmond and urge all the members of our community to join in paying tribute to Father Servodidio who has given much of his time, effort and understanding in helping so many people.

In witness whereof, I have hereunto set my hand and affixed the official seal of the Borough of Richmond this thirteenth day of February in the year of our Lord one thousand nine hundred and seventy.

ROBERT T. CONNOR.

ROBERT M. COX HONORED BY JEWISH WAR VETERANS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr GAYDOS. Mr. Speaker, McKeesport Post 181, Jewish War Veterans, in my 20th Congressional District of Pennsylvania, has made it a practice each year to single out for special recognition the individual which the post feels has contributed the most to the brotherhood of man in the preceding year.

The 1970 recipient of this community service award is Robert M. Cox, a McKeesport businessman and a longtime friend of mine. Mr. Cox was recognized as the "man of the year" for his charitable, humanitarian, and civic activities. Sam Weinberg, commander of the JWV post, presented the award to Mr. Cox and described the recipient as symbolizing the spirit of brotherhood.

I had the priviledge of attending the banquet where Mr. Cox's outstanding record in community service was praised by many civic and religious leaders. Among those who spoke of Mr. Cox's devotion to his fellow man were Leonard C. Staisey, chairman of the Allegheny County Board of Commissioners; Mayor Zoran Popovich of McKeesport; Mayor John L. Patterson of White Oak, Samuel Vidnovic, McKeesport City treasurer; the Reverend James L. Nelson of Zion Baptist Church; Rabbi Milton Turner of the Tree of Life Synagogue; Msgr. Michael Dravecky of Holy Trinity Roman Catholic Church; Rabbi Leonard Winograd of Temple B'nai Israel and

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the Reverend William J. Irey of Sampson Mills United Presbyterian Church.

The principal speaker at this brotherhood banquet, the eighth such event held by the Jewish War Veterans, was Judge John G. Brosky of Allegheny County's Common Pleas Court. Pointing to Mr. Cox's many achievements, Judge Brosky said the honor bestowed on him by the JWV was the summation of all his activities in many areas of community service.

Mr. Cox has been a driving force behind the rebuilding of McKeesport. He erected a new store which served not only as an example to other merchants but also as a demonstration of his faith in the future of his city and its citizens. Because of Mr. Cox the city of McKeesport is a better place and its residents owe much to him.

LITHUANIAN FREEDOM RESOLUTION

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MADDEN. Mr. Speaker, last Sunday evening, February 22, in East Chicago, Ind., a large mass meeting of American-Lithuanians and friends of Lithuanian freedom held an overflow banquet commemorating the 52d anniversary of Lithuanian independence.

I include with my remarks a letter dated February 22, 1970, from the Lithuanian American Council, and also a resolution unanimously adopted at the gathering.

LITHUANIAN AMERICAN COUNCIL,
February 22, 1970.

Hon. RAY J. MADDEN,
House of Representatives,
Washington, D.C.

DEAR SIR: The enclosed Resolution was adopted at a mass meeting of American Lithuanians sponsored by the Lithuanian American Council of Lake County, Indiana, in commemoration of the 52nd Anniversary of the Declaration of Independence of Lithuania at St. Francis Church Hall, 3905 Fir str. East Chicago, Indiana on the 22nd day of February 1970.

A. G. VINICK,
Chairman.
P. INDREIKA,
Secretary.

RESOLUTION

Whereas, It is thirty years since Lithuania, Latvia and Estonia were partitioned between Germany and Russia,

Whereas, Russia's foreign Minister Andrei Gromyko in recent statements to other nations urged them "To take a more sober view on this question and recognize that it is impossible to keep seized foreign areas as a result of aggression and that they should be returned to those to whom they belong."

Whereas, To this day the Soviet Union still holds Lithuania, Latvia and Estonia in its "concentration camp" as Anatoly Kaznetsov, refugee author defined it,

Be it resolved, that we urge the Government of the United States to use its power and influence to help Lithuania and other Baltic States regain their freedom and sovereign rights in accordance with the principles of the Charter of the United Nations, and not to make any treaty settlements with Soviet Russia, until this has been achieved, and be it finally

Resolved, that this Resolution be forwarded to the President of the United States, and copies thereof sent to the Secretary of the State, the Senators and Representatives of the State of Indiana, and to the press.

CAMPUS UNREST: A CLARIFICATION OF LEGAL ISSUES

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. QUIE. Mr. Speaker, although campus unrest is still a part of our social scene, I believe the great majority of college and university administrators, faculty, and students have made significant strides in coming to grips with the underlying causes of violent dissent. In addition to hundreds of campus study groups and committees, professional education association task forces, and other efforts, the American Bar Association inaugurated last summer a commission on campus government and student dissent. The following distinguished educators and attorneys served on this panel:

William T. Gossett, former president, American Bar Association, 1968–69, chairman;

Morris B. Abram, president, Brandeis University;

Mary I. Bunting, president, Radcliffe College;

Lawrence R. Caruso, legal counsel, Princeton University;

Ramsey Clark, former Attorney General of the United States;

Samuel Dash, director, Institute of Criminal Law and Procedure, Georgetown University;

Rev. Theodore M. Hesburgh, president, University of Notre Dame;

Edward H. Levi, president, University of Chicago;

Glen A. Lloyd, lawyer and former chairman, board of trustees, University of Chicago;

John A. Long, president, law student division, American Bar Association;

Bayless A. Manning, dean, Stanford University Law School;

Jerome J. Shestack, chairman, section of individual rights and responsibilities, American Bar Association;

Richard E. Wiley, lawyer and former chairman, young lawyers section, American Bar Association.

Logan Wilson, president, American Council on Education;

Whitney M. Young, Jr., executive director, National Urban League;

A. Kenneth Pye, dean of the Duke University School of Law, and William Van Alstyne, professor of law at Duke, served as project codirectors.

Excerpts from the commission's report were printed in the February 24, 1970, issue of the Chronicle of Higher Education. It is a very thorough and thoughtful statement on the essence of academic freedom and student rights as well as clarifying the responsibility of students. It deals with such things as the differences in student rights between private and public institutions, freedoms of campus newspapers, the unique rights and responsibilities within the classroom, and the issue of double jeopardy.

Mr. Speaker, it is this kind of effort which leaves me with the hope that the Congress will not have to adopt any further legislation directed at campus unrest than we already have.

The excerpts follow:

CAMPUS UNREST: A CLARIFICATION OF LEGAL ISSUES

BACKGROUND

While disruptive protest has not been and is not characteristic of most colleges and universities, both the number and intensity of the disruptions cause deep concern in a nation that is now providing an opportunity for higher education to more students than any other society in history.

Of great concern, also, are the grievances of university students and their opportunity to express these grievances.

It is ironic that many of the disruptive disturbances have taken place in institutions least deficient in their sensitivity to student concerns. Indeed, the commission believes that the very excellence of a given university and its lack of repressive policies may be conditions conducive to unrest.

Students may be less willing to assert perceived grievances if summary repression is the only foreseeable result. Complete apathy in a vigorous academic institution, however, is not to be expected or desired. It may sometimes be as much a cause of concern as confrontation itself.

Expression of grievances may be desirable, but it is equally desirable that the tension be expressed in forms which are consistent with law.

There is also reason to suggest that some issues have been the subject of demonstration on campus not because the university has more (or even as much) influence or responsibility than other institutions for the determination of national and international policies, but simply because its very fragility and tolerance constitute an invitation to those who may seek to use these issues to attack the institutions of our society.

No university, however progressive, can avoid confrontation with those who are determined to use it merely as an instrument of revolutionary politics.

The importance of the orderly functioning of our universities is too great to tolerate the number and kinds of disruptions that have become commonplace.

At the same time, there is a risk that certain efforts to maintain order may themselves be excessive and may indirectly contribute to disruptions infringing upon rights of students within a university freely to express their dissent and to be dealt with fairly when charges of misconduct are asserted against them.

The commission's recommendations are based upon the premise that within a university it is possible for men of good faith to engage in free expression, and that it is possible for institutions of self-government, including university disciplinary proceedings, to operate effectively. These conditions exist in the overwhelming majority of American institutions of higher learning.

Unfortunately, there are universities where, on occasion during recent years, different conditions have prevailed. For example, disciplinary hearings have been interrupted, hearings have been turned into politicized propaganda tirades, coercion has been exercised to preculde rational consideration and determination of the issues involved.

A university should not permit its fairly established procedures to be frustrated by conduct of this nature. University disciplinary proceedings are fragile instruments. A university does not have a career judiciary, or marshals, sheriffs, or bailiffs to enforce its orders and maintain order.

Any dedicated group of disrupters can interfere effectively with the deliberations of any university tribunal. Such a situation is akin to the type of insurgency which justifies martial law, and an institution may be required to depart from its normal procedures (such as closing a hearing to the public) when it is immediately threatened with disruption.

FREEDOM OF EXPRESSION

Our recommendations distinguish generally between public and private institutions because their needs and circumstances may differ sharply, especially for institutions with announced doctrinal commitments and specially limited vocational or religious objectives, and where the First Amendment may not apply.

At the same time, our recommendations for public institutions may also be appropriate for many private institutions as well. To a considerable extent, this similar treatment of student expression in many private institutions as in public institutions reflects the fact that a clear distinction cannot always be made in a given case as a matter of law, educational policy, or institutional need.

Increasingly, for instance, more and more private institutions rely upon governmental assistance to underwrite new construction, research, salaries, and student aid.

The Supreme Court has said: ". . . When authority derives in part from government's thumb on the scales, the exercise of that power by private persons becomes closely akin, in some respects, to its exercise by government itself."

Whether the First Amendment will be held to apply to certain private institutions or at least to certain aspects of their operations when they are financed and otherwise significantly involved with government has not yet been decided by the Supreme Court. Nevertheless, prudent planning requires the recognition that the court may hold that the amendment is applicable.

The commission wishes expressly to note that not all of our suggestions necessarily reflect established requirements even as applied to public institutions. To a certain extent, this is unavoidable because the law is not entirely settled.

More substantially, however, our recommendations attempt to report standards that may be seen as fair and feasible, faithful to the law as it has developed, and also responsive to the needs of students and the constraints of higher education.

Public colleges and universities

Students enrolled in public institutions of higher education are entitled to the same First Amendment freedoms that they hold as citizens. In the context of the campus itself, the fair exercise of those rights involves the following considerations.

1. Freedom of association. Students should be free to organize and to participate in voluntary associations of their own choosing subject to university regulations insuring that such associations are neither discriminatory in their treatment of other members of the academic community nor operated in a manner which substantially interferes with the rights of others.

Under appropriate circumstances, *e.g.*, where university funds may be involved, or where support is provided other than through voluntary contributions of the members themselves, the university may reasonably require a reliable accounting procedure and a list of officers or other persons responsible for the overall conduct of the association.

While a faculty adviser may be of benefit to an association and provision may be made to encourage this degree of faculty support, a voluntary student association ought not be subject to the control of its adviser nor should freedom of association be denied to groups unable or unwilling to secure assistance of this kind.

Affiliation of a voluntary student association with extramural organizations is not by itself a sufficient reason to deny that student association the use of campus facilities, although reasonable provision may be made to safeguard the autonomy of a campus organization from domination by outside groups.

Freedom of association on campus may properly reflect personal or political interests of the members not necessarily related to the operation of the university or its regular instructional program.

Acts of intimidation or disruption of the university may properly be forbidden by rules applicable to all members of the academic community, including voluntary associations.

2. Freedom of speech and assembly. Rules specifically applicable to speech and assembly on campus should be clear and specific to avoid the possibility of arbitrary enforcement and to avoid degrees of uncertainty which might otherwise inhibit the exercise of orderly and peaceful expression.

No rule should restrict any student expression solely on the basis of disapproval or fear of his ideas or motives. At the same time, the fact that students may pursue interests in political action through speech and assembly on campus does not abrogate their accountability as citizens to the constitutional laws of the larger society, and the university is entitled to reflect these constraints in its own regulations.

In addition, institutions of higher education have a serious obligation to protect the operation of the university from disruption and to protect the members of the academic community and all others authorized to use their facilities from harassment and coercion.

Modes of speech or assembly that are manifestly unreasonable in terms of time, place, or manner may be forbidden by clear and specific university rules. Such rules are a condition rather than a limitation of freedom within the university.

In addition to being protected in the exercise of their own freedom of speech, students should be free to invite and to hear any person of their own choosing.

Routine procedures required by a public institution before a guest speaker is invited to appear on campus, such as those applicable to other assemblies on campus, should be designed to insure only that there is an orderly scheduling of facilities and adequate preparation for the event.

Institutional control of campus facilities thus should not be used as a device of censorship. Guest speakers, not otherwise associated with the university, are nevertheless accountable for their conduct under valid general laws, and the university may seek the assistance of those laws under appropriate circumstances.

3. Freedom of the press is in a basic sense but a special aspect of freedom of speech. As a consequence, many of the rules protecting and limiting other modes of expression on campus will apply equally to the regulations of publications.

Ideological censorship is thus to be avoided in the determination of printed matter available on campus; access to publications is not to be denied because of disapproval of their content; and regulation of student publications that operate on the same basis as other private enterprises should be subject only to the same control as those respecting the reasonableness of time, place, and manner of distribution.

Similarly, valid general laws proscribing willful defamation, public obscenity, and other actionable wrongs apply equally to printed matter as to other forms of expression on campus. Finally, just as the institution has an obligation to discourage interference with speech, so also may it prohibit acts of vandalism or other misconduct that seeks to hinder the orderly distribution and availability of publications on campus.

The fact of institutional subsidy and liability does not warrant censorship of editorial policy or content in any broad sense. The university may provide for limited review, however, solely as a reasonable precaution against the publication of matter which would expose the institution to liability.

At the same time, editors and managers of student publications should be protected from arbitrary suspension and removal from office because of student, faculty, or administrative disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures.

Where the student press is supported by compulsory student fees or other significant university subsidy or where there is a generally accepted public identification with the particular institution, it may properly be subject to rules providing for a right of reply by any person adversely treated in its publication or in disagreement with its editorial policy or its treatment of a given event.

University published and financed student publications should appropriately indicate that the opinions there expressed are not necessarily those of the university or the student body. Moreover, other student publications may fairly be required to indicate that they are not published or financed by the university, and that opinions expressed therein are without university endorsement.

4. Within the classroom. The classroom is not an unstructured political forum. It is a center for the study and understanding of a described subject matter for which the instructor has professional responsibility and institutional accountability.

Control of the order and direction of a class, as well as control of the scope and treatment of the subject matter, must therefore immediately rest with the individual instructor, free of distraction or disruption by students or others who may be in disagreement with the manner in which he discharges his responsibilities.

Thus, disruption of the classroom itself or conduct within the classroom insubordinate of the instructor's immediate authority may appropriately be forbidden by the rules of the university.

Given the fact that the classroom may not be utilized to ventilate grievances relevant even to the conduct of the class itself, at least when the instructor indicates his reluctance to depart from the assigned materials, universities should provide some orderly means outside of the classroom for the review and disposition of such grievances.

Private colleges and universities

Students enrolling in private institutions of higher education are generally subject to whatever extent of regulation each institution has determined to be appropriate to its own needs and circumstances.

The Constitution does not require that a private seminary subordinate its belief in revealed truth to criticism within its own walls, nor does it forbid the dedication of private assets for secular purposes which the grantor or his trustees desire to limit specifically as they think best.

A private college is generally free to determine to its own satisfaction the nature and conditions of the educational service it wishes to offer. In a pluralistic society, the basic value of all of these institutions inheres in the fact that they offer alternatives which remain highly attractive choices to many people.

Correspondingly, the principal obligation of these institutions to those whom they encourage to enroll is primarily one of clear and honest disclosure. Where the institution thus makes clear its own expectations

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and provides an understanding of what it deems incompatible with its purposes as well as what it will attempt to provide, respect for its rules may be expected in the conduct of its students subject to whatever process of change the institution has otherwise established.

In practice, however, some private institutions (*e.g.*, a school with a fixed doctrinal or ideological objective) may also need to reflect their special characteristics in their staffing and admissions policies, as well as in their rules and publications.

Otherwise, some students and faculty may come into the institution in spite of, rather than because of, the institution's special characteristics. Their displeasure with policies with which they disagree may result in controversy which in turn may trigger a disruption, despite the institution's attempt to make its policies clear in its rules and publications.

Many private institutions neither feel a need for regulating student political expression in any manner differently from what we have recommended for public institutions, nor do they think it desirable to set themselves apart in this respect.

Indeed, it deserves to be said that a number of private institutions do not maintain even that degree of restriction on student political activity which the law allows even to their public counterparts. The commission fully supports the many distinguished private colleges that have adopted such policies.

The respect intends only to acknowledge that variation among the circumstances of all our institutions of higher learning makes it imperative to recognize that each institution must enjoy a substantial measure of freedom in reconciling these recommendations with its policies and objectives.

ORDER WITH JUSTICE

The interests of the public and higher education will be best served by entrusting the primary responsibility for the maintenance of order on the campus to the universities when they are willing and able to perform the function.

Searching self-evaluation, the identification of valid grievances, and prompt attention to institutional shortcomings provide the most effective assurance for the maintenance of order. As in other fields of endeavor, prevention is to be preferred over therapy.

Not all confrontations can be avoided. In such cases, primary reliance should be placed on university disciplinary procedures, supported by university security personnel, for the maintenance or restoration of order and the prevention of future disturbances. The imposition of effective sanctions against students guilty of misconduct after prompt, fair disciplinary proceedings will normally be sufficient to maintain an acceptable level of order without the necessity of outside intervention.

Nevertheless, conditions can arise where a university may be required to seek the assistance of civil authorities or civil authorities may, on their own initiative, determine that intervention is necessary in order to protect persons, property, or the orderly functioning of the university or to put a halt to flagrant violations of law.

University disciplinary procedures

The commission is concerned exclusively with appropriate procedures in cases where a substantial sanction, such as suspension or expulsion, may be imposed for alleged misconduct by a student.

The recommendations of the commission are not intended to apply to purely academic decisions by a university, nor do they apply to cases in which the penalties involved are not serious.

Furthermore, the commission recognizes that a student, with knowledge of his rights, may prefer and may choose to accept informal procedures for the determination of guilt or the imposition of a sanction.

[Following are] principles for achieving reliability and fundamental fairness.

THE NEED FOR RULES

A number of colleges and universities have instituted disciplinary proceedings against students on the basis of their "inherent authority" to maintain order on campus, in spite of the absence of any rule forbidding the particular conduct which formed the basis of the charge.

Where the particular conduct involved substantial disruption and was otherwise of such a nature that the students could not reasonably have supposed that it would be condoned by the institution, the university's authority to proceed simply on the basis of its inherent authority has generally been upheld by the courts.

On the other hand, one federal court of appeals has recently rejected the view that inherent authority alone is a sufficient basis for serious disciplinary action, further observing that the doctrines of vagueness and overbreadth that other courts have applied to invalidate certain university rules applicable to political activity "presuppose the existence of rules whose coherence and boundaries may be questioned."

Given the unsettled state of the law and the reasonableness of competing points of view on this subject, the commission is not inclined to recommend either that a university may never act against a student other than pursuant to a published rule clearly furnishing the basis for a specific charge or that it may freely act against the student even in the absence of any clearly applicable and previously published rule.

Rather, the commission believes it more useful to state the various considerations according to which an institution may better determine what fundamental fairness may require in the circumstances of a given case.

A college or university ought not be expected to formulate elaborately detailed codes of conduct comparable to consolidated criminal statutes of a state.

For most purposes, however, it is feasible for a college or university to describe its standards with sufficient clarity and to publish those standards in a form readily available to its students in a manner which, while not exaggerated in length, detail, or complexity, will provide fair notice of what is expected and what is forbidden.

Where a rule has been adopted which is applicable to behavior involving some aspect of freedom of speech, association, or assembly, there is a special obligation that the rule be stated with clarity and precision.

The scope of rules

[The commission's view is] that university rules may appropriately overlap certain state and federal statutes, and that the concept of double jeopardy does not limit the scope of a university's rules. Thus, a student who disrupts a classroom in a manner that subjects him to a general statute applicable to assault and battery may also appropriately be subject to university disciplinary processes as well.

Conversely, the fact that certain student conduct is not necessarily subject to any state or federal statute does not make it inappropriate for a college to forbid such conduct, as may ordinarily be true of cases of cheating on examinations or plagiarism.

The relation of college rules to general laws is therefore largely coincidental, and the scope of university rules is appropriately determined by the announced objectives of the university.

At the same time, the commission recommends that a college or university ought not proliferate its rules beyond the point of safeguarding its own stated objectives.

Equality of enforcement

The university has an obligation to apply its rules equally to all students who are similarly situated. This does not mean, however, that a university is required to refrain from prosecuting some offenders because there are other offenders who cannot be identified or who are not presently being tried for some other valid reason.

Impartiality of the trier of fact

The truth or falsity of charges of specific acts of misconduct should be determined by an impartial person or group.

Notice of the charge

A student accused of specific acts of misconduct should receive timely notice of the specific charge against him. The charge should be sufficiently precise to enable the student to understand the grounds upon which the university seeks to justify the imposition of a sanction and to enable him adequately to prepare any defense which may be available to him.

Information concerning the nature of the evidence

If a student denies the facts alleged in the charges, he should be informed of the nature of the evidence on which the disciplinary proceeding is based.

He should either be given the right to confront the witnesses against him or be provided with the names and statements of the witnesses who have given evidence against him.

Opportunity to be heard

The student should be given an opportunity to respond to the evidence against him.

Basis of decision

The trier of fact before whom the hearing is conducted should base its decision on the evidence presented at the hearing.

Representation of accused

A student should have the right to be represented at the hearing by any person selected by him, such as a fellow student, a faculty member, a lawyer, or a friend from outside the university community.

Interim suspension

As a general rule the status of a student should not be altered until the charges brought against him have been adjudicated.

Experience has shown, however, that prompt and decisive disciplinary action may be required in extreme cases before there is an opportunity to conduct a hearing, as in cases in which a student's continued presence on campus constitutes an immediate threat or injury to the well-being or property of members of the university community, or to the property or the orderly functioning of the university.

The imposition of interim suspension should entitle the suspended student to a prompt hearing on the charges against him. Fundamental fairness may require an informal review of the decision to impose interim suspension in the absence of a prompt hearing on the charges.

Relationship between campus authority and civil authority

Intervention by public authority may take several different forms: the issuance of an injunction; selective arrests; the introduction of substantial numbers of police into the campus; civil suits for damages. All have advantages and disadvantages. Whether or when there should be recourse to any of these techniques raises questions of judgment and discretion, rather than issues of law.

The commission can do no more than to indicate some of the considerations that should influence the decision of what techniques should be utilized and when they may be most appropriate.

Injunctions

A number of institutions have sought injunctive relief for the purpose of quelling campus disturbances, with varying degrees of success.

There are a number of advantages to the use of injunctions in cases of student disorders:

An injunction can be narrowly drafted to deal with a specific disturbance with much more precision than a general statute, thus responding more effectively to the disruption while avoiding unduly broad limitations upon freedom of expression.

The injunction constitutes a public declaration by the courts of the unlawful nature of the actions taken or threatened by the disrupting students. The issuance of an injunction may generate a favorable public reaction to the position of the university.

It may persuade moderate students to refrain from participating in the disruption. It imposes restraint upon the disrupting students by a non-university governmental entity. Students may obey a court order when they would ignore the orders of a university official. The injunction may provide students with an opportunity to end a disruption without losing face.

There are also disadvantages. It is frequently necessary to utilize local law enforcement officers to serve process. In most states, the injunction is not self-enforcing, although at least one state statute makes a violation of an injunction of a crime in itself.

Enforcement of an injunction through court proceedings may involve some of the same problems as those presented when police are used to quell a disturbance. A university that is not prepared to enforce the injunction through contempt proceedings should not seek one. To obtain an injunction in such a situation might permit a court decree to be flouted by students with impunity.

Criminal sanctions

Arson, assault, breach of the peace, conspiracy, disorderly conduct, false imprisonment, inciting riot, malicious destruction of property, riot, willful interference with meetings, trespass, and unlawful entry are examples of the wide range of conduct that fall within the traditional ambit of the criminal law.

In addition, a number of states have recently enacted new legislation dealing with civil disorders or specifically relating to student disturbances. Recently enacted statutes in different states make it a crime to refuse to disperse or leave a building or property when notified to do so by a designated official; prohibit interference with freedom of movement or the use of facilities; punish "willful disturbance," conduct that "impedes, coerces, or intimidates" university personnel, or "disruptive acts"; make it a felony to enter and destroy records; or prohibit the possession of firearms or "Molotov cocktails" on campus.

Also, several states have modified their riot laws or enacted comprehensive riot control legislation. Additional state legislation authorizes designated university officials to require persons who are not students or employees to leave the campus or permit such officials to place the campus off limits to persons outside the academic community.

It is doubtful that most students realize the broad range of conduct that is subject to the criminal law. Local arrangements between "town and gown" and discretionary enforcement of campus of drug and alcohol laws have, with the passage of time, insulated some members of some campus communities from a recognition that their conduct is subject to all the laws of the jurisdictions in which they are located.

Recourse to the initiation of criminal charges by a university should normally be limited to circumstances when it is impossible to deal with the problem adequately within the university.

There are clear dangers involved in ordering police to enter a campus in large numbers. The university should recognize that any massive intervention of police on the campus carries with it the possibility of "broadening support for the radical movement, polarizing campus opinion, and radicalizing previously uninvolved persons."

Nevertheless, a university and the members of its community may find themselves in a defenseless position, guarded by only a small cadre of security officers who have received little training in the maintenance of order, in the face of determined efforts at disruption by large numbers of persons.

To permit wide-scale lawlessness may encourage students to believe that the law may be flouted with impunity, and that the role of police is confined to controlling conduct outside of the university.

Civil action for damages

Civil suits for damages should be brought in appropriate cases by a university or members of a university community for injuries arising out of student disturbances.

The Importance of Planning

Few things are more important than for universities to establish contact with civil authorities and develop in advance understandings concerning the circumstances that will justify intervention and the manner in which they will react if intervention becomes necessary.

Double Jeopardy

The fact that a student has been subject to university disciplinary proceedings does not in any way preclude a subsequent trial of the student for the same conduct by public authorities, if his conduct violated the laws of the jurisdiction.

Likewise, the fact that a student has been tried in the criminal courts does not preclude the assertion of an appropriate disciplinary sanction against him by the university. There is no legal basis for the claim of "double jeopardy" in either case. The institution should recognize the possibility, however, of injustice resulting from the imposition of multiple sanctions for the same conduct.

Legislative Denial or Revocation of Financial Assistance

The commission views with deep concern . . . [federal and state] statutes and proposals for terminating financial aid to students who engage in disruptive activities and to the universities which they attend.

A university might be required under such legislation to cut off financial aid on a basis of its own determination despite doubts as to the legality or constitutionality of its action. Termination of aid would be required without reference to relative culpability.

These proposals could operate in a discriminatory manner because they apply only to those who receive federal financial aid, a specific class of needy students. Thus, the wealthy student who leads a campus disruption would be unaffected by the legislation while a follower could lose the financial assistance needed to complete his education.

Proposals to withdraw all aid from institutions of higher learning could deny assistance to innocent students who need financial aid.

Training for University Security Personnel

Funds should be made available for the development of training programs for university security personnel, and these programs should include a substantial component designed to make the officers sensitive to the aspirations and tactics of student groups.

A LESSON IN "NIXONOMICS": OR HOW NOT TO FIGHT INFLATION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MIKVA. Mr. Speaker, the American people are as unanimous against inflation as they are unanimous for apple pie. Therefore, the rhetoric about how much a public official or an administration is against inflation cuts no ice. The question is what is being done about it. People who are hit by inflation are entitled to results—not campaign oratory.

THE FACTS ABOUT INFLATION

The first fact is that during 1969, the first year of the Nixon administration, we had the greatest piece of inflation—a 6.1 percent rise in prices—that we have had in 18 years. The second fact is that during the same period when prices were going up out of sight, real wages were coming down. Thus, in December of 1969 the average factory paycheck, in terms of buying power, bought less than a year ago.

Other things that went up or down are worth looking at to see who did something about inflation and whether that something was bad or good. In 1969 interest rates reached the highest level since the Civil War. They went up 41 percent. Bankers' profits went up accordingly. Treasury Secretary Kennedy's former bank, Continental Illinois Bank & Trust, had January–June profits up $3 million—over 10 percent—from 1968 levels. The bankers are fighting inflation by making record profits. And remember that interest rates—the price of borrowing money—are unlike other prices. The Government directly controls interest rates; it tells bankers exactly how much they can charge to loan money.

President Nixon says high interest rates—high prices for borrowing—help stop inflation. I say all that high interest rates do is make it impossible for the little man to borrow, while the giant corporations go on borrowing and pass the costs on to the consumer. One thing high interest rates have stopped, however: homebuilding. Housing starts are low and getting lower. The housing shortage gets worse every week. We are building less than half of what Congress said we need to build to adequately house our population by 1980. And all because nobody can afford to borrow money to build.

President Nixon says Government spending must be limited to fight inflation, and he vetoed a bill providing money for education and health research on this ground. The fact is that Congress cut the President's budget requests by over $5½ billion during 1969 and most of that came from the bloated defense budget—not health and education. In only four instances did Congress appropriate more money than the President asked for, and these instances totaled less than 2 percent of all money appropriated. On the other hand, military appropriations were cut more than $8 bil-

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lion below what the Defense Department requested. And we cut other appropriations substantially below what the President asked for: the District of Columbia budget by 33 percent, military construction by almost 20 percent, and foreign aid—mostly military—by almost 60 percent.

The budget fight was not a contest between those who oppose inflation and those who favor it, although this is what the President would like the American people to believe. It was a fight about where to cut the budget. The President requested money for such nonessential spending as the SST. He refused to veto a bill which authorized more than $1 billion for Navy ships which he had not even asked for. But he did veto a bill for education and health. Yet repeated studies have shown that spending on education produces over twice the return per dollar invested as public works projects, and thus is less inflationary than most other Government spending.

WHAT PRESIDENT NIXON HAS NOT DONE ON INFLATION

The President still endorses the old Republican philosophy that the only way to fight inflation is high-interest rates, tight money, and budget surpluses—which means high taxes. That is the same philosophy that brought us three recessions in 8 years under President Eisenhower. It is the same myth that John F. Kennedy exploded when he gave America unprecedented prosperity and price stability—the best in the world—during 1960–64 while maintaining small budget deficits to promote economic growth and cutting taxes. It is probably no coincidence that President Nixon's economic philosophy just happens to be one that also benefits bankers and large corporations—which are mostly Republican—over middle-income families, homebuilders and small businessmen—who are mostly Democrats.

But if the President's reliance on an outworn economic philosophy has been unwise, his refusal to use other anti-inflationary tools is indefensible. President Kennedy showed that wage and price controls were unnecessary if the moral authority of the Presidency was put behind realistic guidelines. I and other Congressmen have repeatedly urged the President to form a council of labor, business, and Government leaders which could set reasonable guidelines for wage and price increases. The President could then use his powers of persuasion and the pressure of public opinion to insure restraint. But the President has refused to use this proven method.

What is more, a Democratic Congress has given the President power to directly control business and consumer credit. He now has legal authority to control the amount of business and consumer borrowing—and thus spending—directly, rather than relying on high-interest rates and tight money which hurt the little man and depress housing starts. But the President has refused to use this method either.

Finally, although every economist in the country—whether liberal or conservative—admits that it is the billions spent on the Vietnam war which caused inflation, the President has reduced this spending only minimally. Thus while inflation caused by the war rages out of control, the President continues to pour billions of American tax dollars down that bottomless well. While we spent $23 billion in Vietnam last year, the President vetoed an education and health bill which appropriated only a little over $1 billion more than he had requested.

THE FUTURE OF "NIXONOMICS"

But all this is past. We all know how bad inflation has been. The question is what will happen next. Will Nixonomics be able to stop raging inflation without throwing us into a recession? I believe that the danger of recession, with all its devastating social and economic consequences, looms very large.

Economic indicators like industrial production and the stock market were already indicating by December of last year that the growth of the economy had slowed to almost nothing. So the economy has stopped growing, but prices continue to rise. And while the economy fails to expand, we continue to add 175,000 workers per month to the labor force, and 2 million people per year to our population. And with the same amount of goods, services, and wages to divide among these new arrivals, everyone's share goes down. Then profits go down. Then men are laid off. That is called a recession, and that is just where we are heading unless the administration begins to loosen money controls, lower interest rates, use its influence to encourage wage and price restraint, and employ direct controls on business borrowing.

That fact is that high taxes and high-interest rates are just too clumsy to be used as tools for management of a modern, highly complex, industrial economy like ours. It is the classical Republican "hands off" attitude—exemplified by the President's refusal to put his prestige behind wage and price guidelines—which will lead to a recession. And with recession comes business decline, economic stagnation, and massive unemployment.

THE ADMINISTRATION BUDGET

And finally, after vetoing appropriations for health and education on the ground that they were inflationary, the President has sent to Congress a budget so precariously balanced that it is almost certain to wind up actually as a deficit budget. For example, the President counted on revenues in his budget which the Congress has not even voted yet; he counted on accelerated collection of withholding taxes; he assumes a 6-month deferment of military and civilian pay raises; he assumes congressional approval of highway and airport user taxes which have already been rejected once by Congress. In fact, the chairman of the House Appropriations Committee has estimated that if the President's assumptions do not work out, there will be a $5 billion deficit, instead of a surplus.

And the reason for this deficit, if one occurs, will be that we continue to pour literally billions into military weapons and the war in Vietnam. This year for the first time since troops were committed to Vietnam in 1965, the President has refused to disclose the cost of U.S. military operations in Southeast Asia. Perhaps we are still spending over $20 billion a year in Vietnam; perhaps the amount has been slightly reduced. But the taxpayers and the Congress will never know—the White House refuses to disclose what portion of the Defense Department budget is going to support the war.

The President's chief economic advisers cheerfully are predicting a substantial increase in unemployment—seeking to assure America that such an increase is necessary and proper to control inflation. I find it hard to imagine that this logic will be persuasive on those 5 or 6 percent of Americans who will be the unemployed victims of Nixonomics. And I refuse to believe that this unemployment is a necessary ingredient of inflation control.

So it is not really a question of how many times the President says he's against inflation. We are all against it. The question is, What is he doing about it? Judging from the evidence available so far, the answer is "not enough to control it;" but a great many people are going to suffer from the wrong things that are being done in the name of inflation control.

MISSISSIPIAN RECOGNIZED

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MONTGOMERY. Mr. Speaker, I was quite proud to learn this week that one of my constituents, Mr. Joe T. Cook of Louisville, Miss., has been awarded the George Washington Honor Medal by the Freedoms Foundation at Valley Forge, Pa. Mr. Cook is editor of the Winston County Journal and won the award for his editorial entitled "What's Right With America." It should also be noted that this Mississippian won this award last year with his editorial entitled "Speak Out for America." Freedoms Foundation honors each year, through its awards program, those individuals, institutions, and organizations that have promoted a better understanding of the American way of life through the things they have written, said, or done during the past year. I am also quite proud of the fact that Mr. Cook's winning editorial was the same one I thought so much of and had reprinted in the RECORD last year for all my colleagues to read. Mr. Speaker, I salute Mr. Joe T. Cook of Louisville Miss.—an outstanding American who is working to make this great Nation of ours even greater.

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THE CYBERNETIC STATE

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. GALLAGHER. Mr. Speaker, there are as many versions of the American future extant these days as there are individuals who have passed typing I and who have gained access to a communications medium. The glut of prognosis, prediction, and projection has created what has been termed the "futures market," which is just as unpredictable and, for many, just as profitable, as are winter wheat futures. The cloud of apocalyptic rhetoric has obscured the horizon; and the mainstream of rational thought has been badly polluted by the waste products of Ph. D. mills.

This effusion of forecasting is, in most cases, about as accurate and as reliable as was the forecast which caused a weatherman's picnic to be rained upon recently. That is why I was especially delighted to read an article in the February 1970 issue of Trans-Action, by Allen Shick, a research associate at the Brookings Institution. He is no apologist for those who have walked the corridors of power—as he has himself by his service as a consultant to the U.S. Commission on Civil Rights, the Bureau of the Budget, the Rand Corp., and the President's Advisory Council on Government Reorganization.

Nor is he overly enamored of "buzz words" and slogans which fit so conveniently on posters and in the similarly one-dimensional minds of those who parade the streets—which some have used as the corridors of publicity.

Mr. Shick's article "The Cybernetic State," is tightly reasoned and extraordinarily provocative. I am not at all sure that I can endorse the totality of his opinions and thoughts in this article but I do share his concerns and consider the areas he discusses to be the most important issues of our times.

If nothing else "The Cybernetic State" can be read as another reason why the Congress must address itself to the radical changes in political and personal structures and postures which the new technology demands. I believe that much of what he says is solid evidence supporting the call I made to the House to establish a select committee on technology, human values, and democratic institutions. As Mr. Shick points out, we are undergoing a time of accelerated alteration of our basic form of government and my purpose in offering House Resolution 717 on November 19, 1969, was to make sure that elected representatives continue to be able to influence meaningfully the actions of the Federal Establishment.

Mr. Speaker, it is all well and good to work toward a society in which responsible men, freed from passion, will exercise disinterested intellectual evaluations of policy. I believe that this is the situation today: benevolent men make beneficient judgments. But this is not a guarantee of success, for few people will voluntarily move into a furnished room of mind and conduct, no matter how extravagantly opulent and soul-satisfying the environment may seem to whoever created it.

And I see another flaw in the implicit value judgments of men of good will. We cannot be sure that the second or third generation of users of the intricately constructed cybernetic systems will all be card-carrying members of the Society of Decency and Sanity. Cybernetics means computer-catalyzed control servomechanisms and, once established and the "loop being closed," totalitarianism is merely a program, not a pogrom.

In any event, Mr. Speaker, I believe "The Cybernetic State" is particularly pertinent to most decisions we must make in this Chamber and I am pleased to include it in the RECORD at this point:

THE CYBERNETIC STATE

(By Allen Schick)

Visions of the cybernetic age always have been of two sorts. Some have foreseen a period of unparalleled freedom, with man possessing the autonomy and leisure he has sought for ages. The cybernetic state would care for many of man's needs but would not exact a loss of freedom and selfhood; freed from the bonds of necessity and collective action, man would attain new command over himself and the world. The other version sees man as inevitably enslaved by the state, surrendering to powerful and uncontrollable institutions the freedoms that mark his selfhood. He will be controlled by the seeing hand which dictates his actions and thoughts. Man will be programmed—genetically or through thought control. He will be free to obey.

One can make a plausible case for either version or for both. Certainly both potentials are latent in cybernetics, though the actualities of history lend scant encouragement to the hope that the potentials will be used only for good. The story has always been the same. Man discovers fire for warmth and sustenance, but he also uses it to burn and destroy. Prometheus unbound is not always beneficent.

The Constitution of the United States might not quite endure for the ages, but it has survived great transformations in the conduct of public affairs. In few sectors have the changes been more pronounced or portentous than in the creation of the vast administrative structures that dominate the economy and the polity of the country today. The entire administrative staff of George Washington's government could be fitted comfortably into the offices of a medium-size bureau. As a government we have undergone several critical changes in the relationship between the administrative and the political. At the start the United States was designed as a political state; the growth of industry and public regulation in the nineteenth century led to the emergence of an administrative state; New Deal activism opened the door to the bureaucratic state; now, according to some expectations, we stand at the threshold of the cybernetic state.

Though it is possible to place each of these states into time zones, aspects of each appear in all periods of American history. The political, which was prominent in the earliest times, still carries over in the main representative theatre—the Congress—as well as in other national institutions. The cybernetic, which appears to be the emergent form today, certainly was operative in Alexander Hamilton's day through some of the accounting controls maintained over financial transactions. What characterizes an age is the dominance of one form of political-administrative relation, not the total absence of the others. The computer may be the logo of the cybernetic age, but the dawn of this period was portrayed in various artistic and scholarly works long before the first computer was constructed. Moreover, long after a particular form has been replaced, certain of its characteristics continue to show vigor and growth. Even if bureaucratics is displaced by cybernetics, we can anticipate the further development of large-scale bureaucracies for particular functions.

The cybernetic state of 1984 is not a product of the constitutional decisions of 1787. The Framers were occupied with building a political state, that is, with creating representative institutions through which power would be exercised and controlled. They did not—and could not—look to administrative or bureaucratic structures for the power or the controls, nor could they deal with the myriad of administrative details pertaining to the operation of the new government. Thus, there is scarcely a hint in the Constitution of the great organizational machines that would be created in the nineteenth and twentieth centuries and which ultimately would recast the distribution of powers and rights into something other than was envisioned originally.

FROM THE POLITICAL TO THE ADMINISTRATIVE STATE

In designing the political state, therefore, the constitutional architects concentrated on rules of representation, qualifications for office, the scope and powers of the several branches, the allocations between national and state jurisdictions and the establishment of limits on political action. These limits were aimed, for the most part, at the representative institutions, primarily at the national legislature. "Congress shall make no law" was the First Amendment formula for protecting political rights; trial by jury, along with its associated procedures, was the formula for guarding judicial rights. No explicit protection was incorporated into the Bill of Rights against infringement by administrative fiat or proceeding. Of the basic rights, only the "search and seizure" prohibition was generalized to cover all public actions, though its actual intent was to curb police power.

The passage from the political to the administrative state was due largely to the growth of national industry, the creation of new regulatory instruments and agencies prompted by that growth and the mobilization of administrative expertise to manage public activities. Whatever power Congress gave to administrators, it gave away voluntarily, and often with the blessing or the prodding of the president. The first national regulatory instrument, the Interstate Commerce Commission (ICC) was established in 1887, and three years later the Sherman antitrust controls were enacted. Resistance came from a different quarter, the judiciary, which insisted on applying the established constitutional standards to the new administrative structures.

One initial judicial response was to apply A. V. Dicey's "rule of law" doctrine to the administrative arena: ". . . no man is punishable or can be lawfully made to suffer in body or goods except for a distinct breach of law established in the ordinary courts of the land. In this sense the rule of law is contrasted with every system of government based on the exercise by persons in authority of wide, arbitrary, or discretionary powers of constraint." Applied strictly, this rule would have barred virtually all administrative adjudication, but it ultimately came to mean that the fundamental procedures of law (notice, hearing, examination, etc.) would have to be adhered to in administrative proceedings.

In striking out against the emergent administrative state, the courts relied on a parochial reading of the commerce clause and a stretched version of the 14th Amendment's due process clause. National power over the economy was curtailed in the Sugar Trust case (1895), the Child Labor cases (1918, 1922) and various New Deal cases. Much economic activity was deemed beyond the reach of the police powers of the states. For this view the courts found bountiful constitutional support by converting the 14th Amendment, which had been stripped of its Negro rights functions by the Slaughterhouse and Civil Rights cases (1873 and 1883), into a protection against state regulation of business activity.

But the emergence of the administrative state was to be determined in the legislative and executive arenas, and though the courts could harass and delay, they could not prevent the establishment of powerful regulatory instruments that were only feebly controlled by their creators. Following a spate of anti-New Deal decisions in the mid-1930s, the Supreme Court abruptly abandoned the review of economic legislation and began to concentrate on other areas of constitutional agitation. Since 1936 not a single piece of federal legislation has been invalidated as an unwarranted delegation of power to an administrative body.

Though it has some operating responsibilities of its own, the basic purpose of the administrative state is to regulate the new corporate concentrations of wealth and power. The administrative state, thus, continues to abide by the doctrines of the separation of public and private and of the basic soundness of the private market. Its task is not to impose a political solution, but to make use of specialized skills to correct for certain market defects or improprieties. To accomplish this requires a separation of the administrative from the political, a separation which was built into the major regulatory agencies and accepted as the cardinal precept by the intellectual fathers of the administrative state—Frank Goodnow, Woodrow Wilson, William F. Willoughby and others. By means of this separation, administration is made superior to politics, and efficiency replaces representation as the key operational norm of public policy. The fundamental constitutional rules of representation continue to apply to the political sphere, but not to membership on regulatory agencies, advisory boards and other appointive institutions. Regulatory agencies are made exempt from the sacred doctrine of separation of powers and are assigned substantial judicial, legislative and executive powers. As larger and more diffuse grants of power are turned over to efficiency experts and new concentrations of functional expertise are established within the cabinet structure, executive departments, particularly their bureaus and subunits, gain a good deal of de facto independence for the political institutions. They are also liberated from the president, who is no longer capable of directing their regular affairs, and from Congress, which no longer can exercise close supervision of their actions.

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FROM THE ADMINISTRATIVE TO THE BUREAUCRATIC STATE

The bureaucratic state began to displace the administrative state when the primary function of government changed from regulation to operation of business. Though the federal government had assumed a *doing* role in selected programs many years earlier, the New Deal era can be regarded as the great leap to bureaucratics. The bureaucratic state was designed to replace the market with public enterprises, not merely to correct for its deficiencies. It represented a refusal to accept the market's verdict that millions of elderly people must be poor, that rural communities must lack electric power lines, that the housing supply must be substandard and unable to meet demand, that farm incomes must sink below subsistence levels. The regulatory commissions that marked the administrative state have come to pale by every comparison with the operating bureaus of the federal government. Federal bureaucrats in the Bureau of Public Roads pass judgment on the location and design of federally aided but locally constructed highways and thereby exercise far greater sway over transportation policy than does the ICC; federal SST (supersonic transport) decisions probably will have greater air travel implications than will the combined regulatory actions of the Federal Aeronautics Administration and Civil Aeronautics Board.

Federal jurisdictions sweep over state and local boundaries, for a bureaucracy must always be structured according to its functions rather than according to local tradition. This movement is fueled by massive grants-in-aid and by federal involvement in functions long reserved for local action, such as law enforcement, poor relief and basic education.

In the bureaucratic state, the administrative and political are joined, united by interest-group brokers who traffic between the bureaucracies and the people and weave complex clientele-congressional bureau relationships for the purpose of channeling the public enterprises into the service of private interests. A new public market thus is created, resembling the private one in certain aspects, but lacking both the ultimate test of profit and the unremitting competition of adversaries. Interests bargain with one another at the public trough, but they also form coalitions and drive out competition when it suits their objectives. Politics and administration sometimes seems to be split again—in a divorce of convenience—as when advisory groups are comprised of functional specialists and community leaders in order to keep the program free of politics. But it all is for the sake of enhancing interest politics, and efficiency becomes the instrument of established group interests rather than a value in itself.

Interest groups form and begin to dominate the political-administrative process because in the bureaucratic state enormous interests are at stake, and the rewards for public success often far exceed what can be obtained in the private market. Moreover, all the political-administrative actors benefit in some way from the brokerage services provided by groups. Voters do not have an electoral mechanism for transacting their public business directly with the bureaucracy, nor do they often possess the skill or resources for doing so. Bureaucrats use the groups for stirring clientele support for their demands on the president and Congress and for protecting themselves from executive and legislative supervision. Congress looks to the groups for learning about what the public wants and for gaining electoral support. The president uses the groups for mobilizing the electorate and for communicating his policies to the masses. Each one must pay a fee for the brokerage services, and as a result, the interest groups govern the terms of the politics-administration process. Hence, the unification of politics and administration does not restore the constitutional representatives to their original political positions. As a further debilitated by the commanding role of the interest groups.

Of primary importance is the need to find constitutional support for the legitimacy of interest politics. Political writers rediscover Madison's *Federalist* No. 10 and elevate it to a status superior to the constitutional scriptures themselves. In providing an intellectual justification for group politics, this discovery establishes competition in the political arena as a desirable substitute for market competition. It enables social checks and balances to take the place of legal checks and balances. It provides a substitute for electoral representation. It satisfies the requirement for external control of administration. Congress doesn't do the job well any more, but the groups do. They distribute the benefits of public activity widely, at least among those within the ambit of group operations.

The courts lose interest in administrative regulation and become concerned with the nationalization of civil rights and the granting of constitutional status to the rights of association. Operating under the Frothingham rule, which bars taxpayer challenges to federal programs, the vast programmatic development of the New Deal through the Great Society period escaped judicial review. The courts nationalize the Bill of Rights and apply federal standards to a widening group of police and criminal actions. They nationalize racial policies in the schools and in other public programs. They nationalize representation and apply strict one-man, one-vote rules to state legislatures and municipal councils.

Interest groups gain constitutional status, but they thereby become affected with a public interest and become subject to public controls. In *Thornhill v. Alabama* (1940), the Supreme Court extends free speech protection to peaceful picketing in labor disputes. Almost two decades later, with the 1959 Labor-Management Reporting and Disclosure Act, Congress adopts a bill of rights for union members. The integrated bar (which means requiring membership in a state bar as a condition for eligibility to practice law) was upheld in *Lathrop* v. *Donohoe* (1961), and the courts frequently have upheld group-licensing requirements for particular professions. In a series of cases involving the NAACP, the Supreme Court affirmed the right of association. Certain interest group activities were brought under public control in the Federal Regulation of Lobbying Act of 1946 which was upheld in *United States* v. *Harriss* (1954).

Still another judicial response occurs when the bureaucratic state reaches its full form and the cybernetic age begins to dawn. Unlike previous eras in which the courts told governments what they must not do, the courts now begin to instruct governments as to what they must do. Thus, recent court decisions in the welfare field have required bureaucrats to provide welfare benefits to indigents who have not satisfied local residence requirements, to families which have a man in the house and to pay benefits above ceilings enacted by the state legislature.

As the bureaucracy grows and creates the technological skills for its operation, certain critical transformations begin to occur in its character. The lines between public and private begin to break down, efforts are made to break away from the lockstep of functional bureaucracies, government regulation tends to become insular. These and many smaller and larger changes signal the beginning of the cybernetic state. And as the character of the state changes, so too does the focus of constitutional development, as it is expressed in the case law and in agitation for constitutional reform.

FROM BUREAUCRATICS TO CYBERNETICS

In the postindustrial cybernetic state, government functions as a servomechanism, concerting the polity and the economy to achieve public objectives. As a result, government changes from a *doer* of public activities to a distributor of public benefits, and the kinds of programs it operates reflect this change. For example, welfare has been one of the key programs of the bureaucratic state involving a large-scale welfare bureaucracy with thousands of governments and millions of people. As welfare becomes cybernated, it shifts to some form of guaranteed income, adjusted automatically as the income of the recipient rises or falls. (It doesn't matter for our purposes whether the guarantee is in the form of family allowances, negative tax or other means, though of course each form carries a different set of costs and benefits.) Government action is triggered automatically by changes in the economic condition of the individual. Government writes the "program" (in the computer sense of the word), establishes sociostatic norms (such as the "poverty level"), monitors the system and activates the money-disbursing machines. This is far different from the conventional welfare bureaucracy in which eligibility and benefits are determined by corps of case workers in accord with overall legislative and administrative rules.

Embryonic cybernetic-type programs have been established in health where Medicaid and Medicare now far exceed in cost the standard health programs such as local health clinics, public hospitals, Hill-Burton grants, publicly aided research and so forth. But the new health programs are only imperfectly cybernated because government lacks the means of controlling medical costs or for monitoring the demands on the system made by its clients. We can anticipate that aspects of program cybernation will bloom in other functional areas—education, public transportation and housing seem to be attractive possibilities.

In the public sector, perhaps the greatest advances have occurred in the macroeconomy where the refinement of national income accounts over the past 30 years has given federal authorities a substantial capability to guide the economy and to make quick adjustments as economic conditions change. But the macroeconomy is not yet fully cybernated. The accounts are not perfected to a reliability where governments can use servomechanistic controls; that is, it cannot fine-tune the economy and be sure that it will get the results it expects. Furthermore, Congress has not shown much enthusiasm for proposals to empower the executive to take nonlegislative corrective action. For example, it is not likely to adopt in the near future Herbert Stein's proposal for a permanent surtax that is adjusted upwards or downwards as rates of employment and other economic barometers fluctuate. Yet we should not underestimate the capabilities gained over the past generation, and it is possible that a cybernated macroeconomy is nearer than we think.

Cybernetic development lags behind in the microeconomy, partly because the accounts still are in a primitive condition, and partly because the resistances to cybernation are stronger here. Some first steps have been taken, as the recent publication of *Towards a Social Report* shows, but we will have to progress a long way before we have social indicators comparable in scope and reliability to the basic economic indicators. Cybernation cannot operate under uncertainty, for in this condition corrective action must always be tentative and discretionary. Moreover, there is little current evaluation of public programs and, hence, little feedback from results to decisions. The introduction of Program-Planning Budgeting (PPB) and related types of policy systems gives evidence of the directions in which reformers would like to move, but it is now four full years since PPB was launched in Washington, and its meager accomplishments demonstrate that the job is not easy. Furthermore, in the macroeconomy, adjustments could be made for the benefit of all, and though the relative shares might be altered as a consequence of public action (not everyone benefits equally from economic growth), almost everyone gains. In the microeconomy, however, adjustment means taking from some to give to others. Government action has to be redistributive. Hence, it is likely that this will be one of the last policy functions surrendered by the representative institutions.

In the cybernetic state, the lines between public and private crumble. Government enters markets previously reserved for private entrepreneurs, but new private institutions enter arenas hitherto dominated by public bureaucracies. The penetration of government into private spheres is especially revolutionary in certain service areas such as doctor-patient and lawyer-client relationships. But as the lines between public and private erode, private institutions recapture some of the functions long regarded as public. Thus, in some instances, elementary education is turned over to private contractors, usually operating with public funds and always under public control. The market is rediscovered, but it is harnessed to public purposes, and its behavior little resembles that of the traditional form.

As public and private commingle, distinctions between them become meaningless. Private institutions acquire legal status as "public accommodations," as provided in the Civil Rights Act of 1964 and sustained by the Supreme Court in *Heart of Atlanta Motel Inc. v. United States* (1964). Some recent court rulings have brought private clubs, perhaps the last bastion of privatedom, within the orbit of public control. It is no longer possible to tell where the private ends and the public begins as public and private funds and workers flow and work side by side in SST development, job training and countless other programs. In the basic social accounts, the public-private distinction no longer is significant; more and more, the accounts concentrate on the aggregate social input and output, regardless of its public or private character.

A similar amalgam occurs in the political and bureaucratic spheres. Administrative actions become politicized, and political actions become bureaucraticized. Consider these two examples from the storehouse of current events. The supreme political act of determining legislative districts has been turned over to computer specialists, sometimes under court order, sometimes by legislative acquiescence. When this happens, legislative districting ceases being a political act, however great its political consequences are. Administrative actions have been politicized in the "maximum feasible participation" arenas as the floodgates of political activity, including formalized election procedures, have been opened to policy decisions that previously were made bureaucratically.

The regulatory functions of government which loomed so large in the administrative state, turn inward as government develops self-regulatory devices essential for its servomechanistic role. Corps of federal regulators man the guidelines in the Departments of Housing and Urban Development, Health, Education and Welfare (HEW), Labor and the Office of Economic Opportunity and regulate other public officials (mostly state and local) through a network of grant controls. Moreover, departments begin to use the computer to extend their program reporting, auditing and evaluating procedures to their own operations.

FROM EFFICIENCY TO EFFECTIVENESS

Yet even as government regulation turns inward, its policy perspectives turn outward. In the bureaucratic state, decision-making tends to be insular, concerned with the internal dynamics of the organization rather than with the effects on the citizenry. For preparation of his programs, the public official looks to his files and from there to the reports and accounts they contain, not to the hospital ward or the classroom. In drawing up his claim on public resources, he looks to last year's records and decides what to add and what to subtract. The cybernetic state, however, is goal-oriented. It is concerned with the income of families, the condition of the economy, the health of mothers, the intelligence of children. Efficency norms which are relevant to the internal operation of organizations no longer hold the commanding positions they once had. Effectiveness criteria take their place as the guiding determinants of public policy.

To achieve this looking outward, the cybernetic state must be systemic rather than functional. In the development of the bureaucratic state, the functional arrangement was useful because it promoted efficiency, mobilized the use of specialists and gave representation to professional interest. For a goal-directed cybernetic institution, the functional form is an encumbrance, for it allows the interests of the functionalists to get in the way of the results. To take a common case: An education bureaucrat in HEW cooperates with a contact in the National Education Association (NEA) and obtains agreement that 25,000 volumes is the appropriate minimum for a high school library. This standard is transmitted via the state functional bureaucracies to school boards and via NEA publications to school administrators. Soon the 25,000 minimum gets adopted by the accreditation agencies as one of the conditions for holding accreditation. While this numbers game is being played, it is hard to keep in mind how many books high schoolers read, what they read, what they learn from the books and whether other forms of communications can substitute for books. In other words, the function gets in the way of the goal.

The cybernetic form of organization is based on systems such as model cities in which functional specialists may continue to operate, but not as the key policy makers. The system is guided by systems engineers, planners and other generalists whose perspectives transcend the functional specialties.

In a full-blown cybernetic state, politics and bureaucracy would wither away, though their forms might remain. That is, there still might be contests for public office, but the process would not have its old importance. To the extent that sociostatic norms limit conflict, the scope of politics would be narrowed. Whether or not we ever reach the "political fiction" world of genetic or thought control, there will be less disagreement in the future than existed in the past. Already, in the macroeconomic sphere where the cybernetic condition is most advanced, differences between Democrats and Republicans now are minimal, despite the great stakes involved and the history of party controversy.

As government becomes self-regulative, with its actions guided by goal criteria, the bureaucracy also might begin to shrink in size and importance. Government will have nuclear "central guidance clusters," such as the Council of Economic Advisors, but it will not have the need for armies of bureaucratic doers. Thus, as welfare shifts from poor relief to income maintenance, the logic of maintaining thousands of social workers on the public payrolls decreases.

In similar fashion, the interest groupings which dominated the bureaucratic state no longer retain their central positions. If it operates by means of cybernetic systems, government no longer requires the intermediation of these groups for communicating its goals, receiving policy preferences from the public and controlling the actions of the bureaus and representative institutions. The president can use the mass communications media to reach the public more effectively than through group exertions. Mass, class and individual identities become more important than group associations.

In the cybernetic state, there is both a massive collectivization of action, continuing the trends established in the earlier administrative period, as well as increasing privatization of life. Among the recent straws in the wind, we can point to the growing penetration of the hospital market by national corporations, the institutionalization of research and the dominance of contemporary philanthropy by the foundations. At the same time, life is increasingly privatized; that is, individuals are more isolated from one another and have greater liberty in personal behavior. Individuals are freed from traditional social and communal bonds: the

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Pill enables them to engage in private sexual practice free of effective social sanction; a television in each room allows each member of the family to watch his program without obtaining approval from others; a multi-car family can send the husband to his club and the wife to her group with both maintaining contact with one another via remote communications. The combination of collectivization and privatization is what gives the cybernetic state its Janus-like character, capable of elevating the individual to new levels of personal autonomy or of crushing him under the yoke of public oppression.

As the character of the state changes, so too do the methodologies for studying it. Political science is transformed into policy science, not merely a change in semantics, but in focus as well. For politics ceases to be the central concern; after all, if politics withers away, why study it? The policy sciences deal with the purposes of government and with the organization of intelligence for their attainment. They encompass both public and private spheres and concentrate on the content of policy rather than on the process of choice. The analytic constructs also change—from processes and institutions to systems and communications nets.

At this point in the development, it is difficult to gauge how far we have moved from the bureaucratic to the cybernetic or to predict whether the cybernetic state will in fact be realized. The bureaucratic state has not yet reached its final development, and some of the current reform proposals are relevant to it rather than to the emergent cybernetic form. We do not know whether all the (good and bad) dreams of the future are technologically feasible or whether all that is feasible will be done. Perhaps there will be a Luddite uprising against cybernation and its systems. But our task here is not to foretell the future—there are enough year 2000 wizards on the market already—but to comment on the current state of affairs. Enough cybernetic tendencies have surfaced to have bestirred the minds and actions of reformers and to have created new kinds of constitutional issues.

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CONSTITUTIONAL ISSUES IN A CYBERNETIC STATE

Examination of the potential character of the cybernetic state suggests the kinds of things that will stop being constitutionally active or will be less significant than they once were. Probably the greatest wane will be in the area of civil liberties, for as the political processes diminish in salience, there will be less incentive to try to stretch these rights through constitutional action. The traditional First Amendment rights, such as free speech, might be more important to individuals who are concerned about their personal lives than to those concerned about marshaling political resources to influence public action. Of what use will be the right to speak if the speaker has little ability to challenge the dominance of the experts and systems engineers and little ability to sway the course of public policy by his vote?

Yet it is possible to foresee agitation for two types of political rights in the cybernetic age. First might be the right *not* to engage in political activity, not to be part of the collective mass that is politicized in the service of the state. Though Supreme Court rulings stand in the way, the right to remain silent, the right not to speak or to answer, might once again become defensible on First Amendment grounds. Second, the concept of *speech plus* might be further stretched to provide constitutional protection for overt political actions above and beyond the protection conventionally afforded the expression of ideas. Search and seizure litigation will have a prominent place on court dockets as new cybernetic technologies are used for surveillance. But many of the hot criminal procedure issues of the 1960s probably will diminish in importance, and if this occurs, a chapter on the great constitutional battles of the bureaucratic period will be concluded.

In every age the list of constitutionally active issues consists of the things we want to gain and the things we want to avert. In the cybernetic age, four types of constitutional issues might move to the forefront: the protection of personal rights; control of the cybernetic system; forms of political participation; and the structure of government.

The protection of personal rights. We have already noted that in a cybernetic state the distinction between public and private tends to dissolve and that, as institutions become more collective, the individual finds his life more privatized. For many future-gazers, the stereotype of the cybernetic tomorrow is of Big Brother watching over you, possessing the means to monitor every move and thought and constantly guiding your actions. Whether or not this fear is justified, constitutional guardians are already on the alert against moves that might bring us closer to 1984. The recent uproar over the questions to be asked in the 1970 census gives one indication of the sensitivity to governmental invasions of privacy. Still another indication was the opposition in Congress and elsewhere to proposals for a national data center. Despite all protestations of being misunderstood and despite the offering of assurances that privacy would be protected, the scientific and governmental proponents of the data bank were unable to sell their pet project to Congress.

Privacy already is a big issue in the courts, and it probably will get bigger. Until recent years the courts viewed the right of privacy as a derivative of protections against self-incrimination and unreasonable search. But in two landmark decisions, the Supreme Court established privacy as a fundamental constitutional right. In *Griswold* v. *Connecticut* (1965), a state law prohibiting the use of contraceptives was overturned. "We deal with a right of privacy older than the Bill of Rights—older than our political parties, older than our school system." The second decision, in *Stanley* v. *Georgia* (1969), voided a conviction for possession of obscene films. "If the First Amendment means anything, it means that a state has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch." And in a clear reference to that awful cybernetic tomorrow, the Court declared: "Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds."

It is unlikely that we have seen the end of privacy cases. Many new circumstances could bring the issue to the courts time and again: security checks, census questionnaires, rights of public employees, students or inmates protesting the use of TV monitors, the use of drugs in the home, the sexual conduct of consenting adults, invasion of privacy by private groups.

Privacy will perhaps be only one form of the coming constitutional issue: what is the state's and what is the individual's? As the lines between public and private become blurred and as the tensions between the state's thrust for collective action and the individual's quest for autonomous behavior increase, we can anticipate heightened uncertainty and controversy over the respective spheres of the state and the individual. For example, can the state compel an individual not to smoke? Can it require adults to work? Can it force mothers to send three-year-olds to school? None of these issues is distinctively new; but what is new is the ground on which they are being fought and will be decided. Prohibition was a moral issue, but smoking is already a scientific one.

Control of the cybernetic systems. Two types of visionaries want to control the cybernetic state; the first, to ensure the realization of its noble capabilities; the second, to avert its coming.

Inasmuch as the cybernetic system is fueled by the communications that course through its networks, carrying messages from command posts and feedback from monitors, control is often desired over the communications apparatus, both the network and the content of the messages. We have mentioned recent objections to census probes and central data systems. In addition to these attempts to withhold data from the state, control is exercised by opening up publicly held information to outsiders. If information gives power, its possession should not be monopolized by the state. This is the ethos of the Freedom of Information Act which became operative in 1967. The act enables an individual to sue a federal agency for access to information which has been denied to him. The initial experience under this act gives little encouragement to the hope that the government will eagerly open its books to public examination. It might be that only the confrontation tactics of "Nader's Raiders" and like groups can wrest the secrets from the state.

As the distinction between public and private narrows, the right to know also is applied to the private sector. The recent spate of truth-in-lending and truth-in-packaging legislation gives evidence of the ferment in this sector.

But the duality of rights sought in the cybernetic age reflects the dualism of visions of the future. The right of privacy is not always compatible with the right to know. The government that gives away information under the Freedom of Information statute might be taking away another man's privacy. Man can be manipulated by being kept in the dark or by being exhibited in the open. How these two rights are reconciled will be one of the critical constitutional tests of the cybernetic age.

A cybernetic state operates under sociostatic norms: employment rates, poverty levels, educational criteria. Traditionally, we have been willing to entrust the establishment of these standards to professional interests. Economists tell us what an acceptable rate of unemployment is; doctors tell us what the normal life expectancy is; school administrators decide norms of educational achievement. But as these norms come to be the servomechanistic trigger of public action, it is possible that the competence of professionals to set the standards will be challenged. Perhaps the Orshansky scale used by the Social Security Administration to define the level and incidence of poverty in the United States will be challenged in a "Brandeis" brief which demonstrates that it costs much more than $3400 a year for a family of four to subsist in New York City. Just as individuals quarrel over the setting of the thermostat in their homes, so they may begin to contest the official policy norms. The due process and equal protection clauses have the elasticity to do the job.

Many of the challenges are likely to come from those most affected by government action, especially recipients of public benefits and public employees. Welfare recipients have carried their case to the courts, the streets and government offices, sometimes with conspicuous success. Groups of public employees such as FEDS (Federal Employees for a Democratic Society) have agitated for "the creation of a genuine 'participatory democracy' both within our Federal agencies and within our society-at-large."

The notion that those who benefit most from government control should have the greatest control over its policy seems to be a conflict of interest, but it is merely a new twist on the standard interest group ideology that those whose interests are most at stake legitimately have the largest voice in shaping the policy. Cross out welfare recipients and put in television stations, and the notion is neither revolutionary nor absurd.

Forms of political participation. The basic form of political participation was molded for the political state, a system of free elections for public representatives. This system has persisted through two centuries of change, but it no longer possesses the relevance it once had, at least not for those who are dissatisfied with the shape of things. As the character of the state changed, new forms of participation grew up, interest and functional representation in particular. The cybernetic state probably will continue the old rituals of participation, but it might add some new forms suited to the problem of controlling the cybernetic apparatus.

Judging from the activism of the New Left—and that might not be a reliable guide—we can expect both withdrawal from politics and political confrontation, with the same persons vacillating between the two patterns. "Woodstock," as one participant put it, "was just like government and politics and law just didn't exist."

The belief that what is important is not changing government but changing yourself might be one of the romances of youth, but it seems to enjoy wide currency today. Yet youth has also marched in the peace moratoriums, worked in the ghettos, blocked entrances and challenged authority. Though they have no confidence in the efficacy of representative politics, the New Left does believe in direct political action. Yet the cry of "participatory democracy" so loud and clear at Port Huron seven years ago is muted these days. To participate is to offer oneself for co-optation, to join the establishment, and to surrender a commitment to radical change. Whether through withdrawal or confrontation; the challengers do not seek change through the Constitution.

The structure of government. The cybernetic age opens up two thrusts for change in government organization: new forms of community government and new structures for cybernetic guidance; the former to enhance the opportunities for participation, the latter to create a government that functions cybernetically.

Participation can be as part of a mass—faceless, remote, not able to relate to the central institutions. Or it can be in institutions that are cut down to man's size. Mass participation exists when man is politicized in the service of the state. Personal participation for most citizens, however, can only be within a community, the scope of which is immediate to their life wants. For the first time in many years, political scientists are concerned with the optimal size of cities, and government reformers want to reduce rather than expand the scale of local government. Maximum feasible participation, whatever its virtues or defects, can only occur in the neighborhood where one lives and transacts his personal life. Obstacles to community government exist at both the state and municipal levels. Dillon's rule has never been repealed: the state continues to enjoy constitutional preeminence over its subdivisions. Proposals for a constitutional structure that vests political status in the community have been voiced by several writers. Viewed from the perspective of the neighborhood, City Hall might be a bigger obstacle than the State House; indeed, enterprising community leaders now negotiate agreements with state officials to bypass the formal municipal structures. It is not likely that community recognition will come de jure; rather, through the operation of grant programs and government policy, neighborhood units might be able to gain a measure of political autonomy.

Community government is valued by minorities because it offers them some self-government apart from the larger majority. Blacks are approximately 10 percent of the national population, but their proportions and strength grow as the scale of government shrinks. Community control is a modern version of Calhoun's concurrent majority, and, accordingly, there are areas in the country where it can be made to work against the interests of black and others. But few among the minority—whether the blacks or the poor or the dissidents—take comfort in the minorities rule assurances of the pluralists; only members of the majority seem to benefit from that kind of minority rule. Blacks see metropolitan consolidation—once the darling of the liberal set—as still another means of robbing them of the municipal power that their numerical status within the city entitles them to.

The second restructuring of the state is to provide for the conduct of its cybernetic functions. If government is to serve as the central guidance structure, it must be vested with that capability. While we would not rule out the possibility of constitutional overhaul to accomplish this, the more probable path to change will be through a buildup of the presidential capability to govern without undue dependence on the functional bureaucracies. We can expect a continued enlargement of presidential staff and perhaps a reorientation of the executive office to serve a policy development and evaluation role in the interdepartmental and intergovernmental arenas.

Thus, the two lines of development will be at the bottom and at the top, the community and the presidency. Whether these changes can be concordant—most reformers today believe that they are, that the president is more a friend of the ghetto than either the mayor or governor—we do not know. Much depends on which version of the cybernetic state triumphs

The changes from the political state to the emergent cybernetic state have been linear, with few reversals or zig-zags. There has been a virtually continual closing of the gap between public and private and expansion of the scope of governmental jurisdiction.

But though the changes can be explained, they cannot always be predicted. In retrospect the cybernetic state might turn out to have been fantasy, compounded of fears and hopes. Much of the expectation of the coming cybernetic age is grounded on the capabilities of technology, not on the behavior of humans and organizations. Yet these latter, neglected factors might prove to be decisive. Citizens might resist the cybernetic penetration of their lives. Bureaucracies might refuse to wither away. Indeed, we have no precedent for such a dismantling to occur. President Nixon's new welfare scheme moved toward cybernation of benefits, but it also gave the welfare bureaucracy additional responsibilities for the determination of eligibility.

THE MAN WITH THE AX-HANDLE MIND

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. STOKES. Mr. Speaker, I doubt if any of my colleagues are unaware of my attitude concerning Gov. Lester Maddox's conduct in the House dining room last Wednesday. I am quite certain that my anger and disgust were amply reflected in my comments on the House floor shortly after the incident, and in the resolution I am cosponsoring which would make it clear to the Governor that he is no longer welcome in the House dining room.

I was pleased, however, that the Washington Post today published an editorial expressing similar sentiments. I include it in the RECORD for any of my colleagues who might have missed it:

THE MAN WITH THE AX-HANDLE MIND

No one who has paid any attention to the public career of Governor Lester Maddox of Georgia will experience much surprise at learning that he handed out pick and ax handles to admirers in the restaurant of the House of Representatives. It's about what you would expect of the man. Where there's no feeling as they say there's no sense either. But one does look for a certain level of sensibility in the House of Representatives itself.

To Governor Maddox the ax-handle is a symbol or perhaps more accurately a kind of signature. It carries him back to a day of doughtiness which launched his public career—a day when he defied the authority of the United States Congress and brandishing an ax-handle barred from his restaurant men who chanced to be born with black skins. To black Americans the ax-handle at least in the hands of Lester Maddox, has become a symbol, too—a symbol of racial discrimination, of white "supremacy," of intolerable tyranny.

Rep. Charles C. Diggs, one of the nine Negroes elected to the House of Representatives by their fellow-citizens, felt impelled—doubtless by a simple sense of decency and honor—to tell the Governor of Georgia that the manners of his statehouse are not suited to the United States Capitol. The governor was, of course, incapable of comprehending this.

The boorishness of the Governor of Georgia when he is allowed at large is, to be sure, a problem for Georgians. The meanness and want of imagination that could let a man act with such crude carelessness for the feelings of others is, perhaps, of small importance. "A gentleman will not insult me," Frederick Douglass once said, "and no man not a gentleman can insult me." But what followed in the chamber of the House is troubling indeed. There, in a body supposed to be representative of the American people, men laughed aloud when Congressman John Conyers and Congressman Diggs protested about a slur upon their race. Were there no white men present to resent the slur upon the Congress? Men laughed at pain and humiliation inflicted on their fellow-men by reason of the color of their skins. And such men call each other "gentlemen."

THADDEUS MACHROWICZ

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. CEDERBERG. Mr. Speaker, I join in paying tribute to the memory of our former colleague, the Honorable Thaddeus Machrowicz, who passed away on February 17, 1970.

I consider it a privilege to have known Judge Machrowicz and to have been associated with him for a number of years as a member of the Michigan delegation. He was an extremely able Member of Congress and of the Committee on Ways and Means.

Ted Machrowicz was fortunate to have lived a useful and honorable life. He served as a Member of this body for 11 years and then became a Federal district judge in 1961.

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He was an outstanding Member of Congress and I was delighted to have been able to call him my friend.

ADDRESS OF JOHN W. MACY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. DORN. Mr. Speaker, the Honorable John W. Macy, Jr., had a distinguished career here as Chairman of the Civil Service Commission. As president of the Corporation for Public Broadcasting, he is continuing to render great leadership and outstanding service to the American people.

Mr. Macy recently delivered an outstanding address to a special "Satellite Dinner" in Columbia, sponsored by the South Carolina ETV Network and was transmitted by NASA ATS–1 satellite and ground stations in Rosman, N.C., and Mojave, Calif., to PTV station KCET, Los Angeles. This marked the first public television broadcast via satellite and was part of continuing experiments by NASA and CPB to determine the feasibility of television transmission by satellite within the United States.

Mr. Speaker, I commend to the attention of my colleagues and the American people the superb address delivered by Mr. Macy in Columbia, S.C., on February 17:

REMARKS BY JOHN W. MACY, JR.

Governor McNair, distinguished members of the South Carolina General Assembly, ladies and gentlemen:

It is a great pleasure to be here this evening to join you in this historic meeting.

In effect, we are all on a trip to outer space this moment, and I want you to know that I find it a heady experience, indeed.

Although public or educational television is non-commercial, I think a word is in order at the outset for the "sponsor" who has made this broadcast—the first public television broadcast by satellite between two points in the United States—possible. I refer, of course, to the National Aeronautics and Space Administration.

Compared to some of the other achievements of NASA—our landing on the moon, in particular—this event is small. It is, however, like that mammoth achievement of last July, another small step forward.

We have only begun to glimpse the possibilities offered by the use of satellites for mass communications. Someday a signal beamed skyward may ricochet off a satellite directly to all television stations. This achievement may reduce the cost of television transmission. It may create far greater broadcasting flexibility than we currently possess. It may be feasible by this means, for example, for special mobile transmitting units to cover events in remote areas inaccessible to standard equipment, and by a reverse process, satellites may help bring TV programs to populations in isolated communities. The current tests are enabling NASA to iron out the technical problems involved and to determine the costs of such future operations.

If these tests are successful, the American public will reap a major domestic dividend from the national space effort. And we will have the honor of saying that we were there at the beginning.

This feat is, however, more than a scientific breakthrough. It is also providing the opportunity for a human breakthrough. The distance between the moon and earth is far greater than between Columbia and Los Angeles, but the distance between many of the people in our nation is greater still. We have in this new communications tool which we are testing here tonight the opportunity to lessen the gap between Americans.

How we use this tool is not the province of the scientist. It is rather the responsibility of those of us who fill the airwaves and of you who represent the people. I pray that we will have the wisdom and compassion to use this tool to its greatest human advantage.

It is most appropriate, I believe, that this historic broadcast is emanating from South Carolina, and in the presence of the State's legislators. It is appropriate because the South Carolina ETV Network, your communications creation, has proven itself one of the nation's most innovative and socially constructive public TV systems. It has earned the right to this honor.

This point of origination is symbolic of the fact that public television, like our nation itself, speaks from many centers. The tapestry that is America is woven of threads from 50 States and 50,000 communities. We run a danger when this fact is forgotten. When Walt Whitman heard America singing, it was her "many voices" he heard. We must hear those many voices again. And this broadcast indicates public television's dedication to that goal.

In recent months, there has been a great deal of controversy swirling over our heads concerning the role of the broadcast media. I cannot speak for my counterparts in commercial broadcasting; I also need not, since they speak very ably for themselves. But I would like tonight to speak of the role of public broadcasting.

The basic question to be asked of a broadcasting enterprise is: Is this enterprise acting in the best interests of its audience? Is it informing and enlightening its audience? Is it enabling the many people in that audience to grow?

As these questions concern public television, I believe the answer is a resounding yes!

In fact, I believe (and like a good broadcaster, I admit to my prejudice) that public television is as up to date and relevant to today as the satellite which is carrying my words. I believe it is also one of the most valuable national resources the country has at its disposal—a resource which has only begun to be exploited and one which, before long, will be recognized as indispensable.

That is a bold claim. But I assure you these words are chosen with care and fashioned out of conviction.

Ever since people began huddling around that eight-inch screen, squinting, it has been a popular pastime to talk about the potential of television. We in public television have gone beyond talk, however, we have begun to realize that potential. We have gone about this task quietly—sometimes, too quietly, but with a steadiness of purpose that will not be denied.

We in public television have, I believe, significantly begun to enrich the education of millions of children.

We have inspired millions of others, children and adults alike to reach beyond themselves to a better appreciation and understanding of life.

And we have, as an institution whose roots run deep into the community, contributed to the solution of many social problems.

In the area of education, I need only mention "Sesame Street" to begin to explain the powerful force for the good that public television is.

It is probably safe to say that no television program in years, commercial or otherwise, has caused as much excitement as this one. And this is a program for children three to five! Once again, the word "sesame" has had the magic power to open a door—the door to education.

If you have not seen "Sesame Street", you should. I do not guarantee you will learn anything, but I do guarantee that it will excite you to the prospect of what television can do to help fill a national need. This is a program that put together several relevant facts and came up with a concept that, before it has run its course, may well revolutionize education. The relevant facts were these: One, that half a child's IQ develops before he reaches the age of four. Two, that children aged 3 to 5 watch an average of 25 hours of television a week. And three, that of all the things they watch on television, children particularly enjoy commercials. Putting these facts together, the experts in communication and education at the Children's Television Workshop came up with a program that uplifts rather than downgrades the child and entertains as well as teaches.

Audience research indicates that as many as six million children may be enjoying "Sesame Street." Research of another kind indicates also that these children are learning from the program. After only six weeks, young viewers of the program, this research showed, had made significant learning gains over non-viewers.

The cost of "Sesame Street" for its first two years (the first of which was devoted only to research and development) was $8 million. This works out to little more than $1 a child. Is it worth it? You bet it is, and among those who agree is President Nixon. Two weeks ago, the President lauded the program and expressed pride in the fact that the government (through the U.S. Office of Education) is helping to make this project possible.

The worth of this program becomes even more apparent when one considers how many millions of dollars would be required to build the additional classroom space to teach these youngsters in the traditional manner. And how can one place a price-tag on the headstart in learning and life of even one small child?

When one ponders the success of "Sesame Street," he is led to wonder, can't the same systematic approach be applied to make television work as well in meeting other social goals? If television can work this minor miracle, can't it work others?

The answer, I think, must be yes.

In testimony before the House Education Subcommittee in December, I proposed that the same experimentation that preceded the development of "Sesame Street" be tried in other areas. If television can teach preschoolers to think, then it can surely be used effectively to teach both children and illiterate adults to read. And it can be used to train people for jobs and to enable them to earn a high school diploma. These highly desirable social aims can be achieved through television—especially through public television. Freed of the necessity to attract the largest possible audience at all times and endowed by the public with a mandate for public service, these tasks represent natural endeavors for public television. And they represent a natural complement to the services provided by commercial TV.

If there is any doubt about the capacity of public television to serve in a new and exciting way, that doubt was dissipated by the great success that the South Carolina ETV Network has had with "Job Man Caravan".

For those watching from outside South Carolina, "Job Man Caravan" is a weekly series designed to bring unemployed blacks and unfilled jobs together. A mobile TV unit

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tours the state, broadcasting from a different town every time. There is entertainment, a personable host and equally personable young ladies called "Jobettes" who talk to people, tell them about jobs and training programs and put them in contact with the state employment agency and prospective employers. This effort has produced over 5,600 requests for job information. Eighty-one percent of these requests have led to job referrals, and of these, 22 percent have resulted in actual job placements. For its efforts, the South Carolina Network last year won an Emmy—but more important, the thanks of thousands of unemployed and underemployed persons. This is a program in which you of South Carolina General Assembly can take deep satisfaction.

You can also take pride—as I do—in other programs by your State ETV Network that serve both the individual and the welfare of the State.

I refer, to cite just one instance, to your "Law Enforcement" series. This program, I understand, is viewed by 90 percent of the officers and other officials in the State responsible for the public safety. By supplying them with instruction on improved techniques and information on new legal interpretations, this program enables them to be better law enforcement officers. And it doubtlessly results in an increase in both public safety and justice.

A similar service is also provided in South Carolina for medical professionals, bringing them up to the minute in advancements in their science. Who can doubt that this series, in addition to saving tax dollars, has also saved lives.

I am told that before long the South Carolina ETV Network will become a contributor, too, to the improvement of business affairs in the State. This will be made possible through a course for persons wishing to earn a Master of Business Administration degree through courses on their public TV channels.

From pre-school to grad school, and even for those who have given up on school, your network—the public network—is providing an opportunity for growth. And in doing so, it is adding to the growth of the State. In this recent State of the Union Message, President Nixon underlined the necessity at this time in our national history when we have achieved so much material wealth for us to improve the quality of our life. There can be no doubt that the South Carolina ETV Network is a valuable contributor to the improvement of the quality of life in South Carolina.

In the end, when one considers public television, I believe he must conclude that penny for penny, a dollar invested in this institution is one of the best investments Americans can make in their future.

Public television not only provides every man's child admission to what may prove to be the nation's finest pre-school, "Sesame Street", it also endows kindness and self-understanding on this child in the person of Fred Rogers, host of "Misterogers Neighborhood". It gives free lessons in how to sew and cook, or play the guitar. It can teach a person American history or mathematics and even help him get a high school diploma or begin work on a college degree.

It brings Americans into the company of their nation's finest minds and into the councils of government. At no cost, it provides the equivalent of a lifetime subscription to a wealth of magazines.

It says, Here's a season's pass to some of the finest performances in drama, music and dance. It not only makes the viewer witness to the heartache and problems of this time, but tells him, Here's what you can *do* about it, thus bringing government and the people closer together.

It provides a means of speaking for the silent majority and for all minorities—whether silent or not so silent.

Public television is an invitation to travel, not only across America and the world but into the home of the man across the street and the man across the tracks. It says, Come stand in these shoes and know yourself better. It raises people's sights. And occasionally it raises a good, hearty and healthy belly laugh in affirmation of this wonderful, mysterious thing called life.

Forty-five million people take part in this experience called public television—people of all ages, all races, all income and education levels. And the national cost is about $1.75 a person.

Compare this to the cost of a single admission to a concert or a good play. Compare it to what it would cost to build the additional school space for the country's 12 million preschoolers. Compare it to the value of finding a man a job or a new skill. Compare it to the priceless achievement of making the life of an individual or a community just a little bit richer—just a little bit better—and you will see that there is no comparison at all.

There are many examples of what public television can do and is doing. But one of my favorites is about a housewife who was advised by her doctor to pursue a new interest through educational television. The woman protested that she was dumb and that she really didn't see the purpose. But one day she did tune in and heard a discussion on the form of the sonnet. As a result, she began writing poetry. That lady was Anne Sexton. In 1967 she won the Pulitzer Prize for poetry.

Public television can't lead everyone to a Pulitzer Prize. But it can lead millions to a greater appreciation and understanding of life and each other. And the glory of this system is that it does so by speaking from many centers—that it reflects the diversity of our country through a diversity of talent spread through stations in 190 places in our nation.

In doing my homework for this appearance, I learned that the State of South Carolina has two mottos. They are "While I breathe, I hope" and "Prepared in spirit and resources".

I will leave you by saying that public television, too, provides hope and it is prepared in spirit and resources for the challenges of the years ahead.

Thank you.

LITHUANIAN INDEPENDENCE

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 19, 1970

Mr. FARBSTEIN. Mr. Speaker, this week marks the 52d anniversary of the independence of the Lithuanian people. That independence date marked the culmination of a long and determined struggle by a proud people for freedom and the creation of a free and independent State of Lithuania.

Under the banner of Lithuanian sovereignty, the Lithuanian people were able to improve their standard of living as they never had been able to under foreign domination, and were able to reawaken a renewed interest in their great common and historical achievements. Above all, they were able to achieve profound reforms in both the social and economic field that conveyed to every citizen, no matter how lowly, a sense of self-respect.

This progress was, to the regret of all, stifled by the Soviet occupation in 1940 and then the subsequent German presence. With the elimination of the Nazi scourge, Soviet forces once again engulfed Lithuania and have occupied it ever since.

Nearly 30 years have passed since Lithuania's subjugation at the hands of Soviet aggression. But the spirit of Lithuanian freedom has never faded. Even today these brave and courageous people cling to the hope and idea of freedom and independence.

I am privileged to represent American citizens of Lithuanian descent in the 19th Congressional District of New York. In New York City, as elsewhere in this country, they are public-spirited citizens and good neighbors. I am pleased to join with them this week in celebrating Lithuanian Independence Day and to join with them in the hope that one day the freedom of the Lithuanian people and their homeland will again become a reality.

FREEDOM OWES ITS LIFE TO CHRISTIANITY

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MANN. Mr. Speaker, Mr. John E. Roberts is the very fine editor of the Baptist Courier, South Carolina's weekly Baptist publication. In the issue of February 12, 1970, appears an editorial by Mr. Roberts, entitled "Freedom Owes Its Life to Christianity." Certainly we need to remember our Christian heritage, and I want to take this opportunity to cause Mr. Roberts' words to be available to my colleagues and the country through the medium of the CONGRESSIONAL RECORD.

The editorial follows:

FREEDOM OWES ITS LIFE TO CHRISTIANITY

Freedom is defined differently by different individuals according to their orientation and particular set of values. Last year some students and others seized a building at the Massachusetts Institute of Technology and set about destroying records and equipment used by the professors in service of the federal government. The invaders were so determined to accomplish what they wanted to "because it was their right" that they evidently had no regard for what the professors "had a right to do."

Herein the violent protester plays squarely into the hands of Marxism. The Communists demand freedom when other forces are in control, but once they gain control they cut off all freedom. That has been demonstrated time and time again in Russia and its satellite countries, notably in Hungary in 1956 and in Czechoslovakia in 1968.

Freedom is the principal offering of democracy, which affords conditions favorable to the growth of Christianity because it recognizes the dignity of the individual. But democracy is not the father of Christianity; rather Christianity paves the way for democracy. The spread of Christianity across Europe was followed by human rights and self government. Centuries earlier Moses had found it impossible to reason with the Pharaoh that the Israelites were chosen of God to go free. The pagan king could not understand that man was more than an animal, with rights of his own and a relationship with God that makes all men brothers.

The strength of democracy is directly dependent on the strength of Christianity. If Christianity maintains its vitality and influence, government that respects man's dignity and freedom will maintain comparable strength. If the vitality of Christianity wanes, the strength of democracy will not be far behind as power-mad governments come to the fore.

The anarchist who interprets freedom as license to thwart the freedom of others is only one step removed from the totalitarian ruler who puts down all rights, of which freedom of worship is first.

TRIBUTE TO MARLO THOMAS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. REES. Mr. Speaker, no State becomes great without the accomplishments and social contributions of its individual citizens, and particularly of its young citizens. Because this is so, I would be remiss in my duty if I did not from time to time make official and public note of those who bring renown and honor to the State of California.

Especially worthy of the attention of all of us at this time is a young woman named Marlo Thomas, whom you and your families undoubtedly know on television as "That Girl." The fact that this show, in the finest of taste, brings entertainment and enjoyment every week to many millions of Americans, young and old, is commendable in itself, but there is much more of which Marlo Thomas can be justifiably proud.

As the daughter of the famed entertainer and leading television producer, Danny Thomas, Marlo could have settled for a well sheltered life with all the advantages her father's position would bring. She chose instead to create a productive life of her own.

It is indicative of Marlo's bent and character that she graduated from the University of Southern California with a degree in teaching. Her primary instinct is for public service, but she determined to enter her father's profession and make good on her own without his advice or consent. When Marlo left for New York to study acting, Danny Thomas shook his head and said she would never make it. Today, he admits that he never made a worse guess in his life.

The child of a famous father works under a tremendous handicap to attain individual recognition. Without the help or sponsorship of her father, Marlo Thomas fought the same battle as every neophyte actress seeking jobs. She started with a small role in a segment of the TV series, "77 Sunset Strip," and found occasional roles in other shows. All the while, she worked hard to perfect her acting. A great moment came when director Mike Nichols chose her to star in the London stage play, "Barefoot in the Park," for which she received high praise from the London critics.

Some 4 years ago, Marlo Thomas determined to have her own television show. She could now have easily asked her father to take this show under the wing of his successful company, which has many successful series on the air. Instead, Marlo formed her own company to produce the "That Girl" series.

In April of this year, "That Girl" will air its 100th episode over ABC-TV. It is a record of longevity attained by very few series that are launched hopefully every year in this highly competitive industry. And it has further long life ahead of it. The talent of Marlo Thomas and her company has caught the public fancy, and she is once again considered as a top contender for an Emmy award this year.

Miss Thomas has already won five of her industry's highest honors for "That Girl." She previously won two Emmy nominations as "Best Actress." She received the Hollywood Foreign Press' Golden Globe. Both Photoplay and Fame magazines gave her their awards as "Most Promising New Star," and the latter named her in their top 10 of television. As a further extension of her talent, Marlo Thomas has just completed her first motion picture, "Jenny," which promises to broaden her career horizons.

All of this would be enough to rate Marlo Thomas as one of California's outstanding citizens, but it is only half the story. What makes her even more commendable is that she has not forgotten her early interest in public service, and is now using the advantage of her position to further the welfare of the American community.

In spite of her busy professional life, she makes time to serve as a member of the board of the Inner-City Cultural Center, headed by Gregory Peck, a nonprofit organization which brings modern and classical drama to high school students, mostly in underprivileged areas. She is also on the board of "Neighbors of Watts" which is dedicated to building child care centers in that minority community. She is honorary chairman of the annual fund drive for St. Jude Children's Hospital in Memphis, to which her father has also devoted much interest and effort. And, further, Marlo Thomas is a women's chairman of the Christmas Seal drive in California. Last year, she received the Humanitarian Award from the Cedars of Lebanon Chapter of B'nai B'rith.

This display of civic responsibility is citizenship of the highest order. In a woman as young as Marlo Thomas, it becomes one of California's, and this Nation's, greatest assets because she promises many years of continued service to the advancement of our society.

I suggest that, besides my own tribute, Marlo Thomas deserves the commendation of this entire legislative body and of the fellow citizens of her State and country.

OUR NATION'S PRIORITIES

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. BUTTON. Mr. Speaker, in the pursuit of thoughtful consideration of the interests of my own constituents and their concern for what must take priority on how we spend money on the problems which face the Nation today, I held hearings in Albany and Schenectady, N.Y., on our Nation's priorities. The response to these hearings was not only enthusiastic, but most enlightening, responsible, and representative of highly professional judgments. For this reason I would like to share with my colleagues some of the thoughts expressed at that time by some of the 50 witnesses who did testify:

PRIORITY ON PEOPLE

(Nelson F. Hine, cochairman, Schenectady Community Action Program Welfare Committee)

Our National Priority must be "People". Our purpose must be to serve all the people, and those most in need first. This does not mean doing what we have been doing, only doing it better. Putting our priority on people requires that we honestly face the fact that our present priorities are not devoted to people.

Historically, necessarily, we have made territory, power and wealth our national goals. Today we have achieved all of these. We must not continue to serve goals which are behind us. We *are* the most powerful nation, and the wealthiest, that has ever existed in the history of mankind. Now, for the first time in that history, a society can afford the minimum needs for housing, food, clothing, and education for all of its members.

Before we can effectively serve those in need we must recognize that enterprise and energy are not enough to achieve independence and security in today's world, nor will they be tomorrow. The overriding importance of position, preference, and fortune (including avoiding misfortune) is more widely appreciated, but everyone must understand that the poor are not responsible for their plight. And we must grow to recognize the corollary. The rich are not responsible for their wealth. There are no new frontiers open to the common man. We all should be heirs in fair measure of the pioneers that were.

We are trying to serve those in need with a patchwork of ill-fitting programs tacked onto a temporary project born of the great depression of forty years ago. We call it Welfare or Social Services, and the only thing everyone agrees on is that it does more harm than good. A system to serve those in need must be based on the principle that no shame should attach to support or benefit received from the government. Ironically, many are benefited today with no sense of guilt or apology. The owner of a private plane is subsidized, tax-free, in airport facilities in an amount estimated at $8,000 per year. Homeowners are credited with interest on mortgages against income taxes. Highways, parks, and libraries benefit those who have access to them. Some Members of Congress and other farmers receive sizable grants from government subsidy programs. Business and industries get, and work to increase tax credits, contracts, and allowances in great variety. These and others like them are eminently respectable. Grants to ordinary citizens in need should not bring a sense of shame. Recipients of individual, personal help should not be labeled as lazy, or worse. We must, because we can, have a system of supporting ordinary people so that they can live free from the threat of hunger, cold, frustration and misery. It must be a system which does not rob them of personal integrity and dignity.

The term "ordinary people" is used deliberately. A lifeguard who made sinking swimmers prove they had hit the bottom would save few lives. A system which demands proof of continuing degradation as a condition of continuing assistance will save few families. Many hardworking persons

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are bitterest against the poor because their own constant hard work just keeps the wolf from their door, but never drives him away. The fear of being sick, widowed, unemployed is always with them. Wages can never provide protection against disaster. The name of the disaster is poverty. The price of it is shame. When so much of wages is withheld for so many reasons (the worst of which is a heavily regressive tax system), the disparity between earnings and take-home pay justifies anger. It is unfortunate that it is misdirected against fellow sufferers, the poor. Middle class America gives generously to community services thru Red-Feather, United Appeals, and then spends most of the money on itself, because it needs to and deserves the benefits. If this is so, how much greater is the need among those with less than average incomes—under $8,000 yearly.

Solution of the problems of people cannot be piecemeal. It will require a coordinated approach to economic areas—not necessarily political subdivisions, to family planning, home management, crime, education, employment, housing, taxes, transportation, and prices. Only government has the facilities to effectively treat the gamut of wrongs, and the authority to make necessary changes successfully. And as long as it gets the lion's share of the taxes, only the federal government can pay the bill. It is important to distinguish the government of this nation as being the wealthiest and most powerful the world has ever known. Certainly most of her citizens are not wealthy when 20% of them live on 5% of national income—countered by the 5% at the top who get 20% of the income. This government exercises as great a power over its own citizens as it does internationally, commanding their taxes, services, and lives if need be. Only one branch of this government represents the people. That branch, the legislative, was established with rights and powers necessary to a balance and to the preservation of democracy. The importance of a hearing such as this is enormous. The importance of the full exercise of its own powers by the Congress is greater.

I would like to suggest the following more specific items.

People need to participate in their own treatment. Ignorance and poverty are not synomymous. If personal integrity and dignity are destroyed, what is saved is worthless.

Poverty is predictable and preventable. Services of planning and counseling on every phase of family life should be available on a privileged basis, with maximum use of volunteer community resources. Perhaps the government should be in the small loan business to people as well as firms.

Education must serve those best who need it most, in urban and rural pockets; not just those in the suburbs who can afford it most. It should respond to the communities as well as direct them.

Health services must be provided on a clinical, preventive basis, even if this dislocates the present fee-for-service system.

Transportation must be developed for those who need it most—people without cars. We all pay for fire departments, telephones, and police on an 'if' we need them basis, not 'as' we need them. We can learn to do the same with buses and subways.

Industries should be required to locate factories where people will be served best, with coordinated facilities for shopping, schools, and services in a planned community, not permitted to build where land or labor is cheapest, transportation easiest, or for other reasons giving priority to the product. Our priority should be people. We need a Department of People as great and good as our Department of Defense.

Regressive taxation must be reversed, probably by an income tax without any deductions. Real estate should be taxed on location, not improvements.

Prices should be controlled by the government. They are now controlled by those who benefit from increasing them. A balancing pressure on behalf of those who must pay them is essential. This should include quantity and quality offered. Foods, for example, packed in fluids should be labeled with drained weight. Transparent containers should be required when possible.

Housing units are desperately needed to end the domination of the landlords. Landlords don't all want to be heartless, but the present situation forces them to be. Without enough housing, all the laws against all the forms of discrimination, or to fix standards of safety and sanitation are worthless.

Laws must protect people before property. The rights of each of us are no greater than the rights of the least of us. One immediate, specific need is for protection of wages from unjust garnishment. Construction eviction by shutting off utilities should require the same court procedure as eviction by landlord.

Putting people first will encounter opposition from vested interests, groups, and areas now enjoying preference. It will involve us in a revolution for change, but one that can be accomplished peacefully. We cannot continue to have peace by suppression of those not favored. Any other revolution must be much more destructive.

It is our national tradition, unique from the founding of this government, that a people can govern themselves, and that there should not, and need not be two clasess of people; one superior, one inferior; one having, one needing. We are challenged today to show the world that we still believe this and that we can and will make it work.

Our present system, as it preserves poverty, is producing a generation that is unfit, untrained, and unqualified for anything but a life of degrading dependence. When hope and help are denied, anyone must be hopeless and helpless. Children do not choose their parents, and they are not born equal. With honest concern and hard work they can have equal opportunity.

FOUR NATIONAL PRIORITIES IN EDUCATION

(Frank J. Filippone, superintendent of schools, Ravena-Coeymans-Selkirk Central Schools, Selkirk, N.Y.)

I would like to express my appreciation for the opportunity to present some thoughts on what I consider to be four national priorities in education: race, reading, reordering priorities in our high schools, and money. In the brief time allotted, let me approach them in reverse order.

1. MONEY

The U.S. has long been committed to education for all, not education for the elite, and our citizens have put their money where their mouth is. They have footed the bill for the creation of the world's largest educational enterprise. However, continued pressures exist that demand even greater financial commitment. These pressures are: continually increasing enrollments, a continually broadening range of educational services, rising teacher salaries, inflation and the absolute necessity for special programs to bring the disadvantaged into the mainstream of American society.

These pressures can be met only by lessening the tax burden on the property taxpayer, increasing the share of financial support from the state government, and increasing the share of financial support from the Federal government.

One almost immediate possibility for financial assistance is a proposal by New York State Senator Thomas Laverne who has recommended diverting the 5% of the Federal income tax surcharge due to expire in July of this year for the use of the states in supporting their educational programs. The moneys so raised would be returned to the counties of origin. Albany County alone, for example, would gain $8 million in funds to support education; other counties in other states, I am sure, would also profit proportionately. The main benefit of Senator Laverne's proposal is the obvious fact that it does not call for an added tax burden, but merely the continuation of an existing one.

In the area of finance, I would suggest also a point of view. Education should be regarded not as a cost but an investment. Our success as a nation is in no small part due to our tremendous commitment to education. A reading of Servan-Schreiber's *American Challenge* will provide corroboration. This hard-headed, practical minded and articulate French writer has stated bluntly: "America is now reaping a staggering profit from the most profitable investment of all—the education of its citizens."

2. REORDERING PRIORITIES WITHIN OUR HIGH SCHOOLS

In the past and even now secondary schools have done an excellent job in preparing students for college. If anything, college as the magic key to success in life has been oversold. Secondary educators, therefore, must do more for our so-called average student in both the vocational education and use of leisure time areas.

Like elementary education, vocational education is not and has not been financially recognized and supported as it should be, but for a different and simple reason: college preparatory education is cheaper than vocational education. The dignity and value of work must be recognized by our high schools as the demand for the skilled worker increases each year.

High schools should also strengthen education for the use of leisure time. Unless American society completely collapses, we face the possibility by the end of this century of a four, or indeed, a three day work week for most of what we call our laboring force. How will our citizens use their leisure time? What will be the quality of their life? Escape into the boob tube, drugs, alcohol, and endless vacationing? Education can and must prepare for this relatively new but rapidly approaching priority. I am not suggesting that schools will turn every citizen into practitioners or even connoisseurs of the arts and letters. Rather I am suggesting that high schools must demonstrate to our young people that there is more to life than earning a living or escaping from one's barren, undeveloped self into a meaningless round of futile exercises in killing the clock. Consequently, we must increase our commitments to education in life time sports and recreational activities, music and art appreciation, understanding and evaluating film and TV programs.

Finally, may I suggest another area to reexamine? How necessary is the 12th year of high school? The freshman year of most colleges and the senior year of high school nowadays are almost indistinguishable from one another. Most colleges require a sequence of only three years in various subject matter fields for acceptance into a program of study. Most academically oriented high school students today have acquired more than enough units for a high school diploma by the end of three years of work than my generation had acquired at the end of four years of high school. The rapid and widespread expansion of the community colleges and increasing interest in an open admission policy are further reasons why I question the need and value of the 12th year of high school. From the financial viewpoint alone, this question deserves investigation.

3. READING

Despite some past successes, American education is faced with two tremendous and

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dangerous failures: reading and race. Let me address myself to the first. Solving the reading problem has eluded us because we have neglected the most important level of education—the elementary level. We have poured enormous sums of money into the secondary and college levels and have starved our elementary schools. Education, unfortunately, has maintained and still maintains a kind of pecking order in which the most money, prestige and recognition goes to colleges, then to the high school and finally—and often condescendingly to the elementary. The situation and the money should be reversed. What sense does it make for one high school teacher to be assigned only a dozen seniors in the fourth year of a foreign language course while a first grade teacher struggles with 30 or 35 youngsters taking their first steps toward solving the wonder and mystery of learning what is locked in reading? The eminent Dr. Conant, for example, has analyzed our teachers colleges, our high schools, our junior high schools. Why did he omit a study of the elementary schools?

Reading will not be solved until we reorder our moneys and bring about a massive infusion of money into the elementary level. ESEA is just a beginning and belated recognition of this fact of educational life. We need small class size at kindergarten, Grades 1, 2 and 3 level, parent volunteers, teacher aides, technology, psychologists, reading specialists—a whole support staff. We must recognize a simple fact: the most important teacher is the elementary teacher. Unless they are upgraded, supported, assisted and strengthened, we will continue to face reading problems, dropouts, delinquency and the host of other symptoms that are manifestations and consequence of our failure to accord proper attention to elementary education.

4. RACE

Our public schools in past years achieved a stunning success in educating and Americanizing literally millions of immigrants; conversely, its present inability to help millions of young blacks develop their inherent potential for learning has been and is its most conspicuous and agonizing failure. To compound the problem, the ugly shadow of violence hangs heavy over our schools. A recent survey by the New York Times showed that, in both the New York Metropolitan Area and throughout the majority of our cities having any significant mixture of the races, our schools are becoming battlegrounds resembling more penal institutions than places of learning. An uneasy truce is maintained only by physical force rather than by reason or rational negotiations. No city is immune whether we speak of Watts, Detroit or our own capital City of Albany.

Some steps have been taken to upgrade the quality of education for our disadvantaged—the ESEA, VISTA, the Teacher Corps, but these are only a small beginning. Personnel and funds for VISTA and the Teacher Corps must be vastly increased. The educational potential of both these tools have not been achieved because they have not been adequately financed. I welcome the growing interest in an open admission plan as a means to encourage ambitious blacks with college potential to achieve that potential, but such funds, I submit, are being concentrated at the wrong end of the educational ladder. I call your attention again to my previous contention that the most important teacher is the elementary teacher. There must be a massive increase in VISTA type and Teacher Corps candidates to provide meaningful beginning education for the ghetto child. Head Start benefits wither away unless followed up by equally effective and inspiring primary education. Let's divert all funds possible to make the first four years of a black child's encounter with the schools a solid and successful foundation for acquiring the tools that he needs to carry him through the rest of his educational career.

This means small class size again, teacher aides, health and psychological services. Start the black child off on a strong footing and he will have little need for elementary remedial reading, secondary remedial reading and college remedial reading.

All this money and all this effort will be useless, however, unless somehow, some way, sensible citizens in both races work together, first, to end the cycle of violence eroding our schools, and second, to restore a sense of trust and confidence between the races. A growing tendency by extremists of both races to rely on hate and violence must be replaced by reliance on a philosophy of brotherly love. Naive and impractical as these words may seem to the practitioner of hard-headed politics, I see no other sensible alternative.

President Nixon in his address to Congress this year stated that the great question of the seventies is "Shall we surrender to our surroundings?" I disagree. The great question of the seventies is "Shall we find the beginning of the road to solving the racial problem?" No nation is guaranteed survival—and this includes the United States. Unless a means to solve the racial problem is found, we shall surely founder upon the rock of race war.

Or as Martin Luther King stated: "Together we must learn to live as brothers or together we will perish as fools."

The Crisis of Medical Schools

(Dr. Harold C. Wiggers, executive vice president and dean, Albany Medical College)

On behalf of the Albany Medical College and the medical schools of this nation, I wish to thank you for the opportunity of participating in this National Priorities Hearing and of bringing to the attention of you and your colleagues the extremely critical financial situation which the nation's medical schools are facing. Growth, inflation, new and costly responsibilities for the nation's health needs, increasing wage demands and, in particular, cutbacks rather than increases in federal support, and proportionate reduction in support from private sources, are the major causes of the fiscal illness that pervades all medical schools. Unless financial remedies are immediately forthcoming, some medical schools will close; others will be compelled to reduce rather than expand enrollments, lay off faculty, cutback on some of the newer educational programs and lower the standards of medical education. Such enforced actions will, of course, reduce the supply of physicians and other health personnel already in critically short supply. A large measure of the critical problems facing the nation's medical schools relate to the pittance which the federal government has made available for the support of medical education per se. Since Health is a national problem which crosses all state boundaries and is an area in which public sophistication and demands are increasing at an exponential rate, it seems urgent that the federal government elevate its priority for support of medical schools before rather than after their situation becomes catastrophic. Let me now be specific in outlining what needs to be accomplished promptly at the federal level—even if it requires the elimination of one excursion to the moon.

In order to eliminate the estimated present shortage of 50,000 physicians and to keep pace with a growing population, medical schools will have to increase the size of their entering classes 50 percent by the middle nineteen seventies. With this increased output, the physician shortage will disappear by the early nineteen eighties, but a highly favorable effect on the health crisis will be felt much sooner. From 1960 to 1966, when there was essentially no direct Federal support for undergraduate medical education, the class size increased by 461 at an average of 92 students per year. In 1965, however, when the Health Manpower Act initiating such support was enacted, there followed a marked acceleration in the growth of class size, and from 1966 to 1970 the first year classes increased by 1,612, or an average of 403 students per year. This represents a more than four-fold rise in the rate of expansion over the earlier period. This dramatic increase could not have occurred without Federal support for student loans and scholarships, for operating budgets of the medical schools, and for matching funds for construction of educational facilities. Full funding of the health manpower program for the current fiscal year, and for the consturction of health research facilities and medical library facilities, will provide the resources that are imperative for the required further increase in production of physicians and other health professionals. This will assure the maintenance of high quality educational standards which is essential if present and future knowledge in medicine and the medical sciences are to be applied in achieving an adequate level of health care for the nation.

Federal support for biomedical research has not increased since 1968. Measured in deflated dollars, actually it has decreased at least 10 percent a year. More importantly support has not kept pace with the increase in biomedical and clinical scientists on medical school faculties that could make contributions to advancing knowledge. The average support per faculty member has declined since 1965 in current as well as deflated dollars. The average level of available funding per faculty member, which has never been high, is now at a dangerously low level and the immediate and long term consequences *of further dismantling research teams* and *centers* that require years to establish *will be catastrophic*. The relationship of biomedical research and training to the total effort is indispensable in meeting the Nation's commitments for quality health care and can, in essence, be considered a deferred health service.

The decline in research effort must be checked by the appropriation of funds for the extramural research programs of the National Institutes of Health and the National Institute of Mental Health in an amount *10 percent over the 1969 level*. To maintain the training of faculty required for an increased health manpower output it is recommended that the training grant support for these institutes also be *increased 10 percent above the 1969 levels*.

INSTITUTIONAL AND SPECIAL PROJECT GRANTS

Public Law 90-290 provides mechanisms for Federal support of the operating budgets of health professional schools through institutional support. Existing legislation authorizes appropriations of *$192 million* for institutional grants for schools of medicine, osteopathy, dentistry, nursing, optometry, pharmacy, veterinary medicine, podiatry, public health, and allied health professions. The budget amount approved by the House action includes *only $128,900,000* for this program which must serve a large number of schools. It is critical that *$63,100,000 be added* to help professional schools substantially increase manpower production.

STUDENT LOANS, SCHOLARSHIPS, AND TRAINEESHIPS

The Health Professions Student Loan and Scholarship Programs were initiated in Fiscal Year 1967. The level of funding *has never been adequate*, but it has provided badly needed support for students faced with rapidly rising costs and a long period of education and training. The financial assistance provided under the program has not permitted the broadening of the socioeconomic level of students to the extent desired by the schools. Unless the disparity between the needs and the funds available can be reduced, many students may be unable to con-

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tinue their medical education and efforts to increase the number of students from minority groups will be seriously hampered. A similar situation exists for the support of the other health professions. The Association of American Medical Colleges joins with scores of other professional and student organizations in recommending the full amount authorized in the Health Manpower Act for student loans, scholarships and traineeships in the amount of $130,700,000.

CONSTRUCTION OF HEALTH FACILITIES

Matching grants for construction of educational facilities for the health professions are essential for:

1. The remodeling and renovation of existing facilities which have become obsolete and do not meet the needs of modern programs in medical education.
2. The construction of facilities to permit new schools to complete their building programs.
3. Additional facilities required by established schools to expand their manpower output.

Since the initiation of the program, *$537 million* has been obligated for matching grants to schools of medicine, osteopathy, dentistry, pharmacy, optometry and podiatry. The total value of the facilities for which these Federal funds have provided *partial* support *exceeds $1 billion*. Despite this amount of construction, the backlog remains large. There are $52,400,000 in Health Facilities Program construction proposals approved, but not funded, and $93,500,000 of new applications awaiting action. Medical libraries are essential parts of academic medical centers. They serve not only students of medicine, but also interns, residents, and other health professionals. They are important for research activities in the basic sciences and clinical medicine and serve as a regional resource for the practicing physician and help him maintain his knowledge of current advances in medicine. *Medical center libraries are becoming information centers* and have extended their service to include self-instructional and audio-visual equipment yet *no funds for support of construction of this vital part* of the modern medical center *were requested by the Administration* or *included in the House appropriations bill.*

To help provide the facilities required by the health professional schools to meet their responsibilities it is recommended the full authorized amount of $235 million for the construction of facilities under the Health Professions Educational Assistance Act, the Nurse Training Act, the Allied Health Professions Personnel Training Act, the Health Research Facilities Construction, Act, and the Medical Library Assistance Act *be funded*. Additionally, because of the increasing difficulty for both public and private schools to obtain the matching funds required by Federal support programs, it is recommended that the Secretary be urged to increase the level of Federal matching funds to the *66⅔ percent permitted in Section 102 of Public Law 90–490.*

TRAINING GRANTS

Training grants administered by the National Institutes of Health and the National Institute of Mental Health are *basic to the preparation of faculty members* required to man the expanded educational programs for the output of health professionals. The level of the NIH grant support reached a peak in 1966 and has declined in subsequent years. The House concurred with the budget recommendations of the Administration and *reduced the funds* for NIH training grants by $18.7 million and the NIMH training grants by $1.5 million *under the 1969 level. A greater, not smaller, effort in the training of faculty is required if the medical schools are to supply faculty for the development of new schools and the expansion of established schools.* For these reasons it is urged the Senate increase the appropriations contained in the House bill by $19.6 million to a level of $198.6 million for NIH training grants and by $10.9 million to $118.4 million for NIMH training grants, a total of $317 million. This amount of support will permit maintenance of current levels of effort in these programs, a minimal requirement to meet pressing needs. It is also recommended that funding of other health manpower training programs of the Public Health Service critical to meeting the need for health professionals for teaching and service be increased by 10 percent over the 1969 level to maintain the level of activity in the face of rising costs.

RESEARCH

The level of Federal support for biomedical research has remained essentially constant over the past two years which has resulted in a serious decline in research efforts due to inflationary trends and the higher costs associated with increased sophistication of biomedical investigation. The reduction in the level of research has already had grave consequences for the academic medical centers and teaching hospitals. It has been especially serious for the new medical schools that are attempting to develop an adequate level of investigation essential to their educational and service programs. The loss to the public will be even greater as the flow of new knowledge into medicine is reduced and delayed.

To prevent a further decrease in the level of research effort it is recommended that a 10 percent increase over the 1969 level of appropriations for all of the NIH and the NIMH be allowed in order to permit at least the maintenance of current levels of research activities.

DELIVERY OF HEALTH SERVICES

The academic medical centers and the teaching hospitals are rapidly assuming an important role in *innovation* and *demonstration in health care delivery*. Adequate support for health manpower output, training programs, construction and research will allow the medical centers to undertake additional tasks if additional funding is made available. For this reason, the Association of American Medical Colleges recommends that in addition to the programs in NIH and NIMH, the budgets for other health related programs in the Department of Health, Education, and Welfare be increased 10 percent above the levels contained in the House-passed appropriations bill.

The returns from the proposed increases in appropriations over the levels approved in H.R. 13111 will be great in terms of better health for our people. With adequate support, the medical schools and teaching hospitals can move forward to increase the supply of health professionals, to increase their effectiveness, and to provide them with new knowledge and approaches for helping meet society's expectations for a healthier and fuller life.

In closing, I reiterate my appreciation for the opportunity to underscore the urgent, critical funding needs of the nation's medical schools. Their survival and effective productivity rests in the hands of the legislative and executive branches of the federal government.

Medical Insurance and Medicare

(Richard S. Arthur, president, board of directors visiting Nurse Service Association of Schenectady County)

It was our understanding that Medicare was intended to provide a means of payment for health-care services to patients over 65—most of whom would be afflicted with the chronic, long-term conditions associated with aging. These debilitating conditions are the very factors which prevent the aged from adding to their income—they also create the need for financial help.

Payment for services at home was intended to be an alternative to expensive hospital and nursing-home care if the patient's condition warranted it. There was no indication that payment would be *only* for acute illnesses or conditions at home (a reasonable criteria for assuring good utilization of expensive hospital space.)

Under the new interpretation now being made by Medicare, these very patients, whose conditions are chronic and not subject to cure, are finding themselves considered "maintenance" cases—thus, not eligible to have their care-costs paid by Medicare. Since the health insurance available to this over-65 age group is supplementary to Medicare, they find this source of financial assistance lacking. To compound the insult, the costs of service have been forced upward by the very program that was intended to help them—now leaving them stranded.

If it is the intent of the program to eliminate help to this large segment of the elderly, a statement indicating the exclusive features of Medicare should be presented to the recipients of Social Security along with the request for authorization to withhold the $4 (soon $5) a month for the Medical Insurance. This is the responsibility of the Social Security Administration; it should *not* be the responsibility of agencies providing purchased services to interpret insurance coverage to the client. How do we answer an older person who asks us "what am I getting for the $4 withheld when my "condition" doesn't qualify me for payment for care?"

The other factor presenting many problems to the less affluent retiree is the $50 deductible. If the purpose of this factor is to prevent abuse of the program, it is a failure. It provides no obstacle to the retiree who has no financial need; however, it becomes a major deterrent to the retiree who *needs* the service most.

If the intent of the new interpretation is to assist in cutting back the cost of the program, it seems again, that the most needy person is being penalized. A much more effective, equitable (but less popular with the more affluent) method would be eligibility established by need.

We don't know the solution to this problem but feel that the aged person afflicted with chronic long-term illness with its associated financial, social and personal problems should be as entitled to financial assistance as those persons with more acute conditions. Their need is certainly greater because there is no end to the situation.

National Priorities and the Economy

(By Thomas R. Kershner, Department of Economics, Union College)

It is a great privilege to testify at the National Priorities Hearings. I am glad you are taking a fresh, hard look at America's priorities and I am grateful for the opportunity to comment in a personal capacity on the ability of the economy to undertake substantial new commitments.

Each year the President and the Congress consider a range of governmental programs in response to both military and civilian needs. Funding is quite clearly constrained and related to tax revenues, so that resources committed to one program will inhibit potential activities in others. It follows that the nation must set priorities. It is my hope that the hearings such as this will lead to increased public discussion and participation in the setting of future priorities.

I will argue today that while it may be theoretically possible to reorder national priorities, at least in long-range terms, it must be recognized at the outset that the consequence of past policy decisions—past judgments of our society's priorities—and recent economic policies will unfortunately render this discussion quite theoretical for the near future. There simply will not be sufficient government revenues available to finance expanded programs in even a portion of the activities being discussed here. Until we overcome the constraints imposed by past decisions, it will be difficult to move in new directions.

Nearly 70 per cent of the proposed budget is made up of uncontrollable items, a proportion that has been growing in recent years. Much of the budget currently is allocated to defense-related activities, and since the testimony here and elsewhere is not likely to admonish the government for underfinancing the military, it is important to examine the implications of these earlier decisions before considering new programs. As a case in point, I would like to examine the economic consequences that followed our decision to intervene in Vietnam and then suggest several lessons from that decision that will be relevant to the discussion this morning.

With your permission, I would like to begin by making a few basic points about Vietnam and its effect on the American economy. First, I believe that the published cost estimates of the Vietnamese war overstate the economic costs to the country. Economists are particularly concerned with marginal, or incremental, cost, which is the additional cost incurred, in this case, by our presence in Vietnam. The war probably adds about 20 billion dollars annually to defense spending; the other resources we use in Vietnam would have been spent anyway, on training flights and naval exercises, for example, and represents no re-direction of resources. As a rough check, pre-Vietnam military activities were budgeted at 50 billion dollars; in today's dollars, adding increasing costs due to higher salaries and rising prices and noting a decline in some non-war expenditures, the adjusted total falls about 20 billion dollars short of current spending levels. The imputed costs of Vietnam, therefore, represent about 2 per cent of our Gross National Product, although the social and political costs, and the alienation of so many of the young, though difficult to measure, are substantial.

Secondly, it should be noted that the wartime spending associated with Vietnam was a part of the general expansionist economic policy of the mid-1960's and served as a major stimulus to the American economy. The economy enjoyed high and sustained rates of growth and moved steadily closer to full employment. We registered record wage and profit levels. Several millions of people moved out of our classification of poverty. The economy was growing in quite satisfactory fashion. The New Economics worked.

Only one major problem loomed for the domestic economy and that, of course, was inflation. From fairly stable prices, inflation grew more rapidly each year, to the current annual level of 7 per cent. Even worse, it has become apparent that inflationary expectations have been so closely built into the behavior of businessmen and labor that the recently announced wage and price settlements will do little to restore price stability. It is not at all clear the anti-inflationary policies are working, although their undesirable side effects of rising unemployment and declining production are becoming evident.

In retrospect, it seems clear that the exceptionally rapid rise in federal spending, in the absence of a corresponding increase in government revenue, was a major factor in the excess demand that fueled the inflation. The obvious remedy was to increase taxes; it was first proposed in 1966, but not enacted until the tax surcharge in mid-1968. I suspect that the delay owed something to fears that the surcharge would be regarded a 'war' tax that would erode support from a war facing growing unpopularity. To that extent, at least, we were willing to accept future inflation as another cost of the war.

Let me now return to the question of financing the newly-emerging priorities, since the size of the appropriations is crucial for the quality of the job. In general, let me briefly consider three alternative sources of funds, which I will take up in turn.

The first, and seemingly most promising alternative, is that, following the announced American withdrawal from Vietnam, the 20 billion dollar annual expenditure there, minus whatever forces remain behind, can be redirected to peace-time uses—for the environment, for housing, for education, for revenue sharing with state and local governments.

Yet the prospects of relief from the 'peace dividend' are not promising. While a detailed examination of future military programs is not properly a part of today's hearings, it must be noted that the estimated funds required for major new weapons systems already approved, of which the Anti-Ballistic Missile with MIRV warheads is the most complex and promises to be extraordinarily expensive, coupled with the potential weapons under development and the projected military pay increases, will place great pressures on military spending even in the absence of Vietnam. The massive cost overruns show no signs of diminishing, especially in view of the increasingly more sophisticated requirements for future weapons systems.

And even these rather pessimistic conclusions are predicated on an early end to our involvement in Vietnam, and no subsequent involvement in Laos—things for which I am not at all optimistic.

The second alternative would have us finance *both* the expanded military programs under discussion today. While I will return to this later, let me suggest that no meaningful expansion of both programs will be possible without increased taxes, and, taking as evidence the so-called Tax Reform Act of 1969—really more tax reduction than reform—and the President's declared intention to let the tax surcharge expire this summer, the likelihood of increasing tax schedules does not appear to be great.

There is a last alternative. With a rising Gross National Product, federal tax revenues, being moderately progressive, normally grow even faster. Thus, a strong and growing economy could provide increasing resources for both military and domestic needs—precisely what occurred in the mid-1960's. We could afford both guns and butter.

But this prospect is also foreclosed. By identifying the end of inflation as their highest economic priority, the Nixon administration has deliberately undertaken policies which will stifle and end economic growth and sharply increase unemployment at least for the next 9 to 12 months. The absence of any economic growth in that short term, coupled with projections of below potential output until, at least, 1972, indicate that the rapidly expanding government revenues of the past will be unavailable in the future. Consequently, even an expressed desire to undertake new priorities will not be followed by sufficient money to effect a sizable impact.

I would like to spell out this last implication very clearly: the major cost—the opportunity cost—that Vietnam will impose on our economy lies, not so much in the past, following the suspension of bombing and decline in fighting, as it does in the future, in the opportunities that this country must forego due to the slow down of revenue growth at the very time that demands for these funds are increasing. It follows that the imaginative, but preliminary steps we have taken in expanding health care, improving the environment, constructing housing, and the like, will be difficult to sustain at present levels, let alone to encourage and finance other bold and creative programs that could increase the quality of American life.

If we attempted to draw any lessons from our recent experiences—the implications of Vietnam as it bears on our national priorities—it seems to me that the following inferences are in order:

The first is that society can find the resources for the priorities that we deem important. The great economic lesson of Vietnam was that we were willing to pay the price, not only in terms of lives, and dollars, and political conflict, but in terms of inflation and unemployment and lost opportunities for growth. In Vietnam we were willing to commit more than 20 billion dollars annually virtually overnight. The message to others speaking today is clear—what must be supplied is the will to undertake projects. If the priorities are important enough to us, the money can be found.

Secondly, following the analysis of past trends and future prospects, it is difficult to imagine, under our current priorities, significant funds freed from the military budgets. It should be noted, parenthetically, that inflationary pressures have sharply affected military procurement, and continued inflation would be magnified in military purchases. Thus, the likelihood of realizing any 'peace dividend' in the future is quite small.

The final irony is that just when our needs become the clearest, just when our judgment on the priorities becomes the most sharp, the most critical, just when we think we have identified a set of programs that will address themselves to the country's domestic needs, our financial resources and our ability, let alone our will, to undertake these programs becomes the most constrained.

HIGHER EDUCATION'S NEEDS

(Allan A. Kuusisto, acting president, SUNY at Albany)

I appreciate the opportunity to be heard on behalf of a high national priority for higher education. My thesis is that despite the great and growing expenditure for higher education by the states there is a need for a substantial role by the Federal Government if our colleges and universities are to meet the country's needs for an educated citizenry.

The Federal Government's particular role must be stepped up to cope with the truly national scope of our educational needs. Educational opportunity programs are necessary for residents of slums in urban *and* rural settings. Problems such as environmental pollution, urban decay, and illegal traffic in drugs require national attention. Students themselves are highly mobile, and our graduates rarely serve only their "own" State or city. Engineers, teachers, lab technicians, graphic artists, accountants, and political scientists are employed throughout the country, and the costs of developing these assets must increasingly turn to the national level.

The costs of educating students cannot help but increase. Libraries and laboratories require constant renewal. Computers have become a necessary part of our operations in management, teaching, and research. New large-group instruction areas do not fulfill their value only by being built: they require imaginative staffs working with dedicated teachers to be productive. The student body itself is not only growing but also becoming more heterogeneous. Whole segments of the population—heretofore educationally ignored—are to be enrolled. The percent of students requiring financial aid grows sharply. For many students tutoring in basic skills is needed to stimulate motivation. And federally-supported grants and loans are to many students the difference between a static existence and valuable contributions to society.

What are, then, some of the specific ways in which we look to the Federal government for support?

First of all, financial aid programs need improvement. Regarding the National Defense Student Loan Program, I note that President Nixon's budget requests only $136 million for fiscal 1970. Only $155 million was appropriated for fiscal 1969, when $190 million was needed to maintain the fiscal 1968 level. The program should be funded one year in advance to assist in reasonable administration. Forgiveness clauses could be abolished since they don't seem to encourage teachers while reducing considerably monies to be reloaned. To meet growing costs, the maximum should be increased to $1500 or $2000 per year for undergraduates while retaining the 3% interest level and emphasis on financial need for eligibility. The Federal Educational Opportunity Program also needs advanced funding to permit advanced commitments to "disadvantaged" students with up to 5 years of eligibility. Funds must be allocated primarily to those institutions with a demonstrated record of actual enrollment of disadvantaged students. To help cover additional costs which these students incur, institutional "cost of education" grants should be made on the undergraduate level. The College Work-study Program should be funded on the basis of the Federal Fiscal year also with advanced funding. The Federally-guaranteed Loan Program should allow a 5 year eligibility with the maximum loan increased to $2000 and decreased to $1000 as family income rises from $8000 to $15,000. In general, the state formula method now employed for distributions under these programs should be dropped and, of course, the overall level of funding increased.

Secondly, in the area of research conducted at Universities it is imperative that the *appropriations* of funds for that research formerly carried on under the aegis of NASA and the Department of Defense be transferred to such agencies as the NSF, HEW, and U.S.O.E. Hopefully at least the $40 million proposed for the National Endowment for the Humanities will be appropriated. Research into the prevention of further despoiling of our environment should be supported at Universities where significant research in this area is already being conducted because the talent and equipment is largely on hand.

Research into the goals and procedures of Higher Education becomes increasingly crucial as it is expected to educate a growing percent of the population. University-related research centers must consider ways of involving legislative bodies in long- and medium-range planning for Higher Education both to allow for efficient development and to anticipate problems and their solutions *before* they become crises. These centers need to consider plans for expanding enrollments with almost static resources. They need to propose a viable series of post-secondary educational opportunities as alternatives to our traditional curricula. One such program might combine the last years of High School with the first two years of college in an integrated package to stimulate into highly useful careers those students who are often "turned off" in High School. Guidance procedures for handling the heterogeneous mass of students need development. We need research into ways of making better use of technology in the teaching process, into steps to be taken to improve the student/teacher relationship, and into new approaches to the preparation of highly-motivated teachers for the post-secondary level—such as the proposed Doctor of Arts in Teaching program.

Thirdly, direct support may take the form of additional funding for two-year colleges as proposed by Senator Harrison Williams (S. 1033). I urge, however, that while most of the funds might be channelled through State agencies, provision be made in this and other proposals for support directly to consortia of institutions—public and private—with specific programs which may cross State borders. Such programs might also include clusters of computerized, multi-access libraries and regional programs for disadvantaged students.

Fourth, one matter affecting many members of our faculties throughout the country is the need for assuring the continued integrity of TIAA/CREF to be chartered under the proposed College Retirement Benefit System (S. 1290, H.R. 9010). At present the judiciary committees of both houses are delaying action as a result of pressure from the private insurance industry.

If I have to this point made suggestions for the positive participation by the national government in Higher Education, then I must also list areas where Federal influence is not desirable. The well-meant temptation to establish guidelines for what is taught and how—and by whom—must continue to be resisted. In addition, the government must avoid seducing the University into the performance of a vast array of "services" as a condition of support which would dilute the long-term accrual of benefits to society from teaching and research. But perhaps the greatest need for continued legislative restraint is in the area of repression of campus unrest. I wish that I could assure everyone that the worse disruptions are entirely a thing of the past and that respect for our institutions would increase. Such respect should not, of course, be equated with a docile, uncritical acceptance of the status-quo. The path is neither easy nor obvious, and the University is vulnerable and open. Academic leaders should be encouraged to carry on their difficult task responsibly rather than be limited by even well-intentioned requirements and restrictions.

In sum, the changes in our nation's social and educational patterns will place increasing responsibility at the door of our Federal Government. Your sympathy to such a viewpoint has been noted and is appreciated by the educational community.

ECONOMIC POLICY OF THE GOVERNMENT

(By Jesse L. Michaelson)

I appreciate the opportunity to submit a statement on the economic policy of the Federal Government.

Such a vast and difficult subject is, of course, impossible to treat within the scope of these few pages. One can, however, appraise some of the philosophy pertinent to many actions of recent Congress and past administrations.

The growing socialistic tendencies of Congress, apparently based on the belief that the Federal Government has the prime responsibility for the economic well being of the individual, is I believe the basic evil that besets us. In the pursuit of this false, and unattainable goal within the framework of our freedom, the past Congresses and administrations have:

Taken from us much of our economic freedom in the form of taxes and have in return saddled us with a ponderous overlapping and confused bureaucracy.

They have created a federal deficit of 57 billion dollars in 10 years and have thus fed the fires of inflation, which has in turn robbed us of more and more of our earnings through the escalation of prices.

They have upset the operations of the free market by establishing unfair restrictions against business in the form of taxation and excessive regulation, while refusing to tax or sufficiently regulate organized labor which now enjoys an unprecedented monopoly in the market place and frightening influence over Congress itself.

They, by the support of the minimum wage laws, have further interfered with the free market thus forcing higher cost of production with its resulting inflation, and increased unemployment of marginal workers for whom Congress has shed so many crocodile tears.

They have continued to operate a socialistic and inefficient post office as a captive political plum of Congress and continued to squander more billions of the people's resources in the annual postal deficit.

The Congress and past administrations have wasted billions of the people's resources on many of the more than 1000 "do good" programs which have continued to proliferate to the extent that an accurate count or listing is not even feasible.

The fact that many of these programs have dramatically failed to accomplish their objectives has not detered Congress from continuing to commit more of the people's good money after bad. Congressman Pucinski speaking of Mr. Nixon's proposed educational changes said "the federal aid program has been a colossal flop and I say that with heavy heart." I refer to such programs as Head Start, Job Corps, and Compensatory Education all of which have either completely failed or represent very inefficient use of the people's resources. Roger Freeman, Stanford University Economist and now special assistant to our President, says, "all these billions we have spent on Compensatory Education have been, in my opinion, about as effective as the incantations of an African witch doctor."

I recognize that these "do good" programs often have popular appeal since many, including myself, support the broad objectives they postulate. However, good objectives do not guarantee good programs regardless of how much public money is committed. Adequate information has been available to the Congress demonstrating the inadequate performance of some of these programs and I suggest it is the responsibility of Congress to respond to this information, as well as to help correct through their leadership, the often popular but uninformed view still prevalent in some sectors. Some justification can be made for innovating approaches to our social problems but there can be no justification for continuing an experimental failure by investing good money after bad which is so often the common characteristic of socialistic programs. Since these expenditures have grown so large in the last decade, the time for critical re-examination is long over due. Senator Mansfield called for such a review three years ago but his call has gone unheeded. Arthur F. Burns told the Tax Foundation on December 2, 1969, that, "the explosive increase of federal spending during this decade is commonly attributed to the defense establishment, or more simply to the war in Viet Nam. The fact is, however, that civilian programs are the preponderant cause of the growth of the Federal budget."

These fiscal failures when combined with similar irresponsibility on the state and local level are a major factor in the growth of government now taking 36% of our income in taxes and have burdened us with hundreds of volumes of confusing regulations and controls.

We hear much today about pollution and I submit that one of the more obnoxious forms of pollution is that of political promises and public protests for free government hand-outs.

These actions are fast destroying the quality of our freedom. I would remind us that all our freedoms are a package deal including economic freedom. If any one of our major freedoms fall the others are in jeopardy; especially is this true of economic freedom which is the cornerstone of all the others.

I believe these thoughts are more eloquently expressed by Walter R. Youngquist's modern version of the Golden Calf.

"And the people of America murmured because life was so hard, and they pined for security. And the bureaucrats, hearing of their sad plight contrived to make the people secure. So they said to the people: "Put your trust in us and we shall open unto you the bottomless money bags of government. They shall be your Golden God who will care for you and your children from the cradle to the grave. Your beds shall be soft; your bellies shall be filled with good things to eat; your labor shall be easy and your wages shall be great. There shall be long seasons of time-and-a-half and double-time. You shall generously share the fruits of labor of others and much time for ease shall be your lot." And the people said: "Hurrah, verily shall the money bags of government be our Golden God and upon these leaders shall we trust our security." Thus did the people of America deliver themselves into bondage."

I agree with the President when he recently said "only a free economy provides maximum scope for knowledge, innovativeness and creative power for each individual and that the nation needs more economy in government and less government in the economy."

I recommed that the Congress control the expenditure explosion of the Federal Government and urge it to differentiate between national and nation-wide problems. The latter should be left to the local units of government. I urge Congress also to recognize that good intentions braced by good objectives do not in themselves guarantee good programs—and furthermore that the nation should not be forced to pay for massive national effort until the program in question has demonstrated its effectiveness on a pilot scale.

I cite, for instance, the city of Washington, D.C., as a prime example of acute social decay and remind you that the city is under the complete control of the Federal Government. If and when the Federal Government has demonstrated that it has solved the social problems of Washington, D.C., then, and then only, it is justified in recommending the cure on a national basis.

OUR POSITION IN VIETNAM

(By Michael R. McNulty)

I speak today as a young American citizen who is deeply concerned about the future of mankind.

A firm believer in the ideals of Martin Luther King and Robert Kennedy, I entered politics in the hope that I might help—in my own small way—to make our world a place where all countries and peoples might live in friendship, peace, and freedom.

I believe it is the duty of the leaders of this country to move toward that goal, and I have come here today to express my feeling that the present administration is failing in this effort by continuing to pursue a policy of war in Southeast Asia which is void of all moral justification and which is slaughtering the youth of America and Vietnam.

The tragic flaw in our policy in Vietnam is that our leaders have failed to realize that we have intruded in a civil war which we do not understand, which we cannot—for all our wealth and power—win, and which we have magnified one hundred fold by our very presence.

What could possibly justify our military activity in that country?

According to the President, our goal is to see to it that the people of Vietnam are given the chance to decide for themselves how they shall be governed. To that end we supported what was called a national election during the administration of Lyndon Johnson. As we all are aware, that election was neither free nor democratic, and the military dictators who ruled before 1967 continued in power after that hoax.

The election of a national assembly at that time brought some hope that the absolute power of the generals would at least be questioned on occasion. But those few who were not elected in the same corrupt and fraudulent manner as were Mr. Thieu and Mr. Ky, soon learned that cooperation with the military was the only alternative to extinction. Some of the candidates who ran in opposition to the military dictatorship in 1967 are still in prison. And those who sought to expose Mr. Thieu by way of the press suddenly disappeared and were never heard from again.

This is the kind of government we are supporting in the name of democracy! And this is the cause of which some feel we are justified in having given 40,000 American lives!

What have we accomplished by our military activities in that country?

After all the American lives we have lost, after the hundreds of thousands of Vietnamese people we have killed, after the countless number of casualties both countries have sustained, after the millions of tons of bombs we have dropped and the thousands of aircraft we have lost, how many of us can honestly say that we feel our country has accomplished anything good—that we have made any real contribution to the people we say we are helping? Who among us feels more secure because of our activities in this part of the world?

I say to you that we are murdering innocent people every day in Southeast Asia and that unless we stop this insane war we are going to tear apart the very foundations upon which our forefathers built this great democracy.

Today, in our own country, people are still starving, children are being bitten by rats in slum housing, our black brothers are still being deprived of much of what white America has always enjoyed, our young people are giving up on the political system and tripping out on drugs, and our air and water is polluted. *This* is the state of our union—the richest country in the world.

And yet Mr. Nixon can feel justified in continuing to pour countless billions of dollars into a war which no one can explain, and into such defense fiascos as the ABM.

Can anyone justify the fact that we spend more money each year to kill and to prepare for killing than we do to alleviate the suffering of those who live and to maintain their dignity as human beings?

In his campaign for the presidency, Richard Nixon promised the American people that if he were elected, he would end the war in Vietnam. And in an election as close as the one in 1968, I believe that it was on the strength of that pledge that he became the leader of this country and the commander-in-chief of our armed forces.

Mr. Nixon has now been in office for nearly thirteen months, and he has made it very apparent that he has no idea when our intrusion into the affairs of the Vietnamese people will end.

The formation of Mr. Nixon's policy in Vietnam is based on the same criterion which is used in the formation of all his policies: He follows the course which he feels will be most appealing to most of the electorate.

I say to you that Richard Nixon has no more of a plan today to end the war in Vietnam than he did when he made his promise to the American people in 1968.

The simple truth is this: Richard Nixon is playing a game of politics with the lives of young Americans and he must be stopped.

No sooner had he raised the hopes of the people of our country for an end to the war, when he flew to Vietnam, put his arm around a cruel dictator named Thieu, pledged his support for this man, and renewed the commitment of this country to the support of his military effort.

Such contradictory commitments can only be explained in terms of political expediency.

We cannot wait any longer in dealing with this tragic situation. We cannot allow senseless slaughter to continue day by day because Richard Nixon says he has a secret plan. The 1964 Gulf of Tonkin resolution must be repealed, and our Senators and Congressmen must regain control over the course of our actions in southeast Asia.

The blood of the people of Vietnam, and the blood of the Americans who died in that country, will always be on our hands. Nothing can ever change that. But if we are truly the great nation we claim to be, we will admit our monumental error before the world community by withdrawing all of our troops from Vietnam. And I truly believe that if this is done, the event will be recorded not as the moment in history when America was brought to her knees by a tiny nation of primitive people, but rather as the time when the United States showed her true greatness—as a peacemaker in the world and as a protector of precious human life.

If, on the other hand, Congress allows President Nixon to continue to prosecute this war in the hope that his secret plan really exists, we are going to experience a continued deterioration in every phase of our national life. And the end result of such a course of action will be the closing chapter in an episode of history entitled "The Rise and Fall of the United States of America."

And so I call upon our Congressman, Mr. Button, and our two United States Senators, Mr. Javits and Mr. Goodell, to continue to express their opposition to the continuation of this war.

And I call upon all the Members of Congress to put an end to this immoral episode of mass human slaughter—not within the next few years, but in the year 1970.

THE IMPACT OF THE HOUSING SHORTAGE

(Mrs. Melvin Urofsky, chairman, Human Resources Committee, Albany County League of Women Voters)

Members of the League of Women Voters of the United States believe the federal government shares with other levels of government responsibility to provide equality of opportunity for education, employment, and housing. We are confining our remarks to the subject of housing this afternoon, because this is a high priority item on our program and the focus of our current study in Development of Human Resources.

In his State of the Union message, President Nixon has given urgent priority to adopting reforms "which will expand the range of opportunities for all Americans." He has also stated that "in order to be secure in their human rights, people need access to property rights." Equality of access to housing, however, cannot and will not be meaningful until there is an adequate supply of decent homes for all Americans. The housing problems faced by the City of Albany are not atypical of those of the nation. There is an extremely critical shortage of housing, particularly for those of low and moderate income. A Community Improvement Survey conducted in 1967 found only 56 per cent of the housing in the City of Albany to be standard. An estimated 2,000 new housing units are needed, a need compounded by rapid deterioration of old buildings, 88 per cent of which were built prior to 1940, and by displacement of over 4,000 families by urban renewal in the last ten years. As in most cities, many white families with school-aged children have left for the suburbs, leaving the young, the poor, and the elderly—many of whom are black—in the core sections of the city, and many of these people are paying a disproportionate amount of their incomes for housing that is sadly inadequate. The national need, according to the Kaiser Committee, is for production of at least 26 million new or rehabilitated housing units, including six to eight million federally subsidized dwellings for families in need of housing assistance.

Obstacles to be overcome in securing sufficient housing, both nationally and in this city, include:

(1) Land costs which can represent up to 20 per cent of a unit's price.

(2) Building costs too high for private builders to provide low-cost housing.

(3) Old-fashioned construction methods.

(4) Union regulations which increase the price of housing.

(5) Out-of-date building codes.

(6) Seemingly unsolvable red tape to get federal and state subsidies.

(7) Exclusionary zoning ordinances.

(8) The high cost of money.

(9) Active legislative opposition to providing money for this purpose.

There are tools at hand to begin to meet this intensely critical problem. The President has requested continuation of the programs of the Housing and Urban Development Act of 1968. This innovative act contains many far-sighted programs, among them a wider range of choices for Public Housing, below-market interest rates, programs to aid limited- and non-profit sponsors in the building of low and moderate income housing, and an improved rent subsidy program. In his budget message the President has requested authority to help provide almost 600,000 additional housing units for low and moderate income families in 1971. This figure is in line with the annual goal set by the Kaiser Committee. The President also spoke of basic reforms needed to solve the underlying obstacles listed before to increased production, and also of the new experimental program, Operation Breakthrough.

It must be pointed out, however, that the usefulness of new programs can be severely limited by the gap between goals and appropriations. Congress is sometimes generous with programs, but Congress does not always appropriate what it has authorized. For example, let us examine the figures for the innovative HUD Act of 1968, which received strong bipartisan support when it was conceived. The following figures are excerpted from *The Ill Housed*, a report on national housing policy prepared for the League of Women Voters of the United States:

HOUSING ACT OF 1968—LEGISLATIVE REQUESTS V. FUNDS APPROPRIATED

[In millions of dollars]

Program	Request	Appropriation
Tenant services under public housing	15	0
1 percent interest rate programs for housing sales	75	25
Rental housing	75	25
Model cities supplementary grants	500	312.5
Urban renewal add-on	500	312.5
Rent supplements	65	30

All of the programs were drastically slashed when the time came for meaningful appropriations. This is not the way to achieve a high-priority goal.

Twenty years from now will we once again have to admit, as Congress did in 1968, that we have once again failed to reach our national housing goal which was set forth in the Housing Act of 1949. "a decent home and a suitable living environment for every American family"? Will housing inadequacy continue to be a prime contributor to urban unrest, as stressed by the Kerner Commission on Civil Disorders? Will the remedy come too late? Or are we as a nation prepared to undertake now the tremendous task of supplying the 26 million homes that are needed to house our expanding population and replace the shamefully substandard dwellings that are now inhabited by more than 20 million American citizens? Surely this is an area for top national priority and commitment. When our League study is complete, we will be ready to make public more specific recommendations in this area.

Priorities and the Poor

(The Reverend Robert L. Pierce, urban agent, the Schenectady Inner City Ministry)

As a group of fourteen downtown churches in Schenectady we operate under the assumption that when the churches in a city focus their energy and resources on the critical needs of people and the community it can make a difference. It is from a vantage point of churches so involved that I would like to submit for consideration some indication of the way our efforts speak to the matter of priorities.

1. A major share of our work deals with early childhood services. It is clear that the job of educating the younger generation, especially those in the city, is in crisis, and despite evidence of a growing segregation in our school systems and the attendant evils of such a system, the drift is not being checked in any substantial way. If we are to take the Dr. James Coleman study of '66 seriously when it asserts that the only variable that seemed to improve the achievement of a lower-class child was to place him in a classroom with children of a higher socio-economic level we have the outline of what is called for. According to Dr. Coleman, nothing else—smaller classes, better buildings, not even better teaching—seemed to affect the dark statistics of failure and underachievement. The only policy recommendation possible to draw from such a conclusion is that schools must be desegregated—now, before further generations are damaged, without waiting for a change in racial-residential patterns—although we know that such a policy is easier to mandate than to achieve. The desegregation programs so far have been "small interim steps;" only "giant steps" with help and encouragement from the federal and state government will have any chance of success. And, in the meantime, our city schools must be improved. We are encouraging every effort to move in that direction including the compensatory programs; parent and community participation in the classroom; and the greater participation in managing the school program and system. What is called for is a generous commitment of resources and imagination to improve the quality of life in our cities.

2. For example, here as elsewhere in the country, we are experiencing the critical problem of the lack of rental units for city residents. Other statements today have already elaborated on that. Suffice it to say that this comes close to being at the very center of the swirl of frustration about the city and its resources. We sense that there is no shortage of ideas to guide an all-out attack on housing and the misery of the slum environment. Professionals generally agree as to just how present programs would or could be expanded and reformed: build better public housing and in smaller units; lift the crippling restrictions from rent supplements; make model cities an across-the-board program available to all rather than a competition; and so on through the technicalities of mortgage finance, tax incentives, and advanced building technology. We support and encourage that all out effort and plead for the evidence of good faith, will and fiscal support for such an effort.

3. Our experience leads us to believe that adequate means for support must be found for all poor people. We have been involved first hand with enough welfare cases to be deeply concerned over the present program and administration of welfare and its effect upon the poor. Alternatives must be found. We also believe that it is not simply a matter of providing jobs: it must also involve such things as more child centers, better education, and improved public transportation, as well as being paid a living wage for doing real work. We are immediately concerned with the extension of day care facilities—year round, day long services—but understand that to be only a small part of the total effort.

The President's suggestions and the programs for reform must be implemented. For there are a growing number of us who believe that the despair of poverty should not exist in the midst of our growing affluence.

4. Central to the analysis we make of the situation is that more careful attention must be paid to the development of urban resources. We anticipate the time when there will be an Urban Aid program as part of the national budget. Concomitant to that there must be a genuine streamlining of the way the government transacts its affairs with the cities. It is my understanding, for example, that there are at least eight standing committees that share jurisdiction over urban affairs in the House. Such a proliferation of structure makes it difficult if not impossible to consider the interrelationships between housing and education, let us say, whether to spend a billion for low cost housing against a billion for supersonic transport. The conclusion is obvious. A new way must be found to structure the response on the part of Government to the city so that the effort will be more realistic and helpful.

If that is a problem at the national level, it has its consequence in local communities where there has been no energetic effort to see that local governments and agencies know what is available to them. That issue deserves special attention in a day when the government expouses the need for reform in our institutions and programs.

Perhaps these suggestions may be useful in the long run, but the need is immediate. The private sector, especially business and industry, must be encouraged to be involved more extensively in urban problems. Any effort you could personally initiate or encourage would add weight to the community effort and it may even enliven the hope and possibility of checking the drift of further isolation and alienation in our midst.

A Necessary Commitment

(Mrs. Charles Bean, legislative chairman, Planned Parenthood League of Schenectady County)

As a member of the Board of The Planned Parenthood League of Schenectady County, I appreciate this opportunity to discuss and spotlight a national priority which has an impact on many others; it is Family Planning. Neglected in the past, this problem has only recently been recognized as a concern of government. This apathy which has contributed to our present population explosion must be replaced by a determined effort to place family planning high on our list of national priorities.

Just how real this explosion is becomes apparent when we consider that it took millions of years for the earth's population to reach 1 billion in 1830, but in just the fifteen years between 1965 and 1980 another billion increase over the existing 3 billion will take place. One billion is equal to all the people now living in North and South Americas and the 55 countries of Europe. The rate of increase will be somewhat lower in the United States, but it is projected that we will have 140 million more people by the end of the century. Think what this will mean to our already frantic efforts to ease the congestion in our courts, on our highways, and in our schools! What will we do with the 5 pounds of waste which the average person throws away (it is estimated that the wealthy produce 8 pounds—old boats and freezers and such) per day. Will we have any chance of purifying our waters or of achieving peace in a world where the developing nations least able to cope with larger populations will be growing the most rapidly?

One of the most alarming aspects of the population explosion is that a significant portion of births are unplanned and in many cases unwanted. Recent studies at Princeton University indicate that in this country 42% of the births among the poor and near poor are unwanted by at least one parent, and the figure for unwanted births among the upper and middle economic groups is about half of this. The freedom of choice

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which means so much to us in this country is clearly not available to everyone in this very personal matter of the number of children they would like to have. The Office of Economic Opportunity surveys show that among those women eligible for public assistance and medical aid only 15% in the nation have access to Family Planning facilities. In the State of New York the figure is 30% and in this congressional district 18%.

The human costs of unwanted children are staggering—the high incidence of infant mortality and material death among the poor, the battered children, the frequency of maladjustment in school, alcoholism, mental illness, and the increasing number of unmarried teen-age births which frequently start the miserable cycle all over again. The cost to society is also great when we consider the numbers of unwanted children who end up in jail where it costs anywhere from $2,486 to $9,965 for one person a year, or the cost of supporting a child in a foster home which is usually close to $1,000, but can go much higher if the child is emotionally disturbed. By comparison the cost of fertility control is minimal—our Planned Parenthood organization's budget is $26,000 a year for providing services to over 600 women, and information to several hundred more people. I am not suggesting that we begrudge the assistance given to many people whose need arises out of their rejection and neglect, but rather, that our society could be more humane and responsible if it provided the means for fertility control to those desiring it to prevent the birth of a child they are not prepared to care for.

To accomplish this purpose of universal availability of adequate information and services to all in need of family planning, the existing hodge podge of private and public agencies is clearly not enough—President Nixon has admirably issued the call to action, but his program does not go far enough in reorganizing the myriads of piecemeal federal programs administered by a variety of offices such as A.I.D., O.E.O., the Armed Forces, and the Department of H.E.W. In addition, the Administration program fails to make a clear commitment to adequate funding for population and family planning research. Currently the National Institutes of Health spends less than 1% of its budget—about $10 million, for such research; at a time when the demand for improved techniques for fertility control is of such great concern to many of our people, this would seem to be a small expenditure indeed.

Congress, which has traditionally been the leader in establishing Government-subsidized family planning programs, must take the initiative now by supporting the vigorous program advocated by Senator Tydings and Representative Scheuer. Their bills, S. 2108 and H.R. 11550, receive non-partisan support, and would provide a unified, comprehensive program administered by a single agency, a national center for population and family planning, under the Assistant Secretary of Health and Scientific Affairs in the Department of H.E.W. They would provide a minimal but adequate financial assistance to States, grants for training and research and projects, and would submit a plan to Congress for extension of services to all persons in need, for research programs and for training. Senator Tydings' bill is now in Senator Yarborough's Labor and Public Welfare Health Subcommittee.

Thomas Paine, Chairman of NASA, has said that the significance of the moon landing was the proof it provided that man can overcome any of his problems if he is willing to make the necessary commitment of money, and skilled manpower. We should be willing to make that kind of commitment to this very urgent need of family planning—the Tydings-Scheuer Bill offers us the opportunity to take a giant step in this direction—please do what you can to support it.

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Legislating Before the Fact

(Dr. Carl J. George, Department of Biological Sciences, Union College)

It seems fitting and proper at this time of environmental crisis and in this land of dutchmen to recall the story of a little Dutch boy who on detecting a hole in the dyke used a finger to stem an irregular flow of water thus saving his home and his community of Haarlem. The little Dutch boy spent little effort in bailing out the water but rather directed his attention to the source—a kind of problem-solving insight and efficiency of action which seems to have almost escaped us in our attack on environmental difficulties which confront us today. We seem to be running wildly in every direction with our mops and buckets attempting to dry up the waters of environmental disaster which grow ever deeper about us.

We shall legislate the aluminum can out of existence only to allow some other troublesome device to appear. We shall insist that every car carry pollution control apparatus of one design or another only to learn that we should have done something else instead. We shall ban DDT and phosphate-rich detergents only to find another innovation coming upon the scene to cause other kinds of disorder. We allow vested interests to grow almost beyond control to eventually learn that they are indeed the swollen fountainheads of disaster.

If we are to succeed, if we are to survive, we must learn how to legislate before the fact rather than to our serious disadvantage after. We do have experience in this kind of thing. Consider the role of the food and drug administration. Consider the consequences if every manufacturer of drugs were allowed to market every product without first showing to an unbiased observer-referee the safety and efficacy of the product before it is spread across the land. We must extend this concept to other sectors of our society. We must legislate the idea that we depend upon the health of our environment just as much as we depend upon the health of our bodies.

A continued failure to provide governmental guidance relating to the environmental impact of the multitude of products issuing from our vast innovative, manufacturing and marketing system will without fail drive us to revolt against this very source of the finer qualities of life that we have come to know and to depend upon.

Give Peace a Chance

(Rev. James Murphy of St. Columbia's Church, Schenectady)

Speaking of World War II, Pope Pius XII said "The savagery of this war is but the seed for the next conflict." I am afraid that his judgment was correct. I am afraid that our century has largely been an exercise in savagery and since World War II, a new and more sophisticated savagery is being prepared for and in some cases tried.

In World War I and World War II, 50,000,000 were killed. Since that war there has been a major conflict every 6 months. They have not all involved the U.S. and we generally consider them minor, but it is only because the atomic age has set new standards. In the 6-day war of 1967 there were more tanks in use than in the Battle of El Almein during the 2nd world war. There have been more bombs dropped in Vietnam than during all of World War II. All of us have become casualties of war as national wealth has been squandered in military causes and the national spirit profoundly disturbed by the brutalization which war and its preparation brings. Once in war, total war becomes acceptable and Dresden, Tokyo, Nagasaki and Hiroshima become logical answers to London, Liverpool and Pearl Harbor. For most Americans, Hiroshima and Nagasaki became unfortunate but necessary and we make peace with the brutal slaughter of innocent people—victims of war machines. Along with the application of modern weapons, there has been the increase in civilian deaths. The moral defeat implicit in the one, causes the slaughter of the others. "In World War I the total number of killed was approximately 10 million, 96 percent of whom were soldiers, 4 percent civilians. In World War II over 50 million were killed comprising almost equal numbers of soldiers and civilians (52 percent to 48 percent). During the war in Korea of the 9 million dead, 94 percent were civilians only 16 percent soldiers." (Max Born, *"What Is Left to Hope."* Bulletin of Atomic Scientists, April 1964.)

Once accept the cold war logic and its strategy of nuclear deterrence, and a President could not hesitate in pushing the button that would kill hundreds of millions of people and such savagery becomes "realistic" and Rational." It is also sophisticated and the language neutral. In 1967 then Secretary of Defense McNamara said "The cornerstone of our strategic policy continues to be to deter deliberate nuclear attack upon the United States or its allies. We do this by maintaining a highly reliable ability to inflict unacceptable damage upon any single aggressor or combination of aggressors at any time during the course of a strategic nuclear exchange, even after absorbing a surprise first attack. This can be defined as our assured destruction capability . . . Our alert forces alone carry more than 2,200 weapons each averaging more than the explosive equivalent of one megaton of TNT. 400 of those delivered on the Soviet Union would be sufficient to destroy over one third of her population and one-half of her industry."

This apparently "Rational" and "Modern" point of view if acted upon would dwarf all the barbarism and savagery of the past even if its architects had college degrees and were considered civilized men.

How curious it is that such a policy is called rational. It appears to be madness. If we ever use the weapons we have prepared we would completely destroy everything we are trying to save. Put into the context of an average houseowner, it would be like setting off dynamite to get rid of a robber. I am not calling former defense Secretary McNamara mad or our national leaders insane. I am saying that the policies we and most nations follow do not make sense and are extensions of the savagery of the wars of this century.

By defining security narrowly in military terms we have become confused and neglected the really important work of life to create opportunities where men can live and enjoy their lives. I think it accurate to say that our defense policy, and that of most nations as well, operate at the expense of people. In truth we serve it rather than it serving us. I would like to make several quotes from the United States Arms Control and Disarmament Agency 1966 report to illustrate the situation has not changed in the 4 years since. "The size of the world's public education budget is about two-thirds the budget for military programs. Half the governments in the world spend more on defense than on education. The average annual expenditure per soldier world wide is $7,800 per year. For the one billion young people in the world age population (ages 5–18), public expenditures for education average $100 a year. . . . The world's public health budget is $52 Billion or one-third the size of its military budget. Only 36 countries out of 120 spend as much on public health programs as on military programs."

It has been widely reported that two-thirds of the world's population is between hunger and starvation—that is there is an inadequate calorie and protein intake to support life. Development programs, although having some very real possibilities, (the miracle grains being one) are afterthoughts and rate fairly low on the level of priorities. It has been estimated and generally agreed upon that the underdeveloped nations need around $20–30 Billion per year wisely invested to start them on the road to development and eventual healthy status. Presently the flow from developed nations to underdeveloped nations is around $8 Billion and a great part of this is set up to serve the developed nation.

The real horrifying fact is that there is not enough food for people in the world. Yet for every man, woman and child on the face of the earth there is the equivalent of the Bomb, dropped on Hiroshima—that's about 20,000 tons of TNT. I have been curious if a person would consume more than 20,000 tons of food material in his lifetime. Yet we are not choosing food over weapons.

To limit our discussion to America, our defense cost since World War II has been over 1 Trillion dollars. President Nixon's recent cuts represent no change of direction. In fact if he continues with ABM and MIRV we can expect increasing cost. I know that those who support defense budgets do so because they believe national security is essential and without that everything else fails. But I believe they've made serious mistakes. It is precisely because of military costs that we are unable to adequately fund and carry through on the essential programs of communities—health, welfare—business—education. It was only last week that the mayors of the 6 cities in New York State marched on the Capitol in Albany looking for money. We have spent over $100 Billion in Vietnam and what has been accomplished. We are getting out and we are not sure what will happen.

"For the cost of one month of the Vietnam war we could provide 4 years of training for 169,000 school teachers, 125,000 nurses and 50,000 doctors as well as college education for 100,000 students who could not otherwise afford it. (Figures provided by the Friends committee on National Legislation.)

The cost of Defense is enormous and the results are minimal. Every new weapons development prepares for the next. It's like cutting the grass, there's a new crop next week. The results become comic in an absurd sense. We are spending billions to defend ourselves from missile attacks. What happens if an enemy does not strike by air? What if he builds atomic bombs in cellars of homes in major cities of the U.S. or, in ships in port? It is technically possible. It is cheaper than developing a missile system. It is safer for an enemy and after the smoke clears who do you attack? The whole reliance on missiles and defense establishment is absurd.

At this point I reach Vietnam, it particularly stands as a sign of the failure of a narrowly militaristic defense policy. We are told that might does not make right—but the only thing we have stood for in Vietnam is armed might. It is our armed might that has protected a disliked and unrepresentative government from its people.

Why are we there. We are told it is for freedom but when it is mentioned that we're supporting and are in fact the mainstay of a dictatorship. We are told that freedom in Vietnam needs dictatorship. Furthermore we are protecting the people of Vietnam. Although millions have died, although millions have been forced out of their homes and farms by our bombing, although the economy and society has been terribly upset, although we destroy villages to save them, we are protecting the people of Vietnam. How many want that kind of protection. I am not saying that the U.S. alone is responsible nor that the Viet Cong and North Vietnamese are any better. I am saying that We are party to destruction and killing for no good reason.

Vietnam represents the worst in America—a righteousness and crusader spirit that forces innocent people to be the victims of our dogmas. In Vietnam we have entered into a complex civil strife and treated it as an extension of our cold war dogma—freedom vs communism. The policy does not appreciate the history or the aspirations of the people not does it really care about their freedom. It cares about our interest. In fact Vietnam becomes important only as our current battle field against Communism. Throughout the world we have let our anticommunism blind us to the real concerns of people.

I guess that all I am saying is give peace a chance. We must stop funding deaths and devote our energies to help people live. We must end Vietnam and stop the possibilities for more Vietnams in Laos, South America, Thailand. We must cut military spending. We must work for disarmament and for some other way to solve international spending. We must work for world justice and development.

These choices are challenging but are possible if we change and work for them.

PRIORITIES IN FOREIGN POLICY

(Vernon Ferwerda, member of the board of the Albany chapter, United Nations Association of the U.S.A.)

The Albany Chapter of the United Nations Association wishes to congratulate Congressman Button for his initiative in holding these hearings, and to express its appreciation for being invited to participate. Our current President, Miss Margaret Barnard, regrets being unable to be present on this occasion. She is in Bangkok, Thailand, attending the Triennial Conference of the International Council of Women, of which she is an officer.

We wish to bring to your attention certain policy positions of the United Nations Association of the U.S.A. which we hope might receive attention from a Congress and President engaged in reviewing our national priorities. In summary, these would urge stronger United States participation in the work of the United Nations, and in making improvements in its operations. These concern an early solution of its membership problems, greater capabilities to continue the important work of peacekeeping and peacemaking, and greater use of United Nations agencies to carry out U.S. assistance to the developing countries.

The last Biennial Convention of the UNA USA went on record as "troubled by the absence from United Nations membership of states now divided as a result of either national or international conflict", and emphasized that "In particular, we believe that new arrangements should be worked out whereby both the Republic of China and the People's Republic of China are represented in the General Assembly—with larger political unit, that on the mainland, then taking its place in the Security Council." It was here concurring in the wise judgment, shared by increasing numbers of Americans, of the late John Foster Dulles when he said that "the United Nations will best serve the cause of peace if its Assembly is representative of what the world is actually like, and not merely representative of the parts which we like."

We in the United Nations Association, both locally and nationally, rejoice in the knowledge that you have been joined by a considerable number of Representatives and Senators, of both parties, in urging Secretary of State Rogers to support the UNA Policy Panel proposals calling for the creation of a UN Standby Force and Peace Fund to finance and carry out future peacekeeping operations. Americans have learned at terrible cost in recent years that overreliance on unilateral intervention with national forces in dealing with disruptions of the peace can prolong war and even bring the world closer to the brink of disaster. The United States originated the idea of national forces being earmarked for United Nations service, and it is not encouraging to realize that in the twenty years that have elapsed since then, not one single U.S. component has been so earmarked. The number and variety of forces already pledged for UN peacekeeping by Canada, the Scandinavian countries, and others is impressive.

Finally, we would commend to your attention the UNA support for increased U.S. awareness of the advantages to be derived from multilateral programs of economic and technical assistance to the developing world. Under the effective leadership of a distinguished American, Paul Hoffman, the United Nations Development Program has come to represent the best effort that can be mounted in helping people to help themselves.

More U.S. funds for development assistance should be routed through the United Nations and its specialized agencies. There undoubtedly will be programs which in the judgment of Congress can be better handled by a U.S. Government aid agency, but these programs should eventually be the exception, not the rule.

This comes close to the general theme running through the UNA studies, findings, and recommendations. The United States should shift from a posture in which we use the United Nations only when we are persuaded it is best for us, to a more enlightened posture in which access to the UN, and increasing support for its programs, becomes the expected procedure, with exceptions only when there are compelling reasons for such departure. Such a realignment of U.S. priorities in the conduct of foreign affairs would move us all closer to the stated goal of the United Nations Association, "the creation of a more just, stable and rational international order, in which the United Nations, its agencies, and other multilateral organizations must play an increasingly important part in maintaining peace, and in formulating and administering programs in the common interest."

PRIORITIES: PEACE, POVERTY, POLLUTION

(Otto Honegger, for the Albany County New Democratic Coalition)

The Albany County New Democratic Coalition welcomes this opportunity to present its views. We strongly believe that this type of presentation and communication is necessary to make our political system meaningful. Our recommendations are based on the urgent necessity for the reordering of our national priorities. We believe that peace, poverty, and pollution are three major items that need to be emphasized. While it is evident to us that the Nixon administration has given rhetorical prominence to these items, we have seen little action and are uneasy about the lack of urgency with which problems are being attacked. Our military and military-related spending now totals more than 80 billion dollars annually and consumes a tenth of the Gross National Product. Almost one-half of the proposed 1971 budget is committed to defense or $400 for every American. It seems obvious to us that the United States cannot afford a foreign war costing 28 billion dollars a year, an irrational arms race and the maintenance of a world-wide garrison without sacrificing the quality of American life; too many Americans are living in poverty and despair; our cities are suffering from neglect and exploitation; life itself is threatened by a strained and increasingly menacing environment. To quote Senator Proxmire, "The record is clear. Our priorities as a nation need to be restructured, and the place to start is with the bloated defense budget. Only when Congress is again in control of the entire budget can we make progress on the domestic front."

PEACE

Americans have spent almost 3 trillion dollars on armaments since World War II. This year the defense budget will support a military establishment which includes the following foreign commitments:

One-half million men in Vietnam.

One-quarter million men in other Asian countries.

One-third million men in West Germany.

10,000 military personnel in the Middle East.

One-quarter million foreign national employees.

One-third million military dependents.

Maintenance of these Americans in over 2200 bases around the world.

In addition, the defense budget will provide 3.3 billion dollars for the ABM and MIRV weapon systems, the total cost of which could exceed 30 billion dollars in the next few years; the remainder of the defense budget will be spent on domestic operations, other weapon systems and military hardware, and the research and development of new weapon systems, the ultimate cost of which is estimated at over 140 billion dollars. To put a brake on defense spending, we support the following recommendations: an immediate end to the fighting in Vietnam; this is of the utmost importance and ranks as first in our order of priorities; the commitment to withdraw all United States forces from Vietnam as soon as possible, following the cessation of fighting, and in accordance with a pre-announced, publicly-announced time-table; withdrawal of support for the Thieu government and support for the concept of a popularly elected and popularly supported government in Saigon. Furthermore, Congress should rescind the Tonkin Gulf Resolution and regain its traditional role as a check against the Executive in the allocation of funds; Congress should curb the arms race and give active support to the SALT talks by opposing continued expansion of ABM and MIRV; we support the suggestion of the establishment of a Joint Congressional Committee on Priorities to evaluate competing priorities and think that the membership of the Armed Services Committees should be more reflective of the opinions of the members of Congress and that the terms of membership on the committees be limited; we commend the efforts of such groups as the Fund for New Priorities in America, the Democratic Study Group, Members of Congress for Peace Through Law in their efforts to develop a "people policy", both domestic and foreign; and lastly, while we commend the President in his ordering restrictions on the development of biological weapons, we urge the complete ban on the development, stockpiling, storage and use of all biological and chemical agents, including defoliates and anti-personnel gases of all types.

POVERTY

Surely one of the most arresting ironies adhering to the current American political and economic system is the persistence of conditions of extreme poverty in the midst of the most affluent society the world has ever known. It is a tragic paradox that the nation which possesses the nuclear capacity to destroy the world several times over and has sent men to walk on the moon can still harbor pockets of poverty in which able-bodied men are unable to find gainful employment and mothers put hungry children to bed at night. Hunger and malnutrition must be recognized as a national emergency and emergency measures must be adopted to meet the situation. We recommended greatly expanded food-supplement programs which will be designed to meet the needs equally and adequately in all geographic areas of our nation and to reach all segments of the population, urban and rural, black and white, the young, the disabled and the elderly; we recommend transfer of all nutritional programs from the Department of Agriculture, which represents the interests of the agricultural industry, to the Department of Health, Education and Welfare. The national welfare system must be redesigned to eliminate the stigma of poverty; a system of social support must be created based on society's acceptance of the obligation to provide for a life of reasonable comfort and dignity for all of its members, regardless of their ability to work, choice of ancestors, or the social circumstances into which they happen to be born. We are happy to note that Mr. Nixon has accepted the concept of a minimum, federally-guaranteed annual income, both for those who have no other incomes and for those whose incomes are inadequate, but the proposals in the 1971 budget are in themselves wholly inadequate and do not begin to meet the needs, especially in a state like New York. Furthermore, poverty in America is inexorably tied to racism and to crime. Black racism is a product of white racism and both thrive on and further contribute to poverty and this is true also of crime. Thus it is essential to eliminate racism in order to eliminate poverty. One of the most pressing needs of black men is for jobs and the government must accept the responsibility of providing the opportunity for gainful and meaningful employment to all those who are able to work. This implies the adoption of the concept of the government as the employer of the last, or even, the first resort. One example of the immediate potential for government to accept this responsibility would be the restoration of twice-daily mail delivery throughout the country which would both confer the dignity of productive employment on hundreds of thousands of individuals and effect an immediate improvement in a government service which has been subject to great criticism in recent years. We support the adoption of nationwide educational standards, ensuring equal opportunity for quality education, nationwide job-placement, on-the-job training, and the immediate elimination of job discrimination because of sex, race, religion and age. Quality health care should be available as a right, not a privilege, of all Americans. To this end, low cost comprehensive health insurance should be available to all families. Quality community health centers should be established in those areas currently without them. Medicare and medicaid payments should provide full financial coverage for all services provided; attempts should be made to guarantee the quality of the medical and ancillary care provided under these plans. We support the concepts of broad scale planning which recruits and subsidizes prospective health personnel to serve in those areas currently without adequate quality medical care to ensure that modern health advances will reach all Americans, living in rural as well as urban areas: generous subsidies for the training of physicians, nurses and other health-related personnel, recruited from all economic levels and all areas of the country; continued, sustained vigorous governmental support of applied and basic research to provide long-range solutions for the still incurable ills of humanity. Lastly, and most emphatically, it is our contention that environmental pollution, malnutrition, inadequate sanitation and inadequate, crowded, decaying and decayed housing all contribute indirect but inexcusable and avoidable threats to public health and should be treated with the utmost urgency.

POLLUTION

Ecologists are saying that unless immediate remedies are instituted for our present pollution of air, water and the despoiling of land, life on this planet can last only until the end of this century. Every year the United States covers over with cement one million acres of oxygen-producing trees, produces 50% of the world's industrial pollution; every year discards 165 million tons of solid wastes and releases into the air 172 million tons of smoke and fumes; our nation's 83 million cars cause 60% of the air pollution in cities, vaporize 16 million rubber tires and contribute unmeasured, invisible but deadly, asbestos particles from brake linings into the atmosphere and the death rate from emphysema and other respiratory diseases is growing at an alarming rate. Funds for research on pollution are inadequate on the national level and inadequate or nonexistent on the state and local level. We support the following actions: the immediate presidential declaration of a "State of Environmental Emergency"; immediate implementation and vigorous enforcement of the Air Quality Act of 1967; the creation of commissions, at state or regional levels, to investigate all evidence of pollution and environmental damage, with powers to subpena, hold hearings and take action against industries, municipalities and individuals who continue to commit actions incompatible with the public interest; furthermore such a commission should have the backing of laws which define pollution and make pollution a criminal offense with stiff penalties for corporation managers; we urge the acceptance of the policy that industrial polluters should bear the total cost of all action to eliminate damage to the environment and as far as is possible to pay for restoration of the environment from despoliation in the past. Most emphatically, we do not feel that tax-payers should bear the costs of eliminating private and industrial pollution. However, we suggest that the government make substantial and long range loans to industries to enable all polluters to eliminate pollution entirely and immediately. Special attention must be given to ending the pollution and destruction of the environment resulting from activities of the federal government; included in this category are air and water pollution by federal agencies and installations, pollution and destruction from federal leases, such as off-shore oil drillings, which may have catastrophic effects on the natural environment, radioactive pollution from test explosions and the pollution connected with the continued development, production, transportation and disposal of biological-chemical warfare agents, which in themselves pose an incalculable danger to the environment and to human life, *per se*, and reflect most clearly the distortion of priorities in both human and financial terms. Furthermore, all highway construction, the building of dams, airports, defense facilities and other major governmental construction should be subjected to the most careful scrutiny to minimize environmental damage; the use of DDT and other long-term insecticides should be outlawed immediately as well as gasoline containing lead; automobile, truck and bus manufacturers should be mandated to develop non-internal combustion engines in a reasonable length of time and all vehicles with internal-combustion engines should be banned entirely in five years; in the meantime, all vehicles should be equipped with anti-pollution devices. The federal government should now encourage and foster the development of massive, efficient and convenient public transportation facilities which should be designed to minimize pollution and the destruction of the natural environment.

The only ultimate defense that democracy has against the encroachment of totalitarianism, whether from the right or from the left, is its demonstrable ability to effectively solve the critical social, economic problems of human society. So far, the United States has failed to show that it has this ability. Only through a massive redirection of our fiscal resources and technical ability away from militarism and the gratification of private desires and the maintenance of the *status quo* toward the creation of an economically and socially fair society can we achieve the only sound basis for the continuance of our democratic way of life. Of all projects and proposals for action by government on all levels must we raise the question: does this enhance the quality of life for all people everywhere?

XUM

"SCOOPS" RETIRING

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1970

Mr. CLANCY. Mr. Speaker, at this time I would like to present a recent article from the Cincinnati Post and Times Star by Si Cornell. I am sure that all Members of the House of Representatives will enjoy reading about the retirement of "the expediter"—Edward John Donnellon. Eddie is a well-known and beloved person in the community and has the respect and admiration of not only his colleagues but everyone who was fortunate enough to work with him. His contributions to the field of journalism and public service have been outstanding. We wish him many years of health, happiness, and prosperity.

"Scoops" Retiring

(By Si Cornell)

In a crowd, you would pass him without notice, because he's old and small. But he would notice you. One glance, and he would know whether you're sad or happy, and how long it has been since your last shoeshine. Probably, he could come close to naming your income, your suburb; whether you're Mason or KC, and whether you're looking for a building permit to improve your home or a judge who might provide free lodging.

"It's my time to quit," said Edward John Donnellon, alias Scoops, alias Tarzan.

Eddie, 66, is retiring from the county auditor's office. Fred Morr, the boss, calls him "the expediter." Anything built around here in recent years had Eddie checking blueprints.

But that's just the fadeout, the last act. Eddie was a reporter. You know like the Front Page, with bow ties and trench coats and a real cop's badge. He wasn't above bawling out a police chief or telling off a mayor—the story, the eternal story every reporter's after, was the thing.

Oh, reporting was great when Eddie did it. Card games were continuous in City Hall's police press room. Characters with strange names and stranger records continually brought replenishment (some of it illegal) for reporters' depleted cups. With the night cops, you took target practice on rats which then came through headquarters' wooden floor, and the public never fretted over erratic gunfire in City Hall.

Eddie was 16 when he first had a look at things like that.

It sounds unlikely, but Eddie says "Mom and Dad always insisted on politeness, and that's how I got into the newspaper business."

His father, also Eddie, a cabinetmaker, and his mother, known as "Smiling Bridget" Donnellon, nee Murray, had Eddie as the 13th of 14 children. When Eddie was out of the eighth grade, the parents permitted the boy to meet streetcars at Reading road and Milsh and tote packages home for tired and elderly passengers. Among those passengers was an Associated Press telegrapher.

"I took a job in a laundry shaking handerchiefs to dry, and was promoted to ironing butchers' aprons within two hours by a woman boss who chewed tobacco," said Eddie. "When I came home that night the family cleaned me up and sent me to the Times-Star—the AP had called."

It was 1920 and $11 a week. Copy boys ran wire stories from the Times-Star afternoons and the Enquier at night. The stories had to go to the Commercial Tribune, the Volksblatt, and the Frie Presse, and to the C.H.&D. station at Sixth and Baymiller for a train which rushed them to the Dayton Herald. Only The Post, with its own wire, didn't have to be serviced.

"I made reporter on the Commercial at 17 for $30 a week," said Eddie. "They called me 'Tarzan of the AP' because I always ran with the stories when I did the swing run among all the news offices. I got my first big story (a train wreck with many dead and a couple of hundred injured) because I bought a new suit and came into the office early to hang it up."

The city editor who entrusted the boy with that big job must have been satisfied, because he put the lad to covering all the city's hospitals. There, Eddie came up with a young English doctor, serving as an intern, whispered he suspected Jamaica ginger and bad home brew as the cause of the virulent "Jakeleg," killing people nationwide. It was so bad General Hospital's grounds had victims in tents, like an army camp.

"The Commercial let me hire a chemist, and we tested ginger and home brew from where victims said they got it, and the young doctor proved to be right," said Eddie. "I busted that story and it went everywhere on the wire."

Another was the fact less babies seemed to die at General. Eddie discovered a doctor had set up the city's first pre-natal clinic to catch difficulties before birth, but it was all hush-hush and nobody could get in. Eddie got in simply by donning a white jacket and stethoscope, and came out with the story.

Soon, such a wise youngster was downtown with the City Hall and Courthouse cynics, and he held his own or more. Dick Bray, the retired broadcaster, called Eddie "Scoops," and that stuck. Like the time every reporter knew the Bijou Theater had a minor fire, but only Eddie discovered the projectionist, dealing with the highly flammable film of the first talkies, had died in the blaze.

"The press room fellows didn't speak to me for four months," said Eddie. "There was a card game going when the fire gong rang, and I ran for Fifth and Walnut, and all the other guys yelled at me was to let them know if a traffic jam resulted. Traffic was no problem and I didn't feel obliged to tell them about anybody being killed."

It wasn't all fun and games. The Commercial folded in the early '30s, and the unemployed reporters celebrated the event by renting the Gibson Roof Garden, where they got drunk and actually played football, knocking each other all over the dance floor.

"For a while, I did everything—put in coal, washed kitchens, did a little song and dance act, repaired autos, worked on weeklies," said Eddie. "I was editing four weeklies at once when I noticed we had a pretty bookkeeper named Marie.

"All the weeklies folded and I was selling carpet sweepers door to door when Marie and I got married," said Eddie.

WLW took away the sweepers and put him back on news, and then he did a big stint as news director at WCKY, where he was the only guy small enough to wear the late L. B. Wilson's expensive suits and shoes, which L. B. quite often wore only once, or not at all, before giving them away.

Eddie was on The Post when I came back from WWII, and he once invited me to lunch—which we never ate. So many people stopped him to talk on the street the lunch hour simply ran out.

Besides Courthouse tasks in recent years, Eddie also has been president of the St. Bernard Eagles, which now has asked him to quit working and help run their aerie a few hours here and there. It's only a block walk from Eddie's home, and he has agreed.

"I'm leaving the Courthouse on Friday the 13th, the bad luck day," said Eddie. "But I'm a 13th child, and that ought to make it right."

Only thing wrong is the little guy will leave a big hole among the people who know what's going on downtown.

LAST TRIBUTE TO BALTIMORE'S OUTSTANDING NEGRO CITIZEN—DR. FURMAN TEMPLETON

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. FRIEDEL. Mr. Speaker, one of Baltimore's great television broadcasting stations is WJZ–TV 13, a Group W station of the Westinghouse Broadcasting Co. Its general manager is Mr. John Rohrback who on February 12, 1970, presented a TV editorial about a truly great and good man—the late Dr. Furman Templeton.

The fact that this distinguished man was a member of a minority race only adds to the importance of this excellent editorial. There is no doubt that we have come a long way in the matter of better race relations, but it is equally true that we still have much to accomplish.

I personally know few men that have enjoyed the esteem and respect of all citizens, black and white, more than this late civic leader, educator, and dedicated citizen to the cause of making this a better world. It was my pleasure to know and work with him over the years and I and proud that he was my friend. I wish to invite the attention of my colleagues in the Congress to the words of Mr. John Rohrback in praise of "the leadership of Furman Templeton" because he says what should be said far more eloquently than I can.

The Leadership of Furman Templeton

If, within the last few years, Baltimoreans had been asked to vote for their city's outstanding black citizen, there would not have been any unanimous choice. Our guess, however, is that the leader would have been Dr. Furman L. Templeton, whose dedicated career ended with his death this week.

Furman Templeton, director of the Baltimore Urban League for nineteen years, started his fight for minority rights when the struggle was lonely and discouraging. He never despaired, though, and little by little his own zeal enlisted the support of the people of Baltimore, black and white together.

Under Dr. Templeton's leadership, the Baltimore Urban League was conducting a war on poverty long before the Federal government joined the campaign. Although limited by a very modest budget, he directed the Urban League in campaigns for job training, job finding, leadership development, consumer education and for better family life.

He was a man of almost inexhaustible energy, with a zeal and force that made many find him almost dictatorial, while conceding that his relentless drive stirred and motivated those around him. And yet, in his rare quiet and contemplative moments, Furman Templeton revealed himself as a man of intense compassion and pervading faith.

It was inevitable that a man of such talent could not be confined to Baltimore alone. While serving in an almost unbelievable number of civic causes, he acquired national stature as vice chairman of the Commission on Religion and Race of the United Presbyterian Church of the United States.

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> Those of us who still hold firmly to the belief that black and white citizens must work as a team, can draw strength from his example. Furman Templeton is gone, but the zeal of this great and gifted man has infused a host of Baltimoreans with the will to wage his struggle to a successful conclusion.

We all extend to his family our heartfelt condolences.

ESTONIANS CELEBRATE 52D ANNIVERSARY OF INDEPENDENCE

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. CUNNINGHAM. Mr. Speaker, Americans of Estonian descent celebrated the 52d anniversary of the Declaration of the Republic of Estonia on Tuesday, February 24.

Unfortunately, the Estonian people were able to enjoy their freedom and national independence for merely two decades. The Soviet Union, with the aid of Red Army, overran Estonia during World War II and occupies the country to this day.

The United States has never recognized the forcible incorporation of Estonia into the territory of the Soviet Union, and continues to recognize Estonian diplomatic and consular representatives in this country.

Through the Communist aggression and violence Estonia lost her independence and her people were deprived of their liberty. Through Soviet military occupation and unlawful Communist expropriation they have lost their personal property and the wealth created by industrious Estonians during many generations. Thousands of American-Estonians who have been lucky enough to find refuge in this country, have personally suffered from Communist cruelty and terror. Most of them have lost members of their families and close relatives through arrests, deportations to Siberian slave labor camps or by outright murder, committed by the Communist oppressors.

For 30 years now the expropriation, pauperization, slave labor, suppression of basic human rights and freedoms, Russification, terror, mass deportations, and murder have been the marks of the Soviet occupation in Estonia and the other Baltic States of Latvia and Lithuania.

However, the Estonian people have never lost hope to regain their freedom and independence.

The 89th Congress, after extensive hearings, adopted unanimously the House Concurrent Resolution 416, where it is stated, that the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of the right to self-determination by the Government of the Soviet Union and urged the President of the United States:

> (a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the people of Estonia, Latvia, and Lithuania, and
>
> (b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. Speaker, I support these principles just as strongly today as I did in the 89th Congress.

REPUBLICAN TASK FORCE ON EARTH RESOURCES AND POPULATION RESUMES HEARINGS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and Population, of which I am chairman, spent most of last year studying the problem of population growth. Through our research, and the testimony of experts at our hearings, we assembled and published our family planning report, "Federal Government Family Planning Programs—Domestic and International," which was released December 22, 1969.

This year, we intend to concentrate our efforts on a related and equally serious problem—the problem of the Nation's threatened mineral supply. In tune with last year's procedure, we plan to conduct frequent hearings on our subject of interest. The task force has held two introductory hearings to kick off our quest into this subject area, and we have already been confronted with some of the serious problems that must be dealt with in order to achieve a stable domestic mineral supply. In the past few months, a great deal of attention has been focused on the problems of pollution and environmental degradation. However, in the midst of this concern, there appears to be far too little attention paid to the problems impinging upon our mineral resources.

On February 4, 1970, the task force began hearings on the mineral supply problem. At this hearing we heard from Dr. Harold L. James, Chief Geologist for the U.S. Geological Survey. Dr. James was accompanied by Dr. E. V. McKelvey, Mr. Thor Kilsgaard, Mr. David Davidson, and Mr. Harold Kirkemo. Last week, February 19, we conducted our second introductory hearing. At this hearing we heard from Mr. Hollis Dole, Assistant Secretary (Mineral Research) of the Department of the Interior. Mr. Dole was accompanied by Mr. Gene Morrell, Deputy Assistant to the Secretary, and Mr. Jack Rigg, Special Assistant to the Assistant Secretary. These two hearings proved most interesting and enlightening, and will be extremely valuable in directing our approach to this subject in the weeks to come.

We have learned from our hearings that by the year 2000, the United States will probably have over 300 million people who will desire and expect higher levels of living than exist today. It is the use of our mineral resources that enable us to advance. They are of basic importance to national economic growth, and to our individual well-being. Despite great and continuing gains in knowledge of how to locate and utilize natural resources, we must still work within the limits of the earth's natural environment. The use of lower grades of raw materials, recycling present resources, substituting plentiful materials for scarce ones, and making multiple use of land and water resources are some of the possibilities for dealing with a mineral shortage. However, our present research into these methods is not adequate to meet the growing demand for mineral supplies.

We have learned that in many less-developed countries the population presses hard on existing natural resources. This problem may have detrimental repercussions on world trade. The current demand in the United States for certain mineral resources surpasses our domestic supply, and our access to foreign supplies has increased in importance. The United States has become a fairly large net importer of such items as crude oil and iron ore; and has increased its imports of copper, lead, zinc, and certain other metals.

Domestic requirements for the major metals are expected to grow much faster than population during the remainder of the century. According to projections, the smallest rise, for lead, would be slightly over 100 percent by the year 2000. Aluminum requirements are projected to rise by 800 percent, and steel by 200 percent. Domestic reserves of manganese, a metal that is indispensable to steel production, are just about equivalent to 1 year's consumption at present rates of steel production. This is further complicated by the fact that we have a mining labor shortage. Only 17 mining schools remain active in the United States, and these schools produced only 103 graduates in the year 1969. The average coal miner is approximately 50 years of age, and a projected 25,000 of them will retire in the next 2 years.

Another problem that was brought to our attention was that of an energy shortage. The total demand for energy to supply the many forms of heat and power that modern America requires is expected to triple by the end of the century. We do not have sufficient energy resources at present to keep up with our increase in population. It is predicted that we will have a possible natural gas shortage in only 3 years.

These are only some of the more obvious problems that came to the attention of our task force during these two hearings. We plan to study this situation more thoroughly in the weeks to come, and I will continue to publish the results of our task force in the RECORD for the benefit of my colleagues.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

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SENATE—*Friday, February 27, 1970*

(*Legislative day of Thursday, February 26, 1970*)

The Senate met at 9:30 o'clock a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty and ever-living God, the ruler of men and nations, by whose power we were created, by whose mercy we are sustained, and by whose providence we are governed, we beseech Thee to illuminate our minds by Thy spirit, control our emotions, and direct all our judgments.

Speak to our hearts when courage fails, or ideals are blurred and patriotism wanes.

Keep us resolute and steadfast in the things that cannot be shaken, always abounding in hope and joy, persevering in the work Thou givest us to do.

Lift our vision to see, beyond the things which are seen and temporal, the things which are unseen and eternal.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 27, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, February 26, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL TOMORROW, SATURDAY, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS FROM SATURDAY TO MONDAY, MARCH 2, 1970, AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, Saturday, it stand in recess until Monday next at 11 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR FANNIN ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 1 hour on Monday, after action on the Journal.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 3522—INTRODUCTION OF THE MOTOR VEHICLE DISPOSAL ACT, TO DEAL WITH ABANDONED OR JUNKED CARS

Mr. JAVITS. Mr. President, I am grateful to the majority leader and the minority leader for bringing us in early so that I might introduce what I consider to be a very important bill.

There is much concern about the environment in this country, and quite properly. One of the great problems created in respect to modern times and modern environment is the disposal of wastes; and among the wastes with which we are most concerned in our large cities and which bedevil us the most are so-called junked automobiles. In New York City alone last year, 50,000 automobiles were abandoned on the streets. They constitute an unsightly, insanitary, dangerous, and costly aspect of city living.

This is a subject with which I have great personal familiarity, as I was born and bred in New York City and have seen this problem grow to probably the greatest visual eyesore.

My administrative assistant, Frank Cummings, has proposed what I consider to be a most gifted and unusual initiative in respect to this matter, which I introduce for myself, the Senator from Rhode Island (Mr. PELL), and the Senator from Utah (Mr. MOSS). This bill, which is the result of extremely creative thinking on the part of Mr. Cummings, is entitled the "Motor Vehicle Disposal Act." The bill is designed to deal with the mounting problem and awesome cost of removing junked and abandoned cars from our highways, streets, and landscapes.

In a most adroit way, it requires that all cars carry a permanent plate issued by the U.S. Government. It conceivably could be done on a State level as well, of course, but this is such a broad problem that I believe the national establishment has the right to move into it in the name of interstate commerce as well as health, sanitation, and the prevention of crime. This plate would issue for a fee of from $25 to $50, depending on the size and the weight of the car. Title to the plate would inhere in the car itself, so that transfer of the car automatically transfers title to the plate. The value of the plate, obviously, would affect the price of the car, either originally or on resale, to the extent of the value of the plate.

The last owner of the car could obtain a full refund of the license fee by depositing the car with an authorized concern qualified to process, and in the business of processing, junked vehicles into established grades of scrap for remelting purposes—thereby returning the metal to the stream of commerce without littering streets and landscapes with scrap. In the event a car is unlawfully abandoned in a public place—and that is our problem—a public agency authorized by law to remove the car could then take it to such a qualified concern, and the agency itself would receive the disposal fee, to cover its very considerable cost in removing abandoned cars. As I said before, in New York City alone last year over 50,000 abandoned cars were towed away.

In addition to providing an incentive not to abandon cars on public streets—the incentive being loss of the disposal fee refund—and giving a bounty to the local government to remove such abandoned cars, this ingenious plan, which is entirely a self-help plan, would also create an incentive for junkyards not to endlessly expand their inventory, for each car carcass on a junkyard would always be worth at least $25 to the lot owner if he would remove it and deposit it with an authorized disposal concern.

Senators will recall that the President, in his February 10, 1970, message to the Congress on environment and pollution, said:

> The way to provide the needed incentive is to apply to the automobile the principle that its price should include not only the cost of producing it, but also the cost of disposing of it.

This bill, I repeat, with my own appreciation of the very creative work of Mr. Cummings, who, incidentally, is a very fine labor lawyer by profession, would accomplish that objective, except that it would not involve costs unless the owner abandons his car unlawfully.

I think it is important to note that this bill, except for the cost of initial organization of the plan, would be completely self-liquidating in terms of cost. A law-abiding car owner would incur no cost at all, assuming that he would recoup the cost of his license when he sells his car to a second owner, and further assuming that the last owner—whose cost would include the cost of the license—would get a complete refund when he deposits the car for disposal. The bill would also make self-liquidating the very considerable cost which local governments incur for towing away abandoned vehicles, bearing in mind that there are 90 million vehicles in the United States. So this is a very tidy sum of money. The cost of administration could, I believe, be defrayed by the interest on money deposited in the revolving fund made up of the license fees themselves.

Mr. President, it may be that this kind of approach has within it the source for the solution of other problems in this or other fields.

It strikes me that one of the real aspects of the genius of our private enterprise society is that the citizen has two things that he never finds in a Communist society—ownership and credit. He deposits his money with the Government, knowing he will get it back, and he owns his own car and every appurtenance of it, and pays his own way. It seems to me that more and more, we must begin to utilize this principle. I believe the answer to the proliferating cost of government may well lie in just these techniques.

So, Mr. President, again I wish to state that while I am not the author of this idea—it comes from a very gifted man who is my administrative assistant—I think it is a very fruitful idea, and I have great pleasure in incorporating it in a bill, and commend it highly to the consideration of my colleagues. I hope very much it will not only have very early consideration by the committee to which the measure will be referred.

And I also look forward to its further study by other committees which have similar problems in terms of the appropriate application of this principle.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred.

Mr. **JAVITS**. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Disposal Act".

DISPOSAL FEE REQUIRED

SEC. 2. (a) Each person within any State who owns a motor vehicle on the effective date of this Act shall, within three months after the effective date of this Act, pay to the Secretary the motor vehicle disposal fee required by the provisions of this Act, and affix to the motor vehicle a plate or other device, designed by the Secretary, stating that the motor vehicle disposal fee has been paid.

(b) Every motor vehicle manufacturer shall pay for each motor vehicle manufactured by it after the effective date of this Act the motor vehicle disposal fee required by the provisions of this Act, and shall affix to the motor vehicle a plate or other device, designed by the Secretary, stating that the motor vehicle disposal fee for that vehicle has been paid.

EVIDENCE OF PAYMENT OF DISPOSAL FEE

SEC. 3. (a) The Secretary shall design a plate or other device suitable for easy and permanent installation in a conspicuous place on a motor vehicle on which the disposal fee required by this Act has been paid.

(b) The Secretary shall make available places at convenient locations throughout the country in which persons shall pay the disposal fee required under section 3 and receive the plates or other devices evidencing such payments together with instructions for the installation of such plates or other devices.

(c) The Secretary shall make necessary arrangements with manufacturers required to pay the disposal fee under section 3 to receive the payment of such fees at such times as he determines to be convenient for such manufacturers and to furnish such manufacturer sufficient numbers of plates or other devices evidencing such payment.

AMOUNT OF DISPOSAL FEE AND ESTABLISHMENT OF THE MOTOR VEHICLE DISPOSAL FUND

SEC. 4. (a) The Secretary shall prescribe the amount of the disposal fee required under this Act in an amount not less than $25 nor more than $50 per motor vehicle. In determining the amount of the disposal fee the Secretary may establish a schedule of fees after considering the size of the motor vehicle and the cost of developing new techniques of disposing of motor vehicles. Any fee or fee schedule established under this section may not be established by the Secretary without proceedings including notice and an opportunity for a hearing held in accordance with the provisions of subchapter II of chapter 5, title 5, United States Code, and provision for judicial review in the United States Court of Appeals for the District of Columbia in accordance with the provisions of chapter 7 of such title.

(b) Any sums appropriated pursuant to section 12 of this Act and any disposal fees collected pursuant to this Act shall be deposited in a revolving fund which is hereby established in the Treasury of the United States and shall be known as the "Motor Vehicle Disposal Fund". Moneys in the fund shall be available, without fiscal year limitation, to the Secretary to make payments to persons certified to him by licensed motor vehicle disposal concerns in accordance with the provisions of this Act. Moneys in the fund not necessary for current operations shall be invested in bonds or other obligations of, or guaranteed by, the United States.

MOTOR VEHICLE DISPOSAL CONCERNS LICENSED

SEC. 5. (a) After the effective date of this Act, any person engaged in the business of processing junked motor vehicles into established grades of scrap for remelting purposes may make application to the Secretary for a license under this section at such time, in such manner, and containing such information as the Secretary shall by regulation reasonably require.

(b) Licenses issued under this section shall be in such form as the Secretary shall prescribe and shall continue in effect unless revoked pursuant to this Act.

(c) In issuing or refusing to issue any licenses under this section the Secretary shall conduct proceedings in accordance with the provisions of subchapter 2 of chapter 5 of Title 5, United States Code. Such proceedings shall be reviewable in the appropriate United States Court of Appeals in accordance with chapter 7 of such title.

(d) The Secretary shall issue a license to any applicant if he determines that—

(1) the applicant is qualified and has the facilities necessary to process junked motor vehicles into established grades of scrap for remelting purposes;

(2) agrees to certify to the Secretary the names and addresses of persons eligible to receive disposal payments under this Act.

(e) (1) The Secretary is authorized to enter the facility of any person authorized under this Act or any person applying for a license under this Act and to inspect the premises and facilities on such premises at reasonable times, within reasonable limits and in a reasonable manner.

(2) Every licensee shall establish and maintain such records, make such reports, and provide such information, including technical information, as the Secretary may reasonably require to enable him to carry out the provisions of this Act. All information contained in any report received under this section shall be deemed to be confidential information for the purposes of section 1905 of title 18 of the United States Code.

REVOCATION OF LICENSES

SEC. 6. (a) Any license issued pursuant to this Act may be revoked by the Secretary if he determines that (1) the licensee has discontinued the business of disposing of motor vehicles as provided in the license or (2) the licensee fails or refuses to make the certifications required by this Act.

(b) Before revoking any license pursuant to subsection (a) of this section, the Secretary shall serve upon the licensee an order to show cause why an order of revocation should not be issued. Any such order to show cause shall contain a statement of the basis thereof, and shall call upon such licensee to appear before the Secretary at a time and place stated in the order, but in no event less than thirty days after the date of receipt of such order, and give evidence upon the matter specified therein. The Secretary may in his discretion suspend any license simultaneously with the issuance of an order to show cause, in cases where he finds that the public interest requires such suspension. Such suspension shall continue in effect until the conclusion of any revocation proceeding, including judicial review thereof, unless sooner withdrawn by the Secretary, or dissolved by a court of competent jurisdiction. If after hearing, default, or waiver thereof by the licensee, the Secretary determines that an order of revocation should issue, he shall issue such order, which shall include a statement of his findings and the grounds and reasons therefor and shall specify the effective date of the order, and he shall cause such order to be served on the licensee. In any case, where a hearing is conducted pursuant to the provisions of this section both the burden of proceeding with the introduction of evidence and the burden of proof shall be on the Secretary. Proceedings under this section shall be independent of, and not in lieu of, any other proceeding under this Act or any other provision of law.

MOTOR VEHICLE DISPOSAL PAYMENTS

SEC. 7. (a) Each person who owns a motor vehicle on which the motor vehicle disposal fee has been paid is entitled to receive a disposal payment in an amount equal to the motor vehicle disposal fee whenever such vehicle is transferred to, and presented for disposal to, a concern licensed under the provisions of this Act.

(b) If an owner, in violation of State law, abandons a motor vehicle on which the motor vehicle disposal fee has been paid, and such vehicle is thereafter presented to a concern licensed under the provisions of this Act by a public agency authorized by State or local law to confiscate and dispose of such abandoned vehicle, the public agency so presenting and transferring such abandoned vehicle shall be entitled to receive a disposal payment equal to the motor vehicle disposal fee.

(c) Whenever a motor vehicle is properly presented to a motor vehicle disposal concern as provided in paragraphs (a) or (b) of this section, such concern shall issue to the person or agency presenting and transferring such vehicle a receipt therefor, on a form prescribed by the Secretary, stating that such vehicle has been properly disposed of under this Act and that such person or agency is entitled to receive the disposal payment.

(d) The Secretary shall redeem, by payment of the disposal payment, under whatever arrangements he deems appropriate, receipts properly issued under paragraph (c) of this section.

UNLAWFUL ACTIVITIES

SEC. 8. It shall be unlawful for any person—

(1) to fail or refuse to pay the motor vehicle disposal fee required by section 2 or to fail to affix the evidence of such payment to the motor vehicle in accordance with the provisions of this Act;

(2) to manufacture for sale, offer for sale, introduce or deliver for introduction in interstate commerce any motor vehicle manufactured on or after the effective date of this Act without the payment of the disposal fee for such vehicle under section 3 and a plate or other device evidencing such payment being affixed to such vehicle in accordance with the provisions of this Act;

(3) who is licensed under the provisions of this Act, to fail or refuse access to or copying of records or fail to make reports or furnish information or fail to permit entry or inspection as required under section 5; or

(4) to manufacture or furnish to any other person a plate or other device designed by the Secretary for the purposes of this Act unless such person is authorized by the Secretary to do so.

PENALTIES

SEC. 9. (a) Any person who is required to pay the disposal fee pursuant to section 2 of this Act and who willfully and knowingly fails to make such payment shall be subject to a penalty of not to exceed $500 for such violation.

(b) Any person who violates the provisions of section 3 or paragraphs (3) or (4) of section 8, or regulations issued thereunder, shall be subject to a civil penalty not to exceed $500 for each such offense except that the maximum penalty shall not exceed $100,000 for any related series of violations committed by the same person.

(c) Any person who willfully and knowingly makes a false statement of any information required under this Act shall be deemed to have violated the provisions of section 1001 of title 18, United States Code.

(d) Any such civil penalty under this section may be compromised by the Secretary and shall be recoverable in a civil action in any district court in the district in which any such person resides, or is doing business.

ADMINISTRATION

SEC. 10. (a) In order to carry out the objectives of this Act, the Secretary is authorized to—

(1) promulgate such rules and regulations as may be necessary;

(2) appoint such advisory committees as he may deem advisable.

(3) to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) use the services, personnel, facilities, and information of any other Federal department or agency, or any agency of any State, or political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor; and

(5) manufacture the plates or devices designed by him for the purposes of this Act at the expense of the United States.

(b) Upon request by the Secretary each Federal department and agency is authorized and directed to make its services, personnel, facilities, and information, including suggestions, estimates and statistics available to the greatest practicable extent to the Secretary in the performance of his functions under this Act.

(c) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the payments certified to by any licensee under this Act.

DEFINITIONS

SEC. 11. As used in this Act—

(1) The term "person" includes any individual, corporation, company, association, firm, partnership, society, joint stock company, or public agency.

(2) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails. The Secretary may exclude classes of motor vehicles other than passenger automobiles from the definition of motor vehicle for the purposes of this Act upon a finding that to do so is in the public interest.

(3) The term "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles including any person importing motor vehicles for resale.

(4) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(5) The term "interstate commerce" means commerce between any place in a State any place in another State, or between places in the same State through another State.

(6) The term "Secretary" means the Secretary of Transportation.

AUTHORIZATIONS AND APPROPRIATIONS

SEC. 12. There is hereby authorized to be appropriated to the Secretary $—— for the fiscal year ending June 30, 1971.

EFFECTIVE DATE

SEC. 13. The provisions of this Act shall take effect on September 1, 1970, except that sections 3, 10, 11 and 12 shall become effective on the date of enactment of this Act.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that the bill I introduced this morning may be referred to the Committee on Commerce, and after it has completed action on the bill, that it be referred to the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JAVITS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I ask unanimous consent to proceed for 4 minutes.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I shall not object in this instance because the Parliamentarian is out of the Chamber, and is, therefore, not here to advise me as to whether or not the Pastore rule began operating at 9:30, when the Senate first went into session this morning following the recess, or will begin operating at the close of the address of the Senator from California (Mr. CRANSTON). Therefore, I shall not object in this instance.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not—is there no provision for a morning hour this morning?

Mr. BYRD of West Virginia. The Senator is correct. The Senate did not adjourn yesterday at the close of the day, but recessed instead.

The ACTING PRESIDENT pro tempore. There is no such provision for a morning hour this morning.

Mr. SYMINGTON. I appreciate the courtesy of the assistant majority leader and the assistant minority leader.

Mr. BYRD of West Virginia. I say again, Mr. President, I can make no exceptions, while I am on the floor, to the operation of the Pastore rule. I feel honor bound not to make any exception or show any partiality, regardless of who the Senator may be. Otherwise, the rule cannot be made to work. But in this instance, I am not sure as to what my rights are under the Pastore rule; and that being the case, I am not going to object.

Moreover, the Senator from California (Mr. CRANSTON) who was to be recognized under the previous order is not in the Chamber at this time. Therefore, I do not object to the request of the distinguished Senator for 4 minutes.

LAOS—THE SECRET WAR

Mr. SYMINGTON. Mr. President, with the current interest directed at what the administration has repeatedly called "recent initiatives" by the North Vietnamese and Pathet Lao in the Plain of Jars, I think it worthwhile to look back to what was going on in Laos last September.

The full story of this period and the whole history of fighting in Laos is contained in testimony taken by the Subcommittee on United States Security Agreements and Commitments Abroad of the Foreign Relations Committee. Unfortunately the administration has seen fit neither to discuss fully with the American people U.S. involvement in that country and the reasons for it, nor to permit release of the transcript of these hearings which contain that information.

Recognizing the basic responsibility to respect the security classification attached to this material as it was given to us, the subcommittee has not published that information, formally or informally.

Unfortunately, as Senators we have responsibilities to the American people, and in this instance it is important to note an article published last September in the Bangkok Post by Mr. T. D. Allman, a reporter who has covered the Laotian war for some time and who was one of the three reporters recently arrested in Laos. I would note particularly his discussion of U.S. activities in Laos last fall and his analysis that:

> Early this month (September), following U.S.-Laotian planning sessions at Long Cheng, U.S. bombers, gunships, helicopters, light aircraft, and Laotian soldiers began the largest and politically most important joint operation in the recent history of the Laotian war.
>
> Taking advantage of the Communists' overextended position, the joint U.S.-Laotian force swept into the lightly defended Plain of Jars, bringing the ground war to the Plain for the first time in more than five years.

And his conclusion that:

> With the offensive, the U.S. policy of restricted bombing in northeast Laos, and more importantly, the policy of restraining the Laotian government forces from over-extending themselves, largely went by the board.

Sadly, his prediction—

> Few non-Laotian Vientiane observers expect these major and unexpected victories to last. As soon as the Communists can regroup, most observers feel they will sweep back onto the Plain and reverse their losses along Route 9—

Appears to be borne out by recent events.

The American people deserve to have the facts on this growing war situation. The policy that hides these facts behind the cloak of secrecy can only compound the difficult problem we already face.

I ask unanimous consent to have printed in the RECORD an article entitled "The Laotian Pendulum Swings To and Fro," written by T. D. Allmon and published in the Bangkok, Thailand, Post of September 26, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LAOTIAN PENDULUM SWINGS TO AND FRO

(By T. D. Allman)

In March of this year, taking advantage of their steadily improving system of roads and trails, the Communists massed more than five battalions around Na Khang, the supply centre for Samneua Province. In less than twenty four hours this force routed a government contingent from Na Khang and its crucial airfield. The Communists were apparently even able to bring forward anti-aircraft guns for the attack, because a U.S. jet was shot down during the fighting. With Na Khang suddenly lost, the Government's tenuous hold on Samneua Province evaporated.

In response, the U.S. increased its bombing effort in northeast Laos to its present level of about 300 sorties a day. Depending on your point of view, the North Vietnamese by attacking Na Khang, or the U.S. by increasing the bombing, had set in motion an escalatory chain of events.

U.S. bombs could not put the Laotians back in Na Khang. The main question was whether the intensified air attacks could forestall further communist advances. Significantly, certain restraints still existed on U.S. bombing. The Khang Khai area and most of the Plain of Jars were still spared. It also appears that until recently U.S. bombers tried not to hit coolie trains, on the grounds that the coolies were innocent, and perhaps friendly, civilians.

The accelerated US bombing, however, failed to halt a persistent but gradual communist advance. By May, it appeared likely that the North Vietnamese would follow up their capture of Na Khang with a successful assault on Muong Soui, a much more important base northwest of the Plain of Jars.

The result of the threat to Muong Soui was still another decision which raised the level of violence in northeast Laos. For the first time, US officials complied with long-standing Laotian requests for bombing and logistics support for an unprecedented foray into communist territory near the Plain of Jars. Such requests in the past had always been vetoed because of their implicitly escalatory nature.

In May, in a daring diversionary attack, US bombers leveled the the town of Xieng Khouang, southeast of the Plain. Laotian troops then moved in, fanned out into nearby valleys and even, for a short time pushed onto the southeast rim of the still sacrosanct Plain of Jars.

The ploy for a time seemed to succeed. Pressure on Muong Soui eased as the Communists laboriously shuttled an estimated eight combat battalions from the Muong Soui area toward Xieng Khouangville. Just as the communist counter-offensive assumed its full force, the Laotions staged a tactical retreat in US aircraft. The rains had begun. It appeared that Muong Soui had been saved, and the stalemate in northeast Laos had been preserved for another year. The price had been the destruction of the most populous communist-controlled town in northeast Laos and a definite acceleration of the US war effort there.

The ploy failed. At the end of June, over-reaching themselves, the Communists seized Muong Soui anyway. They also briefly occupied a strategic road junction, Sala Phou Khoun, on the road between Vientiane and Luang Prabang and later successfully attacked a weak government position southwest of Muong Soui. It was obvious that, unlike in previous years, the main North Vietnamese force would not pull back into North Vietnam for the rainy season but remain in Laos and try to press its advantage. Vientiane observers feared another communist push, this time toward Vang Vieng, the last major progovernment neutralist stronghold.

Again the spiral of escalation had taken another swing. Was the North Vietnamese decision not to pull back this year the cause, or was the cause the unprecedented foray against Muong Soui? The two events seemed intertwined beyond analysis.

What is now fatally apparent is that the situation of late June and early July prompted still another—and much more serious—acceleration of the fighting. Early this month, following US-Laotian planning sessions at Long Cheng, US bombers, gunships, helicopters, light aircraft and Laotian soldiers began the largest and politically most important joint operation in the recent history of the Laotian war.

Taking advantage of the Communists' over-extended position, the joint US-Laotian force swept into the lightly defended Plain of Jars, bringing the ground war to the Plain for the first time in more than five years. They captured the entire Plain in less than two weeks, capping their victories with the occupation of Khang Khai, until the attack the site of a Chinese diplomatic mission.

With the offensive, the US policy of restricted bombing in northeast Laos, and more importantly, the policy of restraining the Laotian government forces from over-extending themselves, largely went by the board. Simultaneously, in Central Laos, American-backed Laotian units pushed east along Route 9 toward the Ho Chi Minh trail, in an area where there had been no communist offensive for more than a year. They captured the town of Muong Phine, and an unprecedented veil of official secrecy supported incorrect reports that the Laotian force had even reached Sepone, a long-held communist town right on the Ho Chi Minh trail.

Few non-Laotian Vientiane observers expect these major and unexpected victories to last. As soon as the Communists can regroup, most observers feel they will sweep back onto the Plain and reverse their losses along Route 9. The major question, therefore, is whether or not the risk of provoking a communist counter-escalation was outweighed by the obvious havoc the thrusts wrecked on present communist military plans.

At the moment it is impossible to predict the communist reaction, no more than it would have been possible to predict two months ago such an unparallelled US-Laotian response to the fall of Muong Soui.

But the lesson of the Laos war so far has been that escalatory gestures designed to forestall anticipated defeats ultimately result in even greater set-backs.

In 1966, US-backed Laotian forces pushed the Pathet Lao out of Nam Bac in North Laos, an area they traditionally had dominated. Two years later the Pathet Lao, with North Vietnamese assistance, returned to deal the government forces a great psychological and material defeat. In 1967, the US tried to set up a system of strategic hamlets in the Sedone Valley in South Laos. The programme was designed to deprive the Ho Chi Minh trail of Laotian rice supplies. In response the Communists surrounded Saravane and moved into the Sedone Valley in force. An area of marginal government influence was denied to the Government altogether. The increased US bombing in northeast Laos this year did not prevent communist advances toward Muong Soui. The Xieng Khouangville attack did not prevent the ultimate fall of Muong Soui.

Various options for escalation still exist on both sides. It seems likely that at least some of those options will be used. North Vietnam can—but has not yet—sent in significant numbers of new troops. US B52 bombers are not yet free to roam beyond the Ho Chi Minh trail. Although several US officers and CIA agents have been killed in the Laos fighting this year, it seems impossible that the US will send significant numbers of its troops to fight in Laos.

Few officials in Vientiane have even been willing to admit that the Plain of Jars and Route 9 offensive have been under way. But the secrecy, if anything, has served to increase concern about the ultimate implications of the attacks for hopes of peace in Laos. Those who were willing to discuss the situation have taken pains to denigrate the significance of the offensives. The Plain of Jars offensive has been downplayed as a "raid" or a "diversionary exercise."

But a military action which results in the abandonment of several important restraints on the US military role in Laos, which results in the capture of most of the main communist-held towns of northeast Laos is bound to have serious effects on the future pattern of fighting in Laos.

The events of the coming months in northeast Laos should be predictably distressing. The pendulum may well swing back, this time with a correspondingly increased force. The events in central Laos along Route 9 may prove illuminating as well as distressing.

For more than a year an unofficial standdown has resulted in relative peace for Savannakhet Province. The Communists made no effort to push beyond Muong Phalane, the most advanced government-held town. The government forces held their ground but did not push on towards Muong Phine. "The Communists seem content to sit back guarding the trail; the government controls most of the rest of the province," a Vientiane official said only a few days before the present government offensive there began.

Doubtlessly, the Communists will try to re-take Muong Phine. Should they push on toward Muong Phalane, and beyond to Dong Hene, it will become once more apparent that the dialectic of reciprocal escalation has further postponed hopes for any sort of a workable Laotian peace.

Mr. SYMINGTON. I also ask unanimous consent that an unusually perceptive article by James Reston in the New York Times this morning, entitled "The Hidden War in Laos," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON: THE HIDDEN WAR IN LAOS

(By James Reston)

WASHINGTON, February 26.—In his definitive foreign policy speech of last Nov. 3, President Nixon said: "I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what the Government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy."

Well, you can say that again about President Nixon and his policy in Laos. He has withheld the truth about important U.S. military operations in that country. As he is de-escalating the war in Vietnam and claiming a lot of credit for it, he is escalating the war in Laos and not releasing the facts about it.

The result is that the President and the United States Senate are now arguing about U.S. military actions well known to the enemy in Laos but officially withheld from the American people. In fact, State and Defense Department officials have testified in executive session about what our "advisers" and airmen are doing there, but they have claimed executive privilege on this testimony and have refused to release it to the public.

All the Nixon Administration has conceded publicly is that it has certain "advisers" in Laos and has authorized high-level bombing of part of the enemy's supply trail that runs from North Vietnam through Laos into South Vietnam.

In addition to these high-level bombing raids, however, U.S. airmen have been flying fighter support missions for the Laotian Army in the Plaine des Jarres and even closer to the North Vietnamese and Chinese borders; training the Meo mountain tribesmen to fight the North Vietnamese and the Laotian Communists; and according to some Senators, concealing the identity of the American military assistance by transferring regular armed services personnel to the Central Intelligence Agency, and assigning military supply missions to nonmilitary U.S. private airlines.

GOLDWATER'S CANDOR

It should be noted that a great deal of information about U.S. military action there has been printed, much of it by Henry Kamm of The New York Times. The main issue is not so much about the facts, but about the right of the Administration to try to conceal the facts even after its own officials have confirmed them in private Congressional hearings.

Here, for example, is an exchange between Senator Barry Goldwater of Arizona and Senator Stuart Symington of Missouri in the Senate on Feb. 25:

Goldwater: Does the Senator mean that the United States has troops in combat in Laos?

Symington: It depends on a definition.

Goldwater: I mean Americans engaged in fighting on the ground.

Symington: I am not in a position to answer any questions . . . in open session at this time . . . because the transcript has not been released as yet on any meaningful basis. . . .

Goldwater: The reason I ask is that it has not been any secret that we have been flying fighter-support missions in support of the Laotian army up on the Plaine des Jarres. The Senator, I know, has known about that for a long time. If the information is classified, I will not press the point. . . .

There was another sharp debate in an executive meeting of the Senate Foreign Relations Committee today over the same issue of what information Senators have the right to request and what information the executive branch has the right to withhold. During a private interrogation of Dwight J. Porter, who has been nominated Ambassador to Korea, Chairman J. William Fulbright asked about the implications of deploying U.S. nuclear wapons in that part of the world.

Ambassador Porter replied that he had been instructed not to discuss this question even with members of the Foreign Relations Committee in secret session. Senator Fulbright observed that in 25 years he had never had such a reply during a confirmation hearing and demanded to know who had so instructed the Ambassador. All Mr. Porter would say was that he had been instructed "on higher authority."

THE CONSTITUTIONAL QUESTION

What is happening, in short, is precisely what President Nixon himself warned against in his Nov. 3 speech. Members of the Senate are losing confidence in what the Government is telling them about Laos; members of the press on the scene are being condemned for reporting what they see, and the President and the Foreign Relations Committee are getting into a nasty confrontation over the constitutional question of what information can be withheld, released, or suppressed.

"The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace" the President said, "unless they know the truth about that policy." Maybe they should not, but they are in Laos, and the President knows it.

Mr. SYMINGTON. I also ask unanimous consent that an editorial in the Wall Street Journal of this morning, "Laos and the Nixon Doctrine," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Laos and the Nixon Doctrine

The B-52 bombings on the Plain of Jars look ominously like a sharp wrench toward all-out involvement in the fighting there, but let us all hope that appearances deceive. While the inevitable overtones make the episode hard to appraise, it may help some to sort out the questions of tactical wisdom from those of strategic doctrine.

Tactical questions are especially hard to consider from half-way around the world, but we certainly do wonder precisely what these bombings are supposed to accomplish. Obviously they did not stiffen the Laotian forces enough to hold off the Communists, and we doubt that any realistic observer would have expected that result. Probably they did destroy supplies the Communists could have used in further advances, but there's reason to question that they had any such advances in mind in the first place. They and the Laotian government have been fighting back and forth on that plain for years, with no decisive repercussions elsewhere.

One would hope that by now the military command would realize that such bombings are bound to excite both the North Vietnamese and the Senate, and also that, especially in murky Southeast Asia, it's often best to leave bad enough alone. Perhaps there is a more cogent rationale than at first appears, but perhaps on the other hand these lessons simply have not been absorbed even yet.

On a strategic level our worries about the bombings are of another sort. The rationale seems to us reasonably clear, but there is one huge caveat. That is, that the Nixon doctrine means what it says, and that the Nixon Administration can stick to it in the crunch. The worries arise from lack of total confidence in this untested qualification.

The Nixon doctrine does not pledge us to forswear any attempt to resist Communist military expansion. Rather, the heart of it is that we will provide what aid we can to nations trying to resist, but that initial aid does not imply an open-ended commitment to salvage the situation come what may.

Our troubles in Vietnam do not arise from our initial commitment there, but from our allowing that commitment to become open-ended. The United States did and does have a certain national interest in seeing the Communist "war of liberation" fail in South Vietnam. But that interest was not and is not an overriding one to be pursued regardless of cost.

Our policy-makers lost that distinction somewhere along the line—in our opinion most importantly when they overthrew the host government and thereby assumed a special responsibility for whatever followed, and when they started sending ground troops without listening to the generals telling them how many troops would really be needed. Thus the costs, particularly in erosion of the consensus basis for all American politics, have outweighed any conceivable gain. Getting the costs back in line with the actual interest involved is what Vietnamization is about in Vietnam, and what the Nixon doctrine is about elsewhere.

As this applies to Laos, our interests in preserving a non-Communist government are scarcely overriding ones, certainly not ones that would justify the costs of sending ground units. Given the domestic feelings at home, the logistical problems in such difficult terrain and the proven flimsiness of the Laotian army, the costs would exceed even those of Vietnam. No policy-maker would knowingly pay them. The tragic danger is that under pressure of events they will slip into paying them without knowing it, as happened in Vietnam.

At the same time, the United States does have a certain limited interest in Laos, not only in interdicting the Ho Chi Minh trail but in preventing a Communist take-over that would add to our strategic problems in South Vietnam and Thailand. Provided—always provided—policy-makers do not get the idea this interest is open-ended, it would justify the costs involved in providing material aid and non-uniformed combat advisers. We can also conceive that it would be worth the costs of B-52 raids at a certain time and under certain circumstances, though the tactical considerations give reason to wonder whether this was the time or these the circumstances.

The Nixon doctrine tries to balance the strategic interests and costs, avoiding overcommitment without abandoning legitimate concern with smaller nations subject to Communist attack. As Laos proves, this is a difficult and highly worrisome balancing act. Carrying it off depends above all on Mr. Nixon and his advisers getting an iron grip on their own doctrine.

For if the Nixon doctrine means anything at all, it means that taking one step does not in the least commit us to take the next. That if B-52 raids fail to salvage the situation in Laos, that is reason to be wary of further investment, and absolutely not reason to try recouping the failure with still deeper involvement.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SYMINGTON. Mr. President, I will be glad to yield if——

Mr. JAVITS. It will just take a minute.

Mr. President, I am a member of the Symington subcommittee. I think the Senator from Missouri has struck exactly the right note. The people have a right to know; this transcript must be released. I think it has been delayed inordinately long, and I hope very much we will take the necessary action in the Committee on Foreign Relations, of which I also have the honor to be a member, to demonstrate to the Nation and the world that, as a whole committee, we insist on it. In this matter we are the attorneys of the American people, insisting upon their right to know what the executive branch is doing in Laos.

Also, Mr. President, I hope very much that this will lend point to the desire which I have, and I think many share, to repeal the Gulf of Tonkin resolution, which may be claimed to provide some generalized authorization for our activities in the war in Laos, despite the contrary effect and intent of the national commitments resolution and the recent amendment to the Defense appropriations bill prohibiting introduction of U.S. ground combat troops in Laos.

Participation in a war, without disclosing to the Congress or the American people that we are participating in such a war, and without receiving the authorization of Cogress to conduct such activities, is not a constitutional course of action under our system of government. We in the Senate have a special responsibility for vigilance in this matter. We must not permit a new Vietnam to develop, that is a real danger with respect to the situation in Laos.

I thank my colleague for his extraordinarily fine leadership in this as in so many other matters.

Mr. SYMINGTON. Mr. President, I am very grateful to the able senior Senator from New York for his typically gracious remarks. He is a valued member and a dedicated member of the subcommittee in question.

I am glad he pointed out that in that subcommittee we are not partisan as to what should or should not be done. All we are doing is expressing our position that if this Nation is going to handle a war of this scope, then in accordance with what the President said on the 3d of November, the American people have the right to know the truth of that war. As a ranking member of the committee on the other side of the aisle observed in one of our sessions, unfortunately the American people cannot take the Hong Kong newspapers.

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ORDER OF BUSINESS

The **PRESIDING OFFICER**. In accordance with the previous order, the Senator from California (Mr. CRANSTON) is recognized for not to exceed 15 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield briefly?

Mr. CRANSTON. I yield.

Mr. BYRD of West Virginia. Mr. President, I am now advised by the Parliamentarian—I want to say this for the RECORD, so that we will have something by which we might judge our actions in the future—that when the Senate goes into recess, technically, on the following calendar day, the unfinished business is before the Senate; but that when previous orders have been granted, such as was the case this morning, one recognizing the Senator from New York and one recognizing the Senator from California, this tolls the unfinished business from coming down until those orders are completed, at which time paragraph 3 of rule 8 becomes operative.

So, in my own conscience, I have been able to square myself with the Pastore rule and at the same time accommodate the able and courteous Senator from Missouri for whom I have the highest respect.

Mr. SYMINGTON. Mr. President, will the able assistant majority leader yield?

Mr. BYRD of West Virginia. If the Senator from California will yield.

Mr. SYMINGTON. For a brief observation.

Mr. CRANSTON. I yield.

Mr. SYMINGTON. Mr. President, not being in the leadership—and I say that with complete respect and sincerity—it is difficult for us to know exactly what the plans are in the Senate for the next day. When some time besides noon is chosen for the Senate to meet, and when, as I did last night just before leaving the floor after the last vote, I asked what time we were going to meet today, I was told we would meet at 10 o'clock, and I was not told there would be no morning hour. Under these circumstances, it is extremely difficult for this Senator to arrange his time, especially when this time is subsequently changed.

I would hope, therefore, especially as changing the normal time we shall meet, and changing it again, often occurs in the last few minutes of a session, some arrangement could be made whereby that information is made known at a reasonable time before the recess or adjournment of the Senate; or at least is made known immediately to the offices of the Senators involved.

I have been around here for some 18 years, and have trouble now in finding out when and on what basis I can make a short statement in the morning hour.

Mr. BYRD of West Virginia. Mr. President, will the Senator from California again yield?

Mr. CRANSTON. I yield.

Mr. BYRD of West Virginia. May I say, with the greatest of respect, that on yesterday, before the close of business, the able majority leader stated that there would be no morning hour today, unless it were late in the day. So any Senator might have read that in the RECORD. I realize that every Senator, however, cannot read the RECORD every morning, especially when we meet so early as we did this morning. There are other things—committee meetings, meetings with constituents, telephone calls, and so forth. I am not saying this to place the blame on any Senator. But it was stated in the RECORD that there would be no morning hour.

I recognize the difficulties that are visited upon a Senator in circumstances such as those under which we are operating. May I say, most respectfully, this might be one suggestion by which I could be helpful. If any Senator will call me at my home—he has my number—or at my office in the evening—I am there until 9:30; or if he will call my office in the morning before we convene, or if he will call me on the floor, I will do everything I possibly can to accommodate that Senator. I will fully inform him, to the best of my ability, as to what the situation is going to be, and I will tell him when the Pastore rule will be made nonoperative, and I will be helpful in getting unanimous consent requests and I will do anything else I can to assist him in accordance with the rules.

I pride myself on being the general flunky of the Senate, for Senators on both sides of the aisle. I love the Senate and I love the Senators. I am here every hour that the Senate is in session, or almost 99 percent of the time, I would say; and I realize that sometimes I do not gain any Brownie points when I have to invoke a standing rule of the Senate. But I know that all Senators really want the rules enforced. It may be a little inconvenient for them from time to time, but they want the rules enforced; and as long as I am the secretary of the conference, I am going to do my best to see that the rules are made to work as I learn more and more about the rules. My term runs out at the end of this year, and if Senators do not want to reelect me, they will not. I am available almost 24 hours a day, and a Senator can contact me at any time.

Mr. SYMINGTON. With all due respect to the able and distinguished Senator from West Virginia, he is no flunky. He is the secretary of the conference, and he is an assistant leader, and he is my valued friend; and I do not intend to call him up at 10 or 11 o'clock at night.

Mr. BYRD of West Virginia. I wish the Senator would. He is a great Senator and he is my friend. And he is one of the most courtly, gracious, and understanding of all Senators. I wish he would call me at any hour.

Mr. SYMINGTON. I would present at this time that on the next to the last page of yesterday's RECORD, which means just a very few minutes before adjournment, the able and distinguished majority leader said that the Senate "stand in recess until 9:30 tomorrow morning, rather than the time of 10 a.m., previously agreed to."

I think that makes my point.

I appreciate the courtesy of the secretary of the conference, the truly great and understanding Senator from West Virginia. Because of his efforts this year along with the rest of the leadership, the Senate has been functioning with unusual dignity as well as efficiency.

Mr. BYRD of West Virginia. Mr. President, the able and gracious Senator has made his point; it is a good one, and he is quite correct. But I also want to read the RECORD, and it is as follows, on page 5083. Mr. MANSFIELD said this, under the caption "Order of Business Tomorrow":

> Mr. President, there will be no morning hour tomorrow for the conduct of morning business, unless it occurs late in the afternoon.

Mr. President, the Senator from Missouri has made a valid point, and I think it might be a good idea if the leadership, at the end of each day, would recapitulate just what the orders are for the following day. That would accommodate every Senator, I think, upon reading the RECORD. Each Senator could read the RECORD at its close and find a summation of the orders for the following day. I am going to see if I can personally be helpful in bringing that about to the best of my ability.

I thank the Senator from Missouri, and I thank the Senator from California.

Mr. CRANSTON. Mr. President, I suggest that the distinguished secretary of the conference now ask unanimous consent that I still have 15 minutes.

Mr. BYRD of West Virginia. Mr. President, with my life, I would defend the right of the able Senator from California to have his full 15 minutes; and I therefore ask unanimous consent that the Senator's time begin running now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. I thank the Senator from West Virginia.

ATTACK ON SENATE CONFEREES ON H.R. 11959—VETERANS EDUCATION AND TRAINING ASSISTANCE

Mr. CRANSTON. Mr. President, yesterday, a Member of the other body made some most unfortunate and uncharitable remarks about actions of the Senate conferees on H.R. 11959, the Veterans Education and Training Assistance Amendments Act of 1969, which is currently pending in conference. As chairman of the Senate conferees on this bill, I wish to respond to this gentleman's wholly unwarranted and counterproductive attack upon the integrity of the appointed representatives of this body.

First of all, let the record speak for itself as to who is making political hay, as the gentleman accuses, over this bill. It is surely not I or, I am sure, any other Senate conferee. Rather, the history of the Senate's consideration of this bill has been marked with a bipartisan spirit. Thus, the Subcommittee on Veterans' Affairs, as well as the full Labor and Public Welfare Committee, voted unanimously to report the bill to the Senate. And that body approved the committee recommendation in a 77-to-0 rollcall vote.

I acknowledge, in all fairness, that the House originally passed its bill on August 4, 1969, 80 days before the Senate passed a revised and substantially expanded version on October 23. Then, however, after waiting 7 weeks for action by the other body, the Senate on December 18—moving with dispatch the very same day that the House rejected the crux of the Senate's October 23 bill—disagreed to the House amendment, requested a conference, and appointed its conferees. In doing so, the Senate was doing no more than affirming its overwhelming and unanimous earlier vote. I then immediately tried to arrange a conference with the other side to iron out our differences before adjournment of the first session. But this proved impossible. If the gentleman had checked the RECORD of December 19, he would have found that I fully explained all this in a floor statement that day.

Since then, the Senate conferees have been most anxious to get to the conference table, for that is where the compromises must be struck. No conference "remained blocked since December 18," as the gentleman has asserted, for the simple reason that the House agreed to a conference and appointed its conferees only on January 26, and then the Senate conferees readily agreed to the first date proposed for the conference—February 5.

Now where is the political hay in all that? What we on the Senate side have been saying all along is: Let us sit down and talk this out. But just as this gentleman has manufactured his own story about the history of negotiations on this bill, so he has attributed to the Senate conferees the assertion that they would not compromise on this bill. As chairman of the Senate conferees, I categorically deny that there was ever any such Senate statement, attitude, or intention. We have urged from the start, and continue to urge, that we iron out our disagreements as quickly as possible. That is what the Senate charged us to do when it appointed us conferees. We have been fully faithful to our charge.

It seems clear to me that it is this new self-appointed protector of veterans' interests who is piling on the political hay. And his partisan attack on this body's rectitude threatens to destroy the hopeful progress that has been made over the last few weeks toward working out a fair and equitable resolution of our differences over this bill.

For at the conference meeting on February 5, both sides, after explaining the bases for their different approaches to the GI bill rate question, agreed that the two committee staffs should seek to ascertain certain disputed statistics, and should get together to work out or narrow down as many as possible of the differences. There have followed numerous meetings and conversations, all amicable and highly conciliatory on both sides, between the staffs leading to many tentative agreements and recommendations. The remarkably able and experienced staff director of the House committee, and the very effective counsel for the Senate subcommittee, have cooperated with confidence and competence toward a meeting of the minds that may well prove acceptable by the conferees of both Houses and both political parties. Now all this excellent cooperation is threatened by this gentleman's attack.

Of course, he probably does not know about all of this progress. And why should he? What is his record for serving the vital interests of our veterans? Is he a member of his body's Veterans' Committee? No. Is he a conferee on this bill? No. Has he ever sponsored or even cosponsored a veterans bill which has been passed by the House, let alone been enacted? No. My research indicates that in his 3 years in the Congress he has introduced only two veterans bills, one in the 90th Congress and one in the 91st Congress, both for the laudable but hardly substantively significant purpose of renaming the VA cemetery in Houston. And I have been able to discover that he has cosponsored only one piece of veterans legislation, which was introduced in the 90th Congress, and on which hearings were never held.

Where, in short, to borrow a legalism, is his standing to complain? His motivation, however, seems plain: Political ambition and opportunism at the possible expense of the Congress opportunity to resolve this bill for the benefit of our veterans who, we all agree, badly need and deserve a substantial GI bill rate increase.

This reckless disregard of the facts is made even clearer when we place it in the context of the valiant efforts for veterans made by the two Texans who chair the committees involved in this conference—Senator RALPH W. YARBOROUGH and Congressman OLIN E. TEAGUE. Although I am only newly involved in veterans work in the Congress, these two outstanding legislators have between them been laboring in this field for a combined period of more than three decades. Through their great efforts and over the opposition of three successive Presidents, a post-Korean GI bill was finally enacted and signed into law in 1966, and was then most effectively amended and expanded in both 1967 and 1968.

Chairman TEAGUE's long and great leadership in veterans' legislation is known to all veterans; as is Senator YARBOROUGH's, who served as chairman of the Veterans' Affairs Subcommittee of the Senate for 7 years, longer than has any other Senator. It would take me a great deal more time to chronicle all of the important veterans' legislation which has been enacted through their joint efforts. Yet, unless I misread my veterans' legislation history, I find nowhere mentioned in its pages this self-appointed Texan from Connecticut who is trying to sell a carpetbag full of wooden nutmegs at the expense of American veterans, who has hurled himself into a supposed fray, flailing about at self-imagined windmills, and who is attempting to mount the white charger of veterans' service while that steed is already proceeding steadily down the track toward the finish.

All this suggests only one possible outcome to his efforts: That his abortive attempt to mount up—to jump belatedly on the veterans' bandwagon—will result in his falling quite flat upon his face while two true Texans finish the race in grand fashion.

I think that the clearest rebuttal to these outrageous charges is for all of us to redouble our efforts to resolve our differences as soon as possible and move the bill to the President for signature.

ORDER IN THE SENATE

Mr. BYRD of West Virginia. Mr. President, may I say, before the Senate proceeds with the pending business, I anticipate a difficult day today. We will have before the Senate an important bill, the HEW appropriation bill. Staff members of the Appropriations Committee will, of necessity, be on the floor. Therefore, I would hope that other staff members not needed on the floor would sit in the staff gallery in order to avoid so much commotion and congestion on the floor of the Senate.

Some Senators will be involved in debate and will need a staff member with them. I am not questioning their right to that and am not suggesting that those staff members stay off the floor.

But if a staff member who comes to the floor knows that he is needed here, he can accommodate his Senator and the Senate by sitting in the staff gallery. I would hope that all staff members would place some restraint upon themselves to accommodate the Senate in this way.

This is Friday. We came in early. We

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hope to complete action on this bill so as not to have a session tomorrow. Thus, if we could have the cooperation of staffs and Senators, it would be greatly appreciated.

When my staff member comes to the Chamber, I meet him outside the door. I do not let him sit in the Chamber. Of course, once in a while I am not conscious immediately of his being here. I understand that all Senators need not follow my way of doing things, but most of the time I am conscious of the presence of my staff being on the floor, and I try to keep them out of the Chamber as much as I possibly can.

Having said that, Mr. President, I want to compliment the members of the staffs of Senators. I have noted, in the past several days, particularly on my side of the aisle where I work most, that staff members have been sitting quietly in the seats at the rear of the Chamber. They have not been standing or walking around in the aisles and getting in the way of Senators. They have sat quietly in the seats. I want to compliment them.

I also want to compliment the Sergeant at Arms and his staff for reminding them to do this.

I hope that the Sergeant at Arms, throughout the day, will keep the lobby clear of staff members except when they are seated there with their Senators; and, if they are going to be in the Chamber, I hope the Chair will instruct the Sergeant at Arms to keep them seated in the rear, or ask them to leave the Chamber, so that we can have better order and decorum in this Chamber, and so that we can proceed with our important business as expeditiously as possible.

Having said that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The point of the Senator from West Virginia is well taken. Unfortunately, there are few Senators in the Chamber at this moment to hear him, but I would hope that the Sergeant at Arms would heed the wise words of the Senator from West Virginia and that staff members come into the Chamber only to make known the wishes of their Senators, and that those staff members who are not absolutely essential to the work of the Senate seat themselves in the staff gallery.

The Chair would order the Sergeant at Arms to so advise members of the staff during the remainder of today.

Mr. YARBOROUGH. Mr. President, will the Senator from West Virginia yield for an inquiry?

Mr. MANSFIELD. Mr. President, I would hope that there would not be too much said, now that we are under control of the germaneness rule, so that we could, if possible, get on with the bill.

Mr. YARBOROUGH. Mr. President, I should like the Senator from West Virginia to yield to me for an inquiry. Do I correctly understand the Senator to say that he did not make a motion to exclude staff members today?

Mr. BYRD of West Virginia. Oh, no. I did not.

I state for the benefit of the majority leader, who was temporarily off the floor when I made my statement, that I thought before we began our important business of this day, we ought to have some understanding that staff members would not create so much confusion and congestion on the floor, so that we might expedite Senate business.

Mr. MANSFIELD. I agree.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATON, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business which the clerk will state.

The LEGISLATIVE CLERK. H.R. 15931, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. Is my understanding correct that, the pending business having been laid before the Senate, the first business would be the committee amendments to the bill?

The PRESIDING OFFICER. The first business is the committee amendments.

Mr. COTTON. I thank the Chair.

The PRESIDING OFFICER. The first committee amendment will be stated.

The legislative clerk read as follows:

On page 61, after line 8, insert a new section, as follows:

"SEC. 411. From the amounts appropriated in this Act, exclusive of salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operations, maintenance, and capital outlay of the United States Soldiers' Home and payments into the Social Security and Railroad Retirement trust funds, the total available for expenditure shall not exceed 98 per centum of the total appropriations contained herein: *Provided*, That in the application of this limitation, no appropriation may be reduced by more than 15 per centum."

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, the bill, H.R. 15931, making appropriations for the Department of Health, Education, and Welfare and related agencies for the fiscal year ending June 30, 1970, as reported to the Senate by the Committee on Appropriations totals $19,381,920,200, which is the same as the House-passed bill, and $579,681,500 above the current appropriations request, submitted February 21.

I must suggest that the current request was the last offer sent up from the executive department in a letter to the Speaker of the House of Representatives on February 2, 1970, after the veto, and the administration suggested how far Congress should go on many items.

The House then proceeded to go over that third appropriation request or the last request. There have been some other informal discussions, requests, and many things said since then, but this is the only formal request we have before us.

The House proceeded to go over that request by $579,681,500; and it is $365,233,000 under the amount enacted by Congress in H.R. 13111—the first HEW appropriation bill that was vetoed—and $773,794,500 over the fiscal year 1970 revised budget estimate. That is the so-called Nixon budget estimate that first came to Congress in April and May. This bill is now $153,616,400 over the amount of comparable appropriations for 1969.

So the figures on this matter are now as follows: The bill totals $19,381,920,200. This is the House bill, which again is $579,681,500 over the current appropriation offer made by the President February 2, and which he said he would agree to, which, in turn, is $365,233,000 under the amount enacted by Congress in the original bill that was first vetoed; and it is $773 million over the President's first budget estimate, which he sent here in April of last year; and it is $153,616,000 over the amount that was appropriated in 1969, under which the departments have been running under the continuing resolution up to now.

The continuing resolution that we passed a month ago will expire tomorrow at midnight. We would have to pass a new continuing resolution or act expeditiously on the bill in a matter of 2 or 3 days. The departments have told me that it does not make too much difference if we did it in the middle of next week, because there is involved the payrolls of all of these departments, among other things.

The bill as reported by the committee in the Senate contains one major change from the House passed bill—a new section, section 411, under title IV, General Provisions. The effect of this new language is to limit the overall expenditures in the bill by approximately $347 million under the amount included in the bill as reported to the Senate and passed by the House. This was an amendment offered by the distinguished Senator from New Hampshire. The effect of the committee language is to limit overall expenditures in the bill by approximately $347 million under the amount included in the bill as reported to the Senate and passed by the House.

Section 411 places a limitation in the bill on the amount available for expenditure of not to exceed 98 percent of the appropriations excepting three trust funds, social security, railroad retirement and—a minor item; not minor in importance but minor in dollars—the Soldiers' Home. The total, therefore, subject to the 2-percent reduction is about $17,339 million.

This amounts to the best we have been able to figure out. I know the Senator from New Hampshire will have these figures. As I have said, the effect of the new language is to limit the overall expenditures in the bill by approximately $347 million under the amount included in the bill as reported to the Senate and passed by the House.

In committee the chairman moved to accept the House figures. The Senator from New Hampshire moved his amendment, the so-called 2-percent amendment, and the committee voted on that;

so there was no vote on the House passed figures.

Since the bill as reported is $579 million over the President's alternative budget, a reduction of $347 million would still leave the bill at $232 million above the level proposed by the President on February 2 in his last offer of an alternative budget.

This is what confronts the Senate in money items on the matter of the so-called 2-percent amendment. The chairman expects to move to put this in focus, to accept the House figures. Then, again, the Senator from New Hampshire could make the same objection or object to that and we would have a vote up or down on the 2-percent amendment or the House figure.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. Before the Senator entered the Chamber the Senator from New Hampshire propounded a parliamentary inquiry and it was the ruling of the Chair that the committee amendment is the pending business, so it does not require a motion.

Mr. MAGNUSON. I see. If we are for the House figures we would vote against the committee amendment.

Mr. COTTON. That is correct.

Mr. MAGNUSON. It would just reverse the figure.

Mr. COTTON. That is correct. It does not necessitate a motion by either the Senator from Washington or the Senator from New Hampshire.

Mr. MAGNUSON. The Senator from New Hampshire heard these figures, and I think they are accurate.

Mr. COTTON. I will say to the Senator that they are accurate according to the calculations not only of the Senator from New Hampshire but also the budget officer of HEW, that if the amendment offered by the Senator from New Hampshire, and which is now pending, is adopted, it would increase the President's so-called compromise offer of February 2 by $347 million, but it leaves $232 million that the President will have to spend over his compromise.

Mr. MAGNUSON. Over his last—February 2—alternative budget.

Mr. COTTON. That is correct.

Mr. MAGNUSON. Mr. President, I have a general statement on the bill which I think should be placed in the Record, because I suppose no one knows better than does the distinguished occupant of the chair (Mr. Ribicoff) how complicated an HEW appropriation bill can be and how confusing it can be sometimes when changes of programs are constantly being made; such as, for instance, when there is a shift of responsibility of departments; as when the OEO, for instance, is responsible for the money for the job-training program which is administered by the Department of Labor; or the Headstart program, the money for which comes from one agency but is administered by another. There are a number of confusing programs. For some of them we understand the reasons. Some of them are new or untried. Some of them are subject to a great number of changes, particularly when a new administration wishes to try a new approach.

The Senator from New Hampshire (Mr. Cotton) and I must honestly and frankly say that sometimes we had a little trouble keeping up, figurewise and moneywise, with just what was going on.

As a matter of fact, we did not have authorizations for many programs. A part of the bill is over $2 billion for OEO. We did not have an authorization for OEO until late November. That part of the budget was sent up by the Bureau of the Budget itself on November 17. That did a great deal to cause some of the difficulty we are in today.

But, as already noted, the difference between this bill—that is, the bill sent to the Senate by the House—and the President's current recommendations of February 2, again discussed just now by the Senator from New Hampshire and myself, is $579,681,500, which amounts to about a 2.92-percent increase over the President's recommendations on February 2. It is approximately 2.84 percent of the total bill, and includes the Department of Labor.

The amendment of the Senator from New Hampshire (Mr. Cotton), which is now pending, would deal with 2 percent. So the 0.92 percent is still in the bill, regardless of the amendment.

Of the $579 million increase, $480 million is in the Office of Education; $45 million in the National Institutes of Health; $38.5 million is in the health service and mental health administration; $9.9 million in Social Rehabilitation Service; and $6 million in a somewhat new Bureau of Consumer Protection and Environmental Health Service.

I hope there will now be no confusion about the particulars of this difference. I think Senators will find our committee report is very specific and shows the 1969 level of fundings on two original budget estimates and the action of Congress on the original bill that was vetoed by the President.

The administration alternatives are shown where applicable in the House and Senate allowances.

The net difference of $579 million is important, and I would like to detail the specific items of the difference. I think they are significant, but I think they are also important because we do not want any misunderstanding about them, and the pending business before us.

The $6 million for consumer protection and environmental health services involved air pollution control. That is within this section of HEW. The only difference with the current administration request—and I want to keep the record straight on this—is in the alternative of $6 million for air pollution control. This $6 million had been added to the research and demonstration funds within the research and demonstration allocations.

The $45 million is for section 104 research. This increase would accelerate work in areas of developing new and improved methods for the prevention and control of air pollution resulting from the combustion of fuels. This is section 104 of the Clean Air Act.

This amendment was primarily sponsored by Senators and Representatives whose States are involved in coal mining. Alabama would be one—West Virginia and Pennsylvania. We are trying to see if we cannot have a better way of cleaning up smoke coming from powerplants that use coal. I think it is a very important program. That is involved in the $6 million, because it was added by the Senate committee to the original House figures. The Senator from West Virginia (Mr. Byrd), who is a member of the committee, was the main sponsor of that amendment. We all agreed that it was very important that we should do this. It refers to solid wastes. What they learn can be used in many other ways through the country with respect to other sources of energy.

Special emphasis would be placed on the following in this program:

First. Research and development leading to development of a low pollution automobile, including a supplementary incentive to stimulate industry to produce such a low emission vehicle.

This is a matter in which the Senator from Washington has been deeply interested, because the Committee on Commerce has been active in this field for some time. We have a bill pending, on which we held hearings. We were practically unanimous in proposing that a beginning be made by directing that Government purchases of automobiles be guided by new standards for low emission vehicles. The Government, being the largest purchaser of automobiles in the United States, this would be a pilot operation to get this program started.

The Senator from Connecticut (Mr. Ribicoff), who is now in the chair, talked about this back when he was Governor of the State of Connecticut, and before he became Secretary of Health, Education, and Welfare.

I must report that the manufacturers are at least making some starts in the development of low-emission automobiles. The fuel people are working on fuels that would be nonlead and produce less objectionable emissions. That is included in this amount and program.

The reason for this is obvious. The automobile is the real villain in air pollution. There are various estimates, but the most conservative would be that from 63 percent to 70 percent of all air pollution in the United States comes from automobiles.

Another portion of this increase is the further development of technology is involved in the control of pollutants emitted from stationary sources. These will be plants, which may include powerplants. In my part of the country, they would be pulp and paper mills, which emit a great deal of pollutants. Technologically we know how to take care of that. It costs money, but we are doing it. The State pollution commission in my State is doing a good job, as also is Oregon, where they too have pulp and paper mills. The people in the industry themselves are doing some of it.

It would also include coal research projects. That is involved in the $6 million for air pollution control.

I say it is involved because the amount of money for these projects was put in the bill after the original budget was sent to Congress. I do not know whether the $6 million will be the particular item to be cut, but the tendency is to cut items that were put in the bill last. This would

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involve very important projects of research; $6.3 million is involved here.

Again I reiterate that I do not know where those amounts would be cut if the Cotton amendment remains in the bill. It would be speculative. It would be up to the President of the United States.

But if my experience is worth anything, I have always found that, where there are cuts, the cuts are usually zeroed in on things like this, that are put in last by the Congress.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HOLLAND. Even if the cut were put on that, though, on the Cotton amendment, as I understand it, it could not exceed 15 percent of the $6.3 million?

Mr. MAGNUSON. No. If 15 percent were cut out of the total for air pollution control—if it were; as I say, I do not know—it would be $16,320,000. That would be the amount from the appropriation of $108 million recommended by both the Senate and the House of Representatives.

Mr. HOLLAND. Is that total on one line item, or is it divided——

Mr. MAGNUSON. Air pollution control is one line item.

Mr. HOLLAND. I thank the Senator.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. I would like to state at this point, for the information of the Senate, that I am authorized, on this matter of air pollution control, to say for the Secretary of Health, Education, and Welfare that his recommendation to the President would be that it be cut not more than $6 million.

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Mr. MAGNUSON. Yes; that is what I am speaking of. I think the Senator from New Hampshire and I and the Senator from Florida, as the members of the committee who are present in the Chamber, are again just speculating as to exactly what they would do, but I assume from experience that this would be correct.

Now, on mental health, the alternative budget of the President was $354 million. The Senate committee recommendation was $360 million. I believe the House bill was in that amount also.

In that particular case, if there were a 15-percent reduction, that total would be reduced by $54,045,000. I am not saying that that would be done; but assuming they cut $6,300,000 out of the figure in health services and mental health administration, the increase that the Congress put in would support an additional 21 new construction grants for community mental health centers.

The development of these community facilities has been a significant factor, we think, in reducing the size of patient populations in the Nation's mental hospitals. All this has been a major advance in the treatment of the mentally ill.

I am quite concerned, from experience, about this phase of our health program, because for years I have had the responsibility of handling the independent offices appropriation bill, which included the Veterans' Administration appropriations. In that area, the cost for in-hospital care and outpatient care has constantly gone up. In the last budget, in-hospital care was over $1.2 billion for the 182 veterans hospitals.

For years, despite the money provided for research, we have found that every other bed in these hospitals is occupied by what we call an MP or a mental case. We are not making as much progress as we should; it has been on a plateau, and that is a startling figure—every other bed.

I mention the veterans hospitals in this connection because the same thing is true when we direct our attention to nonveterans hospitals and outpatient facilities. So there is a tremendous dollar cost, to say nothing of the disruption of family life, the suffering, and all the other social costs that go with an MP case.

I believe it is essential that the momentum developed by this program not be lost; and it is hoped that this increase will maintain the pace.

It should be noted that the President has agreed on our increases carried in the previous bill in the related field—which initiates a new grant program for community alcoholism treatment and rehabilitation programs. That provides an increase of $4 million, making a total of $12 million in this bill for narcotics addiction and alcoholism community assistance. That figure will support approximately 23 new staffing grants for alcoholism treatment and rehabilitation programs.

A great deal of this money is for grants in aid to help local authorities deal with the problem of alcoholism, and there have been some very remarkable advances throughout the country by counties that are responsible; where they might have the county jail filled with alcoholics, and no treatment, they have established, in many cases, what they call county farms where the alcoholics can be out in the open and receive treatment. This is what we are trying to achieve, even with private centers, in this particular program. The number of people involved is staggering.

Proceeding to another item, hospital construction: Under the Hill-Burton Act, the recommendation is $82 million less than that in the previous bill, the one which the President vetoed, but $22 million more than the current request of the administration. This new total that we have in the House bill, which we would like to sustain, will produce an estimated 4,820 beds and 15 new health centers—an increase of 1,855 beds and five health centers over the current request. This is for new construction.

For modernization, some 50 projects will provide 3,270 additional beds, an increase of 19 projects and 1,260 beds over the last current budget request.

For long-term care facilities, an estimated 158 nursing homes and chronic disease projects will provide 8,920 beds—a decrease of 16 projects and 900 beds from the budget request; for diagnostic and treatment centers, an estimated 63 projects; and for rehabilitation facilities, an estimated 26 projects.

The emphasis of our recommendations is on the need for hospitals and public health centers, both new construction and modernization, although long-term care facilities, within the total, received the largest single amount, $63 million.

Locally, for the District of Columbia medical facilities, the $10 million for District of Columbia medical facilities is composed of and broken down into $3.5 million in grants and $6.5 million in loans to construct and modernize private, nonprofit medical facilities. That involves seven or eight hospitals in the District, all nonprofit, such as Georgetown, George Washington, the Children's Hospital, and Rogers Memorial Hospital. At the time of our hearings, five projects were involved. Two were under construction at the Georgetown University Medical Center and George Washington University. Planning funds were needed for the Children's Hospital; construction was ready to begin at Rogers Memorial Hospital and Casualty Hospital; and funds were needed to finish the planning and installation of an emergency generator system at the Washington Hospital Center.

A small amount—$75,000—would be allocated for the Cafritz Memorial Hospital, to plan a facility which it needs to increase outpatient services in the Anacostia area.

So this $10 million provides the second step in the orderly implementation of a program that will help overcome deficiencies in medical facilities here in the District of Columbia. It should not be confused with the $15 million provided in the second supplemental appropriation of last year.

I recite the District of Columbia facilities because we have charge of that. But I think this could be projected for probably any area of the United States; the ratio and the problem are about the same.

NATIONAL INSTITUTES OF HEALTH

First, I want to compliment the administration for accepting the Congressional increases in our previous bill for the Institutes of Cancer, Heart, Child Health and Human Development, Dental Research, and the new Eye Institute, and for direct institutional support for health professions schools.

This is a most important item, and I need not recite the figures. Everyone knows them and knows of the shortage of medically trained people, from doctors to laboratory assistants and nurses. We are short 50,000 doctors by any conservative estimate. I do not know how many dentists we are short. If anyone within the sound of my voice does not believe we have a shortage of dentists, I suggest he try to get an appointment with a dentist and then not show up. He will be off the dentist's list. Sometimes that may not be a bad idea. I always think of reasons why I should not go to the dentist. There is a great shortage in that field, but the big shortage is in trained personnel to do the things that the doctor or dentist should not need to do, and to do them well—laboratory assistants and all the other items that go with the delivery of health.

We feel very strongly that the other constituent institutes of NIH are no less important to the health and future wellbeing of the American people than the perhaps somewhat more glamorous programs for which increases are now accepted in current requests.

I should not say "glamorous"—more well-known, such as cancer, heart, and child health and human development. We have been working on cancer research now for many, many years. We are making some progress. I had the privilege of introducing the first bill to establish the first cancer institute, when I was a Member of the House, in 1938. That was 32 years ago. We are making some progress, but not as much as we would like. We feel just as strongly about the other institutes.

Our new recommendations include a difference of $44,994,500 over the current requests. Some $33 million is within programs of the research institutes; $10.2 million is directly student loans under health manpower; $835,000 is for dental health, and $900,000 is for the Lister Hill Biomedical Communications Network. This has been set up in honor of the former chairman of this committee, who, as Members of the Senate know, has done much in the field of health over the years.

I will detail the specific increases at NIH.

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES, $8,666,000

The additional $8.6 million for the Institute of Arthritis and Metabolic Diseases brings them to a level $2.4 above 1969—and increases their funds less than 2 percent over last year.

With these funds an additional 124 fellowships will be granted—and, like all NIH fellowships, these enable selected and highly motivated scientists to prepare themselves for academic careers as biomedical teachers and research workers, and thus determine largely the production of the teaching manpower in our Nation's health professions schools. You have to start with teachers before you can produce the manpower that is so sorely needed in this country.

The increase will go far toward assuring that established and new medical schools in our country will be able to turn out the increased number of physicians we so sorely need. These fellowships do not take doctors away from the practice of medicine.

Training grants will be increased by at least 27 awards, helping to develop academic clinical specialists who will be tomorrow's research workers and teachers—and who also will train health professions students in the delivery of up-to-date health care for our citizens.

One million dollars of this—this may be a small amount in a $19 billion bill—is for the artificial kidney program.

I need not tell any Senators present—the Senator from Michigan (Mr. GRIFFIN) or the Senator from Connecticut (Mr. RIBICOFF)—how important that is.

I will say to the Senator from Michigan that this program happened to originate with a doctor in Seattle, in the University of Washington and the Swedish Hospital Center. It is costly. In the beginning, the people would die unless they had these kidney machines. The cruel thing they had to do was to put the names in a glass bottle and draw lots, and the lucky ones could live for years sometimes, with a kidney machine, and the others could not.

We, of course, do not expect to furnish all the money for these programs. But the artificial kidney program is directly involved with these machines, because the artificial kidney would help those who could not afford trained personnel, and that might be the alternative.

Mr. GRIFFIN. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I yield.

Mr. GRIFFIN. I am trying to understand the Senator's point. Is he saying that the adoption of the Cotton amendment would automatically affect this kidney machine program?

Mr. MAGNUSON. No. The whole matter is $8,666,000, but it would be affected in the research of artificial kidneys which, in turn, is the alternative for the people who cannot afford the machines.

Mr. GRIFFIN. I am trying to understand what the impact of our action here will be. Are funds for that program cut out of the bill reported by the committee of which the Senator is chairman, or is he saying it will be affected if the Cotton amendment is adopted?

Mr. MAGNUSON. We estimate that a million dollars would be affected.

Mr. GRIFFIN. By which action?

Mr. MAGNUSON. By the 2-percent cut.

Mr. GRIFFIN. That is assuming that the President of the United States would choose to make his cuts in that area. Is that not correct?

Mr. MAGNUSON. That is correct. Because he is going to take $8,666,000, as I understand, out of the Institute of Arthritis and Metabolic Diseases.

Mr. COTTON. Out of a total of what?

Mr. MAGNUSON. We have the total here.

Mr. COTTON. I mean the total of that particular appropriation.

Mr. MAGNUSON. We have the total. He could not cut it over 15 percent.

Mr. COTTON. I understand.

Mr. GRIFFIN. It does not necessarily follow that the artificial kidney program——

Mr. MAGNUSON. The whole tenor of my remarks is that, from experience, I am assuming that if the 2 percent is cut, this is where the cuts will be; and if this is adopted, I think I can show the Senator that I am not very far wrong.

Mr. GRIFFIN. That is a prediction that the chairman is making.

Mr. MAGNUSON. We have the figures. We were informed of the figures only yesterday, as the Senator knows.

The total figure for the Institute of Arthritis and Metabolic Disease is $146 million.

Mr. COTTON. $146 million? The President proposes only to deduct $8.6 million.

Mr. MAGNUSON. Yes. That is what he said.

Mr. COTTON. So that it will not wreck the program.

Mr. MAGNUSON. Oh, no. I did not say that. I said that within the $8.6 million there will be $1 million cut out. I do not think the Senator will dispute that figure because that is what will happen.

Mr. COTTON. I am the one who gave you the figure.

Mr. MAGNUSON. Yes. The Senator did give me that figure.

There will be $1 million for the artificial kidney program, another $1 million will expand and strengthen the clinical research center program on arthritis, And some $500,000 will move the program of clinical studies in Phoenix, Ariz.—among the Indian population—where unique opportunities for studies on diabetes and gallbladder diseases exist—and this comes after several years of planning.

I am merely indicating within the 2 percent what will be cut out. I will compare notes with the Senator from New Hampshire if the 2 percent stays in. I will not be far off. I should not be off at all.

Now the next item would be under the 2 percent. If the Senator from Michigan is still confused, I am talking about what would happen under the 2 percent, not the full amount.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE, $5,722,000

About $4 million of this $5.7 increase will be for training grants and fellowships.

This Institute is supporting most of the work being done in mongolism, stroke, and the disorders of human communications.

They made the breakthrough in Parkinsonism—with L-Dopa and they are working on research of viruses that may cause such chronic diseases as MS—multiple sclerosis—and other disorders of the central nervous system. I am sure that neither the Secretary of Health, Education, and Welfare nor the President would touch this particular item, because of the great work that is being done out here at Georgetown by Dr. Coleman, with the new drug L-Dopa. They have made a breakthrough in this field on Parkinson's disease. We have a distinguished U.S. Senator who has benefited greatly from it just recently.

Another study and major activity of this Institute is of drugs likely to be effective for epilepsy and research on the early diagnosis and treatment of short epileptic attacks in children.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

About $600,000 of this increase will provide some 16 additional research grant awards—and $500,000 will make possible 46 more fellowship awards.

This is almost a 25-percent increase in the availability of trained professional researches within the categorical interests of this Institute, if the home figure stays in.

Many of us have heard about slow viruses and very little is known except that they appear to be the causes for some of the very worst of chronic and degenerative diseases.

Considerable work is being done with slow viruses by this Institute, and a portion of the $1.3 million increase has been allocated toward pushing this vital research forward.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES, $10,356,000

The $10.3 million recommended increase for NIGMS will allow $6.5 million more for training grants and fellowships; $2.3 million more for 30 new research project grants, and some $1.5 more for collaborative research and development.

Running all through this—even though the 2 percent may sound like a small amount—are the cuts of grants and fellowships and loans.

The increase will support 27 additional training projects and 300 new fellowships—with special emphasis in those areas closely related to teaching of medical students. If we have any crisis in America, it is the problem of delivery in medicine—that is, manpower, lack of people that know how to do this work. That goes all the way from doctors down to laboratory assistants.

Under their program of collaborative research and development activities, the increase will support contracts for bioengineering, instrumentation devices and systems for use in prevention, diagnosis, and treatment of disease, trauma, and other causes of disability—and for research and development of prototype instruments. This is a comparatively new field that we want to encourage—that is, the field of bioengineering. It has served a great purpose in artificial kidney machines and different problems that medical research have got to work hand in hand with engineers on in order to produce results.

This Institute is the one most involved with the "hardware" of modern medicine—biomedical engineering—and I am especially interested in this aspect of their work and what has been accomplished in recent years. I must say to the Senator from New Hampshire that he and I thought this money was well worth it. That is why we recommended it originally.

But I do not want to minimize their important contributions in providing special training for prospective faculty members for health professions schools. In this manner they contribute to the improvement in quality as well as the quantity of medical education—and the development of more physicians and other personnel able to meet the great demands upon health manpower.

GENERAL RESEARCH AND SERVICES, NIH, $6,960,000

General research and services is the division of NIH which is responsible for the general clinical research centers program—which all of us remember hearing so much about from our people in our respective States—the animal resources program, which includes the primate centers, and the special research resources program.

The bulk of this increase of $6.9 million will provide additional support for those general clinical research centers—there were some 93 of them around the Nation, and last year the NIH contribution toward their support provided for an estimated 240,000 patient-bed days.

The increase provided herein would merely compensate for the rising costs of hospitalization and allow for the maintenance of all 93 centers.

Support would be available for all of the approved beds, increasing the patient-bed days to 255,000—and establishing a bed occupancy rate of 67 percent.

HEALTH MANPOWER, $10,250,000

A major deficiency in the original budget estimates sent to the Congress was in these programs of health manpower. And I want to compliment those in the Budget Bureau who allowed a portion of the congressional increases to remain. I am talking about the original revised budget which the President sent up last April on programs of health and manpower.

Again, I want to compliment those in the Budget who allowed a proportion of the congressional increases to remain over this original budget. I refer to our previous bill that recommended an additional $6.2 million in institutional support. This remained in the current proposals.

It is debatable, but perhaps we are "holding our own" in helping to meet the institutional support needs for all of these schools in the health professions, nursing, public health, and allied health professions.

But it is obvious we are not keeping pace with the direct student assistance needs of all these professional schools. At the same time they are all striving to increase enrollments and help to meet the massive health manpower needs of our Nation.

There is clearly a serious lack of loan funds for students in the health professions and nursing.

The original budget estimates, while $10 million less than our recommendation, would have placed heavier emphasis upon scholarships. Last year, some 23,500 scholarships were granted under these programs for nurses and health professions students. Under our proposals, some 24,200 scholarships can be granted this year.

The original budget request and the current request, would cut back loan funds by almost one-third. This is a field that is so badly needed due to the lack of health manpower.

Last year, approximately 52,000 loans were available and under our proposal about 48,700 will be available this year. So we are moving backward.

This will meet 60 percent of the funds requested by health professions schools and 86 percent of the funds requested by nursing schools according to the director of this program at NIH.

I wish we could meet 100 percent of the loan requirements of these students. We get paid back. They are needed, and the amounts are conservative. And it is the only way we can do something about the delivery of health care.

Increasingly, the financial burdens of college have erected barriers to students from a majority of families in our Nation, and our concern for this is reflected in our attention to all student financial aid programs.

But in the health professions and nursing, we must not price out qualified students. I do not know what it costs today for a person to go through medical school. Without some kind of determination, I would think a conservative estimate would be at least $5,000 a year. Obviously, a person has to come from a higher income family or have some assistance to do that.

There are so many qualified people who could not afford this amount of money. What we are trying to do is to give a modicum of money for this purpose.

The demands for admission to these professional schools far exceeds the places available. It would be a tragedy, I believe, to add to any admission procedures the requirement of personal wealth.

Our efforts to meet the critical health manpower needs of our Nation must combine increasing the enrollment potential of these schools with keeping the doors open to every qualified student, regardless of his income.

Our recommendations will help to keep those doors open.

I need not say much about this increase—we all know the shortages of dentists is acute everywhere.

This $835,000 will help to support programs of this Institute that is not only helping to train more dentists, but expand the capabilities of individual dentists to treat people by supplying an increasing number of highly qualified dental auxiliary personnel.

Under the buildings and facilities account at NIH we have recommended an increase of $900,000. And this is earmarked for the planning of the Lister Hill National Center for Biomedical Communications. This is a new program. The committee was unanimous on this matter. I do not think the 2 percent would affect it one way or the other.

Ultimately, this Center will be an annex to the present National Library of Medicine.

With the increasing accumulation of knowledge about medicine and related health subjects, and the state of the art—we are becoming increasingly bogged down in getting the new knowledge out to the practicing physician.

Some dramatic experiments are now underway, under other programs, that are proving the practical value of new communications systems—especially in rural areas.

We can agree that it is wise, at this time, to delay actual construction of this Biomedical Communications Center—but we must not wait to plan, and prepare for that day we turn the first dirt. This modest amount will allow planning to continue, and it is sorely needed.

Now we come to the real important item moneywise. The Office of Education contains the bulk of our increases over the current proposals of the President—some $480 million—and for elementary and secondary education, the net increase is $177,975,000.

The bulk of our increases here over the current proposals—again, the February 2 proposal of the President—is some $480 million. And for elementary and secondary school education the net increase is the $177 million I mentioned. A lot of this total came to us as a result of a House vote on the floor of the House.

First, for educationally deprived children—title I of ESEA—an increase of $145.9 million is proposed.

This is the same as the increase proposed in our previous bill. It would mean $18.48 for each of the estimated 7.5 million children served by this program.

And this increase would bring the to-

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tal for each child served by the title I program to $176.83.

Both bodies increase the bilingual education funds. We have recommended $25 million for these projects in bilingual education for children who have limited English-speaking ability.

I was utterly amazed at the number of schoolchildren who were in that category. It is hard to realize how many are involved, Spanish-speaking and others. $25 million is the same level previously adopted by the Senate. It is $15 million over the current requests—again, the last report from the President that he would accept—and this would support the 76 existing projects and help to initiate about 90 new projects.

A lot of this is to train teachers to handle the youngsters who have this problem. It is a bilingual program. It goes back to what our educators and all of us have been talking about for a long time—the lack of reading ability of youngsters in school today.

With this program, local education agencies will be better able to serve approximately 5 million children who have a non-English mother tongue.

This is what surprises me. The figure is conservative. There are 5 million children who have a non-English mother tongue. It is amazing.

This is a modest amount, even though the 2-percent figure is cut a little bit. This is only $15 million over the last offer. I do not know whether the President would cut this or not. But I am hopeful that he will not if the so-called 2-percent provision in the Cotton amendment remains in the bill.

There are 5 million children who have a non-English mother tongue.

Before I go into the original budget provision, I point out that I do not understand how they arrived at this conclusion. But, the original budget from the revised budget from the President and the 1969 budget was not too accurate. For library resources, they came up with zero.

The lack of library resources in elementary schools, junior high schools, and secondary schools is critical. All statistics show that this is one of the most important programs we have.

Library resources, of course, would be maintained at the 1969 level of funding of $50 million. I think that amount is inadequate but it would be eliminated again by the current proposals of the administration, and I am referring to the February 2 proposal of the administration.

This program, even now with this small amount, serves over 40 million children and it helps local educational agencies purchase books and other library materials.

There is $17 million for guidance and counseling. That is the same as the amount approved by the House. These funds will help meet the need for career and academic guidance counselors, and people who assist in this field. This is an excellent matching grant that has proven highly successful.

Also in elementary-secondary, the administration requested two increases. I compliment them for that. Here we are getting at priorities again. I do not know why we cannot afford this amount for all these worthy programs. But they did request $10 million for dropout prevention and $40 million more for supplementary educational centers.

The House funded supplementary educational centers at $116 million, the same as the April request, but would not increase dropout prevention above last year's $5 million level—which will continue the current projects but not commence new ones. We reluctantly agreed to that.

In instructional equipment we are talking about $43 million. We have separated out the matching program for instructional equipment, to give this greater visibility and show our concern that these funds be actually expended for the purposes for which appropriated.

In the previous bill we provided a total of $78 million, with $30 million for minor repairs and remodeling, which has been eliminated from this appropriation. We reduced this equipment account by $5 million.

Therefore, all of the $43,740,000 will go for matching grants to meet the new equipment needs of schools and classrooms.

Technology today offers limitless opportunities for improvement in classroom instruction. This involves the almost unbelievable wise use of closed circuit television in schools and language laboratories, the use of various media for individualized instruction, and things of that nature that are now found to be useful in modern schools. Unfortunately, the initial acquisition of such equipment can be prohibitively expensive for too many schools, especially those which could benefit most from this form of assistance.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, I would like to commend the Senator, and I am glad to hear his statement about instructional equipment. I never have been able to understand why we keep decreasing that program and increasing similar programs under title I of the Elementary and Secondary Education Act where there are no matching funds; and the Federal Government pays all of the cost. This program is valued so much in schools. The last Johnson budget cut out this item entirely, and the last Nixon budget cut out this item entirely. We have been able to keep $78 million. The House and the Senate got in the $43,743,000, and if the Cotton amendment is adopted, it will mean that amount will be increased by $6.5 million, which leaves $37 million.

Mr. MAGNUSON. The amount would still be $37 million.

The Senator and I know they snatch up these grants, and, Mr. President, I agree with the Senator wholeheartedly that they scrounge around in the poor school districts to get one dollar's worth for a dollar spent when they have 50 percent of their own money involved.

Mr. President, now we come to probably the most controversial and largest item we are talking about here moneywise, impacted aid, Public Law 874. I want to say at the outset that I hope the administration does pursue this matter with us. We have to take a good long look at the formula that now exists for impacted aid. I think it should be changed but until that is done by legislation, and as long as the school districts rely upon it and set their budgets by it, we have to adjust our budget to it. We have to continue to take care of our responsibility in seeing that the impacted aid money is available.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. ALLOTT. Mr. President, on the subject the Senator was discussing, many of us have made these statements about the formula for impacted aid for many years. But I know the Senator will agree with me that there is nothing the Committee on Appropriations can do about that formula. We need to do it in a rather circuitous route by way of limitation, which I do not think is the proper way to do it. The proper legislative committee will have to get at this problem and hold hearings so that the facts can be brought out and a decision made as to what the future of this program is going to be.

Mr. MAGNUSON. Because it surely is needed in cases where literally there is an impacted area.

Mr. ALLOTT. I agree wholeheartedly with the Senator.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. SPONG. Mr. President, I want to say to the Senator from Washington that I agree heartily that Congress has to make its mind up about the future of the impacted aid program. We go through this exercise every year.

Mr. MAGNUSON. Yes.

Mr. SPONG. In addition to that, there is another fact. If we are to continue this program, as well as other educational programs, we have to give more credence to advanced funding than we have because these school divisions are not able to plan properly for the future or know what they can do with funds available if they have no idea how much they are going to receive or when they are going to receive it.

Mr. MAGNUSON. And whether or not the formula might be changed for them.

Mr. SPONG. That is correct.

Mr. MAGNUSON. Mr. President, with all due respect to the Governors of our States—I have been here and had some meetings with them—many of the State officials from Governors on down consider impacted aid, I say to my friend from Virginia, as a payment by the Federal Government in lieu of taxes; and therefore, that we should continue even under a broader formula because they get the money free and clear of any restraint. They consider it a payment back to the States for school districts in lieu of taxes.

That is not the way to do it. Someone might come up here and lobby while the Governors are here about working out some sharing of revenues. I think we should meet that issue head on. It should not come through in this way, in an appropriations bill, but here it is.

Mr. COTTON. Mr. President, will the Senator yield?

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Mr. MAGNUSON. I will yield in just a minute. I want to say to Senators that I am a little embarrassed about impacted aid because I am the one who started it. I did not think it would run into what it did, when it became permanent in the Korean war. We started a well-known dam in our area called Grand Coulee. It was built in a place where they could not have raised $10 because all there was in that area was sagebrush and Indians. All of a sudden 6,000 or 7,000 workers showed up with a lot of youngsters. So we started a program to have the Federal Government help the school districts, but I did not think it would be permanent. It was made permanent in the Korean war, I believe.

Mr. SPONG. I do not think the Senator from Washington need apologize for the impacted aid program. Many places in Virginia and throughout the Nation need it and have benefited from it; but we have to stop going through this exercise every year on the Senate floor about impacted aid and make up our minds about it.

Mr. MAGNUSON. I yield now to the Senator from New Hampshire.

Mr. COTTON. Mr. President, after the Senator completes his remarks, I hope, in a brief statement that will not take more that 10 minutes, to make a rather important announcement on behalf of the administration and HEW that I am authorized to make.

Mr. MAGNUSON. Very well.

Mr. COTTON. In view of the fact that impacted aid is being discussed right now and there are a number of Senators here, I will anticipate it to this extent. I shall state that I am authorized not only by HEW but by the White House to indicate that if the Cotton amendment is adopted, not one cent will be taken from the impacted aid appropriated in this bill.

Mr. MAGNUSON. I understand that that is the word we get. I do not get any such word. Nobody talks to the chairman of the committee about this bill.

Mr. COTTON. The Senator from Washington did not go down there and ask for it.

Mr. MAGNUSON. Yes; I spent the early part of the evening with the gentleman the Senator from New Hampshire talked with. But nobody talks with the chairman about it. It is all right, but it is my responsibility and our responsibility. The Senator from New Hampshire has done a yeoman job in trying to ferret out some of these things, and I appreciate it.

To show the confusion in the impacted aid program, the President, in the original budget he sent to Congress, provided for $202 million, which was a great deal under the 1969 amount. Then the House made it $600 million. When the bill came to the Senate, we added $60 million on the floor. So when we went to conference, it became $660 million as against $600 million, compared with the amount of $202 million sent up by the Budget. That item and the item for Hill-Burton construction comprised the bulk of the increase for HEW.

Then when we got to conference, the Senator from New Hampsire and I, to get the bill moving, agreed to the House figure of $600 million. Then the President, in his veto message, said it was much too high; but, he said, "In order to satisfy you people up there and the Members of the House and everybody else who thinks this is such an important program, I will agree to $440 million."

The House committee thought that was not too bad. They did not like it, but the President said he would veto it if it was any more.

Now he has proposed an increase of $238 million. I do not know why. They did not have more hearings in the Budget. I guess they decided it was the better part of discretion in dealing with the Congress in this matter.

Then when the bill came to the floor of the House, that did not satisfy the House Members. They added $80 million.

I suppose the President said—I get this only in a roundabout way—that if he had blanket authority to cut, he would have cut the $80 million, as I understand it.

Now with the 2-percent provision, I do not know what that would amount to; but the Senator from New Hampshire has informed the Senate that if the bill gets to the White House, even if the 2-percent provision is in there, the President will not touch impacted aid.

That is the long, tortuous history of impacted aid.

We have been dealing with some pretty big figures. When it is said that someone is against the bill because it is inflationary and then starts dealing with these figures, I do not think inflation becomes much of a part of it.

Mr. EAGLETON. Mr. President, will the Senator yield on that point?

Mr. MAGNUSON. I yield.

Mr. EAGLETON. Will the Senator refresh my recollection? Was not impacted aid singled out by the President as being one of the most compelling reasons for his highly publicized veto of the HEW bill?

Mr. MAGNUSON. Yes. He was inclined to suggest that if there was any place where anything could be done, it would be in impacted aid.

Mr. COTTON. Mr. President, if the Senator will yield, I want to see the rules changed by legislation, but I have said I wanted to keep our impacted aid until we could change the rules, because it is the only money that goes into the school districts of this country without strings attached to it.

Mr. MAGNUSON. I did not mean the money, but the theory of it, the way the formula is working out.

Mr. EAGLETON. Did not the President, in his televised veto message, go so far as to point out the gross excesses in the impacted aid program, specifically pointing to "the richest county in the United States"—Montgomery County, Md.—where so many Federal employees live, including Members of the Senate, including myself, and where public schools receive $6 million in impacted aid because of the residence of so many Federal employees? Did not the President mention that in his televised message?

Mr. MAGNUSON. This is what the President said:

> Nearly $400 million of the HEW increase would be for grants to schools in federally-impacted areas. In 1968, this program paid $5.8 million to the Nation's richest county (which had a population of 500,000) and a total of $3.2 million to the 100 poorest counties (with a combined population of over 3 million).

Mr. EAGLETON. Do I correctly understand that under the Cotton amendment the President could cut, if he so desired, as much as 15 percent of the total impacted-aid figure of $520 million?

Mr. MAGNUSON. Yes; it is possible that he could cut $78 million.

Mr. EAGLETON. From the impacted-aid program?

Mr. MAGNUSON. Yes.

Mr. COTTON. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. Of course it is possible.

Mr. MAGNUSON. That is the question the Senator from Missouri asked me.

Mr. COTTON. I simply wanted to say, and make it clear, that I have not said that the President would sign the bill; I do not know. I am not authorized to say that he will sign the bill. All I am authorized to say is that if this amendment is adopted, and if he exercises his discretion—his "2 percent discretion" subject to the 15-percent limitation, we have his assurance that he will not touch the impacted aid program, because he realizes, I suppose, how much it means to us who represent our constituents here. I think Senators can rely on the President's word.

Mr. EAGLETON. I should like to inquire a bit further of the Senator from Washington.

Bearing in mind what has been announced by the Senator from New Hampshire, I am having difficulty following the consistency or the logic of the President's rationale. Perhaps the Senator from Washington can help me through this maze.

Mr. MAGNUSON. Oh, I do not think I can.

Mr. EAGLETON. I wish the Senator would try to give me some help. The President's original impacted aid recommendation was $202 million. Is that correct?

Mr. MAGNUSON. Originally, it was $202 million-plus.

Mr. EAGLETON. $202,167,000?

Mr. MAGNUSON. Yes.

Mr. EAGLETON. Later, as the controversy developed, the President finally decided that $440 million could be justified or tolerated for impacted aid?

Mr. MAGNUSON. That is correct.

Mr. EAGLETON. In point of time, did that figure of $440 million emerge before or after the President's television address to the Nation?

Mr. MAGNUSON. After it, I think.

Mr. EAGLETON. I think the Senator from Washington is correct; it came after the television address to the Nation.

Now, as I understand, the final figure is $520 million.

Mr. MAGNUSON. That is correct.

Mr. EAGLETON. A difference, roughly, of $80 million?

Mr. MAGNUSON. Yes.

Mr. EAGLETON. So if we apply the 15-percent Cotton formula—the maximum 15 percent—the President could, if he so desired, cut the present $520 million figure back to the preceding figure of $440 million?

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Mr. MAGNUSON. He could cut back $78 million; that is possible.

But now we hear today from the Senator from New Hampshire that the President now——

Is not going to do it all.

Mr. EAGLETON. We now hear from the Senator from New Hampshire that the President will not touch this item one penny?

Mr. MAGNUSON. That is correct.

Mr. EAGLETON. This item of impacted aid at a level of $520 million has now become sacred. Can the Senator from Washington explain to me how an item that was purported to be the single most controversial item calling in January for a veto of this bill, and the item that was pointed out on national television with particular reference to "the richest county in the United States," Montgomery County, Md., in the month of January, has now, in late February, become sacred and untouchable? How has the sinister evil of January become the sacred cow of February? Does the Senator have any explanation for that?

Mr. MAGNUSON. I do not.

Mr. COTTON. Mr. President, if the Senator will yield, it has not become untouchable, because I would like to remind the Senator that the President may veto the whole thing, and that would certainly affect the impacted area funds.

As a practical matter, let me say that I think the President has been consistent throughout. He wanted the A funds, which go to those living on reservations, to be kept intact. He wanted to take away or reduce substantially the B funds, involving areas where the people either buy homes or rent homes and pay taxes in the various communities.

I doubt if there is a Member of the House of Representatives or the Senate who does not recognize that impacted area funds are being administered under an outmoded formula, and that the formula should be improved; and it is no crime for the President of the United States to have the same feeling.

But we have the practical proposition that the Cotton amendment constitutes an overall reduction of $347 million; and if, in response to some of our solicitations, the President has seen fit to say that if he applies the cut, he will not apply it to this fund that is so essential to Congress, I think it is perfectly apparent that it would be out of respect and deference to the Members of Congress. And let me add, he has not even said he will sign the bill. I hope that, with my amendment, he will.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for a brief further observation?

Mr. MAGNUSON. I yield.

Mr. GRIFFIN. I think the Senator from New Hampshire has put the matter in perspective very well. There are two branches of Government involved in the law-making process, the legislative branch and the executive branch. I do not think that the President ought to be criticized because he is not inflexible. I do not think he likes the formula of the impacted aid program any better today than he did when he delivered his veto message. I think he is still critical of the fact that twice as much money goes into the Montgomery County area, the wealthiest county of the United States, as goes into the 100 poorest counties of the United States.

At the same time, I think he is trying to be realistic, and trying to recognize that legislation is a process of compromise, and he is trying to accommodate the fact that there are a good many in the Senate and in the House of Representatives who do not agree with him. He has gone a long way here, it seems to me, in trying to reach a middle ground.

So I think, if anything, that the legislative branch ought to commend him for that, rather than be critical.

Mr. EAGLETON. Mr. President, will the Senator yield briefly?

Mr. MAGNUSON. I yield.

Mr. EAGLETON. I beg to disagree with the Senator from Michigan and the Senator from New Hampshire. The Senator from New Hampshire said that the President had been "completely consistent" on this question of impacted aid. With all due respect to both the President of the United States and the Senator from New Hampshire, I think the President has been completely inconsistent on the question of impacted aid.

The President cannot get away from the figures as we have them before us. In his budget recommendation, he recommended $202 million for impacted aid.

Just a few weeks ago, in the art of "compromise," to use the word of the Senator from Michigan, the President presumably thought the figure ought to be $400 million. Presumably, in the happy effort to get along with everybody, he could suffer another $238 million increment in impacted aid, after telling the Nation that impacted aid was one of the most persuasive reason for his vetoing the bill originally.

Now, a few weeks later, the figure the President will agree to is $520 million. I think the recitation of these figures—first $202 million, next $440 million, now $520 million proves the gross inconsistency of the President's position. If the Senate is to adopt the Cotton formula—which I hope it will not—I cannot understand how the President of the United States could tell the Senator from New Hampshire that he would not touch this program one iota. Under the Cotton 15-percent formula, the President could cut the impacted aid program by $78 million.

Yet now this is a program which the President will not touch. He will not try to get anywhere close to the $440 million he thought was satisfactory a couple of weeks ago; and apparently he has long since forgotten about his original budget recommendation of $202 million.

To me this case history which I have just recited is anything but consistent. I say it is horrendously inconsistent.

Finally, let me make it clear that I do not view impacted aid as the evil which President Nixon and Secretary Finch seem on occasion to view it. Personally, despite some objectionable features, I believe it definitely does more good than ill.

I do object—and strenuously so—to the horrendously inconsistent way in which impacted aid has been used by the Nixon administration as a whipping boy on one occasion and later as a bargaining pawn.

Mr. COTTON. Mr. President, will the Senator from Washington yield me 1 minute?

Mr. MAGNUSON. I yield.

Mr. COTTON. I would like to say to my friend from Missouri, for whom I have formed a high regard since his coming to the Senate, that I sincerely hope, as times goes on, after he has spent here the years that some of the rest of us have, he will be able to go through his distinguished career in the Senate without compromising, and without swallowing anything that he does not want to swallow; that he will never have the majority leader of the other party come in and say, "Can't you yield a little bit on this, in the interests of our program," and that he will be able to defy everyone and show his complete independence.

But knowing him, and knowing that he is a practical and able young man, I predict that eventually he will find, as he says here, that he, too, will not be above compromise.

If the President of the United States is willing, in deference to the urging of some of us in the legislative branch, to forego what he sincerely believes—and I think anyone who studies the matter, however badly he wants the impacted area funds, knows a new formula is needed—if that be treason, make the most of it.

As for the Cotton amendment, which the Senator has expressed the hope will not be adopted, the longer we hold up this bill and the appropriations for all the humanitarian things in this bill, the nearer we come to the end of this fiscal year—and there are only 4 months left—the more disservice we render to our constituents and to the people of this country. My amendment is simply offered in the hope that we dispose of this bill, get it signed, and get the money to work before the year has gone by, for the causes in this bill.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MAGNUSON. Mr. President, I will be glad to yield, but I should like to complete my statement.

I hope the Senator will not take literally the Senator from New Hampshire's advice, because I have found that the longer I have been here, the less I want to compromise.

Mr. EAGLETON. I commend the Senator from Washington.

Mr. PELL. Mr. President, will the Senator yield?

Mr. MAGNUSON. Mr. President, I find that the compromise takes care of itself as you stick to your guns, but there are times when you have to do this to get going.

I want to refer to something that the Senator from New Hampshire brought out, and I thoroughly agree with him about the bill and the timing. But little is said about the fact that up to now all these programs are going at the same level as last year. As a matter of fact, with respect to many of them, there was much more money in last year's program than there will be in this one, even after the compromises.

The suggestion I have heard many

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times coming out of statements from the administration that "well, there are only 4 or 5 months left and we couldn't spend this whole amount, anyway," is misleading.

As a matter of fact, if you appropriate $1 million and you spend $750,000 under a continuing resolution, no one in the world will suggest that you spend more than $250,000.

This program, whenever the bill is passed, is for the rest of the year, divided by the number of days. Nobody suggests that the whole amount of impacted aid, let us say, should be spent in the next 3 months. That is a misleading statement, and it has been done many times. I have been in Congress during the administrations of six Presidents, and sometimes bills are late.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I should like to finish my statement.

They deduct what they spend under the continuing resolution from the appropriation they get for that fiscal year. That is common practice. I just want to get that clear.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. ALLOTT. The implication of the Senator's statement is that some of us who are on the floor have been making such statements.

Mr. MAGNUSON. No.

Mr. ALLOTT. I do not like those statements. I have never made any. I have never heard the distinguished Senator from New Hampshire make such a statement.

Mr. MAGNUSON. The Senator misunderstood. I said statements from the administration, and I will be specific—from the Budget Bureau. I started out, if the Senator listened——

Mr. ALLOTT. I listened to the Senator.

Mr. MAGNUSON. I never said "we" or "us" at all. I said "statements by the administration." To be very specific, I will say the Bureau of the Budget.

Mr. ALLOTT. I have never heard them make such statements.

Mr. MAGNUSON. The Senator has not?

Mr. ALLOTT. No.

Mr. MAGNUSON. I can get the Senator about five or six a week, if he wants me to go back—on that phase. They say:

> We don't need *x* number of dollars, because the year has gone by so long, it's too short a time to spend it.

Mr. ALLOTT. It has, but I have never heard anyone in the Bureau of the Budget contend that we were going to try to spend the amount in this bill between now and June 30.

Mr. MAGNUSON. I will go higher than the Bureau of the Budget—the President's statement. I have it here—we put it in the report, too—No. 4, quoting the President:

> Because of the lateness in the fiscal year, increases of this magnitude cannot be used effectively in many cases.

Mr. ALLOTT. That is correct, but that does not say what the Senator just said, that there is an implication that we are going to spend the entire amount between now and June 30.

Mr. MAGNUSON. No. They say the reverse. They say that they do not want to spend the entire amount because of the lateness in the year. They think it is too much to spend for these months. They say just the reverse.

Mr. ALLOTT. A prorated amount.

Mr. MAGNUSON. It is somewhat misleading. In other words, the implication is that whatever is appropriated here they would have to spend during this fiscal year. They deduct from what they had spent.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. This is a bigger bill than the 1969 bill. There are more items that are increased over 1968.

Mr. MAGNUSON. Yes.

Mr. COTTON. And in all those items that are increased, the difference between the 1969 amount and the amount in this bill is growing. The people who would enjoy the benefit of this are losing that difference each month that goes by. Is that not correct?

Mr. MAGNUSON. I think the total is a relatively small amount over the 1969 total. In some cases, the Senator from New Hampshire will recall they were under 1969 and some were over. I will get the totals. Anyway, we are talking about their spending one-twelfth.

Mr. COTTON. If it had not been that we cut out the prefunding for 1971 by $1,226 million—if that is put back, the Senator will find that all the rest of the bill is well over 1969.

Mr. MAGNUSON. I will get the figures.

Mr. FONG. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. FONG. I believe the distinguished Senator said that nobody has been hurt by a continuing resolution. Is that correct?

Mr. MAGNUSON. No. I meant that the money keeps coming—one-twelfth of what was appropriated last year. The problem with this is the uncertainty of the thing, not the money.

Mr. FONG. I think it is more than that. I have received figures from the Department of Health, Education, and Welfare that if we continue on a continuing resolution, we will be working on a figure $550 million less than the figure as propounded by the distinguished Senator from New Hampshire. That is, if we do not adopt the amendment of the distinguished Senator from New Hampshire and do not pass this bill, we will be working under the continuing resolution, which will be $550 million less—in other words over half a billion dollars less—than was propounded by the Senator from New Hampshire. From that standpoint, we will be doing a great disservice to health programs and to educational programs.

Mr. MAGNUSON. No one wants to get this bill through faster than the Senator from Washington.

Mr. FONG. I understand that the Senator from Washington wants to get the bill through.

Mr. MAGNUSON. Many people have the impression that when you appropriate any time after July 1, the amount of money for that fiscal year has to be spent from the time you appropriate it. I do not recall any year in which we have not had continuing resolutions in this body, for a long time. Sometimes they go 2 or 3 months. But they deduct what they spend.

Mr. FONG. Not as much as this bill has gone.

Mr. MAGNUSON. The Senator was not then a Member of the Senate. I have been back here twice between Christmas and New Year's on appropriation bills—big ones.

Mr. FONG. But not to pass a bill 4 months before the fiscal year will expire.

Mr. MAGNUSON. That is because of the veto. We never had an appropriation bill vetoed before, either.

Mr. FONG. We never had a situation such as this, in which we are trying to pass a bill 4 months before the fiscal year will expire.

Mr. MAGNUSON. That is because of the veto. Many times we have enacted appropriations in November and December. I will give the Senator a list.

Mr. FONG. Not as late as this bill.

Mr. MAGNUSON. Why is this bill late? Because of the veto.

Mr. FONG. No; because we sent it to the President very late.

Mr. MAGNUSON. We have sent all kinds of bills to many Presidents late.

Mr. FONG. And he had to veto it. If he vetoes this bill, we probably will not have a bill when the year is up, and then we will be working on a continuing resolution and will be doing a great disservice to the people under the health and education programs.

Mr. MAGNUSON. I do not disagree with the Senator on that.

I was trying to point out that the expenditure of money, whenever you appropriate it, if you appropriate it on August 1, or December 1, or January 1, or February 28, was under continuing resolutions which were deducted from the amount finally appropriated for that fiscal year.

Mr. FONG. That is very true.

Mr. MAGNUSON. That is all I am trying to say.

Mr. President, I ask unanimous consent to have printed in the RECORD, to show the reason for the delay, and because the Senator from Hawaii brings out that there are many problems where the money is not obligated and it might be anticipated will be in the bill regardless of the veto, although we are not talking about the greater part of the bill, only the 3 percent, not the 97 percent which is anticipated, a table on what was obligated up to December 31, under which the Department is obligated, even though the appropriation has been there and the obligations are short of what they could have obligated. For instance, here is air pollution, $66 million. They have obligated only $10 million so there is $56 million they could have gone ahead with.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—1970 LABOR-HEW APPROPRIATION BILL SELECTED ITEMS OF INCREASE

[Dollars in thousands]

Agency/Appropriation/Activity	Fiscal year 1970 Revised budget	Fiscal year 1970 Conference agreement	Obligations as of December 31, 1969
FOOD AND DRUG ADMINISTRATION			
FDA control: Regulatory compliance	$29, 674	$29, 992	$14, 287
ENVIRONMENTAL HEALTH SERVICE			
Air pollution control: Research development and demonstrations	52, 328	66, 428	10, 389
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION			
Mental Health:			
Construction of community mental health centers [1]	29, 200	35, 500	
Alcoholism community assistance		4, 000	
Comprehensive health planning and services: [1] Formula grants to States (314d)	90, 000	100, 000	29, 375
Hill-Burton hospital construction grants [1]	150, 000	254, 400	14, 775
District of Columbia medical facilities		10, 000	
Maternal and child health:			
Dental health of children		200	
Training	9, 000	11, 200	5, 862
NATIONAL INSTITUTES OF HEALTH			
National Cancer Institute	180, 725	190, 362	67, 419
National Heart Institute	160, 513	171, 256	55, 874
National Institute of Dental Research	29, 289	30, 644	9, 543
National Institute of Arthritis and Metabolic Diseases	137, 668	146, 334	53, 569
National Institute of Neurological Diseases and Stroke	101, 256	106, 978	40, 213
National Institute of Allergy and Infectious Diseases	102, 389	103, 694	39, 686
National Institute of General Medical Sciences	154, 288	164, 644	60, 396
National Institute of Child Health and Human Development	75, 852	76, 949	24, 029
National Eye Institute	23, 685	24, 342	8, 824
General research and services	69, 698	76, 658	44, 365
Health manpower:			
Institutional support:			
Medical, dental, and related	101, 400	105, 000	
Nursing	7, 000	8, 400	1, 646
Public health	9, 471	10, 071	5, 289
Allied health professions	10, 988	11, 587	143
Student loans:			
Medical, dental, and related	15, 000	23, 781	15, 000
Nursing	9, 610	16, 360	9, 610
Dental health:			
Grants	5, 845	6, 739	569
Construction of health, educational, research, and library facilities:			
Medical, dental, and related	$118, 100	$133, 100	$8, 137
Nursing	8, 000	10, 000	3, 502
Medical library construction		950	
Health research facilities		5, 000	
NIH direct construction	1, 000	1, 900	
OFFICE OF EDUCATION			
Elementary and secondary education:			
Educationally deprived children [1]	[2] 1, 226, 000	[2] 1, 396, 975	1, 001, 506
Bilingual education	10, 000	25, 000	
Supplementary educational centers [1]	116, 393	164, 876	58, 071
Library resources [1]		50, 000	[3] 1, 760
Guidance, counseling, and testing [1]		17, 000	[3] 2, 357
Equipment and minor remodeling [1]		78, 740	[3] 1, 000
School assistance in federally affected areas: Maintenance and operation [1]	187, 000	585, 000	72, 722
Education professions development:			
Grants to States [1]	15, 000	18, 250	3, 820
Training programs	80, 000	88, 750	1, 619
Recruitment and information		500	
Higher education:			
Construction, undergraduate facilities [1]		33, 000	
Student aid, direct loans [1]	161, 900	229, 000	155, 922
Vocational educations:			
Basic grants [1]	234, 216	354, 716	116, 586
Consumer and homemaking education [1]	15, 000	20, 000	7, 574
Work-study [1]		10, 000	
Programs for students with special needs [1]		40, 000	
Research [1]		34, 000	
Libraries and community services:			
Library services [1]	23, 209	40, 709	7, 778
Construction of public libraries [1]		9, 185	
College library resources	12, 500	20, 834	
Acquisition and cataloging by Library of Congress	4, 500	6, 737	4, 500
Librarian training	4, 000	6, 833	
Educational broadcasting facilities	4, 000	5, 083	1, 081
Education for the handicapped [1]	85, 850	100, 000	20, 071
SOCIAL AND REHABILITATION SERVICE			
Rehabilitation facilities		3, 500	
Mental retardation: Construction of community service facilities	8, 031	12, 031	
GALLAUDET COLLEGE			
Salaries and expenses	4, 257	4, 332	2, 053
Construction	867	1, 106	74

[1] Denotes so-called mandatory formula grant program.

[2] Includes $1,010,814,300 appropriated in the 1969 bill.

[3] State administration only.

Mr. PELL. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. PELL. As the Senator knows, we passed the other day an authorization bill of a very substantial nature for education——

Mr. MAGNUSON. I believe it was $35.5 billion.

Mr. PELL. As the Senator will recall, he warned us all, most properly, that the full amount would not be appropriated, although he personally wished that it could be. But the original size of the authorization was a pretty good indication of the will of the Senate and the will of the American people, not only in the size of the amount, but also by the fact that the vote was unanimous in favor of it, 85 or 80—whatever it was—to zero.

Thus, I would hope that the amendment of the Senator from New Hampshire would be rejected.

There is a much broader issue here. This I would ask of the Senator from Washington—who has been here longer than I have—if I am correct in saying that since World War II, my understanding is that only twice has the Senate or Congress seen fit to give the President what amounted, really, to an item veto, something we have always been most reluctant to do. Once was in 1951, when Harry Truman got the authority to strike $550 million, and the second time was in 1968 when this authority was given to President Johnson.

I think that in both those cases the stage was set for a poor precedent. I would hope that not only would we realize that this amendment is ill advised in its specifics—it is not a great amount, 2 percent—but even more ill advised by opening the door to what could become a precedent, the prospect that more and more we are going to abrogate our responsibilities and turn them over to the President, that we will increasingly let him bell the cat because we are not willing to do so.

I would hope that when we vote on this question, we would consider the precedent problem as well as assume our responsibility on the question of the money itself.

Mr. GRIFFIN. Mr. President, in view of the earlier reference to the President's position with respect to the impacted aid program, I want to complete the RECORD here by calling attention to the fact that on yesterday the President sent a message to Congress calling for the reduction, termination, and restructuring of 57 programs which are now obsolete.

No. 1—there is a list of recommendations—was reform of the impacted aid program. I ask unanimous consent to have printed in the RECORD at this point that part of his message of yesterday which relates to that subject.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

1. *I propose that we reform assistance to schools in Federally-impacted areas to meet more equitably the actual burden of Federal installations.*

In origin this program made good sense: Where a Federal installation such as an Army base existed in an area, and the children of the families living on that installation went to a local school; and when the parents made no contribution to the tax base of the local school district, the Federal government agreed to reimburse the local district for the cost of educating the extra children.

But this impacted aid program, in its twenty years of existence, has been twisted out of shape. No longer is it limited to payments to schools serving children of parents who live on Federal property; 70% of the Federal payments to schools are now for children of Federal employees who live off base and pay local property taxes. In addition, the presence of a Federal installation (much sought-after by many communities) lifts the entire economy of a district. As a result, additional school aid is poured into relatively wealthy communities, when much poorer communities have far greater need for assistance.

One stark fact underscores this inequity: nearly twice as much Federal money goes into the nation's wealthiest county through this program as goes into the one hundred poorest counties combined.

The new Impact Aid legislation will tighten eligibility requirements, eliminating payments to districts where Federal impact is

> small. As it reduces payments to the wealthier districts, it will reallocate funds to accord more with the financial needs of eligible districts. Children whose parents *live* on Federal property would be given greater weight than children whose parents only *work* on Federal property.
>
> While saving money for the nation's taxpayers, the new plan would direct Federal funds to the school districts in greatest need—considering both their income level and the Federal impact upon their schools.
>
> Reform of this program—which would make it fair once again to all the American people—would save $392 million in fiscal year 1971 appropriations.

Mr. MAGNUSON. Mr. President, I am glad the Senator did that because I was, further on, going to mention it. We hope that we can all join and see what we can do with this matter.

The program was never designed to equalize the rich or help the poor. It was not designed to help the school, either the small school, or the rural or city areas, but it was designed and depended upon where the particular children happened to be.

Mr. GRIFFIN. I am glad the Senator recognizes that. I hope that we can get together and support the President's reform legislation in this area.

Mr. MAGNUSON. I have advocated that for a long time.

IMPACT AID—PUBLIC LAW 874, $80,400,000

No educational aid program has suffered more abuse than the impacted areas aid program.

Last year, on a comparable basis, the funding was $521 million; in April, the President recommended $202 million; our previous conference bill contained $600 million; the current appropriation request is $440 million; and we are recommending $520,567,000—about $700 thousand less than last year—the same as the House recommendation.

This amount will provide local school districts 100 percent funding for section 6, children—such as Indian children—90 percent for the class "A" children—those who live on a Federal reservation, military installation, and go to a local school—this is the same level of support as last year, and approximately 72 percent for the class "B" children—those whose parents work on a Federal reservation or for the Government.

The President has been highly critical of this progrem—but we cannot go back on our word to thousands of school districts that are depending upon these funds.

This program was never designed to equalize the rich or help the poor—it is not for small schools or rural areas or the cities— it all depends upon where the particular children happen to be. It is a financial assist to local education agencies where an influx of schoolchildren is caused by some Federal activity—to many, this is an in lieu of taxes payment.

EDUCATION PROFESSIONS DEVELOPMENT, $3,750,000

Another grants-to-States program, this additional $3.7 million will enable the States to step up their recruitment and training programs for elementary and secondary teachers and teachers aides.

These funds will allow such training for an additional 1,517 teachers and 1,437 teacher aides, in some 90 projects.

These funds are allotted on the basis of public and private school enrollments and help to support the efforts of local communities which experience critical teacher shortages to attract persons into teaching and provide them through inservice training programs with the qualifications necessary for a successful career in teaching.

HIGHER EDUCATION, $100,100,000

An additional $67.1 million has been provided for the NDEA direct student loan program.

Last year, the average loan was $600 and some 442,000 individual students received such loans. Under the administration proposal, less than 398,000 students could receive loans.

With this additional funding this program will be able to assist an additional 115,000 students—a total of over 513,000 or 71,000 more than last year.

It is claimed, by some, that the guaranteed loan program is helping a greater number of students, but the evidence is meager and it is especially evident that increasing costs of education are hitting middle-income families. Compared to the needs for this program, expressed by the requests of colleges, universities, and vocational institutes this increase is very modest.

Our recommendation provides $33 million for construction grants to 4-year undergraduate facilities. This is a matching program and would finance the Federal share of 85 projects—at an average of $388,000 per grant.

Construction of vitally needed facilities has been on dead center for too long. The administration holds forth the "hope" to such institutions of the much-heralded interest subsidy program for construction—yet, I am informed the Department has yet to issue guidelines for this program—let alone authorize a single new start, that program was authorized in 1968—funded last spring, and the administration has failed to move one brick or one shovel of dirt.

VOCATIONAL EDUCATION, $44,500,000

Vocational education is another area too long neglected. Vocational education, to my mind, is one of the most important parts of the whole bill, one of the most needed, and one of the most neglected.

In 1968 Congress added amendments to the Vocational Education Act. I think they were long overdue. It is high time we fund these programs adequately.

Of this increase in vocational education, $20 million would be for students with special needs. These are for children who have academic, socioeconomic, or other handicaps that prevent them from succeeding in regular vocational education programs.

This program will zero in on those areas of high youth unemployment and school dropouts and would allow the local districts to move in immediately with programs for these young people in urban as well as rural areas.

In this field, we are talking about $44 million. But the President's alternative budget was $347 million. The recommendations of the committee was $391 million.

To get back to the original budget, we would have to cut $44 million. It is possible, under the 15 percent proposal, that the President could cut $58 million out of this program.

The administration allowed nothing for vocational education research—our recommendation is $17 million, just half of our previous bill. These funds will allow the States to do special research in vocational education, including experimental, developmental, or pilot-projects, and the dissemination of information derived from these projects. The administration requested funds for educational research and experimentation—demonstration schools. These funds for vocational education can prove the most valuable investment we could make.

Work study in vocational education is another program that the administration did not fund—we recommend $5 million—and this allowance will support approximately 25,000 students in work-study programs of vocational education. This is, again, a most valuable investment in our youth.

We come now to a somewhat new program, but very important.

Consumer and homemaking education is the final program within vocational education for which we have provided an increase, and we have recommended $2.5 million.

This will support the training of at least 48,000 additional persons—and this program provides intensified consumer and nutrition education.

The Senator from Alabama (Mr. SPARKMAN) submitted eloquent testimony for this program to our committee. As he pointed out:

> Money spent to strengthen an institution so basic and so vital to our society as the home, will be returned to us manyfold in the form of reduced welfare programs, reduced spending for penal programs, reduced waste resulting from crime and disorder, to say nothing of the savings brought about through intelligent and trained consumer spending.

The administration had requested an additional $1,120,000 for curriculum development—over the $880,000 allowed by the House—but such activity in developing special instructional materials can be achieved under the research programs where we allowed $17 million, in other words, we would fold this program into the other program.

We now get back to libraries proper and community services, not necessarily a school research program.

Within these programs, only construction of public libraries was totally ignored by the administration—and we have provided $9,185,000.

We are talking about $31,172,000. The President's alternative budget was $117 million. The committee recommendation was $148 million. And it is possible that under the so-called Cotton-Cooper amendment, that there will be a cut of $22 million from that. But the whole program we are dealing with is $31 million, because they have to add a little to that due to the fact that some of the programs are apparently not going to be cut 2 percent.

This will support approximately 93 library construction projects, on a matching basis with communities across the Nation.

Along with the grants for public libraries, which we have increased by $7.5 million these two programs will bring new or expanded services to 85 million people, involve some 904 libraries in cooperative ventures to serve 8.6 million people, and will provide special services to $370,000 handicapped persons and patients and inmates in State institutions. This would also include braille for the blind. Part of the library funds would be for braille for the blind.

We recommend increasing the college library resources program by $8.3 million. In 1968 institutions of higher education benefited from 2,111 basic grants under this program, which required matching; and 1,524 supplemental grants and 60 special purpose grants. Approximately 50 to 70 new colleges will open during the year and need instant libraries.

These additional funds will support 104 special purpose grants at an average of $80,000—again, these awards require matching by the local college, $1 for $3.

Librarian training would receive an additional $2,833,000. If schools, colleges, and public libraries are to be adequately staffed with competent librarians, this special training program must be supported. The recommended level of funding is only about 80 percent of last year's support.

The $2,237,000 addition for the acquisition and cataloging program of the Library of Congress will just enable the Library to maintain the same personnel and work level as in fiscal 1969.

This little program gets lost in the shuffle, but it is saving millions of dollars at participating institutions all over our Nation.

We heard reams of testimony to that effect. This program was developed because research libraries in the United States could not get cataloging data for a considerable portion of the foreign publications they require. With the centralized cataloging program of the Library of Congress, these institutions purchase a copy of their cards.

A library pays about $5.50 more per book to catalog that book independently than to use the Library of Congress cataloging copy.

The economies effected by this program are a great many times more than this appropriation which we recommend. And the resources of such participating libraries are being made available to students and scholars with much greater dispatch, or in many instances for the very first time.

Our final increase in these programs is $1,083,000 for educational broadcasting facilities. This will support four additional educational television grants—for a total of 18—and one more radio grant—for a total of nine. These grants will expand and improve existing stations, as well as to start new ones.

There is a possibility of expanding and improving additional stations.

With respect to education for the handicapped, we are talking about $8,150,000. There, the alternative request by the President on February 2 is not sufficient—$91,850,000.

The committee recommended $100 million and under the Cotton amendment it would be possible to decrease this $15 million.

EDUCATION FOR THE HANDICAPPED, $8,150,000

Eight of the special programs within education for the handicapped were involved in our recommended changes, and in gross amounts we added $4.5 million in teacher education and recruitment, and $3.2 million in research and innovation.

The largest single increase was $4.1 million for teacher education—this will support 15 more college-university programs to train more of these dedicated people. Today, it is estimated that about 84,000 teachers and specialists are currently employed to serve over 5 million school age handicapped children. This is barely one-fourth of the number of such teachers needed.

In many ways, this is another shortage in health manpower which has sorely needed our attention.

Physical education and recreation training programs have been neglected in past appropriations, not only by the present administration but others and our recommendation of another $300,000 will bring that total to $1 million. This increase will concert seven planning awards into prototype programs and allow for more adequate funding of five planning grants.

A $1.8 increase in research and demonstration will help to acquire and disseminate knowledge relative to the education of handicapped children, and allow four large-scale programmatic research efforts to be funded and several small individual projects.

The sum of $1.5 million was added for the deaf-blind centers which serve the needs of those children who suffer this dual handicap. There are 10 of these centers and to support an effective program for these children the additional funds are necessary. The rubella epidemic of several years ago resulted in 20,000 to 30,000 handicapped children, many of them deaf-blind—so we are not even keeping up.

Health people tell me that rubella could break out again. As I have said, the rubella epidemic of several years ago resulted in 20,000 to 30,000 handicapped chidren, many of whom are deaf and blind.

Mr. BYRD of West Virginia. Mr. President, is it convenient for the Senator to yield for a question at this point?

Mr. MAGNUSON. Yes, I yield.

Mr. BYRD of West Virginia. The Senator will recall that late last year during the Senate's consideration of the HEW appropriation bill, which was subsequently vetoed, I offered an amendment on the floor of the Senate which was adopted and which added $23.1 million for the purpose of carrying out section 104 of the Clean Air Act. I am talking about air pollution control.

Would the Senator tell me whether or not this amount of money has been included in the bill before us?

Mr. MAGNUSON. In the House bill it was; and in our bill it was reported but, of course, it is subject to the 2 percent and the 15 percent.

Mr. BYRD of West Virginia. Yes. If the Senator will yield I would like to ask one further question.

Mr. MAGNUSON. I yield.

Mr. BYRD of West Virginia. The Senator will also recall that during consideration of the conference report on that same HEW appropriation bill I offered an amendment on the floor of the Senate which earmarked certain funds for family planning under the administration of the Office of Economic Opportunity.

Would the Senator tell me whether or not this money is also earmarked under the bill before us?

Mr. MAGNUSON. I think it is, yes.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. MAGNUSON. They have not actually firmed up those programs yet because, there again, OEO request of the administration did not come here until November 17.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. MAGNUSON. Mr. President, I shall proceed with my presentation.

RESEARCH AND TRAINING

On research and training there is $2 million. I did not think that would be too much. We requested $7 million for two or three pilot operational school programs. We have not had an explanation as to what would be involved.

The current requests of the administration renewed their request for special funds for "experimental schools"—they originally asked for $25 million, which was not allowed in our previous bill.

Their current request was for $9.5 million, which the House did not allow, and which we have not allowed.

In our report we express the fact that we have no objection to the use of other research funds for planning these experiments, but that we feel that operational funds should be withheld until the planning has progressed further.

The administration had requested $7 million of this for two or three pilot-operational experimental school projects—yet no explanation of what actually would be involved was given.

SOCIAL AND REHABILITATION SERVICE

Grants for rehabilitation services and facilities, $3,500,000.

No funds were proposed by the administration for project development grants for rehabilitation facilities.

We recommend $3.5 million in grants to assist the local planning efforts leading to the development of a rehabilitation facility. These local planning grants are designed to insure strong community support and stability for the individual facilities by emphasizing sound program planning—and such grants maximize the potential of a facility to deliver effective social and rehabilitation services.

To defer actual construction is one thing—but we must continue these planning efforts which have proved so beneficial in the past.

MENTAL RETARDATION

We are talking about $4 million. The President's alternative that was sent us provided for $33 million. The committee recommendation was $37 million. It would be possible under the amendment to cut that $5.55 million, but I think we

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are probably talking about more in a round figure of $4 million.

The administration appealed the addition of $4 million to the program of construction of community service facilities for the mentally retarded.

With this addition, the total available will be $17,531,000, slightly under the $18 million available last year.

During 1969, that $18 million which was used as the Federal share in funding local awards resulted in the construction of 80 projects costing a total of $54 million. This is an excellent example of the value of matching Federal dollars to local initiative.

Since 1966, when this program started, some 321 projects have been constructed for mentally retarded—the total costs have been $203,333,494—and the Federal share only $63,725,271. Thus the contributions from non-Federal sources has been better than 2 to 1, and exceed $139.6 million.

This addition will allow us to maintain almost the same effort as last year. We should perhaps do more, but we cannot do any less.

MATERNAL AND CHILD HEALTH AND WELFARE, $2.4 MILLION

Mr. President, we probably are talking about $2.4 million, although the total amount is $228 million, we made it $228,200,000, so it is not a great deal that is involved here in relation to the appropriation.

Last year there were 15 university-affiliated mental retardation centers offering a complete range of services for mentally retarded children, and demonstrating and training personnel in the diagnosis, treatment, education, training, and care of these children.

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Four new centers are now involved in this vital program—Georgetown University here in the District, the University of Colorado in Denver, Boston Children's Hospital, and the University of California in Los Angeles.

Our recommendation will add $2.2 million in support of these centers and their service and training programs.

An addition of $200,000 will initiate a special dental health project grant program as authorized by section 510 of the Social Security Act. The administration did not request any funds for this program that is expected to provide comprehensive dental care and services for about 6,000 children in low-income areas.

I might say to the Senator from Colorado that I do not think this is affected too much by the amendment, but there is a program for four new centers, one at the University of Colorado in Denver.

Mr. ALLOTT. I am very happy to hear it.

Mr. MAGNUSON. Mr. President, I hope I have not been unduly long but this is a long compilation involving many programs relating to health, education, and welfare. There is a labor part of the bill, but that has not been involved in this veto business that has been going on.

So that will be probably as is, although the 2 percent would apply to the labor portion of the bill. It would apply to all portions of the bill.

So that completes my detailed explanation of the differences between what was proposed by the President and what is now contained in the new version of the Labor-HEW appropriation bill for fiscal 1970.

Again, to recapitulate, those differences total $579,681,500. $480.2 million is in the Office of Education; $45 million is in the National Institutes of Health; $38.5 million is in the Health Services and Mental Health Administration; $9.9 million is in the Social and Rehabilitation Service; and $6 million is in air pollution control.

This total difference of $579 million is less than 3 percent of the total in the entire bill, and represents an increase over the President's current request of 2.92 percent.

Mr. President, I suggest the absence of a quorum——

Mr. COTTON. Mr. President, will the Senator withhold that request?

Mr. MAGNUSON. Yes.

Mr. COTTON. Mr. President, I understand that some Members of the Senate on both sides must leave town very early in the afternoon. Naturally, I want an opportunity to speak to my amendment and a chance to respond to the distinguished chairman, who has had control of the floor from a quater past 10 to half-past 12, the present time.

Subject to the approval of the distinguished Senator from West Virginia, who is in charge of the floor at the present time—I do not want to presume on his prerogative, but I want to see what he thinks of the suggestion—I would like to ask that we have a live quorum, and then I would like to ask unanimous consent that the Senator from New Hampshire be allowed not to exceed 10 minutes to make certain announcements on behalf of HEW and the administration. Then after those 10 minutes are used, I would hope we could have a limited period of time, subject to the control of the Senator from Washington and myself, to get to an early vote on this amendment. We do not need to rehash a lot of things on the amendment. If we had 30 minutes on a side, it seems to me it would wind it up.

Mr. MAGNUSON. Mr. President, I would like to expedite this, but because so few Senators have been present, I do not know how many would want to speak on it. I will have to ascertain that. I know several Senators on this side of the aisle want to speak on it, and that there will be an amendment to the amendment of the Senator from New Hampshire.

Mr. COTTON. Of course, when we get Senators here, if we do not have a time certain for a vote, we know the experience we have had. So we will have the same opportunity we have had so far, to talk to an empty Chamber.

Mr. MAGNUSON. I have no objection, but several Senators want to speak, and I know there will be one or two amendments to the Senator's amendment.

Mr. COTTON. Mr. President, in view of that fact, and in view of the fact that the Senator from New Hampshire desires to make certain specific statements from the department and partly from the White House that I think Senators should know, may I ask unanimous consent that we have a live quorum and that the Senator from New Hampshire be recognized for not to exceed 10 minutes at the conclusion of the live quorum?

Mr. MAGNUSON. I am sorry. I did not hear the Senator's request.

Mr. COTTON. I am asking unanimous consent that we have a live quorum and that the Senator from New Hampshire be recognized for not to exceed 10 minutes after the live quorum in order to make certain announcements.

Mr. MANSFIELD. Mr. President, would the Senator consider the possibility of an hour or and hour and a half on the pending amendment at the conclusion of a live quorum?

Mr. COTTON. I suggested that.

Mr. MAGNUSON. The Senator from New Hampshire suggested that, but several Senators want to speak on the amendment. I do not know how many, because we have been practically alone here this morning.

Mr. MANSFIELD. We could get an extension of time.

Mr. MAGNUSON. I would rather not do that until we got more Senators here. Then there are going to be one or two amendments to the Senator's amendment.

Mr. COTTON. Several Senators are leaving town. The Senator from Washington has used the time well, but he has held the floor from 10:15 to 12:30, and I had hoped to get a vote on my amendment before some Senators left town.

Mr. HART. Mr. President, last month the Senate, in face of the threat of a veto, approved an appropriation bill providing $20.7 billion for the Department of Labor and for the Department of Health, Education, and Welfare.

In terms of appropriations for this fiscal year, that bill increased the administration's budget request by about $1.2 billion.

Most of that increase was for education and health programs.

Many of us voted for that increase on the grounds that Congress not only has the right to but the responsibility for setting national spending priorities.

We did so after pointing out that on 13 other appropriation bills, Congress had reduced administration budget requests by almost $7 billion and sought only to redirect less than 20 percent of that saving into health and education programs.

The President then proceeded—on live TV—to veto the bill on the grounds that spending for health and education was inflationary and that the money could not be spent wisely this late in the fiscal year. The President also singled out for particular criticism the increase in funds for aid to school districts affected by Federal employment—impact aid.

Mr. President, I will return to those points shortly, but first I would like to discuss the HEW appropriations bill as it is now before us.

The new total is $20.3 billion—$365 million less than we approved in January and $579 million over the administration's latest budget request.

I regret that we did not stick with the

figure we so overwhelmingly supported in face of the veto threat in January.

Under the bill as reported by the Senate Appropriations Committee, the President is directed to reduce the bill by another $347 million, the cuts to be made at the President's discretion.

In other words, we are being asked to retreat from our January stand in favor of health and education programs to the tune of more than $700 million—this in the same week that the administration outlined its proposals to expand the ABM system.

Somehow we are supposed to justify spending $1.5 billion to start expanding a complicated missile system on which research and development has yet to be completed, but not to vote for an extra $1 billion for health and education. I know of no better example to demonstrate how the momentum of a weapons system can distort our national spending priorities.

Evidently the effect of the cutback is supposed to be softened by additional language limiting the reduction in any single appropriation in the bill to 15 percent.

As I read the language of the bill and look at the increases included in the bill, few if any items have been increased by more than 15 percent.

Let me cite two items in which I have great interest.

The administration requested no funds to permit the Food and Drug Administration to implement provisions of the Truth-in-Packaging Act. The Senate added more than $600,000 for this purpose, which was reduced to $345,000 in conference. That figure is in this bill.

However, the truth-in-packaging money is included in a lump appropriation line item of more than $72 million for food and drug control.

A reduction of even 1 percent in that line item could more than wipe out funds for truth in packaging.

Even more disturbing is that a decrease of 10 percent in the appropriation of $76.6 million for general research and services in health could wipe out an increase of $6 million needed to keep 93 general clinical research centers operating.

Under the administration's original budget request, 13 of these clinics, including one at Wayne State University, would be closed. Given the fact that the administration has not asked for more money for this activity in its revised budget, it is logical to expect that, despite special mention in the Senate Appropriations Committee report on this bill, the administration will go ahead with its decision to close these centers.

Mr. President, what sense does it make at a time when hospital costs are soaring—up more than 70 percent since 1964—to cut back on research to find new ways of bringing medical advances to hospitals?

Of course, the same question can be asked of the President's request to reduce funds we appropriated in January for the Hill-Burton hospital construction program.

And we must also ask what fate awaits a number of existing chronic disease programs which the administration has sought to cut back, including the Nation's first arthritis prevention and control program set up in Michigan.

Despite the fact that the Senate Appropriations Committee took special note of these programs, we must still worry that the administration will go ahead with its plans to gut a 5-year program in its first year of operation.

In short, we abdicate our responsibility to set priorities if we instruct the President to eliminate many increases we have approved.

And now let me turn to the arguments the President used to justify his veto of the previous HEW appropriations bill.

As I have already discussed, the President chooses to ignore cuts Congress made in his budget requests and prefers to charge that spending on health and education is inflationary.

The President also has chosen to ignore the authorization Congress gave him last November to fund education programs at the level of appropriations approved by the House of Representatives last July. That level is $400 million higher than we are now asked to approve.

If the President had done what Congress instructed him to do in that November we would now be approving a reduction in spending for the remaining months of the fiscal year.

If indeed there is a problem of spending education money wisely this late in the fiscal year, the blame lies with the administration and not with Congress.

Even more curious is the administration's reasoning that it is required to spend what we appropriate today but not what we instructed him to spend in November.

And even still more curious is the fact that when the President vetoed the previous HEW bill, he objected to any increase in impact aid. Now he has asked for about twice as much as he originally requested, not only in this bill but also in his budget request for next fiscal year.

Mr. President, we should not retreat in face of such curious reasoning from the commitment we made in January to the health and education. I oppose the amendment directing the President to reduce the priorities the Senate set by $347 million.

Before I close, I would like to add a personal note. All of us who believe that health and education programs should be given a high priority owe a large debt of gratitude to Mr. MAGNUSON, the chairman of the Appropriations Subcommittee handling this bill.

Ever since the hearings began on this bill last year, he has demonstrated a sharp awareness and deep sensitivity to the issues involved.

Mr. MAGNUSON has provided great leadership in this effort to reorder national spending priorities. Let the record show that it was he who led us in approving the bill in January and that the provision giving the President discretion to reduce what we appropriate today is not his handiwork. Thank you, Mr. Chairman, for an outstanding job.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EMERGENCY PUBLIC INTEREST PROTECTION ACT OF 1970—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Early in my Administration I pledged that I would submit a new proposal for dealing with national emergency labor disputes. Since that time, members of my Administration have carefully reviewed the provisions of these laws and the nation's experience under them. We have concluded from that review that the area in which emergency disputes have created the greatest problem is that of transportation.

Our highly interdependent economy is extraordinarily vulnerable to any major interruption in the flow of goods. Work stoppages in the railroad, airline, maritime, longshore, or trucking industries are more likely to imperil the national health or safety than work stoppages in other industries. Yet, it is in this same transportation area that the emergency procedures of present laws—the Railway Labor Act of 1926 and the Taft-Hartley Act of 1947—have most frequently failed.

It is to repair the deficiencies of existing legislation and to better protect the public against the damaging effects of work stoppages in the transportation industry that I am today proposing that Congress enact the Emergency Public Interest Protection Act of 1970.

TWO MAJOR OBJECTIVES

Our past approaches to emergency labor disputes have been shaped by two major objectives.

The first is that health and safety of the nation should be protected against damaging work stoppages.

The second is that collective bargaining should be as free as possible from government interference.

As we deal with the particularly difficult problems of transportation strikes and lockouts, we should continue to work toward these objectives. But we must also recognize that, in their purest form, these two principles are mutually inconsistent. For if bargaining is to be perfectly free, then the Government will have no recourse in time of emergency. And almost any Government effort to prevent emergency strikes will inevitably have some impact on collective bargaining.

Our task, then, is to balance partial achievement of both objectives. We must work to maximize both values. Ideally, we would provide maximum public protection with minimum Federal interference. As we examine the laws which presently cover the transportation industry, however, we find that interfer-

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ence has often been excessive and protection has often been inadequate.

THE RAILWAY LABOR ACT

Work stoppages in both the railroad and airline industries are presently handled under the emergency procedures of the Railway Labor Act. Under this law, the President can delay a strike or lockout for 60 days by appointing an Emergency Board to study the positions of both parties and to recommend a settlement. If the 60-day period ends without a settlement, then the President has no recourse other than to let the strike occur or to request special legislation from the Congress.

Past events and recent experiences demonstrate the failure of these provisions. Since the passage of the Railway Labor Act 45 years ago, the emergency provisions have been invoked 187 times—an average of four times yearly. Work stoppages at the end of the 60-day period have occurred at a rate of more than one per year since 1947. Twice the President has had to request special legislation from the Congress to end a railroad dispute, most recently in 1967.

Why does the Railway Labor Act have such a bad record? Most observers agree that the Act actually discourages genuine bargaining. Knowing that the Emergency Board will almost always move in with its own recommendation whenever a strike is threatened, the disputants have come to look upon that recommendation as a basis for their own further bargaining. They have come to regard it as a routine part of the negotiation process.

Over the years, the members of one Emergency Board after another have concluded that little meaningful bargaining takes place before their involvement. Most of what happens in the early bargaining, they report, is merely done to set the stage for the appearance of the Federal representatives. Designed as a last resort, the emergency procedures have become almost a first resort. The very fact that an official recommendation is *possible* tends to make such a recommendation *necessary*.

The disputants also know that government participation need not end with the Board's recommendation. They know that the nation will not tolerate a damaging railroad strike—and that even compulsory arbitration is a possible legislative solution if they are unable to compromise their differences. This expectation can also have a significant, discouraging effect on serious bargaining. Aware that arbitrators and public opinion will often take a middle ground between two bargaining positions, each disputant feels a strong incentive to establish a more extreme position which will put the final settlement in his own direction. Expecting that they might have to *split* the difference tomorrow, both parties find it to their advantage to *widen* that difference today. Thus the gap between them broadens; the bargaining process deteriorates; government intervention increases; and work stoppages continue.

Many of the deficiencies in the Railway Labor Act do not appear in the Taft-Hartley Act. Therefore, as the first step in my proposed reform, *I recommend that the emergency strike provisions of the Railway Labor Act be discontinued and that railroad and airline strikes and lockouts be subject to a new law—one which draws upon our experience under the Taft-Hartley Act.*

THE TAFT-HARTLEY ACT

Labor disputes in other transportation industries—maritime, longshore, and trucking—are now subject to the emergency provisions of the Taft-Hartley Act, legislation which I helped write in 1947.

Under the Taft-Hartley Act, the President may appoint a Board of Inquiry when he believes that a strike or lockout or the threat thereof imperils the nation's health or safety. After the Board of Inquiry has reported on the issues involved in the dispute, the President may direct the Attorney General to petition a Federal District Court to enjoin the strike for an eighty-day "cooling-off" period. During the eighty-day period, the Board of Inquiry makes a second finding of fact and the employees have an opportunity to vote on the employer's last offer.

There are a number of features in the Taft-Hartley Act which encourage collective bargaining to a far greater extent than does the Railway Labor Act. First, government intervention is more difficult to invoke since the Taft-Hartley Act—unlike the Railway Labor Act—requires a court injunction to stop a strike or lockout. Moreover, the Taft-Hartley Act, explicitly prohibits the Board of Inquiry from proposing a settlement. Thus neither party is tempted to delay an agreement in the hope that the Board's recommendation will strengthen its hand. Finally, the standard for judging whether the threatened work stoppage justifies government intervention is stricter under Taft-Hartley than under the older Act—though the use of stricter standards does *not* imply that a strike or lockout which primarily involves one region of the country could not be enjoined if it threatens the national health or safety.

But even the Taft-Hartley Act gives the President inadequate options if a strike or lockout occurs after the eighty-day cooling-off period has elapsed—something that has happened in eight of the twenty-nine instances in which this machinery has been invoked since 1947. All of these instances of failure have involved transportation industries. As is the case under the Railway Labor Act, the President has no recourse in such a situation other than to submit the dispute to the Congress for special legislation.

Each of the last four Presidents, the President's Labor-Management Advisory Committee, numerous voices in the Congress, and many other students of labor relations have concluded that the President's options at this point in the dispute should be broadened. I share this conclusion—but I believe it advisable to limit its application at present to the transportation field. It is in the area of transportation, after all, that our present procedures have encountered the greatest difficulty. If at some later date, conditions in other industries seem to demand further reform—and if our experience with the new transportation procedures has been encouraging—we may then wish to extend the application of these new procedures.

THREE NEW OPTIONS

The President must have additional procedures which he can follow at the end of the cooling-off period if damaging work stoppages in vital transportation industries are to be avoided. *Accordingly, I propose that the Taft-Hartley Act—as it applies to transportation industries—be amended to give the President* three additional options if, at the *end of the eighty-day injunction period, the labor dispute in question has not been settled and national health or safety is again endangered.*

1. The first option would allow the President *to extend the cooling-off period for as long as thirty days.* This choice might be most attractive if the President believed the dispute were very close to settlement.

2. The President's second option would be *to require partial operation of the troubled industry.* Under this provision, the major part of the strike or lockout could continue. But danger to national health or safety could be minimized by keeping essential segments of the industry in operation or by maintaining service for the most critical group of service-users. This procedure could be invoked for a period of up to six months.

It is important, of course, that the precise level of partial operation be correctly determined—it must be large enough to protect the society but small enough so that both parties feel continued economic pressures for early settlement. Responsibility for determining whether partial operation is possible and for establishing the proper level of operations would be assigned to a special board of three impartial members appointed by the President. The panel would be required to conduct an extensive study of the matter and to report its findings within thirty days of its appointment. The strike or lockout could not continue during that period.

3. The President's third option would be *to invoke the procedure of "final offer selection."* Under this procedure, each of the parties would be given three days to submit either one or two final offers to the Secretary of Labor. The parties would then have an additional five days to meet and bargain over these final proposals for settlement. If no agreement emerged from those meetings, a final offer selector group of three neutral members would be appointed by the disputants or, if they could not agree on its membership, by the President. This group would choose one of the final offers as the final and binding settlement.

The selectors would hold formal hearings to determine which of the final offers was most reasonable—taking into account both the public interest and the interests of the disputants. They would be required to choose one of the final offers in the exact form in which it was presented; in no case could they modify any of its terms nor in any way attempt to mediate the conflict.

The final offer selection procedure would guarantee a conclusive settlement without a dangerous work stop-

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page. But—unlike arbitration—it would also provide a strong incentive for labor and management to reach their own accommodation at an earlier stage in the bargaining. When arbitration is the ultimate recourse, the disputants will compete to stake out the strongest bargaining position, one which will put them at the greatest advantage when a third party tries to "split the difference." But when final offer selection is the ultimate recourse, the disputants will compete to make the most reasonable and most realistic final offer, one which will have the best chance to win the panel's endorsement.

Rather than pulling apart, the disputants would be encouraged to come together. Neither could afford to remain in an intransigent or extreme position. In short, while the present prospect of government arbitration tends to widen the gap between bargaining positions and thus invite intervention, the possibility of final offer selection would work to narrow that gap and make the need for intervention less likely.

It should be emphasized that the President could exercise any one of these options only if the eighty-day cooling-off period failed to produce a settlement. Whatever option the President might choose, either House of Congress would have the opportunity—within ten days—to reject his recommendation under a procedure similar to that established by the Reorganization Act of 1949.

Either a partial operation plan or a final offer selection could be voided in the courts if it were judged arbitrary and capricious. If the President were to choose none of the three additional options, if the Congress were to reject his choice, or if one of the first two options were chosen and failed to bring a settlement, then the President could refer the entire matter to the Congress as he can do under the present law.

OTHER RECOMMENDATIONS

The effort to broaden Presidential options is at the heart of the reforms I propose. There are a number of additional repairs, however, that would also strengthen our labor disputes legislation.

—*I recommend that a National Special Industries Commission be established to make a comprehensive study of labor relations in those industries which are particularly vulnerable to national emergency disputes.* Experience has clearly shown that such labor crises occur with much greater frequency in some industries than in others. The Commission, which would have a two-year life span, should tell us why this is so and what we can do about it.

—The Railway Labor Act presently calls for final arbitration by government boards of unresolved disputes over minor grievances. Usually these disputes involve the interpretation of existing contracts in the railroad or airline industries. Again, the availability of government arbitration seems to have created the necessity for it; the National Railroad Adjustment Board, for example, has a backlog of several thousand cases to arbitrate. The growing dependence on government represents a dangerous trend; moreover, the resulting delay in settlement is burdensome and unfair to both labor and management.

I propose therefore that the National Railroad Adjustment Board be abolished. A two-year transition period should be allowed for completing cases now in process. The parties themselves should be asked to establish full grievance machinery procedures, including no-strike, no lockout clauses and provisions for final binding arbitration. When necessary, the Federal Mediation and Conciliation Service would assist in this process.

—A labor contract in the railroad or airlines industry presently has no effective termination date. This is true because the right of the parties to engage in a strike or lockout depends on a declaration by the National Mediation Board that the dispute cannot be resolved through mediation. Negotiations can thus drag on for an indeterminate period, far beyond the intended expiration date of the contract, with no deadlines to motivate serious bargaining.

I recommend that this unusual procedure be discontinued and that new labor contracts for railroads and airlines be negotiated in the same manner as those for most other industries. The party which desires to change or terminate any contract would be required to provide written notice to that effect sixty days in advance of the date on which the change is to go into effect. The schedule of negotiations would thus depend not on the decision of the National Mediation Board, but on the decisions of the parties; earlier, more earnest, and more independent bargaining would be encouraged.

—The National Mediation Board now handles two very different functions: mediating railway and airlines disputes and regulating the process by which bargaining units are determined and bargaining representatives are chosen. This combination of functions is unique to the railroad and airlines industries, and again, I propose that the discrepancy be eliminated. *The mediation functions of the National Mediation Board should be transferred to the Federal Mediation and Conciliation Service*—which presently handles this work for the vast majority of our industries. *The regulatory functions should remain with the National Mediation Board, but its name should be changed to the Railroad and Airline Representation Board to reflect this new reality.*

Whenever possible, the government should stay out of private labor disputes. When the public interest requires that government step in, then it should do so through procedures which bring the current conflict to an equitable conclusion without weakening the self-reliance of future bargainers.

The nation cannot tolerate protracted work stoppages in its transportation industries, but neither should labor contracts be molded by the Federal government. The legislation which the Secretary of Labor is submitting to the Congress would help us to avoid both pitfalls; it would do much to foster both freedom in collective bargaining and industrial peace. The hallmark of this program is fairness; under its procedures we will be able to end national emergency labor disputes in our transportation industries in a manner which is fair to labor, fair to management and fair to the American public.

Richard Nixon.

The White House, *February 27, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum—and it will be a live quorum—with the understanding that the Senator from New Hampshire will be recognized at the conclusion of it.

The PRESIDING OFFICER. Without objection, it is so ordered. The Clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 68 Leg.]

Aiken
Allen
Allott
Baker
Bennett
Boggs
Burdick
Byrd, W. Va.
Cook
Cooper
Cotton
Curtis
Eagleton
Eastland
Ellender
Fong
Gore
Gravel
Griffin
Gurney
Hansen
Hart
Holland
Hruska
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
Metcalf
Muskie
Pell
Ribicoff
Schweiker
Scott
Sparkman
Spong
Stennis
Talmadge
Williams, Del.
Williams, N.J.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. Church), the Senator from Iowa (Mr. Hughes), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. Mondale), and the Senator from New Mexico (Mr. Montoya) are necessarily absent.

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from Oregon (Mr. Packwood), the Senator of Illinois (Mr. Smith), and the Senator from Texas (Mr. Tower) are necesarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The PRESIDING OFFICER (Mr. Gravel in the chair). A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Anderson
Bayh
Bellmon
Bible
Brooke
Byrd, Va.
Cannon
Case
Cranston

Dodd
Dole
Dominick
Ervin
Fulbright
Goodell
Harris
Hartke
Hatfield
Hollings
Jackson
Jordan, N.C.
Jordan, Idaho
McCarthy
McGovern
McIntyre
Miller
Moss
Murphy
Nelson
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Russell
Smith, Maine
Stevens
Symington
Thurmond
Tydings
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

Mr. COTTON. Mr. President, I will not take time at this point to argue the case for the amendment; but, while Senators are present, I want to make some definite announcements that I think will be of interest to the Members of the Senate in connection with the amendment.

A great deal of concern, very naturally, has been expressed over where the President would exercise his option in reducing specific appropriations, if the Cotton amendment should be adopted, if the bill should pass with it and if the President should sign the bill. I wish to remind Senators, that this 2-percent reduction is 2 percent of the bill after the exclusion of the social security trust fund, the railroad retirement fund, the Soldiers' Home fund, and the administration of those programs.

So out of the $19 billion-plus bill, this will apply only to an amount of $17 billion-plus; and a 2-percent reduction out of $17.339 million is not a great reduction in this bill, which is the largest HEW bill that has ever been considered by the Congress in the history of the Department.

I have no authority to give any indication, and I do not have any indication, whether the President would accept this bill or veto it if it were passed with the Cotton amendment. I do have authority to make the following statements, on behalf of both the White House and the Department of Health, Education, and Welfare. If the bill is passed with the Cotton amendment, allowing the President to reduce by 2 percent, not one cent will be taken from these two funds, these two appropriations—impacted areas and Hill-Burton funds, including construction. In other words, the amount in the bill we are considering, which came from the House, will be left intact and not a cent will be taken from either of those funds.

I have authority to make that pledge on behalf not only of HEW but of the administration as well. I have no authority to make any additional pledges of the White House, but I state to Members of the Senate, in order to have all the cards on the table, what I am authorized to say will be the recommendations of Secretary Finch and of the Department of Health, Education, and Welfare to the President as to exactly what reductions will be made and from what items.

It should be understood that in the Cotton amendment is a provision that no more than 15 percent can be taken from any line item in the entire bill; and I am able to tell the Members of the Senate what the Secretary will recommend to the President as to each item. Speaking for myself, I cannot imagine that I would have that authority without the knowledge of the White House. I shall state the items slowly and carefully:

From the appropriation in this bill for air pollution control, which is $108.8 million, the amount of $6 million would be recommended to be deducted.

From mental health, an appropriation of $360,302,000, the amount of $6.3 million.

From the construction of community mental health centers, an amount of $35.5 million, $6.3 million.

From hospital construction, nothing, as I have already announced—no deduction.

The amount in the bill for District of Columbia medical facilities is $10 million. In the President's offer, even his final offer, of February 2, he was cutting it all out. But from the $10 million, it will be recommended that 15 percent be deducted—$1.5 million.

From the National Institute of Arthritis and Metabolic Diseases, in the amount of $146,334,000, $8,666,000.

May I interpolate there to say that that comes from the program of training of researchers and does not affect to the tune of 1 single cent the artificial kidney program?

The National Institute of Neurological Diseases and Stroke, in the bill is $106,978,000. The reduction would be $5,722,000.

National Institute of Allergies and Infectious Diseases, $103,695,000, the deduction would be $1,306,000.

The National Institute of General Medical Sciences, totaling $164,644,000, the reduction would be $10,356,000.

From general research and services, the amount of $76,658,000, the reduction would be $6,960,000.

From health manpower direct loans, the amount of $234,470,000, the reduction would be $15,531,000.

From dental health, from the appropriation of $11,722,000, the deduction is $835,000.

From building facilities, NIH, which means repairs, reconditioning, and so forth—no deductions. Senators will note that in the NIH there, there is no deduction. Not 1 cent from the stroke, heart and cancer research in the appropriation.

Now in the elementary and secondary education, from the appropriation of $638,534,000, the amount of the deduction is $95,700.

That is broken down as to title I fund—$386,160.

Mr. GOODELL. Is that million or thousand?

Mr. COTTON. That is $95,700,000.

Mr. GOODELL. The Senator said thousand.

Mr. COTTON. $95,700,000. The breakdown is on the title I funds which are $386,161,000 and the reduction would be $42,700,000.

On library resources which are $50 million, the reduction would be $40,000.

Guidance, counseling, and testing, $17 million, the reduction would be $13,000.

Bilingual education, which is $25 million, no deduction.

Instructional equipment, which is $43,740,000, the deduction would be $6,500,000.

School assistance in federally impacted areas, which is in the amount of $520,167,000—as I have stated before, there will be no deduction on that.

Education professions development, $107,500,000. The reduction on that would be $3,750,000.

On higher education, $871,874,000, the deduction would be $100,000. This is another breakdown, under graduate instruction, which is $30 million, that would be taken out.

Mr. HATFIELD. Mr. President, was that $100,000 or $100 million?

Mr. COTTON. I am sorry—$100 million out of the $871 million—right.

Now, breaking that down, the amount for undergraduate instruction of $33 million would be taken out entirely. That is not a line item. It is a breakdown of the line item.

On the NDEA loans of $63,900,000, there would be a reduction of $67,100.

Now, vocational education, $391,716,000 would be reduced by $45,620,000.

Libraries and community services, $140,881,000, would be reduced by $22,300,000.

Education for the handicapped, $100 million, would be reduced by $8,150,000.

Rehabilitation services and facilities, $464,783,000, would not be touched at all—no reduction.

Mental retardation construction, $37 million, would be reduced by $2 million.

Child health and welfare, $248,800,000—no reduction.

Now those are the total reductions out of the $17,339,000,000. This total reduction adds up to the $347,295,000 which is the reduction the President would make on the total reduction in the bill. In other words, the Cotton amendment only reduces from $17,300,000,000, the reduction of 2 percent, to $347,295,000. Those are the ways the reductions would be taken.

Mr. President, I shall not take further time of the Senate, but I should like to speak later to some of the other aspects of this subject.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I am happy to yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. I wish to commend the Senator from New Hampshire for the excellent work he has done as the ranking Republican member on the subcommittee for HEW funds.

I used to serve as a regular member on that committee years ago but I got off of it because no matter how much we added in committee, over the budget or over the House, it was never enough. They always added more on the Senate floor.

This is one committee that can never satisfy the public, or many Members, because it has so many programs which

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are appealing and the amount of money which could be spent on these programs is almost limitless.

But here we are, 8 months after the bill should have been passed under the rules of the Senate, and one veto by the President, we are now faced with the practical situation that if we pass the bill as it came to us from the House it will face another Presidential veto.

I, for one, would be inclined to support the President's veto, and I think the President would be sustained in that veto. So that we would be right back where we were before. Thus, we do face a practical situation. Do we accept a reasonable compromise, that the President will not get all he wanted, or those in Congress would not get all they wanted, but we would settle the issue?

There are only 4 months more to go for the balance of this fiscal year.

If it comes to a contest at election time, and time will only tell whether those who want more money will gain politically or those who voted for cuts will gain politically.

I know this, however, that whenever the President gets into a contest with Congress, it is usually the President who wins politically.

I remember the 80th Congress very well, that President Truman was elected in 1948 almost entirely on the basis of his panning of the Congress.

Thus, I see nothing to be gained by anyone, unless they want to continue this controversy with the President on whether this bill should be passed with some reductions or increases. So I would hope that we will look at this as a practical situation that no one will get all he wants but rather we accept the Cotton compromise.

I commend the Senator from New Hampshire again for the fine compromise he has offered.

Mr. COTTON. Mr. President, I thank the Senator.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. EAGLETON. Mr. President, I should like to ask the Senator some questions, because I did not get some of these figures precisely in mind.

Could the Senator tell me with respect to elementary and secondary education—for library resources, the figure in the bill is $50 million—to what would that be reduced?

Mr. COTTON. That would be reduced by $40 million.

Mr. EAGLETON. Guidance counseling and testing. In the bill, $17 million is provided.

Mr. COTTON. That would be reduced by $13 million.

Mr. EAGLETON. With respect to higher education, other undergraduate facilities, $33 million is provided in the bill.

Mr. COTTON. That is undergraduate construction.

Mr. EAGLETON. The Senator is correct.

Mr. COTTON. That would be all taken out. These are all the recommendations that the Secretary of Health, Education, and Welfare would make to the President if the amendment were agreed to.

Mr. EAGLETON. I think the Senator repeated once again, as he did earlier in his remarks this morning, that the item for impacted aid, which is $520,567,000 in the bill, would be unchanged.

Mr. COTTON. That would not be touched. First, if the amount is agreed to, and if the recommendations of the Department are adopted, the following items would not be touched to the tune of a single cent: Hill-Burton hospital construction would not be touched; the impacted area funds would not be touched, the bilingual education would not be touched; the rehabilitation services and facilities would not be touched; and the maternal and child health and welfare would not be touched.

I have given the other figures.

Mr. EAGLETON. Mr. President, I have some other questions I should like to address to the Senator if I could. Would the Senator rather finish his statement first?

Mr. COTTON. Mr. President, will the Senator permit me to cover a few quick points that I can cover in about 3 minutes?

In the first place, it should be understood that the Cotton amendment does another thing. It permits the President to apply these 2-percent reductions across the board and spread them over both the mandatory and the nonmandatory items in the bill.

Mandatory items have been legally adjudged to be items—regardless of whether there are contributions or whether there are matching funds by the States or local facilities—administered under a formula to the State or subsections thereof.

Those, without this amendment, the President could not touch.

That means if the House bill passed and if it should become the law—and I have no prediction. I will not say whether the President will veto or sign it, because I have no idea, but I would guess he might veto it—roughly $16 billion plus is involved in the HEW program. Of that $16 billion, $11.6 billion are mandatory, and the President could not touch them. But that leaves $5 billion he can touch. That would be the only area in the bill that he could touch.

And if he chose to accept the House bill and sign it, he could cut out, for instance, all of the District of Columbia medical facilities. He could cut out all of the instrumental equipment items. He could cut out the whole $100 million for the educationally handicapped. I do not say that he would.

He could cut the $229 million student loan program.

In fact, it narrows his option down to some of these items.

That is the reason I carefully put in my amendment—and that was before we had information from downtown—that no line item could be cut beyond 15 percent.

I have every reason to believe the information is reliable. I can assure the Senate that it is reliable as far as impacted aid and the Hill-Burton construction funds are concerned.

The reason that I assert that this amendment reaches across both mandatory and nonmandatory items is the history of the similar amendment which was voted on in the House and lost by nine votes. But that was ruled as a limitation not subject to a point of order.

In the RECORD of February 19, Representative McFALL posed the following question:

> I would like to ask the gentleman about the meaning of his motion. As I read the gentleman's motion to recommit, it merely makes a 2½-percent across-the-board cut, excepting certain amounts that have been listed. I will ask the gentleman, is he not making the President's job that much more difficult, because there are still the mandatory provisions of the law, and the President would have to spend the amounts of money that are mandatory, and he would have to take the 2½-percent cut out of those things that are discretionary with the President, which he would have under the law anyway, as I understand it. He has the discretionary authority, and it would seem to me he could use it.

The response from Representative MICHEL was:

> No; I believe he could take the 2½ percent out of any appropriation or program in this bill except those which are specifically excluded by the language of the motion to recommit.

That is the social security fund, the railroad retirement fund, and the Soldiers' Home fund, and the administration of those funds.

So it seems clear that if my amendment were rejected, the bill would specify that the President would have the power, if he wanted to use it. I am not suggesting that he would use it in a meat-ax manner.

We know he did not include in any of his recommendations the $10 million for the District of Columbia medical facilities. And, in my opinon, nothing is more needed than that.

It means that his power would be concentrated on a small area.

If my amendment is agreed to, it means that his discretionary reduction would be spread over them all.

Also, I should like to mention one other point. There has been distributed—and a copy of it came into my hands—by opponents to the Cotton amendment, a dialog here.

One of the questions is:

> Why shouldn't the President have a little bit of discretion over the spending of only 2 percent of the money in the bill?

The answer is:

> To give this authority is to give the President an item veto, an authority that the Congress has given no previous Chief Executive, not even President Washington.
>
> It is an abdication by the Congress of its constitutional power of the purse to enforce its policy determinations. Two percent of $17.35 billion, the amount subject to section 411, is $347 million. Permitting discretionary cuts up to 15 percent of the appropriation items so as to achieve this $347 million reduction would empower the President and the Bureau of the Budget to reduce programs—

The memorandum goes on with the amount they could reduce.

Mr. President, I just want to say that nothing could be more fallacious than that statement. Congress is not abdicating its power because if my amendment is agreed to it is not authorizing but is directing the President to reduce by 2 percent the $17 billion-plus that would be subject to reduction.

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Mr. FONG. Mr. President, will the Senator yield?

Mr. COTTON. I shall yield in just a moment. I wish to finish this statement.

It is directing him to do so, just as Congress directed President Johnson to reduce his budget by $6 billion; giving him discretion where to reduce it.

So one does not have to go back to President Washington to find a precedent. I did not vote for any President to have an item veto but this amendment is carefully limited. It is a limitation that is so carefully spelled out that it is a directive by Congress, and nothing is more ridiculous than this claim.

I yield to the Senator from Hawaii.

Mr. FONG. I was going to ask the distinguished Senator if we did not do the same thing with respect to President Lyndon Johnson.

Mr. COTTON. Yes.

Mr. FONG. We gave him authority to cut from the second supplemental appropriation bill for fiscal year 1969 the sum of approximately $6 billion.

Mr. COTTON. We did not give him authority; we told him he must. Frankly, I will say in all honesty I thought it was a rather cowardly performance to pass the buck to the President for that $6 billion.

In this case $347 million out of $17,339,000,000 is a small concession. If my amendment is agreed to, and if the bill goes to him, the President would be compelled to meet us halfway or nearly halfway because he will be compelled to find a place to cut $232 million out of his own recommended pet programs where his recommendations are in excess of the bill. It is a two-way street.

I yield to the Senator from Missouri.

Mr. EAGLETON. On that point, and I think it is a very important point, I am having some difficulty comprehending the precise language that the Senator is employing in both his amendment and his verbal explanation of his amendment. The last proviso of his amendment, section 411, reads as follows:

> Provided that in the application of this limitation, no appropriation may be reduced by more than 15 per centum.

Then, in his remarks the Senator from New Hampshire on at least two instances referred to "line items" and said that no line item could be reduced by more than 15 percent. I would like to clarify that.

To use an example, I wish to ask the Senator if in connection with the Elementary and Secondary Education Act, library resources is not a line item?

Mr. COTTON. In my opinion it is a line item.

Mr. EAGLETON. Very well. If it is a line item, and if it is in the bill at $50 million at the present time, under the Senator's understanding of what is a line item, and under the Cotton 15-percent formula, how could that be cut more than $7.5 million?

Mr. COTTON. May I say frankly the Senator has an excellent point.

I will say that the Senator from New Hampshire has been struggling for the last 2 or 3 days to get this information in order that the Senate could be informed. I suspect in 5 minutes I can have this corrected because somewhere near the Senate is the budget officer of HEW.

But as I was reading through this material, it occurred to me. I have only had this is my possession for a short time. I shall get the answer to the Senator's question. However, the Senator from New Hampshire agrees with the Senator from Missouri that that is a line item and could not be reduced in that amount, and if that is included, there would have to be a revision.

Mr. EAGLETON. I would like to pursue that a bit further. The same theory would apply to guidance, counseling, and testing, which is $17 million in the bill. A cut of $13 million would well exceed the Cotton formula.

Mr. COTTON. The same answer.

Mr. EAGLETON. Just to button this matter up, with respect to higher education construction, the item "Other undergraduate facilities" in the bill at $33 million. Is not that a line item and under the 15-percent formula it could not be cut in excess of 15 percent?

Mr. COTTON. I note that particular item is in parentheses. I am not sure of the answer, but I suspect I will have an answer to all three questions before the Senate proceeds much further.

Mr. EAGLETON. Is it the intent of the Senator from New Hampshire, the author of the Cotton amendment, section 411, that his 15-percent limitation apply precisely to line items and not to a more broadly defined form of appropriation that might contain an entire assortment of things?

Mr. COTTON. That is the intention of the Senator from New Hampshire, and I wish to remind the Senator from Missouri that the Senator from New Hampshire's amendment speaks for itself. He saw to it that it involved a 15-percent ceiling for any cuts.

Now, in the constant desire of members of the Committee on Appropriations before we came to the floor of the Senate, to find out where the cuts would be made, the Senator from New Hampshire perhaps made a nuisance of himself, but he kept after the Secretary of HEW and desired to have more specific information because he wanted to be able in dealing with the committee and the Senate to give just as complete and definite assurance as possible.

I guess it was the night before last that I secured the confirmation that impacted area funds and Hill-Burton funds, including construction, would not be touched and I insisted that that be confirmed from the top.

The rest of this is, as I said, what would be the recommendations of the Secretary of Health, Education, and Welfare to the President if this bill passed with this amendment in it. It was not necessary to lay this before the Senate but I desired to.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. YOUNG of North Dakota. The Senator from New Hampshire had a difficult problem from yesterday until now. His original amendment called for 25 percent and he changed it to 15 percent, so there may be a little confusion on the amount of money for line items.

Mr. COTTON. It is possible, but I will try to obtain the answers and dot the i's and cross the t's.

Mr. EAGLETON. Mr. President, I have an amendment to the first committee amendment, the so-called Cotton amendment, which I send to the desk.

The **PRESIDING OFFICER.** The amendment to the committee amendment will be stated.

The assistant legislative clerk read as follows:

> On page 61, line 17, strike out "no appropriation" and insert in lieu thereof the following: "no amount specified in any appropriation provision contained in this Act".

Mr. EAGLETON. Mr. President, in light of the exchanges between myself and the Senator from New Hampshire——

Mr. COTTON. Mr. President, was the amendment read?

The **PRESIDING OFFICER.** It was read.

Mr. COTTON. May I request that it be read again?

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 61, line 17, strike out the words "no appropriation" and insert in lieu thereof the following:
>
> "no amount specified in any appropriation provision contained in this Act."

Mr. EAGLETON. Mr. President, I offer this amendment as an appropriate follow-up to the exchange between the Senator from New Hampshire and myself. As was stated earlier, the last sentence of the present Cotton amendment reads:

> That in the application of this limitation, no appropriation may be reduced by more than 15 percentum.

When I saw that language, I had some difficulty as to just what was actually intended by the Senator from New Hampshire in terms of the word "appropriation." For instance, was the whole Elementary and Secondary Act to be considered a lump-sum appropriation? Or did "appropriation" mean, in fact, what we refer to as a line item?

I have now had the exchange with the Senator from New Hampshire in which he pointed out that it was his firm intent that it would apply to line items. I have been through some of the items; for instance, library resources under "Elementary and secondary education." The Senator from New Hampshire considers that, as do I, a line item. In the bill that is $50 million. However, as the Senator from New Hampshire himself pointed out, the Secretary of HEW is perhaps going to recommend that it be cut as much as $40 million. $40 million of $50 million is 80 percent—obviously grossly in excess of the Cotton 15-percent limitation.

The same with respect to guidance, counseling, and testing under "Elementary and secondary education."

Mr. COTTON. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

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Mr. COTTON. May I say, first, that, with respect to these figures, which were hastily given to me, there was no intent on the part of either the Senator from New Hampshire or the budget officer of HEW not to make this applicable to line items.

The purpose and effect of the Senator's amendment is to have this limitation extend to line items. No rollcall has been ordered on this measure, and I assume I can amend it without unanimous consent. I accept the Senator's amendment and ask that it be incorporated in my own.

Mr. EAGLETON. Mr. President, so that we may have a clear legislative history, the purpose and intent of my offering this amendment is to buttress the concept of the Senator from New Hampshire that this limitation applies to line items. So that the items library resources, guidance, counseling, and testing, under "Elementary and secondary education," and other undergraduate facilities, under "Construction," are line items to which the 15-percent limitation would apply.

Mr. COTTON. It is the belief of the Senator from New Hampshire that this would have been the effect of his amendment originally, but if this amendment is necessary to accomplish the purpose, I welcome the suggestion of the Senator from Missouri to incorporate it and to make it crystal clear, because that is the intent.

The **PRESIDING OFFICER.** The Chair wishes to advise that the amendment is a committee amendment, and not an amendment of the Senator from New Hampshire, and would therefore require unanimous consent.

Mr. COTTON. Mr. President, I ask unanimous consent that the amendment of the Senator from Missouri to the committee amendment, which was originally my amendent, be adopted and incorporated in the committee amendment.

The **PRESIDING OFFICER.** Is there objection?

Mr. MAGNUSON. Mr. President, reserving the right to object—and I shall not object—I think some Senators want to know just exactly what, with this amendment, could or could not be done if the Cotton amendment stays in the bill.

Mr. COTTON. Mr. President, if the Senator had been on the floor, he would know the Senator from New Hampshire had just finished reading what he thought was an accurate statement of the Secretary of Health, Education, and Welfare—the same thing that I had in the committee yesterday just before we voted on what would be the recommendations for each item.

Mr. MAGNUSON. Yes, I know.

Mr. COTTON. It turns out—and the Senator from Missouri is to be commended for catching it—that in breaking down the higher education items, for example, and in breaking down the elementary-secondary education items into various items, while the 15 percent applies as far as the overall item is concerned, if we take individual items, in about three instances the 15 percent limitation is exceeded.

I assured the Senator that I will inform him as soon as I get word from the Budget officer. I think these were the incorrect amounts. But the Senator from Missouri, in order to be sure, offered his amendment, which simply means that the 15 percent limitation in this amendment refers to line items, not just to overall appropriations; and I was glad to accept it.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from New Hampshire? Without objection, the modification is accordingly agreed to.

Mr. MAGNUSON. It prevents any line item from being cut more than 15 percent.

The **PRESIDING OFFICER.** The question is on agreeing to the committee amendment as amended.

Mr. FONG. Mr. President, I wish to commend the distinguished Senator from New Hampshire for his very fine amendment. I wish to commend also the distinguished Senator from Missouri for clarifying that amendment. I believe that the distinguished Senator from New Hampshire has performed a great service for us and that he has given us a way out of a situation in which the Congress finds itself stalemated with the President. I believe his amendment is a very fine amendment. It has the promise of assuring us of a bill which would be of greater service to our education and health programs than the continuing resolution under which we are now operating.

Mr. President, in order to understand what the Senate Appropriations Committee has recommended in the pending bill, H.R. 15931, I wish to summarize the situation in which we find ourselves with respect to fiscal year 1970 appropriations for the Departments of Labor and Health, Education, and Welfare, Office of Economic Opportunity, and related agencies.

As we debate this measure, we should realize there are only 4 months of fiscal year 1970 remaining.

This is the end of February. We have only the months of March, April, May, and June, and fiscal year 1970 will be gone—just 4 months left in a fiscal year—and the appropriation bill for these agencies has not become law.

During the preceding 8 months of fiscal year 1970, all agencies in the Labor-HEW bill have been operating under a continuing resolution. When the effective time of one continuing resolution ended, we passed another continuing resolution, and we are still operating under a continuing resolution.

While the rates of spending have shifted somewhat under these various continuing resolutions, I am advised that actual obligations for the Department of Health, Education, and Welfare have been at the rate in the President's April 1969 budget or the conference version of the vetoed bill, H.R. 13111, whichever is lower. In other words, continuing resolutions have been enacted, and we are now under a continuing resolution at the rate of the President's April 1969 budget or the vetoed conference bill, whichever is lower.

What this means is that, by passing the pending bill, even with the reductions provided in section 411—the Cotton amendment—we would be releasing approximately $550 million more for obligation for HEW programs than is being obligated under the continuing resolution. In other words, if we adopt the Cotton amendment, we would be releasing an additional $550 million for health and education programs than if HEW were to remain under the continuing resolution.

This figure of $550 million has been provided me by the Department of Health, Education, and Welfare, and I have no reason to dispute the amount.

By delaying action on H.R. 15931, the Senate would actually be restricting obligations to a level more than half a million dollars below the bill which the Appropriations Committee recommends. In other words, if we act now, and pass this bill with the Cotton amendment, we can be assured—the distinguished Senator from New Hampshire has reason to believe that this bill would then be approved and not vetoed—that $550 million more will begin to flow to our States and school districts.

The bill, as passed by the House of Representatives, contains a total of $20,392,734,500. We have every indication the President will veto the House version of H.R. 15931.

The bill recommended by the Senate Appropriations Committee recommends the identical amounts contained in the House bill, but we have included a very important provision which calls for a 2-percent reduction in the total amount of the bill. Trust funds such as social security, railroad retirement, and the U.S. Soldiers Home are exempted from any cuts.

In addition, the administration has given assurances that the amounts contained in the bill for schools in federally impacted areas and for Hill-Burton hospital construction will not be reduced.

This means that $520,567,000 would be available for impacted areas schools, $80,000,000 more than the President requested on February 2 this year.

It also means $176,123,000 would be available for hospital construction, $22,000,000 more than the President requested on February 2.

After deducting the exempted trust funds, there is a total of $17.339 billion against which the 2-percent reduction would be applied. In dollars, the reduction called for is $347 million.

The Senate Appropriations Committee provision, however, insures that no program can be wiped out by the 2-percent reduction. We do this by limiting to 15 percent the total reduction that can be applied to any one line item in the bill, as has now been clarified by the distinguished Senator from Missouri.

This is in brief the bill as presented to the Senate.

It is a bill, which in terms of money amounts and the discretionary authority given to the President to make reductions, is acceptable to the administration, we have been assured.

As a member of the Senate Appropriations Committee, I helped to write the much more generous Labor-HEW appropriation bill, H.R. 13111. But that bill

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was vetoed by the President. There is no hope now of enacting that bill inasmuch as the House of Representatives refused to pass it over the President's veto.

So we in Congress are confronted with a situation where we are forced to approve a lower bill in order to have any bill at all enacted or arrive at any compromise with the President.

And the longer we delay passing a bill that will be signed, the longer we deprive school and health agencies throughout the country of higher amounts for their programs.

It is my understanding that if the pending bill is approved, obligations could immediately be increased to a level of $550 million higher than presently prevails under the continuing resolution under which we are now operating.

According to figures furnished to me, the Department of Health, Education, and Welfare had obligated as of December 31, 1969, only $8.3 billion. By now, it is estimated obligations probably total no more than $10 to $11 billion. Obviously, the sooner we approve this bill, the sooner HEW can begin to obligate at a higher rate and the sooner school districts and health agencies can begin to receive higher allocations.

Should the Senate strike out section 411 containing the 2-percent reduction and 15-percent limitation, the bill would be headed for a Presidential veto, I have been told. We would have to provide some authority for HEW to continue obligating and spending money, probably through another continuing resolution at a lower level than provided in the pending bill. This would be a major disservice for education and health in America.

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By passing H.R. 15931, with amounts recommended by the Senate Appropriations Committee and with the 2-percent reduction provision, the Senate will be acting on a bill which can become law and which I believe will become law, and which significantly improves the present situation of our health and education programs.

We are faced with a very difficult dilemma, either to continue operating under continuing resolutions for the rest of the 1970 fiscal year or to pass a bill which will provide $550 million more than is presently going for health and education throughout America under the continuing resolution.

I believe we should be practical and not delay any longer a higher rate of pay for schools and hospitals and other programs in this bill.

If section 411—called the Cotton amendment—is deleted, this bill faces a Presidential veto.

That means Congress must take some action to assure funds for the agencies in this bill—for their authority runs out tomorrow night at midnight.

Congress would then be faced with trying to pass the bill over the President's veto, passing another continuing resolution, or passing another bill.

Meanwhile, the clock continues to tick on and the days and weeks go by.

School districts will still be uncertain how much in impacted aid and other assistance from the Federal Government will be forthcoming.

This is no way to operate and no way to legislate.

We have lost 1 month since the President vetoed H.R. 13111. It is up to the Senate to break the impasse we face and to take the reasonable, practical approach the Senate Appropriations Committee has proposed in the pending bill.

I urge passage of H.R. 15931 as recommended by the Senate Appropriations Committee, insofar as the money amounts and section 411 are concerned.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. FONG. I am happy to yield to the Senator from New Hampshire.

Mr. COTTON. I commend the Senator on his statement, and would also like to say for the Record that for nearly a decade, I have been ranking minority member of the Subcommittee on Health, Education, and Welfare, and we have had many Senators come and go on that committee, as the Senator from Washington knows, on both sides of the committee. As a new member of the subcommittee this year, the Senator from Hawaii has shown great faithfulness. I do not know that I have ever known a new member of the subcommittee, in his first year, to attend hearings so regularly and to study the items in our budget so carefully, and certainly none has questioned the witnesses with greater ability, or shown a keener grasp of the subject.

For a new member, he has been exceptionally effective, and his constituents in Hawaii should be very proud of him and of the care he has taken day after day to see that this great bill, which will do much for the disadvantaged and the underprivileged, has received its full consideration and that we have squeezed out the last cent possible for effective programs.

Mr. MAGNUSON. Mr. President, may I join with the Senator from New Hampshire?

Senator Fong was very diligent and his wise counsel appreciated by all of us on the subcommittee.

Mr. FONG. Mr. President, I thank the distinguished Senator from New Hampshire and the distinguished Senator from Washington for their very kind words.

In serving on this committee under the chairman, the distinguished Senator from Washington and under the ranking minority member, the Senator from New Hampshire, I have learned much from their tremendous insight and from their vast knowledge of the bill. I can attest to their unsurpassed dedication to the health, education, and other humanitarian programs contained in the bill. From their wisdom and experience in handling this high-priority legislation, I have learned much. I know I shall continue to learn much under them, and for that I am very thankful. Our Nation can be thankful that the Labor-Health, Education, and Welfare appropriation bill is under such excellent management.

Mr. PELL. Mr. President, I rise to urge the Senate to oppose that portion of the Appropriations Committee amendments which provides the Executive with the power to cut 2 percent of the total sums appropriated for Labor-HEW.

It seems to me that we are again at issue on what could be stated as a matter of priorities. For some reason this administration seems to find that military, space, and other so-called hardware programs are of more importance than education and health.

With a gross national product of $1 trillion, a cut of $300 million, or less than a third of 1 percent, will not have a very substantial effect on inflation. Let us not fool ourselves: If we do not appropriate the funds, the State and local governments will have to find them. And here I ask why State and local expenditures are not inflationary while Federal spending is.

The 2-percent discretionary cutting authority now before us seeks to arrive at a compromise with the President by saying, in effect, "Here are the funds; you cut where you want to." I believe that by doing so we sidestep our constitutional responsibilities and delegate to the Executive the setting of priorities which we have already recognized as paramount in the various appropriations bills.

In the past, on the Senate floor, some of us have said that the Appropriations Committee had perhaps too much authority. We have even referred to it as the presidium. But now we see a tendency to go in the other direction and to derogate from its authority.

I also wonder at the jargon used by those who support this method of cutting funds. We were told, from the first, that the worst program contained in the measure is impacted aid; yet the one, to use the vernacular, "sweetener" which the administration offers to the Congress in order to get the 2-percent cut is that, impacted area programs will not be touched. Once again, the administration has come out foursquare on both sides of an issue.

So where is the slash made? We find that the discretionary authority would cut the National Institutes of Health research function by $33 million; it would cut the elementary and secondary education program by $95 million; it would take out of the higher education program $100 million. We could go on and on—$45 million from vocational education, $22 million from libraries. Are these the programs that the Senate of the United States feels should be cut back?

Most important, a constitutional question is involved here, which is the question of an item veto. The Constitution of the United States does not provide the Executive with an item-by-item veto. He must approve the bill in toto or not at all. Interestingly enough, George Washington, our first President, wanted an item veto and it was not granted. I realize that this is directing the President to exercise an authority, but the effect of it is very much the same. I do not see why we should change this precedent by directing now the President to exercise discretionary authority in a way which circumvents the constitutional mandate in this regard.

As I said earlier, this has been done twice since World War II—once in 1951 and again in 1968. Speaking as a Senator who believes in the preservation of Congress constitutional role, vis-a-vis the Executive, I think that these two actions were mistakes, and I would urge that we not strike out a third time.

I recall that a few moments ago, the Senator from New Hampshire said, in response to a query from the Senator from Hawaii, that the action Congress took in 1968 in giving this authority to President Johnson was cowardly. I agree with him. It certainly was. And I cannot see why it is any less cowardly today, in 1970, than it was in 1968.

Mr. HARRIS. Mr. President, I may have more to say on this subject later, before final action is taken on this bill. But at this point I simply want to register vigorously my opposition to section 411, on page 61 of this bill, which in my judgment is both bad legislation and bad policy.

I think it is bad legislation, and I suppose that almost everyone in the Chamber would agree, for a committee of the Senate to spend long hours in making careful judgments about individual appropriation items and then come along at the last minute and say, "Despite all those judgments we have made, we are not going to stay with those judgments but instead are going to give the President power to override them in certain particulars."

I think that if the Senate wants to appropriate less money than this bill would otherwise provide without section 411, it ought to go ahead and do it straight out. I think we are smart enough and our committees are diligent enough that we can make these judgments in regard to particular items. Not only can we make them, but the Constitution and our system of government require us to do so.

I think that however well intentioned—and it certainly is well intentioned—the authors of this section are, it is not a move that fosters the legislative process working the way it was intended to work.

But, more important, Mr. President, I am vigorously opposed to section 411 of this bill because it is bad policy. Why pick this bill out? Why, when we decide that we are going to cut 2 percent of an appropriation, do we not put that on a bill where there is real money or where the human needs of this country are not most at stake? That is the question before the Senate; that is the question before the country. Why should the people always be the ones who have to suffer—the people who need our interest and our attention most? They should not be the ones to suffer. Those who would be served by this bill, those whose interests are most at stake in the appropriations in this bill for health and education, are not the people who ought to suffer most if we are going to cut expenditures. And by my vote they will not.

Mr. EAGLETON. Mr. President, I should like to address one further clarifying question, if I may, to the Senator from New Hampshire.

As I read the Cotton amendment, section 411, it says in part as follows:

> the total available for expenditure shall not exceed 98 per centum of the total appropriations contained herein.

Frequently during this debate we have heard the expression "the 2-percent fund" or "the 2-percent cutoff." I ask this question of the Senator from New Hampshire: As he reads his own amendment, does it not say that the President can spend up to 98 percent of the total appropriation, but he could, if he wanted, spend down to the level of 85 percent? Or, to state it another way, what is in this amendment that will require him to spend at the 98-percent level?

Mr. COTTON. As a matter of fact, it was expressed affirmatively because unless it was a limitation, it would be subject to a point of order.

There is no question that the Senator from New Hampshire was very glad to accept one amendment from the Senator from Missouri because it clarified a point that needed to be clarified. But if the Senator from Missouri thinks there is any question in the minds of either the executive department or the HEW, or anyone else, this is the wording exactly as it is in the House, and it means a 2-percent cut, or if he thinks the President, whether he is a good or a bad politician, can, for a single instant, accept this amendment as authority for him to cut deeper, I think he is raising some strawmen in this case.

Furthermore, he will note that in the amendment, the amendments state that applying this reduction, and that reduction is 2 percent, he cannot reduce any one appropriation which has been changed by another 15 percent.

Mr. EAGLETON. Mr. President, will the Senator from New Hampshire yield further?

The **PRESIDING OFFICER** (Mr. CANNON in the chair). Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. COTTON. I yield.

Mr. EAGLETON. I am not, for one moment, challenging the motives of the President or the Senator from New Hampshire. I am trying to clarify what is meant by section 411. The 2-percent figure appears nowhere in section 411.

The language used is as follows:

> The total available for expenditure shall not exceed 98 per centum of the total appropriations contained herein.

A technical, cautious, careful reading of the amendment causes me to believe, in terms of statutory language, that the President would be prohibited from spending beyond 98 percent of the appropriation but could, in his discretion, cut down as low as 85 percent.

If the Senator from New Hampshire will assure me, because of his firm understanding with the President and the Department of Health, Education, and Welfare, that it is their intention to spend up to the 98 percent of the appropriation and only withhold 2 percent of the total appropriation, I will remain satisfied, despite what I think is the rather inadequate legislative language to accomplish that desired end.

Mr. COTTON. I have already and do give him that assurance, but let me give him a little further assurance that under the language in the amendment, when it says that in the application of this limitation, no appropriation may be reduced by more than 15 percent. Now, instead of that phraseology, another approach would be to give the President authority to reduce by so much, and this was ruled out in the House on a point of order, as legislation in an appropriation bill. If this were so amended, it could be immediately thrown out by the objection of any one Member as legislation in an appropriation bill.

This must be a limitation. It is a limitation. The very expression in the amendment "in applying this reduction" means that it refers to the 2-percent reduction.

I can assure the Senator that there will be no bad faith on this. As a matter of fact, I somewhat regret that the amendment offered by the Senator from Missouri was adopted, because in a way it can complicate the administration of the bill, and in some cases it will be a case of Aunt Jemima's recipe, a pinch here and a pinch there. Under some of the individual appropriations, we hold this provision as a line item to mean that there will be some dispersal and dissipation of the effectiveness of the money, but only in minor instances. However, in the interest of clarity I am happy that we have the amendment.

But on this point, I can assure the Senator he need have no apprehensions.

Mr. EAGLETON. Mr. President, I should like now to speak on the Cotton amendment. I thank the Senator from New Hampshire for his clarifying remarks.

I am opposed to the amendment for an abundant number of reasons, including some of those previously stated by the Senator from Rhode Island (Mr. PELL), the Senator from Oklahoma (Mr. HARRIS), and others who have spoken in opposition.

I should like to make one point, and one point as clearly as I can. In vetoing the HEW bill earlier this year, the President of the United States went on nationwide television with all the drama and the fanfare connected with a Presidential appearance, including the props and the fountain pen with which to sign the veto.

He delivered his speech about the evils of inflation and the necessity to fight inflation by cutting the HEW bill.

As I watched his remarks, one of the more dramatic and, from a forensic point of view, telling arguments the President made in support of his veto was that part which related to impacted aid.

The President stated as follows, and I am quoting from the weekly compilation of Presidential documents, Monday, February 2, 1970, in which the full remarks of President Nixon on radio and television on January 26, 1970, are contained.

I quote the part relating to impacted aid.

Said President Nixon:

> An example of the unfairness of this bill is the Impacted Aid Program which is supposed to help areas which need assistance because of the presence of Federal installations. The bill provides $6 million for the one-half million people who live in the richest county in the United States—

I interject here to say parenthetically that that is Montgomery County, Md.—

> and only $3 million for the three million people that live in the 100 poorest counties in the United States.
>
> President Eisenhower, President Kennedy,

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> President Johnson all criticized this program as being unfair. And yet the Congress in this bill not only perpetuates this unfair program, it adds money to it.

So spoke the President of the United States on January 26, 1970.

In appearances before committees of Congress, Secretary of Health, Education, and Welfare Finch has denounced and rejected the concept of impacted aid, citing the Batelle report. Secretary Finch has stated that impacted aid was outmoded; that it was overly lavish; and that it favored school districts of affluence, such as Montgomery County, but that it ignored, as the President pointed out, the 100 poorest counties in the United States.

Earlier in 1969, the President was so opposed to impacted aid that his original budget recommendation to Congress was a meager $202 million.

I repeat, the President cited the alleged excessiveness of impacted aid as one of the principal reasons for vetoing what he deemed to be an excessively lavish HEW bill.

What has happened to impacted aid now? What is the President's position today with respect to this program that he alleged to be one of the major contributing causes for his vetoing of the HEW bill? Where does it remain in the final bill? Where does it stand in terms of this agreement which the Senator from New Hampshire has achieved from both the White House and HEW?

Here are the remarks of the Senator from New Hampshire—so precious and so sacred is impacted aid—that he said, "I had it confirmed from the top on this one." With respect to impacted aid, he did not just have to rely on the word of Secretary Finch as he did with respect to other programs such as elementary and secondary school education, guidance counseling, or university construction.

To use the Senator from New Hampshire's language on impacted aid, he said, "I had to get this confirmed from the top." And what did he get confirmed "from the top"? He got confirmed "from the top"—meaning, I presume, the President of the United States—that the White House would go along with the impacted aid program that is in the bill now at $520 million.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. EAGLETON. Not at this moment. I will yield in a moment.

The original Nixon budget recommendation was $202 million. And a few weeks ago, in the spirit of compromise—and that is the word that the Senator from Michigan (Mr. GRIFFIN) likes to use—kicking and screaming and hating every minute of it, the President apparently agreed to $440 million for impacted aid.

Now the President of the United States, the man "from the top," goes along with the figure of $520 million for impacted aid.

Mr. COTTON. Mr. President, the Senator used my name. I ask him to yield to me.

Mr. EAGLETON. Mr. President, I yield.

Mr. COTTON. Mr. President, in the first place, I have not had one word of conversation directly with the President of the United States on this subject.

Second, there has been no kicking and screaming.

Third, and more important, and I have the bona fide assurance from those representing the President that in the instances of impacted area funds, Hill-Burton hospital construction funds, in the event the amendment is agreed to and the bill passes and should be signed into law by the President, those funds will not be touched.

The President has not even given them information that he will not veto the bill with the Cotton amendment in it.

So, no one has led the President down the line kicking and screaming. He has made no agreement, other than I am sure he has agreed that if the bill passes with the Cotton amendment in it and is signed into law—and he has this authority—he will not touch those two items.

Mr. EAGLETON. Mr. President, there is no disagreement between me and the Senator from New Hampshire. He said he got it "from the top." I care not whether it was Ehrlichman or Dent or whoever. He has it signed in blood that if this bill is signed and becomes law, not one penny of the $520 million for impacted aid will be touched—not a hair on its head.

The end result is that it has been pledged that the President will live up to that agreement. That is all the Senator said.

Mr. COTTON. Mr. President, the Senator said I had secured an agreement from the President that he would accept it and would not touch these funds.

I have no agreement that he would accept this as a bill with or without my amendment.

I only have from sources that I will guarantee that should the bill pass with my amendment in it and should the President enact it into law and sign it, he would not touch those two funds. And that is all.

Mr. EAGLETON. Mr. President, again I understand the Senator from New Hampshire. If the bill becomes law and is signed by the President, he has the firm irrevocable understanding that he has pledged to the other 99 Members of the Senate that not one dime of impacted aid will be touched.

I am not here to decry impacted aid. Despite some abuses in the impacted aid program, I believe it serves a beneficial purpose. I have supported it. Indeed, a recent amendment of mine was adopted in the Senate which I think further improves the program.

Like everyone else, shortly before Christmas, we marched behind the Senator from Colorado (Mr. ALLOTT) who tried to put $65 million additional into the impacted aid fund. The Senator from Colorado (Mr. ALLOTT) led the charge. I followed his leadership. The Allott amendment was adopted by a lopsided 73–9 vote.

Mr. President, I realize that there is considerable constituency for impacted aid.

But what I regard and what I think is hypocrisy is to go on the national television networks as the President of the United States and tell the people of this country that the HEW bill is inflationary and cite that as one of the more cogent and convincing reasons for vetoing the impacted aid program and cite the very rich county that receives $6 million of impacted aid—to do all of this, and then to turn around 1 month later and agree to fully fund the very program which he, the President, had earlier condemned.

President Nixon made a convincing appeal on television. He said that 100 poor counties are getting nothing out of impacted aid. He said:

> That is wrong. And that is one of the reasons, my fellow citizens, why I am vetoing this bill.

After making that convincing television pitch to the American people, we now find that this allegedly sinister, inflationary, inequitable impacted aid is not $202 million as President Nixon originally requested, not $440 million as he later agreed to, but now $520 million. Furthermore, from "on top" we find that it is untouchable.

I think that this is inconsistency at its highest. It is political hypocrisy. I cannot, for the life of me, comprehend how a program President Nixon viewed as almost sinister or evil in January 1970 becomes a sacred, untouchable program 1 month later.

For this and other reasons, I will vote against the Cotton amendment.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. MURPHY. Mr. President, I have enjoyed listening to the colloquy very much indeed. I compliment my esteemed colleague, the Senator from Missouri, on his most forceful performance.

I should like to point out that it has been well known that five Presidents of the United States have been in disagreement with the formula for impacted aid—not with the principle of impacted aid or the need—but with the formula. I believe it is a bad formula.

This year, as the esteemed Senator knows—as he is on the committee—there was an attempt even to push this formula further out of proper usage. There was a proposal before the committee that would put all low family income housing under the impacted aid formula.

The impacted aid formula at the outset was made very necessary by the movement of military installations which took so much potential tax land off the local tax rolls.

I have one area, China Lake, in my State which is 100 percent federally impacted by military. Obviously, impacted aid funds for this and other heavily impacted districts is a matter of survival. I have another district, Travis Unified District, where impacted aid assistance represents 49.13 percent of the total current expenses.

There have been many of us who believe the formula can be improved, and hope to review changes in it in the near future.

Certainly the esteemed Senator knows that I was always—almost to the place where I got tired of hearing myself—have consistently insisted on the importance and need for the program. At the same time there are areas where this formula works improperly. Actually, the area where the Secretary of Health, Education, and Welfare lived, when he lived in California, came under impacted aid. It is one of the richest areas in the State, and actually did not need it.

It is an irresistible attempt to take advantage of some existing Federal conditions of help.

To accuse the President of hypocrisy disturbs me greatly. I do not think my colleague really intended that. I think in the emotion of his argument he may have been carried away by the vehemence of his own rhetoric.

I assure the Senator I have had the great privilege of knowing the President for some 30 years, going back to before the time when he was a Member of Congress. There have been attempts to attack him on all sorts of grounds, but over the years I have found him to be very honorable and trustworthy. I was never concerned from the beginning that the impacted areas that properly needed attention would not get that full attention from the President. The remarks by the Senator from New Hampshire which have been made here, reflect completely an effort to bring into balance a budget that we must balance. I do not think that all the histrionics in the world will change the fact that one of the most serious and most dangerous problems we must face, whether we like it or not is inflation, inflation which was unfortunately taken up as a way of life which was considered a new approach, but which has gotten us into serious trouble.

When I was campaigning 5 years ago I used to say that a little inflation was like a little diphtheria in that it could not hurt you very much but if it got out of control it could kill you.

This is the condition we now fear and it must be cured.

This is what the President is trying to do now, and whether it is done with this bill or other bills, he is trying to slow down this wild inflationary spiral which threatens to destroy our permanent values and create havoc with the economy of our country, and cause a condition that could make all that we have worked for so hard disappear.

I think the conditions of this amendment are a reflection of a man who is a man of compromise, who is trying to find the best possible means under existing circumstances, and who in keeping with his stated political intentions, and an honest approach to the problem, is trying to proceed on a sound basis, and do what is needed and is just, I think he understands this.

I have discussed the matter with the Secretary of Health, Education, and Welfare, whom I have known for many years also and for whom I have great respect. There have been times when he has been criticized for doing things he thought were right.

I think the outlook with respect to the possibility of accomplishing our joint purposes are better today than they were 6 months ago and conditions are sounder today than they were 5 years ago when I first came here.

Mr. President, I hope my distinguished colleague, even though he felt inclined to vote against this amendment, would at least look at it calmly in the light of the intention, calmly in the light of the conditions, and calmly in the light of what we, the elected representatives of our several 50 States are here attempting to do; and not to make what might be misconstrued as a political attack on some adversary, not to make what might be construed as an emotional appeal. This is the consideration of this amendment; it is a good consideration; and it is one that will accomplish, I believe, what we all wish to achieve.

Therefore, I urge my distinguished colleague to really commune with himself calmly for a minute or two and see if he cannot see the logic and reason of the Senator from California's argument and possibly we could join together in voting to agree to the amendment, which in my opinion, given the situation we are in, is a sound amendment and one which I sincerely hope will be accepted by the Senate.

Mr. EAGLETON. Mr. President, although the Senator from California and I may have our political and philosophical disagreements, we have no personal disagreements. I respect the Senator's comments. However, I feel quite as strongly about this matter as I did before.

Mr. MURPHY. I thank my distinguished colleague. I know that sometimes we seem to disagree politically, in reflecting upon our voting records. Philosophically I do not think we have had a chance to discuss it but I look forward to the opportunity.

Mr. YOUNG of North Dakota. Mr. President, the mood of Congress seems to vary from month to month and from season to season. Last July 22, 1969, we passed Public Law 91–47 in which we required the President to cut expenditures $1 billion below his overall budget of $192.9 billion.

Public Law 91–47 reads in part as follows:

> SEC. 401. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $191,900,000,000 budgetary proposals varies from the President's recommendations reflected in the "Review of the 1970 Budget" appearing on pages E2993–2996 of the Congressional Record of April 16, 1969, the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on expenditures and net lending (budget outlays), and the limitation set forth herein shall be correspondingly adjusted: *Provided further,* That the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect on expenditures and net lending (budget outlays) of other actions by the Congress (whether initiated by the President or the Congress) and the limitation set forth herein shall be correspondingly adjusted: *Provided further,* That net congressional actions or inactions affecting expenditures and net lending reflected in the "Review of the 1970 Budget" shall not serve to reduce the foregoing limitation of $191,900,000,000 unless and until such actions or inactions result in a net reduction of $1,000,000,000 below total expenditures and net lending estimated for 1970 in the Review of the 1970 Budget."

Mr. President, I ask unanimous consent that all of title IV of Public Law 91–47 may be printed in the RECORD.

There being no objection, the title was ordered to be printed in the RECORD, as follows:

TITLE IV

LIMITATION ON FISCAL YEAR 1970 BUDGET OUTLAYS

SEC. 401. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $191,900,000,000: *Provided,* That whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations reflected in the "Review of the 1970 Budget" appearing on pages E2993–2996 of the Congressional Record of April 16, 1969, the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on expenditures and net lending (budget outlays), and the limitation set forth herein shall be correspondingly adjusted: *Provided further,* That the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect on expenditures and net lending (budget outlays) of other actions by the Congress (whether initiated by the President or the Congress) and the limitation set forth herein shall be correspondingly adjusted: *Provided further,* That net congressional actions or inactions affecting expenditures and net lending reflected in the "Review of the 1970 Budget" shall not serve to reduce the foregoing limitation of $191,900,000,000 unless and until such actions or inactions result in a net reduction of $1,000,000,000 below total expenditures and net lending estimated for 1970 in the "Review of the 1970 Budget".

(b) (1) In the event the President shall estimate and determine that expenditures and net lending (budget outlays) during the fiscal year 1970 for the following items (the expenditures for which arise under appropriations or other authority not requiring annual action by the Congress) appearing on page 16 of the budget for such fiscal year (H. Doc. 91–15, part 1, Ninety-first Congress), namely:

(i) items designated "Social security, Medicare, and other social insurance trust funds";

(ii) the appropriation "National service life insurance (trust fund)" included in the items designated "Veterans pensions, compensation, and insurance";

(iii) the item "Interest"; and

(iv) the item "Farm price supports (Commodity Credit Corporation)"

will exceed the estimates included for such items in the "Review of the 1970 Budget" referred to in subsection (a) hereof, the President may, after notification in writing to the Congress stating his reasons therefor, adjust accordingly the amount of the overall limitation provided in subsection (a).

(2) In the event the President shall estimate and determine that receipts (credited against expenditures and net lending) during the fiscal year 1970 derived from:

(i) sales of financial assets of programs administered by the Farmers Home Administration, Export-Import Bank, agencies of the Department of Housing and Urban Development, the Veterans' Administration, and the Small Business Administration; and

(ii) leases of lands on the Outer Continental Shelf will be less than the estimates included for such items in the "Review of the 1970 Budget" referred to in subsection (a) hereof, the President may, after notification in writing to the Congress stating his reasons therefor, adjust accordingly the amount of the overall limitation provided in subsection (a).

(3) The aggregate amount of the adjustments made pursuant to paragraphs (1) and (2) of this subsection shall not exceed $2,000,000,000.

(c) The Director of the Bureau of the Budget shall report periodically to the President and to the Congress on the operation of

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this section. The first such report shall be made at the end of the first month which begins after the date of approval of this Act; subsequent reports shall be made at the end of each calendar month during the first session of the Ninety-first Congress, and at the end of each calendar quarter thereafter.

Mr. YOUNG of North Dakota. Mr. President, I voted against this. I was one of the few Members of the Senate who voted against it because I thought it impossible for the President to reduce his budget below $192.9 billion.

Here we are in Congress just a few months later insisting that the President not only spend the full amount of his budget but much more.

In 1968 we passed a provision requiring President Johnson to cut his budget by $6 billion. This was an item veto.

Mr. President, I ask unanimous consent to have printed in the RECORD section 202, "Reduction of $6 billion in expenditures during fiscal year 1969," from the Revenue and Expenditure Control Act of 1968, Public Law 90–364.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

Sec. 202 Reduction of $6 billion in expenditures during fiscal year 1969

(a) Expenditures and net lending during the fiscal year ending June 30, 1969, under the Budget of the United States Government (estimated on page 55 of House Document No. 225, Part 1, 90th Congress, as totaling $186,062,000,000), shall not exceed $180,062,000,000, except by expenditures and net lending—

(1) which the President may determine are necessary for special support of Vietnam operations in excess of the amounts estimated therefor in the Budget,

(2) for interest in excess of the amounts estimated therefor in the Budget,

(3) for veterans' benefits and services in excess of the amounts estimated therefor in the Budget, and

(4) for payments from trust funds established by the Social Security Act, as amended, in excess of the amounts estimated therefor in the Budget.

(b) The President shall reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

Mr. YOUNG of North Dakota. Mr. President, my reason for bringing up this matter is to indicate these laws we passed previously are far more of an item veto than the provision that is in the bill today offered by the Senator from New Hampshire (Mr. COTTON).

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, I rise with respect to the Cotton amendment, primarily to raise some questions to which I hope to call the attention of the Senator from New Hampshire.

I have before me some figures that I have been assured are reliable. They show the potential impact of the Cotton amendment on some of the items in the appropriation bill. They suggest some conclusions that I would want to modify if my basic information is incorrect. So I am happy to see the Senator from New Hampshire on the floor for the purpose of checking my figures.

As I understand the potential impact of the Cotton amendment, it is this: one, that impacted-aid programs will not be affected; and two, that the Hill-Burton hospital construction funds will not be affected.

Am I correct?

Mr. COTTON. That is correct.

Mr. MUSKIE. That would appear to leave 18 other items—I do not know whether it is technically accurate to refer to them as line item appropriation matters—from which the 2-percent reduction is to be made.

As I understand the intention of the administration, the impact would be as follows. I would like to go through these 18 items. I think the Senator has on his desk a copy of the sheet which I have.

Mr. COTTON. Yes, I have. I would rather follow on my own, although there are in my own now three items that have to be corrected.

Mr. MUSKIE. Let me take the Senator through this sheet. In order to explain its organization, first let me say that there are 18 items, ranging from air pollution control to mental health facilities construction.

Mr. COTTON. Yes.

Mr. MUSKIE. There is a column of figures which is headed "Vetoed bill," representing the figures provided for the items in the vetoed bill. Another column has the House figure. The third column has the Senate figure without the Cotton amendment. The fourth column is the Nixon budget request. The fifth column has the Senate figure after the Cotton amendment is applied. Then in the last column is the percent of capitulation which the Cotton amendment would represent in the sense of reducing the Senate appropriations toward the Nixon budget.

If I am correct in the analysis which this chart represents, in 11 of these items there would be a 100-percent capitulation on the part of the Senate to the Nixon budget request. In those 11 instances, the effect of the Cotton amendment is to adopt the Nixon budget figure.

With respect to the other seven items, one would represent a capitulation of 70 percent, three others of 50 percent, and three others of 15 percent.

If any of these figures are incorrect, I shall be glad to have the Senator comment at this time. I understand, because of the computations involved, the Senator may not have been able to check accurately.

Mr. COTTON. I would like to call attention to two or three figures. The Senator is talking about a 50 percent cut in elementary and secondary education from the original budget. Is that correct?

Mr. MUSKIE. No. I am referring to a 50-percent reduction in the difference between the Nixon budget request and the Senate appropriation after the application of the Cotton amendment. In other words, these percentages are percentages of the difference between the Nixon budget request and the Senate appropriation after the intended application of the Cotton amendment, so that all of these figures are well within the 15 percent limitation.

Mr. COTTON. As a minor matter, I might point out that my sheet does not go from air pollution control to mental retardation. It goes from air pollution control to mental retardation to child welfare. In other words, I find some items missing on the distinguished Senator's list.

Mr. MUSKIE. I also have before me the sheet that the Senator has.

Mr. COTTON. Yes.

Mr. MUSKIE. Which represents a total reduction.

Mr. COTTON. Some of them are bunched.

Mr. MUSKIE. I see. I had only these.

Mr. COTTON. May I see the sheet? No, I do not have that sheet. May I take the Senator a copy of my sheet? This contains the appropriations as the budget officer went over them with me, and we worked on them.

Mr. MUSKIE. May I continue with what I started to say? I have another sheet.

Mr. President, I ask unanimous consent that the chart to which I have been addressing myself and another chart be printed in the RECORD at this point in my remarks.

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object—I note that the distinguished Senator has made no reference at all to the items in title 1 in this bill or in title 3 in this bill other than those that are exempted from the Cotton amendment, and all of which are subject to the cut. Was that by intention, or what was the purpose?

Mr. MUSKIE. Mr. President, may I give the Senator the basis of the information I am discussing here and asking questions about?

The second chart which I have asked to be placed in the RECORD, and which I shall be glad to show to the Senator, is one I obtained from the committee staff when I inquired if the staff had any information as to the items which the administration planned to cut if the Cotton amendment were to become law. This is the summary that I was given as the probable impact of the Cotton amendment if it were applied.

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object—I want to make it clear that I think the Senator has still overlooked the fact that the Cotton amendment applies to titles 1 and 3 of the bill, as also to title 2. All of the reductions do not have to be made out of the HEW appropriation. That is the point I am making.

Mr. COTTON. And also Labor.

Mr. HOLLAND. Title 1 is Labor. Title 3 is related agencies, such as OEO and many other which are in title 3.

It would be completely improper to assume that all of the cuts would be made out of HEW. That is the point I am making.

Mr. COTTON. I will say to the Senator that, so far as the information furnished me is concerned, and apparently the information furnished the staff of the committee, it indicates that all the cuts will be made out of HEW.

Mr. MUSKIE. Mr. President, may I get approval of my request that these sheets be included in the RECORD?

The PRESIDING OFFICER. Is there objection?

There being no objection, the sheets were ordered to be printed in the RECORD, as follows:

Appropriation	Vetoed bill	House figure	Senate figure without Cotton	Nixon budget request	After Cotton amendment	Percent capitulation
Air pollution control	$108, 800, 000	$108, 080, 000	$108, 800, 000	$95, 800, 000	$102, 800, 000	50 percent.
Mental health	44, 975, 000	44, 975, 000	44, 975, 000	44, 975, 000	38, 675, 000	15 percent.
District of Columbia medical facilities	10, 000, 000	10, 000, 000	10, 000, 000		8, 500, 000	15 percent.
National Institute of Arthritis and Metabolic Diseases	146, 334, 000	146, 334, 000	146, 334, 000	137, 668, 000	137, 668, 000	Total.
National Institute of Neurological Diseases and Stroke	106, 978, 000	106, 978, 000	106, 978, 000	101, 256, 000	101, 256, 000	Total.
National Institute of Allergy and Infectious Diseases	103, 694, 500	103, 694, 500	103, 694, 500	102, 389, 000	102, 388, 500	Total.
National Institute of General Medical Sciences	164, 644, 000	164, 644, 000	164, 644, 000	154, 288, 000	154, 288, 000	Total.
General research and services	76, 658, 000	76, 658, 000	76, 658, 000	69, 698, 000	69, 698, 000	Total.
Health manpower	234, 470, 000	234, 470, 000	234, 470, 000	224, 220, 000	218, 939, 000	Total (+).
Dental health	11, 722, 000	11, 722, 000	11, 722, 000	10, 887, 000	11, 722, 000	Total.
Elementary and secondary education	717, 036, 700	638, 553, 700	638, 553, 700	460, 578, 700	542, 853, 700	50 percent.
Instructional equipment	48, 740, 000	43, 740, 000	43, 740, 000		37, 240, 000	15 percent.
Education professions development	107, 500, 000	107, 500, 000	107, 500, 000	103, 750, 000	103, 750, 000	Total.
Higher education	871, 874, 000	871, 874, 000	871, 874, 000	771, 774, 000	771, 774, 000	Total.
Vocational education	488, 716, 000	391, 716, 000	391, 716, 000	347, 216, 000	346, 096, 000	Total.
Libraries and community services	148, 881, 000	148, 881, 000	148, 881, 000	117, 700, 000	126, 581, 000	70 percent.
Education for the handicapped	100, 000, 000	100, 000, 000	100, 000, 000	91, 850, 000	91, 850, 000	Total.
Mental retardation, construction	37, 000, 000	37, 000, 000	37, 000, 000	33, 000, 000	35, 000, 000	50 percent.

Only change was the adoption of a general provision by Senator COTTON which cuts back the amount available ($19,381,920,200) by 2 percent.

If the 2 percent remains in the bill, certain reductions totaling $347,296,000 will be made as follows:

	Reduction
Air pollution control	−$6, 000, 000
Mental health	−6, 300, 000
District of Columbia medical facilities	−1, 500, 000
National Institute of Arthritis and Metabolic Diseases	−8, 666, 000
National Institute of Neurological Diseases and Stroke	−$5, 722, 000
National Institute of Allergy and Infectious Diseases	−1, 306, 000
National Institute of General Medical Sciences	−10, 356, 000
General research and services	−6, 960, 000
Health manpower	−15, 531, 000
Dental health	−835, 000
Elementary and secondary education	−95, 700, 000
Instructional equipment	−6, 500, 000
Education professions development	−3, 750, 000
Higher education	−$100, 100, 000
Vocational education	−45, 620, 000
Libraries and community services	−22, 300, 000
Education for the handicapped	−8, 150, 000
Mental retardation, construction	−2, 000, 000
Total reduction	−347, 296, 000

Mr. MUSKIE. Mr. President, may I first respond to the Senator from Florida? My understanding is exactly as stated, that the Cotton amendment could apply to all those sections of the appropriation bill to which the Senator from Florida has referred, and it is not my desire to misinform the Senate with respect to that. But I speak here this afternoon to try to get as much information as I can as to the impact of the Cotton amendment, because the kind of discretion it gives to the President creates a concern on the part of the Senator from Maine as to what the application of that discretion might be—if we can ascertain any intention at all on the part of the administration.

It was on that point that I approached the committee staff and was given the second chart which I have put in the RECORD, and of which the Senator from New Hampshire, I am sure, will say conforms pretty closely, if not identically, with the information he received from the same sources and for the same purposes.

Mr. COTTON. Mr. President, it has some items bunched. They are not separated by items, and in view of the change in the amendment a few moments ago, at the suggestion of the Senator from Missouri, they have to be separated even more. I can deal with them in the detail which I have and with which I am familiar, and the cuts, but I find myself a little at a loss to deal with them accurately as they are bunched together.

Mr. MUSKIE. I think we may discuss the chart in detail just to point out a few illustrative examples which might be helpful.

Mr. HOLLAND. Mr. President, if the Senator will yield again, I think the second list represents the statement made to the distinguished Senator from New Hampshire, if I understood it—and I listened quite attentively in the meeting of the Appropriations Committee—which was made up by the Secretary of Health, Education, and Welfare as representing the recommendations and suggestions that he would make to the Executive for cuts, if he were requested to do so.

It never entered my head that this was to represent the total of the cuts to be made, because I think that, coming at this time in the year, with 8 months already behind us, there are various items in title III, of related agencies, and also various items in title I, which deals with the Labor Department, which are susceptible to being cut in relatively small amounts, that would add to the total of the reduction as against this bill.

We have no information at all, at least the Senator from Florida has no information, as to what may be the expectation of making any cuts as against those items.

Under the Cotton amendment, permission would be given, in making the total reduction, to cut up to 15-percent against all of those items in title I and title III, except those that are exempted under the Cotton amendment, specifically by its terms, such as the Railroad Retirement Board and other matters. I shall not name them; the amendment shows what they are.

So it was never within the mind of this Senator, nor I believe of the committee, that the second list, placed in the RECORD by my distinguished friend from Maine, covered anything else than recommendations which were to be made by the Secretary of Health, Education, and Welfare in the event he was requested by the executive to apply this amendment to his department, and by no means would the executive be bound to look solely to this Department for the making of the total reduction.

That is the point I wanted to make.

Mr. MUSKIE. The Senator's comments are very helpful to me in explaining what was in his mind with respect to this bill. Nevertheless, what concerns me is that the 18 items to which we are referring now have been in particular controversy as between the administration and Congress. There has been some indication, certainly—how strong it is, how definitive, or how binding I do not know—in the committee and perhaps elsewhere, that these are the 18 items which may be targeted for cuts if the Cotton amendment were agreed to. Those of us in the Senate who are concerned about the potential impact of the Cotton amendment can and I think should appropriately look at what we have been told with respect to the possible impact on these 18 items.

For example—and this may be one that is lumped together in the list of the Senator from New Hampshire——

Mr. COTTON. No; mine were not lumped together. I have 30 items on my list.

Mr. MUSKIE. I have 18. For example, it is indicated here that higher education would be cut $100 million if the Cotton amendment were adopted. That would be a cutback to the original Nixon budget request, or, in other words, a 100-percent capitulation on the part of the Senate to the President—if this information, which is the basis of my question, is correct.

Mr. COTTON. Well, the information is not correct. It is my fault, I suppose, but that item could not be cut to that degree. It can be cut, probably, by $100 million, but not in accordance with the information afforded by HEW to me, because there was a misapprehension about the line items.

So, may I say to the Senator from Maine——

Mr. MUSKIE. Incidentally, these figures are figures given to be before the Eagleton amendment was agreed to. So it may need some clarification on the basis of the Eagleton amendment.

Mr. COTTON. That is right. Perhaps I used poor generalship, whether we were in combat or in controversy, by shooting straight from the shoulder; but I felt the Senate was entitled to every bit of information I had as to where these cuts

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were likely to be applied, as recommended by the Department, and I gave that information.

It is perfectly true that what I have before me as a chart has first the amount originally in the House bill and second the proposed reduction under the present House bill. It is certainly relevant, and it is certainly proper, that the Senator from Maine should go back and compare it with the original budget request of the President. That is highly proper, but I do not know that I can—I do not share that information on my chart.

Mr. MUSKIE. I see. Well, the Senator may have an opportunity later——

Mr. COTTON. But I have the amounts here—not the percentages but the amounts—and I take it that the chart prepared by the distinguished Senator from Maine is fairly accurate, although it appears that certain items may be grouped differently than on mine.

I have to answer the questions from my information rather than on his basis, and perhaps we will be working at cross-purposes.

Mr. MUSKIE. Let me first list the 11 items in this chart which show a 100-percent capitulation on the part of the Senate to the budget request. They are the National Institute of Arthritis and Metabolic Diseases, the National Institute of Neurological Diseases and Stroke, the National Institute of Allergy and Infectious Diseases, the National Institute of General Medical Sciences, general research and services, health manpower, dental health, education professions development, higher education, vocational education, and education for the handicapped.

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Mr. COTTON. May I interrupt the Senator a moment?

Mr. MUSKIE. Yes.

Mr. COTTON. If the Senator wishes to call it a capitulation on the part of the Senate as to the particular items the Senator has read so far—at least, I have followed him through the various Institutes of Health—the President could apply the reduction and come out with exactly the same figure which he had offered the Senate as to those particular items in his compromise offer to Congress of February 2, after the veto, when he wrote to the Speaker of the House and said how far he is prepared to go.

Mr. MUSKIE. The Senator is correct; I am glad to have that clarification.

Mr. COTTON. I would hasten to add, however, that before the Senator terms that a capitulation on the part of the Senate, there are other items in the Institutes of Health. He does not touch heart, stroke, and cancer research, and so on. So as to those individual items the Senator is perfectly correct, so far as he has read them, that the President could apply 2 percent, so that he would be back to his February 2 offer. On the other hand, he has got to find a lump sum of $232 million over his offer that he has to leave untouched.

Mr. MUSKIE. I understand. Perhaps we ought not to go into details until the Senator from New Hampshire has had a chance to check other items for accuracy. There were 11 items that added a total reduction to the President's February 2 figure; one that represented a 70-percent reduction from the February 2 figure; three that represented a 50-percent reduction from the President's February 2 figure; and three that represented a 15-percent reduction from the February 2 figure.

Inasmuch as the impacted aid provision will not be affected by the Cotton amendment; and inasmuch as Hill-Burton funds will not be affected; inasmuch as 11 of the 18 items that appear to be areas of cutbacks under the Cotton amendment represent increasing the President's figure of February 2; it seems to me the Senate would be well advised to make an educated guess from this chart. Rather than adopting a formula which leaves the Senator from Florida (Mr. HOLLAND), the Senator from New Hampshire (Mr. COTTON), the Senator from Maine, and other Senators in doubt as to where cuts will be made and what the impact will be, the Senate would be well-advised to exercise the appropriation function that is ours and either approve the cuts or insist on the Senate figure, and let the President work his will on the total package? In other words, an amendment that purports to give the President discretion when applied to the facts as we understand them at this moment involves no discretion at all.

We have 13 items that we can predict are going to stand in accordance with figures now in our possession, and the others will stand pretty close to that.

So it seems to me that we would serve ourselves better, we would solve the cause of public information better, and we would give the country a better picture of the impact of what we are doing, if we were to refuse to deal with a formula of this kind, with cloaked results—and I do not use the word "cloak" in any way invidious with respect to the Senator's motivation. What the Senator is trying to do is to work out a formula to avoid an impasse between Congress and the President.

Mr. COTTON. Yes.

Mr. MUSKIE. That is a perfectly laudable objective. But I do object seriously that we use this means to do it. First of all, it leaves the result uncertain. Second, I think it is an abdication of an appropriations function that is ours and that we ought to exercise one way or another.

If we know, for example, that the result of this amendment will be to reduce these 11 items to the budget figure, why do we not here say that the budget figure is good enough for us, that we will adopt it, and that we will send those down to the White House without further controversy? If we do not agree with that—and, having understood it, we may not—then let us say so. Why cloak as a discretionary matter something the result of which is pretty far gone, as I see it at this moment?

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. COTTON. There is much logic and cogency to what the distinguished Senator has just observed, as there always is to his observations in this body.

However, as a practical matter, in the first place, these are not cut-and-dried figures. As I recall, there are approximately four or five items indicated that are not going to be touched. The only two that are cut and dried are the impacted areas and the Hill-Burton funds. That has been agreed to, and we have that guarantee.

May I say to the distinguished Senator from Maine that there were members of the Appropriations Committee on both sides of the aisle who in discussing my amendment said exactly what he has said: Let us go ahead and make our own reductions. Let us decide. If there is a possibility or reasonable likelihood that this would be reduced by 2 percent, the overall bill, with the exception of social security, railroad retirement, and such funds, that the President would then sign the bill, and that we would get action, that is fine. And, rather than leave it for the President and HEW to dicker around and see what they will do on it, let us do it ourselves. That is precisely what the Senator from Maine is saying.

That sounded logical, but difficulties were involved. We could not even get to the bottom of all the difficulties; and I can assure the Senator that, for my part, I have worked harder over a period of the last few days than at any other time since I have been on the Hill—far into the night—with the aid of budget officers.

In some cases, the expenditures in certain items—and it is even more so since we got the thing tied up with the suggestion of the Senator from Missouri—are funded already. They cannot be cut. They are obligated. Other items are in an entirely different category. As a matter of fact, HEW has gone all over this. I asked them if they could live with the 15 percent limitation in my amendment, so that no single item could go below that.

They got it all worked out, and I now find that it is faulty, because in three instances they were group appropriations, and this goes to line items.

The point is that with this distinct limitation they still will have to do some refining and careful and painstaking analysis before they can apply the 2 percent. So that the figures I have are as near as possible—and they are presented honestly—to what they are striving to do, but they may not be able to do it. If we attempted to do on the floor of the Senate—what we utterly failed to do in the Appropriations Committee, when we were trying to bring about exactly what the Senator from Maine has suggested—I think the result would be chaos.

The Senator might well come back and say, "Then, drop your amendment, because your amendment is so impossible that if it is passed on to the President and to the department this task cannot be accomplished, either in the Appropriations Committee or on the floor of the Senate, there is no validity to the amendment." But there is validity to it because, one, it makes the President concede from his own programs the sum of $232 million, in order to meet us somewhere near halfway; and he has to concede and add to what he offered on February 2, $347 million. He has to add to his appropriations, and he also has to reduce; and it requires some long painstaking work, even when we are trying to correct three places in here that turned up since the change from appropriations to items. My answer is this, and then I will get out of the Senator's way so that he can make his case, which is a strong case.

My answer is: As the Senator said, the problem of the Senator from New Hampshire is trying to get something that would not cripple any of the programs, at the same time that we could get the House to be satisfied with and have it signed into law. There is a good chance my amendment would do this.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, will the Senator from Maine yield to me for a moment?

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Does the Senator from Maine yield to the Senator from Montana?

Mr. MUSKIE. I yield.

Mr. MANSFIELD. I was trying to see whether it would be possible to set a time limitation to vote at a time certain on the pending amendment. How much time does the Senator from Maine desire to speak further?

Mr. MUSKIE. I think just 3 minutes more would do.

Mr. MANSFIELD. Does anyone else wish to speak?

Mr. HOLLAND. I wish to speak for 15 minutes.

Mr. MAGNUSON. The Senator from Wyoming wishes to speak.

Mr. HANSEN. Yes, 4 or 5 minutes will do.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a vote on the pending committee amendment occur at 3:30 o'clock today.

The PRESIDING OFFICER (Mr. COOK in the chair). Is there objection?

Mr. MAGNUSON. Mr. President, reserving the right to object, I want to be sure that everyone here who wants to talk will have that opportunity.

Mr. MANSFIELD. The Senator from Maine wishes to speak for 5 minutes, the Senator from Wyoming 4 minutes, and the Senator from Florida 15 minutes. We have been in session since 10 o'clock this morning.

Mr. HOLLAND. Mr. President, there were a goodly number on the Appropriations Committee who voted for the Cotton amendment who are not now in the Chamber. I do not know whether they want to speak or not. I voted for it. I want to speak on it for around 15 minutes, but there may be others that may wish some time to speak. I do not wish to hold up the Senate. I am as anxious to get through with this thing as anyone else; but I want any Senator who wishes to be here to have that same opportunity.

Mr. MANSFIELD. They will have that opportunity. Senators know that a time limitation or a time certain to vote has never been given without that opportunity first being considered. It has always been understood that Senators who could not be here but want to speak on a subject would be given an opportunity. That will always be the case.

Mr. SCOTT. I am sure that the joint leadership can give that assurance.

Mr. MAGNUSON. With that assurance, I have no objection.

Mr. COTTON. Could we not be assured that they will come in at 3:30?

Mr. MANSFIELD. The Senator can be practically assured of that, yes.

Mr. COTTON. But if we go through to 4 o'clock or 4:30 o'clock, I know that we are going to go a lot longer than that. The proponents of my amendment have not taken up all the time.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request to the Senator from Montana?

The Chair hears none, and it is so ordered.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Maine (Mr. MUSKIE) such time as he desires.

Mr. MUSKIE. Mr. President, following the colloquy I have had with the distinguished Senator from New Hampshire, I should like to state my objections to the Cotton amendment in these terms:

First, I think it is an undesirable technique for delegating or surrendering some part of our appropriations responsibility to the White House.

Second, as it is presently framed, its results will be uncertain, even if we accept the opinions of the most optimistic who support the amendment. To those who are pessimistic about it, its results are all too certain.

Third, the distinguished sponsor of the amendment himself is so concerned about its application to those programs in which he had a special interest, that he undertook to get the administration's assurance with respect to those programs; namely, impacted aid and hospital construction—two worthy programs.

But the uncertainty of his own amendment and its application prompted him to get assurance.

May I say, Mr. President, that the results of that assurance to him leads to my next point; namely, that the full impact of his amendment will inevitably force cuts in the 18 items which I have described this afternoon—the very areas of human need, health and education, which have been in the area of controversy as between the President and Congress since this issue first arose in December of last year.

That issue is clear cut. It has been out in the open since that time. I think that the place to decide it now is out in the open, on the Senate floor, and not in the President's office in an anonymous, not fully revealed exercise of the Executive pen.

These very programs that are likely to be cut back fully to the Executive's recommendations are the programs that seem to be in the direct line of fire of the Cotton amendment.

That issue should not be decided in any ambiguous way. It should be decided clearly here on the floor of the Senate.

For that reason, Mr. President, I oppose the Cotton amendment, with all deference to the motives of the distinguished Senator from New Hampshire.

Mr. HANSEN. Mr. President, I appreciate the presence of the Senator from Missouri in the Chamber. I wish to respond, in part, to some observations he made a little while ago.

First of all, if my memory serves me correctly, I think that the Senator from Missouri was one of those who voted to increase aid to impacted areas. I ask my distinguished colleague from Missouri if I am not correct about that.

Mr. EAGLETON. Yes. I so stated in my remarks. I said that I followed the leadership of the Senator from Colorado (Mr. ALLOTT) who led the charge for more money.

Mr. HANSEN. Mr. President, I appreciate the fact that the Senator from Missouri recognizes the wisdom of following the lead of my distinguished colleague from Colorado (Mr. ALLOTT).

Let me say that I was somewhat surprised over the remarks made by my very good friend from Missouri, that the President of the United States not only vetoed the bill, not only availed himself of nationwide television coverage to veto the bill, but even went so far as to use props—and that one of the props he used to sign the veto bill was a pen.

I can assure the Senator that I appreciate the fact that the President was going to some lengths, with props, to use a pen to sign the veto message.

Mr. President, the President of the United States was also characterized as one who was forced to take this tack, kicking and screaming—I think those were the words used by my distinguished colleague from Missouri.

I would suggest that as he reads back the record, I suspect he may think his characterization of the President's action was his own interpretation and not literally a reflection of the actions of the President, because I do not believe very many people saw the President actually being forced to acquiesce to this program kicking and screaming.

The Senator from Missouri speaks of the "hypocrisy of the President." I think we can disagree on issues, and most certainly the distinguished Senator from Missouri has every right to disagree with our President, but I think it is one thing to disagree and another thing to launch a personal attack upon the President.

I suggest that when he refers to the "hypocrisy of the President," it seems to me that he is characterizing the President's actions as he would like to interpret them and not as I think they deserve to be interpreted in the light of what the President said.

Let me read, in order that the record may be set fully straight, what the President of the United States said in his message of yesterday, February 26. This is a message to the Congress from the White House:

> *I propose reduction, termination or restructuring of 57 programs which are obsolete, low priority or in need of basic reform. These program changes would save a total of $2.5 billion in the fiscal year 1971. Of this amount, $1.1 billion saving require Congressional action—roughly the equivalent of the amount by which the 1971 budget is in surplus.*

No government program should be permitted to have a life of its own, immune from

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> periodic review of its effectiveness and its place in our list of national priorities.
>
> Too often in the past, "sacred cows" that have outlived their usefulness or need drastic revamping have been perpetuated because of the influence of special interest groups. Others have hung on because they were "too small" to be worthy of attention.
>
> At a time when every dollar of government spending must be scrutinized, we cannot afford to let mere inertia drain away our resources.

These are the words of the President of the United States in the message he sent to Congress yesterday.

I continue reading from the message of the President of the United States:

> Some of these programs are the objects of great affection by the groups they benefit. But when they no longer serve the general public interest, they must be repealed or reformed.
>
> No program should be too small to escape scrutiny; a small item may be termed a "drop in the bucket" of a $200.8 billion budget, but these drops have a way of adding up. Every dollar was sent to the Treasury by some taxpayer who has a right to demand that it be well spent.

I suggest that what the President tried to say here is, while some people may say these words reflect the hypocrisy of the President, he is being forced to make an accommodation on the bill. He was not kicking and screaming.

He is aware of the concern of the people over the inflationary pressures. The people want very much to have our budget brought as nearly in balance as it can be.

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The President continues:

> *I propose that we reform assistance to schools in Federally-impacted areas to meet more equitably the actual burden of Federal installations.*
>
> In origin this program made good sense: Where a Federal installation such as an Army base existed in an area, and the children of the families living on that installation went to a local school; and when the parents made no contribution to the tax base of the local school district, the Federal government agreed to reimburse the local district for the cost of educating the extra children.
>
> But this impacted aid program, in its twenty years of existence, has been twisted out of shape. No longer is it limited to payments to schools serving children of parents who live on Federal property; 70% of the Federal payments to schools are now for children of Federal employees who live off base and pay local property taxes. In addition, the presence of a Federal installation (much sought-after by many communities) lifts the entire economy of a district. As a result, additional school aid is poured into relatively wealthy communities, when much poorer communities have far greater need for assistance.
>
> One stark fact underscores this inequity: Nearly twice as much Federal money goes into the nation's wealthiest county through this program as goes into the one hundred poorest counties combined.
>
> The new Impact Aid legislation will tighten eligibility requirements, eliminating payments to districts where Federal impact is small. As it reduces payments to the wealthier districts, it will re-allocate funds to accord more with the financial needs of eligible districts. Children whose parents *live* on Federal property would be given greater weight than children whose parents only *work* on Federal property.

When the President submits a program, and says what he is willing to do, I think he is being honest and fair and forthright with the people of this Nation. We must get some bill passed. And if he has been willing, as he has indicated, to go above the limit he first suggested, it is not to imply that he is hypocritical. Rather, it would imply that he recognizes the fact we must make some accommodation to get essential legislation enacted.

I am not talking only of Federal aid, but of all other aid. We must get a bill passed. Those who cry out against the President of the United States ought to ask themselves whether they are the obstructionists, or whether the President of the United States is the obstructionist.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

Mr. HOLLAND. Mr. President, I supported in committee the amendment of the Senator from New Hampshire. And I support it here.

I first suggested that we do exactly what has been suggested by the Senator from Maine here—that we reduce the matter to handling each line item and making a reduction in those line items that we thought should be reduced.

I found then, Mr. President, that the task was simply impossible of completion within the time limit by which we were confronted with. In the first place, we did not know how much had been committed under the continuing resolutions on the many items of appropriation involved in the bill. And it was absolutely necessary to find out how much had been committed and how much had been spent before we could go into a reduction item by item in the many items in this very difficult bill that has been so ably handled by the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON).

So, we looked at every other method that seemed available. Then I became convinced that the method suggested by the Senator from New Hampshire was the only method by which we could solve the impasse with which we were confronted. We did not want to have an irresistible force meeting an immovable body in this matter, with 8 months of the fiscal year having gone behind us, and when we are approaching the end of the fiscal year covered by the bill.

We were trying to find some reasonable basis of compromise between the position of the executive and the position of the legislative branch as shown by the original bill passed by Congress.

The Senate will remember that I voted for the original bill and announced on this floor that I was prepared to vote to override the President's veto if the matter came here.

I did that because I felt that with the savings of some $6 billion in the defense bill and the foreign aid bill, Congress, representing the people, certainly had a right, looking at the domestic field, to assign a small portion of that, as is done by this bill, to objectives which we regard as having great priority, such as those in the field of health, education, and welfare.

Mr. President, the fact is that we were assigning to these fields about one-fifth of the total savings from the two bills which I have mentioned—the defense bill and the foreign aid bill.

But, Mr. President, after the President had vetoed the bill, and after it was sustained with many votes to spare in the other body, I tried to be a little practical about this matter and tried to see what we could do by way of reaching a compromise. The President had evidently thought of the matter in somewhat the same line, because he had already suggested that he was ready to come up from his budget figure—as I recall it—$449 million, though there was some reduction also from his budget figures which would have reduced the total increase well below the $449 million.

He did suggest a compromise. And the House had a compromise in the passage of the bill they have sent to us, but nothing like a 50–50 compromise between the position of the executive and the position of the legislative branch.

The Cotton amendment changed in shape. It first came in with a proposal for a maximum reduction of the various items, considerably larger than the maximum of 15 percent which is in the pending bill.

It came in without our being given an assurance in the beginning that there would be no reduction in the impacted school district appropriations and in the hospital construction areas, which assurance we were given later and which has been given on the floor today. We had been given, by statements made by the President, assurance that in such items as cancer research and heart research there would be no reduction from the congressional bill, which in each instance had stepped up the budget items.

So, we were approaching a compromise, and the Senator from New Hamphire—to whom I wish to pay great tribute in this matter—worked practically all day and night, and practically all of the weekend in the effort to come up with a sounder figure. When he came up with this figure and the concessions from the executive that there would be no touching of appropriations for impacted school districts, which had been relied upon in making budgets for the schools months ago, for hospital construction, for cancer institute research, and for heart institute research, the committee, with a few additional changes, worked out the matter so that the vote in the committee to approve the Cotton amendment was 15 to 7.

I want to say to my friends on this side of the aisle that more than half of the members of the Committee on Appropriations from this side of the aisle who were present at the time of the markup voted for the Cotton amendment because we felt it was a reasonable compromise. I feel that way now, and I feel we should by all means approve it. It is almost a 50-50 compromise.

Mr. President, there have been some statements made here that I think should be corrected. My distinguished friend from Rhode Island (Mr. PELL) said that passage of the amendment would give the President an item veto right. Nothing is further from the fact than that.

The Senator from Florida, as a onetime Governor of his State, operated under a constitution which gave him an item veto right and he occasionally exercised that right. The item veto right means knocking out an item entirely. The maximum reduction that can be made under the Cotton amendment is 15 percent on any one item. That is a far different thing from an item veto.

Mr. President, I heard my distinguished friend from Maine (Mr. MUSKIE) say that this is something we should not do because it was improper to give the President this much discretion. The Senator from Florida, and I think the Senator from Maine, voted a couple of years ago a direction to the then President, who happened to be a Democratic President, to reduce by a much greater amount the appropriations in not just one bill, but in all the bills we had passed, and to a much greater amount; and he went ahead and did it and no one claimed it was an improper act; to the contrary, we were all trying to economize.

In this instance, we have already voted early in the session to place a limit on expenditures, and we certainly did not do that idly, thinking the President would ignore it. We knew that it meant that the President would make the reductions, not only in this bill, but in any bill which had to be reduced in order for him to live within that limited expenditure.

We did not think that an improper thing at that time. As far as the Senator from Florida thinks now, he does not think this is improper.

Does the Senator from Washington wish me to yield to him?

Mr. MAGNUSON. No. I was wondering about the time of 3:30. The Senator from South Dakota and the Senator from Massachusetts wish to speak for a few minutes.

Mr. HOLLAND. I specifically gave notice that I wanted 15 minutes. I have used not quite 10 minutes. I could ask that the time be extended.

Mr. MAGNUSON. Very well.

Mr. HOLLAND. I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the time be extended another 15 minutes, because the majority leader and the minority leader suggested if someone were not here he would be entitled to time.

Mr. ALLOTT and Mr. FULBRIGHT addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, reserving the right to object may I inquire parliamentarywise if there is a time limitation on this amendment?

The PRESIDING OFFICER (Mr. EAGLETON in the chair). There is a unanimous-consent agreement on this amendment that the vote on the measure take place at 3:30 p.m.

Mr. HOLLAND. Such request was given without a quorum call prior thereto. The Senator from Florida makes no complaint about this.

The PRESIDING OFFICER. This was not in defiance of the rules. This is on an amendment, and not on final passage.

Mr. ALLOTT. I wanted to clear the picture. I have been in the Chamber almost all day since this debate started. I was not aware of the unanimous-consent agreement. I am trying to find out what took place.

Mr. MAGNUSON. The majority leader and the minority leader asked unanimous consent that we vote on the measure at 3:30. I said that is all right, but I did not know if anyone else wanted to speak.

Mr. ALLOTT. I do not object.

Mr. MAGNUSON. If there were some Members who were not on the floor when this was proposed, they agreed to extend the time if they wanted to speak.

Mr. FULBRIGHT. If we are going to extend it, I shall ask for additional time, and it will have to be incorporated. I have some remarks to be made. I was told a few minutes ago before the Senator from Florida took the floor that we were going to vote at 3:30, so I withheld at that time.

I would not agree to the request unless it is amended to add another 10 minutes which I would have.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Mr. President, is there a unanimous-consent request?

The PRESIDING OFFICER. There is an order before the Senate that the vote on this matter be at 3:30 p.m.

Mr. CURTIS. Is there a unanimous-consent request to amend that?

The PRESIDING OFFICER. There is presently pending a unanimous-consent request to extend that time by 15 minutes.

Mr. CURTIS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, if the Senator——

Mr. HOLLAND. Mr. President, I have the floor.

Mr. MANSFIELD. I am on the spot in this matter. Will the Senator yield?

Mr. HOLLAND. I do not agree we should not extend the time, because I told the majority leader I thought there would be need for more time when this unanimous-consent agreement was entered into.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. MANSFIELD. I am somewhat embarrassed by the action of the distinguished Senator from Nebraska. Personally I was ready to vote on this amendment, which I think is quite simple and easily understood, at 11 o'clock or at any time thereafter. I think a good deal of time has been used in discussing what the Cotton amendment means and in my judgment all of this discussion has not changed a vote; the expected outcome has not been effected.

I am going to vote against the amendment because I think it would accomplish an end run, so to speak, that sacrifices a good deal of congressional responsibility which will do the people of this country no good.

I would state for the record that in the past when the Senate has been accommodating enough to permit a vote to be taken at a time certain, there has always been consideration allowed to the joint leadership that would permit a certain degree of flexibility. In other words, if there were Members who wished to speak and who were not in the Chamber at the time the agreement was made, provision would be made. That, in my opinion, has always been the case.

So I hope despite all the inconvenience it may cause—and this is causing a lot of inconvenience—that the Senator would withdraw his objection in view of the position in which the joint leadership finds itself.

Mr. CURTIS. Mr. President, the junior Senator——

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. HOLLAND. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, the junior Senator from Nebraska dislikes to object but I shall continue in my objection. I like to be a team player. Within the last 10 days I flew all night to get here because of a statement that there would be a vote at 11 o'clock, and the vote occurred at 6:45 that night. I have already changed two plane reservations. I believe the stability of the Senate depends on the extent to which Members can rely on unanimous-consent orders being carried out. I shall object.

Mr. MANSFIELD. Mr. President, perhaps we are out of the impasse. I understand that Senators who wanted additional time have decided they will not speak.

The PRESIDING OFFICER (Mr. COOK in the chair). The hour of 3:30 has arrived.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, I call to the attention of the majority leader the fact that I had asked for 15 minutes, and I understood I had 15 minutes. I had spoken 8 or 9 minutes before the interruptions.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Florida may have the remainder of the 15 minutes promised to him but which has been used because of the colloquy which has occurred. I might say that the time for the colloquy was made available because Senator HOLLAND was kind enough to yield. I think the Senate only owes him this same courtesy.

Mr. CURTIS. Mr. President, I object. The agreement was to vote at 3:30.

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The PRESIDING OFFICER. Objection is heard. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Minnesota (Mr. MONDALE), and the Senator from New Mexico (Mr. MONTOYA), are necessarily absent.

On this vote, the Senator from Louisiana (Mr. LONG) is paired with the Senator from New Mexico (Mr. MONTOYA).

If present and voting, the Senator from Louisiana would vote "yea," and the Senator from New Mexico would vote "nay."

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), and the Senator from Minnesota (Mr. MONDALE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 45, nays 40, as follows:

[No. 69 Leg.]

YEAS—45

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Boggs
Byrd, Va.
Byrd, W. Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fong
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Mathias
McClellan
Miller
Murphy
Pearson
Percy
Prouty
Proxmire
Russell
Schweiker
Scott
Smith, Maine
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—40

Anderson
Bayh
Bible
Brooke
Burdick
Cannon
Case
Cranston
Eagleton
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hollings
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
McGee
McGovern
McIntyre
Metcalf
Moss
Muskie
Nelson
Pastore
Pell
Randolph
Ribicoff
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—15

Church
Dodd
Fannin
Goldwater
Hatfield
Hughes
Long
McCarthy
Mondale
Montoya
Mundt
Packwood
Saxbe
Smith, Ill.
Tower

So the committee amendment, as modified, on page 61, after line 8, was agreed to.

Mr. COTTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, it is with deep concern and dismay that I view the agreements made in connection with the amendment of the Senator from New Hampshire (Mr. COTTON) to exempt aid to impacted areas from the 15-percent expenditure reduction authority granted to the President.

I have honored my pledge to support the administration in its anti-inflationary efforts. But the administration's position on the inequity of the impacted area aid formula, a position I supported, has now been shot out from under us.

The administration must assume full responsibility now if it makes expense reductions that will be more dangerous in their adverse effect upon the health, education, and welfare of the Nation than spending the money would have on inflation.

Mr. MATHIAS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Maryland (Mr. MATHIAS) proposes an amendment——

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

The assistant legislative clerk proceeded to read the amendment.

Mr. MANSFIELD. Mr. President, the Senate is not in order. We would like to hear what the amendment is, but we cannot hear because of Senators walking up and down.

The PRESIDING OFFICER. The Senate will be in order. If Senators will take their seats, the clerk will state the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 60, line 16, after "Sec. 408.", insert "Except as required by the Constitution,".

On page 60, line 22, after "Sec. 409.", insert "Except as required by the Constitution,".

The PRESIDING OFFICER. Does the Senator from Mayland wish his amendments to be considered en bloc?

Mr. MATHIAS. I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. MAGNUSON. Mr. President, so we will understand the procedure, as I understand it, the Senator's amendment goes to two sections?

Mr. MATHIAS. 408 and 409.

Mr. MAGNUSON. 408 and 409, in each of which the words "except as required by the Constitution" will be inserted, but not in section 410, which is commonly known as the Jonas amendment?

Mr. MATHIAS. The Senator is exactly correct. The amendment applies only to sections 408 and 409, and not to section 410.

Mr. MAGNUSON. Sections 408 and 409 are normally known, I guess we all know, as the Whitten amendments.

Mr. MATHIAS. The Senator is correct.

Mr. ALLEN. I ask that the question be divided.

The PRESIDING OFFICER. The Senator from Alabama has asked for a division of the question; so the Senate will proceed to consider the amendment as to section 408. The amendments cannot be considered en bloc.

Mr. MATHIAS. Mr. President, there is nothing new about this amendment.

Mr. PASTORE. Mr. President, we want to hear these amendments. They are important and I think we ought to have order. I want to hear every word—every single word.

The PRESIDING OFFICER. The Senate will be in order, so that the Senator may proceed uninterrupted.

Mr. MATHIAS. I appreciate the intervention of the Senator from Rhode Island.

The words are the same words which were adopted by the Senate as to similar sections of the bill on the 17th of December last—the words "except as required by the Constitution."

Of course, the purpose now, as was the purpose then, and as was very eloquently discussed at that time by the Senator from Rhode Island, is to avoid any doubt or any ambiguity in the execution or application of this section of the law.

It is intended that the Constitution and the interpretations of the Constitution by the courts should apply; no more or no less is implied by adding the words "except as required by the Constitution."

As I say, this very language was accepted by the Senate in the vetoed bill which was passed on December 17, 1969. The provision was supported by the administration then, and it is supported by the administration now. I have a letter dated February 20, 1970, addressed to the Senator from Washington (Mr. MAGNUSON), from the Secretary of Health, Education, and Welfare.

In dealing with this matter, the Secretary says, and I read accurately from his letter:

> As you know, sections 408 and 409 are identical with the provisions contained in H.R. 13111 as originally passed by the House. I would recommend that the Senate follow exactly the same course of action it followed in dealing with these provisions of H.R. 13111.

That is all we are asking—that we again insert the same words which were inserted in December.

The Secretary has said nothing further except to spell out that position on the part of the administration; but in a communication which he sent to all Members of the Senate in December, he did make a further point of this, which the Senator from Rhode Island read into the RECORD at that time, and to which I would like to refer at this point. This occurred on December 17, and appears in the CONGRESSIONAL RECORD, volume 115, part 29, page 39529. The Secretary's letter reads as follows:

Sections 408 and 409 would seriously restrict the flexibility of HEW and local school districts in working out appropriate solutions. Recalcitrant school districts would be encouraged to harden their positions, and districts which have complied with the law would be tempted to go back on their commitments. This could seriously jeopardize the substantial progress made in school desegregation.

Accordingly, the Administration urges the Senate Appropriations Committee to delete the amendments.

In the event the Committee chooses not to do so, the Administration stresses the urgency of revising them so that their effect is consistent with the requirements of existing law.

That is the point. The Whitten amendments are in the bill. But the administration request is that they be revised consistent with the requirements of existing law. And the supreme existing law is, of course, the Constitution. So I ask that we add to the language of the bill, at the beginning of section 408 and again at the beginning of section 409, "except as required by the Constitution."

Mr. President, I think this is a necessary amendment. I think the fact that there was a previous debate less than 2 months ago covering the same ground should make our job today easier and enable us to conclude this debate sooner. As was pointed out in the previous debate, we can have serious difference in the administration of the law by one executive department and by another executive department without language of this sort, which hews to the polestar of the Constitution at all times. That is in essence what we are intending to do.

It was said in previous debate—of course, the situation still exists—that, under the direction of the President, the Department of Justice might follow one set of rules or one pattern, and without these words the Department of Health, Education, and Welfare would be constrained to do otherwise. This could create a chaotic condition, one in which I think we would be in very serious trouble. The whole problem of school desegregation is already complex enough and complicated enough. If we add to that any ambiguity in the application of the law, it will become the most hopeless snarl with which we have ever been faced. I think this is one way in which we can add a guiding light and provide for those who have to administer the law some particular help in dealing with it.

I was very much interested, in reviewing the previous debate, to see some of the objections that had been raised to these words when they were proposed by the distinguished Senator from Pennsylvania, the minority leader, in December. Some of those who objected were objecting, I think, to the whole concept, were objecting to any change whatever in the Whitten amendments; but others, who advanced more specific objections, dealt rather particularly with the fact that the Constitution, which was to be applied as required by the language of the amendment, might not be a uniform Constitution all over the country.

It is interesting that in the 2 months that have passed between that time and this, this very question of uniformity has been considered by the Senate and has been resolved by the Senate, and I do not believe that that objection can be raised to the amendment at this time.

There was a further question with respect to this kind of language added to a statutory enactment, that all statutes had a presumption of constitutionality and that simply to require that the Constitution should be the guideline against which they are to be measured would add nothing or, if left out, would subtract nothing. I think that my good friend, the Senator from Colorado, advanced that argument during the debate.

But I think that the plea made by the Secretary of HEW on behalf of the administration and the very able arguments that were made indicating that this would give HEW some additional help in determining exactly what its duty was, all militate toward the conclusion that these words are indeed a necessary addition to the bill.

Therefore, I am asking that the Senate should once again do as it did in December, by a substantial margin—adopt this particular language.

Inevitably, in the course of this discussion, the question will arise, as I have just suggested: What is the impact of the Stennis amendment on this whole area? I do not think that the action of the Senate in adopting the Stennis amendment will necessarily be in conflict with this particular section.

The Stennis amendment did not primarily deal with the question of uniformity. The Stennis amendment dealt with uniformity of the law all over the country. That is not the thrust of this amendment. This amendment deals with constitutionality, which I believe is a necessary addition, perhaps even more necessary because of the adoption of the Stennis amendment.

The court cases which deal with the subject, of course, are voluminous. I do not believe it is necessary for us to go deeply into each and every one of them, but I would say that the law which we seek to embody by this amendment into this particular enactment is certainly not novel. The words are simple, "except as required by the Constitution."

That harks back to one of the oldest of our judicial landmarks, the case of Marberry against Madison. We set up the Constitution and the interpretation of the Constitution as the benchmark. I cannot say, in all honesty, how any Member of the Senate can be seriously in opposition to that proposition.

Mr. PASTORE. Mr. President, will the Senator from Maryland yield?

The PRESIDING OFFICER (Mr. HANSEN in the chair). Does the Senator from Maryland yield to the Senator from Rhode Island?

Mr. MATHIAS. I yield.

Mr. PASTORE. Is the purpose of the Senator's amendment to assist the courts in the implementation of the Brown against Board of Education case of 1954?

Mr. MATHIAS. Yes. Very simply, yes. I think that it will assist it.

Mr. ERVIN. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I yield.

Mr. ERVIN. Is there a single syllable in Brown against Board of Education, Topeka, that makes any reference to the busing of children?

Mr. MATHIAS. No.

Mr. ERVIN. Is there any decision of the Supreme Court of the United States which requires the busing of children?

Mr. MATHIAS. I cannot recall any ruling which requires the busing of children.

Mr. ERVIN. Does not the Senator from Maryland think that Members of the Senate who have taken an oath to support the Constitution of the United States should have some idea of what the Constitution means?

Mr. MATHIAS. I certainly would agree with the distinguished Senator from North Carolina that we should think, by the time we reach the U.S. Senate, we would have a good idea of what the Constitution says and what the Constitution means. Without that, how could we possibly sustain our obligation to the oath we took? I agree with the Senator absolutely.

Mr. ERVIN. Well, why should we split over an act of Congress except as required by the Constitution unless we had some convictions as to what the Constitution requires with reference to the busing of children?

Mr. MATHIAS. To answer that question, we would have to look at the letter of the sections.

Mr. ERVIN. Does not the Senator from Maryland agree with the Senator from North Carolina that there is no compulsion upon the Senate to make appropriations for everything the Constitution of the United States may authorize?

Mr. MATHIAS. Would the Senator kindly repeat his question?

Mr. ERVIN. Does not the Senator from Maryland agree with the Senator from North Carolina that there is no obligation on the part of the Congress of the United States to appropriate money for everything the Constitution may authorize?

Mr. MATHIAS. I agree absolutely with that proposition. I am proud of the fact that some of the best votes I cast have been votes against appropriations of various sorts.

Mr. ERVIN. So this comes down to the question of a Senator's wanting to vote for an amendment of the Senator from Maryland if he thinks that children should be bused, otherwise he should vote against it, because there is no obligation on us to appropriate money for all purposes which may be valid under the Constitution.

Mr. MATHIAS. That is a point where the distinguished Senator from North Carolina and I part company.

Mr. ERVIN. Does the Senator from Maryland believe that school districts should be compelled to deny children the right to attend the neighborhood school or require that they be bused hither and yon?

Mr. MATHIAS. Well now, the distin-

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guished Senator is limiting his approach to the single question of busing. Of course, the sections are far more broader than that. The sections would go to assignment to schools, with or without busing, and there might be included in this whether it is voluntary or involuntary, raising also the question of freedom of choice plans and all the rest.

Mr. ERVIN. If the Senator believes that, HEW then should have the right to require the States to abolish their schools, should it not?

Mr. MATHIAS. I think HEW not only has the authority but should have the authority to obey the dictates of the Constitution as set forth by the Supreme Court and by the various courts of the land. That is the only way we can get any uniformity in our social system.

Mr. ERVIN. Will the Senator call my attention to one single syllable in the Constitution which says that the Department of Health, Education, and Welfare has the constitutional power to order the closing of a school that belongs to a State, which has been constructed by State money, and which is operated by the State for the education of children.

Mr. MATHIAS. As the distinguished Senator well knows, the Constitution makes no reference to the Department of Health, Education, and Welfare. But I think that President Nixon made it clear what HEW is going to do as long as he is President. HEW is going to carry out the law of the land and the dictates of the Constitution as they are interpreted by the courts.

The Supreme Court has recently handed down a decision in the case of Beatrice Alexander against Holmes County Board of Education. The Court said—I am not going to quote the whole opinion——

Mr. ERVIN. May I ask the Senator what court decided that?

Mr. MATHIAS. The Supreme Court of the United States. The case of *Beatrice Alexander* v. *the Holmes County School Board of Education*, 632, October term, 1969.

I quote from the Court's per curiam opinion:

> Against this background the Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under the standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.

Shortly after that opinion was handed down by the Court, the President was asked in public what his reaction was to it. He said that it was the law of the land and was the law for the administration to enforce, and that it would be the guideline for the Department of Health, Education, and Welfare in the days to come.

Mr. ERVIN. Does not the Senator from Maryland know that when President Nixon was in Charlotte, N.C., during the last campaign and was soliciting the votes of the people of North Carolina, he said that he was opposed to busing schoolchildren or to making any change in the racial composition of the schools?

Mr. MATHIAS. I believe he made that statement on several occasions.

Mr. ERVIN. Yes. All that the Holmes case does is to require the desegregation of schools. A school must be desegregated and its doors open to the children of all races. The only meaning that can be given to the term "unitary school" is that it is open to children of all races.

Mr. MATHIAS. The impact of the Holmes case is to prevent further dilatory action under the guise of the "deliberate" part of the phrase "all deliberate speed."

Mr. ERVIN. Does not the Senator from Maryland agree with the Senator from North Carolina that all that the per curiam opinion holds is that schools must be segregated, and that a school to be desegregated within the purview of the Brown case and within the purview of the Civil Rights Act of 1964 is that children must be assigned to schools without regard to race; and that it does not apply to busing?

Mr. MATHIAS. Mr. President, I would agree with the Senator.

Mr. ERVIN. Mr. President, I am unable to see why anyone who does not favor the busing of little children, and thus denying the little children of their right to attend their neighborhood schools and requiring of them that they be transported out of their neighborhoods for the mere purpose of mixing children racially, would not be in favor of prohibiting the use of the funds with which to bus children. Does not the Senator from Maryland think that in a free society children should be assigned to schools, as far as possible, that their parents request?

Mr. MATHIAS. Mr. President, I certainly in the best of all worlds would be very happy and would like to see the children able to go to schools as close to their homes as physically and geographically possible, schools that they wanted to go to, schools that they did not have to be bused to.

The Senator well remembers—I think he and I can both remember—the days when a large percentage of schoolchildren in this country were not bused at all. They went to a one-room schoolhouse somewhere. All grades met together around a stove.

It was then determined that a better world of education could be acquired if we were to establish a consolidated school system. We gave up the concept that the one-room schools would be the end of all education, and decided that we would get the children to go to a central location and enjoy the facilities which a larger school could provide and would be available for them there.

I can recall from my experience as a member of the State legislature, the bitter resentment parents felt when their children were taken from the smaller school in their immediate neighborhood, and told to go to a consolidated school.

This had no racial overtones, although in those days the school system in Maryland was totally segregated.

Mr. ERVIN. Mr. President, all of that was done by the State or by some division operating the school system. In those days the Federal Government did not want to take action.

Mr. MATHIAS. Mr. President, the point I am making is that I agree with the Senator that no one likes busing by itself. No one is particularly entranced by busing as a mechanical device, though at times it becomes a necessity.

I agree with the Senator. I do not embrace it. I do not rejoice in the concept of busing for whatever purpose.

Mr. ERVIN. I wish I could agree with the Senator from Maryland that no one likes busing. I believe that would mean that we could get an agreement on the floor of the Senate that would prohibit the busing of schoolchildren.

It is passing strange to a man like myself who stands up against things that he opposes to hear Senators say that they favor busing prior to the countenance of busing by the order of the Supreme Court, although the Supreme Court has not made such an order.

Mr. MATHIAS. Mr. President, when I say that I do not like busing, I mean that. And when I say I do not know anyone who does, I mean that. But it does not mean that it has not proven to be one of those tools which has been useful in the whole educational field, for whatever purpose it may have been employed.

I think the Senator from North Carolina in directing his total attention to the busing section has perhaps overlooked the importance of some of the other sections.

Mr. ERVIN. Mr. President, if I may make one further observation, the Department of Health, Education, and Welfare is the branch of the executive department of this Government. The Secretary of Health, Education, and Welfare is an underling of President Nixon. And if President Nixon is really opposed to the busing of schoolchildren for the purpose of changing the racial composition of a school, President Nixon would order the Department of Health, Education, and Welfare to stop busing. And until he takes a forthright stand on that question and orders the Department of Health, Education, and Welfare not to do what he says he is opposed to, I am going to accept the words in the declaration he made on the subject.

Mr. MATHIAS. Mr. President, I respond to the distinguished Senator's very eloquent statement. I go back, at the risk of repetition, and read again from the letter that Secretary of Health, Education, and Welfare sent to various Members of the Senate, including the Senator from Rhode Island (Mr. PASTORE), which he read piecemeal into the debate on December 17.

It says:

> Sections 408 and 409 would seriously restrict the flexibility of the HEW and local school districts in working out appropriate solutions. Recalcitrant school districts would be encouraged to harden their positions and districts which have complied with the law would be tempted to go back on their commitments. This could seriously jeopardize the substantial progress made in school desegregation.
>
> Accordingly, the administration urges the

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> Senate Appropriations Committee to delete the amendments.

Then it continues:

> In the event the Committee chooses not to do so, the administration stresses the urgency of revising them so that their effect is consistent with the requirements of existing law.

I do not believe there is any way in which this particular job can be done, in which the request of the administration can be met, than by the addition of the words I have proposed.

The Senator from North Carolina has suggested, that the Constitution may not require some of the action which is contemplated by the Whitten amendment.

Of course, the Constitution, as it applies to the given factual situation may take on the complexity of the facts to which it is being applied. It is very difficult to make final hypothetical judgments; but I would think, as the Senator from North Carolina himself indicated, that the addition of these words should cause him no alarm or dismay.

The words of section 408, as I said to the distinguished Senator, deal with far more than the busing of students. They also deal with "the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent." In other words, one of the elements here is the cause of freedom of choice.

This, again, is an area in which the Supreme Court has spoken very recently. I refer to the case of Green against County School Board of New Kent County, in the October term of 1967. Mr. Justice Brennan delivered the opinion of the Court. In the course of his opinion he quoted from the very distinguished American jurist—very distinguished Marylander of whom we in Maryland are particularly proud—Judge Simon Sobeloff. Quoting from Judge Sobeloff's opinion in the earlier case of Bowman against School Board, Judge Sobeloff said:

> "Freedom of choice" is not a sacred talisman; it is only a means to a constitutionally required end—the abolition of the system of segregation and its effects. If means prove effective, it is acceptable, but if it fails to undo segregation, other means must be used to achieve this end. The school officials have the continuing duty to take whatever action may be necessary to create a "unitary, nonracial system."

I think this is the essence of what Secretary Finch asked us for help to accomplish: No single limited arbitrary act but to give him, as he said in his own words, the flexibility to administer the law in accordance with the Constitution and in accordance with the interpretations of the Constitution that have been given to us by the courts.

If one looks at the Green case and applies it to the question of freedom of choice plans, it would appear that a plan per se is constitutionally neutral. Whether or not a specific plan is constitutional or unconstitutional would depend entirely on the facts of a given situation.

As the Senator has suggested, this question of busing is a constitutionally neutral question. Title IV of the Civil Rights Act of 1964 reclared:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

Now, this amendment does not enlarge or restrict the power or the authority of HEW in carrying out the dictates of the law. It does not give them more than they had and it does not take away. It simply makes it crystal clear that what they do must be predicated on the organic law of the land, the Constitution and on nothing else. I think it would affirm the fundamental principles of constitutional interpretation which have been accepted by all Americans since they were handed down by Chief Justice John Marshall in 1803. I believe that it is a necessary amendment which has been requested by the administration. It will improve the application of this law to the difficult educational field in which we are working. I respectfully hope the Senate will and I ask the Senate to agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. STENNIS. Has the Senator concluded?

Mr. MATHIAS. Will the Senator bear with me for just a moment?

Mr. STENNIS. Very well.

Mr. MATHIAS. I had a further question to raise but I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. STENNIS. Mr. President, first I want to point out to the Senate that these provisions that are in the bill as sent over by the House were placed there by the House committee first and then were sustained by a vote on the floor of the House. A direct motion was made there to strike the provisions from the bill. They have come over to the Senate and they have been considered by the Committee on Appropriations where they were sustained by a divided vote, with either a two- or three-vote margin. At any rate, they were considered and sustained.

Furthermore, these amendments were passed by the House of Representatives last November or December first and came to the Senate. The first two of them were approved by the subcommittee after the most thorough discussion. They were approved by the subcommittee of the Committee on Appropriations and then they were approved by the full committee of the Committee on Appropriations and came to the floor.

After a very good debate, they were altered and modified by the Scott amendment. That was last December. They were written into the amendment, the very words that we have under discussion now, relating to the amendment offered by the Senator from Maryland.

Mr. President, I recite those facts to show that this is not just a piece of paper that we are dealing with here. It is something that has run the gantlet of the committees of both Houses twice. It ran the gantlet of a vote on the floor of the House—it was a standing vote, not a rollcall vote—twice. It was approved by a vote here in the Senate last December. I know there were 37 recorded votes in favor of the amendment as written now. That is all we could actually count, but I know there were three or four more who would have voted in favor if they had been present, which would have been a minimum of 40 votes. It is not a majority, but it is a respectable number of this entire membership.

There was a time when these amendments represented problems that went only to the Southern States, that went only to the integration and school programs and problems in the Southern States. But times have changed.

The question of busing children against the wishes of parents is a growing thing, and it has grown into other areas of the country. It is beginning to be understood now. I do not have any joy or jubilation of any kind that any school anywhere is in trouble. In Denver, Colo., for instance, they have been divided there. They are troubled over school busing. It has come up in Chicago, where the question is a live matter. I do not know to what extent it has been tested, but there are cases in various parts of the country now, some of them even in the State courts. This is a matter that is beginning to have a meaning.

I illustrate how the interest has grown. I do not mean to be making personal remarks about a letter I received, or about myself, either, but I have a very close friend, a surgeon, who is now retired, who was born and reared in Michigan. He lived in Mississippi years ago, before World War II, and came back and settled in Florida. He was my personal surgeon for a time, and I feel very close to him.

Mr. MANSFIELD. Mr. President, will the Senator yield when he gets through?

Mr. STENNIS. Yes. Let me give this illustration first. I am talking now about busing. I was talking about this very fine man. I just happened to get a letter from him yesterday morning. He referred to the problem and said:

> Our own schools have been in a state of frustration about interschool busing.

This is down in the great State of Florida, in one of the fine cities there:

> We have had to purchase 13 new buses that were required to carry out the court order that neither colored nor white citizens wanted.

As I say, that comes from the South, but he is a man of the highest intelligence and integrity. His children are not involved. He is a man of my age. His grandchildren do not live in that State. But he is honestly reflecting the sentiment of those parents there—a high degree of frustration.

Within 30 minutes after I received that letter, a gentleman from California came in. He was looking for some information about a prospect for a new airplane, or tank, or product of some kind for the military. He was a very intelligent man. He talked about this. Then he said:

> By the way, tell me something about the prospects of busing.

He lived in California. He said:

> My 12-year-old son came in yesterday or the day before and said, "Papa, I want to know more about this busing us away from our school."

The father tried to explain it to him. The boy said:

> Am I going to be carted away to a strange school with strange classmates?

The father said:

> Yes, son. I am sorry, but you are included in it.

The son said:

> Papa, can't you do something about it? Can't you do something about it?

There was that 12-year-old boy with that fine expression of faith in his father, a fine businessman. The boy was accustomed to seeing him accomplish things. There he was caught in the clutches. He did not like it. He did not want it. He did not feel that the boy deserved it.

I said:

> Well, you and your wife can do something about it, but you are the only ones.

I cite that illustration from first one side of the continent and then the other side of the continent. Just as one Senator, I had these two reports. This matter is converging on the Nation, and something must be done about it, and this is the forum to do it.

Do not let HEW get by you by telling you that they do not require busing. They do. I know they do. I have had experience with these school districts. I have personal knowledge of it. They do not require it in the North. Outside the South, they do not require it. But they make their demands in their plans, even in court cases, and they are such that they require busing of children away from their home schools. They say they do not require busing, but the exigencies of the plans require it. What are they going to do? Walk 12 miles? Sure, they do not require the school districts to bus the children—just let them walk.

You do not have to go any further to see how parents feel about this. They want it stopped, and they are looking to us to do something about it.

This amendment would not do anything about it so far as a local board is concerned. If they want it locally, they have the power to do whatever they want to; but this is merely a limitation on an appropriation bill, and certainly the Congress has jurisdiction of that. Only Congress has the power to appropriate money, and it can do so under such conditions as it sees fit.

So far as busing is concerned, these conditions have been approved merely to stay the hand of HEW, saying, "You shall not require it." It has a nationwide application, too. It puts that restriction on it. It is true that it will last but 4 months if these provisions stay in the law, because that is the life of the appropriation bill. At the same time, there is a principle involved here; and if it is approved one time by the Congress, even if it is but for 15 minutes, it is a realization that a wrong is being done and that something should be done about it; and Congress is the one that must do something about it.

I shall say something about the Holmes County case in a few minutes, but I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, would the distinguished Senator from Mississippi indicate to the Senate how long he intends to speak? I raise the question only because I have heard rumors to the effect that Senators have been told they could go home, though not by the leadership, and that there would be no votes tonight, but that there would be some talk. I would like to lay the cards on the table and see where we stand.

Mr. STENNIS. I may say to the majority leader that I conferred with him first about all this, and made a proposal that if we could—if he could—we get an agreement to vote Monday morning.

But that was all right; I did not say anything, Mr. President, to the effect there would be no votes. I just indicated to some Senators that I did not think we could agree to have a vote here tonight. There are three amendments pending here. My idea is that when we vote, we ought to proceed then to vote on the others, too.

So, I am not going to speak for any great length of time, but there are others here who want to speak, and I just do not feel that we can agree to vote tonight, to rush in on these matters. These amendments have stature that they have already gained.

I repeat that my idea was that if we could debate it some here tonight, and then have controlled time, we would not need a control until Monday morning on it.

Mr. MANSFIELD. Once again, the majority leader is being placed in a very embarrassing position.

Mr. STENNIS. I do not want to embarrass the Senator.

Mr. MANSFIELD. I know; and the Senator from Montana does not want to have this done to him twice in the same day; but we do have an order to come in at 10 o'clock tomorrow, which I did discuss with the distinguished Senator from Mississippi. I did express the hope that it might be possible to arrive at a time limitation, and that there was a possibility that that might be done.

I would point out that under the dictum of the Senate, the voting rights bill becomes the pending business on Monday next; and I would like to lay the cards out on the table so that every Senator, regardless of his feeling on any particular amendment or group of amendents, would know where he stands; and I would like to again raise the question which I have discussed with the Senator from Mississippi, would it be possible to get a 2-hour limitation on each amendment beginning tomorrow?

Mr. STENNIS. Well, it just sizes up this way, in my mind, on that: An hour to each side on each amendment, and I think we ought to add to that something to take care of development. An hour and a half, then, on the bill, to be transferred when desired?

Mr. MANSFIELD. Two hours on the bill?

Mr. STENNIS. Does the Senator mean 2 hours to the side?

Mr. MANSFIELD. Does the Senator from Mississippi want an hour and a half on a side, on the bill?

Mr. STENNIS. That is what I say. Two hours on each side will be all right; that is just to take care of the situation, and it worked mighty well when we had this controlled time the other day.

Mr. MANSFIELD. Yes. And after this, I do think when the leadership gets a unanimous-consent agreement on an amendment, as a matter of protection for the Senators concerned who agree to it in good faith, when additional time is needed, I think we will almost always have to have an hour or so on the bill as a protective device, so we would not be put in the position we were this afternoon, when the leadership was flouted and its pledge broken. Not by the Senator from Mississippi.

Mr. STENNIS. Well, yes; that is suitable to me. I think we can have an hour to the side of each amendment, and 2 hours, then, on the bill, to each side, with a transfer of the time on the bill to any amendment. We would have to have a provision there, should there be a substitute, that the same hour to the side would be allowed, or if there is an amendment to the amendment, 30 minutes to the side.

Mr. MANSFIELD. That is fair enough.

Mr. STENNIS. I would like for the majority leader, if he would—and I would yield for that purpose—to ask for a quorum call, so there would be a little pause to confer with the Members here.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Mississippi.

NOMINATION OF GEORGE HARROLD CARSWELL TO BE AN ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT

Mr. EASTLAND. Mr. President, as in executive session, on behalf of the Committee on the Judiciary, I ask unanimous consent to file the nomination of George H. Carswell, of Florida, to be an Associate Justice of the Supreme Court, and the committee report, together with minority and individual views, on the nomination.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, reserving the right to object, that nomination now goes on the calendar; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 15931) making appropriations for the Departments of Labor,

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and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

Mr. YARBOROUGH. Mr. President, this bill is a pale shadow of the resolve in the Congress a few months ago to renew a national priority for the needs of the American people. Just to keep pace with a 6-percent price inflation, we would need to appropriate $19.3 billion, and to accommodate the much higher cost increases in health and education, a 10-percent increase over last years funds would come to $20 billion.

So we have come down to a new emphasis of about $400 million worth on health, education, antipoverty, and Department of Labor activities.

Nonetheless, some of the increases above budget estimates we have retained are crucial.

One is the $25 million for bilingual education, which is $15 million above the compromise budget estimate. Unless we start providing some financial flesh for the skeleton of the Bilingual Education Act, the thousands of young people who could benefit from it will not, but will instead continue to leave elementary and secondary school in massive numbers.

I find it hard to think of these children as dropouts from school. I think a school system that teaches only in a language which large numbers of its pupils do not understand easily is shutting out those children. Meaningful funding for title VII will provide meaningful education for the first time for thousands of children of Spanish-speaking families.

In higher education, we have wisely maintained $33 million for construction of undergraduate facilities.

This is a category for which the Administration compromise offers nothing. Unless Congress insists on keeping this program going, it will be killed. I say that because the fiscal 1971 budget estimate is also before us, and it requests absolutely nothing—zero—for all higher education construction grants.

We see the pattern here for higher education comparable to that for hospital construction. The administration wants to phase out grants for both. It wants to put the burden back on State and local governments to raise money by borrowing to pay for hospital and college buildings.

Congress enacted the Higher Education Facilities Act in 1963 and extended it in 1966; $936 million is authorized for 1970 and 1971. The $33 million Congress added to the budget is just a drop in the bucket of what is needed. It is only a symbol of congressional determination to keep the program alive.

In the health field, the administration has accepted the increases Congress made for certain of the Institutes of Health; namely, heart, cancer, eye, child health and development, and dental research. But the bill carries important funds for health manpower which must be sustained, if the Nation is to break the most serious bottleneck in health care—trained personnel. It carries the same amount as did the vetoed bill, $10,250,000 more than the administration compromise.

A nation short 50,000 physicians has no business trying to comprise on health manpower and education, because it is no economy at all. It merely contributes to the rise in medical costs for both the Government and the American people.

In its present form, the bill makes modest increases in some of the most urgent areas of national need, and it holds the line on others. It is the minimum that the American Government must invest in the health and future well-being of its citizens. The Cotton amendment should be defeated.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JORDAN of Idaho in the chair). Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON SATURDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the convening of the Senate tomorrow, and after the prayer, there be a period for the transaction of routine morning business not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the pending Mathias amendment there be a limitation of 2 hours to a side, the time to be controlled by the distinguished Senator from Maryland (Mr. MATHIAS) and the distinguished Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that following the disposition of that amendment there be a limitation of 1 hour on the amendment covering section 409, the time to be divided equally between the proposer of the amendment and the majority leader or who may be designated by him.

The PRESIDIING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I understand that the distinguished Senator from Maryland (Mr. MATHIAS) will sponsor the second amendment, so the time will be in his control and in the control of the majority leader or who may be designated by him, and that the Senator from Mississippi will be in charge of the other half-hour.

I ask unanimous consent that on the amendment dealing with section 410 there be a limitation of 2 hours, the time to be divided equally—1 hour to a side—and to be under the control of the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT), and the distinguished Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the bill itself there be a limitation of 4 hours, the time to be divided equally between the manager of the bill (Mr. MAGNUSON) and the minority leader or whoever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. SPONG. Mr. President, reserving the right to object, may I ask the majority leader what would be the time limitation on any other amendment to be offered than the three already covered in the unanimous-consent agreements?

Mr. MANSFIELD. Has the Senator from Virginia an amendment in mind?

Mr. SPONG. There is a distinct probability that I shall offer an amendment.

Mr. MANSFIELD. If the Senator would agree—I merely toss this out for his approval or disapproval—I ask unanimous consent that on other amendments there be a limitation of 1 hour, the time to be divided equally between the sponsor of the amendment and the manager of the bill or whomever he may designate.

Mr. SPONG. I think that would be satisfactory.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I further ask unanimous consent that on amendments to amendments there be a limitation of 30 minutes, the time to be divided equally between the sponsor of such amendment and the manager of the bill or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The amendments, substitutes, and so forth.

Mr. HRUSKA. Mr. President, the Senator from Nebraska may offer an amendment on which he would like an hour on each side. It has to do with impacted school areas.

Mr. SPONG. I think we may be talking about the same amendment.

Mr. MANSFIELD. Mr. President, if it meets with the approval of those concerned, I will make that request on behalf of the amendment which may be offered by the distinguished Senator from Nebraska, which would be 2 hours, an hour to a side, the time to be controlled by the Senator from Nebraska and the manager of the bill or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, may I inquire of the distinguished majority leader, does the unanimous-consent request now apply to other amendments to the bill?

Mr. MANSFIELD. Yes. One hour.

Mr. GRIFFIN. And that has been agreed to?

Mr. MANSFIELD. That has been agreed to.

I think we have covered every angle. There will be no further votes today, but the time limitations will start at the conclusion of the morning business tomorrow, which will take not to exceed 15 minutes, after the delivery of the prayer. The Senate will convene at 10 o'clock tomorrow morning.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That, during the further consideration of the bill (H.R. 15931) to make

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appropriations for the Department of Labor, and Health, Education, and Welfare for the fiscal year ending June 30, 1970, debate on any amendment (except the pending amendment on which there will be 4 hours divided between the Senator from Maryland (Mr. Mathias) and the Senator from Mississippi (Mr. Stennis); the amendment to section 409 on which there will be 1 hour divided between the Senator from Maryland (Mr. Mathias) and the Senator from Mississippi (Mr. Stennis); the amendment to section 410 on which there will be 2 hours divided between the minority leader (Mr. Scott) or his designee and the Senator from Mississippi (Mr. Stennis); on amendments to amendments there will be a 30-minute limitation, to be divided between the sponsor of such amendment and the manager of the bill, or whomever he may designate; on the amendment relating to impacted school areas, there be 2 hours to be divided between the Senator from Nebraska (Mr. Hruska) and the manager of the bill or whomever he may designate, motion, or appeal, except a motion to lay on the table shall be limited to 1 hour, to be equally divided between the sponsor of the amendment and the manager of the bill or whomever he may designate.

Ordered further, That or. the question of the final passage of the said bill debate shall be limited to 4 hours, to be equally divided and controlled respectively by the manager of the bill (Mr. Magnuson) and the minority leader, or whomever he may designate: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. STENNIS. Mr. President, with all deference to the author of the amendment, the distinguished Senator from Maryland (Mr. Mathias), as a practical matter the words "except as required by the Constitution" will be interpreted to mean that this will apply only to the South, the interpretation will be that segregation is unconstitutional only in the South, or illegal only in the South.

That is the general trend of things today. That has been true for years. Representatives of the Department of Justice appearing in courts in the South use the term "unconstitutional segregation" all the time. That is their watchword. That is what they use in arguments to the court. That is what they use in their terminology when they talk to school officials. There is no doubt about that. They have their minds trained to think in the terms I have just described.

Instead of saying, "except as required by the Constitution," we might as well write in the words that there is one rule for the South and another rule beyond the South as to segregation after all. That will be the interpretation—it is already the interpretation by HEW—and this will just confirm it.

So, in that respect, then, the words have no meaning except to dilute and sectionalize the application of these proceedings. It will firm up and sustain the position of HEW.

These are not just high-sounding words or the kind of words one sees when he reads the newspapers. I know what I am talking about because I have been in contact with these officials. I have not attended the court trials but I know many people who have been there and they have heard these arguments.

So let us not fool ourselves. "Except as required by the Constitution" means "Everyone go on doing as you have been doing." I think that is the purpose of putting those words in here. There has been an effective shield and protection built into the Civil Rights Act that keeps these rules from being applied in the South. There have been interpretations by the courts on their failure to expand and hold segregation beyond the South as being illegal.

The Supreme Court has thereby affirmed, in a way, this position.

But I do not believe it is the law of the land. I do not believe that the people of this country think it is the law of the land. I do not believe that the people of this country want it to be the law of the land, that we have one rule for one area of the country and another rule for another area of the country, or that we have one rule for white and colored children that live in one area of the country and another rule for white and colored children who live in another part of the country. I just do not believe that the people want that.

I think that more and more this is understood on the floor by Senators as to what is happening, that more and more the system will crystallize in favor of having uniform application.

I repeat, as I have said many times before publicly, and to a national television audience, "You just apply the rule you want to yourself outside the South and we will live with it. We will live with anything that you will apply to yourself, but we do not want to be punished any longer. We do not want black and white children to be punished any longer."

We need this uniformity. If we adopt this amendment, we will be right back to the old formula.

There are many people, I find, outside the South, that are not happy about busing, either. They want to get it stopped. I think they are right about it. But fairness dictates that whatever is done about it should have uniform application.

Mr. President, I want to say something now about the case of Beatrice Alexander against the Holmes County Board of Education. I speak with all deference to the Supreme Court of the United States, but I believe one of the things that generated the large vote here last week, on the amendment about the policy on uniform application, was the way those cases were handled by the Court.

In the middle of a school term, when none of the districts in Holmes County, and there were 33, not one single one was at fault; they had not violated any order of the Court, they were in compliance with all the dictates of the Court orders, they had been allowed this additional time on the advice of the testimony of HEW and the position of the Attorney General of the United States; but, nevertheless, they were jerked up in the middle of the school term and demands were made by the Court that all the teachers be reshuffled, and that all the students be reshuffled, rezoned, reorientated, and shifted off to other schools and that some schools be closed. That is unbelievable.

Those were the items I mentioned here in the plans that had been gotten up hastily by HEW. But the HEW saw that it would not work, as there was not enough time; nevertheless, the Court over here said, "Put them into effect anyway."

There was one place I know of—it was later corrected—where 960 high school students were assigned to a building that would hold only 350. So the other 610, if it was a rainy day, or it was snowing, would have been left out out there in the cold, if the order had ever been carried out. As I say, it was corrected.

That showed the undue haste in the entire matter. They were notified that this change had to come about on January 1, notice having been given about November 10.

That, of course, destroyed the remainder of the school year until January 1. The frustration, the uncertainty, the sadness of little children being taken from their playmates and being shifted off to another part of the school district, teachers being transferred, with lifelong friendships being marred, with contracts to teach in a certain school not being worth the paper they were written on—all these things were happening. It killed that session of the school year, and when they made the physical change, that killed the rest, so far as the education of those children was concerned.

Mr. President, to HEW, education is not the object of schools in the areas that are being treated this way. It is their last object. Integration is their first object.

The school administrators are being told by representatives of the Department here, "Put them where you please so far as the school building is concerned, as long as you maintain the quotas, the percentages."

Now that is the very thing they said they did not want when they had the civil rights legislation. The relationships of percentages to colored and white students was not to be considered.

Now that will be denied, perhaps, but that is the test. That is what is called the quota system. It is expressed in various ways by zoning, and so forth. These cases are too severe for education to survive. That is what the case of Beatrice Alexander against Holmes County School Board cited.

After that precedent was set, they brought up all the cases from the South, from Georgia, Florida, Louisiana, and other States, and decided all of them in the same way—total and immediate integration.

The judges in the fifth circuit in New Orleans, on some of their panels, said, "Regardless, we are not going to order something contrary to our judgment." And they tried to give them a little more time. The Supreme Court reversed that and ordered total integration now.

That is what we are up against. The item here concerning busing is one of the key parts.

I do not have any full solution to this perplexing problem. But I know it is not being solved in the pattern of operations we now have.

On my responsibility to my fellow Senators, I say that in large areas, education for the children is being destroyed. There is not an atmosphere that is conducive to learning, to encouragement, to the inspiration of these youngsters that have good minds or those that have practical talent in terms of vocational fields or anything else.

One does not have to believe me on that statement. Look around here. I am not referring to the city schools here. My goodness alive. We all want better schools and more effectively taught schools and more and better teachers.

What we are getting is disillusionment, frustration, and defeatism. And when I say that, I mean all students.

I hope that we may have the attention tomorrow, and I believe that we will, of the membership of the body that has decided we must move in here and take some positive action.

I speak with great deference to the courts. But I was never more satisfied of anything than that the judges, or any other professional group not trained in education, are not capable of operating our schools. And the quicker we realize that and the more of them realize it, the quicker we will get back on the track.

I yield the floor.

ORDER OF BUSINESS—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, would the Senator be averse to the leadership tomorrow calling up a noncontroversial treaty having to do with intellectual and industrial property conventions, which was reported unanimously by the Committee on Foreign Relations? I see the ranking member in the Chamber, the Senator from Alabama (Mr. SPARKMAN). It meets with full approval all around. Would the Senator from Mississippi be averse to having a vote on that at, say 10:20 a.m. tomorrow, which would be right after the morning hour?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, is this a vote on a bill?

Mr. MANSFIELD. A vote on the treaty, before the pending bill is laid before the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement later reduced to writing, is as follows:

Ordered, that at 10:20 a.m. on Saturday, February 28, 1970, the Senate proceed to vote on the resolution of ratification to the conventions on intellectual and industrial property (Ex. A, 91st Cong, 1st Sess.).

EXECUTIVE SESSION: CONVENTION ESTABLISHING THE WORLD INTELLECTUAL PROPERTY ORGANIZATION AND PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY, AS REVISED

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session for the purpose of considering Executive A, 91st Congress, first session, having to do with intellectual and industrial property conventions.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of Executive A, 91st Congress, first session, a convention establishing the World Intellectual Property Organization and Paris Convention for the Protection of Industrial Property, as revised, which was read the second time, as follows:

CONVENTION ESTABLISHING THE WORLD INTELLECTUAL PROPERTY ORGANIZATION, SIGNED AT STOCKHOLM ON JULY 14, 1967

The Contracting Parties,

Desiring to contribute to better understanding and cooperation among States for their mutual benefit on the basis of respect for their sovereignty and equality,

Desiring, in order to encourage creative activity, to promote the protection of intellectual property throughout the world,

Desiring to modernize and render more efficient the administration of the Unions established in the fields of the protection of industrial property and the protection of literary and artistic works, while fully respecting the independence of each of the Unions,

Agree as follows:

ARTICLE 1

ESTABLISHMENT OF THE ORGANIZATION

The World Intellectual Property Organization is hereby established.

ARTICLE 2

DEFINITIONS

For the purposes of this Convention:

(i) "Organization" shall mean the World Intellectual Property Organization (WIPO);

(ii) "International Bureau" shall mean the International Bureau of Intellectual Property;

(iii) "Paris Convention" shall mean the Convention for the Protection of Industrial Property signed on March 20, 1883, including any of its revisions;

(iv) "Berne Convention" shall mean the Convention for the Protection of Literary and Artistic Works signed on September 9, 1886, including any of its revisions;

(v) "Paris Union" shall mean the International Union established by the Paris Convention;

(vi) "Berne Union" shall mean the International Union established by the Berne Convention;

(vii) "Unions" shall mean the Paris Union, the Special Unions and Agreements established in relation with that Union, the Berne Union, and any other international agreement designed to promote the protection of intellectual property whose administration is assumed by the Organization according to Article 4(iii);

(viii) "intellectual property" shall include the rights relating to:

—literary, artistic and scientific works,

—performances of performing artists, phonograms, and broadcasts.

—inventions in all fields of human endeavor,

—scientific discoveries,

—industrial designs,

—trademarks, service marks, and commercial names and designations,

—protection against unfair competition, and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.

ARTICLE 3

OBJECTIVES OF THE ORGANIZATION

The objectives of the Organization are:

(i) to promote the protection of intellectual property throughout the world through cooperation among States and, where appropriate, in collaboration with any other international organization,

(ii) to ensure administrative cooperation among the Unions.

ARTICLE 4

FUNCTIONS

In order to attain the objectives described in Article 3, the Organization, through its appropriate organs, and subject to the competence of each of the Unions:

(i) shall promote the development of measures designed to facilitate the efficient protection of intellectual property throughout the world and to harmonize national legislation in this field;

(ii) shall perform the administrative tasks of the Paris Union, the Special Unions established in relation with that Union, and the Berne Union;

(iii) may agree to assume, or participate in, the administration of any other international agreement designed to promote the protection of intellectual property;

(iv) shall encourage the conclusion of international agreements designed to promote the protection of intellectual property;

(v) shall offer its cooperation to States requesting legal-technical assistance in the field of intellectual property;

(vi) shall assemble and disseminate information concerning the protection of intellectual property, carry out and promote studies in this field, and publish the results of such studies;

(vii) shall maintain services facilitating the international protection of intellectual property and, where appropriate, provide for registration in this field and the publication of the data concerning the registrations;

(viii) shall take all other appropriate action.

ARTICLE 5

MEMBERSHIP

(1) Membership in the Organization shall be open to any State which is a member of any of the Unions as defined in Article 2(vii).

(2) Membership in the Organization shall be equally open to any State not a member of any of the Unions, provided that:

(i) it is a member of the United Nations, any of the Specialized Agencies brought into relationship with the United Nations, or the International Atomic Energy Agency or is a party to the Statute of the International Court of Justice, or

(ii) it is invited by the General Assembly to become a party to this Convention.

ARTICLE 6

GENERAL ASSEMBLY

(1)(*a*) There shall be a General Assembly consisting of the States party to this Convention which are members of any of the Unions.

(*b*) The Government of each State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(*c*) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) The General Assembly shall:

(i) appoint the Director General upon nomination by the Coordination Committee;

(ii) review and approve reports of the Director General concerning the Organization and give him all necessary instructions;

(iii) review and approve the reports and activities of the Coordination Committee and give instruction to such Committee;

(iv) adopt the triennial budget of expenses common to the Unions;

(v) approve the measures proposed by the Director General concerning the administration of the international agreements referred to in Article 4 (iii);

(vi) adopt the financial regulations of the Organization;

(vii) determine the working languages of the Secretariat, taking into consideration the practice of the United Nations;

(viii) invite States referred to under Article 5(2)(ii) to become party to this Convention;

(ix) determine which States not Members of the Organization and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(x) exercise such other functions as are appropriate under this Convention.

(3)(a) Each State, whether member of one or more Unions, shall have one vote in the General Assembly.

(b) One-half of the States members of the General Assembly shall constitute a quorum.

(*c*) Notwithstanding the provisions of subparagraph (*b*), if in any session, the number of States represented is less than one-half but equal to or more than one-third of the States members of the General Assembly, the General Assembly may make decisions concerning its own procedure, all such decisions shall take effect only if the following conditions are fulfilled. The International Bureau shall communicate the said decisions to the States members of the General Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of States having thus expressed their vote or abstention attains the number of States which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(*d*) Subject to the provisions of subparagraphs (*e*) and (*f*), the General Assembly shall make its decisions by a majority of two-thirds of the votes cast.

(*e*) The approval of measures concerning the administration of international agreements referred to in Article 4(iii) shall require a majority of three-fourths of the votes cast.

(*f*) The approval of an agreement with the United Nations under Articles 57 and 63 of the Charter of the United Nations shall require a majority of nine-tenths of the votes cast.

(*g*) For the appointment of Director General (paragraph (2)(i)), the approval of measures proposed by the Director General concerning the administration of international agreements (paragraph (2)(v)), and the transfer of headquarters (Article 10), the required majority must be attained not only in the General Assembly but also in the Assembly of the Paris Union and the Assembly of the Berne Union.

(*h*) Abstentions shall not be considered as votes.

(*i*) A delegate may represent, and vote in the name of, one State only.

(4)(*a*) The General Assembly shall meet once in every third calendar year in ordinary session, upon convocation by the Director General.

(*b*) The General Assembly shall meet in extraordinary session upon convocation by the Director General either at the request of the Coordination Committee or at the request of one-fourth of the States members of the General Assembly.

(*c*) Meetings shall be held at the headquarters of the Organization.

(5) States party to this Convention which are not members of any of the Unions shall be admitted to the meetings of the General Assembly as observers.

(6) The General Assembly shall adopt its own rules of procedure.

ARTICLE 7

CONFERENCE

(1) (a) There shall be a Conference consisting of the States party to this Convention whether or not they are members of any of the Unions.

(b) The Government of each State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) The Conference shall:

(i) discuss matters of general interest in the field of intellectual property and may adopt recommendations relating to such matters, having regard for the competence and autonomy of the Unions;

(ii) adopt the triennial budget of the Conference;

(iii) within the limits of the budget of the Conference, establish the triennial program of legal-technical assistance;

(iv) adopt amendments to this Convention as provided in Article 17;

(v) determine which States not Members of the Organization and which intergovernmental and international nongovernmental organizations shall be admitted to its meetings as observers;

(vi) exercise such other functions as are appropriate under this Convention.

(3) (a) Each Member State shall have one vote in the Conference.

(b) One-third of the Member States shall constitute a quorum.

(c) Subject to the provisions of Article 17, the Conference shall make its decisions by a majority of two-thirds of the votes cast.

(d) The amounts of the contributions of States party to this Convention not members of any of the Unions shall be fixed by a vote in which only the delegates of such States shall have the right to vote.

(e) Abstentions shall not be considered as votes.

(f) A delegate may represent, and vote in the name of, one State only.

(4) (a) The Conference shall meet in ordinary session, upon convocation by the Director General, during the same period and at the same place as the General Assembly.

(*b*) The Conference shall meet in extraordinary session, upon convocation by the Director General, at the request of the majority of the Member States.

(5) The Conference shall adopt its own rules of procedure.

ARTICLE 8

COORDINATION COMMITTEE

(1) (*a*) There shall be a Coordination Committee consisting of the States party to this Convention which are members of the Executive Committee of the Paris Union, or the Executive Committee of the Berne Union, or both. However, if either of these Executive Committees is composed of more than one-fourth of the number of the countries members of the Assembly which elected it, then such Executive Committee shall designate from among its members the States which will be members of the Coordination Committee, in such a way that their number shall not exceed the one-fourth referred to above, it being understood that the country on the territory of which the Organization has its headquarters shall not be included in the computation of the said one-fourth.

(*b*) The Government of each State member of the Coordination Committee shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(*c*) Whenever the Coordination Committee considers either matters of direct interest to the program or budget of the Conference and its agenda, or proposals for the amendment of this Convention which would affect the rights or obligations of States party to this Convention not members of any of the Unions, one-fourth of such States shall participate in the meetings of the Coordination Committee with the same rights as members of that Committee. The Conference shall, at each of its ordinary session, designate these States.

(*d*) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) If the other Unions administered by the Organization wish to be represented as such in the Coordination Committee, their representatives must be appointed from among the States members of the Coordination Committee.

(3) The Coordination Committee shall:

(i) give advice to the organs of the Unions, the General Assembly, the Conference, and the Director General, on all administrative, financial and other matters of common interest either to two or more of the Unions, or to one or more of the Unions and the Organization, and in particular on the budget of expenses common to the Unions;

(ii) prepare the draft agenda of the General Assembly;

(iii) prepare the draft agenda and the draft program and budget of the Conference;

(iv) on the basis of the triennial budget of expenses common to the Unions and the triennial budget of the Conference, as well as on the basis of the triennial program of legal-technical assistance, establish the corresponding annual budgets and programs;

(v) when the term of office of the Director General is about to expire, or when there is a vacancy in the post of the Director General, nominate a candidate for appointment to such position by the General Assembly; if the General Assembly does not appoint its nominee, the Coordination Committee shall nominate another candidate; this procedure shall be repeated until the latest nominee is appointed by the General Assembly;

(vi) if the post of the Director General becomes vacant between two sessions of the General Assembly, appoint an Acting Director General for the term preceding the assuming of office by the new Director General;

(vii) perform such other functions as are allocated to it under this Convention.

(4)(*a*) The Coordination Committee shall meet once every year in ordinary session, upon convocation by the Director General. It shall normally meet at the headquarters of the Organization.

(b) The Coordination Committee shall meet in extraordinary session, upon convocation by the Director General, either on his own initiative, or at the request of its Chairman or one-fourth of its members.

(5)(a) Each State, whether a member of one or both of the Executive Committees referred to in paragraph (1)(a), shall have one vote in the Coordination Committee.

(b) One-half of the members of the Coordination Committee shall constitute a quorum.

(c) A delegate may represent, and vote in the name of, one State only.

(6)(a) The Coordination Committee shall express its opinions and make its decisions by a simple majority of the votes cast. Abstentions shall not be considered as votes.

(b) Even if a simple majority is obtained, any member of the Coordination Committee may, immediately after the vote, request that the votes be the subject of a special recount in the following manner: two separate lists shall be prepared, one containing the names of the States members of the Executive Committee of the Paris Union and the other the names of the States members of the Executive Committee of the Berne Union; the vote of each State shall be inscribed opposite its name in each list in which it appears. Should this special recount indicate that a simple majority has not been obtained in each of those lists, the proposal shall not be considered as carried.

(7) Any State Member of the Organization which is not a member of the Coordination Committee may be represented at the meetings of the Committee by observers having the right to take part in the debates but without the right to vote.

(8) The Coordination Committee shall establish its own rules of procedure.

ARTICLE 9

INTERNATIONAL BUREAU

(1) The International Bureau shall be the Secretariat of the Organization.

(2) The International Bureau shall be directed by the Director General, assisted by two or more Deputy Directors General.

(3) The Director General shall be appointed for a fixed term, which shall be not less than six years. He shall be eligible for reappointment for fixed terms. The period of the initial appointment and possible subsequent appointments, as well as all other conditions of the appointment, shall be fixed by the General Assembly.

(4) (*a*) The Director General shall be the chief executive of the Organization.

(*b*) He shall represent the Organization.

(*c*) He shall report to, and conform to the instructions of, the General Assembly as to the internal and external affairs of the Organization.

(5) The Director General shall prepare the draft programs and budgets and periodical reports on activities. He shall transmit them to the Governments of the interested States and to the competent organs of the Unions and the Organization.

(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the General Assembly, the Conference, the Coordination Committee, and any other committee or working group. The Director General or a staff member designated by him shall be ex officio secretary of these bodies.

(7) The Director General shall appoint the staff necessary for the efficient performance of the tasks of the International Bureau. He shall appoint the Deputy Directors General after the approval by the Coordination Committee. The conditions of employment shall be fixed by the staff regulations to be approved by the Coordination Committee on the proposal of the Director General. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

(8) The nature of the responsibilities of the Director General and of the staff shall be exclusively international. In the discharge of their duties they shall not seek or receive instructions from any Government or from any authority external to the Organization. They shall refrain from any action which might prejudice their position as international officials. Each Member State undertakes to respect the exclusively international character of the responsibilities of the Director General and the staff, and not to seek to influence them in the discharge of their duties.

ARTICLE 10

HEADQUARTERS

(1) The headquarters of the Organization shall be at Geneva.

(2) Its transfer may be decided as provided for in Article 6(3) (*d*) and (*g*).

ARTICLE 11

FINANCES

(1) The Organization shall have two separate budgets: the budget of expenses common to the Unions, and the budget of the Conference.

(2) (*a*) The budget of expenses common to the Unions shall include provision for expenses of interest to several Unions.

(*b*) This budget shall be financed from the following sources:

(i) contributions of the Unions, provided that the amount of the contribution of each Union shall be fixed by the Assembly of that Union, having regard to the interest the Union has in the common expenses;

(ii) charges due for services performed by the International Bureau not in direct relation with any of the Unions or not received for services rendered by the International Bureau in the field of legal-technical assistance;

(iii) sale of, or royalties on, the publications of the International Bureau not directly concerning any of the Unions;

(iv) gifts, bequests, and subventions, given to the Organization, except those referred to in paragraph (3) (*b*) (iv);

(v) rents, interests, and other miscellaneous income, of the Organization.

(3) (*a*) The budget of the Conference shall include provision for the expenses of holding sessions of the Conference and for the cost of the legal-technical assistance program.

(b) This budget shall be financed from the following sources:

(i) contributions of States party to this Convention not members of any of the Unions;

(ii) any sums made available to this budget by the Unions, provided that the amount of the sum made available by each Union shall be fixed by the Assembly of that Union and that each Union shall be free to abstain from contributing to the said budget;

(iii) sums received for services rendered by the International Bureau in the field of legal-technical assistance;

(iv) gifts, bequests, and subventions, given to the Organization for the purposes referred to in subparagraph (a).

(4) (a) For the purpose of establishing its contribution towards the budget of the Conference, each State party to this Convention not member of any of the Unions shall belong to a class, and shall pay its annual contributions on the basis of a number of units fixed as follows:

Class A	10
Class B	3
Class C	1

(b) Each such State shall, concurrently with taking action as provided in Article 14(1), indicate the class to which it wishes to belong. Any such State may change class. If it chooses a lower class, the State must announce it to the Conference at one of its ordinary sessions. Any such change shall take effect at the beginning of the calendar year following the session.

(c) The annual contribution of each such State shall be an amount in the same proportion to the total sum to be contributed to the budget of the Conference by all such States as the number of its units is to the total of the units of all the said States.

(d) Contributions shall become due on the first of January of each year.

(e) If the budget is not adopted before the beginning of a new financial period, the budget shall be at the same level as the budget of the previous year, in accordance with the financial regulations.

(5) Any State party to this Convention not member of any of the Unions which is in arrears in the payment of its financial contributions under the present Article, and any State party to this Convention member of any of the Unions which is in arrears in the payment of its contributions to any of the Unions, shall have no vote in any of the bodies of the Organization of which it is a member, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any of these bodies may allow such a State to continue to exercise its vote in that body if, and as long as, it is satisfied that the delay in payment arises from exceptional and unavoidable circumstances.

(6) The amount of the fees and charges due for services rendered by the International Bureau in the field of legal-technical assistance shall be established, and shall be reported to the Coordination Committee, by the Director General.

(7) The Organization, with the approval of the Coordination Committee, may receive gifts, bequests, and subventions, directly from Governments, public or private institutions, associations or private persons.

(8) (*a*) The Organization shall have a working capital fund which shall be constituted by a single payment made by the Unions and by each State party to this Convention not member of any Union. If the fund becomes insufficient, it shall be increased.

(*b*) The amount of the single payment of each Union and its possible participation in any increase shall be decided by its Assembly.

(*c*) The amount of the single payment of each State party to this Convention not member of any Union and its part in any increase shall be a proportion of the contribution of that State for the year in which the fund is established or the increase decided. The proportion and the terms of payment shall be fixed by the Conference on the proposal of the Director General and after it has heard the advice of the Coordination Committee.

(9) (a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization. As long as it remains under the obligation to grant advances, such State shall have an ex officio seat on the Coordination Committee.

(b) The State referred to in subparagraph (*a*) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(10) The auditing of the accounts shall be effected by one or more Member States, or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the General Assembly.

ARTICLE 12

LEGAL CAPACITY; PRIVILEGES AND IMMUNITIES

(1) The Organization shall enjoy on the territory of each Member State, in conformity with the laws of that State, such legal capacity as may be necessary for the fulfillment of the Organization's objectives and for the exercise of its functions.

(2) The Organization shall conclude a headquarters agreement with the Swiss Confederation and with any other State in which the headquarters may subsequently be located.

(3) The Organization may conclude bilateral or multilateral agreements with the other Member States with a view to the enjoyment by the Organization, its officials, and representatives of all Member States, of such privileges and immunities as may be necessary for the fulfillment of its objectives and for the exercise of its functions.

(4) The Director General may negotiate and, after approval by the Coordination Committee, shall conclude and sign on behalf of the Organization the agreements referred to in paragraphs (2) and (3).

ARTICLE 13

RELATIONS WITH OTHER ORGANIZATIONS

(1) The Organization shall, where appropriate, establish working relations and cooperate with other intergovernmental or-

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ganizations. Any general agreement to such effect entered into with such organizations shall be concluded by the Director General after approval by the Coordination Committee.

(2) The Organization may, on matters within its competence, make suitable arrangements for consultation and cooperation with international non-governmental organizations and, with the consent of the Governments concerned, with national organizations, governmental or non-governmental. Such arrangements shall be made by the Director General after approval by the Coordination Committee.

ARTICLE 14

BECOMING PARTY TO THE CONVENTION

(1) States referred to in Article 5 may become party to this Convention and Member of the Organization by:

(i) signature without reservation as to ratification, or

(ii) signature subject to ratification followed by the deposit of an instrument of ratification, or

(iii) deposit of an instrument of accession.

(2) Notwithstanding any other provision of this Convention, a State party to the Paris Convention, the Berne Convention, or both Conventions, may become party to this Convention only if it concurrently ratifies or accedes to, or only after it has ratified or acceded to:

either the Stockholm Act of the Paris Convention in its entirety or with only the limitation set forth in Article 20(1)(b)(i) thereof, or the Stockholm Act of the Berne Convention in its entirety or with only the limitation set forth in Article 28(1)(b)(i) thereof.

(3) Instruments of ratification or accession shall be deposited with the Director General.

ARTICLE 15

ENTRY INTO FORCE OF THE CONVENTION

(1) This Convention shall enter into force three months after ten States members of the Paris Union and seven States members of the Berne Union have taken action as provided in Article 14(1), it being understood that, if a State is a member of both Unions it will be counted in both groups. On that date, this Convention shall enter into force also in respect of States which, not being members of either of the two Unions, have taken action as provided in Article 14(1) three months or more prior to that date.

(2) In respect to any other State, this Convention shall enter into force three months after the date on which such State takes action as provided in Article 14(1).

ARTICLE 16

RESERVATIONS

No reservations to this Convention are permitted.

ARTICLE 17

AMENDMENTS

(1) Proposals for the amendment of this Convention may be initiated by any Member State, by the Coordination Committee, or by the Director General. Such proposals shall be communicated by the Director General to the Member States at least six months in advance of their consideration by the Conference.

(2) Amendments shall be adopted by the Conference. Whenever amendments would affect the rights and obligations of States party to this Convention not members of any of the Unions, such States shall also vote. On all other amendments proposed, only States party to this Convention members of any Union shall vote. Amendments shall be adopted by a simple majority of the votes cast, provided that the Conference shall vote only on such proposals for amendments as have previously been adopted by the Assembly of the Paris Union and the Assembly of the Berne Union according to the rules applicable in each of them regarding the adoption of amendments to the administrative provisions of their respective Conventions.

(3) Any amendment shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the States Members of the Organization, entitled to vote on the proposal for amendment pursuant to paragraph (2), at the time the Conference adopted the amendment. Any amendments thus accepted shall bind all the States which are Members of the Organization at the time the amendment enters into force or which become Members at a subsequent date, provided that any amendment increasing the financial obligations of Member States shall bind only those States which have notified their acceptance of such amendment.

ARTICLE 18

DENUNCIATION

(1) Any Member State may denounce this Convention by notification addressed to the Director General.

(2) Denunciation shall take effect six months after the day on which the Director General has received the notification.

ARTICLE 19

NOTIFICATIONS

The Director General shall notify the Governments of all Member States of:

(i) the date of entry into force of the Convention,

(ii) signatures and deposits of instruments of ratification or accession,

(iii) acceptances of an amendment to this Convention, and the date upon which the amendment enters into force,

(iv) denunciations of this Convention.

ARTICLE 20

FINAL PROVISIONS

(1)(*a*) This Convention shall be signed in a single copy in English, French, Russian and Spanish, all texts being equally authentic, and shall be deposited with the Government of Sweden.

(*b*) This Convention shall remain open for signature at Stockholm until January 13, 1968.

(2) Official texts shall be established by the Director General, after consultation with the interested Governments, in German, Italian and Portuguese, and such other languages as the Conference may designate.

(3) The Director General shall transmit two duly certified copies of this Convention and of each amendment adopted by the Conference to the Governments of the States members of the Paris or Berne Unions, to the Government of any other State when it accedes to this Convention, and, on request, to the Government of any other State. The copies of the signed text of the Convention transmitted to the Governments shall be certified by the Government of Sweden.

(4) The Director General shall register this Convention with the Secretariat of the United Nations.

ARTICLE 21

TRANSITIONAL PROVISIONS

(1) Until the first Director General assumes office, references in this Convention to the International Bureau or to the Director General shall be deemed to be references to the United International Bureaux for the Protection of Industrial, Literary and Artistic Property (also called the United International Bureaux for the Protection of Intellectual property (BPRPI)), or its Director, respectfully.

(2)(*a*) States which are members of any of the Unions but which have not become party to this Convention may, for five years from the date of entry into force of this Convention, exercise, if they so desire, the same rights as if they had become party to this Convention. Any State desiring to exercise such rights shall give written notification to this effect to the Director General; this notification shall be effective on the date of its receipt. Such States shall be deemed to be members of the General Assembly and the Conference until the expiration of the said period.

(b) Upon expiration of this five-year period, such States shall have no right to vote in the General Assembly, the Conference, and the Coordination Committee.

(c) Upon becoming party to this Convention, such States shall regain such right to vote.

(3)(a) As long as there are States members of the Paris or Berne Unions which have not become party to this Convention, the International Bureau and the Director General shall also function as the United International Bureaux for the Protection of Industrial, Literary and Artistic Property, and its Director, respectively.

(b) The staff in the employment of the said Bureaux on the date of entry into force of this Convention shall, during the transitional period referred to in subparagraph (a), be considered as also employed by the International Bureau.

(4)(a) Once all the States members of the Paris Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of that Union shall devolve on the International Bureau of the Organization.

(b) Once all the States members of the Berne Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of that Union shall devolve on the International Bureau of the Organization.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Stockholm, on July 14, 1967.

For Afghanistan:
For South Africa:
(Subject to ratification)
T. SCHOEMAN
For Albania:
For Algeria:
(Sous réserve de ratification)
A. HACENE
For Saudi Arabia:
For Argentina:
For Australia:
For Austria:
(Sous réserve de ratification)
GOTTFRIED H. THALER
Dr. ROBERT DITTRICH
For Barbados:
For Belgium:
(Sous réserve de ratification)
BON F. COGELS
For Burma:
For Bolivia:
For Botswana:
For Brazil:
For Bulgaria:
V. CHIVAROV 11.I.1968 g.

(Translation) Subject to ratification. The People's Republic of Bulgaria is making a statement on the wording of Article 5 of the Convention expressed in note verbale sub. No. 31 of January 11 of the Bulgarian Embassy at Stockholm presented to the Ministry of Foreign Affairs of the Kingdom of Sweden.

For Burundi:
For Cambodia:
For Cameroon:
(Sous réserve de ratification)
D. EKANI
For Canada:
For Ceylon:
For Chile:

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For Cyprus:
For Colombia:
For the Congo (Brazzaville):
For the Congo (Democratic Republic of):
(Sous réserve de ratification)
G. Mulenda
For Coasta Rica:
For the Ivory Coast:
(Sous réserve de ratification)
Bill
For Cuba:
For Dahomey:
For Denmark:
(Sous réserve de ratification)
J. Paludan
For El Salvador:
For Ecuador:
(Sujeto a ratificación)
E. Sanchez
For Spain:
(Ad referendum)
J. F. Alcover
Electo J. Garcia Tejedor
For the United States of America:
(Subject to ratification)
Eugene M. Braderman
For Ethiopia:
For Finland:
(Subject to ratification)
Paul Gustafsson
For France:
(Sous réserve de ratification)
B. de Menthon
For Gabon:
(Sous réserve de ratification)
J. F. Oyoué
For Gambia:
For Ghana:
For Greece:
(Ad referendum)
J. A. Dracoulis
For Guatemala:
For Guinea:
For Guyana:
For Haiti:
For the Upper Volta:
For Honduras:
For Hungary:
(Subject to ratification)
Esztergályos 12/1/1968
For the Maldive Islands:
For India:
For Indonesia:
(Subject to ratification)
Ibrahim Jasin 12th January 1968
For Iraq:
For Iran:
(Sous réserve de ratification)
A. Daraï
For Ireland:
Valentin Iremonger 12 January 1968
For Iceland:
(Subject to ratification)
Arni Tryggvason
For Israel:
(Subject to ratification)
G. Gavrieli
Z. Sher
For Italy:
(Sous réserve de ratification)
Cippico
Giorgio Ranzi
For Jamaica:
For Japan:
(Subject to ratification)
M. Takahashi
C. Kawade
K. Adachi
For Jordan:
For Kenya:
(Subject to ratification)
M. K. Mwendwa
For Kuwait:
For Laos:
For Lesotho:
For Lebanon:
For Liberia:
For Liechtenstein:
(Subject to ratification)
Marianne Marxer
For Luxembourg:
(Sous réserve de ratification)
J. P. Hoffmann
For Madagascar:
(Sous réserve de ratification)
Ratovondriaka
For Malaysia:
For Malawi:
For Mali:
For Malta:
For Morocco:
(Sous réserve de ratification)
H'ssaine
For Mauritania:
For Mexico:
(Bajo reservo de ratificación)
E. Rojas y Benavides
For Monaco:
(Sous réserve de ratification)
J. M. Notari
For Mongolia:
For Nepal:
For Nicaragua:
For Niger:
(Sous réserve de ratification)
A. Wright
For Nigeria:
For Norway:
(Subject to ratification)
Jens Evensen
B. Stuevold Lassen
For New Zealand:
For Uganda:
For Pakistan:
For Panama:
For Paraguay:
For the Netherlands:
(Sous réserve de ratification)
Gerbrandy
W. G. Belinfante
For Peru:
(Ad Referendum)
J. Fernandez Dávila
For the Philippines:
(Subject to ratification)
Lauro Baja
For Poland:
M. Kajzer

(Translation) January 10, 1968. Subject to later ratification and with the statement made in the note of January 10, 1968 of the Embassy of the Polish People's Republic at Stockholm.

For Portugal:
(Sous réserve de ratification)
Adriano de Carvalho
José de Oliviera Ascensão
Ruy Alvaro Costa de Morais Serrão
For the United Arab Republic:
For the Central African Republic:
(Sous réserve de ratification)
L. P. Gamba
For the Republic of Korea:
For the Dominican Republic:
For the Federal Republic of Germany:
(Sous réserve de ratification)
Kurt Haertel
Eugen Ulmer
For the Byelorussian Soviet Socialist Republic:
Maltsev. November 16, 1967

(Translation) The Convention is subject to later ratification.

For the Ukrainian Soviet Socialist Republic:
Maltsev. November 16, 1967

(Translation) The Convention is subject to later ratification by the Presidium of the Supreme Council of the Ukrainian Soviet Socialist Republic.

For the United Republic of Tanzania:
For the Republic of Viet-Nam:
For Romania:
(Sous réserve de ratification)
C. Stanescu
L. Marinete
T. Preda
For the United Kingdom of Great Britain and Northern Ireland:
(Subject to ratification)
Gordon Grant
William Wallace
For Rwanda:
For San Marino:
For the Holy See:
(Sous réserve de ratification)
Gunnar Sterner
For Western Samoa:
For Senegal:
(Sous réserve de ratification)
A. Seck
For Sierra Leone:
For Singapore:
For Somalia:
For the Sudan:
For Sweden:
(Sous réserve de ratification)
Herman Kling
For Switzerland:
(Sous réserve de ratification)
Hans Morf
Joseph Voyame
For Syria:
For Chad:
For Czechoslovakia:
For Thailand:
For Togo:
For Trinidad and Tobago:
For Tunisia:
(Sous réserve de ratification)
M. Kedadi
For Turkey:
For the Union of Soviet Socialist Republics:
Maltsev. October 12, 1967

(Translation) The above Convention is subject to later ratification by the Union of Soviet Socialist Republics.

For Uruguay:
For Venezuela:
For Yugoslavia:
(Sous réserve de ratification)
A. Jelic
For Zambia:

PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY OF MARCH 20, 1883

As Revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967

ARTICLE 1

[Establishment of the Union; Scope of Industrial Property] [1]

(1) The countries to which this Convention applies constitute a Union for the protection of industrial property.

(2) The protection of industrial property has as its object patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin, and the repression of unfair competition.

(3) Industrial property shall be understood in the broadest sense and shall apply not only to industry and commerce proper, but likewise to agricultural and extractive industries and to all manufactured or natural products, for example, wines, grain, tobacco leaf, fruit, cattle, minerals, mineral waters, beer, flowers and flour.

(4) Patents shall include the various kinds of industrial patents recognized by the laws of the countries of the Union such as patents of importation, patents of improvements, patents and certificates of addition, etc.

ARTICLE 2

[National Treatment for Nationals of Countries of the Union]

(1) Nationals of any country of the Union shall, as regards the protection of industrial property, enjoy in all the other countries of the Union the advantages that their respective laws now grant, or may hereafter grant,

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[1] Articles have been given titles to facilitate their identification. There are no titles in the signed (French) text.

to nationals; all without prejudice to the rights specially provided for by this Convention. Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided that the conditions and formalities imposed upon nationals are complied with.

(2) However, no requirement as to domicile or establishment in the country where protection is claimed may be imposed upon nationals of countries of the Union for the enjoyment of any industrial property rights.

(3) The provisions of the laws of each of the countries of the Union relating to judicial and administrative procedure and to jurisdiction, and to the designation of an address for service or the appointment of an agent, which may be required by the laws on industrial property are expressly reserved.

Article 3

[Same Treatment for Certain Categories of Persons as for Nationals of Countries of the Union]

Nationals of countries outside the Union who are domiciled or who have real and effective industrial or commercial establishments in the territory of one of the countries of the Union shall be treated in the same manner as nationals of the countries of the Union.

Article 4

[A to I. Patents, Utility Models, Industrial Designs, Marks, Inventors' Certificates: Right of Priority.—G. Patents: Division of the Application]

A. (1) Any person who has duly filed an application for a patent, or for the registration of a utility model, or of an industrial design, or of a trademark, in one of the countries of the Union, or his successor in title, shall enjoy, for the purpose of filing in the other countries, a right of priority during the periods hereinafter fixed.

(2) Any filing that is equivalent to a regular national filing under the domestic legislation of any country of the Union or under bilateral or multilateral treaties concluded between countries of the Union shall be recognized as giving rise to the right of priority.

(3) By a regular national filing is meant any filing that is adequate to establish the date on which the application was filed in the country concerned, whatever may be the subsequent fate of the application.

B. Consequently, any subsequent filing in any of the other countries of the Union before the expiration of the periods referred to above shall not be invalidated by reason of any acts accomplished in the interval, in particular, another filing, the publication or exploitation of the invention, the putting on sale of copies of the design, or the use of the mark, and such acts cannot give rise to any third-party right or any right of personal possession. Rights acquired by third parties before the date of the first application that serves as the basis for the right of priority are reserved in accordance with the domestic legislation of each country of the Union.

C. (1) The periods of priority referred to above shall be twelve months for patents and utility models, and six months for industrial designs and trademarks.

(2) These periods shall start from the date of filing of the first application; the date of filing shall not be included in the period.

(3) If the last day of the period is an official holiday, or a day when the Office is not open for the filing of applications in the country where protection is claimed, the period shall be extended until the first following working day.

(4) A subsequent application concerning the same subject as a previous first application within the meaning of paragraph (2), above, filed in the same country of the Union, shall be considered as the first application, of which the filing date shall be the starting point of the period of priority, if, at the time of filing the subsequent application, the said previous application has been withdrawn, abandoned, or refused, without having been laid open to public inspection and without leaving any rights outstanding, and if it has not yet served as a basis for claiming a right of priority. The previous application may not thereafter serve as a basis for claiming a right of priority.

D. (1) Any person desiring to take advantage of the priority of a previous filing shall be required to make a declaration indicating the date of such filing and the country in which it was made. Each country shall determine the latest date on which such declaration must be made.

(2) These particulars shall be mentioned in the publications issued by the competent authority, and in particular in the patents and the specifications relating thereto.

(3) The countries of the Union may require any person making a declaration of priority to produce a copy of the application (description, drawings, etc.) previously filed. The copy, certified as correct by the authority which received such application, shall not require any authentication, and may in any case be filed, without fee, at any time within three months of the filing of the subsequent application. They may require it to be accompanied by a certificate from the same authority showing the date of filing, and by a translation.

(4) No other formalities may be required for the declaration of priority at the time of filing the application. Each country of the Union shall determine the consequences of failure to comply with the formalities prescribed by this Article, but such consequences shall in no case go beyond the loss of the right of priority.

(5) Subsequently, further proof may be required.

Any person who avails himself of the priority of a previous application shall be required to specify the number of that application; this number shall be published as provided for by paragraph (2), above.

E. (1) Where an industrial design is filed in a country by virtue of a right of priority based on the filing of a utility model, the period of priority shall be the same as that fixed for industrial designs.

(2) Furthermore, it is permissible to file a utility model in a country by virtue of a right of priority based on the filing of a patent application, and vice versa.

F. No country of the Union may refuse a priority or a patent application on the ground that the applicant claims multiple priorities, even if they originate in different countries, or on the ground that an application claiming one or more priorities contains one or more elements that were not included in the application or applications whose priority is claimed, provided that, in both cases, there is unity of invention within the meaning of the law of the country.

With respect to the elements not included in the application or applications whose priority is claimed, the filing of the subsequent application shall give rise to a right of priority under ordinary conditions.

G. (1) If the examination reveals that an application for a patent contains more than one invention, the applicant may divide the application into a certain number of divisional applications and preserve as the date of each the date of the initial application and the benefit of the right of priority, if any.

(2) The applicant may also, on his own initiative, divide a patent application and preserve as the date of each divisional application the date of the initial application and the benefit of the right of priority if any. Each country of the Union shall have the right to determine the conditions under which such division shall be authorized.

H. Priority may not be refused on the ground that certain elements of the invention for which priority is claimed do not appear among the claims formulated in the application in the country of origin, provided that the application documents as a whole specifically disclose such elements.

I. (1) Applications for inventors' certificates filed in a country in which applicants have the right to apply at their own option either for a patent or for an inventor's certificate shall give rise to the right of priority provided for by this Article, under the same conditions and with the same effects as applications for patents.

(2) In a country in which applicants have the right to apply at their own option either for a patent or for an inventor's certificate, an applicant for an inventor's certificate shall, in accordance with the provisions of this Article relating to patent applications, enjoy a right of priority based on an application for a patent, a utility model, or an inventor's certificate.

Article 4(a)

[Patents: Independence of Patents Obtained for the Same Invention in Different Countries]

(1) Patents applied for in the various countries of the Union by nationals of countries of the Union shall be independent of patents obtained for the same invention in other countries, whether members of the Union or not.

(2) The foregoing provision is to be understood in an unrestricted sense, in particular, in the sense that patents applied for during the period of priority are independent, both as regards the grounds for nullity and forfeiture, and as regards their normal duration.

(3) The provision shall apply to all patents existing at the time when it comes into effect.

(4) Similarly, it shall apply, in the case of the accession of new countries, to patents in existence on either side at the same time of accession.

(5) Patents obtained with the benefit of priority shall, in the various countries of the Union, have a duration equal to that which they would have, had they been applied for or granted without the benefit of priority.

Article 4(b)

[Patents: Mention of the Inventor in the Patient]

The inventor shall have the right to be mentioned as such in the patent.

Article 4(c)

[Patents: Patentability in Case of Restrictions of Sale by Law]

The grant of a patent shall not be refused and a patent shall not be invalidated on the ground that the sale of the patented product or of a product obtained by means of a patented process is subject to restrictions or limitations resulting from the domestic law.

Article 5

[A. Patents: Importation of Articles; Failure to Work or Insufficient Working; Compulsory Licenses.—B. Industrial Designs: Failure to Work; Importation of Articles.—C. Marks: Failure to Use; Different Forms; Use by Co-proprietors.—D. Patents, Utility Models, Marks, Industrial Designs: Making]

A. (1) Importation by the patentee into the country where the patent has been granted of articles manufactured in any of the countries of the Union shall not entail forfeiture of the patent.

(2) Each country of the Union shall have the right to take legislative measures providing for the grant of compulsory licenses to prevent the abuses which might result

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from the exercise of the exclusive rights conferred by the patent, for example, failure to work.

(3) Forfeiture of the patent shall not be provided for except in cases where the grant of compulsory licenses would not have been sufficient to prevent the said abuses. No proceedings for the forfeiture or revocation of a patent may be instituted before the expiration of two years from the grant of the first compulsory license.

(4) A compulsory license may not be applied for on the ground of failure to work or insufficient working before the expiration of a period of four years from the date of filing of the patent application or three years from the date of the grant of the patent, whichever period expires last; it shall be refused if the patentee justifies his inaction by legitimate reasons. Such a compulsory license shall be non-exclusive and shall not be transferable, even in the form of the grant of a sub-license, except with that part of the enterprise or goodwill which exploits such license.

(5) The foregoing provisions shall be applicable, mutatis mutandis, to utility models.

B. The protection of industrial designs shall not, under any circumstance, be subject to any forfeiture, either by reason of failure to work or by reason of the importation of articles corresponding to those which are protected.

C. (1) If, in any country, use of the registered mark is compulsory, the registration may be cancelled only after a reasonable period, and then only if the person concerned does not justify his inaction.

(2) Use of a trademark by the proprietor in a form differing in elements which do not alter the distinctive character of the mark in the form in which it was registered in one of the countries of the Union shall not entail invalidation of the registration and shall not diminish the protection granted to the mark.

(3) Concurrent use of the same mark on identical or similar goods by industrial or commercial establishments considered as co-proprietors of the mark according to the provisions of the domestic law of the country where protection is claimed shall not prevent registration or diminish in any way the protection granted to the said mark in any country of the Union, provided that such use does not result in misleading the public and is not contrary to the public interest.

D. No indication or mention of the patent, of the utility model, of the registration of the trademark, or of the deposit of the industrial design, shall be required upon the goods as a condition of recognition of the right to protection.

ARTICLE 5(a)

[All Industrial Property Rights: Period of Grace for the Payment of Fees for the Maintenance of Rights; Patents: Restoration]

(1) A period of grace of not less than six months shall be allowed for the payment of the fees prescribed for the maintenance of industrial property rights, subject, if the domestic legislation so provides, to the payment of a surcharge.

(2) The countries of the Union shall have the right to provide for the restoration of patents which have lapsed by reason of nonpayment of fees.

ARTICLE 5(b)

[Patents: Patented Devices Forming Part of Vessels, Aircraft, or Land Vehicles]

In any country of the Union the following shall not be considered as infringements of the rights of a patentee:

1. the use on board vessels of other countries of the Union of devices forming the subject of his patent in the body of the vessel in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the waters of the said country, provided that such devices are used there exclusively for the needs of the vessel;

2. the use of devices forming the subject of the patent in the construction or operation of aircraft or land vehicles of other countries of the Union, or of accessories of such aircraft or land vehicles, when those aircraft or land vehicles temporarily or accidentally enter the said country.

ARTICLE 5(c)

[Patents: Importation of Products Manufactured by a Process Patented in the Importing Country]

When a product is imported into a country of the Union where there exists a patent protecting a process of manufacture of the said product, the patentee shall have all the rights, with regard to the imported product, that are accorded to him by the legislation of the country of importation, on the basis of the process patent, with respect to products manufactured in that country.

ARTICLE 5(d)

[Industrial Designs]

Industrial designs shall be protected in all the countries of the Union.

ARTICLE 6

[Marks: Conditions of Registration; Independence of Protection of Same Mark in Different Countries]

(1) The conditions for the filing and registration of trademarks shall be determined in each country of the Union by its domestic legislation.

(2) However, an application for the registration of a mark filed by a national of a country of the Union in any country of the Union may not be refused, nor may a registration be invalidated, on the ground that filing, registration, or renewal, has not been effected in the country of origin.

(3) A mark duly registered in a country of the Union shall be regarded as independent of marks registered in the other countries of the Union, including the country of origin.

ARTICLE 6(a)

[Marks: Well-Known Marks]

(1) The countries of the Union undertake, ex officio if their legislation so permits, or at the request of an interested party, to refuse or to cancel the registration, and to prohibit the use, of a trademark which constitutes a reproduction, an imitation, or a translation, liable to create confusion, of a mark considered by the competent authority of the country of registration or use to be well known in that country as being already the mark of a person entitled to the benefits of this Convention and used for identical or similar goods. These provisions shall also apply when the essential part of the mark constitutes a reproduction of any such well-known mark or an imitation liable to create confusion therewith.

(2) A period of at least five years from the date of registration shall be allowed for requesting the cancellation of such a mark. The countries of the Union may provide for a period within which the prohibition of use must be requested.

(3) No time limit shall be fixed for requesting the cancellation or the prohibition of the use of marks registered or used in bad faith.

ARTICLE 6(b)

[Marks: Prohibitions concerning State Emblems, Official Hallmarks, and Emblems of Intergovernmental Organizations]

(1) (*a*) The countries of the Union agree to refuse or to invalidate the registration, and to prohibit by appropriate measures the use, without authorization by the competent authorities, either as trademarks or as elements of trademarks, of armorial bearings, flags, and other State emblems, of the countries of the Union, official signs and hallmarks indicating control and warranty adopted by them, and any imitation from a heraldic point of view.

(*b*) The provisions of subparagraph (*a*), above, shall apply equally to armorial bearings, flags, other emblems, abbreviations, and names, of international intergovernmental organizations of which one or more countries of the Union are members, with the exception of armorial bearings, flags, other emblems, abbreviations, and names, that are already the subject of international agreements in force, intended to ensure their protection.

(*c*) No country of the Union shall be required to apply the provisions of subparagraph (*b*), above, to the prejudice of the owners of rights acquired in good faith before the entry into force, in that country; of this Convention. The countries of the Union shall not be required to apply the said provisions when the use of registration referred to in subparagraph (*a*), above, is not of such a nature as to suggest to the public that a connection exists between the organization concerned and the armorial bearings, flags, emblems, abbreviations, and names, or if such use or registration is probably not of such a nature as to mislead the public as to the existence of a connection between the user and the organization.

(2) Prohibition of the use of official signs and hallmarks indicating control and warranty shall apply solely in cases where the marks in which they are incorporated are intended to be used on goods of the same or a similar kind.

(3) (*a*) For the application of these provisions, the countries of the Union agree to communicate reciprocally, through the intermediary of the International Bureau, the list of State emblems, and official signs and hallmarks indicating control and warranty, which they desire, or may hereafter desire, to place wholly or within certain limits under the protection of this Article, and all subsequent modifications of such list. Each country of the Union shall in due course make available to the public the lists so communicated.

Nevertheless such communication is not obligatory in respect of flags of States.

(*b*) The provisions of subparagraph (*b*) of paragraph (1) of this Article shall apply only to such armorial bearings, flags, other emblems, abbreviations, and names, of international intergovernmental organizations as the latter have communicated to the countries of the Union through the intermediary of the International Bureau.

(4) Any country of the Union may, within a period of twelve months from the receipt of the notification, transmit its objections, if any, through the intermediary of the International Bureau, to the country or international intergovernmental organization concerned.

(5) In the case of State flags, the measures prescribed by paragraph (1), above, shall apply solely to marks registered after November 6, 1925.

(6) In the case of State emblems other than flags, and of official signs and hallmarks of the countries of the Union, and in the case of armorial bearings, flags, other emblems, abbreviations, and names, of international intergovernmental organizations, these provisions shall apply only to marks registered more than two months after receipt of the communication provided for in paragraph (3), above.

(7) in cases of bad faith, the countries shall have the right to cancel even those marks incorporating State emblems, signs, and hallmarks, which were registered before November 6, 1925.

(8) Nationals of any country who are authorized to make use of the State emblems, signs, and hallmarks, of their country may use them even if they are similar to those of another country.

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(9) The countries of the Union undertake to prohibit the unauthorized use in trade of the State armorial bearings of the other countries of the Union, when the use is of such a nature as to be misleading as to the origin of the goods.

(10) The above provisions shall not prevent the countries from exercising the right given in paragraph (3) of Article 6(d), Section B, to refuse or to invalidate the registration of marks incorporating, without authorization, armorial bearings, flags, other State emblems, or official signs and hallmarks adopted by a country of the Union, as well as the distinctive signs of international intergovernmental organizations referred to in paragraph (1), above.

ARTICLE 6(c)

[Marks: Assignment of Marks]

(1) When, in accordance with the law of a country of the Union, the assignment of a mark is valid only if it takes place at the same time as the transfer of the business or goodwill to which the mark belongs, it shall suffice for the recognition of such validity that the portion of the business or goodwill located in that country be transferred to the assignee, together with the exclusive right to manufacture in the said country, or to sell therein, the goods bearing the mark assigned.

(2) The foregoing provision does not impose upon the countries of the Union any obligation to regard as valid the assignment of any mark the use of which by the assignee would, in fact, be of such a nature as to mislead the public, particularly as regards the origin, nature, or essential qualities, of the goods to which the mark is applied.

ARTICLE 6(d)

[Marks: Protection of Marks Registered in One Country of the Union in the Other Countries of the Union]

A. (1) Every trademark duly registered in the country of origin shall be accepted for filing and protected as is in the other countries of the Union, subject to the reservations indicated in this Article. Such countries may, before proceeding to final registration, require the production of a certificate of registration in the country of origin, issued by the competent authority. No authentication shall be required for this certificate.

(2) Shall be considered the country of origin the country of the Union where the applicant has a real and effective industrial or commercial establishment, or, if he has no such establishment, within the Union, the country of the Union where he has his domicile, or, if he has no domicile within the Union but is a national of a country of the Union, the country of which he is a national.

B. Trademarks covered by this Article may be neither denied registration nor invalidated except in the following cases:

1. when they are of such a nature as to infringe rights acquired by third parties in the country where protection is claimed;

2. when they are devoid of any distinctive character, or consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, place of origin, of the goods, or the time of production, or have become customary in the current language or in the bona fide and established practices of the trade if the country where protection is claimed;

3. when they are contrary to morality or public order and, in particular, of such a nature as to deceive the public. It is understood that a mark may not be considered contrary to public order for the sole reason that it does not conform to a provison of the legislation on marks, except if such provision itself relates to public order.

This provision is subject, however, to the application of Article 10(a).

C. (1) In determining whether a mark is eligible for protection, all the factual circumstances must be taken into consideration, particularly the length of time the mark has been in use.

(2) No trademark shall be refused in the other countries of the Union for the sole reason that it differs from the mark protected in the country of origin only in respect of elements that do not alter its distinctive character and do not affect its identity in the form in which it has been registered in the said country of origin.

D. No person may benefit from the provisions of this Article if the mark for which he claims protection is not registered in the country of origin.

E. However, in no case shall the renewal of the registration of the mark in the country of origin involve an obligation to renew the registration in the other countries of the Union in which the mark has been registered.

F. The benefit of priority shall remain unaffected for applications for the registration of marks filed within the period fixed by Article 4, even if registration in the country of origin is effected after the expiration of such period.

ARTICLE 6(e)

[Marks: Service Marks]

The countries of the Union undertake to protect service marks. They shall not be required to provide for the registration of such marks.

ARTICLE 6(f)

[Marks: Registration in the Name of the Agent or Representative of the Proprietor Without the Latter's Authorization]

(1) If the agent or representative of the person who is the proprietor of a mark in one of the countries of the Union applies, without such proprietor's authorization, for the registration of the mark in his own name, in one or more countries of the Union, the proprietor shall be entitled to oppose the registration applied for or demand its cancellation or, if the law of the country so allows, the assignment in his favor of the said registration, unless such agent or representative justifies his action.

(2) The proprietor of the mark shall, subject to the provisions of paragraph (1), above, be entitled to oppose the use of his mark by his agent or representative if he has not authorized such use.

(3) Domestic legislation may provide an equitable time limit within which the proprietor of a mark must exercise the rights provided for in this Article.

ARTICLE 7

[Marks: Nature of the Goods to which the Mark is Applied]

The nature of the goods to which a trademark is to be applied shall in no case form an obstacle to the registration of the mark.

ARTICLE 7(a)

[Marks: Collective Marks]

(1) The countries of the Union undertake to accept for filing and to protect collective marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if such associations do not possess an industrial or commercial establishment.

(2) Each country shall be the judge of the particular conditions under which a collective mark shall be protected and may refuse protection if the mark is contrary to the public interest.

(3) Nevertheless, the protection of these marks shall not be refused to any association the existence of which is not contrary to the law of the country of origin, on the ground that such association is not established in the country where protection is sought or is not constituted according to the law of the latter country.

ARTICLE 8

[Trade Names]

A trade name shall be protected in all the countries of the Union without the obligation of filing or registration, whether or not it forms part of a trademark.

ARTICLE 9

[Marks, Trade Names: Seizure, on Importation, etc., of Goods Unlawfully Bearing a Mark or Trade Name]

(1) All goods unlawfully bearing a trademark or trade name shall be seized on importation into those countries of the Union where such mark or trade name is entitled to legal protection

(2) Seizure shall likewise be effected in the country where the unlawful affixation occurred or in the country into which the goods were imported.

(3) Seizure shall take place at the request of the public prosecutor, or any other competent authority, or any interested party, whether a natural person or a legal entity, in conformity with the domestic legislation of each country.

(4) The authorities shall not be bound to effect seizure of goods in transit.

(5) If the legislation of a country does not permit seizure on importation, seizure shall be replaced by prohibition of importation or by seizure inside the country.

(6) If the legislation of a country permits neither seizure on importation nor prohibition of importation nor seizure inside the country, then, until such time as the legislation is modified accordingly, these measures shall be replaced by the actions and remedies available in such cases to nationals under the law of such country.

ARTICLE 10

[False Indications: Seizur~, on Importation, etc., of Goods Bearing False Indications as to their Source or the Identity of the Producer]

(1) The provisions of the preceding Article shall apply in cases of direct or indirect use of a false indication of the source of the goods or the identity of the producer, manufacturer, or merchant.

(2) Any producer, manufacturer, or merchant, whether a natural person or a legal entity, engaged in the production or manufacture of or trade in such goods and established either in the locality falsely indicated as the source, or in the region where such locality is situated, or in the country falsely indicated, or in the country where the false indication of source is used, shall in any case be deemed an interested party.

ARTICLE 10(a)

[Unfair Competition]

(1) The countries of the Union are bound to assure to nationals of such countries effective protection against unfair competition.

(2) Any act of competition contrary to honest practices in industrial or commercial matters constitutes an act of unfair competition.

(3) The following in particular shall be prohibited:

1. all acts of such a nature as to create confusion by any means whatever with the establishment, the goods, or the industrial or commercial activities, of a competitor;

2. false allegations in the course of trade of such a nature as to discredit the establishment, the goods, or the industrial or commercial activities, of a competitor;

3. indications or allegations the use of which in the course of trade is liable to mislead the public as to the nature, the manufacturing process, the characteristics, the suitability for their purpose, or the quantity, of the goods.

ARTICLE 10(b)

[Marks, Trade Names, False Indications, Unfair Competition: Remedies, Right to Sue]

(1) The countries of the Union undertake to assure to nationals of the other countries

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of the Union appropriate legal remedies effectively to repress all the acts referred to in Articles 9, 10, and 10(a).

(2) They undertake, further, to provide measures to permit federations and associations representing interested industrialists, producers, or merchants, provided that the existence of such federations and associations is not contrary to the laws of their countries, to take action in the courts or before the administrative authorities, with a view to the repression of the acts referred to in Articles 9, 10, and 10(a), in so far as the law of the country in which protection is claimed allows such action by federations and associations of that country.

Article 11

[Inventions, Utility Models, Industrial Designs, Marks: Temporary Protection at Certain International Exhibitions]

(1) The countries of the Union shall, in conformity with their domestic legislation grant temporary protection to patentable inventions, utility models, industrial designs, and trademarks, in respect of goods exhibited at official or officially recognized international exhibitions held in the territory of any of them.

(2) Such temporary protection shall not extend the periords provided by Article 4. If, later, the right of priority is invoked, the authorities of any country may provide that the period shall start from the date of introduction of the goods into the exhibition.

(3) Each country may require, as proof of the identity of the article exhibited and of the date of its introduction, such documentary evidence as it considers necessary.

Article 12

[Special National Industrial Property Services]

(1) Each country of the Union undertakes to establish a special industrial property service and a central office for the communication to the public of patents, utility models, industrial designs, and trademarks.

(2) This service shall publish an official periodical journal. It shall publish regularly:

(a) the names of the proprietors of patents granted, with a brief designation of the inventions patented;

(b) the reproductions of registered trademarks.

Article 13

[Assembly of the Union]

(1) (a) The Union shall have an Assembly consisting of those countries of the Union which are bound by Articles 13 to 17.

(b) The Government of each country shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) (a) The Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Convention;

(ii) give directions concerning the preparation for conferences of revision to the International Bureau of Intellectual Property (hereinafter designated as "the International Bureau") referred to in the Convention establishing the World Intellectual Property Organization (hereinafter designated as "the Organization"), due account being taken of any comments made by those countries of the Union which are not bound by Articles 13 to 17;

(iii) review and approve the reports and activities of the Director General of the Organization concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;

(iv) elect the members of the Executive Committee of the Assembly;

(v) review and approve the reports and activities of its Executive Committee, and give instructions to such Committee;

(vi) determine the program and adopt the triennial budget of the Union, and approve its final accounts;

(vii) adopt the financial regulations of the Union;

(viii) establish such committees of experts and working groups as it deems appropriate to achieve the objectives of the Union;

(ix) determine which countries not members of the Union and which intergovernmental and international nongovernmental organizations shall be admitted to its meetings as observers;

(x) adopt amendments to Articles 13 to 17;

(xi) take any other appropriate action designed to further the objectives of the Union;

(xii) perform such other functions as are appropriate under this Convention;

(xiii) subject to its acceptance, exercise such rights as are given to it in the Convention establishing the Organization.

(*b*) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) (*a*) Subject to the provisions of subparagraph (*b*), a delegate may represent one country only.

(*b*) Countries of the Union grouped under the terms of a special agreement in a common office possessing for each of them the character of a special national service of industrial property as referred to in Article 12 may be jointly represented during discussions by one of their number.

(5) (*a*) Each country member of the Assembly shall have one vote.

(*b*) One-half of the countries members of the Assembly shall constitute a quorum.

(*c*) Notwithstanding the provisions of subparagraph (*b*), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(*d*) Subject to the provisions of Article 17(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(*e*) Abstentions shall not be considered as votes.

(5) (*a*) Subject to the provisions of subparagraph (*b*), a delegate may vote in the name of one country only.

(*b*) The countries of the Union referred to in paragraph (3) (*b*) shall, as a general rule, endeavor to send their own delegations to the sessions of the Assembly. If, however, for exceptional reasons, any such country cannot send its own delegation, it may give to the delegation of another such country the power to vote in its name, provided that each delegation may vote by proxy for one country only. Such power to vote shall be granted in a document signed by the Head of State or the competent Minister.

(6) Countries of the Union not members of the Assembly shall be admitted to the meetings of the latter as observers.

(7) (*a*) The Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(*b*) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of the Executive Committee or at the request of one-fourth of the countries members of the Assembly.

(8) The Assembly shall adopt its own rules of procedure.

Article 14

[Executive Committee]

(1) The Assembly shall have an Executive Committee.

(2) (*a*) The Executive Committee shall consist of countries elected by the Assembly from among countries members of the Assembly. Furthermore, the country on whose territory the Organization has its headquarters shall, subject to the provisions of Article 16(7) (*b*), have an ex officio seat on the Committee.

(*b*) The Government of each country member of the Executive Committee shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(*c*) The expenses of each delegation shall be borne by the Government which has appointed it.

(3) The number of countries members of the Executive Committee shall correspond to one-fourth of the number of countries members of the Assembly. In establishing the number of seats to be filled, remainders after division by four shall be disregarded.

(4) In electing the members of the Executive Committee, the Assembly shall have due regard to an equitable geographical distribution and to the need for countries party to the Special Agreements established in relation with the Union to be among the countries constituting the Executive Committee.

(5) (*a*) Each member of the Executive Committee shall serve from the close of the session of the Assembly which elected it to the close of the next ordinary session of the Assembly.

(*b*) Members of the Executive Committee may be re-elected, but only up to a maximum of two-thirds of such members.

(*c*) The Assembly shall establish the details of the rules governing the election and possible re-election of the members of the Executive Committee.

(6) (*a*) The Executive Committee shall:

(i) prepare the draft agenda of the Assembly:

(ii) submit proposals to the Assembly in respect of the draft program and triennial budget of the Union prepared by the Director General;

(iii) approve, within the limits of the program and the triennial budget, the specific yearly budgets and programs prepared by the Director General;

(iv) submit, with appropriate comments, to the Assembly the periodical reports of the Director General and the yearly audit reports on the accounts;

(v) take all necessary measures to ensure the execution of the program of the Union by the Director General, in accordance with the decisions of the Assembly and having regard to circumstances arising between two ordinary sessions of the Assembly;

(vi) perform such other functions as are allocated to it under this Convention.

(*b*) With respect to matters which are of interest also to other Unions administered by the Organization, the Executive Committee shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(7) (*a*) The Executive Committee shall meet once a year in ordinary session upon convocation by the Director General, preferably during the same period and at the same place as the Coordination Committee of the Organization.

(*b*) The Executive Committee shall meet in extraordinary session upon convocation by the Director General, either on his own initiative, or at the request of its Chairman or one-fourth of its members.

(8) (*a*) Each country member of the Executive Committee shall have one vote.

(*b*) One-half of the members of the Executive Committee shall constitute a quorum.

(*c*) Decisions shall be made by a simple majority of the votes cast.

(*d*) Abstentions shall not be considered as votes.

(*e*) A delegate may represent, and vote in the name of, one country only.

(9) Countries of the Union not members of the Executive Committee shall be admitted to its meetings as observers.

(10) The Executive Committee shall adopt its own rules of procedure.

ARTICLE 15

[International Bureau]

(1) (*a*) Administrative tasks concerning the Union shall be performed by the International Bureau, which is a continuation of the Bureau of the Union united with the Bureau of the Union established by the International Convention for the Protection of Literary and Artistic Works.

(*b*) In particular, the International Bureau shall provide the secretariat of the various organs of the Union.

(*c*) The Director General of the Organization shall be the chief executive of the Union and shall represent the Union.

(2) The International Bureau shall assemble and publish information concerning the protection of industrial property. Each country of the Union shall promptly communicate to the International Bureau all news laws and official texts concerning the protection of industrial property. Furthermore, it shall furnish the International Bureau with all the publications of its industrial property service of direct concern to the protection of industrial property which the International Bureau may find useful in its work.

(3) The International Bureau shall publish a monthly periodical.

(4) The International Bureau shall, on request, furnish any country of the Union with information on matters concerning the protection of industrial property.

(5) The International Bureau shall conduct studies, and shall provide services, designed to facilitate the protection of industrial property.

(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Executive Committee, and any other committee of experts or working group. The Director General, or a staff member designated by him, shall be ex officio secretary of these bodies.

(7) (*a*) The International Bureau shall, in accordance with the directions of the Assembly and in cooperation with the Executive Committee, make the preparations for the conferences of revision of the provisions of the Convention other than Articles 13 to 17.

(*b*) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for conferences of revision.

(*c*) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at these conferences.

(8) The International Bureau shall carry out any other tasks assigned to it.

ARTICLE 16

[Finances]

(1) (*a*) The Union shall have a budget.

(*b*) The budget of the Union shall include the income and expenses proper to the Union, its contribution to the budget of expenses common to the Unions, and, where applicable, the sum made available to the budget of the Conference of the Organization.

(*c*) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Union shall be financed from the following sources:

(i) contributions of the countries of the Union;

(ii) fees and charges due for services rendered by the International Bureau in relation to the Union;

(iii) sale of, or royalties on, the publications of the International Bureau concerning the Union;

(iv) gifts, bequests, and subventions;

(v) rents, interests, and other miscellaneous income.

(4) (*a*) For the purpose of establishing its contribution towards the budget, each country of the Union shall belong to a class, and shall pay its annual contributions on the basis of a number of units fixed as follows:

Class I	25
Class II	20
Class III	15
Class IV	10
Class V	5
Class VI	3
Class VII	1

(*b*) Unless it has already done so, each country shall indicate, concurrently with depositing its instrument of ratification or accession, the class to which it wishes to belong. Any country may change class. If it chooses a lower class, the country must announce such change to the Assembly at one of its ordinary sessions. Any such change shall take effect at the beginning of the calendar year following the said session.

(*c*) The annual contribution of each country shall be an amount in the same proportion to the total sum to be contributed to the budget of the Union by all countries as the number of its units is to the total of the units of all contributing countries.

(*d*) Contributions shall become due on the first of January of each year.

(*e*) A country which is in arrears in the payment of its contributions may not exercise its right to vote in any of the organs of the Union of which it is a member if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the Union may allow such a country to continue to exercise its right to vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(*f*) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) The amount of the fees and charges due for services rendered by the International Bureau in relation to the Union shall be established, and shall be reported to the Assembly and the Executive Committee, by the Director General.

(6) (*a*) The Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(*b*) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country for the year in which the fund is established or the decision to increase it is made.

(*c*) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(7) (*a*) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization. As long as it remains under the obligation to grant advances, such country shall have an ex officio seat on the Executive Committee.

(*b*) The country referred to in subparagraph (*a*) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

ARTICLE 17

[Amendment of Articles 13 to 17]

(1) Proposals for the amendment of Articles 13, 14, 15, 16, and the present Article, may be initiated by any country member of the Assembly, by the Executive Committee, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 13, and to the present paragraph, shall require four-fifths of the votes cast.

(3) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Assembly at the time it adopted the amendment. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date, provided that any amendment increasing the financial obligations of countries of the Union shall bind only those countries which have notified their acceptance of such amendment.

ARTICLE 18

[Revision of Articles 1 to 12 and 18 to 30]

(1) This Convention shall be submitted to revision with a view to the introduction of amendments designed to improve the system of the Union.

(2) For that purpose, conferences shall be held successively in one of the countries

of the Union among the delegates of the said countries.

(3) Amendments to Articles 13 and 17 are governed by the provisions of Article 17.

ARTICLE 19

[Special Agreements]

It is understood that the countries of the Union reserve the right to make separately between themselves special agreements for the protection of industrial property, in so far as these agreements do not contravene the provisions of this Convention.

ARTICLE 20

[Ratification or Accession by Countries of the Union; Entry Into Force]

(1)(*a*) Any country of the Union which has signed this Act may ratify it, and, if it has not signed it, may accede to it. Instruments of ratification and accession shall be deposited with the Director General.

(*b*) Any country of the Union may declare in its instrument of ratification or accession that its ratification or accession shall not apply:

(i) to Articles 1 to 12, or

(ii) to Articles 13 to 17.

(*c*) Any country of the Union which, in accordance with subparagraph (*b*) has excluded from the effects of its ratification or accession one of the two groups of Articles referred to in that subparagraph may at any later time declare that it extends the effects of its ratification or accession to that group of Articles. Such declaration shall be deposited with the Director General.

(2)(*a*) Articles 1 to 12 shall enter into force, with respect to the first ten countries of the Union which have deposited instruments of ratification or accession without making the declaration permitted under paragraph (1)(*b*)(i), three months after the deposit of the tenth such instrument of ratification or accession.

(*b*) Articles 13 to 17 shall enter into force, with respect to the first ten countries of the Union which have deposited instruments of ratification or accession without making the declaration permitted under paragraph (1)(*b*)(ii), three months after the deposit of the tenth such instrument of ratification or accession.

(*c*) Subject to the initial entry into force, pursuant to the provisions of subparagraphs (*a*) and (*b*), of each of the two groups of Articles referred to in paragraph (1)(*b*) (i) and (ii), and subject to the provisions of paragraph (1)(*b*), Articles 1 to 17 shall, with respect to any country of the Union, other than those referred to in subparagraphs (*a*) and (*b*), which deposits an instrument of ratification or accession or any country of the Union which deposits a declaration pursuant to paragraph (1)(*c*), enter into force three months after the date of notification by the Director General of such deposit, unless a subsequent date has been indicated in the instrument or declaration deposited. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

(3) With respect to any country of the Union which deposits an instrument of ratification or accession, Articles 18 to 30 shall enter into force on the earlier of the dates on which any of the groups of Articles referred to in paragraph (1)(*b*) enters into force with respect to that country pursuant to paragraph (2) (*a*), (*b*), or (*c*).

ARTICLE 21

[Accession by Countries Outside the Union; Entry Into Force]

(1) Any country outside the Union may accede to this Act and thereby become a member of the Union. Instruments of accession shall be deposited with the Director General.

(2)(*a*) With respect to any country outside the Union which deposits its instrument of accession one month or more before the date of entry into force of any provisions of the present Act, this Act shall enter into force, unless a subsequent date has been indicated in the instrument of accession, on the date upon which provisions first enter into force pursuant to Article 20(2) (*a*) or (*b*); provided that:

(i) if Articles 1 to 12 do not enter into force on that date, such country shall, during the interim period before the entry into force of such provisions, and in substitution therefor, be bound by Articles 1 to 12 of the Lisbon Act,

(ii) if Articles 13 to 17 do not enter into force on that date, such country shall, during the interim period before the entry into force of such provisions, and in substitution therefor, be bound by Articles 13 and 14(3), (4), and (5), of the Lisbon Act.

If a country indicates a subsequent date in its instrument of accession, this Act shall enter into force with respect to that country on the date thus indicated.

(*b*) With respect to any country outside the Union which deposits its instrument of accession on a date which is subsequent to, or precedes by less than one month, the entry into force of one group of Articles of the present Act, this Act shall, subject to the proviso of subparagraph (*a*), enter into force three months after the date on which its accession has been notified by the Director General, unless a subsequent date has been indicated in the instrument of accession. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

(3) With respect to any country outside the Union which deposits its instrument of accession after the date of entry into force of the present Act in its entirety, or less than one month before such date, this Act shall enter into force three months after the date on which its accession has been notified by the Director General, unless a subsequent date has been indicated in the instrument of accession. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

ARTICLE 22

[Consequences of Ratification or Accession]

Subject to the possibilities of exceptions provided for in Articles 20(1)(*b*) and 28(2), ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Act.

ARTICLE 23

[Accession to Earlier Acts]

After the entry into force of this Act in its entirety, a country may not accede to earlier Acts of this Convention.

ARTICLE 24

[Territories]

(1) Any country may declare in its instrument of ratification or accession, or may inform the Director General by written notification any time thereafter, that this Convention shall be applicable to all or part of those territories, designated in the declaration or notification, for the external relations of which it is responsible.

(2) Any country which has made such a declaration or given such a notification may, at any time, notify the Director General that this Convention shall cease to be applicable to all or part of such territories.

(3)(*a*) Any declaration made under paragraph (1) shall take effect on the same date as the ratification or accession in the instrument of which it was included, and any notification given under such paragraph shall take effect three months after its notification by the Director General.

(*b*) Any notification given under paragraph (2) shall take effect twelve months after its receipt by the Director General.

ARTICLE 25

[Implementation of the Convention on the Domestic Level]

(1) Any country party to this Convention undertakes to adopt, in accordance with its constitution, the measures necessary to ensure the application of this Convention.

(2) It is understood that, at the time a country deposits its instrument of ratification or accession, it will be in a position under its domestic law to give effect to the provisions of this Convention.

ARTICLE 26

[Denunciation]

(1) This Convention shall remain in force without limitation as to time.

(2) Any country may denounce this Act by notification addressed to the Director General. Such denunciation shall constitute also denunciation of all earlier Acts and shall affect only the country making it, the Convention remaining in full force and effect as regards the other countries of the Union.

(3) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(4) The right of denunciation provided by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a member of the Union.

ARTICLE 27

[Application of Earlier Acts]

(1) The present Act shall, as regards the relations between the countries to which it applies, and to the extent that it applies, replace the Convention of Paris of March 20, 1883, and the subsequent Act of revision.

(2)(*a*) As regards the countries to which the present Act does not apply, or does not apply in its entirety, but to which the Lisbon Act of October 31, 1958, applies, the latter shall remain in force in its entirety or to the extent that the present Act does not replace it by virtue of paragraph (1).

(*b*) Similarly, as regards the countries to which neither the present Act, nor portions thereof, nor the Lisbon Act applies, the London Act of June 2, 1934, shall remain in force in its entirety or to the extent that the present Act does not replace it by virtue of paragraph (1).

(*c*) Similarly, as regards the countries to which neither the present Act, nor portions thereof, nor the Lisbon Act, nor the London Act applies, the Hague Act of November 6, 1925, shall remain in force in its entirety or to the extent that the present Act does not replace it by virtue of paragraph (1).

(3) Countries outside the Union which become party to this Act shall apply it with respect to any country of the Union not party to this Act or which, although party to this Act, has made a declaration pursuant to Article 20(1)(*b*)(i). Such countries recognize that the said country of the Union may apply, in its relations with them, the provisions of the most recent Act to which it is party.

ARTICLE 28

[Disputes]

(1) Any dispute between two or more countries of the Union concerning the interpretation or application of this Convention, not settled by negotiation, may, by any one of the countries concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the countries concerned agree on some other method of settlement. The country bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other countries of the Union.

(2) Each country may, at the time it signs this Act or deposits its instrument of

ratification or accession, declare that it does not consider itself bound by the provisions of paragraph (1). With regard to any dispute between such country and any other country of the Union, the provisions of paragraph (1) shall not apply.

(3) Any country having made a declaration in accordance with the provisions of paragraph (2) may, at any time, withdraw its declaration by notification addressed to the Director General.

Article 29

[Signature, Languages, Depositary Functions]

(1) (*a*) This Act shall be signed in a single copy in the French language and shall be deposited with the Government of Sweden.

(*b*) Official texts shall be established by the Director General, after consultation with the interested Governments, in the English, German, Italian, Portuguese, Russian and Spanish languages, and such other languages as the Assembly may designate.

(*c*) In case of differences of opinion on the interpretation of the various texts, the French text shall prevail.

(2) This Act shall remain open for signature at Stockholm until January 13, 1968.

(3) The Director General shall transmit two copies, certified by the Government of Sweden, of the signed text of this Act to the Governments of all countries of the Union and, on request, to the Government of any other country.

(4) The Director General shall register this Act with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries of the Union of signatures, deposits of instruments of ratification or accession and any declarations included in such instruments or made pursuant to Article 20(1)(*c*), entry into force of any provisions of this Act, notifications of denunciation, and notifications pursuant to Article 24.

Article 30

[Transitional Provisions]

(1) Until the first Director General assumes office, references in this Act to the International Bureau of the Organization or to the Director General shall be deemed to be references to the Bureau of the Union or its Director, respectively.

(2) Countries of the Union not bound by Articles 13 to 17 may, until five years after the entry into force of the Convention establishing the Organization, exercise, if they so desire, the rights provided under Articles 13 to 17 of this Act as if they were bound by those Articles. Any country desiring to exercise such rights shall give written notification to that effect to the Director General; such notification shall be effective from the date of its receipt. Such countries shall be deemed to be members of the Assembly until the expiration of the said period.

(3) As long as all the countries of the Union have not become Members of the Organization, the International Bureau of the Organization shall also function as the Bureau of the Union, and the Director General as the Director of the said Bureau.

(4) Once all the countries of the Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of the Union shall devolve on the International Bureau of the Organization.

In witness whereof, the undersigned, being duly authorized thereto, have signed the present Act.

Done at Stockholm, on July 14, 1967.

For South Africa:
T. Schoeman
For Algeria:
Not bound by Article 28, paragraph (1).
A. Hacene
For Argentina:
For Australia:
For Austria:
Gottfried H. Thaler
For Belgium:
Bon F. Cogels
For Brazil:
For Bulgaria:
V. Chivarov

1/11/68 g. The People's Republic of Bulgaria is making a reservation concerning the provisions of Article 28, subparagraph 1, and a statement on the provisions of Article 24 of the Convention, expressed in the note verbale sub. No. 32 of January 11, 1968 of the Bulgarian Embassy at Stockholm presented to the Ministry of Foreign Affairs of the Kingdom of Sweden.

For Cameroon:
Ekani
For Canada:
For Ceylon:
For Cyprus:
For the Congo (Brazzaville):
For the Ivory Coast:
Bile
For Cuba:
A. M. González 12/1/68
For Dahomey:
For Denmark:
Julie Olsen
For Spain:
J. F. Alcover
Electo J. Garcia Tejedor
For the United States of America:
Eugene M. Braderman
For Finland:
Paul Gustafsson
For France:
B. de Menthon
For Gabon:
S. F. Oyoué
For Greece:
J. A. Dracoulis
For Haiti:
For the Upper Volta:
For Hungary:
Esztergályos
12/1/1968 subject to ratification
For Indonesia:
Ibrahim Jasin

12th January 1968. In signing this Convention the Government of the Republic of Indonesia, in conformity with Article 28(1) of the Convention, declares that it does not consider itself bound by the provisions set forth in Article 28(1) of the said Convention.

For Iran:
A. Daraï
For Ireland:
Valentin Iremonger 12 January 1968
For Iceland:
Arni Tryggvason
For Israel:
Z. Sher
G. Gavrieli
For Italy:
Cippico
Giorgio Ranzi
For Japan:
M. Takahashi
C. Kawade
For Kenya:
M. K. Mwendwa
For Laos:
For Lebanon:
For Liechtenstein:
Marianne Marxer
For Luxembourg:
J. P. Hoffmann
For Madagascar:
Ratovondriaka
For Malawi:
For Morocco:
H'ssaine
For Mauritania:
For Mexico:
For Monaco:
J. M. Notari
For Niger:
A. Wright
For Nigeria:
For Norway:
Subject to ratification
Jens Evensen
B. Stuevold Lassen
For New Zealand:
For Uganda:
For the Netherlands:
Gerbrandy
W. G. Belinfante
For the Philippines:
Lauro Baja
For Poland:
M. Kajzer

January 10, 1968, subject to later ratification and with the reservation and the declaration made in the note of January 10, 1968, of the Embassy of the Polish People's Republic of Stockholm.

For Portugal:
Adriano de Carvalho
Josã de Oliveira Ascensão
Ruy Alvaro Costa de Morais Serrão
For the United Arab Republic:
For the Central African Republic:
L. P. Gamba
For the Dominican Republic:
For the Federal Republic of Germany:
Kurt Haertel
For the Republic of Viet-Nam:
For Romania:
C. Stanescu
Marinete

With the reservation specified in paragraph 2 of Article 28

For the United Kingdom of Great Britain and Northern Ireland:
Gordon Grant
William Wallace
For San Marino:
For the Holy See:
Gunnar Sterner
For Senegal:
A. Seck
For Sweden:
Herman Kling
Ake v. Zweigbergk
For Switzerland:
Hans Morf
Joseph Voyame
For Syria:
For Tanzania:
For Chad:
For Czechoslovakia:
For Trinidad and Tobago:
For Tunisia:
M. Kedadi
For Turkey:
For the Union of Soviet Socialist Republics:
Maltsev

10/12/67 g. The Union of Soviet Socialist Republics does not consider itself bound by the provisions of paragraph 1, Article 28 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property, regarding the question of settlement of disputes concerning the interpretation and application of the Convention.

For Uruguay:
For Yugoslavia:
A. Jelic
For Zambia:

Mr. MANSFIELD. Mr. President, the Committee on Foreign Relations, to which was referred the convention establishing the World Intellectual Property Organization, signed at Stockholm on June 14, 1967, and the Paris Convention for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, having considered the same, reports favorably thereon without reservation and recommends that the Senate give its advice and consent to ratification thereof.

I ask unanimous consent that an excerpt from a background report on the pending treaty, the provisions of the convention, the implementing legislation required, and the committee action and recommendation all be printed at this point in the RECORD, so that the Senators interested may study it overnight.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND

Both of these conventions, which in nondiplomatic parlance refer to patents and copyrights, were signed for the United States at the conclusion of a conference which was held in Stockholm, Sweden, from June 12 through July 14, 1967 They were submitted to the Senate for advice and consent to ratification on March 12, 1969. Seventy-five countries participated in the Stockholm conference which is described by the Department of State as "the most important diplomatic conference in the industrial property and copyright fields to be held in almost two decades."

PROVISIONS OF CONVENTIONS

1. Industrial property convention

The administrative provisions of the Industrial Property Convention, which originally entered into force in 1884, were revised at Stockholm to bring the finances and structure of the convention and its Secretariat into line with the more modern principles of international organization. This would give countries party to the Convention the powers of policymaking and control which they would normally exercise in most international organizations.

A substantive amendment to the Industrial Property Convention which deals with inventors' certificates was adopted at the Stockholm conference. The new language is incorporated in the provisions of article 4I (1) and (2).

According to the Department of State, these provisions recognize inventors' certificates for the purpose of obtaining priority rights for patent applications in member countries. Unlike patents, such certificates, which originated in the Eastern European countries, do not give the inventor the exclusive right to use his invention. Pursuant to the new provisions of article 4, however, applications for inventors' certificates would be given the right of priority presently accorded to patent applications. By way of explanation, in the case of patents, if a regular first patent application is filed in one of the member countries, the applicant may (within 12 months)apply for protection in all of the other member countries and the later application will be regarded as if it had been filed on the day of the first application.

It is understood that the new provisions will not be interpreted to imply that an inventor's certificate is the legal equivalent of a patent for any other purpose than establishing a right of priority under the convention. Those countries having a system providing for the issuance of inventors' certificates are required to maintain a dual system of certificates and patents so that foreign nationals may apply, for either one. Any country which does not provide for both inventors' certificates and patents will not be eligible to receive the benefits of article 4.

IMPLEMENTING LEGISLATION REQUIRED

It should be noted that implementing legislation will be required to amend the U.S. Patent Law (35 U.S.C. 119) which does not recognize inventors' certificates as the basis for establishing a right of priority for patent applications in this country. In this connection, the Department of State assured the Committee that the U.S. instrument of ratification covering inventors' certificates will not be deposited until the necessary implementing legislation is enacted.

2. Intellectual Property Organization

The Stockholm conference created the World Intellectual Property Organization which will be responsible for the overall administrative activities of related organizations (including the Industrial Property Union) and the promotion of the protection of intellectual property on a worldwide basis.

The Organization will consist of three organs: (1) The General Assembly which will meet every 3 years to approve the budget and expenses and exercise the necessary supervision of organizations under its control; (2) the Coordinating Committee which will meet annually to give advice to the General Assembly and the Conference on administrative and financial matters; and (3) the Conference which will meet in ordinary session during the same period and at the same place as the General Assembly. It will serve as a forum for an exchange of views in the intellectual property field and be responsible for the development of legal and technical assistance programs for developing countries.

The report of the U.S. delegation to the Intellectual Property Conference states that this Government's support for the World Intellectual Property Organization "was based on the belief that it was desirable to have an international organization which was oriented toward intellectual property protection." The term "intellectual property" is used in its broadest sense to cover both industrial property and copyrights.

COMMITTEE ACTION AND RECOMMENDATION

The Committee on Foreign Relations held a public hearing on the Intellectual and Industrial Property Conventions on February 9, 1970. At that time, testimony in support of the conventions was received from Mr. Eugene M. Braderman, Deputy Assistant Secretary of State for Commercial Affairs and Business Activities. The transcript of that hearing is reprinted in the appendix to this report. In an executive session held on February 10, the committee ordered the conventions reported favorably to the Senate.

During his appearance before the committee, Mr. Braderman testified: "I know of no organization that has taken a position in opposition to either of these conventions." In addition, the Department of State's letter of submittal states that interested private organizations and Government agencies favor ratification of the conventions. As far as the committee is aware, there is no opposition to either of them and it recommends that the Senate give its advice and consent to ratification of both conventions.

The PRESIDING OFFICER. If there be no objection, the treaty will be considered as having passed through all its parliamentary stages up to and including the presentation of the resolution of ratification.

The resolution of ratification of Executive A will now be read.

The assistant legislative clerk read as follows:

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The Convention Establishing The World Intellectual Property Organization, signed at Stockholm on July 14, 1967, and The Paris Convention For The Protection of Industrial Property, as revised at Stockholm on July 14, 1967.

The PRESIDING OFFICER. Under the previous agreement, the Senate will vote on this treaty at 10:30 tomorrow morning.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ROUTINE MORNING BUSINESS

By unanimous consent, the following routine morning business was transacted.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, AND SO FORTH

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROCLAMATION ON ADJUSTMENT OF DUTIES ON CERTAIN SHEET GLASS

A communication from the President of the United States, transmitting, pursuant to law, a proclamation on adjustment of duties on certain sheet glass (with an accompanying paper); to the Committee on Finance.

ANNUAL REPORT ON RESERVE FORCES FOR FISCAL YEAR 1969

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, the annual report on reserve forces for fiscal year 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE SECRETARY OF COMMERCE

A letter from the Secretary of Commerce, transmitting, pursuant to law, the 57th annual report of the Secretary of Commerce for the fiscal year ended June 10, 1969 (with an accompanying report); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on a compilation of General Accounting Office findings and recommendations for improving Government operations for fiscal year 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED RESEARCH AND DEVELOPMENT CONTRACT WITH WEST VIRGINIA UNIVERSITY

A letter from the Director, Bureau of Mines, Department of the Interior, transmitting a proposed contract with West Virginia University, Morgantown, W. Va., for research and development to determine the feasibility of underground crushing of coal, including the selection of design of the most suitable crusher to be used in association with the pneumatic system for coal transport (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF THE ARCHITECT OF THE CAPITOL

A letter from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period July 1, 1969 through December 31, 1969 from moneys appropriated to the Architect of the Capitol, which was ordered to lie on the table and to be printed.

PROPOSED EMERGENCY PUBLIC INTEREST PROTECTION ACT OF 1970

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the legislature of the State of South Carolina; to the Committee on Finance:

CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO TAKE IMMEDIATE ACTION TO RESTRAIN AND CURB THE IMPORTATION OF FOREIGN TEXTILES

Whereas, excessive foreign textile imports at cheap prices threaten to sabotage not only the textile industry in this country but to also cripple all of the textile oriented industries and over burden an already acute unemployment level; and

Whereas, several administrations, including the present, have during their respective campaigns given vocal promise of relief to the beleaguered textile industry but beyond the breath of hope the realization remained an illusive phantom; and

Whereas, the present administration spoke of the problem in clear and unmistakable language declaring that immediate, direct and positive action would be instituted in behalf of the textile industry which was accompanied by a chorus of Hosannas by the local lieutenants, but this too seems apocryphal;

Whereas, it appears that the revered "equal protection" applies to the textile industry except in the matter of foreign imports; and

Whereas, the textile industry has reached a critical stage that requires immediate assistance and fulfillment of the campaign promises of this administration. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the Congress take immediate action to restrain and curb the importation of foreign textiles.

Be it further resolved that copies of this resolution be forwarded to the President, the Clerk of the Senate and the Clerk of the House of Representatives.

Attest:

INEZ WATSON,
Clerk of the House.

A resolution adopted by the convention of the Protestant Episcopal Church of the Diocese of Washington, Washington, D.C., praying for the enactment of legislation (S.J. Res. 14) designating January 15 of each year as "Martin Luther King Day"; to the Committee on the Judiciary.

A letter, in the nature of a petition, from Bruce H. Gaskins, of Philadelphia, Pa., praying for a redress of grievances; to the Committee on the Judiciary.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HARTKE:

S. 3519. A bill for the relief of Albina Strani; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 3520. A bill to increase the mileage allowance for rural carriers in the postal field service; to the Committee on Post Office and Civil Service.

(The remarks of Mr. YARBOROUGH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. ELLENDER:

S. 3521. A bill for the relief of Tae Sun Mun Dugan; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. PELL, and Mr. MOSS):

S. 3522. A bill to provide for the efficient disposal of motor vehicles, and for other purposes; by unanimous consent, to the Committee on Commerce and then referred to the Committee on Finance.

(The remarks of Mr. JAVITS when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. BURDICK:

S. 3523. A bill to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 3524. A bill to amend title II of the Social Security Act to provide a special rule for determining insured status, for purposes of entitlement to disability insurance benefits, of individuals whose disability is attributable directly or indirectly to meningioma or other brain tumor; to the Committee on Finance.

By Mr. TALMADGE:

S.J. Res. 177. A joint resolution authorizing the President to proclaim the week of May 24 through May 30 of 1970 as "Memorial Week"; to the Committee on the Judiciary.

(The remarks of Mr. TALMADGE when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3520—INTRODUCTION OF A BILL TO INCREASE MILEAGE ALLOWANCE FOR RURAL CARRIERS IN THE POSTAL FIELD SERVICE

Mr. YARBOROUGH. Mr. President, I am today introducing a bill to increase the mileage allowance paid to rural letter carriers.

There are 31,181 carriers in the United States, over 1,500 in my State of Texas. Each day, 6 days each week, they drive almost 2 million miles on the highways, roads, and streets of this Nation to provide service to almost 40 million of our citizens. This daily mileage is equivalent to 80 times around the world. Each day they take a traveling post office to the rural mailbox of almost 20 percent of our citizens. They deliver and collect all classes of mail, write and cash money orders, and accept and deliver registered mail, COD's, and insured parcels. In effect, they provide a complete postal service to the people of rural and suburban America.

Total costs of rural delivery for the last fiscal year were only $400 million out of a total postal cost exceeding $7 billion. This means that this tremendous service provided by the rural carriers to one-fifth of the Nation's postal customers costs less than 6 percent of the total postal budget.

Historically, the rural mail carriers are noted for rendering a high caliber of service, frequently going beyond the duty requirements prescribed for their positions. They represent one of the finest branches of our dedicated Federal employee group.

Soaring inflation, however, is striking a heavy blow to these employees. The price of the vehicles they must provide, and the cost of gasoline, tires, repairs, insurance, and taxes have advanced to the point that most rural carriers must now bear part of the costs to provide, maintain, and operate the required equipment.

In 1962—8 years ago—the basic equipment allowance for rural carriers was set at 12 cents per mile, or $4.20 per day, whichever was greater. In addition to these set allowances, the Postmaster General could authorize an additional allowance of up to $2.50 per day for carriers who serve heavily patronized routes.

Inflation has made these allowances unrealistic. Based on surveys made by the U.S. Bureau of Roads, the costs per mile for operating an automobile—based on 14,500 miles for the first year—have risen to 12.53 cents. It must be borne in mind that this is for normal type operation. The rural carrier vehicle is not within that "normal" type of operation; quite the contrary, the hundreds of starts and stops, idling time to service customers, and the necessity of traveling all types of roads in all types of weather clearly make it a very unusual type of operation. It costs considerably more per mile to operate a rural carrier vehicle than it does for the average type of commercial vehicle. There are other studies and statistics which clearly substantiate that the mileage allowance set in 1962 does not fit 1970 costs.

In order to help alleviate the extra financial burdens placed on these employees, I introduce, for appropriate reference, a bill to increase the basic equipment maintenance allowance for rural carriers from 12 cents per mile to 14 cents for each mile or major fraction of a mile scheduled, or $5.60 per day, whichever is greater.

This represents an increase which is fully justified by factual costs of operation. This bill deserves early consideration, and I trust it may be enacted by this Congress.

Mr. President, I ask unanimous consent that the bill I introduce be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3520) to increase the mileage allowance for rural carriers in the postal field service, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 3520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 3543(f) of Title 39, United States Code, amended to read as follows:

"In addition to the compensation provided in the Rural Carrier Schedule, each carrier shall be paid for equipment maintenance a sum equal to—

(1) 14 cents per mile for each mile or major fraction of a mile scheduled, or

(2) $5.60 per day, whichever is greater."

SENATE JOINT RESOLUTION 177—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING THE PRESIDENT TO PROCLAIM "MEMORIAL WEEK"

Mr. TALMADGE. Mr. President, Americans have honored their dead on May 30, for over a century and through many wars. On this Memorial Day, many will do so sadly, placing flowers and flags on thousands of fresh graves.

Because of the poignancy of the occasion and the vast number of our battle casualties, I am introducing a joint resolution to extend this period of mourning and proclaim the week of May 24 through 30, 1970 as Memorial Week.

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During this Memorial Week let us rededicate ourselves to the creed of the man who originated the observance of the 30th of May as Memorial Day.

"Every man's mind belongs to his country," said Gen. John A. Logan, commander in chief of the Grand Army of the Republic on May 30, 1868, "and no man," he added, "has a right to refuse it when his country calls for it."

It was General Logan who decreed on "Order No. 11" on May 5, 1868, that May 30 be set aside each year to honor our war dead, this proclamation would extend this period from 1 day to the entire week.

The day which started as a memorial to the fallen soldiers, on both sides, during the Civil War, has expanded to memorialize the dead of all wars. Its purpose, to remember all those who gave their lives so that this Republic might live.

Memorial Week, climaxed by Memorial Day, is a challenge to the Nation to pause and recall the sacrifices and bravery of her valiant servicemen. They should be memorialized and remembered, not only as a group but as individuals. The great war memorials are pages of the public history of our country, but each individual whose personal history is a line on these pages, is worthy of individual memory and memorialization.

Our life is based on high faith in the ability of the common man, let us recall with pride the uncommon sacrifices made by these common men.

The **PRESIDING OFFICER**. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 177) authorizing the President to proclaim the week of May 24 through May 30 of 1970 as "Memorial Week," was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 2005

Mr. **MUSKIE**. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. Moss) be added as a cosponsor of S. 2005, the Resource Recovery Act of 1969.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

S. 3229

Mr. **MUSKIE**. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Texas (Mr. YARBOROUGH) and the Senator from Utah (Mr. Moss) be added as a cosponsor of S. 3229, the Air Quality Improvement Act of 1969.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 89

Mr. **MUSKIE**. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. Moss) be added as a cosponsor of Senate Joint Resolution 89, in support of the International Biological Program.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENTS

AMENDMENT NO. 532

Mr. **MATHIAS** proposed amendments to the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, which were ordered to be printed.

(The remarks of Mr. MATHIAS when he proposed the amendments appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSOR OF AN AMENDMENT

NO. 514

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at the next printing of amendment No. 519 to H.R. 4249, a bill to extend the Voting Rights Act of 1965, the name of the Senator from Connecticut (Mr. DODD) be added as a cosponsor. His name was inadvertently omitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

MERLO PUSEY ON THE ROLE OF CONGRESS IN FOREIGN AND MILITARY POLICY

Mr. MATHIAS. Mr. President, Merlo Pusey's writings on the constitutional role of Congress in U.S. foreign and military policy, including his brilliant study "The Way We Go to War,"—Houghton-Mifflin 1969—have been a key influence in reminding the Senate of this crucial area of its responsibility.

Mr. Pusey's article in the Washington Post of February 24, 1970, continues on this theme and appeals to the administration to support congressional initiatives introduced by the distingushed majority leader and myself designed to restore Congress to its constitutional role in matters of war and peace. I commend his column to all Senators and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAN PARTNERSHIP BE BEGUN AT HOME?

(By Merlo J. Pusey)

In all of the 119 pages of the President's message on foreign policy he didn't get around to discussing the respective roles that the President and Congress ought to play in this area. One section of the report explains in detail how the National Security Council is used in the making of executive policy. But there was no recognition anywhere that Congress, and especially the Senate is an essential part of the policy-making apparatus.

Possibly the President assumed that such recognition was implicit in the fact that he made the report to Congress. His report will undoubtedly give Congress a better understanding of the general directions in which he wishes and intends to move. It will not, however, satisfy the growing insistence of the Senate that commitments abroad must have some form of legislative acquiescence.

The omission of any reference to a partnership with Congress in shaping our policies abroad is the more strange because of the emphasis on partnership with other nations in the attainment of our national objectives abroad. The message as a whole breathes the spirit of conciliation. The President wants the United States to get out of a "do-it-ourselves" posture in other parts of the world; he wants to encourage other countries to assume more leadership while the United States confines its operations to "a sharing of responsibility." Yet he makes no mention of sharing with Congress the responsibility of determining the course this country will take.

The President candidly acknowledged that events have shaped the policies he now proclaims. "We must change the pattern of American predominance, appropriate to the postwar era," he said, "to match the new circumstances of today." The same may well be said of the pattern of presidential monopoly in the shaping of foreign policy. While the world has been evolving, Capitol Hill has not been static. In the light of the commitments resolution passed by the Senate and the current movement for repeal of the Tonkin Gulf resolution, the need for partnership with Congress cannot be said to be less urgent that the need for partnership with the NATO countries, Latin America and Japan.

It cannot be assumed that the policy of the lower profile, however desirable it may be, will necessarily keep the United States free from international crises of the Vietnam type. Indeed, one section of the President's message raises grave questions as to whether he is extending the probability of military involvement. In his comments on Asia and the Pacific, he said:

"We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole."

Where did the President get authority to provide a nuclear shield for remote Asian nations? The present disposition of this country seems to demand a redefinition of existing treaties, or at least the manner in which some of them have been interpreted in the past. Vietnam has undercut the nation's willingness to let the President define our SEATO commitment and send vast numbers of American troops abroad to carry out his interpretation, with out specific authorization from Congress. Yet the President seems to be suggesting that, in appropriate circumstances determined by himself, he would use, or threaten to use, nuclear weapons to protect even areas not covered by mutual-defense treaties.

The President then went on to say:

"In cases involving other types of aggression we shall furnish military and economic assistance when requested and as appropriate."

But who shall decide when such military assistance is appropriate? Here again he appears to be talking about requests for help that might come from outside any treaty area. Congress and the country will want to scrutinize such requests and to make the final determination of whether the United States should become involved in compliance with the constitutional assignment of the war power to Congress.

There was nothing in the President's language indicating that he would go to Congress for authority to act in such cases, and in the absence of such a pledge or any law requiring him to do so, his sweeping commitment must be read in the light of recent history. President Truman acted on his own in Korea. President Johnson, even though he asked Congress to go along with his use of military force in Vietnam, proclaimed his right to act without it. In his recent broad-

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cast interview he reiterated this extraordinary claim of executive power to make war. Has President Nixon fallen into the same pattern?

The less strident and more relaxed foreign policy which the President has proclaimed would fit very neatly with a lowered White House profile vis a vis Congress. A good place to begin would be the Mathias-Mansfield resolution which seeks to clear away the clutter of cold-war measures sustaining the Truman-Johnson concept of executive war-making. The resolution also approves the Nixon policy of withdrawing from Vietnam. It would substitute a flexible withdrawal commitment for the existing green light for unlimited escalation. If some detailed provisions of the resolution are deemed troublesome at the White House, they could doubtless be compromised satisfactorily.

President Nixon has sought to reassure the world that the United States will not function as a sort of global policeman. The Senate is waiting to hear that he will not try to extend security commitments all by himself, and that, if an emergency arises, he will "act within the framework of the partnership" set up by the Constitution for the control of foreign policy.

THE LAOTIAN ENIGMA

Mr. BYRD of West Virginia. Mr. President, an estimated 100 American pilots have been lost in bombing missions over Laos, and at least 25 other Americans have been killed in the fighting there. Before these casualty figures rise further, the American people should be told the extent of our country's involvement in Laos.

During this month alone, U.S. planes have dropped over 15,000 tons of bombs on Laotian trails and countryside. And reports claim that American advisers are all but running the Laotian forces.

War has raged in various parts of Laos for over 20 years, and our large-scale entry into the struggle at this time could serve to open up a new front in the Vietnam war. We should weigh very carefully the possible consequences of such a move.

EXTENSION OF FARM PROGRAMS ESSENTIAL TO CONSUMERS AND FARMERS

Mr. YARBOROUGH. Mr. President, on Wednesday, February 18, 1970, the Committee on Agriculture and Forestry began hearings on legislation to extend the current farm programs, S. 3068, the Agricultural Stabilization Act.

The economic problems of our farmers and ranchers have reached critical proportions. Just in the past year, the farmers have not only had to contend with the forces of nature, but have been assaulted time and again by disastrous cutbacks and adverse decisions of the administration which seemed designed to eliminate the independent family farm and to force the farmers off their land and into bankruptcy. Serious cuts in rice acreage allowances have been made. Texas wheat, feed grain, and cotton farmers have been refused the advance payments they had received in the past.

This was done at the worst possible time because the high interest rates and tight money make it almost impossible for the farmers to raise the money necessary to plant their crops. In Texas our entire cotton farming operation has been placed in jeopardy by the recent decision to make extensive reductions in the projected yield figures for cotton.

If immediate action is not taken to provide our agricultural economy with more assistance rather than harassment, farming as we know it will disappear. The independent family farmer will be replaced by huge corporations or the entire operation will be controlled by monopolistic food store chains.

Our farmers are not threatened with recession—they are already in the midst of a most serious depression and the repercussions will be felt throughout this Nation's economy. We must act now to provide our farmers the programs necessary to maintain a stable economy.

The high interest rates and lower farm prices brought about by this administration threaten the farmer with ruin. More foreclosures are taking place on Texas farms than at any time in over 10 years. An agricultural disaster is upon us.

Because of the tremendous importance of these matters to our Nation's economy—particularly the agricultural sector of our economy—I would like to share my views on this subject with my colleagues here in the Senate.

As a principal sponsor of this important legislative proposal with the able Senator from South Dakota (Mr. McGovern), I testified at the opening of the hearings on the bill. I ask unanimous consent to have printed in the Record my testimony on S. 3068 before the Committee on Agriculture and Forestry.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Remarks by Ralph W. Yarborough

(Testimony before the Senate Committee on Agriculture and Forestry on S. 3068, the Agricultural Stabilization Act, Room 324, Senate Office Building, 10 a.m., Feb. 18, 1970)

Mr. Chairman, and distinguished colleagues, thank you for this opportunity to appear and testify in support of S. 3068, The Agricultural Stabilization Act. I am proud to be a principal sponsor of this bill. It pleased me to join with Senator McGovern and our eleven co-sponsors in presenting this important legislative proposal for consideration by this Committee and the Senate. I sponsored this bill because of my firm dedication to the continuation of these vital farm programs. Experience has demonstrated that the current farm programs have benefited the Nation's economic stability, they have strengthened the American consumer's food-and-fiber dollar, and have provided more equitable treatment of the farmers who contribute so much to this Nation's well-being.

The Agricultural Act of 1965 will expire on December 31st of this year. This act has provided the basic authority under which our current farm programs operate. It is my firm conviction that these programs have served the Nation, the consumer, and the farmer very well over the past four years, and must be continued. Certainly, it is true that improvements and modifications suggested by our experience with these programs are necessary. Any complex legislative program needs periodic review, adjustment, and refinement. Our proposed Agricultural Stabilization Act reflects this experience and contains several beneficial modifications.

Our agricultural programs are the result of a long evolutionary process of legislative experience, adjustments, and modernization. I have been vitally concerned with their development and improvement ever since I arrived in the Senate over a dozen years ago. I submit that it would be disastrous folly for us to turn our backs on experience and to scrap these proven programs for any of the untested and unproven and radical alternatives that have been suggested in the last few years, or even in recent weeks.

We have a solid foundation on which to build, and our efforts should be directed toward improving the situation of the farmers and ranchers who are sustaining this nation's demands for food and fiber. We must concern ourselves with reversing the inequitable economic forces that are driving so many of our people away from their farms and ranches.

Mr. Chairman, only a few days ago, on January 27, you made a thoughtful and thorough statement on the floor of the Senate concerning our Farm program and the Economy. The newsletter of one of our leading national farm organizations termed your address ". . . the most comprehensive review of the farm situation presented to Congress in recent years." With your permission, I wish to quote one statement in particular that is worthy of repetition until it is fully understood, and which should be adopted as a prime basis for action by every Senator. You stated:

"The point is that we do have reserve capacity in U.S. agriculture. We are very fortunate to have it . . . But a surplus production capacity of nearly 10 percent must be controlled if we are not to wallow in overproduction."

This central point of our national agricultural problem is the measure against which all Senators need to judge the blandishments we are beginning to hear from those who would scrap the solid foundations of workable farm programs that we find in the Agricultural Act of 1965.

Last October 23rd, I joined with the distinguished Senator from South Dakota in introducing the Agricultural Stabilization Act. This bill has been unanimously endorsed by a coalition of 2 major farm organizations, including such nationally-known groups as the National Grange, The National Farmers Union, the National Association of Wheat Growers, and many others, which are composed of, and speak for, American farmers.

The basic thrust of the proposed Agricultural Stabilization Act is to extend the Agricultural Act of 1965, to which it also proposes a series of amendments designed to strengthen present farm programs and increase farm income by $1.3 to $1.4 billion. It is estimated that the total cost of the bill over 1969 would be about $660 million, but since the Administration anticipates savings from readjustments in wheat allotments in 1969, as well as savings from the soybean program resulting from lower price support activity and stronger market demand this year, the additional costs in the coalition bill may well represent no increase—or little increase—in costs over the 1969 farm program budget. Costs under the bill we are proposing ought to be received as sound investments in the Nation's most important industry; for every dollar invested, two will be returned in the form of increased income to farmers.

Mr. Chairman, the proposed Agricultural Stabilization Act does not take a parochial or sectional approach to the present farm problems. Like the 1965 Act which it seeks to extend, it authorizes workable farm programs for all farmers throughout this great diversity we call agriculture. Most important, its main purpose—to insure adequate supplies of agricultural commodities at fair prices—is assurance to the American wage-earner that he will continue to be able to purchase the family's food for a smaller percentage of his take-home pay than ever before. Last year, American consumers spent only about 16.5 percent of disposable income to purchase food. That percentage, which has been steadily declining, was about 20 percent in 1960; if consumers last year had to spend that much of their income on food, total expenditures would have been over $126 billion, instead of the $105 or $106 billion they actually spent. Farm programs, such as the ones authorized by the 1965 Act and which the Agricultural Stabilization Act seeks to extend and improve, are largely responsible for this food and fiber bargain to American wage-earners.

I know the dilemma of the American housewife who faces the checkout counter at her local supermarket daily or weekly. Retail food prices have increased almost every year for the last 18 years, and this past year has seen some painfully sharp rises. But housewives and wage-earners—and Senators—need to be reminded that in all those 18 years, farm price increases exceeded those of retail food only 3 times—one of which was 1969.

We must remember that of the $105 or $106 billion spent by American wage-earners for food last year, about $96 billion represented food that came from American farms. Is this what American farms received from the public's food expenditures? It is NOT! Out of that $96 billion, farmers received only $32.2 billion—the balance—$63.7 billion—represented the long line of processors and retailers who move food from farms to markets.

There was an interesting colloquy on this point between the Senator from Louisiana and the Senator from Montana which appears in the Congressional Record for January 27 of this year. It is summarized in the statement of the Chairman of the Committee on Agriculture and Forestry this way:

"The farmers and the producers of beef are not the ones who are causing the prices of their products to increase . . . It is the in-between, in the distribution and retailing process. . . . The producers and the farmers get nothing more for their products at all. The record shows that the prices of farmers now are much lower than they were in 1947 and 1948 . . ."

Those of us who are familiar with the farm problem have tried for a long time to bring this message home to America. I wish we could convince the public of its truth, for they would then see that these programs we want to extend are more in the nature of consumer subsidies than farm subsidies, as they are dubbed.

I mentioned a moment ago that 1969 was one of the few years when farm price increases exceeded retail food increases. According to the U.S.D.A., the index of prices by farmers for all farm products rose about 5.5 percent above 1968; prices received for livestock products were up 11.6 percent, but prices received for all crops fell 3 percent.

These changes ought to be further proof that farm programs have benefitted consumers more than farmers, for there are no price support programs for livestock. The increase in livestock product prices was the result of much heavier consumer demand resulting from increased income, and the inability of livestock producers to increase marketings fast enough to meet the demand. The old biological cycle still applies in livestock farming.

In spite of the 3 percent decline in prices received by farmers for crops, total realized net income of farm operators in 1969 is estimated at about $16 billion, or $1.2 billion more than in 1968. This increase in farm income was possible *only* because of the effective operation of the price support and adjustment programs provided in the 1965 Agriculture Act. Had those programs not been in effect, realized net farm income would have been about 20 percent less than it was.

Farmers throughout the nation realized the value of these programs. Their continued cooperation over the years, as well as their support through their organizations for the programs, attests to their approval. In Texas, which is one of the country's largest agricultural states, we have an estimated 187,000 farms—the largest number of any State. Among the operators of those farms, 101,724 participated in the cotton program last year; 87,348 participated in the feed grain program; and 41,949 took part in the wheat program. So it is quickly evident that most Texas farmers have a vital interest in the programs which the coalition farm bill would extend.

Let me briefly outline what the Agricultural Stabilization Act proposes to do. In the way of example, I will relate its major terms to our farmers in Texas:

Title I extends the Class I Base Plan for milk. Unless this plan is extended, authority for the creation of Class I plans will terminate, and the one plan now in effect, in the Puget Sound Market, would expire. Failure to extend the Class I plan will deprive other markets of the opportunity to establish these plans. Title I provides steps to allow wider adoption of Class I plans, and involves no additional costs to the Federal Government.

Title II extends the Wool Program which provides for price supports through loans or purchases at the discretion of the Secretary, at not more than 90 percent of parity.

Title III provides for extension of the feed grain program, with price supports set at 90 percent of parity. Loans would be increased from $1.05 per bushel to $1.15 per bushel for corn; direct payments would be increased from 30 cents per bushel to 40 cents per bushel.

While the feed grain program is important to feed producers throughout the country, it is vital to the 87,000 Texas farmers who participated in the 1969 program. Total diversion and price support payments to Texas feed grain farmers in 1969 were reported by the U.S.D.A. to be slightly more than $124.5 million; these farmers diverted 3.7 million acres of their 7.9 million-acre feed grain bases in 1969, to cooperate in the program's attempt to prevent ruinous accumulation of surplus grain stock. The new program included in Title III involves an additional cost of about $350 million for the Nation as a whole.

Title IV extends the cotton program without change. This program is of utmost importance to Texas farmers, who in 1969 produced nearly 30 percent of the total U.S. production. Of their 6.3 million-acre cotton bases, Texas farmers planted 5.2 million acres, and harvested 4.7 million acres, receiving price support on 4 million acres, and small farm payments on about 74,000 acres. Total payments—price supports and small farm payments—in 1969 were about $269 million.

Reduction of the burdensome 16.9 million-bale carryover of cotton which we had in 1966 is one of the outstanding accomplishments that has been carried out under the present cotton program. The Department of Agriculture's January 1970 *Cotton Situation* is projecting a 6 million-bale carryover next August; this will be the lowest carryover since 1953. The U.S.D.A. also reports that farmers this year will place about 4.5 million bales under loan; the current season's price is holding just above the loan level. Title IV—extension of the present cotton program—does not contemplate any additional costs.

Let me disgress for a moment from this rundown of the several titles of the proposed Agricultural Stabilization Act. I want to mention a recent statement before the 32nd annual meeting of the National Cotton Council, by a distinguished member of the Senate Committee on Agriculture and Forestry, the Senator from Georgia (Senator Talmadge). In this thoughtful remarks on the plight of our cotton farmers, he noted that cotton costs more to produce than it is bringing in the market, and he called for a cotton program that would not only accomplish the production of needed quantities of cotton, but which would compensate the farmer for the loss he incurs between the cost of producing cotton and the price he receives for it. "The present law," said the Senator, "offers the best mechanism for doing this, with certain modifications."

As I understand it, the Senator from Georgia proposes a program which would offer the cotton farmer a "cost price adjustment"—the difference between cotton production costs and prices. Secondly, he suggests a "supplemental income adjustment" payment for cotton which will allow the small and medium-size farmers some measure of equity and assistance. I look forward to further study of the Senator's suggestions for an improved cotton program during the hearings on the farm program.

Continuing with this brief review, Title V, of the proposed Agricultural Stabilization Act would extend the voluntary wheat certificates and acreage diversion program. Under the present program, farmers receive full parity for domestic food wheat, through a certificate system.

Under the 1969 wheat program, farmers on 41,949 farms participated in the State of Texas. Production of 68.9 million bushels was reported. Texas wheat farmers diverted 607,546 of their allotment acres, receiving $8.3 million for this portion of the program. Payments, for both diversion and certificates, totaled $54.2 million to Texas farmers.

This new Title V not only extends the acreage diversion and domestic certificate payment features of the present program, but it adds a certificate on export wheat, to bring total payments on the export portion of the wheat crop (about 500 million bushels) to a price range of from 90 to 65 percent of parity, or a minimum of 55 cents per bushel more, under the current adjusted parity ratio.

Finally, another feature of the proposed Title V provides that one-half of the wheat certificate value can be paid to wheat farmers at sign-up time. We estimate that additional program costs under Title V would be about $275 million.

Title VI of the bill proposes an acreage diversion program for soybeans and flaxseed—a program which would provide price support loans to participating farmers at 75 percent of parity. This program would go into effect in years when total soybean stocks exceeded 150 million bushels on the 31st of August. For instance, had this proposal been on the books last year, it would have been triggered by the August 31st stocks of 300 million bushels of soybeans, and would have required a diversion of 2 to 3 million acres, for an additional cost to the government of some $25 to $35 million.

Title VII of our proposed bill provides for a permanent "Consumer Protection Reserve"—a program which has received a good deal of attention in recent years. This proposed reserve of wheat, feed grains, soybeans and cotton would serve both as insurance against shortages of one or all of these commodities and as a means of insulating the market from the ruinous effects of price-depressing sales from CCC stocks. Three types of reserves would be established: a Commodity Credit Corporation reserve; a reserve held by producers under a reseal program; and a reserve held by producers under 3-year contracts. The program contemplates a reserve of 500 million bushels of wheat, 30 million tons of feed grains, 75 million bushels of soybeans, and 3 million bales of

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cotton. Provision is made for adjusting reserve levels. Title VII would prohibit CCC sales from reserves for unrestricted domestic use at less than parity. For instance, CCC sales of wheat, when stocks were below the reserve level, would be at parity, less the cost of certificates; CCC sales of feed grain, when reserves were below the reserve level, would be at parity, less the payment. Provision is made for release from CCC stocks under certain emergency conditions. No additional costs are contemplated for this title.

Title VIII provides for the extension of marketing orders to any commodity when a majority of producers of that commodity approves. The title authorizes an advisory committee to help write the marketing order; for public hearings on the order; and for producer referendum, which requires a two-thirds vote of approval for the marketing order to become effective.

Title XI contains a permanent extension of the present cropland adjustment program, and removes the present $245 million limit on appropriation for this program.

Title X continues the rice program and provides authority for an acreage diversion program for rice if the national allotment is set at less than the 1965 level.

Mr. Chairman, it will be noted that several of the titles in our proposed Agricultural Stabilization Act continue the use of the parity concept. I know that a number of proposals are blowing around that would drop the use of parity in establishing price and income support level. Some of these proposals would base supports in a given year for particular commodities on a percentage of the average market price for such commodity during the preceding three-year period. More specifically, the proposal most often discussed would limit supports to 85 percent of this "moving" average. As some of us see it, this would mean that prices would generally trend downward year after year because of an unstable floor. For instance, if we assume a 3-year average market price of $1.05 for corn for the years 1968–1970, then 1971 supports would be set at only 89 cents per bushel (85 percent of the 3-year average). For wheat, a 3-year average of $1.25 per bushel would mean 1971 supports of only $1.06 per bushel.

How can we expect farmers to go along with a program that in a few years guarantees supports for corn, at say, 75 cents a bushel, and wheat at a dollar a bushel, when farm operating costs have been advancing at the rate of 3 percent a year—when in the 1960–69 period, farm machinery costs have jumped 39 percent; when farm wage rates have soared up by 74 percent; when property taxes have more than doubled; and when farm interest costs have more than tripled. What possible equity or justice can be involved in deflating farm prices when the rest of the economy is inflating?

Such a concept—this three-year "moving" average it seems to me, will succeed only in driving more farmers off the land. According to the January 9 estimate of the U.S.D.A., the number of farms in the United States since January 1, 1968—only 2 years ago—has declined nearly 160,000.

When we introduced this bill last October, the Senator from South Dakota said:

> "Parity returns are, by definition, no more than equality with the rest of our society. The programs of the 1970's will not keep faith with farmers unless they contain a firm commitment to that goal."

Mr. Chairman, cur bill is based upon the premise that the parity concept is useable and should not be discarded for some untried method of deriving support levels by taking some percent of market average prices for the commodity during the previous three years. Parity has been through the fire—it is a valid, living concept, not unchanging but useable. Moreover we do not assume in S. 3068 that present programs are all wrong. It does make certain changes and amendments as have been discussed.

This is a time to hold to what is helpful until we have something better. This is a time to keep programs which are working reasonably well and to improve them if we can. Above all, this is the time to hold fast to *parity* as a concept, a time to achieve full parity pirces if it can be done, and to insist on somehow reaching parity income for that 5 percent of our population which feeds all of us and has enough left over to export the product of one-fourth of the acres farmed. This achievement deserves, and must have a more adequate reward than 80 percent of fair.

At this time, I wish to turn briefly to the Administration's new proposed Agricultural Act of 1970. This document, I assume, is the measure that has been in preparation over the past year, and arrived only very recently for our study. The literature which accompanied the proposal heralded it as a "consensus approach." The literature fails to point out the individuals or groups among whom there exists a "consensus" on these proposals but I am informed that those groups most certainly do not include the National Farmers Union, the Grange, the National Association of Wheat Growers, The Midcontinent Farmers Association, the National Farmers Organization. These groups characterized the so-called "consensus" approach as "inadequate," "unsound" and "totally unacceptable," in an announcement dated February 5, 1970. It is expected that the other coalition groups which support our bill will also speak out against the Administration's bill as soon as they have had an opportunity to try to digest its provisions.

I shall not attempt here a detailed analysis of the Administration's proposal, but I do have a few observations to make and a few questions to raise, which I think will be of interest to Senators and others interested in the farm program.

On the mimeographed transmittal which accompanied the text of the bill, the goals of the proposal include some points about which most of us would not quarrel. I have noted a few of these points:

—to give farmers a wider range of decision making on their own farms;

—farmers would be free to do the kind of farming they are best prepared to do;

—to help farmers improve cash markets . . . and develop a greater reliance on the marketplace as a source of farm income.

And so forth.

Farmers will appreciate these goals, but a few might scratch their heads and wonder about them as I do. It seems to me that farmers are called on today to make a pretty wide range of decisions. I suspect that most of them are doing the kind of farming they are best prepared to do. And I wonder how many farmers want to be told they need to develop "greater reliance" on the market? Someone ought to be reminded that farmers today rely pretty heavily on the marketplace.

This so-called "consensus" proposal contains seven titles; in addition to separate titles for dairy, feed grains, wheat and cotton, there is a title providing for long-term land retirement, and one which would extend Public Law 480.

The titles dealing with feed grains and wheat provide price support loans "not in excess of 90 percent of parity," or, as farmers would say, "zero to 90 percent." Might not one raise the question here whether Senators and farmers want to give the Secretary of Agriculture such wide discretionary authority that he could, say next year, or the next, reduce price support loans in effect to the 3-year "moving average" I mentioned a few moments ago? Do we want to do that? If memory serves me, this was proposed back in the 1950's and the Congress wisely rejected it.

The cotton title provides loans at "not in excess of 90 percent of the estimated world price," as compared with our proposal, which provides supports at between 65 and 90 percent of parity. I don't need to remind Senators or cotton farmers there is a great deal of difference between these two approaches.

One of the features of the so-called "consensus" proposal is the "set aside". As I read it, cooperators would be required to set aside acreage equal to a percentage of his base or allotment acres, plus his conserving base. He would then have "full freedom" (as the literature says) to use the rest of his cropland in anyway he wishes.

Apparently the Administration thinks that this "freed" acreage would be planted to crops other than those which would build surplus stocks. Nevertheless I am concerned that this feature might well spur additional acres of feed grains and soybeans, and perhaps in some areas, additional cotton. My concern again reminds me of the statement which I read at the outset of my remarks by the Chairman of the Committee on Agriculture dealing with overcapacity in American agriculture. I can assure you that I am happy it is the able and experienced Senator from Louisiana who will be presiding over the Committee's examination of this proposal.

I know that Senators will examine carefully the two proposals which I have discussed today. I firmly believe that our proposed Agricultural Stabilization Act, which extends and improves on the present agricultural legislation, is in the best interest of consumers, farmers and the economy in general. We welcome the prospect of having our proposals discussed in the up-coming hearings, and I feel sure Senators will give it their approval, when they have studied it and measured its terms alongside the alternatives.

TUBERCULOSIS TESTING

Mr. MATHIAS. Mr. President, we all share the concern which has been generated by the discovery of an unusual incidence of tuberculosis on Capitol Hill.

I am sure that most Senators shared my surprise at the news that six active cases of tuberculosis had been discovered here, two of them fatal. The erroneous impression that tuberculosis has been controlled is all too prevalent, but this experience has provided a rude awakening.

A great effort has been required to test everyone here, including the cooperation of several governmental and voluntary health agencies. I am pleased that among those agencies which cooperated were the Maryland Tuberculosis Association and the Maryland State Department of Health. Maryland has made available one of the X-ray mobile units which has been used to help administer tuberculosis tests to Members of Congress and congressional employees.

I am glad that Maryland had an important share in making this effort a success.

SHOULD UNITED NATIONS FUNDS FINANCE THE TRAINING OF ARAB TERRORISTS?

Mr. DODD. Mr. President, in recent months there have been a number of articles in the press reporting that many of the Arab refugee camps maintained by the United Nations Relief and Works Agency—UNRWA—have in effect become training grounds for Arab guerrillas. Some of the articles have carried

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photographs of guerrilla units in training in these camps.

This situation is the subject of an editorial captioned "We Accuse UNRWA" which appears in the current quarterly issue of the organ of the Society for the Prevention of World War III, a private organization headed by a group of highly distinguished Americans.

Pointing out that the United States contributes nearly two-thirds of the total budget of UNRWA, the editorial goes on to say:

> With the first-stated purpose of UNRWA—the giving of relief—we have the sincerest sympathy. The suffering of human beings everywhere is the concern of all of us.
>
> But the concept of refugee camps as recruiting centers for terrorists must be rejected as outrageous. Money spent for that purpose is worse than wasted: it is used dishonestly, and used to keep the Middle East at war.

Mr. President, in the hope that all Senators will find the time to study it, I ask unanimous consent to have printed in the RECORD the full text of the editorial captioned "We Accuse UNRWA."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WE ACCUSE UNRWA

There seems to be two conflicting ideas about the purpose and use of UNRWA (the United Nations Relief and Works Agency for Palestine Refugees in the Near East).

UNRWA was founded 21 years ago to provide housing, food and education for displaced Arab refugees. It was also to train them for reemployment and to assist in their resettlement.

The Arab states, and in particular the several guerrilla and terrorist movements which they support, appear to have a very different view. It is perhaps best expressed in an editorial which appeared November 24, 1969, in one of the major Arab propaganda publications in the United States, a weekly edited by the director of the Action Committee on American-Arab Relations:

"The Palestinian refugee camps in Lebanon have been taken over by Palestinian commando units. . . . The process of the refugee camps becoming a training ground for the commando units is the logical development. . . . We sugest that the several Arab States in which the Palestinian refugee camps exist should delegate authority to the Palestianians to handle the affairs of the camps. . . ."

On the front page of the same publication, a week earlier, appeared a two-column photo of guerrilla units training in an unidentified camp, with the caption "Refugee Camps Become Training Grounds." (*The New York Times* a few days later published a similar photo, taken in the UNRWA camp near Sidon, Lebanon, and captioned "Commando Training in Refugee Camps.")

With the first-stated purpose of UNRWA—the giving of relief—we have the sincerest sympathy. The suffering of human beings everywhere is the concern of all of us.

But the concept of refugee camps as recruiting centers for terrorists must be rejected as outrageous. Money spent for that purpose is worse than wasted: it is used dishonestly, and used to keep the Middle East at war.

Until UNRWA can be restored to its original purposes, and until defects in several of its programs (especially the schools) can be remedied, UNRWA must stand accused of the gravest malfeasance.

(1). UNRWA has wrongfully permitted its facilities to be used for the training of illegal guerrilla and terrorist groups. The case of 14 camps in Lebanon which have been physically taken over by commando units—who have actually placed armed guards at the camp entrances and otherwise usurped control—is only the most recent example. As far back as 1966, the Commissioner-General of UNRWA complained that Egypt was training commando units at camps in the Gaza Strip. At that time, Egypt promised to make restitution ($150,000) for the rations and facilities used by the commandos. Up until this moment (our last inquiry was at the date of going to press) not a single dollar had been repaid. Meanwhile, the Arab press has regularly published accounts of commando units recruited in UNRWA camps in Jordan and Syria, and trained while subsisting on UNRWA rations.

(2). UNRWA has permitted local nationalistic control to be substituted for responsible international control. This was perhaps inevitable in an operation which should have been completed within a period of two or three years, but has been permitted to drag over more than a generation. As the Commissioner-General has frequently pointed out, the refugee camps are subject to the jurisdiction of the host countries. Moreover, the overwhelming majority of UNRWA employees are locally recruited (out of nearly 13,000 staff members at present, only 110 are members of the international staff) and are considered—with varying degree from country to country—to be subject to the control of local authorities. Thus UNRWA becomes not only a subsidy to needy persons, but also a powerful source of financial support for the political purposes of adventurous regimes. It should come as no surprise that one of the hijackers of a TWA plane detoured to Syria had not long before been employed on the local administrative staff of UNRWA in an Arab state.

(3). The children of the refugees, in the camps, are educated to hate their neighbors and to prepare for war against them. This appalling charge is documented in detail in an article elsewhere in this issue (see page 12). An international commission of educational experts named by UNESCO has recommended the removal or modification of a large part of the textbooks used in UNRWA schools—but the Arab states have refused to comply or to allow UNRWA to comply. In Syria, to take but one example, a first-year reading primer compels the young child to learn to pronounce the words: *"The Jews are the enemies of the Arabs. Soon we shall rescue Palestine from their hands."* The Syrian Minister of Education, replying to a complaint from UNESCO, said: "The hatred which we indoctrinate into the minds of our children from birth is sacred."

(4). UNRWA has failed to carry out its original obligation to work toward the resettlement of the refugees. In the beginning, the number of Arabs who departed the area that is now Israel were less than—and certainly not larger than—the number of Jews who were forced to leave Arab lands in the Middle East, such as Iraq, Yemen and Syria. The Jewish exiles were received with open arms in Israel; they were retrained, and they promptly found profitable employment. They have never received any restitution for their lost property, nor have the heirs of those who died in flight received even sympathy from their former Arab masters. In sharp contrast, the Arab refugees were not assimilated into the lands of their kinsmen, but in most cases were kept separated in camps, unable to compete in the employment market, or to sustain themselves. In the Gaza Strip, the controlling power, Egypt, would not even grant passports or other identification documents (except the ration cards provided by UNRWA) to its unfortunate wards. Funds originally allocated for resettlement were used for other purposes. Although committees of the United States Senate and House of Representatives, when considering UNRWA contributions, repeatedly urged that the process of resettlement must be speeded up, no action followed. On the contrary, the Arab propaganda organs accused the United States (which supplies the largest share of the funds of UNRWA) of trying to "liquidate the Palestine Question" by insisting upon its concern that those refugees who wished to do so should be given a chance to lead normal lives in the countries of their current domicile.

(5). UNRWA has permitted itself to be made an object of financial plunder by "host" governments in the Middle East. The fact that a mere census of the camp populations has been prevented in most places lies at the base of this scandal. Vital statistics show that the camp populations have the highest birth rate and the lowest death rate in any part of the Arab world. Medical care superior to that available in most Arab villages in part accounts for this, but it is also cynically said that "a refugee never dies, his ration card is sold in the market,"—and this charge is at least in part true. The Commissioner-General has for years, in annual reports, complained of "political obstacles" placed in the way of making any scientific verification of the origins and numbers of camp inhabitants.

Meanwhile, the number of "refugees" has skyrocketted by the birth of children and grandchildren, to reach the present total of approximately 1,400,000—far more than double the original 1948–9 figure.

Equally reprehensible is the manner in which certain Arab states have measurably enriched themselves by illegally charging customs duties on materials destined for refugee camps. Others have charged above-market rates for railway freight transportation, and other local services. Pending claims by UNRWA for excess rail charges alone, against the governments of Lebanon, Syria and Jordan, total more than one-and-a-half million dollars—money that has meanwhile come from the pockets of taxpayers in the United States and other contributing countries. Some Arab states have also derived tax revenues by taxing electrical power and other services sold to UNRWA—in defiance of international conventions exempting the agency from such taxation.

(6). National contributions to UNRWA are grossly disproportionate and the rights of the contributors are disregarded. The United States government alone pays nearly two-thirds of the total budget of UNRWA. If substantial contributions by private corporations and foundations are added, the American proportion of the total bill is still larger. In contrast, neither the Soviet Union nor any nation of the Soviet satellite group has ever pledged an official contribution—although the Soviets have expended vast sums on arming Egypt, Syria, Iraq and other Arab states, and have given backing to those states in their war-like propaganda. As a part of a general settlement in the Middle East, the United States should at least be permitted to have a reasonable voice in the conduct and future administration of UNRWA—and it is only fair to insist that the burden should be shared by financially able members of the United Nations, such as the USSR, who have thus far accepted no responsibility whatsoever.

WHAT IS THE VERDICT?

The editorial quoted at the beginning of this indictment, from the publication edited by the head of the Action Committee on American-Arab Relations, concludes with an interesting suggestion. Should "pressure" cause the United States government to decrease its subsidy to UNRWA, "the Arab States should make up the balance." Then, says the Arab editor, the affairs of the camps could be delegated entirely to the direction of the "Palestinian refugees."

Considering the war-like and terroristic attitude of the commandos and terrorists to

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whose whims the refugees would thus be left, we can hardly approve the latter part of this suggestion. But if the largesse of the free nations is to be misused through the misconduct of certain governments, then it is logical that those governments should bear the burdens which we up to this point have shouldered.

The Society for the Prevention of World War III has expressed its views in a telegram to President Richard M. Nixon, reading in part as follows:

"It is authoritatively reported in the press and officially conceded by the Commissioner-General of UNRWA that control and policing of 14 Arab refugee camps in Lebanon is in hands of Palestine commandoes or guerrillas primarily armed with weapons of communist origin. . . . In Jordan also UNRWA camps have long been used by guerrillas as centers for training and recruitment. For years UNRWA has been derelict in its duties in failing to correct this situation. Continuation of large American financial support for these camps is therefore tantamount to maintaining a guerrilla army operating against our own interests and condoning terrorism. The American government has no right to use tax money to subsidize terrorism. We therefore urge that you refrain from making new financial commitments to UNRWA until such time as the use of UNRWA installations for guerrilla war purposes has been effectively ended and the control of refugee camps is vested exclusively in the hands of dependable authorities."

We deeply regret the necessity for such a conclusion. We are firmly devoted to the amelioration of human needs wherever they may be discovered but we are also pledged to give such advice as will advance the permanent peace of the world, or at least not contribute to plunging it again into the holocaust of war. We think that the misuse of UNRWA funds is at this time contributing to the latter danger.

We also think that UNRWA, as at present functioning, is not viably performing its primary duty of relief. It has let the refugees become pawns in an international power play, and has permitted war-makers to traffic with their fate for alien purposes. Until this is corrected, the United States ought not to make any further unrestricted pledges to UNRWA—and its support should be explicitly contingent, from month to month, upon a thorough housecleaning of this entire operation.

NOMINATION OF JUDGE CARSWELL

Mr. ALLOTT. Mr. President, yesterday the Senator from Massachusetts (Mr. Kennedy) placed in the Record a statement from the Senator from South Dakota (Mr. McGovern) explaining why Senator McGovern is going to vote against the confirmation of the nomination of Judge G. Harrold Carswell.

Most of the objections Senator McGovern mentions have been discussed in recent weeks. But one objection which Senator McGovern shares with journalist Michael Harrington does merit special attention.

Mr. Harrington, with Senator McGovern concurring, argues that President Nixon is trying to politicize the Supreme Court even more than Franklin Roosevelt did in his ill-fated attempt to pack the Court.

Mr. President, this is a misunderstanding of what President Nixon is trying to do.

It is not true that President Nixon is trying to pack the Court. It would be closer to the truth to say that the President is trying to unpack it. He is trying to restore some semblance of balance to the Court.

If we are faithful to the meaning of "court packing" as that term emerged from President Roosevelt's attack on the Court, we must surely see that what President Nixon is doing has nothing to do with packing the Court.

In fact, the President is acting in accordance with nothing more radical than the U.S. Constitution, which vests in him the responsibility for appointing new members to the Court.

Unlike Franklin Roosevelt, President Nixon is not trying to alter the very structure of the Court.

Unlike Franklin Roosevelt, President Nixon is not asking the Senate to tamper with the number of Justices.

On the contrary, President Nixon is asking the Senate to fulfill its part of the constitutional partnership by bringing the Court up to full strength.

In fact, whereas Franklin Roosevelt was convinced that nine justices were insufficient, there are some persons today who seem to think that nine justices are too many.

Mr. President, I think President Nixon is correct in his approach to this matter. He believes that the court should be composed of nine members as Congress has specified. He thinks that a team of nine can afford a few strict constructionists.

I do not think that a baseball manager is "packing" his lineup if he includes a mixture of lefthanded and righthanded batters. And President Nixon does not think that a judicious mixture of judicial philosophies constitutes a "packing" of the Supreme Court lineup.

In short, Mr. President, the nomination of Judge Carswell tests the willingness of some persons to practice what they preach.

There are some persons who express great enthusiasm for dissent and diversity in many parts of our national life, but who became very nervous when they believe dissent and diversity may emerge in places more important than undergraduate rallies.

Mr. President, the confirmation of the nomination of Judge Carswell will help the Court to perform its difficult functions. American institutions thrive on diversity. The Court is no exception to this rule.

THE RELATIONSHIP OF FUTURE FOREIGN ASSISTANCE PROGRAMS, THE NATIONAL INTEREST, AND THE NEEDS OF DEVELOPING NATIONS—AN ADDRESS BY SENATOR EDMUND S. MUSKIE

Mr. EAGLETON. Mr. President, this past Wednesday, at a luncheon meeting of the International Development Conference in Washington, the Senator from Maine (Mr. Muskie) delivered a thoughtful as well as thought-provoking address on foreign aid. He has pointedly raised the urgent matter of restructuring our foreign assistance programs and simultaneously restructuring the political base for them. So that all Senators may have an opportunity to read it, I ask unanimous consent that Senator Muskie's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Challenge of the 1970's—A New Look at Foreign Assistance

(Remarks by Senator Edmund E. Muskie, of Maine, at a luncheon meeting of the International Development Conference, Washington, D.C., February 25, 1970)

If I had believed the headlines and the public opinion polls, I would have called my talk: "Epitaph for a Lost Cause." The subject of foreign aid is not popular, and its prognosis is not favorable. My presence here may be more a testimony to the unsinkable optimism of an elected Maine Democrat than an indicator of my political judgment.

But, to paraphrase Mark Twain: Rumors of the death of foreign aid are greatly exaggerated, and calls for its end, or its decline, are greatly misguided.

I share the conviction of the young people who are involved in the International Development Conference: "Our aim must be to change international attitudes so as to make it impossible for our political leaders to continue to neglect, and often to aggravate, the obscene inequities that disfigure our world."

The time has come, friends of development aid, not to bury that aid, not to praise its past accomplishments, but to commit ourselves to a new understanding of its place in our world and a determination to use it effectively. We must use it to give new life and hope to those who are the victims of those "obscene inequities."

To do that, we need the energy, and the enthusiasm which move the young people who have joined in this conference. We need to reinforce that energy and enthusiasm with the perspective of those who know where we have been, what has worked and what hasn't, and why we went there in the first place.

In looking backward, we can derive some satisfaction from what has been achieved. Foreign aid, properly speaking, began with the Marshall Plan, a success which had everything working for it.

After two world wars, Americans believed that Europe was worth sacrifices in peacetime, too. The dramatic results were due in part to the fact that aid was used, not to build, but to reconstruct previously developed economies. In a sense the early 1950's, with their stress and achievement, are a heroic period in the history of foreign aid, but it is one to which we cannot return.

By the mid-1950's, the Marshall Plan had proved its worth. Europe for the moment seemed to have been made safe for the West and freedom. The suceeding decade presented new challenges to respond to development needs on a broader scale. The newly independent nations of the world needed all the assistance they could get. And we suspected that if we did not help, others might act in our place.

As the front between the two blocs became stabilized in Europe, each side sought to protect or advance its interests in Africa and Asia.

Today, however, I think many would agree that the relationship between foreign assistance and the national interests of the donor powers is not as direct as it once appeared. No nation since World War II has lost its sovereignty because of Communist foreign aid.

That fact has cut some of the urgency of the security arguments for foreign aid. At the same time other supports were weakening, too.

There have always been those profoundly critical of foreign aid. In recent years, they have been joined by those sunshine supporters of aid who—like some university alumni—have come to doubt whether the goals of the fund drive would ever be met.

Proponents of foreign aid have traditionally pointed out how it benefits us by improving our balance of payments and opening foreign markets to our products. I strongly favor expanding our trade and eliminating the deficit in our balance of payments. But as a practical matter, I feel that many American businessmen, in contemplating disturbed political and commercial conditions abroad, see them as promising more *uncertainty* than profit.

One of the most important causes of the decline in support for development aid has been the war in Vietnam. That conflict has had a profound effect on ideas Americans hold about themselves and the world beyond their shores. For half a decade, the United States has pursued a stated policy of trying to build a stable society in a single nation in Southeast Asia. The effort was unprecedented and because its results have been tied up in the confusion of the war, many have become discouraged at the apparent *ineffectiveness* of our developmental tools.

This conclusion is unfair to our aid program in Vietnam. At no time have we pushed the cause of social reforms as vigorously as we pushed the war effort. As a consequence, foreign assistance programs had little or no chance to prove themselves. They became victims of the disillusionment which has accompanied our Vietnam experience.

Vietnam has also intensified strains in the social and economic fabric of our own society. Americans became more aware of their own society's faults. Many critics consider it presumptuous that we should tell others what their purposes should be and how to achieve them. Others simply decided that we must get on, as a matter of first priority, with reform in the United States. These feelings, while not in themselves hostile to foreign aid, detracted public attention from it, and weakened the defense of foreign assistance programs which must be made each year.

Domestic reform is imperative. It needs to have a higher priority than ABM's, SST's, and other disrupters of society and the environment. But we cannot achieve reform at home if we neglect the needs of the poor abroad. We live, in McLuhan's phrase in a "global village." It is time our policies reflected that fact.

Let us look for a moment now at the prospects for social and economic development in the less advantaged portions of the world.

In recent years the developing countries have had some success in generating material growth. Some have been doing better than did the industrial nations in their comparative period of economic expansion. These efforts, however, often have yielded unforeseen or undesirable side-effects. With our interest in environmental contamination we are conscious of the dangers of heedless development. The Aswan Dam, despite its great contributions to productivity in Egypt, may reduce the organic fertility of the Nile Delta, curtail off-shore fisheries, lead to the spread of water-borne disease, and eventually lose its value through silting of the reservoir.

Even the new miracle crops of the "Green Revolution," which are now feeding so many scores of millions, increase the risk of crop failure on a large scale by expanding the range of agricultural monocultures.

But the basic issue in growth policies is not contamination of the physical environment. The basic issue is the growing demand of rising populations which threatens to strain or exceed the exploitable resources. The gap between the per capita incomes of developed and under-developed nations promises to increase, not diminish.

What will social conditions be aboard "Troopship Earth" as new millions pile on board daily, and the Plimsoll Line disappears from sight? Barbara Ward Jackson has written eloquently about the sprawling cities in the developing world where millions subsist with all the horrors and none of the advantages of urban life. Economically speaking, a shift in populations is not necessarily bad. In some areas of Asia the number of farmers may exceed the point of diminishing returns. A population shift to the cities may by itself, yield an increase in agricultural production. But the social environment in which the displaced populations live, suggests a "culture eutrophication" and the spread of "Lake Erie" conditions in the portions of society that are affected.

Studies made of animal populations under stress show that crowding disrupts important social functions and worsens all forms of social pathology found in a group. If populations continue to rise—with an accompanying increase in stress—animals have been known to die off in great numbers simply because of a vulnerability to their social setting.

This data suggests that man—in both the developed and the under-developed world—should not consider himself as separate from and unconnected with the natural world he inhabits. The ecological principles which concern the conservationists affect human society and must be applied in our domestic and foreign policies.

We have seen that foreign assistance raises complex and difficult issues. Without it, however, the prospects for the social and economic progress of the under-developed nations are at best gloomy and uncertain.

The developed countries must make a maximum effort to help others win the battle for development, because their own interests—and in a sense their own survival—depend upon the result.

No long-term prospects for mankind are more frightening than that of the world becoming divided into two camps, of which one is non-black, non-young, and non-poor.

David Potter suggests that our democratic system is one of the major by-products of our abundance, and is workable largely because of the measure of our abundance. Democracy—with its promises of equality—must also offer opportunity.

A world where half the population eats while the other half starves is a world where the values of American and Western civilization will be warped or destroyed.

Our traditions and our past security have given us a belief that our way of life will triumph in the end. During World War II, it was said that even if the Axis won the war, democracy could survive as long as the liberal tradition continued to function in some part of the world. I do not believe, however, that the democracies could survive anywhere in the kind of world I have been describing.

The nations of the West must realize that they face a more serious threat than any they have previously confronted. The developed nations must join the developing countries in an alliance against human misery and degradation of the environment. And the well-being of the individual cannot be defined in purely physical terms. Institutions must be developed to provide a means of action and self-expression to people who are becoming politically more self-conscious everywhere.

I will not speak at length on what the developed countries must do to assist their poorer neighbors. I have read with interest the President's statement on foreign assistance in his recent report on the foreign affairs of the nation. The report would have been improved if it had spoken specifically about goals toward which our efforts should proceed.

I hope that the President's Task Force on Aid, headed by Rudolph Peterson, will define our goals. Without them, it is impossible to provide direction to our efforts or to know whether we are succeeding or failing.

In terms of its commitment of resources, the United States should at least maintain a level of aid proportionate to that of other developed nations. The United States is not only the richest nation in the world; it has a productive capacity approximately equal to that of all the other industrial nations in the free world combined.

Both in relative and absolute terms, however, our assistance has been dwindling. Seven years ago we provided about $3.6 billion in foreign aid, which was roughly six-tenths of one percent of our GNP. In 1970 our aid contribution will be about $3 billion, or only three-tenths of one percent in a much richer ecnomy. In 1969, for the first time other developed countries provided more assistance to the developing world on equal or better terms than we did. In 1970, their contributions will probably exceed ours by $700 million, and will rise to still higher levels in 1971 and 1972.

I am encouraged by this awareness of the need for development aid in other countries, but we should not now tire of the game just when fresh players are joining our side.

I favor the Pearson recommendation for strengthening the international aid framework to coordinate and review the efforts of both donors and recipients. I also support the Pearson recommendation that all donors raise their contribution to multilateral activities to 20 percent of their total aid expenditures. This means that financial resources for multilateral institutions must be substantially increased so that they can play a more important role, and so they can exercise leadership in those consortia designed to coordinate bilateral programs.

We cannot and should not cancel our bilateral programs. But they must be increased and coordinated with multilateral projects if they are to make a maximum contribution to the healthy growth of developing nations.

A global development effort, carried out within a stronger international framework, underscores the need to differentiate between aid for development and national security assistance.

This distinction should be made in both the legislation and the administration of our economic assistance. The old argument that putting the two together boosts the chances for public support no longer holds water.

Furthermore, we need to bring together in one place the guidance for our participation in development aid. Guidance to the World Bank and the Regional Financial Institutions comes primarily from one agency, policy guidelines to the UN agencies from another. Our bilateral programs receive their guidance from still another source. If the United States is to provide effective leadership in this international effort—involving more than a dozen industrial nations, numerous international agencies, and scores of developing countries—we need to think and speak far more with one voice than before.

In addition, I should stress that economic development requires sustained effort. We cannot put our own resources to most efficient use if we are unable to ensure continuity in our support. This means that we must make major improvements in our present system which requires not only an annual appropriation, but—until this year—that the entire programs be re-authorized annually.

At the least, I believe there should be a four-year authorization of the program of development assistance. The security programs, such as military and supporting assistance, which are not part of such long-range programs, could be authorized separately and annually. Consideration should be given to the appropriation of development funds on a longer range basis, possibly a two-year term, paralleling the life of each

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Congress. Congressional committees, moreover, should use their freedom from the annual funding cycle to make in depth studies of development operations in order to provide better policy guidance.

Some will ask if the United States can afford the costs of increased foreign aid? I think the time has come to face up to the realities of difficult choices, and to admit there are less important programs that we cannot afford. A proper definition of our national priorities suggests that the effort must be made.

The issues involved are not only those of development, but involve the nature of civilized man, and the survival of the democratic process. In the longer run, they may concern the survival of man himself.

I would be happy if the nations of the Communist bloc would—in a spirit of good will—join us in this great developmental effort.

I have no illusions that mankind will leap forward automatically to this latest call for concern with humanity. With a half century of violence and unrest behind us, I suspect that mankind's hearing has seldom been so accustomed to cries of alarm, anguish, and indignation. The language of humane concern labors and strains to surpass the drum beat of the arms race.

Nevertheless, I think there are some causes for hope in the contemporary world. Rich and poor nations alike seem to be developing a feeling for the interdependence of men and nations. They seem to be awakening to the realization that we on earth are on a small and fragile planet. How we react to that fact will determine whether that planet becomes a community or a prison of violence and fear.

Our closing note should not be one of optimism or pessimism, but firm resolve. We cannot be certain of the results of our labors. They may succeed or they may fail. But of this we can be sure: If we do not labor—if we do not persevere—mankind will fail to save itself in the midst of monstrous divisions and the growing horror of a world turned against itself.

VETERANS' ADMINISTRATION HOSPITALS ARE IN NEED OF FUNDS

Mr. YARBOROUGH. Mr. President, last week the distinguished chairman of the House Veterans' Affairs Committee announced his intention to hold comprehensive hearings on the operation of the 166 Veterans' Administration hospitals in this country. In his report to the House, Chairman TEAGUE pointed out that there is an average staff ratio of 1.5 employees to each patient, while the ratio is 2.72 employees for each patient in general community hospitals.

The situation in Texas is particularly distressing. There is a shortage of funds for the nine Texas veterans hospitals for fiscal year 1970 of over $3,600,000. These hospitals need an additional 2,700 staff positions to be staffed at the level necessary to furnish Texas veterans with the first class medical care that they are entitled to.

I commend Chairman TEAGUE on his decision to conduct hearings on this important and timely subject. The Senate Veterans Affairs Subcommittee of which I am a member of the Labor and Public Welfare Committee, completed in January 6 days of hearings on the problem of the quality of medical care in VA hospitals. The evidence introduced at these hearings clearly showed that VA hospitals, throughout the country, are underfunded and understaffed. Unless action is taken immediately, the VA hospitals will not be able to continue to fulfill their vital mission. With hundreds of wounded veterans of the Vietnam war being admitted to these hospitals each week, the need for adequate funds becomes more acute.

Mr. President, I commend both the Senator from California (Mr. CRANSTON) and Chairman TEAGUE for the work they are doing on this problem. As chairman of the Labor and Public Welfare Committee, I pledge my full support and cooperation in assuring our veterans of first class medical and hospital care.

I ask unanimous consent that the letter to me from Senator CRANSTON, dated February 5, 1970, and Chairman OLIN TEAGUE's statement be printed at this point in the RECORD.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 5, 1970.

HON. RALPH YARBOROUGH,
Old Senate Office Building,
Washington, D.C.

DEAR RALPH: Attached is a copy of a press release issued today by Chairman Olin E. Teague of the House Veterans Affairs Committee regarding insufficiencies in Texas V.A. hospitals. I was sure that you would find the information in this document most interesting and revealing.

This data was collected from a survey which Chairman Teague recently completed of all 166 V.A. hospitals, the returns from which are currently being tabulated. At the same time, the Veterans Affairs Subcommittee of the Labor and Public Welfare Committee has been conducting six days of hearings, completed on January 27, 1970, on the question of the quality of medical care available to Vietnam veterans in V.A. hospitals. These hearings and the results of the House committee's survey have revealed grave shortages of funds, personnel, equipment, and facilities as a nationwide problem in the Veterans Administration hospital and medical care system. Thus, the situation outlined in the enclosed release for Texas is representative of a much greater problem.

The Veterans Affairs Subcommittee has been cooperating closely with the House committee in this endeavor, and we plan to coordinate our efforts in our respective houses to obtain the necessary appropriations both in the FY 1970 supplemental bill and in the V.A.'s FY 1971 appropriation for the V.A. hospital and medical care system.

I have very much appreciated your great assistance, and that of your staff, in our recent set of hearings on this subject, and I look forward to working with you in the near future in the fight to provide our veterans with first-quality medical and hospital care.

With warm regards,
Sincerely,
ALAN CRANSTON,
Chairman, Subcommittee on Veterans' Affairs.

CARE OF VETERANS IN TEXAS VA HOSPITALS SUFFERS FOR LACK OF FUNDS

Congressman Olin E. Teague (D-Tex.) Chairman of the House Veterans Affairs Committee said today that Texas VA hospitals are not receiving sufficient support to provide the kind of medical care that Texas veterans deserve.

The House Veterans Affairs Committee Chairman announced that searching in-depth hearings will get underway early in the second session of the 91st Congress on operation of the nation's 166 Veterans Administration hospitals. As a forerunner to the hearings, the Committee has recently undertaken an inquiry in an effort to learn whether VA hospitals are sufficiently staffed and funded to provide America's ex-servicemen and women with "second to none" medical care. Chairman Teague said that he was "seriously concerned about recent reports from a variety of sources indicating that many VA hospitals were being caught in an impossible squeeze between higher medical and drug costs and rising workloads without receiving proportionally higher funding and staffing allocations." "If this is true," Teague said, "such policies, if allowed to stand will wreck the VA hospital system and undermine the veterans medical program to the point of dangerous dilution in quality."

Chairman Teague said that the Veterans Administration is attempting to provide first class medical care with an inadequate staff. Teague pointed out that the general medical community hospitals and state and local government hospitals have an average staff ratio of 2.72 employees for each patient, while the Veterans' Administration has only 1.5 staff for each patient. According to Teague, the university hospitals operated in connection with medical schools are even higher, and have a staff ratio of over 3 employees for each patient. Teague has written to President Nixon and advised that he expects to seek a minimum staffing ratio for the Veterans Administration of at least two employees for each patient in most VA general medical hospitals, and a one for one ratio in psychiatric hospitals.

The Veterans Affairs Committee investigation of nine Texas Veterans Administration hospitals revealed funding deficiencies in FY 70 of over $3,600,000 to operate about 5,000 hospital beds serving approximately 1,353,000 Texas veterans.

In Texas, VA hospitals are located in Amarillo, Big Springs, Bonham, Dallas, Houston, Kerrville, Marlin and Temple. A 1421 bed psychiatric hospital is located at Waco and independent VA outpatient clinics are operated in Lubbock and San Antonio.

The investigation being conducted by the House Veterans Affairs Committee revealed that under the hospital staffing formula advocated by Teague, Texas VA hospitals are approximately 2,700 positions short of needed staff. These extra positions would cost about $14.100.000 annually. A few of these positions would be difficult to fill, but most are recruitable. Texas VA hospital directors also reported that community nursing care programs at their hospitals were underfunded in FY 70 by over $400,000. More funds were needed approximating $250,000 for dental care due to increased workloads largely created by returning Vietnam veterans. Hospital and clinic directors were recently advised that about $91,000 was being made available to apply against the deficiency.

The 1200 bed Houston hospital has made significant contributions to research of synthetic arterial replacements in cardiovascular surgery, and is one of the most active hospitals in the VA system. The Houston VA hospital reported the largest deficiency among Texas hospitals—over $2,500,000. Funds totaling more than $1,600,000 are needed to provide over 200 positions which Hospital Director Dr. John W. Claiborne reported as being needed to operate at "proper employment levels." Many of these positions are needed to properly staff special Intensive Care Units which have already been constructed and equipped at a cost of about $460,000. The remaining deficiency of over $990,000 included shortages for drugs and medicines of $117,000, $20,000 for outpatient dental exams and treatments, mostly for returning Vietnam veterans, and the balance for medical operating supplies, maintenance and repairs of hospital facilities, replacement

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of old and outmoded equipment, and acquisition of new equipment.

A shortage of about 30 much needed research support personnel was also disclosed. In order to support on-going research activities, over 20 positions costing over $150,000 are being diverted from current patient care needs. Over and above these 20 positions, 5 additional positions costing $37,000 are needed to relieve this vital research personnel shortage at the Houston VA hospital.

Dr. James B. Chandler, Director of the 700 bed Dallas VA hospital reported the second highest deficiency amount among the Texas hospitals of over $800,000. The largest part of this deficiency was for staffing about 65 positions at a cost of about $500,000. Some of these positions are needed to correct understaffing of a special surgical intensive care unit, the hospital's recovery room, and other special clinics, laboratories, and services for cardiac catheterization, anesthesiology, audiology, prosthetics, pharmacy, and outpatient activities. Shortages of over $260,000 were reported by Chandler for other annual operating costs which includes drugs, medical and dental supplies, blood and blood products and other operating costs. Unless additional funds are forthcoming, over $70,000 in equipment replacement and acquisitions will be deferred to provide funds this year for pharmacy costs and prosthetics such as arms and legs for many returning Vietnam veterans. Chandler also reported a deficiency of about $58,000 to cover the cost of placing veterans in private community nursing homes who have received maximum hospital benefits at the Dallas hospital. Chandler said that an average daily community nursing home care load of 65 could have been maintained but that initial funding from VA Central Office allowed for only 48.

Dr. Charles S. Livingston, Director of the 700 bed hospital and 400 bed domiciliary at Temple reported FY 1970 deficiencies of almost $216,500. $67,000 was needed to correct staffing deficiencies; $76,000 for other annual operating costs; and over $95,000 for maintenance and repairs of hospital facilities, equipment replacement, and new equipment acquisitions. Dr. Livingston also reported that funding provided to Temple for placing veterans in community nursing homes was far below needs. He said that an average daily community nursing care load of 64 could have been maintained but that his station was allotted initial funds for only 42. Over $88,000 in additional funds were needed to fully fund this program.

Dr. Sam J. Muirhead, Director of the 130 bed hospital in Amarillo, advised the Veterans Affairs Committee that unless he received additional FY 70 funding from VA Central Office it would be necessary for him to divert approximately $19,000 from maintenance and repair and equipment funds for hospital staffing, thus delaying long needed hospital repairs and equipment replacement and acquisitions.

Bonham's Hospital Director, Glyndon M. Hague, reported a fiscal year deficiency of about $100,000. Hague indicated that he was short by approximately $60,000 in personnel funds and about $40,000 for other hospital operations. Hague reported that because of funding shortages it may be necessary to cancel plans to furnish a greater percentage of patients with flame retardant pajamas during 1970 even though their usage was strongly advocated by VA Central Office for patients who smoke. Present VA instructions concerning maintenance and repair at hospitals require projects costing less than $5,000 to be funded from station operating funds. This imposes an especially difficult problem for smaller VA hospitals such as Bonham, according to Hague.

Dr. W. B. Hawkins, Director of the 1421 psychiatric VA hospital at Waco reported $59,000 in operating deficiencies. He also reported he could have used an additional $85,000 to properly operate Waco's community nursing care program and another $18,000 to take care of needed dental care. Funding for the dental care program was almost exhausted by December 31, 1969 due to substantially increased costs and the accelerated return of Vietnam veterans.

The major concern at Waco is the deferral of the long-sought air-conditioning and hospital modernization project. Plans have been completed at a cost of approximately $380,000 and the 91st Congress appropriated $7.5 million to fund the modernization plans even though the Administration struck the Waco project from its revised budget submitted to Congress last April. Congress restored the cut but the project has been stalled because of a Nixon Executive Order to all Federal Departments and Agencies to defer in Fiscal Year 1970 federally financed construction projects by 75%.

Dr. Hawkins stated that in order to bring his staffing ratio more into line with minimal acceptable standards of 1 staff to each patient, 46 additional full time permanent positions were needed which would cost about $284,000 annually at current pay scales. All of these positions were listed as being "recruitable" at present pay scales. Two psychiatrists and 2 psychologists positions costing over $64,000 annually were listed as being "non-recruitable."

Director W. R. Byrd reported to the Veterans Affairs Committee that the primary defiency at Kerrville's 346 bed hospital was the shortage of $77,000 to fund the community nursing care program to care for veterans who have reached maximum hospital benefits and no longer need expensive hospital care. The hospital director indicated that it would have been possible to maintain a daily average of 17 more veterans in community nursing homes if funds had been provided for this purpose.

The 222 bed Marlin hospital under the directorship of Dr. Albert T. Hume reported that they had been denied funds to purchase a $11,600 Fluoroscopic Image Intensifier which was required for X-ray work in treating intermediate and acute medical patients which are the predominate types of patients now treated at Marlin since the surgical service was moved to Temple. Optimum use of the community nursing care program would have required about $10,000 more.

At Big Spring, V.A. Hospital Director Jack Powell reported that he could have used over $90,000 in additional funds during fiscal year 70 to place veterans in community nursing homes at VA expenses who no longer need expensive hospital care. He recently received an additional allocation of $5,000 earmarked for this purpose but it may still be necessary for him to defer some transfers to nursing homes in May and June of 1970.

Funds have been appropriated by Congress to construct a new 750 bed hospital in San Antonio costing over $27,000,000. However, this project was also delayed by the Nixon Executive Order. Community leaders have been seeking a commitment from the Nixon Administration that funds for the San Antonio VA hospital will be released in the coming year. The 1971 budget indicates that construction funds will be obligated. The proposed VA hospital was planned as a part of San Antonio's new international medical center to operate in conjunction with the new medical school which has begun operation. Another delay in the contract for the VA hospital will cause a serious problem for the new medical school.

Dr. J. J. Novak, Director of the San Antonio VA Outpatient Clinic reported a dental fund shortage of almost $40,000 which is needed mostly to handle increased workloads for returning Vietnam veterans. The Clinic Director also reported staffing shortages for seven additional personnel costing approximately $100,000 annually.

The Lubbock VA Outpatient Clinic Director, Dr. R. K. Hosman, also reported a shortage in dental funds amounting to $26,000.

Chairman Teague emphasized that the Veterans Administration hospital system has long been considered among the best of government-operated medical facilities. "VA has been doing an exceptionally good job in operating its medical program, but they are not able to keep up with greatly increased workloads and vast improvements which are being made in medical treatment and technology under current funding and staffing formulas," Teague said.

Teague cited statistics indicating that:

In FY 70 VA will treat 780,487 patients—38,000 more than it did in FY 66—with almost 17,000 fewer hospital beds than were in operation in FY 66.

In FY 70 outpatient visits will total about 7,425,000 an increase of 1,243,000 over FY 66.

VA provides some training for about half of the nation's 7,500 new doctors which are graduated each year.

VA employs 4% of all doctors in the United States and is the world's largest employer for more than 10 different medical professions—including nurses, clinical and counseling psychologists, dietitians, medical and psychiatric social workers, physical therapists, and occupational therapists.

Conducts over 6,000 research projects covering almost every field of medicine.

Teague said that "The fine accomplishments which the VA medical system has achieved cannot be allowed to deteriorate so that they become a part of a second rate system."

Some curtailment of VA funding and staffing has been blamed on the "war on inflation" Teague stated. "I take the position the Vietnam veteran has contributed enough when he fights the shooting war and that he should not be expected to fight the inflation war also at the expense of his health," Teague said. "This nation has prided itself in its service to those who have borne the burden of battle. A bi-partisan attitude has long prevailed in Congress in the funding of an adequate medical program for America's veterans, and in providing for the educational and housing needs of returning servicemen. We in Congress of both parties have always acted in the belief that the finest medical care should be made available to those who served their country in uniform, and especially to those who returned home suffering wounds and service connected disabilities," Teague stated.

"I do not intend to sit idly by and allow shortsighted policies to destroy a medical program that is absolutely necessary to care for America's veterans," Teague said, "and that's why we're conducting these hearings so we can make a determination if we are doing all that needs to be done to properly and promptly serve America's ex-servicemen."

CRIME IN THE DISTRICT

Mr. MATHIAS. Mr. President, I ask unanimous consent, to have printed in the Record the Washington Post's list of crimes committed in the District of Columbia yesterday.

Although none of the following incidents may relate directly to any Members of Congress, unlike my insertion of 2 days ago, all incidents have taken place within a geographical area under the jurisdiction of this body.

Unfortunately, the remedies to this problem have been slow in forthcoming from Congress, and according to the U.S. Constitution, Congress is the only legislative body which can diminish the size of the following list.

There being no objection, the list

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was ordered to be printed in the RECORD, as follows:

THREE CHARGED IN STORE ROBBERY ATTEMPT

Two policemen staked out in a Falls Church 7-Eleven store arrested two of three men they said attempted to hold up the store Wednesday night, Falls Church police reported.

The two policemen, stationed behind a door at the rear of the store at 201 S. Washington St., said three men, one brandishing a revolver, entered the store at about 8:15 p.m. While the gunman held the clerk at bay, another man went behind the counter and picked up the bills whose serial numbers had previously been recorded by police, according to the report.

The officers said they then confronted the would-be robbers and apprehended two of them while the third escaped on foot. Police have impounded a 1967 Mustang, which they say the trio drove to the store.

John Archie Tigney, 23, of White Post, Va., and Richard Hall Jr., 29, of 1430 L St. S.E., were charged with armed robbery and are being held in lieu of $25,000 bond each.

Falls Church police said they have staked out stores throughout the city following a "rash of robberies" at High's dairy stores and 7-Eleven food stores this month. They added that Wednesday's arrests were the first that resulted from the recently instigated stake-outs.

In other serious crimes reported by area police up at 6 p.m., yesterday.

ASSAULTED

Ruby Peterson, of Washington, was treated at Georgetown Hospital for injuries she suffered during an attempted robbery. She told police two men approached her as she was walking near her home in the 2800 block of 29th Street NW, and one of them tried to grab her pocketbook from her hand. She said she began to scream and the other man struggled with her, threw her to the ground and fled with his companion.

Rosa L. Macon, of 5400 7th St. NW, was treated at Washington Hospital Center for injuries she suffered when she was hit in the face by a man wielding an iron rod who attacked her about 3 a.m. yesterday in her apartment.

VANDALIZED

Classrooms at Douglas Junior High School, Pomeroy and Stanton Roads, SE, were ransacked sometime between 5 p.m. Feb. 20 and 7 a.m. Feb. 24.

FIRES SET

A fire classified as arson was reported about 5:15 p.m. Wednesday at 1239 Talbert St. SE.

A trash fire was started at noon yesterday in a basement storage room at 3631 Minnesota Ave. SE. The fire caused slight damage to the property, which is owned by the Cafritz Co.

STABBED

Velma L. Davis, of 1862 Central Pl. NE, was admitted to Rogers Memorial Hospital for stab wounds she suffered about 7:25 p.m. Wednesday. She was stabbed in the leg during a fight in her home with a man armed with a knife.

ROBBED

Joe's Liquors, 1225 H St. NE, was held up about 7:20 p.m. Wednesday by two youths. One of them jumped up on the counter, pulled out a long-barreled pistol, and warned the clerk, Harry S. Kaplan, of Chevy Chase, "Don't move." The gunman then walked over to the cash register and ordered Kaplan to open it. After he took the money from the register, both youths searched Kaplan, then fled out the front door and escaped north on 13th Street.

John A. Kirkpatrick, of Falls Church, was held up about 6:15 Wednesday in the 1200 block of W Street NW, by two armed youths. One of them pointed a revolver at Kirkpatrick while the other one removed his watch and money. The pair then ordered him to get into his car.

Michael Ralph Nelson, of Washington, a truck driver for the Canada Dry Corp., was robbed about 12:45 p.m. Wednesday while he was making a delivery in the 3500 block of Georgia Avenue NW, by a young man who threatened, "If you don't want to get hurt give me the money." Grabbing the cash from Nelson, the man made his escape.

Karl's Cleaners, 6228 3d St. NW, was held up about 4:35 p.m. Wednesday by two men, one displaying a gun, who told the clerk, "Give us the money." After she opened the register, both men scooped up the cash and fled north on 3d Street.

Daniel Lynwood Long, of Laurel, was held up by three youths who approached him from behind at 1st Street and Indiana Avenue NW. One of them grabbed Long around the neck and placed a sharp object in his back. The trio demanded money and, after removing the bills from Long's wallet, returned it to him and fled.

Janice Snow, of Washington, was held up about 4:10 a.m. Wednesday in an apartment building in the 1400 block of N street NW., where she was talking in the lobby to another resident of the building. Two youths, one brandishing a pistol, entered the lobby, took Miss Snow's money and ran out the front door.

Louis J. Jones, of Washington, was treated at Washington Hospital Center for head injuries he suffered when he was beaten and robbed about 5:15 a.m. Monday. Three men approached him at 14th and Shepherd Streets NW. and struck him over the head, knocking him unconscious. When Jones regained consciousness, he discovered his money had been taken from his pocket.

High's dairy store, 1709 Kenilworth Ave., Beaver Heights, was held up by two young men who entered the shop about 4:40 p.m. Wednesday when the clerk was alone. One of the youths kept his gun in his pocket while his partner ordered the clerk to hand them the money. The employee handed them a paper bag full of cash and the pair fled on foot.

Alice Winbush, of 1713 4th St. NW., was robbed about 7:45 p.m. Wednesday as she was standing in front of her home. A youth grabbed her pocketbook and ran west in an alley at the rear of the 400 block of R Street NW.

Fannie E. Randolph, of Washington, was held up about 9:30 p.m. Wednesday by two youths who confronted her while she was walking in the 1000 block of Spring Road NW. One of them held a knife at Miss Randolph's throat and said "Give me your . . . purse." Taking the bag containing $3, the pair fled on foot.

John W. Jones, of Washington, was held up about 9:50 p.m. Wednesday in the 1200 block of 6th Street NE, by two young men, one wielding a razor. The armed man held his weapon on Jones, released his dog on him, and took bills from his coat pocket. The pair fled into an alley in the middle of the street.

STOLEN

A total of $700 in cash was stolen between 2 and 7 a.m. Wednesday from the wallets of two men, registered at the Statler-Hilton Hotel, 1001 16th St. NW. Pedro Cubillo, of Universidad Catolice de Santiago, reported $450 stolen from his wallet. At the same time, $250 was taken from Loor Oscar, of Washington.

Three overcoats, a suede jacket and 18 men's suits, with a total value of $2,000, were stolen between 1 and 4:30 p.m. Wednesday from Apostolos Condos, when his apartment at 1410 26th St. NW. was burglarized.

Five rolls of building cable, 20 boxes of insulated wire and 1,000 pounds of copper tubing, with a total worth of $700, and a 1963 Ford truck were stolen sometime before 8 a.m. Wednesday from Dicken's Surplus, 1810 Bladensburg Rd. NE.

A leader-backhoe combination with an estimated value of between $10,000 and $15,000 was stolen last December from a construction site in Hybla Valley, on U.S. Rte 1 in Fairfax County. The Adams-Douglas excavating firm, owner of the equipment, is offering a $1,000 reward for its return.

An electronic calculator, a transcribing unit, a tape recorder and a record player, with a total value of $1,844, and a 1966 Pontiac belonging to Mike Parker, of Oxon Hill, were stolen between 8:30 a.m. and 4 p.m. Wednesday while the car was parked at 23d and Savanah Sts. SE.

NORTH CAROLINA HOLDUP CHARGED TO THREE MEN HERE

Metropolitan police Wednesday night arrested three Chicago men suspected of holding up a North Carolina Western Union office after a Northwest Washington hotel clerk reported the "suspicious behavior" of a trio in the hotel lobby, police said.

The clerk at the Harrington Hotel, 11th and E Streets NW, called police about 10:15 p.m. The officers found one of the men in the lobby had a gun and spotted another one attempting to hide a bag in the lobby phone booth, police said. They said the bag contained wallets belonging to two employees of a New Bern, N.C., Western Union office and Western Union money orders.

Interrogating the three men, police discovered they had just arrived from New Bern. They said descriptions of the men matched a trio that had held up a Western Union office in New Bern earlier Wednesday.

Washington police charged Lawrence Stepney, 28, with possession of an unregistered gun and carrying a dangerous weapon. Charles Hampton, Jr., 22, and Hoyle L. Starks Jr., 23, were both charged with receiving stolen property.

Police in New Bern have mailed fugitive warrants charging the three suspects with armed robbery in connection with the Western Union holdup, police here said.

In other area court and police actions reported by 6 p.m. yesterday.

ARRESTED

Tasker Stowes, 56, of 2804 14th St. NW, was charged with keeping and selling whiskey without a license and possession of an unregistered pistol after a morals division raid at his basement apartment at 7 a.m. yesterday. Police officers said they seized a .38 caliber pistol and 38 half-pints of whiskey.

Frank Jones, 56, of 418 2d St. NW, and Joe Cramer, 65, of 417 Richardson Pl. NW, were arrested at 8 a.m. yesterday during a raid at Cramer's apartment. Cramer was charged with keeping and selling whiskey without a license. Jones was charged with keeping and selling without a license, carrying a dangerous weapon (a gun) and possession of an unregistered revolver.

Charles C. Foreacre, 34, of 25 N. Donnelson St., Alexandria, was arrested Tuesday night and charged with procuring for prostitution last June 4. He is accused of operating a four-girl prostitution ring from the Colony Steak House restaurant, 9908 Lee Hwy., Fairfax, where he is the manager. Foreacre, who was released on $2,500 bond, will have a preliminary hearing on the felony charge on March 14 in Fairfax Municipal Court.

Robert H. Schleeper, 24, of 6156 Wilson Blvd., Arlington, was charged with Statutory burglary after Alexander police said he was discovered fleeing from a breakin at the Copeland Co., 512 N. Pitt St., Alexandria, at 5:50 p.m. Wednesday. Police said the owner, Theodore Christensen, discovered a

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window in a door broken and an electric typewriter and an adding machine placed near the door. Christensen said he saw a man running from the scene.

Keith Luke DeMarr, 18, of 616 Piscataway Rd., Clinton, Michael Richard Claggue, 22, and Cecelia Louise Russell, 18, both of 2487 Rochelle Ave., District Heights, were charged with robbery in the theft of a coat and $5 from a youth who was given a ride in the 4600 block of St. Barnabas Road about 8 p.m. Tuesday. Prince George's County police said the 15-year-old told them he was hitchhiking when two men and a women stopped and offered to drive him to Oxon Hill Plaza, Instead they drove him to a gravel pit in the 8500 block of Temple Road where they robbed him and forced him to get out of the car.

A CALL FOR MORE OCEANIC EDUCATION

Mr. FONG. Mr. President, Mrs. Helen Delich Bentley, Chairman of the Federal Maritime Commission, last week made a speech on the vital importance of oceanic education to our Nation.

Speaking at a Navy League symposium, she deplored the fact that America has drifted away from her early maritime history. As a result, this Nation's security and economic prosperity are both suffering adversely.

In Mrs. Bentley's view, what the United States needs is a "new order of knowledge and vision" of the potential for prosperity offered by the oceans.

In discussing the subject of oceanic education, Mrs. Bentley combined her firm grasp of the maritime subject with a graphic style befitting her writing background. Some excerpts follow:

> It is a paradox that our Nation—once a major seapower—in the past turned from the sea, while Russia—traditionally a land power—has turned to the sea. . . .
>
> We have become a nation land-locked in our thinking. I contend a radical shift in thinking to regain our perspective is a "must." . . .
>
> Education provides the way to stake out our claims on the minds of young people. . . .
>
> All of our citizens—the young in particular—must be attracted to the wealth and wonders held for us by the world's oceans. . . .
>
> Ecological commitment can provide educational steerageway for exploration of the fascinating facets of the Seven Seas; its wealth, its channels of cultural communication and its avenues of mounting profitable trade.

Mrs. Bentley's call to the Nation for a renewed orientation toward the oceans is sorely needed. Her appeal underscores President Nixon's programs and pronouncements to strengthen the American merchant marine.

I join in supporting the administration's program for a long-range, oceanic endeavor. As the Nation's only island State, Hawaii has a special concern for the maritime status of our country. The concern should be shared by Americans everywhere, for the destiny of the United States will surely be vitally affected by our concern for the present and future state of oceanic endeavors.

I congratulate the District of Columbia Council, Navy League of the United States, for providing the symposium platform for Mrs. Bentley to deliver her remarks on oceanic education.

The theme of the symposium, held on February 17 at the Sheraton Park Hotel, was "Wealth and the World Ocean." Keynoter was R. Buckminster Fuller, world renowned mathematician mariner and global strategist.

A long list of speakers from Government, industry, and academic fields participated on various panels to explore the great potential for prosperity in the new maritime policy formulated by President Nixon last October 23.

The Navy League deserves commendation for its continued efforts to foster the broad spectrum of oceanic education and research in universities, colleges, and other institutions throughout the country.

In her address to the Navy League symposium, Mrs. Bentley outlined a seven-point education program for the advancement of oceanic knowledge.

I ask unanimous consent to have her remarks printed in the RECORD at this point.

There being no objection, the text of the remarks was ordered to be printed in the RECORD, as follows:

OCEANIC EDUCATION—DYNAMIC KEY TO MARITIME PROGRESS

(Remarks of Mrs. Helen Delich Bentley, Chairman, Federal Maritime Commission)

It is a pleasure and privilege for me to have the opportunity to appear before this important gathering of those interested in advancing our Nation's role in and on the world's oceans.

The Navy League stands for a strong America, morally, economically and internally. For years, the Navy League has stressed the doctrine that in a free nation an informed public is indispensable to national security.

Today President Nixon stands before the world as a leader dedicated to peace.

As a statesman and a World War II naval officer, the President understandably has undertaken a renewed orientation of the United States toward the oceans. The President's programs and pronouncement reveals him as a national leader who understands that American strength and American presence on the high seas, militarily and commercially, is the only true course which the United States and the Free World must sail if we, and those who come after us, are to enjoy the fruits of world stability, strength and prosperity.

On October 23, 1969, President Nixon did something dynamic about maritime progress.

On that date, in a message to the Congress, the President outlined a policy for the American Merchant Marine.

This Presidential policy pronouncement, long awaited by the American maritime community, provided, in the President's words, a program of both "challenge and opportunity."

Today, I suggest to this gathering, that one of the great challenges that must result from the President's maritime program makes it mandatory that all of us in a position to do so educate the American public to a full realization of the significance of a long-range, vastly expanded oceanic endeavor. This is so not only in regard to the Merchant Marine, but in all areas. Americans must come to know what oceanics can mean to the Nation. As a people we must be turned competitively seaward in quest of a better quality of global life.

This is the process I term ocean education—which truly can be the dynamic key to all maritime progress. The seas we know will yield their bounty only in proportion to our vision, our boldness, our determination and our knowledge.

A national commitment to stay on the high seas entails a total commitment to oceanic education. Knowledge of the oceans is vital if we are to undertake the massive program called for by pressing problems that confront the Nation. Knowledge, and a wider understanding of the oceanic options are imperative in our serach for solutions in a volatile perplexing world characterized by swift change.

The seas and ships have a strong and romantic appeal. Whether we watch the thunderous breakers built up by a strong northeaster, or the easy wash of the tide along a sandy beach on a still, moonlit night, or marvel as a new ship slides into the water, there is an intellectual excitement stimulated by the pursuit of the true oceanic understanding that sustains a great maritime power.

Oceanic education offers a way to keep the United States in a strong posture of leadership. If education is, in fact, essential to growth and survival, then certainly our power must stem from knowledge. To gain this vantage point of knowledge, every American child's education should be as thorough on the subjects of the seas as it is in the land and space environments, for the potential of the oceans in the field of food, travel and power is limitless.

Dr. Horace M. Kallen, the venerable philosopher, suggests: "There is a great need for school books on the oceans as a human condition." In his judgment, "Such books could be written for all levels of students to cover in growing depth the science, culture and economy of the oceans in the lives of people. They should develop interestingly the role of sea study and seafaring in the growth and upkeep of a society like our own." In Dr. Kallen's view, "It is important to talk to all people and to teach all the people; and not merely foster an association of special interest."

I pray that all of us gathered here and the people of the United States will one day understand the wisdom of these words.

Pacing the decks of the *Manhattan*, as we sailed through the ice-packed Northwest Passage on our historic voyage, I felt the full excitement of a true pioneer, realizing how much we can do and discover, if we really address ourselves to progress at sea. Realizing the nearly limitless field for development, in itself is adventurous. I am confident, with our abiding conviction of an oceanic destiny, we will rise to the challenge. The impact already achieved by the containership revolution is a tribute to American ingenuity and reinforces my confidence and conviction in the area of the Merchant Marine.

But the problem is broader.

Obviously, if we are to realize the potential for prosperity offered by the oceans for the United States—if we are to revitalize our merchant fleet and regain a preeminent position on the world's oceans—we need a new order of knowledge and vision. Every citizen must gain a feel for the oceans, similar to that of the inhabitants of island countries, such as England and Japan. To use the seas, we must know the seas. The oceans must be in our mind and in our blood, and we must be comfortable in its environment.

The American people have to know what the oceans mean to them, what maritime power means to them in terms of their safety and their solvency. Only through knowledge of the sea and its import for the future can the creative ideas of our populace be kindled to progressive effort on the oceans.

Recently undertaken studies show that for the remainder of the 20th century a central maritime concept must guide the political, economic and military actions of the United States.

The security and prosperity of the United States and its allies depend increasingly on the political, economic and military ability of this Nation to dynamically employ the world's oceans.

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But America has long since drifted away from its early maritime heritage. We have become a nation land-locked in our thinking.

I contend a radical shift in thinking to regain our perspective is a "must".

I am sure I need not dwell on the timeliness of this Oceanic-Maritime Symposium that brings us together today to stimulate our intellects.

At Phoenix I reminded the leadership of the Navy League of how fortunate the Nation is to have at its command the brilliant naval leadership of Admiral Thomas Moorer as its Chief of Naval Operations. Impressive today is the star-studded cast of American maritime leaders participating in this educational exercise that seeks a nautical design for future prosperity through greatly expanded oceanic enterprise. What impresses me also are the new names and faces attracted to this watery arena of disciplined give and take.

The experienced hold the repository of oceanic understanding, but all of our citizens—the young in particular—must be attracted to the wealth and wonders held for us by the world's oceans.

Education provides the way to stake out our claim on the minds of young people. Within the classrooms of this Nation more of our students must be figuratively plunged into the world of water.

Ecological commitment can provide educational steerage-way for exploration of the fascinating facets of the Seven Seas; its wealth, its channels of cultural communication and its avenues of mounting profitable trade.

At the outset of this decade, the economic opportunities available to the United States through the expansion of world trade and resource exploitation are unprecedented. Expanding U.S. world trade offers opportunities to achieve a favorable gold flow and to meet the needs of an exploding population and a swift-moving industry. The national economy can be stimulated throughout the fifty states with the provision of incentives—for labor and management alike—to compete for their fair share of the world shipping and shipbuilding market.

The creation of vast job opportunities throughout expanding world trade and overseas markets can benefit a broad cross-section of our citizens.

But the seas are a tough taskmaster. For those who sail them—whether an individual or a nation—the exacting environment calls for a competitive instinct, as well as a weather eye. Since maritime affairs are not conducted in a vacuum, knowledge of the competition is essential.

And who is our prime competitor both on the seas of the future, and for the minds of men? Russia.

The thing that impresses me the most, in looking at the over-all Soviet maritime set-up, is the modernity and vigor of their maritime-industrial base. They, unquestionably, recognize that a modern, vigorous maritime-industrial base is the very foundation of a nation's strength upon the seas.

I am struck by the degree of government-level coordination that exists in the Soviet Government—a coordination of all maritime assets in furtherance of national objectives.

There is great momentum in the Russians' program for the oceans—not only in the area of their Navy, but in all other maritime areas; merchant marine, fishing industry, oceanography and, above all, education pertaining to the sea.

Soviet maritime assets are coordinated at the governmental level in continuous support of foreign policy in spearheading the Kremlin drive for world supremacy.

It is a paradox that our Nation—once a major seapower—in past years turned *from* the sea, while Russia—traditionally a land power—has return *to* the sea.

At the time of the Cuban confrontation, the Soviets paid "through the nose" for the lack of merchant seapower, and were forced to charter the ships of other nations for their Cuban adventure. But Cuba taught the Soviets a lesson, and from that day forward they have concentrated on building Red seapower in all its aspects.

That's education!

Since that date, from about 5 million tons of merchant shipping, they have risen to 12 million, and they are continuing to build at a rate of about one million tons a year. Russian officials themselves boast that by 1975 they will have achieved 16.5 to 18 million tons of new merchant shipping. They speak of the profits made by their ships in trade with the world. They speak of the foreign ports they enter and boast of the fact that their seamen serve as ambassadors to other countries, cementing friendship for Russia and advancing the Communist view among people of foreign lands.

They speak of flying their flag in world ports and the prestige it brings to the USSR. They speak of the use of their swift, streamlined ships in developing trade ties with new and older nations alike.

What they do *not* speak of publicly—but what has become evident to maritime nations—is the extent to which modern, newly constructed Russian ships have now begun to undercut world shipping rates in competition with the ships of other nations.

Russian ships have entered third-flag trade—never touching Russian ports—between Japan and Canada, undercutting American-flag and other national shipping between Japan and the West Coast of the United States. In doing so, they provide a perfect example of the use of seapower as a key instrument of national policy.

We are observing a nation-to-nation confrontation in the maritime arena.

As plain as the facts seem to all of us who have a weather eye fixed on the situation, we have not convinced more Americans that it is a bona fide Soviet intention to "bury us at sea".

All of us must resolve, as the 1970's dawn, to tell it to the American people and to tell it "like it is". Here, based on your impressive records, the Navy League can make a major maritime contribution. The key consideration is oceanic education and public knowledge.

I am hopeful that, through broadening educational endeavor, we shall be able to mobilize our valuable resources in time to cope with any mounting Soviet threat, both on the sea and beneath its surface—naval, merchant shipping, fishing, oceanography in its widest sense.

Subsequent to World War II we lost touch, as a nation, with maritime matters; and our heritage of the seas. We must regain our historic perspective as we project our future as a nation dedicated to the proposition that we will maintain ourselves as a global seapower.

Let me try to summarize what I believe:

Happily, if I read the barometer correctly, a great wave of change is in the making. The United States, at long last—with the Viet Nam lesson of sealift clearly etched in our minds—is, with the President's prouncement, moving forward. The route requires patience and persistence, but, above all, determination in the educational process.

To get on with the magnitude of effort that is indicated, I suggest the following seven educational steps toward the advancement of oceanic knowledge:

First, I urge the fullest development of the *geo-economics of the oceans*, as this Symposium has recognized and responded to with central attention. The economic understanding of the seas is fundamental to our future endeavor.

Second, more of our institutions of learning must focus direct and discerning attention on *national maritime policy*.

* * * * *

Third, the study of *global geography* must get far more attention in the curricula of American students than has previously been accorded, for more and more we must think of the world as an entity in our new undertaking at sea. Rapid and long-range weapons of mass destruction are pulling the world closer together as a strategic shrinkage of the globe occurs.

Fourth, there is a pressing need, as the Navy League has observed with rare discernment, to establish *centers of maritime studies*—centers of oceanic advancement—throughout the country. All oceanic education is innovative. The approach should never be compartmented, it must be an interdisciplinary endeavor from the outset. To spur this new order of maritime thinking there should be the creation of collegia of oceanic advancement on the many campuses of the land that interrelate the studies that cover our seagoing activity.

The *fifth* step is the encouragement of *literary effort pertaining to the oceans*. Whether we recognize the fact or not, our educational process commences with the written word and far too few of the talented American writers, to date, have addressed themselves to the oceans of the world. As part of the educational process, I believe major consideration must be given to bolstering the body of writers who understand the seas and can interpret the problems and potential of the oceans for the American people.

Through the incentives available to us, we must gain the attention of the gifted writers who can bring the importance of the sea home to future generations of Americans.

Obviously, I feel strongly about the literary area of maritime neglect, for I feel our failure to grasp the significance of the seas has been a function of not having the books, the articles, the editorials—yes, the news stories—that compel the maritime motivation needed in these United States.

Sixth, unquestionably, there is a very compelling need for the *oceanic educational foundation* projected by the Navy League to support the advancement of all studies and research related to ocean endeavor.

A strong foundation that can foster an ever-increasing intellectual attention to the problems and potential of the oceans will fill a decided national need. The requirement is of crucial importance to the future of America.

Seventh, is the summary of my talk today. Programs of oceanic education must be instituted and pursued at every intellectual level within our system to regain the knowledge and understanding of the seafaring nation that the United States must become to retain its world leadership and to regain its competitive position on the world's oceans. Maritime research must be given the same high priority as that accorded the aerospace industry to build the modern, competitive ships required by the 21st century.

The timeliness of these seven educational steps in accentuated by the urgent defense and domestic problems now confronting the President and the Nation. The compelling realities of today require that we maintain the best possible seapower defense with low-profile programs within the realistic limits of our national budget. We must learn to do more with less, make the best possible use of our assets, military and non-military.

The job which lies ahead can be done only through team work—the Government-Labor-Management team. Bound together in a community of interest, each member, doing his full share, we must not only rebuild for the United States a major Merchant Marine and an unequalled Navy, but we must develop an intensive effort to harvest from

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the sea its bounty of food, its minerals, its veritable untouched wealth. It is a wealth that is self-renewing—a wealth of natural resources that lies beneath the seas for the taking!

THE THREAT OF UNRESTRICTED IMPORTS

Mr. DODD. Mr. President, I have today written to President Nixon asking that he use the power of his office to have voluntary quotas set on imports of rubber-soled canvas shoes and waterproof footwear.

This was done because the seriousness of the injury to domestic industry and workers of increased imports is being brought home to us again by the threatened closing of Uniroyal's Naugatuck, Conn., footwear plant.

This plant has served the area for 143 years and has met much of the country's need for its product. Now it may be forced out of existence, leaving economic tragedy in its wake.

If this tragedy were an isolated case, confined to one small community, perhaps local remedies could be found. But too many of our old established manufacturing plants have either given up the fight against the rising tide of imports from countries with low overhead costs or will be forced to in the future.

The dangers in allowing this situation to continue should be apparent to us all. If preserving the tradition of the small New England manufacturing community is not sufficient reason for taking action, then the threat of economic chaos for a region of the country as large as New England should be.

I sincerely hope that the President will take immediate action to help out in this situation, and I also hope that the Senate will act on legislation to make the escape clause and adjustment features of the Trade Expansion Act of 1962 workable. We must be able to devise a way of investigating and handling problems of import competition so as to avoid dislocations to firms and workers such as is threatened in Naugatuck.

I ask unanimous consent that the text of my letter to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Many small New England industrial communities, which at one time played such a large role in filling the economic needs of the people of this country, face extinction because of the flood of low-cost imports coming into this country.

I write to you at this time about Naugatuck, Connecticut, a community of approximately 23,000 persons located just outside the City of Waterbury. Some 4,000 workers in Uniroyal's Naugatuck Footwear Plant are threatened with the loss of their jobs, because, after 143 years in the area, Uniroyal can no longer meet the competition from imports coming in from countries with low production and labor costs.

This threatened closing would be an economic tragedy for the Naugatuck Valley area, for Connecticut, for New England, and for the nation. As you know, other plants which have served the country well for many years have also been forced to close in recent years for similar reasons.

Because this situation does have implications for the national economic welfare as well as for Connecticut industry and workers, I ask that you use the power of your office in an effort to prevent the closing of this plant.

Specifically, I respectfully request that you encourage the nations involved to meet and set voluntary quotas on the imports of footwear which are doing so much injury to domestic footwear manufacturers and workers.

Thank you for your consideration of this urgent matter.

With all best wishes.

THOMAS J. DODD,
U.S. Senator.

STUDENT CRIME AND VIOLENCE

Mr. ALLOTT. Mr. President, student crime and violence is back in the news.

The nights of arson and violence and rioting around the Santa Barbara campus of the University of California indicate that the wave of campus terrorism has not crested in this country.

Some persons have suggested that campus violence is a thing of the past. Persons who think this are allowing their wish to be father to their thoughts.

The Santa Barbara students have destroyed a building and injured police officers. Their explosion of violence coincided with a visit to the campus by William Kunstler, the chief defense attorney in the Chicago conspiracy trial.

Mr. Kunstler, who faces a long jail term as a result of his shocking courtroom behavior, told the students that he would not condemn their random violence.

Fortunately, Mr. Kunstler's powers in the State of California do not extend beyond the power to incite violence by pandering to young extremists.

Fortunately, Governor Reagan of California has acted swiftly and sternly to restore order to the troubled community.

Mr. President, I hope that Governor Reagan's actions will serve as a model for other officials when they are confronted—as they surely will be—by the senseless violence of campus extremists.

Further, I hope that Congress will remain alert to the problem of campus violence. If the level of violence rises when the warm weather arrives this spring, then Congress may be forced to reconsider its decision to leave university officials exclusively in charge of coping with campus disorders.

I hope this will not be necessary. But university officials must understand that they hold positions of trust. They are entrusted with great national resources—our institutions of higher education—and the Government cannot tolerate tardy or insufficient defense of these institutions.

DISTINGUISHED SERVICE BY MARSHAL F. M. WILSON OF WESTERN MISSOURI

Mr. EAGLETON. Mr. President, F. M. Wilson, of Platte City, U.S. marshal for the western district of Missouri, recently resigned the position which he had held since 1961.

Mr. Wilson was the first U.S. marshal to be appointed by President Kennedy and the first to be reappointed by President Johnson. He served in that position in western Missouri longer than any other man, and he served in a manner that won him recognition as one of the outstanding marshals in the country. There can be no doubt that F. M. Wilson will continue to serve his community, State, and Nation in his future endeavors. He provides a model of civic duty and conscientious service to the citizens of Missouri.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled, "Marshal Wilson of Western Missouri," published in the Kansas City Times of February 24, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MARSHAL WILSON OF WESTERN MISSOURI

In nearly a decade as United States marshal for the Western district of Missouri, F. M. Wilson looked at the widest spectrum of America in the 1960s. His deputies were present at school integration confrontations in the South, demonstrations by the Black Panthers in Kansas City, the recent Chicago trial and events that surrounded the Minutemen. Wilson's men ranged far and wide as they were called in for special service.

Now, F. M. Wilson, a Democrat, is succeeded by John T. Pierpont, Jr., a Republican. Such change is the nature of the job which is held at the pleasure of the President. Wilson was appointed by John F. Kennedy and re-appointed by Lyndon B. Johnson. John Pierpont is the Republican nominee of Richard M. Nixon. As Wilson has said, he came in through the political system and he leaves by the political system. Before his appointment, Wilson was known as a strong, partisan Democrat. As marshal, he kept a 50–50 balance of Republicans and Democrats in office. He leaves many friends in the federal courthouse where he has been a courteous man in the halls of that building and a firm, disciplined executive who carried out his duties, often under extreme difficulties that really should have had nothing to do with the routine of the job.

As an arm of the court, the marshal's office handles 3,000 or more prisoners a year (Wilson has done so without an escape); serves at least 5,000 papers annually (criminal and civil) and sends men to any part of the country where needed.

William H. Becker, chief judge of the Western district, says that F. M. Wilson has been one of the outstanding marshals in the country. If he now moves to quieter pursuits and leaves the large responsibility of office to John Pierpont, Wilson can look back on a distinguished career in the midst of trying times.

NOMINATION OF JUDGE CARSWELL

Mr. PEARSON. Mr. President, I take this opportunity to declare that it is my intention to vote to confirm the nomination of Judge G. Harrold Carswell to the U.S. Supreme Court.

Judge Carswell has been nominated and confirmed as a U.S. district attorney.

He has been nominated and confirmed to serve as a judge on the U.S. Court of Appeals.

After a careful and thorough study of his record, the great majority of the Committee on the Judiciary has voted to report his nomination favorably.

The American Bar Association has con-

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sidered his credentials and has endorsed his nomination.

I believe he is qualified to serve on the Supreme Court. I believe his nomination should be confirmed. I believe it will be confirmed.

A TEXAS STATE BIOLOGIST WARNS ABOUT PESTICIDES AND THE ENVIRONMENT

Mr. YARBOROUGH. Mr. President, the Dallas Morning News of February 14, 1970, contained an interesting report of a committee hearing conducted by the Texas State Senate on Friday, February 13, 1970. One of those who testified at this hearing was Mr. Ken Jurgens, of the Texas Parks and Wildlife Department. He spoke about the danger posed to the environment by excessive use of pesticide.

Although use of pesticides has reduced the number of crop-destroying insects in my State and thus increased agricultural production, it has been revealed that these same substances accumulate in the bodies of fish, shellfish, and the animals who feed on them. Mr. Jurgens testified that there is an indication of a causal relationship between pesticides and dieoffs of fish and wildlife.

Mr. President, I am very much concerned about this problem and I would like to share the information contained in this article with my colleagues. I ask unanimous consent that the article entitled "Texas Pesticide Problem—Biologist Sees Urgent Environmental Threat," from the February 14, 1970, edition of the Dallas Morning News, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TEXAS PESTICIDE PROBLEM—BIOLOGIST SEES URGENT ENVIRONMENTAL THREAT

(By Stewart Davis)

AUSTIN.—A state biologist told a legislative committee Friday that widespread use of pesticides has created an urgent environmental problem in Texas.

A dramatic decline in the number of spotted sea trout, for example, probably is caused by a high residue of pesticides in the marine life of Lower Laguna Madre, testified biologist Ken Jurgens, administrator of technical programs for the Texas Parks and Wildlife Department.

Jurgen said an examination of Juvenile fish data revealed as much as 8 parts per million of DDT residue in the reproductive organs of the spotted sea trout.

"The problem with persistent pesticides is their biological magnification in the food chain and their apparent effect on species reproduction and survival," Jurgens said. "It is entirely possible that cholorinated hydrocarbon pesticides will cause serious declines in fish and wildlife and, in some cases, species extinction could result."

Jurgens related a drastic decrease in the number of juvenile sea trout which are spawned in the Lower Laguna Madre Marine Nursery ground adjacent to areas of intense agricultural activity where pesticides are used.

In 1964, biologists collected 30 juveniles per acre in routine monthly samplings consisting of 10 seine hauls, he said.

Five years later, only 7 juvenile trout were collected in 15 acres, and it required 200 sampling efforts over a period of two months to get this many, he added.

Jurgens said a 5-year departmental study developed a conservative estimate that more than 170 million pounds of pesticides are used in Texas each year, and the amount is increasing about 10 per cent to 12 per cent a year.

Of the 170 million pounds used annually, 89 per cent is used for agricultural purposes and 11 per cent is used for home and municipal purposes, Jurgens said.

"Fortunately, about 84 percent of the pesticides used are less persistent types, such as the organophosphates and carbamates, which are not presently of great concern in causing environmental problems," said Jurgens.

"The remaining 16 per cent of the total pesticides used are persistent chlorinated hydrocarbons and it is these which are causing serious problems," he said.

Jurgens said departmental studies in cooperation with federal research have shown that the oyster may contain residues up to 70,000 time greater than the amount found in water.

Random samples of fish-eating birds indicate unusually high residues of DDT, he said.

For example, a peregrine falcon contained 56 parts per million of DDT in the liver and over 8 parts per million in the brain, Jurgens said.

A white pelican contained 84 parts per million in body flesh, 120 parts per million in the liver, 18 parts per million in the brain, 31 parts per million in the heart and 16 parts per million in the kidney, plus 2 parts per million of Dieldrin, another pesticide.

Asked whether these figures were accepted as a positive link between pesticides and dieoffs of fish and wildlife, Jurgens would only say they "indicate" a "causal relationship."

He told committee chairman Criss Cole, a state senator from Houston, that objective experts could be obtained for further committee hearings on pesticide pollution.

Cole ordered Jurgens and representatives of other state departments to come up with facts and figures by Oct. 1 for the cost and proposed plan of action to put new emphasis on air and water pollution control.

Cole asked the Texas Water Quality Board to report whether all state agencies are meeting the terms of their waste disposal permits, and if not, how much it will cost to do so.

He also asked Air Control Board Executive Secretary Charles Barden to issue a reminder that state agencies should inspect and maintain pollution-free exhaust systems on state vehicles.

Cole noted that he was involved in a cloud of black exhaust smoke while driving to the meeting from Houston.

"We pulled alongside the truck to see the owner's name, and it had the state seal on the side," Cole remarked.

METROMEDIA INTERVIEW OF PRESIDENT NASSER

Mr. HATFIELD. Mr. President, we are all deeply concerned about continuing tension in the Middle East. Having recently returned from a visit to Israel, Jordan, Kuwait, and Lebanon, I have been impressed with the urgency of exploring all possible approaches to reconciliation between the opposing factions in this struggle. In this regard, it is important that the precise position of each side that has been adopted in public discussions be completely clear and a part of the record. To this end, I point out that President Nasser was recently interviewed by Metromedia Television News. I ask unanimous consent that the transcript of this interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

A CONVERSATION WITH PRESIDENT GAMAL ABDEL NASSER OF EGYPT

(Interview conducted by Mr. Rowland Evans, Metromedia Television News, and Mr. William Touhy, the Los Angeles Times, Feb. 7–8, 1970)

OPENING COMMENTS

ROWLAND EVANS. The Sphinx was sculpted some 4,000 years ago and these pyramids of Giza were monuments to the Pharoahs of ancient Egypt, that fabulous kingdom of the Nile. Today a 20th century Pharoah sits not only at the head of his own country, but speaks, if any one Arab can, for the entire Arab world of 100 million people. Only a few miles from this spot bombs have been dropping . . . falling on the suburbs of Cairo, dropping from Israeli jets that are stationed just across the Suez Canal, only 60 to 65 miles distant. President Nasser and the Arab world, backed by the Soviet Union, are at war with the new State of Israel, which is fortified by arms from the United States, and that war is going very badly indeed for President Nasser and the Arabs.

INTERVIEW

REPORTER. President Nasser, may I ask you sir when your country will be able to expel the Israelis from Egyptian Sinai Peninsula and re-establish your possession of that ancient Egyptian land?

NASSER. Well of course, I would like that to be tomorrow, you know, but occupation of our territories—almost now about three years—is not only about the Egyptian territories in the Sinai Peninsula. It is also occupation by the Israelis of the Western bank of the Jordan and the Golan Heights of Syria. This is really a big problem for us. After the occupation we accepted the United Nations Security Council resolution and we are willing, of course, for a peaceful solution. Of course, as you know the main part of this resolution was the withdrawal of the occupying forces. Until now there has been no result. (Discussions with Gunnar Jarring) went on between the Arabs and the Israelis for about 18 months but the Israelis refused to express their point of view. They say only that they want to sit with the Arabs, so we have to mobilize our forces, we have to mobilize all our resources. It is not only our right to liberate the occupied territories of our country but I think it is our duty. I hope it will be very soon.

REPORTER. I'm Rowland Evans. Sitting here with me in the Kuber Palace in Cairo interviewing President Nasser is Mr. William Touhy, the Middle East correspondent of the Los Angeles Times. Bill. . . .

REPORTER. President Nasser, there are reports now circulating in Cairo and other world capitals that you recently visited the Soviet Union. I wonder whether you could tell us whether you did in fact visit the Soviet Union in the last two weeks, and if so what was the purpose of the visit?

NASSER. Well, I don't know who was responsible for the publication of such news. In fact we have continuous contact with the Soviet Union. You know the role of the Soviet Union in the Middle East and its problems, but recently I hear about this news as you learned.

REPORTER. Well sir, did you go to the Soviet Union?

NASSER. I would like to go the Soviet Union. I think the time is now good to go to the Soviet Union because of the escalation of the war and the bombardments of the Israelis near Cairo.

XUM

Bill. But did you go within the last two weeks to Russia?

Nasser. Well, I really. . . . I don't like to . . . Our position is now not to say yes or no about this question . . . We leave the speculation.

Reporter. Mr. President, the Israeli air force has actually penetrated deeply into your air space and has been bombing the suburbs of Cairo. Is it possible—do you have the capacity within your own air forces to retaliate today against the cities of Israel?

Nasser. Now I want to tell you something. After the aggression and after the occupation of our territories and after the destruction of our armed forces, we tried to build up our armed forces again to defend ourselves and to defend our territory against any new aggression; but at the same time the Israelis were able to receive from the United States of America 88 Skyhawks and 50 Phantoms, in addition to their armed forces and air force which were not heavily damaged during the war of 1967. We got, of course, some aeroplanes—we have bombers as you know—we can retaliate; we can attack—but still until now the Israelis have supremacy in airforce. Within a few days they were attacking Egypt, attacking Jordan, attacking Syria—at the same time using their airforce.

Reporter. But Mr. President, only recently an arrangement was made between France and Libya—which of course is a country very close to you in geography and in politics—and those Mirage planes that are going to go from France to Libya, shouldn't they give the United States and Israel a chance to make a similar exchange to keep Israel at the same level with the overall Arab power?

Nasser. The problem is not the aeroplanes really. I want to tell you something. The problem which we feel here in the Arab countries—not only here in Egypt—is the problem of pilots. In order to arrange to have pilots, you need three or four a year. We have more planes than pilots and it is well known and published throughout the world. The Israelis have the facilities—they can bring pilots from America, from France, from South Africa—all emigrating as Jews. We can't do that.

Reporter. Well, President Nasser, how long do you think it would take for the Libyan airforce to make use of these Mirage planes?

Nasser. According to my information they will not receive any aeroplanes this year 1970. Next year they will receive, I think at the beginning about 8 planes, according to the arrangement of the pilots—they don't have any pilots also—they don't have 100 pilots . . . So they will have next year 8 planes, after that in '72 and '73 they will have the rest of the aeroplanes so there is big publicity according to the balance of power in the areas because of the French Libyan deal. I think it is nonsense because Libya will not receive any planes this year and during the first 6 months of next year they will receive 8 planes. The Israelis have received 88 Skyhawks, 50 Phantoms and now they are waiting for another 50 Phantoms from the United States. The Israelis have two pilots for every aeroplane, they have more pilots, they have 50 pilots in France waiting for Mirages but the Arabs don't have pilots, so the Israelis have air security and air supremacy. They say that plainly they attack all the Arab countries at once.

Reporter. What will Egypt's position be, Mr. President, if President Nixon decides to sell Israel 50 more Phantoms? This decision will be made within the next 30 days.

Nasser. Well I think the answer is very simple. We will try by all means with the Soviet Union to help us in that connection because if they continue to have air supremacy and control of the skies—not only of Israel but of the other Arab countries—they will not try to adopt peaceful solutions. Why adopt peaceful solutions as long as they can have bombers and pilots?

Reporter. Have you recently asked the Soviet Union for any more military aid or anti-aircraft aid?

Nasser. Well, of course, we have asked the Soviet Union for such aid since the 1967 war until now.

Reporter. Mr. President do you have any plans or does the Egyptian airforce have any plans to retaliate in kind against Israel. Israeli planes are now bombing within a few miles of Cairo. Egyptian planes have never yet bombed within the original Israeli border. Do you have any plans to retaliate against the Israelis?

Nasser. I can tell you only one thing, we can retaliate. The question is a decision. Until now we don't have a decision to retaliate, but we have to study it.

Reporter. President Nasser, one more question on this whole business of the Israeli attacks. Is it possible to get the kind of equipment from the Soviet Union—SAM III sites, the latest models for instance of the surface to air missile that could in fact control the kind of penetration that is now going on by Israeli aircraft. Is it physically possible to do that? They come in very low.

Nasser. Well, I think it is possible.

Reporter. And this would depend on whether you could make arrangements with Moscow to get the latest models of the anti-aircraft missiles. Is that a fair statement?

Nasser. Yes, of course. Well you know, from 1967 we are trying to get more developed equipment from the Soviet Union, but of course these talks were dependent to a great extent about the activities of the other side . . . I mean Israel. Now as long as the Israelis come in on low flying attacks and attack targets in Cairo and Upper Egypt, and also attack civilian targets—not only military targets. Last week in Maadi there was a school very near to the barracks which were attacked. I think it will be very logic that the Soviets give us the best air defense.

Reporter. Mr. President, on the broader war and peace question—is it conceivable today do you think that this whole area could again become embroiled in a more or less major war such as the Six Day War and such as the 1956 war?

Nasser. Well as long as the Israelis occupy and continue to occupy Arab territories—and as I said almost about 3 years have gone by since, well I think it is our duty to liberate the occupied territory, not only our right as I say. So they want ceasefire. What is the meaning of ceasefire? The meaning of ceasefire is consent from the Arab people to Israel to continue the occupation of the Arab territory and they want to stay on in the Suez Canal as was said to you with your interview with the Israeli Prime Minister. They say that the other alternative of being on the Suez Canal will be in Cairo. We have to fight really to defend ourselves than we have to fight to liberate our occupied territory, so I cannot see any alternative to a peaceful solution according to the United Nations resolution—that is withdrawal.

Reporter. Well, Mr. President, supposing Israel announced tomorrow that she is prepared to withdraw from the occupied territories, would you then be prepared to make an undertaking guaranteeing Israel's sovereignty, guaranteeing her right to exist in the Middle East as a state; guaranteeing her passage to the Suez Canal and the Gulf of Aquaba?

Nasser. Well I want to tell you something. There was no declaration from Israel . . . but we have fulfilled all what you have said now, all those guarantees. All that was said to Jarring when he was here, we said that we agree about the implementation for the UN Security Council resolution, the sovereignty, the right to live, the right of passage in waterways . . . all these points in the Security Council . . . I have it here in my pocket . . . I can tell you these points. . . . You know these points—but there was no single point from Israel that they agree about the implementation of the Security Council resolution. They thought they'd look to the Security Council resolution as an agenda for negotiation—this is not the Security Council resolution.

Reporter. President Nasser, Premier Meir keeps saying that she simply wants, and Israel wants, to sit down and talk to you. . . . That negotiations can be worked out. What objection do you as the leader of the Arab world have to sitting down to some political negotiation for settlement?

Nasser. You know I read this interview with Mrs. Meir. Mrs. Meir said that she wants to sit down with me and other Arab leaders without any preconditions. When you said in the interview that you had to declare about the intention of withdrawal from the occupied territories, she said no . . . She will sit with the Arabs without any conditions: this means for us that we sit with Mrs. Meir after the occupation of 20 per cent of Egyption territory by Israel, after occupation of 70 per cent of Jordan and after the occupation of part of Syria. They will be in a very strong position, we will be in a very weak one. This means for us that we go for unconditional surrender. When we look over all our history those who went to sit with the invaders while they occupied their territories, they went only accepting one condition—unconditional surrender.

Reporter. Mr. President, what about indirect talks? Are you willing to engage in indirect talks with the Israelis while they still occupy part of the Arab state's territory?

Nasser. We agreed about that by accepting the UN resolution by the Security Council of November 1967. I'll tell you something—there were indirect talks going on by Gunnar Jarring for 18 months. He put questions to us asking about our point of view according to the implementation of the Security Council resolution. We answered every question. We said that we accept the sovereignty of Israel, the right of Israel to live, the right of passage through waterways at all points but Israel refused. Israel said that they looked to the resolution as agenda and they want to sit for direct negotiations, so there were indirect negotiations going on for about 18 months without an answer. Then Jarring said that he had nothing to do and left and now he is in Moscow.

Reporter. But Mr. President it was my understanding that your foreign minister, Mr. Riad, made an agreement I believe with Mr. Rogers at the UN last year on the Rhodes formula which was, of course, the formula which led to the negotiations which set up Israel as a state. Is it your position now Sir, that you would in fact engage in Rhodes type negotiations?

Nasser. Well really I want to correct something: there was no agreement between our Foreign Minister and the US Foreign Minister about Rhodes Formula. You know the Rhodes formula—I don't know from where they brought this term Rhodes formula—this was going on in 1949 on the island of Rhodes. Well, something took place through the Arab representative in New York, the representatives of all the Arab countries in New York, the representative of the Big Four Powers in New York, of Israel in New York, of Gunnar Jarring in New York, U Thant in New York—and those were going on. Well why do they insist about the word "Rhodes" as direct negotiations and not as indirect negotiations? We said that we looked to Rhodes as indirect negotiations not direct negotiations—then why do we tie ourselves to this formula. Well we have our representatives in New York, they have their representatives in New York, Gunnar Jarring can go to New York, the Big Powers have their representatives in New York—anyone can come and contact us. We are ready to have contact but not direct negotiations with Israel.

Reporter. Mr. President, on a somewhat related question, Israel had been attacking the US for some months now for interfering in trying to arrange a settlement. Israel says she will not accept an imposed settlement and is against the United States talking about it to the Soviet Union and the Big Four. You attack the U.S. for giving weapons to Israel. What can the United States do under these circumstances, Sir?

Nasser. Well there is a great difference between giving weapons, 50 Phantoms and another 50 Phantoms and 88 Skyhawks and another 100 Skyhawks . . . There is a big difference between that and talking with the big powers. Well we are ready to accept anything from the United States; if they give us 88 Skyhawks and they give us 100 Phantoms and also some pilots, go to the Israelis and talk as they like to talk with anybody . . . So really it is not fair to compare the two point together.

Reporter. I'd like to compare for a moment, Mr. President, and talk about the Commando activities, the guerilla warfare along the borders of Israel. Do you feel, Sir, that the Fedayeen movement is a threat to the power of the leaders of individual countries like yourself?

Nasser. I think we could not look to it as power. What is my power as long as 20 per cent of my country is occupied by the Israelis. Where is King Hussein's power as long as 70 per cent of his country is occupied by the Israelis? It is not question of power or individual personalities or a question of land and people.

Reporter. Mr. President, recently people have talked about the commando movement as the third force in the Middle East. In the event that there were some kind of settlement some day, would not the presence of the Palestinians be an unsettling force, would the Israelis ever agree to a settlement with the Fedayeen if they were allowed to operate from either Egypt or Jordan or Syria against Israel after a settlement?

Nasser. Well you know if we take this question as it is we'll be neglecting the rights of the Palestinians and the rights of refugees in their homelands. Why we have to ask ourselves, why this problem has continued for 20 years after the 1948 war. There were resolutions from the United Nations according to the refugees then there was a conciliation committee to bring the Palestinians and the Arabs and the Israelis together. The Committee was formed from the United States, France and Turkey. Then everything was neglected so the refugees continued as refugees . . they haven't returned back to their homeland, so the problem has continued for 20 years If we don't solve the refugee problem, the Palestinian problem, there will be no peace

Reporter. Presumably a refugee settlement would be part of final peace solution. Do you, Sir, find that within the Arab world the commando leader Yassa Arafat in anyway rivals you for the affection of the Arab people?

Nasser. You know it is not a question of rivals, it is a question of independence; it is a question of getting rid of the occupation. If Arafat is able today to get rid of the occupation, to establish the Arab sovereignty; you were speaking about the Israeli sovereignty, what of the Arab sovereignty, our territory is occupied. Well, I'll be marching behind Yassa Arafat, it is not a question of individuals.

Reporter. Mr. President, may we return to one point. You are the leader of the Arab world as much as any one man is. Over the year 1969 you usually called in many of your speeches for a military solution. Earlier in this conversation you talked about a political solution. Are you and Egypt now on the side of a political solution through negotiation, say through indirect talks with Mr. Jarring or do you favor a military solution through force?

Nasser. Well if we return back to '67 we came out of the war without anything. We lost all our arms, we lost our army so our intention, our object by that time was to rebuild our armed forces. Then we accepted the United Nations Solution. Egypt only and Jordan accepted the United Nations Security Council Resolution. Well there was a debate in the Arab countries people against the political solution, people supporting the military solution. I want to tell you something—there is nothing which is called a political solution and nothing which is called a military solution—there is a solution. We have to talk for a peaceful solution, on the other hand we have to establish our military force, it is our duty; there is no peaceful solution to liberate our occupied territory. So I haven't talked at all recently or lately about military solutions. I will tell you on the 6th of November—I think you mean the speech in the parliament, I talked about a peaceful solution. We tried and so on and Jarring went on for 18 months without a result, so what is the other alternative in front of us? We have to liberate our occupied territory. The other alternative is a big sea of blood and fire and so on; the reports of all over the world in the newspapers, nobody mentioned what I said about peaceful solutions but all that was mentioned was what I said about the alternative. If there is no way of peaceful solution, what we could do, it is the right of every country with occupied territory so always I talked about that and that.

Reporter. Mr. President, the Soviet Union was not a power in the Middle East or in the eastern Mediterranean until quite recently, do you feel that the Soviet power in this area will decrease or increase with a settlement of the basic problem?

Nasser. Well I want to tell you something. I was in contact, close contact with the Soviet Union. They are always for the peaceful solution. They tried by all means to reach a peaceful solution.

Reporter. Do you think then that the Soviet Union today is pushing for peace in the area as much as your country?

Nasser. You know I hear sometimes that they don't mean what they say, but I want to tell you something, the Soviet Union was always meaning a peaceful solution—I talked with them—until today.

Reporter. Except, Sir, that the fact of turmoil continuing in this area gives the Soviet Union ever greater entree, is that not true?

Nasser. Well, of course, I want to tell you something, now we depend to great extent on the Soviet Union. Well if you give, if the United States gives the new 50 Phantoms to the Israelis, where do we go? We have to go to the Soviet Union. But I want to tell you something, the fact whether they get advantage, or don't get, they want a peaceful solution.

Reporter. Why is it, President Nasser, that the Arab countries cannot form a common alliance, a military alliance? You spoke a moment ago of a pilot shortage. Is it possible that you would ever form an alliance with one air force, an alliance with various countries, one army so that you would concentrate your power? It is now so diffuse.

Nasser. Well, I agree with you it is a problem. It is not an easy problem. You know dealing with such questions there are many problems which have to be solved, but I think your point of view is correct and the right point of view. We tried that when we formed the Eastern front and the western front and the Arab joint command and we will have a meeting next week. We'll have a meeting about the heads of State around Israel, whose territories are occupied. We will try to discuss such questions.

Reporter. Is it conceivable that a unified command particularly in the air could come out of this meeting? In the next few weeks or months?

Nasser. Well it will need time. It is not an easy question. Can I tell you something? It was said by Mrs. Meir that we attacked them in '67. I'll tell you something, they were preparing two pilots for each plane and we were . . . a shortage of pilots all over the Arab countries, so this is a big proof that we were not preparing for attack. And also on this time, three of our armoured forces divisions were in Yemen. If we prepared to attack Israel, I think the first reasonable thing was to bring our three divisions from Yemen and to be sure that we have two pilots for every aeroplane; and to be sure that we'll have air supremacy, but we were attacked in '67 as we were attacked in '56. In '56 there were no troubles with Israel at all. The trouble was with Britain and France because of the nationalization of the Suez Canal.

Reporter. Mr. President, you did on May 28, 1967 or rather May 23, close the Straits of Tiran which the Israelis took as a cause of war. Would you do that again if you were to regain the Sinai, or would you permit Sharm el Sheik to be demilitarized or to have United Nations troops there to guarantee Israeli passage in the event of a settlement?

Nasser. I want to prove to you that my intentions in '67. There were speeches from Israel against Syria, by the Prime Minister of Israel and by the chief of general staff of Israel. They said that they would be able to walk to Damascus. We declared that we had joint agreements for military defence and if this happens we will help the Syrians. The Israelis continued in their threats then we moved our troops to Sinai; then we asked the Secretary General of the United Nations about the withdrawal of the United Nations Emergency Force between Rafa and Eilat and we asked him to keep these forces in Sharm el Sheik and Gaza. These were our intentions. There were no intentions by that time to close Sharm el Sheik because he hadn't asked the withdrawal of the (UNEF) from Sharm el Sheik. Well, but the answer came back that either we keep the force as it is or move it completely. Well, what will happen in the future? I think we have to discuss that with Gunnar Jarring.

Reporter. Would you permit a demilitarized Sinai if you were to regain the occupied territory?

Nasser. We will not permit a demilitarized Sinai. Sinai represents 20% of our country. Will you permit demilitarization of 20% of your country?

Reporter. Well Mr. President, would you permit a demilitarized zone at the border because what Israel worries about is airfields right there at the border of her country which could get at Tel Aviv in 3 minutes.

Nasser. We agreed about that, of course, when we were discussing the question with Gunnar Jarring, we agreed about a demilitarized zone; we agreed about an international police force; we agreed about all these points because these points were part of the Security Council Resolution but Israel refused to discuss any of these points with Gunnar Jarring.

Reporter. Why is it Mr. President that Israel with this very small population of 2½ million people can seem to have supremacy on the ground and in the air over these vast numbers of people that inhabit the Arab countries? You spoke of the pilot shortage, why is there a pilot shortage?

Nasser. Well, I want to tell you that there are many reasons. One thing it was not at all in our agenda or in our plans . . . anything about an attack against Israel. Anything about offensive actions against Israel. I gave a speech here on the . . . May, 1965 to the Palestinians; I told them, well, we have no plans to attack Israel—our plans are mainly directed to defend our territory. I think the Israelis were smarter than us. I agree with that.

Reporter. But Mr. President, you have been quoted in the past and in the period before '67 as saying that Egypt and the Arabs would "throw Israel into the sea". Now surely that is not a statement conducive to peace?

Nasser. I bet you I can. I have all my statements. I have all my speeches. I haven't said these words at all in my life. If you prove, I can give you. . . .

Reporter. Perhaps Radio Cairo . . . (Nasser interrupts)

Nasser. No, you speak about, I don't know what they say in Radio Cairo. You don't know what they say in the newspapers in the United States or in the radios or television? They say different. Where many people come and say what they want to say, but I said only about the Israelis question that we ask about the rights of the people of Palestine, the refugees who were deprived completely out of their territory and their land, deprived of their property. But I haven't said that we'll get rid of the Israelis, we'll send them to the sea. If you go to Israel they'll tell you that Nasser has said so and so and so, they said that to your congressmen, they said that to all the visitors from the United States but, I want to tell you something; you can have a collection of my speeches, my interviews—there is no single world about sending the Israelis to the sea.

Reporter. Will you translate them into English for me? Mr. President, may I ask you about diplomatic relations between Washington and Cairo? If the mood here is in the direction of settlement, why is it not possible for you, sir, to accept our offer of re-establishing diplomatic relations after almost three years?

Nasser. Well, I'll tell you something. All the people here know that the United States is not evenhanded in this conflict in the Middle East. All the people know that the United States supplies Israel with arms, not only with aeroplanes. I talked only about aeroplanes, but also with tanks—Patton tanks from Germany received by Israel lately after the occupation of our territory. Spare parts, ammunitions, rockets, bombs—the bombs which were hitting Maidi last week are made in the United States; the rockets are made in the United States. Suppose that I agreed about that and tomorrow the Israelis received the 50 Phantoms. What will be my position in facing my people? It is a question internally. I want our people to feel that when we move such a direction, it will be based on concrete points that the United States will take ah evenhanded policy according the problem of the Middle East.

Reporter. President Nasser, you're holding a series of meetings this week and you're meeting with the leaders of the so called "confrontation countries". Do you see that this might mean a new change in policy for the United Arab Republic? Are you planning any kind of new departure diplomatically, perhaps towards a peaceful solution through the aegis of Ambassador Jarring, or what do you see coming in the month's time?

Nasser. Well, first of all this meeting is to coordinate the defense of our country against the aggression of Israel. The aggression of Israel is taking place every day against Syria, Jordan, Lebanon, and Egypt. The occupation is going on now for about 3 years. I want to tell you something about our policy—Our policy about a peaceful solution with Israel. We declare that after November, after the declaration of the United Nations Security Council Resolution, it is still our policy that we have to try to reach a peaceful solution but we insist that the key position for reaching a peaceful solution is the complete withdrawal of the occupied Israeli forces from the Arab territories.

Reporter. Mr. President, can you reach a peaceful solution and then everything happen at the same time?

Nasser. No, we can reach a peaceful solution as a package and everything happens at the same time . . . according to the Security Council Resolution.

Reporter. May I ask you a personal question, President Nasser? The revolution occurred in 1952, in 1954 you became President. You have been in office for a very long time. I'd like to ask you what are your plans, do you plan to stay in office and how is your health?

Nasser. Well, you can see my health, I think. It is easy and I think my plans, I said to the people that I will stay until the complete withdrawal of the Israeli forces from our territory, after that I will say my plans. I think it is my duty now to continue to get rid of the occupation. I tried on the 9th of June, 1967 to leave but the people refused to permit. I think they will not refuse also to permit me today.

Reporter. President Nasser, back to the package settlement. Israel has made it clear many times in public statements that Jerusalem itself will remain under Israeli control, and Mrs. Meir made that point that the flag of Jordan would never again fly over Jerusalem. Would this be included in your package settlement?

Nasser. Jerusalem is one of the main points, I will not accept, of course; they gave Jerusalem to Israel. This would be against the Security Council Resolution because the Security Council Resolution was talking about the withdrawal and about not permitting occupying territory with force. So, when I say withdrawal, I mean withdrawal of all occupied territory.

Reporter. But realistically, President Nasser, is it not a fact that you believe, do you not believe, that Israel means what she says about Jerusalem? She has not said that about Sinai, about Sharm el Sheik, about the Golan Heights?

Nasser. Well, I mean, Israel thinks that they are the masters in the area. This will not continue for a long time.

Reporter. But you do believe that she means, Mrs. Meir, that she will never, Israel will never, withdraw from east Jerusalem?

Nasser. But, of course, I cannot tell you about what Mrs. Meir means—but I can tell you about what I mean. I mean that withdrawal means complete withdrawal!

Reporter. Mr. President, the United States Secretary of State, on November 9, set a new policy statement about the Middle East. It was an attempt, most diplomats thought, for the United States to show a more evenhanded approach to the Arab states. The Russians appeared to reject it out of hand. Do you feel that the United States can do anything to help or suggest or find a way toward a peaceful solution?

Nasser. Really, we have some objections to this plan. First of all, it was dividing the Arab countries this was our main objection.

Reporter. But I understand that it was supposed to be part of a package; that the Egyptian border first, then the Jordanian?

Nasser. This was said after that. Then we think that this plan is different from the Security Council Resolution because the Security Council Resolution was definite about every point; definite about the withdrawal from all the territory; definite about the mission of Jarring. But this plan left some points to be for mediation between the Egyptians and the Israelis. This means that Israelis will have really the right to veto because they occupy our territory if we don't accept their point of view they will not withdraw.

Reporter. On the Big Four proposals on Jordan and Israel as opposed to Egypt and Israel, would you approve King Hussein starting indirect talks with Jarring or some other third party on the basis of the Big Four proposals?

Nasser. Well—if there will be Big Four proposals, we will be ready to talk with Jarring, not only King Hussein, we are for peaceful solution, we don't want war for war, really, we want to liberate our occupied territory.

Reporter. Mr. President, why do you think that Israeli planes are bombing so close to Cairo, what do you think is the strategy involved with this long range aerial attack?

Nasser. Well, I think that this is the arrogance of power, first of all. The Israelis think that they are strong. Alright, they are strong, they know that they have air superiority alright; they have air superiority but they neglect the characteristics of the Arab people. We are here and we were here for 7,000 years. We faced many problems like this problem. You live here and you know our people. Our people, well sometimes we are different from others think. Well, I think these raids will strengthen the solidarity of the Egyptian people and they are very patient people; we will be patient until we will be able to deal with our enemies.

Reporter. But President Nasser, so far the bombing in the suburbs of Cairo by Israeli aircraft has been restricted to unpopulated areas. What if the Israelis started blowing up bridges across the Nile river in Cairo itself and moved their bombing in closer? Will not that result in perhaps some different feeling among your people?

Nasser. Well, whatever the feelings will be, I'll tell you something, we will not surrender. When I say "we", I don't mean myself, I mean the Egyptian people.

Reporter. Well, President Nasser, is it possible that the Egyptian people and the Arab people and the Israelis can ever live in harmony in the Middle East? Is this in the cards, historically?

Nasser. Well, there are two main parts. First of all the complete withdrawal of the invaders, the Israelis, from the occupied territories. Second point is to solve the problem of the Palestinians. It was said, for instance, by the leaders of the Palestinians, that they are ready to live in Palestine with the Israelis as they are today; with the Jews as they are today; with the Moslems and the Christians. But the Israelis insist to get rid of the Palestinians and to have their nation build only on Judaism. They take Judaism not only as religion but as nationalism. This is complicating the problem. I don't know if we decide to have our countries based on Islam and the others based on Christianity and the other based on Buddhism that would be fanatic actions everywhere.

Reporter. Just one last question, Mr. President. If these 50 Phantoms are, in fact, delivered to Israel, the new 50 Phantoms, is it conceivable that your country could retaliate against the United States by perhaps expropriation or some such measure?

Nasser. Well if this happens, by that time I will go to Moscow because Moscow will have really the word in the Middle East. They have to give us arms to be able to retaliate; they have to help us in order to defend our country against the invaders and against the aggression.

Reporter. Thank you very much, Mr. President for your graciousness in sitting down and talking to us.

Rowland Evans. Mr. Touhy and I have been interviewing President Nasser in his private office in the Kuber Palace in Cairo, the capital of Egypt.

ADDRESS BY SENATOR DOLE BEFORE MISSISSIPPI VALLEY ASSOCIATION

Mr. BAKER. Mr. President, later this year the Committee on Public Works, of which I am privileged to be a member, will hold oversight hearings on the civil works program of the Army Corps of Engineers. These hearings will, I think, be of significant importance to the Congress and to the country, because it is clear that the major public activities undertaken by the Corps have a measureable impact on the quality of our overall national environment.

On February 1 the distinguished junior Senator from Kansas (Mr. Dole), a valued and respected member of the Subcommittee on Flood Control—Rivers and Harbors, delivered an address to the Mississippi Valley Association meeting at St. Louis, Mo. I personally believe that the speech was an important one and deserves the attention of other Members of the Senate. I ask unanimous consent that the text of the address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Dole Before the Mississippi Valley Association

I am delighted to be here today to share some of my thoughts on the development of America's great water resources. Recognition of the importance of taking affirmative action to protect our environment has long been a concern of your organization. Since 1919, you have continuously fought for a coordination of our total water uses with soil improvement, fish and wildlife development and the needs of the American people. Because of your established interest and expertise, the nation must look to you for guidance as it awakens to what President Nixon described as the "major concern of the American people in the deacde of the seventies."

Water projects, their design and construction as well as the procedures by which they are approved are an important part of this concern. Over the years an elaborate procedure for approval of these projects, which appears to have its own momentum, has evolved. Because of these procedures, it is difficult to identify the weak and unnecessary elements. It is safe to say, however, that Congress shares a great deal of the blame for most of the archaic authorities under which the civil works programs of the Corps of Engineers presently operates. Authorities enacted in the late 1800's and early 1900's may not be suitable for the 1970's.

Not only the authority, but the enormous body of rules, regulations, guidelines, and other materials have become extremely complex and at the very minimum extremely confusing to the public. This work places a burden on the committee on public works as it carries out its role in the biennial approval of the Omnibus Rivers and Harbors Act. Several of my colleagues and I on the public works committee are considering the best means by which the committee can exercise its other constitutionally charged function to conduct oversight hearings on the general program of the corps. It is hoped that we may begin this review during this session of Congress and that your organization will play a meaningful role in identifying inefficiencies and recommending alternatives to the existing program. Specific questions involve such things as the benefit/cost ratio, relocation of individuals or communities and, of course, the considerable amount of time between the authorization of a project and its construction. This last factor often adds to the complexity and difficulty of the previous two. As you are well aware, it is not unusual for a project once authorized to not be initiated—much less completed—for several years following the studies and data upon which the project was authorized. This, of course, adds to the burden that the public must shoulder.

One of my own observations regarding the present system for the development of water resource projects is that the public does not participate in as meaningful a way as projects of this substance and magnitude dictate. Too often the public's role in the present administrative process occurs so late in the procedure as to put them at a distinct disadvantage. By that time, the corps has developed a tremendous documentation in support of or in opposition to a particular project. We must incorporate into this system public participation at an earlier stage.

The thrust of President Nixon's state of the union message and an earlier address concerning the environment was that we must develop an integrated and comprehensive approach to environmental problems. This message, of course, applies to water resource projects. We must consider such projects in the total context of the environment and utilization of the environment. We must consider the effects of water resource projects on adjacent land use, population distribution, concentration of industry, and a whole myriad of factors that contribute to either environmental degradation or environmental quality. It should be acknowledged at the outset, however, that the achievement of a comprehensive approach is extremely difficult and one which will take dedication and commitment from all levels of our society and, of course, all levels of government. We are now coming full cycle to realize that decision-making regarding the environment cannot be left solely to the Federal Government or even the Federal Government working with State governments. To achieve an environment of quality, we must have the participation and help of all citizens. Your role, therefore, is not one of waiting for decisions from government. I would hope Congress will exercise its responsibility to make such participation legally possible and that your organization and your members, as citizens, will endeavor to participate in a meaningful way.

COSTS OF CLEANING UP OUR ENVIRONMENT

Mr. YARBOROUGH. Mr. President, cleaning up the environment will surely be the issue of this decade. The New York Times of Sunday, February 15, 1970, carried a thoughtful analysis of the pollution problem and this administration's attempts to deal with it. There are two points in this article which were particularly interesting to me.

First, we should realize that ending air and water pollution will be an expensive task. To use an example which has been used before on a different issue, we must make a special effort now because, for too many years, we did not make it. We must now spend to stop pollution and to reverse this trend toward destroying our environment because we did so little to prevent it.

Part of this price which we must pay should not be jobs, however. Some of the corporations which have been operating facilities which befoul the water and poison the air now claim that the cost of cleaning up these facilities would be too high and that they be forced to close down. Mr. President, I submit that we should not permit these polluters of the air and water to push the cost of their thoughtlessness and lack of concern for others onto the backs of their workers. These men and women should not have to pay with their jobs for their employers' wrongs. I hope, Mr. President, that Congress will write this concept into the laws we should pass this year to begin to end pollution.

Mr. President, I ask unanimous consent that the New York Times article of Sunday, February 15, 1970, entitled "Environment: Concerns and Doubts Over the Nixon Program," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Concerns and Doubts Over the Nixon Program

Washington.—Following President Nixon's message to Congress on environment last Tuesday, Senator Clifford P. Case, Republican of New Jersey, said: "The President's proposals for protecting the environment represent the clearest recognition of the problems and the greatest influx of new initiative presented by any President since the administration of Theodore Roosevelt. But they are still not enough."

Mr. Case's statement is no exaggeration—providing emphasis is supplied to the phrase "by any President," for Presidents have not notably been leaders in environmental protection. The initiatives have come from Congress.

Nor is there any question that the proposals are still "not enough" if the President's goal is to be reached—"the rescue of our natural habitat as a place both habitable and hospitable to man." But even though the President's proposals were only, for the most part, a moderate extension and stiffening of legislation already on the books, they went more than far enough to suggest the magnitude of the problem ahead, their potential for controversy, and thus to raise concern and doubts.

The concern is centering on the new standards (or at least new ways of setting the standards) for industrial water and air pollution and on the enforcement procedures and penalties set forth in the President's message. Most of this concern on Capitol Hill is concentrated among the Republicans, particularly in the House of Representatives.

The doubts center on the President's proposed funding, and are concentrated chiefly among the Democrats, particularly the long-established antipollution bloc. Members of the bloc believe the President's proposed spending is hopelessly inadequate for his procalimed objectives.

HEART OF THE PROGRAM

The concern (which is likely to turn into opposition) and the doubts can best be illustrated by the problems of industrial and municipal pollution of air and water—the heart of the program.

On water pollution, the President proposed that for both interstate and intrastate waterways, water quality standards would be amended "to impose precise effluent requirements on all industrial and municipal sources . . . with the limit for each based on a fair allocation of the total capacity of the waterway to absorb the user's particular kind of waste without becoming polluted."

On air pollution, Mr. Nixon would abolish the present system under which the Federal Government approved air quality standards set by the states to be applied within "air quality control regions" embracing major industrial and metropolitan areas, instead, he would have a Federally established national air quality standard to be met by all states

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"while permitting states to set more stringent standards" of their own.

Furthermore, the President would have Federally established national emission standards for plants emitting pollutants extremely hazardous to health, regardless of the amount of the pollutant, and for selective classes of new facilities that could be "major contributors to air pollution."

Finally, he proposed that industries or municipalities failing to meet water and air quality standards and correction schedules be subject to court action, ranging from injunctions to fines up to $10,000 a day.

Congressional environmentalists fear Mr. Nixon's water programs might represent a backward step by permitting plants to dump pollutants up to the "assimilative capacity" of a river rather than insisting on a cleanup. They also feared that his program would permit degradation of the streams now unpolluted. They also feared his minimum national air quality standard would become a maximum standard in many states.

But these were not fears of many industrialists and Republicans in Congress. What they saw was the tremendous cost of installing the devices to control pollution in order to meet the standards.

Administration officials have been saying with one voice that the antipollution costs were properly "a cost of doing business" and thus could be passed on to the consumer. But industrialists and those in Congress who are attentive to their views do not see the matter in quite such simple terms. They fear that there is a limit to what the consumer will bear and when that limit is reached, the remaining antipollution costs will be reflected in lower corporate profits.

Furthermore, they contend that costs which big companies and new efficient plants can possibly absorb become insupportable for small companies and old plants. The upshot, they say, may be unemployment with accompanying outcries from local government, especially in small towns where a plant is the principal employer.

A preview of the possible trouble ahead, they suggest, was provided last week in Duluth, where the 50-year-old United States Steel plant employing 2,500 was under orders of the Minnesota Pollution Control Agency to install smoke abatement equipment. Herbert Dunsmore, director of U.S. Steel's environmental affairs, said that compliance would cost $5-million; that it would "further price the facility out of the market," and that if the state insisted on compliance, the only alternative was to shut the plant down.

Many Republican Congressmen, and not a few Democrats also, are far from keen about the President's proposed fines, even though the draft legislation makes it clear they are not mandatory. Even so, a tough judge could make things very difficult if he imposed $10,000 a day over an extended period.

POSSIBLE TROUBLE

That the Administration recognizes the possible legislative trouble ahead on enforcement and penalties was evident last week when it placed them in a separate bill on the water pollution program. This would give many Republicans an opportunity to vote for other parts of the program—such as reform and financing of waste treatment legislation—while still voting against severe penalties for violators. Congress watchers are waiting to see whether William C. Cramer, ranking Republican on the Public Works Committee and a not overzealous environmentalist, will sponsor the bill dealing with enforcement and penalties.

Meanwhile, Democratic environmentalists, led by Senator Edmund S. Muskie, chairman of the subcommittee on air and water pollution and author of most of the antipollution legislation in the past decade, saw a quite different opportunity for attack in the President's money requests for his program.

Mr. Nixon has asked for authority to obligate $4-billion over four years as the Federal share in a $10-billion program for waste treatment facilities. Senator Muskie, however, would have the Federal Government obligate $12.5-billion over five years, with state and local government matching this for a total of $25-billion—compared to the President's $10-billion. Mr. Muskie's proposal is based on an estimate prepared by the executive department back in 1966, that $20-billion would have to be expended by fiscal 1972. It takes into account the failure of Congress to appropriate the amount authorized in the 1966 Clean Waters Restoration Act and the inflation that has since occurred.

FIGURES MISSING

The President has not set a figure on the amount he will request for his clean air program after the next fiscal year. However, his appropriations request for fiscal 1971 is $106-million an increase of only $10-million over what Congress has appropriated for this fiscal year. By contrast, Mr. Muskie will introduce a bill asking for appropriations of $325-million a year for three years beginning in fiscal 1971.

In his State of the Union Message, Mr. Nixon said, "The price tag on pollution control is high." The Democratic response is going to be, "You're right, and are you prepared to ask for the money?"

CARSWELL AND THE ABA

Mr. HATFIELD. Mr. President, as one who was an educator before entering public life and is not a lawyer, I have paid very close attention to the records of the committee hearings and the debate on the Senate floor as the Senate has considered nominees for membership on the U.S. Supreme Court. As a result of this study, I was pleased to give Chief Justice Warren Burger my complete endorsement and support. As I said at that time, he is a strict constructionist and gives the Court a balance. Senators are aware that recently I was unable to support Judge Haynsworth.

As I study the hearing record of Judge Carswell, I would like to draw the attention of Senators to the American Bar Association's recommendation. The American Bar Association has set up a special committee to pass upon the qualifications of judicial candidates nominated by the President of the United States to the Federal courts. The committee consists of 12 members, each from a different part of the country. The committee is appointed by the president of the American Bar Association, and has been playing a role in evaluating Presidential nominees for judicial positions for many years.

Although in the case of nominees for lower Federal courts, the committee has a series of ratings, in the case of nominees for the Supreme Court of the United States, the committee has only two ratings: "qualified" and "unqualified." The committee at the time of Judge Carswell's nomination found him to be qualified; and at its recent meeting in Atlanta, during the midwinter meeting of the American Bar Association, the committee reconsidered the nomination and again unanimously found him to be qualified to sit on the Supreme Court of the United States. I ask unanimous consent to have printed at this point in the RECORD a letter to Senator EASTLAND from Lawrence E. Walsh, supporting Judge Carswell.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
New York, N.Y., January 26, 1970.

Hon. JAMES O. EASTLAND,
Chairman, U.S. Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR: Thank you for your telegram of January 21, 1970 inviting the comments of the American Bar Association Standing Committee on the Federal Judiciary with respect to Judge G. Harrold Carswell, who has been nominated for the office of Associate Justice of the Supreme Court of the United States. The Committee is unanimously of the opinion that Judge Carswell is qualified for this appointment.

This committee has previously investigated Judge Carswell for appointment to the District Court in 1958 and for appointment to the Court of Appeals for the Fifth Circuit in 1969. On each occasion Judge Carswell was reported favorably for these appointments. The Committee has now supplemented these investigations within the time limits fixed by your telegram.

With respect to nominations for the Supreme Court, the Committee has traditionally limited its investigation to the opinions of a cross-section of the best informed judges and lawyers as to the integrity, judicial temperament and professional competence of the proposed nominee. It has always recognized that the selection of a member of the Supreme Court involves many other factors of a broad political and ideological nature within the discretion of the President and the Senate but beyond the special competence of this Committee. Accordingly, the opinion of this Committee is limited to the areas of its investigation.

In the present case the Committee has solicited the views of a substantial number of judges and lawyers who are familiar with Judge Carswell's work, and it has also surveyed his published opinions. On the basis of its investigation the Committee has concluded, unanimously, that Judge Carswell is qualified for appointment as Associate Justice of the Supreme Court of the United States.

Respectfully yours,
LAWRENCE E. WALSH,
Chairman.

Mr. HATFIELD. Mr. President, at its midwinter meeting in Atlanta recently, the ABA Committee on the Federal Judiciary reaffirmed its earlier unanimous finding. At this point I ask unanimous consent to have printed in the RECORD a portion of a Sunday, February 22, 1970, New York Times article dealing with the Carswell nomination.

There being no objection, the portion of the article was ordered to be printed in the RECORD, as follows:

BAR PANEL REAFFIRMS VIEW THAT CARSWELL IS QUALIFIED FOR SUPREME COURT

(By Fred P. Graham)

ATLANTA, February 21.—The American Bar Association's Committee on the Federal Judiciary reaffirmed today its earlier unanimous finding that Judge G. Harrold Carswell was qualified to serve on the Supreme Court.

After reviewing recent disclosures of alleged segregationist actions by Judge Carswell and considering charges that he lacked qualifications for the position, the committee again

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concluded that he was qualified to be an associate justice. Nine of the 12 members on the committee were present.

Lawrence E. Walsh of New York, chairman of the committee, said at a news conference at the American Bar Association midwinter meeting here that his committee had studied the various questions that had been raised by law professors and A.B.A. members concerning Judge Carswell's suitability.

The major allegations that have arisen since the committee first approved Judge Carswell on Jan. 25 were that he harbored racist feelings toward Negroes.

It has been disclosed that Mr. Carswell helped to form a private golf club to take over Tallahassee's municipal facilities when they might have been forced to desegregate, that he sold a piece of property with a restriction in the deed against future occupation and purchase by non-Caucasions, and that he chartered an all-white booster club for Florida State University.

Judge Walsh explained that the committee had re-evaluated its endorsement of the nominee's judicial qualifications "as a matter of routine" because the nomination is still pending before the Senate. The A.B.A. committee rates judicial nominees on the basis of professional competence, judicial temperament and integrity.

The nominee is a member of the United States Court of Appeals for the Fifth Circuit in New Orleans.

CONGRESS SETS RECORD WITH HEALTH LEGISLATION

Mr. YARBOROUGH. Mr. President, for the information of the Members of the Senate and for our friends in the press, I would like to point out the remarkable record which the Congress has made this week in the area of health legislation. On Wednesday afternoon the Senate adopted two conference reports, previously agreed to with House conferees, on major health bills. Yesterday, the House of Representatives also adopted the conference reports on these two bills, thus sending them to the President for his signature, and at the same time adopted two additional health conference reports which in the matter of a few hours came to the Senate floor and late yesterday afternoon were approved by the Senate and sent on to the President. Thus without any fanfare or great publicity, the House of Representatives and the Senate, in 2 days, approved and extended four major health programs. Never, to my knowledge, has such expeditious action in both Houses on such a large number of important bills of basic legislation been accomplished out of one subcommittee.

This quiet carrying out of the responsibilities of the Congress was possible only by the complete cooperation of all members of the Committee on Labor and Public Welfare, and when I say all members, I include all members of the full committee, both the majority and minority, and particularly those members of the Subcommittee on Health whose duties under our system are to hold hearings and to sit during executive sessions to hammer out the details of the legislative proposals.

The members of the Subcommittee on Health—Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, and Mr. HUGHES for the majority side; and Mr. DOMINICK, Mr. JAVITS, Mr. PROUTY, and Mr. SAXBE for the minority side—spent hours and days working on these legislative proposals. They unselfishly gave of their time to attend hearings; they sat in executive sessions and considered, discussed, and perfected amendments, and they lent their support when these bills came to the floor.

Mr. President, it would not be fair for me to praise only the members of the Subcommittee on Health of the Committee on Labor and Public Welfare. Such a remarkable record would not have been possible without the complete cooperation and assistance of the House of Representatives, in the persons of Mr. HARLEY O. STAGGERS, the chairman of the House Committee on Interstate and Foreign Commerce, the ranking Republican on that committee, Mr. WILLIAM L. SPRINGER of Illinois, and also members of the Health Subcommittee, Mr. JOHN JARMAN of Oklahoma, Mr. PAUL G. ROGERS of Florida, Mr. DAVID E. SATTERFIELD III of Virginia, Mr. ANCHER NELSEN of Minnesota, and Mr. TIM LEE CARTER of Kentucky.

The House and Senate conferees met on 2 days, February 17 and 18, and in 2 days produced four conference reports on major bills. I believe all members of the conferences set some kind of a record by this prompt and responsible action and they should be congratulated.

The four bills which are now on their way to the President for signature are: S. 2523, the Community Mental Health Centers Amendments of 1970; S. 2809, amendments to the Public Health Service Act for assistance to schools of public health; H.R. 11702, the Medical Library Assistance Extension Act of 1970; and H.R. 14733, to amend and improve the health program for migrant workers.

Mr. President, I think a brief description of the health programs which were extended and improved by action of the Congress this week is appropriate at this point.

S. 2523, the Community Mental Health Centers Amendments of 1970, extended for 3 years the program of assistance for construction of community mental health centers and contains a total authorization of $270 million for this purpose spread over the 3-year period. In addition, the bill provides for $155 million over a 3-year period for grants for staffing community mental health centers, and both increases the share of Federal money which will be made available and extends the Federal assistance in this area for 8 years. The bill would give increased emphasis to our efforts to meet the problems of alcoholism and drug abuse by nearly tripling the funds available for this purpose. The Congress authorized $105 million over 3 years for this improved and strengthened program. And finally, the Congress, recognizing the growing problem of mental health in our youth and adolescents, provided a separate program to aid with mental health problems of children and provided an authorization of $62 million over the 3-year life of this program.

Mr. President, this is a tremendously important bill to all our citizens. It will provide for better care in more local mental health facilities and for new treatments in areas which in the past have been neglected.

S. 2809 extended for 3 years the program of formula grants for assistance to schools of public health, and increased the authorizations to fund projects for training in public health programs. Schools of public health are the only source to train vitally needed health professionals and this program has been strengthened and improved by this act of the Congress. It will help to fulfill a recognized need for additional public health manpower.

The provisions of H.R. 11702, the Medical Library Assistance Extension Act of 1970, are extended for an additional 3 years, with significant improvements in this very important program. The bill provides additional financial assistance for the construction of health library facilities so that our medical schools will have the necessary tools to assist in their educational efforts in the training of medical personnel. It will support training of health librarians and information specialists to bring the newest medical information to the attention of students and doctors alike. It will expand and improve health library services by providing grants for additional resources in terms of medical and scientific journals and publications so that the best and latest thinking will be available to the medical profession. It will also support the development and improvement of a national system of regional medical libraries so that information can be quickly transmitted from major central libraries to the area that has an immediate need for the information.

To carry out these improved and strengthened programs, the committee authorized, over the 3-year extended period of the programs, an appropriation of $63 million.

The fourth bill which was sent to the President this week by the Congress of the United States was H.R. 14733, which extended for 3 years the program of assistance in providing health services for our migratory agricultural workers and their families. Nine hundred counties in this country furnish seasonal homes or work areas, or both, for an estimated 1 million migratory farmworkers and their dependents.

Migratory farmworkers and their families are the group most likely to be bypassed by national health gains. They are poor, they live in inadequate housing, and they are often geographically isolated. Less than $12 yer pear per migrant is spent for health care of these people as compared to $250 for the average person living in this country. The significant improvement in this legislation was to increase the group to whom services will be available by adding domestic migratory agricultural workers where the Secretary finds that the provision of health services will contribute to the improvement of health conditions of migratory workers and their families. In many cases it is impossible to distinguish be-

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tween migratory agricultural workers and domestic agricultural workers doing the same kind of work. Where these groups are mixed we would provide, in this new improved bill, health care for all since their health problems are the same.

To carry out this improved health program, H.R. 14733 would authorize $75 million to be appropriated over the 3-year period covered by the extension of this program.

Mr. President, I offer my sincere congratulations to the Congress for taking prompt and effective action this week to make significant improvements in the health programs designed to aid our people.

LEONARD HICKS—A SUCCESS STORY

Mr. FONG. Mr. President, it is always a pleasure and an inspiration to read about the success stories of Americans. Such a story is "Success is a Journey," which describes the brilliant rise to prominence of Leonard Hicks, head of the Leonard Hicks Organization.

The article, which appears in the January issue of the Sales Meetings magazine, gives the profile of a man who, in 1945, after being discharged from the Army, opened a small office in Chicago and built the Leonard Hicks Organization into one of the largest of its kind in the world.

Today, it has 22 divisions, 17 offices and in 1968 booked more than $101 million worth of business into hotels with which he has a representation agreement.

Mr. Hicks has written five books on hotel sales. When only 29, he was elected president of the Hotel Sales Management Association, which also elected him as one of the first four members in its hall of fame.

Sharing his love and good fortune with others, Mr. Hicks has adopted 15 children in different countries around the world. He pays for their sustenance and education and offers personal support through letters, visits when possible, and job opportunities when they become old enough to work.

Mr. President, I would like to afford Senators the pleasure of reading about this remarkable man and ask unanimous consent that the article on Mr. Hicks be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Success Is a Journey

Leonard Hicks is a hotel representative, a pioneer in the field, and a man who runs an empire. The Leonard Hicks Organization is one of the largest in the world. It has 22 divisions, 17 offices and in 1968 booked over $101 million worth of business into hotels with which he has a representation agreement.

Hicks—pleasant, greying, stockily built and around 50—opened a small rep office in Chicago in 1945, three months after his discharge from the Army.

The Hicks Organization has a reputation for having high-powered, top caliber executives running the show . . . and L. H. gives them their heads. "We don't designate any office as headquarters," he says in his direct, forceful style. "We obviously must have a clearing house for communications, but beyond that each office is autonomous. The burden of carrying their own weight is on the individuals running each office.

"When I'm here (his Miami office could be considered administrative coordinator since he has a home nearby) half of the people here aren't even aware of it. They stand on their own and that's the way we all like it."

Hicks has a devoted staff, partly it seems, because they think so much of him personally and partly because they have unlimited opportunity within the bounds of the Organization.

Included in the staff of personnel are over 150 sales and marketing people who last year helped bring the firm $34 million more in bookings than the year before, bringing the total over $100 million for the first time.

How much help did computers give toward ringing up that total? Hicks see the computers in the hotel industry today as an aid in office operation, payroll preparation, keeping track of accounts and reservations, but until the computer can come up with "an instant sales manager," it should be used as a shortcut, not as a substitute for people in a people-oriented business.

"Computers, properly programmed, should lend a great deal of sophistication to the efforts of individual hotels and firms who program them properly. However, the hotel marketing business is a people-oriented business.

"Profits do not generate themselves . . . they are generated by sales . . . and sales alone. Can a computer sell? It cannot. Can it think? It cannot. Hence, with the marvelous things it can do, it cannot do the everything.

"Computer salesmen have claimed they can do anything, but they cannot. Plainly speaking, computers have been oversold."

Hicks went on to elaborate on the fact that the role of a good hotel representation organization is often confused even in the minds of professionals. "Simply put," he says, "a rep does the work of a hotel sales manager if he could be in 15 places at one time, but we do much more. We act as an employe of the property represented in every capacity . . . in generating sales, in helping to build the image, in dealing with the industry on their behalf, in consulting on management problems, in recommending advertising and public relations, in development of group business, in forecasting business, in helping with direct mailing programs, and in a thorough and complete knowledge of the area and the competition involved in the area. We even promote business to the entire area by cooperating with the tourist development boards, particularly in off shore areas."

The hotel representative offers valuable services to meeting and convention planners.

"Nearly half of our business volume is group business," says Hicks, "company and association meetings, conventions, seminars, and incentive groups.

"We can tell the executive planning the meeting or convention what properties would suit his needs, check availability, secure rates, and wrap up the details with him locally.

"We have a history in our files on the movements of most groups so we know where they have been and what properties they might consider for the future. We try to match the right people with the right hotel in the right location. We depend on repeat business and the one way to get it is to relieve the planners of many things that he would otherwise have to worry about.

"We have the number of rooms available, their dimensions, the specs. We know what audio-visual equipment is on hand and where it is. We attempt to know our properties inside out so that we can relieve him of worrying if a room is large enough, has enough outlets, or presents the right setup for films or slides.

"It is part of our job to make his job easy for him. He tells us he wants a room for an assembly of all of his people on two occasions, needs 10 smaller rooms for workshops at another time, etc. We have the information about the facilities in our office as well as the rates and can match the right group with the correct facility.

"All of this doesn't cost the client a thing. The rep receives his compensation from the hotel. Our contracts are usually three, four or five years' duration."

Usually the representative's salary from a hotel is based on a straight monthly retainer plus an override on the amount of business booked. Arrangements vary greatly among the 500 reps in the business today, just as the value of the reps vary.

"To group all reps into a common mold," says Hicks, "would be like grouping a deluxe hotel with a skid row dwelling." There are several good ones and a lot not so good, but this is true in most any business today.

Hotel reps can help a hotel tremendously, according to Hicks, particularly when the chemistry between ownership, management and the rep is good.

He pointed out that one property they took was grossing $1.8 million for the year and last year the rep alone booked $3.5 million into it. They have other properties they book over $4 million into with the highest being $6.9 million.

The Hicks group has luxurious offices in all of the cities in which they are located in the U.S. and Canada. The New York and Miami offices are equipped with orientation theaters. Newer offices include London and Frankfurt with Dallas, Buenos Aires and Singapore offices to be opened in early 1970. Offices in Stockholm, Caracas and Madrid will follow.

The Hicks group recently entered the hotel management business. The new division does not affect the operation of the current representation organization but will complement and enlarge on services now offered. The first two properties contracted were in Oceanus North and South in Freeport, Grand Bahama Island.

"We are going to expand our management operation very carefully and very selectively," says Hicks. "We are in no hurry to prove anything and want properties that are compatible to our way of operating. We don't want any mediocre properties."

That's pretty much the way he feels about everything. He can't tolerate mediocrity. He, himself, has excelled in several fields. He was an outstanding athlete at one time holding championships in boxing, handball, and golf, despite football injuries to knees and back. He is a strong believer in physical fitness, swims most mornings in his pool at home, and works out every evening at a local spa.

He was born in Chicago, son of one of the industry's best known hotel men, the late Leonard Hicks, Senior, who managed the old Morrison and Pick Congress in Chicago.

His first job was at 15 as a key clerk during summer vacation from school. He later worked in hotel storerooms and in other departments before arriving in the hotel sales department which was to be his niche.

He started his rep business in 1945 and "made money the first month. It was lucky I did as I was figuring expenses on a basis of when I went into the Army. When I got out they were a great deal higher.

"The business took off right away and grew steadily. When we started we concentrated on group business only. I believe we were the first in this field to do that."

Hicks has some other fascinating facets to his personality. He has written five books, all on aspects of hotel sales, and donated receipts to the Hotel Sales Management Assn. of which he is a staunch booster. HSMA re-

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sponded to his years of service and dedication by electing him as one of the first four members in its Hall of Fame.

He has set up, using his own time and money, and the time of his general counsel, the HSMA Educational Foundation which allows contribution of manuscripts to be published by the Foundation.

When only 29, Hicks was elected president of HSMA. This was revolutionary at the time. He was not only very young for the honor, but was not a hotel sales manager . . . he was then a hotel representative.

He won despite hot opposition but HSMA enjoyed a great year and Hicks recalls that "the ones that were most against me at the beginning wanted me to run unopposed for a second term.

"I refused," he recalls laughing, "because that's an honor that you should have only once and then give someone else a chance. No one has run for a second term since."

Hicks in another side of his charismatic character has adopted 15 children, each from a different country, such as India, Hong Kong, Israel, Italy, Spain, Argentina, Jamaica. He pays for their sustenance and education and offers personal support through letters, visits when possible, and job opportunities when they get old enough for work.

"In many areas," points out Hicks, "poverty is severe and their chances to earn a good living are slim. We intend to give them a dream—and hope—in the future. With proper education they can turn these dreams into realities and their desires into solid achievement. The answer lies in their own personal motivation. All we can supply is the opportunity."

He recalls with a laugh some of the letters received from the children who are devout correspondents. Their letters seldom fail to brighten the day.

"We love these youngsters and let them know it in many ways including telling them.

"There is no such thing as a generation gap with these young people. All generations need the help of all others."

Leonard Hicks is an original kind of man—humble despite all his self-made success. Outspoken and frank, he is dedicated to being the best at whatever he does. But perhaps his main trait is his respect for others. He feels that all individuals deserve respect and he gives it. He gets great respect in return.

And his favorite maxim sums up his unique view of life. "Success is a journey—not a destination." With him, getting there is more than half the fun.

THE ABM

Mr. BURDICK. Mr. President, the Fargo Forum provided an interesting editorial recently dealing with President Nixon's and Secretary of Defense Melvin Laird's announcement that they will ask Congress for additional ABM sites. Because of the interest of my colleagues and the American people in this most important matter, Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

ABM Expansion Program Should Be Slowed

When President Richard M. Nixon, by virtue of a tie vote in the Senate, got the necessary congressional permission and appropriation to proceed with a limited deployment of an anti-ballistic system in the last session of Congress, his razor-thin victory was accomplished because the administration convinced some doubting senators that the reliability of the defense could be tested only with actual deployment.

There were only two anti-ballistic missile sites to be activated, one in North Dakota and one in Montana. The missiles to be installed at these sites are designed to protect the U.S. intercontinental missiles planted in silos across the two states and aimed at Russia.

But before the two sites even get well into the construction phase, President Nixon and Secretary of Defense Melvin Laird have announced that they will ask Congress for additional money to install ABM systems to protect the densely populated urban areas from a "minor power, a power for example like Communist China." Communist China is not a minor power, except for the fact that its intercontinental missile potential is regarded as second class.

Mr. Nixon's expanded ABM program carries with it a price tag that could easily stretch to at least $50 billion. Unquestionably he is going to have trouble convincing some of the more reluctant members of Congress that an extension of the ABM system is needed at this time, long before the effectiveness can be demonstrated by the Montana and North Dakota installations. In view of his intense efforts to hold down federal spending in other areas, the President may not only lose the efforts to expand the ABM system, but he may also lose the authority to spend the money which was appropriated in 1969.

For most Americans, the idea of stopping an attack of intercontinental missiles carrying nuclear warheads with defensive missiles, also tipped with nuclear warheads, is in the realm of science fiction. Perhaps the average citizen is beginning to hope that no one will ever again use nuclear weapons in any kind of war.

But if this nation is attacked, the general public probably doubts that all of the incoming missiles can be stopped. If they can't all be stopped, then there seems to be little use to spending billions of dollars to put up an effective ABM screen. Still, the public was willing that the nation go ahead with the first two installations so that the effectiveness of the ABM program could be tested. But to have the program expanded one year later, long before any actual test can be accomplished, is certainly going to make the average citizen doubt the administration's arguments of last year, as well as the arguments for extension.

Not only is the ABM still unproven, but also unproved are the administration's explanations that area protection is needed against China or some minor country. We think it would be a good idea for the administration to slow down its expansion program at an early date in the new budget discussions.

WELFARE REFORM

Mr. HARRIS. Mr. President, on February 10, 1970, I introduced the National Basic Income and Incentive Act—S. 3433—a bill which would replace the present welfare system with a Federal income maintenance system and give immediate financial relief to the States, not by a revenue-sharing plan but by letting the States keep more of their own money.

By providing an adequate level of payment, national standards of eligibility, and administraton of the system on a humane basis, S. 3433 would provide the kind of minimum standard of life that would allow those on welfare a real chance to break out of poverty and to become whatever their abilities and ambitions will permit.

While the executive council of the AFL–CIO was meeting in Bal Harbour, Fla., this week, welfare reform was considered. The council considered the various proposals which are pending in Congress to reform the welfare system. It reached the conclusion that S. 3433 comes closest to meeting the requirements for a compassionate and equitable welfare program.

The council commented on the need for welfare proposal to provide adequate work incentives and for those who cannot work adequate levels of payment. The council commented:

> The proposals in S. 3433 would implement both concepts by improved work incentives for those who can work and benefit payments at no less than the poverty level to recipients who cannot work.

I think Senators will find the statement of the AFL–CIO useful, and I ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by the AFL–CIO Executive Council on Welfare Reform

The Administration's proposal for welfare reform, though manifestly inadequate, has had the merit of focusing public attention on the glaring deficiencies of the present welfare system. The Administration should be credited for recognizing the need for a Federal minimum floor under what are often pitifully meager welfare payments and Federal eligibility standards, improvements the AFL–CIO has long advocated. It has also proposed an income floor of $90 a month for public assistance recipients who are aged, disabled and blind, the so-called "adult categories." But the level of payments proposed by the Administration for familes wtih children, $1600 for a family of four, is grossly inadequate and other features of its plan are equally unacceptable.

It is essential that the whole area of public welfare be put in its proper perspective. No conceivable reform of welfare can solve all of America's domestic and social ills. Indeed, to pretend it can, makes correction of these ills impossible. Public welfare cannot assume the responsibility of providing education, health, jobs, housing and legal services, or eradicating racial discrimination, or supplying many other unfilled social needs. In fact, public welfare exists in part because of the failures in other areas to meet human needs.

Public welfare should have one basic purpose—to get cash into the hands of those unable to provide for themselves. Therefore, there is just one valid criterion for both eligibility and the payment amount: need. But that need must be assessed realistically and humanely so that people forced to depend on public welfare can live in decency, as measured by acceptable standards in today's America.

The AFL–CIO long opposed the former practice of reducing dollar-for-dollar payments to welfare recipients who were able to obtain jobs We therefore welcomed the 1967 amendment which, though inadequately, instituted for the first time federal participation in financing of work incentive payments. But incentives for those who can obtain jobs must not be used as an excuse to hold at sub-poverty levels incomes of welfare recipients who cannot work. The proposals in S. 3433 would implement both concepts by improved work incentives for those who can work and benefit payments at no less than the poverty level to recipients who cannot work.

The AFL–CIO is convinced that if public welfare is to adequately meet the need of poor Americans, it must be a federal welfare program, with adequate payments based on the sole criterion of need, and with federal financing and administration of welfare costs. In order that all needy people will be treated alike, it must eliminate the existing artificial categories which have resulted in inequitable treatment of some needy people and complete denial of assistance to others.

The Administration's proposal of a Federal minimum payment of $1600 for a family of four would leave welfare recipients receiving it, mired far below the poverty line. The $1600 represents less than half of the poverty level and will be even less adequate in 1972 when the plan is supposed to go into effect. Even with the addition of $750 in food stamps that the Administration has recommended, such families would still have to eke out a living at approximately 40 percent below the poverty level.

The proposed payment level is so inadequate that less than 20 percent of present recipients of aid to families with dependent children (AFDC) would receive higher payments. Though present stipends average only $10 per person per week, over 5 million would not benefit at all from the Administration's proposal. Moreover, since it fails to provide for periodic updating, payments might be held at present sub-poverty levels indefinitely while living costs continued to climb.

Since Federal financing above the $1600 level would be discontinued, AFDC recipients now getting more than this amount might find their benefits cut. Increases would depend wholly on 100 percent financing from strapped state and local treasuries.

The Administration bill would continue mandatory work and training programs for welfare recipients. People cannot be forced into jobs that do not exist. They can't take training programs that aren't yet functioning or put their children in day care centers that haven't been built. America should provide people with adequate education, provide upgraded training where needed for the underemployed, make jobs available which pay at least the statutory minimum wage, make day care centers available for children of mothers who want to work and make decent health care available to everyone.

A fundamental fallacy in the Administration's proposal is its fatalistic attitude toward the existence of the working poor. It was the AFL–CIO which first directed attention to the shameful fact that millions of Americans who work full time receive such low wages that they and their families are forced to live in poverty conditions. To correct such conditions, the labor movement has fought through the years to extend minimum wage coverage to all workers and to raise the minimum wage to a decent level. Today, that is, at the very least, $2 an hour.

The Administration seems to have lost sight of one fundamental fact. Most poor families in America with an actual or potential breadwinner can be lifted from poverty if their wages are at a decent level. If this is done, only the incomes of large families in which there is only a single person working at the minimum wage would still be below the poverty level. But for the rest of the working poor—and there are millions of them—the simple solution for poverty is that employers be required to pay decent wages. For those who cannot obtain private employment, we need a large-scale public service employment program providing well-planned useful jobs paying at least the statutory minimum wage.

The Administration's proposal would require welfare recipients to accept "suitable" work or training as determined by the Labor Department. Only the old, sick, disabled, school children and mothers with children under 6 years of age would be exempt from this requirement. But no criteria are established as to what work or training is "suitable" or what wages must be paid on the jobs to which welfare recipients are referred.

Thus, despite some small improvements, we cannot support the Administration's welfare proposal. It would leave most recipients in poverty and could force many of them into dead-end jobs paying substandard wages.

Instead, the AFL–CIO calls for a bold new approach to public welfare geared to the needs and the potentialities of millions of poor Americans. The main features of such a program should:

1. Provide uniform national standards of eligibility and payment amounts no lower than the poverty level. Payments should at least keep pace with living costs. This will require a federal welfare system.

2. Provide that employable welfare recipients, without children in their care, be able to participate in work or training, with suitability standards set by the existing time-tested criteria in the unemployment-compensation system. There should be no referral to jobs paying substandard wages or in which a labor dispute exists.

3. Provide no hidden subsidies to substandard employers. S. 3433 would maintain full welfare payments for recipients who refuse to take jobs paying less than the minimum wage. But this is not enough to assure that unconscionable employers will not exploit welfare recipients. There should be a flat prohibition of payments supplementing substandard wages so that if employers wish to employ welfare recipients, they will have to pay them at least the minimum wage.

4. Provide adequate day care services for mothers who wish to engage in training or employment. This will require sizeable Federal funds for training of personnel and construction of facilities. Appropriate Federal standards should be established for day care so that it will be an enriching experience for the children involved. In addition, other critical gaps in social services must be closed in foster care, adoptions, protective services for children, counselling and guidance and legal services for the poor.

5. Administer public welfare on a decent, humane basis recognizing that its participants are dependent disadvantaged Americans who deserve not further punishment but ungrudging help. Separation of social services from the payments machinery is one important way of meeting this objective.

In summary, the AFL–CIO calls for a federalized public welfare program with payments at no less than the poverty level. The proposals made in S. 3433 come closest to meeting the requirements for a compassionate and equitable welfare program. For the recipients who can work, there must be available adequate training leading to suitable jobs at decent pay. For all other needy persons, adequate payment levels should be supplemented by a massive expansion of day care, health, counselling, rehabilitative and other supportive services.

In short, we call for a Federal welfare program that brings both security and dignity to its recipients.

STOPPING INFLATION

Mr. BAKER. Mr. President, on February 22, 1970, the New York Times published an article by Edwin L. Dale, Jr., entitled "Inflation Hurts—And Stopping Inflation Hurts." Mr. Dale, as each Member of this body knows, is a member of the Washington bureau of the New York Times and a widely respected writer on economic affairs.

The objectivity of the press has been a matter of fairly widespread discussion lately. There are, of course, many competing pressures that tend to induce reporters and editors to make more of a story than what might really be its intrinsic value. Every Senator has had some personal experience with news inflation.

However, economic writers march to a different kind of drummer. It is virtually impossible to make out of raw economic statistics copy that will compete with the latest lurid bedroom murder or campus demonstration. Spared the need to compete with such fare, writers on economics have the great luxury of working with the facts. Their reputations hang not on whether they get it first or most dramatically but on whether their analysis is borne out.

I know of few men, if any, in this field who have a record as good as Mr. Dale's. I personally find this one of his best pieces of writing, and I will not be surprised to find that the future course of the economy follows pretty much the path he foresees. I commend this article to my colleagues and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Inflation Hurts—And Stopping Inflation Hurts

(By Edwin L. Dale, Jr.)

Washington.—"Those who place their bets on inflation will lose their bets. Those who place their bets on a cooling of inflation will win their bets."

With those words, spoken in mid-November, Richard Milhous Nixon automatically—if perhaps not consciously—established a major test for himself, one almost as significant as that presented by his Vietnam policy. He spoke to an unconvinced society.

His economic test will measure his determination to stay with a tough fiscal and monetary policy when unemployment begins to rise, as it inevitably will. In a sense, the test will also measure the value judgments of a society. Most Americans probably do not understand very well the mysteries of Federal Reserve monetary policy or deficits and surpluses in the national budget; but there is an instinctive and accurate realization that curbing inflation means producing a much more sluggish economy and a rise in unemployment; it means, in other words, slower economic gains for most of us, at least temporarily.

The President, Congress and the people will face this year what the economists call the "trade-off." Their reaction will, in all probability, have a major effect on the course of the American economy and society as well. In a real way the question is: Can our modern society, with all its troubles, face up to the problem of inflation at all?

It is unfair to attempt the answer without disclosing one's own value judgment. Mine is that it is more important to our future well-being to halt inflation decisively in 1970 and 1971 than it is to retain our present degree of full employment. I believe that, socially as well as economically, we will be better off if we require some additional hundreds of thousands of men and women to suffer some weeks of unemployment. Politicians do not put it in those blunt terms, but they are the only fair terms. I do not like the consequences of the choice, but, in the words of Arthur Okun, President Johnson's chief economic adviser and a man of unquestioned repute: "Yes, Virginia, there is trade-off." One must choose.

The President and, equally important, the seven-man Federal Reserve Board—now with a new chairman, Arthur F. Burns—must choose. Economic policy was easy in the Nixon Administration's first year. There was no reasonable alternative to a program of fiscal restraint (a surplus in the budget accom-

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plished by a firm curb on spending and the extension of the income-tax surcharge) and monetary restraint (the Federal Reserve's reduction almost to zero of the growth of money and bank credit in the economy). Except for such people as health researchers, whose budgets have been cut, and home builders, who are starved for credit, there have been few complaints. But that was because the policy took so long to become effective. Now it is doing so. And according to Paul McCracken, the chairman of the President's Council of Economic Advisers, this year is going to be "uncomfortable," even "painful"; it will see rising unemployment and falling profits with, at first, a continuation of rising prices—in short, the worst of all possible worlds.

There is even a distinct possibility of a recession—an actual downturn in our total production and employment—and a worse rise in unemployment than anyone wants to see. This is not part of the Government's aim, but it cannot be ruled out. The *enfant terrible* of the nation's economists, Milton Friedman of the University of Chicago, has, because of the monetary restraint carried out so far, unequivocally predicted a recession, and some experts think that one may have already begun.

Whether Friedman is right in foreseeing a recession or the Administration is correct in hoping for only a prolonged slowdown (which would also increase unemployment), the historical evidence suggests that inflation will be brought under control after a lag. And in either case, there will be some misery this year.

In the face of that misery, can the President and the Federal Reserve stay with their program? Can they restrain themselves from pumping up the economy again when trouble brews? And what of the impact on the individual? Who must suffer if a national purge is necessary to stop inflation? What about the Congressional elections of 1970?

An examination of those questions is dependent upon an understanding of why the trade-off problem exists. Many people—particularly liberals, but some conservatives, too—think that it need not exist. One rather simplistic school just wants to wish it away: "There must be something wrong with the system if stopping inflation means that people must lose their jobs." A theory popular among laymen is that inflation is neither caused nor cured by Government fiscal and monetary policy but is closely tied to union-induced wage increases or the excessive profits of large corporations.

There is no mathematical equation that can demonstrate such views to be wrong; all we can do is examine the conclusions of the experts. By no means do economists have an unblemished record in either forecasting or policy prescription in the postwar era, but neither has their record been dismal. And they are the only experts we have. They differ on some things, but on two crucial things they very largely agree:

By far the most important determinant of inflation or relative price stability, of boom or slump, is demand, and demand is powerfully influenced by Government fiscal and monetary policy.

The importance of demand was examined in November in a brilliant paper by G. L. Bach of Stanford University. "Nearly all economists," Bach said, "recognize today that monopolistic business or labor groups can exert only limited inflationary pressure on the economy unless aggregate demand is growing to validate the higher wages and prices these monopolists set."

It is worth recalling in this connection the years 1958 to 1965. We had unions then, too. We had "big business." We had Congressional inquiries into the power of the steel industry, for example, to push up its prices even when demand was falling. But the American price level, for all intents and purposes, was stable. The consumer price index rose by about 1.5 per cent a year (compared to about 6 per cent now), and industrial wholesale prices, balancing the increases with the decreases, were absolutely flat. If steel went up, something else, like chemicals, went down. There was, in other words, no inflation, which suggests that union wage demands and corporate profit-seeking do not make it inevitable (after all, while all of our corporations supposedly seek profits, most are subject to pretty effective price competition, and only a quarter of our labor force is unionized).

It is true, of course, that the wage costs already built into the economy will continue to exert upward pressure on prices and that bargained wage settlements will be large again this year. This is one of the chief reasons why all sides agree that inflation cannot be stopped quickly. Even the high interest rates that have accompanied inflation and the effort to slow it are a cost element for some industries, notably public utilities, whose capital investment requirements, and hence borrowing requirements, are high relative to labor and materials costs. The huge increase in the prices of most metals in 1969 is another built-in element that will tend to work its way through to prices.

Still, the historical record is clear: If demand is reduced and the Government follows a policy of restraint for a reasonable length of time, prices will eventually stablilize. We have not had perpetual inflation in the United States in the postwar period, contrary to popular belief, and there is no reason why the present dangerous inflation should prove permanent, despite the forces working to keep rising prices."

If excess demand causes—or, more precisely, starts—inflation, as it has done in the Vietnam period since 1965, the only way to stop it is to reduce demand, probably for a long time. But less demand obviously means less production, and less production means less employment. In other words, there is a trade-off. Okun, a liberal, has come under fire from fellow liberals for his statement of the truth:

"When markets are exceedingly weak no businessman will dare raise his prices for fear of losing his markets, and no workers—organized or unorganized—will demand significant wage increases for fear of losing their jobs. The problem of curing inflation is difficult and demanding only because we will not take this decapitation cure for the headache of rising prices."

This situation, Okun continued, "gives the economist the obligation of telling the nation a most unhappy fact of life: if the American public insists on a better price performance than it is getting, it must accept some extra unemployment and some sacrifice of output and real incomes."

McCracken, who is widely respected by his Democratic counterparts, summed up recently in an off-the-cuff remark in a group of businessmen his feelings on the problem of checking inflation:

"I don't know of any evidence or any experience which suggests that this kind of thing can be done without the necessary fiscal and monetary measures. I don't know of anything in our own experience or anything in international experience which would suggest that this could be done unless you put fiscal and monetary restraints into place and, moreover, unless these policies are sufficiently restrictive so that they cause a certain amount of pinching and binding and a certain amount of pain."

There is no point in going further. If these are not truths, all the textbooks will have to be rewritten. William McChesney Martin Jr., who has just retired as chairman of the Federal Reserve Board, says simply: "You can change the nature of demand and alter the composition of supply, but you can't abolish the law of supply and demand. This is a law we must reckon with always."

Though the Government has been working for almost a year through its fiscal and monetary policy to slow the growth of demand, it took a long time for the economy to show any results. But by the end of the year there was not much room for doubt; all the indicators were showing the same thing, slowdown. The effects on the price level were still almost invisible, but that was always true this early in the game. There remained, however, a legitimate question of whether the slowdown in demand and output would last long enough to do any good.

There are those who think that it will not. Such men as Pierre Rinfret, the flamboyant business consultant, believe that the economy—and, with it, prices and wages—will go right on booming this year. There is some ground for this skepticism.

It has to do primarily with the American political process and the way Government expenditures and revenues are determined. Even before Mr. Nixon started the final stages of his budget-making process these things had happened:

Social Security benefits had been increased by 15 percent.

The income-tax surcharge was due to expire—partly a decision by the President, but a decision made in the weary assurance that Congress would never again extend it, as all the Congressional leaders said.

The tax reform and reduction bill, while putting off most revenue loss until later years, was due to reduce collections somewhat (beyond the expiration of the surcharge) in calendar 1970 and fiscal 1971.

The uncontrollable items in the budget—such things as interest on the debt, Medicare and veterans' benefits—and probably the pay of Government workers as well, were heading up by $7-billion or so.

Despite these problems, the President has managed to come up with a fairly credible budget of $200.8-billion showing a modest surplus of $1.3-billion. Fiscal policy is hardly massively restrictive—and probably not as restrictive as it ought to be. But the budget is consistent with the basic strategy of continued restraint on the economy.

Unfortunately, there is no assurance that by the time Congress gets through the budget will still be showing a surplus. There is a growing feeling in Washington that a rational fiscal policy verges on the impossible in the United States, given the diffused state of power and responsibility in Congress. The awareness that Congress in 1969 was acting in a fairly inflationary fashion on both expenditures and revenues—and the resulting belief that fiscal policy was beginning to soften—probably contributed to the business community's decision to increase again this year its investment in plant and equipment. This would not happen if business were convinced that markets were going to be weaker and stay weaker for some time to come.

But despite concern about Congress, the Administration's economic team is reasonably confident that fiscal policy will be firm enough this year to keep the policy of overall restraint on track. A major reason for the confidence is a conviction that monetary policy is, if anything, more powerful than fiscal policy. Mr. Burns and his men can keep monetary policy as tough as they want as long as they want, though this year will probably see some relaxation of the severe restraint that characterized most of 1969.

Herbert Stein, an owlish-looking, quietly humorous man who is probably the leading economic intellectual in the Nixon Administration, has begun to wonder aloud whether fiscal policy matters much at all. Stein, a member of the Council of Economic Advisers, keeps pointing out that the budget swung from a deficit of $25-billion in fiscal 1968 to a surplus of $3-billion in fiscal 1969, by far the biggest swing in modern history,

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and nothing much seemed to happen in the way of sharply checking the economy or its inflation. Noting that there will be a far smaller shift in the budget the other way this year, but also noting that monetary restraint continues, he remarks:

"What is astonishing is that after the experience of the last year, this prospective shift in the budget position should be assigned as much weight as it commonly is in appraising the outlook for inflation. . . . The expiration of the surcharge strengthens the case for expenditure restraint and for caution in other policy, but it does not mean that the anti-inflation game is lost."

At another point, Stein said: "Continuation of these policies will reduce the rate of inflation . . . There is no record of long continuation of the present rate of inflation with anything like the present degree of restraint. Uncertainty among economists about the size and timing of the effects of restrictive financial policy does not extend to the point of asserting that the effects are zero."

It is well at this point simply to accept the evidence of history. Mr. Stein is right. Even with a mild swing away from restraint in the budget, the policy, over-all, is still very restrictive. If it does not work, we shall be faced with a situation equivalent to that facing the doctors who discovered that bleeding was not, after all, the best cure for disease. There is no evidence yet that we need be concerned on this score; the history of the postwar period shows that restraint works.

Who gets hurt when restraint does work? Here some figures are necessary. John F. Kennedy took office as President in January, 1961, at the bottom of the fourth postwar recession (albeit a mild one) and at the end of four years of sluggish economic growth (meaning, of course, sluggish demand and little inflation). In that month, there were 1.6 *million* Americans who had been out of work for 15 weeks or longer.

Subsequently, as we all know, the Government gradually adopted a policy of stimulating the economy, notably through the tax cut of 1964. The stimulation was overdone, as we also all know, following the intervention in Vietnam. And that is why we have inflation. But in late 1969 the number of unemployed who had been out of work for 15 weeks or longer was down to a rockbottom figure of a little more than 300,000 in a total labor force of more than 82 million. What is more, the modest rise in unemployment that occurred in 1969 as the policy of restraint began to have an effect has not changed the figure for the long-term unemployed—the hardship unemployed—so far.

In a typical recent month, a total of 3 million people were unemployed. Who were they?

Teen-agers seeking their first jobs.

Housewives looking for "second incomes" who have not yet found their first jobs since re-entering the labor force.

Machinery, auto or cannery workers who have been laid off temporarily, most of whom are receiving unemployment compensation.

People who have moved and are seeking employment in their new locations.

Finally, a relatively small minority who qualify as hardship cases because of the duration of their unemployment.

There are some interesting aspects to the figures. The 200,000 increase in the number of unemployed from December, 1968, to December, 1969, can be accounted for entirely by white workers. Though the figures for one or two months are not conclusive, Negro unemployment at the end of 1969 was at its lowest point in 17 years. Only 40 per cent of the 2.6 million people who were unemployed in December, 1969, had lost their jobs; the rest were new entrants or re-entrants into the labor force. Contrary to conventional beliefs, widespread layoffs are not the common experience in modern America, nor are they likely to be the common experience in a slowdown. It would be harder to *get* a job, but job losers would not necessarily increase much.

It is true that there have been some layoffs in the automobile industry, and there will be others in the more cyclical manufacturing industries. But less than 30 per cent of our nonfarm payroll employment is in manufacturing. The bulk of our labor force is now employed not in direct production but in transport, distribution, government and services, where jobs are much steadier. Chrysler lays off people when demand falls, but this is not true of the supermarket or the telephone company or the bank, not to mention the public school system or the police department.

What all of this says is that there is no direct connection between a rise in the national unemployment percentage and a rise in serious hardship. Still less necessarily is there a connection between a rise in the national unemployment percentage and "social unrest." Ghetto unemployment, particularly among teenagers, has been relatively high all along. The riots occurred when unemployment was about as low as it could get nationwide, and there is little evidence that a rise in the national unemployment rate toward 5 per cent from 4 per cent is, by itself, likely to increase social unrest—or indeed the basic social-racial problem. It may, but it may not. We have no reason for assuming, *a priori*, that it will. To make that assumption is the equivalent of assuming that fat corporation profits or union-induced wage increases are the cause of inflation.

Mr. Okun and others are quite right in pointing out that a rise in the unemployment rate creates real losses, even if it does not add much to genuine "hardship" unemployment. In the kind of slowdown we are talking about, more than half a million people who had held steady jobs may suffer five weeks of unemployment during the year. This will cut their income (and their spending—and, of course, inflation); it is no fun. But one must choose. This is the only way to check inflation—to get the rate of price increase down from its present 6 per cent, as measured by the consumer price index, to as little as 2 per cent.

A final thought on this point is relevant. Britain's unemployment rate, as a result of "austerity," has moved up from a fairly stable 1.5 per cent of the labor force to a fairly stable 2.5 per cent. Ten, or even five, years ago this would have been regarded as a prescription for social, and certainly political, disaster. In fact, there has been almost no outcry and the British economy is at last doing better.

Why is the price of added unemployment—even if it does not imply massive hardship—worth paying? Why not just take the inflation?

This is the hardest question of all for a democracy to answer. What is more, it is hard for the experts to answer. No man can say with total assurance that X will lead to Y—that the continuation of inflation will lead to some kind of truly massive hardship or permanently reduced well-being.

We are well aware that inflation hurts the aged and others living on fixed incomes. We all know that it hurts some of the poor (though some others, who get jobs or higher pay as a result of a tight labor market, benefit). We all know that inflation hurts savers and buyers of insurance policies—which means most of us. But it is not enough to say all this. All of us would prefer a relatively stable price level just because we would prefer it; but would we inflict some extra weeks of unemployment on hundreds of thousands of our fellow citizens in order to get it?

There are considerations that go beyond the immediate problems of the aged, the poor and buyers of insurance. In one recent month, for instance, more than 20 state and local governments were unable to sell bonds to finance desirable improvements because the interest rate was too high for them. And the interest rate was high because of inflation.

In the last year, the annual rate of housing starts in a nation rapidly approaching the point of housing shortage has fallen from 2 million to 1.3 million. Why? Because of inflation's impact on interest rates as well as on other elements of construction.

In the autumn of 1969, absolutely sound public utilities and telephone companies were paying close to 9 per cent interest to sell bonds that were needed to keep our country going, and some of the bonds did not sell. There has been no collapse yet, but if inflation continues—and such lenders as insurance companies and pension funds continue to insist (legitimately) on higher and higher interest rates—one day the utilities and many others may not be able to raise capital at all. And 90 per cent of the long-term capital in this country is raised through bonds, not through the stock market, despite its charisma and public attention.

Troubled men are worried about such things. The financial markets have been swept by a dangerous disease called "inflationary expectations." The result is higher interest rates for the home buyer (who must pay 8 per cent or more for a mortgage) as well as the electric company. The financial actions and inter-actions involved in this are complex, and even economists and bankers do not pretend to understand all of them. There is little doubt, however, that inflation is at the root of what is happening to interest rates and to the bond market; and there is little doubt that developments in both areas imply real danger.

Sidney Homer of the Wall Street firm of Salomon Bros. & Hutzler, a historian of American finance, points out the problem:

"Under Johnson, the policy of 'no recession ever' became explicit and was widely accepted by economists, both of the left and of the right, and by a large preponderance of businessmen. This naturally touched off a capital-goods boom. Prices and costs started to rise after years of stability. . . . Finally, in recent years, civil disorders and social-reform proposals have seemed to provide an even more positive assurance that recessions will be politically unacceptable at any time ever and at any cost. . . . Such an assured point of view is entirely novel, and I believe it is the basis for the expectations of unending inflationary prosperity which have developed over the last three years. These expectations are basically responsible for our high rate of inflation and our capital market distortions."

Why lend your money—which is what buying a bond is—if inflation is going to erode the interest return? No one can be sure that capital will dry up in this country. But in a real sense it has dried up elsewhere—in Brazil, for example, a country that is as old as we are, that has perpetual inflation and that is very poor. If investment patterns in the United States change markedly because of inflation, it is likely that we shall all be poorer.

Another reason to feel a little frightened about continued inflation is, in a sense, as intangible as bonds and interest rates; it is the international monetary system. Douglas Dillon, the former Democratic Secretary of the Treasury, had some words in early December that are at least worth noting:

"The proper functioning of the international monetary system is wholly dependent upon a sound and relatively stable dollar. Our continued inflation at home threatens that stability. Without a stable dollar, world trade as we know it today would not be possible. . . . This is the one circumstance I can foresee that could cause a worldwide recession or even a depression. We ourselves could not escape such a phenomenon. Therefore, it is urgently in our own interest to so conduct our monetary and fiscal affairs that we put an end to the current inflation as rapidly as possible."

Mr. Dillon, incidentally, also said that we would "have to pay a noticeable penalty" to stop inflation, including "more unemployment than we would like and smaller profits for business than is pleasant."

And there is one more reason to feel a sense of urgency about ending inflation: It has been a primary cause of the financial crisis of the cities. An enormous portion of local governments' expenditures go to wages and salaries; in an inflationary economy, the cities have had no choice but to give large pay increases to teachers, policemen and subway motormen; and revenues, based in good part on local property taxes, have not risen proportionately. This financial crisis is a much bigger obstacle to social progress than a small rise in unemployment.

Back to the President. No man can say for certain how he—or the Federal Reserve, which is largely independent—will face up to the agony of 1970. The guess here is that he means what he says, which signifies that when things slow down the Government will be very cautious about letting demand expand rapidly again. It signifies that a fairly prolonged slowdown will be accepted as the only way to kill the inflation and, even more, inflationary expectations.

McCracken, the chairman of the Council of Economic Advisers, has told businessmen that after the "valley" of a severe slowdown this year, demand will not again be permitted to rise as rapidly as in the last four inflationary years. This means that when policy, particularly monetary policy, is at last eased, it will not switch as in the past to one of pumping up the economy at a rapid rate. If the Government means what it says, we may be in for a sluggish economy well into 1971.

The President's economic report to Congress predicts a flat economy for the first half of this year, making three quarters of no growth, with some rise in unemployment. Though the strategy calls for a resumption of the rise in demand, and hence growth, in the second half, the rise is to "moderate" so as to be "consistent with continued progress in reducing the rate of inflation." And even this expansion is not guaranteed; unemployment could easily be a persistent problem all through 1970.

If one agrees that there is no doubt about Mr. Nixon's present intentions, what about the 1970 elections? What about "political pressure" as unemployment creeps up?

Here again, there are some widespread assumptions that may be wrong. Economic issues, including unemployment, can be important, but they invariably make up only part of a cluster of issues. If the President is making progress in extricating the country from Vietnam, that could easily swamp almost anything that is happening in the economy. For at worst 94 or 95 out of every 100 of us in the labor force will still be working. There might even be some progress on the inflation front by late 1970, which would make the Administration case a good deal more attractive.

In any event, there will be pressure, in part political. The President says, at least, that he has made his choice: that the policy of stopping inflation must go on, even though it causes pain. If he means it, he can, with the help of the Federal Reserve, stop inflation, though not completely in 1970. Inflation is no more inevitable than Vietnam, and it is much easier to see the solution: as tough a budget as Congress will permit and a sharp limitation on the growth of money and credit. But each man—and especially the President—must decide for himself whether the price (unemployment and some severe business losses) is worth paying. If we are to stop inflation, it will have to be paid.

CHARGES AGAINST TRAN NGOC CHAU

Mr. FULBRIGHT. Mr. President, yesterday we learned of the latest chapter in the case of the Vietnamese legislator, Tran Ngoc Chau. On Monday Chau was sentenced by a military tribunal to 20 years at hard labor, ostensibly because of contacts with his brother, a North Vietnamese intelligence agent, which he did not report to the South Vietnamese authorities. On Thursday Chau was taken by the police from the National Assembly Building in Saigon to jail.

The charges against Chau are regarded by many as a transparent pretext for silencing one of the most outspoken critics of the Thieu regime. The manner in which Chau's immunity was lifted and his trial conducted raises serious questions regarding President Thieu's attitude toward the Vietnamese Constitution and the justification for continued American respect or support for the Thieu government.

For the benefit of those who may not have followed the most recent developments in the Chau case may I point out that the petition used to justify the lifting of Chau's parliamentary immunity is apparently of dubious constitutionality. Two appeals on this point are pending before the Vietnamese supreme court. These appeals apparently should have entitled Chau to freedom pending decision. Furthermore, the authenticity of some signatures on the petition has been challenged. At least one Vietnamese deputy is reported to have declared before the trial that his signature had been forged and another has apparently asked that his name be withdrawn from the petition. Even if the constitutionality of the petition procedure is upheld, since the petition requires the signatures of a majority of the members of the assembly to be effective, the elimination of these two names would mean that the petition would not suffice to lift Chau's immunity. I should add that it has been widely reported that several of the other signatures on the petition were obtained by threats and bribery.

Mr. Chau was apparently tried and sentenced without benefit of counsel. According to a story by Mr. Robert G. Kaiser in Wednesday's Washington Post, the tribunal was unexpectedly convened an hour earlier than its normal starting time with the result that Mr. Chau's attorney had no opportunity to present his case. Mr. Kaiser reported that the court accepted, without question, the prosecution's suggestions for punishment.

As I explained on an earlier occasion, the circumstances of the Chau case seem to show that President Thieu's charges against Chau are politically motivated. Furthermore, it appears that the American Embassy bears a measure of responsibility in this matter. Despite warnings of Chau's intention to disclose his past relationships with Americans, and I know that there have been such relationships, and despite recommendations from some American officials that the Embassy assist Mr. Chau, mission officers have been ordered to keep hands-off the Chau case. The apparent reason for this decision is our unwillingness to do anything which might displease President Thieu.

The real reasons for President Thieu's campaign against Chau and our hands-off policy seem to have little to do with Chau's contacts with his brother. Such contacts among members of Vietnamese families, divided by the war, are not at all unusual. Furthermore, Chau's contacts were known to high American authorities in Vietnam at the time they occurred. More recently, some of the best informed and most experienced American officials in Vietnam have said that they know of no grounds for believing that Chau is a Communist. It is interesting to note that although Chau's contacts with his brother had been known to the Thieu government at least since April 1969, and that Chau had openly acknowledged them in July, Thieu did not begin to press his charges against Chau until November 1969.

President Thieu's campaign against Chau must be considered against the background of Chau's open advocacy of a negotiated political settlement to the war. Because of the strength of Vietnamese sentiment for an end to the war, Chau's espousal of talks with the NLF apparently made him a potentially dangerous political rival and threatened to undermine Vietnamese support for continuing the war.

As I have stated before, Chau's credentials as a Vietnamese nationalist and opponent of communism are not questioned by those who are familiar with his record and his views. Given that fact, Chau's belief that peace can come only as the result of direct talks between Saigon, North Vietnam and the NLF takes on added significance. Chau wrote on this point in January 1969:

> We have the right to call the National Liberation Front by a hundred terms which are bad, vile and most servile, but we must admit that this organization exists in reality, and that there could never be any peace talks which could bring an end to the war if we did not agree to make some concessions to this organization and thus to satisfy some of its minimum demands.
>
> We have done this before with regard to some armed opposition groups. Why can't we do it again with regard to the National Liberation Front? Is it because this Front is Communist or dependent on the Communists?
>
> That is the truth.
>
> But at present, both we and the U.S. have realized that our army and the army, technical ability and resources of the most advanced modern power in the world can't exterminate them and because of that, we are forced to talk with them at the conference table.
>
> Whether we like it or not, we are compelled to discuss the methods of ending the war in order to restore peace.

The unwillingness of the United States to intercede on Chau's behalf is perhaps all the more understandable when one notes that Chau blames the United States for the failure of the Paris negotiations. In the same interview quoted above, Chau said:

> In the past the U.S. has proven its power through the evolution and shifts of power among the patriots and scoundrels among the leadership of the Vietnamese nation, and at present the U.S. is still the most influential power from our local level to the central government and from the companies and battalions to higher echelons.

If the U.S. had withdrawn some assistance items or some supply items, certainly what happened to President Diem, to the regime prior to 1963, would have happened to President Thieu, to the present regime.

With its available open and secret power, the U.S. is the main obstacle which blocks Viet Nam on the road to war or peace. If the U.S. does not agree with the RVN.

Therefore, let us demand that the U.S. reconsider its attitude at the Paris peace negotiation and at other peace talks to come.

It strikes me as unfortunate that the Embassy and the State Department are unable to maintain an attitude toward Vietnamese internal affairs which will permit such nationalists as Tran Ngoc Chau to play an active and constructive role in the pursuit of peace and the building of a truly democratic society in Vietnam. Instead, we find ourselves, once again, the willing servitor and apologist of a regime which seems to exploit the American presence, in the cause of self-perpetuation and not, as our rhetoric would have us believe, for the sake of self-determination.

STATEMENT OF SENATOR HRUSKA AT HEARINGS ON VOTING RIGHTS ACT

Mr. DOMINICK. Mr. President, the Senate will begin consideration of the Voting Rights Act next Monday. We will be discussing the administration proposal and a simple extension of the 1965 act.

The Senator from Nebraska (Mr. HRUSKA) is ranking Republican on the Constitutional Rights Subcommittee which has been holding hearings on these proposals. On February 18, he presented a statement to the subcommittee in support of the administration proposal. Many of us have not yet taken a position on this legislation. I found Senator HRUSKA's statement most informative and think it should be placed in the CONGRESSIONAL RECORD for our review and consideration over the weekend.

I ask unanimous consent that this statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HRUSKA

Mr. Chairman, last July this Subcommittee had hearings on a number of Senate proposals to amend and to extend the Voting Rights Act of 1965. Our hearings on those Senate bills were extensive and balanced. We heard from many witnesses, including Attorney General John Mitchell. Since our hearings a House bill has been considered and enacted by the House to accomplish this purpose. That bill is H.R. 4249, which, together with the Senate bills on which testimony was received in our hearings, is now pending before this Subcommittee.

H.R. 4249 was introduced in the House at the same time that S. 2507 was introduced in the Senate. They were identical bills, and were introduced on behalf of the Nixon Administration. Since the 1965 Act expires this August, the Administration sought to introduce appropriate legislation early in the 91st Congress to permit enactment before the existing law expired. This was a laudatory goal, and the Department's prompt sponsorship has permitted the Congress to move forward. Only Senate action is now required.

The bills before this Subcommittee, and those considered by the House, fall into two basic categories: those that seek merely to extend the 1965 Act, and those that seek to amend as well as extend the 1965 Act. H.R. 4249 seeks to amend as well as to extend. The difference, in my opinion, is primarily that of approach rather than of objective. They share the same fundamental purpose, that is, to enforce the guarantee of the 15th Amendment of the U.S. Constitution that the right to vote shall not be denied on account of race or color.

Both approaches are committed to the need to make more effective the voting rights of our citizens who are being denied the vote due to racial discrimination. However, H.R. 4249 goes further. It seeks, in addition, to make more effective both the rights of persons nation-wide who are denied the opportunity to vote because they are under-educated and the rights of those who are denied the opportunity to vote in presidential elections because they cannot meet local residency requirements.

Both approaches provide procedures for the appointment of federal voting observers and examiners. The 1965 Act, however, applies this procedure only to six states and parts of three others. H.R. 4249 would, on the other hand, extend this procedure to every state of the nation.

Both approaches provide procedures for challenging the laws of states or political subdivisions which are allegedly discriminating against the right of citizens to vote due to race or color. Again, basic remedies of the 1965 Act apply only to six states and parts of three others. H.R. 4249 would apply to all states equally.

I think these differences are strong arguments for H.R. 4249. The Nixon Administration unqualifiedly supports this proposal, and the House, by a majority vote, adopted this proposal. Let us consider its broad merits.

First, it abandons the onus of regional legislation that exists with the 1965 Act. The Act was passed, as I recall, for the purpose of bringing extraordinary remedies to bear on a few states of the union where voting discrimination seemed most prevalent. This judgment was based on the registration and voting records of these states in the 1964 presidential election. The Act's formula was a departure from the general rules of good legislation, and I feel, was a troublesome precedent for the future of our federal-state relations. The Congress, however, considered the problem to be critical and the formula contained in the 1965 Act to be the only solution. I want the record clear at this point that I voted for that Act, and am satisfied that the remedies applied had salutary results. We were told at our hearings last year that over 800,000 Negroes have been registered in the covered states since passage of the Act.

Mr. Chairman, times and circumstances change. Problems, while once critical and demanding of extraordinary remedies, over time evolve toward solutions. Registration in these affected states is now as good or better than in many other states in the union. Extraordinary remedies, in my opinion, should be necessary only to restore a situation to circumstances that can be dealt with by traditional and proven procedures. In my opinion, that time has come.

Next, H.R. 4249 extends the scope of the Attorney General's power to correct abuses of the 15th Amendment rights anywhere in the country. This bill grants him direct authority to send federal voting observers and examiners to any of our fifty states. It clarifies his power to bring lawsuits and obtain injunctions against discriminatory laws in any state or political subdivision in the nation. It extends his power, once a particular case of discrimination has been proven in a court of law, to suspend future laws or practices in the appropriate states or subdivisions as long as the federal court having jurisdiction considers it necessary. Thus, while H.R. 4249 would relieve the six presently covered states from the burden of regional legislation, it would not weaken the Attorney General's ability promptly to correct voting abuses anywhere in the nation, including those states.

I think that it is obvious that discrimination does not exist in just one part of the country. Unfortunately, discrimination occurs in different places, in differing degrees, all over the country. The Administration's recommended bill would extend coverage of the Voting Rights Act to all of those instances of discrimination.

A third change from the present Act is that the Administration's bill will return the thrust of enforcement back to the judicial processes and away from the administrative procedures which now exist. This is important. Our system of government is based on checks and balances, and the judiciary has been the most consistently reasonable and fair arbiter in this system. Administrative procedures, in place of judicial remedies, might be necessary under extraordinary conditions, but should not be extended once the basic conditions improve. The unreviewable suspension power of the Attorney General over state and local laws contained in the 1965 Act is such an administrative power; it has served its function. Registration and turnout of voters in the covered states has greatly increased. Let us now return to our courts of law.

Furthermore, H.R. 4249 prohibits the use of literacy tests in any state in the nation. The 1965 Act was directed at the discrimination against Negroes in southern states resulting from use of literacy tests. However, it is becoming a well-known fact that literacy tests have the effect of discriminating against all educationally-disadvantaged citizens, of all races and colors. As Attorney General John Mitchell stated during the Subcommittee hearings last July:

"The widespread and increasing reliance on television and radio brings candidates and issues into the homes of almost all Americans. Under certain conditions, an understanding of the English language, and no more, is our national requirement for American citizenship.

"Perhaps, more importantly, the rights of citizenship, in this day and age, should be freely offered to those for whom the danger of alienation from society is most severe—because they have been discriminated against in the past, because they are poor, and because they are under-educated. As responsible citizenship does not necessarily imply literacy, so responsible voting does not necessarily imply an education. Thus, it would appear that the literacy test is, at best, an artificial and unnecessary restriction on the right to vote."

A recent study shows that, in general, states of the North and West which have literacy tests have lower registration and turnout rates than those without literacy tests. It can be little doubted that literacy tests in all states that have them inhibit voting by minority group persons. A nation-wide ban on literacy tests, as proposed in H.R. 4249, would add numbers of educationally-disadvantaged black and whites, Mexican-Americans, Puerto Ricans, and American Indians to the voting rolls.

Finally, Mr. Chairman, the Administration bill will limit the application of state residency requirements in presidential elections. It may be reasonable to require a period of residency for local elections, but such a requirement has no relevance to presidential elections. Presidential elections receive nation-wide coverage, and the issues are nation-wide in scope. The Bureau of the Census indicates that 5.5 million persons were unable to vote in the 1968 presidential election due to local residency requirements. In an increasingly mobile society, this problem must be resolved.

Mr. Chairman, I urge the members of this Subcommittee, and the witnesses who appear before us, to retain sight of the goal which we all share. That goal is to guarantee the right of each citizen to vote, recognizing in this guarantee that voting is the most fundamental right in a democratic society. The prominence of this right to the durability of our system, and the dedication we all share to enforcing that right, should lend dignity and calm reason to our inquiry.

The results under the 1965 Act are impressive, and all thoughtful men recognize that the Act has served the extraordinary purposes for which it was enacted. On the other hand, the facts and circumstances on which its regional remedies were based have changed. We should not assume that it is necessary to preserve the Act without change in order to continue the most active nationwide enforcement of the right to vote for all of our citizens.

LESTER MADDOX

Mr. HARRIS. Mr. President, the recent action of the Governor of Georgia, Lester Maddox, in handing out ax handles in the restaurant of the U.S. House of Representatives was an outrage and a disgrace. What a sickening thing to have happen, and Representative CHARLES DIGGS was quite right in trying to get Governor Maddox to come to his senses and correct his boorish behavior.

An editorial in today's Washington Star expresses my sentiments, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GIVE HIM THE AX

The people of the sovereign state of Georgia, of course, like those of the other states, are entirely within their rights to elect anyone they wish as governor. They have exercised that right by electing Lester Maddox, who sprang to fame as a fried chicken king passing out ax-handles to customers so they could beat off any Negroes attempting to enter his emporium.

Also, it may be recalled that Calvin Coolidge, in another connection, noted that the fools of the nation are entitled to some representation in the government and they usually get it.

That said, there remains little excuse one can think of for the Georgians allowing their interesting specimen to come to Washington and pass out his weapons in the restaurant of the House of Representatives.

Coming as it did, just as the Stennis amendment has obscured, to say the least, the congressional intent to desegregate schools, Mr. Maddox's performance was a sickening reminder of some of the frightening realities behind the appeal to reason so loftily asserted by Senators Stennis and Ribicoff.

Mr. Maddox, it is said, is an amusing adjunct of his state house, receiving daily long lines of the people in somewhat the manner of a feudal lord and even going out to the byways if the people fail to show up in quantities sufficient to suit him.

Surely some simple method can be devised to keep him there. He represents a problem that should be solved by, not flaunted in, the nation's Capitol.

IMPENDING GAS SHORTAGE

Mr. HANSEN. Mr. President, during the controversy over oil import controls, I and others have warned that any decline in exploration and development of domestic oil reserves would also affect natural gas supplies.

There is a definite interrelationship between gas and oil which affects not only discoveries but, basically, the type of capital commitment, total capital commitment, and incentive for an industry.

During hearings before the Senate Interior Subcommittee on Minerals, Materials, and Fuels last November, the chairman and members of the Federal Power Commission testified that the wellhead price of natural gas was the most fundamental and controlling aspect of supply and that the exploratory effort of the industry is related entirely to gross revenues. When revenues have gone up, there has been a greater exploratory effort.

One of the commissioners who testified during these hearings, Carl E. Bagge, recently came out in favor of deregulation by the Federal Government of natural gas prices at the wellhead and called the cost-base area-rate approach a failure.

In commenting on a deepening supply crisis on natural gas, Commissioner Bagge said that after a decade of industrywide cost-based area rates, the regulatory process is equally as frustrated as it was in 1960.

I certainly agree with Commissioner Bagge's hypothesis that market forces rather than Federal control must prevail in pricing gas at the wellhead and I ask unanimous consent that an article from the Oil Daily, which reported a speech in which he expressed his views and recommendations on producer gas rate regulation, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Oil Daily, Feb. 25, 1970]

AREA-RATE APPROACH "A FAILURE": BAGGE CALLS FOR DEREGULATION OF NATURAL GAS PRICES AT WELL

COLORADO SPRINGS.—A top federal natural gas regulator came out here Tuesday in favor of de-regulation by the federal government of natural gas prices at the wellhead—calling the cost-based area-rate approach a failure.

Commissioner Carl E. Bagge of the Federal Power Commission unleashed his bombshell recommendation at the 65th annual meeting of the Midwest Gas Association at the Broadmoor here.

Bagge, who has shown increasing irritation with the inability of the FPC to come to grips with the deepening supply crisis on natural gas, pointed out that a decade ago the FPC had jettisoned-utility approach to producer gas rate regulation because it was unworkable.

Then it opted for the area-rate style of regulation, proposing that prices be set on the over-all financial requirements of the producing industry as a whole.

"Today," Bagge declared, "after a decade of industry-wide cost-based area rates, the regulatory process is equally as frustrated as it was in 1960.

"If we are candid, it must be acknowledged that we have failed the 'practical test' which we established for ourselves in Permain (the Permain Basin precedent-setting area-rate decision of FPC, upheld in every particular by the Supreme Court).

"Individual company rate-making having been determined to be unworkable and cost based area rate making having been demonstrated to be unworkable, the necessity for squaring producer prices with the market should now be clear.

"In the short term this overriding fact must be reflected in the adoption of indices which at least recognize market realities. In the long run, however, the market will inevitably prevail and regulation will be totally ineffectual to influence price.

"We are obliged, therefore, to establish the policies now which will permit the inevitable ascendancy of market forces to operate in such a way as to work for the public just as they do in most other areas of our economic life.

"This, in the final analysis, can only be achieved if the market can operate unfettered by regulation and if government policies are evolved which will affirmatively enlarge the supply base by broadening the base supply and increasing the supply sources.

"This, I submit, is the new goal of this new decade. It must be achieved by a national commitment which insures that the potential which this industry offered to the quality of life will be fully realized in this decade and in the decades to come."

Bagge said the opening of the decade of the 70s is the time to reappraise goals and determine whether they are relevant.

This goes double for government regulators, he asserted.

Just as the nation's transportation policies must be coordinated, Bagge said, so must those in e very other area of government business regulation.

He said the adversary hearing process, based on combative economic interests that has characterized the regulatory process up to now, will become "increasingly anachronistic in the decade of the seventies."

Even now, Bagge said, this process can no longer cope with many of the vast policy issues confronting regulation today.

To back up his hypothesis that market forces, rather than federal control, must prevail in pricing gas at the wellhead, Bagge made these points:

(1) To meet rising and new demands, the gas industry must, as a matter of national policy, "be stimulated" as an aggressive force in the energy economy.

(2) Government responses must "be made relevant" to that goal.

(3) Domestic gas supplies are growing short and the nation is looking to high-cost gas supplies from foreign sources.

(4) A new "LNG technology" is being shackled into the "conventional utility mold by the extension of the Natural Gas Act."

(5) "Discernible cracks" are already evident in the "regulatory dike" on gas prices, in view of continuing inflationary forces and the inability of the industry to meet big, new demands for gas.

(6) There is an "immediate need" based on existing circumstances, to establish indices that will give weight to "market forces" in pricing gas at the FPC.

(7) The FPC can't continue gathering vast volumes of cost data during time-consuming rate proceedings, so alternatives "must be adopted to the existing controversies regarding cost analysis and cost methodology—and they must be adopted quickly."

(8) But, even adoption of alternatives now would merely provide a short-range solution to the problem.

(9) The most immediate threat of a breach in the present regulatory dike lies in proposals for large imports of gas from Canada to Midwestern markets at higher prices.

(10) Farther west, another break may be caused by long-range proposals for Canadian imports at still higher prices.

(11) In less than three years, further "breaches" in federal control are threatened by proposed imports of base-load LNG from Algeria "at substantially higher prices."

(12) If imports are needed in large quantities, both in liquid and gaseous form, at much higher prices than those now prevailing, "we must then acknowledge that the market will have effectively and irrevocably swept away the dike of producer regulation."

He said that regulation, under such circumstances, "cannot then escape the unpleasant fact that it will have been deluged

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by the very market forces for which it was intended to substitute."

Any response by the FPC could no longer be "honestly regarded as 'price' regulation," Bagge said.

He said that "we delude ourselves" if the ritual of regulation is seen as the real solution to the problem.

THE BALTIMORE CITY COUNCIL SPEAKS OUT ON VIETNAM

Mr. TYDINGS. Mr. President, the connection between the financial costs of the war in Vietnam and the shortage of funds for our cities is becoming increasingly clear. The resources of the United States, like those of the individual taxpayer, are not infinite; consequently we must critically question how we use our resources. The Baltimore City Council has unanimously passed a resolution calling for an end to the war in Vietnam and a redistribution of funds to Baltimore and other large cities to meet its ills. I ask unanimous consent that city council resolution 1075, expressing concern that the needs of the cities are going unmet while the war in Vietnam continues, be printed in the Record.

There being no objection the resolution was ordered to be printed in the Record, as follows:

Resolution

City Council Resolution expressing concern that the needs of the cities are going unmet while the war in Vietnam continues.

The City Council is deeply concerned about the urgent problems that face Baltimore and other large cities in this country. Baltimore is taxing its own resources almost to the limit and in so doing places a particularly heavy burden on its citizens. While the United States is rich in natural and human resources, our riches are not endless. The war in Vietnam has taken its toll in human resources and in the expenditure of monies. All citizens want to see an end to this conflict as soon as possible coupled with a subsequent redistribution of Federal funds which may help the economy of our local subdivision; now therefore, be it

Resolved by the City Council of Baltimore:

1. That this Resolution be an expression of support for the stated determination of the President of the United States to extricate the United States from this war as rapidly as possible and in keeping with our own nation's security, honor, and best interest.

2. That the Federal Government make available to Baltimore and to other large cities of this country, sums of money sufficient to permit the elimination of the critical conditions now existing in Baltimore and other large cities of the nation.

3. That a copy of this Resolution be sent to the President of the United States, and to the United States Senators and Congressmen from Maryland.

ENVIRONMENTAL RESEARCH AND FORT DETRICK

Mr. MATHIAS. Mr. President, with his renunciation of lethal biological and chemical warfare and his concern for environmental quality, President Nixon has taken positions deserving universal acclaim. At this moment, the President has a unique opportunity to concretely demonstrate his resolve in both areas by converting facilities at Fort Detrick, Frederick, Md., into an environmental research center.

Fort Detrick has a plant and personnel with potential which should not be rendered useless by the dispersal of its present teams of scientists and technicians.

Moreover, the dismantling of Fort Detrick would have a severe effect on the town of Frederick which has close economic and cultural ties with the center.

Mr. President, I ask unanimous consent that an editorial from the Frederick Post, calling attention to this problem, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Detrick Can Improve Life

As the Nixon administration ponders the future of its multi-million dollar military installation at Fort Detrick now that the nation has renounced all bacteriological warfare except for defense, we trust that it will give due weight to the thoughtful and well documented suggestion of Senator Charles McC. Mathias that it be converted into the nation's environmental research center.

As the senator well points out in his letter presentation for the plan to the President, "the personnel team and physical plant at Fort Detrick are ideally trained and equipped to positive and constructive progress in preserving and improving the environment."

And he well adds: "The goal of improving the quality of human life is more closely-related to the individual goals of members of the Fort Detrick team than has been popularly recognized. The potential is both real and large and the opportunity is fleeting."

Frederick has a tremendous stake in the continuance of Fort Detrick as a governmental facility. As the largest employer in the area, its economic impact upon the entire community is of surpassing magnitude and its cultural ties are close.

At the present time its future is heavily clouded with doubt. Obviously, under the humanitarian policy enunciated by President Nixon under which the nation renounces bacteriological warfare production of such weapons on the scale that has been carried out at Fort Detrick becomes unnecessary.

There have already been two layoffs of employees at the facility and another is in the cards for March. And a high level spokesman for the installation in an address to the Kiwanis Club recently in which he frankly admitted that morale is sagging told the group that he expects to see an exodus of the younger PhDs. employed there on a voluntary basis.

Obviously, this is what Senator Mathias so frankly warns the President of—the disintegration of the smoothly functioning team which has done a remarkable job as long as its efforts were required.

Reminding the President that Frederick is his home town, the senator said:

"I know the unique role that the scientific community at Detrick has played both in the civic and cultural life of Frederick and in performing the job which the Department of Defense assigned to it in our nation's security interests.

"It is a remarkable community. Those who have been involved in it are reluctant to see its members dispersed as a result of uncertainty of future use of the exceptional research facilities there.

"The scientific community without a significant role and mission is often an unhappy community. These are not merely people looking to preserve their jobs. They are people who believe—and properly so—that the unique facilities at Fort Detrick should not be casually dismantled by their government."

And, continuing, he added: "They will not long work for a body without a soul. The best brains there will have the best alternatives and will go first and fastest. To retain the finest members of this distinguished team you will have to move quickly."

Truer words were never said. This is no issue to get bogged down in the bureaucratic system of the Pentagon. Too much is at stake both for the future of Frederick County but the personal happiness of the Detrick staff.

A member of the management team at the military facility in his address to the Kiwanis Club predicted that the fate of Fort Detrick will be decided within the next two months.

But he frankly admitted that top personnel at the installation are as much in the dark as to the future of the facility as is the general public.

This is not good. The crying need of the 70s is an intelligent scientifically-oriented attack on the forces which are ruining the environment of the American people.

We agree with Senator Mathias that the laboratories and scientific knowhow of the facility are ideally qualified to attack this job and trust that President Nixon will give due weight to the suggestion.

MRS. HELEN DELICH BENTLEY

Mr. BIBLE. Mr. President, my home State of Nevada, which I have the great honor of representing, is landlocked and far in miles from an ocean. However, one of its natives has distinguished herself in the maritime field, both in the newspaper field and in Federal service.

I refer to Mrs. Helen Delich Bentley, a native of the copper-mining town of Ruth, Nev., a graduate of White Pine County High School in Ely, Nev., and a former student at the University of Nevada, and at one time a member of the senatorial staff of the late Senator James G. Scrugham of Nevada some years ago.

On Thursday, January 22, 1970, at the 163d commencement exercises at the University of Maryland in College Park, Mrs. Bentley was honored by being awarded a doctor of laws degree, as 1,700 persons received other degrees.

Mr. President, I ask unanimous consent that the full text of the doctor of laws degree received by Mrs. Bentley appear at the conclusion of my remarks.

There being no objection the text was ordered to be printed in the Record, as follows:

Honorary Degree, Helen Delich Bentley, Doctor of Laws

Helen Delich Bentley, nominated by President Nixon in August, 1969, to serve as member and chairman of the Federal Maritime Commission, was confirmed by the U.S. Senate two months later.

Prior to joining the Federal Maritime Commission, Mrs. Bentley had a distinguished career as maritime editor of The Baltimore Sun, during which time her "Around the Waterfront" column was syndicated in many major newspapers.

Mrs. Bentley has received numerous honors and awards for her contributions in the maritime field. She was the only woman aboard the tanker SS *Manhattan* when it made its recent historic trek through the Arctic waters of the Northwest Passage.

Born and reared in Ruth, Nevada, Mrs. Bentley attended the University of Nevada for one year. She then moved to Washington, D.C., where she studied at George Washing-

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ton University and worked for the late Senator James G. Scrugham of Nevada. She later received the bachelor of journalism degree from the University of Missouri.

ACTION NEEDED NOW ON OIL IMPORT REPORT

Mr. McINTYRE. Mr. President, the President's Task Force on Oil Import Controls has released an incisive report which calls for the gradual elimination of the oil import quota system as it presently exists.

The Washington Post, in an editorial entitled "New Oil Import Policy in Order," recognized that the time for further study has passed and that the action on the report must be taken now.

The Post correctly states that the task force has considered the myriad contingencies involved in eliminating the quota system and has come to the conclusion—the only conclusion possible—that our national security will not be harmed, but rather will be strengthened by a steady and deliberate phaseout of the present system.

It has become all too obvious that the administration has decided to place partisan politics above the needs of the residents of the Northeastern States. I hope that this attitude will change and that the consumer's interest will replace President Nixon's personal political interest.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEW OIL IMPORT POLICY IN ORDER

The President's Cabinet Task Force on Oil Import Control has cut the ground from under the existing quotas. The quotas were established during the Eisenhower administration in the belief that protection of the domestic oil industry was essential to the national security. The task force under the chairmanship of Secretary of Labor Shultz has now found, after months of study, that "the present import control program is not adequately responsive to present and future security considerations."

With only two members of the Cabinet level group dissenting, the report makes a devastating case against the present system. It "has spawned a host of special arrangements and exceptions for purposes essentially unrelated to national security, has imposed high costs and inefficiencies on consumers and the economy, and has led to undue government intervention in the market and consequent competitive distortions." The cost to consumers runs to astronomical sums. Without the controls, the task force concluded, the domestic wellhead price of oil would fall from $3.30 per barrel to about $2, the world price. The result would be a saving to American consumers of about $5 billion annually now and more than $8 billion by 1980.

The Shultz group does not, however, recommend any drastic or abrupt termination of the policy. "Complete abandonment of import controls at this time," it concluded, might cause economic dislocations and might not be consistent with national security. The task force urged instead a phased-in liberalization of the policy, beginning with a tariff of $1.45 per barrel designed to replace the quotas and further relaxation as warranted by changes in the supply situation. It is essentially a modest and cautious program and deserved a better reception at the White House than the non-committal statement the President issued.

Some risk would be present in any policy that might be adopted. The task force estimated that if North America should be denied all Eastern Hemisphere and Latin American oil in what it calls a "one-year supply crisis" in 1980, about 21 per cent of the United States and Canadian demands would remain unmet. But we shall be increasingly dependent upon foreign oil in any event because domestic use is growing faster than the supply. The security risks in being dependent on the Middle East for this oil are obviously greater than those involved in obtaining it from Venezuela and other closer sources. So the task force has suggested preferences and safeguard arrangements designed to increase the assurance of adequate oil without emergency interruptions. Probably the most uncertain element in the present picture is the development of the Alaska reserves. Fortunately, the policy recommended in this study would make ample allowance for adjustment to the anticipated flow of oil from Alaska when and if it becomes a reality.

It is understandable that the President wishes to analyze the report with care. His creation of a new Oil Policy Committee to monitor the problem on a continuing basis may be a good sign, as are the discussions with Mexico, Venezuela and Canada. But the country will be expecting some positive action on the basis of the task force findings. It would be indefensible to allow this heavy burden on consumers to remain untouched in the face of persuasive findings that it is not even serving the nation's security interests effectively.

ENVIRONMENTAL QUALITY: FAMILY PLANNING

Mr. TYDINGS. Mr. President, on February 19 of this year, the distinguished Senator from Wisconsin (Mr. NELSON) appeared before the Health Subcommittee of the Senate Committee on Labor and Public Welfare and delivered an excellent statement on the population problem in this country. His remarks revealed both a deep understanding of the population issue and a desire for remedial action.

As one of the leading environmentalists in the Senate, one who was battling to preserve the quality of life in this country while others were still silent, the Senator spelled out the critical relationship between unchecked population growth and the deterioration of our environment. As he put it:

> There are . . . many causes of the environmental crisis, but certainly one of the most important, if not the most important, is our expanding population.

The Senator also drew on the hearings he has chaired on the labeling of oral contraceptives to point out the urgent need for more research to develop safer, more foolproof contraceptives.

In addition, I was most pleased that the Senator used his appearance before the Health Subcommittee to endorse S. 2108, legislation I introduced last year to provide voluntary family planning services to all who desire them and to increase biomedical and contraceptive research.

I strongly recommend the Senator from Wisconsin's excellent statement to all who are concerned with the family planning and population problem in America. Therefore, I ask unanimous consent that the Senator's testimony be printed in the RECORD.

There being no objection the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. GAYLORD NELSON, A UNITED STATES SENATOR FROM THE STATE OF WISCONSIN

Senator NELSON. Mr. Chairman, I am appearing here today in support of Senator Tydings' Bill, S. 2108, which I have cosponsored.

The environmental crisis is ultimately the most serious crisis that we will have to face. The havoc we are bringing to the natural resources we have inherited will insure the end of life on this planet as we know it if something is not done about it today.

The tremendous strain that a highly industrialized society like ours makes on the environment which supports it just may break the delicate balancing of nature with catastrophic effects.

There are, of course, many causes for the environmental crisis, but certainly one of the most important, if not the most important, is our expanding population.

The seriousness of unchecked population growth is suggested by Paul Ehrlich, "Too many cars, too many factories, too much detergents, too much pesticides, multiplying contrails, inadequate sewage treatment plants, too little water, too much carbon dioxide—all can be traced easily to *too many people*."

Most of you here today already know of the dramatic and serious consequences of an unrestrained, spiralling population, and I need not go into detail.

It is unmistakingly clear that unless something is done about the population explosion, we will be faced with an unprecedented catastrophe of overcrowding, famines, pestilence and war.

When most Americans think of the population explosion, they usually think of it in terms of the rest of the world. For example, the world's population doubles every 35 years. Most developed countries have a doubling rate of better than 60 years, but many undeveloped countries have doubling rates of 20 years.

Consider that for a moment. That means that most undeveloped countries will have to double their roads, food production, power, transportation system, doctors, teachers, schools, every 25 years or so.

That would be a practical impossibility for a highly developed country like ours; it is out of the question for undeveloped countries.

Today, there is general feeling among a number of scientists that the world's optimum population level has already been passed.

It is my feeling, that judged in terms of our past performance in the management of our natural resources in this country, that we are already overpopulated in this country.

That is, we have demonstrated an incapacity to maintain a decent environment with 200 million people.

It surely will be catastrophic when in another 35 years we reach 300 million people. If we can't dispose of the waste of 200 million, what are we going to do with the waste produced by a technological society of 300 million people?

Some may take exception to that. They say that last year the United States had the lowest birth rate (births per thousand of population) in its history.

But even at that, that rate produced 3.5 million babies, a figure that would have been considered an extremely high figure before 1947.

Hopefully, our birth rate will continue to decline, but it is disturbing to realize that today we are going through a dramatic in-

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crease in the number of persons of child-bearing age.

In 1960, there were 22 million people between ages of 20 to 29. In 1975, there will be 36 million in that age bracket.

In spite of a declining birth rate, the most recent estimates point to the probability of a population in this country of 300 million by the year 2000, up from 200 million now.

If we plan on accommodating them adequately, we will need to build the equivalent of one new city of one-quarter million every 40 days for the rest of the 20th century.

If we do not build these cities, and I venture to say that we will not, the result will be more crowding of our already overcrowded cities, and more unsightly urban sprawl that destroys our countryside.

Today, in America, 70 percent of our people live on one percent of the land. The crowding of people into smaller and smaller areas may have detrimental effects that we are just now beginning to understand.

For example, according to studies made by Dr. Hudson Hoagland and other scientists at the Worcester Foundation for Experimental Biology, overcrowding helps produce crime, violence and schizophrenia.

Scientific tests have shown that overcrowding among insects and rats leads to irrational destructive behavior—fighting, suicides, and cannibalism.

The thesis of Desmond Morris' new book, "The Human Zoo," is that animals in the unnatural state of captivity show degenerative behavior patterns which are not found in animals in their natural habitat and which did not exist in primitive man. He attributes these destructive forms of behavior to the human zoo of the city in which man is caged.

It is also perfectly clear that overcrowding will not be the only adverse side effect of an unchecked population growth. Wayne Davis, in a disturbing article that recently appeared in the *New Republic*, says that our population level is more damaging to the land than the huge population of India.

Davis conservatively estimates that the average American has at least 25 times the detrimental effect on the land's ability to support human life as does the average Indian, and he indicates that a more realistic figure might be 500.

Considering our destructive tendencies to the environment, Davis concludes that our small population growth is actually 10 times as serious as the higher growth rate of the people of India.

It is quite obvious that some type of reasonable check will have to be made on our population growth.

Aside from the benefits a stable population will have on our efforts to achieve a quality of life in this country, we would also be helping to avert a world-wide catastrophe. We are told by our ambassadors that it is almost impossible to sell our birth-control programs to foreign countries, because it is generally recognized that we are not doing enough to solve our own problems. We need to be able to sell these programs with the background of "do as we do," and not "do as we say."

As pressing as the population problem is, it is probably the hardest of all our social problems to meet. The danger is twofold: if we do nothing, we invite world-wide calamity.

If we do too much regulating, we will seriously hamper individual freedom and throw away any possibility of a quality of life that we hope to attain by working for a stable population.

The question of how we can stabilize the world's population with a fundamental regard for human rights will be one of the most important questions that we will have to face up to in the decade ahead.

It is with these considerations in mind that I add my enthusiastic support to Senator Tydings' Bill, S. 2108. I do so for three specific reasons:

1. FAMILY PLANNING SERVICES AVAILABLE TO ALL WHO DESIRE THEM

It is the expressed purpose of this bill to make family planning services available to every family desiring such services five years from now. Present estimates indicate that last year, 800,000 out of 5 million women who desired such aid actually received it.

This committee has already heard testimony by Dr. Allen Guttmacher who quoted figures that indicate one-third to one-half of all pregnancies in America in the 1960's were unwanted.

If we can cut out unwanted births by voluntary family planning services, we will be making a marked impact on the population growth in this country and on the life situations of millions of Americans.

In addition to cutting down drastically on our population growth, by making services available to the poor that are now only available to the Americans who can afford such services, we will be eliminating one of the major causes of poverty—too many mouths to feed.

There is a high correlation, as Representative Shirley Chisholm has pointed out earlier, between the number of children in the family and the ability of that family to break out of the poverty cycle.

2. ADEQUATE FUNDING LEVELS FOR RESEARCH

The enactment of S. 2108 would do more than make services available to the poor. Through adequate funding levels for research, the bill will make available safer contraceptive means to those who do have access to medical care.

Almost all of the witnesses at the hearings on the oral contraceptive have testified that more resources are needed and should be allocated to solving the problem of providing the technology that will insure a safe and efficient contraceptive.

Even though the pill hearings have not been completed, one conclusion seems obvious: that we need to be making more funds available to make the pill safer, and to develop alternative methods.

Our hearings to date indicate that the pill presently on the market has some side effects and complications, needs to be improved, and cannot be expected to provide the ultimate contraceptive.

I might add, too, that there seems to be strong public support for more research in this area. A substantial percentage of more than 1,200 letters the Monopoly Subcommittee of the Small Business Committee has received, whether they be for or against the pill, indicate support for more research to bring forth a safer and as effective means of birth control.

I have written a letter to Secretary of HEW Finch indicating the need for further research, and I would like to insert that letter into the Hearing Record at this time.

Senator Eagleton. That will be made part of the record.

(The letter referred to follows:)

"February 2, 1970.

"Hon. Robert H. Finch,
"*Secretary of HEW, Department of Health, Education, and Welfare, Washington D.C.*

"Dear Secretary Finch: This letter is in reference to our telephone conversation on Monday.

"As I mentioned at that time, one thing that emerges rather clearly from the testimony on oral contraceptive drugs before our subcommittee is the urgent need for an expanded research effort, particularly in two fields:

"(1) clinical and laboratory studies of women on oral contraceptives, and

"(2) statistical and epidemiological studies to quantify the relationship between the use of oral contraceptives and these effects.

"Dr. Philip Corfman, Director of the Center for Population Research, appeared before the Subcommittee on January 23rd and described the research on these subjects now supported by the National Institutes of Health. It would be most helpful if the N.I.H. would outline and transmit to the subcommittee a description of the additional research that they believe is necessary to conduct at this time.

"I have assumed it is appropriate to direct this letter to you, rather than to N.I.H.

"With best regards,

"Gaylord Nelson,
"*U.S. Senator.*"

Senator Nelson. It is my belief that the funding levels in Senator Tydings' bill would provide a minimum level for achieving the technological breakthrough that is needed in addition to adding to the existing body of information on a whole series of population-related factors.

Earlier testimony before this committee has indicated that $10 million for population research was spent by NIH in Fiscal Year 1969 as opposed to $185 million for cancer, $165 million for heart, $105 million for allergies.

The budget for population based medical research for Fiscal Year 1970 is $15.5 million, and for Fiscal Year 1971, $28.4 million.

If Senator Tydings' bill is passed and enacted into law, the fund level for Fiscal Year 1971 would be $35 million more than that, or $63.4 million. This is a level that more closely approximates the funding level that is absolutely necessary for this problem.

Actually, if there is any one criticism that I have of the Tydings bill is that the figures are not high enough. It is my understanding that several groups of experts in the field agree that an adequate funding level for Fiscal Year 1970 would more closely approximate $175 million and more than $1 billion needs to be spent over the next five years.

It should be pointed out also that the results of such research will have beneficial effects more far-reaching than just within our national boundaries.

If we are to significantly help in the world-wide fight to curb the population explosion, there must be developed a simple and safe method that can be made available to populations on a massive scale.

Present methods are either too complicated, too inefficient, too expensive, too awkward, or too unsafe.

3. COORDINATION OF EFFORTS

S. 2108 aims at the coordination of all population research and services into one National Center for Population and Family Planning.

A center such as that proposed in the Tydings bill will have several advantages besides eliminating duplication of effort.

By focusing all population-related activities into one center instead of spreading it around several different agencies, it will give us an agency that we can hold accountable for the money we appropriate to it.

If the program does not work, we can easily find out why. This will make it possible for us to insure that the taxpayers' money is being used wisely and in the public interest.

Last year, the President sent a special message to the Congress describing the growing threat that the population explosion poses to the U.S. and to the entire world.

He proposed that steps be taken here in this country to provide information and services on a country-wide basis so that all Americans who wished to do so could space or limit the number of their children.

He also stressed the need for increased scientific research to provide improved contraceptives for this purpose.

The challenge which faces medical science in meeting this issue is surely one of the greatest challenges facing our society today.

I hope that the hearings on the oral contraceptive will be regarded as a major incentive to the researchers, physicians, biologists, chemists, drug companies, and gov-

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ernment agencies to find answers to the many questions which have been and are being raised.

With the passage of S. 2108, we will be giving the Federal Government the tools to stimulate and use the necessary research and developments.

It is urgently necessary that solutions be found as quickly as possible which are compatible with the health, welfare and the dignity of human beings here and throughout the world.

Thank you, Mr. Chairman.

Senator EAGLETON. Thank you, Senator Nelson.

At the bottom of page five of my copy of your statement, you make this observation: "If we are to significantly help in the world-wide fight to curb the population explosion, there must be developed a simple and safe method that can be made available to populations on a massive scale. Present methods are either too complicated, too inefficient, too expensive, too awkward, or too unsafe."

Based on the hearings, Senator, which your committee held, can you summarize for us the state of the technological or medical art insofar as birth control techniques are concerned, and look down the road as to what you may envision as to be possible in this area from the scientific or medical points of view based on the testimony you have heard?

Senator NELSON. I, of course, cannot address myself to that question as one who has any independent expertise.

I might be able to summarize roughly what the experts who have thus far testified have to say about it.

Senator EAGLETON. Yes, that is what I want.

Senator NELSON. As for the oral contraceptive, there isn't any doubt but what it is effective. That is, for all practical purposes, it is 100 percent effective.

One of the problems about the oral contraceptive is that it does have some side effects. It may or may not have further side effects that we don't yet know about.

In other words, it has been used for nine years and it affects certain metabolic changes. The experts who have testified simply say they don't know what that means extended over, say, a 15-year period.

So there are some things about the pill that we don't know.

Furthermore, the research on the oral contraceptives has been inadequate from, I think, several standpoints, one of them being research.

There has been no research on dose levels. That is, we know what level of estrogen or progesterone combined or separately will prevent a pregnancy.

We don't know how low a level of these synthetics or a combination of them will be effective and at the same time reduce side effects.

It is rather astonishing to me that the oral contraceptive should be on the market now for about nine years, used by 8,500,000 people in America, and about another 10 million people around the world, and thus far no comprehensive studies have been made on dose levels.

In Britain, recently, they concluded that all oral contraceptives with more than 50 micrograms of estrogen should be removed from the market on the grounds that those with the higher amount of estrogens, that is, those with more than 50 micrograms, those with 75 or 100 micrograms of estrogen, substantially increased the incidence of thrombo-embolism.

So in England, they have been taken from the market so that none of the oral contraceptives have more than 50 micrograms of estrogen.

In this country there are many pills on the market that have over 50 micrograms.

The studies on which the British base their conclusion and requested their removal from the marketplace, to my knowledge, have not yet been made available to our government, though our government has requested them, and I anticipate shortly we will have them.

If the British studies support the conclusion, I assume that a decision will be made by the Food and Drug Administration to remove those from the market.

That still doesn't answer the question that we have done no research to find out whether 25 micrograms would be as effective and, if so, how much would that reduce the metabolic effects, how much would it reduce the incidence of thrombo-embolism or strokes, how much might it reduce the threat of other serious physiological damage as a consequence of extended use.

So what we are really talking about here is a very dramatic, effective, important oral contraceptive which has been a great benefit and a great step forward in attempting to do something about the problem of population growth, one that gives the user almost 100 percent assurance that if they do take the pill pregnancy would not occur, with all of the psychological and social benefits that go along with that kind of assurance. Still we haven't adequately researched these pills, or the variety of them, some of which are combinations and some are not.

Therefore, I think it is important, and every scientist would simply say, that our research should be expanded.

I think they are all confident that there can be a dramatic improvement in the oral contraceptive and very possibly find something that is even more convenient and more effective with less side effects.

Frankly, here is a drug being prescribed more widely than any other drug for long periods of time, for more people than any drug in the history of this country, and our research is pitifully inadequate.

So I would say that one of the most important aspects of Senator Tydings bill is that it addresses itself to the question of getting additional research.

I might simply point out that research and dose level studies are complicated to set up. You have to have a user who was willing to risk a pregnancy because of the lower amounts of estrogen or progesterone in the tablet. So it makes a difficult protocol study to set up, but not impossible—it can be done. I point up that if you can ultimately produce an oral contraceptive which would appear to be the most convenient method, if you could ultimately produce one that reduced further the side effects that those now have, it would have a substantial effect world-wide. According to the judgment of all the medical expertise, without any dissent that I know of, anyone taking the oral contraceptive ought to be advised in advance what the side effects are and ought to be advised in advance what the counterindications are so that the doctor can make a determination as to whether this patient has a family history of diabetes or breast cancer and should not be on the pill at all. Finally, all of them agree that anybody who is using the oral contraceptive must have a physical examination regularly.

One witness insisted it should be once every three months. A substantial percentage of them would conclude once every six months and others once every year.

But in any event, they agree to the need for a regular physical examination which involves a Pap's smear as well as a breast examination.

Now, what kind of a problem, if you are going to follow this quality of medicine, does that present in the under-developed countries of the world where there is not that availability of medical care?

It would be dramatic and important if you could develop a pill that substantially reduced the side effects that are now known, and ideally, of course, one that we become satisfied had minimal side effects. I am sure all of them will have some side effects—there is no way to introduce a potent compound into the body without having certain physiological effects and certain side effects that some people can tolerate and some cannot. But if you could dramatically reduce it so it wasn't quite so necessary to have examinations this often, a great contribution would have been made to the problem that we are discussing here.

I emphasize again I think there is no part of this bill that is more important than the part that addresses itself to expanding rapidly and dramatically, and investing much more, in research which has been sadly overlooked over the whole period of discussions of this problem.

I also think, too, that it is very important to centralize all the activities in one place, as this bill does.

Senator EAGLETON. Senator, I realize that the basic focus of your hearings was on the pill and its potential detrimental side effects.

However, in those hearings, was any testimony produced from scientific or medical sources that indicated the current state of the art insofar as other techniques of contraception, perhaps an annual innoculation or potential remedies of that type?

Senator NELSON. We will have some testimony. There is experimentation going on with the idea of innoculations that would have a long-term effect, so I understand, though we haven't had any witness address himself to that question. We will have. The hearings are not yet completed.

Senator EAGLETON. A final question: If we are to develop a safer, more effective contraceptive that we clearly need, is it realistic to rely on the drug companies to undertake the necessary research and development of these safe and effective techniques, or is it really up to the Federal Government to sponsor the basic research, or a combination of both?

Senator NELSON. I think a combination of both. The drug companies and the government have worked together on many, many projects involving important prescription drugs for many, many years now, each of them making substantial and important contributions jointly and individually in the field of research.

I think in terms of this oral contraceptive, the government must shoulder a substantially greater responsibility than it has in the past if for no other reason than that this problem presents the most critical social, political, economic problem. That is the problem of population pressure.

It presents the most serious problem, I think, that confronts mankind on the planet.

Senator EAGLETON. Thank you very much, Senator. We appreciate your testimony and your statements this morning.

Senator NELSON. Thank you.

THE BOSTON VA HOSPITAL

Mr. CRANSTON. Mr. President, I have just received a copy of a petition signed by more than 50 physicians, 47 nurses, and 13 other employees of the Boston VA hospital, directed to the hospital director. It details a number of very disturbing allegations about the level of care administered at that hospital. Unfortunately, the insufficiencies outlined in the petition seem to exist on a nationwide basis, as illustrated by recent announcements by the House Veterans' Affairs Committee and testimony at recent Senate Veterans' Affairs Subcommittee hearings regarding the VA hospitals in the District of Columbia; Philadelphia, Pa.; Miami, Fla.; and Los Angeles, Palo Alto, and Long Beach, Calif.; to name a few.

I hope to be making specific appropriations and legislative recommenda-

tions in the next month to help rectify this situation.

Mr. President, I ask unanimous consent that the VA hospital employees petition and their press release be printed in the RECORD in full at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AD HOC COMMITTEE,
BOSTON VA HOSPITAL,
Jamaica Plain, Mass., February 21, 1970.
Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR CRANSTON: The House Staff and other interested employees of the Boston Veterans Administration Hospital have prepared a letter and list of demands for reform which will have submitted to our Hospital Director, Dr. Francis Carroll.

Enclosed is a copy of that letter and an abstraction which is to serve as a press release.

We appreciate your interest in the V.A. Hospital system and will be happy to assist you in your efforts in any way possible.

Sincerely,
ROBERT C. SAUNDERS, M.D.,
For the Ad Hoc Committee.

FEBRUARY 17, 1970.

FRANCIS B. CARROLL, M.D.
Hospital Director, Veterans' Administration Hospital, Boston, Mass.

DEAR SIR: We the undersigned employees of the Boston Veterans Administration Hospital have long felt the health care provided to be inadequate and now realize that the conditions will only deteriorate further unless we insist on major improvements, and refuse to settle for less. The wards are inadequately staffed in nurses, nurses assistants, and ward clerical personnel with many active medical and surgical wards operating with less than one-third the prescribed personnel. The laboratory and x-ray units are hopelessly undermanned, with vacancies that have gone unfilled for months.

It is impossible to render adequate health care to our patients in this situation. We are attempting, futilely, to make up for these deficiencies, and as a result are suffering a breakdown in morale and a sapping of energy which further aggravates the problem.

These conditions have arisen in part as a result of budget cuts and inadequate funding, superimposed on an already unrealistically low operating budget. We *do not* accept the explanation that there is no money available because we know that funds can and should be made available for peoples basic health needs. Certainly veterans of our armed services should have "health care second to none", the VAH motto.

In order to remedy some of these deficiencies, the following demands are being made:

1. Doctors have been called all too often to see critically ill patients whose blood pressure and pulse have not been taken at the ordered intervals and found them to have suffered a dramatic change in condition. Frequently complications could have been averted had the doctor been notified of the changes earlier. There is often only one nurse responsible for forty patients, if an emergency situation develops, the other thirty-nine patients may go unseen for an hour or more. To have two emergencies at the same time, a not infrequent occurrence, can only be described as utter, tragic chaos. In the intensive care unit the personnel shortage defeats the purpose of such facilities, with our ICU using only one-half its space and even closing altogether for a few days in December, thus wasting thousands of dollars worth of equipment and space. Therefore, we demand three nurses and three nursing assistants per ward on days and two nurses and two aides on evening and night shifts. An administrative assistant to the head nurse shall be hired in order to free time for nurses to devote to nursing activities. Licensed Practical Nurses are an integral part of most hospital nursing staffs, our hospital fails to attract LPN's because the VAH pay scales are far below community standards; therefore we recommend a review of the policy regarding this practice. We are demanding that ward staffing be raised to minimum standards necessary for patient care.

2. Acutely ill patients are admitted twenty four hours a day even though there is no emergency ward. Rapidly available, comprehensive laboratory tests are indispensable. At the present time only an inadequate minimum of laboratory studies are available after daytime hours, and even during the day; performance and reporting of laboratory test is sporadic and inaccurate due to a lack of personnel. Out of fifty recommended technicians there are 36, a deficiency of thirty per cent. Such a lack of staff results in unnecessary risks to patients, prolonged hospital stays and compromise in diagnosis and treatment. We demand that the Laboratory Service be brought up to full capabilities so that the doctors can do their jobs.

3. At the present time ECG and x-ray written reports are available three to six weeks after being submitted. The result of this delay in essential data is either poor diagnostic evaluation of many seriously ill patients and often delay of appropriate therapy. We demand that steps be taken to insure that all ECG and x-ray written reports are on the wards within 24 hours of submission.

4. As in the laboratory, the x-ray department must provide both around the clock emergency service and the full complement of diagnostic radiology if adequate medical care is to be provided. Presently, the x-ray scheduling is greatly delayed, films are of poor quality and many studies cannot be done due to lack of technicians time. We demand that more x-ray technicians be hired to bring that unit to minimum standards of modern patient care.

5. X-rays are lost or unavailable at the time when they are needed to care for seriously ill patients, due to the current lack of two thirds of the filing clerks in the x-ray department's file room. We demand that the needed clerks be hired and the positions be upgraded.

6. The hospital's paging system is ineffective. The need for a paging system in an active hospital is beyond question. Innumerable cases of compromise of patient care could be cited. A portable electronic paging system must be made available to all doctors involved in primary care of patients.

7. In this hospital a team of staff physicians evaluate all patients for admission. There is a average of three and one-half doctors who see an average of 60 patients per day. Because of time limitations, the screening of patients is incomplete, and therefore, subject to error. Our demand is for two more admitting physicians, as recommended by the chief of admitting.

8. Many other services have serious deficiencies for similar reasons and therefore we list them here in order to save time and avoid repetition, but they are equal in importance to the above: telephone operators, inhalation therapy, clerical, dietetics, housekeeping and laundry. In fact it is fair to say that every service in the hospital is understaffed, thus contributing to the substandard conditions. All of these areas should be brought to full strength, paid competitively, and properly equipped if this hospital is to meet its responsibility to its patients.

9. Surprisingly, the elevator system in this fourteen story building is one of leading sources of inefficiency. On an average day, an employee might spend one-half to one hour a day waiting for and riding the elevators. At least maximum use must be made of existing elevators, which means that the two manually operated elevators function until 10 P.M. daily, actively carrying passengers.

10. This 920 bed hospital has attempted to provide emergency professional services at night in some vital services with on duty officers taking calls from outside the hospital. The result has been that they are often not available in a practical sense. We demand that all services provide in-hospital night coverage, if they do not already do so, such as radiology, anesthesia, and psychiatry.

11. The Veterans Administration Hospital System does not provide follow-up out patient care for non-service connected illnesses. The result of this policy is inefficient use of the health care dollar and many cases of unnecessary illness secondary to failure to deliver early treatment. Patients leave the hospital upon recovery from their acute illness with no provision for follow-up care except an uncertain referral to the private physician or a very informal appointment to see the ward physician, which usually fails due to lack of the needed clerical and ancillary personnel. A majority of our patients have chronic diseases where early treatment of minor complications can frequently prevent hospitalizations. We strongly recommend that steps be taken to create a follow-up out patient department.

We submit our demands with the stipulation that steps be taken to satisfy each of them, and that proof of action be shown—not just promises—or we will take further steps. It is clear that all VA Hospitals across the country share the same problem. Our intention is to join forces with interested parties elsewhere to insure the prompt action that is needed to avoid a crisis in the VA system.

PRESS RELEASE BY AD HOC COMMITTEE AT BOSTON VA HOSPITAL

As employees of the Boston Veterans Administration Hospital, we feel that health care provided here is inadequate. Presently this hospital is not merely inferior to its "University Counterpart" but to most community hospitals. It has a staff patient ratio of 1.5 while nonteaching community hospitals have a ratio of 2.5 and University Centers average 3 to 4 employees per patient.

It is impossible to render adequate health care to our patients in this situation. We are attempting, futily, to make up for these deficiencies, and as a result are suffering a breakdown in morale and a sapping of energy which further aggravates the problem.

Our hospital is caught in a triple financial squeeze. The yearly budgets have not kept up with the nation's inflationary trend, the rising cost of medical care, or the increasing demand for service. We do not accept the explanation that there is no money available. Health services must have the highest priority in the federal budget planning.

The wards are inadequately staffed with nurses, nursing assistants, and clerical personnel. There is often only one R.N. responsible for 40 and sometimes 80 patients. If more than one emergency arises at the same time, a not infrequent occurrence, the result can only be described as utter tragic chaos. Since the opening of the Intensive Care Unit in November, it has been operating at one-half capacity due to staff shortage, thus wasting thousands of dollars of space and equipment. Furthermore, nurses are often required to perform such non-nursing functions as filing and answering telephones which dilutes their effectiveness.

Medicine requires not only good nursing but support from x-rayed and laboratory services. Rapidly available comprehesive laboratory tests at all times are indispensable. Presently, however, only an inadequate minimum of laboratory studies are obtainable after daytime hours. The performance and reporting of laboratory tests are sporadic and too often inaccurate. X-ray scheduling is greatly delayed; films are of poor quality, and many studies cannot be done due to a lack of technicians. At this hospital, it takes many days to weeks to obtain diagnostic x-ray studies that are done elsewhere in one day or less. Frequently x-rays are lost or unavailable when they are needed in the care of seriously ill patients. These deficiencies result in unnecessary risks to patients, costly, prolonged hospital stays, and unfortunately, compromises in diagnosis and treatment.

The Veterans Administration Hospital system does not provide follow-up outpatient care for non-service-connected illnesses. Consequently, there are many cases of unnecessary illness because of failure to deliver early detection and treatment. Patients leave the hospital upon recovery from their acute illness with no provision for follow-up care except an uncertain referral to the private physician or a very informal appointment to see the ward physician which usually fails due to lack of needed clerical and ancillary personnel. A majority of our patients have chronic diseases where early treatment of minor complications can often prevent hospitalization.

The Veterans Administration Hospitals across the nation are facing a financial crisis today. This hospital is facing collapse. Basic health care cannot be delivered under present conditions. The life of a person must not be compromised to a politically motivated monetary policy which places health care in a non-priority position. Therefore, a list of demands from the employees has been submitted to the Hospital Director which specifically outlines the minimum requirements necessary to relieve the present crisis.

THE EMPLOYEES.

FEBRUARY 20, 1970.

XUM

THE POLITICS OF ACADEMIA

Mr. DOMINICK. Mr. President, campus unrest has been a major concern to the academic community and certainly the interest in this subject by Members of Congress is reflected in section 407 of the pending HEW bill. University presidents have repeatedly attempted to find constructive approaches to this problem, but often to no avail. I have, on several occasions, had the opportunity to examine such approaches by one university or another.

However, I have recently read the text of a speech that Kingman Brewster, Jr., president of Yale University, delivered to the Yale Political Union last September.

Mr. President, I must say that this is one of the most constructive and rational approaches to student involvement in university affairs that I have read and President Brewster should be congratulated on his throughtful, analytic but flexible approach to a very emotional issue. Accordingly I ask unanimous consent that the text of Mr. Brewster's speech be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

THE POLITICS OF ACADEMIA

(By Kingman Brewster Jr.)

The main thrust of most current reappraisals and proposals concerning how a university should be run have supposed that there should be a broader and more "democratic" participation by students in the decisions of the faculty. They also seek a broader and more democratic participation by both faculty and students in decisions traditionally reserved to the administration and trustees. The central issue in the ensuing debate has been how far this participation should be broadened, and how democratic the selection of participants should be. This certainly has been the focus of the discussion at Yale, both last spring by various student groups and unofficial "open" meetings; and during the summer in the deliberations of an ad hoc group of faculty and students who were asked to act as an advisory committee to Mr. Jorge Dominguez, '67. Mr. Dominguez, currently a Junior Fellow and candidate for the Ph.D. in government at Harvard, was asked by me to review the proposals and developments at other institutions and to recommend how Yale might best constitute a "legitimate" group of faculty, student, and others to make recommendations for the improvement of Yale's "governance."

In past reports, speeches, and conversations I have encouraged more avenues for student participation but I have also pecked skeptically at the notion of institutionalized representation as the cure-all for discontent, or as the principal prescription for improvement. Taking an advocate's aim at a straw man when he sees one, I have blasted the extreme and extremely silly notion that "pure" one-man, one-vote democracy would best determine the work and direction of a university.

Even if we could knock most radical, participatory democrats and most reactionary, traditional autocrats off their extreme perches, however, there does remain a fundamental choice of emphasis which must be made, and which is really receiving almost no attention at all. I have done no more than hint at it timidly in the past because I was not sure where I came out. Now I am. I am convinced that *representation* is not the clue to university improvement, indeed that if carried too far it could lead to disaster. I am, rather, now convinced that *accountability* is what we should be striving for.

Champions of representation of students to vote in all groups, committees, boards, and meetings make the appealing point that a student should be able to participate in the decisions which affect him. Now obviously his opinion should be taken into consideration, just as his interests should be taken into account. But the current mood is that he should be able to have a large say in actually making the final decisions on all matters.

On some matters I have indicated before that the self-determination of the faculty, collective academic freedom from the pressure to please or the fear of displeasure, requires that the faculty be able to meet in camera on issues of appointments, degree standards, and the recommendation of degrees. But leaving these sanctuaries aside, there is the very real question of whether it is in the best interest of the students themselves not only to make their voices heard but to try to govern the place. Put differently, it is pertinent to ask whether the place will be better or worse in terms of the student's own interest in the quality of his education if the responsibility for its direction is assumed by student representatives or if it resides primarily with the faculty and administration.

I happen to think that in a world in which ideas and policies and institutions have a high rate of obsolescence, on many matters the young are more perceptive, wiser if you will, than their elders. On the other hand, experience has its claim. And in a self-perpetuating institution the claims of continuity have to be weighed against the claims of "now."

Judgments can differ about this. But whatever they are, I am moved by another very practical consideration, on the basis of admittedly short experience and inadequate sample. I do not think that the great majority of students want to spend very much of their time or energy in the guidance and governance of their university. They want to live and learn up to the hilt, and make the most of what they know to be a very unusual and remarkably short opportunity to develop their capacities by trial and error in the pursuit of personal enthusiasms. Over and over again this has been demonstrated even in times of crises which shook and threatened the existence of the institution. In the longer, duller life between crises it is even more demonstrable that to the average student the purpose of university life is learning and living, not governing. The long and unimpressive history of "sandbox" student government is fair warning that student politics like the politics of professional associations (American Bar Association, American Medical Association, et cetera) cannot be counted on always to draw out the most talented members of the constituency or to capture the attention and concern, day in and day out, of the eligible voters.

So assumption number one which has led me to the conviction that broader sharing of responsibility for ultimate academic decisions is not the primary thrust of useful university reform: the majority is not sufficiently interested in devoting their time and attention to the running of the University to make it likely that "participatory democracy" will be truly democratic.

Assumption number two is that most students would rather have the policies of the university directed by the faculty and administration than by their classmates. This is pure speculation. The question has never been thus bluntly put. The only reason I come to this conclusion, I suppose, is because I would feel that way. I would insist on a right to be not only heard, but listened to. But I think that the institution will do a better job and be more likely to make bold decisions swiftly and decisively if ultimate responsibility for its direction is sharply focused on the shoulders of people who are devoting their personal energies and risking their professional reputations, full time, for the best years of their lives, for the quality of the institution; whether as committeemen, department chairmen, deans, officers, provosts, or presidents.

Not only the capacity to make decisions boldly and consistently, but the quality of those decisions urge that inherently executive matters not be distorted by being poured into a quasi-legislative process in the name of representation. If the allocation of resources is put into a legislative process, it can only devolve into a log-rolling, pork-barrel exercise with each interest group trying to take more and give less. The search for outside support cannot be dictated by any detailed legislated directive or control; needs must be matched to opportunities. The prospect of getting twice as much for the lesser need must be weighed against the chance of getting much less or nothing at all if other priorities are stubbornly insisted upon with all potential donors. As in all negotiation, individual conviction and intuition has to be relied upon. The delays and embarrassments of public discussion of particular approaches for outside support would chill the market and rob the executive of its ability to speak with the confidence and conviction which is the essence of "selling" the institution to potential supporters—public or private. Finally, there is an intangible element of character and personality on which any donor must rely when he puts his funds in trust. This would be diluted if the donor felt that the destiny of his gift depended on the rise and fall of political fortunes in a representative assembly whose members he could not possibly come to know with the intimacy which inspires confidence.

So, I am now convinced that the political symbolism of participatory democracy is an illusion when applied to many of the academic and financial decisions which direct an academic institution; and that the slogans of representative democracy could lead to even greater misrepresentation of the student interest in the quality of his institution if they implied the sharing of the faculty's academic responsibility. Either one, if carried to ultimate legislative supremacy could stultify the capacity to steer the place boldly and decisively in times that require imagination and rapid change.

The answer to the legitimate student demand for great *individual* self-determination is wider and wider latitude for academic as well as personal choice, including the choice of whether and when to stay at the institution, now inhibited by an outrageous selective service system. The answer to the legitimate student demand to have protection against incompetent and unresponsive administration is not formal *representation* in all matters. It is administrative *accountability*.

The first requirement of accountability is disclosure. Those affected by policies and decisions cannot hold those who make them to account unless there is full and adequate public access to the record of the process by which the decision was made. Reasons of good manners or simple humanity may make it from time to time desirable to impose a seal of confidence on one man's opinion about another, in the admissions or appointment processes in particular. Unless opinion can be received in confidence in such cases it may well either not be given or be watered down into banalities in order to avoid offense or injury.

Also there may be situations where the intentions of the institution in its dealing with adversary outside interests make it very unwise to tip one's hand by public disclosure. In an impending real estate deal there is no reason why the University should be deprived of its bargaining power by having to reveal the inner thoughts about what the outside price would be. In a legal proceeding there is no reason why the University should forfeit its right to devise its strategy in confidential talks with counsel and others involved. But these are exceptions which can be reserved for executive sessions and confidential minutes. Hiatus could be noted in the record, specifying the nature of the problem and the reasons for exceptional confidentiality. Otherwise, it seems to me that the record should be public. At the very least there should be a public communiqué. It might be even better if there were literal transcripts. Even if such transcripts were rarely resorted to, their availability would be the best assurance that the University could not be governed by conspiracy and that the reasons given by way of explanation were in fact the reasons for decision. Obviously the self-consciousness which this would impose might be an inhibition; it certainly will be opposed by traditionalists who value the men's club atmosphere of confidential deliberation. Some form of convincing access to the record of proceedings and the reason for decision seems to me far, far preferable to an ever widening and diluting of the responsibility for decisions. If accountability as an alternative to representation is to be convincing, disclosure must be as nearly complete as possible.

The second requirement of accountability is the right of petition by those affected by decisions. There has to be a legitimate, easy, and reliable way in which critical opinion can be generated and communicated. Informal access through a variety of channels is the best way to do this in a relatively healthy situation. But if lack of confidence in authority spreads to a numerically significant minority of any of the constituent parts of the University—students or faculty (or alumni for that matter)—then there should be an understood channel of petition to whatever level is responsible for the appointment to the post or office whose conduct is the subject of complaint.

If a large majority most of the time, or a significant minority all of the time, is willing to delegate the job of policy-making and direction to faculty and administrative leadership, it is especially important to be sure that when this confidence is lost something can be done about it through legitimate channels. Accountability as a substitute for representation presupposes that those who are entrusted with responsibility will feel the hot breath of accountability day in and day out. This will be so only if petition can reach and gain response from those in a position to act, at a level above those complained of.

The third essential element if accountability is to be real is some regular, understood process whereby reappraisal of the competence of administration and the community's confidence in it can be undertaken without waiting for a putsch or rebellion.

At Yale this takes place pretty regularly in the case of college masters, department chairmen, and deans. Unlike many universities, every administrative appointment is for a term of years; three for chairmen, five for masters and deans. Naturally there is a presumption in favor of renewal if the man is willing. But after a second term there is generally an expectation that the man will revert to his purely academic status as a teacher and scholar.

This expectation of impermanent administrative appointment has many obvious virtues. It passes the burdens of academic administration around so that over the cycle of a generation more points of view are brought to bear, more people are involved and have seen the institution from the vantage point of important responsibility. Hardening of the academic arteries is less likely to set in. Most important of all, the relatively short term assures both the institution and the man that there is an honorable and humane discharge which does not imply dissatisfaction on either side. Given this opportunity for periodic reappraisal, the President is in a position to solicit and react constructively to criticisms and malaise without waiting for the mobilization of malcontentment in the form of petition. Recent experience with the appointment of new masters and new deans have shown that a little time and trouble can bring to bear on such appointments the authentic views of the students and faculty affected. This should be no less true when the issue is renewal of an existing appointment, and any self-respecting, self-confident dean would welcome it.

But what about the President himself? For a couple of years now I have been toying with ways in which the President might be made more accountable to those whose lives and professional circumstance he crucially affects. While I do not think that his power can be fully shared by any legislative process, I do think that his own tenure should be at risk if he is to enjoy the latitude of executive decision which the job requires.

In thinking through the question of the President's responsibility in the case of a disruptive confrontation, I concluded that the power to act on the spot should not be stultified; but that in spite of all the risks of Monday morning quarterbacks on the faculty, the President should submit his actions to review and should, if necessary, make the issue one of confidence. If he were to receive a vote of no confidence, he should offer to resign. This conclusion is implicit in the "Dear John" letter of April 1969, in which I tried to spell out our thinking about the protection of dissent and the prevention of disruption.

The principle of executive accountability as the price which must be paid for the exercise of executive discretion has, up to now, been formally limited to the power of the trustees to fire the man they hired as President. This is a terribly limited and inhibited power, since it cannot be exercised without running contrary to the expectation of a lifetime tenure. There is no objective occasion or event which invites the appraisal. Even the most decorous and covert effort to remove an unsatisfactory president is at best a matter of intense personal anguish to everyone concerned.

Since it is likely to be resorted to only after deep rumblings of widespread dissatisfaction have been voiced in several quarters, the chances of concealing the reasons for premature retirement are very slight. If the malaise has erupted into rude, crude, and unattractive challenge, then of course the trustees are likely to get their defensive backs up, just to prove that they cannot be pushed around and that the institution will not be governed by mob rule. So, the worse the disease, the harder the cure.

The essence of the problem is that, while there is legal accountability to the trustees, there is no orderly way in which those most significantly affected by maladministration can invoke trustee action within a measurable time, without open challenge to the stability of the institution and the integrity of its processes.

It seems to me that the only way this problem can be solved is to require the periodic, explicit renewal of a president's tenure. I happen to think that ten or twelve years or so is about enough anyway, although there is no generalization valid for all times and places and people. More important than the length of average term, however, is the need for some shorter interval which permits periodic reassessment as a matter of course, without waiting for or requiring invidious or disruptive public complaint. Unless there is some such arrangement, the hope for genuine accountability at all levels of authority is illusory.

I think Yale would be better off if it were understood that the trustees would make a systematic reappraisal and explicit consideration of the President's reappointment at some specified interval. This might be seven years after the initial appointment, perhaps at a somewhat shorter interval thereafter. I would urge the trustees right now to consider adoption of such a policy. This would mean a termination of my present appointment a year from June and an explicit judgment about the wisdom of my reappointment by that time. Under present circumstances the effect would be to make the office more attractive not only for initial appointment but also for continuation in it.

Of course the trustees could not, and should not, abdicate their ultimate responsibility for the exercise of their best judgment about the best interests of the institution. Occasions have arisen, and may well rise again, where defiance of popular student and faculty opinion is in fact justified by an issue of principle, just as may be the defiance of alumni or public opinion. Reservation of this duty and right, however, does not justify insulation of either the President or the trustees from a periodic, systematic assessment of what student and faculty opinion is.

Such accountability from top to bottom of the institution would require startlingly new measures for full disclosure of the meetings at which decisions were taken; and unorthodox revision of the terms of presidential appointment. Disturbing as they may seem from the perspective of inherited tradition, I would urge with great conviction that they would be far more consistent with the nature of a free academic community, and the administrative leadership it requires, than would the sharing of faculty and administrative responsibility for academic and institutional policies.

If such real accountability were achieved then I have no doubt whatsoever that consultation would become regular, widespread, and serious. This should include formal as well as informal participation, including elected groups where appropriate. No one with any sense, let alone pride and ambition, could fail to take seriously the importance of adequate consultation with those to whom he would in fact be held accountable at periodic intervals. Sometimes the processes of consultation will be best served by an elective process; sometimes it will best be done by trying deliberately to impanel a group with a greater variety of interests and viewpoints than would probably emerge from majority vote. Also there are mixed solutions, relying in part on ballot, in part on administrative selection. Most important there should be no exclusive channel of communication or opinion, nor any requirement that all consultation should be formal.

If it were limited for the most part to consultative arrangements, "legitimacy" might lose some of its rigidity. Even if ultimate responsibility should lie with the full-time faculty and administration, subject only to review by the trustees, consultative participation is both good education for the participants but essential if the institution is to be alert to its own needs in a fast changing society.

I make these somewhat radical proposals because while I do respect and share the dissatisfaction with a governance which seems free to ignore the will of the governed, I think that the sharing of faculty and administrative power with students on a widely dispersed democratic basis would be a disaster for our kind of academic institution. So I urge much more strenuous examination of techniques of accountability. They would be more fitting for University governance than would techniques for the sharing of ultimate responsibility with the transient student constituency. In order to further serious consideration of these possibilities, I submit the concrete proposals concerning disclosure and the terms of presidential appointment as worthy of consideration. Much more thought and inquiry is in order before such notions could harden into concrete proposals. They seem to me, however, to point in a direction far more promising than expecting actual direction of University affairs to come from a participatory democracy in which only a minority would participate, a representative democracy which would be unlikely to be truly representative, and the substitution of a legislative power for what are inherently executive responsibilities.

U.S. INVOLVEMENT IN LAOS

Mr. HARRIS. Mr. President, the concern over our apparent increasing involvement in Laos is growing daily. Last week it was reported that B–52's are dropping bombs in northern Laos very close to the Chinese border. This week new reports are claiming that ex-Green Berets, allegedly CIA employees, are being used in Laos. The question raised by these undenied events are very important and answers to these questions should be provided to both the Congress and the American public.

If, as the administration claims, Laos and Vietnam are related, does the recent increase in activity in Laos signify an expansion of the Vietnam war? It would be tragic if the net result of the President's Vietnamization plan is a shifting of the battlefield from Vietnam to Laos.

If the news reports are accurate, have we committed ourselves to another land war in Asia? The warnings against such an involvement are well known to all Americans, and surely our experience in Vietnam should be ample proof of the soundness of the warnings we have received.

If we are committed to involvement in a conflict in Laos, under what treaty or other agreement are we bound to such a conflict? We know that Laos has disclaimed any right of SEATO protection and that in 1962, in the declaration of the neutrality of Laos the major powers, including the United States, recognized this disclaimer.

If we are committed, what is the extent of the commitment and how much of a sacrifice will the American public be called upon to make? Since we already have reports of American casualties in Laos—191 American airmen had been reported as missing as of February 24—this is no idle question, and one about which the American public deserves an immediate answer.

Answers to these questions and others should be provided to Congress and to the American public. If these questions had been asked at the outset of the Vietnam involvement, perhaps we would not have made some of the tragic mistakes that have been made. I am pleased that the distinguished senior Senator from Missouri (Mr. Symington), has requested that G. McMurtrie Godley, the U.S. Ambassador in Laos, be recalled for testimony before the special committee he heads. I support the action taken by Senator Symington and I hope that his efforts and the concern of the public that is beginning to be voiced on this matter will convince the administration of the need to furnish answers to these vital questions.

COMMUNICATION FROM HO CHI MINH TO PRESIDENT NIXON

Mr. DOMINICK. Mr. President, late last year I received in the mail a most interesting and provocative program from a distinguished faculty member, Dr. Roy Colby, of Colorado State College, in Greeley, Colo. Enclosed with the letter to me was a copy of his letter to President Nixon, dated November 5, 1969, which in turn included a translation from Communese-English to standard English of Ho Chi Minh's reply to the President's letter of last summer. Also included in the letter to me was an article entitled "Sprechen Sie Communese?" written by Reed J. Irvine, an adviser to the Division of International Finance and Chief of the Asia, Africa, and Latin American Section of the Board of Governors of the Federal Reserve System. The article was published in the January 1968 edition of the Foreign Service Journal.

Since I have felt that part of the disagreements between Members of this body may be based on the meaning which Communists place on words which have a different meaning when spoken by an American or Englishman. I ask unanimous consent that the correspondence and the article be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Greeley, Colo.,
November 24, 1969.

Senator Peter H. Dominick,
U.S. Senate,
Washington, D.C.

Dear Senator Dominick: The other night I defended the Nixon Vietnam policy in a debate with a political science professor at the Colorado State College Student Center. The watershed point of the issue seemed to be: Is, or is not, South Vietnam being subjected to Communist aggression?

Those who, for whatever reason, answered this question affirmatively, tended to support current U.S. policy. Those who, for whatever reason, responded negatively, seemed to favor a speedy withdrawal of U.S. troops from South Vietnam, regardless of the consequences. As you know, the latter view is rapidly gaining momentum in this country. Indeed, my opponent himself told the audience, in substance, "If I were convinced that Communist aggression were taking place there, I would support President Nixon's efforts to check it."

A student of revolutionary semantics, I am simultaneously intrigued and disturbed by the increasingly wide-spread acceptance, especially among college students, of the ideological representation of the events taking place in the world, and in Vietnam, in particular.

In my opinion, one of the chief reasons for this destructive phenomenon is our human tendency to take words at face value and to assume unconsciously that the faiths and values of Marxism-Leninism are the same as our own. An unfortunate consequence of this is the acceptance of the ideological sense of such terms of international law and diplomacy as peace, aggression, imperialism, self-determination and coalition government, *inter alia*, vocalized in Communese, the international idiom of Communism.

There is enclosed an article, "Sprechen Sie Communese?", by Reed J. Irvine, a semantical scholar, who clearly explains how Communese works and also sets forth why it must be translated into standard English.

Following the President's talk on Vietnam November 3, 1969, his hitherto secret exchange of correspondence with the late Ho Chi Minh was released to the press. There is also enclosed a copy of my letter to President Nixon dated Nov. 5, 1969 transmitting a translation from Communese-English into standard English of Ho Chi Minh's letter dated Aug. 30, 1969.

Please note how different the letter reads in translation. This is the sense captured by Communists all over the world—and missed by us in the West.

In this connection, your attention is invited to an insertion in the June 5, 1969 *Congressional Record*, "When Is the U.S.S.R. Not the U.S.S.R?", by Senator Paul J. Fannin of Arizona. Your particular attention is directed to the suggestion of Dr. Erick J. Vesely of the American Research Foundation of Washington, D.C. As you may know, Dr. Vesely is one of the nation's foremost authorities on Communism and Marxist-Leninist semantics. His recommendation to the Congress is as follows:

"*Recommendation*: At your discretion, may it be suggested that a study group comprised of persons thoroughly familiar not only wth Marxist-Leninist (Communist) theory and practice but also versed in the terminology and usage of Marxist-Leninist ideo-political language (semantics) in international and transnational communications, be established with Legislative and Executive endorsement. The responsibility of this group will be to examine, analyze, interpret and present to the American people and their representatives a sound, unequivocal interpretation of all significant documents in terms of their true idiomatic rather than literal meaning as instruments of the World Socialist (Communist) System's strategy and tactics of deception and subversion."

In the national interest, it is respectfully urged you take whatever appropriate action in this matter you may see fit.

Sincerely yours,

Roy Colby.

XUM

GREELEY, COLO.,
November 5, 1969.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Following your address to the nation on November 3, your exchange of correspondence with the late Ho Chi Minh was published in the press.

I have taken the liberty of making a translation from Communese-English into standard English of Ho Chi Minh's reply to your letter. The enclosed translation is accompanied by a glossary, explaining the ideological import of the key terms.

As you know, Communist values are different from our own, and I therefore urge you to have translations made of Communist documents for the information of government leaders, the press and the American people.

Sincerely yours,

ROY COLBY.

TRANSLATION FROM COMMUNESE-ENGLISH INTO STANDARD ENGLISH

(By Roy Colby)

Received in PARIS,
August 30, 1969.

To His Excellency
RICHARD MILHOUS NIXON,
President of the United States,
Washington.

MR. PRESIDENT: I have the honor to acknowledge receipt of your letter.

The *defensive war*[1] of the United States against our *Communists and their supporters*,[2] *preventing us from overthrowing the government*,[3] still continues in South Vietnam. The United States continues to *respond to Communist escalation of the war with increased military operations*,[4] the B52 bombings and the use of *non-toxic*[5] chemical products *to increase the pressures*[6] against the Vietnamese *Communists and their supporters*.[2] The longer the *resistance to Communist aggression*[7] goes on, the more it accumulates the mourning and burdens of the American *Communists and those who support Communist objectives for whatever reason*.[2] I am extremely indignant at the losses and destructions caused by the American troops to our *Communists and their supporters*[3] and *the country we desire to conquer and communize*.[8] I also *note with satisfaction*[9] the rising toll of death of young Americans who have fallen in Vietnam by reason of the policy of *the American Government*.[10]

Our *Communists and their supporters*[2] are deeply devoted to a *Communist victory*,[11] a *Communist-type peace*[12] and *a totalitarian government*.[13] They are *being coerced*[14] to fight to the end, without *being spared*[15] the sacrifices and difficulties in order to *overthrow the government of South Vietnam*.[16]

The overall solution in 10 points of the National *Communization*[17] Front and of the Provisional *Communist*[18] Government of the Republic of Vietnam is *the Communist version of a logical and reasonable*[19] settlement of the Vietnamese problem. It has earned them the sympathy and support of the *Communists and their supporters*[2] of the world.

In your letter you have expressed the desire to act for a just peace. For this the United States must cease the *defense war*[1] and withdraw their troops from South Vietnam, *yield to the demands*[20] of the *Communists and their supporters*[21] of the South and of *Communist North Vietnam*[22] to *control South Vietnam*[23] without *non-Communist*[24] influence. This is *the Party Line on*[25] solving the Vietnamese problem in conformity with the *demands*[26] of the Vietnamese *Communists and their supporters*[3], the *detriment*[27] of the United States and the hopes for *a Communist victory*[11] of the *Communists and their supporters*[3] of the world. This is the path that will allow the United States to get out of the war with *dishonor*[28].

With *further yielding*[29] on *your side*[30], we might arrive at *Communist*[31] efforts in views of finding *the Party Line on a*[22] solution of the Vietnamese problem.

HO CHI MINH.

GLOSSARY OF COMMUNESE-ENGLISH TERMS USED IN HO CHI MINH'S LETTER

N.B. Communese is the name given to the official language of Communist states. In Communese, ideological values are assigned to concepts expressed in any national language; therefore, the ideological meanings must be translated into the standard idiom if the true meaning is to be captured. Ho Chi Minh's letter was originally written in either ideological Vietnamese (Communese-Vietnamese) or ideological French (Communese-French) and translated into ideological English (Communese-English). The following glossary justifies the translation given above by explaining the ideological meanings of key Communese-English terms in the letter.

FOOTNOTES

[1] *War of aggression*—In Communese, "aggression" is charged whenever free nations defend themselves against "wars of national liberation", that is to say, against attempted Communist takeovers such as the one currently underway in South Vietnam.

[2] *People*—It is common practice for Communists to claim all-inclusive support for their objectives. In reality, their support comes only from other Communists, fellow-travelers and those individuals who for other reasons have the same objective in a particular case.

[3] *Violating our fundamental rights*—Communists usurp a "right" to overthrow non-Communist governments. Hence, when they meet with opposition, they allege violation of their national rights.

[4] *Intensify military operations*—The impression is given that the U.S. is acting willy-nilly in Vietnam; sometimes we intensify military operations, sometimes we de-escalate. Please note that no mention is ever made in Communist statements about Communist escalation, to which the U.S. merely responds.

[5] *Toxic*—In the Marxist-Leninist, ethic, truth is anything that benefits Communism. Hence, falsehoods are an integral part of the ideological language.

[6] *Multiplying the crimes*—In Communese, "crimes" are acts which block Communist objectives.

[7] *War*—If there were no resistance to Communist aggression, there would be no war.

[8] *Our country*—The Party Line holds that all of Vietnam belongs to the Communists and that South Vietnam by "rights" should be "reunited" with the "Democratic Republic of Vietnam", i.e., North Vietnam.

[9] *Am . . . deeply touched*—Deeply touched, yes, but with satisfaction because many American deaths cause many Americans to call for an immediate withdrawal of American troops. See Note 5 re Communist conception of truth.

[10] *American ruling circles*—Any non-Communist government is portrayed in the ideological idiom as "ruling circles", as if a nefarious cabal had seized control of the government and were deliberately thwarting the real will of the people.

[11] *Peace*—In this context, "peace" can be achieved when resistance to Communist aggression is stopped; the result would be a Communist victory.

[12] *True peace*—In Communese, the adjective "true" is employed to distinguish the usual meaning of a concept from the ideological. Hence, "true" peace means peace on Communist terms.

[13] *Independence and real freedom*—In the Marxist-Leninist ethic, "independence" and "real freedom" (Communist-type independence and Communist-type freedom) can exist only under a "dictatorship of the proletariat", i.e., authoritarian control by the Communist Party.

[14] *Determined*—Those who fight for Communist causes are coerced into doing so, either by indoctrination or threats of reprisals, or both.

[15] *Fearing*—In accordance with Marxist-Leninist values, the Communist cause is all-important and the individual is nothing—a tool to help accomplish objectives. Hence, those who fight for Communist causes are not spared and while some may be fanatical enough not to care what happens to them, others fear what will happen to them or their families if they do not obey orders.

[16] *To defend their country and their sacred national rights*—Communists and their supporters are fed the line that by overthrowing the government of South Vietnam they are really defending their country and their sacred national rights.

[17] *Liberation*—In Communese, the concept of liberation means being rid of capitalist or non-Communist influences. Liberation, then, takes place in measure as the communization process proceeds. The National Liberation Front is indeed the front for the Vietnamese Communist Party, whose primary objective is the communization of South Vietnam.

[18] *Revolutionary*—In Communese, a revolutionary government is a Communist or Communist-dominated government. Such would be the only coalition government in South Vietnam acceptable to North Vietnam.

[19] *A logical and reasonable*—What is logical and reasonable according to the values of Marxism-Leninism is invariably illogical and unreasonable in the Western ethic.

[20] *Respect the right*—Communist demands are considered to be rights and, according to this kind of logic, should be respected, i.e., yielded to.

[21] *Population*—See Note 2.

[22] *The Vietnamese nation*—Communists consider South Vietnam as an ununified part of North Vietnam.

[23] *Dispose of themselves*—Communists desire to "dispose of themselves" in such a way as to control South Vietnam. This is their idea of "self-determination".

[24] *Foreign*—Ideologically speaking, "foreign" means non-Communist. Soviet or Red Chinese influence, not being "foreign", could be welcomed.

[25] *Correct*—There is only one correct way to do things and that is in the manner prescribed by the Communist Party Line.

[26] *National rights*—Communists claim it is within their national rights to overthrow the Saigon government. See Notes 3 and 20.

[27] *Interests*—In Communese, the "interests" of a non-Communist country always parallel Communist interests. Hence, such interests are detrimental to the non-Communist country.

[28] *Honor*—What is honorable for Communists is invariably dishonorable for non-Communists.

[29] *Good will*—Non-Communists show good will when they keep giving in to Communist demands.

[30] *Both sides*—In East-West negotiations, both sides are said to have made concessions whenever the non-Communist side yields.

[31] *Common*—In Communese, "common" means for Communist benefit.

[From Foreign Service Journal, January 1968]

SPRECHEN SIE COMMUNESE?

(By Reed J. Irvine)

Although very few people would even recognize it by name, Communese has become one of the most widely used languages in the world. It is the official language of governments which control about one-third of the world's population, and it is used by them not only in all of their domestic publications, radio and television broadcasts, etc., but also in their communications with people living outside their countries. Even though you may not recognize it when you see it or hear it, you probably come in contact with it many times in the course of an average week.

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Is it possible to read or listen to an alien language and not know it?

The answer is yes in the case of Communese. The reason is that it is a parasitic language. It uses the same grammar as your native language and even the same words. The only thing that is different is the meaning of many of the words that it employs.

In this sense it is similar to another parasitic form of language—slang. When a teenager says, "Man, that cat is crazy," only two of these perfectly conventional English words, "that" and "is" are used in their conventional sense. To the uninitiated, the sentence is either meaningless or completely misleading, even though each individual word conveys a meaning. This type of language is parasitic since it feeds on English, but it is not English.

Communese is a different type of parasite from slang. The uninitiated soon realizes that the hippie is really speaking a different tongue which has to be translated into standard English, just as French and German has to be translated. This is not quite so obvious with Communese because the words seem to make sense even though their real meaning may be very different from what the reader or hearer thinks. Thus the need to translate Communese into the standard idiom is less apparent, and it is frequently used over the air and in the press without any translation or explanation.

For example, the Soviet Union has issued a special statement to commemorate the 50th anniversary of the Russian Revolution. This statement is written in Commuese, that being the official language of the Soviet Union. It will be reprinted in whole or in part and quoted throughout the world in the original Communese. Needless to say, it will confuse those who have never studied this language, and are unfamiliar with its vocabulary, and that is precisely what those who employ this language intend.

This statement in the original Communese, reads like this:

"The revolutionary rejuvenation of the world, begun by the October revolution and embodied in the triumph of socialism in the USSR, has been continued in other countries . . . Imperialism, notably US imperialism, was and continues to be the main enemy of the national liberation movement."

And so on, at great length. To translate such a passage into standard English requires the use of a Communese glossary. A rough translation would go like this:

"The counter-revolutionary enslavement of the world, begun by the October counter-revolution and embodied in the triumph of totalitarianism in the USSR, has been continued in other countries . . . Liberalism, notably US liberalism, was and continues to be the main target of the totalitarian subversive movements in the less-developed countries."

This makes it clear that any statement written in Communese ought to be translated into standard English if it is to be understood by those who have never studied the language. Otherwise there will be no end of misunderstanding. If the New York Times printed in Russian, without translation, the statements of Leonid Brezhnev, the danger of misunderstanding would not be nearly as great as it is when the Times prints statements in the original Communese. Readers who had never studied Russian would not bother to read the statements by Brezhnev, and they would therefore not delude themselves into thinking that they knew what he had said. However, those who do not understand Communese are frequently observed repeating phrases that they have read which they obviously misinterpret. What is worse, they frequently suggest that the government do this or that, basing their opinion on some Communese statement whose true meaning is no clearer to them than it would be if it were written in Swahili.

Ideally, the press, radio and television should translate material from Communese into standard English, just as they translate from French or German into English. The reverse happens as a matter of course in the countries using Communese as their official language. If President Johnson states that the US will not abandon South Vietnam to those who would subject it to a communist dictatorship, the Communese-speaking countries will immediately translate this into their own language to read that Johnson had said that US imperialism would continue its criminal aggression in Vietnam. They have no trouble doing this, since everyone who works in the communications media in these countries is carefully trained in the art of translation into Communese. This is recognized as being an essential skill for those who are engaged in the manipulation of public opinion. Since Communese is designed to help manipulate opinion in a certain way, the translation of statements from Communese into the standard idiom is very much disliked by those who would like to see it used universally.

Under such time as our communications media decide to provide translations from Communese into English, it will be necessary for the readers to learn to do this for themselves. Fortunately, this is not too difficult. All that is necessary is to memorize some new definitions for some old words. Frequently the Communese meaning is just the opposite of the standard meaning. This is confusing, but once one gets the hang of it, it simplifies matters.

For the benefit of those who are not already familiar with the Communese vocabulary, the following are some of the more commonly used words with their English translations.

COMMUNESE-ENGLISH GLOSSARY

Aggression—defense against totalitarianism.
Bourgeoise—liberals.
Communism—Soviet totalitarianism.
Cooperation—Coerced regimentation.
Democratic—dictatorial.
Dictatorship of the proletariat—dictatorship of the totalitarian conspirators.
Emancipation—enslavement.
Enslavement—liberation.
Facism—
1. Applied to Hitler Germany, totalitarianism.
2. Applied to other countries, anti-totalitarianism.
Freedom—enslavement, elimination of freedom.
Hired slavery—free labor.
Imperialism—liberalism.
Monopolies—competitive industrial organizations in non-totalitarian states.
National liberation movements—totalitarian subversive movements in less developed countries.
Oppression—freedom.
Proletariat—totalitarian conspirators who pretend to speak for the working people.
Revolution—counter-revolution.
Social-Democrat—humanitarian socialist.
Socialism—totalitarianism, used interchangeably with communism.
Unite—liquidate opposition by terror.
Voluntarily—forcefully.
Working people—leaders of the totaliarian movement.

[From the Greeley (Colo.) Tribune, Nov. 18, 1969]

"Positive People" End Campaign—Scroll Mailed to Nixon

A letter is on its way to Washington, D.C., from Greeley today, the result of a drive here to show support of the Nixon Administration stand on Vietnam.

The letter was mailed by the Positive People Committee of Weld County and contained 2,301 signatures of Greeley area citizens.

The 73-foot letter also contained 19 other enclosures, mostly reprints of news stories carried in the last two weeks in the Greeley Tribune and relating to the committee, its work and observance of Veterans Day.

Committee co-chairman were Roy Colby, Colorado State College faculty member; and Robert Boren, teacher at Platteville.

The letter was addressed to President Richard Nixon and its purpose is "to inform you (Nixon) of the manner in which the citizens of Greeley and Weld County honored and showed respect to America last week."

The letter outlines the enclosures, two of which were editorials from the Tribune, one written by Sharon Haley, a student at Greeley West High School entitled, "Make Peace . . . Not Protest."

"We wish time had permitted sending more information on the activities and feelings of more of those citizens you have so aptly termed the 'silent majority,' in Weld County.

"In view of the foregoing, we believe you may agree that the silent majority—the positive people if you will—in Greeley and throughout Weld County fully support the sensible and honorable policy you are pursuing with respect to the war in Vietnam. On their behalf, we send our prayers and hopes to you for success in your difficult and thankless duties as Chief Executive of the United States of America."

Colby and Boren signed the letter as committee co-chairmen.

Dozens of volunteer workers took part in the three-day, name-collecting drive, which ended Saturday night.

Five volunteer typists then took over Sunday to transfer the names received by telephone and personal contact to the scroll.

Colby also noted that funds are urgently needed to help defray expenses of the campaign.

Contributions by check should be sent to Positive People, Box 54, Greeley.

GOODELL INQUIRES INTO THE AVAILABILITY OF ANTI-AIR POLLUTION DEVICES

Mr. GOODELL. Mr. President, I was dismayed to read in this morning's Washington Post, allegations that Ford Motor Co. and the Chrysler Corp. have been withholding from the consumers of New York and of 48 other States the advanced anti-air pollution equipment which they make available to consumers of California, under the legal requirements of that State.

It would seem, if the allegations are indeed true, that the two automobile manufacturers are more concerned with following only the letter of the law than with minimizing air pollution even when they are not legally required to.

I have sent today letters to Lynn Townsend, chairman of Chrysler Corp., and to Henry Ford II, chairman of Ford Motor Co., requesting that they verify or refute the allegations in the Post column. Should they substantially verify the allegations, I have requested that they specify what they intend to do to change the situation, to make the most advanced anti-pollution equipment available to the consumers of every State, including my own.

Mr. President, I ask unanimous consent to have printed in the Record the text of my letters and of the Post article.

There being no objection the material was ordered to be printed in the Record, as follows:

February 27, 1970.

Mr. Lynn Townsend,
Chairman, Chrysler Corp.
Highland Park, Mich.

Dear Mr. Townsend: Jack Anderson's

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"Washington Merry-Go-Round" column in yesterday's ***Washington Post*** alleges that Chrysler is discouraging the sale, in all states other than California, of the most advanced air pollution equipment now available to car-owners. The column makes the further allegations that (1) the price manuals issued to your dealers across the country state unequivocally that the anti-pollution equipment is available on California cars only, (2) that your computer system is programmed to reject automatically an order for the equipment should one come in from any of the other states, and (3) that there is really no reason why a determined buyer, willing to endure some delay, cannot obtain the $40 device, and that your company has therefore unnecessarily issued to its dealers, information which will discourage the purchase of pollution-control equipment.

The column concludes that consequently, if anyone outside California walked into a Chrysler showroom and ordered a new car with the advanced equipment now required by California anti-pollution law, he would be flatly—and erroneously—told that he cannot obtain the equipment.

I am dismayed by the gravity of these charges, and anxious, therefore, to learn whether each of the Anderson allegations is true. Moreover, in the event that the column is substantially accurate, I would appreciate hearing what, if anything, you intend to do to remedy the situation and to make advanced air pollution devices which your company already sells in California easily available to the consumers of New York and of every other state.

Sincerely,

CHARLES E. GOODELL.

FEBRUARY 27, 1970.

Mr. HENRY FORD,
Chairman, Ford Motor Co.,
Dearborn, Mich.

DEAR MR. FORD: Jack Anderson's "Washington Merry-Go-Round" column in yesterday's *Washington Post* alleges that Ford is discouraging the sale, in all states other than California, of the most advanced air pollution equipment now available to car-owners. The column makes the further allegations that (1) the price manuals issued to your dealers across the country state unequivocally that the anti-pollution equipment is available on California cars only, and (2) that there is really no reason why a determined buyer, willing to endure some delay, cannot obtain the $40 device, and that your company has therefore unnecessarily issued to its dealers, information which will discourage the purchase of pollution-control equipment.

The column concludes that consequently, if anyone outside California walked into a Ford showroom and ordered a new car with the advanced equipment now required by California antipollution law, he would be flatly—and erroneously—told that he cannot obtain the equipment.

I am dismayed by the gravity of these charges, and anxious, therefore, to learn whether each of the Anderson allegations is true. Moreover, in the event that the column is substantially accurate, I would appreciate hearing what, if anything, you intend to do to remedy the situation and to make advanced air pollution devices which your company already sells in California easily available to the consumers of New York and of every other state.

Sincerely,

CHARLES E. GOODELL.

[From the Washington Post, Feb. 26, 1970]

CAR RUNAROUND

(By Jack Anderson)

If anyone outside California walked into a Ford or Chrysler showroom and ordered a new car with the advanced air pollution equipment now required by California law, he would be told he couldn't have it.

Although the devices are the best available, this column has learned that Ford and Chrysler are actively discouraging their sale outside California.

The price manuals issued by both companies to their dealers across the country state unequivocally that the special anti-pollution equipment is available on California cars only.

Furthermore, the Chrysler computer system is programmed to reject automatically an order for the equipment should one come in from one of the other 49 states.

Spokesmen for both Ford and Chrysler, nevertheless, acknowledged to this column that there was no reason why a determined buyer, willing to wait a little longer for his new car, could not obtain the special device.

Thus both companies admit they have issued false information to their dealers, which is bound to discourage the purchase of pollution-control equipment.

The equipment in question is a system which curbs pollution from the evaporation of gasoline in fuel lines, tanks or carburetors. It costs about $40.

A Ford spokesman said the company "thought it was advisable to test this system for a year to perfect the design and service techniques" before making the equipment available nationally.

He acknowledged, however, there was no doubt that the system worked effectively and he said no particular service problems had been encountered.

THE SITUATION IN LAOS

Mr. MOSS. Mr. President, like many other Americans I have become increasingly alarmed over the situation in Laos.

Once again we seem to be heading down the same tragic road of escalation. Once again both sides have broken international agreements by introducing armaments and foreign military forces into a civil war. Once again, the American Government seems to be trying to hide from the American people the extend of our involvement there. Once again press reports differ significantly from Government reports. Once again we seem to have learned very little from our past mistakes.

Before we get any deeper into the Laotian conflict, I believe the American Government should take the following actions:

First. Release the transcript of the Foreign Relations Committee hearings on the American involvement in Laos. The Russians and the North Vietnamese know what we are doing in Laos and so should the American people. If American boys are going to fight and die in Laos, it is a decision the American people should make with all the facts. As President Nixon said on November 3:

> The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

Second. Call upon Britain and the U.S.S.R., the cochairmen of the International Conference for the Settlement of the Laotian Question, to reconvene that Conference. This is the Conference that brought peace to Laos once before and it should be given a chance to do it again.

Three. Begin a process of "Laotianization" at once. If the war in Vietnam can be Vietnamized, then this same process should begin in Laos before it becomes any more difficult.

THE RIGHT OF PRIVACY

Mr. PROXMIRE. Mr. President, last year the Senate passed landmark legislation to protect consumers against arbitrary and misleading credit reports. For the first time the consumer has a legal right to learn what information is in his credit file and to correct any inaccurate or misleading statements.

Credit bureaus are also required to maintain the confidentiality of the information in their files and to furnish it only to those who have a legitimate business need for the information.

One of the most effective witnesses before the Senate Banking and Currency Committee on the fair credit reporting bill was Prof. Arthur Miller of the University of Michigan Law School. Professor Miller has recently written an excellent article in the January 4 issue of the Los Angeles Times on the need for fair credit reporting legislation.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

CREDIT REPORTING AND ITS REGULATION

(By Arthur R. Miller)

In a rare display of togetherness (especially when compared to the debate over ABM and the nomination of Judge Haynsworth to the Supreme Court), the U.S. Senate recently unanimously passed the Fair Credit Reporting Act.

The bill, initiated by Sen. Proxmire (D-Wis.), requires credit bureaus "to adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance and other information," while at the same time exercising "their grave responsibilities with fairness, impartially, and a respect for the consumer's right to privacy."

Buying on credit has become an integral part of daily life in the United States; each year witnesses an increase in the number of adherents to the buy-now pay-later philisophy and a new high in the amount spent on credit purchases.

Along with this accelerating pace of credit transactions, the urbanization and mobility of the population has made it necessary for most credit grantors to base their decisions on quick access to information gathered by credit bureaus, rather than on their personal knowledge of the borrower as was true in the more halcyon days of neighborhood banks and corner grocers.

In order to obtain the benefits of the credit economy, people willingly (and often unthinkingly) supply lenders and credit bureaus with substantial quantities of personal information. To augment this data, many credit bureaus regularly comb newspapers, court records relating to the institution (but rarely the termination) of lawsuits, and other public files for bits of personal information that might be relevant to the decision about whether an individual is an acceptable credit risk.

ACCESS AND ACCURACY

In some instances this data is further supplemented with the record of a person's payment habits received from those who have granted him credit in the past, and by reports of field investigators who check on

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the subject's community status. These activities and the pool of information they create pose substantial questions as to who should be permitted to have access to the data and what steps ought to be taken to insure the accuracy of credit bureau files.

The credit-reporting industry's record of protecting personal privacy has been extremely spotty. Testimony before congressional subcommittees indicates that some practices of the retail credit-reporting associations—companies that cater primarily to insurance companies and employers—are subject to sharp criticism.

In addition to the information gathering activities described above, they often engage in surveillance and rely on information and impressions obtained from third persons. The quest is for data thought to indicate whether he is a good insurance risk or would make a desirable employe—does he carouse, is he a homosexual, what is his home life like?

CONSIDERABLE DAMAGE DONE

As might be expected, these investigational reports usually contain hearsay narratives gleaned from quick interviews with neighbors, landlords, employers, and "friends" conducted by poorly paid, relatively unsophisticated, and frequently insensitive functionaries. If the episodes recounted before Congress are any indication of the degree of care being exercised by credit bureau investigators, or of their concern for privacy, it is clear that a substantial mass of dangerous and often inaccurate information has been gathered and undoubtedly is causing considerable damage to some people.

In contrast to the retail credit bureaus, the commercial credit organizations—companies primarily designed to serve credit grantors—claim to limit themselves to "hard" financial data. But there is evidence that the commercial credit bureaus have been remiss in terms of limiting access to their files.

As part of a television news report, CBS staff members created a fictitious "systems" company, which requested financial information from 20 commercial credit bureaus in various parts of the country. The letter of request simply indicated that the company was interested in extending credit to the person on whom a report was sought.

Despite the vigorous assertion by a high official of Associated Credit Bureaus of America (ACB), a nationwide organization of independent credit bureaus, that it was "impossible" to secure a report from an ACB member unless the requesting party was a "bona fide creditor," the fictitious CBS company apparently received full reports from 10 of the bureaus.

The experiment was repeated following the adoption of new ACB "Credit Bureau Guidelines to Protect Consumer Privacy," which require the signing of a contract in which the bureau's client certifies that inquiries will be made only for credit-granting purposes. Even though the CBS letter of request did not indicate that the information sought was to be used for credit-granting purposes, seven out of 28 of the second sample group of bureaus provided the information.

In both test groups some of the bureaus stated that they would furnish the information only after the systems company signed a contract with them. In one case the fictitious company did this, and the information was immediately forthcoming, despite the fact that an investigation by the bureau would have revealed that the systems company was not a bona fide credit grantor.

Even if commercial credit bureaus did limit themselves to providing bona fide creditors with information about the financial history of consumers and refrained from supplying derogatory or innuendo-filled tidbits, the problem of insuring the accuracy of the financial reports remains.

A simple notation describing the customer as "slow-pay," for example, can be extremely damaging, yet it may conceal an honest dispute in which the customer withheld payment in order to obtain the goods or services he bargained for in acceptable condition.

As one commentator has pointed out, "what may often happen, especially when hot words may be exchanged between the . . . dealer and the consumer, is that the seller may report this as simply nonpayment or slow payment. He may even take a certain amount of relish in the fact that the obnoxious lady on the telephone . . . is being fixed in the credit record . . . It is an anonymous treatment, because the reporter of the information is never accountable for it." Once an error or a misleading entry of this type finds its way into a file, it may be virtually impossible for the victim to correct or, for that matter, even to discover it.

Corrective action might be feasible in the case of a local credit bureau. However, these bureaus seem destined to suffer the fate of the whooping crane. A localized credit bureau using a manual file system is likely to be a relatively inefficient operation that will prove increasingly incapable of managing the masses of information generated by the booming credit economy. Computer technology, mated with a high-speed transmission medium, is the inevitable method of improving the system. It is not surprising, therefore, that computerized credit bureau files and national networks connecting numerous data bases whose contents will be available on a remote-access basis currently are under development.

For example, in 1965, Credit Data Corp. inaugurated a large on-line computerized credit information system in California. Two years later the company linked its Los Angeles and San Francisco offices to provide what in effect is a statewide computer credit network. That same year Credit Data opened a computerized center in New York City and plans are under way for one in Detroit. At present the company has computerized credit information on over 20 million Americans and claims to be adding files on 50,000 people each week.

TEMPTATION GREAT

The result of computerized credit information networks will be that vast stores of financial and personal data will be centralized in the hands of relatively few people. A person's position in the community may be at the mercy of those who purport to have his financial history in their data bank. Another concern raised by the trend toward computerization and concentration of credit data is that the capabilities of the new technology will encourage credit bureaus to acquire more sensitive information about individual and institutional borrowers than they have in the past.

Given the massive investment required to computerize a large credit data base and the technology's ability to manipulate bits of information in unique ways, the temptation to use the data for non-credit-granting purposes will be difficult to resist.

A detailed account of a person's financial transactions, especially when accompanied by the type of investigative information collected by some credit bureaus, makes it easy to reconstruct his habits, associations, travel, and life style. If compiled on a large group, this data can be used for a number of noncredit commercial purposes, such as generating a mailing list containing the names of consumers with certain financial or vocational characteristics who might be interested in a particular product, or rating the credit-worthiness of a list of likely prospects for the distribution of unsolicited credit cards.

SENATE SETS LIMITS

It is against this background that the Fair Credit Reporting Act emerges. As passed by the Senate it (1) defines the range of permissible purposes for which consumer reports may be used, (2) directs the deletion of certain types of obsolete information, (3) gives an individual access to substantial portions of his file, (4) requires him to be told on request who has received reports on him, and (5) makes it mandatory that he be notified when derogatory public record items are recorded and reported to others.

Should the consumer feel aggrieved by any of the information he finds in his file, procedures are available for seeking correction and resolving disputes with the bureau. As presently drafted the act also imposes limitations on the development and use of investigative reports.

One of the most salient features of Sen. Proxmire's proposal is its recognition that information handlers have been remiss in excluding the data subject from transactions involving information relating to him. By assuring the individual access to his credit file, the Fair Credit Reporting Act would provide people with a modicum of control over the flow of information about them.

Thus, unless watered down by the House, it will represent an important step toward imposing obligations on the credit bureau industry that should help achieve a balance between the need for accurate financial data to maintain the nation's flow of credit and the preservation of each citizen's right of privacy.

LITHUANIAN INDEPENDENCE

Mr. GOODELL. Mr. President, once again I wish to join my colleagues in paying tribute to a brave people who have endured hardships in the cause of freedom.

Fifty-two years ago, Lithuanian independence was proclaimed, ending more than 100 years of suffering under German and czarist Russian domination. And although the Bolshevik government which had been established in Moscow initially refused to recognize Lithuania's independence, they finally "voluntarily and forever renounce(d) all sovereign rights possessed by Russia over the Lithuanian people and their territory," in 1920.

During the next 22 years the Lithuanian people briefly enjoyed freedom under their own democratic government, and made great progress in many areas: educational facilities were expanded, progressive social and labor legislation was adopted, and marked achievements were made in literature and the fine arts.

Lithuanian independence, so hard won, was not long lasting. Soon after the outbreak of World War II, Lithuania was occupied by the Soviet Union, and then for a while she had the misfortune of being placed under Nazi rule. The Lithuanians have suffered and endured hardships and misery under this first Russian, then German, and again Russian subjugation; and still, despite the treaty of 1920, the Lithuanian people remain under Russian control. Nevertheless these brave people have continued to yearn for freedom from their oppressors, and to work for a truly independent Lithuanian state.

On the observance of this 52d anniversary of Lithuanian Independence Day, we must all hope and pray for the freedom of the Lithuanian people.

THE TRANSPACIFIC FLIGHT—AN AVIATION MILESTONE

Mr. JACKSON. Mr. President, less than 40 years ago, right here on earth, man encountered and surmounted bar-

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riers comparable to this Nation's recent flight to the moon. In those days the Pacific Ocean presented a formidable barrier to those who sought to cross it nonstop by airplane. By 1931, eight attempts, all ending in failure, had been made by aviators trying to link the Americas and the Orient by air.

Then on October 3, 1931, Clyde Pangborn and Hugh Herndon II took off from Sabishiro Beach, Japan, for a grueling 41-hour flight across the Pacific Ocean. After a flight of 4,558 miles they made aviation history when they landed at Wenatchee, Wash.

Today, transpacific flights are part of normal scheduled airline service. Tomorrow, with the advent of supersonic passenger service, the historic Pangborn-Herndon flight may be duplicated in less than 3 hours. But we should not lose sight of the accomplishment of these aviation pioneers because their venture has now become commonplace.

The flight has long been commemorated in Japan by a monument, but only recently, on May 3, 1969, was similar recognition given in the United States. This marked the dedication of the Pangborn-Herndon Memorial in Wenatchee.

Recently, leading citizens and organizations in the State of Washington have written letters urging that greater recognition be made of this aviation milestone by the issuance of a special commemorative airmail stamp. The Washington State delegation, in order to express their support for this admirable project, joined today in sending a letter to the Honorable Winton M. Blount, Postmaster General of the United States, urging favorable action by the Post Office Department on the request for the stamp, and adding their personal endorsement of the proposal.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 26, 1970.
Hon. WINTON M. BLOUNT,
Postmaster General,
Washington, D.C.

MY DEAR MR. POSTMASTER GENERAL: In this age of man's crossing the gulf of space between the earth and moon, it is easy to forget that it was only a few short years ago that man found and conquered barriers of similar magnitude here on earth.

One such epic venture was the first nonstop crossing of the Pacific Ocean by airplane, a feat comparable to the Atlantic flight of Charles Lindbergh. Clyde Pangborn and Hugh Herndon II took off from Sabishiro Beach, Japan on October 3, 1931. Forty-one hours and thirteen minutes later, after crossing 4,558 miles of lonely ocean they landed at the Wenatchee, Washington Airport.

The flight has long been commemorated in Japan by a monument, but only recently, on May 3, 1969 was similar recognition given in the United States. This marked the dedication of the Pangborn-Herndon Memorial in Wenatchee.

We urge that further recognition of this aviation milestone be made by the issuance of a commemorative Air Mail stamp. We have enclosed letters of endorsement from leading citizens and organizations in the State of Washington, asking that such a stamp be issued. We add to them, our own personal endorsement of the proposal.

We wish to urge most strongly favorable action by the Post Office Department.

Sincerely yours,
Warren G. Magnuson, U.S. Senate, Thomas M. Pelly, Member of Congress, Julia Butler Hansen, Member of Congress, Thomas S. Foley, Member of Congress, Brock Adams, Member of Congress, Henry M. Jackson, U.S. Senate, Lloyd Meeds, Member of Congress, Catherine May, Member of Congress, Floyd V. Hicks, Member of Congress.

THE HERITAGE COMMITTEE,
Wenatchee, Wash., February 12, 1970.
Hon. WINTON M. BLOUNT,
Postmaster General
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: From the Northwest now comes an appeal to you for a new, commemorative Air Mail Stamp which could add color, history, and international flavor to our Nation's unique assortment.

In Wenatchee, Washington, we have a new 15-million year-old basalt monument commemorating the first non-stop transPacific flight from Japan to the U.S.A. that was made by Clyde Pangborn and Hugh Herndon II, and terminated in Wenatchee, Washington, October 5, 1931. The flight, long commemorated in Japan by a monument, stirred the nation. It made the front page of every newspaper in the world. In aviation history it is comparable to the spectacular flight of Colonel Charles Lindbergh.

Shunkichi Takeuchi, Governor of the Aomori Prefecture, heading a delegation of sixteen Japanese, came to our recent State Apple Blossom Festival here, participated in this dedication, and his party made a sizable contribution to this beautiful memorial overlooking the Wenatchee Valley.

Today, the world is flight conscious as never before. Japan is close to us in bonds of friendship and trade, especially here in the Northwest. In the U.S.A. the balance of international trade has been tipped due to burgeoning trade between Washington State and Japan. We exchange Trade Fairs and much travel.

Surely, a new stamp commemorating this historic Japan-United States inter-tie is timely, strategic, and appealing. Proudly, we enclose pictures and story, and beg your favorable consideration.

Hopefully Yours,
Dr. EVA ANDERSON,
Secretary, Chelan County Heritage Committee.
Hon. Dan Evans, Governor, Hon. Robert McDougal, State Senator, Hon. Bob Curtis State Representative, Helen Horan, President Heritage Committee, Dr. Eva Anderson, Secretary, Vada McMullan, Postmaster, Leman Johnson, Vera Weaver, Leonard Ekman, Wes Hensley, Cora Lake, Washington State Commemorative Stamp Committee.

HOUSE OF REPRESENTATIVES,
STATE OF WASHINGTON,
Olympia, December 20, 1699.
Hon. WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR MR. BLOUNT: As you are no doubt well aware, the entire State of Washington in general and in particular our North Central Washington area, is interested in obtaining authorization for an Air Mail Stamp commemorating the historic Pangborn-Herndon Trans-Pacific Flight.

We feel that such a stamp would be a proper form of recognition for these men who accomplished the first non-stop flight across the Pacific Ocean and would also be a valuable addition to the Nation's unique stamp assortment.

It is our hope that this might become a reality. Your help and cooperation in helping us secure this goal is greatly appreciated. Thank you very much.

Very truly yours,
Representative BOB CURTIS.

WASHINGTON STATE AERONAUTICS COMMISSION,
Seattle, Wash., February 13, 1969.
Hon. WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR MR. BLOUNT: A group of distinguished citizens of the State of Washington have asked me to support their efforts in seeking your authorization for a special Air Mail stamp to cemmemorate the historic Pangborn-Herndon Transpacific Flight. I trust you receive several requests of this kind and we would not ordinarily ask for such consideration. In this particular instance, however, we regard the request as very special and unique.

It is wholesome American tradition that we should honor our brave, not only because of battlefield deeds, but for other deeds as well. The history of aviation development in our country is filled with recorded acts of bravery and heroism. The Pangborn-Herndon Transpacific Flight clearly is regarded as one of the most outstanding achievements recorded in aviation history. We believe that brave and heroic achievement deserves special and unique recognition.

Please consider our request along with those from other American citizens having a deep interest in preserving the memory, honor and excitement of a remarkable flight, the Pangborn-Herndon Transpacific Flight.

Sincerely,
RONALD R. PRETTI, *Director.*

BOARD OF COUNTY COMMISSIONERS,
CHELAN COUNTY, STATE OF WASHINGTON,
Wenatchee, September 15, 1969.
WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR MR. BLOUNT: On behalf of the Chelan County Commissioners, I am writing to you requesting your consideration in obtaining an Air Mail stamp commemorating the Pangborn-Herndon Transpacific Flight.

We feel this stamp would contribute greatly towards the Industrial promotion of this area. With the air craft potential of our area steadily increasing, this stamp would be an added asset to the flight industry.

Issuance of this commemorative stamp would not only give recognition to the City of Wenatchee but also to the many citizens who have contributed to the Pangborn-Herndon Memorial.

Again, we urge your consideration in the issuance of this Air Mail stamp.

Very truly yours,
BENTON M. BANGS,
Chairman, Board of Chelan County Commissioners.

OFFICE OF THE MAYOR,
CITY OF WENATCHEE, WASH.,
February 6, 1970.
Hon. WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

HONORABLE SIR: Our area is very fortunate in having a very knowledgeable Heritage Committee which has been very active in perpetuating the historic and memorable events that happened in this beautiful valley in Central Washington.

As Mayor of Wenatchee I also am interested in commemorating the historic Pangborn-Herndon Transpacific Flight which terminated at the Wenachee Airport October 5, 1931.

As you know this was the first non-stop flight across the Pacific Ocean from Japan. This event contributed much to the prog-

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ress of aviation and would be a valuable addition to the nation's assortment of commemorative stamps.

I urgently ask your cooperation in authorization of an air mail stamp commemorating this great historic achievement contributing to America's mastery of the air.

Very sincerely yours,
W. B. Young,
Mayor, City of Wenatchee.

Mercer Island, Wash.

Mrs. Vada McMullan,
Postmistress,
Wenatche, Wash.

Dear Mrs. McMullan: Having recently learned of the proposal for a commemorative stamp marking the Pangborn-Herndon flight, may I add my recommendation that such an action be taken.

As a reporter on the Wenatchee Daily World I helped cover the landing which terminated the first non-stop flight across the Pacific. In some 27 subsequent years in the aviation business (I retired as Director of Public Relations and Advertising a few months ago), the significance of that flight became increasingly apparent. Very definitely Pangborn and Herndon first demonstrated the feasibility of the North Pacific route to the Orient.

In aviation circles the flight of Pangborn and Herndon is rated as one of the three or four most significant flights of all time—on a par with the flight of Lindbergh over the Atlantic and of Kingsford-Smith over the mid-Pacific to Australia.

With the focus of world attention soon to be on Japan and Expo-70 it would seem that a stamp marking the first demonstration of the possibility of air travel between Japan and America would be most appropriate.

Sincerely,
Carl M. Cleveland.

National Association of Postmasters, Washington State Chapter No. 25,
October 30, 1969.

Winton M. Blount,
Postmaster General, Post Office Department, Washington, D.C.

Dear Mr. Blount: The National Association of Postmasters, Washington State Chapter No. 25 would appreciate your consideration of the authorization for an Air Mail stamp, commemorating the historic Pangborn-Herndon Transportation Flight.

The Pangborn-Herndon flight, which terminated at the Wenatchee Airport in Douglas County on October 5, 1931 put Wenatchee and the State of Washington on the front page of every major newspaper in the world that day. Japan has erected a monument marking the take-off point, and in Wenatchee they have the Pangborn-Herndon Memorial which marks the landing spot.

A commemorative stamp from Wenatchee would (1) honor these brave fliers who accomplished the first non-stop flight across the Pacific Ocean from Japan to Wenatchee, and thus contributed so much to the progress of aviation, (2) give prestige and recognition to the City of Wenatchee and the entire State of Washington, (3) be a welcome addition to the nation's unique stamp assortment.

Your cooperation and support will be most valuable to the Postmasters of the State of Washington.

Sincerely,
Helen Brinkman,
President.
Dan McLennan,
First Vice President.
Rival Moore,
Second Vice President.
Wanda Nilson,
Third Vice President.
Luella Henry,
Secretary Treasurer.

Washington Federation of Republican Women,
November 24, 1969.

Mr. Winton Blount,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

Dear Mr. Blount: The Washington State Federation of Republican Women's Executive Board supports the Heritage Committee in its effort to obtain authorization for an Air Mail Stamp, commemorating the historic Pangborn-Herndon Transpacific Flight.

Sincerely,
Mrs. H. Maurice Ahlquist,
Sec., WFRW.

Central Washington Bank,
Wenatchee, Wash., October 21, 1969.

U.S. Postmaster General,
Washington, D.C.

The Honorable Postmaster General: Charles R. Lindbergh's nonstop flight across the Pacific Ocean was one of the 20th Century's great events, but equally dramatic, almost, was the Pangborn-Herndon nonstop flight across the Pacific Ocean from Japan to the United States in their wheelless monoplane.

The eyes of the entire world were on this daring achievement. Clyde Pangborn and Hugh Herndon have long since passed away, but their history-making flight is becoming more and more widely acclaimed on both sides of the Pacific now that more than a quarter of a Century has passed.

This year a fine monument was erected at the site where they landed and Japanese newspaper and government officials came to this country to officiate at the ceremonies.

Our request is that you authorize an airmail stamp commemorating this world renowned achievement.

In many respects the Pacific Ocean is America's new frontier. This, plus Japan's forthcoming World Fair, further emphasize the timeliness of the Memorial Stamp.

Very truly yours,
Kirby Billingsley.

RESOLUTION COMMEMORATING THE FIRST TRANS-PACIFIC NON-STOP FLIGHT

This appeal for a Commemorative Air Mail Stamp has widespread National significance and is believed worthy of consideration.

Whereas: this Trans-Pacific flight is comparable to the spectacular flight across the Atlantic of Colonel Charles Lindbergh and,

Whereas: the even has long been commemorated in Japan with a monument and recently, a monument was dedicated at the sight of landing of this history making flight in Wenatchee, Washington and,

Whereas: the International flavor will be pleasantly accepted by our Western neighbors and,

Whereas: the importance of this event is a never ending link in the progress of this flight conscious World,

Therefore; Be it resolved that District No. 10 of Chapter No. 25 of the National Association of Postmasters of the United States ask your consideration of this historical first Trans-Pacific non-stop flight of Clyde Pangborn and Hugh Herndon II and seek to authorize an Air Mail Stamp commemorating the event.

Glenn R. Frederickson,
District President.
George E. Wilkin,
Secretary.

The Wenatchee Daily World,
Wenatchee, Wash., December 1, 1969.

Mr. Winton M. Blount,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

Dear Mr. Blount: We are interested in seeing a postage stamp, preferably air mail—to commemorate the historic Pangborn-Herndon Transpacific Flight. If possible, we would like you to authorize such a stamp.

The stamp would not only honor these two fliers, but would commemorate a historical event—the first non-stop flight across the Pacific Ocean from Japan to Wenatchee October 5, 1931. Japan has erected a monument marking the take-off point. This year a similar monument was erected near Wenatchee with 16 international officials here for the dedication.

The flight, we feel, is a landmark in aviation history. And as such, should be commemorated. Your authorization of a Pangborn-Herndon air mail stamp would be much appreciated.

Yours very truly,
Wilfred R. Woods,
Editor and Publisher.

Wenatchee Chamber of Commerce,
Wenatchee, Wash., January 23, 1970.

Hon. Winton Blount,
Postmaster General of the United States, Washington, D.C.

Dear Mr. Blount: The Wenatchee Chamber of Commerce is pleased to endorse the petition of the Chelan County Heritage Committee for issuance of a United States commemorative postage stamp honoring the first nonstop trans-pacific flight (Sapporo to Wenatchee) by Hugh Herndon and Clyde Pangborn in 1931.

The United States and the State of Washington will be participants in the 1970 Osaka (Japan) Worlds Fair. Noting that this nation has issued commemorative stamps in recognition of other worlds fairs in this nation and abroad, the Osaka event might well be commemorated in conjunction with this great aviation achievement shared by the United States and Japan.

Your interest in the recognition of this significant historic event will be most sincerely appreciated.

Respectfully,
D. N. Gellatly, Jr.,
President.

Public Utility District No. 1 of Chelan County,
Wenatchee, Wash., February 2, 1970.

Winton M. Blount,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

Dear Mr. Blount: Public Utility District No. 1 of Chelan County supports the Chelan County Heritage Committee in its efforts to obtain authorization for an Air Mail Stamp to be printed commemorating the historic Pangborn-Herndon Transpacific Flight. This first non-stop flight across the Pacific Ocean from Japan contributed much to the progress of aviation and is certainly worthy of such a commemoration.

The Japanese have erected a monument marking the take-off point of the flight in Japan and there is now a Pangborn-Herndon Memorial in Wenatchee which marks the landing spot. A commemorative stamp will further recognize and honor the magnitude of this accomplishment and the brave and daring men who carried it to completion.

We would gratefully appreciate your favorable consideration of authorization of such an Air Mail Stamp.

Sincerely yours,
Howard C. Elmore,
Manager.

Public Utility District No. 1 of Douglas County,
East Wenatchee, Wash., February 3, 1970.

Hon. Winton M. Blount,
U.S. Postmaster General, Post Office Department Headquarters, Washington, D.C.

Dear Sir: We would like to express our enthusiastic support of an effort by the Chelan County Heritage Committee for issuance of an air mail stamp commemorating the historic Pangborn-Herndon Transpacific Flight nearly 40 years ago.

This first non-stop flight across the Pacific

Ocean from Japan had its termination here on October 5, 1931, in a dramatic event that electrified the world. Suitable monuments have now been erected in both countries to mark the take-off and landing points of that historic flight. We join with others in seeking your favorable consideration of issuing a commemorative stamp to the event and to the memory of these intrepid fliers who gambled their lives to make aviation history.

Very truly yours,

MICHAEL DONEEN, *President.*
LLOYD MCLEAN, *Vice President.*
HOWARD PREY, *Secretary.*

NORTH CENTRAL REGIONAL LIBRARY,
Wenatchee, Wash., October 22, 1969.
WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR SIR: We would like to add our pleas to those of the Chelan County Heritage Committee, in their efforts to obtain authorization for an Air-Mail stamp commemorating the Pangborn-Herndon Transpacific Flight of 1931.

Clyde Pangborn and Hugh Herndon landed at Wenatchee on October 5, 1931, after making the first non-stop flight across the Pacific Ocean. They flew from Samushiro Beach, Japan to Wenatchee, Washington in 41 hours and 13 minutes. Japan has erected a monument marking the takeoff place, and Wenatchee has erected the Pangborn-Herndon Memorial, marking the landing spot.

We feel that a commemorative stamp would indeed honor these aviators who added so much to the story of aviation.

Sincerely,

Virginia Gnagy, Kathryn Bender, Louise Mirabell, Dorothy McKenzie, Mary M. French, Mike Lynch, Carol McFarland, Annie Koinzan, Doreen Y. Purcell, Margaret Whitlock, Mary Middleton, Elizabeth Stroup, Boyden Brooks, Rowena B. Christiansen, Maxine Van Brocklin, Virginia Koon, Anna Merle Kliewer, Doris Clark, June Whipple, Dee A. Hill, Nora R. Fenton, Leeta M. Watt.

WENATCHEE, WASH., *October 16, 1969.*
WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR SIR: I wish to add my support to the effort of the Chelan County Heritage Committee to obtain authorization of an Air Mail Stamp commemorating the historic Pangborn-Herndon Transpacific Flight in the early days of aviation.

It was a significant "first" in aviation, worthy of the monuments which mark the take-off and landing points and now worthy of being commemorated by the issuance of an Air Mail Stamp.

Respectfully yours,

ROBERT B. ROWE,
Architect.

CHELAN COUNTY WOMEN'S REPUBLICAN CLUB,
Wenatchee, Wash., October 15, 1969.
Hon. WINTON M. BLOUNT,
Postmaster General,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: We respectfully request your earnest consideration of issuance of an Air Mail stamp, commemorating the historic Pangborn-Herndon Transpacific Flight from Tokyo, Japan to Wenatchee, Washington, U.S.A. in October of 1931.

Japan has erected a monument marking the take-off point, and Wenatchee now has a Pangborn-Herndon Memorial which marks the landing spot. A Commemorative Stamp will further recognize and honor the magnitude of the accomplishment, and the brave and daring men who accomplished the first non-stop flight across the Pacific Ocean.

This stamp would also be a valuable addition to the nation's unique stamp assortment.

Thank you for your consideration.

Sincerely,

MRS. FRANK KUNTZ,
President.

WENATCHEE VALLEY CLINIC,
Wenatchee, Wash., October 4, 1969.
WINTON M. BLOUNT,
Postmaster General,
Post Office Headquarters,
Washington, D.C.

DEAR SIR: The Wenatchee Valley Clinic urges the Post Office Department to authorize an Air Mail stamp commemorating the historic Pangborn-Herndon Transpacific Flight.

A commemorative stamp would honor these brave fliers who accomplished this first nonstop flight across the Pacific Ocean from Japan. Japan has erected a monument marking the take-off and a memorial marks the landing spot in Douglas County, State of Washington.

We urge you to consider a commemorative stamp recognizing this accomplishment.

Very truly yours,

WIN BAKER,
Business Manager.

JOINT PLANNING OFFICE,
Wenatchee, Wash., October 6, 1969.
WINTON M. BLOUNT,
Postma-ter General,
Post Office Headquarters,
Washington, D.C.

DEAR SIR: The Wenatchee City Planning Commission wishes to add its support to other organizations in the area in urging the Post Office to authorize an Air Mail stamp commemorating the historic Pangborn-Herndon Transpacific Flight.

Japan has erected a monument marking the take-off site and a memorial marks the landing spot in Douglas County, State of Washington. It is most fitting that a commemorative stamp be issued to honor these brave fliers who accomplished this first nonstop flight across the Pacific Ocean from Japan.

We urge you to consider a commemorative stamp recognizing this historic flight.

Very truly yours,

WIN BAKER, *Chairman.*

LION CLUB OF WENATCHEE,
Wenatchee, Wash., August 21, 1969.
WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

SIR: On October 5, 1931 the termination of the Pangborn-Herndon flight, non-stop across the Pacific Ocean from Japan to Wenatchee, contributed much to the progress of aviation.

As of this date monuments have been erected marking the take-off and landing points of the fliers who accomplished this great feat.

The Wenatchee Lions Club urges you to consider the authorization of a commemorative stamp that would further recognize and honor the magnitude of this tremendous accomplishment and the brave and daring men who carried it to completion.

I would like to thank you in advance for your careful consideration of this matter.

Respectfully,

CARL FUGITT,
Wenatchee Lions Club.

NATIONAL LEAGUE OF POSTMASTERS OF THE UNITED STATES,
Silvana, Wash., September 7, 1969.
WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR MR. BLOUNT: At a meeting of the Executive Committee of the Washington State Branch of the National League of Postmasters September 6, we voted to endorse the appeal of the Chelan County Heritage Committee for authorization for an Air Mail stamp commemorating the historic Pangborn-Herndon Transpacific Flight.

We felt this to be quite a milestone in history and very worth while commemorating.

Very truly yours,

ELEANOR MONSON,
Secretary-treasurer.

WENATCHEE, WASH.,
February 2, 1970.
WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR SIR: At the regular meeting of the Wenatchee Garden Club in January 35 members present voted unanimously to support the Heritage Committee in their effort to obtain authorization for an Air Mail Stamp commemorating the historic Pangborn-Herndon Transpacific Flight.

The Pangborn-Herndon flight which terminated at the Wenatchee Airport on October 5, 1931 put Wenatchee and the State of Washington on the front page of every major newspaper in the world that day.

Japan has erected a monument marking the take-off point and there is a Pangborn-Herndon memorial which marks the landing point.

A commemorative stamp would further recognize and honor the magnitude of this accomplishment and the brave and daring men who carried it to completion.

Very truly yours,

VERNA M. SMITH,
Secretary Wenatchee Garden Club.

ALLIED ARTS COUNCIL OF NORTH CENTRAL WASHINGTON,
Wenatchee, Wash., October 25, 1969.
Mr. WINTON M. BLOUNT,
Postmaster General, Post Office Department Headquarters, Washington, D.C.

DEAR MR. BLOUNT: The Heritage Committee of Wenatchee, Washington, is applying for authorization for an Air Mail stamp commemorating the historic Pangborn-Herndon Transpacific flight, which terminated in Wenatchee October 5, 1931.

This historic achievement was officially recognized in our area through the establishment of a beautiful memorial, spearheaded by the Heritage Committee, and built through the volunteer efforts of hundreds of local people. The dedication ceremony was a highlight of the Apple Blossom Festival in May of this year. Japanese representatives were present and took part in this ceremony. The memorial, located in Douglas County, is a thing of beauty, a shaft of native stone enhanced by a bird in flight, designed by Walter Graham, an artist of national renown.

We believe not only that the flight in itself is deserving of the recognition which a commemorative stamp would give it, but the impressive memorial is an eminently fitting subject and would prove to be a valuable addition to our nation's stamp assortment.

We sincerely hope that you will give serious consideration to issuing a stamp to honor the accomplishment of Pangborn and Herndon who through their accomplishment lent luster not only to Wenatchee, but to America's aviation history as well.

Yours sincerely,

MRS. JAMES PAULY,
President.

(This marks the end of routine morning business.)

ADMINISTRATION HAS NO SPECIFIC PROGRAM TO HALT HIGH UNEMPLOYMENT

Mr. PROXMIRE. Mr. President, contrary to their public statements, the Nixon administration has no specific plans or shelf of effective job programs to combat the major rise in unemployment projected for this year in the Nixon budget.

Key administration spokesmen have made their case in appearances before the Joint Economic Committee. On the issue of combating unemployment, they have substituted talk for action.

Expert after expert told the Joint Economic Committee that unemployment this year will rise to the 5- to 6-percent level. The budget itself projects a 4.3-percent average for the year. Since it is lower than that now, this means that unemployment will be much higher at the end of the year if the experts' projections come about.

One of the estimates was by the principal economic adviser to the President, the chairman of the economic advisers, Paul McCracken, who admitted that a 4.3-percent average would mean there would have to be a rate of at least 5 percent by the end of the year, and that would mean close to an additional 1 million Americans out of work.

When asked what they intend to do to combat high unemployment, administration spokesmen all claimed they would take action. But when pressed for specific acts we got form for substance, rhetoric instead of specific plans, and big talk to describe ineffective programs.

When asked what are the "strong measures" they say they are ready to take, the administration spokesmen told us three things, all of which are either vague or useless.

They say they would end the 75-percent cutback on Federal financing of construction. But that cutback was a feeble instrument and amounted to less than $300 million. It had no effect in halting inflation and it would obviously be useless in reversing a recession and stimulating employment. It is less than one three-thousandths part of the $985 billion gross national product.

Second, the administration spokesmen claim they would rely on action by the Federal Reserve Board. It is typical of the administration that its key plans depend on the action of an agency which is independent of the executive and whose powers to combat unemployment are weak and ineffective. Many experts characterize the Federal Reserve Board's power to reverse a recession by increasing the money supply as ineffective as "pushing on a string".

It is par for the course that the administration's key plans to fight unemployment depends on ineffective action by an agency over which they have no constitutional control.

Finally they refer vaguely to some form of "budget management," whatever that is.

This is no program at all. It is clearly all talk and no action. At best it is a series of weak and pusilanimous proposals. At worst it would be wholly ineffective. It is hardly calculated to instill confidence in the more than 700,000 workers who will be laid off in 1970.

This country needs a clearly defined shelf of specific programs to counteract unemployment if it is as large as predicted later this year. Instead we get vague promises or redundant proposals.

If we are to stop inflation and head off unemployment, we need to get ready now.

WHY DOES THE UNITED STATES NOT OUTLAW MASS MURDER?

Mr. PROXMIRE. Mr. President, in a short but poignant article appearing in the current issue of Look magazine, Arthur Morse examines why the United States has thus far failed to outlaw mass murder by ratifying the Convention on the Prevention and Punishment of the Crime of Genocide. Incidentally, this is the convention that the President, the Secretary of State, and the Attorney General just asked the Senate to act on.

Morse traces the history of the Genocide Convention and claims that lawyer Eberhard P. Deutsch is the man who for 20 years has led the successful fight against ratification. But as systematically as Deutsch built up opposition to the Genocide Convention, Morse shows that in the last few years prominent lawyers like Bruno Bitker, retired Supreme Court Justice Clark, Secretary of State William Rogers, former Chief Justice Earl Warren, Rita Hauser, and former Attorney General Nicholas Katzenbach have strongly supported ratification of the convention.

I ask unanimous consent to place the article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY DOESN'T THE UNITED STATES OUTLAW MASS MURDER? THE EMOTIONAL STRUGGLE OVER SIGNING THE U.N. GENOCIDE TREATY APPROACHES A NEW CLIMAX

(By Arthur D. Morse, author of "While Six Million Died")

The apparent American massacre in Songmy, Vietnam, has been condemned around the world as genocide. On a village scale, the events in Songmy bear a terrifying similarity to Nazi mass murder—old men, women and children gunned down, hurled into ditches, blown apart by grenades. The savagery seemed intensified by a pervasive racial contempt.

But Songmy, for all its horror, was not genocide. Genocide means the systematic extermination of a national, ethnic, racial or religious group. Songmy represents a lesser magnitude of barbarity.

In spite of this distinction, the United States is uniquely vulnerable to charges of genocide. Most Americans do not realize that their country is the only major power in the United Nations that has refused to ratify the one international treaty seeking to halt mass killing—the UN Convention on the Prevention and Punishment of the Crime of Genocide.

The United States helped to steer the Genocide Convention through the UN General Assembly by unanimous vote back in 1948. But U.S. ratification requires two-thirds vote of the Senate and the President's signature. Neither has occurred. The Senate has ignored the convention ever since the Truman Administration, when it died in the Foreign Relations Committee. And Presidents Eisenhower, Kennedy and Johnson remained silent. Meanwhile, 74 nations have ratified it.

The failure of the United States to support this and other U.N. human-rights measures is largely attributable to the implacable opposition of Eberhard P. Deutsch, a 72-year-old New Orleans lawyer who has dedicated much of his career to their defeat. For many years, he was a member, then chairman, of the American Bar Association's ironically titled Committee for Peace and Law Through the United Nations. This committee has exerted great influence within the Bar Association and, even more important, within the Foreign Relations Committee of the United States Senate.

What does the Genocide Convention propose, and what does Eberhard Deutsch fear?

The treaty specifies five acts that, if accompanied by the intent to destroy a national, ethnic, racial or religious group, constitute the crime of genocide: killing members of a group; causing them serious bodily or mental harm; deliberately inflicting upon them conditions of life calculated to bring about their physical destruction; imposing measures to prevent births within their group, and forcibly transferring their children to another group.

The convention denies genocidists the right of political asylum. Countries ratifying the convention agree to extradite the accused for trial by a court of the nation in which the alleged genocide was committed.

If a government fails to prevent or punish genocide, another nation may bring the case before the International Court of Justice. Though the court can order the negligent country to take remedial action, it has no punitive power. To fill this void, the Genocide Convention suggests the ultimate establishment of a new international tribunal with power to punish. The creation of this court would require ratification by each nation.

Of course, the mere signing of the convention would not end the threat of genocide, but it is the essential first step under international law toward this goal. Supporters of the convention argue that its existence in the 1930's would have braked Nazi excesses or at least led to the early outlawing of Germany by the world community.

Eberhard P. Deutsch, an affable and courtly gentleman of formidable legal skills, told me he deplores the crime of genocide but that he views this and other UN human-rights conventions as subtle techniques for circumventing the United States Constitution and bringing about a "creeping international encroachment" of American institutions.

Deutsch mirrors the views of his mentor, Frank E. Holman, the late president of the American Bar Association, whom Deutsch described to me as "a reactionary and probably a John Bircher but a Rhodes Scholar and a delightful gentleman."

According to Deutsch, Article VI of the United States Constitution, which states that treaties "shall be the supreme law of the land," presents the advocates of social change with a device for bypassing Congress. He regards this as a sinister method of accomplishing, by treaty, changes that Congress would not approve as domestic legislation. He has little confidence in such decisions as the U.S. Supreme Court's 1957 ruling in the case of *Reid* vs. *Covert*, when it said: "This Court has regularly and uniformly recognized the supremacy of the Constitution over a treaty."

During the Eisenhower Administration, the Genocide Convention was plunged into obscurity by the so-called Bricker Amendment, which challenged the treaty-making power of the President. Appropriately, the architect of the Bricker Amendment was not the silver-haired Ohio Senator for whom it was named but the relentless Eberhard Deutsch.

In 1963, President Kennedy, still fearful of the states' rights issue, ignored the Genocide Convention when he urged action on three less controversial UN conventions—Slavery, the Political Rights of Women and Abolition of Forced Labor. It took the Senate Foreign Relations Committee four years to get around to them, and then it approved only the Slavery Convention. Fifty-one national organizations had banded together in support of all three conventions, but the Foreign Relations Committee once again upheld Deutsch, permitting him to testify without challenge at a separate session to which his opponents were not invited.

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But there was now one sharply dissenting voice in Deutsch's own Bar Association committee. Bruno V. Bitker of Milwaukee called for passage of the three human-rights measures sent up by President Kennedy and insisted upon adding the long-neglected Genocide Convention. Bitker said, ". . . crimes against humanity are not local in nature; they must be outlawed internationally."

Deutsch has referred to Mr. Bitker as a "bleeding heart"; the "bleeding hearts" began a counterattack during 1968. This had been designated as the International Year for Human Rights, and President Johnson had established a commission for its observance. Bitker was one of its most active members and served on a bipartisan committee of distinguished lawyers, headed by retired Supreme Court Justice Tom C. Clark and including William P. Rogers, soon to be named Secretary of State by President Nixon, and John R. Stevenson, who would become Legal Adviser to the State Department under Nixon.

The lawyers' committee issued *A Report in Support of the Treatymaking Power of the United States in Human Rights Matters*, which demolished the arguments of Deutsch and his followers. The report concluded that human rights are matters of international concern and quoted Chief Justice Earl Warren: "We as a nation should have been the first to ratify the Genocide Convention. . . ."

Last year, opposition to Deutsch gained strength when President Nixon appointed Mrs. Rita E. Hauser as U.S. Representative to the UN Human Rights Commission. A dynamic young lawyer dedicated to U.S. ratification of the Genocide Convention, she is also chairman of a committee of the Bar Association's Section of Individual Rights and Responsibilities. In a strong report, this committee now recommended that the Association's ruling House of Delegates adopt a resolution favoring ratification of the Genocide Convention. Sen. J. William Fulbright, apparently as reluctant about the Genocide Convention as he is about civil rights, requires this ABA approval as a prerequisite for action by the Foreign Relations Committee, which he chairs.

As for the old Deutsch committee, it has been renamed the Committee on World Order Under Law, and he has been retired from its ranks, though retaining other Bar Association authority. The new chairman is Nicholas deB. Katzenbach, former U.S. Attorney General and Under Secretary of State. He and his committee have agreed with Mrs. Hauser's report. A third group in the Bar Association, the UN Activities Committee chaired by Robert Rosenstock of New York, also supports the Genocide Convention.

The long battle has at last reached a climax. These three recommendations by ABA committees are being presented for action to the House of Delegates meeting in Atlanta February 23–25. For the first time, Eberhard Deutsch is confronted by a determined coalition favoring the Genocide Convention. If Deutsch is defeated, it will be up to the United States Senate and President Nixon to end this nation's long isolation as the only major power that has not gone on record against mass murder.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, a motion will be made shortly to recess. However, before that motion is made, I would ask the Chair, for the information of Senators, what the pending business is.

The PRESIDING OFFICER. The pending business is the HEW appropriation bill, and the pending question is on the amendment of the Senator from Maryland (Mr. MATHIAS).

Mr. BYRD of West Virginia. I thank the Chair.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, I state the following fact for the information of Senators. It is by way of a recapitulation of the orders secured by the majority leader for tomorrow.

Mr. President, the Senate will shortly recess until 10 o'clock tomorrow morning under the previous order. Immediately upon the completion of the prayer and the disposition of the reading of the Journal on tomorrow, there will be a brief period for the transaction of routine morning business, not to exceed 15 minutes.

Following the period for the transaction of routine business, I presume there will be a short quorum, and, Mr. President, there will then be a vote on treaty, Executive A, intellectual and industrial property conventions, which will occur at 10:20 tomorrow morning under the previous order.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. BYRD of West Virginia. Mr. President, when the treaty is laid before the Senate, it will become the pending business, at which time the Pastore rule will become operative for the next 3 hours.

Orders have been granted on various amendments. There will be 4 hours on the amendment offered by the distinguished Senator from Maryland (Mr. MATHIAS) to section 408 of the bill, to be equally divided; 1 hour to be equally divided, on the amendment to section 409; 2 hours on the amendment to section 410, to be equally divided; 2 hours on the amendment affecting impacted areas to be offered by the Senator from Virginia (Mr. SPONG) and/or the Senator from Nebraska (Mr. HRUSKA), to be equally divided; and 4 hours on the bill, to be equally divided; with the agreement that on all other amendments there will be 1 hour to be equally divided.

And on all amendments to the aforementioned amendments, substitutes, or motions, with the exception of a motion to table, there will be 30 minutes to be equally divided.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow Senators may make statements, not to exceed 3 minutes, during the period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTES TOMORROW

Mr. BYRD of West Virginia. There will be votes tomorrow. Again, the first vote will be 10:20 p.m. and all Senators are put on notice.

I repeat, the morning business will be for not to exceed 15 minutes.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 30 minutes p.m.) the Senate took a recess until tomorrow, Saturday, February 28, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 27 (legislative day of February 26), 1970:

DIPLOMATIC AND FOREIGN SERVICE

William C. Burdette, of Georgia, a Foreign Service Officer of the Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Clarence Clyde Ferguson, Jr., of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uganda.

Walter C. Ploeser, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Costa Rica.

PATENT OFFICE

Robert Gottschalk, of New Jersey, to be First Assistant Commissioner of Patents, vice Edwin L. Reynolds, resigned.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

To be commanders

Archibald J. Patrick
Bruce I. Williams
William R. Curtis
R. Lawrence Swanson
James Collins
Robert A. Trauschke
Francis D. Moran

To be lieutenant commanders

Richard V. O'Connell
Walter S. Simmons
John P. Vandermeulen
George C. Chappell
Theodore Wyzewski
Merritt N. Walter
Kenneth F. Burke
Fidel T. Smith

To be lieutenants

Hugh B. Milburn
Dennis L. Graves
James M. McClelland
John C. Veselenak
Brent H. Traughber
John E. Colt
Gerald W. McGill
William B. Knight, Jr.
Charles L. Hardt
Roderick S. Patwell

To be lieutenants (junior grade)

Glenn H. Endrud
John H. Snooks
James P. Travers
Douglas F. Jones
Kenneth W. Sigley
Efrem R. Krisher
Gordon F. Tornberg
Glenn M. Garte
Melvyn C. Grunthal
Lawrence C. Hall
William D. Neff
V. Kenneth Leonard, Jr.
Douglas A. Danner
Thomas C. Howell III
David M. Chambers
Richard S. Young
Bruce W. Fisher
Ted G. Hetu
Michael Kawka
Michael J. Moorman
Philip D. Hitch
Clarence W. Tignor
John J. Lenart
Stephen _. Foster
Gregory R. Gillen
William R. Daniels
Lynn T. Gillman
Floyd Childress II
Charles N. Whitaker
Robert V. Smart
Jonathan R. Carr

To be ensigns

Stephen E. Anderly
John R. Annett
Archibald C. Davis III
George C. Fuller
Ronald L. Gester
Thomas M. Goforth
Howard W. Herz
William M. Hornick, Jr.
Wayne A. Hoyle
Robert L. Johnson
Raymond Louis
Stewart McGee, Jr.
Donald W. Nostrant
Harvey L. Parry, Jr.
Raymond W. Reilly
Robert C. Roush
Robert W. Rushing
Stephen C. Schwartz
Ronald J. Smolowitz
William A. Viertel
John D. Busman
Roger J. DeVivo
Robert M. Dixon
Donald A. Drake
Stephen M. Dunn
Dale M. Hodges
Lewis A. Lapine
Gregory L. Miller
Carl F. Peters II
William G. Pichel
John L. Robbins
Dean R. Seidel
Thomas W. Richards
Lester B. Smith, Jr.

EXTENSIONS OF REMARKS

PRAYER IN THE PUBLIC SCHOOL

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MESKILL. Mr. Speaker, I would like to devote a few minutes to the discussion of public prayer. I believe a basic statement dealing with some of the most frequent objections to a public prayer amendment will be useful to the debate on this subject.

Mr. Speaker, what happened which makes a peoples' amendment for public prayer necessary?

On June 25, 1962, the Supreme Court said, without citing any precedent, that the following prayer freely recited by pupils and teachers in New York State public schools was unconstitutional:

> Almighty God, we acknowledge our dependence upon Thee and we ask Thy blessings upon us, our parents, our teachers, and our country.

On June 17, 1963, the Supreme Court banned the Lord's Prayer and Bible reading from the schools of Maryland and Pennsylvania though in both instances recitation had been by statute free.

The only effective way to reverse a precedent-making decision by the Supreme Court is through a carefully worded constitutional amendment. This we propose.

What did the Court really do?

As in all Court decisions there are brave and good words here. What is important, however, is not the incidental remarks but the deed of the decisions. President Abraham Lincoln had once commented on the Dred Scott decision—

> When all the words, the collateral matter was cleared away from it, all the chaff was fanned out of it, it was a bare absurdity.

Such is the case here. In its first decision, the Court equated "establishment" with public reverence, whether free or not, whether institutional or not, whether sectarian or not. In its second decision, the Court said that even to question the historic validity of this equation was "of value only as academic exercises." Inserted into such an equation, despite the Court's occasional assurance to the contrary, all practices of public reverence among us must fall. This, in fact, is what the Court did. The fight for a peoples' amendment for public prayer is, thus, a fight to eradicate what we have called the fatal equation. Much more is involved here than the prayer alone.

Are we attacking the Court?

We attack the integrity neither of the persons nor the institution of the Court as then constituted. Simply, following in the steps of Abraham Lincoln and many others, we seriously question the traditional, historic, and legal validity of its prayer-ban decisions.

What, then, is really at stake here?

First and foremost, return of the civil right of free public prayer to the classroom. Second, a process of creeping secularism which, unless now radically checked, could continue to wipe out one by one all other practices of public reverence among us. Examples: attack on the Christmas prayer of the astronauts, 1968, on the pageant of peace near the White House, 1969, on other spiritual exercises in public schools. By forcing the issue of free school prayer, we ask the American people to reflect again on the role of God in their midst, to examine the national conscience again. This could be the critical beginning in a great grassroots effort to make America again a Nation on its knees. Fourth, to reaffirm the democratic process in which the will of the vast majority of our people determines the law under which we shall live.

Some say we can still teach about religion in public schools. Is this true?

Religion is more than dates and pictures and which Pope ruled when and who reformed what. Religion is essentially affective, the up-reach of the spirit toward a concerned God. Religion, stripped of affection and spirit, is not religion at all. Teaching about religion may be useful. It cannot suffice. Besides any surviving religion in public schools, while it may last for a time, will most surely be subject to attack by the same intolerant few who succeeded in having the prayer-ban decisions handed down. Besides, to accept teaching about religion in place of the civil right of free school prayer does absolutely nothing to erase the fatal precedent now placed by the two prayer-ban decisions.

What about substitutions for prayer in the public schools, such as meditation, classes in comparative religion, God sandwiched between Buddha and Einstein in a series of morning exercises?

The same argument holds as in the paragraph above. Many proposed substitutions are not religion at all. Meditation, of course, is better than nothing. A silent God is better than no God. But since when can little children effectively meditate? Why must God be quiet when He enters a school? Besides, silent meditation by its very nature is individual. It does nothing to fulfill the purpose accomplished by the beautiful brotherhood of free prayer with which most of our school districts began the school day for many decades prior to the prayer-ban decisions. In any case, no substitute would do anything to remove the fatal precedent of the prayer-ban decisions. Those who use the argument from substitution to oppose a prayer amendment—and most substitutors do not support an amendment—are, quite frankly, our foes just as much as those who want all religion removed from the public classroom. They fail to see, honestly or dishonestly, that by accepting a substitute they are permitting a cancer to remain and grow while applying salve to the external wound. All effective substitutes are susceptible to attack from the same kind of intolerant few who secured the prayer-ban in the first place. What is necessary is that a peoples' amendment for public prayer be written into the Constitution and then further thought be given to the whole matter of religion and morality in education, not vice versa.

Why should we tamper with the first amendment?

The first amendment has already been tampered with by the Court. We propose simply to restore it to its original and traditional meaning. Senate Joint Resolution 6, a sample of possible prayer amendment wording, reads:

> Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

Would not a "sense of the Senate resolution" be enough?

There are some Congressmen who may be using this device honestly. We cannot help but feel, however, that many are using it dishonestly. A sense of the Senate resolution would change nothing whatsoever. Only a carefully worded amendment will accomplish what must be done—namely, a fundamental reversal of the two prayer-ban decisions.

Suppose the Court in fact accurately interpreted the words of the first amendment?

Even if this were true—and it is not—

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still our case remains. The people must not be made prisoners of words which do not say what they clearly wish the amendment to say.

Does not religion belong rather in home and church than in school?

Religion belongs everywhere in the life of a reverent republic. We do not, certainly, strengthen religion in the heads and hearts of children by wiping it off their lips in the place where they begin to learn the arts and sciences of life together. A God reduced to purely private dimensions is wholly foreign to the religious traditions of the Nation.

Whose prayer would be used in public schools if an amendment passes?

For generations, with a maximum of good sense and a minimum of error, the American people had free prayer in their public schools. There is no reason why this cannot again be accomplished, and particularly in this new era of enlightened relations between all religions among us. As in all such delicate matters, the question can and will be adjudicated in each school district. Should any one of these districts be so callous and so foolish as to institute a sectarian prayer, recourse would still lie with the courts.

What about minority rights and tolerance?

Tolerance is a two-way street. So long as his rights to silence or abstention are recognized the dissenting child can do one of two things. He can deny others their rights by loudly demanding his selfish privilege, or he can refrain from participation recognizing in the process that others think differently than he and respecting their rights to do so. This is a perfect preparation for citizenship in a pluralistic society in which, often, delicate decisions have to be made in which there are majorities and minorities. The dissenter must always be free in his conscience, no pressure must be put on him to conform. But to suggest that this entitles him to deny the great majority the right to do what they feel in their consciences they should do is a travesty of the democratic process. A responsible pluralism in this, as in similar matters, is the very basis of our way of life together.

Is common prayer not in fact harmful to real religion?

By no means. True some children mumbled the morning prayer, but some children sing "The Star-Spangled Banner" badly and some look out the window while reciting "The Gettysburg Address." This is no reason for abolishing the practice. What a magnificent experience, the children who have attended no religious exercise on the weekend or who have gone to various temples and churches on different days during that weekend come together on Monday and find common words to say to a common, though differently experienced father. Who shall say that this experience is not meaningful?

How will the prayer-ban decisions affect other church-state cases?

Once the first amendment has been fundamentally misinterpreted, it is clear that all other cases arising under it will be tainted by that misinterpretation. Make no mistake, the prayer-ban decisions are not dead but living. They will rise in case after case to affect the outcome.

What connection is there between the prayer-ban decisions and national sanity?

We cannot, nor do we, contend that all the tragic occurrences in the United States since 1962 can be traced back to the prayer-ban decisions. We do suggest a serious decline in morality among us. We do point to anarchy, arrogance, crime increase, oversexism, and all the rest. We do say that the prospect of making America again a nation on its knees through a prayer amendment might do much to reverse the national moral crisis.

ATOMIC ENERGY AND THE ENVIRONMENT—CONTINUED

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. REID of New York. Mr. Speaker, as my colleagues will remember, the distinguished gentleman from New York (Mr. WOLFF) and I recently cosponsored a hearing on atomic energy and the environment in New York City. I would like to include in today's RECORD three additional statements from that hearing, which took place February 6. The statements were delivered at the hearing by Dr. Victor Bond, associate director of Brookhaven National Laboratory; Mr. Martin Goldstein, a consulting engineer planner from White Plains, N.Y.; and Mrs. Milton Kurtz of the Citizens League for Education about Nuclear Energy, New Rochelle, N.Y.

The material follows:

RADIATION HAZARDS FROM REACTORS*

(By V. P. Bond, M.D.)

BIOGRAPHICAL SKETCH—VICTOR P. BOND

1. *Born*: Santa Clara, California, 30 November 1919.

2. *Education:* University of California, Berkeley, A.B., 1943; University of California, San Francisco, M.D., 1946; University of California, Berkeley, Ph.D. in Medical Physics, 1952.

3. *Positions:* Head, Experimental Pathology Branch, U.S. Naval Radiological Defense Laboratory, San Francisco, California, 1948–1954; Scientist, Medical Research Center, Brookhaven National Laboratory, Upton, New York, 1955–1957; Head, Division of Microbiology, Medical Research Center, Brookhaven National Laboratory, 1957–1962; Chairman, Medical Department, Brookhaven National Laboratory, 1962–April '67; Associate Director, Life Sciences and Chemistry, Brookhaven National Laboratory, April 1967 to present.

4. *Military:* Medical Officer, U.S. Navy, 1945–1954; Highest rank, Lt. M.C., USN; Present: Capt., M.C., USNR–R.

5. *Fields of Interest*: Medicine, radiation biology, radiotherapy, nuclear medicine.

6. *Other Activities and Information:* Participant and project officer in biological work involving field testing of nuclear devices; deputy director of the medical team that cared for the Marshallese following exposure to fallout radiation.

Former member of the National Advisory Committee on Radiation; Subcommittee on Hematology of the NAS–NRC Committee to Investigate the Effects of Atomic Radiation; Subcommittee on Radiological Dosimetry, ICRU; Ad Hoc Committee on RBE, of the ICRP and ICRU; Armed Forces Panel on Radiological Instruments; Scientific Advisory Board, USAF; Chairman, Radiation Study Section, National Institutes of Health; Director, Commission on Radiation Infection, AFEB; Chairman, Radiation Bio-Effects Advisory Committee for the Division of Radiological Health (Department of Health, Education and Welfare); Member, Aeromedical Task Force, National Aeronautics and Space Administration.

7. *Present member of:* Chairman, Subcommittee M–4 of the National Council on Radiation Protection, on Relative Biological Effectiveness; Chairman, Subcommittee on Radiobiology of the Committee on Nuclear Science (National Academy of Science); Member, Commission on Epidemiological Survey (Armed Forces Epidemiological Board, Department of Defense); Member, Committee on Radiobiology, American College of Radiology; Member, Standing Committee for Radiation Bio-Aspects of the SST, Federal Aviation Administration; Member, Radioactive Pharmaceuticals Advisory Committee, Federal Drug Administration; Member of Board of Directors, National Commission on Radiation Protection and Measurements; Member Space Radiation Study Panel, Space Science Board, NAS–NRC; Consultant, Public Health Service, Dept. of Health, Education and Welfare; Consultant, Defense Atomic Support Agency.

8. *Professional Organizations:* American Physiological Society, New York Academy of Sciences, Radiation Research Society, Sigma Xi, American Association for the Advancement of Science, Society of Experimental Biology and Medicine, Society of Nuclear Medicine, International Society of Hematology.

9. *Publications:* Over 200 scientific papers on the effects of radiation.

SUMMARY

1. Thank you for the opportunity to appear before this group. I do not speak today for any group or organization, but only as a private citizen, physician and scientist.

2. Generation of electrical power, by any means presently available, entails certain undesirable features including the utilization of real estate, the construction of power lines and the production of waste heat. Current conventional power plants give off large amounts of smoke and waste heat, as well as small amounts of radioactivity. Nuclear power reactors emit no smoke but do give off waste heat and small amounts of radioactivity. Thus, if we wish additional electrical power, the choice rests largely on an evaluation of which type of power generation will involve the least amount of undesirable effects on man and his environment.

3. The present remarks are addressed principally to potential radiation hazards from nuclear power plants such as may be located on Long Island Sound. The conclusion is reached that radiation exposure of the population, from nuclear power plants, would be exceedingly small, and does not constitute a compelling reason for discouraging the construction of such plants.

4. The amounts of radioactivity released from reactors, and the dose of radiation received by the public, are controlled such that they do not exceed, and usually are considerably below recognized limits established by national and international groups of knowledgeable and independent experts.

5. The isotopes of principal concern from nuclear reactors are tritium and krypton–85. This does not imply that other isotopes are not considered in detail, but only that the total quantities of these isotopes are so small as to be of much less importance. Careful measurements and analyses of radioactivity in the environment are routinely performed to assure that this condition prevails. The question of biological reconcentration is specifically taken into account.

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*Prepared for Public Hearings held by Congressmen O. R. Reid, L.L. Wolff and J. P. Addabbo, "Atomic Energy Plants and their Effects on the Environment", New York City, 6 February 1970.

For example, the AEC release concentration limits for iodine are additionally restrictive by a factor of 700 to take reconcentration into account.

6. With respect to the dose received from tritium by populations near the Long Island Sound, a good approximation of the amount to be expected from a single reactor can be obtained from calculations made in connection with the Calvert Cliffs reactor on the Chesapeake Bay (PWR, 2700 megawatts thermal). The dose to an individual, if all of his food and water were obtained from the bay, would not exceed 0.004 millirem per year, or about 1/40,000th of natural background exposure. With 5 or even 100 reactors of this size on the Sound, the total dose would still be less than 1 millirem per year, much less than an individual might receive from his color television set. The figures given are conservative upper limits. The doses to individuals in the local population from krypton-85 would be similarly negligible.

7. With respect to future nuclear power production in the country as a whole, the possible genetic effects, which are related to the average population dose to the reproductive organs, are of most significance. The projected average dose of genetic significance, to the entire population, by the year 2000 from tritium is approximately 0.001 millirem per year. The corresponding dose from krypton-85 would be a very small fraction of that from tritium. These very small values, of the order of 0.001 millirem per year, must be put into proper perspective relative to the population guide of 170 millirem per year, by comparing them with the estimated 1 millirem that one may receive now in crossing the United States in a jet airplane, the approximately 5 millirem that may be received per year from watching color television, the several millirem additional that may be received in spending a few days at a skiing resort in the mountains; the approximately 50 millirem per year from diagnostic medical exposure, the 100 or more millirem that one may receive additionally per year by virtue of living in a concrete versus a wooden structure; and the average of some 150 millirem that one inescapably receives each year from background radiation.

8. Seeking to bar nuclear power on the basis of the 0.001 millirem that one may receive in addition to the 150 or so millirem that he inescapably receives from natural background, can be likened to tying up in court an inheritance of $150,000 because the actual amount is $1.00 short of $150,000.

9. With respect to ecological systems, the following can be said. The radiation guide of 170 millirem per year relates, of course, to exposure of human beings. Animals and plants are generally much more resistant than man. Thus, if the radiation guides are adjudged to be proper for man, then clearly there will be no significant or even detectable effect of such low-level exposure on animals and plants in the environment. This view in general is shared by Dr. George Woodwell, Senior Ecologist at the Brookhaven National Laboratory, by Dr. Stanley Auerbach, Senior Ecologist at the Oak Ridge National Laboratory, and by other leading ecologists who have worked directly with radiation effects in ecological systems.

10. To gain the advantages of nuclear or any other kind of power, one must accept and cope with certain problems such as siting, heat, power transmission, etc. The one problem that has been identified (but not correctly so) as being unique to nuclear power is radioactivity. As indicated above, radioactivity releases pose a relatively minor problem which constitutes no significant health hazard. I agree completely with the recent statement of Dr. K. Z. Morgan, who has been one of the most severe critics of unnecessary radiation exposure. The quote (1) is as follows: "I believe the contribution to the total population dose by the nuclear power industry can always be maintained at a very small fraction of 170 millirem per year average and that the overall risk to the population from the nuclear power industry will be very small compared with those of a fossil fuel power industry operating at the same capacity."

11. Finally, I shall close with a quote from the report of the Governor of Maryland's Task Force on Nuclear Power Plants. This is of particular significance, because this group of citizens reviewed the mass of material discussed and written in connection with the Calvert Cliffs nuclear power plant on Chesapeake Bay, a situation broadly analogous to that of Long Island Sound. A major conclusion is as follows, "Based upon careful consideration of available evidence, the task force concludes that the Calvert Cliffs nuclear power plant, operating in compliance with Federal and State Laws and Regulations, does not in itself constitute a threat in any significant way to the health, safety or economy of the State of Maryland or its citizens, nor will the plant seriously impair the quality of the Chesapeake Bay environment."

RADIATION HAZARDS FROM REACTORS

(By V. P. Bond)

The present remarks are addressed principally to potential radiation hazards from nuclear power plants, such as may be located on Long Island Sound. The conclusion is reached that radiation exposure of the population from nuclear power plants would be exceedingly small, and that potential radiation hazards do not present a compelling reason for discouraging the construction of such plants.

(In reaching this conclusion, however, I do not wish to imply that I advocate indiscriminate release of radioactivity into the environment.)

EXPOSURE LIMITS; HOW THEY ARE ESTABLISHED

The amount of radiation of radiation allowed to be released from reactors is regulated by the AEC 2, such that the amount of exposure that man receives will not exceed standards or limits that have been established for human populations. The basic standards, contrary to widespread belief, were set not by the AEC, but by knowledgeable, independent individuals and groups who have reviewed and continue to review a multitude of data on radiation effects. Specifically, the groups are the National Council on Radiation Protection and Measurements (NCRP), the Federal Radiation Council (FRC), and the International Commission on Radiation Protection (ICRP). The United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) also periodically reviews pertinent data in a comprehensive fashion, and this information is considered carefully by the NCRP-FRC-ICRP.

The standards for radiation exposure, as recommended by the NCRP-FRC-ICRP are generally accepted as authoritative, and are used in the same manner as are standards issued by analagous disinterested scientific groups for drug purity, food purity, the amounts of certain chemicals that can be contained in foods, etc., etc. The radiation standards apply not only to reactor effluents, but also to radiation from all man-made sources (except medical exposure). Basic standards were in fact established long before the AEC and reactors came into existence.

Radiation exposure limits for the general population were set on the basis of possible genetic damage since this is the potential effect of most importance when very large groups are exposed. It is the average exposure that is of significance in this regard, and this exposure limit is 170 millirem per year.

ESTIMATED RADIATION EXPOSURE OF THE POPULATION

The isotopes from nuclear reactors that are of principal concern are tritium and krypton-85 (see below). With respect to tritium, the projected average dose to the population by the year 2000 is 0.001 millirem per year,[2] and the dose to the bone marrow and reproductive organs from krypton-85 would be a very small fraction of that from tritium. These values, of the order of 0.001 millirem per year, must be put in proper perspective by comparing them to the population guide of 170 millirem per year, the estimated 1 millirem that one may receive now in crossing the United States in a jet airplane; the approximately 5 millirem that may be received per year from watching color television; the several millirem additional that may be received in spending a few days at a skiing resort in the mountains; the approximately 100 or more millirem that one may receive additionally per year by virtue of living in a concrete versus a wooden structure; and the average of some 150 millirem that one inescapably receives each year from background radiation.

The potential hazards of the radiations from tritium and of Kr^{85} are estimated basically, as in the case of any ionizing radiation, in terms of the absorbed dose (energy absorbed per gram of tissue, expressed in units of rads). Maximum permissible "doses," or MPD's (more precisely, maximum permissible dose equivalents) are expressed in terms of rem. With respect to exposure to tritium in the environment, a number of factors must be examined in evaluating its toxicity. How long does tritium remain in the body? Should a concentration factor be employed in determining absorbed dose to tissues from the tritium concentration in the environment (or in body fluids)? Is the tritium beta ray more or less effective than other radiations? Does the fact that tritium may be incorporated into biological molecules result in significant added effects? I have examined these and other factors in detail[3] [4], in the light of studies at Brookhaven and extensive investigations reported in the literature.

The conclusion is reached that these factors do not significantly increase (and may decrease by a sizable factor) the dose that is calculated on the basis of a given concentration of tritium in the environment. A given dose of radiation from the beta rays of tritium (from either inhalation or ingestion) has the same radiobiological and radiation-protection meaning as the same dose from x-rays or gamma rays (same dose rate pattern) and no added significance or potential hazard is to be attached by virtue of the fact that the dose may have derived from tritium.

In a similar manner, I have considered the potential hazards of radiation from Kr^{85} in the environment. No special dosimetric or other problems similar to those discussed above for tritium appear to be involved. Krypton-85 is a noble gas, which does not interact to any significant extent with chemical or biochemical molecules. Thus the problem with this isotope is one of "submersion", in which most of the exposure is to the skin, and is derived from krypton in the air. This is in contrast to isotopes such as strontium-90 in which the isotope enters the body and may localize in certain tissues such as bone. Doses of krypton-85, as calculated from NCRP-ICRP formulae are mainly to the skin. Krypton-85 is essentially a beta emitter, i.e. the radiation does not penetrate deeply, and organs below the skin receive virtually no exposure. Thus the dose to the bone marrow and the reproductive organs, considered to be the most "critical" with respect to radiation protection, receive

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Footnotes at end of speech.

a very small fraction (less than one-thousandth) of that received by the relatively radioresistant skin. The dose to the lung from inspired krypton-85 may be comparable to that of the skin; however, the lung is considered also to be one of the more radioresistant organs. The lungs of individuals living in brick or concrete structures may receive from 125 to 1570 millirem per year from radon given off by building stuctures.[5] These doses may be compared to 2 or 3 millirem per year that skin and lung might conceivably receive from krypton-85 from reactors by the year 2000.[6] On these bases, the radiation guides for krypton-85 represent a very conservative estimate of the degree of potential hazard and this isotope poses no significant health hazard.

Isotopes other than tritium and Kr-85 are of course released from power reactors; however, careful measurements have shown that the total quantities are so small as to make them of far less significance. The short physical half lives of many isotopes essentially eliminate them from serious consideration. Dilution factors in large bodies of water are enormous; thus even including biological reconcentration, the amounts of radioactivity an individual would receive if he derived his entire food and water intake from that body of water would be small indeed. The NCRP–FRC–ICRP are well aware of biological reconcentration, and factors to take this into account are provided, e.g. a factor of 700 is provided for iodine [3,7]. The question of multiple sources of radiation exposure, either from different isotopes from a single source, different routes of administration (e.g., water, food, air), or multiple sources (e.g., several reactors on Long Island Sound) must be considered. It is a general principal of radiation protection, clearly stated [8], that all man-made radiations (or radioactive isotopes) from all sources must be considered in evaluating total exposure. For instance, limits for tritium in water are made restrictive by a factor of two, on the assumption that approximately one-half of one's total tritium intake may come from food [8]. It is clearly stated that in situations in which intake patterns may be more complex, the total intake must be taken into account [8]. With respect to multiple reactors, AEC regulations state explicitly that effluents from reactors may be further restricted, should the intake by individuals be likely to exceed one-third of the maximum permissible limit [3,7].

Plants and animals, and ecological systems in general, are much more resistant to radiation than is man. Thus radiation standards adjudged to be safe for man will not harm the environment. To quote Dr. Woodwell, a well-known ecologist who has spoken out vigorously against man's desecration of his environment, "If man is protected from this (radiation) hazard, levels of man-made radiation in nature will almost certainly be so low as to have no significant effects on other organisms, ..."[9] In extensive studies with a "gamma forest" at Brookhaven National Laboratory, Dr. Woodwell has been able to observe effects on flora and fauna rather easily at dose rates of 0.5 rads/day (about 180,000 mrads/year) and above. He doubts that very extensive and detailed studies would reveal an effect on the overall ecology at dose rates below 0.05 rads/day (18,000 mrads/year).

With respect to possible radiation hazards from nuclear power production, two quotes from remarks made by Dr. K. Z. Morgan, who has been particularly concerned about radiation exposure of the population, are pertinent. He stated: [1] "I believe the contribution to the total population dose by the nuclear power industry can always be maintained at a very small fraction of 170 mrem/year average and that the overall risk to the population from the nuclear power industry will be very small compared with those of a fossil fuel power industry operating at the same capacity," and [1] "It seems that the public concern for a problem varies directly with the knowledge and understanding that has been accumulated about the problem (i.e. more concern about radiation hazards than chemical hazards) and inversely with the magnitude of the problem (i.e. more concern about the fraction of 1 millirem per year from the nuclear power industry and all the AEC operations than about the 55 millirem per year from medical diagnosis)."

RADIOACTIVE AND OTHER EFFLUENTS FROM CONVENTIONAL V. NUCLEAR POWER PLANTS

A comparison of the radioactive effluents from conventional vs. nuclear power plants of the boiling water (BWR) and the pressurized water (PWR) types have recently been published.[10] Comparisons are difficult, and the relative significance assigned to the effluents will depend on a number of factors including how one evaluates the relative importance of exposure of different organs (radioactive effluents from coal-burning plants are in general "bone seekers"; Kr-85 from reactors exposes principally the skin; the dose to the reproductive organs from either is relatively extremely small). As evaluated in the report (effluents from either coal-burning or nuclear power plants were concluded to be well below FRC guides), noble gases from a BWR can produce more radiation exposure than an older coal plant; however the coal plant produces more exposure than does a PWR.

As contrasted to possible harm from the low doses and dose rates of radiation from nuclear reactors, which is not detectable and can be postulated only theoretically, damage from the effluents emitted in the smoke from conventional industrial plants is real and easily seen. Plant life in the immediate vicinity may show obvious damage. Hundreds of people have died in London from smog; a particularly bad situation was encountered in 1952. Many people died in Donora, Pennsylvania, in 1949 as a result of air pollution and smog.

ADEQUACY OF RADIATION STANDARDS

Nuclear power reactors have been and are being built and operated. It is clear from the operating experience that the rates of radioactivity release from them are well within the permissible limits which are based on radiation standards. As a matter of fact, in most cases the radioactivity given off represents only a few percent of these limits.

Recently questions have been raised with respect to the adequacy of exposure standards. It would appear to me that if the standards are to be questioned at all, it should be for only one of two reasons.

1. That new data may have become available since the exposure standards were established.

2. That the exposure limits as set by these knowledgable groups were not sufficiently restrictive at the time they were established.

If the first is true, then of course the standards should and must be changed. If the second is true, we are questioning the judgment of the expert groups who set up the standards. These judgments and the resulting standards are vitally important and should be discussed, particularly today with a more scientifically informed populace. However, we should all agree that the established standards ought not to be altered unless there are well founded reasons for doing so, arrived at after careful study and understanding of this complicated subject. If we are not going to accept the collective judgment of the experts, the grounds must be very firm. Changes should not be made capriciously or arbitrarily.

With this in mind, let us examine further the two possible reasons for questioning the standards. The first is, have new data become available recently of which the knowledgable groups were unaware when the standards were established? I have listened to, and read with great care, the arguments and data put forth by those claiming that the hazards due to radiations from power reactors have been underestimated and that limits should therefore be made more restrictive. For instance, some have said that tritium is far more hazardous than represented by the standards groups, when actually it is no more hazardous than any other isotope. I have found no new data on the toxicity of individual nuclides or new arguments presented about radiation effects that are substantially different from the information that was in the hands of the knowledgable groups, and weighed by them, when they established the standards. In my best judgment, therefore, the standards today are as valid as they were when they were established.

Now let us examine the second reason. Were the standards "safe" enough in the first place? I should like to make several points in this respect. In doing so, I wish only to place possible hazards in perspective and not to attempt to discount them.

1. Let me reiterate that the basic limits were established *not* by the AEC but by national and international bodies of dedicated individuals who examined all available data. May I reemphasize that these were *independent*, knowledgeable and conscientious individuals who took their job seriously who were not only responsible to their own conscience but to all of mankind. They were not responsible to any industrial or government organization.

2. The limits set up are openly stated to be on the conservative side. Because the expert groups were deeply concerned about preventing harm to human beings or to the environment, they took a very deliberately conservative view in arriving at the limits. Had they dealt with "averages" or with "best estimates", the limits would be considerably more relaxed than they are now.

As an example of how conservative the estimates are, let state that recently a dose rate factor has been shown to exist for genetic effects that would argue in favor of relaxing or raising the population limits by a factor of 6 or more. The limits, however, have not been increased.

3. There is no question that radiation at high doses produces serious damage both to the indivdual exposed and to his offspring. At lower doses, however, it has not been possible to detect any effects in the largest populations it has been practicable to study. The exposure limits for the population are several hundred times below the figures for which firm incidence figures for man exist. Thus the need for extrapolation from known degrees of effect at high doses to postulate possible effects at low doses. The NCRP–FRC–ICRP have adopted the conservative *working hypothesis* that there may be some very small incidence of effects at low doses and dose rates commensurate with radiation protection standards, with the full knowledge that this is an assumption that lacks experimental verification.

4. The fact that precise figures for the incidence of effects at low radiation doses do not exist has been widely misinterpreted as representing some tremendous void in our knowledge and some great unknown that may result in widespread unanticipated damage to human beings and other organisms. Nothing could be further from the truth. Why don't such data exist at low doses? The answer is simple. The incidence of effect is so low, that it hasn't been detected even in very large populations, and in some cases the evidence indicates strongly that there is zero effect at these low doses. I can make the flat statement that no serious damage to human beings or other organisms has ever been demonstrated to be the result of the low doses (and dose rates) established as limits for the general population. In fact, some efforts to show such effects at low doses and dose rates have resulted in quite the reverse.

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In several separate studies,[11-15] animals have actually lived longer when exposed to relatively low doses and dose rates, than have the unirradiated controls. Thus, the reason for lack of precise figures for the incidence of effect at low doses does not mean that effects haven't been looked for, or that some vast unknown exists in terms of potential damage. It is simply that the incidence of effect, if there is any, is so low that, as I have indicated, it hasn't been detected even in very large populations.

5. The hypothesis that any amount of radiation, no matter how small, is potentially harmful, has given rise to a great deal of unfounded concern. Actually the hypothesis is that there is no threshold for radiation effects, and that the relationship of effect to dose observed at high doses is linear with decreasing doses. Much is inferred from this in terms of radiation being in this way different from other hazards; that because of this we should be unusually concerned with low doses of radiation, and that radiation should be treated uniquely among the many hazards to which we are exposed. I should like to make the stroong point that radiation is *not* unique in this respect. To see this point, let us examine for example the nature of the hazards of driving an auto.

Just as with radiation at low doses, the hazard is of a *statistical* nature. There is a distinct *probability,* the minute you get into a car, that you will have an accident. No matter how safely you may drive, there remains the real probability of accident and injury. Thus we can make similar statements with respect to driving an auto that correspond to those made with respect to radiation exposure at low doses. The probability of harm to the individual from auto driving is approximately linear with "dose" or exposure, although in this case the exposure is in terms of hours or miles of driving. The "linear, no threshold" by hypothesis pertains, and *any amount of exposure to (time spent in an automobile) an auto, no matter how small, carries a certain probability of harm.* Thus the statistical nature of potential harm from radiation and auto driving is similar, and radiation is not unique in this way. The principal difference is that the probability of harm from auto driving is very real, while the distinct possibility exists that there may be no hazard from low doses of radiation.

6. Radiation is one of the best and most thoroughly studied of any of the environmental contaminants. A great wealth of quantitative data exists, that allows us to set more realistic conservative standards for it than for any other potentially deleterious agent.

OVERALL SAFETY OF NUCLEAR POWER PLANTS

While I cannot speak authoritatively to the many considerations other than radiation that must be evaluated in deciding on the type and location of needed additional power plants, it is informative to review briefly the discussions of the safety and desirability of the nuclear power plant at the Calvert Cliffs location on the Chesapeake Bay. The pros and cons were aired in local hearings, in the press, and in Congressional hearings. Concern over possible radiation exposure played a prominent role in these discussions. Governor Marvin Mandel appointed a Task Force composed of technically oriented and lay people to review the entire situation. A major conclusion of the group[16] is quoted as follows: "Based upon careful consideration of available evidence, the Task Force concludes that the Calvert Cliffs nuclear power plant, operating in compliance with Federal and State Laws and Regulations, does not in itself constitute a threat in any significant way to the health, safety or economy of the State of Maryland or its citizens, nor will the plant seriously impair the quality of the Chesapeake Bay environment."

FOOTNOTES

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STATEMENT OF MARTIN GOLDSTEIN

My name is Martin Goldstein. I am a Consulting Engineer-Planner from White Plains, N.Y. My professional specialty is what I call Community Value Systems Planning. Community Value Systems Planning is based on evaluating the entire spectrum of community activity and the interrelations of the factors with one another. Among the studies I did recently are a report from the Hudson River Valley Commission of New York on the Impact of Nuclear Power Plants on the Hudson River and adjacent lands, and a short study presented before a citizens group in New Rochelle in November, 1969, on evaluating the Environmental Impact of the Proposed Four 1,000 M We Nuclear Powered Electrical Generating facility on the Community. It is this particular study and the use of Long Island Sound as a valuable community resource, that I would like to discuss with you today.

As you probably heard from previous speakers, the efficiency of nuclear fueled power plants presently in the design and construction phase is approximately 34%. That is—for each 10,000 BTU of heat energy generated in the Nuclear Reactor, only 3,413 BTU of heat energy is used to produce one kilowatt hours of electrical energy. Note that this mode of operation requires that approximately 6,600 BTU per KWH of heat energy needs to be dissipated or wasted to a heat sink—in the case of New Rochelle the heat sink is Long Island Sound and the atmosphere in the vicinity of the plant. It is to be further noted that if a fossil fueled plant of the same size were to be built on Davids Island, the increased efficiency of approximately 40% would require the dissipation of only 5,100 BTU per KWH of electrical energy produced (approximately 23% less waste heat. The operation of a fossil fueled plant, however, has numerous environmental disadvantages—among which are the discharge of combustion products to the atmosphere; the need to set aside an area to store the fossil fuel; the transportation of the fossil fuel; the ultimate disposal of waste residues; and the considerably larger size inherent of the fossil fueled plant.

A critical feature in the operation of a thermal plant is the start up and shut down period. During this time all the heat being generated by the furnace is dissipated to the waste sink. A fossil fueled plant can pass through this phase in a period of hours: whereas a nuclear powered facility requires days to start up and shut down. In the case of Davids Island once again, all four units would generate 40 Billion BTU per hour. During normal operations with all four proposed units on line, 635 Billion BTU per day will need to be dissipated in Long Island Sound. With two units on line and two units just off, 775 Billion BTU per day will need to be dissipated.

This heat discharge will undoubtedly alter the micro climate in the vicinity of New Rochelle. The discomforts of humidity and fog will increase. The amount of water that will be added to the atmosphere will depend upon the amount of cloud cover, wind velocity and general weather conditions. An exact analysis of these factors awaits further research. If all the heat from Long Island Sound is to be dissipated by normal four-on evaporation, approximately 250 acre-feet of water per day will be evaporated to effectuate the cooling process. If 50% of the heat is dissipated by radiation, only 125 acre-feet of water per day will evaporate. If an evaporative cooling tower were to be used to effectuate the cooling, approximately 500 acre-feet of water per day will pass up into the atmosphere.

The heat that we are talking about is the heat accumulated in the turbine condensers. Present Con Edison practice is to use 850,000 GPM (gallons per minute) of cooling water for each 1,000 M We generating unit. At this rate of condenser cooling water flow, water pumped from Long Island Sound is discharged back into the Sound at a temperature increase of approximately 16° F under normal operating conditions, and 23.6° F if the turbine is not being used to generate electrical power.

New York State Department of Health criteria governing thermal discharge states that the maximum water surface temperature rise shall be 1.5°F in coastal waters between July through September. To expedite meeting this criteria and assuming no radiation condition, for a normal four on operation 30,000,000 GPM of Long Island Sound water will be needed to effectuate a maximum of 1.5°F temperature rise; and for a two on and two just off condition 43,000,000 GPM of Long Island Sound water will be required. A very rough analysis indicates that a tidal flow of approximately 68,000,000 GPM flushes past Davids Island and Sands Point (a distance across the Sound of 2.15 statute miles). The 16°F temperature differential is reduced to 1.5° F by discharging the heated effluent through many small ports in a submarine discharge pipe. As the heated water rises to the surface, heat is transferred to the cooler Long Island Sound waters through which it is passing, so that the surface temperature is ultimately 1.5°F above ambient Sound temperature. Certain problems are inherent in this procedure in that other heat contributors to the Sound will elevate the ambient temperature, and it will be difficult, if not impossible, to monitor the final surface temperatures.

I propose to you gentlemen, that it is necessary to make a comprehensive multidisciplinary study of all factors associated with Long Island Sound and that an agency be established to manage this valuable community resource before Long Island Sound becomes a community liability.

BIOGRAPHY OF MARTIN GOLDSTEIN

Mr. Martin Goldstein is a Consulting Engineer-Planner: Town Engineer in the Town of Harrison, N.Y.; and lectures in the Department of Civil Engineering at C.C.N.Y., and in the Department of Urban and Regional Planning at Pratt Institute in Brooklyn.

He graduated from C.C.N.Y. with a B.C.E. in 1950, and did graduate studies at Brooklyn Polytechnic Institute.

Mr. Goldstein's studies concerning Long Island Sound consist of a waterfront Study for the City of Norwalk, Conn.; a study for a proposed Deep Water Marine Terminal in Stratford, Conn.; Drainage studies for Stamford, Conn. and New Rochelle, N.Y., and a study concerning Storm Water Pollution in Hempstead Harbor for the Nassau County Planning Commission.

In the field of Nuclear Power and the Environment, he did studies of the Impact of Nuclear Power Plants on the Hudson River and Adjacent Lands for the Hudson River Valley Commission, and Evaluating the Environmental Impact of the Proposed Four 1,000 M We Nuclear Powered Electrical Generating Facility on New Rochelle.

He is a Professional Engineer and a member of various professional and scientific societies.

PROBLEMS OF RADIATION AND THERMAL POLLUTION FROM NUCLEAR FACILITIES ON LONG ISLAND SOUND

(By Joan Rumberg, M.D., and Mrs. Milton Kurtz)

One of the largest and potentially most versatile areas available in the middle Eastern seacoast for recreational use and pursuit of sport will soon be defiled and transformed into an unusable wasteland. This catastrophe will overtake us if we permit the proposed nuclear-powered plants to be erected on Long Island Sound. The essence of the problem is the nature of the unusable byproducts of the normal operation of these plants: huge amounts of condenser cooling water and similarly huge amounts of radioactive materials.

The fact that Long Island Sound covers 930 square nautical miles and contains 16.4 trillion gallons[1] of water pales to insignificance in face of the fact that of the 12 plants planned for the Sound area, the four 1,000 megawatt plants for David's Island alone will produce five billion gallons of water per day heated to 20–25 degrees F. over the intake temperature.[2] This degree of thermal loading is sufficient to destroy the existing ecology of Long Island Sound.[3]

How will this devastation occur? Oxygen-producing plankton will die. The oxygen content of the water decreases and organisms needing this precious substance disappear to be replaced by algae and fungi with other metabolic needs. Fish breeding in these areas are sensitive to small fractions of temperature change occurring at the wrong time and in the wrong place. The fish leave or cannot reproduce and die.[4]

The current discharge of sewage into the Sound from both the nearby Bronx and Westchester as well as the small boats in great profusion in the sound is the basic substrate for organic overgrowth and bacterial contamination of the water.[3]

A small example of this kind of problem occurred during an unusual heat spell in 1968. Many sensitive bathers were hospitalized with "swimmer's itch" due to the red tides of dinoflagellates.[5] We are all familiar with the problem of coliform bacilli and epidemics which close our public and private areas in very hot weather.[6]

It would be tragic indeed if we deprived ourselves of this historic area[7] purchased from the Federal Government for *public use.*[8] There is little doubt that in this ever increasingly crowded world that beautiful areas for escape into clean air and water and even a little solitude should be cherished, not destroyed.

The Federal Radiation Council arbitrarily sets standards of allowable amounts of radiation[9] permitted to contaminate the air and water surrounding us. The AEC accepts these unproven standards and allows the utilities to function within them. Under this aegis the daily operation of nuclear-powered plants allow for the release of large amounts of long-lived biologically-active radionuclides into air and water (16,000,000 curies a year).[10]

That these standards are open to question is exemplified by Drs. Gofman and Tamplin of Lawrence Radiation Laboratory who testified that allowable levels of whole body radiation should be decreased by a factor of ten.[11] Similarly Dr. Socolar of Columbia University stated that under most favorable conditions there would be a 5% increase in the incidence of cancer and leukemia per year as well as 2% increase in human mutations.[12]

That the AEC must have these figures is obvious. Therefore, that the prospect of an increase in cancer, genetic defects and a decrease in life span is not given proper consideration is a logical deduction. This is immoral!

The promise of tax benefits is crass![13] The threat of continued blackouts without these plants is blackmail![14]

Let us consider for a moment the duration of half-life of the radionuclides released: in the case of Nitrogen 16, 7.3 seconds; in the case of Iodine 129, 17,250,000 years.[15] Our atmosphere is finite. It is therefore a simple deduction to see that these long-lived substances do not disappear but with each day inexorably increase in concentration, permeating the air we breathe, dusting the food we grow, and entering our food chain through the flora and fauna of Long Island Sound and fish-breeding regions along the Atlantic coast.[16] Through biologic magnification (a concept of DDT fame) the local concentrations may easily exceed the legal limit.[17]

It is sufficient for us to know that the Atomic Safety and Licensing Board of the AEC considered the monitoring devices maintained by the utility at Indian Point #1 useless.[10] It is only confirmation of their cavalier attitude about the safety and health of the residents in the proximity to these nuclear plants, be they at Indian Point or on Long Island Sound.

FOOTNOTES

[1] Albert Jensen, Assistant Director of Marine and Coastal Fisheries, New York State Department of Conservation, Study of Long Island Sound.

[2] Albert Jensen, June 4, 1969 at Immanuel Lutheran Church.

[3] Standard Star of New Rochelle, Thermal Pollution Symposium, Oct. 14, 1968. Or Albert Jensen at a meeting at Trinity School in New Rochelle on Nov. 10, 1969.

[4] Sport Fishing Institute Bulletin, Sept., 1968.

[5] New Rochelle Standard Star, July 26, 1968, "Beach Inquiry Sought."

[6] "Equal Time," Dr. James Melville of Mercy College in Dobbs Ferry.

[7] "Historic New Rochelle" by Herbert B. Nichols, Board of Education of New Rochelle, 1938.

[8] New Rochelle Standard Star, Letter to Editor, Sept. 10, 1968, by Maxwell Feinberg.

[9] Power Generation and Pollution. Page 9. Dr. Robert Beardsley, Chairman of the Department of Biology, Manhattan College. Unpublished paper.

[10] AEC Initial Decision for Indian Point No. 3. Official Document.

[11] Federal Radiation Council Guidelines for Radiation Exposure of the Population at Large—Protection or Disaster? Presented by John W. Gofman and Arthur Tamplin of Lawrence Radiation Laboratories before the Sub-Committee on Air and Water Pollution, Nov. 19, 1969.

[12] Dr. Sidney Socolar, Columbia University, Member of SCIPI. Speech delivered Jan. 8, 1970 at Columbia's Macmillan Theatre.

[13] New Rochelle Standard Star, Oct. 17, 1968, "Mayor Extols Slocum Sale."

[14] Glenn T. Seaborg, Chairman of AEC. New Rochelle Standard Star, Jan. 29, 1970, "Survival Problem: Pollution."

[15] Electricity from Nuclear Energy. Environmental Contamination from Normal Operation of Reactor. Malcolm Peterson. November 1965 Scientist and Citizen.

[16] Manhattan Scientist, April 1969. The Environment of Man. Dimensions of Nuclear Pollution by Henry Guaresco.

[17] Radioactivity and a Proposed Power Plant on Cayuga Lake.

MICHIGAN COMMITTEE AGAINST RACISM IN THE SUPREME COURT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. CONYERS. Mr. Speaker, more and more people in this country are recognizing the critical necessity of maintaining the unique dignity, authority, and credibility of the Supreme Court. They understand that the Court cannot properly function if it is discredited by the addition of narrowminded, prejudiced, or mediocre men. They feel strongly, as I do, that it is long past time for the U.S. Senate to establish the principle that a nominee of a racist or segregationist background is per se unqualified to sit on the Supreme Court. In Michigan, a group of citizens who feel this way have joined together and formed an organization called the Michigan Committee Against Racism in the Supreme Court.

The group is headed by the Reverend John B. Forsyth, director of mission, Metropolitan Detroit Council of Churches. Last Thursday, February 19, an initial member of the Michigan committee, Stephen I. Schlossberg, general counsel of the United Auto Workers, came to Washington and announced its formation to various congressional leaders and interested organizations. A number of my colleagues have responded with a commitment to set up similar organizations in their home States. The Michigan Committee Against Racism in the Supreme Court has printed a bulletin listing statements in opposition to President Nixon's most recent nomination to our highest Court. This bulletin, and a list of the initial members of the committee, follow:

MICHIGAN COMMITTEE AGAINST RACISM IN THE SUPREME COURT

We call on Senator Griffin to oppose Carswell because—

"I have been disturbed by the Carswell nomination."—Dean Charles W. Joiner, Wayne State Univ. Law School.

"The most hostile Federal district judge I have ever appeared before with respect to civil rights matters."—Prof. Leroy Clark, N.Y.U. Law School.

"There simply is a lack of reasoning, care, or judicial sensitivity overall in his opinions."—Prof. William Van Alstyne, Duke University Law School.

"It is time to establish the principle that a racist is per se unqualified to sit on the

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Supreme Court."—Congressman John Conyers, Jr.

"A slap in the face of the federal judiciary."—George Meany, President, AFL–CIO.

"Carswell has so little regard for the mothers of the country."—Betty Friedan, President, N.O.W.

"More slender credentials than any other nominee in this century."—Dean Louis Pollack, Yale U. Law School.

"Expressed dislike at Northern lawyers such as myself appearing in Florida."—Prof. John Lowenthal, Rutgers University.

"He showed 'extreme hostility' to civil rights lawyers and accused them of 'meddling and arousing the local people.'"—N. C. Knopf, Lawyer, Department of Justice.

"This nomination is contempt of the Supreme Court."—New York Times.

"No reason whatever . . . to accept . . . such meager credentials."—Dean William Allen, Univ. of Mich. Law School.

"The nomination is a sad one for this country."—Former Attorney General Ramsey Clark.

"Undistinguished."—New York Times.

"Confirmation would be a betrayal of the Senate's responsibility."—Prof. Gary Orfield, Princeton University.

"A tragic signal to the American people."—Walter P. Reuther, President, UAW.

"No claim to distinction in any field."—Roy Wilkins, Chairman, Leadership Conference on Civil Rights.

"A level of competence well below the high standards we would consider appropriate."—Dean Derek Bok, Harvard Law School.

"Not a distinguished choice."—Dean Brian G. Brockway, Univ. of Detroit Law School.

If you agree that a mediocre racist should not be on the United States Supreme Court, write, wire or see Senator Griffin and demand that he oppose Carswell's confirmation!

Michigan Committee Against Racism in the Supreme Court, Rev. John B. Forsyth, Chairman, 65 E. Columbia Street, Detroit, Michigan 48226. Phone: 962–0340.

As the New York Post wrote editorially: "The Carswell nomination is not only a rebuff to all Americans who value progress toward equal rights. It is a coldly political affront to the majesty and dignity of the nation's highest court, and to the powers of discernment of the Senate. It can—and should—be defeated."

Michigan Committee Against Racism in the Supreme Court

Chairman: Rev. John B. Forsyth, Director, Division of Mission, Metropolitan Detroit Council of Churches.

INITIAL MEMBERS

1. Rev. William Ardrey, Michigan Annual Conference, A.M.E. Zion Church.
2. Robert Battle, III, President, Trade Union Leadership Conference, Metropolitan Detroit Labor and Civic Association.
3. Kathryn Bolton, Focus on Equal Employment for Women.
4. Mrs. Blanche Burnett, Michigan Council of Catholic Women.
5. Patricia Burnett, National Organization of Women.
6. Mr. David Chaney, International Vice-President, Amalgamated Clothing Workers of America, AFL–CIO.
7. Abraham Citron, Education and Psycology Department, School of Education, Wayne State University.
8. Congressman John Conyers, Jr., First District, Michigan.
9. Rev. W. H. Crenshaw, President, Inter-Denominational Ministerial Alliance.
10. Congressman Charles C., Diggs, Jr. Thirteenth District, Michigan.
11. Al Fishman, Chairman, New Democratic Coalition.
12. Atty. Samuel Gardner, President, Wolverine Bar Association.
13. Atty. William Goodman, National Lawyers Guild.
14. Mrs. Dorothy Haener, Chairman, Current Topics Study Group.
15. Mrs. Lilliam Hatcher, Women's Department, United Auto Workers.
16. Murray Jackson, Chairman, First Congressional District Democratic Party.
17. Walter Klein, Executive Director, Metropolitan Detroit Jewish Community Council.
18. Francis Kornegay, Executive Director, Detroit Urban League.
19. Robert R. Lee, International Representative, Amalgamated Clothing Workers of America, AFL–CIO.
20. Willie Lipscomb, Chairman, Thirteenth Congressional District Republican Party.
21. Rev. Hubert Locke, Director, Department of Religious Affairs, Wayne State University.
22. Atty. Claudia Morcu, former Executive Director, Neighborhood Legal Services.
23. Stanley Marks, Businessmen's Association.
24. Atty. William Mazey.
25. Mrs. Annette Miller, Chairman, Metropolitan Detroit Chapter, Americans for Democratic Action.
26. Sheldon Miller, President, Detroit Chapter, American Trial Lawyers Association.
27. Max Pincus, President, Hughes, Hatcher and Sufferin.
28. Ronald Rothstein, Anti-Defamation League of B'nai B'rith.
29. Atty. Abdul S. Sheikh.
30. Richard Smith, Thirteenth Congressional District Republican Committee.
31. Rev. Willis Tabor, Staff, United Presbyterian Church.
32. Tom Turner, President, Detroit Chapter NAACP; President, Metropolitan Detroit AFL–CIO.
33. James Watts, President, Michigan NAACP.
34. Abraham Zwerdling, President, Detroit Board of Education.

STATEMENT OF REAR ADM. JAMES W. KELLY

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. SCHADEBERG. Mr. Speaker, the following information comes from Rear Adm. James W. Kelly, CHC, U.S. Navy; Chief of Chaplains, U.S. Navy, who has brought us information about the men serving in Vietnam which is not generally reported by the press. Perhaps the press does not report these things simply because the good works of our servicemen in Vietnam are not really news—it is the unusual that makes news, and therefore the reporting of day-to-day common efforts do not share the news print along with the isolated case of dramatic or unfortunate events.

The story he tells is in the form of a report by the Chief of Chaplains upon his return from Vietnam after his annual Christmas visit. It was prepared for the newsmen of the Washington area at a luncheon held Wednesday, January 7, 1970. As a former Navy chaplain, I perhaps have an unique interest in what is taking place among the chaplains in the military services, but I was so impressed by his report I thought perhaps my colleagues would be interested in getting a bit of the side of the picture of our servicemen in action which could not come from any other source.

I personally know Rear Adm. James W. Kelly, as a dedicated Christian clergyman. Our paths have crossed on several occasions during our mutual service in World War II days and during the Korean police action. He is a man of unique dedication; a chaplain's pastor, a man whose integrity is beyond question. He is dedicated to serve God and his country; he has fulfilled his obligation as a highly-respected man of the cloth in uniform. It was by no mere coincidence that he holds the highest rank within the naval service in the Chaplain's Corp. He sought no place of honor, only opportunities for service, commensurate with his dedication.

The fact is that his service to God and his country; his deep personal feeling for the men in the service, sought him and placed him in the office of top responsibility for the spiritual life and welfare of the men in the Navy. His words, those spoken by his lips and penned by his hand are the expression of his heart and his keen sense of observation of what takes place inside of the outer veneer of life in the military.

I am confident that my colleagues will appreciate his statement and relay to their constituents the basic goodness of the men who are serving this Nation in uniform in Vietnam.

The statement follows:

Statement by Rear Adm. James W. Kelly, CHC, USN, Chief of Chaplains, U.S. Navy

Having just returned from a visit to Southeast Asia, which included visits with Chaplains and servicemen in Japan, Korea, Okinawa, Guam, the Philippines, Vietnam and in the U.S. Seventh Fleet, I feel a deep responsibility and a keen opportunity to report my observations to you.

I have selected the theme: "Our Man In Vietnam." That theme is double barreled and I want to make reference not only to the Chaplain as he represents the American Churches in service to the Navy/Marine Corps/Coast Guard team, but also to our American servicemen.

I am aware that much of our public opinion has been polarized into the generally accepted "hawk" and "dove" positions. At the same time, there are many Americans who, in deep concern, are raising questions which indicate their openmindedness and their search for information which will help them reach or revise personal judgments about the critical issues regarding the war in Vietnam.

It has been said that the great wall between the occident and the orient is not the great wall of China, but rather the wall of misunderstanding.

I feel, on the basis of my recent as well as four previous visits to Vietnam, that there is also a great wall of misunderstanding concerning our involvement in this troubled land.

Americans generally know that we are engaged militarily against the National Liberation Front and the North Vietnamese Armed Forces. They are fed with regularity their daily ration of news media coverage that identifies the more sensational aspects of combat. Once weekly they receive the body count statistics. But do they really appreciate what our Marines, sailors, soldiers and airmen are involved in that motivated 10,000 Sailors and 40,000 Marines to request extensions of six months or longer in Vietnam?

Upon his recent return from his third visit to Vietnam, Reverend Harry C. Wood, Executive Secretary of the Department of Church and Service Personnel of the United Presbyterian Church in the USA made this statement: "The average American has little factual knowledge concerning the human needs of the people of this long denied country, nor

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does he know what the majority of our servicemen know about what is being done to meet these needs."

From my recent visit to Vietnam, from the hospitals in which wounded American youth lay, from the front line bunkers and trenchlines in which our brave young men kept watch or faced a determined foe, from my visits in the villages and hamlets in which our Combined Action Platoons operate or to which our MEDCAP teams carry their healing, from our Chaplains and our youth and military leaders, from our missionaries and from the indigenous religious leaders and civil officials, I acquired some very strong and, I feel, well founded conclusions. I stress the point that this was my fifth annual visit and that I have had the opportunity to make comparisons of things as they now are with things as they used to be.

One thing is unchanged and that is the consistent and unwavering dedication, loyalty and courage of the American fighting man. I will have more to say about him a little later.

First, I was encouraged and found inspiration in the gentle people—the South Vietnamese—many of whom once fled from North Vietnam and who since have fled the terror of the Viet Cong and NVA, but many of whom now cease to be refugees. Resettlement is encouraging. They are returning to their hamlets and villages, rebuilding their homes, replanting their farms and rice paddies. In spite of occasional acts of terror by the enemy—acts of terror which are used for the purpose of coercion—the Vietnamese are turning to a strengthened government. And let there be no mistake about it: the government of the Republic of Vietnam is stronger. In talking with Vietnamese during my visits and through information which comes from Chaplains in the field, it is obvious that the vast majority of the people know what Communism is and they don't like it.

The argument for an improvement in the Vietnamese government and the lot of the people can be proved not merely by citing numbers. You go to village after village and hamlet after hamlet where our Combined Action Platoons are located for the security and support of the people. You see wells being dug, latrines being built, buildings, classrooms and churches under construction. You see the people well-fed and prospering. You see their crops in the glory of growth. You watch the people, especially the old people, smile. The refugees are going home because security permits it. 469,336 did it through 1 December 1969. Only 90,000 refugees returned home in 1968.

The Vietnamese Army is stronger. Not only does its number exceed one million, its capacity for standing against aggression from the north is being proven daily. The South Vietnamese have moved through the stage of dependence to interdependence. It is our prayer that they may soon be capable of reaching the stage of independence.

Our humanitarian outreach is one of the glories of our involvement. Our serviceman's courage and valor on the field of battle is matched by his humanitarian concern. Because I have included two separate articles on this subject in the press kit, I will limit my remarks in this area. There are a multitude of stories in Vietnam—stories that do not get told, stories that would help reveal in the clear light of day information so vital to an objective appraisal of the efforts and sacrifices of American servicemen. If known they should instill in the American people a sense of pride, respect and admiration. One release in the press kit attempts to present a picture of American civic action effort in general. It was the observation of this effort that caused Reverend Wood, previously referred to, to say:

"I saw again the response of our young people to the crying needs of fellow human beings. It seems to me that there is a tremendous Peace Corps within the military establishment represented by thousands of young people deeply involved in a most significant effort to save lives, and to give hope and opportunity to thousands of eager but deprived people."

The second release is about the Hoa Khanh Children's Hospital, one of the finest Marine civic action projects in Vietnam. It tells the story of how, through the contributions of time, money and professional expertise, a 120 bed children's hospital came into being. Dr. Everett S. Graffam, who is head of the World Relief Commission that will sponsor the hospital after the Marines depart from Vietnam said as he surveyed the financial and material demands for an operation of this size:

"I hope that Christian civilians will be able to match the dedication and concern of American Marines for the physical and emotional well-being of these little ones."

If they succeed, some American civilians will begin to appreciate the greatness of concern of the American servicemen for the people in whose land he served.

OUR MAN IN VIETNAM—THE SERVICEMAN

As on other Christmas visits to Vietnam, one of my major concerns on my 1969 visit was for this American youth. In the past, I was always able to report in a most positive and favorable way about the men and their morale which I considered phenomenally high, stable and consistent. When asked the reason, I related the usual answers which included good food, extra pay, tax benefits, good mail service, excellent equipment, superb medical care and the confidence a man has when he knows his friends will never let him down—being willing to defend or die for him, as he would for them. But I always added what I am certain was the chief factor in his consistently high morale—namely, his own conviction that what he was doing was crucially important and that both his countrymen and the Vietnamese were deserving of his sacrifice and effort in their behalf.

As I went to Vietnam on this last Christmas, I went with a heavy heart and the fear and apprehension that events on the homefront would have dissipated some of the servicemen's enthusiasm and high morale. Certainly he is not deaf, dumb and blind. He knows that the cause for which he makes his sacrifices does not have the unqualified support and admiration of a portion of the American community. The *Stars and Stripes* and *American Forces Radio and TV* give him reports on the Moratorium efforts, the anti-military dialogue, the daily exhortations for American youth to evade their military obligations, and the mounting evidence that the virtues of patriotism, duty, service of country, honor among fellowmen and courage in the face of danger are suspect. He knows that some call him the tool of the aggressive, oppressive and expansionist interests of self-seeking opportunists.

As I approached Vietnam, I could not help thinking about a story that has become quite familiar at home: Dr. Seuss' "How the Grinch Stole Christmas," and I wondered if the American grinch had finally stolen his Christmas. I refer to the grinch represented by some of our loudest debunkers, the most abrasive demonstrators and VC flag carrying youth who spend their time making unjustified generalizations about the nature of his service and demeaning the cause for which his country asks him daily to face sacrifice and possible wounds or death. I mentally added to the grinch family those whose concern for those who die stops oddly short of him. I was not adding to the grinch family all those who disagree. God forbid! When there are no longer disagreers seeking solutions to common problems, there is no longer a democracy. What I have been pleading for is opinion that is responsible and mature in its expression and in the interest of the common welfare. When it is neither responsible, mature nor to the common good, it should not be the subject of broadcast throughout the land nor should it be the object of adoration and of generalization into the will of the people.

Did the Grinch steal his Christmas?

Based on my conversations with hundreds of people including the men themselves, their leaders and their chaplains, the answer is a resounding NO!!

Not only his President and his next-of-kin at home remembered him. Tens of thousands of Americans remembered. Some of these made their concern known by contributing to organizational efforts like "Gift Pac Vietnam," but many thousands of others, acting as concerned and appreciative Americans, sent their packages, cookies, gifts, letters and greetings. And tens of thousands of school children remembered, sending greetings like this one: "Dear Marine: I love you and I know God loves you, too. Have a Merry Christmas and come home soon." It was signed by a second grader from a Bronx, N.Y. elementary school.

These evidences of appreciation for his service plus visits from prominent Americans like Cardinal Cooke, Norman Vincent Peale, Reverend Ozzie Hoffman, Bob Hope, Martha Raye and Johnnie Grant, were proof that not all Americans find patriotism and service to their country suspect.

But even without these evidences of concern, the over-exposed American grinch could not have stolen his Christmas.

To his glory is that the detractors have not succeeded in dissipating his morale, diminishing his dedication, or shaking his resolve to serve his country and the long suffering people of South Vietnam.

He is, I observed, hurt by but yet generally indifferent to the report of or failure to report his achievements. He knows what he is doing, why he is doing it, and does not have time to worry about the detractors. He is not given to heroic lines or on-stage posturing. He is less concerned about public opinion than the job at hand. He has less time for scoffers, who have no time for heroes, than they have for him.

Being normal, he is disappointed. As one Marine said, "I'm not expecting much when I get back. We know there will be no parades on Fifth Avenue. We're aware of the political situation back home. But neither do we expect to get attacked for what we've done, and which we're proud of. We've served our country."

The serviceman doesn't like being referred to as a tool of imperialist aggression, especially when the words are delivered in an American accent, but he has little time to pay attention to it. He is too busy searching for mines, set by the VietCong or North Vietnamese—mines planted by the people whose flag some Americans choose to fly—mines that have killed and injured more Vietnamese civilians than they have American troops.

He knows that it is easy for gentle people who have never seen tyranny, war or terror to call themselves doves. And he knows that because he fights tyranny and terror, some call him a hawk.

He observes a nation—his free nation—tiring of war and its expense, questioning all forms of preparedness and defense as if this earth—this spinning island in the sky—were populated by a placid, cooperative, compassionate, peace loving, quiescent fellowship of man.

Yet, he knows that no one wants peace *more* than he does—or other sailors, soldiers, marines, SeaBees or airmen when they are in battle. No one wants peace more than the rifleman on his 60th patrol—or the artilleryman returning counterfire during a rocket and mortar attack on his position—or the aviator flying his third MEDIVAC mission in one day. He always longs for peace. He looks forward to the day when he can go home, having acquitted himself with honor. But he doesn't want to settle for anything less than

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a free and prosperous South Vietnam. He needs peace more than most Americans need it.

Yet in ships that steam on humid stations in the Gulf of Tonkin, in the Riverine Forces in the Delta, and in the northern five provinces of I Corps, young Americans willingly fight this war in the air, in the rice paddies and the mountains, along the narrow riverways and at sea. In contrast to some Americans who talk of peace—indifferent to whether honorable or dishonorable—and man's right to self-determination, these young men fight for these ideals. The serviceman knows the war not from reports on TV but from his day-to-day dedication and sacrifice.

On a recent visit to Vietnam, General Walt asked a badly wounded and hospitalized Marine on whom he was pinning a Purple Heart, how he felt about the hometown anti-war demonstrators whose actions were depicted in pictures and a news article in a paper that lay on his bed. "Oh," he said, "it doesn't bother me because they don't know what they're doing." General Walt replied, "How can you be sure? Here, you almost lost your life at the DMZ and your buddies at home are demonstrating against what you are doing. What do you mean when you say it doesn't bother you? How can you be so sure that you're right and they're wrong?" "Well," he said, "I just know they don't know what they're doing, General, because last year, before I came into the Marine Corps, I was one of them."

No one needs to tell him about the suffering of the South Vietnamese people at the hands of terrorists. No one can tell him that these acts are accidents or isolated instances. He knows that they are part of Viet Cong/North Vietnamese strategy to intimidate and coerce the people. I feel certain that your thoughts are drifting, at this point, to the alleged atrocity at My Lai. I want only to say that if the allegations are true, it is a most regrettable incident. The story of terror tactics on the part of the VC/NVA does not, for some reason, appear to be newsworthy. Perhaps that is because it is a common, everyday happening—a part of enemy strategy. It is obvious that the alleged My Lai incident is newsworthy because it is so uncommon, so unique and so inconsistent with the great caution and concern exercised by our military leaders lest we injure or destroy those for whom we have shown a willingness to sacrifice or, if need be, to die.

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I want to make brief reference to racial problems which I prefer to call problems in human relations. This is an area of my deep concern. One cannot transport a cross section or microcosm of our population to another environment or into an alien culture and expect all of the social problems to mysteriously disappear. Yet, where men are in supportive concerns which involve life and death issues and where dependence upon others is of vital importance, you expect, and, from opinions I have heard voiced by servicemen and their leaders, have a definite lessening of critical incidents. The problem of human relations is not a new problem and not a military problem, but rather an issue of national concern.

An issue of gerater concern for the American serviceman is his need to defend the Vietnamese people. This defense is matched by his humanitarian efforts which I have tried to illustrate in two articles in your press kit: one referring to Civic Action in general and the other to the Hoa Khanh Children's Hospital which is one of many memorials to his compassion.

He is a youth—an American youth who is part of the new generation. But he holds on to many of the old values, old virtues and old morals. And he can distinguish between the flag of his country and that of his enemy. He is deserving of our great praise and gratitude. He is an American whose involvement in war has not only not robbed him of his humanity, it has enhanced it. He has refused to be dehumanized by the war. Except in the heat of conflict, he has a heart of exceeding compassion and concern. The war he is involved in, as all wars, is ugly, but the military man is a specimen of considerable beauty. He continues to be a good will ambassador of his country.

And he continues to be a man who needs and relates to his religious heritage. The intensity of his needs may vary in relation to the level of danger. As one said, "I didn't go regularly to church at home but I feel more religious now. Maybe it relates to my fear, but it also relates to my need. One needs something to hold on to and I can't think of anything or anyone better than God. Now that I've found him, I guess I will always see the need for him."

OUR MAN IN VIETNAM—THE CHAPLAIN

I told you earlier that I am relating the theme, "Our Man in Vietnam" not only to the American serviceman, but also to the chaplain.

I could present stirring examples of what both are doing by reading some of the many citations which have accompanied decorations awarded in this conflict. I could relate endlessly the deeds of their courage, sacrifice and compassion. But I want rather to talk briefly about their day-to-day application of these qualities.

From a Corps point of view, our man in Vietnam refers to the chaplain. With the pullout of the Third Marine Division and certain other Marine and Navy elements, the Navy has dropped from 110 to 92 chaplains ashore in Vietnam. They are attached to Marine and Navy units and Construction Battalions in the Northern five provinces (I Corps Tactical Zone) and with River Assault Groups and other Navy activities from Cam Ranh Bay to the Mekong Delta area. Nineteen chaplains are positioned off-shore aboard ships of the U.S. Seventh Fleet.

From 1965 to the present, just under 700 chaplains (70% of Chaplain Corps strength) have served in Vietnam or off her shores. They are not warriors, but they comfort those who are. Their purpose is not to support policy, but to support men and women, many of whom have left their private dreams in answer to their country's call to duty. They are neither hawks, doves or propagandists. Their job is to insure that men away from home have the right to the free exercise of their religion. Like the missionary, the chaplain pursues his God-given calling in the middle of the fray. He does not stand back to rationalize, philosophize or criticize what is happening. He is involved with man at the gut level of existence and often he may prove to be the last hope for a troubled soul.

His mission is service, his theme song is dedication and one of his strengths is his mobility. With the chaplain's practice of circuit riding by which he succeeds in extending his ministry across organizational lines, thousands of Navy, Marine Corps, Coast Guard and even Army and Air Force personnel who otherwise would be without a chaplain, know the impact of his ministry. It is not uncommon for a chaplain to hold 20 to 25 religious services in a week. He is more mobile than any chaplain in history, thus permitting the church, through its chaplain representative, to effect the broadest, most comprehensive, most intensive and most effective ministry ever provided to combat committed personnel.

Every day of the week is equal to Sunday when it relates to the serviceman's desire for a worship experience and an open air chapel with the altar rigged on the hood of a jeep or the top of a sand-bagged bunker is inspiring to him as if he were in St. John's the Divine or the Shrine of the Immaculate Conception.

The chaplain uses a variety of transportation modes to get him to his men: fixed wing aircraft, helicopter, river craft, four wheel vehicles or plain humping. He braves the hazards of sniper fire, open attack, mined roads and the fury of the elements to travel to widely dispersed units or to his men who are hospitalized. He frequently feels impelled to offer a prayer of gratitude for a safe arrival because he knows that many of his chaplain colleagues never completed their journey without suffering wounds or death along the way.

In the heat of combat, he may move from position to position holding a service of worship offering words of encouragement, ministering to the wounded and the dying, or generally fulfilling his pastoral role.

I should note, for your information, one observation which repeats itself in ministering to men in the heat of combat. The chaplains report the hunger among the men for Holy Communion. "That service," as one chaplain said, "is most meaningful to them because they have a deepened understanding of the term 'sacrifice' and because it communicates, above all, the concern of the Almighty for his creature, man."

The chaplain is not only more theoretically, but also more practically ecumenical—working in an interfaith fellowship in which cooperation, without compromise of his religious convictions, guarantees a greater satisfaction of the individual needs of the men.

There may be few basic differences between the chaplain and the civilian priest, minister or rabbi. Both share the same aims, many of them the same challenges for reaching and serving people with much the same spirit of consecration and self sacrifice.

But the chaplain is unique in his involvement. He is one with his men, having mastered the fine art of belonging. He may be distinguished from them by the cross on his collar, but otherwise he dresses like them. He lives with them in their bunkers, shares with them their rations and their risks, moves with them on patrols, and sometimes is required to bleed and die with them in that far away land. He ministers to them not only in their moments of intense combat, but also in their periods of equally intense boredom.

I salute him because he is the chaplain without parallel in the annals of our history.

And I pray with him.

What and whom do we pray for—these dedicated Navy chaplains and I?

We pray for our President and those in authority, civil and military, who bear the arduous burden of command responsibility, that they may be possessed of the wisdom to make the right decisions in time of severe trial and the courage to do what they believe essential to the well being of all men everywhere.

We pray daily for our men that they will have the strength, skill and wisdom for the needs of each day. We pray that the Lord will be their shield and protector in danger, and their companion through "the valley of the shadow."

We pray for our wounded, that they receive comfort and healing and, where the wounds have been grave, rehabilitation whereby their infirmity will be less pronounced than their capacity to act and serve as useful citizens.

We pray for the prisoners of war, that in their confinement, loneliness and days of trial and uncertainty, they may know the concern of loved ones and fellow Americans, that God is with them, and that the day of their release is at hand.

We pray for the doctors, nurses and corpsmen that God will give them strength and skill to perform miracles of healing and the time to continue their outreach to the sick and wounded people in whose land they dwell.

We pray for the pilot flying his assigned mission or MEDEVAC run that success will crown his effort.

We pray for the American missionaries and the indigenous clergy who seek to expand a knowledge of God and His kingdom.

We pray for the refugees, that they may return in peace to those homes where their hearts long them to be.

We pray for those nationals from Australia, the Philippine Islands, Thailand and Korea who have been involved with us in this struggle.

We pray for the representatives of West Germany, who have committed themselves to a mission of mercy and healing for the people of Vietnam.

We pray for ourselves that as chaplains we may measure up not only to the expectations of the churches we represent but also of the God we serve.

We pray for the future of the South Vietnamese people that they may know, as the fruit of victory, freedom and the right of self determination.

We remember our dead and pray that the record of history will vindicate their selfless sacrifice.

We pray for all Americans—that they will unite in prayer and concern for all who are required to serve in our Armed Forces.

We pray for an honorable peace—where warring factions both at home and in Vietnam may come to know and practice God's will.

We pray for our enemies and for the day when, through the reconciliation of man to man, we may be united in those actions and activities that will help to preserve and promote the freedom of man and peace on our earth.

REGULATION OF MEDICAL DEVICES NEEDED TO REDUCE DANGER FROM UNSAFE INSTRUMENTS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. HALPERN. Mr. Speaker, I am introducing legislation today to prevent the marketing of potentially dangerous medical devices by giving the Food and Drug Administration mandatory power—which it does not now have—to recall defective instruments and require that devices be precleared by the Federal Government before they may be marketed.

It is shocking and hard to believe but the law does not require FDA to approve medical devices that are used to diagnose, cure, treat, and prevent diseases. The tragic results are that unsafe and defective electrical equipment are causing an estimated 1,200 hospital electrocutions yearly and countless cases of accidental injuries.

I do not want to alarm anyone, but some manufacturers are callously disregarding the public interest. For instance a New York hospital reports that 40 percent of incoming instruments are defective and a recent survey suggests of 1,500 devices tested, 1,200 had unfavorable or untoward reactions. The bill I am introducing, known as the Medical Device Safety Act of 1970, would amend the Federal Food, Drug and Cosmetic Act to regulate carefully defined categories of medical instruments so they would not be confused with some loose definitions of drugs. Since there are presently no standards for devices, FDA also would be empowered to create and enforce standards after consulting with other Federal agencies and experienced technicians and doctors.

Only after a device is marketed and proven dangerous to people's health can the FDA now attempt to have it removed. This procedure is a joke. First, FDA, usually spends several months finding out about a problem—if they ever do. Then, the manufacturers can only be asked to voluntarily recall a device. FDA then can ask the court for an injunction, which manufacturers usually appeal. This can take up to 5 years, during which time they can continue selling the device.

For instance, a Philadelphia researcher recently concluded that a resuscitator used for emergency first aid to counter heart failure, smoke inhalation, and drowning failed to provide respiratory support for the victims. Yet manufacturers refused to recall the product from the market, even though using the device involved a possible serious hazard.

Ingenious new breakthroughs in medical technology are helping to save and cure many sick people, but unfortunately, too many manufacturers are producing unsafe and unreliable instruments. Improper design, high electrical leakage from equipment, shoddy cables, and poor assembly of parts are a few of the frequent complaints.

Unfortunately, I am not talking about isolated instances of a lapse in a piece of equipment's performance. Hospitals and doctors are reluctant to publicly discuss it, but the complaints are mounting of faulty anesthesia devices, heart valves, catheters, contact lens, X-rays, radiation, plastics, prosthesis, IUD's, and cardiovascular apparatus, to cite a few.

These reports have been gathered from independent surveys made by hospitals, doctors, and reports reaching the Food and Drug Administration.

For instance there are reports of artificial heart valves with surface defects that can cause fatal blood clots; artificial kidney machines discharging water intravenously which could endanger patients' lives, and hip protheses mechanically disrupted which cause severe tissue injury.

But it is new electronic devices that are causing the real danger—electrocution. For instance there are defibrillators, which have tendencies to discharge high electrical voltage into a patient's heart before a surgeon wanted it. In such circumstances, it is difficult to determine whether a patient's heart failed or whether he was killed by the electrical jolt. Some doctors suggest cheap molded plastic plugs on machinery or poor maintenance could cause such a malfunction.

There can be no further delay, medical devices must be regulated and controlled.

What follows is a legislative analysis of the Medical Device Safety Act of 1970:

There are four major problems in existence today as a result of inadequate device legislation.

First, the actual definition of a device is vague. The courts, in the AMP decision—*AMP* v. *Gardner et al.*, 389 F. 2d, 825–1968—held that the "new drug" provisions of the Food, Drug, and Cosmetic Act are not limited to products that are "drug" in the conventional sense of the term, but cover a broad range of products. They further held that the "new drug" provisions would be applied "to keep inadequately tested medical and related products which might cause widespread danger to human life out of interstate commerce."

The difficulty is that the court opinion draws no clearly defined line between drug and device, making it necessary to proceed on a product-by-product basis in requiring "new drug" clearance. Much litigation would be necessary before the full scope of the "new drug" authority could be elucidated.

My bill attacks this problem in two ways—by redefining as distinctly as possible, the terms "drugs" and "devices," and by providing a means whereby devices are regulated and standards set for them on a parallel but not identical basis with those of drugs.

I believe Congress' original intent when it passed the Food, Drug, and Cosmetic Act in 1938, was that devices be treated on a parallel basis with drugs, not on identical basis as proposed by the AMP decision.

Second, there are presently no standards set for devices. My bill would empower the Secretary of Health, Education, and Welfare to establish and enforce such standards through consultations with Federal agencies and other groups.

Third, the bill contains a "state of the art" clause allowing FDA to withdraw approval of a device if new research proves it to be harmful or ineffective, or to grant approval for a device previously thought harmful or ineffective.

This clause is necessary because medical device research is 30 years behind that of drug research. Much of the basic research was never done in the device field. The future will undoubtedly see this research improving on devices and their applications. To apply the strict, stringent drug research requirements to devices is both unfair and impossible. Only when device research catches up will this be feasible, hence the "state of the art" clause.

Fourth, there is presently no premarket clearance procedure for devices. Only after a device is on the market and then proved dangerous to health or ineffective, can the FDA act to have it removed. This current procedure is a time-consuming joke. First, it takes the FDA several months to find out about the problem if they ever do. Then, they can only ask the manufacturer to voluntarily recall the product. If he refuses, the FDA may, under the danger to health provision or the mislabeling provision, ask for an injunction to have the product recalled. The manufacturer may appeal, a 3–5 process, during which time he can continue to sell the device. If he eventually loses the case, he has only to change the label or take the device off the market. There is no penalty.

My bill sets up a premarket clearance procedure and the conditions under which it applies.

All of the preceding amendments and

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procedures are necessary to protect the consumer from faulty, ineffective, useless, and dangerous medical devices.

I am also concerned about the resources FDA has for monitoring the device market.

The device market is a multibillion-dollar business. This year—see table 1—the retail value of devices is expected to surpass the $5 billion mark.

Second, the percentage of the FDA budget spent each year in the regulation of devices has never exceeded 2 percent. In fact, this year the estimate is that less than 1 percent will be spent, the lowest figure to date—see table 2.

Third, in a survey of approximately 1,500 abstracts of articles appearing in scientific literature, 1,249 instances were found of untoward or unfavorable reactions as a result of the use of certain classes of medical devices—see table 3.

Fourth, the number of complaints received by the FDA is estimated to be only a small fraction of 1 percent of the total instances of device malfunction. A major reason for this is that a large majority of people, including physicians, do not know the FDA regulates devices: It is assumed, particularly by the physicians, that somebody in the Government okayed the device or it would not be on the market.

Fifth, as reported by Electronic News last January 27:

> At least three patients in United States hospitals are accidentally electrocuted each day. The total number of electrocutions annually is about 1,200.

These deaths are attributable to either faulty electrical medical devices or misuse of them.

Finally, Mr. Speaker, I would like to present to you excerpts from a medical abstract dramatizing the problems of getting bad medical instruments off the market when they are not regulated:

> The . . . Resuscitator is offered for use in "emergency first-aid situations," including heart attack, drowning, electrocution, smoke inhalation, chest injury, drug overdose, or any cause of respiratory stoppage.
>
> The doctor considered this particular brand of resuscitating device as "* * * unable to provide respiratory support * * * therefore * * * considered dangerous and * * * claims misrepresented."
>
> We are told that the firm had been informed by [doctor] of his opinion and in response discontinued manufacturing and distribution. However, no attempt was made to recall the unit. The firm has indicated that its final decision will be made after its gets in touch with the original designer of the device . . . which states in part "during clinical trials over the past two years, over 300 patients have had their respiratory exchange maintained from one to three hours without significant evidence of cyanosis, bradycardia, tachycardia, hypertension or hypercarbia."
>
> However, "the resuscitator lacks the exhalation vent in the mask described in the directions for use, and in our opinion use of the device as labeled involves a possible serious hazard."

In conclusion, Mr. Speaker, medical devices must be regulated, controlled, and redefined. My bill provides for all three. For the protection of the millions of consumers who each year come into contact with medical devices, I urge careful consideration of the Medical Device Safety Act of 1970.

TABLE 1.—*Device market, projected figures for 1970 based on Bureau of Census figures for 1967*

	Million
Projected rate of an 18 percent yearly increase in market:	
Surgical and medical institutions	$439.0
Surgical appliances and supplies	871.3
Rental equipment and supplies	209.0
X-ray apparatus and tubes	233.2
Ophthalmic goods	362.0
Clinical thermometers	7.38
Rubber sundries	91.0
Total	2,213.088
Projected on basis of 55 percent increase by 1970	1,217.636
Wholesale—FOB—value of shipments	3,431.516
Add 10 percent—usually more—markup at wholesale level and 33.3 percent—usually more—at retail level: Estimated retail value for 1970	$5,000.0

TABLE 2.—*Percent of FDA effort diverted to drugs and devices*

	Drugs	*Devices*
1957	35	1.4
1958	28	1.6
1959	25	1.8
1960	26	1.6
1961	28	1.5
1962	30	1.4
1963	(1)	1.8
1964	(1)	1.0
1970	40	[2]0.7

[1] Unknown.

[2] Estimate.

TABLE 3.—*Untoward reactions—not specific as to whether injury or death was the result; faulty design or misuse may have been the cause*

[Selected categories taken from card abstract file of articles in Scientific literature (approximately 1,500 abstracts).]

Anesthesia devices	60
Q2 & Hyperboric	105
Cardio-vascular	24
Catheters	60
Heart Values	110
Pacemakers	85
Electroshock	44
Contact lenses	39
Lasers	11
Dental	37
IUD's	122
Ozone	11
Prosthesis	47
Plastics	118
Silicones	55
Tubing	62
Surgical Gloves	15
Radiation	75
X-rays	85
Ultrasonics	26
Heat Devices	32
Ultra Violet	26
Total	1,249

THERE MUST BE A BETTER WAY

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. BUSH. Mr. Speaker, correcting criminal behavior is, and certainly should be, the primary goal of our jails, prisons, and juvenile detention centers. The situation in these institutions, however, is so bad that they foster the vicious cycle of criminal behavior rather than correcting it. If we are ever to successfully lick the crime problem in this country and cut into these soaring crime rates, we have to make our correctional systems into something better than a "revolving door process."

Further the costs of these institutions as they are now—unconstructive for the most part—is already at a point which we can no longer afford. This system which provides little incentive to keep anyone away from criminal behavior costs approximately $6,000 to $9,000 per year to keep a juvenile in an institution and about $3,000 or $4,000 for an adult offender.

Of the 358 penal and correctional facilities for adults in the United States, 61 were opened before 1900 and 25 are over 100 years old. Many of the physical facilities do not meet even the minimum standards of human decency. The situation in juvenile centers is not much better and the effect this must have on a young offender is particularly abhorrent to me. As Chief Justice Burger says, "There must be a better way." This is clearly the single most neglected element in the entire law enforcement process. Yet, I am convinced these institutions can provide an answer to the crime problem.

The Omnibus Crime Control and Safe Streets Act of 1968 took a small step in the right direction in making resources available to correctional facilities. But few States have shown real interest in these funds.

For this reason I am today introducing a bill amending the Omnibus Crime Control and Safe Streets Act directing $100,000,000 in fiscal year 1971 for construction of correctional institutions and facilities. The allocation formula would be the same as is in the current law—85 percent by block grant directly to the States based on need and population. The bill specifies that 50 percent of the funds must then be distributed to the cities and counties. Further, the bill authorizes increasing sums through fiscal year 1973.

DISARMAMENT CONFERENCE IN GENEVA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. FRASER. Mr. Speaker, I am honored to receive your designation again as one of six House Members to act as adviser to the U.S. delegation to the Disarmament Conference in Geneva. Last July when I went to Geneva to attend the meetings of the 26-Nation Committee on Disarmament—formerly known as 18-Nation Disarmament Committee—it was obvious that advisers from Congress could serve a very useful role in consulting with our delegation and visiting with the delegates of other nations.

I am happy to serve again as a congressional adviser to the Geneva conference. Work begun last year to ban weapons of mass destruction on the seabed will be the first item of business at the conference.

Each nation will also be very much aware of the United States-Soviet talks on the limitation of strategic armaments being held in Vienna. If the two superpowers can prevent an arms race in nuclear weapons the safety of the world will be greatly improved. Quick action in Vienna to head off the development of MIRV's and ABM systems is vital.

The 26 nations meeting in Geneva will certainly want to continue their work on banning biological weapons and greater control and limitations on chemical weapons.

The convention to ban the use, production, and possession of biological warfare proposed last August by the United Kingdom should be agreed to in Geneva. I will be urging the U.S. delegation to support this proposal firmly.

A comprehensive ban on the testing of nuclear weapons is another priority item for the committee sessions in Geneva. New techniques for determining underground nuclear explosions should make it easier for the nations to agree. There now will be less need for visiting other nations and making on-site inspections.

The control of conventional arms should not be neglected. In 1969 the nations of the world spent $200 billion on armaments compared with $120 billion in 1962. Only a small fraction of that expense is for strategic weapons. The committee at Geneva must address itself to steps designed to limit conventional arms construction and sales.

The 1970's provide our greatest challenge and opportunities for significant work in the field of arms control and disarmament. I am most happy to serve the Congress and the U.S. Government at the Geneva Conference.

NATIONAL PRIORITIES DEMAND NEW APPROACH BY CONGRESS TO MILITARY APPROPRIATIONS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RYAN. Mr. Speaker, I have strenuously and consistently called for urgent attention to the issue of national priorities. As I said on the floor of the House last October 9:

> On issue after issue, from Vietnam to the antiballistic missile, to the supersonic transport, to housing, food stamps and social security, I have consistently pointed out that we are giving too much priority to the wrong things and not enough to the right ones.

Clearly, the most basic misallocation of funds lies in the enormous amounts of money appropriated to the military. Billions of dollars are spent on questionable defense systems—questionable both because they often are of negligible effectiveness; because they are often of limited utility; because they spur the arms race; and because they divert essential resources from our domestic needs. The $30 billion a year spent on Vietnam is particularly unacceptable, financing a misbegotten war which should have never begun and which must be immediately terminated.

To enable Congress and the public to focus effectively on the proper allocation of our resources, and particularly the misallocation of them to the military, I joined last fall in three significant measures. Last October 13, 28 of my colleagues joined me in sponsoring H.R. 14325, a bill to establish a Temporary National Security Commission. The premise on which this bill is based is that Congress must exercise control over military policy and use available technical and scholarly expertise in analyzing the military budget and the policies which determine our priorities. The establishment of the Temporary National Security Commission will enable Congress to assert its proper role in the determination of foreign and military policy and thereby in the determination of our national priorities.

On the same day, October 13, I joined with 27 of my colleagues to introduce H.R. 14319, which establishes an Office of Defense Review. This Office would provide a source of independent, technically qualified evaluation of Defense Department programs, as presented in the Department of Defense budget requests to the Congress. The complexity of the 167-page report released on February 20, representing Defense Secretary Laird's fiscal year 1971 Defense program and budget, is a clear testimony to the need for such an office.

On October 13 I also joined in introducing House Joint Resolution 950, to create a joint congressional committee to review, and recommend changes in, national priorities and resource allocation. The committee would be able to suggest national objectives and the allocation of resources needed to obtain those objectives, and to suggest legislation and other governmental actions needed to better serve the Nation's priorities. As Congressman ECKHARDT stated on the floor:

> The joint committee would give us the benefit of an informed overview of national needs and national resources. It would be a valuable first step in more intelligently matching our needs and our resources.

Although attention to the issue of national priorities has been growing, this administration is proceeding on an unacceptable course, particularly in the continuing emphasis on military spending.

I include at this point in the RECORD an article by Max Frankel which appeared in the February 24 edition of the New York Times. I commend it to my colleagues as a reasoned, thoughtful discussion. I particularly point to Max Frankel's observation that "no satisfactory method will be found to establish priorities as long as complex and usually secret calculations of military necessity form one side of the priority equation." A clear step in answering this problem would be passage of H.R. 14323, H.R. 14319, and House Joint Resolution 950.

THE "NATIONAL PRIORITIES" PROBLEM

(By Max Frankel)

WASHINGTON, February 23.—It has become fashionable in weighty Government declarations nowadays to dwell at some length on the subjects of "national priorities" and "resource allocation." The reason is that everyone here worries about the competing claims of large military and nonmilitary programs without quite knowing how to resolve them.

President Nixon has addressed the problem in describing the state of the world, the state of the union and the state of his treasury. Budget Bureau officials, past and present, have described the difficulties of judging the rival merits of, say, another aircraft carrier as against some more low-income housing projects.

Even Defense Secretary Melvin R. Laird, in defending the military budget last week, wrote sympathetically about the need for more social spending and the lack of a system to sort out priorities.

Yet the essential conclusion of these Government statements—reinforced by the informal comments of high-ranking officials—is that no satisfactory method will be found as long as complex and usually secret calculations of military necessity form one side of the priority equation.

NIXON CONCEDES PROBLEM

The President reported with some satisfaction in his budget message last month that spending on "human resources" would soon exceed military spending for the first time in many years. But this statistic depends more on a shift of definitions than on a shift of preferences.

In his State of the World Message last week, Mr. Nixon readily conceded that "we have no precise way of measuring whether extra dollars spent for defense are more important than extra dollars spent for other needs."

That document did describe one Presidential effort to make at least a crude judgment on priorities. It said that five different strategies for nonnuclear military forces had been compared with five possible levels of domestic spending and that two of the military plans had been rejected because they would have thwarted vital domestic programs.

But as described by officials, even this rudimentary exercise began with the Defense Department's own definition of "irreducible" military outlays. The same will be true in more refined discussions of priorities in the future, officials said, and there is no plan to arrange for the direct confrontation of competing claimants.

TENDENCY TO OVER-REQUEST

This year's priority exercise was conducted in the National Security Council after an exchange of papers with the Government's domestic departments. Yet even Mr. Laird doubts that this is the proper arena for a fair contest.

"Since studies within the N.S.C. and the Department of Defense focus on requirements," he wrote in his military posture report last Friday, "there is a built-in tendency to request more resources than are available."

Only the President and Congress should be expected to make the final priority decisions, Mr. Laird said, conceding that there was no "appropriate mechanism for weighing one Federal program against others within the context of the budget as a whole or in an appropriate time frame."

Mr. Laird, admittedly afraid that the pressure for more domestic spending would result in arbitrary and injurious cuts in military spending, came close to deploring the tax cuts that the Congress and Mr. Nixon approved for the next few years. Tax cuts are in fact expenditures, he pointed out, and "tax spending should meet the same criteria for resource allocation as direct spending, but we have no mechanism for considering them together."

SOME STRONGER CRITICISM

With this statement, the Secretary came close to endorsing the much more outspoken criticism of Government procedures recently heard in Congress and among liberal economists, notably two alumni of the Johnson Administration—Arthur M. Okum, the former chairman of the Council of Economic Advisers, and Charles L. Schutze, former budget director.

Here is how Mr. Okun describes the problem in a review of his years in the White House, "The Political Economy of Prosperity":

"The absurd battle between defense and the cities arises because we insist on rather stable tax rates and hence on a relatively constant Federal share of our national product. Thus defense and nondefense programs are plunged into a direct tug-of-war for a fixed volume of budgetary resources. This is surely the greatest paradox of resource allocations in our society.

"Defense spending—with its 9 per cent of G.N.P. [Gross National Products]—is pitted against nondefense Federal, State and local expenditures—with their 14 per cent of G.N.P.—while the big 77 per cent of our G.N.P. that goes into private spending remains a bystander. And because controllable Federal civilian spending is concentrated in aid to cities and the poor, the bulk of the pressure is exerted on about 5 per cent of our G.N.P.

"When defense goes down, efforts to assist the cities and the poor can go up. When defense goes up, we seem to expect the belt-tightening to be concentrated in these social programs."

NOT REALLY "VILLAINS"

Politically, Mr. Okun writes, this tug-of-war forces civil rights leaders and others working for social programs to lead the assault on military spending and wrongly casts military planners as the "villains" who bar social progress.

He believes that the either-or contest between defense and nondefense spending must be abolished by earmarking future revenues resulting from economic growth for public civilian use. Thereafter, he would reduce taxes only to the extent that savings could be found in the military budget and he would raise taxes to the extent that increases in military spending were deemed necessary.

Mr. Okun implies that this would compel the Government to arrange the kind of private and public review of military assumptions and plans that Mr. Schultze has found lacking in his review of procedures. The changes in the budget and other review procedures that Mr. Nixon has ordered so far will not get at the basic problem, Mr. Schultze believes.

In the winter issue of the quarterly, The Public Interest, Mr. Schultze wrote: "Do not think that once a decision has been made on commitments, that the appropriate contingencies we must prepare against are obvious and need no outside review; or that once we have stipulated the contingencies, that the necessary force levels are automatically determined and can be left solely to the military for decision; or that once force levels are given, decisions about appropriate weapons systems can be dismissed as self-evident. There is a great deal of slippage and room for judgment and priority debate in the connection between any two steps in the process."

POSITIVE FIGURES URGED

Mr. Schultze would require the Defense Department to provide explicit estimates of the future costs of projected commitments to manpower and weapons. He has also asked Congress to create procedures to weigh the priority decisions embedded in Government policies and requests.

Yet the men supervising national security planning insist that the complexity and necessary secrecy of their work makes full-scale public review of their assumptions extremely difficult, if not impossible. And even simpler proposals for reform of the Congressional committee system and appropriation procedure have gone nowhere in recent years.

It is conceded here on all sides that the public's sense of domestic as well as foreign danger has finally focused attention on the priority problem. Social planners feel frustrated by the shortage of funds for new initiatives in the foreseeable future and defense planners are afraid that "expediency"—in Mr. Laird's word—will lead to arbitrary cutbacks at the Pentagon.

But no one has yet demonstrated that recognition of the problem has led to effective measures to resolve it.

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WHERE'S THE BOSS?

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. DELANEY. Mr. Speaker, those of us who have been privileged to be closely associated with the Honorable James A. Farley, the distinguished former Postmaster General and exemplary prior chairman of the Democratic National Committee, are well aware of his unique leadership qualities. In this regard, I believe my colleagues might find of interest the attached article by a student of political leadership, Mr. William J. Ryan, which places Jim Farley in historic perspective "as one of the most successful political organizers in American history."

The article, which appeared in the Barre-Montpelier, Vt., Times-Argus, follows:

HANNA AND FARLEY CONSIDERED BEST OF AMERICA'S POLITICAL BOSSES

The weekly meeting of "The Club," held at the Montpelier Tavern Motor Inn, Saturday, Jan. 10, had Lloyd T. Hayward as host.

William J. Ryan was speaker. He chose "Where's the Boss?" as the title of his paper. He said: "The political boss is more or less a peculiarly American phenomenon. At least, bosses as we know them thrive only in a free society and the boss appears to have had less sway in other free governments than he had in ours. It seems to me that the era of boss dominance ran from about 1840 to 1940 and that the boss system reached its peak between 1880 and 1930. . . . Party spokesmen have always taken great pleasure in describing leaders of the opposition as bosses. They have delighted in calling the opposing organization a machine. However, bosses have existed in both parties and, despite some glaring defects among the bosses of both parties, I am convinced that they met a real need. The boss had to deal with life as he found it. . . . It is also impossible to name the best although a few can be cited as examples of great accomplishment. It seems to me that Mark Hanna and Jim Farley are perhaps the best examples of the better type of boss. Both were men of unusual capacity, great energy and accomplishment in varied fields."

"As McKinley's tutor and organizer, Hanna proclaimed much of the philosophy which McKinley embraced. I think it is both inaccurate and unfair to say he made decisions for McKinley. They were both men of the Post Civil War Period, products of Ohio industrial development, conservative by nature. McKinley at times during his career had taken stands which alienated many conservative supporters and he always made it known that he would repeat if he felt such action was warranted.

"Hanna sincerely thought that conservative governmental policies helped to create an economy in which farmers would prosper, business would make money and working men would find employment at good wages. . . . Hanna urged his follow industrialists to raise wages as a campaign tactic in 1896. . . ."

"I think it is no accident the time span of 1840–1940 saw the greatest immigration in the history of the world, the Western movement of Americans and America's unparallel industrial expansion. All these factors made great contributions to our destiny, and created complications which were most difficult to resolve. . . .

". . . Language barriers in the industrial cities added to the adjustment problems and the political party which wanted to win and keep winning had to create an organization on a scale which would have both surprised and irritated the founding fathers. The keynote was voter contact, which had to be maintained by thousands of party workers, and those party workers had to be organized and directed by those capable of seeing, the big picture. The organization or machine with its leaders or bosses inevitably resulted. Its absence would have left many thousands politically adrift in a strange land, and their assimilation would have been much more difficult.

"I think the boss and the so-called professional politicians with whom he worked made many contributions too seldom recognized. Essentially, I believe their greatest contribution resulted from the fact that they knew the people with whom they were dealing and that the boss knew the probable political behavior of those whom he groomed for elective or appointive office. Some mistakes were made but this sort of knowledge helped bring a degree of stability into a potentially explosive situation.

"One of the frequently stated objectives of the New Deal social policies was replacement of the ward worker by the social worker. This has been done to a large extent and I think an objective observer had to agree that there is still doubt whether the change was beneficial. The ward worker, with all the evils to which he was exposed and the lack of vision which frequently limited his judgment, was able to achieve a practical working relationship with those who needed help.

"Hanna's early career had been marked by more application to business than to public affairs, but he early developed a keen political interest and great political aptitude. . . . He also became more keenly aware of the effect which government policies could have on the economy and he became determined to do all that he could to insure that that effect would be good as he defined the word.

"Hanna, a marked conservative by today's standards, was considered liberal and even dangerously liberal by some of his contemporaries. . . . A political leader must fight his most savage battles in his own bailiwick. Hanna's stature as a dominant Republican on the National level was based to a large extent on his power in the growing and prosperous state of Ohio. . . . The 1896 campaign was the most carefully planned and expensively conducted to that date in history. The Republican National Committee raised and spent over $3,500,000, a staggering sum in that era. . . . McKinley's 'front porch' campaign with the candidate staying at home and greeting visitors from across the land appeared to represent a dangerous experiment. It was new but much less was left to chance than appeared. . . . Hanna had campaign literature translated into several languages, appropriately adapted in each instance to stress the interest of the group to whom it was addressed. . . . He insisted that a major party had to be the party 'of all Americans' and that the steps to reach those behind the language barrier were not only justified but required. . . . McKinley was elected, and also followed his other campaign tactics, being determined that his organization would not only be preserved but improved so that it could do an even better job for McKinley in 1900.

"Hanna's maneuvering in the late 1890's included steps to get himself first appointed and then elected by the Ohio Legislature to the United States Senate. . . . He felt that he could devote full time to public affairs . . . and that to be in Washington he would work closely with the President and to direct the National Committee. They (Hanna and McKinley) were men with great similarity in viewpoint. . . . The city bosses exerted great influence over many members of the Congress and a President who wanted to effectively lead his people could ill afford to risk his progress by needless feuding with those whose opinions were valued by the men who had to pass on his suggestions for national policy.

"Abraham Lincoln, one of the truly great Presidents in American history by any standard, worked closely with bosses and organization people, especially in the months leading up to his nomination in 1860. Judge David Davis, his principal manager, was a shrewd and far-seeing man, an individual of undoubted integrity and later a distinguished Justice of the United States Supreme Court. . . .

"Military association through Veterans' groups formed a strong link in the developing party system. . . . In the Civil War. Hanna was drafted. He accepted the call, joined his regiment and was commissioned a lieutenant soon after the regiment was organized. The regiment did not participate in any noted engagements but that was the result of the fortunes of war. Hanna for many years did not join the GAR. He finally did at the urging of McKinley who told him that many former soldiers felt that Hanna had no regard for them because of his refusal to associate himself with them. McKinley, himself had served throughout the War, had been decorated and was an active GAR leader. . . .

"The boss, or the leader, was expected to do much of the work of lining up an effective ticket. I think that many of the more successful bosses performed their greatest service in this field. The boss exercised great care, and usually good judgment, in urging the candidacy of individuals who could appeal as candidates and perform properly as office holders. Here, his knowledge of people and their probable political behavior was all important. . . . The individual who succeeded in getting the party to nominate the candidate of his choice for major office usually became the head of the party organization. Thus Hanna . . . became national chairman after McKinley was nominated for president in 1896 . . . His first real victory was securing the nomination and election of McKinley in 1891 as governor in Ohio. . . .

"Hanna attended the Republican National Convention of 1892 . . . and made it clear that the party and nation could well look to Ohio and William McKinley. He made no effort to prevent the renomination of President Harrison, recognizing the fruitlessness of opposition to a president in office. . . . Harrison lost to Grover Cleveland and the day after the election of 1893 Hanna began his planning for 1896. He told McKinley that a depression was in prospect and that it was regrettable but that it would be politically helpful. That depression almost removed McKinley from politics.

"McKinley had been a poor boy . . . Scrupulously honest, he had never accepted financial return for his official actions and his estate was modest. He had throughout his career been unusually free in assisting others, and free to the point of danger in endorsing notes for friends who needed help. Several of his friends had businesses which failed in 1893. One of them was a large failure, and McKinley found that his name was on delinquent paper in excess of $100,000. The people for whom he had signed were broke and he himself did not have $100,000. McKinley told his creditors that aggressive action would force him into bankruptcy, but that he would resign as governor, sell his house and move into modest quarters and apply himself to law practice to earn money to pay off his obligations. This plan was acceptable to the creditors but when Hanna heard of it he told McKinley he wanted to take care of the debts. McKinley told Hanna he did not want to remain in public life so heavily indebted to any man, even so good a friend as Hanna. It was finally determined that Hanna would raise the money by contacts with men who could afford to help. In a relatively short time the debts were paid. . . .

"Hanna was a money-maker, a money-raiser, and a money-spender . . . He always said that money was good only when used, that he had been without it and had no fear for it . . . In 1895, Hanna retired from active business . . . Hanna had acquired a pleasant winter home at Thomasville, Ga. He went there, had McKinley visit him for rather extended periods and entertained Southern political leaders. Hanna reasoned that the 'Solid South' on which the Democrats counted could create an equally solid segment and represent the balance of power in any closely contested Republican National Convention. . . .

"The 1893 depression had made the country ready for change. Bryans' money policy frightened many Democrats who would have otherwise supported him and Hanna's campaign was a real masterpiece. . . .

"After the victory of 1896, it became apparent to everyone that McKinley would readily grant any wish that Hanna expressed. Hanna expressed none and he made it clear to McKinley that he would not accept a Cabinet post or an appointment as ambassador and that a public offer of such a place would embarrass him and reduce his effectiveness . . . Senator John Sherman of Ohio became Secretary of State and Hanna was appointed to fill Sherman's seat. He was elected to a six-year term in 1896.

"The election of 1900 represented little problem for Hanna once the Vice Presidential nomination was determined. The country had been prosperous, the Spanish-American War and the Philippine insurrection were accepted as a combination of America's duties under the Doctrine of Manifest Destiny and the price of progress and McKinley himself retained the great personal appeal he had always had. He won easily. Hanna became a recognized force in the United States Senate.

"Hanna's Democratic counterpart, James A. Farley, was an Easterner born and raised near New York City. Farley, like Hanna displayed business capacity as well as political organizing ability. He frequently remarked that he could not understand why his friends did not accept the fact that politics was hard work. Farley, now 81 and still vigorous, likes to remind his business friends that one of the political jobs he gave himself was to carefully remember names and faces and enough about the persons concerned so that he could open an interesting conversation with everyone of them. At the height of his political activity, it was generally agreed that Farley was acquainted on such terms with at least a quarter of a million people.

"Farley defines the responsibility of political leadership at the higher levels as the bringing of information, encouragement and practical help to those working at the precinct level.

"Farley had been among those urging Franklin Roosevelt to run for governor of New York in 1928 to strengthen the ticket. . . . During those years, Farley as state chairman had been drawn into close contact with Louis McHenry Howe, a former newspaperman who was Roosevelt's secretary and who had probably been the first to see Roosevelt as a potential president. . . . They developed a liking and mutual respect for each other and their cooperation was close and effective. . . .

"On the heels of the 1930 election Farley and Howe issued a statement calling attention to Roosevelt's margin, citing it as evidence of recognition of his worth to fellow New Yorkers and suggesting that the party and the country would do well to choose him for the Presidency in 1932. . . . During the next two years, he traveled more than 50,000 miles for political purposes and established personal contact with very country chairman in the country . . . As a result of his extensive correspondence with and frequent visits to party workers down to and frequently below the county level, Farley was able to feel confident that few people would attend the 1932 Democratic National Convention without knowing him or knowing that he had been in close contact with their friends and associates at home. . . . Roosevelt was nominated for President . . . and elected in November. Farley became Postmaster General. . . .

"The 1936 sweep established Farley as one of the most successful political organizers in American history, but it deepened the chasm between him and the New Dealers.

"I do not think that either party has since produced a national organizer to match Hanna and Farley. Part of the reason for this is the fact that Hanna and Farley were men of historic stature and each approached politics with the same degree of energy and determination which has characterized his business activity. More important, I think that the national mood has changed so that the emergence of an undisputed and dominant organizational leader would be less acceptable. Many citizens flatter themselves and feel that the country has progressed beyond the stage of highly organized politics.

"I do not share this viewpoint. No objective observer can claim perfection for any political system, or for anything else created and operated by imperfect human beings. However, the two-party system has served America for over a century, and, despite the wide range of opinion gathered under each party banner, it has given the nation a structure which has permitted significant choice on election day.

"The alternative to an effective party system is the development of individual leaders with followings who will ignore party or other organizational lines. An individual capable of achieving such results should be encouraged but that type of individual would be aided or encouraged by either party. In addition, he would exercise his talents within a framework which could provide orderly continuity after he died or retired or was defeated. The absence of such a framework could lead to chaos.

"I think several things have contributed to the decline of the boss system as we knew it during the century of America's great expansion and development. The reduction of immigration, the absorption of former immigrants and their children into American life and improving economic conditions all played a part. I believe the greatest part was played by the New Deal and the social problems it inaugurated. In truth, the social worker has replaced the ward worker. I hope the change will prove to be for the better but we all have much to do before we can be sure of that!

"So, when we ask 'Where's the Boss?' in a political sense the answer has to be that he's gone or going and appears unlikely to be replaced. With all his fault, the Boss made great contributions to American life. None of us can afford to ignore the void created, or to be complacent about the supposed improvement."

RADEMACHER ON FEDERAL LABOR RELATIONS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. NIX. Mr. Speaker, there has been a great deal of confusion on the subject of Federal labor relations. The administration has adopted at least three dif-

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ferent positions on the Federal Government's relations with its employees.

Postmaster General Blount, one of the most influential members of the Nixon Cabinet, would be willing to negotiate with postal employees on a regional basis on all subjects, including wages and matters as sensitive as a postal labor shop wherein postal employees could be obliged to join a union.

President Nixon signed an Executive Order 11491, which states as one of its goals the maintaining of the right by all Government employees to join or refuse to join a union.

The new Executive order is a complete plan and it does not envision the day when wage negotiations would take place.

On the other hand, individuals on the White House staff agreed with some union leaders to support a restoration of the 10-year-old Executive Order 10988 on a temporary basis.

The best analysis of this situation which I have seen, is contained in a speech by James Rademacher, president of the National Association of Letter Carriers at the University of Kentucky on November 24, 1969.

Mr. Rademacher is an outstanding labor leader. Many of our Federal employee leaders are among the best in the country. They certainly have a difficult job.

Postal employees make $2,000 a year less than garbage collectors in the city of New York. Federal employees generally are 18 months behind other workers in comparative wage scales. The national economy is suffering at the present time from a combined inflation and recession. Yet the Director of the Bureau of the Budget has stated to a committee of the Congress that Federal employees should sacrifice a deserved wage increase on July 1, for at least 6 months in order to set an example for the country.

The example set is that of a tightfisted employer. It is an example being set for "Big Business" which, I suppose, means that the President of the United States wants wage increases resisted in coming negotiations. All-out resistance by management can only result in a wave of strikes, which would not help anyone.

It seems to me that we have to end the confusion fostered in this field by big as well as little bureaucrats. Government labor relations must be governed by law. This view is discussed in the Rademacher speech, and I insert it in the RECORD at this point:

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REMARKS OF JAMES H. RADEMACHER TO UNIVERSITY OF KENTUCKY LABOR RELATIONS SYMPOSIUM

(NOTE.—The following remarks were delivered by James H. Rademacher, president of the National Association of Letter Carriers, to a conference entitled Labor-Management Relations in the Public Sector, sponsored by the University of Kentucky, Nov. 14 and 15, 1969.)

I want to start out with a little mystery that interests me and I think it is going to interest you. This is contained in a 65-page document entitled "Labor-Management Relations in the Federal Service" which is the report of the study committee which led to the issuance of Executive Order 11491.

On page 6 of that document you'll find that there are four names; then, a couple of pages later you will find a list of the members of the Study Committee. I want to call something interesting to your attention: the list of the members of the Study Committee includes the Honorable Winton M. Blount, Postmaster General; but if you turn back two pages to page 6, you notice that there is a mysterious absence of the name of the Honorable William M. Blount from the list of people who unanimously submitted this report and recommendations to the President, people like the Secretary of Defense; the Secretary of Labor; the Director of the Bureau of the Budget; and the Chairman of the U.S. Civil Service Commission.

Now, maybe the same thing is occurring to you that occurs to me; that is, that there is a possibility that Mr. Blount *refused* to sign the report and recommendations after having worked on it. Now, what this means is difficult to say. As one clue to the mystery of *why* he might not have signed it, on page 5, you will find a statement that says "These recommendations represent our unanimous judgment. We believe that their adoption will strengthen the usefulness of labor-management relations as a constructive force in matters affecting the well-being of employees, in full compatibility with the civil service merit system which remains the cornerstone of governmental personnel policy." Of course, it remains the cornerstone of governmental personnel *policy* for every governmental *agency* except the Post Office Department which seeks to turn this agency of government over to a public corporation. It is perhaps this sentence that Mr. Blount found impossible to swallow and to recommend.

As to the Executive Order itself, the first sentence in the preamble reads, in part: "Whereas the public interest requires high standards of employee performance . . ." This is a new phrase in President Nixon's Executive Order 11491, that was not found in President Kennedy's Executive Order 10988.

The emphasis in President Kennedy's Executive Order 10988 was on employee participation in determining personnel policies to promote the effective conduct of the public business. It is interesting to note that *that phrase* from Executive Order 10988 has been eliminated from 11491 and the phrase "Whereas the public interest requires high standards of employee performance," is substituted for it. This must have been done *deliberately* and it seems to me that the substitution has the effect of casting a reflection on the efficiency and the work performance of federal government employees and at the same time casting doubt on the desirability of employee participation in the determination of federal personnel policies. The effect as I see it is to take a harder line towards federal government employees and their unions as compared to the official policy for the previous seven years and nine months.

This reflects the difference in attitude towards federal employees and unions as between the Nixon administration and the previous Kennedy-Johnson administrations.

Section 1(b) of the Order contains stronger language than Executive Order 10988 to prohibit supervisors from acting as union officers or representatives. This stronger language conforms more to the practice in private industry; it should be noted that an effort has been made in this Order to conform federal government labor relations to practices in the private sector where it would *benefit the government* and possibly make it more difficult for unions to operate.

Section 2(e)(2) contains a prohibition on unions *asserting* the right to strike against the U.S. Government or any agency thereof. This provision, of course, as a result of a recent U.S. District Court ruling makes 2(e)(2) unconstitutional, but there is a question raised as to what can be done about it. Can you attack a provision of an Executive Order on the grounds that it is unconstitutional? I've heard that you can't go to court to have an Executive Order declared illegal or unconstitutional. True the Executive Order was out only one day when we were successful in having part of it declared unconstitutional.

Section 4 of the Order establishes a Federal Labor Relations Council consisting of the Chairman of the Civil Service Commission, the Secretary of Labor and an unnamed official of the Executive Office of the President.

This Council will administer the Order, decide major policy issues, prescribe regulations, decide certain negotiability issues, decide exceptions to arbitration awards, and consider appeals to certain decisions of the Assistant Secretary of Labor for Labor-Management Relations. In other words, the Council is the final appeals body in this Order in regard to most major labor-management problems in federal service, except negotiation impasses on substantative issues which are dealt with in Section 5 by the Federal Service Impasses Panel (FSIP).

Please note that the FSIP supposedly is going to be composed of professional labor-management experts as contrasted to the Council which is composed of politicians. All are appointed by the President of the United States and are responsible to him. Incidentally, I don't see any term of office for FSIP panel members. It seems to me this is a great weakness in the Order. A panel member could presumably be appointed one day by the President and be removed by him the next day, so that if the President doesn't like a decision of a member of the Panel apparently there is nothing to keep the President from firing him. There is no job security at all for FSIP panel members as far as I can see. This puts the members of the panel strictly under the thumb of the President who is rumored, occasionally, to be a political animal.

But I am getting ahead of myself. There is another point to be made about the Council (the FLRC): I think it's doubtful whether these three busy men designated to do the work of the Federal Labor Relations Council will have the time to study the issues that come before them and to make the decisions that must be made. Undoubtedly this will be done by underlings designated for this purpose. Thus, instead of elevating the importance of labor-management relations in the Federal government, this Order will have the effect of downgrading them and thus of delaying the solution to these problems.

Section 5, establishes a Federal Service Impasses Panel of at least three members appointed by the President. The Panel is authorized to prescribe means to settle negotiations impasses and to take any action it considers necessary to settle an impasse. Unions and management may negotiate techniques to assist in resolving impasses (Section 11(a)), but arbitration or fact finding with recommendations are not permitted in these disputes except when specifically authorized by the Panel (See Section 17). This is something new, which on its face appears to be a forward step and an improvement on Executive Order 10988 under which agency management itself decided negotiations impasses to which it was a party.

That was a great fault in the working out of Executive Order 10988. Now, they are going to set up this Panel outside any federal government agency to decide negotiations impasses and on the surface it looks like a step forward. I think questions may legitimately be raised as to: (1) the staffing of this panel; (2) the time limits, if any, which will be attached to its work, because some negotiation impasses have taken two years to resolve under the present set up; and (3) the ability and willingness of this panel to handle the enormous workload certain to descend upon it under Executive Order 11491. The answer to these questions will indicate the true determination of the Nixon Administration actually to take a step forward in labor-management relations in the federal service. In other words, how much money, and time and effort will actually be expended despite budgetary limitations, manpower limitations, and time limitations? It will be interesting to see the answers to those questions. In the meantime, we are told that the Impasses Panel will be composed of part-time panel members, at least to begin with.

Section 6, designates the Assistant Secretary of Labor for Labor-Management Relations to decide unit and representation disputes, to supervise elections, to decide elegibility for "national consultation rights," to decide unfair labor practice complaints and to decide alleged violations by labor unions of the prescribed standards of conduct. (Decisions of the Assistant Secretary of Labor may be appealed by unions or agency management to the Federal Labor Relations Council (see Section 4(c)(1).)

This is a very important position in the new Executive Order. There is no indication that this is going to be a full-time job either, and the question is raised whether the Assistant Secretary of Labor will be able to devote all his time and energies to the duties outlined in Section 6 without the distractions of other duties imposed upon him due to his being located in the Department of Labor. It is extremely important whether or not this person is going to be a full-time man, able to devote *all* of his time to these problems or whether this is just window-dressing. This guy is supposed to make all these decisions and it could turn out that he is in Bolivia half the time and the other half the time he is enforcing some provisions relating to private industry. So, there is a question as to what the job duties of this Assistant Secretary are going to be and it's very, very important to us just exactly what he does with his time during a work-day.

President Nixon has set up a very cheap (and I mean inexpensive) arrangement in Executive Order 11491 to decide the collective bargaining rights of close to 2½ million Federal government civilians employees. It is yet to be determined whether it will work. In the meantime, President Nixon has dealt a blow to the movement to achieve labor-management by law, since one of the effects of the issuance of this Executive Order will be to slow down and perhaps temporarily to halt congressional consideration of this subject pending study of the effects of this Executive Order.

Section 7, continues the 12-month rule on holding elections in employee units set up for the purposes of collective bargaining. In other words, you can't have an election in a unit more than once each 12 months. Employees will continue to enjoy the right of self-representation and freedom of choice of a representative in grievances and appeals [see Section 7(d)(1)].

In addition, organizations of supervisors may not be accorded consultation rights within the framework of labor-management relations. However, Section 24 provides continued recognition of management or supervisory associations presently recognized by the U.S. government. There is a question about the future of these management and supervisory organizations. It's going to be left to the Council to make recommendations on that subject.

Section 7 read together with Section 24(b) states that *informal* recognition of labor organization is to be terminated on July 1, 1970. *Formal* recognition is also to be ended under Section 8 of the Executive Order. Formal recognition is supposed to be ended by regulations which must be issued by the Council before October 1, 1970. This is in Section 24(c). However, we can expect the formal and informal employee organizations to struggle against this death sentence, maybe with some success.

Section 9 deals with "National Consultation Rights." This is something that is subject to a lot of misinterpretation. First of all, "National Consultation Rights" are intended to be a substitute for formal recognition. Such rights are going to be based on criteria as yet unannounced; criteria that will be established by the Council (the FLRC). However, such "National Consultation Rights" may *not* be awarded for any unit represented by a national exclusive organization, so that if the UFPC continues to have national exclusive recognition among the postal clerks, this provision would seem to prevent the NPU from getting "National Consultation Rights." "National Consultation Rights" are to be granted to labor organizations which represent a "substantial number" of employees of an agency. Questions of eligibility of unions for national consultation rights will be referred to the Assistant Secretary of Labor for decision.

Section 10, talks about granting exclusive recognition hereafter as the result of secret ballot elections on the basis of a majority vote of those voting. The requirement that ballots be cast by at least 60% of the eligible employees in the unit is done away with.

Section 11, the requirement of negotiation of agreements is broadened to include negotiations *in good faith* on the part of both management and labor unions having exclusive recognition.

The broad management rights clause which gave unions so much trouble under Executive Order 10988 is continued in the new Executive Order, in fact it has been broadened by the addition of "internal security practices" among the prohibited areas of negotiations, although the phrase "assignment of personnel" has been taken out of the new Order. Issues of non-negotiability at the local levels are to be decided by the head of an agency. That's in 11(c)(2) and his decision is final if he bases his decision on his interpretation of his agency's regulations (see 11(c)(3)). That provision is going to give us a lot of trouble, because, undoubtedly, in an effort to make his decisions on non-negotiability final, he is going to base it on his interpretation of that agency's regulations. A union may appeal to the Council if it disagrees with the decision of the agency head in regard to non-negotiability; matters affecting law, regulations of authorities outside the agency (such as U.S. Civil Service Commission rules and regulations); or the Executive Order. That is in 11(c)(4).

The Report and Recommendations of the Study Committee recommends that government agencies and labor unions should be free to engage in joint negotiations on a multi-unit basis. (That is *not* in the Executive Order, that is in the separate Report.) This matter of joint negotiations on a multi-unit basis is very interesting because some Post Office Department Officials have been saying recently that they are in favor of regional negotiations and regional contracts rather than local negotiations. It could be a very bad thing for unions to abandon local negotiations in favor of regional negotiations. On joint negotiations I don't think we have anything to worry about. Many local unions in the federal government, especially in the Post Office Department have engaged in joint negotiations, for example, in negotiating a single contract to cover clerks and carriers in Kansas City, Missouri. However, some unions in the federal government may have to consider consolidating small locals or branches. For example: take a Branch of three people; they will have to fill out financial reports, bonding papers, and so on. I can see certain Branches going out of existence rather than taking the time and effort necessary to fill out financial reports. Furthermore, it might be easier to get a good contract out of the joint efforts of ten three-member branches if they join together to negotiate than if they negotiated ten separate agreements. This would require union constitutional changes, of course, and they should be thought about.

Section 14: Negotiated procedures may provide for arbitration of employee grievances and for arbitration of disputes over the interpretation of existing agreements. However, disputes over agency policy or items which are the subject of negotiations cannot be arbitrated under the Order. An employee's grievance may only be arbitrated with the approval of the employee and the agreement of the exclusive labor organization. The arbitration costs are to be shared equally by the parties. Either party may file exceptions to the arbitrator's award with the Council, under regulations to be prescribed by the Council. The Study Committee recommended that an arbitrator's decision may be reversed only on grounds similar to those applied by courts in private sector labor-management relations. In the private sector, an arbitrator's award would be sustained by a court *except* where one of the parties could show that the arbitrator was guilty of fraud, exceeded his legal authority, etc. This is just a recommendation of the Study Committee. It will be interesting to see what regulations the Council will issue on this section of the Order and whether effective final and binding arbitration will be accepted by the federal government. Although the newspapers have talked about final and binding arbitration being in the Order, it *doesn't* have to be *final and binding* arbitration under Executive Order 11491, as the Order is written. We shall see.

Section 16: The Federal Mediation and Conciliation Service is directed to assist labor and management to resolve negotiations disputes and impasses. This help is to be rendered without charge to the parties at the local or national levels.

Section 17: Unresolved negotiation impasses may be referred by either party to the FSIP. This Impasse Panel may recommend procedures to help resolve the impasse or it may resolve the impasse itself. Arbitration or third-party fact finding with recommendations may be used by the parties only when authorized or directed by the Panel. Impasses at the local level may be referred to this impasse panel but they will probably go through a "strainer," that is, procedures agreed to by both parties before impasses get up to the Impasse Panel.

Section 18: The standards of conduct of labor organizations are broadened to include the filing of financial and other reports and the bonding of union officials and employees. The Assistant Secretary of Labor will decide alleged violations of these provisions (also see Section 6(a)(4)). These provisions of the Order place *burdens* on federal government employee unions that are simlar to obligations of private sector unions under the National Labor Relations Act, without conferring certain *balancing benefits* enjoyed by labor organizations in private industry, such as the right to strike.

Section 19: Specifies unfair labor practices of management and unions including the refusal to consult, confer or negotiate with the other party, as required by the Executive Order. A union is prohibited to call or to engage in a strike, work stoppage or slowdown. Under Section 19(b)(4) a union is forbidden to picket an agency in a labor-management dispute or to condone such activity by failing to take affirmative action to prevent or stop picketing or strikes. If they are talking about picketing an agency in a labor-management dispute that is actually on illegal strike, I think it might be their legal right to prohibit that; but, I think that the words "picket an agency in a labor-management dispute; or condone any such activity by failing to take affirmative action to prevent or stop it," are unconstitutionally vague. This provision of the Order seems to attempt to prevent picketing which arises out of *any* dispute between employees and the government agency, not just a strike.

Furthermore, to force union representatives to try to stop or prevent such peaceful expressions of discontent on the part of employees violates the provisions of the U.S. Constitution relating to freedom of speech and the freedom to assemble peaceably to petition for the redress of grievances. This portion of the Executive Order may be unconstitutional and void also due to their "chilling effect" on the right to peaceful effectuation of change through legislative means and on the right of legitimate concerted activities of working people.

Also under Section 19, the provision is made in the Order that unless the complaint of violation of this section is covered by a grievance or appeals procedure, the complaint will be filed with the Assistant Secretary of Labor who will decide the case and direct appropriate remedial action (see Section 6(a)(4) and 6(b)). Thus, the remedy may be available in this Executive Order for disciplinary action against supervisors or management officials who violate employee or union rights; it all depends on how the Assistant Secretary of Labor interprets this section of the Order. To-date, the Assistant Secretary of Labor for Labor-Management Relations, Mr. Usery has given *no* indication that he intends to interpret his powers under the Order so as to allow him to take disciplinary action against supervisors or officials in management.

Section 20: The use of official time for *consultation and meetings* between management and unions is made subject to negotiation between the parties. In President Kennedy's Executive Order such consultation and meetings were on official time. Now, it is a matter of negotiations between the parties. Employees representing unions who are engaged in *negotiating agreements* between labor organizations and government agencies will *not* be on official time. Management, of course, may be on official time during negotiations.

Section 21: Allows agreement between unions and government agencies for voluntary dues check offs from employees' pay.

Section 22: Adverse Action Appeals: No change from Executive Order 10988.

Section 23: Federal government agencies are required to issue policies and regulations for the implementation of Executive Order 11491, no later than April 1, 1970. "Insofar as practicable," agencies must consult with representatives of employee organizations in connection with implementing this part of the Order. It will be interesting to see how much and what kind of consultation will be provided by the various government agencies in issuing policies and regulations to implement the Order.

Section 25: Provides for the collection and dissemination of labor-management information needed by government agencies, labor organizations and the public. This is potentially a very important part of the Executive Order; again, it all depends on how it is interpreted and carried out by the Department of Labor and the U.S. Civil Service Commission.

Section 26: Executive Order 11491 was signed on October 29, 1969, and is effective on January 1, 1970, except Sections 7(f) and 8, relating to formal and informal recognition (see Sections 24(b) and 24(c)). President Kennedy's Executive Order 10988 and his Memorandum of May 21, 1963, entitled "Standards of Conduct for Employee Organizations and Code of Fair Labor Practices," are revoked as of January 1, 1970.

In conclusion, the new Executive Order holds out a promise for the establishment of better labor-management relations in the federal service. Meanwhile the NALC must and will continue its attempt to establish labor-management *by law* as a solution to the problems facing employees and employee unions in the federal service.

It is our opinion that the value of the executive order now depends upon meaningful regulations since the order itself left us wanting.

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OFFICE ON WHEELS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. LONG of Maryland. Mr. Speaker, for almost 2½ years now I have been using a mobile office to keep in touch with my constituents. On Saturdays, I travel to different communities throughout my district to find what help people seek and to get their suggestions on legislation. Recently a college student, Mr. Robert W. Russo of Cockeysville, Md., wrote a paper for one of his classes using my office on wheels as a subject. Bob was kind enough to give me a copy of his delightful article which I should like to share with my colleagues today:

OFFICES ON WHEELS

Every two years the people of America go to the polls and elect their government officials. For the majority of voting Americans casting their ballots may be their only involvement in politics. We have created a communications gap between elected officials and their constituents due to a lack of dialogue regarding key issues.

Clarence D. Long, Democratic member of the House of Representatives from the Second Congressional District of Maryland, realizing that this gap has been the downfall of many elected officials, had decided to make an exception to the rule of an unknowing constituency. Since his election to the House of Representatives seven years ago, he has been traveling to local Post Offices, not to bring his political message to the people, but rather to hear their problems, suggestions, and to determine how he can best serve those he represents. Two and one half years ago, the Congressman purchased a small van-bus and created what is today a popular and welcome sight in Baltimore and Harford Counties—the Office on Wheels.

The Office on Wheels is the Congressman's traveling headquarters. Every other Saturday you can find Mr. Long inside the van, weather permitting, talking to his people. "It's a problem solver. The purpose of the Office on Wheels is to find out what the people want." According to the Congressman, "It helps me find out just what the people are thinking about."

With the Congressman are four staff members. One, his secretary, Mrs. Marge Davidson, keeps a tally of requests, records names and addresses, and specific requests. Mrs. Hope, quite an appropriate name, is the other secretary who deals only with employment problems. When called upon she can produce a listing of governmental and private business openings which the Congressman can recommend to these people. Ed Andrews, a member of the Washington staff, is the initial contact for the people. He has them fill out a mimeographed form with their names, addresses, and problems or suggestions. When asked if the records were kept, Mr. Andrews answered, "You'd better believe it! I just carried 10 boxes of them into the office for processing." Chris Pfrommer, who has been with Mr. Long since his election, acts as a liaison between the people and the Congressman, making sure all the information is filled out on the form then introducing the people to Mr. Long.

This reporter traveled to the Essex Post Office to find out just how effective the Office on Wheels is. At least 40 people had already seen the Congressman that morning and in the next hour 20 more came in. Mr. Andrews said that it was a rather slow day. Usually 70 to 100 people saw the Congressman each time the Office rolled. The majority of people were over 40, well-dressed, and seemed a little nervous.

A quick polling of the people indicated that it was their first visit. One woman said that she was having trouble getting foster children from the Welfare Department. She had applied and was qualified, but the red tape had kept the children from her for over a year now. After many letters and phone calls, she was here to see if Congressman Long could help in any way. "I have raised two children of my own. They're both married and have families of their own. I know there are a lot of children without homes and we want to help. But every one at the Welfare Department passes the buck. That's no way to treat a taxpayer." When she left Congressman Long's office, she had a smile of confidence on her face. "He said he would write a letter for me. I know I'll get the children real soon."

"It is not very often that I get complaints about my work in Congress, or Congressional work at all. Usually, people have requests to make," said the Congressman. Most people need help in solving a problem where they haven't been able to get satisfaction anywhere else. Getting draft deferments, social security payments, and helping high school kids get into college are the most popular. Topping the list are veterans benefits and employment problems. Most of the people are satisfied after they talk with their Congressman, and according to his staff, most of the people get what they need, if the request is reasonable.

"But we get some good ones," the Congressman stated. "One man came into the van carrying a dirty old towel, which had really seen its best. He told me this was taken out of his stomach, having been placed there by an army doctor during an emergency operation. The towel had really messed up his system. I was a little skeptical, but he had documentation from a doctor at Johns Hopkins Hospital. He wanted me to get compensation for him. I found out later from a lawyer friend of mine that he had carried this man's case to the Supreme Court, and lost. But most of the people are quite nice about their requests. The great majority are reasonable, and we try to help."

"We have saved literally hundreds of lives and placed countless people in jobs. One soldier came to me with a big problem. He had been railroaded by an Army court on homosexual charges. I spent a whole day arguing to get him a new trial. Finally, they granted him a new trial and he was exonerated from all guilt. The blame was placed where it belonged."

Congressman Long is very satisfied with the results of his Office on Wheels. He said, "The biggest problem in government today is communications. The higher up you get, the more isolated you get. There is nothing more isolated than a big General. I just wish Generals and the President would get out and meet the people informally, not carrying a specific message, just to hear what the people want." When asked about the Office on Wheels, Congressman Long said, "It's like radar: you give out a beam and you get a reaction, People who get remote make mistakes."

Over the last two and one-half years the Office on Wheels has traveled extensively in Baltimore and Hartford Counties just to listen to the people; and over 6,000 people have had problems solved, found jobs, and gotten veterans payments. The Office on Wheels is a red tape cutter, a sounding board for problems and ideas, and a way for the Congressman to learn what his people want. The Office on Wheels is a unique service from Congressman Long to his people. It has made him truly a representative of the people, for the people, and by the people; and made him one of the most popular Congressmen to date receiving 59.1% of the vote in 1968. In the words of Congressman Clarence D. Long, Democrat from the Second Congressional District of Maryland, the Office on Wheels "is great." And that is the opinion of almost all of the 6,000 people who have visited the mobile headquarters of their representative to Congress.

CAN SALT STOP MIRV?

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MOORHEAD. Mr. Speaker, unfortunately, with each passing month, the chance for a meaningful flight test moratorium on the MIRV gets less likely. The word is, in fact, that the flight test program is being speeded up, thus, narrowing even further the already slim hope of a moratorium with the Soviets.

I would like to recommend, for the attention of my colleagues, an article appearing in the New York Times Magazine section on February 1, 1970, "Can SALT Stop MIRV?" by the nuclear physicist, Ralph Lapp.

The MIRV is a perfect example of a weapons system that completely eluded the scrutiny of the Congress. In fact, if we could have effectively frozen the testing of this program a year ago we would have had a unique chance of reaching a plateau in the arms race. However, I would venture to say that 90 percent of the Congress had never heard of the MIRV until it had been in production for over 1 year. This is a tragic lesson I hope we do not repeat.

I insert the above-mentioned article in the RECORD at this point:

CAN SALT STOP MIRV?

(By Ralph E. Lapp)

Next October the arms race will enter a new and deadly phase as the U.S.S. James Madison leaves the Groton, Conn., yards and begins its sea trials. The 425-foot-long SSN 627 is currently being refitted with 16 oversize launch tubes capable of holding a Poseidon ballistic missile. Each Poseidon will mount 10 nuclear warheads having more than twice the explosiveness of the atomic bombs dropped on Japan.

The Madison is the first of 31 nuclear submarines to be converted to carry MIRV's—multiple independently targeted re-entry vehicles. A single Poseidon missile is thus capable of striking at 10 Soviet targets which could become 10 super-Hiroshimas. Beyond that, however, the appearance of the MIRV raises the terrifying possibility that the nuclear deterrent could be in the process of being transformed from a retaliatory, second-strike weapon to a "first-strike" weapon—i.e., one that would remove the deterrent by enabling one side to knock out the other's missiles before they could be fired, thus leaving the victim largely helpless to strike back. By 1975, when the last Poseidon-firing submarine leaves its yard, a total of 4,960 MIRV's will be deployable at sea—or, to be more precise, undersea. By that time the U.S. Navy will have spent a grand total of $18-billion on the Polaris-Poseidon Strategic Missile System.

This programed multiplication of U.S. Naval nuclear firepower represents a quantum jump in the arms race and as such it is a prime item on the agenda of the SALT (strategic arms limitation talks) meeting at Vienna this spring. The men at the SALT table must ponder such questions as:

Is a MIRV test ban negotiable? Would a stoppage of tests arrest this ballistic development?

If each side arms its missiles with MIRV's, can any meaningful limit be made for strategic missiles?

Given a limit to nuclear missiles, would verification of compliance be possible?

If there are mainly negative answers to these questions then the SALT talks will not lead to a treaty limiting arms and the world may witness a vast expansion of strategic-weapon arsenals. It is no exaggeration to state that today the United States and the Soviet Union are perched on a narrow plateau separating the destructive technologies of the past decade from those of the seventies.

MIRV, then, is an apocalyptic acronym. It is a newcomer to public print, having first been officially released in the Sept. 29, 1967, issue of Life magazine in an interview with Defense Secretary Robert S. McNamara. "We can now equip our boosters with many warheads," said the defense chief, "each of which can be aimed at a separate target. We call this MIRV. . . ."

Mr. McNamara also disclosed that the United States had two MIRVed missiles—the Poseidon and the Air Force's Minuteman III. The latter is a 60-foot-long, three-staged, land-based intercontinental ballistic missile (ICBM, Type LGM–30G) carrying three nuclear warheads. Each of these three MIRV's is 10 times more powerful than the A-bomb that destroyed Hiroshima.

Actually, Hanson Baldwin had revealed Poseidon's MIRV nature in a New York Times account on Aug. 13, 1967. The former military editor of The Times wrote: "Because of its greater power, Poseidon can carry multiple warheads and each of them might be individually programed against separate targets." All that Mr. Baldwin omitted was the acronym. That was itself classified "SECRET" by the U.S. Air Force, thus confining even official discussion of the new development to a very tight community of persons within defense circles.

The MIRV concept was first aired in the trade press by Space Business Daily, whose Aug. 9, 1965, report referred to a MIRV contract to be awarded to Boeing. The same publication had reported in its April 21, 1964 issue: "The Air Force Ballistic Systems Division planned to issue a request for proposal on April 28, 1964, for a program of investigation to determine the feasibility of developing a guidance system for multiple maneuvering warheads that could be directed toward a variety of targets."

The first details of MIRV technology were revealed on Dec. 13, 1967, when Dr. John S. Foster, Jr. gave a speech in Dallas, Tex. The Pentagon's director of research and engineering, who has devoted his professional career to weaponry, disclosed that MIRV stands for "multiple independently targeted re-entry vehicle." Dr. Foster, however, preferred to call it a "space bus," because the payload is a cumbersome package "which contains many individual re-entry vehicles with thermonuclear warheads."

Enough is now known about MIRV technology to permit an accurate description of this modern Hydra. For example, let us make a hypothetical projection to that most calamitous day in history when the President of the United States is compelled to press the button authorizing and commanding the U.S. Minuteman force to be launched. This is not to suggest that the United States plans to use its MIRV's for a first strike—although such a possibility must occur to the minds of Soviet military planners. Doomsday date is Nov. 7, 1978.

Once the button is pressed, man turns the entire issue over to computers. The latest satellite-acquired data on Soviet targets have been coded and stored on magnetic "targeting tapes." Now this magnetic memory is "implemented." Through an elaborate communications linkage—MICCS (Minuteman Integrated Command and Control System)—an innocuous-looking computer card bearing the code numbers is slipped into a computer at each Minuteman control site. At the root tips of MICCS, underground command posts go into high gear, carrying out swiftly the various double-lock and verification procedures needed to launch the missiles from their concrete underground silos.

At the silo site, an automatic sequence of operations is set in motion. Inside the giant three-stage missile, the flight control system is readied, the MIRV "brain" receives its target instructions, should they be different from those already programed. The massive reinforced steel silo cover begins to slide back. The process is completely automated; the nearest human being is a sugar-beet farmer a mile down the road from the fenced-in Minuteman site.

A thousand buried missiles are poised, ready for ignition. capable of being stopped now only by a countermand. It never comes. The huge first stage of a Minuteman III based in North Dakota at the Minot Air Force Base ignites with a roar and a huge blast of flame fills the tower chamber. Slowly, it seems, almost lazily, the giant missile emerges above earth, freeing itself from its concrete nest, and, gathering speed, zooms straight up through a thick cloud layer. Stage 1 burns out, is decoupled by explosive connectors, and the second stage ignites as the less-heavy missile streaks upward on its ballistic course. It, too, cuts out on command and the third stage accelerates the "payload" to its 4-mile-per-second velocity.

At this point, only four minutes after the President pressed the button, the space bus and its three nuclear warheads are committed to a ballistic course of some 5,000 miles in range and they will climb to a zenith some 700 or 800 miles above the earth's surface. A ballistic course is essentially that of a rock thrown in space; in the absence of a retarding atmosphere, its range is fixed by its final velocity and its angle of projection, just as in the case of an artillery shell.

The space bus begins to function by shedding the upper shroud that protected it on its travel through the resisting air. It is important to stress that the vehicle is entirely on its own; it is not linked to earth for command. An entirely independent guidance system is packaged in microminiaturized form and includes accelerometers, gyroscopes and a sophisticated computer. The fast-spinning gyros, an ingenious triple set of whirling "tops," serve to establish a stable platform in space for the vehicle so that changes in direction can be sensed. Accelerators are gadgets capable of measuring minute changes in velocity, the all-important factor in determining the range of the MIRV. The computer must absorb the various data inputs on the velocity and orientation of the space bus and at the same time check with its memory bank, where it has stored the target information.

The wizardy of space navigation was made evident by the uncannily accurate flights of Apollo XI and Apollo XII. These, of course, were masterminded at the Houston control center. Minuteman III uses essentially the same technical base for its guidance. However, in our hypothetical and disastrous example, we shall target Novosibirsk, a city with a population of more than a million, rather than a dead spot on the moon.

The Minuteman III computer reads out the target coordinates of Novosibirsk, queries its instrument colleagues aboard the space bus for their information, computes the im-

XUM

pact point and calculates the velocity and direction changes required to dispatch the first-round MIRV on target. The computer then directs the space bus to execute this corrective maneuver by firing small "vernier" jets for the proper number of seconds. This accomplished, the guidance unit rechecks for accuracy and, reassured, the computer gives the electronic command: "Fire One." MIRV "A" is nudged on its course and flies free.

MIRV "B" is given very slight guidance changes to target an industrial section of Novosibirsk and to back up MIRV "A" in case a heavy antiballistic missile (ABM) defense is encountered.

The third round of the Mark 12 nuclear ammunition is then directed to Stalinsk, a city of half a million people some 180 miles southeast of Novosibirsk. All three rounds are fired within a minute. They soar over the North Pole and arc down across Siberia.

Having dispatched its trio of lethal missiles, the space bus adds insult to injury by detonating a series of small TNT charges that blow it into several dozen pieces. These proceed to descend on still another target area, presenting enemy radars with a vexing problem of identification.

The three MIRV's themselves are sleek reentry vehicles of "super beta" design, with needle noses and flared tails. Nine feet long and two feet in girth, they are engineered to produce minimum images on radar screens and thus make detection difficult. With their metallo-ceramic heat shields, they easily survive the heat of re-entry, and each explodes high over its target, triggered by an altitude fuse. The high air burst maximizes the area of destruction on the city below it, spreading heavy damage over 15 square miles.

The mechanics of MIRVing introduce cumulative errors in accuracy. The first round, for example, explodes a quarter of a mile from the aim point, but the third round veers slightly off course, exploding 0.4 mile from the aim point—not a matter of much solace to the citizens of Stalinsk, however.

XUM

Cities are large targets and the projected MIRV accuracies are greater than necessary to hit the vast majority of Soviet city targets. Striking at a hardened missile silo, on the other hand, calls for highly precise fire. Our hypothetical attack would impose heavy damage out to a radius of more than two miles from the aim point in the case of a city. A Minuteman III warhead would have to impact within 400 yards of a missile silo in order to knock it out of commission. It is because U.S. experts feel that most Minuteman MIRV's would not come within this impact distance of an aim point that they feel the Soviets should not worry about the U.S. striking first with a wave of Minuteman launchers. But by 1978, MIRV technology will be far advanced over its present status.

Soviet planners must assume the worst—a first strike on Soviet missile silos. This first-strike psychosis, although normal for a military mentality, is absolutely catastrophic for the arms race, since it goads each side into making more missiles to survive a possible first strike and present the attackers with nuclear retribution. Given an emergency in which the United States found it was under attack with warheads aimed at its missile silos, it might out of fear unleash its entire Minuteman force in a vast spasm response. This would be the path to nuclear damnation.

In effect, the MIRVed ICBM is a magazine-loader mechanism that multiplies the warhead throw power of each missile launched. It is this multiplying power that so confounds the problem of strategic arms limitation, since a count of missile silos would not be meaningful unless one could also count the warheads inside. Orbiting cameras routinely send back to earth detailed photographs of missile sites, but they cannot peek under the silo covers and see what is inside. Even if the silo covers were thrown open for inspection, the MIRV nose cone gives no clue as to its contents. One needs a screwdriver to make an inventory of how many MIRV's are inside. Not even the most optimistic SALT man hopes for screwdriver-type inspection.

Poseidon, a two-stage missile, 34 feet in length and 30 tons in weight, also is MIRVed on the space-bus principle. Each missile has 14 barrels, but not all are used for warheads. Some are used to hurl decoys or other penetration aids, such as radar-blinding aluminized glass fibers, called chaff. A number of lightweight decoys can be substituted for the weight of one Poseidon warhead, which weighs about 200 pounds. Decoys are used to feint the defenders into using up antiballistic missiles, thus allowing real warheads to penetrate to their targets.

While the MIRV technique allows many separate targets, it also allows a single target to be bombarded with a sequence of time-spaced warheads. This is a simple but effective technique to outwit the ABM's, which might otherwise kill a number of warheads simultaneously if they descended in a cluster. (The Polaris A-3 warhead aboard U.S. nuclear submarines today is a cluster of three nuclear explosives all fired shotgun-style at the same target.)

To put MIRV in proper perspective as a weapons system we need to enumerate the critical milestones in the past quarter of a century. First, there was the A-bomb in 1945, followed by the thousand-fold more powerful H-bomb in 1952–54 and then by the ICBM in 1957. The strategic forces of both the United States and the Soviet Union are keyed to these developments and nuclear deterrence today balances on the respect each side has for the other's nuclear strike power.

Under the McNamara management, the U.S. strike forces built up to a level of 1,000 Minuteman ICBM's, 54 Titan II's and 656 Polaris SLBM's (submarine launched ballistic missiles). Total throw power: more than 2,500 warheads as of 1970.

The Soviet strategic arsenal includes about 280 SS-9 heavyweight ICBM's, slightly more than 1,000 other ICBM's—mostly liquid-fueled SS-11's of Minuteman warhead power and solid-fueled SS-13's of less power—and roughly 300 SLBM's. Total throw power: about 1,700 warheads. However, the big U.S. worry is that the SS-9 can be adapted to carry three huge warheads or as many as 20 MIRV's of Minuteman III power.

Soviet tests with their enormous SS-9 missile show that they are using a triple warhead, although presumably most of the deployed SS-9's still mount a single warhead. There is much controversy within the U.S. intelligence community about the nature of the SS-9's multiplication technique. Separate warheads have been observed to splash down in a triangular pattern, leading defense officials to fear that the SS-9 is aimed at knocking out Minuteman silos. Whatever the present SS-9 warhead dispatch techniques, it is certainly reasonable to assume that military technologies on both sides of the Iron Curtain are convergent—i.e., produce the same or similar weapons systems.

From the U.S. standpoint, the most peaceful move the Soviets could make in the next year would be to terminate deployment of the SS-9's. Continued production of these mighty missiles will make more pronounced the Pentagon's fears that the Soviets are building up a first-strike force. Such a move by the Soviets would infuse optimism into the SALT discussions on arms control.

A number of persons deeply concerned about the stopping of the arms race believe that the best thing that could come out of the SALT talks would be a moratorium on MIRV tests. They hope, more than believe, that cessation of the missile tests would produce an unfinished technology and leave the military reluctant to deploy unproved weapons systems.

The difficulty with a MIRV test ban is that it is very late in the day to stop the technological clock that seems remorselessly to tick away. To understand this situation we need to go back and trace the origins and development of MIRV.

The top authority on the subject, Dr. Foster, described the origin and purpose of MIRV in an exchange with Senator Mike Mansfield of Montana that is buried in Part 4 of Fiscal Year 1969 Defense Appropriations (Page 2310):

Q. Is it not true that the U.S. response to the discovery that the Soviets had made an initial deployment of an ABM system around Moscow and possibly elsewhere was to develop the MIRV system for Minuteman and Polaris?

A. Not entirely. The MIRV concept was originally generated to increase our targeting capability rather than to penetrate ABM defenses. In 1961–62 planning for targeting the Minuteman force it was found that the total number of aim points exceeded the number of Minuteman missiles. By splitting up the payload of a single missile (deleted) each (deleted) could be programed (deleted) allowing us to cover these targets with (deleted) fewer missiles. (Deleted.) MIRV was originally born to implement the payload split-up (deleted). It was found that the previously generated MIRV concept could equally well be used against ABM (deleted).

Dr. Foster's "aim points" could scarcely have been confined to Soviet cities. The U.S.S.R. has only about 50 city targets of Hiroshima size and a total of some 200 cities with populations greater than 100,000. A Soviet planner reading Dr. Foster's statement would not have to overly suspicious to assume that the United States was targeting Soviet missile silos with Minuteman ICBM's.

Target experts call cities "soft" and missile silos "hard." In general, a first strike seeks to hit at "hard" sites and thus deny retaliatory fire that would impose unacceptable damage on the attacker. A second strike launched in response to a first strike would be aimed at destruction of the attacker's cities and industrial complexes, but it is primarily the great loss of life that is the knife-edge on which mutual terror is balanced.

It would be tragic in the extreme if a foe were to be ignorant of the damage he would sustain in the event of nuclear war. For this reason, Defense Secretary Robert S. McNamara provided the Soviet leaders with a Pentagon print-out of the probable damage to be expected by an attack with "X" hundred Minuteman warheads. The Strangelovian damage table which follows was released for publication Feb. 1, 1968:

SOVIET POPULATION[1] AND INDUSTRY DESTROYED

Number of delivered warheads	Total population fatalities[2]	Industrial capacity destroyed (percent)
100	37,000,000	59
200	52,000,000	72
400	74,000,000	76
800	96,000,000	77
1,200	109,000,000	77
1,600	116,000,000	77

[1] An urban population of 116,000,000 is assumed for the year 1972.

[2] Fatalities are calculated on the basis of "prompt response"—i.e., death within 24 hours.

McNamara's advertisement of overkill probably confirmed the secret damage tables already compiled by Kremlin experts. The important thing here was not to communicate what Soviet *military* experts already knew, but to make absolutely certain that

Soviet *political* leaders were not in the dark about the degree of national damage they would suffer in the event of nuclear war.

The Pentagon's damage table contains a qualification which is turning out to be a prime energizer of the arms race and an immense obstacle to the success of the SALT talks. It is the word "delivered," applied to warheads. U.S. military planners cannot count on having every missile warhead reach its target. For example, a Soviet first strike could kill a Minuteman ICBM in its silo, or the missile might fail to launch, or to be correctly guided. Or, at the other end of the trajectory, the warhead might be killed by a Soviet antiballistic missile.

MIRV, defense officials explain, is the "We Shall Overcome" answer to Soviet ABM's. By multiplying the total number of warheads attacking Soviet targets, we insure penetration of a sufficient number of them to inflict unacceptable damage. In a second strike, of course.

But do the Soviets interpret the vast expansion of the U. S. strategic strike force—approaching 10,000 MIRV's in 1976—as merely insurance of a second-strike capability? Or do they look upon it as a first-strike force?

Soviet strategists may be excused for being skeptical when they look over U.S. pronouncements on MIRV. We may add to Dr. Foster's answer to Senator Mansfield the following:

President Johnson on Jan. 18, 1965, stated: "Poseidon will have double the payload of the Polaris A–3, and will be twice as accurate. Its effectiveness against a hardened target will be greatly increased through incorporation of pentration aids."

A Jan., 1968, Defense Department statement on MIRV's reads: "They will be far better suited for destruction of hardened enemy missile sites than any existing missile warheads."

Defense Secretary Laird on April 1, 1969, asked for additional funds "to significantly improve accuracy of Poseidon (MIRV) missiles, thus enhancing its effectiveness against hard targets."

Dr. Foster on May 13, 1969, testified before the Senate Armed Services Committee: "The Polaris-type submarine is ideal as a second-strike weapons system, although it could be used in first-strike operations."

The feasibility of using MIRVed warheads in a first strike at missile silos hinges on the matter of accuracy. In the early nineteen-sixties, ICBM's had a C.E.P. of two to three miles—i.e., the circular probable error, or the radius of a circle within which 50 per cent of the warheads hit, was two to three miles. By 1969, the C.E.P. had dropped below one mile and was headed down to half a mile. In five years, given more testing, the accuracy should shrink to a quarter-mile, and by the late nineteen-seventies some experts believe guidance systems will land warheads within several hundred feet of the aim point. It should be added that some experienced missilemen are skeptical of such claims.

The U.S. Defense Department has concentrated its best efforts on development of MIRV accuracy. A total of $2.2-billion was spent on MIRV programs by midsummer of 1969, when the first flight tests of Minuteman III and Poseidon were made. This program is scheduled for completion by June, 1970.

Senator Edward W. Brooke (R., Mass.), a member of the Armed Services Committee, hoped to interrupt the seemingly inexorable course of technology when he proposed, last April 24, that the two great nuclear powers suspend testing of MIRVed missiles. He noted that "if MIRV is not controlled prior to deployment, it will probably not be controlled at all," and that "the present opportunity for strategic arms control is highly perishable. Indeed, it is measured in months."

Nine months have passed since Sen. Brooke's proposal, and MIRV tests are still going on—and the James Madison is moving ever closer to receiving Poseidons. Accuracy attained in MIRV tests for Poseidon appear to satisfy the U.S. Navy's strategic requirements for nuclear retaliation. But even when the Poseidon research and development phase is completed next June, it is unlikely that the Navy will place much confidence in the new weapons system unless it can be periodically tested at the Atlantic Missile Range. Data released in mid-December show that the U.S. Navy conducted 167 tests of its Polaris A–2 missile and 142 tests of the A–3. Many of the tests are believed to have been "redundant"—i.e., not absolutely essential to operational confidence in the weapons system.

By June of this year the U.S. Navy will have spent $1.3 billion so far on development of the Poseidon system, and $3.4 billion on submarine conversion and missile procurement.

The U.S. Air Force appears to have put more emphasis on missile accuracy than has the Navy. Confusion on this score must intensify Soviet worries about a U.S. first strike. Is the Air Force preoccupation with missile accuracy simply an exercise in perfectionism—in stretching technology to its attainable limits? Or is it a deliberate attempt to make missiles accurate enough to dig Soviet missiles out of their protective silos?

These perturbing questions are not resolved by the extreme secrecy surrounding MIRV. One thing seems clear; no nation would want to make a first nuclear strike at another using a weapons system that had not been adequately tested. Therefore, a MIRV test ban might be a very useful restraint of technology, provided that it is agreed to before either side tests enough MIRV's to be confident of the system. And one must add an important qualification—namely, the test ban would have to come before either side believes the other to have reached this point of confidence.

The Air Force has carried out almost 150 tests of its Minuteman I and II missiles. If a MIRV test ban occurs before the Air Force completes its current series of Minuteman III tests, one might jump to the conclusion that a test ban would undercut military confidence in this new weapons system. The facts are that developmental tests will be completed this spring, and that the system is already under production. While more tests will be programed, these will come under the heading of reliability and readiness testing. In the case of Minuteman III, many of the subsystems common to Minuteman I and II have already been extensively tested. When the Soviets first made overtures about SALT talks two years ago, a MIRV test ban would have been a highly useful device, but the MIRV clock has been ticking away steadily and a test ban this year would be much less valuable.

If a MIRV test ban is to be accepted by the United States there would have to be provision for inspection of test violations. U.S. authorities privately make much of the fact that the Soviets have deployed the mammoth SS–9 missile—each one costing probably $30-million—which has greater value for a first strike than the Minuteman III. To understand this asymmetric situation we need to take a closer look at the SS–9.

A close-up look at the SS–9 is something that a U.S. strategist would dearly love. As it is, he must be content with blowups of photographs taken by satellite cameras, and with studying the ballistic data about SS–9 tests. U.S. intelligence experts have concluded that the SS–9 is a highly accurate missile capable of hurling a single warhead having the power of 20 to 25 megatons—roughly a thousand times the power of the bomb that eviscerated Nagasaki. If this immense payload is split up into three separate re-entry vehicles (RV's) then each RV could carry from 3 to 5 megatons, depending on its design and how it was targeted. (If SS–9 RV's targeted points hundred of miles apart, the megatonnage would be reduced because propellant would have to be provided to stear the warheads to their widely separated targets. Defense officials now give conflicting testimony about the SS–9's RV's, some saying they are independently targeted, and others saying that they are capable of being thrown only in a cluster.)

Whatever may be the status of the SS–9's present technology, few doubt that it is capable of carrying five or six times as many warheads as Minuteman III. It is this asymmetry that so alarms many defense officials. They feel that at the rate the Soviets are deploying the SS–9 missile, they will soon be capable of targeting the entire force of 1,000 Minuteman ICBM's. This was, in fact, the very basis of Defense Secretary Laird's case for turning the Sentinel antiballistic missile system into a means of protecting Minuteman silos.

Any *quid pro quo* in arms limitation is obviously made very difficult when the strategic systems to be limited represent unequal fire power. One could arrange a quota system for battleships because there was little ambiguity about such naval vessels. But land-based missiles can and do mount payloads of quite dissimilar power. MIRV upsets the simple arithmetic of one-for-one missile limitation and introduces a complex calculus.

The SALT negotiators will need great ingenuity to work out the higher mathematics of arms control and, perhaps, even greater inventiveness in educating their constituents in the new math of strategic arms limitations. That this will be a slow process is seen by the fact that in the 1969 meetings at Helsinki the SALT men did not even get around to discussing MIRV technology.

The basic dilemma of the would-be arms controllers is that they have no simple rule to equate nuclear fire power on either side of the Iron Curtain. The SS–9 and Minuteman III represents very considerably different throw weights. If the SS–9 can be fitted with six times as many re-entry vehicles as Minuteman III, the SALT talkers must fix some limit to SS–9 deployment that will satisfy U.S. experts that no Soviet first-strike capability will exist in the future. Since the Soviets have continued deploying SS–9's, they will soon have 300 of them.

According to a statement made last month by Defense Secretary Laird, the Soviets are increasing the rate of the SS–9 deployment. This SS–9 deployment is viewed as constituting an annihilatory threat to the U.S. land-based ICBM's. Many Senators hold the view that the Soviet Union has a very specific intent for its SS–9 capability. Senator Strom Thurmond, for example, recently stated:

"To sum up, then, Soviet strategic thinking contemplates a first strike, the Soviets have the capacity to build towards first strike, and they expect to be able to destroy our ICBM's without receiving a crippling blow in return."

Senator Thurmond did not reveal his reveal his source of intelligence, but clearly the fear of a first strike now dominates the defense scene.

The arms-control deadlock is so serious that a number of defense intellectuals have become convinced that some bold step will have to be taken to make any headway. Some of these men have turned heretical and have urged that the Minuteman ICBM system be abandoned, arguing that a system so shaky that it has to have its private ABM defense, which in turn is so shaky that it needs inner defenses to protect its radars, is not much of a deterrent. Rather, it becomes an invitation to aggression.

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Asking the U.S. Air Force to give up its land-based missiles is real heresy. The fact that it is seriously proposed indicates how intractable the arms-control situation is becoming. It would undoubtedly precipitate a controversy that would make the Air Force-Navy clash on the B-36 look like a tea party. But it is becoming painfully evident that a failure to plan for the future control of weapons systems has brought us to our present impasse.

A way out of the arms race might be an agreement to work toward eliminating all land-based strategic missiles, relying instead on ocean-based systems like Poseidon. In this case, the size of the submarine hull and its practical limitation impose a near equality on the throw power of each side. In effect, by going to submarines as the sole basis of missile deterrence, we more or less standardize the size of the "first stage" of a "three-stage" missile. In this case, the first stage is the submarine itself. The submarine becomes the unit of fire power, and neither side attempts to limit MIRV; it simply accepts the throw power of all the missiles carried on board.

If the arms race cannot be brought under some measure of control in the early nineteen-seventies, the problems of agreements at a later date will be severely complicated by the onrush of weapon technology. MIRV is by no means the ultimate in the instrumentation of war. It is, in fact, only a preface to a whole series of acronyms—ABRES, ULMS, SABMIS, SAM-D and others too secret for alphabetical obscurity. ABRES, for example, stands for Advanced Ballistic Re-entry Systems. It is a defense program involving MIRV technology started in 1965; to date, $540-million has been spent on this development. By the late seventies, weapons will come into existence that will make even today's emerging MIRV's look crude. Instead of "dumb" warheads that pursue a fixed ballistic course, the new systems will feature "semismart" reentry vehicles that home on their targets—and even take evasive action to avoid interception.

The art of projecting bombs is very old, dating back to very early days of warfare, but it did not start to become a science until Niccolo Fontana Tartaglia, an Italian mathematician, studied trajectories. His treatise on gunnery, first published in 1537, contained an observation that bears reproduction now:

"One day, meditating to myself, it seemed to me that it was a thing blameworthy, shameful and barbarous, worthy of severe punishment before God and man, to wish to bring to perfection an art damageable to one's neighbor, and destruction to the human race."

Tartaglia's self-admonition seems most remote from the ballistics of the James Madison, which puts out to sea this year and which in January of next year will be deployed with Poseidons on board. But Tartaglia was surely on target with his thoughts when we realize that a single nuclear submarine could visit the nuclear destruction of 160 Hiroshimas on another nation.

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THE GREAT AUTOMOBILE CONSPIRACY

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RYAN. Mr. Speaker, Americans throughout the country have begun to realize how very serious the problem of pollution is—in the air, in the water, and on land.

Many of them have also come to realize that they must do whatever they personally can to help improve our environmental quality.

One type of pollution—that in the air, is costly in dollars and in health. And one of the primary polluters of the air is the automobile.

Some people feel that their personal involvement in the fight against pollution means trying to obtain air pollution equipment when they buy a new car. Such equipment is available as a result of the strict automobile emission standards in the State of California.

But recently, there have been reports that some people have been virtually prevented by the automobile industry from making their automobiles pollution free.

According to Jack Anderson, whose column today discusses this "Car Runaround," both the Ford and Chrysler motor companies are attempting to discourage the sale of the auto pollution equipment on new cars being sold in States other than California. And for those who are determined enough to insist upon the antipollution equipment, the companies make it a slow and arduous process.

The question is why is the Federal Government so far behind the government of the State of California? Certainly, there should be national auto emission standards equal to, if not greater than, those of California.

For too long, the automobile companies have been promising that they would do their utmost about the problem of pollution. But promises they made 15 years ago are still unfulfilled. Little or nothing has been done despite the fact that automobile pollution has been a problem for years.

It is obvious that the American people cannot allow the automobile industry to make the decision for them as to how soon the automobile will be pollution free.

The time for begging and cajoling the industry to do something has gone. We must have action, and the way to spur such action would be for the Federal Government to get tough with the manufacturing.

We have been too lax, too long about adequate automobile emission standards and by doing so, we have slowed down the antipollution process.

The State of California has taken the lead. The time has come for the Federal Government to take its rightful place in the leadership against automotive pollution.

If American citizens are willing to pay for antipollution devices on their cars, they should be able to obtain them.

The time has come for the Federal Government to stop pussyfooting around with the auto industry.

The time has come for the Federal Government to show the automobile manufacturers that it means business—that air pollution is destroying our environment and will be wiped out.

I include in the RECORD the portion of Jack Anderson's "The Washington Merry-Go-Round" which appeared in the February 26 Washington Post and deals with this subject:

THE WASHINGTON MERRY-GO-ROUND
CAR RUNAROUND

If anyone outside California walked into a Ford or Chrysler showroom and ordered a new car with the advanced air pollution equipment now required by California law, he would be told he couldn't have it.

Although the devices are the best available, this column has learned that Ford and Chrysler are actively discouraging their sale outside California.

The price manuals issued by both companies to their dealers across the country state unequivocally that the special antipollution equipment is available on California cars only.

Furthermore, the Chrysler computer system is programmed to reject automatically any order for the equipment should one come in from one of the other 49 states.

Spokesmen for both Ford and Chrysler, nevertheless, acknowledged to this column that there was no reason why a determined buyer, willing to wait a little longer for his new car, could not obtain the special device.

Thus both companies admit they have issued false information to their dealers, which is bound to discourage the purchase of pollution-control equipment.

The equipment in question is a system which curbs pollution from the evaporation of gasoline in fuel lines, tanks or carburetors. It costs about $40.

A Ford spokesman said the company "thought it was advisable to test this system for a year to perfect the design and service techniques" before making the equipment available nationally.

He acknowledged, however, there was no doubt that the system worked effectively and he said no particular service problems had been encountered.

YOUTH SERVES AMERICA

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. PRICE of Texas. Mr. Speaker, as we are all too well aware, militant youths have vented their venomous spleen on many of our social institutions. In the process, the police departments in many of our Nation's cities and towns have been targets of vicious attacks.

To find a vivid illustration of the type of behavior I am referring to, one need turn no further than the just concluded Chicago conspiracy trail. Regrettably, behavior such as the defendants exhibited before and during the trial has been the subject of extended treatment by the media and the press. In fact, it seems that whenever youthful groups of militant malcontents gather and demonstrate, the media and the press is there to record and circulate their outrageous activities. While I am confident that such is not the case in every instance, this happens so often that in the minds of many adults, American youth in general is becoming increasingly suspect.

As a direct result of this growing climate of dissatisfaction with youth, there is a tendency on the part of some people to overlook the fact that most American youths are not militants or anarchists. On the contrary, many of them are vitally concerned with the state of the Nation. In addition, their concern takes a positive rather than a negative direction.

Mr. Speaker, I would like to bring to the attention of my colleagues one example of the kinds of positive action that youth is taking in an effort to contribute to society.

An editorial appearing earlier this week in the Washington Evening Star stated that more than 125 college students have registered to take the civil examinations for the New York City Police Department. These students are not attempting to join the police force in an attempt to fulfill childhood dreams and fantasies; rather, they are trying to render a greatly needed community service. They realize what the militants ignore; namely, that creative involvement in social problem-solving, and not senseless destruction of social institutions is the true measure of individual concern.

The students in the New York experiment are not fleeing to Canada to evade their military obligations; neither are they traveling to Cuba to harvest Castro's sugar cane. Instead, they are working within society in an effort to improve society. This is the right way, this is the American way.

I urge all my colleagues to read the following editorial. Perhaps the budding New York program should be experimented with throughout the Nation. After all, municipal police departments deserve the best of everything America has to offer. Both the needs of social order and the needs of social justice demand nothing less.

The editorial follows:

COLLEGE COPS

In New York City, more than 125 upperclassmen at Harvard, Yale, and Princeton, as well as Union Theological Seminary other colleges, have signed up to take the New York City examination for the police force.

They are not dropouts, actual or potential. They are, presumably, students concerned with the future of their society and their own contribution to that future. They also are students who have heard the powerful persuasion of New York Police Sergeant David Durk, a 1957 Amherst graduate now a Ph.D. candidate in public administration and sociology at New York University.

Sgt. Durk's plea is simple and to the point. "If you really care about cities," he tells potential recruits, "if you really care about individual people, don't join the Peace Corps or VISTA. Become a policeman."

This statement flies in the face of the conventional wisdom of the New Left, in which police are "pigs" and oppressors of the masses, but as Sgt. Durk goes on to say, "The victims of crime today are overwhelmingly poor and mainly black. As a cop you can have a real and immediate impact on the lives of people that is totally unlike any other alternative before you."

Sgt. Durk's program makes sense from every point of view: the raising of the sights of the police force as a community service organization, the channeling of youthful idealism into effective outlets and even such more distant goals as the breaking down of false occupational barriers raised by the increase of the college population.

The program he speaks for is a very hopeful one as part of the continuing attack on the problems of the cities. May it be successful in New York and be adapted to other cities, including our own.

CALIFORNIA BANK BURNED—COMMUNIST AGITATION AND PROPAGANDA—III

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RARICK. Mr. Speaker, a wire service story from Santa Barbara, Calif., recounts the burning of a bank in what is euphemistically referred to as a "disorder" in the Isla Vista community, 6 miles from the campus of the University of California.

The story also reports that William M. Kunstler, who is under sentence for criminal contempt of court in Chicago, made a "campus speech" which was followed by the outbreak of fires and window smashing. Readers of the Washington Star, however, are not told that the rioting and burning followed a harangue by Kunstler in which he repeatedly urged his young listeners to "take to the streets" in support of the revolution.

The California episode is typical of the standard technique of Communist agitation following conviction of any of their number. It is the course of action which all of us can expect as long as there is any possible gain for the subversives.

Since Kunstler is supposed to defend H. Rap Brown in another riot and arson case in Maryland next month, it is not a bad idea for the appropriate authorities in the Free State to consider whether or not his conduct as an officer of other courts merits his admission as an officer of the Maryland courts, even pro hac vice, or whether he should be denied a forum for further incitement to violence.

Notably, the appropriate authorities in the District of Columbia are looking into disciplinary proceedings in the case of Virginia ACLU attorney Philip Hirschkop, sentenced for a similar contempt by a Federal judge here.

Pertinent newsclippings are included in my remarks:

[From the Washington Star, Feb. 26, 1970]

EIGHT HUNDRED PROTESTERS BURN BANK IN SANTA BARBARA

SANTA BARBARA, CALIF.—Rampaging demonstrators protesting the "capitalist establishment" burned down a Bank of America branch early today while outnumbered police and firemen watched helplessly.

Police reinforcements were called in as about 800 protesters watched the flames burn out the inside of the one-story, brick building. Then a solid front of 240 helmeted officers swept through the campus community, Isla Vista, dispersing the crowd without a confrontation.

Retreating protesters threw rocks at advancing policemen, injuring 15 to 20 of them—none seriously—deputies said.

Police said they arrested 34 young persons for investigation of failure to disperse.

Deputies said later the situation was "pretty much under control" and that officers were dispersing about 200 stragglers scattered along streets and alleys.

The one-square-mile Isla Vista community is populated mainly by apartment-dwelling students from the adjacent University of California campus six miles north of Santa Barbara.

The demonstrators, numbering 1,000 last night, said they were protesting the war in Vietnam, the "capitalist establishment" that financed it, and what a student spokesman called "increasing police repression aimed at stifling political dissent."

One demonstrator, Kevin McElhinny, 17, San Jose, Calif., said the bank was under siege "because it was there, it was the biggest capitalist establishment thing around."

Another demonstrator who wouldn't give his name said the bank "is an example of American capitalism which is killing people all around the world and in the United States."

The outbreak of fires and window smashing followed a campus speech yesterday afternoon by William M. Kunstler, a defense attorney in the Chicago riot trial. All the windows of the same bank branch were smashed in the start of the trouble Tuesday afternoon.

Sheriff James W. Webster had described the situation as "completely out of hand" last evening. He asked Gov. Ronald Reagan for National Guard troops, but Guardsmen were not mobilized.

The bank fire was set by several protesters who rolled a gasoline-soaked trash bin in through a smashed window, and set it ablaze against a wall, deputies said. Students from a nearby fraternity put out the blaze, but protesters fired it up again just before midnight.

Before the sweep of the area, helicopter officers using a bullhorn and a powerful spotlight ordered the demonstrators to disperse, but few did.

Shortly before the bank fire, demonstrators overturned and burned a patrol car after the two outnumbered deputies fled. It was the second patrol car burning of the three-day disturbance.

The bank manager said an undisclosed amount of money was in the bank's fireproof vault and he did not expect to find it damaged.

Firemen had been ordered to stay away from the bank blaze for fear demonstrators might attack them.

"We went to the fire but the sheriff's men lined across the street wouldn't let us by," and Fire Capt. Clarence Saletti. "They feared for our lives because of the demonstrators."

[From the Washington Star, Feb. 26, 1970]

COURT DISCIPLINE PANEL PROBES "D.C. 9" LAWYER

(By Donald Hirzel)

Lawyer Philip Hirschkop, who received a 30-day jail sentence for contempt during the recent trial of the "D.C. 9," has been referred to the U.S. District Court's Committee on Admissions and Grievances for disciplinary action.

Hirschkop's case was turned over to the committee by Judge John H. Pratt, who presided at the trial of the nine defendants charged with vandalizing the Washington offices of the Dow Chemical Co.

The committee could reprimand Hirschkop, suspend him from practice or disbar him.

The judge refused to comment on the situation yesterday, but it was learned that the committee already has reviewed the transcript of the trial for evidence of contempt by Hirschkop.

Hirschkop has appealed the 30-day jail sentence. He is free pending the appeal.

The "D.C. 9" were charged with breaking into the Dow Chemical Co. office here last

March 22 and destroying property in a protest against Dow's production of weapons for use in Vietnam.

During the trial, two of the defendants entered guilty pleas to destroying property. A jury found the others guilty of unlawful entry and destroying property. All are awaiting sentence.

The trial was marked by repeated outbursts from spectators and the defendants protesting the ruling that they could not represent themselves. There was one scuffle with marshals.

Pratt charged Hirschkop with showing disrespect for the court during the proceedings and remarked that his conduct was "degrading to this tribunal."

Hirschkop claimed in a television interview that he had not been disrespectful, but merely was defending his clients.

His attorney, David Rein, in the same interview charged that the judge's action was a "reprisal against an attorney representing unpopular clients."

The interview was carried on WTTG-TV's "Ten O'Clock News" on Feb. 11. The disciplinary committee has subpoenaed the television film.

Thomas J. Dougherty, the Washington counsel for the Metromedia network was scheduled to appear before the committee today to determine whether the station would comply.

"But I must say, I don't like this method of proceeding," Dougherty said.

WILLIAM BRANDON SERIES ON THE AMERICAN INDIAN

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. KASTENMEIER. Mr. Speaker, the Progressive magazine, the historic and distinguished monthly journal which is published in Madison, Wis., has, for some time, been concerned that pitifully little attention was being paid to the unresolved problems confronting our first citizens, the American Indians.

The Progressive turned to William Brandon and asked him to write a series on the plight and prospects of our Indian citizens. Few individuals are as well qualified as William Brandon to provide us with an insight into Indian affairs. His classic work, "The American Heritage Book of Indians," published in 1961, was the only sèrious attempt ever made at an overall synthesis of the history of American Indians.

For this undertaking, Mr. Brandon visited scores of reservations, conferring with Bureau of Indian Affairs officials, health authorities, local politicians, teachers, and, most importantly, the Indian people themselves. As a result of his studies, Mr. Brandon has presented a perceptive series of articles on the Indian problem which the Progressive published in its December 1969, January and February 1970 issues. I highly recommend my colleagues read these articles:

AMERICAN INDIANS: THE ALIEN AMERICANS

(By William Brandon)

American Indians remain our one unhyphenated minority. The American Indian world is so alien to us, so alien still, after all the generations of mortal embrace, that no one would say Indian-Americans any more than one would say Martian-Americans. It is an alienness rooted in the very foundation of the Indian world, which rests—still today—on a sense of community as against the foundation of individual contention, individual acquisition, underlying the surrounding world—an alienness attuned to a harmony of human relationships rather than a harmony of commerce and industry, attuned to belonging rather than belongings.

The existence of so foreign a body in the greater American body politic is secured by the strongest of legal safeguards: treaty rights or equivalents thereof. For all such august protection, it becomes from time to time an existence most precarious. The late Felix Cohen, legal philosopher and the nation's great expert on Indian law, wrote (at the time of the onset of McCarthyism in the 1950s), "Like the miner's canary, the Indian marks the shifts from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall of our democratic faith."

When Indians have hit the streets (if not the warpath) in recent years it has nearly always been in protest against invasion of specific guarantees. "Treaty treks" marched, to a tom-tom beat, along the rivers of the Northwest in 1964 when the state of Washington tried to cancel Indian fishing rights protected by Federal treaties. Mohawks along the Canadian-New York border demonstrated during 1969 against Canadian abrogation of a 1794 treaty dealing with right of passage. (In a peripheral piece of this action a Mohawk matron thumped an undersheriff in the seat of the pants with a genuine tomahawk.)

The history of the American Indian world is in essence the story of raids, frauds, thefts, beguilements (often ardently well meant, as by missionaries), besiegements, and occasionally blunt frontal assaults upon Indian rights and possessions.

The Federal Government, legally responsible, by treaty, usually, for the Indians' defense, has customarily reacted to such attacks with an eye to their political implications. President Andrew Jackson stated in connection with the "Great Removal" of the 1830s the policy that has been pretty much followed ever since: "The matter is not one of right but of remedy."

The Great Removal was the forcible ejection of Indian communities from Georgia, Mississippi, and Alabama in direct contravention of absolute guarantees in several treaties, the earliest having been negotiated some forty years before by President George Washington. The "right" of the matter had to give way to some "remedy" that could accommodate the political poundage—state politicians, real-estate speculators, missionaries—behind these demands for removal of the Indians from their rightful homes. Therefore the Indians of the Southeast were "removed" and given a new Indian Territory in the West that this time would be theirs forever for sure: "The pledge of the United States has been given by Congress that the country destined for the residence of this people shall be forever secured and guaranteed to them," said President Jackson. The country so destined is now Oklahoma.

Indian groups have swallowed painful remedies for a long, long time through the years, and, what is more to the point, are still swallowing bitterly away today. More than ninety million acres of land went in one strong dose alone—the Allotment Act of 1887, which allotted to individual Indians family-sized farms from small portions of a number of immense reservations and opened the residue to white development; the biggest gold mine in the world is another—the Homestake in the Black Hills, taken at gunpoint by means of the Sioux Wars of the 1870s in direct contravention of the Sioux treaty of 1868; the school system called by educators the finest of the time west of the Mississippi—that of the Cherokee Nation, confiscated by Oklahoma politicians in 1907—is another; bits and pieces large and small, spiritual and fiscal in a thousand others.

The Indian world has been under constant siege, in a very real sense, for generations. Its land base, supposedly protected under trusteeship of the U.S. Government from any sale or loss, has been chipped away and its alien soul cannonaded by incessant economic pounding until the mere fact of its survival at all has become one of the marvels of history.

Chief Shenandoah of the Onondaga and the Six Nations Iroquois, speaking with the majesty of a sachem of old at the kitchen table of his tatterdemalion little house in upstate New York, says, "We have a right to have an Indian community here, a right given us by treaty after treaty, but our land has disappeared. How can we keep our community here, because there is not enough land, there is no way to live?"

By "community" is meant not a mere neighborhood but a tribal community, to some degree under its own jurisdiction, its people never unaware of a relatedness, by blood or by spirit, one to another.

In Oklahoma, Dr. Everett Rhoades, Kiowa tribal councilman, told me that the Bureau of Indian Affairs has been "weakest in its trusteeship of Indian land, in letting land drift away." On the West Coast I talked to Rupert Costo, tribal chairman of the Cahuilla Indians and president of the American Indian Historical Society, who defined "the economically forced abandonment of reservations" as a most urgent basic problem.

Indian populations are growing—twice as fast as the national average. The people want to stay together as members of living communities, but because of lack of productive land they don't have room—and because of hamstrung reservation development as well as the out-of-the-way location of most reservations there are not enough (are not any, in many cases) jobs handy.

But the communities do survive. The people stubbornly persist in remaining together.

In hard times, white Americans, or black or brown or yellow Americans for that matter, sing, "*So long, it's been good to know you,*" and hit the road for what they hope will be brighter prospects elsewhere. But red Americans are more likely to stick together, come what may, cling through hell and high water to the life of their community, an overlife that is simply more important than individual opportunity; they reveal in this how deeply alien is their music.

The appalling, the downright unreal statistics of Indian poverty spring in large part directly from this iron refusal to surrender and disperse and go get lost ("assimilated") in the white man's cities.

During the last hundred years the lands and belongings of the Oglala Sioux have been stripped from them until the remnant now left cannot possibly support their community of nearly 14,000, this even though their reservation, Pine Ridge in South Dakota, is still one of the largest in the country (1.5 million acres). This is a country of badlands and vast ranches—I camped for days in barren hills that could support only ghosts. The productive land can provide a living for no more than a small fraction of the Oglala population, most of that in cattle-ranching. Eight per cent of the reservation is suitable for dryland farming; there are very few other jobs of any kind within reach, and so, at the latest count (1968), some 955 persons had full-time jobs out of an "available labor force" of more than 3,000, with 607 others at work part time (including migrant farmhanding); one-third of the people had a *family* income, counting welfare and any other nickels and dimes from any source, of less than $999 per year; nearly one-half of the people were on some kind of welfare

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(average amount less than $25 per month per person); half of the people were still living in one- or two-room mud-caulked log houses and some hundreds in tents winter as well as summer. Nine out of ten homes have no electricity, nineteen out of twenty no running water; most householders have to transport water a quarter-mile or more.

But the people will not give up and go away. Over the last ten years some one hundred Pine Ridge families a year have been persuaded to emigrate—during which time the reservation population has increased twenty-five per cent. Pine Ridge yields grimmer statistics than the Indian world as a whole. For instance, American space-age technology has by now brought running water to almost half of all Indian reservation homes over the country, but even so a somewhat similar picture is fairly common. Indian communities are surviving—some five to six hundred villages and reservations throughout the United States including Alaska, totaling more than half a million souls (an additional serveral hundred thousand Indians are out on their own, assimilated, more or less)—and some communities are even thriving, as communities. But the cost in individual distress is immense.

If the people won't depart even where their alien enclaves are rendered all but untenable, reduced to all but debris, well, it's a free country, they can stay and starve, they can stay and watch their infant children die at three times the national rate for the first year of life after coming home from the maternity clinic. A white child has a better chance of living to age forty-five than an Indian baby of living to its first birthday.

They can stay and watch their infant children sicken from the wild diarrhea that is related to malnutrition and the filth of poverty and apparently linked to permanent mental retardation; they can stay and watch the children contract the eye and ear infections that are all but unknown to the surrounding outside world and that so often lead to permanent blindness and deafness. They can stay and watch their boys and girls commit suicide at a rate that can attain some very cold and distant heights—"parents are lost in despair and do not dare to look their children in the eye," writes an ethnologist long familiar with Fort Hall, Idaho, where the suicide rate has run as high as ten times the national average and, for teenagers, has reached one hundred times the rate of the American world outside.

There are people red and white, in and out of the Government, some of them dedicated well beyond any call of duty, doing their utmost to help however they can in the Indians' desperate defense—and there are maybe still more people, sometimes red as well as white, in the Government as well as out, doing their best to maintain relentless pressure against Indian communities, regarding as both inevitable and desirable the eradication of the alien Indian world, disintegration of the communal un-American tribes, and full integration of surviving Indian individuals into the "American mainstream."

An anti-Indian weapon that was wrought great mischief in this long seige is a widespread notion, utterly erroneous, that Indian lands are really public lands, owned by the Government and available for public use. This misconception springs from the Government's customary role as trustee of Indian lands. In fact, of course, most Indian reservations were established in payment for cessions that at the time were regarded as important, and usually confirmed the Indians in permanent and complete ownership of their reserved lands in the most explicit possible terms; and as a rule the treaty commissioners felt they were making splendid bargains and as a rule they certainly were. President Washington said of the 1790 treaty that President Jackson refused to honor some forty years later that it was "of great importance to the future tranquillity of the state of Georgia as well as of the United States" and told the Senate that on it "the fate of the Southern states . . . may principally depend . . ." for the treaty obtained the vital support of the Creek Indians in securing the southern border of the new United States against Spain.

More often, though, such treaties and agreements were made in return for cessions of land, and in addition to spelling out Indian land rights and other compensation, swore most solemnly to protect the Indians and their property from any rapacious neighbors, including state and local governments. It was to effect this protection that the Federal Government assumed the above-mentioned trusteeship.

The Administration of President Washington confirmed certain lands in and about the western end of the state of New York as "the property of the Seneca Nation; and the United States will never claim the same, nor disturb the Seneca Nation . . . in the free use and enjoyment thereof. . . ." (A typical time limit placed on such contracts was "As long as the moon rises, the grass is green, the rivers flow, and the sun shines.") But the U.S. Army Corps of Engineers, recommending in 1938 the use of some of these lands in the "take area" (area to be flooded) of the projected Kinzua dam, noted only that some "treaty difficulties" might be encountered; these were left prudently unmentioned when the project was put before Congress as one of many in a routine Public Works Act. Eventually they were brought to public attention in something of a furor that may have raised the price of the conscience money paid the Seneca Nation, but in the end the Corps of Engineers got the land it wanted and the treaty was violated.

The Metropolitan Water District of Los Angeles is an old hand at the legerdemain of private right and public wrong so prevalent in current Indian affairs. In 1936 it drove a tunnel through the mountains above the reservation of Soboba in southern California and in doing so broke into the underground water-course that gave the reservation its water supply. Soboba's three streams and two dozen artesian wells promptly dried up. Its couple of hundred residents, Cahuilla Indians, were left without water and are still without water. A $200,000 hospital on the reservation, for the use of Indians in all the surrounding region, fell into ruins. The people, those who tried to stay, had to haul water, and still do. Non-Indian ranchers in the vicinity received prompt settlement of damages but the Indians are still trying to collect from the Metropolitan Water District, since grown into a huge complex of power, one of the ruling forces of California. The Federal Government, which as trustee of the damaged lands had to approve legal action, declined, for reason of its own, to do so; a claim then brought against the Government, following the establishment of the Indian Claims Commission in 1946, is still pending.

If the Government seems none too speedy in considering the sufferings of the wronged Soboba people, it has been even less so in the case of four reservations (Pala, La Jolla, Rincon, and Pauma-Yuima) along the San Luis Rey River in Southern California, where in 1894 the Escondido Mutual Water Company diverted much of the water without a by-your-leave from a point on the river above the reservations, and in the 1920s a dam took most of what was left. As with Soboba, the Indians concerned, thwarted in all other recourse, at last submitted a claim against the Government. This claim is also pending its leisurely way, while the Government lawyers are developing the interesting argument that the Indians should be suing not the Government but the persons who took their water, and that it is no proper concern of the Government's right hand, now serving as counsel for the defense, if the Government's left hand has prevented precisely such suits.

These Indians are poor, and the poor don't have to be alien in order to learn patience in the halls of justice. But some relatives of the Soboba people, the Agua Caliente band of Cahuilla Indians at Palm Springs, California, the "Palm Springs" Indians, still have land holdings in that wealthy resort community and are therefore the richest Indians in the world, as everyone knows, or as everyone knew until 1967 when it was discovered they had been systematically short-changed for quite some while out of quite a lot of change.

Palm Springs was big business by the 1950s, and the Bureau of Indian Affairs came in at the time for impatient criticism over red tape that was holding up the "development" of various Indian lands, most specifically a tribally owned section (640 acres) in the center of town. Between 1955 and 1958 the BIA transferred much of its trusteeship jurisdiction over these lands to Judge Hilton H. McCabe, of the state Superior Court in the Palm Springs area; a California law of 1957 then gave state courts broad powers for appointing "conservators" to handle the affairs of owners of estates who might be assumed deficient in business skills. Federal legislation of 1959 then divided most of the Agua Caliente's tribal lands among the band's 104 members, who were promptly bestrewn with choirs of guardians and conservators. Edmund Peter Siva, an Indian conservatee, said later that by 1961 "everybody was grabbing himself an Indian."

In 1964 the Agua Caliente Tribal Council formally charged the Bureau of Indian Affairs with "an unwarranted abdication" of its trust responsibility, and alleged a reign of wrong-doing under the Superior Court's administration; Judge McCabe was hastily promoted out of the fire to a place as presiding justice in one of the state Appellate Court divisions; and in 1967 reporter George Ringwald of the Riverside, California, *Press-Enterprise* won a Pulitzer for a series of articles describing the details of the lucrative Indian-conservator racket in Palm Springs.

It was disclosed that guardians and conservators had collected fees that frequently ran to more than fifty percent of the Indian conservatee's income and sometimes went as high as 250 per cent; judges had received questionable fees; attorneys had collected fees from lessees of Indian land at the same time they were taking fees from the Indian lessors; conservators had received kickbacks from real estate brokers; Indian land had been sold without consulting the Indian owners; conservators had turned many a pretty penny, in one instance accumulating as much as a quarter of a million dollars, while Indian conservatees had perforce lived more modestly—in one case a conservator took as fee $9,000 from $9189.73 cash on hand in the conservatee's bank account; in another an Indian minor child was given about $3,000 out of a total income of some $23,000, guardians and their lawyers taking the rest.

Clearly the BIA, officially obligated to conserve and defend the rights and appurtenances of the Indian world, is not very well armed to withstand attacks from weighty politicians or influential local interests.

It is still more vulnerable to sibling rivalry within its parent organization, the Department of the Interior, where it has long lived a stepchild's life in the secretariat of Public Land Management.

A classic sibling contest is now in progress at Pyramid Lake, Nevada, where the United States Bureau of Reclamation and sundry allies have challenged the BIA for the waters of the Truckee River, which supply the lake, which in turn is the property of the Northern Paiute Indian Tribe, but which may be ex-

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tracted from the Indians' pocket by the simple expedient of drying it up.

The thirty-mile-long lake, one of the real beauty spots of the desert West, is the only possession of any consequence of the Pyramid Lake Paiutes, and could be of considerable consequence in future development. But irrigation districts and the Bureau of Reclamation have been diverting more and more Truckee water for years, for the ultimate benefit of white ranchers and the real estate speculators of nearby Reno.

One of several water-use deals in the area is the Reclamation Bureau's Newlands Project which covers miles of country south of the Pyramid Lake reservation (some of this, ironically, land filched from the reservation in earlier years), an effort to make the desert bloom that hasn't been doing too well—Newlands is at the bottom of the Reclamation Bureau's Crop Production Report, highest in water cost, lowest in crop yield. Nevertheless the Reclamation Bureau is pushing its ditching program and wants some 400,000 acre-feet of water annually for the Newlands project. A Federal court gave the Paiutes a legal right to 30,000 acre-feet annually in 1944, but only for irrigation—none whatever for their lake. No one denies that the lake was made Paiute property in perpetuity by a Government decree of 1859—but where does the decree say anything about the lake being obliged to have water in it?

The justice of the Paiutes' cause is so patent that the issue is simply one of "ordinary decency," as an eminent authority on water law was quoted in *The Christian Science Monitor*. But Secretary of the Interior Walter Hickel, after a conference with the Republican governors of Nevada and California in "the forty-foot mahogany cruiser of a Reno gambler" (new item) on Lake Tahoe, has thrown the whole weight of Interior against the Piautes and the BIA and in favor of a "reduction" of the lake.

There used to be a sign beside the road on the Pyramid Lake reservation bearing only the words "God Bless You." I didn't see it when I camped there one night of full moon last June.

Everyone says, "Wasn't it awful what we did to the Indians a hundred years ago?" But no one—except the besieged themselves, the aliens, the Indians—seems to notice that the process is still in business, very much so. The chasm of alienness is so deep that we are blind to the outrages committed within it. Our injustices toward Indians are not really intentional, just invisible.

Certainly the many individuals high and low who put through the Kinzua project could not all have been conscious that they were outraging President Washington's—let alone their country's—word of honor. The engineers and the lawyers and the steel mill people (an important purpose of the Kinzua dam was "to slake the thirsty boilers of Pittsburgh steel mills," as one expert put it) and the politicians were for the most part just doing their jobs. True, the Senecas did not want to sell any part of their ancestral lands at any price and regarded the seizure as a gross illegality, but after all it was a minor thing, wasn't it? Only 130 families dispossessed—and they were paid enough to make it right twice over, weren't they?

The Kafkaesque delays encountered by the people of Soboba have come in part from efforts by the Bureau of Indian Affairs down through the years to make use of the Soboba water situation for its own ends. Any settlement with the Metropolitan Water District had to be approved by the BIA, which attached to any proposed settlement provisions requiring the Soboba people to surrender their rights to certin tribal safeguards and government services, a "termination" agreement the BIA had long wished to force from the Soboba Cahuillas, and that the Soboba people steadfastly refused. The officials trying to coerce these distressed Cahuillas into accepting such a settlement were themselves, as a rule, certainly disinterested, even uninterested—they were simply carrying out a policy that was part of their job. Whether it was just or not was none of their business.

Official findings have held that maintaining Pyramid Lake for the Paiutes was not a "beneficial use" of Truckee River water, while cattle-raising and new irrigation districts and maintaining marshland for duck hunters were "beneficial uses." It is difficult for our officials to take an Indian community seriously not only as a moral entity but even as a serious business enterprise. If Pyramid Lake were owned by, say Pacific Gas and Electric, it is highly unlikely two governors and a Secretary of the Interior would be conspiring to abduct it.

The sense of such alienness, such differentness, may help explain the curious fact that so many good people not officials of our institutions, seem to feel it is no crime to steal from Indians. As in eastern Oklahoma, where some of the poorest people in the United States, people of backwoods Indian communities, live in some of the most beautiful country in the United States (they are, incidentally, some of the handsomest people in the United States). Senator Robert Kennedy, visiting the region in 1968, found large families living in tiny tar paper shacks, ninety per cent of the Cherokee families of Adair County on welfare, ninety-nine per cent of the Choctaw families of McCurtain County on welfare, annual income—for those who could find work—averaging $700.

How can these fine-looking people manage to be so poor? One way is by being robbed of their land. Around the turn of the century the U.S. Government possessed itself of most of the tribally held lands in eastern Oklahoma (some 60 years or so after President Jackson's remedial promise to the contrary), giving individual Indians small-farm allotments. For years it has been a local sport to steal these little parcels of allotted Indian land. The rules are a breeze. An allotment, exempt from taxation by act of Congress, happens to be included on the county tax rolls, by accident of course, unbeknownst to all and especially unbeknownst to the Indian owner. Somehow, though, a non-Indian citizen happens to know about it, and presently buys the land for delinquent taxes. After fifteen years, the statute of limitations having run out, the new owner announces himself, and the Indian ex-owner is duly evicted. The ex-owner then has open to him a freelance career in the serfdom business.

A most respectable Oklahoman, for years a minister of the gospel, talking to me of this land-swindling, confessed with some shamefacedness, but only a little, that he himself had once bought 300 acres at thirty cents an acre. Then his conscience had smote him a mite so he had sold it—for $13.50 an acre. But, he said with some relief, his conscience was clear now because his son, who of course was honest, being well brought up, owned 2,000 acres of such land.

They live in the very epicenter of the Bible belt, there in eastern Oklahoma, and surely not a one of them would stand up for sin.

The Indian world, communal, unbusinesslike, devoted more to living than to getting, so un-American it is outside the pale of ordinary decency for good Americans, may indeed be more American, and better American, than yours and mine. It is simply different.

For some Americans it is so different it is an anti-world. "Did the United States destroy the Indians? No, but it should have," says a headline on the cover of a recent issue of the *National Review*, presumably stating the position of the extreme right in regard to Indians.

As a different world, as anti-world, its existence may fulfill a need for the rest of our society, an unconscious need, perhaps. Witness the hippies' somewhat pathetic attempts to tie up to this shadowy Indian world, so little known but somehow sensed as a new Mount Ararat.

It is this Indian world, this world of alien Indian communities, that is the miner's canary for our democracy.

It is still alive at this writing.

[From the Progressive magazine, February 1970]

AMERICAN INDIANS: THE REAL AMERICAN REVOLUTION

(By William Brandon)

A young Indian girl in Berkeley told me that in saying goodby to her old-fashioned parents—her mother in blanket and high moccasins, her father in sober tall black sombrero—she had felt she was leaving them as far behind as on another planet, because she was becoming a "catalyst of rebellion" in the Third World Liberation Front. Yet the objectives she would fight for with the TWLF—more money, better jobs, even the grand objective of seizing power, were the usual and proper aims of the apple-pie American world. Her tribal parents, inhabiting a world of truly different dimensions, uninterested in proper American values, not even interested in seizing power, were, it seemed to me, the real revolutionaries of her family, absorbed in an authentic revolutionary movement: their Indian community.

The radical character of the Indian world is most easily discernible in its sense of community, a community identity originally founded on the custom of communal ownership: ownership of land in common by a related group of people is one of the few traits that might be applied sweepingly to nearly all American Indians throughout the heimsphere. This community superlife, based on a communal ownership still frequently in evidence, is the unique quality of the Indian world. It is an attitude truly revolutionary for our present world, which rather derives from the Old World kingship pattern—public domain regarded as the property of a ruling government apparatus, a notion prevailing in most modern states, socialist or Communist included.

In the true communal ownership of Indian tradition, each member of the community has an "absolute and complete" right of actual ownership, as the U.S. Court of Claims held in an 1893 opinion later sustained by the U.S. Supreme Court. "Chiefs and headmen" have no authority to dispose of these rights, and even a majority of the tribe or community has no authority to sell the communal property, which would seem to constitute, said the Court, "taking away the property of the minority and disposing of it without their consent."

The communal point of view has always been difficult for the private-ownership mentality to grasp. The 1893 Court remarked that this difficulty was no doubt at the bottom of "many of our troubles with the Indian tribes." It still is. It is the alieness of this communal identity that elicits much of our harassment (conscious and unconscious) of the Indian world, that puts Indian children at odds with our schools, and that fires the pressures for "termination" of Federal protection of Indian groups with the ultimate objective of forcing the collapse of the Indian communities, compelling their people to disperse and, at last, to become "assimilated" in our own competitive culture.

Although Indian leaders, too, give lip service to the pious aims of more money and better jobs, these are acceptable only on the Indian community's terms. The people of an Indian community generally will not sell out for individual opportunities no matter how alluring, will undergo any privations to remain part of their living community. The community superlife, calling for inter-personal harmony rather than inter-personal striving, is in absolute opposition to the orthodox American gods of work-as-a-virtue and amassing personal wealth as the measure of success.

"Nor have I been able to learn," wrote Columbus of the first New World people he met, "whether they held personal property, for it seemed to me that whatever one had, they all took shares of. . ." Even after nearly five centuries of acculturation in the profit motive, much of this quaint tendency still survives in the deeps of the Indian spirit. Vestiges of it may been seen now and then on the surface: In the spring of 1969 a Wisconsin jury found a city-dwelling Ojibwa Indian not guilty of auto theft for the temporary appropriation of another city-Indian's car, after hearing testimony on the Indian tradition of communal property.

The Indian world does not preach its revolutionary ideology. It would for the most part recoil in embarrassment from anything like the New Left's aggressive self-righteousness. It is usually so indrawn as to seem occult and secretive. But even without proselyting, the long-run redskin revolution may well have changed the world, already, more than might be supposed, by the mere example of the Indian presence, with its seeming classlessness and freedom from toil and tyranny. Rousseau and Marx and Engels, among others, made specific acknowledgment of its influence. Today's hippies, now a world-wide fifth column, profess in words and costume their vision of the revolutionary Indian community. The "correctness" of the vision is immaterial; what counts is the reality of the tension the Indian influence can still bring to bear against the majority morality.

Will we, can we, permit this revolutionary world to go on ticking away in our midst? The obvious response is that of course we can and of course we should—we should, in fact, do everything in our power to aid its survival. The continuing Indian revolution is essential to the health of our own world in more ways than one: not only in providing our democracy with the oxygen of a truly alien presence, but in keeping alive that heart-beat of community so strong in the Indian world, so feeble in our own, so necessary, possibly, to the survival of us all.

But is communication already choked off between the two worlds, red and white? Has the Indian world already been shattered beyond repair? If not, what then can citizens of good will and concern do to help?

I think communication is wide open, for anyone who will lend an ear and a voice. The Indian world won't preach but it loves conversation. The bitterness that has come into being between black and white is not generally echoed between red and white—at least not yet. The one thing he knows about white men, says James Baldwin, is that they do not want to be black; but this is not so true as to red and never has been. In some areas a certain cachet has always attached to being an Indian, and too many non-red Americans still listen with romantic longing to the distant Indian drum and "yearn with tenderness for its days calm and innocent," as Rousseau wrote two hundred years ago.

So what exactly can we do? We can help in many ways, some easy, some hard. It is often hard to ascertain the actual intent of public measures relating to Indian affairs. Actual aims, as in any political dealings, are often painstakingly masked, and in any case Indian matters are a foreign land not easy to know. But an inquiry to an Indian organization such as the National Congress of American Indians (1346 Connecticut Avenue N.W., Washington, D.C. 20036) or an Indian-related organization such as the Association on American Indian Affairs (475 Riverside Drive, New York, N.Y. 10027) will bring inside information on any current issue. One can then easily enough make known his support for public measures helpful to Indian communities, honestly meant to be helpful in relieving the all but unendurable privation the quiet revolutionaries there have endured generation after generation; or make known opposition to those measures offering help with booby-traps attached or aiming directly at the destruction of Indian communities, such as drives for "termination."

Hardest of all acts of assistance is one that is a mere act of thought, or maybe spirit: simply realizing that the Indian community is genuinely alien, and accepting it as such.

The Indian world has by no means been shattered beyond repair, notwithstanding Sunday supplement obituaries. It is very much alive—miraculously so, perhaps, but nevertheless so—even in the United States, where only about one per cent of the full-blooded Indians of the hemisphere live.

It is not only alive, it is, here and there, potentially strong and even potentially rich. Alaskan oil is the headline loot of the moment, and the battle lines are being drawn to determine what will be either the biggest windfall or the biggest steal in the history of our generously looted native peoples. The issue, in its simplest terms, is whether the Eskimos, Indians, and Aleuts of Alaska will enjoy royalties even as would you and I if we were the owners of their lands, or whether they will be squeezed off with less than a fair price. The difference could run into billions—even the Government's minimum first offer runs to half a billion or so. Secretary of the Interior Walter Hickel, with an impressive record of brutally squeezing Eskimos while he was governor of Alaska, is in charge of the Nixon Administration's maneuvers in this caper, which is undoubtedly the major Indian concern of the Administration. But the Alaska Federation of Natives is employing heavyweight legal counsel, and the natives have some determined supporters; the Association on American Indian Affairs, for one, is budgeting a six-figure expenditure for an advertising campaign intended to spread the full story before the public.

Other Indian riches are in strategic lands, other subsurface rights, and especially, water rights. The Crow Tribe in Montana claims a little matter of fifty-five miles of the Big Horn River. The Shoshones claim another stretch of the same river above them, in Wyoming. There are a number of such treasure troves of Indian water, particularly in the West. Indian water rights are almost the last such rights still undeveloped, in many cases are already quite valuable, and in some cases will become of almost incalculable value. As a consequence they are tempting many a reflective eye.

A new revolutionary conflict could be shaping up here, from the collision of Indian concepts of nature with the multiple-use concept that is so firmly established in all our affairs. Multi-purpose use is as sacred to the U.S. Forest Service, for example, as Smokey the Bear—"Your National Forest, Land of Many Uses." Can this praiseworthy philosophy be in error? The Taos Indians of New Mexico argue that it certainly can be, and base their argument on claims of sacredness that considerably antedate Smokey the Bear and the U.S. Forest Service and, for that matter, the United States itself.

Taos Pueblo, which in current archaeological opinion has been in business at the same location since at least 900–1100 A.D., sits at the foot of mountains containing regions regarded as sacred by the Taos people; especiallly sacred are the slopes of spruce and fir providing the watershed for the little river, the Rio Pueblo, that furnishes the pueblo's water.

Blue Lake, a perfect-circle mountain lake where the Rio Pueblo has its source, is the most holy shrine of all. The little river brings life for all living things within its dominion; all life in its area, including the life of the pueblo and its people, is interlocked in a religious unity that must not be disturbed, and this unity must be observed and preserved by regular ceremonies in the Blue Lake forests that have been followed since—say the Taosenos—the beginning of time.

These sacred Blue Lake lands were included in a national forest preserve in 1906 under the erroneous assumption that they were public lands. The Indian Claims Commission ruled in 1965 that Taos Pueblo was indeed the rightful owner of the Blue Lake country, and the pueblo was offered compensation, as is customary in Indian claims cases. But the Taos people want the land, not money. It is the place that is sacred, not its value.

The Forest Service, in line with its basic multiple-use approach, is entirely amenable to the Taos people using the land for religious purposes, among other multi-purposes. The Forest Service has even tried to placate the Indians with special-use permits. But the Indians want no outsiders at all multiple-using in any way their Blue Lake country. They want their mountain church returned wholly and exclusively to them, and have been saying so with Pueblo patience and stubbornness for more than half a century.

The Forest Service, encouraged by various groups of "sportsmen," has been equally tenacious in fighting to hold onto the Blue Lake lands. Public users of the Blue Lake special-permit area, which takes in most of the 48,000 acres involved in the Taos demand, are not numerous—an average of forty non-Indians a year enter this region, by Forest Service records—but they can be vociferous. The sportsmen and the Forest Service clearly see themselves as defenders of the faith of multiple-use against the heresy of exclusive use desired by "these Indians."

At a meeting of the Taos Pueblo Council I asked what concessions they might ever consider in the way of multiple-use for the Blue Lake area. None at all, said the council members. Except for their secret religious ceremonies they wanted the entire area left untouched, subject to proper conservation practices that would be carried out by the Department of the Interior as trustee for the lands. Beyond this, said the blanket-wrapped councilmen, only such multiple-use as their lands might receive at the hands of the Creator.

But the associate chief of the U.S. Forest Service testified before a Congressional committee with equal earnestness that in his belief the Taos people would have reasonable freedom to pursue their religion within the Forest Service framework of multiple-use, including planned commercial timber "harvesting," increased short-term visitor use, and range management for increased livestock use involving the division of the whole area into cross-fenced sub-units.

In general, where Indian resources and particularly water rights are concerned, some experts feel that the typical American multiple-use concept will be all but confiscatory, if Indian communities consent to sell out for participation in the big-bankroll water-development programs now tooling up. There are huge projects of this sort—the Four Corners Project in the Navajo country is one example, including a planned model city that will cost a billion dollars. Many of these projects depend entirely on the prospect of buying Indian water rights for a questionable bowl of multiple-use pottage.

The point is that multiple-use is basically catch-as-catch-can utilitarian. Each resource is milked for whatever it may provide. In

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California, showcase for all our newest ills, Santa Barbara Channel may be used for recreation, fishing, commercial shipping, and oil-drilling too. In such free-wheeling operations, the top-dollar profit usually grows the biggest muscles. Pasadena's tourist business, worth millions, died in refinery smog, worth more millions. Indian rights, in such fast company, would be hopelessly overmatched. But can they hang aloof? A particular property right comes in question, the right to delay development of a given resource or even to reject outright any multi-purpose uses offered, a right that may reach as far afield from utilitarianism as esthetics or religion.

The only real opposition to multiple-use as it is presently practiced lies in a notion dear to conservationists and wild-eyed old socialists—total planning, planning that deals with the total environment, with all resources, for the total benefit of the total world, not just on a piecemeal utilitarian basis.

There are forces of some strength gathering to fight for this different world—forces concerned over growing populations, growing pollution, growing greed, growing strife. It is possible that in the United States this great debate could open, within the next few years, over the legal question of Indian water rights.

The whole spectrum of differences between an Indian community in action and a non-Indian community in action would repay the most serious large-scale study. Newly evolving forms of tribal government, usually including closed-membership corporations or reasonable facsimilies thereof, may bear resemblances now and then to white corporations—the same investment counselors and tax counselors may be hired by both—but in essence they are novel structures because they are built on foundations that are different, alien, foundations shaped by the tradition of communal ownership.

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Most concrete Indian successes are realized in group terms—tribal cattle herds, or the communal big business of recreation on some reservations, such at the $1.5 million complex being built by the Crows in Montana, at Yellowtail Dam on the Bighorn. Or spectacularly in land: The financial renaissance within no more than ten years of the Cheyenne River Sioux in South Dakota (they now operate, among other things, a cattle business, sales pavilion, supermarket, and their own telephone company serving Indians and non-Indians in two counties) grew mainly from initial successes with a tribal land-consolidation program. The Tribal Land Enterprise agency of the Rosebud Sioux in South Dakota buys land at a rate reaching a quarter-million dollars a year, and the land-consolidation program of the Crows has reached, a half-million dollars' worth a year.

But these occasional successes have barely made a dent in the massive Indian poverty described in the first of these articles. The much-publicized project of bringing industry to the reservations has made another dent, somewhat offset by the fact that the main pitch to industry has been low capital cost and cheap labor, scarcely conducive to blue-chip deals; and even seamier considerations have appeared here and there, as in current efforts to thrust a giant paper mill upon Isleta Pueblo, New Mexico, so as to sidestep anti-pollution rules set up by the state (Indian land isn't subject to state control).

It will take more than dents to remedy reservation poverty—it will take a solid breakthrough in giving back to the Indian communities sufficient land to live on. At present, the process is still going the wrong direction: Indian lands and resources are still being whittled away. Land-consolidation operations financed by the Indians themselves cannot possibly fill the required bill. The nation simply needs to honor its given word in securing to the Indian communities a livable land base. Nothing less will work.

In the same way, if the destruction of the Indian world and its children by misfit education is to cease, Indian education must be oriented to the Indian community, as the second article in this series tried to demonstrate.

Indian control, or even supervisory participation, is also an urgent need in reservation development, including any industrial development. Colonialism dies hard—there is still a feeling in the business world that the lion's share of Indian resources, whether human, vegetable, or mineral, should go to the white raj. Ronnie Lupe, tribal council chairman of the White Mountain Apaches, was pilloried by all non-Indian Arizona in the spring of 1969 for standing firm against a multi-million dollar proposition that did not give the Apaches as much control as they wanted. He told me that he and the council had decided they should not take any deal in which the tribe did not have eighty per cent ownership. This is a high-spirited figure. Most deals are considerably closer to zero percentage in Indian ownership.

But ownership entails risk and maneuverability, which Indian communities, in their mummy-wrappings of Bureau of Indian Affairs red tape, can seldom offer—and when they do, they are often, at least at first, as lambs in a world of wolves. The Crows dropped nearly half a million of their own money in their first venture, an electric-toothbrush factory—located within cannon shot of the Custer battlefield—but have since been doing all right. The Navajos are a well known example of hardnosed success and home-owned to boot—their portfolio contains quite a list of diversified ownerships, including, as a sort of ultimate in something, the Navajo Tribe's own credit card.

When it comes to legislation on Indian matters, Indian opinion is politely asked and regularly ignored. The so-called Indian Civil Rights amendment, tacked onto the 1968 Civil Rights Bill, is already back for repairs embodying recommendations a number of Indian witnesses had urged during six years of committee hearings. The subject is of much importance to the Indian world. On the one hand, civil rights represents a constant danger area in tribal life; group identity easily comes into conflict with individual liberties, and the more "successful," the more powerful the tribal administration, the greater the danger that authoritarianism may take over and run wild. On the other hand, the white raj, chronically hostile to the whole idea of group identity, would be not at all displeased to destroy it in the name of civil rights, a splendid new weapon in the assimilation arsenal.

The one point on which all Indians and experts are agreed is that Indians must have more voice in their own affairs—especially in handling their own money. Money earned by an Indian community, from leases or whatever, is customarily paid into the U.S. Treasury and then returned via a maze of red tape, and beribboned with controls, to the Indian community. Funds appropriated to the Bureau of Indian Affairs for Indian benefit travel a labyrinth wilder still. The regulations, the restrictions, the line-by-line reporting, the delays, the frustrations cultured among conscientious BIA people as well as among the Indian victims, attain without doubt some of the finest triumphs of bureaucracy in our time.

Tragedies, real and unnecessary tragedies, are a commonplace in the Indian world as a direct result of this situation. In the summer of 1969 a drought ruined grazing and caught the Papagos, in southern Arizona, short of feed for their tribal herd. This is not an unheard-of occurrence in that desert country, and the average cattleman obtains emergency funds for buying hay and rides it through—but emergency funds for Indians have to be untangled from red tape.

More than 500 head of Indian cattle had died of starvation before the "paper processing" for emergency help even got started. For the total herd of 12,000 head, some 1,200 bales of low grade hay a day were needed, which, at $3.25 a bale, about twice the normal price, was far beyond anything the Papagos, who are among the poorest Indians in the country, could scrape up out of their own ready cash. The tribe had coming, however, a check for some three million dollars from copper-mining interests in connection with the opening of a $100 million copper mine on the reservation. This check was due to arrive at any moment—but of course it could not be drawn against in advance.

Meanwhile, officials conferred on emergency measures. One procedure resulted in an official request from the Department of the Interior to the Department of Agriculture to declare the tribe eligible for the Federal free feed grain program—to the bitter amusement of all cow-country people, who knew range cattle would not eat grain to begin with, and cows weakened by starvation could not handle rich grain even if they would eat it. Even so, such grain might have been traded locally for hay, although not by regulation-shackled Indians.

And so, throughout July and August, the cattle died, bringing far-reaching hardship for those Indian families dependent on stock-raising as their only means of livelihood. The overall loss in cattle before the drought and the nightmare ended in early September was some 2,000 head.

On September 13 the tribe received, in proper form through the proper channels, the copper check—$3.7 million.

The need, obviously, is for a thorough revision of the ungainly regulations under which the Bureau of Indian Affairs operates. It is necessary to repeat—again—that a solution is *not* the abolition of the BIA, which would mean termination. The BIA is absolutely essential as a trustee and protector of Indian rights and possessions, and should be strengthened as such.

Indian communities deeply need a strong Federal agency conserving and guarding their interests against other governmental agencies and powerful predators from the "private sector," but that protection surely does not need to extend to a minute interference in the communities' own internal operations. BIA weaknesses in stance and procedural rules are at least in some part the result of deliberate intent to cripple on the part of hostile Congressional committees, and will be repaired only by a struggle that could last a long time. But there is no reason whatever that Indian communities should not at once receive and control directly all their own funds, and the operational portion of Federal funds appropriated for Indian-related purposes, as Federal grants of whatever kind to towns and cities and counties are normally administered by the recipient community itself.

This, as with the substance of each of these three articles, deals with ideas that might be expressed as brief definite proposals. The three paramount ones can be summed up:

One—Restoration of lands and resources sufficient for present Indian populations.

Two—Direct Indian control of Indian schools.

Three—Direct Indian control of Indian funds, public as well as tribal.

The world of Indian communities is a world worth keeping with us. We are solemnly obligated, by treaties sworn on the heads of our fathers, to sustain it in our midst, but in all likelihood the obligation is of less import than the long-time yield we may be returned. The Indian has a property in the moon, Thoreau said, and he did not mean astronautically; the real business of the Indian revolution may turn out to be the illumination of the dark side of the soul, maybe even our own.

[From the Progressive Magazine, January 1970]

The American Indians: The Un-Americans

(By William Brandon)

One thing American Indians don't lack is Indian experts. All told, there are probably more experts than Indians. For example, on the poverty-stricked Oglala Sioux reservation at Pine Ridge, South Dakota, sixty-four research projects are currently under way with a combined cost in academic salaries alone that would feed all the hungry children on the reservation. Almost the only people acquainted with Indians who don't claim to be Indian experts are the Indians themselves. The Indians' job is to listen to the experts. They listen because they have to, because essential structures of their community life are controlled by the experts and their "programs."

In traveling over the country last summer interviewing Indians and Indian experts, I found these two groups did not share, at least not equally, the same concerns.

Most Indians seemed most concerned that Indian communities are poor because they do not have enough land and resources for their growing populations. ("Indian community" means a tribal community with a quasi-sovereignty of its own and a sense of relatedness among its people akin to that of a religious community.) They were concerned, too, that we, the "dominant society," raid and besiege and harass them because they are alien—indeed so alien they won't even leave their poor communities and go look for jobs some place else, as we would do; and concerned that our raids and attacks are chiseling away what lands and resources they still have left, which leaves the still growing Indian populations even poorer.

These, it seemed to me, were the main areas of Indian concern.

The experts talked mostly about education. Experts have a touching faith in education, but Indians don't cotton to our white education at all. Their school dropout rates are high. "Achievement" rates are low. Indian students are, as a rule, just not interested in the kind of schools we provide for them. This bewildering problem has divided the experts into two camps.

One camp, made up generally of experts with a nationwide point of view, believes we should reconstruct Indian education to fit the Indian world.

The other camp, made up generally of experts concerned with the operation of local school districts, thinks we should keep hacking away at Indian children to carve them to fit into the pattern of our white education.

Until now the bureaucrats have won, and they fully expect to keep on winning. But it is impressive that after these many years of force-fed misfit education so many Indians are still resisting. In 1966, some 10,000 to 16,000—statistics differ—Indian children between the ages of eight and sixteen—somewhere about ten per cent of the total U.S. Indian school-age population of some 150,000—were out of school altogether. For some this was because no schools were available, but for many others, even though few Indian parents these days will admit it, it must be considered a deliberate withholding. The modern period in Indian statistics is neatly bracketed by the dates of 1891, when three Kiowa schoolboys froze to death trying to get home across blizzard-swept plains after running away from school, and 1967, when two Navajo students died in precisely the same way.

There is involved a clash, a conflict so profound that it takes place in the soul's least conscious depths. Our school system is naturally built to our own scale of values, "competitive, exploitative, oriented to acquisition, and above all to individual success," in the words of Dr. Anne Smith, Santa Fe anthropologist and author of several works on Indian education in New Mexico. But these values are directly opposed to the gods of the Indian world. The inherent Indian orientation is toward a sense of community, interpersonal harmony, group endeavor and achievement, rather than isolated endeavor and individual achievement. To the Indian child therefore our schools are likely to seem either silly or hostile, as he comes to realize they are teaching false values compared to the values learned at home.

A number of recent studies have disclosed that the Indian family usually presents to the schools a stable, well-adjusted, willing, quick-learning child, who does splendidly at first, and then, at about the fourth or fifth grade, begins to regress. By the time he finishes high school—sixty per cent drop out along the way—he has acquired less than a tenth-grade education. Many teachers have commented on the typical Indian child in kindergarten, so outgoing and happy and friendly, who turns into the withdrawn, rather apprehensive child of later grades. Clearly, he approaches the big outside world ready for a joyous embrace, and the big outside world gradually infects his spirit with the nightmare sickness of finding one's self out of kilter with a world one expected to love.

Worst of all, since the children are danced into this invisible chasm of alienness without any idea that it is there, each child thinks his "failure" must mean there is something wrong with him personally. A 1966 Government report much quoted by educators (the Coleman Report) revealed that twelfth-grade Indian students chose for themselves bottom rank in answers to the question, "How bright do you think you are?"

Not surprisingly, this misfit educational system long ago lost interest in its apathetic child victims; its "goals" are for the benefit of the system, not the students. Prison-like boarding schools were established for easier administrative efficiency, better living conditions for the staff, convenience in using the visual-aid gadgets that to the superficial mind define "quality education." These children's concentration camps have come in for flaming criticism, much of it from white patriots alleging the Indian schools were slowing down "assimilation" by keeping Indian children fenced off from the melting pot. So, in 1965–66, the Government asked Indians what they thought of taking Indian children away from the Bureau of Indian Affairs and its segregated schools. Some younger Indians favored this, but most tribal spokesmen protested vehemently, less from love for the BIA schools than from opposition to the rejected goal of assimilation.

The Government thereupon carried out the vetoed proposal anyway but without saying so, and while education is still big business—two-fifths of the 1968 budget—in the BIA, two-thirds of all Indian pupils have been quietly transferred to public schools, where Federal funds pay for them by the head. Two of the leading specialists in Indian education, Professors Murray and Rosalie Wax, told me at the University of Kansas last summer that this hasty switch to public schools promises to be catastrophic. The public schools are generally unprepared for Indian students, and, with only occasional exceptions, uninterested in any special preparation.

"We teach exactly the same courses and use exactly the same textbooks as all other Arizona schools," said the superintendent of the handsome new elementary and high school on the Papago reservation in the desert country of southern Arizona. He was caustic about "Indian values" that were supposedly worth "saving." "My parents came from Denmark," he said. "They did not teach us children Danish. They were happy to come to this fine country with all its great and wonderful opportunities. They wanted us children to appreciate America and be Americans." The superintendent all but implied that if the Indians didn't like this fine country they should go back where they came from.

Related to the central misfit problem are various other handicaps—language, for one. Classes are usually conducted in English although two-thirds of the children know no English at all when they begin school.

Our "best" people think nothing can be finer for their own children than a bilingual education in French, but an Indian child is generally regarded as "disadvantaged" by red and white alike because he speaks Cherokee or Ojibwa or Tsimshian—this, even though it is beginning to be recognized that Indian languages possess their own literatures, often literatures of beauty and sophistication. But the effects of the "primitive language" misconception will long remain, especially among the ignorant who speak of all Indian languages as "Indian dialects."

Malnutrition is a deep-lying handicap, as is racial discrimination. The U.S. Office of Education has reported that one out of four public school teachers would prefer not to teach Indian children.

Anti-Indian prejudice, where it exists, is blazingly open. "What do these Indians do, mostly?" I asked a white businessman on the Northern Cheyenne reservation in Montana. "As little as possible, like all the rest of the lazy bastards everywhere," he said unsmilingly. Do black people talk of police harassment? The national arrest rate for Indians is five times that for blacks—twenty-five times the rate for whites.

When I was in South Dakota a few months ago the Sioux were exercised—they still are—over the Tom White Hawk and the Baxter Berry murder cases. In the White Hawk case, an Indian college student from the Rosebud Sioux reservation, who was drunk, shot and killed an elderly white jeweler in the course of attempted robbery, and raped the victim's wife. In the other a well-to-do rancher, son of a former governor of South Dakota, shot and left to die a young Rosebud Sioux, the minister of an Indian church, who had come to protest the rancher's shooting of Indian dogs said to be causing losses in the calf crop on the Berry ranch. White Hawk was sentenced to be electrocuted; after two years and several stays of execution the governor commuted the sentence to life imprisonment with a recommendation against any consideration of parole. Berry was acquitted by an all-white jury on a plea of self-defense, although the murdered Indian had been unarmed. The Rosebud Sioux tribal council revoked tribal grazing permits held by Berry but was overruled by BIA officials who could find "no justifiable reason" for cancellation.

When parents practice prejudice, the children's teeth are set on edge. At Point Arena, California, where the Kashaya Pomo children from the wretched Stewart's Point reservation go to high school, all the Stewart's Point students are driven out sooner or later; the Kashaya say they haven't had a child finish high school in years.

Booze and broken homes, a characteristic dirge of the urban ghetto, is less a constant theme in the Indian world, where a tightly organized community can sometimes withstand incredible poverty pressures—but when such a modality does take over, and children from it then collide with a rigid, ill-natured, alien outside world, the results are often dramatized in the absolute destruction of the young. Youthful suicides, all but unheard-of among some Indian groups, such as the Pueblos, have reached fantastically high rates elsewhere in the Indian world, as at Fort Hall, Idaho, where child suicides have occurred as early as eight years of age. The late Senator Robert Kennedy's account of the jail-suicide at Fort

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Hall of a sixteen-year-old boy accused of drinking during school hours was given wide publicity but is by no means an isolated example. Rather more flagrant might be the case of the Sioux boy who hanged himself in the Wilkin County jail at Breckenridge, Minnesota, in December, 1968, after having been held in the jail, according to a newspaper story, "in virtual isolation" for seven weeks. His age was thirteen. He was charged with having been involved, along with three older boys, in a car theft. He had been given no court hearing during his seven weeks in jail. The judge cleared his docket during a part of that time to go on a hunting trip.

Says Dr. Karl Menninger of such instances: "Where one commits suicide, scores are in despair."

Even though our Indian education is, plainly, misfitted to basic Indian culture, it can still train students in technical and professional skills. Despairing Indian parents see no way out of a poverty future for their children except to force them into the schools, and some Indian students do survive to remain tribal people while becoming university trained doctors, lawyers, or Indian chiefs. Yet some are left hopelessly deformed; some are trapped by the alien gods and find themselves "assimilated." Most, however, reject the education that is so foreign to their real world: The average Indian ends his formal education with just five years of school.

A faint hope has sprung up among deeply concerned Indian experts that the practice of carving an Indian child to fit the white educational system may be overthrown. Their hope is based mainly on the work of the special U.S. Senate subcommittee on Indian education, the "Kennedy Committee" first chaired by Senator Robert Kennedy, later by Senator Edward Kennedy. The subcommittee's final report, presented early in November, 1969, offers sixty concrete recommendations designed to bring about "culturally sensitive" programs and bilingual programs and increased Indian control of Indian education. It calls for a White House conference and a Senate Select Committee to see that these basic changes are really made. Throughout the 2,371 pages of testimony, the opinion prevails that the present destructive schooling should cease and that education for Indians should be totally redirected to fit the outlook of the Indian world, to "strengthen and develop and ennoble" the Indian social structure rather than oppose it, as the subcommittee testimony quotes expert Bruce Gaarder of the U.S. Office of Education.

The obvious first move toward achieving the the goal is simply to let Indians run their own schools, or, in the case of mixed schools, to serve on school boards more proportionally than is now the case.

Another obvious move is toward bilingual education. This can serve both the welfare of Indian students and the welfare of Indian languages, inextricably bound up together.

The model bilingual public school now in action is the Coral Way elementary school in Dade County, Florida, for the use of refugee Cubans. All subjects are taught half the day in Spanish and half the day in English. For Indian pupils this procedure will require translations into various Indian languages of grade-school textbooks dealing with subjects such as social and natural sciences, history, and mathematics. It will require not only Indian teachers, now rare, but, even rarer, teachers of the same tribal tongue as the pupils, all plus factors of such magnitude for Indian education as to well repay the difficulties involved.

The best known current attempts at bilingual Indian education are the Rough Rock Demonstration School in the Navajo country, and the new Navajo Community College nearby at Many Farms, Arizona. (*See "Student Activists: The Navajo Way," by Stan Steiner in the July, 1969, issue of* The Progressive.) Both were started during the last four years by Dr. Robert Roessel, a white educator with a Navajo wife; both schools have attracted attention from educators all over the world, particularly for their endeavors to make the Indian community an integral part of the educational process. A few more orthodox schools and colleges have made some progress in such redirection. Fort Lewis College, a state college at Durango, Colorado, is white orthodox in entrance requirements but runs an intercultural program well enough that it has more Indian students in its small enrollment than there are in the relatively giant universities of Arizona and New Mexico combined.

A reconstruction of Indian education around the fundamental structures of the Indian world—a world of living together, rather than striving against one another for acquisitions, a world of community—might conceivably offer a vestibule to reconstruction of Indian education even in our mainstream world.

These various possibilities and hopes are now only foreshadowed. The important news in Indian education is the wholesale transfer of Indian students into public schools. While Indian criticism is fired at Indian education in both BIA and public schools, some of the strongest Indian protests against the public-school switch are aimed at another target altogether: Removing education from the Bureau of Indian Affairs might be a step toward dismemberment of the BIA and thus toward "termination."

Termination is truly a word of ill omen to tribal Indians. Its meaning in Indian affairs is the termination of "Federal responsibility," the responsibility of the Federal Government to act as trustee for Indian lands, rights, and resources; the responsibility to protect Indian groups in these rights and possessions—protect them particularly against states, counties, cities, or other local powers that might divest them of their rights and possessions—and to provide certain services such as education and health.

These responsibilities are based upon treaty promises or other equally legal commitments, in which the Federal Government pledged, in return for cessions of value, to render unto specific Indian groups specific rights and their protection, plus the provision of schools, hospitals, sawmills, teachers, doctors, tools and implements, roads, supplies when needed—all the services of the modern world, to be supplied and administered by the Federal Government rather than administered under state and local jurisdictions, because of well-founded apprehensions that state and local jurisdictions might not be trustworthy in carrying out such promises.

When this Federal responsibility is abrogated, the Indian community thus "terminated" is more than likely to fall prey to disintegration; few Indian communities are rich and strong enough to survive on their own under state and local jurisdictions armed with tax powers and hostile to the Indian community's way of life. The Menominee Nation of Wisconsin, terminated some ten years ago and transformed into Wisconsin's smallest and poorest county, seems already near the end of a losing fight for life; White purchasers are being invited to buy homesites in numbers that will make them a majority in the county. Whether it then remains a white-dominated county, or is absorbed by other counties, or becomes a National Park as some unhappy and concerned Wisconsinites are urging, the Menominee Indian Nation, simply unable to handle the state and local costs piled on it, seems to be headed for the shadows.

For many Indians such community disintegration is a fate to be fought off at all cost. The bulldog survival of some Indian communities through generations of shot and shell (figurative and literal) that would have annihilated a hundred Prussias is little short of miraculous.

Many Americans, in and out of officialdom, have pressed relentlessly for destruction of these, to them, alien Indian communities. Foreign communities of all sorts, from Amish to Orthodox Jewish, can be tolerated so long as the people in them are properly earnest about toil, thrift, and getting ahead; ethnic minorities can be understood as long as all they want is a bigger slice of the American pie. But the Indian communities don't much care for the pie at all, and this is truly intolerable. This is true un-Americanism.

The struggle between those anxious to "break up the tribes" and the Indians who want to live as Indian communities has been going on for a long time, sometimes underground, sometimes in open view. This struggle underlies much of the action in Indian affairs, even where it may not at first glance seem to be an issue.

A strong terminationist cell in the U.S. Senate is in the very heartland of Indian political matters, the subcommittee on Indian Affairs. The committee's chief professional staffer, James Gamble, originally appointed on the recommendation of Senator Clinton P. Anderson of New Mexico, has long been, in the words of Ralph Nader, "the chief Congressional worker for termination and assimilation. . . . The intensity of his animosity toward what he considers the privileged position of Indians and the BIA . . . is almost startling!"

Termination does not raise the question of Indians remaining "primitive" or becoming "modern." The quality of being an Indian is not a matter of handicrafts or of grinding corn but of the all-important sense of community, which may well exist more genuinely in overalls or business suits than in feathers and beads. It is the community that is brought into question: It is only the tribal community that lives under the constant menace of termination; urban assimilated Indians are already counted as captured—perhaps prematurely, for it was young urban Indians who engineered the occupation of Alcatraz Island in San Francisco Bay, and if any national Indian movement ever develops it will probably be nonreservation urban Indians who set it off. But termination is aimed at reservation communities only, and turns on one issue only, the issue of alienness, pure and simple.

Acceptance of tribal Indians, these communal aliens, perhaps the only genuine aliens left in our world, may face rough times ahead, as paranoia becomes more and more a national characteristic. Not surprisingly, beleaguered Indians have picked up a little paranoia, too, and see stealthy termination plots on every hand. But the menace is indeed real, never entirely absent even under the friendliest of climates. Generally speaking, whenever a politician, white or red, talks of "freeing" Indians from their "wardship restrictions" or demands "freedom" via the abolition of reservations and the BIA, he is probably plugging, openly or covertly, for termination. An Indian community can free itself any time of restrictions, of reservation status, of the BIA, merely by termination of its community life. Most Indian communities would rather struggle along alive. It is not separation from the BIA that Indian communities most want but some control over their destiny under the umbrella of the BIA.

The termination argument given widest circulation is that it would be an economy measure—"get the country out of the Indian business," save some money even if it means violating every Indian treaty ever made. In connection with this argument figures are often cited purporting to show the high cost in Federal funds and the large number of employes devoted to so few Indians. This expense is high indeed, even allowing for the normally high pipe-friction costs of bureaucratic operation. However, the apparent high per capita ratio of costs and the number of public employes in the

Indian business should be compared to a corresponding figure for the general public of total costs of goods and services and total number of public employes in *all* jurisdictions combined—Federal *and* state and local—for the nation as a whole. Such a comparison puts the per capita Government expense for reservation Indians about equal to that for the general population. Politicians viewing Federal Indian costs with righteous indignation are seldom conscious of this fact. Nor do they seem aware that when Indian communities are terminated, the Federal expense, although thereafter more or less masked, remains at least as high, or goes even higher, as the state and local governments demand increased Federal aid in supporting the added expense the state and county and municipality have assumed; states and local jurisdictions are never inclined to forget the legal Federal responsibility for Indians.

Total Government expenditures in all Indian matters since 1781—including, among other details, the cost of buying the United States from its owners—totals about three billion dollars. This is not quite enough to keep our brushfire war in Vietnam running for six weeks. There are many parallels between Vietnam and our Indian wars of the past, but cost is not one of them.

One aspect of termination, the Indian property of considerable value that might then go up for grabs, is an important aspect in the eyes of would-be terminators, and perhaps in some other respects may be more important to our mainstream world than is generally recognized even by terminationists (as I propose to show in the concluding article of this series). The future of the Indian world may conceivably be even wilder than its past.

NEW YORK CITY COUNCIL UNANIMOUSLY SUPPORTS RYAN LEGISLATION TO COMBAT LEAD POISONING

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RYAN. Mr. Speaker, lead poisoning is a serious childhood disease which afflicts 1- to 6-year-old children in the slums of our urban centers.

Until recently, this insidious disease had been ignored—its causes and effects unknown. The symptoms of the disease were very similar to those of a flu or virus, and often cases were not discovered until they reached their most acute stages—resulting in possible mental retardation, brain damage, epilepsy, cerebral palsy, and sometimes even death.

Young children will eat anything they can get their hands on. In pre-World War II housing, which has usually deteriorated, paint and plaster peels and falls within the children's reach.

Although many cities have now passed ordinances forbidding use of lead-based paint, older buildings still have coats of lead-based paint, to which children are exposed, because the slum landlords do not perform proper maintenance work.

It is estimated that more than 200,000 American children are lead poisoning victims. In New York City, it is estimated that 25,000 to 30,000 children are afflicted with the disease.

To cope with this environmental disease, which now can and should be checked, I have introduced three bills with some 20 cosponsors.

H.R. 9191—H.R. 13256 and 14736 with cosponsors—establishes a fund in the Department of Health, Education, and Welfare from which the Secretary can make grants to local governments to develop programs to identify and treat individuals afflicted by lead poisoning.

H.R. 9192—H.R. 13254 and 14735 with cosponsors—authorizes the Secretary of Housing and Urban Development to make grants to local governments to develop programs designed to detect the presence of lead-based paints and to require that owners and landlords remove it from interior walls and surfaces.

And H.R. 11699—H.R. 13255 and 14734—requires that a local government submit to the Secretary of Housing and Urban Development an effective plan for eliminating the causes of lead-based paint poisoning as a condition of receiving any Federal funds for housing code enforcement or rehabilitation, and that these plans be enforced.

Senator KENNEDY has introduced a similar bill, S. 3216, in the Senate with cosponsors and our legislation has received widespread support.

I am happy to inform the House that on February 10, 1970, Councilman David B. Friedland presented a resolution to the New York City Council calling upon Congress to enact this legislation. Councilman Friedland's resolution was considered immediately, the entire council requested permission to join in sponsoring the measure, and the resolution was unanimously passed without being referred to committee. I want to include in the CONGRESSIONAL RECORD the resolution which was unanimously adopted by the New York City Council on February 10, 1970.

I hope that my colleagues will heed the urgency expressed in the resolution of the New York City Council which reflects the growing concern about this needless disease and the need to eliminate it.

The resolution follows:

RESOLUTION OF THE NEW YORK CITY COUNCIL

Resolution calling upon Congress to enact pending legislation to provide financial assistance to cities and communities in order that they may develop and undertake programs to detect and treat incidents of lead-based paint poisoning and eliminate the causes thereof.

By Messrs: Friedland, Taylor, Burden and Postel: Ryan, Greitzer and entire council.

Whereas, It has been estimated that over 200,000 young children in the United States residing in old tenement buildings are victims of lead poisoning as a result of eating chips of paint tainted with lead from peeling window sills, door frames and walls and from crumbling plaster; and

Whereas, Approximately 25,000 to 35,000 children in New York City are adversely affected by lead poisoning annually; and

Whereas, 60% of all lead poisoning occurs in children between the ages of 2 and 3; and

Whereas, Lead poisoning results in neurological disorders, brain damage with mental retardation as a sequel and, at times, death; and

Whereas, The disablement of these innocent youngsters directly and indirectly affects the great bulk of the citizenry in terms of hosiptalization costs, maintenance of mental institutions and therapy and social and other problems; and

Whereas, The causes of lead poisoning are known so that immediate steps should be taken to eradicate same, to alert parents as to the dangers of lead poisoning and of the need for prompt medical treatment; and

Whereas, There are three bills sponsored by Congressman William F. Ryan presently pending in Congress to provide for federal financial assistance to the cities and communities for the detection and treatment of lead-based poisoning cases and for the elimination of the causes thereof; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to enact one of the foregoing bills to provide financial assistance to cities and communities in order that they may develop and undertake programs to detect and treat incidents of lead-based poisoning and eliminate the causes thereof.

THE QUOTA SYSTEM—IT JUST WON'T WORK

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. RARICK. Mr. Speaker, as Americans throughout the country see the absolute debacle which has resulted from the efforts of the leftists to force race mixing in the public schools, it becomes increasingly clear that this sorry experiment nears its unlamented end.

Volumes are being written about the failure, all trying to prove that the objective was good, only the method bad. The reaction of the mixologists to their failure is to try another tactic to obtain the same impossible end.

A totally integrated society is the objective of the left, apparently at any cost. So long as men are free, they cannot be forced into associations with one another against their will, nor should they be.

The essence of our civilization is the freedom to each man to do the most with his life that he can do, without in any way interfering with the same right in his neighbor. Success is not guaranteed—only freedom to try.

The quota system is dismally wrong. This implies that a certain number of individuals will achieve success without regard to their capabilities. No more and no less than the magic number will succeed. Not only will such a system hold back those who may be competent, but in excess of the quota, but it will certify as competent those who are incompetent—just to fill the quota.

The quota system has failed in the public schools. Its application has effectively destroyed public education in much of the land.

It is a dismal failure in both the Army and the National Guard. In each case it was applied as a sociological experiment at best, and a raw payoff for demagogs in reality. It should be made plain that the task of the Armed Forces, whether Regular or Reserve, is to fight. They are not the proper ground for either demagoguery or social experimentation. What improves their ability to perform their mission is proper, what does not is not.

We are witnessing the incursion of the quota system into the field of labor, including our labor unions. The architects of the school failure now demand that a certain quota of Negroes be hired—or given craft status by the unions—

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whether or not they are qualified. If workingmen put up with this dishonesty very long, at the risk of their own jobs, their own seniority, their own safety, their pride in their craft and their hopes for their sons, then I do not know the people whom I have the honor to represent in the Congress.

Mr. Noyes' column concludes with the statement that the "problems" somehow, surely, must be solved. They will be, but not by further foolishness. They will be solved by reason and honest evaluation of the facts, as they were solved in the South until the demagogs, for their own selfish purposes, deliberately upset the delicate balance of a century.

Pertinent clippings are included in my remarks:

[From the Washington Star, February 26, 1970]

SCHOOL DESEGREGATION RESULTS RAISE QUESTIONS

(By Crosby S. Noyes)

I'm sorry, but I must respectfully disagree.

I do not believe that we are in the midst of a deep and basic reversal on the issue of civil rights.

I do not believe that the Senate of the United States has now cravenly abandoned the policy of racial integration.

And most of all, I do not believe that we are experiencing a popular reaction aimed against the black people of this country.

That these conclusions have been drawn from the events which took place in Washington last week is largely a measure of the confusion surrounding those events.

No one, including the prime movers in the Senate debate, claims to know what effect, if any, the famous "Stennis Amendment" will have on the problem of school desegregation. The despairing intuition of some liberals that it reflects a deep and sinister national trend has no real evidence to support it.

What it may reflect—and even here, given the cross-currents of political tendencies within the debate, it is impossible to be sure—is a new spirit of critical reappraisal of some of the basic dogmas of the civil rights program.

A good deal of what was said in the Senate echoes what is being said pretty generally throughout the country. And what this adds up to is not a rejection of the objectives of the civil rights movement, but rather a certain disillusionment by both races with the results of school desegregation as it has worked so far.

There were, after all, a certain number of assumptions, held to be self-evident, behind the Supreme Court's school desegregation ruling of 1954.

The main assumption, of course, was that segregated education was inherently unequal education. Another was that unequal educational opportunity was a primary cause for the disadvantage of black people within the society.

From these assumptions, it followed logically that an integrated educational system must result in better schools for blacks, even at a temporary sacrifice in educational quality for some whites. It also followed—and this is the bedrock of liberal philosophy—that integration starting at the elementary school level must result in breaking down social barriers between the races and in a more harmonious and equitable society.

It is these assumptions that are being questioned today. And indeed, one would have to be either a fool or a fanatic to pretend that the questions, 16 years after the Supreme Court's order, do not have validity.

Granted that the order has not been universally applied. Resistance in the South—and in the North, as well—to the literal application of the court's edict has been widespread. In the Deep South, many school districts have been gerrymandered to preserve traditional patterns of racially segregated education. In the Northern cities, segregated residential patterns and resistance to the busing of schoolchildren have in many cases prevented effective integration.

The new skepticism, however, has not resulted from the failure to achieve universal compliance. In schools all over the country, a wide variety of racial integration has existed for many years. There has been time to test the validity of the basic assumptions that produced the 1954 decision. And the findings, in the view of many people, are not entirely encouraging.

It is hard to argue that school integration has succeeded in most places in significantly upgrading the educational opportunity of black students. Here in Washington and elsewhere, it has undoubtedly speeded up the process of residential segregation by the movement of white families—and blacks who can afford it—toward the suburbs. The result is that Washington's technically "integrated" school system is today over 90 percent black.

Even where this has not been the pattern, there is a widespread impression that the quality of public education has deteriorated dangerously over the last decade. There are, of course, a variety of reasons for this that have nothing to do with integration.

But it has been found that the cultural and environmental disadvantages of black children from poor families are not automatically overcome by putting them in classes with white children. And the complication of the teacher's job resulting from this problem has increased the strain on the system as a whole.

Nor has integration notably improved relations between the races. The growing violence in the schools, the spontaneous social segregation of students within the schools, the demand of black students for studies "relevant" to them, all are discouraging symptoms.

These negative aspects, however, certainly do not invalidate the most basic assumption of all. The goal of integration—in housing, schools, jobs and all the rest of it—still is essential to the creation of a successful multiracial society. A return to enforced segregation in any area is simply unthinkable.

What is needed, quite clearly, is more time and far more resources than have been available so far. Enforced school integration has not turned out to be the instant panacea it once was thought. The educational system by itself is not capable of solving the problems that affect and afflict the society as a whole. But somehow, surely, the problems must be solved.

[From the Army Times, Feb. 18, 1970]

DEFENSE PUSHING RACIAL LESSONS

(By Bob Schweitz)

WASHINGTON.—Every basic trainee will receive lessons in race relations, and every soldier in the Army will recognize and understand the Black Power salute when he sees it, if the Defense Department's civil rights chief has his way.

L. Howard Bennett, Deputy Assistant Secretary of Defense for Civil Rights, will recommend the following action by commanders to ease racial tensions in the service:

"Threshold orientation", which would incorporate information about race relations into basic training.

Instruction for every serviceman in the meaning of signs and symbols such as the Black Power sign and salute.

Open forums where blacks and whites would discuss racial problems and related issues face-to-face.

On-post social activities where young women—black and white—from nearby communities would participate.

More literature, movies, recordings and entertainment relevant to blacks available to Negro soldiers.

These steps would be in addition to those offered by the newly formed Inter-Service Task Force on Education in Race Relations ordered into being by Secretary of Defense Melvin R. Laird last month.

The task force will have eight members. There will be one officer and one enlisted man from each service. One of the two from each service will be a minority group member. A colonel (or a Navy captain) will be added to chair the group and the tenth member will be Secretary Bennett.

The task force will develop an educational program on race relations to be used throughout the armed forces.

Laird also asked each service to "examine in depth its own communications to judge whether or not it promotes better understanding between races, as a basis for then taking steps necessary to improve it."

Bennett would also launch a series of group activities. He says in his outline for command leadership. "A whole array of group activities suggest themselves: group singing (whites could learn the spirituals and Negroes country and western); group dancing (Negroes could learn the polkas and schottisches and the whites the Charleston and the Cake Walk) . . ."

Bennett believes the majority of young Negroes in the services do not know of the progress which has been made since segregation was officially abolished in 1948.

"They are unaware of the growth in the number of Negro officers, the steady advances that have been made by enlisted personnel in obtaining middle management and supervisory positions in a wide variety of military occupational specialties."

The civil rights chief says that his 1968 trips to Europe and Southeast Asia have convinced him that "racial tensions were dangerously increasing."

He notes the rise of racial conflict in the cities and says that the civil disorders are moving from the streets into the junior and senior high schools.

"It should be of special concern to the military because it is from youth of high school age that we get the vast majority of young men coming into the service."

In his "threshold orientation" suggestion Bennett says "on the very first day a young man comes into the (service) it should be made crystal clear from the levels of command that neither his color, his race, his religion and his regional background nor the place from which he comes is going to have any bearing whatsoever on how well he gets along in the service."

Discussing the Black Power salute, Bennett said "a large number of white military personnel said to me that they felt that the Black Power salute signalled and meant that they would be violently attacked. It was a threatening sign."

Bennett says that what the salute "really means is that it is time for the black brothers and sisters to unite; to work together cooperatively to achieve their goals and objectives, and that it is their intention to get into the mainstream of American life at this time.

"We should have blacks and whites understand what each is saying to himself and to each other, and not continue to let personnel in the military talk in 'foreign tongues' and unknown signs."

The Defense official is asking commanders to make available "relevant literature and the relevant sound—that is, books, magazines, movies, records and musical entertainment—which go to the heart of the search and thrust for identity which blacks now seek. The quest for his black heritage—

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which is good and meaningful not only to blacks, but highly informative and educational for all personnel—is the 'thing' with the new breed of black."

[From the Washington Star, Feb. 26, 1970]

GUARD REPORTS BLACKS SHUN ENLISTMENT DRIVE

A survey released by the National Guard Bureau indicates that Negro enlistment in the force over the last two years has remained virtually static despite administration efforts to attract blacks.

"We are very disappointed with the results of this survey," said Col. Wilmer Shimer, head of the equal opportunity and civil rights division of the National Guard Bureau.

Shimer, who compiled the semiannual report from nationwide returns, noted that preliminary reports from the Army Reserve and Air Force Reserve also showed a decline in percentage proportions of black recruits.

At the end of 1969, the combined Army and Air National Guard had 5,487 Negroes out of a total enlistment of 478,860, or 1.15 percent of the force. This compares with 5,541 Negroes at the end of 1968, when they represented 1.18 percent of the membership.

After the 1967 urban ghetto riots, when predominantly white units of the National Guard were used to quell the disturbances, the National Advisory Commission on Civil Disorders recommended to then-President Lyndon B. Johnson that immediate steps be taken to raise black participation in the Army National Guard substantially beyond the 1.24 percent it was at that time.

Citing "a matter of highest urgency," Johnson ordered a five-year plan to bring the membership to about 12 percent of Guard units in each state. However, the funds to carry out the project never passed Congress and similar funds were not included in the fiscal 1971 military budget.

Shimer attributed the continuing low level of black recruitment to "reluctance because of the use of the force primarily by government to control civil disturbances."

He also cited a predominantly poorer living level as a contributing factor in the blacks' reluctance to join the force. Enlistment in the National Guard entails 48 days of weekend drills and a 15-day training period each year. But the pay only averages out to $5 a day.

Unlike more affluent whites, the blacks cannot afford to take time from their jobs to enlist in the guard, Shimer said.

"Until the blacks have the same economical degree of livelihood as whites," Shimer claimed, "they are less likely to join the Guard."

Although National Guard officials insist the effort to increase black participation has not been abandoned, there appears to be little prospect of immediate improvement. Out of 132,167 prospective volunteers on the force's "waiting list," only 1,548 are black.

Beginning March 1, the Guard will begin a program to recruit a greater number of experienced soldiers. Since many of these veterans—including those from Vietnam—are black, officials expressed the hope that the drive will increase black representation.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

JOB BANKS: A GOOD IDEA IN ACTION

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Friday, February 27, 1970

Mr. MATHIAS. Mr. President, one of the most successful new tools for matching people with jobs is the job bank, a service which originated in Baltimore in 1968 and is now being launched in many other cities under Labor Department leadership.

The job bank is basically a simple, computerized, up-to-date listing of all jobs available in a metropolitan area. Because it is so efficient, employment service personnel have been freed from many time-consuming clerical tasks for more productive work in placement services. Employers have been encouraged to list more vacancies with local employment services. Most important, jobseekers have been made aware of substantially more opportunities and have gained far more confidence in local manpower services.

In an article in the February issue of Social Service Outlook, the publication of the New York State Department of Social Services, Secretary of Labor George P. Shultz summarized the tremendous success of the Baltimore job bank, which has served as the prototype and provided valuable experience for use throughout the Nation.

The Maryland State Employment Service and the Labor Department both deserve great credit for the success of the job banks to date. I ask unanimous consent to have Secretary Shultz' interesting article printed in the RECORD at this point.

There being no objection the article was ordered to be printed in the RECORD, as follows:

OUR NATIONAL JOB BANK SYSTEM

(By Secretary of Labor George P. Shultz)

Before the end of June, computerized job banks are expected to be operational in 55 major metropolitan areas populated by more than half of our national labor force. Others will follow.

Two years ago there were none. The public employment service was overburdened with paperwork and trained professionals were forced to devote their time to clerical work—time sorely needed for counseling and job development.

Because of the paperwork gap, jobseekers often would be sent out after jobs that had already been filed, discouraging them and annoying the employer.

These and many other problems are solved by the relatively simple, inexpensive, but highly efficient job bank system which uses a computer to provide a daily up-to-date list of available jobs in a metropolitan area.

Simple as the job bank principle may sound, it results in a major innovation in the operating methods of the public employment service. It promises to improve considerably the entire process by which jobseekers and jobs are matched.

The service is speeded up, and the exposure of the applicant to job opportunities is expanded. In areas where the job bank has already been put into operation, it is found that the placements of hard-core unemployed have as much as doubled, and that employers in large numbers have turned to the public employment service in confidence to list their job openings.

The job bank does not attempt to use the computer to match workers and jobs. It uses the computer to assemble, update, and print a listing each night of all available job openings locally—in Baltimore, for example, as many as 10,000 or more. When the job bank first started there, only about 3,000 jobs were offered on an ordinary day.

Because the Baltimore job bank was the prototype, and has been in operation since May of 1968, it serves as the best example of the benefits the system offers.

The chief beneficiary is the disadvantaged applicant. The job bank has enabled the Maryland State Employment Service to improve significantly its manpower services to the disadvantaged in the Baltimore area. Placements of the disadvantaged, formerly about 17 percent of the monthly total, rapidly increased to more than 36 percent.

The employer's openings become exposed to a much larger number of applicants than has ever heretofore been the case. Applicants are furnished to them quickly, and when a job is filled, the opening is immediately removed from the list.

Maryland State Employment Service officials estimate that every Baltimore employer having more than 25 employes is using the service now to obtain workers.

Each morning 60 copies of the 300- to 600-page job list are reproduced and sped to employment service offices, to other manpower agencies, and to "outreach centers" located in the areas of heaviest unemployment.

The computer listings are arranged in DOT (*Dictionary of Occupational Titles*) code sequence. Training slots and orders from the National Alliance of Businessmen, the organization of private industry that spearheads the JOBS drive to place the hard-core unemployed, are included in the listings.

The listings contain such information as the amount of education required, physical demands of the job, working conditions, whether bonding or security clearance is required, and whether a handicapped person would be considered, in addition to the type of job and rate of pay.

Many of the jobs listed require little or no experience; others are openings for professionals. A battery of order-takers, usually about eight, records new openings received during the day. If these openings are not filled the same day, they are key-punched after the offices close to appear on the job bank lists the next morning.

During the day the computer keeps busy producing unemployment compensation checks and the like.

By 8 o'clock each morning, the "job book" is delivered to 17 "outreach" offices of the employment service in Baltimore. Before the new system went into effect, there were only three. With the job bank, it was possible to establish the 14 additional offices without additional personnel.

Just as in a non-computerized employment agency, the interviewer is responsible for matching the jobseeker to the job. If an applicant seems qualified and is willing to apply, the interviewer checks with "job central control" to see whether applicants are still needed to fill the employer's job order.

"Job central control" keeps track of the referrals, and tells the interviewer whether another applicant may be sent. The employer is responsible for keeping his job order updated by informing the employment service of any change in the listing, or whether it should be canceled. Now all interviewers in all offices serve all types of applicants, and refer them to any type of employer, trying to fit or match the applicant with any of the openings listed in the job book.

The job bank is but one of a number of steps being taken to strengthen and build the federal-state public employment service into a comprehensive manpower services agency. It is our intention that this service shall be provided with the best guidance, equipment, and resources to accomplish its important mission.

But striking as the job bank is in assisting with the matching of men and jobs in the big cities, and even as we are establishing job banks in 55 of the nation's largest cities, we are looking beyond the job bank to the development of fully-automated statewide job-and-man matching systems under which the computer will help match specific jobs to the needs, interests, and ability of a particular applicant.

We expect such a system within five years.

THE GOAL IS NATIONAL

We have been moving forward rapidly in this field, and have experimental designs for matching systems in development in four states. Eventually the best of these, or the best parts of each, will be redesigned for adoption in other states to bring us closer to the goal of a national integrated fully-automated job-and-man matching system. From the experimentation it is anticipated that the already proven job bank systems being established in the large cities will evolve into fully-automated statewide matching systems which eventually will become a national integrated network.

It is at President Nixon's request that the automation of the public employment service is among the administration's top priority items.

We have indeed entered an era in which machines are aiding the men whom, it was feared, they might one day replace.

We have been balancing prudence against urgency as we forge ahead in this overall undertaking, which is one of the most ambitious computerization efforts ever made.

We are hoping to evolve a system that can instantly produce a current job inventory on a city, state, regional, or national basis; a similar inventory on job applicants; or a comprehensive identification of training areas and opportunities. Such a system conceivably could anticipate labor needs and head off the threat of economic crisis to a community by assessing where manpower programs should put their available resources to obtain greatest results.

There are major problems remaining to be overcome in establishing an electronics system big enough and sophisticated enough to meet the exacting needs of the federal-state network of more than 2,000 public employment offices. Spread ovr 50 states, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands, these offices make more than 10 million job placements a year.

NONE EVER LIKE IT

The computers required will be among the largest now made. Ways must be found to make them do precisely the things the Labor Department wants them to do. This can be attained only through experimentation and development, trial and error, for no such system has ever before existed.

The first fully-automated state man-job matching system was launched about a year ago in Utah and is still experimental. It has already been modified and readapted. Starts have been made in Wisconsin, California, and New York, all testing systems or approaches. Some planning on designs has been done in other states.

Thus two basic approaches are being made, which eventually will merge into one national integrated system. While the sophisticated fully-automated system is being painstakingly developed, the inexpensive and simple metropolitan job bank system commendably fills the gap and paves the way.

The Baltimore job bank prototype has already demonstrated the improved manpower services that it makes possible. But the overall benefits of such a system, or of a fully-automated system, are many in economic as well as in human terms.

It is too early to determine operating costs of a fully-automated system. They might run as much as $100 million a year, perhaps more. But if the more direct service provided by computer-aided systems were to result in a reduction of the unemployment rate by as little as one-tenth of one percent, the approximate increase in wages be $600 million annually and unemployment insurance payments would decrease by $50 million.

FORMER AGRICULTURE UNDER SECRETARY SCHNITTKER FAVORS $10,000 PER CROP SUBSIDY CEILING WHILE POPULAR SUPPORT FOR REFORM GROWS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. CONTE. Mr. Speaker, a few days ago an excellent statement on proposals for new farm legislation was made before the Senate Committee on Agriculture and Forestry by the distinguished former Under Secretary of Agriculture, Dr. John A. Schnittker. Because of its importance I will insert a copy of the statement at the close of these remarks.

In examining the statement and in a recent conversation I had with Dr. Schnittker, I was convinced that our views have much in common. In fact this is evident from a comparison of this statement with remarks I made in this body only last week. (CONGRESSIONAL RECORD for February 19, 1970, p. 4059.)

We agree that there has been a disturbing lack of administration leadership in designing and supporting strongly a sound farm program—a point being made increasingly in the press. I will also include an example of press comment, an article by Mr. Don Oberdorfer in yesterday's Washington Post.

We agree that one change that simply must be a part of new farm legislation is to restore some semblance of budgetary restraints by making the farm payments program subject to the annual appropriations process.

Both Dr. Schnittker and I also see a good deal of merit in the administration's set-aside proposal in its capacity to "give farmers valuable new alternatives in using their land."

Finally, and perhaps most importantly, we agree that there must be a reasonable limitation on farm subsidy payments. Dr. Schnittker reminds us that Secretary Hardin himself has conceded that two-thirds of all cotton subsidies are income supplements, not needed for supply management purposes.

He also absolutely rejects the frequently repeated argument that limiting payments to large farmers would destroy the farm program and hurt small farmers. He rightly labels it a serious distortion to argue "that the way to help small farmers is to pay out more Federal money to big farmers."

Mr. Speaker, one new aspect of Dr. Schnittker's position, is one which I need further time to consider. He now proposes a limitation of $10,000 per program for each producer.

As you know, following the passage in this House of my amendment last year to limit total payments to $20,000, I proposed a limitation of $5,000 per crop in testimony before the House Agriculture Committee last July. Dr. Schnittker makes clear in this statement, and has assured me again personally, that the $5,000 ceiling is administratively feasible. Nevertheless, he now feels that, for 1970 at least, the higher ceiling of $10,000 would be a better choice.

One point, however, is crystal clear—the popular demand for this limitation is growing. Mr. Speaker, I hope some of my colleagues may have seen a recent excellent debate on the farm subsidy ceiling presented by the National Educational Television program "The Advocates" on February 8, 1970. Testifying in behalf of the ceiling were Dr. Schnittker and Mr. Nick Kotz of the Des Moines Register whose new book, "Let Them Eat Promises," is a damning indictment of the inadequacies of our past efforts to eradicate hunger and malnutrition. Presiding as decisionmaker was Senator BIRCH BAYH of Indiana.

As a result of that debate I am pleased to announce that of 2,200 who wrote in after the show from 48 States, 81 percent favored a limitation.

I am also pleased to report that support is growing for a limitation in the other body which has twice rejected my amendment passed in this House. Senator BAYH himself has now stated he favors a $10,000 ceiling and there are indications that more of his colleagues are moving in this direction.

The statement and news article referred to follow:

STATEMENT BY JOHN A. SCHNITTKER

I am John Schnittker, Professor of Economics at Kansas State University, Manhattan, Kansas. I am speaking only for myself today, not for any institution or association. I hope I can contribute to a stronger agricultural economy, and to a pattern of federal spending which distinguishes more clearly than in the past, between high and low priority public programs.

I congratulate the Chairman on his statement to the Senate a few weeks ago supporting the Food and Agriculture Act of 1965 as effective legislation, and as the base from which to consider future farm policies. The 1965 Act has succeeded beyond expectations. It requires some amendments, but the basic approach is sound.

The 1965 Act stands out in sharp contrast to the phantom character of the Administration's farm policy.

After one year, we cannot be sure what program the Administration wants for farmers, or whether it wants any program at all. No bill has yet been advanced to Congress over the signature of the President or the Secretary.

The failure of the Administration to come to the support of farmers, and of legitimate

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farm price and income stabilization programs has been a calculated failure. It requires the Senate and the House of Representatives to address themselves to these questions even more seriously than in previous years.

Congress must lead the struggle to continue and to improve farm programs in 1970, since the President and the Administration will not.

The Food and Agriculture Act of 1965 provides a workable base from which to begin this effort. It should be amended, however, to adapt it to future needs, to treat commodity producers in different regions of the country more equitably, and to limit total payments to individual producers.

Farm programs were once needed to help small family farmers. Most farmers were in this group in the 1930's.

It is different today. We have 3 million farms, but only 1 million are serious producers. Most of the benefits of the commodity programs now go to relatively few farmers. One-third of our farmers market 90 per cent of our farm products; six per cent market 50 per cent.

Benefits from farm programs are distributed approximately in proportion to production on any farm. So price support programs help few persons on really small farms achieve the better life they want.

For the future, commodity-oriented farm policies must be designed principally for full-time farmers. We also need programs directed to the problems of small farmers and poor people in rural areas. Some form of minimum income or family assistance plan would reach many thousands of small farmers now almost entirely missed by price support programs.

Some of the federal funds now paid to our largest farmers would be better spent on other programs for farm or rural people. We should design and finance future policies affecting large farmers and small farmers in line with the real needs of the two groups, and in line with overall national needs.

THE 1965 ACT

The key features of the Food and Agricultural Act of 1965 were:

1. a system of direct payments to farmers for cotton, feed grains, and wheat;

2. revised price support loan formulas effectively setting parity prices aside and linking feed grains, wheat and cotton to world markets; and

3. effective acreage control programs.

Direct payments replaced high price supports, and voluntary (payment-based) acreage diversion replaced (supplemented, in the case of cotton and wheat) the former rather rigid system of acreage allotments.

These features of the 1965 Act should serve as building blocks for future programs for commercial agriculture.

FEED GRAINS

The feed grain program in the 1965 Act is good legislation. Price support and payment formulas are flexible. The Secretary of Agriculture has discretion to administer the program toward a wide-enough range of income and cost objectives.

Feed grain payments under this Act have been set at levels which encouraged just enough farmers to participate in acreage diversion, to reduce the stored surplus and later to gear annual crops to current needs. This is the kind of formula that should apply to all the commodity programs.

Existing law would permit surplus-free stabilization of feed grain supplies in the 1970's. If present price support loan levels were continued, annual expenditures would probably range from the current level of $1.5 billion a year, to perhaps $2 billion a year by 1973 or 1974, if yields rise faster than feed grain utilization, as I expect. There is adequate authority in present law, either to stabilize farm income and total program costs to reduce them, or to allow cost increases as described above. The range in which market prices could be supported under existing law is wide enough to suit almost any point of view on farm policy for the next 3 years.

It is extremely important, however, to expand feed grain exports. To this end, it would be better if the loan level for corn were to be related to world price levels, and if feed grain payment levels were set strictly according to acreage diversion and income targets. No other amendments are needed in the feed grain program.

It is feasible, however, for Congress to set a maximum level on total payments to producers of feed grains (in fact, any commodity) in advance, and to require the payment program to operate within that authorization.

WHEAT

The 1965 wheat program was a constructive change from the previous approach. Wheat is now priced as a feed grain; wheat and feed grain acreages are interchangeable on farms; wheat prices in the market are required to be supported near world price levels. The Secretary of Agriculture has adequate discretion in administering *most* features of the wheat program.

The payment (certificate) formula is too rigid, however. Payments are tied to parity prices, which are now obsolete except as a guide to the past, and should be systematically removed from the law. Wheat program costs to the federal government must increase by some $30 million each year as a result of this feature.

The payment formula for wheat should be amended to provide the opportunity for the Executive Branch and Congress to determine payment levels in advance, on a year-to-year basis through the budget and appropriations process.

COTTON

The cotton program in the 1965 Act is seriously in need of amendment. We ought to start out fresh, although the basic idea of competitive level price supports supplemented by direct payments is as sound for cotton as for the grains.

Payments of $900 million per year, mostly to large-scale cotton producers, are exorbitant by any standard. Cotton payments should be made only on the amount of cotton used in the United States, now some 8 million bales per year. This would be the same as in the wheat program. The payment level per pound should not be fixed as it is in present law. Congress and the Executive Branch should have the freedom to set maximum payments from year to year in the budget and appropriations process.

The present language in the law setting a minimum payment of 9 cents per pound on the domestic allotment could be retained if language requiring total payments to be equivalent of 65 per cent of parity on a fixed amount of cotton were to be deleted.

The "snap-back provision" exempting cotton from payment limitations must be deleted to make an across-the-board limitation on payments to individual farmers effective for cotton.

Acreage allotments for cotton should also be phased out or eliminated.

UNEQUAL TREATMENT

Feed grains, wheat, and cotton production are concentrated in different geographic regions. Unequal treatment of these commodities under our payment programs is, in fact, unequal treatment of the farmers who live in different parts of the country.

Rigid payment programs noted above require large direct income subsidies to cotton producers, and to a lesser extent to wheat producers. Payments to feed grain producers, however, include little or no direct income subsidy. Nearly the entire feed grain payment serves the function of production control, not income subsidy.

This is well illustrated in a tabulation made available last year by Secretary Hardin.

FUNCTIONAL CLASSIFICATION OF DIRECT PAYMENTS TO FARMERS IN 1968

[Dollar amounts in millions]

Program	Total payments	Supply management		Income supplement	
		Amount	Percent	Amount	Percent
Cotton	$784	$276	35	$508	65
Feed grains	1,369	1,221	89	148	11
Wheat	746	384	51	362	49
Total	2,899	1,881	65	1,018	35

I repeat: feed grain payments in 1968 were almost entirely devoted to limiting output (supply management), while only ⅓ of total cotton payments served that function.

In 1970, nearly the entire amount of $900 million for cotton payments will be an income subsidy, since the national acreage allotment for cotton has been increased, and cotton acreage is not severely limited on many farms. It certainly cannot be argued that a major part of cotton payments are for supply management.

One-half of all wheat payments in 1968 were direct income subsidies, but the 1970 figure will be lower, since the national acreage allotment has been reduced and wheat farmers must leave more of their land idle this year.

There is no justification for unequal treatment of producers in different regions. I urge the Senate to modify the payment formulas for cotton and wheat so that this situation can be corrected.

A PAYMENT LIMITATION

One major new provision should be added to the 1965 Act. *I urge the Senate to adopt a limitation on payments to any producer of farm products or owner of agricultural land.*

If the limitation applies to all programs together, including wool and sugar, it should not be higher than $20,000.

Alternatively, a limitation of $10,000 could be applied to *each commodity program.* This could be administered somewhat more effectively. I have argued on another occasion that the ceiling could be as low as $5,000 per program, but I believe the higher figure of $10,000 would be a better choice for 1970.

A ceiling of $10,000 *per program* would be similar on many farms to a ceiling of $20,000 *per farm,* since most farmers have several crops. The $10,000 figure would affect more producers, however. Approximately 25,000 farmers—still less than 1 per cent of all farmers—would be affected by such a ceiling. In 1968, this included 3.4 per cent (15,097) of all cotton producers with about 45 per cent of total cotton acreage, 0.4 per cent (5,428) of all feed grain producers with 6 per cent of total production, and 0.6 per cent (4,861) of all wheat producers with 10 per cent of all wheat production. Payments to these farmers (not counting sugar and wool) would have been reduced by about one-half, or by $250 million a year, if a $10,000 ceiling had been in effect in 1968 and 1969. Adding sugar and wool would increase savings materially, while affecting few additional producers.

Only 10,000 producers would have been affected by a $20,000 per farm limitation in 1968. Payments on those farms would have been reduced by about one-half—from $380 million to $200 million—for a saving of $180 million. Two percent of all feed grains, 3–4 per cent of all wheat, and around 28 per cent of all cotton produced was grown on farms that would have been affected.

Acreage diversion programs would be workable with payment limits at levels mentioned above. For the grains, such small propor-

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tions are grown on large farms that production control would easily continue to be effective.

Cotton payments, however, serve the function of enhancing income, not of limiting production. I know it will be argued that cotton cannot be produced without huge subsidies. Some fear that our payments balance will suffer for lack of cotton to export.

I say it is ridiculous to pay cotton farmers $900 million a year to produce cotton worth only slightly more than $1 billion, and to produce cash exports of some $300 million per year. Our federal funds are too scarce, our public needs too great, and our balance of payments problems not nearly important enough to justify such payments.

It is regrettable that the argument has again been made in 1970, that limiting payments to large farmers would destroy the farm programs and hurt small farmers. This claim is absolutely without foundation, as shown earlier.

Put another way, this argues that the way to help small farmers is to pay out more federal money to big farmers. This is a serious distortion.

A payment limitation will be difficult for some producers. Land values inflated by huge payments may come down. Some areas may produce less cotton, but many large growers, relieved of allotments, would produce more.

I urge Congress to adopt a limit of $10,000 *per program* to apply to 1971 and subsequent crops. Congress should also provide firm directives against evasion of this provision.

THE SET-ASIDE—ADMINISTRATION BILL

The set-aside is not so different from acreage diversion programs operating under existing law. It would give farmers valuable new alternatives in using their land, but it would also bring some problems.

The bill as it stands, however, defies analysis. It includes unnecessarily broad administrative discretion for price supports, and virtually no guidelines. Under it, farm price supports, farm incomes and farm program spending could be substantially increased, or materially reduced by executive action.

A degree of discretion is essential to good administration. But the extent of discretion in the new bill is neither desirable nor useful.

A comprehensive and sympathetic analysis of the set-aside proposal by Professor Tweeten of Oklahoma State University a few weeks ago came to the following conclusions:

If cotton, feed grains, and wheat program costs paid by the federal government *were to be fixed* at recent levels, the set-aside would bring farmers $.5 billion less net income in 1971, than the present program.

If total net income were to be maintained at recent levels, the set-aside would cost the government about $.5 billion more than the existing programs would cost in 1971.

This is not a high recommendation. Even so, the set-aside idea has features leading to greater flexibility, especially for cotton, which ought to be examined.

FARM ORGANIZATION PROPOSALS

My general views on two proposals made by farm organizations are probably clear from my earlier statements.

The Farm Bureau bill features a 5-year transition to long-term land retirement contracts as the only means for limiting output. This will not work, in my opinion. Long-term land retirement is a useful and efficient supplement, but not a replacement for annual acreage diversion programs.

I favor a long-term program, and I had something to do with developing the Cropland Conversion and Cropland Adjustment Programs. Long-term contracts should be expanded and annual diversion programs reduced over time if we are to maintain reserve productive capacity in agriculture. But long-term contracts alone are not enough.

The other major feature of the Farm Bureau bill relates to compensation for low-income farmers, and is an idea deserving much greater study and support.

The Coalition bill has good features arising out of the 1965 Act. It includes, however, a number of provisions which lack merit. These include a minimum loan rate and minimum total price support for grains, an export payment for wheat, and a minimum price support level and acreage diversion program for oilseeds.

The extra annual cost of perhaps $1 billion or more each year for these features would not be a good investment, considering the distribution of farm program benefits and the clear need for greater funding of many other programs.

Present law and various bills apply to much more than cotton, feed grains and wheat. I will be glad to respond to questions on any aspect of agricultural legislation.

[From the Washington Post, Feb. 26, 1970]

NIXON IS NOT EXPECTED TO PUSH FOR REFORM OF FARM PROGRAM

(By Don Oberdorfer)

President Nixon has won justified acclaim for undertaking reform of several outmoded government programs, but on one of the largest and most glaring of them all—the farm program—he has lowered his voice to the whispering level.

Farm income support programs cost the U.S. taxpayers $4.5 billion annually, which is 50 per cent more than the federal outlay for elementary and secondary education or manpower training and about the same as the U.S. cost of the public assistance program which Mr. Nixon proposes to overhaul. Unlike the welfare program, however, the lion's share of the agriculture cash goes into the pockets of the comfortable and prosperous, and a great deal goes to the rich.

Of the three million farms remaining in America, the one million largest produce 90 per cent of the agricultural products. The largest six per cent of the farms produce half of the output. Under our subsidy system, most of the money goes to the people who produce large crops.

The present agricultural act expires at the end of 1970. Early last year, Mr. Nixon's adviser's decided that the way to enact a politically satisfactory farm bill was to let Congress take the lead. If things went well, there would be time later to claim administration credit in farm areas; if the bill went badly, as such measures usually do, the administration might get by with a minimum of blame.

Instead of proposing a major farm overhaul of his own, Mr. Nixon has said little or nothing on the subject. Instead, Secretary of Agriculture Clifford Hardin began drafting a "consensus" farm bill in an unprecedented series of 26 closed-door evening meetings with the House Agriculture Committee. The biggest change suggested by Hardin, to allow eventual lowering of price support levels, faces a doubtful future.

In view of the constantly dwindling influence and viability of the farm bloc, large numbers of urban and suburban votes will be needed to pass a big money agriculture bill this year. No longer is there a Democratic president in the White House to put the arm on city congressmen to go along. In this predicament, Chairman W. R. Poage (D.-Tex.) of the House Agriculture Committee has been holding up the food stamp program, which many urban lawmakers favor, as a sweetener to win support for an omnibus farm bill.

The trouble is, Poage and some of his colleagues have little sympathy for the food stamp program, and they have proceeded to devise state financial contributions and individual work requirements which are unacceptable to many urban congressmen. When discussing food for the poor, Poage has been known to berate the "lazy" and philosophize against aid to "drones."

About one-fourth of the people of his district are under the poverty line, but there is no food stamp program. Four of his 11 counties have no U.S. food distribution program for the poor. Most poor families in his home county can obtain U.S. surplus food only by appearing at an unmarked building once a month in a specified three-hour period.

Another major political problem for the farm bill is the demand for a dollar limit on individual subsidy payments. A limit of $20,000 per farmer was passed in the House last year, but killed after Senate action. This year the Nixon administration has reluctantly devised a graduated-limitation plan which would allow most big farmers to keep most of their benefits.

The vast majority of the really big beneficiaries are cotton farmers. In 1967, some 18,000 cotton farmers nationwide received more than $20,000 each in farm support payments, with a total take to these men of $361 million.

Texas led the nation in the number of big-subsidy recipients. John A. Schnittker compiled these figures while undersecretary of agriculture in a report kept secret during the Johnson administration. According to him, most of the money in the cotton program goes to supplement the incomes of cotton farmers; only a little of it is used to limit the size of the cotton crop.

The way the farm bill is proceeding now, the chances are it will face major trauma in the House. There will be significant reform only if Mr. Nixon stoutly insists upon it. So far there is little indication he will do so.

MR. LOUIS S. SELK

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MILLER of California. Mr. Speaker, I have received one of the most interesting and provocative letters from a very distinguished gentleman in my home city of Alameda, Calif.—Mr. Louis S. Selk.

I wish to share the letter and the article which inspired it with my colleagues in Congress; and, therefore, I am inserting them in the RECORD at this point:

ALAMEDA, CALIF.,
February 18, 1970.

HON. GEORGE P. MILLER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This letter carries one of the finest messages to the American people that I have heard in a good long time.

I was born and raised in the town of Axtell and am well aware of the rule that no "colored people" were allowed to stay over night in Axtell. Thank God, my views are with Mr. Riggs, and someday we and the rest of America can stamp out such feelings as did exist.

I am sending you this letter for your consideration to read it into the Congressional Record and to make all effort possible that it be given wide publicity to alert other midwest rural towns to eliminate such ordinances from their books.

Thank you very much.

LOUIS S. SELK.

LETTER TO THE EDITOR

DEAR EDITOR: In keeping with a New Year resolution to act on impulses before they are forgotten, I'm writing this letter.

Many outsiders who marry an Axtell native tend to adopt the town in the process. The remote setting of rural charm has much

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appeal. Change does occur, but it is so gradual that it goes unnoticed.

Until recently, attending a church service in Axtell was a timeless experience. The things that were said and done seemed totally unrelated to the current world scene. Without a calendar you could not tell if it was 1910, 1930, or 1960.

But today, Feb. 8, 1970, the minister at the Axtell United Methodist Church was saying things that did relate to the world outside Axtell. The text was Jonah and the message was tolerance. It occurred to me that most of the good folk attending the service were in sympathy with the message, but it would be difficult to demonstrate tolerance for black people in a town where there are none. But I think there is a way.

I am not familiar with Axtell city ordinances but if they follow the general pattern, there are some that deal with nonwhites in a shockingly prejudiced manner. Assuming such ordinances do exist, we all know that they would not be enforced today.

However, it would be a meaningful, symbolic gesture if the Axtell citizenry would take the trouble to screen the books for rules reflecting racial prejudice and have them repealed.

Given adequate publicity, this simple gesture would accomplish two worthwhile objectives:

1. It would reveal the kind of inhumanity present at the time the rules were adopted, and

2. It would by contrast measure the extent to which the civil rights movement had succeeded in penetrating one of the remote conservative bastions of middle America. It would demonstrate that people have indeed changed.

RON RIGGS.

ATOMIC ENERGY AND THE ENVIRONMENT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. WOLFF. Mr. Speaker, as I have been doing during the past 2 weeks I would like to include in the RECORD two statements received at a hearing I held in New York recently with my colleague (Mr. REID) on atomic energy and the environment.

Today I am including statements from Larry Bogart, of the Citizens Committee for the Protection of the Environment, and Mrs. Claire Stern, of the Long Island Environmental Council:

CITIZENS COMMITTEE FOR PROTECTION OF THE ENVIRONMENT, OSSINING, N.Y.

(By Larry Bogart)

This year marks the 25th anniversary of the nuclear age.

What began as an awesome demonstration of the power of the unleashed atom on the desert in New Mexico, July 16, 1945, has grown to be a double threat to all of mankind. In the words of the poet, "This is the way the world ends—Not with a bang, but a whimper." Don't bet on that. It's a neck-and-neck race, with the split atom in first and second place.

President Kennedy called nuclear bombs the sword of Damocles that hangs over all our heads. Today we are in the process of enlarging our nuclear arsenal, which already has the ability to inflict overkill by a factor of 300. ABMs and MIRVs are being added to the more than 100 depots of nuclear weapons that dot the nation. Already impoverished, unable to find funds for restoring a livable environment after the military has preempted the largest part of the tax dollar, we now will purchase security by quadrupling our supply of plutonium-warheads.

The national motto should be changed from "In God We Trust" to "In the atom we trust."

The late Robert Oppenheimer, witnessing the frightful power of the first atomic explosion, quoted the Bhagvad Gita—"I am become death, destroyer of worlds."

Now we have enough nuclear weapons to allot the equivalent of 30 tons of TNT to every citizen, many of whom don't have a pound of food.

Although no use has been made of the power of the atom since Nagasaki, 1970 may be the end of the Moratorium. A war between Russia and China, which experts consider highly likely, would be a nuclear war. The U.S. would get enormous deadly fallout. Be warned.

In 1953 the word atom began to give way to the word nucleus, as we sought to exploit the potential of atomic energy for "peaceful" nuclear power. The public relations people thought the semantics could change the public's impression, and separate the dread of the atom bomb from the generation of electricity power by nuclear fission. The success has been almost complete.

In pursuit of the Atoms-for-Peace mania, millions of Americans have salved their consciences and looked the other way while the buildup of nuclear weapons multiplied. We have been all too willing to believe that the benefits to mankind from development of the "peaceful" atom have somehow justified Hiroshima and Nagasaki, and continuing development of more deadly nuclear devices.

If we could see what little value there has been in the whole overblown promotion of nuclear power; how, contrary to widely made claims, the growth of nuclear power has introduced a unique environmental threat and a danger to the health and safety of millions of citizens, we would turn in united action to compel the governments of the world to renounce the employment of nuclear weapons. We are now deceived into tolerating nuclear weapons by the fallacious belief that we are enjoying, or soon will, the blessings of the peaceful atom. Haven't we spent $19 billions over the past 15 years?

What have we got for it?

Nowhere does the promotion of nuclear energy pose such a threat as in the New York metropolitan area and the already badly deteriorating Long Island Sound.

The greatest concentration of nuclear plants is proposed for the most densely populated area in the East.

Despite recent revelations that nuclear plants are neither economical, clean, safe or reliable, present plans of utilities in New York, New Jersey and Connecticut call for multiplying nuclear generation 20-fold in the next 10 years.

Consolidated Edison has charted 13 nuclear reactors for the Hudson, Welfare Island and Long Island Sound. Long Island Lighting Company has applied for a construction permit from the AEC for an 800-megawatt boiling water reactor, the most polluting type, for Shoreham; and a site has been acquired near Huntington for another, also on Long Island Sound.

In addition to the large Connecticut Yankee nuclear station at Haddam Neck on the Connecticut River near its mouth on Long Island Sound, a large boiling water nuke is about to go to full power at Millstone Point near New London. Another even larger unit is being constructed at the same site. Having been dispossessed from Coekene Island off Westport, utilites are seeking another site for a nuke in that area.

Further east, large reactors are being suggested for Narragansett Bay and the New Bedford area, but an island at the mouth of the Sound, appropriately named No Man's Land, is the only fit place for the highly experimental reactors that are proliferating on every river and bay on the Atlantic Seaboard.

It's all been a ghastly mistake, according to some experts, but now we are boxed in and the options aren't attractive.

The light-water type reactor, which has been so assiduously peddled since 1966 that over 100 are in various stages of materializing has inherent defects. These could be tolerated in small out-of-the-way reactors, but assume nightmare dimensions when we move them closer to populated areas, quadruple the size and cluster them. Imagine rushing four 1000-megawatt reactors for David's Island, 500 yards from New Rochelle, when there's no operating experience with a single reactor even half the size. In their haste to commercialize nuclear power, the industrialists took the concept before the national laboratory had checked it out. There have been no prototypes. The AEC has rubberstamped the incomplete and imperfect technology and let loose on the land something that could be as devastating as the plague, but more subtle and insidous.

Others here today will describe all the disadvantages of the current design reactors.

The situation is doubly alarming because New York State, at the urging of Governor Rockefeller, has adopted a policy of maximizing nuclear power in the Empire State and has put unlimited funds behind that effort, as evidenced in the 10th annual report of the "little AEC"—The New York State Atomic and Space Development Authority.

As the defects of the light-water reactor become common knowledge, the industry and government agencies concerned are frantic to develop an improved reactor. They are according to the highest priority, and making commitments that will exceed 2 billion dollars of federal subsidy to rush the "fast-breeder" reactor. The first of these "improved" devices is slated for Waddington, N.Y., on the St. Lawrence, in the middle of a high-risk earthquake belt. Angry citizens of Washington County, N.Y., drove it out of Easton, 14 miles north of Troy on the Hudson, last summer when they found out how dangerous it was. With evidences of technology out of control, all around us, let us not go further down the road to peaceful nuclear power.

On an attached sheet, we have quoted a number of authorities who have recently warned against using nuclear fission for electric power generation.

We want to give special emphasis to testimony presented January 28, 1970, before the Joint Committee on Atomic Energy in a Public Hearing in Washington.

Dr. John W. Gofman, a biophysicist and physician of Lawrence Radiation Laboratories, University of California (Livermore), who with his colleague Dr. Arthur R. Tamplin in November had urged before Senator Muskie's subcommittee an immediate reduction downward 10-fold in allowed discharges of radioactive wastes, or risk a national disaster, told the JCAE last week that the situation was worse than he had originally stated, in terms of increased incidence of leukemia, cancer and other conditions induced by excessive radioactivity.

He challenged the AEC to an open public forum under the auspices of any scientific society to defend the government position that present standards protect the public. The AEC will no doubt duck the issue, one of the most vital that has ever been raised in view of the number of nuclear reactors that have been committed.

Therefore, we appeal to the members of Congress who have called this hearing and other representatives not in the thrall of the utilities and The Joint Committee on Atomic Energy, to introduce legislation at once, calling for a Moratorium on all nuclear construction and the appointment of a

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special committee of the National Academy of Science/Engineering to study the grave problem we face of widespread environmental pollution and make recommendations on how essential power needs can be met without compromising the health and safety of the people, particularly those who would suffer the greatest damage in the densely populated New York metropolitan area.

Beyond this, we must stop the fast-breeder scheme and cut $1 billion out of the AEC budget for next year—as David Lilienthal, first AEC chairman, recommended years ago when he discovered the peaceful atom scarcely exists in fact.

SOME AUTHORITATIVE OPINIONS ON NUCLEAR POWER HAZARDS

David E. Lilienthal, first AEC Chairman; the New York Times, July 20, 1969: "Once a bright hope shared by all of mankind, including myself, the rash of proliferation of atomic power plants has become one of the ugliest clouds overhanging America."

LaMont C. Cole, Professor of Ecology, Cornell University, January 31, 1969: "I am convinced that this rush to blanket the Northeast with nuclear power plants is one of the most dangerous and misguided steps ever taken by man."

Statement to House Committee on Public Works by the League of Women Voters, March 17, 1969: "League members want all possible effects of nuclear plant location and construction considered before construction is begun . . . We do not say that no nuclear powered plant should ever be built. But our members are saying it is important that the country move much more slowly and with greater safeguards into the age of nuclear generated electric power."

Quoting Philip Sporn, former head of American Electric Power; Forbes Magazine, November 15, 1968, p. 58: "Sporn worries about safety. 'We ought to slow down,' he says. 'We ought to begin to get some experience out of these ordered before we go ahead with more. We don't have any atomic power in operation; it's practically nothing—less than 10,000 megawatts by 1970. What we have is nothing. What we have ordered is a great deal. We need to get that going and to have some experience. In atomic matters, we ought not to rush. We're going to have some accidents with atomic plants. We don't want to have any. None of us in the business does. But we're going to. Let's get our experience and have our accidents now before we take more chances with more plants.' "

The New York Times, Sunday, December 29, 1968, p. 1 report from Dallas meeting, American Association for the Advancement of Science: "Dr. Barry Commoner, director of the Center of the Biology of Natural Systems at Washington University, St. Louis, said, for example, that the use of nuclear reactors had to be evaluated in the light of 'hidden costs' to human health from the release of Iodine-131, a radioactive substance that could settle in the thyroid gland and possibly cause cancer."

Senator George McGovern; letter to Anti-Pollution League, March 14, 1969: "I certainly agree with you that the Joint Committee on Atomic Energy has been less than zealous in exercising its obligation to review the decisions of the Atomic Energy Commission, and I intend to support efforts to bring the Joint Committee's findings out into the open. The public has a right to know how its environment is being threatened."

Robert L. Whitelaw, Virginia Polytechnic Institute, Blacksburg, Virginia; IEEE Transactions, May 1969, pp. 374–75: "There is still by common consent an unwritten agreement to treat as 'incredible' the most fearful of all nuclear accidents that can occur in any plant with a highly pressurized primary system. Such an accident is, of course, the explosive rupture of the primary vessel itself, which is ruled out of the list of credible accidents for the simple reason there is no answer short of putting the plant underground or inside of a mountain, as Ackerman has pointed out."

STATEMENT PREPARED FOR THE PUBLIC HEARING ON THE LONG ISLAND SOUND HELD BY CONGRESSMEN JOSEPH P. ADDABBO, OGDEN R. REID, AND LESTER L. WOLFF, FEBRUARY 6, 1970

My name is Claire Stern, and I am the Executive Director of the Long Island Environmental Council. I am speaking for the Board of Directors of the Council in my general remarks, and I will refer specifically to the Huntington Audubon Society and to the Long Island Sound Association in the course of my statement.

The Long Island Environmental Council is a membership organization chartered under New York State law as a non-profit, tax-exempt corporation, with individual and organizational memberships. A sampling of our member organizations: The Three Long Island Chapters of the Audubon Society, Action to Preserve the North Shore, the Nassau Outdoor & Hiking Club, the Adirondack Mountain Club, Manhasset Bay Sportsman's Club, Manhasset Bay Civic Association, the North Shore Unitarian Church, the Brookhaven Town Resources Council, the Sag Harbor Conservationists, etc.—a variety of conservation groups, civic associations, and religious institutions. We work with the Boy Scouts, Girl Scouts and the League of Women Voters, all of whom have a national charter which precludes their group membership in a council which takes legislative action. The Council has adopted as its basic principle the view that responsibility for the maintenance and control of a quality environment ultimately rests on the cooperation and knowledge of public officials, the scientific community and an informed public.

We therefore have structured the internal organization of the Council to assure an active role for the scientists and technically-trained residents of Long Island to give their advice, based on their professional competence, in each area of our environmental concern.

Some of the speakers today are among those we turn to for guidance. We also work closely with the Scientists' Institute for Public Information based in New York City and St. Louis, and with the Environmental Defense Fund.

By our charter we are primarily responsible for Nassau and Suffolk counties, but we cooperate with groups and individuals in the entire metropolitan area on specific problem areas such as Jamaica Bay, Little Neck Bay, etc.

So much for an explanation of our organization and our structure. Let me restate clearly that the Council is a coordinating federation of men, women, adult and students, who are unwilling to accept a second-best environment, and who feel a sense of crisis and urgency in restructuring our national goals and will support expenditures to accomplish those goals. For example, the Council was the only regional organization to associate with the Citizens Crusade for Clean Water, working to appropriate $1 billion for sewage treatment plants. And we will monitor the release of the $800 million to the states while we take up the $1.25 billion for the next fiscal year.

You as Congressmen are receiving more visits and telephone calls than ever before to save the Everglades, vote "no" on the Timber Supply Act, vote "yes" for water pollution abatement, etc.—and there have been some successes. The postponement of the vote on the Timber Act today indicates the effectiveness of a combined voice of informed power.

But I can tell you we are losing the battle on a daily basis through the decisions made by local zoning boards and board of trustees who have neither the knowledge, nor the time to acquire the understanding of the destruction of our precious resources.

Item: A salt marsh is being filled in for a parking lot in Great Neck Estates.

Item: A park in Bellmore is being considered for the site for a special services school.

Item: An oil purification plant is announced in Northport.

Item: A greenbelt is set aside crossing Suffolk County north/south part of the area is rezoned for development and illegal dredging was taking place this week.

Item: Nuclear power plants are planned for Long Island Sound while we are bombarded with press releases from the Atomic Energy Commission and from the power companies that we conservationists are few in number and obstructionists in attitude.

The list is endless.

I have emphasized the variety of local crises we are responding to, and now let me support certain principles directly connected with the quality of the Long Island Sound.

We of the Council, and the Huntington Audubon Society support the legislation proposal for a one-year moratorium on building any plants on the Sound in order to determine in advance, if possible, the potential cumulative effects of such projects. We all need and use power. We ask only for a short holding time which can be used for reevaluation and rethinking by the utilities, by government, scientists and the people. Decisions to construct projects or legislate controls are made by too many agencies, too many departments, too many municipalities—from the federal down to the village.

We need one commission responsible for an overview of the Long Island Sound, which will see the interrelationship of a request to dredge in Great Neck, in Larchmont, in Jamesport. Who will work to restore the quality of the shorelines for recreation and public access.

Who will view the Sound as a natural resource of unequalled proportions that must be protected.

We urge that hearings be planned on S. 2472 in the very near future to enable us to have an identifiable, politically responsible agency for the Sound.

It is for just this reason that we formed the Long Island Sound Association, a steering committee of the leadership representing Westchester County, Eastern and Western Shores of Conn. and Long Island.

The citizens are ready. We hope the Congress is.

We appreciate the opportunity to be heard today, and look forward to working along with you in our effort to bring a new set of indices to our cost benefit ratios and to work for rational planning with respect for our natural systems, and a national well-being for all our citizens.

GOVERNOR MADDOX—IN TRUTH A MAD OX

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. LEGGETT. Mr. Speaker, earlier this week the Members dining room of the House of Representatives was treated to the fantastic spectacle of Lester Maddox, Governor of Georgia and advocate of law and order, passing out ax handles to all who would accept them. Shortly thereafter, 12 Members of this body, including three from my State of California—Messrs. COHELAN, REES, AND WAL-

DIE—took the floor to condemn this man and his action.

I take this opportunity to associate myself with their remarks in every respect.

Perhaps the ax handle is the symbol of justice in the State of Georgia. Perhaps it is not. I note that one member of the Georgia delegation has characterized the ax handles as "offensive," and I am glad to hear this. At the same time, I note that the rest of the Georgia delegation has not been heard from.

In any case, the ax handle is not yet the symbol of law and order in the United States. It is a symbol of hooliganism and the law of the jungle, and it is no less so in the hands of an elected public official.

FALSE ECONOMY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. GIAIMO. Mr. Speaker, the administration says it is economizing this year to combat inflation and save taxpayer dollars. One example of this so-called economy is the closing of the U.S. Marine Biological Laboratory located in Milford, Conn. The Laboratory, operated by the Department of the Interior, is engaged in molluscan aquaculture research. In layman's language, the Milford Laboratory is developing a better breed of oyster.

The 40-year-old lab moved into a new $2 million facility approximately 2 years ago. This highly specialized facility, described as "the finest shellfish laboratory in the world," operated last year on a budget of approximately $336,000.

The laboratory research program includes physiological requirements and behavior of larval and juvenile mollusks; effect of environment of growth and fattening; genetics—to produce higher quality meats and disease-resistant strains—physiological requirements of marine algae utilized as food by molluscan shellfish; and development of mechanical and chemical methods to control predators such as starfish and oyster drills. The practical result of this research has been to revive a dying industry to the point where it again harvests over a million bushels of oysters a year. Contributions in the past few years to the commercial shellfish industry alone have been worth far more than the entire investment in the laboratory over its 40-year lifespan. The potential return on the investment for the future is inestimatable.

Mr. Speaker, the decision to close the Milford Laboratory on May 30 of this year is obviously false economy. The fact is illustrated dramatically by Carroll Cavanagh in a recent article which appeared in the Bridgeport Post. For this reason, I insert that article in the RECORD at this point:

ARTICLE BY CARROLL CAVANAGH

There remains some hope that at least certain departments of the U.S. Bureau of Commercial Fisheries laboratory, only recently (late 1968) rehoused in a specially designed multi-million dollar new technical building on Milford harbor, will be permitted to continue to pursue their research goals.

But the recent edict of the Bureau, a unit of the Fish and Wildlife Service (Department of Natural Resources), of the Interior department, calls for closing the laboratory by May 1, and handing the building over to some other federal government agency showing a need for it. Emissaries of other agencies are already making inspections and considering its usefulness.

Regional officials of the Fisheries bureau said last week they regret the scheduled closing of the Milford facility but it has become necessary as a result of a $7 million cut in the bureau's $52 million budget.

MOVE IS PROTESTED

The outcry against the threatened closing has been strenuous. Virtually every sector of the aquiculture and shellfish community has opposed the closing.

J. Richards Nelson, chairman of the Connecticut State Shellfish commission, who is also president of the largest oyster growing and breeding concern north of Chesapeake Bay, Long Island Oyster Farms, Inc., terms the closing or curtailment "catastrophic."

He says that the economy move is extremely short-sighted, decrying the decision to cease basic research in a field where so much has been done to make America the leader in aquiculture.

Mr. Nelson insists that enhanced production of protein from these estuaries is of great significance to this country and the world, and that shutting off an outstanding source of knowledge about that development is not economy.

The budget for the laboratory, he points out, is a mere $336,000 a year, a tiny sum in relation to the effectiveness and value of the work of the laboratory, and a relation to other federal expenditures for far less promising ends.

Norman and Hillard Bloom, growers from Norwalk with grounds all along the Connecticut shore, are equally opposed to the decision to close, as is Jack Radel, who head the Andrew Radel Oyster company on South Norwalk and Oyster Bay.

STUDY OF OYSTER BREEDING

The building was engineered and elaborately designed around what evolved over the years as the laboratory organization's chief mission, the breeding and rearing of oysters and other edible bivalve mollusks. In that mission there came to be included fundamental studies of the foods of these highly valuable shellfish, the algae. The algae are microscopic plants of almost infinite variety that abound in most littoral sea water, and are of benefit to man in almost no other fashion than in their role as fodder for the oysters, clams and mussels he eats.

The May 1 closing date will terminate the research of oysters genetics and the farming of the algae, unless the new federal landlord will be willing to accommodate these two programs, the only ones given any kind of stay of execution, in its utilization of the premises.

Even under such sufferance it is hard to see how these two programs will flourish. The ongoing, year-round breeding and rearing of swarms of tiny shellfish larvae, the forerunners of the mature shellfish, are relied upon in the genetic studies for the indispensible new batches of crosses in pursuit of the hereditable characteristics of oysters. Without the rearing program to rely upon, the genetics team will have to breed and rear its own oyster offspring.

LAB TEAM IS UNIQUE

The genetics team consists of Dr. L. Crosbie Longworth and her assistant, Miss Sheila S. Stiles. They are at present the only team in the nation, and very probably the world, whose work is devoted solely to basic genetic shellfish research. The artificial breeding and rearing they will have to take on is in itself an art and a technology that has only recently become established. The Milford laboratory has been the fountainhead of research on that art and technology.

The rationale of the closing is the premise that the states control the waters in which most shellfish grow and should therefore undertake for themselves the work now done by the federal laboratory. In granting possible reprieve, or something like it, to the genetics program, the administrators of the Bureau of Commercial Fisheries take some cognizance of the value of the genetic knowledge that has been accreted slowly over the past two years. This knowledge is represented in the segregated strains of oysters growing in the specially constructed cultivation tanks covering a field near the laboratory, and by the records and analyses kept by Dr. Longworth.

Something of the same regard is shown for the bank of 80 different pure cultures of single species of shellfish food algae maintained under the laboratory's "diet" program. These cultures, developed and maintained under the direction of another woman authority in her field, Dr. Ravenna Ukeles, are without doubt the finest reservoir of pure marine algae strains in the world. Small "start-up" batches of these unique, bacteria-free cultures are shipped to commercial shellfish hatcheries and to university, state and national laboratories around the world.

For the present, the ultimate significance of these strains is how well they serve as food for the growing baby oysters and clams, though the study of algae for themselves as a direct source of food for man, or as fodder for land animals is growing.

DRIVE TO SAVE LAB

The oyster growers of Connecticut, New York and the Chesapeake Bay area have entered upon a campaign to save the laboratory in toto. They have been joined by shellfisheries scientists throughout the country.

The Oyster Institute of North America has urged all its members to write to Russell Train, chairman of the Presidential Council for Environmental Quality, at the Interior Department, or to Walter Hickel, Interior Secretary, or Charles H. Meacham, Commissioner of the Fish and Wildlife Service, to urge reconsideration of the decision to close.

The laboratory has three other programs which, under present decisions, will be terminated. They are: Physioecology, Rearing and Predator and Disease Control.

From the work in physioecology much pertinent information on water quality, discovered through observance of the effect of pollutants, on shellfish, their larvae and their food, has been amassed.

SUCCESS OF PREDATOR CONTROL

Predator Control, under Clyde MacKenzie, Jr., has contributed materially to the very recent resurgence of relative abundance of oysters in Connecticut and Long Island waters, Mr. MacKenzie has carried his program of studious, informed cultivation of the grounds of the oystermen, scuba diving on the average of two days a week year 'round on the beds of the grower, innovations and refining mechanical and chemical techniques to control the oyster drill and the starfish, the great predator on oysters. His work and his gospel of care are extendable to other shellfish areas.

His efforts have been accompanied by a return of oyster populations to levels which permit harvests above a million bushels annually from the Sound oysters. This comeback follows an unremitting decline lasting for 20 years.

The rearing program may be said to underlie most of the other programs carried on within the laboratory. The laboratory was commissioned in 1931. Its first substantial building was occupied in 1941.

The Bureau's decision is in line with a determination to transfer attention to stocks of finfish in the open sea. Many scientists challenge such a value judgment, arguing that finfish can only be negatively managed and, at best, the taking stabilized at something called "the maximum sustainable yield"; whereas increases of shellfish, in addition to being proprietary to the nation developing them, are virtually without ceiling and are a direct result of the effort expended and the knowledge applied in cultivating the shellfish.

The shellfish hatchery as a concept, to which the laboratory has so significantly contributed, is seen by many as the door to a new shelfish era.

Without the hatchery, genetics, through which prodigious accomplishments have been made in plant, poultry and large animal production, is impossible. The hatchery species to new niches around the world, makes possible the transfer of shellfish without the fear of introduction of diseases, new predators or other undesirable organisms. Millions of tiny larvae, or juvenile mollusks, can now be flown from one place to another and ultimately planted on new shores. Presently, for instance, the American hardclam is being cultivated around the shores of Britain and Ireland, promising a new fishery which comes a total dividend, since the clams interfere with no existing commercial species.

POLLUTION WORK SEEN HURT WITH CLOSING OF LAB

STRATFORD.—Edwin Fordham, chairman of the Stratford Shellfish commission, yesterday urged the public to write to Connecticut members of Congress in a campaign to keep the Milford laboratory of the U.S. Bureau of Commercial Fisheries in operation. The bureau announced last week the facility would be closed in May because of budget cuts.

Mr. Fordham yesterday pointed out the laboratory here has long been conducting studies to curb water pollution. In this connection, he said closing the laboratory would seem to conflict with President Nixon's emphasis on combatting air and water pollution.

TEXT OF STATEMENT

Here is Mr. Fordham's statement:

"Pollution is a word which has become very popular within the last few months. Formerly silent citizens have suddenly found their voices and are becoming involved in the pollution problem.

Most citizens in which areas are aware of the Bureau of Commercial Fisheries laboratory in Milford, but associate it primarily with the oyster industry. Few persons realize that personnel in this laboratory have been investigating and publishing facts relating to the effects of pollution on shellfish species since 1961. They have been studying the life cycles of shellfish species for more than 30 years, and by the very nature of their work have become involved with pollutants affecting the shellfish industry.

"Factual studies have been published regarding pesticides, detergents, turbidity, silting, which are forms of pollution affecting embryonic development of all shellfish. Oil pollution has created many recent problems and standard methods of testing for this pollutant involves oyster embryos as the test material.

"This method was developed from funds of the Federal Water Pollution Control Act, and yet was an offshoot of work carried out at the Milford laboratory. A scientist in the State of Washington devised a test for sulphur wastes from paper mills through use of shellfish embryos. Destruction of algae, a basic link in the food chain of fin fish as well as shellfish, has been attributed to pesticides by studies at this laboratory.

"It must be admitted that when only a few voices were heard protesting violations of laws relating to pollution, the Bureau of Commercial Fisheries at Milford had already become involved in the problem.

"Today the Milford laboratory is faced with a grave problem. President Nixon has financed investigations and control programs regarding pollution on one hand, but has reduced the budget of the Bureau of Commercial Fisheries on the other. Consequently, the laboratory facilities at Milford, are to be closed May 1, 1970.

NEW LAB COST $1.3 MILLION

"Two years ago, new laboratory facilities costing $1.3 million were constructed on the Milford site. This laboratory is the finest facility of its type in the United States.

"To close this marine laboratory and lose the personnel who have carried out so many original investigations regarding water pollution is not a sound decision from any economic standpoint. Here are facilities, capable personnel experienced in the areas which must be studied.

"This laboratory should not be closed but should be utilized to its fullest capacity for pollution study. Our political leaders should recognize this laboratory for its contributions throughout the world in the fields of shellfish culture, pesticides and detergent pollution studies, algae culture, predator control through use of chemicals and genetics related to aqui culture.

"It is hoped that fishermen, hunters, boatmen and all sportsmen will recognize that they have been affected by the growth of pollution in the last decade, yet the work of the Milford laboratory is just beginning to pay dividends in the form of applied science. It is hoped that the public will take the interest and time to write their congressman in an attempt to keep this facility open to continue its worthwhile investigations."

MISS JUDITH BETH WOODWARD: VOICE OF DEMOCRACY

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. HECHLER of West Virginia. Mr. Speaker, I am proud that Miss Judith Beth Woodward's oration has won West Virginia's Voice of Democracy Contest annually sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary. The contest theme is "Freedom's Challenge," and Miss Woodward has done an outstanding job in defining the meaning of freedom, as well as breathing new life into that meaning as she delivers her address.

A senior at Parkersburg High School, Miss Woodward lives at 907 24th St., Vienna, W. Va. She is the daughter of Mr. and Mrs. James L. Woodward, and has one sister, Becki Ann Bailey, and two brothers, James Jeffrey and Thomas Matthew. She attends Methodist church, and has been very active in a number of extracurricular clubs including Entre Nous, Honorary Book Club, Thespians, Soccer Team, and Radio and TV Club. Her hobbies are acting, writing, philosophy, tennis, reading, and sewing.

It will be an honor to receive Miss Woodward in Washington, D.C., when she attends the Veterans of Foreign Wars Annual Congressional Dinner at the Sheraton Park Hotel on March 10. I commend to the attention of my colleagues Miss Woodward's excellent address on "Freedom's Challenge":

FREEDOM'S CHALLENGE

"Freedom" . . . Is it just to let one word—one general term—stand for a concept that covers so wide a span? Every country and every man has his own idea of freedom. The challenge of that freedom—the challenge of any freedom is: "How does an individual use it?"

In America, the people are the government, so their *ideas* of freedom become America's *idea* of freedom.

"Freedom." What other country speaks the word "freedom" with such an adamant tongue? Perhaps freedom means more to Americans because it was the yearning of oppressed peoples for freedom that founded America.

It was the need for and the God-given right to freedom that brought on the Revolutionary War, the Civil War, and the World Wars. And it is that same need and God-given right that men are fighting and dying for today.

However, you don't have to die in a war for freedom to prove that you hold it more dear than even your own life. You do have to actively want it—Speak for it!—Fight for it!—Live for it!

Freedom is a truth—and truth knows no death. And as long as man believes in freedom—for man is what he believes in—then he too lives forever.

Freedom! Can't you hear it? Then listen . . . listen to the peal of the liberty bell—to the shot heard 'round the world—listen to the politician on his soap box—to the hippie in Hyde Park—to the truck driver in Chicago—to the first grader in California reciting the alphabet . . . Can't *you* hear it? . . .

Freedom! Can't you see it? Then look . . . look at the red, white, and blue waving in the wind—watch the crowd at a football game—look closely at the wrinkled skin of an old veteran or a newly born babe—look through the shelves of a public library—look at yourself . . . Can't *you* see it? . . .

Freedom! Can't you smell it in the air! Turn your head toward a campfire or freshly turned sod—or the salty sea air—or a hot dog stand—or newly cut hay . . . Can't *you* smell it? . . .

Freedom! Can't you almost taste it? Drink from a mountain stream or eat at Joe's Diner—touch your lips to a snowflake or chew on a grass blade and gaze at the clouds . . . Can't you almost taste it?

Freedom! Can't you feel it? Then reach out—touch your brothers—watch a group of refugees get their first sight of the Statue of Liberty—raise the flag—hold a baby—dry a tear—touch a smile . . . Can't *you* feel it?

That's freedom . . .

CAPT. ERASTUS "DEAF" SMITH: DEAF HERO OF THE TEXAN REVOLUTION, LAUDED IN "THE DEAF AMERICAN"

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Friday, February 27, 1970

Mr. YARBOROUGH. Mr. President, no history of the folk heroes of the independence movement in Texas would be complete without an account of Capt. Erastus "Deaf" Smith—chief spy and commander of scouts for Gen. Sam

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Houston. "Deaf" Smith's hearing was damaged in infancy. And as is so often the case, the loss of one sense only served to sharpen the other senses. It was said that "Deaf" Smith could detect the presence of people or animals before others could see or hear them.

"Deaf" Smith's moment of truth arrived early on the morning of April 21, 1836, the day of San Jacinto, when General Houston asked him to take a detachment armed with axes to destroy the only bridge over Vince's Bayou, a stream, the lower banks of which were flooded, in order to cut off the Mexicans' retreat in case of a rout; it also cut off the Texans only route of retreat in the event of a Texan loss. "Deaf" Smith completed his mission in time to participate in the Battle of San Jacinto that afternoon. The rest is now history. Texas' independence was won.

The Mexican forces were completely routed; their best means of escape had been destroyed. Their losses were catastrophic. On the following day Santa Anna himself was captured. Texas independence was secure. One wonders what the results might have been had Deaf Smith failed in his mission. Fortunately, he did not.

Mr. President, most of my Senate colleagues are aware of my deep interest in programs for the handicapped. My recent appointment to the board of directors of Gallaudet College has served to deepen my interest in the deaf. Thus I was delighted to read the article on Deaf Smith, called "Deef" Smith by the early Texans, in the December 1969 issue of the Deaf American.

While the exploits of Deaf Smith are well known in Texas, they are not so well known outside the State. And since I think we can all learn from individuals, such as Deaf Smith, who can rise above severe physical handicaps, I would recommend a full reading of the article.

Mr. President, I ask unanimous consent that the article in the December issue of the Deaf American, entitled "The Hero Who Gave His Name to Texas' Deaf Smith County," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GENERAL HOUSTON'S TRUSTED SCOUT: THE HERO WHO GAVE HIS NAME TO TEXAS' DEAF SMITH COUNTY

(By Robert L. Swain, Jr.)

The Lone Star State of Texas matches its huge size with as big a fierce civic pride in its galaxy of he-men, freewheeling heroes. Categorized as such is Captain Erastus "Deaf" Smith whose "severe hearing handicap" did not hamstring him from becoming one of the stars of the historic Texas Revolution that boldly threw off Mexico's yoke in 1835–36. He was also the first of a long line of distinguished Texas scouts.

As if by design, fate had Deaf Smith in the thick of the rebellion as a trusted ally and commander of scouts for General Sam Houston, commander in chief of the Texan revolutionary army and the first—and twice—president of the Republic of Texas before it was admitted into the Union as the 28th state in 1845.

No account of the revolutionary period in the history of Texas is complete without copious reference to Deaf Smith's achievements; and he is mentioned in all biographies of Sam Houston. Even Deaf Smith is the subject of a hero worshipping, though largely fictionalized, children's book, titillatingly entitled, "The Nine Lives of Deaf Smith."

Smith did not have to wait for formal historians to evaluate his contributions properly as a step toward the canonizing of him as an authentic folk hero. Almost immediately after Texas took the lone path to becoming a full-fledged republic its treasury department started the beatification by having his likeness imprinted on the five-dollar bill it issued.

While the few surviving banknotes show Smith's faded face, we have, fortunately, the Houston Public Library's oil portrait of him to see what he actually looked like. It was Sam Houston, thanks to his prophetic feel for history, who had the painting done for posterity's benefit. The portrait, with the incisive sharpness of a clear color photo, tells us Deaf Smith had a long, lean, slightly handsome face—roughened by the elements and almost ascetic in quality; a pair of diamond-sharp eyes which, although narrow from habitual squinting under the glaring Texas sun, had the gleam of friendliness tempered with steely firmness; a tapering, sensitive nose accustomed to smelling danger miles away; and a determined mouth that spoke with such sincerity that people were won over to him, and yet knew when to keep tight-lipped when military secrets were involved.

Described as squat and stocky, Deaf Smith had his hearing damaged from sickness when he was a baby. Speaking of Smith's deafness, M. K. Wisehart, in his monumental biography, "Sam Houston—American Giant," cited: "Houston was struck by the fact that Smith's loss of hearing, caused by disease in infancy, had apparently sharpened his other senses; it was said that he could detect the presence of people or animals before others could see or hear them. His eyesight was especially keen. Deaf Smith's modesty, as well as his confidence, appealed to Houston. Obviously his deafness had made him sensitive; he was reticent and answered all questions laconically in a very high squeaky voice."

His deafness had Smith stapled with the "Deaf" sobriquet by his compatriots, and especially to set him apart, as he so rightly deserved to be, from the lesser Smiths. Houston preferred to call him either by his last name or referred to him admirably as "the wonderful Mr. E." The E stood for Erastus. In a communication to the Texas provisional government's Secretary of War, Thomas J. Rusk, Houston mentioned Smith's deafness by writing of him in this manner: "Mr. E. (Deaf) Smith."

Characteristically, Deaf Smith made the best of his handicap. A hardy soul summoned the courage one day to ask him, pointblank, whether he found the physical defect a hindrance. Not the kind to make excuses for his shortcomings, Smith frankly retorted: "No, I sometimes think it is an advantage—I have learned to keep a sharp lookout—and I am never disturbed by the whistling of a ball (bullet)—I don't hear the bark till I feel the bite."

To get an idea of the location and size, too, of Deaf Smith County, roll out your largest map of the United States and you will be able to pinpoint without eyestrain the county tucked in the Texas Panhandle in the High Plains—50 miles west of Amarillo and cheek to jowl to New Mexico.

No tiny flyspeck as so many counties are in smaller states, Deaf Smith County stands out like a giant, easily so, as the seventh largest in Texas' impressive agglomeration of 254 counties. Remember, some of Texas' counties make Rhode Island and Delaware look ridiculously puny by comparison.

Far from being a grubby, arid patch, Deaf Smith County lies within a rich farming, ranching and cattle feeding area, and is recognized as a leader in these and other related industries. Principal crops are grain sorghum and wheat. Moreover, it is a competitor of Idaho and Maine in the harvesting of potatoes and has also cut into the lettuce business of California. As many as 365,000 acres are currently irrigated.

Hereford, the county seat since 1898, which counted a total of 12,568 residents as late as 1967, basks, as its name so suggests, in the reflective glory of the county's famous breed of cattle—the beefy, whitefaced Herefords. About 22,000 head valued at about $7 million are marketed yearly. Several years ago Hereford won international prominence when a Reader's Digest article acclaimed "Hereford—The Town Without a Toothache." The research-backed writeup reported that the natural fluorides in the water in the Hereford area resulted in a very low incidence of dental caries.

Deaf Smith died 39 years before the county honoring him was carved out, in a neat rectangular shape, by the Texas legislature in 1876 from an enormous chunk of sparsely settled land tagged the Bexar District. The county was organized in 1890.

Older Fort Bend County in southeastern Texas is where Deaf Smith is buried. His grave is near the Episcopal Church in Richmond on the Brazos, an old community having the air of the Deep South—just 29 miles from Houston, the state's largest city. In Richmond, in the cemetery, four blocks southeast of the highway, is the Deaf Smith Memorial Monument erected in grateful appreciation by the State of Texas. It bears at its base this eloquent salute: "So valiant and trustworthy was he that all titles sink into insignificance before the simple name of 'Deaf' Smith."

Like so many adventure-driven Yankees who braved the vast desolation of Texas in the early nineteenth century, Deaf Smith was a transplanted Easterner, having been taken at the impressionable age of eleven by his parents, Chilaib and Mary Smith, to Mississippi Territory near Natchez. He was born in Dutchess County in New York State on April 19, 1787.

Reaching his 30th year in 1817, he first entered what is now Texas, only to remain there for a short spell. In poor health, he returned in 1821 and was with Major James Kerr in the first settlement of Gonzales. When it was broken up by hostile Indians, Deaf Smith made San Antonio and vicinity his base. The next year, in 1822, he shed his bachelorhood by taking for a wife a Mexican widow, Senora Guadelupe Ruiz de Duran, in San Antonio and from this union were born four children—three of them girls.

His footloose wanderings over Texas and his outdoor work as a surveyor had the therapeutic effect of restoring his health, but, citing the chronicles, he "remained deaf." By coincidence, he worked as a surveyor for the brilliant Borden brothers who, like him, came from New York. They were of the family whose process for drying milk led to the founding of the highly successful Borden Company of Elsie the Cow image.

Spurred by a restless mind that clutched at facts with a talon-like grasp, he studied the topography of the endless Texas country until he seemed to know every inch by heart. Then, too, he was something of an anthropologist, for he took pains to learn the customs, manners and language of the Mexican settlers. This encyclopedic knowledge was to make a profound impression upon General Houston. Unlike the socially aloof typical Yankee settler, Smith went out of his way to make friends among the Latins. He was also well liked by many American pioneers.

The eruption of the Texas Revolution against Mexico in 1835 found Deaf Smith assuming a shaky hands-off stance in deference to his family. Naturally he came under suspicion in the American community. However, he soon dropped his neutrality after Mexican troops blundered by refusing him entry into San Antonio to visit his family. The affront once again reminded him painfully of the indignities long meted out by haughty Mexican officialdom to the Americans in Texas.

His temper ignited, he went to General Stephen F. Austin's camp and placed himself available for military service. Virginia-born Austin—he was the American leader of colonization in Texas—indicated his pleasure in having Smith by awarding him a commission. An insight into Smith's makeup as a gusty, resourceful fighter is this revealing sizing up: "He was a taciturn, thoughtful man, with courage, and a goodly portion of what may be termed, in partisan warfare, adroitness or cunning." Similarly, his contemporaries praised him "for his coolness in the presence of danger," but regarded him "as a man of few words." A historian of the Alamo gave this popular verdict: "He (Smith) was nearly as silent as he was hard of hearing, but when he said he saw something nobody ever doubted him."

Smith quickly measured up to expectations by proving adept as a scout, the modern equivalent of which is the military intelligence agent and spy. He performed meritorious work in reporting on enemy movements and his information—often secured under great risk—proved invaluable to the Texan army.

He took part in reconnoitering parties, including those under Col. James W. Fannin, Jr., and Col. James Bowie at the Battle of Concepcion on October 28, 1835. Prior to the conflict Deaf Smith had been under orders to watch for attempts to reinforce the old mission, called Concepcion, near San Antonio, as it was known that a call for help had been sent south. The battle ended in a stunning victory for the Texans, with only one killed and none wounded, while the Mexicans suffered nearly 100 killed and wounded.

Prisoners seized at the battle said hard silver to pay all the Mexican troops in Texas was on the way from Mexico. Therefore, a force was dispatched to watch for a train of pack animals expected anytime. It was Deaf Smith, his powers of observation functioning to the hilt, who spotted an armed procession of heavily laden burros. He promptly reported his discovery to Col. Bowie, who hurriedly rounded up a force and intercepted the mules and their escorting cavalry. Bitter fighting resulted and the enemy lancers ultimately fled, leaving behind the frightened, braying burros. Instead of precious silver, the poor draft animals carried bundles of forage for the hungry mounts of the beleaguered Concepcion garrison. This skirmish, descriptively called the Grass Fight, was one of the many examples of how Deaf Smith made the most of his razor-sharp eyes.

Another feat of Deaf Smith was his guiding, on December 5, 1835, under the very noses of the enemy, the forces of Col. Francis W. Johnson stealthily into San Antonio to a rendezvous where they were to meet Col. Ben Milam. Three days later Milam was shot through the head during a fierce bombardment of the American positions in San Antonio. About the same time Deaf Smith was wounded.

After the surrender of Mexican General Martin Perfecto de Cos following the Battle of Concepcion, Deaf Smith's first thought was to hustle his family off to a safe haven some distance away in Columbia, the old capital of Texas. His house, incidentally, was still standing in 1948 at the corner of San Antonio's South Presa and Nueva Streets.

In Columbia, he ran into Gen. Houston, who was supposed to be on his way to the aid of the besieged Alamo in San Antonio. Earlier, at Gonzales between San Antonio and Columbia, Smith learned of the smashing of the Alamo by nearly 3,000 troops of Gen. Santa Anna, the president-dictator of Mexico. Houston, greatly upset over the news, deputized Deaf Smith to go out for more details. He was accompanied by his best friend and fellow-scout, 24-year-old Capt. Henry Karness, a native of Tennessee.

Smith returned bringing with him Mrs. Almeron Dickerson and her 15-month-old baby. She was the only American woman at the Alamo, a fortified mission-chapel which heroically held out for nearly two weeks—February 23 to March 6, 1835. Her husband, a colonel, was among the between 187 and 200 defenders, mostly volunteers, including Davey Crockett and Bowie, who were brutally massacred. Gen. Santa Anna, at hearing there was a Yankee lady at the Alamo, ordered her to be spared so he could use her, of course without making his intentions known, as a propaganda tool in spreading among other Texans a spine-chilling eyewitness account of the citadel's bloody disaster.

When the Texan army was revamped in early 1836 after setbacks, Gen. Houston demonstrated his deep respect for Deaf Smith's unusual combination of qualities by placing him in command of a company. He had been particularly impressed with his daring in capturing a buckskin dispatch box containing confidential information intended for Santa Anna's eyes. The papers were seized in a sharp encounter with Gen. Sema's scouts who suffered considerable losses. Smith also rendered valuable service by notifying Houston of the fleeing of the Texas provisional government ahead of a Mexican advance.

Deaf Smith's immortal step into history occurred on April 21, 1836. On that fateful day Santa Anna let his chance to attack Houston's much smaller army slip away irreversibly.

To fill gaps in his formidable army, Santa Anna had received reinforcements totaling 400, but they were so worn out from marching as not to be ready for immediate battle. The Mexican president resignedly ordered a rest period, during which the soldiers either attended to routine camp chores or dozed. Nor did the butcher of the Alamo and his aides refrain from the luxury of taking siestas in their tents. And to compound the blunder and in spite of his military sense, he mistook the deceptive inactivity for a similar lull.

Meanwhile, less than a mile away, cagy Houston had plans for quick action but kept them to himself to avoid a leak. He preferred to wait for the right moment to strike, despite the growing impatience of some of his younger officers for an immediate showdown with Santa Anna's numerically superior army.

At this juncture, it is of interest to note that Houston was not sure of how many men Santa Anna may have had, placing the estimate at upwards of 1,500. Deaf Smith's count came close to the official figure—1,360, together with the reinforcements.

With the uncanny intuition for which he was famous, Deaf Smith is said by a reputable source to have suggested to Houston the brilliant stratagem of razing the only bridge over Vince's Bayou, a stream, the lower bank of which was flooded, in order to cut off the Mexicans' retreat in case of a rout. So strategically important was the bridge that it was used by the enemy in their earlier advance. At the same time, Smith and Houston were both acutely aware that the proposed destruction of the bridge raised a threat of suicide to the small Texan army in that this would deprive it of an escape route if the tables were reversed in favor of the foe.

The military significance of the span may be readily grasped from the layout of the site of the battlefield, now the San Jacinto State Park. It lies between San Jacinto River and the Houston Ship Channel which extends down Buffalo Bayou to nearby Galveston Bay. Vince's Bayou flows into Buffalo Bayou, which is deep and wide enough for oceangoing vessels. Between San Jacinto River and a large lake, named Santa Anna Lake and fed by a tortuous stream, is a wide strip of marshland. These natural features gave few opportunities for a hurried exit into the interior, except by way of the only bridge across Vince's Bayou.

Houston, with a confidence as big as Texas, decided to take a gambler's choice and told his deaf commander of scouts to go ahead with a detachment armed with axes. Before he left on the morning of April 21, two days after his 49th birthday, Smith was admonished by the tall, doughty general: "And return like eagles, or you will be too late for the day." To his everlasting glory, Deaf Smith completed the dangerous mission entrusted to him in the nick of time to participate in the decisive Battle of San Jacinto on the afternoon of the same day. The battle clinched independence for Texas.

The ferocious engagement was the outcome of a surprise blow Houston and 783 Texans sprang on the more than 1,000 resting Mexican soldiers during the siesta hour. Santa Anna, his staff and his men were practically caught napping. So great was the disarray within the enemy ranks that the clash ended in 30 minutes—some claim in even less time, with staggering losses to the enemy. Scared for his life, Sana Anna, clad in red worsted slippers and a blue dressing gown, mounted a fast horse and sprinted off in the direction of Vince's Bridge. Imagine his uncontrollable fury at finding the span smashed into splinters!

During the battle Deaf Smith galloped to Houston's side and triumphantly told him of his successful errand. Elated, Houston sped on horseback in front of Col. Burleson's regiment with the news that the bridge was knocked out. Leaving Houston, Deaf Smith rode back and forth across the field behind the advancing line of resolute Texans, waving his axe as a signal that the bridge was destroyed. In his "squeaky falsetto," he shouted encouragement to the fighters: "Vince's Bridge is down. They can't get away, men! Victory or death!"

The fleeing Mexicans, their best means of escape gone with the destruction of the bridge, were hotly pursued to the air-rending, vindictive cries of "Remember the Alamo! Remember Goliad!" (Goliad was the name of the town where some 330 Texas soldiers defending a fort were ruthlessly slaughtered by the Mexicans in March, 1836.) Smith's demolition of Vince's Bayou Bridge is regarded "as a main factor in the victory of Houston's forces over those of Santa Anna at San Jacinto."

The enemy's losses were catastrophic. According to Houston's report, among the 630 killed were one general, four colonels, two lieutenant colonels, five captains and 12 lieutenants. In addition, 208 were wounded and 730 (including the wounded) were taken prisoners. In lopsided contrast, only two Texans fell, six mortally wounded and 32 less seriously.

Soon after the battle, 240 Mexicans collected under the command of Col. Almonte, Santa Anna's most trusted aide, were seen advancing beyond the bayou as if intending to renew the contest. Racing around the bayou with his men, Houston ordered the colonel to halt and then directed Deaf Smith to approach the colonel with the assurance that if he surrendered he and his soldiers would be treated as prisoners of war. Deaf Smith, followed by the Texas secretary of war, Rusk, succeeded in getting Col. Almonte's compliance.

Santa Anna, his customary aplomb squashed like a run-over pumpkin, was cap-

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tured the next day, April 22, near Vince's Bayou. Glowering, he was brought before Houston—himself a battle casualty, being shot in the left leg. Fatigued from loss of blood and his wounded leg wrapped with rags, Houston was lying on a multi-colored Mexican blanket beneath a stout oak tree, its voluminous network of leafy branches offering cooling shade. In this setting Houston dictated the terms whereby the Mexican armies were withdrawn from Texas. With this stroke Texas became free and was to enjoy status as an independent nation for nearly ten years under the famous Lone Star flag before joining company with the rest of the United States.

Wearing a buckskin shirt, Deaf Smith had a front-row seat at the momentous proceedings. A photograph-like painting of Santa Anna's surrender, in the possession of Deaf Smith County Historical Museum, shows Smith prominently in the foreground, under the massive oak tree and within arm's reach of Houston. Symbolic of his deafness, he is depicted cupping his right ear as if straining, at least, to catch some of the history-making exchange between Houston and the defeated Mexican generalissimo. Or the artist may have taken poetic license in painting in such a gesture to dramatize Smith's handicap.

After the surrender, an attempt had to be made to notify Santa Anna's other commanders elsewhere in Texas of the cessation of hostilities. Houston delegated to Deaf Smith the responsibility of contacting Gen. Filisola, one of Santa Anna's four top generals. Riding hard, Deaf Smith and his party overtook the general and his men mired in mud, 70 miles from San Antonio. Smith handed him the message written out by Col. Almonte at Houston's request. Gen. Filisola agreed to obey and scribbled his reply, requesting that Houston should relay it to Santa Anna. Deaf Smith took the communication to Houston who, after reading it, gave it to Santa Anna as directed. Seriously, he told the Mexican president if Gen. Filisola had chosen to refuse orders to lay down arms "he would have been cut to pieces by Smith" and others. Deaf Smith's men also brought to the Texan army's headquarters the Mexican General Cos, several officers and Santa Anna's secretary.

Three days after the Battle of San Jacinto, Houston, much improved, found time to make a full report about the surrender to the Texan provision government. He singled out Deaf Smith, among the other members of his staff and certain officers, for special praise.

The subsequent retreat of the beaten Mexican battalions across southern Texas to Laredo on the Rio Grande had the effect of throwing that border town into a sort of "no man's land." This caused a bitter disagreement over the new Republic's southern boundary which did not extend to the Rio Grande, now the international demarcation line between Mexico and Texas. Determined to do his part in rectifying the matter, Deaf Smith, in 1837, headed a band of men "with the intention of raising the flag of independence on the spire of the church at Laredo." Five miles northeast of his objective, he was challenged by a larger contingent of Mexican cavalry. After spirited fighting lasting 45 minutes, the Mexicans withdrew thus giving Smith, technically speaking, a decided victory.

After analyzing the situation, he voted against proceeding further on the assumption that he would be outnumbered in the attempt to wrest control of Laredo for the Republic. This display of patriotic bravura is one of the many deeds that have gilded Deaf Smith into so legendary a figure of Texas history.

The next we know of Deaf Smith is that he served a short time as a captain of rangers, after which he retired and made his home in Richmond, where he died, at the comparatively early age of 50, on November 30, 1837.

Even though Texas proudly claims Deaf Smith as one of its luminaries, the deaf of America can claim him with equal vigor as a notable addition to the Hall of Fame of outstanding personalities who took their deafness or severe hearing impairments in stride as they went on to achieve shiny success or had fame justifiably thrust upon them.

ACTION GUIDE ON AIR POLLUTION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. MIKVA. Mr. Speaker, all too often when a legislative issue becomes a popular conversation piece, the conversation soon begins to overwhelm the legislation. People talk, experts discuss, task forces write reports, agencies write counter-reports, the media digest them; and somehow it seems that nothing is ever done.

Then the public begins to ask—What can we do? What must we know? All too often my colleagues and I cannot give the people the answers and encouragement they seek.

The problem of air pollution is exactly the type of issue I am speaking of—where rhetoric and generalized good words already have begun to inundate the concerned public's sources of information and have made them question whether anyone is doing anything but talking.

At least one source of the public's information is doing something, and doing it well and conscientiously, and I wish to bring this to the attention of my colleagues. The special projects team of WBBM–TV News, Chicago, has recently issued a very concise and instructive "Action Guide on Air Pollution" for viewers of its documentary program "No Place To Hide."

This pamphlet is not just another emotional rehashing of the Nation's and Chicago's pollution problems. It concretely spells out the identity, characteristics, and sources of major air pollutants. It describes dramatically yet empirically the effects of air pollution on persons, plants and things, and discusses several ominous theories about the future effects of pollution on our environment.

The action guide then identifies and categorizes the laws, agencies, and people responsible for air pollution control in the Chicago area and singles out and describes the proposals of aldermen, State assemblymen, and Congressmen involved in pending legislation.

It lists the addresses of 22 central and neighborhood citizens' interest organizations, and perhaps most importantly, discusses specifically "How To Report Violations of the Air Pollution Control Ordinance," and includes a simple preprinted form for that purpose.

The special projects staff of WBBM–TV news is to be commended on this vital project. The work which has gone into the preparation of this "Action Guide on Air Pollution" gives the lie to currently fashionable comments about the irresponsibility of the television news medium. As a source of information and as a public service, the value of this publication should not be overlooked.

The material referred to follows:

ACTION GUIDE ON AIR POLLUTION

(Compiled by WBBM–TV News Special Projects, T. M. Alderman, executive director; Judy Wise, research director; R. Stephen Berry, professor, Chemistry Department, University of Chicago, consultant, "No Place To Hide")

"NO PLACE TO HIDE

"(By Will Mercier)

"Well some of you folks might ask
Of why I sing the blues.
Well buddy, if you're still breathing
It shouldn't be any news.
There's active Strontium 90 in our kids' bones and DDT in their fat.
It's radioactive iodine in their thyroids
That keeps them going like that.
Why they've even got asbestos in their lungs.
They get all this from the air
And momma's still worried about the common cold,
'Bout the air she don't seem to care.
Oh, we can't put any signs up in the air.
Pollution sometimes can't be seen.
But from dust thou came . . . to dust thou shall return.
You shall breathe the stuff in between . . .
Brother, you'll breathe the stuff in between."

DEFINITION OF A POLLUTANT

Generally, a pollutant is something noxious put into the air by man-made processes. Five major pollutants are commonly measured in our atmosphere.

Sulfur Oxides: Sulfur dioxide is the most common gaseous pollutant that arises mainly from heating and power generation. It is the choking, irritating gas associated with burning sulfur. It is moderately corrosive, attacking the lungs and air passages.

Evidence is growing that exposure for 24 hours to .11 parts per million (ppm) of sulfur dioxide with particulate present, represents a recognizable health hazard. Sulfur dioxide combined in the atmosphere with particles becomes the far more dangerous sulfuric acid.

Carbon Monoxide: Carbon monoxide is a colorless, odorless, poisonous gas which comes almost entirely from motor vehicles. It is the most common toxic gaseous pollutant in the urban atmosphere.

Hydrocarbons: These compounds are found mostly in petroleum, natural gas, and coal. The major source of hydrocarbons in the atmosphere is again motor vehicles. The most potent hydrocarbon is benzo-a-pyrene. This is a substance used in labs by scientists to cause cancer. It is one of the most dangerous cancer-producing substances in cigarettes.

Nitrogen Oxides: Two nitrogen oxides, nitric oxide and nitrogen dioxide, are serious air pollutants. Nitric oxide is a colorless, toxic gas formed in automobile cylinders, electric power plants, and other very large energy-conversion processes.

Nitrogen dioxide is considerably more poisonous than nitric oxide. It is the only important and wide-spread pollutant gas that is colored—yellow brown. Its effect is still unknown. While some nitrogen oxides are formed in Chicago's air, they are a more serious problem on the West Coast where the nitrogen oxides and sunlight convert air and hydrocarbons into Los Angeles' well known, irritating photochemical smog.

Particulate: Particulate matter is, for the most part, fine smoke or dust which comes from many substances and hangs in the air. Some of the most dangerous kinds are asbestos, lead and other metals. Particulates may be emitted into the air from liquid or solid substances. In addition to having their own detrimental effects such as carrying harmful substances to the lungs, reducing

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visibility, soiling property, and causing dust deposits, particulates act as catalysts for the formation of other more harmful substances such as the change of sulfur dioxide to sulfuric acid.

SOURCES OF POLLUTION

Major sources of pollution in the nation are transportation (autos, planes, etc.); power plants (the utilities); industry (major industrial polluters include pulp and paper mills, iron and steel mills, petroleum refineries, smelters, and chemical manufacturers); space heating (homes and apartments); and refuse disposal. Some random figures will give an idea of the significance of each of these sources.

NATIONAL SOURCES OF MAJOR AIR POLLUTANTS[1]

[Millions of tons per year]

Source	Carbon monoxide	Sulfur oxides	Hydrocarbons	Nitrogen oxides	Particulate	Miscellaneous	Total
Transportation	66	1	12	6	1	(2)	86
Industry	2	9	4	2	6	2	25
Power plants	1	12	(2)	3	3	(2)	20
Space heating	2	3	1	1	1	(2)	8
Refuse disposal	1	(2)	1	(2)	1	(2)	4
Total	72	25	18	12	12	4	143

[1] Air Pollution Primer, National Tuberculosis and Respiratory Disease Association, 1969, p. 34.
[2] Less than 1,000,000.

In Chicago, the following are figures for the amount of dust dumped on the city between 1965–1968:

1965—38 tons per square mile per month
1966—40 tons per square mile per month
1967—42 tons per square mile per month
1968—43 tons per square mile per month

When discussing the health effects of pollution, sulfur dioxide is usually cited as the most detrimental pollutant. The following are sources of sulfur dioxide in Chicago with the percentage each contributes to the air:[1]

Utilities [major: Commonwealth Edison Plants], 65.6%.

Industry, 11.5%.

Commercial Enterprises, 8.3%.

Residences [home and apartment dwellers], 14.6%.

Automobiles are the major source of pollutants other than the sulfur dioxide. It is estimated that in Chicago automobiles are responsible for 8500 tons of particulate per year. Even more serious, autos are responsible for 903,000 tons of carbon monoxide per year. Automobiles produce 90 percent of all carbon monoxide in the air.

Much has been in the news about pollution from airplanes. While this is a serious problem, it is not considered by most experts as serious as some other sources because the emissions from airplanes are so much less than those from automobiles. Material dumped in the air from airplanes, however, is increasing and is certainly a contributor to today's ever-dirtier air. In New York City, turbo jet engines dump 1139 tons of carbon monoxide and 409 tons of particulate on the city every year.

EFFECTS OF POLLUTION

Pollution kills. Pollution causes illness. Pollution impairs judgment and response. Pollution damages property, art treasures, clothing, and crops. Pollution even causes major changes in the earth's ecology—changes of incalculable significance.

Increased deaths are associated with periods of especially high pollution. Those who suffer most are the very young, the elderly, and individuals with chronic pulmonary or cardiac disorders. The general population, however, also suffers. Over five thousand deaths were attributed to air pollution in London as a result of three air pollution incidents between 1952 and 1962.

In Chicago, following the episode of extreme pollution during the inversion in November, 1969, three times more deaths from tracheal bronchitis were reported than had been projected. City Health Commissioner Dr. Murray Brown stated, "The death rate of tracheal bronchitis in children has been running about 50 percent higher than it was expected."

A recent study of several types of cancer found significant correlations of mortality with chronic exposure to sulfur dioxide and nitrogen dioxide. A Chicago scientist estimates that a five-fold reduction in Chicago's average annual sulfur dioxide concentration would reduce the number of deaths from cancer by about 800 per year.

Lung disease is the fastest growing disease in the country, according to Dr. Bertram Carnow, University of Illinois Medical School. It is the second highest cause for people under 65 years of age being forced to retire and live on social security. Dr. Carnow's studies show that people with heart or lung disorders are sicker when pollution levels go up. In a recent study, people over the age of 55 who had chronic bronchitis suffered twice as many days of illness when the pollution level was .04 as when it was .02.

The effect of carbon monoxide is to cut off the oxygen supply in the blood, thereby impairing the brain and nerves. In large doses, this kills. [It is carbon monoxide which kills the person caught in a closed garage with the car running.] In lesser doses, it causes nausea, dizziness, headaches and impairs judgment.

The carbon monoxide level on the Eisenhower Expressway and other expressways leading to and from the Loop during rush hours is frequently above the danger level for impairing judgment. It is estimated that an increasing number of drivers' reactions become slower and that their ability to respond to crisis is lowered during these times.

Corrosion of all sorts of materials is caused by pollution. Sculpture that has been standing for hundreds of years in Rome and Florence is being destroyed by modern day pollution. Limestone at Oxford University must be replaced. In Chicago, corrosion at the worst sites in the city occurs 50 percent faster than at the least polluted parts of the city.

The effects of pollution on homes, cars, clothing, furniture—on everything with which we come into contact—is self-evident. Estimates of the cost of pollution are varied, but a cost of $500 per year per family is fairly safe.

The danger done to plant life by pollution is not as obvious to Chicagoans, but its effects across the nation create an economic disaster. The total loss in California alone is estimated at $132 million. Many kinds of plants are killed by pollution, while other crops are now smaller than they used to be.

There are many theories about other more subtle effects of pollution; and pollution is only one factor in our environment contributing to major and ominous changes in the earth's ecology.

According to one source, a side effect of pollution could be more frequent earthquakes and volcanic eruptions in the next 50 years. Moreover, if coal and oil continue to be burned at today's rising rates, the world's average temperature will increase by nine degrees in the next 50 years. This would cause snow fields and icecaps to melt so much that inevitably coastal cities would be flooded.

Other experts say that between 1980 and 1985 the earth's sunlight will be cut by 50 percent if the current air pollution situation is allowed to continue. Another ice age could eventually ensue.

These are theories, very credible, but yet to be proved. However, one thing is sure. According to Dr. Carnow, this generation is the first in history to have radioactive strontium 90 in their bones, DDT in their fat, asbestos in their lungs, and radioactive iodine in their thyroids.

AIR POLLUTION CONTROL STANDARDS

There are three sets of air pollution control standards—federal, state and local.

City: Chicago's present city ordinance deals almost entirely with visible emissions. In other words, black smoke coming out of a chimney is supposed to be illegal. However, beginning July, 1970, a new kind of standard will apply in Chicago which will limit the sulfur content of coal.

The new city standards will attempt to limit sulfur content in three steps. Effective July, 1970, the maximum sulfur content in coal is to be 2½ percent. After two years the sulfur content must be reduced to 2 percent; and 18 months after that, the sulfur content must be reduced to 1½ percent. The coal users are given the option of using low sulfur coal or sulfur removal equipment. Either is feasible, since figures from the Bureau of Mines make it clear that there is no shortage of low sulfur coal in this country. In fact, half the coal in the country is low sulfur.

Many criticisms have been leveled at Chicago's air pollution control program, including that the program is too slow. New York set a limit of sulfur dioxide content in fuel oil and coal at one per cent and brought everyone into compliance, within one year. Chicago, on the other hand, adopted a program which gave polluters three and one-half years to comply with a final standard which was higher than in New York—and then delayed the original effective date of the new ordinance for one year.

Blame for this has been placed in many areas. A look at the way Chicago's system has been set up may illuminate some of the problems.

Chicago's Department of Air Pollution Control, which was recently incorporated into the city's new Department of Environmental Control, is headed by H. Wallace Poston. It has the power to make inspections and bring action against violators of the air pollution ordinances. However, if the Air Pollution Control Department brings administrative rather than court action against a polluter, the polluter may appeal the action to the Appeals Board.

The Appeals Board, which has the final say about disposition of a case, consists of seven members appointed by the Mayor. Many citizens have complained that the Appeals Board is comprised of personal friends of the Mayor and representatives of the major industrial polluters. The legitimacy of this complaint is for others to decide. However, experts maintain that there has been a lack of enforcement of the existing code as well as a lack of preparation necessary to enforce the new standards that go into effect in July.

In addition to their authority to hear appeals on action attempted by the Department, the Appeals Board negotiates abatement programs with the major polluters. To date, the programs that the Appeals Board has negotiated have given industry time to curb their pollution. During the period given by the Appeals Board for an industry to act, the Department of Air Pollution Control is powerless.

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[1] "Chicago Air Pollution Systems Model," First Quarterly Progress Report, Argonne Laboratory, February, 1968, p. 41. Figure 4.1.

An example of the above is the case of U.S. Steel. In 1963, the Department filed a claim against U.S. Steel. They appealed. The Appeals Board negotiated a program with the company which allowed them seven years to curb their pollution. During this time the Department has been powerless to impose fines or any other restrictive action. During the seven years it is alleged that U.S. Steel continued to pollute that their pollution was worse in 1968 than it had been in 1963, and that only now, as they draw toward the end of their allotted time, are they installing anti-pollution equipment.

State: The State of Illinois in the last session of the General Assembly passed legislation giving the Attorney General broad powers to bring suit against any polluter causing a "nuisance."

Federal: Federal air pollution control standards have been negotiated on regional bases. Each state must set its own air quality standards which must be consistent with other states in their same region and must be approved by the Department of Health, Education, and Welfare.

Illinois' standards were adopted September, 1969, by the State Air Pollution Board in Springfield, whose technical secretary is Clarence Klassen. The standards demand a certain air quality, limiting the amount of sulfur oxide and particulate that will be tolerated in the air.

The state is already beginning to install monitoring equipment in Chicago and elsewhere. The monitoring equipment will monitor four pollutants in the air—nitrogen oxides and carbon monoxide in addition to sulfur dioxide and particulate which are measured presently by Chicago's monitoring stations.

The Illinois standards must be reached by January, 1972. Within the next couple of months there will be hearings on the implementation plans to reach the state standards. Implementation plans must be complete by May, 1970. Interested citizens should watch the news and be ready to appear when these hearings are called. The new state standards are extremely important as they supersede any lesser standards set by the city.

Legislative action—local, state, and federal—is an important aid to citizens seriously concerned about the environment. However it is important that the public not assume the problem will be solved just because there may be effective legislation on the books. Experts say the public must continue to insist on stringent enforcement of the laws. The public must be constantly vigilant, accepting no excuse for inaction.

The responsibility for pollution cannot be placed on one segment of our society, and likewise, the responsibility for improvement cannot be placed on one segment. Part of the responsibility for improvement belongs to the negligent polluter, and part to the public for tolerating the pollution—its damages and devastation. Both must be willing to share the cost or accept the consequences.

ANTIPOLLUTION ORGANIZATIONS

The following is a list of some of the organizations which are actively involved in fighting pollution. Any of them will welcome your participation. We suggest that you write or call the organizations which interest you and volunteer your participation. The first four organizations are the larger groups with full-time staff and offices. The others are smaller, community or neighborhood groups which are trying to mobilize citizens in their areas:

Central organizations

Campaign Against Environmental Violence, P.O. Box 4100, Chicago, Illinois 60654; Mr. Joseph Karaganis, 641-5570.

Clean Air Coordinating Committee, 1440 W. Washington Street, Chicago, Illinois 60607; Mr. John Kirkwood, 243-2000.

Open Lands Project, 53 West Jackson, Chicago, Illinois 60604; Mr. Gunnar Peterson, 427-4256.

Industrial Areas Foundation, 520 N. Michigan, Chicago, Illinois 60611; Mr. Richard Harmon, 329-0430.

Neighborhood organizations

Southwest Air Pollution Committee, 6401 S. Narragansett Avenue, Chicago, Illinois 60638.

Peoples Group of Garfield Ridge, 5117 S. Merrimac, Chicago, Illinois 60638.

Hyde Park Clean Air Committee, 5532 South Shore Drive, Chicago, Illinois 60637.

Hyde Park-Kenwood Community Conference 1525 E. 53rd St. Chicago, Illinois 60615.

Illinois Citizens Clean Air League, 725 South 26th Street, Springfield, Illinois 62708.

Ivanhoe Junior Women's Club, 14438 LaSalle, Riverdale, Illinois 60627.

Illinois/Wisconsin Friends, Committee on Legislation, 4100 Warren Avenue, Hillside, Illinois.

Citizens Revolt Against Pollution, 6019 S. Ingleside, Chicago, Illinois 60637.

Revolt Against A Polluted Environment, 5825 Woodlawn Avenue, Chicago, Illinois 60637.

Save the Dunes Council, 1512 Park Drive, Munster, Indiana.

Illinois Federated Sportsman Clubs, P.O. Box 241, Blue Island, Illinois 60406.

Lincoln Park Conservation Association, 741 W. Fullerton, Chicago, Illinois 60614.

Memorial Park Improvement Association, 9852 S. Marquette Avenue, Chicago, Illinois 60617.

Izaak Walton League, 520 Park Drive, Glenwood, Illinois 60425.

Human Ecology Study Group, 681 Minerva, Wauconda, Illinois 60084.

Citizens of Greater Chicago, 18 S. Michigan Avenue, Chicago, Illinois 60603.

Concerned Citizens for Clean Air and Water, 1710 Fletcher, Chicago, Illinois 60657.

Rainbow Neighbors, 7535 S. Yates, Chicago, Illinois 60649.

CITY LEGISLATION

To demand action against polluters or action on legislation in the City Council, Chicagoans should contact the Mayor, as the presiding chairman of the City Council, or any Alderman by writing him in care of City Hall, Chicago, Illinois. The following Aldermen have resolutions or ordinances on pollution pending before committees of the City Council:

Before the Health Committee

Date introduced, Alderman, action requested:

July 11, 1968, Despres and others, Ordinance for amendment of existing Air Pollution Code.

July 8, 1969, Despres and others, Repeal of Ordinance for extension of time on Air Pollution Code.

July 11, 1969, Sperling and others, Amendment of Code for Air Pollution Control.

November 17, 1969, Singer and others, Amendment of regulations governing Air Pollution Control.

November 17, 1969, Sperling and others, Amendment to reduce use of electric power during pollution alerts.

Before the Rules Committee

July 8, 1969, Singer and others, Creation of Air Pollution Committee and an immediate investigation of why an extension of Air Pollution Standards was granted.

Before the Finance Committee

October 29, 1969, Wigoda and Keane, Amendment to raise the minimum fines allowable under the Air Pollution Control Ordinance.

STATE LEGISLATION

There is no legislation currently pending in the Illinois General Assembly. However, the following state legislators sponsored legislation in the last session:

Senator Jack T. Kneupfer, 901 Washington, Elmhurst, Illinois.

Representative James Carter, 601 E. 32nd St., Chicago, Illinois.

Representative John H. Kleine, 155 Wooded Lane, Lake Forest, Illinois.

Representative Oral Jacobs, 303 19th Street, Moline, Illinois.

Representative Alan K. Johnston, 206 Cumberland Avenue, Kenilworth, Illinois.

FEDERAL LEGISLATION

As of November 1, 1969, the following Congressmen and Senators had introduced legislation in the 91st Congress which dealt with all sides of the issue of Environmental Quality. Their Washington, D.C. office addresses and phone numbers are listed in case you are interested in contacting them for information about their legislation:

Congressmen

Thomas Ashley (D, Ohio), 2427 Rayburn Building, 225-4146.

Charles Bennett (D, Fla.), 2113 Rayburn Building, 225-2501.

George Brown (D, Calif.), 313 Cannon Building, 225-5464.

Emilio Daddario (D, Conn.), 2330 Rayburn Building, 225-2265.

Charles Diggs (D, Mich.), 2464 Rayburn Building, 225-2261.

John Dingell (D, Mich.), 2210 Rayburn Building, 225-4071.

Thomas Foley (D, Wash.), 325 Cannon Building, 225-2006.

James Howard (D, N.J.), 131 Cannon Building, 225-4671.

Joseph Karth (D, Minn.), 2432 Rayburn Building, 225-6631.

Torbert Macdonald (D, Mass.), 2448 Rayburn Building, 225-2836.

Spark Matsunaga (D, Hawaii), 442 Cannon Building, 225-2726.

Abner Mikva (D, Ill.), 1532 Longworth Building, 225-4835.

John Monagan (D, Conn.), 2331 Rayburn Building, 225-3822.

John Moss (D, Calif.), 2185 Rayburn Building, 225-7163.

Richard Ottinger (D, N.Y.), 129 Cannon Building, 225-5536.

Ogden Reid (R, N.Y.), 240 Cannon Building, 225-6506.

Henry Reuss (D, Wis.), 2159 Rayburn Building, 225-3571.

John Saylor (R, Pa.), 2354 Rayburn Building, 225-2065.

John Tunney (D, Calif.), 429 Cannon Building, 225-2305.

Senators

Clifford Case (R, N.J.), 463 Old Senate Office Building, 225-3224.

Norris Cotton (R, N.H.), 4121 New Senate Office Building, 225-3324.

Michael Gravel (D. Alaska), 248 Old Senate Office Building, 225-6665.

Philip Hart (D, Mich.), 253 Old Senate Office Building, 225-4822.

Henry M. Jackson (D, Wash.), 137 Old Senate Office Building, 225-3441.

Edward Kennedy (D, Mass.), 431 Old Senate Office Building, 225-4543.

George McGovern (D, S.D.), 362 Old Senate Office Building, 225-2321.

Warren Magnuson (D, Wash.), 127 Old Senate Office Building 225-2621.

Frank Moss (D, Utah), 204 Old Senate Office Building, 225-5251.

Edmund Muskie (D, Maine), 221 Old Senate Office Building, 225-5344.

Gaylord Nelson (D, Wis.), 404 Old Senate Office Building, 225-5323.

Joseph Tydings (D, Md.), 6237 New Senate Office Building, 225-4524.

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HOW TO REPORT VIOLATIONS OF AIR POLLUTION CONTROL ORDINANCE—DEPARTMENT OF AIR POLLUTION CONTROL

Smoke

Emission Limitations:

Very light smoke	may be emitted at all times.
Light smoke	at most four minutes out of each half hour.
Medium heavy smoke	at most four minutes every two hours.
Very dark smoke	is always in violation.

Reporting: Call the Mayor's Office of Inquiry and Information (744-3370), which will refer your complaint to the Department of Air Pollution Control, or call directly to the Department of Air Pollution Control (744-4077). Be sure to have the correct address of the violating building. In the case of chronic violators, give all the information you have: past and present observations, duration of violations and time of day in which they are most likely to occur. This will help the inspector choose the best time for his checkup.

Odors from garbage burning

Call the Mayor's office or the Department of Air Pollution Control. Specify time and duration of smell.

Ash removal and coal deliveries that cause dust in the air

Call the Mayor's office or the Department of Air Pollution Control. Indicate name of scavenger or coal company. Call police or ward office about coal deliveries that block streets or alleys.

Dust from unpaved lots and other causes

Call the Mayor's office.

Burning of leaves

After July 5, 1970, garbage burning in boilers and leaf burning will be prohibited.

Meanwhile, three rules must be observed:

1) an adult must be present the entire time;

2) leaves must be burned in small piles;

3) no leaves should be added to a burning pile;

4) emission limitations for smoke listed above must be observed. For improper burning, call Fire Department, Police, Ward office or Mayor's office.

Excessive dust from wrecking

Call the office of the wrecking company and the Mayor's office.

Excessive exhaust fumes from buses and trucks

In the case of city buses, call the Public Information Division of Chicago Transit Authority (MO 4-7200); give license number. Report other buses and trucks by telephone or in writing to the Department of Air Pollution Control, giving license numbers.

Telephones

Mayor's Office of Inquiry & Information: 744-3370.

Dept. of Air Pollution Control, Community Relations Director: 744-4070.

Dept. of Air Pollution Control, Complaint Section: 744-4077.

Police: PO 5-1313.

Fire Dept.: FI 7-1313.

NUISANCE COMPLAINT FORM

DEPARTMENT OF AIR POLLUTION CONTROL, Room 500, 320 North Clark Street, Chicago, Illinois 60610.

Date.
1. Source Complained of:
Name.
Address.
2. Complainant:
Name.
Address.
Phone No.
How long there.
3. Distance from Source: Direction from Source.
4. List three specific nuisance occurrences:
(a) Date, Hour, Wind from the—
(b) Date, Hour, Wind from the—.
(c) Date, Hour, Wind from the—.
5. Describe specifically the nuisance itself.
6. Distress or ill effects:
a. Difficulty breathing.
b. Eye Watering.
c. Other.
7. Names of other persons affected:
(a).
(b).
(c).
8. If complainant's address is his home, is home in area zoned for residence?
9. Did complainant notice effects to neighbors? Did neighbors tell of being bothered?
10. Has complainant any definite evidence thru an attempt to sell that value of his property decreased because of the nuisance? How much?
11. Has complainant definite evidence of increase in cost of cleaning or laundry? How much?
12. What other damage to property?
13. How do you connect nuisance to source?
14. Will complainant appear in Court?
15. Signature of Complainant.
Remarks:

CONCERN FOR ENVIRONMENT

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1970

Mr. BUTTON. Mr. Speaker, it has become politically fashionable to talk about pollution; the environmental issue is viewed as good campaign property. But regardless of the danger that opportunists may cash in on the fight against pollution, it is a matter of grave concern and one which deserves our utmost attention. The seriousness of the issue is perhaps best evidenced by growing discussion of the problem among citizens in all walks of life. In my own district, I was encouraged that the Albany Times-Union has published a four-section supplement on environment which explores existing programs and plans for improving the quality of life.

A report from the New York State Health Department, included in the supplement, quite clearly summarizes progress so far. I am encouraged that New York has done more than any other State to solve the problems of pollution in terms of money and program already committed. What is evident, however, is that so much more needs to be accomplished, both in New York and in every other State in the Union. Perhaps the key to the environmental issue is the general apathy that Times-Union writer John Maguire discusses in a lead article. Particularly disturbing is the report from a recent meeting of the American Association for the Advancement of Science in Boston where a highly respected group of biologists and ecologists predicted that the end of life on earth could be within the average lifespan of children now alive. Such is the enormousness of this problem that it could very well be we have doomed this planet to destruction. A sense of urgency is not enough, however. We must have commitment from Congress, from the States and, most importantly, from the people.

In the final analysis, it will be the commitment of the people that will spell the difference in the battle for our environment. The scope of the problem is admirably summed up by Mr. Maguire, I think:

> Man is in greater danger of extinction now than ever before, and bold and drastic actions must be taken, the apathy that has brought us to our present perilous state must vanish.

I share with Mr. Maguire his closing commentary: "Let's hope it does, in time."

Because of the wealth of information and comment presented in these two articles I recommend them to the attention of my colleagues. They follow:

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[From the Albany (N.Y.) Times-Union, Feb. 15, 1970]

APATHY IN HEALTH COULD CAUSE MAN'S EXTINCTION

(By John Maguire)

In the past 20 years, we have seen a steady parade of truly impressive medical advances, from the polio vaccine of the early 1950s to open heart surgery and organ transplants, not to overlook a general upgrading of the quality of medical diagnostic and therapeutic skills.

But there are some puzzling and disturbing facts about the state of our health that must be faced. In these past two decades, despite the undeniable progress that has been made, our death rate has NOT gone down—and our life expectancy has NOT gone up.

How can such a state of affairs exist?

Well, there are many answers, some of them readily apparent and some not yet clearly understood. Of those that are known, however, a surprising number can be included under the general category of apathy—and by far the most significant and most deleterious form of apathy is that displayed by the man in the street.

Certainly the medical profession has shown apathy in some areas, not at all in its search for new professional techniques and procedures and knowledge, but in a failure to exert more effort, as a group, to find ways to deliver more and better medical services to the people of the urban ghettos and the rural slums.

In many ways, government, too—especially the federal government—has been apathetic, or short-sighted, in its off-again, on-again activities in the admittedly complex field of public health. The federal government has taken action against cyclamates, while doing virtually nothing against cigarettes. Congress has authorized expenditures for water pollution control programs in cooperation with the states, and then has failed to appropriate the funds they themselves authorized.

The really important drawback to improved health and longer life, however, is the inexplicable apathy, the bored indifference of the people themselves.

Every year in New York State, for one example that should be frightening but somehow doesn't frighten enough of us, at least 16,000 people die of diseases induced by cigarette smoking, according to Dr. Hollis S. Ingraham, state health commissioner.

Cigarettes are slow poison. If present death rate continue, one million children now in school will die of lung cancer. One of them may be your child. Two, perhaps, or three. Maybe you choose to disregard the danger to yourself—although apathy about one's life span seems all but incredible—but no man can excuse his failure to do whatever he can to educate his children to the dangers of starting to smoke.

Everyone knows that drinking and driving don't mix. Or shouldn't be mixed. Yet with truly monumental indifference to life and death, many thousands of men and women climb with some regularity behind the wheels of their cars while under the influence of alcohol and roar off into the night, usually, in a kind of highway roulette, gambling that they won't kill themselves or someone else. Whether you call it apathy or stupidity, it's hard to understand, but it's a commonplace of today's life.

Too many people overeat. Too few people get any regular exercise. Too many parents feed soft drinks to their youngsters, and fail to make sure they get a balanced, nutritious diet. Too many parents apparently never talk to their children about the perils of glue-sniffing and smoking pot and swallowing pills of unknown chemical constituents and strengths; yet the newspapers in all parts of the state repeatedly carry stories of youngsters, many children of highly educated and presumably well informed parents, who have been using such chemical "crutches" to an extent that has brought them to the attention of the police.

There is difference of opinion, even among medical men, as to whether or not smoking marijuana leads ultimately to the use of stronger drugs—heroin, in particular. No one really knows at this time. Yet it is true that use of heroin, a deadly addictive drug, has increased greatly among youngsters in this state, most noticeably in New York City.

Deaths associated with use of heroin there totaled more than 900 last year, and several hundred of these were 16 years old and younger. One boy died, arms pocked with needle marks, at 12. Recently a 17-year-old college girl died from sniffing heroin at a party; all her friends and teachers agree she was not a "user" in the accepted sense of the word, and apparently her death resulted from an experimental episode, perhaps occasioned by a desire to "be one of the bunch."

Sniffing heroin can be just as fatal as "main-lining" the drug into the veins. Amphetamines ("speed") can kill. LSD effects may seem mild, in some instances and for some people, but on other occasions and for other people the hallucinogenic drugs can literally drive them up the walls—or out the windows to death.

Marijuana is cited by its users and apologists as no more dangerous than alcohol. Maybe it is and maybe it isn't. Nobody really knows, in the scientific sense, despite the young pot smokers who argue that they use it frequently and it hasn't hurt them. Alcohol, they repeat often, leads to alcoholism and cirrhosis of the liver and other degenerative disorders; the unuttered assumption is that marijuana does not hold comparable dangers. But when you consider that in most cases it takes 20 to 30 years of regular drinking to create an alcoholic or ruin a liver, the obvious question arises: what will 20 to 30 years of regular marijuana smoking do to a person?

Nobody knows yet. When we do find out, a couple of decades from now, the answer may be a horrible one.

Have we gone far afield from the subject of apathy? No, not really, because it is the apathy of too many parents, and of too many educators and teachers, that has contributed to today's widespread use by young people of marijuana and the other psychically supportive substances.

For five or 10 years now, a small but vocal group of health officials and drug experts has been speaking out on the problem, and many of the nation's science writers have reported their findings and their opinions, but the well-documented stories apparently failed to crack the indifference—the "it can't happen here" apathy—of parents and teachers and all too many physicians.

Now, at last, the voices in the wilderness are being heard, and being heeded. Some 250 school and college administrators and faculty members were shocked last week when Dr. Donald Louria, president of the State Council on Drug Addiction, told them that "within a couple of years every high school and every college in the country will be inundated by heroin."

And there are other signs that the size and complex nature of the drug problem are at last reaching home to the general public; the first crumbling away of the wall of apathy has become evident. Let's hope it is not too late for too many young people.

Serious though this problem is, it is by no means as great a threat to the health and welfare—and, indeed, the very life—of the people of this country and of the entire world as the sharp-edged Damoclean sword of environmental pollution that has been hanging over our heads for many years by a thread that grows ever thinner.

For decades now, a few far-sighted scientists have been trying to reach the nation's leaders, and the general public, with the frightening word that we were rapidly fouling our environment, even the world itself, to an extent that actually made Doomsday—the end of the world—a possibility for the foreseeable future rather than a hard-to-visualize event many thousands of years distant.

Rachel Carson was not the first, but she was the first whose scare story reached the public eye. But she dealt almost entirely with the harmful effects of pesticides, and to many people her message concerned only birds and animals and fishes.

Now, at long last, words like ecology and environmental pollution and algae and eutrophication and scores of other unfamiliar terms are being seen in the newspapers and heard on television, and with a shock of disbelief millions of people are being made to drop their apathy, and to realize the world is moving down a path of pollution and over-crowding that descends more steeply each day toward an ultimate Silent Spring in which there will be no birds, no animals—and no people.

Is this newspaper scare talk? Sensationalism?

No, it isn't. Unfortunately, tragically, it isn't.

If it were, the President of the United States would not have given such high priority to a program of environmental pollution abatement and control.

Nor would dozens of scientists from different fields have declared immediately that the program, though a good step, does not begin to spend enough, or do enough.

Nor would a California legislature study group have reported this month that it is questionable "whether major portions of the state will be capable of supporting tolerable human life within several more decades." Nor would they have said that a decision must be made as to how many persons can live in the Los Angeles basin; they suggest that the total may be less than the number who live there now.

Nor, more disturbingly, would highly respected biologists and ecologists attending the recent meeting of the American Association for the Advancement of Science in Boston have stated, in all seriousness, that the end of life on earth may be within the normal lifespan of children now alive.

One estimated Doomsday as possibly 75 years from now. Another's estimate was the year 2037 or thereabouts, which is 67 years close. A third, less of an optimist, saw the end of life in about the year 2000.

These men may well be mistaken. Mankind may yet shrug off the ignorance and carelessness and unawareness of this very real threat, and may change his ways enough to extend his occupancy of this third planet from the sun for a time.

But, mistaken in their estimates or not, these scientists' dates are based on calculations, not guesses. The calculations involve many imponderables: overpopulation, and the spiraling rate of population increase; the growing rise of carbon dioxide, an inert but unbreathable gas, in the atmosphere because of increased combustion; the increase of toxic gases and particles in the air; the fouling of our waters by sewage and industrial waste and thermal pollution and radioactivity; the likelihood of famine elsewhere in the world and the real threat of massive nuclear war as one result—and dozens of other chains of events now going on whose effects are not yet fully understood but which may be even more deadly, and quicker, than those cited here.

Once again, in case you skim these statements and find them so "far out" as to be unlikely and unrealistic: why do you think New York State's legislative leaders sponsored a bill at this present session to outlaw the sale of vehicles using internal combustion engines, starting in 1975?

It will not pass this year, unless more of

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the people realize the danger. Presumably, it is intended principally to warn Detroit to find ways to stop automotive air pollution.

But it is a first step, and it shows that our apathy about our environment is being shattered.

The Vietnam war is a tragedy. The city ghettoes are tragic. There are hundreds of things wrong in this country and in the world.

But comparatively they are nothing, all of them together, compared to the rapidly worsening state of the environment.

Man is in greater danger of extinction now than ever before, and bold and drastic actions must be taken to reverse the downward spiral.

But before they can be taken, the apathy that has brought us to our present parlous state must vanish.

Let's hope it does, in time.

[From the Albany (N.Y.) Times-Union, Feb. 15, 1970]

CLEANING UP THE MESS WE HAVE MADE OF OUR ENVIRONMENT: PROGRAMS RANGE FROM AIR AND WATER TO SOLID WASTE

(EDITOR'S NOTE.—Restoring and protecting the environment has become perhaps the single major task facing the planner of today. Public concern over the issue has lead to massive government involvement in the environment as evidence by New York State's five-year-old Pure Waters program; Governor Nelson Rockefeller's recent call for the forming of a new Department of Environmental Conservation; and President Richard Nixon's proposal that the environment be given a high priority in Federal spending plans. Here, in a report prepared by the New York State Department of Health, some insight into the complex nature of the problem is offered via a look at the extensive workings of the state's present environmental health programs administered by the Health Department under Commissioner Dr. Hollis S. Ingraham.)

The State Health Department's programs to control and reduce all forms of environmental pollution continued to make gains during 1969, according to a year-end report issued by the department.

The department's environmental health activities included programs that deal with water pollution, air pollution, solid waste disposal, pesticides residues, radiological health, rodent and insect control, general sanitation and other aspects of community health and safety.

The State's Pure Waters program moved ahead satisfactorily despite the continued failure of the federal government to fulfill its financial commitment to the program.

State and federal funds to help local governments construct and modify sewage treatment facilities are basic to the Pure Waters concept. Initially, the State promised to assume 30 per cent of such costs and to advance funds to the full federal share of 30 per cent. Congress in 1966 authorized grants for this purpose, but has subsequently failed to appropriate enough funds for the program it authorized.

In practice, Dr. Ingraham said, federal grants have amounted to approximately seven per cent of the estimated total of eligible costs, for which reimbursement is authorized. Localities must furnish 40 per cent, and the State is providing about 53 per cent.

So far this year, 108 projects with an eligible cost of about $123 million have been completed and are in operation. State grants for these totaled about $57 million. Another 77 projects under construction have a total estimated eligible cost of $577 million, of which $306 million is State aid. There are 52 projects in final design stages, with an estimated eligible cost of $211 million, for which $114 million of State grants has been firmly committed.

The State completely finances comprehensive sewerage planning studies by local governments, which are prerequisites to the construction grants program. These studies, started in 1963, result in economical operations and improved performance because they combine numerous small systems into fewer but larger and more efficient systems. Forty-five county-wide studies are underway or completed; as a result multi-municipal systems have been organized in 3 years.

To date, 37 new industrial waste treatment plants were put into operation in 1969, and 26 more reached the design stage. For the 12 months ending Sept. 30, 290 construction permits were issued for industrial waste treatment. To date, 70 State institutions and 33 federal installations have fully abated pollutional discharges or are in process of doing so.

State payments to localities of one-third of the cost of operating and maintaining effective municipal sewage treatment plants began in 1965. Since then, 940 grants to 61 per cent of municipal plants in the State have been approved, for a total of $27.9 million.

Water quality surveillance to measure the biological, physical, radiological and chemical characteristics of State waters had been increased. A 100-station network now includes 12 automatic water monitors, and a new laboratory in Syracuse permits improved quality analyses for the center of the State.

Four major research projects aimed at improving State waters are under way. A study seeking ways of controlling the excessive growth of algae which now menaces many lakes is under way at Canadarago Lake in Otsego County. A pilot plant using a 10,000-gallon-per-day chemical-physical treatment process to convert wastewater to reusable, high quality water is in operation at New Rochelle and was moved to Waterford Jan. 1. An experimental demonstration in the use of pressure sewers may ultimately lessen the high cost of sewers in hilly terrain and around lake shores.

Finally, construction was started on a full-scale experimental sewage treatment plant at West Coxsackie; this project seeks to increase the efficiency of present biological sewage treatment methods by improved design and operation.

At the start of the Pure Waters program in 1965, there were 1,678 industrial, community and institutional polluters. At present 880 polluters, or 52 per cent, have abated pollution.

Substantially all major polluters are under order to abate their pollution. A total of 461 polluters have been placed under orders. Where firm resistance or major violations are found, penalty assessment proceedings are begun or referral is made to the Attorney General. To date, 28 penalty assessments have been initiated, and 25 cases referred to the Attorney General, whose office now has a special pollution abatement enforcement unit.

In July, the State Water Resources Commission adopted comprehensive criteria governing thermal discharges. The task of enforcing them has been started.

A new law requiring boats with toilet facilities to provide approved treatment devices or holding tanks by March 1, 1970, will go far in abating pollution from this source.

Industries of the State are complying, or planning to comply, with emission regulations adopted by the State Air Pollution Control Board to meet the Jan. 1, 1971 deadline. During the year, however, 50 abatement orders were issued. Five major sources of pollution were sealed and replaced with a low emitting source, resulting in an appreciable pollution decrease in the western part of the State.

The classification of the State into air quality zones and the assignment of standards for air quality was completed for all counties in the State this year. Supplementary standards for sulfur oxides and particulates were adopted for New York's two air quality regions established under federal law, the New York Metropolitan area and the Niagara Frontier. A plan to implement these standards is being developed.

During 1969, the Air Pollution Control Board adopted two additional regulations designed to reduce the amount of sulfur dioxide in the atmosphere. One established the maximum allowable sulfur content of fuels used in the New York Metropolitan area and the other established similar, but slightly higher, limitations for the rest of the State.

Another rule adopted in 1969 established stringent limitations on the amount of dust which can be emitted from utility and industrial coal-burning power plants. Planning and, in some cases, construction have already been started to meet the July 1, 1972 compliance date established by the Board.

During the year there was a modest decrease in air contaminants emitted throughout the State, continuing the trend which began four years ago as a result of the new regulations. It is predicted that 1970 should show a marked decrease in contamination concentrations in New York's atmosphere because of the number of rules which will require complete compliance.

Another major decrease occurred in the amount of carbon monoxide and hydrocarbons emitted to the atmosphere due to the requirement that all new cars have exhaust emission control systems.

The Health Department also has been actively working toward improved solid waste handling by municipalities and private contractors. Almost 40,000 tons of municipal wastes and 14,000 tons of industrial wastes are generated in the State each day. This amounts to almost 20 million tons of waste that must be disposed of each year or an average of more than one ton per person.

The solid waste problem has become more critical because of the rapid increase in amounts of waste requiring disposal. Recent projections indicate an increase of seven per cent over the next five years. Proper handling and disposal of these wastes is one of the greatest challenges now facing local governments in the State.

Recognizing this, the Health Department has been moving ahead with its state-wide study to develop a modern system for planning local or regional solid waste management projects. Already comprehensive solid waste planning studies have been completed for Suffolk County and Herkimer-Oneida Counties. A study for New York City is underway, and studies for the Capital District, Monroe County and Ulster County are nearing completion.

Similar projects for Nassau, Chatauqua and Warren-Washington Counties will be completed in 1970. These studies provide local officials with sound alternative solutions to their solid waste problems.

Substantial progress was made during the year in improving refuse disposal practices. Sanitary code enforcement activities were accelerated to help eliminate open dumps. Forty-nine hearings were held and formal orders served, requiring correction of code violations during the year. 94 open dumps were closed and 269 disposal areas were brought up to a satisfactory operating level. Forty-eight per cent of the State's 900 disposal areas are now in compliance with the Sanitary Code as compared to only 10 per cent one year ago. The Health Department will continue its drive to abate unsatisfactory conditions in 1970, and assist municipalities in developing efficient and economical refuse disposal operations.

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VA DOCTORS AND NURSES AT BOSTON VA HOSPITAL DEMAND PROPER CARE FOR HOSPITALIZED VETERANS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1970

Mr. TEAGUE of Texas. Mr. Speaker, on February 26 I advised my colleagues about the funding and staffing shortages which Massachusetts VA hospitals were experiencing. Apparently the situation at Boston's Jamaica Plain's VA Hospital has reached a crisis stage. Dr. Robert C. Saunders of the Boston VA Hospital Ad Hoc Committee recently sent me a copy of a letter signed by numerous members of the hospital staff. These staff members are demanding that VA patients hospitalized at the Jamaica Plains Hospital be given proper care. The views expressed in the employees petition support the Veterans' Affairs Committee finding revealed by the continuing survey we have been conducting beginning in April of 1969.

Mr. Speaker, these employees contend that the Boston hospital is seriously underfunded and understaffed—and it is—according to our findings also. The communication from the employees, in part, states:

> Doctors have been called all too often to see critically ill patients whose blood pressure and pulse have not been taken at the ordered intervals and found them to have suffered a dramatic change in condition. Frequently complication could have been averted had the doctor been notified of the changes earlier.

It was further stated:

> There is often only one nurse responsible for forty patients, if an emergency situation develops, the other thirty-nine patients may go unseen for an hour or more. To have two emergencies at the same time, a not infrequent occurrence, can only be described as utter, tragic chaos.

The Boston VA hospital employees also contend that the hospital's laboratory is 30 percent understaffed which "results in unnecessary risks to patients" because of "inaccurate and inadequate" tests. It is also contended that X-ray reports and ECG reports are sometimes delayed for periods of 3 to 6 weeks; that X-ray scheduling is "greatly delayed" and X-rays are "lost or unavailable at the time needed" because of lack of personnel.

Mr. Speaker, a copy of the Doctors and Nurses Ad Hoc Committee statement follows:

FEBRUARY 17, 1970.

FRANCIS B. CARROLL, M.D.,
Hospital Director,
Veterans Administration Hospital,
Boston, Mass.

DEAR SIR: We the undersigned employees of the Boston Veterans Administration Hospital have long felt the health care provided to be inadequate and now realize that the conditions will only deteriorate further unless we insist on major improvements, and refuse to settle for less. The wards are inadequately staffed in nurses, nurses assistants, and ward clerical personnel with many active medical and surgical wards operating with less than one-third the prescribed personnel. The laboratory and X-ray units are hopelessly undermanned, with vacancies that have gone unfilled for months.

It is impossible to render adequate health care to our patients in this situation. We are attempting, futilely, to make up for these deficiencies, and as a result are suffering a breakdown in morale and a sapping of energy which further aggravates the problem.

These conditions have arisen in part as a result of budget cuts and inadequate funding, superimposed on an already unrealistically low operating budget. We do not accept the explanation that there is no money available because we know that funds can and should be made available for people's basic health needs. Certainly veterans of our armed services should have "health care second to none," the VAH motto.

In order to remedy some of these deficiencies, the following demands are being made:

1. Doctors have been called all too often to see critically ill patients whose blood pressure and pulse have not been taken at the ordered intervals and found them to have suffered a dramatic change in condition. Frequently complications could have been averted had the doctor been notified of the changes earlier. There is often only one nurse responsible for forty patients, if an emergency situation develops, the other thirty-nine patients may go unseen for an hour or more. To have two emergencies at the same time, a not infrequent occurrence, can only be described as utter, tragic chaos. In the intensive care unit the personnel shortage defeats the purpose of such facilities, with our ICU using only one-half its space and even closing altogether for a few days in December, thus wasting thousands of dollars worth of equipment and space. Therefore, we demand three nurses and three nursing assistants per ward on days and two nurses and two aides on evening and night shifts. An administrative assistant to the head nurse shall be hired in order to free time for nurses to devote to nursing activities. Licensed Practical Nurses are an integral part of most hospital nursing staffs, our hospital fails to attract LPN's because the VAH pay scales are far below community standards; therefore we recommend a review of the policy regarding this practice. We are demanding that ward staffing be raised to minimum standards necessary for patient care.

2. Acutely ill patients are admitted twenty four hours a day even though there is no emergency ward. Rapidly available, comprehensive laboratory tests are indispensable. At the present time only an inadequate minimum of laboratory studies are available after daytime hours, and even during the day; performance and reporting of laboratory test is sporadic and inaccurate due to a lack of personnel. Out of fifty recommended technicians there are 36, a deficiency of thirty percent. Such a lack of staff results in unneccesary risks to patients, prolonged hospital stays and compromise in diagnosis and treatment. We demand that the Laboratory Service be brought up to full capabilities so that the doctors can do their jobs.

3. At the present time ECG and x-ray written reports are available three to six weeks after being submitted. The result of this delay in essential data is either poor diagnostic evaluation of many seriously ill patients and often delay of appropriate therapy. We demand that steps be taken to insure that all ECG and x-ray written reports are on the wards within 24 hours of submission.

4. As in the laboratory, the x-ray department must provide both around the clock emergency service and the full complement of diagnostic radiology if adequate medical care is to be provided. Presently, the x-ray scheduling is greatly delayed, films are of poor quality and many studies cannot be done due to lack of technicians time. We demand that more x-ray technicians be hired to bring that unit to minimum standards of modern patient care.

5. X-rays are lost or unavailable at the time when they are needed to care for seriously ill patients, due to the current lack of two thirds of the filing clerks in the x-ray department's file room. We demand that the needed clerks be hired and the positions be upgraded.

6. The hospital's paging system is ineffective. The need for a paging system in an active hospital is beyond question. Innumerable cases of compromise of patient care could be cited. A portable electronic paging system must be made available to all doctors involved in primary care of patients.

7. In this hospital a team of staff physicians evaluate all patients for admission. There is an average of three and one-half doctors who see an average of 60 patients per day. Because of time limitations, the screening of patients is incomplete, and therefore, subject to error. Our demand is for two more admitting physicians, as recommended by the chief of admitting.

8. Many other services have serious deficiencies for similar reasons and therefore we list them here in order to save time and avoid repetition, but they are equal in importance to the above: telephone operators, inhalation therapy, clerical, dietetics, housekeeping and laundry. In fact it is fair to say that every service in the hospital is understaffed, thus contributing to the substandard conditions. All of these areas should be brought to full strength, paid competitively, and properly equipped if this hospital is to meet its responsibility to its patients.

9. Surprisingly, the elevator system in this fourteen story building is one of leading sources of inefficiency. On an average day, an employee might spend one-half to one hour a day waiting for and riding in elevators. At least maximum use must be made of existing elevators, which means that the two manually operated elevators function until 10 PM daily, actively carrying passengers.

10. This 920 bed hospital has attempted to provide emergency professional services at night in some vital services with on duty officers taking call from outside the hospital. The result has been that they are often not available in a practical sense. We demand that all services provide in-hospital night coverage, if they do not already do so, such as radiology, anesthesia, and psychiatry.

11. The Veterans Administration Hospital System does not provide follow-up out patient care for non-service connected illnesses. The result of this policy is inefficient use of the health care dollar and many cases of unnecessary illness secondary to failure to deliver early treatment. Patients leave the hospital upon recovery from their acute illness with no provision for follow-up care except an uncertain referral to the private physician or a very informal appointment to see the ward physician, which usually fails due to lack of the needed clerical and ancillary personnel. A majority of our patients have chronic diseases where early treatment of minor complications can frequently prevent hospitalization. We strongly recommend that steps be taken to create a follow-up out patient department.

We submit our demands with the stipulation that steps be taken to satisfy each of them, and that proof of action be shown—not just promises—or we will take further steps. It is clear that all VA Hospitals across the country share the same problem. Our intention is to join forces with interested parties elsewhere to insure the prompt action that is needed to avoid a crisis in the VA system.

Mr. Speaker, there were approximately 125 signatures on the statement and Dr. Saunders indicated that he did not include the full list of those who signed the copy he sent to me. The conditions are described in very specific terms and are of a nature to demand immediate attention.

SENATE—*Saturday, February 28, 1970*

(Legislative day of Thursday, February 26, 1970)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our help in ages past, hear us as we lift our morning prayer to Thee. Come upon our Nation by the mighty power of Thy Holy Spirit to cleanse and renew our inmost life. Make us a pure, orderly, and godly people. Assist the strong that they may help the weak. Teach us to live to serve others and thus fulfill Thy divine law. Keep us God fearing, industrious, and trustful of one another. Hear our most earnest prayer that we may keep Thy laws and manifest Thy love in daily word and deed.

In the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, February 27, 1970, be approved.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to exceed 15 minutes, with statements therein limited to 3 minutes.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

STAR URGES RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, yesterday, in an editorial entitled "The 21-Year Procrastination," the Washington Evening Star voiced its support for ratification of the human rights convention outlawing genocide. It also, I might add, voiced its indignation over the fact that this Chamber has not seen fit "to put the United States on a par with the other civilized nations of the world by ratifying the agreement."

Mr. President, as the Star editorial has so forcefully pointed out, the eyes of the world are upon us. Why has this Nation, supposedly the moral and political leader of the Western World, supposedly a civilized nation, been so reluctant to add its support to an agreement that would outlaw this most dastardly crime? This is the question the world is now asking, and has asked throughout the 21-year period of procrastination the Star referred to.

I again urge the Senate to move immediately to consider and ratify this agreement. The world is watching, and waiting, for our response.

Mr. President, I ask unanimous consent that the Washington Evening Star editorial of February 28, 1970, entitled "The 21-Year Procrastination" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE 21-YEAR PROCRASTINATION

Twenty-one years ago, the United Nations prepared an international agreement outlawing genocide. The United States played a leading role in the drafting of the document. One year later the agreement was submitted to the Senate for ratification. A foreign relations subcommittee held some hearings. And all progress toward ratification halted at that point.

Now, President Nixon has asked the Senate to dig out the document, to dust it off, and to put the United States on a par with the other civilized nations of the world by ratifying the agreement.

One might assume that the request would pose no problems, that once the committee overcame its inertia, the Senate would lose no time in putting this country on the side of the angels. One could be wrong. For the fact is that ratification was vigorously opposed two decades ago—and still is—by the defenders of states' rights. The opposition is of such intensity that, unless the President applies some real pressure, the United States could find itself in the agonizingly embarrassing position of rejecting the international condemnation of genocide.

In addition to the small but powerful bloc of senatorial states-righters, ratification has been consistently opposed by the American Bar Association. This year, the ABA's house of delegates voted by a narrow margin to continue its opposition, despite arguments for ratification by former Attorney General Katzenbach and Solicitor General Griswold. A former ABA president raised the specter that an individual might charge his own government with genocide and bring the United States before the World Court.

The delegates, by a margin of four votes, chose to overlook the effect that continued failure to ratify would have on world opinion, and to concentrate instead on the possibility that a troublemaker might cause the government some difficulty.

The congressional arguments against ratification are based on the fact that such international agreements supersede existing national law. Thus, in the eyes of guardians of state sovereignty, the agreement would in effect place in the hands of the federal government a possible threat to the states' jurisdiction over murder cases.

This legalistic sophistry is valid if it is agreed that (a) the federal government might frivolously employ the agreement in an attempt to usurp the power of the states in capital cases, or (b) that states might undertake a program of genocide.

Neither possibility exists outside of some mildly paranoid imaginations. The attorney general sees no constitutional conflict with the agreement. The secretary of state has urged that the pact be ratified. The Senate should take the President's advice and end the 21-year procrastination. And the President should disregard the nightmares of the ABA. He should back up his request with sufficient prodding to make sure that the Senate moves briskly—and in the right direction.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. BURDICK in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE DEPARTMENT OF AGRICULTURE

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on the orderly liquidation of stocks of agricultural commodities held by the Commodity Credit Corporation and the expansion of markets for surplus agricultural commodities, dated January 1970 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON HIGHWAY TRUST FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the financial condition and results of the operations of the highway trust fund, dated June 30, 1969 (with an accompanying report); to the Committee on Finance.

PROPOSED LEGISLATION EXTENDING FOR A 10-YEAR PERIOD EXISTING AUTHORITY OF THE ADMINISTRATOR OF VETERANS' AFFAIRS TO MAINTAIN OFFICES IN THE PHILIPPINES

A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines (with accompanying papers); to the Committee on Finance.

REPORT ON ACTIVITIES OF THE EAST-WEST CENTER IN HONOLULU

A letter from the Secretary of State, transmitting, pursuant to law, a report on the activities of the East-West Center in Honolulu, for the year ended June 30, 1969 (with an accompanying report); to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for improving management of excess property transferred to the military affiliate radio system, Department of Defense, dated February 27, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on questions regarding mortgage loan insurance ceilings and land appraisals for large cooperative housing communities, Department of Housing and Urban Development, dated February 27, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT ON DISPOSAL OF EXCESS PROPERTY IN FOREIGN COUNTRIES

A letter from the Secretary, Health, Education, and Welfare, reporting, pursuant to law, on the disposal of excess property in foreign countries, for the calendar year 1969; to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the **PRESIDENT** pro tempore:

A joint memorial of the Legislature of the State of Colorado; to the Committee on Commerce:

"HOUSE JOINT MEMORIAL 1001

"MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PRESCRIBING MORE STRINGENT EMISSION STANDARDS FOR MOTOR VEHICLES

"Whereas, The pollution of the air is becoming an increasingly critical problem; and

"Whereas, There is a substantial proportion of air pollutants which is attributable to motor vehicle exhaust emissions; and

"Whereas, The general assembly recognizes that the manufacture distribution and sale of motor vehicles is an interstate business and is therefore properly subject to national regulation and it is desirable to have a comprehensive, national system to take into account regional problems such as the high altitude conditions which make present national standards largely ineffective in Colorado; and

"Whereas, Since the motor vehicle industry presently has the technological capability to produce engines which emit far fewer air pollutants, there is no reason for any further delay in establishing an effective program for control of exhaust emissions; now, therefore,

"*Be It Resolved by the House of Representatives of the Forty-seventh General Assembly of the State of Colorado, the Senate concurring herein,* That the congress of the United States be memorialized to enact legislation prescribing stringent emission standards for motor vehicles and that such legislation take into account the unique problems of high altitude areas in order to provide effective emission controls at high altitudes as well as at sea level; and

"*Be It Further Resolved,* That copies of this Memorial be transmitted to the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and each member of Congress from the State of Colorado.

"MARK A. HOGAN,
"*President of the Senate.*
"COMFORT W. SHAW,
"*Secretary of the Senate.*
"JOHN D. VANDERHOOF,
"*Speaker of the House of Representatives.*
"LORRAINE F. LOMBARDI,
"*Chief Clerk of the House of Representatives.*"

Resolutions of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION AMENDING THE 'PLEDGE OF ALLEGIANCE TO THE FLAG' TO READ 'EQUAL JUSTICE FOR ALL'

"*Resolved,* That the Massachusetts House of Representatives respectfully urges the Congress of the United States to enact legislation amending the 'Pledge of Allegiance to the Flag' by inserting before the word 'justice' the word 'equal' so as to read 'with liberty and equal justice for all'; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

"House of Representatives, adopted, February 17, 1970.

"WALLACE C. MILLS, *Clerk.*

"Attest:

"JOHN F. K. DAVOREN,
"*Secretary of the Commonwealth.*"

EXTENSION OF VOTING RIGHTS ACT OF 1965—REPORT OF A COMMITTEE

Mr. EASTLAND. Mr. President, as chairman of the Committee on the Judiciary, and pursuant to the order of the Senate agreed to on December 16, 1969, I return to the Senate H.R. 4249, to extend the Voting Rights Act of 1965, without action by the Committee on the Judiciary.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. FONG:

S. 3525. A bill for the relief of Juliette Soares Menezes; to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 3526. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. GRIFFIN when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3526—INTRODUCTION OF THE EMERGENCY PUBLIC INTEREST PROTECTION ACT OF 1970

Mr. GRIFFIN. Mr. President, on behalf of the administration, I am today introducing the Emergency Public Interest Protection Act of 1970.

Generally, the bill would provide additional protection for the public in the case of labor disputes in the transportation industries which imperil the national health or safety.

Mr. President, procedures now available for protecting the national health or safety in the transportation industries are not adequate.

For a number of years, I have been deeply concerned about the need to reform procedures available in dealing with industrywide strikes and lockouts. Indeed, on a number of occasions I have introduced a resolution calling for establishment of a joint congressional committee to study serious problems and to seek changes in the law.

Mr. President, I believe the administration bill represents a sound and constructive step, and I hope it will have early consideration in the Congress.

Mr. President, I ask unanimous consent that an explanatory statement as well as the text of the bill be printed in the RECORD.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred; and, without objection, the bill and explanatory statement will be printed in the RECORD.

The bill (S. 3526) to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3526

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Public Interest Protection Act of 1970."

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds:

(1) That present procedures for dealing with national emergency disputes under the Railway Labor Act tend to encourage resort to governmental intervention in such disputes rather than utilization of the collective bargaining processes to solve labor-management disputes;

(2) That present procedures for dealing with disputes in the transportation industry, in general, have proved insufficient to prevent serious disruptions of transportation services.

(b) The Congress declares it to be the purpose and policy, through the exercise by Congress of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible, that no strike or lockout in the transportation industry or a substantial part thereof will imperil the national health or safety—

(1) by providing a single set of procedures for dealing with national emergency disputes in the transportation industries;

(2) by establishing procedures which will encourage the parties to make effective use of various private collective bargaining techniques to resolve disputes;

(3) by establishing procedures which will both protect the public interest and recognize the interests of the parties involved in the dispute;

(4) by providing the President with appro-

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priate alternative means for dealing with national transportation emergency disputes;

(5) by amending the Railway Labor Act to eliminate reliance upon governmental machinery or intervention for adjusting grievances and for collective bargaining in the railroad and airline industries; and

(6) by establishing a National Special Industries Commission to study and make recommendations concerning those industries which are or may be particularly vulnerable to national emergency disputes.

TITLE I—AMENDMENTS TO THE LABOR-MANAGEMENT RELATIONS ACT RELATING TO EMERGENCY DISPUTES IN THE TRANSPORTATION INDUSTRY

Sec. 101. (a) Title II of the Labor-Management Relations Act, as amended, is redesignated as title II part A.

(b) (1) Section 208(a) is amended by substituting a colon for the period at the end thereof and by adding the following proviso: "*Provided,* That when such petition is sought to enjoin a strike or lockout in an industry subject to part B of this title it shall be heard and determined by a three-judge district court in accordance with section 2284 of title 28, United States Code."

(2) Section 208(c) is amended by substituting a semicolon for the period at the end thereof and adding the following: "except that where the proviso in section 208 (a) is applicable, appeal shall be to the United States Supreme Court in accordance with section 1253 of title 28, United States Code."

(c) Section 212 is hereby repealed.

Sec. 102. Title II of the Labor-Management Relations Act, as amended, is hereby further amended by adding a new part II B at the end of part II A to read as follows:

"Part B—Alternative Procedures Following Initial 80-Day Cooling-off

"Sec. 213. Applicability of This Part.—This Part shall apply only to the following transportation industries: (1) railroads, (2) airlines, (3) maritime, (4) longshore, and (5) trucking.

"Sec. 214. If no settlement is reached before the injunction obtained pursuant to section 208 of this Act is discharged, the President may, within 10 days, invoke any one, but only one, of the procedures set forth in sections 217, 218, and 219 of this Act with regard to a national emergency dispute subject to this part.

"Sec. 215. Notice of which procedure the President has selected must immediately be transmitted to the Congress, unless the Congress has adjourned or is in a recess in which case such notice shall be transmitted as soon as Congress reconvenes. Such procedure shall remain in effect, unless within 10 days after the President invokes such procedure, either House passes a resolution stating that that House rejects the procedure invoked by the President.

"Sec. 216. If either House passes a resolution pursuant to subsection (c) of this section rejecting the procedure invoked by the President, or, if the President does not choose to invoke any of the procedures set forth in sections 217, 218, and 219 of this Act, the President shall submit to the Congress a supplement report including such recommendations as he may see fit to make.

"Sec. 217. Additional Cooling-Off Period.—The President may direct the parties to the controversy to refrain from making any changes, except by agreement, in the terms and conditions of employment for a specified period of not more than 30 days from the date of his direction. During such period the parties shall continue to bargain collectively, and the board of inquiry may continue to mediate the dispute with the assistance of, and in close coordination with, the director of the Federal Mediation and Conciliation Service.

"Sec. 218. Partial Operation.—(a) The President may appoint a special board of three impartial members for the purpose of having the board make the following determinations:

"(1) Whether and under what conditions a partial strike or lockout in lieu of a full strike or lockout in an entire industry or substantial part thereof could take place without imperiling the national health or safety; and

"(2) Whether, under such conditions, the extent of such partial strike or lockout would, in the judgment of the board, appear to be sufficient in economic impact to encourage each of the parties to make continuing efforts to resolve the dispute.

"(b) (1) If the board makes a determination that there are conditions under which a partial strike or lockout can take place in accordance with the criteria specified in subsection (a), it shall issue an order specifying the extent and conditions of partial operation that must be maintained: *Provided that,* in no event, shall the order of the board place a greater economic burden on any party than that which a total cessation of operations would impose.

"(2) If the board makes a determination that a partial strike or lockout cannot take place in accordance with such criteria, it shall submit a report to the President.

"(c) The parties shall not interfere by resort to strike or lockout with the partial operation ordered by the board. The board's order shall be effective for a period determined by the board, but not to exceed one hundred and eighty days.

"(d) The board's order or any modification thereof shall be conclusive unless found arbitrary or capricious by the district court which granted the injunction pursuant to section 208 of this Act.

"(e) (1) The board shall issue its order no later than thirty days from the date of its appointment by the President, unless the parties, including the Government, agree to an extension of time but such extension shall reduce pro tanto the maximum effective period of the board's order.

"(2) On notice to the parties, the board may at any time during the period of partial operation modify its order as it deems necessary to effectuate the purposes of this section.

"(f) Until the board makes its determination and during any period of partial operation ordered by the board no change, except by agreement, shall be made in the terms and conditions of employment. If the board determines that the implementation of any particular term of the existing terms and conditions of employment is inconsistent with the conditions of partial operation, it may order the suspension or modification of that term but only to the extent necessary to make it consistent with the conditions of partial operation.

"(g) The following rules of procedures shall be applicable to the board's functions under this subsection:

"(1) Notice of Hearing.—Upon appointment by the President the board shall promptly notify and inform all parties, including the Government, of the time, place, and nature of the hearings, and the matters to be covered therein.

"(2) Hearing To Be Public.—The board shall hold public hearings, unless it determines private hearings are necessary in the interest of national security, or the parties, including the Government, agree to present their positions in writing. The record made at such hearing shall include all documents, statements, exhibits, and briefs, which may be submitted, together with the stenographic record. The board shall have authority to make whatever reasonable rules are necessary for the conduct of an orderly public hearing. The board may exclude persons other than the parties at any time when in its judgment the expeditious inquiry into the dispute so requires.

"(3) Participation by Board in the Hearing.—The board, or any member thereof, may, on its own initiative, at such hearing, call witnesses and introduce documentary or other evidence, including a plan for partial operation, and may participate in the examination of witnesses for the purpose of expediting the hearing or eliciting material facts.

"(4) Participation by Parties in Hearing.—The parties, the Government, or their representatives shall be given reasonable opportunity; (A) to be present in person at every stage of the hearing; (B) to be represented adequately; (C) to present orally or otherwise any material evidence relevant to the issues including a plan for partial operation; (D) to ask questions of the opposing party or a witness relating to evidence offered or statements made by the party or witness at the hearing, unless it is clear that the questions have no material bearing on the credibility of that party or witness or on the issues in the case; (E) to present to the board oral or written argument on the issues.

"(5) Stenographic Records.—An official stenographic record of the proceedings shall be made. A copy of the record shall be available for inspection by the parties.

"(6) Rules of Evidence.—The hearing may be conducted informally. The receipt of evidence at the hearing need not be governed by the common law rules of evidence.

"(7) Requests for the Production of Evidence.—The board shall have the power of subpoena. It shall request the parties to produce any evidence it deems relevant to the issues. Such evidence should be obtained through the voluntary compliance of the parties, if possible.

"(h) If a settlement is reached at any time during the hearing, the board shall adjourn the hearing and report to the President within 10 days the fact that a settlement has been reached and the terms of such settlement.

"(i) (1) Members of the board shall receive compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the board as prescribed by this Act, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

"(2) For the purposes of carrying out its functions under this Act the Board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"Sec. 219. Final Offer Selection.—(a) (1) The President may direct each party to submit a final offer to the Secretary of Labor within three days. Each party may at the same time submit one alternative final offer. The Secretary of Labor shall transmit the offers to the other parties simultaneously.

"(2) If a party or parties refuse to submit a final offer, the last offer made by such party or parties during previous bargaining shall be deemed that party's or parties' final offer.

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"(3) Any offer submitted by a party pursuant to this section must constitute a complete collective bargaining agreement and resolve all the issues involved in the dispute.

"(b) The parties shall continue to bargain collectively for a period of five days after they receive the other parties' offers. The Secretary of Labor may act as mediator during the period of the final offer selection proceedings.

"(c) If no settlement has been reached before the end of the period prescribed in subsection (b) of this section, the parties may within two days select a three-member panel to act as the final offer selector. If the parties are unable to agree on the composition of the panel, the President shall appoint the panel.

"(d) No person who has a pecuniary or other interest in any organization of employees or employers or employers' organizations which are involved in the dispute shall be appointed to such panel.

"(e) The provisions of section 218(h) and 218(i) (1) and (2) of this Act shall apply to the panel.

"(f) The panel shall conduct an informal hearing in accordance with section 218(g) of this Act insofar as practicable, except that

"(1) the Government shall have no right to participate; and

"(2) the thirty-day period in which the panel shall complete its hearings and reach its determination shall run from the time that the President directed the parties to submit final offers.

"(g) The panel shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed by this section.

"(h) From the time of appointment by the President until such time as the panel makes its selection, there shall be no communication by the members of the panel with third parties concerning recommendations for settlement of the dispute.

"(i) Beginning with the direction of the President to submit final offers and until the panel makes its selection, there shall be no change, except by agreement of the parties, in the terms and conditions of employment. In no instance shall such period exceed thirty days.

"(j) The panel shall not compromise or alter the final offer that it selects. Selection of a final offer shall be based on the content of the final offer and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining in this dispute including offers of settlement not contained in the final offers.

"(k) The panel shall select the most reasonable, in its judgment, of the final offers submitted by the parties. The panel may take into account the following factors:

"(1) past collective bargaining contracts between the parties including the bargaining that led up to such contracts;

"(2) comparison of wages, hours and conditions of employment of the employees involved, with wages, hours and conditions of employment of other employees doing comparable work, giving consideration to factors peculiar to the industry involved;

"(3) comparison of wages, hours and conditions of employment as reflected in industries in general, and in the same or similar industry;

"(4) security and tenure of employment with due regard for the effect of technological changes on manning practices or on the utilization of particular occupations; and

"(5) the public interest, and any other factors normally considered in the determination of wages, hours and conditions of employment.

"(l) The final offer selected by the panel shall be deemed to represent the contract between the parties.

"(m) The determination of the panel shall be conclusive unless found arbitrary and capricious by the district court which granted the injunction pursuant to section 208 of this Act.

"Sec. 220. (a) Any board or panel established under part B of title II of this Act may act by majority vote.

"(b) A vacancy on any such board or panel shall not impair the right of the remaining members to exercise all of the powers of such board or panel. In case of a vacancy due to death or resignation, the President may appoint a successor to fill such vacancy.

"Sec. 221. Whenever the term 'Government' is used in title II of this Act it shall be deemed to mean the United States Government acting through the Attorney General or his designee."

TITLE II—AMENDMENTS TO THE RAILWAY LABOR ACT

Sec. 201. The National Mediation Board is hereby renamed the Railroad and Airline Representation Board, and the functions of the Railroad and Airline Representation Board shall be those specified in Sec. 202(f) of this Act.

Sec. 202. The Railway Labor Act is further amended as follows: (a) Section 2 Seventh of Title I is amended to read as follows:

"Seventh. No carrier, its officers or agents, or representatives shall change or seek to change the rates of pay, rules, or working conditions as emobdied in agreements or arrangements except in the manner prescribed in such agreements and in Title I, section 6 of this Act, as amended."

(b) Section 3 First (i) of Title I is amended by striking the period following the words "upon the disputes" and inserting thereafter: "*Provided, however,* That all such disputes shall no longer be referred to the Adjustment Board commencing 60 days after the effective date of this amendment to the Act.

"All such disputes which are not so referred within such period and all such disputes arising thereafter shall be submitted to arbitration in accordance with the following procedure. Upon failing to reach a satisfactory adjustment at the level of discussion hereinbefore mentioned, the parties shall within 5 days seek to reach mutual agreement on the selection of an arbitrator. If the parties fail to reach agreement within such period, the Federal Mediation and Conciliation Service shall submit to the parties a list of five qualified arbitrators. Each party shall alternately reject a different arbitrator named on the list until one abitrator remains who shall thereupon arbitrate the dispute. To the extent that the parties are unable to agree to the rules for arbitration, including the distribution of costs, the arbitrator shall make all necessary rules therefor.

"All disputes which have been referred to the Adjustment Board may be removed by the grievant to the arbitration process herein if the dispute is not then being heard by the Adjustment Board.

"The aforementioned method of arbitration shall prevail with respect to such disputes until such time as the collective bargaining agreements between the parties contain no-strike, no-lockout clauses and provisions for grievance machinery terminating in final, binding arbitration.

"The Adjustment Board shall be dissolved after it has processed to completion all of the disputes before it or upon two years from the effective date of this Amendment to the Act, whichever first occurs. If all the disputes before the Adjustment Board have not been processed to completion by the time of the Board's dissolution date, all such disputes shall be removed by the grievant to the arbitration process hereinabove described."

(c) Section 3 Second of Title I is amended by adding the following language at the end of the first paragraph following the words "jurisdiction of the Adjustment Board.":

"The provisions of paragraph (i) of this section, as amended, shall apply in the manner and to the same extent with respect to system, group or regional boards of adjustment."

(d) Section 3 Second of Title I is amended by adding the following language at the end of section 3 Second following the words "awards of the Adjustment Board.":

"No dispute which has not been referred to a special board of adjustment by the effective date of this Amendment to the Act may be referred to such special board thereafter."

(e) Section 4 Second of Title I is amended by striking the word "mediation" in the third sentence of paragraph Second and inserting therefor the word "representation".

(f) Both paragraphs of Section 4 Fifth of Title I are amended to read as follows:

"Fifth. The functions of the Representation Board shall be generally those relating to the determination of bargaining representatives including duties particularized in Title I, section 2 Eighth and Ninth of this Act, as amended."

(g) Section 4 of Title I is further amended by adding the following paragraphs after paragraph Fifth:

"Sixth. All functions of the National Mediation Board which in the judgment of the President are primarily related to mediation shall be transferred to the Federal Mediation and Conciliation Service.

"Seventh. All cases which are being mediated by the National Mediation Board on the effective date of this Amendment to the Act shall be transferred to the Federal Mediation and Conciliation Service no later than 30 days after the effective date of this amendment to the Act. All cases arising thereafter under this Act, as amended, requiring mediation, shall be subject to the jurisdiction of the Federal Mediation and Conciliation Service.

"Eight. All unexpended appropriations for the operation of the National Mediation Board that are available at the time of the dissolution of the Board shall be apportioned between the Railroad and Airline Representation Board and the Federal Mediation and Conciliation Service by the President according to the relative needs of each based on the division of functions prescribed herein."

(h) Section 6 of Title I is amended to read as follows:

"Section 6. Carriers and representatives shall give the other at least 60 days written notice of an intended modification or termination in agreements or arrangements affecting rates of pay, rules or working conditions. The party desiring such change or termination shall also notify the Federal Mediation and Conciliation Service of the existence of a dispute within thirty days after such notice to the other party, provided no agreement has been reached by that time. The parties shall continue in full force and effect, without resorting to strike or lockout or other economic coercion, all the terms and conditions of the existing agreement or arrangement for a period of sixty days after such notice is given or until the expiration date of the agreement containing the rates of pay, rules, or working conditions sought to be changed, provided such agreement exists, whichever occurs later.

"With respect to rates of pay, rules or working conditions for which there exists no fixed

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expiration date, the time for serving the sixty-day notice in the first instance, and the first instance only, shall be established by agreement of the parties to the arrangement; if they cannot agree, the party seeking to serve the sixty-day notice may invoke the arbitration procedure prescribed in section 3 First (i), as amended, in order to fix the date on which such notice may be served. In making his decision, the arbitrator shall take into account the probable intention of the parties as revealed by custom and practice with respect to past adjustment of rates of pay, rules or working conditions. In no case, however, shall the arbitrator decide that the time for serving the first sixty-day notice shall be more than two years after the enactment of this amendment to the Act.

"The parties shall bargain collectively with respect to such intended modification or termination which means that the parties shall have the mutual obligation to meet at reasonable times and confer in good faith with respect to rates of pay, rules, and working conditions or the negotiation of an agreement and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession."

(i) Section 201 of title II is amended by striking the words "except the provisions of section 3 thereof,".

(j) Section 202 of title II is amended (1) by striking the words ", except section 3 thereof,", and (2) by adding the following language after the end of the first sentence therein:

"The functions and duties of the Representation Board, as prescribed in title I, section 4, shall apply as well to carriers by air and their employees or representatives."

(k) Section 204 of Title II is amended by striking the period following the words "upon the disputes" at the end of the first sentence and inserting thereafter ": *Provided, however,* That all such disputes shall no longer be referred to such Adjustment Boards commencing 60 days after the effective date of this amendment to the Act but shall be handled in the manner specified in title I, section 3 first (i), as amended. Such adjustment boards shall be dissolved after they have processed to completion all of the disputes before them or upon two years from the effective date of this amendment to the Act, whichever first occurs. If all the disputes before such adjustment boards have not been processed to completion by the time of the Boards' dissolution date, all such disputes shall be removed by the grievant to the arbitration process prescribed in title I, section 3 first (i), as amended."

TITLE III—SPECIAL INDUSTRIES COMMISSION

SEC. 301. The National Special Industries Commission is hereby established. The Commission shall be composed of seven members all of whom shall have a background by reason of education or experience in labor relations.

(a) The Commission members shall be appointed by the President for a term not to exceed two years.

(b) The Commission members shall receive compensation at a rate of up to the per diem equivalent of the rate for GS-18 when engaged in the work of the Commission, together with any necessary travel and subsistence expenses.

(c) The Commission shall be authorized to study and investigate industries (determined by the Secretary of Labor to be particularly vulnerable to national emergency disputes) combinations or groups thereof, and problems relating thereto, including but not limited to—

(1) the ways and means by which the collective-bargaining process might be improved, altered, revised, or supplemented so as to avoid or minimize strikes and lockouts which effect an entire industry, or region, or a substantial part thereof;

(2) the effectiveness and usefulness of various forms of mediation, conciliation, arbitration, and other possible procedures and methods for aiding or supplementing the collective-bargaining process;

(3) the administration, operation, and possible need for revision of this Act and its effect on collective bargaining, strikes, or lockouts affecting an entire industry or region, or substantial portion thereof;

(4) such other problems and subjects which relate in any way to collective bargaining, strikes, or lockouts as the Commission deems appropriate.

(d) A vacancy in the membership of the Commission shall not affect the powers of the remaining members to execute the functions of the Commission, and shall be filled in the same manner as the original appointment was made. The President shall designate a chairman and a vice chairman from among its members.

(e) In carrying out its duties, the Commission or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations, to sit and act at such places and times, to require by subpoena or otherwise the attendance of such witnesses and production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, to make such expenditures as it deems advisable. The Commission may make such rules respecting its organization and procedures as it deems necessary: *Provided, however,* That no recommendation shall be reported from the Commission unless a majority of the Commission assent. Subpoenas may be issued over the signature of the chairman of the Commission or by any member designated by him or by the Commission, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Commission or any member thereof may administer oaths to witnesses. The cost of stenographic services shall be fixed at an equitable rate by the Commission. Members of the Commission, and its employees and consultants, while traveling on official business for the Commission may receive either a $50 per diem allowance or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

(f) The Commission is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The Commission is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government.

SEC. 302. The Commission shall, within a period of 2 years from the date of the appointment of its members, report to the President concerning its findings. Such report shall also contain any recommendations for dealing with problems caused by any weaknesses in the collective bargaining process, including any recommendations for legislation which the Commission deems necessary to the solution of such problems. The Commission may also recommend, if it deems it advisable, legislation to bring other industries within the coverage of Part B of title II of the Labor-Management Relations Act, as amended.

TITLE IV—MISCELLANEOUS PROVISIONS

SUITS BY AND AGAINST REPRESENTATIVES

SEC. 401. (a) Suits for violation of agreements or arrangements between carriers or common carriers by air and their employees or the representatives thereof, as those terms are defined in the Railway Labor Act, or between any such representatives, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy or without regard to the citizenship of the parties.

(b) Any representative of employees, as defined in the Railway Labor Act, and any carrier or common carrier by air, as defined in the Railway Labor Act, shall be bound by the acts of its agents. Any such representative may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against such representative in a district court of the United States shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

(c) For the purpose of actions and proceedings by or against representatives in the district courts of the United States, district courts shall be deemed to have jurisdiction of a representative (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

(d) The service of summons, subpoena, or other legal process of any court of the United States upon an officer or agent of a representative, in his capacity of such, shall constitute service upon the representative.

(e) For the purposes of this section in determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

REPEAL

SEC. 402. Sections 5, 7, 8 (both), 9 and 10 of title I, and sections 203 and 205 of title II of the Railway Labor Act, as amended, are hereby repealed.

INAPPLICABILITY OF THE NORRIS-LAGUARDIA ACT

SEC. 403. The provisions of the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", shall not be applicable to any judicial proceeding brought under or to enforce the provisions of this Act.

RIGHTS OF EMPLOYEES

SEC. 404. Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quiting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this Act.

RAILROAD UNEMPLOYMENT INSURANCE

SEC. 405. Section 4(a)(v) of the "Railroad Unemployment Insurance Act of 1938," 52 Stat. 1098, is hereby amended by inserting a semicolon following the words "at which he was last employed" and striking the remaining language in the paragraph.

APPROPRIATIONS

SEC. 406. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEPARABILITY

SEC. 407. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

The material furnished by Mr. GRIFFIN is as follows:

EXPLANATORY STATEMENT OF THE EMERGENCY PUBLIC INTEREST PROTECTION ACT OF 1970

A bill to protect the public interest whenever a threatened or actual strike or lockout in the transportation industry imperils the national health or safety, and for other purposes

I. GENERAL

The bill would provide additional protections for the public interest for those labor disputes in the transportation industries which imperil the national health or safety. Because current procedures for protecting the national health or safety in the transportation industries have not proved effective, the bill provides additional options to the President that carefully balance the needs of the public and the rights of free collective bargaining.

The bill would also amend the Railway Labor Act to promote greater utilization of private collective bargaining procedures rather than reliance upon governmental intervention.

In addition, the bill would provide for a Special Industries Commission to study labor relations in those industries which are particularly vulnerable to national emergency disputes and make recommendations concerning such industries.

II. AMENDMENTS TO THE LABOR-MANAGEMENT RELATIONS ACT

The bill would not change the existing national emergency dispute provisions of Title II of the Labor-Management Relations Act as they apply to industries other than transportation.

It would make the national emergency provisions of the Labor-Management Relations Act applicable to all transportation industries. It does this by repealing the emergency procedures of the Railway Labor Act and bringing the railroads and airlines under the basic emergency provisions now applicable to other industries with certain changes.

In recognition of the special nature of the transportation industries, the President would be empowered to use, in addition to the basic emergency dispute provisions of the Labor-Management Relations Act, one of three new options for dealing with national emergency disputes in the transportation industries. These optional procedures could be used if a transportation national emergency dispute was still unresolved after the 80-day cooling-off period provided in the Labor-Management Relations Act has expired. Because of the potential impact of these options, the basic 80-day injunction would have to be issued by a three judge court in the case of national emergency disputes in the transportation industries. Transportation is defined to include railroads, airlines, maritime (including longshore), and trucking.

The President would be empowered to choose any *one* of these new procedures—but if the one chosen does not result in the resolution of the dispute, the provisions in current law for a report to the Congress would remain in effect.

III. DESCRIPTION OF OPTIONAL PROCEDURES APPLICABLE TO THE TRANSPORTATION INDUSTRIES

Extension of the cooling-off period

There are occasions when a dispute may be readily resolved by the parties by a mere extension of the cooling-off-period. In such a situation the President would be authorized to extend the cooling-off period, with continued bargaining between the parties for a period of up to thirty days.

Partial operation

Even when the shutdown of an entire industry imperils the national health and safety, it may be possible to make an acceptable accommodation between the right to strike or lockout and the national good. Such an accommodation could rest in arranging for operation of only an essential part of the industry or by requiring production or service only to a critical class of customers.

It would be unwise and difficult to attempt the division of an industry into essential and nonessential components in the critical period preceding the issuance of an injunction. But if the parties do not reach agreement in the 80-day cooling-off period, partial operation deserves consideration and the President would be authorized, as one of his options, to appoint a special board and direct them to review the feasibility of partial operations. Any party or any member of the board could present to the board a plan defining the strike or lockout action that would be consistent with the public interest. The board, after appropriate hearings in which the government would be a party to protect the public interest, could adopt or modify the plan. Before approving the plan, the board would also have to find that the partial strike or lockout is sufficiently extensive to encourage resolution of the dispute; in other words, that sufficient economic pressure will remain on both sides to encourage an early resolution.

The board's decision must be made within 30 days and during that period the status quo must be maintained. Partial operation pursuant to the board's decision would be limited to a maximum of 6 months.

Final Offer Selection

As one of the President's options following the eighty-day cooling-off period, the parties would be required to submit their final proposals for full resolution of the controversy. The parties would be given 3 days in which to submit two final offers. If any party failed to submit a final offer or offers, the last offer made during bargaining would be deemed its final offer.

As a first step following this submission, to the Secretary of Labor, the parties would be required to meet and bargain for five days, with or without mediation by the Secretary.

As a second step, the parties would be given an opportunity to select a panel to act as "Final Offer Selector." If the parties were unable to select the panel, a panel composed of three neutral members would be appointed by the President. The panel would hold hearings and determine which of the final offers constituted the final and binding resolution of the issues. In reaching its determination, the panel could not choose any settlement other than those represented by the final offers. The panel's function would be limited to choosing the more reasonable of the final offers. The bill specifies the criteria to be used by the panel in reaching its decision.

The effect of this procedure would be to encourage the parties to arrive at a settlement in negotiations. Should negotiations fail, it would insure that in the course of a dispute the parties draw closer together rather than pull further apart.

The panel's choice would become the contract between the parties.

This option has the virtue of providing finality, yet it does not contain those aspects of compulsory arbitration which are inconsistent with free collective bargaining.

IV. AMENDMENTS TO THE RAILWAY LABOR ACT

Though the emergency disputes provisions of the Railway Labor Act have been the most conspicuous example of procedures undermining rather than strengthening collective bargaining, there are other provisions of that Act which place an excessive reliance on Governmental intervention in matters which should be left to the parties. These can be summarized under two headings: (a) the procedure for the adjustment of grievances under collective bargaining contracts, and (b) procedures for the negotiation of new agreements. The basic deficiency of the first is that it provides for *Governmental* arbitration as a final step, and of the second, that government procedures have tended to substitute for expeditious private settlement of collective bargaining disputes.

The interpretation and application of agreements

The Railway Labor Act presently places upon those within its coverage an obligation to make every effort to negotiate and maintain collective bargaining agreements and to settle all disputes peaceably. "Minor" disputes are those which include interpretation of provisions in existing collective bargaining agreements. Those in the railroad industry are processed through grievance machinery established by and between the parties, but, failing resolution, are submitted to the National Railroad Adjustment Board. In the case of air carriers, final resolution of minor disputes has been delegated to system or regional adjustment boards, no national board having been established by the National Mediation Board.

The inordinate delays which now attend the use of present railroad grievance machinery under the Act have proven burdensome and unfair to both labor and management. At the beginning of 1968, the Board had a backlog of over 5,300 cases—it was still over 5,000 cases at the end of that year.

Complete overhaul of the existing grievance procedure is needed. Such action would include the abolition of the NRAB, and with regard to air carriers, system and regional Boards of Adjustment. Grievances should not be settled by procedures established by statute but by those most concerned with their equitable and expeditious settlement, the parties themselves.

The Act now encourages the voluntary settlement of grievances but does not implement this clear mandate of sound policy because it establishes a governmental body to make the ultimate decision. Legislation should not itself provide the machinery—rather it should encourage the parties to include in their collective bargaining agreements a full and adequate grievance procedure up to and including final and binding arbitration.

The bill proposes the following changes in an effort to eliminate reliance on governmental machinery in the case of "minor disputes." The National Railroad Adjustment Board, system and special boards of adjustment would be phased out over a two-year period. In their stead, the parties would be encouraged in their collective bargaining agreements to provide for grievance machinery terminating in final and binding arbitration, together with provisions for no-strike and no-lockout clauses. Until such time as the collective bargaining agreements contain such provisions, "minor disputes" would be resolved by private arbitration with the arbitrator selected by the parties on the basis of consent or elimination of alternates until one arbitrator remains. No strikes over such minor disputes would be permitted during this period.

Negotiation of new agreements

The Railway Labor Act, as it has been administered and interpreted by the courts over the years, establishes a formalized, complex, and excessively lengthy procedure for the negotiation of new agreements. There are no specified time limits in this process and the parties are not free to resort to self-help until the National Mediation Board determines that an amicable settlement will not be reached through mediation. As a result, contracts have no effective termination date but instead remain in effect until the procedures for amending them have been complied with and this can often be well beyond the intended expiration date of the contract.

The result has often been that these procedures become a hindrance rather than an aid to voluntary negotiation. New procedures are needed so that governmental mediation will assist the parties in resolving their disputes rather than merely being preliminary to further governmental action.

In order to remove the parties' dependence on governmental intervention in "major disputes," the bill would overhaul the present procedures in several respects. The notice-of-contract modification or termination provisions would be changed so as to direct the railroad and airline industries to the form of contract reopening existing in industries subject to the Taft-Hartley Act. Thus, the parties would be obliged to serve written notice of proposed contract changes on each other at least 60 days prior to the contract expiration date. The bill provides special provisions for the transition to the new method of contract reopening. At the expiration of the contract or of 60 days, whichever is later, the parties would be free to resort to self-help.

Finally, the bill would amend the Railway Labor Act so that the mediation duties of the National Mediation Board and its staff would be transferred to the Federal Mediation and Conciliation Service in order to have all mediation responsibilities under one roof. The National Mediation Board would retain its function of determining the representatives of bargaining units, but its name would be changed to the Railroad and Airline Representation Board.

V. SPECIAL INDUSTRIES COMMISSION

Experience has shown that the labor crises which affect the national health or safety tend to be concentrated in certain industries. It is essential that we determine why crises occur in one industry and not in others. The bill establishes a special commission to study labor relations in those industries which the Secretary of Labor has determined to be particularly vulnerable to the national emergency disputes. The commission would be empowered to study all the factors affecting labor relations in these industries and to make recommendations to the President as to the best way of remedying the weaknesses of collective bargaining in the industries studied, including recommendations for legislation, if appropriate. Such recommendations might include a proposal that additional industries be brought within the coverage of Part B of Title II of the Labor-Management Relations Act.

The Commission would also be authorized to study the operation of the revised emergency procedures.

VI. MISCELLANEOUS PROVISIONS

The bill would provide several important remedies for the parties. First, it would assure that collective bargaining agreements or arrangements in air and rail industries would be enforceable in federal courts. It also would make representatives suable in their capacity as such and would define the jurisdictions in which such representatives may be sued.

The Norris-LaGuardia Act is made inapplicable to any judicial proceeding brought under or to enforce the provisions of the Act. This would apply to the provisions amending the Railway Labor Act as well as the Emergency Disputes provisions.

The bill would also repeal the provisions of the Railroad Unemployment Insurance Act that makes strikers eligible for benefits if the strike is not in violation of the Railway Labor Act or of the rules of the labor organization of which he is a member. Thus strikers in the railroad industry will be disqualified from unemployment insurance benefits in accordance with the usual criteria in State unemployment insurance laws applicable to other industries.

ADDITIONAL COSPONSORS OF BILLS

S. 3503

Mr. PROXMIRE. Mr. President, I ask unanimous consent that at the next printing, the names of the Senator from Connecticut (Mr. Dodd), and the Senator from Washington (Mr. Jackson) be added as cosponsors of S. 3503, the Middle Income Mortgage Credit Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3508

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from California (Mr. Cranston) and the Senator from Ohio (Mr. Young) as cosponsors of S. 3508, to create a Federal Mortgage Marketing Corporation, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

SCHOOL DESEGREGATION CONTROVERSY

Mr. TALMADGE. Mr. President, Friday evening's Washington Daily News contains an excellent article on the position of the distinguished Senator from Connecticut (Mr. Ribicoff) on the school desegregation controversy.

The Senator from Connecticut has received widespread praise for his candid, forthright, and honest approach to this problem. His address in the Senate last week on the amendment of the Senator from Mississippi (Mr. Stennis) was courageous, indeed. The article in the Washington Daily News recounts events, from Senator Ribicoff's personal reflections, that led to this historical speech.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Daily News, Feb. 27, 1970]

"Why Don't We Quit the Hypocrisy?" Ribicoff Tells How He Switched School Stand

(By Richard Starnes)

Here is his own account of how Sen. Abraham A. Ribicoff, D-Conn.—a northerner with impeccable liberal credentials—decided to make common cause with a staunchly segregationist senator from the old Confederacy and help pass an amendment that many believe signals a new turning in the school integration struggle.

In essence what Sen. Ribicoff did was to support an amendment offered by Sen. John C. Stennis, D-Miss., that would make it the stated policy of the United States to enforce desegregation uniformly thruout the nation, North as well as South.

In backing the amendment ("almost totally meaningless as law," he himself concedes) Sen. Ribicoff arraigned the North for its "hypocrisy" in outlawing de jure (by law) segregation in the South while permitting de facto (in fact) segregation in the North.

"What I said in the Senate I had been basically saying to college students all over the country," Sen. Ribicoff recalled today. "The kids reacted very well to what I had to say. At the University of Texas the week before I told them that it was hypocrisy to speak of their school as being integrated when out of 35,000 students they had only 400 blacks and 200 chicanos (Mexican-Americans). They tore the roof down.

MUCH THOUGHT

Sen. Ribicoff thought all the way home from Texas about how the young people were far out in front of the aging leaders of the country ("face it, politicians in their fifties and sixties have had it.")

"I woke up that Sunday morning, Feb. 8, and thought about it some more. I thought of the changes that had taken place, of the hypocrisy, how the whites move out of a neighborhood when the blacks move in. I was also aware of the changes in the black neighborhoods; the young Negro leaders don't necessarily want integration, the old-time, NAACP leaders are tired—they want the name but not the game.

"I thought how almost invariably on every college campus the blacks are segregating themselves. I said to myself, 'the goddamned thing has failed; why don't we quit the hypocrisy?' "

Sen. Ribicoff's colloquy with himself continued while he shaved, and finally: "I said to myself, 'look, you've been saying this on campuses all over the country. Why not have the guts to say it on the floor of the Senate?' "

Sen. Ribicoff promptly phoned two aides. "I told them to meet me in the office at 11 a.m. We worked until 11 that night."

The following day Sen. Ribicoff scolded northerners for being "guilty of monumental hypocrisy in its treatment of the black man," continuing:

"Without question, northern communities have been as systematic and as consistent as southern communities in denying the black man and his children the opportunities that exist for white people.

"The plain fact is that racism is rampant thruout the country. It knows no geographical boundary and has known none since the great migration of rural blacks after World War II."

There was much more, and something like shock waves went thru the liberal establishment. Much of what the Connecticut lawmaker said had been said before, but never by one with Sen. Ribicoff's solid claim to be an ordained liberal. The speech has been

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widely reprinted, and altho the Stennis amendment it helped get thru the Senate has little legal standing (and may not even survive a House-Senate conference) it is widely recognized as a key expression of the nation's disenchantment with attempts to desegregate the schools.

In recounting the difficult, years-long path that brought him to support the Stennis amendment, Sen. Ribicoff shows some of the same icy indignation he lavished on Mayor Daley.

"For a long time I have watched the basic failure of what America is trying to do in the field of integration," he says.

"I watched the destruction of the American public school system. I watched us making pawns of our children, the failure of theories that doctrinaire liberal intellectuals had hugged to their bosoms for 20 years."

Sen. Ribicoff concedes that not many doctrinaire liberals are yet ready to join him. ("People do not like to admit that they are failures.") But "at my age (he's 59) the possibility of criticism isn't so important. It is a great tragedy to look at the destruction of the American school system."

FAVORABLE REACTION

Sen. Ribicoff, a politician whose skills have made him governor, a cabinet officer and firmly entrenched U.S. senator, makes no secret of the fact that he takes professional pride in the overwhelmingly favorable reaction to his speech. He names one very liberal senator who will probably never support him in public, adding: "But his AA (administrative assistant) said to my AA, 'my senator says he sure wishes we had made that speech.' "

"I think I have hit an exposed nerve," Sen. Ribicoff continues. "Every place you go people talk about nothing else. The thing won't die. At dinner the other night I sat next to the wife of a liberal editorial writer who has been taking me to task for it, and his wife said she had been taking her husband to task for what he was writing about me. She said she had told her husband: 'You know what he's saying is true. Look at us—we send our four children to private school.' "

While he disclaims any "pat answers, and panaceas," Sen. Ribicoff has a clear vision of where he thinks racial mixing in the schools will have to go if public schools are to survive. "If you take a system like the District of Columbia's, where it's 94 per cent black, not even an Einstein could make integration work. I believe where you can make it work, you should. If there is a school district 10 or 15 per cent black where schools are not integrated, I say there is something wrong. But then you get to 20 to 25 per cent black you reach a tipping point where the whites move out. It is self-defeating.

"We will have to look at every school on its own. To say you can lay down nationwide guidelines on school integration is a fraud and a sham. We have to do the hard, tough job of looking at every school in the country. Sen. (Charles R.) Percy, R-Ill., asked me: 'What do we do in Chicago, where we have 37 square miles of black neighborhoods?' I replied, 'you will just have to try to improve the schools.'

"It is going to be a hell of a tough job. And it is going to cost a lot of money."

With evident satisfaction he quotes editorials of support from two Connecticut newspapers. "We're the people he's talking about," one says. The other, while deploring the truth of what he said, applauds his candor. "From honesty there is some hope of remedy," it concludes.

NEGROES AND THE NATIONAL GUARD

Mr. KENNEDY. Mr. President, I was most disappointed to read in Thursday's New York Times that the program to increase black enlistment in the National Guard has been a dismal failure. The percentage of blacks in the National Guard, shamefully low in 1967, has decreased still further.

In 1967 the National Advisory Commission on Civil Disorders pointed out that blacks constituted only 1.24 percent of the National Guard membership, although nationally they were 12 percent of the Nation's population. Despite their recommendation and despite actions by President Johnson, the National Guard at the end of 1969 had only 5,487 blacks out of a total membership of 478,800—or a percentage of 1.15.

This article indicates that most States have extremely poor representation of blacks in their guard membership, but that "the disparity is greatest in the Deep South, where, in some States, Negroes were once formally barred from joining the National Guard." As an example, Mississippi has one black in its 11,264-man Army National Guard—or .009 percent in a State where blacks are 42 percent of the population.

Steps must be taken immediately to insure that blacks are more fully represented in the National Guard; and I strongly urge this administration to pledge itself to such action.

I ask unanimous consent that this article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 26, 1970]

Fewer Negroes Found in Guard; Survey Shows Enlistments Are Off Despite U.S. Drive

Washington, February 25.—A survey by the National Guard Bureau shows that the low rate of Negro enlistments remains virtually unchanged despite two years of official efforts at improvement.

The dismal results of a program aimed at attracting more Negroes into the Guard—an effort that former President Lyndon B. Johnson once called "a matter of highest urgency"—are evident in figures made available recently by the bureau that show there are fewer Negroes in the National Guard now than one year ago.

At the end of 1969, the combined Army and Air National Guard had a membership of 5,487 Negroes out of a total enlistment of 478,860, representing 1.15 per cent of the entire force. This compares with 5,541 Negroes at the end of 1968, when they represented 1.18 per cent of the membership.

Although National Guard officers insist that the effort to increase Negro participation has not been abandoned, there appears to be little prospect of immediate improvement. The Guard's "waiting list"—the roll of prospective volunteers—contains the names of only 1,548 Negroes out of a total of 132,167.

"For some reason, we haven't been able to get a handle on why they haven't wanted to enlist in the National Guard," said Maj. Gen. Winston Wilson of the Air Force, commander of the National Guard Bureau.

The bureau is the Pentagon headquarters for National Guard activities in 50 states, Puerto Rico and the District of Columbia.

NO FUNDS FROM CONGRESS

Some officials believe that the current antimilitary sentiment among the young may have a bearing on the problem. But the fact that Congress has not provided funds to recruit more Negroes into the Guard has been a crucial factor.

Last year, Congress was asked for $6.5-million to accelerate Negro enlistment in the Guard under a plan that would have authorized an over-strength allotment of 0.8 per cent, reserved solely for Negores.

Such a plan was carried out successfully in New Jersey, raising Negro enlistment almost 5 per cent, but Congress rejected nationwide application as "discrimination in reverse" and said the "first come, first served" principle would continue to apply to all volunteers.

The impetus to increase the number of blacks in the National Guard came after units that were almost all-white were used to quell Negro urban riots in the summer of 1967. The National Advisory Commission on Civil Disorders recommended to President Johnson that immediate steps be taken to raise Negro participation in the Army National Guard substantially beyond the 1.24 per cent it was at that time.

The Johnson Administration formulated a plan to recruit enough Negroes over five years to bring their membership to about 12 per cent of the Guard units in each state. This would have corresponded to the percentage of Negroes of military age in the population.

APPROVAL WAS NOT GIVEN

The funds to carry out such plans never received legislative approval, and defense planners did not ask Congress for similar funds for the fiscal year 1971.

"I would not say that the goals have been abandoned," General Wilson maintained. "I believe we must have Negroes in the National Guard in order to be truly representative of the community."

But, he added, Negroes must get on the National Guard's waiting lists before they can be accepted, and the long waiting period which is part of the process often discourages potential volunteers.

One program that National Guard officers feel may hold promise is an effort that will begin March 1 to recruit a greater number of experienced soldiers. Since many of these men—including Vietnam combat veterans—are Negroes, the recruiting drive may prove successful in increasing black enlistment.

Few states approach Negro representation in the Guard in proportion to their Negro population. Only three states—Illinois, Maryland and New Jersey—plus Puerto Rico and the District of Columbia had more than 3 per cent Negro membership in their National Guard units in 1969.

The disparity is greatest in the Deep South, where, in some states, Negroes were once formally barred from joining the National Guard. Alabama, with a 30 per cent Negro population, has 13 Negroes in the Army National Guard, an increase of one over 1968.

Mississippi, whose population is 42 per cent Negro, had one black in its 11,264-man Army National Guard force in 1969, the same as 1968.

"They had two at one time," General Wilson remarked wistfully as he pored over the results of the National Guard survey.

NOMINATION OF JUDGE CARSWELL TO THE SUPREME COURT

Mr. TYDINGS. Mr. President, yesterday the nomination of Judge G. Harrold Carswell, of Florida, to be an Associate Justice of the Supreme Court was reported to the Senate by the Judiciary Committee. I oppose the confirmation. My reasons are set forth in individual views. In order that they may receive wider distribution, I ask unanimous consent that they be printed in the Record

There being no objection, the individual views were ordered to be printed in the Record, as follows:

Individual Views of Senator Joseph D. Tydings on Confirmation of G. Harrold Carswell

I have concluded that Judge G. Harrold Carswell has demonstrated neither the judicial temperament and fairness nor the professional competence commensurate with the high standard of excellence that must be demanded of a Justice of the Supreme Court. Therefore, I must oppose confirmation of the appointment.

As Chairman of the Senate Subcommittee on Improvements in Judicial Machinery, I have been very much concerned with improving the operation of our Federal judicial system. I have chaired innumerable hearings and moved a substantial legislative program dealing with the administration practices and procedures of that system, including creation of the Federal Judicial Center and the Federal Magistrate system, revision of the Federal jury selection system and development of an effective approach to multi-district litigation.

Because of this legislative background, as well as by personal inclination, I feel a deep responsibility to my colleagues and to the nation to delve deeply into issues touching upon the effectiveness of the federal judiciary. Nothing, of course, is more relevant to that effectiveness than the process of assuring that the federal bench, and in particular, the Supreme Court are manned by appointees of the highest quality.

Men appointed to the Supreme Court have for practical purposes life tenure with no effective means for discipline or removal. Their influence on our national life may well transcend that of the President who appointed them. The role of the Supreme Court in our society is too vital to be endangered by the appointment of men whose judicial temperament or professional qualifications are subject to serious doubt.

In considering those named by the President for the vacancies on the federal district and circuit courts over the past 5 years, and in considering previous nominees for the Supreme Court, I have consistently adhered to the position that, barring some unusual situation, a man selected by the President for the federal bench should be confirmed by the Senate if he has demonstrated a character beyond reproach, professional competency equal to the task set for him, and a proper judicial temperament.

By proper judicial temperament, I mean at least the ability to put aside one's own prejudices and biases so as to be able to approach every case with a fair and open mind.

These criteria are not always easy to apply. But I have made every effort to apply them in a consistent manner to those nominees whose names have been placed before the Senate.

I opposed the appointment to the District Court of Massachusetts of Francis X. Morrissey, a man sponsored by two of my closest personal friends in the Senate, because I believed that his record did not demonstrate the legal ability requisite for a federal judge. When the Governor of Mississippi, James P. Coleman, was appointed to the Fifth Circuit, I spoke in his favor on the floor of the Senate and voted to confirm, despite the firm opposition of many civil rights groups. My examination of his record convinced me that he would make a fair and objective judge. Although I had supported the initial appointment of Mr. Justice Fortas, I took the lead in calling for his resignation when the unanswered questions surrounding his nonjudicial activities cast a cloud over the reputation of the Supreme Court. I also supported President Nixon's choice of Judge Warren Burger for Chief Justice, although I have not always agreed with him on substantive issues.

Now the Senate is asked to advise and consent to the appointment of Judge G. Harrold Carswell to be an Associate Justice of the Supreme Court.

I approached the hearings on Judge Carswell's appointment seeking to learn not what he was when he delivered his infamous racial supremacy speech in 1948, but what he is in 1970, what kind of judge—what kind of man.

Unfortunately, some of the most revealing testimony was presented to the Judiciary Committee after Judge Carswell testified and the members of the Committee were not able to review it with him. A request that he be recalled was rejected. Moreover, the short, general rebuttal letter that he submitted for the record was unresponsive and unenlightening. On the whole, however, the hearings were enlightening, indeed shocking, but hardly reassuring.

I will not dwell on Judge Carswell's willingness in 1956 to lend his name and the prestige of his office as United States Attorney to an effort to circumvent the mandates of the Constitution by converting a public golf course into a private one. Nor will I attempt to analyze similar events that have come to light, such as his attempt, in 1969, to amuse the members of the Georgia Bar Association with a racial joke. These are serious matters, but not, I believe, the keys to the case against Judge Carswell.

JUDGE CARSWELL'S LACK OF JUDICIAL TEMPERAMENT

Our judicial system must accord litigants a fair hearing. Justice is not dispensed when a judge's personal views and biases invade the judicial process. In Judge Carswell's court, the poor, the unpopular and the black were all too frequently denied their basic right to be treated fairly and equitably.

Judge Carswell was simply unable or unwilling to divorce his judicial functions from his personal prejudices. His hostility toward particular causes, lawyers and litigants was manifest not only in his decisions but in his demeanor in the courtroom.

Professor Leroy Clark of New York University, who supervised the NAACP legal defense fund litigation in Florida between 1962 and 1968, called Judge Carswell

"[T]he most hostile federal district court judge I have ever appeared before with respect to civil rights matters. . . ."

"Judge Carswell was insulting and hostile. I have been in Judge Carswell's court on at least one occasion in which he turned his chair away from me when I was arguing. I have said for publication, and I repeat it here, that it is not, it was not an infrequent experience for Judge Carswell to deliberately disrupt your argument and cut across you, while according, by the way, to opposing every courtesy possible.

It was not unusual for Judge Carswell to shout at a black lawyer who appeared before him while using a civil tone to opposing counsel . . ."

"[W]*henever I took a young lawyer into the State, and he or she was to appear before Carswell, I usually spent the evening before making them go through their argument while I harassed them, as preparation for what they would meet the following day.*"

Professor John Lowenthal of Rutgers Law School recalled attending a session in Judge Carswell's chambers in 1964 in which he "can only describe his [Judge Carswell's] attitude as being extremely hostile."

"He expressed dislike at Northern lawyers . . . appearing in Florida, because . . . [they] were not members of the Florida bar".

The choice, however, was between "Northern lawyers or no lawyers" for Professor Lowenthal's clients who had been arrested for trespass while attempting to assist sharecroppers to register to vote.

Norman Knopf, a Justice Department attorney, testifying under subpoena, who had worked with Professor Lowenthal as a volunteer in 1964, corroborated Professor Lowenthal's recollections.

"Judge Carswell made clear, when he found out that he was a northern volunteer and that there were some northern volunteers down, that he did not approve of any this voter registration going on . . . It was a very long strict lecture about northern lawyers coming down and not members of the Florida Bar and meddling down here and arousing the local people, and he in effect didn't want any part of this, and *he made it clear that he was going to deny all relief that we requested.*"

Judge Carswell's manifest intention to deny all relief did not represent an idle threat. Professor Lowenthal's clients had been tried in a state court and imprisoned in a county jail when a local judge had refused to recognize the removal jurisdiction of Judge Carswell's court. As Professor Lowenthal pointed out, "[I]t was evident to all those with experience in Northern Florida that it was not safe for voter registration people to be in local jails." Nevertheless, Judge Carswell's attitude and actions were one of delay and harassment.

Indeed, when Professor Lowenthal's predecessor in the case, Ernst H. Rosenberger, had initially sought to remove it from the state court, he had been required to pay a filing fee in Judge Carswell's court despite the governing decision of the Fifth Circuit in *Lefton* v. *Hattiesburg*, 333 F. 2d 280, that no such fee could be demanded. Subsequently when Professor Lowenthal and Mr. Knopf attempted to file a habeas corpus petition for their clients, Judge Carswell did not permit them to do so until they had wasted precious time attempting to obtain the signatures of the imprisoned civil rights workers, despite the fact that Rule 11 of the Federal Rules of Civil Procedure indicates that the attorney's signatures are sufficient.

Moreover, Judge Carswell would not accept the habeas corpus petition that Mr. Knopf had painstakingly drawn up until it was redone on special forms provided by the court, although the forms were not designed to cover habeas corpus petitions arising out of the refusal of a state court to honor the jurisdiction of the federal courts.

Despite the barriers that Judge Carswell placed before them, Professor Lowenthal and Mr. Knopf were finally able to file habeas corpus petitions and to demonstrate to Judge Carswell that he had no choice under the law but to grant the petitions. Judge Carswell, however, still managed to thwart their efforts to keep the civil rights workers out of jail. As stated by Professor Lowenthal, at the same time that Judge Carswell granted the habeas corpus petitions "[O]n his own motion, because the Gadsden County officials were not there to ask for it, and without notice to the defendants, the habeas corpus petitioners, and without a hearing or any opportunity to present testimony or argument, he remanded the cases right back to the Gadsden County courts.

I at that point moved before Judge Carswell directly for a stay of his remand so that I could have time to file a notice of appeal to the fifth circuit. He denied my request for a stay, pending filing notice of appeal."

Judge Carswell also refused to have the marshal serve the habeas corpus order on the Gadsden County sheriff despite the following provisions of 28 U.S.C. § 1446(f) that

"If the defendant or defendants are in ac-

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tual custody on process issued by the state court, the District court shall issue its writ of habeas corpus, and the marshal shall thereupon take such defendant or defendants into his custody and deliver a copy of the writ to the clerk of such state court."

When Professor Lowenthal served the writ of habeas corpus himself the sheriff first released but then immediately rearrested the civil rights workers pursuant to the remand. It is not clear how he learned of his authority to do so. Professor Lowenthal testified as follows:

"The sheriff produced the jailed voting registration workers, and at once rearrested them because *Judge Carswell had had his marshal telephone the sheriff to advise the sheriff that Judge Carswell had on his own motion remanded the cases right back to the Gadsden County court.*

I was in Judge Carswell's chambers and office, and I do not remember whether I overhead the conversation between Judge Carswell and his marshal or whether somebody reported this to me. I do not know. What I do know is that when I got out to the sheriff with the habeas corpus order to release the men, the sheriff already knew of the remand, and therefore on the spot produced the defendants and rearrested them and put them back in jail."

The experiences of Ernest Rosenberger who preceded Professor Lowenthal as a representative of the American Civil Liberties Union in Northern Florida were indicative of Judge Carswell's willingness to go beyond the courtroom to deny litigants their basic rights.

Mr. Rosenberger represented nine clergymen freedom riders arrested in a Tallahassee airport restaurant in 1961. There had been numerous appeals in the case and as a result of a filing date having been missed the appeals were terminated. At the time Mr. Rosenberger entered the case the only recourse open to the clergymen was a writ of habeas corpus. Judge Carswell denied the writ and the case was immediately appealed to the Fifth Circuit which modified Judge Carswell's order so that it provided for an immediate hearing by Judge Carswell if the state court did not grant such a hearing. On the same day that the judges of the Fifth Circuit rewrote Judge Carswell's order, Mr. Rosenberger met with Judge Carswell and Mr. Rhoads, the City Attorney of Tallahassee. Judge Carswell told Mr. Rhoads "that this whole case could be ended by reducing the sentences of the clergymen to the time already served." As Mr. Rosenberger pointed out, Judge Carswell's advice "could have no other effect except to moot the entire question, to leave . . . [the clergymen] with no way for vindication, to insure them a permanent criminal record. This was a matter where the judge advised the City Attorney in a state court proceeding actually of how to circumvent an order which had been put in by the U.S. Circuit Court." The City Attorney and the state judge followed Judge Carswell's advice despite the objections of Mr. Rosenberger.

The impressions and experiences of Professor Clark, Professor Lowenthal, Mr. Knopf and Mr. Rosenberger paint a picture of blatant hostility and aggressive unfairness that casts serious doubt upon Judge Carswell's judicial temperament to sit even on a federal District Court much less on the Supreme Court of the United States. Judge Carswell did not take the stand to rebut these charges. His general statement that there has never been "any suggestion of any act or word of discourtesy or hostility on . . . [his] part," does not dispel the doubts created by their testimony. None of them have anything to gain by misleading the Committee or the Senate. In particular, it is worth remembering that Mr. Knopf is an employee of the Justice Department of the United States, who testified pursuant to a subpoena. As was forcefully pointed out during the hearings Mr. Knopf has other things to occupy his days now—"earning a paycheck."

JUDGE CARSWELL'S LACK OF PROFESSIONAL COMPETENCY

Despite the problems of temperament that Judge Carswell displayed on the lower courts, there might still be some basis for supporting his confirmation to the Supreme Court if he were a man of great intellectual and professional distinction. At least then there would be hope that once on the Supreme Court he would display a capacity for growth that would enable him to deal capably and objectively with the matters of vast importance that come before the Court.

He is, however, a mediocre man. He has demonstrated neither the depth of intellect nor of understanding that would indicate that he might fill with distinction the seat once held by Felix Frankfurter and Benjamin Cardozo. He is, instead, in the opinion of the Deans of two of our most respected law schools, a man who is professionally unqualified to sit on the Supreme Court. Dean Pollak of Yale testified that Judge Carswell "has not demonstrated the professional skills and the larger constitutional wisdom which fits a lawyer for elevation to our highest court.

I am impelled to conclude, with all deference, I am impelled to conclude that the nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century."

Dean Bok of Harvard has written that Judge Carswell has "a level of competence well below the high standards that one would presumably consider appropriate and necessary for service on the court."

Twenty members of the University of Pennsylvania Law School examined his opinions in various areas of the law and concluded "that he is an undistinguished member of his profession, lacking claim to intellectual stature." Charles L. Black, Jr., Luce Professor of Jurisprudence at the Yale Law School and one of the most respected members of the academic legal community stated in a letter to the Chairman, "[T]here can hardly be any pretence that he [Carswell] possesses any outstanding talent at all. On the contrary, all the evidence I have seen would lead to the conclusion that mediocrity is an independent valid objection to his appointment."

Perhaps most telling was the testimony of Professor William Van Alstyne of the Duke University Law School, one of the most distinguished legal scholars in the South. Professor Van Alstyne had testified before the Senate Judiciary Committee in support of Judge Haynsworth, but testifying in opposition to Judge Carswell, Professor Van Alystyne concluded that Judge Carswell's decisions reflected "a lack of reasoning, care, or judicial sensitivity overall."

Despite his failure to follow the opinions of the higher courts in a number of areas of the law, Judge Carswell has been referred to by his supporters as a strict constructionist or a judicial conservative. Such terms, properly applicable to men with highly developed judicial philosophies such as Mr. Justice Felix Frankfurter and Mr. Justice John Harlan have no relevance to a man such as Judge Carswell who at best is mediocre and, and at worst, has allowed his biases to permeate his courtroom.

There are many great southern judges and lawyers to whom the adjective "strict constructionist" is properly applicable and whom I would willingly support if they were nominated for the Supreme Court—men such as Sam Ervin of North Carolina, Judge Walter E. Hoffman of Virginia, Judge William F. Miller of Tennessee and Stephen O'Connell of Florida, President of the University of Florida. These are men with whose philosophies I might differ, but whom I would support because they are fair men and men of legal distinction. As Dean Bok pointed out, "The problem [with Judge Carswell] is one that has much less to do with judicial philosophy than with judicial competence; for extremely competent judges can be found with widely varying attitudes concerning the judicial function, let alone political or social questions."

CONCLUSION

I must conclude that Judge Carswell has displayed neither a proper judicial temperament nor a professional competency equal to the task set for him. I oppose the confirmation.

COOPERATION BY THE NAVY IN MAKING A MOTION PICTURE

Mr. MURPHY. Mr. President, one of my constituents, Darryl Zanuck, president of Twentieth Century-Fox Films Corp. has directed my attention to a press release issued last week by a Member of the other body, concerning the cooperation and assistance given by the U.S. Navy in the filming of a soon-to-be-released motion picture, "Tora! Tora! Tora!"

The Congressman's press release was accompanied by his publicly released letter to the Attorney General of the United States requesting Mr. Mitchell to institute suit for sums allegedly due the Government for certain services and facilities furnished by the U.S. Navy to the film company. Additionally, the Member requested that the Attorney General seek an injunction against the exhibition of the film until the allegedly unpaid sums are collected.

It is a matter of some regret to me that I am once again compelled to discuss this situation here. But I believe it necessary to refute unfounded and bizarre charges that concern the entire concept of media relations with the military arms of our Government. Moreover, directly involved in this continuing harassment is a California motion picture producer, a major employer in my State, whose chief executive officer is not only my longtime personal friend but a gentleman of the highest repute and himself, as an officer in the U.S. Army Reserve, a man singularly devoted to the services.

The basis for this latest attack by the Member of the other body on the film company is a report prepared by the Comptroller General of the United States. It concerns generally the concept and the applicable rules and the regulations concerning repayment to the military for services rendered in the preparation of privately made films, or tapes, or for that matter, magazine or newspaper articles—in short anything that involves the use of a Government-owned item and the time of a Government-paid employee required to prepare something for the media. The report also deals more specifically with the amount and kind of aid rendered by the U.S. Navy in the preparation of the film "Tora! Tora!

Tora!" The GAO report was prepared at the request of "several Members of Congress" and submitted on February 17. It follows by 6 months a similar report by GAO that examined the same subject in connection with services rendered by the U.S. Army to John Wayne in filming "The Green Berets."

The GAO report, 67 pages long, begins by stating that its "examination was directed to determining the extent of the direct and indirect assistance provided by the Department of Defense and to developing information concerning the charges prepared and billed by the Department of Defense and the amounts collected and owed to the Government by the film's producer." It emphasizes that neither the Department of Defense nor the Twentieth Century-Fox Film Corp. was consulted and that no comments were solicited or obtained from either, but both have been sent copies of the report.

The report then proceeds to its initial finding. It says:

> Department of Defense policy governing military support of commercial films does not clearly define the types of support for which the Government is to be reimbursed or the criteria for determining the amount of reimbursable costs and preparing appropriate charges.

It points out that a Bureau of the Budget regulation requires that costs to the Government be recovered "for services that are above and beyond those that accrue to the public at large." It continues that the Defense Department in its policy instructions has not provided sufficient criteria as an alternative to the Budget Bureau rule and that this has led to inconsistencies by military authorities in determining the amounts and degrees of cost reimbursement.

There seems to me to be nothing very sensational in this report. Nothing about any dereliction by the film producer in repayments; nothing more than a difference of opinion between two government agencies. A bit further on the GAO becomes mildly critical and says:

> GAO believes that the Office of the Assistant Secretary of Defense for Public Affairs has not established adequate procedures for controlling and coordinating the assistance provided by military departments to ensure that military units are determining costs and preparing appropriate billings for this assistance.

Once again, one agency is chiding another for its method of big business.

But to carry out this advice raises a nice problem for Defense. Should it, for example, bill networks and magazines and newspapers for feeding and housing television crews and photographers and writers who are taken aboard carriers for a week or two during the recovery operation of a spacecraft? Of course, reporting the landing is of benefit to the public at large but the television network is a private enterprise and it receives large sums in revenue from the sponsor of that broadcast. What are the rules for the support afforded the television crews flown around Vietnam and frequently housed and fed at Government expense to produce the broadcasts that are paid for by private sponsors? The Government believes that the people, the public at large, is the ultimate beneficiary of the support given these private communications media. The military and NASA have made the only logical decision, whether or not they have established the criteria that GAO suggests should govern all such help.

> "The film's producer was provided extensive military assistance," says the Report now turning specifically to help given Twentieth Century-Fox in making Tora! Tora! Tora! It continues: "In a previous examination (it is now referring to its earlier report of last June dealing with The Green Berets), GAO concluded that the practice of Federal agencies rendering this type of assistance is not in violation of the law. The cost to the Government for the assistance rendered by (Defense) and billed to the company amounted to approximately $319,000. Of this amount, the Government has been reimbursed approximately $317,000.

Thus far, GAO has come up with a $2,000 difference which neither the Navy nor the film company can yet identify. The congressional committee report to which I have alluded computed total disbursements by Fox of approximately $791,000 at that time. As a matter of fact, the company's own latest figures show that it has thus far paid the Navy $983,500 for its services, for the salaries of personnel who volunteered to work on the film, and for other incidentals.

We come now to the basis for the press release by the Member of the other body. "However," says the GAO report, "the film's producer received additional support costing approximately $196,000 for which it was not billed. The major portion of this support involved the operation of an aircraft carrier for 2½ days off the coast of southern California for filming planes taking off from the carrier."

Note that the GAO makes clear that the film company was not billed for this sum. Nor has it yet been billed. And yet my colleague of the other body seems to suggest that the film company has willfully hornswoggled the Government. To make certain that the Government will get money it has not asked for he wants the Attorney General to dash into court and get an injunction against exhibition of the picture. In short, the Member of the other body is asking that a film company that has already paid the Government $800,000, that has paid every bill rendered, should be sued for money for which it has not even been billed.

Why did the Navy not consider this particular item as reimbursable? Why did it not bill for the services of the carrier? It is no secret and there are records to prove that not only was the Navy anxious to have the "Tora! Tora! Tora!" film made but it was doubly anxious that the film emphasize and dramatize the role that the carriers played in winning the war against Japan. The film producers were advised that the carrier in question, which was then being readied for a spacecraft recovery some weeks later, would be conducting what are known as "independent ship exercises" off the California coast and that the aircraft launching filming could be done without an interference to the exercises and without any special problem or cost for the Navy, and therefore for the film producer.

Now it has become a different story. Now the Comptroller General is making a study, now a Congressman is making charges. So now, the carrier captain agrees that the "independent exercises" could as well have been conducted in port, because, he says, they basically involved personnel below deck.

However, whether the additional charge for the use of the carrier for 2½ days is appropriate or not is not my responsibility and is not the point I make here. What I want to emphasize is that a responsible American company and its officials are being publicly maligned by a Member of Congress without what would seem to me any basis in fact, without any dereliction of any kind or character.

It is obvious, I believe, from the facts I have recited that the questions raised by the Member of the other body should in fairness be asked of the Department of Defense, and more specifically the Navy Department.

It is really an attack on a program and policy followed by the military arms of this government for more than 40 years; a policy of cooperating with film producers and indeed with all the media of communications.

A report prepared for the Military Operations Subcommittee of the Government Operations Committee of the House of Representatives in December of last year clearly illuminates this policy. The congressional report says:

> Department of Defense assistance to motion picture companies as well as other media is of long standing. . . . Between 1951 and 1968, a period covering four administrations, the Navy assisted at least 26 film productions, in addition to a number of filmed TV series. The other military services also have assisted scores of motion pictures. DOD policy governing such assistance first was formalized during the Eisenhower administration . . . and revised or amplified from time to time.

The Military Operations Subcommittee Staff Report from which I have just quoted, was filed last December. It deals comprehensively and factually with the program and policy of Department of Defense in assisting private film makers and other media. Like the GAO report, it resulted from questions raised by two other Members of the House.

Quite properly, these two Members wanted to know the authority for the military aiding the media, the policy generally followed, and the method of computing costs and reimbursables. In January of 1969 one Member asked General Accounting to give him the facts about John Wayne's "The Green Berets." A few months later the second Member asked the House Government Operations Committee to make a report on Defense Department support for Darryl Zanuck's "Tora! Tora! Tora!"

The first report on "The Green Berets" was delivered last June. The Congress-

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man turned it over to the Government Operations Committee with a request for further study and for hearings. So questions about two film productions were now officially before the Military Operations Subcommittee.

Meanwhile, the third Member of the other body, took a different tack. He issued the first of a series of press releases, declaring that the film of the Pearl Harbor attack made the Japanese look good and the United States bad; that American sailors had been injured in making the film; decrying that an American carrier was used to depict a Japanese carrier—need I interject that Japanese carriers no longer exist—criticizing that American sailors were used to portray Japanese sailors. He announced that this was a matter for the Armed Services Committee and that he would introduce a bill that would prohibit the use of military equipment or forces to make pictures for private profit. He also announced that there would be hearings although he is neither the chairman nor a member of the committee. During the 8 months that have intervened without hearings, the flow of press releases from his office continued.

I have had some considerable amount of experience as an actor and a producer and motion picture executive and perhaps know a great deal about picture making, but one need not be an actor to know that any film involving the military is carefully checked by the branch of the service long before it is begun. In the case of "Tora! Tora! Tora!" some 7 months of advance preparation was devoted simply to discussing with the Navy the story, the scenario for the film, the events to be pictured, the accuracy of each event. Every item of plot and story line was carefully gone over with Navy personnel. Can you imagine that Navy officers would approve a script that would make them and our Government look bad?

While the press releases continue to flow, the Military Operations Subcommittee went ahead with the study requested by the two Congressmen. They had turned over to the committee staff the first GAO report and extensive correspondence with various Defense Department officials. The committee staff concluded its study of what the GAO had found, of the extent of the help granted in making both "The Green Berets" and "Tora! Tora! Tora!" and filed its report last December, just 2 months ago. It sent copies of its report to the two Members who had initially requested the study and because the report dealt in depth with the "Tora! Tora! Tora!" film it also sent a copy to the Member who had been issuing critical press releases.

There have been no press releases for 2 months and no comments. The reason is fairly obvious. This report by the staff of the House Military Operations Subcommittee is a realistic factual summary that makes clear; First, that there has been no violation of law; Second, that Twentieth Century-Fox has paid every bill submitted to it; Third, that there is a difference of interpretation of rules between the Budget Bureau and the Defense Department; Fourth, that the policy followed in making "Tora!" is the policy followed for 40 years; Fifth, and that the Government benefits as much from this policy as does the filmmaker.

Its 31 printed pages are a comprehensive analysis of the step-by-step filming of "Tora! Tora! Tora!" from its inception and first discussion with the Navy Department to its completion. It reviews the statutes and the policies that have governed cooperation between the military arms and the media; it noted the publicity about the pictures by the Congressmen; it surveyed each item of cost incurred by the Navy in its cooperation with the film company; it analyzed how the charges were computed, how and why they were billed or not billed, if not billed the reason given by the Navy for not billing; it discussed the Comptroller General's viewpoint about accounting practices; it pointed to the applicable Bureau of the Budget regulations; it noted that the General Accounting Office was concurrently carrying out a study requested by the Member; that a difference of opinion about accounting practices between the Defense Department and the GAO was probably inevitable; and finally it drew some conclusions of its own.

I am going to quote from that congressional report. It separates fact from fiction; it deals with realities; not political histrionics.

The congressional report made 21 separate findings. Finding No. 1 states:

> Statutory authority for Government assistance in the making of motion pictures by outside groups is not explicit but inferred from laws giving broad administrative power to the Secretary of Defense and military department heads (10 U.S.C. 133(b), 3012, 5031, 8012) and from a general statute prescribing policies for charges to users of Government services who receive special benefits (65 Stat. 290, 31 U.S.C. 483(a) (Supp. III)). The Comptroller General believes that such assistance is not in violation of law.

Finding No. 3 is as follows:

> Within the Department of Defense there was general agreement (with a subsequent exception on the carrier issue) that assistance to the film maker on the "Tora! Tora! Tora!" project was fully justified by the nature, purpose, and content of the film script. Extensive effort was made in Government quarters to check and correct the script and to supply information or other services which contributed to historical authenticity and factual accuracy.

Here is what finding No. 4 declares:

> Twentieth Century-Fox was or will be billed aupproximately $300,000 for Government material and services used during the filming of "Tora! Tora! Tora!", and the company paid an additional $489,000 to military units or individuals who voluntarily participated as pilots, extras, or support personnel. The latter figure includes $7,000 in donations to ship welfare and recreation funds where ships were briefly delayed for filming purposes.

In short, the film company has paid the Government almost $800,000 for direct services and to its personnel in the making of the film.

Congressional committee finding No. 5 is of importance because it makes clear that the problem of billings for services is not a simple, easily calculable one, and that what has been billed has been paid. It says:

> Judgment as to the adequacy of the billings depends partly on the cost concept applied, partly on the diligence of local activities in identifying reimbursable costs. In terms of extra or out-of-pocket expenses (which seem to be contemplated by the applicable directive), a large variety of services was, or will be, reimbursed, though the GAO will report that some reimbursable-type items were not billed, and in other cases billings were belated.

I will skip finding No. 6 in the interest of brevity. It emphasizes that in the Defense Department there is no central coordination, supervision and reporting of the kinds and amounts of items billed. It makes clear that if there are discrepancies of missed billings, these are internal accounting problems. Certainly the film company cannot be charged with evasion or nonpayment if the problem is an intergovernmental one in which the General Accounting Office thinks that the billings procedure ought to be one way and Defense believes it should be another. The Member of the other House chooses to ignore this fact and attacks the film company as the culprit. Finding No. 7 states that "Department of Defense instructions on governmental assistance to motion picture companies are not explicit, precise, or consistent on the matter of cost reimbursement."

It will be recalled that the General Accounting report suggested that a charge should have been made for the 2½-day use of the carrier. Here is what the congressional report says in finding No. 8 on this point:

> If a cost concept alternative to that of recovering out-of-pocket expenses were applied, which would allocate a portion of estimated total operating costs to a given segment of assistance; for example, the hourly or daily cost of ships used in filming scenes, then the cost to the company would have been substantially, and possibly prohibitively, higher. The Department of Defense instruction regarding assistance to film makers does not specify such a concept of allocated cost.

The next finding continues:

> Cost reimbursement in this particular field is complicated not only by lack of fully consistent instructions or prescribed criteria or standards, but by the consideration that the Government as well as the company benefits from the making of the film. Government assistance in the first instance is conditioned upon benefit to the national interest and the Department of Defense.

That, I submit, is the key to the entire policy; benefit to the national interest and to the Department of Defense. The Navy obviously felt that it is important for young people living a quarter of a century after the event to see and feel Pearl Harbor and get some idea of the long, difficult and successful road back. I happen to agree completely.

Suppose, for example, the Navy couldn't cooperate in making the film. Suppose a cost basis was established that made the project uneconomic. What would the film company do? It could go abroad and make the film. It would be welcomed with open arms in a dozen countries. For a decade we in California have been dealing with the problem of American film production abroad. In all other countries where all film production is completely subsidized, foreign governments are eager for American film production. They hold out substantial economic benefits. They make soldiers and guns and ships and castles and whatever else is needed available at small cost. American unions and guilds whose membership embrace every element of personnel in movie making have been struggling with this problem for years. California congressmen and senators have sought and continue to seek ways and means to encourage domestic production. And now we come up against a situation where a Member of Congress, who is seemingly unaware of our problems, would encourage a policy that will send American production abroad and bring about greater unemployment in Hollywood.

I continue to quote from the findings of the House Military Operations Subcommittee. No. 13 says:

> The record is clear that the Navy, including the theater and fleet commands, strongly favored from an early date accommodation to the film company's request for use of a carrier . . . The military pilots who flew the aircraft, and the enlisted men who performed as extras, did so voluntarily, on leave status, and were compensated for their participation. Granting of concerted leave was an accommodation to the film project which the Navy viewed as permissible within the context of officially-approved cooperation and within the laws and regulations relating to off-duty employment of military personnel. . . . Twentieth Century-Fox appeared responsive in complying with official requests or otherwise taking steps to protect Government personnel and equipment in the conduct of filming operations . . . in the case of the six enlisted men who required hospitalization for burns, the company bore their medical and hospital expenses.

I interject here that the Member of the other body in one of his press releases claimed that the men were injured while on duty, that they were not recompensed, and that the Government paid medical and hospital expenses. Since the facts were pointed out revealing he had been in error on each point, he has not repeated the erroneous charges.

Mr. President, what is at stake here is the entire policy of cooperation between the Government and all the media, not only film makers. The important point is not whether the film company was properly billed for services, or whether the additional suggested billing is equitable, or whether the Defense Department or the General Accounting Office is correct. What I am concerned about is that a policy and program followed for 40 years with general benefit to our Government is being put in jeopardy.

As the Military Operations Subcommittee report observes:

> From the Government's point of view, assistance to film makers can have positive values. If it is decided that the film will help recruiting, or portray favorably some aspect of military life or operations, or recapture an important martial event in the nation's history, the Department of Defense is prepared to assist . . . If the assistance seems excessive, or not sufficiently reimbursed or unseemly in the context of wartime requirements, it invites allegations of military use of resources for propaganda purposes, *particularly if the critic is opposed to dramatization of military life.*

The emphasis on that last phrase, Mr. President, is my own.

The congressional report said:

> Our review of the "Tora" files in the Government shows that extensive efforts were made to assure the greatest possible accuracy in script and portrayal of events. There are pages of comments and criticisms on almost every scene in the script from various historical offices within the Government, and these comments cover not only key events but such minute details as the rank of a minor officer in a given scene at the time of the Pearl Harbor attack. The comments of Government experts were carefully taken into account by Twentieth Century-Fox in revising the script. Indeed, acceptability of the script is a condition of Government assistance, not only for the sake of accuracy and authenticity but to make sure that certain values of dignity and property are observed.

I cannot close these remarks without a personal comment about Darryl Zanuck, the chief executive officer of Fox, who feels his own integrity is being impugned. In the course of a personal letter he pointed out that at the age of 15 he ran away from his home in Wahoo, Nebr., to enlist for World War I. After serving 9 months with the 34th Division in New Mexico he went overseas and served there until the end of the war. Just before our country got into World War II, at a time when Mr. Zanuck was a $5,000-a-week studio executive for Fox, he broached the idea to Chief of Staff Gen. George Marshall of preparing training films to speed training of our troops. General Marshall approved, had Zanuck commissioned to be in charge of the project, and Zanuck took a leave of absence from Fox without pay. He served throughout the war, in England, the Aleutian Islands, and North Africa; with Lord Mountbatten in command of cross-channel raids and with Gen. Mark Clark in Africa and Italy. He was awarded the Legion of Merit with an unusual citation.

To me, and to all who know Darryl Zanuck, it is inconceivable that a man with this war record, who first enlisted at 15 and who quit a $5,000-a-week job when he was well beyond military age to again serve his country, would be associated with a film that denigrates his country of its military services.

I believe it is important that the record of this matter be kept straight both for the sake of Mr. Zanuck personally and of broader significance, for the sake of continuing the mutually beneficial cooperation between our armed services and the media.

RAILROAD ACCIDENTS CONTINUE TO INCREASE AT AN ALARMING RATE

Mr. HARTKE. Mr. President, I invite the Senate's attention to a recent report by the Federal Railroad Administration indicating that in 1969, for the 12th consecutive year, the number of train accidents continued upward. There were 500 more accidents in 1969 than in 1968. That is an increase of 6 percent over the past year and an increase of 60 percent over the last 5-year period. The deaths and injuries continue to be at a very high level.

The bill passed by the Senate in December 1969 would curtail to a large extent this continuing trend in railroad accidents. The Senate in passing the bill in December in effect determined that the soaring accident rate on the Nation's railroads, coupled with the great potential for disaster when an accident occurs, requires early and effective governmental attention. The Senate has also made the judgment that the Federal Government, in its effort to provide for greater safety on the Nation's railroads, should enlist the assistance of those States which have the capability and which are willing to join in the effort. The Senate, by its action, also recognized that the railroad industry is the only mode of transportation in the United States which presently is not subject to comprehensive Federal safety regulations.

The great danger in this alarming acceleration of railroad accidents is not merely in the number of deaths or the property damage and injuries which have occurred in the past. These statistics alone do not provide an accurate picture for disaster attending the operation of the Nation's railroads. Railroads today, as well as other carriers, are transporting extremely flammable explosives, highly reactive and poisonous substances throughout the Nation's metropolitan areas and countrysides. It has been reported to the Commerce Committee that there are 25 new dangerous commodities considered for marketing purposes every day. Often, as the committee learned so well during its hearings, the hazardous materials carried are so exotic and represent such an unknown factor that control of fire and contamination resulting from an accident is too often beyond the capability of local authorities. Special firefighting equipment and procedures may be necessary for each of several kinds of materials that are being transported on a single train.

Biological and chemical warfare materials including deadly nerve gases have been shipped in the past and may be shipped in the future by the Defense Department on the Nation's railroads. Increased accidents, greater speeds, and more hazardous shipments provide an extremely lethal combination so that with increased frequency, train wrecks threaten whole communities with flame explosions, and contamination by poisonous chemicals. The Senate-passed bill makes provision to meet this problem.

Testimony before the Surface Transportation Subcommittee indicated that railroads are making an effort to eliminate unsafe conditions. Indeed, some railroads have enjoyed very good safety records. Progress has been made but there have been changes in freight car and locomotive sizes and weights, changes in speed, problems such as axle and journal failures, broken wheels, undue strain on couplers and draft gears due to bigger cars and larger train consists, inability of longer freight cars to negotiate sharp curves, crossovers, and turnouts, buckling of jumbo tank cars without center sills when the car is subjected to compressive drawbar force, and the harmonic rocking of freight cars

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with high centers of gravity. Human failures are also a factor. All these elements pose problems which may require much greater research than has thus far been brought to bear.

Until the Senate action was taken on S. 1933 little attention had been paid to the need for greater railroad safety at either the State or Federal levels. The rail safety statutes now in effect apply only to very specific safety hazards and leave the greatest cause of accidents beyond the control of the Federal Government.

It is essential that Congress complete action on this very vital legislation before the end of this Congress.

Mr. President, I ask unanimous consent that the Federal Railroad Administration rail safety report for 1969 be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF TRANSPORTATION NEWS

Train accidents continued upward for the 12th consecutive year in 1969, topping the high mark set the previous year by 500 accidents, according to a preliminary year-end report made public today by the Federal Railroad Administration.

The 8,529 train accidents reported in 1969 represented a 6 percent increase over 1968 and a 60 percent rise over the last five-year period, the FRA said. Of the total, 493 accidents resulted in casualties—up 13 percent from the previous year.

Five passengers were killed and 294 injured in train accidents during 1969. This compares with 683 injuries and 2 passenger deaths in 1968. Employee casualties totaled 179 killed and 16,709 injured—up from the 146 deaths in 1968 but down from the 17,600 injuries.

Rail-highway grade crossing accidents resulted in 1,505 deaths and 3,712 injuries. While both categories were below 1968 levels, the totals continued above the 1,500 and 3,700 marks for the sixth straight year.

Accidents involving trespassers resulted in 610 fatalities and 655 injuries in 1969, down slightly from 628 fatalities and 663 injuries in 1968.

The 12-month preliminary report is attached.

DEPARTMENT OF TRANSPORTATION, FEDERAL RAILROAD ADMINISTRATION

PRELIMINARY REPORT OF RAILROAD ACCIDENTS AND RESULTING CASUALTIES, DECEMBER 1969

[This statement, issued monthly, furnishes preliminary accident report data as reported by all railroads in the United States without detailed examination or final corrections. FRA 6180-2, formerly FRA Form M 400, "Summary of Accidents Reported by All Line-haul and Switching and Terminal Railroad Companies," released at a later date on a monthly, quarterly, and annual basis furnishes these data on a corrected basis and in greater detail]

Item	Month of December		12 months ended December	
	1969	1968	1969	1968
Number of train accidents [1]	783	800	8,529	8,028
Number of accidents resulting in casualties	33	33	493	435
Number of casualties in train, train-service, and nontrain accidents: [1]				
(a) Trespassers:				
Killed	40	46	610	628
Injured	43	43	655	663
(b) Passengers on trains:				
In train accidents: [1]				
Killed			5	2
Injured			294	683
In train-service accidents: [1]				
Killed			1	9
Injured	49	53	574	646
(c) Employees on duty:				
Killed	8	10	179	146
Injured	1,325	1,602	16,709	17,600
(d) All other nontrespassers:				
Killed	166	183	1,500	1,574
Injured	551	494	5,070	5,016
(e) Total, all classes of persons:				
Killed	214	239	2,295	2,359
Injured	1,968	2,192	23,302	24,608
Total highway grade-crossing casualties for all classes of persons:				
Killed	171	177	1,505	1,547
Injured	421	379	3,712	3,807

[1] Train accidents are those arising from the operation or movement of trains, locomotives, or cars which result in more than $750 damage to equipment, track, or roadbed with or without a reportable death or injury; train-service accidents are those arising from the operation or movement of trains, locomotives, or cars which result in a reportable death or injury but not more than $750 damage to equipment, track, or roadbed; nontrain accidents are those which do not result from the operation or movement of trains, locomotives, or cars.

LAOS

Mr. MATHIAS. Mr. President, on Wednesday I warned in a floor speech, that American intervention in Laos violates the spirit of two congressional foreign policy directives and has created an arena for the repetition of the mistakes of our Vietnamese involvement. Several of my colleagues supported this position. They expressed their concern that Laos could become another Vietnam and American forces should not be committed there without congressional approval.

I commend to my colleagues an excellent editorial in today's New York Times which is germane to Wednesday's discussion and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DILEMMA IN SOUTHEAST ASIA

Defense Secretary Laird's promise that President Nixon will not send combat troops to Laos without the consent of Congress is hardly reassuring, in the light of the secrecy that continues to surround already serious United States involvement there and the apparent ineffectiveness of American-support efforts to stem a new Communist drive.

Having failed to be candid about its current and past activities, the Administration cannot expect the public to have confidence that it is being treated with candor on the disquieting question of future prospects.

Hanoi has caught the Nixon Administration in a policy dilemma in Southeast Asia. While the policy of Vietnamization invites prudent restraint on the part of the North Vietnamese and their allies in South Vietnam, the new Nixon Doctrine of "no more Vietnams" invites alternative Communist counterthrusts in neighboring Laos.

A satisfactory solution certainly cannot be found by reverting to the discredited past policies of continuing to Americanize the war in Laos. The answer lies in moving more rapidly to apply the Nixon Doctrine of restraint in Vietnam itself.

Only by seeking a speedy settlement in Vietnam, consistent with this country's limited interests in the whole area, can the United States hope to extricate itself from the contiguous quagmire in Laos. War and peace in Southeast Asia are indivisible. The Nixon Doctrine cannot be applied piecemeal.

INTEGRATION IN THE SCHOOLS

Mr. KENNEDY. Mr. President, I was thoroughly impressed with William Raspberry's treatment of the integration crisis in our public schools. Mr. Raspberry is one who has for a long time been quite close to the issue of school integration in the schools of our Nation's Capital. His recent column in the Washington Post presents a well-reasoned view of our current stance in this critical national issue.

For that reason, I request unanimous consent to enter in the RECORD William Raspberry's column of February 20, 1970, as it appeared in the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONCENTRATION ON INTEGRATION IS DOING LITTLE FOR EDUCATION

(By William Raspberry)

Racial segregation in public schools is both foolish and wrong, which has led a lot of us to suppose that school integration must, therefore, be wise and just.

It ain't necessarily so. It may be that one reason why the schools, particularly in Washington, are doing such a poor job of educating black children is that we have spent too much effort on integrating the schools and too little on improving them.

The preoccupation with racial integration follows in part from a misreading of what the suit that led to the 1954 desegregation decision was all about.

The suit was based (tacitly, at least) on what might be called the hostage theory. It was clear that black students were suffering under the dual school systems that were the rule in the South. It was also clear that only the "separate" part of the separate-but-equal doctrine was being enforced.

Civil rights leaders finally became convinced that the only way to ensure that their children would have equal education with white children was to make sure that they received the same education, in the same classrooms.

Nor would the education be merely equal, the theory went: It would be good. White people, who after all run things, are going to see to it that their children get a proper education. If ours are in the same classrooms, they'll get a proper education by osmosis.

That, at bottom, was the reasoning behind the suit, no matter that the legal arguments were largely sociological, among them, that segregated education is inherently unequal.

(Why it should be inherently more unequal for blacks than for whites wasn't made clear.)

In any case, the aim of the suit was not so much integrated education but better education. Integration was simply a means to an end.

Much of the confusion today stems from the fact that the means has now become an end in itself. Suits are being brought for integration, boundaries are being redrawn, busing is being instituted—not to improve education but to integrate classrooms.

The results can sometimes be pathetic.

In Washington, blacks send their children (or have them sent) across Rock Creek Park in pursuit of the dream of good education. But as the blacks come, the whites leave, and increasingly we find ourselves busing children from all-black neighborhoods all the way across town to schools that are rapidly becoming all-black.

The Tri-School setup in Southwest Washington is a case in point. Of the three elementary schools in the area, only one was considered a good school: Amidon, where the children of the black and white well-to-do attended. Bowen and Syphax, populated almost exclusively by poor kids from the projects, were rated lousy schools.

Then the hostage theory was applied. A plan was worked out whereby all first- and second-graders in the area would attend one school, all third- and fourth-graders a second, and all fifth- and sixth-graders the third.

The well-to-do parents would see to it that their children got a good education. All the poor parents had to do was see to it that their children were in the same classrooms.

That was the theory. What happened, of course, is that instead of sprinkling their children around three schools, the luxury high-rise dwellers, black and white, packed their youngsters off to private school. Now instead of one good and two bad schools, Southwest Washington has three bad ones.

After 16 years, we should have learned that the hostage theory doesn't work. This is not to suggest that integration is bad but that it must become a secondary consideration.

Busing makes some sense (as a temporary measure) when its purpose is to transport children from neighborhoods with overcrowded classrooms to schools where there is space to spare.

It works to a limited degree when it involves children whose parents want them bused across town for specific reasons.

But it has accomplished nothing useful when it has meant transporting larger numbers of reluctant youngsters to schools they'd rather not attend.

The notion will win me the embarrassing support of segregationist bigots, but isn't it about time we started concentrating on educating children where they are?

GOLDEN ANNIVERSARY OF THE NATIONAL FEED INGREDIENTS ASSOCIATION

Mr. MILLER. Mr. President, I ask unanimous consent to have printed in the RECORD the proclamation of the Governor of the State of Iowa concerning the golden anniversary of the National Feed Ingredients Association.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION OF NATIONAL FEED INGREDIENTS ASSOCIATION

Whereas, the People of Iowa should be informed that a national agri-industry trade association is celebrating its 50th Anniversary during 1970; and

Whereas, this trade association is the Nation's second largest, and that it had its origin in Iowa in the year 1920; and

Whereas, Iowans have had considerable influence in guiding the destiny of this association, such as the current President, Al E. Zupek of Burlington; the President-Elect, John W. Megown of Marion; the immediate Past-President, Wayne Fox of Des Moines; the Executive Vice-President, Marvin Vinsand of Des Moines; and many othe Iowans have served in key capacities; and

Whereas, all Iowans should recognize the leadership that the National Feed Ingredients Association, Des Moines, has given in the area of sponsoring broad-scope livestock nutrition research and in the area of developing a better image for American Agriculture; and

Whereas, these efforts have helped to allow Iowa's and America's farmers to produce the best food in the world—both from an economical and from a nutritional standpoint, and these efforts have also let consumers better understand the farmers of Iowa and of America.

Now, therefore, I, Robert D. Ray, Governor of the State of Iowa, do hereby proclaim the year 1970 as the Golden Anniversary of the National Feed Ingredients Association in Iowa.

In testimony whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 15th day of January in the year of our Lord one thousand nine hundred seventy.

ROBERT D. RAY,
Governor.

Attest:

MELVIN D. SYNHORST,
Secretary of State.

THE POST EXCHANGES

Mr. RIBICOFF. Mr. President, Walter Rugaber of the New York Times has written a most informative article about the system of post exchanges that serves our military and other persons associated with the military in the United States and in certain areas throughout the world. Important questions are raised in Mr. Rugaber's article and other Senators may find it of interest.

I ask unanimous consent that this vehicle from the New York Times of February 27, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PX SYSTEMS ONE OF WORLD'S MOST POWERFUL AND LEAST VISIBLE RETAILING ENTERPRISES

(By Walter Rugaber)

WASHINGTON, February 26.—A Government agency operating with an aggressive and largely unfettered management has built an obscure string of stores into one of the largest, most powerful and least visible retail enterprises in the world.

It enjoys a substantial Federal subsidy, an exclusive license to trade on American military installations throughout the world, and a firm hold on nearly 5 per cent of the nation's consumers.

But it labors under few of the controls imposed on most Government units. There are no anxious sessions with the Budget Bureau, no annual appearances before Congress and no sudden visits from auditors in the General Accounting Office.

There is from time to time a vague uneasiness about this curious institution, known broadly as the military exchange system and informally as "the PX," or post exchange.

SEVEN ARE INDICTED

Yesterday, a Federal grand jury in New York indicted seven former and present employes of an exchange unit in Europe on charges that they had accepted kickbacks in return for placing large PX orders with an American sales representative.

There is no doubt that others among the more than 115,000 people who work for the exchange system not only have taken bribes but also have stolen money directly from cash registers and have pilfered merchandise from stores and warehouses.

Thefts and the like, along with innocent bookkeeping errors and shoplifting by patrons, cost the Army and Air Force exchange organization $22.3-million in one year. This amount included a $12-million shortage in Vietnam.

The $22.3-million is just over 1 per cent of sales, which compares favorably with the experience of many civilian outlets. Losses in many American stores have been increasing lately, and shortages of 3 per cent and more are said to be common.

LUXURIES IN VIETNAM

Many of the exchange system's difficulties have been traced to Vietnam, where the PX offered Americans an array of home-front luxuries unheard of in any other war and has created tremendous business opportunities.

Specific abuses help attract attention. The Federal grand jury in New York is likely to continue its bribery investigation, and the staffs of at least two Congressional committees have been making inquiries about the exchanges.

The General Accounting Office has tried more than once to inspect PX records and has been turned down each time. But it recently has made still another approach, and there is some prospect of an audit.

There are questions much broader and more intricate than kickbacks and black markets, however. About general operating policies, relatively little is known, and there is uneasiness about that fact alone.

"Off the record," remarked a source with broad knowledge of the exchanges, "I think it's bad, just as a matter of public policy, to have an operation that big without anybody keeping up with what's going on inside."

CIVILIAN RETAILER'S VIEW

Small civilian retailers are convinced that the exchanges are dangerous and unfair competitors that ought to be abolished entirely or at least reduced to the sale of a few very basic necessities.

Big business, for its part, sees the military market not only as an important outlet for its products but also as a valuable promoter of sustained brand loyalties among a predominantly young and susceptible customer population.

Individual Senators and Representatives receive endless appeals from both forces and intervene for this side or that, always with discretion and generally with effect. Congressmen fire off dozens of letters to the exchanges each week.

The managers wield great power under pressure, the pressure applied by others and the pressure of their own aims. The process often makes them nervous and defensive, and serves to heighten the suspicions held by others.

COVER-UP ALLEGED

"I feel more strongly than ever that there is a cover-up," a frustrated businessman said after losing a major contract under what he considered questionable circumstances, "because the reply is weak and evasive." He was referring to the exchange system's reply to his complaints.

Exchange officials decide which products to buy and place on the shelves—and which ones to ignore. Favored items can become "musts," which require every store in the world to keep them in stock at all times.

Pleasing the men on active duty, and their families, is important to the Pentagon. The exchanges are a major fringe benefit, so considered in pay arrangements, and they influence re-enlistment rates.

The consumers are indifferent to the established wishes of Congressmen and other outsiders who want a limited PX. The people who shop in them want a bigger and bigger exchange, and in that they have been well accommodated.

The business may seem inconsequential enough to all those who think of a PX as the homely, out-of-the-way place where servicement buy cigarettes and chocolate bars and nylon stockings at cut-rate prices.

A VENTURESOME ORGANIZATION

The reality, however, is a venturesome merchandising organization that sells mutual funds, baby furniture, diamonds, automobiles and tape recorders; invests in sophisticated computers, and buys in huge volume to drive down prices.

More than $3.1-billion in annual sales rank the military exchange system above Montgomery Ward, F. W. Woolworth, S. S. Kresge, W. T. Grant, and every other chain in the United States except Sears, Roebuck and J. C. Penney.

While exchanges do business on a global basis and sell, according to one estimate, at an average of 35 per cent below list price, the profits rarely fall under 5.5 per cent of sales, and thus exceed those of any major competitor.

These gains are divided between the individual services' welfare and recreation funds and exchange reserves. The some $110-million donated to the funds is about equal to direct subsidies for items such as overseas shipping of merchandise.

The most profitable civilian retailer, Sears, Roebuck, reported a net income of 5.1 per cent on sales. The exchanges have the advantage of a Federal tax exemption.

Their gains are divided between individual services, welfare and recreation funds and the exchanges' reserves. The some $110-million donated to the funds is about equal to direct subsidies for items such as overseas shipping of merchandise.

FUEL FOR THE BOOM

The PX boom is fueled only in part by the higher troop levels brought about by the war in Vietnam. At least as important to its rise is the response by its consumers to the explosion of brands, advertising and display.

More and more of the outlets on military bases are simply modern department stores. More than 20,000 items often are laid out in an attractive, neon-lit, tiled and carpeted expanse that covers a half-acre or more.

"What a far cry from the old days of 20 or more years ago when I was on active duty," said a retired serviceman who had just strolled through one of the exchange system's elaborate emporiums.

Whatever the troop levels, the individual patron is buying more in the PX. Per capita sales in Army and Air Force exchanges have climbed dramatically from $536 in 1960 to $834 in 1969.

Outsiders interested in this increasingly successful system find even its most fundamental aspects, such as organization, a forbidding tangle of imbalance, contradiction, interrelation and exception.

The Army, Navy, Air Force, Marines and Coast Guard all have exchanges ultimately and theoretically responsible to the services and—much more ultimately and theoretically—to an Assistant Secretary of Defense.

The exchanges are an instrument of the Government only because of some indirect statutory reference and court decisions. There is no formal legislative authority; their only real charter is a collection of military regulations.

Relatively little of the money is appropriated by Congress, and it probably would be impossible to identify in the Federal budget. Most funds are generated by servicemen's purchases and therefore are considered beyond regular scrutiny.

Two of the military departments have formed the Army and Air Force Exchange Service, which dominate the service exchange field by making more than 70 per cent of the sales and establishing much greater centralization and control.

More than 98 per cent of the Army and Air Force Exchange Service's 80,000 employes are neither military men nor civil servants but workers with their own pay scales, insurance programs and retirement benefits.

THIN MILITARY LAYER

Many of these men and women have been running things for years. Above them is a thin layer of military officers, a single chief executive, a board of directors composed largely of widely separated generals, and two or three men in the Pentagon.

The military executives are regularly rotated. All the directors have other jobs and their strictly private meetings are said by several sources to mask a somewhat limited knowledge of exchange operations.

The Pentagon frequently is not consulted on policy, a recently obtained civilian study reports, and the tiny staff there is described as mainly "a problem solver rather than a problem preventer."

The most recent public hearings before a Congressional committee were held 13 years ago. The panel was concerned exclusively with one of the periodic battles over the items to be sold in domestic exchanges.

A FOUR-PAGE LIST

The House Armed Services Committee first drew up a list of "authorized" merchandise and maximum prices in 1948, and it has amended this document in private negotiations and public sessions several times since.

The accepted products march with precision and solemnity down four single spaced pages. There are, for example, "bags, shoulder," "bags, garment and laundry," and "bags, sleeping, including mattress."

The Congressmen added electric blankets, coffeemakers and portable typewriters in 1957. They raised the cost limits on girdles and garter belts from $4.50 to $10 in 1965, and they approved sport coats and surfboards in 1967.

Certain goods are conspicuously missing. The committee always had made it a point to check exchange suggestions with lobbyists for the relevant retail association, and some never survive the process.

A serviceman may buy gasoline, oil, batteries, and auto accessories such as seat covers and luggage racks, but not tires. He may purchase radios, tape recorders and record players, but not television sets.

The exchange system defends its independence with much persistence and determination. Many of its judgments, like judgments generally, are subjective and could be difficult to explain.

"Flexibility" is an article of faith with Brig. Gen. George C. McCord, the 52-year-old Air Force officer currently running the Army and Air Force Exchange Service from its new, six-story, well-appointed headquarters in Dallas.

"We operate essentially as a commercial corporation does," he said. "We're quite different from the Department of Interior. Does anybody from outside look at Sears, Roebuck or Montgomery Ward?"

The exchange can react to special circumstances such as the build-up in Vietnam more smoothly than military commissaries (grocery stores). It is widely agreed that the traditional restraints hobble them badly.

If the PX was subject to the appropriations process, General McCord argues, "it'd take six months if you ever got the money at all."

ANNUAL AUDIT

General McCord argues that he is hardly on his own. There is an audit each year by a civilian firm. The exchange service checks major issues with the Armed Services Committee staff, much as big business checks price increases with the White House.

More important, there is an extensive system of internal controls, and its civilian head, Robert K. Jamison, is not an auditor but a man with more than 25 year's experience with PX operations in the field.

"The emphasis is not on adding two and two and getting four," Mr. Jamison says. There are shelves full of regulations, and his staff is blunt and unforgiving about the most serious and most trivial transgressions. Some examples are:

Officials in Vietnam based their orders on sales, without considering items that had been unavailable, and helped produce shortages. Twelve of 22 main stores were out of safety matches, and a main depot had seen none for eight months.

A food concessionaire at Fort Benning, Ga., was reminded of contract specifications—but not penalized—after he had sold steak sandwiches for 45 cents instead of 40 cents and had served three ounces of meat instead of four.

The exchange headquarters leased office space from a prominent businessman, James S. Lee, and violated command regulations by paying the rent for a full year in advance and by paying more than the officially established ceiling.

DETAILED REGULATIONS

The regulations are systematic and handy and detailed enough to produce the complaints from auditors that a few documents were not "securely fastened" to their file folders. But sometimes things are not so pat.

There is considerable evidence that the exchanges lack enough really broad review, an independent skepticism that is aimed at entire ventures and policies and is difficult to mount from within. Some examples include the following:

Impatient with the Pentagon's pace in providing store facilities from appropriated funds, the exchanges simply started building their own and spent $151 million before a startled Congress asked for a "clarification of procedures."

The Army and Air Force Exchange Service has poured its goods into Vietnam despite a notorious and thriving black market, allowing no more than 7 per cent of its total customers, in the midst of a war, to account for 15 per cent of its sales.

With scarcely a word to anyone, the exchanges began awarding single worldwide contracts to one or two large companies, thus abruptly dropping many smaller concerns though many customers like wider selections.

Concessionaires are loosely controlled, especially in Vietnam where many operate entirely on their own, and companies that supply shoddy goods or commit other infractions are rarely penalized or even named.

"We're almost forced to give a guy a second chance all over again," an official remarked, "because invariably you're called on to justify whatever you've done through political channels."

DISTRICT OF COLUMBIA CRIME SUMMARY

Mr. **MATHIAS**. Mr. President, to remind the Congress of our continuing responsibilities to the people of the District of Columbia, I ask unanimous consent to include in the Record at this point two items dealing with crime in the Nation's Capital.

One is the discouraging list of crimes committeed in the District on yesterday, as summarized in the Washington Post this morning. The second is a more encouraging article, from yesterday's Evening Star, announcing the formation of the city's second youth courtesy patrol, to begin Monday in the Shaw area. This patrol, similar to one which is operating successfully in the Mayfair-Paradise housing complex, is composed of teenagers who will patrol their neighborhood in the evenings to prevent and discourage crime.

I commend the members of this patrol, the city government and all involved for this new effort to involve citizens actively in crime prevention. This is a good example of the type of effort which the Congress should actively promote to supplement the policy improvements which we ourselves must obtain.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Feb. 28, 1970]

WOMAN, 77, BEATEN AT NW CHILDREN'S STORE

A 77-year-old Washington woman was found beaten unconscious yesterday morning on the floor of a Connecticut Avenue children's shop where she had been working alone, police reported.

Police said two customers entered Bushee Children's Apparel, 1311 Connecticut Ave. NW at 11:40 a.m. and found Marguerite Ramme, of 2130 N St. NW, lying on the floor.

Her unknown assailants had apparently taken about $50 from the cash register, according to police.

Mrs. Ramme, who had been beaten in the head, was taken to George Washington University Hospital in serious condition. Yesterday afternoon, hospital officials said she had recovered consciousness but was still in serious condition.

In other serious crimes reported by area police up to 6 p.m. yesterday:

STOLEN

Two watches, an emerald and diamond brooch valued at $3,000, 10 $5 gold pieces, a silk scarf and a pair of French-made suede gloves, with an estimated total value of over $3,200, were stolen between 7 p.m. and 11:15 a.m. Wednesday from the home of Irving Ferman, of 3818 Huntington St. NW.

A total of $500 in $20 bills was stolen from a hall closet in an apartment at 4010 South Capitol St. SE. Charles Buck Jones, the owner of the apartment, told police the theft occurred between 8:30 a .m. and 9 p.m. Thursday.

A $600 Persian lamb coat was stolen about 8:05 p.m. Thursday from a car belonging to Lois Dandre, of Washington, while it was parked near her home in the 1400 block of 4th Street S.W.

A television set, a tape recorder, a fur coat, a jewelry box, a strand of pearls, two sets of earrings, 19 rings, four bracelets, a pin and a locket, with a total value of $1,033, were stolen from Mark E. Newman, when his apartment at 1603 S St. N.W., was burglarized about 12:40 p.m. Thursday.

Tools and a record player were stolen and several rooms and offices ransacked at Mott School, 4th and Bryant Streets N.W., sometime between 10 p.m. Tuesday and 8 a.m. Wednesday.

Approximately $800 in cash was stolen about 5:30 p.m. Wednesday from under the counter of a business located at 1301 E Street N.W.

Electronic phonograph equipment and a clock, valued at $1,030, were reported stolen Thursday from the home of Norwood L. Carroll, 305 Prince St., Alexandria, by burglars who forced open the door of the home.

ASSAULTED

Darrell L. Blagburn, of Washington, a Hendley Elementary School student, was treated at Cafritz Hospital for injuries he suffered as he was walking home from school Wednesday. Blagburn told police three young boys he recognized as fellow students attacked him at 6th and Chesapeake Streets S.E.

Gary B. Tolbert, of Washington, was treated at Rogers Memorial Hospital for wounds he received when he resisted a robbery attempt. Tolbert said a lone youth approached him at 4th and G Streets N.E., demanding money. When he refused, the youth hit him in the mouth and fled on foot.

ROBBED

High's dairy store, 2838 Alabama Ave., SE., was held up about 8:15 p.m. Thursday by two youths, one displaying a handgun who said to the clerk, "This is a stickup. Give me all the money. Give me all the green and put the silver in the bag too." Grabbing the sack full of cash, the pair fled on foot, north on Alabama Avenue.

Carmine Curtis, Joann Haltwanger, Patricia Ferell and Annie Jones, all of Washington, were held up Thursday while they were walking near Miss Haltwanger's home in the 3600 block of Jay St. NE. Two young men, one armed with a shotgun, approached them from the rear and demanded, "Hold it. Give me your pocketbooks." They took purses from two of the victims and a fur coat from a third, then drove off in a car occupied by two other men.

Tivoli Theater, 14th Street and Park Road NW., was robbed about 7:30 p.m. Thursday by three youths who told the cashier in her booth, "Give me the money, Miss. Walk, don't run." While one of the youths pointed a pistol at her, she handed the trio the cash and they ran east on Park Road.

High's dairy store, 5630 Georgia Ave. NW., was held up about 12:45 p.m. yesterday by a youth wielding a revolver who handed the clerk a brown grovery bag and ordered, "Put the money in the bag." Taking the sack full of money, the gunman said, "You all take it easy," and fled out the front door.

High's dairy store, 5002 1st St. NW., was held up about 1:05 p.m. yesterday by a teenager armed with a revolver who forced the clerk to put the money into a brown paper bag and fled from the store.

Irving Wallace, of Owings, Md., was held up about 3:30 p.m. Thursday in the 1100 block of 13th Street NW., by two men, one of them concealing a gun in his pocket. The gunman forced Wallace to surrender his money and the five pair of pants he was carrying over his arm. The pair fled north on 13th Street from Massachusetts Avenue.

Weldon Alphonso Carter, of Washington, a taxi driver, was held up about 3 a.m. Thursday by a young man who hailed his cab at Nichols Avenue and V Street SE., and asked Carter to driver him to Langston, and Peynolds Place SE. At that location, the passenger told Carter he had to go inside to get money for the fare. When he returned, he pointed a rifle at the driver and demanded his money. After handing the armed man his cash, Carter drove off and the gunman fired two shots after him.

Margarite Buck, of Washington, was admitted to Rogers Memorial Hospital for a fractured shoulder she suffered during a robbery near her home in the unit block of 9th Street NE., about 10 p.m. Thursday. A man approached her and struggled with her before escaping with a purse containing her salary check and another check. During the scuffle, Miss Buck received knee and facial lacerations as well as the shoulder injury.

Horace Dun, of Washington, was held up about 9:40 p.m. Thursday as he was delivering a passenger in his taxi to the 1600 block of Kramer Street NE. Two young men brandishing guns approached Dun and his passenger, demanding money. After handing their cash to the gunmen, the driver and passenger fled into a house in the block.

Wings 'N' More Wings, 1839 Benning Rd. NE., was held up about 2:20 p.m. Thursday by two youths who ordered fish sandwiches. As the clerk was preparing the order, one of them reached across the counter and grabbed the money. The pair escaped on 19th Street.

Addie Gay Williams, of 800 Southern Ave. SE., was held up about 9:20 p.m. Thursday in the parking lot adjacent to her apartment building. A young man got out of a taxi cab, pulled out a shotgun and told Miss Williams to hand over her pocketbook. Taking the purse, the gunman re-entered the taxi and escaped west on Southern Avenue.

Empire Liquors, 1800 14th St. NW, was held up about 4 p.m., Thursday by two young men armed with handguns who forced the owner to give them the money. The gunman removed the bills from the cash drawer, then escaped west in the 1400 block of S Street.

Steven W. Jackson, of Washington was held up about 11:30 a.m. Thursday as he was walking at Ontario Road and Euclid Street NW. Five teen-agers surrounded him, threatened him and fled with his money.

Lafayette Camp, of Suitland, was robbed about 4:30 p.m. Thursday in the unit block of 47th Street SE, as he was letting four men out of his car. The four, whom Camp had driven from Benning Road and East Capitol Street, forced the driver out of his car, took the keys, and drove off.

Douglass G. McPherson, of Washington, was held up in the 7400 block of Georgia Ave. NW, by a young man wielding a handgun who said, "Give me your money." The gunman took $5 from MacPherson's pocket and escaped in a yellow car.

Joseph H. Spriggs, of 1302 Fairmont St. NW, was held up about 3:10 a.m. Thursday by two men who entered his apartment while he was getting dressed. When Spriggs asked them what they wanted, one of them pulled out a revolver and said, "OK, let's have it." "Have what? I don't have any money," Spriggs replied. The gunman then directed his partner to search Spriggs and another victim, Lee Crutch. The pair took a watch from Crutch and money from Spriggs whom they tied up before fleeing out the front door.

Alexander Williams, of Washington, was held up about 6:35 p.m. Thursday in the alley of Ainger Place SE, by a young man demanding money. The man pointed a pistol at Williams, grabbed the money he offered and fled on foot.

Diana Armstrong, of Washington, was held up about 8:50 p.m. Thursday as she was walking on the corner of Upsal Street and Horner Place, SE, by five men who drove up to her in a taxi. One of them held a sawed-off shotgun on her and demanded money. Taking her purse containing $2, the men escaped north on Horner Place.

Patty Vaugn, of Washington, was held up about 2 a.m. yesterday in the 3800 block of 9th Street SE, by two youths, one carrying a long-barreled shotgun. "Hand over your pocketbook," the gunman ordered and grabbed the purse containing a check and a credit card. The man escaped in a green car occupied by two other men which headed east towards Southern Avenue.

Mary Hollander, of Washington, was held up about 7 p.m. Thursday in the 100 block of 12th Street SE, by a young man brandishing a handgun. "Give me your money and

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you won't get hurt," the gunman demanded and ran south with the bills.

Brightie Henderson and Velma Oliver both of Washington, were robbed Thursday as they were walking near their home in the 700 block of 5th Street NE, by a man who approached them saying, "This is a holdup." Seaching their pocketbooks, he removed $5 and papers from one and the cash from the other, then fled into an alley.

Store, at 1130 Constitution Ave. NE, was held up about 2:40 p.m. Thursday by a youth who warned the owner, Wallace Parker, "This is a stickup. Give me all you got." The youth took the money Parker handed him and ran out the front door, north on 12th Street.

George F. Taylor, of Landover, an employee of the United Parcel Service in Landover, was held up about 4:10 p.m. Thursday in the rear of the 700 block of Lamont Street NW, by two young men, one with a gun in his pocket, who warned, "Don't move. Where is the money?" After Taylor handed them the cash and checks from his pocket, one of the men asked, "Where is the ring?" When Taylor said he didn't have one, the men warned him not to move and fled on foot.

Boulevard Heights Market, 4900 Byers St., Boulevard Hgts., was robbed at 1:10 p.m. Thursday by an armed man who took money, Prince Georges County police said.

[From the Washington (D.C.) Evening Star, Feb. 27, 1970]

DETERRENT TO PETTY CRIME: TEENAGED PATROL STARTS MONDAY IN SHAW AREA

(By Roberta Palm)

There'll be a new bunch of teen-agers hanging around the bus stops, schools and alleys in the Shaw area starting Monday.

Instead of being the policeman's nemesis, they will augment the District's law enforcement officers.

They are the city's second Youth Courtesy Patrol, a group of teen-agers between 13 and 19 who will scan the area weekdays from 5 p.m. to 9 p.m.

Wearing bright orange caps and jackets to make themselves highly visible members of the patrol will attempt to be "a deterrent factor" for petty crime, James L. Jones, director of the Mayor Walter E. Washington's youth program, said. The mayor this week praised the patrol for involving citizens in anticrime programs.

Another who said he was extremely pleased that the corps would be in the Shaw area, where an estimated $300 million will be spent this year on urban renewal projects, was the Rev. Walter Fauntroy. He is president of the Model Inner City Community Organization, which is planning the Shaw urban renewal. A youngster will think twice before he vandalizes a construction site with the patrol around, he said.

ALARM AND REPORTING

Surveying schools, churches, construction sites and bus stops, the 50-member patrol under the direction of Lawrence Thomas will act as alarm and reporting units. The patrol will not be a law enforcement agency, Jones said.

The Shaw patrol stems from the success of a similar corps in the Mayfair-Paradise housing complex which has assisted persons in over 1,000 incidents in its four months of operation.

Thus far, the Mayfair corps has assisted more than 600 persons to and from bus stops, foiled more than 10 robbery attempts, reduced incidents of vandalism, assisted paperboys on their collection routes, and prevented one attempted suicide.

Traveling in three-man patrol teams, the young men will patrol 6th, 7th and 9th Streets NW and from U Street to about New York Avenue from their headquarters at 7th and T Streets NW.

Members will call their headquarters when they suspect foul play and Thomas will in turn call the police for help, Jones said. This procedure has worked well at Mayfair-Paradise, Jones said, and residents have had no complaints about the speed to which the police respond.

ONLY $1,500 USED

The initial funding for the unit has come from private citizens, and in the case of the Mayfair project only an estimated $1,500 has been used. Local citizens have collected almost $300 for buying gear for inclement weather.

The young men of the Shaw patrol and its staff will work as volunteers. The patrols will be extended to public housing units next if they are successful in the Shaw district.

The original Mayfair courtesy patrol was an outgrowth of youth units that have operated in various cities throughout the nation.

In 1967, youth patrols were used in connection with civil disorders in at least nine cities. Through the first eight months of 1968, the units were active in at least 11 cities, including Boston, Newark, Pittsburgh and Los Angeles.

OCEAN RESOURCES REVENUES AND FOREIGN AID

Mr. FULBRIGHT. Mr. President, on Thursday last, the distinguished junior Senator from Rhode Island spoke at the International Development Conference here in Washington and presented the rather intriguing thesis that revenues derived from future exploitation of ocean-bed resources could enable the creation of a truly multilateral development assistance effort.

As the starting point for such an effort, Senator PELL's proposal envisions the creation of a new U.N. mechanism designed specifically for the purpose of licensing the exploitation of seabed resources and collecting fees on the revenues derived from it.

Having long advocated the multilateralization of our own aid program, I strongly believe this proposal merits the most serious consideration. In fact, the way I read Senator PELL's proposal, it offers a course of action whereby we and all the other industrialized nations could eventually get out of the bilateral aid business altogether, and I, for one, am firmly convinced that is precisely where we belong.

I know that I need not remind my colleagues of the bitter frustrations we all suffered during the last foreign aid confrontation. But the one thing we ought to have learned from that experience is how urgently we need new approaches on the aid question—approaches which will resolve the inherent limitations and embarrassing drawbacks that have become so glaringly evident over the past several years.

It is in the sense of offering a meaningful alternative to our own unrewarding aid efforts that I direct the attention of my colleagues to Senator PELL's proposal. I know that Senators will want to give this proposal careful consideration, and I strongly urge the administration to do likewise—particularly in view of the State Department's announcement a few days ago that—

> The United States is prepared to lead the way toward a true internationalism in the oceans.

I ask unanimous consent that the full text of Senator PELL's statement be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR CLAIBORNE PELL AT INTERNATIONAL DEVELOPMENT CONFERENCE, MAYFLOWER HOTEL, WASHINGTON, D.C., FEBRUARY 26, 1970

It is a great pleasure for me to be with you this morning at this International Development Conference.

It is unnecessary, I know, for me to speak to this audience of the importance of effective international development programs. The still-growing gap between the wealth and living standards of the developed and less-developed countries is a prickly and nagging thorn in the sensitivities of those who believe in the brotherhood of all men.

Even for those whose sense of brotherhood and compassion may have become somewhat calloused in these troubled times when our involvement with other nations seems to bring us grief rather than gratification, the widening chasm between the wealth and welfare of the nations of the world should be a source of concern. In terms of hard self-interest, despair among the peoples of the poorer nations poses an enduring threat to the peace of the world. And in this shrunken world, bristling with the enormously expensive weapons of super-war, a world bouncing giddily along a tightrope of strategic terror that is alternately taut and slack—in this world, peace must be the first national priority of all nations. It is a world in which war is not the instrument of rational policy, but can be the product of despair and resentment. And in those terms, we cannot afford despair; we cannot afford the conditions that breed despair.

In these circumstanecs, the need for effective instruments of international development becomes compelling. This morning we are concerned with one facet of the search for such effective mechanisms—the need for new sources of finance for international development.

I suggest that one potential source of revenue that deserves consideration—more consideration that it has been given—are the resources of the oceans.

Indeed, given adequate and reasonable international arrangements and the continued advance of ocean technology, I believe it possible that revenues from ocean resources could in the near future lift from this country and others the major burden of national foreign aid programs.

Can and should we expect the oceans to yield revenues for international purposes? I believe the answer is "yes," or perhaps more accurately, "yes, but . . ." I say "but" because the conditions—political, diplomatic, and technological—under which ocean resources can fuel the engines of international development do not now exist.

Let me review briefly the international, political, diplomatic, and technological conditions that do exist.

First, we know that resources of the oceans, and the underlying seabeds, are immense. The oceans cover more than two-thirds of the area of the earth. They are far from fully explored, and indeed, constitute the last great physical frontier for man.

But resources there are—a profusion of metallic nodules on the ocean floors that contain not only manganese but aluminum, nickel, and cobalt. It is estimated that the petroleum deposits beneath ocean waters exceed all of the known reserves of petroleum on the continents of the world.

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The waters of the oceans themselves contain a staggering quantity of minerals, as well as a rich marine life that awaits more efficient and fuller utilization to meet the protein demands of a rapidly growing world population.

But, for the most part, these resources do not now constitute wealth. They represent, rather, an economic potential.

At present, only petroleum ranks as a significant economic product of the lands beneath the sea. Undersea sources now produce 17 percent of the oil and 6 percent of the gas now consumed by non-Communist countries. The annual world value of oil from subsea wells is about 4 billion dollars. But the estimates are that during this coming decade, with a rapidly growing world market for petroleum, production from beneath the sea will grow even faster, and that by 1980, fully one-third of the world's petroleum will come from beneath the oceans.

In comparison, the production at present of other minerals from beneath the sea currently is insignificant. It is somewhat surprising, for example, to consider that next in rank in terms of value is sand and gravel, whose annual production from subsea areas is estimated at about 200 million dollars. In addition, about 175 million dollars worth of salt is extracted yearly from sea water, about 700 million dollars worth of magnesium, and about 50 million dollars worth of other minerals.

It is important to note that all or nearly all of the subsea mineral is currently from the relatively shallow continental shelves, which terminate at an average depth of 200 meters, and at the deepest known point, at 550 meters. Nearly all of these areas clearly lie within the jurisdiction of adjoining nations.

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It is equally important to note, however, that according to present indications, the largest and richest mineral deposits yet to be exploited lie at greater depths beyond the edges of the continental shelves, beneath the continental slope, and the continental arise, and on the ocean floor itself, at depths up to 2,500 meters or more.

Two problems cloud the future of economic exploitation of these mineral deposits. First, the technology does not now exist for economic exploitation of minerals at these depths. And second, the ownership, the jurisdiction over this area of the seabed, is unresolved.

Let me deal first with the technology. The deepest producing off-shore oil well now is at a depth less than 600 feet below the water surface. But exploratory drilling has disclosed indications of petroleum deposits in some subsea areas at depths up to 12,000 feet. Technology for economic recovery of subsea minerals is advancing rapidly and will accelerate, as mineral deposits in shallower waters are exploited and as exploration reveals the location of deposits in deeper waters.

We have, I think, consistently underrated the rate of advance in technology, and where a strong economic incentive exists, as it does in this case, it is realistic to expect dramatic technological advances during this decade.

But who owns these mineral deposits? Who has the right to explore and extract them? International law today provides no answer, and in that legal vacuum lies both a hazard to international tranquility, and an opportunity.

The Geneva Convention of 1958 provides only an ambiguous limit to the extent of national jurisdiction over adjacent subsea areas. That Convention provides national jurisdiction to a depth of 200 meters, but beyond that depth jurisdiction becomes highly uncertain. The ambiguity of this provision posed no problem 12 years ago when exploitation at even 200 meters was purely hypothetical. But advances in technology and discoveries of the extent of potential subsea mineral resources have since made it abundantly clear that new international agreements are needed first to delineate unambiguously the limits of national jurisdiction on the seabeds, and secondly to establish an adequate international regime for those subsea areas that lie beyond any national jurisdiction.

Confronted with these circumstances, there are those who reject the idea of new international agreements and advocate instead a "fustest with the mostest" approach that would, in effect, leave the wealth of the seabeds to an open competitive scramble. Others would permit nations, through unilateral action, to claim such broad subsea areas, adjacent to their coasts, that jurisdiction over the remaining subsea areas would be largely an academic question.

On the other extreme are those, who in the interests of national security and preserving the maximum scope for the traditional freedom of the seas, advocate a very narrow area of national jurisdiction over the seabeds.

There is room for reasonable compromise between these positions. I have proposed, in a Senate resolution, a draft treaty which would place the limits of national jurisdiction at a depth of 550 meters, or a distance of 50 miles from shore baselines, which ever provides the greater area. As I have noted, 550 meters is the greatest depth at which the edge of a continental shelf is known to lie.

In addition, my proposal calls for establishment of an appropriate international body under the auspices of the United Nations, with authority to grant exploitation licenses for the areas beyond national jurisdiction, and to collect suitable fees and royalties.

In my proposal I have not specified what the fee or royalty should be. But I think a reasonable royalty for exploitation in international areas would be comparable to the royalties and fees now collected by the United States Government for mineral exploitation on our continental shelf. And if ocean resource development is to be encouraged, such fees certainly should be less than the exorbitant fees, royalties, and payments now extracted from Petroleum companies by Middle Eastern countries, for example.

Neither have I specified the purpose to which these funds should be devoted by such an international organization. But it would seem to me that the nations of the world through such an organization might well decide that use of these receipts, this usufruct, would best be devoted to financing of development in the poorer nations of the world.

Ambassador Pardo of Malta, who has done so much to focus attention on this problem at the United Nations, has specifically proposed that funds from ocean resources be dedicated to this purpose.

The President's Commission on Marine Science, Engineering and Resources, in its report a year ago, also proposed that a portion of the revenue derived from subocean mineral exploitation be channeled through royalty payments to international organizations for, among other purposes, assistance to developing nations.

In all of this, however, our own Government has been unable to formulate a national policy. The Executive Branch thus far has put forward general principles. The President, for examples, in his Foreign Policy Report to Congress last week said:

"The most pressing issue regarding the law of the sea is the need to achieve agreement on the breadth of the territorial sea, to head off the threat of escalating national claims over the ocean. We also believe it important to make parallel progress in the U.N. toward establishing an internationally agreed boundary between the Continental Shelf and the deep seabeds, and on a regime for exploration of deep seabed resources."

I am gratified at the President's recognition of the importance of resolving these questions. However, while these statements constitute a recognition of the problem, they do not constitute a policy The United States does not yet have a proposal to put forward at the United Nations on what the legal delineation of the continental shelf should be, nor, even in the most general terms, what kind of international regime would best serve our national interests. And while I would not place too great an emphasis on this point, I think it unfortunate that the President spoke of an international regime only in terms of exploration, and would hope he was not specifically excluding exploitation from the authority of such a regime.

A final point which must be considered in a discussion of the prospects of obtaining development revenues from seabed resources is the viewpoint of the less developed countries themselves. It is a highly important factor, for whether the views of the less developed countries are well-grounded or not, realistic or not, their views constitute hard international political facts with which the United States Government must deal at the United Nations and in our relations with these countries.

The less developed countries are well aware of the fact that only two countries, the United States and the Soviet Union, have the potential resources and the technological potential to exploit seabed resources. But, as I read their sentiments, they are not inclined to permit these two super-powers to divide among them the resources of the oceans—resources which they quite legitimately consider to be the heritage of all mankind.

The attitudes of the less developed nations found expression in two resolutions adopted by the United Nations General Assembly in December. One of these resolutions calls upon the Secretary General to explore with the member nations the desirability of holding an international conference on all outstanding questions of law of the sea. A second resolution states that all nations "are bound" to refrain from exploitation of resources beyond the limits of national jurisdiction.

These resolutions, I should note, were passed by votes of 65 to 12 and 62 to 28, over the opposition of the United States and the Soviet Union. I am not saying that this country should have supported these resolutions, because I believe the resolutions were most certainly imperfect. But the example demonstrates the difficult position in which this country may find itself for lack of a policy in this area.

These then, are the technological, economic, and international diplomatic factors that enter into consideration of ocean resources as a source of development finance. The problems involved are clear.

What of the opportunities I mentioned earlier? Ocean resources as a source of development finance offer a number of very attractive features.

If we are able to establish through international agreement a reasonable limit on national jurisdiction over subsea areas, and establish also a sound regime for the administration of the area beyond national jurisdiction, then the basis will have been laid for a potential source of development finance. It would be a source of development finance in which the less developed nations themselves would share a proprietary stake. It would be a source of development finance free from the entanglements, embarrassments, and difficulties of the bilateral development assistance programs with which we are so familiar.

Support within the United States for development assistance programs financed by tax dollars has dwindled to an apparent all-time low. An alternative, or a supplement to this approach, even though it may not be immediately effective, would be welcome, I believe, both by the American people and by a good many members of Congress.

Even those in this country who are the most ardent supporters of foreign assistance programs have grown exceedingly weary of the perennial public and Congressional hassle over foreign assistance.

That is one major reason why the theme of this conference—"The Need for New Departures"—is appropriate and timely, and why the topic this morning—"New Sources for Financing Development"—is vitally important. It is a reason also why serious consideration should be given to the resources of the world ocean as a new departure, and as a potential new source for financing development.

I would emphasize that the unresolved questions of seabed jurisdiction must, at any rate, be resolved in the near future, regardless of any possibility that ocean resources could help finance development programs. If these questions are not resolved rationally by the formation of policy, they will be resolved by unilateral actions and claims of nations, with the probable result of increased international conflict and tension.

The alternatives, to my mind, are clear. The oceans' resources can serve either to divide or to unite mankind. I earnestly hope it will be the latter.

DECISION ON TITLE I

Mr. RIBICOFF. Mr. President, I was pleased this morning to read of Dr. James E. Allen's decision as Commissioner of Education to require school districts throughout our country to establish that they are putting equal funds into their schools before they can receive supplemental Federal assistance.

This reform is long overdue.

We passed title I of the Elementary and Secondary Education Act to provide special assistance to disadvantaged children.

All too often this has not been the case. Federal funds have been used for purposes other than education or in lieu of State and local assistance.

I applaud Dr. Allen's decision and hope that it is only the first step in a realistic program to insure quality, integrated education for all children in this Nation.

I ask unanimous consent to include at this point in the Record, the article by John Herbers from this morning's New York Times reporting Dr. Allen's decision.

There being no objection, the article was ordered to be printed in the Record, as follows:

School Equality Set as Criterion for Federal Aid

(By John Herbers)

Washington, February 27.—The Office of Education announced today that it would require every school district in the nation to demonstrate that it was putting equal resources into all of its schools before it would be eligible to receive supplementary Federal funds for disadvantaged children.

Dr. James E. Allen Jr., the Commissioner of Education, said in announcing the action that a special investigation had confirmed widespread charges that many school districts put less resources into schools in poor areas than in more affluent areas and then use money distributed under Title I of the Elementary and Secondary Education Act of 1965 to bring the schools in poor areas up to par.

This practice is a violation of the law's intent to provide compensatory education for poor children. But so far the Office of Education has not been able to cope with the abuses.

SOME OPPOSED STEP

The action announced today, therefore, has broad implications. Some within Mr. Allen's department opposed the step on the ground that it would put the Federal office in a controversial enforcement position.

According to this view, the office will ultimately be called on to discipline local school officials for any practice of discrimination against minorities and other poor persons. Dr. Allen said at a news conference that a cut off of funds could result but that he hoped it would never come to that.

Title I is the largest program of Federal aid to education. Current appropriations are running to more than $1-billion a year.

Last year, 16,000 school districts received funds for helping educationally disadvantaged children. Currently, about 60 per cent of the money is going for reading programs.

STUDY GROUP NAMED

Last November, after civil rights organizations charged that much of the money was being misused by state and local officials, Mr. Allen appointed a 17-man study group headed by Timothy E. Wirth, deputy assistant secretary for intradepartment educational affairs, to investigate and recommend any changes that might be needed.

Dr. Allen and Mr. Wirth, appearing together at the news conference, said today that the investigation had quickly proved that there were abuses, chiefly in the area of "comparability" between schools within a district.

"We have found that the lack of comparability in services and expenditures has been a key factor in the ineffectiveness some Title I programs," Dr. Allen said. "Unless an equal base exists, a compensatory education program merely provides regular school services rather than making extra help available to the children who need it."

The law already requires "comparability" in services and expenditures, but Dr. Allen said the guidelines and methods of enforcement had been "fuzzy and ill defined."

Local officials have resented any interference from Washington and in a number of instances have defied efforts of the Office of Education to bring about reforms, according to private studies of the program.

To make the new Federal requirements more palatable to local officials, Dr. Allen is directing the state offices of education to require the districts to demonstrate "a comparability of services and expenditures" or to submit a plan showing that steps are under way to achieve comparability by the opening of school next fall. The states must submit their plans for doing so by April 1.

Dr. Allen said that he had discussed the move with state education officials and that they had agreed to it. Guidelines dated yesterday have been sent to the chief school officer in each state.

The guidelines say in part:

"Title I funds must not be used to supplant state and local funds which are already being expended in the project areas or which would be expended in those areas if the services in those areas were comparable to those for nonproject areas."

JUDGMENT HELD DIFFICULT

Judging what makes two schools comparable can be very difficult, Dr. Allen said, but he added that this could be done with some degree of accuracy by comparing per pupil spending and the ratio of teachers to pupils. Criteria for making the judgment were set out in the guidelines.

The Office of Education will supply whatever technical assistance the states need in carrying out the requirement, Dr. Allen said.

In some areas, particularly the South, the requirement could result in the improvement of black or predominantly black schools. It has not been unusual for a district to offer special education courses in all schools within the district but to pay for the courses with regular funds in the middle-class areas and with Title I funds in the poor areas.

Dr. Allen was asked what was being done about another complaint made by the civil rights groups—that districts were using Title I money to buy special equipment for use by all schools in both affluent and poor neighborhoods. He said the office had not yet explored that.

"We are taking up these issues one at a time," he said.

SCHOOL DISTRICT'S CRISIS

Mr. DOLE. Mr. President, in our consideration of H.R. 15931, much attention and discussion have been given to the role of aid impacted areas. There has been criticism, much of it valid, that impact aid has been distorted.

I would, however, point out an example of the real and devastating impact Federal operations and dealings in property can have on school districts whose revenue base is severly diminished by large Federal facilities.

In rural Johnson County, Kans., the Sunflower Army Ordnance Plant was constructed during World War II on a nearly 10,000-acre tract. To provide living quarters for the workers and their families, Federal residential housing was constructed off the plant grounds. The plant was deactivated after the war and reactivated during the Korean conflict and again for the Vietnamese war.

The plant site has remained Federal property, but the residential housing, known as Sunflower Village, was sold to private interests and has been utilized as low-rent housing for the past several years. Rising educational costs, combined with the low valuation of the Sunflower Village property, the large number of school-age children living there and the removal of the ordnance plant from the tax rolls, have created a nearly intolerable situation for the local school district.

The Department of Health, Education, and Welfare acknowledges the inadequacy of current statutory authority to provide relief for the efforts of such disposal of federally constructed housing onto local tax rolls at low valuation.

Once such property has been disposed of by the Federal Government, the problem of providing adequate aid seems to fall to the State educational system. However, the Federal Government's practice, giving rise to such inequitable situations, should not be allowed to continue without appropriate measures to prevent strapping local tax bases with unmanageable burdens.

Senator Pearson, Congressman Winn of the Third Congressional District and I have conferred numerous times on this problem. I am taking this opportunity

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to apprise the Senate of this unfortunate situation which arose from governmental action unaccompanied by foresight or appreciation for the consequences.

The difficulty is thoroughly detailed in a letter I received from Mr. Jerry Stark, superintendent of Kansas Unified School District No. 232, which is involved in this unfortunate costs-revenue squeeze.

As Mr. Stark points out, the overriding difficulty of his district will be further aggravated by the reductions proposed ir. category B funds. The total blow will be softened to some extent by the provision that category B payments not be reduced by an amount in excess of 5 percent of the district budget for the past year.

Mr. President, I ask unanimous consent that the pertinent portions of Mr. Stark's letter be printed in the RECORD at this point. His summation of the situation his district faces is both clear and compelling.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Senator ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: Senator, I am enclosing a copy of the total property tax, both real and personal, paid by Quickway Homes, Inc. to support the schools in Unified School District No. 232. Quickway Homes, Inc. are the owners of the housing area known as "Sunflower Ordnance Village". Total taxes received amounts to $18,611.27 or $30.66 per student residing in the Village. This figure of $30.66 compares *most unfavorably* with the remainder of the District which must raise in ad valorem taxes approximately $720,000 or approximately $600.00 per student. (This includes General Fund, Bonds, Social Security, and Special Capital Outlay as does the $30.66 figure.)

It becomes apparent, I believe, that the unloading of "Sunflower Ordinance Village", as low rent housing, upon the patrons of U.S.D. 232 has caused an unfair burden which our people can no longer stand. We now have an educational levy in excess of 100 mills. Also, the elimination of P.L. 874, Section 3-b as now proposed would further jeojardize our position financially as we currently have about 450 students (25% of our student body) qualifying for 3-b money which approximated $80,000 or roughly 10 mills.

Furthermore, it seems ironical and most unjust for the Federal Government to remove approximately 10,000 acres from our tax rolls and then lease such property to private organizations without remitting some portion of the proceeds to the local school district in lieu of taxes. May I cite two examples?

One, U.S. Industrial Chemical Corp., a subsidiary of National Distillers and Chemical Corps., 99 Park Avenue, New York, N.Y. is presently leasing a portion of the plant site for an estimated $75,000 per year.

Two, O'Brien Bros. Ranch of Ft. Scott, Kansas is presently leasing the grazing rights for $6,500 in cash payments plus leasee services estimated to cost an additional $75,000. (Lease services includes mowing twice a year and adequate application of fertilizers costing an estimated $70,000.) Additional details concerning these arrangements may be obtained from the District Corps of Engineers.

Lastly, if I can provide additional information, appear before any congressional committees, etc. please feel free to contact me. A solution to this problem is most urgent.

Sincerely,

JERRY B. STARK,
Superintendent of Schools.

STATEMENT BY SENATOR HRUSKA BEFORE THE CONSTITUTIONAL RIGHTS SUBCOMMITTEE

Mr. HRUSKA. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the statement I made at the hearing on the Voting Rights Act before the Constitutional Rights Subcommittee of the Committee on the Judiciary, on February 18, 1970.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HRUSKA—HEARING ON VOTING RIGHTS ACT, CONSTITUTIONAL RIGHTS SUBCOMMITTEE, FEBRUARY 18, 1970

Mr. Chairman, last July this Subcommittee had hearings on a number of Senate proposals to amend and to extend the Voting Rights Act of 1965. Our hearings on those Senate bills were extensive and balanced. We heard from many witnesses, including Attorney General John Mitchell. Since our hearings a House bill has been considered and enacted by the House to accomplish this purpose. That bill is H.R. 4249, which, together with the Senate bills on which testimony was received in our hearings, is now pending before this Subcommittee.

H.R. 4249 was introduced in the House at the same time that S. 2507 was introduced in the Senate. They were identical bills, and were introduced on behalf of the Nixon Administration. Since the 1965 Act expires this August, the Administration sought to introduce appropriate legislation early in the 91st Congress to permit enactment before the existing law expired. This was a laudatory goal, and the Department's prompt sponsorship has permitted the Congress to move forward. Only Senate action is now required.

The bills before this Subcommittee, and those considered by the House, fall into two basic categories: those that seek merely to extend the 1965 Act, and those that seek to amend as well as extend the 1965 Act. H.R. 4249 seeks to amend as well as to extend. The difference, in my opinion, is primarily that of approach rather than of objective. They share the same fundamental purpose, that is, to enforce the guarantee of the 15th Amendment of the U.S. Constitution that the right to vote shall not be denied on account of race or color.

Both approaches are committed to the need to make more effective the voting rights of our citizens who are being denied the vote due to racial discrimination. However, H.R. 4249 goes further. It seeks, in addition, to make more effective both the rights of persons nation-wide who are denied the opportunity to vote because they are under-educated and the rights of those who are denied the opportunity to vote in presidential elections because they cannot meet local residency requirements.

Both approaches provide procedures for the appointment of federal voting observers and examiners. The 1965 Act, however, applies this procedure only to six states and parts of three others. H.R. 4249 would, on the other hand, extend this procedure to every state of the nation.

Both approaches provide procedures for challenging the laws of states or political subdivisions which are allegedly discriminating against the right of citizens to vote due to race or color. Again, basic remedies of the 1965 Act apply only to six states and parts of three others. H.R. 4249 would apply to all states equally.

I think these differences are strong arguments for H.R. 4249. The Nixon Administration unqualifiedly supports this proposal, and the House, by a majority vote, adopted this proposal. Let us consider its broad merits.

First, it abandons the onus of regional legislation that exists with the 1965 Act. That Act was passed, as I recall, for the purpose of bringing extraordinary remedies to bear on a few states of the union where voting discrimination seemed most prevalent. This judgment was based on the registration and voting records of these states in the 1964 presidential election. The Act's formula was a departure from the general rules of good legislation, and, I feel, was a troublesome precedent for the future of our federal-state relations. The Congress, however, considered the problem to be critical and the formula contained in the 1965 Act to be the only solution. I want the record clear at this point that I voted for that Act, and am satisfied that the remedies applied had salutary results. We were told at our hearings last year that over 800,000 Negroes have been registered in the covered states since passage of the Act.

Mr. Chairman, times and circumstances change. Problems, while once critical and demanding of extraordinary remedies, over time evolve toward solutions. Registration in these affected states is now as good or better than in many other states in the union. Extraordinary remedies, in my opinion, should be necessary only to restore a situation to circumstances that can be dealt with by traditional and proven procedures. In my opinion, that time has come.

Next, H.R. 4249 extends the scope of the Attorney General's power to correct abuses of the 15th Amendment rights anywhere in the country. This bill grants him direct authority to send federal voting observers and examiners to any of our fifty states. It clarifies his power to bring lawsuits and obtain injunctions against discriminatory laws in any state or political subdivision in the nation. It extends his power, once a particular case of discrimination has been proven in a court of law, to suspend future laws or practices in the appropriate states or subdivisions as long as the federal court having jurisdiction considers it necessary. Thus, while H.R. 4249 would relieve the six presently covered states from the burden of regional legislation, it would not weaken the Attorney General's ability promptly to correct voting abuses anywhere in the nation, including those states.

I think that it is obvious that discrimination does not exist in just one part of the country. Unfortunately, discrimination occurs in different places, in differing degrees, all over the country. The Administration's recommended bill would extend coverage of the Voting Rights Act to all of those instances of discrimination.

A third change from the present Act is that the Administration's bill will return the thrust of enforcement back to the judicial processes and away from the administrative procedures which now exist. This is important. Our system of government is based on checks and balances and the judiciary has been the most consistently reasonable and fair arbiter in this system. Administrative procedures, in place of judicial remedies, might be necessary under extraordinary conditions, but should not be extended once the basic conditions improve. The unreviewable suspension power of the Attorney General over state and local laws contained in the 1965 Act is such an administrative power; it has served its function. Registration and turnout of voters in the covered states has greatly increased. Let us now return to our courts of law.

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Furthermore, H.R. 4249 prohibits the use of literacy tests in any state in the nation. The 1965 Act was directed at the discrimination against Negroes in southern states resulting from use of literacy tests. However, it is becoming a well-known fact that literacy tests have the effect of discriminating against all educationally-disadvantaged citizens, of all races and colors. As Attorney General John Mitchell stated during the Subcommittee hearings last July:

"The widespread and increasing reliance on television and radio brings candidates and issues into the homes of almost all Americans. Under certain conditions, an understanding of the English language, and no more, is our national requirement for American citizenship.

"Perhaps, more importantly, the rights of citizenship, in this day and age, should be freely offered to those for whom the danger of alienation from society is most severe—because they have been discriminated against in the past, because they are poor, and because they are under-educated. As responsible citizenship does not necessarily imply literacy, so responsible voting does not necessarily imply an education. Thus, it would appear that the literacy test is, at best, an artificial and unnecessary restriction on the right to vote."

A recent study shows that, in general, states of the North and the West which have literacy tests have lower registration and turnout rates than those without literacy tests. It can be little doubted that literacy tests in all states that have them inhibit voting by minority group persons. A nation-wide ban on literacy tests, as proposed in H.R. 4249, would add numbers of educationally-disadvantaged blacks and whites, Mexican-Americans, Puerto Ricans, and American Indians to the voting rolls.

Finally, Mr. Chairman, the Administration bill will limit the application of state residency requirements in presidential elections. It may be reasonable to require a period of residency for local elections, but such a requirement has no relevance to presidential elections. Presidential elections receive nation-wide coverage, and the issues are nation-wide in scope. The Bureau of the Census indicates that 5.5 million persons were unable to vote in the 1968 presidential election due to local residency requirements. In an increasingly mobile society, this problem must be resolved.

Mr. Chairman, I urge the members of this Subcommittee, and the witnesses who appear before us, to retain sight of the goal which we all share. That goal is to guarantee the right of each citizen to vote, recognizing in this guarantee that voting is the most fundamental right in a democratic society. The prominence of this right to the durability of our system, and the dedication we all share to enforcing that right, should lend dignity and calm reason to our inquiry.

The results under the 1965 Act are impressive, and all thoughtful men recognize that the Act has served the extraordinary purposes for which it was enacted. On the other hand, the facts and circumstances on which its regional remedies were based have changed. We should not assume that it is necessary to preserve the Act without charge in order to continue the most active nation-wide enforcement of the right to vote for all of our citizens.

CRIME IN THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, the distinguished Washington news commentator, Joseph McCaffrey, recently interviewed Edward Bennett Williams on the subject of crime in Washington. The colloquy that resulted is of such importance that I feel it should be available in the Record and I submit it as it was published in the Washington Post. I also submit the concurrent editorial in the Post of today. Both of these items, like the daily reports of crime, should remind the Congress of its unfulfilled obligation in this area.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

An Attorney's View of the District of Columbia Crime Situation

(Note.—Trial Attorney Edward Bennett Williams, one of a number of civic leaders who have recently met together in search of new solutions to the problem of crime in Washington, was asked about some of his conclusions in a recent interview with Joseph McCaffrey on WMAL–TV. Following are excerpts from the interview:)

McCaffrey. As an attorney and a trial attorney, are you concerned about what we all refer to rather too liberally, perhaps, as the rising crime rate?

Williams. I am terribly concerned about it. I'm terribly concerned about it at the national level, and I'm terribly concerned about it here in our city. We've been called the crime capital of the world, and I'm afraid it's with some validity. Crime has been spiraling out of control in our city . . .

There are all kinds of crimes, but the crime I think that has bestirred the alarm of our country and the alarm of our city is the kind of crime that's directed against private property, and often attendant with violence to the person. I'm talking about robberies and muggings and yokings, larcenies and burglaries, which have been on the rise here in Washington and across the country. We have a terrible situation here in the District of Columbia. Last year there were 18,000 plus burglaries. There were 9,000 plus armed robberies, and there were 9,000 larcenies of property over $50.

And the thing that disturbs me most is that four out of five persons who committed a robbery on the streets of Washington went unapprehended . . .

McCaffrey. All right, now let me yield to you, without any interruption, and as an attorney, tell me what you think should be done to combat current crime rates.

Williams. I think the system has broken down in all three of its divisions. First of all, I think, we desperately need in our city, and I think we should take our city as symbolic of the 30 big cities in the country, we desperately need more policemen. During the Johnson administration there was an authorization for 4,100 policemen. President Nixon said we needed 5,100. I think we need more. I think we need more than 6,000. At the moment we have fewer than 3,500 on the streets. Though they give you a figure of 3,950, but 450 of these are in training. We have lagged terribly in recruiting policemen. The greatest deterrent to crime in the street is a visible policeman. And as long as these kids who are committing these crimes, and they are kids, 75 per cent of them are being committed by kids under 21, as long as the odds are five to one they won't be caught, as long as the odds are 14 to one they won't be caught when they go out and steal property worth $50 or more, as long as the odds are nine to one they won't be caught when they break into your house, they're going to keep committing these crimes.

McCaffrey. Pretty good odds.

Williams. Well, our talk about the fact that well, their decisions out of the old Warren Court were too liberal, were too soft on the criminal, but I think that this is really not addressing one's attention to the real problem. You wouldn't find one kid who gave one fleeting thought to his constitutional rights or criminal procedures before he went out in the streets to do his crime. They go out on the premise that they aren't going to be caught. And the record shows that they're pretty much right. The odds are overwhelmingly with them that they aren't going to be caught.

So, I say we desperately need more police. The record shows that when Chief Wilson saturated the third district with police in an experiment to see whether he could curb robbery, and burglary, and larcency, he reduced it tremendously. Now we've got to spend the money and saturate the city with police. But that isn't the end of the problem. There's still, I think, an equally bad problem. And it's a problem of which I, as a lawyer, am not proud. I think there has been a terrible breakdown in the criminal justice system of this country.

Now, we've already seen that the criminal justice system, the courts, are irrelevant to a large segment of the crimes that are being committed, because these crimes never get into court. But when they do get into court, a very bad thing takes place. The average lawyer today, if he exploits all the rights of his client, can keep his client at liberty on the street for from 18 months to two years after he commits an armed robbery.

McCaffrey. While they're working to pay him.

Williams. Well, 60 per cent of the people who are committing these crimes aren't able to pay a single dollar. They're indigent. And they're given free counsel, they're given the right to a free appeal, so naturally they all appeal. And the whole system stalls because even after the defendant is brought to trial, which may be several months after he's arrested and indicted, and even after he's convicted by a jury, it takes from six to eight to ten months before an opinion comes out of the appellate court affirming or reversing his conviction. And then there is an equal amount of time that is used up while the Supreme Court avenue is explored.

Now, if punishment really is to work, it doesn't have to be severe, but it has to be swift. You know from your experience with your own children, that if one of them deliberately spills the milk at the breakfast table, unless there is a quick meeting of his derriere with the front of your hand, there is not an understanding of the punishment. You can't wait for three days and then administer the punishment. The same thing is true at the level of society, unless punishment is administered swiftly, it does not have a deterrent effect.

So, I think we have to take a new look at our whole criminal justice system and speed it up if it is going to work effectively. We have to eliminate this delay of 18 months between the offense, and I'm giving the system the benefit of the doubt when I say 18 months because it's longer than that in many, many cases—we've got to eliminate that delay.

Third part of the system where there's been a terrible breakdown is in the prison system. Of course, the last thing that you can ever get the legislature to address itself to is the prison problem. It's the last item on national state priority. I can say this to you in all candor, in my 25 years of practicing law, I have met only one person whom I think was benefitted by a term in prison. The one person who was really rehabilitated. Unfortunately the prisons have become a breeding ground for crime. You put young boys in the prisons today and they come out hardened criminals. It's terrible; it's really terrible. The whole prison system needs a tremendous reformation. It's broken down.

So I say the system is broken down in three places. We don't have enough police, we don't pay them enough. We expect so much of them now. We expect our policemen to be professionals, we should treat them like professionals. We expect them to know the law.

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We expect them to know first-aid. We expect them to be family counsellors. We expect them to be sociologists. We expect them to have the wisdom of Solomon and the patience of Job, the agility of a Jim Brown, and we give them $150 dollars a week and a gun. We've got to escalate our police force both quantitatively and qualitatively across this country. We can't do it with the money that's available to the cities because the people who can provide the funds from a tax basis are fleeing into the suburbs. The only way it can be done is from a massive subsidy from the federal government to the cities to correct this problem. I think this should be the number one priority in the cities because until we restore order in the cities, there is going to be no progress in education; there's going to be no progress health; there's going to be no progress in job opportunities, there is going to be no progress in any of those many things that are crying out for attention. We have to restore order. And we have cities out of control. One of them is ours.

A Triple Breakdown

Attorney Edward Bennett Williams has added his voice to those who blame the rising urban crime rate on a triple breakdown of our criminal justice system—at the police level, in the courts and in the corrections institutions. In a television interview, excerpts of which are printed elsewhere on this page, Mr. Williams sees the rising crime rate as the "number one priority in the cities," requiring massive federal funds because the migration of affluent white families to the nation's suburbs has so badly eroded the tax base of the cities. In general, Mr. Williams would seem to be endorsing the approach but not necessarily the specifics—of the President's program to cope with local crime by unclogging the criminal justice system, by reforming the courts and the prisons, and by increasing the police presence in the city.

On police manning, however, he has gone the President one better by calling for more than 6,000 uniformed policemen, an increase of 2,000 above the present level reached earlier this month toward an authorized total of 4,100, and 900 above the 5,100 figure set for the fiscal year starting July 1 (with overtime to be employed until the new figures are reached).

This newspaper has supported the announced program of two Presidents to increase the local police force and has supported such companion moves as those to strengthen the White House police force, the Capitol force, and the Park police and to add to the number of cadets and civilian employees of the Metropolitan Police Department. Manpower additions to these auxiliary components serve Mr. Williams' objective of getting more policemen on the streets since their presence makes possible the assignment of increasing numbers of metropolitan policemen to high-crime areas. The combined total of all these forces has been rising steadily in the past five years, from 3,960 in 1965 to about 6,100 today, with 8,229 the target for the next fiscal year.

Reaching this last figure will place a tremendous strain on the capability of the various forces; it is questionable whether even further increases should be considered until this is accomplished. Mr. Williams' main point that a policeman on the street can be a tremendous deterrent makes sense as long as he is trained, equipped and deployed to do the job, but that will take time. To date, the increases in the police force already authorized have not checked the rise in recorded crimes until the last few months.

Just to begin with, the budget increases calling for a total of 5,100 metropolitan policemen in uniform should be provided. The city government's attention should then turn to the job of converting this young and relatively green expanded force into an effective crime-fighting unit. Meanwhile, the local programs to reform the courts and improve the prisons must be pressed along with the attack on poverty and the other root causes of crime if any rollback in crime is to be a permanent one.

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CONVENTION ESTABLISHING THE WORLD INTELLECTUAL PROPERTY ORGANIZATION AND PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY, AS REVISED

Mr. MANSFIELD. Mr. President, as in executive session, I ask for the yeas and nays on the treaty.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION: CONVENTION ESTABLISHING THE WORLD INTELLECTUAL PROPERTY ORGANIZATION AND PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY, AS REVISED

The PRESIDING OFFICER. Under the previous order the Senate will now go into executive session to vote on the treaty, Executive A, 91st Congress, first session.

The question is, Will the Senate advise and consent to the resolution of ratification? The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. BYRD), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I also announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from Oregon (Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Vermont (Mr. PROUTY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from Arizona (Mr. FANNIN), the Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from South Dakota (Mr. MUNDT), the Senator from Oregon (Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) would each vote "yea."

The yeas and nays resulted—yeas 70, nays 0, as follows:

[No. 70 Ex.]

YEAS—70

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Cannon
Case
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gore
Griffin
Gurney
Hansen
Harris
Hartke
Hatfield
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Kennedy
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Murphy
Muskie
Nelson
Pearson
Pell
Proxmire
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—30

Bayh
Byrd, Va.
Church
Cook
Cranston
Dodd
Fannin
Goldwater
Goodell
Gravel
Hart
Hughes
Inouye
Jackson
Javits
Long
Magnuson
McCarthy
Metcalf
Montoya
Moss
Mundt
Packwood
Pastore
Percy
Prouty
Saxbe
Smith, Ill.
Stevens
Yarborough

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senate will now return to legislative session.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1970

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The **Bill Clerk**. A bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The **PRESIDING OFFICER**. Without objection, the Senate will proceed to its consideration.

The question is on agreeing to the amendment of the Senator from Maryland (Mr. Mathias).

Mr. **STENNIS**. Mr. President, for the information of the Senate, we have controlled time, as Senators know, from now on.

I do not know how many speeches there will be for each side, but the author of the amendment and I have conferred, and we do not anticipate any great long debate. This is an important matter, and it will be discussed fully, but I am of the impression now that we will be able to move along.

There are 2 hours to the side on the first amendment, but on account of the close relationship between the two, there will be 30 minutes to a side on the second amendment.

I yield 20 minutes to the Senator from Mississippi (Mr. Eastland).

Mr. **EASTLAND**. Mr. President, again today we find ourselves engaged in what has become a typical exercise in Washington—the approval of enormous sums of money to be expended, hopefully, to support the aspirations of our people and to afford advancement to America.

Many fiscal authorities—among them the President of the United States—have indicated that the legislation under consideration would appropriate funds in excess of that which is sound and prudent—which would, according to their statements, exert an adverse effect on our crucial battle against inflation.

Now, in these critical circumstances and in this time of maximum stress upon the economic stability of our Nation and the patience and spiritual strength of our people, it is necessary, as never before in our recent history, for the Congress to act with real wisdom in the allocation of public moneys.

Before this latest tidal wave of green washes across our land we must ascertain that these huge sums will help—not hurt—our citizenry and institutions.

The pending legislation deals directly with the keystone in the arch of progress for our people—the American educational establishment.

Ours is the most advanced, most productive, richest, and most powerful society that humanity has seen since the dawn of history. What were the key elements in the formula we have followed which allowed us—in the brief span of two centuries—to raise up on this continent a Nation which is a model for the world and a credit to mankind?

It was freedom—freedom to work and to worship—to learn—to choose—to fashion the best life attainable with individual initiative, imaginaton and courage.

It was an unfettered, free enterprise economic system that delivered to each man and woman the rewards they earned.

And, Mr. President, it was the unexcelled—indeed, the unmatched—American educational system which provided the genius that led our land to the pinnacle of world leadership and the heights of human achievement.

Our educational establishment reaches up to the great institutions of higher learning—not down from the colleges and universities to the lower scholastic levels. Therefore, the neighborhood school is the rock upon which our splendid structure was founded and upon which it must rest today and tomorrow.

The men who stood on the moon started toward that apparently unreachable goal as they walked up the steps of the school—as did the men and women in all walks of life who have made America the symbol of what liberty and learning bring within human capabilities.

I assert, Mr. President, that the school where the child begins the educational process is the key that opens the door to the future for every boy and girl. The elementary training given the youngster helps him or hampers him, develops or restricts his talents, affects him favorably or hobbles him through all the days of his life.

Mr. President, I am unable to convey in words the anxiety and sadness which almost overwhelms me as I am forced to report to the Senate that the concept of the neighborhood school faces the clear and present danger of complete destruction.

How could this terrible possibility have developed? Why would any people allow the death of a structure which brought them progress and prosperity, advancement and accomplishment?

This calamity came upon us when jurists sought to replace educators, when bureaucrats assumed the function of parents, when suicidal social theories were substituted for the sound principles that undergird the educational process.

The term "freedom" and the phrase "to choose" are among the most honored words in our language. This is as it should be. Those words are the heart—the blood and bone—of the American ideal.

On the other hand, the term "force" is offensive to any free man. The thought of a citizen who lives in liberty to be "forced" is contrary to our basic beliefs.

And yet, we have actually witnessed a complete reversal of the application of these terms in one of the most vital phases of our national existence—our school system.

The Supreme Court has announced that American parents are not free to choose schools for their own youngsters. These judges—far from this cruel problem and fallible, as are all men, have taken unto themselves the charting of the lives of millions of little children. In casually assuming the sweeping responsibility for the formation of the characters and the training of the minds of countless boys and girls these men have said, in effect, "A handful of us here in Washington are wiser than the combined intelligence of all American parents." That, Mr. President, is among the most ridiculous and insulting assumptions I have ever heard.

The tradition of the United States requires opposition to force. We wrested our freedom from a king who sought to force upon us that which was and is unacceptable to freedom-loving people. A quarter of a century ago we spilled our blood and poured out our treasure to eradicate force, Hitler-style, from the earth. Since then it has been the courage and the determination of the citizens of this country that has prevented communism from engulfing all men.

In spite of this tradition, and in the face of these sacrificial actions, we see the Court directing the forced bussing of boys and girls hither and yon to achieve what they style "racial balance." Imagine American children being hauled about like laboratory animals as a part of an experiment in social theorizing. I submit that we can achieve no balance in this fashion. We have, indeed, lost our balance entirely; and what stands in the shadow of collapse is not a foolish theory but the neighborhood school concept—an irreplaceable source of American strength.

In addition to the Nation's highest courts, our school structure is under attack from the vast bureaucracy in HEW. Here, Mr. President, is where we confront the pressing problem of the proper utilization of funds. Very simply stated, my question is: Shall these appointed officials be allowed to expend enormous sums of money to destroy our neighborhood school system, or will they be instructed by Congress to utilize the funds to support and advance the core of the situation—the education of American children?

I have on this floor, in the past, cited statistics which draw the startlingly clear picture of the disastrous effects of these decrees and policies in my own State. To illustrate the full scope of this tragedy, I am now informed that the public school system in Mississippi will lose many more than 50,000 students before the end of this term. I cannot emphasize strongly enough that this figure is not a line on a graph—not a part of a chart at HEW—not a numbers game for judges and Federal appointees. It represents 50,000 little children who are entitled to better treatment at the hands of their country. It also represents parents who are bearing a crushing burden—good men and women who do not deserve mistreatment from the Nation they have supported through the years.

I want the Members of the Senate and the people of the United States to be aware of exactly how far this unbalanced course of conduct can carry us.

The instance I shall describe defies understanding. In fact, it is beyond belief. Nevertheless, this incident occurred in this land of ours—this land where "freedom" and "to choose" are watchwords and where "force" has always been unconscionable and unacceptable.

Mr. President, news accounts of the last few weeks clearly illustrate the tragedy of what is being done to the system of education in this country.

I speak of the 14-year-old boy from Oklahoma City, whose parents were fined $1,000 and sentenced to 30 days in jail—

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all because their son wanted to attend his neighborhood school.

Quite frankly, Mr. President, this is frightening to me, and it is frightening to all parents of school-age children. But, more than that, it should be frightening to all Americans who hold to those principles of freedom upon which this country was founded.

The Federal courts have now extended their jurisdiction into the very heart of America—into the home, into family life, into the rights of parents to rear and educate their children. It is a grave situation that is without parallel in our national history.

Mr. President, it saddens me—but, it is a stark and all too certain fact. We in America today live under the iron rule of a judicial dictatorship compounded by a misguided Federal bureaucracy.

Let me relate the story of young Raymond York, a student at Oklahoma City's Taft Junior High, who was told by the Federal courts he could no longer attend the school of his choice. The purpose of this high and mighty ruling was to achieve integration in Oklahoma City's schools by order of the Federal Government.

Raymond York has been arrested by a U.S. marshal, and his parents hauled into court where a Federal judge pronounced a jail sentence and a fine on them.

Mr. President, I have a deep admiration for this young man and his parents. They have refused to play the role of pawns on this judicial chessboard. They are standing up to be counted and to proclaim their rights. Fourteen-year-old Raymond York stands tall in my estimation, taller than those who would force him to attend school against his will, taller yet than those who would take away his basic and fundamental freedom of choosing where he will get an education.

It is indeed the height of absurdity—it is, in fact, a distinct danger to our basic rights—when this teenager is hauled into Federal court and now faces a jail term and a heavy fine—all because the U.S. Government has been blinded by its own social theories and lost sight of reason and commonsense in dealing with school problems. The shocking and saddening story is that this incident in Oklahoma City is not an isolated case, but it is a story that is being repeated all too frequently in every part of this country.

How long will this madness continue? When will we return to sanity and rightness?

How long will the American people tolerate this tyranny?

Mr President, I am here today to say "not much longer" the American patience wears thin.

As this wave of educational madness now spreads out of the southland and into the far reaches of this great Nation, I predict a rushing wave, a rising tide, a thundering storm of national indignation. I predict a great citizen revolt, a peaceful, but deadly determined and deeply dedicated citizenry, which will rise up and say "Enough!" Enough of this madness, this insanity, this absurdity.

Listen now to the words of Mrs. Yvonne York as her son is led away from the school of his choice in Oklahoma City. Listen as she says:

> I'd like to scream, I'd like to cry.

This is the feeling of America today. It is a feeling of frantic frustration, a state of deep desperation. But, it is a feeling that will not long prevail in this country.

Soon Americans will rise out of this state of depression. They will throw off this feeling of frustration. They will sound the call of man throughout the ages, the summons to return to those great and basic principles of rightness and commonsense.

Freedom will be their watchword, liberty their battle cry. It will be a cry heard from every corner of this Nation—from the man on the farm to the man in the city, from the shopkeeper, the carpenter, and the man in the factory, from the majestic mountains of the Far West to the farmland and forests of the South and from the great skyscrapers of the East to the fertile plains of the Midwest. It will be a great voice of Americans who will rise and unite to save this country.

And this cry will be heard. It will be heard in these very Chambers, in the Highest Court of our land, in the White House, and in a thousand judges' chambers and city halls across America.

Today, we look out on a land besieged by an utter madness—an insanity unknown now in a history that stretches back over two glorious centuries. We see a crisis without parallel. We see a Federal judiciary mad with power, a bureaucracy out of touch with reality—a Government out of step with the people—a citizenry caught in a whirlwind of miscalculation and lost on a sea of educational insanity.

We see our children—the hope of our tomorrow, the dream of decades to come, the America of the future—now the object of a great and frightening social experiment. We see schoolbuildings lying vacant, great educational plants gathering dust and cobwebs. We see students uprooted from their classrooms and forced into unworkable and unthinkable situations. We see entire families fleeing from their homes and seeking a haven from this oppression. We see a vast disarray of educational plans and the clutter of conflict in our school districts. We see entire State educational systems—once the backbone of a growing economy and the thread of hope for a better day to dawn—now a crumbling wasteland of judicial and bureaucratic ruin.

All this—the aftermath of a ruthless judiciary and a thoughtless bureaucracy which has forced upon the American people the shackles of a doctrine of dictatorship—a doctrine not only unworkable, but one which strikes deeply at the very heart of those fundamental freedoms upon which this country was founded, a doctrine which invades the home and now crushes the last vestige of freedom reserved to a mother, a father, and their children.

Yes, my colleagues, a great cry will arise from the American people. It will be heard—it will be heard at the polling places, in the ballot boxes, at the courthouses, in the Halls of Congress—and, yes, it will be heard in the marbled buildings that house the bureaucracy and behind the great bar of justice.

It will be a call for commonsense, a shout of sanity, a chorus of rightness, a song of liberty, an anthem of freedom. The American people will speak—and they will speak in a loud and clear voice that will ring throughout the land.

My greatest fear—my only question, Mr President, will it be too late?

Mr. President, in order to restore sanity, fair play, and sound educational principles to the operation of the public school systems of this Nation, we must retain sections 408, 409 and 410 of H.R. 15931.

These are the so-called Whitten amendments and the Jonas amendment.

Section 408 provides, in essence, that no part of the funds appropriated may be used to force a school district to bus children, or abolish a school, or assign students to a school which is not the choice of his parent or parents.

Section 409 provides that no part of the funds may be used to force a school district to take any actions pertaining to the busing of students, the closing down or abolishing of a school, or the assignment of students to a school which is not the choice of his parent or parents as a condition precedent to receiving Federal funds.

Section 410 provides that no funds shall be used to deny a student, or his parent or parents, the right to attend the school of his or his parents' choice.

Unless these provisions are kept in the bill, we may be certain that officials of HEW will continue to misuse Federal funds and misinterpret Federal law by forcing the busing of students, the abolishment of schools, and the destruction of free choice in attending schools.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to my colleague from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. EASTLAND. Mr. President, the Congress has the duty and responsibility to write these clear and explicit provisions into the law so that even HEW officials may be able to understand what they should and should not do.

They should be made to understand that education comes first, and that they have no right or authority to incorporate their extreme notions of educational and sociological philosophy into the law.

Mr. President—I plead for parents and children—for American men and women and boys and girls.

I call on the Senate to say to the Court and to the HEW appointees that the day of the punishment of youngsters and the harassing of mothers and fathers is past—that fairness and equity will prevail across our Nation—that education is restored to its rightful primary position in our society.

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I urge the adoption of the Whitten and Jonas amendments, and a defeat of the present amendment.

Mr. MATHIAS. Mr. President, I yield 10 minutes to the distinguished Senator from New Jersey (Mr. Case).

The PRESIDING OFFICER (Mr. Spong in the chair). The Senator from New Jersey is recognized for 10 minutes.

Mr. CASE. Mr. President, before I address myself to the particular matter which I should like to bring out at this point in the discussion, I want to say how much we are all indebted to the distinguished Senator from Maryland (Mr. Mathias) for bringing this matter again before us in a way which, I am sure, a great majority of the Members of this body are going to approve.

This is an old record. We play it every year—maybe two or three times a year. It is a little bit cracked now. It does seem to provide, in a wry kind of way still, some benefit to some people. I do not know why.

I do know this, that as he has been in the past, the President of the United States is strongly opposed to the section which the Senator from Maryland would amend and is strongly in favor of the amendment.

Those of us who believe we should support the President of the United States on every occasion in which we can, find that it is just as much if not more important to support him on matters relating to human rights, and deep human needs—that is, human decency, such as are involved here, as it is to matters pertaining to dollars and cents.

I therefore suggest to my colleagues, particularly of the President's party—my party—that we give heed to the President's admonition in regard to the matter of this amendment, and the next amendment that will be offered in relation to section 409 by the Senator from Maryland, and an amendment which I understand will be offered by the minority leader, the Senator from Pennsylvania (Mr. Scott) to strike section 410.

All of these are matters in which the President of the United States, throughout his experience in public life, has been deeply interested. When he sat as Vice President of the United States, presiding over this body, he made historic rulings which advanced us immeasurably toward progress in the civil rights field so far as legislation was concerned. He has not changed. His prestige is on the line just as surely, if not more surely, and in a real sense more significantly, than it was on the amendment offered by the Senator from New Hampshire (Mr. Cotton) on yesterday.

If we have to balance on the scales the questions involving racial relations and human decency against those involving dollars and cents, I suggest that the balance is clearly on the side of the amendments of the sort we are dealing with today, not only so far as the President's prestige and leadership are concerned, but also on the matter of substance, the matter of the rightness of the thing, and the matter of civil peace with justice in this land of ours.

Now, Mr. President, I should like briefly to turn to a particular phase of the aspect about which much confusion has been created, and I think not without intention, because certainly it is something about which there should be no confusion at all—it is purely a question of fact.

There have been charges that those who live in the northern part of this country are guilty of hypocrisy. There have been implications that those outside of the South are trying to force the South to bus children to schools while trying to avoid the same treatment for children elsewhere in the country. And there have been attempts to show that those who are resisting school desegregation in the South are only trying to avoid unnecessary busing of children to schools.

It is time to look at the facts.

And the facts show that there has been more busing of pupils in the South to maintain segregated schools than there has been to desegregate them.

These facts are contained in figures showing the percentage of children in the South who were bused to their schools before plans to desegregate those schools were put into effect.

At my request, these figures were provided to me by the Department of Health, Education, and Welfare for all school districts in which the Department helped to work out desegregation plans since last July.

While the Department was unable to provide figures for the amount of busing in these districts after the desegregation plans were put into effect, I was assured that it decreased, or at least did not increase, in virtually every case.

And I think most Members of the Senate will be surprised, as I was, by the amount of busing which had been used by these school districts in order to transport pupils to illegally segregated schools.

Mr. MONDALE. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I am happy to yield to the Senator from Minnesota.

Mr. MONDALE. Throughout these debates, one of the constant efforts made by those who believe the Supreme Court decision should be overturned has been to place us on the defensive on this very issue; namely, the busing issue. But, in fact, the biggest busing requirement arises when we seek to sort children out on the basis of color, wherever they might live, to send them to schools which are all black and to schools which are all white. As the Senator may be aware, in Green against New Kent County, which was decided by the Supreme Court in 1968, the facts show that they took black children from one end of New Kent County to the other end of the county to a black school, and took white children who lived next to the black school and bused them to the other end of the county to an all-white school.

I think it is obvious and logical that if we bus children on the basis of geography, rather than on the basis of color, we will have less busing.

It seems to me that if one is against the burdens of busing, he ought to be for the Mathias amendment.

Last year, in 300 voluntary desegregation plans accepted by HEW in which busing was involved, less than 10 involved additional busing of children, and most resulted in less busing. So, if one is against burdensome busing, he should support the Mathias amendment.

Mr. CASE. Mr. President, I thank the Senator for the very helpful position he has stated. He, as the phrase goes, took the words right out of my mouth.

I am glad to have him cooperate in the position I state here. He is absolutely right.

Mr. MONDALE. Mr. President, I have one other case that I should like to refer to.

Mr. CASE. I have a half dozen. I yield to the Senator.

Mr. MONDALE. Mr. President, in a county in Georgia black schoolchildren were bused 75 miles to attend an all-black school. Again, in a county in Mississippi, black children are bused 90 miles to a school that is all black.

I gather the Senator has cases like these, but I think this pattern is well established.

Mr. CASE. I am very much obliged for the helpful position made by my friend, the Senator from Minnesota. If he has any other thoughts during my brief remarks, I hope that he will not hesitate to give us the benefit of them.

As I have said, the figures just cited by the Senator from Minnesota and those that I have already given show clearly that we are not faced with a question of whether we oppose busing of pupils to their schools.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MATHIAS. Mr. President, I yield an additional 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. CASE. Mr. President, I have figures to show the extent to which southern school districts used busing to maintain segregated schools. I will insert a full list later. However, let me cite a few examples at this point.

In order to maintain its segregated schools, Neshoba County, Miss., bused all of its pupils to their classrooms before the Department of Health, Education, and Welfare worked out a plan to desegregate the schools in that county.

Elsewhere in Mississippi, the predesegregation busing rates included 97 percent in Franklin County and Enterprise County, 99 percent in Lauderdale County, 96 percent in Marion County, 95 percent in Kemper County, 94 percent in North Pike Consolidated School District, and 92 percent in Yazoo County. In 13 other Mississippi school districts, more than two-thirds of the pupils were bused to their schools before the desegregation plan was put into effect.

In Louisiana, 99 percent of the pupil population of West Baton Rouge Parish rode buses to school before a desegregation plan was put into effect and the same was true for 98 percent of the pupils in West Feliciana Parish.

Elsewhere in Louisiana, the rates were 92 percent in Ascension Parish, 88 percent in Red River Parish, 87 percent in Franklin Parish, and 80 percent in Sabine Parish.

In order to maintain its segregated

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schools, Marengo County, Ala., bused 91 percent of the county's pupils to schools.

Elsewhere in Alabama the percentages were 78 percent for Sumter County, 76 percent in Pickens County, 75 percent in Russell County, and 70 percent in Bullock County.

In Georgia, 95 percent of the pupils in Webster County were bused to their schools while in Decatur County the figure was 59 percent.

In North Carolina, 98 percent of the pupils in Currituck County rode buses to school while 65 percent of the pupils in the Elizabeth City-Pasqúotank School District did likewise.

All pupils in Atlanta County, Tex., rode buses to school before the Federal Government's desegregation plan was initiated there.

In Virginia, 98 percent of the pupils in Northampton County and 91 percent of those in Accomack County were bused to school before the Federal Government helped the district work out desegregation plans.

It should be emphasized that these figures are based on reports filed by the school districts themselves in all cases in which the Department of Health, Education, and Welfare helped to work out a school desegregation plan since last July. These are cases in which the orders to desegregate came from the courts or from the administrative branch of government and the Department assisted the local district in working out an acceptable desegregation plan.

The figures I have cited show clearly that we are faced with only one question. That question is whether we are going to tie the hands of the Federal Government so that it cannot effectively require desegregation of illegal dual school systems.

In my view, there can be no greater hypocrisy than to allow this to happen.

Mr. President, I ask unanimous consent that the tables I have referred to in my remarks be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

District	Enrollment by race			Number of pupils bused (white and black)	Percent of pupils bused
	White	Black	Total		
ALABAMA					
Bessemer [1]	3,027	4,509	7,536	375	5
Mobile	43,992	31,429	75,421	16,973	23
Anniston City	2,084	1,729	3,813	(3)	(2)
Marengo County	736	2,970	3,706	3,374	91
Phenix City	3,368	2,655	6,023	0	0
Pickens County	2,567	312	5,579	4,247	76
Russell County	1,410	3,615	5,025	3,793	75
Sumter County	764	4,096	4,860	3,786	78
Tuscaloosa City	7,473	5,425	12,898	190	1
Bullock County	933	2,613	3,546	2,465	70
Birmingham	31,252	34,922	66,174	(2)	(2)
GEORGIA					
Richmond County	23,676	13,813	37,489	10,055	27
Augusta	(2)	(2)	(2)	(2)	(2)
Fulton	(2)	(2)	(2)	(2)	(2)
Webster	132	531	663	631	95
Crisp County	2,391	2,393	4,784	2,200	46
Dougherty County	13,975	8,529	22,504	7,750	34
Decatur	2,927	2,958	5,885	3,446	59
LOUISIANA					
Acadia Parish	8,930	2,694	11,624	6,624	57
Ascension Parish	6,152	3,144	9,296	8,531	92
Avoyelles Parish	6,196	3,465	9,661	7,220	75
Bienville Parish	1,890	2,496	4,386	3,115	71
Caddo Parish	33,320	26,035	59,335	15,818	27
Calcasieu Parish	28,627	9,738	38,365	16,261	42
Concordia Parish	3,826	3,232	7,058	4,753	67
DeSoto Parish	2,458	3,761	6,219	4,871	78
East Carroll Parish	1,466	2,497	3,963	(2)	(2)
East Feliciana Parish	1,429	2,985	4,414	3,586	81
Evangeline Parish	5,601	3,280	8,881	6,172	69
Grant Parish	2,788	1,154	3,942	2,919	74
Iberia Parish	9,863	4,923	14,786	8,625	58
Jackson Parish	2,278	1,580	3,858	2,660	69
Jefferson-Davis	5,744	2,182	7,926	1,978(?)	25
Lafayette Parish	20,102	6,561	26,663	17,236	65
Lincoln Parish	3,317	3,095	6,412	(2)	(2)
Livingston Parish	8,259	1,530	9,789	7,325	75
Madison Parish	1,306	3,326	4,632	2,006	43
Morehouse Parish	4,439	4,999	9,438	4,574	48
Natchitoches Parish	4,338	4,336	8,674	6,974	80
Pointe Coupee Parish	2,358	3,636	5,994	4,710	79
Ouachita Parish	13,591	5,055	18,646	11,965	64
Rapides Parish	18,742	9,606	28,348	16,685	59
Red River Parish	1,207	1,263	2,470	2,172	88
Richland Parish	3,295	3,373	6,668	5,320	80
Sabine Parish	3,037	1,434	4,471	3,796	85
St. Helena Parish	1,070	1,961	3,031	2,301	76
St. Landry Parish	11,659	11,035	22,694	14,214	63
St. Martin Parish	5,138	3,652	8,790	5,825	66
St. Mary Parish	3,114	3,806	6,920	4,832	70
Tensas Parish	1,097	2,123	3,220	2,023	63
Union Parish	2,587	2,069	4,656	2,802	60
Vermilion Parish	8,137	1,674	9,811	7,771	79
Webster Parish	6,552	3,972	10,524	5,265	50
West Baton Rouge	2,327	2,375	4,702	4,669	99
West Carroll	2,727	1,017	3,744	2,299	61
West Feliciana	719	1,723	2,442	2,381	98
Winn Parish	2,477	1,545	4,022	2,434	61
City of Monroe	5,766	5,224	10,990	3,569	32
St. John Baptist	2,356	2,379	4,735	3,781	80
Iberville Parish	2,816	4,998	7,814	(3)	(3)
Franklin Parish	4,067	3,325	7,392	6,460	87
MISSISSIPPI					
Amite County	1,461	2,582	4,043	3,397	84
Anguilla Line	214	714	928	(3)	(2)
Canton Municipal	1,326	3,672	4,998	1,652	33
Columbia City	1,538	896	2,434	677	28
Covington	1,998	1,629	3,627	2,873	79
Forrest	4,195	1,062	5,257	3,883	74
Franklin County	1,094	1,075	2,169	2,094	97
Hinds County	6,438	7,489	13,927	9,151	66
Holmes County	913	5,355	6,268	4,760	76
Kemper County	793	2,060	2,853	2,707	95
Lauderdale	3,063	1,858	4,921	4,897	99
Lawrence	1,942	1,277	3,219	2,780	86
Leake	2,088	2,224	4,312	3,447	80
Lincoln	1,671	1,018	2,689	2,391	89
Madison	1,238	3,376	4,614	3,655	79
Marion	2,064	1,564	3,628	3,485	36
Meridian	6,368	4,425	10,793	522	5
Natchez-Adams	4,494	5,927	10,421	5,635	54
Neshoba County	2,045	877	2,922	2,922	100
North Pike Consolidated	697	605	1,302	1,223	94
Noxubee	872	3,573	4,445	3,942	89
Philadelphia City	958	548	1,517	402	26
Sharkey-Issaquena	630	2,002	2,632	(3)	(2)
South Pike	1,135	2,156	3,291	993	30
Wilkinson	779	2,757	3,536	3,060	87
Holly Bluff	240	482	723	626	87
Yazoo City	2,014	2,089	4,103	1,009	25
Yazoo County	1,071	2,495	3,566	3,297	92
Enterprise	405	363	768	743	97
Quitman	1,656	1,490	3,146	2,548	81
NORTH CAROLINA					
Statesville City	3,376	1,302	4,678	0	0
Kinston City	3,214	3,303	6,517	0	0
Elizabeth City/Pasquotank	3,488	2,850	6,338	4,088	65
Tarboro City	2,237	1,592	3,829	1,225	32
Currituck County	1,010	610	1,620	1,591	98
Wilson City	4,323	3,776	8,099	972	12
TEXAS					
Hutchins	1,630	[4]2,726	[5]4,504	1,319	29
Tyler	10,660	[6]4,646	[7]15,426	3,379	22
Atlanta	1,338	869	2,207	2,207	100
Pittsburg	1,170	881	2,051	1,031	50
VIRGINIA					
Northampton County	1,313	2,505	3,818	3,742	98
Accomack County	3,198	3,448	6,646	6,049	91

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[1] Possibly a 6-percent error in figures for this district.

[2] Data not available.

[3] Data missing from file.

[4] Of that number 142 are Mexican-Americans.

[5] Of that number 6 are Indians.

[6] Of that number 102 are Mexican-Americans.

[7] Others, 18.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes.

Mr. SPARKMAN. Mr. President, I am happy to say that the inherent sense of fair play which has always characterized the American people has finally begun to surface, as it relates to the double standard applied by the Federal Government in desegregation matters. Furthermore, at long last, it is becoming increasingly recognized by sincere, responsible people across these United States that the effort by the Federal Government to force desegregation in the public schools is a dismal failure.

My primary concern in this matter, Mr. President, is for the public school system in my State and throughout the

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country. Public education has been fundamental to the growth and progress of America. Where would we be today without it? What would be our posture in the world today without public education? How could we ever have kept pace with the other nations of the world in the technologies that have brought such great progress in all facets of our life, had there been no public school system in America? What might be our defense posture? What about the space race?

My concern, Mr. President, is for the future of our educational system. I read somewhere recently that three-fourths of all the knowledge in the world today has been learned in the last 50 years. Those figures may not be precisely correct, but if we determine the correct ones, I know that they are equally astounding. That is why it is with education with knowledge, with progress. It pyramids. There was a time when a nation could lag behind technologically for 20, 50, or even a hundred years without being permanently out of the ball game. In today's fast-moving technology, I wonder if a nation could ever recover from a 5-year technological gap.

I say to the Presiding Officer and to my colleagues in the Senate that we are in danger of so impairing our system of public education in this country as to run the risk of permanently crippling our Nation. And we are running that risk by the stubborn refusal of some to recognize the dismal failure of certain unreasonable and unworkable programs grafted upon the social experiment begun in 1954.

Some may say that the experiment has failed because the South has been recalcitrant. But look at the facts. The most graphic examples of failures are in those areas of the country outside the South.

The reason, Mr. President, that forced desegregation of the public schools has failed is really a very simple one. The people—both black and white—do not want it. The most unpopular tool being used by the Federal Government to achieve forced desegregation is the busing of students. The Whitten amendment merely seeks to accomplish what everyone knows is the will of a majority of American citizens—both black and white—and that is to prohibit the use of these funds for the busing of children.

I have heard the arguments used against the amendment to the effect that it is unconstitutional, since the Supreme Court has ruled that busing in cases of so-called de jure segregation is all right. These arguments are not valid. The Whitten amendment places a restriction upon the use of the funds appropriated by this bill that is within the constitutional authority of the legislative branch of Government.

Mr. President, the Senate recently adopted the amendment offered by the distinguished Senator from Mississippi (Mr. STENNIS), that calls for a single standard to be applied by the Federal Government in its desegregation effort. If that standard is permitted to include the use of busing children from one school district to another, the system of public education as we know it will not survive; and that is something that I know concerns every Member of this body. I urge my colleagues to look at what has happened in areas where busing has been tried. It was a failure in Denver, Colo. Indeed, it brought about the defeat of members of the school board there who supported it, and I am told that the vote against these board members in nonwhite precincts of Denver was 4 to 1. The dynamiting of school buses in Denver is merely an example of just how unpopular this matter is. It can be totally disruptive of the educational process.

It has been prohibited by State law in New York. I urge my colleagues to join together now to prohibit busing throughout the United States. Let us not wait until the damage is done. Let us not run the risk of impairing our system of public education.

The Senate voted in December of last year to add the words "except as required by the Constitution" to the prohibitions provided in the Whitten amendment. The purpose of those who supported adding those words was to permit the Department of Health, Education, and Welfare to continue requiring busing in the South, but to let the prohibition be effective in other areas of the country. Since that time, the Senate has called for the application of a single standard by HEW in North and South through the adoption of the amendment offered by the distinguished Senator from Mississippi to the HEW authorization bill. I was privileged to cosponsor the Stennis amendment, and I was gratified when the Senate adopted it.

I call upon the Senate, Mr. President, to remain consistent in the expression of its will, and to keep as a part of this bill the Whitten amendment as reported by the committee.

The Whitten amendment, coupled with the Jonas amendment, if contained in the legislation and made a part of the law, and if respected as part of the law will help stabilize the school situation all over the United States and help us to get back to the normal operations that are required if we are to maintain quality education in the country.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 20 minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I rise in opposition to the gumshoeing, pussyfooting, fence-straddling, and issue-dodging amendment now before the Senate. The amendment states, "except as required by the Constitution."

The amendment calls on Senators to say we are good legislators, if it is constitutional; that we will have compassion on little children, if it is constitutional; that we will let little children attend neighborhood schools, if it is constitutional; that we will forbid busing, if it is constitutional; and that we wll let parents have freedom of choice in selecting schools for ther children, if it is constitutional. That is what the amendment says.

I think it would be very unfortunate for the Senate, if it has any desire to have a good image in the minds and hearts of American people, to agree to this amendment proposed by the Senator from Maryland. Why do I say that? Of course, I know that all Senators on all occasions are actuated by the purest of motives. I know the author of this amendment has no desire to get votes from people who are against busing. I know that he has no desire to give them a camouflage front which would salve their consciences into voting to let Mr. Finch or one of his underlings pass on a constitutional question which the amendment does not permit the Senate to pass on.

Why do they not put this provision in another section of the bill? This is a long bill. Why do they not put a provision in the bill that section 404 is going to take effect if it is constitutional? Why do they not say they are going to pay certain salaries set out in the bill if it is constitutional? No. Despite the motives which prompted this amendment, this amendment is, in substance, just as I said: A pussyfooting, gumshoeing, fence-straddling, and issue-dodging amendment.

I wish to give the reason why I believe the passage of this amendment will give the Senate a poor image in the minds and hearts of the American people. It is based in part on article VI of the Constitution.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield.

Mr. BYRD of West Virginia. I wish to ask the Senator from North Carolina this question. Is there not a presumption of constitutionality with respect to every jot and title of every bill that comes before us?

Mr. ERVIN. Absolutely.

Mr. BYRD of West Virginia. I wish to ask the Senator a second question. Is there not a presumption that administrators and various agency department heads, and so forth, will not act except in accordance with the Constitution?

Mr. ERVIN. There is a presumption to that effect, but the actions of HEW in violating three acts of Congress indicated that they thought these acts do not apply to them.

Mr. BYRD of West Virginia. Yes. Why provide in the bill "except as required by the Constitution"? Is there not a presumption that the agents of the Government are going to act in accordance with the Constitution?

Mr. ERVIN. That is the reason I say this is an issue-dodging amendment; because the duty to pass on constitutionality in the first instance rests on Congress; and if a Senator believes the Constitution requires busing he should vote to strike out this section, not nullify it by an issue-dodging amendment.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for another question?

Mr. ERVIN. I yield.

Mr. BYRD of West Virginia. Does the Senator believe that it is necessary that we write words into a piece of legislation stating as follows: Except when it is required by the Constitution? Is there not a presumption that the Constitution is

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going to govern the actions of those who administer the law?

Mr. ERVIN. It should. It certainly should. There is a presumption to that effect, although that presumption has been very effectively rebutted by HEW in its violation of three acts of Congress.

Mr. BYRD of West Virginia. Let me ask another question. Is it possible for Congress to pass a law that will contravene the Constitution?

Mr. ERVIN. Congress can pass a law that will contravene the Constitution, but it is no law after it passed. It is null and void. If it were contrary to the Constitution, it would be null and void. Of course, it is not contrary to the Constitution, because the Constitution gives the power of the purse to the Congress, and there is nothing in the Constitution that requires the Congress to appropriate money for any particular purpose, even though it is a constitutional purpose, or one sanctioned by the Constitution, or one required by the Constitution.

Mr. BYRD of West Virginia. I misspoke in using the word "contravene." While Congress may pass a law that may contravene the Constitution, is it possible for Congress to pass a law that would of itself amend the Constitution?

Mr. ERVIN. No. While not so designed by the Senator, this is a buckpassing amendment. It says, "Mr. Finch, you decide whether this shall be done, whether this is constitutional."

Mr. BYRD of West Virginia. Will the Senator yield for a further question?

Mr. ERVIN. Yes.

Mr. BYRD of West Virginia. Does not the amendment on its face give the appearance of its being put into the bill for the purpose of preventing section 408 from amending the Constitution? In other words, some Senators would apparently have us believe that without this amendment section 408 would have the effect of amending the Constitution, which in fact is not within the realm of possibility.

Mr. ERVIN. I agree with the Senator from West Virginia.

I started to say why this buckpassing amendment will create a bad image of the Senate in the minds and hearts of Americans. This amendment says, "We are in favor of these things if they are constitutional." That is what it says.

Article VI of the Constitution says:

> The Senators and Representatives before mentioned . . . shall be bound by oath or affirmation, to support this Constitution . . .

When it says "the Senators and Representatives before mentioned," it is talking about the Members of this body; and since we are sworn to support the Constitution, we are supposed to know what the Constitution is and what it means.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. ERVIN. Yes.

Mr. BYRD of West Virginia. If this amendment is written into the bill, is it not correct to presume that the same people who have been interpreting the Constitution in HEW will continue to interpret the constitutionality after the passage of this law?

Mr. ERVIN. This amendment means that the Senate is unwilling to take a stand on the Constitution. They want Mr. Finch to decide what the Constitution means, or one of his underlings.

Mr. BYRD of West Virginia. In other words, the people who would interpret the words "except when required by the Constitution," would be the people at HEW who have been misconstruing the Constitution and the 1964 Civil Rights Act all along the way. Would not that be something like putting the fox over the guarding of the chickens?

Mr. ERVIN. There is no question about that. This body and the House, acting jointly, have said three times to HEW that they shall not bus children to achieve racial balance or to correct racial imbalance. Three times we have said that, and they have paid no attention to us—none whatever.

As I stated yesterday, Mr. Finch is an appointee of the President. As a member of the executive branch of the Government, he is subject to the orders of the President.

I was very much intrigued by the statement of the Senator from New Jersey about President Nixon's position on this matter. The statement he made, I think, is exactly opposite everything Mr. Nixon has ever said on the subject of which I have any knowledge. When he was seeking the votes of the people of my State, he held a press conference or granted a TV interview in the city of Charlotte, where the court had just handed down a court order that 23,000 children, according to the Charlotte News, had to be bused away from their homes.

That is the difference between the old busing and forced busing. In the old busing they bused children to schools, but in the new class of busing, they bus them away from their neighborhood school to another school. In the old days they bused them to enlighten their minds. Now they bus them merely to integrate their bodies.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. ERVIN. Yes.

Mr. MATHIAS. The Senator has called into question the accuracy of the statement made by the distinguished Senator from New Jersey with reference to the President's position in this matter. I read into the RECORD yesterday the statement of the administration position——

Mr. ERVIN. The Senator, as I recall, read the statement of Secretary Finch, not the statement of President Nixon.

Mr. MATHIAS. Speaking for the administration, at the direction of the President.

So that this matter can be made crystal clear, I will offer for the RECORD the entire letter of Secretary Finch, which contains the administration comment on this legislation. The letter is dated February 20, 1970. I ask unanimous consent that it be included in the RECORD.

Mr. ERVIN. Mr. President, I have no objection to the request of the Senator, but I ask that the insertion be made after the conclusion of my remarks.

Mr. MATHIAS. I apologize to the Senator. I am entirely agreeable to putting it in then.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. Mr. Nixon sent down a statement from the White House in which he said he was opposed to busing to achieve racial balance or to correct racial imbalance.

I would say that we will keep giving not only the Senate but the administration a bad image on the part of the American people if we do not watch out, becaue it would appear that Mr. Finch is working one side of the street and the President the other side.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ERVIN. Yes.

Mr. ALLEN. I would like to ask the distinguished Senator, with respect to Scott amendment 2—I will call it Scott 2 because the Senator offered one in December to HEW and one in February—to the Stennis amendment, if it is not correct that the administration, on 3 separate days took three separate and distinct positions with respect to the Stennis amendment and the Scott amendment thereto?

Mr. ERVIN. Well, I will have to say that the statements which were attributed to the different members of the administration at that time with respect to their position reminded me of the daring young man on the flying trapeze who took one position and then a countering position with the greatest of ease.

Mr. ALLEN. So is it not possible that if we do have here a letter dated February 20, purporting to be from Secretary Finch, it could have been changed three or four times, and that at this time the administration's position might be diametrically opposed to the purport of the letter?

Mr. ERVIN. That is quite possible. I do not attribute that to President Nixon. I think President Nixon is an honorable gentleman. When he went to Charlotte, N.C., to appeal for the votes of the people of North Carolina, he told them that he was against busing to change the racial balance in schools. He told them that he was in favor of allowing children to attend their neighborhood schools.

A majority of the people of my State believed President Nixon on that subject because they had been harassed from pillar to post on this matter. They gave him North Carolina's electoral vote. President Nixon never would have been elected President of the United States if he had not got the vote of people in the Southern States who were tired of being harassed largely, up to that time, by top members of the Democratic hierarchy.

Mr. ALLEN. I ask the Senator from North Carolina the further question whether he has seen or so much as heard of a letter from the President himself taking a position with respect to the amendment under consideration.

Mr. ERVIN. No; and the distinguished junior Senator from Mississippi (Mr. STENNIS) served notice on the opening day of the debate on his amendment

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that he would take with many grains of salt any statement from any member of the administration who opposed the administration on that amendment, unless it came directly from the White House, or unless the President made a statement.

Mr. ALLEN. I should like to ask the Senator from North Carolina further, then, whether the amendment under consideration, offered by the distinguished Senator from Maryland (Mr. MATHIAS), would not be in direct opposition to the meaning of the Stennis amendment, which the Senate adopted only last week.

Mr. ERVIN. Oh, yes; it is an attempt to continue the same old runaround—to chastise the South and to let the North go free.

Mr. ALLEN. I thank the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, on the question of racial segregation, I have seen more segregation based on race in 3 hours in the city of New York than I have seen in North Carolina in the 73 years I have been living.

When they started busing children up there to accomplish what is called desegregation of schools, the legislature of New York, by virtually a 2-to-1 majority, passed a law to prohibit it. A similar law was passed in Georgia the other day, and 15 minutes later they had a case in court to have it declared invalid. But that New York statute has been on the statute books for a year or more, and nobody has challenged its validity.

I wish to make two points to show why agreeing to this issue-dodging and buckpassing amendment would give the Senate a bad image in the eyes of the American people.

The first is that Senators of the United States are supposed to know something about the Constitution. If they know nothing about the Constitution, they cannot possibly keep their oath to support the Constitution. So, if this amendment is adopted, it will rightly engender, not in my mind, but in the minds of the American people, the inference that the Senate confesses that it is ignorant as to what the Consituation of the United States requires on this point.

The public may draw that inference, but I fear that it may also draw a different inference.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ERVIN. Will the Senator from Mississippi yield me 3 more minutes?

Mr. STENNIS. Yes; I yield the Senator 5 additional minutes, Mr. President.

Mr. ERVIN. Of course, I know that all Senators are bold and courageous men, that they are willing to face issues. But I know Senators better than the people of the United States know them collectively; and if this amendment is adopted, I fear that the American people are going to draw an inference, either that Senators are ignorant of what the Constitution has to say on this point, or that they have not got the fortitude to stand up and face the issue which is dividing the American people more than any other issue confronting this Nation.

I call attention to an article published in the Wall Street Journal on February 26, 1970, written by Vermont Royster, and entitled "Forced Integration: Suffer the Children," in which it is pointed out that the Federal Government would not dare to drag adults around the way it is dragging little children hither and yon; that while everyone has a right to go into a public swimming pool, the Government would not dare to go out and round up black and white people and make them go swimming in the same pool together, if they were adults.

The article continues:

> The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.
>
> There are many things wrong with the forcible transfer of children from school to school to obtain the "'proper" racial mix. It is, for one thing, wasteful of time, energy and money that could be better applied to making all schools better.
>
> To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.
>
> Both are insolent assertions of white superiority. Both spring from the same bitter seed.
>
> Still, the practical difficulties might be surmounted. The implied arrogance might be overlooked, on the grounds that the alleged superiority is not racial but cultural; or that, further, both whites and blacks will gain from mutual association. That still leaves the moral question.
>
> Perhaps it should be restated. Is it moral for society to apply to children the force which, if it were applied to adults, men would know immoral? What charity, what compassion, what morality is there in forcing a child as we would not force his father?

Mr. President, I am going to exercise compassion for the little children, black and white. I am going to vote against this amendment.

I call particular attention of the Senate to the opening paragraph of this article. It quotes the words of Stewart Alsop in Newsweek:

> "Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure."
>
> The words of Stewart Alsop in Newsweek will serve as well as any. They are startling, honest and deeply true. Whatever anyone else says otherwise, however shocked we may be, we know he is right.

I ask unanimous consent that the article from the Wall Street Journal to which I have referred be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 26, 1970]

FORCED INTEGRATION: SUFFER THE CHILDREN

(By Vermont Royster)

"Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure."

The words of Stewart Alsop in Newsweek will serve as well as any. They are startling, honest and deeply true. Whatever anyone else says otherwise, however shocked we may be, we know he is right.

The proof lies in the fact that Congress, in a confused sort of way, has made it clear that it no longer thinks forced integration is the way to El Dorado. Since Congress is a political body, that in itself might be evidence enough. But Mr. Alsop has also put the statement up for challenge to a wide range of civil rights leaders, black and white, ranging from Education Commissioner James Allen to black militant Julius Hobson, and found none to deny it. Beyond that, we have only to look around ourselves, at both our white and our black neighbors, to know that the failure is there.

But that only plunges us into deeper questions. Why is it a failure? And why is it tragic? Why is it that something on which so many men of good will put their faith has at last come to this? Where did we go wrong?

And those questions plunge us yet deeper. For to answer them we must go back to the beginning. It is the moment for one of those agonizing reappraisals of all our hopes, emotions, thoughts, about what is surely the most wretched of all the problems before our society.

A SIMPLE PROPOSITION

We begin, I think, with a simple proposition. It is that it was, and is *morally* wrong for a society to say to one group of people that because of their color they are pariahs—that the majesty of law can be used to segregate them in their homes, in their schools, in their livelihoods, in their social contacts with their fellows. The wrong is in no wise mitigated by any plea that society may provide well for them within their segregated state. That has nothing to do with the moral question.

In 1954, for the first time, the Supreme Court stated that moral imperative. Beginning with the school decision the judges in a series of decisions struck down the legal underpinnings of segregation.

Since emotions and prejudices are not swept away by court decisions there were some white people in all parts of the country who resisted the change. But they were, for all their noise, in the minority. The great body of our people, even in the South where prejudice had congealed into custom, began the task of stripping away the battens of segregation. Slowly, perhaps, but relentlessly.

Then some people—men of good will, mostly—said this was not enough. They noticed that the mere ending of segregation did not mix whites and blacks in social intercourse. Neighborhoods remained either predominantly white or black. So did schools, because our schools are related to our neighborhoods. So did many other things. Not because of the law, but because of habit, economics, preferences—or prejudices, if you prefer.

From this came the concept of "de facto" segregation. This Latin phrase, borrowed from the law, describes any separation of whites and blacks that exists in fact and equates it with the segregation proscribed by law. The cause matters not. These men of good will concluded that if segregation in law is bad then any separation that exists in fact is equally bad.

From this view we were led to attack any separation as de facto segregation. Since the first attack on segregation came in the schools, the schools became the first place for the attack on separation from whatever cause. And since the law had served us well in the first instance, we chose—our lawmakers chose—to use the law for the second purpose also. The law, that is, was applied to compel not merely an end to segregation but an end to separation by forced integration.

It was at this point that we fell into the abyss. The error was not merely that we created a legal monstrosity, or something unacceptable politically to both whites and blacks.

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The tragedy is that we embraced an idea *morally* wrong.

That must be recognized if we are to understand all else. For what is wrong about forced integration in the schools is not its impracticality, which we all now see, but its immorality, which is not yet fully grasped.

Let us consider.

Imagine, now, a neighborhood in which 95% of the people are white, 5% of them black. It is self-evident that we have here a de facto imbalance. We do not have legal segregation, but we do not have integration either, at least not anything more than "tokenism."

Let us suppose also that for some reason—any reason, economics, white hostilities, or perhaps black prejudice against living next door to whites—the proportion does not change. The only way then to change it is for some of the whites to move away and, concurrently, for some blacks who live elsewhere to move into this neighborhood. One is not enough. Both things must happen.

CREATING AN IMBALANCE

Or let us suppose the proportion does change. Let us suppose that for some reason—any reason, including prejudice—large numbers of white families move out of the neighborhood, making room for black people to move in, so that after a few years we have entirely reversed the proportions. The neighborhood becomes 95% black, 5% white.

Again we have an imbalance. Again we do not truly have segregation but call it that, if you wish; de facto segregation. In any event we do not have integration in the sense that there is a general mixing, together of the blacks and whites.

Now suppose that we act from the assumption that this is wrong. That it is wrong to have the neighborhood either 95% white or 95% black. That the mix, to be "right," must be some particular proportion.

What action is to be taken? In the first instance, do we by law forcefully remove some of the white families from the neighborhood so that we can force in the "proper" number of black families? Or, in the second instance, do we by law prohibit some of the white families from moving out of the neighborhood? If we do either, who decides who moves, who stays?

The example, of course, is fanciful. We do none of this. No one has had the political temerity to propose a law that would send soldiers to pick people up and move them, or to block the way and prevent them from moving. No one stands up and says this is the moral thing to do.

Stated thus badly, the immorality of doing such things is perfectly clear. No one thinks it moral to send policemen, or the National Guard bayonets in hand, to corral people and force them into a swimming pool, or a public park or a cocktail party when they do not wish to go.

No one pretends this is moral—for all that anyone may deplore people's prejudice—because everyone can see that to do this is to make of our society a police state. The methods, whatever the differences in intent, would be no different from the tramping boots of the Communist, Nazi or Fascistic police states.

All this being fanciful, no one proposing such things, it may seem we have strayed far from the school integration program. But have we?

The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.

There are many things wrong with the forcible transfer of children from school to school to obtain the "proper" racial mix. It is, for one thing, wasteful of time, energy and money that could better be applied to making all schools better.

To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.

Both are insolent assertions of white superiority. Both spring from the same bitter seed.

Still, the practical difficulties might be surmounted. The implied arrogance might be overlooked, on the grounds that the alleged superiority is not racial but cultural; or that, further, both whites and blacks will gain from mutual association. That still leaves the moral question.

Perhaps it should be restated. Is it moral for society to apply to children the force which, if it were applied to adults, men would know immoral? What charity, what compassion, what morality is there in forcing a child as we would not force his father?

It is a terrible thing to see, as we have seen, soldiers standing guard so that a black child may enter a white school. You cannot help but cringe in shame that only this way is it done. But at least then the soldiers are standing for a moral principle—that no one, child or adult, shall be barred by the color of his skin from access to what belongs to us all, white or black.

But it would have been terrifying if those same soldiers had been going about the town rounding up the black children and marching them from their accustomed school to another, while they went fearfully and their parents wept. On that, I verily believe, morality will brook no challenge.

Thus, then, the abyss. It opened because in fleeing from one moral wrong of the past, for which we felt guilty, we fled all unaware to another immorality. The failure is tragic because in so doing we heaped the burdens upon our children, who are helpless.

MUST WE TURN BACK?

Does this mean, as many men of good will fear, that to recognize as much, to acknowledge the failure of forced integration in the schools, is to surrender, to turn backward to what we have fled from?

Surely not. There remains, and we as a people must insist upon it, the moral imperative that no one should be denied his place in society, his dignity as a human being, because of his color. Not in the schools only, but in his livelihood and his life. No custom, no tradition, no trickery should be allowed to evade that imperative.

That we can insist upon without violating the other moral imperative. So long as he does not encroach upon others, no man should be compelled to walk where he would not walk, live where he would not live, share what company he would shun, think what he would not think, believe what he believes not.

If we grasp the distinction, we will follow a tragic failure with a giant step. And God willing, not just in the schools.

Mr. ERVIN. I also ask unanimous consent to have printed in the RECORD an article written by a very perceptive black commentator, William Raspberry, and published in the Washington Post on February 20, 1970, in which he truthfully states that "Concentration on Integration Is Doing Little for Education."

He talks about busing, and his concluding paragraph is:

> But it has accomplished nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they'd rather not attend.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 20, 1970]

CONCENTRATION ON INTEGRATION IS DOING LITTLE FOR EDUCATION

(By William Raspberry)

Racial segregation in public schools is both foolish and wrong, which has led a lot of us to suppose that school integration must, therefore, be wise and just.

It ain't necessarily so. It may be that one reason why the schools, particularly in Washington, are doing such a poor job of educating black children is that we have spent too much effort on integrating the schools and too little on improving them.

The preoccupation with racial integration follows in part from a misreading of what the suit that led to the 1954 desegregation decision was all about.

The suit was based (tacitly, at least) on what might be called the hostage theory. It was clear that black students were suffering under the dual school systems that were the rule in the South. It was also clear that only the "separate" part of the separate-but-equal doctrine was being enforced.

Civil rights leaders finally became convinced that the only way to ensure that their children would have equal education with white children was to make sure that they received the same education, in the same classrooms.

Nor would the education be merely equal, the theory went: It would be good. White people, who after all run things, are going to see to it that their children get a proper education. If ours are in the same classrooms, they'll get a proper education by osmosis.

That, at bottom, was the reasoning behind the suit, no matter that the legal arguments were largely sociological, among them, that segregated education is inherently unequal.

(Why it should be inherently more unequal for blacks than for whites wasn't made clear.)

In any case, the aim of the suit was not so much integrated education but better education. Integration was simply a means to an end.

Much of the confusion today stems from the fact that the means has now become an end in itself. Suits are being brought for integration, boundaries are being redrawn, busing is being instituted—not to improve education but to integrate classrooms.

The results can sometimes be pathetic.

In Washington, blacks send their children (or have them sent) across Rock Creek Park in pursuit of the dream of good education. But as the blacks come, the whites leave, and increasingly we find ourselves busing children from all-black neighborhoods all the way across town to schools that are rapidly becoming all-black.

The Tri-School setup in Southwest Washington is a case in point. Of the three elementary schools in the area, only one was considered a good school: Amidon, where the children of the black and white well-to-do attended. Bowen and Syphax, populated almost exclusively by poor kids from the projects, were rated lousy schools.

Then the hostage theory was applied. A plan was worked out whereby all first- and second-graders in the area would attend one school, all third- and fourth-graders a second, and all fifth- and sixth-graders the third.

The well-to-do parents would see to it that their children got a good education. All the poor parents had to do was to see to it that their children were in the same classrooms.

That was the theory. What happened, of course, is that instead of sprinkling their children around three schools, the luxury high-rise dwellers, black and white, packed their youngsters off to private school. Now instead of one good and two bad schools, Southwest Washington has three bad ones.

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After 16 years, we should have learned that the hostage theory doesn't work. This is not to suggest that integration is bad but that it must become a secondary consideration.

Busing makes some sense (as a temporary measure) when its purpose is to transport children from neighborhoods with overcrowded classrooms to schools where there is space to spare.

It works to a limited degree when it involves children whose parents want them bused across town for specific reasons.

But it has accomplished nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they'd rather not attend.

The notion will win me the embarrassing support of segregationist bigots, but isn't it about time we started concentrating on educating children where they are?

Mr. ERVIN. I also ask unanimous consent to have printed in the RECORD an article written by the perceptive commentator, Richard Wilson, and published in the Washington Evening Star on February 18, 1970, entitled "Has Integration Reached Its Practical Limits?"

In this article, Mr. Wilson points out something all of us know, although it is denied here on the floor of the Senate, which is that the North has refused to accept these things.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Feb. 18, 1970]

HAS INTEGRATION REACHED ITS PRACTICAL LIMITS?

(By Richard Wilson)

The present school crisis should be better understood. It involves not merely equal treatment, North and South, on school desegregation.

A general principle is involved applying to housing, employment and other practical and legal matters of race adjustment but, more than that, the more highly sensitized issue of enforced racial integrations based on morals, ethics and justice.

A crisis has thus been created. It goes beyond the strictly constitutional requirement for the desegregation of all public facilities.

Now the courts and certain agencies of government are saying that absence of overt discrimination is not enough. There must be plans, goals and quotas superseding all established living patterns which will mix the races as a humanitarian and social requirement.

This is what the North has refused to accept. In the North, South, East and West people have adjusted their lives to accommodate their personal racial integration to the practical level they regard as desirable or necessary under their own circumstances.

For example, Sen. Abraham Ribicoff's recent anguished support of the Stennis amendment for equal treatment, North and South, must be taken against the background of the bitter refusal of whites in his own state of Connecticut to change their living patterns to conform to school integration plans. They do not, in short, want busing.

As another example, a state judge in California has ordered the enforced integration—not merely desegregation—of the Los Angeles schools on a basis requiring the daily movement of many thousands of children over long distances in that vast area.

If such principles are to be carried into the general life of the country, such additional action as this might be expected: Fixed quotas of Negro residency in new suburban subdivisions, established goals or quotas of Negro employment in all businesses and professions; fixed quotas of admission of Negroes in all institutions of higher learning; fixed quotas of Negro employment by public agencies.

Then, to carry the matter a step further, it might be considered logical that all churches, clubs, organizations should, as a matter of social right, contain Negroes in proportion to their numbers of the local and general population.

The line between what is called de jure segregation and de facto segregation would thus be crossed. A tremendous amount of confusion and passion has been aroused because so many whites and blacks do not wish to cross the line.

This has impeded the integration of the school system in all sections of the country. As Ribicoff has stated, the whites just move away from areas in which the integration of the public schools passes their acceptance or tolerance, and that varies with individuals.

The temptation is to say that this nation will not accept racial integration regardless of what the courts say or government agencies do. That would not be literally correct. There has been much integration at least on the fringes of contacts between the two races.

But the question presents itself whether such integration as there has been has come to its practical limits, for some time to come, at least.

There is a big difference between what Congress has defined, what government agencies are doing and what the lower courts are saying. Employment is a case in point. Congress says there should be no quotas of Negro employment. The government has, in effect, established such quotas in the building trades.

The Supreme Court does not tell if de facto segregation resulting from living patterns is constitutional or not. Lower courts, nevertheless, establish integration planes affecting neighborhood living patterns.

In many instances, desegregation has merely created new segregation. The leading impression is one of helplessness and bafflement because the nation will not integrate itself socially on more than a token basis, and that causes such cries of despair as Ribicoff's.

Mr. ERVIN. Before yielding the floor, I would like to say that I urge the Senate to reject the amendment. I urge the Senate to do this in order that it might have a better image in the minds of the people than the image which will be projected if the people think that either Senators lack knowledge of what the Constitution means, although they are required to support it, or that Senators do not have the fortitude to stand up and face squarely one of the most crucial issues confronting our country.

I fear—in fact, I know—that the adoption of this resolution, which is a rather weasel-worded thing at best, will tend to create this latter image of the Senate in the minds of the people.

I yield the floor.

EXHIBIT 1

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE.

Hon. WARREN G. MAGNUSON,
Chairman, Subcommittee on Departments of Labor, and Health, Education, and Welfare and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: This letter contains our comments and recommendations on H.R. 15931, as passed by the House of Representatives yesterday, February 19.

Statements are enclosed which describe the effect of the House action on H.R. 15931 wherever this action differs from either the President's budget, as amended, or from H.R. 13111 as passed by the Senate on January 26. I am also enclosing a listing of all the amendments which this Department recommends to H.R. 15931 as passed by the House. Otherwise, I would like to confine the contents of this letter to the implications of the House action in light of the President's veto of H.R. 13111.

Let me express my judgment that the action of the House does not adequately respond to the objections that the President made on H.R. 13111 and that served as the basis for his veto. When examined in these terms, it is clear that the bill continues to carry the same excesses and faults that caused the President to veto this important and vital measure in the first place. Specifically, comparing the bill with each of the reasons cited by the President in his veto message, I find that it would—

1. Still add almost $900 million to the President's original budget for the Department of Health, Education, and Welfare and thereby continue the inflationary characteristics of the vetoed bill.
2. Still be the all-time high for increases over any President's budget for HEW—bar none. No previous Congress has ever added so much to the HEW appropriation for any year.
3. Still constitute by far the largest increase over the President's budget for any 1970 appropriation bill passed by the 91st Congress.
4. Continue to impose on the President large increases in mandatory formula grant programs over which the President can exercise little or no control in his management of the overall Federal budget. The bill as passed by the House carries more than $848 million in increases for mandatory formula grants without one single word of language or other authority that would give the President discretion over how and when these increases might be spent.
5. Still add large sums for what, in my opinion, are marginal or misdirected programs which need to be reevaluated or overhauled—not expanded. Many of these funds are for activities which could well be deferred until such evaluations and reforms are completed—or until inflation is checked.
6. Still add large sums that cannot be spent effectively so late in the fiscal year.
7. Continue to ignore the President's requests for new approaches and new initiatives for the future.

THE BILL CONTINUES TO BE INFLATIONARY

In his veto message, the President cited inflation as his first reason for veto. In his message, he said: "These increases are excessive in a period of serious inflationary pressure. We must draw the line and stick to it if we are to stabilize the economy." That statement was made about an increase in his original budget that added up to more than $1.2 billion. We contend that by dropping only $364 million, the House bill does not go far enough to meet the President's objection and in no way represents a "holding of the line."

Any bill that adds almost $900 million ($896 million to be exact) to the original budget request must be viewed as excessive during this critical time in the President's fight against inflation.

THE BILL TIES THE HANDS OF THE PRESIDENT BY INCREASING AMOUNTS FOR MANDATORY FORMULA GRANTS

In my opinion, this stands as the most grievous defect in the House bill. Despite the President's suggestion that this problem could be solved through the use of appropriation language giving him discretionary authority over such formula grants, the bill, as I said above, continues to force upon the President over $848 million in increases for mandatory formula grants. If he is to

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limit overall Federal spending, he must make offsetting reductions in other programs. With only 4¼ months remaining, this places the President in an absolutely untenable position. Too much of the Federal budget is already committed to make such a large offset so late in the year.

This factor alone would make it impossible for me to recommend to the President that he accept the bill in its present form.

THE BILL STILL CARRIES TOO MUCH MONEY TO BE SPENT TOO LATE IN THE FISCAL YEAR

The President has already called out attention to what has been a traditional concern of the Congress, namely, that money not be appropriated so late in the fiscal year as to invite hasty and unwise expenditures. How often has the Congress challenged June buying by the Executive Branch? How often has the Congress cut supplemental appropriations because the money would come too late to be spent wisely? Yet, in this bill, the House seems to have turned its back on sound Congressional tradition. Unless the Senate reverses the House action, the President would stand alone as the only one who seems to advocate this kind of judgment. We have already lost almost a month since the Senate passed the last bill. This, combined with the continued rise in inflation, makes it all the more important that we pare down those portions of the bill that would result in end-of-year spending.

THE BILL CONTINUES TO ADD MONEY FOR MARGINAL PROGRAMS WHILE IGNORING THE PRESIDENT'S PRIORITIES

In his February 2 letter to the Speaker of the House, enclosed, the President proposed a compromise which would add $449.1 million to his original budget for HEW. Within this compromise were several programs for which the President expressed a willingness to accept Congressional increases in their entirety. In other instances, he proposed to meet the Congress part way. Proposals falling in this category had been weighed carefully for their merit and priority, for their inflationary impact, and in terms of whether additional money could be wisely spent between now and June 30. Except for Hill-Burton hospital construction, where the House bill comes close to adopting the President's February 2 alternatives, the action of the House brushes aside the President's compromise funding levels. The bill continues to carry large sums for school equipment, library books, and other deferrable purchases, while at the same time ignoring completely the President's request for reinstatement of two new initiatives—his request for funds to launch an experimental school program and enlarge the dropout prevention program.

RECOMMENDATION FOR SENATE ACTION

As I have already said, taken in its present form, I would have no choice but to recommend to the President that he veto H.R. 15931. Thus, I see the Senate as playing a vital role in avoiding another impasse. I hope that the Senate will be able to help the President reach his objective. I urge the Senate to take appropriate action to reduce the overall level of appropriations for this Department as proposed in H.R. 15931.

Based on statements by the President in his veto message, and based on the proposals that he made to the Congress in his letter of February 2 to the Speaker of the House, it is quite clear that the President desires to find an accommodation. There are two approaches open to the Senate, either of which, I am confident, would be acceptable to the President. These are:

1. Modify H.R. 15931 so that it would reflect the proposals made by the President in his letter to the Speaker of February 2. In his letter, the President proposed amendments which provided increases over his original budget totaling $449 million. The President's proposals would result in a 1970 budget that totals $16,790,705,000. This would provide a total budget for this Department that is almost 10 percent higher than that approved by the Congress for 1969. The increases proposed by the President over the vetoed 1970 appropriation bill are as follows:

$238 million for impacted area aid

$70 million for basic grants for vocational education

$25 million for grants for education of the disadvantaged under Title I of the Elementary and Secondary Education Act

$40 million in additional funds for supplementary education services and other forms of support to elementary and secondary education

$10 million for public library services

$6 million for education of the handicapped

$8.8 million for education professions development

$29.7 million for the National Institutes of Health

$10 million to accelerate the rubella vaccination program

$7 million to intensify air pollution research efforts

$4 million for treatment of alcoholism

The listing of amendments enclosed would bring the bill into full agreement with the President's February 2 alternative.

2. The second course open to the Senate which would clearly in my view, satisfy the President would be to include language in the bill giving the President discretionary authority over the so-called mandatory formula grants which make up such a large share of the bill. As the matter stands, the bill calls for almost $4.3 billion in mandatory formula grants.

Our enclosed list of recommended amendments includes a general provision which would, if adopted, resolve the issue.

In other words, the simple action of including this one piece of language in the bill could make it possible for the President to accept the bill. I would like to emphasize that should this course be adopted by the Congress, the President and this Department are committed to the obligation of all funds, including the so-called mandatory formula grants, to at least the levels indicated in the President's February 2 budget amendments. This, of course, includes impacted area aid.

As I have already said, this might well prove to be the quickest and simplest way to solve our problem. As I understand it, although a similar provision included in the House Committee bill was deleted on a "point of order" on the floor of the House, should such a provision be later adopted by the Senate and agreed to by House-Senate Conferees, the House rule would not permit its deletion a second time on a "point of order." In other words, if the Senate were to adopt this language, it seems to me that its chances for final approval by the Congress as a whole would be quite good.

GENERAL PROVISIONS IN H.R. 15931

There are three general provisions carried in the House bill which are of concern to this Department—sections 408, 409, and 410.

As you know, sections 408 and 409 are identical with provisions contained in H.R. 13111, as originally passed by the House. I would recommend that the Senate follow exactly the same course of action it followed in dealing with these provisions in H.R. 13111.

Insofar as the new section 410 of the bill is concerned, it is my belief that it may well have been born out of misunderstanding on the part of the House concerning the role and activities of the Office for Civil Rights of this Department. Let me say that it is not the role of the Office for Civil Rights to interpret the Constitution and the law. That is the responsibility of the courts. Once the courts have acted, it is the responsibility of this Department to extend a helping hand to school districts in their efforts to comply with court decisions. Because the courts have already in many instances, decreed that "freedom of choice plans" that result in discrimination are illegal, all that section 410 can do is prevent this Department from working with and helping local school districts who are trying to comply with such court orders. Because section 410 does not appear to be consistent with actions of the courts, it could only produce an administrative nightmare for our Department. If we are to avoid the administrative chaos that this section would produce at all levels, section 410 should be deleted from the bill.

CONCLUSION

I believe, Mr. Chairman, that you are as anxious as we are to complete action on this appropriation bill. I respectfully request that the Senate modify the House bill along either of the two lines suggested above. Our Department stands ready to support and help you to this end in every way possible.

I have furnished Senator Cotton with a courtesy copy of this letter.

Sincerely,

——— ———.

Secretary.

REQUESTED AMENDMENTS

Amendments Requested by the Department of Health, Education, and Welfare to H.R. 15931 91st Congress, First Session in the Senate of the United States:

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

AIR POLLUTION CONTROL

1. Page 12, line 18, strike out "$108,000,000" and insert in lieu thereof "$102,800,000".

2. Page 12, line 199, strike out "$45,000,000" and insert in lieu thereof "$30,000,000".

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

MENTAL HEALTH

3. Page 14, line 11, strike out "$360,302,000" and insert in lieu thereof "$354,002,000".

4. Page 14, line 12, strike out "$47,500,000" and insert in lieu thereof "$41,200,000".

HOSPITAL CONSTRUCTION

5. Page 17, line 1, strike out "$176,123,000" and "$81,300,000" and insert in lieu thereof "$153,923,000" and "$50,000,000".

6. Page 17, line 6, strike out "$90,900,000" and insert in lieu thereof "$100,000,000".

7. Page 17, line 11, strike out the following:

"DISTRICT OF COLUMBIA MEDICAL FACILITIES

"For grants of $3,500,000 and loans of $6,500,000 for nonprofit private facilities pursuant to the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90–457) to remain available until expended."

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES

8. Page 20, line 9, strike out "$146,334,000" and insert in lieu thereof "$137,668,000".

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

9. Page 20, line 14, strike out "$106,978,000" and insert in lieu thereof "$101,256,000".

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

10. Page 20, line 19, strike out "103,694,500" and insert in lieu thereof "$102,389,000."

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

11. Page 21, line 2, strike out "$164,644,000" and insert in lieu thereof "$154,288,000".

GENERAL RESEARCH AND SERVICES

12. Page 21, line 24, strike out "$76,658,000" and insert in lieu thereof "$69,698,000".

HEALTH MANPOWER

13. Page 22, line 15, strike out "$234,470,000" and insert in lieu thereof "$224,220,000".

DENTAL HEALTH

14. Page 23, line 14, strike out "$11,722,000" and insert in lieu thereof "$10,887,000".

BUILDINGS AND FACILITIES

15. Page 24, line 9, strike out "$1,900,000" and insert in lieu thereof "$1,000,000".

Office of Education

ELEMENTARY AND SECONDARY EDUCATION

16. Page 26, line 18, strike out after "titles" the numeral "II".

17. Page 26, line 22, strike out the following:

"$252,393,000; of which $50,000,000 shall be for school library resources, textbooks, and other instructional materials under title II of said Act of 1965; $116,393,000" and insert in lieu thereof "$220,393,000, of which $156,393,000".

18. Page 27, line 1, strike out the following: "$17,000,000 shall be for guidance, counseling, and testing under title V–A of said Act of 1958".

19. Page 27, line 5, strike out "$5,000,000" and insert in lieu thereof "$15,000,000".

20. Page 27, line 8, strike out "$25,000,000" and insert in lieu thereof "$10,000,000".

21. Page 27, line 12, strike out "$386,160,700" and insert in lieu thereof "$240,185,700".

22. Page 27, line 18, strike out the following

"INSTRUCTIONAL EQUIPMENT

For equipment and minor remodeling and State administrative services under title III–A of the National Defense Education Act of 1958, as amended, $43,740,000: *Provided*, That allotments under sections 302(a) and 305 of the National Defense Education Act, for equipment and minor remodeling shall be made on the basis of $40,740,000 for grants to States and on the basis of $1,000,000 for loans to nonprofit private schools, and allotments under section 302(b) of said Act for administrative services shall be made on the basis of $2,000,000."

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

23. Page 28, line 7, strike out "$520,567,000 of which $505,500,000" and insert in lieu thereof "$440,167,000 of which $425,000,000".

24. Page 28, line 18, strike out "." and insert ": *Provided further*, That the amount to be paid to an agency pursuant to said title (except section 7) for the current fiscal year shall not be less, by more than 5 per centum of the current expenditures for free public education made by such agency for the fiscal year 1969, than the amount of its entitlement under said title (except section 7) for the fiscal year 1969."

EDUCATION PROFESSIONS DEVELOPMENT

25. Page 28, line 23, strike out "$107,500,000, of which $18,250,000" and insert in lieu thereof "$103,750,000, of which $15,000,000".

HIGHER EDUCATION

26. Page 29, line 18, strike out "$871,874,000" and insert in lieu thereof "$771,774,000".

27. Page 30, line 12, strike out the following: "and $33,000,000 shall be for grants for construction of other academic facilities".

28. Page 30, line 17, strike out "$222,100,000" and insert in lieu thereof "$155,000,000".

VOCATIONAL EDUCATION

29. Page 31, line 5, strike out "$391,716,000" and insert in lieu thereof "$347,216,000".

30. Page 31, line 7, strike out the following: "$20,000,000 shall be for programs under section 102(b) of said Vocational Education Act of 1963, including development and administration of State plans and evaluation and dissemination activities authorized under section 102(c) of said Act, and $5,000,000 for work-study programs under part H of said Act,"

31. Page 31, line 13, strike out "$2,800,000" and insert in lieu thereof "$1,680,000".

32. Page 31, line 18, strike out "$17,500,000" and insert in lieu thereof "$15,000,000".

LIBRARIES AND COMMUNITY SERVICES

33. Page 31, line 23, after "I" strike out "II".

34. Page 32, line 5, strike out "$148,881,000, of which $35,000,000" and insert in lieu thereof "$117,709,000, of which $27,500,000".

35. Page 32, line 8, strike out the following: "$9,185,000, to remain available through June 30, 1971, shall be for grants for public library construction under title II of such Act,".

36. Page 32, line 17, strike out "$6,737,000" and insert in lieu thereof "$4,500,000".

37. Page 32, line 22, strike out "$5,083,000" and insert in lieu thereof "$4,000,000".

EDUCATION FOR THE HANDICAPPED

38. Page 33, line 11, strike out "$100,000,000, of which $29,190,000" and insert in lieu thereof "$91,850,000, of which $29,250,000".

RESEARCH AND TRAINING

39. Page 33, line 22, strike out "$85,750,000" and insert in lieu thereof "$95,250,000".

40. Page 34, line 7, strike out "." and insert the following "and $9,500,000 to remain available through June 30, 1971, shall be available under said Cooperative Research Act for experimental schools."

Social and Rehabilitation Service

GRANTS FOR REHABILITATION SERVICES AND FACILITIES

41. Page 37, line 16, strike out "$464,783,000" and insert in lieu thereof "$461,283,000".

42. Page 37, line 23, strike out "$4,050,000" and insert in lieu thereof "$550,000".

MENTAL RETARDATION

43. Page 38, line 23, strike out "$37,000,000, of which $12,031,000" and insert in lieu thereof $33,000,000, of which $8,031,000".

MATERNAL AND CHILD HEALTH AND WELFARE

44. Page 39, line 11, strike out "$284,800,000" and insert in lieu thereof "$282,400,000".

TITLE IV—GENERAL PROVISIONS

45. Page 60, line 19, after "408." insert: "Except as required by the Constitution.

46. Page 61, line 1, after "409." insert "Except as required by the Constitution".

47. Page 61, after "410." strike out the following:

"No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian."

And insert in lieu thereof:

"In the administration of any program provided for in this Act, as to which the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure or obligation (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula."

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 10 minutes to the Senator from California.

Mr. MURPHY. I thank my distinguished colleague.

Mr. President, I have listened with a great deal of interest to the debate. I am concerned about the possible confusion as to the position of the President of the United States. Insofar as I have been able to ascertain, the position of the President of the United States has not changed. I think it is very clear that he believes in the equal application of the law in all States. He is opposed to busing to achieve racial balance. He is strongly opposed to anything that will break up the basic value of the legendary condition of the neighborhood school. I am too.

I have read very carefully the record of the previous debate. We have been over the same ground. There does not seem to be much added or changed.

An analysis of the vote on December 17, 1969, shows that those opposing the amendment thought it was unnecessary. If the provisions of sections 408 and 409 were unconstitutional this language will not add anything. I have been concerned as to exactly what is constitutional.

I find that from time to time, in the history of our great Nation, it depends upon what the particular group sitting in the Supreme Court at the particular moment decides is constitutional. This is a cause of concern to me, and I would hope that some time in the not too distant future a safeguard in these matters could be built into the protection of the Constitution.

Mr. President, amendments would prohibit the use of funds to force a school district to take any action involving the busing of students. It is said in the opinion that instead of being in conflict with the Constitution, they are in harmony with the equal protection clause of the 14th amendment as interpreted in 1954 by the Supreme Court. I do not see the necessity for this particular amendment.

I refer to a statement I made in this matter on February 26, released to my constituents in my State. I said:

> Suddeny, our nation and our State are faced with a renewed educational crisis . . .

This was because of a judgment that was passed down by a judge in Los Angeles. I do not in any way wish to criticize the judge or his decision. But this crisis came in my State, in its chief city, as a direct result of that judge's findings.

All men have an absolute right to share in the privileges and duties of this great Nation—regardless of religion, national origin, or color.

I have consistently voted for civil rights for all men during my first term as a Member of the U.S. Senate. I am a coauthor of the 1965 Civil Rights Act.

However, I believe mandatory busing of schoolchildren to achieve racial balance in California schools is impractical. Courts who do not consider the full consequences of their decisions are thoughtless. They do not help our society in trying to solve critical social problems. They hurt progress rather than cause it.

To force a group of youngsters to leave their neighborhoods and be bused across town just to comply with a mathematical formula laid down by a slide-rule jurist is not just, fair, or equitable.

It solves no problems, but it does create some. Not the least of these problems is that busing interferes with special programs designed specifically to reach the minorities.

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Such as the program in which I take great pride, the bilingual education program, a program designed to give equal opportunity of learning to youngsters in my State who come from Spanish-speaking homes, who go into the school system not understanding the language used there.

I was shocked to learn that there was a law in my State that prohibited bilingual education. Fortunately, with the help of my distinguished, long-time friend, the Governor of the State, that law was changed quickly. Then, with the help of my colleagues on the committee, on which I am pleased to serve, we got the bilingual education program started. It is proving to be very successful. It is proving to be practical. It is proving to be something that should have been done many, many years ago.

I believe—and I so voted last week—that everyone in this Nation should be equally affected by the law—North or South, East or West.

I do not think that we in this Chamber should write specific laws for any particular area or vary them by town or State.

We are one Nation. I do not believe in granting special privilege or imposing special punishment to one section of this country.

I went to an integrated school when I was a youngster, a school in which I believe 75 to 80 percent of the students were Negroes. The experience certainly has not done me any harm, and I believe the experience has helped me to understand the problems and, hopefully, to add my voice in finding solutions to bring about the important final result of equal education of high quality, not based on some mathematical balance, but based on the expertise of the teachers, the commonsense and practical approach of the curriculum, to accomplish the basic purpose in order to give the young people a background and understanding and the tools which will be needed for them to take their proper, productive place in our society as they grow up, without any impediment.

Now I have to be practical. In representing the largest State in the Union, I am forced to be. We know a good deal about integration in California. I am sure that many of my colleagues have read about a town called Delano, about which there has been a great deal of misinformation. Delano, to my knowledge, is as successful and totally integrated town as there is anywhere in the United States.

There is another town in my State, Watts, about which there is also a great deal of misinformation. It is not a ghetto. It is a fine community with fine people, good houses, good schools, and good children growing up there. A small part of the neighborhood is bad. I venture to say there is not a town or city in this country that has not got one small area of which they are not proud.

I am glad to say that we have made great improvements. That was not a new problem with California. It is one I knew something about many years ago before I came to the Senate. Many of us on the west coast have been working on the problems that were concentrated in the bad areas to see if we could not do away with them, properly and constructively, and in some other fashion than with molotov cocktails or burning down stores and buildings.

There is a better way—a much better way.

The latest figures I have available show that 382,000 Negro pupils go to California schools. That is 9 percent of the total enrollment. There are 613,000 Spanish-American students in the schools in California. That is 14 percent of the total enrollment.

Busing will cost the city of Los Angeles alone $40 million, money which they do not have. If they had it, they could find a much better way to spend it, and that is by increasing the quality of education.

Busing will cost the State of California $140 million which, in my opinion, will neither benefit education nor advance social progress.

What of the people involved?

What of the rights of the families who say—and I get plenty of mail on this, I guess as much as any Member of this body—"I do not want my child sent 18, 20, or 30 miles to another school. I do not want my child to have to spend 2½ to 3 hours a day on a bus, being taken from one area to another."

These people are not racist, Mr. President, they are merely concerned parents who would like to have quality education provided for their children and they feel—as I do—in order, at long last, to create equal opportunity for all the citizens of this country.

Busing to fulfill a mathematical equation, in my opinion, is unnecessary and unwarranted.

I am afraid that the judicial branch of our Government, at least some of it, has forgotten to be practical in its enthusiasm for what it considers—and I think wrongly—to be needed social reform.

Mr. President, a great majority of the citizens of California are opposed to this. They have been vocal in their opposition, that it is not practical, and that it will not achieve nearly as well what can be done by increasing the quality of education. The leaders of all groups have notified my office of their feelings.

Therefore, let us concentrate on the quality of education. I have authored various bills to include educational quality. Only recently the Senate adopted a program, the Urban Rural Education Act to provide additional funds to school districts, having large numbers or a high concentration of children from low-income families. The dropout program is another. Let us, above all, in our great enthusiasm for civil rights, not forget that civil rights extends to all the people, and that includes the parent who wants to keep his child in the neighborhood school. Let us not forget the importance of the community and the neighborhood school. Those parents have rights, too. And they should be considered.

So, Mr. President, I see nothing in the amendment that will do anything to solve our problems. To the contrary, I feel that it might add to the already too far-flung confusion.

Therefore, I will oppose the amendment and urge my colleagues to do likewise.

Mr. STENNIS. Mr. President, I yield myself 1 minute to inquire of Senators if there is anyone who wishes to speak in favor of the amendment at this time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I should like to request that the time which was consumed for the call of the quorum just completed be taken out of my time and not out of the time of the distinguished Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I yield 10 minutes to the Senator from Minnesota (Mr. MONDALE).

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. MONDALE. Mr. President, I rise to support the amendment offered by the distinguished Senator from Maryland (Mr. MATHIAS). Sections 408, 409, and 410, the so-called Whitten and Jonas amendments, are, in my opinion, clearly unconstitutional.

There has run throughout this debate the assumption that we are dealing here with matters of what is desirable or what is not desirable in terms of social policy—as though there was not a constitutional and legal issue involved.

The truth of it is that the Supreme Court has repeatedly held that official discrimination in the assignment of students to public schools is a violation of the equal protection clause of the 14th amendment of the Constitution. It is not a question of what some of us would like to do or not like to do. It is a question of whether we intend to uphold the Constitution. It is a question of whether we believe in—if I may use the term—law and order; a question of whether there are some laws we enforce and some laws we ignore, and some laws we implement and some laws we obstruct.

Both the Whitten and Jonas amendments are designed to obstruct the law of the land. They are designed to frustrate the orders of the Supreme Court which are directed toward protecting the human rights of the people of this country. And that must be clearly kept in mind.

There are Supreme Court decisions right on point. Under the Whitten amendment, the Department of Health, Education, and Welfare would be required to accept freedom of choice desegregation plans in all cases, even though those plans do not meet constitutional requirements.

In other words, the Supreme Court could determine that a school district was deliberately discriminating, that it

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had a conscious policy of separating children on the basis of color and putting them in black schools or in white schools. It could then determine that the freedom-of choice plan did not end this policy and that the school district, through a freedom-of-choice plan was pursuing a policy which was discriminatory and which was illegal under the Constitution. Yet, the Whitten amendment's purpose is to set aside these findings and to authorize a policy which is unconstitutional.

In the Green against New Kent County, the court was faced with a freedom-of-choice plan which clearly perpetuated an official policy of discrimination.

The school district had a so-called freedom-of-choice policy for several years, and the black school remained segregated. In fact, there was not a white child in the black school. It was an all-black school.

The court ruled that the freedom-of-choice plan did not in any way abolish the official discrimination policy of that school board, that it was a sham insofar as .the claim of eliminating the dual school system.

The standard they established is one which we might remind ourselves of today. They said on pages 439 and 440 of that opinion:

> We do not hold that "freedom of choice" can have no place in such a plan. We do not hold that a "freedom-of-choice" plan might of itself be unconstitutional, although that argument has been urged upon us. Rather, all we decide today is that in desegregating a dual system a plan utilizing "freedom of choice" is not an end in itself. As Judge Sobeloff has put it,
>
> " 'Freedom of choice' is not a sacred talisman; it is only a means to a constitutionally required end—the abolition of the system of segregation and its effects. If the means prove effective, it is acceptable, but if it fails to undo segregation, other means must be used to achieve this end. The school officials have the continuing duty to take whatever action may be necessary to creat a 'unitary, nonracial system.' "

That is the decision of the Supreme Court. The Whitten amendment would, in effect, say that where unconstitutional segregation continues, HEW must accept the freedom-of-choice plan, even though it is not effective in ending discrimination.

Under the Green case, then, the law is very clear that freedom of choice by itself is not constitutional unless it is effective in eliminating discrimination.

The Court in the Green case found that the record of freedom-of-choice plans shows that they are ineffective.

The Green case cited the Civil Rights Commission study which found that these plans require affirmative action by both Negro and white parents and children and that such action is deterred because of threats of violence, economic reprisals, harassment, and other types of retaliation for exercising freedom of choice.

In a sense it is ironic that those who now favor freedom of choice bitterly opposed these plans at first because they saw "freedom of choice" as a threat to the dual system, albeit of a token nature; only when the Supreme Court made it clear that token desegregation was no longer acceptable did the South embrace freedom of choice as a means of preventing significant desegregation. If one believes in law and order, if one believes in enforcing the orders of the Supreme Court, one must oppose the Whitten amendments and the Jonas amendment.

Section 410, of the so-called Jonas amendment, would go even further. It would require school districts as a condition to receiving Federal funds to adopt freedom-of-choice assignment plans.

In other words, the Whitten amendment does not require a school district to pursue a freedom-of-choice strategy, but it will permit them to do so and claim that they are acting lawfully.

The Jonas amendment goes further and says that they must have a freedom-of-choice plan or lose Federal funds. Thus, even if a district voluntarily chose to assign students in order to desegregate its schools, the district would lose Federal funds under the Jonas amendment.

Where a school district was under court order to desegregate by a more effective method than freedom of choice, the district would have to choose between losing funds under section 410 or violating that court order.

Mr. President, we have heard much in this debate about quality education, as though there were an answer which achieved quality education in the midst of racial isolation imposed by illegal, unconstitutional means. The Senate has debated for some time the question of de facto segregation that arises from residential living patterns.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. MATHIAS. Mr. President, I yield 5 additional minutes to the Senator from Minnesota.

Mr. MONDALE. We are dealing here with legal violations, with unconstitutional discrimination of school systems which have an official policy of sorting children out on the basis of color. There has been some suggestion that not much of that problem remains. In fact, most of the tough, difficult problems remain.

Latest available facts show that some 2 million black children in the South were still attending all-black schools as late as 1968. These children were still being discriminated against and required to attend insulting institutions which say there is something wrong with being black. It is the official policy of these school boards to separate children on the basis of race.

In Alabama, 86 percent of the black children attend all-black schools.

In Arkansas, 71 percent of the black children go to all-black schools. By that I mean a school which is attended by not a single white child.

In Georgia, 76 percent of the black children go to all-black schools.

In Louisiana, 82 percent of the black children go to all-black schools.

In Mississippi, 88 percent of the black children go to all-black schools.

In South Carolina, 79 percent of the black children go to all-black schools.

The implication that de jure segregation is now an issue of the past and lies behind us, that everyone is now integrated, and that all we are dealing with is de facto segregation is not the case in this country today. While we have made progress in eliminating official discrimination, the main battle remains ahead of us. As of 1968, more than 2 million black schoolchildren in the South, still attended wholly segregated institutions.

Mr. President, to abandon this fight today——

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. MONDALE. I yield.

Mr. TALMADGE. Is the Senator aware of the fact that HEW's own figures state that of the 100 largest school districts in the United States, 55 of them are not in the South, and that 40 of these 55 have some 80 percent of their Negro children in segregated schools?

Mr. MONDALE. I strongly believe in the proposition that official discrimination, wherever it is found, must fall under the edicts of the Supreme Court. I do not agree for a moment that this is just a southern problem. There is official discrimination elsewhere; for example, in Los Angeles, Pasadena, South Holland, Ill., Wichita, Kans.; Ferndale, Mich.; and other places in the North and West courts and HEW have found official discrimination. I stand behind the courts and HEW in eliminating official discrimination wherever it is found.

Mr. TALMADGE. Who spoke of official discrimination? There has been no such thing as official discrimination since 1954. That was outlawed by the Brown case. Is it the Senator's idea that wherever you find a large percentage of white students in one school or a large percentage of black students in another school, that the State government, Federal Government, or local community should step in and haul those students around like cattle to attempt to achieve some kind of racial balance?

Mr. MONDALE. It is the opinion of the Senator from Minnesota that wherever a school board as a matter of policy separates children on the basis of color, such a policy must be ended; and that the court has the authority to require school districts to pursue a host of remedies designed to disabuse the district of that policy. Those remedies could include location of schools, redesigning of district boundaries, pairing schools, as well as a policy of busing part of the students. It could include a host of remedies designed to create a school system which does not officially separate children on the basis of color.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. MONDALE. I yield.

Mr. TALMADGE. As the Senator knows, according to HEW figures, 95 percent of the students in the District of Columbia are black, and according to HEW statistics they have less than 1 percent integration here. How would the Senator solve that problem?

Mr. MONDALE. I am glad the Senator from Georgia asked that question. Is it the position of the Senator from Georgia

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that the school board of the District of Columbia officially separates children?

Mr. TALMADGE. I do not think they officially separate them anywhere. They cannot and they could not since 1954.

Mr. MONDALE. I have two children in the John Eaton School. There are about 25 percent blacks there. The children are bused in to that school and it works.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONDALE. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. MATHIAS. I yield 1 minute to the Senator from Minnesota.

Mr. MONDALE. My son goes to the Gordon Junior High School, which is predominantly black, and judicial notice can be taken of the fact that my son is white. I do not think there is any serious argument, at least to my knowledge, that the School Board of the District of Columbia officially discriminates.

Mr. TALMADGE. I do not think they do, but what is the Senator going to do about it? The Senator is talking about racial balance everywhere. No school board discriminates. They cannot do it under the law.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MATHIAS. Mr. President, I yield 2 additional minutes to the Senator from Minnesota.

Mr. MONDALE. I find that good news—but I do not know if it is true that there is no longer any school board that officially discriminates. I do not know how Mississippi still had 88 percent of its black students attending all black schools in 1968.

Mr. TALMADGE. I have seen the statistics with respect to St. Paul and Minneapolis. As the Senator knows, there is only a 1.5 percent Negro population in Minnesota, so Minnesota does not have a great many Negroes to absorb in any of its schools. But you have schools which are virtually all black in your State.

Mr. MONDALE. In Minneapolis 70 percent of our black students attend predominantly white schools, whereas 29 percent attend schools which are in the 50- to 90-percent minority bracket.

Mr. TALMADGE. What about the other 30 percent? Are you going to haul them around and get a better mix?

Mr. MONDALE. The key issue here is whether we are going to eliminate official discrimination as a violation of the law. The second issue is: What do we do with racial imbalance that results from residential living patterns?

Mr. TALMADGE. We have those residential living patterns in the South.

Mr. MONDALE. I have no doubt that when we eliminate official discrimination, we will find de facto segregation in the North and in the South.

We created a special committee to try to focus on the unresolved issue of what we do with racial isolation. The strategy of the Whitten amendments and Jonas amendment is to paralyze HEW's efforts to eliminate official discrimination. I hope we sort out the problems of racial isolation.

We closed a school in Minneapolis 5 years ago which was 90 percent black and those students were dispersed to predominantly white schools as part of our efforts to eliminate racial imbalance.

I commend Minneapolis officials for that effort.

Mr. ELLENDER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MATHIAS. Mr. President, I am glad to yield 2 additional minutes to the Senator from Minnesota so that the distinguished Senator from Louisiana may pursue his question.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. ELLENDER. Will the Senator give us the date of the figures? With respect to Louisiana, Arkansas, and the States the Senator mentioned, what is the date?

Mr. MONDALE. The date is the fall of 1968. This is a report issued by the Department of HEW, released on January 4, 1970, by Secretary of Health, Education, and Welfare Robert Finch.

Mr. President, I ask unanimous consent that this report may be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Secretary of Health, Education and Welfare Robert Finch said an analysis of 1968 national school survey statistics and 1969 field audits indicate that school districts implementing voluntary desegregation plans are making significant and effective progress in providing an equal educational opportunity.

In contrast with these findings, the 1968 survey displayed a shockingly low desegregation ratio on a national basis, with only 23.4 percent of the Negro students in the Nation's public elementary and secondary schools attending schools of predominantly white (non-minority) enrollment, and with 61 percent of the Negro students isolated in 95 through 100 percent minority schools, Secretary Finch said. (Table 1–A)

The survey of ethnic data in school, the first of its kind taken on a national basis, was conducted in the fall of 1968. It covered all school systems with enrollments of more than 3,000 and a sampling of smaller districts in every state except Hawaii, and represented a total of 43,353,567 students. HEW's Office for Civil Rights collected the data, and completed the basic compilation last week, on a state, regional and selected urban district basis.

In releasing the information, Secretary Finch stated:

"While it should be recognized that a number of factors must be evaluated in determining the overall quality of education going to racially isolated children, these figures are indicative of the progress that has been made in providing equal educational opportunity for thousands of children. But this survey also points up the extensiveness of the problem on a nationwide basis and the need to provide effectively for the educational rights and needs of the disadvantaged no matter where they may be.

"This Department is committed to equal and quality education for all children in this Nation. It is our hope other Federal agencies along with this Department will make use of this data, not only to determine where further review and action under civil rights laws may be required nationally, but also as an indication of where further assistance can be provided in the effort to improve educational opportunity."

In 1968, there were 55 school districts which submitted acceptable plans under Title VI, which called for desegregation in the 1968–69 school year. Of the 35,815 Negro students in these districts, 31,089, or 86.8 percent, attended schools of predominantly white enrollment. This compared with the 23.4 percent desegregation figure nationally, the 18.4 percent figure for 11 Southern states, and the 10.5 percent figure for the 5 Southern states of Alabama, Georgia, Louisiana, Mississippi and South Carolina, and indicates the value of the Title VI program.

In 1969, the indicated volume of desegregation in formerly dual school system states accelerated significantly, with more than 200 Title VI plans calling for complete desegregation in the 1969–70 school year accepted, and over 100 calling for substantial desegregation steps in the same year. The average student population in these districts was considerably higher than in 1968. Although precise desegregation ratios for 1969 have not yet been collected or compiled for all districts, some early results of audits in certain states show that among 20 districts in Florida which submitted plans for 1969, the desegregation rate climbed from 45.1 percent in 1968 to 63.5 percent this year; among 31 districts in Georgia with acceptable plans this year, the rate climbed from 26.6 percent to 59.7 percent, and among 14 districts in Mississippi, the rate climbed from 31.7 to 69.1 percent.

HEW administers Title VI of the 1964 Civil Rights Act where it applies to schools, prohibiting Federal financial assistance to any district which discriminates on grounds of race, color or national origin. Districts found to be discriminating have been able to retain their Federal funding by submitting acceptable desegregation plans.

Leon E. Panetta, Director of the Office for Civil Rights, said, "Although desegregation ratios have improved in certain former dual system states during the current 1969 school year, these 1968 figures do present what can be considered the basic nationwide picture today."

Data was compiled in such a way as to measure the extent to which American Indian, Negro, Oriental and Spanish-surnamed minorities attended school with students of their own minority plus other minorities, and compared this rate with their enrollment in schools of 50 percent or more white, non-minority makeup.

Mr. Panetta said:

"With the aid of thousands of cooperating state and local school officials who submitted raw data, we can see a stark portrayal of ethnic isolation in schools. Whether a child is isolated with his own or other minorities, he is still likely to suffer educationally as a result of this segregation, according to numerous education studies.

"It would be our hope that this information, which will eventually be published on a district-by-district basis, would also be of assistance to state and local agencies and organizations engaged in breaking down barriers of racial isolation in education."

Of the Spanish-surnamed students in public schools, 45.3 percent attended a school of predominantly non-minority enrollment, while 16.6 percent were in 95 through 100 percent minority schools. (Table 1–B)

American Indians surveyed attended school at a rate of 61.7 percent in schools of predominantly white, non-minority enrollment, while 16.7 percent were in 95 through 100 percent minority schools. These 177,464 American Indian students did not include some 52,400 American Indian students who attended schools administered by the Interior Department's Bureau of Indian Affairs. (Table 1–C)

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Orientals attended predominantly non-minority schools at a rate of 72.2 percent, and attended 90 through 100 percent minority schools at a rate of 8.7 percent. (Table 1-D)

When the white, non-minority enrollment patterns are compared with minorities, data shows that 2.1 percent of the non-minority students are in 50 percent or more minority schools, while 16.5 percent are in 100 percent white schools. 65.6 percent are in 95 through 100 percent white schools, however. (Table 1-E)

Other findings were made on a region-by-region and state-by-state basis. Also, data on Negroes from the 100 largest school systems were singled out for special study and released at this time, as were data on Spanish-surnamed students from certain appropriate districts of the 100 largest. (Tables 2-A, B & C; 3 A & B; 4 A & B).

In a regional study of Negro segregation, for example, the study showed that there is a great variation in the number of Negroes attending 100 percent minority schools, from six heavily industrial Northern states, where 15.4 percent of the Negroes attended 100 percent minority schools, to six Border states and the District of Columbia, where 25.2 percent of the Negroes attended 100 percent minority schools, to five deep Southern states, where 81.9 percent of the Negroes attended 100 percent minority schools. (This last figure is based on 431 districts in five states out of 4,477 districts in 17 Southern and Border states.) (Table 2-A)

The Office for Civil Rights is preparing all of the data gathered from school districts in the 1968 survey for publication, and expects to prepare additional tables lending themselves to additional analysis of minority school enrollment patterns. In the current school year, a selective survey will be made, tailored to fit the needs of civil rights compliance agencies of the Government. In 1970-71, however, another nationwide survey is intended, which will permit comparison with the 1968 survey.

TABLE 1A.—NEGROES BY STATE

[Number [1] and percentage attending school at increasing levels of isolation, fall, 1968 elementary and secondary school survey]

State	Total number of students	Total Number of Negro students	Percent of total students	Negroes attending minority schools									
				0 to 49.9 percent		50 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43,353,567	6,282,173	14.5	1,467,291	23.4	4,814,881	76.6	3,832,843	61.0	3,331,404	53.0	2,493,398	39.7
Alabama	770,523	269,248	34.9	22,308	8.3	246,940	91.7	244,693	90.9	243,269	90.4	230,448	85.6
Alaska	71,797	2,119	3.0	2,119	100.0	0	0	0	0	0	0	0	0
Arizona	366,459	15,783	4.3	5,272	33.4	10,511	66.6	4,349	27.6	3,344	21.2	790	5.0
Arkansas	415,613	106,533	25.6	24,091	22.6	82,442	77.4	78,901	74.1	77,703	72.9	75,797	71.1
California	4,477,381	387,978	8.7	87,255	22.5	300,723	77.5	185,562	47.8	115,890	29.9	27,986	7.2
Colorado	519,092	17,797	3.4	5,432	30.5	12,365	69.5	8,017	45.0	2,862	16.1	0	0
Connecticut	632,361	52,550	8.3	22,768	43.3	29,782	56.7	9,601	18.3	2,254	4.3	328	.6
Delaware	123,863	24,016	19.4	13,025	54.2	10,991	45.8	5,177	21.6	953	4.0	0	0
District of Columbia	148,725	139,006	93.5	1,253	.9	137,753	99.1	123,939	89.2	95,608	68.8	38,701	27.8
Florida	1,340,665	311,491	23.2	72,333	23.2	239,158	76.8	224,729	72.1	215,824	69.3	184,074	59.1
Georgia	1,001,245	314,918	31.5	44,201	14.0	270,717	86.0	262,689	83.4	259,891	82.5	240,532	76.4
Idaho	174,472	415	.2	415	100.0	0	0	0	0	0	0	0	0
Illinois	2,252,321	406,351	18.0	55,367	13.6	350,984	86.4	294,066	72.4	252,225	62.1	156,869	38.6
Indiana	1,210,539	106,178	8.8	31,833	30.0	74,345	70.0	46,208	43.5	37,664	35.5	13,597	12.8
Iowa	651,705	9,567	1.5	6,994	73.1	2,573	26.9	340	3.6	340	3.6	0	0
Kansas	518,733	30,834	5.9	16,479	53.4	14,355	46.6	9,820	31.8	6,264	20.3	2,327	7.5
Kentucky	695,611	63,996	9.2	34,389	53.7	29,606	46.3	17,025	26.6	9,021	14.1	3,342	5.2
Louisiana	817,000	317,268	38.8	28,177	8.9	289,091	91.1	279,614	88.1	278,620	87.8	259,897	81.9
Maine	220,336	1,429	.6	389	27.2	1,040	72.8	0	0	0	0	0	0
Maryland	859,440	201,435	23.4	62,670	31.1	138,765	68.9	105,886	52.6	92,030	45.7	62,898	31.2
Massachusetts	1,097,221	46,675	4.3	23,916	51.2	22,759	48.8	8,558	18.3	4,936	10.6	79	0.2
Michigan	2,073,369	275,878	13.3	56,840	20.6	219,038	79.4	128,116	46.4	78,319	28.4	24,720	9.0
Minnesota	856,506	9,010	1.1	7,116	79.0	1,894	21.0	361	4.0	0	0	0	0
Mississippi	456,532	223,784	49.0	15,000	6.7	208,784	93.3	207,515	92.7	206,736	92.4	197,447	88.2
Missouri	954,596	138,412	14.5	33,996	24.6	104,416	75.4	91,355	66.0	77,676	56.1	46,285	33.4
Montana	127,059	102	.1	102	100.0	0	0	0	0	0	0	0	0
Nebraska	266,342	12,340	4.6	3,364	27.3	8,976	72.7	4,321	35.0	674	5.5	0	0
Nevada	119,180	9,189	7.7	4,883	53.1	4,306	46.9	3,626	39.5	699	7.6	0	0
New Hampshire	132,212	537	.4	537	100.0	0	0	0	0	0	0	0	0
New Jersey	1,401,925	208,481	14.9	70,628	33.9	137,853	66.1	68,434	32.8	37,827	18.1	15,245	7.3
New Mexico	271,040	5,658	2.1	2,712	47.9	2,946	52.1	901	15.9	574	10.1	394	7.0
New York	3,364,090	473,253	14.1	152,868	32.3	320,385	67.7	169,401	35.8	100,899	21.3	35,637	7.5
North Carolina	1,199,481	352,151	29.4	99,679	28.3	252,472	71.7	229,393	65.1	227,057	64.5	207,752	59.0
North Dakota	115,995	458	.4	458	100.0	0	0	0	0	0	0	0	0
Ohio	2,400,296	287,440	12.0	79,762	27.7	207,678	72.3	123,127	42.8	93,775	32.6	37,861	13.2
Oklahoma	543,501	48,861	9.0	18,472	37.8	30,389	62.2	23,610	48.3	18,715	38.3	8,437	17.3
Oregon	455,141	7,413	1.6	4,689	63.3	2,724	36.7	0	0	0	0	0	0
Pennsylvania	2,296,011	268,514	11.7	73,901	27.5	194,614	72.5	118,449	44.1	87,064	32.4	11,756	4.4
Rhode Island	172,264	8,047	4.7	7,196	89.4	851	10.6	0	0	0	0	0	0
South Carolina	603,542	238,063	39.4	33,811	14.2	204,225	85.8	200,188	84.1	199,752	83.9	188,666	79.3
South Dakota	146,407	384	.3	360	93.7	24	6.3	12	3.1	0	0	0	0
Tennessee	887,469	184,692	20.8	39,240	21.2	145,453	78.8	132,208	71.6	123,468	66.9	108,425	58.7
Texas	2,510,358	379,813	15.1	95,931	25.3	283,882	74.7	239,540	63.1	208,021	54.8	165,249	43.5
Utah	303,152	1,486	.5	1,098	73.9	388	26.1	0	0	0	0	0	0
Vermont	73,570	90	.1	90	100.0	0	0	0	0	0	0	0	0
Virginia	1,041,057	245,026	23.5	65,922	26.9	179,104	73.1	167,172	68.2	161,321	65.8	142,209	58.0
Washington	791,260	19,145	2.4	12,299	64.2	6,846	35.8	0	0	0	0	0	0
West Virginia	404,582	20,431	5.0	16,763	82.0	3,668	18.0	1,157	5.7	841	4.1	841	4.1
Wisconsin	942,441	37,289	4.0	8,406	22.5	28,883	77.5	14,783	39.6	9,288	24.9	4,819	12.9
Wyoming	79,091	665	.8	482	72.5	183	27.5	0	0	0	0	0	0

[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 1B.—SPANISH SURNAMED AMERICANS BY STATE

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

State	Total number of students	Total number of Spanish-American students	Percent of total students	Spanish-surnamed Americans attending minority schools									
				0 to 49.5 percent		50 to 100 percent		80 to 100 percent		95 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43,353,567	2,002,776	4.6	906,919	45.3	1,095,857	54.7	634,891	31.7	331,781	16.6	38,077	1.9
Alabama	770,523	24	0	24	100.0	0	0	0	0	0	0	0	0
Alaska	71,797	479	.7	474	99.0	5	1.0	0	0	0	0	0	0
Arizona	366,459	71,748	19.6	34,402	47.9	37,346	52.1	15,012	20.9	7,376	10.3	762	1.1
Arkansas	415,613	539	.1	527	97.8	12	2.2	9	1.7	9	1.7	9	1.7
California	4,477,381	646,282	14.4	393,997	61.0	252,285	39.0	118,433	18.3	55,419	8.6	1,529	.2
Colorado	519,092	71,348	13.7	45,174	63.3	26,174	36.7	9,971	14.0	2,070	2.9	0	0
Connecticut	632,361	15,670	2.5	7,627	48.7	8,043	51.3	4,134	26.4	2,582	16.5	12	.1
Delaware	123,863	245	.2	154	62.9	91	37.1	2	.8	2	.8	0	0
District of Columbia	148,725	662	.4	256	38.7	406	61.3	289	43.7	227	34.3	10	1.5

District	Total number of students	Total number of Spanish-American students	Percent of total students	Spanish-surnamed Americans attending minority schools: 0 to 49.5 percent		50 to 100 percent		80 to 100 percent		95 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Florida	1, 340, 665	52, 628	3. 9	26, 287	49. 9	26, 341	50. 1	9, 479	18. 0	3, 275	6. 2	240	0. 5
Georgia	1, 001, 245	1, 370	. 1	786	57. 4	584	42. 6	578	42. 2	578	42. 2	578	42. 2
Idaho	174, 472	3, 338	1. 9	3, 322	99. 5	16	. 5	16	. 5	0	0	0	0
Illinois	2, 252, 321	68, 917	3. 1	36, 361	52. 8	32, 556	47. 2	16, 282	23. 6	3, 314	4. 8	249	. 4
Indiana	1, 210, 539	13, 622	1. 1	7, 093	52. 1	6, 529	47. 9	2, 944	21. 6	242	1. 8	34	. 2
Iowa	651, 705	2, 283	. 4	2, 271	99. 5	12	. 5	1	0	0	0	0	0
Kansas	518, 733	8, 219	1. 6	7, 601	92. 5	618	7. 5	56	. 7	16	. 2	0	0
Kentucky	695, 611	136	0	135	99. 3	1	. 7	0	0	0	0	0	0
Louisiana	817, 000	2, 111	. 3	1, 671	79. 2	440	20. 8	75	3. 6	23	1. 1	23	1
Maine	220, 336	478	. 2	85	17. 8	393	82. 2	367	76. 7	0	0	0	0. 1
Maryland	859, 440	2, 078	. 2	2, 073	99. 8	5	. 2	0	0	0	0	0	0
Massachusetts	1, 097, 221	8, 733	. 8	6, 557	75. 1	2, 176	24. 9	650	7. 4	97	1. 1	0	0
Michigan	2, 073, 369	24, 819	1. 2	21, 169	85. 3	3, 650	14. 7	1, 667	6. 7	766	3. 1	113	. 5
Minnesota	856, 506	3, 418	. 4	3, 397	99. 4	21	. 6	1	0	1	0	0	0
Mississippi	456, 532	327	. 1	321	98. 2	6	1. 8	0	0	0	0	0	0
Missouri	954, 596	1, 393	. 1	1, 368	98. 2	25	1. 8	8	. 6	4	. 3	2	. 1
Montana	127, 059	910	. 7	906	99. 6	4	. 4	1	. 1	0	0	0	0
Nebraska	266, 342	3, 722	1. 4	3, 439	92. 4	283	7. 6	8	. 2	5	. 1	0	0
Nevada	119, 180	3, 633	3. 0	3, 613	99. 4	20	. 6	9	. 2	8	. 2	0	0
New Hampshire	132, 212	147	. 1	147	100. 0	0	0	0	0	0	0	0	0
New Jersey	1, 401, 925	46, 063	3. 3	20, 291	44. 1	25, 771	55. 9	12, 550	27. 2	5, 261	11. 4	430	. 9
New Mexico	271, 040	102, 994	38. 0	27, 494	26. 7	75, 500	73. 3	34, 136	33. 1	10, 336	10. 0	2, 704	2. 6
New York	3, 364, 090	263, 799	7. 8	46, 307	17. 6	217, 492	82. 4	164, 622	62. 4	97, 628	37. 0	5, 087	1. 9
North Carolina	1, 199, 481	482	0	465	96. 5	17	3. 5	3	. 6	2	. 4	2	. 4
North Dakota	115, 995	230	. 2	230	100. 0	0	0	0	0	0	0	0	0
Ohio	2, 400, 296	16, 031	. 7	13, 836	86. 3	2, 195	13. 7	1, 116	7. 0	96	. 6	15	. 1
Oklahoma	543, 501	3, 647	. 7	3, 540	97. 1	107	2. 9	22	. 6	16	. 4	0	0
Oregon	455, 141	4, 502	1. 0	4, 474	99. 4	28	. 6	12	. 3	0	0	0	0
Pennsylvania	2, 296, 011	11, 849	. 5	6, 008	50. 7	5, 842	49. 3	4, 297	36. 3	1, 767	14. 9	12	. 1
Rhode Island	172, 264	490	. 3	313	63. 9	177	36. 1	0	0	0	0	0	0
South Carolina	603, 542	208	0	206	99. 0	2	1. 0	0	0	0	0	0	0
South Dakota	146, 407	273	. 2	261	95. 6	12	4. 4	12	4. 4	2	4. 4	4	1. 5
Tennessee	887, 469	411	0	398	96. 8	13	3. 2	7	1. 7	2	. 5	1	. 2
Texas	2, 510, 358	505, 214	20. 1	139, 877	27. 7	365, 337	72. 3	237, 136	46. 9	140, 486	27. 8	26, 164	5. 2
Utah	303, 152	9, 839	2. 2	8, 665	88. 1	1, 174	11. 9	325	3. 3	0	0	0	0
Vermont	73, 570	34	0	34	100. 0	0	0	0	0	0	0	0	0
Virginia	1, 041, 057	2, 222	. 2	2, 189	98. 5	33	1. 5	3	. 1	3	. 1	0	0
Washington	791, 260	12, 692	1. 6	11, 150	87. 9	1, 542	12. 1	35	. 3	0	0	0	0
West Virginia	404, 582	251	. 1	249	99. 2	2	. 8	2	. 8	0	0	0	0
Wisconsin	942, 441	7, 760	. 8	6, 171	79. 5	1, 589	20. 5	620	8. 0	157	2. 0	97	1. 3
Wyoming	79, 091	4, 504	5. 7	3, 524	78. 2	980	21. 8	0	0	0	0	0	0

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[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 1C.—AMERICAN INDIANS BY STATE

[Number [1] and percentage attending school at increasing levels of isolation, fall, 1968, elementary and secondary school survey]

State	Total number of students	Total number of American Indian students	Percent of total students	American Indians attending minority schools: 0 to 49.9 percent		50 to 100 percent		80 to 100 percent		95 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43, 353, 567	177, 464	0. 4	109, 540	61. 7	67, 924	38. 3	53, 528	30. 2	29, 654	16. 7	11, 177	6. 3
Alabama	770, 523	39	0	6	15. 4	33	84. 6	33	84. 6	0	0	0	0
Alaska	71, 797	6, 808	9. 5	4, 866	71. 5	1, 942	28. 5	1, 768	26	1, 192	17. 5	607	8. 9
Arizona	366, 459	14, 431	3. 9	5, 827	40. 4	8, 604	59. 6	6, 781	47	388	2. 7	7	0
Arkansas	415, 613	414	. 1	414	100	0	0	0	0	0	0	0	0
California	4, 477, 381	13, 986	. 3	12, 284	87. 8	1, 702	12. 2	599	4. 3	182	1. 3	7	. 1
Colorado	519, 092	1, 366	. 3	1, 211	88. 6	155	11. 4	66	4. 8	11	. 8	0	0
Connecticut	632, 361	204	0	194	95. 1	10	4. 9	4	2	0	0	0	0
Delaware	123, 863	10	0	10	100	0	0	0	0	0	0	0	0
District of Columbia	148, 725	31	0	6	19. 4	25	80. 6	23	74. 2	10	32. 3	0	0
Florida	1, 340, 665	1, 455	. 1	1, 389	95. 5	66	4. 5	20	1. 4	8	. 5	2	. 1
Georgia	1, 001, 245	323	0	189	58. 6	134	41. 4	134	41. 4	134	41. 4	134	41. 4
Idaho	174, 472	1, 699	1	1, 564	92. 1	135	7. 9	0	0	0	0	0	0
Illinois	2, 252, 321	1, 804	. 1	1, 602	88. 8	203	11. 2	60	3. 3	28	1. 6	5	. 3
Indiana	1, 210, 539	544	0	464	85. 3	80	14. 7	14	2. 6	8	1. 5	5	. 9
Iowa	651, 705	418	. 1	415	99. 3	3	. 7	0	0	0	0	0	0
Kansas	518, 733	1, 392	. 3	1, 374	98. 7	18	1. 3	2	. 1	1	. 1	0	0
Kentucky	695, 611	47	0	46	97. 9	1	2. 1	0	0	0	0	0	0
Louisiana	817, 000	213	0	202	94. 8	11	5. 2	0	0	0	0	0	0
Maine	220, 336	1, 132	. 5	332	29. 3	800	70. 7	467	41. 2	67	5. 9	67	5. 9
Maryland	859, 440	169	0	169	100	0	0	0	0	0	0	0	0
Massachusetts	1, 097, 221	430	0	407	94. 7	23	5. 3	11	2. 6	5	1. 2	0	0
Michigan	2, 073, 369	4, 404	. 2	4, 267	96. 9	137	3. 1	75	1. 7	44	1	4	. 1
Minnesota	856, 506	5, 748	. 7	5, 702	99. 2	46	. 8	0	0	0	0	0	0
Mississippi	456, 532	112	0	104	92. 9	8	7. 1	3	2. 7	3	2. 7	3	2. 7
Missouri	954, 596	278	0	264	95	14	5	8	2. 9	6	2. 2	4	1. 4
Montana	172, 059	5, 015	3. 9	2, 472	49. 3	2, 543	50. 7	2, 275	45. 4	325	6. 5	81	1. 6
Nebraska	266, 342	824	. 3	743	90. 2	81	9. 8	32	3. 9	13	1. 6	0	0
Nevada	119, 180	2, 454	2. 1	1, 870	76. 2	584	23. 8	235	9. 6	64	2. 6	64	2. 6
New Hampshire	132, 212	29	0	29	100	0	0	0	0	0	0	0	0
New Jersey	1, 401, 925	311	0	258	82. 9	53	17. 1	10	3. 2	4	1. 3	1	. 3
New Mexico	271, 040	19, 742	7. 3	3, 048	15. 4	16, 694	84. 6	12, 241	62. 0	3, 420	17. 3	1, 638	8. 3
New York	3, 364, 090	5, 710	. 2	3, 795	66. 5	1, 915	33. 5	1, 791	31. 4	1, 738	30. 4	557	9. 8
North Carolina	1, 199, 481	14, 021	1. 2	2, 916	20. 8	11, 105	79. 2	10, 587	75. 5	10, 585	75. 5	4, 272	30. 5
North Dakota	115, 995	1, 523	1. 3	1, 165	76. 5	358	23. 5	0	0	0	0	0	0. 5
Ohio	2, 400, 296	736	0	684	92. 9	52	7. 1	31	4. 2	9	1. 2	4	
Oklahoma	543, 501	24, 003	4. 4	23, 630	98. 4	373	1. 6	70	. 3	18	. 1	6	0
Oregon	455, 141	3, 601	. 8	3, 108	86. 3	492	13. 7	487	13. 5	0	0	0	0
Pennsylvania	2, 296, 011	411	0	409	99. 5	2	. 5	1	. 2	0	0	0	0
Rhode Island	172, 264	143	. 1	143	100. 0	0	0	0	0	0	0	0	0
South Carolina	603, 542	404	. 1	341	84. 4	63	15. 6	62	15. 3	62	15. 3	62	15

TABLE 1C.—AMERICAN INDIANS BY STATE—Continued

[Number [1] and percentage attending school at increasing levels of isolation, fall, 1968, elementary and secondary school survey]

State	Total number of students	Total number of American Indian students	Percent of total students	American Indians attending minority schools									
				0 to 49.9 percent		50 to 100 percent		80 to 100 percent		95 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
South Dakota	146, 407	16, 533	11. 3	3, 619	21. 9	12, 915	78. 1	11, 233	67. 9	8, 704	52. 6	1, 700	10. 3
Tennessee	887, 469	254	0	252	99. 2	2	. 8	0	0	0	0	0	0
Texas	2, 510, 358	3, 813	. 2	1, 493	39. 2	2, 319	60. 8	2, 175	57	2, 070	54. 3	1, 939	50. 9
Utah	303, 152	3, 848	1. 3	3, 334	86. 6	514	13. 4	174	4. 5	0	0	0	0
Vermont	73, 570	2	0	2	100	0	0	0	0	0	0	0	0
Virginia	1, 041, 057	755	. 1	624	82. 7	131	17. 3	121	16	115	15. 2	0	0
Washington	791, 260	8, 736	1. 1	7, 404	84. 8	1, 332	15. 2	83	1	0	0	0	0
West Virginia	404, 582	86	0	86	100	0	0	0	0	0	0	0	0
Wisconsin	942, 441	4, 977	. 5	3, 977	79. 9	1, 000	20. 1	613	12. 3	440	8. 8	8	. 2
Wyoming	79, 091	2, 073	2. 6	826	39. 8	1, 247	60. 2	1, 240	59. 8	0	0	0	0

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[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 1D.—ORIENTALS BY STATE

[Number [1] and percentage attending school at increasing levels of isolation, fall, 1968 elementary and secondary school survey]

State	Total number of students	Total Number of Oriental students	Percent of total students	Orientals attending minority schools									
				0 to 49.9 percent		50 to 100 percent		80 to 100 percent		90 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43, 353, 567	194, 022	0. 4	140, 069	72. 2	53, 953	27. 8	24, 898	12. 8	16, 821	8. 7	153	0. 1
Alabama	770, 523	46	0	46	100. 0	0	0	0	0	0	0	0	0
Alaska	71, 797	424	. 6	422	99. 4	3	. 6	0	0	0	0	0	0
Arizona	366, 459	1, 971	. 5	1, 651	83. 7	321	16. 3	81	4. 1	47	2. 4	0	0
Arkansas	415, 613	268	. 1	267	99. 6	1	. 4	1	. 4	1	. 4	1	. 4
California	4, 477, 381	105, 656	2. 4	68, 578	64. 9	37, 078	35. 1	15, 287	14. 5	9, 554	9. 0	37	0
Colorado	519, 092	2, 832	. 5	2, 567	90. 6	265	9. 4	135	4. 8	113	4. 0	0	0
Connecticut	632, 361	1, 146	. 2	1, 057	92. 2	89	7. 8	45	3. 9	24	2. 1	0	0
Delaware	132, 863	85	. 1	85	100. 0	0	0	0	0	0	0	0	0
District of Columbia	148, 725	746	. 5	298	39. 9	448	60. 1	288	38. 6	266	35. 7	24	3. 2
Florida	1, 340, 665	1, 439	. 1	1, 279	88. 9	160	11. 1	43	3. 0	22	1. 5	5	. 3
Georgia	1, 001, 245	750	. 1	735	98. 0	15	2. 0	6	. 8	5	. 7	0	0
Idaho	174, 472	873	. 5	873	100. 0	0	0	0	0	0	0	0	0
Illinois	2, 252, 321	6, 893	. 3	5, 888	85. 4	1, 006	14. 6	427	6. 2	358	5. 2	17	. 2
Indiana	1, 210, 539	884	. 1	836	94. 6	48	5. 4	18	2. 0	4	. 5	4	. 5
Iowa	651, 705	463	. 1	443	95. 7	20	4. 3	0	0	0	0	0	0
Kansas	518, 733	1, 094	. 2	1, 048	95. 8	46	4. 2	2	. 2	1	. 1	1	. 1
Kentucky	695, 611	295	0	293	99. 3	2	. 7	1	. 3	1	. 3	0	0
Louisana	817, 000	379	0	358	94. 5	21	5. 5	2	. 5	2	. 5	1	. 3
Maine	220, 336	518	. 2	125	24. 1	393	75. 9	333	64. 3	0	0	0	0
Maryland	859, 440	1, 687	. 2	1, 684	99. 8	3	. 2	0	0	0	0	0	0
Massachusetts	1, 097, 221	4, 036	. 4	3, 057	75. 7	979	24. 3	326	8. 1	184	4. 6	0	0
Michigan	2, 073, 369	3, 837	. 2	3, 430	89. 4	407	10. 6	210	5. 5	164	4. 3	19	. 5
Minnesota	856, 506	1, 479	. 2	1, 476	99. 8	3	. 2	0	0	0	0	0	0
Mississippi	456, 532	384	. 1	384	100. 0	0	0	0	0	0	0	0	0
Missouri	954, 596	1, 027	. 1	1, 005	97. 9	22	2. 1	6	. 6	5	. 5	2	. 2
Montana	127, 059	301	. 2	300	99. 6	1	. 4	0	0	0	0	0	0
Nebraska	266, 342	420	. 2	406	96. 7	14	3. 3	4	1. 0	0	0	0	0
Nevada	119, 180	672	. 6	651	96. 9	21	3. 1	0	0	0	0	0	0
New Hampshire	132, 212	157	. 1	157	100. 0	0	0	0	0	0	0	0	0
New Jersey	1, 401, 925	3, 254	. 2	2, 915	89. 6	339	10. 4	122	3. 7	106	3. 3	1	0
New Mexico	271, 040	553	. 2	418	75. 6	135	24. 4	33	6. 0	20	3. 6	0	0
New York	3, 364, 090	19, 620	. 6	10, 038	51. 2	9, 582	48. 8	6, 765	34. 5	5, 657	28. 8	21	. 1
North Carolina	1, 199, 481	442	0	434	98. 2	8	1. 8	6	1. 4	6	1. 4	4	. 9
North Dakota	115, 995	134	. 1	134	100. 0	0	0	0	0	0	0	0	0
Ohio	2, 400, 296	2, 768	. 1	2, 586	93. 4	182	6. 6	73	2. 6	49	1. 8	7	. 3
Oklahoma	543, 501	1, 032	. 2	1, 024	99. 2	8	. 8	2	. 2	1	. 1	0	0
Oregon	455, 141	3, 080	. 7	3, 063	99. 4	17	. 6	1	0	0	0	0	0
Pennsylvania	2, 296, 011	2, 073	. 1	1, 992	96. 1	81	3. 9	25	1. 2	12	. 6	0	0
Rhode Island	172, 264	417	. 2	408	97. 8	9	2. 2	2	. 5	2	. 5	0	0
South Carolina	603, 542	195	0	181	92. 8	14	7. 2	0	0	0	0	0	0
South Dakota	146, 407	130	. 1	126	96. 9	4	3. 1	0	0	0	0	0	0
Tennessee	887, 469	567	. 1	553	97. 5	14	2. 5	5	. 9	3	. 5	3	. 5
Texas	2, 510, 358	3, 679	. 1	3, 136	85. 2	543	14. 8	205	5. 6	103	2. 8	0	0
Utah	303, 152	1, 582	. 5	1, 560	98. 6	22	1. 4	4	. 3	0	0	0	0
Vermont	73, 570	27	0	27	100. 0	0	0	0	0	0	0	0	0
Virginia	1, 041, 057	2, 179	. 2	2, 125	97. 5	54	2. 5	20	. 9	13	. 6	4	. 2
Washington	791, 260	10, 012	1. 3	8, 503	84. 9	1, 509	15. 1	400	4. 0	93	. 9	0	0
West Virginia	404, 582	224	. 1	222	99. 1	2	. 9	2	. 9	0	0	0	0
Wisconsin	942, 441	1, 044	. 1	989	94. 7	55	5. 3	17	1. 6	4	. 4	2	. 2
Wyoming	79, 091	244	. 3	235	96. 3	9	3. 7	0	0	0	0	0	0

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[1] Minute differences between sum of numbers and totals are due to computer rounding.

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TABLE 1E.—NONMINORITIES BY STATE

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

State	Total number of students	Total number of nonminority students	Percent of total students	Nonminority students attending nonminority schools									
				0 to 49.9 percent		50 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43, 353, 568	34, 697, 133	80. 0	716, 980	2. 1	33, 980, 153	97. 9	22, 778, 975	65. 6	13, 020, 419	37. 5	5, 723, 597	16. 5
Alabama	770, 523	501, 166	65. 0	548	. 1	500, 618	99. 0	362, 578	72. 4	221, 841	44. 3	143, 179	28. 6
Alaska	71, 797	61, 967	86. 3	171	. 2	61, 796	99. 7	24, 213	39. 1	6, 712	10. 9	2, 901	4. 7
Arizona	366, 459	262, 526	71. 6	17, 403	6. 6	245, 124	93. 4	69. 370	26. 5	10, 561	4. 1	180	. 1
Arkansas	415, 613	307, 859	74. 1	1, 694	. 5	306, 165	99. 4	173, 813	56. 4	112, 556	36. 5	80, 713	26. 2
California	4, 477, 381	3, 323, 478	74. 2	150, 581	4. 5	3, 172, 896	95. 5	833, 852	25. 1	42, 612	1. 3	5, 697	. 2
Colorado	519, 092	425, 749	82. 0	12, 668	3. 0	413, 081	97. 0	190, 548	44. 8	35, 754	8. 4	6, 925	1. 6
Connecticut	632, 361	562, 791	89. 0	9, 833	1. 7	552, 958	98. 3	427, 543	76. 0	210, 606	37. 5	38, 569	6. 9
Delaware	123, 863	99, 507	80. 3	2, 960	3. 0	96, 547	97. 0	50, 884	51. 1	29, 848	30. 0	1, 620	1. 6
District of Columbia	148, 725	8, 280	5. 6	3, 636	44. 0	4, 644	56. 1	0	0	0	0	0	0
Florida	1, 340, 665	973, 652	72. 6	17, 243	1. 7	956, 409	98. 2	456, 994	47. 0	205, 256	21. 1	94, 543	9. 7
Georgia	1, 001, 245	683, 884	68. 3	3, 981	. 6	679, 903	99. 4	418, 925	61. 3	212, 901	31. 2	110, 478	16. 2
Idaho	174, 472	168, 147	96. 4	42	0	168, 105	100. 0	129, 742	77. 2	68, 910	41. 0	29, 591	17. 6
Illinois	2, 252, 321	1, 768, 355	78. 5	37, 801	2. 1	1, 730, 554	97. 9	1, 316, 576	74. 5	800, 461	45. 3	374, 814	21. 2
Indiana	1, 210, 539	1, 089, 311	90. 0	12, 674	1. 1	1, 076, 637	98. 8	914, 675	84. 0	638, 813	58. 7	340, 616	31. 3
Iowa	651, 705	638, 973	98. 0	1, 273	. 2	637, 700	99. 8	599, 415	93. 8	484, 633	75. 8	317, 163	49. 6
Kansas	518, 733	477, 194	92	2, 426	. 5	474, 768	99. 5	355, 883	74. 5	199, 156	41. 7	94, 613	19. 8
Kentucky	695, 611	631, 136	90. 7	4, 663	. 6	626, 474	99. 3	450, 063	71. 3	316, 831	50. 2	216, 345	34. 3
Louisiana	817, 000	497, 029	60. 8	4, 090	. 8	492, 939	99. 2	344, 235	69. 2	197, 091	39. 6	106, 051	21. 3
Maine	220, 336	216, 778	98. 4	779	. 3	215, 999	99. 6	215, 267	99. 3	187, 085	86. 3	135, 625	62. 6
Maryland	859, 440	654, 071	76. 1	15, 711	2. 2	638, 360	97. 6	360, 728	55. 2	160, 199	24. 5	58, 850	9. 0
Massachusetts	1, 097, 221	1, 037, 347	94. 5	6, 243	. 7	1, 031, 104	99. 4	895, 751	86. 4	536, 238	51. 7	176, 128	17. 0
Michigan	2, 073, 369	1, 764, 431	85. 1	32, 131	1. 8	1, 732, 300	98. 2	1, 401, 544	79. 5	779, 516	44. 2	177, 832	10. 0
Minnesota	856, 506	836, 851	97. 7	1, 119	. 1	835, 732	99. 9	773, 873	92. 5	573, 062	68. 5	171, 709	20. 5
Mississippi	456, 532	231, 924	50. 8	921	. 5	231, 003	99. 6	142, 096	61. 3	59, 850	25. 8	28, 042	12. 1
Missouri	954, 596	813, 486	85. 2	5, 555	. 6	807, 931	99. 3	657, 022	80. 8	463, 951	57. 1	253, 429	31. 2
Montana	127, 059	120, 731	95. 0	320	. 3	120, 411	99. 7	106, 587	88. 3	54, 962	45. 5	23, 278	19. 3
Nebraska	266, 342	249, 036	93. 5	1, 876	. 7	247, 160	99. 2	208, 412	83. 7	137, 304	55. 1	71, 845	28. 8
Nevada	119, 180	103, 233	86. 6	393	. 3	102, 839	99. 6	41, 154	39. 8	8, 085	7. 8	2, 066	2
New Hampshire	132, 212	131, 342	99. 3	0	0	131, 342	100. 0	128, 097	97. 5	115, 583	88	52, 686	40. 1
New Jersey	1, 401, 925	1, 143, 816	81. 6	34, 641	3. 1	1, 109, 175	97. 0	751, 629	65. 7	399, 265	34. 9	113, 204	9. 9
New Mexico	271, 040	142, 092	52. 4	30, 932	21. 7	111, 163	78. 2	7, 542	5. 3	115	. 1	115	. 1
New York	3, 364, 090	2, 601, 708	77. 3	94, 803	3. 5	2, 506, 905	96. 4	1, 703, 424	65. 5	1, 023, 966	39. 4	322, 509	12. 4
North Carolina	1, 199, 481	832, 394	69. 4	11, 427	1. 3	820, 957	98. 6	312, 697	37. 6	146, 254	17. 6	74, 751	9
North Dakota	115, 995	113, 650	98. 0	334	. 3	113, 316	99. 7	105, 402	92. 7	75, 734	66. 6	44, 890	39. 5
Ohio	2, 400, 296	2, 093, 321	87. 2	32, 264	1. 5	2, 061, 057	98. 5	1, 669, 103	79. 8	1, 135, 032	54. 3	444, 999	21. 3
Oklahoma	543, 501	465, 958	85. 7	3, 215	. 6	462, 742	99. 3	216, 910	46. 6	100, 948	21. 7	41, 899	9. 0
Oregon	455, 141	436, 546	95. 9	1, 068	. 2	435, 477	99. 8	372, 845	85. 4	139, 223	39. 9	29, 582	6. 8
Pennsylvania	2, 296, 011	2, 013, 163	87. 7	29, 976	1. 5	1, 983, 186	98. 5	1, 653, 112	82. 1	1, 151, 592	57. 2	556, 899	27. 7
Rhode Island	172, 264	163, 166	94. 7	760	. 4	162, 406	99. 5	130, 635	80. 0	90, 980	55. 7	30, 577	18. 7
South Carolina	603, 542	364, 699	60. 4	1, 888	. 4	362, 811	99. 5	176, 916	48. 5	59, 808	16. 4	28, 557	7. 8
South Dakota	146, 407	129, 086	88. 2	1, 155	1. 0	127, 932	99. 1	109, 910	85. 2	66, 312	51. 4	29, 831	23. 1
Tennessee	887, 469	701, 545	79. 1	4, 345	. 5	697, 200	99. 4	468, 365	66. 8	267, 844	38. 2	175, 182	25. 0
Texas	2, 510, 358	1, 617, 840	64. 4	102, 128	6. 3	1, 515, 713	93. 7	650, 276	40. 3	190, 959	11. 9	38, 043	2. 4
Utah	303, 152	286, 396	94. 5	1, 019	. 3	285, 377	99. 6	200, 880	70. 1	47, 895	16. 7	3, 100	1. 1
Vermont	73, 570	73, 416	99. 8	0	0	73, 416	100. 0	73, 416	100. 0	70, 500	96. 0	47, 592	64. 8
Virginia	1, 041, 057	790, 874	76. 0	5, 875	. 7	785, 017	99. 3	427, 117	54. 0	176, 972	22. 4	85, 438	10. 8
Washington	791, 260	740, 675	93. 6	5, 309	. 7	735, 366	99. 3	563, 487	76. 1	148, 147	20. 0	20, 850	2. 8
West Virginia	404, 582	383, 590	94. 8	1, 427	. 3	382, 163	99. 6	294, 775	76. 8	225, 860	58. 8	166, 265	43. 3
Wisconsin	942, 441	891, 371	94. 6	4, 906	. 6	886, 465	99. 4	796, 030	89. 3	617, 506	69. 3	346, 310	38. 9
Wyoming	79, 091	71, 605	90. 5	796	1. 1	70, 809	98. 9	44, 672	62. 4	15, 134	21. 1	7, 518	10. 5

[1] Minute differences between sum of numbers and totals are due to computer roundings.

TABLE 2A.—NEGROES BY GEOGRAPHIC AREA

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

Geographic area	Total number of students	Total number of Negro students	Percent of total students	Negro students attending minority schools									
				0 to 49.9 percent		50 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43, 353, 567	6, 282, 173	14. 5	1, 467, 291	23. 4	4, 814, 881	76. 6	3, 832, 843	61. 0	3, 331, 404	53. 0	2, 493, 398	39. 7
32 northern and western [2]	28, 579, 766	2, 703, 056	9. 5	746, 030	27. 6	1, 957, 025	72. 4	1, 198, 052	44. 3	834, 898	30. 9	332, 408	12. 3
6 northern and western [3]	13, 596, 625	1, 817, 615	13. 4	450, 571	24. 8	1, 367, 044	75. 2	879, 367	48. 4	649, 946	35. 8	280, 440	15. 4
6 border and District of Columbia [4]	3, 730, 317	636, 157	17. 1	180, 569	28. 4	455, 588	71. 6	368, 149	57. 9	294, 844	46. 3	160, 504	25. 2
11 southern [5]	11, 043, 485	2, 942, 960	26. 6	540, 692	18. 4	2, 402, 268	81. 6	2, 266, 642	77. 0	2, 201, 662	74. 8	2, 000, 486	68. 0
5 southern [6]	3, 648, 842	1, 363, 254	37. 4	143, 497	10. 5	1, 219, 757	89. 5	1, 194, 699	87. 6	1, 188, 268	87. 2	1, 116, 990	81. 9

[1] Minute differences between sum of numbers and totals are due to computer rounding.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

[5] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

[6] Alabama, Georgia, Louisiana, Mississippi, South Carolina.

TABLE 2B.—SPANISH SURNAMED AMERICANS BY AREA OF SIGNIFICANT POPULATION

[Number [1] and percentage attending school at increasing levels of isolation fall, 1968 elementary and secondary school survey]

Area	Total number of students	Total number of Spanish surnamed American students	Percent of total students	Spanish-surnamed Americans attending minority schools									
				0 to 49.9 percent		50 to 100 percent		80 to 100 percent		95 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43, 353, 567	2, 002, 776	4. 6	906, 919	45. 3	1, 095, 857	54. 7	634, 891	31. 7	331, 781	16. 6	38, 077	1. 9
Arizona, California, Colorado, New Mexico, Texas (5)	8, 144, 330	1, 397, 586	17. 2	640, 943	45. 9	756, 643	54. 1	414, 689	29. 7	215, 688	15. 4	31, 159	2. 2
Connecticut, Illinois, New Jersey, New York (4)	7, 650, 697	394, 449	5. 2	110, 587	28. 0	283, 862	72. 0	197, 589	50. 1	108, 785	27. 6	5, 778	1. 5
Florida (1)	1, 340, 665	52, 628	3. 9	26, 287	49. 9	26, 341	50. 1	9, 479	18. 0	3, 275	6. 2	240	. 5
Other States and District of Columbia (39)	26, 217, 875	158, 113	. 6	129, 102	81. 7	29, 011	18. 3	13, 135	8. 3	4, 033	2. 6	900	. 6

See footnotes at end of table.

TABLE 2C.—NONMINORITIES BY GEOGRAPHIC AREA

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

Geographic area	Total number of students	Total number of nonminority students	Percent of total students	Nonminority students attending nonminority schools									
				0 to 49.9 percent		50 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	43,353,568	34,697,133	80.0	716,980	2.1	33,980,153	97.9	22,778,975	65.7	13,020,419	37.5	5,723,597	16.5
32 Northern and Western [2]	28,579,765	24,138,249	84.5	525,691	2.2	23,612,557	97.8	16,814,581	69.7	9,871,450	40.9	4,020,212	16.7
6 Northern and Western [3]	13,596,626	11,330,289	83.3	239,649	2.1	11,090,639	97.9	8,658,434	76.4	5,529,380	48.8	2,217,669	19.6
6 Border and District of Columbia [4]	3,730,318	3,056,028	81.9	37,167	1.2	3,018,861	98.8	2,030,382	66.4	1,297,637	42.5	738,408	24.2
11 Southern [5]	11,043,485	7,502,856	67.9	154,122	2.1	7,348,735	97.9	3,934,012	52.4	1,851,332	24.7	964,977	12.9
5 Southern [6]	3,648,842	2,278,702	62.5	11,428	.5	2,267,274	99.5	1,444,750	63.4	751,491	33.0	416,307	18.3

[1] Minute differences between sum of numbers and totals are due to computer rounding.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

[5] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

[6] Alabama, Georgia, Louisiana, Mississippi, South Carolina.

TABLE 3-A.—NEGROES IN 100 LARGEST SCHOOL DISTRICTS, RANKED BY SIZE

[Number [1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

Districts	Total number of students	Total number of Negro students	Percent of total students	Negro attending minority schools									
				0 to 49.9 percent		50 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	10,417,750	3,250,319	31.2	418,633	12.9	2,831,686	87.1	2,201,589	67.7	1,798,445	55.3	1,091,978	33.6
New York, N.Y	1,063,787	334,841	31.5	65,824	19.7	269,017	80.3	146,945	43.9	88,233	26.4	34,033	10.2
Los Angeles, Calif	653,549	147,738	22.6	7,012	4.7	140,726	95.3	116,017	78.5	77,026	52.1	18,118	12.3
Chicago, Ill	582,274	308,266	52.9	9,742	3.2	298,524	96.8	263,159	85.4	234,045	75.9	146,152	47.4
Detroit, Mich	296,097	175,316	59.2	15,781	9.0	159,535	91.0	103,590	59.1	66,069	37.7	18,510	10.6
Philadelphia, Pa	282,617	166,083	58.8	15,880	9.6	150,203	90.4	99,277	59.8	72,174	43.5	7,201	4.3
Houston, Tex	246,098	81,966	33.3	4,318	5.3	77,648	94.7	70,816	86.4	64,907	79.2	52,854	64.5
Dade County, Fla (Miami)	232,465	56,518	24.3	7,032	12.4	49,486	87.6	43,664	77.3	41,115	72.7	27,482	48.6
Baltimore City, Md	192,171	125,174	65.1	9,646	7.7	115,528	92.3	94,825	75.8	82,629	66.0	54,505	43.5
Dallas, Tex	159,924	49,235	30.8	1,045	2.1	48,190	97.9	40,431	82.1	26,131	53.1	15,807	32.1
Cleveland, Ohio	156,054	87,241	55.9	4,156	4.8	83,085	95.2	69,728	79.9	59,174	67.8	21,516	24.7
Washington, D.C	148,725	139,006	93.5	1,253	.9	137,753	99.1	123,939	89.2	95,608	68.8	38,701	27.8
Prince Georges County, Md. (D.C. area)	146,976	22,313	15.2	12,525	56.1	9,788	43.9	4,618	20.7	3,688	16.5	3,112	13.9
Milwaukee, Wis	130,445	31,130	23.9	3,849	12.4	27,281	87.6	14,783	47.5	9,288	29.8	4,819	15.5
San Diego, Calif	128,914	15,004	11.6	3,767	25.1	11,237	74.9	5,732	38.2	448	3.0	0	0
Memphis, Tenn	125,813	67,395	53.6	1,765	2.6	65,630	97.4	62,132	92.2	56,181	83.4	49,381	73.3
Baltimore County, Md	123,717	4,299	3.5	4,299	100.0	0	0	0	0	0	0	0	0
Duval County, Fla. (Jacksonville)	122,637	34,638	28.2	4,362	12.6	30,276	87.4	30,276	87.4	29,446	85.0	26,556	76.7
Fairfax County, Va. (D.C. area)	122,107	3,322	2.7	3,322	100.0	0	0	0	0	0	0	0	0
Montgomery County, Md. (D.C. area)	121,458	4,872	4.0	4,872	100.0	0	0	0	0	0	0	0	0
St. Louis, Mo	115,582	73,408	63.5	5,244	7.1	68,164	92.9	63,255	86.2	55,632	75.8	36,651	49.9
Atlanta, Ga	111,227	68,662	61.7	3,728	5.4	64,934	94.6	61,976	90.0	61,297	89.3	53,644	78.1
Orleans Parish, La. (New Orleans)	110,783	74,378	67.1	6,569	8.8	67,809	91.2	60,407	82.1	59,700	80.3	46,320	62.3
Columbus, Ohio	110,699	28,729	26.0	8,263	28.8	20,466	71.2	7,222	25.1	2,873	10.0	890	3.1
Indianapolis, Ind	108,587	36,577	33.7	8,205	22.4	28,372	77.6	19,347	52.9	13,728	37.5	3,945	10.8
Broward County, Fla. (Fort Lauderdale)	103,003	24,516	23.8	3,556	14.5	20,960	85.5	19,545	79.7	19,075	77.8	16,882	68.9
Hillsborough County, Fla. (Tampa)	110,985	19,225	19.0	3,513	18.3	15,712	81.7	13,604	70.8	13,604	70.8	12,371	64.3
Denver, Colo	96,577	13,639	14.1	2,732	20.0	10,907	80.0	7,539	55.3	2,862	21.0	0	0
Boston, Mass	94,174	25,482	27.1	5,943	23.3	19,539	76.7	8,558	33.6	4,936	19.4	79	.3
San Francisco, Calif	94,154	25,923	27.5	4,024	15.5	21,899	84.5	5,275	20.3	1,317	5.1	110	.4
Seattle, Wash	94,025	10,376	11.0	4,647	44.8	5,729	55.2	0	0	0	0	0	0
Nashville-Davidson County, Tenn	93,720	22,561	24.1	3,794	16.8	18,767	83.2	12,746	56.5	12,256	54.3	11,696	51.8
Cincinnati, Ohio	86,807	37,275	42.9	8,171	21.9	29,104	78.1	12,652	33.9	10,903	29.3	6,291	16.9
Fort Worth, Tex	86,528	21,398	24.7	2,065	9.7	19,333	90.3	18,283	85.4	16,389	76.6	12,991	60.7
Jefferson County, Ky. (Louisville area)	85,846	3,213	3.7	2,365	73.6	848	26.4	848	26.4	848	26.4	0	0
Charlotte-Mecklenburg, N.C	83,111	24,241	29.2	6,704	27.7	17,537	72.3	14,274	58.9	13,863	57.2	9,459	39.0
Tulsa, Okla	79,990	9,728	12.2	1,518	15.6	8,210	84.4	5,900	60.6	5,900	60.6	4,447	45.7
Albuquerque, N. Mex	79,669	1,897	2.4	523	27.6	1,374	72.4	174	9.2	169	8.9	0	0
San Antonio, Tex	79,353	11,637	14.7	1,234	10.6	10,403	89.4	9,519	81.8	6,522	56.0	6,137	52.7
Pinellas County, Fla. (Clearwater)	78,466	12,715	16.2	2,762	21.7	9,953	78.3	9,169	72.1	8,147	64.1	3,298	25.9
Portland, Oreg	78,413	6,388	8.1	3,664	57.4	2,724	42.6	0	0	0	0	0	0
De Kalb County, Ga. (Decatur)	77,967	4,124	5.3	1,841	44.6	2,283	55.4	1,939	47.0	1,939	47.0	421	10.2
Pittsburgh, Pa	76,268	29,898	39.2	6,373	21.3	23,525	78.7	12,779	42.7	11,588	38.8	2,925	9.8
Orange County, Fla. (Orlando)	76,089	13,055	17.2	2,627	20.1	10,428	79.9	10,064	77.1	10,064	77.1	10,064	77.1
Newark, N.J	75,960	55,057	72.5	1,174	2.1	53,883	97.9	41,746	75.8	29,738	54.0	10,607	19.3
Mobile County, Ala	75,464	31,441	41.7	3,442	10.9	27,999	89.1	26,831	85.3	26,831	85.3	18,832	59.9
Oklahoma City, Okla	74,727	16,255	21.8	2,037	12.5	14,218	87.5	12,963	79.7	9,749	60.0	924	5.7
Kansas City, Mo	74,202	34,692	46.8	4,865	14.0	29,827	86.0	23,331	67.3	17,460	50.3	5,050	14.6
Buffalo, N.Y	72,115	26,381	36.6	7,113	27.0	19,268	73.0	16,122	61.1	11,562	43.8	1,474	5.6
Long Beach, Calif	72,065	5,489	7.6	2,011	36.6	3,478	63.4	0	0	0	0	0	0
Minneapolis, Minn	70,006	5,255	7.5	3,722	70.8	1,533	29.2	0	0	0	0	0	0
Wichita, Kans	68,391	8,913	13.0	4,058	45.5	4,855	54.5	4,222	47.4	1,386	15.6	0	0
Clark County, Nev. (Las Vegas)	67,526	8,233	12.2	3,961	48.1	4,272	51.9	3,626	44.0	699	8.5	0	0
Birmingham, Ala	66,434	34,156	51.4	2,472	7.2	31,684	92.8	30,810	90.2	30,810	90.2	28,906	84.6
Anne Arundel County, Md. (Annapolis)	65,745	8,923	13.6	7,161	80.3	1,762	19.7	0	0	0	0	0	0
Jefferson County, Ala. (Birmingham area)	65,328	18,186	27.8	538	3.0	17,648	97.0	17,579	96.7	17,579	96.7	17,579	96.7
Oakland, Calif	64,102	35,386	55.2	1,958	5.5	33,428	94.5	16,604	46.9	8,062	22.8	1,661	4.7
East Baton Rouge Parish, La	63,725	23,751	37.3	1,333	5.6	22,418	94.4	21,617	91.0	21,330	89.8	19,007	80.0

XUM

Districts	Total number of students	Total Number of Negro students	Percent of total students	Negroes attending minority schools									
				0 to 49.9 percent		50 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Brevard County, Fla. (Titusville)	62,563	6,327	10.1	4,416	69.8	1,911	30.2	1,911	30.2	1,911	30.2	1,911	30.2
Omaha, Nebr	62,431	11,284	18.1	2,309	20.5	8,975	79.5	4,321	38.3	674	6.0	0	0
Granite, Utah (Salt Lake City)	62,236	59	.1	59	100.0	0	0	0	0	0	0	0	0
El Paso, Tex	62,105	1,804	2.9	1,114	61.8	690	38.2	379	21.0	194	10.8	78	4.3
Palm Beach County, Fla	61,715	17,158	27.8	3,191	18.6	13,967	81.4	13,074	76.2	12,409	72.3	12,409	72.3
Toledo, Ohio	61,684	16,473	26.7	3,725	22.6	12,748	77.4	6,752	41.0	2,164	13.1	1,617	9.8
Caddo Parish, La. (Shreveport)	60,483	26,429	43.7	649	2.5	25,780	97.5	25,734	97.4	25,734	97.4	24,844	94.0
Jefferson County, Colo. (Lakewood)	60,367	60	.1	60	100.0	0	0	0	0	0	0	0	0
Dayton, Ohio	59,527	22,790	38.3	2,488	10.9	20,302	89.1	17,574	77.1	14,198	62.3	5,061	22.2
Jefferson Parish, La. (Gretna)	59,485	12,812	21.5	2,632	20.5	10,180	79.5	10,180	79.5	10,180	79.5	10,180	79.5
Akron, Ohio	58,589	15,137	25.8	5,705	37.7	9,432	62.3	3,133	20.7	1,264	8.4	588	3.9
Fresno, Calif	58,234	5,251	9.0	831	15.8	4,420	84.2	3,808	72.5	2,575	49.0	593	11.3
Greenville County, S.C	56,306	12,453	22.1	1,839	14.8	10,614	85.2	10,378	83.3	10,378	83.3	9,258	74.3
Kanawha County, W. Va. (Charleston)	56,118	3,548	6.3	2,905	81.9	643	18.1	0	0	0	0	0	0
Norfolk, Va	56,029	23,499	41.9	2,701	11.5	20,798	88.5	18,322	78.0	17,236	73.3	11,648	49.6
Louisville, Ky	55,212	25,470	46.1	3,432	13.5	22,038	86.5	13,418	52.7	6,827	26.8	1,996	7.8
Tucson, Ariz	53,667	2,767	5.2	524	18.9	2,243	81.1	380	13.7	148	5.3	0	0
San Juan, Calif. (Carmichael)	53,174	134	.3	134	100.0	0	0	0	0	0	0	0	0
Garden Grove, Calif	52,908	83	.2	83	100.0	0	0	0	0	0	0	0	0
Sacramento, Calif	52,545	7,324	13.9	5,150	70.3	2,174	29.7	0	0	0	0	0	0
Polk County, Fla. (Bartow)	52,255	11,652	22.3	3,815	32.7	7,837	67.3	6,769	66.7	7,769	66.7	7,769	66.7
Austin, Tex	51,760	7,783	15.0	1,022	13.1	6,761	86.9	5,063	65.1	4,485	57.6	1,728	22.2
St. Paul, Minn	50,338	2,917	5.8	2,556	87.6	361	12.4	361	12.4	0	0	0	0
Winston-Salem/Forsyth County, N.C	49,831	13,798	27.7	2,111	15.3	11,687	84.7	11,643	84.4	10,952	79.4	9,778	70.9
Gary, Ind	48,431	29,826	61.6	916	3.1	28,910	96.9	24,110	80.8	23,265	78.0	9,652	32.4
Mount Diablo, Calif. (Concord)	48,351	369	.8	369	100.0	0	0	0	0	0	0	0	0
Rochester, N.Y	47,372	13,679	28.9	6,232	45.6	7,447	54.4	1,652	12.1	0	0	0	0
Charleston County, S.C	47,178	16,730	35.5	2,140	12.8	14,590	87.2	14,091	84.2	14,091	84.2	14,091	84.2
Escambia County, Fla. (Pensacola)	46,875	12,924	27.6	2,904	22.5	10,020	77.5	9,046	70.0	9,046	70.0	9,046	70.0
Bes Moines, Iowa	46,532	3,611	7.8	2,057	57.0	1,554	43.0	0	0	0	0	0	0
Flint, Mich	46,495	17,212	37.0	4,165	24.2	13,047	75.8	6,425	37.3	1,193	6.9	0	0
Corpus Christi, Tex	46,110	2,496	5.4	43	1.7	2,453	98.3	1,912	76.6	810	32.5	640	25.6
Shelby County, Tenn. (Memphis area)	44,133	14,281	32.4	950	6.7	13,331	93.3	13,331	93.3	13,331	93.3	12,667	88.7
Richmond, Calif	43,123	10,424	24.2	4,006	38.4	6,418	61.6	2,819	27.0	1,143	11.0	534	5.1
Richmond, Va	43,115	29,441	68.3	1,980	6.4	27,551	93.6	24,900	84.6	24,366	82.8	22,971	78.0
Chatham County (Savannah)	42,416	17,449	41.1	1,620	9.3	15,829	90.7	15,102	86.5	15,102	86.5	13,460	77.1
Muscogee County, Ga. (Columbus)	42,373	12,517	29.5	884	7.1	11,633	92.9	10,757	85.9	10,757	85.9	8,768	70.0
Fort Wayne, Ind	41,595	5,760	13.8	1,552	26.9	4,208	71.3	1,328	23.1	0	0	0	0
Virginia Beach, Va	41,272	4,372	10.6	2,719	62.2	1,653	37.8	1,653	37.8	1,278	29.2	1,278	29.2
Cobb County, Ga. (Marietta)	40,918	1,336	3.3	1,246	93.3	90	6.7	90	6.7	90	6.7	90	6.7
Columbia, S.C	40,122	18,735	46.7	3,236	17.3	15,499	82.7	15,163	80.9	15,163	80.9	13,183	70.4
Montgomery County, Ala	39,093	16,691	42.7	945	5.7	15,746	94.3	15,746	94.3	15,746	94.3	15,746	94.3
Calcasieu Parish, La. (Lake Charles)	39,043	9,934	25.4	948	9.5	8,986	90.5	8,986	90.5	8,986	90.5	8,986	90.5

[1] Minute differences between sum of numbers and totals are due to computer rounding.

TABLE 3B.—SPANISH-SURNAMED AMERICANS IN SELECTED LARGE SCHOOL DISTRICTS, RANKED BY SIZE

[Number and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

District	Total number of students	Total number of Spanish-American students	Percent of total students	Spanish-surnamed Americans attending minority schools									
				0 to 49.9 percent		50 to 100 percent		80 to 100 percent		95 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	4,579,950	767,900	16.8	211,787	27.6	556,113	72.4	383,447	49.9	213,830	27.8	11,121	1.4
New York, N.Y	1,063,787	244,302	23.0	28,783	11.8	215,519	88.2	164,202	67.1	97,373	39.9	5,072	2.1
Los Angeles, Calif	653,549	130,450	20.0	42,684	32.7	87,766	67.3	69,088	53.0	42,340	32.5	647	.5
Chicago, Ill	582,274	49,886	8.6	19,148	38.4	30,738	61.6	15,792	31.7	3,022	6.1	183	.4
Houston, Tex	246,098	31,780	12.9	11,301	35.6	20,479	64.4	12,840	40.4	3,803	12.0	178	.6
Dade County, Fla, (Miami)	232,465	39,487	17.0	15,364	38.9	24,123	61.1	8,566	21.7	2,993	7.6	32	.1
Dallas, Tex	159,924	12,196	7.6	5,447	44.7	6,749	55.3	4,057	33.3	1,192	9.8	73	.6
San Diego, Calif	128,914	12,981	10.1	8,485	65.4	4,496	34.6	3,418	26.3	1,127	8.7	0	0
Hillsborough County, Fla. (Tampa)	100,985	6,766	6.7	5,275	78.0	1,491	22.0	534	7.9	70	1.0	68	1.0
Denver, Colo	96,577	18,611	19.3	8,884	47.7	9,727	52.3	4,981	26.8	1,527	8.2	0	0
San Francisco, Calif	94,154	12,217	13.0	4,098	33.5	8,119	66.5	1,164	9.5	112	.9	0	0
Fort Worth, Tex	86,528	6,937	8.0	4,058	58.5	2,879	41.5	452	6.5	452	6.5	29	.4
Albuquerque, N. Mex	79,669	28,151	35.3	7,913	28.1	20,238	71.9	7,846	27.9	947	3.4	0	0
San Antonio, Tex	79,353	46,188	58.2	5,731	12.4	40,457	87.6	33,265	72.0	23,633	51.2	1,357	2.9
Newark, N.J	75,960	7,046	9.3	516	7.3	6,530	92.7	3,869	54.9	2,109	29.9	355	5.0
Buffalo, N.Y	72,115	1,278	1.8	866	67.8	412	32.2	142	11.1	137	10.7	0	0
Long Beach, Calif	72,065	3,840	5.3	3,100	80.7	740	19.3	37	1.0	0	0	0	0
Oakland, Calif	64,102	5,241	8.2	792	15.1	4,449	84.9	2,570	49.0	586	11.2	26	.5
El Paso, Tex	62,105	33,639	54.2	5,800	17.2	27,839	82.8	22,439	66.7	15,929	47.4	2,139	6.4
Palm Beach County, Fla	61,715	1,553	2.5	1,252	80.6	301	19.4	189	12.2	22	1.4	18	1.2
Jefferson County College (Lakewood)	60,367	1,118	1.9	1,118	100.0	0	0	0	0	0	0	0	0
Fresno, Calif	58,243	11,148	19.1	6,286	56.4	4,862	43.6	1,261	11.3	1,077	9.7	5	0
Tucson, Ariz	53,667	13,798	25.7	3,061	22.2	10,737	77.8	5,591	40.5	2,527	18.3	0	0
San Juan, Calif. (Carmichael)	53,174	1,126	2.1	1,126	100.0	0	0	0	0	0	0	0	0
Garden Grove, Calif	52,908	4,862	9.2	4,862	100.0	0	0	0	0	0	0	0	0
Sacramento, Calif	52,545	6,184	11.8	4,441	71.8	1,743	28.2	278	4.5	0	0	0	0
Austin, Tex	51,760	9,956	19.2	3,020	30.3	6,936	69.7	6,432	64.6	2,180	21.9	0	0
Mount Diablo, Calif. (Concord)	48,351	1,863	3.9	1,863	100.0	0	0	0	0	0	0	0	0
Rochester, N.Y	47,372	1,553	3.3	999	64.3	554	35.7	234	15.1	41	2.6	0	0
Corpus Christi, Tex	46,110	21,490	46.6	3,707	17.2	17,783	82.8	14,178	66.0	10,508	48.9	921	4.3
Richmond, Calif	43,123	2,253	5.2	1,807	80.2	446	19.8	204	9.1	123	5.5	18	.8

[1] Minute differences between sum of numbers and totals are due to computer rounding.

XUM

TABLE 4A.—NEGROES IN 100 LARGEST SCHOOL DISTRICTS BY GEOGRAPHIC AREA

[Number[1] and percentage attending school at increasing levels of isolation, fall 1968 elementary and secondary school survey]

Geographic area	Total number of students	Total number of Negro students	Percent of total students	Negro students attending minority schools									
				0 to 49.9 percent		50 to 100 percent		95 to 100 percent		99 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	10,417,750	3,250,319	31.2	418,633	12.9	2,831,686	87.1	2,201,589	67.7	1,798,445	55.3	1,091,978	33.6
32 northern and western[2]	5,710,874	1,791,677	31.4	245,474	13.7	1,546,203	86.3	1,047,760	58.5	752,904	42.0	296,376	16.5
6 northern and western[3]	3,198,998	1,351,484	42.2	174,291	12.9	1,177,193	87.1	811,795	60.1	612,433	45.3	259,855	19.2
6 border and District of Columbia[4]	1,340,469	470,901	35.1	62,122	13.2	408,779	86.8	343,097	72.9	278,341	59.1	145,386	30.9
11 southern[5]	3,366,407	987,741	29.3	111,037	11.2	876,704	88.8	810,732	82.1	767,200	77.7	650,216	65.8
5 southern[6]	1,038,345	399,784	38.5	36,062	9.0	363,722	91.0	347,206	86.8	345,713	86.5	303,315	75.9

[1] Minute differences between sum of numbers and totals are due to computer rounding.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

[5] Alaska, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

[6] Alabama, Georgia, Louisiana, Mississippi, South Carolina.

TABLE 4B.—SPANISH SURNAMED AMERICANS IN 100 LARGEST SCHOOL DISTRICTS BY AREA OF SIGNIFICANT POPULATION

[Number[1] and percentage attending school at increasing levels of isolation fall, 1968 elementary and secondary school survey]

District	Total number of students	Total number of Spanish-American students	Percent of total students	Spanish-surnamed Americans attending minority schools									
				0 to 49.9 percent		50 to 100 percent		80 to 100 percent		95 to 100 percent		100 percent	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States	10,417,750	811,167	7.8	239,355	29.5	571,812	70.5	391,887	48.3	216,683	26.7	11,373	1.4
Arizona, California, Colorado, New Mexico, Texas (5)	2,343,277	416,029	17.8	139,584	33.6	276,445	66.4	190,101	45.7	108,063	26.0	5,393	1.3
Connecticut, Illinois, New Jersey, New York (4)	1,841,508	304,065	16.5	50,312	16.5	253,753	83.5	184,057	60.5	102,682	33.8	5,610	1.8
Florida (1)	937,053	49,431	5.3	23,447	47.4	25,984	52.6	9,350	18.9	3,146	6.4	160	.3
Other States and District of Columbia (39)	5,295,912	41,642	.8	26,012	62.5	15,630	37.5	8,379	20.1	2,792	6.7	210	.5

[1] Minute differences between sum of numbers and totals are due to computer rounding.

Mr. ELLENDER. Mr. President, I have a table furnished to the Appropriations Committee by HEW, indicating the number of students in five of the largest districts in the country during the fall term of 1968. Those districts are in New York, Los Angeles, Chicago, Detroit, and Philadelphia. The statement shows that there is a total enrollment of 2,878,224 students in those five largest U.S. school districts. The statement also shows that even though the total Negro enrollment constitutes 39.9 percent of the total enrollment in those districts, only 3.9 percent of the total enrollment is made up of Negro students attending majority white schools.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. MONDALE. May I have 2 minutes?

Mr. MATHIAS. I yield 2 minutes to the Senator from Minnesota.

Mr. MONDALE. Permit me to say that if there is official discrimination in New York, the Court has jurisdiction to reach it and eliminate it. The Senator from Louisiana knows it is more than likely that those are figures which show residential patterns, which have not been found to be the result of official discrimination.

Mr. ELLENDER. Why does not Mr. Finch apply the same rules and regulations there that he does in the South?

Mr. MONDALE. The truth is that wherever there is official discrimination, in the North or the South, it must fall under the edict of the Supreme Court. If there is official discrimination in New York, it is illegal, and the same law will apply there as applies in Louisiana.

The problem is that in many of the States of the South there has been a longstanding tradition of separation of public schools on the basis of color. All the Supreme Court decisions have focused on the question of official discrimination. What we should do about de facto discrimination, or racial isolation arising from residential living patterns, is something that we hope to focus on in the Select Committee on Equal Educational Opportunity which the Senate created last week. The only point I make is that we are far from even coming close to eliminating official discrimination in the South, and I suspect there is more official discrimination in the North than we are generally aware of at this point.

I yield the floor.

Mr. STENNIS. Mr. President, will the Senator yield briefly to me, on my own time? I yield myself 3 minutes.

With reference to the number of Negroes in school districts, the 100 largest school districts, ranked by size, to which the Senator from Louisiana made reference, the official records show that none of those are from the South. They are all from the North. Furthermore, in one of my speeches, I referred to the five largest cities in the South as compared with the five largest school districts in the North, and the percentage of Negro children in predominately Negro schools ran almost parallel as between northern cities and southern cities. I can get those figures, but I do not have them here now.

My question is this: Did I understand the Senator correctly when he was giving the number of students that are in predominately black school districts? Did he say they were principally in the South? That is what I understood the Senator to say, that they were principally in the South.

Mr. MONDALE. What I said was that the policy of officially separating children into all black and all white schools is a practice that was followed principally, but not exclusively, in the South. That is what I said.

Mr. STENNIS. As I understood, the Senator said the districts were principally in the South. This is kind of customary language that has been used until these figures came out.

Does the Senator vigorously stand for the enforcement of the Federal law in States beyond the South to eradicate segregation? Does the Senator really stand for that vigorously? I think he does.

Mr. MONDALE. I thank the Senator from Mississippi. This debate has been going on for about 10 days. I am for the elimination of official discrimination wherever it is found, North or South. There is an effort to confuse the distinction between school systems which are organized on the basis of official discrimination and school systems, on the other hand, which are not, but have racial imbalance arising from residential living patterns.

The first is unconstitutional and illegal and prohibited by the Supreme Court. It is precisely that category—the illegal and unconstitutional category—that the Whitten and Jonas amendments are designed to influence. It has nothing to do with de facto segregation or racial isolation. It has nothing to do with perfectly legal, but nevertheless undesirable, patterns of racial isolation. This amendment is designed, just as some other amendments we have seen—to do one thing, to obstruct the enforcement of a constitutional right as declared repeatedly by the U.S. Supreme Court.

Mr. STENNIS. Mr. President, if the Senator would yield further to me, I want to ask him a specific question. He is an honest person and truthful. If the Senator believes in that, what is he going to do about New York State? I am not pointing to New York any more than others, but in New York they have passed a State law where, instead of getting ready for real integration, they are prohibiting it by law as far as they can. Would the Senator take a stand on that and make a suggestion to the Attorney General that he bring a suit to test that law and also put some of his men up there to scrupulously examine those districts and see whether or not there is any official act of gerrymandering the districts? Would the Senator vigorously stand for that?

Mr. MONDALE. I vigorously support a national effort to eliminate official discrimination wherever it is found, including in the city of New York, if it is there. There is no question about that. I could not uphold the oath I took when I became a U.S. Senator if I said constitutional rights applied in some places and not in others.

What we are involved in here is the question whether the Supreme Court orders which have repeatedly declared that official discrimination is illegal, shall be the law of this land, shall be followed and pursued by the agencies of this Government, or whether, because there is racial isolation——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

Mr. MONDALE. Or whether a racial isolation problem in New York which has not been found to arise from unconstitutional acts—if that is the case—can be an excuse to delay the enforcement of the orders of the Supreme Court of the United States. That is the issue.

Mr. STENNIS. May I ask the Senator this? What does he propose be done about the District of Columbia? It is resegregated so that 95 percent are colored and 5 percent are white. What does he propose to do about that? Would he suggest importing children in from Maryland and Virginia? Would he do that?

Mr. MONDALE. That has nothing to do with the Whitten amendments, because they do not strike at de facto segregation. The reason why we established the Select Committee on Equal Educational Opportunity is to explore the kind of question the Senator raised, to determine what this country should do to deal with the problem of racial imbalance and racial isolation in situations which are perfectly legal under present law, but which may be undesirable as a matter of social policy.

The vice of the Whitten-Jonas amendments is that they would try to support activities that are perfectly illegal, and unconstitutional.

The PRESIDING OFFICER. The time of the Senator has again expired.

Who yields time?

Mr. MATHIAS. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I suppose we ought to be grateful for the advertisement. New York is very much in the forefront of the discussion. Fortunately, I am here, and I would like to address myself to the issue.

Mr. President, we are dealing with a problem which arises by virtue of the fact that de jure segregation—that is, segregation enforced by State and local law—is unconstitutional. Senators have argued, "If it is unconstitutional and therefore unlawful, it does not exist; so we are now on exactly the same basis as those areas where segregation of the races in the public schools exists, for whatever reason; and if you cannot reach them, you cannot reach us."

That is really the essence of the argument. We went through this at very great length in connection with the so-called Stennis amendment.

Mr. President, the invalidity of that argument is that if you applied that standard, you would simply assume legality in all cases, whatever may be the reason for the existence of the segregated situation.

The courts do not do that. It is no longer a matter of discretion for us. That has been decided very clearly. The courts have established the proposition that where you have had de jure segregation, and the conditions created by de jure segregation continue, they will assume that the de jure segregation must be eliminated by changing those conditions.

That also happens to correspond with sociological fact, because, interestingly enough, racial patterns in the South are very mixed. They are not clearly defined and separate, as they are in New York City and many other cities. In New York City, you have a number of sections which are heavily populated by blacks. The same condition exists in Chicago, in Baltimore, and in many other places.

However, in the South that is not the case, since the condition of segregation which is complained of has been brought about by law rather than residential patterns.

The courts have consistently held that those laws violate the Constitution which outlaws segregation resulting from State action.

Mr. President, in the North and in other areas, you have segregation brought about by residential patterns, heavily attributable to the injustices suffered by blacks in the South who have migrated, to the extent of almost half their number, within this century to the North. Mr. President, they were forced out, and as a result have created tremendous demographic problems in Washington, D.C., New York, Chicago, and other places.

Mr. President, like the Senator from Minnesota (Mr. MONDALE), I am determined to do everything I humanly can, as a person, a citizen, and a legislator, to deal with the northern problem of residential segregation which is attributable to unlawful activities conducted with the purpose of denying Negroes equal opportunity in housing, which in turn is attributable, to economic and sociological reasons. I realize that in the main, that has got to be done by enforcing the fair housing laws, which in New York are very strong, and which are also on the Federal books; and I will do my utmost, as I believe every Senator will, to bring about their enforcement, to break up the segregated patterns, and give Negroes opportunities to move to the suburbs, if they so desire.

I also intend to use every bit of influence and weight I have to get appropriate State action, where educationally the black child is deprived because of the segregated pattern of his education.

Mr. President, this goes directly to the New York statute. The New York statute deals with busing children to correct racial imbalance, and the legislature prohibits such busing on educational grounds. There are no other State laws involved. For educational reasons, only elected boards of education may order busing.

I think that law is wrong, and I am doing and will do everything I can to fight it. But let us understand its limitations. It deals not with segregation grounded in law, but with segregation grounded in fact, something the Constitution cannot control. Also, it affects only four cities, and very shortly will not affect New York City, which is in the process of electing a board of education.

The PRESIDING OFFICER. The Senator's time has again expired.

Mr. MATHIAS. I yield the Senator 2 additional minutes.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MONDALE. Suppose there is a school district in the State of New York which, in fact, has a policy of official discrimination, and then suppose the Court orders busing to overcome that discrimination. Is it the Senator's impression that the State of New York, in passing that law, could frustrate the Supreme Court?

Mr. JAVITS. Not for a moment. But this amendment to the appropriation bill could, even if a court ordered it; and that is the biggest objection to the Whitten amendment. The fact is that we were very careful; even in the upsurge of feeling which existed in this Chamber on the Stennis and Ervin amendments, to recognize the power of the Court to enforce its decrees.

But here we take that power away, because if money cannot be used for that purpose, there will be no enforcement, even if there is a decree.

Mr. MONDALE. Will the Senator yield further?

Mr. JAVITS. I yield.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MATHIAS. I yield the Senator from New York 1 additional minute.

Mr. MONDALE. Would it not be fair to say that there are probably at least three layers of this problem that one must look at? The first is the legal layer, eliminating unconstitutional discrimination. The second is the educational layer; What do you do to achieve good education, where there is racial isolation, even though it is not illegal? Third, there is the moral issue. What do you do about the morality of racial isolation?

If I am correct, is it not true that those who propose and support the Whitten and the Jonas amendments are dealing at the first level, with the legal question, and are trying to impair the power of the Supreme Court to enforce the law of the land?

The PRESIDING OFFICER. The Senator's time has again expired.

Mr. JAVITS. Just time to answer.

Mr. MATHIAS. I yield the Senator 1 additional minute.

Mr. JAVITS. I would say that, in my judgment, it cripples the ability to implement a court decree. It does that, and probably no more, because it can only do what will come within its purview. That will be the availability of money to implement a court decree, because the use of money otherwise is already provided for in the basic law, which provides it is not to be used for busing to correct racial imbalance. Since that is already in the law, there is no purpose for this special provision, unless we are really going to invade the power of the courts to deal with de jure segregation. That is the net effect. I am not going to deal with the question of motives, because one of the great virtues of this body is that we give every Senator credit for his motives.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. MATHIAS. Mr. President, I yield an additional 2 minutes to the Senator from New York.

Mr. MONDALE. Mr. President, we who believe that the Supreme Court orders to eliminate official discrimination must be enforced have been offered as an answer that de facto segregation exists elsewhere, and that therefore until an undesirable local situation can be eliminated, we should not do anything about something that is both illegal and undesirable; thus we should not enforce the law until we can deal with a social problem of an entirely different nature.

It seems to me that to create such a situation or such a policy would destroy any meaningful enforcement under the decisions of the Supreme Court and the 14th amendment; it would insure that 2 million black children would continue to go to all-black schools in the South as a matter of official policy; and it would destroy basic rights guaranteed by the 14th amendment.

Mr. JAVITS. I agree with the Senator from Minnesota. I think we have shown our good faith by joining to bring about the appointment of a select committee obligated to stand up and face the issue, even the issue of de facto segregation.

The Senator brought to the Senate what we feel is a mandate to seize the initiative and give the Senate the benefit of the greatest expertise we can muster. I know that the Senator and I intend to perform that obligation in the utmost good faith.

Mr. MATHIAS. Mr. President, I yield 3 minutes to the distinguished Senator from Kentucky.

Mr. COOPER. Section 408 denies the use of funds for certain activities, for busing students and for the assignment of any student to a particular school against the choice of his or her parents or parent.

Would the Senator say that these activities are hinged to the last clause of that statement—"to a particular school against the choice of his or her parents or parent"?

Mr. JAVITS. Yes. I think they intended to make that clause operative.

Mr. COOPER. Section 408, is then a freedom-of-choice amendment?

Mr. JAVITS. Essentially.

Mr. COOPER. It is the Senator's judgment, then, that the Green case, which decided that, while freedom of choice was not per se objectionable, if it resulted in segregation or maintained segregation, it was unlawful?

Mr. JAVITS. Exactly right. I think this case seeks to cancel out the effect of the Green case, by prohibiting us from using the means which would enable us to implement the decree in the Green case.

Mr. COOPER. I have my doubts about that for I would say that if this section should be tested and the courts followed the decision in the Green case, it would necessarily knock down the section and order HEW to provide funds.

Mr. JAVITS. I am not so sure about that, because I think we are sovereign in two areas: one is the provision of funds, or limitation on the use of funds and the other is the legislation of the jurisdiction of the courts. That is why the Ervin amendment, as presented, was so lethal—it sought to deprive the courts of their jurisdiction.

Our southern friends are astute lawyers. These are areas in which I think we are quite sovereign, and I doubt very much that a court could mandate HEW to use the money. I say that with all respect.

Mr. COOPER. My judgment is that if the courts should decide to enforce desegregation in certain school districts and section 408 was interposed, the Court would hold it invalid, and HEW would have to provide the funds.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield

Mr. MATHIAS. Whether the Senator from New York is right or wrong in his conclusions as to the ultimate effect, I think the Senator from Kentucky, in his usual manner, has put his finger right on the sore point, that without the words of this amendment we are headed straight for a long, difficult, and unsettling period of litigation, which must be avoided.

Mr. JAVITS. We certainly can agree on that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MATHIAS. I yield 2 additional minutes.

Mr. COOPER. My thought is that section 409 would run to confrontation with the Green case. I cannot vote for the section. The Court has ruled upon the proposition of freedom of choice, attractive as it may sound.

I do not believe the courts have ever laid a clean and effective position, in dealing with situations in the South which they class as de jure, while in the North, the same situations, are treated by the courts as de facto.

Mr. JAVITS. I need not protest again my respect for the Senator. I do not think the effect is the same.

Let us take an area like the District of Columbia. There simply is no alternative but to upgrade the level of education here. The fact is that the people are living here and that they are nonsegregated—to wit, practically all of them live here—and this does present us with a problem which is not susceptible of being reached by law. But where there is a condition of segregation which obviously is not based upon a residential pattern but is based on the artificiality of a decades-old system of required separation of the races, I do not think that without in any way condoning the former we need be inhibited in redressing the latter.

Mr. COOPER. I made a mistake. I said that I could not vote for the amendment. I meant that I could not vote for this section, because I think it flies in the face of the Court.

As to the District of Columbia situation, I believe the Senator may be wrong. I am not sure, but, as I recall, the schools in the District of Columbia were once segregated by law.

Mr. JAVITS. The Senator is correct.

Mr. COOPER. I think they may fall under the rule applied to the Southern States.

I also suggest that the Senator may be in trouble in New York, because the legislature there, as a governmental body, has intervened in what is called a de facto situation. The Senator might find New York now faced with the de jure rulings of the Court.

Mr. JAVITS. I should not consider that "in trouble." I should consider that just fine for New York.

FORMULA AND PROJECT GRANTS

I want to point out to my colleagues a serious matter about this bill which I fear is being overlooked, and I ask Senators to bear with me in a description of our current dilemma. My point of reference is the appropriations for formula and project grants to States which are authorized under section 314 of the Public Health Service Act.

In April 1969, the revised budget estimates of President Nixon for the fiscal year 1970 transferred the funding of tuberculosis control activities from project grants to formula grants because he was recommending the level of formula grants be increased by $18 million.

This transfer created serious problems because the allocation of TB control funds in project grants differs markedly on a State-by-State basis from the allocation that must be followed by the formula under existing law. Subsequently, however, we receive assurances from the Department of Health, Education, and Welfare that project grants for the control of tuberculosis would be awarded in order to supplement formula grants in

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States where they fell short of the 1969 level for TB control activities.

In the absence of final action on the 1970 budget item, the States do not have access to the promised increase in formula grant funds for the control of tuberculosis. And may I add parenthetically that the myth that tuberculosis is no longer a problem has been effectively put to rest by the recent events right here in the Capitol.

The States have accepted and, I am informed, done everything possible to cooperate to the fullest in this difficult transition. But because of the complication of a 1970 appropriations bill for HEW not yet passed, we have a very serious problem. I fear that we have not realized that under the continuing resolution which we have dutifully approved, section 314(d) allocations to States have been and must be made on the basis of a $66 million level. Under this circumstance, there is no way we can fulfill this necessary commitment to the States. Vitally needed tuberculosis control efforts will be seriously disrupted.

Additionally, and most importantly, Senators will recall that it was the unanimous wisdom of this body that $10 million should be added to fiscal 1970 section 314(d) block grants to States in order that sufficient funds would be available for a very necessary nationwide rubella vaccination program. At this point in time, unless we pass and until the President signs this bill, we will have failed to provide support to States and localities who are working desperately to forestall a German measles epidemic, the result of which will be the inevitable harvest of mentally retarded children. This is a crisis situation. It is urgent that we immediately make available the necessary tuberculosis, rubella vaccination, and other programs, vital to providing every American with quality health care.

Mr. STENNIS. Mr. President, I yield 10 minutes and such additional time as he may wish to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I have not practiced law since I came to the Senate, but I thought that the law of the land was the law as fixed by Congress. Further, I have always believed that until that law is set aside or declared unconstitutional by the Supreme Court, the laws of the Congress are the laws of the land. In the course of my remarks, I am going to read what the law of the land is. That law of Congress, so far as I know, has not been passed upon by the Supreme Court.

It seems to me that the point of this debate is being missed by those seeking to modify the so-called Whitten amendments to the current bill. The point is that the Supreme Court has never rendered any decision whatsoever requiring the busing of schoolchildren from one district, or one school, or one neighborhood to another for conformity to the Constitution.

In its decisions in this area, the Court has made absolutely no mention of busing. The wellsprings of all this activity on the part of the lower courts and the doctrinaire bureaucrats of HEW are the simple statements of the Court in the Brown decision that segregation by law must be done away with. We have accomplished that in the South to a far larger degree than it has been done, in fact, by many areas in the North. Yet nowhere but in the South do we find buses traveling the city streets and rural byways for the sole purpose of establishing some form of racial balance.

A second point, Mr. President, related to the first, is that in no place can a decision by the Supreme Court be found, or by the appellate courts, to my knowledge, as to what degree of racial balance is considered constitutional and what degree of racial imbalance is unconstitutional. The Court has not so decided and I frankly doubt that national policies can get so far away from the bounds of reason that the Court can ever so decide.

In light of those two points, what do we find? We find a series of specious arguments developed by the bureaucrats of HEW and the hot-eyed civil rights attorneys in the Department of Justice. These arguments have been developed to enforce standards of racial balance in the South that have no basis in reality, reason, or law. They have basis only in half-thought-out theories of sociology that are rapidly being called into question. To impose this standard of racial balance, whatever they may mean, we have had a condition forced upon the South that no other part of the country would stand for. In the debate on amendments to the Elementary and Secondary Education Act bill here in the Senate a few days ago, even the opponents of the South acknowledged this fact.

Yet if the Court has not given guidance as to what is required in this area, the Congress has spoken on several occasions, and this branch of the Government has acted in an effort to negate exactly what is being forced upon our school districts today.

Now, Mr. President, I wish Senators would listen to this. What I am about to read is the law of the land. It is unequivocal. It has not been declared unconstitutional or passed upon by the Supreme Court or any other court of the land.

I read now from the Civil Rights Act of 1964, section 401, and I ask the distinguished Senator from Kentucky (Mr. COOPER) to listen to this.

Mr. COOPER. I am listening.

Mr. ELLENDER. This is the law. It has not been declared unconstitutional by any court. This appears in the Civil Rights Act of 1964. As the distinguished Senator from Kentucky knows, when a law is passed by Congress it is the law of the land until the Court acts upon it and declares it to be unconstitutional. The Senator, I am sure, is in agreement with that?

Mr. COOPER. I am familiar with that.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The Senate will be in order so that the Senator may be heard.

Mr. ELLENDER. Let me read from the act:

> Desegregation means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin. But desegregation shall not mean assignment of students to public schools in order to overcome racial balance.

Mr. COOPER. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. One moment more. Let me read further, I quote from section 407 of the same act. It reads:

> Provided nothing herein shall empower any official—

I emphasize "any official"—

> or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or from one school district to another school district in order to achieve racial balance.

Mr. President, that has not been passed upon by the Supreme Court or any other court in this land. So, in my humble judgment, that is the law of the land.

Mr. COOPER. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. COOPER. I am familar with all those sections. I must say, at the time we passed that act, I thought that it did apply, the words "racial balance," that it meant what it said, those words. But I think the Senator is wrong——

Mr. ELLENDER. I know of no decisions striking down that language. The Senator admits that when Congress passes a law, that law applies and is enforceable until someone challenges it and the Court declares it to be unconstitutional.

Mr. COOPER. That is correct.

Mr. ELLENDER. Without question.

Mr. COOPER. But the Court has interpreted that section——

Mr. ELLENDER. Where?

Mr. COOPER. I will give the Senator several cases——

Mr. ELLENDER. I would like to have a specific citation for reference.

Mr. COOPER. I do not recall them, but I have them at hand. So far as freedom of choice is concerned, this amendment to the bill hinges on freedom of choice. The Court has ruled in the Green case.

Mr. ELLENDER. I am speaking of "racial balance." I am not talking about freedom of choice.

Mr. COOPER. I am coming to it, because it involves busing. There is the Green case. There is the case of the city of Knoxville, which was passed on several years ago on the freedom-of-choice case. There are a number of other cases. I will try to recall them. One involves Gary, Ind. Another one involves the city of Cincinnati. There is one very recent case involving the city of Denver.

Mr. ELLENDER. Those are freedom-of-choice cases.

Mr. COOPER. They interpreted that as——

Mr. ELLENDER. I am speaking of busing.

Mr. COOPER. I am talking about that, too. They interpreted those cases. While they have never directly passed upon them, they did interpret them as to those two words, "racial balance"; that is, that it could not be used for desegregation

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purposes. But I do say that they have interpreted racial imbalance as something entirely different from segregation—or desegregation. That was admitted on this floor the other day by many Senators on the southern side.

Mr. ELLENDER. Mr. President, I will challenge my good friend from Kentucky to cite one instance in which this proviso in the Civil Rights Act of 1964 was challenged or directly passed upon by the Court. As for freedom of choice, we have already passed far beyond that.

We are speaking now of balancing the schools.

I repeat, that the law is as plain as law can be written; namely:

> *Provided*, That nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another school district in order to achieve racial balance.

That is the law, and I challenge any Senator to indicate to me where that language was declared unconstitutional by the courts. As a matter of fact, I do not believe that it has ever been placed before the Supreme Court at all.

Finally, Mr. President, I quote from sections 408 and 409 of the current bill. The Senator is familiar with those.

> SEC. 408. No part of the funds contained in this Act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.
>
> SEC. 409. No part of the funds contained in this Act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

Can there be any language more unequivocal than that which I have just read? Yet the proponents of the pending amendment to the bill seek to negate these plain and rational statements by putting in a phrase to cloud the issue and throw up a smokescreen. They seek to do two things.

First, they seek once again to protect northern school districts from the turmoil and social turbulence affecting public education in the South today.

Second, they seek to provide a peg for Mr. Finch, Secretary of Health, Education, and Welfare—a peg on which to hang his hat so that he may continue the bureaucratic machinations against the South. As I said, this is specious and it is false.

The argument is often made that the South has had 16 years to come into compliance with the law and that these harsh measures are justified. The liberals, so-called, have been found of saying this in the past, but for all practical purposes, the South is now in compliance with the law. The courts and HEW have seen to that at the expense of our public education system over the last 2 years.

A great many changes have taken place in the last 18 months which the figures from 1968 which have been put into the RECORD previously do not show. In fact, we are more in compliance than many other areas of the country with the Supreme Court's dictum. I know this to be true from personal observation, all over Louisiana. Looking at the facts, we note that the argument used against the South can be turned around, New York City, for instance, has had 25 years to deal with de facto segregation. Every other northern city has had the same time span. Yet what do we find but rampant segregation that is only now coming to be acknowledged.

Mr. President, I ask unanimous consent to have printed in the RECORD a table entitled "Negroes in 100 Largest School Districts, Ranked by Size."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

NEGROES IN 100 LARGEST SCHOOL DISTRICTS, RANKED BY SIZE—NUMBER AND PERCENTAGE ATTENDING SCHOOL AT INCREASING LEVELS OF ISOLATION FALL, 1968 ELEMENTARY AND SECONDARY SCHOOL SURVEY

				Negroes attending									
				0-49.9 percent minority schools		50-100 percent minority schools		95-100 percent minority schools		99-100 percent minority schools		100 percent minority schools	
District	Total number of students	Total number of Negro students	Percent of total	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	10,417,750	3,250,319	31.2	418,633	12.9	2,831,686	87.1	2,201,589	67.7	1,798,445	55.3	1,091,978	33.6
New York, N.Y.	1,063,787	334,841	31.5	65,824	19.7	269,017	80.3	146,945	43.9	88,233	26.4	34,033	10.2
Los Angeles, Calif.	635,549	147,738	22.6	7,012	4.7	140,726	95.3	116,017	78.5	77,026	52.1	18,118	12.3
Chicago, Ill.	582,274	308,266	52.9	9,742	3.2	298,524	96.8	263,159	85.4	234,045	75.9	146,152	47.4
Detroit, Mich.	296,097	175,316	59.2	15,781	9.0	159,535	91.0	103,590	59.1	66,069	37.7	18,510	10.6
Philadelphia, Pa.	282,617	166,083	56.8	15,880	9.6	150,203	90.4	99,277	59.8	72,174	43.5	7,201	4.3

Mr. ELLENDER. Mr. President, this table from HEW, reflecting Negro students in the 100 largest school districts ranked by size, and the number and percentage attending schools at increasing levels of isolation as of the fall of 1968 in the continental U.S. elementary and secondary schools, reflects the following:

In the five largest school districts in the continental United States; namely, New York City, Los Angeles, Chicago, Detroit, and Philadelphia, there are enrolled 1,132,244 Negro students. This represents 39.3 percent of the total student enrollment of these five largest northern school districts and 18 percent, or nearly one-fifth, of all Negro students in the United States. These 1,018,005, or 89.9 percent of the total Negro enrollment in these five districts, representing 16.2 percent of all the Negro students in the United States, attend schools in these 5 largest districts that are 50 to 100 percent Negro or other minority group segregated; 728,988, or 64.4 percent of the total Negro enrollment in these five largest northern school districts, attend schools that are 95 to 100 percent segregated, and these 728,988 Negro students represent 11.6 percent of all the Negro students in the continental United States. Only 114,239, or 10.1 percent of all the Negro students in these five largest districts, attend majority white schools.

There is a total enrollment of 2,878,324 students in these five largest U.S. school districts and even though the total Negro student enrollment constitutes 39.3 percent of total enrollment, only 3.9 percent of total enrollment represents Negro students attending majority white schools.

Mr. President, I think the situation there is just as bad, if not worse, than in any area of the United States. All we can ask is fairness and that the laws be applied with equal vigor all over the country.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

Mr. HANSEN. Mr. President, I will vote against the amendment of the Senator from Maryland. Although I believe it is well intentioned, it is time that the Congress face up to the fact that the Federal effort to force integration through the school systems has been a dismal failure, depriving black children and white children alike of an opportunity to receive a quality education.

On February 26, I introduced into the RECORD an article by Mr. Vermont Royster of the Wall Street Journal, entitled "Forced Integration; Suffer the Children." Certain passages of this article are worthy of our further consideration. Mr. Royster stated what he called a simple proposition:

> It is that it was, and is morally wrong for a society to say to one group of people that because of their color they are pariahs—that the majesty of law can be used to segregate them in their homes, in their schools, in their livelihoods, in their social contacts with their fellows. The wrong is in no wise mitigated by any plea that society may provide well for them within their segregated state.

He points out that the mistake came when the law was applied "to compel not merely an end to segregation but an end to separation by forced integration." He said further:

> It was at this point that we fell into the abyss. The error was not merely that we

> created a legal monstrosity, or something unacceptable politically to both whites and blacks. The tragedy is that we embraced an idea morally wrong.

He asks this pointed question:

> Is it moral for society to apply to children the force which, if it were applied to adults, men would know immoral? What charity, what compassion, what morality is there in forcing a child as we would not force his father?

Mr. Royster notes that this concept has headed in the direction of a totalitarian state. He said:

> No one thinks it moral to send policemen, or the National Guard bayonets in hand, to corral people and force them into a swimming pool, or a public park or a cocktail party when they do not wish to go. No one pretends this is moral—for all that anyone may deplore people's prejudice—because everyone can see that to do this is to make of our society a police state. The methods, whatever the differences in intent, would be no different from the tramping boots of the Communist, Nazi or Fascistic police states.

Mr. Royster says the essence of the school integration program "is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move."

I think we need to refer here to the reasoning of Mr. William Raspberry, a columnist for the Washington Post, and himself a member of the Negro community. He questions whether a reason that the schools are doing such a poor job of educating black children "is that we have spent too much effort on integrating the schools and too little on improving them." He asks this:

> Isn't it about time we started concentrating on educating children where they are?

And he says forced busing "has accomplished nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they would rather not attend."

Mr. President, I am convinced that the adoption of the language, as passed by the other body, will again focus the attention of Federal education efforts on the need to provide quality education to all of our children in all of our schools. This is the job of the school system.

Mr. President, the moment of truth is here. Fairminded people concerned about our children have spoken out against a Court decree that is a tragic failure.

It is ill starred.

Following in its wake have occurred violence, rioting, school closings, and death.

Those whose lives well-meaning people hoped to improve oftentimes have been blighted.

Fear grips the hearts of children, black and white alike.

Tax dollars are being wasted.

Noted black leaders inveigh against these misdirected expenditures. Bayard Rustin says only a good education can help propel the black man upward to full realized equality. He must be able to compete.

Mr. President, I have the greatest respect for those who have championed the fight for equality for all our citizens. No civil rights bill has had the stamp of approval by this body since I have been here without my support.

I call upon my colleagues now to harken to the voices of the people—white voices and black voices—the voices of people whose first concern is for their children.

Let us rise above the pride of earlier positions that are now proven wrong. Let us look at what is happening in America. God grant us the humility to turn from a wrong course and the courage to change.

Mr. MATHIAS. Mr. President, I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SCOTT. Mr. President, the so-called Whitten amendments, as passed by the House and approved by the Senate Appropriations Committee, are virtually identical to the provisions rejected by the Senate, and Congress as a whole, only a short while ago.

During the Senate debate of last December, I proposed a perfecting amendment similar to the amendment now pending. The amendment seeks to insure that implementation of sections 408 and 409 will comport with constitutional requirements.

Since our initial consideration of the matter, nothing has transpired which renders the Whitten amendments any less repugnant.

In connection with the earlier Labor-HEW appropriations bill, sections 408 and and 409 raised the same essential issue. The question was then—and is now—whether the Senate is going to legislate in accordance with constitutional principles, or whether we are going to enact provisions which conflict with the obligation of every school district to eliminate unconstitutional segregation.

In substance, sections 408 and 409 as approved by the Appropriations Committee would require the acceptance of ineffective desegregation plans for the purpose of complying with title VI of the Civil Rights Act of 1964.

Yet, such plans, commonly known as freedom of choice, have proved insufficient in terms of accomplishing school desegregation under title VI. Moreover, the Federal courts, including the Supreme Court, have ruled that freedom-of-choice plans are not constitutionally permissible unless they bring about an end to discrimination.

Sections 408 and 409 would remove the constitutional test of effectiveness as set by the Supreme Court and, in its stead, authorize the adoption of freedom of choice across the board—in every federally assisted school system, regardless of whether it achieves an end to discrimination.

As recently as last October 29, the Supreme Court ruled in the case of Alexander against Holmes, that "the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools." There may be legitimate questions with respect to the Court's terminology. But the Court's order was crystal clear, and that order cannot be effectuated in most cases under mere freedom of choice.

Make no mistake about it: unless remedied, sections 408 and 409 would represent an overwhelming retreat on school desegregation. They would reverse the Nation's longstanding commitment to equal educational opportunity. They would deepen the racial divisions which burden and bedevil this American society. And they would serve to encourage resistance to the law and to the decisions of the Supreme Court.

Shorn of their emotional appeal, the Whitten amendments are nothing more nor less than an attempt to preserve separate schools for whites and Negroes.

And I must add that they would conflict directly with the intent of the Stennis amendment, insofar as I understand its intent.

Senators who voted for that amendment with the understanding that existing school desegregation policies will be applied uniformly with equal force, should now understand that the Whitten amendments would nullify that intent.

Of course, the Whitten amendments cannot undo the work of the courts. But their enactment would, of course, make impossible the application of existing title VI requirements to the North, in the same way that these requirements now apply to formerly de jure school systems. Considering the avowed purpose of the Stennis amendment, it would indeed amount to monumental hypocrisy for the Senate to approve the Whitten amendments, the object of which is to do nothing about school segregation, whatever its origin and wherever it may prevail.

The Whitten amendments, we must understand, would not only conflict with and undermine effective enforcement of the title VI nondiscrimination provisions under HEW. They would also set in motion a severe psychological impact, undercutting all the efforts of local authorities and educators to negotiate in good faith for compliance with the law. Hundreds of local school boards, in the South and across the country, have made such efforts, often against strenuous odds, to cooperate in fulfilling their constitutional obligation to minority students.

In enacting the Whitten amendments, the Congress would be turning its back on those who have sought to abide by the law—while at the same time encouraging those who have chosen to resist.

Surely, at this stage in our history, the Whitten amendments are patently unacceptable. They are remnants of an earlier era in our Nation's history, and inappropriate to the times. They purport to resurrect standards rejected long ago—rejected because they effectively denied to many Americans their constitutional right to an equal education.

I urge the Senate to accept the amendment offered by the distinguished Senator from Maryland. Two amendments will be offered by the Senator from Maryland.

Mr. President, the only addition to these amendments is the phrase "except as required by the Constitution." We find ourselves, it seems to me, in the rather ridiculous position of having it argued on the floor that the Government of the United States, the administration of the United States, and the President of the United States do not want language in the act "except as required by the Constitution." I want to reject that thesis with all of the force of which I am capable. I am unwilling to accept any inference whatever, that when the Secretary of Health, Education, and Welfare writes a letter to the chairman of the Subcommittee on Appropriations on February 20 and says he wants that language in, he means anything other than what he clearly and specifically says. He has said the same to me on many occasions.

Moreover, this is the policy of the administration; this is the desire of the administration. As the party's leader on the floor of the Senate, I accept that responsibility one more time of making that statement, which does not mean we are not all acting in good faith to achieve the acceptance of our several points of view which might differ. But I think it is about time we ceased that kind of an argument which undertakes to peer into the mind of another official and assert that that official means anything except what he authorized and caused to be said.

"Except as required by the Constitution" is the language. How can we object to language that says we shall live and abide by, function and operate under the Constitution of the United States?

Why, after all, would there be any objection to the addition of this language unless the purpose is other than has appeared in the debate? This is not to impugn the motives of anyone, but simply to go back to the fact that the mores of our varying communities in America have created for us problems which are now, happily, in many parts of the country in the process of solution.

The PRESIDING OFFICER (Mr. McIntyre in the chair). The time of the Senator has expired.

Mr. MATHIAS. Mr. President, I yield the Senator 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. SCOTT. Mr. President, there are millions of people of good will in America in every region of the country; and I come from one of those regions and I moved to live in another; and I think I understand something of the underlying problems which are here, for which I have the greatest possible sympathy. But there are millions of people who wish this matter could be settled right. I think it was Abraham Lincoln who said that no question is settled until it is settled right. We settled this question last December, for the purpose of this bill, when we voted 52 to 37 to abide by the Constitution. All I am asking is that we do it again.

It has been mentioned here that there are black leaders who say, "Oh, we are interested in good schools." That is all anyone should be interested in, but one of the essentials of a good school is that the people should have a right to an equality in the manner in which their right to an education is handled. If it goes beyond that, if the reference to black spokesmen indicates there is some growing, and I think unfortunate tendency toward black separatism, then the blacks who advocate that are falling into the same mistake the whites made before them in arguing black or white separatism rather than that we find ourselves preferably in a condition of affairs in the United States where all people are treated alike and where there is no need for separatism.

That is what I feel we are trying to do here.

Therefore, I make these two points: First, to proceed as required by the Constitution, it seems to me, would be the simplest and yet at the same time the highest obligation of the Senate of the United States. To avoid separatism, be it black or white, should be an emotional as well as a constitutional commitment of Americans.

We have gone through difficult times. People in my family fought to separate from the Union. People in my family held these beliefs. But the people of all families of America generally have discarded those beliefs as the decades have moved into a century and more; and the time is now for us to see that the Constitution is the supreme law of the land, as we are constantly insisting should be recognized by the judicial and executive branches. Let us be as good ourselves as we demand that others be. Let us abide by the law of the land and let us proceed as required by the Constitution. I hope this just position, this constitutional provision, this moral imperative will be enacted into this act. Therefore, as I said before, I support the Mathias amendment, and I yield the floor.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

I have the greatest admiration and affection for the Senator from Pennsylvania. Last week the Senator made one of the finest arguments I have ever heard to protect, maintain, and perpetuate the segregated school system in his wonderful State. That was the net effect of it. He offered a substitute to the amendment that was pending that was nothing more, with great deference, than a restatement of the law.

Today he again argues here for equal educational opportunities. At the same time, in his own State—and I speak with great deference to it and to him—in Philadelphia the records of HEW show that there are 7,206 black students there in nine of their schools that have 100 percent Negro student bodies. In that same great city, there are 57 schools with an enrollment of 68,000 students that have 99 to 99.9 percent Negro student bodies.

According to the Senator's argument, that condition will exist for 50 years. I have not heard of anything that Pennsylvania has done since 1954 to remedy this situation. The Civil Rights Commission—certainly not a southern institution—says over and over and over again that segregation is getting worse in places in the North year, year after year. These are not my words; these are the words of the Civil Rights Commission. The Office of Education in HEW, in its annual report of 1969, I believe, pointed out that in some places it is getting worse. I am not certain that is true in Philadelphia. But my proposition is this: According to their argument, they give great faith—and I know they are sincere—to the idea of equal opportunity for all; but when it comes down to doing something about it in their States, they say "No, no, no."

They have a precedent, by this clause, that it is unconstitutional in the South, and they want to stand on it. I know that is what HEW stands on. Whether the Senator from Pennsylvania means to or not, they stand on this clause all the time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 2 minutes. They point their finger at us and say, "You have unconstitutional segregation." The State of New York had a law on its books until 1938 that permitted equal but separate schools for the colored people. I know it is bound to have contributed to that pattern. The more modern New York passed a State law last year making it unlawful to bus these children around, and providing for freedom of choice. These same voices come in here and say, "We stand on high and holy ground. You are unconstitutional in the South. We are holy in the North. You must not frown on the Court." I have great respect for the Supreme Court, but, like every other human institution, they can make mistakes, and they made a mistake here—breaking into school sessions, running children out of their own schools, busing them to the other side of the county, taking respectable teachers who had solemn contracts to teach in X school and saying, "No. You live here, but we are going to put you in Y school 20 miles away. Get there the best you can." These are solemn contracts.

We have gone over this before. This is not only tyranny, the way it is carried out, but it is in violation of the spirit of our laws. It is killing education.

Mr. President, I try to be a man of patience. The so-called Whitten amendment has the respectability of having passed the House of Representatives twice.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield myself 1 minute.

As I said yesterday, it is here once more for our more serious consideration. The best defense I have heard on this floor—talk about astute lawyers—was here last week in arguing against those amendments, made by Senators from these same States. I am not referring to the Senator as an individual, but those from these same States protected to the last ditch every segregated school they had; but they pointed to us in the South and said, "You have dirty linen. You are discriminating. You are unfair. Our schools are integrated."

Mr. President, we are trying to maintain the concept of the neighborhood school, the community school, where all children will have better schools and better public education.

Mr. President, I yield 10 minutes to the Senator from Arkansas (Mr. McClellan).

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Mr. SCOTT. Mr. President, will the Senator withhold that and permit me to reply very briefly on the question of Philadelphia?

The PRESIDING OFFICER. Who yields time?

Mr. SCOTT. My fair home city is involved.

Mr. MATHIAS. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, the distinguished Senator from Mississippi has been my friend for more than four decades, and I would not in any way want to suffocate him by the warmth of my embrace, but we are friends. I understand his situation. I understand how well it will read in Mississippi. At the same time, I call his attention to the fact that here in this body, when the Senate gave its most serious deliberation to the Whitten amendment, it adopted the same amendment which we have before us now by a vote of 52 to 37.

Reference has been made to my city of Philadelphia. I respond proudly as a citizen of that city that indeed we have spent millions of dollars to attract, and have attracted, many people to return to the city to live who had heretofore moved, or in some cases the charge might be made fled, to the suburbs.

Moreover, our city has allocated, through its city council, many large sums of money for the purpose of correcting even the unintentional, so far legal but entirely deplorable de facto segregation, which I regret just as much as the Senator does.

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But I point out what I said a moment ago: That the Whitten amendments, unless we amend them as we have proposed, would conflict directly with the intent of the Stennis amendment as adopted heretofore, because Senators who voted for the Stennis amendment with the understanding that existing school desegregation policies will be applied uniformly, with equal force, should now understand that the Whitten amendments would nullify that intent. They would not undo the work of the courts, but their enactment would make impossible the application of existing title VI requirements to the North in the way the Senator advocates, in the same way that those requirements are now applied to formerly de jure school systems.

Therefore it would, to borrow a phrase from others, amount to "monumental hypocrisy" for the Senate to apply the Whitten amendments, the effort of which is to do nothing about school desegregation, whatever its origin or wherever it may prevail.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. STENNIS. Mr. President, I yield 12 minutes to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I do not think any debate that may occur here today will change any votes. But we are considering a crucial issue, and I rise primarily for the purpose of making my positon clear for the record, because there will be in time, in my judgment, some measure of reaction to what is about to occur here. There is going to be a backlash, and some who are so strongly advocating forced busing will find that they may be injured more by this unconstitutional operation than those whom they seek to impose it upon.

Mr. President, the crucial issue being weighed and debated by this body today is, shall busing of schoolchildren from one school district to another, solely for the purpose of achieving a racial balance, be employed and compelled as an instrument of law and national policy? Further, shall such a policy be enforced under penalty of withholding Federal funds from any school district that defaults in compliance when ordered to do so?

That is the issue, Mr. President.

I strongly oppose such a harsh, compulsive, and improvident national policy.

Mr. President, what purpose is served by busing schoolchildren? What cause is served by denying freedom of choice? The practice of busing schoolchildren to achieve racial balance has done nothing whatsoever to contribute to the quality of education, or to enhance the ability of schoolchildren to learn. Quite to the contrary, the arbitrary and indiscriminate reassignment of schoolchildren and schoolteachers has proven to be most disruptive and degrading to the educational process.

Earlier this month, I noted an incident carried on the television networks, where a mother of five children was protesting a pupil assignment system that had her five children going to five different schools. Who can possibly benefit from such an arrangement? The answer is no one.

It has been pointed out that in 17 school districts of Florida, now under court control, 72 percent of the black children attend schools that are virtually all black. The public schools of Florida are being thrown into turmoil, as pupils and teachers are shuffled madly in an utterly senseless effort to achieve racial balance, no matter what the cost in consequenses of money, disruption, and demoralization.

If this madness—if this complete and utter disregard for orderly educational process—is good for Florida and other Southern States, then it must be equally good for the North, the East, and the West.

Mr. President, I cannot accept the argument that, "Oh, well, ours is de jure, yours is de facto." If it is wrong, it is wrong either way. If it is right, each State should pass a law compelling busing into those districts that are all black from the districts that are all white, and into the districts that are all white from the districts that are all black. If it is to benefit education, why not do it? You want to compel us to do it, because you say we have a different system that is unconstitutional.

We do not have that system now. We are doing our best in the South. Whatever faults we may have had in the past, we are doing our best today. But most of you are doing absolutely nothing to bring about a correction of the racial imbalance that has come about by a pattern of living in your communities.

Yes, Mr. President, there is going to be a backlash from what we are doing in this matter of forced busing. No good is going to come from it.

And if we accept and extend that premise, then let us contemplate for a moment what would happen in Washington, D.C., where 94 percent of the students are black and only 6 percent are white.

How will the courts and the Department of Health, Education, and Welfare achieve racial balance here in the District? If it is good, if it is wholesome, if it is necessary to give the best education, there is no right to hide behind the statement: "Well, we do not have that system de jure; therefore, we do not need to do anything about it." Should there be a law to require the busing of children who are black from the District of Columbia into the suburbs, where most of the pupils are white? Who wants to do that? No, it will not be done. In the first place, it is too expensive; in the second place, there is not any real concern about it. We in the South are the culprits. The idea is to punish the South. It has been that way all through the years; it is that way now.

Will we mobilize the military and its vast equipment to transport children hither and yon from the District of Columbia in a madcap effort to achieve this will-o'-the-wisp objective of making sure that we have "racial balance"? If forced busing is constitutional, then the power to do that exists. If it is right, if it is good, if it is necessary for the education of children, so as to give them the best education, then it should be done. But I do not believe that anyone who advocates this system will dare to advocate that it be done here in the District of Columbia. Surely the insanity of such a scheme—such a process—is apparent.

I am sure that most parents are apprehensive about having their children bused even short distances to attend their own neighborhood schools. But the need for this is obvious: We must get the children to school; and if it is too far to walk, transportation should then be provided. But to force a child of school age to ride on a bus because some ivory-tower social theorizer thinks it might somehow aid the cause of civil rights by forcing integration in such a fashion is a far different thing. It is an abomination to use a child in such a manner.

In so using the child, we are depriving him of educational time that could well be spent in the pursuit of classroom study and activity, instead of letting him sit idly on a bus, traveling a long distance from his own neighborhood for an end that cannot be justified.

Congress has spoken on this issue time and again. Laws have been enacted specifically denying funds and authority to officials to require the busing of children. Time and again those laws have been ignored.

Efforts are still being made to enforce someone's concept of civil rights; to integrate the races by the insidious and indefensible method of using schoolchildren as pawns to perpetrate and enforce a system that is demoralizing and destructive.

Who suffers? The schoolchildren, the educational system, and eventually Americans of all colors.

The PRESIDING OFFICER (Mr. McGee in the chair). The time of the Senator has expired.

Mr. STENNIS. I yield 3 additional minutes to the Senator.

Mr. McCLELLAN. Whose purpose is served by such an inane policy? The child? The teacher? The taxpayer? Certainly and emphatically not, in each instance. Indeed, it is difficult, if not impossible, to discern any beneficiary from such a scheme except perhaps the bus manufacturers and gasoline distributors. The cost could be stupendous, as indicated by an article in a recent edition of the New York Times headlined "Los Angeles Told It Must Integrate All Schools by 1971."

According to this article, Superior Court Judge Alfred E. Gitelson ordered forced integration which would "cause massive disruptions in the Los Angeles system, the Nation's second largest. The district is currently about 22.6 percent Negro and 20 percent Mexican American, and by the definition of racial imbalance adopted by Judge Gitelson, 99 percent of the schools are segregated.

School Superintendent Robert F. Kelly said that the order would require the busing of more than 240,000 of the district's approximately 674,000 students, and warned that this would cost the district $40 million in the first year and $20 million every year thereafter. The district is already facing a deficit next year of about $34 to $54 million and the added costs would mean the virtual destruction of the school district.

Mr. President, I ask unanimous consent that the entire article be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Instead of trying to add further confusion and turmoil to our educational system we should be lending our best efforts to rectifying and straightening out the stupendous mistakes we have already made.

The Federal Government has spent billions of dollars trying to improve the quality of education in America; $41.2 billion have been appropriated during the past 5 years for all Federal educational programs. I am sure we have had some success, but in all too many instances we are witnessing a rapidly deteriorating school system. Why? Primarily because they have taken control of the schools of America away from the people, the patrons of the school. They are dominated now from Washington, D.C.

Go back 10 years. The quality of education then was much better than it is today. It is now deteriorating everywhere. Why? Not because the money has not been provided. It has. You have more money, you have better facilities, you have better everything—except discipline and quality of education. Why? There is disrespect for the system as it is being operated today.

As an example, let us look at the Nation's Capital—shakedowns, robberies, knifings and shootings are becoming commonplace among the students. Police details have been assigned to patrol the hallways—and still the violence continues. Ten years ago we did not have the police guarding the schools anywhere. The schools in the Nation's Capital are a shambles. They are a national disgrace.

Does anyone truly believe that shifting children around the city and the suburbs will alleviate this problem? Such a program will only fan the fires of violence, hostility, and racism.

Mr. Joseph Alsop, in a column entitled, "Interracial Violence in Schools Requires a Nationwide Survey," January 21, 1970, stated:

> The fact is that something perilously close to a race war has now begun in just about every integrated high school in the United States. This is not a Southern problem. It is a nationwide problem, with future political implications so grave that we dare not go on being ostriches about it.

Mr. Alsop also notes with alarm the "hair-raising" estimate that one-half the center city high schools and about 30 percent of the suburban high schools had serious hard-drug problems.

In calling for a nationwide survey of schools Mr. Alsop noted:

> Spot checks failed to reveal any integrated high school, anywhere at all, that was free of the poison of simmering racial conflict. Mercifully, it is mostly just simmering—taking the form, that is, of minor aggressions between whites and blacks.
>
> In too many places, moreover, the simmering conflict has already boiled up, or may soon boil over, into major violence between whites and blacks. And in New York, Chicago and elsewhere, there are actually high schools where the race war is so serious that large numbers of police have to be continuously stationed in the school buildings.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I am authorized by the Senator from Washington to yield time to the opposition.

The PRESIDING OFFICER. Is the Senator yielding on the bill?

Mr. STENNIS. Yes, on the bill.

Mr. MAGNUSON. Mr. President, I yield the Senator from Mississippi 30 minutes on the bill.

Mr. STENNIS. I yield 2 additional minutes to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, it is simply unbelievable that anyone could think for even a moment about compounding this already explosive situation by adding the racist idea of busing schoolchildren across district lines.

Mr. David Lawrence, in a column last month, entitled "Frustration in Southern Schools," commented on a letter written to President Nixon by a school teacher with 14 years experience in Atlanta, Ga.

The teacher noted that Atlanta has made every effort to meet each requirement by the Federal Government, and the school system at large has adopted the 58 percent white to 42 percent Negro ratio required for the faculty. But it appears this is not enough, as the Federal court now is ordering that the faculty of each individual school must be integrated to that percentage and, as the Atlanta teacher writes, "worst of all, in the middle of the school year."

She added:

> Mr. Nixon, how can anyone fail to see what complete havoc will result from the transferral of approximately 1,700 teachers from one school to another in midyear. Any teacher can tell you what emotional turmoil this will create in the classrooms of Atlanta for both teachers and students alike. It surely would not take a teacher to understand the delay in the learning situation itself which would, of necessity, result from a change of this type.

She adds:

> If it is quality education—the type of a situation that is best for each child in a school system—that the Federal Government is concerned about and is making an effort to achieve, then there needs to be some rethinking done, because such a step as this cannot fail to bring about the opposite result.

Mr. President, a modest amount of wisdom and simple justice dictate the complete abrogation of the policy and practice of forced busing of schoolchildren for the sole purpose of achieving a racial balance.

The pending amendment, "except as required by the Constitution," is deceptive. It is a snare and a delusion. It conveys the implication that the Constitution "requires" busing to achieve racial balance. I refute that the Constitution either expressly or by implication contains any such requirement.

I hope that sections 408 and 409 will be retained in the bill without dilution or amendment.

EXHIBIT 1

[From the New York Times, Feb. 12, 1970]

LOS ANGELES TOLD IT MUST INTEGRATE ALL SCHOOLS BY 1971—COURT ORDERS PLAN BE READY BY JUNE 1—RULING WOULD REQUIRE MASS BUSING

(By Steven V. Roberts)

LOS ANGELES, February 11.—The Los Angeles school system was ordered today to present a plan by June 1 for the integration of the district's 555 schools.

Superior Court Judge Alfred E. Gitelson issued the landmark ruling in a suit instituted by the American Civil Liberties Union in behalf of 12 Negro and Mexican-American children.

He said the plan should be in effect for the school year starting next September, and under no circumstances later than September 1971.

If carried out, the order would cause massive disruptions in the Los Angeles system, the nation's second largest. The district is currently about 22.6 per cent Negro and 20 per cent Mexican-American, and by the definition of racial imbalance adopted by Judge Gitelson, 99 per cent of the schools are segregated.

EARLY APPEAL IS SEEN

School Superintendent Robert F. Kelly announced that he would recommend an appeal of the ruling "at the earliest possible time."

He said that the order would require the busing of more than 240,000 of the district's approximately 674,000 students.

Dr. Kelly warned that this would cost the district $40-million in the first year and $20-million every year thereafter. The district is already facing a deficit next year of about $34-million to $54-million and the added costs "would mean the virtual destruction of the school district," the superintendent declared.

The decision comes at a time when pressure is mounting on several fronts to desegregate public schools in Northern districts. Last month, a Federal judge here ordered the integration of the Pasadena school system

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and requested that a plan be completed by next Monday.

Earlier this week in Washington, Senator Abraham Ribicoff of Connecticut announced his support of legislation that would provide uniform national desegregation standards, regardless of the cause of the racial imbalance.

In the past, Northern districts have argued that racial imbalance outside the South was de facto, or caused by residential patterns, rather than de jure, or caused by legal discrimination.

DISTINCTION IS VOIDED

Judge Gitelson not only dismissed the importance of that distinction today, he also found Los Angeles guilty of de jure segregation by not taking affirmative steps to relieve racial imbalance.

Moreover, the judge added: "The board has expended millions of tax funds for the protection, maintenance and perpetuating of its segregated schools, selecting and purchasing sites and building schools in segregated neighborhoods, knowing that said schools would be upon opening segregated or racially imbalanced."

The A.C.L.U. estimates that as a result of residential patterns, 85 per cent of the minority students here attend segregated schools.

In his opinion, Judge Gitelson said that the right to "equal educational opportunity is an unalienable right" guaranteed by the Fifth and Fourteenth amendments, as well as by the California State Constitution and the rules of the State Board of Education. He continued:

"The right of all students to attend school and to receive the opportunity to acquire equal education, equal to the opportunity offered to all other students, irrespective of race, color, creed, economic or social circumstances, is a fundamental right, a legal right, a species of property, equal to, if not greater than, other tangible property rights, it being the right to be a human being, and requires that he receive said opportunity in integrated schools."

The judge also relied heavily on decisions of the Supreme Court in Brown v. Board of Education, the original desegregation case, and other cases, in which the Court ruled that segregated schools were inherently unequal.

In its brief, the A.C.L.U. pointed out that reading scores for students in schools with predominantly Negro and Mexican-American enrollments ranked far below those for students in predominantly white schools. In several minority-schools, students scored lower than 97 per cent of the children tested across the country.

Of the six high schools with the highest dropout rates in the city, five of them had enrollments that were more than 93 per cent minority group students.

On another critical point, Judge Gitelson said that the prospect of whites fleeing to the suburbs as result of his rulling could have no bearing on the decision.

The Board of Education had argued that such a flight would ensue, while the A.C.L.U. had contended that if all schools in the district were integrated, whites would have no "place to flee to."

The organization acknowledged, however, that the court's ruling would not affect schools outside the Los Angeles city district.

The suit had asked Judge Gitelson to rule that a racially imbalanced school was one in which the minority group enrollment was less than 10 per cent or more than 50 per cent. Under that definition 72 per cent of the local schools would be imbalanced.

Mr. STENNIS. I yield 10 minutes to the Senator from Georgia.

Mr. TALMADGE. Mr. President, at one time, every State in the Union had laws classifying children by race for assignment to public schools. In 1954 the Supreme Court held, in the Brown case, that children may no longer be classified by race for assignment to public schools. Since that time, all such things as de jure segregation in the public school facilities in America have been outlawed.

Ten years later, in the Civil Rights Act of 1964, Congress clarified that decision. Two provisions were written in the act defining what desegregation meant and what it did not mean. I ask unanimous consent that those two provisions of the Civil Rights Act be printed at this point in the Record.

There being no objection, the provisions were ordered to be printed in the Record, as follows:

Sec. 401. As used in this title—

(a) "Commissioner" means the Commissioner of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

* * * * *

Provided, That nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

Mr. TALMADGE. Mr. President, subsequent thereto, the Department of Health, Education, and Welfare, and in some instances our Federal courts, came up with the strange thesis and conclusion that if there were a certain amount of black schools or white schools or a relatively high percentage of black students in a particular school or white students in a particular school, it constituted a dual school system. But that was applicable only in the South and nowhere else in the Nation.

Statistics have been cited on the Senate floor, time after time, that demonstrate we have a great deal more all-black schools than all-white schools outside the South than we do in the South. But the required assignment of teachers and assignment of students from school to school have been made applicable in the South, and in the South alone. They have held that where we had at one time a de jure system of segregation we must go in and reassign students in order to have a mathematically balanced system. What they have failed to realize is that at one time every State in the Union had a de jure system of segregation.

We have heard a good deal of talk about neighborhood patterns as a defense to the high degree of schools with black students and white students outside the South. We have neighborhood patterns in the South, also. The Brown decision held that we must be colorblind in the schools and operate just schools, neither white schools nor black schools, just schools.

But in recent years, they have forgotten that the Brown decision had said we must be colorblind. And, in the South and in the South alone, they have counted the number of white teachers and the number of black teachers, the number of black students and the number of white students, and they have come up with a strange order that we must reassign x number of teachers to some other school and x number of students, black or white, to some other school. That decision has been made in the midst of the school year and it has created utter chaos in the public school system.

I have received thousands of letters, telegrams, and telephone calls from constituents in my State. I picked out a few of them to demonstrate some of the horror, some of the tyranny, and some of the inequity that has occurred.

I hold in my hand a letter from a La Grange, Ga., mother. She has six children, the oldest is 15 and the youngest is 7. Her husband is in the Air Force in Taiwan. She works in a doctor's office and earns $67.39 a week to help support her family.

They have assigned the six children to five different schools, even though she lives virtually within the shadow of a school.

It will require $18 a week plus $8.50 for lunch money, making a total of $26.50 for cab fare and lunch money out of an income of $67.39 a week.

Mr. President, I never thought I would live to see the day in this country of ours where six schoolchildren in one family would be compelled by some court order or some HEW authority to have to go to five different schools.

I ask unanimous consent to have the entire letter from this La Grange, Ga., mother printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dear Sir: In reference to our telephone conversation of the night of Jan. 29, 1970, I am replying in writing to our conversation that night.

(1) Due to the fact I have six children of Elementary & Junior High school age.

(2) In Sept. 1970 I will have my six children attending five different schools in our school zone.

(3) Enclosed is a copy of the schools and the distances from my home to each school. Plus the total number of miles I would have to travel before going to my job at 9:00 a.m.

(4) Due to my income, I could not pay anyone to provide transportation to five different schools.

(5) By local cab the rate is $3.00 per child round trip, this would be $18.00 per week. Plus $8.50 for lunch money. This would be at the present rate $26.50 for cab fare and lunch money. The cab co. doesn't know if this will still be the rate per child in Sept.

(6) My present wage is $67.39 per week. This would leave me $40.89 per week to feed, clothe, and buy gas for the week in question.

(7) I have no one to take my children to school but myself as I could not afford for the children to go hungry while I paid for their transportation. This would mean that I would have to take them to school myself, a distance of 10½ miles before going to work, plus leaving my job in the afternoon and going 10½ miles again to pick them up.

(8) As the wife of a member of the U.S. Air Force, serving in the Far East, living by myself with my children and trying to keep our family together, I have to work to help provide for the bare necessities of life. We bought our home on Park Ave. so our children in the elementary school could go to

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> South West School which is in walking distance of our home.
>
> (9) I must strongly protest to the extra hardships these changes in school will place on my children and myself.
>
> (10) My youngest child, age seven (girl), will have to attend Kelly which is in one of the worst parts of the city. She is very small for her age, weighs only 33 lbs. and is a very nervous child. I fear for her safety and health in attending a school so far from her older brothers and sister who has seen to her safety since she started to school.
>
> Any help you can give me in this matter would be greatly appreciated.

Mr. TALMADGE. Mr. President, I hold in my hand another letter from East Point, Ga., which I will read:

> EAST POINT, GA.
>
> DEAR SIR: My first obligation is to my God, second to my country and third to my family. I have prayed to God and I have fought for my country. It is now time to fight for my family.
>
> We believe totally in the constitutional framework of our nation, and intend to work as responsible citizens within that framework.
>
> As you know, anything that threatens individual worth, dignity and equality, and anything which threatens the neighborhood school is a threat to our whole society.
>
> I support the concept of a unitary school system which shall provide equal educational opportunities for all.
>
> I do not believe that humans can be mechanized and regimented in accordance with mathematical racial balance. I believe that this balance is a denial of individual worth and equality. The implementation of a mathematical racial balance of teachers and students will be utterly chaotic and will prevent the continued growth of quality education in our schools. We the people are sick and tired of this political demagoguery.
>
> As an American citizen, I urge you to act immediately on this very serious matter.

Mr. President, I hold in my hand another letter from Athens, Ga., which states in part:

> FEBRUARY 10, 1970.
>
> DEAR SIR: I live in Athens, Georgia, and my two children age 11 and 7 are being bused across town when there are 3 schools closer to our home. For some reason our subdivision was picked to be bused (we are white) to East Athens and a group over there (black) is bused to the school we attended last year . . . These children as well as 136 others from University Heights were taken away from their friends, band, Girl Scout troops, and teachers just because a school board said so. Don't we have any rights at all?

Mr. President, I hold in my hand another letter from Gordon, Ga., in which is enclosed a list of bus assignments for Wilkinson County. As I look at the list, I find one that has a round trip of 86 miles a day, and many others nearly that far. The average for a school bus traveling in Wilkinson County, under this strange ruling, is about 50 miles a day.

Let us look at the bus that travels 86 miles. A schoolbus must stop and start. It drives relatively slowly so that in all probability it does not average more than 20 to 25 miles an hour. That would indicate that this particular bus, and many others like it, would have to travel 3 to 4 hours a day to get the children to and from school. In other words, they probably spend more time on the schoolbus than in the schoolroom.

Mr. President, what is happening to our country when we think that the principal purpose of a public school is to haul children around somewhere?

The purpose of the public school is not a sightseeing endeavor nor is it just a bus ride. The purpose of a public school is to educate our children.

I hold in my hand another letter from Atlanta, Ga., which states in part:

> FEBRUARY 23, 1970.
>
> DEAR SENATOR: My problem goes very deep—I have a daughter, Mrs. Dorothy C. Gilbert, who teaches in the Atlanta System. She taught 3 years at Roy City, Ga., 1 year at Ocilla, Ga., then moved to Atlanta and had one year at Marietta, Ga., and has been with the Atlanta System 21 years.
>
> The problem that is so bitter is they have moved her from her school in 3 blocks from her home and put her in a school all the way across town. She is 52 years of age and there's no reasonable excuse on earth to have her make that change.

Mr. President, that is a mere sampling of the many thousands of letters I have received from constituents in my State. Other Senators in the South have received similar letters. This is what is going on throughout the length and breadth of the South—and only in the South.

When I was studying law at the University of Georgia, I thought that laws applied equally throughout the land. Congress acted on this matter in 1964 and held that there would not be any busing in order to achieve racial balance. But the Department of Health, Education, and Welfare, as well as the Federal courts, have completely ignored this mandate of Congress.

I hope that the Senate will be able to put a stop to it.

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 15 minutes.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Mississippi.

Mr. President, the amendment offered by the distinguished Senator from Maryland would seem to presuppose the fact that segregation and the methods to be used to achieve desegregation in our public schools is a problem in the South alone.

I believe that debate in recent days has demonstrated without question that segregation is a national problem.

The pending amendment would seek to preserve the status quo. It would seek to preserve the Federal school policy which permits segregation to continue to exist in the North but which demands desegregation now in the public schools of the South.

What the amendment does is to add six words and to say that "except as required by the Constitution" the enumerated actions cannot be done by HEW.

What are the matters that HEW is forbidden to do under the terms of the Whitten amendment? They cannot use any of the funds appropriated in the act for the purpose of requiring a school district to take any action with reference to busing students. They cannot use any of the funds appropriated by the act to require a school district to close schools. And they cannot use any of the funds appropriated by the act to require a child to go to a school other than a school chosen by that child's parents.

The effect of the pending amendment would say that those prohibitions provided by the Whitten amendment shall be applicable in the North, that the segregation that exists in the North will be protected by the provisions of the Whitten amendment, as amended by the Mathias amendment, or to relate it properly, the Scott amendment.

Under the existing policies of the HEW, they use the term "to overcome racial imbalance" as a protection for the segregation that exists in the North. And they interpret a similar provisions of the existing law to say that these methods cannot be used by HEW to seek to overcome the racial imbalance in the North, because they hold—the Department of Health, Education, and Welfare—that the phrase "to overcome racial imbalance" applies to de facto segregation only.

So, all that the Department of Health, Education, and Welfare is going to need is this phrase, consisting of six words, added to the bill to allow the present unfair and inequitable policies of HEW to continue. It would say, "except as required by the Constitution."

If the Constitution requires something, no action that the Senate can take can do away with that requirement. And if the Constitution prohibits something, no action by the Senate can legally pass a measure requiring that act to be done.

So, the phrase is absolutely without valid application. But it will be used by the Department of Health, Education, and Welfare to protect the segregation of the North and to continue to use these very same methods that the act would forbid, to provide instant desegregation in the South.

I was very much interested in the logic of the distinguished senior Senator from Pennsylvania when he said that, if the Senate passes the Whitten amendment, and this would be in effect the rejection of the Mathias amendment, that if the Senate passes the Whitten amendment, that would be inconsistent with the action which the Senate took in passing the Stennis amendment.

I was very much interested in that logic. I would hope that if the Mathias amendment is agreed to, we would see and hear the distinguished senior Senator from Pennsylvania take the same position, that the Senate took action consistent with the provisions of the Stennis amendment. The Stennis amendment called for uniform application of desegregation policies. And a casual reading of section 408, which is sought to be amended by the Mathias amendment, would show that its provisions supply throughout the country.

So, it would seem to the junior Senator from Alabama that the adoption of the Whitten amendment and the rejection of the Mathias amendment would be action that would be consistent with the Stennis amendment. But the distinguished senior Senator from Pennsylvania takes the opposite position.

All that the people of Alabama want

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is equal protection of the law. And we feel that, by the adoption of the Whitten amendment—section 408 without amendment—that the same rule will be applied throughout the country and that it will be consistent with the provisions of the Stennis amendment.

So, in effect, the amendment offered by the Senator from Maryland would say that HEW cannot take these actions with these funds, except in the South, that they are forbidden from taking them, except in the South, and that they cannot take these actions to overcome racial imbalance or de facto segregation.

So, the purpose of the Mathias amendment is to preserve segregation in the North and to require instant desegregation in the South.

I was very much interested, as we in the South give our good faith efforts to desegregate our public schools, in a pamphlet put out by the Regents of the University of the State of New York under date of December 1969 entitled, "Integration and the Schools." And in that survey or in that study, this statement is made:

> Racial and social class isolation in the public schools has increased substantially during the past two years despite efforts to eliminate it.

So, we are going to continue, if the pending amendment is agreed to, to protect this segregation in the North that is continuing to increase, according to studies made by the Regents of the University of the State of New York.

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I am interested, too, in why we have not heard from the black leadership of this country with regard to the position of those who espouse an amendment such as the Mathias amendment, which would continue segregation in the North. I wonder if they feel that segregation should be eliminated only in the South, or if they feel that a fence should be built around sections outside the South and that segregation should continue to be preserved there, as it will be if the Mathias amendment is agreed to.

I hope, Mr. President, that we will reject the Mathias amendment, because that action would be consistent with the provisions of the Stennis amendment which the Members of the Senate in a great show of statesmanship and fairness passed only last week and that they will give the people of this country, South as well as North, equal protection of our law. And that is all we are asking. And we think that is not too much to ask. I hope the Senate will defeat the Mathias amendment.

Mr. President, I yield the floor.

Mr. PRESIDENT. I thank the Senator from Alabama very much.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield 30 minutes to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. Is that 30 minutes on the bill?

Mr. GRIFFIN. That is correct.

The PRESIDING OFFICER. The Senator from Mississippi may proceed.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, we are again debating a subject which should be familiar to all of us by now. The House of Representatives has again attached the Whitten amendment to the appropriations bill for the Department of Health, Education, and Welfare. The House has also passed section 410, providing that HEW cannot withhold funds from school districts which use freedom of choice. The Whitten amendment, which added sections 408 and 409 to the bill, was added in the House Appropriations Committee by a vote of 30 to 11. An amendment, similar to those being offered here in the Senate, which would have nullified the effect of the Whitten amendment was rejected by the House by a vote of 145 to 122.

The Senate Appropriations Committee rejected a move to delete the Whitten amendment by a vote of 11 to 9. The issue is now before the Senate again for our deliberation and decision.

Mr. President, the amendment which is being offered to sections 408 and 409 has a sincere ring to it. "Except as provided in the Constitution" is nothing more than a stratagem to emasculate the amendment, but it sounds so pious that it ranks with the flag and motherhood among those things which it is said no politician can afford to oppose. But I believe we should contemplate the effect of adding these words. The first thing we must consider is that every piece of legislation passed by the Congress must meet the test of constitutionality. No such words are needed to insure that we act within the bounds of the Constitution.

Second, do we wish to add a 10th member to the Supreme Court? It would seem highly irregular to have the Secretary of Health, Education, and Welfare or, more likely, scores of lower-level bureaucrats serving as interpreters of the Constitution. The Federal bureaucratic establishment is obligated to carry out the will of Congress. To relieve them of this obligation by empowering them to override congressional intent through their own ideas of what the Constitution provides would be an extreme case of the Congress abdicating its role under the Constitution.

Mr. President, when we realize that the word "education" does not even appear in the Constitution, it should impress us even more with the folly of turning over to the Department of Health, Education, and Welfare the task of determining whether the Constitution allows the Department to carry out congressional mandates.

Third, we must consider whether we would be giving to HEW a responsibility which more properly belongs to the Judiciary and the Department of Justice. The duty of the Department of Health, Education, and Welfare regarding Federal aid to education is to determine if a given school district meets the congressional requirements necessary to receive the aid. It is the function of the courts to determine if a school district, or any other governmental subdivision, is operating within constitutional bounds. Further, it is the function of the Department of Justice to enforce the determinations of the Judiciary. The Departments of Agriculture, Interior, Transportation, Housing and Urban Development—and so on down the line, are not empowered nor structured to make determinations of whether or not recipients of their programs are meeting all requirements of the Constitution. The Department of Health, Education, and Welfare is certainly no exception.

Mr. President, besides the consideration already suggested concerning the proper role of the Department of Health, Education, and Welfare in our governmental structure, let us consider what is the central question before us. In my judgment, it is this: The right of the parent to choose the school his child will attend. Are we going to allow the State to make decisions which the individual should make?

Freedom of choice is the issue. It is right for the South, it is right for the entire Nation. It is the only policy consistent with a free society. It is the best policy for promoting sound education.

Mr. President, freedom of choice is not a southern subterfuge. It is a position with which both New Yorkers and South Carolinians can agree. The Members of this body are familiar with the New York law. New York is regarded as the citadel of liberalism in this Nation, but New York has a freedom of choice law. The State Legislature of Oklahoma passed a concurrent resolution on February 4 which petitioned the Congress to amend the Constitution as follows:

> No person shall, by reason of race, color, creed or national origin, be refused admission to or be excluded from any public school nor be compelled to attend a desegregated public school.

Similarly, Mr. President, the legislature of my own State of South Carolina passed a concurrent resolution of February 18 memorializing Congress to call a constitutional convention for the purpose of returning the control of education to the States. The resolution specifically cited the abrogation of freedom of choice as the reason for the petition. I should like to read this resolution to the Members of this body:

> S. 591
>
> A concurrent resolution memorializing Congress to call a constitutional convention for the purpose of returning the control of public education to the States.
>
> Whereas, the heretofore gradual erosion of state control and direction of the public educational system and institutions has now accelerated into a wholesale usurpation of power by a federal obligarchy; and
>
> Whereas, under the aegis of the federal courts banning prayers and abrogating freedom of choice, federal administrative agencies have been obsessed with creating an omniscient and ubiquitous Federal Board of Education capable of deciding in the smallest and most remote school districts of our land problems peculiar to that district; and
>
> Whereas, these Federal innovators have placed in grave jeopardy the public educational system of every school district in every state in the nation, and have wrought havoc, confusion and frustration; demoralized school officials and made a travesty of the education of our children. Now, therefore,
>
> *Be it resolved* by the Senate, the House of Representatives concurring:
>
> That the Congress call a constitutional convention for the purpose of returning the control of education to the states.

Be it further resolved that copies of this resolution be forwarded to Senator James P. Mozingo, each United States Senator from South Carolina and each member of the House of Representatives of Congress from South Carolina.

Mr. President, justice is the goal and freedom of choice is the path to that goal. The people have spoken—in New York, in Oklahoma, and in South Carolina. The House of Representatives—all of whom must face the people for reelection this November—have supported freedom of choice. Let us not allow the Senate to rob the people of their victory. Freedom of choice is the people's choice. Let us vote accordingly.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 20 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, first, I want to say I do not approve of time limitations being placed on such vitally important pieces of legislation as the pending measure.

I feel a great deal of good has been accomplished during the past 3 weeks, during which these matters vitally affecting the people of our Nation have been debated in the Senate. I think the more information that the public can obtain as to just what the Department of Health, Education, and Welfare is attempting to do, the better is the entire country.

Mr. President, I shall discuss sections 408, 409, and 410 because they generally pertain to the same matter; that is, the legislative direction that Federal funds shall not be withheld for the purpose of forcing busing, to achieve racial composition, and also that the individual parents—black and white—may make the decision as to where they desire to send their children to school. I favor these amendments.

Mr. President, I ask unanimous consent that sections 408, 409, and 410 be inserted in the RECORD.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

SEC. 408. No part of the funds contained in this Act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.

SEC. 409. No part of the funds contained in this Act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

SEC. 410. No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student, because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian.

Mr. BYRD of Virginia. Mr. President, I have followed this debate for the last 3 weeks with a great deal of interest. I followed it with a great deal of interest today. If the matter were not so serious, it would be, I think, rather amusing to listen to the arguments made here on the floor of the Senate.

I must admit I am somewhat naive. I had assumed that the majority of the Senate felt that there should be racial balance in the schools whether those schools be in the South or whether those schools be in another part of the Nation.

But anyone who has been on the floor of the Senate today, anyone who has been on the floor of the Senate during the last 3 weeks, knows that that is not the case. Time and again we have heard is said that these busing laws should apply only to those areas where there is "official" segregation, which the Senator from New York and the Senator from Minnesota say is the southern part of our country.

Yet the fact is that there is no official segregation anywhere in our Nation. There has been no official segregation anywhere in our Nation since May 17, 1954, nearly 16 years ago.

It has been rather amusing to me, Mr. President, to hear those who have been so vehement in their denunciations of the South say, when it comes to applying the same standard to other areas of the Nation, "Oh, but we have a different situation." The senior Senator from New York said substantially that a number of times—We have a different situation in New York.

Well, perhaps so. He says they have a residential pattern of segregation which presents a great problem to them so they cannot tackle that problem, and the problem must be tackled only in the South.

Well, I guess that is one way of looking at it, but I feel that the people of this Nation have a great deal of intelligence. I believe strongly in the intelligence of the people of this Nation. I think they can see through this stuff—this sham.

The Senator from Connecticut (Mr. RIBICOFF) cut through the veneer 2 weeks ago. He pointed out that within a few blocks of where the Senator from New York lives there are a dozen schools which are 99 percent Negro. But no one intimately involved in that area of the Nation proposes to do anything about that.

The Senator from New York said on the floor today that it is a State problem, to be determined by the States. But if someone from the South says these matters are State problems he is bitterly assailed as a States-righter.

I want to say, in regard to the Senator from Connecticut (Mr. RIBICOFF), that my admiration for him does not stem from the speech he made 2 weeks ago. If one looks at the files of the Virginia newspapers, he will find that 9 years ago, in 1961, when I was appraising for the people of Virginia the Cabinet members appointed by the late President John F. Kennedy, I put ABRAHAM RIBICOFF at the top of all the men appointed to the Cabinet as being a man of unusual ability and integrity. So his speech of 2 weeks ago did not influence the high regard I long have had for Senator RIBICOFF.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. BYRD of Virginia. Mr. President, I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I just want to ask the Senator from Virginia this question with respect to the speech made by the distinguished Senator from Connecticut (Mr. RIBICOFF). Does not the Senator from Virginia agree with the Senator from North Carolina that the Senator from Connecticut on that occasion violated the advice of Mark Twain that the truth is so precious that it should be used sparingly?

Mr. BYRD of Virginia. I like the expression of the Senator from North Carolina.

Mr. ERVIN. He told the truth, did he not?

Mr. BYRD of Virginia. He certainly told the truth.

I want to discuss for a moment the Department of Health, Education, and Welfare, because I fear that that Department is becoming more interested in social experiments than it is in education.

I am inclined to think that Secretary Finch may be out of touch with reality. I understand, judging from the newspapers, at least, that he has considerable interest in one or two political positions in California or elsewhere, but I will say this: If he were elected to either one of those positions and did not handle his mail any better than he does here, he would not be reelected.

When I communicate with the President of the United States, I get a prompt reply.

When I communicate with the Secretary of Defense, I get a prompt reply.

When I communicate with the Secretary of the Treasury, I get a prompt reply.

When I communicate with the Secretary of Agriculture, I get a prompt reply. But when I communicate with Secretary Finch, I do not get any reply.

The only way I get a reply from Secretary Finch is when his Under Secretary, Mr. Veneman, comes before the Finance Committee and I interrogate him on some matters that I have directed to Mr. Finch.

I had hoped that Mr. Finch might appear before the Committee on Finance this week when we were taking up the vitally important matters of medicare and medicaid.

Mr. Finch has not been before the Committee on Finance for more than a year, and that was the time when he came before the committee to appeal for the confirmation of his nomination. So I think he is probably out of touch with many of his constituents.

I admit that U.S. Senators are not very important. I do not claim that we are important. But I do claim that we are American citizens; and I think any American citizen who represents 4,700,000 persons should have the right to get a response to an important question from the Secretary of Health, Education, and Welfare. He is not a royal potentate.

The city of Newport News, Va., has had some difficulties in regard to the problem of HEW attempting to use Federal funds—the withholding of such funds—to force busing. I put several questions to

Under Secretary Veneman, of whom, as I say, I think very highly. I shall read several questions and answers into the RECORD:

> Senator BYRD. Now, Mr. Veneman, the Secretary has repeatedly been quoted as stating that your department, HEW, does not force localities to bus school children to achieve racial balance. Is that correct?
>
> Mr. VENEMAN. That is correct.
>
> Senator BYRD. But is it not a fact that your department has refused to approve desegregation plans of individual school districts while at the same time indicating that plans involving busing would be acceptable?
>
> Mr. VENEMAN. As a means of achieving desegregation.
>
> Senator BYRD. Would you in your capacity have an appropriate official in the department communicate with the city of Newport News and tell them that you have no right to require them to bus students?
>
> Mr. VENEMAN. We do not have a right to require them.
>
> Senator BYRD. Let me ask you this: What is the difference, legally or morally, between ordering busing to achieve racial balance and issuing rulings which, in effect, leave the commuunity with no choice but to bus to achieve racial balance or lose federal funds? What is the difference?
>
> Mr. VENEMAN. The Department—I really would like to make this clear. The Department has not required the transportation of students to achieve racial balance. And I do not think there is a court decision on that as yet.
>
> Senator BYRD. Well, would you indicate what is difference, legally or morally, between ordering busing to achieve racial balance, which you say you do not do, and issuing rulings which, in effect, leave the community with no choice but to bus or lose federal funds?
>
> Mr. VENEMAN. I do not think we have issued that ruling that leaves a community with no choice, Senator.

I suggest that the subordinates of Mr. Veneman in HEW read the record of the hearings before the Finance Committee last Thursday, and read Mr. Veneman's statement in regard to busing, because officials of that department have come into Virginia and have browbeaten the local officials into thinking that HEW has the right to force them to bus all the way across cities and counties for the purpose of achieving racial composition, when the law says they cannot do it, and when the Under Secretary of Health, Education, and Welfare, has said, before a Senate committee in a formal hearing, that they do not have the legal right to do that.

Mr. President, I support sections 408, 409, and 410. I oppose the amendment offered by the Senator from Maryland, as I think it is merely a red herring drawn across the trail.

I ask unanimous consent to have printed in the RECORD an editorial from radio station WBTM at Danville, Va., captioned "Freedom of Choice" and written by Leon Smith, of WBTM News, the last paragraph of which reads as follows:

> Before the courts and the Congress combine to bankrupt the nation in the name of social justice, perhaps the judicial and the legislative should take another look at freedom of choice, which, after all, is the opposite of coercion by imposition.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FREEDOM OF CHOICE

Some years back in the deep South, white supremacy advocates added to the burgeoning problems of northern welfare organizations by offering free, expense paid transportation to Negro families who wished to resettle and seek their fortunes north of the Mason-Dixon Line. Tickets purchased at bus depots and train stations were one-way. The motive was purely racial, but in retrospect, it was the germination of the idea of the busing of people to achieve integration across the land.

Today, in the North and the South, parents who have gotten together in localities to fight the inequities of the busing of their children outside their neighborhoods can proclaim 'til doomsday that race has nothing to do with it: neither the courts nor the Congress will accept their objections at face value.

We hold that motive here is not the primary consideration. What's at stake is the ultimate destruction of the public school system, and eventual economic chaos in local governments everywhere as city treasuries are emptied in trying to satisfy desegregation guidelines forced on them by the courts. The public schools are the threshhold of a bigger plan to integrate the American society. One wonders whether anybody, white or black, is willing to pay the price of precipitous mixing of the races. The cost cannot be measured solely in financial columns.

The cost of immediate school desegregation realistically must be counted for in the disruption of neighborhoods; the deterioration of education systems; the rise of private schools not always academically sound; certain violence in the schools, and danger to the life and limb of young students.

Next year in Danville, Virginia, if the Department of Health. Education and Welfare prevails, parents of the more affluent children will have to deliver their tots to the assigned elementary schools far from home. Those who can't afford private transportation will have to put their youngsters on the busy streets each morning for the long and hazardous trek. The very young will be walking in the streets where there are no sidewalks, and crossing countless busy thoroughfares, all in the name of sitting in a classroom in the company of racially opposite classmates.

It's either that or busing, an expense no city government yet has found it possible to pay for on anything approaching an effective scale for an entire school system.

Before the courts and the Congress combine to bankrupt the nation in the name of social justice, perhaps the judicial and the legislative should take another look at freedom of choice, which, after all, is the opposite of coercion by imposition.

Mr. BYRD of Virginia. Mr. President, I yield back to the Senator from Mississippi such time as I have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield the Senator from New Hampshire 5 minutes.

Mr. COTTON. Mr. President, I do not think I need but 2 minutes. Because I know this debate is about to close, I simply, as a member of the subcommittee which has worked long weeks and months on this HEW bill, and gone through the difficulties, want to say that even though I am perfectly satisfied with and did, in the past, vote for these sections as they appear in the bill, I am not a constitutional lawyer of great depth; but it seems to me that these words "except as required by the Constitution" can be argued both ways. The proponents of the amendment can say, "It does no harm for Congress to say they want the Constitution followed," and the opponents can say, "The Constitution has got to be followed, so the words have little significance."

Mr. President, I have a little personal interest here, I confess. Here we are, within 4 months of the end of the fiscal year. I am quite confident, or I might say quite convinced, that if we can send this bill to the House of Representatives without further amendment, we can get rather speedy approval of it, and I am equally convinced that the President would sign it, and we could go to work on the bill for 1971.

Therefore, though as a practical matter rather than a matter of principle, I also would like to maintain the bill as it is. Unless there is some far-reaching difference, something more than a bow to the Constitution involved, I earnestly hope that we can send this bill to conference without any further modifications.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield the Senator from Texas 3 minutes.

Mr. TOWER. Mr. President, I am somewhat concerned that we here in the Senate are still having to deal with the issue of the forced busing of our schoolchildren. However, the Department of Health, Education and Welfare has consistently found ways around the language that everyone here in the Senate thought was perfectly clear. In fact, in a letter from the Department commenting on our action last year on these very same amendments, which we thought were changing the law, it was stated:

> By inserting the words "in order to overcome racial imbalance" at two points in the House-passed provisions, the Senate has preserved existing procedure with respect to HEW's school desegregation plan.

This means that we ratified the forced busing of students in the South, but have outlawed it in the North. This is fundamentally unfair. This is the very same idea of fairness that we debated so well and so long here just in recent weeks. That was that the South should no longer be treated any differently than any other section of the Nation. If busing is detrimental to the schoolchildren of the North, it is just as detrimental to the schoolchildren of the South. As the Senator from Connecticut so aptly put it, it is time that the revenge of the previous century be put behind us and the Nation work together again.

The Department of Health, Education, and Welfare has stated flatly and simply that busing in order to overcome racial imbalance means that busing is outlawed for 33 States but can be made, and almost uniformly is, mandatory in the remaining 17. This double standard imposed upon the Nation must be eliminated. We here in the Senate are on record that it is our policy to eliminate this dual system of administering our Nation's laws. This is our chance to do just that.

Mr. President, I am aware that there are some well-meaning people who oppose the position that our Nation's laws be administered uniformly, who believe that harsh methods must be used upon the "peculiar" part of the Nation. I am aware that they see, in the effort for fair treatment, a dark, sinister plot that will somehow return us to the days of segregation. Nothing could be further from the truth. There is no one in this body or in any other responsible body arguing for a return to segregation. If there were, I would be the first to oppose it. What the proponents of the amendments seek is a workable plan of integration—one that does not destroy the very thing that it is trying to integrate. The main thrust of our Nation's school systems is education. In this education, there must be equality of opportunity. We all stand for that, but at the same time, there must not be a complete disruption of the community.

The PRESIDING OFFICER. The Senator's time has expired. All time of the Senator from Mississippi has also expired.

Mr. MAGNUSON. Mr. President, I yield the Senator from Mississippi 10 minutes on the bill.

The PRESIDING OFFICER. Does the Senator yield that time on the bill?

Mr. MAGNUSON. On the bill.

Mr. STENNIS. I yield 2 minutes of that to the Senator from Texas.

Mr. TOWER. We should not make commuters out of our young school children. Under many HEW plans, children are bused many miles from their homes into strange surroundings where they spend their day. After school, they are bused many miles home where they do not know any neighbors their own age, for their schoolmates live many miles across town. They are concerned. They are bewildered. It is we who must bear the blame for this concern and bewilderment if we do not make it abundantly clear now that we are against forced busing of any form. We must not allow any uncertainty, any way to read the law that would allow the operation of a dual system in the application of the law. We must keep these amendments in the bill for the good of our school children and for the good of education in the United States.

Mr. President, I might say that HEW forced a busing plan on my own community that was not popular, either in the white community, the black community, or the Mexican-American community. It was forced on them because somebody had the notion that the thing which all Texas needed was racial balance in the schools. Nobody wanted it.

If that is democracy, then I do not know what democracy is; and I was under the impression that we were living in a democracy in this country.

I can under no circumstances be branded as a racist or a segregationist. I taught for six schools in integrated classrooms. I made myself unpopular in some quarters of my State by advocating and defending the Brown decision, and I have never been considered anything but a moderate in my State on this matter.

I should like to submit to the Senate that we cannot continue to allow HEW to dictate what it thinks to be socially right to people when they do not want it, do not need it, and when it is disruptive of the educational system and thwarts the democratic process in the United States.

Mr. MATHIAS. Mr. President, I yield 2 minutes to the Senator from Michigan.

Mr. GRIFFIN. I shall not detain the Senate very long.

Mr. President, my position on this amendment is the same as it was when it was offered earlier. I support the amendment, and I hope that it will be adopted.

The amendment calls for the addition of the words "except as required by the Constitution." I find great difficulty understanding how we could do anything other than adopt an amendment which says that the Constitution of the United States is the supreme law of the land.

There has been a good deal of discussion here to the effect that HEW is doing something that it is not supposed to do. I would not defend it in every instance, and perhaps that is the case, but I think that for the most part they have been trying to follow the law.

Also, a good deal of discussion has been focused on the fact that the law is not enforced in the North as it is in the South. I should like to read an excerpt from a decision by the Seventh Circuit Court of Appeals involving Cook County, Ill. I do not do this because I approve of the decision, but only to point out what the law is and what needs to be followed. The decision reads, in part, as follows:

> Defendants . . . contend that they have no constitutional duty to bus pupils, in the District, to achieve a racial balance. It is true that 42 U.S.C. § 2006 withholds power from officials and courts of the United States to order transportation of pupils from one school to another for the purpose of achieving racial balance. However, this question is not before us. . . . [T]he district court's judgment is directed at the unlawful segregation of Negro pupils from their white counterparts which is a direct result of the Board's discriminatory action. Therefore, the district court's order is directed at eliminating the school segregation that it found to be unconstitutional, by means of a plan which to some extent will distribute pupils throughout the District, presumably by bus. This is not done to achieve racial balance, although that may be a result, but to counteract the legacy left by the Board's history of discrimination.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MATHIAS. I yield 1 additional minute to the Senator.

Mr. GRIFFIN. The Seventh District Court of Appeals, speaking to a case involving Cook County, Ill., continued as follows:

> The Constitution forbids the enforcement by the . . . School District of segregation of Negroes from whites merely because they are Negroes. The congressional withholding of the power [to correct racial imbalance] cannot be interpreted to frustrate the constitutional prohibition. The order here does not direct that a mere imbalance of Negro and white pupils be corrected. It is based on findings of unconstitutional, purposeful segregation of Negroes, and it directs defendants to adopt a plan to eliminate segregation and refrain from the unlawful conduct that produced it.

Mr. President, that is the reason why it is appropriate to insert the words in this amendment "except as required by the Constitution."

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield myself 7 minutes, and that will be all the time I propose to use, just in a very brief summary.

Mr. President, however well-sounding the words in the Mathias amendment may appear, as a practical matter, when applied to this problem in these cases, it just means this: that they are going on the same way and, will read out of the Civil Rights Act of 1964 the prohibition with reference to busing, under what I think is a pure subterfuge, claiming it is for some purpose other than effecting racial imbalance, when that is the primary purpose.

The Supreme Court has not passed on the constitutionality of any kind of segregation, except the kind that we now call de jure, and HEW will continue—with some glee because it has happened before—in their old way of applying this law.

Therefore, with respect to its meaning, if we really want to get something that will affect this matter—and this is just a limitation that will not last for more than 4 months—we will have to sustain the amendment put in the bill by the House and reject the pending amendment.

I want to point out to my colleagues that this is no longer a question of integration. We are integrated throughout the Nation to a degree, and I think that will increase. It is a question now of saving the quality of education for all people. The black people are finding out that integration by force is not the answer, that it tends to destroy the schools.

Mr. President, I do not hold any office in the Senate that gives me any national recognition or significance. I have here, however, letters from all over the United States, not including my State, that came pouring in because of the debate last week. Some of them are in pencil, some are from businessmen. They come from all over this country. I do not know how many hundreds and hundreds of letters there are. I have just read a few samples. Most of them are favorable to the position the Senate took last week on that amendment, but virtually all of them write not about integration but about preserving our public schools and the quality of education for all the children. The sentiment is changing. Realization is coming to the thoughts and minds of people everywhere. I think it shows at the grassroots.

The news magazines, in their columns, all agree now that there has been a change and that new consideration is to be given to the matter. Many of those columnists who are not favorable to what we call the position of the South admit that there is a change in direction and that something must be done to save the public schools and the quality of education. I believe that every single Member of this body realizes that something must be done; that to continue on these "flat tires" as we are now, will not solve the problem but will create graver problems in the quality of education.

Mr. President, I believe it is this matter of the busing of children which has awakened the people.

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I have already told the Senate about the Michigan-born man from Florida, who was coming in from California. He told me about his 12-year-old son who was so bewildered, disappointed, and frustrated when he found out that he was going to be bused to the other side of town to go to school. He went to his father and said with the great expression of faith that all children have in the fathers, "Papa, I know you will do something about it for me. You will not let this happen to me."

When this same situation becomes apparent in other parts of the country, they will find out what this application means. Communities in the North with segregated schools, now sitting by with immunity, will come to know what it is all about. That is what this fight is over, to keep them immune.

I do not believe that anyone is gleeful about what is happening and bringing near disaster to our schools. This busing, this tearing up of the schools and putting education last and integration first, will not save this thing from coming to them.

Integration will take care of itself the only way it can be taken care of, by the natural process of time. Whatever degree it will be, it will be because the people want it that way. On a subject like this, it will be largely what they want. The Supreme Court of the United States cannot declare the feelings of both races to be unconstitutional. They cannot bring in any HEW conclusions into it. This thing must evolve. It cannot be mandated.

My plea is, let us lift up our eyes toward education. Let us stop this thing and take another look. I do not think it will affect a single court decree. This thing has gotten out of balance and become extreme, not because of anything the districts have done or failed to do, but because of the overzealous application of the 1954 decision and the additions which have been made to it in trying to bring about total enforcement.

Our plea is for quality education throughout the Nation. The entire Nation will have to stop and take a new look and make a new start.

The life of this amendment will be very short, about 4 months, but it will be a start, the best step, I think, that we can take at this time. Then we can reevalue the matter.

Mr. President, I yield back whatever time I have remaining and I want to thank the distinguished Senator very much for yielding me this time.

Mr. MATHIAS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The Senator from Maryland is recognized for 5 minutes.

Mr. MATHIAS. Mr. President, let me discuss briefly why I think section 408 as it appears in the bill needs to be amended, and why I think it is necessary to add the words I have proposed to be amended as an amendment.

I am not going to spend any time on the moral issues involved. I think they have been eloquently and fully debated. On that subject I would only say that, this being an appropriation bill, the section as written would work 4 months of mischief, 4 months of mischief in the hope of stopping the clock.

My observation of the pattern of history is that we cannot stop the clock. We can hold the pendulum—we can hold it with this section for 4 months, but the pendulum of history ultimately will begin to swing again, and having been held in an unnatural position, when let go, will swing with a mighty and irresistible surge.

I think it would be a great mistake to allow sections 408 and 409 to stand for the purpose of trying to stop the clock; but, more than that, I oppose them as they now are written because I think they are in direct conflict with section 804 of the act of 1965, United States Code 884, which prohibits Federal control of education.

I read.

> Nothing contained in this act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program, instruction, administration, personnel, of any educational institution of a school system . . . and so forth.

What section 408 does is, of course, to say to the States of this Union, "No matter why you do it, no matter who wants it in your State, you cannot do these things and have 1 penny of Federal money."

We are beginning, by the so-called Whitten amendment, to put a very real price on Federal money. I oppose on that ground alone, in addition to the grounds I have already stated, the imposition of this kind of prohibition of the States and on their exercise of freedom in shaping their educational institutions.

But how will the addition of the words, "except as required by the Constitution," alter that situation?

Well, section 408 specifies an inventory of remedial steps which can be taken, under hard circumstances, to achieve the constitutional goal enunciated in the Brown case.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. MATHIAS. Mr. President, I yield myself 3 additional minutes.

I would hope, very frankly, Mr. President, that it were not necessary in any part of the country ever to take any of the actions which are prohibited or would be prohibited by section 408. I would hope that we would not have to go to those steps. But if wishes were horses, beggars would ride; and the fact is that in the hardest kind of cases some one of those tools may be necessary. If we prohibit by this act—and that is the only route, the only way to get to the consitutional goal or constitutional requirement—then we put the Secretary of Health, Education, and Welfare, or the President of the United States between the bark and the tree, because we have prohibited them from doing the only things which can enable them to discharge their sworn duty under the Constitution. I do not think we should prohibit them by affirmative language from taking the steps which are perhaps the only way in which they can discharge their duty.

I do not think we should eliminate these possible tools, because if they are not available, as the Secretary of Health, Education, and Welfare himself said in his letter addressed to Members of the Senate Committee on Appropriations in December—if these measures are not available, will make it less possible for the Secretary to persuade the various systems with which he must deal to use the simpler, easier, and more acceptable methods.

The President wants this amendment; Welfare has requested it. I submit it is a necessary amendment if we are to carry out the principles of the Constitution.

Mr. KENNEDY. Mr. President, the question posed by sections 408, 409, and 410 is whether the Congress chooses to ignore the mandate of the Supreme Court and nullify the constitutional rights of minority schoolchildren.

The effect of these provisions would be to severely undercut the purpose of title VI of the Civil Rights Act, which is intended to prohibit racial discrimination in programs and activities, including school districts, which receive Federal financial assistance.

Fifteen years after the Supreme Court's decision in the Brown case, it is now proposed under these sections that school districts not now in compliance with the law be permitted to revert to a form of pupil assignment—so-called freedom of choice—which has proven in most cases to be unconstitutional.

The amendments as passed by the House also prohibits the Department of Health, Education, and Welfare from "requiring" the busing of students, or "requiring" the closing of schools. It will be necessary to return to these matters later on. Controversial and often misunderstood, it is clear that these issues are broached merely to give the provisions a broader political appeal to the unsuspecting.

Under title VI, the Department of Health, Education, and Welfare is authorized to negotiate with school districts in order to achieve effective school desegregation. The Office of Education has provided, and is continuing to provide, extensive assistance to school districts in drafting and implementing plans that are educationally sound and that accomplish desegregation with a minimum of disruption. Only as a last resort has the Department felt obliged to bring a school system into administrative enforcement proceedings, which may ultimately lead to the termination of Federal funds.

HEW's guidelines with respect to the acceptability of freedom of choice desegregation plans under title VI reflect court decisions and actual experience with such plans.

In the latter case, it has become patently clear that in the vast majority of school districts, freedom of choice plans have not done the job; on the contrary, they have served to perpetuate illegal segregation.

In most school districts such factors as the traditionally subservient economic

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and social status of the black community, intimidation and harassment by whites, and the sharp educational gap between white and black students, have all acted to bar mobility within the system.

In the main, therefore, the racial identifiability of the schools within the system was kept undisturbed. Freedom of choice was in fact no choice at all; it was rather a euphumism for continued massive resistance to the requirements of the law.

The weakness of freedom of choice in terms of the law is that it places the burden of desegregation on the Negro parent and the Negro child, despite the fact that the constitutional responsibility for assuring equal education rests with the school authorities.

Freedom of choice reinforces the fundamental characteristic of the dual school system, which is the fact that communities operate and maintain Negro schools and white schools—as opposed to just schools.

For the reason that freedom of choice did not in most situations meet the test of effectiveness, in terms of actual desegregation in the schools, this method of eliminating the dual school system was recognized as inadequate—and the Federal courts have upheld the proposition.

Thus, in United States against F Jefferson County Board of Education, the Fifth Circuit Court of Appeals, sitting en banc, ruled on March 27, 1967, that:

> Boards and officials administering public schools in this circuit have the affirmative duty under the Fourteenth Amendment to bring about an integrated, unitary school system in which there are no Negro schools and no white schools—just schools. . . . In fulfilling this duty it is not enough for school authorities to offer Negro children the opportunity to attend formerly all-white schools.

The court went on to say:

> Freedom of choice is not a goal in itself. It is a means to an end. A sechoolchild has no inalienable right to choose his school.

On May 27, 1968, in the case of Green against New Kent County, Va., the Supreme Court ruled unanimously that:

> In desegregating a dual system, a plan utilizing freedom of choice is not an end in itself. . . . The burden on a school board today is to come forward with a plan that promises realistically to work, and promises to work realistically *now*. . . . It is incumbent upon the school board to establish that its proposed plan promises meaningful and immediate progress toward disestablishing state-imposed segregation.

The Court on this occasion quoted from the opinion of Judge Sobeloff in the case of Bowman against County School Board, as follows:

> Freedom of choice is not a sacred talisman; it is only a means to a constitutionally required end—the abolition of the system of segregation and its effects. If the means prove effective, it is acceptable, but if it fails to undo segregation, other means must be used to achieve this end.

In negotiating for compliance with title VI, HEW has consistently updated its requirements and procedures so that they conform to the latest court decisions. Hence, the so-called guidelines, issued in March of 1968, reflected the decisions of lower Federal courts on the issue of freedom of choice plans.

Freedom of choice plans were listed among other suggested methods, in the Department's first school desegregation guidelines issued in the spring of 1965. Since the early years HEW, in line with court decisions, has reaffirmed the validity of such plans—provided that in each particular school district the plan achieves a unitary, nonracial educational system. A freedom of choice plan, or any other plan of student assignment, is not of ultimate significance; what is essential is whether the plan disestablishes the dual school structure.

Now, the so-called Whitten amendment would contravene the decisions of the courts and the policies of HEW by forcing the Government to accept all freedom of choice plans—regardless of whether such plans are effective in ending discrimination.

The effect of enacting such a provision at this point in history could be disastrous. HEW would be bound by a congressional directive that contradicts the law of the land. School districts which have negotiated and implemented effective desegregation plans in good faith would be encouraged to go back on their word and resort to methods of proven ineffectiveness. On the other hand, school districts which are still in the negotiating stage would move to grasp this last legal straw and refuse to cooperate.

Particularly in light of the Supreme Court's latest order in the case of Alexander against Holmes County Board of Education, the Whitten amendment strikes a devastating blow at law and order—that popular idiom that is otherwise much maligned.

In Alexander, announced on October 29, the Court ordered that it is the obligation of "every school district to terminate dual school systems at once and to operate now and hereafter only unitary schools." The record makes clear that such a mandate cannot be effectuated under freedom of choice plans in the vast majority of school districts.

The important point is that for the purpose of complying with the law, in a manner that is most practical and suitable, HEW and school districts must retain flexibility. The Whitten amendment seeks to remove that flexibility by encouraging school districts to refuse to take reasonable and necessary measures in accordance with the requirements of the courts and of HEW, Federal district courts, for instance, have approved desegregation plans that embrace both busing and the abolishment of inferior schools.

HEW does not require the closing of schools and, in fact, encourages the retention of usable educational facilities. In some cases, it has been urged that schools be closed because their inferiority was such that under no circumstances was it possible to provide for quality education in a unitary system. However, in many cases, school districts have chosen to close usable all-Negro facilities instead of desegregating them, in the belief that white children would not attend them under desegregated conditions.

In conclusion, the architects of this amendment have not sought to disguise its intent, which is to turn back the clock on school desegregation. It is the same amendments proposed by the House last year, which failed to pass the Congress in its original, injurious state. I would hope that every person who is concerned about the course of civil rights in this country would oppose these provisions, which, if enacted, would throw the school desegregation program into chaos and confusion and cripple the enforcement effort.

Mr. MATHIAS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the first Mathias amendment.

Mr. MAGNUSON. Mr. President, because it is Saturday, and many Senators are not quite so available in the building as they would be on any other weekday, I should like to suggest the absence of a quorum to let them have time to come to the Chamber.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is on the first part of the Mathias amendment.

Mr. STENNIS. Is that the amendment to section 408 of the bill as passed by the House?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. And a vote of "aye" would amend that section. A vote of "nay" would allow it to remain as it is.

The PRESIDING OFFICER. The Senator is correct.

All time having expired, the question is on agreeing to the first part of the Mathias amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT (when his name was called). On this vote I have a pair with the senior Senator from Rhode Island (Mr. PASTORE). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. NELSON (when his name was called). On this vote I have a pair with the junior Senator from Louisiana (Mr. LONG). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The assistant legislative clerk concluded the call of the roll.

Mr. BELLMON (after having voted in the affirmative). On this vote I have a pair with the Senator from South Dakota (Mr. MUNDT). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BIBLE (after having voted in the negative). On this vote I have a pair with the Senator from Indiana (Mr. BAYH). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. CANNON (after having voted in the negative). On this vote, I have a pair with the Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. FULBRIGHT (after having voted in the negative). On this vote, I have a pair with the Senator from Iowa (Mr. HUGHES). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

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I further announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from Alaska (Mr. STEVENS), are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting the Senator from Illinois (Mr. PERCY) would vote "yea."

The pair of the Senator from South Dakota (Mr. MUNDT) has been previously announced.

On this vote, the Senator from Kentucky (Mr. COOK) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 42, nays 32, as follows:

[No. 71 Leg.]

YEAS—42

Aiken
Anderson
Boggs
Brooke
Burdick
Case
Cooper
Cranston
Dominick
Eagleton
Fong
Goodell
Griffin
Harris
Hart
Hartke
Hatfield
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Muskie
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Symington
Tydings
Williams, N.J.
Young, Ohio

NAYS—32

Allen
Baker
Bennett
Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Gore
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Murphy
Russell
Smith, Maine
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—6

Allott, against.
Bellmon, for.
Bible, against.
Cannon, against.
Fulbright, against.
Nelson, for.

NOT VOTING—20

Bayh
Church
Cook
Dodd
Fannin
Goldwater
Gravel
Hughes
Jackson
Long
Montoya
Moss
Mundt
Packwood
Pastore
Percy
Saxbe
Smith, Ill.
Stevens
Yarborough

So, the first Mathias amendment, on page 60, line 16, was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. I move to lay that motion on that table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is now on the second Mathias amendment. Who yields time?

Mr. MAGNUSON. Mr. President, for the information of Senators, as I understand it, the second amendment of the Senator from Maryland is to add the same words to section 409. Is that correct?

Mr. MATHIAS. That is correct.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, I yield myself 2 minutes.

Mr. STENNIS. Mr. President, may we have order, so that we may hear the Senator explain his amendment.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Maryland is recognized for 2 minutes.

Mr. MATHIAS. Mr. President, as the Senator from Washington has already explained, the purpose of the amendment is to add the same words to section 409 as have just been added by the Senate to section 408. The words are "Except as required by the Constitution,".

Mr. President, this, of course, is a section which differs from the preceding section in that it does not refer to the choice of parents, but includes the same inventory of educational tools, and relates them to a condition precedent to obtaining Federal funds otherwise available. With that exception I would say that the arguments that will be made on both sides will be very nearly identical to those made with respect to section 408.

I think if we attempted to debate this amendment in any lengthy manner we would be just plowing over the ground plowed over yesterday and today. I simply would like to say that again the administration, the President, and the Secretary of Health, Education, and Welfare have requested this amendment. They want it. I hope the Senate will support it.

The PRESIDING OFFICER. Who yields time?

Mr. SCOTT. Mr. President, will the Senator yield me 2 minutes?

Mr. MATHIAS. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Two minutes are enough.

Mr. President, I think the issue is the same as before. The votes are running about the same as they did in December, on an average 4-to-3 ratio. I think we are all pretty sophisticated people around here, and I think we realize that very few of us are changing votes. Therefore, I rise only to say that I support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 10 minutes, and, of course, I will yield to any Senator who may wish some time.

I believe we can get to this issue quickly. There is a difference, however. There is a distinct and substantial difference between this amendment and the other one, and page 60 of the bill we have before us reflects this amendment.

The primary point I want to make—and there is no argument about this—is that this is a limitation on funds concerning the requirement of busing. That is a big part of the amendment. It does not have as far-reaching an element of so-called freedom of choice or anything of that kind which was contained in the amendment we just voted on.

I say to Senators who are interested and concerned and have felt the effects of the extensive requirement as to busing, this is the amendment you are vitally interested in, I believe. It does not involve any kind of court order. In my humble opinion, it does not touch top, side, or bottom any kind of court order or any restriction in the carrying out of any court order.

The limitations, as I understand it, on HEW is solely on the point of getting Federal funds. That is all. It is merely a limitation on an appropriation bill. It has absolutely nothing to do with the 14th amendment. It has nothing to do with any Supreme Court decision in the field of integration. I respectfully say it is a field in which I do not believe the Court has any jurisdiction, because Congress has the sole power to appropriate money, and under such conditions and limitations as the Congress may see fit. So it originates in the legislative branch of the Government. It ends in the legislative branch of the Government, except for the question of the President's signature. This language, clearly a limitation, is unmistakable as to what it means. It will continue in effect for only 4 months.

Mr. President, I believe I am entitled to an opinion on this, because I have been involved in this subject not for months, but for years. The provision will not help or hinder HEW one iota, because of that short period, but it is a stop, look, and listen caution sign to HEW. The appropriation does not knock out any district in dealing with the money. It just puts a limitation on the administration of the funds. The provision will not bar the Court or be fatal to HEW. It will give an unmistakable sign—a red light—with respect to busing, and if Senators are interested in that question in their area, this is the way to do it.

I believe if this amendment were really understood and digested in this body, it would sweep through here like a forest fire. I mean Senators have gotten close enough to this problem, their constituents have, the parents have, the children have to know that something must be done. So let us put up a caution light, a red light, for 4 short months. We are not going to hurt HEW. We will then have a chance to have a new start.

Mr. COOPER. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. COOPER. I always respect the Senator's views, but the Senator emphasized that section 409 has no meaning or objective except with respect to busing of students. I notice the language on lines 24 and 25 of page 60:

> The abolishment of any school or the assignment of students to a particular school.

I know the Senator is making his point. A great many people are interested in the question of busing.

Mr. STENNIS. Yes.

Mr. COOPER. The Senator knows courts have ruled against the abolition of schools to maintain segregation, and the Supreme Court has ruled on that question. Of course, assignment of pupils could be a freedom of choice. I am not interpreting the Senator's amendment, but he made the statement that it was concerned only with busing. But the abolishment of any school is involved in that language.

Mr. STENNIS. Mr. President, that is my belief about this amendment, and I emphasize that this matter is so temporary that there is not going to be any real harm done, and I believe good will come out of it.

Mr. President, I believe no other Senator wishes to speak. We feel this matter has been fully debated already, because the other amendment was really broader than this.

Mr. MATHIAS. Mr. President, I yield back my time.

Mr. STENNIS. Mr. President, I yield back my time.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, would the Chair state the parliamentary situation about the amendment?

The PRESIDING OFFICER. The question is on agreeing to the second Mathias amendment, which would add additional language to section 409. A "yea" vote is a vote to support the Mathias amendment. A "nay" vote is a vote to oppose the Mathias amendment.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NELSON. On this vote I have a live pair with the Senator from Louisiana (Mr. LONG). If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. ALLOTT (after having voted in the negative). On this vote I have a live pair with the Senator from Rhode Island (Mr. PASTORE). If he were present, he would vote "yea." I have already voted "nay." I withdraw my vote.

Mr. MANSFIELD. On this vote I have a pair with the Senator from Washington (Mr. JACKSON). If he were present, he would vote in the affirmative. I have already voted in the affirmative. I withdraw my vote.

Mr. FULBRIGHT. On this vote I have a live pair with the Senator from Iowa (Mr. HUGHES). If he were present, he would vote "yea." I have already voted "nay." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Indiana (Mr. BAYH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

On this vote, the Senator from Kentucky (Mr. COOK) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 41, nays 34, as follows:

[No. 72 Leg.]

YEAS—41

Aiken
Anderson
Bellmon
Boggs
Brooke
Burdick
Case
Cooper
Cranston
Dole
Dominick
Eagleton
Fong
Goodell
Griffin
Harris
Hart
Hartke
Hatfield
Inouye
Javits
Kennedy
Magnuson
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Muskie
Pearson
Pell
Prouty
Proxmire
Ribicoff
Schweiker
Scott
Symington
Williams, N.J.
Young, Ohio

NAYS—34

Allen
Baker
Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Curtis
Eastland
Ellender
Ervin
Gore
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Murphy
Randolph
Russell
Smith, Maine
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Allott, against.
Fulbright, against.
Nelson, for.

NOT VOTING—22

Bayh
Church
Cook
Dodd
Fannin
Goldwater
Gravel
Hughes
Jackson
Long
Mansfield
Montoya
Moss
Mundt
Packwood
Pastore
Percy
Saxbe
Smith, Ill.
Stevens
Tydings
Yarborough

So the second Mathias amendment, on page 60, line 22, was agreed to.

Mr. MATHIAS. I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT. Mr. President, I call up my amendment to section 410 of the bill and ask that the clerk report it.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

> On page 61, after line 2, strike out:
>
> "SEC. 410. No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student, because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian."

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. SCOTT. I am glad to yield to the distinguished Senator from Washington.

Mr. MAGNUSON. For the benefit of the Senate, I will ask the Senator a question. This amendment is to strike out the so-called Jonas amendment?

Mr. SCOTT. That is correct.

Mr. MAGNUSON. Which is section 410, on page 61 of the bill.

Mr. SCOTT. That is correct. Line 3.

Mr. MAGNUSON. To vote it up or down.

Mr. SCOTT. To vote it up or down, assuming that there is no contrary motion.

Mr. STENNIS. Mr. President, will the Senator yield to me for a statement?

Mr. SCOTT. I yield.

Mr. STENNIS. Mr. President, I am opposed to the amendment offered by the Senator from Pennsylvania, for various reasons. The contents of this amendment in many ways are similar to the other two amendments.

I want to yield to the distinguished Senator from North Carolina the time that is allotted to the opposition, and I may want some of that time for my own use.

I thank the Senator for yielding to me.

The PRESIDING OFFICER. Who yields time?

Mr. SCOTT. I yield myself 10 minutes.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats, so that we may hear the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, section 410 would work the same mischief as the original Whitten amendments—except for the additional fact that its implications for local educational policy are far more serious.

In essence, the purpose of this provision is to establish under Federal law a universal right to freedom of choice.

We must ask ourselves, in this regard, whether it is the proper function of Congress to place restrictions on local school boards and determine the manner by which they shall assign students. The effect of enacting section 410 would be to preempt the traditional authority of State governments and of local school authorities to establish educational policy.

Section 410 would sanction so-called "freedom-of-choice" desegration plans, even though such plans may not meet the requirements of title VI of the Civil Rights Act of 1964, or the mandate of the Supreme Court.

XUM

As indicated during the debate, the Supreme Court ruled, almost 2 years ago, that freedom-of-choice plans may not be constitutionally permissible. The test as to whether such a desegregation plan is or is not acceptable lies in the extent of desegregation accomplished in each and every case. Section 410 contravenes this crucial decision and would legalize freedom of choice in all school districts for the purpose of compliance with title VI.

In substance, section 410 would raise the specter of two contradictory standards of school desegregation. We have already heard much in this body about double standards, real or imagined. The Senate should know that the enactment of section 410 would impose upon all school districts conflicting standards—one applied by the courts and presumably the Justice Department, and the other applied by HEW.

I should like to repeat that. If this section is enacted, two sets of standards would have to be administered, each opposite to the other, and one would have to be administered by the Department of Justice and the other by HEW.

School districts intent upon cooperating with Federal officials in eliminating discrimination already face a difficult and demanding task. To place upon them the added burden of confusion imposed under section 410 is to make the job nearly impossible.

Mr. President, it is clear that, unlike sections 408 and 409, section 410 extends the privilege of so-called freedom of choice directly to parents. The provision thus circumvents the traditional power and jurisdiction of school districts.

In addition, it appears that section 410 would mandate the termination of Federal aid to any school district which implemented a plan that in any way denied to students and parents their freedom of choice. School districts are thus forced to make a painful and awkward decision: abide by the Federal nondiscrimination provisions against freedom of choice and you lose Federal funds; adopt freedom of choice in accordance with section 410, and invite court litigation which will inevitably require the implementation of something other than freedom of choice. So in one way you lose the funds and in the other way you lose what is allegedly sought in this section. Either way, the sponsors of the amendment lose something of value to their concept as well as to that of those who would strike.

Federal courts have been ordering desegregation which goes considerably beyond the limitations of mere freedom of choice. Section 410 would encourage school districts to defy the orders of the courts. Indeed, it appears that unless they did so, they would lose Federal education funds in accordance with section 410, which requires freedom of choice and nothing else.

Contemplate that for a moment. This section, as now written, says, in effect, to the school districts: "Defy the courts and lose the money. Unless you do so, you are going to lose the funds, because you are asking for freedom of choice and nothing else in the very complicated field of administration of the whole program."

Mr. President, I believe that Congress must attempt to provide every possible assistance to local school officials to enable them to work toward compliance with the law.

Section 410 attempts to escape this joint responsibility of Federal and local authorities. Instead of seeking to help school districts meet the requirements of the law, section 410 would place school districts in a wholly untenable situation. The provision's effect would be to force school districts into the arms of the courts, if they chose to follow the deceptive escape route designed in section 410. And, ironically, it is precisely the Federal courts which are demanding total desegregation now—to the abhorrence of those who support section 410.

Mr. President, I urge the adoption of the pending amendment, so as to preclude the chaos and confusion which would inevitably ensue if section 410 is retained in the bill. School districts deserve honest and forthright answers from the Congress as to their responsibilities under Federal law. Section 410 would lead us in the wrong direction.

The Secretary of HEW says in his letter to the chairman of the subcommittee on February 20, with reference to section 410:

> Insofar as the new section 410 of the bill is concerned, it is my belief that it may well have been born out of misunderstanding on the part of the House concerning the role and activities of the Office for Civil Rights of this Department.

Mr. President, I would like to make that point very clear because I think there is real misapprehension on the so-called Jones amendment.

I continue reading:

> Let me say that it is not the role of the Office for Civil Rights to interpret the Constitution and the law. That is the responsibility of the courts. Once the courts have acted, it is the responsibility of this Department to extend a helping hand to school districts in their efforts to comply with court decisions. Because the courts have already, in many instances, decreed that "freedom of choice plans" that result in discrimination are illegal, all that section 410 can do is prevent this Department from working with and helping local school districts who are trying to comply with such court orders. Because section 410 does not appear to be consistent with actions of the courts, it could only produce an administrative nightmare for our Department. If we are to avoid the administrative chaos that this section would produce at all levels, section 410 should be delected from the bill.

Mr. President, this is even more serious than the other two amendments.

Mr. MAGNUSON. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. MAGNUSON. Will the Senator put that entire letter from the Secretary in the RECORD? It covers many points in the whole bill and is the latest word from HEW. I neglected to put it in the RECORD before.

Mr. SCOTT. Yes.

Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
February 20, 1970.

Hon. WARREN G. MAGNUSON,
Chairman, Subcommittee on Departments of Labor and Health, Education, and Welfare and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: This letter contains our comments and recommendations on H.R. 15931, as passed by the House of Representatives yesterday, February 19.

Statements are enclosed which describe the effect of the House action on H.R. 15931 wherever this action differs from either the President's budget, as amended, or from H.R. 13111 as passed by the Senate on January 26. I am also enclosing a listing of all the amendments which this Department recommends to H.R. 15931 as passed by the House. Otherwise, I would like to confine the contents of this letter to the implications of the House action in light of the President's veto of H.R. 13111.

Let me express my judgment that the action of the House does not adequately respond to the objections that the President made to H.R. 13111 and that served as the basis for his veto. When examined in these terms, it is clear that the bill continues to carry the same excesses and faults that caused the President to veto this important and vital measure in the first place. Specifically, comparing the bill with each of the reasons cited by the President in his veto message, I find that it would—

1. Still add almost $900 million to the President's original budget for the Department of Health, Education, and Welfare and thereby continue the inflationary characteristics of the vetoed bill.

2. Still be the all-time high for increases over any President's budget for HEW—bar none. No previous Congress has ever added so much to the HEW appropriation for any year.

3. Still constitute by far the largest increase over the President's budget for any 1970 appropriation bill passed by the 91st Congress.

4. Continue to impose on the President large increases in mandatory formula grants programs over which the President can exercise little or no control in his management of the overall Federal budget. The bill as passed by the House carries more than $848 million in increases for mandatory formula grants without one single word of language or other authority that would give the President discretion over how and when these increases might be spent.

5. Still add large sums for what, in my opinion, are marginal or misdirected programs which need to be reevaluated or overhauled—not expanded. Many of these funds are for activities which could well be deferred until such evaluations and reforms are completed—or until inflation is checked.

6. Still add large sums that cannot be spent effectively so late in the fiscal year.

7. Continue to ignore the President's requests for new approaches and new initiatives for the future.

THE BILL CONTINUES TO BE INFLATIONARY

In his veto message, the President cited inflation as his first reason for veto. In his message, he said: "These increases are excessive in a period of serious inflationary pressure. We must draw the line and stick to it if we are to stabilize the economy." That statement was made about an increase in his original budget that added up to more than $1.2 billion. We contend that by dropping only $364 million, the House bill does not go far enough to meet the President's objection and in no way represents a "holding of the line."

Any bill that adds almost $900 million ($896 million to be exact) to the original budget request must be viewed as excessive during this critical time in the President's fight against inflation.

THE BILL TIES THE HANDS OF THE PRESIDENT BY INCREASING AMOUNTS FOR MANDATORY FORMULA GRANTS

In my opinion, this stands as the most grievous defect in the House bill. Despite the President's suggestion that this problem could be solved through the use of appropriation language giving him discretionary authority over such formula grants, the bill, as I said above, continues to force upon the President over $848 million in increases for mandatory formula grants. If he is to limit overall Federal spending, he must make offsetting reductions in other programs. With only 4½ months remaining, this places the President in an absolutely untenable position. Too much of the Federal budget is already committed to make such a large offset so late in the year.

This factor alone would make it impossible for me to recommend to the President that he accept the bill in its present form.

THE BILL STILL CARRIES TOO MUCH MONEY TO BE SPENT TOO LATE IN THE FISCAL YEAR

The President has already called our attention to what has been a traditional concern of the Congress, namely, that money not be appropriated so late in the fiscal year as to invite hasty and unwise expenditures. How often has the Congress challenged June buying by the Executive Branch? How often has the Congress cut supplemental appropriations because the money would come too late to be spent wisely? Yet, in this bill, the House seems to have turned its back on sound Congressional tradition. Unless the Senate reverses the House action, the President would stand alone as the only one who seems to advocate this kind of judgment. We have already lost almost a month since the Senate passed the last bill. This, combined with the continued rise in inflation, makes it all the more important that we pare down those portions of the bill that would result in end-of-year spending.

THE BILL CONTINUES TO ADD MONEY FOR MARGINAL PROGRAMS WHILE IGNORING THE PRESIDENT'S PRIORITIES

In his February 2 letter to the Speaker of the House, enclosed, the President proposed a compromise which would add $449.1 million to his original budget for HEW. Within this compromise were several programs for which the President expressed a willingness to accept Congressional increases in their entirety. In other instances, he proposed to meet the Congress part way. Proposals falling in this category had been weighed carefully for their merit and priority, for their inflationary impact, and in terms of whether additional money could be wisely spent between now and June 30. Except for Hill-Burton hospital construction, where the House bill comes close to adopting the President's February 2 alternatives, the action of the House brushes aside the President's compromise funding levels. The bill continues to carry large sums for school equipment, library books, and other deferrable purchases, while at the same time ignoring completely the President's request for reinstatement of two new initiatives—his request for funds to launch an experimental school program and enlarge the dropout prevention program.

RECOMMENDATION FOR SENATE ACTION

As I have already said, taken in its present form, I would have no choice but to recommend to the President that he veto H.R. 15931. Thus, I see the Senate is playing a vital role in avoiding another impasse. I hope that the Senate will be able to help the President reach his objective. I urge the Senate to take appropriate action to reduce the overall level of appropriations for this Department as proposed in H.R. 15931.

Based on statements by the President in his veto message, and based on the proposals that he made to the Congress in his letter of February 2 to the Speaker of the House, it is quite clear that the President desires to find an accommodation. There are two approaches open to the Senate, either of which I am confident, would be acceptable to the President. These are:

1. Modify H.R. 15931 so that it would reflect the proposals made by the President in his letter to the Speaker of February 2. In his letter, the President proposed amendments which provided increases over his original buget totaling $449 million. The President's proposals would result in a 1970 budget that totals $16,790,705,000. This would provide a total budget for this Department that is almost 10 percent higher that that approved by the Congress for 1969. The increases proposed by the President over the vetoed 1970 appropriation bill are as follows:

$238 million for impacted area aid

$70 million for basic grants for vocational education

$25 million for grants for education of the disadvantaged under Title I of the Elementary and Secondary Education Act.

$40 million in additional funds for supplementary education services and other forms of support to elementary and secondary education

$10 million for public library services

$6 million for education of the handicapped.

$8.8 million for education professions development

$29.7 million for the National Institutes of Health

$10 million to accelerate the rubella vaccination program

$7 million to intensify air pollution research efforts

$4 million for treatment of alcoholism

The listing of amendments enclosed would bring the bill into full agreement with the President's February 2 alternative.

2. The second course open to the Senate which would clearly, in my view, satisfy the President would be to include language in the bill giving the President discretionary authority over the so-called mandatory formula grants which make up such a large share of the bill. As the matter stands, the bill calls for almost $4.3 billion in mandatory formula grants.

Our enclosed list of recommended amendments includes a general provision which would, if adopted, resolve the issue.

In other words, the simple action of including this one piece of language in the bill could make it possible for the President to accept the bill. I would like to emphasize that should this course be adopted by the Congress, the President and this Department are committed to the obligation of all funds, including the so-called mandatory formula grants, to at least the levels indicated in the President's February 2 budget amendments. This, of course, includes impacted area aid.

As I have already said, this might well prove to be the quickest and simplest way to solve our problem. As I understand it, although a similar provision included in the House Committee bill was deleted on a "point of order" on the floor of the House, should such a provision be later adopted by the Senate and agreed to by House-Senate Conferees, the House rule would not permit its deletion a second time on a "point of order." In other words, if the Senate were to adopt this language, it seems to me that its chances for final approval by the Congress as a whole would be quite good.

GENERAL PROVISIONS IN H.R. 15931

There are three general provisions carried in the House bill which are of concern to this Department—sections 408, 409, and 410.

As you know, sections 408 and 409 are identical with provisions contained in H.R. 13111, as originally passed by the House. I would recommend that the Senate follow exactly the same course of action it followed in dealing with these provisions in H.R. 13111.

Insofar as the new section 410 of the bill is concerned, it is my belief that it may well have been born out of misunderstanding on the part of the House concerning the role and activities of the Office for Civil Rights of this Department. Let me say that it is not the role of the Office for Civil Rights to interpret the Constitution and the law. That is the responsibility of the courts. Once the courts have acted, it is the responsibility of this Department to extend a helping hand to school districts in their efforts to comply with court decisions. Because the courts have already, in many instances, decreed that "freedom of choice plans" that result in discrimination are illegal, all that section 410 can do is prevent this Department from working with and helping local school districts who are trying to comply with such court orders. Because section 410 does not appear to be consistent with actions of the courts, it could only produce an administrative nightmare for our Department. If we are to avoid the administrative chaos that this section would produce at all levels, section 410 should be deleted from the bill.

CONCLUSION

I believe, Mr. Chairman, that you are as anxious as we are to complete action on this appropriation bill. I respectfully request that the Senate modify the House bill along either of the two lines suggested above. Our Department stands ready to support and help you to this end in every way possible.

XUM

I have furnished Senator Cotton with a courtesy copy of this letter.

Sincerely,

——— ———,
Secretary.

REQUESTED AMENDMENTS

Amendments Requested by the Department of Health, Education, and Welfare to H.R. 15931 91st Congress, First Session in the Senate of the United States:

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

AIR POLLUTION CONTROL

1. Page 12, line 18, strike out "$108,800,000" and insert in lieu thereof "$102,800,000".

2. Page 12, line 199, strike out "$45,000,000" and insert in lieu thereof "$30,000,000".

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

MENTAL HEALTH

3. Page 14, line 11, strike out "$360,302,000" and insert in lieu thereof "$354,002,000".

4. Page 14, line 12, strike out "$47,500,000" and insert in lieu thereof "$41,200,000".

HOSPITAL CONSTRUCTION

5. Page 17, line 1, strike out "$176,123,000" and "$81,300,000" and insert in lieu thereof "$153,923,000" and "$50,000,000".

6. Page 17, line 6, strike out "$90,900,000" and insert in lieu thereof "$100,000,000".

7. Page 17, line 11, strike out the following:

"DISTRICT OF COLUMBIA MEDICAL FACILITIES

"For grants of $3,500,000 and loans of $6,500,000 for nonprofit private facilities pursuant to the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90–457) to remain available until expended."

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES

8. Page 20, line 9, strike out "$146,334,000" and insert in lieu thereof "$137,668,000".

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

9. Page 20, line 14, strike out "$106,978,000" and insert in lieu thereof "$101,256,000".

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

10. Page 20, line 19, strike out "$103,694,500" and insert in lieu thereof "$102,389,000".

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

11. Page 21, line 2, strike out "$164,644,000" and insert in lieu thereof "$154,288,000".

GENERAL RESEARCH AND SERVICES

12. Page 21, line 24, strike out "$76,658,000" and insert in lieu thereof "$69,698,000".

HEALTH MANPOWER

13. Page 22, line 15, strike out "$234,470,000" and insert in lieu thereof "$224,220,000".

DENTAL HEALTH

14. Page 23, line 14, strike out "$11,722,000" and insert in lieu thereof "$10,887,000".

BUILDINGS AND FACILITIES

15. Page 24, line 9, strike out "$1,900,000" and insert in lieu thereof "$1,000,000".

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

16. Page 26, line 18, strike out after "titles" the numeral "II".

17. Page 26, line 22, strike out the following "$252,393,000; of which $50,000,000 shall be for school library resources, textbooks, and other instructional materials under title II of said Act of 1965; $116,393,000" and insert in lieu thereof "$220,393,000, of which $156,393,000".

18. Page 27, line 1, strike out the following "$17,000,000 shall be for guidance, counseling, and testing under title V–A of said Act of 1958".

19. Page 27, line 5, strike out "$5,000,000" and insert in lieu thereof "$15,000,000".

20. Page 27, line 8, strike out "$25,000,000" and insert in lieu thereof "$10,000,000".

21. Page 27, line 12, strike out "$386,160,700" and insert in lieu thereof "$240,185,700".

22. Page 27, line 18, strike out the following:

"INSTRUCTIONAL EQUIPMENT

"For equipment and minor remodeling and State administrative services under title III–A of the National Defense Education Act of 1958, as amended, $43,740,000: *Provided,* That allotments under sections 302(a) and 305 of the National Defense Education Act, for equipment and minor remodeling shall be made on the basis of $40,740,000 for grants to States and on the basis of $1,000,000 for loans to nonprofit private schools, and allotments under section 302(b) of said Act for administrative services shall be made on the basis of $2,000,000."

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

23. Page 28, line 7, strike out "$520,567,000 of which $505,500,000" and insert in lieu thereof "$440,167,000 of which $425,000,000".

24. Page 28, line 18, strike out "." and insert

": *Provided further,* That the amount to be paid to an agency pursuant to said title (except section 7) for the current fiscal year shall not be less, by more than 5 per centum of the current expenditures for free public education made by such agency for the fiscal year 1969, than the amount of its entitlement under said title (exception section 7) for the fiscal year 1969."

EDUCATION PROFESSIONS DEVELOPMENT

25. Page 28, line 23, strike out "$107,500,000, of which $18,250,000" and insert in lieu thereof "$103,750,000, of which $15,000,000".

HIGHER EDUCATION

26. Page 29, line 18, strike out "$871,874,000" and insert in lieu thereof "$771,774,000".

27. Page 30, line 12, strike out the following "and $33,000,000 shall be for grants for construction of other academic facilities"

28. Page 30, line 17, strike out "$222,100,000" and insert in lieu thereof "$155,000,000".

VOCATIONAL EDUCATION

29. Page 31, line 5, strike out "$391,716,000" and insert in lieu thereof "$347,216,000".

30. Page 31, line 7, strike out the following:

"$20,000,000 shall be for programs under section 102(b) of said Vocational Education Act of 1963, including development and administration of State plans and evaluation and dissemination activities authorized under section 102(c) of said Act, and $5,000,000 for work-study programs under part H of said Act,"

31. Page 31, line 13, strike out "$2,800,000" and insert in lieu thereof "$1,680,000".

32. Page 31, line 18, strike out "$17,500,000" and insert in lieu thereof "$15,000,000".

LIBRARIES AND COMMUNITY SERVICES

33. Page 31, line 23, after "I" strike out "II".

34. Page 32, line 5, strike out "$148,881,000, of which $35,000,000" and insert in lieu thereof "$117,709,000, of which $27,500,000".

35. Page 32, line 8, strike out the following:

"$9,185,000, to remain available through June 30, 1971, shall be for grants for public library construction under title II of such Act,".

36. Page 32, line 17, strike out "$6,737,000" and insert in lieu thereof "$4,500,000".

37. Page 32, line 22, strike out "$5,083,000" and insert in lieu thereof "$4,000,000".

EDUCATION FOR THE HANDICAPPED

38. Page 33, line 11, strike out "$100,000,000, of which $29,190,000" and insert in lieu thereof "$91,850,000, of which $29,250,000".

RESEARCH AND TRAINING

39. Page 33, line 22, strike out "$85,750,000" and insert in lieu thereof "$95,250,000".

40. Page 34, line 7, strike out "." and insert the following:

"and $9,500,000 to remain available through June 30, 1971, shall be available under said Cooperative Research Act for experimental schools."

SOCIAL AND REHABILITATION SERVICE

GRANTS FOR REHABILITATION SERVICES AND FACILITIES

41. Page 37, line 16, strike out "$464,783,000" and insert in lieu thereof "$461,283,000".

42. Page 37, line 23, strike out "$4,050,000" and insert in lieu thereof "$550,000".

MENTAL RETARDATION

43. Page 38, line 23, strike out "$37,000,000 of which $12,031,000" and insert in lieu thereof "$33,000,000, of which $8,031,000".

MATERNAL AND CHILD HEALTH AND WELFARE

44. Page 38, line 11, strike out "$284,800,000" and insert in lieu thereof "$282,400,000".

TITLE IV—GENERAL PROVISIONS

45. Page 60, line 19, after "408." insert "Except as required by the Constitution".

46. Page 61, line 1, after "409." insert "Except as required by the Constitution".

47. Page 61, after "410." strike out the following:

"No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian." and insert in lieu thereof

"In the administration of any program provided for in this Act, as to which the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure or obligation (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula."

Mr. COTTON. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. COTTON. Do I correctly understand that it is clearly the policy of the Federal courts and the Department of Justice to deny, in some cases at least, the right of the student to attend the school of his choice, and the choice of his parents or guardian, because of his race or color?

Mr. SCOTT. I can answer that. It is not the intention of the Department of Health, Education, and Welfare or the Department of Justice, acting through sui respondi to deny such a thing. The letter from the Secretary points out that that is not the role of HEW, or the Department of Justice I might add; but points out that the courts have already, in many instances, decreed that freedom of choice plans that result in discrimination are illegal.

Therefore, there are some freedom of choice plans, I understand, which would be entirely legal which might create no court problem at all but, insofar as the courts have or shall hereafter determine a freedom of choice plan to be

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illegal, the Department of Health, Education, and Welfare and the Department of Justice have nothing to do except to abide by the law. That is the point.

Mr. COTTON. But in many cases, then, there are some cases where the law does deny the right of the student to attend the school of his choice because of his race or color. Right?

Mr. SCOTT. I would not say that I can agree it is because of his race or color. The courts have, at times, ruled illegal certain freedom of choice plans which they feel are discriminatory against one race or another because of his race or color.

Mr. COTTON. I do not want to nitpick here, but I find myself somewhat confused after all these years in which we have been voting on civil rights and on matters of discrimination. This talking about freedom of choice plans is one thing, but freedom of choice is another. I find it extremely difficult in this simple section, 410, where it says:

> SEC. 410. No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student, because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian.

If, in controlling the money that we take from the taxpayers and spend under this HEW bill, by the simple proposition that we will not allow anyone to be denied the right, strictly because of race or color, if that is inconsistent with the courts and the policy of the Department of Justice, then it seems to me that all these years we have been marching up the hill and marching down again.

I cannot conceive of how anyone thoroughly devoted to stopping discrimination because of race or color can go on record voting against this section.

Mr. SCOTT. If the Senator would permit me to explain, perhaps to adumbrate the point a little bit here, I think the misunderstanding is because of the emphasis he has placed on the words "race or color."

The "race or color," as stated in that paragraph, is not the thought of the paragraph which creates the difficulty. What the section does, as now written in the bill, is to leave to the parent or guardian of any student the right to determine where that student shall go and, in so doing, by that seemingly innocuous phrase, substitutes the right of every parent in that area for the right of the school district.

Heretofore, in America, the school district determined where the student would go and where the area would be. The school district sets up the schools. It hires the teachers. It provides all the facilities which will be available. It provides for the standards, the rules, and the guidelines, whether someone goes to a primary school, an elementary school, a grammar school, or a high school, on account of certain qualifications.

To make the point, what this amendment does is to say to all the school districts of America, "You no longer have any authority over the children. Only the parent decides where they go."

Mr. COTTON. I think I understand what the Senator is saying. I am not trying to confuse the issue, but if I understand him correctly, if a plan has been approved by a court——

Mr. SCOTT. Or by a school district.

Mr. COTTON. Or by a school district, reasons other than strictly race or color, that that plan is proper and can be pursued for reasons of school administration.

Mr. SCOTT. If it is not otherwise a violation of the law, yes.

Mr. COTTON. The courts decide whether the motives of the plan are race or color or whether the motives are proper motives of administration.

Mr. SCOTT. The courts decide.

Mr. COTTON. Is it any more difficult for the Secretary of Health, Education, and Welfare to pass on the motives and decide whether someone is denied a right to go to a school for reasons of race or color, or for reasons of school administration, than it is for the Department of Justice or the courts?

Mr. SCOTT. I would answer the Senator from New Hampshire by saying that it is not a question of whether it is difficult for the agency to decide that matter, but the fact is the courts decide the matter. The school district and not the Department of Health, Education, and Welfare, whose office is solely for the purpose of administering the law as they find it, as they receive it from the courts. If the courts have then said that certain freedom of choice plans are illegal, and if Congress comes in now and says that the Department of Health, Education, and Welfare cannot administer the law as the courts have decided it—and that is what this section provides—then we have administrative chaos in the office of HEW, because they cannot enforce the law. They do not make the judgment.

Mr. COTTON. Mr. President, to prevent chaos, we have to authorize the use of the taxpayers' money to follow a course, even if the Secretary of Health, Education, and Welfare knows right well that the decision of the court took into consideration and was based, at least partially, on the matter of race or color.

Mr. SCOTT. Mr. President, I thank the Senator.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MURPHY. Mr. President, it seems to me that the key words, as the Senator has pointed out, are race or color, which, again, seem to be unnecessary because under the Constitution this would be unconstitutional. Therefore, I do not understand an objection to the section.

Mr. SCOTT. Mr. President, what is illegal by determination of the courts, I may say to the Senator, is not the reference to race or color, which is merely a phrase which defines the problem, but what is illegal is the so-called right of the parent or guardian to supersede the right of the school district in determining what is to be done.

Mr. MURPHY. It does not say that. The entire section is based on the key words, race or color. If we take them out, in my judgment it becomes discriminatory.

Mr. SCOTT. Mr. President, not at all. The key words here are, "the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian." That is what the courts have said.

Mr. MURPHY. It says, "because of his or her race or color." We are not in disagreement. I believe that what the Court says is proper. But this change says they cannot do it on the basis of race or color alone.

Mr. SCOTT. I am glad we are not in disagreement. I think we are merely endeavoring to struggle out of a morass of confusion.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. DOMINICK. Mr. President, I have been supporting the Senator on these amendments. I do not know that I can support the Senator on this amendment. I do not understand why he takes the position he did.

It seems to me that we should not require the assignment of children to a school solely on the basis of color. If they are to be assigned on the basis of school district or divisions within a county by a school board for convenience, that would be all right.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. DOMINICK. But when we start to assign them solely because of color, it seems to me that we have something that is fundamentally opposed to the Civil Rights Act as well as the Constitution. So I do not understand how we can authorize the use of Federal funds to do something which we think is in violation of the Civil Rights Act and the Constitution.

Mr. SCOTT. Mr. President, I can only say that the purport of the Jonas amendment is to permit any student to go to any school he wishes to attend if he shall be so designated as attending that school by his parent or guardian. And it forbids the use of HEW funds to implement any plan. And if we leave out the words "race or color" and then come back to it, I think the Senator will see what I mean.

Mr. DOMINICK. I do, because I was on your side.

Mr. SCOTT. It says, "The right or privilege of attending any public school of his or her choice." With this amendment, whether it is because of race or color, any parent or guardian can make a determination and can remove from the school district the right to make that decision. It is in the hands of the parent or guardian to say, "I am exercising freedom of choice." If there is discrimination against any child on account of race or color, the Secretary has said, "Don't ask me to try to enforce this, because the courts have said it is illegal. I cannot enforce it." And that is administrative chaos.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. ERVIN. Mr. President, I yield myself such time as I may require.

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This is the first time that anyone has been bold enough to assert on the floor of the Senate that we will do mischief if we restore some little liberty to the parents of children by forbidding HEW to spend money to deny those children the right to attend their school because of their race or color.

Mr. TALMADGE. Mr. President, may we have order in the Senate, so that we can hear the Senator?

The PRESIDING OFFICER. There will be order in the Senate so that we may hear the Senator from North Carolina.

Mr. ERVIN. Mr. President, I have stated several times on the floor of the Senate that this constant agitation on racial matters has impaired our national sanity. I think that in this instance it has dethroned it.

I ask Senators to read what this says. It says:

> No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student, because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian.

In other words, all it says is that HEW cannot spend any of the funds appropriated by this act to deny a child, solely on the basis of his race or color, the right of attending the school selected for him by his parents.

I am not impressed when a bureaucrat objects to having any of his authority diminished. I think the most healthful thing that could happen in this country would be to take some of the authority away from the bureaucrats and give freedom back to the people of this Nation.

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This provision, section 410, not only recognizes that a parent should be allowed to select the school for his child, but it also recognizes the Brown decision and implements the Civil Rights Act of 1964.

This is not such a great freedom of choice measure as it is a measure to prevent children from being denied the right to go to a particular school on account of their race or color. Yet, we are asked by those who would strike section 410 to tell the Department of Health, Education, and Welfare that it can use funds to deny a child the right to attend a school on account of his race or color. Such action is exactly what the Brown case said was unconstitutional.

Down in my country about the turn of the century, we had a very fine bricklayer, but he was a poor theologian. His name was John Watts.

John would go out and ask the little country churches that had no pastors to let him preach. One day he was preaching away in this little country church.

Another of the citizens of my county, Joe Hicks, who had had several drinks of Burke County corn, came staggering by. I have heard rumors to the effect that Burke County corn is a very potent beverage. When Joe Hicks saw John in the pulpit he staggered up the aisle, dragged him to the door and threw him out. He was indicted for disturbing a religious worship, and the jury returned a verdict of guilty. Judge Robinson, the presiding judge, evidently had about the same appraisal of John's preaching ability and theological knowledge as Joe Hicks displayed, so he sought some way to let Joe off as light as possible.

He said in a stern voice:

> Mr. Hicks, when you were guilty of this unseeming conduct on the Sabbath Day you must have been so drunk as not to realize what you were doing.

Joe Hicks said:

> Your Honor, I had had several drinks but I wouldn't want Your Honor to think I could stand by and hear the word of the Lord being mummicked up like that without doing something about it.

Mr. President, we have heard this phraseology of section 410 mummicked up by the distinguished minority leader. He is worrying about what school boards in the States might do or have to do. This has no application to the school boards in the State. This only applies to HEW, and that is all it says. It says:

> You cannot use funds appropriated to carry out a plan which would deny to a child the right to attend the school selected by his parent or guardian because of his race or color.

We had references to the 14th amendment a little while ago. There is not a syllable in the equal protection clause which places any limitation whatever on the freedom of a parent or on the freedom of a schoolchild, none whatever. The only limitation is a limitation upon the power of a State and its subdivisions; and here we would say that HEW, by reason of this provision being struck out, can use the funds appropriated to it to require a State to deny a child the right to attend a school because of the child's race and color. I say opponents of section 410 have been mummicking up acts of Congress.

For example, we passed a law that is in perfect harmony with the Jonas amendment. Here is what it said. I refer to title IV of the Civil Rights Act of 1964:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

That provision states in about as plain English as can be done that in assigning students to public schools, agencies of the State shall not take into consideration a student's race or color. Yet, the proposal of the distinguished Senator from Pennsylvania to strike out the Jonas amendment is a proposal, in effect, to allow the Department of Health, Education, and Welfare to use the funds appropriated to it by this act to compel school boards to deny schoolchildren the right to attend the school selected by their parents because of the race and color of those schoolchildren.

Mr. CASE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. CASE. I take it the Senator does not contend that apart from this section there is any inhibition on a local school board from using whatever means it thinks desirable to eliminate racial segregation in its own schools.

Mr. ERVIN. No. It prohibits HEW from telling the school board that they will not get any funds unless they bar children from the school on account of race or color. That is what it says.

Mr. CASE. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. CASE. I think the Senator somewhat understates what the section says, but apart from that, that was not my question. If the Senator will permit me, I shall repeat my question.

Mr. ERVIN. The English language is my mother tongue. I think I understand what it says when it speaks plain English.

Mr. CASE. I was not asking the question about what this section states. I said apart from this section is it true a local school board is not disabled from using whatever means it wants to achieve racial balance in its system?

Mr. ERVIN. This does not apply to the local school board; it applies to HEW.

Mr. CASE. But apart from this, is it wrong, is it against the law for a local school board to attempt to desegregate its schools?

Mr. ERVIN. No, it is not.

Mr. CASE. Will the Senator yield further?

Mr. ERVIN. I only have a limited period of time.

Mr. CASE. I am sure the Senator would allow time on the bill, and I do want the Senator to use it. This is of great interest to us, my colleagues, and me, if the Senator will permit me to include myself in that happy group. On this section, now——

Mr. ERVIN. I assure the Senator it would be a much happier group if they were willing to give freedom of choice to the parents of schoolchildren and say that the right to assign children in schools should not be denied by HEW on account of race or color. That is what the section says.

Mr. CASE. I suggest to the Senator that his statement of the effect of this, and, indeed, its terms, in spite of his great command of the English language—which he should not have to brag about because all of us would testify to it—but in spite of that what the Senator said about this is not an adequate description. It would not just prevent HEW from forcing the school board, but it would also apply to the local school board.

Mr. ERVIN. That is not what it says. The section states:

> SEC. 410. No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student, because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian.

Mr. CASE. May I state the question one other way? Does the Senator contend that even if this section should be agreed to and stay in the bill it would be possible for Secretary Finch to give to any school board funds to help it work out a program of desegregation that it decided on including, if you will, assignment of pupils?

Mr. ERVIN. Not if that plan undertook to deny a child's parents the right to select a school for him because of the race or color of the child. That is what it says.

Mr. CASE. Thus limiting the right, am I right, that this section as it stands is designed to do, of a school board?

Mr. ERVIN. It puts the limitation on HEW. It says HEW cannot use the money to implement a plan which denies the right to any child to attend a school because of his race or color.

Mr. CASE. No. It says "no part of the funds" shall be used. That includes anybody, including a school board.

Mr. ERVIN. It says none of these funds shall be used to implement a plan which denies, on the basis of race or color, the right of a child to attend a school selected by his parents.

Mr. CASE. Exactly; and that means a plan whether promulgated by HEW or a local school board.

Mr. ERVIN. I would like to yield more time to the Senator——

Mr. CASE. Would the Senator respond to that question? By whomever that plan is promulgated, the funds are denied for that kind of plan?

Mr. ERVIN. That is right.

Mr. CASE. I thank the Senator.

Mr. ERVIN. It denies funds to be used for any plan that denies a child the right to attend a school selected by his parents, because of his race or color. That is plain English, and should be easily understandable.

Mr. President, I was speaking of the equal-protection clause. The equal-protection clause is one of the simplest provisions in the Constitution. It is so notwithstanding attempts by bureaucrats and some Federal judges to make it obscure. All it says is that no State shall deny to any person within its jurisdiction the equal protection of the laws.

That is a very good provision. What it intended is to prevent a State from having one law for one man or one group of men and another law for another man or a group of men when those men or those groups are in like circumstances.

It is also just as clear as the noonday sun in a cloudless sky that when a school board opens all the schools within its jurisdiction to children of all races and permits those children or their parents to select the school that they will attend, that is the most perfect compliance with the equal-protection clause that can be devised. This is true simply because a freedom-of-choice plan of this nature treats everybody, all parents and all children of all races, exactly alike, and oceans of judicial sophistry cannot wash out this plain truth.

There is a decision in the Supreme Court called Green against New Kent County. The facts in that case are simple. The opinion itself is ambiguous and murky. It lays down no fixed or understandable or workable rules. I might say to my brethren from the cities of the North, where they have large colored populations segregated in residential sections, that that is a decision which, if it means anything, applies to de facto segregation, and not what some are pleased to call de jure segregation.

I say that for this reason. Three years before Justice Brennan wrote the opinion in that case, the school board of New Kent County had abolished the last vestige of State-imposed segregation, and had extended to the children of that county, both black and white, full freedom to attend whichever one of the two schools in the county that they wished to attend.

The only obligation placed on the States by the Brown decision and the only obligation placed on the States by the Civil Rights Act of 1964 is that they will not discriminate against any child by denying him the right to attend a school on account of his race.

We are in the unfortunate situation in this country today of disregarding the very sound advice given to us by one of the wisest of our sons, Benjamin N. Cardozo, chief judge of the Court of Appeals of New York, and afterward Associate Justice of the Supreme Court of the United States. Justice Cardozo said that when we strike off one set of shackles, we ought not to substitute for them another set of shackles. Yet that is precisely what HEW is trying to do today. It is trying to substitute for outlawed State-imposed segregation, federally coerced or federally briefed integration.

So in the Green case, where the children of New Kent County were allowed perfect freedom of choice, the Court struck down the system in that county. The Court did say, however, that freedom of choice could be used. The Court said that that freedom of choice in this case did not comply with the second Brown requirement that children should be admitted to school on a nonracial basis.

If this holding means anything, it means that where there is de facto segregation, and not just de jure segregation, there cannot be freedom of choice unless the black and the white children of the school district mix themselves racially in the schools in a manner pleasing to the Supreme Court Justices.

The Supreme Court Justices in that case did not say what would please them, but they struck down that system. They destroyed freedom in a de facto segregated community—segregated as far as the schools were concerned because the children wanted it that way.

The Senator from Michigan made a very fine plea for freedom of choice in such instances when this matter was before the Senate on February 17, in another form. I speak of Senator GRIFFIN.

Senator GRIFFIN said at that time:

> It is common knowledge that other minority groups smetimes live together and choose to go to school together out of choice. People of Polish descent and people of the Jewish faith often do so. Perhaps in some instances it is because of discrimination. If there is discrimination, that is wrong and we should do something about that.
>
> If it is by choice, then are we going to say that because there is an imbalance in a particular school that, ipso facto, we have de facto segregated schools and we must bus these people across town?

Like Senator GRIFFIN, I happen to entertain a conviction that people segregate themselves in society on the basis of race because they choose to do so, and that in so choosing they are acting in obedience to a natural law. It is not surprising to me that forced integration has proved a failure, because the American people love liberty and they do not like coercion. The United States is supposed to be a free society and we are told that was the reason that this country was founded.

Despite the fact, HEW wants to convert little children, both black and white, into helpless puppets on a bureaucratic string. We find here in the Senate this same sentiment that we must rob little children of their choice, and that we can do that by permitting HEW to use funds to deny a child the right to attend the school selected by its parents, even on the basis of the child's race or color. The Jonas amendment would prohibit this action.

God gave little children to their parents. He did not give them to the bureaucrats in HEW. It is time that we took the children away from HEW and gave them back to their parents.

Children are now being denied the right to attend their neighborhood school because of their race or color. They are denied that right under plans formulated by HEW. HEW says to some students, "You cannot attend your neighborhood schools either because there are too many children of your race and color there already, or because we need children of your race or color to mix the races in some school elsewhere."

That is all that the Jonas amendment, section 410 of this bill, undertakes to prohibit. It just says that HEW will give to the people the right to select the school their children shall attend, and that when they select the school for their children to attend, their children shall not be denied access to that school by the use of funds appropriated to HEW on account of the race or color of those children.

There is no doubt of the fact that HEW is denying children the right to attend their neighborhood school because of their race. It has done it all through North Carolina. It is doing it every day. It takes little children who live across the street from schools and denies them the right to attend those schools on account of their race or color, either because there are too many of their race and color already in those schools, or because they need some of their race and color to mix the schools elsewhere.

That is denying the right to attend school on account of a child's race or color, and that is all the Jonas amendment undertakes to prevent, by providing that the funds of HEW shall not be used for that purpose.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. ERVIN. I am happy to yield to the Senator from Georgia.

Mr. TALMADGE. Is not that diametrically opposed to what the Brown decision held in 1954, when it held we must be colorblind and not color conscious?

Mr. ERVIN. Yes. In other words, those who want to favor forced integration of schools against the will of the people are like the man who was lost in the woods one night, and was found by a satyr who took the man to his home. It was cold,

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and as they were approaching the satyr's home the man blew on his hands. The satyr said, "What are you doing that for?"

He said, "To warm my hands."

When they got to the satyr's home, the satyr set a smoking dish of porridge in front of the man, and the man blew on the porridge. The satyr asked, "What are you blowing on the porridge for?"

He said, "To cool it."

The satyr said, "Out with you. I will have nothing to do with a man that blows hot and cold with the same breath."

HEW blows hot and cold with the same breath. It says you must assign children to schools without taking their race into consideration, and in the next breath it says you must assign children to schools on the basis of their race or color. All that the Jonas amendment undertakes to do is to say that HEW can use all the funds appropriated to it which are to be used by it to keep a State agency from denying a child the right to attend a school on account of its race or color, but it cannot use funds appropriated to it to do exactly the opposite, and deny a child the right to attend the school selected by its parents on account of the child's race or color.

As I have stated, the New Kent County case is a case which has no meaning other than the meaning that you can have freedom of choice in a school system if the children exercise their freedom of choice in a manner pleasing to Supreme Court Justices, but you cannot have freedom of choice in a school system if the children exercise their freedom of choice in a manner displeasing to Supreme Court Justices.

The holding in the Green case is a distortion of our Constitution, which was intended to establish a free society. The American people do not hold their freedom by any such arbitrary, capricious, tyrannical, and slender judicial thread as that.

Mr. President, I yield the floor.

Mr. HOLLAND. Mr. President, before the Senator yields the floor, will he yield for one question?

Mr. ERVIN. I yield.

Mr. HOLLAND. Mr. President, I understood that the decision in the Brown case meant that it was held by our highest court to be unconstitutional to deny to any student, because of his or her race or color, the right or privilege of attending any public school. Am I correct in that understanding?

Mr. ERVIN. That is exactly what it held, and that is exactly what the Civil Rights Act of 1964 says.

Mr. HOLLAND. I call to the Senator's attention that this amendment, section 410, uses those very words, and I read it:

> No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student, because of his or her race or color, the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian.

The additional words are added to show that the public school chosen by the student was the choice of the parent or guardian.

I ask the distinguished Senator if it is not the fact that this amendment, in essence, simply holds that no part of the funds contained in this act shall be used to fund a denial of the right announced in the Brown case.

Mr. ERVIN. That is right. It is certainly right down the road and in complete harmony with the Brown case.

However, those who believe in forced integration want to take it both ways. They want to blow hot, and use the Brown case, and then blow cold and arrive at a decision completely opposite to and in conflict with the Brown case.

Mr. HOLLAND. I just want to ask the distinguished Senator if it is not his understanding, in construing this section that the word "deny"—the denial—relates to the following words: "because of his or her race or color"; that the denial is because of race or color.

Mr. ERVIN. Yes. That is exactly it.

Mr. HOLLAND. I thank the Senator. I cannot see how anyone who claims to believe that the constitutional right announced by the Brown case should be enforced could oppose the enactment of this amendment.

Mr. ERVIN. I cannot, either, unless they are so bent on forced integration that they want to uphold the Brown case where it will produce forced integration and violate it where that violation will produce forced integration.

In other words, they want to take away all the liberty from the parents and schoolchildren in America to accomplish these objectives. Any Senator who believes that America should be made a free society and that the children which God gave to the parents should be given back to them and taken away from HEW ought to vote against the amendment proposed by the distinguished minority leader.

I yield to the Senator from Mississippi such time as he may use from the time I have remaining.

Mr. STENNIS. I thank the Senator. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 22 minutes.

Mr. STENNIS. Mr. President, as one who has given special attention to these amendments and the subject matter, I respectfully submit to the Senate that this is what the amendment means, as I see it.

The key words begin on line 5 and end on line 6: "because of his or her race or color."

The Supreme Court of the United States, in the case of Brown against Board of Education, in 1954, clearly held that a State or any subdivision thereof could not deny to any person admission to a school—any person who was otherwise eligible—on account of race, color, or national origin. That was a basic, simple, fundamental, elemental holding, and they based it on the Constitution of the United States. That is controlling; that is the law.

The amendment under discussion really says that HEW shall not do this very thing. That is the key word, as I see it, in this amendment: HEW shall not deny to any student, because of his or her race or color, the right or privilege of attending any public school of his or her choice, as designated by the parents.

We talk about race and color. What color are we talking about? It does not always mean black people or other people of color. It includes white people. They are people, too. They should not be discriminated against.

That is the effect, in a way, of what is happening now, when children are in a place where they have a right to be and they are hauled out for the purpose of balancing the rolls—numbers, or a certain proportion—mixing. This goes back to the fundamentals. It is in keeping with the amendment adopted by the Senate last week that provides, as a matter of policy, that what is done shall be done uniformly.

What the Supreme Court struck down was a law that discriminated according to color; and now, in these requirements, whatever they are, it just says there cannot be discrimination against anyone, regardless of color. I think that is a rather simple, elemental, and fundamental thing. It is based solely on that point, as I understand it.

I hope that the Senators will give it proper attention. It is a new amendment. I believe they will reach that conclusion; and if they do, it will be compelling that they vote to keep that provision in the bill.

I conclude my remarks.

Mr. SCOTT. I yield 2 minutes to the Senator from New York (Mr. JAVITS).

Mr. JAVITS. I appreciate very much the time yielded.

Mr. President, the issue is almost the same as we have faced right along. We are told that because X is wrong, Y should be condoned. That is essentially what the argument here is.

The key to the amendment proposed by the Senator from Pennsylvania (Mr. SCOTT) relates to the word "plan," which is at line 3, page 61:

> No part of the funds . . . shall be used to provide, formulate, carry out, or implement, any plan . . .

That plan must be presumed to be a lawful plan. If it is an unlawful plan, it obviously cannot be aided by HEW. So if it is a lawful plan, it is not a plan which discriminates contrary to the law. It is a plan which has been devised after a freedom of choice plan of a given school district has been turned down either by a court or HEW.

Under section 410 of the act, notwithstanding that a court may order a new plan or that HEW may accept it, HEW would be prohibited from giving any funds to aid in implementing it. That is what it comes down to. If it is a lawful plan, it is a plan which does not unlawfully discriminate, and it must be a plan which is substituted in some way by a court or by HEW for a freedom of choice plan.

Notwithstanding the fact that an unlawful plan containing a freedom of choice provision may have been displaced by a lawful plan, this section, if it stood, would deny HEW the authority to provide any money to implement that lawful plan because the unlawful plan contains freedom of choice.

XUM

It seems to me that we are being asked to stand on our heads, and I hope very much the Senate will not do that.

Mr. SCOTT. Mr. President, the purpose of the amendment, as I see it, is to discourage Federal help to the school districts; because, under section 410 there is no way to get Federal help, the Department advises me, except under the freedom-of-choice provision. It is the only course permitted by the amendment, and that course is illegal, under many court rulings.

I am willing to yield back the remainder of my time.

Mr. ERVIN. Mr. President, I ask for the yeas and nay.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I rise in support of the amendment offered by the Senator from Pennsylvania.

The enactment of section 410 of the bill would contravene the constitutional obligation of every school district to provide for public schooling on a nondiscriminatory basis.

In this respect, section 410 goes further than the original Whitten amendments which have been debated here in connection with the Mathias amendment.

It introduces more directly upon the traditional jurisdiction of local school boards and of State legislatures to set educational policy. And the provision would establish, in effect, a statutory right of "freedom of choice" for all parents and students under Federal law.

Mr. President, nearly 2 years ago the Supreme Court ruled, in the case of Green against New Kent County Board of Education, Va., that freedom of choice is not constitutionally permissible unless it achieves an end to illegal segregation in the schools. Moreover, experience with freedom of choice desegregation plans indicates that in most cases such plans are not effective in overcoming discrimination.

Section 410 ignores this experience and the decisions of the Federal courts by attempting to legalize freedom of choice in all situations—regardless of whether it accomplishes equal opportunity for minority students.

In addition, it would appear that section 410 negates and overrides the traditional powers reserved to the States and to local authorities in the field of public education.

For section 410 would deny Federal education funds to school districts which voluntarily sought to desegregate its schools by an assignment plan other than freedom of choice. It would deny to school districts Federal funds if they chose to obey the order of a Federal court to desegregate in a manner contrary to freedom of choice. And it raises the possibility that every single school district that is now desegregating by methods other than freedom of choice would be encouraged to go back on their commitments or otherwise risk a loss of Federal funds.

In short, the enactment of section 410 on the part of Congress would place school districts in a wholly untenable position. Any school desegregation on the part of a school district—whether ordered by the courts, pursuant to State law, or voluntarily undertaken—if it conflicts with freedom of choice, would carry the risk of a termination of Federal funds.

Mr. President, under title VI of the Civil Rights Act of 1964, and under the Constitution, school districts have the affirmative obligation to desegregate in the event of a finding of discrimination.

Section 410 would not make their task any easier. In fact, it can be argued that the provision merely serves to complicate and confuse the legal responsibility which rests with school districts and local authorities. Section 410 does not—and cannot—remove a constitutional obligation; however, it does make the job more difficult for educational officials all across the country who have attempted and are attempting to comply with the requirements of the law.

There is no question but that section 410 would sanction a return to the pattern of separate schools for whites and for Negroes.

Most school districts with which the Government has negotiated meaningful desegregation would be tempted to return to ineffective freedom of choice—which in many instances is merely a euphemism for the dictum "separate but equal." That is what freedom of choice has amounted to in practical terms. It seems to me that, with the enactment of the Civil Rights Act of 1964, the Congress crossed this bridge many years ago.

I therefore urge my colleagues to vote for the pending amendment to strike section 410.

Mr. SCOTT. I yield back the remainder of my time.

Mr. ERVIN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT (when his name was called). On this vote I have a pair with the distinguished Senator from Rhode Island (Mr. PASTORE). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. FULBRIGHT (when his name was called). On this vote I have a pair with the distinguished Senator from Missouri (Mr. SYMINGTON). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. NELSON (when his name was called). On this vote I have a pair with the distinguished Senator from Louisiana (Mr. LONG). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea". I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON); the Senator from Louisiana (Mr. LONG), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Indiana (Mr. BAYH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Vermont (Mr. PROUTY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Kentucky (Mr. COOK) and the Senator from Illinois (Mr. PERCY) would each vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea," and the Senator from South Dakota would vote "nay."

The result was announced—yeas 43, nays 32, as follows:

[No. 73 Leg.]

YEAS—43

Aiken
Anderson
Bellmon
Boggs
Brooke
Burdick
Case
Cooper
Cranston
Dole
Eagleton
Fong
Goodell
Griffin
Harris
Hart
Hartke
Hatfield
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Muskie
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Tydings
Williams, N.J.
Young, Ohio

NAYS—32

Allen
Baker
Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Gore
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Murphy
Russell
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Allott, against.
Fulbright, against.
Nelson, for.

NOT VOTING—22

Bayh
Church
Cook
Dodd
Fannin
Goldwater
Gravel
Hughes
Jackson
Long
Montoya
Moss
Mundt
Packwood
Pastore
Percy
Prouty
Saxbe
Smith, Ill.
Stevens
Symington
Yarborough

So Mr. Scott's amendment was agreed to.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, may I at this time, yielding time on the bill, ask the majority leader what the further program is.

Mr. MANSFIELD. Mr. President, it is my understanding that there are amendments to be offered by the distinguished Senator from Virginia (Mr. Spong), the distinguished Senator from Nebraska (Mr. Hruska), the distinguished Senator from New York (Mr. Javits), and the distinguished Senator from California (Mr. Murphy).

I would like, with the permission of the two last-named Senators and the manager of the bill, to ask unanimous consent that on the Javits and Murphy amendments there be a time limitation of 20 minutes, the time to be equally divided between the sponsors of the amendments and the manager of the bill.

Mr. SCOTT. Mr. President, 20 minutes on the Javits amendment and 20 minutes on the Murphy amendment.

The PRESIDING OFFICER. Is there objection to a time limitation on the Murphy and Javits amendments? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding on the Spong amendment that there is a 2-hour limitation.

Mr. SPONG. Mr. President, I believe the limitation is 1 hour; 30 minutes to a side. I would certainly hope not to use 2 hours. If I may state what happened on yesterday, the Senator from Montana thought that the Senator from Nebraska (Mr. Hruska) might have the same amendment. The effect was that he asked for 2 hours, an hour to the side. I said that I thought that an hour would be agreeable to me.

Mr. SCOTT. Mr. President, I ask that the unanimous-consent agreement previously entered into be modified. If the majority leader has no objection, I would ask him now to pose a modification on the time limitation for the amendment of the distinguished Senator from Virginia.

Mr. MANSFIELD. The minority leader may state it.

Mr. SCOTT. Mr. President, would the Senator from Virginia agree to a modification of the time limitation on his amendment to 1 hour to be equally divided?

Mr. SPONG. That is agreeable.

Mr. SCOTT. I ask unanimous consent that there be a time limitation on the Spong amendment, the time to be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, has the Chair put the question?

The PRESIDING OFFICER. The unanimous-consent agreement has been agreed to. There will be 20 minutes on the Murphy and the Javits amendments and 1 hour on the Spong amendment, and 2 hours on the Hruska amendment.

Mr. SPONG. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Assistant Legislative Clerk. The Senator from Virginia (Mr. Spong) proposes an amendment as follows:

> On page 28, line 15, after the word "of", strike out "90 per centum of the amounts to which such agencies are entitled pursuant to section 3(a) of said title and".

Mr. SPONG. Mr. President, I offer this amendment on behalf of myself, the Senator from Texas (Mr. Yarborough), the Senator from Colorado (Mr. Dominick), the Senator from Rhode Island (Mr. Pell), the Senator from Virginia (Mr. Byrd), and the Senator from Idaho (Mr. Jordan).

I understand that the hour is late, and I know that there are other amendments to be considered. So I will try, as briefly as possible, to explain the amendment.

The pending amendment would strike language which provides for separate and different appropriations treatment of category "A" and category "B" children under the impacted areas program.

As I am certain all of you know, category "A" children are those whose parents live and work on Federal property, while category "B" children are those whose parents only work on Federal property.

Under the language currently in the bill, category "A" children would be funded at 90 percent of entitlement before any category "B" children are funded. This means that within the appropriation provided by the bill, category "B" children would be funded at about 72 percent of entitlement. Under the amendment adopted yesterday, these percentages would, of course, be reduced, if the President exercised his discretionary reduction authority on the impacted areas program.

The effect of the pending amendment would be to require that category "A" and category "B" pupils be funded at the same percentage of entitlement. Estimates are that the $505 million in the bill for the Public Law 874 program would permit funding at approximately 78 percent of entitlement for both categories.

The pending amendment would permit continuation of the program in the form in which it currently exists. Category "A" and category "B" children have always been treated alike under the program as far as percentage of reimbursement is concerned. Adoption of the amendment would permit them to be treated alike in fiscal 1970.

Provision is made in the law for a distinction between category "A" and category "B" children. Reimbursement for category "B" children is, under the authorization, one-half of the reimbursement for category "A" children. Thus, if category "A" children are reimbursed at $100 each, reimbursement for category "B" children is $50 each. Under existing law and the proposed amendment, the reimbursement would be the same percentage for both categories; that is, approximately 78 percent. Under our hypothetical example, this would mean 78 percent of the $100 for category "A" children and 78 percent of the $50 for category "B" children. The language in the bill would, however, further emphasize the distinction. Under our hypothetical example, reimbursement would be at a rate of 90 percent of the $100 for category "A" children and 72 percent of the $50 for category "B" children. The distinction is thus exaggerated far beyond the intent of Congress in the authorizing legislation.

The language in the committee bill is but another attempt to modify the impacted areas program in the appropriations process. By permitting the language in the bill to stand, we would be shifting the focus of the program. Furthermore, we would be doing so without committee hearing and adequate study of the effects of such a shift. And, we would be doing so late in the school year, without giving local school districts reasonable notice of the change in congressional intent.

Only several weeks ago we had before us the Elementary and Secondary Education Act Amendments. We debated it for days. If a change was to be made in the focus of the program, that was the time to make it. If the purpose and emphasis of the impact program is to be changed, it should be done in an authorization bill, not in the appropriations process.

Recently, the Battelle Memorial Institute released a report carrying various recommendations for modifications in the impact program. The administration, several days ago, sent Congress proposals for changing the impact program as a result of that report. Those proposals went to the Education Subcommittees in the House and Senate, and any change in the program should be considered by those legislative committees.

But, certainly, this is not the place or the time to modify the program. Every year we see the same play repeated. The battle over impact aid is not fought in the legislating bills, but in the appropriation bills, and it is not fought until so late in the year that change would wreak havoc on local school districts.

Perhaps some modifications should be made in the program, but they should not be made in the manner in which they have been attempted. Impact aid provides thousands, and in some cases, millions of dollars for school districts. To cut this aid or redistribute it in the midst of a school year is a ridiculous and inefficient exercise of power. It makes orderly planning and efficient management impossible on the local level. It makes us in the Federal Government look as though we do not understand basic concepts of business and administration.

The impasse over enactment of this appropriation bill has already caused severe financial problems for a number of school districts. I do not believe we should compound those problems by shifting the focus of programs this late in the school year. I believe it would be irresponsible of us to do so.

XUM

This amendment would help us to make the best of a situation which has almost reached the absurd. It would help permit school districts which have already made commitments to spend anticipated funds this year to arrange their finances to comply with the budget restraints which have been imposed. And, hopefully, it would permit us to turn our thoughts away from this year, in which orderly planning and operation is beyond hope, toward next year, where there is still a chance for efficient and effective operations of our school finances.

I would like to note that the able chairman of the Senate Labor and Public Welfare Committee (Mr. YARBOROUGH) is a cosponsor of this amendment. I am certain that he would have spoken in favor of it had he not had to be in Texas today on business. Also, the able chairman of the Education subcommittee, Senator PELL, is a cosponsor.

Mr. President, I ask unanimous consent that I may add the name of the Senator from Nevada (Mr. CANNON) as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. Mr. President, I yield now to the chairman of the Subcommittee on Education, the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I rise to support the motion of Senator SPONG, which would delete from the pending measure that provision which would provide for preferential funding in the impacted aid program or "A" children over "B" children.

The question of impacted aid is one which is periodically discussed in the Senate, either attacked or defended, but in the end it seems to go merrily along.

Upon taking office, the new administration spoke of its desire to fund the "A" children and not the "B" children in this program. Indeed in our first hearings in the Education Subcommittee last year, which while not on this specific subject, saw mention made of the administration's proposal to shift the funding and there was general opposition to it.

A year and a quarter has passed, we enacted one appropriations bill and there was no mention of preferential funding. Now, we have before us a measure which would give preference to the "A" children and, in essence, would allow the President not to fund the "B" children when one considers the 2-percent cut the Senate approved yesterday.

There is also a certain equity that we should keep in mind when discussing a bill for the fiscal year which started last July. The schools have been operating for 7 months at approximately the 1969 level of appropriations. To suddenly change the method of payment of the impacted aid program, I believe would cause a great financial hardship on many of the school districts. And here it may be wise for the Senate to consider in actual numbers just what we are speaking of. To use fiscal 1969 as an example, the total appropriation for Public Law 874 amounted to $462,848,135, this breaks down to $115,523,133 for 348,703 "A" children and $347,325,001 for 2,221,876 "B" children with no preference as to which category gets funded first.

In my State of Rhode Island there are approximately 3,036 "A" students and 11,050 "B" students, the funds break down to $1,219,225 for "A" and $2,293,919 for "B" a little higher ratio of "A" students than reflected in the national picture. Nevertheless, there would be a great hardship suffered by local education agencies if this preferential funding were adopted. I ask that at this point in the RECORD a table of Public Law 874 payments for each State be printed.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

1969 PUBLIC LAW 81-874 APPROPRIATIONS

CHILDREN AND PAYMENTS UNDER PUBLIC LAW 874

State	District	A children	B children	A amount	B amount	A plus B amount	District schools
Alabama	01	234	5,179	$59,853	$662,342	$722,195	4
Do	02	516	7,543	131,982	964,674	1,096,657	6
Do	03	730	10,468	186,719	1,338,753	1,525,472	12
Do	04	329	7,634	84,152	976,312	1,060,464	12
Do	05	25	1,035	6,395	132,366	138,761	3
Do	07		2,126		271,894	271,894	3
Do	08	802	23,784	205,136	3,041,736	3,246,871	15
Do	97		1,236		158,072	158,072	2
Do	All	2,636	59,005	674,236	7,546,149	8,220,386	57
Alaska	99	15,240	14,304	10,386,230	2,805,128	13,191,358	23
Do	All	15,240	14,304	10,386,230	2,804,128	13,191,358	23
Arizona	01	808	4,463	253,217	644,748	897,965	12
Do	02	5,144	15,968	1,465,351	2,563,003	4,028,355	47
Do	03	10,354	3,566	2,769,995	510,154	3,280,149	52
Do	78	1,495	3,280	386,443	497,190	883,632	18
Do	All	17,801	27,277	4,875,006	4,215,095	9,090,102	129
Arkansas	01	1,029	689	263,198	88,116	351,314	2
Do	02	1,804	7,579	461,427	969,278	1,430,705	13
Do	03	20	2,439	5,116	311,924	317,039	28
Do	04	45	4,049	11,510	517,827	529,337	14
Do	All	2,898	14,756	741,250	1,887,145	2,628,395	57
California	01	2,644	10,385	832,685	1,701,343	2,534,028	31
Do	02	1,145	5,538	398,880	943,519	1,342,399	63
Do	03	2,716	31,471	824,451	5,138,340	5,962,790	15
Do	04	7,735	18,794	2,449,964	3,007,474	5,457,438	21
Do	07		1,857		292,505	292,505	3
Do	08	1,494	4,058	471,242	578,963	1,150,205	4
Do	09	32	7,090	10,112	1,164,858	1,174,970	12
Do	10	152	8,759	45,115	1,430,040	1,475,155	16
Do	11	4	4,437	1,470	698,488	699,957	12
Do	12	5,454	9,406	1,723,471	1,513,311	3,236,782	18
Do	13	6,528	24,311	2,045,580	3,955,919	6,001,499	34
Do	14	229	10,885	72,142	1,749,706	1,821,848	14
Do	15	87	7,988	27,408	1,300,464	1,327,871	18
Do	16	1,144	4,707	350,812	757,200	1,108,012	16
Do	17		370		51,393	51,393	1
Do	18	8,516	3,767	2,721,284	605,988	3,327,271	20
Do	19		1,773		279,274	279,274	2
Do	20		467		73,560	73,560	1
Do	23		3,836		611,941	611,941	5
Do	24		2,653		417,887	417,887	3
Do	25	6	1,613	2,595	289,685	292,280	5
Do	27	66	8,025	22,002	1,359,061	1,381,063	11
Do	28	8	2,238	2,520	361,100	363,621	6
Do	31	2	396	556	80,573	81,128	2
Do	32	1,616	7,342	509,088	1,156,475	1,665,564	1
Do	33	3,976	21,007	1,236,558	3,363,425	4,599,982	28
Do	34		9,559		1,482,427	1,482,427	13
Do	35	4,706	20,846	1,425,672	3,621,179	5,046,852	40
Do	36	686	4,778	215,813	718,868	934,681	5
Do	37	41	18,898	13,069	2,971,763	2,985,832	7
Do	38	1,829	8,862	574,111	1,412,858	1,986,969	19
Do	60	7	48	3,142	10,773	13,915	1
Do	62	1,175	22,598	37,060	3,559,524	3,929,684	1
Do	64		2,466		388,432	388,432	2
Do	81	2,034	6,950	640,771	1,094,729	1,735,500	1
Do	83		94		13,057	13,057	1
Do	84	5,578	26,430	1,760,073	4,163,121	5,923,194	1

State	District	A children	B children	A amount	B amount	A plus B amount	District schools
California	85		2, 354		$370, 790	$370, 790	1
Do	87	19	601	$5, 986	94, 667	100, 652	1
Do	90		301		41, 809	41, 809	1
Do	92		314		43, 615	43, 615	1
Do	94		2, 000		315, 030	315, 030	1
Do	95	3	7, 975	945	1, 256, 182	1, 257, 127	2
Do	96	162	7, 999	51, 035	1, 259, 962	1, 310, 997	1
Do	All	59, 803	346, 246	18, 809, 711	55, 801, 277	74, 610, 988	46
Colorado	02	317	19, 326	116, 287	3, 847, 371	3, 963, 658	14
Do	03	4, 669	29, 308	1, 902, 913	5, 662, 301	6, 565, 214	28
Do	04	931	5, 854	366, 115	1, 070, 934	1, 437, 049	31
Do	All	5, 917	54, 488	2, 385, 314	10, 580, 607	12, 965, 921	73
Connecticut	01		368		78, 890	78, 890	2
Do	02	2, 515	5, 354	1, 116, 319	1, 007, 239	2, 123, 558	23
Do	03	41	2, 444	14, 476	482, 188	496, 663	4
Do	04		989		169, 361	169, 361	1
Do	05		1, 078		199, 967	199, 967	4
Do	06		1, 348		284, 998	284, 998	6
Do	All	2, 556	11, 581	1, 130, 794	2, 222, 643	3, 353, 437	40
Delaware	99	25	4, 406	7, 874	693, 857	701, 731	11
Do	All	25	4, 406	7, 374	693, 857	701, 731	11
District of Columbia	99	973	37, 321	299, 217	5, 738, 477	6, 037, 694	1
Do	All	973	37, 321	299, 217	5, 738, 477	6, 037, 694	1
Florida	01	3, 764	25, 797	962, 856	3, 299, 178	4, 261, 934	6
Do	02	256	4, 054	65, 480	518, 466	583, 946	5
Do	02	1, 227	12, 471	313, 842	1, 594, 916	1, 908, 758	1
Do	04	10	4, 618	2, 558	598, 653	601, 211	3
Do	05	3, 055	32, 912	781, 408	4, 209, 116	4, 990, 524	2
Do	06	982	5, 084	251, 176	650, 193	910, 369	1
Do	08	5	3, 876	1, 279	495, 702	496, 981	1
Do	09	96	81	24, 555	10, 359	34, 914	2
Do	10		501		64, 073	64, 073	1
Do	12	1, 944	1, 939	497, 236	247, 979	745, 214	1
Do	82	1, 664	6, 521	425, 618	833, 971	1, 259, 589	1
Do	All	13, 003	97, 917	3, 325, 907	12, 522, 605	15, 848, 512	24
Georgia	01	659	5, 140	168, 559	657, 355	825, 914	8
Do	02	1, 000	3, 773	255, 780	482, 529	738, 309	6
Do	03	622	24, 521	159, 095	3, 135, 991	3, 295, 086	13
Do	04		3, 995		510, 921	510, 921	2
Do	06	178	9, 190	45, 529	1, 175, 309	1, 220, 838	6
Do	07	33	15, 778	8, 441	2, 017, 848	2, 026, 289	11
Do	08	575	4, 257	147, 074	544, 428	691, 501	10
Do	09		1, 211		154, 875	154, 875	4
Do	10	468	12, 068	119, 705	1, 543, 377	1, 663, 082	6
Do	75	117	9, 057	29, 926	1, 158, 300	1, 188, 226	2
Do	All	3, 652	88, 990	934, 109	11, 380, 931	12, 315, 040	68
Hawaii	99	15, 964	34, 788	4, 296, 232	4, 681, 073	8, 977, 305	1
Do	All	15, 964	34, 788	4, 296, 232	4, 681, 073	8, 977, 305	1
Idaho	01	384	5, 272	149, 342	808, 391	957, 733	35
Do	02	2, 026	8, 335	640, 857	1, 119, 846	1, 760, 703	23
Do	All	2, 410	13, 607	790, 199	1, 928, 237	2, 718, 436	58
Illinois	04		448		95, 627	95, 627	4
Do	06	5	258	2, 038	52, 589	54, 628	1
Do	10	4	280	3, 017	105, 591	108, 608	1
Do	12	2, 931	5, 200	1, 424, 337	1, 217, 513	2, 641, 850	30
Do	13	339	13, 904	171, 280	2, 925, 714	3, 096, 993	3
Do	14	73	5, 590	27, 503	1, 207, 643	1, 235, 146	31
Do	15		568		89, 183	89, 183	8
Do	16	34	683	11, 894	107, 826	119, 721	5
Do	17	9	2, 401	2, 546	445, 073	447, 620	19
Do	18	20	3	5, 659	424	6, 083	1
Do	19	11	2, 968	3, 779	527, 299	531, 078	13
Do	20		158		33, 783	33, 783	3
Do	21	50	1, 293	14, 147	184, 188	198, 334	11
Do	22	2, 418	3, 329	1, 002, 278	706, 337	1, 708, 616	9
Do	23		823		133, 700	133, 700	9
Do	24	1, 837	7, 481	632, 036	1, 251, 141	1, 883, 176	31
Do	58		206		29, 142	29, 142	3
Do	All	7, 731	45, 593	3, 300, 514	9, 112, 774	12, 413, 288	182
Indiana	2		162		24, 439	24, 439	1
Do	5	1, 494	1, 953	563, 626	309, 658	873, 283	6
Do	06	9	1, 700	2, 309	218, 042	220, 351	16
Do	07	5	2, 202	1, 283	291, 704	292, 987	18
Do	08	157	2, 754	40, 274	353, 228	393, 502	13
Do	09	87	7, 741	24, 339	1, 029, 123	1, 053, 463	44
Do	10		301		39, 631	39, 631	3
Do	11	342	6, 531	105, 525	1, 252, 243	1, 357, 768	5
Do	All	2, 094	23, 344	737, 355	3, 518, 067	4, 255, 422	106
Iowa	10	80	4, 637	32, 682	947, 177	979, 859	16
Do	02	4	97	1, 634	19, 814	21, 448	2
Do	03	36	54	14, 707	11, 030	25, 737	1
Do	04	62	3, 058	25, 329	624, 642	649, 971	9
Do	05		1, 612		315, 680	315, 680	10
Do	06	396	938	161, 778	191, 601	353, 378	3
Do	07		909		185, 677	185, 677	2
Do	All	578	11, 305	236, 130	2, 295, 621	2, 531, 752	43
Kansas	01	24	272	7, 208	40, 845	48, 053	7
Do	02	5, 705	8, 774	1, 732, 354	1, 326, 576	3, 058, 930	29
Do	03	140	6, 814	42, 046	1, 023, 224	1, 065, 271	23
Do	04	800	14, 575	240, 264	2, 188, 655	2, 428, 919	14
Do	05	1, 483	4, 930	445, 389	140, 31*	1, 185, 103	41
Do	All	8, 152	35, 365	2, 467, 261	5, 319, 614	7, 786, 875	114
Kentucky	01	126	4, 855	32, 228	820, 906	653, 134	17
Do	02	24	5, 876	6, 139	751, 482	757, 620	12
Do	03	13	11, 516	3, 325	1, 472, 781	1, 476, 106	3
Do	04		87		11, 126	11, 126	2
Do	05	1	826	256	105, 637	105, 893	6
Do	06	42	4, 562	10, 743	583, 434	594, 177	12
Do	07	7	31	1, 790	3, 965	5, 755	1
Do	12		256		32, 740	32, 740	1
Do	All	213	28, 009	54, 481	3, 582, 071	3, 636, 552	54
Louisiana	01		520		66, 503	66, 503	1
Do	02		1, 765		225, 726	225, 726	1
Do	04	1, 329	6, 433	339, 932	822, 716	1, 162, 648	2
Do	06	17	2, 446	4, 348	32, 819	317, 167	2
Do	08	246	7, 156	62, 922	915, 181	978, 103	4
Do	791	123	3, 718	31, 461	475, 495	506, 956	1
Do	All	1, 715	22, 038	438, 663	2, 818, 440	3, 257, 103	11

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1969 PUBLIC LAW 81-874 APPROPRIATIONS—Continued

CHILDREN AND PAYMENTS UNDER PUBLIC LAW 874—Continued

State	District	A children	B children	A amount	B amount	A plus B amount	District schools
Maine	01	1,061	5,468	$367,113	$885,183	$1,252,296	36
Do	02	3,537	2,927	1,295,046	440,073	1,735,119	38
Do	All	4,598	8,395	1,662,159	1,325,256	2,987,415	74
Maryland	01	1,334	5,994	450,895	1,010,938	1,461,833	4
Do	02	1,531	7,269	539,586	1,280,943	1,820,529	1
Do	05	1,418	49,850	499,760	8,784,567	9,284,327	2
Do	06	619	6,152	202,213	998,669	1,200,882	4
Do	08	169	32,368	59,562	5,703,889	5,763,451	1
Do	76		1,905		335,699	335,699	1
Do	77	111	12,814	38,851	2,119,604	2,158,455	2
Do	78	2,769	11,223	753,279	1,526,552	2,279,831	1
Do	All	7,951	127,575	2,544,146	21,760,861	24,305,007	16
Massachusetts	01	15	3,916	6,914	943,733	950,647	24
Do	02	2,239	4,139	1,056,379	993,977	2,050,356	9
Do	03	2,007	3,456	1,137,180	350,427	1,987,607	33
Do	04	15	2,992	9,888	780,145	790,033	14
Do	05	216	6,894	149,496	1,778,118	1,927,614	21
Do	06	36	2,989	18,355	711,927	730,282	22
Do	07	17	3,793	8,219	994,250	1,002,469	11
Do	08	58	942	38,741	254,025	292,765	3
Do	10	63	1,828	26,479	473,661	505,140	10
Do	11	227	3,645	114,821	815,910	930,731	11
Do	12	2,121	5,687	1,209,820	1,428,076	2,637,895	40
Do	61	13	3,069	6,778	800,012	806,789	1
Do	74		16		6,400	6,400	1
Do	75	2	80	1,598	31,970	33,568	1
Do	All	7,029	43,446	3,784,668	10,867,629	14,652,297	201
Michigan	02	27	488	7,249	65,512	72,761	2
Do	03	382	3,090	102,563	414,817	517,380	7
Do	08	12	251	3,222	33,696	33,917	4
Do	09	17	345	4,564	46,315	50,879	3
Do	10	1,794	1,019	481,671	136,796	618,467	3
Do	11	4,037	2,905	1,083,894	389,982	1,473,876	24
Do	12	1,475	3,340	396,023	448,378	344,401	11
Do	15		380		51,013	51,013	2
Do	16	33	44	8,860	5,907	14,767	1
Do	52		4,832		648,672	648,672	1
Do	All	7,777	16,694	2,088,047	2,241,086	4,329,133	58
Minnesota	01		616		87,835	87,835	4
Do	02	24	15	6,844	2,139	8,983	1
Do	03	121	4,073	34,507	580,769	615,276	9
Do	04		4,460		635,951	635,951	5
Do	05		2,520		359,327	359,327	1
Do	06	98	30	27,948	4,278	32,225	2
Do	07	1,072	963	305,713	137,314	443,027	18
Do	08	950	2,391	270,921	340,933	611,854	15
Do	All	2,265	15,068	645,933	2,148,546	2,794,479	55
Mississippi	01	910	976	232,760	124,821	357,580	2
Do	03	8	757	2,046	96,813	98,859	1
Do	04	269	623	68,805	79,675	148,480	2
Do	05	1,993	11,282	509,770	1,442,855	1,952,625	13
Do	All	3,180	13,638	813,380	1,744,164	2,557,544	18
Missouri	01		937		140,414	140,414	3
Do	02	30	5,314	8,659	729,293	305,952	10
Do	03	89	418	26,751	62,819	89,570	1
Do	04	2,440	17,917	733,391	2,840,484	3,573,875	40
Do	05		656		98,587	98,587	1
Do	06	2	2,525	601	378,731	379,332	14
Do	07	11	1,692	2,814	216,390	219,203	17
Do	08	2,891	4,657	868,366	625,414	1,493,779	29
Do	09	23	1,376	5,883	199,559	205,442	11
Do	10	11	35	2,814	4,476	7,290	1
Do	11		101		12,917	12,917	1
Do	78	25	4,680	4,509	846,921	851,430	2
Do	All	5,512	40,308	1,653,786	6,224,005	7,877,791	130
Montana	01	1,695	4,577	874,010	791,861	1,665,872	64
Do	02	6,079	5,353	2,100,117	797,953	2,898,070	46
Do	All	7,774	9,930	2,974,128	1,589,814	4,563,942	110
Nebraska	01	408	1,336	162,543	266,125	428,668	8
Do	02	3,523	7,420	1,403,528	1,478,027	2,881,555	8
Do	03	354	3,147	136,467	626,867	763,333	34
Do	All	4,285	11,903	1,702,538	2,371,018	4,073,556	50
Nevada	99	3,841	17,336	1,055,276	2,381,446	3,436,723	13
Do	All	3,841	17,336	1,055,276	2,381,446	3,436,723	13
New Hampshire	01	1,560	5,783	678,110	1,211,364	1,889,475	35
Do	02	5	685	2,225	161,461	163,685	7
Do	03		68		10,180	10,180	1
Do	13		49		9,786	9,786	1
Do	All	1,565	6,585	680,335	1,392,790	2,073,125	44
New Jersey	01	35	5,700	14,025	1,375,228	1,389,253	44
Do	02	30	2,185	12,055	504,330	516,384	20
Do	03	1,676	11,050	740,228	2,686,546	3,426,774	49
Do	04	1,970	2,721	633,966	636,310	1,270,276	19
Do	05	124	3,100	55,063	752,677	807,740	18
Do	06	3,214	9,282	1,651,918	2,268,089	3,920,006	37
Do	13	125	305	62,073	75,728	137,801	1
Do	51		759		188,452	188,452	1
Do	All	7,174	35,102	3,169,327	8,487,360	11,656,686	189
New Mexico	01	5,502	24,024	1,407,302	3,072,429	4,479,731	12
Do	02	3,719	10,529	951,246	1,346,554	2,297,800	13
Do	99	9,103	6,620	2,328,365	846,632	3,174,997	14
Do	All	18,324	41,173	4,686,913	5,265,615	9,952,528	39
New York	01	542	9,491	370,783	2,161,843	2,532,626	44
Do	02		1,838		428,365	428,365	9
Do	03		603		144,031	144,031	2
Do	04	791	381	374,002	89,951	463,953	2
Do	05		245		57,851	57,851	1
Do	25	3	143	5,617	50,484	56,100	2
Do	27	1,059	3,273	441,285	681,930	1,123,215	6
Do	28	3	301	1,250	62,713	63,963	3
Do	29	101	4,815	42,289	1,077,560	1,119,849	20
Do	30	1,717	2,081	715,474	433,576	1,149,050	19
Do	31	163	1,072	67,922	233,351	291,273	7
Do	32	1,213	5,406	505,457	1,126,340	1,631,797	16

State	District	A children	B children	A amount	B amount	A plus B amount	District schools
New York	33		1, 710		$356, 279	$356, 279	6
Do	34	136	735	$56, 671	153, 137	209, 808	2
Do	35	155	1, 467	64, 589	305, 649	370, 238	10
Do	38		497		103, 550	103, 550	5
Do	40	498	399	207, 517	83, 132	290, 648	3
Do	54		1, 363		283, 981	283, 981	1
Do	69	1, 250	16, 800	726, 538	4, 882, 332	5, 608, 870	1
Do	79		528		150, 690	150, 690	2
Do	All	7, 639	53, 148	3, 579, 393	12, 856, 745	16, 436, 138	161
North Carolina	01	1, 858	5, 326	475, 239	681, 142	1, 156, 381	10
Do	03	1, 743	12, 708	445, 825	1, 625, 226	2, 071, 051	8
Do	04	5	350	1, 279	44, 762	46, 040	1
Do	07	494	18, 862	126, 355	2, 412, 261	2, 538, 617	7
Do	09	2	771	512	98, 603	99, 115	2
Do	11	294	982	75, 199	125, 588	200, 787	4
Do	All	4, 396	38, 999	1, 124, 409	4, 987, 582	6, 111, 991	32
North Dakota	01	3, 221	1, 605	969, 682	241, 231	1, 210, 913	20
Do	02	3, 415	1, 237	1, 050, 315	187, 163	1, 237, 478	24
Do	All	6, 636	2, 842	2, 019, 997	428, 394	2, 448, 390	44
Do	All	6, 636	2, 843	2, 019, 997	428, 394	2, 448, 380	44
Ohio	01		63		12, 163	12, 163	1
Do	02		949		147, 112	147, 112	5
Do	03	1, 830	10, 973	468, 077	1, 829, 256	2, 297, 333	12
Do	04		310		43, 203	43, 203	2
Do	05		217		37, 594	37, 594	2
Do	06	40	3, 286	10, 231	495, 328	505, 559	23
Do	07	162	12, 988	41, 346	1, 809, 638	1, 851, 074	20
Do	08		235		30, 054	30, 054	2
Do	09		490		94, 602	94, 602	1
Do	10	3	1, 282	767	183, 573	184, 340	11
Do	12	10	2, 908	2, 558	371, 904	374, 462	5
Do	13		1, 060		176, 558	176, 558	9
Do	14	24	799	6, 139	134, 576	140, 715	4
Do	15		672		119, 312	119, 312	3
Do	17		3, 084		441, 813	441, 813	11
Do	23		3, 767		727, 276	727, 276	10
Do	24		2, 685		454, 508	454, 508	6
Do	59		1, 655		319, 523	319, 523	1
Do	68	1, 368	11, 219	355, 512	2, 092, 023	2, 447, 535	7
Do	79		499		96, 339	96, 339	2
Do	All	3, 437	59, 141	884, 721	9, 616, 354	10, 501, 075	139
Oklahoma	01	500	7, 426	163, 494	1, 230, 050	1, 393, 543	32
Do	02	1, 810	4, 419	468, 678	575, 812	1, 004, 490	88
Do	03	209	3, 829	54, 985	493, 891	548, 876	56
Do	04	710	4, 636	195, 361	607, 937	803, 299	73
Do	05	208	18, 259	65, 186	2, 643, 224	2, 708, 410	32
Do	06	6, 180	14, 820	1, 645, 180	1, 961, 670	3, 606, 850	69
Do	75	408	8, 867	138, 418	1, 504, 109	1, 642, 527	1
Do	All	10, 025	62, 256	2, 731, 302	9, 016, 693	11, 747, 995	351
Oregon	01	401	566	156, 492	114, 334	270, 826	7
Do	02	634	4, 016	263, 862	816, 998	1, 080, 860	40
Do	03	40	2, 796	27, 332	545, 877	573, 209	4
Do	04	185	2, 505	80, 215	520, 860	601, 076	17
Do	All	1, 260	9, 883	527, 901	1, 998, 069	2, 525, 970	68
Pennsylvania	06		340		45, 693	45, 693	2
Do	07		1, 866		394, 277	394, 277	11
Do	08	13	2, 554	3, 673	441, 134	444, 807	6
Do	09		967		168, 504	168, 504	3
Do	10		1, 893		254, 400	254, 400	8
Do	11		1, 230		173, 274	173, 274	6
Do	12		5, 330		716, 299	716, 299	12
Do	13		947		239, 432	239, 432	4
Do	15	131	332	58, 346	73, 935	132, 281	1
Do	16	63	2, 557	16, 933	365, 500	382, 433	12
Do	17		1, 856		267, 810	267, 810	4
Do	18	53	98	21, 289	19, 774	41, 163	1
Do	19	124	5, 283	33, 246	739, 706	773, 132	16
Do	23						1
Do	26		110		17, 365	17, 365	1
Do	27		745		123, 960	123, 960	4
Do	57		2, 720		491, 811	491, 811	4
Do	63		348		63, 045	63, 045	1
Do	66	566	15, 681	205, 611	2, 848, 218	3, 053, 829	1
Do	67	80	648	24, 112	94, 473	118, 585	4
Do	All	1, 030	45, 505	363, 490	7, 538, 610	7, 902, 101	102
Rhode Island	01	1, 823	4, 982	723, 673	1, 053, 742	1, 777, 416	8
Do	02	1, 212	5, 193	495, 104	1, 044, 242	1, 539, 346	15
Do	79	1	875	448	195, 934	196, 382	1
Do	All	3, 036	11, 050	1, 219, 225	2, 293, 919	3, 513, 144	24
South Carolina	01	3, 984	24, 218	1, 019, 028	3, 097, 240	4, 116, 268	16
Do	02	233	15, 019	59, 597	1, 920, 780	1, 980, 377	13
Do	03	39	379	9, 975	48, 470	58, 446	3
Do	04		638		81, 594	81, 594	1
Do	05	998	1, 605	255, 268	205, 263	460, 532	1
Do	06	123	790	31, 461	101, 033	132, 494	1
Do	All	5, 377	42, 649	1, 375, 329	5, 454, 381	6, 829, 710	35
South Dakota	01	480	1, 688	165, 965	291, 821	457, 786	21
Do	02	5, 556	4, 960	1, 921, 043	809, 952	2, 730, 995	47
Do	All	6, 036	6, 378	2, 087, 007	1, 101, 774	3, 188, 781	68
Tennessee	01	36	4, 359	9, 208	557, 473	566, 681	8
Do	02	25	8, 814	6, 395	1, 127, 222	1, 133, 617	9
Do	03	5	3, 532	1, 279	451, 707	452, 986	10
Do	04	896	8, 767	229, 179	1, 121, 212	1, 350, 391	16
Do	05		2, 522		322, 539	322, 539	1
Do	06		5, 420		693, 164	693, 164	7
Do	07		1, 464		187, 231	187, 231	9
Do	08	36	2, 105	9, 208	269, 208	278, 417	6
Do	09	1, 029	3, 513	263, 198	449, 278	712, 475	1
Do	96		6, 000		767, 340	767, 340	1
Do	All	2, 027	46, 496	518, 466	5, 946, 373	6, 464, 840	68

1969 PUBLIC LAW 81-874 APPROPRIATIONS—Continued

CHILDREN AND PAYMENTS UNDER PUBLIC LAW 874—Continued

State	District	A children	B children	A amount	B amount	A plus B amount	District schools
Texas	01	84	10,613	$21,486	$1,357,297	$1,378,782	36
Do	02		261		33,379	33,379	4
Do	03	5	2,107	1,279	269,464	270,743	2
Do	04	332	3,069	84,919	392,494	477,413	14
Do	05	11	1,732	2,814	221,505	224,319	6
Do	06		1,116		142,850	142,850	13
Do	07						2
Do	08	20	2,916	5,116	372,927	378,043	3
Do	09	4	4,709	1,023	602,234	603,257	7
Do	10	877	4,721	224,319	603,769	828,088	10
Do	11	3,610	13,446	923,366	1,719,609	2,642,975	37
Do	12	986	24,629	252,199	3,149,803	3,402,002	16
Do	13	1,417	7,423	262,440	949,327	1,311,768	20
Do	14	325	6,233	83,129	797,138	880,267	5
Do	15	251	1,497	64,201	191,451	255,652	5
Do	16	3,339	20,440	861,348	2,604,980	3,466,328	12
Do	17	1,945	7,916	497,492	1,012,377	1,509,869	24
Do	18	682	2,905	174,710	371,520	546,230	8
Do	19	403	1,730	103,079	21,250	324,329	4
Do	20	838	45,142	214,344	5,773,210	5,987,554	11
Do	21	691	4,756	176,744	608,245	784,989	13
Do	22		659		84,280	84,280	2
Do	23	296	7,158	75,711	915,437	991,148	18
Do	53	16	3,300	4,092	422,037	426,129	1
Do	56	2	2,754	512	352,209	352,721	1
Do	86	3,621	988	1,712,733	146,448	1,859,181	4
Do	All	19,755	182,220	5,847,054	23,315,242	29,162,296	278
Utah	01	2,329	33,617	595,712	4,299,278	4,894,990	18
Do	02	788	13,114	201,555	1,677,149	1,878,704	10
Do	All	3,117	46,731	797,266	5,976,428	6,773,694	28
Vermont	99	11	626	3,219	98,558	101,778	14
Do	All	11	626	3,219	98,558	101,778	14
Virginia	01	4,791	38,849	1,332,491	5,126,733	6,459,225	10
Do	02	3,269	24,985	1,017,709	3,714,117	4,731,826	3
Do	03		4,499		662,101	662,101	3
Do	04	1,478	13,776	378,043	1,761,813	2,139,855	9
Do	05	4	445	1,023	56,911	57,934	1
Do	06	31	3,838	7,929	527,049	534,978	6
Do	07		133		17,009	17,009	1
Do	08	207	14,590	55,183	2,215,710	2,270,893	12
Do	09		3,021		386,356	386,356	7
Do	10	739	64,964	291,721	13,006,663	13,297,934	5
Do	All	10,519	169,100	3,083,650	27,474,462	30,558,111	57
Washington	01	190	6,132	53,916	870,039	923,955	6
Do	02	2,162	7,768	614,319	1,103,174	1,717,493	30
Do	03	367	4,538	119,988	648,311	768,299	32
Do	04	1,634	10,466	464,287	1,502,354	1,966,641	46
Do	05	2,575	4,305	734,043	612,331	1,346,375	32
Do	06	5,564	26,944	1,604,436	3,822,950	5,427,385	18
Do	07	174	3,877	49,376	550,088	599,464	11
Do	All	12,756	64,030	3,640,365	9,109,246	12,749,612	175
West Virginia	02	50	1,770	12,789	226,365	239,154	6
Do	03		590		75,455	75,455	1
Do	04	1	714	256	91,313	91,569	1
Do	All	51	3,074	13,045	393,134	406,179	8
Wisconsin	02	555	2,187	160,020	402,414	562,435	8
Do	03	80	4,014	29,493	740,205	770,148	21
Do	07	124	188	46,412	35,183	81,595	5
Do	08	29	522	10,854	97,790	108,544	3
Do	10	373	521	144,303	101,395	245,698	9
Do	55	41	2,374	15,346	444,282	459,628	1
Do	All	1,202	9,806	406,879	1,821,169	2,228,048	47
Wyoming	99	2,113	4,142	1,016,467	641,865	1,658,333	24
Do	All	2,113	4,142	1,016,467	641,865	1,658,333	24
Guam	99	3,647	5,977	932,830	764,399	1,697,228	1
Do	All	3,647	5,977	932,830	764,399	1,697,228	1
Virgin Islands	99		330		42,204	42,204	1
Do	All		330		42,204	42,204	1
Total		348,703	2,221,876	115,523,133	347,325,001	462,848,135	4,285

Mr. PELL. The impacted aid program is one which I believe should be discussed in depth in this session of the Congress. Our Education Subcommittee could not do so in its preparation for the ESEA bill passed last week since the material needed was not at hand. In turn, the administration was not prepared since it was awaiting the report being put together by the Battelle Memorial Institute. The report is here and I understand that the administration is preparing recommendations on impacted aid. As chairman of the Education Subcommittee of the Committee on Labor and Public Welfare I believe our subcommittee will conduct hearings on this subject before the end of the session. I maintain, however, that changing the method of allocation in an appropriations bill is not the way to accomplish an end which may be equitable and for this reason I support the recommendation of the junior Senator from Virginia.

Mr. SPONG. Mr. President, I thank the Senator.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. BYRD of Virginia. I wish to ask the Senator this question. This amendment does not increase the total amount of dollars going to the impacted aid program. Is that correct?

Mr. SPONG. The Senator is correct. It does not.

Mr. BYRD of Virginia. I am happy to support the amendment of the Senator from Virginia and I commend him for the introduction of the amendment. I am glad to be a cosponsor.

Mr. SPONG. I thank the Senator.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. SPONG. I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I wish to congratulate the distinguished Senator from Virginia for offering the amendment, and I am happy to be a cosponsor.

To put the matter in a nutshell, if the amendment were agreed to, it would neither increase nor decrease the amount of money; it would leave the total amount of money as it was before. We would be in the same position we were before.

Since I have been in the Senate, every single administration has always come before the legislative committee and said, "We are going to change the impacted area fund." Up to date, the committee held relatively firm and we did not do it; we did not do it in the next bill, nor did we do it in the original appropriation bill.

The House of Representatives had an opportunity to make a point of order on this bill, but, unfortunately, it was forgotten when the appropriations bill came up. They simply forgot to make the point of order. We cannot make the point of order on it here in the Senate.

Mr. President, I think this will take care of the situation and put the matter back where it is to permit operation for the remaining portion of the school year pending a future revision of the impacted area aid; and we can proceed on the program we have had to date.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. MURPHY. Mr. President, I wish to join my distinguished colleague, the Senator from Colorado, and congratulate the Senator from Virginia for offering the amendment. The amendment seems eminently fair.

School areas that have depended on these funds have made their plans. The school year is more than half over and I think it would be unfortunate to change the rules in the middle of the game. If the rules are to be changed it should be done after hearings in committee; and it should not be done on the floor of this Chamber.

I join my colleague in recommending that the Senate agree to the amendment.

Mr. SPONG. I thank the Senator.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. ALLOTT. Mr. President, I support the amendment of the Senator from Virginia. I wish to make two very short points. First, of course, many school districts have already started on their fiscal year; many of them started January 1. Therefore, in rewriting the formula in this instance we would do great damage to them if we were to cut out funds from the impacted aid area. I certainly hope this will not be changed.

We have discussed this subject very much on the floor of the Senate in the last few days. I hope the legislative committee takes up this matter, but I do not think this is the proper time, with 8 months of the fiscal year gone and, as the Senator said, 6 or 7 months of the school. In many instances, 2 months of the fiscal year of some of our school districts has passed. This would be the wrong time and wrong vehicle to change this program.

Mr. SPONG. I thank the Senator.

Mr. President, I ask that the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I yield myself 2 minutes.

I have no recommendation whatever from the committee to accept this amendment. I wish to point out, however, that this language is legislation on an appropriation bill.

If someone had made a point of order in the House of Representatives it would have been knocked out. However, inasmuch as no one did that in the House of Representatives it became part of the House bill and nothing was said about the point of order.

Frankly, this language was not discussed, that I recall, in the subcommittee at all. There may have been some passing references to it, to the effect that there was new language in the bill, but that would not be unusual because, as Senators know, we met quite hurriedly, immediately after the House passed the bill, and we had more problems in the money part of the bill and other important policy measures in the bill. We wanted to get it moving and get it to the Senate as soon as possible.

I do not know just what this does. It is legislation and it does change the formula—whether it changes the formula in the right way or the wrong way I am not too familiar.

I understand that there is, as all of us know, a great deal of sentiment. The President sent up a message asking that the committee look at this. To strike out this language would leave us where we are. There is a great deal of merit to the statement of the Senator from Virginia that the school districts have relied upon this formula. I personally have no objection to the amendment, but I want to assure the Senator I cannot speak for members of the committee because it is in the bill.

Mr. President, I yield such time to the Senator from New Hampshire as he deems desirable.

Mr. COTTON. Mr. President, I merely want to say—and I guess I have already said it, but there were not many Senators on the floor at the time—that I do not like to be in the position of one who had an amendment which was accepted and then wants all other amendments rejected. However, earlier in the afternoon I made the observation that it seems too bad that we cannot get this HEW bill through conference, to the President, get it signed, and be doing business on an appropriation bill and not be fooling around with not only continuing resolutions but also resolutions that are distorted and different from any continuing resolutions we have ever had before.

Mr. President, I do not recall how strongly members of the Committee on Appropriations of the House of Representatives, who apparently wrote this provision in the bill, feel about it. As one who along with the distinguished chairman, the Senator from Washington, has worked long and hard, I wish to say that in the last week this Senator has struggled as he never struggled before in all the time he has been in the Senate to try to get a bill that we could get to the President, have signed, and go to work on the fiscal 1971 appropriation. I felt if we started to hang amendments on the bill—and I said this before we passed the first amendment this afternoon—we are bound to run into difficulties when we go into conference with conferees from the House of Representatives. There is no reason why the Senate should change what the Senate believes to be right because they do not want to brave a conference. But Mr. President, I think we could have gotten the bill readily accepted by the House and we could have gotten it to the President and he would have signed it. Now we have broken the wall and we have three amendments on the bill already; and they are controversial amendments. I expect Members of the House of Representatives will have convictions with respect to those amendments, as we do there in this body.

I personally feel, as does the chairman, that it would seem this was a fair and reasonable amendment and that there are good reasons for it; but I just want to say that obviously much will depend in our conference on the attitude of the distinguished chairman of the House Appropriations Committee and his colleagues, and we may find determined opposition. However, I would certainly go along with the chairman and say we should be willing to take it to conference.

In honesty, while I have never sat as a conferee and not fought for the amendments of the Senate or for the Senate version—because that is what we are there for—I am going to find it very hard to work myself up on amendments that simply mean another continuing resolution and going through the rest of this fiscal year, which, so far as I know, we have never done before, without Congress facing up to passing an appropriation bill.

I understand there will be another amendment on this very formula. When you get to fighting back and forth about the formula of impacted aid funds, you are playing with dynamite, and we may run into trouble in conference.

I do not know about the amendments that are coming along, but I am perfectly willing to go along with the chairman and I will act in good faith, and if this bill must go down the drain, and if we must pass another continuing resolution, that is all right; but here is one who will not vote for another continuing resolution except on the basis of the 1969 bill. Nobody else downtown gets a cent of pay until this year is over. We have too many downtown. If you have had to deal with them as I have had to deal with them recently and seen how often they change their minds, I think you will decide you would be doing a lot of good by having them go without pay for a couple of weeks.

As far as I am concerned, I shall vote against every amendment that is offered, whether it is good, bad, or indifferent, because I would like to see us get down to business and get busy on the bill for fiscal 1971.

If the chairman is willing to accept the amendment, then we can let the hair go with the hide, as we say in New England.

Mr. MAGNUSON. Mr. President, I did not say I would accept it. I cannot speak for the committee. I just pointed out the history of the amendment. I am not sure I will vote for the amendment. Apparently a majority of the Senate believe in this amendment. So the Senator from New Hampshire and I can vote "no" if we call the roll, but I think the amendment will carry.

Mr. COTTON. I think so, too.

Mr. MAGNUSON. I am trying to save a little time.

Mr. SPONG. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator from Virginia has 21 minutes remaining.

Mr. SPONG. Mr. President, without

belaboring this matter, I would like to say this to the Senator from New Hampshire. First, I have no wish to weigh this bill down with amendments. Second, it seems to me the position of the House was somewhat impaired in that a point of order would have prevailed against the language we are trying to take out, if that point of order had been raised. Consequently, I am merely trying to join the Senator from New Hampshire as the patron of a successful amendment to this bill.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. HOLLAND. Will the Senator explain for the record exactly what is the difference in the apportionments to the various districts and the various classes between the provision in the House bill and the provision of the amendment, if it were adopted?

Mr. SPONG. Under the provision put in by the House, category A children would receive 90 percent of their entitlement. Category B children would receive approximately 72 percent of their entitlement. If the program continues as it was contained in the bill that we passed in December, which was vetoed and as it has traditionally, each category would receive 78 percent of their entitlements this year.

In terms of money, no money is added. The same amount of money is to be distributed. What the amendment changes is the way the money will be distributed.

The Senator from Rhode Island was prepared, had we gone into lengthy debate, to put in the RECORD the distribution based on 1969. I hope he will still do so. Some congressional districts will receive less, and some will receive more. But the point of the Senator from Virginia is that we should not change the formula in the middle of the school year and in an appropriations bill. We should leave the study of the entire impacted aid program up to the proper legislative committee and any recommendatons for change should come through that committee.

Mr. HOLLAND. Mr. President, if the Senator will permit me to say so, I think there is great equity in his proposal, but, at the same time, I think we must recognize—and we have in former bills recognized—that class A children are the ones who actually live on military bases and are brought into those areas by the Federal Government to live on those bases.

They do not pay taxes on property. As a matter of fact, in many cases the property that they live on takes off very greatly from the tax potential of their counties. It has been my feeling that they should come first, and we have put them first in bills prior to this time.

I thoroughly agree that this legislation ought to be modified and changed. I cannot see the situation of class A children, in a poor county, where a great big military base has been put and half the property has been taken off the rolls, as comparable, for instance, to that of Fairfax County in the State so well represented by the Senator from Virginia, or to that in Montgomery County or Prince Georges County, Md., where literally thousands of civil service employees live and have their permanent homes, and pay their taxes. I do not think the two situations are similar.

I have no objection to the matter being taken to conference, but I see a very great difference, in equity, between the two classes of children, and the counties where those two classes can be found.

Mr. SPONG. The Senator from Florida is correct, but there is also the fact that the class A children are funded twice as high as class B children by the authorizing legislation, that they are not treated the same even under this language.

Mr. HOLLAND. I have no objection, if the leaders wish, to taking it to conference. I think it will be a very difficult matter to handle in conference. I suspect I may be one of the conferees, and I suspect we are going to have very great difficulty about this particular amendment.

Mr. MAGNUSON. Mr. President, I will say to the Senator from Florida that no matter what we do with this bill now, it is likely to be difficult in conference.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield 3 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, the pending amendment is an effort, not to increase the gross amount of money involved, but to shift the money from one pigeonhole into a combined area of two pigeonholes, to the extent of $505 million.

Following the disposition of this amendment, I intend to offer another amendment, which will have for its purpose a different arrangement of that $505 million. The thrust of my amendment is this: That any school district having 75 percent or more of its children in class A and class B will be entitled to a 95-percent payment of its entitlement. There are 120 schools in America in that category of 75 percent or more. When that proportion is reached, with the big cuts that have been made in this appropriation, some of them will find it impossible to remain in business. I mention that now to the extent that it may enter into the thinking of Senators.

In the city of Bellevue, Nebr., which is the city adjoining the Strategic Air Command, 78 percent of the school children are from federally based families. The local children are 22 percent. Fifty percent of the budget of that school is furnished by the local people, who have 22 percent of the schoolchildren. There is a school budget of $6 million. Half of it is Federal and half local.

Unless the type of amendment I shall propose is adopted, Mr. President, it will mean that that school district will have to close its doors on April 1. It is not a matter of impairing or cutting back or that sort of thing. They cannot raise some $580,000 that they are short. They simply cannot do it, and they are going to close their schools.

There are other districts that are similarly situated, running all the way to 90 percent and 100 percent; and they are going to be out of business.

I mention that fact because it is a matter of trying to get money where it will do more good, in the eyes and by the votes of those who sit as Members of this body.

But I submit that when the impact of this proposal is thrust upon 120 districts located in some 24 States, it will not be good; it will have a bad impact and a disruptive impact.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. FULBRIGHT. Under the Spong amendment, would not the schools the Senator is talking about be in exactly the same position that they are in now? It would not change them at all, would it? That is what I understood the Senator from Virginia to say, that this merely preserves the status quo as to the distribution of money.

Mr. HRUSKA. That is not quite right, because under the 1969 law there was this 90 percent entitlement to class A, before they got to dividing the money otherwise.

In the bill that we passed in December, that 90 percent was deleted, and in this bill we find the 90 percent back in there for class A. So it is not preserving the status quo. The adoption of this amendment would put the bill in the same shape as the December-passed bill.

Mr. FULBRIGHT. The Senator is on the committee, and an expert, but I inquired about this from members of the staff, and I was told that the formula of the Senator from Virginia leaves it as it now is and has been for several years. Is that not right?

Mr. SPONG. Yes.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. HRUSKA. I ask for 2 more minutes.

Mr. MAGNUSON. I yield the Senator from Nebraska 2 additional minutes.

Mr. FULBRIGHT. I, of course, support the Senator from Virginia, and I thought his proposal was going to be accepted.

Mr. HRUSKA. I read from the committee report, on page 62:

> Under the committee allowance, payments for "A" children would be at 90 percent of entitlement, the same percentage as provided in fiscal year 1969 . . .

Mr. SPONG. Yes, but the Senator from Nebraska should be aware that the category "B" children also received 90 percent of their entitlement in that year. All I am trying to do is preserve the same percentage of entitlement for both categories in this fiscal year—to see that both categories are treated the same as they were in the last fiscal year.

Mr. FULBRIGHT. They both get 90 percent.

Mr. HRUSKA. To that extent, I concur.

Mr. SPONG. I believe I am correct in that.

Mr. FULBRIGHT. All I am saying is, the Senator left the impression that it was going to change in some way. To my understanding, it does not change. The Senator's formula leaves it the same?

Mr. SPONG. That is correct.

Mr. FULBRIGHT. That is what I had understood.

The PRESIDING OFFICER. Do Senators yield back their remaining time?

Mr. SPONG. Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, be-

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fore I yield back my time, I ask unanimous consent to have printed in the RECORD at this point an up-to-date analysis by States of what was received in 1969, what the 1970 budget request was, what the conference agreement was, what the House allowance was in the bill as passed, and what is before us today.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

State and outlying areas	1969 actual	1970 budget request	1970 conference agreement	1970 house allowance as passed	1970 House allowance sec. 6 in full; other sections prorated
Total	$505, 898, 145	$187, 000, 000	$585, 000, 000	$425, 000, 000	$425, 000, 000
Alabama	9, 241, 181	2, 314, 000	10, 884, 000	7, 792, 000	8 159, 000
Alaska	14, 731, 443	14, 963, 000	17, 153, 000	15, 694, 000	12, 185, 000
Arizona	9, 187, 169	6, 685, 000	10, 699, 000	8, 854, 000	7, 600, 000
Arkansas	2, 842, 356	962, 000	3, 192, 000	2, 234, 000	2, 267, 000
California	76, 264, 658	24, 648, 000	87, 314, 000	62, 025, 000	62, 030, 000
Colorado	12, 924, 352	3, 130, 000	15, 052, 000	10, 467, 000	10, 692, 000
Connecticut	3, 265, 208	1, 419, 000	3, 803, 000	2, 781, 000	2, 701, 000
Delaware	2, 000, 165	1, 386, 000	2, 232, 000	1, 948, 000	1, 984, 000
Florida	17, 547, 731	5, 377, 000	20, 542, 000	14, 189, 000	14, 781, 000
Georgia	16, 133, 291	5, 860, 000	18, 866, 000	13, 839, 000	14, 719, 000
Hawaii	9, 520, 455	5, 892, 000	11, 087, 000	8, 753, 000	7, 876, 000
Idaho	2, 707, 913	1, 014, 000	3, 154, 000	2, 270, 000	2, 240, 000
Illinois	12, 924, 988	4, 192, 000	14, 990, 000	10, 584, 000	10, 648, 000
Indiana	4, 159, 363	920, 000	4, 844, 000	3, 196, 000	3, 441, 000
Iowa	2, 653, 905	139, 000	3, 034, 000	1, 860, 000	2, 155, 000
Kansas	8, 664, 571	3, 625, 000	10, 093, 000	7, 053, 000	7, 176, 000
Kentucky	8, 407, 184	5, 625, 000	10, 140, 000	8, 314, 000	8, 807, 000
Louisiana	3, 447, 717	790, 000	4, 042, 000	2, 725, 000	2, 925, 000
Maine	2, 594, 464	1, 624, 000	3, 021, 000	2, 426, 000	2, 146, 000
Maryland	25, 867, 892	3, 221, 000	30, 126, 000	19, 238, 000	21, 401, 000
Massachusetts	13, 710, 871	5, 818, 000	16, 167, 000	11, 825, 000	11, 799, 000
Michigan	4, 550, 314	2, 974, 000	5, 299, 000	4, 187, 000	3, 764, 000
Minnesota	3, 381, 658	936, 000	3, 935, 000	2, 685, 000	2, 795, 000
Mississippi	2, 593, 395	1, 122, 000	3, 020, 000	2, 256, 000	2, 145, 000
Missouri	8, 398, 571	2, 031, 000	9, 781, 000	6, 394, 000	6, 948, 000
Montana	4, 204, 578	3, 345, 000	4, 897, 000	4, 168, 000	3, 478, 000
Nebraska	4, 624, 472	2, 647, 000	5, 386, 000	4, 195, 000	3, 826, 000
Nevada	3, 554, 294	1, 431, 000	4, 139, 000	2, 985, 000	2, 940, 000
New Hampshire	2, 065, 756	838, 000	2, 406, 000	1, 737, 000	1, 709, 000
New Jersey	$10, 321, 861	$3, 544, 000	$12, 018, 000	$8, 501, 000	$8, 539, 000
New Mexico	10, 219, 522	6, 662, 000	11, 902, 000	9, 653, 000	8, 454, 000
New York	16, 738, 842	6, 270, 000	19, 640, 000	14, 081, 000	14, 327, 000
North Carolina	11, 886, 349	7, 049, 000	13, 080, 000	11, 472, 000	10, 898, 000
North Dakota	2, 664, 431	2, 926, 000	3, 098, 000	2, 922, 000	2, 201, 000
Ohio	10, 796, 237	1, 238, 000	12, 485, 000	7, 758, 000	8, 869, 000
Oklahoma	12, 601, 770	3, 595, 000	14, 673, 000	10, 705, 000	10, 423, 000
Oregon	3, 282, 405	1, 170, 000	3, 847, 000	2, 727, 000	2, 750, 000
Pennsylvania	9, 290, 582	517, 000	10, 234, 000	6, 122, 000	7, 269, 000
Rhode Island	3, 453, 728	1, 559, 000	4, 022, 000	2, 978, 000	2, 857, 000
South Carolina	8, 148, 582	3, 661, 000	9, 618, 000	7, 276, 000	7, 339, 000
South Dakota	3, 425, 076	2, 794, 000	3, 983, 000	3, 274, 000	2, 831, 000
Tennessee	6, 763, 256	677, 000	7, 876, 000	5, 121, 000	5, 595, 000
Texas	30, 311, 176	7, 619, 000	35, 180, 000	24, 773, 000	24, 991, 000
Utah	7, 069, 317	1, 245, 000	8, 223, 000	5, 648, 000	5, 848, 000
Vermont	136, 062	4, 000	158, 000	101, 000	113, 000
Virginia	35, 704, 596	6, 663, 000	40, 692, 000	28, 427, 000	29, 620, 000
Washington	12, 296, 924	4, 720, 000	14, 321, 000	10, 471, 000	10, 173, 000
West Virginia	520, 634	21, 000	606, 000	368, 000	431, 000
Wisconsin	2, 095, 973	515, 000	2, 441, 000	1, 709, 000	1, 734, 000
Wyoming	1, 696, 509	1, 292, 000	1, 976, 000	1, 649, 000	1, 403, 000
District of Columbia	5, 436, 944	297, 000	6, 330, 000	3, 870, 000	4, 497, 000
American Samoa					
Canal Zone					
Guam	2, 009, 808	1, 466, 000	2, 341, 000	1, 929, 000	1, 663, 000
Puerto Rico	6, 592, 297	6, 172, 000	6, 524, 000	6, 381, 000	6, 422, 000
Virgin Islands	24, 428		28, 000	14, 000	20, 000
Wake Island	240, 921	396, 000	396, 000	396, 000	396, 000

Note: All tables based on 1969 applications from school districts.

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. The amendment before us is the Spong amendment, is that correct?

Mr. FULBRIGHT. That is correct.

The PRESIDING OFFICER. The Senator is correct.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Virginia (Mr. SPONG). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I further announce that, if present and voting the Senator from Indiana (Mr. BAYH), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Vermont (Mr. PROUTY) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

If present and voting, the Senator from Illinois (Mr. SMITH) would vote "yea."

The result was announced—yeas 60, nays 16, as follows:

[No. 74 Leg.]

YEAS—60

Allen
Allott
Anderson
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cooper
Cranston
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Gurney
Harris
Hart
Hartke
Hollings
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Murphy
Muskie
Nelson
Pearson
Pell
Ribicoff
Russell
Schweiker
Scott
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, Ohio

NAYS—16

Aiken
Baker
Burdick
Cotton
Curtis
Goodell
Gore
Griffin
Hansen
Holland
Hruska
McGee
Proxmire
Randolph
Smith, Maine
Young, N. Dak.

NOT VOTING—24

Bayh
Church
Cook
Dodd
Fannin
Goldwater
Gravel
Hatfield
Hughes
Jackson
Long
McCarthy
Montoya
Moss
Mundt
Packwood
Pastore
Percy
Prouty
Saxbe
Smith, Ill.
Stevens
Symington
Yarborough

So Mr. SPONG's amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. SPARKMAN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it to the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by the Senator from New York is as follows:

On page 60, strike out lines 3 through 15 and insert in lieu thereof the following:

"SEC. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies."

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes. The opponents have 10 minutes.

Mr. JAVITS. Mr. President, I shall need only 5 minutes.

Mr. President, this amendment relates to college disruption. The amendment I have proposed would substitute for the language used in section 407 the language used in the last approved HEW appropriation bill, the 1969 appropriation, section 411.

The difference between the language which is here contained and the language I have offered in the amendment is that this particular provision, 407, relates to precisely the same acts, force, or threat of force, or seizure of property, in respect to college disruptions as does my amendment and the language in the 1969 appropriations bill. But the language before us does not say who finds whether force has been used; hence, it leaves it to HEW, as a practical effect.

We have testimony where, if my amendment leaves it to the court and if there is a conviction, that is it. That ends it. The matter is automatically determined on the facts.

The Commissioner of Education, Mr. Allen, has testified to the following effect. I read from page 2111 of his testimony on the appropriations bill:

> Administratively, it is extremely difficult for us to do so——

That means, to play the role of policeman to educational institutions.

Continuing reading:

> It would be extremely difficult to catalog the 1,500,000 college students who receive benefits, nor can we lay down a uniform code of conduct that would be desirable or acceptable for all students in the country.

Thus, instead of leaving the question of administration, definition, and identification to HEW, my amendment would simply adopt the language used before which has worked—and incidentally, 350 students, he testified, have been denied aid by use of that amendment—and have a court make the finding. That is it. Nothing more to it than that.

I point out, for the information of the Senate, that there is a somewhat different provision in the higher education bill, section 504.

One could argue that they should be uniform, but we went through this last year and the Senate decided it wanted a direct provision in the appropriation bill to which I have referred; so, I have offered it as an amendment. There is no reason to bruit this thing around again. We simply have to decide that something should go in here and put something in which is administratively feasible.

Mr. GOODELL. Mr. President, I favor the amendment. We have debated this many times before. I think we probably should have even less than the provisions that the Senator from New York would place in the law. The Senator from New York is simply going to reduce the provision in the bill to the present provision of law and I favor and hope that it will pass.

Mr. JAVITS. Might I just say, in response, that I never believe in going over the same ground again when the Senate has come to a policy decision, unless there is some reason to suppose there is a change. I do not see any reason on this so I propose at least that we do something that is administratively feasible.

Mr. MAGNUSON. Mr. President, I would merely suggest that the committee gave this matter consideration over the past year; in fact, for 2 years it gave it adequate consideration as to different methods of approach, and after long discussion we did arrive at the fact that we thought the House language should be adopted this year.

Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from New York. (Putting the question.) The nays appear to have it.

Mr. JAVITS. Mr. President, may I ask for the yeas and nays?

The yeas and nays were ordered.

The PRESIDING OFFICER. The questions is on agreeing to the amendment of the Senator from New York.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Texas (Mr. YARBOROUGH), the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), is absent on official business.

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Rhode Island (Mr. PASTORE). If present and voting, the Senator from Washington would vote "nay" and the Senator from Rhode Island would vote "yea."

I further announce that, if present and voting, the Senator from Louisiana (Mr. LONG), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Oregon (Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Vermont (Mr. PROUTY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senators from Illinois (Mr. PERCY and Mr. SMITH) would each vote "yea."

The result was announced—yeas 37, nays 38, as follows:

[No. 75 Leg.]

YEAS—37

Aiken
Baker
Bellmon
Brooke
Burdick
Case
Cooper
Cranston
Dole
Dominick
Eagleton
Fulbright
Goodell
Griffin
Harris
Hart
Inouye
Javits
Jordan, Idaho
Kennedy
Mansfield
Mathias
McGee
McGovern
Metcalf
Mondale
Murphy
Muskie
Nelson
Pearson
Pell
Proxmire
Ribicoff
Schweiker
Scott
Tydings
Williams, N.J.

NAYS—38

Allen
Allott
Anderson
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cotton
Curtis
Eastland
Ellender
Ervin
Fong
Gore
Gurney
Hansen
Hartke
Holland
Hollings
Hruska
Jordan, N.C.
Magnuson
McClellan
McIntyre
Miller
Randolph
Russell
Smith, Maine
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—25

Bayh
Church
Cook
Dodd
Fannin
Goldwater
Gravel
Hatfield
Hughes
Jackson
Long
McCarthy
Montoya
Moss
Mundt
Packwood
Pastore
Percy
Prouty
Saxbe
Smith, Ill.
Stevens
Symington
Yarborough
Young, Ohio

So Mr. JAVITS' amendment was rejected.

Mr. HRUSKA. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to state the amendment.

Mr. HRUSKA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

> On page 28, line 15, insert the following after the word "of": "95 per centum of the amounts payable pursuant to sections 3(a) and 3(b) of said title to any local educational agency which the Commissioner determines will have in the fiscal year for which such assistance is provided a total number of pupils of whom 75 per centum or more are the children of dependents of federally connected parents as defined and to all other local educational agencies."

The PRESIDING OFFICER. The Senate will be in order.

How much time does the Senator yield himself?

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, the amendment which I offer seeks to amend the language in the bill which is legis-

XUM

lative in character. I therefore raise the question of germaneness.

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. HRUSKA. Mr. President, because of the fact that this amendment seeks to amend language in the bill which is legislative in character, I raise the question of germaneness of this amendment to that portion of the bill it proposes to amend.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The question must be submitted to the Senate for a vote without debate.

All in favor signify by saying "aye"; opposed, "no."

The ayes have it, and the amendment is held to be germane.

Mr. HRUSKA. Mr. President, I wish to assure the membership I shall not take long.

This amendment has to do with the formula which controls the division of funds for impacted areas. All of us know that this is a subject that will receive careful analysis and revision in the near future. I agree that it is time to carefully examine this program because the original objectives of impacted aid have, in the judgment of many, been miscarried and have become maladjusted. It is altogether right and proper that this program should receive a review and revision. I question, however, if this review can or should be attempted this late in the fiscal year and on the floor of the Senate.

XUM

The school districts which receive this aid are operating on budgets which were down almost a year ago. These budgets in most cases reflected an anticipation of what had become to be a normal level of funding. Now at this late date we are imposing severe reductions on these districts which provide education to the children and dependents of Federal employees. When these cuts are imposed on a school district that is not composed of any great proportion of children in federally impacted areas it does not make too much that makes a great difference. But when the proportion of these children living on Federal bases, or children of parents whose fathers work on a base and they live nearby this reduction creates a real hardship.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to my colleague.

Mr. CURTIS. Does the Senator's amendment go to this problem? In some communities a great number of children, perhaps children of military personnel, are sent to school and they might comprise 80 percent of the school or nearly so; while there are other localities where the number of children covered by the intent of the bill is relatively few, perhaps 4 percent, 3 percent, or 5 percent.

Is it the objective of the Senator's amendment to grant a preference in the amount of reimbursement to schools where they have to carry a proportionately much heavier load?

Mr. HRUSKA. Yes. The amendment is designed for that purpose. It is designed to apply to school districts where the number of class A and B students exceeds 75 percent. In these limited cases it will provide 95 percent of the entitlement.

Mr. CURTIS. Mr. President, will the Senator yield further?

Mr. HRUSKA. I yield.

Mr. CURTIS. It seems to me this is very just and it should have the support of every Senator. If there is a school district where the local children amount to less than 25 percent of the enrollment, it is self-evident that they have a very heavy burden to carry to educate children who belong to our military establishment.

I hope the Senator's amendment will not only be agreed to but that it will be agreed to by a large vote.

Mr. HRUSKA. I thank the Senator for his contribution.

Mr. President, I state again the purpose of the amendment. When the percentage of schoolchildren from Federal property in any school district exceeds 75 percent of the pupils in that school, there will be a payment of 95 percent of the entitlement of that school.

I hasten to add that no more money is added to the bill. This amendment simply changes the allocation of funds already in the bill.

I should like to illustrate a situation that is particularly harsh. In the city of Bellevue, Nebr., which is the community located next to the headquarters of the Strategic Air Command, there are roughly 10,000 children in that school district. Seventy-eight percent of these children are what we know as federally connected schoolchildren. Only 22 percent of these students are local children. In the current year, as in the past, that community has raised 50 percent of the financing for the local school even though only 22 percent of the students are local children.

The budget for the current year is in excess of $6 million.

Under this bill that school district will be short approximately $500,000 of the funds it needs to continue operation. If some relief is not given to that district they will have to close their doors on April 1. They cannot go beyond that date, I am told.

It seems to me that with other schools in the same category—there are 12 schools in 26 States—this matter should be taken care of.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. TALMADGE. I understand the amendment is to allocate 95 percent of the funds to school districts that have 75 percent or more of federally impacted children.

Mr. HRUSKA. The Senator is correct.

Mr. TALMADGE. What would it do to school districts that do not have 75 percent or more of federally impacted children?

Mr. HRUSKA. It would decrease aid to them. It would recognize a priority in this regard. The decrease, however, would be only about 2 to 3 percent for each remaining school district. It is justifiable on this basis. It is one thing to apply a 2- or 3-percent decrease in a situation where there are 25 or 30 percent federally impacted children, as opposed to applying that decrease where there are 75 percent, 80 percent, or 90 percent federally impacted children in a school district.

It is not a horse of one color in one case and a horse of another color in another case; it is a horse in one case and a rabbit in the other case. The result is disastrous.

Mr. TALMADGE. I understand with the adoption of the amendment of the Senator from Virginia all districts would get 78 percent entitlement of their funds, whether that be A or B students. Is that correct?

Mr. MAGNUSON. That is correct.

Mr. HRUSKA. Those figures have been represented to us.

Mr. SPONG. That is an approximation.

Mr. TALMADGE. What percentage would they get under the amendment of the Senator from Nebraska?

Mr. HRUSKA. I did not understand the Senator's question.

Mr. TALMADGE. What percentage would we get if the amendment of the Senator from Nebraska were agreed to?

Mr. HRUSKA. As you know the Spong amendment was just adopted. I have not had an opportunity to evaluate the change included in that amendment.

The Spong amendment will not adversely affect the districts which I am talking about, if my amendment is approved. It will be a cruel blow to these schools if my amendment is rejected.

The reduction for other schools under my amendment will be slight. The total entitlement for these 121 districts runs about $51 or $52 million. The entire sum available for this impacted area under Public Law 874 is $505 million. This comparison would give some idea about how slight the impact of my amendment would be on other districts. It would be the difference between 78 and 90 percent being applied to the base of $51 or $52 million, as opposed to the base of $505 million.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield.

Mr. MILLER. I may say to the Senator from Nebraska that I know something of the situation to which he has recently referred. I understand how difficult it is. I have the deepest sympathy for what he proposes. But his amendment may go a little further than necessary.

As I understand his amendment, it refers to 75 percent of the students of federally connected parents. It seems to me there might be a distinction between parents who are working in typical Federal agencies and those who are connected with military reservations. A military reservation, such as in the situation that the Senator from Nebraska has referred to, has literally hundreds of thousands of persons, and their incomes are not very large. This puts an added burden on the school districts.

So it seems to me that the Senator might consider modifying his amendment so as to have it refer to parents employed at military reservations, and thus provide benefits for those who really need them.

Mr. HRUSKA. Perhaps that would sharpen the amendment a little, but the net result would not be any different from the number of school districts affected by the amendment as reported, as related to the department tables.

Mr. MILLER. Do I correctly understand that those school districts are ones tied in with military reservations?

Mr. HRUSKA. That is correct. A scanning of the school districts involved will show this to be true.

Mr. MILLER. I appreciate the Senator's response. What the Senator is saying is that because of the 75-percent figure, the impact of his amendment would be only with respect to school districts affected by military reservations.

Mr. HRUSKA. The main thrust of it. There are some areas such as in Indian reservation regions, but those are very, very small. The bulk of it—the main thrust—will be found to be in the military areas; and all of them, in the case of the city of Bellevue, are military. The Senator from Iowa is correct in his characterization of that base.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. BENNETT. I am interested in the arithmetic. If only $50 million is involved in the areas that will benefit from the Senator's amendment, then they will benefit only from the difference between 78 and 90 percent of $50 million, which is 12 percent, or about $6 million. That would mean that the difference to all the other areas, which I think have a total of something above $500 million, would be somewhere between 1 and 2 percent.

Mr. HRUSKA. That is correct. In that, I think, lies a great of the difference in the situations, as I have observed already. It is one thing to vary a small percentage of money in a school district budget by 1 or 2 percent; but when the percentage of a school's budget that has 80 percent is varied, it is a story of a different character.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. SPONG. I am interested in the question of the Senator from Utah. He used the figure 90 percent. My understanding is that the amendment of the Senator from Nebraska would give a 95-percent entitlement, rather than 90 percent.

Mr. HRUSKA. That is right.

Mr. SPONG. May I ask this question also? In the computation of the 75 percent in the amendment of the Senator from Nebraska as to the school population, he is using both category A and category B. Is that correct?

Mr. HRUSKA. That is correct.

Mr. SPONG. Whether or not they live on the reservation or base is not the criterion; the Senator is using on and off, A and B.

Mr. HRUSKA. That is correct. I might say in that connection that out of the 10,000 school children in Bellevue, 4,300 live on the base and 3,500 live off the base in the village of Bellevue.

Mr. SPONG. The Senator is speaking of Bellevue, but I am speaking of the United States generally. Seventy-five percent would come from category A and B. We have just voted not to change the formula. The effect of the amendment of the Senator from Nebraska, if adopted, would be to change the formula for impacted aid. Is that correct?

Mr. HRUSKA. It would change it to the extent of giving priority to these 121 school districts in the limited fashion described by the amendment; that is right.

Mr. SPONG. I merely wanted tc apprise Senators of that fact.

Mr. MAGNUSON. Mr. President, is the Senator from Nebraska through?

Mr. HRUSKA. Yes.

Mr. MAGNUSON. Of course, if the total amount provided in the bill, $505 million, in round figures, for impacted aid is not changed, and then amounts are added for the 121 districts, I do not know how much that would amount to. How much would it be to the 121 districts as compared to what they would get now?

Mr. HRUSKA. I do not know what that computation is. I have a list of all the 121 districts here, together with the 100-percent entitlements which they would have. The total of those entitlements is $53 million plus.

Mr. MAGNUSON. That is the total?

Mr. HRUSKA. That is the total.

Mr. MAGNUSON. But if the amendment of the Senator from Nebraska were not agreed to, they would still be getting it. It is the difference between the 78 percent and the 95 percent. The Senator proposes to increase it to 95 percent.

Mr. HRUSKA. Yes.

Mr. MAGNUSON. And that amount would have to be taken away from the others.

Mr. HRUSKA. Yes.

Mr. MAGNUSON. If we give something to the others, without changing the total, we have to take it away from somebody. We have not been able to get all the figures. The Senator from Nebraska was patient with the committee, because the figures were not available, and we said the proposal could be presented on the floor.

The reason why I am opposed to the amendment is that it will have to take away from the other districts a certain percentage. The Senator mentioned between two and three.

Mr. HRUSKA. That was the figure given to us.

Mr. MAGNUSON. It is the difference between 78 percent and 95 percent with respect to the 121 districts. Whatever that amount adds up to must be taken away from other districts.

Mr. HRUSKA. As applied to the total figure of $53 million; that is right.

Mr. President, I yield myself 3 additional minutes. The distinguished chairman of the committee is right. It will have to be taken away from some place else in order to make up this priority and preference, but may I suggest that when there was a reduction in the moneys available for this purpose, much more was taken away from these schools in terms of dollars and percentages. So when we restore, we ought to give them a little back.

Mr. MAGNUSON. I was not discussing that question. The administration proposed $202 million as against $520 million, or $505 million.

Mr. HRUSKA. Is the Senator suggesting that we go back to that figure?

Mr. MAGNUSON. No; I am not talking about the figures. If I had my way, I would like to add all these figures, but the committee would not go along with it.

Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time with this final statement: This is a matter of emergency, and not a matter of scaling down the efforts of the school districts involved. It is a matter of putting them totally out of business in most of the areas affected.

I urge that the amendment be adopted. I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSIELD. Mr. President, I did not hear the ruling of the Chair as to whether there was a sufficient second to the request for the yeas and nays.

The PRESIDING OFFICER. There was a sufficient second.

Mr. MAGNUSON. Regular order, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the request for the yeas and nays be withdrawn.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, I ask for a division.

The PRESIDING OFFICER. On the division, the amendment is rejected.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. It is too late; the result of the vote has been announced.

Mr. MANSFIELD. It is not too late, Mr. President. If it is too late, there is a new rule operating in this Chamber.

The PRESIDING OFFICER. The Senator can move to reconsider, but the result of the vote has been announced on a division. A request for the yeas and nays is not in order after the result has been announced.

Mr. MANSFIELD. Mr. President, then I move to reconsider the vote by which the amendment was rejected.

Mr. FULBRIGHT. I move to lay that motion on the table.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the amendment of the Senator from Nebraska (Mr. HRUSKA) was rejected. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the

Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay."

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Louisiana (Mr. LONG). If present and voting, the Senator from Washington would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. COOK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Vermont (Mr. PROUTY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 31, nays 41, as follows:

[No. 76 Leg.]

YEAS—31

Aiken
Allott
Anderson
Boggs
Brooke
Byrd, Va.
Case
Cotton
Fong
Fulbright
Goodell
Gore
Harris
Hart
Hartke
Inouye
Javits
Mathias
McGee
McGovern
McIntyre
Mondale
Muskie
Nelson
Pearson
Pell
Ribicoff
Smith, Maine
Spong
Tydings
Williams, N.J.

NAYS—41

Allen
Baker
Bellmon
Bennett
Bible
Burdick
Byrd, W. Va.
Cannon
Cooper
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McClellan
Miller
Murphy
Proxmire
Randolph
Russell
Schweiker
Scott
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—28

Bayh
Church
Cook
Cranston
Dodd
Fannin
Goldwater
Gravel
Griffin
Hatfield
Hughes
Jackson
Long
McCarthy
Metcalf
Montoya
Moss
Mundt
Packwood
Pastore
Percy
Prouty
Saxbe
Smith, Ill.
Stevens
Symington
Yarborough
Young, Ohio

So the motion to lay on the table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider.

The motion was agreed to.

The PRESIDING OFFICER. The question now recurs on the adoption of the amendment.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA, the Senator from Utah (Mr. MOSS), the Senators from Rhode Island (Mr. PASTORE and Mr. PELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay."

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Louisiana (Mr. LONG). If present and voting, the Senator from Washington would vote "nay" and the Senator from Louisiana would vote "yea."

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. COOK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senators from Illinois (Mr. PERCY and Mr. SMITH), the Senator from Vermont (Mr. PROUTY) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 20, nays 49, as follows:

[No. 77 Leg.]

YEAS—20

Bennett
Burdick
Curtis
Dole
Eastland
Ellender
Ervin
Gurney
Holland
Hruska
Jordan, Idaho
Mansfield
Miller
Murphy
Proxmire
Sparkman
Stennis
Thurmond
Tower
Young, N. Dak.

NAYS—49

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va
Cannon
Case
Cooper
Cotton
Dominick
Eagleton
Fong
Fulbright
Goodell
Gore
Hansen
Harris
Hartke
Hollings
Inouye
Javits
Jordan, N.C.
Kennedy
Magnuson
Mathias
McGee
McGovern
McIntyre
Mondale
Muskie
Nelson
Pearson
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith, Maine
Spong
Talmadge
Tydings
Williams, N.J.
Williams, Del.

NOT VOTING—31

Bayh
Church
Cook
Cranston
Dodd
Fannin
Goldwater
Gravel
Griffin
Hart
Hatfield
Hughes
Jackson
Long
McCarthy
McClellan
Metcalf
Montoya
Moss
Mundt
Packwood
Pastore
Pell
Percy
Prouty
Saxbe
Smith, Ill.
Stevens
Symington
Yarborough
Young, Ohio

So Mr. HRUSKA's amendment was rejected.

Mr. MURPHY. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. It is intended to be proposed by Mr. MURPHY: On page 26, lines 22 and 23, strike out "$252,393,000" and insert in lieu thereof "$262,393,000".

On page 27, line 5, strike out "$5,000,000" and insert in lieu thereof "$15,000,000".

The PRESIDING OFFICER. Ten minutes have been allocated to the Senator from California. How much time does he yield himself?

Mr. MURPHY. Six minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 6 minutes.

Mr. MURPHY. Mr. President, I am reluctant to move to increase the funds in the Labor-Hew appropriations bill before us today in view of the budgetary problems, and I would not do so if I did not feel so strongly about the dropout prevention program. The dropout prevention program is not a partisan matter; rather, it is a priority education program that has great promise and potential in bringing about some of the educational changes and improvements that are direly needed by society.

Mr. President, the dropout prevention program was authored by me in 1967 and it was incorporated into the elementary and secondary education amendments of that year. The program was drafted in consultation with some of the leading educators in the country including Dr. James Conant. It was drafted because I felt that both for society's sake and for the students' sake, we can not allow 1 million youngsters to drop out of school each year. This is particularly true in view of the fact that we are in the midst of an education explosion and a technological revolution, making a high school education or the acquisition of a skill a must.

In introducing the measure, I also cited statistics showing that the high dropout rates in our 15 largest cities varied from 21.4 to 46.6 percent. As bad as these rates were, when one focuses on the poverty schools within these areas, the dropout rate is shocking. In these poverty schools, 70 percent drop out. These dropouts are the "social dynamite" that Dr. James Conant warned the country about in 1961. This is the problem to which the dropout prevention program is addressed.

The dropout prevention program was designed to give maximum freedom and flexibility for experimentation at the State and local level. Under the program local and State educational agencies submit innovative proposals which zero resources on a particular school or on a particular classroom in an effort to have a major impact on the dropout problem. Eligible schools must be located in urban and rural areas having a high percentage of children from low-income families and a high percentage of children who drop out of school. The local educational agency, in addition to securing the approval of the State educational agency, is required to identify the dropout problem, analyze the reasons the students are leaving school, and tailor programs designed to prevent or reduce dropouts. Furthermore, and most significantly, the program requires objective evaluation.

Mr. President, the dropout prevention program has had the strong support of the previous administration. The dropout prevention program enjoys the strong support of Secretary Finch and Commissioner of Education, Mr. Allen. I, of course, am exceedingly proud that President Nixon in his letter of February, to Speaker McCormack, outlining a possible compromise on the Labor-HEW appropriations bill, singled out the dropout prevention program and specifically asked for "$10 million for projects to prevent the school dropouts" which the President said are "designed to find new ways to deal with problems where the old ways have been found to be inadequate." The President has identified the dropout prevention program, as have I, as a priority program. President Nixon believes in this program, and despite the budgetary problems, has specifically asked the Congress to increase the funding of the dropout prevention program.

Probably the project that has generated the most national interest is the Texarkana one. In this project, the local school system decided to enter into a performance contract with private industry to raise reading and math scores of potential dropouts. Performance contracting, as the name implies, means the company must perform in order to get paid. In other words, payment is made only for results. The performance contract in this instance calls for the raising of reading and math scores one grade level in 80 hours of instruction for $80. Importantly, the school system is deeply involved, with the contract stipulating that when the experiment is concluded, the company must have made the school personnel capable of continuing the instruction method used.

Preliminary results are most encouraging. Data that has been supplied to me based on February 2 testing indicates that the contractor has raised reading scores one and one-half grades and math scores approximately one grade in only 45 hours of instruction. These figures indicate that the contractor is ahead of its performance contract. Also, of the 125 students enrolled in the experimental program, only two have dropped out and one was because of pregnancy. In contrast, in a control group, 10 percent of the youngsters have already dropped out.

Mr. President, this is hard data, and it indicates that the program is working. That the Nation's school systems are following Texarkana is seen by the fact that San Diego is planning a $2.4 million performance contract. This is the first large urban school district in the country to express an interest in this type of approach. I do know there are other large systems, namely, Detroit, Dallas, Little Rock, New York, and Los Angeles, which are carefully considering this approach. Yet, Mr. President, unless we adopt this amendment, Texarkana will not be able to expand this successful project to the important elementary level. This would be tragedy in my judgment.

Mr. President, we know that dropouts are involved in crime at a rate 10 times higher than high school graduates. We are all concerned with the riots and disturbances that have plagued all too many of our school systems. I believe that the dropout prevention projects are having a salutary effect in these troubled school areas. For example, in Baltimore and St. Louis, despite general student demonstrations and disturbances in the area where the dropout projects are located, the disturbances did not occur in the schools where the dropout programs are in operation.

Mr. President, the dropout prevention program is a no-nonsense, practical approach to education. Some of the concepts built into the dropout prevention program are going to have a significant impact on education programs throughout this country. Dropout prevention projects are required to spell out their objectives. Having stated their objectives, they will be held accountable for achieving them. Most importantly, and I believe this is a first for the Office of Education, an educational audit will be done on each dropout prevention project. This educational audit will seek to determine, in terms of student learning, what the taxpayer is getting for his tax investment. This educational audit will be done by an independent organization outside of the project and will attempt to verify the project's performance. This is in addition to intensive in-house evaluations that will be done on the dropout prevention projects. A preliminary outside evaluation has been done on the Texarkana project. And their conclusion was:

> Test results indicate that experimental students are doing significantly better in vocabulary and reading comprehension.

Mr. President, the interest and the potential in the dropout program can be seen in the fact that over a thousand requests from independent agencies to submit preliminary dropout prevention programs have been received by the Office of Education. To fund all these programs would take over $700 million. It was this kind of interest and the merit of the program that prompted some of my colleagues on the Labor and Public Welfare Committee to move to increase the authorization of the dropout prevention program from the present $30 million level to $250 million by 1974. Obviously, as the author of the dropout prevention program, I was very pleased with this strong indication of the committee's support, but I did what perhaps is unheard of—I urged my committee colleagues not to raise the authorization level by that magnitude. I pointed out that the dropout prevention program was not intended to take care of all the dropouts. Rather, its intent was to identify and attack some of the worst situations in the country by establishing highly visible demonstration projects that are large enough to have significant impact, while at the same time small enough in number, to be carefully monitored and evaluated so that their success could be assured and duplicated in other sections of the country. These educational research and development efforts, the dropout prevention projects, are live educational laboratories whose work has great national interest and implication in dealing with some of the most persistent domestic problems confronting our country.

Mr. President, in the National Education Journal of December 1966, the following statement appeared with respect to educational change and reform:

> One often gets the eerie impression of huge clouds of educational reform drifting back and forth from coast to coast and only occasionally touching down to blanket an actual educational institution.

The dropout prevention program is causing educational waves. The dropout program is "touching" actual educational institutions. The dropout prevention program will produce change and will bring about reform that will not only touch the particular educational system involved but also educational programs throughout the country.

Mr. President, I believe my statement has made it clear that this is a priority education program. Although it apparently does not have the political muscle of some of the other programs, the results to date are most encouraging. The President of the United States has singled out this program as a priority program and urged the Congress to provide an additional $10 million, the amount provided in this amendment, in his February 2 message to Speaker McCormack.

The dropout prevention program has enjoyed the strong support of the previous administration, and as just indicated, the Nixon administration. It has enjoyed considerable support within the Senate Appropriations Committee. In 1968, the funding of the program was in-

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creased to $20 million in a Senate floor vote of more than two to one.

Mr. President, the Senate should overwhelmingly adopt this amendment so that we can bring about badly needed educational reform in this Nation.

I ask unanimous consent that various information relating to the dropout prevention program be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Instances of Educational Change Through Title VIII of ESEA

1. *Involvement of Private Business and Industry in the Educational Process:* The Dade County Talent Development Program, Miami, Florida, involves a work-experience program using business and industrial resources such as local meat-packing firms, landscaping firms, office machine firms, etc. IBM is working with the project in providing communication skills to students. Hialeah General Hospital is training attendants and hospital workers. Project STAY in St. Louis has work study programs with McGraw-Hill, Sinclair Oil, Famous Barr Department Store, and several local hospitals. Bell Telephone provides work-study skills with promotion and wage increase as school progress and skills development are shown. In Project KAPS in Baltimore, the C and P Telephone Company and local hospitals are developing communication skills and hospital training for students. The Dropout Prevention Project in Chautauqua, New York includes paid work-experience programs with local supermarkets, summer camps, landscaping firms, etc.

2. *Reform and Renewal of School Structure and Organization:* Each of the 10 funded projects is working toward elimination of unproductive instructional programs, of outmoded curricula, and of facilities which do not yield sought-after objectives. Project EMERGE in Dayton has one component in which students receive special study skills away from the regular school. In Seattle, a newly-organized Personal Development Academy will provide individualized instruction for students with special problems. In Fall River, "microprojects" or small grants will be given to teachers with successful ideas for school improvement. Fall River will also institute an experimental science program, an IPI math program, and a specially-adapted English program to meet the needs of children in that city. St. Louis will provide coordinated after-school activities. Miami will attempt an Engineered Classroom to assist potential dropouts to adjust to regular classes. Baltimore will use home instruction and counseling for sick, retarded or pregnant students. Some teachers in the St. Louis project will provide academic instruction on location of the industrial establishments which involve students in work-study programs. The Texarkana project has brought schools in Texas and Arkansas together to form integrated instructional centers to upgrade the reading and math of students.

3. *Motivating Students Through Rewards and Incentives:* In Baltimore, an Earn-Learn component in elementary schools will allow students to perform tasks for which they will earn points. Pupils will be able to trade points for school supplies, games and toys, and trips. Students who are successful in the Texarkana project will receive coupons to redeem for merchandise. Students who complete two grade levels of achievement will receive transistor radios. In Baltimore, older students will contract with teachers for something they would like to do in exchange for achieving their study objectives.

4. *Relaxing Ancient Traditions which Inhibit State and Local Educational Progress:* In Florida, the conventional 50 minute classroom "hour" will be made flexible to permit varying amounts of time to be spent on different subjects according to individual student need. The 9 to 3 daily schedule will disappear for students with special problems in St. Louis which will permit night classes, special care centers, schools for pregnant girls, etc. Similarly, in New York, clubs will be developed around motivational interests of students identified as high potential dropouts Batesland, South Dakota will establish teacher aides to assist Indian students in appreciation of their culture. New patterns of teacher preparation will emerge necessitating changes on the part of colleges and universities in preparing school staff. For example in Dayton, Ohio, college students with inner-city backgrounds will be hired to assist younger students to stay in school. Technical assistance will be provided through a Dayton-Miami Valley consortium of colleges and universities.

5. *Preparing Students for Realistic Job Education:* In St. Louis, one unit of the work-study component will involve students in house and apartment renovation to provide them with skills useful in construction work. Many of the businesses and industries cooperating with the dropout prevention projects are providing skills which will permit students to later enter these organizations as fully-qualified workers. Florida provides concentrated training on job decorum, positive work attitudes, proper dress, and the importance of being competent in a vocation. Seattle, St. Louis, Dayton, Fall River, Baltimore, New York, and Paducah have intensive pupil personnel services and counseling to better prepare the students for entry into careers and vocations.

6. *Insuring Student Mastery of Curriculum Skills:* New York will develop life-oriented curriculum learning centers to assess student difficulties, motivate the child, and provide remedial training as needed. Special group sessions for alienated students will be tried. The Texarkana project will guarantee raising the reading and math levels of students by two grade levels in specified time. In Baltimore, secondary tutors will be paid to help in raising the achievement levels of younger students. Paducah will establish an intensive Unit Program to provide specialized learning techniques for high potential dropouts. Miami will provide a self-instructional center coupled with part-time work. Seattle will re-structure several schools to provide improved curriculum approaches. In Seattle, small groups will be organized to better work with teachers in designing new approaches to learning. Skills and knowledge to be taught will be organized around things which interest students as in the case of Dayton, which will teach academic skills by analyzing welfare problems.

7. *Insuring Quality and Responsible Teaching:* At least two prime causes of student dropout relate to the teaching ability of staff and to outmoded instructional procedures, both of which may force a student to conform to patterns which he is unable to accept. In Paducah, an Extensive Training Program will help teachers to improve their attitudes toward disadvantaged youth and to assist them in developing improved pupil self-concepts. In Texarkana, a contracting agency will teach teachers to utilize special equipment designed to raise reading and math levels. In Baltimore, a private Institute of Behavorial Research will conduct intensive staff training for elementary teachers. In South Dakota, teachers will be trained to serve as resource agents to provide better instruction. In New York, staff will be trained to develop team concepts in improving curriculum.

8. *Accountability for Results:* Strict concepts of accountability for attainment of stated educational objectives have been accepted by each of the projects for which a grant award has been made. Toward this end, each project has used a portion of its award to secure needed technical assistance not available in the school system. Such assistance has been provided by outside consultants, such as Booz, Allen and Hamilton and Associates; Educational Testing Service; regional laboratories, universities, etc., and has provided aid in assessing school needs, developing specific performance objectives, improving school management, producing evaluation designs, etc. In Dayton, an Emerge Council and a Dropout Prevention Review Board will bring parents and community groups into closer partnership with the school in planning programs and insuring that results will be achieved. In Baltimore, special community aides will establish links between the school and community to improve accountability of both groups. In South Dakota, parent-student seminars will assist the schools in reaching objectives. In Texarkana, an outside contractor will guarantee attainment of stated objectives in reading and math with both incentive and penalty clauses built into the performance contract.

9. *Independent, Tough-Minded Review of Student Educational Payoff (Educational Audit)*: For the first time in connection with grant awards for educational projects, the Office of Education is requiring an educational audit for each project funded under the Dropout Prevention Program. The educational audit is roughly analagous to the financial audit and seeks to determine what the federal government is getting, in terms of student learning, for the tax dollar. In addition to intensive program evaluations required on each project, each project will be required to have an educational audit made to verify the results of evaluation. Such educational audit will be done by contract with independent, outside qualified consulting organizations which will examine all aspects of the program in order to identify potential obstacles to attainment of objectives and to offer corrective suggestions. The Office of Education has arranged a series of institutes to provide training for organizations which hope to serve as educational auditors.

School Dropouts

25 percent of children who enter 5th grade will drop out before high school graduation.

Current national dropout rate is 21.4 percent.

SCHOOL DROPOUT PROBLEM: A NATIONAL CONCERN

High rate of youth unemployment.

Disappearance of entry channels to unskilled and semi-skilled jobs.

Continuous rise in crime and delinquency.

Vandalism and riots in cities overwhelmingly by out-of-school unemployed youth.

Skyrocketing welfare rolls.

Loss to Nation in human resource.

UNEMPLOYMENT

Twice as many dropouts are unemployed as high school graduates.

Jobs requiring high school graduation increased 30 percent while jobs for non-high school graduates workers decreased 25 percent.

Unskilled jobs make up 5 percent of employment opportunities.

Dropouts are last hired, first fired.

CRIME

Dropouts are involved in crime at a rate 10 times higher than high school graduates.

Youth aged 16-24 account for:
27 percent of all arrests.
26 percent of all murders.
34 percent of all manslaughters.
49 percent of all robberies.
50 percent of all rapes.
53 percent all all car thefts.

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WELFARE

40 percent of New York public school population is receiving aid to dependent children.

62 percent of jobless fathers of such children have less than 4 years of high school.

42 percent of families earning $2,000 or less have a family head with less than an 8th grade education.

Education and life income

Elementary school:	
Less than 8 years	$189,000
8 years	247,000
High school:	
1 to 3 years	284,000
4 years	341,000
College:	
1 to 3 years	394,000
4 years	508,000
5 or more years	587,000

Mr. COTTON. Mr. President, I commend the distinguished Senator from California for the amendment. There is no program that is better and more needed. In fact, this is one of the two programs that the President wanted and asked for, this one and the experimental schools program, which the House did not take.

I hate to say this, of all people, to the Senator from California, because he has fought long and hard for the impacted area funds for his great State.

Now, when the Senator from New Hampshire was able to assure the Senate that the impacted area funds and the Hill-Burton funds would be left intact, it was with the understanding with the administration that there would be no funds added to the bill after the amendment was adopted by the amendment of the Senator from Missouri (Mr. EAGLETON).

It made the thing so tight that for a while it was thought they could not live with it without skimming some off the impacted area funds. I said that if that was the case, I would simply have to oppose any amendment because I based my word on the fact that we would have to withdraw it.

So, it is such a tight balance that we feel impelled to beseech the Senator from California, important as I think his cause is, and much as I admire him for fighting for it so hard, in order to save the situation and to save the chance of getting the bill signed, I am impelled to ask him to consider withdrawing his amendment.

Mr. MURPHY. I thank the Senator from New Hampshire, and thank him for his expressions of support and appreciation of the importance of the value of this particular amendment. May I ask whether there is a possibility in the conference that this will get the attention of the conferees?

Mr. COTTON. If there is the slightest possibility, and if I can prevail on the people downtown to squeeze a little harder, I assure the Senator from California that I will do my best.

Mr. MURPHY. I thank my distinguished colleague from New Hampshire.

Mr. JAVITS. Mr. President, I wish to testify to the worth of the program, as one who has been very active in the educational aspects of the work of the Senate. The Senator from California has initiated, authored, and developed this program. It is tremendously successful. The leverage is enormous, because they are the key children in this effort. The analogy to narcotics addiction in their case, although there are relatively few addicts, is clear. But it is unbelievable what has been done in this field. It is sad that it must be aborted, even momentarily.

I take great encouragement from what the Senator from New Hampshire has just said. I know how difficult it will be for him to try to solve the problem but I can only add, as one Senator, that if on the administrative side I can find some way to help with the Department, I assure the Senator, too, that I will devote myself to that end because this is one of the worthy new programs in this whole field.

Mr. MURPHY. I thank my distinguished colleague from New York.

Mr. FULBRIGHT. Mr. President, I merely wish to join the Senator from New Hampshire and the Senator from New York, because they mentioned the programs in my State, to thank the Senator from California for what he said about the programs, those in Texarkana and Little Rock. They have been so successful that I hope they can be further expanded, because they have been so effective.

I certainly support the Senator from California in his amendment.

Mr. MAGNUSON. Mr. President, I want to tell my good friend from California that the Senator from Washington and the Senator from New Hampshire made an attempt to add a little more to the program. We did not succeed. We found more opposition on the House side in the first conference that we had than anywhere else. I am hopeful that we can do much better, because the results are beginning to show in these places.

Let me say to the Senator from California that we will, in a matter of almost 40 days, begin hearings on a new bill. Thus, I welcome the Senator from California to come down there and tell us, together with the other people, the results of the program and I think that in next year's appropriation bill we will be able to do some real work in this field, because it is so important. It is the best insurance we will have, because a dropout costs us more when he drops out than it costs us to make this appropriation to see that he does not.

Mr. MURPHY. Mr. President, I thank the distinguished Senator from Washington.

Mr. President, with full confidence in the Senator from New Hampshire and his assurance that in the conference this will get attention, and the statement of the Senator from Washington regarding the new hearings that will begin in 40 days, let me assure him that I will be back with the records and the facts which I think will be a most impressive record.

Mr. President, reluctantly, in order to accommodate the chairman and members of the committee, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. TOWER. Mr. President, since I have been a Member of this body, I have supported the programs of aid to education in federally affected areas under Public Laws 874 and 815. These programs may not be perfect in the present forms. They might need some improvement. But there is no need to kill the program in order to take it apart and find out how to make it work better. The precipitous reduction of funding for impact aid programs would certainly be disastrous. The $520 million provided in this bill is almost the minimum acceptable figure. School districts will still feel the pinch, and those with the most severe impact will feel it the worst.

The distinguished Senator from Nebraska is proposing an amendment which would protect these districts with extremely heavy impact from the hardship which they would suffer even at the present appropriation level. The amendment would insure that school districts where 75 percent or more of the students are federally connected will receive 95 percent of their full entitlements under Public Law 874. Districts with such an extreme impact naturally depend more heavily than others on Public Law 874 funds in meeting their educational obligations.

Senator HRUSKA's amendment is appropriate and fair because it directs the funds to the areas of the sharpest need while still providing substantial assistance to areas where the need is less severe but nonetheless real.

Congress has for the past 20 years repeatedly endorsed the concept of aid to education in federally affected areas. Very likely the formula for providing such aid is due for an overhaul. However, the present appropriations bill is not the proper vehicle for bringing about a revamping of the system. We must amend the formula if we want to change the results, but we should not merely adjust the appropriation arbitrarily. I do not mean that we must fully fund every item authorized, but that we must remain substantially true to our announced intent in a matter such as this. For almost 20 years educators across the country have depended on the Public Law 874 program. We cannot cut them off without fair warning.

Recently the impacted aid program has come in for more and more criticism. Perhaps it is appropriate to hold the line now until we can find out what is wrong. The appropriation provided in the present bill is comparable to the amount provided in fiscal year 1969. As I said before, even this amount will not be completely comfortable for school districts. They will feel the pinch. But Senator HRUSKA's amendment will ease the pain where it hurts the worst. On the whole, I feel that this, perhaps, is the best we can do at this time.

Mr. MAGNUSON. Mr. President, before third reading, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

XUM

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. All time has now been yielded back.

The question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Connecticut (Mr. Dodd), the Senator from Michigan (Mr. Hart), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Jackson), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pastore), the Senator from Rhode Island (Mr. Pell), the Senator from Missouri (Mr. Symington), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young), are necessarily absent.

I also announce that the Senator from Alaska (Mr. Gravel) is officially absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Connecticut (Mr. Dodd), the Senator from Michigan (Mr. Hart), the Senator from Alaska (Mr. Gravel), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Jackson), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Montana (Mr. Metcalf), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pastore), the Senator from Rhode Island (Mr. Pell), the Senator from Missouri (Mr. Symington), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young), would each vote "yea."

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. Cook), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senators from Oregon (Mr. Hatfield and Mr. Packwood), the Senators from Illinois (Mr. Percy and Mr. Smith), the Senator from Vermont (Mr. Prouty), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) is absent on official business.

The Senator from Nebraska (Mr. Curtis) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. Cook), the Senator from Nebraska (Mr. Curtis), the Senators from Illinois (Mr. Percy and Mr. Smith), and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

The result was announced—yeas 69, nays 0, as follows:

[No. 78 Leg.]

YEAS—69

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cooper
Cotton
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Goodell
Gore
Gurney
Hansen
Harris
Hartke
Holland
Hollings
Hruska
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Murphy
Muskie
Nelson
Pearson
Proxmire
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—0

NOT VOTING—31

Bayh
Church
Cook
Cranston
Curtis
Dodd
Fannin
Goldwater
Gravel
Griffin
Hart
Hatfield
Hughes
Jackson
Long
McCarthy
Metcalf
Montoya
Moss
Mundt
Packwood
Pastore
Pell
Percy
Prouty
Saxbe
Smith, Ill.
Stevens
Symington
Yarborough
Young, Ohio

So the bill (H.R. 15931) was passed.

Mr. MAGNUSON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Eagleton in the chair) appointed Mr. Magnuson, Mr. Russell, Mr. Stennis, Mr. Bible, Mr. Holland, Mr. Cotton, Mr. Case, Mr. Fong, and Mr. Boggs conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I commend the able and distinguished chairman of the Labor, Health, Education, and Welfare Subcommittee of the Committee on Appropriations, the senior Senator from Washington (Mr. Magnuson). I commend him for his able advocacy. I commend him for his effective legislative skill. And, on this particular measure, I commend him for his tenacity and endurance.

Senator Magnuson has now literally been with this funding measure for a number of months.

The delay, may I say, was no fault of his. It was the veto action imposed against the original proposal that occasioned the procedure adopted.

For his work on the proposal, for his splendid guidance and outstanding leadership, the Senate and the Nation as well are deeply indebted to Senator Magnuson.

Our thanks goes also to the distinguished senior Senator from New Hampshire (Mr. Cotton). As the ranking minority member of the subcommittee be applied the same strong support and assistance that have characterized his many years of public service. He, too, has literally lived with this matter for a good many months and the Senate is grateful.

We are grateful as well to many other Senators for their contributions. The Senator from Mississippi (Mr. Stennis), the Senator from Maryland (Mr. Mathias), the Senator from Minnesota (Mr. Mondale), and the Senator from New York (Mr. Javits) joined to offer their strong, articulate and most sincere views. Others too are to be commended. The Senator from Virginia (Mr. Spong), the Senator from Nebraska (Mr. Hruska) and many others may be singled out as well.

Quite frankly, it is difficult to express in words my gratitude to the Senate this evening for the outstanding cooperation exhibited by each and every Senator, regardless of point of view or party. It is not an easy task for any one of us to give up commitments, engagements, and the like for the sake of undertaking Senate business on a Saturday evening. I am confident the Senate appreciates the unusual circumstances that prevailed in calling for such a session. Not only did the matter of the Labor-HEW bill remain as a priority item, but on Monday next, by previous order, the Senate already agreed to begin its consideration of the voting rights measure—a most important proposal. Thereafter, the Senate will proceed to the nomination of Judge G. Harrold Carswell to be a member of the Supreme Court. So the workload has been full and the pace lively. It appears that it will remain so in the weeks ahead. I thank the Senate for its cooperation. Our achievements have been many. They will be more.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, at 7:20 in the evening, I ask unanimous consent that there be a brief period for the transaction of routine business, with a limitation of 3 minutes on speeches.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT FROM MR. GILBERT HAHN, JR., CHAIRMAN OF THE CITY COUNCIL OF THE DISTRICT OF COLUMBIA ON THE PROBLEM OF CRIME IN WASHINGTON

Mr. MANSFIELD. Mr. President, I have received a statement from Mr. Gilbert Hahn, Jr., the Chairman of the City Council of the District of Columbia. It is a response to remarks which I made recently in the Senate on the problem of crime in Washington. It will be recalled that I asked the city's leaders to direct their energies to this question. I urged them to concentrate on crime in the streets because unless these essential channels of human contact are freed from terror and restored to reasonably safe usage in all segments of the District, there is little hope of restoring the shattered communal life of the Nation's Capital. To that end, I suggested that the Mayor, the Police Chief, and other city authorities come up with a plan to cut street crime 50 percent in the near future.

In his statement to me, Mr. Hahn has written a very thoughtful analysis of the situation. He discusses both the immediate aspects of the problem of crime and also cites some relevant long-range considerations. Of the remedies which he proposes, Congress has already enacted some into legislation, at least in part. May I add that so far as I am aware, every Presidential proposal for legislation directed against crime in the Nation's Capital has already cleared the Senate.

One major proposal in Mr. Hahn's statement has already been partially enacted into law by both Houses but even that part awaits effective administration by the city government. I refer to the size of the police force. Mr. Hahn believes that the District of Columbia police should number 6,000. The President and the Congress have provided for 5,100 men but the recruitment policies and techniques of the city authorities so far have produced a force of only 4,500. I would hope, therefore, that more vigorous efforts will be made by the city authorities—and I am sure they are—to fill the complement already authorized and to use this force with full effectiveness against street crime. There would then be a basis for considering Mr. Hahn's suggestion for additional expansion to a 6,000-man force.

In all frankness, I must say that it is difficult to justify a further increase in the authorized number at this time if the city officials are unable to enlist those for which provision has already been made. I do not see that salary is the main problem at this time. The starting pay has been raised to $8,000 and compares favorably with that in all parts of the Nation.

Mr. Hahn's statement also refers to such remedies for the problem of street crime as increasing the number of judges and other court personnel, attacking the drug problem and seeking to combat juvenile delinquency through more jobs, better schools and vocational training. The statement, as I have said, has a great deal of merit and I would hope that every attention will be given to it in all quarters.

However, the immediate need, as I see it, is for Mr. Hahn to translate the general approaches which are suggested in his statement into specific proposals for action. Then, from the point of view of the Senate, the administration should clarify—spell out in proposed legislation—what portion of them is sought from this body.

I reiterate what I said the other day, if there is anything further which is needed from the Senate at this time to cut the street-crime rate drastically, President Nixon and the District of Columbia authorities should state that need. If they will send their legislative proposals to the Senate, they will have not only my attention but, much more significant, they will have, I am confident, the full consideration of the appropriate committees and the Senate as a whole.

I hope the Chairman of the City Council will consider this matter with his colleagues in the District of Columbia government and with the President, without delay.

Mr. President, I also had a chance to talk with the Mayor, the Honorable Walter Washington, who is cognizant of the situation which confronts him in this matter. I found him to be most cooperative and understanding.

In the interim, Mr. President, I ask unanimous consent that Mr. Hahn's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

GOVERNMENT OF THE DISTRICT OF
COLUMBIA, CITY COUNCIL,
Washington, D.C., February 24, 1970.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: In response to your Friday statement, here are a few thoughts of mine for curbing crime in the District of Columbia.

Very sincerely,

GILBERT HAHN, Jr.
Chairman, City Council.

REPLY TO SENATOR MANSFIELD

Senator Mansfield has, as he did Friday, repeatedly challenged the District of Columbia leadership to come up with a program for reducing crime in the District of Columbia by 50%.

I have a four point, short term program for attack on the problems of crime, which I hope the Senator will support. These are not, for the most part, new or radical.

An attack on the hard drug problem, particularly heroin addiction;

An attack on juvenile delinquency (which accounts for over 50% of all crime) through jobs, better schools and vocational training;

An end to delays in trials and the whole administration of justice from arrest to rehabilitation, as well as a simplification of trials; and

A further increase in police presence and the sophistication of the criminal enforcement process.

We do not know all the causes of crime—nor can we be sure we know even what some of the cures are. We can only be sure that crime will start to come under control and diminish when most of society—that is to say all of us—want crime to end. And, no amount of police, judges, jails and money can have more than a partial effect on crime until all of us want crime ended.

What I say here is for the short term only and is not in place of long range programs. I support the belief that bad housing, bad environment, bad schools and a lack of jobs, as well as many other social ills that require improving contribute to the climate of crime. I support massive programs of social reforms, because they are right and because logically inequality of possession and inequality of opportunity in an open society ought to be a long term and basic contributor to crime.

Almost two years ago, I made a speech, following a door-to-door election campaign through the City in the Winter and Spring of 1968. I then found that the uppermost thought on the mind in the City was fear of crime.

At that time, with relation to the short term solutions to crime, I said that we should emphasize two solutions: one, an increase in the number of police and the other to speed the administration of justice.

Then, I said that the District of Columbia police force should be doubled, from its then level of 3,000 to 6,000. A good deal of progress has been made in this one area. President Johnson pushed the authorized strength to 4,100 and President Nixon to 5,100. The force actually now stands at about 4,500 and is being increased in numbers and sophistication. Its leadership under Chief Jerry Wilson is excellent; and it has successes such as its handling of the November 15, 1969 protest march on Washington to its credit. We hear less now about police brutality and community complaints about police. This is good. The community seems now, for the most part, to support the police. To the extent that we have slowed down the rise of crime in the City, the increased police force must take the largest credit. We must, I think, continue to increase the force to 6,000 men and complete the upgrading of training and sophistication of the police that I called for in 1968.

If we are to cope with the rising tide of crime and maintain our liberal tradition of arrest by warrant, search by warrant, rapid arraignment before a magistrate, immediate availability of counsel, lack of resort to forced confessions, and all the rest of the desirable safeguards built into our system of administration of justice at the level of arrest and pre-trial procedure, then we have no option but to continue to increase the number of police and the sophistication of their training and equipment.

At the same time, in 1968, I called for a doubling or tripling of the number of judges in all courts, court aides, probation officers, psychiatrists, prosecutors on all levels. For I felt then, as I do now, that an increase in the police presence would have a limited effect without speedy trials. In this respect, there has, as yet, been no significant increase in the judges, courts, prosecutors, court personnel or indeed the penal system.

President Nixon has proposed a new Superior Court which would increase the number of judges from 27 in the Court of General Sessions to 50 in the new Superior Court, and a corresponding increase in personnel. This bill, passed by the Senate, has yet to be favorably considered in the House. And the House District Committee has proposed reducing the number of judges from 50 to 40. Whatever reasons there are for opposition in the House, they should be put aside to permit President Nixon to appoint 23 additional judges into our judicial system and to add to other needed court personnel, including prosecutors.

The Court of General Sessions has a backlog of 2,000 criminal cases.

There is a two to three thousand criminal trial backlog in the District Court, with delays in trials running up to a year, even though there has been some recent improvement. Our system of release without money bail prior to trial, certainly just to the individual defendant, becomes a destroyer of justice and a danger to the community, when it contributes to deliberate delays in trials, a diminution of guilty pleas in proper cases and a rising volume of jury trials.

I see no alternative but a drastic increase in the number of judges and an emphasis on current trials. The present proposal for pre-trial detention, which appears to have adequate safeguards for the rights of defendants cannot be a substitute for enough judges to try every case within a few weeks.

Men out of jail, awaiting trial for 6 to 18 months cannot usually get or retain gainful employment—and we are not doing them or society any service by permitting this situation to continue.

Bad as the situation is in District Court, in our Juvenile Court it is even worse. There is a 6,000 backlog of juvenile cases, with a typical length of time of 18 months from arrest to trial. Nothing is as devastating as delay in the disposition of juvenile cases, particularly a youth's first confrontation with a Court. Even if the Court reorganization plan were to be adopted tomorrow, merging Juvenile Court with the Court of General Sessions, the backlog will rise to 10,000 cases and an increase in delays of juvenile trials.

As I said in 1968, in a proper attention to providing deserved protection for defendants, the right to counsel, jury trials, insanity defense, evidentiary protections, we have made the administration of Justice cumbersome and time-consuming and failed to provide the necessary additional judges and other personnel—or the simplification of the system to make it work.

To make both of these improvements that I recommended in 1968, doubling the police force and doubling the number of judges and courts, I estimated the additional cost to be $50 or $60 million. I see nothing to change my mind about the need for these reforms. We must be prepared to make these changes and pay the cost.

Since two years have gone by, and since my experience of a year as City Council Chairman. I have two more points that I think must rank with doubling the police and doubling the courts as essential to the war on crime.

These are drug addiction and juvenile crime.

Within the past few years, drug addiction, especially heroin addiction has come onto the Washington scene, like a nightmare. It appears we may have in Washington from 5,000 to 15,000 hard drug addicts. Some evidence indicates that half of all arrested suspects are hard narcotics addicts. Although we have no way of knowing this for certain, the number is obviously large and growing.

What is worse still is the compelling evidence that the use of hard drugs is widespread in our high schools. We know little of what the attraction is to become addicted, other than that the criminals peddling narcotics encourage it for profit, or that the young try it because their friends do it. We know no proven way of curing addicts once they have become addicts, at least not in any significant numbers—and we are entirely at a loss as to where to begin. We have no successful way of persuading people not to experiment with drugs.

We do know that it apparently takes $45 to $50 a day to support a heroin addiction "habit". We can assume in almost every case that the addict is either stealing money or property to support his habit or selling narcotics to others. If he is stealing property, we believe it takes about 2½ times the $45 to $50 to get the money. Multiply this by 365 days a year to see the damage to society of a single heroin addict. These are figures provided by Senator Joseph Tydings of Maryland.

XUM

We are years behind such cities as New York in our programs for providing treatment and counselling for addicts, especially the young of the community. Supported by President Nixon, the Mayor has proposed a unified program, using the resources of the health and police departments to attack drug addiction and to provide 200 hospital beds for treatment.

I would propose to implement a bold program suggested by Senator Tydings for the massive use of testing. Urine testing can now establish the presence of heroin. The use of the test would enable the community to identify the addict—and, being identified, it would enable us to know that person presents a danger to the health, safety and welfare of the community as well as himself.

I would propose that we implement Senator Tydings' suggestion that every person, adult or juvenile, on bail awaiting trial, every person, adult or juvenile, on parole or on probation, should be required as a condition of bail, parole or probation to submit to these tests at frequent intervals—weekly if necessary. Certainly, none of the methadone programs, either public or private, should be carried on without testing.

I believe the City Council could pass regulations requiring such testing within its regular police powers to protect the public health, safety and welfare and I would hope that Senator Mansfield would support us. And I propose that the City Council, while it has the 1971 Budget before us, reorder its priorities to provide for massive urine testing immediately.

Finally, in the area of juvenile crime. Again, we know only that juvenile crime and disorders are mounting, both on the streets and in our schools. As I have said before, we have seen that the Juvenile Court has a 6,000 case backlog that will rise to 10,000 cases, even if new judges and court personnel are authorized tomorrow—and we have seen that rapid rise of hard drug addiction, especially among the young that appears to cause almost one-half of our crime.

There is no doubt that crimes by juveniles, whether related to drugs or not, account for half of all crime and the proportion is steadily rising. An increase in judges and police is not alone the answer to juvenile crime.

In addition to the drug problem, which I have discussed above, I would offer two other suggestions in the area of the juvenile crime. After the emphasis that I place on curbing the use of drugs as a cure for juvenile crime, the second emphasis I place on jobs for the young and third on the schools.

The world of the young today—and here I mean from the age of 13 years up—is no longer related to athletics and recreation alone as a use for time out of school. The typical young man or woman of that age wants a job and he wants money. Where a child of ten or twenty years ago could exist in society without money in his pocket, this is no longer the case. And, we have to find a way to satisfy this drive. Much has been done in terms of summer jobs, but much more needs to be done. But that is not all. The need is there for employment the year round—and it has to be satisfied.

We do not yet know the cost of such a program, nor can we calculate its cost, until we find out whether or not the private sector of the economy can support such a program. But, we hope that as we expand this program that Senator Mansfield will support us in this area.

We already know about the critical failures in our school system. Enough has been said of the money needs to bring the academic quality of our schools not only to an acceptable level but an outstanding one. But, we need to go beyond the academic.

Our schools may need to work in new ways to meet the problem. While we are doing much in our schools to improve academic skills, we may be neglecting a substantial need for vocational training and opportunity for those who prefer it. I call attention, for example, to a small experiment, funded by Secretary Romney's Department of Housing and Urban Development. This has been the training of 25 young men, living in public housing to learn housing repair and management skills, provided they remain in school. Having initiated this program, I am proud that it has been spectacularly successful. I would hope that this kind of program could be introduced into the school system and enormously expanded.

There are many other similar kinds of programs that could be added to the schools to meet this need. It will be expensive. I would hope that Senator Mansfield would support these programs when they are presented.

As a leader of the District Government, that is the four point program that I propose to Senator Mansfield: an increase in the police force to 6,000; a doubling or tripling of the number of judges and other court personnel to end delays in trials and the administration of justice; an attack on hard drug addiction especially heroin; and an attack on the problems of juvenile delinquency, with programs for jobs for juveniles and improved schools and vocational training.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. MONDAY, MARCH 2, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock on Monday morning next.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday morning next following the speech by the Senator from Arizona (Mr. FANNIN) there be a brief period for the transaction of routine morning business.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Senators may be permitted to make statements during that period for the transaction of routine morning business and that such statements be limited to 3 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

CONCLUSION OF ROUTINE BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further routine business?

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, before moving to adjourn, for the information of Senators I wish to recapitulate the previous orders procured by the majority leader.

Pursuant to the order of the Senate, there will be an adjournment until 11 o'clock on Monday morning next.

Following the prayer and the disposition of the reading of the Journal on Monday morning next, the Senator from Arizona (Mr. FANNIN) will be recognized for not to exceed 1 hour.

Following the address by the Senator from Arizona there will be a brief period for the transaction of routine morning business with statements therein limited to 3 minutes.

Following the period for the transaction of routine morning business on Monday morning next, the Presiding Officer, pursuant to the order of Tuesday, December 16, 1969, will lay before the Senate the bill (H.R. 4249) to extend the Voting Rights Act of 1965, and the bill will be made the pending business under the order of December 16, 1969.

ADJOURNMENT TO 11 A.M., MONDAY, MARCH 2, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock on Monday morning next.

The motion was agreed to; and (at 7 o'clock and 22 minutes p.m.) the Senate adjourned until Monday, March 2, 1970, at 11 a.m.

EXTENSIONS OF REMARKS

A BOUNTIFUL LAW REVIEW

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Saturday, February 28, 1970

Mr. METCALF. Mr. President, for some years now the problem of abuses of the special farm accounting principles has had my consideration. During this period, I introduced several bills and consulted with both farm and labor groups, as well as individual tax experts. One of the experts to whom I refer is particularly qualified in this area. He is Charles Davenport, who served as the farm tax adviser within the Treasury Department at the time a favorable report was issued on my original proposal back in July of 1968. He served in the same capacity when the Treasury Department conducted a detailed study into needed areas for tax reform during the last 2 years of the Johnson administration. That study which adopted the loss limitation approach contained in my bill, S. 500, was the basis for lengthy hearings held last session on the subject of tax reform. Unfortunately, the present administration failed to take advantage of his particular expertise in this area and in August of last year, Professor Davenport left the Treasury to become a professor of law at the University of California.

Professor Davenport has since published an article which appeared in the Texas Law Review which discusses the problem of tax-dodge farming at great length. This article was written prior to the Senate's final consideration of this problem. However, Professor Davenport did have available to him the press release of October 17, 1969, at which time the Senate Committee on Finance announced its decision to adopt a modified version of my bill but with what I considered to be excessively high dollar limitation figures. Professor Davenport termed the action taken by the Senate Finance Committee as "at best a very poor substitute for Senator METCALF's bill."

The issue as to the comparative effectiveness of the committee's version versus my bill has since been joined with the result that when the bill went to conference, the Senate conferees receded from any form of loss limitation approach and instead adopted the administration's EDA proposal which in effect says to the tax-dodge farmer: Take your artificial farm losses as deductions from your nonfarm income now and we will attempt to recapture the revenue lost at some future date of your choice.

Professor Davenport's article meticulously explains why he has chosen the approach contained in my bill, S. 500, over the EDA approach adopted in the final version of the Tax Reform Act of 1969. Already, farm and labor groups have begun to express to me their displeasure over the final outcome of reform efforts in this area.

Mr. President, because I intend to renew my efforts in this area in the future and because of the excellent analysis of the problem now available to us in the form of this article, I ask unanimous consent that Professor Davenport's article be printed at this point in the RECORD.

There being no objection the Texas Law Review article entitled "A Bountiful Tax Harvest," was ordered to be printed in the RECORD, as follows:

[Reprint from December 1969, issue of the Texas Law Review]

A BOUNTIFUL TAX HARVEST

(Professor Davenport traces the development of the "farm loss" inequity and analyzes the possible remedies. He meticulously examines the proposed solutions now before Congress, explains why he favors Senator Metcalf's Bill, and expresses his fear that division within the ranks will defeat reform.)

(By Charles Davenport, acting professor of law, University of California at Davis. A.B., 1954, Chico State College; LL.B., 1957, Harvard Law School)

I. INTRODUCTION

The nation's income tax law takes its form from its various architects. Congress has the initial chance to structure it. Then the Treasury promulgates regulations. These sources are subsequently interpreted by the courts in deciding cases and by the Internal Revenue Service in many administrative proceedings. Each institution is undoubtedly reacting to a peculiar set of pressures and to special arguments being exerted at the moment. As a consequence, the law at any time may be something that just happened. It is not surprising that a system growing like Topsey may sometimes reach a topsy-turvy result.

At this writing, several industries, notably oil and gas, real estate, perhaps timber, and some farming, offer this opportunity. This paper, however, is limited to the "farm loss" problem, but it seems likely that the conclusions and analytic techniques set forth are equally applicable in any case in which premature deductions are allowed for the cost of assets, while also conferring capital gain treatment on the sales proceeds to the extent they exceed any basis the property may have. Thus the conclusions and techniques discussed herein might just as easily apply to depreciation on real estate unless this deduction is sharply reduced by the current tax reform proposals.

The "farm loss" problem arises from the deduction of capital costs while allowing sales proceeds to be treated as capital gain. We shall first trace briefly the development of the tax law in agriculture to ascertain just how we got where we are. Then we shall turn to a demonstration of the benefits afforded by the tax law. Thereafter the areas of principal application shall be outlined, and finally some solutions currently proposed will be evaluated.

II. GROWTH OF THE TAX HARVEST

A. A seed is planted

One root of the farm problem lies in a number of administrative decisions made very early in the game. A Treasury Decision [1] in 1915 and regulations issued under the Revenue Act of 1916 [2] provided that the farmers could report their income on either the cash or accrual method of accounting. More importantly, the same authority gave the farmers permission to dispense with accounting practices employed by other businesses and permitted them to deduct livestock-raising costs even though they were capital expenditures.

This decision seems to have been prompted by several considerations. First, since the identification of specific costs attributable to particular animals on hand at year's end would have been very difficult, the easy answer was to ignore such costs. Furthermore, the accounting principles of the time appear to have been unsophisticated and unprepared to deal with the problem of segregating and capitalizing costs associated with livestock Finally, there was undoubtedly some notion that the average farm did not represent the type of investment or financial acumen usually found in other business operations. To ask that expensive accounting techniques be employed would not only have overburdened the investment, but would also have overtaxed the farmer's financial management capacity.[3] In a sense, farms were just not considered businesses.

These early regulations also addressed themselves to the amounts incurred in the development of orchards and ranches. Contrary to the rule for livestock, the initial regulations required these costs to be capitalized.[4] Presumably, the inconsistency of allowing livestock farmers an immediate write-off while requiring capitalization of development costs of orchards and ranches was raised, and the issue was resolved for deductibility of both kinds of expenses when the next regulations were issued in 1919.[5] Case law stemming from this era indicates that, left to its own devices, the judiciary would have reached contrary results for those development costs.[6]

When these liberal rules, the expensing of raising and developing costs, were formulated, they had but one effect on tax liabilities. The deductions were premature and created artificial tax losses, which would not have arisen had the costs been properly capitalized. These artificial tax losses offset income from other sources and permitted a deferral of tax liabilities on other income until the farm assets were sold. This gross mismatching of income and expense could be tolerated when tax rates were relatively low. They became quite another matter when, as later explained, they combined with very high ordinary income rates and lower capital gains rates on many farm assets.

The point of recounting the historical is that these liberal accounting rules were developed by an administrative agency under a statute requiring that income be properly reflected. While expediency might be their chief justification, there is nothing to indicate that their impact as a stimulant for investment in farm assets was ever considered. Indeed, that consideration would have been improper. Furthermore, it is doubted that they originally had any such effect; instead, they dealt with difficult accounting problems.

B. The flower blooms

Congress discovered capital assets in the Revenue Act of 1921. It did not see fit, however, to include within that category depreciable property used in the trade or business. We were later told that this property had been excluded in order to assure full deductibility of losses.[7]

Whatever the reason for excluding these assets from the preferred treatment, World War II brought forth a rash of condemnations, destructions, and sales of depreciable property that had appreciated substantially. To prevent virtual confiscation of such appreciation by high wartime rates, Congress conferred capital gain on depreciable property used in the trade or business but pre-

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served full deduction of losses realized on this property.[8] While the House specifically excluded real estate from the preferred dual treatment, the Senate added real estate and its improvements—largely to assure that losses on sales of plants and the like would be fully deductible.[9]

Although the Commissioner of Internal Revenue sought on several occasions[10] to compel a contrary result, farmers considered their breeding animals to be property used in the trade or business and applied the new rules to their own benefit. The ensuing controversy was settled in favor of the taxpayers in *Albright v. United States*,[11] when the court found that all the culls[12] from a dairy herd were property used in the trade or business and that sales proceeds therefrom qualified for capital gain treatment.

Even with this victory, the livestock interests were concerned that administrative practice might not be so lenient as the cases and in 1950 urged the Senate to legislate on the subject. These efforts failed,[13] but a renewed fight in 1951 moved Congress to clear up any uncertainties by enacting the predecessor of the Internal Revenue Code of 1954 section 1231(b)(3) in the Revenue Act of 1951.[14] The explanation of the Act also made clear that the animals' basis for gain was to be determined under the taxpayers' method of accounting.[15] That is, a cash basis taxpayer would have no basis for raised animals, and the entire sales proceeds would be capital gain. A taxpayer who capitalized or inventoried costs would use this basis and have gain only to the extent proceeds exceeded his basis.

The adverse effects of this legislation were noted in a letter from Secretary of the Treasury Snyder to the Chairman of the Senate Finance Committee on June 27, 1952.[16] This is the first statement of the taxable income distortions that occur from permitting capital costs to be deducted while permitting proceeds to be treated as capital gain. As has often been the case, the mechanics of creating a tax loss that offsets income otherwise taxable at ordinary rates were accurately described, but the full tax consequences were not sharply delineated.

Again, recounting the legislative history of the capital gain aspects of the problem has a purpose beyond the historical. That purpose is to lay to rest the notion that the provision had any design other than to limit the tax on sales proceeds. There is nothing to suggest the limited tax rate was to produce the effect described in the next section of this paper. Furthermore, the farm industry wanted treatment equal[17] to that accorded other industries. The industry argued that the aged cow was the equivalent of machinery scrapped by the manufacturer. Both were claimed to be entitled to capital gains on sale. There is nothing in this history to suggest that Congress was purposefully subsidizing, in a rather haphazard manner, certain segments of the farm industry. Congress intended only to give farmers relief generally granted others.

With this historical note we can turn to demonstration of the negative tax impact.

III. HOW THE PRINCIPLE OPERATES

The problems in the farm tax loss area are described in various ways. The Treasury may point to the offsetting of farm losses against other income or to the creating of tax profits when there are no economic profits. Others write about "hobby farming."[18] These descriptions are not satisfactory, and the scope of this paper is not so narrow. Rather, this paper is concerned largely, but not solely, with the negative tax rate that may be applied to farm *profits*.

What is a negative tax rate? A positive income tax rate takes a part of a taxpayer's profits and puts them in the Treasury. A negative tax rate, on the other hand, takes dollars from the Treasury and puts them in the hands of citizens, just as a spending program does. In the analysis that follows, this latter process is shown to flow from the conferring of capital gain treatment on the sales "proceeds" of assets, "proceeds" that are created by expenses, which may be fully deducted when paid.

The negative tax affect may be fully demonstrated by the following five cases. In each case, the asset sold is assumed to have no basis because its costs have been fully deducted, and as a consequence, the entire sales proceeds are given capital gain treatment. The cases are:

Case No. 1. An economic loss is incurred.

Case No. 2. An economic breakeven is reached.

Case No. 3. An economic profit is realized, but the profit margin is less than 100 percent of cost.

Case No. 4. An economic profit is realized, and cost is 50 percent of the selling price.

Case No. 5. The same as Case No. 4 except cost is less than 50 percent of sales proceeds.

The economic and tax reporting of these cases would be as follows:

CHART A

	Economic reporting			Tax reporting		
	Sales price	Cost	Economic profit or (loss)	Ordinary loss[19]	Taxable[20] ½ of capital gain[21]	Profit or (loss)
Case No. 1	80	100	(20)	100	40	(60)
Case No. 2	100	100	0	100	50	(50)
Case No. 3	120	100	20	100	60	(40)
Case No. 4	200	100	100	100	100	0
Case No. 5	250	100	150	100	125	25

In each case, the ordinary tax loss may be fully offset against other nonfarm income while only one-half of capital gain is subject to tax. The result is that if the taxpayer has other income against which the loss may be deducted, taxes on this other income will be reduced by the amount of the loss multiplied by the taxpayer's marginal tax rate. The taxpayer will, however, incur a tax on the gain that may never exceed more than 25 percent of the entire capital gain.

The consequences of this reporting may best be illustrated by reference to four taxpayers having the different marginal tax brackets of 0 percent, 30 percent, 50 percent, and 70 percent. The assumption of a 0 percent bracket is valid only if the taxpayer has no other taxable income. Except in the case of the 0 percent taxpayer, the tax on the gain is less than the benefit of deducting the loss from other income. The net benefit or payment from the Treasury to the taxpayer is the difference in the value of the loss and the liability for the capital gain tax.[22] Specifically, the size of the payment or reduction of other taxes after giving effect to the capital gains liability is in each case as follows:

CHART B

[In percent]

	Effective tax rate on additional income			
	0	30	50	70[23]
Case No. 1	0	18	30	50
Case No. 2	0	15	25	45
Case No. 3	0	12	20	40
Case No. 4	0	0	0	20
Case No. 5	([24])	(7.50)	(12.50)	7.50

Chart B is the net tax benefit to each taxpayer. This amount should be added to the economic net return to ascertain the overall dollar gain for each taxpayer. When this is done, the total aftertax dollar profit in each case to taxpayers in various tax brackets would be:

CHART C

[In percent]

	0	30	50	70
Case No. 1	(20)	(2)	10	30
Case No. 2	0	15	25	45
Case No. 3	20	32	40	60
Case No. 4	100	100	100	120
Case No. 5	[25] 150	142.50	137.50	157.50

These charts permit a number of observations:

(1) There is no taxable income until the economic profit is at least as much as the cost (See Chart A, Case No. 4). Any profit beyond that is taxed at no more than the applicable capital gain rate (See Chart B, Case No. 5, 50 percent taxpayer).

(2) If there is no other income, the tax rate is never less than zero; in other words, the taxpayer receives no refund or abatement of taxes on other income (See Chart B, 0 percent taxpayer column).

(3) If there is other taxable income,[26] the interplay of ordinary deductions and capital gain produces a negative tax rate until the profit is as great as cost (See Chart B, Cases No. 1, 2, and 3, 30 percent and 50 percent taxpayers).

(4) The taxpayer who pays the alternative tax on capital gains continues to receive a negative tax benefit even though profit exceeds cost. This negative tax benefit does not disappear until the ratio of sales price to cost exceeds the ratio of the marginal ordinary income tax rate to the capital gain rate (See Chart B, Cases No. 4 and 5, 70 percent taxpayer).

(5) To a taxpayer without other income, his tax rate is the same regardless of profit margins until his sales price is twice his cost (See Chart B, Case No. 5, for 0 percent taxpayer).

While the foregoing appears generous in the extreme, one other potential benefit has not been mentioned. It arises when the costs are incurred and deducted in years before the sales proceeds are realized. For example, in Case No. 3, the 50 percent taxpayer who deducts the $100 of costs in the first year reduces his taxes on other income by $50. If the income is not realized until later years, this $50 is an interest-free loan from the federal government to the taxpayer, which is wholly or partially repaid when the income is realized and subjected to tax. This benefit exists apart from any differential in tax rates. Even if the sales proceeds are fully taxed as ordinary income in a later year, the taxpayer has had a substantial benefit from the premature deduction of capital costs.

This note on deferral completes the analysis, and for the purposes of this discussion, we can now specify that the progeny of fully deductible costs and capital gain income are three in number. First, is the opportunity to defer taxes on other income by deducting costs before realization of the income produced by them. This is the *deferral* benefit. Second, in some circumstances, an economic profit bears no tax at all. This occurs when the sales proceeds, fully reported as capital gain, are not more than twice the amount of the deducted costs. This is the *exemption* benefit. Third, in some cases

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the tax saving resulting from the deduction of the costs is greater than the tax paid on the sales proceeds at capital gain rates. This occurs in all cases in which (1) there is other income, noncapital gain income, to absorb the deducted costs, and (2) the ratio of the sales proceeds (taxed only at capital gain rates) to the costs does not exceed the ratio of the marginal ordinary income tax rate to the capital gain tax rate. This is the majority of cases. The difference between the tax saving produced by the deduction and the tax paid on the sales proceeds is, in effect, a *payment from the Treasury* to the taxpayer. This payment varies in proportion to the taxpayer's tax rate. It is thus a kind of a *negative income tax*. It can be argued that the negative income tax is just an extension of the exemption benefit. That is, the deducted costs exempt not only the income produced by them but other income as well. While there is some merit to this argument, the division between the exemption benefit and the negative income tax will become more meaningful in the discussion of pending legislative proposals.

It seems appropriate now to narrow the area of our discussion by considering the cases in which the opportunity to realize these benefits arises.

IV. THE GREENEST PASTURES

While there are other avenues of abuse[27] in the farm field, the investment literature suggests that the potential for artificial farm tax losses arises largely in two areas: (1) the growing of trees, vines, and other plants having a relatively long life and producing annual crops, and (2) the raising of livestock. The purpose in both cases is the deduction of capital costs followed by sale at capital gain rates. There are differences in the two operations, but in each, the virtual impossibility of turning a tax profit is the same.

A. Development costs of plants

A number of crops, principally fruit and nuts, are produced by trees or vines only after a substantial development period.[28] The cost of planting them must be capitalized. Under the Treasury's regulations,[29] however, all of the costs thereafter incurred prior to the time that the plant is a commercial producer may be deducted currently. Since the planting costs are relatively insignificant,[30] the major portion of all costs incurred in the preoperation stage may be deducted and may create losses, which can offset ordinary income from other endeavors. When the commercial bearing state is reached, a wise taxpayer may sell out, and his gain will ordinarily be treated as capital gain because the property will be considered as property used in the trade or business. It should be noted that this results from the general language of Code section 1231 (b)(1) and not from the special provision added for livestock in 1951.

For example, a taxpayer may purchase ten acres of land and plant it with orange trees. The cost of the land and planting may be assumed to be $12,000. The orange trees will not bear fruit until the seventh year, but during the development period, annual costs of perhaps $1,500 may be incurred for irrigation, cultivation, pruning, spraying, and other care of the trees. By the end of the sixth year, the taxpayer will have incurred "cultural practices expenditures"[31] of $9,000. These expenditures may be currently deducted against other income. To a taxpayer in the 70 percent bracket, the deductions over the years will have reduced his taxes on other income by $6,300. If the grove is sold early in the seventh year at an economic profit of 10 percent, the taxpayer will realize $23,100. His basis, however, will be only $12,000, and he must pay a capital gains tax on the difference between his basis and the sales price, amounting to $2,775.[32]

The net economic profit is $2,100 [$23,100 sales price, less $21,000 of costs ($12,000 land and planting costs, plus $9,000 cultural practice expenditures)]. But the taxpayer also realizes an additional *tax profit*. The tax benefit from deduction of cultural practices expenditures was $6,300, and the tax cost of the sale was $2,775. The taxpayer thus has a *tax profit* (money paid to him by the Treasury's reducing taxes on other income) of $3,525. There is an overall profit of $5,625, consisting of an economic profit of $2,100 and a *tax profit* or subsidy of $3,525.

B. Livestock

Livestock also presents an opportunity to realize substantial tax profits from an economically profitable operation. Raising costs also qualify for current deduction.[33] If, however, the livestock are breeding, draft, or dairy animals, they qualify for capital gain treatment if held for more than twelve months.[34]

Since "culls" from a breeding herd are characterized as breeding animals, they are also entitled to capital gain.[35] A large part of the farm product may fall into this category with the result that a very significant portion of the total receipts from the operation is reported as capital gain.

While many animals are classified as livestock,[36] cattle appear to offer the widest avenue to escape taxes: For example, a taxpayer may have a herd of ten cows. They have produced ten calves (average would be about eight and one-half or nine) for several years, one-half of which are bull calves. The cost of keeping an animal for a one-year period is $100, so that expenses for the ten cows are $1,000. The five bull calves are sold soon after birth for $40 each, and the proceeds are reported as ordinary income. The five heifers are retained for breeding purposes. The herd will therefore increase unless five of the cows are sold. If the taxpayer has been in business several years, he may have old cows or he may have young heifers of the prior years. In either event, he can cull five animals from his breeding herd and sell them at capital gain rates. Assume that the culls sell for a total of $900. Thus the economic profit for the year is $100, a 10 percent profit margin. If this is all that occurs and if we ignore the alternative tax, the taxpayer will report the following:

Proceeds from culls (as reported as capital gain)	$900
Less section 1202 deduction (capital gains)	450
	450
Add proceeds from bull calves	200
Total adjusted gross farm income	650
Farm expenses	1,000
Farm tax loss	350

Since there is a crop each year, the same pattern may be repeated year after year.[37] In a properly operated breeding operation, a tax profit will never be reported. In addition, a taxpayer in the 50 percent bracket who has dividend income to absorb this $350 loss will be relieved of $175 in taxes on the dividend income. It is this benefit that is his negative income tax.

In these selected areas of agriculture, the problem of the "farm loss" is confronted in its most extreme. Quite clearly, the problem is neither one of hobby losses nor of the gentleman farmer, both of which have received extensive treatment. The problem is not so subtle. Rather it is one of combining the deduction of capital costs with capital gain on sale. Even though the activity produces an economic profit, there is almost no prospect that it will produce a profit for tax purposes because a profit is not reported for tax purposes until the economic profit is as great as cost. The results are (a) a deferral of taxes, (b) an exemption of profits from tax, and (c) a negative income tax.

These results are irrational in a system designed to impose a tax on profits. Congress is not likely to have intended them. But neither the irrationality nor the lack of design assure its removal, a matter to which we now turn.

V. THE IDEAL SOLUTION—ACCRUAL ACCOUNTING AND FULL COST CAPITALIZATION

The farm loss problem has received much attention in recent years, and a number of solutions have been proposed.[38] In this author's view only three present even feasible approaches. One goes directly to the problem and recommends accrual accounting and full cost capitalization. It may be the ideal solution. The other two appear to have as their purpose an elimination or reduction of the negative tax on total farm profits while not entirely doing away with cash accounting or capital gain, at least for "real" farmers.

The accrual accounting and full cost capitalization suggestion has much appeal and has been discussed at length,[39] but a few further words may be in order here. Its rationale is that the farm problem arises from the overly simplified accounting rules, and the solution would be outright revocation of the authority for farmers to deduct raising and development costs. In the primary areas of abuse, this solution would require that livestock raising costs either be "inventoried" or "capitalized" (interchangeable terms for our purposes). For growing plants, the dispensation to expense cultural practices expenditures would be revoked. They would be capitalized, as apparently would have been required if the matter had been left to case law.[40] While this suggestion appears to be the proper tax treatment, there are at least two barriers to its adoption. The first is a practical one; the other is a political one. While the first undoubtedly could be reduced to nonobjectionable levels, there is great doubt that the second can be overcome.

Although the greatest abuses of the present scheme rarely arise in very diversified operations, the farmer engaged in multiple farming endeavors is always cited to illustrate the practical problem. For example, a farmer may be engaged in growing grain crops and livestock. Some of the grain may be fed to his livestock and some may be sold. Labor will be divided between these activities, and accurate separation of labor and other costs as between the various operations may be difficult. The allocation of costs between products on hand and products sold raises another accounting problem. These allocation problems suggest that a shortcut method of tracing costs must be devised if farming operations are not required to adopt cost accounting procedures,[41] which are sometimes claimed to be too sophisticated for the so-called family farm.

While inventories using some simplified valuation technique may fill the gap left by cost accounting,[42] their use is not a path without some obstacles. First, the products must be counted, and then they must be valued. Each process presents some problem.

Counting of the product on hand must occur at the end of the year. Since most tax years end on December 31, a livestock raiser might be forced into winter's blizzards to obtain a count of cattle. Substantial numbers of calves may also be in gestation at that time. These and other special problems might be overcome by delaying inventory until roundup time, assuming this time was approximately the same each year, but administration of this lenience could impose a burden on the Commissioner, who would have to decide in each case whether the special dispensation would be available. Another alternative might be the use of a fiscal year that would end at a time when the difficulties mentioned would be least present.

While these practices would permit the counting of animals, the measurement of

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grain crops and other feed such as hay might not be susceptible of more than a fair estimate without expensive measuring and movement while in storage. Assuming that this burden would not be imposed, a reasonably accurate estimate is better than no count at all.

Although these and other techniques structured to ease the counting problems would grant a taxpayer some latitude and perhaps stretch his conscience, they seem to offer permissible, reasonable approximations, and they would reduce the counting problem to manageable proportions. They also appear likely to reflect income more accurately than the present accounting rules do.

Once the product is counted, its valuation remains, and the inventory method must be selected. At present, four methods are authorized: (a) cost; (b) lower of cost or market; (c) the farm price method; and (d) for livestock, the unit livestock method. Each has at least one feature suggesting either that the method is not feasible or that the method must be modified.

The use of cost suffers from the allocation difficulties just mentioned—the accounting art perhaps has not been sufficiently perfected to permit its use without excessive cost. Rejection of cost also leads to a rejection of cost or market, whichever is lower. If cost cannot feasibly be ascertained, certainly no determination of whether cost or market value is lower can be made. The alternative might be the use of market value. This method has never been acceptable, but its use might be considered. The major criticism of it would be the recognition of potential profit before realization by sale in those cases in which market exceeds cost.[43]

The farm price method is similar to market valuation. It values the product at current selling prices but permits the estimated direct cost of disposition to be deducted from the value. This method also suffers from the criticism that it would force a recognition of profit before realization.

We come then to the unit livestock method, which is, of course, not applicable to grain crops. It requires a classification of livestock by age and kind with a standard valuation, based on approximate costs when the inventory was first established, being given each unit. This unit value may not, however, be changed from year to year.[44] Thus it has some of the characteristics of the LIFO method but is more closely aligned to the base price method, a wholly impermissible method of accounting.[45] It fails to recognize price increases and thus permits a premature deduction of costs when costs are rising.[46]

While the use of inventories does offer a means of estimating costs, each of the methods now in use carries with it at least one infirmity, which suggests that new methods or adaptation of old ones should be considered when applied to farming. Ideally, a method akin to the present retail price method might solve most of the problems by permitting valuation at current market less a reasonable profit margin, so as to prevent the premature recognition of income that now occurs under the farm price method.

But even adaptation of inventory methods would not prevent a number of transitional problems. Costs written off in earlier years might become a part of the opening inventory and become an adjustment for the purposes of section 481, which prescribes rules for handling accounting problems arising out of a change of method. In some cases these adjustments would convert what is capital gain when sold under present law to ordinary income when placed in opening inventory in the year of change. While other problems could also arise, they should soon disappear as all existing operations shifted to proper accounting and as new enterprises commenced business using proper methods. The practical problems thus could be overcome.

This brings us to the political problem. While there may be considerable sentiment in Congress to deal with the farm problem,[47] it does not seem to be premised on the belief that the cash method should be eliminated for farmers. Indeed, the very foundation of the present bills is to preserve the cash method for "farmers" while dealing with the abuses arising from its use by nonfarmers. This political problem appears insuperable at the moment.

In concluding this discussion, the denial of cash accounting and full capitalization of costs would eliminate a large part of the farm loss problem, *i.e.*, the deferral of taxes resulting from premature deduction, the complete exemption of farm profits from tax, and the negative income tax. While arguably ideal,[48] this solution does raise the previously discussed technical and practical problems. The problems are not sufficiently grave as to cast doubt on the correctness of this approach. Their superficial complexity lends support to the conclusion that whatever the Congressional mood, it is not to prescribe theoretically correct accounting rules applicable for all farmers. We turn, therefore, to other solutions.

VI. OTHER SOLUTIONS

Since elimination of the farmers' cash accounting may engender political opposition from quarters now espousing some change in the farm tax rules, those desiring improvement must move on to consider other approaches. Two are now pending before Congress. One is a modified version of the excess deductions account proposed by President Kennedy in 1963.[49] The other is now embodied in a bill authored by Senator Metcalf of Montana.[50] The excess deductions account may be described as a recapture proposal[51] while Senator Metcalf's Bill is a disallowance proposal.

A. Recapture

This discussion begins with the Treasury's proposals to Congress on April 21, 1969.[52] It consisted of an excess deduction account referred to as an EDA. In the case of corporations, any excess of ordinary farm deductions over ordinary farm income would be required to be entered into the EDA. All other taxpayers would add this excess only to the extent that it exceeded $5,000. The amount in the EDA is reduced in any subsequent year[53] by any net farm income in the subsequent year. The $5,000 floor has the purpose of exempting the small "legitimate" farmer from the operation of the EDA.[54] Apparently, it is not granted for a corporation in order to preclude a taxpayer separating his farming operation into several Subchapter S corporations and securing the benefit of several floors on the EDA.

Gain on the disposition of farm property that may now be reported as capital gain would be reported as ordinary income to the extent of any amount in the EDA, computed at the year's end after giving effect to operations for the year.[55] The amount in the account would be reduced by the amount of capital gain converted to ordinary income. Increases in land values would be exempted from this conversion of capital gain to ordinary income except to the extent there had been prior deduction of clear capital expenditures such as soil and water conservation expenses, fertilizer costs, and land clearing costs, under sections 175, 180, and 182, with respect to the parcel sold. No amount of farm loss is disallowed, and a taxpayer using a full cost absorption inventory method of accounting and capitalizing capital expenditures would not be required to keep the EDA.[56]

As already noted, the current proposal is similar to one proposed in 1963, but there are several differences. Under the 1963 EDA, additions to the account would be made only in years in which the taxpayer's nonfarm income exceeded $15,000. The purpose of this feature appears to be the same as the $5,000 floor in the current proposal. The 1963 proposal, however, focused more sharply on the use of farm losses to reduce taxes on nonfarm income. The 1963 proposal defined a farmer as one not having nonfarm income in excess of $15,000. The present proposal defines the farmer as one not having losses greater than $5,000. Both concede the propriety of deducting livestock losses against other farm income such as grain crops without penalty.

The 1963 recommendation also excluded certain expenses in computing the excess of income over deductions. These excluded expenses were taxes and interest and losses and expenses from casualties and drought. It did not, however, contain an exception for gains due to increases in land values.

The theory underlying the excess deductions account must be that the economic reality of the farm tax loss may not be determined when the loss is incurred. Since it may be an economic loss, it should be fully allowable against other income. The loss, however, arises in an industry in which the accounting rules and definition of capital assets are so loose that later capital gain must be presumed to have been created by the loss. Since the loss was an ordinary income deduction, the gain must be treated as ordinary income. Thus the EDA attacks the problem of converting ordinary income to capital gain. It does not, however, question the validity of the loss that permits an improper deferral of taxes if the loss is not an economic loss.

B. S. 500, Senator Metcalf's bill

The initial analysis of the farm loss problem demonstrated that even the generous farm tax rules could not do more than exempt farm profits from tax, if the farmer had no outside income. This Bill apparently attempts to reach somewhat the same result by treating taxpayers having large nonfarm income as if their farm operations were carried on apart from their other activities. By eliminating or at least reducing the spillover of artificial "farm losses" against income produced by other activity, farmers having large nonfarm income would be brought nearly to a parity with farmers who do not have substantial nonfarm income.

On the other hand, tax losses resulting from true economic losses from farming are not to be treated less favorably than losses sustained in nonfarming businesses. An economic loss can be determined by proper accounting, and the limitations of the Bill would not apply if the taxpayer elected to forgo the special farm accounting rules. Instead, if accounting rules applicable to business generally—and to farming itself apart from taxation—were adopted to insure that tax losses were real and not simply the result of accounting distortions, a taxpayer would be excepted from the Bill. To fall under the alternative, a taxpayer would have to elect to use inventories when they were a significant factor and also elect to capitalize all capital expenditures, including development costs incurred prior to the time when the productive stage is reached in farm operations.

Absent the election, a taxpayer could not deduct in any one year more than $15,000 of a farm loss against income from sources other than farming, and even the first $15,000 of deductible loss is decreased by one dollar for each dollar of nonfarm adjusted gross income in excess of $15,000. Thus at $30,000 of nonfarm adjusted gross income, no farm loss would be allowed. Apparently, the first $15,000 of loss is allowed to prevent application of the Bill to farmers who may have to supplement their income with part-time employment or with employment during the off season. The Bill assumes that if a taxpayer has no more than $15,000 of nonfarm income, he is the type of farmer for whom the spe-

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cial accounting rules were devised. As his nonfarm income progresses upward from this figure, he becomes less like such a farmer with each dollar of nonfarm income, until his income reaches $30,000 at which time he must choose between proper accounting and use of farm losses against other income.

A farm loss would be defined generally as the difference between the total of a taxpayer's farm expenses and his farm income. Farm income would include only the one-half of farm capital gains that is included in adjusted gross income. It could also include the income of an operation related to and conducted on an integrated basis with the farm operation. If the difference between expenses and income is more than $15,000, only the first $15,000 of the loss could be deducted. The disallowed portion would first be reduced by the excluded one-half of farm capital gains. Thereafter any balance could be carried forward and backward as a deduction against net farm income of other years (including the taxable one-half of capital gains) to avoid imposing hardships when the taxpayer incurs a large isolated loss in one year.

Certain deductions are excluded from the farm loss computation. The result is that they are thereby allowed even though the loss may exceed the $15,000 limit. These deductions are (1) taxes and interest, (2) casualty, drought, and abandonment losses and expenses, and (3) losses on the sale of "farm assets,"[57] which as defined in the Bill includes any property used in the trade or business of farming under section 1231(b) (1), (3), or (4). The first category consists of items generally deductible whether or not they are attributable to the carrying on of a trade or business. The second consists of items not in the taxpayer's control, and disallowance of them might create an undue hardship to the taxpayer. Notably, these same expenses and losses are excluded from the operation of present section 270. The third category is losses incurred on the sale or other disposition of section 1231 assets or property used in the farming business. These losses generally represent real economic losses and not artificial "tax losses" created by the special farm tax accounting rules. It must be noted that the unlimited deduction of all the above items would be in lieu of the $15,000 limitation.

When the farming activity is carried on by a partnership or a Subchapter S corporation, the farm nature of the income and expense would be carried over to the individual partners or shareholders who would aggregate the income and expense with all of their other farm operations. The $15,000 limitation would then apply to any loss computed on this individual aggregate basis unless each of the entities from which the individual derived farm income or deductions had made the election described above.

The obvious design of this Bill is to treat farming as a special industry and confine the tax benefits of the farm tax rules to farm income. It is apparently premised on the notion that the farm accounting rules are so generous that farming is a special business, which should be isolated. The effect is to build a wall around farming and to allow all of the special rules to apply only within the walled territory. Only for foreswearing the special accounting rules and electing to apply normal accounting can a taxpayer destroy the wall insulating the tax aspects of his farm from his other income. This general theory is breached somewhat in allowing some loss, the first $15,000 if other adjusted gross income does not exceed $15,000, to be deducted. This allowance, however, arises only in an effort to define a farmer, and thus its benefits are limited to farmers.

By isolating farm income, the Bill is designed to preserve the capital gain treatment accorded farm assets and the farm accounting rules, while limiting their effect to farm income. It proceeds on the assumption that the use of the farm loss against other income is the practice to be curbed.

The question to which we now turn is whether this isolation is preferable to the continued allowance of losses but conversion of some capital gain to ordinary income as occurs under a recapture proposal such as the EDA.

VII. EVALUATION OF THE EDA AND THE METCALF BILL

The theoretical underpinnings of the EDA and the loss disallowance proposals are quite different. The first apparently concedes the propriety of the loss and argues that the resulting creation of capital gain is improper. The second proceeds from a belief that the abuse lies in the current use of the farm loss against other income but sanctifies capital gain treatment of certain assets. The question of which is better might be answered on just these theoretical distinctions. More appropriately, one may inquire into the practical differences in operation. This is done below first by analyzing the general theory of each and then by taking account of the special wrinkles each offers in its published form.

A. The recurring loss

Assume a hypothetical case, with a consistent pattern year to year, in which the net operating costs[58] each year of $100 produce animals that may be sold at $110. Since the animals do not qualify for capital gain treatment until they have been held more than twelve months, there are no sales the first year even though the cost is incurred. Thus, costs in the first year of operations are $100, and the product would, under present law, become $110 of capital gains on sale in the second year.

The EDA would permit the $100 "loss" in the first year to be deducted against income from other activities. To a taxpayer having an effective marginal tax rate of 60 percent, the loss produces a tax savings of $60 on other income. These foregone taxes become an interest-free loan, which is not repaid for a substantial period. The loss, however, is added to the EDA, which is $100 when the second year starts. The second year also results in net costs of $100, which will produce a $110 gain in the third year. The loss of $100 in the second year is added to the EDA, and at year's end, it stands at $200. As a consequence, the entire sales proceeds of $110 in that year are converted to ordinary income, giving a net ordinary income of $10 when combined with the $100 "loss." The full amount of the sales proceeds would be subtracted from the EDA. The balance in the EDA is then only $90. This balance is increased by the third year costs of $100, and the account totals $190 at that year's end. In the third year, the entire sales proceeds of $110 are converted to ordinary income, and the same amount is subtracted from the excess deductions account. The amount in the EDA to be carried to the fourth year is then reduced to $80. The pattern is repeated until at the end of the eleventh year, the amount in the EDA account would be reduced to zero. Thereafter, the taxpayer would report a $100 loss each year, which would convert $100 of the sales proceeds into ordinary income, resulting in neither ordinary income nor loss. The additional sales proceeds of $10 would be reported as capital gain.

From this a rule may be derived—assuming an operation consistently producing the same amount of costs and sales proceeds. The rule is that the tax-free loan produced by the first year loss will be repaid in equal annual installments over a number of years, which is derived by dividing the profit margin into one. Thus, if the profit margin is only 2 percent, the period of the loan is 50 years; if 4 percent, the period is 25 years; if 10 percent, the period is 10 years.

In comparison, the Metcalf Bill would not allow any loss in the first year, but the taxpayer would have a farm loss carryover of $100 to be used against farm income of the second year. Under that Bill, the farm income of the second year would be only $55 (the taxed portion of the capital gain of $110), and the loss of the second year would entirely absorb this income. The excluded one-half of the capital gain, however, would absorb the balance of the second year's loss as well as $10 of the carryover. The carryover to the third year would be only $90; to the fourth year, $80. By the end of the eleventh year, the carryover would have disappeared, but no tax liability would have been incurred in any of the years. Nor would operations thereafter incur any tax liability because the taxable one-half of capital gain would always be less than the deductions available to offset it. The carryover would disappear, and if the operation were terminated in the thirteenth year, there would be a capital gains tax on the full sales proceeds.

Again, a rule may be derived. The farm loss carryover disappears at the same time that the taxpayer has repaid the tax-free loan under the EDA. Even after the carryover disappears no amount of tax will be paid unless sales proceeds are more than twice costs. This is the very nature of capital gain income. But no loss has offset any income earned outside the farming operation.

The foregoing analysis assumes that the farming operation commences after the EDA or the Metcalf Bill is enacted into law. Their effect on existing operations would differ slightly. Under the EDA, sales in the year of enactment would be denied capital gains to the extent of current excess deductions. There would be no deferral of taxes on current expenses. But prior years' expenses would continue to be deferred, and assuming no change in operations, prior years' deferral would not be recaptured at capital gain rates until the operation terminated. If the operation were diminishing, the deferral of prior years' expenses would be returned at capital gain rates each year in an amount in proportion to the diminution. A diminishing operation, therefore, is just a termination occurring over a number of years. If the operation were expanded, however, the expenses of the expansion in that year would shelter an equal amount of outside income and permit the tax to be deferred on the sheltered income in the described pattern.

The ability to increase the amount on which taxes have been deferred merely by increasing the size of the operation may be the weakest point in the EDA. When this potential is combined with the continuance of special accounting rules, the estate planning possibilities begin to be apparent. Since losses are fully deductible with no penalty prior to transfer, the EDA will encourage the shifting and prepaying of expenses of the expanding operation with a minimum of sales. If this can be continued a sufficient number of years, the taxpayer may leave a very bountiful estate to his bereaved, and they will take it at a new basis without any excess deductions account.

Under Senator Metcalf's Bill, prior years' expenses are in essence merely forgotten. The chances are that they will never have any effect on future tax liability and, in distinction to the EDA, will never be recaptured at all. There is, however, no loss deduction against other income and hence no potential for an increasing deferral. Similarly, the Bill is neutral on decreasing operations. The Bill should not present an incentive either for expansion or for diminution of operations.

B. The one-time development loss

Having analyzed an operation having a recurring pattern, we should now turn to an

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operation such as a citrus grove in which losses resulting from development costs are reported for a substantial period before sale at capital gains rates occurs. For example, assume that an orchard has a cost of $100 and a four year development period, during which the deductible expenses are $100 each year. At the start of the fifth year the grove is sold for an economic profit of $200 or at a $700 sales price.

Under the EDA, the annual loss of $100 could offset otherwise fully taxable income each year. A cumulative total of $400 in losses would be reported, and on the sale, $400 of ordinary income and $200 of capital gain would be realized. The result may be argued to be very close to a forced capitalization of costs except for the deferral of taxes on current income. If the ordinary income in the year of sale is viewed to just equalize the prior deductions, the EDA reaches the result on sale that would flow from proper capitalization of costs. But in the meantime, the cost has been currently deducted against other income with a consequent deferral of taxes on that other income.

Under Senator Metcalf's Bill, no losses would be allowed, but the $400 carryover would insulate the entire $600 gain from tax because it would exceed the one-half of the gain reported for tax purposes. There would then be a complete exemption of the gain from tax. Indeed, the farm loss carryover could exempt from tax another $200 of farm capital gain or $100 of ordinary farm income. This result follows from the language of the Bill in its present form, but as will be noted later, the Bill could be strengthened to avoid this result by causing the farm loss to be absorbed against the untaxed as well as the taxed portion of capital gains.

The immediate reaction to the foregoing is that the EDA is greatly superior to the Metcalf Bill because the latter continues to permit substantial income to be untaxed. This ready answer may not, however, withstand analysis and some effort to quantify the benefit of the deferral of taxes granted by the EDA. We turn now to that task.

If EDA is applied to the above example, a taxpayer in the 60 percent bracket would realize a tax savings of $60 in each of the four years in which $100 of costs were incurred. If his rate is the same in the year of sale, the only effect is to loan the taxpayer $60 for four years, an additional $60 for three years, an additonal $60 for two years, and finally an additional $60 for one year. In the fifth year when the grove is sold, these loans are repaid by converting $400 of the gain to ordinary income. In addition, the taxpayer would pay a capital gains tax on the economic profit. If a taxpayer could borrow at rate of 7.5 percent[59] per annum, these loans would have had a value of $36 (that is, a savings in interest expense if the funds were borrowed) to the taxpayer. The capital gains tax he would incur would be $50. Therefore, there is a net tax detriment of $14 to the taxpayer. If either the interest rate or the period of deferral are increased, however, the odds in favor of the taxpayer increase. For example, if the borrowing rate is 10 percent, there is a virtual standoff, or if the development period is extended two years, the taxpayer's interest-free loan more than exceeds the value of the capital gains tax. On the other hand, if the profit margin is greater, the taxpayer will pay a greater tax.

This analysis suggests that the ability to defer taxes, which must ultimately be paid, even at ordinary rates, can be just as valuable as complete exemption from tax, particularly capital gains tax. The conclusion as to the efficacy of the EDA as compared to the Metcalf Bill then depends on a number of factors that may vary from taxpayer to taxpayer, from year to year, and from farm to farm. We shall return to this question later.

C. Lock in versus force out

The preceding discussion raises one other difference in the approaches; one would conclude that under the EDA the longer the period of deferral, the bigger the reward to the taxpayer. Since the deferral period exists until there are sales, the EDA might be said to discourage sales and thereby to "lock an investor in" to his farm investment. On the other hand, Mr. Metcalf grants a carryover, which expires at the end of five years. If his Bill is to be utilized to its optimum, the taxpayer must sell sufficiently often to absorb the carryover. The Bill then may be argued to "force out" a taxpayer at least once every six years.

An argument can be made that this difference would not exist in practice because lengthy deferral under the EDA could lead to a serious bunching of income. Bunching would present a problem by raising the marginal tax rate in a year of sale sufficiently to eliminate the deferral benefit. Thus the argument runs that bunching would tend to force sales to smooth out the income pattern. To the extent the realization pattern has large bulges, they may be somewhat ameliorated by the averaging provisions of the Code.[60] Certainly, this is no time or place to delve into the mysteries of averaging, but if it operates perfectly, it can tend to cause a realization of income at least once every five years to gain the full benefit of averaging. The bunching and the spread out obtained under averaging may be argued to undo the "lock in" effect and create its own "force out."[61] But all of this assumes that the increase in tax rates resulting from the bulge in income cannot be handled in any other way and also that the benefit of averaging is substantially reduced by exceeding the five year period. There is doubt that either of these assumptions would be true in the majority of cases. There would then be little reason to bring the deferral period to an end.

D. The preferred status of other farm income

Both approaches grant a preferred status to ordinary farm income. While farm losses may be currently used to shelter any other income under the EDA, a farm loss may ultimately result in farm capital gain being converted to ordinary income. If the farm loss in one endeavor can be used against other ordinary farm income, there will be no EDA to convert later farm capital gains into ordinary income. For example, if other farm income can be found to equal excess livestock deductions, full capital gain treatment will be preserved on the livestock sales.

The Metcalf Bill might give an even greater impetus to diversify farm operations because the farm loss cannot be used against any other income. It therefore has no value whatsoever unless there is other farm income, while the EDA still permits use of the loss against other income. If a taxpayer could produce other ordinary farm income equal to livestock deductions, the livestock deductions could entirely exempt this other farm income from tax under the Metcalf Bill while the livestock gain would be subjected only to capital gain rates.

E. A quirk in the Metcalf bill

One further aspect of ordinary farm income under the Metcalf Bill should be noted. If we return to a simple case in which $100 of costs in the first year produces $110 of capital gain in the following year, the carryover rules have a strange effect. After deducting one-half of the capital gain in the second year, the farm income is $55. Under the Bill, the farm loss carryover of $100 from the first year would, in the second year, shelter an additional $45 of ordinary farm income from tax.

If the sales of livestock had been spread over the two years, the results would differ, however. If the taxpayer had realized $20 of ordinary farm income and $80 of livestock capital gains in the first year, the farm income would have been $60 ($20 of ordinary income plus $40, the included one-half of the livestock capital gains), and none of it would have been taxable because the farm loss of $100 would offset the farm income. There would be no farm loss carryover to the second year, however, because the farm loss ($40, which results from $100 of costs reduced by $60 of farm income) available for a carryover would be reduced by the one-half of the livestock capital gains deducted under section 1202. This amount is just equal to the farm loss, and there would be no carryover. The capital gains in the second year would be $30 ($110 less the $80 of sales in the first year), which would be reduced to $15 of taxable income by the section 1202 deduction. There would not be any farm loss carryover to reduce the taxable income further. The result is that the farm loss would have offset only the $20 of ordinary income realized in the first year and none of the capital gain or ordinary income in the second year. The explanation for this result is that the farm loss is not reduced by the amount deducted for capital gains under section 1202 for the purposes of determining how much farm income it can offset in the year of the gain, but is so reduced for the purpose of determining how much is available to carry over to later years. In this case, that amount eliminated the carryover.

While this result may appear strange, it is consistent with the Code's present treatment of net operating loss carryovers, which must be reduced by the section 1202 deduction in the year the loss is incurred. The moral would appear to be to avoid capital gains in years of ordinary losses. The result is one that puts the taxpayer who is unable to avoid capital gains in loss years at a disadvantage, unless he can also realize other ordinary farm income. It is, however, consistent with the view that only economic losses should be the subject of carryovers. To fail to make this adjustment would put farm losses on a higher level than other carryovers—certainly not an aim of this Bill—because they could be carried over for use against other farm income in greater amounts than other loss carryovers. This result then treats farm loss carryovers like other carryovers except in so far as it limits their use to farm income and is consistent with the theory of isolating and segregating farm operations from other operations unless proper accounting rules are followed.

F. The small farmer exception

The Treasury EDA is not increased in any year in which the loss does not exceed $5,000. If operations are fairly consistent, this provision, in effect, would permit an annual loss deduction of $5,000 offset by capital gains of $5,000, which would not be converted to ordinary income. It could be exploited to the extent of $2,250 in tax savings each year.[62] This is the maximum benefit that may be derived from this exception.

The EDA floor might, however, be objectionable to some farmers who apparently are the type of taxpayers intended to benefit from simplified accounting. The $5,000 figure is relatively low and is not softened by excluding any deductions from the EDA. As a consequence the so-called "legitimate" farmers could lose some of the benefit of capital gain treatment.

The Metcalf Bill instead would allow a farm loss in the amount of $15,000 each year. This annual loss allowance may be the most serious defect of the Bill, although as later explained it may to some extent be remedied by other features of the Bill. The problem may perhaps best be shown by taking a citrus grove as an example. Assume that the land and planting cost is $10,000; that cultural practice expenditures of $15,000 are incurred annually; that the grove reaches the productive stage in the seventh

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year of its life; and that it is then sold for $135,000, an economic profit of $20,000.

Under the excess deductions account, the taxpayer would claim his $15,000 loss each year and add $10,000 to the EDA. The account would total $70,000 at the end of the seventh year, and the balance would convert $70,000 of the sale proceeds to ordinary income. In addition, there would be a capital gain of $55,000, which would reduce to $27,500 of taxable income. This has two effects: (1) There has been a deferral of taxes on $15,000 of income each year for six years to total $90,000. (2) There is a bunching of ordinary income in the year of sale. While this aspect may appear to create a serious problem, the penalty arising from bunching undoubtedly would be greatly eased by income averaging under sections 1301–04. In addition, there has been a gross mismatching of income and expense.

On the other hand, the Metcalf Bill permits $15,000 loss to be deducted annually if the taxpayer has no more than $15,000 nonfarm adjusted gross income. Thus there is deferral of taxes on the income sheltered by the loss. The taxpayer in this example would have sheltered $90,000 of nonfarm income from tax over the first six years. Upon sale, there would be a capital gain of $125,000 (sales price of $135,000 less land and planting costs of $10,000). After the section 1202 deduction, this would be reduced to $62,500, which would become $47,500 of taxable income after reduction by the $15,000 of cultural practices expenditures in the year of sale. Thus the annual loss allowance, which was designed to define a farmer, has the effect of allowing uneconomic losses to offset other income and defer taxes on other income to the extent of $15,000 per year. When this loss is recaptured on sale, it is taxed at no more than capital gain rates. The continuance of this potential to shelter other income might induce investors to seek investments that limit the loss to $15,000 per year were there not other features of the Bill that should prevent much exploitation of the annual loss allowance.

While the Bill thus appears to have these drawbacks, it also reduces the annual loss allowance by one dollar for each dollar of nonfarm adjusted gross income in excess of $15,000. At $30,000 of nonfarm adjusted gross income the annual allowance disappears. In the majority of cases, it is doubtful that one having nonfarm adjusted gross income at this level will have funds to invest to produce a $15,000 annual loss. Also the tax rate on a joint return at those income levels is less than 40 percent, and the tax savings, arising by permitting capital gain treatment on the sale, is not great because the difference in the ordinary income rate and the rate that would apply to bunched capital gains may not be great. Even so, a taxpayer having nonfarm adjusted gross income of less than $30,000 has some opportunity (but one, which declines as income increases) to exploit a farm loss and need only answer the question whether the play in tax rates is worth the risks and investment inconvenience. Even with this criticism, the Bill significantly reduces the tax benefits of farm losses. *This problem does point out that without the phaseout, the Bill would be a far less effective tool.*

G. The integrated and related exception

The Metcalf Bill also provides that if a taxpayer is engaged in farming and one or more businesses, which are directly related to his farming and conducted on an integrated basis with his farming, the taxpayer may elect to treat all these businesses as a single business engaged in farming. The obvious purpose is to permit a taxpayer to treat a nonfarm business, producing net income, as a part of his farming operation, to reduce the farm loss and thereby reduce the amount to which the Bill applies.

The provision also raises a definitional problem in determining whether the two operations are related on an integrated basis. This problem could be cured by providing that a business would not be considered as related and conducted on an integrated basis with the farming operation, unless it consisted of the processing of a product raised in the farming operation. Such an exception should apply only if the sale of such processed produce produces a substantial portion of the total receipts of the overall operation.

Even with this modification, the provision raises the spectre that the Bill might fail to achieve its goal by permitting the offsetting of some "farm losses," arising from the farm tax accounting rules, against income earned in other business. For example, a taxpayer might be engaged in processing frozen orange concentrate from an orange grove on which large expenditures and consequent "farm losses" were incurred because a part of the grove had not yet reached full production. The grove, as a whole, presumably would be related to and conducted on an integrated basis with the concentrating business, and the special benefit of deducting "farm losses" against income from the concentrating business would be continued. Primarily, this provision would benefit those taxpayers who have the capital and resources to engage in a business related and integrated with their farming operations. With respect to these taxpayers the Bill would not accomplish its basic objectives, even though these taxpayers would not appear to be the type of taxpayer for whom the special farm accounting rules were devised.

Thus, even if modified as suggested, the Bill might not accomplish its basic purpose. The treating of separate businesses as a single operation departs from the usual practice in administering the tax law and may raise problems neither foreseen nor foreseeable at this time. There is little to be said for the provision, and it should be eliminated.

The EDA has a similar exception, which is not explicitly stated. Since the EDA converts capital gain to ordinary income only on a sale, it would never be actuated in many industries. For example, the frozen orange juice concentrator just mentioned might never sell the grove. If he did not, the EDA would have nothing on which to operate. The EDA would thus continue to permit the offsetting of farm losses against income from other sources for which the taxpayer would pay no penalty.[63]

H. Specially treated deductions exception

The Metcalf Bill permits a taxpayer to choose between the $15,000 annual loss allowance and the total of certain so-called specially treated deductions. These deductions are taxes and interest, losses and expenses arising from abandonment, casualty, or drought, and recognized losses under section 1231. The theory seems to be that these losses are indeed economic losses and should not be subject to the disallowance rule. There is considerable appeal to this position, and it probably reaches a proper result.

In contrast, the Treasury's EDA makes no exception for such expenses. It should be noted that the EDA never disallows a loss. Rather, it is the measure of later capital gain that will be converted to ordinary income. A failure to exempt these expenses from the EDA must rest on the premise that either (1) the $5,000 annual exception will account for them, or (2) the capital gain provisions are so generous that any loss, whether economic or not, should be used as a means of recapturing ordinary income deductions. In either case, the reasoning seems to be a little thin, and it seems likely that exclusions of some sort will be made.

I. Both approaches involve certain assumptions regarding causes and effects of losses

Both the EDA and the Metcalf Bill may be characterized as being arbitrary. The EDA operates on the premise that a farm loss creates capital gain. Perhaps a fairly valid assumption, but it may not be true when the loss results from casualty.

Similarly, the Metcalf Bill's denial of a loss is not explicitly limited to artificial losses created by the special farm accounting rules. The specially treated deductions exception may have virtually that effect, particularly if modified as hereinafter suggested. Its assumption that any remaining loss is created by the special farm accounting rules is on balance probably a fairer assumption than the assumption underlying the EDA.

Criticism of either proposal on this ground is not serious, and both underlying assumptions could be argued to be valid in a sufficiently large majority of cases to provide a basis for legislative action.

J. A final note on the Metcalf bill

As previously noted, limiting the amount of a farm loss deductible against the amount of other farm income will ordinarily remove the so-called negative income tax effect. When farm income is only the included one-half of capital gains on which the tax rate is limited to 25 percent, however, deduction against ordinary income by a taxpayer having a tax rate in excess of 50 percent will continue to result in the negative tax effect. That is, one having a tax bracket greater than 50 percent will be able to achieve an effective tax of less than 0 percent on his overall farm profits because the tax saving from the loss deduction, although the deductible loss is limited to the taxable portion of capital, is greater than the tax on the capital gain.

The fact that the negative income tax effect is not entirely removed is not attributable, however, to either the cash method or the deduction of one-half of capital gains. Rather, it is solely attributable to the alternative 25 percent tax on capital gains. If rates on capital gains were not so limited but allowed to progress up to one-half of the ordinary rate, the negative tax on farm profits would be fully remedied by this proposal.[64] The EDA does not suffer from this disability.

K. A final note on the EDA

As presented in 1963 and as under the current proposal, the EDA is a matter personal to the taxpayer. Apparently, the 1963 proposal would have applied upon any disposition of property while the current Technical Explanation deals only with "sales." Presumably, sales will be transformed into dispositions when the statutory language is drafted. If it is not, a number of transfers could permit the taxpayer to have had the advantage of the deduction while shifting the capital gain asset to another taxpayer. These transfers would include gifts, charitable contributions,[65] transfers to corporations under section 351, reorganization transfers, transfers to partnerships under section 721, transfers to trusts, corporate liquidations, transfers to or distributions by an estate or trust, and like exchanges and involuntary conversions.

The difficulty with imposing a tax on these transfers is that the taxpayer has not received any cash providing the wherewithal for paying the tax. In addition, the recapture provisions under section 1245 and section 1250 provide special treatment for these transfers (other than taxable corporate liquidations and distributions by estates and trusts), and the Treasury may be hard pressed to make a case for taxing transfers under the EDA, which are not now taxed under these recapture provisions. It is submitted that such a case can be made, however.

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Except for a few industries such as the leasing of automobiles, most depreciable property subject to section 1245 does not by its very operation constantly produce merchandise for transfer, even though the merchandise so produced has also been used in the trade or business. The process of culling the livestock crop does produce this merchandise. The very nature of the business makes it inevitable that there will be substantial property that must be transferred. In most section 1245 cases, the property is either abandoned or transferred at nominal value. It may be argued that recapture is satisfactory in these cases but that it is unsatisfactory when transfers are inevitable and each transfer presents a substantial tax avoidance opportunity. Thus the abuse possibilities are worse in this case, and recapture just is not adequate to handle the problem.

If the tax is not imposed at the time of disposition, a substantial avoidance problem can arise, although it might be possible to have the EDA carryover to the transferee.[66] Even with a carryover, there would still be the possibility of shifting substantial amounts of income from a high bracket taxpayer to a low bracket taxpayer.

L. Making the choice

Since the foregoing may not have made the choice between the Treasury's proposal and the Metcalf Bill clear, perhaps we should return to our early discussion in which the benefits of expensing capital expenditures while reporting sales proceeds as capital gain were first specified as (a) a deferral of taxes on an amount of other income equal to the prematurely deducted capital expenditures, (b) the complete exemption of profitable operations from any tax until the ratio of sales proceeds to costs exceeds the ratio of the ordinary tax rate to the capital gain rate, and (c) the negative tax effect that results, even though the operation is profitable, if the deferred taxes under (a) are greater than the taxes paid on sale. Since none of these advantages generally is available to other businesses, we should test any solution in light of the extent to which these benefits would be eliminated. In view of this criterion and based on the assumption that profit margins in farming are low,[67] there would seem to be little doubt but that the Metcalf Bill is superior to the EDA in the prime areas of abuse: (a) development costs of plants, and (b) livestock. In addition, as later explained, the Metcalf Bill may reach some of the other areas of abuse.[68]

First, as to the matter of deferral, the Metcalf Bill begins to cut off this benefit when the taxpayer's nonfarm income exceeds $15,000, and at $30,000, the interest-free loan from the Government is no longer available. In comparison, the EDA does not disallow any loss. It has no effect on the deferral feature of deducting capital expenditures.

Second, the EDA seems to eliminate the prospect that a profitable operation will be completely exempt from tax. As we have seen, the Metcalf Bill permits this exemption to continue. This aspect of the Metcalf Bill could be remedied, however, by requiring that the full amount of farm capital gains be reduced by the "farm loss" before reducing the farm capital gains by the deduction under section 1202. The farm loss carryback or carryforward would be similarly limited. As a result, net farm gains would be taxed at least at capital gains rates.

But even without this change, it appears that the choice between the EDA and the Metcalf Bill remains the same because when profit margins are low, the deferral is much more advantageous than exemption from tax. This results because deferral is an interest-free loan on the marginal tax rate multiplied by the entire cost while exemption is an exemption from a capital gains tax on profit, which is low in relation to the cost. Thus, under the EDA, the interest-free loan from the Government is repaid rather slowly. For example, if costs consistently run $100 while sales are at a 5 percent profit margin or $5, the EDA permits a taxpayer to make no sales until the second year and to obtain the benefit of having deferred the tax on $100 over the following 20 years. If we assume a 70 percent taxpayer having in today's market a 7 percent borrowing rate, the annual benefit realized by the deferral is $4.90. In return for this benefit, he pays $1.25 of tax each year as the cattle are sold. The net benefit thus is $3.65, which reduces by 5 percent each year.

This savings may be compared to the exemption from tax of the net annual capital gain of $5, which is $1.25. This exempiton would be achieved under the Metcalf Bill, but it has less value than deferral when profit margins are low.

When an asset such as a citrus grove is developed, the deferral aspect of the EDA may have substantially more benefit than exemption from tax. For example, if a $1,000 loss is incurred each year for a five-year period, a 70 percent taxpayer having a borrowing rate of 7 percent will be able to reduce his overall capital cost by 17.5 percent of the total cost just by the benefit of the deferred taxes. To obtain the same benefit in exemption from capital gains tax, the grove would have to be sold at an economic profit of 70 percent. If the grove is sold, the EDA will result in a bunching of ordinary income in the year of sale when the EDA is actuated and recaptures the prior deductions. While bunching might offset some of the benefit of deferral, if the taxpayer is not consistently in the top bracket, the averaging provisions of the Code may spread the bunched income over the deferral period thus lessening the bunching, but the benefit of deferral would remain.

In addition to the value of deferral resulting from the Government's loan for the amount of the deductions multiplied by the taxpayer's marginal tax rate, it also cuts the federal government in on the loss side of the transaction well before either the taxpayer or the Government can know whether the venture will ultimately be a success. The value of this risk shifting is probably far more than the interest-free loan.

This brings us to the third standard: to what extent is the negative tax eliminated? Under the EDA, the negative tax may occur if the sales proceeds are recaptured at a lower tax rate than the rate in the effect when the expenses were deducted. Thus, if the taxpayer can await retirement, a lower income, death, or achieve a transfer to a lower bracket taxpayer,[69] the taxpayer not only has the benefit of deferring taxes on other income by currently deducting his farm costs, but a negative tax can be effected.

The Metcalf Bill does not completely foreclose the possibility of a negative tax subsidy. This potential is, however, preserved only (a) when the abuse may at least be said not to be great (taxpayers who have less than $30,000 of nonfarm adjusted gross income),[70] and (b) to those taxpayers who have a marginal tax rate in excess of 50 percent. For example, in the latter case if a taxpayer in the 70 percent bracket has a $50 farm loss and $100 of farm capital gains, the farm income under the Bill just equals the farm loss that remains fully deductible against other ordinary income. The loss would produce a tax saving of $35, while the farm capital gains are subjected to only a $25 alternative tax for capital gains. This latter undesirable effect results from the alternative tax on capital gains, but it could be prevented by a slight modification in the Bill. If farm losses were required to offset farm capital gains *before* application of the alternative tax rate, there would have been no farm loss tò use against ordinary income. In the example, the farm loss would have reduced the farm capital gain to $50 on which a tax of $12.50 would have been paid. Thus the Bill may be structured to handle this problem.

In addition to these fundamental questions, the Metcalf Bill also reaches the so-called do-it-yourself averager who, under the Bill, would not obtain any benefits by maximizing his loss in one year since it could not be used to insulate any income outside the farm assets. The EDA would have no effect on this device.

Also, the Metcalf Bill may have some salutary effect on the true hobby farmer who could deduct no loss unless he adopted a proper accounting method. If he did so, he could continue to deduct his hobby loss so long as he could prove it was more than a mere hobby. Adoption of proper accounting would seemingly reduce the amount of the annual loss, although it might not remove it. On the other hand, if there are few sales from the hobby operation, the EDA would have little impact.

To sum up, the EDA fails to close the door on deferral, does not eliminate the possibility of exempting farm profits from tax unless the amount subject to recapture is taxed at the same rates as amounts deducted, and also opens wide the door of avoidance by transfers that will result in the negative tax effect. Neither does it reach the do-it-yourself averager. Its effect on the "hobby farmer" is unpredictable. On the other hand, the Metcalf Bill phases out deferral commencing at $15,000 of nonfarm adjusted gross income and completing the job at the $30,000 level. It does permit, however, an exemption of some farm profits from tax, a matter to be discussed in the next section. It eliminates the negative tax for all but a few, but improvements to be discussed will do away with this problem. It also reaches the do-it-yourself averager. It might also have some effect on the "hobby farmer." On most counts the Metcalf Bill is superior to the EDA. This conclusion suggests that recapture of any sort is a most ineffective tool.

M. Improvement in the Metcalf bill

Having decided that the Metcalf Bill addresses the problem more directly, we should note that a number of changes could be made to the Bill that would improve it substantially. The following might be considered:

(1) Losses on ordinary assets (as distinguished from section 1231 assets) might be included in the category of specially treated deductions. These losses are true economic losses, and there is no reason to disallow them. The failure to include them would appear to be mere inadvertence. These losses probably would not occur in many cases, for most of the farm assets producing ordinary income either have no basis or are held in an inventory. In the former case, a loss could not be realized on the sale, and in the latter case, the taxpayer probably would not be subject to the Bill in any event because he would qualify under the provision excepting taxpayers using inventories and capitalizing capital expenditures.

(2) The Bill now allows an annual allowance of $15,000 if the taxpayer's nonfarm income does not exceed $15,000. For each dollar above $15,000 of nonfarm income, the loss allowance is decreased by one dollar. The obvious purpose is to exempt the so-called legitimate farmer who may have a small outside income. Without this very important feature of the Bill, it would be far less effective. The $15,000 figure may, however, be too high, and the Bill's author might consider adding an alternative phaseout so that two dollars of loss would be disallowed for each dollar of unearned investment nonfarm income of more than $5,000. The present phaseout should remain, and the one permitting the smallest loss would govern if there were any conflict between them.

(3) As previously noted, a number of taxpayers may purchase breeding herds, depreci-

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ate them for a short period, sell the herd, and realize substantial capital gains on the excessive depreciation. While this practice appears improper, there may be an enforcement problem arising from the inability of the Internal Revenue Service to audit all taxpayers. The enforcement problem could be solved automatically by including livestock in the recapture provisions under section 1245. Logically, there is no reason to exempt livestock, and it would prohibit finagling with depreciation, even though the taxpayer elected accrual accounting in order to avoid application of the Bill.

(4) Under the Bill, the farm loss would be permitted to offset other farm income, and it may also be carried over to other years. In neither case does farm income include the untaxed portion of capital gains. A loss of $50 may thus continue to offset $100 of capital gain income in either the year of loss or when used as a carryover. This difficulty could be removed by requiring the loss first to be applied against ordinary income, and any balance then could be applied against capital gain income before the section 1202 deduction or before application of the alternative capital gain rate. The same treatment would be prescribed for carryovers. Thus, in the case in which the farm capital gain in the current year is $100 and the farm loss is $50, the capital gain would be reduced to $50 on which a tax would be paid. If there were also ordinary farm income of $20, the farm loss would be reduced to $30, and the farm capital gain would be $70. Exactly the same treatment would be accorded carryovers. For example, if the current loss is $50 with no capital gain until the following year, when $100 of farm capital gains are realized, the $50 loss carryover would reduce the capital gain to $50 on which a tax would be paid.

An alternative to the suggested treatment would be to require that the farm loss to be an adjustment to the basis of assets. This would necessitate deciding whether to adjust the basis of ordinary income or capital gain assets. It could also raise administrative problems if depreciable property were involved by presenting a new depreciation base each year. If, however, the alternative of a basis adjustment were chosen, presumably the adjustment would not be permitted to create losses but only to reduce gains to zero.

VIII. IN DEFENSE OF THE FAITH

We have spent much time discussing the present farm tax rules and considering solutions. While all of this should make the need for a remedy clear, we would be remiss if we did not grant the opposition an opportunity to be heard. We now turn to it.

The House Committee on Ways and Means has twice held hearings on the farm tax loss problem.[71] The interesting aspect of these hearings is that even those opposed to any proposed changes in the law note that there are abuses of the present scheme. The definition of abuse,[72] however, appears to depend on the speaker. Some speakers defend the subsidy to certain agricultural activity, even though it benefits a taxpayer whose major distinguishing feature is a source of large income from nonagricultural income. The defenses offered by these speakers are to be discussed.

A. The proposed solutions discriminate against farming[73]

One of the more frequent complaints is that directed toward the excess deductions account in 1963. The agrument was made that it offered a special set of rules for farming. Similarly, the same argument was made at the hearings last March.

Undoubtedly, this argument states a truism. There is, however, a reason for this discriminatory treatment. Farming is an industry having a special dispensation from tax accounting provisions otherwise having general application. This dispensation is the use of cash accounting and the expensing of capital expenditures when these procedures do not properly reflect income. It seems proper that losses created by special rules should be treated specially. Under either the Treasury's EDA or the Metcalf Bill, the special treatment of losses may be avoided by giving up the benefit of the special accounting rules. The special treatment ends when the benefit of special accounting rules end. Real economic losses, determined under accounting practices generally applicable to industries other than farming, then would be treated exactly as real economic losses in other industries. They would be fully deductible.

B. Present law is adequate to handle the job[74]

Opponents of change sometimes argue that section 270 of the Internal Revenue Code (which disallows business losses when they exceed $50,000, for 5 consecutive years) along with the hobby cases are adequate to deal with the "farm loss" problem.

The second of these assertions is obviously not true. Indeed the hobby loss was specifically excepted when we started our inquiry. We are dealing with cases in which there is a desire to make a profit, and a profit may well be made. Even so, there is a tax loss that results in a negative income tax result.

As to the other assertion, section 270 is not adequate for many reasons. First, even though not included in taxable income, the deducted one-half of capital gains may be added to farm income to determine whether the loss exceeds $50,000. Perhaps of even greater significance, however, is the exclusion of certain expenses from the expense side (thereby lessening the loss), for the purpose of ascertaining whether section 270 applies but not for the purpose of the tax computation. Any expense that a taxpayer has an option either to capitalize or to expense is excluded. Therefore, the very expenses that create the tax loss[75] do not enter into the computation, which determines whether the section will be applied.

While these liberalities would prevent application of the section to most taxpayers, a final escape hatch is offered by the cash accounting method, which to some extent permits the deferral of both income and expense while also offering the opportunity to anticipate both income and expenses. The combination of these deficiencies permits all but the hopelessly incompetent or blissfully unaware to avoid the application of section 270.

C. Outside capital necessary to agriculture[76]

Another reason strongly stressed for no change in the present tax law is the need for "outside" capital in agriculture. History is cited to support this conclusion. The argument hinges on the plea that, without the tax benefits offered farming (notably livestock), the outside capital would not be attracted and presumably something disastrous to agriculture and to the American consumer would result.[77]

Because this author is not an economist, this article is certainly not a forum in which to argue the economic effect of our many tax provisions. Let me comment briefly, however, on the several facets of this argument as follows:

(1) As noted by one witness in 1963,[78] outside capital has been necessary to agriculture since as early as the Civil War. There was no income tax system then and no tax subsidy. Yet agriculture managed to attract the necessary capital.

(2) Demand for agricultural products, *i.e.*, the ability to sell, not a tax benefit, creates the need for farm capital. If that need continues and if farm prices are inadequate absent the tax subsidy, farm prices will increase to provide an adequate attraction.

(3) By eliminating the "tax farmers" who can survive with a lesser profit than one who does not have outside income, those who are largely devoted to farming may be attracted to stay rather than to be driven out.

(4) There is not likely to be any effect on prices.[79]

(5) If special incentives are needed, certainly Congress can work out a system that avoids the negative income tax and benefits all participants evenly across the board or in a more rational manner than the present scheme, which confers the greatest benefits on those having the greatest amounts of outside income.

D. The rules encourage research development[80]

Often the claim is made that development of purebred seedstock is dependent upon the present tax rules permitting deduction of those costs.

This claim seems to say that there must be a profligate waste of funds in order to secure some very remote benefits resulting from loss operations. If subsidies are needed for research, they can easily be provided without wasting funds on those merely in the business of producing meat. The question is whether we should continue to subsidize the many to benefit a few.

In addition, if these expenses are true research and development expenses, they may be deducted under section 177 merely by electing accrual accounting under the Metcalf Bill. A similar election will avoid the EDA

This argument also presumes that the losses under discussion are true economic losses. That is highly doubtful. First, if the taxpayer has no other farm operation, he is not likely to be engaged in a consistently profitless research program. It undoubtedly would be structured to turn a profit some day. Under the Metcalf Bill, his losses may be carried forward to that day to offset against the gains. If he wants to use them today, he may elect accrual accounting. Under the EDA, the taxpayer's present use of the loss at ordinary income rates is recaptured at the same rate.

Finally, the claim that this is just like the research division of a corporation overlooks the fact that those divisions usually are a part of an integrated operation that produces profits. This differs from the cattle situation in which the tax losses are suffered by an operation not related to another division. In the cattle case, only the tax losses are reported. There are no ordinary income profits. This, of course, indicates that the losses are not economic losses.

E. The present scheme does not produce a revenue loss[81]

The claim is often made that the negative tax effect costs the Treasury nothing. This claim must have either one of two meanings.

First, the economic activity supported by the subsidy increases the federal government's revenue because the subsidy dollars are spent with suppliers of agricultural goods who pay tax on their receipts. Under this view, most expenditure programs would have no cost to the Government. Obviously, it cannot be used as a measure of the revenue loss.

Second, the charge may be that cattle operators pay taxes. Indeed, one witness at the recent reform hearings pointed out[82] that in 1968 his clients had ordinary income of $15,000,000 and capital gains of $4,000,000. Also, his clients' inventories increased by $3,000,000.

One should not, however, conclude that these taxpayers paid any tax on their cattle operations because the witness also pointed out that they spent $20,000,000.[83] An analysis of this example, however, again illustrates

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the problem in the farm area. Take the witness's figures:

Net expenditures	$20,000,000
Less ordinary income	15,000,000
Difference	5,000,000
Less taxable one-half of capital gains	2,000,000
Net tax loss	3,000,000

The farm loss of $3,000,000 applied against other income would certainly produce some tax savings. Thus there was a cost to the Treasury.

The comparison to other businesses is interesting. First, the $3,000,000 loss would be reduced by $3,000,000, which went into the inventory or products to be sold in the future. This would reduce the loss to zero. If the $4,000,000 reported as capital gain were fully taxable, however, as it would be in most other industries, there would be *net profits* of $2,000,000. Instead, the taxpayers in the cattle operations reported a *net loss* of $3,000,000.

F. Any change would force many farmers onto accrual accounting, which is just not possible [84]

This claim is really two contentions. Both appear equally erroneous.

First, not many farmers would be affected by the Metcalf Bill. In 1966 there were 3,000,000 families living on the farm. Less than 4 percent of those families had $15,000 of *gross income from all sources.*[85] The Treasury Staff Studies [86] estimated that 14,000 taxpayers would be affected by its proposal. The Metcalf proposal would reach a larger group because of his phaseout of any deduction at the $30,000 nonfarm adjusted gross income level. In no event, however, could it reach more than 120,000 farmers (4 percent of 3,000,000 families). Thus certainly not a large part of the farm population would be affected. The EDA recommended by the Treasury in 1969 would reach no more than 80,000 farmers.[87]

The second claim that accrual accounting is just not possible also seems refutable. It is now used by some taxpayers. There are inventories that permit an approximation of the cost of raising animals. While they may have their problems, they at least may be employed and would more accurately reflect income than the present scheme, particularly if the changes discussed above were adopted.

G. The present scheme is a deliberate subsidy carefully designed by Congress [88]

Many proclaim that the interplay of current deduction and capital gains is a well thought out subsidy. While there may be some superficial appeal to this argument, it will not withstand analysis.

The farm problem under discussion arises out of (1) deducting capital costs and (2) conferring capital gains on certain assets. As was traced in some detail above, the first aspect of this combination developed very early in the administration of the income tax law. It was also developed by an administrative agency, which had no authority to conceive and implement plans for the distribution of federal money. It does not seem likely that this portion of the present law had any deliberate conception as a subsidy.

The capital gain portion of the combination seems equally as accidental. The 1942 amendment, which first brought cattle into the capital gain arena, certainly makes no reference to the subsidy impact.

After doubt and controversy arose in the 1940's, the farm interests succeeded in getting legislation in 1951. But neither in 1950 nor 1951 was there any discussion of the subsidy effect of conferring capital gains on livestock. The plea rather seemed to rest on clearing up confusion and giving the treatment to farm assets that was accorded other businesses.

Not until 1952 was there any discussion of the tax policy effect of these provisions.[89] While the Treasury's presentation of the excess deductions account in 1963 and in 1969 focused on the two aspects at the heart of the farm loss problem, they do not put the problem in its proper posture. These aspects are (a) the use of farm losses to offset other income and (b) the production of a tax profit when there is an economic loss.

The second aspect was universally denounced by the witnesses who appeared before the Ways and Means Committee in 1963 and in 1969. It hardly seems likely that failure to take action condones a system achieving that result. Rather, in the words of Representative Watts,[90] there was difficulty in separating the sheep from the goats.

As to the first point, the Treasury seems content to show that the losses, artificially produced, are used to offset income of another endeavor. While that statement is accurate, it does not demonstrate that in fact a profitable operation is not only paying no tax but is indeed receiving a subsidy from the Treasury in the form of reduced taxes on other income. Certainly, the latter statement of the problem is hard to defend and truly illustrates what is happening. Short of a presentation in this fashion, it is doubtful that one can say that Congress has condoned it.

In 1952 only the Senate Finance Committee considered the matter, and in 1963 only the House Ways and Means Committee considered it. The failure of these committees to act on the basis of the not well directed testimony of the Treasury should hardly be construed as congressional approval of a subsidy system, particularly when that subsidy is not available to the individual engaged only in the activity, which, if the argument were accepted, Congress intended to subsidize. In 1969, the House took action by incorporating the EDA into H.R. 13270. While, as later discussed, the provision adopted would likely be largely ineffective, it does manifest a notion that this subsidy has difficulties, which require pruning, if not elimination.

IX. CONCLUSION

Our existing farm tax laws permit taxpayers having income from other sources to invest in farm assets to a large extent at the expense of the public fisc. While it has been argued to be a deliberate subsidy to farmers, this seems doubtful on the record. It also seems implausible that Congress intended a subsidy that has little or no value to one having only the kind of income that it intended to benefit. The argument would mean that one hand giveth while the other taketh, by inducing unfair competition from the "tax farmer" who because he has sources of other income can subsist on little or no economic profit. Thus, even if Congress did intend the present scheme as a subsidy, it should be recast in a more rational form.

This subsidy is a negative income tax because the tax savings resulting from the premature deduction of capital costs against ordinary income is greater than the capital gain tax incurred on the sale of the property. There are now pending several proposals that measurably improve the tax law. None of them attacks the problem directly. Rather, they attempt to preserve some part or all of the tax benefits for selected taxpayers. As a consequence, they are complex. Since the complexity arises from an effort to maintain simplicity for the vast majority of farm taxpayers, the burden of complexity will fall only on those who want to retain whatever benefits remain after enactment of the remedial legislation.

Of the proposals pending, the Metcalf Bill offers the best designed solution. It is directed to the current offsetting of artificial farm tax losses against nonfarm income. It does not concede the propriety of this offset and consequently need not seek to impose a penalty at some later date, when the capital nature of the earlier losses is finally revealed. It is well designed to limit its application to artificial losses. It does not present the estate planning possibilities of some of the other solutions, and it does seek to exempt many farmers.

Since the Metcalf Bill appears to offer a better solution, it is lamentable that the Treasury's 1969 proposals did not endorse it, as did the previous Administration. Rather, the Treasury opted to present a solution which *may* accomplish many of the objectives. But by rejecting the Metcalf Bill proposal and advancing its own, the Treasury will find that effort, which could have been expended on passage of a solution, will be directed to demonstrating the superiority of its solution. This may prove a difficult, if not impossible task, that will undoubtedly annoy many of the proponents of the Metcalf Bill. Therefore, the fight may degenerate to one between those who want some action rather than between that group and those who have prospered from and are interested in maintaining the *status quo*. One doubts that the principles, which led to rejecting the Metcalf Bill, could be worth the loss in solidarity. Indeed, the principles, which militated so strongly against the Metcalf Bill, are not clear.

Be that as it may, the House Committee on Ways and Means at one time tentatively adopted the EDA substantially as recommended by the Treasury.[91] While it might have achieved some needed reform, it undoubtedly would have presented the opportunity for the artful tax lawyer to plan around the EDA. But the Bill reported out by this Committee and passed by the House appears to be about as an ineffective version of the Treasury's suggestions as could be envisioned. As passed by the House, taxpayers having nonfarm adjusted gross income of less than $50,000 would not be required to keep an EDA. Furthermore, farm losses would be entered into the account only to the extent that they exceeded $25,000.

In 1964 there were about 18,000 tax returns showing nonfarm adjusted gross income in excess of $50,000. About 3,000 of these taxpayers turned a farm profit with the balance reporting losses. Thus only about 15,000 farm returns showing farm losses meet the outside income test. Yet in the same year, there were about 1,109,000 farm returns (out of 3,000,000) showing a farm loss. As a consequence, the Bill would affect less than 0.5 percent of all form returns and less than 1.5 percent of farm returns showing a tax loss.[92] This relatively insignificant impact will be even further reduced by the exception of any loss, or part thereof, that does not exceed $25,000. The fairest guess seems to be that the proposal might have some impact on as many as 4,000 or 5,000 tax returns.[93] The revenue estimate for the long run is $20 million.[94] This compares with a revenue estimate of $50 million for the Treasury's recommended EDA [95] and $205 million if the Metcalf Bill were enacted.[96] The Treasury's proposal might have reached as many as 75,000 returns in any year,[97] while the Metcalf Bill would have reached around 14,000 taxpayers,[98] about the number of returns which meet the nonfarm adjusted gross income test under the Bill, but with an impact over ten times as great when revenue estimates are considered. These comparisons strongly suggest that H.R. 13270 would reach only the visible portion of the iceberg.[99]

The amount of revenue raised and the number of taxpayers affected are not, of course, the important criteria by which to measure a provision dealing with the farm loss problem. The question is whether the proposal will significantly reduce the federal subsidy going to taxpayers having both

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(a) certain kinds of farm investments and (b) substantial nonfarm income while providing relatively insignificant benefits to those who do not have the nonfarm income. The overall purpose thus is to discourage some investments in farm assets by improving the equity of the tax structure. On this ground, the Bill passed by the House seems destined to fail. It will permit all comers to incur tax losses up to $25,000 each year. An investment of this size may have substantial capital gain possibility.

Finally, the purpose of restricting the operation of the Bill to those taxpayers having a coincidence of $50,000 in nonfarm adjusted gross income and a farm loss in excess of $25,000 is not clear. It seems unlikely that a "legitimate farmer" cannot be more precisely defined. Thus the high dollar limits seem not to have a definitional purpose. Nor is the abuse limited to taxpayers having this happy combination of circumstances. But even if it were, under the Bill, they are permitted to exclude from the EDA the first $25,000 of farm loss each year. Since the justification for these limits is not immediately apparent and since the Bill does not appear altogether effective, it seems likely that Senator Metcalf will continue to press his solution, and the issue will be joined in the Senate.[100]

Regardless of the outcome, there would appear to be some learning here that may be applicable beyond the farm field. We noted at the beginning that other industries such as oil and gas, real estate, and timber may offer much the same opportunity for tax avoidance as does investment in some farm assets. The benefits in these areas are also predicated upon premature and excessive deductions, and repair of the tax law in these areas is badly needed.

The foregoing analysis is helpful in suggesting guidelines and means of testing those solutions that may be put forward for these other areas. The problem must be precisely identified to expose the source of the difficulty. At that juncture, two paths will be offered. The problem may be attacked frontally as, for example, proper cost capitalization attacks the farm loss problem. If that route is not chosen and if excessive deductions are the problem, there are two means of dealing with them. First, the deductions may be blessed when claimed with a recapture of them at a later time. The other is to operate directly on the deduction by limiting its benefit either to a specified group or in a specified amount. Either means is complex, but there would seem to be no question but that the former, a recapture of prior excessive deductions, is a most inappropriate way of dealing with excessive deductions. Thus, unless all other techniques are exhausted and rejected on some more fundamental ground, the concept of recapture should not be raised as a solution.

FOOTNOTES

[1] T.D. 2153, 17 TREAS. DEC. INT. REV. 101 (1915), *as amended,* T.D. 2665, 20 TREAS. DEC. INT. REV. 45 (1918).

[2] Treas. Reg. 33, art. 4 (1917).

[3] United States v. Catto, 384 U.S. 102, 110 (1966).

[4] Treas. Reg. 33, art. 4 (1917).

[5] Treas. Reg. 45, art. 110 (1919).

[6] *See* Ribbon Cliff Fruit Co., 12 B.T.A. 13 (1928); Harry B. Hooper, 8 B.T.A. 397 (1927).

[7] H.R. REP. No. 2333, 77th Cong., 2d Sess. 53–54 (1942). *See* Wells, *Legislative History of Treatment of Caiptal Gains Under the Federal Income Tax 1913–1948,* 2 NAT'L TAX J. 12, 31–32 (1949).

[8] Wells, *supra* note 7, at 32.

[9] S. REP No. 1631, 77th Cong., 2d Sess. 49–50 (1942).

[10] I.T. 3666, 1944–1 CUM. BULL. 270. I.T. 3712, 1945–1 CUM. BULL. 176; Mim. 6660, 1951–2 CUM BULL. 60; Special Ruling by the Commissioner of Internal Revenue, CCH 1948 STAND. FED. TAX REP. ¶ 6091 (Aug. 4, 1947).

[11] 173 F.2d 339 (8th Cir. 1949).

[12] In a livestock operation, there is an annual crop of young animals. Since few farmers have either the capacity or the desire to increase their operation by the full amount of each crop, some part of the livestock must be sold. Normally those animals least fitted for the operation are sold. The process of selecting the animals to be sold is referred to as "culling," and the animals so selected are "culls."

[13] H.R. REP. No. 3124, 81st Cong., 2d Sess. 28 (1950) makes clear that Senate Amendment No. 82 was rejected largely because it was limited to cattle. It also expressed hope that the Treasury would administer the law in accordance with the *Albright* decision.

[14] Revenue Act of 1951, § 324. The Act stated that livestock held more than 12 months regardless of age and held for draft, breeding, or dairy purposes would be treated as property used in the trade or business for the purpose of § 117(j) of the Internal Revenue Code of 1939, now § 1231 of the Internal Revenue Code of 1954.

[15] S. REP. No. 78, 82d Cong., 1st Sess. 41 (1951).

[16] The letter pointing out that the deduction of livestock raising costs from ordinary income while allowing capital gains treatment for the sale of breeding livestock distorted income downward by $275,000,000 a year and gave a windfall to those farmers and ranchers then using cash basis accounting. Letter from Secretary of Treasury Snyder to the Chairman of the Senate Finance Committee, 98 CONG. REC. 8307, 8308 (1952), also reported in CCH 1952 STAND. FED. TAX REP. ¶ 6239 (June 27, 1952).

[17] *See* notes 13, 14 & 15 *supra.*

[18] *See* HOUSE COMM. ON WAYS AND MEANS and SENATE COMM. ON FINANCE, TAX REFORM STUDIES AND PROPOSALS OF THE U.S. TREASURY DEPARTMENT, 91st Cong., 1st Sess. 151, 154 (1969) [hereinafter cited as TREASURY STUDIES]; HOUSE COMM. ON WAYS AND MEANS, THE PRESIDENT'S 1963 TAX MESSAGE, 88th Cong., 1st Sess. 144–45 (1963) [hereinafter cited as 1963 TAX MESSAGE]; letter from Secretary Snyder, *supra* note 16. For a discussion of "hobby farming" see Sweeney, *The Farm Loss Deduction,* 53 A.B.A.J. 447 (1967), and Dickinson, *The Farm Loss Deduction: A Reply,* 53 A.B.A.J. 1111 (1967).

[19] Reported on Schedule F, Internal Revenue Service form 1040, and which would offset other fully taxable income.

[20] This is the taxable portion of the capital gain, which is reached by reducing the entire gain by the deduction allowed by Internal Revenue Code of 1954, § 1202 so that the taxable portion is only 50% of the gain. This one-half of the gain is taxed either at the taxpayer's marginal tax rate or at a 50% rate whichever is lower. In cases, in which the 50% rate (resulting in a tax of 25% on the gain) is lower, the taxpayer pays the *alternative tax on capital gains.* This additional rate limitation on long term capital gain (in practical effect of benefit only to those taxpayers having sufficient income to be in a tax bracket above 50%) would be removed by § 511 of H.R. 13270, 91st Cong., 1st Sess. (1969) (passed by the House and referred to the Senate Finance Committee on August 7, 1969). Conclusions herein, which assume the alternative tax computation, must be considered in light of this possible change in the law. The Treasury Department has announced opposition to the elimination of the alternative tax. *See Hearings on Tax Reform Act of 1969 Before the Senate Comm. on Finance,* 91st Cong., 1st Sess. 6 (interim manuscript) (Statement of David M. Kennedy on Sept. 4, 1969).

The foregoing analysis applies to individuals only. Corporations receive substantially the same benefit under a slightly different statutory framework. Section 461 of H.R. 13270 would raise the corporate alternative tax rate to 30%. While the farm loss problem is largely related to individuals, the rate of corporate expansion into farming in the last several years has grown. *See Hearings Before the Subcomm. on Monopoly of the Select Comm. on Small Business,* 90th Cong., 2d Sess. (1968). *See also* Thomas, *Corporate Sodbusters,* Barron's, Aug. 5, 1968, at 3, col. 1; Thomas, *Lure of the Land,* Barron's. Aug. 19, 1968, at 3, col. 1.

[21] Reported on Schedule D, Internal Revenue Service Form 1040, as a sale of a capital asset.

[22] This usually will be the taxpayer's effective tax rate multiplied by the difference between the loss and the taxable one-half of capital gains. When the taxpayer uses the alternative tax on capital gains, the benefit is greater.

[23] These results are proportionately greater because the tax rate on the taxable one-half of capital gains is limited to 50%, while the loss is fully deductible against ordinary income taxed at more than the 50% rate. Also note that the top tax rate of 70% would be reduced to 65% by H.R. 13270, 91st Cong., 1st Sess. (1969).

[24] The parentheses indicate that a positive tax is paid by the taxpayer. For the 0% taxpayer, the taxable income would be taxed at the lowest rate if the income was not eliminated by itemized deductions and personal exemptions. For the 30% and 50% taxpayer, the profit for tax purposes is subjected to capital gain rates. The 70% taxpayer continues to show a net payment from the Treasury.

[25] Since no amount of tax for this taxpayer is shown in Chart B, the total economic profit has not been reduced by any tax. The tax would be $25 multiplied by the effective tax rate.

[26] The income might be realized in another year because the loss may become a net operating loss deduction in another year.

[27] There are basically six areas in which the farm loss problem may arise. In addition to those discussed in the text, they are:

(a) The do-it-yourself averager, who shifts income and expense from year to year through the use of cash accounting. For example, a taxpayer, who desires to reduce taxes in a particular year, might purchase a large amount of supplies that would not be consumed until the following year. The deduction would be claimed in the year of purchase, and no adjustment would be made for the goods on hand at year's end. Similarly, a taxpayer might sell products and defer payments until the following year. The income would be reported by a cash basis taxpayer only in the following year. The extent of the premature deductions, which may be taken, is not clear. Recent cases indicate that the taxpayer faces increasing judicial resistance to this tax limiting approach. For cases concerning supplies see Lillie v. Commissioner, 370 F.2d 560 (9th Cir. 1967), *aff'g per curiam,* 45 T.C. 54 (1966); Shippey v. United States, 308 F.2d 743 (8th Cir. 1962); Cravens v. Commissioner, 272 F.2d 895 (10th Cir. 1959); Harry W. Williamson, 37 T.C. 910 (1962); John Ernest, 32 T.C. 181 (1959), *acquiesced in,* 1959–2 CUM. BULL. 4. *See also* Pauley v. United States, 63–1 U.S. Tax Cas. ¶ 9280 (S.D. Cal. 1963); Rev. Rul. 170, 1953–2 CUM. BULL. 141 (intangible drilling expenses); Rev. Rul. 58–53, 1958–1 CUM. BULL. 152 (personal services under § 212). Prepaid alimony is not deductible. George R. Joslyn, 23 T.C. 126 (1954), *rev'd and rem'd in part and aff'd in part on other grounds,* 230 F.2d 871 (7th Cir. 1956). Nor are prepaid medical expenses deductible. Robert S. Bassett, 26 T.C. 619 (1956). Deduction of prepaid interest, long considered a somewhat special case, is also now subject to severe limitations. *See* Rev. Rul. 68–643, 1968–2 CUM. BULL. 76. While Lillian Bacon Glasswell, 12 T.C. 232 (1949), *acquiesced in,* 1949–2 CUM. BULL. 2, and Estate of Aaron Lowenstein, 12 T.C. 694

(1949), *acquiesceding,* 1949–2 Cum. Bull. 2, permit deduction of taxes on current income even though paid prior to the time the taxes became due, these cases clearly rely on a lack of distortion in income. Indeed, they represent cases in which income is perfectly matched against the taxes imposed upon it. This liberality in timing income and expenses seriously weakens § 270 as well.

(b) The hobby farmers, who are engaged in activity which they refer to as farming but for whom the profit motive is not the inducing factor. This presents the question of subjective intent, which is usually litigated by the Internal Revenue Service. For excellent summaries of the hobby loss cases see 18 Section of Taxation, ABA, Annual Report, No. 4, at 275 (1965); 19, No. 4, at 149 (1966); 20, No. 4, at 143 (1967); 21, No. 4, at 768 (1968). This problem is not one unique to the field of agriculture, and legislation designed specifically for it should not be confined to agriculture. Any solution to the other farming problems should be applicable equally to hobby farming. Thus solutions of the farming problem need not be tailored to deal with the hobby problem.

(c) The statutory provisions which allow farmers to deduct expense which all would concede to be capital. These are § 175 (soil and water conservation expenditures), § 180 (expenditures for fertilizer), and § 182 (expenditures for land clearing). The last section is limited to 25% of *taxable income.* Section 175 is limited to 25% of *gross income* from farming with an unlimited carryover. The charge is often made that § 175 permits the purchase of rundown farm land, which produces gross income but little or no net income, and the rebuilding of it by deductible expenditures. In many cases, the land is then alleged to be held for subdivision and not for farming purposes. This aspect is merely another facet of deducting capital expenditures and perhaps should not be placed in a separate category. It, however, is not as widespread as the problems discussed in text and is relegated to a footnote to concentrate the text on the two major aspects of the farm problem.

(d) The abuser of accelerated depreciation, who purchases animals at a very high price, claims accelerated depreciation on them, and sells well before the end of the depreciable life is reached. Since the animals will be treated as breeding animals and since there is no recapture of depreciation on livestock, the gain may be reported as capital gain. Solving this abuse would seem to be largely a matter of enforcing the present law. Depreciation below a realistic salvage value is not permitted. Salvage value must be established by reference to the expected useful life of animals to the taxpayer. This would seem to be an avenue unsuccessfully traveled by Hertz Corporation v. Commissioner, 364 U.S. 122 (1960). *See* Massey Motors, Inc. v. United States, 364 U.S. 92 (1960). This problem is also another facet of deducting capital expenditures. The difference is that the excessive deduction may be spread over a number of years rather than solely in the year when incurred. Again, this problem is also relegated to this footnote to avoid digression from the two major areas of abuse.

[28] These crops include citrus, peaches, apricots, cherries, grapes, and nuts. There are undoubtedly others. The foregoing, however, indicates the widespread nature of the area in which these costs are incurred.

[29] Treas. Reg. § 1.162–12 (1961).

[30] In Robert L. Maple, 27 CCH Tax Ct. Mem. 943 (1968), the cost of raising orange trees to a stage when they could be planted in the grove was $2.75 per tree. Of this amount only $.42 was required to be capitalized. After planting in the grove, the trees may take from four to eight years to bear commercial quantities of fruit. Costs during that period are also deductible.

[31] For use of this terminology see Estate of Richard R. Wilbur, 43 T.C. 322 (1965).

[32] In the year of sale, the taxpayer will report:

Proceeds of sale of sec. 1231

Assets	$23, 100
Basis	12,000
Gain	11,100
Tax at 25% rate	2,775

[33] Treas. Reg. § 1.162–12 (1961) permits farmers to deduct livestock raising costs and makes no reference to the taxpayer's method of accounting. Certainly the option to deduct these expenses is available to the cash basis taxpayer. As to accrual basis taxpayers who must use inventories, the answer is not so clear. The option is not available to a taxpayer who uses the unit livestock method because he must include raised livestock in his inventory even though held for draft, breeding, or dairy purposes. *See* Treas. Reg. § 1.471–6(f) (1964). This requirement was upheld in United States v. Catto, 348 U.S. 102 (1966). Taxpayers using other methods of inventory valuation are not required to include raised animals in inventory. This has led at least one author to argue that the option to expense raising costs is available to these taxpayers. *See* Hawkinson, *Farm Expenses and General Accounting*, 22 Tax L. Rev. 237, 257 (1967). He adds that *United States v. Catto* throws doubt on this conclusion. Since *Catto* merely upheld longstanding regulations, it seems doubtful that it would support a requirement that all taxpayers, even though not specifically mentioned in the regulations, must inventory the cost of raising draft, breeding, and dairy animals. Thus it is likely that only the taxpayer using the unit livestock method must inventory these costs, and if they are inventoried, they are deducted unless capitalized. Whether these costs must be capitalized, if not inventoried, by the accrual basis taxpayer is not clear. Treas. Reg. § 1.61–4 (1963), dealing generally with reporting by cash and accrual basis farmers, might be argued to require capitalization of these costs by accrual basis farmers. Treas. Reg. § 1.61–4(b) (1963), applicable only to accrual basis farmers, states that draft, breeding, or dairy livestock "may be included in inventory . . . instead of being treated as capital assets subject to depreciation." This language may imply that livestock raising costs must be capitalized if not inventoried. The Internal Revenue Service seems never to have so construed this provision. Thus it seems likely, but not clear, that an accrual taxpayer using some method other than the unit livestock method may choose to deduct livestock raising costs, to include the costs in inventory, or to capitalize such costs. Presumably, once the farmer makes a choice, he must continue with that method.

[34] Int. Rev. Code of 1954, § 1231(b)(3). Race horses qualify under the more general language of section 1231(b)(1) and need only be held more than six months.

[35] The case law dealing with culls is extensive. *See* McDonald v. Commissioner, 214 F.2d 341 (2d Cir. 1954), *on remand,* 23 T.C. 1091 (1955), *acquiesced in,* 1956–1 Cum. Bull. 4. *See also* C.A. Smith's Estate, 23 T.C. 690 (1955), *acquiesced* in, 1956–1 Cum Bull. 5.

[36] Included as livestock are sheep, goats, dogs, foxes, minks, and other exotic little creatures such as chinchillas, Treas. Reg. § 1.1231-2(a) (1965). See William W. Greer, 17 T.C. 965 (1951), *acquiesced in,* 1951-1 Cum. Bull. 4. *See also,* U.S. Treasury Department, Farmer's Tax Guide 24 (ed. 1969).

[37] An excellent illustration of the artificial losses and their effect on taxes on income from other sources may be found in a letter from the National Livestock Tax Committee to Chairman Wilbur Mills of the House Ways and Means Committee, Mar. 28, 1969, for inclusion in the hearings record of the recent tax reform hearings before the Committee. House Comm. on Ways and Means, Tax Reform, 1969, 91st Cong., 1st Sess. 2056, 2059–60 (1969) [hereinafter cited as Tax Reform 1969]. *See also* Pitcairn & Chandler, *Tax Advantages of Cattle Operations,* 1 P-H Tax Ideas ¶ 17,013, (1968).

[38] In addition to solutions discussed in text see, *e.g.,* Sweeney, *The Farm Loss Deduction,* 53 A.B.A.J. 447 (1967), which advocated amending § 165 to disallow a farm loss unless there was a reasonable expectation of profit, and five consecutive loss years would have been considered as proof that the expectation was not reasonable in absence of clear and convincing evidence. This solution is technically deficient since there is no statutory definition of a farm "loss," and the "loss" arises usually because § 162 deductions (not § 165) exceed ordinary income. It is premised also on the belief that the farm loss problem may be one of "hobby losses." The suggestion is properly rejected in a reply article. Dickinson, *The Farm Loss Deduction: A Reply,* 53 A.B.A.J. 1111 (1967). *See also* Hjorth, *Cattle Congress and the Code—The Dangers of Tax Incentives,* 1968 Wis. L. Rev. 644, 670, in which the author proposes a § 1245 recapture and denial of § 1231 treatment in absence of a failure to capitalize growing costs. This is a good proposal but does not reach citrus groves, although it could be so broadened. It, however, does raise the accounting problems discussed in text. *See also* Tax Reform 1969, at 2056 (letter from the National Livestock Tax Committee), which suggests a § 1245 recapture and lengthening of lives for an asset to qualify under § 1231. As is demonstrated in attachments to this letter suggesting this approach, considerable tax subsidy remains. Thus this proposal must be adjudged largely ineffective.

See also S. 1560, 91st Cong., 1st Sess. (1969), introduced by Senator Miller. This bill would limit farm deductions of nonfarmers to farm income except in the case of an individual whose principal residence is on a farm. In such case, the limit on farm deductions would be the total of (a) farm income, (b) wages and salaries, (c) timber income, and (d) royalties derived from property. A farmer would be entitled to claim all his deductions. A farmer is defined as a taxpayer whose net income from farming for the three preceding years equals two-thirds of the total net income for these years. For this purpose net farm income includes the full amount of gain on the sale or exchange of assets. Total income, however, excludes all those gains except those incurred on farm assets. Certain deductions are not disallowed even though attributable to the farm. They are deductions arising from (a) general casualty and weather conditions, (b) experimental farming, and (c) egg or broiler operations. Also, farms (a) acquired from decedents, (b) acquired by foreclosure, or (c) operated by an estate are excepted for limited periods. Provisions are made to consolidate sole proprietorships with partnerships and Subchapter S farm income and losses.

S. 1560 has many weaknesses. First, it raises difficult definitional problems. What is a principal residence? What is a farm on which the principal residence must be located? This differs radically from the problem of defining farm income and expense—a feature common to many proposals. Second, a farmer may continue to offset nonfarm income, e.g., wages, by farm losses. Additionally, a nonfarmer may do so if he lives on a farm. There would appear to be no policy supporting this exception. Third, the sponsor concedes the definition of "net farm income" and "total income" are designed to prevent, at least to some extent, application of the Bill to livestock—probably the worst abuse. Fourth, the definition of a farmer depends on a new concept of farm income that is not the same as that set out for filing of a declaration of estimate tax. Thus a new category of farmers would be created. Fifth, this approach is not directed toward either of the causes of the problem, i.e. capital gain and simplified accounting rules. Its effect would thus be difficult to predict.

As to some other approaches, some redefinition of assets qualifying for § 1231 might also be attempted. This does not appear fruitful so long as their costs can be fully deducted.

[39] *See* Hawkinson, *supra* note 33.

[40] *See* cases cited note 6 *supra*.

[41] Full cost accounting is used by some farmers for financial reporting purposes even though not for tax purposes. Lenders may also require that financial statements be prepared on at least a modified accrual basis. Thus techniques are available and in use. If, as suggested later in the text, more simplified inventory methods are developed, one might question whether they should be available to taxpayers who now employ better procedures for nontax purposes while reporting taxable income on the special farm accounting rules. Yet denial of these simplified methods could create a competitive edge that does not now exist.

[42] Under Treas. Reg. § 1.471-8 (1958), taxpayers engaged in selling at retail may establish an inventory by reducing selling prices in accordance with an established formula to reach approximate costs. While agricultural products normally would not have standard markups, a similar procedure might be used by reducing market value by a reasonable profit margin.

[43] One might also consider the constitutional implications of forcing recognition of profit before there is a realization. *See, e.g.*, Eisner v. Macomber, 252 U.S. 189 (1920).

[44] Treas. Reg. § 1.471-6(f) (1958).

[45] Treas. Reg. § 1.471-2(f)(4) (1958). "LIFO" is a shorthand designation for the Last-In-First-Out method of inventory valuation.

[46] Senator Jack Miller of Iowa realizes that unit livestock valuations are unrealistic and would not close off the farm loss problem in the livestock area. TAX REFORM 1969, at 2001, 2003 (statement of Senator Miller).

[47] *See* S. 1560, 91st Cong., 1st Sess. (1969); S. 500, 91st Cong., 1st Sess. (1969); H.R. 5250, 91st Cong., 1st Sess. (1969); H.R. 4257, 91st Cong., 1st Sess. (1969).

[48] Even ideal solutions may not entirely handle the problem. Under a system requiring that all costs be capitalized, there would remain a problem of reporting gain on some assets as capital gain, even though the assets are held for sale to customers in the ordinary course of business. For example, breeding livestock produce a crop each year. Some part of the crop may be retained for breeding purposes, and some part, usually the vast majority of it, will be sold in the ordinary course of business. At the birth of the animal, a taxpayer does not know into which category particular animals fall, and the purpose for which they are held is ambiguous. This ambiguity is resolved under present law by requiring that each animal be held at least twelve months for long-term capital gain treatment to be allowed. That period is unsatisfactory because the ambiguity of purpose is generally not resolved during the twelve months. Similarly, questions could arise concerning the cost of maintaining female animals during the period of gestation. These costs would seem to be capital costs of the young animals. But if the mother also had some other utility such as use as a dairy cow, the taxpayers would likely argue that the costs were deductible as costs of producing milk.

[49] 1963 TAX MESSAGE 144. The newer version was presented in TAX REFORM 1969, at 5047 (the President's 1969 Tax Message).

[50] S. 500, 91st Cong., 1st Sess. (1969). Its genesis was S. 2613, 90th Cong., 1st Sess. (1967). The 1967 Bill was revised in accordance with a Treasury report on S. 2613, 114 CONG. REC. 8782 (daily ed. July 17, 1968), and reintroduced, S. 4059, 90th Cong., 2d Sess. (1968). It was further revised before introduction in 1969.

[51] The theory undoubtedly is the same as that embodied in two other statutory recaptures, § 1245 and § 1250. There have been excessive deductions against ordinary income. When income is realized, it should be treated as the excessive deductions and taxed at ordinary income rates. This notion of merging two transactions is familiar to the case law. *Compare* Arrowsmith v. Commissioner, 344 U.S. 6 (1952), *with* William L. Mitchell, 52 T.C. No. 21 (Apr. 30, 1969). *See also* United States v. Skelly Oil Co., 394 U.S. 678 (1969).

[52] The House Committee on Ways and Means tentatively adopted the excess deductions account in roughly the form described in text. *See* HOUSE COMM. ON WAYS AND MEANS, PRESS RELEASE ANNOUNCING TENTATIVE DECISION ON TAX REFORM SUBJECTS BY CHAIRMAN MILLS (May 27, 1969). Changes from the Treasury's proposals are for present purposes unimportant. The House also incorporated a version of it in H.R. 13270, 91st Cong., 1st Sess. (1969). The Treasury Department presented yet a third model when Assistant Secretary Cohen testified before the Senate Finance Committee on September 4, 1969. *See Hearings on Tax Reform Act of 1969 Before the Senate Comm. on Finance*, 91st Cong., 1st Sess. 39–42 (interim manuscript) (statement of Edwin S. Cohen on Sept. 4, 1969). This House version is discussed later in the text. There were also other parts to the Treasury farm proposals including a § 1245 recapture of excessive depreciation on livestock, an extension of lives for draft, breeding, and dairy animals and race horses to qualify under § 1231(b) and vast and complex changes to § 270. These appear mainly to have been designed to sew up the loose edges left after application of the excess deductions account. The need for these other provisions is discussed along with the proposals. TAX REFORM 1969, at 5414.

[53] One difficulty with this approach arises when considerable farm income is realized before there is a loss. If the income followed the loss, it would reduce the amount in the EDA but apparently not if it precedes the loss, unless there is to be a negative EDA. As a result, timing of income will have a substantial impact.

[54] TAX REFORM 1969, at 5495 (statement of Edwin S. Cohen, Assistant Secretary of the Treasury for TAX Policy).

[55] TAX REFORM 1969, at 5178. As discussed later in the text, the gain mentioned by the Treasury's Technical Explanation probably includes the excess of fair market value over basis if the disposition is one that is not taxable under present law. If not, there is substantial room for avoidance by transferring § 1231 property to a related taxpayer who would have no EDA. As finally adopted by the House in H.R. 13270, 91st Cong., 1st Sess. (1969), the rules for transfers are complex. They do not close the possibility of tax avoidance through transfers but may represent a reasonable approach to a difficult problem inherent in the recapture concept.

[56] Under the tentative decision of the Committee on Ways and Means, gain on buildings would be excepted. Gain on farm land would be subject to recapture only to the extent of § 175 and § 182 expenses (soil and water conservation expenses and land clearing expenses that would be capitalized absent these provisions but not including § 180 fertilizer costs, which would also be capitalized absent § 180) incurred within five years before the sale with respect to the property sold. *See* PRESS RELEASE BY CHAIRMAN MILLS, *supra* note 52.

[57] At the hearings on the farm loss problem, Representative BYRNES expressed concern about the effect of the Bill on a feed lot operation when there was a sudden drop in price. TAX REFORM 1969, at 2149. If the category of assets were expanded to include ordinary income assets, the change would handle the situation by allowing the loss. Another answer may be that feeder operations may not be farming. Moody-Warren Commercial Co., 29 B.T.A. 887 (1934).

[58] In this context, we may assume that a part of each animal crop is sold and reported as ordinary income but that the proceeds of such sales are $100 less than the costs of the entire farm operation. In the following year, culls from the prior year's crop will be sold at $110.

[59] Some might argue that the evil is the foregone revenue to the Government and that to measure the Bill's effectiveness from the Government's viewpoint, its borrowing rate should be used. While the choice may not be clear, the value to the taxpayer is our concern here, and that is at his borrowing rate.

[60] INT. REV. CODE OF 1954, §§ 1301–04.

[61] On this analysis, a four-year development followed by sale in the fifth year would achieve the greatest tax savings, all other factors remaining the same. There would be four years of deferral, but income would be spread over five years. As suggested in the text, however, the benefits of averaging may not be significantly reduced by running beyond the five-year averaging period.

[62] This is $5,000 multiplied by the difference between the top tax bracket of 70% and the top capital gain rate of 25%. This benefit would be less under H.R. 13270, 91 Cong., 1st Sess. (1969), which would reduce the top ordinary rate to 65% and eliminate the alternative tax so that the top capital gain rate would be 32.5%. Under that Bill, the $2,250 would be reduced to $1.625.

[63] Interestingly, the racing industry is not satisfied even with this unstated exception. Under the tentative decisions of the House Committee on Ways and Means, horseracing and horse breeding would be treated as a combined operation. *See* PRESS RELEASE BY CHAIRMAN MILLS, *supra note* 52. Section 211 of H.R. 13270, 91st Cong., 1st Sess. (1969), also embodied this concept. This will permit tax losses from breeding operations to be offset against racetrack winnings.

[64] If the minimum tax discussed in TREASURY STUDIES, *supra* note 18, at 132 were adopted, the rates on capital gain would be fully progressive when it applied. *See* note 21 *supra*, which points out that H.R. 13270 would similarly eliminate the alternative tax.

[65] Under the Administration's program presented on April 21, 1969, a charitable contributions deduction would be denied to the extent of unrealized gain on any property, which if sold would yield ordinary income. TAX REFORM 1969, at 5152, 5492. *See also* TREASURY STUDIES, *supra* note 18, at 178.

[66] If the EDA is carried over to the transferee, it presumably would reduce the EDA in the hands of the transferor. Thus a transfer to a lower bracket taxpayer may present an opportunity to reduce the ordinary income potential to the transferor.

[67] *See* 1963 TAX MESSAGE 1541, in which returns of two or three percent of livestock are estimated. There is little reason to think that returns have improved. *See Hearings on Tax Reform Act of 1969 Before the Senate Comm. on Finance*, 91st Cong., 1st Sess. 32 (interim manuscript) (statement of Claude M. Maer, Jr. on behalf of the National Livestock Tax Comm. on Sept. 22, 1969).

[68] *See* note 27 *supra*.

[69] Nontaxable transfers of capital gain property may offer substantial opportunity to avoid the EDA. There would appear to be some roadblocks to the transferee's achieving a capital gain rate. First, in the case of livestock, it must be either draft, breeding, or dairy livestock in the hands of the transferee. The fact that the livestock had such character in the hands of the transferor would not establish the same character for the transferee. Second, an immediate sale by the transferee might be viewed as a sham with the sale proceeds being attributed to the transferor. Third, the transferee may himself have an EDA, especially if he retains the transferred property any substantial time in an effort to overcome the first two problems. In these cases, both the transferor and the transferee would incur raising costs, and in effect, the EDA would be divided between two taxpayers while only the transferee would

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make sales subject to the EDA. This technique could lessen the amount recaptured at ordinary rates. Even if the transferee lost the capital gain treatment on sales proceeds, however, if his tax rate is less than the transferor's the negative tax effect is achieved.

[70] If the farming operation is diversified and if these operations consist of a grain operation producing large ordinary income and a livestock operation producing large ordinary deductions and cattle capital gains, the Metcalf Bill arguably can produce a negative tax by insulating the grain ordinary income from tax while subjecting the livestock profits only to capital gains. This result can be argued to be exactly the same as using excess livestock deductions to offset salary income while reporting livestock capital gains. While the force of this argument cannot be denied, there are at least two pertinent comments. First, even this result does nothing more than exempt farm profits from tax. There is no spillover of benefits into endeavors other than farming. Second, those taxpayers, investing in farm assets solely for tax purposes, seem likely not to have diversified farm operations. Whether enactment of the Bill would encourage diversification by "tax farmers" would depend on a number of considerations such as profit margins, interest rates, risks, alternative investments, and similar factors.

[71] 1963 Tax Message 1537–97; Tax Reform 1969, at 2001–183. Since writing the text, the Senate Committee on Finance on September 22, 1969, has received testimony on farm losses.

[72] *See* 1963 Tax Message 144–45; 1963 Tax Message 1546 (statement of Stephen H. Hart); Treasury Studies 16, all of which assert that the abuse lies in rewarding uneconomic, *i.e.* unprofitable, farm operations by granting tax profits. *See also* 1963 Tax Message 1581 (statement of Arthur Levitt), which focuses on the sale of livestock to investors at prices greater than fair market value.

[73] *See* 1963 Tax Message 1574 (statement of Jacquin D. Bierman); 1963 Tax Message 1540 (statement of Stephen H. Hart); 1963 Tax Message 1959 (statement of Floyd L. Madden); 1963 Tax Message 1569 (statement of James Trimble); Tax Reform 1969, at 2155 (statement of Herrick K. Lidstone); Tax Reform 1969, at 2035 (statement of Claude Maer); Tax Reform 1969, at 2152 (statement of George D. Webster).

[74] 1963 Tax Message 1574 (statement of Jacquin D. Bierman); Tax Reform 1969, at 2035 (statement of Claude Maer); Tax Reform 1969, at 2107 (statement of R. H. Matthiessen, Jr.).

[75] *See* Sonabend v. Commissioner, 377 F. 2d 42 (1st Cir. 1967).

[76] *See* 1963 Tax Message 1587 (statement of Jay B. Dillingham); 1963 Tax Message 1566 (statement of William Greenough); 1963 Tax Message 1567 (statement of B. Earl Puckett). *See also* Tax Reform 1969, at 2129 (statement of John Asay); Tax Reform 1969, at 2125 (statement of George Hellyer); Tax Reform 1969, at 2035 (statement of Claude Maer).

[77] *See* 1963 Tax Message 1588 (statement of Harold W. Humphreys), in which he claims that without the subsidy to livestock "the very necessary proteins would have been priced beyond the reach of millions of our consuming public." For an opposing view, expressed by one of the strongest advocates of the present tax subsidy, see Oppenheimer, *The Case For the Urban Investor*, 24 Farm Q. 80 (1969); 115 Cong. Rec. 2033 (daily ed. Feb. 25, 1969) (reprint of speech given by Brig. Gen. H. L. Oppenheimer at the National Farm Institute, Des Moines, Iowa, Feb. 14, 1969).

[78] *See* 1963 Tax Message 1566 (statement of William Greenough).

[79] *See* note 77 *supra*.

[80] *See* Tax Reform 1969, at 2035 (statement of Claude Maer); Tax Reform 1969, at 2107 (statement of R. H. Matthiessen, Jr.); Tax Reform 1969, at 1567 (statement of B. Earl Puckett).

[81] *See* 1963 Tax Message 1581 (statement of Arthur Levitt); Oppenheimer, *supra* note 77.

[82] Tax Reform 1969, at 2132 (supplementary statement by Brig. Gen. H.L. Oppenheimer).

[83] The fair assumption is that all of this amount is deductible. The witness claimed that there was no revenue effect of the deduction because the payees would take the amounts into income.

[84] *See* Tax Reform 1969, at 2035 (statement of Claude Maer); Tax Reform 1969, at 2001 (statement of Jack Miller).

[85] U.S. Dep't of Commerce, Current Population Reports, Consumer Income, ser. P–60, No. 15, at 23 (Dec. 28, 1967).

[86] Treasury Studies, *supra* note 18, at 158.

[87] U.S. Treasury Department (unpublished tabulation of statistics of income).

[88] *See* 1963 Tax Message 1574 (statement of Jacquin Bierman); Tax Reform 1969, at 2124 (statement of Jay B. Dillingham); Tax Reform 1969, at 2107 (statement of R. H. Matthiessen, Jr.); Tax Reform 1969, at 2120 (statement of Brig. Gen. H. L. Oppenheimer). *See also* Oppenheimer, *supra* note 77.

[89] *See* Letter from Secretary Snyder, *supra* note 16.

[90] 1963 Tax Message 1558.

[91] *See* Press Release by Chairman Mills, *supra* note 52.

[92] *See* Tax Reform 1969, at 5428, 5430 (Office of Secretary of the Treasury, Office of Tax Analysis, General Explanation of Farm Proposals, Tables 1 and 3).

[93] U.S. Treasury Department (unpublished tabulation of statistics on income).

[94] H.R. Rep. No. 91–413 (Part I), 91st Cong., 1st Sess. 16 (1969).

[95] Tax Reform 1969, at 5058.

[96] 115 Cong. Rec. 9898 (daily ed. Aug. 13, 1969) (remarks of statistics of Senator Metcalf).

[97] U.S. Treasury Department (unpublished tabulation of statistics of income).

[98] Treasury Studies 158. The proposal put forth by the Treasury Department in this document should reach about the same number of taxpayers as the Metcalf Bill. The estimate is 14,000 returns.

[99] The Treasury Department has estimated that the special accounting rules cost about $800 million annually. *Hearings on the 1969 Economic Report of the President Before the Joint Economic Comm.*, 91st Cong., 1st Sess. 36 (1969) (supplementary statement of Joseph W. Barr). If the revenue raised under these alternatives then is an index of effectiveness, the House Bill would be 2.5% effective; the Treasury's EDA would be 6.25% effective; and the Metcalf Bill would be just over 25% effective.

Several averages may be derived from 1964 figures published as Table 3 to the General Explanation of the Treasury's Farm Proposal. Tax Reform 1969, at 5430. The raw data presented there are:

(a) All tax returns showing more than $50,000 nonfarm adjusted gross income with a farm loss numbered 14,325 with aggregate farm losses of $369,005,000, an average of $25,800. If we assume a 50% marginal tax bracket, the average farm loss has an average value of $12,900. If ultimately there are capital gain sales equal to the average farm loss, the taxes paid would be $6,650 under the Bill while under present law the taxes would be $6,450. Thus the Bill on the average would remove but $200 of the tax subsidy. This amount of reduction would hardly discourage anyone because the tax subsidy is over thirty times the recaptured tax.

(b) The above figures could be broken down into nonfarm adjusted gross income categories as follows:

$50,000 to $100,000 nonfarm adjusted gross income:

10,036 returns showing an average loss of $16,487. On the *average* the Bill would have no effect.

$100,000 to $1,000,000 nonfarm adjusted gross income:

4,204 returns showing an average loss of $46,908. If we assume a 65% tax rate (maximum under the Bill), the loss would have a current value of $30,490 on the average. If there were ultimately capital gains equal to the loss, the taxes incurred giving effect to EDA would be $22,365 leaving a negative tax benefit of $8,125. Again this is hardly sufficient deterrent to be effective.

Over $1,000,000 nonfarm adjusted gross income:

85 returns showing an average loss of $81,576. Again assuming a maximum rate of 65%, the loss would have a current value of about $53,000. Ultimately taxes of nearly $45,000 would be paid if EDA were fully effective. Again there is something less than full recovery of the tax subsidy, and the deferral benefit remains.

[100] 115 Cong. Rec. 4354 (daily ed. May, 1969) (remarks of Senator Metcalf). In a press release, dated October 17, 1969, the Senate Finance Committee announced that it had decided to disallow one-half of the farm loss in excess of $25,000 in those cases in which the nonfarm adjusted gross income exceeded $50,000, and the farm loss exceeded $25,000. This approach is at best a very poor substitute for Senator Metcalf's Bill. While the press release is not entirely clear, apparently there is no effort to confine the disallowance to losses created by the special accounting rules. The income and loss limits are still excessive. It does, however, take a step in the right direction by disallowing losses. At this writing, estimates for revenue and the number of taxpayers affected are not available.

HOUSE OF REPRESENTATIVES—*Monday, March 2, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He leadeth me in the paths of righteousness for His name's sake.—Psalm 23: 3.

Our Heavenly Father, mindful of our responsibilities as the leaders of our people we bow before Thee praying that we may be led in right paths for the sake of our beloved America. May Thy spirit guide us that we be saved from false choices and be lifted to new heights of creative endeavor and courageous action. Together as leaders and people may we be physically strong, mentally awake, morally straight, and religiously alive.

We pray for the family of our beloved colleague who has gone home to be with Thee. We are grateful for his devotion to the district he represented, for his dedication to our country he loved with all his heart, and for his faith in Thee which held him steady throughout his life. May the comfort of Thy presence abide with his family and may the strength of Thy spirit dwell in all our hearts.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, February 26, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 14465. An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes; and

H.R. 15931. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14465) entitled "An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HARTKE, Mr. HART, Mr. CANNON, Mr. LONG, Mr. ANDERSON, Mr. GORE, Mr. COTTON, Mr. PROUTY, Mr. PEARSON, Mr. WILLIAMS of Delaware, and Mr. BENNETT to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15931) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. RUSSELL, Mr. STENNIS, Mr. BIBLE, Mr. HOLLAND, Mr. COTTON, Mr. CHASE, Mr. FONG, and Mr. BOGGS to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2523) entitled "An act to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes".

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2809) entitled "An act to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel."

THE LATE HONORABLE JAMES B. UTT

(Mr. SMITH of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, almost to the minute 4 weeks ago today I had the sadness to announce the passing of the late Honorable Glenard P. Lipscomb, and today, with further sadness, I must announce to you, Mr. Speaker, and to the Members, that Congressman JAMES B. UTT, who was serving in his 17th year representing the 35th Congressional District in California, passed away yesterday of a heart attack.

In discussing the matter with JIMMY when we went out to Glen's funeral, he stated that he would not want business to be suspended, any business that had to be taken care of, when his time might come, and he also said he did not wish to have memorial services in Washington.

The plans are these, Mr. Speaker:

JIMMY will be at Gawler's later this afternoon, and through this evening and until at least noon tomorrow. He will then be taken to California, where he will be at the Saddleback Mortuary, located at 220 East Main Street in Tustin, Calif. Services will be Wednesday at 2:30 p.m. at the Garden Grove Community Church, 12141 Lewis Street, Garden Grove, Calif. Interment will follow immediately thereafter at the Fairhaven Memorial Park, 1702 East Fairhaven, Santa Ana, Calif.

In lieu of flowers, Members may make contributions to the Heart Fund if they so desire, or to any particular fund that they would like to donate to.

Mr. Speaker, a special order will be requested some time later, probably next week, so that all Members desiring to do so may participate, and eulogize Mr. UTT.

An adjournment resolution later on today will be presented in connection with adjournment today.

And on behalf of you, Mr. Speaker, and all Members, I extend our deep and profound sympathy to Mrs. Utt, Charlene, JIMMY's wife, to their son, and to all of the members of their family.

AUTHORIZING CALL OF CONSENT CALENDAR AND MOTIONS TO SUSPEND THE RULES TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the call of the Consent Calendar—under clause 4, rule XIII—and the authority for the Speaker to entertain motions to suspend the rules—under clause 1, rule XXVII—be in order on tomorrow, Tuesday, March 3, 1970.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have permission today to revise and extend their remarks and include extraneous material in the RECORD and also in that portion of the RECORD entitled "Extensions of Remarks."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE SECRETARY DID NOT GO FAR ENOUGH

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, Secretary of State Rogers has completed a 10-nation tour of Africa and his efforts toward a better understanding with the nations of that continent should be applauded. Particularly is it obvious that there must be an improvement of the situation in the Mideast, and if the United States is to be helpful, there needs to be a greater measure of confidence from the Arabs. Our support of the Israelis is well known and is becoming more and more resented by the Arabs. The Russians are taking full advantage of this situation to strengthen their own position in the area. We can seek a better understanding with the Arabs without giving up our friendship for the Israelis. It is noticeable, however, that the Secretary's trip took him as far south as Zambia, whose Government is encouraging revolution in South Africa and Rhodesia. These are probably the most stable countries on the African Continent, but they are in disfavor with the Socialist Government of Britain and we are tagging along with the British position. This does not make a lot of sense, and it would have given the Secretary's trip a better flavor had he shown an interest in reaching a better understanding with these countries too. They have shown repeatedly that they want close and friendly relations with the United States, even to the point of voting with us in the U.N. when other African nations do not. The Secretary did not go far enough.

LAREDO HONORS DISTINGUISHED PHYSICIAN, DR. LEONIDES GONZALEZ CIGARROA, AS "MR. SOUTH TEXAS" OF 1970

(Mr. KAZEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KAZEN. Mr. Speaker, the city of Laredo, Tex., has for 73 consecutive years honored our Nation's first President, Gen. George Washington, in a patriotic celebration of Washington's Birthday, remembering the Father of Our Country who was, "first in war, first in peace, and first in the hearts of his countrymen."

We take great pride in having in our community such a colorful event, filled with tradition and pageantry, to salute President Washington's ideals of justice, freedom, and individual liberties.

One of the most outstanding events of this historical celebration is that of conferring upon a citizen of south Texas the distinction and honor as "Mr. South Texas" of the year. This great honor

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goes to one who has made an outstanding contribution to the progress, growth, and development of the south Texas area. Recipients of this distinguished award have come from many fields, such as education, business, and government.

This year's recognition went to a most distinguished and dedicated physician, Dr. Leonides Gonzalez Cigarroa, a humanitarian, a philanthropist, a quiet man with a humble personality, the son of an immigrant family who became a naturalized citizen and proudly displays an open love and deep appreciation for the liberty and freedom of opportunity that this country provides for its people.

The citation honoring Dr. "Leo"—as he is affectionately known—reads as follows:

> In public recognition of his many personal contributions to the continued development of South Texas and the accruing benefits to its citizens through his outstanding achievements in the field of medicine, through his furtherance of the cause of public education at all levels, through private philanthropy, through his dedication to service through the humanities and through his fervent love of country and his devoted efforts toward perpetuating our American way of life with its God-given blessings of dignity and individual freedom for all those it encompasses.

Allow me, Mr. Speaker, to cite the background and list some of the honors, awards, achievements, and activities of this distinguished south Texan.

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Dr. Cigarroa is a diplomat of the American Board of Surgery, a fellow of the American College of Surgeons, of the International College of Surgeons, of the American College of Sports Medicine, of the American College of Geriatrics, of the American College of Angiology, clinical professor of surgery at the University of Texas School of Medicine at San Antonio; civilian consultant in surgery to the U.S. Air Force; medical adviser to the U.S. Selective Service System; chief of surgical staff at Laredo Mercy Hospital; member of the Texas Medical Association, the American Medical Association, the National Advisory Commission on Health Facilities of the United States, and a former instructor in surgical technique at the Cook County Graduate School of Medicine.

Dr. Cigarroa holds a degree in doctor of medicine by reciprocity with the National University of Mexico City. In Laredo he is a trustee of the Laredo Independent School District and Laredo Junior College District, member of the Webb-Zapata-Hogg Medical Society, Noon Optimist Club, and surgical adviser to the Division of Vocational Rehabilitation of the Texas Education Agency. He is a past president of the Optimists and is active with numerous youth sports programs such as golden gloves, little league baseball, and high school athletics.

The presentation of the award was made at the traditional president's luncheon on Saturday, February 21, 1970, by Laredo's very able and popular mayor, the Honorable J. C. "Pepe" Martin, Jr. Mayor Martin's introduction of the honoree very eloquently describes the many and great contributions made by Dr. "Leo" toward the growth and development and progress of the south Texas community, and I insert the mayor's remarks in the Record so that all may become aware of and take great pride in the achievements of this great American.

Following the stirring introductory remarks made by Mayor Martin, the honoree, Dr. Leonides Gonzalez Cigarroa, then addressed the president's luncheon and in view of the exemplary life that this outstanding citizen has led, and the great public service he has rendered his State and his country, I also take great pride and extreme pleasure in inserting Dr. Leonides Gonzalez Cigarroa's remarks in the Record.

The addresses referred to follow:

Presentation of Dr. Leo Cigarroa as "Mr. South Texas" of 1970 by Mayor J. C. Martin, Jr.

We are indeed privileged to be among such a distinguished group of Texas' governmental, business, professional and civic leaders, such as that assembled here. I know that the presence of each of you is most heartwarming to the talented and revered fellow Texan we've joined together to honor here today. Needless to say, the fact that "one of our own" is being honored makes this an auspicious occasion for the people of Laredo. On their behalf, may I extend a proud and most sincere welcome to all those many friends and admirers here from neighboring cities on both sides of the Rio Grande.

As most of you are aware, the President's Luncheon serves as an appropriate climax to Laredo's yearly observance of Washington's birthday. Traditionally, it is an occasion upon which the people of South Texas pay tribute to an outstanding and beloved individual whose Washington ideals and whose personal talents and energies have combined to bring new material blessings into their lives and to create new opportunities for them and their neighbors.

It is my great personal privilege to present to you such an individual this afternoon—a wise and courageous man through whose work the lives of countless others have been touched—a man who first of all is an American and a Texan by choice—a man who is a giant in his profession, but who has always concerned himself with the plight of the most deprived of his fellow men—a dedicated leader in the fields of public education and youth development—a man who camouflages his private philanthropy with the deepest humility, and a man we of Laredo feel is eminently qualified for his selection as "Mr. South Texas" of 1970.

To establish the virtues of our esteemed fellow Laredoan preparatory to extolling them here today, we delved into several research manuals, hopeful of discovering a truly proper definition of a physician. The scarcity of such a definition was perplexing. In three different works, however, we found the same definition of a physician. It read: "A professional man who suffers from good health."

Whether this is true or not, we do know the man we honor today to be gentle, lovable, determined and even aggressive if the occasion demands. But as we researched his character, the words of that anonymous poem from a farmer's Almanac kept crowding other thoughts from our mind.

I'm sure many of you can recall the words from the poem about the tree that never became a forest kind and died a scrubby-thing because it never had to fight for sun, air, light or rain.

And the message of the second paragraph that reads:

> "The man who never had to toil,
> Who never had to win his share
> Of sun and sky and light and air,
> Never became a manly man,
> But lived and died as he began."

The message conveyed by this poem is a figurative description of the man we honor here this afternoon for his days are crowded with hours on-end of professional toil, with time in-between devoted to his family and to inspiring others to overcome life's obstacles. Daily he proves himself to be a "manly man," and reaffirms on each turn of the clock that his initiative, his strength and his dedication to purpose are of strong timber and are equal to the challenges born of disease, community involvement and his private concern for those less fortunate than himself.

We also know that "Dr. Leo," as he is affectionately called by thousands of his admirers throughout South Texas and northern Mexico, is a deeply religious, God-fearing man, a devoted husband, a dedicated father and a man innately proud of his family and its background.

To fully comprehend and appreciate the character and dedication of this man, perhaps it is best that we start at the Genesis of his life in the City of Tlalpam, Mexico. Cradled by a pharmacist mother and a physician father, both of whom were widely respected for their professional proficiency and for countless acts of charity which were never publicly discussed but nonetheless were public knowledge, Leonides, their first-born, appeared predestined to a medical career.

His father, the late Dr. Joaquin Gonzalez Cigarroa, Sr., and his mother, Josefina Gonzalez de la Vega, were descendants of old established, respected families. When young Leo was only one year old, the family in search of a better way of life, came to the United States. Their initial home was in San Antonio, where Dr. Cigarroa opened an office for the practice of medicine and surgery. A constant source of encouragement, Mrs. Cigarroa divided her time between caring for young Leo and assisting her husband with his office routine. The reputation for charity the Cigarroas established in Mexico followed them to San Antonio. Although no member of the family divulged the information, it is known that the Cigarroas' personal funds were shared without question and often without hope of repayment to help many immigrating Mexican families—friends, and otherwise—who came to them for guidance.

It was in San Antonio that Dr. Leo's brother, Joaquin, and his sister, Rebecca—now Mrs. Marco Uribe—were born.

In 1937, the family moved to Laredo, and the roots of today's tribute luncheon were planted.

Arriving in Laredo young Leo, now a teenager, enrolled at Martin High School. Upon graduation in 1940, he enrolled at St. Edwards University in Austin. Holding a degree in music from the San Antonio College of Music, young Leo almost elected at this time to pursue a career as a concert pianist. He gave up the idea in favor of medicine when he was accepted to attend Loyola School of Medicine at Chicago in 1943. Today he remains a pianist of appreciative ability.

While pursuing his medical studies at Loyola, Dr. Leo became a naturalized American citizen in 1944. He graduated from Loyola with a degree of Doctor of Medicine, cum laude, in 1946, and set about the task of becoming a surgeon, as was his father before him. He was accepted to the Cook County Hospital in Chicago for a one-year rotating internship and then served his general residency at the same institution. It was during his residency that the medical profession shaped another sphere of his life. He met a young intern at the hospital, Dr. Margaret

Giller. Her beauty and talents disturbed him no end. With characteristic dogged determination, Dr. Leo wooed her in a whirlwind courtship that culminated in marriage in 1950.

In 1951, Dr. Leo completed his residency and with his bride returned to Laredo to begin the practice of surgery. His wife, Margaret, in addition to now being a practicing physician here also serves as our City Health Officer.

The marriage of Doctor Margaret and Dr. Leo has been blessed with six children—Mary Margaret, Joaquin, Jane, Ruth, Leonides Jr., and Martha.

Taking note once again of the possessiveness of medicine and related professions on the Cigarroa family, I'm sure it will prove no surprise to you to know that Dr. Leo's younger brother, Joaquin, who is married to the former Barbara Flores, is now a most successful practicing physician at the Cigarroa Clinic in his own right; that their sister, Rebecca Cigarroa Uribe, is a graduate pharmacist and operates the Clinic pharmacy, and that Dr. Leo's oldest child, Mary Margaret, is now a pre-med student at the University of Illinois.

Outside of medicine, government appears to hold a special fascination for the family. One of Dr. Leo's uncles, his mother's brother, Lic. Francisco Gonzalez de la Vega, gained national renown in his native Mexico, serving as the Dean of the Law School in Mexico City. He has since served as the Governor of the State of Durango and as Minister of the Supreme Court of Mexico. He currently holds one of the most important assignments within Mexico's Foreign Affairs Department—that of Ambassador to Argentina.

On this side of the Rio Grande, service with our own federal government has proven equally appealing. One of the most respected and most popular and influential members of the U.S. House of Representatives is a first cousin of Dr. Leo's, whom we're most proud to number among our visiting dignitaries today—the Hon. Henry B. Gonzalez of San Antonio.

Indicative of the close ties existing between the Cigarroas, all members of Dr. Leo's family who could attend are here today sharing this great tribute with him—his wife, with most of their children, his mother, his brother with his family, and his sister with her husband, County Commissioner Marco Uribe and their family. Mindful of the close family ties enjoyed by the Cigarroas, I would like to ask that the members of Dr. Leo's immediate family and their families stand so that we can get a first-hand look at some of our practicing physicians, surgeon and pharmacists—past, present and future!

Aren't they a wonderful group. I'm certain Dr. Leo won't feel we're detracting from anything due him by recognizing them with a rousing round of applause! Thank you very much.

The influence of Dr. Leo's esteemed late father continues to provide guide posts that have made possible many of the achievements of our honor guest. The elder Dr. Cigarroa taught his children that success comes only through hard work, personal sacrifice and dedication. He also left for them an enriching philosophy that he followed throughout his life: Be true to those who are good to you—to your profession, to your community, to your friends and neighbors and always be helpful to youngsters and to those ill-equipped to fend for themselves amid the complexities of life.

Upon this philosophy, our honor guest has achieved rewarding success and widespread recognition as an outstanding surgeon and as a devoted disciple to the principle that excellence in education must be the prime cornerstone for perpetuating our American way of life, as well as being a benefactor to our city's youth and to untold members of his deprived fellow citizens.

Tributes and honors are not new to Dr. Leo. He has been the recipient of honors and accolades from all levels—international, national, state and local. His participation and membership in professional medical societies and organizations and his services on the various boards, committees and agencies to which he has been named bespeaks a man to whom the Hippocratic Oath is still meaningful.

We will not embarrass Dr. Leo by reading to you the several type-written pages which this list consumes. We would, however, like to mention a few of his personal attributes on the human and community planes that have endeared him to Laredoans from all walks of life and of all ages.

First, let me say that in Dr. Leo's heart there's no room for discrimination nor for any obstacle stemming from color, creed, or religion in dealing with his fellow man. He looks upon us all as just plain human beings made in the image of our Creator. He is equally sympathetic to the needs of all—be they poor, wealthy, English-speaking, Spanish-speaking, or bilingual, strong or crippled, powerful or weak. And when he thinks he's right on a public cause, he's a fighter—a hard-driving individual. He doesn't know the meaning of the word defeat.

As the senior member in years of service on our Laredo School Board, Dr. Leo led the early exploration that eventually birthed the multi-million dollar facility construction program now under way on the Laredo Junior campus. He inquired, he pursued and he insisted. He had a dream, yes, but even more, he had the even temperament, the rare talent, the logic and tenacity to convert that dream into reality. The modern, air-conditioned Math-Science Building recently completed at the Junior College bears his name and stands as a symbol to his courage and to his dedication to achieve for Laredo's students the same advantages enjoyed by those of other cities.

It was this same dedication that brought innovative educational programs such as educational television, extensive development of audio-visual aids, instruction for the mentally retarded, remedial education, Head Start and the establishment of Mexican-American cultural programs to Laredo's public school system.

His efforts are also largely responsible for the designation of Laredo Junior College for 4-year college courses under the Texas A&I University at Laredo plan. This unique idea in high level educational programming promises to bring a university level education within the reach of hundreds of Laredo High School graduates, who are economically unable to attend an out-of-town college or university. Third and Fourth year curriculum for a degree program in teacher education and business administration is now being set up at the Junior College.

Dr. Cigarroa worked diligently and provided the leadership that brought the first domestic program ever undertaken by Project HOPE, in cooperation with our schools, Laredo Junior College, Mercy Hospital, our public health system and other agencies. The program is already operating here and promises to eliminate many of our community's needs in the public health and related job training fields and in kindred areas.

Through the generosity of the Cigarroa Foundation, established in memory of the late Dr. J. G. Cigarroa, Sr., the family has made possible the modern football stadium at Nixon High School. The foundation also provides scholarship assistance to High School and Junior College graduates. Dr. Leo, his mother, Dr. Joaquin and Mrs. Uribe, guide the operation of the Foundation.

Dr. Leo is an ardent Little League fan and can be seen roaming the sidelines when Martin High and Nixon High School football teams are playing. He offers constant encouragement to the players, to the coaches and to the schools' pep squads.

Yes, this is the same man who thrills with pride at the sight of Old Glory and the sound of our National Anthem—the man whose greatest ambition in life is to live to see his children "successfully educated and living in the true American way."

This is the man who, as a naturalized citizen of these United States, personifies the opportunities and achievements within reach to those who revere our rich heritage under the American ideal of Democracy. A man who tendered generously of his talents combining professional excellence with the warm spirit of the humanities in his varied fields of endeavor.

Yes, this is the "manly man" to whom our Laredo citizens and the Washington's Birthday Celebration Association have authorized me to present this plaque symbolizing their unanimous selection of him as "Mr. South Texas" of 1970, and which reads:

"Presented to Dr. Leonides G. Cigarroa selected as 'Mr. South Texas' for 1970, in public recognition of his many personal contributions to the continued development of South Texas and the accruing benefits to its citizens through his outstanding achievements in the field of medicine, through his furtherance of the cause of public education at all levels, through private philanthropy, through his dedication to service through the humanities and through his fervent love of country and his devoted efforts towards perpetuating our American way of life with its God-given blessings of dignity and individual freedoms for all those it encompasses."

By the citizens of Laredo, Texas, through the Washington's Birthday Celebration Association, 73rd Annual Celebration, February 21, 1970, and inscribed with the names of the Officers of the Association and the Members of the "Mr. South Texas" Committee.

Ladies and Gentlemen, it is my proud pleasure to present to you one of Laredo's most accomplished and beloved citizens, "Mr. South Texas" of 1970—Dr. Leonides G. Cigarroa.

Congratulations, Leo.

REMARKS BY DR. LEONIDES G. CIGARROA

Members of the Reverend Clergy, Distinguished Honor Guests, Ladies and Gentlemen: As one travels the world of his memories during the course of a life time, there are so many recollections of thoughts, ideas, and dreams. These many concepts have, in many instances, become a reality and have indeed become factual as things that actually exist. In all phases of life, there is no higher ideal than that of rendering help to a fellow traveler. It is truly in this that happiness comes forth as joy and love. So it has been with me and with all that I have been able to accomplish as a citizen and as a member of a community. Since I was a child, my parents gave to me the basic truth of help thy neighbor. It was this that encouraged me and gave to me the desire to become a physician. I have never regretted my choice of profession. I have never regretted the work entailed, and I have never forgotten with true appreciation the role my teachers had in my development.

As a physician, I soon realized that in order to succeed in the treatment of a patient a team was needed. I soon realized that man can never function to promote the betterment of others, his family, his friends, and himself without the help of others. I realized that the ideal of brotherhood and of loyalty was the "sine qua non" of any true good fortune of making many friends, a Country. The loyalty of friendship and of adherence to a just cause with tenacity and devotion is the secret of the evolution of dignity in an individual.

I have been asked where do I find the time, when do I plan, and how do I formu-

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late my endeavors. As I have walked the path of this life on earth, I have had the true good fortune of making many friends. I have been honored by their confidence and trust in me. It is these friends that have enabled me to do what I have for the Community.

At one time, we were not ashamed in this country to be an idealist. At one time we were proud to confess that an American is a man who wants peace and believes in a better future. We must reclaim these great and humane concepts. Once again we must state that the American cause is the cause of all mankind. We must light with brilliance the ideals on which our forefathers based this country, and give these the courage of our tongues.

Happiness comes to many of us and in varied ways, but I can truly say that to few men has happiness come in so much abundance as it has come to me. Why, I know not, but this I do know—that I have not deserved more than others. I have been singularly happy in my family and my friends, and for that I thank my God. From this bond I shall always cultivate a measure of equanimity that would enable me to bear success with humility and to be ready when the day of sorrow and grief comes to meet it with the courage befitting a man.

Recently, over our great nation, there have been manifestations of a determination to suppress individual voice and opinion. Abusive language, violent action cloaked in the shield of civil rights, has revealed the sickness of our great nation—a sickness that must be stopped by our lawmakers. The foundation of this country, conceived in liberty and dedicated to justice, must be reinforced.

What are the basic issues which confront us today?

Are we going to preserve the religious base to our origin, our growth, and our progress, or are we to yield to the devious assaults of atheism?

Are we going to maintain a course towards Socialism and Communism, or are we to reverse this trend and regain our hold upon our American heritage of liberty and freedom?

Are we going to squander our resources to a point of inevitable exhaustion, or are we going to help our duly elected representatives adopt policies that shall preserve our national wealth?

Are we going to continue to yield personal liberties and Community and State control, or are we going to regain these personal liberties, and assure the individual States primary responsibility and authority in the conduct of our local affairs, and assure that in the framework of liberty, freedom, and free enterprise, social justice must prevail.

I ask of you—is the American life of the future to be characterized by freedom and strength or by servitude and weakness?

The answer to me is crystal clear and unequivocal. It is not to be found in any dogma of a political philosophy, but in those unerasable precepts of respect for the rights and dignity of others. I know that the soul of liberty is alive in all our hearts and is vibrant. As I gaze into each of your faces before me, I know that it is neither Anglo American nor Mexican American, Democrat nor Republican, but it is American. The soul of liberty in your breasts shall assert itself with invincible force and the people under God shall progress, shall live, shall compete, shall find their individual happiness as their conscience dictates, and they shall still rule.

Perhaps my sentiments are best expressed in a poem by Walt Whitman:

"Let me live in my house by the side of the road
Where the race of man goes by—
The men who are good and the men who are bad,
As good and as bad as I.
Let me not sit in the scorner's seat,
Nor hurl the cynic's ban—
Just let me live in my house by the side of the road
And be a friend to man."

CREDIT CARD FRAUD OPERATION IN WASHINGTON

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, Thursday's newspapers carried a story about a huge credit card fraud operation in Washington. According to reports, almost $300,000 in fraudulent charges were made with Central Charge cards since the first of the year. Some businesses reported that 90 percent of their charges during these 2 months were made on stolen credit cards.

Where did these stolen cards come from? Apparently they were not lifted from wallets; they were not stolen from purses; they were not carelessly lost and used by the finders. Preliminary reports indicate that they were stolen from the mail and in fact may have been taken directly from the main post office here in the District of Columbia. The cards were allegedly sold to a ring specializing in fraudulent purchases with stolen credit cards.

This is not an isolated case, Mr. Speaker. The stealing of credit cards is becoming a big business. Indictments have been brought against credit card rings in Chicago and New York. In New York, for example, several letter carriers in debt to a Mafia leader stole 20 credit cards which were later used to charge $175,000 worth of goods.

But these are only representative of a far greater problem, Mr. Speaker. The Post Office Department reports that investigations of credit card thefts from the mail have increased 700 percent in the past 4 years. Millions upon millions of dollars are being lost each year through these illegal operations. And we would be naive if we did not assume that these costs are passed directly on to the consumer.

In my opinion, and the opinion of many others, the temptation to steal credit cards from the mail is magnified many times by the unwelcome, unwarranted, and above all unwise practice of mailing unsolicited credit cards. Some 200 million cards, most unsolicited, are now in circulation. And the number of unsolicited cards appears to be growing by almost geometric proportions.

The unsuspecting recipient whose card is stolen before it reaches him can suddenly be confronted with hundreds, perhaps thousands, of dollars in bills incurred without his knowledge with a card he did not even know he was supposed to get. We are told that most companies do not press for payment in these cases. But my files are full of letters from average people who have been saddled with high legal expenses and have suffered from poor credit ratings through no fault of their own. Their only mistake was to bear the name stamped on an unsolicited credit card which was subsequently stolen.

A spokesman from Central Charge told me that his company did not send out unsolicited cards. I question his definition of "unsolicited" since I have evidence that Central Charge cards have been sent to depositors of the Riggs National Bank. However, the fact that the cards in this specific fraud case were probably solicited in one form or another does not weaken my argument. The discovery of this theft ring, in fact, reinforces it. With the growing black-market value of stolen credit cards, any practice which significantly increases the flow of credit cards through the mail can do nothing but magnify an already alarming crime problem.

I strongly feel that this flood of unsolicited cards should be reduced to a trickle. These cards are dangerous not only because of the problems outlined above. In addition, they are very inflationary and can often lead to bankruptcy when they are indiscriminately mailed to people with shaky financial habits.

I have introduced a bill, H.R. 13244, which would greatly restrict the mailing of unsolicited credit cards. The Subcommittee on Postal Operations has conducted hearings on it, and I was most gratified with the widespread support which the measure received. I expect that the bill will be reported from the Post Office and Civil Service Committee shortly.

Many people from all walks of life have supported the concepts behind my bill. I am bitterly disappointed, however, by the inconsistent positions taken by the Nixon administration. When Robert Meade, the Director for Legislative Affairs of the President's Committee on Consumer Interests, testified before the Federal Trade Commission in September, he said:

> We would concur with the principle proposed by the Federal Trade Commission that unrestricted, unsolicited credit cards should be prohibited.

But it was a different story when he appeared before Senator PROXMIRE's Subcommittee on Financial Institutions in December. In the short space of 3 months, the administration backed down considerably. At that time, Mr. Meade said the banning of unsolicited cards was only one alternative which should be studied. Mr. Meade's concern had shifted from the consumer to business interests. As Mr. Meade himself said:

> We are somewhat troubled by the question of giving an unfair competitive advantage to those who are already in the field by now prohibiting it. And we think that a fairer position would be to give some further study to the problem.

No, Mr. Speaker, I cannot accept this line of reasoning. If we were to base all remedial legislation on this argument, there would be no remedial legislation on any subject. If a practice is evil or has evil consequences, it should be stopped. We cannot run the Government on the basis of appeals from special interest groups. I have been a businessman myself, and I am certainly not attacking legitimate business interests here. However, in this case, the business interests

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supporting unsolicited credit cards are wrong, and it is incumbent upon us in Congress to say so. The consumer must be protected.

Therefore, Mr. Speaker, I strongly urge my colleagues to study this important matter closely and objectively. I am sure that when the facts are all in, they will agree with me that H.R. 13244 should receive favorable consideration. The time for further studies has passed. It is time for action.

VOICE OF DEMOCRACY CONTEST

(Mr. HALEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALEY. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conducts a Voice of Democracy contest. This year over 400,000 school students participated in the contest competing for five scholarship awards as top prizes. The winning contestant from each State is brought to Washington, D.C., for the final judgment as guest of the Veterans of Foreign Wars.

The contest theme this year was entitled "Freedom's Challenge," and I am very proud to note that Florida's winner this year was 17-year-old Gregory J. Schlaf from my hometown of Sarasota, Fla. In his essay, Mr. Schlaf has made very clear that his generation is most concerned about its role to preserve freedom and democracy in the United States, that indeed the challenge of freedom demands of all of us to free ourselves from the bonds of apathy and demonstrate true citizenship and involvement in helping to solve our country's most pressing problems. I might add that it was refreshing to me to read the remarks of a young citizen who is concerned with preserving the ideals and goals of our forefathers rather than seeing them torn down. It gives me great pleasure and pride to submit his winning essay to your attention. His essay follows:

FREEDOM'S CHALLENGE

(By Gregory J. Schlaf)

All things are subject to change, except change itself. Democracy is, accordingly, subject to change and go either for the better or the worse. Our challenge is one of navigation, to steer our nation through the straits of indifference into the seas of true citizenship.

Your generation was helped in its striving for unity by a world war which held the people together under a common cause. My generation is not. We face a war which divides us into innumerable factions. People are tired of war, of inflation, of unemployment and of other people. We grow tired of listening to the complaints of the minorities. To get what they feel is proper recognition, these groups resort to violence. Naturally, they receive attention but after a while we begin to ignore violence, or worse yet, accept it as a norm in the democratic process. Violence, now, has destroyed partially the democratic machinery and there's a gradual decay of the inbuilt guidance systems that show us a correct course of action. Note that our nation no longer follows a clear pattern of action; but, rather, a constant series of corrections in an erratic course.

I often wonder if my generation is part of the problem, and, invariably, the answer is yes. Remember, though, that we are also the answer to the problems. We are now faced with a dilemma. My generation is both the partial cause and the solution to our country's problems. In looking toward the future, however, remember that the actions of individuals out-speak their words. Observing the actions of the majority of my generation, we may both find solace in the solving of our country's challenge, the regeneration of our free society. One of freedom's greatest challenges, then, is to find the correct course for the United States, for democracy, to follow.

Apathy, too, is a challenge to everyone's freedom. After the Constitutional Convention of 1794, a worried citizen approached delegate Benjamin Franklin and said, "Sir, what form of government have you given us?" Franklin replied, "A republic, if you can keep it." So far we have maintained our republic fairly well but now when not even one-half of the registered voters take time to vote, and twenty percent and above have no opinions whatsoever on governmental matters, it is a time of concern.

Compare these figures to a lesser scale of voting in my high school, where ninety percent of the students are registered to vote and ninety percent of those registered do vote, and opinions on scholastic matters yield the same response. Do not scoff at our sense of civic duty. Our challenge is to reverse this trend of apathy toward constitutional rights and all the figures show that we will.

All the challenges that I have mentioned will fall on my generation's shoulders. And, since we have felt the effects of these problems, we have all the more incentive to solve them.

It is not ours to say whether your generation has failed in its duty. It is my belief that nothing is static, and that you have solved your problems, met your challenges, only to encounter new ones.

We fully face our challenges now, challenges that threaten the growth, the survival of our society. We will accomplish our ambitions and also prove to anyone that is observing that we are not a worthless generation and, perhaps, that is a challenge in itself.

THE AX HAS FALLEN

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute.)

Mr. HECHLER of West Virginia. Mr. Speaker, the ax has fallen on John F. O'Leary, the able Director of the Bureau of Mines, summarily and peremptorily fired by President Nixon on Saturday.

Mr. O'Leary was at his desk on Saturday when the curt and peremptory message came over from the White House to announce that the guillotine had fallen on this able and dedicated public servant.

Here was a man who was appointed as Director of the Bureau of Mines on October 20, 1968, exactly 1 month prior to the Farmington mine disaster. He immediately and forcefully moved to reorient the Bureau of Mines from an agency which had served too much the will of the coal operators, and to transform it into a public service agency which was equally devoted to protecting those who worked in the mines. He started the practice of spot, unannounced inspections and put an end to the old scheme of letting the coal operators know when the inspectors were to appear. He breathed new life and vigor into the Bureau of Mines.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I gladly yield to the gentleman from Pennsylvania, the able chairman of the Labor Subcommittee, who piloted the coal mine health and safety legislation through the House.

Mr. DENT. Mr. Speaker, I would like to join the gentleman in his statement on the dismissal of this able public servant.

I want to say publicly that without John F. O'Leary I doubt whether we would have had the kind of coal mine safety bill and lung disease compensation act that recently was passed by this Congress.

Mr. HECHLER of West Virginia. Mr. Speaker, the gentleman from Pennsylvania (Mr. DENT) is absolutely right. This arbitrary action in firing Mr. O'Leary indicates the Nixon administration has turned its back on the coal miners of this Nation, and has decided that the power of the coal operators will call the tune when it comes to coal mine safety.

The dismissal of Mr. O'Leary is a mindless, senseless act which I know the President will live to regret. The coal operators lost their fight when the Congress enacted the Federal Coal Mine Health and Safety Act, but now it looks as though the private interests may yet win the war. What good is a strong act of Congress if it is placed in the hands of an administrator who does not believe in enforcing it for the protection of those who work in the mines? We are informed that the President intends to appoint only an acting director to succeed Mr. O'Leary, in order to sidestep a confirmation fight in the other body when the President taps a man who is likely to be less effective and knowledgeable than Mr. O'Leary.

MAYOR OF NEW YORK JOHN LINDSAY AND THE PROPOSED DEFENSE FACILITIES AND INDUSTRIAL SECURITY ACT OF 1970

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, our former colleague, the mayor of New York City, John V. Lindsay, recently addressed the Bar Association of New York City at its centennial program in which Mayor Lindsay criticized the Chicago trials on the ground that the defendants were tried on a conspiracy charge without mention that they were also charged with a specific violation of the 1968 antiriot law, a charge of which the jury in fact found five of the defendants guilty.

Excerpts from his speech appeared in the Washington Post on February 22, 1970. In his prepared remarks, Mr. Lindsay also said that the Defense Facilities Act of 1970, recently passed by this body, would permit private citizens to be fired from their jobs without being told the basis for the dismissal, notwithstanding the fact that the bill specifically provides that notice of the reasons for denial of clearances must be given.

It is not my purpose to embarrass the mayor of New York as I know that the mayor would not intentionally misstate

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the facts. However, this is a good example of the widespread misapprehension as to what the defense facilities bill contains and I feel that the mayor owes the 274 Members who voted for the measure an apology. I am greatly concerned when a former Member of this body, a distinguished member of the bar, the mayor of the largest city in America, in speaking to the Bar Association of New York City, should make such a misrepresentation. I have reason to believe that the misapprehension of Mayor Lindsay or of his speechwriters may well be based on some of the misrepresentations that have appeared in the press. For this reason, I am constrained to insert in the RECORD copies of my letters of February 27 to Mayor Lindsay and the president of the New York City bar. The explanation of the error should be interesting. Copies of the letters are as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNAL SECURITY,
Washington, D.C. February 27, 1970.
Hon. JOHN V. LINDSAY,
Office of the Mayor,
New York, N.Y.

DEAR MAYOR LINDSAY: There has been brought to my attention a report of your recent speech before the Association of the Bar of the City of New York in which you took occasion to refer to a bill (H.R. 14864), titled the "Defense Facilities and Industrial Security Act of 1970," co-sponsored by me and other members, which the House passed on January 29 by a vote of 274–65. The *Washington Post*, generally regarded as the arbiter elegantiarum on national security matters, in printing an extended excerpt from your speech quotes you as saying with respect to the bill that "It would authorize federal agents to examine the political association and acts of people in private industry—and it would permit these private citizens to be fired from their jobs without even being told the basis for the dismissal."

Your comments on the bill grossly misrepresent its terms and provisions. Apparently neither you nor your speech-writer had read the bill, the report on the bill, or the extended debate on the bill. While the bill permits the Government to screen personnel for access to designated sensitive positions in highly essential and selected industrial defense facilities, and for access to classified information, it does not authorize the screening for all people in private industry, nor does it permit "private citizens to be fired from their jobs without even being told the basis for the dismissal." Section 407 of the bill, which establishes basic hearing procedures for determining a person's eligibility for access to sensitive positions or to classified information, requires that no person be finally denied such eligibility unless he is given—

"(1) a written statement of reasons for the denial, suspension, or revocation stated as comprehensively and detailed as the national security permits;

"(2) an opportunity, after he had replied in writing within a reasonable time under oath or affirmation in specific detail to the statement of reasons, for a personal appearance at which time he may present evidence in his own behalf;

"(3) a reasonable time to prepare for the proceeding;

"(4) the opportunity to be represented by counsel; and

"(5) a written notice advising him of final action, which notice, if final action is adverse, shall specify either the finding has been for or against him with respect to each allegation in the statement of reasons."

Apparently, the major theme of your address to the Bar was to remind them, as you say, "of our obligations as lawyers to protect our citizens' rights and liberties from threats and infringements." While your thought is undoubtedly valid, it is hardly original. You would, of course, concede that your concern for constitutional and civil liberties may be shared by the Members of the House, including the overwhelming majority which voted in support of my bill. As a matter of fact, it was the major purpose of the bill to write into law an express legislative requirement that in the application of screening programs the rights of individuals should be fully assured to the maximum degree consistent with the imperative requirements of national security. The bill, in effect, codified such procedures as are now administered principally under President Eisenhower's Executive Order 10865, and for the first time writes into an Act of Congress procedures which require the Executive to administer relevant security programs with meticulous regard for the rights of individuals.

It seems to me that the bill should merit the support of genuine civil libertarians. To misrepresent its terms and effect serves only to pollute the stream of public discourse and does no service to the bar or to the cause of human freedom.

I therefore think that you should take the time to examine the bill, the report on the bill, and the House debate on the bill, and then sit down and have a quiet talk with your speech writer, so that on future occasions you may deal with this subject in a more reasoned manner. Meanwhile, I am addressing a letter to the President of the Association of the Bar of the City of New York, a copy of which I enclose herewith.

Sincerely yours,
RICHARD H. ICHORD,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNAL SECURITY,
Washington, D.C., February 27, 1970.
Dr. RUSSELL D. NILES,
President, Association of the Bar of the City of New York, New York, N.Y.

DEAR DR. NILES: I have been much disturbed by the report of a speech made by the Mayor of the City of New York at the centennial program of the Association of the Bar of the City of New York. In this speech, the Mayor purports to discuss a House-passed bill, H.R. 14864, to which he refers as a "Defense Facilities Bill" and in which he grossly misrepresented the terms and effect of the bill. I enclose herewith a copy of my letter to the Mayor which is self-explanatory.

I also forward for your review a copy of the bill, the House Report on the bill (to which is appended a dissenting opinion), my response to the dissenting opinion, and the House debate on the bill. You can thus judge for yourself as to the accuracy of the representations of your Mayor to the Bar on this subject. It also seems to me that this matter should be brought to the attention of the members of your Association. Should you require any additional copies of the enclosed material, please feel free to call upon me.

I thank you for your attention to this matter.

Sincerely yours,
RICHARD H. ICHORD,
Chairman.

DIRECTION NEEDED IN THREATENED TRANSPORTATION TIEUP

(Mr. PICKLE asked and was given permission to address the House for 1 minute.)

Mr. PICKLE. Mr. Speaker, as I understand it—unless there has been any late developments within the past few hours, today, the Federal court's stay order expires and unless some additional delay is enforced, this Nation will wake up tomorrow with a railroad strike and lockout of national proportions. Obviously, we need clear direction to avert this threat which has been hanging over our heads for more than a year.

Against the backdrop of a threatened transportation tieup, President Nixon's transportation strike proposals should be an indication that this problem has not been met. His proposed legislation will not help at all on the problem at hand. I am amazed that there is an appalling sense of apathy on this national issue. Hardly anyone is giving it any serious thought.

I am happy to see the administration join in a battle in which there are no legislative or executive heroes. I have been pushing for effective modernization of the Railway Labor Act for years and I know firsthand that few people will risk the combined frown of labor and management in this matter.

I understand the President's approach to transportation strikes is similar to mine in many respects. However, I am not in favor of his suggestion to combine the emergency strike section of the Railway Labor Act with the Taft-Hartley Act. This only confuses the issue. At first blush, it would appear the President has included trucking and maritime industries in his proposal.

The main thing is—there is a glaring gap in the methods we have available to us to use in settling national transportation disputes. This Nation simply cannot afford a transportation tieup. And, in developing a solution, it is important to protect and preserve the theory of collective bargaining.

I urge the Congress to get to the task at hand. Hopefully, we can begin investigation and debate soon on legislation to prevent a national transportation strike. Hopefully, we can avert the transportation tragedy that looms larger each day.

FREEDOM'S CHALLENGE

(Mr. WHITTEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, in these days of stress when you cannot pick up a newspaper, cannot turn on the television set, cannot listen to your radio without hearing all the reports of crime, riots, demonstrations, it is easy to become engulfed in a smog of depression. Then along comes a fresh breeze, clean, true, and in the language of today's young people, "beautiful."

Such was the feeling that came to me as I read the words of a speech prepared by Miss Katherine Allen Townes, age 17, of Grenada, Miss., a fine community, which I am proud to represent in this body.

Katherine's speech on "Freedom's Challenge" was entered in the Veterans of Foreign Wars Voice of Democracy Contest. It was the winning speech from the State of Mississippi. When you read it, I know you will know why. The speech is herewith attached, in full:

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FREEDOM'S CHALLENGE

The First Amendment to the Constitution of the United States of America reads as follows:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

This Article clearly expresses the great value our forefathers placed upon freedom. For more than one hundred and eighty years these ideas have withstood the tests of time. Now these beliefs are more important than ever to us, because they are being challenged from every direction in our rapidly changing world.

Can it be that the greatest challenge to our freedom is freedom itself? This challenge is a two-edged sword. One edge grants freedom of speech, press, and assembly—even though these instruments may be used against the government which grants this freedom. The other side of the blade calls for the government that grants these freedoms to preserve itself and its integrity—and at the same time to protect these rights which are the backbone of our freedom and liberty.

How can the first challenge—that is, the seeming abuse of free speech, free press, and free assembly—be met? Should we destroy the freedom which is essential for its existence? Or should we attempt to do away with dissent by trying to impose upon every citizen the same opinions, the same feelings, and the same interests? Either way, the remedy would be much worse than the disease. James Madison said, "As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be found."

Our great freedoms—so abused by many, so taken for granted by too many—must be preserved. They have been procured and protected by the sacrifice of many lives. Beginning with the "Minutemen" at Lexington and continuing to the present minute, lives have been sacrificed to preserve and protect our liberty.

To meet this challenge—to create from this double-edged sword a standard which we can all follow, we must have a strong government. This means a strong people—people who use these freedoms to develop ways and means to see that the greatest measure of truth that is available be given to all people for their judgment and consideration. To accomplish this, we must become a more vigorous part of our government. We must inform ourselves of what is going on, and let our voices be heard.

Here in America we do not engage in free discussion *only* with the consent of the Government. The Government governs *by* our consent, and this is what makes us the great nation that we are.

John Stuart Mill said, "The will of the people, practically speaking, means the will of the most numerous or the most active part of the people—which is the majority, or those who succeed in making themselves accepted as the majority." Here, I fear, is where we let the challenge fall. We allow a vocal minority to speak for each of us. We must protect the freedom of this minority, but we must also bolster our Government by being better participants in all the aspects of our Government. We must inform ourselves. We must let our feelings be known. We must become a vital part of self-government, based on the rule of the majority—a Government OF, BY, and FOR the people—*all* of the people. Through this process, freedom will survive. The challenge will be met.

U.S. PRESS COVERAGE OF LATIN AMERICAN NEWS

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, one of the complaints all of us have heard from Latin American friends is that the American press pays scant attention to what is happening in the southern half of our hemisphere.

The Latin Americans, understandably, have been concerned about this and many of them have felt that developments in their countries are of little interest to their northern neighbor.

Until recently it has been difficult to reply to such complaints. While I have long felt that some leading American newspapers, particularly the Miami Herald, have given extensive coverage to Latin American news, concrete evidence on this point has been largely unobtainable.

A giant step in the direction of remedying that situation was recently taken by Mr. George Beebe, the senior managing editor of the Miami Herald, and I believe that all of us will be very much interested and gratified by the tremendous public service which he has performed.

Mr. Beebe is an outstanding leader among American journalists and he possesses a wealth of background and experience in matters relating to Latin America. Last year, Mr. Beebe traveled with Governor Rockefeller on his special mission for President Nixon. In the course of those travels he revisited many countries of Latin America, heard the complaints about U.S. press treatment of Latin American news, and decided to collect a few facts.

Through his personal initiative, Mr. Beebe conducted a survey of the major American newspapers and discovered that, through their pages, the American public learns a lot what is happening in our sister republics.

Mr. Beebe's findings, outlined in an article which he prepared for the American Society of Newspaper Editors bulletin, were printed by the Miami Herald, and appear at the conclusion of my remarks. I would recommend them warmly to my colleagues and to all others interested in the current and future state of our relations with Latin America.

As I mentioned at the outset, Mr. Beebe performed a valuable public service in exploding at least one part of the myth that the American press and the American people are not interested in what happens in the southern half of our hemisphere.

The job which he undertook is not finished, and Mr. Beebe plans next to survey the small city dailies to find out whether the situation that obtains with respect to our larger newspapers applies also to papers with smaller circulation.

I know that members of the Subcommittee on Inter-American Affairs, which I have the honor to chair, will be just as interested as I am in studying the results of Mr. Beebe's second survey, and I plan to place it in the CONGRESSIONAL RECORD when it becomes available.

The findings of Mr. Beebe's first survey follow:

NO LATIN NEWS UP HERE? LET'S CHECK THAT

(By George Beebe)

For long years, Latin Americans and the people of the Caribbean have complained that the United States press uses little or no news about their regions.

"And when you do, it usually is negative," is the oft-repeated remark.

Alberto Lleras Camargo, former president of Colombia and now board chairman of Vision, the Hemispheric magazine, told the Inter American Press Association at its Mexico City meeting in 1964:

"Since the peoples of the United States and Europe are not familiar with Latin America, no news about Latin America is given (in the U.S.-Europe press) even though the international news agencies cover events using millions of words that are never published.

". . . although our colleagues in those regions seem to understand our indignation at the world's indifference to Latin America, they must say to themselves: If you don't do anything more important than make revolutions, we are not going to invent the news ourselves."

Camargo was challenged by a U.S. editor, who termed his lament "an old record which should be smashed because it no longer plays a true tune."

But this theme persists, as I found out in talking with some 300 members of the news media in 20 countries while accompanying Nelson Rockefeller on his fact-finding missions to the Latin and Caribbean countries in 1969.

I told them I thought they were wrong, but when I returned home I would conduct a survey to determine who is right.

The survey was conducted October 6–12 and December 15–21—weeks picked at random. It is significant that these were just average news weeks, with no major happenings in Latin America or the Caribbean.

Twelve metropolitan newspapers were given a cover-to-cover check: the Baltimore Sun, Boston Globe, Chicago Tribune, Christian Science Monitor, Dallas Times Herald, Houston Chronicle, Los Angeles Times, Miami Herald, New York Times, San Diego Union, St. Louis Dispatch and Washington Post.

The decisiveness of the results was surprising.

In the 14-day period, the survey showed that the 12 newspapers used a total of 528 stories on Latin America and the Caribbean.

Of these, 375 contained favorable stories about those regions, while 153 stories could be considered negative to the countries from which the news emanated (terrorist attacks, a nationwide strike, airplane hijackings, rat infestations, an aborted coup in Panama).

I am certain that the percentage of positive and negative stories would vary little for any given week of the year.

So it is gratifying to put to rest for the time being, at least, the feeling of countries to the south of us that we ignore them.

There were some happenings difficult to classify. For instance, a Cuban air force officer stole a Russian-made MIG and flew it to Florida as he sought exile. This was a positive story from the standpoint of Miami's Cuban colony, but extremely negative from Fidel Castro's angle.

Likewise the Brazilian priests who quit the Catholic church to marry.

Both these stories went into the negative column, for they reflected adversely on a Latin nation.

On the positive side were some excellent interpretive stories used at length on such subjects as:

"Latins Face Big Election Year."

"Peru Reaches Mining Accord with U.S."

"Venezuela Oil Leases Popular Despite Terms."

"Colombia Proves Democracy Can Work."

"Move Made to Save Rio's Eroding Beaches."

There were some tempting travel stories, and a large number of sports stories.

The news media executives with whom I talked on the Rockefeller mission trips, while complaining about U.S. press coverage, hesitantly admitted that they probably had a tendency to emphasize the negative news coming their way about the United States.

Stan Swinton of The Associated Press, in a survey conducted several years ago, found that Latin American newspapers have little interest in their neighbors.

He found that they devote more news space to North America (7.7 per cent) than they do to Latin America (5.4 per cent). Their heavy emphasis (76.7 per cent) is on national and local news.

But the Latins are more sensitive to what the U.S. newspapers report.

I showed the results of the recent survey I conducted to two Latin American publishers who visited Miami recently.

They both admitted surprise, but gratification.

"Now," said one, "how about your small city dailies? Are they aware that Latin America exists?"

That's the next survey.

SETTLEMENT OF LATIN AMERICAN FISHING DISPUTE: NOW OR NEVER

(Mr. PELLY asked and was given permission to address the House for 1 minute.)

Mr. PELLY. Mr. Speaker, early last week I reported to the House that Peru had seized the American tuna vessel *Western King,* 30 miles off its coast.

On Wednesday of last week, another seizure took place. This time it was the *Day Island,* and it was forced into port from a point 35 miles offshore.

These outrages against American citizens on the high seas would seem to have forestalled any further talks by Peru, Chile, and Ecuador and the United States aimed at a settlement of our fishing disputes. But, before one can ascertain definitely what will happen, the Department of State must determine the attitude of these three Latin American countries.

I have asked to be informed on this latter point and have further requested that the President review various laws regarding sanctions and retaliation by the United States where the President has been given the authority by Congress to waive or invoke such statutes as the Arms Sales Act and foreign aid.

If the international talks are not to be rescheduled and no settlement of the fishing dispute is possible, then, of course, the Nixon policy of helping Latin American countries sell their goods in the United States can be forgotten. Instead, we must provide armed protection for our fishing fleet and deter these acts of piracy by sanctions and other stern measures. In this connection, Chairman GARMATZ has announced that our House Committee on Merchant Marine and Fisheries will hold hearings on these seizures.

Meanwhile, I hope no impulsive action, though there is understandable indignation, will be taken by our longshoremen or other unions to picket ships containing goods from or to any of these offending countries.

I hope a determination as to the attitude of Peru and Ecuador will be made public. It is now or never, it seems to me, if a settlement is possible at the conference table. In the past, our requests for mediation, arbitration, or reference to the International Court of Justice have been summarily rejected.

Our industry has lost its patience and these fishermen are apt to follow through with their suggestion of arming themselves and their vessels.

Mr. Speaker, their indignation is, as I said, understandable. For the last decade and a half these American citizens, working their trade in international waters and under the flag of the United States, have been harassed, threatened with bodily harm, pirated from the high seas and held against their will in the ports of Latin American countries. The fines against the owners of the vessels have been prohibitive.

As an example, the *Day Island,* the vessel which was seized by Ecuador last Wednesday, was not released until the owner had paid a total of $84,050. This same vessel had been seized by Ecuador in December 1968, at which time she was fined $81,875. The fines against this vessel in six seizures by four different Latin American countries in the last 7 years have reached almost $200,000. This is the case of just one vessel, Mr. Speaker. The list of seizures is long indeed.

And, this is not to lessen the seriousness of the incidents in which American fishermen have been injured by gunfire from the capturing Latin American vessel.

Meanwhile, and of special interest to the House, the Congress has passed a law stating that the amount of any illegal fine imposed by one of these countries will be deducted from any foreign aid due that country. I understand that no such action has been taken by our State Department. What is worse, our State Department has delayed and used interpretations of the law that have caused additional and undue hardship on the boatowners.

As provided by law, all these fines should have been deducted from foreign aid. They have not been. Furthermore, in my opinion, the President should cut off all foreign aid to these countries seizing vessels, which he has the right to do. I shall ask the President to do this.

In addition, Mr. Speaker, I am asking the Committee on Foreign Affairs to attach a rider to the next foreign aid bill providing that no funds be permitted for State Department salaries until the Department abides by the law and deducts the amounts of these illegal fines.

The American taxpayers, whose money is used to reimburse the boatowners for these fines, deserve better treatment than they have been receiving from the State Department. Their money could be reimbursed by the offending country if the law passed by this body were only enforced.

ICC HITS INTERSTATE MOVERS

(Mr. CEDERBERG asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, any of us who have had to move our households know of the problems which such an action can create. The Interstate Commerce Commission receives hundreds of complaints each month about problems encountered by people moving across State lines. In an attempt to protect both the citizen and the moving companies from the problems which can arise due to misunderstandings the ICC is, during the first week of March, publishing new regulations covering the interstate movement of household goods. I want to commend the Commission on its efforts in this area and, in this connection, bring to the attention of my colleagues an article outlining some of the areas which the Commission treats. The article, from the Detroit News, describes both the problems and some of the proposed cures. I am hopeful that the new regulations will go a long way toward alleviating what is fast becoming a very serious situation.

The article follows:

[From the Detroit News, Feb. 17, 1970]

ICC Hits Interstate Movers

(By Sue Hoover)

For six and a half weeks, Daniel Druia and his family thought they had lost nearly everything they owned.

In mid-December they loaded a Greyhound Van Lines truck to move to Roseville from Ft. Leavenworth, Kan., where Druia had been stationed in the Army. They were told their goods would be delivered no later than Dec. 26.

The truck finally came Jan. 31, but their six-month-old baby's dresser was missing, three boxes of other items (they're finding out what by the process of elimination) were missing, and their air conditioner was in pieces.

As the movers unloaded the truck, the bottom fell out of a box containing a good share of their clothing, which was dumped in the street. Druia and his father ended up unloading most of the load themselves.

While waiting, they had to stay with Druia's parents and make payments on a house they couldn't occupy without furniture.

Druia couldn't interview for a job because all his suits were loaded on the van. The baby had no crib.

When they called the movers, they first were told the driver had gotten drunk. They were told he had tried to deliver the load on Dec. 24 and when no one was home, he returned to Kansas.

Later, Druia found their goods had been delivered by way of Orlando, Fla.

The Druias aren't unusual: The Interstate Commerce Commission (ICC), the regulating agency for household movers, reported some 5,000 consumers complained of poor service last year.

Mostly, they said salesmen underestimated their loads, carriers failed to pick up and deliver loads when they said they would, and no one notified them when the delivery was delayed.

The ICC and the moving industry alike recognize the problems. The ICC is trying to pass new regulations to be in effect by summer.

The moving industry is pretty much convinced the problems revolve around peak load periods from June to October, and there's little remedy.

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"There just are no solutions," said Ed Wilson, a salesman for 40 years with North American Van Lines in Detroit.

"Everybody wants to move in the first 10 days after school's out in June, and there aren't enough trucks in the United States to move them all at once."

The ICC says 40 million citizens—more than 12 million households—move every year. Only about 17 percent of the moves—those across a state line—are regulated by the ICC.

Nevertheless, officials think stiffer interstate controls might prompt states to improve their regulations as well.

There are several areas in which the ICC has suggested new regulations.

ICC officials would eliminate or at least change the salesman's practice of estimating weight, and thus the cost, of shipments. Gerald Davis, of the Detroit ICC office, explains the estimate is often a competitive tool, used by companies to vie for a shipment. For that reason, it may be deliberately low. The ICC is considering requiring an independent weight-estimating service sponsored by the moving companies.

ICC would require a "reasonable" dispatch of shipments which they define as "the performance of transportation on the dates or during the period of time agreed upon by the carrier and shown on the carrier's order for service and recorded on the bill of lading."

The moving industry came up with its own plan concerning delivery dates a couple of months ago. They would offer a "premium" service which guranateed exact day delivery for those customers who wanted to pay more.

The ICC would require the moving company to notify the shipper of his actual charges, rather than just the estimate, before the goods arrived, and notify him when there was a delay.

They would require the actual weight certification of the load on the bill of lading. Now, the weight is typed on the bill from a separate certification—leaving a chance for error or fraud.

They would improve the contents of a brochure given prospective movers which describes services and costs. The ICC now requires each moving company to give the pamphlet to every shipper, although many customers report they don't receive them.

In the last year, the ICC's Bureau of Enforcement has increased its prosecution of moving companies which don't comply with the rules already in existence. Penalties have been as high as $10,000 and have averaged more than $1,000.

If you feel you've been cheated or are entitled to better service, write the Bureau of Enforcement, Interstate Commerce Commission, Washington, D.C., 20423, or call the Detroit ICC office, 226-7245.

NEW LOOK AT CRISIS STRIKES

(Mr. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LLOYD. Mr. Speaker, President Nixon has performed a courageous act of leadership in presenting to the Congress a tangible proposal to prevent nationwide transportation strikes which would seriously impair the health and safety of the Nation.

It is a courageous move because neither labor nor management has given encouragement to the proposals and indeed both will oppose part or all of the congressional action as proposed by the President. The President's recommendations are designed to promote the public interest, and to start the search for a civilized way out of a jungle created by labor-management impasses in which the public has an overriding involvement.

The House Republican Task Force on Labor Law Reform, which I have the privilege of chairing, has had many meetings over the past year with representatives of management and labor organizations, and it has been made unmistakably clear to us that general legislation proposing compulsory settlement of labor disputes would have vigorous opposition from both labor and management. Free collective bargaining simply will not work in the opinion of most of those with whom we have talked if there is available an alternative of compulsory settlement by a third party. Moreover, the imposition of a third party settlement, even if authorized under some legislative enactment, would be beset by great difficulty and lack of acceptance.

This Presidential message does not propose such general compulsory settlement of disputes. It is limited to transportation and the possibility of a compulsory settlement even here is remote and available only where all other means have failed and the Nation is faced with gravest danger to its health and safety.

Transportation tieups crippling the national interest continue to be a lurking specter, and twice since 1963 this Congress has been called upon to enact compulsory arbitration legislation to keep vital transportation moving. It was quite apparent when we last took this action in 1967 that an increasing number of Members of the House were becoming less inclined to exert Government intervention and more inclined to leave the parties alone.

This is the first time in many years that the White House has actually come to grips with labor law which deals with one of society's great domestic problems. The President has proposed first that Congress eliminate entirely the emergency strike provision of the Railway Labor Act which applies to the railroads and the airlines; second, that Congress remove the railroads and the airlines from the Railway Labor Act's jurisdiction and make them subject to the emergency provision of the Taft-Hartley Act and; third, that Congress amend the Taft-Hartley Act to give the Executive three additional weapons that he could invoke in a major transportation dispute at the end of the "cooling off" period. He could invoke only one of the three alternatives. These three alternatives are:

First. Extend the present 80-day "cooling off" period for an additional 30 days.

Second. Authorize the President to require partial operation of the struck industry to minimize the dangers of health and safety to the Nation.

Third. The President would be empowered to invoke a novel "final offer selection procedure" under which both parties would submit one or two "final offers" to the Secretary of Labor after which 5 more days would be allowed to bargain over these offers. If an agreement could not be reached, the parties to the dispute would choose three persons to select one of the "final offers" in the exact form in which it was presented and impose it as the final settlement. If the disputants could not agree upon the three person panel, the panel would be appointed by the President. The President is also at liberty to use none of the three alternatives or to go to Congress again for compulsory arbitration.

President Nixon has come forward with concrete proposals as he promised the American people he would do. The consequences of inaction by the Congress are increasing nationwide transportation tieups in avoidance of the public interest and the public welfare. The Nixon proposals are much milder than many other alternatives which have been urged upon him. Certainly he has not suggested general compulsory arbitration. The factual situation of past strikes and impending strikes does however, confront him with a challenge and a responsibility which he has chosen not to ignore. I urge the Education and Labor Committee to begin early hearings on this legislation and to allow the House of Representatives to work its will. The President has taken the essential first step. Our clear responsibilty is to proceed with hearings which will enable spokesmen and representatives of all points of view to present their case for the consideration of the Congress.

An editorial in the New York Times dated February 28 entitled "New Look at Crisis Strikes" is on target in my judgment, and I include it with these remarks:

NEW LOOK AT CRISIS STRIKES

The most welcome aspect of the proposals President Nixon sent to Congress yesterday for better public protection against transportation strike emergencies is that they introduce fresh approaches into a field in which progress has been blocked for twenty years by prejudices too mossgrown to dislodge.

The President, acting on the recommendations of Secretary of Labor Shultz, has recognized that the national emergency provisions of the Railway Labor Act have operated to frustrate collective bargaining without providing dependable safeguards against cutoffs of rail and airline service. He has also recognized that the worst breakdowns in labor-management relations, at greatest cost to the economy, have tended to be in transportation—not only airlines and railroads but maritime, longshore and trucking as well.

As the soundest road to more effective statutory protection, the President has decided to build on the eighty-day cooling-off period that is now the basic defense against national emergency strikes in steel, aerospace and other industries. Even though labor made this injunction provision the chief basis for its 1947 denunciation of the Taft-Hartley Act as a "slave labor law," experience has demonstrated that it is as useful a safeguard for unions as it has proved to the nation.

The problem the Nixon bill seeks to deal with is how to assure an equitable solution when the court-enforced truce runs out with no settlement. The President would have three new weapons on which to draw in such circumstances. One would be a straight thirty-day extension of the no-strike, no-lockout period.

A second option would be to let the strike or lockout go forward after the injunction but to insist on operation of such limited facilities as the White House deemed necessary for the national health and safety. The third choice, and the most original, would

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introduce a desirable element of finality into the peace process while seeking to by-pass the almost phobic semantic hurdles both labor and management would throw up if the Administration advocated complusory arbitration.

There is very little rationality left in most sections of labor or industry on the merits and defects of compulsory arbitration. Experts on both sides automatically rush to the barricades at the mere mention of the term. The President is trying to get around that hurdle by a proposal that would seek to encourage good-faith contract bargaining while giving an impartial panel final and binding authority to break deadlocks in the public interest.

What would happen is that, instead of splitting the difference between the last management offer and the final union demand—a conventional practice in arbitration—the panel would have to choose one or the other of the two last-ditch positions.

No one can make too informed a judgment on how well this approach might work since such minor experience as has been had with it anywhere is confined to Germany in the post-World War I days of the Weimer Republic. But it could provide a spur to realistic proposals by both sides in the hope of winning the Presidential "selectors" endorsement for the union or industry stance.

The plan for partial operation sounds better in theory than it is likely to prove in practice. First, there are many industries in which tidy delimitation of what is needed for the national health or safety would be extremely difficult. An even more potent drawback would be the danger that allowing one company to operate while most others stayed down would lead to "whipsaw" pressures on the idle enterprises to capitulate.

However, one virtue of the entire plan is that the President would not be obliged to utilize any of the options. He could let nature take its course at the end of the initial eighty days or he could ask Congress to adopt a special arbitration law as it has twice done in the railroads since 1963. This broad range of choices would keep both sides guessing and thus reinforce the pressures on them to work out an accommodation of their own.

To guard against White House arbitrariness, either house of Congress could act within ten days to veto any specific Presidential decision. Labor and management could also go to the Federal courts for relief if they considered the White House intervention capricious. On top of all this, there would be a seven-member national commission to review the bargaining situation in other problem industries and to advise the President on how well or badly the new remedies were operating in transportation.

After years of timorous White House refusal to grapple with the strike problem, Congress finally has been given a good bedrock document on which to start the search for improved public protection.

ELIMINATION OF FEDERAL PROGRAMS

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, President Nixon in his message to Congress last week put forth a plan to eliminate some 57 Federal programs for a $2.5 billion savings in the next fiscal year. Some of these cuts of course, will require congressional approval. All bear close scrutiny; and I would guess that many of the proposed cuts should be made. But for every one proposed there must be a dozen other Federal programs that could be terminated.

The time has come for this body to join with the President in seeking out offices, bureaus, agencies, sections, commissions, divisions, administrations, boards, councils, committees, corporations, services, and authorities and any of the other assorted conglomeration of bureaucratic fiefdoms that have long since outlived their usefulness.

One estimate puts the vast bureaucratic waste at $30 billion. And who do we listen to during committee meetings to refute this claim? Those who have a vested interest in perpetuating the monster they thrive on, the bureaucrats themselves. Daily the cadre of directors, chiefs, supervisors, commissioners, board chairmen, consultants, specialists, and experts that hold the reins of the bureaucratic power make their way to the committee rooms on this Hill to tell their tale of such a great need for more and more of the taxpayer's dollars.

If we are to exercise our duly constituted right to oversee the expenditures made out of the Federal Treasury, then we should begin by questioning more closely the motives behind requests for funds by the users of the same funds.

I believe, Mr. Speaker, that President Nixon and his administration is going to make the effort to cut back on wasteful expenditures within the Federal Government. But the greater burden rests with we Members of Congress, duly elected representatives of the people, charged with protecting the Federal Treasury from wasteful spending. Let us not shirk our duty in that respect.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., February 27, 1970.

The SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 12:07 p.m., on Friday, February 27, 1970, and said to contain a message from the President wherein he transmits a Message concerning National Emergency Labor Disputes.

With kind regards, I am
Sincerely yours,
PAT JENNINGS,
Clerk, U.S. House of Representatives.

EMERGENCY PUBLIC INTEREST PROTECTION ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-266)

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

Early in my Administration I pledged that I would submit a new proposal for dealing with national emergency labor disputes. Since that time, members of my Administration have carefully reviewed the provisions of these laws and the nation's experience under them. We have concluded from that review that the area in which emergency disputes have created the greatest problem is that of transportation.

Our highly interdependent economy is extraordinarily vulnerable to any major interruption in the flow of goods. Work stoppages in the railroad, airline, maritime, longshore, or trucking industries are more likely to imperil the national health or safety than work stoppages in other industries. Yet, it is in this same transportation area that the emergency procedures of present laws—the Railway Labor Act of 1926 and the Taft-Hartley Act of 1947—have most frequently failed.

It is to repair the deficiencies of existing legislation and to better protect the public against the damaging effects of work stoppages in the transportation industry that I am today proposing that Congress enact the Emergency Public Interest Protection Act of 1970.

TWO MAJOR OBJECTIVES

Our past approaches to emergency labor disputes have been shaped by two major objectives.

The first is that health and safety of the nation should be protected against damaging work stoppages.

The second is that collective bargaining should be as free as possible from government interference.

As we deal with the particularly difficult problems of transportation strikes and lockouts, we should continue to work toward these objectives. But we must also recognize that, in their purest form, these two principles are mutually inconsistent. For if bargaining is to be perfectly free, then the government will have no recourse in time of emergency. And almost any government effort to prevent emergency strikes will inevitably have some impact on collective bargaining.

Our task, then, is to balance partial achievement of both objectives. We must work to maximize both values. Ideally, we would provide maximum public protection with minimum federal interference. As we examine the laws which presently cover the transportation industry, however, we find that interference has often been excessive and protection has often been inadequate.

THE RAILWAY LABOR ACT

Work stoppages in both the railroad and airline industries are presently handled under the emergency procedures of the Railway Labor Act. Under this law, the President can delay a strike or lockout for sixty days by appointing an Emergency Board to study the positions of both parties and to recommend a settlement. If the sixty-day period ends without a settlement, then the President has no recourse other than to let the strike occur or to request special legislation from the Congress.

Past events and recent experiences

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demonstrate the failure of these provisions. Since the passage of the Railway Labor Act 45 years ago, the emergency provisions have been invoked 187 times—an average of four times yearly. Work stoppages at the end of the sixty-day period have occurred at a rate of more than one per year since 1947. Twice the President has had to request special legislation from the Congress to end a railroad dispute, most recently in 1967.

Why does the Railway Labor Act have such a bad record? Most observers agree that the Act actually discourages genuine bargaining. Knowing that the Emergency Board will almost always move in with its own recommendation whenever a strike is threatened, the disputants have come to look upon that recommendation as a basis for their own further bargaining. They have come to regard it as a routine part of the negotiation process.

Over the years, the members of one Emergency Board after another have concluded that little meaningful bargaining takes place before their involvement. Most of what happens in the early bargaining, they report, is merely done to set the stage for the appearance of the Federal representatives. Designed as a last resort, the emergency procedures have become almost a first resort. The very fact that an official recommendation is *possible* tends to make such a recommendation *necessary*.

The disputants also know that government participation need not end with the Board's recommendation. They know that the nation will not tolerate a damaging railroad strike—and that even compulsory arbitration is a possible legislative solution if they are unable to compromise their differences. This expectation can also have a significant, discouraging effect on serious bargaining. Aware that arbitrators and public opinion will often take a middle ground between two bargaining positions, each disputant feels a strong incentive to establish a more extreme position which will put the final settlement in his own direction. Expecting that they might have to *split* the difference tomorrow, both parties find it to their advantage to *widen* that difference today. Thus the gap between them broadens; the bargaining process deteriorates; government intervention increases; and work stoppages continue.

Many of the deficiencies in the Railway Labor Act do not appear in the Taft-Hartley Act. Therefore, as the first step in my proposed reform, *I recommend that the emergency strike provisions of the Railway Labor Act be discontinued and that railroad and airline strikes and lockouts be subject to a new law—one which draws upon our experience under the Taft-Hartley Act.*

THE TAFT-HARTLEY ACT

Labor disputes in other transportation industries—maritime, longshore, and trucking—are now subject to the emergency provisions of the Taft-Hartley Act, legislation which I helped write in 1947.

Under the Taft-Hartley Act, the President may appoint a Board of Inquiry when he believes that a strike or lockout or the threat thereof imperils the nation's health or safety. After the Board of Inquiry has reported on the issues involved in the dispute, the President may direct the Attorney General to petition a Federal District Court to enjoin the strike for an eighty-day "cooling-off" period. During the eighty-day period, the Board of Inquiry makes a second finding of fact and the employees have an opportunity to vote on the employer's last offer.

There are a number of features in the Taft-Hartley Act which encourage collective bargaining to a far greater extent than does the Railway Labor Act. First, government intervention is more difficult to invoke since the Taft-Hartley Act—unlike the Railway Labor Act—requires a court injunction to stop a strike or lockout. Moreover, the Taft-Hartley Act, explicitly prohibits the Board of Inquiry from proposing a settlement. Thus neither party is tempted to delay an agreement in the hope that the Board's recommendation will strengthen its hand. Finally, the standard for judging whether the threatened work stoppage justifies government intervention is stricter under Taft-Hartley than under the older Act—though the use of stricter standards does *not* imply that a strike or lockout which primarily involves one region of the country could not be enjoined if it threatens the national health or safety.

But even the Taft-Hartley Act gives the President inadequate options if a strike or lockout occurs after the eighty-day cooling-off period has elapsed—something that has happened in eight of the twenty-nine instances in which this machinery has been invoked since 1947. All of these instances of failure have involved transportation industries. As is the case under the Railway Labor Act, the President has no recourse in such a situation other than to submit the dispute to the Congress for special legislation.

Each of the last four Presidents, the President's Labor-Management Advisory Committee, numerous voices in the Congress, and many other students of labor relations have concluded that the President's options at this point in the dispute should be broadened. I share this conclusion—but I believe it advisable to limit its application at present to the transportation field. It is in the area of transportation, after all, that our present procedures have encountered the greatest difficulty. If at some later date, conditions in other industries seem to demand further reform—and if our experience with the new transportation procedures has been encouraging—we may then wish to extend the application of these new procedures.

THREE NEW OPTIONS

The President must have additional procedures which he can follow at the end of the cooling-off period if damaging work stoppages in vital transportation industries are to be avoided. *Accordingly, I propose that the Taft-Hartley Act—as it applies to transportation industries—be amended to give the President three additional options if, at the end of the eighty-day injunction period, the labor dispute in question has not been settled and national health or safety is again endangered.*

1. The first option would allow the President *to extend the cooling-off period for as long as thirty days.* This choice might be most attractive if the President believed the dispute were very close to settlement.

2. The President's second option would be *to require partial operation of the troubled industry.* Under this provision, the major part of the strike or lockout could continue. But danger to national health or safety could be minimized by keeping essential segments of the industry in operation or by maintaining service for the most critical group of service-users. This procedure could be invoked for a period of up to six months.

It is important, of course, that the precise level of partial operation be correctly determined—it must be large enough to protect the society but small enough so that both parties feel continued economic pressures for early settlement. Responsibility for determining whether partial operation is possible and for establishing the proper level of operations would be assigned to a special board of three impartial members appointed by the President. The panel would be required to conduct an extensive study of the matter and to report its findings within thirty days of its appointment. The strike or lockout could not continue during that period.

3. The President's third option would be *to invoke the procedure of "final offer selection."* Under this procedure, each of the parties would be given three days to submit either one or two final offers to the Secretary of Labor. The parties would then have an additional five days to meet and bargain over these final proposals for settlement. If no agreement emerged from those meetings, a final offer selector group of three neutral members would be appointed by the disputants or, if they could not agree on its membership, by the President. This group would choose one of the final offers as the final and binding settlement.

The selectors would hold formal hearings to determine which of the final offers was most reasonable—taking into account both the public interest and the interests of the disputants. They would be required to choose one of the final offers in the exact form in which it was presented; in no case could they modify any of its terms nor in any way attempt to mediate the conflict.

The final offer selection procedure would guarantee a conclusive settlement without a dangerous work stoppage. But—unlike arbitration—it would also provide a strong incentive for labor and management to reach their own accommodation at an earlier stage in the bargaining. When arbitration is the ultimate recourse, the disputants will compete to stake out the strongest bargaining position, one which will put them at the greatest advantage when a third party tries to "split the difference." But when final offer selection is the ultimate recourse, the disputants will compete to make the most reasonable and most realistic final offer, one which will have the

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best chance to win the panel's endorsement.

Rather than pulling apart, the disputants would be encouraged to come together. Neither could afford to remain in an intransigent or extreme position. In short, while the present prospect of government arbitration tends to widen the gap between bargaining positions and thus invite intervention, the possibility of final offer selection would work to narrow that gap and make the need for intervention less likely.

It should be emphasized that the President could exercise any one of these options only if the eighty-day cooling-off period failed to produce a settlement. Whatever option the President might choose, either House of Congress would have the opportunity—within ten days—to reject his recommendation under a procedure similar to that established by the Reorganization Act of 1949.

Either a partial operation plan or a final offer selection could be voided in the courts if it were judged arbitrary and capricious. If the President were to choose none of the three additional options, if the Congress were to reject his choice, or if one of the first two options were chosen and failed to bring a settlement, then the President could refer the entire matter to the Congress as he can do under the present law.

OTHER RECOMMENDATIONS

The effort to broaden Presidential options is at the heart of the reforms I propose. There are a number of additional repairs, however, that would also strengthen our labor disputes legislation.

—*I recommend that a National Special Industries Commission be established to make a comprehensive study of labor relations in those industries which are particularly vulnerable to national emergency disputes.* Experience has clearly shown that such labor crises occur with much greater frequency in some industries than in others. The Commission, which would have a two-year life span, should tell us why this is so and what we can do about it.

—The Railway Labor Act presently calls for final arbitration by government boards of unresolved disputes over minor grievances. Usually these disputes involve the interpretation of existing contracts in the railroad or airline industries. Again, the availability of government arbitration seems to have created the necessity for it; the National Railroad Adjustment Board, for example, has a backlog of several thousand cases to arbitrate. The growing dependence on government represents a dangerous trend: moreover, the resulting delay in settlement is burdensome and unfair to both labor and management.

I propose therefore that the National Railroad Adjustment Board be abolished. A two-year transition period should be allowed for completing cases now in process. The parties themselves should be asked to establish full grievance machinery procedures, including no-strike, no lockout clauses and provisions for final binding arbitration. When necessary, the Federal Mediation and Conciliation Service would assist in this process.

—A labor contract in the railroad or airlines industry presently has no effective termination date. This is true because the right of the parties to engage in a strike or lockout depends on a declaration by the National Mediation Board that the dispute cannot be resolved through mediation. Negotiations can thus drag on for an indeterminate period, far beyond the intended expiration date of the contract, with no deadlines to motivate serious bargaining.

I recommend that this unusual procedure be discontinued and that new labor contracts for railroads and airlines be negotiated in the same manner as those for most other industries. The party which desires to change or terminate any contract would be required to provide written notice to that effect sixty days in advance of the date on which the change is to go into effect. The schedule of negotiations would thus depend not on the decision of the National Mediation Board, but on the decisions of the parties; earlier, more earnest, and more independent bargainiing would be encouraged.

—The National Mediation Board now handles two very different functions: mediating railway and airlines disputes and regulating the process by which bargaining units are determined and bargaining representatives are chosen. This combination of functions is unique to the railroad and airlines industries, and again, I propose that the discrepancy be eliminated. *The mediation functions of the National Mediation Board should be transferred to the Federal Mediation and Conciliation Service*—which presently handles this work for the vast majority of our industries. *The regulatory functions should remain with the National Mediation Board, but its name should be changed to the Railroad and Airline Representation Board to reflect this new reality.*

Whenever possible, the government should stay out of private labor disputes. When the public interest requires that government step in, then it should do so through procedures which bring the current conflict to an equitable conclusion without weakening the self-reliance of future bargainers.

The nation cannot tolerate protracted work stoppages in its transportation industries, but neither should labor contracts be molded by the Federal government. The legislation which the Secretary of Labor is submitting to the Congress would help us to avoid both pitfalls; it would do much to foster both freedom in collective bargaining and industrial peace. The hallmark of this program is fairness; under its procedures we will be able to end national emergency labor disputes in our transportation industries in a manner which is fair to labor, fair to management and fair to the American public.

RICHARD NIXON.

THE WHITE HOUSE, *February 27, 1970.*

COLONEL KIRKMAN'S LIFE TRIBUTE FLORIDA HIGHWAY PATROL

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, the retirement of Col. H. N. Kirkman as director of the State department of public safety brings to a close a distinguished career of public service. That career, however, is one which has served as a model for integrity and service for not only our State, but the Nation as well.

His retirement on February 19 was also his 78th birthday. Colonel Kirkman has been compared in our State with FBI Director, J. Edgar Hoover. Certainly the comparison is apt, for Colonel Kirkman directed the Florida Highway Patrol with fairness and with such a degree of integrity that it has the respect and admiration of those it serves.

More than this, the innovations in the service which Colonel Kirkman instituted served as an example and model for other highway patrols across the Nation.

He can look back on a life of service and a department that reflects the sterling character of the fine gentleman who helped create it.

Those who know Colonel Kirkman best know that there has been one person who has assisted and sustained him through all of the many difficult periods he has had to endure—his charming wife. He would be the first to state that any success he has had in life was made worth while because of Mrs. Kirkman, a lady I admire and consider to be a warm personal friend.

The colonel began his career of public service in 1936 as head of the State road department patrol under Gov. Dave Sholtz. He was asked to organize and train the Florida Highway Patrol in 1939, after its creation by the State legislature.

From a force of 32 men trained at the Bradenton Training School in that year, it has grown to the crack outfit it is today. There were problems through the years as in any new field. It was the firm dedication of Colonel Kirkman that gained for the Florida Highway Patrol the support of the people of my State.

Today, it is composed of a courteous, neat force of almost 900. Recent reorganization of State government placed the highway patrol and the department of motor vehicles into the State department of public safety, with Colonel Kirkman serving as its first director.

Another outstanding public servant, Ralph Davis, succeeds him and is destined to add to the stature and progress of the department which has been so ably advanced by the colonel and his staff in the past.

On a very personal note, I have many warm personal friends among the membership of the Florida Highway Patrol. They are a friendly and outgoing group of men who have earned the respect in which they are held by the people of Florida.

Looking back over the years, it took all the ingenuity and perseverance of a dedicated man like Colonel Kirkman to do the building job which had to be done.

One newspaper pointed out that Colonel Kirkman is a stickler for cleanliness and courtesy. He always told his recruit classes that a "good patrolman keeps his head cool, his feet warm, and his mouth shut."

Records show that more men were dis-

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missed for being discourteous than for any other 10 reasons.

Not only are our patrolmen dedicated to their law enforcement duties, they are amdassadors of good will to the millions of tourists who come to our State.

Colonel Kirkman is respected by the men and women of his department. His trademark is a high, beige, wide-rimmed Stetson hat, the style he has worn for as long as anyone can remember.

The problems were never easy and a lesser man than Colonel Kirkman might have despaired. Those who know him best can attest that when the going was the toughest, that is when he was best.

A native of North Carolina, he came to Florida in 1912, maintaining a permanent residence in Putnam County since 1916. He was engaged in the construction business for many years, particularly the building of bridges which include the Memorial Bridge at Palatka and the bridges on the Clearwater Causeway.

He served in World War I, entering the Army as a private and being discharged at the end of the war as a first lieutenant. During World War II, he served in Europe and was U.S. district engineer in England, constructing bomber stations, fortresses, and warehouses. He served overseas during both wars for a total of some 38 months, being decorated for his service in World War II with the Legion of Merit.

In late 1945, after his release from military service, he rejoined the patrol as director of the department of public safety and at the time of his retirement was senior director in the United States.

Colonel Kirkman is a charter member of the American Legion of Florida and was State commander in 1923-24. He is a member of the National Safety Council; Florida Peace Officers Association; a member and past chairman of the State and Provincial Section, International Association of Chiefs of Police; past president of Region II, American Association of Motor Vehicle Administrators, and now president of the American Association of Motor Vehicle Administrators; National Committee on Uniform Traffic Laws and Ordinances; commissioner from Florida to the Vehicle Equipment Safety Commission; National Security Committee of the American Legion; Elks; 32d degree Mason and Shriner.

Much more could and should be said about Colonel Kirkman.

But, the finest tribute to his life and work that I can think of is the Florida Highway Patrol itself. When he left the black and cream colored headquarters for the last time as director, he left a building named for him as a tribute from the people of his State who know full well what contributions he has made.

The Florida Highway Patrol is second to none in the Nation. Colonel Kirkman would want no finer tribute paid him.

INDEPENDENT RHODESIA—A REPUBLICAN FORM OF GOVERNMENT

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, I rise to congratulate the sovereign state of Rhodesia on the occasion of its final step in adopting the Republican form of government for which its citizens overwhelmingly voted last June.

This event was relegated to the back page of the local newspaper. The wire service story followed the usual line of leftists—that the indigenous savages were not running the show instead of the civilized people who built the country. We can expect this plaintive cry to continue, although not honestly enough to compare the welfare of the blacks in Rhodesia with that of their racial brethren in Biafra, where the savage majority does rule.

At the same time, we continue to play the foolish game of boycott and embargo. This may serve the purpose of the collection of tribes, financed by American taxpayers, who claim to be the United Nations Organization. It certainly serves the purposes of the masters of the Kremlin. It is not only immoral of us to continue this shabby pretense, but it is plainly detrimental to the security of the United States.

To punish our natural friends, at the insistence of the tools of our self-professed enemy, we have deliberately put in the hands of that enemy the strategic materials necessary for our own defense.

I, for one, have not forgotten the boast that "We will bury you"—nor am I unaware of the monopoly on chrome which we have deliberately given to the Soviet boaster. This is the kind of insanity which must cease.

The notice attached to a purchase which I made last week points up the absurdity—chrome which we refuse to buy from friendly Rhodesia is such a critically short item for defense that we must use substitutes. What chrome we buy is from the Soviets—watered down in quality and marked up in price.

Foreign policy should be founded in the protection and welfare of the people of these United States. It should not be designed to aid our enemies, and it should not be planned for damaging our defenses. When it does, it is either wrong or treasonous—and in any case cries for correction.

Since the Republic of Rhodesia has followed, for exactly the same reasons, the course charted by our forefathers some 200 years ago, it would be altogether fitting and proper for the United States to be the first to recognize its de jure as well as de facto existence.

Mr. Speaker, I call on the President to repudiate the cheap sham of sanctions, invalidly and dishonestly applied by the United Nations Organization, and in furtherance of the enlightened self-interest of these United States, to promptly extend diplomatic recognition to our friends in the Republic of Rhodesia.

I include herewith the article referred to and the notice of the chrome shortage mentioned in my remarks:

[From the Washington (D.C.) Star, Mar. 2, 1970]

RHODESIA FORMALLY CUTS LAST TIES WITH BRITAIN

SALISBURY, RHODESIA.—This nation where 241,000 whites dominate 4.5 million blacks formally declared itself an independent republic today with a constitution insuring the continuation of white rule.

A proclamation signed yesterday dissolved the "Queen's Parliament" as of midnight, severing the last ties with the British crown, installed the new constitution and named Clifford DuPont as acting president.

Premier Ian Smith and DuPont, who has been administering the government since Smith declared independence from Britain on Nov. 11, 1965, signed the document in DuPont's study at Government House with a minimum of fanfare.

In London, British officials called the move illegal, and at least one black African leader urged the use of force if necessary to topple the white minority regime.

President Ahmadou Ahidjo of Cameroon said in a message to the Organization of African Unity that his government "reaffirms the imperative need . . . if need be, (of) recourse to force to reach a democratic solution of the Rhodesian problem."

The new Rhodesian constitution provides for the election April 10 of a new Parliament with 50 white members and 16 blacks. It will allow more black members when the native population begins paying more than 24 percent of the nation's income taxes. The blacks now pay less than 1 percent.

Rhodesia's white population voted 81 percent in favor of the new Constitution last June, making today's proclamation anticlimactic. Said a government spokesman, "We just think of it as a dull little occurrence."

IMPORTANT NOTICE FROM HAMILTON COSCO, INC., COLUMBUS, IND.

Certain parts of the trim and finish on this product are finished in an attractive new bonderized, baked enamel, which is highly resistant to chipping and scratching.

This change has been made to conserve critcial chrome plating materials for the nation's defense effort.

This new finish on this product meets every exacting standard of quality and durability promised in our guarantee.

SUPPORT FOR ISRAEL

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, yesterday, March 1, it was my privilege to participate in various meetings in Queens, New York, sponsored by the Queens Jewish Community Council, under the chairmanships of Rabbi Moshe Kwalbrun, Rabbi Rafael Saffra, Rabbi Samuel Landa, Rabbi Walter Wurzurger, and others. Participating in these meetings also were the Hadassah, B'nai B'rith, Jewish War Veterans groups and, more importantly, thousands of individuals—not only individuals of the Jewish faith.

In conjunction with these meetings, the borough president of Queens, the Honorable Sidney Leviss, had declared Sunday, March 1, "Israel Solidarity Day."

The meetings, as I said previously, attended by thousands, were called to show public concern and interest and to ask for our Government's support of the democratic State of Israel—the last bastion of democracy in the Middle East.

I take this time to commend the sponsors, the coordinators and all who worked to arrange the meetings on the success of their efforts. I especially commend all those thousands of individuals who attended and were willing to sit hours indoors on such a lovely Sunday afternoon. They gave meaning and life to the many

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resolutions we here in Congress have sponsored in support of and commendation of the free State of Israel.

They have given support and meaning not only to our resolutions in support of material and diplomatic aid to Israel and direct negotiations between Israel and the Arab nations, but also my and many of my colleagues boycott of the appearance of the President of France, Georges Pompidou before the Congress.

Mr. Speaker, in conjunction with the meetings of yesterday, the following resolution, which I am now privileged to read, was unanimously endorsed by those attending the various meetings and many others. I quote:

> Whereas, as Americans we are profoundly concerned with our country's national interests and the cause of world peace; and
>
> Whereas, we recognize that there is serious danger that a new round of hostilities in the Middle East may trigger another world conflict; and
>
> Whereas, we believe that it would not be in the interest of the United States or in the service of world peace if Israel were left defenseless in the fact of the continuing flow of sophisticated offensive armaments to the Arab nations; and
>
> Whereas, Israel has repeatedly sought direct negotiations with its neighbors, and unremittingly expressed its earnest desire to live in peace and dignity with the Arab countries; and
>
> Whereas, we believe that the parties to the conflict must be parties to the peace achieved, by means of direct, unhampered negotiations;
>
> Now therefore, we here assembled call upon our President and the Secretary of State to reaffirm our country's support for the democratic State of Israel; we urge that they do not permit an arms imbalance to develop in the Middle East; and that they use their good offices and exert every effort to encourage direct negotiations between Israel and the Arab states looking toward a firm and lasting peace—a peace which will be of benefit not only to the countries of that area but to the world at large.

Mr. Speaker, I have this day sent a copy of this resolution to the President of the United States, Mr. Nixon, and Secretary of State, Mr. Rogers.

THE AGONIZING RETURN OF COMMONSENSE

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 30 minutes.

Mr. WAGGONNER. Mr. Speaker, in the last few days, more and more columnists and editorial writers are acknowledging with varying degrees of enthusiasm, the death of forced school integration. Some, the more perceptive ones, see the phasing out of the unsupportable doctrine of heavyhanded force which has been used on our children, as a welcome thing. Certainly there can be no question in the minds of the reasonable that the people of every section of the country and every race are opposed to forced integration for the sole purpose of integration, and this includes busing of schoolchildren among a wide variety of examples.

The tide which has finally swept up even some of the former liberals who were unaffected by what was being done to the South, is now running strongly against mixing for the sake of mixing and strongly for concentration on making available the best quality education for our children.

Even the extreme left New York Times admits that forced mixing of the races has not worked; that student absences now run from 40 to 50 percent; that racial violence is the common denominator in schools from coast to coast. In those cases where actual violence has not flared, it seethes beneath the surface. Teaching and learning are sidelines; the major interest is survival. This is the condition which has been brought about by sociological meddling.

That this era is dying is occasion for rejoicing. It should never have been born and only the militant whites and blacks who make their sorry living promoting racial strife and hatred will mourn its passing. But there is a great deal more we need to do here in the Congress.

We need, for instance, as I have for years said to you to pass, in forceful, unequivocal language a freedom of choice law. As a beginning point for consideration, I again suggest a resolution which I have cosponsored with six other members of the Louisiana delegation. It is a simple statement framed as a constitutional amendment and one any reasonable man should support. It says:

> The Congress shall make no law restricting freedom of choice in any area of human discretion wherein a person has a lawful right to choose between two legal alternatives; in particular, all persons shall have freedom of choice in selecting schools, domicile, marital status, employment and the ownership, use and disposal of property.

Now, you and I know that all of this is guaranteed by the Constitution of the United States already. It would be idiocy to say that the framers of the Constitution did not mean for us to have at least these basic rights. Yet, you and I know as well, too, that we do not have these rights today, thanks, in part to the Congress and thanks in part to the Supreme Court and other courts. They must then, be specifically restated.

For instance, we cannot select the schools our children will go to. We cannot select the employees we want to hire and we cannot dispose of our property as we see fit. We have to meet whatever standards the courts and the bureaucracy set up, unreasonable, unworkable standards which effectively strip us of these rights.

I mention, this particular resolution (H.J. Res. 346) as an example of what this Congress must do. There are dozens of others in the dead files of the Judiciary Committee. I, myself, have submitted others on this subject in each of the 9 years I have been here. It makes no difference to me and it makes no difference to the people which one is passed. My abiding interest and theirs is that something be done by the Congress to curb the courts and the zealots of HEW and other agencies.

If the Congress turns its back on the people in this crisis, I do not dare contemplate what the people will do. It may be the revolution which the militant minority is promoting. It may be a civil war with whites pitted against blacks. It may take the form of an acceleration in the present trend away from accepted moral standards, respect for authority, religious faiths and ethics. Regardless of which, this Nation cannot continue on this path and this Congress cannot continue to allow, even condone it.

This is not the hour for any man to play with the demagog. The hope this Nation has held out to mankind is the only hope of the world today. This legacy carries the obligation to preserve that hope and pass it on the future generations. We are not doing so by participating in this destruction of our educational system and society.

In all solemnity, I tell you gentlemen we are either at midnight on the clock or zero-zero-zero one. It may be that it is already too late. We must pray it is not. We must work as if it is not.

The solution does not lie simply with additional legislation from the Congress. The core of the difficulty is, as it has always been, with the Supreme Court and the lower courts. We had a perfect example of what we are faced with in the Harris County, Ga., case which District Judge W. A. Bootle ruled on on Wednesday of last week. In this case, the Georgia copy of the New York State statute prohibiting school busing, was summarily dismissed out of hand and the judge demanded additional busing and pairing to achieve his particular idea of racial balance.

The Nation's schools are at the mercy of men such as Judge Bootle, a man who has no experience in the field of education, no experience as an administrator and, obviously, no understanding of the psychological or sociological problems faced in the education of our children. Until men like him are curbed, there will be no settlement in this crisis. And it is to this end that we must direct our intelligence and our energy.

There is no question but what the House has correctly interpreted the mood of the country when we passed the freedom of choice language and the busing prohibition in the HEW appropriation bill, but the Senate has failed to read the clear mandate of the people as evidenced by their precipitous action last Saturday in striking down these safeguards.

For my own part, I guarantee that I will leave no stone unturned, no idea untried, to save education in Louisiana and the rest of the Nation. I owe it to the people I represent and so do you.

The articles which I have referred to are reprinted below and I urge your attention to them.

[From the Washington Post, Feb. 24, 1970]

Obituaries For Desegregation Written by Left, Right, Center

(By David S. Broder)

Cambridge, Mass.—It was a great ecumenical funeral they arranged last week for the 15-year-old policy called school desegregation. They said the kid never accomplished much when he was alive, but he sure drew a crowd for his burial.

The President and Vice President of the United States came, and so did most of the Republicans and Democrats in the House and Senate, and they all threw a handful of dirt into the grave.

The obituaries had been written by the best commentators of the left, the right

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and the center, the New Republic's Alexander Bickel, the National Review's William Buckley and Newsweek's Stewart Alsop. They agreed it was a darn shame it happened, but the fool kid had been warned time and again to stay off buses and to quit messing around neighborhood schools. He just wouldn't listen.

They listed all the trouble the kid had caused in his short lifetime. He'd made race relations worse, they said, and helped pile up a vote for George Wallace. He'd caused violence in the schools. He'd scared the whites out into the suburbs and made the cities more segregated than before.

Even those who had been the kid's friends and had tried to help him had to admit that the effort was costly when measured against the pitifully little genuine integration that had been achieved since the Supreme Court delivered the unwanted infant on the nation's doorstep that May Monday in 1954.

There was no call for an inquest into the cause of death. Maybe it could have been shown that what really killed integration was the unwillingness of the white majority to stick the cost and inconvenience of desegregating the schools. But everyone knew the cost—in dollars and in disruption of familiar patterns—was bound to go up, and most agreed it was better the kid was dead, with no questions asked.

One of the new "realists" was Sen. Abraham Ribicoff (D-Conn.), who has progressed in only 10 years from being John Kennedy's favorite governor to being John Stennis's favorite senator. He came pretty close to telling the truth at the funeral when he said, "We are talking about a segregated society. . . . It is not the kids who are racists; it is the adults who are racists. I do not want to make the children innocent pawns."

But even Ribicoff, the supreme realist, could not quite bring himself to admit what it was that had been killed—or even that a death had occurred. He kept talking about opening the suburbs to Negroes and making big improvements in ghetto schools—trying to comfort the bereaved.

However, the kid's friends know now that desegregation is probably finished, except in those rare communities where local conditions and attitudes are so favorable that the federal courts can enforce their orders with the minimal help likely to be available from federal, state or local authorities. No politicians—and few judges—will work very hard at propping up a corpse.

Most of the country will now revert to the reservation policy, as Sen. Clifford Hansen (R-Wyo.) suggested, when he compared the "mistake" of integration to the "mistake" of sending Indian children off the reservations to school.

It is, of course, a somewhat chancier proposition to adopt a reservation policy for 22,000,000 blacks, whose reservations are the centers of our cities, than it is to impose that policy on 5,000 Indians in Wyoming.

But even if every Negro parent passively accepted reservation status for his children, which will not happen, one would still have to ask how much of the soul of America was in the casket that was buried last week. This was the question Leon Panetta, the ousted administration civil rights official Sen. Walter F. Mondale (D-Minn.) and a few others tried unavailingly to raise at last week's state funeral.

School desegregation was a last, desperate effort to erase the ugly heritage of slavery. It was an effort to vindicate in the next generation the founder's faith that this could be one nation of many peoples, a free society based on the equality of all men.

History may judge that vision was foreordained to failure by the tragic fact that slavery preceded independence on our continent.

But that is a judgment only history can make, and the test of statesmanship today surely must be resistance to that fateful admission of failure.

It is tragic that a President who only a month ago spoke of giving this country "the lift of a driving dream" should have acquiesced, with nary a protest, in the death of the American dream.

[From the Washington Post, Feb. 22, 1970]

Drift to the Right—Senate Votes on School Desegregation Seen as Reaction Against Blacks

(By Joseph Kraft)

The latest Senate votes on school desegregation make it plain that a reactionary tide is running in American politics. But the present move to the right is a curious phenomenon—different from what happened in the 1920s and the 1950s.

This time the reaction is without visible leaders and organization. It is less a swing than a drift—something allowed to happen, which probably means that it will be that much harder to arrest and reverse.

The prime targets of the present reaction are the blacks in this country. They constitute an obvious and unpopular minority, geographically centered in the major cities, and without inner economic balance. They were the chief beneficiaries of the liberal surge under Presidents Kennedy and Johnson.

And at the heart of that liberal surge was the principle, implicit in the famous 1954 Supreme Court decision against school segregation, that fairness required a progressive lowering of the barriers between the races.

Nobody knows the exact meaning of the many amendments voted up and down last week by the Senate. But that is precisely the point. The ambiguity is large enough to mean a field day for the local officials in the South who have so long and so tenaciously resisted the spirit of the 1954 decision.

They will now halt school desegration dead in its tracks. There will be efforts to stop desegregation of such public accommodations as hospitals and hotels. The real requirement, which is to move forward to break up residential concentration of the races, is distant beyond imagination. For there has been a turnabout in race politics.

But this momentous change-over had about it nothing of the dramatic. There was no moment of truth, no big speeches or policy statements. On the contrary, the transformation was wrought with minimum breakage. The visible signs were a certain fogginess at the White House, and a couple of marginal shifts in Democratic ranks.

The fogginess at the White House was central and calculated. The starting point was the administration's Southern strategy. That strategy would plainly have been compromised if the administration were obliged to enforce court orders on school desegregation over the opposition of Southern politicos like George Wallace. Accordingly, the President had a political interest in letting the segregation issue sink from sight without a a big fuss.

The administration played that interest to near perfection. Through various spokesmen, the White House issued a series of statements on school desegregation that added up to any position anybody wanted to take. Inside the administration, this waffling caused one casualty—the resignation of the Special Assistant to the Secretary of Health, Education and Welfare, Leon Panetta.

But on the floor of the Senate there was almost complete confusion about the administration's desires. At one point there were two Republican senators—Minority Leader Hugh Scott of Pennsylvania and John Tower of Texas—standing on the floor claiming White House support for opposite views.

On the key vote—the vote on the amendment submitted by Sen. John Stennis of Mississippi—only 11 diehard Republican liberals stayed with Sen. Scott in opposition. Twenty-six Republicans joined Sen. Tower in supporting the Stennis amendment.

On the Democratic side the fuss was not much greater. Sen. Abraham Ribicoff of Connecticut had a personal crisis of confidence about a desegregation policy that was concentrated on the South. His stance made it easy for his colleague from Connecticut, Thomas Dodd, and three liberal Democrats from border states to support the Stennis amendment.

That Ribicoff had even that much clout said something about the weakness of the Democratic leadership effort. Sen. Walter Mondale of Minnesota did see what was brewing and fought it all the way. He emerged with enhanced national standing as a result.

But Sen. Edward Kennedy who might have made a difference, was in bed with pneumonia and a temperature of 104. And the senior Democrats were not prepared to make a big deal about the blacks.

What this really means is that the reaction now registered in the Senate is a popular reaction. The majority of the country, not just a few demagogues skilled at whipping up passions, has had it with blacks. And presumably that mood will endure until events and a new set of leaders show that the United States cannot decently turn its back on what we all know to be our main social problem.

[From the Washington Post, Feb. 23, 1970]

Enforced School Integration Policy Starting to Crumble

(By Joseph Alsop)

Last week, it was like feeling the first sharp tremor of an earthquake, and seeing the first crumbling of a great landmark that has long dominated the scene for many years. The landmark was enforced school integration, first established in the Supreme Court's 1954 decision in the Brown case.

The tremor began when Sen. Abraham Ribicoff of Connecticut took his stand with the Southerners in the fight on the Stennis amendment to the education bill.

In that fight's first test vote, on an additional amendment by Ribicoff, the liberal Democrats openly broke ranks on the school integration issue that has united them for so long.

Half a dozen of the liberals, like Sen. Alan Cranston of California and Joseph Tydings of Maryland, joined Ribicoff, along with civil rights-minded Republicans like Sen. John Sherman Cooper of Kentucky. The tally was 63 to 24.

Sens. Edward M. Kennedy of Massachusetts, Eugene McCarthy of Minnesota, and George McGovern of South Dakota did not vote at all. They could well have had their "nay" votes recorded, despite their absence, as did Sen. Edward Brooke of Massachusetts. But they did not trouble to do so.

To be sure, the ranks of the Democratic liberals partly reformed in the final vote on the Stennis amendment itself. Yet the end of an era was clearly announced in the roll call analyzed above. The reason for it, or part of the reason for it, was in turn revealed by a story frankly told to Ribicoff by an old liberal comrade-in-arms, who was helping to lead the attack on the new stand Ribicoff had taken.

The son of the senator in question needed to buy a pen. The senator offered him an expensive one. The boy instead asked for a whole handful of the very cheap pens, made to be soon thrown away, that they now sell in drug stores. The senator asked why.

"Oh," said his son, "It's not worth having an expensive one. They take away any pen you have after one, two, three days—not more than that. So it's much better to have a lot of very cheap ones."

"They" turned out to be the tougher black

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boys in the majority-black public school that the senator's son attends in Washington. The school-yard toughs, of course, were natural products of the cruel deep ghetto life from which they come. But the senator, who nonetheless continued to fight for school integration, did not respond to his son's news from school as millions of other white parents have by now responded to the troubles in the schools.

The terrible fact is that the Supreme Court's decision in Brown vs. Board of Education, has wholly lost the majority support it unquestionably had in 1954. The further fact is moreover, that speaking to the angrily disillusioned white majority about the troubles in the schools is a major element in President Nixon's daring plan for major intervention in the 1970 congressional campaign.

The President himself, one may guess, will take what may be called code-positions, such as emphatic opposition to busing and condemnation of disorder in both schools and universities. Vice President Agnew, whose assigned role is that of the plain-speaker, will no doubt go a lot further than the President.

In any case, it can be said on positive authority that drugs, crime and the troubles in the schools are to be the three main themes, if the President does not change his campaign plan in the interval. What the effects of stressing the school theme may be, can in turn be judged by what has happened already.

To give one example, Ribicoff has even come to favor what amounts to a quota system for black children in integrated schools—"because, you may as well face it, the whites move away if the blacks go over 20 per cent." This kind of violent, though reluctant, about-face is the customary sign that a political earthquake is in progress.

In earthquakes, as long experience has shown, the decisions of the courts tend to be altered or disregarded. That, too, must be expected, if the earthquake is as severe as the first tremors indicate. So what is to be done in this heart-breaking situation?

The best answer has come from the brilliant black columnist of the Washington Post, William Raspberry. In a memorable piece, Raspberry has quitely suggested that "we have spent too much effort on integrating the schools and too little on improving them."

It has to be faced that radical school improvement, especially in the ghetto neighborhoods, will cost a great many billions of dollars a year. But no degree of sacrifice is too great to give every American child, whether black or white, the education needed to be a citizen with a full share in our country. As this reporter has been glumly saying for years, the national future will almost certainly depend on doing this job that now cries out to be done with redoubled urgency.

[From the Washington Post, Feb. 20, 1970]

CONCENTRATION ON INTEGRATION IS DOING LITTLE FOR EDUCATION

(By William Raspberry)

Racial segregation in public schools is both foolish and wrong, which has led a lot of us to suppose that school integration must, therefore, be wise and just.

It ain't necessarily so. It may be that one reason why the schools, particularly in Washington, are doing such a poor job of educating black children is that we have spent too much effort on integrating the schools and too little on improving them.

The preoccupation with racial integration follows in part from a misreading of what the suit that led to the 1954 desegregation decision was all about.

The suit was based (tacitly, at least) on what might be called the hostage theory. It was clear that black students were suffering under the dual school systems that were the rule in the South. It was also clear that only the "separate" part of the separate-but-equal doctrine was being enforced.

Civil rights leaders finally became convinced that the only way to ensure that their children would have equal education with white children was to make sure that they received the same education, in the same classroom.

Nor would the education be merely equal, the theory went: It would be good. White people, who after all run things, are going to see to it that their children get a proper education. If ours are in the same classrooms, they'll get a proper education by osmosis.

That, at bottom, was the reasoning behind the suit, no matter that the legal arguments were largely sociological, among them, that segregated education is inherently unequal.

(Why it should be inherently more unequal for blacks than for whites wasn't made clear.)

In any case, the aim of the suit was not so much integrated education but better education. Integration was simply a means to an end.

Much of the confusion today stems from the fact that the means has now become an end in itself. Suits are being brought for integration, boundaries are being redrawn, busing is being instituted—not to improve education but to integrate classrooms.

The results can sometimes be pathetic.

In Washington, blacks send their children (or have them sent) across Rock Creek Park in pursuit of the dream of good education. But as the blacks come, the whites leave, and increasingly we find ourselves busing children from all-black neighborhoods all the way across town to schools that are rapidly becoming all-black.

The Tri-School setup in Southwest Washington is a case in point. Of the three elementary schools in the area, only one was considered a good school: Amidon, where the children of the black and white well-to-do attended. Bowen and Syphax, populated almost exclusively by poor kids from the projects, were rated lousy schools.

Then the hostage theory was applied. A plan was worked out whereby all first- and second-graders in the area would attend one school, all third- and fourth-graders a second, and all fifth- and sixth-graders the third.

The well-to-do parents would see to it that their children got a good education. All the poor parents had to do was see to it that their children were in the same classrooms.

That was the theory. What happened, of course, is that instead of sprinkling their children around three schools, the luxury high-rise dwellers, black and white, packed their youngsters off to private school. Now instead of one good and two bad schools, Southwest Washington has three bad ones.

After 16 years, we should have learned that the hostage theory doesn't work. This is not to suggest that integration is bad but that it must become a secondary consideration.

Busing makes some sense (as a temporary measure) when its purpose is to transport children from neighborhoods with overcrowded classrooms to schools where there is space to spare.

It works to a limited degree when it involves children whose parents want them bused across town for specific reasons.

But it has accomplished nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they'd rather not attend.

The notion will win me the embarrassing support of segregationist bigots, but isn't it about time we started concentrating on educating children where they are?

[From the National Review Bulletin, Mar. 3, 1970]

WHAT'S AHEAD: END OF INTEGRATION?

"It will be the continuing policy of this Administration to vigorously oppose—by all legal means—the forced busing of California school children," responded Governor Ronald Reagan to the February 11 court order that Los Angeles must integrate its public schools by September 1971. The California decision, characterized by Reagan as "utterly ridiculous," officially certifies the school crisis as national. Los Angeles school officials believe the desegregation plan will mean "the virtual destruction of the public school system," estimate it will cost $40 million to bus the quarter of a million children involved. The odds are that Angelenos, traditionally conservative and individualistic, will simply choose not to comply. If they do not, the whole movement toward total integration may grind to a halt.

The issue has been sharpened. Senator John Stennis' amendment to the four-year $35-billion education authorization bill, requiring that rules for cutting off aid to school districts failing to desegregate "should be applied uniformly in all regions of the U.S. . . . without regard to the origin or cause of such segregation" has now been passed by the Senate and goes to the House. Support came from an unexpected source: Senator Abraham Ribicoff of Connecticut, liberal of liberals. "The North is guilty of monumental hypocrisy in its treatment of the black man," said Ribicoff. "Without question, Northern communities have been as systematic and as consistent as Southern communities in denying the black man and his children the opportunities that exist for white people." Ribicoff argued that there is in fact no practical difference between the results of de jure and de facto segregation. Recent HEW figures seem to support the contention. In New York City 43.9% of all Negro students attend schools 95 or 100% black. In Chicago the comparable figure is 85.4%; in Washington, D.C., 89.2%.

And so, Northerners will have a chance to practice what they have long preached—or perhaps to modify their preaching. A Mississippi congressman has officially requested that Attorney General Mitchell file desegregation suits against 27 non-Southern school districts. Among them: Boston, New York and San Francisco. The result may be a hard rethinking of the whole concept of total integration; either that, or massive defiance. The end of the public school system? Or the end of integration?

[From the Washington Star, Feb. 25, 1970]

RACIAL "GRADUALISM" GETS NEW LEASE ON LIFE

(By Richard Wilson)

If, as some believe, school integration has proved to be a colossal failure, especially in the North, what is to be done next?

The answer to that question is discouraging. It is that nothing is being done next. Urban public schools of the nation are to remain mainly segregated, white or black, in an atmosphere more hostile than when social reformers converted the clear dictum for the racial desegreation of public facilities into a social imperative for integration of the races at all levels.

Everyone knows what went wrong and no one likes to speak of it. Integration as a social imperative was no more a cure for bigotry and discrimination than the prohibition amendment was for alcoholism. That attempt to control the mores and habits of a society had to be abandoned, and it begins to appear that before progress on racial amelioration can be resumed the concept of integration as a social imperative will have to be abandoned.

It hasn't worked. It goes against prejudices which cannot be reformed in a few years time. It is a faster process than the public generally has been willing to accept. Those who have favored gradualism at the risk of being accused of bigotry have been told that the black race won't wait. The time has come. The social revolution is here. But the time has not come. Integration has not been achieved however dire the threatened consequences without integration, and partly because of those threatened consequences.

So far as the schools are concerned, what the white liberals in Congress are really talking about now is abandoning integration as a social imperative for the very simple reason that it won't work. They are beginning to talk about integration in the North as a mirage which must be replaced by real-life goals which don't include mixing of the races by busing students over long distances or establishing quotas and goals by judicial edict.

It hurts some of the liberals to admit this. They deny they are lowering their sights. But, in fact, they are talking about other more practical objectives such as federal action in the housing field, the location of new industries, efforts to lure back the white population of central cities, improving the quality of Negro education as a higher imperative than whether a black child sits next to a white child in the classroom.

Gradualism is thus getting a new lease on life after years as a code word for bigots, and to be shunned as a mere diversion from true integration.

It is rather strange that this change in atmosphere should have come so suddenly on the issue of the relatively meaningless Stennis amendment that no federal funds can be used for school integration except on an equal basis between North and South.

For years the Southerners have been trying to tell Northerners that desegregation in Charlotte, N.C., is far more complete than in Chicago, Ill. What brought the change evidently was the realization that white families in the North have changed their living patterns to such a drastic extent that many all-white schools have become all-black, nearly all black, or a majority black. This has been accompanied by disorder in Northern public schools in many cities. All at once it became an established fact that Northern white families would escape school integration wherever and however they could.

Under the Stennis amendment there is not much that can be done about this or anything else. The amendment is more like an official recognition of what had become an established fact.

The conclusion must be reached that the Nixon administration, with all its confusing and contradictory actions and pronouncements in this field, has come down on the side of gradualism in integration. That was probably responsible for the adoption of the Stennis amendment, and Senator John Stennis, D-Miss. and the Southerners would conclude that they have now succeeded in slowing down Southern integration by demonstrating the hypocrisy of the Northern liberal attempt to impose further desegregation in the South.

The problem, however, does not rest with the hypocrisy of the Northern liberal position on Southern integration. The problem is in the courts, not alone the federal but the state courts, which order, as in Los Angeles, integration on a numerical or qouta basis.

This is the heart of the matter, whether or not segregation is legal if based on the living patterns of neighborhoods, and that issue will ultimately have to be decided by the Supreme Court.

In the meantime, the change in atmosphere in official Washington, and among those who in the past have been leading spokesmen for integration, is the principal outcome of the present school integration crisis. This changed attitude solves nothing but it might lead to solutions by stripping away the sham and pretense which has enveloped the integration issue.

[From Newsweek magazine, Feb. 23, 1970]

THE TRAGIC FAILURE

WASHINGTON.—Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure.

There are good reasons why this fact should be hidden from public view. To admit that it is a fact is to delight every racist and reactionary in the land. Moreover, the failure of integration is a failure of the American system itself, of the whole *mythos* of the melting pot. Yet truth, like murder, will out, and there is no longer any escaping the plain truth that integration is a failure.

Among those who know the realities, that ugly truth is almost universally recognized. This reporter, no educational expert himself, read the first paragraph of this report to a dozen or more people who do know the realities. What was surprising was the similarity of their reactions. Here, for example, are the reactions of three leading Negroes:

Ben Holman, director of the Justice Department's Community Relations Service: "Of course it's true. I started out at 14 picketing for integration, but it's just not going to work. We've got to admit publicly that we've failed, so we can stop pursuing this phantom, and concentrate instead on gilding the ghetto—a massive diversion of manpower and money to the central city schools."

Dan Watts, editor of The Liberator, intellectual organ of the black militants: "You're so right. There's more race hatred in New York today than there is in Mississippi, and it all goes back to the schools. Its a traumatic experience, anyway, for a black kid to be bused clear across town for the privilege of sitting next to Miss Ann . . . we've got to move away from integration and toward coexistence."

Julius Hobson, Washington's leading black militant: "Of course—integration is a complete failure . . . what we've got is no longer an issue of race but of class, the middle class against the poor, with the Federal government standing idly by . . . the schools in Washington have deteriorated to a point almost beyond repair—if I could afford it, I'd send my own children to a private school . . . I have an opinion I hesitate to voice, because it's too close to George Wallace, but I think it's time we tried to make the schools good *where they are* . . . the integration kick is a dead issue."

White liberals are more reluctant than blacks to acknowledge that "the education kick is a dead issue." Here, for example, is James Allen, U.S. Education Commissioner: "You have to have an optimistic view, or you'd go nuts in this game . . . We thought the problem could be settled in a decade or two, but we were wrong . . . there is no good way out at any time in the immediate future, and we've just got to face that fact."

MORE REACTIONS

Here (in a tone of anguish) is Richardson Dilworth, liberal Democrat, former mayor of Philadelphia, and president of that city's Board of Education: "I've never seen the cities in such terrible shape . . . people don't listen, they just scream at us, and a lot of the whites are worse than Georgia rednecks. But I just don't think you can give up on integration. If you do, the cities are lost."

Here is Dr. Alan Westin of Columbia University, an educational expert: "We've got to make sure that we don't sell out integration where it's been successful—in Teaneck, N.J., where I live, for example. But that's admittedly an atypical situation. Where integration has failed, the answer may be some sort of biracialism . . . but if the white doesn't want to integrate, he damn well better be prepared to pay . . ."

Here is Richard Scammon, the best political statistician-analyst in the business: "The danger is that you could have a white-working-class revolt against the Federal judiciary and the whole liberal Establishment. For example, Denver votes 70–30 against busing and the courts reverse the people's decision. The up-tight white liberals think the way a soldier does—somebody else is going to get it, not me. Justice Douglas talks about a violent revolution against the Establishment. One day the working-class whites may take his advice—and hang Bill Douglas."

As these excerpts suggest, there has been very recently a sort of sea change in national opinion, both black and white, on the integration issue. Last week, for example, The New York Times, the bellwether liberal newspaper, published two devastating reports. The articles, which had a heavy impact on Capitol Hill, reported "conditions of paralyzing anarchy" in some integrated New York City schools, and "racial polarization, disruptions, and growing racial tensions . . . in virtually every part of this country where schools have substantial Negro enrollments."

Also last week, Sen. Abraham Ribicoff of Connecticut, one of the shrewdest and most perceptive politicians on Captol Hill, rose to brand the North "guilty of monumental hypocrisy" on the race issue. In the colloquy that followed, Ribicoff gave this chilling description of the American school system:

"When we have a school system ready to blow up across the nation, when teachers have to be escorted to school by police, and when students are fighting one another in the schools and classrooms, we have a civilization in disintegration."

The implication is clear—that integration threatens disintegration. But if integration is a failure, what is to be done?

REALITIES

Again, what is surprising is how often the same note is struck by those who know the realities. First, "don't sell out integration where it's been successful." The bridges between the races are too few and fragile anyway, and they must be preserved at all costs. The best way to strengthen and increase them, as Ribicoff suggests, is not to try to force middle-class whites to send their children to school in the ghettos, but to open up middle-class jobs and the middle-class suburbs to Negroes.

Second, as Julius Hobson says, "Make the schools good where they are." On this point, all those consulted by this reporter are in agreement. "We should proceed to upgrade the schools where they are now," says John Gardner, chairman of the Urban Coalition, "and not sit around waiting for integration that may never happen." Given the eroded tax base of the central cities, all agree, only the Federal government can really do the upgrading job.

Finally, both black militants and whie liberals seem to be reaching out for a new relationship—what Dan Watts calls "coexistence," and Alan Westin calls "biracialism." Both words are disturbing, for there is in them an echo of that discredited phrase, "separate but equal." And yet it is always better to proceed on the basis of a recognition of what is, rather than what ought to be. And it has become impossible to hide from view any longer the fact that school integration, although it has certainly been "an experiment noble in purpose," has tragically failed almost everywhere.

[From the Washington Post, Feb. 26, 1970]

GEORGIA SCHOOLS BOW TO U.S. JUDGE ON BUS LAW

(By Bruce Galphin)

ATLANTA, Feb. 25—The South's newest roadblock to widespread school integration—an antibusing law patterned on a New York

State statute—was put to the test in Georgia today, but a federal court order drove right through without a bump.

The showdown came in Houston County, just south of Macon.

It proved to be no contest. Local officials and citizens chose to heed U.S. District Judge W. A. Bootle's warning against contempt rather than Gov. Lester Maddox's call for defiance of the court.

Houston school officials declined to give attendance figures, but schools did reopen peacefully under Bootle's order to transfer 3,500 pupils and 130 teachers to achieve more racial balance.

In neighboring Bibb County, Macon Mayor Ronnie Thompson ended his nine-day defiance of a similar order by allowing his 12-year-old son Johnny to transfer to a new school designated by Bootle. The mayor's son had been attending his old school, though officials said he was receiving no credit.

In issuing a stern warning against interference with his court's orders, Bootle ignored the newly enacted Georgia law. He told the Houston board to implement the integration plan immediately and warned that "any activity or conduct which will serve in any way or fashion to impede" it could be punished by a year in jail, a $1,000 fine, or both.

The antibusing law has become the most popular rallying point for the hard-core South since the early 60s.

Legislatures of Louisiana, Georgia and South Carolina all have passed almost identical bills in the past couple of weeks. A similar proposal is pending in the Mississippi assembly, and the Alabama legislature, called into special session Monday, gave unanimous initial approval to the proposed law.

Taken almost verbatim from a New York statute, the legislation provides in part: "No student shall be assigned to or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance, or increased attendance or reduced attendance, at any school, of students of one or more particular races, creeds, colors or national origins . . ."

The Georgia statute includes a ban on racial transfer of teachers.

The New York statute currently is under court challenge.

Southern governors apparently varied in their assessment of the law's effectiveness. Gov. Albert P. Brewer of Alabama thought enough of it to call a special session. But Gov. John McKeithen of Louisiana indicated he thought its greatest value would be to focus national attention on the New York assembly's reasons for passing the law.

Southern civil rights lawyers apparently see the antibusing law as no particular threat.

"We don't even plan to bring suit to get it declared unconstitutional," said Peter E. Rindskopf, of the plaintiff's attorneys in the Houston County case.

The statute does not specifically mention busing, but it is aimed at busing, pairing and other plans to achieve greater racial balance in schools.

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THE URGENT NEED FOR A NATIONAL MANPOWER ADVISORY COUNCIL

The **SPEAKER**. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, on October 16, 1968, President Johnson signed into law the Vocational Education Amendments of 1968 which had been passed by both bodies of the Congress without a dissenting vote. This act modernized the programs of education and training for employment conducted by the public schools of this Nation. This legislation was long overdue but, in my estimation, brought vocational and technical education into the 20th century.

Since 1917, the beginning of vocational education as a part of the public school system, the major purpose of the program has been to prepare youth and adults to advantageously enter employment and to provide opportunities for people to be upgraded in their occupational field and retrained when necessary. Never has the Federal, State, and local governments provided adequate resources for the vocational education to do the total job and as a result, in most communities, only a small percent of those who could profit from the instruction had the opportunity to do so. Even with the limited Federal, State, and local financial support approximately 8 million people benefited from the program during fiscal year 1969. Vocational education has, over the years, been the major source of manpower development and will continue to be in the years ahead.

Mr. Speaker, I want to make a point that I am firmly convinced that this Nation and this Congress is on the right track in preserving and further expanding the opportunities of all its people by making vocational education an integral part of the public school system. No other institution exists in our society that is available to all the people for this purpose. Furthermore, the efficiency with which we provide the educational component of manpower development and the effectiveness of the educational program in terms of developing attitudes; providing basic education, and related technical education will determine how well we can develop an adequate development program for this last quarter of the 20th century.

Attitudes toward work are not developed in a short period of time for adults after leaving school. It must start in early childhood and be undergirded by continuing education. Basic education is not relevant for some people unless related to a job-related activity. Related technical knowledge is a practical extension of mathematics, science, social, and communication skills taught in the schools. Unless the schools are forced to structure their education and training programs to meet the needs of all the people we are headed toward a caste system in our society that has its origin in our education system. To a certain extent, we already have moved in that direction because of the fact that we have neglected vocational education. We must reverse that trend.

Unfortunately, our schools, in the past, have failed some people causing them to "fall between the cracks" of our society and economy. We are having to pick them up again at great expense to the individual and to the taxpayer. Perhaps we will always have a number of such individuals but it is high time we stop the flow of unprepared and unmotivated into the ranks of the unemployed. Today more people are flowing into the pool of unemployed than we are able to remove with all of our special manpower programs.

The Manpower Development and Training Act of 1962 has served a very useful purpose. There is no doubt in my mind that it will be needed for years to come in order that the unemployed and underemployed can be made productive members of our society. The needs of the individual served through the MDTA program are much broader than those served only through the regular vocational education program. In fact, they have left the school because the schools were unable to provide subsistence, health, psychological, and psychiatric services. The schools have never had the resources to do the job, especially those in our major cities.

I have been in communication with many vocational educators and they wholeheartedly agree that the job of serving the disadvantaged requires the expertise that many agencies and specially trained individuals can bring to bear on the needs of these individuals. They are fully aware of the need for specialized training of the professional person who serves the disadvantaged. They are greatly concerned that this is not being done and that in many cases they are being ignored as specialists in providing the education component of the manpower development program.

Mr. Speaker, the House of Representatives will undoubtedly be giving attention to the proposed Comprehensive Manpower Act this year. I have been a great supporter of both vocational education and special manpower programs for the disadvantaged. In some way we must meld them together so that the expertise of all can be brought to bear on developing the manpower resources needed by this Nation. This is my concern and I believe is the concern of a great majority of the citizens of this Nation.

The General Education Subcommittee of the Education and Labor Committee, which I serve as chairman, has studied the role of vocational education, has learned of the capabilities of the vocational educators and has modernized the program through the Vocational Education Amendments of 1968. I would like to make the following points and ask that we, as Members of the House, give serious consideration to them:

First. This Nation does not have a comprehensive manpower program. We have bits and pieces which are carried out by many agencies at the Federal and State levels. In many cases, duplication, overlapping and inefficiency exists. We should not limit our consideration in any new legislation to only those programs conducted by the Department of Labor. We need to give serious consideration to an overall national manpower program that would be coordinated through somebody at the Federal level.

I would suggest a National Manpower Advisory Council appointed by the President that would be representative of agencies and departments involved in manpower programs and services, as well as representatives of the general public. The Council would be authorized to engage the services of a full-time professional, technical, and clerical staff to perform its duties. It would be charged with the responsibility of preparation of a manpower report to the President and the Congress, thus, eliminating some of the self-serving aspects of a report prepared by a single Federal department. The Council would have four major responsibilities independent of those of the Federal agencies responsible for the actual operation of their programs. These would be:

To establish national manpower goals and to develop appropriate standards for programs and services designed to meet these goals;

To advise the Secretaries of the several departments of the Federal Government concerning the administration of preparation of general regulations for and operation of manpower programs and services coming under their jurisdiction;

To review the administration and operation of manpower training programs and services; and

To conduct independent evaluations of manpower programs and to publish and distribute the results of such evaluations. In order that the various manpower programs of the Federal Government could be coordinated I propose a position of special assistant for manpower to the President. This special assistant to the President would act as liaison to the National Manpower Advisory Council and to the President for matters of national manpower policy.

Second. We cannot ignore the role of the States in carrying out a national manpower policy. Many are doing a good job and others should be guided in their efforts. Many State constitutions prohibit the establishment of a comprehensive manpower agency. Therefore, I propose that there be a State manpower advisory council appointed by the Governor to develop a yearly and 5-year projected comprehensive manpower plan that would include programs, services, and other activities. This council would consist of representatives of established State agencies that are concerned with manpower programs and services and the general public. It would be the responsibility of the State advisory council to see that the State plan was carried out.

However, all federally supported education and manpower programs would be administered through the agencies in the State currently responsible for that type of program, service or activity. As in the case of the education component of manpower development, I propose that the State Board for Vocational Education have the prime responsibility. The education programs could be contracted with local public schools, private schools, or industry depending upon the capability of the institution or business to render such services. I firmly believe that any Federal manpower act must provide specific standards for such programs to insure quality and a prudent expenditure of public funds. Likewise, it is imperative that there be a provision in any Federal manpower act for any of the Federal departments to carry out manpower programs where the State has failed to submit an acceptable plan or where all or portions of the plan has been disapproved by the Federal agency administering that portion of the plan.

Third. Since vocational education is an integral part of a manpower development system, including preemployment training and upgrading for youth and adults, any provision for the educational component in manpower legislation should become a part of the State plan for vocational education and be administered in accordance with standards set up in the State plan. The Congress has expressed great concern about the duplication and overlapping of programs to train the disadvantaged unemployed and underemployed currently administered by the U.S. Department of Labor. I firmly believe it is time that we not only consolidate and coordinate these programs but put the bits and pieces from all Federal agencies together into a coordinated manpower development program.

Fourth. The education component of a manpower program has never been adequately defined in the administration of the Manpower Development and Training Act. This needs to be done.

The concept of the neighborhood youth corporation could be strengthened if administered under the part H—work-study programs for vocational education students—of Public Law 90-576. Youth who take advantage of this program should be required to enroll in education and training programs that would begin to prepare them for a continued work role in our society. It is my understanding that both the Bureau of the Budget and the Department of Labor has expressed an opinion that this should be done. I urge the U.S. Office of Education in the Department of Health, Education, and Welfare to assume leadership in seeing what could be done to effect this transfer. Work study programs provide an opportunity for youth to experience a work role in our society and also an opportunity for them to earn so that they might stay in school. Why not tie this program to a meaningful education and training program in our schools?

I am not convinced that any one department of the Federal Government has the expertise to develop and administer all the components of a comprehensive manpower program. However, I do believe that through the coordination by the National Manpower Advisory Council and the State manpower advisory councils, this Nation can have an efficient and effective manpower development program.

WAR ON THE MAFIA

The SPEAKER. Under a previous order of the House, the gentleman from Virginia (Mr. Poff) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, the March 1970 Reader's Digest contains an excellent article by Senator John L. McClellan dealing with one of our society's most difficult problems—lenient sentencing of organized criminals. The article clearly establishes the scope of that serious problem by citing a number of prominent examples of over-lenient sentences given to Mafia leaders, as well as statistics from the FBI and other sources detailing the fact that our courts could be doing more to make crime less profitable for organized criminals.

Mr. Speaker, as many of us know, Senator McClellan has introduced legislation, based on recommendations of the President's Crime Commission and others, which would both provide a check on light sentencing by trial judges and allow those trial judges who are concerned with organized crime to impose special, extended sentences on members of criminal organizations preying on our society. That legislation now is found, of course, in title X of S. 30, the Organized Crime Control Act of 1969, which passed the other body by a vote of 73 to 1, and currently is pending before the House Judiciary Committee.

I know that there may be some attempts made here in the House to weaken or limit title X, just as there were in the other body. One amendment offered in the other body would have restricted the special prison terms to a list of specified offenses, supposedly typical of all organized crime activity. The Reader's Digest article, however, illustrates well the fact that La Cosa Nostra members engage in too great a variety of criminal operations to permit restriction of special sentences to a list of offenses. Among the examples in the Reader's Digest are cases in which Mafia leaders were convicted of operating a liquor business without a license, filing false statements, tax evasion, smuggling funds into jail, and assaulting a Federal officer, as well as the offenses considered more typical of organized crime. The American Bar Association, the American Law Institute's Model Penal Code, and the National Council on Crime and Delinquency's Model Sentencing Act all approve the concept of special sentencing for aggravated offenders, and none have adopted the suggestion that the concept must be limited to any list of offenses, however inclusive. Application of special prison terms, all agree, is more appropriately limited, instead, by the definitions of the factors aggravating sentences and certain key procedural provisions, as title X and the proposals of those distinguished bodies do. The Senate recognized the correctness of title X's approach to this issue, and overwhelmingly defeated the proposed amendment.

Another attack on title X in the other body would have imported the common law rules of evidence that properly apply only during the trial of guilt into the sentencing hearing, where traditionally these rules have not applied. Indeed, that amendment would have reversed the Supreme Court's holding that modern sentencing principles preclude extension of such evidentiary rules to sentencing—*Williams* v. *New York*, 337 U.S. 241 (1949). It would have also departed from the well-considered recommendations of the ABA Model Penal Code, and Model Sentencing Act, all of which have rejected the notion that special offender sentencing requires use of the trial-type rules of evidence. The other body again acted wisely by its decisive rejection of that motion.

I trust that this body, too, will reject such attempts to weaken S. 30. The act is the product of long and careful con-

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sideration. It successfully accommodates the public interest with that of individual defendants, and I expect House examination of the act to lead swiftly to its enactment.

Before this body can express its will to adopt more effective and fair organized crime legislation, however, the Judiciary Committee, of course, must report the legislation. I urge most strongly that the committee proceed at the earliest date to consider and report S. 30 favorably, so that we may give the public these vital new laws for the struggle against organized crime.

The article follows:

Weak Link in Our War on the Mafia

(As Chairman of both the Government Operations Committee and the Criminal Laws and Procedures Subcommittee, Sen. John L. McClellan (D., Ark.) has won bipartisan respect for his penetrating investigations into labor racketeering and organized crime. He presided over the televised 1963 hearing at which Mafia defector Joseph Valachi first publicly revealed the inner workings of what he called "this second government," known to its members as La Cosa Nostra.)

(By Senator John L. McClellan)

Time and again, dedicated investigative work has been all but nullified by the lenient sentences meted out to notorious syndicate criminals.

In the last decade, the nation's law-enforcement agencies have mounted an increasingly vigorous assault against the estimated 500 Mafia members who dominate organized crime in America. Yet, despite some significant successess in prosecution, President Nixon told Congress last April that we "have not substantially impeded the growth and power of organized criminal syndicates. Not a single one of the 24 Cosa Nostra families has been destroyed. They are more firmly entrenched than ever before."

This disheartening failure is due in significant part to shocking judicial leniency in sentencing convicted *mafiosi*. Consider these instances:

In Chicago, Internal Revenue Service agents for two years dogged gambling kingpin Rocco Potenzo, right-hand man of local Mafia boss Sam "Momo" Giancana. They suspected him of secretly operating several honky-tonks under false licensing arrangements. Through persistent investigation, they were eventually able to prove that Potenzo feloniously operated without federal liquor licenses, under the names of "front" men. One of the small fry, whose name Potenzo fraudulently used got a three-year sentence. Potenzo himself, convicted before another judge on five counts and facing up to 15 years and a $10,000 fine, got only a $1000 fine—and no jail term. As Potenzo's lawyer rose to enter the usual appeal, Potenzo grabbed his arm. "Sit down, you — — —!" he snapped, and marched grinning to the clerk and peeled off his fine from a crisp bankroll.

In Pennsylvania, Mafia corrupter Walter Joseph Plopi plunked $300 on the desk of a state senator to persuade him to influence a newly elected Allegheny County prosecutor to ignore gambling. As a starter, Plopi promised $2000 a month to the prosecutor to allow his McKeesport numbers racket to continue, and $200,000 a year, a 50-50 share of all future profits, and money for any political campaigns "if you really want to play ball on a county-wide basis." State police, hidden by prearrangement with a tape recorder running, stepped forward and seized Plopi's $300 as evidence. For this flagrant attempt at corruption, Plopi could have received a year in jail. Yet the judge ordered a mere $250 fine, and Plopi, handed back the $300 seized as evidence, walked out of court $50 richer than when he entered.

In California, Jimmy "The Weasel" Fratianno, released after a five-year prison term for extortion, turned up with a Mafia-financed fleet of trucks hauling dirt on a federal interstate project. Could the "West Coast executioner for the Mafia" (so labeled in a California legislative report), officially credited by police intelligence with at least 16 gangland killings, suddenly "go legit"? Investigators soon found out: Fratianno, over a period of months, had swindled his drivers of $24,374 by paying them substandard wages while collecting federal highway funds for the prevailing union scale. On July 28, 1968, the U.S. Attorney won a conviction on 16 counts of conspiracy and filing false statements. But Fratianno, instead of a possible 80 years in prison, got a mere $10,000 fine and three years' probation.

Galling Experience. Since 1960, the Justice Department has convicted 129 identified Cosa Nostra members under statutes giving judges discretion in sentencing. A study by our Senate Subcommittee on Criminal Laws and Procedures shows that most of the offenders got only about half the maximum sentence. Fifteen received *no jail term whatsoever*, only fines or probation, and 85 got less than the maximum jail terms for the crimes for which they were convicted. Such lenient sentencing has so crippled the war on organized crime that the National Crime Commission in 1967 concluded: "There must be some kind of supervision over those trial judges who, because of corruption, political considerations or lack of knowledge, tend to mete out light sentences in cases involving organized-crime management personnel."

I know from galling experience what it is to assault entrenched criminal syndicates only to see years of dedicated investigation nullified. One of the worst gangsters we uncovered in my years as chairman of the Senate labor-rackets investigations was Anthony Corallo. A captain in one of New York's five Mafia "families," Corallo won his nickname of "Tony Ducks" because he always managed to duck the law. (Exception: a 1941 narcotics conviction that got him six months.) Our hearing record showed how Corallo helped Jimmy Hoffa gain control of New York City's 140,000 Teamsters by bringing in 40 hoodlums—with records of 178 arrests and 77 convictions for crimes ranging from extortion to murder—to intimidate the rank-and-file membership.

By 1962, Corallo was convicted under a federal anti-racketeering statute: he had conspired to pay a $35,000 bribe to a New York judge and a U.S. Attorney to "fix" a friend's sentence for a $100,000 bankruptcy fraud. Yet when Corallo's sentence was handed down, he drew—despite his public record as a vicious racketeer—only two years, instead of the maximum five-year prison term. (Of the two years, he actually served 18 months.) In 1968, federal investigators publicly stated, Corallo and his gangster associates were once again controlling at least seven of the 56 Teamster locals in the New York area, forcing millions of consumers to pay hidden tribute.

In June 1968, Corallo stood before the same judge, again convicted under the same federal anti-racketeering statute. This time, by loan-sharking a financially pressed New York City water commissioner, he had been able to arrange and share a $40,000 kickback on a city contract. Nevertheless, although he specifically recalled the 1962 sentence he had given Corallo, the judge gave Corallo only three years, instead of the maximum five-year sentence. Is there any doubt that Corallo's gangland flunkies will keep his criminal empire running while he takes his short leave of absence and returns soon to the very same stand?

The Worst Condoned. Tragically, this is far from an isolated case:

Louis Taglianetti, a "soldier" in the Patriarca crime family which dominates New England, was convicted of income-tax evasion, for which he could have got five years. Since Taglianetti's Mafia record was exposed at our 1963 Senate hearings, the judge could hardly have been unaware that he was dealing with a significant organized-crime figure. FBI electronic-surveillance logs, later placed on the public record, confirmed that the organization to which Taglianetti belonged dealt constantly in murder, extortion, kidnaping, bribing state police and judges, fraud, perjury, loansharking, gambling and labor racketeering. Yet the judge gave Taglianetti seven months. Ironically, for the ordinary citizen convicted that same year of tax evasion, the average sentence was *ten* months in jail.

John Lombardozzi, brother of a captain in New York's Gambino Mafia family, pleaded guilty to bankruptcy fraud and conspiracy to smuggle funds into a federal jail. The bankruptcy scheme defrauded creditors of a Brooklyn jewelry store of some $20,000. For that, Lombardozzi got a two-year suspended sentence and five years' probation—not one day in jail. For the smuggling conviction, a possible ten-year rap, he got probation, too. Convicted with three other *mafiosi* of assaulting an FBI agent whose skull they fractured, Lombardozzi went to jail for 16 months. In the theft of more than a million dollars' worth of securities from a Wall Street broker, he got four years' imprisonment. Altogether, on his four separate felony convictions, which could have got him 28 years, Lombardozzi drew just over five.

Jerry Angiulo, underboss in the Patriarca family and controller of Boston's criminal syndicate, was publicly charted in our 1963 hearings at New England's No. 2 thug, involved in gambling, shylocking, burglary, robbery and larceny. In 1966, he was convicted for assaulting a federal officer, FBI agents, electronically monitoring boss Patriarca's headquarters, recorded how Angiulo discussed his pending prosecution in detail, plotting to defeat it by procuring a blind man to perjure himself and establish an alibi, then getting a second "standup" witness to lie that he, too, saw the phantom encounter. Yet, instead of the possible three years, Angiulo got only 30 days in jail.

In 1966, after four years of effort, the FBI unraveled a complicated transaction and made an airtight case against Joey Glimco, one of the worst labor pirates ever uncovered by our Senate labor-rackets investigations. Glimco rules Chicago's Teamster Local 777, embracing 5000 taxi drivers and miscellaneous maintenance workers. Crony of Chicago's top mobsters, Glimco had a record of 36 arrests on charges including robbery and murder.

As payoffs for a bogus contract that protected a businessman from the organizing efforts of legitimate unions, Glimco had taken gifts ranging from a home sprinkler system to a sporty Jaguar. The investigation and prosecution cost the government well over $200,000, and resulted in a four-count indictment that could have got Glimco a year in jail on each count. Yet, in February 1969, he was allowed to plead guilty, pay a $40,000 fine and return to his union piracy. "It was the finest piece of investigative work I have ever seen," the young prosecutor, Assistant U.S. Attorney David Shippers, said. "When Glimco got a kiss and went free, it was devastating to us all."

Heartening Exceptions. Today the occasional defector like Joe Valachi, plus the FBI electronic-surveillance logs, has ripped the veil of secrecy from the Mafia's innermost workings. There can be little excuse any longer for ignorance about its nature. Heart-

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eningly, some judges *are* dealing toughly with the Mafia criminals:

Judge Walter R. Mansfield, last December in New York, gave key Mafia monarch Anthony DiLorenzo the ten-year maximum on a conviction in a conspiracy to transport interstate more than a million dollars' worth of stolen IBM stock. Judge Julius J. Hoffman, in Chicago, sent Sam "Teetz" Battaglia, anointed heir to the Chicago syndicate throne, and his top lieutenant, "Joe Shine" Amabile, to prison with 15-year sentences on an extortion conviction in 1967. Citing testimony that witnesses had been threatened with being "beat into jelly with baseball bats" and had to be kept in jail during the trial for their own safety, Judge Hoffman denied the usual appeal bond as soon as the jury's guilty verdict was in, and locked the defendants up without further ado.

Such judicial toughness, if continued, could in time begin to hurt the crime confederation. But even the toughest judges can hardly do the full job needed, under present statutory sentencing limits. Despite long records of criminal activity, two thirds of the 328 *mafiosi* indicted by the federal government since 1960 have faced maximums of five years or less—hardly sufficient even to seriously inconvenience their continuing criminal organizations.

The National Crime Commission proposes two major reforms in sentencing organized-crime offenders:

1. *Congress and the state legislatures should provide for special sentences for hardened professionals and criminal repeaters.* Our present criminal-justice system, fundamentally created to cope with random felons, has been outmoded by the rise of modern criminals cartels. The Mafia's top hoods have plotted their criminal syndicate to insulate the principals against prosecution for crimes that involve severe sentences. Today, however, the public welfare demands that our judges in fixing sentence must be allowed to consider not merely the isolated felony perpetrated but the surrounding fact of a permanent criminal organization.

The National Crime Commission would like to see special-length sentences where a pre-sentence hearing shows that a felony was "committed as part of a continuing illegal business in which the convicted offender occupied a supervisory or other management position." Similarly, the Model Sentencing Act, drawn up by a distinguished National Council on Crime and Delinquency advisory panel of 52 federal and state judges, recommends a 30-year term for professional criminals convicted of a felony "committed as part of a continuing criminal activity." Says the chairman, Chief Judge Alfred P. Murrah of the U.S. Court of Appeals for the Tenth Circuit: "Prolonged incarceration is necessary for certain individuals whose behavior patterns and personality make them highly dangerous to society."

2. *Prosecutors should be allowed to appeal sentences that they deem too lenient or too short to protect the public from dangerous and habitual offenders.* In some cases, undoubtedly, ignorance about the nature and scope of organized crime accounts for light sentences. But we cannot escape the fact that the Mafia has demonstrated that it can corrupt judges, too. A New York judge went to jail on a two-year sentence in 1962 along with "Tony Ducks" Corallo in his sentence-fixing conviction. And New Jersey's Supreme Court was forced last December to suspend a trial judge who was charged with offering a prosecutor a $10,000 bribe to quash a case against two Mafia gambling figures.

With Senators Sam J. Ervin (D., N.C.), James B. Allen (D., Ala.) and Roman L. Hruska (R., Nebr.), I am co-sponsoring the pending Organized Crime Control Act of 1970 (S. 30), which provides for both prosecutor appeals and special sentences for habitual offenders and members of organized criminal conspiracies. Under its provisions, the trial judge would, after a conviction, hold a presentence hearing at which the offender would have the right to call witnesses, cross-examine the government's witnesses and be informed of the substance of any information the judge might rely on. Upon finding that the offender had two prior felony convictions, or had committed a felony as part of a conspiracy with three or more others to engage in a pattern of criminal conduct, the judge could order a sentence up to 30 years.

Record of Terror. The record of our decades of Mafia murder, torture and terror is plain: We cannot really rehabilitate the hard-core members of organized criminal syndicates. Leniency has no place in dealing with them. An FBI study of 386 *mafiosi* shows that, of an average 47 years of age, they have had criminal careers involving an average eight arrests stretching over 20 years, studded by repeated convictions and short prison terms. Society's only hope for real protection is prolonged imprisonment for such criminals.

This is, in fact, the cornerstone of the federal government's mounting campaign against organized crime. "Through large-scale target investigations," says President Nixon, "we believe we can obtain prosecutions that will imprison the leaders, paralyze the administrators, frighten the street workers and, eventually, paralyze the whole organized-crime syndicate in any one particular city."

This strategy *can* succeed—but only if the court record of the past ten years can be reversed.

FIFTY-THIRD ANNIVERSARY OF U.S. CITIZENSHIP TO PUERTO RICO

The SPEAKER. Under a previous order of the House, the gentleman from Puerto Rico (Mr. CÓRDOVA) is recognized for 10 minutes.

Mr. CÓRDOVA. Mr. Speaker, this day marks the anniversary of the extension of American citizenship to the citizens of Puerto Rico, 53 years ago, a memorable and proud event for us.

On March 2, 1917, a few weeks before the United States declared war on Germany, President Woodrow Wilson approved the act of the 64th Congress, since known as the Jones Act, which bore the signatures of Vice President Thomas R. Marshall as President of the Senate and Champ Clark as Speaker of this House, and which provided in substance that all citizens of Puerto Rico were declared and held to be citizens of the United States.

It had been 18 years since the Congress had been charged by the Treaty of Paris with the duty of determining the civil rights and political status of the inhabitants of Puerto Rico. In 1900, Congress established a civil government in Puerto Rico under the Foraker Act, but withheld from the inhabitants of Puerto Rico both citizenship and most of the self-governing power.

The Jones Act, while still withholding from us the right to choose our own executive and judiciary departments, did permit our community to exercise substantial legislative power. But above all, in extending collective citizenship to Puerto Rico, the 1917 legislation started the Puerto Ricans on the road to legal equality with the other citizens of the Nation.

This equality has not yet been achieved in practice by the Puerto Ricans as a group, no more than by the blacks or the Mexican-Americans. Indeed the rights of the blacks are being recognized to a greater degree than those of the Puerto Ricans on the mainland, undoubtedly because the blacks have been more militant. But we in Puerto Rico know the value of our citizenship, and therefore prize it highly. Indeed, the Constitution of the Commonwealth of Puerto Rico, adopted by the people of Puerto Rico in 1952, contains in its preamble the following language:

> We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges.

I have said that the extension of collective citizenship in 1917 started the Puerto Rican on the road to equality with our fellow citizens. In Puerto Rico we have progressed along the road. In 1947 the Congress finally acknowledged our right to elect our own Governor, and in 1952 our right to adopt our own constitution. But we are still short of equality. Although we are truly self-governing in local matters, we are governed in matters of vital national interest by a President and a Congress in whose election we take no part. And no one in our community of American citizens is satisfied, nor should he be satisfied, that this should continue indefinitely to be so.

My own view is that Puerto Rico should become a State of the Union, and the sooner the better. I firmly believe that a definitive majority of the people of Puerto Rico favor eventual statehood, although many of these have been persuaded that economic considerations require that we postpone moving toward that goal.

This fear of the economic disaster that immediate statehood allegedly threatens must be borne in mind in considering the results of the 1967 plebiscite in Puerto Rico, which resulted in a vote of over 99 percent favoring permanent union with the United States, of which slightly more than 60 percent expressed a preference for continuing the present status, and slightly less than 39 percent voted for immediate action toward statehood.

The results of the 1967 plebiscite reaffirmed the sentiments expressed in the preamble of the 1952 constitution from which I have quoted above.

Our American citizenship is indeed the determining factor in our political life. Thus the importance of March 2, 1917, in the political history of the people of Puerto Rico cannot be exaggerated. On that day our political future was determined. On that day we became an integral part of the United States of America.

In honoring that date, and that occasion, recognition must be made of the vital role played by the elected representative of the people of Puerto Rico in Washington at the time, the late Luis Muñoz Rivera, a great leader of our people, who unfortunately died a few months before final action was taken by Congress on the measure he had long labored to perfect. To him Puerto Rico is indebted, in the field of its political development, in a measure greater perhaps than that due any other of our leaders.

THE LATE HOWARD FITZPATRICK

Mr. McCORMACK. On February 23, 1970, the Honorable Howard W. Fitzpatrick, one of Massachusetts' most respected citizens, with a legion of friends throughout the country, died in the Holy Ghost Hospital, Cambridge, Mass.

At the time of his death, Howard Fitzpatrick was, and had been for some years, high sheriff of Middlesex County in Massachusetts. Throughout his life, he was a businessman, public official, and was universally known as a man of charity—a man of mercy.

Howard Fitzpatrick was a man of God, with an intense love of his fellow human beings, without regard to race, color, or creed. He was truly a charitable gentleman.

A little over two decades ago, upon the death of the then high sheriff, Howard Fitzpatrick was appointed for the interim term by the late Governor, Paul A. Dever. At that time, Middlesex County was the Republican stronghold of Massachusetts. Time and time again, Howard Fitzpatrick proved himself a tremendous vote-getter, winning election after election, and sweeping fellow Democrats into county office who before could never defeat the Republican candidates. Howard Fitzpatrick changed Middlesex County from a Republican stronghold into a Democratic stronghold.

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Despite his popularity, and changing Middlesex County politically, he enjoyed the respect of his Republican friends, and of all others without regard to political affiliation.

In Massachusetts, he was "Mr. Democrat" and properly so. There is no question but what he could have been elected Governor of Massachusetts years ago, if he had such an ambition, but he dedicated his public life to the service of the people of Middlesex County.

Despite his friendship with Presidents, Governors, and others in public, financial, and business life, Howard Fitzpatrick was always a humble man—one of deep faith and, as I have said, with an intense love for his fellow human beings.

Howard Fitzpatrick possessed deep faith. He loved the Catholic Church of which he was a communicant, and respected all other religions and the religious conscience of all other persons.

The Catholic Church recognized his deep faith and fine, understanding mind and his broad charities, by conferring many high church honors upon him. He was one of the most highly honored Catholic laymen in the United States.

For years, Howard Fitzpatrick was a close and valued friend of His Eminence, Richard Cardinal Cushing, Archbishop of Boston, and the late Francis Cardinal Spellmen, Archbishop of New York.

For many years, Howard Fitzpatrick was my dear and valued friend. I miss him very much.

Howard Fitzpatrick made his favorable imprint upon Massachusetts politics, and more, upon the minds of the people of Massachusetts, with the wonderful life he led. The spirit of Howard Fitzpatrick, represented by his wonderful, inspiring life, will continue to live as an example for all others to follow.

To his brother, Robert Fitzpatrick and his sister, Miss Barbara Fitzpatrick, Mrs. McCormack and I extend our deep sympathy in their great loss and sorrow.

INFLATION AND RECESSION

Mr. ALBERT. Mr. Speaker, last Thursday the Commerce Department reported that the Government's index of leading economic indicators fell 1.8 percent in January, the steepest monthly drop since the 1957–58 recession. At the same time, the Labor Department reported that during February the wholesale price index had risen at a 3.6-percent annual rate. It now stands at 4.7 percent higher than a year ago. We can confidently anticipate that this rise will be reflected with a vengeance in increased consumer prices in the immediate future. These latest reports once again bear witness to the fantastic and tragic results of the economic policies being pursued by the present administration. After but 12 months in office the Republican Party has succeeded in attaining a truly Alice in Wonderland result: Full-blown inflation in tandem with an economic recession.

Now, superficially, the wholesale price index and the index of leading economic indicators may seem a bit esoteric, and appear far removed from the concerns of the average citizen. Such regrettably is not the case. The danger signals for our economy which these two reports reflect are matters of grave concern which the administration would be most unwise to ignore. Stripped of the professional jargon of the economist these reports give clear evidence that in the months ahead the average American is going to have less income with which to purchase the necessities of life, necessities which are going to carry a higher and higher price tag. More of our fellow citizens will be unemployed. More of our fellow citizens will experience temporary layoffs, more will be working reduced hours.

Overtime pay, which for many families during a period of high prices has become a necessity to maintain their standard of living, will vanish. The labor force will fail to grow in proportion to our population increase. As teenagers, wives, and others find job opportunities nonexistent, they will not enter, and in some cases will withdraw from, the labor force. While these people will not technically be classified as unemployed, they will regard themselves, and rightly so, as unemployed. Increased joblessness, official or otherwise, counted or hidden, results in less money for consumers to purchase products. Buyer resistance caused by inflation will thus be reinforced by lack of purchasing power. So, a recession feeds on itself. The unemployed carpenter or automobile production worker who does not purchase the TV that he had planned to buy this year will contribute to the economic ill health of the appliance industry. If he cannot pay his bills at the local grocery store, the owner and, yes, the employees of such a store will be adversely affected.

Mr. Speaker, for officials in the executive branch of the Government, the present deterioration of our national economy may be something which can be viewed as a dip in the business cycle, a moderate correction in an overheated economy, or a slight pause in upward growth before we resume "a more solid basis for sustainable growth in the future." To the worker who is hurt this is just so much mumbo-jumbo.

Do these gentlemen take a detached, disinterested, or "scientific" attitude toward the tragedy which is transpiring? These are not robots who are losing their jobs in Detroit. The carpenter and bricklayer, unemployed because of the administration's tight money policy, are human beings just like you and I. They must feed and shelter and clothe their families. Yet their economic well-being and even their human dignity are being trifled with in the interest of testing some economic theory of extremely doubtful validity.

Mr. Speaker, I weigh my words carefully. The economic policies being pursued by the present administration are unbelievable. They have produced both unprecedented inflation and a recession. But of even greater importance, I find, Mr. Speaker, is the attitude of this administration toward the human consequences of its maladroit economic policies.

IN MEMORY OF THE HONORABLE JAMES B. UTT

Mr. CRAMER. Mr. Speaker, I join with my colleagues in expressing my personal and deep sorrow over the untimely death yesterday of one of our most esteemed members, the Honorable JAMES B. UTT. JIM UTT was highly respected and regarded as an able and effective legislator, a man who was extremely conscientious in fulfilling the responsibility of his duties as a Member of this body. He was a stalwart of the Ways and Means Committee and was recognized, both by his colleagues and throughout the Nation, as a true conservative. He fought valiantly for the ideals and principles in which he fervently believed. JIM UTT was, first and foremost, a truly fine person, whose impeccable integrity, strong character, and personal dedication were his hallmarks. I was privileged to have been his friend and both his friendship and his presence in this House will be sorely missed.

HON. JAMES B. UTT

Mr. ADAIR. Mr. Speaker, like my colleagues, I was shocked and saddened at the news of the death of the Honorable JAMES B. UTT.

I have known JIM ever since he came to the House and was aware of the dedication and quiet, hard work which he brought to this position. Although he sometimes remarked that he was feeling less than first rate, I was not aware of any physical condition serious enough to take his life.

As a friend, he was loyal, courteous,

and accommodating. His devotion to the United States of America was unquestioned.

There was no one, I think, who was more regular in attendance at the House of Representatives prayer breakfast than was Jim, and in that connection also he will be sadly missed.

Mr. Speaker, in expressing my own personal sorrow at his passing, I would like to extend my sympathy to his surviving family.

HON. JAMES B. UTT

Mr. MILLER of Ohio. Mr. Speaker, I join my friends and colleagues in their expression of sorrow over the passing of Jimmy Utt.

It seems strange and unreal to be joining Jimmy's devoted friends and colleagues in paying respect to his memory and expressing our sympathy to his family. Though God in His wisdom has called him to a higher purpose and physically Jimmy is not with us, somehow he has never left this Chamber and this House of Representatives which he loved and served so well.

Jimmy Utt was a deeply conscientious legislator. He was a student of the legislative process who enjoyed his work. He was a statesman first and a politician second. He consistently voted the way his conscience and intellect dictated. He maintained an expert knowledge of the complex legislative problems facing his committee, and his judgment and reasoning were respected by all.

Jimmy Utt was a good man, fine and decent. He had a bright and wholesome outlook on life. He greeted everyone with a friendly smile and pleasant salutation. We are poorer for the loss of Jimmy, but we are the richer because we knew him.

He served his Nation well.
He was my good friend.
I shall miss him.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Aspinall for March 3, 1970, on account of official business.

Mr. Fallon (at the request of Mr. Albert) for today and the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Dent, for 1 hour, tomorrow.

Mr. Fuqua, for 10 minutes, today.

Mr. Waggonner, for 30 minutes, today.

Mr. Pucinski, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Winn) and to revise and extend their remarks and include extraneous matter:)

Mr. Poff, for 10 minutes, today.

Mr. Córdova, for 10 minutes, today.

(The following Members (at the request of Mr. Albert) and to revise and extend their remarks and include extraneous matter:)

Mr. Rarick for 15 minutes today.

Mr. Rooney of New York for 60 minutes today.

Mr. Addabbo for 15 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Ichord in two instances and to include extraneous matter.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2523. An act to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes.

S. 2809. An act to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 11651. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached.

H.R. 14733. An act to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on February 26, 1970, present to the President, for his approval a bill of the House of the following title:

H.R. 2. To amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes.

THE LATE HONORABLE JAMES B. UTT

Mr. SMITH of California. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 859

Resolved, That the House has heard with profound sorrow of the death of the Honorable James B. Utt, a Representative from the State of California.

Resolved, That a committee of forty-three Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the Houe.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER. The Chair appoints as members of the funeral committee the following Members on the part of the House: Messrs. Holifield, Gerald R. Ford, Miller of California, Gubser, Hosmer, Mailliard, Moss, Bob Wilson, Sisk, Teague of California, McFall, Smith of California, Cohelan, Johnson of California, Bell of California, Corman, Brown of California, Edwards of California, Hanna, Hawkins, Leggett, Roybal, Talcott, Van Deerlin, Charles H. Wilson, Don H. Clausen, Del Clawson, Burton of California, Tunney, Rees, Waldie, Mathias, Pettis, Wiggins, McCloskey, Anderson of California, Goldwater, Byrnes of Wisconsin, Betts, Broyhill of Virginia, Chamberlain, Ullman, and Schneebeli.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 3, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1694. A communication from the President of the United States, transmitting a report relating to the investigation undertaken by the Tariff Commission on flat glass and tempered glass, together with a copy of a Presidential proclamation relating to the adjustment of duties on certain sheet glass, pursuant to section 351(a)(2)(A) of the Trade Expansion Act of 1962; to the Committee on Ways and Means.

1695. A letter from the Secretary of the Treasury, transmitting the 14th annual report on the financial condition and results of the operations of the highway trust fund, June 30, 1969, pursuant to section 209(e)(1) of the Highway Revenue Act of 1956, as amended (H. Doc. No. 91–265); to the Committee on Ways and Means and ordered to be printed.

1696. A letter from the Assistant Secretary of Agriculture (Export Marketing Service), transmitting annual report by the Secretary of Agriculture covering orderly liquidation of stocks of agricultural commodities held by the Commodity Credit Corporation and the expansion of markets for surplus agricultural commodities, pursuant to Section 201(b), Public Law 540, 84th Congress; to the Committee on Agriculture.

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1697. A letter from the Secretary of State, transmitting a report concerning certain proposed shipments of chemical munitions, pursuant to the provisions of section 409(c)(2) of the Public Law 91–121; to the Committee on Armed Services.

1698. A letter from the Secretary of Health, Education, and Welfare, transmitting the report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes for the quarter ending December 31, 1969, pursuant to the provisions of subsection 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1699. A letter from the Secretary of the Treasury, transmitting a report giving the status of foreign credits by U.S. Government agencies and by certain international lending agencies as of June 30, 1969, pursuant to the provisions of section 634(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1700. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of disposal of excess property in foreign countries, for the calendar year 1969, pursuant to the provisions of the Federal Property and Administrative Services Act of 1949; to the Committee on Government Operations.

1701. A letter from the Comptroller General of the United States, transmitting a report on the questions regarding mortgage loan insurance ceilings and land appraisals for large cooperative housing communities, Department of Housing and Urban Development; to the Committee on Government Operations.

1702. A letter from the Comptroller General of the United States, transmitting a report on the opportunities for improving management of excess property transferred to the military affiliate radio system, Department of Defense; to the Committee on Government Operations.

1703. A letter from the Director, Bureau of Mines, Department of the Interior, transmitting a copy of a proposed contract with West Virginia University for research and development to determine the feasibility of underground crushing of coal and related purposes, pursuant to the provisions of subsection (a) and (d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

1704. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JOHNSON of California: Committee on Interior and Insular Affairs: H.R. 15689. A bill to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior (Rept. No. 91–857). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs: H.R. 15700. A bill to authorize appropriations for the saline water conversion program for fiscal year 1971, and for other purposes; with amendments (Rept. No. 91–858). Referred to the Committee of the Whole House on the state of the Union.

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PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUTTON:

H.R. 16220. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DELLENBACK:

H.R. 16221. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16222. A bill to provide for study and experiment concerning the establishment of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. Pelly, Mr. Clark, Mr. Grover, Mr. Murphy of New York, Mr. Keith, Mr. Karth, Mr. Pollock, Mr. Annunzio, Mr. Button, Mr. McCloskey, Mr. Frey, Mr. Obey, Mr. Nedzi, Mr. Moss, Mr. Vander Jagt, and Mr. William D. Ford):

H.R. 16223. A bill to provide for advance notice to the U.S. Fish and Wildlife Service and certain State agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FARBSTEIN:

H.R. 16224. A bill to amend title XVIII of the Social Security Act to permit payment thereunder for necessary professional services furnished by a physician to a member of his family; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 16225. A bill to amend the act of March 3, 1899, relating to penalties for wrongful deposit of certain refuse, injury to harbor improvements, and obstruction of navigable waters; to the Committee on Public Works.

By Mr. GERALD R. FORD (for himself, Mr. Lloyd, Mr. Steiger of Arizona, Mr. Winn, Mr. Eshleman, and Mr. Mayne):

H.R. 16226. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ (for himself, Mr. Pelly, Mrs. Sullivan, Mr. Clark, Mr. Dingell, Mr. Lennon, Mr. Downing, Mr. Byrne of Pennsylvania, Mr. Rogers of Florida, Mr. Stubblefield, Mr. Murphy of New York, Mr. Pollock, Mr. Jones of North Carolina, Mr. Feighan, Mr. Hanna, Mr. Annunzio, Mr. Biaggi, Mr. St. Onge, and Mr. Long of Louisiana):

H.R. 16227. A bill to amend the Fisherman's Protective Act of 1967 to require the return of certain vessels of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLS:

H.R. 16228. A bill to amend title II of the Housing Amendments of 1955 to provide that certain cities within the area of the Arkansas River navigation project shall be eligible for community facility loans thereunder without regard to the population limits otherwise applicable; to the Committee on Banking and Currency.

By Mr. OTTINGER (for himself, Mr. Moorhead, Mr. Mikva, Mr. Rees, and Mr. Roe):

H.R. 16229. A bill to amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to terminate certain licenses and permits relating to the disposition of waste materials in the waters of the New York Bight, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. OTTINGER:

H.R. 16230. A bill to amend title 39, United States Code, to permit certain reproductions of periodical publications to be entered and mailed as second class mail; to the Committee on Post Office and Civil Service.

By Mr. COLLIER:

H.J. Res. 1107. Joint resolution proposing an amendment to the Constitution of the United States relating to the ratification of treaties; to the Committee on the Judiciary.

By Mr. BOLAND:

H. Con. Res. 518. Concurrent resolution to express the sense of the Congress on U.S. involvement in Laos; to the Committee on Foreign Affairs.

By Mr. FARBSTEIN:

H. Con. Res. 519. Concurrent resolution expressing the sense of Congress concerning the use of certain real property in New York City for low- and moderate-income housing; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS:

H.R. 16231. A bill for the relief of the estate of Theodore Leon Mercer, deceased; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 16232. A bill for the relief of Mrs. Gregoria Grande Bermudes; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 16233. A bill for the relief of Sgt. Gary F. Scrivner, USMC; to the Committee on the Judiciary.

MEMORIALS

Under clause of rule XXII, memorials were presented and referred as follows:

316. A memorial of the Legislature of the State of Alaska, relative to protection of American personnel captured in military operations other than in a "declared war"; to the Committee on Foreign Affairs.

317. Also, a memorial of the legislature of the State of Louisiana, relative to an amendment to the Constitution dealing with attendance at public schools; to the Committee on the Judiciary.

318. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to amending the "Pledge of Allegiance to the Flag" to read "equal justice for all"; to the Committee on the Judiciary.

319. Also, a memorial of the Legislature of the State of South Carolina, relative to restraining and curbing the importation of foreign textiles; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII,

408. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to publication of a document concerning civil rights and civil powers; to the Committee on House Administration.

SENATE—*Monday, March 2, 1970*

The Senate met at 11 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord of History, through whose power our fathers won their liberty, we thank Thee for the vision of a righteous nation, where people of many races and creeds dwell together in concord and work for the common good. If we forget Thee, do not forget us. If we forsake Thee, do not forsake us but hold us up and renew our faith. Be to us our Guide that we lose not our way or be overwhelmed by the magnitude of our tasks. Help us, O Lord, to be worthy to stand in this place, and with steadfast courage and unwavering hope complete the work which Thy will requires of us.

In Thy matchless name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Saturday, February 28, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CURTIS OF NEBRASKA AFTER SENATOR FANNIN'S ADDRESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Arizona (Mr. FANNIN), the distinguished Senator from Nebraska (Mr. CURTIS) be recognized for not to exceed one-half hour.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. tomorrow morning.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McCLELLAN TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and approval of the Journal tomorrow, the distinguished Senator from Arkansas (Mr. McCLELLAN) be recognized for not to exceed one-half hour.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VOTING RIGHTS ACT AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, at the conclusion of morning business today, what will be the pending business?

The PRESIDENT pro tempore. The clerk will state the title of the bill for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. H.R. 4249, to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

The PRESIDENT pro tempore. That bill will be laid before the Senate at the conclusion of morning business today.

Mr. MANSFIELD. And it will be made the pending business at that time in accordance with the order of the Senate of December 16, 1969.

The PRESIDENT pro tempore. The Chair so understands.

Mr. MANSFIELD. I thank the Chair.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the order previously entered, the Senator from Arizona (Mr. FANNIN) is now recognized for 1 hour.

Mr. FANNIN. I thank the Chair.

THE LOSS OF AMERICAN JOBS THROUGH THE SO-CALLED FREE TRADE POLICY

Mr. FANNIN. Mr. President, last week, hundreds of American jobs were exported from our shores. Here at home, hundreds of Americans were thrown out of work.

These jobs went to Japan, to South Korea, to Taiwan, to West Germany, to Italy, and to other foreign nations that are building their industrial economies, to a considerable extent, at the expense of American industry and American labor.

This is not new. It has been going on for a long time. But it has been snowballing at an alarming rate in the last 6 or 7 years. Now it has reached such proportions that the very fiber of our industrial economy is being torn to shreds. The jobs of hundreds of thousands of American workers are gravely threatened.

I am referring to the drastic increase in the imports of manufactured goods and components from abroad—imports made under circumstances that at best can be characterized as unfair competition and at worst as economic murder.

Let me cite a few examples of what is happening:

First. A man's shirt made in the United States by Van Heusen retails here for $8.98. An identical shirt of the same quality made in South Korea retails here for $2.98.

Second. The Singer Corp. is the only manufacturer of sewing machines left in this country. But Singer sells in the U.S. market two sewing machines produced in its factories abroad for every one made at its Elizabethport, N.J., plant. And employment at the Elizabethport plant has dropped from 10,000 to 2,000.

Third. Forty-eight thousand jobs were lost in the manufacture of TV sets, radios, and their components in the United States between 1966 and 1968. And these were years during which sales of these same products in this country were increasing substantially.

Fourth. Almost 12 million tape machines were sold in the United States during the past year. Of these, 90 percent were imports.

Fifth. Ninety-eight percent of the domestic portable radio market has been lost to imports.

A representative of a major corporation in this country told me that a Japanese-made color TV set which sells in Tokyo for $1,300 can be bought in this country for less than a comparable American-made set which sells in this country for $600. This same American set is not allowed on the Japanese market. If it were, a Japanese citizen could buy it for about $900. And he probably would buy it rather than pay $1,300 for its Japanese counterpart.

Multiply these situations a thousandfold and we begin to get some idea of what is happening throughout the United States to our basic industries and to the people that work in them—in electronics, steel, electrical equipment, shoes, chemicals, autos, textiles, garments, machinery, and many, many more. They are being almost literally sold down the river.

Senators might ask, "How can this happen in these days of enlightened, free, and reciprocal trade?" Well, I suggest to my colleagues that if they lift the lid of today's so-called free and reciprocal trade, they will find a can of worms gnawing at the vitals of our economy and devouring American jobs.

I am speaking of a so-called free trade policy that has produced, in fact, an exchange of goods with other nations that is anything but free from our standpoint. I am speaking of a so-called reciprocal trade policy that is, in fact, a one-way street through which foreign producers enter and steal our domestic market. I am speaking of a so-called free and reciprocal foreign trade policy, aimed at expanding our exports, that has, in fact, brought us to the brink, if not already over the brink, of a disastrous imbalance of trade.

I am told that the true figures for last year—and they are mighty hard to come by—will show that during 1969, for the first time in our modern history, our imports exceeded our exports. I am told they will also show that thousands upon thousands of American jobs were lost in the process.

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If this is so—and there is little reason to doubt that it is not—then it is high time that every Member of Congress sat up and took notice. The constitutional responsibility for this plight is ours, no one else's.

I, for one, am trying desperately to ascertain the truth. This is one of the purposes of these remarks today: to seek the help of my colleagues, of the leaders of organized labor, of industrialists, and of governmental departments, in developing the true facts. What industries have been affected and exactly how and to what extent? How many jobs have been lost and what are the projections for the future? What protections and remedies do our present laws afford? Are they being made available? Is the Treasury Department obeying the mandates of our countervailing duties statutes?

And this is vitally important: Are our antidumping laws being effectively enforced? These are only a few of the many questions that we must answer.

I am not urging a return to high tariffs. Nor am I advocating a protectionist program that ignores the realities of international economic life. But I am urging that Congress take a long, hard look at our foreign trade policy, as it actually operates today, to see whether it is truly in the best interests of this Nation. And I am advocating the determination by Congress of the validity or invalidity of the oft-repeated charge that under the lofty aegis of free trade and reciprocity we are, in fact, encouraging cheap subsidized imports, tolerating blatant barricades against our exports, and permitting the most successful and beneficial economy in the history of the world to be undermined and destroyed.

Section 8 of the Constitution of the United States specifically provides that—

> The Congress shall have power . . . to regulate commerce with foreign nations.

The bestowal of that power carried with it the corresponding responsibility for its execution.

And yet for 35 years the Congress of the United States has abdicated its responsibility in the field of foreign trade. During this period, commencing with the Reciprocal Trade Agreement Act of 1935, and reaching a high point in the Trade Expansion Act of 1962, the congressional power to regulate foreign commerce has been so extensively delegated to the executive branch as to place it virtually beyond any effective congressional control.

That Congress can constitutionally delegate its power to regulate foreign trade is beyond question, but there is every indication that we have gone much too far. And most certainly Congress can never constitutionally abdicate its responsibility for the proper exercise of that power. Yet we have done just that.

As a result, during these past 35 years, the formulation of our foreign trade policy and the exercise of the power to implement that policy have been gradually reduced to mere tools to be fashioned and used by the executive branch in the exercise of its authority and responsibility in the handling of foreign relations. This is not what the Constitution calls for. This is not the separation of powers contemplated by our forefathers.

Congress was given the power over foreign trade. The executive was given the power over foreign relations. To submerge the former in the latter is to destroy the separate identities of foreign trade and foreign relations that inhere in the Constitution. Likewise, it is to ignore the potential, subtle, but significant differences between the two.

During the past 35 years, our foreign trade policy has been primarily tailored to fit the seeming needs of foreign diplomacy. Economic considerations have been relegated to the background. The time has now come when that policy should be redesigned and so revitalized as to gear it to the economic needs and realities of our Nation. And the time has now come when the Congress of the United States must reassert its authority and see to it that this is accomplished.

Mr. President, this import situation presents a clear and present danger to our Nation. Everyone concerned—the public, industry, labor, agriculture, and government—must set aside selfish and partisan interests. They must face up to this menace with a common, determined front. Above all, Congress must take the lead. For it is in Congress, and in Congress alone, that the constitutional power and responsibility lie. We, the Congress, must act and act now.

I suggest to my colleagues that there is no time to be wasted. I suggest that a thorough investigation of this whole import situation be initiated at once.

Mr. President, I should also like to read from a section of the Division Digest of Consumer Electronics which indicates just what has happened over the years.

It reads:

> 1970—Year of attrition and transition. *Decade of the '60s marked tremendous changes* in consumer electronics, paced by growth of color TV and internationalization of the industry. It ended on downbeat note, due largely to economic trends beyond industry's control. Since history isn't marked off into neat 10-year cycles, it's probably more coincidence that 1970 appears to emerge as year of transition into new ages of consumer electronics.
>
> *As we see it, new year will be year of pause,* rather than true growth, but will lead into age of new products and new alignments as significant as those which occurred in the '60s. It will be difficult year for sales and profits, but year in which consumer electronics begins to regain its technological orientation, its propensity for true innovation.
>
> *It's our custom in first issue each year* to step slightly out of character and predict what we think the next 12 months hold. We try to make our forecasts as specific as possible, which, of course, increases the risk of being wrong. In this space just one year ago, we climbed out on limb with 70 specific forecasts. Of this number, 53 were borne out by events of 1969, while 9 were completely wrong and 8 were neither completely correct nor wholly erroneous. Eliminating these 8, this comes out to about 85% accuracy, an improvement over our 72.9% rating in Jan. 1968.

Mr. President, I mention this because Consumer Electronics is a reliable publication. I ask unanimous consent that the tabulation which appears on this page be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Without objection, it is so ordered.

The tabulation, ordered to be printed in the RECORD, is as follows:

STATE OF THE INDUSTRY, SALES TO DEALERS (PRELIMINARY), FROM EIA, FOR WEEK ENDED DECEMBER 19 (50TH WEEK OF 1969)

	December 13 to 19	1968 week	Percent change	December 6 to 12	1969 to date	1968 to date	Percent change
Total TV	218,179	264,148	(17.4)	224,633	[1] 10,209,107	10,838,550	(5.8)
Color	117,000	148,100	(21.0)	121,624	[1] 5,368,829	5,512,109	(2.6)
Monochrome	101,179	116,048	(12.8)	103,009	[1] 4,840,278	5,326,441	(9.1)
Total radio	382,442	596,398	(35.9)	435,577	19,441,672	21,425,095	(9.3)
Home, portable	194,327	315,479	(38.4)	220,277	9,509,723	11,263,187	(15.6)
AM-only	109,797	212,678	(48.4)	117,301	5,755,124	7,107,223	(19.0)
FM and FM-AM	84,530	102,801	(17.8)	102,976	3,754,599	4,155,964	(9.7)
Auto	188,115	280,919	(33.0)	215,300	9,931,949	10,161,908	(2.3)
Total phono	133,827	186,174	(28.1)	143,920	4,905,266	5,150,257	(4.8)
Portable-table	95,382	136,216	(30.0)	106,149	3,601,940	3,692,952	(2.5)
Console	38,445	49,958	(23.1)	37,771	1,303,326	1,457,305	(10.6)

[1] Includes November final figures.

Mr. FANNIN. Mr. President, I continue to read:

> *Thus we see domestic-label sales basically holding* to same levels as 1969, with no major gains and with dollar volume down slightly from 1969 as a result of changes in mix and increased buying at lower end of line.

Mr. President, I ask unanimous consent to have the tabulation that is indicated here as volume 10, No. 1, on page 9 of this Digest, which indicates just what is happening in this particular market, be printed at this point in the RECORD.

There being no objection, the tabulation, ordered to be printed in the RECORD, is as follows:

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Product	Total market		Total imports	
	1970	1969	1970	1969
Total TV	12,850,000	12,500,000	5,500,000	4,200,000
Color	6,100,000	6,000,000	1,500,000	900,000
Monochrome	6,750,000	6,500,000	4,000,000	3,300,000
Home radio	45,700,000	39,200,000	42,000,000	35,000,000
Total tape instruments	15,600,000	11,900,000	14,500,000	10,800,000
Recorders	8,600,000	6,700,000	8,000,000	6,000,000
Players	7,000,000	5,200,000	6,500,000	4,800,000

Mr. FANNIN. Mr. President, to give an idea of what is happening in the forecasting of the total TV market in the United States, it is estimated that 12,850,000 sets will be manufactured in 1970. 12.5 million sets were manufactured in 1969. That is an increase of 350,000 sets. However, the total imports will increase, according to the forecast, from 4.2 million to 5.5 million. That is an increase of 1.3 million as against a total increase in the market of 350,000.

That indicates that the American manufacturers will lose to that extent on sets produced in this country.

On home radios, we have just as an alarming situation, with a forecast total market of 45.7 million in 1970, with 42 million of those being produced outside of this country, as compared to 1969 when 39.2 million was the total market and 35 million of those were produced outside of this country.

With respect to total tape instruments, we have an even more alarming situation. The total market in 1969 was 11,900,000, and the total market in 1970 is expected to be 15,600,000.

In 1970, 14,500,000 of those are expected to be produced outside of this country, while in 1969 10,800,000 were produced outside of this country.

With respect to record players, the total market in 1970 is projected at 7 million, with 6,500,000 expected to be manufactured outside America. In 1969 the total market was 5,200,000 and 4,800,000 were manufactured overseas.

The total market for recorders in 1970 will be 8,600,000, as against 6,700,000 last year. The total imports of recorders in 1970 is expected to be 8 million, while it was only 6 million last year.

We can see that this is a very alarming situation. We can also be concerned over the trend that was apparent in 1969 in the first 6 months, the total exports of TV sets were approximately 65,000. Our imports of TV sets from foreign countries, sets made by American producers, were 635,000.

In the first 9 months of 1969, the total imports from Japan alone were approximately 2 million.

Mr. President, although I have referred in my remarks to the consumer electronic equipment industry, I also want Senators to realize this is happening in many other industries, and we can be very concerned as to what will happen in the future.

Many of my colleagues have spoken out about their problems in the shoe industry. For instance, in 1969 total footwear imports were about 200 million pairs of leather and vinyl shoes. For every 10 million pairs of shoes imported, 3,000 American shoe workers lost their opportunity for work. This industry employs 200,000 of these people. They have a talent calling for hand skills. Many of these older people are from disadvantaged and rural areas. Also, that industry offers jobs to many veterans returning from Vietnam.

At that rate, the president of one of our shoe industry trade organizations indicates that the rate of imports increased from 3.5 percent of U.S. shoe market in 1959 to 37.5 percent in 1969; and, in all likelihood, according to his estimate, it will equal American output for 1971. One can plainly see why workers in the industry are very much concerned.

Letters from the public are not encouraging because, in many instances, they have been willing to accept that this trend is inevitable. I cannot accept that. I have made the recommendation that we have a study and that the study get underway at the earliest opportunity.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. FANNIN. I am pleased to yield to the distinguished Senator from Florida.

Mr. GURNEY. Mr. President, I have been listening carefully to the statement made by the distinguished Senator from Arizona. I certainly commend him for bringing this most important aspect of our economy to the attention of the Senate and the country. There is no question but that the case he makes is strong and powerful. It is a situation that should be investigated, and based on the facts shown, some remedial action taken.

There is no question but that the distinguished Senator is correct in his statement that foreign imports of manufactured goods are flooding this country and hurting American labor and our entire American economy, and putting some industries almost out of business.

The Senator mentioned, in large part, the manufacturing industry, because this problem is perhaps directed more toward that industry in Arizona.

I would like to supplement the Senator's case by stating that in agriculture we have a similar problem, and more especially in Florida, my home State. This winter we have had a serious threat to our entire tomato industry from tomatoes imported from Mexico. The irony of this particular problem is that I understand a great many of the Mexican tomato operations are financed by U.S. capital that fled from this country because of the inability to acquire labor to harvest the tomatoes in other sections of the country.

A growing danger that is somewhat imminent at our doorstep affects our citrus industry in Florida, and in Texas and California. There have been enormous plantings of citrus south of the border, particularly in Mexico; and there have also been experiments in citrus growing in Latin American countries. There is no question but that Latin America has the potential eventually of putting the entire citrus industry of the United States out of business, based on the labor differential and the cost of producing citrus here, as opposed to what it might be under a cheaper form of labor in Latin America.

This danger the distinguished Senator called to the attention of the Senate in these cheap imports from foreign countries exists not only in manufacturing but the entire field of agriculture.

I recall just a few years ago when I first came to the Congress, the House of Representatives—that was about 6 years ago—we had to pass a beef quota import bill to protect American cattle producers from being flooded in the United States with cattle and meat imports from foreign countries where their labor market is a good deal cheaper.

So this problem crosses the entire economic spectrum of America. I certainly commend the Senator for bringing this matter to the attention of the Senate and I hope Congress, as well as the executive branch, will move ahead in this matter, compile facts, and find out where we are going so we can protect our labor in the United States and our own great economy from being destroyed by foreign competition.

Mr. FANNIN. Mr. President, I express my appreciation to the distinguished Senator from Florida for his observations. I know he has been vitally interested in this and other problems of imports and that he has been working very actively on these programs. He is knowledgeable, and the information he has given is very valuable.

I want Senators to know that the problem of foreign manufacturing competition has been called to our attention many times before. I have an issue of U.S. News & World Report of February 25, 1967. An article in that issue shows the barriers against U.S. trade, stating:

> It's getting harder and harder for U.S. companies to sell things abroad. Price cuts by British, other competitors are biting in. New taxes are being levied on imports in Europe. Nontariff barriers are going up worldwide. Rougher competition for international sales looks certain everywhere.

Mr. President, we do have a serious problem that is growing each year. This problem has picked up more in the past 12 to 18 months than at any other time. The article further states:

> Take prices. Countries that cut the value of their currencies in last month's wave of

devaluations are beginning to offer lower price tags.

That was back in 1967. Our problems are even more severe now. We can go into almost any type activity, whether it is heavy equipment, requiring heavy freight bills, or light electronic equipment that does not involve much freight, but we must realize that our tariff situation is serious, especially when we recognize that a car can be bought from Japan, or other foreign countries that compete with us, on a 3-percent tariff, whereas tariffs we must pay to ship a car into their countries is 17 percent at the minimum.

This came about from the General Agreement on Trade and Tariffs, in the Kennedy round.

It is vital to all of us that we take a look at what is happening and review what can be done to correct this inequity. We certainly cannot continue with the imbalance of trade growing each year.

There are many other factors involved in this situation. I will be covering them in future statements, but I feel that now we have an immediate problem that is very serious. This problem could vitally affect the jobs of our people and the opportunities for our companies to go forward here at home. As statistics indicate, we are not going forward. We are really receding in our total manufacturing activity in the United States, as well as in world markets. This serious situation cannot continue on without immediate attention and without a hard look at just what can be done to correct it.

We have been negligent in our work in this field that we now find ourselves in an emergency position.

Mr. HANSEN. Mr. President, I would like to commend the distinguished senior Senator from Arizona for having brought to the attention of Members of the Senate a very important matter. I think he has put his finger on one of the most difficult questions that faces the Congress of the United States.

Obviously, we are all interested in the fight that is being made against inflation. Some have proposed, as the distinguished Senator from Arizona so well knows, that the way to beat it is to permit the importation of cheaply produced foreign products.

Next to the distinguished Senator's State of Arizona is the Republic of Mexico. I know the Senator has called attention from time to time to the fact that labor in our sister country of Mexico receives only a fraction of the wages paid by American industry.

What is the significance of this statement? The significance, Mr. President, is that we can lower the cost of many of the products that we use in this country, but if we do so, we do it at the risk of undermining the very strength of our own domestic economy. Our distinguished colleagues from New England from time to time have spoken out, expressing their concern over an increasing flow of imports, particularly shoes and textiles, into America from foreign countries, and they have called attention to the fact that as we import more shoes and more textiles into this country, we put American workers out of jobs.

I have agreed, as has the distinguished Senator from Arizona, with our friends from New England that the loss of American jobs is a real threat, one that should not be tolerated. It would be in the best interests of the United States to propose and to enforce meaningful quotas on the flow of goods that can come from foreign countries into this great American market.

Those in New England, while they cry out loudly for the support of all of the Members of Congress to protect their domestic industries, do not see the wisdom, or at least thus far have apparently failed to see the wisdom, in the broad application of their concern. I speak because my State of Wyoming is very keenly interested in the possible changes that could result from the recommendations that have been made by the task force to study the mandatory oil import program. The State of Wyoming receives approximately 40 percent of all of the dollars that are spent for education from kindergarten right on up through the advanced degree program at the University of Wyoming, from the petroleum industry.

As a consequence, I hope that what has been said by my distinguished colleague from Arizona will be noted and studied carefully by the Members of this body, because it does indeed pose a very real threat, not only to national security, insofar as oil is concerned, but as well to our industry, to American jobs, to tax revenues, and to the dollars that flow into our economy from the oil industry.

I recently found some figures that make comparisons between labor costs in this country and in other countries, and I think it would be well worth the time required for Members of this body to ponder the significance of these comparisons.

Compared with other countries, the cost of an average hour of labor in Japan is the lowest among the principal automobile manufacturing countries, as the following figures indicate. While Toyota's estimated labor cost of $1.40 per hour is about one-quarter the average labor cost in the United States, it is not much below the average cost in England. For instance, in the automobile industry in the United States our labor cost is $5.31 an hour. Let that cost equal 100 percent. The labor cost in Germany is $2.20 per hour, and represents only 41.4 percent of the cost of an hour's labor in America. The cost in Mexico is $2.40 per hour, and is only 38.4 percent of the cost of the labor involved in producing a car in the United States. Australia has a cost of $1.92 an hour, which is 36.2 percent of the cost in the United States.

The cost in the United Kingdom, $1.57 per hour, is only 29.6 percent of the U.S. cost. Argentina's cost, $1.19 an hour, is 22.4 percent of the cost in the United States. The cost in Italy, $1.99 an hour, represents 37.5 percent of the cost of the same type of work in the United States. And in Japan, as I said at the outset, $1.40 per hour represents only 26.4 percent of the cost that we have in this country.

Mr. President, I think it should be apparent to everyone that this is the greatest market in the world. It is the greatest market in the world because people living in the United States have the highest per capita income to be found anywhere in the world. We are going to compete, and we have competed very successfully with other countries, and I am certain that American industry can continue to compete, provided there is some protection—so we can continue to pay 3, 4, or 5 times as much per hour to our workmen as foreign countries pay.

It is this that concerns me. I am not saying and I have not said in the past that we ought to try to build a wall around America and deny any foreign country access to our markets. I do not say that. What I do say is that I think that American manufacturing, American industry, the American employer, is entitled to reasonable protection for this market that he has helped make—the great American market that it is.

By that I mean that we should offer, I believe, if we are to give the proper encouragement to the high wages we pay in America, some reasonable protection to the people who pay those wages, by seeing that the imports that come into the United States shall not exceed a certain fixed percentage of our total amount of consumption in this country. I think it makes sense, Mr. President, to say to the foreign car manufacturer, first of all, "We will permit a reasonable importation of your products into the United States if you will accord us the same privilege into your country."

Many European nations have very adroitly circumvented the fact that we are the lowest major tariff nation in the world today. They say, "We do not charge tariffs that are out of line with what you charge in America." That may be technically true, but it should not go unnoticed that what they do is impress hidden taxes in other ways, so as effectively to preclude or to exclude the sale abroad of American-made products.

On many European roads, there is a road tax that applies if you are driving an American-made car; and while they can say technically that they do not have tariffs which are out of line with our American tariffs, the imposition of such things as a road tax very effectively keeps American-made cars off the highways of many European countries.

Mr. President, I say also that I am delighted that we are able to live as well as we are living in this country. I hope that the true income of American employees can go higher and higher, so that we may all enjoy a greater measure of the fruits of this good country of ours. But if we are to do that, I think we have to have the protection that quotas would give us, whether they are applied to shoes, to textiles, to oil, to automobiles, or to whatever they may be applied.

Let us demonstrate our willingness to

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be good neighbors with other countries. Let us demonstrate that in like measure with their willingness to permit the importation of our products into their country. But let us not be so foolhardy as to think that we can compete with the great differences that exist between American wages on the one hand and foreign wages on the other by saying, "Bring over all you want. We'll take every bit of it. There will not be quotas or anything else applied." Let us impose quotas so as to protect the American jobholders, so as to protect the high wages in this country today, so as to protect our American economy, that we can continue to do for all the people in this country those things that are possible only if we are able to maintain the high standard of living we have.

Only last week, President Nixon released a task force study on the oil import question but wisely deferred any action that would further open the gates to a flood of foreign oil that could soon not only wreck our domestic oil and gas industry but would also leave us at the mercy of the Middle East and North African countries that control a large part of the known world oil reserves.

Only last week, my distinguished colleague from New Hampshire, one of the States that could find itself cut off from such undependable oil sources, rose here on the Senate floor to tell the story of shoe plant closings in his State and reductions in the shoe industry work force. My good friend, Senator McIntyre, said, and I quote:

> I urge my colleagues to note these facts with great seriousness. One of America's great industries is being sorely hurt. There are several proposals to cut back this expanding river of imports. If we do not move soon the dam will break and the shoe industry may well be drowned.

And, during the same week, my distinguished colleague from Wisconsin, Senator Nelson, was fighting for his State against mounting cheese imports which he says are coming into this country over and above agreed quotas and hurting the dairy industry in his State.

Mr. President, we produce some fine cheese in Wyoming, and I join the distinguished Senators from Wisconsin and, also, my good friends from New Hampshire in their efforts to keep jobs from being exported to those countries where labor is paid only a fraction of what our U.S. workers are paid for producing similar products.

Obviously, the American consumer cannot expect American industry—oil, shoes, automobiles, dairy, steel, textiles, electronics—to do the impossible which is to sell to him at prices that would be profitable only if industry paid wages comparable to the foreign levels I have just quoted.

American consumers have made such wages illegal and impossible through their elected representatives and the minimum-wage laws, obligatory collective bargaining, and other laws that have been enacted during the years.

Mr. President, I am a firm believer in reciprocal trade but a $7 billion balance-of-payments deficit last year and a continuing flood of cheaply produced foreign imports that are disrupting U.S. industry and displacing U.S. workers is not what I would call reciprocal. As we pursue this liberal foreign trade policy, our negotiators would do well to consider some of the facts of life, or at least, the facts of hard-nosed bargaining with some traders who are expert at this sort of thing.

Before bargaining off what little protective tariffs or quotas we have left, let them study some statistics and background of comparative U.S. wage levels and the U.S. standard of living as compared with the countries from which these imports are coming.

The U.S. consumer and those who represent them in Congress must learn to act responsibly and to forgo their inclination to eat their cake and still have it as far as imports are concerned.

And those who advocate control of domestic prices by a flood of cheaply produced competitive imports to fight inflation may well have to suffer the consequences of the massive unemployment that will surely result.

I do not believe President Nixon wants to fight inflation that way and I am happy to note that he refused to open the floodgates on cheap foreign oil and I hope he will direct whatever measures are needed to restore balance to imports that are injuring other domestic industries.

I thank the Senator from Arizona for the very worthwhile address he has delivered this morning.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Wyoming for his very erudite explanation of what is happening here and the great threat we have so far as the oil industry is concerned. He is one of the most knowledgeable men in the Senate on this subject. Certainly, in his home State he has a tremendous problem. I know that what he is doing to assure that we have at all times sufficient petroleum products in this country, is a great contribution to our Nation. I thank him for what he has said.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. BAKER. I wish, also, to commend the distinguished Senator from Arizona for an incisive, an intelligent, and a well-reasoned presentation of a delicate and complex subject. This business of export-import balances, controls, and regulation is one in which emotions run high because, as is frequently the case in other fields, the Appalachian free trader or protectionists grow up frequently without any basis in fact. In fact, the circumstances that lead to an intelligent judgment on a complex matter require far, far more analysis than some simple labeling of a person's posture or position in this field.

I am especially grateful, therefore, that the Senator has gone into some detail in trying to analyze the dilemma in which the United States finds itself today.

Let me say that I suppose I am a free trader. I hope to be but, by the same token, I have a great basic resistance to the constant exportation of American jobs. I recall that on many occasions in this Chamber and off the floor of the Senate our late, distinguished colleague from Illinois, Senator Dirksen, used to use that term and state that the greatest consequence of today's trades policy was to export the jobs of Americans.

Let me point out, too, that at this particular time in history we are undergoing evolutionary changes that may in fact someday lead us to the place where we have a fairly uniform set of trade barriers or nonbarriers, so that some element of free trading will be not only desirable, as it is patently desirable now, but also obtainable and practical.

It strikes me as being foolhardy to treat this problem on the basis of protectionism or on the basis of free trade without looking at the fact that now, today, by reason of Government subsidies, by reason of currency restrictions, by reason of credit flow restrictions, by reason of wage-hour requirements in different parts of the world, by reason of restrictions on capital investment or the transfer of capital assets, and by reason of varying regulations relating to merger and relating to the consolidation of functions here and abroad in industrial activity, it is impossible to look at a particular tariff or quota or restriction and say this is or is not in furtherance of free trade, real or mythical, and this is or is not in the best interests of everyone concerned.

There really is no such thing as theoretical academic free trade in the world today.

I was in Japan recently, and I must say that that country is one of the great industrial nations of the world, with a magnificent recovery after the devastation of World War II. Without being unfair or supercritical of our good ally, Japan professes to be a great exporting and free trading nation; but I found in Japan, in speaking to business leaders and government officials, some of the most rigid restrictions on capital investment by non-Japanese that I have ever seen. I saw greater restrictions on currency flow than I knew existed in the world. I found, in a word, that quotas and tariffs are only a very minute part of the total problem of the obstruction of free trade between the nations of the world.

The effect frequently—and I do not make this accusation as it relates to Japan—is to have a system of low trade tariffs or even quotas, but to have currency and credit restrictions that absolutely make it impossible to trade in certain commodities or certain fields of endeavor with a certain country. That is not free trade.

Therefore, I commend the distinguished Senator from Arizona for pointing out the complexities of this problem. I wish to point out that we had better get about the business of trying to do something about it, because the greatest single export of the United States is not yet American jobs; but if we are not careful, it soon may be.

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CROWDING OF POPULATION INTO AREAS

Mr. MANSFIELD. Mr. President, I am becoming quite concerned about the distribution of our population as between the rural areas and the urban areas; the latter now contains approximately 75 percent of our total population. With that unbalanced shift, with the extreme congestion it has produced we find an increase in crime and all of the many problems that face our large metropolitan areas. We find an increase in drugs on the part of the young. We find hunger, poverty and the full spectrum of sociological, and other difficulties that arise because of the shift in population. That shift has created a severe population imbalance.

I have thought about this problem at length and I have reviewed recent studies of the matter. What I would like to see is a shift away from the urban areas back to the rural areas, and with it a decentralization of industry, that will first help to solve at least in part the problem of population, which is most important and which will become increasingly significant in the decades ahead. The population of our Nation alone will reach 300 million by the year 2000. It is then estimated that about 80 percent of our people will live in urban areas unless the trend is reversed.

It is a fact that 30 percent of our population occupies 98 percent of our land. It is in this enormous imbalance, in my judgment, that is found—as I indicated—the roots of the misery and squalor that have come to characterize our larger cities. Turning the human tide back from the megalopolis to the countryside must therefore be a task assigned the highest priority.

Of course, at the national level there have been study groups and hearings galore on this subject. In 1967, President Johnson's National Advisory Commission on Rural Poverty reported on "The People Left Behind." There have been many hearings here in the Congress on population problems, including that of heavy migration to the cities from rural areas. The U.S. Chamber of Commerce had a "task force" which told us all about "Rural Poverty and Regional Progress in an Urban Society." The Advisory Commission on Intergovernmental Relations has issued a report on "Urban and Rural America: Policies for Future Growth." There is even a White House Task Force to stimulate rural development. I must say as well that the Senate and just recently the House have adopted S. 2701, calling for a Commission on Population Growth and the American Future. That measure is now at the desk and will be called up for final clearance tomorrow, I am happy to say.

But while the commissions advise, the hearings hear, the savants ponder, and the task forces task, the people of this country need some action; they need a bold new program carefully conceived and designed to meet the problems of population which in the final analysis encompass all of the problems of people—the environment, employment, education, housing, and all the rest.

Any such program must include a wide measure of consideration for urban/rural imbalance of today. One approach has already been proposed in S. 15, the rural job development bill submitted by the senior Senator from Kansas (Mr. Pearson). Under this proposal rural industrial and commercial activities would be given Federal incentives in order to create jobs in the countryside which are badly needed and needed now. I commend the able Senator from Kansas for his long-standing battle in behalf of this objective.

Those of us in public life who have always prized the small town and the countryside as a potent source of personal and national strength have found recently some further signs of encouragement for the views we hold. Not long ago, Mr. James Sundquist, a former Deputy Under Secretary of Agriculture and now a senior fellow of the Brookings Institution contributed immensely to the understanding of the rural/urban balance with his article "It's High Time for Americans To Disperse." This provocative dissertation first appeared in the winter issue of the quarterly, the Public Interest, and was reprinted by the Washington Post on Sunday, February 8.

To say the least it is a penetrating analysis. It has occasioned favorable comment in both Houses of Congress. It demonstrates clearly the cause-and-effect phenomenon that exists between our deep and growing urban crisis and the great losses suffered by our rural areas.

There is nothing essentially new about this problem of a rural/urban imbalance. Its roots go back a good many years as expressed in the lyrics of the old song, "How Ya Gonna Keep Them Down on the Farm?" The answer to that question asked about the Doughboys of some 50 years ago lies in our ability now to make attractive those less populated rural areas that, for whatever reason up to now, have only encouraged migration.

In the past, I regret to say, the matter too often was addressed to little or no avail. It is about time that we focus at length and with a deep commitment on the need for rural improvement and on a national policy for balanced living. Virtually every aspect of the urban crisis—poverty and welfare, employment and crime, housing and health—can be linked directly to the migration from rural America. To state it simply: Too many people live within too little space. That is the problem and it is an old story. Overcrowded cities have bred everything from riots to relief, from pollution to probation, from transit breakdowns to training the unemployed. The crowded and congested living areas are simply becoming uninhabitable.

The case for the town and the small city, long suppressed by the clangorous importunings of megalopolis, was persuasively stated in two important studies. The National Committee on Urban Growth Policy issued its report last May. More recently, intensive research was conducted by the Center for the Study of Local Government at St. John's University, near St. Cloud, Minn.—perhaps the only research center in the country that devotes its attention solely to cities with populations between 10,000 and 50,000.

In sum those studies call for solutions; solutions that include rural industrialization, the relocation of installations of the Federal and State governments, the development of outdoor recreational facilities, a revitalized agriculture, improved rural education, and preferred Federal loans—loans for rural water supplies, waste disposal systems, for electric power and for overall economic development.

It has been said that no city can claim that the situation tomorrow will be any better than it is today. If that is the case then the ultimate solution may lie not in the investment made in the city itself but rather in the application of our resources outside the big cities—in the towns and smaller cities and in the countryside. It is indeed time for Americans to disperse. It is high time that we make it possible.

Mr. President, I ask unanimous consent that an article by Mr. Sundquist be printed at the conclusion of my remarks. The CBS News has been examining the environmental crisis, and I also ask unanimous consent that a number of commentaries by Mr. Sevareid, Mr. Cronkite, and others who have participated and will participate in this series of television broadcasts having to do with the environment and the dangers which confront us—which, of course, includes population control—be included at this point in the Record.

There being no objection the material was ordered to be printed in the Record, as follows:

It's High Time for Americans To Disperse

(By James L. Sundquist)

By the end of this century, 100 million people will be added to the population of the United States. That is as many people as now live in Britain and France combined. Where shall they live?

If present trends continue—if they are allowed, that is, to continue—most of the 300 million Americans of the year 2000 will be concentrated on a very small proportion of the Nation's land area. Projections of the Urban Land Institute place 60 per cent of the country's population—or 187 million persons—in just four huge urban agglomerations.

One continuous strip of cities, containing 68 million people, will extend 500 miles down the Atlantic Seaboard from north of Boston to south of Washington. Another, with 61 million, will run from Utica, N.Y. along the base of the Great Lakes as far as Green Bay, Wis. Some 44 million persons will live on a Pacific strip between the San Francisco Bay area and the Mexican border. A fourth agglomeration, with 14 million, will extend along the Florida East Coast from Jacksonville to Miami and across the peninsula to Tampa and St. Petersburg.

Most of the remaining 40 percent of Americans will live in urban concentrations, too—and big ones. In this decade, the large concentrations have been growing fastest; metropolitan areas over 150,000 grew faster than the national average of 9.8 per cent between 1960 and 1965 while the smaller areas grew more slowly.

These trends, continued for the next three decades, would place 77 percent of the com-

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ing 300 million Americans on 11 per cent of the land (excluding Alaska and Hawaii). Only 12 per cent of the population would be outside urban areas of 100,000 or more population. Is this the way we want to live?

Two questions are presented. The first pertains to regional balance. Is it desirable that population be massed in a few enormous "megalopolises" along the seacoasts and lakeshores? The second relates to rural-urban balance (or, more accurately, the balance between metropolitan and nonmetropolitan areas). Is it in the best interest of the country, and its people, to continue indefinitely the depopulation of rural and small-town America and the building of ever bigger metropolitan complexes, in whatever region?

FORCED MIGRATION

In short, the 300 million can be highly concentrated in a few "megalopolises," or they can be distributed more evenly as among regions and dispersed in a more nearly balanced way among large metropolitan areas, middle-sized cities and thriving small towns and villages. Which do we want?

How each family lives is profoundly influenced, even controlled, by the size of the population cluster in which it is embedded. The degree to which population is massed determines the amenity and congeniality of the whole environment in which adults and children live and grow and work. It affects their personal efficiency, their sense of community, their feelings about the relationship between man and nature, their individual and collective outlooks on the world.

The impact of size is most emphatic on the lives of the ghetto dwellers of the great cities, of course, but no one in a megalopolis is immune. The resident of Scarsdale or Winnetka is not wholly spared the stresses of big city life; the larger the metropolitan area, the greater the strains and irritations of commuting and the more inevitable that the environmental pollution that arises from population concentration will affect the most idyllic suburbs, too.

In any case, the desirability of population concentration must be measured by its consequences for the majority of families who live at near-average or below-average levels, not upon the few who can insulate themselves in political and social enclaves.

So the question is, what kind of environment do we want to build? The nation, through its government, has established policies on matters of far less crucial import, yet the extent to which the country's population will be concentrated remains essentially laissez-faire.

That would be all right, perhaps, if by laissez-faire one meant free choice by the individuals and the families that make up the population. But it is far from that. The movement of people from smaller to larger places it, to a large extent though no one knows the exact proportions, involuntary, forced migration.

Young people going freely to the cities in search of adventure and opportunity make up part of the migrant flow, but only part; among the rest are millions of uprooted, displaced families who have little desire, and less preparation, for life in large cities and whose destination is often inevitably the city slums. These displaced families are simply forced into the migration stream by economic forces they cannot control.

The spatial distribution of population is determined, of course, by the distribution of jobs. With the exception of the limited numbers of the self-employed and the retired, people are not in reality free to live just anywhere. The vast majority are employees who must live where there are jobs, and the location of jobs is not their choice. The concentration of the country's population is the result of employer-created job patterns that the people have had to follow.

For the most part, employers have not been free to create jobs just anywhere, either. They have been bound by considerations of economic efficiency—the location of raw materials and markets, the transportation cost differentials of alternative locations, etc. As a result, the basic pattern of population distribution has been designed by the play of economic forces, not by men acting rationally as environmental architects; events have been in the saddle once again.

Even in the absence of quantified evidence, it seems reasonably clear that our laregst urban concentrations have grown well beyond the point at which diseconomies of scale begin to show. The costs of moving people and things within large metropolitan areas are demonstrably greater than the costs of moving them in smaller population centers. Commuting distances are obviously longer, the time loss greater, the costs higher. The flight of industry from central cities to the suburbs is a reflection, in part, of the cost of transportation to and within congested areas.

The cost of urban freeway construction varies directly with the population density of the areas affected, and subway systems are an enormous expense that only the larger metropolitan areas require. Such municipal functions as water supply and sewage and solid waste disposal are probably also subject to diseconomies of scale, for the simple reason that the water and the waste must be carried over longer distances. San Francisco, for example had contemplated dispatching a 70-car train daily to carry its solid waste over 300 miles into the mountains on the Nevada-California border.

COSTLY CRUELTIES

The diseconomies are ultimately measurable, at least in theory, in dollars and cents. Other disadvantages of scale are less measurable but no less real. Air pollution, for example, is a function of the dense concentration of automobiles. Similarly, water pollution is more amenable to control in areas where population is dispersed; there, given the will, the way is at least available.

One other factor that must be considered in any calculation of costs and benefits of urbanization is the social and economic cost of migration itself. To decide which new plant location is really most efficient, it is not enough to measure only the building and operating costs of the plant, although that has been the sole criterion of our laissez-faire philosophy.

There are enormous costs, as well as appalling cruelties, in the forced displacement and migration of populations, whether it be Negroes from the South, mountaineers from Appalachia or small businessmen from the declining regions of the Great Plains and the Midwest. (In the 1950s, more than half of America's counties suffered a net loss of population.)

Families lose their homes and savings and equities and property values along with their most deeply cherished associations; communities lose their tax base for public services; community institutions wither. Some of the migrants are too ill-prepared, too sick or too poor to adjust to city life successfully; many of them wind up on welfare, and they burden every kind of institution.

Yet these costs and losses are not borne by the industry locating the plant, but by people and communities, thereby entering no one's cost-benefit equation, no one's computations of efficiency. If they did so enter, then calculations of simple efficiency would no doubt show, that as a general rule, it is far more economical from the standpoint of the whole society to create new economic opportunities where the people are rather than allow existing communities to die while building other whole communities from the ground up in the name of "economic efficiency."

Moving from the physical to the social environment, hard data on disadvantages of scale are even more difficult to come by. Yet we know that as population in general is concentrated, so is poverty (large ghettos exist only in large urban concentrations) and crime, drug addiction, family breakdown and every other form of social pathology. It may be specious to argue that rural poverty is better than urban poverty when both are bad enough, yet the fact remains that the social evils associated with poverty tend to be mutually reinforcing when the poor are herded together in concentrated masses—as studies of public housing populations, for example, have clearly shown.

Racial tension and rioting are not limited to big cities, to be sure, but in their most terrifying aspects they seem to be. Perhaps most important of all, the problem of unemployment and underemployment of the urban poor appears all but insoluble in the largest urban complexes because transportation systems just cannot economically link the inner cities where the poor live with the scattered suburban sites where the new jobs are being created. In smaller places, by contrast, people can even walk to work.

For all these reasons, it is not hard to accept as a hypothesis, at least, that our largest metropolitan agglomerations are less governable, less livable and economically less sound than smaller urban centers. Moreover, what little evidence is available suggests that people do not like to live in unlivable places; they are there, in substantial proportion, against their will. A Gallup poll in 1966 showed that 56 per cent of Americans would choose a rural life, if they were free to choose, only 18 per cent a city and 25 per cent a suburb.

FRUSTRATED FREEMAN

Over the last decade, only one leading figure in public life has made it his mission to sound the alarm on the question of population distribution policy. That was the recent Secretary of Agriculture, Orville L. Freeman. For the whole of his eight years in office, he led a personal crusade for what he initially called "rural areas development" and later came to call "rural-urban balance."

Before a House subcommittee in 1967, he said, "I say it is folly to stack up three-quarters of our people in the suffocating steel and concrete storage bins of the city while a figurative handful of our fellow citizens rattle tapped resources and empty dreams." And then he got carried away: "The whiplash of economic necessity which today relentlessly drives desperate people into our huge cities must be lifted from the bleeding back of rural America."

Freeman's metaphors could be excused; no one listened to all his years of sober pleas and reasoned argument. True, President Johnson gave him moral support and himself made a speech or two on rural development and sent Congress some minor measures, but the subject remained low on the President's priority list.

As for the congressional committees on agriculture, which might have been expected to take some leadership, Freeman could not even get them to set up active subcommittees to consider rural development.

The nation's intellectual community, insofar as it was aware of the Freeman thesis, treated it with a disdain that blended into outright hostility. A composite view of the urban intelligentsia toward rural America can be portrayed, with a touch of caricature, something like this:

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Culturally, the cities have a monopoly, and have had since the Age of Pericles. Urban means urbane; rural means rustic. The theater, the concert hall, the museum are exclusively urban institutions; the countryside cannot produce the higher culture, and those who insist on living there are, by definition, both culturally unrefined and, what is worse, content to remain so.

Economically, rural America is destined for decay; the economic forces that built the cities are too powerful to be reversed, even if it were desirable to do so. Freeman's "back to the farm" movement (which, for the record, is not what it was) is romantic nonsense that flies in the face of every economic reality.

Sociologically, rural America is a backwater populated by misshapen characters out of Faulkner, given to choosing as their leaders men like George Wallace and Lester Maddox and to hunting down civil rights workers and interring them on the banks of the Tallahoga River. Politically, it is time that rural America got its comeuppance; the farmers have been exploiting the cities far too long through outrageous programs that pay them enormous subsidies to cut production while the urban poor—and the rural poor as well—go hungry.

Let the land-grant colleges—the "cow colleges," that is—worry about the Podunks and the hicks and hayseeds who live there; we are an urban nation now.

INTELLECTUALS RECONSIDERING

This picture of the rural areas is not, unfortunately, wholly unrelated to reality. The fact is that the rural areas of the country are disadvantaged in many ways: they are culturally isolated (although their isolation has been drastically reduced by television and good roads); they have declined economically; their governmental and social institutions are often primitive and backward; racial exploitation is rife.

But the cities are not all that superior. There is truth, too, in Freeman's counterportrait of big cities as places of "congestion and confusion, crime and chaos, polluted air and dirty water, overcrowded schools and jobless ghettos, racial unrest . . . and riots in the streets."

But there are signs now that the intellectual world may at last be rediscovering rural and small town America and looking with fresh eyes upon the problem of rural-urban balance. Like so many other trends of current history, this one was set in motion in August, 1965—in Watts.

The analysts of that explosion, and those which followed, suddenly discovered that the problems they called urban had rural roots. "We're being overwhelmed!" cried the urbanists. "Stop the migration. Get these people off our backs!"

So the rural and the urban interest may have converged, finally, and it is out of such convergence that effective political coalitions are born and problems attain their place on the national agenda. The prospects for such a coalition are expressed most sharply in, of all places, the 1968 Republican platform.

"Success with urban problems requires acceleration of rural development in order to stem the flow of people from the countryside to the city," reads the GOP's plank. The language is not without irony for the party of small town America and the party that enacted the Homestead Act. The subject is treated under the heading "Crisis in the Cities"; rural development should be accelerated because the problems of the big cities, where the Democrats live, must be solved.

The leadership for a rural development coalition, also ironically, will have to come from those very cities. Groups with names like the Urban Coalition, the Urban Institute and the Urban League will have to assume the burden of worrying about rural America because there is no rural coalition, no rural institute, no rural league.

Nobody has ever organized to speak for rural and small town people in the nation's councils as the United States Conference of Mayors, say, and the Urban Coalition speak for city people. Farm groups exist, to be sure, but their interest is the economic interest of farmers as producers, and most rural Americans—whatever the definition of the word "rural"—are not farmers but small town and small city dwellers. And they are not organized at all.

When rural America is saved, it is clear, it will be for the wrong reasons and under the wrong leadership. But that is better than not being saved at all.

We can begin by defining one objective—to bring to a halt, as nearly as possible, all involuntary migration. The purpose of governmental policy, then, would be to permit people to live and work where they want to live and work; if they prefer to move to the big city, well and good, but if they want to remain where they are, the objective should be to bring the jobs to them.

The proposal will be confronted at once by the objection that some rural areas are too remote, too backward to be salvageable in any circumstances—that no matter how much they are subsidized, they are beyond the reach of economic opportunity. I hide behind the qualifying phrase; forced migration should be brought "as nearly as possible" to a halt, and where a rural community lies beyond the possibility of redevelopment (the Appalachian "head of the hollow" communities come to mind) then it is by definition impossible to help.

However, the number of people living in such communities is far smaller than is usually believed, if one understands that the jobs to be provided need only be *near*, not *at*, the community concerned. Commutation is a fact of life in this automobile age in rural areas as well as on Long Island, and rural people commonly travel daily to jobs within a radius of 25 to 50 miles. Circles with 25-mile radii drawn around small cities that have a proven economic potential—proven by the fact that they are growing now—cover the vast majority of the country's rural population east of the high plains, and if the circles are extended to 50-mile radii, they blanket almost the whole country but for a few sparsely settled sections of the western mountains and the plains.

A population distribution policy, then, would seek to encourage an accelerated rate of growth in the smaller natural economic centers of the country's less densely populated regions. To effectuate such a policy, the present approaches would have to be extended in both breadth and depth.

First, they would need to be expanded beyond Appalachia and the other presently recognized redevelopment areas to cover all areas that are sources of out-migration. Second, they would need to be greatly improved in potency so that they have a decisive impact upon the migration stream.

Present federal programs are limited to public investment—roads, hospitals, vocational training schools and so on—to strengthen the "infrastructure" of the nonmetropolitan areas, and loans and loan guarantees to encourage private investment. To these would have to be added the policy instrument of tax incentives that has proved so effective in stimulating and channeling investment both for war production and for peacetime economic growth. If an extra investment tax credit were available for defined types of new industry located in the places where the national population distribution policy called for it to be located, then jobs would be created where the people are rather than in places to which they have to migrate.

WRITING THE LANGUAGE

The rub will come, of course, when Congress begins to write the language defining exactly the places eligible for benefits. Growth centers that serve areas of out-migration would have to be included among the beneficiaries even though the centers themselves were areas of in-migration. But only up to a certain point. A cutoff population figure would have to be established at the point where a growth center is considered to have grown large enough, or at least to be able to attain its further growth under its own power.

But given the old-fashioned booster psychology that still conditions the thinking of the leadership of even the largest cities, Congress will find it difficult to designate any area, even the New York City area, as one that is destined—if national policy can bring it about—to stop growing. To most community influentials, bigger and bigger still mean greater and greater and richer and richer. A population distribution policy may therefore ultimately have to await a major shift in the national psychology.

CBS News Examines "The Environment Crusade" February 24; Takes a Look at America's Growing Awareness of Dangers and What the Administration Is Doing To Curb Pollution

"The Environment Crusade," a look at the growing awareness among America's youth of the dangers of environmental pollution and an examination of what the Nixon Administration is doing to combat pollution, will be broadcast as a CBS News Special Report *Tuesday, Feb. 24* (10:00–10:30 PM, EST in some areas; 10:30–11:00 PM, EST in others) in color on the CBS Television Network.

CBS News Correspondent Walter Cronkite will anchor the broadcast. Correspondents Roger Mudd and David Culhane will be the reporters. Ernest Leiser is executive producer of "The Environment Crusade."

"There is no question but what young people today have suddenly become aware of pollution of this planet which they will inherit," says Leiser. "And President Nixon also has recently indicated his concern. That leaves two questions which the broadcast will attempt to answer: one, is this just another passing fad among young people, to be dropped next season for another 'cause'? And two, is there a discrepancy between what the Administration says about pollution and what it does?"

The broadcast will report student preparations for April 22, designated by them as "Earth Day," a day of protest and "teach-ins" against pollution. Ecologists Barry Commoner and Paul Ehrlich, author of "The Population Bomb," will comment on the future if pollution is not curbed.

Russell Train, newly appointed chairman of the President's Council on Environmental Quality, and Senators Gaylord Nelson (D., Wis.) and Edmund Muskie (D., Me.) are among those who will also be interviewed on the broadcast.

Bernard Birnbaum and Philip Scheffler are producers of "The Environment Crusade."

CBS Evening News With Walter Cronkite

Cronkite. The symbol you see behind me—the world in our hand—will become increasingly familiar on this program in coming months. For beginning tonight, and perhaps continuing as long as we have the air to breathe, we are going to report regularly

XUM

here the greatest battle man has ever waged, a true battle for survival, the battle—to put it crudely, but accurately—to keep our heads above the rising tide of our own garbage.

The stakes in this battle are far greater than any other we have ever fought. To lose this one is to lose the planet earth, and as of this moment, we are losing—decisively.

Like all battles in progress, the action is confusing. Our hope with this series is to clear up some of the confusion. Certainly we have a right to our confusion; the scientists themselves disagree on the schedule of disaster. Each specialist counts the time to his own special catastrophe. But we found not one scientist who disagreed that some disaster portends, and generalist Lamont Cole, one of the earliest voices crying in this wilderness, drew up for producer Ron Bonn a whole range of ugly possibilities.

Cole. I would be very surprised if there is not a worldwide food crisis within the next ten to 15 years. But the sad thing here is that we could make the earth uninhabitable and not realize it for perhaps 25 or 30 years. We could have released some chemical that could poison the marine vital plankton, which would mean that we would eventually start running out of oxygen, or we could be doing so much genetic damage to the human population that a few generations hence the offspring won't be viable, and in neither case would we know that we'd done this until long after it was too late to turn back.

Bonn. It could already have happened?

Cole. It could already have happened.

Cronkite. In this first report, we will try to suggest, at least, the enormous scope of the pollution problem alone, and the still undreamed of difficulty of any significant cleanup.

Every year in America, our power plants pour into our skies more than 800 million tons—that's tons—of carbon dioxide.

In those reports you'll hear from scientists who suspect that carbon dioxide can turn the planet into a kind of greenhouse, sealing in heat so that temperatures gradually rise, until the polar icecaps melt and our pleasant lands vanish beneath a new deluge.

Yet at the same time we are pouring out ground-up solids—in other words, dust—at the rate of almost ten million tons a year. You will hear from meteorologists who fear that the dust already is filtering out too much sunlight, so that the world's temperature has already started down, toward a new ice age.

We'll see this frightening pattern again and again—a science so far behind technology that it can't even predict which of two opposite catastrophes will occur. Yet our society, obsessed with short term gains and gross national product, continues on course—all of us comfortably assuming, like Mr. Micawber, that something will turn up.

In this country alone we pour more than 22 million tons of sulfur dioxide into our skies each year. Sulfur dioxide combines in the atmosphere to form sulfuric acid. Now, a major component of living things is sugar. Here is what happens when you pour sulfuric acid on sugar.

Every year in America we add 100 million tons of carbon monoxide to the air we breathe. Carbon monoxide is deadly poison.

The grand total, the best current estimate for all the junk we Americans throw away each year into our water, our land, and our sky: two and a half billion tons of pollution.

The answer seems easy and obvious: let's clean up. But there is one central lesson in this present crisis of crises: if an answer looks obvious, and especially if it looks easy, then it is wrong. Consider the automobile. It's become almost the symbol of our triumphant technological society, and it's the number one source of air pollution in the world today. Now at last, under growing pressure, the industry has begun to clean up its own product. Every year the new cars pump out less pollution than the year before. Yet every year we Americans add almost three million more cars and trucks to the 90 million now on the road. So that sometime—estimates range between 1975 and 1990—total air pollution will start going up again, just from sheer masses of low pollution vehicles. One easy, obvious answer: switch to electric cars; they emit no pollution. But then we find that batteries are made of lead, and there isn't enough lead left in the world to power all the cars in this country alone. We know how to make batteries of other metals, but there's not enough of them either. Then we would discover that just to charge the batteries to run all the cars in America, we'd have to double our coal-burning power plants, which are already our number two air polluter, second only to the automobile.

None of this means that answers don't exist; we'll be exploring answers in this series. But it does mean that the answers are far more difficult, in some cases positively agonizing, than any of us yet dreams. And the answers are going to affect not just government, not just industry, but every one of us in some of our most cherished comforts, ideas and beliefs.

To assemble this series of reports, we have been talking with a good many people, some of the most brilliant and most troubled people this reporter has ever encountered. In coming months you will come to know them well. Perhaps we can end this report by hearing briefly some of their ideas.

Athelstan Spilhaus. I think one of the great errors that's made is in having a man who's in charge of air pollution, a man who's in charge of water pollution, a man who's in charge of solid wastes. The solid waste man will burn his stuff, put a horrible smoke into the air, and say well, that's not my business, that's the air pollution guy's business. And then the air pollution fellow will wash out the stuff in a chimney and discharge it into a river, and that's not his business, that's the water pollution man's business.

Rene DuBos. If we continue destroying the natural environment, which is really part of human life, we will thereby destroy any chance that we can continue to express those qualities that have made human civilization. We will survive as animals, but not as human beings that have created civilization out of the splendor of the earth.

George Wald. There is no other place in the solar system for us, and I think we must be aware of that and not be fooled into thinking anything else. And, as I think my friend Louis Mumford said so well, there's nothing in the remainder of the solar system as precious as one acre of the earth. We'd better take good care of that acre.

Cronkite. And that's the way it is, Monday, February 23rd, 1970. This is Walter Cronkite. Good night.

CBS Evening News With Walter Cronkite (Excerpts)

Sevareid. At the time of that giant leap for mankind last summer, the popular reaction was that if we can so magnificently do something so complicated as reaching the moon, then we ought to be able to clean up our environment and make our small space on earth fit for human habitation. But reaching the moon is a far simpler operation, for one reason: there are no people between earth and moon.

Here on earth the problem that people face is people. Destruction of our living space is directly connected with the creation of more human lives. The greatest threat to the human race is its instinct for perpetuating itself.

When the Secretary of Health, Education and Welfare spoke to an environment meeting here the other day, he suggested that government might have to offer "distincentives" to keep families small. And today Senator Packwood of Oregon introduced, or announced, rather, a bill that would forbid a taxpayer to claim tax exemption for more than three children.

That's a distincentive. There could be direct incentives to accomplish the same end. One idea is to provide a direct payment of, say, $500 to families in low income brackets for each year they do not have a child, and to grant the same amount in tax relief to higher income families who don't have a child during the year.

A good many such proposals are on the way and will produce serious debate. Two things are beginning to dawn on many people of potential influence: one, that we can't diminish the poisoning of the earth's waters and air and the various associated malfunctionings of life unless we diminish the birth rate sharply; and two, that voluntary birth control, without the prod of direct economic incentives or disincentives is not going to diminish the rate sufficiently. Some people, looking far ahead, foresee the day of not only free and legal abortions, but compulsory sterilization as these things get truly desperate. The more immediate stage will be these financial devices.

Other peoples in the world, even those more desperately crowded, see the American problem in a different light. They see that with only six percent of the world's population, America consumes 35 percent of the raw materials produced every year on the entire globe. In terms of raw materials, food, power, living space, and general stuff, each American baby is a threat to the world's liveability some 50 times bigger than each baby born in India.

At times most of us have probably felt an impulsive wish to isolate this country from the rest of the world and its troubles, but the rest of the world can't isolate itself from us and our effects upon the world.

CBS Evening News With Walter Cronkite

Cronkite. In our first background report on Man and His Environment, we looked at the glamour problem, the first really "in" crisis of the '70s—catastrophic pollution. CBS NEWS, in a special broadcast later tonight, will examine pollution as a political issue, and the crusade it has generated among the young.

But pollution, in fact, is a symptom. The illness itself is so basic, so wrapped in man's deepest nature and inmost beliefs, that until not too long ago, you couldn't even discuss it.

Rene DuBos. The population cannot continue to grow. It should not; it cannot. There will be disasters.

George Wald. There is no other way out. We're not being asked to start controlling the population; we're being told. We have to. The whole human enterprise, the whole human race, is threatened as never before.

Cronkite. For most of man's two million years on earth, our history looked like that of any other species—a high birth rate, a high death rate, combining for a very slow expansion of population. Not until about the year 1830 were there a billion people on earth. But that slight upturn, starting around the end of the 18th century, became one of the most remarkable events in the history of life—the medical revolution. As science kept more and more of us alive longer and longer, we reached our second billion in just 100 years, our third in 30 years. Today, human population is shooting up almost at right angles, so that by the year 2,000 there will be twice as many of us on earth as there are today, seven and a half billion people, with another billion every five years.

WALD. Really, what we must try to achieve is not a condition in which we're feeding as many people as possible on the surface of the earth, but producing that population that can best fulfill, exploit, realize human potentiality. It's an optimum population we're after, and from that point of view, the point of view of the quality of human life rather than the quantity, we probably already have an overpopulated world.

DUBOS. We will not control anything at all if the population continues to increase, and if the population here, the American population, is more guilty than any other, continues to demand or to be convinced to have ways of life that are really incompatible with a decent environment.

CRONKITE. You may have wondered, as we did at first, why this continuing insistance that saving the planet is overwhelmingly an American problem. Our population growth is barely one percent a year. Some parts of the world are exploding at seven times that. Only one of every 18 people alive today is an American. And yet, with just six percent of the world's population, we consume between 35 and 50 percent of the world's resources, and we create just about one half of the world's pollution. In fact, America's very success has become a planetary menace second only, perhaps, to nuclear war.

WALD. And I think what we're forced to realize is that it's hard to tackle now any of our major problems without coupling it with population control, that unless we control population, we're defeated in everything else we try to do—the pollution, the housing, the education, the nutrition, all, all, all, all, all the problems that confront us most seriously. Each one of them depends on controlling the population.

CRONKITE. There's one further reason why ours may be the last generation that can begin to save the future. Already today, by some estimates, one half of the world is undernourished. Ten or twenty million people starve to death each year. But the danger is from those who live. It's now clear that some forms of malnutrition in the unborn child and the infant can permanently impair development of the brain. In effect, the human race is frantically producing more and more people of lower and lower intelligence when what is needed is fewer people of even keener intellect than our own. Today, some of our best minds are doing some unpleasant thinking.

WALD. The principal way in which population is being held down at present is through infant mortality. That's the principal force that's limiting population in the world today. And that infant mortality is the product of war, famine, disease, poverty. What we're doing now is turning the Four Horsemen of the Apocalypse loose on the children of the earth. I cannot look on that as an ideal condition. And what I'm asking seems to me ever so much more humane, and it's precisely for reasons of humanity that I think we have to institute universally available birth control and abortion as rapidly as we can.

CRONKITE. Then are we, with what may be the last, best generation of brain power on earth, are we now ready to begin coping with, or even thinking about, the unthinkable? The indications are not promising. The present Congress is conceded virtually no chance of any meaningful action on the population explosion. President Nixon, in his environment message, states his belief that pollution is not the "inevitable by-product" of growing population—a view we find shared by virtually no experts outside the Administration.

In preparing this report, we asked a number of those population experts, in and out of government, where in all the world we could take our cameras to study an effective, broad-scale program of population control. The answer: there is no such place.

And that's the way it is, Tuesday, February 24th, 1970. This is Walter Cronkite. Good night.

DIMENSION—WITH CBS NEWS CORRESPONDENT WALTER CRONKITE

In a moment, a look at a monsterous problem—population control—and a first attempt to legislate a solution in the United States.

Toward the start of the industrial revolution, the gloomy English economist Robert Malthus, warned us that the world resources were limited—that our growing population would eventually outstrip them—that war, famine, and disease would be the result—nature's way of regaining its balance with mankind. Later on, it became the fashion to dismiss Malthus as no more than an interesting expression of a particular pessimistic period in history. Modern technology, it was felt had infinited *expanded* the resources available to mankind—and could sustain humanity no matter how large its number. But now, the argument has taken another twist—and the weight of the authority today is that old Malthus really *had* something, after all. For one thing, the world population continues to expand—not in arithmetic but in geometric proportions. By the year 2000 it is estimated, the population of the world should be between 6 and 8 billion—and still growing, at the rate of another billion every 5 years.

As the population grows at such startling rates, we are failing to feed it. Perhaps half the world is under-nourished. 10 to 20 million people starve to death each year. Some of this is the fault of mal-distribution. The United States, for example, produces about 11,000 calories of basic food per day for each citizen while only 2,000 to 2,500 calories are needed to meet nutritional standards. But even with better distribution to sustain the world population by the year 2000, its food output probably will have to be doubled. Many authorities doubt this can be done.

Even if it *could,* it might be achieved at tremendous costs to our ecology—at best, ruining the quality of our lives; at worst, threatening our very survival.

Controlling United States population is a key question to the ecologist. The United States has less than 6% of the world's population—but it produces half the world's pollution by virtue of its prodigious consumption. New Americans make a much greater demand on the environment than, say, new Indians.

In line with such thinking, Oregon Senator Robert Packwood has introduced a new bill—providing economic incentives for smaller U.S. families. Starting with children born in 1973, a federal taxpayer could deduct $1,000 each year for his first child—$750 for the second—$500 for the third but nothing for any others.

So far as we can ascertain, the Packwood Bill has fallen on deaf ears. There appears to be absolutely no response from his fellow legislators on the bill—and no chance of any action on the bill, at least in the immediate future.

This non-response is paradoxical, given the current furor over pollution, for the pollution and population problems are inextricably mixed.

The Packwood proposal may not be the answer—but ultimately, something must be done to check the population explosion—otherwise all the massive action we're planning against pollution will inevitably come to naught.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. ALLEN in the chair). The Chair, on behalf of the Vice President, appoints Senator CHARLES H. PERCY to attend the Interparliamentary Union meeting, to be held at Monaco, March 30–April 4, 1970, in lieu of Senator CHARLES McC. MATHIAS.

ORDER TO PRINT H.R. 14465 AS PASSED BY THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 14465, the Airport Extension Act, be printed as it passed the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. At this time, in accordance with the previous order, the Chair recognizes the Senator from Nebraska (Mr. CURTIS) for not to exceed 30 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. CURTIS. I yield.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the completion of the address by the able Senator from Nebraska (Mr. CURTIS), the able majority leader, the Senator from Montana (Mr. MANSFIELD), be recognized for not to exceed 15 minutes, prior to the Senate's taking up the transaction of routine morning business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

POPULAR ELECTION OF THE PRESIDENT OF THE UNITED STATES

Mr. CURTIS. Mr. President, the Senate of the United States may soon be called upon to make an important and far-reaching decision on how we should elect the President of the United States. Before I discuss the details of this, I should like to make two observations.

The first is that the American system has worked very well for a long time. Never in this country have we ended up settling an election contest with bullets. I might also point out that the list of Presidents from the beginning of our Republic to the present day is made up of individuals who, from the standpoint of character, honesty, knowledge, and dedication to their country, stand far above the list of rulers of any other country on

earth for any similar period of time. There is no way that by revolutionary changes and by junking what we have we can reach perfection.

The second observation I should like to make is that we can make some corrections in our electoral voting system that meet the problems of our time without throwing out our basic and historical system of choosing the President.

The electoral voting system is not difficult to understand. There are advocates of the direct election of the President who claim that the electoral system is difficult to understand. I regard that as an argument of convenience more than an argument of fact.

Under the electoral voting system, we choose a President by action through the States. This not only has a sound basis historically, but also is a sound method in our present day and in the foreseeable future. Each State is entitled to as many electoral votes as it has Congressmen and Senators. By the 23d amendment to the Constitution the District of Columbia was given three electoral votes. This makes a total of 538 electoral votes for all the States and the District of Columbia. It requires 270 electoral votes for a majority. In the last election, President Nixon received 301.

Mr. President, perhaps no American has followed presidential elections in the last four elections more than the distinguished and able writer, Theodore H. White. He recently published an article entitled "Direct Elections: an invitation to national chaos." Let us see what he has to say.

> Last September, in a triumph of noble purpose over common sense, the House passed and has sent to the Senate a proposal to abolish the Federal System.
>
> It is not called that, of course. Put forth as an amendment to the Constitution, the new scheme offers a supposedly better way of electing Presidents. Advanced with the delusive rhetoric of vox populi, vox Dei, it not only wipes ou the obsolete Electoral College but abolishes the sovereign states as voting units. In the name of The People, it proposes that a giant plebiscite pour all 70,000,000 American votes into a single pool whose winner—whether by 5,000 or 5,000,000—is hailed as National Chief.

I agree emphatically with Mr. White's assertion that the direct election of the President would wipe out the sovereign States as voting units. I would like to raise the question—If the sovereign States are wiped out as voting units, will this not tend to lessen generally the powers of responsibilities of State and local governments? What is wrong with having a government close to the people? What is wrong in having the American people live under a system where they have the maximum amount of local self-government?

We are a union of sovereign States. Human liberty and genuine self-government can thrive best when we vest the maximum amount of power and authority in State and local governments. Our States are important. The States deal with the immediate problems facing our citizens. We should continue to elect our President through State action.

When the individual is born, his birth is recorded pursuant to State law. The attending doctor is licensed by the States. The house that an individual lives in and the nearby streets and highways are located and built pursuant to State law administered by the various subdivisions of the State. The basic responsibility for the individual's education rests with the States and its subdivisions.

When an individual acquires property, the deed to his lot or to his farm is drawn in accordance with State law. It is recorded in the local courthouse, which is a subdivision of the State. An individual enters one of the professions after meeting State requirements. Protection of the citizen from fire or violence is largely a State responsibility. The States and their subdivisions deal with the peculiar problems of a given locality. Decisions made by officials of State and local governments are usually decisions made by people who have on-the-spot knowledge and information. Most citizens can get to know the individual who represents them in the State legislature. They can reach their legislator with a minimum of travel. Self-government and good government as a matter of necessity must consist of the maximum authority and responsibility resting in local government. To make States and State boundaries insignificant in the selection of a President would hinder rather than help the cause of good government.

Any theoretical arguments that I might advance in favor of reform instead of abolition of the electoral voting system may not be persuasive but there are additional facts. I doubt very much if a proposal to abolish the electoral voting system and provide for the direct election of the President of the United States can either pass the U.S. Senate or can be ratified by a sufficient number of the States. For instance, based upon the last presidential election, my own State of Nebraska had ninety-two one-hundredths of 1 percent of the electoral vote. If a change were made to the direct election of the President, based upon the 1968 figures, Nebraska would have only seventy-three one-hundredths of 1 percent of the total popular vote. This was arrived at by ascertaining the percent of the total vote for all candidates for President cast by voters in Nebraska compared with the national total of all votes cast for President. In other words, Nebraska's proportionate voting power in choosing a President would be reduced by 20 percent.

Let us take the case of New Hampshire. In 1968 New Hampshire had seventy-four one-hundredths of 1 percent of the total electoral vote, but they had only forty one-hundredths of 1 percent of the total popular vote.

In the last election the weight of the electoral vote for the District of Columbia amounted to fifty-five one-hundredths of 1 percent of the total electoral vote. But if the election had been determined by a popular election, the weight of the vote for the District of Columbia would have been only twenty-three one-hundredths of 1 percent of the total vote.

The States that would be adversely affected by the direct popular election of the President are: Alabama, Alaska, Arizona, Arkansas Colorado, Delaware, District of Columbia, Georgia, Hawaii, Idaho, Iowa, Kansas.

Kentucky, Louisiana, Maine, Maryland, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota.

Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wyoming.

I ask unanimous consent to have printed in the Record a table illustrating this, which was prepared by the Library of Congress.

There being no objection, the table was ordered to be printed in the Record, as follows:

1960 AND 1968 PRESIDENTIAL ELECTIONS

	Total electoral votes, 1960	Total electoral votes, 1968	Total percentage of electoral vote, 1960	Total percentage of electoral vote, 1968	Total percentage of total popular vote, 1960	Total percentage of total popular vote, 1968
Alabama	11	10	2.04	1.85	0.82	1.42
Alaska	3	3	.55	.55	.08	.11
Arizona	4	5	.74	.92	.57	.66
Arkansas	8	6	1.48	1.11	.62	.83
California	32	40	5.95	7.43	9.45	9.90
Colorado	6	6	1.11	1.11	1.06	1.10
Connecticut	8	8	1.48	1.48	1.77	1.71
Delaware	3	3	.55	.55	.28	.29
District of Columbia		3		.55		.23
Florida	10	14	1.86	2.60	2.24	2.98
Georgia	12	12	2.23	2.23	1.06	1.68
Hawaii	3	4	.55	.74	.26	.32
Idaho	4	4	.74	.74	.43	.39
Illinois	27	26	5.02	4.83	6.91	6.21
Indiana	13	13	2.42	2.41	3.10	2.90
Iowa	10	9	1.86	1.67	1.85	1.59
Kansas	8	7	1.48	1.30	1.34	1.19
Kentucky	10	9	1.86	1.67	1.63	1.44
Louisiana	10	10	1.86	1.85	1.77	1.49
Maine	5	4	.93	.74	.61	.53
Maryland	9	10	1.67	1.85	1.53	1.68
Massachusetts	16	14	2.97	2.60	3.58	3.18
Michigan	26	21	3.72	3.90	4.82	4.51
Minnesota	11	10	2.04	1.85	2.23	2.17
Mississipp	8	7	1.48	1.30	.43	.89
Missouri	13	12	2.42	2.23	2.81	2.47
Montana	4	4	.74	.74	.40	.37
Nebraska	6	5	1.11	.92	.89	.73
Nevada	3	3	.55	.55	.15	.21
New Hampshire	4	4	.74	.74	.42	.40
New Jersey	16	17	2.97	3.15	4.02	3.92
New Mexico	4	4	.74	.74	.45	.44
New York	45	43	8.37	7.99	10.72	9.27
North Carolina	14	13	2.60	2.41	1.98	2.16

1960 AND 1968 PRESIDENTIAL ELECTIONS—Continued

	Total electoral votes, 1960	Total electoral votes, 1968	Total percentage of electoral vote, 1960	Tota percentage of electoral vote, 1968	Total percentage of total popular vote, 1960	Total percentage of total popular vote, 1968
North Dakota	4	4	0.74	0.74	0.40	0.33
Ohio	25	26	4.65	4.83	6.04	5.41
Oklahoma	8	8	1.48	1.48	1.81	1.29
Oregon	6	6	1.11	1.11	1.12	1.12
Pennsylvania	32	29	5.95	5.39	7.27	6.48
Rhode Island	4	4	.74	.74	.58	.52
South Carolina	8	8	1.48	1.40	.56	.91
South Dakota	4	4	.74	.74	.44	.38
Tennessee	11	11	2.04	2.04	1.52	1.70
Texas	24	25	4.46	4.64	3.85	4.20
Utah	4	4	0.74	0.74	0.54	0.57
Vermont	3	3	.55	+.55	.24	.22
Virginia	12	12	2.23	2.23	1.12	1.85
Washington	9	9	1.67	1.67	1.30	1.78
West Virginia	8	7	1.48	1.30	1.21	1.03
Wisconsin	12	12	2.23	2.23	2.51	2.31
Wyoming	3	3	.55	.55	.20	.17
Total	537	538				

Mr. CURTIS. Mr. President, I do not believe that the Senators from those States which would be adversely affected will vote for a direct election of the President of the United States. I do not think they should. I do not believe any of us has a mandate to partially disenfranchise our State. For the same reasons, I do not think that an amendment providing for the direct election of the President would be ratified by three-fourths of the States, neither do I think it should be.

Mr. President, I would now like to read the balance of Mr. White's article:

> American elections are a naked transaction in power—a cruel, brawling year-long adventure swept by profound passion and prejudice. Quite naturally, therefore, Constitution and tradition have tried to limit the sweep of passions, packaging the raw votes within each state, weighting each state's electoral vote proportionately to population, letting each make its own rules and police its own polls.
>
> The new theory holds that an instantaneous direct cascade of votes offers citizens a more responsible choice of leadership—and it is only when one tests high-minded theory against reality that it becomes nightmare.
>
> Since the essence of the proposal is a change in the way votes are counted, the first test must be a hard look at vote-counting as it actually operates. Over most of the United States votes are cast and counted honestly. No one anymore can steal an election that is not close to begin with, and in the past generation vote fraud has diminished dramatically.
>
> Still, anyone who trusts the precise count in Gary, Ind.; Cook County, Ill.; Duval County, Texas; Suffolk County, Mass.; or in half a dozen border and Southern states is out of touch with political reality. Under the present electoral system, however, crooks in such areas are limited to toying with the electoral vote of one state only; and then only when margins are exceptionally tight. Even then, when the dial riggers, ballot stuffers, late counters and recounters are stimulated to play election-night poker with the results, their art is balanced by crooks of the other party playing the same game.
>
> John F. Kennedy won in 1960 by the tissue-thin margin of 118,550—less than 1/5 of one percent of the national total—in an election stained with outright fraud in at least three states. No one challenged his victory, however, because the big national decision had been made by electoral votes of honest-count states, sealed off from contamination by fraud elsewhere—and because scandal could as well be charged to Republicans as to Democrats. But if, henceforth, all the raw votes from Hawaii to Maine are funneled into one vast pool, and popular results are as close as 1960 and 1968, the pressure to cheat or call recounts must penetrate everywhere—for any vote stolen anywhere in the Union pressures politicians thousands of miles away to balance or protest it. Twice in the past decade, the new proposal would have brought America to chaos. To enforce honest vote-counting in all the nation's 170,000 precincts, national policing becomes necessary. So, too, do uniform federal laws on voter qualifications. New laws, for example, will have to forbid any state from increasing its share of the total by enfranchising youngsters of 18 (as Kentucky and Georgia do now) while most others limit voting to those over 21. Residence requirements, too, must be made uniform in all states. The centralization required breaches all American tradition.
>
> Reality forces candidates today to plan campaigns on many levels, choosing groups and regions to which they must appeal, importantly educating themselves on local issues in states they seek to carry. "But if states are abolished as voting units, TV becomes absolutely dominant. Campaign strategy changes from delicately assembling a winning coalition of states and becomes a media effort to capture the largest share of the national "vote market." Instead of courting regional party leaders by compromise, candidates will rely on media masters. Issues will be shaped in national TV studios, and the heaviest swat will go to the candidate who raises the most money to buy the best time and most "creative" TV talent.
>
> The most ominous domestic reality today is race confrontation. Black votes count today because blacks vote chiefly in big-city states where they make the margin of difference. No candidate seeking New York's 43 electoral votes, Pennsylvania's 29, Illinois' 26 can avoid courting the black vote that may swing those states. If states are abolished as voting units, the chief political leverage of Negroes is also abolished. Whenever a race issue has been settled by plebiscite—from California's Proposition 14 (on Open Housing) in 1964 to New York's Police Review Board in 1966—the plebiscite vote has put the blacks down. Yet a paradox of the new rhetoric is that Southern conservatives, who have most to gain by the new proposal, oppose it, while Northern liberals, who have most to lose, support it because it is hallowed in the name of The People.
>
> What is wrong in the old system is not state-by-state voting. What is wrong is the anachronistic Electoral College and the mischief anonymous "electors" can perpetrate in the wake of a close election. Even more dangerous is the provision that lets the House, if no candidate has an electoral majority, choose the President by the undemocratic unit rule—one state, one vote. These dangers can be eliminated simply by an amendment which abolishes the Electoral College but retains the electoral vote by each state and which, next, provides that in an election where there is no electoral majority, senators and congressmen, individually voting in joint session and hearing the voices of the people in their districts, will elect a President.
>
> What is right about the old system is the sense of identity it gives Americans. As they march to the polls, Bay Staters should feel Massachusetts is speaking, Hoosiers should feel Indiana is speaking; blacks and other minorities should feel their votes count; so, too, should Southerners from Tidewater to the Gulf. The Federal System has worked superbly for almost two centuries. It can and should be speedily improved. But to reduce Americans to faceless digits on an enormous tote board, in a plebiscite swept by demagoguery, manipulated by TV, at the mercy of crooked counters—this is an absurdity for which goodwill and noble theory are no justification.

Mr. President, I believe that Mr. White has called the attention of the American people to a very serious threat. At the same time Mr. White has made some positive suggestions for correcting our electoral voting system. I think we are all agreed that it is not the "college" that is valuable or what we want to preserve. It is the electoral system of voting. We want to preserve the method of electing Presidents by States.

As a Senator who comes from a State which has a small portion of the population, I readily admit that our present system of counting the votes in Congress in case of a tie should be corrected. At the present time if no candidate for President gets a majority of the electoral vote the choice is made by the House of Representatives and each State has one vote. It is not necessary to argue that Alaska should not have an equal voice in deciding a tie in the House of Representatives with our heavily populated States such as California or New York. I agree with Mr. White that a correction should be made so that both the House of Representatives and the Senate meet in joint session and that each Representative in Congress and each Senator have one vote in deciding the tie. This maintains the Federal system. It maintains the historic balance between States and numbers of people.

I also believe that any new constitutional amendment advanced should be such that there is no chance that the electoral vote will be counted contrary to the way the people of State vote. We should not have a system in which electors have power to substitute their own views for the expressed views of the voters.

It seems to me that we might well

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change our electoral voting system so that the electoral votes in a given State, which are based on the number of Representatives in Congress that a State has, be determined by congressional districts rather than at large. The electoral votes which represent the two Senators that each State has must continue to be determined by the total vote of a State.

At the present time a candidate for President must get a majority of the vote in a populous State or lose its entire electoral vote. This might place a temptation before candidates and political parties to declare for plans and programs not in the best interests of the entire United States, but necessary in order to reach a radical swing vote deemed necessary to carry the State. If, on the other hand, a populous State elects 30 or 40 or more electors by districts, the party and the candidate can strive to carry as many districts as possible and obtain a substantial number of electoral votes even though they do not carry the entire State. Such a procedure would not place the temptation before the candidate to make unwise or unrealistic promises for fear of losing the total electoral vote in a heavily populated States.

The election of presidential electors by districts would also encourage the two-party system. A candidate or a political party could realistically make a drive to carry a few congressional districts in a State where they had little chance of carrying the entire State because of past one-party control. It could well be an incentive for the building of a real two-party system for every State in the Union.

Mr. President, Mr. White's statement that direct election of the President of the United States is an invitation to national chaos is not an exaggeration. Why should we make such a revolutionary change when our present system has worked so well and so long? Why should we not be content with correcting our electoral voting system rather than junking it?

Already some people have advocated a direct primary as a means for the parties to choose their candidates for President. If such a thing would happen, will an unlimited number of candidates be allowed to place their name on a nationwide primary ballot? Or should the number be limited to five, 50, or 100? If there is a limitation, who will decide what names go on the ballot? Will the nominations go to the candidates with the greatest amount of money who can mount the most massive high-powered advertising campaign?

It is true that the nomination of candidates for President by direct primary is not before us. It will be before us if we make the tragic step of abolishing our electoral voting system and turn to the direct election of the President. We should oppose the direct election of the President because our present system gives the greater protection to individual citizens and to their liberties and in reality gives the greater weight to their expressed desire to whom should become President.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. CURTIS. I am happy to yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I would like to congratulate the distinguished Senator from Nebraska on this excellent analysis of the problems having to do with possible reform of our electoral college and reform of the method of choosing the President of the United States. Certainly I agree with the distinguished Senator in his conclusion that the direct election is not the proper route to go. I am impressed very much with his statement that the route of direct election of the President would be the beginning of the destruction of our Federal system, which has worked so well for this country for almost 200 years.

Has the distinguished Senator given thought to the provision in the proposal that will soon be before the Senate that permits a President by the direct election method to be chosen by a 40-percent plurality. Does the Senator think that provision is in the public interest?

Mr. CURTIS. Mr. President, I thank the distinguished Senator for his comment about my remarks.

As to the answer to the Senator's question, I do not like that 40-percent provision. I believe, however, it tends to obscure the real danger, which is the direct election of the President. It is my hope that those who advocate direct election of the President will recall their proposal, because if they insist on that proposal there will be no reform in electoral voting. That would be unfortunate because we should make at least two reforms: First, to provide that we do not have a system under which an elector could substitute his judgment for that of the people who voted a certain way and who are entitled to have the elector vote that way; and second, the matter of deciding ties. I think at the present time this cannot be justified. We should make some corrections there, but if there is an insistence upon an amendment to provide for the direct election of the President going to the States there will be no reform whatever.

I agree with the distinguished Senator on the 40-percent minimum. I have changed some of my own thinking on that point in recent months because I felt we must concentrate on the larger problem of the direct election system.

Mr. ALLEN. Is it not true that if there be fraud or corruption in the conduct of any election in any State, under the present system that fraud or corruption would be sealed off into the particular State involved, whereas, under the direct election system any fraud or corruption would apply to the whole body or pool of votes of the entire country?

Mr. CURTIS. Counting the votes by States, any corruption is quarantined, so to speak, and its effect limited to the wrong that might come in that particular State. If it is all put into one pool there would be corruption in that pool.

Mr. ALLEN. Mr. President, the Senator has made a great contribution to the debate on this subject. The fact that the Senator is opposed to the direct system but would favor some other type of reform, I believe, foretells the defeat of the amendment providing for the direct election because I believe that fully one-half of the Members of the Senate are opposed to the direct system but they would be unable to agree on any substitute plan.

For that reason, it seems likely to the junior Senator from Alabama that there will be no reform at this point. Does the Senator feel that that is a likelihood?

Mr. CURTIS. I do. There are 34 of the 50 States that would be adversely affected if we changed to the direct election of the President. I do not believe they have any such mandate from the people back home to lessen the power of their sovereign States in choosing the President.

Mr. ALLEN. The Senator's argument is that the voter in Nebraska wants to go to the polls feeling he is going to be a part of the Nebraska vote, and when the Nebraska vote is counted it will count for something because it will be represented in the electoral vote of the State of Nebraska. It will not be commingled with 75 million other votes, and will be identified with that single State.

Mr. CURTIS. When I cast my vote in Nebraska, it will not be buried under a tombstone in Chicago.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HART in the chair). Under the previous order, the Senator from Montana is recognized for 15 minutes.

LAOS

Mr. MANSFIELD. Mr. President, I take the floor of the Senate at this time because of the serious situation in Laos. I do so not to criticize, but, if possible, to be constructive, to be helpful, and to wave a warning flag about this area which might perhaps be helpful in preventing our becoming involved too deeply and in too costly a manner. When I speak of costly, I do not mean money alone, but total cost, including manpower.

Perhaps, the Pathet Lao and their North Vietnamese allies may stop the offensive on the Plain of Jars, short of the cities of Vientiane and Luang Prabang; that would be in the pattern of previous operations. Then again, they may push forward against these two capitals and press to the border of Thailand. Only time will indicate what plans and objectives may be involved. In any event, the question of the "nonwar" or the "secret-war" or "interlude war" in Laos cannot be avoided any longer.

Notwithstanding the Geneva accord of 1962, the North Vietnamese are deeply involved in this military situation. So, too, is the United States. Press reports indicate that the Thais may also be engaged. The involvement is so transparent on both sides as to make less than useless the effort to maintain the fiction of the accord or even to exchange charge and countercharge of violations. We are both in it—North Vietnamese and Americans—and we are in it up to our necks.

What disturbs me is that it is not only that both nations are forbidden by the Geneva agreement to use forces in Laos

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but that the President has also made clear that he does not desire to see U.S. forces used in Laos. May I add that I have every confidence in the President's intentions. Yet the presence of American military advisers and others in Laos cannot be camouflaged any longer, notwithstanding the situation of the Symington hearings.

The military operations about which we know so much, and yet so little, seem to depend heavily on hill people from the Lao-Vietnamese border highlands. With these tribesmen, who are not Lao but Meo, there has been a close U.S. military or paramilitary, connection which predates the Geneva Accord of 1962. According to the press, the connection is still there.

In any event, neither the Meo nor the Lao regular armies have been able to hold back the combined North Vietnamese-Pathet Lao pressure. The result is that a further "Americanization" of the war in Laos has taken place which now seems to be matching the effort to "Vietnamize" the situation in South Vietnam. It has been estimated that American bombers make 500 or more sorties daily over Laos and that the United States is spending something on the order of $200 million to $300 million for aid to Laos.

It needs to be recalled at this time, therefore, that the full-scale U.S. involvement in Vietnam evolved from much smaller beginnings. First, it was a little more aid and a few more military advisers, then it was the supply of transportation, then air support, and then GI's.

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I am sure that the President does not want that sequence to be repeated. The Defense Department has been at pains to gainsay it. In that respect, this President's intentions are not unlike those of his predecessor at the beginning of the Vietnamese involvement; the protestations of this Secretary of Defense also have a not unfamiliar ring. Nevertheless, a parallel can develop in Laos. Will we hear next what became the fateful rationale of the war in Vietnam? Will we hear next that a larger war is not up to us but up to them? Will we submerge in that rationale, once again, our responsibility to decide where and when in consideration of national interests we shall risk the lives of Americans? Will we affirm that fundamental responsibility or leave it to others who have no reason to use it for this Nation's well-being?

To be sure, there is no question that the North Vietnamese have ignored the Geneva accord of 1962 to which they are signatory. Does that compel us to take it upon ourselves to do the same? There are other signatories of the accord. Have the others immersed themselves in the war? Has the Soviet Union? The United Kingdom? France? Indeed, has China? How can a deepening involvement in Laos accord with the vital interests—and I use the word advisedly—of this Nation? Does it accord with the new Nixon doctrine—which I fully support—which propounds a reduction of our military enmeshment on the Southeast Asia mainland? Does it fit with the need for resources to meet the inner needs of this Nation?

The North Vietnamese have long since moved troops into the border areas of Northeastern Laos to guard the so-called Ho Chi Minh trails. These are the routes by means of which men and supplies move down into South Vietnam. By the same token, American planes have long since been bombing the trails. The bilateral violations of the Geneva accord in this case at least have been directly related to the war in Vietnam.

Of late, however, both Americans and North Vietnamese have expanded military activities further into Laos, in the region of the Plain of Jars. There is reported to be something on the order of 45,000 to 50,000 North Vietnamese now on the northern border of Laos. According to reports, not only has manpower increased but antiaircraft missiles have been implanted. On the part of the United States the bombing in Laos is reported to be heavier than it was in North Vietnam and that there could now be as many as 20,000 sorties a month.

In short, the war seems to be pouring out of South Vietnam through the Laotian panhandle into the rest of Laos and the rest of Indochina. Even Cambodia, which has sought wisely, behind the wall of neutrality, to hold back the jungle of war has felt, of late, the intensified pressure of this flow of destruction.

As in 1965, the events in Laos caution that the threat of a continuing inconclusive involvement in Southeast Asia remains unchanged. Indeed, it may be enlarging to embrace Laos. If the military seesaw goes down in Vietnam only to rise in Laos, our situation will not have improved; it will have worsened. In my judgment, only the utmost vigilance, on the part of the responsible officials of this Government, of the President, and the Senate in particular, and of the press will counteract this inevitable tendency.

Prince Souvanna Phouma has said that he was going to ask cochairmen of the Geneva accord, the United Kingdom and the Soviet Union, to call a meeting of all the signatories to put into effect the agreement of 1962. This renewed call is to be commended, and certainly it should be supported in every possible way. It would be my hope that all signatories to the Geneva accord would meet in an effort to restore a measure of stability to the situation in Laos. Moreover, the scope of any such meeting might be enlarged to include the situation in all of Southeast Asia, with the participation of other affected nations, such as Cambodia and Thailand.

If the United Kingdom and the Soviet Union, as cochairmen, would call this conference, it might be possible to draw still useful guidance from the Geneva agreements of 1954 which involved the three Indochinese States. As for Laos, the agreement of 1962 seems to me, still, to be valid. In retrospect, this agreement was never given a full opportunity to get off the ground. Negotiations in Paris or in Geneva but, in any event, at an authoritative level, seem to me still to offer the best prospect for a settlement which would enable the United States to withdraw completely from the present military involvement on the Southeast Asia mainland.

When that has come about, it would be my hope that, as one of the signatories outside of Southeast Asia, we would join with the others in bona fide multilateral guarantees of the neutrality of that region. In that manner the small nations of that part of the world might have an opportunity to develop in an independent manner—an opportunity which they have not known for centuries.

The time is short; the time is now to face up to the implications of this worsening situation in Laos. The danger of our over-extended commitment in Southeast Asia needs to be considered frankly and without delay. The fact is that the President and the Congress have still not corralled an open-ended military involvement in a part of the world which is not directly vital to our security, in a part of the world in which the involvement was a misfortune to begin with and every day of its continuance a tragedy.

Mr. GURNEY. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. Yes, indeed.

Mr. GURNEY. All of us here in the Senate certainly understand the genuine concern of the majority leader as to this whole affair in Southeast Asia, as I think it is the concern of all of us in the Senate, as well as the President and the executive branch of the Government.

However, in making his comments on Laos, it is not the suggestion of the distinguished majority leader that we cease all bombing of the Ho Chi Minh Trail in Laos; is it?

Mr. MANSFIELD. Unfortunately, as long as the war in South Vietnam continues, there is the continuation which the Senator is alluding to, which is tied directly to the war in Vietnam and has to do with the infiltration of men and supplies down that trail into South Vietnam, where they come in contact and combat with American soldiers, among others.

Such is not the case in the area around the Plaine des Jarres, in central Laos, where, to the best of my knowledge, there are no U.S. combat troops. I believe that is a true statement of fact.

Mr. GURNEY. I am delighted to hear that, and I was sure the distinguished majority leader would reassure us on that point, because as long as the Ho Chi Minh Trail is the principal supply route, in order to protect our troops it does seem we have to hit it with our bombers.

Mr. MANSFIELD. Yes, but I am sure the Senator is aware that there have been reports, seemingly authentic, that B-52's which had been used in close combat support when the marines were entrenched at Khesanh, along the demilitarized zone, and had been used along the Ho Chi Minh Trail, have lately been used in the area of the Plaine des Jarres, a long way from the trails themselves, which is an escalation on our part.

Mr. GURNEY. I realize that. I just wanted to point out that there was a difference between the necessary bombing along the Ho Chi Minh Trail and this other involvement we have been reading about the last few days.

Mr. MANSFIELD. The Senator is correct. There is a difference between the two. One has been long recognized and in operation; the other has been in effect only a short time.

I also am fully aware, may I say to the distinguished Senator from Florida, of the predicament in which President Nixon finds himself, because he did not start this war. He has to contend with it, though, and what I have endeavored to say this morning, as I indicated at the beginning, is that I hoped these remarks would be constructive and helpful to him in finding a solution.

Several Senators addressed the Chair.

Mr. MANSFIELD. I yield first to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I have not heard the entire address of the Senator from Montana, so I cannot comment on his total address; but, as I understand it, the Senator from Montana feels that more information should be given to the public with regard to U.S. activities in Laos.

I join the Senator from Montana in expressing the view that it would be wise, as I see it, to give the public greater information than that which has been given in the past.

This situation in Laos has been going on for a long time. There has been bombing in Laos for many years now.

At the end of 1968, 10 percent of all the bombs that were dropped during this Vietnamese war had been dropped on Laos. I have not checked the facts recently, but my guess would be, and I think it would be a rather accurate guess, that at this point there has been a greater tonnage of bombs dropped on Laos than there has been on North Vietnam.

Mr. MANSFIELD. The Senator is correct; that is my information as well.

Mr. BYRD of Virginia. Of course, the greatest tonnage of bombs has been dropped on South Vietnam, but next to South Vietnam is Laos, and third, North Vietnam.

While I cannot comment on the total statement made by the distinguished Senator because I did not hear it all, I do wish to join with him in urging that the American people be given all possible facts in regard to American activity in Laos.

Mr. MANSFIELD. Mr. President, may I say, before I yield to the distinguished Senator from Ohio, that I mentioned the status of the Symington committee only in passing, but I agree with the distinguished Senator from Virginia that it would be in the best interests of the administration, the Senate, and the American people as a whole if the State Department and the Committee on Foreign Relations could get together and would issue a sanitized version of the Symington committee hearings; otherwise the people are going to raise questions, and they are going to say, "Where there is smoke there is fire," and the net result will be a great deal more difficult than if all the issues which could possibly be set forth at this time, security being considered, were laid out for all of us to see.

I yield to the Senator from Ohio.

The **PRESIDING OFFICER.** The Senator's time has expired.

Mr. MANSFIELD. I ask unanimous consent for 2 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, having listened to the statement made this morning by the distinguished majority leader—and it was a very important statement indeed—I trust that the American people will have an opportunity to read that statement in detail. I wish to associate myself with the position taken by the distinguished majority leader. He has, in a way, echoed my views and what I have been thinking regarding our involvement in Laos.

In October of 1965 I spent approximately 10 days in Laos, and again in 1968 I was in every area of Laos. I went by helicopter to many places, and not only that, but, just as the distinguished majority leader has done, at a time preceding my visit I had an opportunity to meet, interview, and talk at length with Prince Souvanna Phouma.

First, I wish to say that Laos is just about the most undeveloped country that I have ever visited. That country is certainly not worth the life of one American soldier. I think the facts are that our situation and our involvement in Laos and in the fighting there have been increasing in recent weeks, and the entire prospect for early peace in Southeast Asia seems to be dwindling.

Mr. President, I know, from being there, observing the places, and recognizing the names of the areas where our B-52's have been constantly bombing in recent days, that some of the places we have bombed are about 200 miles away from the Ho Chi Minh Trail. That bombing has nothing to do with infiltration from the north.

The **PRESIDING OFFICER.** The Senator's time has expired.

Mr. YOUNG of Ohio. I ask unanimous consent that I may proceed for 3 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. YOUNG of Ohio. The facts are that, despite what we were led to believe, that our President had a secret plan to end the war in Vietnam, our involvement there has been escalating and increasing. For example, just recently we read of three newspapermen who did on a larger scale what I tried to do in Laos and Vietnam. I tried to get away from the restrictions placed around me, and they went on their own. They walked some 8 miles, and there they saw American soldiers dressed as civilians, but armed with our weapons, whom they were not supposed to see. The CIA seems to be running things, and I say to our distinguished majority leader that from my observation of what was going on in 1968 in Laos, it seems to me that the CIA was running the show then, and that the Central Intelligence Agency, in its operations in Laos, while it may be called a watchdog, is a watchdog that badly needs a master; and by a master, I mean the U.S. Senate.

Those newspapermen observed our B-52 bombers leaving on bombing missions in Laos, at 1-minute intervals, with huge loads of bombs. I recall distinctly that when I was in Laos in 1965, our American warplanes were disguised, because we had guaranteed the neutrality of Laos.

When I was in Laos last year, we Americans were openly bombing Laos and, of course, we are doing that openly now. A civil war has been waged in Laos since shortly following World War II. Just the other day the CIA—I think this is touched upon in a front page story in the Washington Post today—forcibly removed 13,000 Laotians, moving them from the area of the Plain of Jars down closer to Vientiane because they believed they were Pathet Lao or were sympathizing with the Pathet Lao.

So this is another situation in which, unfortunately, we Americans are becoming more and more involved in another civil war in Southeast Asia, when we are still involved in a civil war in Vietnam. There can be no argument about that.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. YOUNG of Ohio. I ask unanimous consent that I may be permitted to proceed for 2 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. YOUNG of Ohio. Gen. Richard Stilwell, the chief deputy, told me that 80 percent of the people living in the Mekong Delta, south of Saigon, were sympathetic with and fighting for the National Liberation Front, on the side of the VC.

We should be aware—and I am glad that the majority leader has called attention to it—that the industrialists with huge defense contracts and the generals of our Joint Chiefs of Staff seem to be leading us into another ground and air war in Southeast Asia. At present we are waging an air war on a tremendous scale in Laos. Very soon we shall have dropped more bombs in Laos than we dropped in Germany in World War II, and perhaps we have exceeded that total right now. This is contrary to the intent of the National Commitments Resolution adopted in the Senate. It is contrary to the recent amendment to the Defense appropriation bill prohibiting the introduction of U.S. ground combat troops into Laos without receiving the authorization of Congress to conduct such warlike activities.

Of course, as we have guaranteed the neutrality of Laos, we have violated our own guarantee. Is it any wonder that there is rioting against us in Asian nations?

There is beginning to be a feeling prevalent in Asia and in the capitals of the world that Americans do not live up to their commitments. We in the Senate want to live up to our commitments. We want to maintain the neutrality of Laos which was guaranteed.

We have learned very little from the past, Mr. President. We continue to escalate our involvement in the civil wars of other countries. Yet, we hide our involvement from the American people. I am glad that the majority leader has spoken out on this matter this morning. I am

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happy that he has called upon the Department of State and the President of the United States to give to the Committee on Foreign Relations a full report on our war-like activities in Laos, even though that report may demonstrate that we have violated our word to preserve the neutrality of laos. This information should be given to the Committee on Foreign Relations so that the chairman of that committee, the Senator from Arkansas (Mr. FULBRIGHT), may release it to the Senate.

Mr. MOSS. Mr. President, I should like to associate myself with remarks of the majority leader. On Friday last, in the Senate, I made some remarks about our involvement in Laos, and I think they are in accord with those expressed this morning by the majority leader.

ANNOUNCEMENT ON VOTES

Mr. MOSS. Mr. President, I would like the RECORD to show how I would have voted on the various rollcall votes taken last Saturday in the Senate. Most unfortunately, I was absent on Saturday, due to a commitment made on Thursday. By the time I learned late on Friday that the Senate would convene on Saturday, I could not change my appointment. People were already traveling from Vancouver, British Columbia, Edmonton, and Toronto, to keep the meeting to which I had agreed. I simply could not break my word to them. So I left early on Saturday to fly to Ottawa and returned on the night plane. My 15-hour absence caused me to miss nine record votes. Obviously, other Senators were in similar situations, since nearly one-third of the Senators were absent and not voting Saturday last.

While I have the floor, I wish to record my disappointment that Senators cannot rely on times of sitting of the Senate. I realize that the majority leader has issued a general warning that there may be Saturday sessions. But only a week ago I attended a meeting of Senators where the leader was asked—and I thought agreed—that Saturday sessions not be held except under very pressing circumstances. It was there recognized that all Senators have many pressing engagements which call them away on weekends. Moreover, just the Saturday before I had canceled appointments in my home State and stayed in Washington because the majority leader had responded to the inquiry of the minority whip that "there may very well be votes" on the next Saturday. With that statement in the RECORD, I stayed in Washington only to have the Senate adjourn early on Friday and convene not at all on Saturday, February 21.

The past week, I had to make an election to be gone on Friday or Saturday. Friday was represented as the big day on the HEW appropriations bill. So I stayed Friday for one record vote. Saturday, I had to leave. My votes on Saturday, February 28 would have been:

For ratifying the treaty.
For the Mathias amendment.
For the second Mathias amendment.
For the Scott amendment.
For the Spong amendment.
Against the Javits amendment.
For the motion to table the Hruska amendment.
Against the Hruska amendment.
For the HEW appropriation bill on final passage.

Since no division was so close that my vote would have been decisive, hindsight says my absence does not matter too much. But I do not view it that way. The citizens of Utah sent me to represent Utah in the Senate. That I try to do with fidelity. My people have strong views in priorities of spending and most strongly believe that aid to education and health deserves full support. I wanted to speak for their point of view and to record my vote for the full appropriation reported by the committee. I supported the first HEW appropriation bill, opposed the veto, and would have raised this appropriation bill to the same figures if I could.

DEEP SUBMERGENCE RESCUE VEHICLE—ANOTHER EXAMPLE OF DEPARTMENT OF DEFENSE COST UNDERESTIMATING

Mr. WILLIAMS of Delaware. Mr. President, today I call attention to another example wherein the Department of Defense in 1964 under Secretary McNamara grossly underestimated the cost of the development of 12 deep submergence rescue vehicles when asking for congressional authorization and then after gaining approval of the project allowed costs to escalate by over 2,000 percent.

My remarks are not a criticism of the development of this rescue vehicle—on the contrary, I support the objective and can understand some discrepancy in the estimated cost of the new weapon, but certainly there can be no justification for such a wide error in the estimate presented to Congress.

The deep submergence rescue vehicle is intended to be a small submersible vehicle designed to rescue personnel from a disabled submarine. It is expected to weigh about 35 tons and to be approximately 50 feet long. In the event of a disaster where rescue is possible the deep submergence rescue vehicle would be transported by aircraft to the port nearest the disaster. From there it would be carried to the site by either an auxiliary submarine rescue ship or a specially configured submarine, either of which could act as the supporting ship. The deep submergence rescue vehicle would then shuttle between the bottomed submarine and the supporting ship, carrying a maximum of 24 rescuees on each trip.

In February 1964 the Navy estimated that a rescue system including 12 deep submergence rescue vehicles could be developed in 4 years. The estimated cost for development and 1 year of operation was $36.5 million. Further, Congress was told that introduction of the deep submergence rescue vehicle system was to result in a savings of $37.2 million by permitting a phaseout of an existing rescue system.

This represented an average cost of $3 million per unit, and allegedly even this cost would be offset by a phaseout of an existing rescue system.

In 1969 the Navy estimated that obtaining a rescue system of six deep submergence rescue vehicles would take a total of 10 years—1964 to 1974—and would cost about $463 million. Of this cost about $125 million has already been allocated, $31 million has been requested for fiscal year 1970, and $307 million will be needed during fiscal years 1971 to 1974. Moreover, we are now told that the existing rescue system will not be phased out; and, consequently, the anticipated savings will not be realized.

Thus we find the cost, instead of being $36.5 million for 12 rescue units, or an average of $3 million each, has now been projected to $463 million for six units, or an average of $77 million each.

This is an increase of 26 times the original estimate, and even this estimate may be revised higher as the result of a reexamination of the contract as initiated last year after the General Accounting Office had intervened.

Our experience with the multibillion-dollar escalation in the cost of the F-111, or "McNamara's folly" as it has been labeled, is well known, and this is another example of manner in which Secretary McNamara misled the Congress and the American taxpayers as to the true costs of our defense programs.

The Comptroller General in his report to the Congress No. B-167325, dated February 20, 1970, reviews this program in more detail, and I ask unanimous consent that a brief summary of that report be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

EVALUATION NEEDED OF COST-EFFECTIVENESS OF FOUR MORE DEEP SUBMERGENCE RESCUE VEHICLES BEFORE PURCHASE BY THE NAVY

B-167325

WHY THE REVIEW WAS MADE

The General Accounting Office (GAO) is reviewing the Navy's management of its Deep Submergence Rescue Vehicle (DSRV) program which has had significant cost overruns and delays in development. Two DSRVs have been purchased by the Navy. This report covers the cost of, and the estimated effectiveness to be derived from, four additional DSRVs the Navy intends to buy. Other aspects of the program are still under review.

The DSRV is a 35-ton submersible designed for rescue of personnel from a disabled submarine. When needed, the DSRV would be transported by aircraft to a seaport near the disaster and carried to the site by a supporting ship or submarine. The DSRV would then shuttle between the disabled submarine and the supporting craft, rescuing a maximum of 24 survivors each trip.

FINDINGS AND CONCLUSIONS

The estimated cost of this rescue system has grown from $36.5 million for 12 DSRVs to $463 million for six DSRVs.

In February 1964 the Navy estimated that a rescue system including 12 DSRVs could be developed in 4 years. The estimated cost for developing and 1 year of operation was $36.5 million. Further, introduction of the DSRV system was to result in a savings of $37.2 million by permitting a phaseout of an existing rescue system.

The Navy estimated in 1969 that obtaining a rescue system of six DSRVs would take a total of 10 years (1964 to 1974) and would cost about $463 million. Of this cost, about $125 million has already been allocated, $31 million has been requested for fiscal year 1970, and $307 million will be needed during fiscal years 1971 to 1974. Moreover, the

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existing rescue system will not be phased out; and, consequently, the anticipated savings will not be realized.

Navy officials estimate that about $200 million of the $307 million applies to the four additional DSVRs. Annual operating cost, after fiscal year 1974, for the four is estimated at over $17 million.

GAO findings further indicate that submarine disasters where rescue is possible are rare.

Since such disasters are infrequent—there have been only two since 1928—and since two DSRVs apparently would provide sufficient rescue capability for any one disaster, the four additional DSRVs would only provide backup capability. In most cases, this backup probably could be provided by other systems currently in use or being developed by the Navy. (See p. 17.)

RECOMMENDATIONS OR SUGGESTIONS

GAO proposed that the Secretary of Defense evaluate the cost of purchasing and operating the four additional DSRVs versus their estimated usefulness. GAO also suggested that a prompt decision would be valuable since a determination that the DSRVs were not needed would halt further expenditures.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Navy replied that the Chief of Naval Operations had directed on April 29, 1969, that a study of the needed number of DSRVs begin on a priority basis. The Navy also stated that construction of the four additional DSRVs would not be undertaken until and unless their usefulness had been shown to justify their cost.

The Navy began its study on December 15, 1969—almost 8 months after it was directed. Because of the untimeliness of the Navy's action, GAO recommends that the Secretary of Defense take steps to ensure that the Navy conducts a meaningful study promptly to provide a suitable comparison of the additional DSRVs' probable usefulness to their cost.

MATTERS FOR CONSIDERATION BY THE CONGRESS

This report is being submitted to the Congress because of its expressed interest in the procurement of major systems and the reduction of unwarranted defense expenditures. The Navy currently plans to submit its requirement for additional DSRVs in its budget request for fiscal year 1971.

PRIVACY AND ARMY DATA BANKS: CONSTITUTIONAL RIGHTS AND MILITARY WRONGS

Mr. ERVIN. Mr. President, last month, as part of the Constitutional Rights Subcommittee study of privacy, we addressed inquiries to the Army Department and other agencies asking about the amount and kinds of personal information they have on people, where it comes from, whether or not it is in computers, who uses it, and if the individual has a chance to review and reply to it.

Our purpose in doing this is to determine whether or not Federal data banks are being developed in accordance with respect for constitutional standards of privacy and due process of law for the individual citizen. Another purpose is to help Congress ascertain the need for comprehensive legislation to govern all data banks the Government operates on individuals.

I have received a reply to our inquiry from the Army Department which provides a remarkable demonstration of the need not only of new laws but for a new agency to regulate data banks and protect individual privacy and constitutional rights where Government records are concerned.

In response to many complaints, we asked the Secretary of the Army particularly to explain reports of information filed at Fort Holabird on the personalities, the political, economic, and social beliefs on the lawful community activities of American citizens. We asked him also to describe in detail the collection and storage of intelligence and other investigative data on private individuals at the Investigative Records Repository and at other Army data centers. In addition, we asked for citations and copies of the statutory and administrative authority on which he relies for this data collection.

The Army Department, in a partial response to my letter, has corroborated the complaints received by Congress. According to their letter, the Army Intelligence Command maintained, and, indeed, still does maintain, information on civilians. In one location alone, the Army Investigative Records Repository, 7 million files are kept on former and present members of the Army, civilian employees, and contractor personnel. These relate principally to security, loyalty, and criminal investigations. However, beyond saying that use of these files is limited by regulation to specifically authorized executive agencies and that no computerization has occurred or is planned, no further light is shed on the overall purpose and management of these files. Nor are any statutes and regulations cited. I hope this information will be forthcoming in the final reply.

The Army Intelligence Command keeps still other files on individuals. These they justify under their missions relating to the collection of information that may be needed by civilian planners and Army commanders in the event Federal troops are directed to act by the President. These activities by the Army were increased reportedly after the Detroit disturbance in 1967.

In furtherance of this nonmilitary mission, the Army stockpiled an amazing arsenal of weapons. First, in the best tradition of military precision, efficiency, and economy, the Army Intelligence officials admittedly set up a computer data bank with information about "potential incidents and individuals involved in potential civil disturbance incidents." They confess that they thought this would be useful in "predicting trends and possible reactions."

Another weapon they developed was a list which included the names and descriptions of individuals who might be involved in civil disturbance situations.

The business of the Army in such situations is to know about the conditions of highways, bridges, and facilities. It is not to predict trends and reactions by keeping track of the thoughts and actions of Americans exercising first amendment freedoms.

If ever there were a case of military overkill, this is it.

Regardless of the imaginary military objective, the chief casualty of this overkill is the Constitution of the United States, which every military officer and every appointed official has taken an oath to defend.

It is to the lasting credit of Secretary of the Army Resor and General Counsel Robert Jordan that after the inherent dangers to constitutional liberties in this program were pointed out to them, some immediate action was initiated.

Mr. Jordan reports that the identification list has been withdrawn and destroyed, and one computer data bank has been discontinued. He states that no computer data bank is now being maintained for storing such information about civilian politics, and that directives provide that no such system can be initiated without the approval of the Chief of Staff and the Secretary of the Army.

While the Army's response is commendable, it raises more questions than it answers, and it leaves a great many of the old questions unanswered.

Since I view this as an interim response to the subcommittee's inquiry, I shall await with interest the Army's final and comprehensive reply to our questions.

We should like to know then when and how that particular computer data bank was discontinued and whether that information is duplicated in other Army files and microfilms. The essential factor here was not necessarily the computerization of the files, but the fact of the Army surveillance of citizens. We should still like to know about other files and data banks on civilian politics maintained in the Pentagon and elsewhere about the country under the authority of the Army intelligence groups.

We should like to know how many copies of the identification list were issued and how frequently? In addition, we still require copies of directives and regulations governing the current information collected and stored under the new policy for civil disturbance as well as for other purposes at Fort Holabird and elsewhere by the Army.

I have informed the Secretary of the Army of our continued interest in receiving the answers to our questions and in receiving a copy of the new directive concerning establishment of new computerized data systems. I hope this marks the beginning of a trend and that more directives will be forthcoming concerning access to review and use of the old information they already have on hand.

Mr. President, although I have little, if anything, in common with the attitudes and views of some of the persons who are probably in the Army files, the very existence of such unconstitutional surveillance by the Army is, I believe, destructive of our form of government.

The Army Department states that it "has long been pressing to have civilian governmental agencies meet needs of intelligence." Obviously, and perhaps fortunately, someone in those agencies is vetoing the idea.

If the President of the United States determines that new forms of intelligence gathering activities are necessary to enforce the laws, let him so inform the

Congress, and let Congress assign the responsibilities to an appropriate civilian agency.

I suggest the Army regroup and redefine their strategic objectives, lower their sights, and reidentify their enemy. Under our Constitution that enemy is not the American citizen.

I ask unanimous consent that the subcommittee's inquiry of January 22, 1970, the February 25, 1970, reply from the General Counsel of the Army and my letter of February 27 be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 22, 1970.

Hon. STANLEY R. RESOR,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: In connection with our study of computers, privacy and constitutional rights, the Constitutional Rights Subcommittee is conducting a survey of the development and maintenance of data banks by Federal departments and agencies.

One of our purposes is to determine whether or not such data systems are being developed in accordance with constitutional standards of privacy and due process of law for the individual citizens involved. Another purpose is to help Congress ascertain the need for comprehensive legislation to govern all computerized data banks on individuals.

Our attention has been particularly directed to reports of the development and expansion of data banks at Fort Holabird, containing information on the personalities, on the political, economic, and social beliefs and on the lawful community activities of American citizens.

To assist the Subcommittee in its study, we should appreciate your explaining for us: (1) the present situation concerning collection and storage of Army intelligence and other investigative data on private individuals, particularly at the Investigative Records Repository, but also at other data centers operated by the Army; and (2) future plans for expanding and further computerizing the present system.

Specifically, we should receive responses to the following questions:

1. Under what statutory and administrative authority was the Investigative Records Repository established, and for what purpose? What is the relationship of this activity to the responsibilities of the Armed Forces? Please supply copies of pertinent statutes, regulations and memoranda.

2. Is all military intelligence data on individuals filed in this center? Is it computerized?

3. How many subject individuals are presently recorded in the system at the Records Center?

4. What categories of information about individuals are contained in this data bank? Are there any published or unpublished regulations or instructions governing the type of information appropriate for the files, how it is to be gathered, and how its accuracy is to be determined? If so, please supply copies.

5. Are there plans to expand the scope of these files in number and subject matter? If so, how would this specifically alter the existing data system?

6. Is the subject individual, or his representative, allowed to review the data on record about him, to supplement his file and to explain or rebut material he considers inaccurate?

7. What provisions are made deleting material found to be inaccurate or inappropriate, either spontaneously by the Army or on motion of the individual concerned?

8. What limitations are placed on access to the file or to information contained in it? What security procedures or devices are employed to prevent unauthorized access to the data file or improper use of the information? Who specifically has access to this data? For what reasons and on what authority is access granted?

9. What other agencies have access to these files? For what purposes? Under what restrictions?

10. Is a record maintained of the details of inspection or use of the file or data on an individual?

11. How is this information collected and by whom? Is it collected by investigators or from third parties? Is it solicited from the individual himself, or is it collected from other records?

12. Do you have published or unpublished regulations or guidelines concerning use and availability of these files? If so, please supply copies.

13. Do you have published or unpublished regulations or guidelines concerning the gathering, screening and accuracy of data in these files? If so, please supply copies.

14. To what extent are these files computerized? What are your plans for computerizing further?

15. The Subcommittee is interested in learning the truth about current reports that the Army plans to connect its intelligence teletype reporting system to a computerized data bank at the Investigative Record Repository. If so, what are your plans for safeguarding the accuracy of the data collected and its relevance to the area of your responsibility?

16. What other data banks are maintained or supported by the Department of the Army on private citizens? To the extent possible, please supply for each of these the information requested for the Fort Holabird data banks.

Enclosed is a *Congressional Record* excerpt describing the scope of the Subcommittee's interest in the government's use of data banks on individuals.

Your assistance in our study is deeply appreciated.

With all kind wishes, I am,
Sincerely yours,
SAM J. ERVIN, Jr.,
Chairman.

FEBRUARY 25, 1970.

Hon. SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter concerning development and expansion of data banks at Fort Holabird, which we belive may be related to an article in the *Washington Monthly* entitled "CONUS Intelligence: The Army Watching Civilian Politics" by former Army Captain Christopher Pyle.

The allegations made by Mr. Pyle were viewed with great concern by both the civilian and the military leadership of the Army. Both have always, over the generations, been keenly sensitive to the longstanding American tradition separating the military from involvement in domestic politics, and both are constantly alert to ensure that Army actions as well as policies are in keeping with the traditional limitations upon our armed forces. Ever since the unfortunate necessity arose, several years ago, for military forces to be prepared for civil disturbance operations when directed by the President, there has been a special sensitivity to the immediacy of this problem.

Our continuing goal has been to maintain suitable limits to Army intelligence involvement in the civilian sector, and toward this end our policies and practices have been undergoing periodic examination. The main charge of the article, and indeed its title, hold that the Army deliberately seeks the opposite, by widespread aggressive, covert collection of intelligence about people who "might make trouble for the Army." This charge is false. The Army's domestic intelligence activity has been to a small degree in the civil sector, but only to focus upon civil disorder, and the Army has long been pressing to have civilian governmental agencies meet even these intelligence needs.

The military security functions of the Army in the United States are conducted by the U.S. Army Intelligence Command, Fort Holabird, Maryland. This Command reports directly to the Chief of Staff of the Army and is closely supervised for him by the Assistant Chief of Staff for Intelligence. The Command employs seven subordinate organizations, military intelligence groups, located throughout the United States in support of its military security functions. These groups, employing approximately 1000 agents, support the principal missions assigned to the Intelligence Command by the Department of the Army.

The principal activity of the U.S. Army Intelligence Command is to conduct security investigations to determine whether uniformed members of the Army, civilian employees and contractors' employees should be granted access to classified information. This activity and allied activity relating to security matters account for 94% of the time of Intelligence Command field personnel, and will consume a higher percentage in the future because of reduction in civil disturbance activities.

To avoid duplication of effort and to give investigators the benefit of prior work, a central filing system of Army investigations is necessary. The U.S. Army Investigative Records Repository, run by the Intelligence Command, has approximately 7 million files relating principally to security, loyalty or criminal investigations of former and present members of the Army, civilian employees and contractor personnel. When security or criminal investigations are completed the entire report is forwarded to the Records Repository at Fort Holabird for filing. The use of these files is limited by Regulation to specifically authorized Executive Branch agencies. No computer has been installed in the Investigative Records Repository; none has been or is planned to be installed since the cost in manpower and time to convert the Repository files to a computer bank would be prohibitive. The Repository does have an automatic retriever system for some of the files; these files, placed in boxes, can be mechanically retrieved on a trolley system in order to save time in searching for files.

In order that investigative efforts in the security field would not be duplicated, Secretary of Defense McNamara directed on 27 May 1965 that a central index of all security investigations conducted by Department of Defense agencies be established. Accordingly, the Defense Central Index of Investigations was established at Fort Holabird. Data included in this index is limited only to the identification of an individual, the type of investigation conducted, date of completion, and the location of the investigation (for example, Army investigations are filed in the Investigative Records Repository). The data is placed on manually key punched cards which are then alphabetically filed. A sample card is attached. At present, these cards must be manually searched. A plan to install a computer at the Central Index has been approved. Information on the key punched cards will be placed in the computer; the purpose of this computer will be to rapidly identify and indicate the location of files needed in security investigations. The computer will contain only the information

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shown on the sample card, which does not reflect the existence of any personal information of any kind, derogatory or otherwise. The present system and the planned computer are not and will not be tied in with any form of computer data banks. There is no plan to use the Central Index in any other fashion.

The U.S. Army Intelligence Command also has missions relating to the collection of information that may be needed by civilian planners and Army commanders in the event Federal troops are directed to act by the President. As you know, the Army has certain obligations under the Constitution and the laws to act at the direction of the President to deal with civil disturbances beyond the capability of local and state authorities to control. Army intelligence activities in the field of civil disturbances are directed primarily at ascertaining information needed to prepare appropriate levels of alert for military forces and needed by military commanders if they are directed to act. This limited field of interest removes from legitimate concern of the Army minor forms of disturbances and lawful activities not likely to lead to major disturbance involving use of Federal resources.

Intelligence personnel obtain this limited civil disturbance-related information primarily from the FBI, it is reported usually by teletype to the U.S. Army Intelligence Command. The Director of Investigations, U.S. Army Intelligence Command, is responsible for collecting the information, storing it, and forwarding it, as necessary, to appropriate officials in the Department of Defense. The teletype is not linked to any computer, nor has there ever been a plan to do this.

The collection of civil disturbance-related information by the Army increased after the disturbance in Detroit in 1967. However, the Intelligence Command was not and has never been reinforced with additional personnel to accomplish the civil disturbance missions assigned to them at that time. Since this was a new area for the Army, an appropriate level of action necessary to accomplish the Army's mission had to be evolved. This area has been a subject of constant attention and refinement in order to narrow the Army's actions to only those which are absolutely necessary. There have been some activities which have been undertaken in the civil disturbance field which, after review, have been determined to be beyond the Army's mission requirements. For example, the Intelligence Command published from 14 May 1968 to 24 February 1969, an identification list which included the names and descriptions of individuals who might be involved in civil disturbance situations. All copies of the identification list have been ordered withdrawn and destroyed. The Army's present policy is that reporting of civil disturbance information is limited to incidents which may be beyond the capability of local and state authorities to control and may require the deployment of Federal troops.

In the past, the Director of Investigations at the Intelligence Command has operated a computer data bank for storage and retrieval of civil disturbance information. This data bank, which included information about potential incidents and individuals involved in potential civil disturbance incidents, was thought, useful in that it permitted the rapid retrieval of related information for predicting trends and possible reactions. The civil disturbance data bank was discontinued since, after the study, it was determined that the data bank was not required to support potential Army civil disturbance missions.

Thus the Army does not currently maintain, and has ordered the destruction of, the identification list referred to above. No computer data bank of civil disturbance information is being maintained, and directives provide that no such system can be initiated without the approval of the Chief of Staff and the Secretary of the Army.

I hope that the information set out above will satisfy your concerns.

Sincerely,

ROBERT E. JORDAN III,
General Counsel.

U.S. SENATE,
SUBCOMMITTEE ON
CONSTITUTIONAL RIGHTS,
Washington, D.C., February 27, 1970.

Hon. STANLEY R. RESOR,
Secretary of the Army,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for your interim reply to the Subcommittee's inquiry of January 22, 1970, in connection with our study of privacy and data systems.

I wish to commend you and the General Counsel of the Army for the prompt and effective action you have taken to reduce the Army Department's involvement in domestic intelligence work. I was gratified to learn that you have discontinued the computer data bank which was maintained on "potential incidents and individuals involved in potential civil disturbance incidents." Furthermore, the fact that you have ordered the withdrawal and destruction of a list of people who might be involved in civil disturbances is also laudable, and will be reassuring to those in Congress concerned with constitutional rights.

My inquiry of January 22, as you know, was not limited to information collected for possible civil disturbances, nor was it confined to files kept at Fort Holabird.

Since Mr. Jordan's letter deals only with one Fort Holabird computer data bank, and does not refer to other similar civil disturbance data banks and data systems not necessarily computerized, which are reportedly maintained by the Army in the Pentagon and in the various Intelligence Groups, I hope that your final reply will complete your responses to our inquiry, especially to Question 16.

His letter does not, furthermore, deal with the questions raised concerning the information which he indicates is currently being maintained under the new policies. In addition, it does not answer our inquiries concerning other information kept on file about civilians.

With your final reply, I hope that you will comply with the Subcommittee's request for the pertinent regulations, statutes, directives, and other authority to which Mr. Jordan generally refers.

Since Mr. Jordan states that the Army has urged that other civilian agencies take over the task of domestic intelligence, we should be interested in knowing what specific recommendations have been made in this matter.

While the Department is to be commended for the prompt action to remedy, at least partially, this unjustified interference by the Army into domestic political activities, this does not explain how the Army was permitted to engage in such activities in the first place. The preservation of our civil liberties cannot depend on the lucky discovery of illegal programs. Clearly, in our government of laws, no such activity should be undertaken secretly, as was this, nor without clear statutory and constitutional authorization from Congress.

With all kind wishes, I am,

Sincerely yours,

SAM J. ERVIN, Jr.
Chairman.

LET'S TELL HEW'S BIRDS WHERE TO GO

Mr. ERVIN. Mr. President, in the Goldsboro News-Argus of Wednesday, February 25, 1970, there is published an editorial entitled "Let's Tell HEW's Birds Where To Go."

Goldsboro, N.C., has desegregated its school system until in most cases black students outnumber whites in previously all-white schools. Instead of receiving the commendation of HEW for desegregating its school in a fashion of which both races can be proud, the Goldsboro Board of Education has been notified by HEW that it has failed to desegregate its school in a manner satisfactory to HEW and that future applications for Federal funds will be deferred.

The editorial suggests in strong language that the people of Goldsboro and the South ought to stop kissing what it calls "bureaucratic backsides" and "tell HEW to take its Federal funds, its letters, its threats, and its enforcement personnel and go to hell."

In so doing, the editorial reveals the ever-expanding resentment of North Carolina and other States of the South over the discriminatory and its tyrannical actions of Federal courts and HEW in denying schoolchildren and parents of the South their freedoms, and their fair share of Federal funds.

Mr. President, I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LET'S TELL HEW'S BIRDS WHERE TO GO

The Department of Health, Education and Welfare notified the Goldsboro Board of Education yesterday that it had failed to voluntarily desegregate the public schools, that future applications for public funds would be deferred and that "enforcement proceedings" would be followed.

In response to this arbitrary action by HEW in light of the sincere and successful effort made here to totally desegregate the schools, we offer this suggestion:

Let's tell HEW to take its federal funds, its letters, its threats and its "enforcement" personnel and go to hell.

Goldsboro not only has desegregated its school system until in most cases black students outnumber whites in previously all-white schools, but it has done so in a spirit that should have earned the commendation of HEW.

Instead, we have had to kiss their bureaucratic backsides and "yassah" and shuffle to every tune whistled by anybody with a D.C. license plate.

If the administration in Washington will permit such unfair and arrogantly arbitrary action by a bureau that CAN be controlled by the President and by Congress, then the American people should boot out every public official in the next election.

We have listened too long to the political grandstanding of officials who tell us one thing at election time and then, because they don't know how or are afraid to fight hard enough, come back with the mealymouthed apology that they "can't do anything about it".

We refuse to believe that HEW is all-powerful, that it can flaunt the law and the public interest and be answerable to neither the Congress nor the President of the United States.

We can in the best of faith stand before any reasonable judge and before history and say that we have desegregated our public school system and in a fashion of which both races can be proud.

Let us stand up to HEW in this hour and say we will have no more of its bureaucratic bullwhipping. Human dignity and our pride as a free people will not permit us to crawl to the trough for federal funds that are legally and morally ours.

We should ignore any further bureaucratic mandates, forward all future correspondence unopened to our congressmen and the President, and refuse to accede to any "enforcement procedure" growing out of the HEW threats.

HEW "guidelines" are not laws—they are bureaucratic regulations that in some instances, as in busing, have actually required school districts to violate laws passed by Congress.

Only by standing our ground now are we going to make our elected officials in Washington face up to making a clearcut choice between serving the people of this once-free country or having the people subservient to a bureaucratic dictatorship.

Every member of Congress and the President himself should camp in the office of HEW until its paranoic racist stormtroopers are sent packing and reason and sanity have been restored.

Neither the President nor any member of Congress—regardless of party—should have the gall to face their constituents again until this has been done.

If we yield to unreason, then we simply are playing the game of the unreasonable.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Actual Procurement Receipts for Medical Stockpile of Civil Defense Emergency Supplies and Equipment Purposes

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarter ended December 31, 1969; to the Committee on Armed Services.

Report of Small Business Administration

A letter from the Administrator, Small Business Administration, reporting, pursuant to law, the amount and date of disbursement of funds by small business investment companies, dated February 27, 1970; to the Committee on Banking and Currency.

Report of U.S. Information Agency

A letter from the Director, U.S. Information Agency, transmitting, pursuant to law, a report of the Agency for the period January 1 to June 30, 1969 (with an accompanying report); to the Committee on Foreign Relations.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the Disabled American Veterans National Headquarters for the year ended December 31, 1968, and the Life Membership Fund and Service Foundation for the year ended June 30, 1969, dated March 2, 1970 (with an accompanying report); to the Committee on Government Operations.

Report of Secretary of the Interior on Waste Treatment Facilities

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report listing waste treatment facilities approved for prefinancing and prefinanced projects that are actually underway or completed (with an accompanying report); to the Committee on Public Works.

PETITION

A petition was laid before the Senate and referred as indicated:

By the **PRESIDENT** pro tempore:

A concurrent resolution of the House of Representatives of the State of Louisiana, to the Committee on the Judiciary:

"House Concurrent Resolution No. 12

"A concurrent resolution memorializing the Congress of the United States with respect to calling of a convention for the purposes of proposing an amendment to the Constitution of the United States to provide that no person by reason of race, color, creed, or national origin be refused admission to or be excluded from any public school or be compelled to attend a designated public school

"Whereas, each and every state of this nation is presently experiencing grave problems in the administration of their public educational systems; and

"Whereas, one area of deep concern to the various school boards or districts in the various states is the present uncertainty associated with integration of the public schools and the means or methods utilized to achieve that end; and

"Whereas, there is a great need for the adoption of an amendment to the United States Constitution clarifying the above described problem area by uniformly authorizing the school boards throughout the nation to administer their school systems on the basis of "freedom of choice plans."

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring that, in conformity with Article V of the Constitution of the United States, application is hereby made by the Legislature of Louisiana to the Congress of the United States to call a convention for the purpose proposing an amendment to the Constitution of the United States which shall read substantially as follows:

" 'Article —. No person shall by reason of race, color, creed or national origin be refused admission to or be excluded from any public school or be compelled to attend a designated public school.'

"Be it further resolved that if Congress shall have proposed an amendment to the Constitution to achieve substantially the same objective as provided herein prior to January 1, 1974, then application for a convention shall no longer be of any force and effect.

"Be it further resolved that duly attested copies of this Concurrent Resolution shall be transmitted immediately by the Secretary of State of Louisiana to the President and Secretary of the Senate of the Congress of the United States, to the Speaker and Clerk of the House of Representatives of the Congress of the United States, to the Secretary of State of the United States and to each member of the Congress from the State of Louisiana.

"John S. Garrett,
"Speaker of the House of Representatives.
"C. C. Aycock,
"Lieutenant Governor and President of the Senate.

"A true copy:

"Wade O. Martin, Jr.,
"Secretary of State."

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. **McGEE**, from the Committee on Post Office and Civil Service, without amendment:

S. 3396. A bill to make certain technical changes in provisions of law relating to the postal service (Rept. No. 91–711);

S. 3397. A bill to permit the acceptance of checks and nonpostal money orders in payment for postal charges and services; authorize the Postmaster General to relieve postmasters and accountable officers for losses incurred by postal personnel when accepting checks or nonpostal money orders in full compliance with postal regulations; and to provide penalties for presenting bad checks and bad nonpostal money orders in payment for postal charges and services (Rept. No. 91–712); and

H.R. 13008. An act to improve position classification systems within the executive branch, and for other purposes (Rept. No. 91–713).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. **BYRD** of West Virginia:

S. 3527. A bill to prevent the reduction or loss of veterans' compensation and pension benefits as the result of increases in social security or railroad retirement benefits attributable solely to the general benefit increase provided by the Social Security Amendments of 1969; to the Committee on Finance.

By Mr. **McINTYRE**:

S. 3528. A bill to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. McIntyre when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3528—INTRODUCTION OF A BILL TO HELP SMALL BUSINESS MEET THE CRISIS OF ENVIRONMENTAL CONTAMINATION

Mr. **McINTYRE**. Mr. President, I introduce, for appropriate reference, a bill designed to aid small businesses which are forced to modify their operations to conform to new environmental standards. The bill would also aid small businesses which specialize in the development of new methods of reducing pollution or otherwise improve our environment or which voluntarily adopt such methods. It requires the Small Business Administration to consider environmental aspects in its regular loan programs.

One of the great paradoxes of our times is the fact that the scientific and technological advances which have made our lives easier and more pleasant and lifted us into a position of world leadership have created their own problems in the form of environmental contamination.

Much legislation has been enacted in recent years in a belated effort to cope with these problems, for example, the Water Pollution Control Act, the Clean Air Act, and the Solid Waste Disposal Act. Nevertheless, the deterioration of the environment continues and many experts have predicted that, if it remains unchecked, our society is doomed.

As a result of these dire predictions there has been a tremendous upsurge of interest in environmental problems on the part of Government at all levels, as well as the general public. Environmental problems and proposals accounted for a large proportion of the President's state of the Union message, and he has since sent up a special message on the subject. I commend the President for his interest and efforts.

I would also like to compliment the distinguished Senator from Maine, Senator Muskie, for his long and effective work in this field, and also the distinguished Senator from West Virginia, Senator Randolph. They have laid the foundation for whatever else may be accomplished in the future.

In view of the the heightened interest in environmental problems there will undoubtedly be greatly expanded activity and probably new legislation in this area during the years immediately ahead. It appears that there will also be increased emphasis on enforcement in terms of requiring firms contributing to pollution to make necessary changes in plant and equipment.

I welcome and endorse these developments, which are long overdue. However, I think we should be aware of the differential impact which anti-pollution-enforcement action may have on small businesses as opposed to large corporations. Obviously the relative financial burden of plant and equipment changes required to comply with antipollution standards are much greater for small-scale manufacturers than for large-scale manufacturers.

For this reason I am afraid that many small business concerns will not have the funds available to meet new standards that will be set as new enforcement programs gain momentum. Conformance with new standards must be very strict if the desired results are to be obtained. I am certain that there will be many concerns whose very existence will be threatened if they do not have the means to meet these new standards and requirements. This bill would make loans available to help meet these needs.

Another section of this bill would require SBA in its regular loan programs to give priority to those applications which will further the development or utilization of new methods of reducing pollution. The bill also requires SBA to consider the environmental aspects of all loans made.

A vast new area requiring the utmost in ingenuity and resourcefulness lies ahead in this fight to protect and save our environment. This is the type of challenge in which small business has in the past excelled.

I think that it is very necessary that these new programs for loans to small business to meet these new demands should be set up as quickly as possible. I am confident that the President will recommend sufficient funding, and the Congress will appropriate whatever funds are necessary to accomplish this worthwhile purpose.

In conclusion, Mr. President, I would like to reemphasize the fact that my purpose in offering this bill is not to exempt small businesses from antipollution requirements, but rather to encourage and assist them in complying with such requirements. I hope that my colleagues will join me in this endeavor.

Mr. President, I ask unanimous consent at this point to have the bill to aid small businesses meet the crisis of environmental contamination printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3528) to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes, introduced by Mr. McIntyre, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 3528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(a) of the Small Business Act is amended—

(1) by striking "paragraph (5)" in paragraph (4) and inserting "paragraphs (5) and (8)"; and

(2) by adding at the end thereof of a new paragraph as follows:

"(8) The Administrator shall require that any equipment, facilities, or machinery to be acquired with assistance under this subsection be so designed as to prevent, control, or minimize environmental pollution which might otherwise result therefrom in accordance with such standards as the Administrator shall prescribe after consultation with the Secretary of Health, Education, and Welfare. In the processing of applications for financial assistance under this subsection the Administrator shall give priority to those applications which he determines will further the development or utilization of new and improved methods of waste disposal or pollution control. The rate of interest for the Administration's share of any loan with respect to which such determination has been made shall not exceed the average annual interest rate on all interest-bearing obligations of the United States then forming part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eight of 1 per centum, plus one-quarter of 1 per centum per annum."

Sec. 2 (a) Section 7(b) of the Small Business Act is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; and "; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration determines to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements for the prevention or control of environmental pollution imposed by Federal or State law, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of Section 7(b) of such Act is amended by striking "or (5)" and inserting ", (5), or (6)".

(c) Section 4(c)(1) of such Act is amended by inserting "7(b)(6)," after "7(b)(5),".

THE PRESIDENT'S ENVIRONMENTAL CONTROL BILLS—ADDITIONAL COSPONSORS OF BILLS

Mr. MOSS. Mr. President, I am today joining Senator Scott as a cosponsor of President Nixon's seven environmental control bills.

My colleagues know that since I first arrived here, I have supported, usually as a cosponsor, every single piece of major legislation to protect and rehabilitate our environment. I am very proud to have helped lay this legislative foundation for our war on pollution. But the war has just begun and I intend to continue my support of progressive environmental control bills.

President Nixon is a welcome convert to our cause. For the President, more than anyone else, can focus national attention on the pollution crisis and he, as Chief Executive, can direct the energies of government toward solving the problem. This he has begun to do and must continue to do.

I am particularly pleased that the President's bills expand the authority of the Secretary of the Interior to set national standards for both interstate and intrastate waters; increase Federal power to enforce water pollution standards; authorize the Secretary of Health, Education, and Welfare to regulate fuel composition and additives; replace the Secretary of Health, Education, and Welfare's power simply to recommend, with power, to set national air quality standards; give the Secretary of Health, Education, and Welfare power to regulate pollution emissions if a State fails to do so; and fund completely the land and water conservation fund.

For these progressive recommendations the President is to be applauded and supported. I am glad to see that President Nixon realizes that strong Federal powers are needed if we are ever to defuse the pollution time bomb.

I was disappointed that the President did not include in his recommendation my proposal for a Department of Natural Resources and Environment. This Department would draw together all Federal programs which affect the quality of our environment. I have been advocating such a reorganization of our governmental structure for 5 years and I am still hopeful that President Nixon will endorse it.

In supporting the President's bills, I am, of course, reserving the right to push further and faster.

In his budget request, President Nixon has not matched his state of the Union rhetoric. The amounts requested for pollution control are wholly inadequate. We must spend more than the President recommends just to stay even with the pollution onslaught, and still more is needed to reverse the tide.

I will support the President and vote to enact these necessary measures. But the proposed legislation will do little good unless the funds are appropriated to carry it out. This is where the test will come.

XUM

I ask unanimous consent that, at the next printing, my name be added as a cosponsor of bills S. 3466 through S. 3472.

The PRESIDING OFFICER. Without objection, it is so ordered.

DELETION AND ADDITION OF COSPONSORS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. PROXMIRE) I ask unanimous consent that, at the next printing, the names of the Senator from Ohio (Mr. YOUNG) and the Senator from California (Mr. CRANSTON) be deleted as cosponsors of S. 3508, to create a Federal Mortgage Marketing Corporation, and for other purposes, and instead, to add their names as cosponsors of S. 3503, the Middle Income Mortgage Credit Act. In addition, I ask unanimous consent to add the name of the Senator from New Mexico (Mr. MONTOYA) as a cosponsor of S. 3503, the Middle Income Mortgage Credit Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 362—RESOLUTION SUBMITTED AND AGREED TO RELATIVE TO THE DEATH OF REPRESENTATIVE JAMES B. UTT OF CALIFORNIA

Mr. MURPHY submitted a resolution (S. Res. 362) relative to the death of Representative JAMES B. UTT, of California, which was considered and agreed to.

(The remarks of Mr. MURPHY when he submitted the resolution appear later in the RECORD under the appropriate heading.)

XUM

VOTING RIGHTS ACT AMENDMENTS OF 1969—AMENDMENTS

AMENDMENTS NOS. 533 THROUGH 543

Mr. ERVIN. Mr. President, I submit 11 amendments which I intend to propose to the Scott-Hart substitute for the administration's voting rights bill—amendment No. 519—and ask unanimous consent that these amendments be printed in the RECORD, for the information of the Senate, and that they also be printed and lie on the table until called up for action.

The PRESIDING OFFICER. Without objection, the amendments will be received, and will be printed, and will lie on the table, as requested by the Senator from North Carolina, and, without objection, the amendments will be printed in the RECORD.

The texts of the 11 amendments are as follows:

AMENDMENT No. 533

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4(a) of the Voting Rights Act of 1965 is amended by striking out 'United States District Court for the District of Columbia' and inserting in lieu thereof 'the United States District Court in which the capital of such State is located, or the United States District Court in which such political subdivision is located'.

"(b) Section 5 of such Act is amended by striking out 'United States District Court for the District of Columbia' and inserting in lieu thereof 'the United States District Court in which the capital of such State is located, or the United States District Court in which such political subdivision is located'.

AMENDMENT No. 534

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4(b) of the Voting Rights Act of 1965 is amended by striking 'November 1, 1964' wherever it appears and substituting therefor 'November 1, 1968', and by striking 'November 1964' and substituting therefor 'November 1968'."

AMENDMENT No. 535

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4(b) of the Voting Rights Act of 1965 is amended by striking 'November 1, 1964' wherever it appears and substituting therefor 'November 1, 1968', and by striking ', or that less than 50 per centum of such persons voted in the presidential election of November 1964'."

AMENDMENT No. 536

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4(b) of the Voting Rights Act of 1965 is amended to read as follows:

"'(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which (1) the Attorney General determines maintained on November 1 of the year in which the last most recent presidential election was held, any test or device, and with respect to which (2) the Director of the Census determines that less the 50 per centum of the persons of voting age residing therein were registered on November 1 of such year, or that less than 50 per centum of such persons voted in the presidential election of such year.'"

AMENDMENT No. 537

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4(b) of the Voting Rights Act of 1965 is amended to read as follows:

"'(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which (1) the Attorney General determines maintained on November 1 of the year in which the last most recent presidential election was held, any test or device, and with respect to which (2) the Director of the Census determines that less the 50 per centum of the persons of voting age residing therein were registered on November 1 of such year.'"

AMENDMENT No. 538

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new subsection:

"'(f) After July 1, 1969, no State or political subdivision with respect to which determinations have been made under subsection (b) of this section, shall continue to be subject to the prohibitions of subsection (a) of this section if the Director of the Census determines that at least 50 per centum of the persons of voting age residing therein were registered on November 1, 1968, and that at least 50 per centum of such persons voted in the Presidential election of November 1968.'"

AMENDMENT No. 539

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4(b) of the Voting Rights Act of 1965 is amended by adding at the end of the first paragraph thereof the following sentence: 'For the purposes of the determination required by this subsection the Director of the Census shall exclude the following: 1) All members of the Armed Forces on active duty stationed at a military installation who are bona fide residents of another State or political subdivision, 2) All persons confined in mental institutions who are disqualified under State law or who are bona fide residents of another State or political subdivision, 3) all persons confined in prisons who are disqualified to vote under State law or who are bona fide residents of another state or political subdivision, 4) All students who are bona fide residents of another State or political subdivision, and 5) all other persons disqualified to vote under State law, located in such State or political subdivision thereof.'"

AMENDMENT No. 540

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) is amended to read as follows:

"'SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision shall submit such qualification, prerequisite, standard, practice, or procedure through the chief legal officer or other appropriate official of such State or subdivision to the Attorney General which qualification, prerequisite, standard, practice, or procedure may be enforced after 60 days from such submission. If the Attorney General believes that such qualification, prerequisite, standard, practice, or procedure has the purpose and will have the effect of denying or abridging the right to vote on account of race or color, he may institute an action in the United States District Court in which the capital of such State is located, or the United States District Court in which such political subdivision is located for a restraining order or a preliminary or permanent injunction, or such other order as he deems appropriate, and unless and until the court enters such judgment, such qualification prerequisite, standard, practice, or procedure may be enforced. Any action under this section shall be held and determined by a court of three judges in accordance with the provisions under section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.'"

AMENDMENT No. 541

On page 3, beginning with line 7, strike out down through line 8, on page 4.

AMENDMENT No. 542

On page 7, line 24, strike out the end quotation marks. On page 7, immediately following line 24, insert the following new subsection (f):

"(f) No person shall be required or requested to furnish any information regarding how he voted or whether he voted for any candidate or on any issue. All information which shows, or which may tend to show, how any person or group of persons voted with respect to any candidate or issue shall be kept confidential by the Bureau of the Census, and shall not be disclosed to the Commission, the Department of Justice, the Civil Rights Commission, or to any other person or agency, whether State, federal, or private. All such data, whether or not in computer usable form, shall be destroyed one year from the date upon which the Commission submits its final report."

AMENDMENT No. 543

On page 6, line 12, strike "by race, national origin, and income groups", and insert in lieu thereof, "by age, educational level, and income".

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 2, 1970, he presented to the President of the United States the following enrolled bills:

S. 2523. An act to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that Act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes; and

S. 2809. An act to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel.

NOTICE OF HEARINGS ON VOTING AGE

Mr. BAYH. Mr. President, I am pleased to announce that the Subcommittee on Constitutional Amendments will be holding 2 additional days of hearings on proposed amendments to lower the voting age. The hearings will be held March 9 and March 10, beginning at 9:30 a.m. in room 318, the caucus room. The hearings will consider the general question of whether the franchise should be extended to persons 18 to 21 years of age as well as the question of whether the voting age might be lowered by statute rather than by constitutional amendment. Inquiries should be directed to the staff of the subcommittee, extension 3018.

NOTICE OF HEARING ON NOMINATION OF FRANK WILLE

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking and Currency will hold a hearing on Thursday, March 5, 1970, on the nomination of Frank Wille, of New York, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation.

The hearing will commence at 9:30 a.m. in room 5302, New Senate Office Building.

ADDITIONAL STATEMENTS OF SENATORS

THE ABM SYSTEM

Mr. McGEE. Mr. President, the Washington Sunday Star of March 1, in its lead editorial, has called on the Senate to make reality the basis for our forthcoming consideration of the expanded ABM system. After capsuling the major arguments for and against the plan proposed last week, the Star comes down on the side of what it obviously feels is prudence, noting that the United States "cannot afford the luxury of wishful thinking."

Certainly, Mr. President, all of us do wish that mankind could escape the madness of the arms race, and hope and pray that the SALT talks will help us achieve this goal. Then we could find more humanitarian use for the billions of dollars an effective ABM system would cost. But the affairs of men and of nations have not yet reached that point, as the Star points out in its editorial of March 1.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PROSPECT FOR AN EXPANDED SAFEGUARD

Last year, after a long and acrimonious debate, the Senate voted to begin deployment of an antiballistic missile system. The measure, which had the urgent backing of the Nixon administration, was spared when a move to block deployment fell short of the required majority. The vote was 50–50.

Last week, the battle was joined again when the administration proposed an expansion of the ABM system: A third Safeguard complex to protect one more Minuteman missile site, and the acquisition of land and preliminary work for five additional Safeguard locations.

When the administration gained its narrow victory last year, it was generally assumed that opposition to the ABM was at its zenith, that once the ice was broken future requests to expand the system toward its ultimate goal of 12 sites would meet with diminishing resistance. That judgment, it now appears, was premature. The administration proposal is in serious trouble.

With the advantage of hindsight, it is clear why this opposition—that apparently took the administration by surprise—has come on so strong. First, this is an election year. Second, the administrations request for site acquisition is, in effect, a request to move into the second stage of Safeguard deployment: The "area defense" stage aimed at protection of population centers against any nuclear attack other than an all-out Russian strike. It is a move that would, to some extent, commit the United States to proceed with the full, 12-site Safeguard program, now estimated to cost a total of $11.9 billion over the next seven or eight years.

Neither of these new factors should be written off as unworthy or inconsequential. Survival is the basic drive of life; political survival is the basic drive of the incumbent politician. Voluntary self-sacrifice prompted by idealism is as strikingly rare among politicians as among the rest of the human race.

It can be safely predicted that those senators who are up for re-election will be strongly pressured by their reading of the will of the voters. What is not so predictable is which way this pressure will swing the pendulum.

The first results that must logically be attributed to political realities cannot, however, be counted as happy tidings for the ABM expanders. Last year, Senators Henry M. Jackson and John O. Pastore played key roles in escorting the ABM measure safely through the legislative minefield. This time around Jackson and Pastore both face re-election—and their ardor has obviously cooled. Jackson has expressed serious reservations about moving into site acquisition. Pastore has indicated a disapproval of the entire proposal. If either of these key votes does, in fact, move into the anti column, the effect can be expected to cut much deeper into the pro-ABM total than the single vote involved.

But the political currents, strong as they are, will not show on the surface of the debate that is about to get under way. Instead, the public will be subjected to a repetition of the basic arguments that were advanced during the first round. There will also be a new debating point or two growing out of the request for the five additional sites designed to move the program into the first stages of defense against a future Chinese missile threat.

These arguments are based, for the most part, on a hopeful assessment of Russian intentions.

The Soviets, it is said, are serious about the Strategic Arms Limitation Talks due to resume in April. To plunge ahead now with an expansion of the ABM system would raise doubts about United States intentions and materially reduce the chances of productive negotiations.

Besides, the argument goes, a nuclear attack by either side is unthinkable. Both Russia and the United States are now possessed of such awesome strength that each could absorb a full-scale attack and still deliver a response that would virtually wipe the other nation off the earth.

As for the area defense, the tactic is to dismiss the Chinese threat as an insubstantial nightmare. China has the bomb—true enough. But the delivery system is non-existent. So why worry now about something that may not be possible for years to come?

Put these considerations together, and—in the eyes of the ABM opponents—you have a persuasive argument for postponing further deployment.

Why not, the opposition reasons, make that first peaceful gesture of restraint that may encourage the Soviets to respond in kind and to break the escalating spiral of the arms race? Why not, in this era of intense competition for every available dollar, find some other, more humanitarian, use for the $920 million requested for ABM expansion during the coming fiscal year?

These are substantial questions, requiring effective answers. And answers have been provided by the administration—and by the Soviets.

Russia has given the most persuasive rebuttal to the argument that an expanded Safeguard will wreck the SALT talks. This week, after three years of silence on their ABM system, the Russian defense minister, in an article in Pravda, announced that an effective, operational antimissile system is in place around Moscow. It is clear enough that the Soviets do not believe their existing system is a bar to arms talks. Why then should United States plans for a system that will not be completed until 1977 or 1978 constitute such a bar?

There is a strong appeal to the argument that both sides are capable of such massive overkill that the development of more weapons—offensive or defensive—is a waste of time and money. After all, if nothing can change the balance of terror, we can safely relax behind our present shield of second-strike capability.

The difficulty with this line of reasoning is that it is based on misreading of the facts. There is no permanent balance or assured second-strike capability. New technological developments—specifically including the development of an ABM system—constantly threaten the retaliatory capability.

The unfortunate points to a vast effort by the Soviets to destroy the credibility of the United States' second-strike capability. They have deployed their own ABM system. They have pressed ahead with the development of a multiple-warhead weapon, the SS9, capable of delivering some 10 times the megatonnage of the Minuteman. By the end of 1970, the Soviets will have surpassed the United States in numbers of ICBMs; 1,290 to our 1,054. In 1965, the Soviets had 107 missiles ready for launch aboard submarines; we had 464. Today the figure is 656 of ours to 300 of theirs—and the Russians are continuing to build missile-launching subs at a vastly greater rate than we. Furthermore, as the Soviets approach absolute nuclear parity with the United States, they show no signs of slowing the momentum of their stockpiling.

The China threat, which is the primary reason for the expansion to an area defense, will not be diminished by belittling or ignoring it. The Chinese have the hydrogen bomb. According to the latest published intelligence, they can be expected to test an ICBM delivery system within the year.

All of this does not add up to evidence that any enemy is about to launch a nuclear strike against us. But it does mean that the United States cannot afford the luxury of wishful thinking about Soviet intentions. Nuclear arms are not limited to use in war. They can be persuasive diplomatic weapons as well. If Russia ever achieves the ability to destroy the United States' second-strike capability, if they succeed in making other nations believe that they have done it, or if they convince themselves, that they have a clearcut superiority, the world will have become a different and even more deadly place than it is today.

The yearning that all men share for an escape from the essential madness of the nuclear arms race may, in the near future, be fulfilled by substantial progress in the SALT talks. Meanwhile, reality dictates that the administration proposal to expand the Safeguard system should be approved.

PRESIDENT NIXON ATTENDS DINNER IN NEW YORK CITY HONORING THE PRESIDENT OF FRANCE

Mr. BAKER. Mr. President, I have just learned that the President of the United States, in an unprecedented gesture, has flown to New York City to attend a dinner in honor of the President of the Republic of France. I am delighted by this gesture and proud as a citizen that the President has made it.

Each of us as individuals has had differences with others. Often these differences are of the most vital importance. But I have found in my own experience that rudeness and a departure from common civility rarely advance one's cause.

I am vigorously opposed to the sale by France to Libya of jet aircraft. I feel that the sale of these aircraft will upset a precarious balance in the Middle East and mark the beginning of a major escalation of the arms buildup in that strife-torn area. It is clear that the administration of President Nixon is equally opposed to this transaction.

But opposition to a particular policy does not require street tactics and discourtesy on the part of anyone. The alliance between the people of France and the people of the United States spans more than two centuries of friendship. That President Pompidou and his lovely wife have been discourteously greeted by a very small minority of American citizens is a matter of great regret to me. I am delighted that President Nixon has gone to New York to make it entirely clear to President and Madame Pompidou that those things in common between the two nations greatly outweigh those things at issue. The action of the President will, I am confident, accurately represent the overwhelming majority of American citizens.

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WATER POLLUTION

Mr. YOUNG of Ohio. Mr. President, Federal Water Pollution Control Administration officials report that during 1969 more than 15 million fish died in our Great Lakes due to water pollution. In many areas it is hazardous to health to swim in Lake Erie, and our once lovely white beaches are blackened with waste, scum, and dead fish. Industrial and municipal wastes caused nearly 90 percent of these fatalities, most of that huge total in Lake Erie. Water pollution control is urgent. I voted to increase Federal funds for clean water to $1 billion. Surely, this expenditure must be given top priority instead of squandering additional billions to the $115 billion already spent waging an undeclared, immoral war of aggression in Vietnam.

JOB OPPORTUNITIES FOR MINORITY GROUPS

Mr. SCOTT. Mr. President, I am pleased to offer for the RECORD the text of an address delivered on February 9 by the Honorable James D. Hodgson, the Under Secretary of Labor, to the National Urban League Conference in Atlanta, Ga.

It is an excellent account of the remarkable achievement of the Department of Labor, with the strongest backing from the President of the United States, in widening the job opportunities for members of hitherto disadvantaged minority groups.

The Department's approach, under the direction and personal example of Secretary George P. Shultz, Undersecretary Hodgson, and Assistant Secretary Arthur Fletcher, is characteristic of the Nixon administration's stress on performance rather than rhetoric in handling all public problems. As Mr. Hodgson expressed it in Atlanta:

> Two features mark our approach to today's problems. The first is moderation in style. No florid rhetoric, no illusory promises, no claim of heroics. The second is to point our efforts toward results. Not to accentuate and polarize differences, not to promote confrontations, but rather to get things done—useful, constructive things.

I commend the Under Secretary's address to my colleagues and to all readers of the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF UNDER SECRETARY OF LABOR J. D. HODGSON

The Twentieth Century has been called a troubled and turbulent time. History and fate have not treated it with kindness. The first 50 years of the Century was marked by two unthinkable World Wars, by a lengthy economic trauma and by a demented endeavor to exterminate an entire people. It was in short, a time of great tragedy.

If indeed the first half of the Century was a time of *tragedy*, the second half has been a time of *irony*.

Irony flourishes in disequilibrium. And of disequilibrium we've had our share in the last 20 years. Our Nation moves forward on many fronts: economic, technological, sociological and spiritual. The rate of forward motion on each varies.

During these last two decades the brilliant flame of progress has burned brightly in two spheres—economy and technology. In the realm of economics the so-called developed countries have raced ahead to world record heights of living standards. The United States has led that race—led it to a point where a curious term—affluence—has become widely accepted as descriptive of our condition.

Meanwhile the domain of technology has produced equal or perhaps even greater wonders. Time and space have succumbed to the onslaught of physical science. The moon is no longer a lover's inspiration, but a scientist's laboratory.

But while economics and technology have ascended to peaks of achievement, the condition of man continues to resist similar advancement. This, then is the *irony*—the spectacle of man, seemingly able to achieve all goals save those most intimately affecting himself.

To some this irony is so baffling, so frustrating, that in the argot of the day, they "cop out." They take one of two roads. Some avidly embrace simplistic solutions—solutions long on emotional comfort but short on realization. Others retreat to some neutral and numb ground of non-involvement.

Public officials cannot take either roads if they are to remain responsible to their office. They are charged with the task of analyzing and acting to solve the Nation's problems. And today our Nation's most difficult problems are "people problems." Anyone who deals with the people problems of our time knows one thing is necessary for their solution. That thing is "*change.*" So today, public administrators find themselves engaged as "engineers of change." To devise the direction and chart the course of change—that is the challenge.

In every "people problem" area today, two key questions face the public administrator. Questions of "what" and "how"—*what* needs to be done and *how* it shall be done. These questions involve decisions of both style and substance. In fact, to achieve cohesive policy, style and substance must interrelate.

Today the Administration in Washington is carving out an approach to the people problems of our time. It is framing answers to these "what" and "how" questions.

The Administration's answer to the "what" question in dealing with problems of minorities is now becoming readily apparent. A critical and urgent need is for economic advancement. It has been decided that the way to achieve such advancement is through *more* jobs for minorities, through *better* jobs for minorities and through *more and better* training for *more and better* jobs.

Now what about the answer to the "how" question—how are these things to be done. Here, too, the answer is emerging. First, new industries like construction must be opened up to minority employment. Second, concentration must be placed on those programs that provide *real* jobs, not "iffy" job promises. In manpower programs, job placement rather than social reform is stressed. Upgrading, in addition to hiring, becomes a priority goal, and training programs are specially tailored to job market needs. The thrust of it all has a clear focus—to provide minorities with *more income* through *more and better jobs*.

At the same time operating changes are made to support these objectives. Past vague references to affirmative action are converted into concrete and specific requirements. Responsibility for achievement and enforcement is clarified and fixed. Coordination of administration and enforcement is nailed down. And a quantum leap forward is provided in staff and dollars to do the job.

So much for how the problem will be attacked.

It is now appropriate to ask "under what approach or style will all this proceed?" Here is where an attempt is made to learn from past mistakes. Credibility, Federal Government credibility, as we will know, had been a king sized problem on this subject. In retrospect it is not hard to understand "why".

During the sixties a cycle kept repeating itself. *Step One* of the cycle involved a well intentioned but extravagent set of Government promises. This was followed by *Step*

Two which saw emerge an understandable but excessive expectation of results.

Then *Step Three* produced a sense of frustration and often a hostile reaction to low levels of achievement. Finally the result was *Step Four*, a disenchantment and questioning of the intentions and good will of everyone involved in the whole process.

Now in reflection it is easy to see how such an unfortunate pattern could ensue. Once the first step occurred, the cycle became practically inevitable.

In the last decade this pattern marked many spheres of our national life. As the new Administration took office, this fact was recognized. And so, when President Nixon rose to the rostrum on the steps of the National Capitol on Inauguration Day, he urged the Nation to consider a change of style. "Let's lower our voices," he counselled. He told his Cabinet, "Let *performance*, not promises be this Administration's objective." And in his press conference just a few days ago he again resisted the temptation to indulge in rhetorical flourishes, suggesting only he would be satisfied to be judged solely by results achieved.

This second half of the Twentieth Century has been a very verbal age. We are bombarded from all sides by the printed and spoken word. The media has an omnivorous and unsatiable appetite. So in some ways, particularly in contentious matters of the moment, such a muted approach as that proposed by the President can be misunderstood.

But *some* understanding is becoming evident. People have become aware that volume of rhetoric bears little relation to seriousness of commitment. Nor does passion or promise mean capacity for performance. But though the public now understands this, it is not yet equally aware of something else—that absence of promise *does not mean* absence of concern.

So perhaps here is where we are at this point in time. On one hand widespread recognition exists that the methods of the past have failed the Nation. On the other full confidence does not yet exist that the new methods will be any better.

It is in full recognition of this understandable questioning—particularly questioning by the Nation's minorities—that I talk to you here this morning.

Now let's go back to early last January. The President had just announced George Shultz as the next Secretary of Labor. Before taking office Mr. Shultz made a speech before the Industrial Relations Research Association in Chicago. Here, even before sitting in the Secretary's chair, he pinpointed the issue designated for top priority during his tenure in office. That issue—*race and employment*. What was top priority at the outset remained top priority through the year and is top priority today.

Let's review what has happened during this past year. Here I'll try to be as objective as I can. But remember, the Labor Department and its activity are our baby. And no one can really describe one's own baby objectively.

In our first days in office the Secretary laid down two guidelines for the entire Department. First our approach was to be *professional*. Second, all our activities were to be, as he put it, *"results oriented."* In other words—get things done and get them done well.

The instant a new Administration takes office there are about a thousand things to do at once. But considering the Secretary's announced priority, one of the first things we in the Labor Department turned our attention to was a Department organization bearing the name "Office of Federal Contract Compliance." I say "organization" but that is stretching the term. Examine with me what we found—a group of but twelve staff members plus a handful of clerical people. And *no* Director. In fact there had been no Director for almost a year.

The group was isolated from all other operating units of the Department, in no position to call upon other Department resources. No effective coordination existed with other related Government agencies. The group had attempted to make a start toward greater minority hiring in the construction industry in the City of Philadelphia. But they had been rebuffed and had given up. They were good people—this group—but they were lonely, leaderless and dispirited. It was obvious that the first thing needed was strong leadership.

As you know, I came to the Nation's Capitol from the West. Out there I had been hearing some impressive things about a former Los Angeles Ram tackle from the State of Washington. "In improving race relations" I was told, "Art Fletcher goes about getting things done as though he were leading Gale Sayers around end." Just the man for this job we decided. So Art became Assistant Secretary in charge of all the Department's enforcement activities. And we placed the OFCC unit under his supervision.

Now we needed a Director for the unit. Someone to carry the ball for big yardage after Art had opened the holes. To make sure we could attract a top man, we elevated the Director job to the top of the Federal pay scale. Then in San Francisco we found the man we wanted—Boston University trained John Wiks, a specialist in community relations.

Next we had to do something about staff. For the big job ahead we needed a bigger staff. So in spite of budget austerity, in spite of drastic Congressionally imposed personnel limitations, we sent to Congress, with the complete support of the President, a request to double the staff by June of this year; and to add 20 more next year, thus almost trippling the size of the group.

Now it was time to respond to Secretary Shultz admonition that we were to be "results oriented." As most of the Nation knows, results had been sparse in placing minorities in several sectors of the construction industry. Our predecessors had made a try in Philadelphia without success. But Philadelphia still had a problem. So we waded in.

The story of our Philadelphia Plan has been too well and too often told elsewhere for me to recount it here. Its critics have tried to kill the Plan with multiple attacks. They have failed.

They failed because President Nixon gave it his personal endorsement. They failed because Secretary Shultz fought a four-day battle to save it in Congress. They failed because he and Art Fletcher performed the incredible feat of getting the Senate to completely reverse itself. But you know that story.

The importance of the Philadelphia Plan lies not only in its intrinsic merit but in its demonstration of a seriousness of purpose. In its reflection of a determination to get results.

Look what has happened. In the last month two of our major cities—Chicago and Pittsburgh—have devised their own plans. Similar effort is going forward in a number of other cities.

Today in Washington the Labor Department is making an important announcement that I will share with you. Today we are announcing a nationwide program for expanding minority employment in the construction industry in 19 major American cities. Together with this announcement we are publishing a "Model Agreement" for cities to use in attempting to work out, with our help, their own plans. Thus we have now set a nationwide objective and a specific framework for achieving that objective.

But construction is only one industry. So last week the OFCC published something known as "Order Number Four."

Order Number Four covers Federal contractors in all industries except construction. It is a document of great length and weighty content. It will have great impact in filling the many gaps that still exist in equal employment opportunity among Government contractors.

For the first time the Order specifies that contractors must establish *goals and timetables* to remedy deficiencies in minority employment. Now the entire concept of such employment goals has, as you know, been the focus of stormy controversy. Some revile them as "quotas". Bitter arguments ensue as to just what they are—goals, quotas, standards, targets or what. All this controversy has obscured a fundamental point.

These goals apply to *business* establishments. In business the standard practice for achieving and measuring things is to set goals. Its simply a business-like way of assuring the job gets done. Or, if it doesn't get done, to find out why.

So Order Four merely incorporates a standard business tool to help solve a major national problem. Many businesses on their own have been doing exactly this for years. Most Plans-for-Progress companies, for instance, have found this device to be useful, reasonable and effective. So we've nailed it down in the new Order.

About here I should acknowledge that OFCC is only one unit of the Department of Labor that focuses on improving the economic position of minorities. We view our manpower unit as a major contributor to this objective. Our manpower training and service programs are heavily concentrated on helping the disadvantaged. In a time of Federal budget austerity, we increased the budget of this unit this year by fifteen percent and by another twelve percent next year. And as you can imagine, increasing Federal budgets in these times is like swimming upstream. But nonetheless this is what we're doing. In the construction industry alone this year we devoted $20,000,000 to training the disadvantaged, and the figure will rise next year. In the so-called *JOBS* program alone we have allocated the spending of more than $300 million next year. And as many of you know, nearly *90%* of the people who get jobs under this program are minorities.

Last month we made an announcement—a Nationwide program negotiated by the Department with the Plumbers Union and the National Constructors Association. This is a *journeyman* training program for minorities. It constitutes the first major National breakthrough in a high paying job area where minority participation has been exceedingly sparse.

For the last several minutes I've been talking about a lot of things we're doing or planning to do at the Department of Labor. I suppose I've sounded like I'm pleased about these things. And I am.

But don't misunderstand me. I'm not here to say that at last we've worked out some magic solution to the problems of unequal employment opportunity. Nor do I think that will automatically produce new high levels of income for all the Nation's minorities.

What I've been saying adds up to this. First, we clearly recognize the existence of a major problem area. Second, we view the problem to be of such magnitude that we have given it top priority. Third, we have committed extensive talent, resources and energy to attacking it—certainly more than ever before. And finally, we're willing to be judged by the results of our efforts.

Today I get special pleasure in discussing this subject before a meeting of the Urban League. That pleasure springs from knowledge of the special, almost unique, role of the League.

You will recall that I have dwelt on two features that mark our approach to today's problems. The first is *moderation in style*. No florid rhetoric, no illusory promises, no

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claim of heroics. The second is to point our efforts *toward results*. Not to accentuate and polarize differences, not to promote confrontations but rather to get things done—useful, constructive things.

Now as I reflect on these approaches I become aware they are in marked harmony with approaches used by the League over the years. The League has always been a "doing" organization. The League maintains referral and placement units. The League provides special counselling and community services. And now the League operates dozens of training programs, many like LEAP and Outreach under the Department of Labor sponsorship. So the League itself is highly "results-oriented."

Through the years we have seen the League employ a reasoned, rather than a raucous, voice. It has been strong and firm in its views where others were merely strident. The League knows that furor and frenzy can never replace constructive action if real gains are to be won.

So I take special pleasure and extend special thanks to you for letting me discuss these critical matters with you.

This morning I have often spoken in terms of "problems." There is now occurring a switch in phrasing deserving a high favor. People increasingly refer to "problems" as "opportunities." I like this. It has a positive ring to it. A problem is something you try to get out of the way. An opportunity is something you work at with zeal and inspiration. Certainly that is how the matters I have discussed here this morning should be attacked. I believe that is the way the Urban League is attacking their opportunities. I know that is the basis for our approach to them in the Labor Department. As this concept spreads among men of good will everywhere, the end result can only be real progress. And real progress has become a tangible and achievable objective. Let's all work at it.

Thank you.

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LAOS AND VIETNAM

Mr. McGEE. Mr. President, Columnist Richard Wilson, writing in today's Washington Evening Star, details what he calls "an important distinction" between U.S. military operations in Laos and in Vietnam. That difference or distinction is that in Laos, while we are training, equipping, and advising a native army, and probably giving it air support, there is no direct involvement of American ground troops in combat. Indeed, the President has assured Congress that none will be sent to fight in Laos without its consent.

This is an important distinction which does not preclude our Government's acting to protect the integrity of Laos or other threatened nations in Southeast Asia.

The point which Mr. Wilson drives home is that this policy is not news—certainly not to the critics in Washington. It is under attack, however, because, to some, it appears to be a good time to undermine the President's policy and forge a new policy of total disengagement.

I ask unanimous consent that Richard Wilson's column, entitled "Criticism Unlikely To Sway Nixon on Laos Policy," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Criticism Unlikely To Sway Nixon on Laos Policy

(By Richard Wilson)

Another Vietnam in Laos? Well, hardly yet. There is an important distinction between the military operations of the Nixon administration in Laos and those in Vietnam.

If this distinction is not recognized then it may as well be said that the President of the United States is now and hereafter precluded from effectively supporting the nations of Southeast Asia in resisting external aggression.

This is evidently the basic objective of those in the United States Senate who now are accusing the President of escalating the war in Laos into another Vietnam.

This distinction between Vietnam and Laos, however, is a working demonstration of the kind of policy called for by the Nixon Doctrine in lieu of the massive direct intervention of U.S. forces in Vietnam. In Laos we are training, equipping and advising a clandestine native army and probably giving it air support without the direct involvement in combat of American ground troops. That pattern undoubtedly would be followed in Thailand if the northern insurgency required it. It is the developing pattern also in Vietnam, where it is called Vietnamization.

Implicit in the gathering storm over Laos is the basic question of the President's using these methods to preserve the political integrity of independent governments in Laos, Vietnam, Cambodia and Thailand.

This is well understood in Congress. The Senate Foreign Relations Committee knows what the Nixon administration is doing in Lacs and why it is doing it. The present outburst arises mainly because a few newspapermen have observed first hand what the Foreign Relations Committee has known all along was being done in Laos.

A visitor to Vientiane as long ago as three years could readily see that the United States was giving military support to the government of Laos. There was no secret about it. The CIA was there. American military advisers were there. They also traveled back and forth between the American airfields in the north of Thailand to Vientiane.

Investigators for the Foreign Relations Committee have been supplied with a great deal of information by State Department personnel on the operation in Laos, so much in fact that there has been concern at the White House over the leakage of military information that would be of benefit to the North Vietnamese invaders.

Then why all the fuss? It arises because this is considered the right time to undermine and reverse President Nixon's policy in Southeast Asia. It finally is coming to be realized that Nixon meant it when he said the United States was not about to "bug out" and that he intended to preserve the independent political integrity of the nations of Southeast Asia.

That is not sufficient for the peace group in the Senate. Some of them had thought that Nixon was moving toward a total pull-out, regardless of the consequences, as a political necessity. Now they see that this is not so and they observe that in both Thailand and Laos the President has committed the United States to military support of existing governments.

Nixon also is being accused of duplicity and of failing to hold the confidence of the American public by being little franker about his objectives than President Johnson.

This only means that in a brief time President Nixon will take to the air waves again to give a fuller explanation, but no fuller than is already known to the Foreign Relations Committee, about what we are doing in Laos, why it is in support of an independent government, why it protects our troops in Vietnam and making it doubly clear, as Secretary of Defense Laird already has, that he has no intention of committing ground combat forces.

If the President does not do this he will merely play into the hands of those who say he is hiding his actions in the same deceptive way as Johnson.

It is of even more substance that if the President is driven off his policy in Laos then he will have retreated from the aims and objectives he has so often stated in the Nixon Doctrine.

But there is no present prospect that Nixon will be driven off his policy, certainly as long as the North Vietnamese infiltration through Laos to Vietnam continues.

One other aspect of this matter is important. The President has assured Congress he will not send ground troops to fight in Laos without Congressional consent. If this assurance is to be taken literally the President has gone a step farther than his predecessors in recognizing congressional participation in decisions on future military interventions.

ON CRIME IN THE STREETS

Mr. SYMINGTON. Mr. President, in a recent interview, an outstanding trial lawyer, Edward Bennett Williams, addressed himself to the problem of crime and the avenues for solution.

Although his remarks were made in the context of the critical situation in the District of Columbia, they are pertinent and applicable to cities across the Nation and of interest to all those concerned with this national problem.

Mr. Williams states that our system is broken down in three places.

First, he asserts that the greatest deterrent to crime in the street is a visable policeman and calls for more and better paid policemen. For the quality and quantity needed, a massive Federal subsidy to the cities is required.

Second, if punishment is to work as a deterrent, it does not have to be severe but it does have to be swift. When those apprehended do get to court, the average lawyer can keep his clients at liberty for from 18 months to 2 years before a final decision.

The whole criminal justice system must be speeded up if it is going to work effectively. This too will take more funds.

Finally, the prisons, instead of rehabilitating, have become breeding grounds for crime.

I ask unanimous consent that the complete article appearing in the Washington Post of February 28 be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record as follows:

[From the Washington Post, Feb. 28, 1970]

An Attorney's View of the District of Columbia Crime Situation

(Note.—Trial attorney Edward Bennett Williams, one of a number of civic leaders who have recently met together in search of new solutions to the problem of crime in Washington, was asked about some of his conclusions in a recent interview with Joseph McCaffrey of WMAL–TV. Following are excerpts from the interview.)

McCaffrey. As an attorney and a trial attorney, are you concerned about what we all refer to rather too liberally, perhaps, as the rising crime rate?

Williams. I am terribly concerned about it. I'm terribly concerned about it at the national level, and I'm terribly concerned about it here in our city. We've been called the crime capital of the world, and I'm afraid it's with some validity. Crime has been spiraling out of control in our city . . .

There are all kinds of crimes, but the crime I think that has bestirred the alarm of our country and the alarm of our city is the kind of crime that's directed against private property, and often attendant with violence to the person. I'm talking about robberies and muggings and yokings, larcenies and burglaries, which have been on the rise here in Washington and across the country. We have a terrible situation here in the District of Columbia. Last year there were 18,000 plus burglaries. There were 9,000 plus armed robberies, and there were 9,000 larcenies of property over $50.

And the thing that disturbs me most is that four out of five persons who committed a robbery on the streets of Washington went unapprehended . . .

McCaffrey. All right, now let me yield to you, without any interruption, and as an attorney, tell me what you think should be done to combat current crime rates.

Williams. I think the system has broken down in all three of its divisions. First of all, I think, we desperately need in our city, and I think we should take our city as symbolic of the 30 big cities in the country, we desperately need more policemen. During the Johnson administration there was an authorization for 4,100 policemen. President Nixon said we needed 5,100. I think we need more. I think we need more than 6,000. At the moment we have fewer than 3,500 on the streets. Though they give you a figure of 3,950, but 450 of these are in training. We have lagged terribly in recruiting policemen. The greatest deterrent to crime in the street is a visible policeman. And as long as these kids who are committing these crimes, and they are kids, 75 per cent of them are being cimmitted by kids under 21, as long as the odds are five to one they won't be caught, as long as the odds are 14 to one they won't be caught when they go out and steal property worth $50 or more, as long as the odds are nine to one they won't be caught when they break into your house, they're going to keep committing these crimes.

McCaffrey. Pretty good odds.

Williams. Well, our talks about the fact that well, their decisions out of the old Warren Court were too liberal, were too soft on the criminal, but I think that this is really not addressing one's attention to the real problem. You wouldn't find one kid who gave one fleeting thought to his constitutional rights or criminal procedures before he went out in the streets to do his crime. They go out on the premise that they aren't going to be caught. And the record shows that they're pretty much right. The odds are overwhelmingly with them that they aren't going to be caught.

So, I say we desperately need more police. The record shows that when Chief Wilson saturated the third district with police in an experiment to see whether he could curb robbery, and burglary, and larcency, he reduced it tremendously. Now we've got to spend the money and saturate the city with police. But that isn't the end of the problem. There's still, I think, an equally bad problem. And it's a problem of which I, as a lawyer, am not proud. I think there has been a terrible breakdown in the criminal justice system of this country.

Now, we've already seen that the criminal justice system, the courts, are irrelevant to a large segment of the crimes that are being committed, because these crimes never get into court. But when they do get into court, a very bad thing takes place. The average lawyer today, if he exploits all the rights of his client, can keep his client at liberty on the street for from 18 months to two years after he commits an armed robbery.

McCaffrey. While they're working to pay him.

Williams. Well, 60 per cent of the people who are committing these crimes aren't able to pay a single dollar. They're indigent. And they're given free counsel, they're given the right to a free appeal, so naturally they all appeal; and the whole system stalks because even after the defendant is brought to trial, which may be several months after he's arrested and indicted, and even after he's convicted by a jury, it takes from six to eight to ten months before an opinion comes out of the appellate court affirming or reversing his conviction. And then there is an equal amount of time that is used up while the Supreme Court avenue is explored.

Now, if punishment really is to work, it doesn't have to be severe, but it has to be swift. You know from your experience with your own children, that if one of them deliberately spills the milk at the breakfast table, unless there is a quick meeting of his derriere with the front of your hand, there is not an understanding of the punishment. You can't wait for three days and then administer the punishment. The same thing is true at the level of society, unless punishment is administered swiftly, it does not have a deterrent effect.

So, I think we have to take a new look at our whole criminal justice system and speed it up if it is going to work effectively. We have to eliminate this delay of 18 months between the offense, and I'm giving the system the benefit of the doubt when I say 18 months because it's longer than that in many, many cases—we've got to eliminate that delay.

Third part of the system where there's been a terrible breakdown is in the prison system. Of course, the last thing that you can ever get the legislature to address itself to is the prison problem. It's the last item on national state priority. I can say this to you in all candor, in my 25 years of practicing law, I have met only one person whom I think was benefitted by a term in prison. The one person who was really rehabilitated. Unfortunately the prisons have become a breeding ground for crime. You put young boys in the prisons today and they come out hardened criminals. It's terrible, it's really terrible. The whole prison system needs a tremendous reformation. It's broken down.

So I say the system is broken down in three places. We don't have enough police, we don't pay them enough. We expect so much of them now. We expect our policemen to be professionals, we should treat them like professionals. We expect them to know the law. We expect them to know first-aid. We expect them to be family counsellors. We expect them to be sociologists. We expect them to have the wisdom of Solomon and the patience of Job, the agility of a Jim Brown, and we give them $150 a week and a gun. We've got to escalate our police force both quantitatively and qualitatively across this country. We can't do it with the money that's available to the cities because the people who can provide the funds from a tax basis are fleeing into the suburbs. The only way it can be done is from a massive subsidy from the federal government to the cities to correct this problem. I think this should be the number one priority in the cities because until we restore order in the cities, there is going to be no progress in education; there's going to be no progress in health; there's going to be no progress in job opportunities, there is going to be no progress in any of those many things that are crying out for attention. We have to restore order. And we have cities out of control. One of them is ours.

LOWERING THE VOTING AGE

Mr. BAYH. Mr. President, the New York Times this morning published an editorial endorsing the constitutional amendment, Senate Joint Resolution 147, that would lower the voting age to 18. The editorial cited the impressive testimony of Dr. S. I. Hayakawa, president of San Francisco State University, in hearings before our subcommittee last month.

I am in complete agreement with the statement of the Times that:

> We have become concerned that suffrage for this group of Americans is a matter of simple justice. To grant it would give them a sense that they have indeed a stake in their society and a political voice to protect it. To continue to treat them, instead, as children—although many of them have children of their own—can only deepen an already dangerously widespread sense of alienation.

Mr. President, I ask that the entire editorial be included in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Youth and Suffrage

If the case for lowering the voting age rested solely on the most widely repeated argument for it, the cause would not be worth pursuing. Those who are old enough to work, pay taxes and go to war are not necessarily old enough to vote, there being certain differences in the qualifications for the four activities. But there are other reasons for taking such action, and they are cogent enough to have won the support of 68 Senators who now favor amending the Constitution to that end.

The chief one is that the young people presently in the affected age bracket are far better prepared educationally for the voting privilege than the bulk of the nation's voters throughout much of its history. Only a half-century ago fewer than 17 per cent of American youngsters were graduated from high school and fewer than 8 per cent went to college. Today close to 80 per cent are high school graduates and roughly 45 per cent get some form of higher education.

Yet the nation does seem to have qualms about lowering the voting age. The New York Legislature has made a tentative move in that direction, but recent attempts in other states have been easily defeated. Reluctance to give the vote to these young citizens rests mainly on their supposed immaturity, an argument reinforced by highly publicized accounts of students rioting, drug addiction, political lunacy and other such suggestions of instability.

On this aspect of the question, the nation should have been impressed by the testimony of Dr. S. I. Hayakawa, the president of San Francisco State University. Of the 18,000 students at his embattled institution, no more than 1,000 participated in the disorder, and of those arrested, one-half were well over the present voting age. If it is any comfort to fearful conservatives, Georgia has had 18-year-old voting since 1943, and its present Governor is Lester B. Maddox—an argument which we realize could defeat the amendment.

Contrary to our original views, we have become concerned that suffrage for this group of Americans is a matter of simple justice. To grant it would give them a sense that they have indeed a stake in their society and a political voice to protect it. To continue to treat them, instead, as children—although many of them have children of their own—can only deepen an already dangerously widespread sense of alienation.

WITHDRAW OUR ARMED FORCES FROM WEST GERMANY: GIVE TOP PRIORITY TO OUR OWN NEEDS

Mr. YOUNG of Ohio. Mr. President, more than a quarter of a century following the end of World War II, the United States continues to maintain 320,000 troops and nearly 290,000 dependents in Western Europe. The time is long past that our military commanders realize that World War II has ended.

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New realities, which should have been faced in the 1960's, must certainly be recognized in 1970. There is no justification whatever for the United States to maintain in Europe any armed forces except liaison officers, some headquarters officers in Belgium and some air force and logistic support in West Germany. Our Government should bring home at least 200,000 ground troops from Europe and an equal number of dependents by September 30 of this year.

We should awaken to the fact that the nations of Western Europe no longer suffer from the economic prostration, military weakness, and political instability that characterized them when their cities and industries were lying in rubble more than a quarter of a century ago. Today, West Germany has become an economic superpower, the third wealthiest nation in the world. The West German mark is one of the world's strongiest currencies. International bankers consider it as sound, or more sound, than the American dollar.

Today, more than 220,000 American troops are stationed in West Germany alone. We are spending nearly $15 billion a year to support our NATO forces. In addition, we are paying 70,000 German nationals one-quarter of a billion dollars of American taxpayers' money each year to provide services for our troops stationed in the West Germany Republic. This does not include the vast sums spent in Germany by dependents of the American forces.

It is clear that our Secretary of Defense and the generals of our Joint Chiefs of Staff continue to view the world through spectacles of the World War 1945 period, when a weak Western Europe faced a dynamic, expansionist, cynical Soviet Union under Joseph Stalin. Following the death of dictator Stalin, the threat of invasion became more and more remote. President Nixon has emphasized the fact that the era of the "cold war" between our Nation and the Soviet Union no longer exists.

President Nixon recently placed an official seal of finality on that era in American history from 1946 to the death of Stalin when a cold war raged between the dictators of the Kremlin and the United States. At that time the two huge Communist nations on this planet were in accord with each other. During the last few years the Soviet Union has withdrawn from eastern Europe more than five divisions of its armed forces. Most of these soldiers along with other ground forces of the Soviet Union are now stationed along the 4,500-mile common border separating the Soviet Union and Communist China. There has been fighting and bloodshed and the Russians have invaded sections of Mongolia slicing off Chinese territory. The border clashes are becoming more frequent. Possibly a huge scale war is imminent between the huge Communist nations China and the Soviet Union.

President Nixon recently stated, "International Communist unity has been shattered." He said, "the Marxist dream of international communism disintegrated."

Throughout the last 24 years the United States has girded its military power against international communism. With the recognition that there is no longer even a hint of a monolithic Communist conspiracy to conquer the world, the last vestige of reason for us to maintain armed forces in Western Europe no longer exists. Furthermore, Americans have reason to feel outraged that their President is sending thousands of draftees to fight in Vietnam following basic training of 4 months when seven divisions of highly trained, largely professional career officers and enlisted men are living the good life in West Germany. The officers from captain up to the generals never had it so good. They are living high on the hog with their wives and youngsters, with servants to spare and enjoying their Mercedes automobiles, skiing in Germany and Switzerland, and traveling by air and automobile to the various spas and famed vacations areas in Italy, Spain, and elsewhere. Many of the noncommissioned officers, the backbone of our Army, are living in Western Europe—West Germany, Belgium, and elsewhere—like squawmen with their families. If there were a sudden grave emergency—a sudden invasion on the ground and in the air—one wonders if a sergeant with a wife and five or more children would consider their welfare and safety ahead of his Army duties. If we really need to maintain thousands of fighting men in Europe to protect the United States, then the term of duty should be no longer than 13 months; and no dependents.

The tremendous cost to our taxpayers in maintaining 320,000 men of our Armed Forces in Western Europe and approximately 290,000 dependents and in addition more than 90,000 civilian employees has been increasing year after year. All of this unnecessary expenditure of billions of dollars has resulted in huge balance-of-payments deficits year after year. This has threatened the stability of our dollar.

German landlords, apartment, and homeowners have profiteered at our expense. German authorities have been guilty of outrageous burdensome charges against Americans and against the U.S. Government for maintaining these forces stationed in Germany to protect that tremendously strong and opulent nation from an invasion from the Soviet Union. The likelihood of this is as chimerical as the alleged claim emanating from the Pentagon of the likelihood of Chinese, dropping atomic war heads on the United States. Yet, Defense Secretary Laird is advocating deployment of ABM missiles against that "threat" at a cost of billions of dollars. For example, in our airlifts and the landing of our Nation's planes with military men and materiel, it is the West German practice to extort a $20 landing fee, sometimes more, for every American plane landing men of our Armed Forces or supplies for our Armed Forces. We pay tribute to the Germans for protecting a now powerful Nation, the West German Republic.

The nations of Western Europe can certainly provide the necessary troops and air forces to defend themselves. It is ridiculous to believe that the 280 million people of Western Europe, with tremendous industrial resources and long military experience, are incapable of defending themselves against 240 million Russians. This at a time when the Russians are engaged in sporadic warfare with 800 million Chinese along a 4,500-mile common border separating the Soviet Union from Communist China.

There is no reason for Europe to depend on us. Since the death of Stalin, the Soviet Union is no longer an aggressive threat to our NATO allies. The leaders of the Kremlin during the past 10 years have been intent on raising the standard of living of their our people. The Soviet Union, now a "have" nation, no longer a "have not" nation, is veering toward capitalism. President Nixon recently stated that the cold war between the United States and the Soviet Union had ended.

It may well be that the overwhelming presence of American military power in the past quarter century has foreclosed promising avenues of European development. It has prevented West European countries from developing their own military defense system to the extent they probably would have done otherwise. It has encouraged them to remain encased in the cradle of dependency.

That "monolithic Communist conspiracy," which has served as the excuse for so many of our foreign policy blunders, no longer exists. The Russian-Chinese disputes threaten to explode into full-fledged war. It is well known that Rumania, Yugoslavia, and other Communist nations in eastern Europe are considerably further from Soviet domination than they were 10 or 15 years ago. Very definitely, Hungary, Yugoslavia, and Rumania are not dependent on the Soviet Union nor are they, in fact, satellites of the Soviet Union. They are nationalist Communist countries.

The United States should leave only a strategic reserve in Western Europe. Our massive military presence in Western Europe has become merely foreign aid to the European countries—needless foreign aid costing taxpayers billions of dollars. The nations of Western Europe can unquestionably provide the necessary troops to defend themselves. There is no reason for them to depend on us.

The United States has 656 missiles in Polaris submarines, more than 1,200 ICBM's and some 650 intercontinental bombers. It is this nuclear umbrella that provides the real protection for Europe, not excessive numbers of ground troops.

We must emerge from the dark shadows of the 1940's to the reality of the 1970's, close down our unnecessary military installations and make a sincere effort to solve the challenging crises facing us here at home. This would be a major step toward creating an international climate conducive to peace. At the same time it would offer a new potential for giving top priority to solving the grave problems besetting us in our own country.

SAVE YOUR VISION WEEK

Mr. SPARKMAN. Mr. President, this week of March 1–7 has been proclaimed

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by President Nixon as Save Your Vision Week, an observance designed to call public attention to the importance of good vision and proper eye care.

Save Your Vision Week has special significance for Alabama this year. The new school of optometry at the University of Alabama in Birmingham has accepted its first call of students, who will undergo the normal 4 years of graduate school work to earn the doctor of optometry—O.D. degree.

We are very proud of this new facility, which is under the guidance of Henry B. Peters, O.D., Ph. D., Dean, who assumed his duties following several years on the faculty of the University of California at Berkeley in its school of optometry.

With a full complement of students in the next few years, the University of Alabama at Birmingham will be graduating some 40 doctors of optometry a year, to help overcome the serious shortage of these health-care professionals in the Southeastern section of the United States.

Those of us who have been so interested in the development of our scientific and health care complex at the Birmingham campus consider this new school of optometry an excellent addition to the educational program of the university. We are confident that it will rapidly gain a reputation of being one of the best of its kind.

THE CONCENTRATED EMPLOYMENT PROGRAM AND NATIONAL MANPOWER POLICY

Mr. BAYH. Mr. President, hearings on the concentrated employment program were conducted on Friday, February 27, 1970 by the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare. I submitted a statement to the subcommittee because of my concern that reassessment of our national man power policy result in delivery systems that are effective and clearly responsive to the special needs of the hard core unemployed. I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BAYH

I wish to express my interest in the Concentrated Employment Program and my concern for its signficance in relation to national manpower policy. I have studied documents related to CEP and reviewed reports written by responsible and concerned people, who have worked long with CEP programs. While I have great hope for the genuine potential of this program, as evidenced by the work and plans of the CEP in my own state—(we have a Concentrated Employment Program in Gary)—I am puzzled and concerned by a dichotomy which I seem to see between what CEP was intended to be and what CEP has actually become. I am convinced that the *CEP must not be considered apart from the total national effort to deal with poverty and the urban crisis.*

CEP is intended to strike at the heart of the problems of poverty through employment of the hard core individual; thus, this program is a *microcosm* of the full scale struggle to solve our nation's poverty crisis. *The questions we must ask about the CEP are the questions we must ask about manpower policy nationally and, indeed, about our whole approach to the poor and their problems.*

CEP was created in April 1967, when the Secretary of Labor and the Director of the Office of Economic Opportunity set aside $100 million of fiscal 1967 funds to finance concentrated manpower program efforts in certain urban and rural target areas with particularly heavy unemployment and underemployment. At the end of June 1967, contracts had been entered into for programs in 19 urban slum ares and in two rural areas. By July of 1968, the number of CEPs had increased to 76, of which 13 were located in rural areas. The CEP is a coordinating program, intended to serve as an "*umbrella*," combining the individual manpower programs on a specified target area into a single united effort, under a single contract with a single sponsor. CEP aims to eliminate duplication of services, and: "provides training and supportive services to disadvantaged persons so that they can obtain steady, decently paid employment. It attempts to achieve a balance of training opportunities and services of various types, in order to meet the specific needs of individuals, and to insure that the maximum results in terms of their preparation for a stable, worthwhile environment" (*Manpower Report of the President,* 1969, p. 132).

The intended emphasis of the program is clear in its title—it is an employment program, therefore, all the services offered by the program were intended to be subordinate to the basic issue of employing the hard core. This employment, however, was intended to be meaningful employment, in which, if necessary, concessions might be granted on the part of the employer, who would allow someone he might not ordinarily hire, because of lack of experience or disadvantaged background, to work for him. The CEP was to provide supportive services to the hard core employee both before and after placement.

Reports which I have read on CEP in various cities, in both its first and second years of operation, show that generally these programs were weakest and accomplished least, precisely in the area of employment of the hard core. The programs had little trouble meeting or surpassing their enrollment goals, and generally developed good orientation and basic education units. However, while the CEP study often reported 100 percent enrollment achieved, this accomplishment was in great contrast to a 16 or 17 percent achievement of job placement goals. The picture is even more disheartening when placement statistics are studied in the light of a job retention percentage. Not only was CEP to place people on jobs, these jobs were to be meaningful and people were to stay on them. In one CEP, figures showed that only 11 percent of those referred to jobs remained on the job thirty days or more. In this particular CEP, this meant that of the total intake, only 5.9 percent of the participants who had entered the CEP had been successfully served (defining success in terms of job placement for more than 30 days). Another CEP showed a 46.5 percent post-placement drop-out rate. This was a CEP that at a point close to the end of the program year had achieved only 17 percent of its job placement goals to begin with.

In addition, the studies I read questioned the character of the jobs obtained by CEP. It was determined that the salary most frequently earned *before* CEP was $1.60 an hour, and the salary most frequently earned by CEP placements was *also* $1.60 an hour. The jobs were not exactly career opportunities. Characteristically, they were fry cook, laborer, porter, groundkeeper type jobs. In addition, there were some high percentages of placement referrals, which were "rejected by employer". Such rejection notes seemed particularly significant since CEP's purpose was precisely to circumvent, through training, counselling and proper supportive services, frustrating rejections.

The CEP as I observed it in reading and discussion then, has to a very great extent been *an exercise in unfulfilled promises.* I am convinced that the promises are unfulfilled, not because CEP operators are men of ill-will or because CEP workers are not dedicated and hardworking. Rather, they are *unfulfilled first because of the basic fact of conscious and unconscious discrimination in hiring, and secondly because the CEP has not attacked this central reality of the employment situation.*

With regard to that first point—the reality of a discriminatory employment market—studies showed that so-called hard core individuals, with one or two years of college were as unable to get into the job market at something higher than $1.60 an hour as were their under-educated CEP-trained brothers. Three volumes of powerful statistics issued by the U.S. Equal Employment Opportunity Commission: *Equal Employment Opportunity Report No. 1: Job Patterns for Minorities and Women in Private Industry, 1966* support these findings of the CEP studies. According to the EEOC report:

"Discrimination in employment is widespread and takes many forms; it can be found in almost every area, occupational group and industry and it has a crushing impact. In short, it is a profound condition, national in scope, and it constitutes a continuing violation of the American idea of fair play in the private enterprise system." (EEOC Report, July, 1968, p. 1).

The EEOC Report is a statement that cannot be ignored. It is an official substantiation of what any ghetto dweller can tell us:

"Job discrimination is a profound and pervasive condition in the American economy; it is a root cause of minority group problems, because the lack of meaningful and purposeful employment that provides adequate earnings is one of the basic reasons for the tragic plight of minority groups in America." (p. 20)

Thus, if the CEP does indeed have as its mandate to provide employment and supportative services around such employment, for the unemployed and underemployed poor, then the *CEP has, by that very fact, a mandate to attack the basic cause of unemployment and underemployment of minorities, job discrimination. But the emphasis in the CEP as it developed in its first and second years has been on remediation of the individual rather than on remediation of the employing system.* The assumption underlying this emphasis seems to be that if the individual is cleaned up and trained and learns some manners he will then be acceptable to the employer. In most CEPs studied, the effort has focused on changing the prospective employee to meet the standards of the employer, rather than enabling the employer to change or modify specifications to meet a hard core individual half way. It is interesting to pursue job orders and discover that an employer demanded that a person washing cars be: "conventional in dress, have an acceptable hair style, must be able to pass a math test and must be bondable." The pay for this job was $1.60 an hour. There was often little evidence of willingness on the part of employers to change hiring specifications, create career ladders, or in any way to break the existing pattern of employment of minorities in unskilled or semi-skilled jobs.

There seems to be more basic assumption at work here, and that is that the onus for his situation lies totally on the hard core individual. The presumption is that the defects are totally his, and not at least partially, with the system. The emphasis is on a "you can pull yourself up by your own bootstraps" idea, the perpetuation of a sort of "American Dream". But *for many minority group Ameri-*

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cans the *American Dream has been a nightmare.* The minority unemployed or underemployed individual is at once told that he is a failure, that it is all his own fault and he can succeed if he wants to. The only thing lacking is the will to succeed, according to most orientation and basic education programs. Yet the minority group individual has faced the hard facts of a system that will not accept him, no matter how much he wants to succeed. *This is a system that in many respects breaks a man's leg and then blames him for being a cripple.*

Not only do carefully documented scientific studies attest to the truth of what I am saying, but voices speak from the black and other minority communities to remind us with more and more force of the realities of American life. Further, violence in our cities which we cannot ignore, and which inspires national fear and misgiving is still another sign that we cannot go on ignoring the fact of discrimination in our lives.

The CEP, as I see it, although it was intended to tackle one of the most crucial results of discrimination—unemployment and under-employment—actually has too often avoided the real issue of discrimination. To say this is to say that CEP rarely did what I would consider to be job development, or job creation. Rather, the job unit of CEP most generally pursued a placement activity through the use of job orders. Characteristically, this unit was sub-contracted to the State Employment Service, and proceeded according to traditional Employment Service methods. This meant that CEP job units were characterized by a *"slot"* mentality. The emphasis was on fitting an individual into a slot by changing the individual.

What is demanded in CEP, as set forth by an excellent University of Michigan-Wayne State University report, entitled *Job Development for the Hard to Employ,* is genuine job development, and even job creation. Such job development may involve the CEP in actual economic development activities as well. *Basically, the job development unit in the CEP must become an active, aggressive confrontative force, which is highly sophisticated in its analysis of the national, state and local employment situation, and which is willing to challenge or confront the realities of employment discrimination by every possible method.*

That the CEP *can* indeed become such a force, and *can* actually realize successful activity in confronting and solving the genuine problems of unemployment—the recalcitrant discrimination system—has become evident to me in my study of the Indiana CEP program in Gary. The Gary CEP defined the CEP mandate in terms of *job creation*—restructuring of existing jobs so that hard core people could perform tasks not presently open to them; development of the economic base of the community—create jobs through techniques of bringing new industry into the community where necessary and economic through expansion of existing businesses and generating new business which would be black-operated and which would eventually become self-sufficient. The far-reaching activities stemming from realistic job development and economic development policy of the Gary CEP resulted in a highly successful job placement unit in that CEP. While the original contract called for 750 placements, according to the CEP Director, Gary has placed 2077 people on jobs with a retention rate of 67 percent.

The aforementioned facts cause me to be highly concerned about recent guidelines issued for CEP by the Department of Labor. These guidelines assign the major portion of CEP activities to the Employment Service, although the studies I have referred to have constantly indicated the weakness of the Employment Service in facing the real problems of unemployment. *The Employment Service has not evidenced the necessary determination to pursue the type of negotiation necessary to produce genuine job development or job creation.* Rather, the Employment Service has settled for slot-filling placement activity, which has little if any impact on the employment situation in the community.

In view of the crucial nature of the problem of discrimination and unemployment of minority groups in our country, I must question whether the Employment Service is in fact prepared to engage in actual job creating, job developing activity across the nation. Yet, if CEP is to realize its promises, this is the activity which must be at its heart. All the orientation, education and skill training in the world will not make up for the fact that there is no *meaningful job* at the end of the program—and this is a Concentrated Employment Program.

At the beginning of this statement, I referred to the fact that CEP must be considered as a microcosm of the implications of National Manpower Policy. The direction evidenced in the CEP guidelines is one that entrenches CEP in the system, and effectively prevents the program from changing the system to benefit the hard core individual. *National policy shows this continuing trend toward reinforcement of the system,* to the detriment of the needy individual who for so many years has suffered beneath this system.

The tension in the CEP between the system and the non-system is evident in the tension between the Community Action Agency the usual prime sponsor for CEP, and the State Employment Services, a usual major sub-contractor. The Employment Service is employer-oriented, the Community Action Agency is community-oriented, designed to mobilize community resources and develop programs to meet actual needs. The *basic direction of present manpower policy seems to be away from community innovation and community involvement in programs.* Such a direction, if pursued, will be the death not only of CEP, but also of effective confrontation with the real issues behind the poverty and frustration which plague our cities.

The Congress and the country must realize the short-comings in the present structure of the programs and resolve to do a better, more meaningful job in the future.

FRENCH-AMERICAN RELATIONS

Mr. DOLE. Mr. President, I have just learned from the distinguished junior Senator from Tennessee (Mr. Baker) that this afternoon the President of the United States flew to New York City to reaffirm the positive nature of French-American relations.

I am gratified that President Nixon has personally indicated that the hostile greeting received by President Pompidou represents the actions of only a few Americans. While it is proper to question the advisability of the French sale of 110 Mirage jets to Libya, this issue must not overshadow the global importance of closer French-American relations. As President Pompidou said before the joint session of Congress last Wednesday:

> It is a friendship which reaches both into a distant and a recent past, into the struggles waged together, the invaluable services rendered, whether long ago for your independence or 25 years ago—as no Frenchman has forgotten—for our liberation. But it is a living and active friendship because over and above interests which sometimes are bound to differ, there are common ideals which unite us and command our action.

President Nixon's affirmation of this friendship is to be commended by all Americans. A New York Times editorial described very well the importance of this alliance. I ask unanimous consent that the editorial, published in today's New York Times, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mr. Pompidou in New York

President Georges Pompidou's effort to repair French-American relations after the strains of the de Gaulle era has been hampered at every stage of his American tour by the disagreement over Mideast policy, and especially, the unwise French sale of 110 Mirage jets to Libya. The issue tended to overshadow others of great importance in the official discussions in Washington last week. The protest demonstrations have obscured further the positive aspects of this visit.

President Pompidou was reportedly so upset by his reception in Chicago and by the prospect of an even more hostile greeting in New York City today that he considered canceling the visit here. We hope that New Yorkers, whatever their reservations about French Mideast policy, will respect Mayor Lindsay's request that the French President be treated courteously during his stay in this city.

In the long view of history, the French-American differences over the Mideast are unlikely to prove as significant as the increasing area of agreement between the two governments. As long as General de Gaulle is looking over Mr. Pompidou's shoulder, French re-entry into NATO's integrated military structure cannot be expected, but, short of that, the presence of United States troops in Europe is welcomed and more French cooperation with the North Atlantic Alliance is on the way. The French attack on the American dollar is a thing of the past. American investment in Europe, within limits, is no longer opposed. France no longer proclaims a world mission of opposition to the United States. Attempts to dominate Western Europe alone or through a Paris-Bonn axis are ended. Most important, France no longer opposes either the entrance of Britain into the Common Market or other moves designed to advance Western European unity.

New Yorkers who are determined to express publicly today their disagreement with France's Mideast policy would do well to keep this larger picture in mind.

HUMAN RIGHTS TALLY

Mr. PROXMIRE. Mr. President, as of January 1, 1970, 19 human rights conventions and covenants designed to implement the Declaration on Human Rights have been adopted either by the U.N. General Assembly or by one of the specialized agencies, and many have been ratified by member nations. Many interested citizens and civic organizations are pressing for Senate ratification of these human rights documents which they believe, in essence, affirm the basic principles to which Americans are committed.

However, it is hard to tell this commitment by the record of the United States on these conventions. The U.S. record is a poor one.

Of a total of seven human rights documents submitted by the President to the Senate only three have been ratified to date. These are the Slavery Convention ratified in 1956, the Supplementary Slavery Convention ratified in December

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of 1967, and the Protocol in the Status of Refugees ratified in October of 1968.

There still remain four human rights conventions submitted to the U.S. Senate—the Genocide Convention, Freedom of Association, Political Rights of Women, and Forced Labor.

What is our record?

Since 1948, 77 other nations have ratified the Freedom of Association Convention and 75 have ratified the Genocide Convention. The Political Rights of Women Convention was adopted by the U.N. General Assembly in 1952 and since then 64 nations have ratified this convention. Since 1957, 84 nations have ratified the Forced Labor Convention.

It is tragic that the United States still remains outside the world community in failing to ratify any of these important human rights convention.

DISTRICT OF COLUMBIA CRIME REPORT

Mr. MATHIAS. Mr. President, I ask unanimous consent to have printed in the Record the report of the crimes committed this weekend in the District of Columbia, as detailed in the Washington Post.

As I stated last week, my purpose is to call to the attention of this body the number of crimes occurring every day within the District. While we all realize that this city is not unique in its crime problem, it is unique in that the responsibility of halting this problem lies in the hands of Congress, which alone has jurisdiction in the governing of the District.

As the following incidents testify, it is past time for the hands which hold this city to begin moving more quickly toward the eradication of crime and, perhaps most important, those conditions that foster crime.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Southeast Woman, 22, Raped at Gunpoint

A 22-year-old Washington woman was raped at gunpoint early yesterday in the 1900 block of Mississippi Avenue SE.

Police said the woman, who is employed as a clerk, was walking home from a party about 1 a.m. when a man wearing a black trenchcoat and a fur hat approached her. He produced a gray handgun and forced her into a nearby wooded area where he attacked her police said.

Other serious crimes reported by area police by 6 p.m. yesterday include:

Michael R. Blake, of Washington, was beaten over the head with a bottle by a man with whom he had been arguing inside a bar in the 1900 block of 4th Street NE at about 1 a.m. Blake was treated at the Washington Hospital Center.

ASSAULTED

Dock Dukes Jr., of Washington, was reported in satisfactory condition at Children's Hospital after being shot in the right leg at 3:45 a.m. while standing on the corner of 17th and U Streets NW with several friends. Dukes told police they were fired upon by a man driving by in an auto.

Ira Seales, of Washington, was reported in satisfactory condition at the Washington Hospital Center after being shot in the left hip and left knee about 1 a.m. in his home. Seales told police that he became involved in a dispute with three other men, one of whom pulled out a revolver and shot him.

James Murphy, of Washington, told police he was standing at the door of 1409 5th St. NW when he was approached by three men who began to beat him on the head and shoulders with large clubs. The three fled when Murphy's son opened the door.

Lawrence Dillard, of Washington, was struck above the eye with a handgun at about midnight as he was walking in the 1700 block of Montana Avenue NE. Three men approached him and one of the men struck him. All three then fled.

Charles F. Harper, of Washington was treated at Veterans Hospital for lacerations of the face. He told police he was on the corner of 14th Street and Rhode Island Avenue about 2:30 p.m. Friday when a man slashed him with a knife.

Herbert L. Guy, of Washington, told police he was jumped and beaten by four men about 8 p.m. Friday at Fort Davis and R Streets SE. Guy's glasses were broken but he was not injured seriously, according to police.

Fredericka Milton, of Washington, was treated and released at Cafritz Hospital for injuries received after stepping off a bus at Park and Branch Avenues SE. She told police she was attacked by two men, one of whom grabbed her and said "Come here." The second man then came over, she said, and they both beat her.

James Lloyd, of 724 11th St., SE., was treated and released at Freedmen's Hospital for cuts on the left buttock and the left hand. Lloyd told police he was at 5th and Q Streets NW about 1:25 a.m. when he was approached by about six men who began to beat him. Lloyd told police one of the men pulled a knife and stabbed him.

ROBBED

Tharwat Hassen Fahmy and Mohammed El-Dawi, both of Washington, were robbed Friday about 4 p.m. while walking in the 1400 block of Meridian Place NW. Two thieves brandished a dark revolver and demanded the victims' money.

Kathlyne Woof Olsen, of Washington, had her purse snatched in front of her house Friday at 7:55 p.m. When her husband attempted to aid her, she was shot in the left leg and right buttock by one of the three assailants wearing a cowboy hat. Mrs. Olsen was taken to Cafritz Hospital.

Sherman Robinson, of Washington, was robbed Friday at 1:30 p.m. in the 1500 block of Levis Street NE by two men, each displaying guns. One said, "This is it. Give it all up."

Debra Weder, of Washington, was robbed Friday about 7 p.m. in the 1400 block of Massachusetts Ave. NW.

Jet Cleaners, 3507 Wheeler Rd. SE., was held up Friday at 1 p.m. by two men. One, carrying a long-barreled .32-caliber black revolver, ordered the cashier, "Open the cash register." The other man then emptied its contents.

Arthur L. Scott, of Washington, was held up by five men Friday about 6:15 p.m. in the 1600 block of Kenilworth Avenue NE. The robbers grabbed him from behind, knocked him to the ground and took his wallet.

Rosemary Chamberlin, of Washington, was held up Friday at 6 p.m. while walking in the 100 block of Barnaby Ter. SE. Four men approached her from behind. One grabbed her around the neck and threw her to the ground while another snatched her black leather pocketbook.

Mary Frye and Gloria Childs, both of Washington, stopped for a stop sign at 6th Street and Southern Avenue SE, at about 12:40 a.m. and their car was bumped from behind by a second auto. The two women left their car, checked for damages and were about to return to their car when the driver of the second vehicle pointed a gun at Miss Frye and robbed her.

Isaac D. Beatty, of Washington, answered a knock on the door of his home in the 1400 block of Newton Street NW, at about 1:20 a.m. Six men entered and said "Be quiet and do what we say." The six, armed with four revolvers and two sawed-off shotguns, then forced Beatty, James Willoughby, Herbert Houshel, Wade Sowers, James Ray and Frederick Murdock to lie on the dining room floor where their hands were tied with neckties and they were robbed. The thieves took various items from the house before fleeing.

Oliver D. Jones of Washington, was robbed at about 9:30 p.m. Friday by three men who accosted him while he was walking in the 2000 block of Rhode Island Avenue NE. The men knocked him to the ground and took his wallet, eyeglasses and wristwatch.

STOLEN

A standard typewriter and an electric typewriter with a total value of $900 were stolen from the office of John Thompson at 1330 Massachusetts Ave. NW when it was burglarized Friday.

Bandit Robs Driver of $160, Flees

Rollin Gardner, an employee of the Wonder Bread Co., reported to police that he was robbed about 12:55 p.m. Saturday of $160 in cash as he was getting into his truck at 711 S St. NW.

Gardner said that as he approached the truck, a man was standing beside it with his hand in his pocket as if he had a gun. The man said, "This is a holdup. Give me your money."

After taking Gardner's money, the holdup man was joined by another man. The pair fled east on S Street.

ROBBED

Barbara A. Lewis, of Washington, was robbed at 9:15 p.m. Saturday by four men, one armed with a revolver, at 22d and I Streets NE. Two of the men asked directions to Baltimore before the other two joined them and demanded money.

Richard L. Stewart, of Washington, while at the corner of 3d and P Streets NW at 7:15 Friday, was approached by two men, one armed with a revolver and the other with a sawed-off shotgun, who demanded money. The victim gave them his money and also money belonging to his employer. The men then ran north on 3d Street.

Claudell A. Bailey, of Washington, was approached at 11th and Clifton Streets NW by a man who asked for a ride. When in Bailey's auto, the man drew a revolver and demanded money. After taking the victim's money, the man fled north on 11th Street.

Mary Lee Medlin, of Washington, was standing in front of her home in the 2100 block of Ft. Davis Street SE at about 9:30 p.m. Saturday when she was approached by two men, one of whom said, "Give me your handbag or I'll shoot you." Miss Medlin did as she was told and escaped unharmed.

Bertha L. Ellis, of Washington, was standing in front of 606 Somerset Pl. NW at about 1:50 a.m. when she was approached by two men. The first man walked up to her and said, "Hi, baby!" and then pointed a gun at her and said, Don't scream." The second man then took some change from Miss Ellis' pockets and the pair fled.

E. Francis, of Washington, was in the 1600 block of Harvard Street NW at 11:30 a.m. Saturday when he was robbed by a man with a revolver.

McDonald's restaurant, 6100 Baltimore Ave., Riverdale was robbed at 8:45 p.m. Saturday by a man armed with a pistol.

ASSAULTED

Gladys Salazar, of Washington, was walking in the vicinity of Connecticut Avenue and Rodman Street NW at about 10:30 a.m. Saturday when she was approached by a man who struck her in the eye with his fist.

Miss Salazar was treated at George Washington University Hospital and released.

John Davis, of Washington, was stabbed in the chest during a fight in his apartment at 10:45 p.m. Saturday. He was treated at Cafritz Hospital and released.

Mitchell J Pastula, of Washington, was approached about 8 p.m. Friday by four men, who asked directions to the bottom of the hill in the area of 36th Street and Pennsylvania Avenue NE. When he told them there was a path, one of the men struck him in the mouth with his fist, and all four men ran.

BLIND STUDENTS AT THE UNIVERSITY OF KANSAS

Mr. DOLE. Mr. President, the handicapped often face severe difficulties in securing an adequate and fulfilling education. Perhaps no other handicapped group is presented with more profound educational obstacles than the blind.

Denied the fundamental faculty for absorbing knowledge, the visually handicapped must employ extraordinary techniques to acquire knowledge and communicate their understanding. In addition to problems of the classroom and study, ordinary matters of getting about campus are complex and hazardous.

I was pleased to note an article in the Kansas Alumni magazine of February 1970 which detailed some of the efforts being made at the University of Kansas to aid the educational endeavors of blind students.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDENTS

How do the half-dozen blind students at KU manage to move around campus alone, study, take notes, read assignments, take tests? It's not easy, of course, and not until this year were any special provisions made for helping them with their studies. At the instigation of Gerry Hansen, a graduate student in business with only 10 percent vision, a group of volunteers have been organized to act as readers on a regular basis for the blind. A room with a tape recorder has been set up in Watson Library where blind students bring in whatever assignments need to be read and volunteers read into the tape for later use. Volunteers also are on hand to help blind students find other material they need in the library. As for getting around the campus, Susan Haller, freshman who has been blind since birth, says she doesn't have any more difficulty getting around the campus than a sighted student as "It all up hill from my dorm and we all have that climb." She takes notes in class in Braille with the aid of a plastic guide on her regular notebook paper.

I.R. & D.—A BILLION-DOLLAR BOONDOGGLE

Mr. PROXMIRE. Mr. President, today before the Armed Services Ad Hoc Subcommittee on Research and Development I testified as to why I thought Congress should develop more effective control over independent research and development—I.R. & D.—expenditures which now amount to almost a billion dollars a year. Last year the Department of Defense and the National Aeronautics and Space Agency alone spent over $816 million of the taxpayers' money on so-called independent research and development which was almost entirely controlled by the contractors and from which the Government often derived very little, if any, tangible benefits.

I favor encouraging research and development. But R. & D. is quite a different thing than Government expenditures for independent research and development, which has little or no clear relationship to existing or contemplated Government projects. Independent research and development is paid for by the Government in addition to direct research and development costs specified in a contract. I.R. & D. is a tenuous overhead cost often used by contractors as a catchall to pay for engineering and technical employees salaries which may be completely unrelated to any contract the company has with the Government.

The amount of a firm's overhead expenses directly related to a defense contract should be paid for by the Government. If possible, it should be paid for as a direct research and development cost specifically contemplated in the contract.

Those research and development costs which now come under the category of I.R. & D. and which cannot be directly or indirectly related to a specific contract should not be funded by the DOD. If, by chance, they involve basic research, they should be funded by the National Science Foundation.

Because of the large number of requests I have had for copies of this testimony, I ask unanimous consent that my remarks before the subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WILLIAM PROXMIRE BEFORE ARMED SERVICES AD HOC SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT

I appreciate very much the opportunity to testify on the subject of Independent Research and Development (I.R.&D.) and I want to congratulate the Senator from New Hampshire, Mr. McIntyre, and the Chairman of the Armed Services Committee, Mr. Stennis, for holding these hearings. Until now, Independent Research and Development has been a little known and mysterious subject.

Independent Research and Development is a new subject and a new issue to almost everyone in Congress. I was flabbergasted when in a conference with the Comptroller General last summer I found out that the Defense Department was picking up the tab of $685 million and NASA $131 million a year in private defense contractors research and development costs which were (1) not the subject of a contract or grant or other specific arrangement for research and development between the government and a company, which (2) need not bear any direct or even indirect relationship to any military or space need of the government and (3) over which the government had no control. That is why I have introduced S. 3003 which is the subject of these hearings today.

I.R.&D. is unlike a procurement contract where the Government agrees to buy a tank, and gets a tank.

It is unlike regular R. and D. contracts where the government works out the specific research it needs done and then support that research.

It is unlike a "basic" research contract where, even though the Government does not know what specific scientific or technological information it may receive, it nonetheless funds the research under formal authorization procedures for the advancement in human knowledge which may take place. Under I.R.&D., such a result would occur by accident at best.

I.R. & D. is unlike any of these in another aspect as well. The Government not only receives no direct or specific product or benefit related to its needs—a plane, a tank, a new prototype, etc.—but under DOD and NASA regulations receives no license, patent, royalty, or right whatsoever for the money it expends.

The Government pays companies for work which is designed to benefit the company. And in addition to reaping the benefits on the I.R. & D. work itself, the Company also retains the right to all future benefits from licenses and royalties.

Even though it is one of the biggest single items of expense, I.R. & D. has never been directly authorized by the Congress. To my knowledge, it is the subject of no legislative authority. There is no item in the annual procurement bill which authorizes it. Nor is there any item in the appropriations bill which legitimatizes it.

It is a back door boondoggle now amounting to just short of a billion dollars a year over which Congress has had no control and whose benefits to the Government and the taxpayers of the United States are, at best, indirect, transitory and evanescent and, at worse, nonexistent.

From time to time in the past, Congress has been accused of providing a blank check for the so-called military-industrial complex. I have made that charge myself. But here is a case where the military-industrial complex has not received a blank check from Congress. They have printed the checks and filled in the blanks themselves.

What is so-called Independent Research and Development? Basically, it is the amount of money which Defense and NASA military contractors expend to pay the salaries of engineers and other technical employees for work unrelated to any contract they have with the Government. And incidentally, it is limited to those firms who already have negotiated contracts with the Government. It is not an item which industry as a whole receives.

I.R. & D. is an item in addition to the sums directly expended for the procurement of weapons. I.R. & D. is an item paid for by the Government in addition to any direct research and development contract which a firm has with the Defense Department. It is an amount paid to firms in addition to the amount paid for the R. & D. portion of a major weapons procurement contract.

For example, when the Air Force bought the C–5A from Lockheed, it paid or pays for the planes it receives under the production contract. It also pays for the huge R. & D. work associated with the development of the plane, which in this case amounted to $1,002,700,000. That is a part of its contract. But, the Air Force also picks up, as an overhead cost, Lockheed's expenditures for engineers, who do no work whatsoever on the C–5A or other military contracts. The Air Force picks up the tab for a part of the company's commercial work, and even for a part of the expense the company has in making proposals and bids for its nonmilitary work.

I say this practice—whether at Lockheed or elsewhere—is improper, unauthorized, and, under the provisions of Section 203 of the 1969 Authorization bill, is not only wrong but actually illegal. It is now contrary to a specific provision of the law.

Section 203 states, "None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation."

Nothing could be clearer or more explicit than that.

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One of the shortcomings in the debate over I.R. & D. has been the absence of examples. $685 million a year is spent, but we have no celar idea of what is it spent on. In fact, when I asked the General Accounting Office for examples, they told me that companies had vigorously objected to making public the kinds of items developed by them on the grounds that the research and its results was proprietary data. Think of that! The Defense Department pays out $685 million for work which not only benefits but which they refuse to make public on grounds that the public has no right even to know about it. I think a great service could be performed if this Committee would require the DOD and NASA to give the specific items and research for which IRandD was paid. Nevertheless, I was able to get some examples both from the GAO records and from the Army Audit Report. Let me give some.

One U.S. major defense contractor prepared an analysis and commentary on a proposal prepared by a private, non-profit European organization called Eurospace. Eurospace was set up to promote space activities in Europe. The American contractor charged the costs of commenting on this proposal by a private European group to "Bid and Proposal" expense and allocated them to its U.S. Government contracts.

One company incurred I.R. and D. costs of 8.3 million in 1968 and 1969 to develop commercial programs in underwater exploration systems for oil and for a comprehensive information handling system for use in hospitals—both entirely unrelated to its defense contracts. In this case the Government accounted for 98 percent of the company's sales. In 1969, the Government agreed to pick up $14.8 million in total I.R. and D. costs including these items and others without any sharing requirement on the part of the company. These are clearly examples of entirely commercially oriented programs for which the Government picks up the tab and, in the case of one item, where the Government may not receive any benefits at all. I would think that other commercial and non-defense offshore petroleum mining companies would be outraged that the Government should pick up the commercial research costs of their competitors.

In 1969, one contractor spent $86,000 to study control problems related to the electric power industry. The project clearly was largely beneficial to the contractor's future business with private utility companies, although some minor and very general benefit might accrue to the Government. The funds went to provide tutorial training for the company's personnel in power systems, and to monitor and review the progress of the division's personnel as computer programs were developed. The Government paid for this obvious commercial work.

$160,000 was paid out during 1969 for an IR & D project to develop a systems approach to industrial control fields such as water resource control, water pollution, waste control, etc. These were being performed by a Defense contractor and paid for through IR and D by the DOD. While they may be worthy items, they obviously give the contractor a leg up on his competitor, and should be performed under regular R. and D. contracts if some other Government Department needs the work done.

A major DOD and NASA contractor, working in space and satellite matters, and communication and ground systems, wrote off $186,000 in 1968 and $90,000 in 1969 for research "to provide systems and equipment for rapid transit train controls and to improve highway utilization."

Again, his competitors suffer a distinct disadvantage when the Government picks up this research cost unrelated to his defense contracts. And, if the Government wants the work done, it should be funded under the R. and D. funds of the Department of Transportation. This is backdoor commercial, financing at its worst.

Any bonanza which is as lucrative and as unpoliced as this one soon attracts its supporters and apologists. Reasons for the practices are soon devised. In my judgment, the reasons are without merit. But the skies are black with the planes carrying the representatives of defense contractors flying into Washington to protect their bonanza. I can think of no redeeming argument in favor of the present method by which DOD and NASA pay for I.R. & D.

Let me be specific.

First. It is said that I.R. & D. is a legitimate overhead cost which should be paid for by the Government just as it would pay for any other overhead cost on a contract—rent, heat, light, maintenance, etc.

This is not true. When plant space is charged as overhead to a contract, the Government pays for the use of space which is "allocable" to the contract. This is a definite, measurable item. If in carrying out a Government contract, 5,000 square feet of floor space are used for the work, then the overhead charge for the space is a specific, proper charge, allocable to the contract which the Government should pay for as a part of the contract.

But, in the case of I.R. & D., the item is paid even when it is not allocable to the contract. Unless it is, it should not be paid.

Second, it is argued, as it was argued by the Defense Science Board Task Group, made up incidentally of six major Defense contractors, one research firm and one university (hardly an unbiased group) in justifying I.R. & D. in its Report of February, 1967, that "I.R. & D. provides a way to develop and demonstrate complete prototypes of technologically advanced hardware before a formally recognized military requirement exists." (p. 10 GAO report).

That argument is precisely why this subject must be brought under control.

If we want the development of complete prototypes—and we often do prior to the production phase of a weapons system—that should be done under a specific R. & D. contract which is authorized by Congress in its annual procurement and R. & D. authorization.

The Task Group argues in favor of non-authorized weapons systems. In fact, this is precisely what we should avoid. If we want a weapon, it should be authorized and funded under a regular research and development contract.

Third, the Task Force also argued for I.R. & D. on grounds that "It permits Defense contractors to develop the requisite technology for a known forthcoming military requirement."

That, too, is a redundant argument. A "known forthcoming military requirement" should be authorized and funded under regular R. & D. and procurement procedures. I.R. & D. is not needed for that.

The Constitution gives Congress the power to raise and support armies and to provide and maintain a Navy. How the taxpayers' money is spent, what weapons systems we need, and what priorities we make, both military and civilian are subjects for Congress to decide. It is Constitutionally vital that these procurement decisions be made deliberately by the Congress and not usurped by the Pentagon and its allies. For the Pentagon and and its contractors to spend large funds prior to authorization for a "forthcoming military requirement" is to usurp the proper authority of this Committee and the Congress of the United States to develop, authorize and fund its weapons systems. This should be done by authorization. It should be through regular R. & D.

I am frankly outraged at the fact that the Pentagon and its contractors have taken over this proper Congressional function.

In previous testimony and in articles supporting I.R. & D., its apologists cite a number of weapons systems, they claim were developed under the funds spent for I.R. & D. Among them are the Sikorsky S–64A Flying Crane, the missile site radar for the Nike Zeus, the technology for the shift from Polaris to Poseidon, and the integrated circuits for the Minuteman Guidance System. These are the key examples of technology said to have been developed under I.R. & D. and under the benefits summarized by the Defense Science Board Task Group.

But these are examples against, not for, I.R. & D.

(1) Each of them should have been and could have been developed under a regular R. & D. contract. Each should have been developed under a regular authorization, if they were not.

(2) The Minuteman Guidance System and the shift from Polaris to Poseidon are both examples of systems where there are a very grave technical difficulties and where there are huge cost overruns. If anything, our experience with these programs argues strongly against the system under which it is said they were developed.

(3) Whether they should be developed and when they should be developed is clearly the responsibility of Congress and not of the Pentagon and its industrial allies.

If in fact, the examples really are weapons which were developed under I.R. & D. they point up one of the major abuses of I.R. & D.; namely, the usurpation by the military-industrial complex of Congressional Constitutional authority.

We can draw two general principles from this. To the degree that any specific weapons system or technology grows out of I.R. & D.—and the claims in this respect have either been grossly exaggerated or they are terribly costly—they should have been developed under regular R. & D. programs, properly authorized by Congress.

On the other hand, I.R. & D. expenses which are taken and which bear no relationship to specific systems needed or desired by the Government, are an improper expenditure and should not be made at all.

In fact, if we continue on the present course, or if this situation becomes universal, we could actually reach a condition in which weapons systems turned down by Congress are developed through the back door by I.R. & D. expenditures.

One other point should be made here. I doubt very much if the research and development for these systems was done through I.R. & D. in any case. If that is true, why did we later spend such huge amounts on R. & D. in the contracts for these systems?

For example, the R. & D. element in the contract for the Flying Crane (the S–64–A) was $20,299,000 according to information given to me by the Army. The R. & D. element in the contract for transforming 31 Polaris submarines into the Poseidon system was $1.5 billion as of June 30, 1969, according to information supplied to me by the General Accounting Office. If I. R. & D. was so important in the development of this system, why did we have to spend another $1.5 billion on RDT & E? And incidentally, we have been having big delays and big overruns on this system.

The Missile site radar for the Safeguard is also given by some as a benefit from I.R. & D. But as we all know, one of the most vulnerable items in Safeguard and one of the main reasons for such heavy opposition to it, is the fact that the missile site radar doesn't function adequately.

In addition, the R.D.T. & E. amounts for Safeguard are estimated at $2.072 billion of which about $181 million is for the missile site radar. Why do we need such huge additional R. & D. amounts in the procurement itself if the funds spent for I.R. & D. were responsible for the Safeguard development? The answer is that they were not responsible

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and that these are largely specious and irrelevant examples put forward at a late hour by the proponents of a system which is otherwise quite impossible to defend.

And, of course, the overwhelming proportion of I.R. & D. was paid out for overhead costs which proponents of the system do not even claim had any precise or specific military benefit to the country.

Let me turn now to two other arguments used in support of I.R. & D. These are that I.R. & D. is necessary to keep an up-to-date and modern industrial technology base in place, and that it is important as a means of maintaining the profitability of business enterprises.

Both of these arguments are specious. If it is argued that I.R. & D. is necessary to keep a modern and up-to-date, or advanced industrial technology in place, there are at least two major questions or replies.

At the present time, and I hope for the future as well, I.R. & D. goes only to those defense contractors who are given negotiated contracts. Those industries which do not sell to the Pentagon, or do not sell under negotiated contracts, get no I.R. & D.

Surely one does not argue that the way to keep a military-industrial base in place is by giving additional funds to those who already receive the big benefits. Let us take Company X, which builds a tank or a plane or a ship.

In addition to a billion dollars for R. & D. for the weapon, and $3 to $4 billion for the production models of the weapon, the supporters of I.R. & D. argue that Company X should be paid for the R. & D. it does for its commercial business. This is for funds spent by the Company unrelated to defense needs or the R. & D. needs of this weapon. It is justified on the grounds that it is necessary in order to keep an industrial capability in place. The mere statement of that argument is enough to indicate its absurdity.

In the first place, a sizeable amount of negotiated contracts, are given on the grounds that we need to keep intact a strong industrial capability. The negotiated contract itself is often given on this basis. Then the amount of I.R. & D. is paid for on the same basis. We are being asked to pay twice for this benefit. This should be called "All This and Heaven Too." In F.Y. 1969, for example, $4.8 billion in negotiated defense contracts or 11.7% of the total amount of negotiated procurement was awarded on this basis.

And another $4.8 billion and 11.7% of all Defense Department negotiated contracts was given on the grounds that it was necessary for experimental, developmental, test or research purposes. Thus, 23.4 percent, or almost one quarter of all negotiated contracts by the Pentagon, is already granted for the same or closely associated purposes for which additional payments for I.R. & D. are given.

Second, it would be a much stronger argument to argue that if anyone is to be subsidized it is those companies who do not receive military contracts. But these are precisely the firms who are left out.

I do not advocate that the funds be shifted. I merely point out how absurd the argument is. We would be far stronger to take the I.R. & D. funds, determine precisely what R. & D. we needed, convert them into regular R. & D. contracts, and have them performed by companies not now doing defense business. That might indeed increase our industrial capability.

The argument that we should willy-nilly pay I.R. & D. amounts in order to maintain the "profitability" of business enterprises, of course goes against every principle on which the businesses of this country are supposedly founded. There is no more reason to keep an uneconomic and inefficient defense contractor in business than to provide a subsidy to keep an inefficient and uneconomic civilian industry in business. In fact, this country would be far stronger, and a good deal of the fat and waste in the Defense Department would be cut out, if we let a few of the uneconomic companies with huge cost overruns go down the drain. Uneconomic and inefficient defense contractors weaken the country. They drain off resources which could be used much more efficiently elsewhere. We should not be required to pay them a subsidy to make them profitable.

What then should be done?

The present system should end.

Necessary and direct research and development now given under I.R. & D. should be converted to R. & D. contracts. Companies should be paid for "allocable" expenses directly connected with their specific Defense contract. They should be paid for research and development on weapons systems which Congress specifically authorizes and funds.

This is important not only to bring some measure of accountability into the system but to return to Congress its Constitutional prerogatives and to end the usurpation of its powers by the Pentagon and its industrial allies.

Not only is this necessary and desirable, but it is now the law of the land and should be obeyed.

The worst possible thing that could happen, and I want to warn against it, would be to have a single, Government-wide R. & D. system modeled on the Defense Department-NASA system. The effect of that would be merely to universalize sin.

We should no longer continue to spend hundreds of millions of taxpayers' money for overhead costs unconnected with direct military or Pentagon needs. We already spend billions on procurement. These contracts include large generous sums for R.D.T. & E. for the weapons systems. In addition, we spend other large sums for a variety of research and development projects. To do more is unnecessary. To continue paying for I.R. & D. for a firm's commercial, and indirect, and general research is illegal.

ADMINISTRATION'S VOTING RIGHTS BILL

Mr. HRUSKA. Mr. President, last July the Subcommittee on Constitutional Rights had hearings on a number of Senate proposals to amend and to extend the Voting Rights Act of 1965. Those hearings were extensive and balanced, and were supplemented by additional testimony before the subcommittee during recent weeks. We heard from many witnesses, including Attorney General John Mitchell who testified in support of S. 2507.

Since our hearings a House bill, H.R. 4249, has been considered and passed by the House. That bill had been introduced in the House at the same time that S. 2507 was introduced in the Senate. They were identical bills, and were introduced on behalf of the Nixon administration.

H.R. 4249 was made the pending business of the Senate today. Therefore, in order to aid in the consideration and analysis of this bill, I ask unanimous consent to have portions of the Attorney General's statement before the Constitutional Rights Subcommittee on July 11, 1969, printed in the RECORD at the end of my remarks.

The Attorney General's remarks deserve to be read and considered by all Senators. The thrust of those remarks is that it is time to enact a voting rights bill that is nationwide and that returns us to our courts of law. The Attorney General's reasons are strong and compelling and supported with sound evidence.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ATTORNEY GENERAL JOHN N. MITCHELL BEFORE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE SENATE JUDICIARY COMMITTEE ON S. 2507

1. INTRODUCTION

Mr. Chairman, and members of the Subcommittee, I want to thank you for the opportunity to testify today. I appreciate the courtesy you have shown in scheduling the date of this hearing.

The right of each citizen to participate in the electoral process is fundamental to our system of government. If that system is to function honestly, there must be no arbitrary or discriminatory denial of the voting franchise. The President has committed this Administration to the view that it will countenance no abridgment of the right to vote because of race or color or other arbitrary restrictions.

Furthermore, the President is committed to the policy that it is in the national interest to encourage as many citizens as possible to vote and to discourage the application of unreasonable legal requirements.

In the last several months, we have made a thorough review of the possible consequences arising from the expiration of the 1965 Voting Rights Act. We have also examined the general theories and facts underlying voting practices in the nation and the need for federal legislation.

We have come to the firm conclusion that voting rights is no longer a regional issue. It is a national concern for every American which must be treated on a nationwide basis.

Our commitment must be to offer as many of our citizens as possible the opportunity to express their views at the polls on the issues and candidates of the day.

Therefore, we propose the following amendments to the 1965 Voting Rights Act designed to greatly strengthen and extend existing coverage in order to protect voting rights in all parts of the nation.

First: A nationwide ban on literacy tests until at least January 1, 1974.

Second: A nationwide ban on state residency requirements for Presidential elections.

Third: The Attorney General is to have nationwide authority to dispatch voting examiners and observers.

Fourth: The Attorney General is to have nationwide authority to start voting rights law suits and to ask for a freeze on discriminatory voting laws.

Fifth: The President is to appoint a national voting advisory commission to study voting discrimination and other corrupt practices.

Before describing our proposals in detail, I would like to review the situation at this time.

2. THE VOTING RIGHTS ACT OF 1965

A. *Background.* The Fifteenth Amendment to the Constitution was adopted in 1870. It provides that:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude."

Since the passage of the Fifteenth Amendment, the Congress has been repeatedly told that Negro citizens were subjected to racial discrimination in many areas of the nation, particularly in the South. As a result, Congress enacted the Civil Rights Act of 1957, followed by the Civil Rights Act of 1960 and the Civil Rights Act of 1964.

Each of these three Acts provided additional procedures to assure equality in voting. In 1965, the situation was this:

The Department of Justice was pursuing case-by-case, county-by-county remedies under the Voting Rights Acts. The Congress believed that more progress could be made by the passage of additional legislation.

B. Because the six states which had the lowest voter turnout in the 1964 election also had literacy tests—and because these states also had the nation's highest ratios of Negro population and the lowest ratios of Negro voter registration—certain corrections were legislated by the Congress. These corrective measures were contained by the Voting Rights Act of 1965.

3. THE 1965 VOTING RIGHTS ACT TODAY

A. *Provisions of the 1965 Act*. The Act provided for suspension of literacy and similar tests and devices in states and counties where such tests were utilized; and where less than 50 percent of the total voting-age population was registered to vote or voted in the November 1964 election. This suspension could be removed if the state or county could show that it had not used such tests with a discriminatory purpose or effect. (Section 4)

Other provisions of the Act authorize the Attorney General to direct the assignment of federal examiners, who list persons qualified to vote, and election observers to counties covered by the Act. (Sections 6 and 8) Also, covered states and counties are prohibited from adopting new voting laws or procedures unless they have received the approval of the Attorney General or the United States District Court for the District of Columbia. (Section 5)

B. *Coverage*. Areas now subject to the coverage of the Act are the States of Alabama, Georgia, Louisiana, Mississippi, South Carolina and Virginia, 39 counties in North Carolina, one county in Arizona, and one county in Hawaii. These jurisdictions have not applied to federal courts asking for removal of the ban, except for Gaston County, North Carolina, which I will discuss later.

The State of Alaska and some isolated counties elsewhere were within the formula, but sought and obtained judgments indicating that their tests had not been used discriminatorily.

C. *Results*. The results of the 1965 Act are impressive. Since 1965, more than 800,000 Negro voters have been registered in the seven states covered by the Act.

Moreover, according to the figures of the voter education project of the Southern Regional Council, more than 50 percent of the eligible Negroes are registered in every Southern state.

D. *Termination of Coverage*. The Voting Rights Act also provides another means by which a state or county within its coverage may seek termination of such coverage. Section 4(a) provides that the suspension of tests will end if the jurisdiction obtains from the United States District Court for the District of Columbia a declaratory judgment that there has been no discriminatory use of a test or device during the preceding five years.

The statute directs the Attorney General to consent to such a judgment if no such test or device was so used. Because no covered jurisdiction will have employed a literacy test since August 1965, under the present terms of the Act, the awarding of the declaratory judgments after August 1970 will be virtually automatic for six states and 39 counties in the South.

However, Section 4(a) provides that the district court is to retain jurisdiction of the action for five years after judgment and is to reopen the matter upon motion of the Attorney General alleging discriminatory use of a test or device.

Highly relevant to this provision is the recent decision of the Supreme Court in *Gaston County* v. *United States*.

4. THE GASTON COUNTY DECISION

Gaston County, North Carolina, filed an action for a judgment to end the suspension of its literacy test under the 1965 Act. The county sought to prove that, when the literacy test was in effect, it had been administered on a non-discriminatory basis.

The United States introduced evidence showing that, in Gaston County, the adult Negro population had attended segregated schools and that these schools were in fact inferior to the white schools. Relying on such evidence, the District Court ruled that literacy tests had the "effect of denying the right to vote on account of race or color" because the county had deprived its Negro citizens of equal educational opportunities in the past and therefore had deprived them of an equal chance to pass the literacy test.

On June 2, 1969, the Supreme Court affirmed the decision of the District Court.

The Supreme Court ruled that offering today's Negro youth equal educational opportunities "will doubltless prepare them to meet future literacy tests on an equal basis." The Court added that equal education today "does nothing for their parents." It ruled that Gaston County had systematically denied its black citizens equal educational opportunity; and that " 'Impartial' administration of the literacy test today would serve only to perpetuate those inequities in a different form." Accordingly, the Court held such tests unlwaful under the Voting Rights Act.

Under the *Gaston County* decision, any literacy test has a discriminatory effect if the state or county has offered not only education which is separate in law, but education which is inferior in fact to its Negro citizens. Evidence in our possession indicates that almost all of the jursdictions in which literacy tests are presently suspended did offer educational opportunities which were inferior.

Therefore, it is my view that, in regard to most of the jurisdictions presently covered by the 1965 Act, I would be obliged to move, shortly after reintroduction of the literacy test, to have the test suspension reimposed in the seven covered states. I believe that the lower courts, under the *Gaston County* ruling, would suspend the literacy test and would continue to do so until the adult population was composed of persons who had had equal educational opportunities. In short, in my opinion, the ban on literacy tests would continue for the foreseeable future in the states presently covered by the Act, even if no new legislation were to be enacted by the Congress.

Furthermore, I believe that the *Gaston County* decision would continue to suspend existing literacy tests or would ban the imposition of new literacy tests in those areas outside of the seven states covered by the 1965 Act where publicly proclaimed school segregation was prevalent prior to 1954. This would include all or part of Florida, Arkansas, Texas, Kansas, Missouri, Maryland, the District of Columbia, Kentucky and Tennessee.

5. LEGISLATIVE PROPOSAL

To protect against future denials of the right to vote and to encourage fuller utilization of the franchise, I propose the following amendments to the 1965 Voting Rights Act.

First: No state or political subdivision may require any person to pass a literacy test or other tests or devices as a condition for exercising the fundamental right to vote, until January 1, 1974.

The reasoning behind this suggestion is as follows—and this reasoning not only strongly supports our proposal but shows the inadequacy of a mere simple 5 year extension of the 1965 Act.

A. My personal view is that all adult citizens who are of sound mind and who have not been convicted of a felony should be free to and encouraged to participate in the electoral process. The widespread and increasing reliance on television and radio brings candidates and issues into the homes of almost all Americans. Under certain conditions, an understanding of the English language, and no more, is our national requirement for American citizenship.

Perhaps more importantly, the rights of citizenship, in this day and age, should be freely offered to those for whom the danger of alienation from society is most severe—because they have been discriminated against in the past, because they are poor, and because they are undereducated. As responsible citizenship does not necessarily imply literacy, so responsible voting does not necessarily imply an education. Thus, it would appear that the literacy test is, at best, an artificial and unnecessary restriction on the right to vote.

B. Literacy Test Background. The history of the literacy test in this country shows quite clearly that it was originally designed to limit voting by "foreign" born and other minority groups.[1] Available information today shows that present enforcement of literacy requirements in states not covered by the 1965 Act indicates considerable variance in procedures.

In some states literacy requirements are no longer enforced or are enforced only sporadically. In other states the literacy test is not applied uniformly but is applied at the discretion of local election officials.[2]

C. Today, a total of 19 states have statutes prescribing literacy as a pre-condition for voting. This number includes the seven Southern states, where as a result of the 1965 Act, the literacy test is suspended in all or part of the state. Also, there are 12 states outside the South which have constitutional or statutory provisions for literacy tests.[3]

D. The Supreme Court appeared to tell us in the Gaston County case that any literacy test would probably discriminate against Negroes in those states which have, in the past, failed to provide equal educational opportunities for all races.

Many Negroes, who have received inferior educations in these states, have moved all over the nation.

The Bureau of the Census estimates that, between 1940 and 1968, net migration of non-whites from the South totaled more than four million persons.[4] Certainly, it may be assumed that part of that migration was to those Northern and Western states which employ literacy tests now or could impose them in the future; and that, as was true in Gaston County, the effect of these tests is to further penalize persons for the inferior education they received previously. For ex-

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[1] Bromage, *Literacy and the Electorate*, XXIV Amer. Pol. Sci. Review 946, 951 (1930); Porter, *A History of Suffrage in the United States*, p. 118 (1918). See, *e.g.*, *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966).

[2] Letters to Congressman F. Thompson from Deputy Attorney General of Delaware, Congressional Record, vol. 115, pt. 10, p. 12736, and from Assistant Secretary of State of Oregon, Congressional Record, vol. 115, pt. 10, p. 12739. E.g., Letter to Congressman Thompson from the Attorney General of California, Congressional Record, vol. 115, pt. 10, p. 12740.

[3] These states are Alaska, Arizona, California, Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New York, Oregon, Washington and Wyoming. Idaho has a good character requirement which is a "test or device" within the meaning of section 4(c) of the 1965 Act.

[4] Bureau of the Census, Current Population Reports, Series P–23 No. 26, *Social and Economic Conditions of Negroes in the United States* (July 1968), p. 2.

ample, in the South, 8.5% of the white males over 25 have only a fourth grade education as opposed to 30% for Negro males.[5]

Thus, following the Supreme Court's reasoning, it would appear inequitable for a state to administer a literacy test to such a person because he would still be under the educational disadvantage offered in a state which had legal segregation.

E. Furthermore, the Office of Education studies and Department of Justice law suits have alleged that areas outside of the South have provided inferior education to minority groups. Following the general reasoning of the Supreme Court in the Gaston County case, I believe that any literacy test given to a person who has received an inferior public education would be just as unfair in a state not covered by the 1965 Act.

Unfortunately, the statistics appear to support this argument. In the Western states, 3.5% of the white males have only a fourth grade education as opposed to 10.6% of the Negro males over 25 years of age; in the North Central states, 3.1% of the white males have only a fourth grade education as opposed to 14.6% of the Negro males; and in the Northeast, 4.2% of the white males have only a fourth grade education as opposed to 8% of the Negro males. Thus, inferior education for minority groups is not limited to any one section of the country.

F. The proposal for a simple five-year extension of the 1965 Voting Rights Act leaves the undereducated ghetto Negro as today's forgotten man in voting rights legislation.

He would be forgotten both in the 12 states outside the South which have literacy tests now and in the 31 other states which have the ability, at any time, to impose them.

It is not enough to continue to protect Negro voters in seven states. That consideration may have been the justification for the 1965 Act. But it is unrealistic today.

I believe the literacy test is an unreasonable physical obstruction to voting even if it is administered in an even handed manner. It unrealistically denies the franchise to those who have no schooling. It unfairly denies the franchise to those who have been denied an equal educational opportunity because of inferior schooling in the North and the South.

But perhaps, most importantly, it is a psychological obstruction in the minds of many of our minority citizens. I don't have all the answers. But I suggest to this Sub-Committee that it is the psychological barrier of the literacy test that may be responsible for much of the low Negro voter registration in some of our major cities.

Because records on voter registration and voting are not kept on a racial basis in the North, it is difficult to determine conclusively the level of Negro voting participation.

In most Deep South Counties subjected to literacy test suspension, between 50 and 75% of the Negroes of voting age are now registered to vote. It is clear that this level is *higher* than Negro voter participation in the ghettos of the two largest cities outside the South—New York and Los Angeles—where literacy tests are still in use. Furthermore, in non-literacy test Northern jurisdictions like Chicago, Cleveland and Philadelphia, Negro registration and voting ratios are highter than in Los Angeles and New York.

Consider, for example, the 1968 voter turnout in New York City. In the core ghetto areas of Harlem, Bedford-Stuyvesant, the South Bronx and Brownsville-Ocean Hill, six nearly all-Negro Assembly districts (55th, 56th, 70th, 72nd, 77th, and 78th) cast an average of only 18,000 votes in 1968 despite 1960 Census eligible voter population of 45,000–55,000. On average, less than 25,000 voters were registered in these districts.

In addition since Congressional districts are roughly equal in population, voting statistics from such districts may be used to compare New York and California Negro voter turnouts with those of other states.

In the nine Northern big city states—Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Michigan, Illinois, Missouri and California—there were only ten congressional districts where fewer than 100,000 votes were cast for Congress in 1968.[6] Of the ten, one was in California; and eight were in New York. Each of the nine districts—the 21st California; the 11th, 12, 14th, 18th, 19th, 20th, 21st and 22nd New York—consists largely or partly of Negro ghetto areas.

These statistics illustrate a prima facie relationship between Northern literacy tests and low participation by Negroes.

G. We clearly believe this amendment to suspend literacy tests and the other amendments we propose are within the jurisdiction of the Congress under its ability to implement the 14th and 15th Amendments, in view of the United States Supreme Court opinions in *United States* v. *Guest,*[7] *Katzenbach* v. *Morgan,*[8] *South Carolina* v. *Katzenbach,*[9] *and Gaston County* v. *United States.*[10]

H. Mr. Chairman, I urge this Committee not to permit the Negro citizens outside of the South to be forgotten. I urge this Committee to grant them the encouragement to vote and the protections for voting that are now granted to Negro citizens in the South. This encouragement has proved so successful that there have been 800,000 Negro voters registered since the passage of the 1965 Act.

Second: No person should be denied the right to vote for President or Vice President if he has resided in a state or county since September 1 of the election year. Persons moving after September 1 who cannot satisfy the residency requirement of the new state or county should be permitted to vote in the Presidential election, in person or by absentee ballot, in the former state or county.

This proposal would authorize the Attorney General to seek judicial relief against any abridgment of these residency rights.

The reasoning behind this suggestion is as follows:

Our society is mobile and transient. Our citizens move freely within states and from one state to another. According to the Bureau of the Census, in reference to the 1968 Presidential election, more than 5.5 million persons were unable to vote because they could not meet local residency requirements.

A residency requirement may be reasonable for local elections to insure that the new resident has sufficient time to familiarize himself with local issues. But such requirements have no relevance to Presidential elections because the issues tend to be nationwide in scope and receive nationwide dissemination by the communications media. The President is the representative of all the people and all the people should have a reasonable opportunity to vote for him.

Third: The Attorney General is to be empowered to send federal examiners and election observers into any county in the nation if he determines that their presence is necessary to protect the rights of citizens to vote.

The reasoning behind this suggestion is as follows:

Our proposal would grant to the Department of Justice the right to send voting examiners and observers to any county in the nation where such action is warranted because of reported violations of the Fifteenth Amendment. Our use of voting observers in the South has provided information to the Department of Justice which has enabled us frequently to ward off infractions of the Fifteenth Amendment. Similarly, in some counties, use of federal examiners to list persons as eligible to vote has been necessary because local officials have refused to register them.

Under the 1965 Act, the Attorney General is required to go to court to request voting examiners and observers in non-Southern states. Under our bill, he has the authority to send the observers and examiners any place without first applying to a court.

Fourth: The courts, on application of the Attorney General, would be permitted to temporarily enjoin discriminatory voting laws and to freeze any new voting laws passed by the state or county against whom the lawsuit is filed.

The reasoning behind this suggestion is as follows:

Because of the nature of elections and the fact that it is difficult at a much later date to correct the result of any illegal inequities, I believe that the Attorney General should have the discretion, in cases which appear to have serious consequences, to ask the court to temporarily freeze the situation in a particular county.

This was basically the philosophy adopted by the 1965 Voting Rights Act which provided that no election laws passed by states covered by the Act could be changed without approval of either the courts or the Attorney General. In contrast to the 1965 Act, our proposal leaves the decision to the court, where it belongs; and properly places the burden of proof on the government and not the states.

The pre-clearance requirements of Section 5 of the 1965 Act have been difficult to administer effectively. To date there have been some 345 submissions to the Department of Justice. We have sixty days to determine if a law has a discriminatory purpose or effect. Unless we are extremely familiar with the political structure of a given jurisdiction or are capable of detailing investigators to make appropriate inquiry or receive complaints from local sources—it is virtually impossible to know if changes in the rules of a state election board, relocation of a polling place, consolidation of an election district, or some technical change in the election laws has such a discriminatory purpose or effect.

Despite the terms of the 1965 Act, when local officials have passed discriminatory laws they have usually not been submitted to the Attorney General for approval. Rather, the Department of Justice has had to seek federal court assistance to void them. Since 1965 only ten laws submitted to the Department for approval have been disapproved, six of them this year.

Areas which passed discriminatory voting laws are likely to quickly pass substitutes. Our new proposal would eliminate this practice by giving the courts the authority to issue blanket orders against voting law changes.

The penalty for this violation of the court order would be contempt.

Under the present laws outside of the seven covered states, the Attorney General is limited in voting rights cases to a claim of Constitutional violation. Under our proposal, he could institute a lawsuit any place in the country based on the broader statutory protection of a discriminatory "purpose or effect" of a particular voting law or set of voting laws.

This would make it clear to the courts that it is unnecessary to prove that the intent of the local or state officials was racially motivated.

For all of these additional safeguards, we have only modified one section of the Act. States and counties would no longer be required to automatically submit all changes in their voting laws.

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[5] Bureau of the Census, Current Population Reports, Series P–20, No. 182 (1969), *Educational Attainment: March 1968,* table 3.

[6] Congressional Directory for the 91st Congress, pp. 359–366.

[7] 383 U.S. 745 (1966).

[8] 384 U.S. 641 (1966).

[9] 383 U.S. 301 (1966).

[10] 37 Law Week 4478 (1969).

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With the entire nation covered, it would be impossible for the Civil Rights Division of the Department of Justice to screen every voting change in every county in the nation. Furthermore, the evidence indicates that even in the seven covered states officials who wish to pass discriminatory laws do not submit them in advance to the Department of Justice. They put them into effect and require the Justice Department to discover them and bring suit.

To justify this single modification of Section 5, I would like to point out that the incidence of reported racial discrimination in voting has substantially decreased.

For example, since August 1965, we have received a total of 312 complaints of voter discrimination—231 from the covered states and 81 from the non-covered states.

In fiscal 1966, there were 157 complaints; in fiscal 1967, there were 92 complaints, in fiscal 1968, there were 45 complaints and through April of fiscal 1969, there were 18 complaints.

This sharp decrease would seem to indicate that the dangers to voting rights, which existed prior to the passage of the 1965 Act, appear to have substantially decreased in the seven covered states—decreased to the point where we no longer think it is necessary for these states to automatically present their voting law changes to the Department after August 1970.

Fifth: A Presidential advisory commission would be established to study the effects which literacy tests have upon minority groups, to study the problem of election frauds, and to report to Congress its findings and recommendations for any new legislation protecting the right to vote.

The reasoning behind this suggestion is as follows:

In order to determine whether additional legislation will be necessary or appropriate, a Presidential advisory commission would study the effects which literacy and similar requirements for voting have upon minorities and upon low-income persons.

The Bureau of the Census would be directed to conduct special surveys regarding voting and voter registration and to make the data available to the commission. The commission would also study election frauds. It would be required to submit to Congress, not later than January 15, 1973, a report containing the results of its study and recommendations for any new federal voting laws.

Our recommendation to study voting fraud stems from our strong interest in insuring that each citizen's vote will count equally with the vote of his fellow citizen. For too long, we have failed to take as aggressive action as we might in view of frequent evidence of false registration, illegal vote purchasing and the misreporting of ballots cast.

My previous testimony concerned encouragement of protection for and the exercise of the franchise prior to entering a voting booth. This fraud study, a logical extension, may help to guarantee the sanctity of the ballot once it is cast. Certainly, if we have a federal interest in encouraging persons to vote, we have a federal interest in insuring that their ballot be correctly processed.

6. OPPOSITION TO 5-YEAR EXTENSION

Finally, there has been a suggestion that our proposal is merely a delaying tactic to tie up any attempt to extend the 1965 Voting Rights Act. I must disagree with this assessment.

First: As I said in my previous testimony, the *Gaston County* case extends the literacy test ban for the foreseeable future in those states which previously maintained segregated and inferior school systems. Second: It would appear that any proposed amendment to this bill—no matter how well motivated and how comprehensive—would be open to criticism as a delaying tactic. Under these circumstances, it is difficult for me to see how I can extend the coverage to those citizens who need it in any way. Third: We do not want to see the Act lapse in August 1970. We favor its extensions both in time and in its geographical coverage. I believe there should be sufficient time for the necessary hearings and debate on our proposal prior to the termination of parts of the 1965 Act in August of 1970. I believe that it is worth the extra effort to extend the Act to the entire nation. I would hope that this Committee would support S. 2507, introduced by Senator Dirksen.

We will cooperate with this Committee and with the Congress to assure a strong and timely bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. JAMES B. UTT, late a Representative from the State of California, and transmitted the resolutions of the House thereon.

ENROLLED BILLS SIGNED

The message announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 2523. An act to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes;

S. 2809. An act to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel;

H.R. 11651. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached; and

H.R. 14733. An act to amend the Public Health Service Act to extend the programs of assistance for health services for domestic migrant agricultural workers and for other purposes.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The PRESIDING OFFICER. Under the order of December 16, 1969, the Chair lays before the Senate the bill which now becomes the pending business. It will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and other devices.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I understand the pending business is H.R. 4249.

The PRESIDING OFFICER. The Senator is correct.

Mr. SCOTT. Mr. President, before making some remarks on that subject, I ask unanimous consent to speak on another matter.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, is the subject on which the able minority leader is about to speak one which is germane to the pending business?

Mr. SCOTT. It is. It refers to the disadvantaged minority groups.

Mr. BYRD of West Virginia. Mr. President, that does not answer the question. Is it germane to the pending business?

The able minority leader must know the intention on the part of the majority and minority leaders to enforce the Pastore rule.

Does the able minority leader feel that the subject on which he is about to speak is germane to the pending business?

Mr. SCOTT. Mr. President, I will withdraw my unanimous-consent request and address myself to the subject later.

I must say that I do not mind being the victim of my own rule now and then. It serves to make the point.

Mr. President, I call up at this time amendment No. 519 offered by me with the cosponsorship of the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Kentucky (Mr. COOK), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. FONG), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. MATHIAS), and the Senator from Maryland (Mr. TYDINGS), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Strike out all after the enacting clause, and insert in lieu thereof the following:

"That this Act may be cited as the 'Voting Rights Act Amendments of 1970'.

"SEC. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by inserting therein, immediately after the first section thereof, the following title caption:

" 'TITLE I—VOTING RIGHTS

"SEC. 3. Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by striking out the words 'five years' wherever they appear in the first and third paragraphs thereof, and inserting in lieu thereof the words 'ten years'.

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"SEC. 4. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by adding at the end thereof the following new title:

" 'TITLE II—SUPPLEMENTAL PROVISIONS

" 'APPLICATION OF PROHIBITION TO OTHER STATES

" 'SEC. 201. (a) Prior to August 6, 1975, no citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act.

" '(b) As used in this section, the term "test or device" means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

" 'RESIDENCE REQUIREMENTS FOR VOTING

" 'SEC. 202. (a) No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in any such election for failure to comply with a residence or registration requirement if he has resided in that State or political subdivision since the 1st day of September next preceding the election and has complied with the requirements of registration to the extent that they provide for registration after that date.

" '(b) If such citizen has begun residence in a State or political subdivision after the 1st day of September next preceding an election for President and Vice President of the United States and does not satisfy the residence requirements of that State or political subdivision, he shall be allowed to vote in such election (1) in person in the State or political subdivision in which he resided on the last day of August of that year if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision; or (2) by absentee ballot in the State or political subdivision in which he resided on the last day of August of that year if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

" '(c) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in such election because of any requirement of registration that does not include a provision for absentee registration.

" '(d) As used in this section, the term "State" includes the District of Columbia.

" 'JUDICIAL RELIEF

" 'SEC. 203. Whenever the Attorney General has reason to believe that a State or political subdivision (a) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the prohibition contained in section 201, or (b) undertakes to deny the right to vote in any election in violation of section 202, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

" 'PENALTY

" 'SEC. 204. Whoever shall deprive or attempt to deprive any person of any right secured by section 201 or 202 of this title shall be fined not more than $5,000, or imprisoned not more than five years, or both.

" 'SEPARABILITY

" 'SEC. 205. If any provision of this title or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination.'.

"Amend the title so as to read: 'An Act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests, and for other purposes.' "

Mr. SCOTT. Mr. President, the joint views of 10 members of the Senate Judiciary Committee have been prepared and are on the desk of each Senator.

I ask unanimous consent that the joint views of 10 members of the Judiciary Committee on extending the Voting Rights Act be printed at this point in the RECORD.

There being no objection the views were ordered to be printed in the RECORD, as follows:

JOINT VIEW OF 10 MEMBERS OF THE JUDICIARY COMMITTEE RELATING TO EXTENSION OF THE VOTING RIGHTS ACT OF 1965

The undersigned ten members of the committee submit the following views in support of an amendment, Amdt. No. 519, in the nature of a substitute, to H.R. 4249. The amendment would extend the Voting Rights Act of 1965 in its present form for five years. It would also add a separate title incorporating the two new features of H.R. 4249: suspension of literacy tests throughout the remainder of the country; and limitations on residence requirements in presidential elections.

INTRODUCTION

An amendment in the nature of a substitute to H.R. 4249 and cosponsored by each of the undersigned was introduced in the Senate, referred to the Judiciary Committee for consideration and placed before the Subcommittee on Constitutional Rights. No vote was had on this amendment, and therefore, no formal recommendation of the amendment was reported by the committee. Accordingly, by order of the Senate, agreed to December 16, 1969, the committee reported H.R. 4249, as referred, *without recommendation*. (As used hereinafter, unless otherwise noted, "H.R. 4249" refers to the bill passed by the House of Representatives and reported by this committee.)

However, in the hope and expectation that a joint statement of the views of a majority of the committee will be helpful, the undersigned submit this statement to express our recognition of the need for continuation of the Voting Rights Act of 1965 in a form which ensures that its safeguards remain intact and unemasculated.

These joint views include an analysis of the provisions of the amendment we have proposed and a statement of the fact which warrant its substitution for H.R. 4249, as reported by the committee.

The primary purpose of our proposal is to continue in full force and effect all the provisions of the Voting Rights Act of 1965 for an additional five years. We have also proposed new provisions similar to those in H.R. 4249, which will further enlarge protection of the franchise.

However, it is essential to avoid any question about the principal purpose now before us: the extension for an additional five years of the provisions of the 1965 Act which have proven so effective. Absolutely nothing must be allowed to confuse that point—or to lay the groundwork for attempts to relitigate the critical provisions of the 1965 Act which the United States Supreme Court has already passed upon and approved.

If either the extension of the literacy test suspension nationwide or restrictions on residence requirements are woven into the present provisions of the Act as is the case with H.R. 4249, the courts would be faced with a completely new statute. This would risk litigation which might tie up the critical provisions of the present Act and, until reviewed by the Supreme Court, conceivably permit the reintroduction of literacy tests in those areas where they are presently suspended. We separate the provisions in order to ensure against this risk in every possible way.

Therefore, the amendment simply extends the 1965 Act, intact, for an additional five years, and then adds in a separate title the literacy test suspension in the remainder of the Nation as well as the restrictions on residence requirements for presidential elections. In this way, we accomplish uniform suspension of literacy tests nationwide, but do so in a manner which assures that no court test of the extension of the ban beyond the states and counties covered under section 4(a) of the 1965 Act could invalidate or even temporarily stay the effectiveness of the 1965 suspension. Enactment of a nationwide ban on the literacy tests and devices in place of the present section 4(a) of the Act runs this risk.

The Voting Rights Act of 1965 is a comprehensive measure designed to eradicate, at long last, widespread disenfranchisement on the basis of race in direct violation of the 15th Amendment. The Act has proved historically effective in making the command of the 15th Amendment a reality. But the task remains unfinished. It will not be completed, and hard won progress will be undone if essential safeguards of the Act are lost in August 1970, as would be the case under H.R. 4249. To change the terms of its successful operation—either by failing to extend it or by weakening it in any way—would be a serious blow in the continuing efforts to implement the promise of our Constitution.

COMMITTEE ACTION

On January 31, 1969, Senators Mathias, Fong and Scott introduced S. 818 which called for a simple five-year extension of the present Voting Rights Act. On April 29, 1969, Senator Hart and a bipartisan group of 33 other Senators introduced an omnibus civil rights bill, S. 2029, Title IV of which also provided for a five-year extension of the present Act. On June 19, 1969, a bipartisan group of 38 Senators introduced a bill, S. 2456, identical to S. 818. On June 30, 1969, the late Senator Dirksen offered S. 2507, whose provisions are identical to H.R. 4249, discussed below. All four measures were referred to the Judiciary Committee, and the Subcommittee on Constitutional Rights held joint hearings on them on July 9, 10, 11 and 30, 1969 ("Amendments to the Voting Rights Act of 1965," hearings before the Subcommittee on Constitutional Rights, Senate Committee on the Judiciary, 91st Cong., First Sess.).

On Wednesday, July 9, 1969, testimony and statements were received from Senators Scott and Mathias and from Commissioner Freeman of the Civil Rights Commission. All testified to the need for continuation of the 1965 Act as enacted. On July 10, 1969, Senator Schweiker submitted a statement urging extension of the Act, and Mr. Clarence Mitchell and Mr. Joseph L. Rauh appeared on behalf of the Leadership Conference on Civil Rights, representing over 125 organizations interested in civil rights. Commissioner Freeman, Mr. Mitchell and Mr. Rauh pre-

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sented at length facts demonstrating the need for retention of the Act. They each also testified as to the manner in which the provisions of S. 2507—provisions identical to those in H.R. 4249 as reported by this committee—would weaken the federal government's ability to ensure in the covered areas that all persons are able to register and vote and have their votes counted without discrimination on account of race.

Further testimony was given by Mr. Warren Richardson, General Counsel to the Liberty Lobby.

On July 11, 1969, the subcommittee heard testimony from Mr. Lawrence Speiser on behalf of the American Civil Liberties Union also in favor of extending the provisions of the 1965 Act as enacted. The last witness, Attorney General John Mitchell, accompanied by Assistant Attorney General Jerris Leonard, testified on July 11 and July 30, 1969, in support of S. 2507.

On December 11, 1969, the House of Representatives passed H.R. 4249.* The bill was received in the Senate on December 12, 1969, and referred to the committee on December 16, 1969, with instructions under the following order:

"Mr. Mansfield. Mr. President, I ask unanimous consent that H.R. 4249 be referred to the Committee on the Judiciary with instructions to report back not later than March 1, 1970, and that at the conclusion of morning business on March 1, 1970, or the first legislative day thereafter, H.R. 4249 be made the pending business." (Congressional Record, vol. 115, pt. 29, p. 39335.)

The Subcommittee on Constitutional Rights then held further hearings on H.R. 4249 on February 18, 19, 24, 25 and 26, 1970. Senator Tydings and Mr. Clarence Mitchell both testified in favor of extending the 1965 Act on February 18. On February 19, Senator Goldwater testified in favor of abolishing residence requirements in presidential elections and submitted an analysis of its constitutionality. Mr. Edward T. Anderson of the Friends Committee on National Legislation and Reverend John M. Wells of the Joint Washington Office for Social Concern of the American Humanist Association, American Ethical Union, and Unitarian Universalist Association also testified.

On February 24 Professor Archibald Cox of Harvard Law School and Mr. Howard A. Glickstein, Staff Director of the Commission on Civil Rights, testified in favor of extension of the Act. Professor Cox also testified as to the consitutionality of restrictions on residence requirements in presidential elections and of nationwide suspension of literacy tests. Governor Lester G. Maddox of Georgia and Attorney General A. F. Summer of Mississippi testified in opposition to continuing the Act.

On February 25, Mr. Edward T. Anderson testified further. Mr. Vernon E. Jordan, Jr., Director, Voter Education Project, Southern Regional Council, Inc. and Dr. Aaron Henry, Board of Christian Social Concerns of the United Methodist Church, described in vivid detail the efforts of Negroes to register under the Voting Rights Act and the tactics employed to thwart them. Sheldon H. Elsen, Esq., Chairman of the Committee on Federal legislation of the Association of the Bar of the City of New York, and John D. Feerick, Esq., Chairman of the Subcommittee on the Election Laws, Committee on Federal Legislation of the Association of the Bar of the City of New York, also testified.

Finally, on February 26, 1970, Mr. David Norman, Deputy Assistant Attorney General of the Civil Rights Division, Department of Justice, testified. Mr. Norman testified in favor of extending the suspension of literacy tests nationwide and removing residence restrictions on voting in presidential elections. He also discussed the effectiveness of section 5 of the Voting Rights Act of 1965.

On February 26, the subcommittee failed to report any bill for lack of a quorum. The Committee on the Judiciary, as noted above, failed to vote on the amendment offered by the undersigned and, therefore, has reported H.R. 4249 without recommendation.

HISTORICAL REVIEW

The 1965 Voting Rights Act

The main provisions of the Voting Rights Act of 1965 were carefully designed to prevent certain states of political subdivisions from continuing their well-documented practices of systematically denying the right to vote on the basis of race. (The full text of the 1965 Voting Rights Act is annexed as Appendix A.) If a state or subdivision is determined to be subject to the automatic or "trigger" provisions of sections 4, 5 and 6 of the Act, four basic consequences follow:

First, it may not use any test or device to limit voting eligibility.

Second, the Attorney General may, under specified circumstances, send in federal examiners to list eligible but non-registered voters, who are then fully qualified to vote.

Third, the Attorney General may send federal observers to any county designated for examiners to observe the polling places and the counting of the votes.

Fourth, the Act prohibits the state or political subdivision from applying new voting qualification or procedure without obtaining either the acquiescence of the Attorney General or a declaratory judgment from the United States District Court for the District of Columbia that the new practice does not have a discriminatory purpose and will not have a discriminatory effect. The burden of proving the nondiscriminatory purpose and effect is on the governmental body seeking exemption.

The Act contains an escape clause. By section 4(a) a state or political subdivision can obtain a declaratory judgment removing itself from coverage by showing that for the preceding five years it has not used a literacy test or other device to deny the right to vote on account of race.

The Civil Rights Commission has described the operation and effect of these provisions which apply automatically to these states as follows:

"VOTER REQUIREMENTS OUTLAWED BY THE ACT

"No State or political subdivision (counties, municipalities and parishes) covered by the Voting Rights Act may require the use of any test or device as a prerequisite for registration or voting.

"Tests or devices included in this Act are those which require:

"1. A demonstration of the ability to read, write, understand or interpret any given material.

"2. A demonstration of any educational achievement or knowledge of any particular subject.

"3. Proof of good moral character.

"4. Proof of qualifications through a procedure in which another person (such as an individual already registered) must vouch for the prospective voter.

"Coverage

"The Voting Rights Act of 1965 states that no person shall be denied the right to vote in any Federal, State or local election (including primaries) for failure to pass a test if he lives in a State or political subdivision which:

"1. Maintained a test or device as a prerequisite to registration or voting as of November 1, 1964—and

"2. Had a total voting age population of which less than 50 percent were registered or actually voted in the 1964 Presidential election.

"If the above two factors are present, the States or political subdivision is automatically covered by the 1965 Act. If an entire State meets these qualifications, all of its counties come under the provisions of the Act. If only one county in a State meets them, the single county is subject to the requirements of the law.

"States covered by the Act include Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and approximately 26 counties in North Carolina.

"*Cessation of Coverage.* A State or political subdivision may be removed from coverage by filing a suit in a three-judge District Court for the District of Columbia. The State or political subdivision must convince the court that no test or device has been used for the purpose or with the effect of denying the right to vote because of race or color during the five years preceding the filing of the suit.

"However, if there has been a previous court judgment against a State or political subdivision determining that tests or devices have been used to deny the right to vote, the State or political subdivision must wait five years before it can obtain an order from the District Court for the District of Columbia removing it from the coverage of the Act.

"A judgment may be obtained more quickly if the Attorney General advises the court that he believes that the tests have not been used to discriminate on the basis of race or color during the five years preceding the filing of the action. He may also ask the court to reconsider its decision any time within five years after judgment.

"*Changes in Voting Laws.* When a State or political subdivision covered by the Act seeks to change its voting qualifications or procedures from those in effect on November 1, 1964, it must either obtain the approval of the U.S. Attorney General or initiate a Federal Court suit. If the Attorney General objects to these changes, or if they have not been submitted to him for his approval, the new laws may not be enforced until the District Court for the District of Columbia rules that the changes will not have the purpose or the effect of denying the right to vote because of the race or color of any person.

"*Federal examiners*

"Once it is determined that a political subdivision is covered by the Act, the U.S. Attorney General may direct the U.S. Civil Service Commission to appoint Federal examiners to list voters if:

"1. He has received twenty meritorious written complaints alleging voter discrimination, or

"2. He believes that the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment.

"The times, places and procedures for listing will be established by the Civil Service Commission.

"*Authority of the Examiners.* The Federal examiners will list (that is, declare eligible and entitled to vote) those who satisfy State qualifications that have not been suspended by the Voting Rights Act. Examples of valid qualifications would be those of age and residence.

"The examiners will prepare a list of qualified voters and send the list each month to State authorities who must register them—that is, place their names in the official voting records. This list must be available for public inspection. Each person on the examiner's list will be issued a certificate by the examiners as evidence of eligibility to vote in any Federal, State or local election.

"No person listed by the examiner will be

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*It also should be noted that on May 14 and 15, June 19 and 26, and July 1, 1969, the House Committee on the Judiciary held extensive hearing on continuation of the Voting Rights Act and on related proposals. ("Voting Rights Act Extension," hearings before Subcommittee No. 5, House Committee on the Judiciary, 91st Cong., First Sess., serial No. 3.) (Hereinafter cited "House Hearings.")

entitled to vote in any election unless his name has been sent to local election officials at least 45 days before that election thereby allowing the State election machinery to run without complication.

"*Enforcement of Action by Federal Examiners.* At the request of the Attorney General the Civil Service Commission may appoint poll watchers in counties where Federal Examiners are already serving to observe whether all eligible persons are allowed to vote and whether all ballots are accurately tabulated.

"If anyone who is properly listed or registered is not permitted to vote in any political subdivision where examiners are serving, a complaint may be made to the examiners of this denial within 48 hours after the polls close. If the examiner believes that the complaint has merit, he must inform the Attorney General immediately. The Attorney General may seek a district court order that provides for the casting of the ballot and suspends the election results until the vote is included in the final count.

"*Challenge of Listed Persons.* A formal objection challenging the qualifications of a person listed by the Federal examiner may be filed (at a place to be designated by the Civil Service Commission) within ten days after the list of qualified voters has been made public and must be supported by at least two affidavits. The validity of the challenge will be determined within fifteen days after filing by a hearing officer appointed by the Civil Service Commission. The U.S. Court of Appeals may review decisions of the hearing officer.

"Until the final court review is completed, any person listed by the examiner is still eligible and must be permitted to vote. If a challenge is successful, the name of the registrant will be removed from the examiner's list.

"*Withdrawal of Federal Examiners.* Examiners may be withdrawn from a political subdivision when the names of all persons listed by the examiners have been placed in the official records and when there is no reason to believe that persons in the subdivision will be prevented from voting.

"The removal may be accomplished by action of:

"1. The Civil Service Commission after it receives notification from the U.S. Attorney General, or

"2. The District Court for the District of Columbia in a suit brought by a political subdivision after the Director of the Census has determined that more than 50 percent of the nonwhite voting age population in the subdivision is registered to vote.

"A political subdivision may petition the U.S. Attorney General to end listing procedures and to request that the Director of the Census conduct a survey to determine whether more than 50 percent of the nonwhite voting age population is registered.

"Poll taxes

"The Act contains a Congressional finding that the right to vote has been denied or abridged by the requirement of the payment of a poll tax as a condition to voting.

"The U.S. Attorney General is directed to institute suits against Alabama, Mississippi, Texas and Virginia which require the payment of poll taxes in order to determine if such taxes violate the Constitution. While a suit is pending, or upon a finding that the poll tax is constitutional, persons registered or listed for the first time in areas covered by the Act need only pay the tax for the current year. The poll tax may be paid up to 45 days prior to an election regardless of the timeliness of the payment under State law.

"Voting suits

"The Voting Rights Act of 1965 gives new enforcement powers to the courts in voting cases. When the court finds that there has been a denial of the right to vote in a suit brought by the U.S. Attorney General, the court must:

"1. Authorize the appointment of examiners by the Civil Service Commission unless denials of the right to vote have been few in number, they have been corrected by State or local action, and there is no probability that they will reoccur.

"2. Suspend the use of tests or devices in an area where it has been proved that at least one such requirement has been utilized to deny the right to vote because of race or color.

"When examiners have been authorized by court order, they may be removed by an order of the authorizing court.

"Language literacy

"If a person residing in a State where tests or devices have not been suspended has completed at least six grades in an 'American-flag' school (a school in the United States or its territories), his inability to speak the English language shall not be the basis for denying him the right to vote. For example, a person who completed six grades of school in the Commonwealth of Puerto Rico but who now resides on the mainland of the United States would satisfy literacy requirements.

"Criminal and civil penalties

"Public officials or private individuals who deny persons the right to vote guaranteed by the Voting Rights Act of 1965 or anyone who attempts to or intimidates, threatens, or coerces a person from voting are subject to criminal penalties. It is also made a crime to attempt to or to intimidate, threaten or coerce anyone who urges or aids any person to vote. Criminal penalties are provided for applicants who give false information about their eligibility to vote or who accept payment to register or vote in a Federal election. The U.S. Attorney General is also authorized to bring action for injunctive relief to restrain violations of the Act."

An understanding of the "preclearance" safeguards in section 5 is particularly important for the present efforts to extend the Act. Under section 5, if a state or a political subdivision of a state covered by section 4 of the Act enacts or seeks to administer any voting qualifications, standards, practices or procedures not in effect in November 1964, such a change may not be enforced unless it has been submitted to the Attorney General and the latter has failed to object to it within 60 days or unless the United States District Court for the District of Columbia declares that the change does not have the purpose and effect of denying or abridging the right of vote on account of race or color. If the enacting or administering state (or subdivision) submits a change to the Attorney General and he disapproves of it, his decision may be challenged by a lawsuit in the District of Columbia District Court. A state or subdivision may also choose to test a statute directly in that court, without first submitting it to the Attorney General. A change covered by section 5, however, may not be enforced unless it has been tested by one of the above methods.

This section, in effect, freezes election procedures in the covered areas unless the changes can be shown to be nondiscriminatory.

It is equally important to emphasize that the remaining areas of the country *are also precluded under the existing Act* from using literacy tests or devices or any other practices and procedures in a discriminatory manner.

Section 3 of the Voting Rights Act provides that, in any action brought by the Attorney General to enforce the 15th Amendment, he may seek judicial relief which includes suspension of literacy tests, use of federal examiners, and determination of the validity of any new voting law or procedure. If the court finds that 15th Amendment violations justifying equitable relief have occurred, it may authorize appointment of federal voting examiners. Section 3 also directs the court to suspend the use of tests and devices where they have been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color. The court retains jurisdiction of such case for as long as it deems necessary and during such period prohibits the use of any new voting qualification or prerequisite to voting or any standard, practice or procedure different from that in force at the time suit was commenced, unless the court finds that it does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color or unless the state or subdivision has submitted it to the United States Attorney General and he has interposed no objection to the new requirement within sixty days.

Thus, the same remedies made available by sections 4, 5 and 6 in those areas of the country subject to the trigger provisions of section 4 of the 1965 Act—suspension of tests, appointment of federal examiners to list qualified voters, and the prohibition of new voting requirements, practices or procedures unless approved—are also available, if needed, in the remaining portions of the country.

Constitutionality

The Voting Rights Act of 1965 is constitutional. This issue is now settled. The Supreme Court has had occasion to review each of the major provisions of the Act, and in each instance the constitutionality of the legislation was sustained. See *South Caroline* v. *Katzenbach*, 383 U.S. 301 (1966); *Katzenbach* v. *Morgan* 384 U.S. 641 (1966) and *Allen* v. *Board of Election*, 393 U.S. 544 (1969).

The *Allen* decision on March 3, 1969, involved four cases in which the court upheld the critical preclearance provisions required by section 5 for new voting qualifications or procedures.

WHY THE 1965 ACT WAS NECESSARY

When it enacted the 1965 Voting Rights Act, Congress was confronted by a longstanding and pervasive evil, which had been perpetuated in the South for almost one hundred years by constant and ingenious defiance of the Constitution. Three earlier enactments in 1957, 1960 and 1964 had failed to alleviate blatant discrimination in the electoral process in certain areas, primarily in the South. The 1960 and 1964 acts modified and attempted to strengthen the 1957 Act which empowered the Attorney General of the United States to institute lawsuits to protect the right to vote.

But this case-by-case approach was met by massive state and local resistance. Certain States initiated evasive tactics and new procedures designed to block gains in this area. Most common among these procedures was the racially discriminatory use of literacy tests. This State and local residence, coupled with the sluggish judicial process permitted only meager gains in Negro voter registration. For example, in Mississippi registration increased from 4.4 percent in 1954 to only 6.7 percent by 1964. Seventy percent of Mississippi's white voting age population was registered as compared to this 6.7 percent figure for non-whites. Voting suits brought by the Department of Justice between 1957 and 1965 added only slightly more than 36,000 Negro registrants throughout the South.

The failure of piecemeal litigation to cure the problem necessitated enactment of a law aimed specifically at these delinquent jurisdictions.

The long record of discriminatory statutes, discriminatory enforcement, and intimidation which necessitated the enactment of the 1965 Voting Rights Act is all too familiar. It was told many times during the long legislative history of the 1965 Voting Rights Act.

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See *South Carolina* v. *Katzenbach*, 383 U.S., 309–315 (1965) (summarizing "the majority reports of the House and Senate Committees, which document in considerable detail the factual basis for these reactions by Congress. See H.R. Rep. No. 439, 89th Cong., 1st Sess., 8-16 (hereinafter cited as House Report); S. Rep. No. 162, pt. 3, 89th Cong., 1st Sess., 3-16 (hereinafter cited as Senate Report)").

NECESSITY OF EXTENDING THE 1965 ACT INTACT

During the hearings on the Voting Rights Act before the Senate Judiciary Committee last July and in February of this year, as well as the hearings before the House Committee on the Judiciary during May, June and July of last year, extensive facts were presented which compel the conclusion that the Voting Rights Act of 1965 must be extended for an additional five years. The Voting Rights Act of 1965 has been the most effective civil rights legislation ever enacted by the Congress. It is the only federal legislation that has proven effective in implementing the 15th Amendment and making real the rights to register and vote which that Amendment secures on paper. The success of the 1965 Act is directly traceable to its distinguishing feature in comparison to prior civil rights legislation: its immediate and automatic application, without the need for lengthy and repeated litigation in jurisdictions which fall within the formula provided in section 4 of the Act. The automatic application of sections 4 and 5 works. Negroes have registered and voted in record numbers in areas where before 1965 they had been systematically denied the franchise. Discriminatory devices to deny the franchise have been struck down or deferred.

The following percentages compiled by the U.S. Civil Rights Commission and the Southern Regional Council were accumulated during the late summer of 1968 in the five states where federal examiners have been used. They do not represent the final registration figures for the November 1968 elections, but the difference was not expected to be large.

In Alabama, the nonwhite population registered to vote increased from 19.3 percent in 1964 to 56.7 percent in the late summer of 1968; in Georgia, from 27.4 to 56.1 percent; in Louisiana, from 31.6 to 59.3 percent; in Mississippi, from 6.7 to 59.9 percent; in South Carolina, from 37.3 to 50.8 percent.

In addition to the large numbers of black citizens registering and voting, many are now running for office in Southern states to help assure adequate representation of all interests.

While progress has been significant, it should not obscure the pressing needs which remain. Negro registration is still well below that of whites in any areas covered by the Act—and less than one-half in many counties. The continuing resistance to equal voting rights and risk of back-sliding should the protections of the Act be weakened are amply demonstrated in the instances in which the Attorney General has found it necessary to send in observers to assure that all persons were able to vote and have their votes counted regardless of race and to initiate legal actions to set aside elections and voting changes infected by racial discrimination.

If the 1965 Act is not extended, states and counties presently covered by the Act will be able to petition the court for their removal in August 1970—five years after the statute's enactment. To obtain such a judgment, the state or subdivision must demonstrate that such tests have not been used for the previous five years. Where section 4(a) of the Act has been obeyed, no tests have been used for the past five years, so that these jurisdictions could then escape the controls of sections 4 and 5 of the Act. That means that sections 4 and 5, which have made the Voting Rights Act of 1965 so successful, will cease to be effective this year and we would again be relegated to piecemeal judicial remedies which proved so unsuccessful in the past in keeping up with a rapid succession of ingenious roadblocks.

When Congress originally considered the bill which became the Voting Rights Act of 1965, sections 4 and 5 were to remain in effect for a period of ten years. Although majority support for the measure was ultimately obtained in both houses by reducing this period to five years, no evidence was presented at that time that the five-year period would prove sufficient to eradicate 350 years of systematic discrimination. We, too, had hoped that a five-year period might be sufficient, but that time is now running out and the fact remains that large numbers of black people are still not registered and voting in the South because of present discriminatory practices or the aftereffect of past ones. The last five years has provided ample evidence that if these key provisions of the Act are permitted to expire, the procedural protection for voter registration will stop, thereby freeing—indeed, inviting—the resurgence of the discriminatory forces which operated so effectively prior to enactment of the law. Although we have progressed, more time is needed to accomplish what finally must be done to implement the 15th Amendment, by preserving the only voting rights law that has really worked.

Need to continue section 4

Section 4(a) suspends voting tests and devices in the areas to which it is applicable. These laws, which were systematically abused to deny the rights of Negro voters, are still on the books in most of these jurisdictions. They can be reinstated, or passed again if they were rescinded. They could then be used to prevent the further registration of other Negro citizens. By requiring re-registration, these laws could even be abused to disenfranchise those who have already become registered voters under the Act.

While a great many citizens in the South have shown a commendable effort to comply with and help implement the Voting Rights Act of 1965, the intent and desire shown by others to circumvent the Act indicates that the dangers which necessitated the statute in the first place have not been eliminated. A wide range of obstructionist weapons have been experienced. Decided court cases demonstrate that booundary lines have been gerrymandered, elections have been switched to an at-large basis, counties have been consolidated, elective offices have been abolished where Negroes had a chance of winning, the appointment process has been substituted for the elective process, election officials have withheld the necessary information for voting and running for office, and both physical and economic intimidation have been employed.

Need to continue section 5

The omission of the present section 5 of the Voting Rights Act from any extension of that Act would be fatal. It was for this omission that Father Hesburgh, Chairman of the Commission on Civil Rights, criticized H.R. 4249 as being "much weaker" than a simple extension of the Voting Rights Act of 1965.

Father Hesburgh has said that repeal of section 5 in its present form ". . . is in no sense an advance in protection of the voting rights of American citizens. It is a distinct retreat. It is an open invitation to those states which denied the vote to minority ctizens in the past to resume doing so in the future through insertion of disingenious technicalities and changes in their election laws. "[It] would turn back the clock to 1957. . . . Now is not the time to gut one of the act's key provisions." (House Hearings at 299)

This also was the position: of the House Judiciary Committee; of a bipartisan group of 38 Senators who sponsored legislation to extend the 1965 Act for five additional years; of the Leadership Conference on Civil Rights; and of all other civil rights organizations. *All agree that, to have a complete and effective guarantee of the 15th Amendment, it is essential that section 5 and its triggering provisions be extended for another five years.*

Mr. Howard A. Glickstein, the Staff Director of the United States Commission on Civil Rights, has described concretely why the record of the last five years requires retention of the preclearance provisions of section 5:

"In our earlier testimony, we briefly explained why Section 5 of the Act should be retained in its present form. This time, we would like to explain more fully why that section is so crucial—partly because there seems to be some confusion concerning what that section does and partly because the threat of it being repealed has been made more serious by passage of H.R. 4249.

* * * * *

"The Supreme Court in *South Carolina* v. *Katzenbach* concluded:

"Congress knew that some of the States covered by 4(b) of the Act had resorted to the extraordinary strategem of contriving new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal decrees. Congress had reason to suppose that these States might try similar maneuvers in the future, in order to evade the remedies for voting discrimination contained in the Act itself.[4] '

"The Voting Rights Act of 1965 was designed to end for once and all those practices which have for decades deprived Negro citizens of their vote. The pre-enforcement submission requirement of Section 5 was compelled by their tendency to change forms without changing purpose.

"Since its enactment, Section 5 has been interpreted by the Supreme Court to cover any State enactment which alters election laws in even a minor way.[5] Based on the Statute's legislative history, the Court concluded that 'the Voting Rights Act was aimed at the subtle, as well as the obvious State regulations which have the effect of denying citizens their right to vote because of race.'[6] Thus, the statute was held to cover changes in election laws which permit the election of county officers at large instead of on a district basis, which provide for the appointment of a previously elective official, which change the requirements for independent candidates running in elections, and which modify rules on assisting disabled voters.

"A few illustrations of how the changes just described can be used to impair Negro voting strength will shed light on the need for a remedy such as Section 5. For example, in 1968 Louisiana passed a law permitting elections for police juries to be conducted on an at large basis in each Louisiana parish. Before that enactment, police juries were selected by subdivisions of parishes called wards. In 109 wards, Negroes were in the majority, according to the 1960 Census, while Negroes only constituted the majority of voters in five parishes. Thus, a change from ward to at large voting would have the effect of diluting the actual or potential voting power of the Negro inhabitants. The Attorney General, in objecting to the change in September 1969, referred to the decision of the Supreme Court in *Allen*, in which the Court stated:

" 'The right to vote can be affected by a dilution of voting power as well as by an absolute prohibition on casting a ballot.'[7]

"A statute which gives election officials undue discretion can also open the door to discrimination. A 1968 Georgia law was dis-

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Footnotes at end of article.

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approved by the Attorney General because it required persons who hold election and registration offices to be 'judicious, intelligent and upright electors.' The Attorney General characterized this standard as 'vague and subjective.' [8]

"Another example of misuse of election laws occurred in 1966 when the Mississippi legislature passed a resolution submitting to the voters a constitutional amendment to permit the legislature by two-thirds vote to consolidate adjoining counties. Opponents of the resolution charged that it was designed to permit consolidation of counties heavily populated by Negroes with predominantly white counties: 'All they're trying to do is avoid a few Negro votes' charged Senator E. K. Collins of predominantly white Jones County.[9] Senator Ben Hilburn of predominantly white Oktibehah County, who also opposed the measure, commented: 'We get so concerned because some Negroes are voting in a few counties, we are going to disrupt our entire institutions of government.' [10] The constitutional amendment approved on the basis of this resolution has not yet been implemented and therefore a suit to enjoin its enforcement failed. A three judge court held, however, that it came within the purview of Section 5.[11]

"There is nothing to indicate that the above discriminatory practices are lessening. There is evidence that similar practices are continuing in the South. In July 1968, Anniston, Alabama (the population of which is about 27 percent black) changed its municipal elections from election by wards to election at large. The city was divided into five wards, each to be represented by one councilman. Although each councilman must be a resident of his ward, he is elected by the city at large. Since the population of two of the five wards is predominantly black, Negroes believe that the requirement of at-large elections was designed to prevent them from electing their own councilman.[12]

"Another recent Alabama enactment objected to by the Attorney General required a voter to sign a poll list at the voting machine before he would be allowed to enter the machine to vote. This law, passed in 1969, would have the same effect as reinstatement of a literacy test and clearly violated the Voting Rights Act of 1965.[13]

"To give another example, a bill was recently introduced before the General Assembly of Mississippi which would change the qualifications of candidates for school boards. The change would require that only high school graduates could run for these offices.[14] Since in Mississippi a higher percentage of whites than blacks are high school graduates, this law could keep blacks from controlling school boards in areas in which they outnumber whites in registered voters."

This record of continuing desire and effort to nullify the gains in Negro registration by adopting election laws and procedures that would render Negro votes ineffective is reported in fuller detail by the U.S. Commission on Civil Rights in their Study, "Political Participation," published in May of 1968. If it had not been for section 5 of the present Act, there is no telling to what extent the states and communities covered might have legislated and manipulated to continue their historical practice of excluding Negroes from the Southern political process.

We also take note of the recent decision of the Supreme Court in *Allen* v. *Board of Elections*, in which the Court discussed the history of the enforcement of section 5 and clarified its scope. The decision underscores the advantage section 5 produces in placing the burden of proof on a covered jurisdiction to show that a new voting law or procedure does not have the purpose and will not have the effect of discriminating on the basis of race or color. *Also, the Court's decision makes clear that private persons have authority to challenge the enforcement of changed voting practices or procedures pursuant to section 5 on the grounds that such changes have not been submitted in accordance with the procedures of the Act.*

If, as we have urged, it is imperative that the protection of the present section 4 and 5 of the Act be retained, then it necessarily follows that the reference to statistics of the 1964 election must also be retained. The 50 percent level, measured as of November 1, 1964, was deemed a valid test for determining that abusive practices necessitated the automatic powers of sections 4, 5 and 6. It was not intended as a measure of an adequate level of political enfranchisement, but as a reasonable basis for the presumption of the existence of official actions to deny or abridge the right to vote on account of race or color. Nor did Congress find, that, in the first few years following enactment of the statute, this same percentage would also adequately serve as a criterion for determining when the discriminatory efforts had been sufficiently eradicated to warrant removing the safeguards which made the improvement possible. The 1968 election turnout reflects the success and impact of the federal presence in the covered states where tests were suspended. Federal examiners and observers had been appointed and election law changes were subject to federal review. The numerous efforts to circumvent sections 4 and 5 noted above offer little basis for confidence that this progress will not be undone if the 1968 voting statistics are employed, let alone that the momentum in these areas will continue.

Upon the record developed in the subcommittee's hearings and in the hearings in the House of Representatives, the history of litigation over the past four years and reports of the U.S. Commission on Civil Rights, we conclude that it is essential to continue for an additional five years all the foregoing provisions of the Act in full force and effect in order to safeguard the gains in Negro voter registration thus far achieved, and to prevent future infringements of voting rights based on race or color.

NEW PROVISIONS OF TITLE II

For the reasons just noted, our main concern is to extend undiminished the Voting Rights Act of 1965. In addition, however, our amendment incorporates the two important new steps of H.R. 4249. First, the amendment would extend the suspension of literacy tests and of other tests and devices to all states of the Nation.

Even though these other areas have no recent history of discriminatory abuses like that which prompted enactment of the 1965 Act, this extension is justified for two reasons: (1) because of the discriminatory impact which the requirement of literacy as a precondition to voting may have on minority groups and the poor; and (2) because there is insufficient relationship between literacy and responsible, interested voting to justify such a broad restriction of the franchise.

In the subcommittee hearings, the Commission on Civil Rights submitted a memorandum based on a study made by the Bureau of the Census, which suggests that the suspension of literacy tests in all States will result in significant increases in registration of educationally disadvantaged blacks and whites, Mexican Americans, Puerto Ricans, Cuban Americans and other members of the Spanish-speaking and Spanish-surname community in America, and American Indians. The report of the Commission on Civil Rights also suggests that literacy tests in all states deprive a greater proportion of minority citizens of the right to vote than of whites.

Professed state interests which are advanced to support restrictions on the franchise require close scrutiny. And, as Father Hesburgh, Chairman of the Civil Rights Commission, stated in his letter of March 28, 1969, to the President: "the lives and fortunes of illiterates are no less affected by the actions of local, State and Federal governments than those of their more fortunate brethren. . . . Today, with television so widely available," he continued, "it is possible for one with little formal education to be a well-informed and intelligent member of the electorate." Thus, literacy tests not only abridge the right to suffrage on account of race or color, but also constitute an unreasonable classification against educationally disadvantaged persons in violation of the equal protection clause of the 14th Amendment.

Second, we propose to limit residence requirements in presidential elections in precisely the same manner as that provided for in H.R. 4249. The amendment, like H.R. 4249, would establish uniform maximum residence requirements for such elections.

The main rationale for a residence requirement in statewide or local elections—to ensure that the new resident has sufficient time to familiarize himself with state or local issues—has little relevance to presidential elections because the issues tend to be nationwide in scope and receive nationwide dissemination by the communications media.

In our highly mobile and transient society, no person should be denied the right to vote for President if he has resided in a state or county since September 1 of the election year. Under the amendment, persons moving after September 1, who cannot satisfy the residence requirement of the new state or county, would be permitted to vote in the presidential election, in person or by absentee ballot.

This proposal would also authorize the Attorney General to seek judicial relief against any abridgment of these residence rights.

ANALYSIS OF THE BILL

The amendment cosponsored by the undersigned is designed to be a complete substitute for H.R. 4249, the bill reported by the committee. Set out below is the complete text of this amendment, in the nature of a substitute, followed by a section by section analysis.

H.R. 4249

AMENDMENTS (IN THE NATURE OF A SUBSTITUTE)

Intended to be proposed by Mr. Scott (for himself, Mr. Hart, Mr. Bayh, Mr. Burdick, Mr. Cook, Mr. Dodd, Mr. Fong, Mr. Kennedy, Mr. Mathias, and Mr. Tydings) to H.R. 4249, an Act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, viz: Strike out all after the enacting clause, and insert in lieu thereof the following:

"That this Act may be cited as the 'Voting Rights Act Amendments of 1970.'

"Sec. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by inserting therein, immediately after the first section thereof, the following title caption:

" 'TITLE I—VOTING RIGHTS'

"Sec. 3. Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by striking out the words 'five years' wherever they appear in the first and third paragraphs thereof, and inserting in lieu thereof the words 'ten years.'

"Sec. 4. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by adding at the end thereof the following new title:

Footnotes at end of article.

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" 'TITLE II—SUPPLEMENTAL PROVISIONS

" 'APPLICATION OF PROHIBITION TO OTHER STATES

" 'SEC. 201. (a) Prior to August 6, 1975, no citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State or local election conducted in any State or political subdivision of a State as to which the provisions of section 4 (a) of this Act are not in effect by reason of determinations made under section 4 (b) of this Act.

" '(b) As used in this section, the term 'test or device' means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

" 'RESIDENCE REQUIREMENTS FOR VOTING

" 'SEC. 202 (a) No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in any such election for failure to comply with a residence or registration requirement if he has resided in that State or political subdivision since the 1st day of September next preceding the election and has complied with the requirements of registration to the extent that they provide for registration after that date.

" '(b) If such citizen has begun residence in a State or political subdivision after the 1st day of September next preceding an election for President and Vice President of the United States and does not satisfy the residence requirements of that State or political subdivision, he shall be allowed to vote in such election: (1) in person in the State or political subdivision in which he resided on the last day of August of that year if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision; or (2) by absentee ballot in the State or political subdivision in which he resided on the last day of August of that year if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

" '(c) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in such election because of any requirement of registration that does not include a provision for absentee registration.

" '(d) As used in this section, the term "State" includes the District of Columbia.

" 'JUDICIAL RELIEF

" 'Sec. 203. Whenever the Attorney General has reason to believe that a State or political subdivision (a) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the prohibition contained in section 201, or (b) undertakes to deny the right to vote in any election in violation of section 202, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

" 'PENALTY

" 'Sec. 204. Whoever shall deprive or attempt to deprive any person of any right secured by section 201 or 202 of this title shall be fined no more than $5,000, or imprisoned not more than five years, or both.

" 'SEPARABILITY

" 'Sec. 205. If any provision of this title or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination.'

"Amend the title so as to read: 'An Act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and for other purposes.' "

The following analysis refers to the sections of this amendment, in the nature of a substitute:

SECTION 1

The first section states that the title of the statute is the "Voting Rights Act Amendments of 1970."

SECTION 2

This section indicates that the original nineteen sections of the Voting Rights Act of 1965 are to be grouped as the first title of the 1965 Act as amended.

SECTION 3

This section is designed to extend for an additional five years the period for which a "4(b) State" or "4(b) political subdivision" must show that no test or device has been used "for the purpose or with the effect of denying or abridging the right to vote on account of race or color" if such State or political subdivision is to remove itself from the coverage of section 4(a).

A "4(b) State" or "4(b) political subdivision" is one which (1) the Attorney General determined maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 percent of the voting age residents were registered on November 1, 1964, or that less than 50 percent of such persons voted in the November 1964 presidential election.

Under section 3 of the amendment, such State or political subdivision is empowered to remove itself from the coverage of Section 4(a) by obtaining a declaratory judgment from the United States District Court for the District of Columbia that no test or device has been used during the ten years preceding the filing of the action.

SECTION 4

This section would add to the Voting Rights Act of 1965 a second title containing four new provisions. These provisions would be numbered sections 201 through 205 in the Voting Rights Act as amended and would provide for the following:

SECTION 201—PROHIBITION OF TESTS OR DEVICES IN OTHER STATES

Subsection 201(a)—This subsection would suspend until August 6, 1975, in all states or political subdivisions to which the provisions of section 4(a) are *not applicable*, the use of any test or device as a prerequisite for voting in any federal, state or local election.

Subsection 201(a) applies to any state or political subdivision which was originally covered by section (4)(a) by virtue of determinations made under section (4)(b) of the Act but which was subsequently removed from the coverage of section (4)(a) by virtue of a declaratory judgment, as provided for in that section. The provision would also cover any other state or political subdivision not subject to section (4)(a) but which may hereafter remove itself from the coverage of section (4)(a).

In effect, subsection 201(a) carries out the intent of H.R. 4249 by extending the ban on tests or devices to all states and political subdivisions throughout the Nation.

Subsection 201(b)—This subsection sets forth the same definition of "test or device" as that provided in section 4 of the Voting Rights Act of 1965. This definition comprehends broadly defined literacy tests, educational attainment requirements, requirements of "good moral character," and vouching by registered voters or other classes.

SECTION 202 RESIDENCE REQUIREMENTS

This section in its entirety is identical to the limitation upon state residence requirements in H.R. 4249, as reported by the committee.

Subsection 202(a)—This subsection permits an otherwise qualified citizen to vote in presidential elections in his state or county if he has resided therein since the first day of September immediately preceding the election and has registered in that state or county. However, the requirement of registration is only imposed *if there is provision for registration in that state or county after September 1.*

Subsection 202(b)—Under this subsection, if a citizen begins residence after September 1 of the election year in a state or county which requires residence prior to September 1, he may vote in the state or county of his prior residence. He may elect to vote in that state or county either in person or by absentee ballot.

Subsection 202(c)—This subsection requires states to afford the right of absentee registration to those otherwise qualified to vote by absentee ballot in that state. Such citizens would include those who have elected to so vote under subsection 202(b).

Subsection 202(d)—This subsection includes the District of Columbia in the provisions of section 202.

SECTION 203—JUDICIAL RELIEF

This section authorizes the Attorney General to bring a civil action to enforce the suspension of literacy tests or devices imposed by section 201. Section 203 also authorizes the Attorney General to bring an action to enforce the rights of persons to vote in the state of their new residence under subsection 202(a) or to enforce the rights of persons to vote in the state of their prior residence, in person or by absentee ballot, under subsection 202(b) and rights of absentee registration secured by subsection 202(c).

SECTION 204—PENALTY

This section provides criminal penalties for depriving or attempting to deprive other persons of any rights secured by section 201 and section 202. Section 204 parallels section 12(a) of the original Voting Rights Act of 1965, which provides penalties for the violation or attempted violation of the rights secured by sections 2, 3, 4, 5, 7, and 10 of the Act.

SECTION 205—SEPARABILITY

This section is a general separability clause intended to make each section of this title separable from every other section and also separable from the original Voting Rights Act, which forms the first title of the Act as amended. It provides that the invalidity of any portion of this title shall not affect the validity of the remainder of this title or the validity of Title I and that the invalidity of its application to any persons or circumstances shall not affect its applicability to other persons or circumstances. The amendment thus continues in full force for all provisions of the Act, as amended, the separability provided in Section 19 of the Act.

DEFICIENCIES IN H.R. 4249

The committee has reported H.R. 4249. That bill contains three distinct elements.

First, H.R. 4249 limits residence requirements in presidential elections. This provision is desirable. The proposed substitute

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amendment also includes it, in the same form as H.R. 4249, but as a separate section of the new title to the Voting Rights Act.

Second, H.R. 4249 would suspend literacy tests and similar devices in all portions of the country where they are not now suspended under the Voting Rights Act. The proposed amendment would also accomplish a nationwide suspension of tests and devices. However, extension of this suspension to the remainder of the nation would be accomplished in the amendment by the addition of a new title in order to preserve intact sections 4 and 5 of the Voting Rights Act. As explained above, this would avoid the risk of losing what we have gained under the 1965 Act. Moreover, under H.R. 4249, section 3 would become the sole source of remedial relief if the test suspension were violated since that bill eliminates section 4's automatic enforcement scheme.

Third and most important, H.R. 4249 would completely eliminate the crucial protection now afforded by section 5 of the Voting Rights Act and would substitute in its place a weaker provision which would undermine the efficacy of the Act where its protection is most needed. The effect of this deletion would be adverse in at least five respects: (1) Discriminatory changes in the practices or procedures for voting would become effective immediately, burdening Negroes until such time as they are the Attorney General secured a court order enjoining the operation of the changes; (2) The presently covered states and counties would not be obligated to report proposed changes in voting practices or proceduers to the Attorney General. He would have to learn of them himself; (3) The Attorney General would have to commence a multiplicity of suits to enjoin new practices or procedures, regardless of how localized the abuse was or how many changes were sought by the same jurisdiction; (4) H.R. 4249 would shift the all important burden of proof which now rests on the jurisdiction seeking to implement the new practice or procedure to the Attorney General; and (5) The Attorney General would have to bring action in each jurisdiction throughout the South, rather than in the single forum of the District of Columbia, where the states presently have to bring suit.[*]

In testimony given before the Subcommittee on Constitutional Rights of the committee on July 9, 1969, the Civil Rights Commission presented an extensive and very helpful memorandum detailing the shortcomings of H.R. 4249. (The Commission memorandum addressed itself to S. 2507, *which, however, is identical in all respect to H.R. 4249.*

The Commission memorandum, annexed in pertinent part as Appendix B, indicates why the changes which H.R. 4249 makes in the Voting Rights Act would destroy the effectiveness of sections 4, 5 and 6 of the Act and why other provisions of H.R. 4249 are unwarranted. Having reviewed the memorandum as well as the extensive hearing testimony which confirms it, we endorse the annexed portions as our views.

CONCLUSION

Mr. Vernon E. Jordan, Jr., Director of the Voter Education Project of the Southern Regional Council, who is intimately familiar with the efforts to register Negro voters under the 1965 Voting Rights Act has vividly summarized the essential question before us—the danger of failing to extend that Act in full force:

"I know—as well as any man in this room that Canton and Grenada and Selma and Sandersville and hundreds of other Southern communities stand poised and ready to eliminate the burgeoning black vote in their jurisdictions. The slightest flicker of a green light from Washington is all these white-dominated communities need. When they receive the signal, they will act."

For all the reasons discussed in these joint views, the undersigned have proposed and recommend the amendment in the nature of a substitute to H.R. 4249.

Signed by Mr. Bayh, Mr. Burdick, Mr. Cook, Mr. Dodd, Mr. Fong, Mr. Hart, Mr. Kennedy, Mr. Mathias, Mr. Scott, Mr. Tydings.

FOOTNOTES

[*] According to Congressman McCulloch, "it was determined that the District Court of the District of Columbia was the place to lodge jurisdiction which would reasonably, quickly, and uniformly give relief to people who wanted the relief when, if the remedy was delayed, it was a remedy denied." (Hearing before the Committee on Rules, House of Representatives, on H.R. 4249, Nov. 18, 1969, pp. 31–32).

[4] *South Carolina* v. *Katzenbach,* 383 U.S. 301, 335 (1966).

[5] *Allen* v. *State Board of Elections,* 393 U.S. 544 (1969).

[6] *Allen,* at 565.

[7] Letter of September 10, 1969 from Jerris Leonard, Assistant Attorney General, Civil Rights Division, Department of Justice, to Jack P. I. Gremillion, Attorney General of Louisiana, quoting the Supreme Court at 393 U.S. 569.

[8] Letter of July 11, 1968, from Stephen J. Pollak, then Assistant Attorney General, Civil Rights Division, Department of Justice, to Arthur K. Bolton, Attorney General of Louisiana.

[9] U.S. Commission on Civil Rights, *Political Participation* (1968) at 26.

[10] Id.

[11] On April 30, 1969 injunctive relief was denied to challengers of the amendment on the basis of the failure of the legislature to take steps to implement it. *Mississippi Freedom Democratic Party* v. *Johnson,* civil No. 4082, S. D. Miss. filed Jan. 24, 1967.

[12] Brief for plaintiffs in *Oden* v. *Brittain,* Civil No. 69–433, N.D. Ala., filed July 9, 1969.

[13] Letter of December 16, 1969, from Jerris Leonard, Assistant Attorney General, Civil Rights Division, Department of Justice, to McDonald Gallion, Attorney General of Alabama.

[14] H. Bill No. 61, to amend Section 6328–24, Mississippi Code of 1942.

APPENDIX A

Public Law 89–110, 89th Congress, S. 1564, August 6, 1965

AN ACT TO ENFORCE THE FIFTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act Shall be known as the "Voting Rights Act of 1965".

SEC. 2. No voting qualifications or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantee of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforced the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided,* That the court need not authorize the appointment of examiners if any incidents of denial or abridgement of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color: *Provided,* That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: *Provided,* That no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.

An action pursuant to this subsection shall

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be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964.

A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(e)(1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education in presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided*, That such qualification, prerequisite, standard, practice, or procedure, may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

SEC. 6. Whenever (a) a court has authorized the appointment of examiners pursuant to the provisions of section 3 (a), or (b) unless a declaratory judgment has been rendered under section 4(a), the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: *Provided*, That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.

(b) Any person whom the examiner finds, in accordance with instructions received under section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and in any event not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): *Provided*, That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

SEC. 8. Whenever an examiner is serving under this Act in any political subdivision, the Civil Service Commission may assign, at the request of the Attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Such persons so assigned shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

SEC. 9. (a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of

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the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the applicant or the challenger or on its own motion the Civil Service Commission shall have the power to require by subpena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

SEC. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

(b) In the exercise of the powers of Congress under section 5 of the fourteenth amendment and section 2 of the fifteenth amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(d) During the pendency of such actions, and thereafter if the courts, notwithstanding this action by the Congress, should declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listing by an examiner, shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner or to the appropriate State or local official at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

SEC. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both; *Provided, however,* That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SEC. 12. (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10 or shall violate section 11(a) or (b), shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3, 4, 5, 7, 10, or 11 (a) or (b) shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision, and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section, and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable.

SEC. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 9 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

(c)(1) The terms "vote" or "voting" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(2) The term "political subdivision" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(d) In any action for a declaratory judgment brought pursuant to section 4 or section 5 this Act, subpenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States: *Provided*, That no writ of subpena shall issue for witnesses without the District of Columbia at a greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

SEC. 15. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

(a) Delete the word "Federal" wherever it appears in subsections (a) and (c);

(b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.

SEC. 16. The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such officials shall, jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting against citizens serving in the Armed Forces of the United States.

SEC. 17. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

SEC. 18. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Approved August 6, 1965.

LEGISLATIVE HISTORY

House Reports: No. 439 accompanying H.R. 6400 (Comm. on the Judiciary) and No. 711 (Comm. of Conference).

Senate Reports: No. 162, 162 pt. 2, 162 pt. 3 (Comm. on the Judiciary).

Congressional Record, Vol. 111 (1965):

Apr. 13, 22, 23, 26–30, May 3–7, 10–14, 17–21, 24, 25: Considered in Senate.

May 26: Considered and passed Senate.

July 6–8: Considered in House.

July 9: Considered and passed House, amended, in lieu of H.R. 6400.

Aug. 3: House agreed to conference report.

Aug. 4: Senate agreed to conference report.

APPENDIX B

CIVIL RIGHTS COMMISSION STAFF MEMORANDUM—ANALYSIS OF S. 2507, A BILL TO AMEND THE VOTING RIGHTS ACT OF 1965

JULY 8, 1969.

On August 6, 1970, the States and counties now covered by the Voting Rights Act of 1965, 79 Stat. 437, 42 U.S.C. §§ 1973–1973p (Supp. III 1965–67), will have been subject to its provisions for five years, and so by terms of the Act will be able to escape from its coverage. The United States Commission on Civil Rights in a letter from the Chairman to the President dated March 28, 1969, expressed its support for extension of the coverage period of the existing Act, and documented the need with a staff memorandum, a copy of which is attached. The Commission's concern was further expressed in testimony before Subcommittee Number 5 of the Committee on the Judiciary, House of Representatives, by the Acting Staff Director on May 14, 1969.

In testimony before the Subcommittee on June 26 and July 1, 1969, Attorney General John N. Mitchell indicated his opposition to H.R. 4249,[1] a bill to extend coverage of the Voting Rights Act for five years beyond its 1970 expiration. He proposed as an alternative a bill which was subsequently introduced in the Senate as S. 2507. That bill would diminish the protection of the existing Act in a number of respects, while adding other provisions dealing with matters not within the 1965 Act's coverage. This memorandum analyzes the principal provisions of S. 2507, and comments upon their utility and their effect on the protections which voters now enjoy under the 1965 Act.

I. ELIMINATION OF REQUIREMENT FOR PRIOR APPROVAL OF VOTING LAW CHANGES

A. Present law

Under Section 5 of the Voting Rights Act of 1965, when a State or political subdivision covered by the Act seeks to change its voting qualifications or procedures, it must either obtain the approval of the Attorney General of the United States or initiate a suit in the U.S. District Court for the District of Columbia. If the Attorney General objects to the changes, they may not be enforced until the court rules that they do not have the purpose and will not have the effect of denying to any person the right to vote because of his race or color. If the Attorney General does not object, the new qualifications or procedures may be enforced 60 days after their submission.[2] States and subdivisions covered by the standards of the 1965 Act are those which in 1964 had a combination of literacy or other requirements for voting, and voting registration of participation by less than half the adult population. They are Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, 39 counties of North Carolina, one county of Arizona, and one county of Hawaii.[3]

B. S. 2507 proposed change

Section 3 of S. 2507 would repeal this provision of the existing law. Instead it would authorize the Attorney General to seek an injunction in a three-judge Federal district court against the enforcement of any voting qualification or procedure which has the purpose or effect of abridging the right to vote on account of race. Unlike Section 5 of the Voting Rights Act, this section would not be restricted to States covered by the 1965 Act.

C. Analysis of proposed change

Repeal of Section 5 and substitution of the new provision would have several disadvantages:

1. *Tedious and Time-Consuming Litigation.*—The proposal flies in the face of the experience Congress had in mind when it enacted Section 5 in 1965. Until the Voting Rights Act of 1965, private citizens (and, after 1957, the Attorney General) could sue to set aside laws and practices which denied the right to vote on the basis of race. Past studies have shown the inadequacy of civil litigation as a means of protecting Negro voting rights from officially sanctioned destruction.[4] The most eloquent testimony of the ineffectiveness of prior methods of protection is the fact that in 1964 in the seven States covered by the Act, only 29 percent of the adult Negro population was registered to vote, compared with 73 percent of adult whites.[5]

In *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), the Supreme Court discussed why the case-by-case method of litigation against voting discrimination had proved ineffective. The Court stated:

"Voting suits are unusually onerous to prepare, sometimes requiring as many as 6,000 man-hours spent combing through registration records in preparation for trial. Litigation has been exceedingly slow. . . . Even where favorable decisions have finally been obtained, some of the States affected have merely switched to discriminatory devices not covered by the federal decrees or have enacted difficult new tests designed to prolong the existing disparity between white and Negro registration." *Id.* at 314 (footnote omitted).

To prevent such disingenuous changes in voting laws, Congress enacted Section 5. Under it individuals and the Government no longer need initiate time-consuming litigation to stop discriminatory practices, and then if ultimately successful find that the victory is meaningless because the State can simply adopt new discriminatory laws, in an endless cycle. The Voting Rights Act assures

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[1] S. 818, S. 2456, H.R. 5181, and H.R. 5538 are in substance identical with H.R. 4249.

[2] Since the passage of the Voting Rights Act of 1965 approximately 225 voting laws have been submitted to the Attorney General for approval, according to the Department of Justice. The Attorney General has objected to only four of the laws submitted. Three of the four objections involved the statutes before the Supreme Court in the *Allen* case, discussed below.

[3] The State of Alaska and some isolated counties elsewhere have removed themselves from coverage under the Act according to the procedures of Section 4.

[4] See *e.g.*, 1961 Report of the U.S. Commission on Civil Rights, Vol. 1, *Voting*.

[5] See U.S. Commission on Civil Rights, *Political Participation* 222 (1968).

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that the validity, of voting laws will be tested before, not after, they are put into effect. As the Supreme Court said, "Not underestimating the ingenuity of those bent on preventing Negroes from voting. Congress therefore enacted § 5. . . ." *Allen* v. *State Board of Elections*, 37 U.S. Law Week 4168 (1969).

2. *Misplaced Burden of Proof.*—Under the proposed legislation the Attorney General or a private litigant would bear the burden and have to devote considerable resources to proving that a particular change in State law is discriminatory. Under the present Section 5, the burden of proof that a practice or procedure is not discriminatory is on the State or political subdivision. Given the history in some States of repression of any attempts by black people to gain political power, and the greater familiarity of the State with the purpose and effect of its legislation, this is where the burden should remain. As the Supreme Court observed: "After enduring nearly a century of systematic resistance to the Fifteenth Amendment, Congress might well decide to shift the advantage of time and inertia from the perpetrators of the evil to its victims." *South Carolina* v. *Katzenbach*, 383 U.S. 301, 328 (1966). Under S. 2507 the shift would be undone.

3. *Increasing Difficulties for Private Litigants.*—An important gain in voter protection under the 1965 Act was the right of individuals to sue to enforce Section 5, regardless of inaction by the Department of Justice. This right was clarified recently when the Supreme Court interpreted Section 5 in *Allen* v. *State Board of Elections, supra*. In such suits the private litigants need establish only that a State has not complied with Section 5, in order to block changes in legislation. With their vigilance, Section 5 will be even more effective if retained, since enforcement will no longer depend entirely on the resources, knowledge and priorities of the Department of Justice.

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4. *Past Violations Must Not Be Condoned.*—The Attorney General in his statement observed at page 5 that: "Where local officials have passed discriminatory laws, generally they have not been submitted to the Department of justice." He suggested in testimony before the Subcommittee that this was one reason why the section should be repealed.

It should be remembered above all that most States have obeyed Section 5, and sought approval of changes in their voting laws. Like most laws, Section 5 achieves its purpose because people obey it. As for the instances in which there have been violations, there are two reasons that instances of noncompliance would not support the section's elimination.

First, until the *Allen* decision, referred to previously, it had been unclear whether Section 5 applied to all election law changes in the covered States, or only to those changes which dealt with voting and registration. Thus neither Mississippi nor Virginia, the States involved in the *Allen* case, had submitted to the Attorney General or sought approval from the District Court of the District of Columbia for statutes altering such matters as whether elective offices are to be appointive, requirements for filing by candidates, and procedures concerning assistance to voters unable to mark ballots. Because the Court has now made clear that Section 5 has a very wide scope, States can now be expected to submit more statutes for approval.

Second, if a State continues to ignore Section 5, the remedy under the existing law is simple. Either the Attorney General or a private litigant can sue in any Federal district court to enjoin the State's change in law for failure to follow the dictates of Section 5. Such a lawsuit is very expeditious. The only proof required is that the new State provision relates to voting, that it has modified the law in effect as of November 1, 1964, and that it has not been submitted to the Attorney General or the District Court of the District of Columbia. No proof is required that the change has a discriminatory effect. On this showing, injunction follows as a matter of course. A recent example of the effectiveness of this procedure occurred in Mississippi, where a Federal district court enjoined a municipal primary election in Mississippi because the city expanded its corporate limits—allegedly to dilute the back vote by adding white areas to the town—without submitting the changes to the Attorney General or the District Court in the District of Columbia.

The burden of such litigation is slight, the proof simple, the likelihood of obtaining immediate relief great. Prevention of such flagrant noncompliance with the law would not overburden the Department of Justice. Normally the cure for cases of outright defiance of the law is not repeal of the law, but rather more vigorous enforcement.

5. *Attorney General's Power to Sue Adds Nothing of Substance.*—S. 2507, after eliminating the simple enforcement procedure described above, would substitute a section authorizing the Attorney General to sue in Federal court whenever he believes a State has enacted or is administering any voting procedure with the purpose or effect of denying the franchise on grounds of race. But the Attorney General already has the authority to bring such suits. Section 2 of the Voting Rights Act of 1965 provides that:

"No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed on or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color."

And Section 12(d) of the same Act provides that:

"Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2 . . . the Attorney General may institute . . . an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order. . . ."

Similar powers were included in the Civil Rights Act of 1957, 71 Stat. 634.

Thus the new section would give the Attorney General no powers in addition to those granted by the Voting Rights Act and its predecessors. His access to a three-judge forum and the right of direct appeal to the Supreme Court were granted in the Civil Rights Act of 1964. Most importantly, under the present law, lawsuits with or without direct appeal are unnecessary since Section 5 preserves the status quo until legality is decided without need to resort to litigation.

II. EXPANDED POWER TO SEND EXAMINERS AND OBSERVERS

A. Present law

Under Section 6 of the present Voting Rights Act, the Attorney General may direct that Federal examiners be sent to any State or county covered by the Act if he has received 20 meritorious complaints from that jurisdiction alleging voter discrimination, or if he believes that appointment of examiners is necessary to enforce the right to vote. Examiners prepare lists of applicants eligible to vote, whom State officials are required to register.

In addition, the present Act in Section 8 provides for appointment of Federal observers to watch for irregularities in polling places and in the tabulation of votes. Observers may be sent only to jurisdictions which have been designated for appointment of examiners.

B. S. 2507 proposed change

S. 2507 in its Section 4 would allow the Attorney General to send Federal examiners to register voters in any State, county or city in the United States, again subject to either receipt of 20 complaints or his belief that examiners are needed to prevent voting discrimination. He would not be confined to the States and counties covered by the Act.

In addition S. 2507 in its Section 5 would authorize the Attorney General to send Federal observers to any political subdivision in the United States in which he believed their presence was necessary or appropriate to prevent voted discrimination. He would not be limited to subdivisions covered by the Act and designated for appointment of examiners.

C. Analysis of proposed change

The expanded authority to send examiners and observers is in no way objectionable; the Attorney General should have power to send examiners and observers wherever they may be needed. However, no evidence has been presented to show that examiners and observers are not needed more vitally in the seven States to which they can now be sent. In addition, under Section 3 of the Act, the Attorney General may obtain appointment of examiners in other jurisdictions as part of interlocutory relief in suits to enforce voting rights under the Fifteenth Amendment.

The power to send examiners has been used sparingly—too sparingly—even under the 1965 Act. Two of the seven States covered by the Act have never had a county designated for the appointment of examiners, and two others have had only five between them. If the Attorney General has made so little use of the power to appoint examiners in the areas covered by the Act, where the need has been great, it seems unlikely he will have cause to use the proposed authority outside those areas where no need has yet been shown.

The same comments apply to the expanded power to send observers. The present requirement that observers be sent only to jurisdiction designated for examiners has not restricted them to places where examiners actually are present, since the Attorney General has found it sufficient simply to designate counties for appointment of examiners in order to send observers, without actually having examiners dispatched. Authority to dispatch observers throughout the Nation adds little to the power to deal with voter discrimination in the States where it has been known to exist. Thus the proposed change is unobjectionable, but its practical usefulness is at best speculative.

IV. NEW VOTING RIGHTS STUDY COMMISSION

A. Present law

The United States Commission on Civil Rights is authorized by Congress to investigate complaints that citizens are being denied the right to vote by reason of their race, color, religion or national origin. It is also authorized to investigate complaints that because of fraudulent practices or discrimination citizens are being denied the right to vote or have their votes properly counted in Federal elections. The Commission from its inception in 1957 has devoted a large part of its resources to investigating voting rights denials and reporting to the President and Congress on changes on the laws and their administration which are necessary to protect the right to vote. The Commission's publications which deal especially with voting include its 1959 Report, *Voting* (1961), *Voting in Mississippi* (1965), *The Voting Rights Act . . . The First Months* (1965), and *Political Participation* (1968). As Senator Dirksen recently observed in speaking of voting protection and literacy tests:

"It was in 1957, when a new conscience made itself felt in the United States, resulting in the creation of a Civil Rights Commission to explore the whole question. . . .

"The Commission on Civil Rights consisted of outstanding talent and it made a thorough examination of the matter." *Congressional Record*, volume 115, part 13, page 17700.

B. S. 2507 proposed change

Section 7 of the proposed legislation would add to the Federal government a new temporary commission to be called the National Advisory Commission on Voting Rights. It would have a chairman and eight members, all appointed by the President, an Executive Director also a Presidential appointee, and a staff and budget of presently undisclosed dimensions. No provision would be made for bipartisan representation, nor would there be any requirement that the Senate advise and consent to nominations. The new Commission would be charged to make a study of the effects of laws restricting the right to vote and of fraudulent and corrupt practices upon voting rights, reporting with recommendations by January 15, 1973.

C. Analysis of proposed change

The new commission as proposed would duplicate the tasks which have been and are currently being performed by the Commission on Civil Rights. It would lack the staff and expertise in the voting field which the Commission on Civil Rights has acquired, and would terminate in 1973 within two weeks of the date presently set for the final report of the existing Commission. In addition, the proposed additional commission would lack the legislative mandate to study the broad problems of political participation, and would instead be limited to a narrow focus on legislative barriers and fraudulent practices. The experience of the Commission on Civil Rights has shown that the issues of voting rights are more complex, and cannot be understood apart from a consideration of the educational, economic, historical and social context in which those rights are exercised.

In other ways the proposed commission, besides being duplicative would not be as effective as the present Commission on Civil Rights. It would lack the present Commission's power to subpoena witnesses and documents. Its members and staff would probably lack the years of familiarity with voting laws and problems on which the present Commission draws. And unlike the present Commission it would not be required to be bipartisan with members subject to Senate confirmation. As former Attorney General Brownell observed in 1956, urging the establishment of the bipartisan Commission on Civil Rights:

"When there are charges that by one means or another the vote is being denied, we must find out all of the facts—the extent, the methods, the results. . . . The study should be objective and free from partisanship." H.R. Rep. 291, 85th Cong., 1st Sess. (1957).

Finally, there has already been one investigation of voting by an independent commission, carried on in 1963 by the President's Commission on Registration and Voting Participation at a time when the jurisdiction of the Commission on Civil Rights in the voting area was narrower than its present statutory mandate. The 1963 Commission was charged with investigating the reasons for low voter participation and recommending solutions for this problem, except that it was not to consider "matters placed under the jurisdiction of the Commission on Civil Rights." During its investigation the 1963 Commission:

> "made a detailed analysis of the election laws and practices of the 50 states and . . . studied the electoral systems of other democracies. It . . . solicited the opinions of many hundreds of citizens in the fields of national, state and local government, politics, civic and social work and political science. Staff members of the Commission . . . interviewed a number of officials directly concerned with election administration at the state, county, and municipal levels."[9]

The 1963 Commission recommended the adoption of 21 detailed standards, including a nationwide ban on literacy tests. Many of the subjects on which the 1963 Commission made recommendations would be restudied by the new Federal commission proposed in S. 2507.

V. ELIMINATION OF RESIDENCY REQUIREMENTS IN PRESIDENTIAL ELECTIONS

A. Present law

In our mobile society, it has been estimated that as many as one-third of all households move each year, many of them across jurisdictional lines. At present the residence requirements to vote in elections for electors for President and Vice-President are the same as those for voting in elections in the jurisdiction of residence. Since many jurisdictions require as much as a full year of residence for eligibility to vote, many millions of recently arrived voters are unable to vote in Presidential elections. The Census Bureau has estimated that as many as 5.5 million persons were disfranchised in this way in 1968.

B. S. 2507 proposed change

In its Section 2, S. 2507 would provide that if a newly arrived resident may vote in an election for President or Vice President (by which presumably is meant in election for electors for President or Vice-President) in his new State or political subdivision of residence if he moved there before September 1 of the election year, or in his former state if he moved after September 1 and was qualified to vote at the former residence.

C. Analysis of proposed change

The constitutionality of existing state laws which disfranchise new residents in Presidential elections is uncertain, and probably will be decided by the Supreme Court next term.[10] Whatever the Court's ruling, such restrictions serve no rational policy as applied to election of officials whose constituency is national in scope, and should be abolished. Such was one of the recommendations of the 1963 special commission. The Commission on Civil Rights through the Chairman's March 28, 1969, letter to the President stated:

"Other barriers to the free exercise of the right to vote should also be examined to determine whether they infringe rights under the Fourteenth or Fifteenth Amendments and therefore should be eliminated by Congress. For example, residency requirements seem unreasonable when applied to presidential elections, for which familiarity with local issues and personalities is irrelevant. The Commission is especially concerned because the burden of such requirements falls heavily on migrant workers, mainly Mexican Americans from the Southwest, who are often unable to vote either in their home State or in the State in which they are working. In addition, long residency requirements disfranchise a large number of well educated young adults, who tend to be more mobile than the population generally."

Elimination of residency requirements in Presidential elections would correct a longstanding injustice.

VI. SPECIAL SURVEYS OF VOTER PARTICIPATION

A. Present law

Title VIII of the Civil Rights Act of 1964, 78 Stat. 266, provides for a survey of voting and voter registration by the Secretary of Commerce in areas recommended by the Commission on Civil Rights. The survey, and the 1970 Census, shall compile voting data by race and national origin.[11]

B. S. 2507 proposed change

In its Section 17(c) the bill proposes that the Secretary of Commerce make special surveys to collect data regarding voting by race, national origin, and income groups, and transmit the data with the results of the 1970 Census to the proposed new advisory commission on voting rights.

C. Analysis of proposed change

The proposed Section 17(c) adds nothing new to existing authority for a voting survey except the provision that the data would be collected by income group as well as by national origin. While this added information would be welcome, it also would be provided through a simple amendment to Title VIII.

Title VIII, however, has never been implemented. It directed an immediate survey as well as one "in connection with" the 1970 Census. For reasons of economy, it was decided in 1966 that the immediate survey would not be done. Funds for the latter survey have not been requested by the President or appropriated by Congress.

Since the enactment of Title VIII the Commission on Civil Rights has fulfilled its statutory duty of specifying the areas to be covered by the survey. This designation has been updated and will be updated again whenever there is indication that the survey will be carried out.

In addition, the Commission on Civil Rights has continually urged that Title VIII be implemented. On February 17, 1969, the Commission sent a letter to Secretary of Commerce Maurice Stans asking him to request Bureau of Budget approval for funds for the Title VIII survey. On February 18, 1969, the Commission wrote to Attorney General John N. Mitchell enclosing a copy of the letter to Mr. Stans and indicating that if funds are not to be made available for the Title VIII survey, then Title VIII should be repealed, since there would be "no useful purpose" in having Title VIII continue to remain a dead letter on the books.

On March 6, 1969, the Secretary of Commerce replied to the Commission that he had resubmitted the request for funds to the Bureau of the Budget. However, the Commission subsequently learned that this request had been denied.

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[9] Report of the President's Commission on Registration and Voting Participation, iii (1963).

[10] See *Hall* v. *Beals, prob. jur. noted,* 37 U.S. Law Week 3298 (1969) (No. 950, O.T. 1968).

[11] Sec. 801. The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, only include a count of persons of voting age, by race, color, and national origin, and determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe. The provisions of Section 9 and Chapter 7 of Title 13, United States Code, shall apply to any survey, collection, or compilation of registration and voting statistics carried out under this title: *Provided, however,* that no person shall be compelled to disclose his race, color, national origin, or questioned about his political party affiliation, how he voted, or the reasons therefor, nor shall any penalty be imposed for his failure or refusal to make such disclosure. Every person interrogated orally, by written survey or questionnaire or by any other means with respect to such information shall be fully advised with respect to his right to fail or refuse to furnish such information, 78 Stat. 268 (1964).

On April 3, 1969, Assistant Attorney General Jerris Leonard responded to the Commission's February 18 letter to the Attorney General. Mr. Leonard stated:

"We recognize that it would be useful to have the results of a survey of the scope recommended by the Commission. However, because of the expense involved, we are unable to share your view that such a project should be undertaken. Assuming that the cost of the survey would amount to several million dollars, we do not feel that an expenditure of this magnitude can be justified."

Copies of these four letters are attached.

The Attorney General, by proposing in S. 2507 surveys as called for in Title VIII, apparently now considers the type of survey called for by Title VIII a valuable one and will cooperate in its implementation. It is to be hoped that this change of position by the Department of Justice will encourage Congress to appropriate the funds for this important project which it authorized in 1964, and that the Department of Justice will propose the funding legislation called for.

VII. CONCLUSION

In his testimony the Attorney General indicated his willingness that the Congress, if it desires, deal first with extending the existing protections of the Voting Rights Act, and then consider as a separate matter the several substantive changes proposed in S. 2507. That would be a wise course. Some provisions of S. 2507, particularly the proposed repeal of existing safeguards against biased changes in voting laws, would drastically reduce existing voting rights protection. Others, such as the proposed new commission to study voting rights and the proposed surveys, duplicate matters covered under existing laws and are unnecessary. And still others, such as the elimination of residency requirements in Presidential elections, should be adopted.

The assortment of provisions in S. 2507 should be considered on their individual merits, and those which would weaken voting rights protection should be eliminated. Existing voting rights protection should be continued in full force.

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Mr. SCOTT. Mr. President, these are the views of a majority of the committee and, therefore, in that sense represent what would have been the committee bill had a vote been possible within the Senate Judiciary Committee. However, the committee being under instructions to report by the 1st of March or the first legislative day thereafter, it did so report without a vote in the committee. The joint views of the members of the committee, available to us, express the minority views of the committee members.

The amendment has been printed in full and reported. And the joint views contain a supply of the Scott-Hart compromise with reference to the new provisions thereof, a section-by-section analysis, a discussion of the deficiencies in H.R. 4249, which was the bill passed in the House, the inclusion of the signatories of the joint views, and the 1965 Voting Rights Act is printed in full in appendix A. Appendix B is the Civil Rights Commission staff memorandum outlining the shortcomings of H.R. 4249.

The memorandum addresses itself to S. 2507, which is identical in all respects to H.R. 4249.

I read from the joint views:

The undersigned 10 members of the committee submit the following views in support of an amendment, amendment No. 519, in the nature of a substitute, to H.R. 4249.

The names of the 10 members appear on page 28 of the joint views and are as follows: Senators BAYH, BURDICK, COOK, DODD, FONG, HART, KENNEDY, MATHIAS, SCOTT, and TYDINGS.

The amendment will extend the Voting Rights Act of 1965 in its present form for 5 years.

It would also add a separate title incorporating the two new features of H.R. 4249; Suspension of literary tests throughout the remainder of the country; and limitations on residence requirements in presidential elections.

I might add that the suspension of literacy tests, in my view, meets the argument we had here a short time ago on the equal application of the law.

I submit that those who wish to see the law equally applied should bear in mind that the abolition of the literacy tests is nationwide and accomplishes that purpose.

I would also like to look to the time the House voted on H.R. 4249. A letter was received from the President of the United States, which letter appears in the CONGRESSIONAL RECORD, in which the President states that there are two features with reference to voting rights in which he has a particular concern and which he would like to see adopted. They are the two to which I have referred—the national suspension of literacy tests throughout the country, and the opportunity to establish new limitations on the residence requirements in Presidential elections, so that anyone moving, and thereby residing in a different State from his former residence for a period of 60 days or more before elections, shall be protected under his right either to vote in his new State or in the State from which he has moved under the limitation set forth in the amendment.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. HRUSKA. Does the Senator from Pennsylvania construe the letter from the President to mean that the President has repudiated and abandoned and no longer desires the balance of the so-called administration bill?

Mr. SCOTT. It is my judgment that the President's letter speaks for itself. I would not go beyond the four corners of the letter. But the letter is in the RECORD and, of course, the President expressed in the letter particular concern over the two features of the House bill.

Mr. HRUSKA. It is the observation of the Senator from Nebraska that the Senator from Pennsylvania undertook to quote and interpret the letter. That is the reason I raised the question. I simply did not want the RECORD to indicate, by implication or otherwise, that the letter would be construed as being a repudiation or abandonment on the part of the President of the bill which he caused to be sent to Congress as the administration bill.

Mr. SCOTT. I am not attempting to read into the letter anything beyond what is to be found within the four corners of it. But I think it is significant that the President found it important to stress that it was a matter of some concern to him. I suppose we shall have more debate on the point later.

An amendment in the nature of a substitute to H.R. 4249 and cosponsored by each of the undersigned was introduced in the Senate, referred to the Judiciary Committee for consideration and placed before the Subcommittee on Constitutional Rights. No vote was had on this amendment, and therefore, no formal recommendation of the amendment was reported by the committee. Accordingly, by order of the Senate, agreed to December 16, 1969, the committee reported H.R. 4249, as referred, without recommendation.

However, in the hope and expectation that a joint statement of the views of a majority of the committee will be helpful, the undersigned submit this statement to express our recognition of the need for continuation of the Voting Rights Act of 1965 in a form which insures that its safeguards remain intact and unemasculated.

These joint views include an analysis of the provisions of the amendment we have proposed and a statement of the facts which warrant its substitution for H.R. 4249, as reported by the committee.

The primary purpose of our proposal is to continue in full force and effect all the provisions of the Voting Rights Act of 1965 for an additional 5 years. We have also proposed new provisions similar to those in H.R. 4249, which will further enlarge protection of the franchise.

However, it is essential to avoid any question about the principal purpose now before us: the extension for an additional 5 years of the provisions of the 1965 act which have proven so effective. Absolutely nothing must be allowed to confuse that point—or to lay the groundwork for attempts to relitigate the critical provisions of the 1965 act which the U.S. Supreme Court has already passed upon and approved.

If either the extension of the literacy test suspension nationwide or restrictions on residence requirements are woven into the present provisions of the act as is the case with H.R. 4249, the courts would be faced with a completely new statute. This would risk litigation which might tie up the critical provisions of the present act and, until reviewed by the Supreme Court, conceivably permit the reintroduction of literacy tests in those areas where they are presently suspended. We separate the provisions in order to insure against this risk in every possible way.

Therefore, the amendment simply extends the 1965 act, intact, for an additional 5 years, and then adds in a separate title the literacy test suspension in the remainder of the Nation as well as the restrictions on residence requirements for presidential elections. In this way, we accomplish uniform suspension of literacy tests nationwide, but do so in a manner which assures that no court test of the extension of the ban beyond the States and counties covered under section 4(a) of the 1965 act could invalidate or even temporarily stay the effectiveness of the 1965 suspension. Enactment of a nationwide ban on the literacy tests and devices in place of the present section 4(a) of the act runs this risk.

The Voting Rights Act of 1965 is a comprehensive measure designed to eradicate, at long last, widespread disenfranchisement on the basis of race in direct violation of the 15th amendment. The act has proved historically effective in making the command of the 15th amendment a reality. But the task remains unfinished. It will not be completed, and hard won progress will be undone if essential safeguards of the act are lost in August 1970, as would be the case under H.R. 4249. To change the terms of its successful operation—either by failing to extend it or by weakening it in any way—would be a serious blow in the continuing efforts to implement the promise of our Constitution.

These joint views then proceed to summarize numerous proposals, beginning with the proposal of the Senator from Maryland (Mr. MATHIAS), the Senator from Hawaii (Mr. FONG), and me on January 31, 1969, with the introduction of S. 818. On April 29, 1969, the Senator from Michigan (Mr. HART) and a bipartisan group of 33 other Senators introduced an omnibus civil rights bill, S. 2029, title IV of which also provided for a 5-year extension of the present act. On June 19, 1969, a bipartisan group of 38 Senators introduced a bill, S. 2456, identical to S. 818. On June 30, 1969, the late Senator Dirksen offered S. 2507, whose provisions are identical to H.R. 4249, discussed below. All four measures were referred to the Judiciary Committee, and the Subcommittee on Constitutional Rights held joint hearings on them on July 9, 10, 11, and 30, 1969.

On Wednesday, July 9, 1969, testimony and statements were received from Senators SCOTT and MATHIAS and from Commissioner Freeman of the Civil Rights Commission. All testified to the need for continuation of the 1965 act as enacted. On July 10, 1969, Senator SCHWEIKER submitted a statement urging extension of the act, and Mr. Clarence Mitchell and Mr. Joseph L. Rauh appeared on behalf of the Leadership Conference on Civil Rights, representing over 125 organizations interested in civil rights. Commissioner Freeman, Mr. Mitchell, and Mr. Rauh presented at length facts demonstrating the need for retention of the act. They each also testified as to the manner in which the provisions of S. 2507—provisions identical to those in H.R. 4249 as reported by this committee—would weaken the Federal Government's ability to ensure in the covered areas that all persons are able to register and vote and have their votes counted without discrimination on account of race.

Further testimony was given by Mr. Warren Richardson, general counsel to the Liberty Lobby.

On July 11, 1969, the subcommittee heard testimony from Mr. Lawrence Speiser on behalf of the American Civil Liberties Union also in favor of extending the provisions of the 1965 act as enacted. The last witness, Attorney General John Mitchell, accompanied by Assistant Attorney General Jerris Leonard, testified on July 11 and July 30, 1969, in support of S. 2507.

On December 11, 1969, the House of Representatives passed H.R. 4249.[1] The bill was received in the Senate on December 12, 1969, and referred to the committee on December 16, 1969, with instructions under the following order:

> Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 4249 be referred to the Committee on the Judiciary with instructions to report back not later than March 1, 1970, and that at the conclusion of morning business on March 1, 1970, or the first legislative day thereafter, H.R. 4249 be made the pending business." (Congressional Record, volume 115, part 13, page 39335)

The Subcommittee on Constitutional Rights then held further hearings on H.R. 5249 on February 18, 19, 24, 25 and 26, 1970. Senator TYDINGS and Mr. Clarence Mitchell both testified in favor of extending the 1965 act on February 18. On February 19, Senator GOLDWATER testified in favor of abolishing residence requirements in presidential elections and submitted an analysis of its constitutionality. Mr. Edward T. Anderson of the Friends Committee on National Legislation and Rev. John M. Wells of the Joint Washington Office for Social Concern of the American Humanist Association, American Ethical Union, and Unitarian Universalist Association also testified.

On February 24, Prof. Archibald Cox of Harvard Law School and Mr. Howard A. Glickstein, staff director of the Commission on Civil Rights, testified in favor of extension of the act. Professor Cox also testified as to the constitutionality of restrictions on residence requirements in presidential elections and of nationwide suspension of literacy tests. Gov. Lester G. Maddox of Georgia and Attorney General R. F. Summer of Mississippi testified in opposition to continuing the act.

On February 25, Mr. Edward T. Anderson testified further. Mr. Vernon E. Jordan, Jr., director, Voter Education Project, Southern Regional Council, Inc., and Dr. Aaron Henry, Board of Christian Social Concerns of the United Methodist Church, described in vivid detail the efforts of Negroes to register under the Voting Rights Act and the tactics employed to thwart them. Sheldon H. Elsen Esq., chairman of the Committee on Federal Legislation of the Association of the Bar of the City of New York, and John D. Feerick, Esq., chairman of the Subcommittee on the Election Laws, Committee on Federal Legislation of the Association of the Bar of the City of New York, also testified.

Finally, on February 26, 1970, Mr. David Norman, Deputy Assistant Attorney General of the Civil Rights Division, Department of Justice, testified. Mr. Norman testified in favor of extending the suspension of literacy tests nationwide and removing residence restrictions on voting in presidential elections. He also discussed the effectiveness of section 5 of the Voting Rights Act of 1965.

On February 26, the subcommittee failed to report any bill for lack of a quorum. The Committee on the Judiciary, as noted above, failed to vote on the amendment offered by the undersigned majority of the committee and, therefore, has reported H.R. 4249 without recommendation.

The joint views then include an historical review of the legislation, and conclusions, which I will summarize.

Mr. Allen. Mr. President, will the Senator yield?

Mr. SCOTT. I am very near the end of this presentation. After I have read the conclusions I will be glad to yield to the Senator from Alabama.

The conclusion states:

> Mr. Vernon E. Jordan, Jr., director of the Voter Education Project of the Southern Regional Council, who is intimately familiar with the efforts to register Negro voters under the 1965 Voting Rights Act has vividly summarized the essential question before us—the danger of failing to extend that act in full force:
>
> "I know—as well as any man in this room that Canton and Grenada and Selma and Sandersville and hundreds of other Southern communities stand poised and ready to eliminate the burgeoning black vote in their jurisdictions. The slightest flicker of a green light from Washington is all these white-dominated communities need. When they receive the signal, they will act."
>
> For all the reasons discussed in these joint views, the undersigned have proposed and recommend the amendment in the nature of substitute to H.R. 4249.

Mr. ALLEN. I thank the distinguished Senator from Pennsylvania.

Mr. President, I would like to ask the distinguished Senator from Pennsylvania if the substitute which he has offered does anything more with respect to the ban on literacy tests than to extend that ban to States not now covered by the act? And does it subject the States not now covered by the act to the provisions of the statute applying at present which would allow the Federal Government to send vote registrars into those States, to send election observers into those States, and to require our State authorities to submit to the Attorney General of the United States or the District Court here in the District of Columbia any change in registration or election laws?

Mr. SCOTT. Title 2 simply provides that during the extension period "no citizen—shall be denied the right to vote in any such election" because of his failure to comply with any State or political subdivision test the right to participate in any Federal, State or local election in which the provisions of section 4(a) are not in effect by reason of determinations made under section 4(b) of the act.

Mr. ALLEN. Yes. All that does is extend the ban on literacy tests throughout the Nation.

Mr. SCOTT. That is substantially what is being done; to apply equally the effect of the law.

Mr. ALLEN. But it does not extend to States not now covered by those provisions providing for Federal registrars, Federal election observers, and the re-

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[1] It also should be noted that on May 14 and 15, June 19 and 26, and July 1, 1969, the House Committee on the Judiciary held extensive hearings on continuation of the Voting Rights Act and on related proposals. ("Voting Rights Act Extension," hearings before Subcommittee No. 5, House Committee on the Judiciary, 91st Cong., First Sess., serial No. 3.) (Hereinafter cited "House Hearings.")

quirement that a State must obtain the approval of the Attorney General before it makes any change in its registration or election laws.

Mr. **SCOTT**. It would, however, apply to any place where, under the determination made in accordance with the 1965 act, situations exist where there is found an unequality of status as to the right to vote.

Mr. **ALLEN**. Yes; but it does not extend the particular provisions to which I alluded to States not now covered by the act?

Mr. **SCOTT**. Section 3 of the existing act, I may say to the distinguished Senator, does in fact make such a provision, but I believe that the implementation of it is not automatic. Section 3 provides that whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the 15th amendment in any State or political subdivision, the court shall authorize the appointment of examiners, and the rest of the procedures follow.

Mr. **ALLEN**. Then, the distinguished Senator would have no objection to applying the provisions to which I have referred to States not now covered by the act?

Mr. **SCOTT**. I would be glad to see the wording by which that is undertaken to be done and to look at it very carefully.

Mr. **ALLEN**. Yes. In effect, then, the provision with respect to literacy tests in States not now covered by the act is to provide for a less literate electorate. Is that not correct?

Mr. **SCOTT**. That, of course, assumes that by not demanding literacy tests, we have a less literate electorate, and that overlooks the fact that every year that goes by we have a more literate electorate, because we have more education, more funds for schools, more people in schools, more graduates, more higher educational facilities available. I would think that the electorate is more literate.

I recall that during the debate on the 1965 act, it was argued that some provisions of that act were not needed because we already had a literate electorate.

I do not think the intent of the act could justly be construed to be a move toward a less literate electorate, but toward the abandonment of State restrictions which are deemed to be unfair or unjust to the electorate.

Mr. **ALLEN**. Returning again to the original question, the punitive provisions of the act as now in effect would not be applied to the remaining States?

Mr. **SCOTT**. Well, again we have a question which carries with it some freight that I do not want to assume—that is, punitive provisions of the act. The act of 1965 does provide for implementation of the 15th amendment, and if States or counties are not implementing the 15th amendment, in my judgment they ought to be required to do so no matter what part of the country we find them in.

Mr. **ALLEN**. If the State of Pennsylvania wanted to make changes in its election laws or voter registration laws, would it have to go to the Attorney General of the United States to get approval of that change, as is the case in Alabama?

Mr. **SCOTT**. It would not, because it made, many years ago—nearly 100 years ago—the changes that are sought to be made more uniform throughout the country. It would not have to because 100 years ago we did what we had to do.

Mr. **ALLEN**. It still would not have to do it?

Mr. **SCOTT**. That is right, because we have already done it.

Mr. **ALLEN**. The Senator thinks we would get a more literate electorate by abolition of the literacy tests?

Mr. **SCOTT**. I think we are getting a more literate electorate every year that goes by, not by abolishing literacy tests, but by making educational facilities more available to all.

Mr. **ALLEN**. I thank the Senator.

Mr. **SCOTT**. I thank the Senator.

At this point, Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **ALLEN**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **ALLEN**. Mr. President, I would like to make a parliamentary inquiry.

The **PRESIDING OFFICER**. The Senator will state it.

Mr. **ALLEN**. Is the amendment in the nature of a substitute which is pending subject to amendment, or must amendments be perfecting amendments to the House bill?

The **PRESIDING OFFICER**. As the Chair understands the situation, the amendment offered by the Senator from Pennsylvania and other Senators is in the nature of a substitute for the bill and will be treated as original text for the purpose of further amendment.

Mr. **ALLEN**. That is the ruling of the Chair?

The **PRESIDING OFFICER**. That is the Chair's opinion.

Mr. **ALLEN**. The amendment offered by the Senator from Pennsylvania is subject to amendment?

The **PRESIDING OFFICER**. Yes.

Mr. **SCOTT**. Mr. President, if the Chair will permit a further parliamentary inquiry, is it not correct that amendments may be offered to the substitute amendment, or amendments may be offered to proposed perfecting amendments to the substitute? Is that correct?

The **PRESIDING OFFICER**. That is the opinion of the Chair.

Mr. **SCOTT**. I thank the Chair.

The **PRESIDING OFFICER** (Mr. TALMADGE in the chair) subsequently said: The Scott substitute is a complete substitute for the bill. Therefore, that amendment, under the precedents of the Senate, is treated as original text for the purpose of amendment, just as the bill is treated as original text.

Thus, both the bill and the substitute amendment are open to amendments in two degrees, with any amendment to the text taking precedence over amendments to the substitute.

Mr. **HART**. Mr. President, I hope that with the explanation that is now available by the introduction into the RECORD of the memorandum reflecting the position of the 10 members of the Judiciary Committee, our colleagues will have ample opportunity to appraise the approach that the majority of the committee is suggesting. I think the Senator from Pennsylvania has, in very brief compass, effectively described the motive the memorandum expands in its explanation.

As we start this discussion, I think the one point that should be made is that history will dispute the effectiveness of some of the civil rights laws we have passed in this country. Either the goal they sought to achieve has not been achieved or, in retrospect, the goal, though achieved, was not of great significance. But I do not think we have to await history's verdict to describe the 1965 Voting Rights Act as the most effective legislative action to deliver on the promises of the 15th amendment in history. The 1965 act works. Its abandonment, its repeal, would be in effect throwing away success.

We do not have enough successes around here to be wasteful of them. The condition of this country argues very strongly that when we manage to develop an instrument effective to enable us to deliver on promises of longstanding, we had better not dilute it, we had better not abandon it; we had better retain it. This, then, underlies the conviction that persuaded the majority of the Judiciary Committee to make the recommendation that is in the form of the Scott-Hart substitute which is now before us.

I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **HRUSKA**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **HRUSKA**. Mr. President, on June 30 of last year, the late Senator from Illinois, Mr. Dirksen, introduced, on behalf of the Nixon administration, a voting rights bill, S. 2507. On the same day an identical bill was introduced in the House of Representatives. Since the Voting Rights Act of 1965 expires this August, the administration sought to introduce appropriate legislation early in the 91st Congress to permit enactment before the existing law expired. This was a laudable goal, and the prompt introduction of these bills permitted Congress to move ahead.

The House Judiciary Committee had hearings on the many proposals made regarding future voting rights legislation. In December, after the extensive debate and thorough examination of the facts and issues, the House passed H.R. 4249, the Nixon administration bill. The bill as passed by the House of Representatives is now before this body. Only Senate action is now required.

It should be noted, Mr. President, that the House Judiciary Committee did not report the Nixon administration bill, but reported a measure of its own, which was a simple extension of the present voting rights act for another 5-year period.

There followed a rare, spectacular, and rather dramatic legislative action on the floor of the other body. The bill recommended by the committee was laid to one side and the administration bill, virtually as introduced in the House of Representatives, was approved by that body and is now before us.

When the House bill was sent to the Senate, it was referred to the Senate Judiciary Committee, and consideration of the bill was made the responsibility of the Constitutional Rights Subcommittee, on which I am ranking Republican member. The Senator from North Carolina (Mr. Ervin) is chairman of the Subcommittee, and I wish to commend him for the excellent and complete hearings that were conducted by the subcommittee. In July of 1969, the subcommittee heard from many witnesses, including the Attorney General of the United States. Following referral of H.R. 4249, Senator Ervin sought diligently to hold additional meetings. Regrettably, due to full committee considerations, those hearings could not be completed until last week.

The bills before the subcommittee, and those considered by the House, fall into two basic categories: those that seek merely to extend the 1965 act, and those that seek to amend as well as extend the 1965 act. H.R. 4249 seeks to amend as well as to extend. The difference, in my opinion, is primarily that of approach rather than of objective. They share the same fundamental purpose—that is, to enforce the guarantee of the 15th amendment of the U.S. Constitution that the right to vote shall not be denied on account of race or color.

Both approaches are committed to the need to make more effective the voting rights of our citizens who are being denied the vote due to racial discrimination. However, H.R. 4249 goes further. It seeks, in addition, to make more effective both the rights of persons nationwide who are denied the opportunity to vote because they are undereducated and the rights of those who are denied the opportunity to vote in presidential elections because they cannot meet local residency requirements.

Both approaches provide procedures for the appointment of Federal voting observers and examiners. The 1965 act, however, applied this procedure only to six States and parts of three others. The pending bill, however, would go beyond that. It would extend this procedure to every State in the Union.

Both approaches provide procedures for challenging the laws of States or political subdivisions which are allegedly discriminating against the right of citizens to vote due to race or color. Again, basic remedies of the 1965 act apply only to six States and parts of three others. H.R. 4249, however, would apply to all States equally.

I believe these differences are strong arguments for H.R. 4249, as approved by the other body. The Nixon administration unqualifiedly supports this proposal, and the House, by a majority vote, has adopted this proposal.

I ask unanimous consent to have printed at this point in the Record the letter of December 10, 1969, from the White House, signed by the President, addressed to Gerald R. Ford, minority leader of the U.S. House of Representatives.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> The White House,
> *Washington, December 10, 1969.*
>
> Hon. Gerald R. Ford,
> *Minority Leader of the U.S. House of Representatives, Washington, D.C.*
>
> Dear Jerry: I am aware that the House is considering a five-year extension of the Voting Rights Act of 1965, and alternatively, as an amendment, the Administration-proposed nationwide voting rights bill, H.R. 12695.
>
> I strongly believe that the nationwide bill is superior because it is more comprehensive and equitable. Therefore, I believe every effort must be made to see that its essence, at least, prevails.
>
> I would stress two critical points:
>
> 1. Instead of simply extending until 1975 the present Voting Rights Act, which bans literacy tests in only seven states, as the Committee bill would do, the nationwide bill would apply to all states until January 1, 1974. It would extend protection to millions of citizens not now covered and not covered under the Committee bill.
>
> 2. H.R. 12695 assures that otherwise qualified voters would not be denied the right to vote for President merely because they changed their state of residence shortly before a national election.
>
> In short, the nationwide bill would go a long way toward insuring a vote for all our citizens in every state. Under it those millions who have been voteless in the past and thus voiceless in our government would have the legal tools they need to obtain and secure the franchise. Justice requires no less.
>
> For certainly an enlightened national legislature must admit that justice is diminished for any citizen who does not have the right to vote for those who govern him. There is no way for the disenfranchised to consider themselves equal partners in our society.
>
> This is true regardless of state or geographical location.
>
> I urge that this message be brought to your colleagues, and I hope they will join in our efforts to grant equal voting rights to all citizens of the United States.
>
> Sincerely,
>
> Richard Nixon.

Mr. HRUSKA. This letter will be the subject of a good deal of discussion. Comment has already been made on it on the floor this afternoon. I should like to point out that the plain purport of this letter is contained in the paragraphs that I shall read:

> I strongly believe that the nationwide bill is superior because it is more comprehensive and equitable. Therefore, I believe every effort must be made to see that its essence at least prevails. I would stress two critical points.

At that point, Mr. President, the letter goes on to refer, in paragraphs 1 and 2, to the matter of the suspension of all literacy tests, and the second point is the assurance that otherwise qualified voters not be denied the right to vote for President merely because they changed their State of residence shortly before a national election.

Mr. President, this nationwide voting rights bill can be summarized, briefly, in this way:

First. It would suspend, nationwide, all literacy tests in all 50 States until January 1, 1974.

Second. It would provide, nationwide, a uniform residence requirement for all Americans who want to vote in presidential elections.

Third. It would grant, nationwide, statutory authority to the Attorney General to station voting examiners and observers in any jurisdiction in all 50 States if he chooses and if the facts warrant, in order to enforce the right to register and to vote.

Fourth. It would provide, nationwide, statutory authority for the Attorney General to start voting rights lawsuits in Federal courts to prevent discriminatory practices and to suspend discriminatory voting laws in all 50 States.

Fifth. It would launch a nationwide study of the use of literacy tests or devices and other corrupt practices which may abridge voting rights in all 50 States. A national voting advisory commission would be created to report its findings prior to the expiration of the nationwide literacy test suspension in 1974.

Mr. President, I am highly gratified, as most people are, that 800,000 black Americans have been registered to vote in the six States that have been covered under the formula of the 1965 Voting Rights Act. The 1965 act was directed at the discrimination against Negroes in Southern States resulting primarily from the use of literacy tests. However, it is becoming a well-known fact that literacy tests have the effect of discriminating against all educationally disadvantaged citizens of all races and colors and residents in many of the 50 States.

As Attorney General John Mitchell said during the hearings of the Constitutional Rights Subcommittee last July:

> The widespread and increasing reliance on television and radio brings candidates and issues into the homes of almost all Americans. Under certain conditions, an understanding of the English language, and no more, is our national requirement for American citizenship.
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> Perhaps, more importantly, the rights of citizenship, in this day and age, should be freely offered to those for whom the danger of alienation from society is most severe—because they have been discriminated against in the past, because they are poor, and because they are under-educated. As responsible citizenship does not necessarily imply literacy, so responsible voting does not necessarily imply an education. Thus, it would appear that the literacy test is, at best, an artificial and unnecessary restriction on the right to vote.

A study by the U.S. Civil Rights Commission shows that, in general, States of the North and the West which have literacy tests have lower registration and turnout rates than those States without literacy tests. It can be little doubted that literacy tests in all States that have them inhibit voting by minority group persons and educationally disadvantaged

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persons. A nationwide ban on literacy tests as proposed in H.R. 4249 would add numbers of blacks and whites, Mexican Americans, Puerto Ricans, and American Indians, as well as others, to the voting rolls.

Mr. President, I now read further from the statement of the testimony of Attorney General Mr. John Mitchell:

> The proposal for a simple 5-year extension of the 1965 Voting Rights Act leaves the undereducated ghetto Negro as today's forgotten man in voting rights legislation.
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> He would be forgotten both in the 12 States outside the South which have literacy tests now and in the 31 other States which have the ability, at any time, to impose them.
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> It is not enough to continue to protect Negro voters in seven States. That consideration may have been the justification for the 1965 act. But it is unrealistic as of today.
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> I believe the literacy test is an unreasonable physical obstruction to voting even if it is administered in an evenhanded manner. It unrealistically denies the franchise to those who have no schooling. It unfairly denies the franchise to those who have been denied an equal educational opportunity because of inferior schooling in the North and the South.
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> But perhaps, most importantly, it is a psychological obstruction in the minds of many of our minority citizens. I don't have all the answers to this problem. But I suggest to this subcommittee that it is the psychological barrier of the literacy test that may be responsible for much of the low Negro voter registration in some of our major cities.
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> Because records on voter registration and voting are not kept on a racial basis in the North, it is difficult to determine conclusively the level of Negro voting participation.
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> In most Deep South counties subjected to literacy test suspension, between 50 and 75 percent of the Negroes of voting age are now registered to vote. It is clear that this level is higher than Negro voter participation in the ghettos of the two largest cities outside the South—New York and Los Angeles—where literacy tests are still in use. Furthermore, in nonliteracy test northern jurisdictions like Chicago, Cleveland, and Philadelphia, Negro registration and voting ratios are higher than in Los Angeles and New York.
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> Consider, for example, the 1968—

And here I pause and depart from the quotation long enough to say, Mr. President, not 1964 but 1968—

> voter turnout in New York City. In the core ghetto areas of Harlem, Bedford-Stuyvesant, the South Bronx and Brownsville-Ocean Hill, six nearly all-Negro assembly districts (55th, 56th, 70th, 72d, 77th, and 78th) cast an average of only 18,000 votes in 1968 despite 1960 census eligible voter population of 45,500 to 55,000. On average, fewer than 25,000 voters were registered in these districts.
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> In addition since congressional districts are roughly equal in population, voting statistics from such districts may be used for the purpose of comparing New York and California Negro vote turnouts with those of other States.
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> In the nine northern big city States—Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Michigan, Illinois, Missouri, and California—there were only 10 congressional districts where fewer than 100,000 votes were cast for Congress in 1968. Of the 10, one was in California; and eight were in New York. Each of the nine districts—the 21st California; the 11th, 12th, 14th, 19th, 20th, 21st, and 22d New York—consists, largely or partly of Negro ghetto areas.
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> These statistics illustrate a prima facie relationship between northern literacy tests and low voter participation by Negroes.

The U.S. Supreme Court told us in the Gaston County case which was decided in 1969, that any literacy test would probably discriminate against Negroes in those States which have, in the past, failed to provide equal educational opportunities for all races.

Many Negroes, who have received inferior educations in these States, have moved all over the Nation. The Bureau of the Census estimates that between 1940 and 1968, net migration of nonwhites from the South totaled more than 4 million persons. Certainly, it may be assumed that part of the migration was to those Northern and Western States which employ literacy tests now or could impose them in the future; and the effect of such tests, as in the Gaston County decision, would be to further penalize persons for the inferior education they received previously.

Thus, it would seem to be highly inequitable to permit Northern and Western States to administer a literacy test to such persons because they would still be under the educational disadvantage offered in a State which had legal segregation.

Let me mention that the National Association for the Advancement of Colored People, the American Civil Liberties Union, and the U.S. Civil Rights Commission, among others, have all urged the elimination of literacy tests as a precondition to voting. They have urged this ban nationwide.

Perhaps the most significant change which H.R. 4249 would effect in comparison with the 1965 act is in the spirit of the law. Under the formula of the coverage under the 1965 act, any State or political subdivision falling within coverage cannot make any change in its election laws without coming to Washington for permission. Under the 1965 act, it is assumed that any such change is intended to cheat the people of their rights under the 15th amendment of the Constitution.

The fundamental presumption of innocence is denied these six States and parts of three others, under an arbitrary and outmoded registration and voting turnout formula. That is based solely on the 1964 election, almost 6 years ago. Mr. David Norman, testifying before the Constitutional Rights Subcommittee for the Department of Justice, pointed out that not only would a change in filing fee for an elective office from $5 to $6 have to be approved by the Attorney General of the United States, or by a Federal court in the District of Columbia, but also that for any change from $5 to $3, there would be required that same preliminary permission from either the Attorney General or the Federal district court in the District of Columbia.

These States and subdivisions covered by the 1965 act are presumed guilty and prevented from managing their own electoral affairs until they prove themselves innocent in Federal court—not their own Federal district courts but in the Federal court of the District of Columbia.

Let us examine the broad merits of the administration bill, from the points of view that I have just been discussing.

First, it abandons the onus of regional legislation that exists with the 1965 act. That act was passed, as I will recall, for the purpose of bringing extraordinary remedies to bear on a few States of the Union where voting discrimination seemed most prevalent. This judgment concerning coverage or noncoverage, as the case may be, was based on the registration and voting records of these States in the 1964 presidential election. The act's formula was a departure from the general rules of good legislation, and, I feel, was a troublesome precedent for the future of our Federal-State relations. The Congress, however, considered the problem to be critical and the formula contained in the 1965 act was considered to be the only solution. I want the RECORD clear at this point that I voted for that act, and am satisfied that the remedies applied had salutary results. We were told at our hearings last year that over 800,000 Negroes have been registered in the covered States since passage of the act.

Mr. President, times and circumstances change. Problems, while once critical and demanding of extraordinary remedies, over time evolve toward solutions. Registration in these covered States is now as good or better than in many other States in the Union. Extraordinary remedies, in my opinion, should be necessary only to restore a situation to circumstances that can be dealt with by traditional and proven procedures. That time has now come.

Second, H.R. 4249 extends the scope of the Attorney General's power to correct abuses of the 15th amendment rights anywhere in the country. This bill grants him direct authority to send Federal voting observers and examiners to any of our 50 States. Up until now, under the 1965 act, the Attorney General could not, as to States other than the covered States, send an examiner or a registrar into any voting precinct or voting jurisdiction without first receiving permission from a Federal court. The act which we are considering today also clarifies the Attorney General's power to bring lawsuits and obtain injunctions against discriminatory laws in any State or political subdivision in the Nation. It extends his power, once a particular case of discrimination has been proven in a court of law, to suspend future laws or practices in the appropriate States or subdivisions as long as the Federal court having jurisdiction considers it necessary. Thus, while H.R. 4249 would relieve the six presently covered States from the burden of regional legislation, it would not weaken the Attorney General's ability promptly to correct voting abuses anywhere in the Nation, including those States.

I think that it is obvious that discrimination does not exist in just one part of the country. Unfortunately, discrimination occurs in different places, in differing degrees, all over the country. The administration's recommended bill would extend coverage of the Voting Rights Act to all of those instances of discrimination.

A third change from the present act is that the administration's bill would return the thrust of enforcement back to the judicial processes and away from the administrative procedures which now exist. This is important. Our system of government is based on checks and balances, and the judiciary has been the most consistently reasonable and fair arbiter in this system. Administrative procedures, in place of judicial procedures and remedies, might be necessary under extraordinary conditions, but should not be extended once the basic conditions improve. The unreviewable suspension power of the Attorney General over State and local laws contained in the 1965 act is such an administrative power; it has served its function. Registration and turnout of voters in the covered States has greatly increased. It is time now to return to our courts of law.

Furthermore, as I previously discussed, H.R. 4249 prohibits the use of literacy tests in any State in the Nation.

Finally, Mr. President, the administration bill will limit the application of State residency requirements in presidential elections. It may be reasonable to require a period of residency for local elections, but such a requirement has no relevance to presidential elections. Presidential elections receive nationwide coverage, and the issues are nationwide in scope. The Bureau of the Census indicates that 5.5 million persons were unable to vote in the 1968 presidential election due to local residency requirements. In an increasingly mobile society, this problem must be resolved.

Mr. President, I urge my colleagues to give fair and reasonable consideration to the objectives of H.R. 4249. Let me say again that those who support this bill, and those who support substitute proposals, share the same goal. That goal is to guarantee the right of each citizen to vote, recognizing in this guarantee that voting is the most fundamental right in a democratic society. The prominence of this right to the durability of our system, and the dedication that we share to the enforcement of that right, should enable us to enact the necessary legislation.

Mr. President, it would be well to remind ourselves at this time that the constitutional safeguards in regard to voting are not addressed to a single group of citizens within the United States. They are addressed to and they seek to embrace all citizens of this Nation—the people are not just any particular group of people or just within a few States, but all the people everywhere in the Nation.

The administration bill, H.R. 4249, as approved by the House of Representatives and now pending before us, seeks to put it on that basis.

It would not, either by way of substance or procedure, be directed at just a few States on a regional basis. Any State or political subdivision anywhere in the Nation would be subject to the enforcement procedures of this bill if they are derelict in their constitutional duties of registering their citizens and allowing them to vote. In this sense, few can deny that bill would be a highly superior law on a nationwide basis as opposed to a bill which is regional in its approach.

Mr. President, I yield the floor.

Mr. HANSEN. Mr. President, the facts about voting in the cold light of March 1970 are very different from those of the hot summer of 1965 when voting rights was last considered here. The gains have been impressive. Pursuant to the 1965 act the Department of Justice had sent examiners and observers into 64 counties in the South. Since August 6, 1965, when literacy tests were suspended, over 800,000 Negro voters have been registered in the seven States covered by the act. More than 50 percent of eligible Negro citizens are now registered in every Southern State. More than 375 voting laws have been submitted to the Attorney General for approval. Four hundred blacks have been elected to State and local offices throughout the South.

These are all real gains for minority citizens who before 1965 had never had the opportunity to vote or hold elective office. The 1965 act works; more than 4 years of experience with it proves that. But it is not perfect. That is why I resist the effort to simply extend its life until 1975. Why not expand its coverage, strengthen its enforcement machinery, cure its defects? I say there is no reason why not. And that is why I support the bill, H.R. 4249, now under consideration. It is a carefully considered package which would do all the things I have suggested.

Primarily, it will blanket the Nation with the same protection the present act reserves for one region. Why should minority citizens in Harlem and Watts or Roxbury or Hartford be denied the same protection as blacks in Alabama or Georgia? They should not. No one can argue the opposite. This bill will see that they are not. Literacy tests will be banned nationwide, voting observers and examiners will be able to function in all 50 States, voting rights suits will be able to be brought in any Federal district court. These are all constructive and desirable reforms that H.R. 4249 will accomplish which an extension of the present act would not.

Now is the time to make these reforms, not 5 years or 10 years from now. The 1965 act has started the momentum for action which this bill will carry out. We are not scrapping the tested provisions of the old law as some have suggested, we are adding to them new ones which will guarantee to all the rights set forth in the 15th amendment.

H.R. 4249 proposes useful, workable reforms which this Nation needs. The President and the Attorney General have suggested a sound approach to voting rights reform. Those proposals, embodied in the bill now under consideration, deserve the support of everyone in this body. They have mine.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SYMINGTON in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, earlier I indicated the feeling on the part of the majority of the committee as reflected in this informal memorandum report, that omission of present section 5 of the Voting Rights Act from any extension would be a fatal failure.

I wish to call particular attention to the point that was made by the Chairman of the Commission on Civil Rights, a very distinguished educator, the president of Notre Dame University, Father Hesburgh. He was commenting on the bill that we received from the House, H.R. 4249, the bill to which the Scott-Hart amendment is filed as a substitute. Father Hesburgh criticized H.R. 4249 as being much weaker than a simple extension of the Voting Rights Act of 1965.

Father Hesburgh has said that repeal of section 5 in its present form, is in no sense an advance in protection of the voting rights of American citizens.

He said further:

> It is a distinct retreat. It is an open invitation to those states which denied the vote to minority citizens in the past to resume doing so in the future through insertion of disingenious technicalities and changes in their election laws.
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> [It] would turn back the clock to 1957. . . . Now is not the time to gut one of the act's key provisions. (House Hearings at 299.)

Father Hesburgh stated it very forcefully. The position he takes is the position that the House Judiciary Committee took; it is the position that 10 of us on the Committee on the Judiciary of the Senate are taking. To have a complete and effective guarantee of the 15th amendment we believe it is essential that section 5 be extended for another 5 years.

A brief review of some of the events that have occurred in the intervening 5 years since the adoption of the 1965 act points up the reasons that persuaded us to urge extension of section 5.

The staff director of the U.S. Commission on Civil Rights, Mr. Howard A. Glickstein, has described some of those incidents. I think he makes a record that is solid in support of the proposition that these events of the intervening 5 years require retention of the preclearance provisions of section 5. This is the section which requires that before any adjustment is made to implement a new voting practice or anything affecting the outcome of elections, holding office, conduct of elections, or the like, such change must be approved by either the Attorney General or a three-judge Federal court.

Mr. Glickstein put the matter this way:

> In our earlier testimony, we briefly explained why Section 5 of the Act should be retained in its present form. This time, we would like to explain more fully why that section is so crucial—partly because there seems to be some confusion concerning what that section does and partly because the threat of it being repealed has been made more serious by passage of H.R. 4249.

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Noting the Supreme Court decision in the case of South Carolina against Katzenbach, Mr. Glickstein observed that:

> The Voting Rights Act of 1965 was designed to end for once and all those practices which have for decades deprived Negro citizens of their vote. The pre-enforcement submission requirement of Section 5 was compelled by their tendency to change forms without changing purpose.
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> Since its enactment, Section 5 has been interpreted by the Supreme Court to cover any State enactment which alters election laws in even a minor way. Based on the Statute's legislative history, the Court concluded that "the Voting Rights Act was aimed at the subtle, as well as the obvious State regulations which have the effect of denying citizens their right to vote because of race." Thus, the statute was held to cover changes in election laws which permit the election of county officers at large instead of on a district basis, which provide for the appointment of a previously elective official, which change the requirements for individual candidates running in elections, and which modify rules on assisting disabled voters.

Here are some of the instances that Mr. Glickstein cites which have occurred since the adoption of the 1965 act, and which make it very clear the danger we run if we fail to extend section 5 with its preclearance obligation.

In 1968 Louisiana passed a law permitting elections for police juries to be conducted on an at large basis in each Louisiana parish. Before that enactment, police juries were selected by subdivisions of parishes called wards. In 109 wards, Negroes were in the majority, according to the 1960 census, while Negroes only constituted the majority of voters in five parishes. Thus, a change from ward to at large voting would have the effect of diluting the actual or potential voting power of the Negro inhabitants.

This, happily, because of the preclearance requirement which is involved, was rejected.

Another example of the misuse of election laws which occurred in the intervening 5 years since the adoption of the 1965 act occurred in Mississippi. There the legislature passed a resolution submitting to the voters a constitutional amendment to permit the legislature by two-thirds vote to consolidate adjoining counties. Opponents of the resolution charged that it was designed to permit consolidation of counties heavily populated by Negroes with predominantly white counties: "All they're trying to do is avoid a few Negro votes," charged Senator E. K. Collins of predominantly white Jones County. Senator Ben Hilburn of predominantly white Oktibbeha County, who also opposed the measure, commented: "We get so concerned because some Negroes are voting in a few counties, we are going to disrupt our entire institutions of government."

There is another example of the continuing tendency to seek, even under the 1965 act, ways to discriminate against one who seeks to vote.

In July 1968, Anniston, Ala.—the population of which is about 27 percent black—changed its municipal elections by wards to election at large. The city was divided into five wards, each to be represented by one councilman. Although each councilman must be a resident of his ward, he is elected by the city at large. Since the population of two of the five wards is predominantly black, Negroes believe that the requirement of at-large elections was designed to prevent them from electing their own councilmen.

Another recent enactment required a voter to sign a poll list at the voting machine before he would be allowed to enter the machine to vote. This law, passed in 1969, would have the same effect as reinstatement of a literacy test and clearly violated the Voting Rights Act of 1965.

Here is another example· a bill is pending in Mississippi which would change the qualifications of candidates for school boards. The change would require that only high school graduates could run for these offices. Since in Mississippi a higher percentage of whites than blacks are high school graduates, this law could keep blacks from controlling school boards in areas in which they outnumber whites in registered voters.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. HART. Surely.

Mr. SPONG. I was not here this morning when the Senator from Pennsylvania (Mr. SCOTT) made his presentation, but the Senator has talked about violations in the past 3 or 4 years. One of the States under the present Voting Rights Act is the State of Virginia. First, I would like to ask whether, in the information that the Senator or the Judiciary Committee has received, they have had any knowledge of violations of this act that have occurred in any political subdivision in the Commonwealth of Virginia?

Mr. HART. I would have to acknowledge that I am reluctant to be stuck with my answer. I have no recollection, and would ask leave of my colleague from Virginia, if my answer is not correct, after I advise him first, to correct my answer in the RECORD.

Mr. SPONG. That is all right. I asked the question only because of the Senator's review of the matter and because he has been citing instances.

I understand, from reading what there is in the Scott-Hart amendment or substitute as introduced, that the literacy test would be national in application.

Mr. HART. The suspension would be national in application.

Mr. SPONG. The suspension; yes. I would like to ask if any of the other features of the present Voting Rights Act would be national in application?

Mr. HART. The present Voting Rights Act—and it would not be changed, merely extended—already authorizes, in those States where the triggering device is not automatic, applications by the Attorney General for the same remedies available in the "trigger areas." And, upon a finding of discriminatory practices, the court can institute test suspension, preclearance registrars, examiners, and so on. But the Scott-Hart substitute does not extend the formulation of the automatic triggering of the 1965 act. There is simply no evidence of the need for automatic coverage in the North.

Mr. SPONG. I wonder if the Senator from Michigan is aware that the State of Virginia could have avoided this requirement. I shall not take the Senator's time nor the time of the Senate to go into it this afternoon, but they were eligible to have removed themselves from this requirement perhaps 2 years ago, and for reasons I shall not go into, that was not done. Now they find themselves, if this provision is adopted, still subject to the triggering device under a law from which they could have been excluded, and a law which will not be national in its application.

I ask the Senator if he is aware that Virginia could have removed itself?

Mr. HART. I was not aware of that, and I think that perhaps at a time more convenient for the Senator from Virginia, we would all like to know why Virginia did not elect to withdraw itself and join the other 40 or 45 States excluded.

Mr. SPONG. Regardless of whether Virginia removed itself or not, I think the people of Virginia, if they had met all the other qualifications for being removed in terms of voter participation, and in the absence of any complaint about the practices in the State, would have a right, under the equal protection of the laws, to expect that they would be treated no differently than the people of Michigan, the people of Pennsylvania, or the people of any other State.

I wanted to apprise the Senator from Michigan of that fact, because I have sympathy for voting rights. I think there is a great deal of good in the bill and in the substitute that should be enacted. But the Senator from Virginia cannot acquiesce in seeing his constituents treated differently—I shall not use any other word at this time—from the people of Michigan, in the absence of any complaints, and I wanted to make that position known.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HART. Surely.

Mr. HOLLAND. As I recall, in the case in the Supreme Court, and its decision which dealt with the poll tax law of the State of Virginia, the specific statement is made in the majority opinion that no complaint has been made to the effect that Negroes are being discriminated against within the Commonwealth of Virginia. Does the Senator from Michigan remember that, or the Senator from Virginia, either of them?

Mr. SPONG. I am aware of that, and I assure both the Senator from Michigan and the Senator from Florida, who has added this fact to the colloquy, that I want to see all the citizens of Virginia protected as to their voting rights, but I want to see them treated just the same as everyone else in the United States.

Mr. HART. I thank the Senator from Virginia.

Mr. HOLLAND. If the Senator will yield further, there is such a recital in either the majority opinion or in both or all the opinions. I am not sure whether it is also in the minority opinion, but I think it is.

But I was particularly struck by the fact that it appeared in the majority opinion, written by Mr. Justice Douglas,

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who made it very clear that there was no statement at all of any discrimination, but that nevertheless, in his opinion, the State should not be allowed to prescribe the poll tax as a qualification for voting.

The minority opinion, very vigorously written, is the one that I agreed with, of course; but I did think that Mr. Justice Douglas at least was frank in his recital of the decision of the Court, which he wrote.

Mr. SPONG. I thank the Senator from Florida and the Senator from Michigan.

Mr. HART. I thank the Senator from Florida, and I think it appropriate, once again, to note for the record that there was no Member of this body more forceful nor effective in lifting the poll tax as an impediment to the exercise of the franchise whatever the motive, than was the Senator from Florida.

Mr. HOLLAND. I thank my distinguished friend, and I hope he will be generous enough to say that the motive of the Senator from Florida was good; but whether he does or not, the Senator from Florida says so.

Mr. HART. No, no; I was not questioning whatever the motive of the Senator from Florida. I was speaking of the motive for the poll tax.

Mr. HOLLAND. Oh. I understand now better what the Senator said.

Mr. SPONG. I would like to say to the Senator from Michigan that I believe I have a 12-year record in the Virginia General Assembly of advocating the removal of the poll tax.

Mr. HART. I must clarify my comment, if it was obscure. I remember in our earlier debates here, the long arguments as to who thought up the poll tax, and for what reason. I guess the history is a little mixed on that; and I suppose it was with reference to that that I made the statement as to the motive.

Mr. HOLLAND. I accept the generous statement of the Senator from Michigan, and, as matter of fact, the Senator from Florida was indulging in a little pleasantry, because he knew that the Senator from Michigan had not attacked his motives.

Mr. ERVIN. Mr. President, will the Senator from Michigan, without relinquishing his right to the floor, permit the Senator from North Carolina to indulge in the effrontery of describing the history of the poll tax? If so, the Senator from North Carolina will be glad to do so.

Mr. HART. Mr. President, we are always glad to have the Senator from North Carolina discuss matters in this field.

Mr. ERVIN. Originally, in the colonies and in the States of the Union after the colonies became a free and independent country, men were required to work on the public roads a certain number of days each year. The poll tax was originally adopted as a substitute for their personal labor. Then, instead of having to work so many days in keeping the roads they traveled in repair, they were excused from doing that work on conditions that they pay a poll tax. That is one of the origins of the poll tax.

The poll tax also had another origin. It was proposed, in some of the States, as a means of raising revenue. It was proposed at that time that no man could vote unless he had paid not only his poll tax, but all his property taxes.

So the poll tax has been in existence in the United States a long time. It did not originate in any desire to keep persons of any race from voting, because persons of the black race at the time of the origin of the poll tax were largely in slavery, and were not permitted to vote for that reason. The poll tax is a tax of great antiquity in this country.

Mr. HART. I wonder if the Senator from North Carolina would agree that as time passed, as the slave was made free, as he became eligible to vote, the retention of the poll tax was motivated, in part, at least, by a desire to add that as an additional hurdle before he could actually land inside the voting booth.

Mr. ERVIN. A poll tax was never abolished as a revenue-raising tax. As the Senator from Michigan knows, we had a fratracidal war, after which Congress passed what are known as the Reconstruction acts. Under the Reconstruction acts, Congress undertook to do indirectly just what the Voting Rights Act of 1965 did directly. Congress undertook to deny to the States the right to prescribe qualifications for voting. It provided that the States which had attempted to secede from the Union should not be permitted to have representation in the U.S. Senate or House of Representatives until they adopted State constitutions which secured to every person 21 years of age and upward the right to vote, subject to certain exceptions, such as length of residence, and the like. As a consequence, the South was compelled to adopt State constitutions which extended the right to vote to persons 21 years of age and over, subject to certain requirements of residence, and the like.

As a result of this, the former slaves, who were largely illiterate and without any understanding of government, were admitted to the ballot box. The Southern States were allowed to have representation in the U.S. Senate and House of Representatives again.

I add with great reluctance that Senators from the Southern States are not yet entitled to be full-fledged Members of this body, because whenever the Senate has before it bills in which they are particularly interested, such as the present bill, they are denied the right to develop adequately, their opposition to the bills, because they are required to yield back time under time limitations, as happened in this case.

As a result of this influx of new voters, we had in many of the Southern States, as in North Carolina, legislatures which were controlled in large part by carpetbaggers—men who came to the South with nothing in the world but a carpetbag and a pair of socks, and who ultimately went away with great wealth, which they had extorted from the poverty-striken people of the South. We did not have the veneration for people in poverty in those days that we now have. The way the carpetbaggers largely got the money was by controlling legislative bodies and obtaining the passage of laws by corruption, and the like, which resulted in the issuance of State bonds, and which in large measure they embezzled.

It became apparent to the people of North Carolina that we could not have sound State government in North Carolina until we excluded from the power to control the government of the State people who were so illiterate that they were incapable of participating wisely in government. Then we extended our poll tax not only to be a revenue-raising measure but also to be a qualification for voting, and provided that persons who failed to pay a poll tax could not participate in State elections.

I have never had any feeling that a man who did not care enough about the government which provided an education for his children, provided for the roads to travel over, and provided for the police protection to save his life or to prevent him from suffering great bodily harm and to enable him to enjoy his occupation and his habitation in peace, should not be excluded from voting, if he did not have enough interest in that government to contribute a dollar or a dollar and a half a year to the support of that government. I have never shed any real or crocodile or political tears over the use of a poll tax as a prerequisite for voting.

Mr. HART. The Senator from North Carolina would agree, however—would he not—that if there were examples where, notwithstanding the requirement of the payment of the poll tax as a condition for voting, it was made applicable in effect only to the black citizen, that was wrong?

Mr. ERVIN. I know of no case where that occurred.

Mr. HART. It was with that in mind that I asked the question, because I recall that several years ago, when this was a matter of full debate——

Mr. ERVIN. I believe this is what the Senator from Michigan is referring to. Congress passed a statute that authorized the Attorney General to attack the validity of the poll tax where it was used for discriminatory purposes. I do not know whether that is the statute to which the Senator refers.

Mr. HART. I recall testimony in the hearing record of the virtual acknowledgment by some State authority that carelessness had crept in with respect to the collection of the poll tax, and one was reminded to collect it only when the black citizen arrived, or there was a question as to, "Where is your ticket?" only when that fellow arrived. But, happily—and again I salute the senior Senator from Florida—this problem, real or imagined, is behind us; and I think we are all the better off.

Mr. ERVIN. That is true except in the question of Federal voting. Of course, it was outlawed in a most remarkable decision handed down by a judge of the Federal district court in the State of Texas. The opinion was written by a former Member of Congress, Homer Thornberry, who was appointed Federal district court judge and subsequently a Federal circuit court judge by former President Lyndon B. Johnson, who, like Homer Thornberry, is a Texan.

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Judge Thornberry wrote one of the most remarkable judicial opinions in the annals of time, in which he held that the poll tax in Texas was unconstitutional under the due process clause of the 14th amendment because the Supreme Court of the United States had held that a statute of Connecticut which prohibited the use of contraceptives by a husband and wife was unconstitutional, under the same clause of the same amendment.

Since that time, and since the very grotesque opinion of Associate Justice Douglas of the Supreme Court of the United States, in the case of Harper against Virginia State Board of Elections, the poll tax has been outlawed in Federal voting, by the constitutional amendment sponsored by the distinguished Senator from Florida (Mr. HOLLAND), by the decision of Judge Thornberry, and by the decision of Justice Douglas.

Mr. HART. Did Justice Douglas do it singlehandedly, all alone, or was that the decision of the Supreme Court of the United States?

Mr. ERVIN. There were one or two other culprits associated with it.

Mr. HART. More than half?

Mr. ERVIN. Yes, more than half. And they invalidated the Federal poll tax as a prerequisite for voting, on the ground that it was oppressive as applied to poor men. Under that law, poor men were required to pay a dollar and a half per year to the support of the State of Virginia, to be used to assist in the education of their children and the protection of themselves and their habitations from criminals, and for other State services. Justice Douglas said that that was an invidious discrimination against poor men, because poor men are not as able to pay a dollar and a half to the support of the State of Virginia as are affluent men. These are not his words, but he said this, in substance: "But I am not going to extend this very illogical reasoning any further than necessary to outlaw the State poll tax in Virginia as a prerequisite for voting, because it will invalidate every tax levied by every State, because it is more difficult for a poor man to pay any kind of tax."

Mr. HART. On occasions over the years I have wondered as to the wisdom of the actions of the Supreme Court. But, happily, I have not had to bear that cross as frequently as has the Senator from North Carolina. I realize now that he is describing one in a long series of decisions by the Supreme Court which, in his book, are unwise. Happily, only a minority of us yet in this country are moving to do other than give vocal expression to the disagreement.

Mr. ERVIN. I forgot to say that in handing down the decision of the Supreme Court, Justice Douglas disregarded the plain words of the English language employed in four places in the Constitution and threw into the judicial garbage pail two sound previous decisions of the Supreme Court; namely, Breedlove against Suttle, and United States against Butler, in which the Supreme Court had held exactly the opposite of what it held in the Virginia Board of Elections case.

Mr. HART. Perhaps I am anticipating later today in this debate, but I am sure that the Senator from North Carolina is equally outraged over the fact that the Supreme Court did sustain the constitutionality of the U.S. Voting Rights Act.

Mr. ERVIN. I will say, on that, that they engaged in the most unusual exercise of intellectual gymnastics ever performed by any like number of men, anywhere on the face of the earth, anytime in human history. [Laughter.]

Mr. HART. But the Senator does agree that while a majority may not be always right, the majority was right in the case of the 1965 Civil Rights Act?

Mr. ERVIN. I would like to say that the Senator from North Carolina takes encouragement from the fact that it has been judicially held by one of the appellate courts in the West that there is no evidence of lack of testamentary incapacity for a lawyer to disagree with the decisions of the court; and also I take comfort from the fact that my veneration for the Supreme Court is apparently much higher than the veneration of the Justices of the Supreme Court for that institution, because their dissenting opinions show that they disagree on far more decisions of the Supreme Court than the Senator from North Carolina disagrees with.

Mr. HART. If I could just conclude on that, the Senator from North Carolina disagrees more frequently with the Supreme Court in its review of congressional actions since 1957, in the field of Civil rights, than members of the Supreme Court do with themselves.

Mr. ERVIN. That is very doubtful.

Mr. HART. Specifically, the Senator from North Carolina said everything we have done heretofore has been unconstitutional.

Mr. ERVIN. Oh, no. Oh, no. I say that most things the Supreme Court did, prior to the time Chief Justice Warren became Chief Justice, were sound decisions. Very few were erroneous decisions prior to that time. But the Senator from North Carolina frequently finds, when he disagrees with a Supreme Court decision, that he has four out of the nine members of the Supreme Court in complete agreement with him. They say far more violent things about the unwisdom or the unconstitutionality of decisions than the Senator from North Carolina, being a mild-mannered man, has ever thought of saying.

Mr. HART. Let me make my question a lot more explicit.

The first Civil Rights Act that Congress adopted, during the period of Chief Justice Warren's membership on the court, was the 1957 act. Then we passed the 1960 act, the 1964 act, and the 1965 act.

Now the Senator from North Carolina disagrees in each of those debates with our contention that what we were proposing would be constitutional. The Supreme Court, so far as I know, without dissent, sustained our position.

Now my question is: Does the Senator from North Carolina find himself in sharper disagreement with the Supreme Court in arriving at civil rights legislation since 1957 than members of the Court do with themselves?

Mr. ERVIN. Well, I doubt that seriously, in the long run, because of the effect of the Civil Rights Act of 1965. Justice Black wrote two dissenting opinions, in which he pointed out his disagreement with the provisions of the act. The act requires the Southern States in the United States, to leave their homes and come up to Washington and tip their hats to the Attorney General and say, "Mr. Attorney General, please let this law which we passed in the exercise of the legislative powers according to the Constitution become effective."

I might state that I disagree with a number of decisions of the Supreme Court. I think that in the writing of the decisions of the Supreme Court on civil rights they mummicked up the Constitution.

I told a story here the other day about John Watts, a bricklayer, around the year 1900, who was skilled at laying brick but was not so very well versed in theology. John went out to the church one day and was preaching, as he did whenever he could find a vacant church to let him preach. But Jobe Hicks, another resident of the county, came staggering by, after having had a few drinks of Burke County liquor which was alleged to be a potent beverage, and after John Watts had preached, Jobe came staggering up the aisle and dragged him through the door and threw him out.

Jobe was later duly convicted of disturbing a religious worship in violation of the North Carolina statute for that kind of conduct and Judge Robinson, the presiding judge, who apparently had no great confidence in John Watt's theology, was seeking some way to get him off in a merciful manner.

He said, "When are you going to stop this unseemingly conduct on the Sabbath and coming before me so intoxicated as not to realize what you were doing?"

Hicks said, "I had had several drinks of Burke County liquor but did not think I could stand by and see the word of the Lord being mummicked up by John Watts without doing something about it."

That was the reason I opposed the civil rights bill to which the Senator from Michigan referred.

These bills were subject to these vices, although the Supreme Court of the United States held them constitutional. The situation at the time I opposed them was that they were irreconcilable with the plain words of the Constitution. Furthermore, they were irreconcilable with many previous decisions of the Supreme Court of the United States. Furthermore, they ignored the warning of James Madison that where all the powers of government are concentrated in one persons or one government, there is tyranny by whatever name that government may be called. They were concentrating in the central government at Washington, powers reserved to the States by the Constitution, powers which should have been exercised at the local level, or powers which rightly belonged to individuals.

As I say, I never made a statement that any one of these acts or bills, I would say,

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as they were called at that time, were unconstitutional, unless I could be able to cite the verse from the Constitution which was in harmony with any statement or decision of the Supreme Court of the United States which supported my position.

I never predicted that any of these provisions would be held unconstitutional except where I had authority either from the Constitution itself or the decision of the Supreme Court itself to sustain my point. It just turned out that I had entirely too much confidence in the judicial stability of the Supreme Court of the United States on a majority of its members.

Mr. HART. I thank the Senator from North Carolina.

Mr. ERVIN. I thank the Senator from Michigan.

Mr. HART. Just on the off chance that anyone will read this RECORD and might be curious as to what the Supreme Court said, wisely, I think—unwisely, as the Senator from North Carolina would say, let me cite for the record, as I conclude, the cases in which the Supreme Court has sustained the constitutionality of the Voting Rights Act of 1965: *South Carolina* v. *Katzenbach*, 383 U.S. 301; *Katzenbach* v. *Morgan*, 301 U.S. 641; and *Allen* v. *Board of Election*, 339 U.S. 594.

The most recent decision, the Allen decision, would deal with the section 5 requirement that the Senator from North Carolina speaks of, a preclearance petition.

Mr. ERVIN. Mr. President, I should like to refer to the opinions.

Mr. HART. Surely.

Mr. ERVIN. Mr. President, at the time the Supreme Court of the United States handed down the decision in South Carolina against Katzenbach, the Constitution of the United States declared in section 2, article 1, section 1, article 2, the 10th amendment, and the 17th amendment, that the States had a right to prescribe the qualifications for voting, subject to the limitation that they could not prescribe either race or sex as a qualification, or deny equal protection.

They also had a provision that Congress could not pass a bill of attainder—a bill of attainder meaning one that condemns individuals or persons of being guilty of violation of the law without judicial law and punish them on that basis.

All decisions up to that time, such as ex parte Milligan, declared in substance that no notion more pernicious in its consequences was ever invented by man that the notion that any provision of the Constitution could be suspended under any circumstances.

In the South Carolina case, the Supreme Court did uphold the 1965 Voting Rights Act. And in so doing, it reached the strange conclusion that Congress had the power to pass a bill of attainder, condemning the States, their election officials, and their people for having violated the 15th amendment. They condemned by a legislative declaration, without a judicial trial, and on that basis suspended the constitutional power of a State to prescribe a literacy test.

It also held that the triggering device of the bill was perfectly rational in providing that where less than 50 percent of the population of voting age in a State or county failed to vote for a presidential candidate in the election of 1964, it was automatically guilty of violating the 15th amendment.

The decision of the Supreme Court to the contrary notwithstanding, that is a most irrational deduction because a State can admit any person within its borders to the registration booths, but it has no way to compel him to vote. And up to that time, it was always held that where a fact was not controllable by the party against whom the presumption was raised the fact created a presumption that was irrational.

In Katzenbach against Morgan, the Court invalidated a literacy test in New York which required a particular person, as a condition precedent to being able to vote, to be able to read and write in the English language. That policy had been upheld by a unanimous decision of the Supreme Court in decisions such as in Lassiter against the Northampton Board of Elections.

Under the ruling in Katzenbach against Morgan, Congress has the power to deprive all of the States of the power to make, enforce, and interpret laws. I say that because the Court in that opinion said that the section 5 of the 14th amendment empowered Congress to nullify the State voting requirement in perfect harmony with the provisions of the equal-protection clause of the 14th amendment; and not only that but to also substitute in its stead Federal voting requirements, notwithstanding the fact that Congress was forbidden to substitute a voting requirement by four different sections of the Constitution.

It also said that when Congress invalidated the State voting requirement, the Supreme Court of the United States would not even inquire into the question whether the State voting requirement was in harmony with the equal-protection clause and other provisions of the Constitution.

The Supreme Court held that notwithstanding the constitutionality of the State law, Congress could strike down any State law if the Supreme Court could see that it would have a tendency to keep a State from violating the equal protection clause. All the equal protection clause means is that no State shall treat people similarly situated in a different manner.

So, the New York literacy test law was clearly constitutional and had been so adjudged by the New York Court of Appeals and by a three-judge court of appeals sitting in the State of New York. If that opinion be law, then Congress has the power under the section 5 of the 14th amendment to deprive the States of the power to make laws, enforce laws, and to interpret laws. For if States cannot make laws, enforce laws, or interpret laws, they certainly cannot violate the equal protection clause.

I thank the Senator from Michigan for yielding so much time from me and for his very genial manner in so doing.

I have only one regret about the Senator from Michigan, and that is a fact which I assume to be so—but hope will not be so—that he is not willing to allow the law to provide that the people who will be condemned by the extension of the Voting Rights Act of 1965 will be condemned on the basis of their evil conduct alone in 1968, rather than on the basis of their evil conduct back in 1964.

I want to have that amendment agreed to, because it will say to those who are condemned that they will be unlike Esau. The Bible story was that Esau sought for repentance and found none.

I hope that the Senator will provide a method of repentance for the people who happen to be in a few States of the Union.

Mr. HART. Mr. President, I appreciate the comments made by the Senator from North Carolina, and I will certainly give attention to the amendment when it is offered.

I find in my notes an anticipatory answer, however, to the amendment.

It states on page 18 of the memorandum that it was the opinion of 10 of us on the Judiciary Committee filing the memorandum, that we suggest that the participation level of 1964 was a valid test for determining that practices existed which necessitated the automatic features of the act. It was not intended as a measure of an adequate level of political enfranchisement, but as a reasonable basis for the presumption of the existence of official actions to deny or abridge the right to vote on account of race or color and not necessarily a test by which we would say that the sins from decades of prior practice had been removed.

Mr. ERVIN. That includes my amendment. The Senators are not willing to extend to us any repentance for our former sins, but we will be condemned throughout the unforeseeable future, despite our pleas for repentance and for forgiveness because of the sins we are supposed to have committed in times past.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. HOLLAND. Mr. President, first, I want to say that I am not going to join either of my distinguished friends either at the mourner's bench or in argument before the Supreme Court; but since some reference has been made to the history of the poll tax I wish to put in one fact at this time which may be of interest.

The poll tax originated before the Constitution was framed. It existed in New Hampshire—$1 a year—and was held to be a qualification for voting. However, it had been put in there as the most liberal requirement for voting to be found in any of the original States and it was so regarded. In every other State—and the Senator from Florida had some occasion to research this matter in times past, when the poll tax was active—the requirements to qualify for voting were much more rigid than those in the way of taxpaying requirements or property owning requirements or even other requirements which we would not want to see voiced at this time. It was a liberal requirement at that time. I wanted that

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statement to appear in the RECORD at this point.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. GURNEY. Mr. President, in looking through the report which accompanied H.R. 4249 in the House of Representatives, I was interested in reading the registration statistics contained therein on page 4. The table there gives the registration statistics of present white registration and nonwhite registration in the spring and summer of 1968 in the States we have been talking about, the seven States of the South, as well as the percentage of nonwhite registration prior to the Voting Rights Act of 1965.

I must say I was taken with the progress that has been made there. I would think this represented a little more than 2 years' work. The act went into effect in August of 1965, as I recall. I suppose it took a while to get teams cranked up to put voters on the books and I suppose that represents a little more than 2 years' work. The progress has been dramatic. Probably these statistics today, 2 years later, would show further progress in nonwhite new registration.

I wish to ask the Senator this question. What would the Senator from Michigan feel would be an adequate registration on the black side in order to remove this symbol of degradation and onus cast on these seven States by the Voting Rights Act of 1965?

Mr. HART. I think it is not so much a question of percentage in the future as it is the passage of some time. The old laws will recur if we abandon the automatic feature of the 1965 act.

As the Senator from Florida says, the increase has been dramatic, and I agree with him; but it has been under the spur of legislation and the absolute suspension of laws which, prior to 1965, produced the dramatic low participation.

I think we are talking about a patient who was in a state of extremes and then was taken to the hospital, and now is doing very well. But it does not follow that because the hospital care has produced improvement you can now throw away the oxygen tent and throw him out on the street again, as the weather on the street is the same as that which caused him to go to the hospital.

I prefer not to talk about percentages but those kinds of facts which I mentioned earlier.

Mr. GURNEY. I still prefer my question, and I think it is a fair question for those on the other side to ask. Where there is dramatic evidence of this sort, is it not fair to ask at what point the Senator thinks he will be satisfied with evidence of new registration? We think it is a fair question. Obviously, the Senator is not impressed by this progress.

Mr. HART. I am convinced by it. I do not want to get rid of supervision. Five years ago we suggested 10 years was an appropriate period. That was the recommendation of the Civil Rights Commission. Given the existence of the need to obtain a majority here, but sometimes two-thirds of those present and voting being required, it was trimmed back to 5 years.

We are running out of time in that 5-year period. We are delighted to see the progress but, I say, the patient should be protected for a brief additional period. We are suggesting another 5 years; resuming the position we took 5 years ago.

Mr. GURNEY. I did not expect the Senator from Michigan would actually answer the question in a factual fashion although I do make this observation. Even though his point might be valid that further time might be needed—I do not admit it does, but let us say that is a valid point—it does not appear to me—and, of course, I am not representing one of these States involved but I am next to some of them—it does not seem to me to be a very fair attitude, with this very dramatic progress, to reenact the Voting Rights Act, which is prejudicial and leveled against a very small section of the country for another 5 years. It seems to me that in fair play it might be well to try for a year or 2 years across the country.

I think in all the fuss and fight in the civil rights field we have made enough progress that all of us had better stop pointing a finger at the other fellow and holding that he is all wrong and that we are right. That is the point I make because this sort of legislation, tackled the way it is tackled, is no healing device for anyone in the country and I think it is the wrong approach.

Even though the point the Senator from Michigan makes may be valid, I do not think the idea of a meat ax approach for another 5 years, in just the same fashion, treating the people just the same as they were treated 5 years ago, in the face of amazing progress, is a very fair way to legislate.

Mr. HART. I did cite some instances which have occurred in some of those States in the 5 years immediately past to suggest that while there has been this very substantial progress, there have been incidents documented of efforts to develop new stratagems, new practices, even where the tests had been automatically suspended. So I think there is a basis for suggesting, as we do, a further extension of the tests. Again, it is a question of when the patient is wholly well. One national election has intervened. The progress is good.

Mr. GURNEY. I would simply make this further observation. Admitted, there probably are people who are trying to dodge, who still adhere to the old ways. I think probably this is a part of human nature. It is hard, sometimes, to revise character overnight.

As I see what is going on in our part of the country—and certainly the part of the State of Florida in which I live is just as much in the Deep South, if I may refer to it in that term, as Alabama and Georgia—in all those areas, as we saw in the school debate we had 2 weeks ago, there is a completely changed feeling. In that part of the country there is good feeling both with regard to school enrollment and voting rights.

The point I make is that I wish people from the Northern States, who are not intimately acquainted with our problems in our part of the country, would take as truth some of the remarks some of us are making—that there is a change of attitude.

We would hope that this change of attitude might be recognized in some of the pieces of legislation like this one coming before the Senate, rather than, 5 years later, being treated just exactly like the same culprit we were made out to be 5 years ago. This does not make sense at all, and I do not think it furthers good relations in the country, or makes any contribution in the field of voting rights. That is the only point I make.

Mr. HART. I understand the position, and we are not now in the same position we were 5 years ago, able to cite a century long list of rather dramatic reasons for suspension. But there have been many examples. The Senator has said that perhaps it is only a few of them who were reluctant to abandon old tendencies. But so long as they are there, I think it is unfair to suggest the desirability of removing the suspensions.

I do acknowledge the marked increase in participation, and I am sure that just those raw figures themselves account in part for some of the change in attitude. They represent voters now, not just theoretical voters, but actual participants at the ballot box, and that has brought about a change in attitude of citizens, North and South alike.

Mr. ERVIN. Mr. President, will the Senator yield to me so I may give him an assurance that ought to encourage him and also to tell him how the law has operated in four of the 39 counties of my State, in the hope that my recitation of these things may soften his heart a little bit——

Mr. HART. I am disappointed in the Senator's suggestion of the condition of my heart.

Mr. ERVIN. No; I am trying to get the Senator's conscience and heart to operate in concert with each other. Let me point out that no Federal registrars have been appointed in North Carolina.

Mr. HART. That I do know.

Mr. ERVIN. Everybody who has been registered in North Carolina has been registered by what some people choose to think of as sinful southerners.

Further, may I say to the Senator from Michigan, I live in North Carolina and I do not know of a single person who has been denied the right to register and vote in North Carolina on account of his race in the last 30 years. I heard some charges made that some were denied that right in three precincts back in 1956, but when I investigated those charges, I found that the State board of elections had corrected the matter by administrative process and everyone concerned had been allowed to register in time to vote in the May 1956 primary.

Here is the way it is operating in Onslow County, in Cumberland County, in Wake County, and in Guilford County.

Onslow County is the site of Camp Lejeune, the greatest Marine base, I believe, on the face of the earth. When the Census Bureau questioned the people in Onslow County to determine whether 50 percent of the people in Onslow County had voted in 1964, they counted all of the marines who were stationed there and all the wives of the married marines

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stationed there. Only by doing so were they able to show that less than 50 percent of the people of Onslow County voted in the 1964 election, as required. Most of those marines and their wives were not residents of North Carolina and could not have voted in North Carolina under the law of North Carolina constitutionally applicable to them.

Cumberland County is the site of Fort Bragg, which I understand is the greatest military installation, in numbers of persons, anywhere in the United States. It is a county where they have had blacks in some areas as registrars and assistant registrars for years. Cumberland County was denied the right to exercise constitutional powers belonging to it as a subdivision of North Carolina because the nonresident soldiers and their families there were counted to determine whether 50 percent of the population of Cumberland County had voted in the 1964 presidential election.

One of the most remarkable applications of this act was to Guilford County, N.C., which is the site of the University of North Carolina, which is the site of one of the great North Carolina land-grant colleges, North Carolina Agricultural and Technical University, which is the site of one of the famous colleges maintained by the Quakers, Guilford College, which is the site of a black institution, Bennett College, which is the site of a fine Methodist institution, Greensboro College.

This county would be, in the opinion of the Senator from Michigan, one of the most liberal-minded counties in the United States of America.

They counted all of these college students—thousands of them—in order to determine whether 50 percent of the citizens in that county who were of voting age had voted in the 1964 presidential election. By reason of counting the college students, they fell a little short of that, and they have since been denied, and would be denied under the pending proposal, for 5 years more, the right to exercise the constitutional powers given to them by the Constitution of the United States in four sections, and on the assumed basis, under the triggering device, that they discriminated against blacks in registration and voting.

This county, in the last Legislature of North Carolina, was represented by a black man who introduced a resolution to abolish the literacy test. When this black man from Guilford County introduced the proposal to abolish the literacy test in the legislature, the Legislature of North Carolina, which consisted of 50 senators, all of the other 49 being white, and 119 other representatives, all of whom were white, adopted the resolution, and it is to be voted on at the next general election this fall.

Although the Senator from North Carolina thinks that people ought to be able to read and write in order to vote, in order to have an enlightened electorate, he is tempted to vote for the repeal to keep North Carolina from being included among the culprits simply because it has a literacy test.

But the most striking illustration of this was in Wake County, N.C., the seat of the North Carolina State government, and also the seat of many institutions of higher learning, and also the seat of one of the great hospitals for the mentally ill, and also the site of Central State Prison, where persons convicted of felonies are confined.

When the Census Bureau started counting up the people of Wake County, it found it not only had to count the students in educational institutions who resided in other parts of the State and other States, but it also had to count all of the unfortunate people who were confined in the hospital for the mentally ill on account of their mental illness, and also all the felons confined in the State prison, in order to determine whether 50 percent of the people of Wake County had participated in the presidential election of 1964.

By counting the mentally ill persons, most of whom were not residents of Wake County, and who were disqualified to vote under North Carolina law, and by counting the felons confined in the State's prison, most of whom did not live in Wake County, and who could not have voted anywhere in North Carolina because of their convictions for felonies, they managed to bring Wake County within the coverage of this triggering device.

That was too much for even the hard-hearted Department of Justice, and that hard-hearted Department decided that it would release Wake County from the coverage of the act by a consent judgment, up here in the district court. But in order to get that consent judgment, Wake County had to come up to Washington, D.C. It had to come up to Washington, D.C., because under this Voting Rights Act of 1965, all of the Federal judges residing in North Carolina are deemed unfit to exercise their judicial powers in a case where a county in North Carolina which is condemned by this act seeks to be exonerated from its very illogical conviction.

Mr. HART. The Senator from Michigan remembers very clearly the sharp criticism of the Senator from North Carolina 5 years ago on this particular aspect of the 1965 act.

Mr. ERVIN. I am sorry it did not penetrate the consciences of a majority of the U.S. Senate, since if it had, this calumny on North Carolina Federal judges would never have been perpetrated.

Mr. GURNEY. Mr. President, will the Senator yield briefly for an observation?

Mr. ERVIN. I yield.

Mr. GURNEY. In view of the recitation of the able Senator from North Carolina of some of the voting rights statistics, my observation is that though there were sins on both sides, the most recent sins appear to have been committed by the proponents of this voting rights legislation, instead of the opponents.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. HOLLAND. First, I ask unanimous consent that the compilation of States at the top of page 4 in the House of Representatives committee report be printed in the RECORD at this point, because I wish to refer to it.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Voter registration in the South, spring-summer, 1968		Percent nonwhite registration prior to Voting Rights Act of 1965
	Percent, white registration	Percent, nonwhite registration	
Alabama	82.5	56.7	19.3
Georgia	84.7	56.1	27.4
Louisiana	87.9	59.3	31.6
Mississippi	92.4	59.4	6.7
North Carolina	78.7	55.3	46.8
South Carolina	65.6	50.8	37.3
Virginia	67.0	58.4	38.3

Source: Voter education project, voter registration in the South, summer 1968, U.S. Commission on Civil Rights, report entitled "Political Participation" (1968) at pp. 12-13.

Mr. HOLLAND. This compilation covers the seven Southern States. Two of those States did not have supervisors appointed, and did not have Federal officials go into them to seek to improve the figures of voting registration. Those two States were North Carolina and Virginia. I am sure the Senator knows this to be the case.

The reason I refer to the compilation is this: Those two States, as well as the other five, show a material increase in the registration of nonwhite citizens. In North Carolina, the registration went up from 46.8 percent of the nonwhite citizens to 55.3 percent of the nonwhite citizens. In Virginia, it went up from 38.3 percent to 58.4 percent, or an increase of a little more than 20 percent. There were no voting registrars appointed in either of those States.

The reason I bring out this fact is that we had a similar increase in the registration of Negro citizens to vote in the State which I represent in part, the State of Florida. In spite of the fact that the poll tax requirement had been canceled in our State as a requisite for voting in 1937, the inertia which prevailed among the colored citizens when it came to registering to vote proved to be very great; and while we had about 300,000 who had registered prior to the time of passage of the Voting Rights Act of 1965, we have had a substantial addition to that number since that time, due not at all to the appointing of any supervisors of registration or any other Federal employess to come down there, but due to the fact, first, that there were civilian groups who were active in trying to get more of them to register, and second to the fact that time had passed since 1937, and with every additional year or 2 years, because our elections are customarily held every 2 years, we were finding an increase in voting registrations.

There was no ban, there was no discouragement, and there was no interference with the voting rights of the Negroes in our State. Even in the debate at the time of the passage of the Voting Rights Act of 1965 on this Senate floor, it was stated freely by the proponents of that bill that the bill should not apply to the State of Florida, and it was not designed to apply to our State.

But nevertheless there has been—and that is my point—a material increase of will to participate. There has been a material increase of education. There has been a material increase in efforts by various groups to get the minority residents of voting age to register.

The point I am bringing out here is that in Virginia, the increase in registration was even greater than it was in some of the States where an army of Federal voting supervisors went in. In that State, the increase of Negro participants was from 38.3 percent to 58.4 percent participation in registration. I do not mean in voting, because I have no information on that.

The point I am making, therefore, is that there is abundant evidence in this list itself of the fact that the effort to get the Negro citizen to register for voting greatly enlarged and was greatly more successful, as shown by the figures, in North Carolina and Virginia, where there were no supervisors appointed; and in the State of Florida, though their figures are not here, I have stated very freely for the RECORD that the number of Negro registrants has increased. I cannot give the exact figures. I did give, in the debate of 1965, the exact figures on registrants then. My recollection is that it was about 300,000. Perhaps my able and distinguished colleague who has participated in an election at a later date than I have, can give a later figure on the Negro registrants in Florida. I am unable to do so, but I do know that even in my own county, which has never had any objection to the registration of Negroes, at least not for many, many years—certainly not since 1937, when the poll tax requirement was knocked out—there was a substantial increase in the number of Negro registrants.

I suspect that the same was true in Orange County, where my distinguished colleague lives. I know that it was true in the State at large, because I saw the figures quoted repeatedly in the press.

There has been this urge for greater participation, and if that is in part due to the passage of this act, that has been at least one good result. I hesitate to admit that there has been any good result from the passage of the act, because I think an act which requires a State or a county within a State to come up here and submit to the jurisdiction of the courts in the District of Columbia to get corrected what has been a patent error, as in the cases listed by our distinguished colleague from North Carolina, is just as wrong as it can be. I think it is an unnecessary insult to the United States district judges who sit down there, and to the people of the several States.

I think that it is time—and my own feeling is it is long past time—when we all know that the public consciousness and the public conscience in this field have been greatly aroused, and when every effort is being made to get all citizens to register. Some of them never will register, and we do not know what that number may be. But the fact is that we know that that feeling now persists.

I see no justification at all for the continuance of this law for an additional 5 years. It seems to me that it is an added insult to the Southern States. It does not happen to apply to my own State, but I do not like to see it apply to our two neighboring States of Georgia and Alabama or to any other of the Southern States and not apply to all States. So far as the Senator from Florida is concerned, he would rather have it apply to his State along with the others and to all the States in the Union than to have it apply only to 5 or 6 selected Southern States where the improvement in participation in registration—and I suspect also in exercising the voting right—has been so great in these last years.

In some instances supervisors have been named, and in other instances no supervisor has come, none has been ordered, and yet immense improvement in participation has occurred, as in Virginia, where, I repeat, the registration of Negro voters has gone up from 38.3 percent prior to 1965 to 58.4 percent in 1968.

I think that is a fact that the Senator from Michigan could well consider and that I hope will impel him to the conclusion that this act ought to be either canceled—and that is what I would prefer—or made to apply to all States throughout the Nation. After all, we are part of this Nation. Those of us who are here from the Southern States have fought for our country. There is hardly an exception in the rule here. Our sons have fought for our country. In some instances even our grandsons have fought for our country. We think we are just as good Americans as there are anywhere, and we do not like to be singled out for this kind of treatment.

At a time when we are talking about discrimination, I hope that my distinguished friend will realize what kind of discrimination he is suggesting by the effort to continue this law for an additional 5 years.

I thank the Senator for yielding.

Mr. HART. I understand the reasons that cause the senior Senator from Florida to speak as he does and to reach the conclusion he draws. I, perhaps operating from a different set of premises, find myself not in agreement.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. GURNEY. My able senior colleague from Florida raised the question of whether I had later registration statistics on our Negro voters. I do not have those in mind.

I will say, however, that my senior colleague is correct when he says there has been an increase in Negro voter registration in Florida in recent years.

As a matter of fact, in that connection, it is very interesting to note that the most dramatic increase in black voter registration in Florida in recent years occurred in the election of 1964, 1 year prior to the voting rights bill. I recall that very dramatically, because in my home county of Orange, about 10,000 new Negro voters went on the rolls, almost all Democrat, and I had won the previous election by only 3,000 votes. So it concerned me greatly, and I recall the figure quite dramatically.

But we have not had any problem that I can recall in putting Negro registrants on the books, and we have had a constant increase in recent times, and even before the 1965 act.

Mr. HART. Mr. President, I appreciate the willingness of my friends to engage in this give and take. We do see the responsibility of the Senate with respect to the extension of the 1965 act and its essential features in different light. I am glad that the senior Senator from Florida placed in the RECORD the figures he did, which do indeed show a very substantial increase in the nonwhite voting registration in the several States, two of which, as the Senator from Florida accurately reported, never were the object of examiners.

However, the question here is that of the chicken and the egg. I think a little of the persuasion of the 1965 act is reflected at least in some of those improved figures.

Again, I have cited specific examples of intervening action by public authority which would have been effective had it not been for the 1965 act and which could undo some of the progress. It is progress that was made possible at least in part by the 1965 act.

Our position is as our substitute indicates: a belief that the improvement is to be encouraged, the progress acknowledged, and the safeguards maintained.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. ELLENDER. I read from the second paragraph of the report:

> The purpose of H.R. 4249 is to continue in full force and effect all the provisions of the Voting Rights Act of 1965 for an additional five years.

As I understand, the only change made, in effect, is that the act will apply to all States. Is my understanding correct?

Mr. HART. The 1965 act—let us be honest about it—applies to all States equally. If Michigan had happened to have had an inadequate percentage of registration of nonwhites, it would have applied.

Mr. ELLENDER. Does the Senator mean under that formula?

Mr. HART. Indeed. It applied, without naming any States, to any State that met the formula.

In addition, the authority is granted in the 1965 act, and extended in the substitute, for courts to impose the same restraints on any State notwithstanding its failure to fall under the triggering formula, if in fact there is proof of practice which constitutes discrimination which inhibits the realization of the 14th and 15th amendment promises.

Mr. ELLENDER. By extending the act for 5 years, what makes the Senator believe that the same effort will not be made to continue the program as in the past?

Mr. HART. Is the point of the Senator's question that if we continue it for another 5 years, will be back here in 1975 asking for still another 5 years? Is that the question?

Mr. ELLENDER. I just cannot understand the position.

Mr. HART. Very briefly, the act of 1965 sought to correct a problem that

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was, I think, grievous, which was the cumulative result of decades of unequal treatment. I think we would all agree that there have been instances where the judgment as to the eligibility of a person to vote was made when he was 50 feet away—if it was daylight. The cumulative effect of those habits caused us in 1965 to say, "We are going to suspend some of those tests. If need be, we are going to put registrars in there to get people on the rolls, and to see to it that they are counted when they are on the rolls." That has produced some substantial improvement in participation, as is reflected in one national election.

But, as I said before the Senator from Louisiana arrived—well, I will not use the same example. I had suggested that the patient was in a hospital. He had had one crisis. He is now breathing easily, but the oxygen machine should not be taken away.

I could put it in another way: If a parent begins to crack down on having his child straighten his room before he leaves in the morning or making certain that his shirt is clean each day, while there is such a parental drive on, the child will act properly. His room is clean, his laundry is in order, and he wears a clean shirt.

But it does not follow that if the parent stops that supervision for a week, the child's basic habits will have been adequately adjusted to insure a straightened room and a clean shirt. That is the reason that persuades us to suggest an extension for another 5 years.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. ERVIN. I suggest that the Senator's simile is somewhat wrong. I think that the doctor, instead of trying to cure the patient, is strangling him. Instead of taking the oxygen tank away, I think the doctor has kind of hit him in the head so that he cannot recover on his own.

This law was recommended in 1965 by a President who came from Texas and was drawn under the auspices of an Attorney General who came from Texas. They were careful to get advice which would condemn South Carolina, Georgia, Alabama, Mississippi, Louisiana, and parts of North Carolina and Virginia, which had voting tests. They were doing that, I charge, because they thought it would be politically appropriate for them. They were not trying to select the States having the lowest voting record, because the State which had the lowest record, according to my recollection of the 1965 hearings, was Texas, which had no literacy test, and Texas was where the Attorney General and President lived.

If they had been interested in getting people to vote in States where the voting records were low, they would have taken Texas, a State whose record was far inferior to that of North Carolina, which was condemned. Out of the 240 counties in Texas, they would have condemned about 125 or 150, where the voting records were far lower than in the 39 North Carolina counties that were condemned by the act. This was discriminatory—I am not charging this to the Senator from Michigan but am charging it to the 1965 Civil Rights Act—which was considered in discrimination against seven States and was brought forth in discrimination against seven States because it would deprive them of the rights which would be allowed to the other 43 States to exercise their constitutional powers.

I thank the distingiushed Senator from Michigan. I should like to say that anything I may have said during my colloquy with him is not to be interpreted to mean that I do not have a very deep affection for the Senator from Michigan and a very high admiration of him.

My only regret is that the distinguished Senator from Michigan does not share my sound views on this question. [Laughter].

Mr. HART. I am very grateful to the Senator from North Carolina and I am also grateful to others who have participated in this colloquy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. GURNEY in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

ORDER FOR ROUTINE MORNING BUSINESS TOMORROW AND THE FURTHER CONSIDERATION OF UNFINISHED BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the speech by the able Senator from Arkansas (Mr. MCCLELLAN), there be a period for the transaction of routine morning business, that Senators be permitted during that period for the transaction of routine morning business to make speeches, that those speeches be not to exceed 3 minutes, and that at the conclusion of the morning business on tomorrow, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER (Mr. DOLE in the chair). Is there objection? The Chair hears none, and it is so ordered.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (House Resolution 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. ERVIN. Mr. President, the Scott substitute for the administration bill reminds me of the man who was absent from home and received a telegram from his family's undertaker.

The telegram stated:

> Your mother-in-law died today. Shall we cremate or bury her?

The man sent the following reply to the undertaker:

> Take no chances. Cremate and bury.

That is precisely what the Scott substitute proposes to do in five Southern States and to parts of two other Southern States. It does this by a triggering device which will make certain that the other 43 States of the Union will be permitted to remain full-fledged States of the Union and be permitted to exercise all of their constitutional rights and that the Southern States affected shall be reduced to the status of conquered provinces.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. TALMADGE. Mr. President, if an act of Congress is beneficial for any State or any group of States or any region of the country, should it not be equally beneficial for all?

Mr. ERVIN. That would be my view, if the country is going to be regarded as a unified country, containing States of equal dignity and power.

This is a proposal, however, to reduce seven States to a position of inferiority in the sisterhood of States. And in view of the fact that the administration bill would deprive the same States and parts of States of the power to use a literacy test, I do not see why anyone wants to pass the Scott substitute unless he feels in his heart that it would be politically advisable to insult the seven Southern States.

Mr. President, that great political thinker and leader during the founding of our Republic, James Madison, authored words which bear directly upon the legislation now before the Senate. He wrote:

> The right of suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the (national) legislature.

Madison's wise caution against granting Congress power over the franchise was incorporated in the Federal Constitution. And I might state at this point, Mr. President, that the Constitution of the United States now enjoys almost the same low repute in the Nation as do the seven Southern States against which the Scott substitute is pointed.

For nearly 200 years the Supreme Court and the Congress agreed with the wisdom of the Constitution and abided by the plain language which gave the States power to establish voter qualifications. The fact that the Supreme Court and the Congress have suddenly turned their backs on two centuries of American constitutional history has given me great concern.

It is within the context of this constitutional history that I want to offer my thoughts concerning the 1965 Voting Rights Act and various proposed amendments to it.

Before the Senate for consideration are the administration's proposal—incorporated in H.R. 4249—which would improve in several ways the Voting Rights Act of 1965, the proposal to extend the act for 5 years in its present form, and the so-called Hart-Scott com-

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promise, which extends all the iniquities of the 1965 act for 5 years and adds to it the most clearly unconstitutional features of the administration's bill. In addition, I have introduced several amendments to the 1965 act which I shall call up if the Senate should be so unwise as to move toward extension of the act.

THE MARCH 1 DEADLINE

The March 1, 1970, deadline imposed by supporters of an extension of the 1965 act on committee consideration of these proposals has made it impossible for the Judiciary Committee to deliberate and discuss the important constitutional and practical issues involved with this type of legislation. The time limit serves the interests of those who want no real discussion of the issues, who have already made up their minds, and who have decided to ignore completely viewpoints different from their own. As a result the bill will have to be written on the Senate floor instead of in committee. The time "saved" by the gag rule will be more than lost because of the extended debate that now must be conducted on the Senate floor.

Those who imposed the December gag rule said it was necessary in order to avoid delay and obstructionism. I respectfully submit that there is nothing in the past record of the Subcommittee on Constitutional Rights, to which the bill was referred, which could possibly suggest delay or obstruction, either as to this legislation or any other so-called civil rights legislation. The fact is that as chairman of this subcommittee I have always guaranteed due process, equal rights, and fairness for all—even to those who profess to believe in these rights, but who choose to ignore them to a small minority on the committee.

In order to set the record straight, I think it would be well to review the chronology of subcommittee action on the particular proposals now before the Senate.

S. 2456, a bill extending the act 5 years, was introduced on June 19, 1969, by Senator HART on behalf of a number of other Senators. On June 30, 1969, the administration bill, S. 2507, was introduced. The next day I announced subcommittee hearings, to begin 8 days later. These hearings were held as scheduled and all who asked to testify were allowed to do so. The hearings were then recessed to await action by the House as is common practice with respect to civil rights bills.

In the period before the House acted I received no request, either formal or informal, written or oral, for the subcommittee to act on the bills. Not even one representative of that highly astute legislative team of civil rights lobbyists suggested that the subcommittee consider the bill before the House acted.

Having passed the House on December 8, H.R. 4249 was referred to committee on December 16. Hearings were called on December 19 to begin on January 27, 1970, right after the start of the new session. The record since then is as follows:

The hearings of January 27 were canceled because of hearings by the full committee on the nomination of Judge Carswell.

Hearings were scheduled for January 28. They were canceled because of hearings by the full committee on the nomination of Judge Carswell.

Hearings were scheduled for January 29. They were canceled because of hearings by the full committee on the nomination of Judge Carswell.

Hearings were scheduled for February 3. They were canceled because of hearings by the full committee on the nomination of Judge Carswell.

Hearings were scheduled for February 4. They were canceled because of a Rules Committee meeting on appropriations for 1970 work of subcommittees.

Hearings were scheduled for February 5. They were canceled because of an executive meeting of the committee on the nomination of Judge Carswell.

Hearings were scheduled for February 17. They were canceled because of an announced executive meeting of the full committee, which was itself later canceled.

Finally on February 18, 1970, with only 8 legislative days remaining until the March 1 deadline, the subcommittee was able to begin its hearings.

We held hearings on that day, and on February 19, 24, 25, and 26. All in all, we heard from 15 witnesses, and no doubt would have heard from many more had we been given the time to act properly on this bill.

Mr. President, I believe that an examination of the witness list for these hearings will show without doubt that all viewpoints were represented. Our witnesses included the Governor of one State affected by the 1965 act, the attorney general of another State affected by the act, representatives of the Leadership Conference on Civil Rights, the Southern Regional Council, the U.S. Commission on Civil Rights, and the Justice Department. We also heard from representatives of private groups interested in the legislation. Within the limits granted us by the deadline, all who asked to testify were accorded an opportunity to do so.

When the hearings were completed, one legislative day remained for us to act, and for the full committee thence to act, before the deadline.

Immediately following the close of our hearings we attempted to convene an executive meeting. Because of the necessarily short notice we had to give the subcommittee members, they did not have time to readjust their schedules. Quite naturally and expectedly, it proved impossible to obtain a quorum though we tried all day. While we had barely sufficient time to hear all witnesses who requested to testify, there was clearly no time left for Senators to discuss the proposals in subcommittee and committee.

Despite the history of fairness by the subcommittee on all legislation committed to it for consideration, the Senate saw fit to impose a gag rule on its operations. Therefore, I must now take advantage of the freedom of speech guaranteed to Senators on the Senate floor to present more fully my objections to the proposals now before the Senate.

OBJECTIONS TO 1965 ACT

When the Voting Rights Act was first proposed in Congress, I stated my belief that all qualified citizens of all races should have the right to register and vote. I also said that any person who attempts to deny or abridge another's right to vote on account of race should be prosecuted to the full extent of the law. I have continually urged the Department of Justice to enforce vigorously the laws already on the books respecting voting rights. If they had done so before 1965, or if they did so now, there would be no call for additional legislation.

During the years I have been in the Senate I have had cause to interrogate four U.S. Attorneys General with respect to what courses of action they have taken under acts of Congress passed about 100 years ago making it a crime for any State official to deny to any qualified citizen on account of his race his right to register and vote. Four Attorneys General preceding the present incumbent of that office have testified in my presence that they have never made any real effort to have any State official prosecuted under these 100-year-old statutes for denying any qualified voter his right to vote on the basis of his race. On one occasion when the Attorney General appeared before the Committee on the Judiciary and asked for increased powers in the voting rights field, he was interrogated by me with respect to what he had done with the laws on the books. He said he had not used them; he just wanted some more laws.

I told him he reminded me of a story they tell down in my country about John and Mary who were courting each other, in the common parlance of North Carolina. One night they were sitting on a bench together in the moonlight with the fragrance of roses filling the air, and when all the attending circumstances were such as to inspire romantic feelings, John said to Mary, "Mary, if you wasn't what you is, what would you like to be?" Mary said, "John, if I wasn't what I is, I would like to be an American Beauty rose." Then Mary turned the question on John and said, "John, if you wasn't what you is, what would you like to be?" And John said, "Mary, if I wasn't what I is, I would like to be an octopus." Mary said, "What is an octopus?" John said, "An octopus is some kind of a fish or something that has a thousand arms." And Mary said, "John, if you was an octopus and had a thousand arms, what would you do with all those arms?" John said, "Mary, I would put every one around you." Mary said, "Go away, John. You ain't used the two you already got."

So we have all these attorneys in the Justice Department. They will not use all the laws they already have, and they come down here asking for more laws and more laws, until the books are cluttered with laws on voting rights.

So here we have a proposal in one of the bills—namely, the Scott substitute—that seven States of the South, whose principal offense is that they lie south of the Mason-Dixon line and are politically helpless, be denied their right to use lit-

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eracy tests by two separate provisions, both operating at the same time.

Frankly, it sort of hurts my feelings to have proposals made in the U.S. Senate in a single bill which indicate that in the minds of the sponsors of that bill some of my constituents are so bad that they have to have two separate laws in the same bill to keep them from doing the selfsame act.

I have expressed my support for any Federal legislation designed to protect voting rights which is constitutionally sound and which is applied uniformly to all the States. I reaffirm those statements now. All my life I have sought to insure that every qualified citizen is permitted to register, granted the right to vote, and encouraged to vote. That is the essence of democracy, and the only true guarantee that constitutional government will survive in this country.

However, constitutional government cannot survive if, in the guise of protecting the right to vote, we run roughshod over the Constitution. I believed in 1965 that the Voting Rights Act was an unconstitutional method by which to accomplish a worthy end—the protection of every citizen's right to vote. I believed the Voting Rights Act was also regional and vindictive legislation. It stands condemned on these grounds as an affront to the Constitution, and to the reputation of the body which enacted it.

For these reason, I opposed the Voting Rights Act in 1965. For these same reasons I oppose the extension of the act for another 5 years.

This iniquitous law—doubly iniquitous because it seeks good in an evil manner—should be allowed to expire quietly.

STATE AUTHORITY TO SET VOTING QUALIFICATIONS

I have searched in vain for the constitutional justification for the 1965 act. Any person who can read and understand the English language can see that the Federal Constitution grants to the States the power to prescribe voter qualifications. Section 2 of article I, section 1 of article II, the 10th amendment and the 17th amendment clearly set forth this power of the States. Until very recently neither the Congress nor the Federal courts has had difficulty understanding this plain language in the Constitution.

For the benefit of the Senate, I read these excerpts from the Constitution.

Article I, section 2, reads as follows:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Article II, section 1, reads:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The 17th amendment reads:

> The electors in each State (for the election of Senators) shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The 10th amendment reads:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This power of the State to set voting qualifications is subject only to the limitations of the two amendments, respecting abridgment based on race or sex, and of the 14th amendment, respecting denial of equal application of the laws. Subject only to prohibiting legislation to enforce these three limitations, Congress has no authority over voting.

Whenever Congress has wanted to affect voter qualifications, it has used the process of constitutional amendment. The 19th amendment granting women the right to vote is an example. Even now, those who support lowering the voting age to 18 so far appear to be honoring constitutional principles in proposing that this change be brought about by constitutional amendment.

The Supreme Court in the 1959 decision of *Lassiter* v. *Northampton*, 360 U.S. 45 (1959), upholding the constitutional validity of North Carolina's literacy test, recognized the power of the States over voter qualifications. Some of the language of that opinion makes direct reference to several of the proposals before the Senate. I quote from pages 50 through 52 of the case:

> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, *Pope* v. *Williams*, 193 U.S. 621, 633; *Mason* v. *Missouri*, 179 U.S. 328, 335, absent of course the discrimination which the Constitution condemns. Article I, section 2 of the Constitution in its provision for the election of Members of the House of Representatives and the 17th amendment in its provision for the election of Senators provide that officials will be chosen "by the People." Each provision goes on to state that "the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature." So while the right of suffrage is established and guaranteed by the Constitution—*Ex parte Yarbrough*, 110 U.S. 651, 663–665; *Smith* v. *Allwright*, 321 U.S. 649, 661–662—it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress acting pursuant to its constitutional powers, has imposed. See *United States* v. *Classic*, 313 U.S. 299, 315. While section 2 of the 14th amendment, which provides for apportionment of Representatives among the States according to their respective numbers counting the whole number of persons in each State—except Indians not taxed—speaks of "the right to vote," the right protected "refers to the right to vote as established by the laws and constitution of the State." *McPherson* v. *Blacker*, 146 U.S. 1, 39.
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> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record—*Davis* v. *Beason*, 133 U.S. 333, 345–347—are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show.

Thus, Mr. President, until recently both the Congress and the Supreme Court have respected the plain language of the Constitution which grants to the States the power to set voter qualifications.

THE DANGEROUS CONSTITUTIONAL DOCTRINE OF SOUTH CAROLINA AGAINST KATZENBACH AND KATZENBACH AGAINST MORGAN

Several recent Supreme Court decisions upholding the constitutional validity of the 1965 Voting Rights Act have radically departed from the clear meaning of this plain language. These are *South Carolina* v. *Katzenbach*, 385 U.S. 301 (1966); *Katzenbach* v. *Morgan*, 385 U.S. 641 (1966); and *Gaston County* v. *United States*, 395 U.S. 285 (1969). I respectfully submit that the constitutional theory set forth in these decisions as a justification for the Voting Rights Act of 1965 is a strange and dangerous view of the Federal Constitution.

The constitutional power of the States to establish voter qualifications, including literacy tests and residency requirements, is of course subject to the limitation, prescribed in the 15th amendment, that no State may deny or abridge the right of a citizen to vote on account of race, color, or previous condition of servitude. Section 2 of the 15th amendment gives to Congress the power to enforce this prohibition by "appropriate legislation."

Supporters of the 1965 act have relied on section 2 of the 15th amendment as the constitutional basis for the act. The Supreme Court in *South Carolina* v. *Katzenbach*, 383 U.S. 307 (1966) supported this view, holding that all the provisions of the 1965 act there brought in issue represented a proper exercise of Congress' authority under section 2 of the 15th amendment. Notwithstanding that decision, I believe that what the Court described as "an inventive manner" of exercising congressional power under the 15th amendment actually constituted a serious rejection of the constitutional primacy of the States over voter qualifications and an assault on several other fundamental constitutional principles.

Section 2 of the 15th amendment has been, until very recently, generally regarded as a "negative" grant of power to the Congress. Under this interpretation, the States retain their exclusive power to prescribe voter qualifications unless such power is used to deny or abridge the right to vote on account of race. This interpretation respects the vitality of section 2 of article I, section 1 of article II, the 10th amendment and the 17th amendment. The Supreme Court itself in *Lassister* v. *Northampton County Board of Elections* (360 U.S. 45 (1959)), continued its long tradition of interpreting section 2 of the 15th amendment as granting to Congress an essential "negative" power.

This is the traditional and logical interpretation of the 15th amendment. Moreover, this interpretation preserves the dignity and the meaning of the other constitutional provisions respecting voting. Under this doctrine, the Constitu-

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tion consists of provisions of equal dignity, and is interpreted to give meaning to every part.

Regretfully, the Supreme Court in South Carolina against Katzenbach departed from this old and wise view of the 15th amendment. According to this expansive view of congressional power under the 15th amendment, Congress can and has nullified State power to set voter qualifications without any judicial or reasonable determination that such qualifications violate the 15th amendment.

If literacy tests, constitutional on their face and as applied, can be prohibited by Congress as in the 1965 act, then what is left of State power over voter qualifications?

If a State or county must submit every proposed change in its election laws to the U.S. Attorney General for approval, as is required by the 1965 act, what remains of State power to establish any laws governing the electoral process?

As much as I disagree with the interpretation of section 2 of the 15th amendment which was invented to validate the Voting Rights Act of 1965, I am even more concerned by the Supreme Court's new interpretation of section 5 of the 14th amendment for the same purpose.

The Supreme Court in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), asserted that section 5 of the 14th amendment in effect grants Congress the power to define the equal protection clause. This new theory of congressional power to enact "appropriate legislation" to secure equal protection of the law is a theory which can be employed to eliminate all State legislative and judicial power over any matter. The constitutional theory set forth in Katzenbach against Morgan could quite literally establish the basis for dismantling completely the federal system provided for in the Constitution.

In Katzenbach against Morgan, the Supreme Court held that section 4(e) of the Voting Rights Act was constitutional. That section prohibits a State from establishing an English literacy test as a prerequisite to voting and declares that persons who have obtained a sixth grade education in an American-flag school where the predominant language is other than English are qualified to vote.

Thus the Court in the Morgan case ruled that Congress under section 5 of the 14th amendment could nullify a State statute which the Court admitted was in perfect harmony with the Constitution and which we passed pursuant to power given the States under the four articles of the Constitution I have quoted. In place of this valid statute, Congress passed its own voter qualification statute in violation of grants of power withheld from it by four provisions of the Constitution.

In effect, the Court decided that the Constitution is a set of mutually repugnant provisions of unequal dignity; that section 5 of the 14th amendment can swallow up the rest of the Constitution; that through it, Congress can set at nought all other restrictions on its power found in the Constitution.

Already some witnesses have broached the idea that the voting age could be lowered nationally to 18 by means of congressional statute rather than constitutional amendment. And I think I saw a gleam in the eyes of some of my brethren when they heard this suggestion. I only hope their good sense prevails, and they restrain themselves from such temptation.

For I confess I agree that if the very illogical theory of Justice Brennan in the Morgan case is carried to its logical conclusion, such an age limitation could be established by statute. And, I might add, if this very illogical theory is carried to its logical conclusion, Congress could set the voting age limitation at 15 years, 16 years, or 30 years.

Mr. Justice Brennan wrote the majority opinion in Morgan. In it, he said:

> Correctly viewed, Section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment. 384 U.S. 641.

Thus, if Congress determines in its own boundless wisdom that a certain State action violates or threatens to violate or might conceivably violate equal protection of the law, it can, in effect, render meaningless the constitutional source of power for that particular State action. The power to set voting qualifications is only one of the State powers which Congress could eliminate under the guise of enforcing the equal protection clause.

Congress could do anything else it wished to nullify State law and State power if, in doing so, it claimed it was sheeking to make certain no State ever violated equal protection. In fact, the best way to insure that no State ever violates the equal protection clause, or the due process clause, or the privileges and immunities clause of the 14th amendment, would be to replace all the State laws by Federal laws.

In the view of Justice Brennan, Congress' power under section 5, with respect to equal protection and due process, is as broad as its power under the commerce clause. Justice Brennan further said that the Court's function to review congressional action under section 5 was as limited as its power under the commerce clause. He quoted John Marshall in McCulloch against Maryland:

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional. 384 U.S. 641 (1966).

Mr. President, I submit that in making that statement, Justice Brennan totally misapplied the words of Chief Justice John Marshall. An act of Congress nullifying a State statute or State constitutional principle establishing a voting qualification is not within the scope of the Constitution. Indeed, it is contrary to the Constitution. It is not consistent with the Constitution. Indeed, it is prohibited by four different provisions of the Constitution.

Notwithstanding these things, Mr. Justice Brennan necessarily held that something which the Constitution four times prohibits is legitimate, and thus reaches the queer conclusion that the fifth section of the 14th amendment gives Congress the power to nullify a State law which is in perfect harmony with the 14th amendment and which Congress is prohibited from passing by four provisions of the Constitution.

In the words of one of our witnesses, the only restraint upon Congress' authority under section 5 is the collective wisdom of the members of this body.

Mr. President, the Constitution was written to put restraints on government. The Founders rejected the theory that the liberty of a free people should depend on the self-restraint of the Governors. Yet, under Justice Brennan's theory, Congress can legislate on all matters from before the cradle to after the grave. And the only protection we now have for the preservation of our liberties is the hope that Congress will exercise self-restraint.

Such are the logical consequences of the illogical theory of the Morgan case.

THE PROVISIONS OF THE 1965 ACT

The 1965 act contains provisions which are contrary to some of the most basic principles of the Constitution, and to elementary notions of fair legislative play. Despite the fact that it is unconstitutional, unfair, and vindictively regional legislation, the 88th Congress enacted it in 1965. I only hope that the 91st Congress will be more disposed to listen to reason and not extend it.

THE TRIGGER DEVICE

An examination of the act demonstrates that even under the expansive "Supreme Court-Morgan" theory, it can hardly be deemed "appropriate" legislation to secure voting rights.

The formula used to bring six Southern States and 39 counties of North Carolina under the provisions of the act contains no reference whatever to a denial or abridgment of the right to vote on account of race, color, or previous condition of servitude. It arbitrarily and illogically assumes a violation of the 15th amendment whenever but only when States and counties with literacy tests had less than 50 percent of their voting-age population registered or actually voting in the 1964 presidential election.

Under this theory, a State could register all of its citizens, of every race, and yet if 51 percent chose not to cast their votes in an election year, the State would be condemned of a discriminatory use of its literacy test. How this can be logical, I do not know. For 5 years no one has explained its logic to me.

Let me give another illustration of this illogical trigger. Assume that a county has 25 percent of its population of the Negro race, and 75 percent of the Caucasion race. Assume all of the blacks register but less than one-third of the whites do. Under this law, that county stands condemned of discriminating against blacks by a literacy test. And if all the blacks vote and less than one-third the whites vote, then the county

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has discriminated again against blacks by requiring a literacy test.

The practical absurdity of this formula can be documented by comparative voting statistics of North Carolina and New York, both of which had literacy tests in 1964, as they still do. Fifty-two percent of all North Carolinians of voting age voted in the 1964 presidential election. Nevertheless, 39 of North Carolina's 100 counties were presumed by the Voting Rights Act of 1965 to have violated the 15th amendment merely because they voted less than 50 percent and the State had a literacy test declared by the Supreme Court in 1959 to be consistent with the 14th and 15th amendments.

New York County, N.Y., voted only 51.3 percent in the 1964 election, yet it is untouched by the 1965 act. Hyde County, N.C., which voted 49.7 percent, is presumed to have violated the 15th amendment. How can it seriously and reasonably be asserted that a presumption of voting discrimination on account of race can depend upon a failure to achieve 50 percent voter participation by three-tenths of 1 percent, but no presumption exisits because of a margin of 1.3 percent.

If "political subdivisions" in the 1965 act had included present congressional districts, the New York district represented in Congress by Congressman ADAM CLAYTON POWELL would now be condemned under the act because in that district less than 50 percent of the voting age population voted in the 1964 presidential election. Is it reasonable to assume, from the existence of the New York State literacy test and the 1964 voter turnout, a violation of the 15th amendment in Mr. POWELL's district?

Mr. President, it was no accident that the formula incorporated in the 1965 act resulted in exclusive application of that statute to Southern States. Only a cynical determination to punish a particular region of the country can explain why 39 counties of North Carolina were condemned as having violated the 15th amendment when there has been not one bit of evidence that any person has been denied the right to vote on account of race in North Carolina.

THE 1968 ELECTION RESULTS

If there is no logic in the formula of the 1965 act to show a violation of the 15th amendment, there is even less logic and no justification in continuing to rely on 1964 statistics in the face of a subsequent presidential election.

North Carolina met the 50-percent requirement again in 1968. Of the 39 North Carolina counties covered by the 1965 act, every county registered more than 50 percent of their respective voting age populations in 1968.

Only eight counties appear to have voted less than 50 percent in 1968, and it is instructive to note that in one of these counties the black voter registration exceeds the total registration of voters.

A number of North Carolina counties are subject to the act only because their large, predominantly nonresident military populations are included in the computation of the trigger. If we use 1968 figures, and exclude nonresidents and disqualified persons, and if we eliminate the incomprehensible 50-percent voting standard as proof of discrimination in registration, then North Carolina would be completely free of this act which has unjustifiably condemned it of violating the Constitution.

By way of contrast, in at least four counties in New York State, a State with a literacy test, less than 50 percent of the estimated voting age population voted in 1968. Yet, these counties will not be condemned under the proposed extension of the Voting Rights Act because only 1964 election figures are now relevant to a violation of the 15th amendment.

While I would prefer, of course, to see this discriminatory legislation suffer its long overdue demise, I canont ignore the inclination of the Congress to enact any legislation tagged as "civil rights" legislation. Therefore, in order to provide some sense of reasonableness and fairness in the trigger device, I have submitted amendments to the 1965 act substituting 1968 election voting figures for the 1964 figures as the basis for bringing States and counties under the operation of the act. I also propose that nonresident military personnel, nonresident students, convicted felons, and inmates of mental institutions—all of whom are disqualified from voting—be excluded from the computation of the trigger mechanism.

Despite the fact there have been no allegations of racial discrimination in voting in North Carolina between 1965 and 1970, 39 of North Carolina's counties continue to be condemned as having violated the 15th amendment. The fact that, as one witness before the subcommittee reported, only 19,000 more black voters have registered in North Carolina since the enactment of the 1965 act would appear to suggest, according to reasoning of those who support an extension of the act, that presumed violations of the 15th amendment in North Carolina, remedied by the 1965 act, did not and do not account for the level of black voter participation in North Carolina. And yet, North Carolina stands condemned.

Mr. President, proponents of extending the 1965 act insist on using 1964 voting statistics as the exclusive test in determining a violation of the 15th amendment. They do this with the knowledge that this insistence means that only Southern States and counties will continue to be affected by the provisions of the act. This frankly cynical argument confirms completely my original suspicions that the 1965 act was designed specifically to condemn one region of this country and thereby to deny to States of that region their constitutional power to set voter qualifications as enjoyed by every other State in the Union. This is as much admitted by them. The only argument I have heard is the frank reason—and cynically frank reason—that if we use 1968 results, some of the States now covered would no longer be covered.

SECTION 5

One of the particularly onerous forms of discriminatory treatment is incorporated in section 5 of the 1965 act. Under that section a State or political subdivision condemned under the trigger device of the act must submit any changes in its election laws to the Attorney General or the three-judge district court for the District of Columbia. The State of North Carolina, which, in this century, has never been proven guilty of denying a single person the right to vote on account of race, must, hat-in-hand, take every change in its election laws to Washington for approval by persons who have no constitutional authority whatsoever over voter qualifications.

The scope of authority of section 5 has been vastly increased by a recent Supreme Court decision, *Allen* v. *State Board of Elections*, 393 U.S. 544, (1969). In that case the Supreme Court defined the act's language—"any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting"—to include "any State enactment which altered the election law of a covered State in even a minor way." (393 U.S. 544). The Court determined that, among other changes, a change in the method of selecting a county official, from election to appointment, had to be submitted to the Attorney General. Changes in city limits, candidate filing fees, times during which polling places are open for voting, and any other State or county law or rule in any way connected with voting must be approved by a Federal court in the District of Columbia or an officer of the U.S. Government who has traditionally been the President's "chief political advisor." The 1965 act substitutes the Attorney General for George III, who "has refused his assent to laws, the most wholesome and necessary for the public good." That is a quotation from the Declaration of Independence.

(At this point Mr. EAGLETON took the chair as Presiding Officer.)

Mr. ERVIN. Mr. President, though the indignity and unconstitutionality of this provision are alone sufficient reasons to oppose section 5, the testimony of a Justice Department lawyer who helped write the 1965 act is conclusive proof that there is no basis for continuing this usurpation of State power. He testified before the Subcommittee on Constitutional Rights that section 5 had been of minimal, if any, assistance in securing the right to vote against racial discrimination. As he told the subcommittee:

> What we conclude, then, from more than four years' experience with Section 5, is that while it may have some benefits, they are outweighed by the burdens incident to its enforcement and the possible abuses inherent in it.

It has been over 100 years since Gen. Robert E. Lee surrendered at Appomattox. I am still waiting for the day to arrive when a Southern State will be entitled to full recognition as a member of this great United States. Until the Congress ceases from enacting discriminatory and undignifying legislation of the nature of section 5 of the 1965 act,

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the reality of a true union remains merely a hope for the distant future.

EFFECTIVENESS OF THE 1965 ACT

While my fundamental objectives to the 1965 act are on constitutional grounds, I must question also the reasonableness of extending this act on the grounds of its effectiveness in securing the right to vote. There are those who casually assert that the large increase in black registration figures in the covered States between 1965 and 1970 is a direct result of the 1965 act. And yet, Mr. President, there are at least two important pieces of evidence which seriously challenge that assertion.

In North Carolina, before the enactment of the 1965 act, there were approximately 260,000 blacks registered to vote. By 1970, that number had increased to approximately 279,000. This represents about a 7 percent increase over 5 years. Considering only the factor of those blacks reaching 21 years old during this 5-year period, it is unlikely that any of this increase could be reasonably attributed to the 1965 act.

While admittedly more difficult to evaluate, the existence of widespread, well-financed black voter-registration drives throughout the South in the 1960's, and particularly since 1964, has been of great importance in increasing black voter registration. The director of one of these efforts reported to the subcommittee that since 1962 his organization has distributed nearly 500 grants and expended about $3 million to register black citizens in the 11 States of the South. He said that he believes his organization, through its programs of research and publicity, has been responsible for the registration of about 11 million blacks throughout the South since 1962.

Mr. President, if these figures are even reasonably accurate, it has been the voter registration drives in the South, not the 1965 act, which have resulted in the increases in black voter registration in the 1960's. This fact again confirms my suspicion that the attempt to continue the 1965 act is a cynical and sad effort by some to browbeat the Southland in hopes of political gain in their own States.

EXCLUSIVE VENUE IN THE U.S. DISTRICT COURT IN WASHINGTON

The act also does violence to common notions of fair judicial process. For instance, the law provides that a State or county covered by the formula may escape the disabilities imposed only by obtaining, from a three-judge district court convened in the District of Columbia, a declaratory judgment to the effect that neither the State nor the county nor any person acting under color of law has during the preceding 5 years denied or abridged anyone's right to vote because of race or color.

The law slams shut the doors of every court in the United States to States covered by the formula, except the district court of the District of Columbia. There is no valid reason why a case cannot be disposed of with the same intelligence and integrity and the same dispatch by a three-judge court sitting in Charlotte, N.C., or Richmond, Va. A law compelling State officials to travel hundreds, or even thousands of miles at great expense to seek justice is not a fair law.

I believe I should quote a little more of the Declaration of Independence for the benefit of those who profess to see in this act a vindication of the principles it contains. One of the reasons Thomas Jefferson gave for the colonies severing their bonds with the mother country England was "for transporting us beyond seas to be tried for pretended offenses." Yet, 190 years later, Congress requires the same thing.

This is an extraordinary provision of the law, one which has little actual precedent behind it—and no worthy precedent. What this is, in effect, is a statement that Federal judicial officers so unfortunate as to have been born in the South, or to hold court in the South, must be presumed to violate their oath of office when voting rights cases come before them. It is an insult to the dignity and honor of those judges, and it is sorry commentary on the good sense of the Congress. For everyone knows that there is no more liberal court sitting in this country on civil rights cases—the Supreme Court itself not excepted—than the judges in the Fifth Circuit U.S. Court of Appeals, which covers most of the States subject to the law.

THE GASTON COUNTY CASE

I must say that, in view of the Supreme Court's decision in Gaston County against United States, it would appear that under no conceivable circumstances would the expense of traveling to the District of Columbia district court be justified. Despite the assurances of those who supported the 1965 act, even a jurisdiction found to be completely innocent of any voter discrimination over the past 5 years, cannot escape the net of the magic formula, under this decision.

The Gaston County case, decided on June 2, 1969, is another example of the regrettable habit of the Supreme Court of altering the work of Congress to conform with its own notions of desirable legislation.

In March of 1966, the Attorney General determined that Gaston County, N.C., fell under the ban of the Voting Rights Act because less than 50 percent of the eligible voters had registered and voted in the 1964 election. This automatically suspended the literacy test—a determination from which there is no appeal. In August of 1966, pursuant to the provisions of the act, Gaston County brought an action in the Federal district court in Washington, D.C., seeking to reinstate the literacy test by showing that it had not been used during the last 5 years for the purpose or with the effect of denying to any person the right to vote on account of race or color.

In a 2-to-1 decision the three-judge district court held that since Gaston County had maintained segregated schools for many years prior to passage of the act, Negroes presently of voting age had attended schools of inferior quality. Therefore, it followed that the literacy tests operated to discriminate against them. The Supreme Court in a 7-to-1 decision affirmed the district court's determination and its reasoning.

The Court quickly brushed over Gaston County's contention that any person subjected to the slightest amount of education could pass the simple literacy test established by North Carolina. The North Carolina constitution provides that "any person presenting himself for registration shall be able to read and write any section of the Constitution in the English language." In practice, officials in Gaston County made this process even simpler. The only thing a person had to do was copy any sentence from the constitution, and he was allowed as much time as he needed. In Gaston County this was more a test of penmanship than of literacy.

Uncontested testimony was presented at the trial by a Negro school principal to the effect that all of the schools in Gaston County "would have been able to teach any Negro child to read and write so that he could read a newspaper, so that he could read any simple material." Obviously, any person with a third-grade education could pass the simple North Carolina test of copying one sentence from the State constitution. Furthermore, Judge Skelly Wright, who wrote the district court decision, stated that the test had not been deliberately used for the purpose of discrimination.

The Voting Rights Act makes it clear that Congress did not intend to abolish all literacy tests. Furthermore, Congress did not intend to suspend literacy tests irrevocably even where the trigger-device operated. Congress set forth detailed provisions—stringent as they may be—to permit States and counties to escape from the provisions of the act if they could show that the tests had not been discriminately used during the previous 5-year period.

The Court, however, has added a new provision to the act by keeping under its provisions all States and countries which, prior to 1954, maintained a separate school system. The Court ignores the fact that the "separate but equal" doctrine was the law of the land until 1954. And it should be remembered that Plessy against Ferguson, which established the "separate but equal" doctrine, was not a product of Congress or the Southern States—it was the work of the Supreme Court.

To eliminate the exclusive venue of the district court for the District of Columbia, I have submitted an amendment to the 1964 act which would open the doors of the district courts for the States or counties which might be affected by the act.

EXAMINERS AND REGISTRARS

Section 4(a) provides that if 20 or more residents of a State or political subdivision allege that "they have been denied the right to vote under color of law by reason of race or color, and that the Attorney General believes such complaints to be meritorious, or that in his judgment the appointment of examiners is otherwise necessary to enforce the guarantees of the 15th amendment, the

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Civil Service Commission shall appoint as many examiners in such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections."

This section gives the Attorney General complete discretion as to whether voting examiners should be appointed in the areas covered by the bill. The Attorney General is not even required to offer reasonable grounds for his action or for his belief that the right to vote has been denied by reason of race or color and that the appointment of examiners is necessary. It is an unconstitutional delegation of authority to the Attorney General to let the constitutional rights of the States to regulate elections and to set reasonable and nondiscriminatory voter qualifications depend merely upon his belief that the appointment of examiners by the Federal Government would facilitate enforcement of the 15th amendment.

Once again we might look to the Declaration of Independence for wisdom on this power of the Attorney General—"He has erected a multitude of new offices to harass our people and eat out their substances."

THE 1965 ACT AMOUNTS TO A BILL OF ATTAINDER

The legislative condemnation of the 1965 act of Southern States and election officials constitutes a bill of attainder expressly forbidden by the U.S. Constitution. The people of seven States and parts of other States, and more particularly the State election officials in those areas, are convicted under the formula of the 1965 act of violating the 15th amendment without any semblance of judicial trial. Chief Justice Warren in South Carolina against Katzenbach did not deny that this condemnation constituted a bill of attainder but dismissed the contention on the basis that the constitutional prohibition against the bill of attainder does not protect States.

This is a most peculiar opinion, which must have caused Mr. Warren much difficulty to write. States are not metaphysical concepts, like incorporeal hereditaments, which exist in the minds of lawyers. They are composed of people, acting through other people who are their agents as State officials. The condemnation of a State is the condemnation of State officials and the citizens who selected them. To say that the bill of attainder does not protect the States is to say that it does not protect State officials. Yet the Supreme Court in *U.S.* v. *Lovett*, 328 U.S. 303 (1946) ruled quite rightly that the prohibition against bills of attainder operates to protect Federal officials.

EQUALITY OF THE STATES

The 1965 act violates another one of the most fundamental doctrines of our federal system of government, the equality of the States. The act operates to deny to certain Southern States the constitutional authority given all States to prescribe voting qualifications. While I believe that in the absence of proof of racial discrimination, any restriction by Congress on the States power to set voting qualifications violates the Constitution, certainly a restriction on the power of only certain States constitutes an even greater disregard of constitutional principles.

The Supreme Court overcame this hurdle in a most unusual way. In South Carolina against Katzenbach it said that the doctrine of equality of the States applies only to the moment of entry into the Union. Before entry, they are not equal as territories. After entry, one micromillisecond after admission, they are again no longer equal. In effect, the Court has said that there can be as many varieties of States as there are Heinz' pickles—although I do not believe you can make kosher pickles out of such an unkosher doctrine.

In concluding, Mr. President, I reiterate my belief that every American regardless of race, color, or creed should have the right to vote. With others, I share the view that the right to participate in the American political process underlies all other rights. But I also believe it my duty as a U.S. Senator to uphold the Constitution of the United States. It is, after all, this instrument which secures for all Americans those rights which have made this country or theoretically have made this country a land of "liberty and justice for all."

In my judgment, the Voting Rights Act of 1965 is clearly contrary to the plain language and the sacred principles of the Constitution. Because of this, I vigorously opposed the enactment of the 1965 act. On these same grounds, I oppose its extension. Not only does the act violate the language of the Constitution, but it treats six Southern States and 39 counties of my own State as "conquered provinces." I hope that the time will soon arrive when American citizens living south of the Mason-Dixon line can be accorded full faith and credit for being as determined to honor the principles of the Constitution as citizens living anywhere else. Until that time, I must continue to speak out against the kind of unconstitutional and discriminatory legislation which is presently before this body.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the distinguished junior Senator from Alabama.

Mr. ALLEN. Mr. President, I wish to commend the able and distinguished Senator from North Carolina on this very learned, erudite, and scholarly speech. I just wish that this speech, which in itself, rises to the quality and far exceeds that of an opinion of the Supreme Court, could be substituted for the Supreme Court decisions upholding the constitutionality of the 1965 Voting Rights Act.

Mr. ERVIN. I thank the distinguished Senator from Alabama for his compliment to me. I also would like to assert that if this speech were substituted for the decision on the 1965 act, certainly it would be more in harmony with the letter, and spirit, and purpose of the Constitution than the decisions handed down by the Supreme Court on this subject.

Mr. ALLEN. I certainly agree with the distinguished Senator from North Carolina. I invite the attention of the Senator to the fact that the 1965 Voting Rights Act contains 19 sections, and that 17 of those sections are permanent legislation. Only two of the sections, sections 4 and 5, will expire on August 7, 1970, unless renewed by action of Congress.

I should like to ask the Senator from North Carolina if it is not true that the 17 sections that would continue as permanent law of the land are applicable to all of the 50 States, and if they themselves constitute an ample method, a satisfactory method, a full and complete method, of protecting any citizen of this country against discrimination in voting because of race or color?

Mr. ERVIN. There is no doubt of the truth of the statement implied in the question of the Senator from Alabama.

Mr. ALLEN. So actually we do have a Voting Rights Act applicable to all 50 States?

Mr. ERVIN. Yes, and there are more voting rights laws in the United States Code than can be found on any other subject.

Mr. ALLEN. So, if any citizen feels he is deprived of any right given to him by the 15th amendment of the Constitution, there would be no difficulty in getting redress even if the temporary sections of the Voting Rights Act were allowed to expire?

Mr. ERVIN. There is no question about that, because under existing laws one can bring civilian actions to compel election officials to let him register and vote. He can bring a suit against those who deny him that right. He can then invoke the equity powers of the court against them and others for that purpose. If he does not wish to bring a suit himself, he can go to the Attorney General of the United States and secure the services of the Department of Justice.

Moreover, if he feels he has been denied the right to vote, he can go to the district attorney and have a criminal prosecution instituted against the offending official.

Mr. ALLEN. I read from a summary of the 17 sections that are a permanent part of the law:

> (1) When the Attorney General brings a suit under the 15th Amendment to protect voting rights against racial discrimination, the court is empowered to enter either an interlocutory order or a final judgment requiring the Civil Service Commission to appoint Federal examiners to register voters;
>
> (2) In such suit, the court is empowered to suspend the use of literacy tests "for such period as it deems necessary";
>
> (3) In such suit, the court retains jurisdiction "for such period as it may deem appropriate" and during that period, the State cannot implement any change in its voting laws until the court determines that the new law will not have the purpose or effect of racial discrimination or until the Attorney General of the United States has failed, within 60 days after submission, to object to the new law;
>
> (4) When Federal examiners have been appointed under such suit, the Attorney General may require the Civil Service Commission to send Federal observers to the local voting precinct to oversee the process of voting and the tabulation of votes;

(5) No State may enforce a literacy test with respect to a registrant who has completed the 6th grade in a non-English-speaking school;

(6) Criminal penalties of 5 years in jail or a $5,000 fine, or both, can be imposed upon anyone convicted of depriving, attempting to deprive, or conspiring to deprive any person of his voting rights on account of race or for destroying, defacing, mutilating, or altering ballots or official records; and

(7) The Attorney General is empowered to bring a suit for an injunction when he has reasonable grounds to believe that any person is about to engage in any act prohibited by the Voting Rights Act.

Do not the remaining 17 sections of the act, not counting sections 4 and 5, give adequate redress to any citizen?

Mr. ERVIN. They certainly do, in an overwhelming manner. The brethren who advocate sections 4 and 5, however, do not think that people who reside in Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana should be accorded a judicial trial before they are condemned by law, so they want Congress to do the condemning and deny them any adequate way to ever recover from the condemnation insofar as obtaining a right to exercise their constitutional authority again is concerned.

Mr. ALLEN. I thank the Senator.

Is it not true that the provisions of sections 4 and 5 provide an automatic triggering device aimed at certain States?

Mr. ERVIN. Aimed at certain States which were carefully selected first, and then the triggering device was carefully devised so as to condemn those States and no others.

Mr. ALLEN. The target was arrived at first, and then the means of hitting that target devised?

Mr. ERVIN. I said in a colloquy with the Senator from Michigan that President Johnson, who was from the State of Texas, suggested this law, and that the law was administered, under the supervision of President Johnson, by Mr. Ramsey Clark, another Texan. The law was so phrased as to condemn Louisiana although the record of the State of Louisiana was far superior with respect to voter registration and voting than the record of Texas. It was also designed to condemn 39 counties in the State of North Carolina, when the record of registration and voting in those 39 counties was far higher than it was in the counties of Texas. The President and the Attorney General did not want to condemn Texas.

Mr. ALLEN. They did that by coupling with the 50-percent requirement the fact that a State must also have a test or device which allegedly abridged or denied the right to vote.

Mr. ERVIN. That is true. That was done because Texas has no such literacy test. I guess they figured all Texans were smart enough to vote even though they were not able to read or write. I have heard a lot of wonderful things about Texans.

Mr. ALLEN. I ask the Senator whether it is fair and equitable to provide that in States with more than 50 percent registered or voting in the 1964 election, the counties with fewer than 50 percent would be subject to the provisions of the law; whereas if a State had less than 50 percent voting and some of the counties had more than 50 percent, yet the law applied to those counties that had the 50 percent of qualified voters?

Mr. ERVIN. I think the opinion of the Senator from Alabama coincides exactly with that of the Senator from North Carolina on that question.

Mr. ALLEN. On the 50-percent requirement, was any basis established that had a bearing on whether there was any discrimination against minority races? Would it have been possible for a State to remain outside the provisions of the law if all 50 percent of the participating voters were white and not a single colored person was registered in the State?

Mr. ERVIN. There is no question about that. To reverse the answer to the question, if a State had a population of 40 percent black and 60 percent white, and all 40 percent of the blacks were registered and all 40 percent of the blacks went out and voted and only 9 percent of the whites voted, that would show that that State was discriminating against black people.

Mr. ALLEN. In other words, if all of the voting-age population who were colored were registered and did vote, if it fell below the 50 percent then the act would apply?

Mr. ERVIN. That is right. To show how foolish the act is, applying it to Guilford County, N.C., under the triggering device, Guilford County has been held to have discriminated in registering and voting notwithstanding the fact that it is represented by a black man in the State legislature, notwithstanding that the courts are presided over by a black woman judge, and not withstanding the fact that at least two members of the city council of the county seat of that county are black men.

Mr. ALLEN. I should like to ask the distinguished Senator from North Carolina, also, if he thinks it is fair in the year 1970 to apply as a criterion for action at this time, conditions which existed in respect to States in November 1964.

Mr. ERVIN. That question answers itself. In my judgment, that requirement is an affront, an insult, to justice.

Mr. ALLEN. I certainly agree with the distinguished Senator. I thank him for the information he has given.

Mr. ERVIN. I thank the distinguished Senator from Alabama.

Mr. President, I yield the floor.

ORDER FOR RECOGNITION OF SENATOR EAGLETON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the address of the able Senator from Arkansas (Mr. McClellan) tomorrow, and prior to the period for the transaction of routine morning business, the distinguished Senator from Missouri (Mr. Eagleton) who now so graciously, ably, and skillfully presides over the Senate, be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPEARANCE OF SENATORS RIBICOFF, TALMADGE, AND MONDALE ON NBC'S "MEET THE PRESS"

Mr. BYRD of West Virginia. Mr. President, yesterday there appeared as guests on NBC's "Meet the Press" the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Talmadge), and the Senator from Minnesota (Mr. Mondale). The moderator was Lawrence E. Spivak, and the panel consisted of Haynes Johnson of the Washington Post, Claude Sitton of the Raleigh News & Observer, Jonathan Spivak of the Wall Street Journal, and Ron Nessen of NBC News.

The three Senators presented varying views on the problem of school integration. It was a very enlightening and interesting program. Therefore, I ask unanimous consent to have printed in the Record the transcript of NBC's radio and television program entitled "Meet the Press" of yesterday, March 1, 1970.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Meet the Press

Produced by Lawrence E. Spivak, Sunday, March 1, 1970.

Guests: Senator Abraham A. Ribicoff, Democrat, of Connecticut; Senator Herman E. Talmadge, Democrat, of Georgia; Senator Walter F. Mondale, Democrat, of Minnesota.

Moderator: Lawrence E. Spivak.

Panel: Haynes Johnson, Washington Post; Claude Sitton, Raleigh News and Observer; Jonathan Spivak, Wall Street Journal; Ron Nasson, NBC News.

Mr. Spivak. Our guests today on "Meet the Press" are three Senators who represent varying views on the problem of school segregation: Senator Abraham A. Ribicoff of Connecticut, Senator Herman E. Talmadge of Georgia, and Senator Walter F. Mondale of Minnesota.

Senator Ribicoff's support of the Stennis Amendment has stirred up a new nationwide controversy on segregation in our schools. The amendment calls upon the Federal Government to deal uniformly with public school segregation in all regions of the country regardless of the origin or cause of such segregation.

I'd like to start the questioning now with Senator Ribicoff. Senator Ribicoff, there has been considerable confusion over what the Stennis Amendment would accomplish. Now, in the light of yesterday's Senate vote, what do you think it will accomplish? What does it really mean?

Senator Ribicoff. Well, it means that in establishing guidelines under Title 6, that HEW will treat both the North and the South the same way under de jure and de facto segregation:

Mr. Spivak. Do you expect that is going to be voted finally.

Senator Ribicoff. I hope so, Larry.

Mr. Spivak. Senator Talmadge, you voted for the Stennis Amendment and I assume you are enthusiasically for it.

What do you think it means now? Would it speed school integration in the north or will it slow it down in the south?

Senator Talmadge. That remains to be seen. I think largely it is psychological. It is the first time the Senate has, by affirmative vote, since I have been a member of the body, some

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13 years, agreed that the south ought to be readmitted to the Union and that all laws ought to apply the same throughout the nation.

Mr. Spivak. Do you expect it will speed desegregation in the South?

Senator Talmadge. I don't know what action they will take in the Department of HEW and in the federal courts, but I do know that all laws, whatever they are, all rules, all regulations, whatever they are, ought to be applied uniformly in all fifty states.

Mr. Spivak. Senator Mondale, you voted against the Stennis Amendment. What do you think it has accomplished? What do you think it means?

Senator Mondale. I don't believe the Senate Amendment does a thing about race isolation, so-called de facto isolation. I think it is designed solely to slow down and impair the activities of the HEW and other governmental agencies to require school districts to obey the law of the land which prohibits official discrimination. Also, I believe symbolically along with other recent actions, it raises serious doubts as to whether this nation any longer truly believes in an integrated society, is truly committed to a society in which race is irrelevant. If that is its true significance, if that is the direction in which we are going, I think we are going to be a very sick society indeed.

Mr. Nessen. Senator Ribicoff, ten days ago the Senate approved the Stennis amendment. You voted for it and a lot of people said this meant the end of 16 years of trying to integrate Southern schools. Then yesterday the Senate turned around and in effect nullified any bussing and freedom of choice amendments and you voted to nullify them.

What happened in 10 days? Why did the Senate turn around in ten days?

Senator Ribicoff. They haven't turned around at all, sir. It shows how consistent the Senate really is. The Senate, by its vote yesterday, indicated that it supports the Supreme Court and is for desegregation. This was the significance of the vote yesterday, and I am for that, too, and always have been. But ten days ago when we voted for the Stennis amendment, the Senate in its wisdom—and I think it was wise—said as a policy "If you are going to have desegregation, it should be equal desegregation, North and South, all over the nation, to treat all the states the same, irrespective if the segregation was due to de facto or de jure causes.

Mr. Nessen. Well, Senator Talmadge says the effect of the Stennis amendment is psychological. Isn't that true, isn't it encouraging the South to resist? Some judges in fact have already thrown out integration plans since the Stennis amendment was passed.

Senator Ribicoff. I am not aware of what you say, and I don't think that is the reason at all. The purpose of the Stennis amendment as I personally see it, in my motive is to make sure that we have a national policy consistant with the national problem, and we will never solve the national problem and have the national policy until Northern whites realize that they have to move away from their hypocracy and recognize that they just can't sock it to the South, because they must take action themselves in the North to eliminate de facto segregation which in many instances is worse than it is in the South.

Mr. Sitton. Senator Talmadge, specifically what steps would you advocate that the federal government take to implement the Stennis policy of desegregation North and South?

Senator Talmadge. I think ultimately we are going to have to resolve the situation in accordance with the Constitution and the Act of Congress, the Civil Rights Act of 1964. The 14th Amendment and the Brown decision so held in 1954 that we can no longer classify children by race in our school system.

Now, the 1964 Civil Rights Act also implemented that, and they held that you cannot assign or bus students back and forth to achieve a racial balance. I think the court is going to have to say and this country is going to have to say that schools shall be open to all, regardless of race, creed or color, that anyone can go to any school he sees fit. In effect have freedom of choice just as the same as we have in our living conditions, our working conditions and every other area of human activity.

Mr. Sitton. Then would you vote money for a national effort to eliminate all segregation, North and South?

Senator Talmadge. Well, we have eliminated all segregation North and South, first by the Brown decision in 1954 and also by the Civil Rights Act of 1964. But when you eliminate segregation then where are you? Are you going to run out and run down people and drag them into schools where they don't want to attend and do the same for teachers, and if you are going to adopt that policy, are you going to make it universal about neighborhoods, working conditions and otherwise? I don't think you can have a police state, and that is what would be required to achieve it.

Mr. J. Spivak. You proposed establishing a committee to examine the problems of segregation in the North and in the West.

What would we learn as another study of this that we don't know now?

Senator Mondale. This committee which has now been established and which I will chair, is the first serious study perhaps in the history of the Congress. We don't really know what to do with what is called de facto segregation. This was segregation which does not arise from official policy, school board discrimination and the rest, but because of residential living patterns. What is racial imbalance? What should be done to deal with it? Busing, fair housing enforcement, the construction of new schools and their location. The redesign of school boundaries and the whole question of quality compensatory education as it collides with the issue of racial isolation.

I think this host of issues comprises the most important and the most explosive issue affecting the health of our nation and it is one which I hope the Senate and the Congress can grapple with.

Mr. J. Spivak. What steps at this point seem most fruitful to you to deal with the problems in the North and the West?

Senator Mondale. Let me say there, one thing we should not do is to delay the enforcement of the orders of the Supreme Court and that is why I opposed the Stennis Amendment. There are nearly two million black children as of the fall of 1968 attending all black schools in the 17 southern and border states. De jure segregation is very much a fact of life in the South and in some other areas in the North as well, and I strenuously object to abandoning this objective of a uniform national policy of elimination of de jure segregation.

Secondly, we must sort out the facts on de facto segregation, which is not illegal, but undesirable, and find out how we might best achieve an integrated society, how we might best achieve good education because at the same time these children are being separated they are being desperately denied in terms of a decent education and these are the kinds of issues I hope we can grapple with.

Mr. Johnson. Senator Ribicoff, given the attitudes in this country both black and white, separatism, decreasing polarization, there are some who say that really integration really isn't realistic any more. Do you believe that? As a goal.

Senator Ribicoff. As a goal, it is realistic, but you have to take every community by itself. It is not realistic in the city of Washington where 94 per cent of the students are black. No matter what you do, you can't take 94 and 6 and make it fifty-fifty.

In the City of Chicago, where you have 30 square miles of blacks, it isn't realistic in Chicago, but it is realistic in many sections of the country and that is what we have to address ourselves to. Where it isn't realistic, we must make sure that we have quality education for black schools as well as white.

Mr. Johnson. When you say "quality education," you don't mean the separate but equal system we had under segregation?

Senator Ribicoff. I don't mean that, but I want as good a school as I can find every place, whether they are segregated or desegregated, and we have a society, unfortunately, that is segregated and as long as you have a segregated society, you are going to have segregated schools and I think the most unfortunate thing in America is to try to solve all our problems on the backs of children.

Mr. Nessen. Senator Talmadge, there is a lot of confusion about President Nixon's position in this debate over busing, freedom of choice, integration.

As a Southerner, what do you think his position is? Is he for you or "agin" you?

Senator Talmadge. I don't know. I wish I did know. Once he makes up his mind, I hope he and Secretary Finch will be on the same side.

Mr. Sitton. Senator Mondale, let's go back to this question of origin. Why is origin so important? Shouldn't the goal be to eliminate these inequities wherever they exist, North and South; de facto, de jure; what-have-you?

Senator Mondale. Yes, I agree with that, but as a matter of fact, the United States Supreme Court, for 16 years has declared it to be a violation of the Constitution of the United States to officially sort children out. That is a matter of school board policy, and send the black children to one school and the white children to another. This is still very much a fact of life in any number of school districts and affects nearly two million black children in this country.

That must be eliminated, in my opinion, and the distinction between de jure segregation, which is a violation of the law of the United States, and de facto segregation, which is perfectly legal, but in my opinion undesirable, is one that must be kept in mind because it affects the enforcement policies of our courts and of the administration and it affects the way in which we will deal with de facto segregation as well.

Mr. Sitton. All right, specifically what should the Federal Government do to eliminate de facto segregation in the North and in the South? De facto exists in the South too.

Senator Mondale. Absolutely, and I am glad you made that point because I think if we can eliminate official discrimination we will still be left with a national pattern, an increasing pattern of racial isolation. I will be frank to admit I don't know the answers. I will be frank to admit that I think the Congress and the North and the Executive have been very negligent in this field.

I have indicated, in response to an earlier question, some of the types of answers that might be applied.

I think they will vary district by district and it is the hope of this equal-educational committee to focus on this in the most searching terms, not only with hearings in Washington, but with field trips to see if we can't come up with a national policy which will deal with the disgrace of racial isolation in the North and elsewhere, as well as the problems of official discrimination found principally in the South.

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Mr. J. Spivak. Senator Ribicoff, in your speech in which you supported the Stennis amendment, you suggested the solution to the problem of segregation in the central cities lay in the suburbs.

Senator Ribicoff. That is correct.

Mr. J. Spivak. What steps can realistically be taken in the North and in the West to integrate city and suburban schools?

Senator Ribicoff. First, there is an obligation of private industry that when it moves into the suburbs it assures that housing is available for its black employees. Eighty per cent of the jobs created in the last two decades have been in the suburbs.

Secondly, no federal installation should be built in any section of our country unless there is an assurance that black employees have housing.

Thirdly, the Federal Government should give special aid and assistance to those suburbs who are willing and make it possible for blacks to live in these particular areas. This is very important; to give them assistance for additional schools, additional recreational facilities, and additional health facilities. This becomes very important.

Mr. J. Spivak. Would you favor the Federal Government or the states taking steps to combine metropolitan school districts merging city districts and suburban districts?

Senator Ribicoff. No, I think physically that is almost impossible to do because I don't think the Federal Government has authority to tell the states how to combine their communities. But it becomes absolutely essential for the Federal Government to encourage, and private industry to encourage, the suburbs to open up its doors for blacks.

Mr. Johnson. Senator Talmadge, as a southerner and as a Democrat, how would you assess President Nixon's political prospects in the South today, given the strategy that some say he is employing to get the South on his side, by placating conservatives and the rest?

Senator Talmadge. I think it is too early to tell. I think by and large most southerners think to date the President has done a fair job, but he doesn't seek re-election now for two years. No one can foretell what will happen at that time.

Mr. Johnson. How about Governor Wallace?

Senator Talmadge. Well, Governor Wallace carried five southern states two years ago and my judgment is he probably would carry that many or more today.

Mr. Nessen. Senator Mondale, are the parents of your state of Minnesota willing to have their children bused to achieve racial balance, and, if not, then why do you ask the South to do that?

Senator Mondale. Well, first of all, the busing issue in official segregated schools is a red herring in my opinion. They are the granddaddy busers of all. There is more busing going on earlier in order to sort children out and distribute them to colored schools and to white schools than would be the case if they did it on the basis of geography.

The citizens of my community of Minneapolis and St. Paul have proven time and time again that they are willing to accept a series of changes to deal with racial imbalance in our schools. I am proud to report that we don't have a single all-black school. Most of our black children in Minnesota go to schools which are predominantly white and I am proud to say that Minnesota is one of those states that still believes that we can't have a healthy America unless we live together.

Mr. Nessen. But more generally speaking, hasn't the experience of the past 16 years with whites fleeing to the suburbs basically been that most white parents do not want their children to go to school with black children all over, North, South and West?

Senator Mondale. If I were to say that integration doesn't have problems, I would obviously be misleading you. I will say that there has been far more success in integrated schools than has been reported. Hundreds of thousands of black children are going to school with white children and it is working out very successfully. The whites are doing as well as ever and the blacks are doing far better, and they are learning to get along with each other.

There are still problems with integration, but if you want to have real problems, abandon this objective of a united society. Start separating us out on race, and then you will really start having problems in this country.

Mr. Sitton. Senator Ribicoff, just one question: President Nixon's counsel, Pat Moynihan, says that the time has come when the racial issue would benefit from the benign neglect. Do you agree with that?

Senator Ribicoff. I don't know what benign neglect means, but I would say Pat Moynihan is one of the most knowledgeable, sophisticated and realistic men in this country when it comes to the problem of dealing with our cities and race and everything that Pat Moynihan has to say I listen to with great interest.

Mr. J. Spivak. Senator Talmadge, in response to an earlier question, you said the job of ending segregation in the South and in the North is over, yet the most recent statistics from the Federal Government for the 1968 school year indicate that over eighty percent of the Negro school children in the south will go to all-Negro—predominantly Negro—schools.

Is that enough to say that the job is over at this point?

Senator Talmadge. It is true all over the United States. The most segregated school system in America here is in Washington, D.C., where it is less than one percent.

In Los Angeles, California, 60.7 percent of all schools are racially segregated. Chicago, Illinois, 64.3 percent. Gary, Indiana, 55.6. Baltimore, Maryland, 53.9. Cleveland, Ohio, 63.9. Dayton, Ohio, 50.7. Philadelphia, Pennsylvania, 31.3. Milwaukee, Wisconsin, 50.3.

Mr. J. Spivak. Do those figures indicate the job is completed though in this country of ending segregation?

Senator Talmadge. Well, I don't know how you can ever get a mathematically perfect ratio in your school system. I don't think you can, any more than you can get a mathematically perfect ratio in jobs, housing patterns, living conditions, cocktail parties, social functions. I don't think it is feasible.

What the 14th Amendment prohibits is discrimination, and once you outlaw discrimination, then the citizens generally can work out their arrangements to suit themselves and I think they will, but I think it would be wrong to send out the Army or the National Guard or the Police Department to reassign students in living areas and school conditions according to some mathematical ratio.

Mr. L. Spivak. Gentlemen, we have only four minutes.

Mr. Johnson. Senator Mondale, President Nixon pronounced his theme of bringing this country together and it is obvious, even from what we have been hearing on this program, we are not together racially in this country yet. What do you think the President should do that he hasn't done?

Senator Mondale. Well, first of all I think the President should reaffirm this nation's cherished objective of an integrated society and of support of the 14th Amendment. His record in the field of human rights I think has been one of political expediency, which has sacrificed the cause of human rights.

We have seen the head of the Department enforcing civil rights fired for only enforcing the law. We have now had two nominees to the Supreme Court who are distinguished by their disinterest in human rights. The President is trying to gut the Voting Rights Act. In a series of other efforts it is quite clear that he wants to call a retreat, if not abandon our effort to achieve a society truly committed to human rights. I think it is a tragedy. I think he is tearing us apart, and to add to that, Mr. Agnew, who seems to be able to think of somebody new every night to attack, I think he is doing great damage to this country.

Mr. Nessen. Senator Ribicoff, let me ask you the same question I asked Senator Mondale. These figures that Senator Talmadge read, and the flight of the whites to the suburbs, doesn't that mean that most white parents all over the country don't want their children to go to school with blacks?

Senator Ribicoff. That is correct. The pattern in this country is, when the blacks move in, the white move out.

Mr. Nessen. Can't government do anything about that?

Senator Ribicoff. No, the government can't do anything, but the government can assist in opening up the suburbs where the jobs are and where the housing, and assist in jobs and housing to allow the blacks to come into the suburbs in proportion of what they are in the population.

Mr. Sitton. Senator Talmadge, in view of the Senate's action yesterday on bussing, it appears now that some bussing is going to be inevitable. Now here with the South's opposition to bussing, are there other workable means of desegregation you think the South should use?

Senator Talmadge. I would like to call your attention first to the Civil Rights Act of 1964, two sections, 401(b) and 407(a), that specifically prohibit bussing and assignment to achieve racial balance.

Mr. Sitton. That is on de facto but not on de jure, Senator.

Senator Talmadge. We have no such thing as de jure segregation now. We haven't had since 1954. The Supreme Court decision and the Act of Congress in 1964.

Mr. L. Spivak. Senator Talmadge, do you think the South could solve its school problem if left alone by the federal government?

Senator Talmadge. Well, I think in the final analysis all citizens are going to have to solve their problems on the local level. You can outlaw and you can prohibit discrimination, and we have done that. And I think that is as far as you can go without getting into police state tactics, and have an artificial ratio of some kind——

Mr. L. Spivak. Senator, do you think you could solve your school problem if left alone?

Senator Talmadge. I think we are making great progress in that direction at the present time. We are having difficulty with many acts of our federal government. Here is a letter from a woman in La Grange, Georgia. She has six children from seven to 15. They have assigned them to five different schools. That won't solve any school problem.

Mr. J. Spivak. Senator Mondale, in your judgment what is the single most important step the Administration could take in the field of civil rights at this juncture?

Senator Mondale. Well, first of all it seems to me they should start nominating judges to the Supreme Court who are committed to human rights. If the court backs off, the enforcement of human rights laws of this country—and they have often saved us from ourselves—then I think the cause of human rights could easily be lost.

Secondly, it seems to me they must, much more stronger than they have, support a strong Voting Rights Act, a strong series of appropriations and other efforts to bring quality education to the poor, quality housing, quality nutrition and the rest, to the poor of this country.

Mr. L. Spivak. I am sorry to interrupt, but our time is up. Thank you, gentlemen, for being with us today on "Meet the Press."

THE RECORD OF THE SENATE FOR 1970

Mr. BYRD of West Virginia. Mr. President, the Senate convened on January 19, 1970, commencing the second session of the 91st Congress.

Through February 28, 1970, the Senate was in session 29 days, including two Saturday sessions, and conducted business as well on Washington's Birthday.

During this period the Senate was doing business for 183 hours, 27 minutes.

During this period the Senate has had 72 record votes on legislation; by comparison it was September 12, 1969, when the 72d record vote was obtained last year.

During this period—that is, thus far during the second session of the 91st Congress—the Senate has passed a total of 88 measures including the following major legislative items:

Controlled Dangerous Substances Act.
Organized Crime Control Act.
Dairy products donation.
Egg Products Inspection Act.
Tomato promotion through paid advertising.
Continuing appropriations through February 28, 1970.
Foreign aid appropriations, 1970.
Labor-HEW appropriations, 1970, conference report.
Savings deposit program for certain uniform services members.
Credit unions—independent agency status.
Federal National Mortgage Association.
Air pollution interstate compact between Ohio and West Virginia.
Newspaper Preservation Act.
Railroad retirement.
Prevent discriminatory State taxation of interstate carriers.
Accessibility of public facilities to physically handicapped.
Urban Mass Transportation Assistance Act.
Foreign service retirement system adjustments.
Legislation to implement the Convention on recognition and enforcement of Foreign Arbitral Awards.
American prisoners of war in Southeast Asia.
Elementary and Secondary Education Amendments.
Temporary emergency assistance to provide nutritious meals to needy children.
Executive Protective Service.
School lunch and Child Nutrition Act Amendments.
Conference report on Medical Libraries Assistance Extension Act.
Conference report on health services for domestic agricultural workers.
Airport and Airways Development Act.
Conference report on Community Mental Health Centers Amendments.
Conference report on public health training.
Intellectual and Industrial Property Conventions.
Labor-HEW appropriations, 1970.

Mr. President, this is a remarkable record, and I think it is indicative of a bipartisan effort on both sides of the aisle to get on with the people's business. I have served in the Senate for 12 years, and I do not recall a year in which the Senate has conducted as much business, proceeded with as many rollcalls, and accomplished as much good as it has in the first two months of the present session. I think this record reflects indeed highly upon the majority leader, the minority leader, the chairman and members of committees and members of both parties who are working together in this body; and it augurs well for the public good. The Senate has been diligent in its business.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. BYRD of West Virginia. For the information of the Senate, what is the pending question, Mr. President?

The PRESIDING OFFICER. The pending question is on the amendment (No. 519) of the Senator from Pennsylvania (Mr. Scott) to H.R. 4249.

Mr. BYRD of West Virginia. I thank the distinguished presiding officer.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, by way of recapitulation of earlier orders, when the Senate completes its business today it will adjourn until 11:30 tomorrow morning. Following the prayer and the disposition of the reading of the Journal tomorrow, there will be a period wherein the able Senator from Arkansas (Mr. McClellan) will be recognized for not to exceed 30 minutes, following which the able Senator from Missouri (Mr. Eagleton) will be recognized for not to exceed 15 minutes, following which a period for transaction of morning business will ensue, with statements limited to 3 minutes, at the close of which the unfinished business will be laid before the Senate, at which time paragraph 3, on germaneness of rule VIII of the Standing Rules of the Senate, will become operational for the 3 hours subsequent thereto.

DEATH OF REPRESENTATIVE JAMES B. UTT

Mr. MURPHY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 859.

The PRESIDING OFFICER laid before the Senate a resolution (H. Res. 859) which was read as follows:

H. Res. 859

Resolved, That the House has heard with profound sorrow of the death of the Honorable James B. Utt, a Representative from the State of California.

Resolved, That a committee of forty-three Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. MURPHY. Mr. President, I offer a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution offered by the Senator from California will be read.

The resolution (S. Res. 362) was read, considered by unanimous consent, and unanimously agreed to, as follows:

S. Res. 362

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. James B. Utt, late a Representative from the State of California.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The PRESIDING OFFICER. Under the second resolving clause, the Chair appoints the two Senators from California (Mr. Murphy and Mr. Cranston) as members of the committee to attend the funeral.

Mr. MURPHY. I thank the Chair.

ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, pursuant to the provisions of Senate Resolution 362, as a further mark of respect to the memory of the deceased Hon. James B. Utt, late a Representative from the State of California, and in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and (at 5:50 p.m.) the Senate adjourned until tomorrow, March 3, 1970, at 11:30 a.m.

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EXTENSIONS OF REMARKS

FREEDOM'S CHALLENGE

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. EDWARDS of Alabama. Mr. Speaker, too often the bad guys get the headlines and the good guys seem to be nonexistent. This is particularly true insofar as our young people are concerned. And so it is a real joy to call to the attention of my colleagues the speech of Stephen Flynn, the winner of the Voice of Democracy contest in Alabama.

It is reassuring to know that there are young men like Stephen Flynn in our high schools preparing themselves to handle the great problems of this Nation. He is a genuine credit to the First District of Alabama.

Stephen will now compete with contest winners from other States for one of five scholarship prizes to be awarded to the national winners. The Veterans' of Foreign Wars, who sponsor this contest, are to be congratulated for their efforts to seek out and reward those fine young Americans who still seek to preserve rather than destroy our heritage of freedom and liberty for all.

I highly commend to all my colleagues this fine essay entitled "Freedom's Challenge":

FREEDOM'S CHALLENGE

(By Stephen Flynn)

Sable Island lies in the Northern Atlantic some 100 miles off the shore of Nova Scotia. In the winter months this area is the brunt of fierce Nor'easters, storms which raise the sea into waves as high as 30 feet and have the capability of breaking a destroyer in half. Fishing boats must pass near the island to reach harbor. The waters are treacherous in fair weather. During the constant storms of winter navigating is nearly impossible. More than 5,000 people lost their lives to Sable's shores before the installation of the Sable lighthouse and radio beacon. With the lighthouse, the death toll has greatly decreased. The lighthouse must have a keeper who is deposited on the island at the close of the calm summer and must remain, in solitude, until the end of the turbulent winter. Such a man, on whom so many depend for their lives, must be exceptionally stable mentally and physically.

The United States is a beacon in which the flame of freedom burns bright. The rays of light which beam forth from this flame guide billions of people through the constantly raging storm of slavery, tyranny, and despotism. We, the citizens of the United States, are the guardians of this freedom. It is our privilege, our responsibility, our duty to keep it brightly enkindled.

Freedom issues us a challenge; that challenge being the very existence of freedom. If we are to fulfill our responsibility this challenge must be met. There are two basic tasks which must be achieved before freedom's flame is completely safe. First, freedom must be assured for all. Secondly, liberty must not degenerate into license.

Lord Acton tells us that, "The most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities." The United States has come far in assuring the liberties of its minority groups. Yet there are those who would mentally shackle others to one opinion through terror and violence. Others continue to discriminate against humans of a different skin color, a factor over which none of us have control. How can the beacon of freedom burn bright if the qualities of freedom of speech and the right to pursue happiness are not enjoyed by all? Voltaire said, "Prejudice is the reason of fools." Let us never fall into this pit of ignorance. Let us enlighten those who have. In this way freedom will be assured for all, and the first part of our battle will be won.

The second segment of this battle to ascertain freedom's existence is the fact that liberty must not degenerate into license. Each man's liberty extends to the point of hindering the freedom of others. Once beyond that point, one man's freedom impedes the freedom of his fellowman, and liberty becomes tyranny or anarchy, which is the tyranny of the strong. Every American is endowed with the right to peaceful assembly and the right to express dissent. These rights do not represent, and cannot be construed to represent a license to destroy and threaten the lives and property of others. This destroys the freedom of others to pursue happiness. Mme. Roland states, "O Liberty! What crimes have been committed in thy name!" It is criminal to abuse our freedoms, thus destroying the freedom of others. It is criminal to attempt to justify this abuse of liberty with the Constitution of the United States. We must convince those who do so of the criminality of their actions. If mere words are too weak, then the law must be called upon to protect the freedom of all and prevent liberty from degenerating into license.

This, then, is the very essence of freedom. These two principles, the assuring of freedom for all and the prevention of liberty's degeneration into license, are weapons for the answering of freedom's challenge; the existence of freedom itself. If not carried out, they are weapons for freedom's demise.

Tonight a solitary watchman will brave the cannon roar of a North Atlantic storm in order to protect the lives entrusted to him. He will remain faithful to his task. Will we, the citizens of the United States, remain faithful to ours? We have been given two means by which we can assure the existence of freedom. Will we use them? Will we be faithful to the task?

HUNTING HOT SPOTS IN UTAH

HON. WALLACE F. BENNETT

OF UTAH

IN THE SENATE OF THE UNITED STATES

Monday, March 2, 1970

Mr. BENNETT. Mr. President, Although large scale atmospheric testing stopped in 1963, the occasional megaton tests by the Chinese and French have continued to place strontium, cesium, and other fission products into the stratosphere from whence they slowly settle back to earth. A variety of factors operating synergestically in Utah have caused radioactive hot spots to form in certain areas. These spots are known and are under surveillance by competent groups.

A new research project has been launched to search for new hot spots and to determine what effect, if any, this radioactive fallout will have on people, livestock, and wildlife. The Atomic Energy Commission is funding this study on a 3-year basis. Nuclear News in an article in the February 1970 issue, "Hunting Hot Spots in Utah," states this study "may develop into the most detailed and thorough radiation-ecology investigation in the world."

I would like to lay to rest a rumor before it gets started:

The cesium raining down on Utah is not from any nuclear power reactor nor is it from any recent U.S. weapons or Plowshare nuclear test.

Mr. President, I ask that a copy of this article I referred to be included in the Extensions of Remarks at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUNTING "HOT SPOTS" IN UTAH: THREE-WAY RESEARCH PROJECT IS DESIGNED TO PINPOINT FALLOUT; UNIVERSITY OF UTAH RESEARCHER FINDS THAT SOME AREAS HAVE BECOME "HOTTER" IN SPITE OF TEST-BAN TREATY

A comprehensive new research project has been launched in Utah to detect radioactive fallout in the environment and to determine its potential effects on people, livestock, and wildlife. The University of Utah, the U.S. Atomic Energy Commission, and the University of California's Lawrence Radiation Laboratory have joined forces in the new, unprecedented study, which some scientists believe may develop into the most detailed and thorough radiation-ecology investigation in the world.

Principal investigator and director of the project is Robert C. Pendleton, associate professor of biology at the University of Utah and director of radiological health on that Salt Lake City campus. Dr. Pendleton is also a long-time researcher on the accumulation of radioactivity on dairy farms and in the high mountains of Utah.

"By combining the competence of all three agencies, a far more complete study can be made," says Pendleton, who for years has been pushing for an open exchange of fallout data among scientists. "I believe the whole future of scientific investigation in radiation ecology throughout the world lies in such cooperation among groups of scientists in various disciplines."

FUNDED BY AEC

Under the three-way research in Utah, the AEC is providing the funds—$107,000 the first year and $75,000 to $80,000 for two successive years—and the University of Utah and Lawrence Radiation Lab are setting up a network of 16 air-monitoring stations throughout Utah, stretching from the Idaho border on the north to the city of St. George on the south. The AEC will also provide some instrumentation for the study and technical assistance in weather forecasting.

Most of the stations are located on dairy farms that have already been studied in previous University research on radioactive buildup in the state's milk supplies. This will give the researchers background information on the known radiation ecology of the various areas.

The stations are placed to give a broad base of coverage in the event of a release of fallout from testing in Nevada or elsewhere around the world. They allow scientists to measure fallout on both the lee and windward sides of mountains and to take into consideration the weather effects on fallout trajectories. The stations include three types of air samplers, two for continuous and one for sequential sampling. The stations are being maintained by persons living on or near the dairy farms, in close cooperation with Pendleton and his staff.

The network is designed to give useful information about fallout clouds from nuclear blasts around the world, especially about the way radioactive particles travel, disperse, and accumulate in the environment. Such information, says Pendleton, will be useful in setting federal standards and assessing potential hazards to people who breathe the particles.

"Under the new monitoring system, any particular radiation problem that might develop can be pinpointed in a matter of minutes," Pendleton added. "Corrective measures can be started in time to greatly reduce hazards to people if levels of radioactive particles threaten via food chains or inhalation."

Data will be provided, too, that will help scientists understand the cumulative effects of nuclear testing around the world and relate them to progressive increases in radioactivity, which Pendleton has observed in Utah soils.

The aerosol monitoring system is actually only part of the research. Pendleton's staff has already started collecting water, soil, plant, and animal samples from the areas surrounding each station. Results of this sampling will eventually provide a background or base level for assessing the nuclear testing and provide a realistic base for determining hazards to living organisms at sites distant from the detonation.

Reseachers working with Pendleton in Salt Lake City have perfected a method of measuring radioactive cesium in streams flowing from the high mountains down to the lower valleys. They have traced this isotope and others from watersheds to dairy farms, some of which are showing high accumulations in soils. The method utilizes a small, portable "water treatment plant" that allows the scientists to remove the radioactive particles from samples in the field without the necessity of carrying heavy casks back to their laboratories. The method combines flocculants, filters, and ion exchange columns. The filters, water cask liner, and ion exchange tubes can be carried back in a light plastic bag for accurate counting.

"HOT SPOTS" GETTING "HOTTER"

Because of peculiar drainage, soils, and terrain, the "hot spot farms," as they are called, seem to trap and hold radioactive materials. And the cesium level in the milk from cows that graze on these farms is higher because of the animal uptake of the isotopes through the plant food chain.

Pendleton says these "hot spot farms" have been getting "hotter" over the years, in spite of the atmospheric Test-Ban Treaty, which has been in effect since 1963. For example, one farm east of Salt Lake City had a field with readings for cesium-137 of 32 millicuries per square mile. The same field today yields 12 times that amount, or 374 millicuries per square mile. Pendleton says levels in the soils of Utah now average between five and seven times higher than the samples taken in 1962.

He emphasizes that current levels of radiation in foods from these farms are not high and should not cause alarm, but, on the other hand, he points out that soils in the higher altitudes, which have heavy precipitation, are getting quite hot. Some "hot spots" in the headwaters of certain streams in the High Uinta Mountains, for example, are at least 20 times hotter than they were eight years ago.

Erosion on the top four centimeters of soil is causing the radiation to be washed down to the lower, populated valleys, where it is accumulating in the "hot spots" on irrigated farms and in reservoirs. Bodies of water with inflowing streams act like huge sinks to collect radioactivity, Pendleton says.

The researchers are also studying "secondary aerosols"—that is, the dusts that are carried by winds and deposited in other areas. These radioactive particles can also be taken into animals' bodies through plants and can be breathed by both animals and people.

LOCATION OF STATIONS

Stations now in operation under the comprehensive research program are located in or near the following Utah cities and towns: Cornish, Mendon, Grouse Creek, Wendover, Draper, Magna, Snyderville, Bridgeland, Bluebelle (near Altamount), Ephraim, Wellington, Monroe, Delta, Milford, Cedar City, and St. George.

University scientists are taking samples of pasture grasses, hay bales, animal lungs, flesh, bones, and other animal organs in these areas to add to the baseline levels already taken at the 16 stations. The air monitoring apparatus is on an around-the-clock operation.

"If we do get fallout," Pendleton adds, "we will now be able to pinpoint it, quantitate it, define the gamma emitters in it, and give the data to those agencies responsible for taking corrective measures if necessary."

FREEDOM'S CHALLENGE

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ANDREWS of North Dakota. Mr. Speaker, North Dakota's winner in the Voice of Democracy contest this year is Steven J. Frank, 1840 15th Avenue South, Fargo, N. Dak., in the First Congressional District which I have the privilege to represent.

Over 400,000 school students participated in the annual contest this year which is conducted by the Veterans of Foreign Wars and its ladies' auxiliary. I insert Mr. Frank's winning speech on "Freedom's Challenge" in the RECORD:

FREEDOM'S CHALLENGE

(By Steven Frank)

Theodore Roosevelt once wrote: "Far better is it to dare mighty things, to win glorious triumphs, even though checkered by failure, than to take rank with those poor spirits who neither enjoy much, nor suffer much, because they live in the gray twilight that knows not victory nor defeat." That dare to do mighty things rings on today as freedom's challenge.

Nearly two hundred years ago, a group of men representing the British Colonies in the New World met in Philadelphia. What they created in one daring step has grown to the United States of America that we know today. Without that step, that first action, we might still be living in gray twilight. These men, however, took three basic steps to meet their challenge, steps that are applicable to Americans entering the seventies: to be concerned, to be informed, and to be involved. Each step leads to the next.

How can I meet these steps? First I develop a concern for my fellow man and the elements of my environment. I think beyond my own everyday needs to those of others and the tasks they must face. After I have developed this basic concern and appreciation of the situation elsewhere I must move to informed concern. I read, I study, and I hypothesize about the problems, actions, and circumstances within the local, national, and world communities. Being aware not only includes reading and studying, but also being cognizant of the ideas of others. If I can take the time to analyse what others say and how those same people react to yet another group of people, I can take a big step towards awareness. If I can take those two preliminary steps, concern and awareness, I can move on to involvement, which in actuality meets that dare to do mighty things. Involvement can also be multi-faceted. I can take action through membership in church, community, and school organizations. Membership in an organization is little, however, until it is coupled with active participation.

Through organizations I may make some progress toward the achievement of my goals, but more important is the contact I make with people who obviously also want to take a stand through involvement. With this contact my challenge really begins to work. As a concerned and informed citizen I am able to influence others of my convictions. This is vital because convictions really have very little meaning until they have been exposed and tried. Through open expression of opinions and convictions that have been backed by concern and information I can find added information and conflicting views. Through headon confrontations with conflicting viewpoints my stance is strengthened and I am bettered because I am motivated to recall my primary concern and information that led me to my involvement. Without any motivation to renewed recollection I could find my desire to meet my challenge stagnating. I must be willing to speak out if the opinions of others conflict from my own, for again convictions have little meaning if they aren't backed up.

If I can be concerned, informed, and involved I can help keep America out of gray twilight, I can dare mighty things, do mighty things, and meet freedom's challenge.

THE INTERSTATE HIGHWAY SYSTEM IN THE DISTRICT OF COLUMBIA

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. FALLON. Mr. Speaker, the Federal Aid Highway Act of 1968 required under section 23(c) the submission to the Congress of certain reports regarding the Interstate System in the District of Columbia.

The two reports submitted to the Congress this week, one from the District of Columbia government and one from the Secretary of Transportation have presented a confusing set of recommendations.

The intent of the 1968 Highway Act was to clarify the confusion which had reigned for so many years in the District of Columbia regarding the Interstate Highway System. The act directed that certain projects be completed and that others be studied further to enable the District to adjust the projects to whatever changing conditions had occurred during the long period of controversy.

The two reports submitted to the Congress are for the greater part in disagreement with each other, despite stories to the contrary in the press. In addition both contain wide variances from what is contained in the 1968 High-

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way Act. In other words the two have confused the picture to the same, if not worse, extent as that which existed when the 1968 Highway Act was passed.

While these positions have been developing, the District of Columbia highway program has again showed signs of bogging down and for the same old reasons.

The east leg which was to be under construction above Barney Circle has yet to see the award of a contract. The portion of this project which was directed to be under design between Benning Road and Bladensburg Road has yet to be started.

The Congress cannot sit idly by and allow millions of dollars of taxpayers' money to be wasted in an unending series of studies the results of which there seems to be no intention of implementing or in which there is apparently no hope of agreement among the public bodies involved. Nor can they permit projects to proceed which have only had superficial examinations, and little, if any, factual basis.

Even the rapid transit system which required such painstaking effort on the part of so many to get underway is subject to delays by the various recommendations.

As reluctant as we are to inject ourselves into the local picture, it is imperative that the Congress act to insure the Nation's Capital a proper transportation system.

THE SDS AND THE HIGH SCHOOLS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

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Mr. ICHORD. Mr. Speaker, for the information of the membership of the House, and in order that it might be even more widely available, I am inserting in the Record a copy of an article written by the able and distinguished FBI Director, Mr. John Edgar Hoover, analyzing activities of the Students for a Democratic Society—SDS—directed at America's high schools. The article, which appeared in two parts in the January and February 1970 issues of the PTA magazine captioned "The SDS and the High Schools," is a thoughtful review by Mr. Hoover of student extremism. The article vividly portrays the tactics used by the SDS to reach high school students and to build a disruptive force within schools. Mr. Hoover recommends several very well-considered prescriptions to remedy a deeply disturbing situation.

The article depicts two teenagers and a juvenile officer from Columbus, Ohio, who, it is noted, testified before the House Committee on Internal Security "about attempts by SDS members to incite students to disruptive action, including burning local schools, and a draft center." Appearing before the committee in October 1969, these witnesses told also of SDS members urging them to kill police, burn a department store, and rob suburban homes. They testified to an intolerable set of circumstances. No nation can be regarded as a guarantor of liberty for all its citizens if such a tawdry few can find fertile conditions for unlimited license. In a special report on "SDS Plans for America's High Schools" released by the House Committee on Internal Security in December 1969, I cautioned that those who rally to the support of SDS can be under no illusions; the isues are clear. Long ago the protest methods of SDS exceeded the bounds of legitimate and orderly dissent.

SDS now appears to be on the decline on the college campuses throughout the Nation and it is my personal opinion that SDS no longer has the capacity to foment the great number of disturbances it has brought about in the past. My assessment is based upon the following developments in 1969: First, SDS is seriously split into three factions; second, school administrators have learned to more effectively deal with SDS challenges; third, the true nature of SDS is now widely known and the nonradical student is less likely to join SDS on the issues around which it seeks to rally students, and fourth, the treatment of SDS by the news media has materially changed. However, the potential of SDS for causing trouble still exists and there is some evidence to indicate that SDS may prove more successful in its planned penetration of high schools than originally thought possible. In any event, we can count on other organizations, if not SDS, to utilize the same tactics in causing unrest and disturbances; therefore, I highly recommend Mr. Hoover's article to the attention of my colleagues.

THE SDS AND THE HIGH SCHOOLS: A STUDY IN STUDENT EXTREMISM

(By John Edgar Hoover)

PART I

Three shocking incidents happened recently in different cities of the United States. The episodes, though separate in themselves, are part of a national patttern.

Incident number 1.

Jake, a high school student, age eighteen, knocks on the door of a small house. Another student, David, age seventeen, answers.

"I've come for the class," Jake says.

"Yes, come right in," says David.

David escorts Jake into the front room. Some fifteen to twenty young people are present. They have started the class. Jake takes a seat.

What is the class?

David, as leader, defines the purpose: to discuss how high school students can disrupt their schools, organize trouble, harase the administrative staff, and even, as David emphasizes, "take over the school" if the opportunity should present itself.

It is a group of student extremists from various local schools learning the techniques of disruption!

Incident number 2.

Three young men stand on the sidewalk at the entrance of the grounds of a high school. It is morning and pupils are arriving.

Who are these young men?

They are members of the Students for a Democratic Society (SDS), a militant New Left group.

The young men offer the approaching students a leaflet. Some accept; others don't.

What does the SDS leaflet state?

In essence, that the high school is a prison and the students are being exploited.

It asserts that there are a "lack of student power," "rudeness from teachers," "ridiculous dress codes," "no say in course content," "too many irrelevant tests," "unfair grades," "no opportunity to evaluate teachers."

Do students want to do something about "these deplorable conditions"? If so, the leaflet urges them to come to a certain center sponsored by a local college SDS chapter. There they can have discussions, read books, view films, and receive help in mimeographing papers and leaflets.

You, the student, are welcome to attend!

Incident number 3.

A student walks into his high school library. There on the table he finds an odd-looking paper with a provocative or unusual name such as *The Rat, The Radish, The Spark, The Free Press.*

He's never seen a paper like this before. It's poorly printed. The editing is sloppy. Obscene words and cartoons are frequent. There are articles attacking the high school, the government, the military.

Schools, he reads in one article, are a "twelve-year course in how to be slaves." There is an announcement of some student workshops: "Classroom 'Guerrilla Tactics'—how students can effectively teach in the classroom"; Radical Teachers and Radical Students—how they can work together." Another item talks about student actions: "Others tore up bathrooms and desks and broke windows to tell them how we see the schools." In still another article, he sees, the cartoon of a guerrilla fighter and these words:

"In the final analysis, Revolutionary Culture is only a step towards R-E-V-O-L-U-T-I-O-N!!! It analyzes, seeks, and deals with the enemy. It points to the enemy as not being only an obviously discernible person, but possibly YOUR OWN MOTHER!! AND REVOLUTIONARY CULTURE TEACHES YOU TO DEAL WITH THE ENEMY!!"

What is this publication? It is a high school "free press," or "underground," paper, one of many in the nation.

How did it get into the school library?

It was smuggled in by a sympathetic student or faculty member and left there purposely.

A class in how to foment disruption in high schools, the leafleting of a high school by a radical group for the purpose of encouraging student discontent, the smuggling into high schools of obscene, filthy papers advocating revolution—a few years ago these episodes would have been unthinkable.

But no longer.

High schools are today being specifically targeted for New Left attack, the downward thrust from the college level of student turbulence.

Not that high schools are currently being disrupted like colleges. But every indication points to increased student extremism on the secondary school level in 1970.

What is at stake here could well be nothing less than the integrity of our whole educational process as well as the institutions and values of our society.

For that reason, let's take a closer look at SDS's strategy toward high schools.

What is SDS? Why is it trying to disrupt high schools? What is it trying to inculcate into youthful minds? And most important, what can we, as parents and teachers and responsible citizens, do about the problem?

(Let's remember, when we talk about student extremism, that it exists in many forms. In addition to SDS extremism, we have black extremism—a growing problem—as well as extremism from Old Left groups. Perhaps never before have our schools on all levels been so subjected to extremist pressures of all types, white and black, left and right.)

SDS AND ITS MENTALITY OF EXTREMISM

Just a short time ago SDS was virtually unknown to Americans. Today it is almost a household expression, meaning revolutionary and extremist students bent on destruction and riots both on and off campus.

The key emphasis of SDS is extremism, violence, and revolution.

Founded in 1962 by a small group of students at Port Huron, Michigan, what we call SDS moved quickly from a rather mild protest group into a grotesque, destructive genie that last October staged a violent "bust" in Chicago, proudly hailed by its own press as a "war" against the nation:

"Five hundred of us moved through the richest sections of Chicago, with VC flags in front, smashing luxury apartment windows and store fronts, ripping apart the Loop, and injuring scores of pigs [extremist term for police]. It was war—we knew it and the pigs knew it."

Though small in numbers (a claimed membership of some 40,000 in 200 to 250 chapters) and beset by factionalism, SDS has been a key instigator in numerous campus riots. With the group increasingly under Marxist influence, SDS hatred is directed against all facets of our society (called the Establishment). It seeks not reform but blind destruction, with little if any thought of what is to take the place of the system that is to be destroyed.

In carrying out its aims, SDS has developed the activist tactics of the guerrilla fighter. Who are SDS's heroes? Fidel Castro, Mao Tse-tung, Che Guevara, Ho Chi Minh. Why? Because in SDS eyes these men are rebels, guerrilla fighters who have attacked the Establishment in their own countries.

This is what SDS leaders believe they are doing: attacking a society whose democratic principles, morality, and values they not only detest but seek to eradicate. They possess, in their minds, a duty, an impelling destiny or mission to destroy the society in which they live—not tomorrow or next year, but now.

THE COLLEGE SDS AND HIGH SCHOOLS

This guerrilla approach of SDS is directed against high schools. In SDS eyes, they are part of the hated Establishment. In SDS's opinion, the entire educational system (college, secondary, and elementary) is a vast factory and prison where students are molded into robots to staff, operate, and perpetuate the Establishment.

"This function of the schools under capitalism," says one SDS document, "is the preparation of an ideological army for imperialism."

Therefore, SDS-ers feel that it is their job as "guerrillas" to subvert the high schools. Here are thousands of young people, impressionable and at a point in life where they are making critical judgments about the values of life and society. ("Activity in the high schools is probably the most significant new tactic on the left today," writes one New Leftist.) These students should be influenced, or, to use, a favorite SDS term, "liberated." Still another SDS term is "jailbreak."

"Jailbreak," says an SDS paper. "We move on the high schools of Chicago. The schools are prisons and the prisoners must be liberated." In some isolated instances, SDS-ers have physically stormed high schools.)

Now let's examine just how SDS, primarily a college group and small in numbers, is able to reach into high schools.

Experience shows that SDS attacks are largely (though not exclusively) instigated by college SDS members (or chapters), especially if the school is near an institution of higher learning where SDS is active.

Actually only in rare instances has SDS been able to organize a chapter inside a high school. The very nature of high schools, with their scheduling of classes, absence of dormitories, close supervision, makes the establishment of a chapter most difficult. SDS, therefore, operates in high schools primarily by creating a nucleus of a few SDS-motivated students (usually not members but sympathizers) to work inside the school as catalysts for radical action. If a student's older brother or sister is a college SDS member, or a faculty member is sympathetic, the infiltration process is accelerated.

Just how do college SRS-ers reach high school students and attract their interest?

1. *By leafleting high schools.* This is a fairly common occurrence, with college SDS-ers standing near a high school and handing out literature about the SDS or inviting students to support them in some project.

2. *By holding seminars, conferences, and workshops.* In an eastern state, high school students participated in SDS-sponsored anti-Establishment classes during the summer. In a western city, some eighty high school students attended an SDS conference, where the SDS line on imperialism, capitalism, and the "power structure" was set forth. SDS and communist literature (writings of Marx, Lenin, and Che Guevara) was available.

3. *By assisting in the publication of an underground paper.* College SDS-ers can aid in the publication of a high school underground paper (which may be in the form of a leaflet or brochure) by furnishing editorial direction, printing equipment, and money. Often these high school papers are so obscene, vitriolic, and intellectually shallow that they soon disappear. If there is no high school underground paper, the college SDS may invite high school students to write an article for the SDS college underground paper.

4. *By encouraging high school students to observe and/or participate in college SDS-sponsored demonstrations.* The key objective here is not so much the physical presence of these students to support an SDS project (though this can help), but their exposure to the rough-and-tumble tactics of on-the-street confrontations. In one instance, some fifty high school students participated with SDS students in seizing a college building.

5. *By trying to secure speaking invitations in high schools.* In one instance, an SDS-er spoke to a school assembly at the invitation of an international relations club; in another case, under the auspices of the student government. Nothing pleases SDS better than to have official (or unofficial) invitations to address students.

6. *By working through faculty members who previously were either members of or sympathizers with SDS (usually as students in college).*

SDS AGITATION INSIDE THE HIGH SCHOOL

The college SDS has attracted and developed some student sympathizers in high school. How is agitation carried on in these schools?

SDS's approach here is to stir up as much dissatisfaction as possible in the student body on *within-the-school issues.* SDS, though a revolution Marxist group, realizes that these young people are not yet proper revolutionary material. The vast majority couldn't care less for slogans about fighting "imperialism" and "warmongers." Many, it is true, are concerned about national issues such as the war in Vietnam and the draft, but in reality it is the immediate, at-hand student issues inside the school that, as one young lady told me, "turn the kids on"—issues such as dress regulations (how short a skirt a girl is allowed to wear or how long a boy's hair should be), cafeteria service and/or food, disciplinary rules.

These are the issues that SDS seeks to exploit.

If a student is suspended, let's say, for wearing his hair too long or using drugs or abusing a teacher, how is this handled by SDS?

It simply shows, says SDS, that *you,* the student, really mean nothing in this high school. The school is part of a wicked, corrupt Establishment that is trying to turn you into a robot. You have no freedom, no rights, no opportunity for creative expression. These rules are simply designed to make you part of the "system."

"Both student and teacher are tool *and* product of administrative totalitarianism."

The school administrator (usually the principal) is what might be called, in SDS eyes, *the resident dictator.* That is, he is the on-the-spot symbol of the hated Establishment:

"The administrator, whose real function is nothing more than the maintenance of the campus (a task which could be easily performed by a simple-minded computer), has become the lord and master of our schools, commanding unbounded fealty."

Before an incident is staged, SDS (in its printed literature) makes clear that careful advance preparation must be made:

1. Is this the best possible issue on which to harass the administration?
2. Gain support by talking about the issue with other students.
3. Contact minority groups in the school to solicit their support.
4. Consider the possibility of an underground paper.
5. Try to secure as much nonstudent support as possible: teachers, parents, religious groups, unions. This includes PTA's.

The SDS and the High Schools

PART 2

1. *Is this the best possible issue on which to harass the administration?* Unless a highly volatile issue is chosen, about which many students are concerned, the incident can backfire.

2. *Gain support by talking about the issue with other students.* "Show the students that we *are* on their side and have many of the same concerns they do." A good time to talk about these issues, says an SDS pamphlet on high schools, is during physical education classes.

3. *Contact minority groups in the school to solicit their support.*

4. *Consider the possibility of an underground paper.* When the first issue is printed, mail a copy to as many student cliques as possible ("so that the paper is IN"). Why mail it? "Mailing is emphasized because any attempt to distribute such a paper on campus would result in those responsible for it being crushed by the administration."

5. *Try to secure as much nonstudent support as possible: teachers, parents, religious groups, unions.* This includes PTA's. "We should get our parents active in PTA *and* make *a concerted effort to get PTA support.* In all our dealings with these groups, our position should be polite but firm. We are asking them for support because we feel that in many areas our interests are mutual, but [we impress on them] that this is a student movement and we have no intention whatsoever of giving up any of our power to adults."

The SDS has no illusions about its ability, even with careful preparation, to carry off permanently effective protests. But it cites what can be done:

At one school, thirty students destroyed their student activity cards and "sat in" for the first ten minutes of the fifth period in protest against an assembly's being called off for the third time.

At another school there was "a storm of protest over the suspension of a student for wearing his hair too long. . . ."

Actually, SDS says, "even such seemingly destructive actions as starting trash can fires and pulling fire alarms are forms of protest directed at the school as it is now constituted."

SDS GOALS

SDS goals in high school agitation are both immediate and long range.

The immediate goal, of course, is to foment student unrest and turbulence for the specific purpose of harassment. The SDS is an activist group more interested in confrontation and conflict than in study and ideology.

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The long-range goals are several:

To radicalize, as much as possible selected students who might upon entering college, be recruited into SDS and extremist activism. SDS realizes that only a small minority will either agree or be sympathetic. "The job of radicals is not to lead the youth," says one New Left writer. "It is to find young leaders and help make them radical."

To build, if possible, *a radical consciousness* among the students as a whole; that is, to inculcate in even unsympathetic students a feeling that there is an "evil" Establishment, that their education is "irrelevant," and that society is corrupt; to undermine respect for the law; to try to tear down our national heroes and look for everything bad in our country; to urge students to be cynical about our values; and to discourage genuine cooperation between adults and young people.

To develop *a link with the future working class*. Many high school students will not go to college but will obtain jobs instead. If, while in high school, they can be radicalized to a certain extent, they may be catalysts of future radical action; for instance, in labor unions. "If they can be socialized into a new ideology, the making of a radical industrial working class is both theoretically and practically possible."

The ultimate long-range goal, of course, is "liberation" or "jailbreak"—that is, *the complete disruption of the educational process.*

WHAT OF THE FUTURE?

SDS is badly split, and its organizational future is uncertain. The present factions are *Weatherman* (the most militant group, so called from the words of Bob Dylan, "You don't need a weatherman to know which way the wind blows"); *Revolutionary Youth Movement II* (which recently declared itself a separate "anti-imperialist" youth group); and the *Worker-Student Alliance* (controlled by the Old Left pro-Red Chinese Progressive Labor Party).

But regardless of what happened to SDS as an organization, the extremist mentality remains. In America today we have a minority of young people, many of them well trained academically, who have become disaffected from the fundamental values of the nation. These radicals, regardless of how they may quarrel among themselves, agree in their critical analysis of our society; that it is rotten and should not be reformed but destroyed. Speaking more and more in Marxist terms, this minority works for a revolution.

WHAT CAN WE DO?

1. Be appreciative of the majority of our current generation of poised and intelligent young people. The extremist minority, though influential, represents only a numerical few of our young people. Let's not condemn a whole generation for the extremist tactics of a few.

2. Recognize that student dissent is not necessarily identified with extremism. Legitimate dissent is part of our tradition. We want young people to think for themselves; this is the very heart of our educational process. On our campuses we have students with a vast variety of viewpoints—sincere idealists, with deep and honest convictions of protest, as well as extremists. We must be careful of our facts. Let's not sweepingly categorize all dissent under the label of extremism.

3. Distinguish between peaceful change through democratic processes on the one hand and destructive violence on the other. Our system is based on the inevitability and desirability of change. But this change must be within the law, not carried out by violence.

4. Remember that any educational or school decision made under the threat or actuality of violence, blackmail, and coercion sets a dangerous precedent.

The growing infatuation with violence is one of our nation's most pressing problems. Education can function only in an atmosphere of mutual trust, a desire to search for the truth, and a willingness both to speak and to listen. Schools simply cannot function under the fury of the mob, the shadow of the barricade, or the fist of the disrupter.

5. As adults we need continous and sincere communication with our young people. All too often adults "tune out" the young. Yet many of them have important messages. Let's talk to them—and maybe they in turn will listen to us. I'm sure the most effective school administrators, teachers, and parents are those who communicate with young people, are responsive to their legitimate needs and aspirations, and provide meaningful counsel.

6. Adults, especially teachers and parents, should set good personal examples for young people. Here is one of youth's major complaints—that adults talk in one way and act in another. The power of personal example, reinforced by personal conviction and courage, can be contagious for the good.

Let's admit that we have weaknesses in our society. Let's also assert that our society is working through legitimate processes of government to correct those weaknesses. We want young people to know what good will, hard work, and commitment to the positive can accomplish in a democratic society.

7. Keep faith with America. This means that in our pluralistic society we may have disagreements and conflicts, separate groups and interests, but that we all work for the best interests of our country. America needs a reaffirmation by its people of the heritage of freedom which gave it birth.

The very presence of an extremist minority of young people—as in SDS, which rejects our democratic values—should give all Americans concern. I know that you, as readers of *The PTA Magazine*, will do your share in meeting this challenge.

MADRIGAL SINGERS OF FREED-HARDEMAN COLLEGE PRESENT EXCELLENT RELIGIOUS AND PATRIOTIC CONCERT

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. JONES of Tennessee. Mr. Speaker, on January 18, I had the pleasure of a unique experience. The meeting house of the Lemalsamac Church of Christ, located between Yorkville and Newbern, Tenn., was the scene of an excellent religious and patriotic concert which Mrs. Jones and I attended.

The program was presented by the Madrigal Singers of Freed-Hardeman College, Henderson, Tenn. This group, under the direction of John Bob Hall, was organized in 1966. Concerts are presented each school year in many communities throughout the United States. The January 18 concert included such great hymns as "When I Survey the Wondrous Cross" and "Prince of Peace." A number of spirituals were given, including "Ninety and Nine," as well as the patriotic "My Country Tis of Thee." An excellent audience was present in spite of the inclement weather which featured West Tennessee snow, ice, rain, and sleet.

Lemalsamac is a rural church in Dyer County with a long and useful history dating back to 1847. This was the year that Neill S. Brown defeated Aaron V. Brown for the governorship of Tennessee. James K. Polk was President of the United States, the Mexican War was in progress, and the Mormons were making their historic trek to Utah. It was the era of "manifest destiny" in the United States of America.

The nine charter members of the Lemalsamac Church were: Jehiel and Elizabeth McCorkle, R. A. H. and Tirzah Scott McCorkle and their daughter, Mrs. Algea, J. T. Algea, Jane Maxwell McCorkle, Margaret Dickey, and Lemuel Scott.

The first building was erected in 1857 with all the lumber being dressed by hand. After moving into this building—from a nearby schoolhouse where services had been conducted—the name Lemalsamac was coined by R. A. H. McCorkle. The names of the charter members were used in the following manner: Lem—from Lemuel Scott, Al—from J. T. Algea, Sa—from Sarah McCorkle, Mac—from McCorkle.

The original building was torn down in 1917 and replaced by the present structure. At that time a Bible, along with the names of the officers of the church, was placed under the cornerstone. New oak pews were installed in 1951, air conditioning was added in 1963, and five classrooms, and a baptistry were built in 1964. The building is maintained in an excellent state of repair; the present attendance is in the eighties with a contribution each Sunday of nearly $200.

Norman Hogan, professor of Bible and History at Freed-Hardeman College, is currently preaching for the Lemalsamac Church. Each of the five presidents of Freed-Hardeman—N. B. Hardeman, A. G. Freed, W. Claude Hall, H. A. Dixon, and E. Claude Gardner—has preached at Lemalsamac or in nearby communities. C. P. Roland, the first dean of Freed-Hardeman as well as many faculty members through the years have preached at Lemalsamac.

The Lemalsamac Church has been active in the proclamation of the Gospel, support for children's homes and homes for the elderly, radio evangelism, and personal support for missionaries for over a century.

The January 18, 1970, concert of the Madrigal Singers was another in a long line of events which has led to a close relationship between Lemalsamac and Freed-Hardeman College since the founding of the college in 1908.

HON. HAMMOND FOWLER, TENNESSEE PUBLIC SERVICE COMMISSIONER, DELIVERS EXCELLENT SPEECH ON CURRENT PROBLEMS IN OUR NATION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the Honorable Hammond Fowler, Tennessee public service commissioner, recently delivered a timely address before the John Sevier Chapter of the Tennessee Society of the Sons of the American Revolution in Chattanooga, Tenn., in

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which he pinpointed some of the problems of our Nation today and recalled the great heritage of our country.

Commissioner Fowler is an able, eloquent, dynamic speaker, and his remarks were most appropriate and included a discussion of the problems of crime and violence continuing in this Nation.

Because of the interest of my colleagues and the American people in the problems of our Nation, I herewith place Commissioner Fowler's remarks in the RECORD.

The speech follows:

Tonight we would not be here in the heartland of prosperous, powerful, freedom-loving America to commemorate the 238th birthday of a great Virginian except for the courage, the wisdom and the dedication of George Washington. His military genius in the face of heart-breakingly long odds attained our national independence by the fearful arbitrament of armed conflict. His statesmanship, first as presiding officer of the Constitutional Convention which gave the newly-liberated colonies a viable national government in lieu of the ambiguous and impractical Articles of Confederation, and thereafter as the first president of our Republic in the critical days of its infancy preserved and implemented the national existence which his generalship had won for the Thirteen Colonies on the battlefield.

The life and accomplishments of George Washington in war and in peace constitute the cornerstone upon which our nation was built and are a priceless heritage held in common by all Americans—whether their ancestors came, as some of mine did, to the shores of Britain's North American Colonies a third of a thousand years ago in search of religious freedom and economic opportunity, or whether they themselves are newly-arrived fugitives from some police state tyranny of the fascist right or the communist left, drawn hither by the same "Western Star" which lured the Pilgrims to New England and the Cavaliers to Virginia three centuries ago.

But in a very special sense of the word we compatriots of the Society of the Sons of the American Revolution—direct descendants of men who risked—and some of whom lost—their lives in combat under the supreme command of General Washington, are entitled to claim such an honorable heritage. And it is today by no means a merely ceremonial, insignificant or empty honor. May I illustrate by telling you that on the reverse side of a gold medal awarded to my late, great mother for academic excellence on the occasion of her graduation from the University of Tennessee in 1898 are engraved the words "honor adds obligation".

So we Sons of the American Revolution, as inheritors from our forebears of the honor of their services have the obligation, by every means within our ability, to preserve, to strengthen and to upbuild the nation which their gallantry and their sacrifices brought into being.

It would be a pleasant and relatively easy way to carry out my assignment this evening if I should here launch forth into a detailed and documented review of the life and times of George Washington and thereupon conclude with some fine rhetoric about how our nation as it enters the decade of the 'seventies justifies the hopes and is worthy of the sufferings of our ancestors.

Candor and realism impel me to say instead that never since the Liberty Bell proclaimed the signing of the Declaration of Independence on a July day in 1776 has our United States of America stood in greater peril, nor have the wisdom, courage, dedication and unselfishness exemplified by George Washington been so urgently needed as they are on this the 238th anniversary of his birth.

Moral decay and a weakening and abandonment of long-accepted standards of personal conduct and business and professional ethics are all too evident on every hand. One can scarcely pick up a book or magazine today without encountering disgustingly filthy language of a type rarely heard even in the back room of a second-rate saloon not so many years ago. "Dirt for dirt's sake" seems to have replaced the now apparently outmoded slogan of "art for art's sake".

On the stage, crudely indecent conduct together with obscenely indecent speech which within the recent memory of the youngest of us would have brought the police van to the theater and assured the producer a jail sentence now bring favorable reviews from the dramatic critics and guarantee a long run and a lucrative box office.

Our radio and television programs are increasingly devoted to a glorification of vice, crime, violence and perversion. The television screen offers to young Americans a "do it yourself" home study course in rape, robbery, murder, seduction and all manner of lesser offenses against the criminal laws of our state and the precepts of religion.

Our newspapers, filled though they necessarily are with news stories about crime and delinquency and immorality and featuring interviews with celebrities advocating such things as drug addiction, illegitimacy, infidelity and in some instances conduct which is little, if any, short of treason against the United States, are about the only form of current literature today not constantly employing short, ugly and explicit words to connote human sewage, sexual activity and various manifestations of human depravity and perversion.

The alarming increase of crime in our nation threatens our individual liberties and our material possessions far more than did the arbitrary and oppressive policies of the British crown which brought about the American Revolution. This fast-spreading cancer encompasses a whole repulsive spectrum from the petty purse-snatchers and car thieves operating on their own to the far-flung well organized syndicates which by bribery, extortion, and outright murder have amassed billions of untaxed dollars, infiltrated their slimy way into labor organizations and legitimate business enterprises, corrupted or intimidated public officials and in some instances have gone so far as to attain a measure of control over state and local governments—not, thank God, in Tennessee, I am proud to add.

Contempt for law and order, for the police officers who enforce our laws and the courts which administer such laws is growing at a frightening pace. The recently concluded trial of the so-called "Chicago seven" for conspiracy to incite riot and for incitement to riot—of which latter offense five were found guilty and have been sentenced—is a typical and terrifying example of such a tendency. As a lawyer I am aware that it is not generally advisable to pass judgment on a criminal case without the benefit of the entire record but from what I have read it is my opinion that the presiding judge in the Chicago case acted with ample justification and in the best interest of justice and good order when he imposed long sentences for contempt of court upon the defendants and their attorneys who had sought to make a propaganda show out of the trial and a mockery of the orderly administration of justice.

Closely associated with the growth of crime and the prevalence of disrespect for law is the so-called "youth revolt" which poses a deadly threat to our continued life as a nation. Too many of our young men and women today, it would seem, do not go to college to obtain an education, but to participate in riots, to seize and occupy college buildings, kidnap college deans and presidents and resort to all manner of violent and lawless tactics calculated to terrorize and intimidate the administration and the board of trustees into granting such "demands" as they see fit to make. Two or three years ago, any of you might think to himself—"That may be happening in New York and California but it can't happen here." But it has happened here! Fortunately lacking the destructive violence manifested in those distant states, we have experienced so-called "student demonstrations" at my alma mater, the University of Tennessee at Knoxville and on a small scale here at the University of Tennessee at Chattanooga, within recent months.

The use of narcotic and hallucinatory drugs by our college and even high school-age young people has grown to the point where it is a major problem and a major threat. Spurred on by some disreputable rock and roll entertainers who glorify and promote drug addiction—and who incidentally should be driven from the entertainment field for this disservice they do to our nation by corrupting our youth—and supplied by the crime syndicates who are growing rich out of human degredation and who ought to be in the penitentiary, too many of our youth are experimenting with "pot" or "acid", with deadly peril to themselves and to their nation.

I am sure you have read of the recent tragic death of the daughter of that radio and television personality, Art Linkletter, who jumped from a window while under the influence of drugs, and of the arrest of the teen-age son of the Governor of New Jersey in a narcotics raid.

It will doubtless shock and dismay you, as it did me, to learn that the February issue of the Tennessee Press, the official publication of the newspaper profession in Tennessee, carried a news story which quoted the County Judge of Monroe County, a typical rural East Tennessee county populated by fine, Anglo-Saxon citizens, to the effect that juvenile delinquency in that county during 1969 was three hundred percent greater than for any prior year in the century and a half of its existence.

To an audience such as the one which I am honored to address tonight I need not present detailed documentation of the fact that patriotism has undergone a shocking decline. Reverence for our flag and the things it represents is a laughingstock in too many quarters and on the part of too many citizens. People who love their country and want to serve it in war or peace are far too widely regarded as "squares", anachronisms and hopelessly old-fashioned. Efforts—far too successful—are being made to abolish, downgrade or de-emphasize the Reserve Officer Training Corps program in our colleges and high schools. Cynical jokes are being circulated about our sister organization, the Daughters of the American Revolution, and if we were as well known and as numerous as the DAR's, the SAR's would doubtless be the target of similar abuse.

Let me make it plain that I am not here tonight to bring you a jeremiad of defeatism, despair and surrender but to point out that the perils, the problems and the difficulties which we face as a nation entering upon the seventh decade of the twentieth century present not merely a threat but an opportunity—an opporunity to display the same high order of courage, dedication and devotion as Washington and our Revolutionary ancestors displayed during the seventh decade of the eighteenth century, and to achieve the same success in our day and generation as they did in theirs. I can assure you that it will not be quick, easy or pleasant but I verily believe that the goal can be achieved and that with faith in God and ourselves and each other it will be achieved.

It would be highly presumptuous on my part to undertake to hand you a complete blueprint of how to go about the building of a better America or to furnish you with a battle plan, with all appendices and supporting data attached, for a successful campaign against those forces which would destroy America, but may I briefly give you some of my own thoughts as to how we may best accomplish the mission to which the obligation inherent in the honor of our heritage has assigned us.

First, we cannot, we must not adopt an attitude of negativism as we face the complex and complicated problems of the fast-changing, jet-atomic space-navigational age in which we live. To be against change for the mere sake of avoiding change is as unrealistic and self-defeating as to embrace any and all change for the mere sake of discarding all existing ideals, principles and institutions in favor of others which are new, untried and without demonstrable merit. Solutions to the urgent problems of today are not to be found in blind adherence to the over-simplified dogmas of the "radical right". As the sons of rebels, we should guard against any course of action which might lead us down the sunset trail of reaction to a dead end of frustration and stagnation.

To my mind, social justice and economic justice under progressive legislation designed to serve the interest of the majority while respecting the rights of the minority constitute the one and only alternative to the rise of leftist marxism, Russian style communism and outright anarchy in our beloved country. Police, and if necessary armed soldiers, should put down rioting and disorders in the slum areas of our cities, but at the same time our affluent nation should and in my opinion must bring the healing sunshine of better schools, more decent and adequate housing, sufficient medical care and employment opportunities into these breeding grounds of crime, delinquency, ignorance and idleness.

One essential for every Son of the American Revolution who would discharge the obligation incident to the honor of his Revolutionary heritage through the building of a better America is to rededicate himself, seven days a week, twenty-four hours a day to being the very best American of which he is capable. Let us each ask ourselves, as we enter into every business, professional or social activity, not "What's there in it for me?" but "What is best for my country?"

Christ, as he walked beside the Sea of Galilee in what is now the gallant, war-torn little Republic of Israel, admonished His disciples to "let your light so shine among men that they may see your good works and glorify your Father who is in Heaven". So may we, by virtue of our heritage, let our Americanism so shine that the cynics, the scoffers and the indifferent Americans of the turbulent seventies, may see our sincerity, our dedication, our patriotism and along with us glorify, cleanse, strengthen and upbuild our common country.

One of the causes advanced for the so-called "generation gap" and the "youth revolt" is the alleged hypocrisy of the senior generation and the injustices in our society—the failure of the "establishment" to live up in practice to the principles which it professes. More sincerity, more dedication, more letting the light of genuine patriotism shine, will help to close this gap and to bring the strength and vigor of more young people to our side as we labor to cure the ills and correct the evils which beset the America for which our ancestors fought.

On the occasion of the signing of the Declaration of Independence on July 4th, 1776, wise and witty old Benjamin Franklin, dean of the Pennsylvania delegation, noting that the signatures had made each signer a traitor to the British crown and liable to be hanged for treason to the crown if the Revolution failed, remarked: "Gentlemen, we must all hang together or we will all hang separately". So as Americans, especially as Americans possessed of the particular heritage mentioned earlier, we must seek out other Americans of all ages and both sexes, of all races and creeds and of all political persuasions other than the brainwashed puppets of Moscow, Havana, Hanoi, and Peking, and work together with them for the greatness, the good and the glory of America, or we will all fail separately. Success in such an endeavor will heal our sick society, solve our social, racial and economic problems, and build from the Atlantic to the Pacific, from our unfortified border with Canada to the banks of the Rio Grande, from the frozen tundra of Alaska to the orchid-clad islands of Hawaii a veritable "Washington Monument" more durable, more impressive and more meaningful than the lofty structure of stone which stands upon the banks of the Potomac at our national capital.

A MEETING OF FRIENDS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. DELLENBACK. Mr. Speaker, that the United States and Great Britain are old and trusted friends is pointed out in a recent Seattle, Wash., Post-Intelligencer editorial.

The editorial describes the meeting between Prime Minister Wilson and President Nixon which produced "nonnews in a globe full of tension, friction, and great danger." It discusses the bonds between these two nations and makes the point that "England remains our firmest link with the rest of West Europe."

As a participant in a recent Ditchley Foundation Conference in England of American and British legislators and businessmen, I was personally once again reminded of the close ties we share with England.

The editorial follows:

A MEETING OF FRIENDS

Because no major headlines were produced, the two days of talks in Washington last week between President Nixon and British Prime Minister Wilson received scant attention from commentators. The general atmosphere of non-news was further strengthened by omission of the usual final joint communique on what had been decided.

There can be only one reason why no tempest of speculation was stirred up by the summit meeting. It is simply that everybody assumed the parties had no basic differences to resolve in the first place. Here, we think, is an almost classical case of no news being good news.

Despite the absence of headlines, it is enormously heartening that traditional Anglo-American ties of understanding and cooperation remain so demonstrably close. Permitting Mr. Wilson to attend a session of our National Security Council was an extraordinary demonstration of that mutual trust and good will.

There are those, of course, who think the "special relationship" defined by Winston Churchill in 1946 is no longer of real importance. Since World War II, they emphasize, Great Britain has surrendered much of its greatness; from a world superpower it has shrunk to an island whose future primarily is dependent on relations with its European neighbors.

This is true enough. But what truly needs emphasis is that Britain still is the world's second most important monetary power; that the moral, intellectual and political prestige it exercises with the U.S. in the non-communist world is indispensable, and that England remains our firmest link with the rest of West Europe.

Our old friend is having to make many adjustments in a changing world. No longer a giant, some of its economic and political interests inevitably are diverging from our own. But, as the Nixon-Wilson talks showed, our general course continues in the same general direction.

We are fortunate that top-level talks with such an ally produce non-news in a globe full of tension, friction and great danger.

EMERGENCY LABOR DISPUTES

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to commend President Nixon on taking the initiative in the area of emergency labor disputes by proposing the Emergency Public Interest Protection Act of 1970. In his message to Congress last Friday, February 27, the President described the inadequacy of existing laws to protect the public interest when work stoppages occur in the transportation industry. The President has therefore asked for new authority and new options under the Taft-Hartley Act, as it applies to the transportation industry. Under this plan, the President would have three additional options at the end of the 80-day cooling-off period if no settlement has been reached.

First, the President would have the option of extending the cooling-off period for an additional 30 days. His second option would be to require partial operation of the troubled industry for up to 6 months in order to minimize dangers to the national health and safety. The precise level of partial operation would be determined by an impartial three-man board appointed by the President.

Finally, the President would have the option of invoking the procedure of "final offer selection." Under this procedure, both labor and management would submit one or two final offers to the Secretary of Labor, and the parties would be given another 5 days to bargain over these final proposals for settlement. Should no agreement be reached in that time, a neutral selector group would choose one of the final offers as the final and binding settlement.

This third option is likely to be the most controversial, but as Secretary of Labor Shultz has pointed out, it would not constitute compulsory arbitration.

It would, however, provide a new incentive for the parties to reach an agreement at an earlier stage. Such an incentive does not exist under current procedures. In the President's words:

> Rather than pulling apart, the disputants would be encouraged to come together. Neither could afford to remain in an intransigent or extreme position. In short, while the present prospect of Government arbitration tends to widen the gap between bargaining positions and thus invites intervention, the possibility of final offer selection would

work to narrow the gap and make the need for intervention less likely.

Mr. Speaker, the need for labor law reform geared to deal with emergency situations is something which has been talked about for many years. But in the past there has been little or no Executive leadership or guidance along these lines for obvious reasons: Reform is not something which will go down well with either labor or management no matter how apparent the need. President Nixon has done a courageous thing in bringing this proposal to us. It is now up to us in the Congress to bear our fair share of leadership responsibility and explore the full ramifications of this legislation and hopefully reach some consensus on a reform package designed to protect the national health and safety while promoting collective bargaining as free as possible from Government interference. Let us recognize that nearly everyone is dissatisfied with existing procedures and is now looking to the Congress for leadership in the area of labor law reform. We cannot shrink from this responsibility.

AGRICULTURE HAS BIG STAKE IN CRACKDOWN ON PESTICIDES

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. NICHOLS. Mr. Speaker, there has been a great deal written and said recently about the use of pesticides and the effect these chemicals might have on our environment. Many good arguments could be made both for and against the use of these pesticides.

As one who comes from a predominately rural district, many of my people are concerned about efforts to ban the use of these chemicals. The February issue of Progressive Farmer contains a thought-provoking editorial on this important matter. I would like to share this editorial with my colleagues by inserting it in the RECORD at this point:

AGRICULTURE HAS BIG STAKE IN CRACKDOWN ON PESTICIDES

All over the nation there is mounting concern over the pollution of our environment. Farm people share this concern. They recognize environmental pollution as an undisputed fact. That it stems primarily from the agricultural use of pesticides and plant nutrients, they deny with great vigor—and they have the facts to back their contention.

Farm people have a great deal at stake in the Federal Government's recent crackdown on DDT and its promised ban on other persistent pesticides such as aldrin, dieldrin, endrin, chlordane, heptachlor, toxaphene, benezene hexachloride, and lindane. They recognize the attack on DDT as the opening skirmish in a war against many other pesticides, and they fear what it will lead to.

In the United States, there are 10,000 species of insects, 600 species of weeds, and 1,500 plant diseases. If we suddenly stopped the use of pesticides in agriculture, U.S. production of crops and livestock would drop 30% or more.

After spending many hours reading a big pile of printed material dealing both pro and con with the subject, we believe DDT and its chemically related pesticides are being condemned on very flimsy circumstantial evidence. Here are some reasons for this conclusion:

1. American Medical Association says there is no evidence to date that humans are appreciably affected by the continued ingestion of minute traces of pesticides in raw and processed foods.

2. Present levels of pesticide residues in food and environment pose no adverse effect on man's health, according to National Academy of Sciences National Research Council (June 1969).

3. "To my knowledge, not one death (excluding accidental deaths) or serious illness has been caused among people exposed to the insecticide (DDT) in connection with the control of insects."—E. F. Knipling, U.S. Department of Agriculture.

4. "During years of investigation, it has been impossible to confirm the allegation that insecticides, when properly used, are the cause of any disease of man or animals."—Dr. Wayland Hayes, Jr., U.S. Public Health Service.

5. While conservationists call for a ban on DDT, the medical profession is studying it as a deterrent to cancer. Researchers at Johns Hopkins are studying workers at Montrose, Calif., because the incidence of cancer among men who have been exposed to a high level of DDT for over 20 years is far below normal.

6. Present controls are providing adequate protection of our food supply. Available evidence does not indicate that present levels of pesticide residues in man's food and environment are producing an adverse effect on his health.

7. Stories of fish kills due to pesticides should be taken with a grain of salt. A few years ago, major fish kills in the Mississippi River were attributed to water runoff from fields in which endrin had been used. Later a team of scientists presented convincing evidence that these fish kills were not related to pesticides used on agricultural lands.

8. Southern cultivated fields where DDT has been used for 10 years seldom show residue equal to one year's application.

It is indeed ironic that DDT, of all pesticides, should be singled out for attack. It is one of the most useful chemicals ever discovered. We know that DDT and other persistent pesticides build up in some forms of animal life such as fish and fish-eating birds. But it has not been established that the risk of environmental pollution outweighs their value in the production of food and fiber. Through its reduction of insect-borne diseases throughout the world, malaria in particular, DDT has perhaps saved as many human lives as all other drugs combined. Millions of people now living in good health would be dead or anemic cripples if it were not for DDT. In 1948, Dr. Paul Muller won a Nobel Prize as a result of his discovery of DDT's powers as an insect killer.

While the U.S. production and use of DDT is less than half what it was five or six years ago, it is still of great value to American farmers and consumers in controlling insects, especially on cotton, fruits, and vegetables. Three-fourths of U.S. production is now exported, in large measure for malaria control.

Aldrin, which is used on 40% of the corn acreage treated for soil insects, is another insecticide threatened by the recent USDA promise to move against persistent insecticides. Yet, in the judgment of most scientists, its contribution to environmental pollution is very small.

Still other pesticides under fire are 2,4-D and 2,4,5-T. To the ranch people of the Southwest, 2,4,5-T is of vital importance. It is their standby in fighting mesquite and other brushy plants that have taken over 8 million acres of ranch and pasture lands in Texas since World War II. According to John A. Matthews, chairman, Texas Brush Control & Range Improvement Committee, the banning of 2,4,5-T "would cost us 50,000 marketable head of beef a year in only five years' time in Texas alone." Also, 2,4,5-T is widely used for weed control in the rice areas of Texas, Arkansas, Louisiana, and Mississippi.

The decision to restrict the use of 2,4,5-T apparently was made after a test indicated a higher than normal degree of deformities in the offsprings of rats and mice which were given relatively heavy doses of 2,4,5-T orally during early pregnancy. "It's hard to see how anyone can expect the material will have the same effect on livestock or people," said Matthews, "when we have 20 years' actual experience to the contrary."

DDT and other chemically related hydrocarbon insecticides are being outlawed because they are persistent. Farmers need insecticides of some persistence because many insects are persistent. The more persistent an insecticide, the less often it must be applied and, other things being equal, the less expensive its use. Many of the less persistent insecticides are more dangerous to apply and are more costly.

The time may come when new methods of biological control (including the so-called bug-fight-bug technique) will make the use of insecticides much less urgent. But the time is not ripe for it yet. We have already spent $100 million to find new methods of nonchemical pest control, but we are still years away from their widespread use.

No one of good will wishes to continue the use of a pesticide that is actually dangerous to human or animal life, or that gives reasonable promise that it is likely to become so. The decision for or against a pesticide should be made on the principle of its benefit in producing food and fiber needs versus its risk of environmental pollution. Apparently decisions are being made to outlaw pesticides that are of vital importance to the production of food and fiber on unsubstantial evidence that they are significant factors in environmental pollution.

In recent months, USDA seems more inclined to accept the judgment of those who would place a slight potential risk of environmental pollution ahead of the very present benefit of pesticides to U.S. agriculture. In registering pesticides, decisions by USDA on their effect on human health are to be based on conclusions reached by HEW (Department of Health, Education, and Welfare). This could be dangerous to agriculture. Secretary Hardin should make HEW prove its case with substantial evidence. He should be a real fighting friend of U.S. agriculture and not allow HEW to influence the outlawing of pesticides on flimsy evidence such as that given in the case of 2,4,5-T. *What we need is the regulation of the use of chemicals both by USDA and proper state authorities. In any case, regulation should be based on the separate consideration of each individual pesticide and on each use to which it is put. Widespread banning of pesticides can be disastrous to U.S. agriculture. It shouldn't be accepted without a fight by farmer representatives and their friends.*

THE SILENT MAJORITY SPEAKS OUT

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. McFALL. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies' Auxiliary conducts a Voice of Democracy contest. This year over 400,000 school students

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participated in the contest, competing for five scholarships which are awarded as the top prizes. This year's theme is "Freedom's Challenge." The winning contestant from each State is brought to Washington, D.C., for the final judgment as guests of the Veterans of Foreign Wars.

Mr. Speaker, it was with a great deal of pleasure that I received the news that one of my constituents was judged as the winner in the State of California. Mr. Randy E. Thomas, of the Amos Alonzo Stagg Senior High School in Stockton, Calif., will compete here in Washington next week. Meantime, I believe it would be in order to share with you and my colleagues the contents of this young man's speech:

FREEDOM'S CHALLENGE

President Richard Nixon often refers to the silent majority. It is that silence which challenges our freedoms. One of the basic principles of American democracy is a right of the minority to be heard. Indeed, that minority is being heard, that minority is creating a loud tremor throughout the United States.

The tremor varies from protest of the Vietnam war, to mere protest of the American establishment. With the minority sc vocal and so devoted to their beliefs, the American image is often that of the minority. A minority may often become the ruling agent in a society when the majority becomes silent. To commend that silent majority is to only allow it to remain silent.

In order to reduce the impact that the minority carries, it is necessary for the majority to protest, to become visible, to create a contrast. The word "protest" carries a great impact these days, an impact that carries with it ideas of degradation of moral and society oriented principles. A vision of long haired students, an anti-American sign comes to mind. That image must be destroyed and be re-created into one of voice in favor of American goals, in favor of American foreign policy, and pro-American establishment.

This nation was born by protest and our guarantee of success depends on our nature of improvement. Aristotle, Plato, Washington all recognized that a society must improve in order to maintain the constituent freedoms. In the element of achieving improvement, protest does become necessary. There are, however, certain criteria that are necessary before those improvements can be achieved, by peaceful protest and peaceful demonstration.

The criticisms must be constructive. They must be valid. The challenge to freedom becomes apparent when a minority can destroy the creditability of future American foreign policy. A prime example is the effect that minority dissent has had in the case of the Vietnam war. Hanoi will not seriously negotiate any peace terms in Paris or anywhere else when the American position is so successfully protested by the minority. That it may possibly force a change in American foreign position.

President Nixon has attempted to put Hanoi in a dilemma by giving them two choices, to maintain current objectives and the United States troops will continue to prevent further aggression or to decrease objectives and the United States troops will be gradually withdrawn.

Why should Hanoi declare its position when American position is so insecure because of minority protest? The point is that we should not halt protest but that the majority should try to maintain some stability behind American foreign policy by creating a contrast. To give American foreign policy a chance. To give our President a chance. The silent majority must be heard.

If American creditability and freedom are to be maintained, the challenges to be heard must be met. If we are to solve the Vietnamese conflict with honor, peace and still maintain stability in South Vietnam, it is necessary for the American majority to support American foreign goals, to support our President, to give him a chance. The challenge to freedom needs decisive action. The silent majority must be heard.

WHY DON'T THEY STOP INFLATION?

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. GUBSER. Mr. Speaker, one of my most distinguished constituents, the Honorable Roger A. Freeman, formerly with the Hoover Institution on War, Revolution, and Peace at Stanford University, and now a special assistant to President Nixon, recently delivered an address before the Eastern Regional Conference of the Associated Credit Bureaus in New York City. I believe Mr. Freeman's remarks are worthy of being brought to the attention of my colleagues, and I am therefore submitting them for inclusion in the RECORD.

WHY DON'T THEY STOP INFLATION?

(Remarks by Roger A. Freeman)

If we conducted an opinion poll among a representative cross section of the American people, asking what their leading grievance is in the domestic policy area, we would today in most places get the answer: soaring prices.

In letters to editors, in radio and TV interviews and on many other occasions, people keep asking, "Why don't they stop inflation?" "They" of course meaning the government. In a rare display of consensus, members of Congress of both political parties have been condemning inflation in vivid tones and demanding that it be ended forthwith. With everybody seemingly opposed to it, we may well wonder "Why don't they stop inflation?" Is there a sinister and clandestine lobby at work which keeps frustrating the will of the people?

It remainds me somewhat of the psychiatrist who when examining his patient inquired: "Are you troubled by improper thoughts?" to which the patient cheerfully replied: "No, I am not. Frankly speaking doctor, I rather enjoy them."

The fact is that most people enjoy *their* share of inflation, that is their individual slice of the expanded money supply in the form of an income, whether from wages or from independent activity, that grows faster than their productivity. What they don't like is the *consequences* of inflation, which is higher prices. It is not the overeating or drinking that we dislike—it is the hangover, the indigestion, the obesity we fear, but too often fear not enough to abstain from drinking or overeating. This looks like a case of being able to resist everything save temptation.

It is a natural and understandable tendency for people to try to offset the impact of higher prices by boosting their income and, albeit grudgingly, spending more money instead of reducing their demands. It is as if at a football game we were not seeing well enough over the heads of the people in front of us and decided to stand up. We'll see better—temporarily. When the other people also stand up, as most likely they will, we and everybody else will see no better than we did before. More likely, we'll see less. If we then sit down, we'll see nothing. But how do we persuade the other people to sit down, too, so that we all can see at least something, in comfort? As so often it is much easier to get into trouble, then to get out of it, because few are eager to make the sacrifice of being the first to give in. How can we, in a free society, get concerted action by having all sit down at the same time? In this case Ben Franklin's famous observation holds true:

"We must all hang together or, most decidedly, we shall all hang separately."

Opinions differ on what causes inflation and how it can best be cured. Keynesians and Neo-Keynesians who believe that fiscal policy is the key to stable economic growth and a firm lever for steering between the Scylla of inflation and the Charybdis of recession, had it largely to themselves for most of the time since World War II. Though they still count the majority of economists among their disciples, they have been losing ground in recent years to the monetarists who believe that the quantity of money is the only thing that matters. There are different shades of monetarists—from Friedmanites to Friedmanesques—but they all hold more or less that changes in money supply control the course of inflation.

When neither of these two factions were as successful as they promised to be if given a free hand, another view gained adherents. Noneconomists—or, as economists would regard them, less sophisticated persons—find the amorphous abstractions of fiscal and monetary policy hard to comprehend or absorb. They prefer to think in antropomorphous terms—a crime must have a villain and a victim. The victim of inflation is, of course, always the person speaking and the economic group to which he belongs. The villain, depending on which side of the fence the speaker happens to be on, is either a union leader raising extravagant wage demands or a corporate manager or business tycoon boosting prices to reap exorbitant profits.

Is arguing over the relative roles in generating inflation like arguing which is the most important leg of a three-legged stool? Not quite. All three are important, but the shaping of anti-inflationary policy depends on where we want to place our main emphasis.

FISCAL POLICY

That a succession of huge budgetary deficits in the 1960s bears a major responsibility for the inflationary trend of recent years is now widely, if not universally, recognized. The imposition of a 10 percent income surtax in the summer of 1968 was expected to help end the budgetary deficits, which it did. Many economists feared that the changeover from a $25 billion deficit in FY–1968 to a $3 billion surplus in FY–1969 amounted to an overkill and might lead to a depression.

As happened in other instances, overkill was only in the mind of the beholder. Prices kept rising at an undiminished pace right through FY–1969 and into FY–1970. Does this mean that a tight fiscal policy is not anti-inflationary? Of course not. But why do we expect a $3 billion surplus to be followed, hopefully, by $1 to $2 billion surpluses in the two succeeding fiscal years to end an inflationary trend caused by a $57 billion deficit in the preceding 8 years? In those 8 years an inflationary psychology ingrained itself deeply on the minds of producers and consumers alike and cannot be easily eradicated by a couple of slim surpluses, particularly when the firmness of congressional determination to end inflation has not yet been convincingly demonstrated.

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The Committee for Economic Development recommended in its recent statement "A Stabilizing Fiscal and Monetary Policy for 1970" that the target for the current and successive fiscal years should be a $6 to $9 billion surplus until inflationary tendencies are well under control.

Why did the President not recommend a surplus of that magnitude in his budget? You may remember how much difficulty the President encountered in persuading Congress to extend the 10 percent surtax through the second half of 1969 and even greater resistance to obtaining, at the last moment, a 5 percent extension for the first half of 1970. No greater tax increase could have passed Congress at that time.

To be sure, the overall tax burden of the American people has become too heavy and needs to be lightened. But should this be done at the cost of adding to inflation?

There is, of course, another way of producing a greater budgetary surplus: tighter expenditure control. But, strange as it seems, it was the same forces in Congress that pushed for tax cuts which also drove the hardest for larger expenditures than the President had recommended. If the President had not vetoed a major appropriation bill—as he had long warned Congress he would—the planned surplus would have disappeared, proving to those who doubt the determination or ability of the U.S. government to end inflation that they were correct right along. Pressures for enlarged spending on and in Congress continue undiminished and that battle has been particularly fierce in the past few days.

No doubt, you have heard the claim that the budgetary situation is tight only because defense spending has tremendously increased and swallows the major part of our tax payments. If defense were cut substantially, it is said, below the amounts recommended by the President, there would be ample money available to lower tax rates, augment funds for education and other social purposes and still wind up with a healthy surplus.

Now for the current 3-year period, between FY-1968 and FY-1971, as proposed by the President, as you may know, defense spending was cut 10 percent, outlays for Human Resources (education, health, social security, labor, etc.) raised by 41 percent, for all other purposes increased by 14 percent.

While this shows a dramatic shift of federal funds from military to social purposes, our critics contend, that such comparisons should be made over a longer period than 3 years. The big boost in defense came before that time. This is a valid point. So, let me give you the changes in the rates of expenditures in the two preceding 8-year periods:

Increase or decrease in Federal spending[1]

	Percent
Defense:	
Between 1952 and 1960	−2
Between 1960 and 1968	+75
Between 1968 and 1971	−10
Human resources (education, health, social security, labor, etc.):	
Between 1952 and 1960	+227
Between 1960 and 1968	+165
Between 1968 and 1971	+41
All other purposes:	
Between 1952 and 1960	+49
Between 1960 and 1968	+78
Between 1968 and 1971	+14

These figures indicate trends which differ decisively from widely believed myths. But those are the facts.

Now let us look at the expenditure increases over the entire period from 1952 to 1971:

	Percent
Defense (increase)	57
Human resources (education, health, social security, etc.)	1.170
All other (increase)	147

Defense accounted for 66% of the Budget in 1952 (=13.5% of GNP).

Defense accounted for 49% of the Budget in 1960 (=9.1% in GNP).

Defense accounted for 44% of the Budget in 1968 (=9.3% of GNP).

Defense accounted for 37% of the Budget in 1971 (=7.1% of GNP (estimate).

I cannot discuss with you in this context the grave implications for our national security of cutting defense funds below the amounts which the President recommended. But there is a good chance that unless the international situation deteriorates in the next few years—which nobody can predict at this time nor rule out as a possibility—defense may well account for a smaller percentage of the budget and of GNP a few years hence than it does now.

Tighter control may, however, well be applied to other outlays as a result of studies in depth that are being or will be undertaken.

In some public programs the benefits of increased spending are evident. We find, for example, that the fatality rate is less than half as high on interstate highways (freeways) as on other rural roads. This is not a minor matter as long as more than 55,000 persons are being killed in traffic accidents each year. The potential reduction in loss of life and human suffering, aside from lowered economic losses as a result of modernized roads, is truly tremendous.

Protection, conservation and development of natural resources and of our environment generally have been greatly advanced by well planned public programs and will demand increased attention in years to come. Social insurance programs enable American families to look with greater confidence toward their old age and are helping many millions against other vicissitudes of life.

Public assistance programs, on the other hand, have proven to be counterproductive and need to be replaced by an approach that aims to preserve human dignity and make as many dependent persons as possible wholly or partially self-supporting. The results of urban renewal programs also have been spotty and need re-evalution.

It is a matter of pride that outlays for education have multiplied more rapidly than for almost any other purpose so that we in the United States now spend almost as much for education as all the other countries of the world combined. The results are in many respects excellent—but in other respects less than persuasive. Certain major programs activated within the past 10 years have failed to deliver what their sponsors promised and will need to be studied closely before the amounts are substantially increased. To be sure: funds for education will have to keep increasing at a rapid pace. But the methods of their application will need to be more thoroughly considered and funds concentrated on programs which demonstrably can and do produce tangible educational improvements.

While there is no doubt that federal expenditures will continue to go up as our population and economy expand, there is an urgent need to keep the increase at lower rates than those which prevailed in the past. Only in this way can the tendency of taxes to grow faster than national or personnel income be reversed.

Until inflationary trends are well under control and have subsided, a tight fiscal policy must continue with its main emphasis on the expenditure side of the budget. Fiscal policy has not failed—but time and circumstances have so far not permitted a budgetary surplus of the size which to all appearances would have been necessary to reverse the inflationary tide that has engulfed us for the past four to five years. Congress will have to convince the American people as well as foreign observers that it means business in its aim to end inflation by taking firm action. Last year Congress adopted an expenditure ceiling but then disregarded it when authorizing larger appropriations and mandating certain outlays. Such a performance is not apt to inspire confidence among the public that the lawmakers will resist the pleas of special interest lobbies and exercise the discipline necessary to overcome inflationary pressures.

MONETARY POLICY

Monetary policy fluctuated during the 1960s, tightened temporarily in 1966, but on the whole was not effective in stemming inflationary trends. It has been only about one year since the Federal Reserve Board embarked on a truly restrictive policy. Money supply increased a mere 2½ percent between December 1968 and December 1969, and has remained almost static since the spring of 1969. This has had a distinct effect in reducing inflationary pressures, as most economic indicators have shown for several months. To be sure, prices kept going up—but there is little doubt that if money were kept as tight for an extended period, the price curve would eventually yield. The questions is: are the American people willing to pay the price for such a policy?

To cut off the money supply completely is like tying up an artery to stop the flow of blood from a wound: it may be necessary to keep the patient from bleeding to death. But if the blood is cut off for too long, gangrene may set in and the limb may be lost. Money is the economy's life blood. The potentially serious impact of a complete freezing of the money supply for a period that will soon exceed a year makes it likely that a slight easing of the restraints could be forthcoming before too long.

I said "slight" lest anybody gets up his hopes too high.

The Federal Reserve Board's dilemma and its extreme caution before acting is not hard to understand. If the Board lowers reserve requirements and purchases federal securities in the open market and prices continue to soar, it is certain to be blamed. But if it continues money as tight as it has been and a recession develops, the Board will be regarded as the main culprit. This is not an enviable position to be in—but the Board will, I trust, resolve it judiciously.

It has been widely asserted that high interest rates are a cause of inflation and the demand has been raised that the rates should be lowered, by government edict or otherwise. Now, let us think about that and look what has been happening.

Over the past five years personal income increased 42 percent, personal savings only 32 percent. Personal installment loans meanwhile grew 47 percent, all consumer credit 35 percent. The flow of funds into commercial banks, mutual savings banks, savings and loan associations and insurance companies dwindled from $50 billion in 1967 to a mere $5.5 billion in 1969.

Obviously, money is a commodity that is high in demand, short in supply. What would happen if government forced lower interest rates in such a situation? Probably the same thing that would happen if the price of any other commodity with inadequate supply were reduced. Lower interest rates would cause savers and investors at home and abroad to channel their funds elsewhere while additional borrowers who were deterred by high rates would be attracted.

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[1] Data for 1952, 1960 and 1968 are for calendar years. For the 1968–71 comparison only fiscal year data are available. Figures shown for fiscal year 1971 are based on the President's budget recommendations.

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Where would the added money to meet the demand come from, if savers and investors do not supply it? From the government? What impact would the creation of large amounts of new money have on the rate of inflation?

If interest rates were *artificially* lowered, a rationing of all credits would probably become inevitable, a step which this Administration wants to avoid. Experience in many countries has shown that political pressures being what they are, government does not allocate funds as efficiently as the market does through the pricing system. That does not mean that the market cannot occasionally be nudged into some types of particularly needed investment. But the long-range implications for economic growth of comprehensive credit controls are grave and must be carefully considered before such a step is taken.

The bond market has begun to show unmistakable signs of strength in the last few weeks and some of the interest rates on new bond issues have been coming down. This may, but does not necessarily, mean that we have reached the long-awaited reversal of the uptrend.

An interest rate of 8½ percent or 9 percent may appear high in historical terms. But if prices rise between 5 percent and 6 percent per annum, as they did in 1969, this equals a net return of only 3 percent to 3.5 percent to the investor. It also means that the borrower will repay the principal in cheaper dollars and, therefore, does not truly bear a 8½ percent or 9 percent burden. I, therefore, doubt that interest rates will come down substantially until the rate of price increases has materially slowed.

It has been an interesting phenomenon that the dollar has gained remarkable strength in international markets in the past two years and is now again the leading international reserve currency—at a time when our merchandise export balance has all but vanished and the balance of payments recorded its greatest deficit ever (on a liquidity basis). One of the reasons for the dollar's improved stature, despite our poor trade performance, is the willingness of banks to pay 10 percent to 12 percent for Eurodollars. I wonder what the impact would be on the status of the dollar if interest rates were artificially lowered by government edict?

To sum this up: lower interest rates and an easier money policy are of course highly desirable—if they come in conjunction with developments in the market and with an appropriate fiscal policy. To clamor for easy money at lower rates, for enlarged public spending and lower taxes while complaining about runaway prices may to some seem politically profitable. But I believe that the American people are too intelligent and too well educated to fall for such self-contradictory appeals.

WAGE, PRICE AND PROFITS POLICY

Balanced fiscal and monetary policies have now been in effect for at least a year and, to some extent, well over a year. Most economic indicators disclose a general slowdown throughout the economy, as was expected. But prices keep going up and many people are becoming impatient and dissatisfied with the results of fiscal-monetary policies. They feel that we may be faced with cost-push rather than demand-pull inflation and that only direct action will stop it within a reasonable time.

Some have suggested the issuance of guidelines on wage and price changes. Such guidelines worked not too badly in the early 1960s when inflationary pressures were very low. But when pressures started to mount in the mid-1960s, guidelines did not prove strong enough a weapon and were finally discarded. This does not necessarily prove that under certain circumstances they could not be of some help in conjunction with appropriate noninflationary fiscal and monetary policies.

One problem: What do you use for a guideline when the productivity increase is down to zero or close to zero?

Some want the President to do more "jawboning." I am not certain whether jawboning means moving one's jawbone—in other words trying to persuade business and labor to refrain from demanding or imposing disproportionate increases—or whether it refers to the kind of jawboning that Samson did when he fought the Philistines. There is nothing wrong with jawboning of the former type and the President has, in fact, been exerting leadership along that line, admonishing major economic groups not to press selfish claims that would work to the disadvantage of all. Jawboning of the latter type, however, occasionally used by some Presidents in years past, actually amounts to an attempt at governmental control, with haphazard or even capricious enforcement.

Some have gone a step farther and suggested the imposition of general wage and price controls, usually in the form of a general freeze.

Would a wage and price freeze accomplish what fiscal and monetary policy have so far not been able to bring about? During World War II, price control succeeded in slowing down the price movement. But there were then tight restrictions on materials and production, many items were rationed, a 77 percent excess profits tax and a 91 percent maximum income tax were in effect. Moreover, the patriotic spirit helped to make restrictions acceptable as a necessary sacrifice for winning the war.

Even so, price and wage control was only a delaying action with many leakages, as those of you who were then active in business may well remember. I was a shoe buyer for the Macy concern in those years and recall that manufacturers and retailers, as well as unions, used numerous subterfuges as a means of getting around the price and wage freeze.

Even if an enormous enforcement apparatus were created to control and supervise the over 10 million single proprietorships and partnerships and 1.5 million corporations, it might be no more effectve than the XVIII Amendment was—and it could generate many ills including black markets. A freeze at any particular time would be unfair to those who have not had recent adjustments. It could be circumvented by slight changes, sufficient to justify a new price in millions of items, by fake overtime and promotions. It would generally favor the corrupt over the conscientious. There are circumstances under which controls may have to be considered—but they do not exist today nor are they likely to occur in the discernible future, barring a major international emergency.

Can other action be taken to end the wage-price spiral? Two months ago Walter Reuther objected to the term wage-price spiral. It should be called a price-wage spiral, he said, because prices are raised to maximize profits and this in turn causes workers to demand higher wages. It is correct that in several instances prices went up in advance of rising *unit* labor costs, though not necessarily in advance of wage rates. Prices start rising while demand is high, when facilities and manpower are fully employed and when labor productivity is increasing. But as the cycle continues, productivity declines, wages and unit costs rise faster and prices aim even higher.

What has actually happened in the past four years? Have higher prices lead to higher profits or have they resulted in labor getting a bigger slice of the pie?

Let us see:

Changes in income shares between 1965 and 1969—IV quarter (seasonal adjustment)

[Increase or decrease in percentage points]

Shares of National Income:	
Employee compensation increased from 69.8% to 73.6%	+3.8
Pre-tax profits declined from 13.8% to 11.6%	−2.2
After-tax profits declined from 8.2% to 6.4%	−1.8
Shares of Personal Income:	
Labor income increased from 70.1% to 72.0%	+1.9
Dividends, business & professional income declined from 11.5% to 9.8%	−1.7
Shares of Corporate Income: [1]	
Employee compensation increased from 77.6% to 80.3%	+2.7
Pre-tax profits declined from 21.0% to 20.2%	−.8
After-tax profits declined from 11.9% to 10.4%	−.5

[1] From 1965 to 1969—III Quarter seasonal adjustment.

Regardless of the chicken v. egg question of who started it, the crucial point is: how can the spiral be stopped?

This is an important question because contracts negotiated in 1969 provide on the average a first-year hourly wage increase of 8.2 percent, compared with 7.2 percent for the full year of 1968. With productivity increases virtually absent, the implications for future price movements are obvious.

In the construction industry, first-year wage increases negotiated in 1969 averaged 14.0 percent which seems to offer a gloomy outlook for housing.[1]

Bargaining negotiations are scheduled in 1970 for about 5 million workers (teamsters, autoworkers, rubberworkers, etc.), compared with 2½ million in 1969, with union demands for wage boosts certain not to be lower than they were last year. Nor is management likely to be more compliant, in view of the current profit squeeze that seems to be tightening.

Does this suggest government intervention in wage negotiations to thwart labor's aims? Not at all. To put pressure on labor union leaders might serve little purpose. If workers are dissatisfied, they will veto bargaining agreements between union and management representatives and may replace union officials who settle for less than the rank and file are willing to settle for.

Business response to the severe profit squeeze and sharply rising labor costs is predictable: cost paring. In many industries, attempts are under way at cost savings by reducing payrolls and will unquestionably continue. Coming at a time when cutbacks in the defense procurement programs and in the size of the Armed Forces and supporting personnel will affect well over a million Americans within the next 18 months, we are likely to experience an increase in unemployment. By how much the unemployment rate which stood at 3.9 percent of the civilian labor force in January 1970 will rise is impossible to tell. Should it go up too steeply, appropriate government action will be taken to alleviate the situation.

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[1] Actually, more housing units were completed in 1969 than in any year on record, with the possible exception of 1950. Conventional housing starts were down—not surprising when we consider that residential construction costs increased 34 percent in the past 5 years while the Consumers Price Index grew only 20 percent. But about 400,000 factory produced so-called mobile homes were turned out—about twice as many as in 1966, over four times as many as in 1961.

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But a few facts on the composition of the unemployed group may help toward a better understanding of the nature of the problem we are facing:

More than one-half of the 2.6 million persons unemployed in December 1969 had been jobless for less than 5 weeks, with most of them on the lookout and between jobs. Only one person in every 228 persons in the civilian labor force had been unemployed for 15 or more weeks.

Fewer than one-half of all unemployed had actually lost their last job. A larger number than were dismissed had never before been employed or had just reentered the labor force; 14 percent quit their last job.

The unemployment rate among men living with their families was only 1.7 percent—or one in sixty. It was much higher among single men and among women.

This does not aim to detract from the seriousness of employment as such nor from the necessity of being ready to cope with a substantial increase, should it occur. It aims to put the situation in the right perspective.

Even the mere discussion of a pending wage and price freeze would cause labor unions and companies to hasten to get their adjustment in before controls are imposed. It would, therefore, accelerate and intensify the pressure of the upward movement.

In summary: Wage and price controls offer no feasible solution to the problem of rising prices. Nor can jawboning serve as a *substitute* for proper economic directions. There simply is no reasonable alternative to a continued and judicious pursuit of sound fiscal and monetary policies, by planning for sizable budgetary surpluses, by keeping public expenditures from expanding too rapidly, by encouraging saving over consumption, by keeping money tight with only a gradual easing as the condition of the economy and inflationary pressures permit or demand, and by letting interest rates find their own level which, more likely than not, will follow the movement of prices.

Any other course is likely to be more costly in the long run and lead to greater dissatisfaction and internal conflict.

BAN DDT AND SIMILAR INSECTICIDES

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. KOCH. Mr. Speaker, the Department of Agriculture is considering regulations restricting the use of DDT. Eight years have gone by since Rachel Carson's "Silent Spring" appeared in 1962 warning us against the use of DDT. The experts, bureaucrats, and technocrats of the commercial companies and the U.S. Government all viciously attacked her and sought to label her as an alarmist.

We now know that she was accurate in her predictions and that it was the "experts" who were in error. Let us now attempt to undo as much as we can of the damage that has been wrought through the use of DDT and surely preclude by law through the banning of DDT further damage from that insecticide. In support of the most restrictive regulations to effect such a ban, I have sent the letter which follows to the U.S. Department of Agriculture. I have also requested of that Department that it consider regulating in the most stringent way not only DDT but all other insecticides similar to DDT which adversely affect the ecology.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 20, 1970.

HARRY W. HAYS,
Director, Pesticides Regulation Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. HAYS: I wish to register my support for the regulation filed by the Department of Agriculture regarding proposed cancellation of all uses of DDT (F.R. Doc. 69–14024; Filed Nov. 24, 1969). I stand in strong opposition to continuation of present permitted uses of DDT. The implications of DDT for human health and environmental safety necessitate a complete ban on its use with the well-defined exception that in potential catastrophic insect infestation that would pose an imminent threat of human health disaster, widespread destruction of agricultural areas or extensive damage to a natural resource DDT could be used for short periods of time in the event that no other less persistent insecticide was available in sufficient quantities. In stating this exception I do not mean regularized usage, but a potential outbreak of an insect-carried disease or some phenomenon such as a locust plague. I would hope that the use of DDT in such imminent disasters would be at most a few days.

The hazards posed by DDT are well documented and require immediate action. Overwhelming scientific evidence clearly shows that DDT is a menace to the environment and wildlife, and current data indicate a definite danger to man.

Available scientific findings have established that DDT is a potential cancer-producing agent. Some of these findings include the following:

1. As far back as 1947 the Food and Drug Administration found increased incidences of liver tumors in rats which were fed DDT.
2. On May 1, 1969, the National Cancer Institute reported that DDT added to the diet of mice quadrupled the frequency of tumors of the liver, lungs, and lymphoid organs.
3. Hungarian scientists reported similar findings concerning the relationship of DDT and the development of tumors and leukemia. A recent University of Miami Medical School study revealed that the bodies of persons who died of cancer contained more than twice the DDT concentration as persons who died of accidental causes.
4. We know that the DDT concentration in mothers' milk has been found to be more than twice as great as the concentration permitted in cow's milk sold for public consumption.

DDT has polluted our waterways, contaminating fish which are later consumed as food. Persistent chemicals have been carried down rivers and streams into the lakes and oceans of the world. DDT has even been found in the fatty tissues of birds and fish in the Arctic and Antarctic. The cost of DDT use has been deathly high for various animal species. It has had a disastrous effect on the fertility of some bird species, indeed among them has been our national symbol, the bald eagle. The direct threat of extinction to certain species of birds and wildlife should serve as a warning to us, a bellwether of potential biological havoc wrought by the continued use of DDT.

I have been very impressed by recent studies which have shown that with an increased use of DDT and other insecticides crop production yields in several parts of the world have actually *decreased*, in addition to having a detrimental effect on human welfare. This would indicate that the exclusive reliance on chemicals alone to increase food production in our already underfed world is unwise, as well as ecologically unsound.

Effective and economical alternatives for pest control have been developed. The U.S.D.A. presently lists effective alternatives for DDT for virtually every crop of which this most persistent pesticide is presently used. In addition, a host of nonchemical means of pest control have been applied with great success in many parts of the country, including the development of crop varieties that resist insect attack, the introduction of natural enemies into the pest's environment, insect sterilization, and integrated procedures which combine chemical and biological control measures. It is reasonable to surmise that a ban on DDT may well act as a stimulus for the development of more sophisticated biolgocial and integrated control mechanisms for dealing with pests.

The proposed regulations, to my knowledge, pertain to DDT usage alone. There are other insecticides chemically similar to DDT—such as Dieldrin, Endrin, and other chlorinated hydrocarbons—which have similar ecological and physical effects. I would like to take this opportunity to urge the Department to closely consider these substances and subject them to equally stringent regulations.

We must not postpone action to prevent further abuse to our environment and human life brought about by DDT use. The existing degradation of our environment as well as foreseeable damage to ecology and man dictate an immediate suspension of the use of this man-made menace in our environment.

Sincerely,

EDWARD I. KOCH.

SCOUTS ALERT COMMUNITY TO DANGERS OF POLLUTION

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. GIAIMO. Mr. Speaker, in a recent statement, I applauded the increasing concern of this Nation's youth about the dangers of environmental pollution. I am pleased to note that two Boy Scouts representing troop 8 in Hamden, Conn., have exemplified this concern in a manner highly beneficial to their community.

As part of an Eagle Scout project, these two dedicated young men have started a campaign "to get the citizens of our community actively interested in the serious problems of pollution." They have urged citizens to write their elected officials about the need for antipollution measures and have distributed a flyer which graphically illustrates the need for prompt action in the community, State, and Nation. They have asked me and other officials what they can do, as Boy Scouts and citizens, to contribute to the antipollution effort.

Mr. Speaker, I am proud to acknowledge the resourcefulness, dedication, and idealism of these two young men, and I am confident that the citizens of Hamden will heed their call to action. I hope that their initiative will serve as an example to other concerned citizens throughout the country.

I wish to insert at this point in the RECORD the text of the flyer which is being distributed by these scouts:

POLLUTION IS CAUSED BY PEOPLE. IT MUST BE CURED BY PEOPLE—POLLUTION? YES IT IS BAD, BUT IT DOES NOT AFFECT ME IN THE COMMUNITY OF HAMDEN—NO? READ THIS—POLLUTION IN OUR COMMUNITY

Many of us have remained unaware of the urgency of the pollution problem facing us today. According to Time magazine, "Every year, Americans junk 7 million cars, 100 million tires, 20 million tons of paper, 48 billion cans, and 28 billion bottles. Garbage collection annually costs $2.8 billion. Every year, U.S. plants discard 165 million tons of solid waste and gush 172 millions of tons of smoke and fumes into the air."

A local member of the Connecticut Commission on Air Pollution, Mr. Herbert H. Etter, says, "There is now 17 times more of a problem with the incidence of Emphysema than we had 10 short years ago." Air pollution causes the equivalent of $65 worth of damage per person in the U.S. today, for a total of over $12 billion a year.

In short, the problem is great!

As our population continues to increase by incredible numbers, so continues the pollution of lakes, rivers and oceans. People use vast amounts of water every day in the U.S. and if it's not taken care of—We're going to run out of it!

Concerning how much each individual in the U.S. uses today as compared to 1900, we now use four times as much water. Industries in the U.S. now use thirteen times as much and farmers use seven times as much water as they did in 1900. This amounts to 387 billion gallons of water being used in some way by the industrialist, the farmer and the common people of America every day.

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As water is continually being used more and more each day, we should try to keep it cleaner instead of allowing it to become polluted. Since 1900, water pollution has gone up six times and *unless you act now* will stay on this ever-rising scale.

The experts all say the cost of combatting this threat to our very survival will run into the billions. Yet it is clear that the cost of not fighting pollution is a price that we cannot afford to pay: the extermination of the human race.

"But there is no clear danger to me here in Hamden," you may say. Look around you at the polluted streams, the air pollution hanging in the valley that makes you choke. We're polluting ourselves out of existence and drowing in our own filth. The time for action is now! Unless you act now your children will not blame you for your failure—they may not even be alive.

Please, for their sakes, write to the people listed below, and do it today:

President Richard M. Nixon, Washington, D.C.;

Senator Abraham Ribicoff, Washington, D.C.;

Senator Thomas J. Dodd, Washington, D.C.;

Congressman Robert N. Giaimo, Washington, D.C.;

State Senator Patrick Barbato, Hartford, Connecticut;

State Representative Milton Caplan, Hartford, Connecticut;

State Representative John Chagnon, Hartford, Connecticut;

Mayor William M. Adams, Hamden, Connecticut.

Thank you.

Your children's lives are in danger! Act!

An Eagle project by S.S. and P.K.—Troop 8—Hamden, Connecticut.

THE SOCIAL JUSTICE OF A CAROLINA TOWN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. CONYERS. Mr. Speaker, the following letter from the Barnwell, S.C., branch of the NAACP speaks for itself. It indicates the deplorable extent to which racial abuse is still accepted as the official way of life in parts of this country. The letter details the policies of outright injustice, humiliation, and neglect practiced by the local government of Barnwell toward the black citizens of that town. That the black population of Barnwell makes up more than one-third of the town citizenry amplifies the disgracefulness and illegality of such conditions. I urge all my colleagues, those who are trying to end racism in this country and those who are trying to deny it exists, to take careful note of the contents of this letter. It follows:

FEBRUARY 10, 1970.

To: The Mayor, City Councilmen, The County Delegation, Chamber of Commerce, County Commissioners, and other Concerned Persons and Organizations.

From: Barnwell Branch, National Association for the Advancement of Colored People. Mrs. O'Bertha Barfield, President, 2337 Calhoun Street, Barnwell, South Carolina 29812.

Subject: Proposals for Favorable Action to Improve Barnwell, South Carolina.

October, 1969 marked two years of patient waiting for a reply to proposals made to the Mayor of the City of Barnwell by some Black citizens representing the Barnwell Branch, National Association for the Advancement of Colored People. This was followed by a copy of the proposals sent to Mayor Mazurska and members of the City Council for action and a reply. Until this date, February 10, 1970, we have not been granted the common courtesy of an acknowledgment of ever receiving the Special Delivery Letter. You will readily agree that numerous unanswered questions have penetrated our minds since that time.

Is this a routine of your office procedure for handling requests from registered, taxpaying citizens of Barnwell, South Carolina?

Because we received no communication, neither have we observed any solution to problems that confronted us then; we are forced to make these proposals now, this Tenth Day of February in the year of Our Lord, Nineteen Hundred and Seventy (1970).

PROPOSALS

1. That all persons on Welfare receive the full amount due them as any other person or family under similar conditions.
2. That free Food Stamps be issued to all needy persons.
3. That immediate steps be taken to improve housing, and provide sewage facilities in Black Communities.
4. Employ Black workers in Welfare Offices.
5. Influence Banks to train Black Tellers and other workers.
6. Employ Black persons in FHA office, Employment office, Post Office, and all other Federal establishments within the vicinity of Barnwell, South Carolina including Business Office at the Hospital.
7. Hire Blacks as Cashiers, Secretaries, Clerks, etc., in Every business and office in City Hall and Courthouse where Black people spend money.
8. Employ Black Workgang (Chaingang) Guard.
9. Influence and support the appointment of six Black Deputy Registrars for Barnwell County. Williston—2, Blackville—2, and Barnwell—2.
10. Remove "Colored" and "White" signs from Courthouse downstairs. "White" is still over the drinking fountain in 1970.
11. Pave streets, build sidewalks, and properly light all Black communities.
12. Employ at least three full-time Black Policemen.
13. Encourage use of courtesy titles preceding names of Black Adult citizens.
14. Provide recreational facilities for all citizens.
15. Influence Doctors to eliminate double waiting rooms.
16. Chairs and seating places at Barnwell Hospital should be moved from room formerly labeled "Colored Entrance".
17. Employ Teachers of Barnwell for positions before Teachers are brought in from beyond the borders of Barnwell County.
18. Employ a Black Deputy Sheriff.
19. Influence Plant Managers to promote Black workers to positions of "Supervisor".
20. Move Voter Registration Office from back of building near Magistrate's office to front of building using proper title, VOTER REGISTRATION OFFICE, and open office on Saturdays all day instead of being closed.
21. Execute Compulsory School Attendance Law beginning with the 1970–71 school session.
22. Employ a Black Game Warden.
23. Express desire to organize a Human Relations Council that would be affiliated with the South Carolina Council on Human Relations.
24. Appoint at least two (2) Black persons to School Board of Education.
25. Appoint at least two (2) Black persons to City Council.
26. Appoint at least three (3) Black persons to the County Commission.
27. Employ a Black Clerk in the Voter Registration Office.
28. Post "Children Playing" signs to protect children on streets where Black citizens reside.

We are expecting a reply on, or before March 4, 1970.

O'BERTHA J. BARFIELD,
President, Barnwell Branch, NAACP.

COURT DECISION ON FOOD-AID PROGRAMS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. FINDLEY. Mr. Speaker, subsequent to my request of the Department of Agriculture on January 28, 1970, to withdraw its opposition to a court order requiring that Federal food-aid programs for poor families be established in 88 Texas counties, the U.S. district court denied the Government's motion for a stay of the order, meaning that food-aid programs soon will be made available in these Texas counties.

It was reported at the recent National Agriculture Outlook Conference, I am pleased to say, the Department of Agriculture has adopted a goal of getting food-aid programs underway in all counties of the Nation by June 30, 1970. Currently there are 258 counties in the Nation which do not offer food programs to the poor which will hopefully soon be providing these poor families with the benefits of this program.

The Department of Agriculture deserves applause for its goal and I sincerely hope it can complete even sooner the task of bringing these needed programs to the counties currently without them.

Although the court order was in regard to the 88 Texas counties not at that time sponsoring a food-aid program, many counties outside the State of Texas were so classified. The fact that 258 counties were reported at the Agriculture Outlook Conference as not having food-aid programs is shameful. Here is a list of the counties by State which were reported to not have food-aid programs underway:

Colorado: Douglas, Jackson, Pitkin.

Florida: Charlotte, Citrus, Flagler, Indian River, Marion, Martin, Nassau, Osceola, Putnam, St. Johns.

Kansas: Barber, Brown, Butler, Chase, Cheyenne, Clay, Cloud, Coffey, Comanche, Doniphan, Edwards, Ellis, Finney, Geary, Gove, Gray, Greeley, Harvey, Haskell, Jewell, Kiowa, Lane, Logan, Marion, Marshall, Mitchell, Morton, Nemaha, Ness, Norton, Osage, Osborne, Ottawa, Pawnee, Pottawatomie, Pratt, Rawlins, Republic, Rice, Riley, Rooks, Rush, Russell, Scott, Seward, Sheridan, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, Wichita.

Louisiana: Bossier, Plaquemines, Terrebonne.

Massachusetts: Barnstable, Dukes, Nantucket.

Minnesota: Clay, Dodge, Fillmore, Martin, Olmsted, Watonwan, Wilkin, Winona.

Missouri: Andrew, Atchison, Audrain, Barton, Bates, Boone, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Cole, Cooper, Crawford, Franklin, Gasconade, Henry, Holt, Howard, Jasper, Johnson, Laclede, Lafayette, Macon, Miller, Montieau, Morgan, Pettis, Phelps, Platte, Pulaski, Ray.

Montana: Carbon, Golden Valley, Madison, Stillwater.

Nebraska: Grant, Red Willow, Saline, Kimball, Polk, Sioux.

Nevada: Esmeralda, Storey.

North Carolina: Randolph.

North Dakota: Bowman, Renville, Slope.

Ohio: Fairfield, Hancock, Putnam.

Oklahoma: Beaver, Harmon, Major, Woods.

Texas: Andrews, Aransas, Archer, Armstrong, Bailey, Bandera, Baylor, Bell, Blanco, Borden, Bosque, Bowie, Briscoe, Castro, Clay, Coleman, Collin, Collingsworth, Colorado, Concho, Coryell, Crane, Crockett, Deaf Smith, Denton, Donley, Ector, Edwards, Ellis, Erath, Fort Bend, Garza, Gillespie, Glasscock, Gray, Gregg, Hall, Hansford, Harrison, Hartley, Hood, Hopkins, Jack, Johnson, Kaufman, Kendall, Kenedy, Kerr, Lamar, Lampasas, Llano, Loving, McCulloch, McMullen, Mason, Menard, Mills, Navarro, Ochiltree, Oldham, Palo Pinto, Parmer, Presidio, Randall, Reagan, Reeves, Refugio, Roberts, Rockwell, Runnels, Rusk, San Saba, Shackelford, Sherman, Somervell, Stephens, Sterling, Sutton, Throckmorton, Uvalde, Van Zandt, Wheeler, Winkler, Wise, Wood, Yoakum, Young.

Virginia: Alleghany, Augusta, Bedford, Botetourt, Campbell, Chesterfield, Clarke, Culpepper, Fauquier, Frederick, Hanover, Henrico, James City, King George, King William, Lancaster, Loudoun, Mathews, New Kent, Orange, Prince George, Pulaski, Rockingham, Shenandoah, Spotsylvania, Stafford.

Wisconsin: Green Lake, Jefferson, Walworth.

Below is my correspondence with the Department of Agriculture in which I suggested that it withdraw its opposition to the court order and the subsequent reply by the Department of Agriculture:

JANUARY 27, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: On December 30, 1969, the District Court for the Northern District of Texas in Dallas added its weight to the growing concern of those who would, to use President Nixon's phrase, "put an end to hunger in America for all time."

The court ordered that the Commodity Distribution Program should "immediately" be put into effect, "in the shortest time feasible and at Federal expense" in 88 Texas counties which have no federal food-aid program. The court further stated that "as an outside limit, the Federal defendants, in every Texas area that has no Food Stamp Program, must put into effect the Commodity Distribution Program within sixty (60) days from January 5, 1970."

The Department of Agriculture has requested the Justice Department to ask the court for a stay in executing its order. The justification given has been the laudable desire by the Department of Agriculture to place federal food-aid programs in cooperating counties willing to administer and finance the programs locally. This emphasis on the preservation of federalism is important, but in this case I suggest it be set aside in the interest of the hungry and malnourished people in the 88 counties.

My suggestion has urgency because this Friday, January 30, a hearing has been scheduled in Texas on the motion to postpone the court order.

In my view, local officials in Texas, like others elsewhere, have richly deserved pressures aimed at persuading them at long last to recognize minimal basic necessities for people in their jurisdictions by implementing federal food-aid programs for poor families.

Even before the Federal Court order, the Department had adequate justification to bring every possible pressure against these county governments. I am gratified by reports showing that during the past year your Department has actively been encouraging the missing counties to participate. It is to your credit that in fiscal 1969, for the first time in over a decade, every penny of the section 32 funds available for implementing surplus distribution programs has been spent by the Department of Agriculture, and none was returned to the treasury. As recently as 1968, well over $200 million available for this food-aid program was unspent by Washington.

After a year's renewed effort, however, 88 Texas counties still have neither the food stamp nor the surplus distribution program. From this I would conclude that the cooperative spirit of the new federalism so admirably displayed by President Nixon and by the Department you head has been frustrated and bankrupted by local county officials, not by officials in Washington.

Accordingly, I strongly urge that you withdraw opposition to the court order. In making this recommendation, I am aware that this will enable the county governments to escape the cost of administration. Conceivably, causing the court to withdraw the order might mean that one or more of these counties will voluntarily initiate food-aid programs and thus pay the cost of administration.

This probability must be evaluated in light of the long-standing, callous indifference of these officials to local poverty. They have resisted all pressures up to now, and are unlikely to acquire a social sensitivity in the next few months. Meanwhile, hunger and malnutrition continue. A few months may be but a speck of time for government budget-makers, but it can seem like an eternity for those without enough food on the table.

I make this suggestion for another reason too.

You are of course aware that some aspects of the farm programs are in wide disrepute in the public mind and on Capitol Hill. Resentment against programs which permit large payments to individual farmers has grown over the years. This resentment is intensified by disclosure of payments totaling millions of dollars in the very counties which refuse to feed the hungry through participation in a federal food-aid program. Congressmen, urban and rural alike, find it difficult to justify large payments to wealthy farmers for not growing food while many of their constituents go hungry.

Attached to this letter is a list of the 88 Texas counties which still refuse to institute a food-aid program, together with data on the level of local poverty, as well as payments to farmers. These statistics show convincingly the need for a realignment of priorities and justify the concern and resentment of Congressmen dissatisfied with farm programs inherited from previous administrations.

When I placed similar information in the Congressional Record in May of 1969—now almost one year ago—98 Texas counties were without any type of food-aid program, yet wealthy farmers in those counties were receiving huge farm payments. Lynn County, Texas, had the dubious distinction of having no program to feed 2,282 hard-core poor—about 25 percent of the county's population—while at the same time another 25 percent of the population constituted families which received $8,903,000 in federal farm payments.

The next morning after I revealed these facts, "The Dallas Morning News" headlined the story "Texas Food-Aid Situation Decried." Today, I am very glad to report Lynn County has a federal food-aid program. Thanks to the publicity and the persistent efforts of USDA since last May, Lynn County and nine other Texas counties have initiated food-aid programs.

Some progress has been made, but not enough. There are still many "Lynn Counties" in Texas. In the case of Hartley County, which still has no food-aid program, if annual payments to individual farmers in excess of $5,000 were divided equally among the hard-core poor, each man, woman, and child would receive over $18,000. In two other counties, Armstrong and Sherman, each poor individual would receive over $14,000.

It has been 35 years since Congress first enacted a program to help feed the hungry in this country. It has been almost a year since the specific counties without food-aid programs received widespread publicity. Despite the passage of a third-century, and despite all the publicity, many counties obstinately refuse to help feed their poor, hungry, and malnourished citizens. Federal policies which permit hunger to exist alongside big federal payments to keep wealthy farmers from growing food are bound to create resentment.

Therefore, I urge you to reconsider the Department's position requesting a stay of execution of the court order so that the Department can move immediately to begin implementing federal food-aid programs in each Texas county which presently does not have one. I applaud you for your goal to lodge at the local level primary responsibility for financing and control of the food-aid program,

but involved here are die-hard political combines which obviously are sensitive neither to embarrassing publicity nor to the hunger of their needy constituents. The hungry should not have to wait for the resolution of differences between local, state, and federal officials. They have waited long enough, as the Commodity Distribution Program has been universally available since 1935.

Sincerely yours,

Paul Findley,
Representative in Congress.

Department of Agriculture,
Office of Assistant Secretary,
Washington, D.C., February 12, 1970.
Hon. Paul Findley,
House of Representatives.

Dear Mr. Findley: Secretary Hardin has asked me to reply to your recent letter regarding the bringing of a Food Program to all of the counties in Texas.

By this time you are aware of the fact that on January 30 U.S. District Court Judge W. H. Taylor, Jr., after argument, denied the Government's motion for a stay of his order of December 30, 1969.

The Department of Agriculture is making every effort to comply with the order, working closely with State officials. We are happy to note progress. We are informed that 10 additional counties have just recently agreed to operate a Food Program in their area and indications are that additional counties will be coming in shortly.

Our program for having all counties with a program by June 30, 1970 still remains as our attainable goal.

We appreciate yor interest and solicit your help.

Sincerely,

Richard Lyng,
Assistant Secretary.

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THE INTERIOR DEPARTMENT SURE MISSED A "NATURAL"

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. DINGELL. Mr. Speaker, my good friend, John Saylor, the distinguished Congressman from Pennsylvania does not mind a little ribbing from his Democratic colleagues from time to time and today I think I have found the perfect vehicle.

I want to bring to our colleagues' attention an article by Edith Kermit Roosevelt which mentions Congressman Saylor in glowing terms. The subject of the article is Secretary Hickel's incredible decision regarding grazing fees on our public lands and how Congressman Saylor justifiably read the riot act to the Secretary. Just to make my own position clear, I wholeheartedly agree with the Roosevelt and Saylor statements on the Secretary's decision.

But that is not the end of the story. Above and beyond the fact of the article is another vignette which points up an interesting lesson about Republicans and government or more specifically, Republicans and the Department of Interior.

On relatively good authority, I have learned that Miss Roosevelt sought a position with the Nixon administration in the Department of the Interior. To think that the lifelong registered Republican granddaughter of President Theodore Roosevelt could not get a job with a Republican administration is almost too hard to believe. Considering that Miss Roosevelt could not get a job with a Republican—her article proves that—but has an impressive professional and technical background in conservation and environmental matters that is the envy of conservationists everywhere, it is laughable that such a talent was refused a position in the Department that the Secretary claims will lead the fight to clean up the Nation's environment. I guess we can say that the administration's loss is the public's gain for her incisive comments on conservation matters are now read by thousands through her syndicated column.

Since I am sure the public will tire of its flirtation with the "conservationists" in this administration, I want to express to Miss Roosevelt my pledge to do everything in my power to assure her of a responsible position in the Interior Department after the 1972 elections. One has to admit that she has the perfect name for the next Democratic administration.

I know my friend from Pennsylvania will not mind this dig at his party's newfound conservation concern. I know from a long and fruitful association with him that he has been years ahead of his party on matters affecting the natural environment, and as a member of the majority party, I can only add that I am glad he has been.

Miss Roosevelt's article from the Shreveport Journal follows:

Antipublic Decision—Grazing Fees

(By Edith Kermit Roosevelt)

Washington.—If the President's goal of improving the environment is to be more than a slogan, policy must serve the long-range needs of all our people. Decisions must not cater to special economic interests for their own short-range benefits.

This is especially the case in dealing with the public lands of the West which can serve multiple recreation, conservation and development uses. These scenic and scientifically valuable millions of acres in Arizona, Utah, Idaho, or any Western state are no less a natural resource than the Everglades, Yellowstone, the Redwoods or any other truly national responsibility.

The Western public lands are the habitat of three-fourths of our major big-game animals and most of the cold water species of fish. They provide more than 112,000,000 visitor days of outdoor recreation annually and the volume of recreation use is increasing yearly. In addition, these federally owned lands have a clearly recognized potential for watershed production and soil conservation as well as for renewable resources, such as timber.

Under Democratic and Republican Administrations alike, the Western lands in the public domain have been shamefully neglected and exploited because government decisions concerning them have served mining, grazing and other special economic interests instead of the public as a whole. We have created a regulatory and policy-making monstrosity where the fox guards the chicken coop.

As an example, we have the recent decision by the Department of the Interior not to raise grazing fees this year in the national forests in the 11 Western states and on the public domain lands that it administers. Under a 10-year schedule announced in January of 1969, grazing fees were to be increased from 44 cents a month per animal to 55 cents. A Department of Agriculture study shows this was justified. As is well known, the income received by our public agencies from the grazing resources on the nation's public lands is far short of the revenue received by state and private owners of similar lands.

Had the moratorium on grazing fees for 1970 not been put into effect, existing policy would have enabled the Interior Department to return one-third of the 13 cents per animal increase in grazing fees to the public lands for conservation. This would have served not only to protect and develop these acres but also provided for more grazing.

Who stands to gain from the Interior Department's anti-public decision?

According to Sen. Clinton P. Anderson (D-N. Mex.), a member of the Senate Interior and Insular Affairs Committee, just a little over 3 per cent of those using Bureau of Land Management grazing permits will receive about 45 per cent or nearly half of the benefits in savings arising from Interior Secretary Walter J. Hickle's decision to abandon the scheduled increase in grazers' fees. On Feb. 3 of this month, Anderson flatly declared on the Senate floor:

"Only a handful of the richest rangers will benefit from this decision."

Rep. John P. Saylor, the conservationist minded Republican from Pennsylvania, charged in a strongly worded telegram to Hickel that the Administration had broken its pledge to the American people and surrendered to profit and political pressures. He went on to say:

"These public lands are not the private domain of the grazers but belong to all the American people. Your decision is unworthy of the Interior Department's responsibility to the people."

Saylor's indignation is understandable in view of the fact that the federal government stands to lose $1,476,000 in fiscal 1971 on account of Hickel's decision. This means that the U.S. Treasury will be that much poorer at a time when we are being told that every dollar counts and that the government must make every effort to have its income equal or exceed its outgo.

There are specific losses to the already eroded Western range land. As a result of failure to increase the grazing fees, the Range Improvement Fund will lose $877,000 in 1971, according to data furnished by the Interior Department. Therefore, ranchers will be denied a chance to put an additional 41,414 head of livestock on reseeded acreage on the public range.

Ranchers and those concerned with watershed conservation and wildlife programs have long supported programs of range improvement. In this case, conservation is best for the ranchers who rent the public land as well as every family downstream. They recognize that a well-managed rangeland with a good cover of grass is a basic investment in controlling erosion and water pollution.

Figures furnished by the Department of the Interior on rangeland conditions reveal the consequences of the lack of a progressive land-use and management policy. A total of 49,600,000 acres or 31 per cent of acres of public range, is in poor or bad condition while 22,400,000 acres, or 14 per cent, is still declining. As Representative Saylor has pointed out:

"Declarations, plans, program and other bureaucratic mumbo-jumbo about protecting the environment are cheap. However, actions such as the grazing fee for moratorium decision is immediately chargable against the public's account.

A BASIS FOR DRAFT REFORM

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ULLMAN. Mr. Speaker, the report of the President's Commission on an All-Volunteer Armed Force issued recently is required reading as Congress prepares to debate reform of the military draft system. In my judgment, the Commission proposes several sound recommendations that should be incorporated in draft reform legislation:

First. The draft should be ended, and reliance for national defense in peacetime be placed on an all-volunteer Armed Forces.

Second. A standby draft system should be established, but only activated by consent of the Congress.

Third. Improvement in military service condition and recruiting efforts should be implemented to increase the attraction of the Armed Forces to volunteers.

Many of the Commission's recommendations are embodied in legislation I have proposed to the Congress in H.R. 14529.

The Commission, ably chaired by former Defense Secretary Thomas S. Gates, Jr., has marshaled an impressive array of arguments and statistical material to support its recommendations.

At the outset of its report, the Commission states its working philosophy:

> The United States has relied throughout its history on a voluntary armed force except during major wars and since 1948. A return to an all-volunteer force will strengthen our freedoms, remove an inequity now imposed on the expression of the patriotism that has never been lacking among our youth, promote the efficiency of the armed forces, and enhance their dignity. It is the system for maintaining standing forces that minimizes government interference with the freedom of the individual to determine his own life in accord with his values.
>
> The Commission bases its judgments on long-range considerations of what method of recruiting manpower will strengthen our society's foundations. The Commission's members have reached agreement on their recommendations only as the result of prolonged study and searching debate, and in spite of initial division. We are, of course, fully aware of the current and frequently emotional public debate on national priorities, foreign policy, and the military, but are agreed that such issues stand apart from the question of when and how to end conscription.

One of the Commission's most important findings is that to maintain an all-volunteer armed force of 2.5 million men—about the size before the Vietnam war began—would require inducing an additional 75,000 men each year to enlist in the military service. This expansion would supplement the 250,000 volunteers now joining annually.

Reasonable improvements in pay and benefits for the early years of service should expand the enlistment ranks by this number without difficulty. As the Commission observes, such improvements are called for in any case on grounds of equity alone. Pay for officers and men in the early years of service is disproportionately low and the gap between their pay and comparable civilian salaries is inordinately wide.

In a particularly commendable chapter of the report, the commission tackles the job of answering most of the arguments raised by opponents of an all-volunteer armed force, and succeeds admirably. I offer this important section of the report for my colleagues' consideration:

THE DEBATE

"We have lived with the draft so long," President Nixon has pointed out, "that too many of us accept it as normal and necessary." Over the past generation, social, political, and economic arrangements have grown up around conscription that touch our lives in a great many ways. The elimination of the draft will inevitably disrupt these arrangements and may be disturbing to some. But beyond these narrow, often overlooked interests lie broader considerations which have prompted defenders of conscription to argue that an all-volunteer armed force will have a variety of undesirable political, social, and military effects.

In our meetings we have discussed the opposing arguments extensively. As our recommendations disclose, we have unanimously concluded that the arguments for an all-volunteer force are much the stronger. Yet, there can be no question of the sincerity and earnest conviction of those who hold the views we have rejected. In fairness to them, and to acquaint the Nation with both sides of the issues, this chapter summarizes the main arguments raised against the volunteer force and offers answers to them. In succeeding chapters (noted in parentheses) these arguments are taken up in detail.

A general point should be made here. The elimination of conscription admittedy is a major social change, but it will not produce a major change in the personnel of our armed forces. The majority of men serving today are volunteers. And many who are now conscripted would volunteer once improvements were made in pay and other conditions of service. Therefore, the difference between an all-volunteer force and a mixed force of conscripts and volunteers is limited to that minority who would not serve unless conscripted and who would not volunteer in the absence of conscription. An all-volunteer force will attract men who are not now conscripted and who do not now volunteer but who will do so when military service imposes less of a financial penalty than it currently does.

Contrary to much dramatic argument, the reality is that an all-volunteer force will be manned largely by the same kind of individuals as today's armed forces. The men who serve will be quite similar in patriotism, political attitudes, effectiveness, and susceptibility to civilian control. The draft does not guarantee the quality of our armed forces, and neither will voluntarism. There are no simple solutions or shortcuts in dealing with the complex problems that must always concern us as a free people.

Arguments against an all-volunteer force fall into fairly distinct, though sometimes overlapping categories, one of which is feasibility. Summarized below are some of the main objections under this heading.

Objection 1: An all-volunteer force will be very costly—so costly the Nation cannot afford it.

Answer: The question of how much the armed forces cost is confused with the question of who bears those costs. It is true that the budget for a voluntary force will generally be higher than for an equally effective force of conscripts and volunteers; but the cost of the voluntary force will be less than the cost of the mixed force. This apparent paradox arises because some of the costs of a mixed force are hidden and never appear in the budget.

Under the present system, first-term servicemen must bear a disproportionately large share of the defense burden. Draftees and draft-induced volunteers are paid less than they would require to volunteer. The loss they suffer is a tax-in-kind which for budget purposes is never recorded as a receipt or an expenditure. We estimate that for draftees and draft-induced volunteers the total tax amounts to $2 billion per year; an average of $3,600 per man. If Government accounts reflected as income this financial penalty imposed on first-term servicemen, it would become clear that a voluntary force costs less than a mixed force. One example of real cost savings that will accrue is the reduction in training costs as a result of the lower personnel turnover of a voluntary force.

Conscription also imposes social and human costs by distorting the personal life and career plans of the young and by forcing society to deal with such difficult problems as conscientious objection (chapter 3).

Objection 2: The all-volunteer force will lack the flexibility to expand rapidly in times of sudden crises.

Answer: Military preparedness depends on forces in being, not on the ability to draft untrained men. Reserve forces provide immediate support to active forces, while the draft provides only inexperienced civilians who must be organized, trained, and equipped before they can become effective soldiers and sailors—a process which takes many months. The Commission has recommended a standby draft which can be put into effect promptly if circumstances require mobilization of large numbers of men. History shows that Congress has quickly granted the authority to draft when needed (chapter 10).

Others contend that an all-volunteer force will have undesirable political and social effects. Some of these objections are given below.

Objection 3: An all-volunteer force will undermine patriotism by weakening the traditional belief that each citizen has a moral responsibility to serve his country.

Answer: Compelling service through a draft undermines respect for government by forcing an individual to serve when and in the manner the government decides, regardless of his own values and talents. Clearly, not all persons are equally suited for military service—some are simply not qualified. When not all our citizens can serve, and only a small minority are needed, a voluntary decision to serve is the best answer, morally and practically, to the question of who should serve (chapters 3 and 12).

Objection 4: The presence of draftees in a mixed force guards against the growth of a separate military ethos, which could pose a threat to civilian authority, our freedom, and our democratic institutions.

Answer: Historically, voluntary service and freedom have gone hand in hand. In the United States and England, where voluntarism has been used most consistently, there is also the strongest tradition of civilian control of the military. There are responsibilities to be met in maintaining civilian control, but they must be exercised from above rather than at the lowest level of the enlisted ranks. They reside in the Halls of Congress, and in the White House as well as in the military hierarchy.

In either a mixed or volunteer force, the attitudes of the officer corps are the preponderant factor in the psychology of the military; and with or without the draft, professional officers are recruited voluntarily from a variety of regional and socioeconomic backgrounds. It is hard to believe that substituting a true volunteer for a draftee or a draft-induced volunteer in one of every six positions will so alter the military as to threaten the tradition of civilian control, which is embodied in the Constitution and deeply felt by the public. It is even less credible when one considers that this substitution will occur at the lowest level of the military ladder, among first-term enlisted men and officers, and that turnover of these first-term personnel in an all-volunteer force will be approximately three-fourths of that in a comparable mixed force.

The truth is, we already have a large professional armed force amounting to over 2 million men. The existing loyalties and political influence of that force cannot be materially changed by eliminating conscription in the lowest ranks (chapter 12).

Objection 5: The higher pay required for a voluntary force will be especially appealing to blacks who have relatively poorer civilian opportunities. This, combined with higher reenlistment rates for blacks, will mean that a disproportionate number of blacks will be in military service. White enlistments and re-enlistments might decline, thus leading to an all-black enlisted force. Racial tensions would grow because of white apprehension at this development and black resentment at bearing an undue share of the burden of defense. At the same time, some of the most qualified young blacks would be in the military—not in the community where their talents are needed.

Answer: The frequently heard claim that a volunteer force will be all black or all this or all that, simply has no basis in fact. Our research indicates that the composition of the armed forces will not be fundamentally changed by ending conscription. Negroes presently make up 10.6 percent of the armed forces, slightly less than the proportion of blacks in the Nation. Our best projections for the future are that blacks will be about 14 percent of the enlisted men in a conscripted force totalling 2.5 million officers and men, and 15 percent in an all-volunteer force of equal capability. For the Army, we estimate that the proportion of blacks will be 17 percent for the mixed force and 18 percent for the voluntary force as compared to 12.8 percent in the Army today. To be sure, these are estimates, but even extreme assumptions would not change the figures drastically.

If higher pay does make opportunities in an all-volunteer force more attractive to some particular group than those in civilian life, then the appropriate course is to correct the discriminations in civilian life—*not* introduce additional discriminations against such a group.

The argument that blacks would bear an unfair share of the burden of an all-volunteer force confounds service by free choice with compulsory service. With conscription, some blacks are compelled to serve at earnings below what they would earn in the civilian economy. Blacks who join a voluntary force presumably have decided for themselves that military service is preferable to the other alternatives available to them. They regard military service as a more rewarding opportunity, not as a burden. Denial of this opportunity would reflect either bias or a paternalistic belief that blacks are not capable of making the "right" decisions concerning their lives (chapter 12).

Objection 6: Those joining an all-volunteer force will be men from the lowest economic classes, motivated primarily by monetary rewards rather than patriotism. An all-volunteer force will be manned, in effect, by mercenaries.

Answer: Again, our research indicates that an all-volunteer force will not differ significantly from the current force of conscripts and volunteers. Maintenance of current mental, physical, and moral standards for enlistment will ensure that a better paid, volunteer force will not recruit an undue proportion of youths, from disadvantaged socio-economic backgrounds. A disproportionate fraction of the 30 percent presently unable to meet these standards come from such backgrounds, and these men would also be ineligible for service in an all-volunteer force. Increasing military pay in the first term of service will increase the attractiveness of military service more to those who have higher civilian earnings potential than to those who have lower civilian potential. Military pay is already relatively attractive to those who have very poor civilian alternatives. If eligible, such individuals are now free to enlist and, moreover, are free to remain beyond their first term of service when military pay is even more attractive.

Finally, how will "mercenaries" suddenly emerge in the armed forces as a result of better pay and other conditions of service? The term "mercenary" applies to men who enlist for pay alone, usually in the service of a foreign power, and precludes all other motives for serving. Those who volunteer to serve in the armed forces do so for a variety of reasons, including a sense of duty. Eliminating the financial penalty first-term servicemen presently suffer, and improving other conditions of service, will not suddenly change the motives and basic attitudes of new recruits. Also, can we regard as mercenaries the career commissioned and non-commissioned officers now serving beyond their first term? (chapter 12).

Objection 7: An all-volunteer force would stimulate foreign military adventures, foster an irresponsible foreign policy, and lessen civilian concern about the use of military forces.

Answer: Decisions by a government to use force or to threaten the use of force during crises are extremely difficult. The high cost of military resources, the moral burden of risking human lives, political costs at home and overseas, and the overshadowing risk of nuclear confrontation—these and other factors enter into such decisions. It is absurd to argue that issues of such importance would be ignored and the decision for war made on the basis of whether our forces were entirely voluntary or mixed.

To the extent that there is pressure to seek military solutions to foreign policy problems, such pressure already exists and will not be affected by ending conscription. The volunteer force will have the same professional leadership as the present mixed force. Changes in the lower ranks will not alter the character of this leadership or the degree of civilian control.

A decision to use the all-volunteer force will be made according to the same criteria as the decision to use a mixed force of conscripts and volunteers because the size and readiness of the two forces will be quite similar. These military factors are key determinants in any decision to commit forces. Beyond initial commitment, the policy choice between expanding our forces by conscription or by voluntary enlistment is the same for both the all-volunteer force and a mixed force of conscripts and volunteers. The important difference between the two forces lies in the necessity for political debate before returning to conscription. With the all-volunteer force, the President can seek authorization to activate the standby draft, but Congress must give its consent. With the mixed system, draft calls can be increased by the President. The difference between the two alternatives is crucial. The former will generate public discussion of the use of the draft to fight a war; the latter can be done without such public discussion. If the need for conscription is not clear, such discussion will clarify the issue, and the draft will be used only if public support is widespread (chapter 12).

Other critics of an all-volunteer force argue that it will gradually erode the military's effectiveness. Some of their main concerns are taken up below.

Objection 8: A voluntary force will be less effective because not enough highly qualified youths will be likely to enlist and pursue military careers. As the quality of servicemen declines, the prestige and dignity of the services will also decline and further intensify recruiting problems.

Answer: The Commission has been impressed by the number and quality of the individuals who, despite conscription, now choose a career in the military. The fact that we must resort in part to coercion to man the armed services must be a serious deterrent to potential volunteers. A force made up of men freely choosing to serve should enhance the dignity and prestige of the military. Every man in uniform will be serving as a matter of choice rather than coercion.

The Commission recognizes the importance of recruiting and retaining qualified individuals. It has recommended improved basic compensation and conditions of service, proficiency pay and accelerated promotions for the highly skilled to make military career opportunities more attractive. These improvements, combined with an intensive recruiting effort, should enable the military not only to maintain a high quality force but also to have one that is more experienced, better motivated, and has higher morale (chapters 4, 5, 7, and 12).

Objection 9: The defense budget will not be increased to provide for an all-volunteer force, and the Department of Defense will have to cut back expenditures in other areas. Even if additional funds are provided initially, competing demands will, over the long term, force the Department of Defense to absorb the added budgetary expense of an all-volunteer force. The result could be a potentially serious deterioration of the nation's overall military posture.

Answer: Ultimately, the size of the military budget and the strength of our armed forces depend upon public attitudes toward national defense. Since World War II, our peacetime armed forces have been consistently supported at high levels. The public has supported large forces because it has felt them essential to national security. The change from a mixed force of volunteers and conscripts to an all-volunteer force cannot significantly change that feeling.

The contention that an all-volunteer force is undesirable because it would result in smaller defense forces raises a serious issue regarding the conduct of government in a democracy. Conscription obscures a part of the cost of providing manpower for defense. When that cost is made explicit, taxpayers may decide they prefer a smaller defense force. If so, the issue has been resolved openly, in accord with the Constitution, and in the best tradition of the democratic process. Those who then argue that too little is being devoted to national defense are saying that they are unwilling to trust the open democratic process; that, if necessary, a hidden tax should be imposed to support the forces they believe are necessary (chapters 3 and 12).

Finally, Mr. Speaker, there is the matter of ending the draft and providing for future emergencies. My bill calls for a 3-year phaseout of the draft by the end of 1972 and provides that Congress, not the executive, must control the mechanism for activating a standby draft system if required in time of national emergency or war.

The Commission's plan for a standby draft and its arguments for congressional reactivation of the system closely parallel mine. In my judgment, this section of the report is another that deserves to be especially highlighted and I herewith submit it for insertion in the RECORD:

Heeding its directive, the Commission has considered "what standby machinery for the draft will be required in the event of a national emergency." The Commission recom-

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mends that legislation be enacted to provide, once an all-volunteer force is in effect:

1. A register of all males who might be conscripted when essential for national security.

2. A system for selection of inductees.

3. Specific procedures for the notification, examination and induction of those to be conscripted..

4. An organization to maintain the register and administer the procedures for induction.

5. That a standby draft system can be invoked only by resolution of Congress at the request of the President.

Because there have been several recent studies of the operation of the Selective Service System, we have not undertaken a re-examination of that subject. Instead, we have formulated our recommendations for standby draft machinery in fairly general terms, which would be consistent with a wide range of specific systems.

Clearly the task of creating and maintaining a state of military preparedness capable of dealing with threats to the nation's security is a vital one. The nation's military readiness is both actual and potential: active duty personnel are prepared to act instaneously; able-bodied but untrained and unorganized civilian males are potential servicemen. This spectrum of manpower can be divided into three groups in descending order of their state of readiness: (1) active duty personnel, (2) reserves, and (3) civilians. In planning standby draft machinery, it is important to recognize that conscription is relevant only to the civilian population.

The rationale for providing a standby draft is the possible urgent need for the nation to act quickly. It is clear, however, that a standby draft will not supply effective military forces in being. All it can provide is a basis for acquiring eligible manpower who must be trained, organized and equipped. Effective forces can be available only to the extent that men are organized, trained and equipped prior to an emergency. Under current military policy, should a crisis arise, it is the function of the Reserves to provide the first stage in the expansion of effective forces. They are organized and at least partly trained and equipped; hence they can be operationally ready in a shorter time than new forces. The function of a standby draft is to provide manpower resources for the second stage of expansion in effective forces.

Much thought lies behind the recommendation that Congressional approval be required to invoke conscription. An important issue of national policy is obviously involved. The alternative is to endow the Office of the President with the independent power to call for activation of the standby machinery. This has been rejected for several reasons.

Conscription should be used only when the size of forces required for the security of the nation cannot be supplied by the existing system. If Congressional approval is made a prerequisite to the use of conscription, the necessity for legislative action will guarantee public discussion of the propriety of whatever action is under consideration. If discussion yields a reasonable consensus, the nation's resolve will be clearly demonstrated and made less vulnerable to subsequent erosion. If a consensus sufficient to induce Congress to activate the draft cannot be mustered, the President would see the depth of national division *before*, rather than after, committing U.S. military power.

A standby system which authorizes the President to invoke the draft at his discretion would capture the worst of two worlds. On the one hand, it would make it possible for the President to become involved in military actions with a minimum of public debate and popular support. On the other hand, once the nation was involved, especially in a prolonged limited conflict, the inequities of the draft would provide a convenient rallying point for opposition to the policy being pursued.

It is important to emphasize that Congress has not been reluctant to enact a draft when the President has requested it. In the first World War, the United States declared war on April 1, 1917, the draft law was requested by President Wilson on April 7, and it was signed into law on May 18. Prior to World War II a draft bill was introduced into Congress on June 20, 1940, endorsed by the President on August 2, passed on September 14, and signed into law September 16. When the Korean War broke out on June 24, 1950, debate on extension of the selective service law had been underway for some months. Congress promptly discontinued debate and extended the law for one year on July 9.

Because of the loss of personal freedom and the inequities inherent in conscription, the draft should be resorted to only in extreme situations. If the Office of the President has the power to use the draft, there will be pressures to do so when circumstances do not warrant it. The viability of an all-volunteer force ultimately depends upon the willingness of Congress, the President, the Department of Defense and the military services to maintain (1) competitive levels of military compensation, (2) reasonable qualification standards, and (3) attractive conditions of military service. Under forseeable circumstances, such as serious budget constraints, there is a danger that inaction by one or another of these parties might force the President to resort to conscription when it is not really necessary. If Congressional approval is made a prerequisite to use of the draft, the danger of using it unnecessarily or by default will be much reduced.

One of the fundamental principles embodied in the Constitution is that taxes are to be levied only by Congress. Since conscription is a form of taxation, the power to conscript is the power to tax. Therefore, it is in keeping with the intent of the Constitution to require Congressional approval for the activation of the standby draft.

Finally, requiring Congressional approval for activation of a standby draft will have little or no effect on the time required for the nation to bring effective military power to bear when needed. To repeat: conscription does not provide the nation with military forces in being. Effective flexibility in response to crisis can be achieved only to the extent that forces are already partly or wholly organized, trained and equipped. The draft is a vehicle for supplying men for gradual expansion, not for meeting sudden challenges. This has been true, for example, in Vietnam. Under our standby proposal, the delay introduced in expanding the forces with conscripts cannot exceed the time it takes for Congress to act. In practice the time lost will be even less: preparations for organizing, training and equipping recruits can proceed simultaneously with Congressional action.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

DOING WHAT IS POSSIBLE AS WHITE MEN

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. JACOBS. Mr. Speaker, the Reverend Richard Hamilton of Evansville, Ind., is old fashioned. He still believes Christ meant what Christ said.

He even still believes what "America the Beautiful" says, "To crown our good with brotherhood."

Shelley wrote:

> The great secret of morals is love. A man to be greatly good must imagine deeply and comprehensively, he must put himself in the place of another—of many others. The pleasures and pains of his specie must become his own.

The following sermon delivered by Rev. Richard E. Hamilton makes clear his knowledge of the great secret of morals:

DOING WHAT IS POSSIBLE AS WHITE MEN

(Sermon delivered at the Methodist Temple, Feb. 8, 1970, by Richard E. Hamilton)

"I appeal to you, my brothers. . . . bring a living offering to God. Put yourself wholly in his service. . . . Do not allow yourself to be governed by the norms of the world, but let yourself be transformed by God your mind and heart be fundamentally changed by him." (Romans 12)

The world has many ways of testing our faith. There is little question but that the middle decades of the 20th century have been and are presenting to the American churches a clear test of faith in the matter of racial change.

I am well aware that *many of us are tired of being reminded* that this is so. As a matter of fact both blacks and whites are tired of such talk. The black man is tired in the sense of impatient. He is saying, Get on with the action, or get out of the way. The time for talk has passed. The white man is often tired in the sense of fed-up, saying, We have heard too much about race. Let's drop it a while. Give us all a rest.

Who cannot understand that feeling? I can understand it. It is no easier to speak about the racial testing of our faith than it is to listen to it, and I have been speaking about it for 15 years. I have also been listening. I read the symptoms of fatigue of the conscience in many of us white men.

But to those who feel this way I can offer no solace and no respite. The testing of the church is not imaginary, not temporary, not superficial. It is real, it is deep, it cuts close to the heart of our commitment and it will remain a part of our Christian experience in the foreseeable future. It is a part of the duty and the burden of the church in our time. For the white Christian to say that he does not wish to hear more about it, is for the surgeon to say he is tired while the patient is still on the table, the policeman to punch out at the station time clock while the riot is still on, the athlete to relax in the third quarter or the mother to say, I'm tired, in the midst of childbirth.

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Of course people are tired. Of course it is painful to continue. But some things cannot be suspended. Racial change is one such thing in our day. There is a dangerous mood in America and in the church today. It says, Let's let up; let's slow down. It is very attractive, very beguiling, and it is malignant. To ask to be excused is to deny our faith. We must say it kindly but we must say it firmly.

Many of you join me, I know, in the conviction that our responsibility in the name of Christ is great here. If we did not learn that from the New Testament, perhaps we have learned it from the newspaper. Together the two have convinced us.

But *conviction and effective contribution are two different things.* And the best intentioned persons are often frustrated or confused today. The disillusioned white man of good will who shakes his head at the last fifteen years of racial movement and says, Things were a lot more peaceful before all this started is right in his description if by peace you mean a situation without open conflict and in which everyone knows the rules. The problem is that now the rules have changed. But the reluctant white being dragged into the new world by his heels and the sympathetic white, wanting to help, are confused. Both sense that the rules have changed, but no one seems to have the new handbook.

As a result even those who want to help, sometimes do not know what is possible.

Perhaps we need to begin by reminding ourselves of what is not possible for us white men anymore.

It is not possible for us to decide unilaterally where and when and how changes in *the racial patterns of our society will come about.* For a long time we have done that. That all began to change on a hot day in 1956 in Montgomery when one tired black woman decided she would decide from then on where to sit on the bus. Ten years ago as Essie Lincoln writes this week in a religious sociologist viewpoint, the number of blacks who had ever voted in Mississippi could have been seated in a good sized camp meeting with nobody on the ground. Today nearly 100 blacks hold public office in Mississippi. So in a dozen different ways the black man is less and less ready to allow the white man to call the shots.

Second, it is no longer possible for the white man to relate to his black neighbor as benevolent uncle or kind boss man. The black will no longer tolerate that, nor will he allow us to fool ourselves about such relationships in the past. Dick Gregory, the black comedian and rebel, said several years ago that he thought the racial troubles in this country would soon be over because, he said, every white man he met said that some of his best friends were Negroes. There are still whites who do not hear the bitter irony in those words. Any white who understands at all what has happened in the past ten years will avoid referring to the "colored people" and will never again say, Some of my best friends are. . . . Few ever had the right to say that. I grew up in the South. Mary was in our home often. She sometimes walked to the river with me to feed the ducks. She washed our clothes, cooked some of our food, soothed our skinned knees. She loved us and we loved her. But if I ever did, I could not now say with a clear conscience, Mary was my friend. A friend is a person you invite to sit in on your bridge club, one whose children are often in your home, one you go on a family camping trip with, one you drop in on unannounced.

Today's black is often saying, at least for the time being, Keep your friendship until we can meet as equals.

Nor can the white man assume any longer that the black man wants to be like him. The arrogance of that assumption is monumental. The black man wants many of the things I want; he shares the elemental human concerns I have for food and security. But the black man knows today that he does not have to be white to be a man. As a white man I have to accept that.

But if we have to begin by knowing there are some things which are not possible for the white man today, we have to continue by *searching for the things that are possible.* There are many. I mention six quickly.

1. *We can acknowledge our guilt.* Why is this so difficult? Why do we hedge so? Next to the Bible which talks about lack of brotherhood as sin, I suppose the Kerner Report is the least favorite reading of white Christians. This high-level citizens report says that our two societies are the direct result of white racism. No one likes to feel guilty. But guilt acknowledged is the first step for the white man in doing what is possible. We are after all, responsible. This is our society. We made it what it is. If it is divided, we sowed the seeds. If it is violent, we failed to be makers of peace. If it is sick, we allowed wounds to fester. Christians ought to know that it is possible to do something about guilt. We might begin there, with confession.

Next, *we can take risks in personal relationships.* Let's acknowledge that we do not have "best friends," at least few of us do. But we can try to build a few bonds of real acquaintance and respect. This road is hazardous today. One may easily meet rebuke. But it can be done. Of course it will be a bit artificial at first, a bit forced. What new friendship isn't? Don't you remember your first blind date, or first meeting with the new business associate, or golfing partner at the club tournament? But personal relationships on real basis of equality of respect are crucial, and they are possible—not the condescending forms of being good to the unfortunates but genuine meeting of person to person, for the benefit of both.

Third, we as individuals, or groups of Christians, can continue *to press for change where we are.* The word is not *wish* for, but *press* for. You sell used cars? Is there a black salesman on your team? Your bank handles trust properties. Couldn't you do a bit more about housing integration? You're looking for an investment with social benefits? The University needs scholarship funds, particularly for blacks. You are a teacher, a PTA officer, a legislator, a service club member, a listener at the beauty shop. No, you cannot do it all. But you could do something.

It is not enough to wish the Negro well. He still needs the muscle and resources and commitment of white men who will stand with him. The Christian white man is called to *press* for change with all skill, with all understanding, but with full energy and muscle. If this is not so then I do not understand the New Testament. When my children read the history of the 1960s and 1970s in America and ask, Dad, what did you do back when the black Americans were struggling upward, I do not want to have to answer, I stood on the sideline and *wished* them well.

Fourth, it is possilbe for the white man to work to *undertand and to support the movement toward black identity and power.* It surely goes without saying that not every voice from the black community is mature, not every voice is responsible. Was it Carl Stokes the black mayor of Cleveland or Richard Hatcher of Gary who said, "We must be given the right to make our own mistakes"? Blacks are no more consistent or unified or constantly tempered and wise than whites. But the dread and very deep stream of black self-consciousness are elemental human currents.

In fall of 1969, 14 black members of I.U. football team quit in mid season. Four returned after one week; ten left permanently. Newspaper article quoting many of them contained these words from one of the starters, ". . . all we want is for people to respect us for what we are doing. No one seems to understand . . . even some of the white players don't understand We were born black. We were not born football players. We can stop being football players, but we'll always be black."

"There comes a time when you have to ask yourself: Am I a man?! Black pride is more than a figure of speech.

"Sure, this whole thing turned out to be more than we thought it would be. And we've found out this 'Hoosier Hospitality' stuff doesn't last after you're through playing football. As long as you're performing for them, you're okay. But they're through with you when you leave the field.

"Some people have been real nasty about it. I feel sorry for them."

They can be listened to. It is probably true that no white man can really know what it is like to be black, but we can listen. We can stop alibiing for the harsh statistics, which in spite of some gains, are appalling, a devastating indictment of all of us, at the point of death rate, disease rate, unemployment rate, salary scales even for equal education and all the rest.

Fifth, the concerned white man can make his own peace with the fact that the required change for the black *man will probably cost him something.* This is the fallacy of many persons of good will and genuine desire to help. A little more education, a little more time, a little more good will and everyone will be happy and no one will be hurt. The history of social change is not reassuring here. What we want in racial change may not come without some suffering on our part. That should not surprise the Christian. He ought to remember that truth and life and love and the brotherhood of man as he understands them now became clear only at very high cost.

The county of my birth has been much in the news recently. Down in Daytona Beach there is a difficult process going on. Today's schoolchildren are being asked to pay some cost in inconvenience and perhaps in quality of education because of the sins of those of us who have lived in Volusia County for all the past decades. It's a painful thing. Whv should children have to bear the burden? I remember something in the Bible about the sins of the fathers coming to fruit in their children.

It is astonishing how quickly we dismiss any suggestion of responsibility on our part. excuse ourselves, if there is a price tag attached. Yes, there might have been in the past; there might be today, temporary drops in housing values (it would be caused of course by white psychology, not black money) if housing were really open. Yes, school curricula might have to be adjusted for the children of illiterates. Yes, there may be some extra spoilage on the production line when men who are third generation garbage haulers try to read micrometers; yes, job loyalty might be a problem with people who have felt little stake in productivity or in society as a whole. But we are the ones who determine real estate prices; we are the ones who allowed illiteracy to continue; we are the ones who closed the doors to personnel offices or union ranks for so long, so long. Why should it surprise us if now we have to pay part of the price of catching up? It is no secret as to who has borne the cost so long.

The white man can come to terms with his own past, not with view to any delight in feeling guilty, but in accepting responsibility, and with the realities of today, and with the judgments of his own faith and know that it is his burden and perhaps, in the deepest religious sense, his high privilege to live in a time when he must bear some of the suffering of those around him. Such a

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white man will know instinctively that he will have to go a little more than half way, bear a little more than half the load. Whenever I hear someone complain about having to hire men not quite qualified, and all honor to the business world where this is being done, or admit students not quite bright enough, or meet demands not quite fair with an outraged conscience and a holy appeal to equality and justice, I winch a little. We who have winked at equality so long can scarcely make it serve us now.

It's as if we had been at the three-quarter point, we pause and, looking back from our 400 yard (or 400 year advantage) we say, All right, take off the leg irons. From here on we run as equals. Ready, Set, Go.

Whatever those rules might be, they would not be justice, nor equality.

So it is. The white man lives today in a time requiring patience and pressure. Patience to listen and to bear a bit more of the load than he would like. And pressure, pressure to keep the momentum moving in a direction that is surely to the best in our national heritage. But beyond this the white Christian cannot forget that he is under a mandate not option for extra credit as a Christian, a mandate not of grudging acceptance of what must be taken from him to serve another; nor of reluctant acquiescence to the bare bones of justice. But he is under a mandate of generous, sacrificial love.

The white man who remembers this today cannot do everything. But he can do something. And what he can do he must do.

In 1963 a United States Commission came to Indianapolis to inquire as to progress in civil rights. At one point in the hearings a member asked, What are the churches here doing? There was an awkward laughter in the room.

That was not entirely fair. But there will be echoes of that laughter, bitter laughter, *until we do what is possible.*

THE UGLY 4 PERCENT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. DERWINSKI. Mr. Speaker, a very fascinating and objective commentary on the subject of anonymous and explosive calls to publications appeared in the February 18 edition of the Suburbanite Economist of Chicago, Ill.

In noting the article, I must observe that many Members have undoubtedly had the same basic reaction to similar letters and calls which we often receive and know how frustrating it can be not to have an opportunity to provide clarifying information to an irate individual.

The article follows:

THE UGLY 4 PERCENT

Every time a controversial article appears in the paper (and almost anything is controversial to somebody) people call the editor.

Ninety-nine percent are polite and reasonable and their viewpoints are welcome, although those viewpoints would reach more people if put in writing to appear in the Public Forum.

Every now and then, though, a real live large-mouth get on the horn. Some nasty trait in him cuts loose, and he gets a real charge out of cussing out an editor.

This type always knows everything. Never mind the facts—he knows better. He "knows who planted that story," or he "knows who paid money to get that printed."

Sometimes he also "knows" that the editor is (1) Jewish, (2) Catholic, (3) atheist or (4) a Bible-thumper. He "knows" other things about the editor's ancestry, too, and expresses these in gutter terms.

This type never gives his name. Oh no. He's only brave when he's anonymous. Generally, he starts his abuse with the switchboard operator and continues as long as anybody will listen to him. Nobody can talk to him; he didn't call to listen, he called to holler and he does.

Sooner or later, depending on the individual's tolerance, somebody hangs up on him. Then his day is made. This confirms it; he was right; the newspaper had no answer.

Well, here's your answer, Bub. You're wrong, wronger, wrongest. Nobody is going to listen to your profanity, so next time save your dime. You're going to need it for bail money some day.

Now, if you want to respond to this, do it in writing. If you can write. The people on this newspaper's staff don't have to put up with abuse from the likes of you on the telephone.

DECLARATION OF SUPPORT OF PEACE IN THE MIDDLE EAST

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. STUCKEY. Mr. Speaker, on January 29 of this year there were 227 Members of the House of Representatives, both Republicans and Democrats, who joined the Honorable EMANUEL CELLER in signing his declaration in support of peace in the Middle East. Due to an oversight on the part of a member of my staff my name was not transmitted to Mr. CELLER's office in time to be included as a supporter of this declaration. I would like to take this opportunity to join in expressing my support for Mr. CELLER's declaration, the text of which follows:

DECLARATION IN SUPPORT OF PEACE IN THE MIDDLE EAST

We, the undersigned Members of the United States Congress, declare: A just and lasting peace in the Middle East is essential to world peace.

The parties to the conflict must be parties to the peace achieved by means of direct, unhampered negotiations. We emphasize these significant points of policy to reaffirm our support for the democratic State of Israel which has unremittingly appealed for peace for the past 21 years. Our declaration of friendship for the State of Israel is consistent with the uninterrupted support given by every American President and the Congress of the United States since the establishment of the State of Israel.

It is not in the interest of the United States or in the service of world peace to create the impression that Israel will be left defenseless in face of continuing flow of sophisticated offensive armaments to the Arab nations supplied by the Soviet Union and other sources. We thus adhere to the principle that the deterrent strength of Israel must not be impaired. This is essential to prevent full-scale war in the Middle East.

All the people of the Middle East have a common goal in striving to wipe out the scourges of disease, poverty, illiteracy and to meet together in good faith to achieve peace and turn their swords into ploughshares.

CENTENNIAL MEDAL TO EDNA KELLY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mrs. SULLIVAN. Mr. Speaker, we are always delighted when word reaches us that something nice has happened to one of our former colleagues and "one of the family," so to speak. This is particularly true when an honor is bestowed upon that former colleague by an institution of which they have been a part and for service rendered while a part of this great body.

I was particularly pleased to learn of the high honor recently given to the Honorable Edna F. Kelly by her alma mater, Hunter College—the President's Centennial Award.

Those Members who worked with Edna Kelly during her 19 years in the House, and particularly on the Foreign Affairs Committee, were deeply impressed with her keen intellect, her quick mind and tremendous capacity and store of knowledge. Perhaps few who have been Members of this body have had the intimate, detailed knowledge of the various treaties entered into by our Government over the years and their effect upon our dealings with other nations of the world. The Members who are aware of her tremendous capabilities would agree that this wealth of information and know-how should not go untapped in these days when expertise in these areas is so desperately needed.

During her 19 years as a Member of this House of Representatives, she represented the first, 10th, and 12th Congressional Districts in Brooklyn. In 1963, she was appointed to the U.S. delegation to the United Nations by the late President John F. Kennedy. As stated before, while in the Congress, she served on the House Committee on Foreign Affairs and was chairman of the Subcommittee on Europe. In addition, she was a ranking member of the Subcommittee on State Department Organization and Foreign Operations. Her dedication to service was an inspiration to all of us who served with her.

At the ceremony on Friday, February 13, 1970, the citation to her was as follows:

> Because you have established significantly the role of Women in law making, because you have sought to introduce through methods of international cooperation the peaceful diminution of world tensions, because you have moved the economically disadvantaged people of this country toward a significantly better life, Hunter College bestows upon you, its highest honor, the Centennial Medal.

I know you will want to join with me in congratulating Hunter College for having recognized the talents and contributions of one of its alumni, and to extend to Edna our warm regards and the wish that her latent talents in so many fields will be utilized in this decade of the seventies.

Along with Edna F. Kelly, several other alumni were given this honor, including the well-known Sylvia Porter.

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ATOMIC ENERGY AND THE ENVIRONMENT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. WOLFF. Mr. Speaker, I wish to continue placing in the RECORD statements received at a hearing on atomic energy and the environment which my colleague from New York (Mr. REID) and I held in New York.

Today I am including statements from Jacqueline Binnian, of the Action for the Preservation and Conservation of the North Shore of Long Island, and Per Moberg, a distinguished constituent of mine who spoke on behalf of the Sierra Club.

The statements follow:

ATOMIC ENERGY PLANTS AND THEIR EFFECTS ON THE ENVIRONMENT

At the past hearings in New York State on atomic energy the utility companies have been asked why they continue to commit all their efforts in attempting to build atomic power installations to supply additional electric power to the consumer. Their answer is that they feel this is the best and cheapest way to supply the demand! We are sure your committee is aware of other methods, i.e. fossil fuel and hydro electric power which should be considered in an unbiased effort to meet the projected future needs.

ACTION takes the position that a master plan for electric power generation and distribution for the whole U.S.A. must be in effect and until additional information has been developed with regard to the overall effects of nuclear power plants on their environments, no large scale construction programs should be permitted.

ACTION is concerned with future studies of: (1) The long range results of large amounts of heat which must be dissipated either in the atmosphere or in the surrounding waters. (2) Possible radioactive pollution due either to long-term buildup in minute increments, or by accident. (3) Preservation of natural resources through location of atomic plants in areas which might be improved thereby, rather than sites dictated by the utility companies' preference for economic factors.

ACTION strongly endorses the position taken in the Electric Power Plant Siting Act of 1968 as presented to Congress by Senator Edward Kennedy and Representative Richard Ottinger. Governmental agencies should control sites based upon a master plan for nuclear power plant installations throughout the country, and with full consideration of local conditions. ACTION feels it is essential that any committee established on siting of power plants should include members representing environmental understanding and know-how.

Respectively submitted: William S. Smoot, President.

Presented by: Jacqueline C. Binnian.

ATOMIC ENERGY PLANTS ENVIRONMENTAL EFFECT

(Statement of Per Moberg on behalf of Sierra Club Atlantic Chapter and Adirondack Mountain Club L. I. Chapter)

Congressmen Addabbo, Reid and Wolff: My name is Per Moberg, a resident of Port Washington, Nassau County, Long Island. I have been asked to appear on behalf of the Sierra Club and the Adirondack Mountain Club members who reside in the Long Island Sound region.

We are not nuclear physicists or ecologists. We are not speaking with scientific knowledge or producing unquestionable evidence one way or the other. As a matter of fact, the very absence of reliable data is the reason why we are here today.

We cannot accept the fact that atomic energy plants are to be built along the shores of Long Island Sound without the guarantee that such installations would not alter either us or our environment.

It does not take scientific "know-how" to be aware of the pollution in Long Island Sound and its Bays. The prohibition of shell fishing, the closing of the beaches for swimming are not the result of nature, but caused by man-made activities from a society that has refused to look ahead and consider the long range effect of its "doings." We are now at the point where hundreds of millions, perhaps billions, of dollars will have to be spent in the Long Island Sound region alone to restore and prevent what a thoughtless society with a runaway technology has created.

Are we to permit continued experimentation with our lives and our environment by an industry which cannot tell us if they are going to create a tropical paradise or an active cesspool?

Now is the time to stop and think, to make sure that we know what we are doing. Let's give ourselves a chance to restore the Sound and the Bays to the beautiful waters they once were. This is not the time to embark on ventures out in the unknown with captive passengers. At this time, we need a moratorium on all activities of questionable nature. We are not opposed to progress—only to blind progress.

FREEDOM'S CHALLENGE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ASHBROOK. Mr. Speaker, this year over 400,000 students participated in the Voice of Democracy contest which is annually sponsored by the Veterans of Foreign Wars of the United States and its ladies' auxiliary. The VFW is certainly to be commended for this encouragement to good citizenship and Americanism, the theme of which this year was "Freedom's Challenge."

I was indeed happy to learn that the winning speech for the State of Ohio was delivered by Miss Katherine Elizabeth Euga, a resident of Pleasant City in the 17th District, and a student at Meadowbrook High School at Byesville, Ohio. Very wisely, Miss Euga stressed the vital importance of individual responsibility and personal involvement in perpetuating our freedoms, virtues which she has evidently practiced in her school activities. As president of both the Thespian Club and the Mixed Chorus, along with serving as class secretary and secretary of the student body, Miss Euga personified the interest and concern which she recommends to all citizens of our Nation. In addition, her achievements include the National Honor Society in 1969, Girl's State in 1969, and the All Ohio Youth Choir in 1968.

In an age of easy generalizations when some shirk the burdens of individual responsibility by excoriating the "Establishment" or the "System" for ills both real and imagined, it is refreshing to see emphasized that individual initiative and responsibility which propelled this Nation forward to its present position among the governments of mankind.

I wish to commend Miss Katherine Marie Euga for her timely message and include the text of her speech in the RECORD at this point:

FREEDOM'S CHALLENGE

(By Katharine Elizabeth Euga)

Have you ever observed the activity around and within an anthill? If you have, you will have found that each ant, regardless of whether it is a worker, an egg tender, or the queen, must carry out its distinct role in order to maintain the stability and strength of the colony. If just one of the ants fails to do so, the colony in some way will suffer a loss. You will observe also that when a stick is suddenly thrust into the hill, it becomes quite obvious that every ant is willing to rush to the defense of the structure.

Try to compare for a moment the anthill to the United States of America, a country composed of millions of people each having his distinct role in our society. Regardless of whether a person is a doctor, a lawyer, a mechanic, a minister, or the President, his role is a vital one to our society. Does the responsibility of maintaining the strength of our anthill rest with a few queen ants at the head of our government, or does it ultimately belong to every person in the country? To expand our analogy, wouldn't the country in a sense suffer a loss if a few people were to misuse or not use their freedom? Finally, should a stick be thrust into our anthill, the United States, would only the leaders of our nation be responsible for maintaining our freedom? No, every person should be more than willing to come to the defense of his or her homeland should it be threatened by some destructive outside force or corrosive inside force.

This, I feel is the heart of freedom's challenge to every citizen of the United States, the challenge of using (not neglecting or misusing) yes, not abusing the right to have a say in our government affairs and to live life as an individual with unique ideals and opinions. At these times when pleasure is plentiful and material wealth is abundant, people tend to form a lax attitude and not concern themselves with the pressure of deciding what is right or wrong in our society. In this world with its electric appliances, one or two automobiles per family, self-cleaning ranges, and automatic dishwashers, it's very easy to shrink from making these decisions and retreat to our Ivory Towers. In my opinion, freedom, like a door hinge, becomes rusty and loses its shine with lack of use. With abuse, it becomes bent out of proportion and no longer serves its purpose.

In order for each citizen to play a healthy, active part in our democracy, he must first keep in mind and exercise his rights guaranteed him by the United States Constitution. These rights are: freedom of speech, freedom of the press, freedom of worship, the right to assemble, and the right to file a petition. Let me bring this down to a personal level—how I as a high school student may partake of these freedoms. I may attend any church service of my choice without fear of persecution. If I so wish, I can speak out for or against an issue such as the failure to lower the voting age to nineteen. My local newspaper welcomes any articles concerning such issues. Only recently, two students from my high school expressed their feelings about lowering the voting age by means of a letter to the editor. This was printed with no fear of punishment. If I am against a certain policy in my school, I may call an assembly of my schoolmates after school hours and draw up a petition protesting the policy and signed by the students. You see, in everyday life, any person who is fulfilling his role as a citizen should surely use his freedoms and not hasten their death through lack of use.

Secondly, should not each person be prepared to defend the system which guarantees these basic rights if the time should come when it will be endangered? If man expects to have a voice in the structure that governs him, he should be willing to defend it with every ounce of strength in him. How else is it to withstand the forces which would tear it apart both from the outside and from within?

Yes, I feel that the real challenge of freedom faces each citizen in his daily living. Will he keep liberty alive by using and nurturing it, or hasten its death from dormancy? Will he take the first opportunity to help defeat any threat to our democratic system, even if it requires his life, or will he quiver in his shoes and submit to the opposition? I've made my choice and am preparing myself to take a stand as a conscientious citizen of our great nation. Which choice have you made?

ESTONIA AND THE OTHER BALTIC COUNTRIES ARE NOT FORGOTTEN

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. FRIEDEL. Mr. Speaker, among the great principles to which we in the United States adhere to, believe in, and are willing to fight for is the right of the self-determination of nations. This was clearly enunciated by President Woodrow Wilson in 1917, and has been reaffirmed by us many times.

Fifty-two years ago, Estonia declared its independence, thus manifesting the aspirations of the brave Estonian people for freedom from alien domination. Unfortunately, however, its independence was of short duration because of a curious secret agreement of August 1939 entered into by Nazi Germany and Communist Soviet Russia. As a result, the forces of the U.S.S.R. invaded and occupied Estonia and on August 6, 1940, Estonia was forcibly incorporated into the Soviet Union.

It is needless, I am sure, to again recount the great tragedy, the stark terror, the needless slaughter of thousands of innocent people, and the suffering and misery caused by the Russians. This sad story has been told and retold numerous times here in this historic Chamber. To say that we commiserate with the Estonian and other Baltic peoples, is an understatement. To them we emphatically say "You are not forgotten."

Our late President Kennedy stated:

> We must never . . . at any summit, in any treaty declaration, in our words, or even in our minds . . . recognize Soviet domination of Eastern Europe.

It was during the 89th Congress, after extensive hearings, we adopted unanimously House Concurrent Resolution 416, where it is stated:

> The Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of the right to self-determination by the Government of the Soviet Union—

And urged the President of the United States—

> (a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the people of Estonia, Latvia, and Lithuania, and
>
> (b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Here is undisputable proof that the Estonians and other people of the Baltic countries are, indeed, not forgotten by us. To note the anniversary of the Estonian declaration of independence is to serve notice to the world that we, in the United States, give our full moral support to the rightful aspirations of the brave Estonian people to again achieve freedom and independence in the not too distant future.

AMERICA IN 1980: 15 MILLION HOMES SHORT?

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. FLOWERS. Mr. Speaker, some experts are saying that the economy is in a "period of technical adjustment." Others are saying that we are now bordering on a "mild recession." All these high sounding phrases aside, there is only one way to describe the situation now facing America's homebuilding industry—it is in a state of absolute depression.

This is tragic for during the decade of the 1970's, we will need to build an additional 30 million homes in order to stay even with demand. At the present rate of construction, only 15 million homes will be built by 1980 and the problems which will be created by substandard and inadequate housing will blight the quality of life throughout America. This crisis is not only hurting those families needing housing now, but it is seriously affecting those who depend on the building trades for their livelihood and income. The bricklayers, carpenters, glaziers, and others, are caught in the very middle of this "crunch," while homebuilders are being forced out of business at an alarming rate.

There are several factors which have contributed to this depression—increased cost of materials, labor, and so forth—but the principal underlying cause is the all-time high interest rate being charged on home mortgages.

A specific example can be found by considering a young couple who began married life 8 years ago in an apartment. Since then, three children have been born and they have moved twice from one rental to another to get extra room. During this time, the husband established a good credit rating and managed to save $6,000 for what he thought would be a nice downpayment on their own home. The couple recently selected just the home they wanted for $25,000—it would have cost approximately $22,500 2 years ago. Local financial institutions informed them that even with a prime loan, their payments would run approximately $147 per month, considerably more than they had anticipated and their budget will allow. Two years ago—because interest rates were lower and before inflation ran the price up—they could have bought substantially the same house with a similar amount down and payments of approximately $112 per month. Over a 25-year period, this amounts to about $10,500 more for the same home, the increase being attributable to inflation and higher interest.

The real responsibility for this rests with the Federal Reserve Board controlling the "supply" of money available in our economy to banks and other financial institutions. Money supply is just like any other commodity. For instance, when there is plenty of coffee available, the price goes down and the same is true with the "price" of money as reflected in interest rates.

We are living in a time of inflation making it necessary for us as a nation to collectively "tighten our belts." Last year, Congress tightened the Federal Government's belt by insisting on a balanced budget. I feel certain that this same responsible course will be followed during this session. This is the best way to fight inflation—making certain that the Federal Government "lives within its means." The Federal Reserve Board is an independent agency not subject to the dictates of Congress or the President. If the legislative branch of Government continued deficit spending as was prevalent throughout the 1960's, then there would be some justification for the Federal Reserve to keep a firm hand on the money supply. However, this is not the case and it is my judgment that the Federal Reserve Board should reexamine its policies with a view toward easing the supply of money so that interest rates can return to a normal level.

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REPUBLIC OF ESTONIA

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ROBISON. Mr. Speaker, last week, Americans of Estonian descent celebrated the 52d anniversary of the Declaration of Independence of the Republic of Estonia. It is heartening, in this sometimes grey world, to see their spirit so bold and unflagging as they look forward to the day when Estonia once again will take her place among the proud, free nations of the world.

It is a sad thing to see such enthusiasm dampened by the awful truth that the Soviet Union has visited upon this gallant people. Since the end of World War II, the Soviet Union has occupied Estonia and done violence to its national needs and aspirations in the most brutal and insensitive of ways. The occupation

and forced rule has not only resulted in fortunes lost, families broken, and progress stifled, but it has also been a heartbreaking experience for those of Estonian descent who must witness this infamy to their homeland. It is my fervent hope that the day will come when the celebration of the Estonian Declaration of Independence can take place, in all its glorification of freedom and hope, in Estonia itself. And until that time and until the time the Soviet Union quits this reign of terror, we shall raise our voices again and again against this infamous reign.

THE CHICAGO BOARD OF TRADE LOOKS AT STOCK FUTURES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago Board of Trade is currently engaged in a series of new dimensions for vitalizing its activities.

I should like to call to the attention of my colleagues three articles which appeared recently to show the new vigor that is taking hold at the Chicago Board of Trade, the world's largest commodities future exchange.

The articles follow:

[From Newsweek, Mar. 3, 1969]

STOCK FUTURES

Despite its power and influence as the world's largest commodity exchange, the Chicago Board of Trade lumbered along for years like a creaky old threshing machine. It was content to do whatever business happened to come its way. Its management was old and tired—attuned to the glories of the past when it was legal to do such things as corner the wheat market. Above all, the board was an insular institution, and its voice was seldom heard outside the grain industry. "The only time we ever crawled out from under our rock," a veteran official once admitted, "was when someone poked a stick at us."

But during the last two years, the venerable board has begun taking on a new vitality. Much of it has been due to necessity: the grain market dropped from its record level of $81.4 billion in 1966 to $36 billion last year. But the biggest reason has been Henry Hall Wilson, 46, a lanky (6 feet 5) North Carolinian and former White House aide to Presidents Kennedy and Johnson, who became the board's $100,000-a-year president twenty months ago. Together with William Mallers, at 40 the board's youngest chairman, Wilson has moved to tighten trading rules, reorganize operating methods, increase the number of paid staff members and give the 120-year-old board a better national image than ever.

Last week, Wilson made his biggest move to date. He announced that the board was thinking about taking a major plunge into the securities business. Although registered with the government to trade in securities since 1934, the board has never done so on a widespread basis, and its last trade was in 1953. Yet to many veteran observers, trading in securities has been just what the board has needed all along to break away from total dependence on agriculture and increase its muscle in top financial circles.

What Wilson proposed to do was set up a national exchange in the so-called option market—or puts and calls. A call gives a buyer the right to purchase stock at a set price within a specified time—usually six months. Call buyers expect that the stock will go up. A put is just the opposite; it allows the buyer to sell stock within a time limit. Put buyers hope stocks will go down. In either case, the option holder's profit is the difference between the price of the option (5 to 20 per cent of the stock's price) and the rise or fall of the security within the time limit. If the stock doesn't perform as desired, the option holder's only loss is the price of the option. In general, if an investor is bullish about the market, he will buy calls. If he is bearish, he will buy puts. In 1968, options were written on about 30 million shares, up from 23 million in 1967. The bulk of the business was handled by only a score of securities dealers in much the manner of over-the-counter dealings—lots of people doing lots of screaming on lots of telephones. There is no central market, such as the New York Stock Exchange, for options.

LOGIC

In seeking to establish such a market, Wilson thinks the Board of Trade is extending its time-honored grain-futures concept to the securities field. Before coming up with the option-market idea, in fact, the board had considered the far-out plan of establishing a futures market in the stocks that make up the Dow Jones industrial average, as well as other individual stocks. That line of reasoning led to puts and calls, which involve betting on the future as surely as trading on next year's wheat crop.

Wilson believes that such a market would be important to the financial community in general. He told NEWSWEEK's Don Holt: "The major feature of the Board of Trade is the hedging activity we provide for the big grain holders. In stocks you have the same kind of inventory holders in the great funds. They don't use puts and calls now because the market is so small. But I think they might if we had a well-organized market."

A functioning option market is, Wilson concedes, a year or more away. But on the board's floor there is unbridled enthusiasm for the plan—complete with wild tales that option dealings could double the value of a seat (now $21,000) in two years. In any case, it is likely that the old board will never be quite the same again. As chairman Bill Mallers put it: "The lines are drawn. People here want to go forward."

[From the Wall Street Journal, Feb. 19, 1969]

CHICAGO BOARD OF TRADE PLANS TO SET UP MARKET IN PUT AND CALL STOCK OPTIONS

(By Jonathan R. Laing)

CHICAGO.—The Board of Trade, the world's largest commodity futures market, is considering a bold diversification move into the securities field. At the exchange's annual membership meeting, Henry H. Wilson, president, said in a speech that the board is studying the possibility of starting an exchange market in stock put and call options.

Accoring to Mr. Wilson, officials of the Securities and Exchange Commission and the Federal Reserve Board have been advised of the board's proposal. The Board of Trade enjoys the advantage over other commodity exchanges of already having been certified by the SEC as a registered stock exchange. It was certified in 1934, just after the Securities Exchange Act was passed. But little stock trading occurred thereafter.

SEC officials confirmed that officials of the Board of Trade had contacted the SEC about plans for an organized market for put and call options. The officials declined to say whether they favored such an operation, but one noted that "we've indicated to them that we have some questions we want to explore further with them." The official declined to elaborate.

Observers of the board weren't surprised at the exchange's renewed interest in securities trading to augment its commodity markets. Over the years, trading interest in the board's primary commodities, wheat, corn, soybeans, and soybean oil and meal has been brisk. But in 1968, volume, for the second year in a row, sagged to 4.7 million contracts, valued at $36 billion, from the record 1966 total of 7.6 million contracts, valued at $81 billion. Since 1967 large grain surpluses have driven cash grain prices down to near Government support levels, with the result that hedging and speculation have languished in the absence of wide price swings.

SEEN A YEAR AWAY

Board officials declined to estimate when the new market might open but observers say it's at least a year away.

The exact specifications of a put and call option market at the Board of Trade have yet to be worked out but, as presently envisioned, the contract unit would be 100 shares of stock of a given issuer. A minimum of 13 contracts, or option months, would be open for trading at all times.

Currently, puts and calls are sold by some 20 securities concerns such as Thomas, Haab & Botts and Filer & Schmidt who deal exclusively in options. Also, such New York Stock Exchange members as Walston & Co., Goodbody & Co., and H. Hentz & Co., have options departments.

A call option, the most common type, gives its holder the right to buy 100 shares of a specified stock at a specified "striking price" (usually at, or near, the market price at the time of the option purchase) during a specific time period. A put option gives its holder the right to sell 100 shares of a stock at a specified price during a specific period. For these rights, option buyers pay a price, or "premium," which can vary from 5% to 20% of the value of the underlying stock, depending on the length of the option period and the volatility of the stock.

INCENTIVE EXPLAINED

Of course, the holder of a call hopes that the price of the stock underlying his option will rise to a higher level than the premium during the term of the option so that he can recover the option purchase price and still profit.

Correspondingly, the holder of a put hopes the price of the shares underlying his option will fall more than the premium he initially paid. A significant percentage of puts and calls are never exercised because the price of the stock involved doesn't move enough to allow the option holder to recover his premium.

The sellers or "writers" of options own the stock upon which the options are contracted. Their incentive in selling options is the net return through premiums on the value of their stock. Such returns can run as high as 40% annually if a number of unexercised options are written successively on the same shares.

The board's proposed market has particular appeal among many professional stock portfolio managers who make scant use of the current options market because of its small size, and inflexibility. Writing options on stocks held in portfolios is just one more way for today's performance-conscious managers of pension funds, foundations, endowments, mutual funds, and insurance company investment portfolios to wring better gains from stock investments.

The current puts and calls market's annual volume has averaged slightly more than 1% of the New York Stock Exchange's annual volume over the past two years. In 1968, puts and calls were written on more than 30 million shares, up from options on 23 million shares in 1967, according to the Put and Call Association, the option dealers' trade groups. However, the bulk of options trading is in small volume units, clearly unsuitable for the institutional investor.

ADVANTAGES CITED

Board officials believe that their proposed options market would correct several weaknesses of the present options market. First, Mr. Wilson said in the speech, the board's options market "could generate enough liquidity in the marketplace to sustain large volume transactions." Secondly, according to Mr. Wilson, option holders in the new market wouldn't be required to directly, or indirectly, take or confer ownership of the underlying stock in order to realize a gain.

The new market would permit them to liquidate their positions on the exchange floor. (This eliminates stock commission costs.) Also, option writers or sellers, who presently have no way to terminate their obligations during the life of an option, would be able to liquidate their position and withdraw from the market at any time.

Most institutional investors surveyed on the board's proposed market favored the creation of a centralized put and call market because of the present option market's lack of a secondary market and its inability to accommodate large transactions.

Paul Haake, chief of investments for the trust department of the Continental Illinois National Bank & Trust Co. commented: "This market the board is proposing is an intriguing proposition and has substantial potential for us in writing options on stocks in pension funds we manage."

INVESTOR INTEREST GROWS

Officials of other banks, and a portfolio manager of a large Midwestern casualty insurance company professed to be quite interested in the proposal. Said one bank official who declined to be identified: "We would use the board's options market for our trust department stocks portfolios during bear markets when we normally switch funds into fixed-income debt securities."

Since early 1968, investor interests in put and call options has grown because the Federal Reserve extended its stock-margin rules to previously unregulated lenders and established new margin rules for dealings in convertible bonds. The result is that options offer the only stock-investment avenue for investors who want to purchase stocks on a small cash outlay.

Also, a recently released market study by Princeton University economists Burton Malkiel and Richard Quandt has spurred interest in the securities-options market among investors and professional money managers.

In the study, the professors contend that an investment strategy involving option writing is the optimal course 53% of the time, while option buying optimizes return 39% of the time.

Among the present transaction costs the board's options market would reduce, or eliminate, are dealer spreads between premiums paid option writers and premiums option buyers pay, written contracts, and stock-certificate transfer work.

In December 1967, the New York Produce Exchange, where such commodities as soybeans, soybean oil, and fishmeal are traded, announced plans to inaugurate futures trading in common stock. The plan was presented to the SEC for consideration but no action has been taken on it.

Several put and call dealers rate the Board of Trade's chances of success in setting up an options market as quite good. They warn, however, that current SEC regulations appear to require that all options traded on an exchange first be registered as securities. This requirement would have to be changed before a workable central market in security options could be established, they contend.

[From the Journal of Commerce, July 7, 1969]

CHICAGO BOARD OF TRADE LOOKING TO NEW IMAGE

(By Donald E. L. Johnson)

CHICAGO, July 6.—The Chicago Board of Trade, the world's largest commodities futures exchange, appears to be moving toward a new image and new prosperity.

CBOT President Henry H. Wilson said in an interview with The Journal of Commerce that as a result of a two-year reorganization program, the 121-year-old exchange is set to become more than a grain exchange in the eyes of the general and investing public.

Although the corn market seems to be benefiting from the uncertainties of good demand and a weather market, wheat and soybeans, long the market's volume leaders, are not likely to generate much trading interest without unexpected incentives.

BROILER CONTRACT

But interest in the 10-month-old broiler contract has mounted so quickly in the last few weeks that Mr. Wilson is confident that it can become as active as the Chicago Mercantile Exchange's pork bellies (frozen, unsliced bacon) and live cattle futures markets.

All three markets, he noted, have three things in common: no government price support or controls, rising prices and good commercial hedging.

The absence of government price supports allows prices to move freely. Rising prices almost always attract more speculative interest than declining prices, although prices tend to fall faster than they rise. And hedging by growers and processors seeking price protection provides market liquidity for speculators.

The problem with wheat and beans is that government price supports tend to put floors under prices, while heavy supplies prevent price advances. The result: steady prices and inactive futures markets.

Thus, Mr. Wilson, noting that last week was the best in the broiler market's short history, with an open interest of nearly 2,000 contracts, predicted that the advent of the broiler market as a major trading medium could result in increased identification of the CBOT as a meat exchange. This could help the exchange in its efforts to woo speculators away from the Chicago Merc's hugely successful live cattle market.

LIVE CATTLE REVISIONS

Proposed revisions in the CBOT's live cattle market, which went on the boards about two years after the Merc's unprecedented success with its live cattle market, will be submitted to the exchange's board of directors on July 15, he said. The board will be asked to approve multiple delivery points, which are already offered by the Merc's cattle contract. If approved multiple delivery points, which are already offered by the Merc's cattle contract. If approved by the board, the proposal will be voted on by the exchange membership.

Mr. Wilson, who joined the exchange on June 1, 1967, after serving six years as a White House legislative aide to President Kennedy and Johnson, said his most important accomplishment in the last two years has involved hiring a talented staff.

This spring he hired two new vice presidents.

E. William Sevetson, 40, was named vice president in charge of futures market surveillance, and data processing, and Frank S. Johnson, 38, became vice president of public relations.

At the same time, Joseph W. Sullivan, who joined the exchange as assistant to Mr. Wilson, was made the head of the new department of market development.

The next step, Mr. Wilson, said, is to find an agricultural economist for the exchange.

Staff building, of course, costs money. For example, Mr. Sevetson's office of investigations and audits had a $143,670 budget in 1968 and has a $191,303 budget this year. As he builds his own staff, Mr. Sevetson's budget will increase, Mr. Wilson predicted.

BETTER JOB THAN CEA

The exchange has always maintained that it can do a better job of regulating and policing its markets than the Commodity Exchange Authority, which also has been strengthend by Congress in the last two years. Mr. Wilson proudly noted that the CEA recently excepted the CBOT from newly-issued regulations related to member firm finances, "because ours were tougher than theirs."

CBOT members will vote Monday on a proposal that would raise the maximum fines that can be levied by the board of directors from only $5 per infraction to between $1,000 and $10,000. A majority vote of the directors will be required for a $1,000 fine and a two-thirds vote for a $10,000 fine. Now, the only alternatives to a $5 fine are suspension of trading privileges or expulsion from the exchange.

Another area that can stand improvement is exchange public relations, Mr. Wilson said. Although a prominent public relations firm has been working for the CBOT for almost three years, the exchange has not had a professional PR man to direct its efforts.

Mr. Johnson wants not only to improve the exchange's rapport with the grain, cattle and poultry industries, but also to show commission houses and their account executives that they can make money handling commodities accounts.

At the same time, Mr. Johnson will ask the board to "radically" increase its advertising budget, which is set at only $30,000 for 1969, up a bit from last year. The smaller Merc, which would like to overtake the CBOT in trading volume, has a 1969 advertising budget of over $300,000, up from only $16,000 a few years ago. Merc members feel they are getting their money's worth.

AN 88 PERCENT RISE IN VOLUME

Last week the Merc reported an 88 per cent increase in first half volume to a record 1.7 million contracts, while the Board of Trade this week will report a 7.6 improvement to 2.2 million contracts for the first half and a 13 per cent improvement for the second quarter. The Merc also reported a seat sale at a record $70,000, up from $32,250 a year ago. A CBOT membership sold for $22,000 on June 20, up from $18,000 a year ago. There are 500 seats on the Merc and 1,402 on the CBOT.

Much of the recent success of the Merc can be attributed to market development, especially in live cattle and pork bellies.

Therefore, it is not surprising that Mr. Wilson appears most enthusiastic about the Board of Trade's new planning and development department. It will be primarily responsible for finding commodities that can be successfully traded on a regulated commodities futures exchange, he said.

Three new markets have already been announced, but they appear to be months away from actual trading.

Most radical is the exchange's proposal to start futures trading in put and call options on corporate securities. Announced last February, the put and call market needs another six to 12 months of work, Mr. Wilson said.

The Securities and Exchange Commission still has a lot of questions about the project. And the exchange itself must decide where to put the market (probably in a small hall now

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used as a television and refreshment center just off the main trading floor) and whether to create new memberships for those trading the securities options, informed sources said.

PRICE VOLATILITY

A more conventional futures market in plywood is scheduled to open this summer. While price volatility has been dramatic for more than a year in this Commodity, Mr. Wilson said, the exchange has found that commercial interests in the Pacific Northwest are not familiar with futures markets or used to the idea of having their products traded on a futures market. The Merc is scheduled to open a lumber market Oct. 1.

Most controversial of the proposed markets, so far as the exchange members are concerned, is the silver futures market.

Mr. Wilson said that some members feel that the CBOT is better equipped to handle the volume generated by the silver futures market than the Commodity Exchange, Inc. in New York and that such a market could be "better conducted" on the Chicago exchange.

Opponents, he said, include "certain commission houses" that think a silver futures market would over extend the resources of the CBOT.

They contend that, "time needed by members for learning a new market could be more fruitfully applied to learning about those commodities not now traded," he said.

In any case, Mr. Wilson expressed confidence that the Board of Trade will do better in 1969 than in 1968.

Last year volume declined another 19 per cent to 4.7 million contracts worth $35.9 billion from 5.8 million contracts worth $50 billion in 1967.

The exchange had its best year in 1966, when 7.6 million contracts valued at $81 billion changed hands.

IN MEMORY OF CONGRESSMAN JAMES B. UTT

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. MAILLIARD. Mr. Speaker, there is a certain blend of courage, integrity, character, and principle. Our colleague, Congressman JAMES B. UTT, possessed that rare blend.

As a citrus grower in southern California, Congressman UTT added to the development of that important industry. As a practicing attorney in Santa Ana, he contributed to the growth of that community.

Congressman UTT's death comes as a particular blow to the people in his district whom he served as an assemblyman and as a nine-term Representative in the U.S. Congress.

In life, Congressman UTT was a patriot of the first order. In death, he bequeaths to his countrymen a legacy of outstanding civic achievement.

Apart from his distinguished political career, JIMMY UTT was my longtime personal friend.

Mr. Speaker, coming so soon after the passing of Glen Lipscomb, the death of Congressman UTT is a double loss to the California delegation.

My heartfelt condolences go out to his wife, Charlena, and to his family.

ESEA TITLE I—EDUCATION OF THE DISADVANTAGED—PROGRAM GUIDE NO. 57

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. QUIE. Mr. Speaker, the education of America's disadvantaged young people must continue to be a high priority in the years ahead if the United States is to avoid a serious division in its midst. For years, many of my colleagues and I have stressed that effective education of the disadvantaged can come about only through sound educational administration and a firm commitment to equality of opportunity for all of our young people. For too long, we have seen more than a billion dollars a year scattered through the compensatory education programs of title I of the Elementary and Secondary Education Act without sufficient safeguards to assure that the children who most need quality education will, in fact, achieve it.

That is why my colleagues and I were pleased with the initiative shown by Secretary of Health, Education, and Welfare Finch and Commissioner of Education Allen last November when they set up a special task force to study and to effectuate prudent changes in the administration of title I, the Nation's single largest educational program. This task force, long overdue, has worked diligently with all of the interests concerned and has, we believe, come forth with program recommendations which are fully consistent with the 1965 act and the congressional intentions in enacting it. More important, these recommendations which are embodied in a memorandum from Commissioner Allen to the chief State school officers give great promise of assuring that scarce Federal funds will not be scattered frivolously but will be concentrated so as to deliver effective educational programs to our most disadvantaged youngsters.

It is this type of sound educational administration—a partnership between the Federal Government and the States—which can alone assure that the taxpayers' money makes a difference in the lives of children. We are delighted with this first step and we look forward to working with the Department of Health, Education and Welfare and the States on other administrative or, if necessary, legislative changes which might be necessary to erase any trace of educational deprivation from our land.

I submit ESEA title I program guide No. 57, which was issued February 26, 1970, for printing at this point in the RECORD:

ESEA TITLE I PROGRAM GUIDE NO. 57

Memorandum to Chief State School Officers:

The Office of Education continues to receive a number of questions about the comparability requirements outlined in ESEA Title I Program Guides 44, 45, and 45A, especially the opening paragraph of Section 7.1 in Program Guide 44:

"The Title I program and the regular school program have been planned and budgeted to assure that Federal funds will supplement and not supplant State or local funds and that State and local funds will be used to provide services in the project areas that are comparable to the services provided in non-project areas."

In his letter of July 31, 1969, Associate Commissioner Lessinger made clear what is expected of the States with respect to assuring comparability of services provided from State and local funds in Title I schools and in non-Title I schools.

Despite these statements, reports of lack of comparability continue to come to our attention. It is necessary, therefore, to clarify further the requirements for assurance of comparability. This communication revises previous program guides, and will serve as the basis for evaluating all Title I applications for the 1970–71 school year.

WHAT COMPARABILITY MEANS

Title I funds must not be used to supplant State and local funds which are already being expended in the project areas or which would be expended in those areas if the services in those areas were comparable to those for non-project areas. Within a district instructional and auxiliary services and current pupil instructional expenditures provided with State and local funds[1] for children in project areas must be comparable to those services and expenditures provided for children in non-project areas. These services and expenditures must be provided to all attendance areas and to all children without discrimination. Services that are already available or that will be made available to children in the non-project areas must be provided on at least an equal basis in the project areas with State and local funds rather than with Title I funds.

ASSURANCES OF COMPARABILITY

The State educational agency shall require each local educational agency either (a) affirmatively to demonstrate to the State educational agency in the project application that a comparability of services and expenditures provided with State and local funds currently exists in the school district between project and non-project areas, or (b) to submit a plan to achieve such comparability by the opening of school in the Fall of 1970. This responsibility includes the preparation and submission by the local educational agency (with the project application or before the project is approved) of factual information that fully supports assurances of current or forthcoming comparability in the application or in the plan.

CRITERIA FOR DEMONSTRATING COMPARABILITY

The State educational agency shall prescribe criteria by which local educational agencies are to demonstrate their adherence to the requirements of comparability, and shall submit these criteria to the Commissioner for approval by April 1, 1970. Where the data submitted by the local educational agency suggests a lack of comparability the State educational agency must require the local educational agency to submit a plan to overcome inequities in the basic programs provided in Title I schools and determine whether the plan submitted by an applicant is adequate to achieve comparability.

As noted above, the State educational agency is to decide upon whatever criteria it deems necessary to insure adherence to the requirements of comparability. However, the criteria so prescribed by the State educational agency shall, as a minimum, include Criterion A below, *and* either Criterion B *or* Criterion C below:

Criterion A (Includes two indicators): As part of its criterion, the State educational agency shall require the submission by the local educational agency of information con-

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[1] For the purpose of this policy statement, funds provided under P.L. 874 will be considered the same as State and local funds in determining local expenditure.

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cerning both groups of comparability indicators outlined below:

1. Comparability of distribution of staff:

Each School Included in Project Application:

(a) Public/Teacher Ratio.

(b) Pupil/Non-Teaching Professional Staff Ratio.

(c) Pupil/Instructional Non-Professional Staff Ratio.

Average Non-Project Area Schools:

(a) Public/Teacher Ratio.

(b) Pupil/Non-Teaching Professional Staff Ratio.

(c) Pupil/Instructional Non-Professional Staff Ratio.

In computing pupil/teacher, pupil/non-teaching professional staff and pupil/instructional non-professional staff ratios, the full-time equivalent of part-time personnel or personnel whose time is divided among at least two of the three ratio areas shall be entered in each respective area. In computing pupil/teacher, pupil/non-teaching professional staff and pupil/instructional non-professional staff ratios, if a person is paid in part with Federal funds and in part with State and local funds, only the full-time equivalent of the proportion of his time paid for with State and local funds shall be entered in each respective area.

For the purposes of this criterion, a "teacher" is a professional person employed to instruct pupils or students in a situation where the teacher and the pupils or students are in the presence of each other. Teachers who are assigned administrative and other non-teaching duties are not to be counted in computing the pupil/teacher ratio. Principals, librarians, guidance counselors, psychologists, social workers, etc., are to be considered as non-teaching professionals.

2. Comparability of specific service prior to addition of title I funds:

For services to be provided through a title I project grant, the local educational agency shall certify that the specific title I funded service does not simply match services already being provided in non-project schools. In so doing the local educational agency shall describe the services (of the type applied for) already provided by State and local funds in project and non-project schools. For example, if a local educational agency requests title I funds to finance a food service program in a project area school, it shall povide comparative data on the provision of food services to that school and to non-project area schools before the addition of title I funds to the project area school.

Criterion B (Includes one indicator): The average per pupil instructional expenditure in each project area school is equal to or greater than the average per pupil instructional expenditure in non-project area schools.

"Average per pupil instructional expenditure" is defined as the aggregate of "current pupil instructional expenditures" (in turn defined as expenditures from State and local funds for salaries of principals, teachers, consultants or supervisors, other instructional staff, secretarial and clerical assistants; other salaries for intruction; expenditures for textbooks, materials and teaching supplies, school libraries, and audio-visual equipment, all as set forth in the 200 Series of Expenditure Accounts in *Financial Accounting for Local and State School System*—OE22017) divided by the aggregate number of children in average daily membership in each school.

Criterion C (Includes one indicator): Comparability of total instructional personnel expenditure per pupil:

Each School Included in Project Application:

Total Instructional Personnel Expenditure Per Pupil.

Average Non-Project Area Schools:

Total Instructional Personnel Expenditure Per Pupil.

The local educational agency shall provide data comparing the total instructional personnel expenditure per pupil in project area and non-project area schools. This figure should include the salary expenditures for teachers and non-teaching professionals; and should include non-professional staff serving in an instructional capacity. The salaries of part-time employees shall be included on the basis of their full-time equivalent and the State and local portion of salaries paid to persons who are paid in part with Federal funds and in part with State and local funds shall be included on the basis of their full-time equivalent.

POINTS OF CLARIFICATION AND DEFINITION FOR CRITERION A, CRITERION B AND CRITERION C

1. "Project Area Schools" is defined as those schools within the school district participating in a Title I project. "Non-Project Area Schools" is defined as those schools within the district not eligible for Title I assistance.

2. Data submitted by the local educational agency to the State educational agency shall be based on information derived from the most recent school year for which complete data is available.

3. The State educational agency shall request the local educational agency to specify the standard accounting procedures employed.

4. Data shall reflect expenditures and services during the academic year (excluding summer session) and should be presented on the basis of schools servicing similar grade levels. Schools with 12-month Title I programs should be able to demonstrate equivalence to comparability for the regular school year.

5. The State educational agency may wish to consider in its criteria the differences between small and large schools within a district. In particular, the information requested under Criterion B or Criterion C may vary significantly from schools of 200 to schools of 500 to schools of 1000 students; if this is the case in a district, the State's criteria might reflect these differences.

6. To be eligible for Title I funding of summer sessions, the local educational agency must demonstrate that its project area schools were comparable to those in non-project areas during the previous school year.

7. The cost of determining comparability may be allowed as part of Title I administrative costs.

8. For the purposes of examination, the State agency shall require local educational agencies to submit comparability information on separate sheets attached to the main body of the application.

This memorandum constitutes basic criteria, issued pursuant to Section 105(a) of the Elementary and Secondary Education Act (20 U.S.C. 241e). It supersedes Section 7.1 of Program Guide No. 44 (March 18, 1969), all of Program Guide No. 45 (June 14, 1968), and that portion of Program Guide No. 45A (July 31, 1969) which refers to comparability.

The Office is prepared to provide technical assistance to you in developing the criteria for your State. Please let me know if you have any questions.

James E. Allen, Jr.,
Assistant Secretary for Education and U.S. Commissioner of Education.

R.I.P., CALIFORNIA ZEPHYR

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. MILLER of California. Mr. Speaker, the California Zephyr was a great train and I enjoyed riding it. I hate to think that it must now go the way of most passenger trains and be abandoned. The Washington Post editorial quoted below is sound and I think we should all heed it.

We do need passenger trains in this country.

The editorial follows:

R.I.P., CALIFORNIA ZEPHYR

Now that the California Zephyr is about to become a fond memory, perhaps the administration and Congress will get down to work on the problem of what to do about passenger trains. There is not much life left in long-distance passenger service and perhaps that service ought to die on the ground it is no longer needed and is an uneconomic use of resources. But it ought not to be allowed to die by default; there should be a national policy—one way or the other, a policy either of abolishing non-commuter passenger trains except in one or two heavily populated corridors or of saving this means of transportation as one of the alternatives to the automobile.

The death warrant for the California Zephyr, signed last week by the Interstate Commerce Commission, is symbolic of what has happened to the passenger trains. The Zephyr went on the rails in 1949 to compete with the City of San Francisco for traffic between Chicago and San Francisco. The Zephyr had the scenic route, the City of San Francisco, which had gone into service in 1936 and switched from a three day a week to a daily schedule in 1947, had the faster route. They were joined in 1954 on the long run to the Coast by the Santa Fe's Chief. Now, the Zephyr has been killed west of Salt Lake City and cut to three days a week west of Denver. The City of San Franfrancisco is going back to a three-day-a-week schedule west of Salt Lake City and the Santa Fe hopes to abolish the Chief soon.

The direct cause of the deaths of these trains, and dozens of others around the nation, is economic; they lost money heavily. The indirect causes are, perhaps in this order: automobiles, airplanes, bad management, and outdated labor rules. Unless the federal government acts, those causes are going to lead to the end of non-commuter passenger service, except in the East Coast corridor and perhaps in a similar Midwestern corridor, within a few years. We think that this should not be allowed to happen until after a substantial effort has been made to save the trains; it makes no sense for the country to be discarding a basic means of transportation because of its current love of automobiles and airplanes at a time when substantial overcrowding of both highways and skyways is easily foreseeable.

What is needed are revoluntionary changes in the railroad passenger business—changes that provide a mechanism through which new equipment, better schedules, new management, new labor contracts, and new reservation systems can be injected into one of the most old-fashioned businesses in existence. The Railpax plan put forward by the Department of Transportation has run into heavy criticism at the ICC largely because it isn't revoluntionary enough. If inter-city passenger trains are to survive, more will be required than just $100 million of federal money and a device that lets current railroad management largely determine the fate of the trains.

Maybe this administration and this Congress aren't bold enough to take the drastic steps that are needed. Or maybe they think these steps will cost more than saving the passenger trains will be worth. Nevertheless, the railroads and the public are entitled to know what national policy is going to be. The death of each crack train, like the California Zephyr, speeds the day when the next one will die and before long there will be

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nothing to save. We were saddened to see the Zephyr go under, although we cannot blame the railroads for asking that it be discontinued or the ICC for granting their requests. But we do hope that its death will spur the kind of action that the deaths of other great trains leading up to it—the Twentieth Century Limited and the Royal Blue, for example—never did.

THE EQUALITARIAN THEORISTS—UNITED STATES AS OTHERS SEE US

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. RARICK. Mr. Speaker, when advocates of some form of conduct which cannot be justified by any form of logic present their arguments for its adoption, the false and emotional issue of a so-called world opinion is flaunted.

Opinion is the cheapest commodity on earth. The more ignorant of the facts, the quicker and less inhibited the opinion. The more wisdom, the less sweeping and cocksure the opinion.

It was said so long ago that the word "halter" was known by everyone to refer to the hangman's noose, that:

> No man e'er felt the halter draw,
> With good opinion of the law.

Our domestic racial problems, which are merely symptoms of a more significant underlying problem, have evoked opinions by the score on the subject, both within and without the Nation. One of the more important opinions was that manufactured by the left for the signature of Swedish Gunnar Myrdal—an instant expert on racial matters although he comes from a nation not noted for its Negro population. Until the advent of American deserters, whoever heard of a black Swede?

As our artificially created racial crisis comes to a head with warmer weather, more suitable to the incitement to riot and loot, it is the responsibility of all Members to honestly try to understand the real causes of the problem, so that we can then exercise our responsibility to make possible its solution.

For this purpose, the paper delivered by an eminent Australian before a seminar of the Canadian League of Rights, reflecting a careful and thorough study of the American race problem, as seen by a disinterested foreign observer, is essential reading, and I include it in my remarks:

[From the Canadian Intelligence Service, January 1969]

THE CREATION AND EXPLOITATION OF RACE MYTHS

(EDITOR'S NOTE.—As a special service to our readers, we are publishing this paper delivered by Eric D. Butler, the Australian Authority on Marxism, at the Canadian League of Rights Toronto Seminar on Race and Revolution, last August 10.)

Benjamin Disraeli, the British Prime Minister who used his novels to divulge deep insight into many matters, wrote in Endymion:

"No one must lightly dismiss the question of Race. It is the key to World History and it is precisely for this reason that written history so often lacks clarity. It is written by people who do not understand the race question and what belongs to it."

But if Disraeli were alive today and expressed these views on race and history, he would be violently denounced as a "racist."

The term "racist" is today one of the most deadly of the many smear words used by the totalitarians of all types. The term is never defined so that the victim of the charge of "racism" may disagree and defend himself. It presumes automatic condemnation without any argument or trial. The comparatively successful use of the term is a tribute to the effectiveness of a form of psychological warfare which discourages a realistic examination of one of the central dogmas of Communism; that not only all individuals, but also all races are inherently equal. There are large numbers of people who term themselves anti-Communists but who on this subject, as with many others, unconsciously accept the Communist view. To these people the African, for example, is the same as a European—except that he has stayed out in the sun a little longer. All that is necessary is to provide the African with a Cambridge University education, dress him the same, and he will be exactly the same as a European. It is simply a matter of adjusting environment to produce the same type of human being who can be readily fitted into the centrally planned state, and ultimately, into the one centrally planned world.

The equalitarian dogma is the very essence of Communism. If we accept Communist propaganda, they visualize a perfect society in which, by controlling environment and the educational system, all individuals, being basically the same, will have such perfectly adjusted personalities that they will live in everlasting peace and harmony. The equalitarian dogma insists that any differences between men are primarily the result of environment, not the result of heredity.

If the Communist view of man were true, then, of course, it would be immoral and irrational to oppose it. But although, as we shall see, it is not true, the collectivists have so successfully presented propaganda on this subject under the guise of science, that those who oppose the equalitarian dogma are termed immoral. Those who stress the vital importance of hereditary factors, governing, for example, intelligence, are smeared as fanatics allegedly advocating that human beings be bred like stud cattle.

But in reality it is the collectivists who downgrade the human being by claiming that by centralized control of his environment, he can be turned out in a common mould like peas from a pod. It is only in a genuinely free society of responsible individuals that excellence and quality are possible. Equality really means *no* quality.

The free society is also necessary for the preservation of the elite of a civilization, without which civilization cannot be maintained. But to the collectivist, those who have succeeded under freedom are "oppressors," while men, races or nations which have not succeeded are allegedly "underprivileged." The logical consequence of a philosophy which denies any natural superiority to those who have succeeded under freedom, is central government control to change the social and economic system so that there is no quality, only equality. Without the dogma of equalitarianism, the Communists and other collectivists would stand openly condemned of being blatant conspirators determined to punish all excellence and to prevent mankind from developing its highest potential. It is much easier to sell slogans about the "equality" and "brotherhood" of man.

In *The Great Deceit*, by Zygmund Dobbs, the following appears:

"The bending and twisting of academic subjects to fit socialist purposes is the prime purpose of all convinced socialists. This has been the case particularly in Social Anthropology, History, Economics, Jurisprudence and Sociology. The socialist dogma requires that all scholastic categories be made to serve socialism and not the cause of scientific truth."

This paper is primarily concerned with the twisting which has been done in the field of Anthropology.

Back in 1922, the eminent American sociologist, Lothrop Stoddard, observed in his great classic, *Revolt Against Civilization*, that *"The ideal of Natural Equality is one of the most pernicious delusions that has ever afflicted mankind. It is a figment of the human imagination. Nature knows no equality. The most cursory examination of natural phenomena reveals the presence of a Law of Inequality as universal and inflexible as the Law of Gravitation."*

Stoddard was speaking as an objective scientist, not as a political propagandist. But in recent years political propagandists, masquerading as objective scientists, have sought to further their political objectives by perverting science. This is a serious accusation, but it is supported by an enormous amount of irrefutable evidence. Nathaniel Weyl and Stefan Possony made the accusation as follows in their work, *The Geography of Intellect:*

"American psychologists and sociologists have accepted the dogma of equality and proclaimed, not merely that members of different races should all have the same 'rights' (an entirely separate question), but that they are innately equal in all forms of mental capacity as well. Having placed themselves in the vanguard of an ideological movement proclaiming absolute equality, a very large group of American psychologists and sociologists chose to sacrifice scientific objectivity to their political and propaganda purposes."

FRANZ BOAS' RED BACKGROUND

The story of the perversion of the sciences concerning race, starts late last century, primarily with one Franz Boas, mentioned briefly in my *Fabian Socialist Contribution to the Communist Advance* (p. 27). Born of Jewish parents, Boas was a product of the influential German Socialist movement of that period. His parents were Socialists and strong supporters of the Communist rebels of the German revolution in 1848. One of his aunts married Dr. Abraham Jacobi, a member of Karl Marx's Communist League. After serving a sentence in gaol for armed revolutionary violence, Jacobi, a medical doctor, migrated to the U.S.A. and lost no time in actively promoting Marxism.

Karl Marx himself had personally prepared the way for Jacobi in the U.S. with letters to his American agent, Joseph Wedmeyer. Marx used Jacobi to test the loyalty of German migrants to Socialism and their ability as revolutionaries. Boas therefore had many contacts in the U.S. to assist him carry on the family Socialist tradition. His career was a remarkable one. He arrived in New York in 1877, and the next year was installed as Doctor of Anthropology at Clarke University. It was Boas who issued the first Ph.D. in Anthropology in the U.S.A., in spite of the fact that there was no evidence whatever that from a formal academic point of view Boas was entitled to describe himself as an anthropologist.

Boas started to make his big impact in the U.S. when in 1899 he was appointed to the chair of Anthropology at Columbia University, New York, a position he held until 1936. At Columbia, he immediately joined forces with the Socialst sociologist, Franklin

Giddings, a man termed as a sociologist, anthropologist and political scientist. Columbia was a hot-bed of Socialism. Boas' biographer, Melville Herskovits (1953) wrote of him as follows: "The tenure of his professorship at Columbia gave a continuity to his teaching that permitted him to develop students who made up the significant core of American anthropologists, and who came to man and direct most of the major departments an anthropology in the United States." From his base at Columbia University, Boas not only perverted the science of anthropology to serve his Marxist objectives like the National Association for the Advancement of Colored People.

"FRONT" ORGANIZATION TECHNIQUE

Many people believe that the "front" organization technique originated with Lenin, but in fact it was an old Marxist technique. the National Association for the Advancement of Colored People was created by a number of Socialists in 1909. Two of the most prominent of these Socialists were Mary White Ovington and William English Walling. Franz Boas readily agreed to assist the NAACP by providing anthropological support, the line being taken by this Socialist-inspired organization. Boas was not without his difficulties in attempting to prove his teaching that cultural environment is the dominating factor in developing mankind. He was forced to admit that "the anthropologist recognizes that the Negro and the white represent the two most divergent types of mankind." He also had to admit that "It is true that the average size of the Negro brain is slightly smaller than the average size of the brain of the white child." However, Boas insisted that these differences could be overcome by race-mixing.

As the Boas strategy developed, a series of Socialist fronts were established for the purpose of fostering the concept of environment being basically responsible for any differences between races. One example of this type of activity was a Greenwich House Committee on social investigation which sponsored a book by the Socialist Mary White Ovington of the NAACP with a foreword by Boas. There were the Du Bois Clubs, formed to offset the work of the great Negro leader, Booker T. Washington, who attempted to show his fellow Negroes that instead of permitting themselves to be led by political agitators into blaming the whites for their lot, they should set about developing themselves in accordance with their own innate abilities and characteristics.

During the early days of the Great Depression, the Boas cult had developed to the stage where it was becoming dominant in many American Universities and Schools. No doubt influenced by the thought that the "capitalist" system was on the point of collapse, the Socialists and Communists in the Boas movement openly revealed their real purpose: the use of social anthropology to create the coming Socialist State. An example of this is to be found in V. F. Calverton's popular anthology, *The Making of Man*, published in 1931, subsequently widely read throughout the English-speaking world.

Calverton said that "anthropology for anthropology's sake is even more absurd than art for art's sake." It is a familiar tactic of the Communists to describe science that opposes their purposes as "capitalist science." As a good Marxist, Calverton attacked physical anthropology—which insists that there are inherent mental and psychological differences, as well as physical differences, between races—with being a prop for "nationalism," "imperialism," "private property" and the "monogamous family." Calverton candidly admitted that he and his fellow Socialists used certain anthropological data "because they fitted in so well with their own doctrine of social evolution . . . and lent themselves so excellently to the Marxian interpretation of culture as an economic unit. They supplied a historic illustration of the Marxian dialectic."

Franz Boas and the Communist, Bernhard J. Stern, helped to put the Calverton anthropology together. It became widely used as a text book in the Schools and Universities, and was popularized by the Socialist movements throughout the world.

Perhaps we should observe, in passing, that while the equalitarian cult has resulted in a disparagement of the importance of heredity in human beings, supporters of horse racing still feel it important to study the pedigrees of their favorites!

The tactics of Boas and his supporters were so successful that under the auspices of so-called science they were able to spread Socialist influence throughout the U.S.A., and eventually throughout the world. The publications of the United Nations Cultural and Educational Organization (UNESCO) further the Boas line on race and, of course, naturally meet with the enthusiastic support of the Communists. Like all Socialists, supporters of Boas' teachings have used typical totalitarian methods to destroy and to silence those scientists who insist that there are basic differences between races and that these should be studied in a genuine scientific spirit.

ANTI-EQUALITARIAN SCIENTISTS TYRANNIZED

The eminent American Publisher, Mr. Carleton Putnam, records in his book, *Race and Reason*, how, after thoroughly investigating the manner in which the Socialists had twisted anthropology to serve their equalitarian dogma, he had approached a number of professional scientists. Putnam records that he found plenty of these scientists who agreed with him. "And I discovered something else. One prize-winning northern scientist whom I visited at his home in a northern city asked me, after I had been seated a few minutes in his living room, whether I was sure I had not been followed. Another disclosed in the privacy of his study he had evidence he was being checked by mulattoes at his lectures. All, when first approached, were hesitant, withdrawn and fearful, and the reason was not far to seek. Their employers, on whom their livelihood depended—the universities, the museums, the foundations—were either controlled by equalitarians or were intimidated by the race taboo. The scientists whom these institutions employed, if they ever were to hint at the truth, must do so deviously, under wraps over wraps, half seeming to say the opposite. But as they grew to know me they gave me facts without varnish. In long conversations and letters they provided the confirmation I needed. Many were internationally known. Some had received the highest prizes."

One prominent American psychiatrist wrote to Putnam as follows: "Where in the U.S. could a psychologist, sociologist, or anthropologist, find employment if he openly and unreservedly espoused the theory of the racial inequality of man?" A Professor of Anthropology from the American South wrote: "It can be documented ad infinitum that the social and biological sciences in Anglo-American countries, for the past half century or so, especially since the 'twenties, have strenuously and studiously avoided any research that could have thrown light on genetic differences between races and ethnic groups. That this avoidance and suppression, this discouragement of graduate students who might have been curious and interested in such research, was done in the names of egalitarian ideology, in full knowledge that it was unscholarly conduct, has been admitted, in print, among themselves, by some of our most prominent social scientists."

Communists and Socialists were openly delighted when the American Supreme Court made its historic decision in 1954 that the American public school system must be desegregated. And so were all the dupes of the Boas equalitarian doctrine on race. The Supreme Court decision was both incredible and explosive. Incredible because it accepted uncritically the work *An American Dilemma*, by the well-known Swedish Socialist, Gunnar Myrdal, as the main foundation for its decision, and explosive because it set in motion moves resulting in American troops being used in America in an attempt to force the desegregation of schools and universities, and provided the Communist-backed Civil Rights movement with the basis from which to launch a series of revolutionary activities; the major battle cry being that as the Supreme Court has ruled that all races are equal, it was only "white discrimination" against the black which was preventing the American Negro from enjoying what was rightfully his.

Nineteen-Fifty-Four was a great watershed in American history, and the disastrous results flowing from the Supreme Court decision are still convulsing America internally and influencing its policies abroad.

An American Dilemma was nothing more than a propaganda work for the Boas thesis concerning race. But no authorities were called to provide evidence to test the validity of the so-called scientific claims. It was not until nine years later, in a Trial Court action in Savannah, Georgia, that the Boas hoax in a Court of Law was exposed by the evidence of scientific witnesses. The legal representative for the National Association for the Advancement of Colored People (NAACP) collapses in face of the scientific evidence presented and relied upon a successful appeal to a Court of Appeals and, if necessary, to the Supreme Court itself. The Trial Court found that "All the evidence before the Court was to the effect that the difference in test results between the white and negro students is attributable in large part to hereditary factors, predictably resulting from a difference in the races . . . no evidence whatsoever was offered to this Court to show that racial integration of the schools could reduce these differences."

The Court observed that integration in the classroom between two groups of children of different backgrounds "and varying abilities would lead to conflict impairing the educational process. It is essential for an individual to identify himself with a reference group for healthy personality development." The following gave evidence in the case: Dr. W. C. George, Professor of Histology and Embryology, School of Medicine, University of North California, and a member of the American Association of Anatomists, Zoologists and Human Genetics; Dr. R. T. Osborne, Professor of Psychology and Director of the Student Guidance Centre at the University of Georgia; Dr. Clairette Armstrong, Professional Chief Psychologist at Bellevue Hospital, New York City, who testified that in various truancy tests in New York schools, she had found that one-third of the Negro truants said they ran away from school because they could not maintain the standard in integrated classes; Dr. Ernest van den Haag, Professor of Social Philosophy at New York University, an expert on race relations; and Dr. Henry E. Garrett, former President of the American Psychological Association, former member of the National Research Council, and for 16 years head of the Department of Psychology at the University of Columbia. Dr. Garrett had the opportunity to study the work of Boas personally while at Columbia University, and has said in a note to Carleton Putnam (P. 41, *Race and Reality*, 1967):

"I was also able to observe the increasing degree of control exercised by the (Boas) cult over students and younger professors until fear of loss of jobs or status became

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common in the field of anthropology unless conformity to the racial equality dogmas was maintained. . . . I can testify from repeated personal observation to the intimidation and to the pall of suppression which has fallen upon the academic world in the area in which I speak. It encompasses not only anthropology but certain related sciences."

Unlike the massive publicity given to the Supreme Court decision of 1954, the Savannah Court judgment was given practically no national publicity whatever in the U.S.; and outside of the U.S. this important case never took place, providing further evidence that the mass media of today serves the cause of the collectivists and equalitarians.

On June 9, 1964, in Atlanta, the Fifth Circuit Court of Appeals reversed the decision of the County Court. The evidence was completely ignored, and the dictatorship of the Supreme Court asserted with the statement that *". . . no inferior federal court may refrain from acting as required by that decision (1954 decision) even if such a court should conclude that the Supreme Court erred either as to its facts or as to the law."* The final act in this exercise came with a petition to the Supreme Court against the ruling of the Appeals Court. The vital question was what would the Supreme Court do in the face of the mass of scientific evidence presented, evidence the Court did not have before it when the 1954 decision was made.

Before the Supreme Court issued its decision, another Trial Court, in the Evers case, had, after considering even more scientific evidence than that presented in the case referred to above, concluded that *"the facts in this case point up a most serious situation, and indeed, 'cry out' for a re-appraisal and complete reconsideration of the findings and conclusions of the United States Supreme Court. . . . Accordingly, this Court respectfully urges a complete reconsideration of the decision. . . ."* But then came the news from the Supreme Court: There would be no further hearings, no further proceedings. No explanations were offered. Having endorsed the Boas racial equalitarian dogma as truth, the Supreme Court was not prepared to permit any discussion of scientific evidence refuting this dogma. Silence was the answer to those seeking the truth. No wonder it has been said that the ghost of Boas sits on the American Supreme Court!

"AN AMERICAN DILEMMA"

The capture of the American Supreme Court by the Boas devotees was the culmination of a long and careful campaign. For years there had been a steady barrage of articles in law journals and sociological reviews. The legal department of the NAACP played a major role in the campaign through the law journals. The Boas equalitarian dogma was consistently presented with charges that those who insisted that the facts showed fundamental differences between races were "racists," "fascists" with sympathy for Nazi Germany's master-race theories. But it was Gunnar Myrdal's book, *An American Dilemma*, which was regarded as the bible of the Boas campaigners, and which was obviously accepted as such by the American Supreme Court. It is therefore essential to grasp the tremendous significance of how *An American Dilemma* was produced.

Myrdal was not responsible for the conclusions put forward in his book; these had all been put forward by a Socialist-Communist group operating under the Boas banner. As an economist from Sweden, which has no racial problems, he had no special qualifications for investigating racial questions in the United States. Obviously, he was chosen to give prestige to the project. The American leaders of the Boas school of social anthropology in the 'Thirties were all known for their Socialist and pro-Communist views. But Myrdal came from a country of "moderate" Socialism which Americans need not fear. He was selected to do an ambitious public relations job, and his own statements leave no doubt that he knew what he was about and what was required of him. He is on record as having agreed that no study should be made concerning possible inborn trait differences between Negroes and Europeans. He agreed completely in advance with the racial equality dogma of Boas. And in his book he attacks the physical scientists as supporters of "conservative . . . reactionary ideologies."

It was in 1937 that Frederick P. Keppel, head of the Carnegie Foundation, invited Myrdal "to become the director of a comprehensive study of the Negro in the United States. . . ." Keppel had a long Socialist background, going back to the First World War when he shared living quarters with the notorious Fabian Socialist, Felix Frankfurter, who later sent many Socialists from the Harvard Law School into key positions at Washington. One of the most notorious of his pupils was the top Communist agent, Alger Hiss.

It seems most appropriate that Mr. Justice Frankfurter should be a member of the Supreme Court which in 1954 endorsed Franz Boas' contribution to Socialist strategy. With Frankfurter's influence, Keppel was in 1918 made Third Assistant Secretary of War, a special Act of Congress being passed to make this post for him. In 1923 he became President of the Carnegie Foundation in New York. It was mainly from the organization known as the Social Science Research Council that Keppel recruited the staff which did the actual organizing of the Myrdal project.

The tremendous power and influence of the Social Science Research Counci was dealt with in the Congressional investigation of American Foundations, "Report of the Special Committee to Investigate Tax-Exempt Foundations and Comparable Organizations," House Report, No. 2681, 1954. This Report stated that the Social Science Research Council was financed by the Carnegie, Rockefeller, Ford, Russell Sage and thirty other foundations, that it "is now probably the greatest power in the social science research field," and that this power "seems to be used to effect control in the field of social sciences." The Social Science Research Council was brought into existence by Socialists and Communists in the academic institutions as a type of strategic body to direct and influence all social thinking in the U.S. Control resides in a board comprised of self-appointed and self-perpetuating directors.

Keppel also enlisted the assistance of Mr. Donald R. Young, President of the Russell Sage Foundation, to assist with the Myrdal project. Young was also the secretary for grants and fellowships of the Social Research Council and later became the Council's Research Secretary, and he actually wrote the broad outlines of the Myrdal study. An examination of the assistants listed by Myrdal in the preface to *An American Dilemma*, shows 57 with extensive records in Communist and Socialist front organizations. Needless to say, the NAACP helped Myrdal with his project. Carnegie Foundation funds were paid to James E. Jackson, Jr., later President of the Communist Party, and Doxie Wilkerson, a member of the National Committee of the Party, to make their contribution.

Listed amongst those social anthropologists who sought to stamp the imprimatur of academic approval upon Myrdal's work were: Franz Boas, Ruth Benedict, Otto Klineberg, Melville J. Herskovits, M. F. Ashley-Montagu and Gene Weltfish. These were some of the prominent hard-core members of the Boas cult. It is instructive to look briefly at their political affiliations.

Ruth Benedict, authoress of the best-seller, *Patterns of Culture*, a work used widely as a textbook. Still a housewife at 34, she got a remarkable start as an "authority" on anthropology under Boas. She began her studies at the new school for Social Research, an extremely radical Socialist institution.

Margaret Mead, another writer whose works have been popularized; also was a member of the Boas school and wrote the preface to *Patterns of Culture*.

Gene Weltfish, co-authored with Ruth Benedict *Races of Mankind*. This book was used for American troops in World War II in spite of Weltfish's Communist background, but was subsequently banned as Red propaganda. The Communist *Daily Worker* on March 15, 1961, listed her as a sponsor of the subversive American Peace Crusade. Other Red connections could be listed. Her scientific integrity may be judged by the fact that she had evidence that the Americans had used germ warfare in Korea!

An examination of Mr. Ashley-Montagu's background also brings out some significant facts. For some unexplained reason he felt it necessary to change his name from Israel Ehrenberg to Montague Francis Ashley-Montagu when he came to the U.S. in 1927, and to abbreviate his mother's name from Mary Plotnick to Mary Plot for his *Who's Who* biography. He taught at the New School for Social Research in 1931, and in 1942 was teaching at the Communist School for Democracy, later known as the Jefferson School for Democracy. He is listed as having been associated with a number of other Communist organizations.

Melville J. Herskovits became interested in social anthropology while studying at the New School for Social Research. In his book, *The Myth of the Negro Past*, Herskovits suggests that if it could be shown that the Negro has had a reputable past, and that this idea were taken over "into the canons of general thought . . . Would this not, as a practical measure, tend to undermine the assumptions that bolster racial prejudice?" Whatever may be said about this suggestion, it hardly encourages confidence in the author's scientific objectiveness.

Otto Klineberg was a student under Boas. Klineberg provided a typical example of the blatant dishonesty of the devotees of the equalitarian dogma when, during World War I, he attempted to support the Boas school of social anthropology by comparing tests given to soldiers from the four Southern States where White averages were lower with those given in the four Northern States where the Negro averages were the highest.

And so with the endorsement of the above "authorities," Myrdal's work, produced by Socialists and Communists, became the basis of the Supreme Court's fateful decision of 1954. The long and carefully prepared campaign in the race equalizations had achieved a major breakthrough. Not one of the many eminent scientists like Dr. Carleton S. Coon, Past-President of the American Association of Physical Anthropolists, author of the great classic, *The Origin of Races* (1962), and internationally recognized as an outstanding expert, was invited to present evidence. Apart from the composite Communist-Socialist project bearing Gunnar Myrdal's name, the Supreme Court judges turned to other "authorities" like Theodore Brameld, a driving force behind "progressive education." There was no concern that Brameld had been cited as having been associated with at least 10 Communist-front organizations. Still another "authority" quoted by the Court was E. Franklin Frazier, described as a sociologist. He had 18 Red-front citations to his credit.

Ever since President Franklin Roosevelt started packing the U.S. Supreme Court to ensure that his Socialist "New Deal" legislation was not declared unconstitutional, the Court has lost its traditional character and started to make decisions of growing concern to responsible Americans. Bodies like The

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American Bar Association have publicly criticized decisions which give aid and comfort to the Communist conspiracy and to the criminal.

Eminent constitutional lawyers have drawn attention to the alarming manner in which the Supreme Court judges have started to make sociological pronouncements and to invade the sphere of the Legislative. The 1954 decision on segregation in schools was such an example, because it was in effect an order to the Federal Government that it had to use its power to ensure that integration of the school system took place. This led to the horror of Little Rock and Mississippi.

Incredible though it must appear to many, the truth is that a Supreme Court presided over by Justice Warren, a man without any real judicial experience, who only became Chief Justice by insisting that President Eisenhower honour a promise made to him in exchange for his political support as Governor of California, endorsed a scientific hoax planned by a Communist-Socialist group when it made its 1954 decision on schools. It is generally believed that Justices Felix Frankfurter and William Douglas, both long-time political leftists, played a prominent role in obtaining a unanimous decision. Mr. Justice Douglas' reliability may be judged by the fact that he has helped further the myth that Lincoln would have supported integration because he believed in racial equality. Even history is perverted by the equalitarians in an attempt to bolster their dogma. In a number of statements Lincoln completely rejected what is attributed to him. When Lincoln signed the Emancipation Proclamation, he said: "I can conceive of no greater calamity than the assimilation of the Negro into our social and political life as our equal. . . ."

But Lincoln was sincerely concerned about the future of the Negroes and worked hard to foster the idea of Negro colonization, either back in Africa from which they originally came, or in other areas more suited to their racial make-up. Lincoln believed in separate development. It should be noted that Karl Marx was a violent critic of Lincoln.

Every attempt to force integration in the United States has produced increasing friction and worsened race relations. This suits the revolutionaries, but it is against the best interests of both the Negro and the European. It is criminal dishonesty to continue any further with the myth that there is such a thing as racial equality. History and genuine science show that it is not going to help the Negro, or any other race, by destroying the identity of the European through the type of race-mixing advocated by the equalitarians.

WHAT ABOUT CHRISTIANITY?

All of what has been said here, of course, will be most annoying to two main groups: the Communists and Socialists, who have for so long been comparatively successful in advancing their strategy under the guise of science; and those Christians who emotionally reject any suggestion that all men and all races are not equal. It is difficult to argue with Socialist totalitarians who believe that man can be successfully planned, but it should be possible to point out to Christians that the basic Christian teaching stresses the uniqueness of each separate individual.

However, it is much more difficult to discuss the separate development of races, because immediately the effects of mind-conditioning display themselves with references to the "anti-Christian apartheid policy of South Africa." Or, Rhodesia is mentioned. It is taken for granted that "all Christians are opposed to South Africa's racial policies." This is not so. Large numbers of Christian clergy of all denominations in South Africa support the general policy, even though they may criticize some aspects of its administration. Roman Catholic Archbishop Whelan has been very clear on this in a statement he issued on February 18, 1964.

Archbishop Whelan said that it was essential to distinguish clearly between any policy like apartheid and the actual laws and regulations which might be used to implement this policy. "The question to be asked is whether or not injustice is *inherently* involved in the policy of separate development as it is being currently pursued. The Archbishop answered this question by observing that *"there is no teaching of the Church in opposition to the idea of a state composed of a number of national or racial groups maintained in their separate and distinct identity by the state of which they form a part."*

Replying to the question of whether a denial of the "one-man one-vote" principle is also a denial of Christianity, Archbishop Whelan first pointed out that Pope John had said that "in determining the structure and operation of government which a state is to have, great weight has to be given to the historical background and circumstances of given political communities, circumstances which will vary at different times and in different places."

The Archbishop continued: "We know, for instance, how restricted the electorate was in ancient Athens, the home of democracy; an even today it is not considered a grave injustice that the women in Switzerland have no vote. In recent times we have seen too many cases of the "one-man one-vote" slogan being used as a pretext by demagogues to seize power which they exploit for their own ends. A democracy based on a wide electorate seems to secure the common good only in highly developed and homogeneous societies."

The lessons of history teach that stable political systems are only possible in homogeneous communities with a dominant philosophical background. Irrespective of whether we believe that God created separate races, or that these races evolved from three major stocks or species—Black, White and Yellow—and irrespective of whether we believe that these three major stocks evolved from common ancestors or were created as separate groups—the truth is that diversity, not uniformity, has been a major feature of the development of mankind. What is anti-Christian about accepting the total truth concerning God's world? We do not serve any moral purpose by falsely claiming that all races are equal, even if we attempt to smother the falsehood under the slogan that "all men are brothers," a cliche so often used by Christians. The great Dr. Albert Schweitzer, who served the African for most of his life, exposed the misleading inference of this slogan with his reply that while, as a Christian, he certainly accepted the African as his brother, he also believed him to be his very junior brother by thousands of years. In his private correspondence, Dr. Schweitzer spoke kindly but objectively about the African. He did not believe that either truth, or the African, was served by pretending that the African had qualities and capacities he did not in fact possess.

True progress is endangered by the equalitarian dogma and the modern collectivists. True progress is only possible through differentiation between both races and individuals. The flowering of human personality requires the opportunity for self-development through genuine *freedom of choice*. It also requires stimulus provided by the excellence of others.

But also essential is social stability, which requires, amongst other factors, race stability. It is natural for every human being to have a sense of belonging to a racial group through which he can develop himself. The *race* might be regarded as a wider concept of *family;* and, generally, well-adjusted people only become so within the confines of their own family and people. Integration between basically different races inevitably produces tensions of varying types. Policies of attempted forced integration are, therefore, a type of cosmic lie which, if persisted with, can only assist the eroding of the very foundations of Civilization. Proper pride in one's own race is no more immortal than proper pride in one's self.

The history of Civilization is of a comparatively small elite pioneering, instructing and leading by example. Civilization is a complex thing, and can only be sustained by conscious effort from generation to generation. It requires *quality* far more than quantity. The Golden Age of Greece was produced by a mere handful. These few lacked the social experience which Boas and his followers claim is one of the major essentials for the Negro to demonstrate that he is the equal of the European, but they did produce Plato, Socrates, Aristotle, Archimedes, and many others.

Rome, Venice, Spain, Holland and England all set the fashion in Civilization with small populations compared to others. There have been enormous environmental changes, and modern man is heir to a wealth of social experience, but where is that greater flowering of genius and creativity which, according to the environmentalists, we should be seeing? No Shakespeares, Bacons or Newtons seem to be flooding out of our modern, highly centralized schools and large universities.

The collectivist and equalitarian philosophy strikes at the very heart and mainspring of Civilization. Buttressed by collectivist financial and economic policies, it produces a levelling-down in society, and encourages the envy of those who lack the ability of others. The concept of preserving one's own race and traditions is derided as "unscientific" and "wicked discrimination." Both at home and abroad I have heard Australia's restrictive immigration policy, designed to preserve a homogeneous European population, attacked as being "anti-Christian." Those who support the policy are asked if they have not heard of the great Christian commandment to love one another. But the statement of this or any other similar law, or teaching, does not tell us how to apply the law to all conditions, which can vary enormously. Just as every family has the natural right to protect itself, so does a nation have the right to protect its identity. Many non-European nations exercise this right much more strictly than does Australia. But who, for example, has ever heard of Liberia in West Africa (which, in spite of over 120 years of independence, has made no real progress towards Civilization) being criticized because of its anti-European citizenship laws?

Australia's immigration policy has kept Australia free of the racial friction bedevilling the U.S. and now the United Kingdom. We have no developing Black Power movements similar to that now starting to develop in Canada. And this is why the Communists and their spiritual allies, the equalitarians of all types, attack the Australian immigration policy. In the meantime, they attempt to exploit in various ways the primitive aboriginals, extolling the qualities of "aboriginal leader" Mr. Charles Perkins, who received some education with the Civil Rights movement in the U.S., and who is publicized as the first Australian aboriginal to take a university degree. Here is another example of the dishonesty of the equalitarians. At the most, Mr. Perkins is only 50 percent aboriginal, and much of his undoubted ability must be attributed to his part-European background. And in the U.S. many, like Dr. Ralph Bunche, have been described dishonestly as "Negro leaders." Large numbers of American "Negroes" today are in fact part European.

Australians can best apply the Christian law of love towards Asians and Africans, not by bringing them into the country to eventually swamp the European, but by providing

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them with educational and other assistance in their own countries. Only those who are true to themselves, as Shakespeare said, can assist others. By importing race problems, Australia would find her foreign policies inhibited in the same way that American foreign policy has been influenced by its race problem. American politicians have been quoted as saying that their attitude towards South Africa has been governed, not by truth and the importance of South Africa to the West in the struggle against International Communism, but by Negro votes at home.

Racial tensions are not confined to Europeans and non-Europeans, but exist also between the non-European peoples. In Ceylon the Tamil-speaking Hindus have conflicted with the rest of the community; the Africans dislike the Indians intensely; Indian and Negro have been at loggerheads in former British Guiana, with both assisting to eliminate the native Carib Indians; the Chinese are distrusted and disliked by the Malays, this being one of the major reasons why Singapore with its large Chinese population broke from the Malaysian Federation in 1965; the Japanese dislike the Koreans; tribal conflict is a feature of "liberated" Africa; and the indigenous people in Fiji bitterly resent the rapidly expanding Indian population.

Giving evidence before the International Court of Justice at The Hague on June 23, 1965, Professor Ernest van den Haag of New York University, a recognized expert on race relations, stressed that one of the inevitable results of unregulated contact between different ethnic groups is an increased rate of delinquency and a higher rate of suicide. He said that studies in the U.S.A. had shown that delinquency reaches its maximum when a community is half White and half Negro.

Professor C. D. Darlington observes in his book, *Genetics and Man* (1964) that "it is absurd to pretend that water and vinegar are equal. Water is better for some purposes, vinegar for others. Vinegar is harder to get but easier to do without. So it is with people. For 200 generations the advance of mankind has depended on those genetically diverse groups (races) which have been able to practise mutual help and show mutual respect. The future of mankind will depend on the continuance of such abilities and habits; a happy aim which cannot be assisted in the long run by make-believe, certainly not by a make-believe of equality in the physical, intellectual and cultural capacity of such groups."

Despite the elaborate technology with which modern man has surrounded himself, he ignores at his peril the truth about the evolution of man through racial diversity. One of the really great authorities—a true scientist—on race, Sir Arthur Keith, has warned that continued development depends upon the races remaining separate. He has warned that mixing them will eliminate those more highly specialized traits and differences, not only physical but mental and psychological, which have not only been the products of past evolution but necessary stepping-stones for further progress. Genetic realities must be faced and acted upon.

True unity, order and progress in the world will not come by pretending that all men are equal and can be mixed together to produce the World Citizen for the World State. Every step to impose more uniformity, more centralization, will produce more friction, leading towards what has been termed "the drab equality of chars."

It is time for the European peoples, particularly the English-speaking, to rid themselves of the guilt complex concerning other races, injected into them through the propaganda of the equalitarians. With all their faults, the English-speaking nations of the world have an excellent record in the maintenance of free, stable societies. They should be thankful for the genetic and cultural heritage which has made this possible. And they can manifest a genuine humanitarian attitude towards primitive peoples and under-developed countries without becoming victims of the propaganda of the equalitarians. By rejecting the dogma that all races are inherently equal, they strike a massive blow against International Communism—depriving the Red conspiracy of one of its main ideological weapons.

GRIFFIN BILL WOULD INCREASE THE NUMBER OF FAMILY DOCTORS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. GRIFFIN. Mr. Speaker, available health care to Americans has reached crisis proportions. Hospital costs have soared and the number of available hospital beds has not kept pace with population growth.

The trend toward specialized medicine has created another problem which we must meet. The practice of family medicine has suffered a decline. In 1931, three-fourths of all physicians in private practice in this country were general practitioners. As a result of the trend in the medical profession toward specialization and public need for certain specialized medical services, today only one-fifth of all physicians are general practitioners. Between 1963 and 1967 alone, general practitioners decreased by 7.3 percent while the increase in the number of specialists was almost 20 percent.

In February 1969, the American Medical Association approved an American Board of Family Practice, with powers to conduct examinations and grant certification to family physicians. Few medical schools are now offering or planning courses leading to certification in this field.

To encourage expansion of the field of family medicine, I have introduced H.R. 16209, which would provide grants to medical schools and hospitals to assist them in establising special departments and programs in the field of family practice and to otherwise encourage and promote the training of medical and paramedical personnel in the field of family medicine. The bill would authorize the appropriation of $50 million for fiscal year 1971, $75 million for the fiscal year ending June 30, 1972, and $100 million for each of the following 3 fiscal years.

As a part of my remarks, Mr. Speaker, I include an editorial which appeared in the Jackson, Miss., Clarion Ledger, February 26, 1970, endorsing the objectives of my bill. I commend it to the attention of the House:

MORE FAMILY DOCTORS NEEDED

Congress and various state legislators reportedly seek to help medical schools and hospitals educate larger numbers of doctors to practice family medicine. Surveys indicate there is a big need in this field.

Forty years ago, three-fourths of all this nation's practicing physicians were general practitioners, according to quoteworthy analysis of this situation in the Congressional Record.

Today, only one in five—just 20 per cent—are general practitioners. The rest are specialists in surgery, pathology, radiology, internal medicine, psychiatry, pediatrics and so on.

Today's sophisticated and rapidly growing field of medicine does require a wide variety of specialists. Even so, this need is not greater than the need for family doctors—physicians who can provide general medical care for the entire family, from childhood to old age.

The family doctor needs to be trained in particular in preventive medicine. A second important function is to advise families on whom to consult when it is apparent that the trouble requires the attention of a specialist. The average family does not understand the medical specialist fully and needs the advice of a close friend, the family doctor.

It is true some medical schools are beginning to recognize the importance of training more family doctors, but the supply is only a drop in the bucket as compared with ever-growing needs.

State and federal efforts are needed to encourage more doctors to enter the field of family medicine.

PRODUCTS FROM POLLUTANTS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. BURTON of Utah. Mr. Speaker, because of the great interest in environmental problems these days, I believe the enclosed editorial from the February 23 issue of the Provo, Utah, Daily Herald will be of interest to my colleagues who are also concerned about these problems:

PRODUCTS FROM POLLUTANTS

A lot of people are talking about pollution and the preservation of environment these days—and many are beginning to do something about these problems. For example:

Waste from the processing of citrus fruits (peel, rag and seeds) comprises 45 to 66 per cent of the total fruit. Food Engineering magazine reports that a new conversion process is turning this waste into cattle feed selling for $18 or more a ton.

Researchers at General Electric's Research and Development Center in Schenectady are experimenting with special strains of bacteria which hold the promise of converting trash into a new animal food source.

The bacteria can digest cellulose which, in various forms, accounts for up to two-thirds of the solid wastes deposited in municipal refuse dumps.

Engineers at the Franklin Institute Research Laboratories in Philadelphia are developing a solid waste separator that will make possible other reuse of household discards. Shredded trash is fed into the device and a series of vibrating screens, baffles, paddle wheels and gravity separators sort it by classes—paper, soft plastics, glass, metal and hard plastics.

Also in the field of solid wastes, International Patents & Development Corp. in Kings Point, N.Y., has developed a garbage compactor already in use in a number of Manhattan apartment buildings.

The fully automated unit, which ejects 80-pound chunks of compacted trash, eliminates fire hazards and air pollution and lowers time and labor costs involved in handling of waste material.

As for liquid waste, an advanced wastewater treatment process is in the final stages of testing at the University of Michigan. It can consistently remove 95 to 97 per cent of organic waste matter, compared with 80–90 per cent by conventional sewage treatment.

Most significant, the process removes most of the phosphate and much of the nitrogen in waste water. These contaminants, little affected by conventional methods, are largely responsible for excessive algae growth and the consequent rapid decay and aging of lakes.

Everybody is jumping on the pollution control bandwagon, so much so that it is being called the newest "glamor industry."

According to a survey of 248 companies by the National Industrial Conference Board, expenditures for pollution control equipment rose 23 per cent in 1969 to a total of $256 million. The petroleum industry claims that it alone spent more than $1 billion between 1966 and 1969 on air and water pollution control efforts.

It's one thing to trap pollutants, but this in turn can cause a problem. Take the tons of fly ash—unburned carbon—being collected daily in factory smoke stacks.

One company in Springfield, Ore., does take it, by the truckload, and converts it into charcoal briquets. What was once a nuisance and a literal eyesore is transformed into a marketable product.

Yes, many are talking about pollution, and because they are, the country is being motivated to action.

THE 18-YEAR-OLD VOTE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. HOWARD. Mr. Speaker, I was very pleased to note the support of WABC–TV, in New York City, for legislation to lower the voting age to 18. As the sponsor of this legislation, House Joint Resolution 18, I agree with their stand on this issue, and would like to call their editorial on the subject to the attention of my colleagues, as follows:

18 YEAR OLDS MUST BE ALLOWED TO VOTE

We are glad to see so much support growing for our long-standing position that 18 year olds should be allowed to vote. At no time in history have people of this age been so well educated and trained. Never before have they been so involved in such constructive work. We don't take our stand on the old slogan . . . if they're old enough to fight, they're old enough to vote. Young people know what's going on in the world today. In fact most of them are better informed about politics than their parents. Don't form an opinion of young people by what you see happening in wild demonstrations. Think of all the quiet protests that never get into the news. Remember that the one or two per cent of young people who cause violent disruptions do not represent all young adults. On January first of this year . . . 18 became the legal age in England, and the Government has not been toppled. However, the voters did not decide this issue . . . Parliament made the change. Channel Seven would like to see Congress do the same thing here.

THE FARM BILL

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. SPRINGER. Mr. Speaker, Many of us know that the House Committee on Agriculture is working hard to bring forth a farm bill.

I know of no more difficult task in this Congress than getting a farm bill in 1970. However, the committee has shown a determination that we will get a bill and pass it in plenty of time for the President to sign it before June 30 of this year. The chairman, the gentleman from Texas (Mr. POAGE) has worked on this with the gentleman from Oklahoma (Mr. BELCHER) the ranking Republican. From my observations of the committee, there has been very little politics. The committee on both sides of the aisle is desparately trying to come up with a bill in the public interest that can pass the Congress and be signed by the President.

David R. Francis, business and financial correspondent of the Christian Science Monitor, has written an article on the uphill fight which the farm forces face in getting a bill. This article by Mr. Francis is in the Friday, February 27, issue of the Christian Science Monitor. I append it herewith so that all others in the House who are interested in the farm bill may read it:

FARM BLOC FACES UPHILL FIGHT: BILL EMERGES IN CONGRESS

(By David R. Francis)

WASHINGTON.—Rep. W. R. Poage, chairman of the House Agriculture Committee, candidly confesses his committee's relative weakness.

"The only farm bill that can possibly pass is that which we work out between the committee and the administration, the Republicans and Democrats. There isn't one group alone that can pass a farm bill today," the Texas Democrat says.

That wasn't the case a few years back. What the congressional agricultural committees proposed, Congress accepted. The farm bloc was powerful.

It will be a different story this spring when the House and Senate vote on new farm legislation. Important amendments from the floor are certain to be made. They may well pass. Urban congressmen are in revolt over the farm program, and they have the voting muscle needed to make changes.

COMPROMISE SOUGHT

In recent days, Mr. Poage and his fellow conservatives on the Agriculture Committee have been negotiating with top officials of the Department of Agriculture to work out a compromise farm bill. They hope such legislation will have a better chance of coming out of Congress relatively unscathed.

"We are still trying to get together," says Mr. Poage, who likes to wear fancy cowboy boots with his business suit.

Earlier this month, the Department of Agriculture sent a proposed farm bill to Mr. Poage. It was termed a "consensus bill," a phrase that causes Mr. Poage to chuckle.

The draft bill was supposed to be the product of numerous weekly meetings between Mr. Poage's group and Agriculture Department officials. The White House has refused to stamp the proposed legislation as an administration bill.

FURTHER CHANGES SEEN

"I am not condemning their bill," says Mr. Poage. "But that bill they brought up has not been agreed to by the members of the committee. It has a lot in it that resulted from our discussions. However, it is going to be modified considerably further."

Comments Don C. Paarlberg, top economist at the Department of Agriculture, "The signs are good for some reconciliation of differences."

Mr. Poage has represented his Texas constituency for 33 years. Since he won't be opposed for the Democratic nomination, he is expected to be reelected next fall. In 1968 he encountered no Republican opposition and was sent back to Washington with more than 95 percent of the vote against an independent candidate.

With a replacement or extension of the Food and Agriculture Act of 1965 necessary this year, Mr. Poage is glad to have his time free from campaigning to work out a farm bill.

NEW PROGRAM NOTED

What his committee is expected to report to the House floor will likely not be too different from the old farm bill.

One probable change will be the partial adoption of the so-called "set aside" program offered in the Department of Agriculture bill.

"It doesn't appeal to me at all," states Mr. Poage bluntly. "It is rather foolish. You are using a shotgun where you ought to use a rifle. It is not a very accurate way of achieving supply management.

"But it is something we can live with. This administration has got to put its brand on a new program. They cuss Freeman just as we cussed Benson," he added, referring to former Secretaries of Agriculture Orville L. Freeman and Ezra Taft Benson.

Farmers, as in present farm legislation, would divert a portion of their land from crop production because of the superproductivity of American farmers. This would match supply more closely to demand for farm products.

However, the farmer would have slightly more freedom to plant whatever crop he wished on the remaining land.

Details of the Department of Agriculture proposal are likely to be altered. As offered, the "set aside" would be unfair to farmers in some states because of varying historical changes in what is called the "conservation base." So this base may be adjusted.

PARITY-FLOOR BATTLE SHAPES

In addition, Mr. Poage says it will be harder to apply "set aside" to cotton than to feed grains or wheat. Cotton is of major importance to the Texas congressman's constituents. Cotton growers get a major hunk of government-subsidy money—perhaps $900 million this year.

The Department of Agriculture bill also would remove the current floors on loans and purchase prices. These floors are set in terms of parity—a comparison of prices farmers receive for their products with the prices they pay for their supplies and based on the years 1910–14. Most economists view it as a nonsensical concept. But it is still regarded highly by farmers.

Removal of the floor, the Agriculture Department argues, would facilitate exports of farm products. Prices could be lowered to world levels.

But the House committee wants a floor. As a compromise Department of Agriculture officials have been talking of a transitional arrangement for 1971, after which the parity-price floors would disappear.

Another feature of the Department of Agriculture bill is a limit on government subsidies to individual farmers.

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Because the subsidy system is based largely on commodity production, the biggest farmers who need help least get the great bulk of government payments. The small farmers get little subsidy money.

Speaking of the Department of Agriculture's proposed limit, Rep. Silvio O. Conte (R) of Massachusetts termed it "ridiculously high." The proposal is a scaled one that would allow payments up to $110,000 to a single producer for each crop, or as much as $330,000 for all three programs.

Mr. Conte said he was convinced that the House "will not countenance such a transparently feeble attempt to give the appearance of reform without the substance."

The Pittsfield, Mass., representative proposes a $5,000 limit per crop on government subsidies to a single farmer. This limitation, he maintains, could trim as much as $500 million from the cost of the farm program. Another source estimated $400 million.

SAVINGS COMPARED

The Agriculture Department limitation, officials reckon, would save only $20 million to $50 million, depending on how it is administered. That compares with government farm subsidies totaling $3.7 billion last year.

Mr. Poage doubts that a farm bill will pass without some limitation on payments. What it will be, though, is an unknown factor at this stage of the legislative process.

Another feature of the Department of Agriculture bill is an effort to tighten budgetary control.

This is unlikely to come out of the agricultural committees. Most farm groups oppose it.

"We will fight that agricultural-appropriation thing right down to the last ditch," warns Robert Frederick, legislative representative for the National Grange and the spokesman for a coalition of 27 farm groups.

He argued that farmers would not sign up for the various crop-diversion programs if they could not be guaranteed a level of government payments. At present, the Deparment of Agriculture and Congress establish a level of payments, and the money is appropriated later.

The proposed system would require the program to be shaped to money appropriated in advance.

If rejected by the committees, Agriculture Department officials expect the budget-control measures to be introduced on the floor of the House and Senate. The system has less prospect of passing than a limit on payments, most observers say.

The Senate Agriculture Committee began hearings on the farm program last week. It is expected to report out a bill within a few weeks and before the House committee. It will be even closer to the old bill than the House version, observers expect. Since all Senators have at least some farmers in their states, they have more reason to please farmers than the vast majority of representatives with their largely urban constituents.

JAMES B. UTT—AMERICAN

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. LANDGREBE. Mr. Speaker, I was deeply shocked and saddened by the sudden passing of our friend and colleague, the Honorable James B. Utt, of California. We are all a little poorer with the loss of such a great American.

James Utt was well known for his zeal against the menace of communism. Undaunted by the abuse and scorn of those who see no real danger in communism and those willing to tolerate it, he carried on his crusade, often alone but never swayed from his determination to preserve America's sovereignty and the liberty that makes the free world free.

For 18 years, he served well and faithfully and has left behind a record of dedicated patriotism, unsullied integrity, unflagging courage, and distinguished statesmanship that can make each of us a little more proud to be a Member of this House.

Mr. Speaker, I am proud to pay tribute to this great American and regret that such tribute comes on so sad an occasion. I know I am joined by all my colleagues in extending deepest sympathies to James Utt's widow and family.

PLANE BOMBING CALLED OUTRAGE

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. DADDARIO. Mr. Speaker, we have been repelled by the continuous acts of terrorism aimed at civilians in transit, at airfields, in travel offices, and in the aircraft as they travel. On many occasions we, who have been members of our delegation to the Interparliamentary Union meetings, have supported resolutions to the effect that this wanton practice cease. But the tragic consequences do not strike with ultimate sorrow until they hit close to home.

Last week, Connecticut residents Dr. and Mrs. Richard Weinerman and Mel Meyerson became victims of one such senseless act of violence when they were riding as innocent passengers aboard a plane which was destroyed by a terrorist bomb over Switzerland.

Our own past experience with the hijacking of American airliners clearly indicates the ease of access to these craft. The liability of an aircraft to be hijacked has caused considerable concern. The liability of such an aircraft to be bombed is a cause of immediate worldwide alarm. If airline bombing is not eliminated now, the threat of repetition of the tragedy in Zurich will haunt air travelers, not just in the Middle East, but throughout the world on a daily basis.

The death of the Weinermans was a great loss to the country for they were productive people as shown by his work at Yale University and their combined efforts as authors in the fields of medicine and hospital care.

The repetition of this tragedy for lack of some form of concerted action to prevent it would be unconscionable. We all hope that the future can record this loss as the last such instance of the mad bombing of aircraft.

A news story which gives an account of this tragedy follows:

State Residents Killed: Plane-Bombing Called Outrage

(By John Landry)

The Jewish community of Greater Hartford Sunday expressed sorrow and outrage over the bomb-sparked crash of a Swissair jetliner Saturday killing 47 persons.

Three Connecticut residents died in the crash including a Yale University professor of medicine and his wife on their way to Israel to complete part of a study commissioned by the World Health Organization and Harvard University Press.

Dr. Edwin Richard Weinerman, M.D. 52, and his wife Shirley, 51, of Hamden had boarded the jetliner on the first leg of a trip taking them to Israel, Japan and New Zealand. They were working together on a study of medical care in those countries to complete a second book on the subject.

They previously had studied medical practices in Poland, Hungary and Czechoslovakia under World Health Organization sponsorship and published "Social Medicine in Eastern Europe," a book stemming from the study in 1968.

Dr. Weinerman was a professor of medicine and medical care at Yale and director of ambulatory services for Yale-New Haven Hospital.

Also among 11 Americans killed in the crash was Melville Meyerson of Stamford.

The jetliner, a four-engine Convair Coronado, screamed to earth and crashed at Wurelingen, about 20 miles north of Kloten Airport, Zurich, shortly after takeoff for Tel-Aviv.

BOMB EXPLODED

The pilot of the airliner had radioed Kloten that a bomb had exploded in the baggage compartment and he was flying back to Kloten when it crashed.

A Jordan-based Arab guerrilla organization claimed "credit" for the crash, its leaders saying the bomb had been planted on the plane.

A similar bomb explosion aboard an Austrian aircraft bound for Israel earlier Saturday caused no personal injuries as that airliner rerouted safely to Frankfurt, Germany.

PUBLIC STATEMENT

The Jewish Community of Greater Hartford issued a public statement Sunday on the tragedy signed by Charles Rubenstein, president of the Hartford Jewish Federation; Jerry Wagner, chairman of the Hartford Jewish Community Relations Council and the Rev. James M. Webb, general secretary of the Connecticut Council of Churches.

STATEMENT

"We believe that all Americans join the Greater Hartford Jewish community in expressing shock and sorrow at the wanton mid-air destruction of a Swissair plane this weekend," read the statement.

"We in the Hartford area felt loss keenly because the victims were the son and daughter-in-law of David Weinerman, a long time community leader."

FRUSTRATION AND OUTRAGE

"Even as we express our condolences to the Weinerman family and to all relatives of the victims we cannot help voicing our frustration and outrage at the brutality and senselessness of this criminal act.

"How can the civilized world permit terrorist groups, obsessed with the desire to destroy Israel to wreak this kind of havoc? How long can Arab governments continue to furnish haven and comfort to perpetrators of such murderous deeds? We call upon the entire international community to denounce the continuing onslaught on air traffic and to demand that Arab states eliminate all terrorist bases within their borders."

A memorial service for Dr. and Mrs. Weinerman will be held Tuesday at 7 p.m. at the Emanuel Synagogue, 160 Mohegan Drive, West Hartford.

Both Dr. and Mrs. Weinerman were Hartford natives, who attended local schools and were "teen-age sweethearts" according to Dr. Weinerman's brother, Robert A. Weinerman of 76 Westerly Terrace.

"My brother was a war victim. That's the only thing I can say about this horrible thing," said Robert Sunday.

"The irony of it all is that he and Shirley were on a mission of help for all people in the world. They were doing a study of medical practices."

Robert Weinerman is the president of the Southern New England Contracting Co.

Dr. Weinerman graduated from Hartford Public High School in 1934; his wife, the former Shirley Basch, from Weaver High School in 1935.

Dr. Weinerman graduated Phi Beta Kappa from Yale in 1938; from Georgetown Medical College in 1942. He had the highest marks in the country when he took his medical board examinations and was cited for the achievement by the federal government.

He was a former director of the Herrick Memorial Hospital clinic and was in private practice at El Cerito, Calif. He joined the Yale University medical school as assistant professor of public health in 1962 when he was also appointed director of ambulatory services at Grace-New Haven Community Hospital.

Dr. Weinerman also had a masters degree from Harvard School of Public Health.

During World War II, he served as a captain in the Army Medical Corps, then went to the University of California at Berkeley as visiting associate professor of medical economics. While on the West Coast he also served as medical director of the Permanent Health Plan, Oakland, Calif.

Mrs. Weinerman graduated from Smith College in 1939. She collaborated with her husband in his academic writings and was assisting him on his most recent project.

The Weinermans have two children, Jeffrey Alan Weinerman, a teacher who lives in San Francisco and Diane Weinerman, a senior at Oberlin College.

Dr. Weinerman's survivors also include his parents, Mr. and Mrs. David T. Weinerman of 779 Prospect Ave., West Hartford and his brother, Robert.

Mrs. Weinerman's survivors include her parents, Mr. and Mrs. Charles Basch of 10 Pinecrest Rd., West Hartford, and a sister, Mrs. Clifford Barger of Brookline, Mass.

DEAD END STREET

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. GROSS. Mr. Speaker, without the benefit of poverty or other recreational funds, and without the persuasion of any of the numerous "uplift" organizations, a veteran congressional page, Phil Tannebaum, has provided recreation for some of the children in his neighborhood.

The following brief newspaper item of recent date tells the story:

DEAD END STREET

What's the best thing to do with the end of a street? Phil Tannenbaum spent $11.50, put up a pole, a backboard and a hoop and turned the one in front of his house into a basketball court for neighborhood children who didn't have a nearby place to play.

Phil, only 17 himself, is a page in the House of Representatives and is to graduate from the Capitol Page School in June. He lives with his parents, Mr. and Mrs. Sam Tannenbaum, at 2219 Richland St., Silver Spring.

His father is a lawyer but Phil plans to attend the University of Maryland and major in business administration. He started as a Senate page when he was in the ninth grade and now has Potomac Fever: he hopes to keep working on the Hill in some capacity while attending college.

WE MUST MOVE FORWARD

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. COHELAN. Mr. Speaker, the rights of millions of black Americans hang in balance as the result of the faltering and backsliding of the present administration. This is a time for ever-increasing effort to provide justice for all Americans. Yet, the actions of the past few months, incredible as it may seem, are slowing and even reversing the forward motion so painfully sought over the years.

Witness the forced resignation of Leon Panetta from the Civil Rights Division of the Department of Health, Education, and Welfare. Witness the renewed fight for segregated schools under the guise of that celebrated misnomer "freedom of choice."

Witness the contradictory statements of administration officials—this southern strategy subterfuge. This is the time for a clear stand and a clean delineation of the issues by the executive department. We cannot at this point in our history afford vacillating appeals to sectional interests.

The record of obstructionism and indifference is striking.

I insert the following articles which testify to this distressing state of affairs:

ROBERT KENNEDY'S '67 IDEA RECALLED ON PRESIDENTIAL ACTION FOR EQUALITY

(By Frank Mankiewicz and Tom Braden)

In February of 1970, the racial problem reached a crisis. As in the past, the question was whether to have one society or two, but the immediate issue was whether to abandon the effort to send black and white children to the same schools.

President Nixon stood mute, but statements were issued in his name, so confusing and so vague as to permit both sides to claim his support.

On the night of July 27, 1967, Sen. Robert Kennedy sat in his office talking with friends. President Johnson had just addressed the nation in the aftermath of the Detroit riots. "It's over," said Sen. Kennedy, "he's not going to do anything."

"What would you do, if you were President?" challenged a friend. Kennedy thought for a moment.

"If I were President," he began, "I'd take advantage of the power of the office. I'd call the heads of the three television networks and ask them to be here tomorrow morning.

"I'd tell them it's their duty to their country to produce a two-hour documentary, to be run as soon as possible—in prime time—which would show what it's like to live in a ghetto. Let them show the sound, the feel, the hopelessness, and what it's like to think you'll never get out.

"Show a black teenager, told by some radio jingle to stay in school, looking at his older brother—who stayed in school—and who's out of a job. Show the Mafia pushing narcotics; put a Candid Camera team in a ghetto school and watch what a rotten system of education it really is. Film a mother staying up all night to keep the rats from her baby.

"The President is the only man who could get them to produce that show. Then I'd ask people to watch it—and experience what it means to live in the most affluent society in history—without hope. Government can't cure all the problems, but the President isn't a prisoner of events—he can act. And he's the only man who can.

"Then," Kennedy continued, "I'd collect data on what this means to every major city. In New York, ghetto children lose between 10 and 20 points on their IQ between the fourth and eighth grades—those statistics should be available for every city.

"Then I'd call meetings one a day, if necessary—of people from every major city. Maybe there are fifty such cities—maybe more. I'd find out who has the real power, and I'd ask them to the White House. The mayor, ministers, bankers, real estate men, contractors, union officials—everybody knows who really has power in a city—not just elected politicians.

"I'd talk to those groups, I'd show them the facts—in their city. And I'd say, 'Gentlemen, this is your problem, and only you can solve it. If you don't solve it, your city will fall apart in a few years, and it will be your fault—and I'd say it was your fault.'

"They could figure out their own solution. If the problem was schools, let them raise the money for schools, or modernize, or bus the kids, or change the zones. I wouldn't care—just do it. If it was unemployment, make new jobs. They could do it by cutting profits, or by tax incentives, or by using government programs. But I'd make it clear that this can only be solved in the community—and that they had no time to spare."

Kennedy sat back. "It's no use my saying these things—when I do, it's a political speech. The President of the United States is the only man who has the pulpit—he is the only leader we all have. If he leads—if he shows that he cares—people will give him time. In a crisis—and this is the worst one since the Civil War—his leadership is all we have."

THE WHITTEN AMENDMENT

Yesterday the House reattached the fabled Whitten amendment to the compromise Labor-HEW appropriation bill. The Whitten amendment is the name given to one or more amendments (their form changes slightly from year to year) which Mississippi Congressman Jamie Whitten appends annually to Labor-HEW appropriations bills. There is a vast gulf between the Whitten amendment's noble-sounding language and its actual intent. On its face, the Whitten amendment would merely prohibit the Department of HEW from using its funds in such a way as to force school children to attend schools which are against the choice of their parents or to be bused to schools not of their choice; and it also would prohibit HEW from using its funds to abolish particular schools. The busing part was put in as sort of come-on by Mr. Whitten who knows that "forced busing" is a specter which Northerners profoundly fear, and who also knows that school desegregation in the South often tends to require *less busing* than does the maintenance of the illegal dual school system.

So the busing proviso is there to gain Northern support—never mind that the federal government is already forbidden by statute to compel busing to overcome de facto segregation. The important part of the Whitten amendment is that which would prevent HEW from carrying out the provisions of the Civil Rights Act of 1964 or following the directives contained in several Supreme Court decisions in relation to the dismantling of the South's dual school system. It would give a reprieve to districts like those Mr. Whitten represents which have been flouting the law for 16 years and which are

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now complaining, via their representative in Congress, that the Supreme Court on Oct. 29 acted summarily and in indecent haste. Mr. Whitten's amendment, in short, is designed to maintain the validity of officially imposed school segregation in the South. This fact is one of the worst kept secrets on Capitol Hill—or any place where school desegregation is the subject of even remotely serious discussion.

Mr. Nixon has been aware of the importance of the Whitten amendment for some time, and he has taken a very interesting position on it. In the autumn of 1968, when he was a candidate for President, and when the Whitten amendment was a hot item in the House, Mr. Nixon authorized Melvin Laird to tell House Republicans that he—Mr. Nixon—*opposed* the Whitten amendment and hoped they would vote against it. That got a nice splash in the press and—rather more important—provided the narrow margin that defeated the Whitten amendment.

In 1969, Mr. Whitten was to come back with his amendment on the new Labor-HEW appropriations bill. That summer, the Attorney General informed the relevant members of the House that the Nixon administration in fact did not oppose the Whitten amendment; so the Whitten amendment was passed by a narrow margin in the House.

Then at the end of summer, Secretary Finch told the Senate that the Nixon administration did oppose the Whitten amendment; things were a bit far gone by then, however, so it took a king-sized battle mounted by Secretary Finch and Minority Leader Scott to keep the thing off the Senate version of the appropriation bill. And Secretary Finch did some very intense lobbying to get the House to accept the Senate's language. As recently as Feb. 6. Mr. Nixon's commissioner of education, James E. Allen Jr., informed a Senate subcommittee of the reasoning behind the administration's continuing opposition to the Whitten maneuver:

"The Department continues to oppose such proposals because they not only conflict with the decisions of the Supreme Court but further would seriously restrict the enforcement efforts under Title VI to eliminate discrimination."

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A short while after the commissioner made his statement, Mr. Ziegler, the President's spokesman, let it be known that Commissioner Allen did not speak for the administration. Then, Monday, emerging from the White House, Minority Leader Ford disclosed that the President favored the "thrust" of the Whitten amendment. In thrust, perhaps, but not, as you might say, in drift. Or in substance, but not in form. Or—who knows?—in form but not in substance. By afternoon, Secretary Finch informed the House Rules committee that he opposed the Whitten amendment and believed himself to be speaking for the administration.

There—as of the moment of writing—you have the position on the Whitten amendment that Mr. Nixon has evolved. The good Lord knows it is subject to change before the ink is dry, but we think that, over all, it has certain interesting permanent features. One is that it is highly mobile, and the other is that it is rarely if ever enunciated by Mr. Nixon himself—only by those who speak for him on all sides. It will be interesting to see whether Secretary Finch's word is the last word when the bill goes to the Senate.

[From the Washington Post, Feb. 24, 1970]

OBITUARIES FOR DESEGREGATION WRITTEN BY LEFT, RIGHT, CENTER

(By David S. Broder)

CAMBRIDGE, MASS.—It was a great ecumenical funeral they arranged last week for the 15-year-old policy called school desegregation. They said the kid never accomplished much when he was alive, but he sure drew a crowd for his burial.

The President and Vice President of the United States came, and so did most of the Republicans and Democrats in the House and Senate, and they all threw a handful of dirt into the grave.

The obituaries had been written by the best commentators of the left, the right and the center, the New Republic's Alexander Bickel, the National Review's William Buckley and Newsweek's Stewart Alsop. They agreed it was a darn shame it happened; but the fool kid had been warned time and again to stay off buses and to quit messing around neighborhood schools. He just wouldn't listen.

They listed all the trouble the kid had caused in his short lifetime. He'd made race relations worse, they said, and helped pile up a vote for George Wallace. He'd caused violence in the schools. He'd scared the whites out into the suburbs and made the cities more segregated than before.

Even those who had been the kid's friends and had tried to help him had to admit that the effort was costly when measured against the pitifully little genuine integration that had been achieved since the Supreme Court delivered the unwanted infant on the nation's doorstep that May Monday in 1954.

There was no call for an inquest into the cause of death. Maybe it could have been shown that what really killed integration was the unwillingness of the white majority to stick the cost and inconvenience of desegregating the schools. But everyone knew the cost—in dollars and in disruption of familiar patterns—was bound to go up, and most agreed it was better the kid was dead, with no questions asked.

One of the new "realists" was Sen. Abraham Ribicoff (D-Conn.), who has progressed in only 10 years from being John Kennedy's favorite governor to being John Stennis's favorite senator. He came pretty close to telling the truth at the funeral when he said, "We are talking about a segregated society . . . It is not the kids who are racists; it is the adults who are racists. I do not want to make the children innocent pawns."

But even Ribicoff, the supreme realist, could not quite bring himself to admit what it was that had been killed—or even that a death had occurred. He kept talking about opening the suburbs to Negroes and making big improvements in ghetto schools—trying to comfort the bereaved.

However, the kid's friends know now that desegregation is probably finished, except in those rare communities where local conditions and attitudes are so favorable that the federal courts can enforce their orders with the minimal help likely to be available from federal, state or local authorities. No politicians—and few judges—will work very hard at propping up a corpse.

Most of the country will now revert to the reservation policy, as Sen. Clifford Hansen (R-Wyo.) suggested, when he compared the "mistake" of integration to the "mistake" of sending Indian children off the reservations to school.

It is, of course, a somewhat chancier proposition to adopt a reservation policy for 22,000,000 blacks, whose reservations are the centers of our cities, than it is to impose that policy on 5,000 Indians in Wyoming.

But even if every Negro parent passively accepted reservation status for his children, which will not happen, one would still have to ask how much of the soul of America was in the casket that was buried last week. This was the question Leon Panetta, the ousted administration civil rights official, Sen. Walter F. Mondale (D-Minn.) and a few others tried unavailingly to raise at last week's state funeral.

School desegregation was a last, desperate effort to erase the ugly heritage of slavery. It was an effort to vindicate in the next generation the founders' faith that this could be one nation of many peoples, a free society based on the equality of all men.

History may judge that vision was foreordained to failure by the tragic fact that slavery preceded independence on our continent.

But that is a judgment only history can make, and the test of statesmanship today surely must be resistance to that fateful admission of failure.

It is tragic that a President who only a month ago spoke of giving this country "the lift of a driving dream" should have acquiesced, with nary a protest, in the death of the American dream.

DESEGREGATION: PIERCING A FEW VEILS

It was not just the public that found itself completely baffled by the end of the week as to what was going on in the Senate on the subject of school desegregation. Rarely has there been more confusion—*de jure* and *de facto*, as it were, or deliberate and inadvertent—than that which marked the Senate debate over John Stennis's amendment calling for equal application of desegregation law in the North and South. What, after all, could be wrong with that? Was not the North, in Senator Ribicoff's phrase, guilty of "monumental hypocrisy" in its attitude toward the racial concentration in its own schools?

The answer to the second question is, Yes—but not in a way that has much, if anything, to do with what was going on in the Senate. For in relation to the pitch the Southerners were making, and as the term "monumental" goes, it was to compare Grant's Tomb with the Mausoleum at Halicarnassus. Consider only Senator Talmadge's observation that there has been no officially-imposed racial segregation in the South since the Supreme Court outlawed the practice sixteen years ago. It could get you to wondering on what grounds, then, Attorney General Mitchell, who is not exactly in the vanguard of the civil rights movement, had brought suit against the state of Georgia to desegregate its schools in the fall of 1969.

To untangle some of the mysteries attending this question of equal application of the law, it might be well to consider, first, what Federal law currently is; second, the way in which it already applies to the North; and, third, what the Stennis amendment (passed in the Senate) could or could not do to affect the situation. Elsewhere on this page, an excerpt from the debate, goes to the same points.

First, for the law. It is embodied in several Supreme Court decisions, the Civil Rights Act of 1964, and various measures related to Federal aid to education. The court has held that it is unconstitutional for governmental authorities at any level in the public school system to segregate children "solely on the basis of race." To do so, of course, was the publicly stated, official practice of Southern (and some Northern) school systems prior to the Brown decision in 1954. Ten years later, the Civil Rights Act of 1964 incorporated the court's views on the illegality of discrimination of this kind and made compliance with those views a condition of receiving Federally-dispensed money:

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

The passage of this law preceded by only a short time the passage of the Federal aid to education act and similar Great Society legislation which, for the first time, made significant sums of money theoretically available to (and withdrawable from) state operated schools and other institutions that had continued to defy the court's ruling against racial discrimination. That was when the fuss over the "guidelines" hotted up. Defiant Southern school districts, wanting their money, attempted to meet the Civil Rights Act standard merely by saying they were desegregated in the sense that they no longer publicly espoused discrimination ("freedom of choice"); HEW, which had the funds to dispense, countered that in numerous districts only the rhetoric had changed; the Supreme Court, in 1968, then took another step in the law: it ruled that so-called "freedom of choice" or desegregation by proclamation, was not in itself sufficient evidence of compliance with the law. It thus gave HEW authority to apply its own measures of good faith or lack of it in the districts under consideration.

How does all or any of this affect the North? It is important to note, first, that where official intent to segregate children in schools "solely on the basis of race" has been established in the North—usually a covert intent, but an intent, nonetheless—those school districts have come under the same pressures and orders as those in operation in the South. Most of the more famous *"de facto"* cases in the North and the West, in fact, have been prosecuted and resolved on *"de jure"* grounds. So in that sense the law already is equally applicable; it's just that people have assumed that any ruling against a Northern or Western district must, of its nature, be a *"de facto"* ruling.

"*De facto* itself is a term that is loosely applied to cover any situation in which official intent to discriminate has not been perceived, but where large racial concentrations exist in the schools. Some lower courts have ruled that such concentration in itself is a form of illegal "segregation." Most have ruled otherwise. And more important, the Supreme Court has declined to take any view on the question. The Civil Rights Act, however, does take a view, specifically distinguishing between racial concentration caused by discrminatory state action and racial concentration that is not the apparent result of such official action. It has forbidden the federal government to use its funds merely to establish racial balance where no state discrimination can be found. The Stennis amendment, being merely a kind of policy statement, will thus have little practical effect in bringing about "desegregation" in the North, since the court's silence and the Civil Rights Act's directive render it almost without legal meaning.

What it can provide, however, is yet another weapon for resisting districts in the South. They will be able to attempt a new stalling maneuver on the grounds that they do not have to move any faster than, say, Cleveland. So with adroit legal manipulation (at which they have never been slouches) they may gain a little more time. We should be clear whom we are talking about here. Of some 4,470 school districts in seventeen states where the dual, black and white system had some official standing, only a few hundred (mostly rural) districts are still going through the agonies with the Federal government over their refusal to dismantle their dual school systems. Those are Senator Stennis's clients; they are what the fuss has been all about.

Still, we may all owe the Senator a debt of gratitude. Only this skirmish could have focused national attention on the *real* problems in the North (and in some cities of the South, which have complied with law but found their schools "resegregated" on a *"de facto"* or neighborhood basis). So now we can get down to considering the authentic questions—which plans work and which plans don't; how, without proving discriminatory intent, you can move children around on the basis of their skin color and not establish precedents or practices that are as dangerous as they might be well-intended; whether racial concentration, in itself, can be officially stigmatized without creating state doctrine that a given number of black children in a school automatically defines that school as one that is defective; what the real sources and dimensions of the problem are—and what its practical solution. On account of Senator Stennis's effort this week (though despite his opposition to the idea), there will now for the first time be a select Senate committee charged with making a serious and responsible inquiry into these questions, questions the Congress has done its best to ignore over the years. That was the one really useful thing to come out of the Senate debate.

A SCHOOLHOUSE DIVIDED AGAINST ITSELF

(By Leo Rennert)

WASHINGTON.—"I don't know the exact shape of the American school of the future," said Sacramento's former Supt. of Schools F. Melvyn Lawson a few years ago. "But I'm confident it will be an integrated school."

Lawson reached that conclusion after a long period of painful soul-searching. He had seen the beginning of ugly racial conflict in his community and weighed the alternatives—one society or two hostile camps. He came to realize quality education in the second half of the 20th century cannot take place in a setting of racial isolation. Full educational opportunity for all youngsters meant natural daily contacts with children of other races.

As a result of this evolution in his professional thinking, Lawson steered Sacramento schools on the path to integration. While the process has had its disappointments and imperfections, it also has been a major success. Today, there are hundreds of superintendents throughout the country who wish they had exercised as much leadership and initiative a few years ago instead of permitting segregation to become deeply imbedded in their school systems.

HAND

But instead of giving them a helping hand, President Richard Nixon has decided to throw the prestige of his office on the side of all those—North and South—who grasp for any excuse to avoid or delay integration.

The neighborhood school, he suggests, should remain a sacred institution. Busing is a dirty word. What counts is "quality" education. Southern segregationists and their Northern counterparts could not be happier with this expression of presidential philosophy. They see no White House endorsement of recent court rulings—only the most grudging agreement to carry out judicial orders.

With Nixon prepared to "balance" the U.S. Supreme Court and to out-Dixie George Wallace, the way has been paved for more obstructionist tactics by anti-integration forces everywhere. After all, if the President criticizes busing and defends the neighborhood school, who would dare challenge the local white supremacists when they propound the same arguments?

Not only has Nixon complicated the task of integration in districts where such an effort still remains to be made. He also has pulled the rug from under conscientious school officials who have stuck their necks out to promote integration, including his own commissioner of education, James E. Allen, Jr.

FOCUS

Like Lawson, Allen has approached the problem as an educator, not a politician—by focusing on what constitutes good education and the most practical way of achieving this goal. Both men believe quality education means integrated education. Thus, any method—including some busing—which helps a district reach this objective is perfectly defensible.

Neither Allen nor Lawson sees any overriding virtue in neighborhood schools—or any special evil in busing. If they foster good education, use them,. If not, try something else.

Half a century ago, American farmers gave up their neighborhood schools in an attempt to improve the educational opportunities of their children. The one-room schoolhouse was boarded up and youngsters bused to better facilities with better teachers. It was the era of consolidation, of the emergence of union school districts. And the bus was the symbol of progressive change.

In American cities, it took somewhat longer for Lawson and other administrators to discover the liabilities of neighborhood schools. But long before the issue of segregation ever was raised, they found that small-enrollment centers deprived children of many educational advantages. Youngsters often were thrown into two-grade combination classes. Small neighborhood schools could not afford librarians, resource teachers, science equipment and other important ingredients of a modern curriculum. They were expensive to operate and singularly ill-fitted for innovations like team teaching.

RECOGNIZE

In recognition of these problems, new suburban systems switched to extensive busing operations so that buildings no longer would dictate curriculum. When special vocational programs or projects for the gifted were set up in one central location, no one protested the purchase of a few more buses.

But unfortunately, these are all considerations the White House chooses to ignore. Nixon has discarded the opportunity of presidential leadership. He instead has embarked on the dangerous course of playing politics with the emotional sidelights of what still remains the nation's biggest domestic problem.

SANDBAGGED AIDE IS OUT

(By Rowland Evans and Robert Novak)

Leon Panetta, fired this week as civil rights chief of the Health, Education and Welfare Department, was literally hounded out of office by top administration officials, including Vice President Spiro Agnew.

When Panetta moved to desegregate the higher education system of Maryland, former Maryland Gov. Agnew went to HEW Secretary Robert Finch to complain.

Likewise, when Panetta moved against the public school system of Wichita, Kans., where a clear showing of de jure (officially sanctioned) segregation was made, the White House itself bitterly complained to Panetta's bosses at HEW. Panetta went ahead anyway, and cited Wichita for noncompliance.

President Nixon himself has been calling for equal treatment, North and South, in federal school desegregation efforts. But in one of Panetta's first major actions in the North—at Wichita—the White House rebuked him.

The effort to get rid of Panetta almost came to a head last fall, but collapsed when some high officials at HEW let it be known that if Panetta was fired, they might walk out, too.

The leading Panetta-hater then was Attorney General John Mitchell (who derided Panetta behind his back as a "zealot") and his deputy, Richard Kleindienst (who got a venomous earful about Panetta from Robert Mardian, HEW's conservative general counsel, with whom he drove to work every morning).

Most of the back-stabbing was done out of range of Finch and HEW Under Secretary John Veneman. Both of them regarded Panetta as a major asset to the department, who, far from making political trouble, was simply enforcing the law.

Recently, however, White House complaints about Panetta began to come directly to Finch himself. Two weeks ago Panetta, Finch and Veneman decided that these complaints had reached such a peak that Panetta's ability to operate was becoming compromised. Panetta informed his bosses that under those circumstances he probably should resign.

But he never had a chance. When Southern congressional sources leaked a story last Tuesday that Panetta was on the way out, the White House called Finch and demanded the resignation at once. It was announced by the White House before Panetta had had a chance to write it. He was fired for obeying the law.

Panetta Raps Nixon Aides on Race Issue

(By James K. Batten)

Leon E. Panetta says President Nixon is surrounded by men who attach a low priority to the cause of racial justice in America.

Panetta, a 31-year-old liberal Republican who quit under pressure this week as the Department of Health, Education and Welfare's civil rights chief, said in an interview yesterday that he believes the President himself is a "fair-minded man."

But he quickly charged that such top White House aides as Bryce Harlow, John D. Ehrlichman and H. R. Haldeman had made little or no attempt to help Nixon understand the gravity of the nation's racial crisis.

Panetta quoted Ehrlichman, now the President's top lieutenant for domestic affairs, as saying to him: "The blacks are not where our votes are."

CHARGES PRESSURE

Panetta had said he quit because of congressional pressure on the White House—members of Congress complaining that he was too militant on the issue of school desegregation.

Despite White House pressures for his ouster in the past, Panetta said, his boss, HEW Secretary Robert H. Finch, had urged his young civil rights director to stand fast.

But when he walked into Finch's office last Tuesday, Finch told him: "Well, it looks like it may be it."

Panetta added: "He was very obtuse, but the message was very clear."

In yesterday's interview, Panetta was reluctant to blame Nixon for his firing, or for the administration's increasing coolness toward the cause of racial integration in the schools.

The problem, Panetta suggested, was that no one at the White House has been actively advocating the best interests of black Americans in the tugging and hauling over school integration.

"I kept seeing these memos from Harry Dent to the President, the Vice President and the Secretary of Health, Education and Welfare, attaching letters from white parents saying what a tragic thing it was that white kids had to be bused across town.

"But I've yet to see a letter from a black parent or a black child."

Panetta, however, said he did not believe that full responsibility for the White House performance should go to Dent, a former aide to Sen. Strom Thurmond, R-S.C., now Nixon's top political aide.

AIDES BLAMED

Dent, Panetta said, could not have achieved that by himself. "It takes the Harlows, the Haldemans and the Ehrlichmans—people like that.

"Nixon probably is sincere," Panetta said, "but he hasn't taken the time to understand what a deep problem this is in this country. If there could just be an indication of concern at the national level that efforts have to be made to bring people together . . ."

The brunt of the blame, he said, must be placed upon "those around him (the President) who have got to bring to his attention the whole impact of this thing. And I don't think they've done that."

The result, Panetta said, is "a vacuum in leadership" at a time when the nation is in turmoil about the future of its schools and racial integration."

"In recent weeks, Southern politicians have been crying 'Fire!' in a crowded theater, but then the administration goes in and yells 'Fire!' even louder. And by God, you don't help by doing that," he declared.

Drift to the Right: Senate Votes on School Desegregation Seen as Reaction Against Blacks

(By Joseph Kraft)

The latest Senate votes on school desegregation make it plain that a reactionary tide is running in American politics. But the present move to the right is a curious phenomenon—different from what happened in the 1920s and the 1950s.

This time the reaction is without visible leaders and organization. It is less a swing than a drift—something allowed to happen, which probably means that it will be that much harder to arrest and reverse.

The prime targets of the present reaction are the blacks in this country. They constitute an obvious and unpopular minority, geographically centered in the major cities, and without inner economic balance. They were the chief beneficiaries of the liberal surge under Presidents Kennedy and Johnson.

And at the heart of that liberal surge was the principle, implicit in the famous 1954 Supreme Court decision against school segregation, that fairness required a progressive lowering of the barriers between the races.

Nobody knows the exact meaning of the many amendments voted up and down last week by the Senate. But that is precisely the point. The ambiguity is large enough to mean a field day for the local officials in the South who have so long and so tenaciously resisted the spirit of the 1954 decision.

They will now halt school desegregation dead in its tracks. There will be efforts to stop desegregation of such public accommodations as hospitals and hotels. The real requirement, which is to move forward to break up residential concentration of the races, is distant beyond imagination. For there has been a turnabout in race politics.

But this momentous change-over had about it nothing of the dramatic. There was no moment of truth, no big speeches or policy statements. On the contrary, the transformation was wrought with minimum breakage. The visible signs were a certain fogginess at the White House, and a couple of marginal shifts in Democratic ranks.

The fogginess at the White House was central and calculated. The starting point was the administration's Southern strategy. That strategy would plainly have been compromised if the administration were obliged to enforce court orders on school desegregation over the opposition of Southern politicos like George Wallace. Accordingly, the President had a political interest in letting the segregation issue sink from sight without a big fuss.

The administration played that interest to near perfection. Through various spokesmen, the White House issued a series of statements on school desegregation that added up to any position anybody wanted to take. Inside the administration, this waffling caused one casualty—the resignation of the Special Assistant to the Secretary of Health, Education and Welfare, Leon Panetta.

But on the floor of the Senate there was almost complete confusion about the administration's desires. At one point there were two Republican senators—Minority Leader Hugh Scott of Pennsylvania and John Tower of Texas—standing on the floor claiming White House support for opposite views.

On the key vote—the vote on the amendment submitted by Sen. John Stennis of Mississippi—only 11 diehard Republican liberals stayed with Sen. Scott in opposition. Twenty-six Republicans joined Sen. Tower in supporting the Stennis amendment.

On the Democratic side the fuss was not much greater. Sen. Abraham Ribicoff of Connecticut had a personal crisis of confidence about a desegregation policy that was concentrated on the South. His stance made it easy for his colleague from Connecticut, Thomas Dodd, and three liberal Democrats from border states to support the Stennis amendment.

That Ribicoff had even that much clout said something about the weakness of the Democratic leadership effort. Sen. Walter Mondale of Minnesota did see what was brewing and fought it all the way. He emerged with enhanced national standing as a result.

But Sen. Edward Kennedy, who might have made a difference, was in bed with pneumonia and a temperature of 104. And the senior Democrats were not prepared to make a bid deal about the blacks.

What this really means is that the reaction now registered in the Senate is a popular reaction. The majority of the country, not just a few demagogues skilled at whipping up passions, has had it with blacks. And presumably that mood will endure until events and a new set of leaders show that the United States cannot decently turn its back on what we all know to be our main social problem.

Stennis Amendment's Effect on Integration Unclear

(By Richard Harwood)

After days of wearisome and baffling debate, Sen. Albert Gore (D-Tenn.) arose in the Senate last week to observe:

"I am in a quandary about the pending resolution, and the quandary is whether it does something or whether it does not, which seems to be entirely problematical."

When it was done and when the Senate on Wednesday at last adopted 56 to 36 the "Stennis Amendment" on school desegregation, the question of whether it did something or not was still being argued.

Ostensibly, it merely required the Department of Health, Education and Welfare to apply its school desegregation guidelines evenly throughout the country—cutting off federal school money to segregated districts in the North as well as to segregated districts in the South.

But much more than that was read into it. Its passage meant, said an anguished columnist, that "the Senate of the United States has now cravenly abandoned the policy of racial integration."

Not so, said the Justice Department. Nothing has changed, said HEW.

"Mercifully," said Sen. Hugh Scott, the Republican leader, "this is mere policy and therefore not binding."

Sen. Jacob Javits (R-N.Y.) disagreed: "One of two things will happen. All efforts to desegregate will stop and it will be impossible to go on; or there will be federal interference (in the schools) of such size, magnitude and depth that the country will be appalled if this measure becomes law."

The mildly worded resolution that produced this confusion was drafted by Sen. John Stennis of Mississippi. It stated:

"It is the policy of the United States that guidelines and criteria established pursuant to Title VI of the Civil Rights Act of 1964 and Section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly to all regions of the United States in dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any state without regard to the origin or cause of such segregation."

If this language was artfully designed, as critics charged, to impede or end desegregation efforts in the South, it came at a very late time in the school integration struggle.

As of last week, according to the Civil

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Rights Office of HEW, 93 per cent of the 4,470 Southern school districts were desegregated or were in the process of desegregation under federal court orders.

The remaining 310—principally small-town or rural districts—were in various stages of compliance with or defiance of HEW guidelines; 97 of them had already been declared ineligible for federal school funds.

Furthermore, the administration claimed, whatever the effect of the Stennis Amendment on Title VI enforcement, it had no effect on the Justice Department and would have no effect on the federal courts, which have been taking an increasingly tough line against integration delays in the South.

If, on the other hand, the language was designed—as Stennis insisted—to bring about increased school desegration in the North, it seemed unlikely to achieve its purpose within any foreseeable period of time.

Officials at HEW said it would be virtually impossible to write guidelines to end de facto school segregation resulting from neighborhood segregation in the North—in Chicago, for example, where roughly half the Negro students attend totally segregated schools.

And if that problem could be overcome, others remained. One was a constitutional problem; the Supreme Court has never ruled that de facto segregation is illegal.

Another problem was the state of Northern public opinion.

"I do not want to ruin the schools of the North," said Stennis last week, "but I want them to find out whether or not they want this massive, immediate integration. I do not believe they do."

Minority Leader Scott seemed to agree.

"Any genuine attempt in good faith to enforce this language," he said, "would require all the police forces in America and a good many of our troops overseas."

However that may be and whatever the ultimate "meaning" of the Stennis Amendment, the Senate's adoption of it last week was a political landmark of sorts.

For the first time in roughly 15 years, the Southern bloc in the Senate prevailed on a civil rights issue that was regarded, rightly or wrongly, as matter of more than passing significance. For the first time in nearly a decade, said Sen. Walter F. Mondale, a leading opponent of the Stennis Amendment, "a fundamental civil rights issue lacked the active support of the Justice Department and the President." For the first time in the memory of most congressmen, the Senate faced up for a few days to what Sen. Abraham Ribicoff (D-Conn.), whose support of the Stennis amendment was crucial to its passage, described as the "hypocrisy" of the North on questions of race. And for the first time since the 1950s, serious questions were raised about the wisdom of using public schools as a principal instrument for achieving racial integration in the United States.

EFFECT ON SOUTH

The fear of various civil rights activists is that even if the Stennis Amendment lacks substance, it will encourage segregationist officials in the South to stiffen their resistance to school integration or to delay it through court tests of the amendment's meaning.

The administration's answer is that most of the desegregation job in the south has been done and that, in any case, the Justice Department and the courts are not handcuffed.

On a purely political level, Senate liberals have another fear: that the passage of the Stennis Amendment is symptomatic of a growing conservatism in the United States.

"There is a real question," Mondale said, "whether the liberal coalition that has dominated the Senate is viable any longer. This country may really be turning to the right."

PRESIDENT CRITICIZED BY PANETTA

The resigned chief of the government's school desegregation program charged yesterday that President Nixon is abdicating a moral obligation to lead the nation on civil rights and is retreating on many fronts to appease the South.

Leon Panetta made the charges in addressing the Women's National Press Club on his final day in office. He resigned last week as head of the civil rights office of the Department of Health, Education and Welfare.

Two of Panetta's aides said last night they were quitting, too, among signs that others would follow.

Peter Holmes, Panetta's liaison man with Congress, said he would resign. Carl Flaxman, director of civil rights for HEW's Dallas office, said he resigned Feb. 17 under congressional pressure.

Panetta also said Vice President Agnew is aggravating racial friction by catering to racists.

"As long as they think they can get votes, rather than take the tough stand and not divide the country but bring us together, I expect this will continue," Panetta said.

He said Mr. Nixon has allowed phoney issues such as busing and neighborhood schools to supersede the real questions of equality in education.

"Ninety per cent of the schools in the South have used busing in their schools—many times to preserve a dual school system and to avoid a neighborhood school system," he said.

Earlier, in a television interview, Panetta warned that if minority groups continually feel "they don't have any clout" within the system, "it's only a matter of time before they go out of the system . . . resort to the streets . . . they've found in the past that this is the only way they can get satisfaction. And I think that this is what we are headed for."

LISETTE SUSAN VINET OF HAWAII WRITES WINNING ESSAY, "FREEDOM'S CHALLENGE," IN VFW CONTEST

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. MATSUNAGA. Mr. Speaker, our young people are deeply concerned over the direction that this Nation is taking as we enter into the 1970's, and a new decade the destiny of which they will profoundly affect.

That our young people are willing and able to carry forward the efforts of our Nation to achieve its finest destiny is nowhere more eloquently attested to than in the essays submitted for judging in the annual Voice of Democracy Contest.

This year, over 400,000 students participated in the Voice of Democracy Contest, sponsored by the Veterans of Foreign Wars and its ladies' auxiliary. The contest theme was "Freedom's Challenge," and I am particularly proud that an outstanding young lady from Wahiawa is Hawaii's winning contestant this year.

This young lady, Miss Lisette Susan Vinet, daughter of Lt. Col. and Mrs. William C. Vinet, Jr., is a student at Leilehua High School.

I take great pleasure in submitting the speech of the 50th State's VFW Voice of Democracy Contest winner in the Congressional Record at this point:

FREEDOM'S CHALLENGE

It was raining, but it stopped. I felt like the day . . . quiet, gray, serious. It was as if the weather had matched my mood to console me. Nothing better to do so I was just walking. Nowhere in particular, just walking. The people were all gone too. Wonder where people go when it's raining? All the shops were closed. I guess they have nothing to offer on rainy Sundays. There's always the windows to look at. I prefer bookstore windows myself.

Wonder how they manage to cram all that stuff in, but they do. More than just books, mobiles, photos, even posters. There was one poster that stood out in my mind from all the rest. Perhaps because it was hidden in the corner alone, like me.

It read: *1984* by George Orwell . . . ignorance is strength, freedom is slavery. It was of an old man with shackles on his head and he was smiling but it was that forced sort of smile. Though his lips veiled his feelings, his eyes told of the sufferings of mankind . . . of mental tortures crueler than any physical punishment. He had been told how to act and what to think for so long that he had ceased trying to be a free individual. His freedom had been snuffed out until he hardly knew it existed. Yet it was there. It is a part of us all.

Our first cry as a new born baby is a cry of freedom. We burst with the joy of living but as we grow older, we lose this enthusiasm for life. Unconsciously, we adopt the principles of 1984. Do we believe ignorance is strength?

I think of ignorance and I picture to myself a man without ears, one who won't listen. Am I thinking of you? There are many like him. Their prejudice makes them blind to the needs of others. They band together under one leader to draw in others to their cause. And their power increases as they seek control of our minds and our government. And they succeed partially because we let them. The newspapers are still there and our books haven't been burned yet we complain we don't have the time to keep informed. So we join their cause because it sounds strong and because we don't know the other side. Where is that spark of freedom now?

When we are given the chance to decide who our leaders are to be do we vote or do we assume that somehow it will all work out? Those very assumptions created the world of 1984.

Are we really individuals or do we blindly follow the crowd allowing others to dictate our lives? Oh, why must people be so ready to accept what others tell them instead of making up their own minds? They have opinions I know it because I've heard them. They're out there picketing now for one cause or another. They're crying for peace as they destroy and trample another's rights. And they're locked up for it. For them, fredom is slavery. Is that same freedom we were born with or have we changed it somehow?

The freedom I know is illusive like the wind but just as strong. It motivates me to participate in school activities just for the sake of making something better. It should affect us all. There are a few who have accepted freedom's challenge but they are just a whisper when they should be a roar. Don't be afraid of involvement. Freedom comes with the realization that we have left our mark on the world. That somehow, because of us, the world is a little different.

Each of us faces that challenge. Will we turn toward the darkness of 1984, or will we rekindle the fire of freedom? If we are to do something, every person must accept the challenge. Because our government is the people it exists to hear our opinions and to act upon them to create a better community. Before it can do this, we must care enough to be concerned. Only then will our demands be answered.

In this mixed up world, freedom is struggling. It is trying hard to survive and it must remain alive if we are ever to exist as free people in the world to come. No, I turn my back on 1984 and I refuse to give up without a fight just as I refuse to believe that others will not join me in my cause. Together, we will make freedom's challenge our own.

NATIONAL GALLERY OF ART CALENDAR OF EVENTS—MARCH 1970

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the Calendar of Events of the National Gallery of Art for the month of March 1970. Once again, the National Gallery has scheduled outstanding events for this month, and I urge my colleagues and the American people to visit the Gallery in March. It is a worthwhile and enjoyable way to spend an afternoon.

NATIONAL GALLERY OF ART, CALENDAR OF EVENTS, MARCH 1970

J. Carter Brown, Director of the National Gallery, has made a special plea for funds to purchase "Civilisation", the extraordinary series of 13 one-hour films in color narrated by Kenneth Clark. The series, which ran at the Gallery from November 2 through January 31, drew nearly 150,000 viewers, and was also shown at the White House. Contributions should be addressed to "Civilisation", National Gallery of Art, Washington, D.C. 20565. Checks should be made payable to the National Gallery of Art, and all contributions are deductible for Federal income tax purposes.

The reality of appearance: The trompe l'oeil tradition in American painting. Opening on March 21 and continuing through May 3, this exhibition features the *trompe l'oeil* ("fool-the-eye") still-life paintings especially popular in nineteenth-century America. It has been assembled by the California art critic Alfred Frankenstein, whose research in separating William M. Harnett's paintings from those with faked signatures by other artists reads like a detective novel. The selection of over one hundred examples has been carefully made to obtain the utmost variety; pictures have been chosen that have not been exhibited before as well as many that are famous.

The exhibition traces the history of American still-life painting from works by the Peale family in the early 1800's to the close of the century, through outstanding pictures by Harnett, Peto, and Haberle. It also features works by less well known painters: Francis, Rosen, Harlow, Goodes, and others who interest us by their astonishingly realistic style and varied compositions.

MONDAY, FEBRUARY 23, THROUGH SUNDAY, MARCH 1

*Painting of the week**

Tour of the week

Exhibition of African Sculpture. Central Gallery. Tues. through Sat. 1:00; Sun. 2:30.

Modigliani. "Gypsy Woman With Baby" (Chester Dale Collection). Gallery G-10. Tues. through Sat., 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour

Introduction to the Collection. Rotunda. Mon. 11:00, 1:00 & 3:00; Tues. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture

"Some Aspects of Nineteenth-Century Architecture (III)." Guest Speaker: Professor Sir Nikolaus Pevsner, A. W. Mellon Lecturer in the Fine Arts. Auditorium, 4:00.

Sunday concert

Yida Novik, pianist. East Garden Court, 8:00.

MONDAY, MARCH 2, THROUGH SUNDAY, MARCH 8

Painting of the week

Pontormo. "Monsignor della Casa" (Samuel H. Kress Collection). Gallery 15. Tues. through Sat. 12:00 & 2:00 Sun. 3:00 & 6:00.

Tour of the week

The Original Environments of Works of Art. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour

Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture

Some Aspects of Nineteenth-Century Architecture (IV). Guest Speaker: Professor Sir Nikolaus Pevsner, A. W. Mellon Lecturer in the Fine Arts. Auditorium. 4:00.

Sunday concert

Johannes Brüning, Violinist; Wolfgang Kaiser, Pianist. East Garden Court. 8:00.

MONDAY, MARCH 9, THROUGH SUNDAY, MARCH 15

*Painting of the week**

Chardin. "The House of Cards" (Andrew Mellon Collection). Gallery 53. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week

The Revisions of Paintings. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour

Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture

Some Aspects of Nineteenth-Century Architecture (V). Guest Speaker: Professor Sir Nikolaus Pevsner, A. W. Mellon Lecturer in the Fine Arts. Auditorium. 4:00.

Sunday concert

The Catholic University Chorus; Michael Cordovana, Director. East Garden Court. 8:00.

MONDAY, MARCH 16, THROUGH SUNDAY, MARCH 22

*Painting of the week**

Bosch. "Death and the Miser" (Samuel H. Kress Collection). Gallery 35A. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week

The Framings of Pictures. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour

Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture

Some Aspects of Nineteenth-Century Architecture (VI). Guest Speaker: Professor Sir Nikolaus Pevsner, A. W. Mellon Lecturer in the Fine Arts. Auditorium. 4:00.

Sunday concert

National Gallery Orchestra; Richard Bales, Conductor; Craig Sheppard, Pianist. East Garden Court. 8:00.

MONDAY, MARCH 23, THROUGH SUNDAY, MARCH 29

*Painting of the week**

Grünewald. "The Small Crucifixon" (Samuel H. Kress Collection). Gallery 35A. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week

The Reconstructions of Altarpieces. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour

Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture

Some Aspects of Nineteenth-Century Architecture (VII). Guest Speaker: Professor Sir Nikolaus Pevsner, A. W. Mellon Lecturer in the Fine Arts. Auditorium, 4:00.

Sunday concert

National Gallery Orchestra; Richard Bales, Conductor; Allison Nelson, Pianist. East Garden Court, 8:00.

All concerts, with intermission talks by members of the National Gallery staff, are broadcast by Station WGMS-AM (570) and FM (103.5).

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to (202) 737-4215, ext. 272.

For reproductions and slides of the collections, books, and other related publications, self-service rooms are open daily near the Constitution Avenue Entrance.

FOOTNOTE

*11" x 14" reproductions with texts for sale this week—15¢ each. If mailed, 25¢ each.

FREEDOM'S CHALLENGE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. GROSS. Mr. Speaker, I am pleased to report that the Iowa winner of this year's Voice of Democracy Contest, sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, is a resident of the district I have the honor of representing.

He is Thomas C. Thrams, the son of Mr. and Mrs. Charles B. Thrams of Mason City.

The theme of this year's contest was "Freedom's Challenge." I am glad to have the privilege of inserting the text of the young man's excellent speech in the RECORD:

FREEDOM'S CHALLENGE

Nothing left loose is ever likely to do anything creative. No horse is likely to get anywhere until he is harnessed. No steam or gas ever drives anything until it is confined. No life ever grows until it is focused, dedicated, and disciplined. No country is ever great until it is challenged.

We, as citizens in a country bequeathed with a heritage based on man's quest of freedom, are accepting the challenge of preserving that freedom for both the present and the future. It is obvious that liberty means freedom to choose evil as well as good; freedom to suffer the penalties of bad judgment as well as the freedom to enjoy the rewards of good judgment. Were this not true, the word "freedom" would be meaningless.

To me, ladies and gentlemen, freedom's challenge is the demand to do something about it. Every life is unsatisfactory until its owner and possessor has made up his mind what he means to do with it. A commonly-held belief in the United States is well-illustrated by the words "My country right or wrong." This statement has been quoted many times and, like a text of scripture, has been the justification for the assumption that we must accept our nation's foreign policy,

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the day to day behavior in the halls of deliberation, and the statements of our political leaders. It is well illustrated in the version by Stephen Decatur in 1816 in a toast: "Our country. In her intercourse with foreign nations, may she always be right; but, our country, right or wrong." I, friends, would like to suggest to you, however, the version of Carl Schurz in an address in Congress when he said, in 1872, "Our country, right or wrong. When right, to be kept right. When wrong, to be put right." This is the challenge that I would like to place before you.

All people have certain human rights. These rights must be respected in order to preserve freedom. One man's interpretation of liberty must not be stretched to infringe upon the rights of others.

I feel that we should retain always the sense of the true place of religion in education, the spiritual values in social stability, the equality of opportunity for all men, the devotion of genuine and unashamed patriotism.

With the same zeal that we respect the position of our country in the world, we should strive to make this position possible for all people. Our freedom to compete and our readiness to cooperate has won for us the title of the most productive on our earth today. I sincerely hope that this willingness never dies.

A short time ago, a Cuban refugee was asked why Cubans like himself wanted to come to the United States rather than go to Latin American countries with the same language and the same general culture. Was it just the thought of greater economic opportunity?

"No," he said, "many of us would have an easier time economically in a Latin country. It's just that we feel better here. We can feel like a human being. There seems to be something universal about this country."

This is living testimony, not abstract argument, from men who know the meaning of America in their bones and marrow.

Without the examples of the strength of our forefathers, prosperity, and progress in a free America, there is nothing to inspire men in the struggle for victory between freedom and totalitarianism. You and I can buy our own example of freedom and liberty as friends of free people. Our conduct in every crisis, large or small; our resistance to propaganda and passion and the fanatic action of minorities; our conformity to constructive criticism; our compromise in the case of difference; our determination that it is more patriotic to oppose an unjust government and its policies than it is to follow those policies blindly; but also, our steadfast determination to not let rabid agitators unseat us. These can pave the way for future generations to preserve this liberty for our posterity.

The Greek philosopher, Solon, is alleged to have said, "Justice will come to Athens when those who are no victims of injustice are as indignant as those who are." May those of us who are not victims of social, political, and economic injustice become as concerned about the achievement of a just society as we are about and unorderly one. Once this has happened, we will have a society which is both just and orderly, and is at its best.

THE CHALLENGE OF FREEDOM

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ICHORD. Mr. Speaker, the urgency with which many of our young people today view the challenges in need of solution if society is to resolve its problems and continue to progress is most heartening.

The fact that the vast majority of our Nation's youth are committed to the fundamental principles of this great Republic and reject the wanton approach of anarchists and revolutionaries is a credit to our system for all of its frailties. It is also a credit to the alertness and comprehension of America's youth.

An example of this has been provided recently in my own district where a student at Crystal City High School from Festus, Mo., won the Veterans' of Foreign Wars Twin City Voice of Democracy Contest. His name is Danny Schunks and he faced the competition of 49 other local high school students who delivered talks on Americanism. Each of their speeches were tape recorded and judging was done from the tapes. Danny's 3-minute talk was entitled "Freedom's Challenge" and I would like to share his remarks with my colleagues in this House:

FREEDOM'S CHALLENGE

Despite the affluence which exists in the U.S. today and despite the apathy which abounds among a large segment of the American society, the challenges of freedom are greater perhaps today than at any other time in our short history.

The challenges of freedom are great and many, but let's examine a few of the most important ones. In a free society a man can improve himself by his own deeds. Stop and consider this a minute.

Here is a challenge that has only been a dream to many civilizations. Here, a man regardless of his race, color, his religion, or his creed, can improve himself by his own deeds. This causes incentive and often times will instill a sense of pride, a pride of equality.

Freedom challenges us to help our less fortunate American brother. For too long this need has been ignored.

We must accept the challenge today. We must then extend the helping hand of American brotherly love and not the hand of complacency which too many times has been thrust forward. By helping the less fortunate, the poor, the disabled, we also help ourselves. By helping these people increase their knowledge we help strengthen the bonds that bind our nation together.

We promote a general feeling of concern which in turn can plant the all important seed of incentive.

Today we hear, we see, and we read about equality, a major challenge which lies before us. Equality is one of the most, if not the most important challenges extended to us. While we may have freedom, without equality we will not know freedom in its most refined form.

Freedom thrives on equality, religious equality, but most important racial equality. For if we do not have racial equality, then one segment of our population, regardless of size, be it minute or large will not be totally free.

While we sit here speaking about challenges of freedom we are being called. Either we answer the challenge or we don't. There is no putting off an answer. We must be ready when we are challenged for these perilous times make our answer more important than ever. If we refuse to answer we are in fact stating that our freedom means very little if anything to us.

We are stating that the brave men who fought and died to preserve freedom have died in vain for a worthless cause. We are stating that we do not believe in the basic principles on which our country was founded and that our forefathers should be regarded as little more than arch rebels who chased after an illusion or a fantasy.

But if we answer, we will be striving for perfection in the American spirit. While we may not change the world, we will be working for the benefit of mankind.

THE CHALLENGE OF RACE RELATIONS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. **FINDLEY.** Mr. Speaker, at the annual dinner of the Abraham Lincoln Association February 12 in Springfield, Ill., the eminent historian, Bruce Catton, who has done so much to enrich our understanding of the Civil War period, was the principal speaker.

In his remarks he analyzed the facts and factors which led Abraham Lincoln to the Emancipation Proclamation. He described the proclamation as only the beginning of the long term challenge, only partially met to this day, of race relations in the United States. In my view, it is one of the most significant statements by a public figure on this topic in a long time.

Here is the text of Mr. Catton's address:

ADDRESS BY MR. BRUCE CATTON

About one year ago an Afro-American magazine editor informed his readers that the black people of this country should no longer feel that they owed anything to Abraham Lincoln.

Lincoln, said this editor, was simply a racist. He freed the slaves by force of circumstances and not because his heart led him that way. He did not believe in racial equality. He did believe in the colonization of black people on some continent entirely away from the United States. He fought the war solely to preserve the Union and said flatly that if he could win the war by freeing no slaves at all he would do it that way. When, at last, he issued the Emancipation Proclamation he issued one of the weakest documents ever to come out of the White House—a proclamation that ordained freedom for the slave in precisely those areas where the Federal government had no power to enforce it, and left black people in slavery in the areas where Federal control was secure.

In short, said the editor, Lincoln deserves neither affection nor gratitude from black people. He was simply a Honkey.

Ordinarily we devote February 12 to a celebration of Abraham Lincoln's role as the great emancipator. Here we have—to put it mildly—a jarring note. I suggest that it may be worth our while to examine this indictment briefly. We may learn something—about Lincoln himself, about the inner meaning of our terrible Civil War, and about ourselves. Let's look at the record.

To begin with, it ought to be remarked that the men who had the most immediate, material, dollars-and-cents reason for understanding just what Lincoln's attitude was never had the slightest doubt about it. To them Lincoln was an emancipationist, and because they unanimously felt that way they went to war against a government that dared to make him president.

I refer, of course, to the great slave-owners of the Southern cotton belt—the men who held vast plantations worked by gang labor, and whose wealth and social standing de-

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pended directly on a continuation of that system.

The news of Lincoln's election had hardly been announced before these men were moving with determination to take their states out of the Union. They had so little doubt of their appraisal of the man, so little doubt that his installation as President would mean the realization of their worst fears, that they took their states out of the Union before he even got to Washington. The seven great cotton belt states had formally seceded, and the Confederate government was an established fact, before Lincoln became President. Secession had taken place before Lincoln took the oath of office.

If Lincoln was indeed a racist, who had no desire to interfere with the institution of slavery and no sympathy with the black man, these wealthy slave-owners were singularly ill-informed—and singularly stupid. They bet everything they had on the assumption that their appraisal was correct. That they won the bet, and winning it lost their wealth and power forever, may be one of the ironies of history, but it does not necessarily mean that they had made a faulty diagnosis. They knew, better than anyone today can know, that with that man in the White House the "peculiar institution" was not safe. What they were quite unable to see—and I suppose living at the summit of a slave society does not bring great breadth of vision—was that Lincoln would rally the power of his fellow countrymen and destroy the institution they were so eager to protect. But they were entirely correct in their belief that Lincoln himself was an emancipationist.

Yet to say this does not necessarily mean that the indictment brought by the black editor is incorrect. He can easily cite chapter and verse for the separate counts in his indictment, and we cannot dismiss it as nothing more than the ill-founded complaint of an unhappy man. As admirers of Abraham Lincoln we may indeed feel that the picture here painted is wrong, but the separate details of the picture are quite true.

Let us have a look at them.

Begin by accepting one obvious fact—that Abraham Lincoln was a man of his time, sharing in its concepts, touched by at least some of its prejudices. He was not looking back on the terrible problem of the 1860's from a safe vantage point one hundred years later. He was there himself, compelled to cope with the problems of that day on the basis of what he knew and felt at that time. He lacked the advantage we have—the clarifying power of the long backward glance. He was a part of the bad time he had to contend with.

With so much understood, let us go on and admit once and for all that Lincoln did not believe in racial equality. He said so flatly, at least once, during the Lincoln-Douglas debates. He said so again after the 1861 election, when the editor of *The New York Times* sent him an inquiry from a Mississippi legislator. To the editor, Lincoln wrote: "Mr. Lincoln is not pledged to the ultimate extinction of slavery; does not hold the black man to be the equal of the white." Presumably this word was passed along to the inquiring Mississippian—without having the least effect.

When the war actually began, Lincoln willingly accepted an act of Congress asserting that the north was fighting solely to restore the Union and not to change the domestic institutions of the states in any way. He believed that neither he nor the Congress had the constitutional power to abolish slavery, and at least in the early stages of the struggle he was content to have it that way. He over-ruled first General John C. Fremont and later General David Hunter when those officers undertook to proclaim emancipation in the military departments. He rebuked a member of his own cabinet, Secretary of War Simon Cameron, when that individual inserted emancipationist language in his annual report. A little later Cameron ceased to be a cabinet member.

Lincoln's first step in the direction of emancipation was halting and unsuccessful. It came in the spring of 1862, when he urged leaders of the slave-holding border states which had remained in the union to accept a plan for gradual, compensated emancipation. His plea was rejected, and Congress then proceeded to get ahead of him. Early that summer it passed a new confiscation act, providing (among other things) that slaves owned by men in rebellion could be set free, as could slaves fleeing from bondage to such men. Acting on this, Lincoln again called in the border state leaders, urging them to realize that if the war continued "the institution in your states will be extinguished by mere friction and abrasion." He begged them to accept—in his words—"not emancipation at once, but a decision at once to emancipate gradually." This had no more effect than his former plea to the border state men had had, but at least it is clear that Abraham Lincoln was not rushing things. Congress obviously was trying to press him along, but he was moving slowly.

This act of Congress, incidentally, empowered the President to spend Federal money on a colonization scheme. Lincoln had been doing some investigating, to see where a suitable place for colonization might be found. He seems to have believed that there was a good prospect somewhere in Central America, and in August of 1862 he called to the White House a group of free colored men from the north. To them he spoke frankly—and in what he said we can hear the year 1862 talking to itself, recognizing its prejudices and its handicaps, trying to find an easy way out of a dilemma.

"Even when you cease to be slaves", Lincoln said to these black leaders, "you are yet far removed from being placed on an equality with the white race. You are cut off from many of the advantages which the other race enjoys. The aspiration of man is to enjoy equality with the best when free, but on this broad continent not a single man of your race is made the equal of a single white man." He added that he simply presented this "as a fact with which we have to deal", adding, "I cannot alter it if I would", and concluding: "It is better for us both, therefore, to be separated."

This had no better luck than the appeal the border state leaders had had. Nothing further was ever heard of it. And it was at about this time that Lincoln wrote his famous letter to Horace Greeley, defining the policy on which he was making war. This policy, he said, simply embraced the restoration of the Union, and he went on:

"If I could save the Union without freeing any slave I would do it, and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some slaves and leaving others alone I would also do that."

All of this is perfectly clear: compensated long-delayed emancipation if necessary, colonization of the former slaves somewhere far away from the United States if possible, and a war to restore the union which if it seemed advisable would leave the hideous growth of slavery untouched. So far, the picture of the man who did not especially want to do anything for the black man seems justified.

Yet there are one or two other points to consider before the picture is completed.

It is interesting to note, for instance, that at the time when he talked in such a gloomy, brooding manner to the black leaders in the White House—at the time when he wrote to Greeley to insist that restoration of the Union was his one essential war aim—Abraham Lincoln had the draft of the preliminary Emancipation Proclamation in a desk drawer. He had discussed it with his cabinet, he had made up his mind to issue it, and he was waiting only for a military victory to make it public. In his own mind he was committed.

His proclamation, to be sure, was on the face of it a weak and halting thing; little more than a gesture. But it came at a time when a gesture could be all-important. Remember, there was a war going on. It was more and more becoming obvious that a central fact in that war—*the* central fact, when all is said and done—was the existence in the United States of some millions of human slaves. For the President of the United States to assert publicly, with whatever qualifications and reservations, that certain of these slaves would be henceforward and forever free was in effect to say that all of them would be free. It was an irreversible forward step. The Federal union was not simply going to be restored—it was to be extended, made broad enough to take in millions of people who previously had had no part in it.

To understand this all one needs to do is consult the horrified outcry that the proclamation, when issued, drew from the Confederacy.

Jefferson Davis—in the ordinary acceptance of the term as humane a man as you would care to find—promptly denounced it as "the most execrable measure recorded in the history of guilty man." To the Confederate Congress Davis described it as "a measure by which several millions of human beings of an inferior race, peaceful and contended laborers in their sphere, are doomed to extermination." Davis said the proclamation must have one of only three possible results. He spelled them out in these words:

"The extermination of the slaves, the exile of the whole white population of the Confederacy, or absolute and total separation of these states from the United States."

That is fairly strong language, and it brings us face to face with the fact that we sometimes fail to see when we examine the Civil War.

Underneath slavery lay the race problem, which perhaps we understand a little better now than we did in the old days. If we don't understand it better, we can at least see it more clearly.

Not only did the race problem lie underneath slavery. It was what kept slavery alive. Under the slave system, the race problem did not have to be faced—for if one race owns the other outright, you do not have to worry about how the races are going to get along with each other. You just let the owning race run the police force, and that is that. Consequently, the prospect that slavery might be uprooted and destroyed rallied the whole south to the defense of the institution. Only a minority of southerners actually owned slaves; only a minority stood to lose money or property if the abolitionists had their way. But the South was almost a unit—at least until excessive war weariness set in, much later—in coming to the defense of slavery by force of arms, simply because nobody could see how the two races could possibly get along together if the insulation of slavery were removed.

And that was the real tragedy of the 1860's. There was a race problem—perhaps we ought to call it a white-race problem—that looked absolutely insoluble to most men of that generation. That was why the overwhelming majority of southerners rallied to the Confederacy; that was why such a huge body of opinion in the north was so extremely reluctant to go along with the abolitionists; that, I suspect, was why Abraham Lincoln so desperately and unavailingly looked for some remedy like colonization, which would perhaps enable the country to avoid what seemed then to be a terrible dilemma.

What the Civil War did—what Abraham Lincoln did—was to destroy the ugly protective device that kept the races from having to try to live in one community. It pulled the race problem out in the open and left the country with one overpowering imperative—solve this problem! So far, we have contemplated it, off and on, for more than a century without making much progress toward a solution. But this is central to our existence as a free people.

It must be said that Lincoln recognized the ins and outs of all of this from the beginning. His first task was to save the Union, and if that could be done quickly it was possible that slavery could be left intact, for handling later. But if the war should turn into a long, all-out war there was no way to keep it from becoming a war over slavery; and if it became that, then the national horizons would be pushed back immeasurably.

Lincoln warned of this, early in the game. At the end of 1861, in a message to Congress, he asserted his determination to put down the rebellion and added: "I have been most anxious and most careful that the inevitable conflict for this purpose shall not degenerate into a violent and remorseless revolutionary struggle." He would try to avoid "radical and extreme measures," but he warned that "the struggle of today is not altogether for today—it is for a vast future also." Early in 1862, he bluntly warned the Marylander Reverdy Johnson: "It may as well be understood, once and for all, that I shall not surrender this game leaving any available card unplayed." The direction things might take in case of an extended war was emphasized by the grim Congressman from Pennsylvania, Thaddeus Stevens, who warned that the government could not win until it acquired "a revolutionary determination inspired by the grand idea of liberty, equality and the rights of man."

That Lincoln saw this from the beginning is clear. On his way to Washington, two weeks before his inauguration, he stopped off in Philadelphia to make a speech at Independence Hall. Here in this historic shrine of patriotism, he asked what great principle it was that had held the country together. Answering his own question, he said that it was "something in the Declaration giving liberty, not alone to the people of this country, but hope to the world for all future time. It was that which gave promise that in due time the weights should be lifted from the shoulders of all men, and that *all* men should have an equal chance." You might note that these are not exactly the words of a racist or a believer in inequality. He went on to say that he "never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence."

This is what gives coherence to the story of Lincoln's years in the White House. He knew no better than any other man of his time how the two races were to get along, once the barriers between them were torn down and the idea of equality had been accepted; but he knew full well that precisely this was coming once the war became the "remorseless revolutionary struggle" which he had warned about.

Presumably Lincoln did not use a word like "revolutionary" lightly. If the Civil War was to become such a struggle, as in fact it did become, it was because something had been added to the original ingredients.

What got added was the simple word "freedom"—which is still the most explosive word known to man.

During the early days of the American Revolution, the men at Philadelphia added that word to their explanation of what they were fighting for. They wound up by breaking up an empire and putting the world into a ferment. In 1862 Americans did it again, putting "freedom" at the center of the nation's ideas about its future. That word is like phosphorous—expose it to air and it takes fire. You might find it interesting to reflect briefly on the situation in Africa today, where a large number of new nations have come into existence and are trying to make their way in the world. There have been many revolutions there—based on the Communist model? Not at all. These are on the American pattern. The people want to get outsiders off of their necks; they want to be free. Washington and Lincoln would understand them perfectly. Karl Marx would have been wholly baffled.

The task Lincoln left us is so far from being finished that it can hardly be said to have been begun. It is the biggest task we have and if we fail at it none of our other accomplishments will mean much. Perhaps we need Lincoln's reminder: We cannot escape history. His words to the Congress in 1862 still apply:

"We—even we here—hold the power and bear the responsibility. In giving freedom to the slaves we assure freedom to the free—honorable alike in what we give and what we preserve. We shall nobly save or meanly lose the last best hope of the earth."

Freedom, to repeat, is a word touched with fire. It is not a negative thing; that is, it does not simply mean the absence of human slavery. It is the most powerful word known to mankind. It calls for a new understanding of the way men must live together; for acceptance of the idea that there are no grades and classes of citizenship, but that—in Lincoln's words—"the weights should be lifted from the shoulders of all men, and that *all* men should have an equal chance." That is the inescapable challenge Lincoln left us. The Civil War was a beginning, not an ending. Its final meaning is up to us, today.

AMERICA CAN RULE THE WAVES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. DERWINSKI. Mr. Speaker, a very effective editorial supporting the administration's proposed merchant shipbuilding program was carried in the Thursday, February 26, Southwest Messenger Press, a publication serving communities in my district. The editor of the Messenger Press, Mr. Elmer Lysen, is a penetrating analyst of the international as well as national scene and his commentary on the subject is certainly concise and timely.

The editorial follows:

AMERICA CAN RULE THE WAVES

Ordinarily the advertising of a shipbuilding concern might be expected to have a rather limited readership. Few people are likely prospects for the purchase of an ocean-going freighter. However, the message of one such concern explains in a dramatic way why there has been a resurgence of public interest in a buildup of the U.S. Merchant Marine.

First, it shows in a graphic illustration the manner in which Russia is outstripping the U.S. in merchant ship construction. At the top of a full-page advertisement is shown a thin scattering of ship profiles marked "Ours," below this is the word "Theirs" and under it, crowding the rest of the page, is depicted a massive fleet of ships of all kinds. Beneath this, the reader is reminded that the Russians are building seven times as many merchant ships as the United States. The Soviet Merchant Marine will have increased 600 percent in the 20 years ending in 1970. In contrast, the U.S. Merchant Marine is largely comprised of ships older than the sailors who man them. The Soviets carry 50 percent of their international seaborne trade in their own ships. The U.S. carries only 5 percent.

This is an old story to the U.S. shipping lines that for years have endeavored to awaken the U.S. to its maritime tradition and the need to preserve its status as a first-rate maritime power. This effort is bearing fruit, at last, in the Administration's proposed merchant shipbuilding program which has received broad support from both congressional and industry quarters. The program is expected to add 300 vessels to the nations fleet in 10 years. If carried through, it will serve notice to the world that the U.S. expects to retain its share of world commerce and its heritage as a major sea power. The new merchant ship program deserves, and must have, sustained public support.

HOW SAFE IS SAFEGUARD?

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. WOLFF. Mr. Speaker, although the controversy surrounding the anti-ballistic-missile system, a pet project of the Nixon administration, has seemingly taken a quieter place in the scheme of things, the debate is far from over. I, and many of my colleagues, still feel that to proceed with such a project is not in the best interest of the Nation, for it will not contribute to our national security.

I need not dwell on the reasonable, responsible, and plentiful arguments that scientists, members of the armed services, citizens, and others have raised with regards to blocking such a costly project. I include a recent editorial which appeared in the fine paper, the Long Island Press. For I feel it affirms the obligation that we all have to maintain this debate, and prevent this folly which will be costly and destructive to all efforts for world peace.

The editorial follows:

HOW SAFE IS SAFEGUARD?

President Nixon's plan to expand the Safeguard antiballistic missile system faces an uphill battle in Congress—and well it might. The President has left himself vulnerable to critical counterattack on several points—that he is inconsistent in his rationale for the ABM system; that he is taking serious risks of undermining the arms limitation talks with the Russians, and that the extremely expensive system itself will be ineffective.

Last March 14, the President, in announcing the revised Safeguard ABM system to succeed the Sentinel System, stressed that it means a shift from a defense of the Cities—as originally conceived by the Johnson administration—to a defense of the missile sites.

"There is no way," he said, "that we can adequately defend our cities without an unacceptable loss of life. The only way I have concluded that we can save lives—which is the primary purpose of our defense system—is to prevent war. And that is why the emphasis of this system is on protecting our deterrent, which is the best preventative for war."

At his press conference last Friday, Mr. Nixon returned to the original Johnsonian rationale—a defense capable of protecting the nation's cities against an attack by Communist China.

What effect this expansion will have on the Strategic Arms Limitation Talks (SALT) due to reopen in April may become more clear after the details of Phase II are spelled out later this month by Defense Secretary Melvin R. Laird. Phase I, which involves construction of an ABM shield around Minuteman sites in North Dakota and Montana, is already under way. If Phase II includes any significant expansion, such as a ring of ABMs around Washington, D.C., and a start of "thin" anti-China defenses around other cities, there is a serious risk of upsetting these promising talks.

And in addition to this risk, there's the expense. The President's budget sent to Congress yesterday authorizes $1.49 billion to continue Phase I and start Phase II, with the eventual price tag estimated as high as $50 billion. And all this for a system, as Sen. Mansfield points out, that might not even work at all. Doubts raised last year by such experts as Dr. Wolfgang K. H. Panofsky of the Sanford Linear Accelerator Center have still not been resolved. Dr. Panofsky maintains the system's radars and computers will not prevent penetration of offensive missiles.

In light of these serious questions, the administration owes the nation a more convincing case than it has made so far before we commit so much of our national wealth and energy to such a program.

SAVE YOUR VISION WEEK

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mrs. SULLIVAN. Mr. Speaker, this is Save Your Vision Week, an annual observance originated by the American Optometric Association 43 years ago, and which has just been proclaimed by the President for the seventh successive year.

This special week provides all who are concerned with good eyesight an opportunity to focus public attention on the need for taking proper care of the eyes. The number of accidents resulting in partial or total loss of vision remind us that strict adherence to basic eye safety practices is vital on the job and in all our pursuits.

With the tremendous advances made in the fields of optometric care, optics, medicine and surgery over the past few years, there is little reason for the neglect of eyesight. Proper professional care and advice are readily available to virtually all Americans.

The President's proclamation of Save Your Vision Week serves as a good reminder for each of us to review presonal health records and determine how long it has been since the last vision examination. We should all remind our loved ones and fellow workers to do likewise.

It is my hope that observance of this special week may also renew the dedication of health care professionals throughout the Nation to carry on with their important work in both the public and private sectors, toward the goal of providing the best possible vision care to that 50 percent of the population experiencing some type of vision problem.

I ask you, my colleagues in the House of Representatives, to join me in offering congratulations to the eye care practitioners, researchers and optical goods manufacturers who have done, and are doing, so much to assure the continued delivery of top quality vision care to the general public.

I would like to add my special personal thanks to the American Optometric Association, a national organization with headquarters located in my district, for its leadership in establishing Save Your Vision Week and for its willingness to share this important event with concerned health care professionals and their organizations for the good of the United States and her people.

DR. MORRIS N. GREEN

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. FRIEDEL. Mr. Speaker, one of my constituents, Dr. Morris N. Green of 3823 Menlo Drive, Baltimore, has evolved a reorganization plan for the Food and Drug Administration. When this plan came to my attention, I was impressed by its contents and invited Dr. Green to testify before Congress when the various FDA reorganization bills came up for consideration. This plan was also sent to several Members of Congress, Dr. Ley, the past FDA Commissioner, as well as the present Commissioner.

Several of the suggestions offered in the plan have been utilized in the recent reorganization of the FDA under the new Commissioner, Dr. Edwards. For example, the scientific aspects of drug approval are now decided on the bureau level, rather than in the Commissioner's office as formerly, so that the present Commissioner is now in effect a chairman rather than an absolute head. The National Academy of Sciences has been given the job of evaluating many drug combinations. As a result, 3,000 drugs have been found ineffective by a panel of the National Academy and ordered removed from the market. The agency has increased its consumer orientation and the present Commissioner has stated that he hopes to work more closely with industry. In international cooperation, Yugoslavia has been given a research contract to evaluate the pill.

The recently retired Commissioner, Dr. Ley, has stated "the agency's false image as a policing agency must be changed to that of an agency of high level research." Dr. Green has amended the international aspects of the plan to make possible a talent and cost-sharing venture in drug and food evaluation and research with a group of nations with whom we have mutually advantageous interests.

I am sure the Members of Congress will be interested in Dr. Green's entire plan and I insert it in the RECORD for guidance in planning future legislation:

SUBMITTED BY DR. MORRIS N. GREEN, OCTOBER 21, 1967

OBJECTIVES

In the reorganization of the Food and Drug Administration, the following objectives are to be achieved. All scientific decisions are to reflect the best available knowledge of the world community. The quality of scientific decision will be the most important component of the official activities of the FDA, all other actions taking a secondary role. The function of the FDA will not only be for the regulation of food and drugs in the USA but to stimulate the wholesome development of therapeutic and food science by both public and private agencies. In addition to safeguarding the Public Health, the FDA as hereinafter described shall protect the legitimate interests of consumer and manufacturer. Within the foreign policies of the United States, the FDA shall consider itself of World Public Health and in its international commitments shall work primarily with the United Nations World Health Organization to further its testing, research, and health programs. To further its intramural as well as its international objectives, the Food and Drug Commission as it shall hereafter be called, shall set up an Academy which will work out testing and administrative procedures for the control of drugs and food as well as a school for the training of American as well as foreign officials, the latter with the cooperation of the State Department. It is understood that a suitable phase of its development that the Commission with the approval of the Senate and the direction of the President may transfer suitable parts of its activity in the Academy to properly constituted World Authority such as the United Nations or its designate, the World Health Organization.

THE FOOD AND DRUG COMMISSION

The work of the Commission shall be in charge of five members appointed by the President as follows: Two scientific members appointed by the President upon the recommendation of the National Academy of Sciences; the other members being appointed directly by the President consisting of a Chairman, representing the Government, a Representative from Industry and a Representative of the Public. All members of the Commission shall serve for a period of five years at the pleasure of the President, initial appointments being staggered as follows: one Scientific Commissioner five years, the other Scientific Commissioner four years, Public Commissioner three years. Chairman two years, and Industry Commissioner one year. The Chairman may be reappointed for a full term at the pleasure of the President and with the approval of a majority of the Commission as well as the Advisory Committee whose composition will be described later. All other Commissioners may be appointed for additional terms at the pleasure of the President. A courtesy Commissioner from the World Health Organization may be appointed with the approval of the State Department who would be present at all meetings of the Commission except executive sessions, at the pleasure of the Commission.

SCIENTIFIC COMMISSIONERS

The Scientific Commissioners' recommendations in matters within their area shall be considered as final and accepted by the Commission as the basis of any further decisions. One commissioner shall be in charge of the central and regional routine testing laboratories of the Commission and shall be charged with the preparation of final reports on the scientific aspects of drug and food applications. Both Commissioners shall be required to approve scientific recommendations to the Commission as well as concur in the certifications and appointment of outside consultants. The other Scientific Commissioner shall be in charge of the research program of the Commission and shall recommend research grants to non-profit or industrial organizations in the areas of activity of the Commission. Outside review Boards shall be used to make initial recommendations after

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which the Commission as a whole will make any final awards that it pleases.

PUBLIC COMMISSIONER

The Public Commissioner shall conduct a Bureau on consumer problems and be prepared to advise the Commission in this area.

THE CHAIRMAN

The Chairman of the Commission shall issue approvals or other decisions after official action by the Commission and shall be in overall charge of enforcing the decisions of the Commission. He shall be in charge of the Academy of the Commission. He shall recommend the appointment of a legal adviser to the Commission. The enforcement of the Commission's decisions shall be in charge of a special bureau presided over by an individual with legal and police training who shall be directly responsible to the Chairman.

INDUSTRY COMMISSIONER

The Industry Commissioner shall be the liaison of the Commission with all profit making organizations and work out with the Chairman arrangements for the processing of drug and food applications, if there are any problems in the application of the standard working procedures set up by the Commission. He shall work out with the Public or consumer representative the details of cost sharing by government and industry for the use of outside consultants required for clinical evaluation of applications. These Commissioners shall work out a formula for determining such charges which will be approved by the Commission as a whole. Charges for the use of consultants by nonprofit groups if they retain rights to patents and licenses shall also be recommended by this subgroup of the Commission.

ADVISORY COMMITTEE

The Advisory Committee shall be appointed by the President consisting of five members appointed in the same manner as the Commission except that the Chairman need not be a government employee. This group shall be kept informed of the Commission's activities through an executive secretary and shall be required to submit a report to the President every two years or special reports at any time it desired. It shall at all times cooperate with the Commission. The Committee shall be required to hold one annual meeting in addition to the biennial meeting required for the approval of the report to the President. Meetings may be called at the instigation of the Chairman or any two members of the Committee. The Chairman of the Committee may either be full time or part time depending on the work load required.

PROCEDURE IN DRUG OR FOOD APPROVALS

The following represents typical procedures that may be used in processing food and drug applications. The initial application is checked either by a central or regional government laboratory. If the data warrants it, the material is turned over to an approved outside consultant by the scientific commissioner for clinical testing. Conclusive clinical tests are required to be performed by the consultants before the Scientific Commissioners give their reports to the Commission. By special permission of the Commission upon recommendation by the Scientific Commissioners the initial petitioner may be allowed to do a part of the clinical testing. Clinical testing will proceed under rules and regulations approved by the Commission for safeguarding the health of patients and their legal rights. No clinical report can be accepted for official action that doesn't contain independent clinical data obtained outside of the activities of the petitioner. After an adequate period of clinical testing by the consultant, he or they will report their results to the Scientific Commissioners who will check the facts in their laboratories or in clinical facilities at their disposal. The scientific commissioners may at their option engage one or more consultants or the facilities of the World Health Organization for testing outside of the United States. After all the preceeding has been carried out to the satisfaction of the scientific commissioners, final recommendations to the Commission may be submitted. These recommendations may contain limited or complete approval, suggestions for other uses or require an entirely new approach to the application. The initiating group will have the first option in proceeding with these suggestions or if after a suitable period of time, they take no action, the Scientific Commissioners if in their opinion the public health will be benefited thereby, may order further development in the laboratories of the Commission or through outside grants after giving the initiating petitioner an opportunity to reconsider.

WORLD HEALTH ORGANIZATION FOOD AND DRUG INDEX

As an initial step aimed at stimulating world cooperation in food and drug matters, the Commission shall offer to start a computer file on all food and drug matters that they process with proper legal safeguards for material in the process of investigation, offering this information to the World Health Organization. Other countries who contribute information in a similar fashion will also be privileged to use this computer file. This action would be mandatory upon the Commission taking place within the first five years of the Commission's activity.

ORDER IN THE COURT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ASHBROOK. Mr. Speaker, to judge from the anguished cries in some circles, the defendant in the recently completed trial in Chicago was Judge Julius Hoffman and not the Chicago "Seven." If a recent public opinion poll conducted by the Chicago Tribune is any indication, an overwhelming majority of the American public kept the trial in proper perspective and ruled in favor of Judge Hoffman's conduct of the proceedings and agreed on the results.

As a member of the House Internal Security Committee, which until recently was known as the House Committee on Un-American Activities, I have had occasion to see some of the same Chicago "Seven" in action before the committee as witnesses. Unlike the Chicago trial though, congressional committees cannot punish misbehavior in the hearing room as Judge Hoffman did at the end of the trial. Corrective legislation has been before Congress for almost 10 years now to punish abusive witnesses but to date it has failed to be enacted. It was encouraging to see the disruptive tactics of the Chicago "Seven" swiftly punished and, as the Tribune poll would seem to indicate, a majority of American citizens agree.

I insert at this point the item, "Majority in Poll Support Hoffman," which appeared in the March 1, 1970, issue of the Chicago Tribune:

TRIAL QUIZ RESULTS: MAJORITY IN POLL SUPPORT HOFFMAN

Final results in THE TRIBUNE's public opinion poll on the Conspiracy 7 trial show an overwhelming majority in support of Judge Julius Hoffman's conduct of the proceedings and agreement on the outcome of the trial.

Readers indicated either approval or disapproval on those two issues. The results:

I approve of the conduct of the trial (84.1%)	36, 092
I disapprove of the conduct of the trial (15.9%)	6, 815
I disapprove of the results of the trial (7.4%)	3, 458
I approve of the results of the trial (92.6%)	43, 452

During the five-day vote many readers expressed varying opinions on events surrounding the trial and its outcome:

"I wonder why disrespect for the court was allowed by the court to the point where one defendant was bound and gagged. . . . It seems to me that the judge allowed the trial to degenerate into a farce by his inaction. The actions of the defendants are not condoned, but one assumes the judge is in control," a Davenport, Ia., reader wrote.

READER BLAMES LAWYER

"Mr. [Defense Atty.] William Kunstler's lack of propriety and disrespect for the judicial system of our great country entitles him to disbarment. He is an affront to all law-abiding citizens. My highest regards to Judge J. J. Hoffman for his skillful handling of the farce presented before him," another wrote.

"I am pleased that these poor, oppressed individuals were given a greater degree of freedom to speak than has ever been allowed in a courtroom. As a result, there can be no claim that they were 'railroaded,' 'framed,' or denied the right to a proper defense," a 24-year-old Chicagoan wrote.

"Judge Hoffman is the worst example of a judge I have ever seen. The seven were innocent," a reader observed.

A Champaign reader agreed: "The controversial trial of conspiracy is in my opinion a mockery of federal justice."

JUDGE'S RESTRAINT PRAISED

The majority opinion was voiced by one reader who said: "I feel the Conspiracy 7 received a very fair trial. Judge Julius Hoffman, in my opinion, has emerged the hero of the whole affair. He displayed an unusual amount of restraint in dealing with the constant displays of contempt and disrespect for his person and our system of law and justice. The Conspiracy 7 misled their followers."

"I wish to express my great admiration for Judge Hoffman for his dignified and fair conduct under such chaotic conditions. The disgusting appearance and actions of the defendants have branded them as enemies of our government and all civilized society," another said.

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